

4.2

ERF 5703, 3 MYRTLE STREET, WESTCLIFF, HERMANUS: OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING : CREATIVE PROFILE TOWN PLANNERS ON BEHALF OF 3 ON MYRTLE PROPRIETARY LIMITED

4304/2022

S van der Merwe
25 October 2023

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

The following application has been received on 30 November 2022 from Creative Profile Town Planners on behalf of 3 ON MYRTLE PROPRIETARY LIMITED:

- **rezoning**, in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land use Planning, 2020 (By-Law), of Erf 5703, Hermanus from Residential Zone 1: Single Residential to Business Zone 3: Local Business to accommodate offices/lettable space and four single bedroom flats on the property.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 5703 is the consolidation of previous Erven 514 and 518, Hermanus and is 585m² in extent. It is situated in Myrtle Street (a cul-de-sac), Westcliff. It is zoned Residential Zone 1: Single Residential and is developed with a dwelling unit, garages, store, and an outside toilet. It is the intention of the applicant to redevelop the property with doctors' offices/lettable space and four one-bedroom flats above ground floor level for long-term and short-term rental.

4. SUMMARY OF APPLICANT'S MOTIVATION

Only a summary of the main points of motivation are conveyed as follows (the detailed motivation report is attached as Annexure B):

- ❖ The property is surrounded with various land uses, such as the taxi rank, police station, magistrate's court, doctors and dental rooms, and a public parking area.
- ❖ The property is the only residential property in Myrtle Street.
- ❖ The redevelopment of the property will certainly address the current aesthetical shortcomings of the property.
- ❖ Access to the property is from Myrtle Street.
- ❖ The rear of the property will be developed as a paved parking area with twelve parking bays.
- ❖ The property is located within the Heritage Protection Overlay Zone, but the buildings on the property are not specified as buildings with a specific value. However, any future design will have to comply with the Overlay Zone Regulations.

- ❖ The Growth Management Strategy earmarks the property as a development node where mixed uses are encouraged.
- ❖ No listed activities in terms of NEMA are triggered.
- ❖ The application is in line with the planning principles as set out in SPLUMA.
- ❖ Civil services are already available in the area and no increase in services capacity is anticipated with the proposed development.
- ❖ Job creation will initially occur in the construction phase and thereafter in the provision of possible employment positions.
- ❖ There will be no negative impacts on the values of surrounding properties since the development will rather have positive impacts.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local Newspaper	Yes	07 April 2023	05 May 2023
Notices	Yes	30 March 2023	05 May 2023
Internal Departments	Yes	29 March 2023	05 May 2023
Ward councillor	Yes	29 March 2023	05 May 2023
Total letters of objection	One late objection (invalid)		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly?			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			Yes
In case of application for removal, amendment, or suspension of restrictive title conditions if notices in accordance with Section 35(3)(d) of the By-Law on Municipal Land Use Planning was served on all persons mentioned in the title deed for whose benefit the restriction applies.			N/A

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

Name	Date received	Summary of comments
Building Department	29/03/2023	No objection. For any building work or demolition an application must be submitted to this office. The building plan application must comply with all applicable law.
Local Heritage	05/04/2023	Supported.
Telkom	06/04/2023	Attached as Annexure F.
Waste Management	11/04/2023	No objection from Solid Waste Planning. The applicant must submit refuse area plans along with the final plans.

Fire Department	13/04/2023	No objection subject to compliance with the provisions of SANS 10400 A:2016, 10400-T:2020 and the By-Law Relating to Community Fire Safety.
District Health	12/05/2023	No objection.
Engineering Services	23/05/2023	Attached as Annexure G.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Erf 521, Hermanus (HA Streicher)

It is important to note that the closing date for the submission of comments was 5 May 2023 and the comments were submitted on 8 June 2023 more than a month after the closing date. The objector in its comments state that the registered letter only reached it on 26 May 2023. A track & trace was conducted on the SA Post Office's website that revealed the following (window snip of results):

PARCEL TRACKING RESULTS					
Item Number	RI358361567ZA				
last scanned	2023/05/27 at 12:07 PM				
Location last scanned	DURBANVILLE				
Currently has status of	Delivered to : AH STREICHHHER				
#	Type	Date	Time	Branch	Comments
1	Delivered/Collected	2023/05/27	12:07 PM	DURBANVILLE	Delivered to : AH STREICHHHER
2	At Office	2023/04/18	7:39 AM	DURBANVILLE	First Notification to recipient
3	In Transit	2023/04/14	9:25 AM	Capemail RLS	Dispatched
4	In Transit	2023/04/14	5:57 AM	Capemail RLS	Receive item at sorting centre
5	In Transit	2023/04/05	3:52 PM	HERMANUS	Out of accepting office

From the above point 2 it can be observed that the first notice to the objector to collect the registered letter was served on it on 18 April 2023 by the post office that was well before the closing date for the submission of comments. From the above point 1 it can be further observed that the objector only collected the registered letter on 27 May 2023 well after the closing date. Although the comment is invalid in terms of the By-Law, the main points thereof will be addressed as follows (translated from Afrikaans to English):

Point 1 of comment

The current boundary wall between Erf 521 and Erf 5703 is the outer wall of the garage on Erf 5703. It is with great distress when I realized that it is indicated on the proposed development plans that this garage is to be converted into a double storey building with a flat at the first storey with a balcony that will directly overlook Erf 521. The dwelling on Erf 521 is inhabited by my in-laws who are both in their 70s. The balcony will have a serious impact on their privacy.

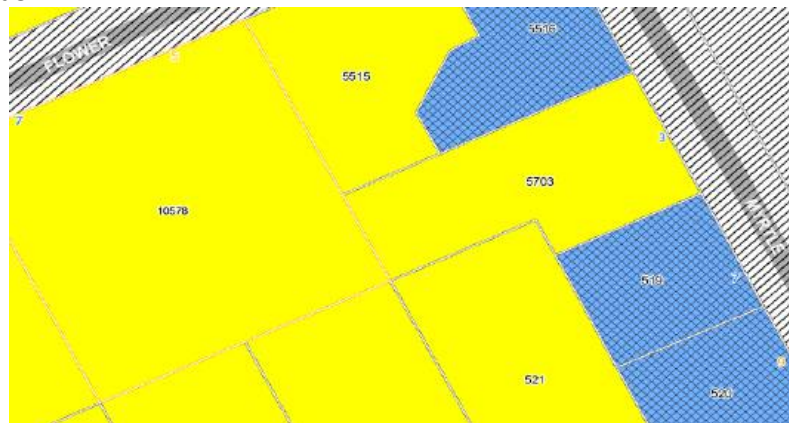
Response of applicant

(It should be mentioned that the applicant in its introductory to its response on the comment, stresses its dissatisfaction that a very late comment is entertained by the municipality. It questions the cut-off dates for comments since the other municipalities strictly adhere to the public cut-off dates. It also mentions that as town planners in the private sector these delays are prejudice to their clients that place them in a bad light.)

It is the right of the owner of Erf 5703 to also construct double storey structures with balconies and windows within the parameters. The commenter has no right to prescribe to adjacent property owners what they are allowed within their development rights and therefore has no reason to be distressed.

Response of town planner

The response of the applicant is noted. However, the applicant did not consider that where a Business Zone 3 property abuts another zone, the rear- and lateral building lines are 3m. See extract of GIS below that indicates the zonings of the surrounding properties – also see the proposed site layout plans that were submitted with the application (attached as Annexure C). A 3m building line applies at the north-eastern corner boundary of the commenter's single residential property which the applicant did not address in its application since the balcony of flat 1 will encroach the 3m building line. The rear boundary of the commenter's property will not be affected since the rear side of the subject property will be converted into a parking area without any structures. The latter also applies to the eastern lateral boundary of Erf 10578 and the rear boundary of Erf 5515 that will not be affected. The proposed balcony therefore needs to be set back when building plans are submitted or the applicant must apply for a departure of the said building line. The afore said does not apply to the adjacent Business Zone 3 Erven 519 and 521 that has Business Zone 3 status.

Point 2 of comment

There will be a material impact on security, value, and the use of the property.

Response of applicant

This is an old, stereotyped statement that does not carry any weight. Security is the responsibility of each owner of a dwelling unit. The rest is the responsibility of the SAPS.

Response of town planner

Noted and concurred with. In addition, it should be noted that the commenter did not provide any concrete evidence that its property value would be negatively impacted upon as a result of the proposed development. It is found that these are common statements by commenters on town planning applications, which statements are hardly ever substantiated.

Point 3 of comment

The existing double storey Myrtle House has not been properly investigated.

Response of applicant

It is not the responsibility of the applicant to see to the maintenance of the building on Erf 520 and the commenter must approach the owners of the property regarding the aesthetics at the rear side of the structure.

Response of town planner

The applicant's response is noted.

Point 4 of comment

Additional traffic and people will have a negative impact on the single residential dwellings in the area.

Response of applicant

The commenter's statement is totally one-sided and not objective. Erf 5703 is the only erf in Myrtle Street that has not been rezoned to Business Zone 3 yet, and once it is developed it would create a good buffer for the single residential neighbourhood to the west of the buffer area.

Response of town planner

The applicant's response is noted and agreed with. In addition, it should be noted that the subject property is situated at the edge of the town centre with existing high volumes of vehicular traffic and pedestrians. The rezoning of one relatively small property would therefore hardly have any impacts on traffic and pedestrians, thus the commenter's statement is therefore regarded as unfounded.

Point 5 of comment

The dwelling on Erf 5703 is a historical building.

Response of applicant

Although the building falls within the Heritage Overlay Zone, it does not have any historical significance and also does contribute positively to the immediate street scene. The structure is also not listed at the municipality as a historic or heritage structure.

Response of town planner

The response of the applicant is noted and concurred with.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

Refer to paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

Refer to paragraph 7 above.

