

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
18 October 2016  
(Also the agenda for the Mayoral Committee Meeting : 26 October 2016)**

---

**4.  
ERF 3904, GANSBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED  
REZONING, CONSENT USE AND DEPARTURE : OVERSTRAND MUNICIPALITY**

**3904 GGB (2925)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**8 September 2016**

---

**1. Executive Summary**

To consider an application received on 21 May 2015 from Messrs FJC Consulting on behalf of the Department of Transport and Public Works, the owner of Erf 3904, Gansbaai, for the following, namely:

- rezoning from Authority Zone to Community Zone 1;
- consent use (institution) in order to develop the property as a primary health care facility; and
- departure from the on-site parking requirements.

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

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town- and Spatial Planning

**3. Compliance with Strategic Priorities**

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

**4. Delegated Authority**

Executive Mayor

**5. Legal Requirements**

- Sections 15 and 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
- Section 2.2 of the Overstrand Integrated Zoning Scheme Regulations

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
18 October 2016  
(Also the agenda for the Mayoral Committee Meeting : 26 October 2016)**

---

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

### **Background**

Overstrand Municipality donated the subject property in terms of a Council Resolution dated 28 August 2013 to the Department of Transport and Public Works, on condition that the said property be appropriately zoned.

The subject property is developed with a clinic that has been extended to the north-west with a pre-fabricated building, which building encroach the north western property boundaries onto adjoining municipal land. The applicant did confirm that the building will be removed. Access to the subject property is obtained from Kapokblom Street across municipal land.

The current application seeks to legalise the existing use of the clinic under the appropriate zoning, namely Community Zone 1. The application also entails a consent use (institution) to extend the existing facilities into a primary health care facility (no overnight accommodation) as well as a departure from the applicable parking ratio.

### **Discussion**

The application was advertised in the prescribed manner and registered notices were served upon interested and affected property owners. No objections were received.

### **Evaluation**

#### **Proposed rezoning and consent use**

The subject property measures 6000m<sup>2</sup> in extent and is accessed via municipal property. Surrounding land uses comprises the municipal offices, a library and municipal sport complex.

The subject property is located within an urban area as per the Spatial Development Framework, 2006 (SDF) and is reserved for use as community facility. The proposed rezoning and consent use is in line with the reservation in terms of the SDF.

The property is ideally situated for use as a community facility being located within walking distance from previously disadvantaged communities, next to the municipal complex and in close proximity from the Central Business District (CBD) and the industrial area and accessible via public and private transport.

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
18 October 2016  
(Also the agenda for the Mayoral Committee Meeting : 26 October 2016)**

---

The existing clinic is the only clinic in the Greater Gansbaai Area. The proposed rezoning and consent use (institution) to allow the upgrade of the existing facilities is supported from a planning point of view. The proposal will serve to improve and extend the existing activities and services offered to the community. The community at large will benefit from improved service delivery, whilst also providing additional employment opportunities.

The proposal is supported by the relevant internal municipal departments, subject to conditions. The Engineering Services Department supports the proposal subject to conditions that amongst others requires the payment of a bulk contribution levy, whilst the applicant will be responsible for the removal of medical waste.

The Department of Transport commented that the subject property should have free and unfettered access since it does not front onto a public road. As such the applicant will be required in terms of the conditions of approval to register an right of way servitude at his cost in a position to be agreed with the Municipality.

**Proposed departure**

The applicant requested a departure from the parking ratio applicable in terms of the Zoning Scheme Regulations. According to the applicant one (1) parking bay per bed plus four (4) bays per consulting room is required on the basis of thirteen (13) consulting rooms equating to a parking requirement of fifty two (52) parking bays, whilst it proposed to provide only thirty (30) on-site parking bays, the majority of which will be reserved for staff. The applicant is of opinion that due to the low vehicle ownership in terms of the target market there will be an oversupply of parking and that only a couple of cars were observed during site inspections in the clinic parking area.

The statement of the applicant is however not agreed with as the existing clinic also triggers a significant amount of vehicular traffic which can be observed on a daily basis, opposed to only a few as per the applicant's motivation. This is due to the fact that the service area of the clinic does not only extend to the formerly disadvantaged communities of Gansbaai, Blompark and Masakhane that are situated within walking distance but the Greater Gansbaai Area from De Kelders to Pearly Beach, since residents of Pearly Beach and Eloxulweni is only serviced once per week by means of a satellite clinic. Having had regard to the aforementioned and although the applicant did not elaborate in detail the Site Development Plan (SDP) indicates that it is intended not only to upgrade the existing facilities, but also to expand the existing services on offer; i.e. wound care, chronic diseases unit, infectious diseases unit, oral health unit, a pharmacy, etc. Furthermore the applicant indicates that about two thirds of the parking to be provided will be reserved for staff with only the remaining one third available for the public.

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
18 October 2016  
(Also the agenda for the Mayoral Committee Meeting : 26 October 2016)**

---

The space around the proposed building is more than adequate to provide the required on-site parking.

Having had regard to the aforementioned the opinion is thus held that the proposed departure from the parking ratio is not desirable. The application for rezoning and consent use is however supported, subject to the submission of a SDP that will amongst others indicate access and egress, on-site parking provision to the satisfaction of the Municipality. The application for departure from the parking ratio is not supported.

**Conclusion**

That the application for rezoning and consent use (institution) be supported.  
That the application for departure from the parking ratio be refused.

**7. Financial Implications**

N/A

**8. Staff Implications**

None

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

**Electro Technical Services**

No objection. Note that there is only a standard three phase 60 Amp capacity available on this erf and if additional capacity is required, the applicant will be liable for the additional upgrading costs.

**Building Department**

No objection.

**Health**

Approved.

**Environmental Department**

No objection.

**Operational Services**

Attached as Annexure E.

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
18 October 2016  
(Also the agenda for the Mayoral Committee Meeting : 26 October 2016)**

---

**Services Report**

Attached as Annexure F.

**Property Administration**

Erf 3904, Gansbaai was registered in the name of the Western Cape Government via its Department of Transport and Public Works on 20 April 2016. In terms of the Deed of Donation the Department must attend to the rezoning of the subject property at own cost to ensure that it can be used for the purpose it was donated for being a clinic/primary health care service.

**Waste Management**

No objection.

**10. Annexures**

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Comment: Telkom
- Annexure E: Comment: Operational Services
- Annexure F: Services Report
- Annexure G: Comment: Department of Transport and Public Works

**RECOMMENDATION:**

1. that the application for rezoning and consent use (institution) in terms of the provisions of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and Section 2.2 of the Overstrand Municipality Zoning Scheme Regulations, 2014, **be approved**; for the following reasons:
  - the development is in line with the Spatial Development Framework (SDF);
  - the development is desirable and will not negatively impact on vested rights;
  - the development will result in the upgrade and extension of the existing clinic facilities and services and improve service delivery; and
  - the development will create much needed employment opportunities.

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
18 October 2016  
(Also the agenda for the Mayoral Committee Meeting : 26 October 2016)**

---

2. that the application for departure from the applicable parking requirements in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be refused** for the following reasons:
  - the service area of the clinic from De Kelders to Pearly Beach together with the proposed upgrades and extension of services is desirable;
  - the proposed upgrades and extension in services have the potential to attract additional clients and vehicle traffic;
  - the Zoning Scheme Regulations requires parking to be provided on-site in the interest of road and traffic safety;
  - the departure application was not informed by a Traffic Impact Assessment to justify a departure from the applicable parking ratio; and
  - the Motivation Report is vague pertaining to the extent of the improved/additional services to be provided.
  
3. that the approval in paragraph 1. above be subject to the following conditions:
  - (a) that rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (b) that a Site Development Plan (including parking layout) in accordance with the requirements of the Zoning Scheme Regulations be submitted for the approval by the Municipality prior to the submission of building plans;
  - (c) that the display of signage shall comply with the Municipal By-Law on signage;
  - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (e) that all the conditions in the Services Report (attached as Annexure F), be complied with;
  - (f) that building plans be submitted to the Building Department for approval;
  - (g) that the development complies with the development parameters in terms of the Zoning Scheme Regulations, and
  - (h) that an access servitude at the cost of the owner of Erf 3904, Gansbaai be registered in a location to be agreed with the Municipality.

