

OVERSTRAND MUNISIPALITEIT

RESTANT ERF 243, HERMANUS EN ERF 6667, BALFOURSTRAAT 7, WESTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM ONDERVERDELING, HERSONERING, KONSOLIDASIE, AFWYKING, DIE BEPALING VAN 'N ADMINISTRATIEWE BOETE, EN DIE OORDRAG VAN 'N GEDEELTE VAN RESTANT ERF 243 HERMANUS: PLAN ACTIVE STADS- EN STREEKSBEPLANNERS NAMENS VON ZEUNER PROPERTIES (PTY) LTD

Kragtens Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die volgende aansoek van toepassing op Restant Erf 243, Hermanus en Erf 6667, Hermanus, naamlik:

Paragraaf 1:

Onderverdeling ingevolge Artikel 16(2)(d) van die Verordening van Restant Erf 243, Hermanus in twee (2) gedeeltes, naamlik Gedeelte A (±378m² groot) en die Restant (grootte onbekend).

Hersonering ingevolge Artikel 16(2)(a) van die Verordening van bogenoemde Gedeelte A vanaf Vervoersone 2: Pad en Parkering (TR2 A) na Sakesone 3: Plaaslike Sake (B3), asook die hersonering van Erf 6667, Hermanus vanaf Residensiële Sone 1: Enkelwoonsone (SR1) na Sakesone 3: Plaaslike Sake (B3).

Konsolidasie ingevolge Artikel 16(2)(e) van die Verordening van bogenoemde Gedeelte A en Erf 6667, Hermanus ten einde mediese spreekkamers en verwante gebruike op die gekonsolideerde eiendom te akkomodeer.

Afwyking ingevolge Artikel 16(2)(b) van die Verordening (van toepassing op bogenoemde gekonsolideerde eiendom) vir die:

- verslapping van die noordelike laterale boulyn vanaf 3m na 2m om die bestaande gebou en aanbouings daartoe, te akkomodeer;
- verslapping van die oostelike laterale boulyn vanaf 3m na ±2.117m om 'n oop stoep te akkomodeer, asook die verslapping van die hoogtebeperking daarvan vanaf 1m na ±1,283m en ±1,548m van natuurlike grondvlak.

Bepaling van 'n administratiewe boete ingevolge Artikel 16(2)(q) van die Verordening.

Besonderhede aangaande die voorstel lê ter insae gedurende woensdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus.

Enige kommentaar op die voorstel in **paragraaf 1** moet skriftelik wees in ooreenstemming met Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op **23 Augustus 2024**, met u naam, adres en kontakbesonderhede, belang in die aansoek, asook die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mr. H Boshoff** by 0283138900.

Paragraaf 2:

Die Raad se voorneme om ingevolge Artikel 14 van die Wet op Plaaslike Regering: Minisipale Finansiële Bestuurswet (Wet 56 van 2003) 'n gedeelte van Restant Erf 243 Hermanus met die volgende besonderhede oor te dra aan:

Koper: Von Zeuner Properties (Pty) Ltd
Koopsom: R145.53/m² (BTW uitgesluit)
Ligging: Hoek van Balfourstraat en Hospitaalpad, Westcliff, Hermanus, aangrensend aan Erf 6667 Hermanus
Doel: Parkering
Grootte: ±380m²

Enige kommentaar op die voorstel in **paragraaf 2** moet skriftelik wees en die Munisipaliteit (Eiendomsadministrasie Departement, h/v Molteno- en Viljoenstraat, Onrustrivier / (t) 0283135601 / (e) wmurtz@overstrand.gov.za) bereik voor of op **23 Augustus 2024**, met u naam, adres en kontakbesonderhede, belang in die aansoek, asook die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Hoofklerk, Mej. W Murtz** by 0283165601. Volledige besonderhede rakende die aansoek is per afspraak beskikbaar vir inspeksie gedurende woensdae by die Eiendomsadministrasie Departement.

Die Munisipaliteit mag weier om kommentare te aanvaar wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, **HERMANUS, 7200**

Munisipale Kennisgewing Nr. 109/2024

OVERSTRAND MUNICIPALITY

REMAINDER ERF 243, HERMANUS AND ERF 6667, 7 BALFOUR STREET, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, REZONING, CONSOLIDATION, DEPARTURE, THE DETERMINATION OF AN ADMINISTRATIVE PENALTY, AND THE TRANSFER OF A PORTION OF REMAINDER ERF 243 HERMANUS: PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF VON ZEUNER PROPERTIES (PTY) LTD

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of the following applications applicable to Remainder Erf 243, Hermanus and Erf 6667, Hermanus, namely:

Paragraph 1:

Subdivision in terms of Section 16(2)(d) of the By-Law for the of Remainder Erf 243 in two (2) portions, namely Portion A (±378m²) and the Remainder (extent unknown).

Rezoning in terms of Section 16(2)(a) of the By-Law of the above Portion A from Transport Zone 2: Public Road and Parking (TR2 A) to Business Zone 3: Local Business (B3), as well as the rezoning of Erf 6667, Hermanus from Residential Zone 1: Single Residential (SR1) to Business Zone 3: Local Business (B3).

Consolidation in terms of Section 16(2)(e) of the By-Law of the above Portion A and Erf 6667, Hermanus to accommodate medical consulting rooms and associated uses on the consolidated property.

Departure in terms of Section 16(2)(b) of the By-Law (applicable to the above consolidated property) for the:

- relaxation of the northern lateral building line from 3m to 2m to accommodate the existing building and additions thereto;
- relaxation of the eastern lateral building line from 3m to ±2,117m to accommodate the new uncovered stoep, as well as the relaxation of the height restriction thereof from 1m to ±1,283m and ±1,548m from natural ground level.

Determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law.

Details regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus.

Any comments on the proposal in **paragraph 1** must be in writing in accordance with Sections 51 and 52 of the By-Law to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before, **23 August 2024**, quoting your name, address and contact details, interest in the application, as well as the reasons for comment. Telephonic enquiries can be made to the **Town Planner, Mr. H Boshoff** at 0283138900.

Paragraph 2:

Council's intention in terms of Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003) to transfer a portion of Remainder Erf 243 Hermanus with the following details to:

Purchaser: Von Zeuner Properties (Pty) Ltd
Purchase Price: R145.53/m² (VAT excluded)
Locality: Corner of Balfour Street and Hospital Road, Westcliff, Hermanus, adjacent to Erf 6667 Hermanus
Purpose: Parking
Size: ±380m²

Any comments on the proposal in **paragraph 2** must be in writing and reach the Municipality (Property Administration Department, c/o Molteno- and Viljoen Street, Onrustrivier / (t) 0283135601 / (e) wmurtz@overstrand.gov.za) on or before, **23 August 2024**, indicating your name, address and contact details, interest in the application, as well as the reasons for commenting. Telephonic enquiries can be made to the **Principal Clerk, Miss. W Murtz** at 0283165601. Full details regarding the application are available, by appointment, for inspection during weekdays at the Property Administration Department.

The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them to formalize their comment.

Municipal Manager, Overstrand Municipality, P.O. Box 20, **HERMANUS, 7200**

Municipal Notice No. 109/2024

UMASIPALA WASEOVERSTRAND

INTSALELA YESIZA ESINGU-ERF 243, HERMANUS NESIZA ESINGU-ERF 6667, 7 BALFOUR STREET, WESTCLIFF, HERMANUS, UMASIPALA OKUMMANDLA WASE-OVERSTRAND: ISICelo SOKUNGENISA UKWAHLULA KWAKHONA, UKWAHLULA-HLULA, UKUCANDA KWAKHONA, UKUYONDELELANISA, UKWAHLULA, INGQIKELELO YEPENALITHI YOBHALISO, NOKUKHUTSHELWA KWIXALENYE INTSALELA EKWISIZA ESINGU-ERF 243 HERMANUS: NGABAKWAPLAN ACTIVE TOWN- AND REGIONAL PLANNERS EGAMENI LIKA- VON ZEUNER PROPERTIES (PTY) LTD

Kukhutshwe isaziso esimayela nemiba yeSolotya lama-47 nelama-48 nguMasipala wase-Overstrand ngokuHlomela uMthethwana kaMasipala ngeZicwangciso zokuSetyenziswa kaMhlaba kaMasipala ku2020 (uMthethwana) omayelanezi zicelo zisebenziseka kwiNtsalela nentsalela engu Remainder Erf 243, Hermanus neSiza esingu-Erf 6667, Hermanus, ezibizwa:

Umhlathi 1:

Ukwahluhlula ngokwemiba yeSolotya le16(2)(d) of loMthethwana ongeNtsalela ekwiSiza u-Erf 243 ibe zinxalenye ezimbini (2) ezibizwa iNxalenye A(Portion A) (±378m²) neNtsalela enguRemainder (ubungakanani abaziwa).

Ukucanda kwakhona ngokwemiba yeSolotya le16(2)(a) loMthethwana ongentla Portion A ukusuka kwiZoni yeZithuthi Transport Zone 2: Indlela kaWankonwele nendawo yokuPaka enguParking (TR2 A) ukuya kwiZoni yoShishino iBusiness Zone 3: Ushishino Lwasekhaya Local Business (B3), kunye nokucanda kwakhona isiza esinguErf 6667, Hermanus ukusuka kwiZoni yokuhlala Abantu Residential Zone 1: Izindlu ezihlala Usapo Olunye Single Residential (SR1) zibe yiZoni yoShishino kuZoni 3: Ushishino Lwasekhaya Local Business (B3).

Ukuyondelelanisa ngokwemiba yeSolotya le16(2)(e) loMthethwana ongentla weNtsalela nguPortion A neSiza esingu-Erf 6667, Hermanus ukulungiselela amagumbi okukhululeka izigulana nemiba ehambelana noko kusetyenziselwa lamagumbi kuYondelelanisa.

