

4.6

ERF 4174 (UNREGISTERED REMAINDER), 303 SEVENTH STREET, VOËLKLIIP, HERMANUS : APPLICATION FOR CONSENT USE (GUEST HOUSE) : MESSRS PLANACTIVE ON BEHALF OF JM & CP SWARBRECK

4174 HVK (3585)

**SW van der Merwe
17 October 2017**

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application for consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to establish a four (4) bedroom guest house on Erf 4174 (unregistered remainder) has been received on 15 June 2017 from Messrs PlanActive on behalf of JM & CP Swarbreck.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 4174 is situated in Hermanus (Voëlklip) and is zoned Single Residential Zone 1. The subject property is situated at the corner of Seventh Street and Sixteenth Avenue. The property currently measures 1263m² in extent. A dwelling and outbuilding are situated on the property.

On 8 March 2017 an application for the subdivision of the property into two (2) portions was conditionally approved by the Senior Manager: Town- and Spatial Planning. The subdivision has not been registered yet, and the application under discussion is applicable to the unregistered Remainder 4174 (±740m²) that borders Seventh Street and Sixteenth Avenue.

4. SUMMARY OF APPLICANT'S MOTIVATION

Due to the comprehensive nature of the Motivation Report only the main points are summarised as follows (the detailed report is attached as Annexure B):

- ❖ Land uses surrounding Erf 4174 are single dwellings, public roads and open spaces. The property is therefore in a predominantly residential area.
- ❖ The guesthouse will consist of four (4) en-suite guestrooms, manager's en-suite bedroom, lounge, dining area, kitchen, covered veranda, outdoor space, garage and parking area.
- ❖ The Title Deed has no restrictive conditions that need to be removed.
- ❖ The guesthouse will have a low impact on surrounding erven as the property's zoning will be retained.
- ❖ The consent use will have a low impact on traffic and the environment of the area.

- ❖ Voëlklip area is characterised by single dwellings and some tourist accommodation establishments.
- ❖ All services already exist and are sufficient to accommodate a guesthouse with four (4) guestrooms. The impact on the services will be minimal.
- ❖ Access to the guesthouse will be restricted to Sixteenth Avenue only from where the existing tandem carport/garage and parking area with five (5) parking bays will be accessed.
- ❖ All the proposed parking bays adhere to the design requirements and manoeuvre space behind each parking bay. The impact on the traffic of the area will be kept to a minimum since guests never arrive and depart at the same time at tourist accommodation establishments.
- ❖ The proposed consent use is compatible with the existing built character of the area.
- ❖ There are no environmental or heritage factors that prohibit the proposal.
- ❖ The visual impact will remain unchanged.
- ❖ The proposal complies with the spatial planning policies of the area.
- ❖ The proposed consent use is a low impact guest accommodation establishment.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Notices	Yes	21/07/2017	01/09/2017
Ward councillor	Yes	21/07/2017	01/09/2017
Total letters of objection	TWO (2)		
Was public participation undertaken in accordance with Section 45 - 49 of the Proposed Draft By-Law on Municipal Land Use Planning?			Yes
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

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

Name	Date received	Summary of comments	Recommendation
Health	25/07/2017	Approval recommended.	Positive
Building Department	31/07/2017	No comment. Supported if demolishing is required application to be submitted. To comply with Roads Department comments.	Positive
Heritage	01/08/2017	No objection.	Positive
Electro Technical Services	02/08/2017	No comment.	Positive

Operational Services	04/08/2017	Annexure F.	Positive
Fire Services	01/09/2017	Annexure G.	Positive
Department of Transport and Public Works	13/09/2017	Annexure H.	Positive
Telkom	16/10/2017	Annexure I.	Positive

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

CL Marshall & RJ Lawrence (Erf 7059)