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.

The objectives relating to:

Spatial Justice

The application will not perpetuate spatial injustices.

Spatial Sustainability

The application is located within the urban edge and will therefore not lead to urban sprawl. No natural habitat is impacted upon, and it 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 proposed uses will ensure that the existing resource (land) is used to its maximum in an affordable manner and in line with the Overstrand Municipality's forward planning documents.

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)

Same as 10.2 above.

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

Consistent with the Overstrand Land Use Scheme, 2020, as well as the Overstrand Growth Management Strategy. The Growth Management Strategy earmarks the area within which the property is situated as an area for Economic Opportunity. The proposal is therefore in line with the forward planning documents of the municipality.

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. Bulk services levies are payable.

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 in line with the Overstrand spatial documents.

10.9 Additional Planning Motivation For Removal of Restrictive Condition

N/A

11. THE DESIRABILITY OF THE PROPOSAL

The motivation of the application is supported. The desirability of the application must be read together with author's response to the points of comment.

REZONING

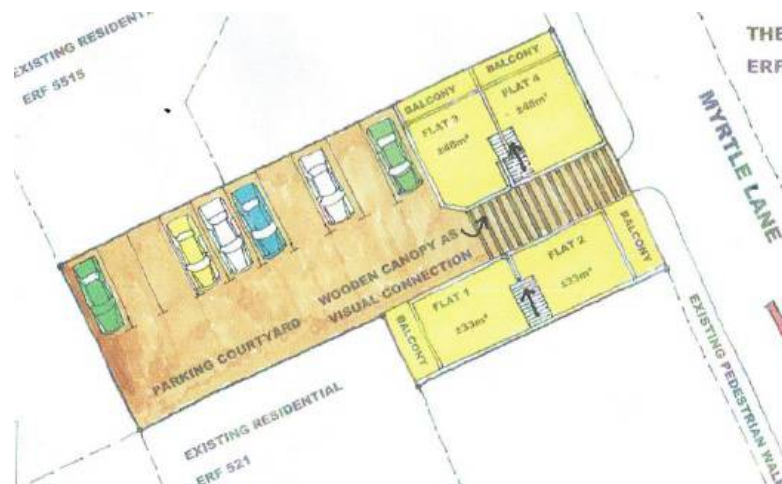
In terms of the 2020 revised Overstrand Municipality Spatial Development Framework the property is earmarked for urban development that includes business activities. Further, in terms of the Overstrand Growth Management strategy, the subject property is earmarked for Economic Opportunity purposes. The rezoning of the property to Business Zone 3 is therefore in line with the municipality's strategic planning for the area.

The proposed doctors' practice is regarded as a very low impact type of business that will ensure minimal impacts on the rights of surrounding property owners, and the surrounding built environment. The proposal will also be in line with the character of the immediate surrounding area and more specifically with regard to the existing land uses for the following reasons:

- Erven 519 and 520 directly to the south of the subject property are both zoned as Business Zone 3: Local Business.

- A doctors' practice is being operated from Erf 519 and a dental practice is being operated from Erf 520.
- Erf 5516 directly to the north of the subject property is also zoned as Business Zone 3: Local Business and a car rental business is being operated from the property.

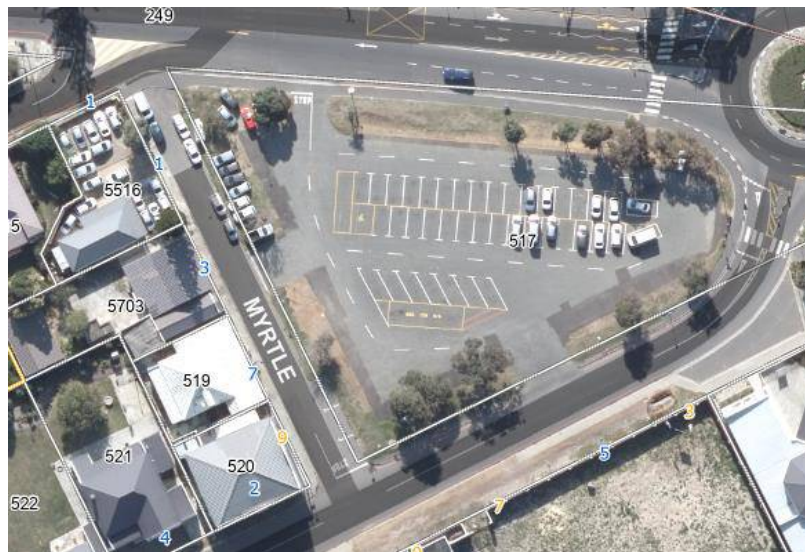
The proposed development further complies with the primary land use as set out in the land use scheme, being business at ground floor level and flats above ground floor level. However, from the layout plan below it can be observed that the balcony of flat 1 does not comply with the land use scheme that requires that where a Business Zone 3 property abuts a single residential property, a 3m building line applies. The balcony of the flat encroaches the said building line up to the eastern boundary of the adjacent single residential property (Erf 521). The applicant did not apply for a departure to encroach the said building line and must therefore maintain the building line. A condition must therefore be imposed that the said 3m building line be maintained should the application be approved.



Engineering services of the municipality initially did not support the parking layout that was submitted, and a revised parking layout plan was submitted that is now supported by the said department, which plan is attached as Annexure H. The parking layout must therefore be in accordance with the said plan and a condition to that effect must be laid down should the application be approved as well as that the parking bays be clearly demarcated and provided with a hard surface.

The property is located within the Heritage Protection Overlay Zone, but the consolidated property (or previous Erven 514 and 518) is not listed or graded in the 2009 Heritage Survey Report. Although Local Heritage supports the application, demolition works and redesigns of the structures will require the approval of Heritage: Western Cape since the structures are older than 60 years.

Access and egress to and from the property will be via Myrtle Street. The access and egress “lane” to and from the parking area at the rear of the property, is only 3m wide. Engineering Services did not object to it but stated that any additional and/or extended vehicle entrances will be for the owner’s account. Further, it should be noted that Myrtle Street has been converted to a cul-de-sac with only four erven at the western side thereof. At the eastern side is a public parking area on Erf 517, which parking area has three access/egress points and one pedestrian access/egress point. See GIS extract below. No traffic impacts are therefore foreseen.



Sufficient services exist and no additional services are required by the applicant.

As already said the objection/comment that was received was submitted more than a month after the closing date for the submission of comments on the application. Refer to author’s response on the late objection in the first paragraph of Paragraph 7 of this land use report. The commenter has therefore forfeited any appeal right.

In view of the above, it is the opinion that the application under consideration holds sufficient merit to be deemed desirable from a town planning perspective and should be supported in the manner as set out in the recommendation of this submission.

12. RECOMMENDATION

1. that the objection received be noted;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land use Planning, 2020 (By-Law), for the rezoning of Erf 5703, Hermanus from Residential Zone 1: Single Residential to Business Zone 3: Local Business to accommodate offices/lettable space and four single bedroom flats on the property, **be approved** in terms of the provisions of Section 61 of the By-Law; and

3. that the above approval be subject to the following conditions:
- (a) that a three (3) meter building line must be maintained at the eastern boundary of Erf 521, Hermanus;
 - (b) that all health care risk waste that is generated by the practice must be collected and transported by a suitable registered company and be disposed at a licensed disposal facility;
 - (c) that the parking layout must be in accordance with the parking layout plan number 101 dated MAY 2023 that was submitted with the application;
 - (d) that all the parking bays be clearly demarcated and provided with a hard surface;
 - (e) that the development must comply with the provisions of SANS 10400 A:2016, 10400-T:2020 and the By-Law Relating to Community Fire Safety;
 - (f) that the building plans must be submitted to Heritage: Western Cape for approval prior to the submission thereof at the Building Department since the structures on the property are older than 60 years;
 - (g) that the building plans in (f) above be submitted to the Building Department for approval and that all requirements of the Building Department and Fire Services at that stage be complied with;
 - (h) that a refuse area must be provided on the property in accordance with Chapter 17.4 of the Overstrand Municipality Land Use Scheme, 2020 and must also form part of the building plan submission;
 - (i) that the conditions of Engineering Services and Telkom (attached as Annexures F and G .), must be complied with;
 - (j) that no on-street parking be allowed whatsoever;
 - (k) that any advertising signs must be approved by the Building Department of the Municipality and must comply with the Municipal By-Law on Signage;
 - (l) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (m) that this approval does not absolve the landowner from compliance with any other relevant legislation; and
 - (n) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with;

4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) with regard to the conditions in 3. above, and that the commenter/objector be informed that it has no right to appeal the above decision due to non-compliance with the requirements as set out in Section 52 of the By-Law (comment/objection was received after the closing date for the submission of comments/objections).

13. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ No internal objections were received.
- ❖ It is in line with forward planning documents.
- ❖ Much needed job opportunities will be created.
- ❖ It is not regarded as being undesirable from a town planning point of view.

14. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Late objection
Annexure E:	Comment on objection
Annexure F:	Comment: Telkom
Annexure G:	Services Report
Annexure H:	Parking Layout

SIGNATURES

AUTHOR:

Author name: **H BOSHOFF**

Author signature: _____

Date: _____

REGISTERED PLANNER:

Name: **S VAN DER MERWE**

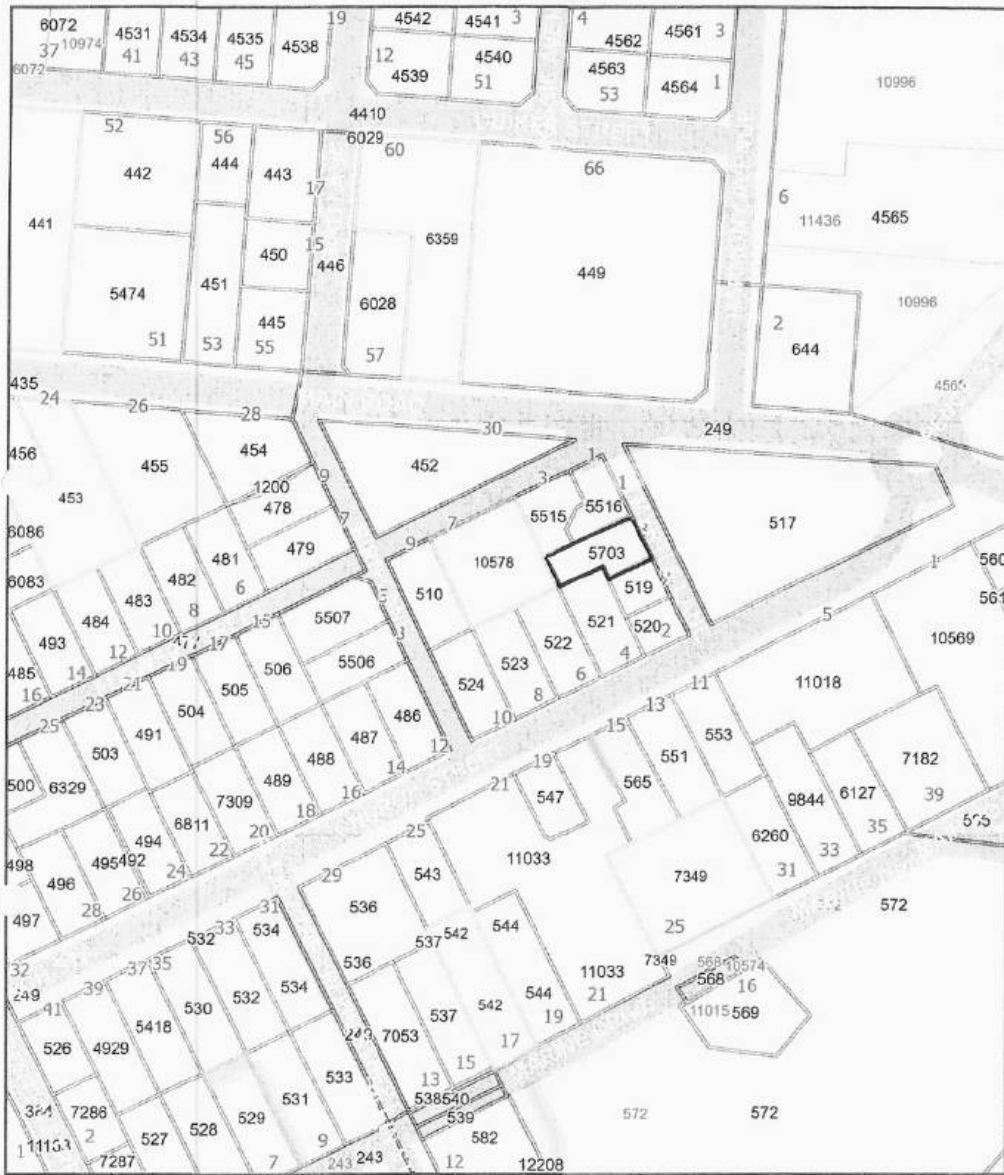
SACPLAN Reg No: **A/1850/2014**

Signature: _____

Date: _____

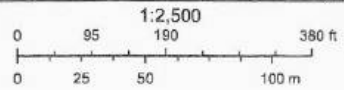
Locality Map

ANNEXURE A



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- Property Section
- Property Standard
- Servitudes
- SG Approvals
- Roads
- Primary



1. PURPOSE OF THE REPORT

This application is made on behalf of 3 ON MYRTLE (PTY) LTD, the owner of Erf 5703 Hermanus and serves to motivate the following items of the Overstrand Municipal Land Use Planning By-laws (2020):-

- in terms of Section 16(2)(a) for Council's consent to rezone Erf 5703 Hermanus from Residential Zone to Business Zone III.

Creative Profile Town Planners have been appointed by the owner to apply for the aforementioned which is supported with the attached Power of Attorney to submit the application, attached hereto as Annexure 1.

This report serves to explain and motivate the proposed development on Erf 5703 Hermanus in detail for public participation and Council's approval. The application emphasis is to create a land use that respects the context and character of the so-called "front door" to the Hermanus Central Business District.

In this application, Erf 5703 Hermanus will be referred to as "the property".

2. PROPERTY ANALYSIS

2.1 LOCATION

Erf 5703, as indicated on Plan 1, is located at the main entrance circle of the Hermanus CBD or Civic Precinct with prominent land uses such as the town's taxi rank, police station, Magistrates Court, NG Church, doctor's and dental rooms and Hertz Car Hire (directly adjacent) with a large, formalized municipal parking area, surrounding the property.

Myrtle Street is a small cul-de-sac that branches from Church Street and gives direct access to the property in question (3 Myrtle Street).

2.2 PROPERTY DETAILS

OWNER	3 on Myrtle (Pty) Ltd
PROPERTY DESCRIPTION	Erf 5703, Hermanus, Overstrand Municipality, Division Caledon, Western Cape
AREA	585m ²
TITLE DEED	T044816/22 (Annexure 3)
RESTRICTIVE CONDITIONS	No restrictive title deed conditions exist in the Title Deed that could hamper the proposed development on the property (see attached Conveyances Certificate as Annexure 4).
BONDHOLDER	Not mortgaged
EXISTING ZONING	Single Residential
EXISTING USE	Offices
PROPOSED ZONING	Business Zone III

2.3 UNDESIRABLE LAND USE

The existing zoning as indicated above is Single Residential (Residential Zone I). This historic zoning and position has become undesirable with the organic growth and controlled and planned changes to zonings in the CBD that have taken place over the last decade in the town of Hermanus.

Visually it is clearly evident that the surrounding zonings and land uses in the immediate area of the property have already been rezoned and the uses changed. The property is indeed the only remaining residentially zoned land unit in Myrtle Street.

The current land use is not residential but rather the property is being utilized by a political party as a regional office. The Overstrand Municipality also previously rented the property for office space.

Resultantly one will conclude that the single residential zoning no longer conforms to this existing mixed use area and the zoning must be amended in order to bring it in line with the surrounding land uses.



2.4 UNDESIRABLE ARCHITECTURE/ ELEVATIONS

Owing to the property's urban mixed land use image while being "outside the hard core of the CBD" personality, gives the property a feeling of being both inside and outside the CBD of Hermanus, located in a space for redevelopment, a space that could enhance the existing and planned community facilities in the Civic Precinct.

Currently the property does not have an aesthetic appearance and is trapped between buildings with varying heights (a lack of rhythm and continuous height disturbs the elevations and streetscape) accompanied by the fact that this cul-de-sac is dominated by a poorly planned parking lot opposite the property that completely overshadows the urban scene.

The elevation is further disrupted by the dominating use of security gates.

Redevelopment will certainly address these aesthetic shortcomings.



2.5 INTEGRITY OF EXISTING STRUCTURE

The property consists of a series of free standing buildings that have over the years (since 1944) been repeatedly adapted and patched up (see Plan 2).

The main building is supplemented with separate rooms on the western border and garages on the most southern portion of Erf 5703, with a store and outside toilet located centrally on the property.

A double garage has been provided on the southern boundary.

The entire property has over the past years been providing office space for several tenants and has not been utilized for residential purposes. From a visual perspective it is clearly evident that urban decay has already started to rear its ugly head due to a lack of maintenance on the existing structures which look tired in appearance.

The distribution of the various structures is in itself limiting the potential of the property which lies in the provision of a multi-layered structure as already proven and developed on surrounding erven.

2.6 EXISTING BUILDING & AND USE RESTRICTIONS

All the existing structures on the property are single storey structures but with a definite residential appearance which is in direct conflict with the properties located to the south of Erf 5703.



Erf 520 and 519 have already been re-developed into offices (Business Zone III) with zero lateral and street building lines and a 2 meter rear building line where the properties border against residential areas.

2.7 EXISTING ACCESS AND PARKING

Direct access to the property is from Myrtle Street on the northern side of the property and leads to an area of open space located between the separate structures on the property.

The open space also accommodates on-site parking while the original single garage and double garage situated on the southern side of the property is currently being utilized as office space.

Given the current positions of the various structures on the property, the provision of on-site parking is limited and an entirely new site layout will be required with an amended building mass and parking areas in order for the zoning to conform to the prescribed 4 parking bays per 100m² building area under Business Zone III.

As the owners are two specialist doctors who work strictly by appointment only we believe that the parking provided on site is adequate.

However, the regulations stipulate that we require 12 bays to accommodate the flats and the business component of the development. In total, we are providing 12 parking bays (6 for business with 137.25m² lettable space and we require 6 bays for the 4 flats = 1.5 bay per flat). The prerequisite number of parking bays needed is therefore being provided on site.

2.8 HERITAGE VALUE

The property is located within the Heritage Overlay Zone and will therefore automatically be referred to the Heritage Committee for evaluation.

Albeit that the property is located in the Heritage Overlay Zone, the structures on the property are not specified as buildings with a specific value. However, any future design will have to comply with the Overlay Zone regulations.

16 HISTORIC CORE OF HERMANUS HERITAGE PROTECTION OVERLAY ZONE ("HERMANUS HISTORIC CORE HPOZ")

16.1 **Spatial delineation:** Refer to Plan 8.

16.2 **Purpose:** To ensure that any land use application resulting in additional rights complies with the existing character and contextual significance:

16.2.1 To protect and enhance the context of the high concentration of heritage sites; the role of the old harbour; Bientangs cave; the high scenic quality of the coastline; the recreational facilities related to the coastal walkway and associated whale watching points; the relatively fine-grained, low-rise nature of the building fabric; and the integration of these place-making elements.