Ukwahluka ngokwemiba yeSolotya le16(2)(b) loMthethwana (esebenziseka kuYondelelanisa lwesiza/loMhlaba) kwezi meko zilandelayo:

- ukunyenisa umgca wesakhiwo kwicala elisempuma yesakhiwo ukusuka kwiimitha ezi3m ukuya kwi±2,117m ukulungiselela isitupha esitsha esingagquneyelwanga kunye nokunyeniswa kwemiqobo kubude ngoko ke ukusuka kwiimitha e-1m ukuya kwi±1,283m neziyi ±1,548m ukusuka kwinqanaba elingumgangatho wendalo..

Ingqikelelo yepenathi lobhaliso ngokwemiba yeSolotya le16(2)(q) loMthethwana.

Inkcukacha ezimayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwintsuku zaphakathi evekini ukusukela kwintsimbi ye08:00 ukuya kweye-16:30 kwiSebe: LeziCwangciso zeDolophu 16 Paterson Street, Hermanus.

Naziphi na izimvo ezimayela nesi siphakamiso **sikumhlathi 1 mazibhlawe** phantsi zingeniswe kwamasipala ngokwezibonelelo zeSolotya lama-S1 nelama-52 loMthethwana zifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi komhla, **23 EyiThupa 2024**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umda wakho kwesi sicelo, kwakunye nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingabuzwa **Mcwangcisi weDolophu, Mnu. H Boshoff** kwa-0283138900.

Umhlathi 2:

Injongo yeBhunga ngokwemiba yeSolotya le14 likaRhulumente waseKhaya: Umthetho woLawulo lwezeMali (Umthetho 56 ka2003) ukukhuphela inxalenye eyiNtsalela yeSiza esinguErf243 Hermanus onezinkukacha zilandelayo zilungiselelwe umtheng:

Umthengi: Von Zeuner Properties (Pty) Ltd
Ixabiso Lokuthenga: R145.53/m² (IVAT ayifakwanga)
Ingcingo: Corner of Balfour Street and Hospital Road, Westcliff, Hermanus, adjacent to Erf 6667 Hermanus
Injongo: Parking
Isayizi: ±380m²

Naziphi na izimvo ngesi siphakamiso **sikumhlathi 2** kufuneka zibhalwe phantsi zifike kwaMasipala (iSebe Lobhaliso Lwezindlu/Lomhlaba, c/o Molteno- and Viljoen Street, Onrustrivier / (t) 0283135601 / (e) wmurtz@overstrand.gov.za) ngomhla okanye ngaphambi komhla, **23 EyiThupa 2024**, ubalule igamam lakho, idilesi neenkukacha ofumaneka kuzo, umda kwesi sicelo, kunye nezizathu zakho zokuhlomla. Imibuzo ngefowuni ingathuyelwa ku**Mabalana oyiNtoko, Nkszn. W Murtz** ku-0283165601. Iinkukacha ezipheleleyo mayela nesi sicelo ziyafumaneka, ngokwenza idinga, ukuze zihlolwe phakathi evekini kwiSebe Lobhaliso lweZindlu/Lwemihlaba.

UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvula. Nabani na ongakwazi ukufundana nokubhala angahambela kwiSebe Lezicwangciso zeDolophu apho igosa likamasipala liza kunceda ahlomle ngokusemthethweni.

Umlawuli kaMasipala, Overstrand Municipality, P.O. Box 20, **HERMANUS, 7200**

Inothisi kaMasipala Nomb. 109/2024



**DETERMINATION OF AN ADMINISTRATIVE PENALTY
AND PROPOSED SUBDIVISION, REZONING,
CONSOLIDATION AND DEPARTURE:
ERVEN 243 AND 6667 HERMANUS**

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by Drs. W.A. & L. von Zeuner, the directors of Von Zeuner Properties Pty Ltd, the owner of erf 6667 Hermanus, and A. le Roux, on behalf of Overstrand Municipality, the owner of erf 243 Hermanus, to apply for the determination of an administrative penalty, subdivision, rezoning, consolidation and departure of erven 243 and 6667 Hermanus.

Dr. Werner von Zeuner is a physician and currently operates his practice from the medical suites at Hermanus Mediclinic. His wife, Dr. Linda von Zeuner, is a general practitioner in Hermanus. The couple bought erf 6667 Hermanus to allow Dr Linda von Zeuner to relocate her consulting rooms to the subject property. The property has been used as a medical facility (GP practice) since mid-2021. Initially, approximately 30% of the total surface was used for medical practice. In the interim, over the last year, this area has increased to approximately 50%.

In April 2021 a departure application was submitted to allow Dr. Linda von Zeuner and a paramedical service provider (for example a nurse) to practice a home occupation (doctors' consulting rooms) on the subject property. With the submission and evaluation of the land use application, the municipal town planning officials did not favour the departure application to accommodate the proposed medical

consulting rooms on erf 6667 Hermanus. It was recommended that the property be rezoned. The Town Planning department favoured the rezoning of erf 6667 Hermanus to Business Zone 3: Local Business, subject to the provision of sufficient parking bays on site. However, the parking issue could not be resolved due to property size constraints and the position of the existing structures on the subject property. The relevant town planning official scheduled a meeting to discuss the issues at hand. An alternative to resolve the parking issue was presented to us by the Town Planning officials. It was proposed that we investigate the possibility of the acquisition of a portion of the road reserve of Hospital Road.

As a result, we applied on behalf of our client to obtain a portion of Hospital Road (road reserve) to enlarge erf 6667 Hermanus to accommodate the medical consulting rooms and parking area on the subject property. The land acquisition application was approved on 6 March 2023 (copy attached). The Deed of Sale was also signed by the respective parties (copy attached).

This application intends to address the unlawful use of erf 6667 Hermanus for medical consulting rooms purposes, to meet the requirements of the land acquisition approval of erf 243 Hermanus (subdivision, rezoning and consolidation) and the departures required to allow the newly consolidated erf 6667 Hermanus to be used for medical consulting rooms purposes.

A formal road and public place closure procedure does not form part of the application process since the Status Report issued by the Surveyor-General dated 29 March 2023 confirmed that erf 243 Hermanus is not shown as a public place or street in their records.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the determination of an administrative penalty for the unlawful use of erf 6667 Hermanus;

- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the subdivision of erf 243 Hermanus and registration of a services servitude over both erven 243 and 6667 Hermanus;
- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the rezoning of Portion A, a portion of erf 243 Hermanus, and erf 6667 Hermanus;
- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the consolidation of Portion A, a portion of erf 243 Hermanus, with erf 6667 Hermanus;
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the departure of newly consolidated Portion A, a portion of erf 243 Hermanus, and erf 6667 Hermanus.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

Erf 6667 Hermanus is situated at 7 Balfour Street, Westcliff, Hermanus. Hospital Road (erf 243 Hermanus) is situated south of erf 6667 Hermanus. Refer to the locality plan attached. Erf 6667 Hermanus is 681m² in extent and is held by title deed no. T34276/2019. Erf 243 Hermanus' size is unknown (since it is remainder municipal land that stretches through the whole of Hermanus) and is held by title deed no. T92094/2001. The subject properties are situated in a residential, institutional and medical environment.

3.2 ZONING

Erf 243 Hermanus is zoned Transport Zone 2: Roads and Parking (TR2). Erf 6667 Hermanus is zoned Residential Zone I: Single Residential (SR1).

Surrounding properties are zoned for Community Zone 1: Community Facilities, Residential Zone I: Single Residential, Authority Zone: Authority Usage and Transport Zone 2: Road and Parking purposes.

Zonings of Business Zone 3: Local Business have been granted in Church Street, opposite Mediclinic and Hermanus Hospital. Home occupation practices in the form of doctor's consulting rooms are common in the immediate area.

3.3 LAND USE

Erf 243 Hermanus is a vacant portion of land (road reserve). There is an existing single storey dwelling, outbuilding and wendy house situated on erf 6667 Hermanus. 50% of the structures on erf 6667 Hermanus are currently being used as medical consulting rooms (Hermanus Family Practice).

Land uses that surround erven 243 and 6667 Hermanus are dwellings, the Living Waters Family Church, Huis Lettie Theron frail care centre, Hermanus Hospital, Mediclinic, the Oncology Centre, doctor's consulting rooms (rezoned properties and home occupation uses), guest houses and public roads.

3.4 PROPOSED DEVELOPMENT

1. The determination of an **administrative penalty** for erf 6667 Hermanus to accommodate the existing medical consulting rooms (Hermanus Family Practice) in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020;
2. The **subdivision** of erf 243 Hermanus in terms of Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to:
 - 2.1 Subdivide erf 243 Hermanus into two portions as follows:

- Portion A: $\pm 378\text{m}^2$
 - Remainder (extent unknown).
- 2.2 Subdivide both erven 243 and 6667 Hermanus to register a 3m wide services servitude of $\pm 85\text{m}^2$ in extent over the newly consolidated portion in favour of Overstrand Municipality;
3. The **rezoning** of:
- Portion A, a portion of erf 243 Hermanus, from Transport Zone 2: Public Roads and Parking (TR2) to Business Zone 3: Local Business (B3) in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020;
 - Erf 6667 Hermanus from Residential Zone I: Single Residential (SR1) to Business Zone 3: Local Business (B3).
4. The **consolidation** of Portion A, a portion of erf 243 Hermanus, with erf 6667 Hermanus in terms of Chapter 4, Section 16(2)(e) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, as follows:
- Portion A of $\pm 378\text{m}^2$ in extent to be consolidated with
 - Erf 6667 Hermanus of 681m^2 in extent
- To create a newly consolidated portion of $\pm 1059\text{m}^2$ in extent.
5. The **departure** of newly consolidated erf 6667 Hermanus in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to:
- relax the northern lateral building line from 3m to 2m to accommodate the change of use of the existing approved dwelling to medical consulting rooms and alterations to the approved structure as proposed for Suite 5A;
 - relax the eastern lateral building line from 3m to 2,117m to accommodate the new uncovered stoep with stairs with a height of 1,283m and 1,548m from natural ground level;
 - deviate from the number of permissible access points allowed in Balfour Street to allow two access points.