- Surrounding properties are zoned single residential; the proposal is to operate a business which constitutes a departure from single residential.
- The presence of a guesthouse and accompanying arrival and departure of guests at odd hours will disrupt the entire cul-de-sac. One of the main reasons of purchasing our property was due to the quiet nature of the road, there being no through road for traffic.
- A guesthouse will create significant noise pollution as they will be accommodating up to ten (10) to twelve (12) people at any given time (including staff). Deliveries necessary for the running and upkeep will be noisy and intrusive and most people who are on vacation have very little respect for the surrounding area in this regard.
- Given the quiet nature of the street there is very little foot traffic, however if there are ten (10) or more people coming and going we believe this will encourage opportunistic crime as the residents will not know who is supposed to be in the area.
- Point 3.4 states that the development will have a low impact on the environment and traffic of the area – we strongly disagree with this. The parking will become a big issue as these will be tandem bays. This will necessitate the shuffling of vehicles whenever someone wishes to leave, which in turn will result in the drivers of these vehicle parking in the street and will effectively block access to our property. In turn this will act as a magnet to undesirables who spend their days trolling for easy targets.
- Kerb side parking at this property will also adversely affect access to the electrical sub-station between our property and the proposed guesthouse.
- Based on all of the above, as we are retiring shortly and will more than likely be living in Hermanus permanently this will have a negative effect on the value of our property and this in turn will impact hugely on the quality of our life which is a serious issue for us.

GJ van Deventer (Erf 4179) (translated from Afrikaans)

I object to the parking areas adjacent to Sixteenth Avenue for the following reasons:

- Very limited space for six (6) vehicles to turn and park.
- There is a substation of the municipality in a dead end street.
- As a result of many burglaries we were forced to fence our properties.
- Due to limited space these fences are now in danger.
- We live in a peaceful neighbourhood and I am a permanent resident.

- I cannot imagine the noise of six (6) vehicles (with how many passengers) which struggle to park at any time, day or night.
- At the opposite side of the guesthouse is much more space for parking areas with little disruption.
- Many of the guests that currently utilises the guesthouse only stay overnight or stay for weekends.
- Except for the noise problem, weekend guests show little respect for the environment and the avenue is already being polluted with plastic bags, empty cool drink bottles, papers and food containers. It obstructs the storm water drain that flows in front of my door.
- In my opinion additional additions would definitely impact negatively on the sale values of our properties.

8. SUMMARY OF APPLICANT'S REPLY TO OBJECTIONS

- ❖ The application is not for a rezoning and departure to run a business, but a consent use to operate a four (4) bedroom guesthouse.
- ❖ A guesthouse generates low traffic volumes to residential areas. In most instances guests don't arrive and depart at the same time.
- ❖ Assuming a 60% average occupancy rate between two (2) to three (3) cars can be expected. The noise created by these vehicles will be absolutely negligible compared to the nonstop din created by traffic on Seventh Street.
- ❖ The suppliers required by this small handful of people will easily be managed by the manager in his private vehicle and will not require the services of a delivery truck.
- ❖ The opinion is that the noise generated will be low and in keeping with the residential character. It is in the best interest of the landowner to ensure good relations with neighbours as well as to ensure that noise levels are kept to a minimum for the guests' sake. It is therefore to the best interest of the owner to manage the guesthouse to high standards to ensure the guests return and that good relations with the neighbours are maintained.
- ❖ If the application is approved, it will be subject to conditions that the landowner will have to adhere to or risk forfeiting their land use rights. It is in their best interest to keep to the conditions since any deviations will alarm the neighbours and force law enforcement to act on any complaints.
- ❖ The owners will deal with unwanted elements (if any) on and outside their premises since it is in their own interest to keep their property safe.
- ❖ One of the main points of both objectors is the parking. The parking diagram indicates that there is sufficient parking within the property to accommodate the guests. These are no tandem bays and there will be no need for vehicles to shuffle at all hours of the night. No parking needs to take place on the road causing interference, neither with the sub-station or neighbours access. The other side of the property is not available for parking as it has been subdivided.
- ❖ The parking has also been amended due to comments from the Engineering Department and slightly revised parking layout plan is attached. The amended layout plan makes provision for one (1) access point to the parking bays and garage.
- ❖ Assuming a 60% occupancy rate between two (2) to three (3) cars a day are expected, the parking layout makes provision for enough space for cars to turn and park.
- ❖ There is a great deal of crime in the area as pointed out by both objectors. It is believed that a house occupied by a managing couple with eyes and ears on the site most hours of the day, will be a greater deterrent than yet another empty house in the neighbourhood.