16.2.2 These heritage features all contribute to an area of particular character, reflecting many of the heritage themes identified in the Overstrand area and worthy of the status of a HPOZ in terms of the land use scheme.

16.3 **Land use and building plan applications**

16.3.1 Land use and building plan applications, if applicable, should be submitted to the Overstrand Heritage and Aesthetics Committee or a registered conservation body for comment.

16.4 **Height, massing and orientation**

16.4.1 No building within the heritage area is to exceed 14 m. The upper storey must be set back a minimum of 1.5 m from the main façade, have a roof pitch of 45 degrees and use light-weight materials to reduce visual impact.

16.4.2 The relatively fine-grain nature of the building fabric must be respected in any new development.

3. PROPOSED DEVELOPMENT

3.1 KEY DEVELOPMENT PLANNING PRINCIPLES

The following key planning and urban design principles were used to upgrade the property to its full potential as part of the Civic Precinct.

These basic principles are seen as the starting point of the development to contribute to a walkable, vibrant and enjoyable CBD.

The existing surrounding area or precinct appearance from an aesthetic perspective is somewhat tired, but with all the proposed development and upgrading proposals from the municipality (being carried out in phases), together with this proposal and potential private developments on erven 452, 11018 and redesign of erf 517 (parking area), could form the development catalyst that would kick start this portion of the precinct from a private development perspective.

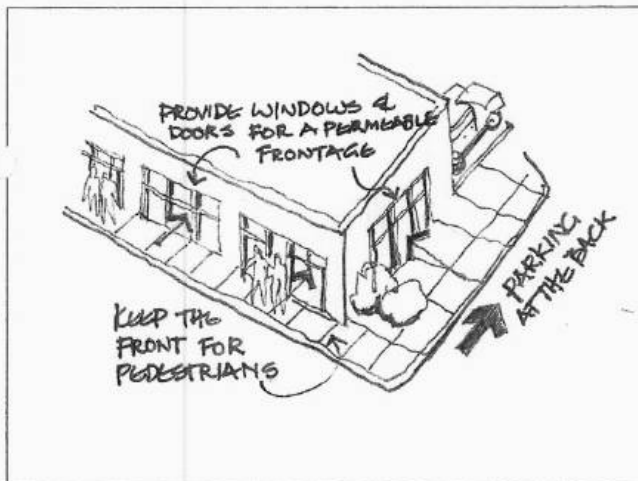
To create a positive atmosphere within the property, it was important to lead the architect in the following principles as set out in the remainder of this paragraph:-

3.2 BUILD THE DEVELOPMENT TO THE EXISTING SIDEWALK

The future buildings must create a strong "street wall" (not blank walls) that meets the existing sidewalk of Myrtle Street.

The sidewalk is important because it channels pedestrian movement and forces people into closer proximity with what is happening inside the proposed building.

It is also important to keep the building interior floor levels as close to the sidewalk grade as possible.

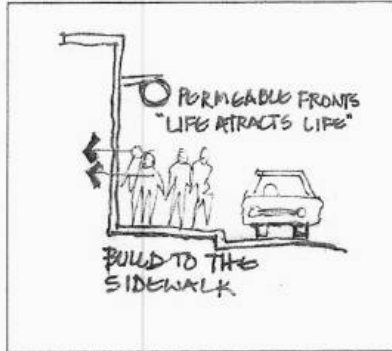


3.3 MAKE THE BUILDING FRONT PERMEABLE

We would strive to connect the inside of the building and the sidewalk with windows and doors.

Life attracts life. People want to see the merchandise for sale or other people mingling, therefore the placement of windows and openings along the sidewalk is of paramount importance.

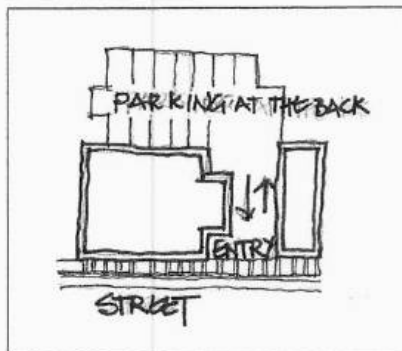
This is a basic rule of retailing and if it's possible, also put front doors where they are visible.



3.4 PUT PARKING SPACES AT THE BACK OF BUILDINGS

While parking areas are a primary determination of development site mass, its location is also crucial for pedestrian – orientated developments.

It is important to put parking areas at the back, or beside, on top or under a building to save the front of a development for people.



3.5 CREATE PEOPLE ORIENTATED SPACES: DEVELOPMENT CONCEPT

Towns are undergoing constant change and one must take advantage of the process of regeneration and rezoning of a specific planned area.

By analysing the property it becomes evident that through placing the buildings on the nil-building lines (which are permissible in Business Zone III areas), the full potential of the property could be reached.

This action is only relevant to the front 50% of the property since the most westerly area borders on a residential zone where broader building lines (2m) are required. These building lines are considered negative space and usually end up being utilized for storing rubble which is not desirable.

As such it is obvious that the western portion of the property is not characterized by good development potential owing to too much available area that must be given up for useless building lines and could be better utilized or earmarked for the property's prerequisite parking requirements.

Parking will be provided (according to Overstrand Municipal Scheme Regulations as follows:-

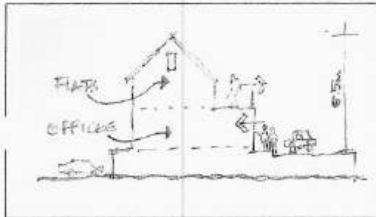
- 12 parking bays (2.5m X 6m)
 - Push back area (7.5m)
 - Panhandle of 2.5m with 1m pedestrian walkway on both sides of entrance road
- The entrance road and parking courtyard will be paved which will be a visual and visceral signal to both driver and pedestrian of appropriate boundaries.



3.6 ARCHITECTURE: UPGRADE THE PRECINCT EDGE WITH AN AESTHETIC INTERFACE

It is important to support the municipal decision to create a local business edge in Myrtle Street. However it is also necessary to upgrade the edge and property architecturally to create a "focal building" that provides urban context and joy.....a building that fits into the streetscape.

What is proposed is a building where the mass is broken up visually into two buildings that comply with the 8.5m height restriction and provide parking on-site as explained above. See architectural sketches as Annexure 7.

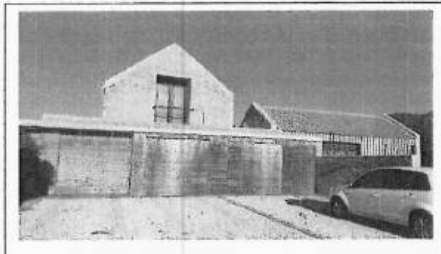


3.7 SECURITY

Safety is the foundation of a successful development, especially if it's on the periphery of towns considering the high crime rate in RSA. The basic technique of urban security is natural surveillance and human presence and to implement these principles the following is proposed.

The planning idea for the property is to provide high density units (flats/apartments) on the first floor of the proposed buildings where people (tenants) are present and would bring the necessary natural surveillance and human presence, particularly after normal office hours.

The central entrance ideally lined up with the cadastral southern boundary will give direct access to the parking area at the rear of the buildings. To secure and control the parking area a wooden security door that matches the façade entrance opening will be installed similar to the photograph hereunder. This is by far more aesthetic than the trellis-door system most of the adjacent developments have used.



3.8 SHOPFRONTS SPACE

To bring vibrancy and an interesting place where people will linger, the principle would be to slow down customers or provide the clients with an opportunity to observe the street.

Busy sidewalks are safer and therefore the design proposal is to open the sidewalk appeal to the inside of the property on either side of the entrance panhandle (see conceptual site development plan as Annexure 7 – permeable walls).

The concept is therefore to get close to the customer to give people something to look at as they walk past the property.

3.9 STREETScape: FITTING IN

Economic growth involves a continuous reconstruction of society as towns (cities) are not static and grow organically over time.

If possible, it means that the new building must fit in with the existing context of its neighbours through the use of similar heights, materials and details i.e. "the future re-development on Erf 5703 must "talk" to the neighbour.

Unfortunately, the existing buildings (except the structure on Erf 520 which is an acceptable architectural language) need to create an aesthetic response. Currently the immediate area is in a transition and is a smorgasbord of architectural features that lack charm and there is little context worth saving or emulating

3.10 FLATS

On the first floor, 4 flats for short or long term rental will be provided which will also provide the necessary security after hours and bring vibrancy to the development.

It is a well-known fact that the greater Hermanus area lacks a more economical diversity of housing/ residential options. This proposed land use will definitely play a role to fill the gap particularly for the younger community who do not need large properties but rather accommodation near to the CBD for easier access to their places of employment.

3.11 SUMMARY OF ACCOMMODATION & PARKING

Summary of accommodation/see Conceptual Site Development:

Office space provided – ±137.25m²

Residential: Flats provided–4 - ranging in size from ±33m² - ±48m²

Parking needed: 12 (Business = 6; Flats @ 1.5 bays per flat = 6)

Parking provided: 12

Total site: 585m²

4. INFLUENCES ON THE PLANNING PROCESS

The following statutory and conceptual documents together with sound planning principles that will be used by the professional team in the design and planning process are applicable.

This planning information must be considered by the municipality to see if there are any inconsistencies with approved planning legislation.

4.1 OVERSTRAND MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK (OMSDF)

- 4.1.1 The Overstrand Municipality is guided by a planning document called the Overstrand Municipality Spatial Development Framework (OMSDF) 2020. This document serves to ensure optimum spatial and socio-economic integration and to improve the overall efficiency of development within the region.
- 4.1.2 This approved forward planning document and plan gives Council, officials, the community, developers and consultants the necessary guidelines for future development, scale and densification.

