



**MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL
(MPT)**

A G E N D A

| | |
|---------------|--|
| DATE: | 26 APRIL 2017 |
| VENUE: | TOWN PLANNING COMMITTEE ROOM HERMANUS |
| TIME: | 11:00 |

OVERSTRAND MUNICIPALITY

Office of the Municipal Manager
Civic Centre
HERMANUS
7200

5 April 2017

TO : THE CHAIRPERSON AND MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

NOTICE IS HEREBY GIVEN that a meeting of the **Municipal Planning Tribunal (MPT)** will go into session on **Wednesday, 26 April 2017 at 11:00, Town Planning Committee Room, 16 Paterson Street, Hermanus**, to consider the attached agenda.

You are kindly requested to submit any amendments/additions to Ms S Swart (sswart@overstrand.gov.za) on or before **12 April 2017**.

**COENIE GROENEWALD
CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL**

Distribution:

1. Mr C Groenewald (Chairperson)
2. Mr S Müller (Vice-Chairperson)
3. Mr S Madikane (Member)
4. Mr R Williams (Member)
5. Mr R Kuchar (Member)
6. Ms H Janser (Member)
7. Mr S van der Merwe (Senior Town Planner)
8. Ms H van der Stoep (Senior Town Planner)
9. Secretariat

1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

3.1 Minutes of a Municipal Planning Tribunal Meeting held on 2 December 2016

3.2 Minutes of a Municipal Planning Tribunal Meeting held on 22 February 2017

3.3 Minutes of a Municipal Planning Tribunal Meeting held on 29 March 2017

4. ITEMS FOR CONSIDERATION

4.1 ERF 505, 36 PELICAN CRESCENT, VERMONT : PROPOSED CONSENT USE AND REMOVAL OF RESTRICTIONS : MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF JODIGLO (PTY) LTD

Report attached

4.2 ERF 8395, 65 LAVENDER STREET, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND CONSENT USE : M MOHAMUD (obo YP MBALI)

Report Attached

4.3 ERF 1548, 150 PIET RETIEF CRESCENT, SANDBAAI, OVERSTRAND MUNICIPALITY : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : WRAP (obo CS BEZUIDENHOUT)

Report Attached

MUNICIPAL PLANNING TRIBUNAL (MPT)

26 April 2017

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Overstrand Municipality

LAND USE PLANNING REPORT – MUNICIPAL PLANNING TRIBUNAL (MPT)

**ERF 505, 36 PELICAN CRESCENT, VERMONT : PROPOSED CONSENT USE AND
REMOVAL OF RESTRICTIONS : MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS
ON BEHALF OF JODIGLO (PTY) LTD**

| | | | | | |
|--|---|--|---|---|--------------|
| Reference number | 505 HVM (3324) | Application submission date | 17 August 2016 | Date report finalised | 8 March 2017 |
| PART A: AUTHOR DETAILS | | | | | |
| First name(s) | Hendrik | | | | |
| Surname | Olivier | | | | |
| Job title | Town and Regional Planner | | | | |
| SACPLAN registration number | B/8128/2004 | | | | |
| Directorate/Department | Infrastructure and Planning | | | | |
| Contact details | 028-3138900 holivier@overstrand.gov.za | | | | |
| PART B: APPLICANT DETAILS | | | | | |
| First name(s) | John | | | | |
| Surname | McLachlan | | | | |
| Company name | Plan Active Town & Regional Planning | | | | |
| SACPLAN registration number | N/A | Is the applicant authorised to submit this application | Yes | | |
| Registered owner(s) | Jodiglo (Pty) Ltd | | | | |
| PART C: PROPERTY DETAILS | | | | | |
| Property description (in accordance with Title Deed) | Erf 505, Vermont | | | | |
| Physical address | 36 Pelican Crescent | Town/City | Vermont | | |
| Current zoning | Residential | Extent (m ² /ha) | 822m ² | Are there existing buildings on the property? | Yes |
| Applicable zoning scheme | Overstrand Municipality Zoning Scheme Regulations, 2014 | | | | |
| Current land use | Residential | Title Deed number & date | T97846/1994 | | |
| Any restrictive title conditions applicable | Yes | If Yes, list condition number(s) | Paragraph E(c) and (d) | | |
| Any third party conditions applicable? | Yes | If Yes, specify | South Western District and Finance Corporation Limited does not exist anymore, Municipality successor in title. | | |
| Any unauthorised land use/building work | Yes | If Yes, explain | Garage has been changed into bedroom. | | |

PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

| | | |
|---|----|--|
| Has pre-application consultation been undertaken? | No | If yes, provide a brief summary of the outcomes below. |
|---|----|--|

PART E: LIST OF APPLICATIONS (TICK APPLICABLE)

| | | | |
|-------------|---|-----------------------------------|---|
| Consent Use | √ | Removal of Restrictive Conditions | √ |
|-------------|---|-----------------------------------|---|

PART F: EXECUTIVE SUMMARY

An application has been received on 17 August 2016 from Messrs Plan Active Town & Regional Planning on behalf of Jodiglio (Pty) Ltd for a consent use in terms of Section 16(2)(o) in order to operate a five (5) bedroom guesthouse on the property concerned.

Application is also made in terms of Section 16(2)(f) in order to remove restrictive conditions from the Title Deed prohibiting the operation of a guest house.

PART G: BACKGROUND

The application site is developed with an existing dwelling.

PART H: SUMMARY OF APPLICANT'S MOTIVATION

- Application is made for five (5) guest rooms, and a manager suite will also be provided.
- All guest rooms will be on first floor level.
- Impact on the character of the area will be minimal.
- Residential zoning allows for low impact land uses such as B&B, guest house and home occupation.
- Property values will not be negatively affected.
- No additional services will be required.
- Sufficient on-site parking will be provided with two (2) single garages.
- Application is made to remove restrictive conditions from the Title Deed.
- The site has no heritage value.
- The application is in line with the Overstrand SDF, 2006 and Overstrand Municipal Growth Management Strategy, 2010.
- Spatial Justice: Would create employment opportunities.
- Spatial Sustainability: Will be in line with the residential character.
- Efficiency: On main routes and easily accessible to guests and amenities.
- Spatial Resilience: Not Applicable

PART I: ADVERTISING METHODS

| Methods of advertising | | Date published | Closing date for comments |
|------------------------|-----|------------------|---------------------------|
| Press | Yes | 1 September 2016 | 7 October 2016 |
| Gazette | Yes | 2 September 2016 | 7 October 2016 |
| Notices | Yes | 1 September 2016 | 7 October 2016 |
| Ward councillor | Yes | 1 September 2016 | 7 October 2016 |
| Site notice | Yes | 1 September 2016 | 7 October 2016 |

| | |
|---|---------|
| Total valid comments | 1 (ONE) |
| Was public participation undertaken in accordance with section 45- 49 of the Proposed Draft By-law on Municipal Land Use Planning | Yes |

PART J: SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Originally two (2) letters of objection were received, and one (1) conditional approval. The one objection was however withdrawn and the conditional approval from the Vermont Rate Payers' Association was received late.

Objection Ms A Steyn: 73 Onrus Close

1. The owner is already operating a six (6) bedroom guest house prior to consent use and removal of restriction approval.
2. Will have a visual impact and impact on privacy of surrounding property owners.
3. Four (4) to five (5) cars are parked in area indicated for three (3) cars.
4. Garage opposite 73 Onrus Close is used as laundry and is a distraction.
5. Wooden fence between property unsightly, and should be replaced with proper wall.
6. Establishment impact on property values.
7. Flagpole impact on sea view.
8. Support for Mr Daniel Reddies objection, additional point summarized as follows:
 - (a) Air conditioners installed close to property boundaries and create noise pollution
 - (b) Increased security needed
 - (c) Is there compliance with Fire Regulations?
 - (d) No maintenance done on pavement
 - (e) Dwelling appears to be two (2) separate units
 - (f) One (1) garage changed into a bedroom

PART K: SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

| Name | Date received | Summary of comments | Recommendation |
|----------------------|---------------|--|----------------|
| Engineering Services | 25/01/2017 | See Annexure G. | Positive |
| Fire Department | 07/10/2016 | See Annexure H. | Positive |
| Local Heritage | 06/09/2016 | No objection | Positive |
| Building Control | 05/09/2016 | Supported subject to compliance with SANS 10400. | Positive |
| Waste Manager | 12/09/2016 | No objection | Positive |
| Operational | 01/09/2016 | No objection | Positive |

PART L: SUMMARY OF APPLICANT'S REPLY TO COMMENTS

The applicant's response to the objections can be summarized as follows:

1. The fact that the dwelling has six (6) rooms does not mean it will operate as a six (6) room guest house. At this stage only two (2) rooms are rented out as allowed in the Zoning Scheme, and it does not formally operate as a guest house.

The property owner, owner's staff for his business, sub-contractors and investors also uses the dwelling when they overnight in Hermanus area.

2. Privacy is not affected, as there has always been a double storey dwelling on Erf 505 and the garage facing the objector's property has always been on the property. The objector knew this when she bought her property. The property has also been upgraded making it visually attractive.
3. The rights for the guest house have not yet been granted, and therefore vehicles can be parked in any format or numbers on the existing driveway. When the guest house rights have been granted, we will comply with the parking requirements.
4. The garage is not being utilized as a "fully operational laundry". We may place our washing machine in the garage as the outlets and points were already built in the said location when the property was bought. A property owner can also not be prohibited to hang his washing in the back yard, which is already screened by a wall of 1,8m.
5. The previous owner on 73 Onrus Close indicated he preferred the wooden fence, and when the objector bought the property it was already there.

Onrus Close was constructed a metre above the ground level, but there is a standard 1,8m boundary wall. If the objector wants to raise such wall for privacy she can do so.

6. More than R2m has been spent to upgrade and modify the premises, and this will increase the value of neighbouring properties.
7. The objector's views are blocked 90% by trees, so there are no views other than to the duplexes adjacent Vermont Avenue. There is no sea view, so how can the flagpole block a view.
8. (a) The air conditioners comply with the maximum decibels allowed and have limited noise. The objector's property is also 10 -15m away from the nearest air conditioner, which is also hidden away by vibracrete walls.
 (b) Make use of strict rules, no children, ID and passports are required, terms and conditions have to be signed, and clearly marked safety and security regulations have to be honoured.
 The security of the property has been enhanced with lifting of boundary walls, proper remote control security gates, intercom system, surveillance cameras and permanent residence of two (2) workers.
 (c) Will comply with all relevant regulations when guest house rights have been granted.
 (d) Do proper maintenance to the property.
 (e) The dwelling has already been constructed in its existing format in 1985.
 (f) The layout of the floor plans has not changed besides that what was approved by Council.

PART M: MUNICIPAL ASSESSMENT OF COMMENTS

Must be read with the summary of the objection and applicant's response

1. The comments are duly noted from objector and applicant, but this point will not be debated as it will not prove the application to be more or less desirable.
2. Both comments are noted. There might however be an increase in the number of people visiting Erf 505, and also the amount of vehicles. The garage is also being utilized as storage for linen and washing of clothes, but this is however screened by a wooden screen of approximately 2m high, which should provide privacy and lessen any possible visual impact. The remainder space in the garage is however still sufficient to park a vehicle. At this stage it appears that a fence in the yard will block vehicle access to the garage, and this will have to be opened up to provide access.
3. Concur with the applicant that parking requirement can only be enforced after approval and operational phase.
4. It is standard practise to place washing machines in garages, and as indicated by the applicant, the outlets were already installed prior to them purchasing the property. The garage area is also screened by a 2m high wooden screen from the objector's property.
5. The objector's comment that the wooden screen is unsightly is not supported.
6. The comments that the establishment of the guest house would have an impact on property values are speculative.
7. The comments are noted. There is no specific view, however flagpoles, etc. falls under the Signage By-Law and any approval of such flag pole must be obtained from the Building Department.
8. (a) The comments are noted and the applicant's comments are supported.
 (b) It is clear that the applicant has increased security significantly, and should not impact on the desirability of the application.
 (c) The applicant's comment that he only needs to comply with Fire Regulations when the guest house rights have been granted is correct.

- (d) Comments noted.
 (e) Comments noted.
 (f) The garage off Pelican Crescent has been changed into a bedroom with kitchenette. It is still interleading with the dwelling and not necessarily considered to be a second dwelling. On the site plan submitted it is however still indicated as a garage and must therefore be changed back to a garage.

PART N: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

Was the application processed correctly (if no, elaborate below):

Yes

Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)

Yes

(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 proposed development will create job opportunities for local residents in the area.

Spatial sustainability: The application promotes integrating uses that compliments each other.

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

Good administration: The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the public process has been followed.

Spatial Resilience: The approval will expand the possibilities and income potential of the property and therefor improve the properties chances for surviving economic volatility.

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

Same.

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

Consistent with the Zoning Scheme and Spatial Development Framework.

(In)consistency with guidelines prepared by the Provincial Minister

Not Applicable.

Impact on Municipal engineering services

The existing services are available and the application has viewed positively by the Engineering Department.

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

Not Applicable.

Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand Zoning Scheme.

The desirability of the proposal:

Erf 505, Vermont has a location that makes it very accessible from Hermanus town, and Cape Town area via the R43 and Vermont Avenue. It is also in close proximity to the sea and Onrus Retail Centre.

Access to the site can be obtained off Vermont Avenue and Pelican Crescent. The Engineering Department however stipulated a requirement that the entrance gate off Vermont Avenue be set back 6m from the curb line, to ensure a safe stacking distance off this busy neighbourhood distributor road.

In terms of the Site Plan seven (7) on-site parking bays and an additional garage is provided, but should the gate off Vermont Avenue have to be set back, the parking layout could be affected. However, the additional garage, which has since been changed to a room with kitchenette, must be converted back into a garage, and result in compliance with parking.

The area has a residential character, but the property is bordered by higher density residential developments to its north and west. It is noted that the objector has concerns with regard to privacy and possible increase in noise. The objector however already live in a higher density development (Onrus Close) and it is not foreseen that the proposed guest house would have a major impact on the neighbour. The placement of the living areas is on ground floor and the outside entertainment area that is also bordered from Onrus Close with a screen wall and placed on the western side of the existing building. It is the opinion that the character of the area will not be negatively affected.

The general statement by the objector that views will be affected is not supported, considering the placement of the objector's property in relation to mountains and the fact the land has a flat gradient. There is also existing vegetation between Onrus Close and Erf 505 which block views.

It is noted that the land owner has erected a flag pole. In terms of the Signage By-Law it is a requirement that application be made for a flag pole. Such approval was not obtained, and the flag pole will have to be removed or application will have to be made at the Building Control Department in an attempt to legalize the signage.

It is noted that a garage off Pelican Crescent has been changed into a bedroom with kitchenette. This is out of line with the approved building plan and also over the lateral building line. This use change will have to be rectified or alternatively application will have to be made for a departure. The room with kitchenette is still interleafing with the main dwelling, and cannot necessarily be considered as a second dwelling.