- ❖ It is known that a guesthouse is well presented at all times, and if it does not look neat and clean the guests will not be happy and it will not attract ongoing business. With all the online reviews that a guesthouse is subjected to, it will not survive if it is not properly managed and this keeps the establishment on its toes.
- ❖ It is the intention and also essential to combat the noise from Seventh Street to build a wall around the entire property if the permission for the guesthouse is received.
- ❖ A guesthouse requires that a manager stays on site. The manager's duty is, inter alia, to ensure that harmony is maintained and that no guests disturb other guests or the neighbours with their behaviour. A typical guest is an overseas traveller who visits the region to explore and enjoy the facilities on offer. They will likely enjoy a meal at a restaurant in the evening before retiring to bed and setting of the next morning after breakfast. This is a far cry from the conception of Mrs Van Deventer of noisy, thieving, fence breaking, drain blocking, littering hoodlums.
- ❖ It is uncertain how all the above would detract from the value of the neighbours' property.

9. MUNICIPAL ASSESSMENT OF COMMENTS

The comment of the applicant on the points of objection is supported since it is factual in nature and transparently addressed from a town planning point of view. It can thus also be seen as the municipal comment on the objections. A few points of the comments by the applicant on the objections can however be further reiterated upon.

In present times very few complaints in general are received by the municipality regarding the way that guesthouses are being operated and managed. Guesthouses are rated by the Tourism Grading Council, and in order to maintain such ratings the owners keep such establishments well presented at all times in order not to deter potential guests. The advertising of these enterprises are also mostly done online which webpages contain reviews by previous guests and should any negative reviews be detected online or elsewhere, it will negatively impact on the business *per se* that is something that guesthouse owners attempt to avoid as far as possible. The latter therefore ensures that guesthouses on single residential properties are deemed to be of low impact in nature. It is also important to note that in terms of the Overstrand Zoning Scheme 2 guest rooms for tourists are a primary right on single residential properties.

The proposed parking layout on the premises is regarded as practical and complies with the minimum requirements of the Engineering Department and is not tandem parking as the objector alleges.

It should be noted that an application for the subdivision of the subject property was approved by the Authorised Official of the Municipality on 8 March 2017 (the subdivision has not been registered yet and the conditions of the subdivision should still be made applicable). The property used to have access directly from Seventh Street, but the Department of Transport closed it as part of its comment on the latter application. Access can thus only be obtained via Sixteenth Avenue.

The points by the objectors regarding noise generation is unfounded in view of the fact that the property of the objectors of Erf 7059 is situated directly next to Seventh Street which is the main arterial through Voëlklip with four lanes that generates a lot

of traffic and associated noises throughout the year, not to even mention during holidays and festive times. The objector of Erf 4179 is abutting Erf 7059 (other objector) directly who also resides in very close proximity of Seventh Street. For both objectors to state that the guesthouse will create mentionable noise pollution, are therefore regarded as unfounded.

It is further the opinion that guesthouses, having regard to the various factors already addressed in this submission, in general have a low impact in residential areas. Numerous guesthouses exist throughout the Overstrand Municipal area, and the objections raised can be regarded as simply being a case of "*not in my backyard*".

In view of the above is the opinion that the objectors did not fully familiarize themselves with the detail of the application and the points raised in most instances are speculative. The objections are therefore not supported.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

10.1 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

Spatial Justice

The application will not perpetuate spatial injustices.

Spatial sustainability

The application is located within the urban edge and thus will not lead to urban sprawl. No natural habitat is impacted upon and it will not have any negative influence on the environment.

Efficiency

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

Spatial resilience

The application will ensure that the existing resource, land is used to its maximum in an affordable manner and in line with the Overstrand Municipality's forward planning documents.

Good administration

The application 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.

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

Same as above

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

The proposed application is in line with the strategic documents.

10.4 (In)consistency with guidelines prepared by the Provincial Minister

Not applicable.

10.5 Impact on Municipal engineering services

The existing services are available.

No additional accesses are proposed.

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

Not applicable.

10.7 Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand Spatial documents that promotes the tourism industry.

The operation of more than two (2) guestrooms from a residential property requires consent from the Municipality.

10.8 The desirability of the proposal

The property is developed with an existing main dwelling.

The applicant applies for a consent use in order to operate a four (4) bedroom guesthouse from the existing dwelling on the property. The application was circulated to the surrounding property owners and internal departments. Two (2) objections were received against the proposed guesthouse that has already been addressed in this submission.