This approved local document for the Hermanus jurisdiction area earmarks the property as a development node where mixed uses are encouraged. This development application is in line with Area 13 that stipulates the creation of economic and business opportunities throughout development.

Further broad principles and guidelines for the area that are applicable to this application and include:-

- That sustainable developments must be initiated
- A variety of residential options must be initiated specifically higher densities
- Quality environments must be created/developed
- Compact developments must be initiated to create walkable towns
- Create work opportunities/ job creation to initiate economic progress

4.2 HERMANUS CBD REVITALISATION AND REGENERATION PLAN 2016

This statutory document was adopted in 2016 and was importantly included (for the 2019 – 2022 book years) into the Integrated Development Plan (IDP) which gives action to the planning goals.

The purpose of this forward planning was to **upgrade the existing CBD in phases**, which process ultimately started to stagnate when tenants started moving out of the CBD and into the Whale Coast Mall for various reasons that included easier access, ample parking, and the convenience of a “one stop” shopping experience.

One of the most important goals of this revitalisation plan is to connect the CBD with several key amenities, facilities and precincts within and around the area.

As Phase 1 of the Revitalisation Plan is now finished which is a huge success, Phase 2 called the Civic Precinct (which includes the Police Station, Magistrate’s Court, Municipal Offices, the taxi rank, library and the existing public parking facility located to south-west of the traffic circle intersection of Main Road (R43) with Royal and Church Street) is now proposed for receiving attention.

Erf 5703 borders directly onto this demarcated Civic Precinct on the south-eastern seam and visually forms part of the precinct.

As such, it is vitally important that owing to the strategic location of the property and from a planning context, the development be integrated with the goals and planning of the Civic Precinct.

4.3 OVERSTRAND MUNICIPAL LAND USE PLANNING (OMLUP)

This application is submitted in terms of Section 16(2)(a) of the Overstrand Municipal Land Use Planning By-Law (2020).

This application requests that the Overstrand Municipality advertise and serves notices to identified neighbours for this land use application in terms of Section 47 (1) of the OMLUP.

A pre-application consultation was held with Me A Van Der Stoep of the Overstrand Municipality to discuss the merits of the application on 19 October 2022. No minutes were taken and the discussions were carried out on a introductory basis.

4.4 NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1999 (NEMA)

Not Applicable:

The proposed rezoning to develop a local business offices and flats on Erf 5703 Hermanus, does not trigger any listed activities in terms of NEMA.

4.5 OVERSTRAND LAND USE SCHEME 2020: OVERLAY ZONES FOR ZONING SCHEMES

4.5.1 HERITAGE PROTECTION OVERLAY ZONE - HPOZ

The property falls within the Landscape Significance area as indicated on Plan C of the HPOZ with a high significance status. The proposed development acknowledges the parameters as set out in this Landscape Significance area and all measures will be taken to ensure that the Business Zone III development is low impact so as to not negatively impact on the surrounding streetscape.

4.6 LAND USE PLANNING ACT 2013 (ACT 3 OF 2013){LUPA}

SECTION 53

Not Applicable:

The nature and scale of the proposal is not of Provincial importance.

SECTION 45(1)

Not Applicable:

This section of LUPA states that a Municipality must refer a land use application to Province for comment if:

- a) a development is outside outer limit of urban expansion;*
- b) the local authority has no approved Spatial Development Framework;*
- c) rezoning of land for Agricultural or conservation purposes;*
- d) a development as determined by the Municipal Manager;*
- e) a development that affects a provincial functional area; and*

f) any land use application as may be prescribed for the purpose of supporting and strengthening the capacity of the Municipality.

The property is currently zoned Residential Zone I and situated within the Overstrand Municipality's jurisdiction area, inside the urban edge of the greater Hermanus area, as per the approved Overstrand Municipality Spatial Development Framework Plan.

It is our opinion than none of the above listed criteria are applicable to this application, and it is therefore unnecessary to direct the application to the Department of Environmental Affairs and Planning for comment.

4.7 PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency, spatial resilience and good administration of this application can be described as follows and the proposed Business Zone III zoning adheres to the planning principles relevant to this application as stipulated below:

4.7.1 SPATIAL JUSTICE

Refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services and land. In the broadest sense, it seeks to promote the integration of communities and the creation of settlements that allow the poorest of the poor to access opportunities. In a spatially just settlement, opportunities and access are provided to those whose historical access and opportunities have been impeded by the practice of apartheid spatial planning. Land development procedures must include provision that accommodates access to, and facilitation of, security of tenure and the incremental upgrading of informal areas.

In our opinion the principle of Spatial Justice is not relevant to the subject application.

4.7.2 SPATIAL SUSTAINABILITY

The proposed application for rezoning to operate business offices and flats on Erf 5703 Hermanus is in line with the current character where the subject property is located.

The proposed application will have no impact on the conservation worthy areas of Hermanus and immediate surroundings.

4.7.3 EFFICIENCY

Refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources and land. Inherent in this statement is the need to promote densification and urban (as opposed to suburban) development typologies. This also has to do with the manner in which the settlement itself is designed and functions, which should reduce the need to travel long distances to access services, facilities and opportunities. Efficiency also refers to decision making procedures which are designed to minimise negative financial, social, economic or environmental impacts. In addition, efficiency refers to the need for development application procedures that are efficient and streamlined.

In our opinion the principle of Efficiency is not applicable to this application.

4.7.4 SPATIAL RESILIENCE

In the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e. communities that are most likely to suffer the impacts of economic and environmental shocks). Spatial resilience also refers to the requirement for flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation

and restoration of essential basic infrastructure and functions, but also adaption in order to ensure increased resilience in terms of future shocks (United Nations Office for Disaster Risk Reduction, 2009).
In our opinion the principle of Spatial Resilience is not applicable to this application.

4.7.5 GOOD ADMINISTRATION

Our company is committed to the principle of good administration and will co-operate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant Municipality's bylaw and related Provincial and National land use planning legislation.

All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020.

5. MOTIVATION OF DEVELOPMENT PROPOSAL

5.1 POTENTIAL OF THE PROPERTY

The potential of the property does not lie in the re-development of the single residential zoned erf, but rather in local business in order to support the surrounding business and mixed use developments.

5.2 CONFORMING TO FORWARD PLANNING PRINCIPLES

As mentioned in paragraph 4.1, the proposal is in line with the broad goals of the Overstrand Municipality Spatial Development Framework as well as other statutory, forward planning documents, i.e. Hermanus CBD Revitalization and Regeneration Plan, where mainly economic development, the creation of jobs, mixed land uses and tourist facilities are promoted.

5.3 MIXED USE ENVIRONMENT

As the only residential zoned property adjacent to Myrtle Street, the property is not visually cohesive with its surroundings, looks out of place and is not suitable for single residential use.

There is a definite need to upgrade the property to give definition and structure to the urban environment.

5.4 RESIDENTIAL OPTION

From a town planning perspective, higher density residential options which support mixed use nodes with place making, safety and social and economic opportunities must be promoted (by providing more buying power and impetus to the node).

5.5 VISUAL APPROACH TO URBAN EDGE

The developers are aware of the importance of upgrading the property to an architectural and visual urban image, due to its prominent location at the entrance of the Hermanus CBD.

The architectural re-development will make a considerable, positive contribution to the aesthetic upgrading of the existing streetscape.

5.6 SCALE OF DEVELOPMENT

With this proposal, the land owners are striving to firstly bring the height of the structure in line with other offices and facilities in the vicinity (to conform to the development height of 8.5m) in an attempt to create a continuous façade.

Secondly, the ground floor of the proposed building is reserved for professional offices with easy pedestrian access, while the first floor comprises a series of smaller residential flats that will bring the necessary residential variety that is much needed in the greater Hermanus area.

5.7 BUFFER FOR EXTENDED RESIDENTIAL NEIGHBOURHOOD

As with many other mixed use nodes, the mood and character is more vibrant with lots of vehicular and pedestrian movement.

In the case of the property which is located between two major vehicle collectors, ie. the R43 and Church Street, the level of noise pollution is high which is normal when a property is located in an area with different activities in a business/ mixed use node.

The property together with Erven 519, 520 & 5516 create a successful noise and visual buffer for the residential properties located to the south west of Erf 5703.

The mid-block sub division of the aforementioned erven ensure that the negative impacts of high noise pollution emanating from the node, central parking area and busy transport routes partially dampen the noise levels.

5.8 AMENITY VALUE

The proposed development will definitely have a social impact or pleasant effect on the "sense of place" of this portion of the mixed use node.

The convenient and accessible location will create a positive contribution to the general welfare and provision of facilities to the community at large.

5.9 IMPACT ON MUNICIPAL SERVICES

The proposed development will comply with all the Energy Efficient Regulations as per SANS 10400 Part XA 2011 as well as classification as a green structure with a grey water system, heat pumps and gas stoves in the residential units.

Provision of civil services are already available in the surrounding area and not increase in services capacity is anticipated with the proposed development. See engineers report attached hereto as Annexure 5 and compiled AVDM Engineers.

5.10 JOB CREATION AND TRAINING FACILITY

The provision of business land uses and higher density residential units will have a positive effect with the creation of additional jobs and potential training opportunities for apprentice workers in the construction field.

This job creation will initially occur in the construction sector with the re-development of the existing structures on Erf 5703 and thereafter in the provision of possible employment positions for receptionists/ telephonists/ secretaries, cleaning personnel and administrative opportunities with the proposed office and residential flats.

5.11 IMPACT ON LAND VALUES

This aspect is negligible as the property forms part of the mixed use development area and has for many years not been utilized as a residential structure but rather for offices.

The property was indeed leased by the Overstrand Municipality for office purposes and as such the proposed re-development holds no negative impact on the surrounding properties, but will rather have a positive effect on surrounding land values.