The other concerns are using the garage as a laundry, the visual impact of wooden fences, better security required, and compliance with Fire Regulations. These were however already discussed under the Town Planner's Comment, and most of these points are minor concerns and matters that must be dealt with before formally operating the guest house.

Considering the above and the Town Planner's Response on the objections, it is not foreseen that the guest house will change the character of this area, nor can it reasonably be debated that it would have a negative effect on property values.

The application is considered desirable and can be supported.

PART D: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

The conditions to be removed limit the use of the property to residential purposes only and that no place of business may be operated on the property. The conditions actually prohibit the land owner to act on existing primary rights (home occupation, etc.) and consent use (guest house) which is considered a business use.

These uses are however widely accepted and part of the residential fabric and controlled with regulations.

Granting the approval will create opportunity for tourism, job opportunities and would lead to the property value of the erf to increase. The Municipality will also obtain additional property tax.

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

The land owner will be able to act on some primary and consent use rights that can be allowed on the property, in this case a guest house. The land owner will be able to obtain an income from the guest house.

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

The restrictive conditions actually limit the development potential and make it impossible for the land owner to act on land uses allowed in terms of the Zone Scheme. These uses help to create tourism opportunities, job opportunities and additional property tax for the local authority. These opportunities have great social benefit.

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

The residence in the area to a sense is the beneficiaries of the rights. By removing the conditions the land owner would only be able to act on rights allowed in terms of the Zoning Scheme, and the Zoning Scheme also allow strict regulations on how the land use (guest house) should be operated. If such land use right is to the detriment of the residence in the area, the land use right (guest house) can be withdrawn by the Municipality.

PART P: SUMMARY OF EVALUATION

The application is for a guesthouse of five (5) bedrooms and the application does comply with the Overstrand Zoning Scheme parameters concerning guest houses. One (1) letter of objection was received, which was addressed by the applicant.

All municipal departments support the application. The applicant will have to provide a revised Site Development Plan to comply with the requirements of the Engineering Department and to address the use change of the garage into a bedroom with kitchenette.

The application is desirable and can be supported.

PART Q: RECOMMENDATION

RECOMMENDATION :

1. that the application for Removal of Restrictive Conditions on Erf 505, Vermont in terms of Section 16(2)(f) in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to remove Conditions E(c) and E(d) in Title Deed T49122/2015, **be approved**;
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 505, Vermont for a consent use to operate a five (5) bedroom guesthouse, **be approved**, subject to the following conditions:
 - (a) that the facility be utilized as a **guesthouse only**;
 - (b) that a revised Site Development Plan be provided showing compliance with the conditions in the Services Report and the provision of seven (7) on-site parking bays (including the garages);
 - (c) that the garage that has been changed into a bedroom with kitchenette be changed back into a garage;
 - (d) that a maximum of five (5) bedrooms to be let, be permitted;
 - (e) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guesthouse;
 - (f) that the guesthouse is utilized as such - no self-catering will be permitted;
 - (g) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
 - (h) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (i) that a minimum of one (1) permanently demarcated parking bay per guest room and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Authorized Official;
 - (j) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;

- (k) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (l) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises, and that the existing flag pole be removed, or application be made in terms of the Signage By-Law;
 - (m) that the guesthouse be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (n) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (o) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
 - (p) that should any building alterations be required building plans should be submitted to the Building Department for approval;
 - (q) that all the conditions in the Services Report (attached as Annexure G), be complied with;
 - (r) that all conditions imposed by the Fire Department (attached as Annexure H), be complied with, and
 - (s) that no kitchen facilities and or prep bowls be allowed in the guestrooms.
3. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

PART R: REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ No new municipal services will be needed.
- ❖ It is in line with policy documents.
- ❖ The development of the erf will be beneficial for optimization of the erven and infrastructure.
- ❖ Contribute to alleviate the need for employment possibilities and accommodation.
- ❖ The objection was duly addressed by the applicant.
- ❖ The application will not have a negative effect on the character of the area and is desirable.


PART S: ANNEXURES

| | |
|-------------|---|
| Annexure A | Locality Plan |
| Annexure B | Site Development Plan |
| Annexure C | Motivation |
| Annexure D | Objection |
| Annexure E: | Objection withdrawn and late conditional approval |
| Annexure F: | Response to objection |
| Annexure G: | Services report |
| Annexure H: | Comments: Fire Department |

Author name:

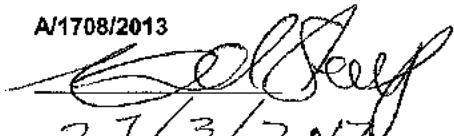
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Author signature:

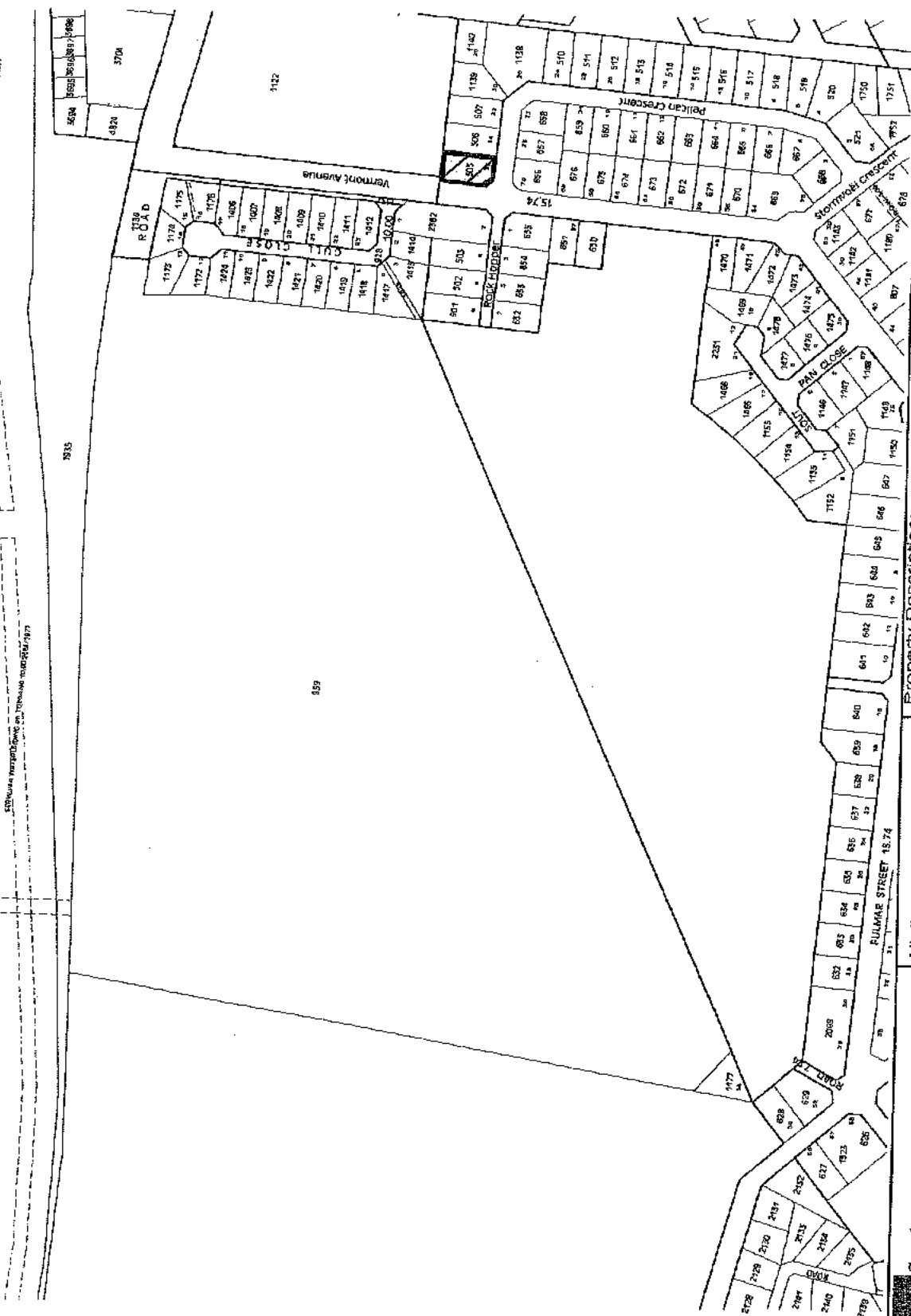
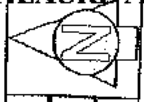


Date:

27/03/2017

| | |
|--------------------------------|---|
| Registered planner name : | H VAN DER STOEP |
| SACPLAN registration number: | A/1708/2013 |
| Registered planner signature : |  |
| Date: | <u>27/3/2017</u> |

NOTES:
□ The Site



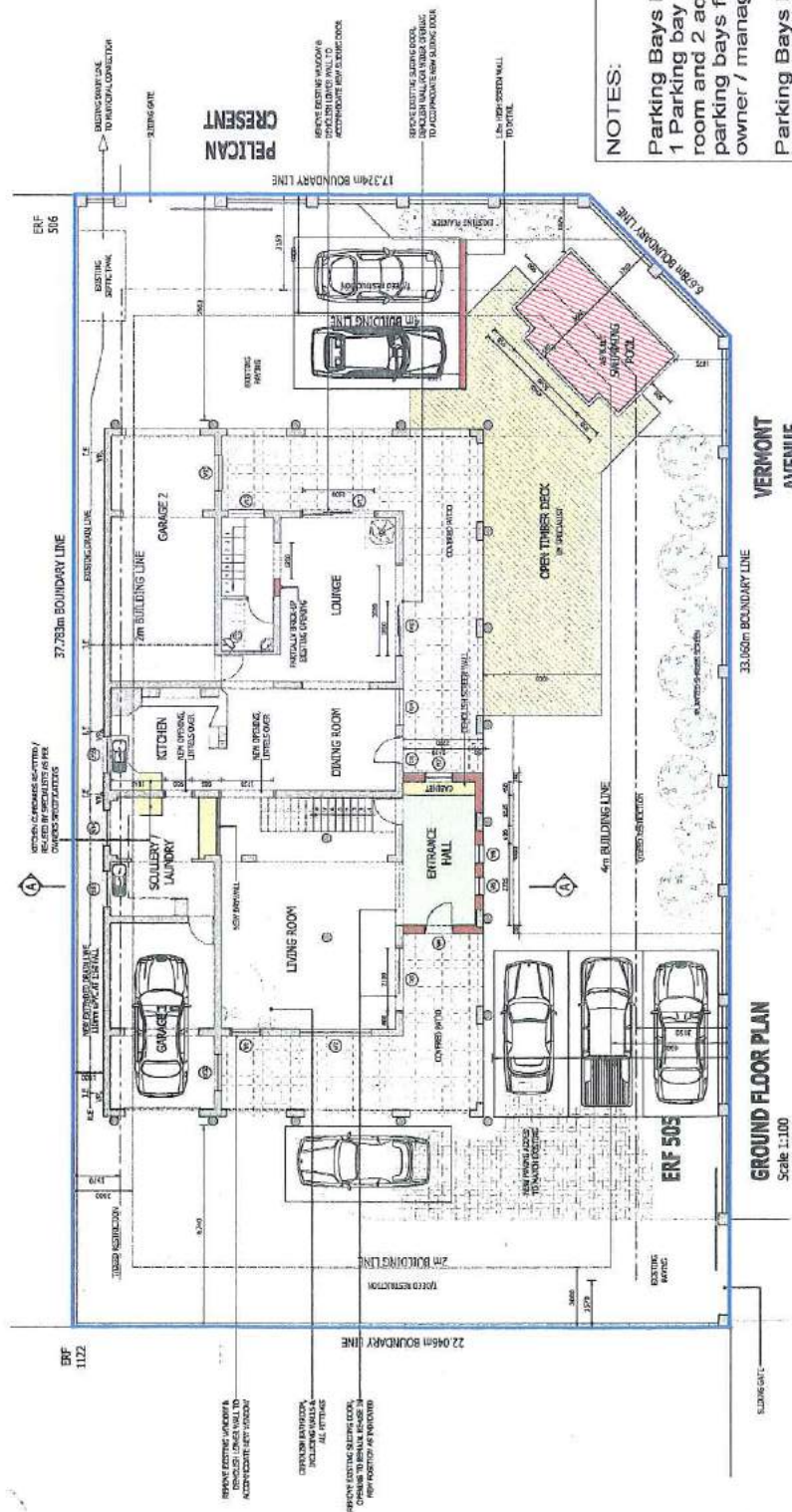
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Drawing Nr: Ver505L.drw
Date: 06/2016

Plan Description:
LOCALITY MAP

Property Description:
**ERF 505
VERMONT**

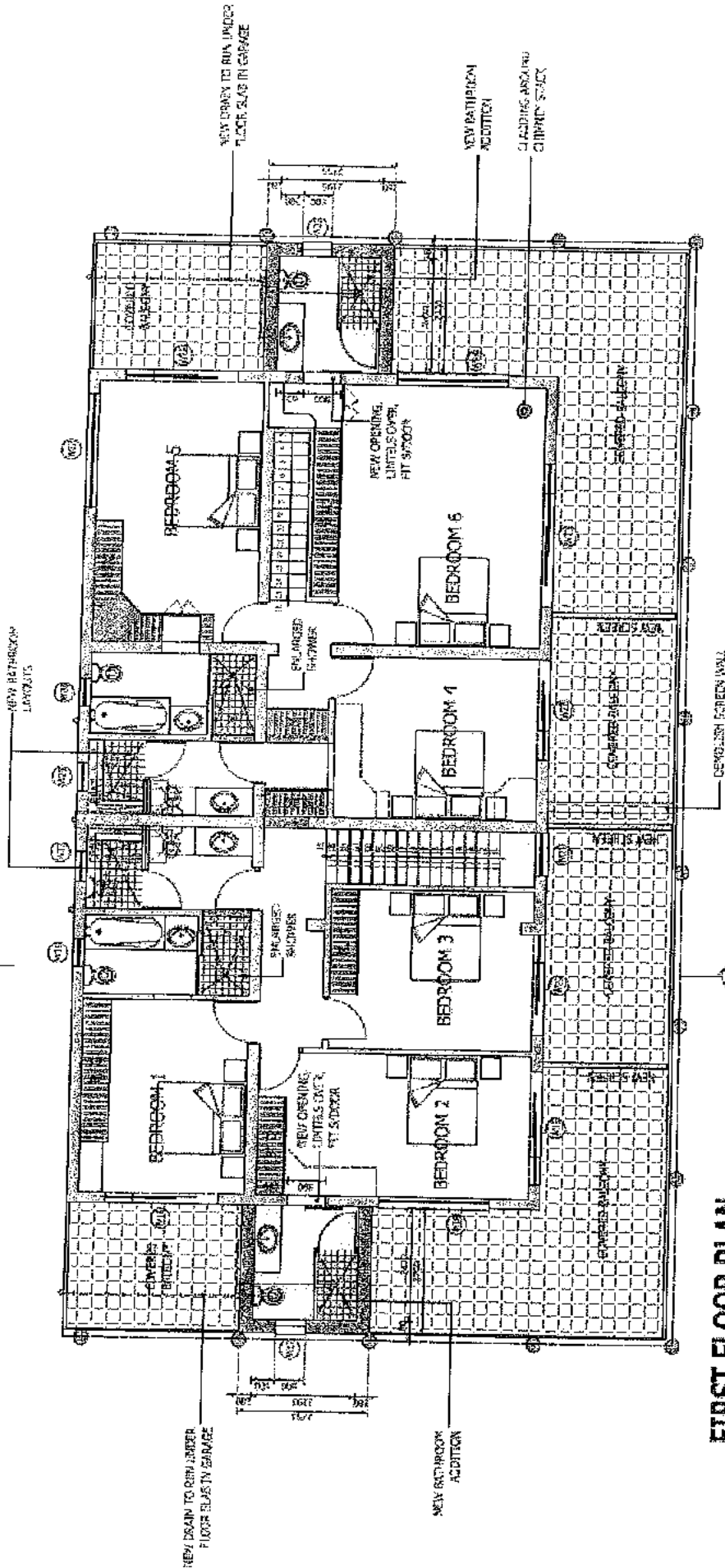
All distances approximate
and subject to survey.
COPY RIGHT RESERVED

PLAN
Stads- en Streeksbeplanners
Town & Regional Planners



NOTES:
 Parking Bays Required:
 1 Parking bay per guest room and 2 additional parking bays for the owner / manager.
 Parking Bays Provided:
 5 Guest Rooms = 5 Parking Bays
 Owner / manager = 2 Parking Bays
 Total No. of parking bays provided = 7

GROUND FLOOR PLAN
 Scale 1:100



FIRST FLOOR PLAN

Scale 1:100

PLA Stads-en Sreksbepanners
Town & Regional Planners

All distances approximate
and subject to survey.