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
18 October 2016  
(Also the agenda for the Mayoral Committee Meeting : 26 October 2016)**

---

4. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

**RESPONSIBLE OFFICIAL :** SW VAN DER MERWE

**TARGET DATE FOR IMPLEMENTATION :** 9 NOVEMBER 2016

**TARGET DATE TO INFORM APPLICANT :** 9 NOVEMBER 2016

**TARGET DATE TO INFORM OBJECTOR :** 9 NOVEMBER 2016

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
18 October 2016  
(Also the agenda for the Mayoral Committee Meeting : 26 October 2016)**

---

**4.  
ERF 3904, GANSBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED  
REZONING, CONSENT USE AND DEPARTURE : OVERSTRAND MUNICIPALITY**

**3904 GGB (2925)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**8 September 2016**

---

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

**RECOMMENDATION:**

1. that the application for rezoning and consent use (institution) in terms of the provisions of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and Section 2.2 of the Overstrand Municipality Zoning Scheme Regulations, 2014, **be approved**; for the following reasons:
  - the development is in line with the Spatial Development Framework (SDF);
  - the development is desirable and will not negatively impact on vested rights;
  - the development will result in the upgrade and extension of the existing clinic facilities and services and improve service delivery; and
  - the development will create much needed employment opportunities.
  
2. that the application for a permanent departure from the applicable parking requirements in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **not be granted** for the following reasons:
  - the service area of the clinic from De Kelders to Pearly Beach together with the proposed upgrades and extension of services is desirable;
  - the proposed upgrades and extension in services have the potential to attract additional clients and vehicle traffic;
  - the Zoning Scheme Regulations requires parking to be provided on-site in the interest of road and traffic safety;
  - the departure application was not informed by a Traffic Impact Assessment to justify a departure from the applicable parking ratio; and
  - the Motivation Report is vague pertaining to the extent of the improved/additional services to be provided.
  
3. that the approval in paragraph 1. above be subject to the following conditions:
  - (a) that rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
18 October 2016  
(Also the agenda for the Mayoral Committee Meeting : 26 October 2016)**

---

- (b) that a Site Development Plan (including parking layout), informed by a traffic impact assessment report, in accordance with the requirements of the Zoning Scheme Regulations, be submitted for the approval by the Municipality prior to the submission of building plans;
  - (c) that the display of signage shall comply with the Municipal By-Law on signage;
  - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (e) that all the conditions in the Services Report be complied with;
  - (f) that building plans be submitted to the Building Department for approval;
  - (g) that the development complies with the development parameters in terms of the Zoning Scheme Regulations, and
  - (h) that an access servitude at the cost of the owner of Erf 3904, Gansbaai be registered in a location to be agreed with the Municipality.
4. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

<b>RESPONSIBLE OFFICIAL :</b>	<b>SW VAN DER MERWE</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>9 NOVEMBER 2016</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>9 NOVEMBER 2016</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>9 NOVEMBER 2016</b>





## SECTION I – INTRODUCTION

### 1.1 Background Information

The Owner of the property concerned, being the Overstrand Municipality, in a Mayoral Committee meeting on 28<sup>th</sup> August 2013 resolved to donate, inter alia, Erf 3904 Gansbaai to the Department of Transport and Public Works on condition that the said property be appropriately zoned for use as an Institution (i.e. a Primary Health Care Facility).

In terms of the above, and in seeking to satisfy the conditions of the donation, the Department of Transport and Public Works in appointing FJC Consulting (Town Planners & Land Surveyors) has caused the necessary steps to be taken so as to address the need for the rezoning of the property concerned to an appropriate use zone which permits the existing Institution; as well as the proposed extension thereto.

As a result, application is made herewith for the Rezoning (with Consent) as well as the triggered Permanent Departure (~~Building Line and Parking~~) in favour of the subject property from its current Authority Zone to that of Community Zone 1, which permits the existing Institutional Use as a Consent Use in terms of the scheme regulations.

This forms the primary component of the land use application.

### 1.2 The Application

Application is hereby made for the approval, by the Overstrand Municipality, in favour of Erf 3904 Gansbaai.

Application is made:

- ♦ For the Rezoning of the unregistered property concerned from its current Authority Zone to Community Zone 1 (CO1), with the Consent of the Council to regularise the current use (and proposed extension) of the property as an Institution (Primary Health Care Facility).
- ♦ For a Permanent Departure to permit the Parking to be 30 on-site parking bays in lieu of the required 52 on-site parking bays (based on 13 consulting rooms).

### 1.3 The Consultants

The Consultants in this matter are:

## **FJC CONSULTING**

### **TOWN PLANNERS & LAND SURVEYORS**

Tel: 021 – 418 – 2995 ♦ Fax: 086 – 610 – 4411 ♦ Cell: 084 – 789 – 9932

P. O. Box 7434, Roggebaai, 8012 ♦ jody@fjcconsulting.co.za

Herein represented by Mr. Jody Francis.

### 1.4 The Client

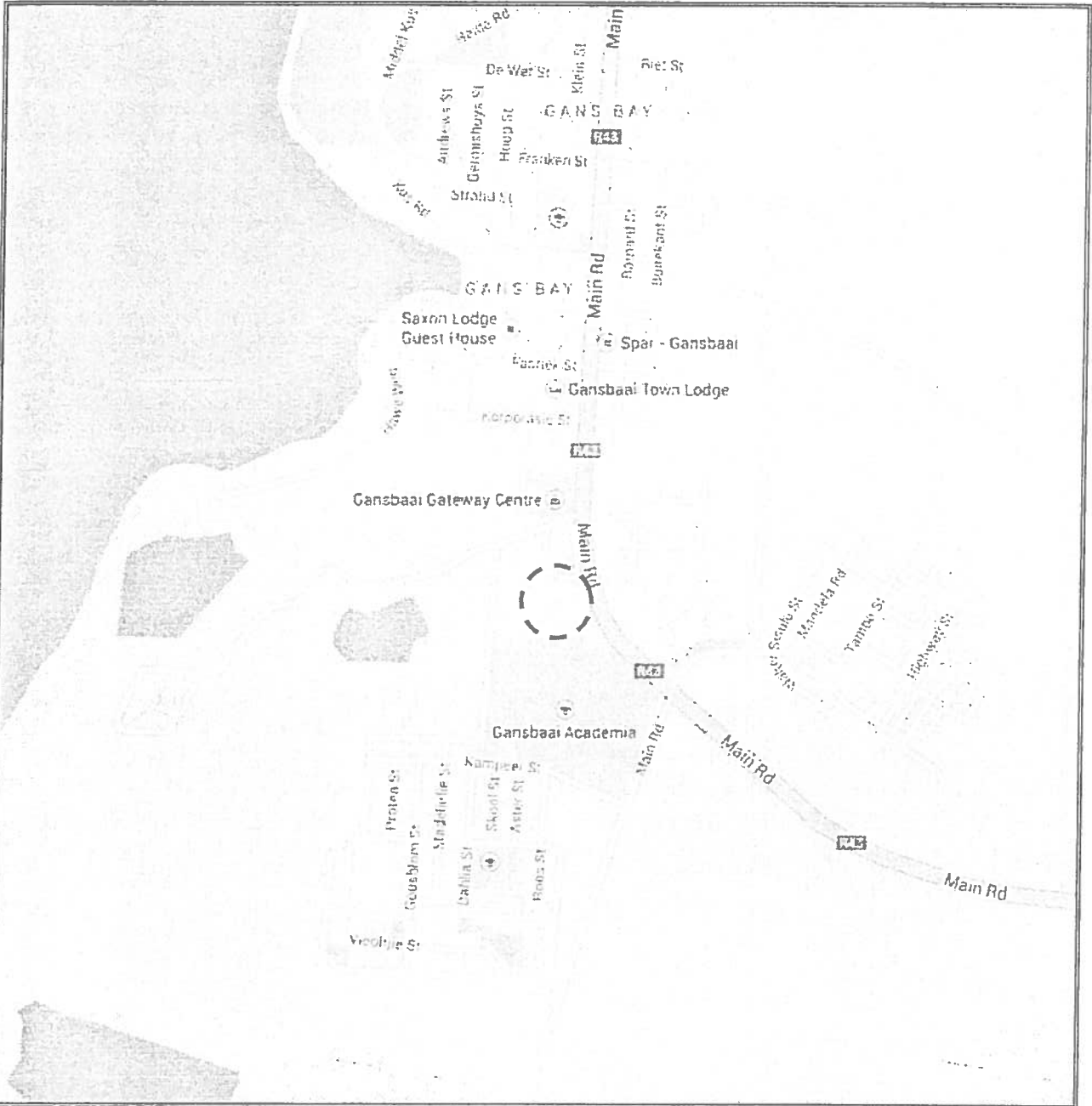
The Consultants act under the Special Power of Attorney (see **Annexure A**) from the **Province of the Western Cape** (Department of Transport and Public Works).