5.12 IRREDUCIBLE BASIS OF SOUND URBAN DESIGN PRINCIPLES

It may seem pretty deflating that great streetscapes can be based on such simple development proponents where the basic rules of parking being provided at the rear of buildings, building “close to the pavement” and creating a permeable frontage.

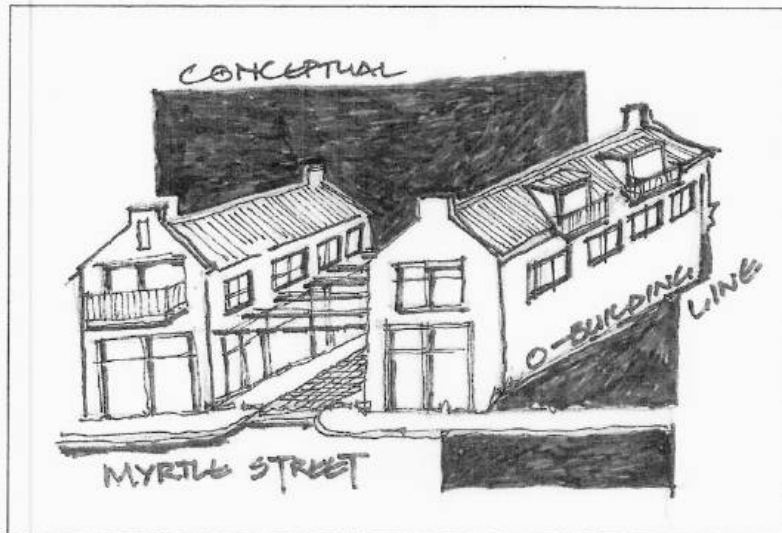
The above basic development principles mean that the arrangement of buildings on the property Erf 5703 brings a pleasing appeal to walkable towns and does not revolve around iconic architectural structures being provided on such a small site.

These principles are the common denominator of comfortable urban spaces and would be a great advantage for the Hermanus Civic Precinct.

5.13 ARCHITECTURAL INFLUENCE

The proposed site development plan and supporting architecture is important to upgrade the streetscape as they will offer a central focus that would bring much needed vitality to Myrtle Street.

The rehabilitation as shown on the concept sketches supports Council’s planning ideas and goals for the Civic Precinct.



5.14 TITLE DEED & CONVEYANCES CERTIFICATE

As can be seen from the conveyances certificate (Annexure 4), there are no servitudes or title deed restrictions that will hamper the proposed development.

6. CONCLUSION

The aforementioned basic planning and urban design principles culminated in an analytic framework that will successfully fit in with this future Civic Precinct.

The property has been neglected now for a long time and not used as a residential property, but for offices and other mixed uses.

As planners we must strive to make our towns more comfortable, more accessible and bring in attractiveness, specifically communal comforts that would enrich the CBD at large, but in the instance of this application, specifically to support the revitalization of the Civic Precinct.

From the aforementioned, it is clear that the proposed Business Zone III mixed use development would fit in perfectly with the streetscape and more importantly with established planning and urban design principles that would enhance the Civic Precinct.

Therefore we respectfully request Council to positively consider the approval of the proposed rezoning and project so that the owners can commence with detailed architectural plans for municipal approval.

Furthermore, the proposal is in line with local forward planning and will have no negative impacts on the surrounding area and Civic Development Zone.

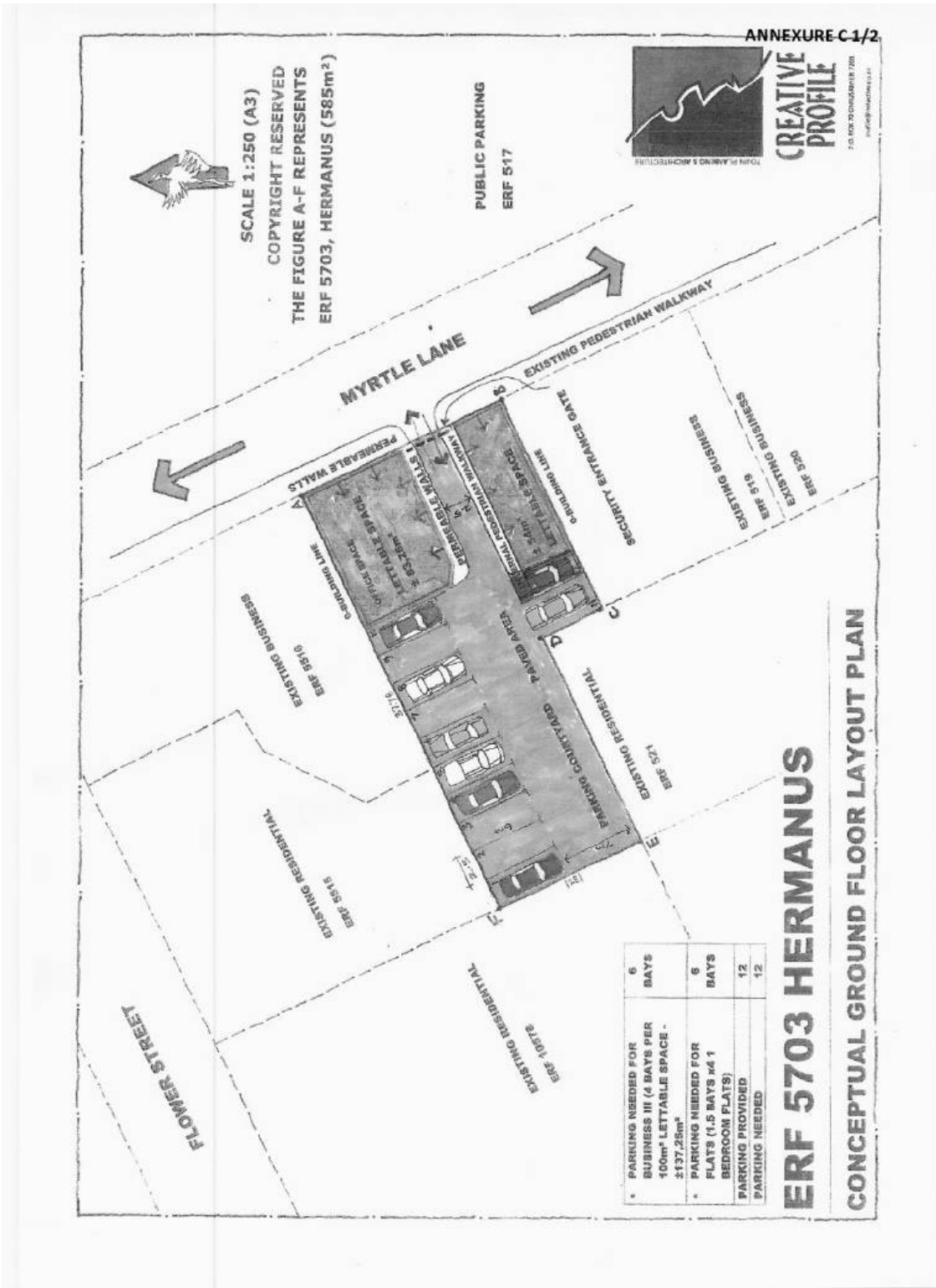
Should there be any queries or additional information required, please contact the undersigned.

Yours sincerely

Francois du Toit

Creative Profile Town Planners
Pr Pln Nr 573/1988







SCALE 1:250 (A3)
 COPYRIGHT RESERVED
 THE FIGURE A-F REPRESENTS
 ERF 5703, HERMANUS (585m²)



* PARKING NEEDED FOR BUSINESS III (4 BAYS PER 100m ² LETTABLE SPACE - 3137,25m ²)	6 BAYS
* PARKING NEEDED FOR FLATS (1.5 BAYS x 4 1 BEDROOM FLATS)	6 BAYS
PARKING PROVIDED	12
PARKING NEEDED	12

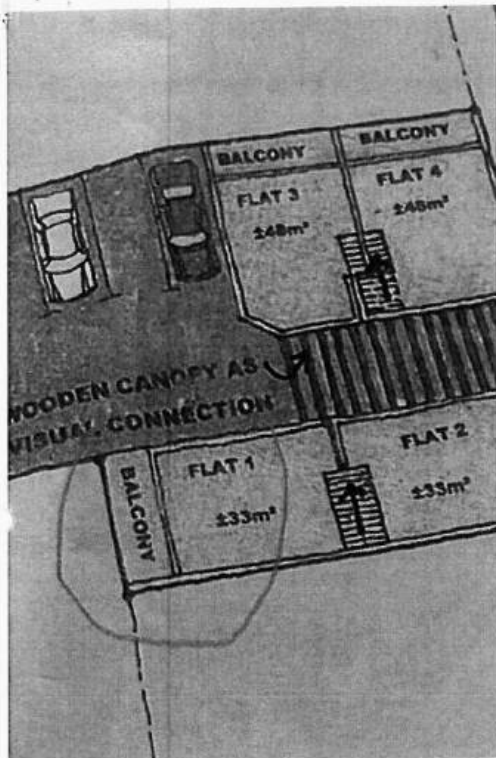
ERF 5703 HERMANUS

CONCEPTUAL FIRST FLOOR LAYOUT PLAN





Dit is met groot ontsteltenis dat ek besef het dat die voorgestelde ontwikkelingsplanne wat aangeheg is aan die hersoneringsaansoek aandui dat die motorhuis wat tans die grensmuur vorm in 'n dubbelverdieping gebou met 'n woonstel op die eerste verdieping omskep sal word met 'n balkon wat direk in Erf 521 sal kyk soos per die diagram hieronder geneem uit die aansoek.