COPY RIGHT RESERVED

Property Description:

**ERF 505
VERMONT**

Plan Description:

**GUESTHOUSE
LAYOUT**

Scale:

NTS

Drawing Nr:

ver505g.dwg

Date:

06/2016



**PROPOSED CONSENT USE
& REMOVAL OF RESTRICTIVE
TITLE DEED CONDITIONS**

ERF 505 VERMONT

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

The company Plan Active has been instructed by the owners of Erf 505 Vermont, Jodiglo (Pty)Ltd to apply for a consent use and the removal of restrictive Title Deed conditions in order to accommodate a 5 bedroom guesthouse on the subject erf. The existing dwelling and infrastructure will be utilised to accommodate the proposed guesthouse.

2. APPLICATION DETAILS

In order to accommodate a guesthouse on Erf 505 Vermont an application must be lodged in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for a consent use for Erf 505 Vermont.
- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the removal of restrictive Title Deed conditions for Erf 505 Vermont.

3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 505 Vermont is situated on the corner of Vermont Avenue and Pelican Crescent, Vermont. Please refer to the enclosed locality plan. The property details are as follow:

| Erf Number | Size (m²) | Title Deed Nr. | Owner | Zoning |
|-------------------|---------------------------------|---------------------------|-----------------------------|--------------------|
| 505 Vermont | 822 | T49122/2015 | Jodiglo Proprietary Limited | Residential Zone I |

3.2 ZONING

Erf 505 Vermont is zoned Residential Zone I. The predominant zonings found in the vicinity of the subject erf are Residential Zone I and General Residential Zoned erven.

3.3 LAND USE

The property is Zoned Residential Zone I and is being used as such. The owner is currently renting out 2 guest rooms as permitted in terms of the Overstrand Municipality Zoning Scheme as a primary right.

The surrounding area consists mainly of single residential uses, and there is an existing townhouse / group house development situated directly north and abutting the subject erf.

3.4 PROPOSAL

Application is made in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for a consent use for Erf 505 Vermont.
- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the removal of restrictive Title Deed conditions for Erf 505 Vermont.

The owner intends to establish a 5 bedroom guesthouse on Erf 505 Vermont.

In order to accommodate the guesthouse it would be required that we apply for a consent use and the removal of restrictive Title Deed conditions. The detail of the application can be described as follows:

3.4.1 Proposed Consent Use

The owner intends to establish a 5 bedroom guesthouse on Erf 505 Vermont to be accommodated within the existing built structure.

With reference to the above and the enclosed site development plan and guesthouse layout the proposed guesthouse will consist of the following:

GROUND FLOOR:

The ground floor consists mainly of all the auxiliary uses such as:

- Entrance Hall;
- Kitchen & Scullery;
- Lounge;
- Dining Room;
- Living Room;
- Guest Toilet;
- 2 Garages.

FIRST FLOOR:

The first floor will be used to mainly accommodate the guests and the owner / manager:

- 5 Guestrooms (Bedrooms 1, 2, 4-6). Each guestroom has its own en-suite bathroom.
- Manager Suite (Bedroom 3)
- 6 Covered Balconies.

With reference to the above mentioned land uses please refer to the proposed site development plan and guesthouse layout. The detail of the above mentioned land uses are as follow:

- **Entrance Hall**

The entrance hall faces Vermont Avenue and will be used as main access to the guesthouse for the guests. The office will be used for administration purposes of the guesthouse.

- **Kitchen & Scullery**

The Kitchen is located on the ground floor and will be used to prepare food for the owner / manager and for paying guests.

- **Lounge**

The lounge will be used by the owner / manager and will also be accessible to paying guests.

- **Living Room**

The living room will be used by the owner / manager and will also be accessible to paying guests.

- **Dining Room**

The dining room is centrally situated on the ground floor of the proposed guesthouse. The dining room will mainly be used by guests only but will also be accessible to the manager / owner but will not be accessible to the general public.

- **Guest Rooms**

In total 5 guest rooms will be provided. The rooms that will be occupied by paying guests are bedrooms 1, 2 and 4-6. All the guest rooms will be provided on the first floor as indicated on the building plan. Each guest room consists of a bedroom area, en suite bathroom and a balcony.

- **Manager Suite**

The manager / owner of the guesthouse will occupy bedroom 3 on the first floor of the guesthouse as indicated on the enclosed building plan.

- **2 Single Garages**

The 2 single garages will be used to house the owner's / manager's motor vehicles.

3.5 CHARACTER OF THE ENVIRONMENT

It is proposed to change the land use of the subject property from a residential dwelling into a 5 bedroom guesthouse as a consent use. The current zoning is Residential Zone 1 and this zoning will be retained. The impact on the character of the area will therefore be minimal.

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

The subject property's zoning will remain unchanged but the use of the residence will change to a 5 bedroom guesthouse. The location of the subject property within a single residential area allows the property to be developed for low impact land uses only such as a Bed-and-Breakfast, guesthouse, home occupation, etc.

Since the zoning will remain unchanged the impact on the surrounding properties will be kept to a minimum. Property values of surrounding erven will therefore not be negatively affected by the proposed application.

3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.7.1 PROVISION OF SERVICES

All services on the subject property already exist. This application consists of the change of land use of the existing dwelling to a 5 bedroom guesthouse only and therefore no additional services would be required.

3.7.2 TRAFFIC IMPACT, PARKING AND ACCESS

Accesses to the 2 single garages are gained from Pelican Crescent and Vermont Avenue. These access points will be used to gain access to the proposed guests parking bays. 2 guest parking bays are accessed from Pelican Street via an access controlled gate. 3 guest parking bays are accessed from Vermont Avenue also via an access controlled gate.

No additional accesses are required and the application only consists of the change of land use of the existing dwelling into a 5 bedroom guesthouse and therefore the impact on the traffic flow in the area will be minimal.

3.8 TITLE DEED

There are restrictive Title Deed conditions in Title Deed 49122/2015 that will have to be removed to accommodate the proposed guesthouse on Erf 505 Vermont.

The Title Deed restrictions read as follow:

Page 4 Paragraph E.(c): "No canteen, hotel, restaurant, shop, factory, industry or any place of business whatsoever shall be opened or conducted on the said property except with the consent in writing of the Transferor Company."

Page 4 Paragraph E.(d): "Unless the permission of the Transferor Company in writing be obtained under condition (c) above, the said property shall be used for residential purposes only and only one dwelling together with such outbuildings as are ordinarily required for domestic purposes shall be erected on any one lot, and in particular, subject to any permission granted as aforesaid, not structure of the type commonly known as "flats" shall be erected on the said property."

The proposed guesthouse qualifies as a business and the land use will change from single residential only to single residential and a 5 bedroom guesthouse. It is therefore required that the above mentioned Title Deed restrictions be removed in order to accommodate the consent use for a 5 bedroom guesthouse.

There are no bonds registered against the subject erf.

3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.9.1 HERITAGE VALUE

Erf 505 Vermont is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The existing dwelling situated on Erf 505 Vermont is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

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 above mentioned it is evident that the proposed consent use will not have a negative impact on the heritage value of the subject property or the Greater area of Vermont and Onrusrivier.

3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

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

3.10 FORWARD PLANNING AND LAND USE DOCUMENTS

The *Overstrand Spatial Development Framework (2006)* earmarks the area where 505 Vermont is situated, for residential purposes. The zoning of the subject properties will remain unchanged (Residential Zone I: Single Residential) and the application consists of a consent use to use the existing dwelling as a 5 bedroom guesthouse. Therefore the proposed application falls within the existing planning for the Vermont area.

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* specifies that Erf 505 Vermont forms part of Planning Unit no. 1. 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 will therefore remain unchanged.

From the above it is evident that the proposed consent use adheres to the spatial planning policies for the Vermont area and consequently falls within the existing planning for the area.

3.11 PLANNING PRINCIPLES

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

Spatial Justice: The proposed guest house will create employment opportunities for the local residents of the Hermanus area.

Spatial sustainability: The proposed guesthouse will be accommodated within an established residential area within an existing dwelling situated on Erf 505 Vermont. The proposed application will have no impact on the conservation worthy areas of Vermont. Spatially the land use will be in line with the residential character of the area.

Efficiency: The proposed guesthouse is easily accessible and conveniently located in Vermont Avenue on the border of Onrusrivier and Vermont in close proximity of beaches, shops and Hermanus. With reference to the last mentioned makes the amenities and the guesthouse easy accessible to paying guests.

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

Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process.

4. RECOMMENDATION

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

- All services on the subject property already exist and no additional services will be required;
- The zoning of Erf 505 Vermont will remain unchanged;
- All the required parking bays can be accommodated on the subject erf and no additional access points are required. The 2 existing accesses to the property will be used and are sufficient.
- The proposal is compatible with the existing built character of the area.

- The proposed application for a consent use and the removal of restrictive Title Deed restrictions for a guesthouse conforms to the land use restrictions applicable to guesthouses.

The application can be supported for your favourable evaluation. The opinion is held that this application will have no negative impact on the land values, privacy and traffic of the area.

DS

23

(c) 072 3739105
5th October 2016
ASTRID STEYN
73 ONRUS CLOSE
VERMONT AVE
7301
ERF HVM 1122 STOK
VERMONT

SOS HVM

| | |
|------------------|------------|
| FILE NO: | EL 505 Ver |
| SCAN NO: | |
| COLLABORATOR NO: | 945052 |
| | |

TP-A Theart
CH Olivier)

For attention:- (by hand to Hannli
The Town Planner
Mr. H. Olivier
Overstrand Municipality
028-313-8900-tel



I take this opportunity to comment on the business of a guest house recently opened to the public:- entrance Vermont Ave:- Oude Schuur ERF 505. I recently bought and settled into 73 ONRUS Close, Vermont Ave, bordering on the North side of the Guest House. I made my offer to purchase in April and moved into my new property in June 2016. The guest house started business about 5 months ago using the full amount of 6 Rooms, 2 were permitted. My question is, should there be removal of restrictions if the Application is not in line with what is ACTUALLY happening on the premises! Discrepancies that need further investigation

TP

Request is I would like a site inspector by yourself at the said guest house + my home to look at the impact on myself + other affected homes. My cell no: 072 3739105,

010 1 1310

TE-001-2016

I continue. Part of my objections are on the same basis as Daniel Reddie 34 Pelican Crescent, Vermont. Please take note + address his well written comments, observations + observations - a copy is attached. ~~with~~ My own objections are as follows:-

Visually my privacy from ONRUCLOSE, No. 73 has been breached

- 1) 4 or 5 Cars are parked in the area said for 3 cars only. I look onto this immediately in front of my lounge sliding door
- 2) In front of me is what should be a garage on their N side which is a fully operating laundry (NOT garage) - from 7am in the morning - all day + every day. A DISTRACTION

My apartment - as the rest of ONRUCLOSE is raised 1 metre higher. The concrete wall is therefore not high enough to shield the distraction of CONTINUOUS MOVEMENT to the full operating Guest House. PRIVACY is never mine (?). I bought my home for peace + tranquility.

The owner erected a most unsightly cheap + nasty wooden fence (bought on a roadside) - erected to lengthen the concrete wall. EFFECTS my view GREATLY. A wall can be built from there side to improve the

3,

A good standard should be kept in our neighbourhood. I believe this to be true for RESALE value of our properties must be considered.

A courtyard has been created by this brown wood fencing blocking any car access to what should be a garage.

The ^{actual} laundry (garage) is a room off the kitchen - on plan marked as scullery/laundry. The washing is hung on driers outside the big garage in this created courtyard. This I see CONTINUOUSLY DAILY from my lounge through the ugly gaps (which the weather is widening!) of the wooden gaps.

Movement of guest house staff in this outside laundry ^{and} cars ~~and~~ strange people from the first floor room does not make for a calm good life in my home (new).

To OVERCOME this + to buffer sound also of the 9 air conditioners - with "buzz" straight down the ugly alley INTO MY LOUNGE, (as it is in line with these) - A higher more solid wall would overcome the unsightly view, an unwanted distraction for No. 73, 74, 75 + 75 - directly in front of Guest House.

No mention is made in their Proposal in 3.4.1 of LAUNDRY - Please take NOTE Kitchen Scullery is mentioned ONLY in the layout. Their floor plan has changed drastically.

4.

The impact on homeowners is certain NOT KEPT at a minimum as said in 3.6 of the application.

The Guesthouse has definitely affected resale value of NO. 73 ONRUS CLOSE as it stands + operates to this point today,

3.7.2. incorrectly states the amount of cars accessed from both Vermont Ave., + Petia St. I have photos of 5 in front of my ho where there should be no more than 3.

The flagpole which has been erected in the very middle of my tiny view that I have (since the huge roof + veranda have been erected) - this could be moved further towards the corner of guest house property to clear the view towards the sea for the owners at ONRUS CLOSE.

A site inspection shall resolve each parties observations amicably

Yours Sincerely
Astrid Steyn.