The Province is represented herein by **Mr. M. S. Adams** of the **Department of Transport and Public Works**.

**1.5 The Purpose of the Report**

The purpose of this report is to inform Council, officials and interested parties of the application for the property concerned.

This report also serves to provide a motivation in support of the application, as well as identify the specifics of such application, so as to facilitate for easier and more efficient processing of the application by the administration concerned.



 Town Planning & Land Surveying	Project: Erf 3904 Gansbaai	Title: Rezoning, Consent & Departure	Date: April '15
	Legend: Property Concerned 		North: 
		Figure: <b>1</b> Locality Plan	

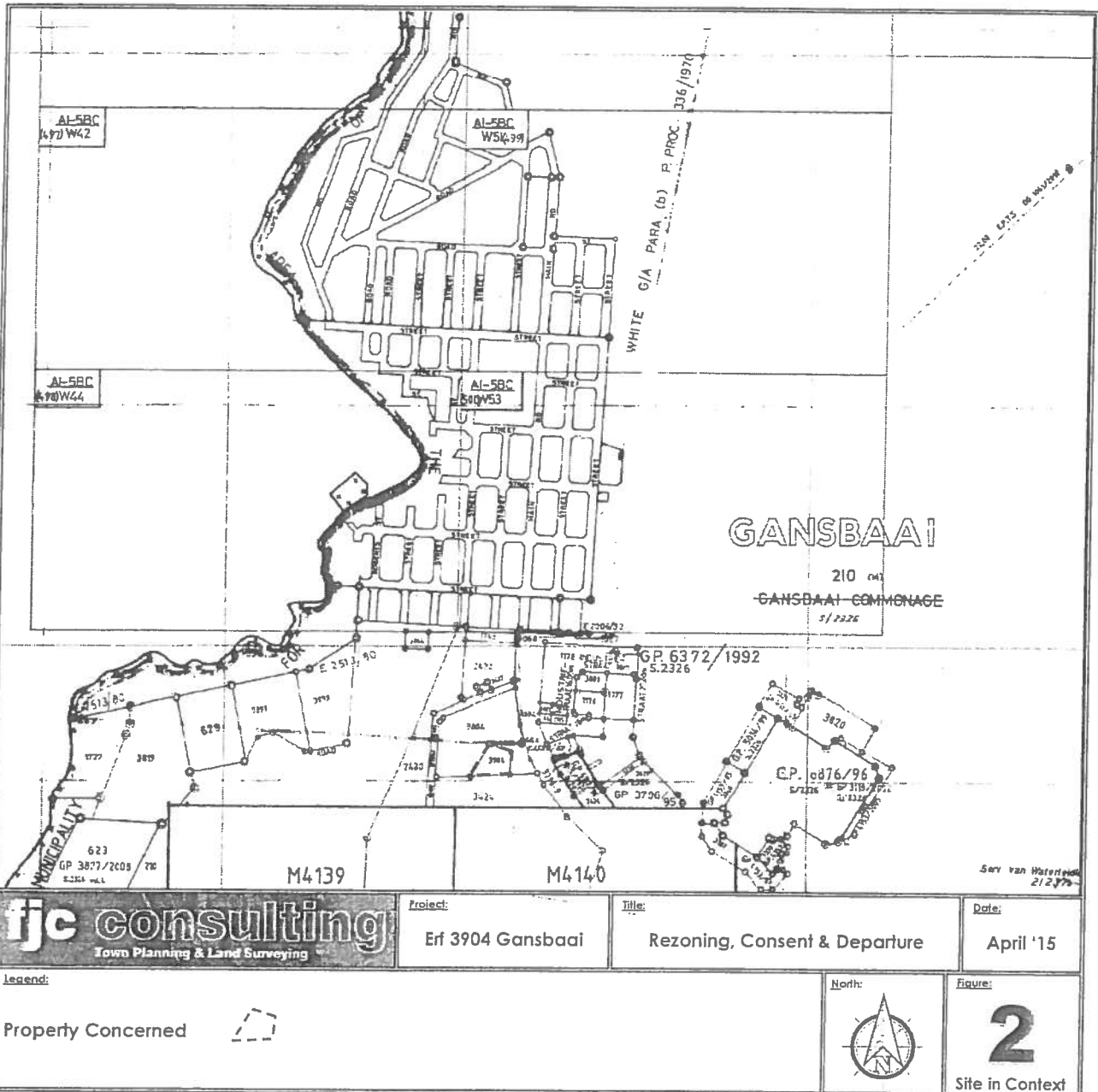
## SECTION II - PROPERTY DETAILS

### 2.1 Property Description

With regard to the description of the property concerned, we confirm that the property is currently unregistered, and that it will only be with the donation of the affected property to the Department of Transport and Public Works that the property concerned will be registered.

Currently the unregistered subject property can, in terms of the approved SG Diagram be described as:

**Erf 3904 (a Portion of Erf 3804) Gansbaai, situate in the Overstrand Municipality,  
Caledon Division, in the Province of the Western Cape**



*Sey van Waterpoort  
21279*

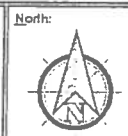
**tjc consulting**  
Town Planning & Land Surveying

**Project:**  
Erf 3904 Gansbaai

**Title:**  
Rezoning, Consent & Departure

**Date:**  
April '15

**Legend:**  
Property Concerned



**Figure:**  
**2**  
Site in Context

**2.2 Ownership**

As has been previously confirmed, the subject property being Erf 3904 Gansbaai, is currently unregistered. Erf 3804, of which Erf 3904 is a portion, is also unregistered.