Sufficient and practical parking with one (1) entrance/exit point can be provided on the property and the main access to the property will be from Sixteenth Avenue since the Department of Transport closed the original access point from Seventh Street. The property is situated at the end of a cul-de-sac (refer to the layout plan). Various guesthouses have been approved in the area as the locations of the properties are ideal for tourists visiting Hermanus and its various recreational and commercial facilities. Therefore, the opinion is held that the usage will have a very low, if any, impact on the character of the existing surrounding built environment or vested rights of surrounding property owners.

No services will be affected.

There are no title deed restrictions which prohibit the proposed usage.

The application was circulated to the applicable departments whose comments are attached to this submission.

Considering the above the proposed usage is regarded as being desirable from a town planning perspective.

10.9 ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A

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

N/A

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

N/A

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

N/A

11. RECOMMENDATION

1. that the objections be noted;
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a consent use to operate a four (4) bedroom guesthouse on unregistered Remainder of Erf 4174, Hermanus (Voëlklip), **be approved** in terms of the provisions of Section 61 of the said By-Law, be subject to the following conditions:
 - (a) that this approval only has reference to the Remainder of Erf 4174 depicted on Layout Plan H 4174/2017 dated 10/05/2017 and Site Plan her4174gh3.drw dated 20/01/2015 (attached as Annexure C);
 - (b) that all the relevant conditions of the Fire Department and Telkom (respectively attached as Annexures G and I), be complied with;
 - (c) that building plans be submitted to the Building Department for approval and that all comments from the Fire and Building Departments be complied with at that stage;
 - (d) that the conditions compiled in the Services Report (Annexure K) be adhered to;
 - (e) that the facility be utilized as a four (4) bedroom guesthouse only;
 - (f) that the owner/manager resides on the premises permanently;

- (g) no self-catering rooms are permitted;
 - (h) 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;
 - (i) that the selling or serving of liquor on the premises will be subject to the landowner/s obtaining the necessary liquor licence;
 - (j) that the parkings bays, as per the parking layout, be permanently and clearly demarcated and maintained by the landowner/s within the erf boundaries – no on-street parking is allowed for guests;
 - (k) that commercial rates and service tariffs, as determined by the annual budget, are applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (l) 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;
 - (m) that only a single non-illuminated signage that complies with the Municipal By-Law on Signage, be displayed on the premises;
 - (n) that a R918 Certificate of Acceptability must be from the Overberg District Municipality;
 - (o) that deliveries to the guest house may not be done with a delivery vehicle exceeding 3500kg;
 - (p) that the conditions of approval pertaining to the subdivision of Erf 4174, Hermanus as set out in the letter dated 22 March 2017, be complied with (attached as Annexure J);
 - (q) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (r) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant and objectors 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 decision.

11. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ The objections are not supported due to a lack of substantiation of the points of objection.
- ❖ None of the internal departments have any objection.
- ❖ Numerous accommodation establishments are conducted from single residential properties in the broader urban areas and throughout the urban areas within the Overstrand Municipality's area of jurisdiction.

- ❖ In terms of the Spatial Development Framework, the tourism industry should be promoted.
- ❖ The proposal will have a low, if any, impact on the existing character of the immediate area.

12. Annexures

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Plan
Annexure D:	Objections received
Annexure E:	Applicant's response to objections received
Annexure F:	Operational Services
Annexure G:	Fire Services
Annexure H:	Department of Transport and Public Works
Annexure I:	Telkom
Annexure J:	Town planning approval dated 8 March 2017
Annexure K:	Services Report