(c) 072 3739105

attached! Daniel Reddie Objection:

I am in agreement with this



Vermont
Ratepayers & Environmental Association
Belastingbetalers & Omgewingsvereniging

TP - A Theart
(H Olivier)

PO BOX 142, ONRUSRVIER. 7201

11 October 2016



(For Att. Town Planning, Mr. H. Olivier)
Overstrand Municipality,
PO Box 20,
HERMANUS, 7200

Dear Sir

**VERMONT ERF 505, VERMONT AVENUE, VERMONT, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR REMOVAL OF DEED RESTRICTIONS AND CONSENT USE**

I refer to your municipal notice 114/2016 under cover of Plan Active's letter dated 30 August 2016 and apologise for this late reply.

The Vermont Ratepayers & Environmental Association (VREA) does not have an objection to the establishment of the guest house. However, there is concern regarding vehicular entrance to and exit from the guest that poses a potential traffic hazard to passing motorists. This problem can possibly be mitigated by installing traffic mirrors at the two entrance gates.

If the above issue is addressed by way of a condition as well as the conditional provision of sufficient parking on the property to ensure that parking space is available to accommodate all who use the guest house, the VREA have no objection to the application.

Yours faithfully

H.W. Heard
Chairperson: VREA

| | |
|------------------|------------|
| FILE NO: | EL 505 Ver |
| SCAN NO: | |
| COLLABORATOR NO: | 946 240 |

TP

12 OCT 2016

12 OCT 2016



Vermont

Ratepayers & Environmental Association
Belastingbetalers & Omgewingsvereniging

TP - A Theart
(H Olivier)

PO BOX 142, ONRUSRIVIER. 7201

11 October 2016



(For Att. Town Planning, Mr. H. Olivier)
Overstrand Municipality,
PO Box 20,
HERMANUS 7200

Dear Sir

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APPLICATION FOR REMOVAL OF DEED RESTRICTIONS AND CONSENT USE**

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If the above issue is addressed by way of a condition as well as the conditional provision of sufficient parking on the property to ensure that parking space is available to accommodate all who use the guest house, the VREA have no objection to the application.

Yours faithfully

H.W. Heard
Chairperson: VREA

| | |
|------------------|------------|
| FILE NO: | EL 505 Ver |
| SCAN NO: | |
| COLLABORATOR NO: | 946240 |

TP

19 November 2016



Daniel Reddie
34 Pelican Crescent
7201
ERF 506
Vermont
everredi@iafrica.com

For Attention:
Plan Active Town & Regional Planners
J McLachlan
PO BOX 296
HERMANUS
7200
planactive@hermanus.co.za

TRA Theart
(Holivier)

Copy To:
The Town Planner
Mr H Olivier
Overstrand Municipality
PO BOX 20
Hermanus
7200
loretta@overstrand.gov.za

| | |
|------------------|------------|
| FILE NO: | EL 505-Vec |
| SCAN NO: | 13 |
| COLLABORATOR NO: | 972609 |

REF: COMMENTS, OBSERVATIONS AND OBJECTIONS TO PROPOSED APPLICATION FOR REMOVAL OF TITLE DEED RESTRICTIONS AND CONSENT USE OF ERF 505 VERMONT.

I wish to refer to the above matter and in particular my document submitted regarding the comments, observations and objections submitted related to the application for a five bedroom guest house as per application made by PLAN ACTIVE on behalf of JODIGLO PTY LTD on ERF 505, Vermont Avenue.

After meeting with Mr Juan Ehlers, the owner of said property on Friday 18th November to discuss my objections and comments on the proposal of the said property operating as a guest house, after coming to an agreement and reassurance by him that all issues are addressed as promised. I wish to, hereby withdraw my letter, of observations, comments and objections with immediate effect and therefore have no objection to the establishment of the proposed guest house to be operated on ERF 505, VERMONT AVENUE.

I trust this will carry your approval.

Yours sincerely,

Daniel Reddie.

TP 22 NOV 16

FILE NO: EL 505-Ver
 SCAN NO: 13
 COLLABORATOR NO: 941195

30

ANNEXURE E 3/14

Daniel Reddie
 34 Pelican Crescent
 Vermont
 7201
 Erf 506 Vermont
 e-mail: everredi@iafrica.com

TR A Theart
 (Holvier)

For the Attention: Mr J Mc Lachlan
 Plan Active Town and Regional Planning
 6 Magnolia Street
 P.O. Box 296
 Hermanus
 7200
 e-mail: planactive@hermanus.co.za



Copy to: The Town Planner
 Mr H.Olivier
 Overstrand Municipality
 P.o. Box 20
 Hermanus
 7200
 e-mail: loretta@overstrand.gov.za

Comments, observations and objections to proposed application for removal of title deed restrictions and consent use of Erf 505 Vermont.

Sirs,

With regard to the documentation and your motivation report for the proposed application for removal of title deed restrictions and consent use of Erf 505 Vermont as instructed by your client, Jodiglo (Pty) Ltd.

Before I make my comments, observations and objections, I would like to question as to why has this proposal only been available to me after all the alterations and modifications to the said property has already been completed and that the establishment has been running as a fully fledged six bedroom guesthouse for the past six months?

After studying the Motivation Report, I have found a number of inaccuracies and unsubstantiated comments and conclusions.

Before I state my observations, I would firstly like to put you into the picture as to my history with this building project (see attached copy of letter of complaint submitted to the Overstrand Municipality, Hermanus submitted and paid for on 25/01/2016) some of these issues have been adequately addressed and some, have not.

However some of the issues not addressed are:

There are still questions pertaining to the proximity of the eight air conditioner compressors on the wall in the narrow alley, given that the alley serves to amplify the sound when only one or two are running, it is anticipated that with all eight running, will represent a noise nuisance. [i.e. impact on privacy].

I feel that the aesthetics of my property have been compromised by your overwhelmingly ugly double story wall as seen from my property with its unsightly array of trunking and plumbing,

TP

23 SEP 2016

28 SEP 2016

servicing the bathrooms and air-conditioner compressors. (See attached photographs 1, 2, 3 & 4) and that the upper windows overlooking my property are an invasion of my privacy. Taking into account all these facts I feel they all contribute to undermine the value of my property.

In addition to my original letter, and in the light of the increased criminal activity in our area as reported by SAPS and OnVerWag (Onrus-Vermont Neighbourhood Watch) in our local press and other media. I feel that the security of the perimeter walls between our properties, safe secure parking and better lighting needs to be addressed.

Also through the question of the visible absence of fire escapes, fire hose points or hydrants and escape routes in case of a fire, arises the question of compliance with local fire regulations.

To date no regular maintenance to pavements and driveways (weeding, cutting and trimming) on both Pelican Crescent and Vermont Avenue pavements on both sides is or has been done, this to needs to be addressed by your client.

The following observations, inaccuracies and questions pertaining to the **Motivation Report**, also need to be addressed:

1. Background

The following statement "The company Plan Active has been instructed by the owners of Erf 505 Vermont, Jodiglo (Pty) Ltd to apply for a consent use and removal of restrictive Title Deed conditions in order to accommodate a 5 bedroom guesthouse on the subject erf. The existing dwelling and infrastructure will be utilised to accommodate the proposed guesthouse."

☞ This application of a consent use and removal of title deed conditions in order to accommodate for a 5 bedroom guesthouse is not correct according to the particulars as advertised on their link to the Accommodation Direct website at: https://www.accommodirect.com/listing/18815?gclid=CM25zdbQ_c4CFYYV0wodQN4B1Q which states, " There are 6 luxurious suites, each with en-suite bathrooms"

☞ It appears that bedroom 3 is being used as an additional guest bedroom instead of staff accommodation. [See below concerning two garages on ground floor and on red markings on attached plan]

☞ I would like to make the point that this should read; the existing dwelling being 2 semi-detached dwellings and infrastructure on a single sight being Erf 505 Vermont will be utilized to accommodate the proposed guesthouse.

3.3 Land Use

"The property is Zoned Residential Zone1 and is being used as such. The owner is currently renting out 2 guest rooms as permitted in terms of the Overstrand Municipality Zoning System as a primary right".

☞ This statement is inaccurate, based on our observations of the comings and goings, mostly at weekends of out of town motor vehicles, lights in bedrooms and people on balconies, all the rooms on the property are already being used as a fully fledged guesthouse since early May 2016.

3.4 Proposal

"The owner proposes to establish a 5 bedroomed guesthouse on Erf 505 Vermont".

- ☞ See Accommodation Direct's website, states 6 luxurious suites.

3.4.1 Proposed Consent Use

"The owner proposes to establish a 5 bedroomed guesthouse on Erf 505 Vermont to be accommodated within the existing built structure."

- ☞ See Accommodation Direct's website, states 6 luxurious suites.
The existing structure was a semi-detached dwelling which conflicts with the existing built structure. the first floor plan when studied shows two separate bedroom areas without access between bedroom 1,2,3 and 4,5,6, also bathrooms for bedrooms 3 and 4 are not technically 'en suite' as stated.

With reference to the above and enclosed site development plan and guesthouse layout the proposed guesthouse will consist of the following'

- ☞ See your attached plans with my observed changes in red.

Ground floor:

- 2 garages
- ☞ By our observation, one proposed garage (Pelican Crescent side) has been converted into a bedsit, probably for staff accommodation. (See your attached plans with my observed changes in red)
The other garage has been fenced off and is currently being used as a laundry/storeroom and courtyard for washing lines and garbage bins. (See your attached plans with my observed changes in red)

First Floor

- Guest rooms
"In total 5 guest bedrooms will be provided. The rooms that will be occupied by paying guests are bedrooms 1, 2 and 4-6."
☞ The Accommodation Direct's website states 6 luxurious suites.
- Manager Suite
"The manager/ owner of the guest house will occupy bedroom 3".
☞ This is a contradiction to what is stated on the Accommodation Direct's website.

● 2 Single garages

"The 2 single garages will be used to house the owner's/manager's motor vehicles".

- ☞ By our observation, the garage that was once on the Pelican Crescent side has been bricked closed, a door and window fitted in place of the garage door and two windows and additional plumbing added on the alley side. (see attached photographs 5 & 6) The other garage has been fenced off and is seemingly being used as a laundry/store room, therefore there is no access for a motor vehicle to this garage. (see attached photograph 7)

3.6 Potential of the property (desirability of the proposed utilisation)

(Second paragraph) "The subject property's rezoning will remain unchanged but the use of

the residence will change to a 5 bedroom guesthouse".

☞ According to the advertised accommodation on Accomodation Direct's website, this statement is untrue and says 6 luxurious suites.

3.7 Impact on external engineering services

3.7.1 Provision of services

☞ This point states a '5 bedroom guesthouse' and not "6 luxurious suites" as advertised on the Accomodation Direct's website.

3.7.2 Traffic impact, parking and access

☞ As the two garages have been converted and repurposed they longer exist for parking, therefore there will only be parking for five vehicles which indicates that at least three vehicles will have to park on the street.

3.8 Title Deed

In the second paragraph where it is stated page 4 paragraphe.(d) : "unless the permission of the transferor company in writing be obtained under condition (c) above. The said property shall be used for residential purposes only and **one dwelling together with such outbuildings are ordinary rquired fror domestic purposes shall be erected on any one plot** and in particular subject to any permission granted as aforesaid, not structure of the type known as 'flats' shall be erected on the said property."

☞ Erf_505 Vermont before conversion to a proposed 5 bedroom guesthouse, accomodated 2 semi-detached dwellings on a single plot.

(Last paragraph) "The proposed guesthouse qualifies as a business and the land use will change from single residential only to single residential and a 5 bedroom guesthouse. It is therefore required that the above mentioned Title Deed restrictions be removed in order to accomodate the consent use for a 5 bedroom guesthouse".

☞ This statement does not ring true unless the converted and repurposed garages are taken into account and the consent use is changed to 6 bedroom guesthouse and that the plans record this.

4. Recommendation

(Final paragraph) "The application can be supported for your favourable evaluation. The opinion is held that the application will have no negative impact on the land values, privacy and traffic of the area".

☞ I dispute this statement in its entirety, as, of whose opinion has the land value not been devalued, our privacy breached and the seasonal traffic measured against the norm? If taken into account the close proximity and overwhelmingly ugly double story wall as seen from my property, the possibility of uncomfortable levels of noise pollution from the air-conditioners when all are running and the seasonal increase of traffic (talking and shouting around the pool area and on the two balconies in close proximity to my property). None of these questions have been proved to be of little or no impact to me or any of the tenants and owners of the surrounding properties in close proximity to the guesthouse. I feel these factors and subsequent issues devalue my property, do impact on my life and are an invasion of my

privacy.

Furthermore, it seems that another important issue has been missed, being, no mention or account for fire and fire safety. I feel that an accompanying report or document by our fire authority or an environmental specialist stating the facts concerning and allaying our fears of the possibility of a fire and the impact thereof to adjoining properties should also be submitted with this motivation.

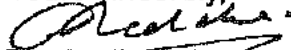
My concluding statement of observations, objections and comments.

In principle, I have no objection to a 6 bedroom guesthouse being established on the property, Erf 505 Vermont providing the sensitive issues, corrections and concerns mentioned in the body of this letter are addressed and resolved, amicably and without prejudice to all parties concerned, taking into account that the permanent residents surrounding the guesthouse, know and have to live with any impact whether, good or bad, the guesthouse will have on the aesthetics, security and general wellbeing of this residential neighbourhood.

Finally, I would like to bring to your attention that over the 7 plus months up to May this year there were workers living on site in a caravan working from early morning until late most nights of the week and even weekends, especially toward the end of the job. Only on one occasion did the Project Manager have the courtesy to apologise for the late hours, working on weekends, the dust and noise that we had to endure for most of building conversion time. Although I did make the effort to arrange a meeting with the owner through telephone calls to Jodiglo (Pty) Ltd (never available) as well as through the Project Manager, to discuss these issues, no empathy was shown and not once did I get a reply other than he was too busy or overseas. I was promised on numerous occasions by his Project Manager and secretary that when he next visited the site, he would meet to discuss the disruption and all relevant issues with me.

I will show no other opposition to the proposal consent use and removal of restrictive Title Deed conditions to allow Jodiglo (Pty) Ltd to operate a guesthouse, be granted, on the proviso that all the details in the documentation, on the plans and all other issues, being the observations, objections and comments are resolved and dealt with to my satisfaction and those of any other participating parties.

Yours sincerely,


Daniel Reddie.

NOTE: Attached to this document are 7 photographs for your reference and a modified floor plan (ground and 1st floor) of Erf 505 Vermont proposal with observed additions and changes in red.

Photos 1 and 2 : View of ugly back wall as seen from my property erf 506 vermont.

Photos 3 and 4 : View of air-conditioners from Pelican Crescent side and onrus close side

Photos 5 and 6 : Views of converted garage and side of Oude schuur from Peican Crescent.