3.4.1 Rectification of contravention

In terms of Chapter 5, Section 90(1) a person who is in contravention of the Municipal Planning Amended By-Law (2020), and submits an application to rectify the contravention, must apply to the Municipality for the determination of an administrative penalty, provided that the Municipality has not obtained and issued a demolition directive in terms of Section 85 in respect of the land or building or part thereof concerned.

As the application is for the rectification of a contravention of the By-Law (due to the unlawful use of the approved dwelling for medical consulting room purposes) an application is submitted for the determination of an administrative penalty fee in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020. However, the Municipal Planning Tribunal (MPT) has the authority not to impose such a fee.

Dr. Werner von Zeuner is a physician and currently operates his practice from the medical suites at Hermanus Mediclinic. His wife, Dr. Linda von Zeuner, is a general practitioner in Hermanus. The couple bought erf 6667 Hermanus to allow Dr Linda von Zeuner to relocate her consulting rooms to the subject property. The property has been used as a medical facility (GP practice) since mid-2021 without the required land use approvals in place. Initially, approximately 30% of the total floor area was used for medical practice. In the interim, over the last year, this area has increased to approximately 50% ($\pm 115\text{m}^2$ of the approved dwelling).

In terms of Section 90(3) of the MPBL, the MPT must at least consider the following factors when determining an appropriate administrative penalty:

- **The nature, duration, gravity and extent of the contravention and the conduct of the person involved in the contravention**

The property has been used as a medical facility (GP practice) since mid-2021 without the required land use approvals in place. Our client has been aware that their occupation is unlawful and have in the interim applied for formal business rights (departure application submitted in April 2021). Their intention was not to deceive or

to be malicious (as we will explain below) and they have also endeavoured to follow the right processes since their ignorance has come to light.

At the time of the purchase of the property, the initial plan was to develop this into a medical practice over time. When the property was vacated, the building was persistently targeted by burglars stealing pipes and various copper materials in and around the premises. The premises itself was dangerous to the community and there were several complaints from surrounding neighbours. Our client was able to demolish the building and clean up the subject property despite initial pushback from the bank that owned the property bond.

At the same time there were multiple rumours and physical evidence of land grab and land occupation in Hermanus. Word of mouth in the community suggested that some political parties were in favour of land grab / occupation in Hermanus as well as in Westdene. It was then the decision to start building on the premises rather than keeping the premises vacant. The original design was for a residential house that would be equipped with all amenities to be comfortably occupied by a family. The outlay of the plan was however designed in such a way that it could be converted back into a medical practice once the appropriate application was in place. The timing of such an application was not clear and our client's initial understanding was that this can take many years and might not succeed.

It was our client's understanding that if 30% or less of the premises was used for business, it will still be lawful practice. The rest of the practice was going to be used as an overnight suite for doctors working at Mediclinic Hermanus or for personal use related to work during the COVID-19 period. Further at that stage the extent of the COVID-19 pandemic was not clear and felt that it might, at least in part, go on forever. At the time our client believed that their plans were appropriate to accommodate the expected future.

At the time of the planning, they were unaware that the 30% business use rule was only applicable to people who use the premises as their primary dwelling. Since our client became aware of this, they have started the process of applying for business rights on the premises. They have endeavoured to follow the right processes and following the right channels.

Given the expanding need for medical services in Hermanus various allied health professionals have now also started practicing on the premises. The premises are still used as a medical practice. As mentioned currently approximately 50% of the premises are used for these purposes. Many of these allied health professionals do not have other accommodation. Since they've started occupying the premises none of the tenants have been asked for any rent and are using the premises free of charge. Our client's hope was always to service the community, encourage gainful employment, and do good work.

It is our opinion that our client is not guilty of any other transgressions and ask that you keep the above-mentioned in mind when calculating the penalty.

- **Whether the unlawful conduct was stopped**

The unlawful use was not stopped since the medical practice delivers an essential service to the community. In addition, no other suites / locations are available to accommodate the health professionals that currently practice from erf 6667 Hermanus. Our client now attempts to rectify the contravention by submitting the administration penalty and land use application in order to legalise the land use on the subject property.

- **A report by a quantity surveyor in matters of unauthorised building / construction**

If the Overstrand Municipality finds it necessary that an administrative penalty fee be enforced for the unauthorised building work, we will submit a report from a quantity surveyor with reference to the unauthorised land use. The reason being that if there is a chance that no penalty fee is imposed the report from a quantity surveyor will be unnecessary at this stage.

The approved building (dwelling) was merely altered and renovated internally to accommodate the medical practice. No new additions were made to the existing structures to accommodate the existing medical consulting rooms in use.

- **Whether a person involved in the contravention has previously contravened this By-Law or a previous planning law**

To the best knowledge of the applicant and as confirmed by our client, our client has never previously contravened this By-Law or any other previous planning law concerning the dwelling / medical practice on erf 6667 Hermanus.

- **Summary**

We appeal to the Overstrand Municipality to take into consideration that there is no impact of the existing medical consulting rooms on the surrounding area. It should also be considered that no complaints from surrounding properties have been submitted with regards to the medical practice on erf 6667 Hermanus. In addition, the Hermanus Family Practice delivers an essential health service to the immediate community. Considering all the above, we respectfully request that no penalty fee be imposed on our client for the reasons given above.

3.4.2 Land use applications: Subdivision, rezoning and departure

The property has been used as a medical facility (GP practice) since mid-2021. Initially, approximately 30% of the total surface was used for medical practice. In the interim, over the last year, this area has increased to approximately 50%.

In April 2021 a departure application was submitted to allow Dr. Linda von Zeuner and a paramedical service provider (for example a nurse) to practice a home occupation (doctors' consulting rooms) on the subject property. The municipality was not in favour of this larger home occupation arrangement. To submit a rezoning application was also not an option at the time since the limited size of the property made it impossible to comply with the minimum parking requirements. As a result, we applied on behalf of our client to obtain a portion of Hospital Road (road reserve) to enlarge erf 6667 Hermanus and submit a rezoning application to accommodate the medical consulting rooms on the subject property. The land acquisition application was approved on 6 March 2023 (copy attached).

An infill housing development on the road reserve north of Hospital Road was approved, the aforementioned infill housing development will stop at the Balfour Street intersection since the proposed infill housing erven east of Balfour Street would have been too narrow to be developed feasibly. Refer to the extract from Nu Plan Africa's infill housing subdivision plan dated 14 November 2019 below, with the portion of the road reserve proposed for acquisition, marked with an asterisk (*):



The result of the approved infill housing development that stops at the Balfour Street intersection is that there is a portion of road reserve between Balfour and De Goede Street that will most likely remain undeveloped. Logically Hospital Road will most likely not be widened in the future, otherwise the infill housing development would not have been approved in the first place. The aforementioned was confirmed by the municipality with the approval of the land acquisition application.

Firstly, to give effect to the approval from Property Administration, it is proposed to subdivide erven 243 and 6667 Hermanus as follows:

1. Subdivision of erf 243 into two portions:
 - Portion A: $\pm 378\text{m}^2$;
 - Remainder: extent unknown.
2. Subdivision of erven 243 and 6667 Hermanus to create a 3m wide services servitude over the newly consolidated property in favour of Overstrand Municipality.

Secondly, it is proposed to rezone Portion A, a portion of erf 243 Hermanus, and erf 6667 Hermanus as follows:

- Portion A, a portion of erf 243 Hermanus, from Transport Zone 2: Public Roads and Parking (TR2) to Business Zone 3: Local Business (B3); and
- Erf 6667 Hermanus from Residential Zone I: Single Residential (SR1) to Business Zone 3: Local Business (B3).

Portion A, a portion of erf 243 Hermanus, will be alienated to Von Zeuner Properties Pty Ltd. This will enable our client to include this portion of land in the redevelopment of erf 6667 Hermanus.

Thirdly, it is proposed to consolidate the subject properties as follows:

PROPOSED CONSOLIDATION	Portion A: ±378m ² Erf 6667: 681m ²
TOTAL EXTENT OF PROPOSED CONSOLIDATION	1059m ²

Refer to the proposed subdivision and consolidation plan attached.

A formal road and public place closure procedure does not form part of the application process since the Status Report issued by the Surveyor-General confirmed that erf 243 Hermanus is not shown as a public place or street in their records.

Remainder erf 243 Hermanus will keep its existing zoning of Transport Zone 2 (Public Road). It is proposed to redevelop the newly consolidated portion to allow our client to continue to use the existing structures on erf 6667 Hermanus as a medical practice (Hermanus Family Practice) on the newly consolidated property.

The Overstrand Land Use Scheme Regulations (2020) specifies the following primary rights for Business Zone 3: Local Business (B3) properties:

*“Primary uses are: shops, dwelling unit (above ground floor) in accordance with 6.3.2, flats (above ground floor), **offices**, restaurant, caretaker’s accommodation and self-catering.*

Offices and medical consulting rooms are defined as follows:

“office” means property used for conducting an enterprise primarily concerned with administrative, clerical, financial or professional duties and includes medical consulting rooms;

“medical consulting rooms” means an office or offices and associated rooms utilised by a registered medical professional for human medical related consultation, where such office is not attached to a hospital or clinic;

The proposed medical consulting rooms can therefore be accommodated on the newly consolidated property as a primary right. No consent use applications are required.

Fourthly, it is proposed to retain the existing structures. The approved dwelling is positioned on the 2m northern lateral building line (the lateral building line that applies to SR1 zoned properties). The use of the building will now be medical consulting rooms. An application is therefore submitted for a departure as follows:

- To deviate from the northern lateral building line of 3m to 2m to accommodate the change of use from an approved dwelling to medical consulting rooms and the alterations proposed to the structure (Suite 5A) within the 3m lateral building line.

Internal and external alterations will be done to accommodate the change of use from dwelling to medical consulting rooms. The additions and alterations are indicated on the site development plan. As part of the additions a new uncovered stoep will be constructed on the eastern side of the building. The new stoep is higher than 1m from natural ground level and therefore a departure is submitted to:

- relax the eastern lateral building line from 3m to 2,117m to accommodate the new uncovered stoep with stairs with a height of 1,283m and 1,548m from natural ground level.