Graag wil ek die volgende punte stel:

- Die huis word bewoon deur my skoonouers beide in hulle laat 70's.
- Die hoofslaapkamer kyk uit oor die hoek waar die voorgenome ontwikkeling gaan kom.
- 'n Dubbelverdieping gebou met 'n balkon reg op die boulyn wat direk oor Erf 521 kyk sal 'n ernstige impak op die privaatheid van die huisinwoners veroorsaak.
- Korttermynverhuring met 'n groot getal huurders wat konstant roteer en direk in die erf en huis kan inkyk sal die sekuriteit van my skoonouers ernstig bedreig.
- Die impak op privaatheid en sekuriteit sal vir 'n wesenlike impak op die waarde en gebruik van Erf 521 sorg.
- Erf 520 ook bekend as Myrtle House is 'n bestaande dubbelverdiepingontwikkeling aangrensend aan Erf 521. Die bestaande eiendom se eerste vloer bestaan uit 'n aantal wooneenhede en word tans verhuur as residensiele verblyf. Alhoewel die gebou se Noord aansig geveer is, is die Suid aansig in 'n baie swak toestand en is baie onooglik. Wooneenhede word ook gereeld beset deur meer persone as waarvoor die eenhede geskik. Paragraaf 2.6 van Creative Profile Town Planners se ontleding wat hierna verwys en 'n foto van die dubbelverdieping gebou insluit is swak nagefors en gee nie die ware feite mee nie.
- Geen ontwikkeling kan op die grenslyn van 'n eiendom gedoen word sonder die eksplisiewe geskrewe goedkeuring van die aanligende eienaars nie, dit sluit in die veranderinge aan historiese eiendomme wat op die grenslyn gelee is.
- Kerkstraat word tans gebruik as 'n deurloop vir inwoners van Zwelihle na die middedorp. Die straat het voete verkeer 24 uur van die dag en dit het reeds 'n groot impak op sekuriteit wat gelei het tot twee inbraak pogings by Erf 521 in die laaste jaar. Enige ontwikkeling wat tans addisionele toevloei van verkeer en mense bring sal 'n ernstige negatiewe impak op die enkelresidensiele wonings in die area veroorsaak.

Die huidige gebou op Erf 5703 is 'n historiese gebou dit is uiters belangrik om die uiterlike ontwerp te bewaar om die historiese relevansie van ander eiendomme in die omgewing te bewaar.

Hierdie skrywe is ten doel om my teenkating teen die hersoneringsaansoek te stel.

Let wel:

- Ek neem kennis van die sluitingsdatum van 5 Mei vir korrespondensie. Die geregistreerde brief het my eers Vrydag 26 Mei bereik.
- Ek het dadelik U kantoor geskakel op Maandag 29 Mei en is verwittig dat U die week van 26 Mei op verlof was en dat alle adjunkte ook op verlof is.

Bevestig asb ontvangs van die e-pos.

Ek kan gekontak word by 0832697449.

By voorbaat dank
Heine Streicher
Eienaar, erwe 521 en 522 Kerkstraat, Westcliff Hermanus.

Alida Conradie

TP. A. /heort
(id. Boshoff)



From: CREATIVE PROFILE <profile@netactive.co.za>
Sent: Friday, 07 July 2023 15:07
To: Helgaardt Boshoff
Cc: Alida Conradie; drdeirdregrobbelaar@me.com; CREATIVE PROFILE
Subject: RE: Erf 5703, Westcliff - Request for comment

FILE NO.	Erf 5703
SCAN NO.	HWC 5703
COLLABORATOR NO.	1881140

Beste Helgaardt, vertrou dit gaan goed.

Baie dankie vir die aangename gesprekvoering asook verduideliking vanoggend tot aangeleentheid. Dit word opreg waardeer.

Soos belowe het ons onderneem om wel kommentaar te lewer en word hieronder vervat:-

Soos jy bewus is, was daar geen besware teen die aansoek van Erf 5703 Westcliff vanaf Enkelresidensiële sone na Besigheidsone nie. Hierdie onderstaande beswaar is nie 'n paar dae laat of 'n week laat nie, maar feitlik 'n maand of letterlik 4 weke laat. Wanneer kan ons aanvaar wat die afsny punt is by sulke laat kommentaar/ besware asseblief? 1 maand? 3 maande? 6 maande? Ek doen slegs navrae aangesien by ander munisipaliteite waarby ons werksaam is word hierdie datums streng toegepas. Ons is almal bewus dat dit statutêr verpligtend is om te adverteer vir 'n sekere aantal dae en statutêr verpligtend is om binne die voorgeskrewe periode kommentaar/beswaar te maak. As stadsbeplanners in die privaat sektor wil ons nie hierdie vertagings hê nie aangesien dit ons kliente benadeel en ons in 'n swak lig stel.

Nie te min, in die lig van die inhoud van die beswaar wat geopper is, is ons kommentaar op die eienaar van Erwe 521 & 522 Westcliff Hermanus se beswaar as volg:-

Beswaar: Eerste verdieping sal afkyk op sy eiendom

Creative Profile: Die huidige sonering is ook Residensiële 1 en dit is die eienaar van Erf 5703 se goeie reg om ook 'n dubbelverdieping met stoepe, balkonne, vensters op te rig binne regulasies, soos dit vir hulle gerieflik is. Dit is dus nie uniek onder die huidige soneringsregulasies nie en die eienaar van Erf 521 (Mnr Streicher) het geen rede om aan aangrensende eienaars voor te skryf wat hul mag doen binne hul ontwikkelingsregte nie en dus het hy nie rede om onsteld te wees nie.

Beswaar: Die woonstel se balkon sal direk op sy erf kyk.

Creative Profile: Dit is onwaar – die balkon is in 'n westelike rigting georiënteer en kyk lanks die mid-blok kadastrale lyn se rigting af. Buitendien is hierdie 'n voorlopige sketsdiagram en kan verander wanneer die projekargitek die finale munisipale planne voorberei asook die feit dat ja, Mnr Streicher moet sy toestemming gee vir strukture in boulyne wat grens aan sy eiendom (wat duidelik nie gegee gaan word nie). Dus sal die projek argitek hulle formele ontwerp moet aanpas. Ek glo die professionele argitek Mnr Andrew Finlayson is vertrou met presies hoe hierdie aspekte werk binne die konteks van 'n ontwikkeling.

Beswaar: Privaatheid word aangetas

Creative Profile: Soos reeds hierbo genoem mag die eienaar van Erf 5703 ook 'n dubbelverdieping ontwikkel met vensters in westelike en suidelike rigting wat ook die privaatheid sal benadeel – solank dit binne die skemaregulasies vervat word.

Beswaar: Sekuriteit word ingeboet deur huurders

Creative Profile: Hierdie is 'n ou gekykte stelling en dra geen waarde nie. Sekuriteit moet deur elke persoon beoordeel word by sy eie woning en daarvolgens voorsiening maak. Die res word oorgelaat en is die verantwoordelikheid van S&PS of die verskeie sekuriteitsmaatskappye hier in Hermanus werksaam is.

10 JUL 2023

Die eienaars van Erf 5703 is beide professionele mediese spesialiste wat verantwoordelik is tov die identifisering en keuring van huurders/ vakansiegangers en is baie betrokke by hul eiendomsportefeuje en defintief nie "onverantwoordelike individue" nie. Die eienaars wil tewens hul eie kantore hierna verskuif om aanvullend te wees van die dokters, tandoartse en argitekse suid van die aansoekerf.

Beswaar: Die bestaande (Myrtle House) dubbelverdieping is nie goed nagevors nie

Creative Profile: Dit is nie ons taak om te kyk of die gebou instand gehou word nie en as Mnr Streicher die beplanningsverslag goed deurgelees en dit verstaan, sal hy dit telkens teekom waar ons praat van die Myrtlestraat "streetscape" of estetiese straataansig. Ons het werklikwaar niks met sy onbenullige aanmerkings te doen nie en hy moet die estetiese aansig van die agterkant van Myrtle House self met die eienaars opneem.

Ons doel is om die grondregte te bekom. Terloops, Erf 5703 word reeds etlike jare deur onder andere, die Overstrand Munisipaliteit, politieke partye en ander as kantore aangewend en is as sulks ook vir die doel geomerk in die munisipale vooruitbeplanning en opgradering van Fase 2 (die publieke nodus rondom die parkeerterrein, polisie stasie en landroskantoor).

Beswaar: Addisionele verkeer en voete sal 'n negatiewe impak op die enkelresidensiële wonings in die area veroorsaak.

Creative Profile: Mnr Streicher se waarneming of aanmerking is totaal eensydig en nie objektief nie. Die herontwikkel van Myrtlestraat waar slegs Erf 5703 nog nie gehersoneer is na Plaaslike Sake nie maar reeds aangewend word vir kantore ens is juis 'n goeie buffer vir die enkelresidensiële woonbuurt wat wes geleë is.

Dieselfde aantal voertuie wat tans in die omgewing is gaan nie verhoog nie en gaan nie addisioneel wees nie.

Ook beplan die Munisipaliteit om Myrtlestraat teenaan die motorverhuringkantore oop te maak om beter voertuigsirkulasie te verbeter. Dus is Mnr Streicher se aannames totaal verkeerd en spreek nie die werklike meriete van die saak aan nie maar gryp na strooihalms (waar is sy bewyse en studies oor bogenoemde aantugings?).

Beswaar: Die woning op Erf 5703 is 'n historiese gebou.

Creative Profile: Alhoewel die gebou binne die Erfenis Sone resorteer, het hierdie spesifieke gebou geen historiese waarde wat 'n positiewe bydrae tot die straattoneel kan bring nie. Die geboue is volgens planne in ons besit verskeie kere aangelap en is argitektoniese defintief van geen waarde vir die dorp nie. Die eiendom is ook nie op die munisipale lys gemerk as 'n historiese/erfenis struktuur nie.

Dus word Mnr Streicher se historiese aantuging in totaliteit verwerp as onwaar en moedswillig.