Phot 7 : View of repurposed garage with newly erected fence from Onrus Close complex side.

Submitted: 28th September 2016.

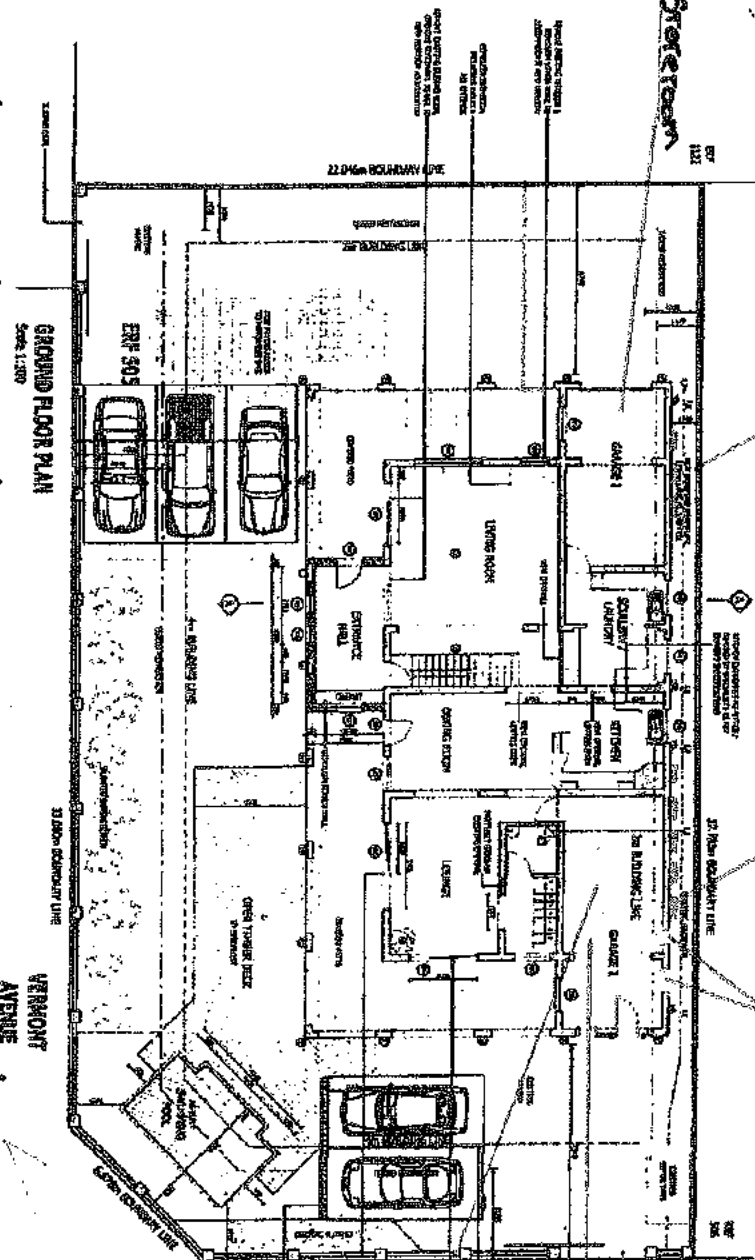
Eight air-conditioner compressors (units) which protrude out halfway into 1 metre alley.

Two new windows

Garage door replaced by window and door.

New extra room?

New laundry storeroom



These are no longer (cars) available.

NOTES:
 Parking Bays Required:
 1 Parking bay per guest room and 2 additional parking bays for the owner / manager.
 Parking Bays Provided:
 5 Guest Rooms = 5 Parking Bays
 Owner / manager = 2 Parking Bays
 Total No. of parking bays provided = 7

No indication of fire hose points, escape routes, hydrants or fire doors.

Plan Active

Stads- en Sireeksheplanners
 Town & Regional Planners

All dimensions approximate and subject to survey.
 COPY RIGHT RESERVED

Property Description:
 ERF 505
 VERMONT

Plan Description:
 PARKING
 LAYOUT

Scale: 1:250
 Drawing No: VBS05.dwg
 Date: 05/2018



Complaint from: Daniel Reddie**My Details:**

Erf: 506
34 Pelican Crescent
Vermont
Hermanus
Municipal Account No: 90000O319228

My Complaint.

It has been of some concern to me over the past six months, since being sold, that the property next to mine, being;

Erf No:505,

36 Pelican Crescent,

Vermont (corner of Vermont Laan/ Avenue and Pelican Crescent and also known as "De Oude

Schuur")

Since being sold, and after two months vacant, there has been building operations for all of that time.

There have been some issues which I have spoken to the Project Manager, Mr Jacques Pienaar (Cell No: 073 599 5575) about, mainly concerning noise on weekends, dust, drainage, proximity of six air conditioning compressors, lack of guttering, security, water damage and subsidence to my boundary wall, and all I have had is the answer that he will make my concerns known to the new owners and address these issues. I have up until this time had no meeting or conference with the owners or Project Manager and nothing has been done. I have also phoned the company to speak to the owners/Directors of Jodiglo (Pty) Ltd. Tel No: 021 976 8774 Cell: 0723952805 (numbers obtained from Overstrand Municipality) and every time I have been referred back to Project Manager. The problem now is that it seems as though the property is about to be opened as a Guest-house/Boutique Hotel as there are now notices on the entrance gates, tables and umbrellas in the garden, banners on flag poles advertising "Oude Schuur".

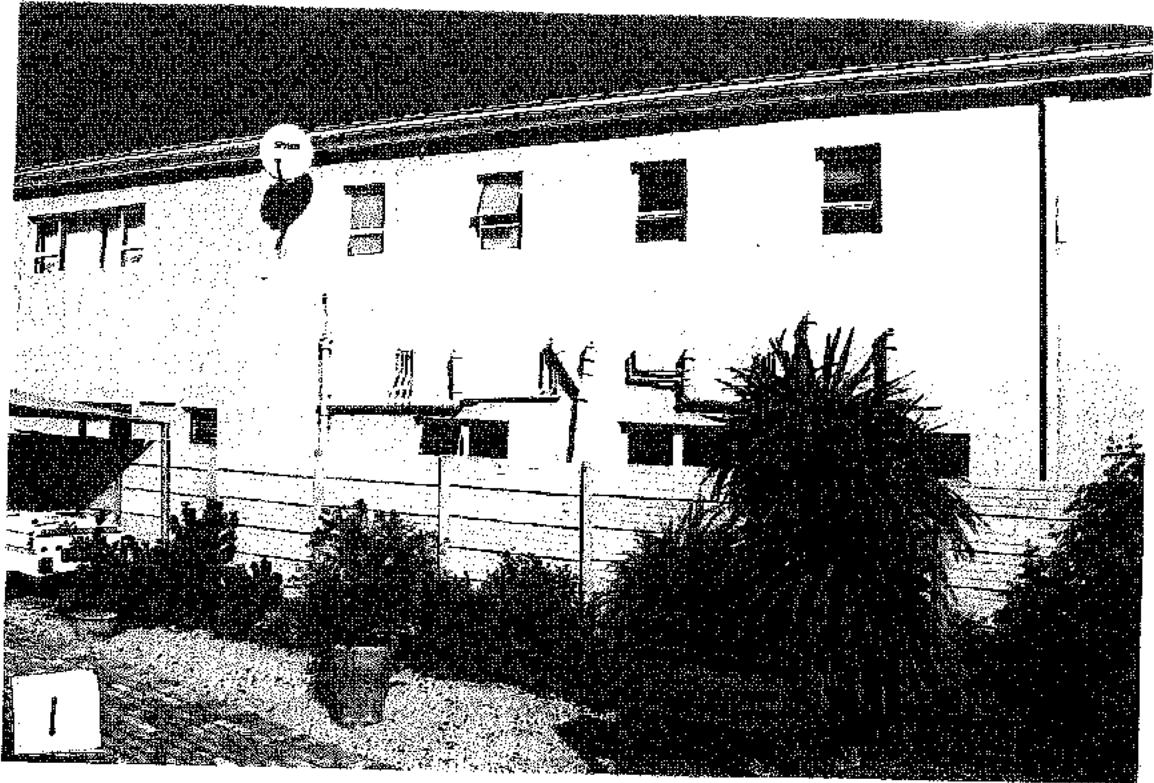
Not once has there been any communication from the owners, Hermanus Municipality or any other parties (lawyers etc.) and as far as I know, no application to run as a Guest-house/Boutique Hotel been filed with the Town Planning when I made inquiries at the beginning of this week (Monday 22nd January 2016).

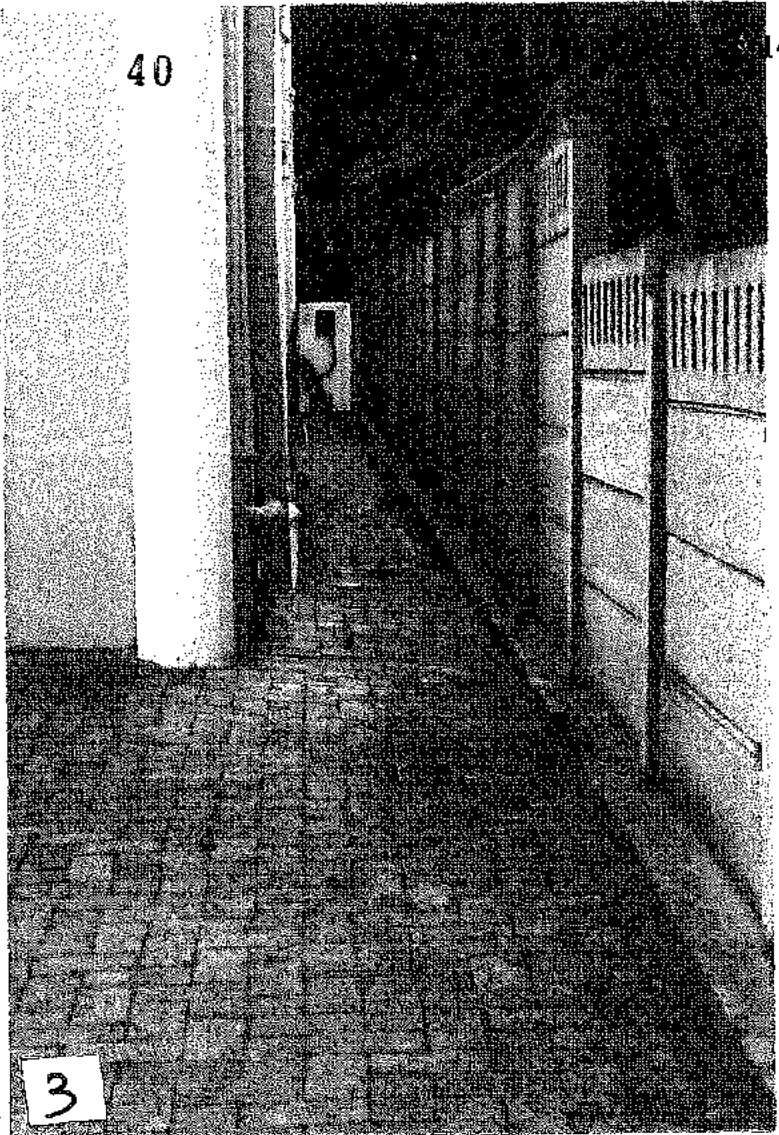
There has also, to the best of my knowledge, not been any Notice of Intent/Consent published in the Hermanus Times for comment, to date.

To conclude, I feel that the new owners and their enterprise, have not had the common decency to convey their intentions to surrounding residents about setting up a Hotel/Guest-house in a residential area without meeting neighbours and taking cognisance of their fears and concerns of having a business establishment in their area.

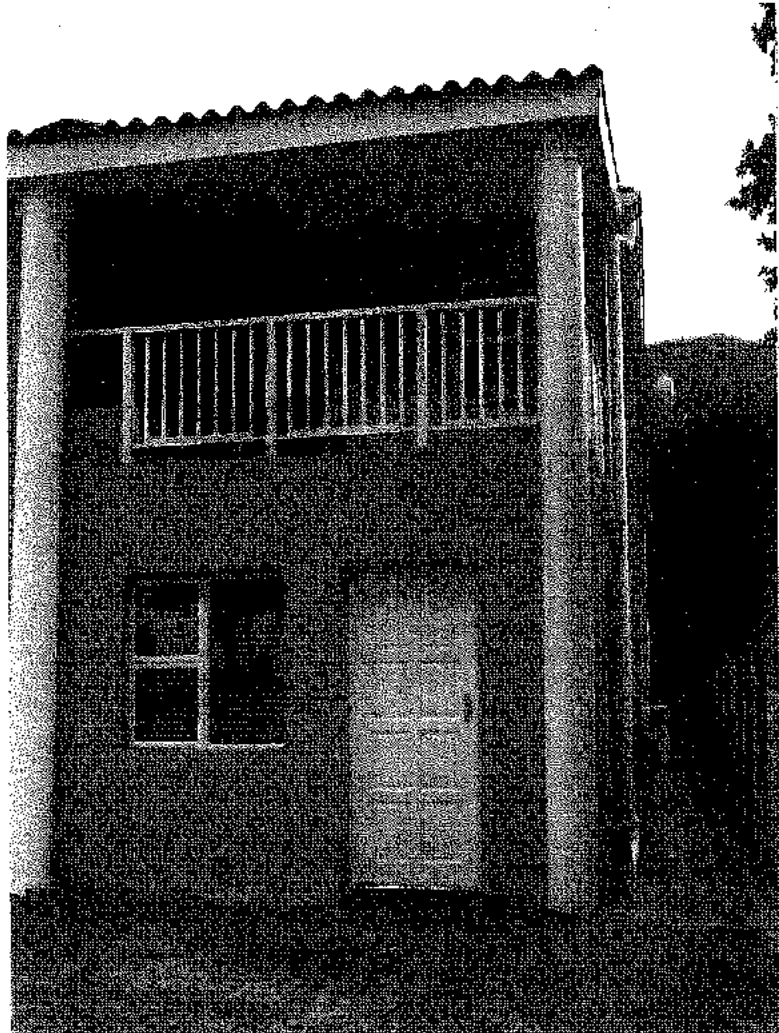
Yours Sincerely,

Daniel Reddie.