Refer to the SDP and eastern elevation.

In addition, a new parking area will be developed to ensure ample parking space is provided for on-site. As per the municipality's requirement the access to the medical practice will be from Balfour Street only (no access is proposed from Hospital Road). The existing access point will be moved slightly to the south as requested by the engineering services department. An additional access point closer to the northern

erf boundary is also proposed. Since only one access point is allowed from Balfour Street, an application is submitted for a departure to deviate from the access requirements to allow the second access point from Balfour Street. Mr Andrew Ricardo (Manager: Engineering Services Department) already indicated in their preliminary comment on the site development plan (SDP) that they have no objection to the second access point (email dated 18 January 2024 attached). However, only the one access point will be used by patients and medical practitioners as per the municipality's comment.

The Hermanus Family Practice will consist of five medical suites (suites 1 to 4 and 5A to 5C), two waiting rooms, a kitchen and bathrooms. Refer to the floor layout on the SDP. The following information should be considered with the proposed medical consulting rooms:

- Medical consulting rooms are considered a professional service and is accommodated under “offices” on a B3 zoned property;
- Personnel:
 - Doctors: One (1) full-time - Dr Linda von Zeuner General Practitioner: Consultation slots: 30 min.
 - Future plans: Possibly one (1) Specialist: Dr. E. Gibson looking to rent a room: Part-time 10:00 to 15:00: Three times a week: One-hour slots.
 - Added General Practitioner: To alternate with the above-mentioned doctors; Thus, a maximum of two (2) doctors are on site per day.
 - Clinical Psychologist: Karin Brand: 08:00 - 16:00: Full time: one-hour slots.
 - Occupational therapist: Jennifer Bronkhorst: Part-time: 30 - 60 min slots.
- The hours of operation will conform to the restricted hours of 07h30 to 17h30 on Mondays to Fridays and 07h30 to 13h00 on Saturdays. It is however anticipated that Dr. Linda von Zeuner's practice hours will be from 08:00 to 15:30 Mondays to Fridays.
- The storage of products, goods, or supplies shall be inside the building.

The total extent of the medical consulting rooms after new additions ($\pm 73\text{m}^2$) and alterations will be 346m^2 . The coverage of newly consolidated erven 243 and 6667 Hermanus will be $\pm 32,7\%$. The coverage of newly consolidated erf 6667 Hermanus does therefore not exceed the maximum coverage of 75% applicable to Business

Zone 3: Local Business (B3) erven.

On-site parking will be provided to the satisfaction of the Municipality. The total Gross Leasable Area (GLA) is 204m². The Land Use Scheme stipulates that four (4) parking bays are required for every 100m² GLA allocated for medical consulting rooms. A total of eight (8) parking bays must be provided on site. Provision is made for eleven (11) parking bays on site. Refer to the SDP attached. Further elaboration with regards to the provision of parking will follow later in the report.

The medical consulting rooms are not associated with noxious trade, risk activities or the sale of alcoholic beverages. Medical waste will be dealt with by BCL Medical Waste Management Services. They will collect general medical waste as well as sharp object medical waste. Dr Linda von Zeuner is a registered hazardous waste generator (refer to certificate dated 15 April 2021 attached).

The proposed subdivision, consolidation, rezoning and departure of erven 243 and 6667 Hermanus are not in contrast to the existing land uses tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

It is submitted that the proposal is compatible with the character of the area, does not impact negatively on the rights of anyone else and that no good reason exists for not approving this application.

3.5 ECONOMIC IMPACT

The proposed medical consulting rooms will have a positive impact on the economy of the area. By allowing the subdivision, rezoning, consolidation and departure of the subject properties, it creates a commercial portion within the residential and institutional area that will deliver essential medical services to the surrounding community. The use of the subject property will be restricted to medical consulting rooms. The area is earmarked for small business opportunities that are compatible with the land uses of the area – and the proposed land use meets this requirement.

The municipality will attain bulk service levies as well as higher monthly rates and taxes with the proposed rezoning / change of use of the subject property. In addition, any additions and alterations to the existing structures and parking area on the subject property will create temporary employment opportunities.

In addition to the five employment opportunities for health care providers mentioned in *Section 3.4 Proposal*, the following employment opportunities are also created with this proposal:

- Cleaning services and appointment of a full-time cleaner;
- Gardening services;
- Medical waste collection;
- Solar power and electricity generation;
- Secretarial position;
- Property maintenance team on ad hoc basis.

3.6 SOCIAL IMPACT

The proposal will have a positive social impact as the proposed medical consulting rooms will allow for the provision of much needed medical services in a well-located area.

The impact on the social wellbeing and social coherence of the adjacent community is considered positive given the medical services to be rendered from the property. In addition, the zoning and land use of the newly created portion will be in line with the zoning and land uses associated with the immediate area and the spatial planning for the area.

3.7 COMPATIBILITY WITH SURROUNDING LAND USES

Although it is proposed to change the zoning of the subject property from single residential to a commercial zoning, it is the municipality's prerogative to restrict the

use of the property to that of medical consulting rooms only. This way the character of the area is protected since this restriction will evade business creep into the residential area. Medical consulting rooms are a low impact land use that can be accommodated in single residential areas – hence the inclusion of such a use in the definition of a home occupation as well. The immediate area is characterised by medical and institutional facilities and the proposed land use is therefore compatible with the surrounding land uses. The subject property is situated in Balfour Street opposite the hospitals, medical facilities and frail care / retirement centres.

The proposed land use is considered a low impact land use with regards to noise, traffic and pollution. The impact on the character of the area will be positive since the property will be tastefully upgraded and renovated. The exterior of the building and the site were and will continue to be changed in such a way as to fit in with the residential area. The existing (approved) structures were derelict and unsightly and required the necessary renovation undertaken up to date. Sufficient parking bays are provided for on site, keeping the possible impact on the traffic flow in the area to a minimum.

Medical consulting rooms generally has a low impact on the privacy of neighbours. It should also be considered that the subject property is a corner property and directly abuts only one residential property to the north. Erf 6667 Hermanus abuts the Living Waters Church on the eastern side and a portion of road reserve to the south. Huis Lettie Theron, Fynbos Park, the Hermanus Hospital and Hermanus Mediclinic is opposite the subject property to the south. The location near existing medical facilities and community centres further promotes the positive consideration of the application.

3.8 POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

The location of the subject property within a single residential and institutional area (surrounded by hospitals, institutional, community and medical facilities) allows the property to be developed for medical consulting rooms purposes. Awarding the land

use rights to the subject property will restrict the development of the site to medical consulting rooms use only in line with the attached site development plan. The exterior of the building will keep its residential appearance in terms of design, coverage, massing and height.

The proposed subdivision, rezoning, consolidation and departure will allow the medical professional owners to tastefully alter and renovate the subject property. The upgrades and renovations to the existing structures will enhance the aesthetical value of the site that will in turn contribute towards the property value of the site and the area.

The inclusion of a portion of erf 243 Hermanus enlarges the site to allow the medical consulting rooms to meet the parking requirements applicable to medical consulting rooms which further confirms the potential of the site to be developed for this purpose.

In addition, the subject property is ideally located in Westcliff, close to the Main Road and medical facilities (hospitals and new oncology unit) which also proof the subject property to be ideal to use as medical consulting rooms.

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.9.1 PROVISION OF SERVICES

All services on the subject property already exist. Additional services (if required) will be provided to the satisfaction of the Overstrand Municipality.

There is an existing municipal sewer line positioned next to the eastern erf boundary as indicated on the subdivision and consolidation plan. It is proposed to subdivide both erven 243 and 6667 Hermanus to register a 3m wide services servitude of $\pm 85\text{m}^2$ in extent over the newly consolidated portion in favour of Overstrand

Municipality to accommodate the existing sewer line. Refer to the subdivision and consolidation plan attached.

Medical waste will be dealt with by BCL Medical Waste Management Services. They will collect general medical waste as well as sharp object medical waste. Dr Linda von Zeuner is a registered hazardous waste generator (refer to certificate dated 15 April 2021 attached).

3.9.2 TRAFFIC IMPACT, PARKING AND ACCESS

Erf 6667 Hermanus takes access from Balfour Street. Portion A, a portion of erf 243 Hermanus, is a vacant portion of road reserve that will be consolidated with erf 6667 Hermanus. The newly consolidated portion will continue to take access from Balfour Street only. No new access points from Hospital Road is proposed.

The existing access point will be moved slightly to the south as requested by the engineering services department. An additional access point closer to the northern erf boundary is also proposed. Since only one access point is allowed from Balfour Street, an application is submitted for a departure to deviate from the access requirements to allow the second access point from Balfour Street. Mr Andrew Ricardo (Manager: Engineering Services Department) already indicated in their preliminary comment on the site development plan (SDP) that they have no objection to the second access point (email dated 18 January 2024 attached). Only the access point to the south will be used by all patients and staff of the medical facility.

On-site parking will be provided to the satisfaction of the Municipality. The GLA for the proposed medical consulting rooms is 204m². The Land Use Scheme stipulates that four (4) parking bays are required for every 100m² GLA allocated for medical consulting rooms. A total of eight (8) parking bays must be provided on site. Provision is made for eleven (11) parking bays on site. Refer to the SDP attached. In terms of the parking requirements 20% of the parking bays (in this case 20% of the required eight parking bays, i.e. two parking bays) must be provided for the parking of vehicles used by persons with disabilities. Two of the parking bays were designed

as parking bays for the disabled as indicated on the site development plan. Provision is made for new ramps to accommodate wheelchairs and the disabled parking was placed near the entrance as per engineering services' requirement. Town planning and engineering services indicated that a loading zone / bay is not required for the medical practice.

The medical appointments will be scheduled at variable intervals ranging between 30 to 60-minute intervals per appointment to ensure the privacy of the patients as well as that no excess vehicles are parked on site. These ranging intervals will give the patients enough time to leave and access the premises without having to wait for other patients to leave the premises before they can park on the subject property. The medical practitioners' working hours will also vary as previously indicated. It is therefore motivated that the amount of parking bays will suffice for the medical consulting rooms.