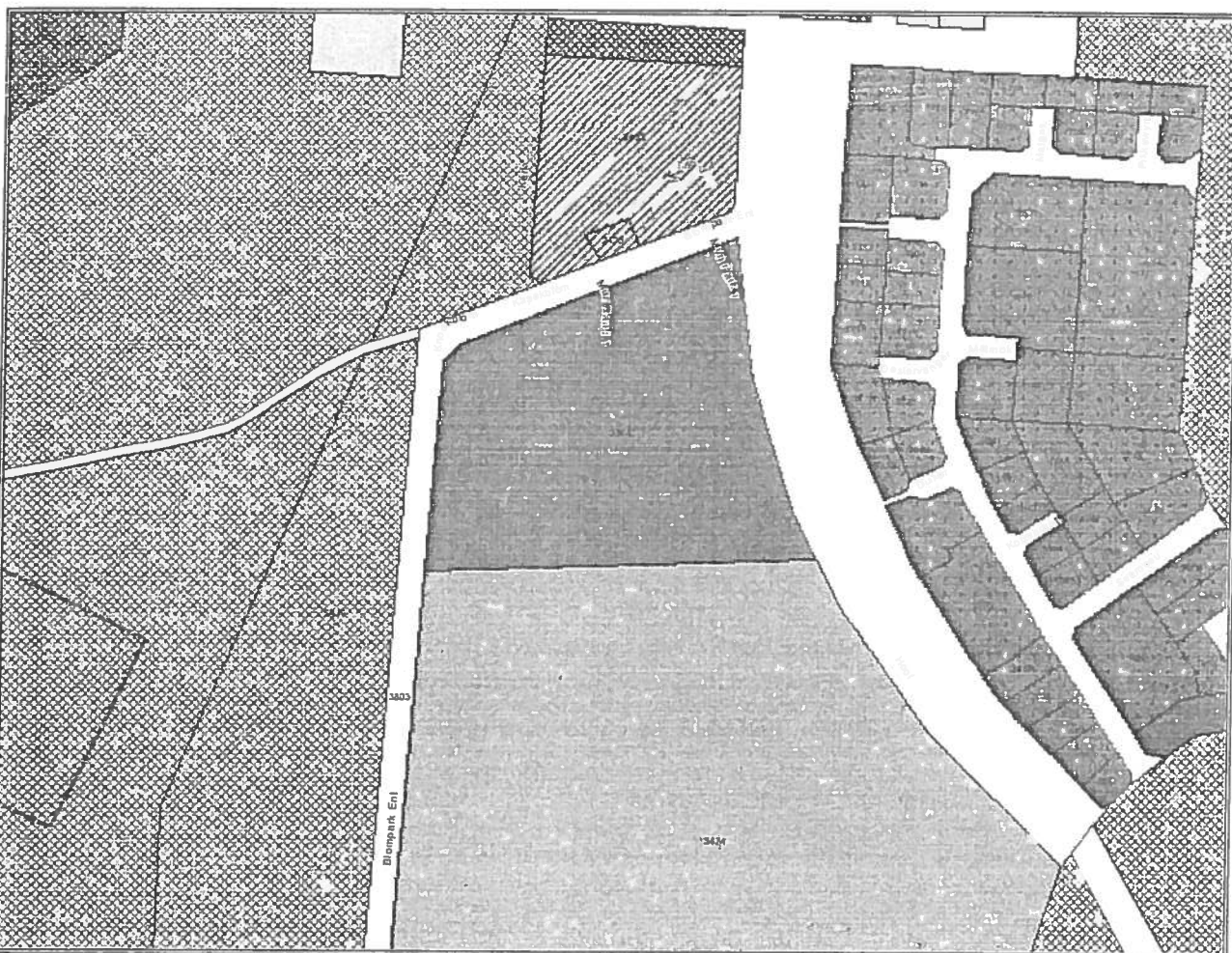
It is only Erf 2430 Gansbaai, of which Erf 3804 is a portion, which is registered. The registered owner of Erf 2430 Gansbaai is:




**The Overstrand Municipality**

**2.3 Extent**

Regarding the extent of the subject property (i.e. Erf 3904 Gansbaai), the approved Surveyor General's Diagram (SG No.: 2300/2012) - see Annexure C, confirms the extent as being:

6000m<sup>2</sup>  
Six Thousand Square Metres

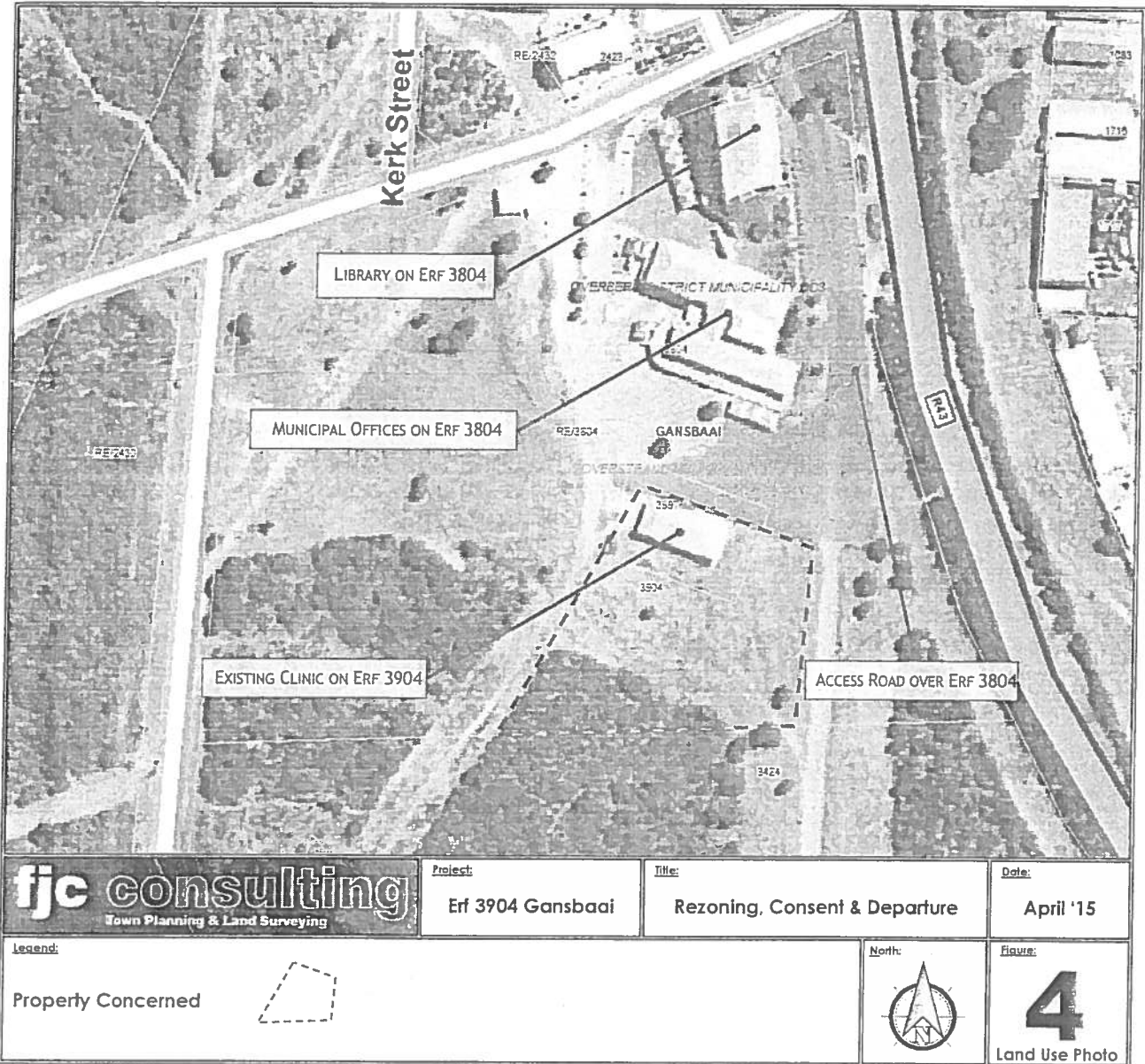


 <p><b>fjc consulting</b> Town Planning &amp; Land Surveying</p>	<p>Project:</p> <p>Erf 3904 Gansbaai</p>	<p>Title:</p> <p>Rezoning, Consent &amp; Departure</p>	<p>Date:</p> <p>April '15</p>
	<p>Legend:</p> <p>Authority Zone </p>		<p>North</p> 

**2.4 Zoning**

In terms of the zoning of the property concerned, investigation with the Overstrand Municipality (see Figure 3 and Annexure A) revealed that the property concerned is currently zoned:

**Authority Zone**



**2.5 Existing Land Use**

As can be established from Figure 4 above, Erf 3904 Gansbaai is already developed with a building abutting the northern boundary of the property concerned. This building has been used as a Primary Health Care Facility (Clinic). This building was subsequently extended with a prefabricated structure, which was added to the north-west of the existing building.

The remainder of the extensive property concerned remains undeveloped.

**2.6****Access**

The property concerned is not directly served by any public road, but rather enjoys vehicular access off a road which provides access to the Library and Municipal Offices on the Remainder of Erf 3804 Gansbaai.

Based on the Surveyor Generals Diagram for Erf 3804, no right of way servitude is discernible over Erf 3804 in favour of Erf 3904. To this end, if no such servitude has been registered, it would be preferable for the right of way servitude to be registered simultaneously with the transfer of the property concerned to the Provincial Department.

**2.7****Title Deed / Restrictive Title Conditions**

When regard is had to the title deed concerned, i.e. for Erf 2430 Gansbaai, and the existence of any restrictive conditions contained therein, which are potentially in conflict with the use of the property concerned as a Primary Health Care Facility, it is confirmed after having scrutinised the applicable conditions of title that there are no conditions which conflict with the proposed use of the property concerned as proposed.

## SECTION III – THE LAND USE APPLICATION

### 3.1 Proposed Rezoning

In this part of the application, we deal with the use zone of the property concerned which controls those buildings and uses which are permitted within a specific use zone.