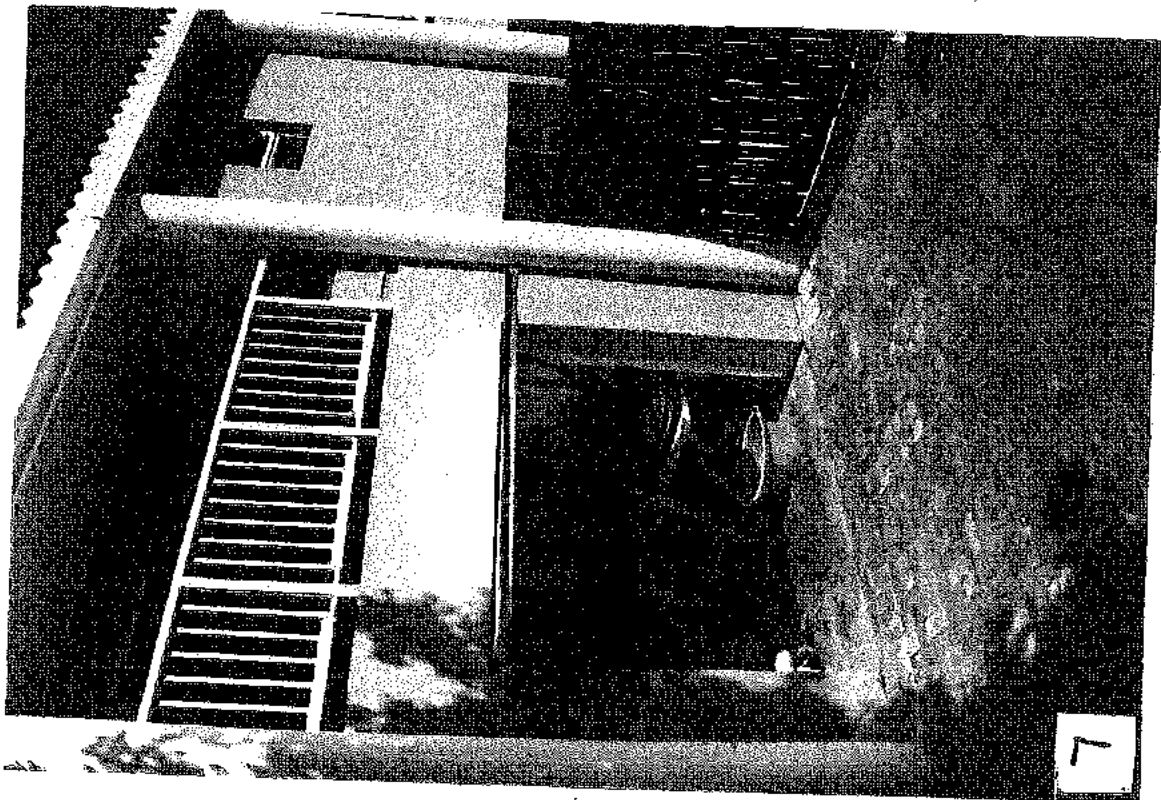




3



5



F 14



Plan Active Town & Regional Planners
J Mc Lachan
PO Box 296
Hermanus
7200

TP- A Theart
(C. H. Olivier)

Dear Sir / Madam

Re: Erf 505, Vermont

I refer to the comments / objections and remarks related to 36 Pelican Crescent zoning application.

I confirm receipt of your letter dated 20 October 2016 regarding the Comments received regarding ERF 505, 36 Pelican Crescent, Vermont

First and foremost I wish to introduce myself, Juan E Ehlers as the Owner/ CEO of Jodiglo Pty Ltd who owns the property ERF 505, 36 Pelican Crescent, Vermont.

I am an Entrepreneur and owner of various companies locally and internationally and coupled with my investment company strive to invest in properties and business throughout South Africa. As 50% owner and Director of JHEP ARCHITECTS PTY LTD I would like to use my 25 years of experience within the architectural industry as motivation for my opinions herein. However, I will address to the Comments received as Director and owner of Jodiglo Pty Ltd. I would like to respond to Mrs A Steyn comments and objections. I will also make use of Images taken before I bought the property as well as the current status and combine my comments using images relevant to the issues.

I verily believe that the majority if not all of Mrs A Steyn comments is based on un informed information and mainly speculation, un reasonable and unfair. However where I believe there is merit in her comments I will provide proposed modifications, recommendations and or follow the instructions of the council where possible.

- 1) The property in question namely 36 Pelican Avenue (and for ease of this document I will refer to the property as "Oude Schuur") was already constructed in 1985 by Mr Conradie. (See pic 14). The said building have since 1985 been a double storey building as its current status. "Oude Schuur" therefore was constructed and occupied before "Onrus Close" was considered a development, not even to mention being build. Onrus Close also had to go through a Zoning process as such and obviously received the relevant zoning. I am sure that the privacy of Oude Schuur was an issue as Onrus Close overlook the property yard, especially the driveway and garage area of Oude Schuur. However those issues, if any, was being investigated and put to the public and relevant authority was granted. Oude Schuur now has no right to complain about the infringement of the privacy as the more "younger property" namely "Onrus Close" looks straight into Oude Schuurs private section such as driveways, garage and or rooms adjacent to Onrus Close.

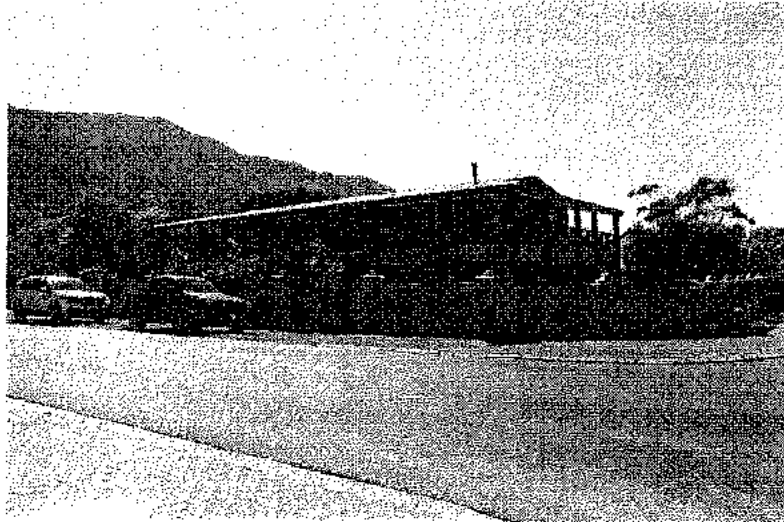
HVN

| | |
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| FILE NO: | EL 505 VRC |
| SCAN NO: | |
| COLLABORATOR NO: | 991599 |

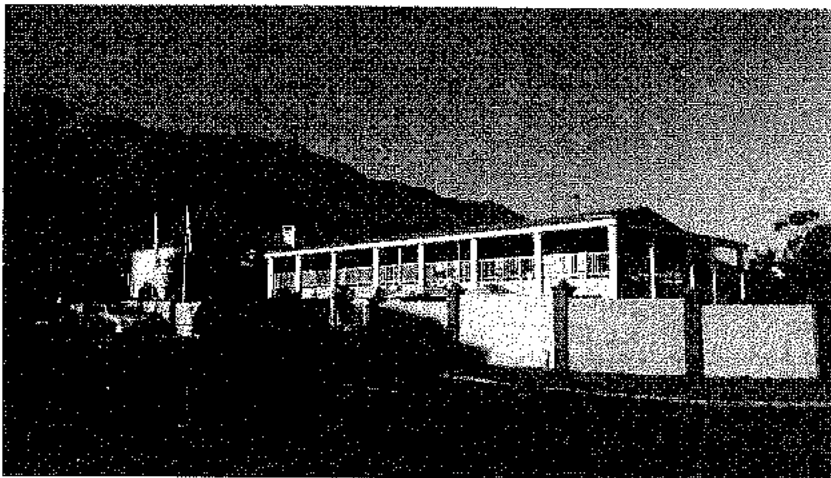
TP - 2 FEB 2017

I would like to add the following 2 pictures of the property condition before I bought the place vs the properties condition as it is today.

Pic 1. Original Condition of Oude Schuur before I purchase the property.



Pic 2. CURRENT Condition of Oude Schuur after construction.



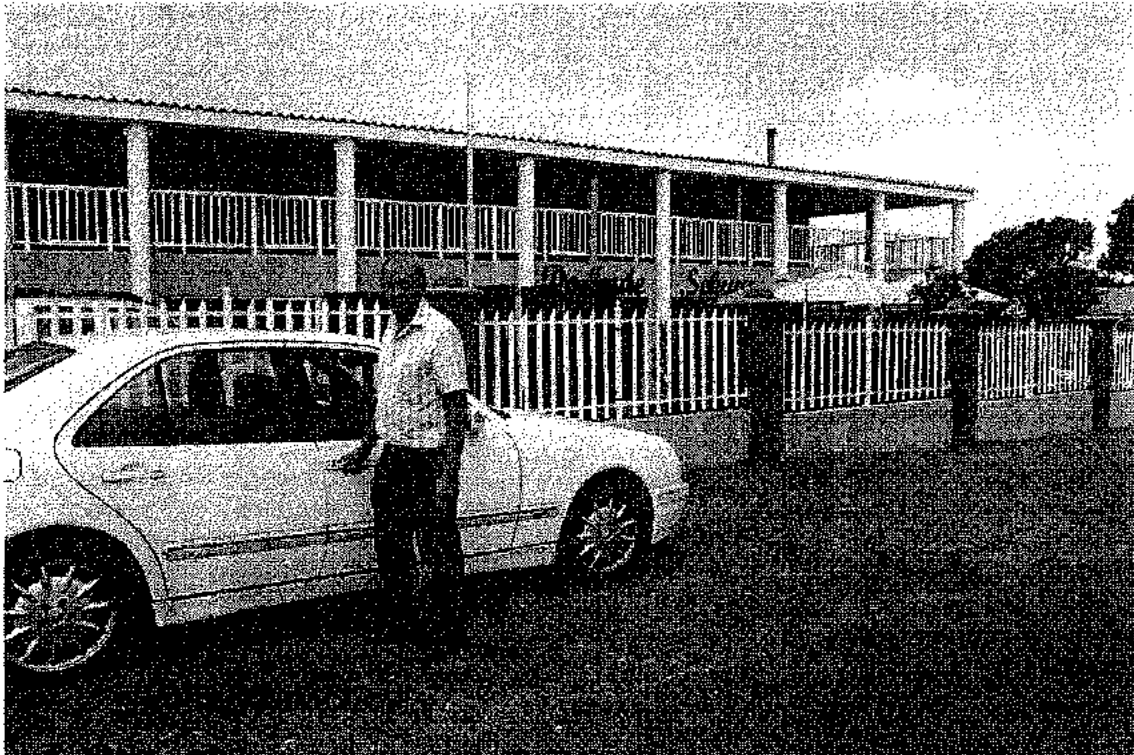
- 2) I would like to state that although Oude Schuur is trading, It trades as a **2 bedroom Accommodation facility** as outlined and prescribed by the relevant authority. No were on or inside the building is the word "Guest House" being used. We do not advertise and or promote the Accommodation facility on any website other than using the wording Accommodation. On all the websites that we are advertising, and even on our own website, we stipulated very clearly that we are not an accredited Guest House and or that we have a 5 bedroom "Guest House". By the mere fact that the property have 6 bedrooms does not mean we are trading as a 6 bedroom Guest house. We advertise the Accommodation as a 6 bedroom Facility of which 2 rooms may be rented out to Guest. They are allowed to choose however which rooms they want for the time spending at Oude Schuur. See Screenshots of our website as well as Accommodation Direct.



- 3) The fact that Mrs Steyn states that we are fully operational is not only incorrect but is false. Are we renting 2 rooms out, yes every day! The fact that they are witnessing more cars on the premises is due to the following reasons.
- 4) I Own an Investment Company / Architects Company and coupled with my property development/ construction company I am staying in Oude Schuur almost every week in MY HOUSE/ OUDE SCHUUR. Not only do I bring with me my staff to stay with me but contractors on a very regular basis hence the reason I bought the property. Many of my sub contractors and their wives also make use it as accommodation when needed. I have originally bought the property for my own personal use and for my family, friends as well as my continuous business requirements to host my staff/ guess/ sub-contractors and or investors. As the owner, I surely have the right to occupy my property with friends, colleagues, clients and family when and how deem fit now or in the future. Should we be granted the rights to trade as a fully operational guest house I will make the necessary changes to respect and honour those conditions laid to me, however we are not an approved quest house or are utilizing it as a 5 bedroom guest house to the public, so with all due respect we do not have to construct, modify alter or utilize the property as such.
- 5) Mrs Steyn as rightly so mention have moved in to her premises way after we were finish with all the construction and alterations of what was a sore eye in the neighbourhood. I am sure if she knew how the property conditions were beforehand as shown in various pictures, inserted throughout my responds, she would have been very glad we have done the renovations to date. Many other neighbours/ estate agents have visited and spoken to us and compliment us on what we have achieved, we can produce witnesses if needed.
- 6) Mrs Steyn was aware of the wooden fence that extended the vibracrete wall as mentioned as it was constructed before she even purchase her property, however what she forget is that she bought her property with the fence in place. (We will gladly remove the extended wooden fence if so required) During our construction we have contacted Mr Danie (who was the previous owner of Onrus Close 73, see picture below) and ask if he wanted us to extend the vibracrete wall and he said he would prefer the wooden fence extension to match up with our fence used on other places , however he was not bother either way. On a technical point,

Onrus Close is a metre higher than Oude Schuur and our Vibracrete wall is from our ground level 1,8 m which is the standard height in the building industry, I feel that should Mrs Steyn wants the wall extended she is more than welcome to do so as we have not build the garage where it is today as it was there since 1985 and before she bought the place.

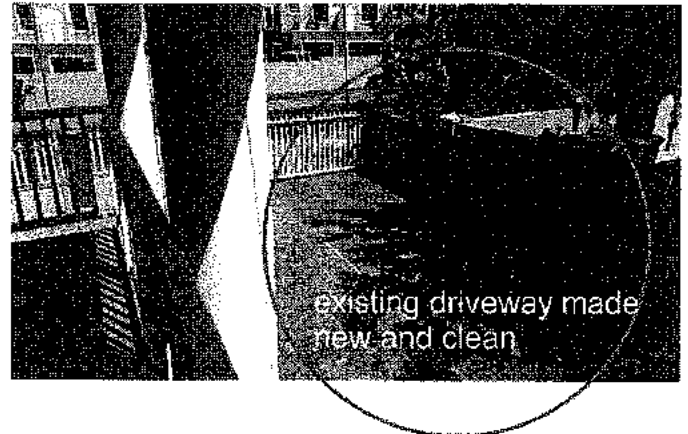
MR DANIE in front of oudeschuur, a picture taken on completion. He was excited and glad we changed Oude Schuur what it is today as it increased his property value and was very helpful during and after the construction. He even assisted us to pick up and drop off clients to and from the airport. (Unfortunately he sold the place now to Mrs Steyn)



- 7) I do not understand Mrs Steyn paragraph and I quote *"My Question is, should there be removal of restrictions if the Application is not in line with what is actually happening on the premises"* I have no clue of what Mrs Steyn is referring to as we are submitting an application and not acting on any rights besides those that we are entitled to. We have the right to have two rooms rented out, we have the right to occupy the house, (every room) we have the right to park 6 cars in our driveway should we feel so, it is not yet being granted a 5 bedroom guest house and we don't market it as such. Should we be granted we will modify and honour by the rules of such zoning rights. My questions is though? Must I construct, build, modify the property and use it before I start trading as a fully operational guest house? before the application is been approved?, surely NO, so I do not understand Mrs Steyns paragraph and request that I have to honour all the required rules if I am only using two rooms for guest sales. However we are honouring all rules up to date even we not been granted the rights yet.
- 8) There is no way that Mrs Steyns privacy and visual view's has been breached and the reasons is as follow.