In the light of the above mentioned it is motivated that the proposed medical practice will have a low impact on the traffic flow in the area.

3.10 TITLE DEED

The title deed no. T34276/2019 has no restrictions that need to be removed for this application to be approved. Refer to the conveyancer's certificate compiled by H.L. van Zyl at Van Zyl Kruger Attorneys dated 20 February 2024.

There is a bond registered against erf 6667 Hermanus. The bondholder's consent dated 15 February 2024 is attached. There is no bond registered against erf 243 Hermanus.

3.11 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.11.1 HERITAGE VALUE

Neither the subject properties (existing structures) nor the proposed land use triggers Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erf 6667 Hermanus is not situated within the Heritage Protection Overlay Zone as determined by the Overstrand Municipality's Zoning Scheme Heritage Overlay Zone (2020). The subject property is also not earmarked for heritage conservation purposes with reference to the Overstrand Municipal Growth Management Strategy (2010).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the abovementioned it is evident that the proposed land use application will not have a negative impact on the heritage value of the Hermanus area.

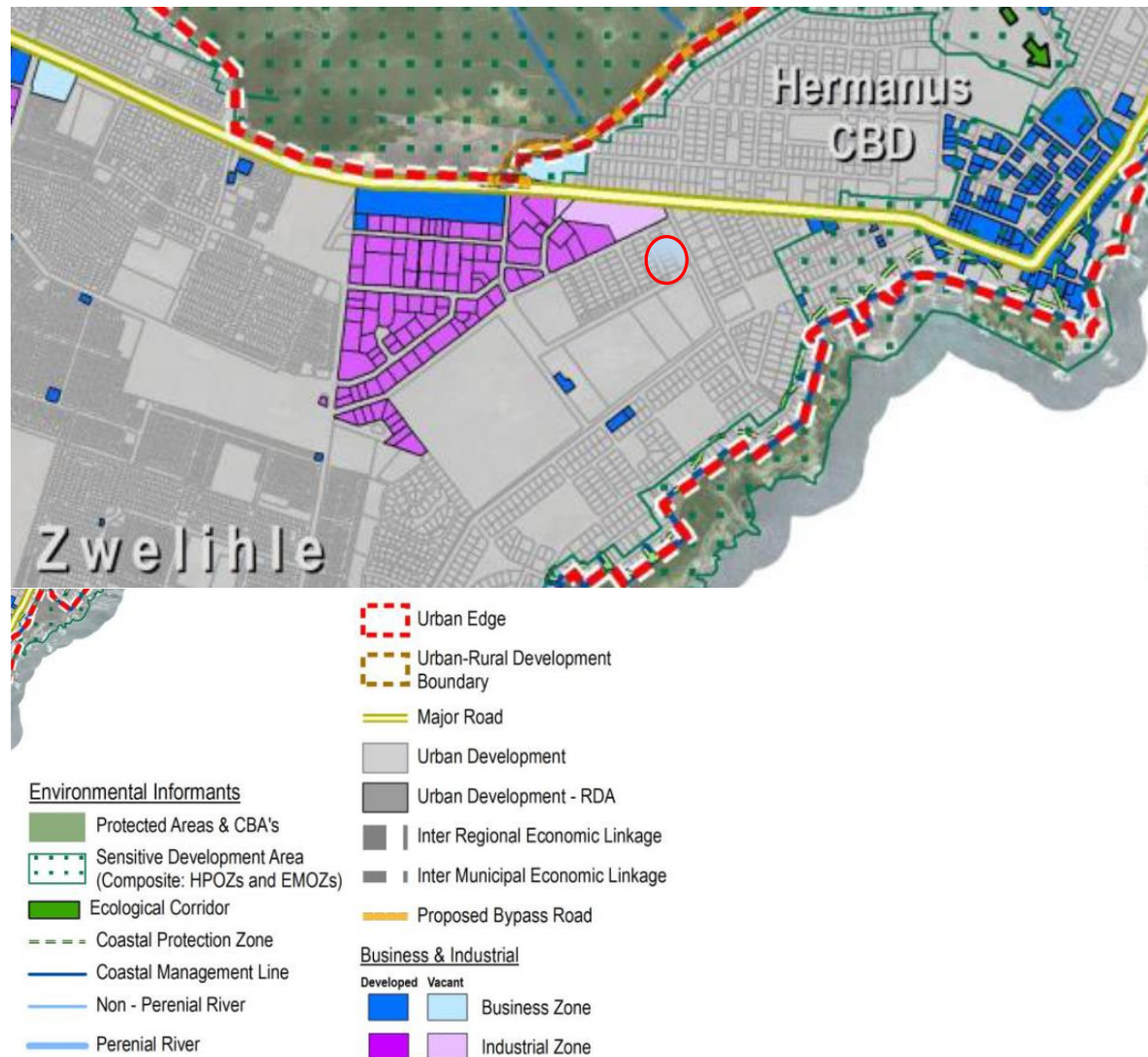
3.11.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

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

The subject property is not situated within the Overstrand Municipality's Zoning Scheme Environmental Management Overlay Zone (2020).

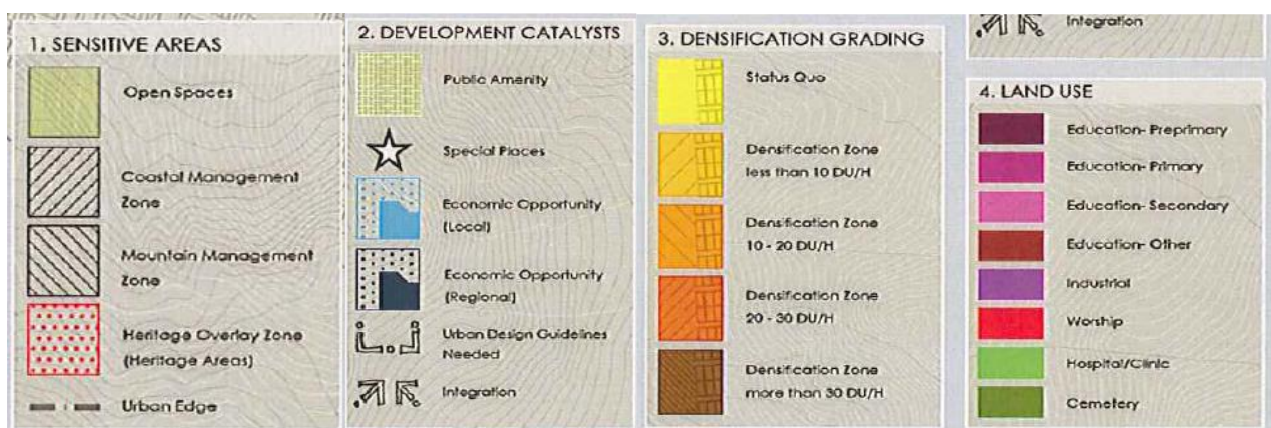
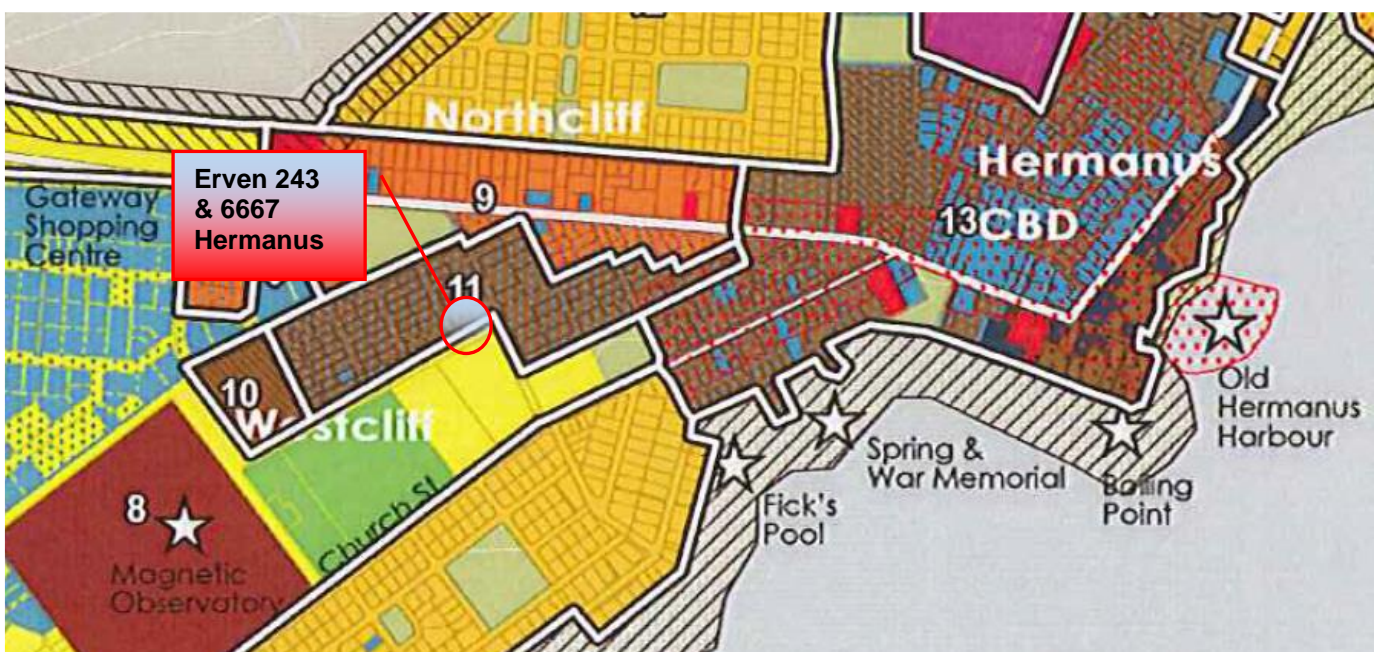
3.12 FORWARD PLANNING AND LAND USE DOCUMENTS

The *Overstrand Spatial Development Framework Plan: Hermanus Central Proposals (2020)* earmarks the area where erven 243 and 6667 Hermanus are situated, for urban development purposes. Refer to the Spatial Development Framework Spatial Proposal Plan (2020) below.