In terms of the property concerned, and as has been demonstrated above, the property concerned is zoned Authority Zone.

In lieu of the above, it is confirmed via initial discussions with the Municipality that the subject property will have to be rezoned to the Community Zone 1, which as can be seen in the table below permits **Institutions / Hospitals** with the Consent of the Council.

Use Zone	Primary Uses	Consent Uses	Additional Uses
Community Zone I	<ul style="list-style-type: none"> <li>• Clinic</li> <li>• Crèche</li> <li>• Day Care Centre</li> <li>• Multi-Purpose Centre</li> <li>• Place of Assembly</li> <li>• Place of Instruction</li> <li>• Place of Worship</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling Units</li> <li>• Cemetery</li> <li>• Conference Facility</li> <li>• Dwelling House</li> <li>• <b>Hospital</b></li> <li>• <b>Institution</b></li> <li>• Recreational Facilities</li> <li>• Residential Building</li> <li>• Rooftop Base Station</li> <li>• Transmission Tower</li> <li>• Urban Agriculture</li> </ul>	A property in this zone may occasionally be used for fundraising or social functions – subject to certain conditions

It is in this regard that the primary component of the application is informed, i.e. an application for the Rezoning of the property concerned from Authority Zone to Community Zone I (Institution).

The zoning scheme regulations define an Institution as follows:

**“Institution” means a property used as a social, health or welfare facility, or for the administration thereof and includes a hospital, special needs school, clinic, homes for the aged, indigent or handicapped, a reformatory or place of detention, whether of commercial or charitable nature, but does not include a jail;.**

In terms of the above definition of an Institution, we can confirm that the ongoing use of the buildings (existing and proposed) on the property concerned, conforms to the definition of an 'Institution' as per the zoning scheme regulations, which further qualifies that the Community Zone I is the appropriate use zone.

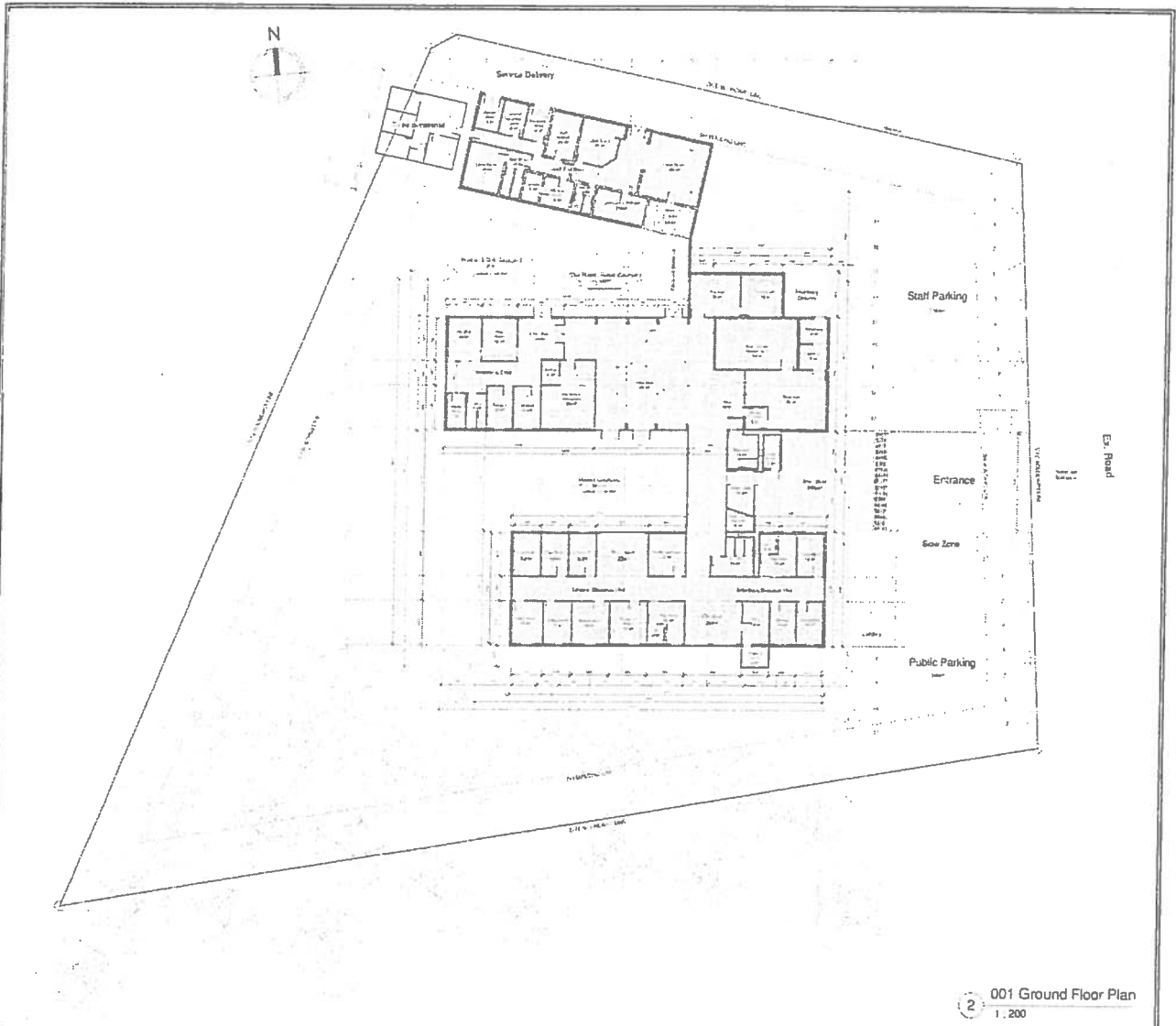
### 3.2 Development Controls

This component of the application involves the physical aspects of the existing and proposed buildings on the property concerned.

The zoning scheme prescribes certain development controls, which serve to control development within the various zones identified in the scheme.

In this regard we assess the implications of the proposed Rezoning application and associated improvements (existing and proposed clinic buildings) in terms of the Community Zone I, based on the following development controls:

- Floor Factor
- Coverage
- Height
- Building Lines
- Setback
- Parking
- Loading Bays



2 001 Ground Floor Plan  
1:200

	<b>Project:</b> Erf 3904 Gansbaai	<b>Title:</b> Rezoning, Consent & Departure	<b>Date:</b> April '15
	<b>Legend:</b>		<b>Figure:</b> <b>5</b> Site Layout Plan

**Floor Factor**

In terms of the provisions of the zoning scheme regulations, properties zoned Community Zone 1 are typically permitted a floor factor of 1,2, however, in the case of Hospitals a floor factor of 2,0 is permitted.

When this factor is applied to the extent of the property concerned which measures 6000m<sup>2</sup>, we calculate that a total floor area of 12000m<sup>2</sup> is permitted.

Based on the floor area as reflected in the Site Layout Plan provided by the Department, the existing building has a floor area of ±385m<sup>2</sup>, and the proposed building has a floor area of ±988,10m<sup>2</sup>

In this instance, we can confirm that the combined floor area of ±1373m<sup>2</sup> is significantly less than the permitted floor area of 12000m<sup>2</sup>. In fact when expressed as a factor of the site area, we observe that the actual floor factor is in fact 0,22 of the site area.

Based on the above, we can confirm that no departure from the floor factor is required.

### Coverage

In terms of the provisions of the zoning scheme regulations, properties zoned Community Zone I are permitted a Coverage of 60% of the site area.

When this factor is applied to the extent of the property concerned which measures 6000m<sup>2</sup>, we calculate that a total covered footprint of 3600m<sup>2</sup> is permitted.

Based on the existing and proposed footprint of the buildings concerned as measured from the attached Site Development Plans provided by the Department, the covered area of the said buildings measures approximately ±1373m<sup>2</sup>.

In this instance, we can confirm that the actual covered area of ±1373m<sup>2</sup> is significantly less than the permitted covered area of 3600m<sup>2</sup>. When expressed as a percentage we observe that only 23% of the site area is covered by the existing building.

Based on the above, we can confirm that no departure from coverage is required.

### Height

In terms of the provisions of the zoning scheme, properties zoned Community Zone I may be developed with a maximum height of 10,5m measured from the base level to the top of the roof.