- The property has been a double storey building since 1985 and has been so before she moved in.
 - The Garage has always been on the property as is and have not been built on,
 - She was aware of that before she moved in her place
 - The property on that side as all other sides was in a hectic state (see before pictures and after pictures attached) and we have neaten and made it visually attractive when we bought it to increase our property value.
- 9) Her statement "full operational guest house" is untrue and irrelevant

PIC 3. PREVIOUS DRIVEWAY AND CONDITIONS

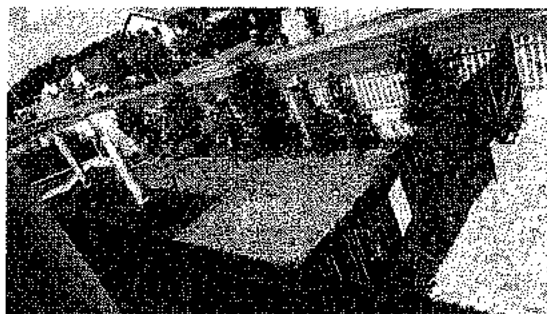


- 10) If she states and I quote "the owner erected a most unsightly cheap, nasty wooden fence (bought on a roadside) – erected to lengthen the concrete wall. EFFECTS my view Greatly" With all due respect Mrs Steyn have no idea of what such fence cost nowadays, secondly it is definitely not ugly and if it affects her view, does she want to look into the garage? She is more than welcome to extend her side of the wall and we would not object to such request.

PIC 4 DRIVEWAY MADE NEW AND WOODEN FENCH

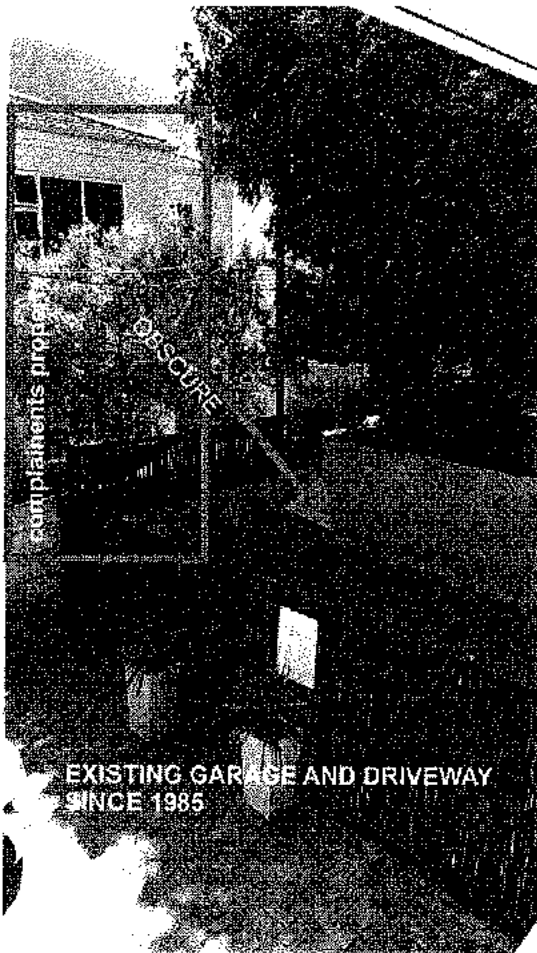
PIC 5 DRIVEWAY made NEWCFROM ABOVE
LOOKING TO MRS STEYN

PIC 6 DRIVEWAY FROM ABOVE LOOKING TO ROAD

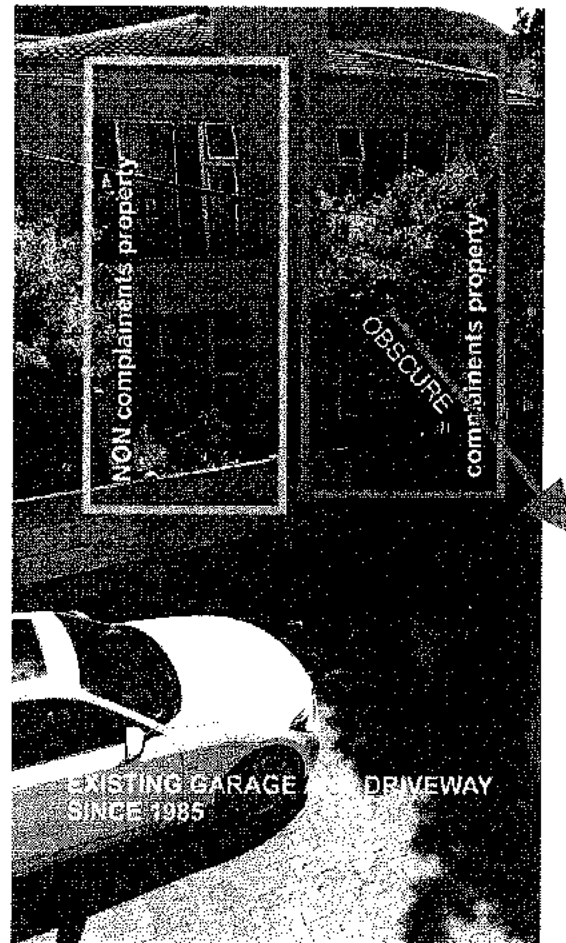


- 11) I bought the property for R2, 2 million and have since modified the premises and spend a further R2m in the upgrading of Oude Schuur and as any educated person will know increase the value of neighbouring properties. I will illustrate later.
- 12) Her statement of that the garage is being used as a **Fully operational Laundry** is incorrect, we have the right to use the garage for any purpose such as placing of our washing machine as the outlets and points was already build in the said location when we bought the premises. We also have the normal standard rights as homeowner to hang any washing up outside my building? I created a need enclosed area to place any washing that needs to be done on my property. Does Mrs Steyn now have the right to instruct me and or the council where and how I must dry my washing? I have a fulltime cleaning lady that ensure my place is neat and tidy at all times including a garden and maintenance person on site. The one starts only at 7h00 and she have never done washing from 7h00 in the morning, however I am sure she are allowed to do washing and or ironing that needs to be done from 7h00 in the morning, how on earth can that be illegal or interfering with her privacy? Mrs Steyn mention in her document that she can continuously experience daily activities through gaps of the "wooden fence" with all respect I tender any site visit and would appreciate my own investigation of how these gaps can be so big to sit and stare at activities in adjacent properties, I again advise Mrs Steyn to lift her side of the wall as we are already at 1, 8 m from our side of the wall. Mrs Steyn knew she was looking over into existing drive way, parking area and garage when she purchase her place.
- 13) We have installed air conditioners in our premises and are allowed to do so by law. The maximum Decibels we have tested and we are glad to say that we are within our limit, we welcome any expert to do a test on any noise levels deriving from the air conditions. We would like to point out our VERY NEAT and tidy aily was already build in 1985 and we simply have neaten the area even more. Mrs Steyns premises is more than 10m – 15m from the nearest air con which also is hidden away by vibracrete walls.
- 14) We welcome any inspection of our property to view our layout as our floor plans have not change from anything besides that of what was approved by the council.
- 15) As you can see on the attached pictures, Marked 7 and 8 below, Mrs Steyns views to oude schuur is 90% blocked by trees etc., there is no views than the duplexes adjacent Vermont Avenue and I can't understand how a flagpole can block a view that doesn't exist. THERE IS NO SEAVIEW!

PIC 7



PIC 8



- 16) I would like to end of with Mrs Steyns comments and refer to her comments regarding the kitchen scullery and the layout, I friendly request the council to inspect the property and witness that we have only change and modify and use the kitchen / scullery as per approved building plans. I do not see how this can affect her privacy and or comfort?
- 17) The property and hopefully new guesthouse is upgraded to a huge asset and increase of property that can be justified by any estate agent. The quality and finishes of the building is of superior quality and the maintenance on the property is amicable.
- 18) I am not using the property as a fully operational 5 bedroom guesthouse but as mention I am weekly in onrus on business, as various well known people in the town can confirm , and I make use of the property to stay between 3 to 4 nights a week. I bring my project manager, other staff, and subcontractors with me hence there is cars parked in the driveway. As the property is used as single residence at this stage I am still allowed to make use of all the bedrooms and allow as many cars to park as required. However I understand should we be granted the application we will honour and respect the requirements of the council and town planning regarding parking etc.
- 19) I am entitled to have people at my house, if it is family, friends, and colleagues and or Guest, how can Mrs Steyn speculate that she does not have peace and or tranquillity? We make use of strict rules, no children beside the owner's children, ID and passports are required, terms and conditions have to be signed and honoured, and clearly marked safety and security regulations have to be honoured. We do not allowed any noise as people that do want to stay there want to also have peace and tranquillity.


20) Mrs Steyn have no right to complain or comment about the high roof and veranda of Oude Schuur as it was constructed by Mr Conradie in 1985 and she cannot claim that the high roof is now effecting her views. For all purposes there is no Seaview available from her property, we have no Seaview even from our verandas facing west. The only Seaview we have is from the south facing rooms which is limited. Her point regarding home owners is irrelevant as the Homeowners association already approved our application based on one conditions which we will gladly honour. This comment is out of line and irrelevant in my opinion.

Conclusion:

- We believe we have increased the property of Oude Schuur and increased any surrounding property value.
- We enhance the security of our property by lifting boundary walls, and installing proper working remote control security gates on both sides of the property.
- We provide intercom system
- We build additional boundary walls for security and privacy inside the property
- We installed surveillance cameras at all corners of the property
- We have permanent residence and 2 workers that increase safety and awareness as well as maintenance.
- We have created employment opportunity.
- We created accommodation to host more guest which provide income to the surrounding shops etc.
- Our facility is already granted 4 stars by the tourist council as we would have like to provide you with the results and standards we would offer. PLEASE NOTE WE DO NOT PUBLISH THIS ACHIEVEMENT YET. The latter should be enough proof to state the quality and condition of our establishment.
- Our 4 stars, once we able to publish it, allow us to charge more than the norm and draw the middle to high income spenders to Hermanus which limits the risk of offenders.
- Our strong implemented rules , regulations and conditions on arrival provide for a safe , relaxing, secure , quiet and professional accommodation establishment
- Being granted the rights to trade as a 5 bedroom guess house it will allow the staff and owners to participate more and on a regular basis with the home owners association as they would like to contribute to the neighbourhood in all areas and add value to Vermont/Onrus .
- Provide quality Guess house accommodation in Vermont/ Onrus for guess that perhaps do not want to stay in town.
- We kept the name OUDE SCHUUR as it was well known in Onrus/ Vermont and kept the tradition and history of the old building that everyone was familiar with


Here is some feedback on TripAdvisor for reference use by the public..

Fantastic B&B"

Reviewed 2 days ago  via mobile

Everything from the original contact to saying good bye was incredibly professional but friendly. Nothing was too much trouble. I spent 2 nights here and what a fantastic find it is. The room was huge and very well appointed. The bed was very comfortable which meant I had 2 nights of near perfect sleep. I cannot recommend Oude Schuur more...More

"Most welcoming and friendly staff"

Reviewed 6 days ago  NEW

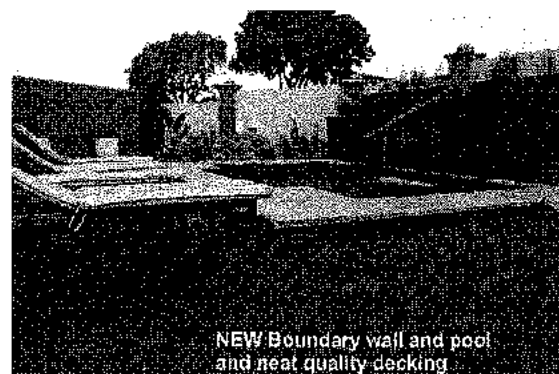
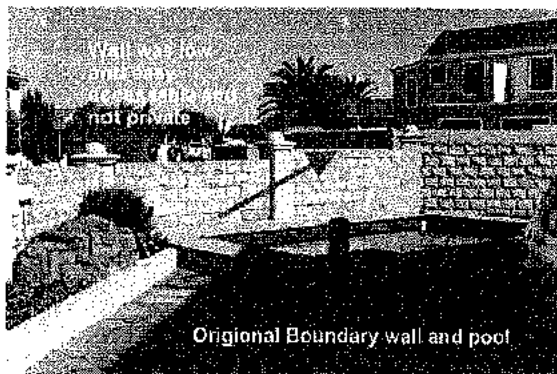
Absolutely beautifully maintained property with the friendliest staff. I felt at home the moment I stepped through the front door. It's easy to see how much effort has been put into Oude Schuur to offer you a luxurious stay and a well deserved night's rest. Oude Schuur is unique enough to be able to offer you mountain and sea views,...More

"EXCELLENT GUESTHOUSE"

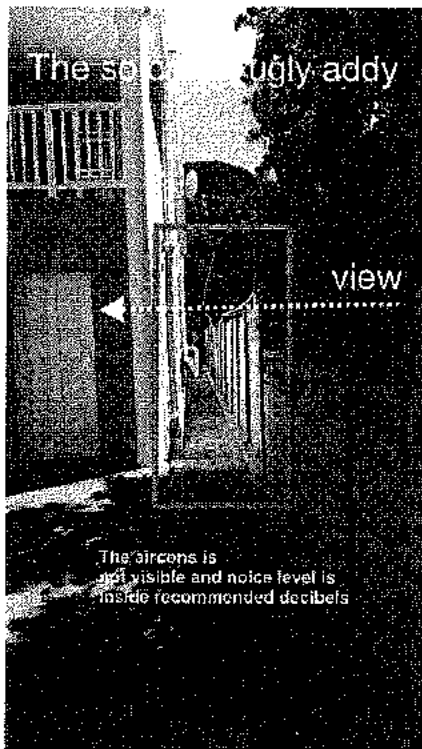
Reviewed 6 October 2016

Stayed there for 2 nights with friends. Communication from booking to arrival fantastic. Christina is an absolute gem. James was ready to help with the luggage...what a friendly dude. The facilities are absolutely spotless and comfortable. A real gem we found in Onrus. Breakfast top notch. Can highly recommend this establishment to anybody. Just loved it there. So will you.