The Overstrand SDF (2020) stipulates that business uses, commercial, retail and offices should be concentrated within the CBD and various local commercial nodes. Further decentralisation of commercial development should not be permitted. The Overstrand Municipal Growth Management Strategy (OMGMS, 2010) should be read in conjunction with this section with reference to its mixed-use densification proposals.

The **Overstrand Municipal Growth Management Strategy (OMGMS, 2010)** specifies that erven 243 and 6667 Hermanus form part of Planning Unit no. 11. Planning unit no. 11 consists of an existing mature residential area and is wedged in between the development corridor along the R43 Provincial Road and the existing Old Age home, and the medical land uses adjacent to the Old Age home. Planning unit no. 11 falls within a densification zone of more than 30 du/ha. Densification from 8,7du/ha to 31,1du/ha is proposed. This application does however not propose to create any additional portions, nor does it propose the construction of an additional dwelling unit on the subject property. The density status quo of the area will therefore remain unchanged.



Compatibility of spatial planning documents:

Although the Overstrand SDF Proposals Plan for Hermanus Central (2020) stipulates that decentralisation of commercial development should not be permitted in

Hermanus Central, it also stipulates that the OMGMS (2010) should be read in conjunction with the SDF plan. It is proposed to rezone the subject property to Business Zone 3: Local Business. The subject property falls in an area that is earmarked for local economic opportunity purposes (small business opportunities) and therefore due consideration of the proposed diversification of the land use can be considered. Medical consulting rooms are considered a low impact land use and is accommodated on various properties within this residential area – without having a detrimental impact on the character of the area. In addition, although not formally included in one of the spatial planning documents, there was a time that the municipality favoured this specific area (Planning unit no. 11) for medical consulting room purposes.

From the above it is evident that the proposed land use application adheres to the spatial planning policies for the central Hermanus area and consequently falls within the existing planning for the Hermanus area. No deviation from the spatial planning policies is required to accommodate the medical consulting rooms on the subject property.

3.13 PLANNING PRINCIPLES

The planning principles of spatial justice and spatial resilience do not apply to this application.

Spatial justice: This principle addresses the need to address the past imbalances regarding opportunity. This application is for an erf as per the establishment of the existing Hermanus Township and this principle does therefore not apply to this application.

Spatial sustainability: The existing structures and proposed land use are compatible with the character of the area and do not impact negatively on the rights of anyone else.

The subdivision, rezoning, consolidation and departure application is to allow the owners to enlarge the existing erf 6667 Hermanus to accommodate medical consulting rooms within the total extent of the existing approved structures with the additions and alterations as proposed. The acquisition of land allows the property owner to provide sufficient parking on site for the medical practice. The location allows for and the forward planning policies earmark the subject property for local economic development purposes. The fact that the subject property falls within an area earmarked for small business opportunities emphasizes that the proposed diversification of the land uses is consistent with the spatial planning policies for the area as described in the previous sections of the report.

The anticipated impact of the medical consulting rooms is considered low and is compatible with adjacent single residential, medical and institutional zonings and land uses. Similar zonings and departures have been granted in this area in the past to accommodate medical consulting rooms on properties surrounding the medical facilities and Old Age homes. The impact on the biophysical environment will also be kept to a minimum. Furthermore, the extent of the subject property after (subdivision, rezoning and consolidation), the low impact on the privacy of neighbours, compliance with B3 land use restrictions where new additions are proposed (departure is to accommodate existing structure's change of use only), etc. allow for the consideration and approval of the land use application without having an adverse impact on the spatial sustainability of the area.

Efficiency: The subject property is easily accessible and conveniently located close to the Hermanus CBD, Main Road, medical and institutional facilities, residential areas and schools.

The subdivision, rezoning, consolidation and departure application proofs to be efficient since the proposed land use will be situated near the medical facilities of Hermanus and old age homes / frail care centres. There are limited medical suites available at the local hospitals and it proofs to be more efficient to accommodate the land use at the proposed newly consolidated erf 6667 Hermanus instead of closing down the practice / moving to another location / not accommodating these services at all since the need exist for these services in close proximity to the existing hospitals and old age / frail care centres.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. 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 Amendment By-law on Municipal Land Use Planning, 2020.

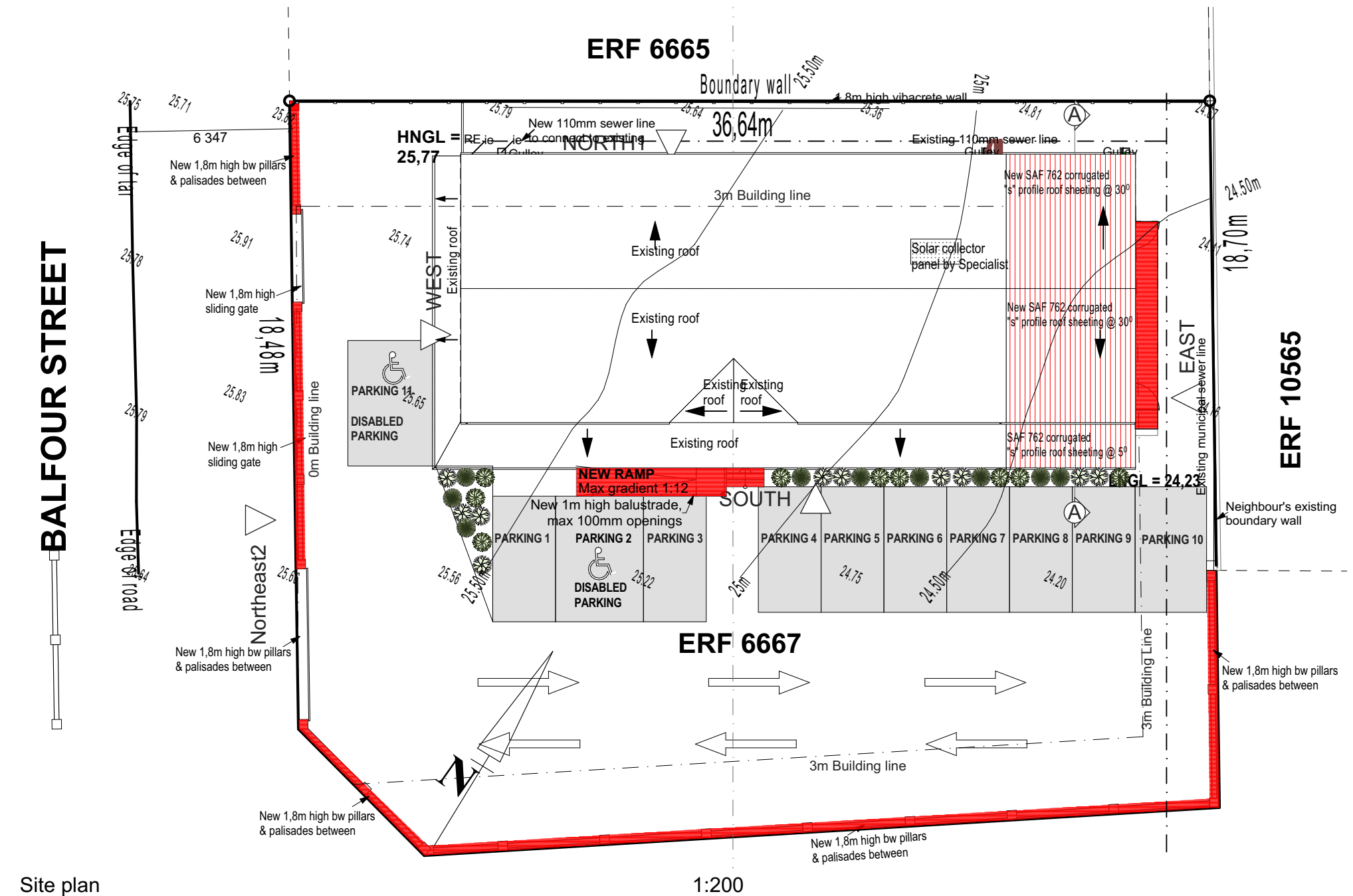
4. RECOMMENDATION

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

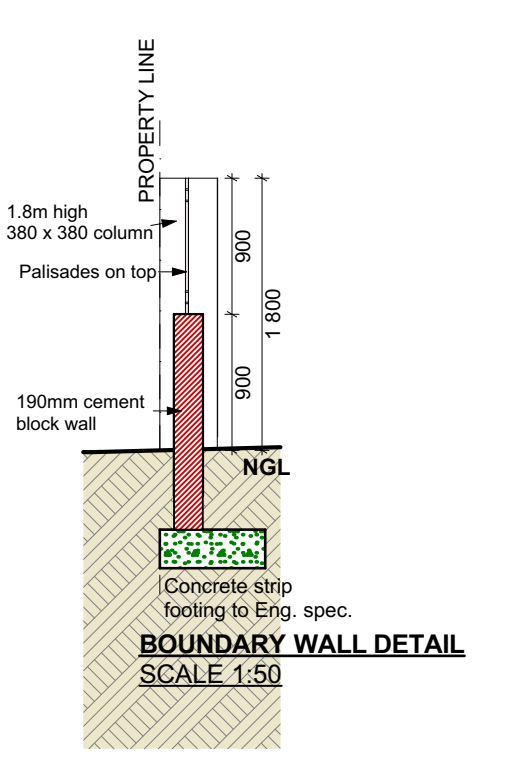
- The proposed subdivision, rezoning, consolidation and departure are to accommodate medical consulting rooms on a portion of erf 243 Hermanus (parking only) and erf 6667 Hermanus;
- All services on the subject property already exist. Additional services (if required) will be provided to the satisfaction of the Overstrand Municipality;
- Existing municipal services that transgress the respective erven are addressed by means of a services servitude in favour of Overstrand Municipality;
- The access will remain from Balfour Street and the impact on the traffic will be kept to a minimum;
- The subject property is situated in an area earmarked for local economic opportunity and the area was previously considered ideal to accommodate medical consulting rooms as part of the municipality's planning for the area;
- The impact on the adjacent properties will be kept to a minimum with reference to privacy, adhering to land use restrictions, safety of residents, etc.;
- Provision is made for ample parking and manoeuvre space on site;
- The existing structures are compatible with the character of the area and do not impact negatively on the rights of anyone else;