The Site Development Plan as provided by the Department confirms that the existing and proposed clinic buildings are both single storey buildings, and as a result their height is not anticipated to exceed 6,0m.

In this instance, we can confirm that the height of buildings concerned will not exceed the 10,5m height restriction.

Based on the above, we can confirm that no departure from height is required.

### Building Lines (Street & Common)

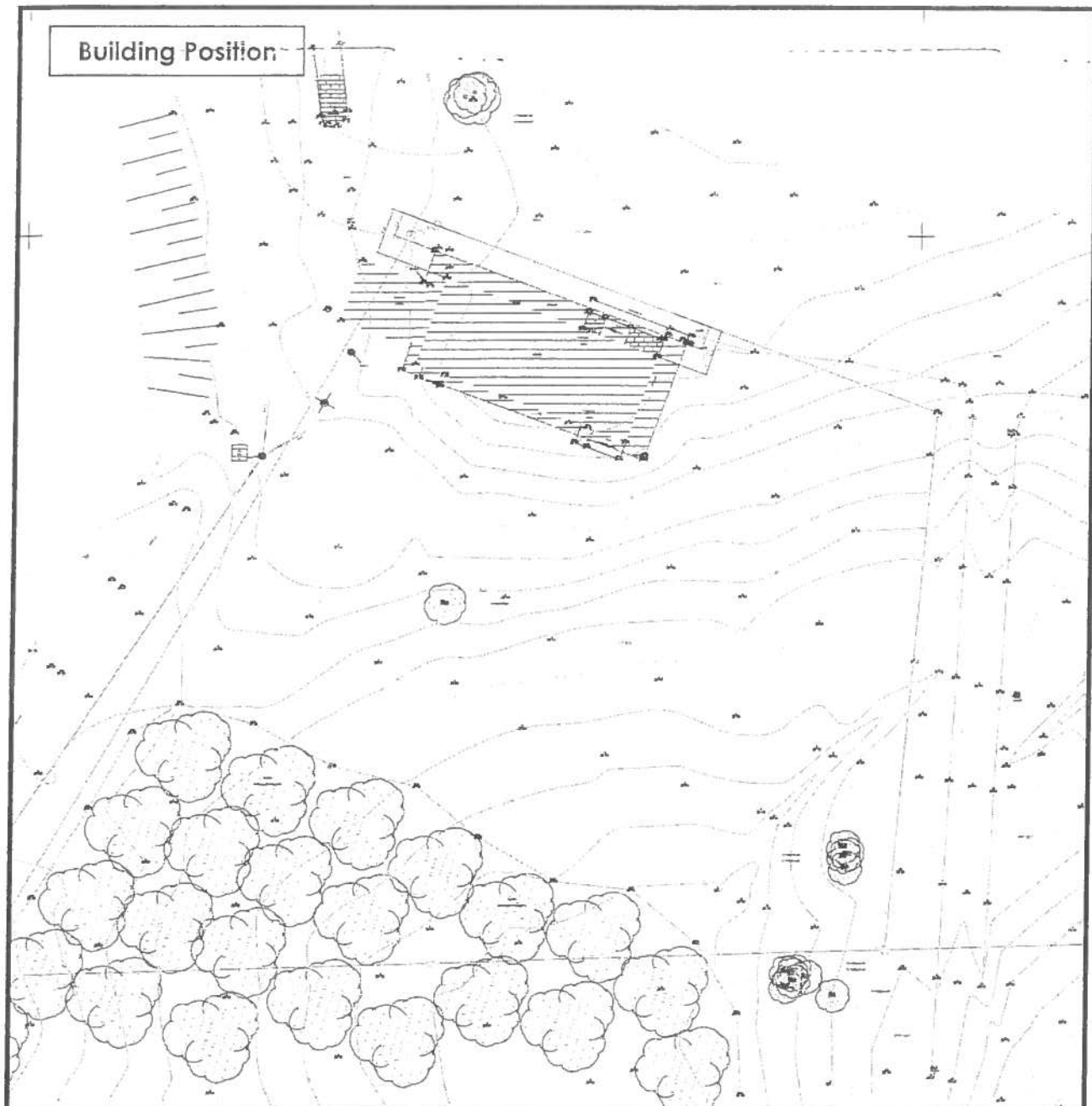
In terms of the provisions of the zoning scheme, properties zoned Community Zone I are required to be set a minimum of 5,0m from all boundaries of the property.

In this regard, it is worth qualifying that the prefabricated building which currently straddles the boundary will be removed.

Based on the position of the existing Clinic building concerned as informed by the Land Surveyors Topographic Survey of the subject property, we can confirm that the existing building is set 5,0m from the property boundary.

As a result of the above, no Departure from the building line is required.

The fact that Erf 3904 Gansbaai does not have a street boundary, means that no measure of its compliance or lack thereof is possible.



### Setback

The zoning scheme regulations define a Setback as:

*"... a line on property delimiting the area measured from the centre line of a road, within which no building or other structure, including a boundary fence, may be constructed."*

Section 16.2.1 that deals with Setbacks in more detail provides that:

*The portions of any land unit falling within a setback area shall be excluded for the purpose of determining coverage and maximum floor space, unless the owner transfers the portion concerned to the Council free of any charge. In that case the portion shall be included for the purpose of determining the coverage or maximum floor space on the land unit.*

To this end, and as has been stated in Paragraph 2.6 of this report, the property concerned does not abut any public road, and as a result the street centreline setback does not apply to the property concerned.

### Parking

In terms of the provisions of the zoning scheme, parking for Institutions / Hospital must be provided at a rate of 1 bay per bed plus 4 bays per consulting room.

In terms of the accommodation schedule provided by the Department which is to be read together with the Site Development Plan, the proposed clinic building will make provision for 11 Consulting Rooms; whilst the existing clinic building makes provision for 2 Consulting Rooms. A total of 13 Consulting Rooms requires the provision of 52 parking bays.

The attached Site Development Plan reflects the provision of 30 on-site parking bays. This on-site parking provision falls short of the zoning scheme requirement, and as a result requires a Permanent Departure to permit the shortfall.

**Based on the above, we can confirm that a departure from Parking is required, in order to permit the proposed parking provision to be 30 on-site parking bays in lieu of the required 52 on-site parking bays.**

### Loading Bays

In terms of the provisions of the zoning scheme, Loading Bays are required at a rate of 1 bay per 500m<sup>2</sup> for the first 1 000 m<sup>2</sup> of GLA, thereafter at 1 bay per 1 000 m<sup>2</sup>. In terms of the property concerned which has a combined floor area of roughly 1373m<sup>2</sup>; two loading bays are required.

These loading bays will be provided in the form of the Delivery Bays at the Pharmacy.

**Based on the above, we can confirm that no departure from Loading Bays is required.**

## 3.3

### Motivation

The Provincial Government in accepting the donated property concerned from the registered owner (Overstrand Municipality) for the purposes of owning the land on which the existing health facility has been developed and operates, acknowledges the need for such a facility within the area concerned, and chooses to respond to such need, by way of securing its ownership.

The application concerned was borne out of the decision taken by the Municipality to donate the existing clinic and by the Provincial Authorities resolution to ensure that every effort is made to improve the level of services offered and available in the affected area concerned. With the Provincial Authority acquiring the land concerned which includes the existing clinic, it has also ensured that the convenient access to health care within the catchment area is retained, and in so doing ensures shorter distances to be navigated and less time is spent commuting to such facilities.

In so far as the shortfall in the provision of parking is concerned, it should be noted that the location of the clinic concerned was motivated by its very close proximity to the community which it is intended to service. The low number of vehicle owning households together with the proximity of the clinic to the affected community would serve to render the provision of 52 parking bays as a significant oversupply of parking. On visits to the existing clinic it was observed that whilst there were numerous patients awaiting treatment in the clinic there were only a couple of cars parked in the clinic parking – which is a testament to the above contention.

In addition to the above, it should also be noted that the library and municipal offices north of the property concerned are also serviced by numerous and underutilised parking bays which could be utilised for overspill parking, especially since the site was initially developed to cater for all of the existing community services, including the clinic.