Gevolgtrekking

Soos vanuit die voorafgaande gesien kan word spreek die beswaarmaker nie die meriete van die aansoek aan nie. In der waarheid het Mnr Streicher ook dubbelverdieping geboue van Myrtle House (Erf 520) asook die aangrensende Erf 519 wat oor sy eiendom kyk en in sy erf inkyk wat hy gerieflikheidshalwe ignoreer. Die hele noordelike grens van Erf 521 is teenaan 'n voorgestelde parkeerterrein op Erf 5703 soos aangetoon op die voorgestelde konsep uitleg plan. Soos reeds genoem, is die balkon waarna verwys word, aangrensend tot die Noord-oostelike hoek van Erf 521 en die siglyne is oor tuín en nie geboue nie. Ook belangrik is dat hierdie voorgestelde balkon is konseptueel en as daar geen goedkeuring vanaf aangrensende bure is vir die balkon binne 'n boulyn nie, moet die argitek die ontwerp aanpas.

Hierdie opgradering van Erf 5703 word professioneel aangepak en speel 'n belangrike rol in die rehabilitasie van Fase 2 van die dorp se ingang en publieke nodus. Dit is dus ons aanbeveling met eerbiedig aan die Raad dat die eiendom (Erf 5703) wat reeds jare vir kantore aangewend word, nou formele goedkeuring kry sodat die eienaars die perseel tot sy volle potensiaal kan ontwikkel.



10 Jan Smuts Drive
Pinelands
7404

Gideon Rossouw
Cell: 0614193857
Email: Gideonr@openserve.co.za

YOUR REF : WWIP_WHMN1272_23
YOUR REF : Erf 5703

06 April 2023

Attention AJ Fourie
Overstrand Municipality
16 Paterson Street
Hermanus
7200

Dear Sir /Madam

SERVICES AFFECTED

**APPLICATION FOR WAYLEAVE : Rezoning : Crative profile townplanners on behalf of 3 Myrtle (PTY) LTD -
Erf 5703, 3 Myrtle Street, Westcliff, Hermanus**

With reference to your application dated **29 March 2023**

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

Internal Use

As important cables are affected, please contact our representative Melt van As at telephone numb 0813637873/MeltVA@openseve.co.za at least 48 hours prior of commencement on construction work.

I hereby inform you that Openseve approves the proposed work indicated on your drawing in principle. This approval is valid for 6 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, Openseve 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.

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.

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

All Openseve rights remain reserved.

Yours faithfully
Gideon Rossouw
FOR
Selwyn Bowers
Operations Manager













Wayleave Management: Western Region

PLANT AFFECTED : FIBRE AND COPPER

This wayleave, Reference Number WWIP_WHMNI272_23 valid for 06 months from date here of and is subject to the following conditions:


1. No mechanical plant or vibrator type compactors may be used within three metres of any Openserve 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 Melt van As/0813637873/MelVA@openserve.co.za must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Openserve Plant will be indicated on site.
3. A written request must be submitted to Openserve for consideration should the applicant require our plant to be relocated. The cost of such 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 Openserve immediately should the applicant locate any Openserve plant which is not indicated on the plans.
5. Should the applicant expose any Openserve plant, the safeguard thereof will be the applicant's 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 the damage or loss as a result thereof.

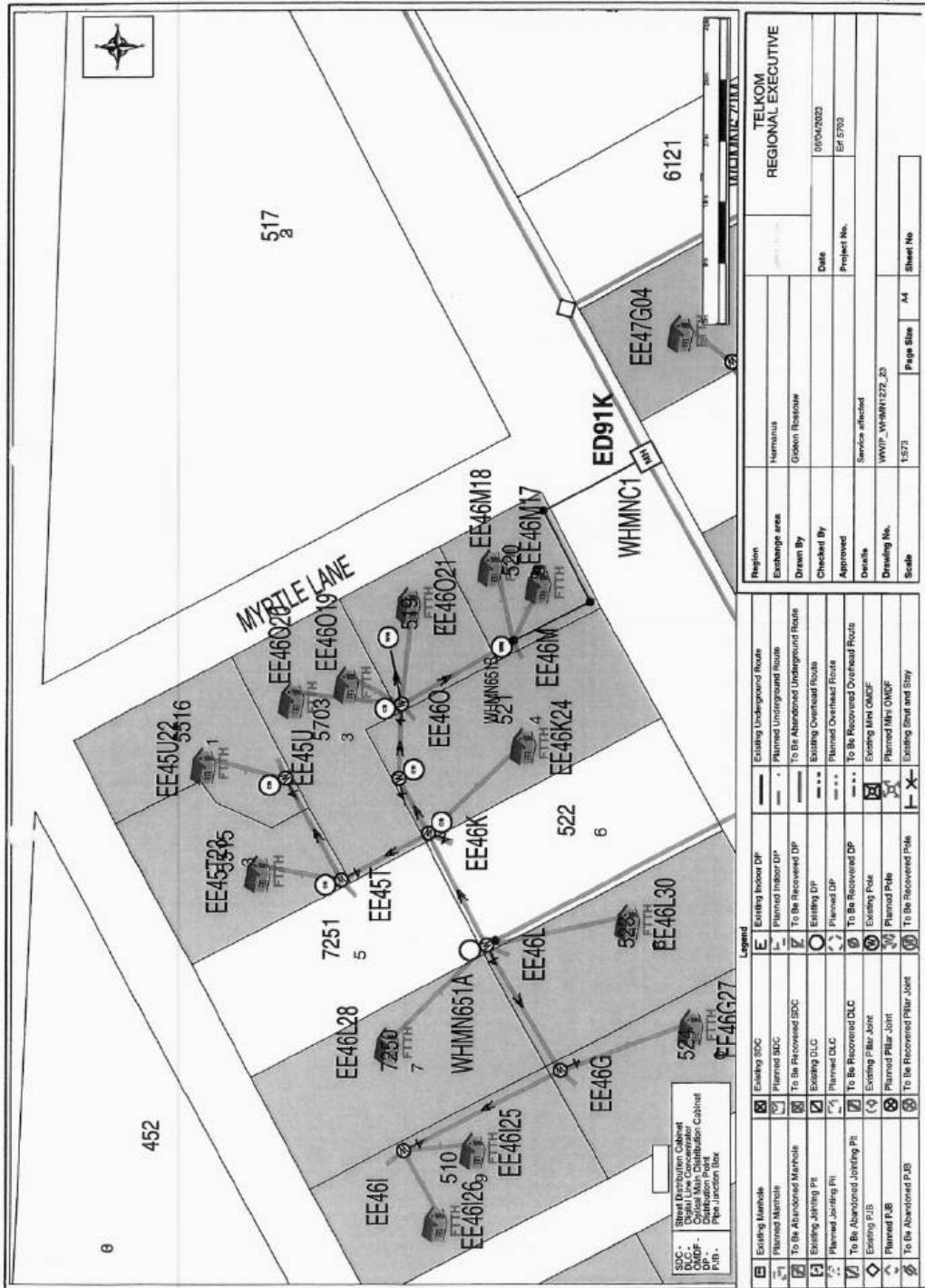
Date: 06 April 2023 By: Gideon Rossouw
For Regional General Manager

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

Optic Fibre indicated in PINK on the plan

The pipeline indicated (in Pink) contains OPTIC FIBRE cables.





Region	Humanitas	TELKOM REGIONAL EXECUTIVE
Exchange area	Golden Residence	
Drawn By		
Checked By		Date: 06/04/2023
Approved		Project No.: Eri 5793
Details	Service affected	
Drawing No.	WVWP_MHBM1722_23	
Scale	1:573	Page Size: A4 Sheet No:

Legend	
	Existing Manhole
	Planned Manhole
	To Be Abandoned Manhole
	Existing Lighting Pit
	Planned Lighting Pit
	To Be Abandoned Lighting Pit
	Existing P.I.B.
	Planned P.I.B.
	To Be Abandoned P.I.B.
	Existing SDC
	Planned SDC
	To Be Recovered SDC
	Existing DLC
	Planned DLC
	To Be Recovered DLC
	Existing Pole
	Planned Pole
	To Be Recovered Pole
	Existing Underground Route
	Planned Underground Route
	To Be Abandoned Underground Route
	Existing Overhead Route
	Planned Overhead Route
	To Be Recovered Overhead Route
	Existing Mini OMDP
	Planned Mini OMDP
	Existing Seat and Stay
	Planned Seat and Stay

SDC - Street Distribution Cabinet
 DLC - Digital Line Concentrator
 DP - Distribution Point
 P.I.B. - Pole Junction Box



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING: ERF 5703, WESTCLIFF (4304/2022)**

Stormwater (SW) :	Refer to Conditions
Electricity :	Refer to Conditions
Water :	Refer to Conditions
Sewer :	Refer to Conditions
Roads and traffic :	Refer to Conditions

Conditions:

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

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

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

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

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

The contribution according to the current policy (2022/2023) is as follows:

Freehold erven:

Water	R 26 036.00 x -0.451	= -R 11 742.24
Sewerage	R 17 555.00 x -0.451	= -R 7 917.31
Roads	R 7 872.00 x 2,871153	= R 22 601.72
Stormwater	R 9 082.00 x 0,78	= R 7 083.96
Solid Waste	R 1 574.00 x 0,4625	= R 727.98
TOTAL (inclusive of VAT)		= R 10 754.11

Please note that the above figures:

- a) **Are estimated amounts.**
 - b) **Exclude investigation levies and connection fees.**
 - c) **Are only valid for the 2022/2023 financial year and subject to annual tariff adjustments.**
2. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;

3. 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 owner's cost;
4. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
3. 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*;
4. that on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. 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;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
7. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;

p.p. R. Coche
DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES

23/05/2023
DATE