- The proposed medical consulting rooms will have a positive impact on the current character and land values of the surrounding erven;
- The proposal complies with the spatial planning policies of the area;
- There are no environmental or heritage aspects that will negatively impact the application and the application will not have a negative impact on any environmental factors;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

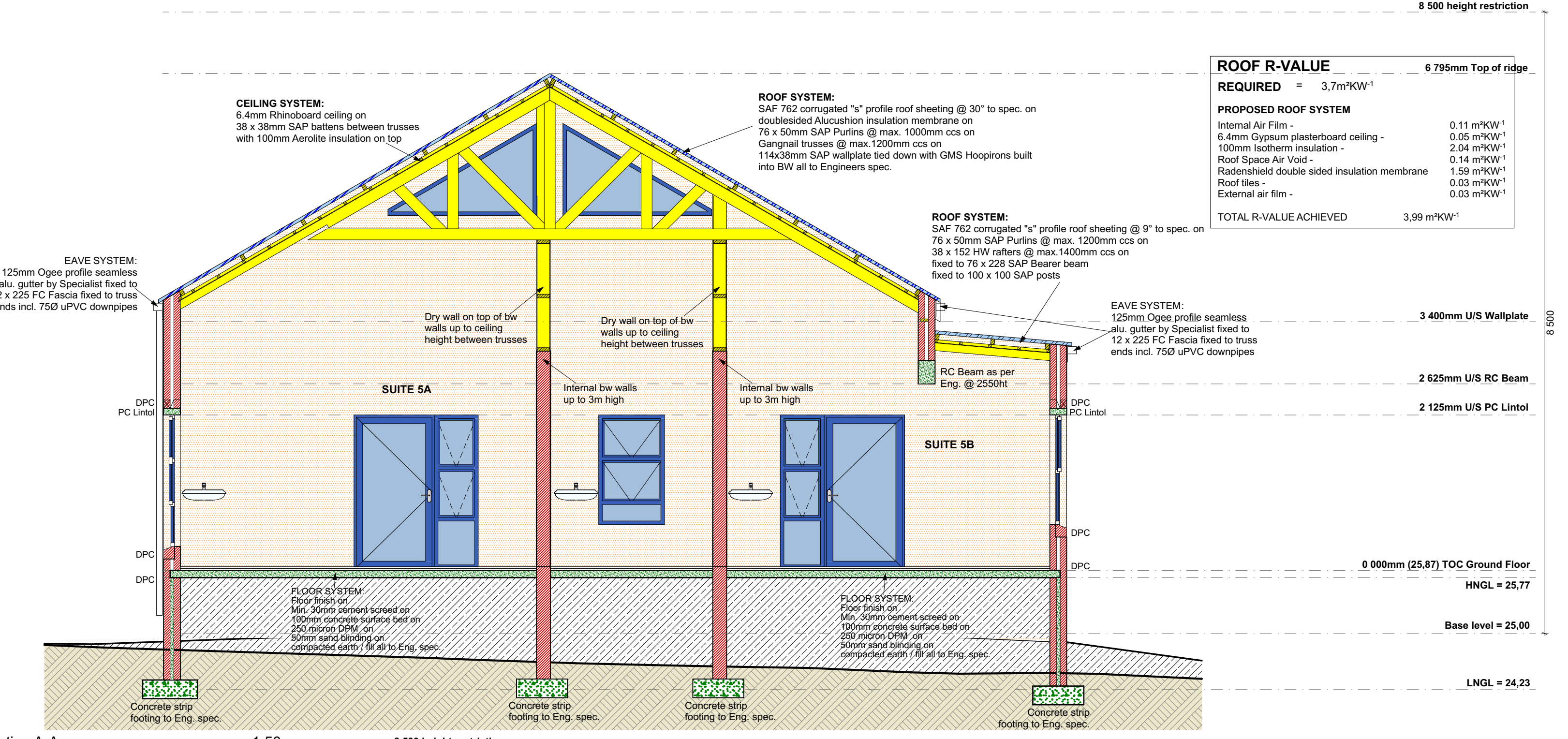
With regards to the above mentioned it would be appreciated if the delegated authority / the municipal planning tribunal would approve the subdivision, rezoning, consolidation and departure of erven 243 and 6667 Hermanus.