In addition to the above, when one considers the desirability of the application concerned, we observe that the Land Use Planning Ordinance (Ord. 15 of 1985) sets out the criteria that must be considered when deciding to either approve or refuse applications made in terms of the said Ordinance. To this end, Section 36 of the Ordinance prescribes that:

"36(1) Any application under Chapter II or III (of Ordinance 15/85) shall be refused solely on the basis of lack of desirability of the contemplated utilisation of land concerned including the guidelines proposals included in a relevant structure plan in so far as it related to desirability or on the basis of its effect on existing rights concerned (except any alleged right to protection against trade competition).

- (2) Where an application under Chapter II or III is not refused by virtue of the matters referred to in subsection (1) of this section, regard shall be had, in considering relevant particulars to only the safety and welfare of the members of the community concerned, the preservation of the natural and developed environment concerned or the effect of the application on existing rights concerned (with the exception of any alleged right to protection against trade competition)."

A brief explanation of the above extract is contained below, so as to understand the dictates of the Ordinance, regarding the outcome of applications.

Section 36(1) says that an application must be refused only if the proposed use represented a lack of desirability, or if it implies a negative impact on existing rights. Therefore, Section 36(1) demands that a proposal must offer a benefit or else it must be refused in terms of Section 36(1).

In the event of an application not being refused in terms of Section 36(1) then only do the provisions contained in Section 36(2) become effective.

In the instance where Section 36(2) does become effective, the Ordinance dictates that the deciding authority must now confine his/her assessment to the following aspects:

- ▶ the safety and welfare of the members of the community concerned.
- ▶ the preservation of the natural and developed environment concerned.
- ▶ the effect of the application on existing rights concerned.

The above constitutes the basis for determining the outcome of applications made in terms of the Ordinance. Relative to the above identified assessment criteria, it would stand to reason, that if the proposal concerned:

- conforms to the prescripts of Section 36, as previously discussed,
- does not threaten any existing rights,
- is consistent with the Municipality's future vision,
- is deemed to be in the interest of preserving the environment,
- makes a positive contribution to the area concerned, thereby cementing its desirability,

then surely such application must secure a favourable recommendation from the relevant authorities.

In terms of the above identified criteria, it is the safety and welfare of the public which forms a primary consideration in the success of such land use applications. We know that it is only the pursuit of improved safety and welfare of the public that has given rise to the application concerned, and as a result, the application is seen to represent an improvement in this regard.

The potential impact that the application could have on the existing rights of the receiving environment also enjoys consideration in the success of a land use application. To this end, the Applicant cannot identify any area that could be potentially threatened by the approval of the application concerned.

### 3.4 Summary

In the above paragraphs the Applicant has demonstrated that the use of the property concerned as a health care facility will prove to continue to benefit the local communities, with the proposed extension to the Clinic representing a significant improvement on the current levels of service experienced.

Therefore, the application concerned is considered to be highly desirable.

---

## SECTION IV – CONCLUSION

---

In the circumstances as fully detailed in this report, the Applicant submits that the proposed application has been shown to be highly **desirable**, especially when considering the security in the service that will be available for the benefit of the local communities.

To this end, the Applicant strongly recommends that the authorities concerned, approve the application made:

- ♦ For the Rezoning of the unregistered property concerned from its current Authority Zone to Community Zone 1 (CO1), with the Consent of the Council to regularise the current use (and proposed extension) of the property as an Institution (Primary Health Care Facility).
- ♦ For a Permanent Departure to permit the Parking to be 30 on-site parking bays in lieu of the required 52 on-site parking bays (based on 13 consulting rooms).



# Telkom

Network Engineering and Build

Telkom SA SOC Limited

TP - A Theart  
(S vld merwe)

10 Jan Smuts Drive  
Pinelands  
7404

Tel : 021 414 5582  
Fax : 086 480 0617  
Email : SpammeC1@telkom.co.za

Enquiries : Candice Spammer  
Our Ref. : WWIP\_WGNB1786\_16  
Your ref. : 3904 GGB (2925)

12 May 2016

Attention : S Muller

Overstrand Municipality  
HERMANUS

Dear Sir/Madam

**TELKOM SERVICES: PROPOSED REZONING, CONSENT USE AND DEPARTURE –  
ERF 3904, GANSBAAI**

With reference to your letter received 28 April 2016.

I hereby inform you that Telkom 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 sketch attached, Telkom SA LTD infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

FILE NO: EL 3904 - GB
SCAN NO: 48
COLLABORATOR NO: 901893

Telkom SA SOC Limited: Reg no 1991/0054-76/30  
Directors: JA Mabuza (Chairman), SN Maseko (Group Chief Executive Officer), DJ Fredericks (Chief Financial Officer), S Botha, Dr. CA Fynn, N Kapila, I Kgaboesele, K Kweyama, K Mzondeki, F Petersen, LL Von Zeuner.  
Company Secretary: X Mpongoshe Makasi

\*India

16 MAY 2016

17 MAY 2016

# Telkom

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

**As important cables are affected, please contact our representative Frederik Swart at telephone number 028 514 1199 / 081 363 7815 at least 48 hours prior of commencement on construction work.**

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 Telkom SA infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Telkom SA LTD rights remain reserved.

Yours faithfully



---

Daniel Cornelius  
Operations Manager  
Wayleave Management: Western Region

**Wayleave  
Telkom S.A Ltd**

This wayleave, Ref is WWIP\_WGNB1786\_16 is valid for 12 months from date hereof and is subject to the following conditions.

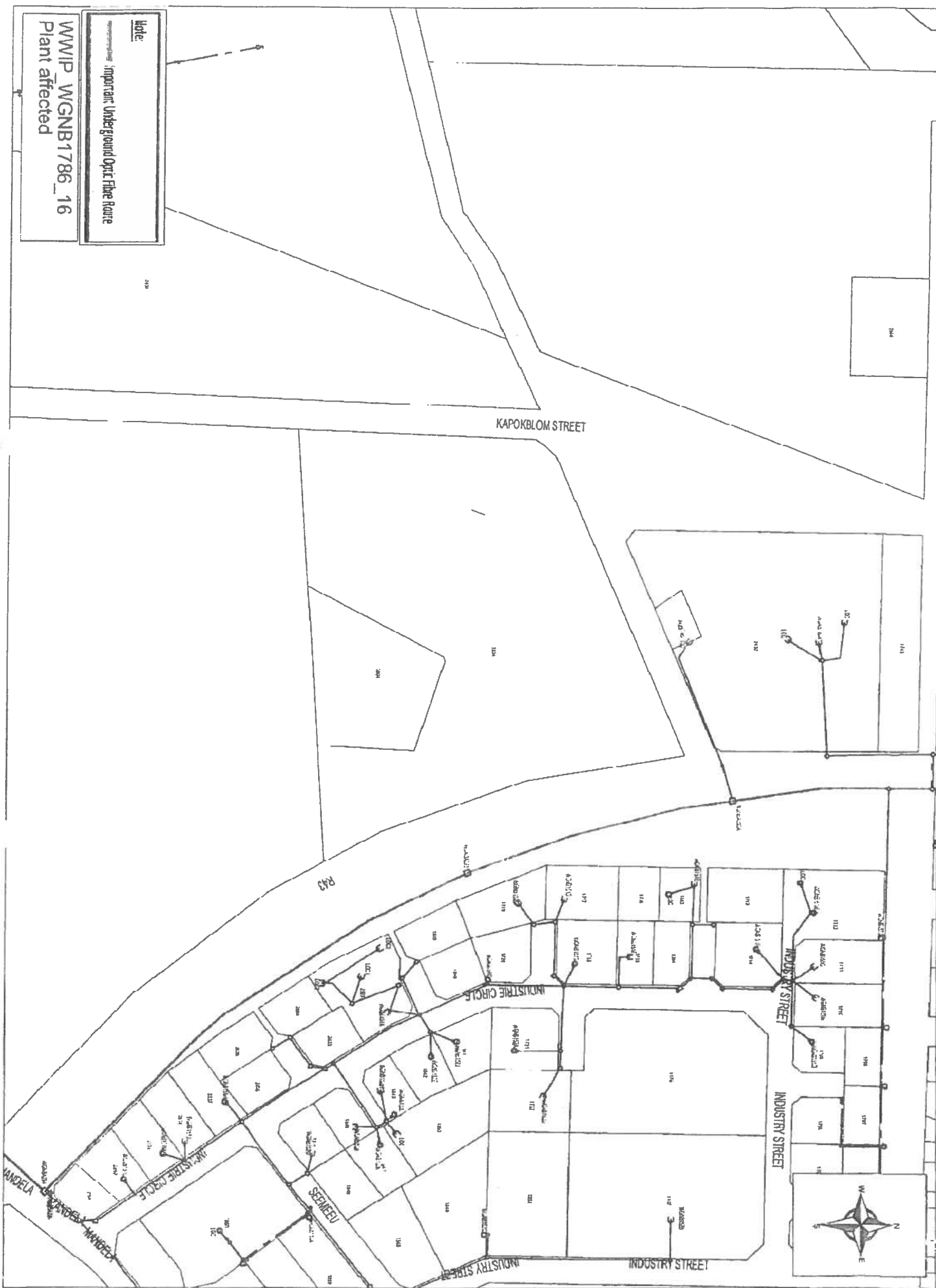
1. No mechanical plant or vibrator type compactors may be used within three metres of any Telkom plant ( I.E. any Telecommunication equipment above or below ground level ).
2. The position of our plant affected by the proposal is indicated as approximate and **Frederik Swart** at Telephone No **081 363 7815** must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Telkom Plant will be indicated on-site.
3. A written request must be submitted to Telkom for consideration should the applicant require our plant to be relocated. The cost of such a relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existance of the indicated plant and to notify Telkom immediately should the applicant locate any Telkom plant which is not indicated on the plans.
5. Should the applicant expose any Telkom plant, the safeguard thereof will be the applicants full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for and damage or loss as a result thereof.