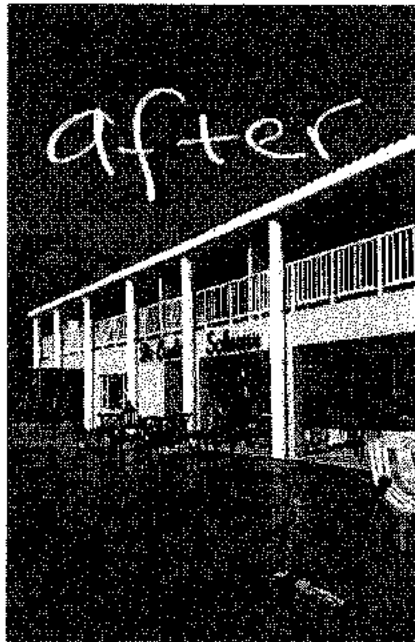
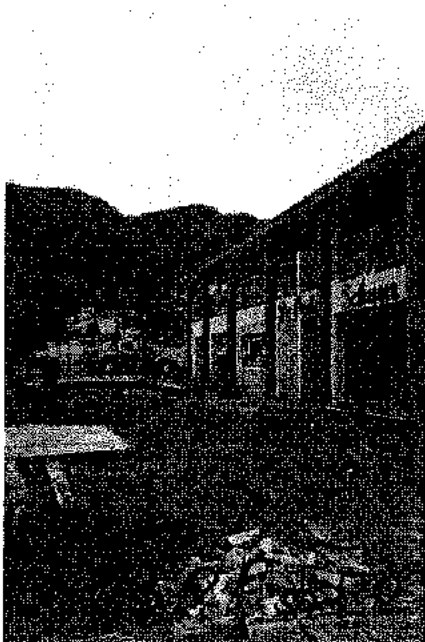
PIC 9



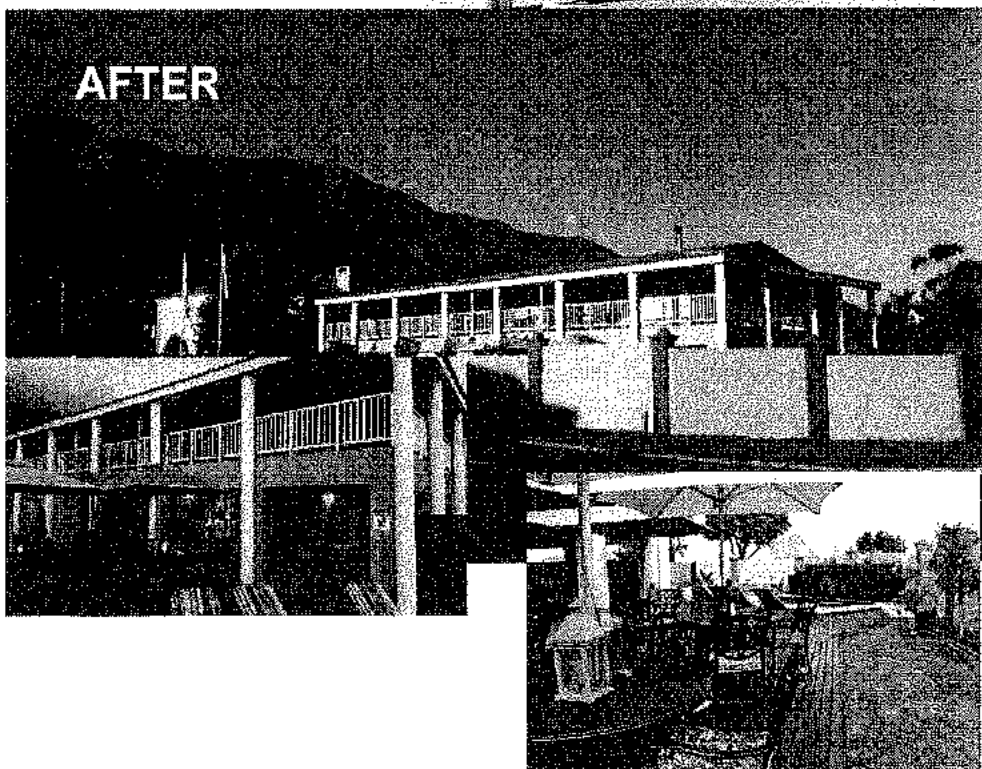
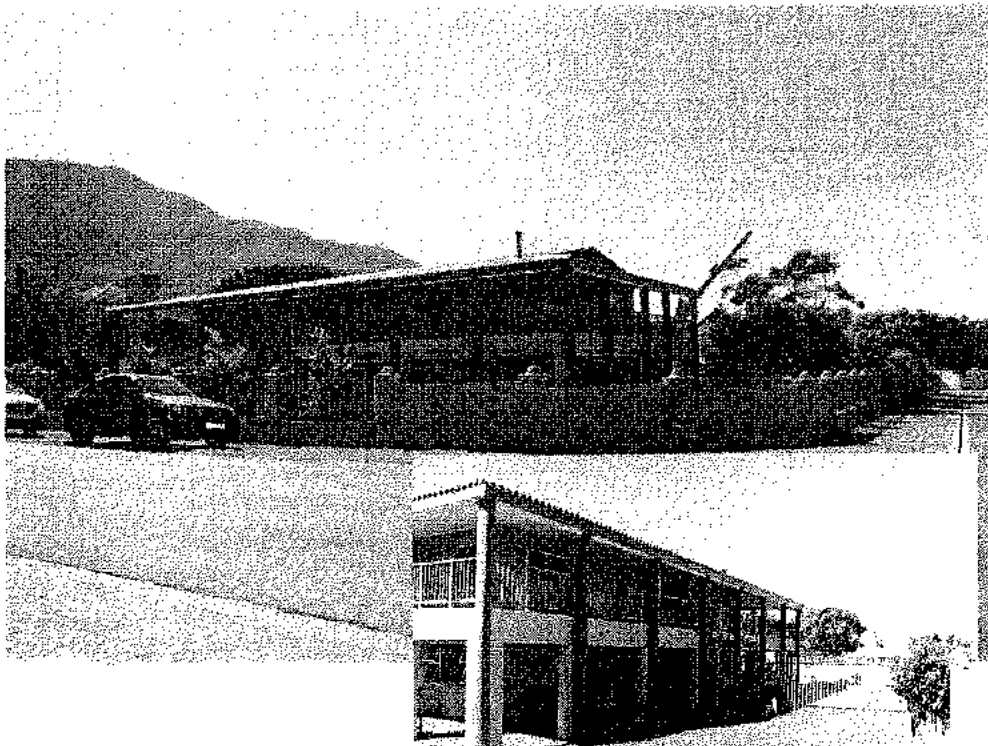
PIC 10



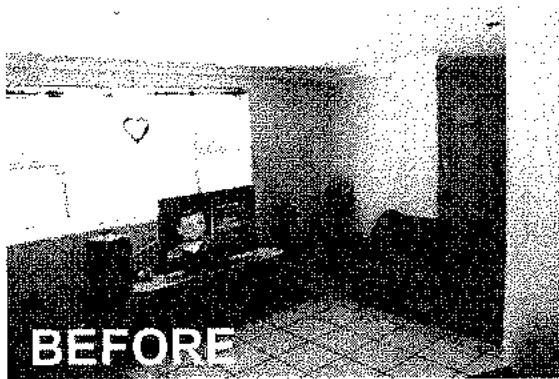
PIC 11



PIC 12



PIC 13

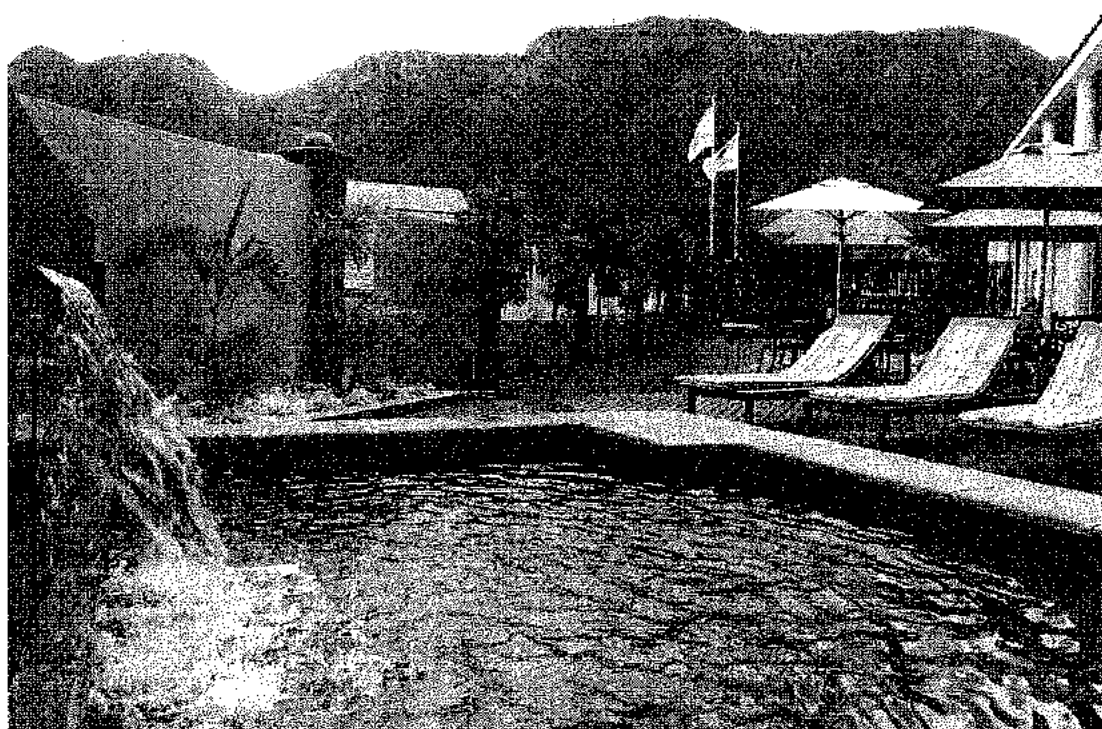


PIC 14 the construction of Oude Schuur in 1985



2016

OUDE SCHUUR



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR RESTRICTIVE CONDITIONS & CONSENT USE: ERF 505,
VERMONT (3324)**

| | | |
|-----------------|---|----------|
| Water | : | In order |
| Electricity | : | Escom |
| Stormwater | : | In order |
| Roads & Traffic | : | In order |
| Sewer | : | In order |

Conditions:

1. 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 developer's cost,
2. that stormwater be allowed to discharge through Erf 505, Vermont, unobstructed;
3. that a 6m stacking space in front of the access gate in Vermont Avenue, be measured from the edge of the closest lane/shoulder/path way or cycle lane.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

25/1/2017

DATE



| | |
|-----------------|------------------|
| File reference: | 505 HVM (3324) |
| Date: | 1 September 2016 |

INTERNAL MEMORANDUM

| | |
|--------------|----------------------------|
| From | : Town Planning Department |
| Town Planner | : Henk Olivier |

TO:


| | | | |
|-----------------------------|----------------------------|---|---------------------------------|
| <u>Area Manager</u> | <u>Building Department</u> | <u>District Health</u> | <u>Electrical Department</u> |
| Environmental Officer | <u>Fire Department</u> | <u>Infrastructure and Planning</u> | <u>Local Heritage Committee</u> |
| <u>Operational Services</u> | Traffic Department | <u>Ward Councillor (Dr. Kloppers-Lourens)</u> | <u>Waste Management</u> |

| | |
|-------------------------|--|
| Applicant | PLAN ACTIVE (obo JODIGLO PTY LTD) |
| Property Details | ERF 505, 36 PELICAN CRESCENT, VERMONT |
| Application Description | PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND CONSENT USE |

ATTACHMENTS :

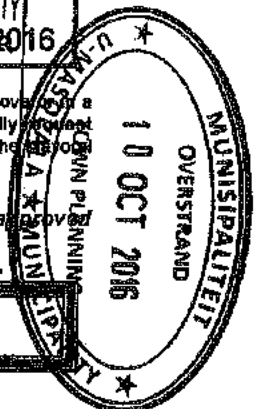
| | |
|--------------------------|---|
| 1. Notice | Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments. |
| 2. Locality Plan | |
| 3. Site Development Plan | |
| 4. Motivation | |

YOUR DEPARTMENT'S COMMENTS: *See Annexure*

| | |
|------------|--|
| ① | Subject to compliance with requirements of National Fire Protection Regulations - SANS 10040 T:2011 for occupancy H5-Hospitality |
| ② | Maximum accommodation permitted is 16 persons in accordance with SANS 10400A:2010 |
| Signature: |  |
| Date: | 10 October 2016 |

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above as a separate Memo **by not later than the date stipulated below**. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Planning Committee will be informed accordingly.

- Building Control Department to confirm that all structures on the property are in accordance with the approved building plans.



COMMENTS REQUIRED BY: 7 October 2016



OFFICE of THE CHIEF FIRE OFFICER
PO BOX 20
HERMANUS
7200
Tel: 028 313 8980
Fax: 028 313 1493



STANDARD REQUIREMENTS FOR OPERATION OF AN ESTABLISHMENT CLASSIFIED HOSPITALITY – H5 - GUEST HOUSE, BED & BREAKFAST OR SELF CATERING HOLIDAY ACCOMMODATION IN ANY H3 OR H4 CATEGORY BUILDING IN TERMS OF THE NATIONAL FIRE PROTECTION REGULATION SANS10400T:2011

Annexure A – Erf 505 Vermont, Hermanus – Town Planning Application

In order to obtain a fire safety clearance the following requirements are prescribed together with any other building compliance requirements:

Fire Extinguishers:

SANS10400T:2011 – 4.37:

1 x Portable Fire Extinguisher per 100m² of a type - 4.5kg Dry Chemical Powder or 5kg CO₂ or 9 litre H₂O.

Combustibility of Floor Coverings:

Shall comply with requirements of Section 4.14 of SANS10400T:2011.

Combustibility of Wall Coverings:

Shall comply with requirements of Section 4.15 of SANS10400T:2011.

SANS10400T:2011 – 4.58 require the provision of:

- Escape route signs – Photoluminescent SANS1186-5 in all passages and corridors and also above all exit doors.
- Self-contained luminaires (automatic actuating battery operated lights) in all passages and corridors
- Stand-alone smoke alarms compliant with the requirements of European Standard EN14604 in each:
 - Sleeping room
 - Communal area
 - Passage or corridor leading to rooms
- Fire Hose Reels for premises larger than 250m² at a ratio of 1 per 500m² of the establishment.
- Doors leading to the outside of the building with single turn locks or any other lock device approved by the Fire Authority.

A suitable approved emergency plan indicating evacuation routes that informs guests as to action that must be taken in the event of an emergency that is affixed to the back of each room door or prominent place in the room.

These plans must include:

- Action to be taken when discovering a fire or if an emergency arises
- Action to be taken for evacuation of the building and assuring accountability of all occupants.
- The interim action to be taken pending the arrival of emergency services
- An evacuation floor plan that identifies the escape route, appropriate exit doors and post evacuation mustering point.

Chief Fire Officer