Site plan 1:200

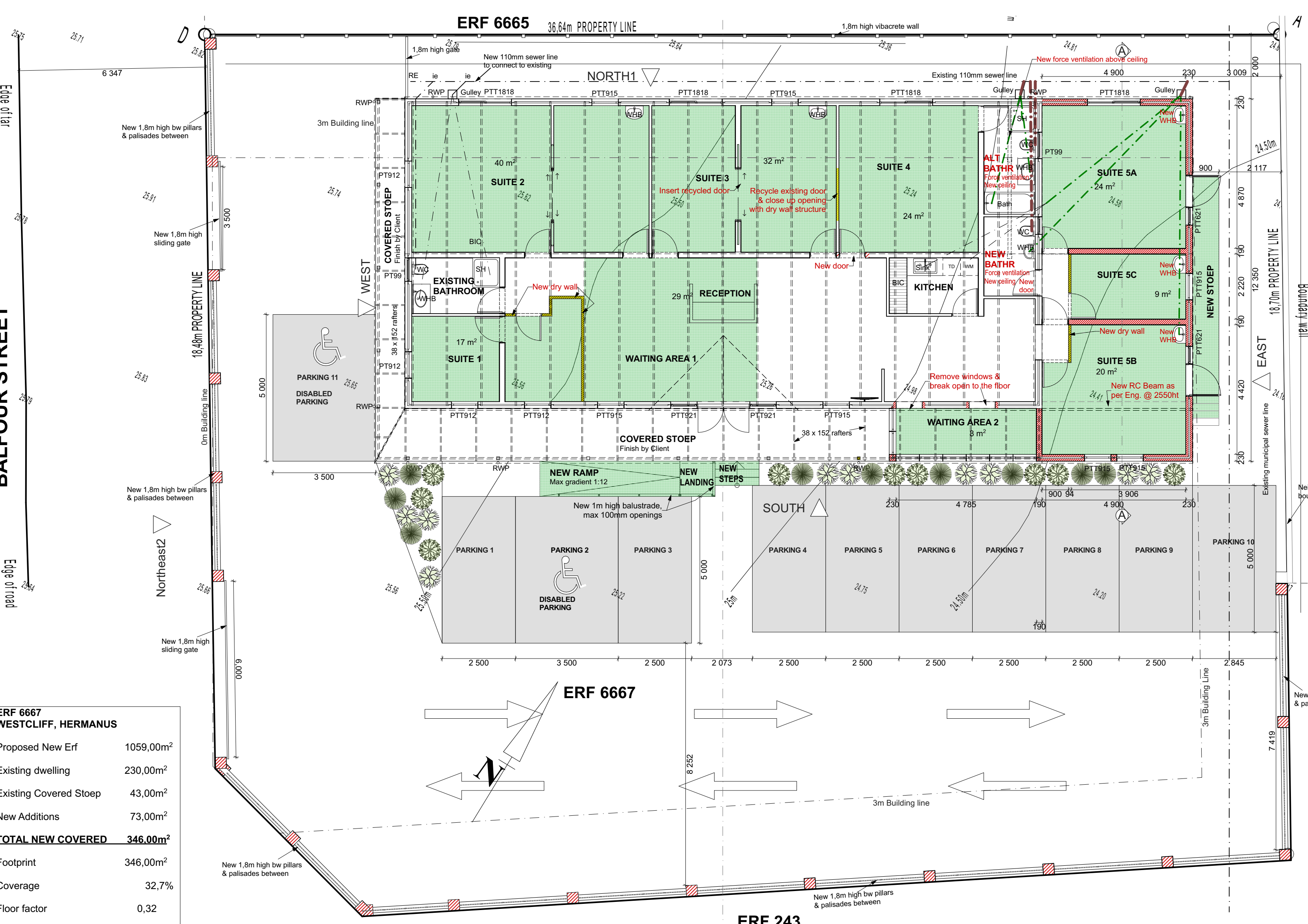


BOUNDARY WALL DETAIL SCALE 1:50



Section A-A 1:50

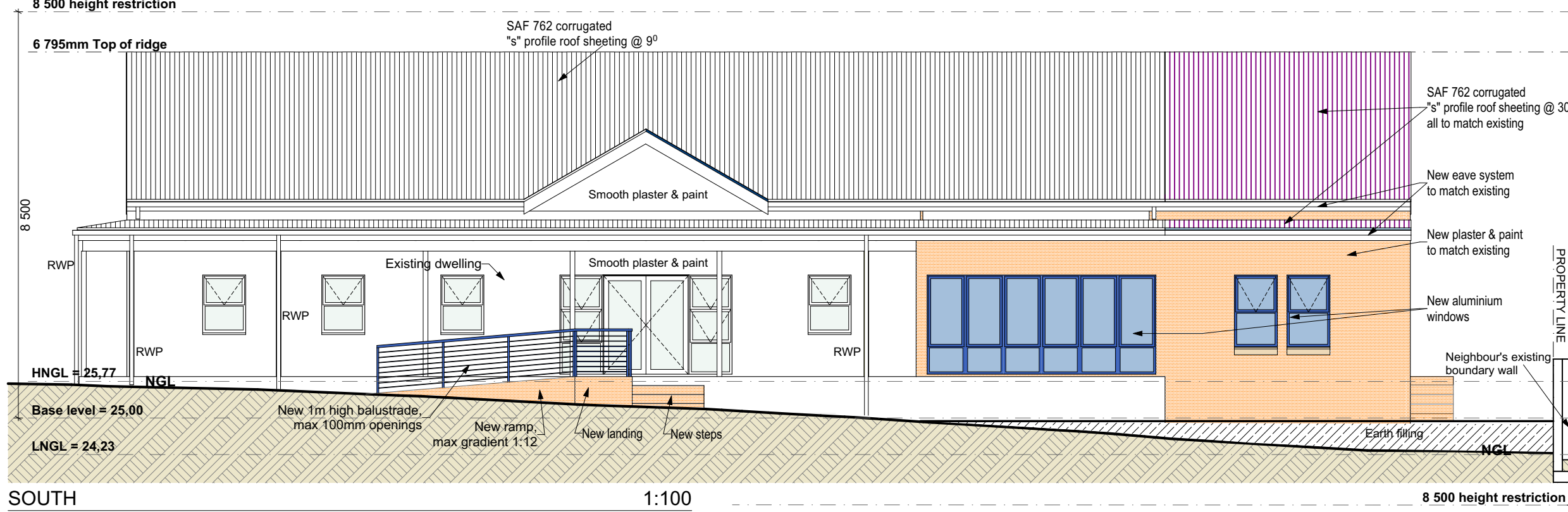
ROOF R-VALUE	
REQUIRED	= 3,7m ² KW ⁻¹
PROPOSED ROOF SYSTEM	
Internal Air Film	0.11 m ² KW ⁻¹
6.4mm Gypsum plasterboard ceiling	0.05 m ² KW ⁻¹
100mm Isotherm insulation	2.04 m ² KW ⁻¹
Roof Space Air Void	0.14 m ² KW ⁻¹
Radsheild double sided insulation membrane	1.59 m ² KW ⁻¹
Roof tiles	0.03 m ² KW ⁻¹
External air film	0.03 m ² KW ⁻¹
TOTAL R-VALUE ACHIEVED	3,99 m²KW⁻¹



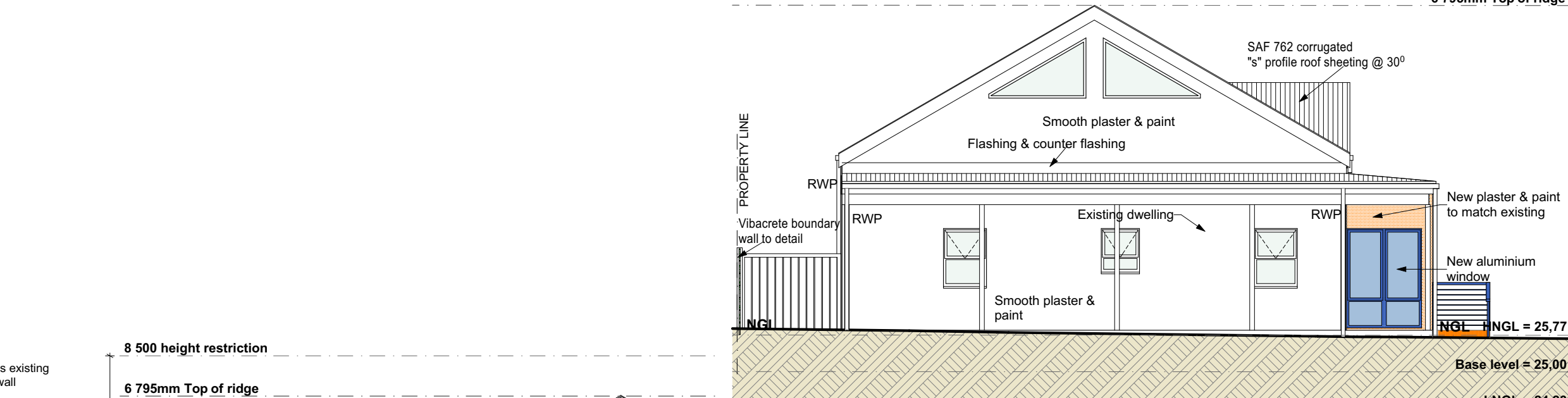
ERF 6665 1:200

ERF 6667 WESTCLIFF, HERMANUS	
Proposed New Erf	1059,00m ²
Existing dwelling	230,00m ²
Existing Covered Stoep	43,00m ²
New Additions	73,00m ²
TOTAL NEW COVERED	346,00m²
Footprint	346,00m ²
Coverage	32,7%
Floor factor	0,32
Proposed Zoning : Business Zone 3 - Local Business (B3)	

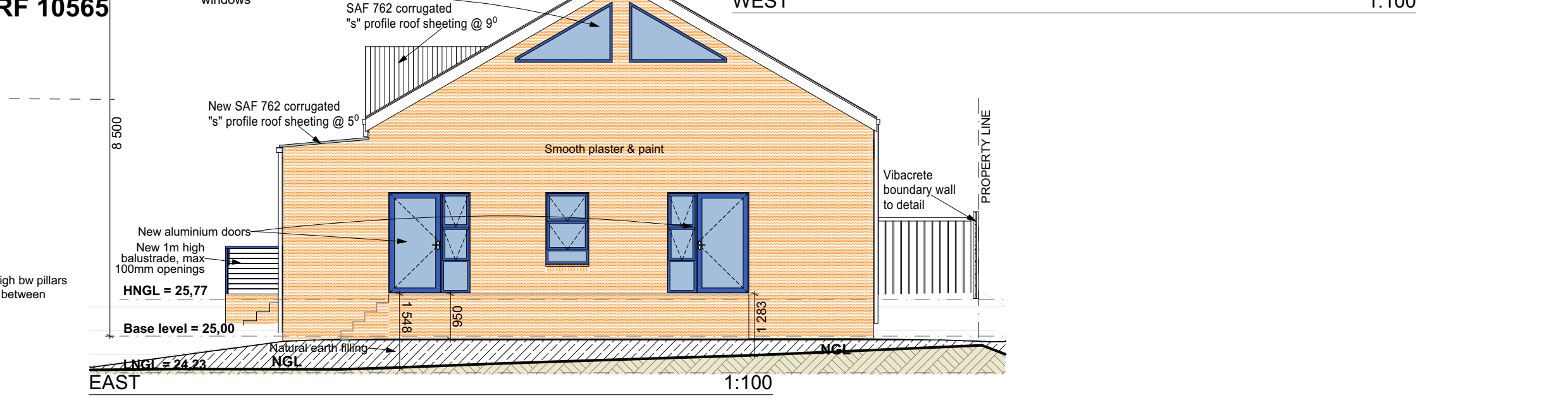
ERF 6667 WESTCLIFF, HERMANUS	
New Total GLA	204,00m ²
Required	4 / 100m ² = 8,16



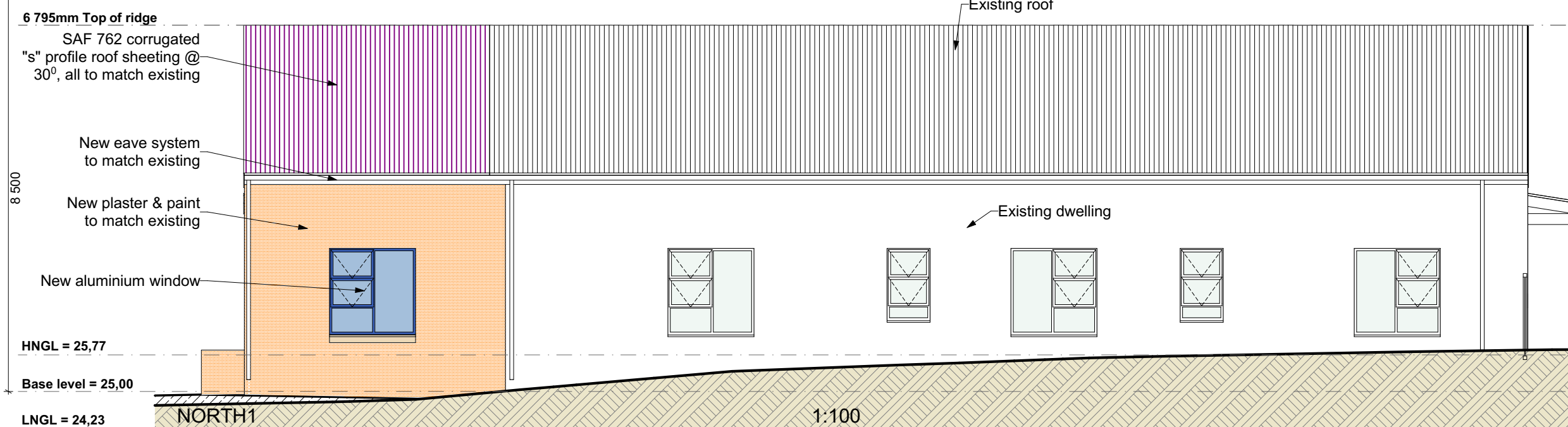
SOUTH 1:100



WEST 1:100



EAST 1:100



NORTH 1:100

notes
All work to comply with national building reg's and local authority requirements.
All glazing to be strictly in accordance with sars 10400 part N
All drawings to be read in conjunction with specifications & engineers drawings at all times.
Contractor to verify all dimensions on site before commencing work.
All dimensions are in mm.
Use figured dimensions in preference to scaling.
Any discrepancies to be reported to architect immediately.
Clay brick walls of thickness shown on plan.
All reinforced concrete works to engineer's spec.
Copyright subsists in this drawing

PROJECT	ALTERATIONS
CLIENT	VON ZEUNER PROPERTIES PROPRIETARY LIMITED
DESIGNED BY	ERF 6667 WESTCLIFF HERMANUS OVERSTRAND

DRAWING	SITE PLAN FLOOR PLAN SECTION ELEVATIONS
FOR APPROVAL	

DATE	1:200/100/50
PAPER NO.	A1
DATE	07/02/2024
DRAWING NO.	100D

new line
architecture & design