Date: 12 May 2016

C Spammer

For Regional General Manager  
Western Cape

Telkom Symbol Legend	Green
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC )	
5. Jointing Pit / AJB	
6. Jointing Pillar ( PJ )	
7. Pipe Junction Box ( B/S )	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable ( A/C )	



*Munisipaliteit – U-Masipala – Municipality*  
**OVERSTRAND**

## INTERNAL MEMORANDUM

<b>Aandag / For Attention:</b>	Town Planning department: A Calitz	<b>Van / From:</b>	Department: Operational Services
<b>Afskrif / Copy:</b>		<b>Datum / Date:</b>	09 June 2016

Ref: Erf 3904, Gansbaai

**RE: APPLICATION FOR REZONING, CONSENT USE AND DEPARTURE – ERF 3904, GANSBAAI**

The request for comment from the Department: Operational Services (Gansbaai) dated 28 April 2016 with regard to the abovementioned proposal refers.

The proposal entails the following:

- Rezoning of Erf 3904, Gansbaai (6 000 m<sup>2</sup>), from current zoning of "Authority Zone" to "Community Zone 1 with Consent Use" in order to conduct a primary health care facility.

### 1. ANALYSIS

#### 1.1. Water

- 1.1.1. The existing water connection to Erf 3904 shall be used to service Erf 3904.
- 1.1.2. The proposed rezoning will not have a significant impact on the existing municipal water supply network. The Directorate: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.

#### 1.2. Sewer

- 1.2.1. The existing sewer connection to Erf 3904 shall be used to service Erf 3904.
- 1.2.2. The developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*.
- 1.2.3. The proposed rezoning will not have a significant impact on the existing municipal sewer system. The Directorate: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.

F:\Operational Gansbaai\15 - Dorpsbeplanning en Beheer\3 - Grondgebruikbeheer\4 - Vergunningsgebruike\Gansbaai\Erf 3904 Gansbaai 2016-06-06.docx

**1.3. Streets**

- 1.3.1. Access can be obtained via the existing municipal road off Kapokblom Street that leads to the library and municipal buildings.
- 1.3.2. Any additional and / or extended vehicle entrances will be for the owner's account.

**1.4. Storm water**

- 1.4.1. The "Common Law" shall apply with regards to storm water discharge.

**1.5. Parking**

- 1.5.1. "On-site parking" must be provided. The parking areas are to be provided at a ratio as described by the Town Planning Scheme, with permanent surfaces and layout to the satisfaction of the Department: Operational Services.

**1.6. Other services**

- 1.6.1. The Department: Operational Services does not have any information regarding any Telkom-, other telecommunications- and / or Electrical services which may be affected by the proposed development. The Electrical- and Traffic departments, as well as Telkom and other relevant service providers, must therefore also give their recommendations regarding the application.

**1.7. Refuse removal**

- 1.7.1. Refuse will be removed from sidewalks as per municipal arrangement.
- 1.7.2. The Municipality can however not accept any medical waste. The owner of the property will be responsible for removal of all medical waste and disposal thereof at a registered medical waste disposal facility.

**1.8. Irrigation water**

- 1.8.1. No irrigation water is available in this area.

**1.9. Waste Water Treatment Works (WwTW)**

- 1.9.1. The proposed rezoning will not have a significant impact on the Waste Water Treatment Works. The Directorate: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.

### 1.10. Bulk Water Supply

- 1.10.1. The proposed rezoning will not have a significant impact on the bulk water supply, reservoirs or other bulk water infrastructure. The Directorate: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.

## 2. RECOMMENDATION

- 2.1. With regard to the application for rezoning, consent use and departure on Erf 3904, Gansbaai towards establishment of a primary health care facility, the **Department: Operational Services has no objections to the application, subject to the following conditions:**
- 2.1.1. That the existing water- and sewer connections to Erf 3904 shall be used to service Erf 3904.
- 2.1.2. 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*.
- 2.1.3. That on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services.
- 2.1.4. That any additional and / or extended vehicle entrances will be for the owner's account.
- 2.1.5. That the owner of the property will be responsible for removal of all medical waste and disposal thereof at a registered medical waste disposal facility.
- 2.1.6. That the Electrical- and Traffic Departments, as well as Telkom and any other relevant authorities and service providers not have any objections to the application.

Yours faithfully



**W. Gemishuys**  
Principal Technician: Operational Services  
Gansbaai



**J. de Villiers Pr. Eng.**  
Senior Manager: Operational Services  
Gansbaai

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REZONING, CONSENT USE & DEPARTURE: ERF  
3904, GANSBAAI (2925)**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
5. that any additional and / or extended vehicle entrances will be for the developer's account;
6. that the developer of the property will be responsible for removal of all medical waste and disposal thereof at a registered medical waste disposal facility;
7. that stormwater be allowed to discharge through Erf 3904, Gansbaai, unobstructed;
8. that no on-street parking be allowed.

  
 \_\_\_\_\_  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

11/7/2016.  
 DATE





ROAD NETWORK MANAGEMENT  
Email: Grace.Swanepoel@westerncape.gov.za  
tel: +27 21 483 4669  
Rm 333, 9 Dorp Street, Cape Town, 8001  
PO Box 2603, Cape Town, 8000

TR- A Theart  
CS van der Merwe

**REFERENCE: 16/9/6/1-21/82 (Job 23903)**

**ENQUIRIES: Ms GD Swanepoel**

**DATE: 26 May 2016**

The Municipal Manager  
Overstrand Municipality  
Gansbaai Administration  
PO Box 26  
**GANSBAAI**  
7220

Attention: Mr S van der Merwe

Dear Sir

**ERF 3904, GANSBAAI: PROPOSED REZONING, CONSENT USE AND DEPARTURE**

1. Your letter 3904 GGB (2925) dated 28 April 2016 refers.
2. The subject property is located in Gansbaai and takes access over Erf 3804.
3. The application detail did not make it clear if a Right of Way servitude exists.
4. This application is for the following:
  - 4.1 Rezoning of the property from Authority Zone to Community Zone (primary health care facility) and
  - 4.2 Permanent departure from the required number of parking bays from 52 to 30 parking bays.
5. This Branch offers no objection to the application in terms of the Land Use Planning Ordinance, Ordinance 15 of 1985.
6. The municipality must ensure that a Right of Way servitude is registered in favour of the property so that it has free and unfettered access to a public road.

Yours faithfully

**ML WATTERS**  
For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

26 MAY 2016

FILE NO:	EL 3904-9B
SCAN NO:	07
COLLABORATOR NO:	904884

TR