SIGNATURE

REGISTERED PLANNER

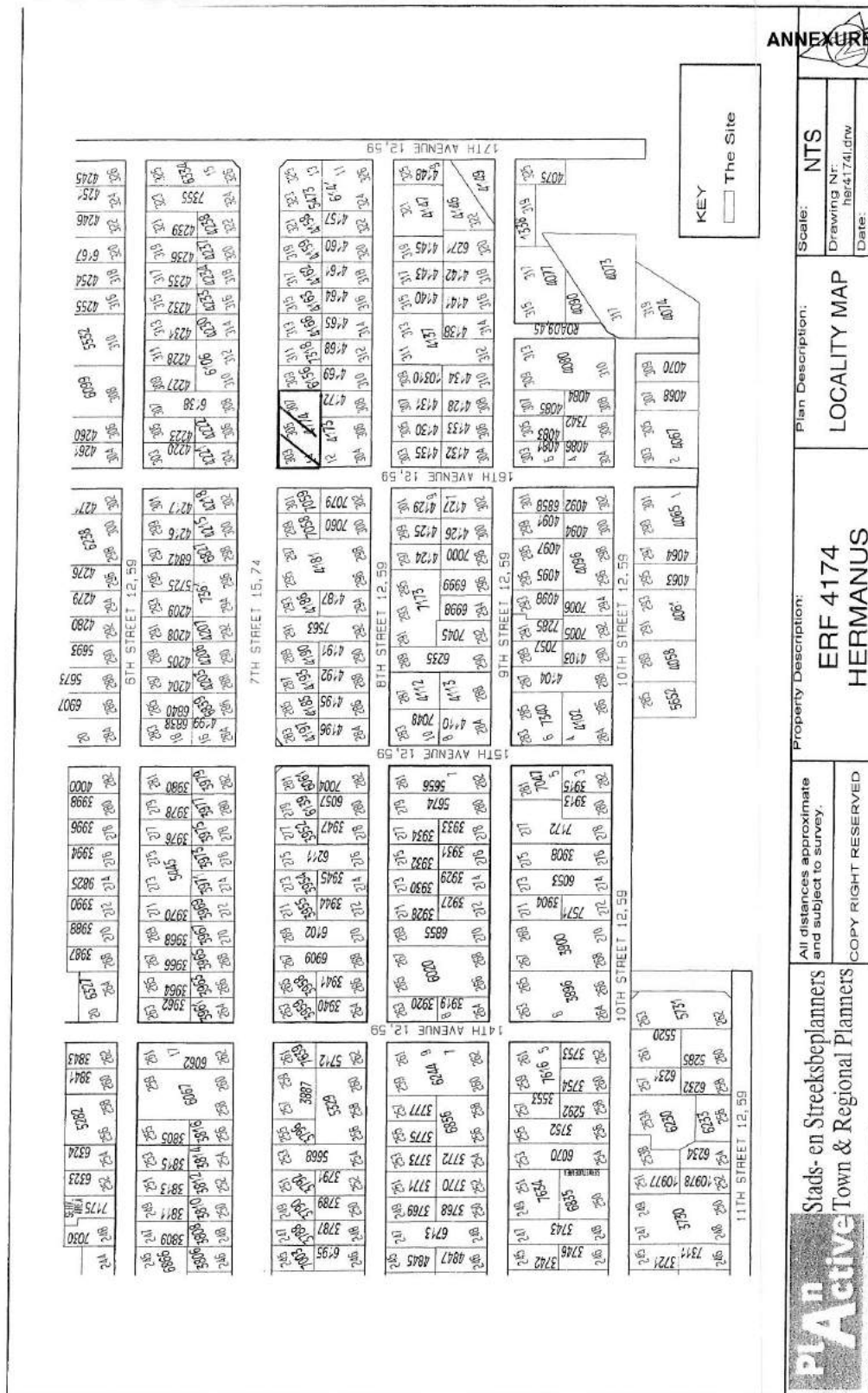
Name: **SW VAN DER MERWE**

Signature: _____

Date: _____

SACPLAN registration number: **A/1850/2014**

ANNEXURE A 1/1



**PROPOSED CONSENT USE:
ERF 4174 HERMANUS**

**OVERSTRAND MUNICIPALITY
DIVISION CALEDON**

MOTIVATION REPORT

1. BACKGROUND

The company Plan Active has been instructed by the owners of Erf 4174 Hermanus, Mr. J.M. Swarbreck and Mrs. C.P. Swarbreck, to apply for a consent use of Erf 4174 Hermanus in order to establish a Guesthouse on the subject property.

Erf 4174 Hermanus is held by Title Deed No. T37388/2015 and is 1263m² in extent (the equivalent of two minimum erf sized erven in the vicinity). It is the intention of the owners to make use of the existing dwelling to create a 4 bedroom guesthouse offering tourist accommodation for people (tourists) visiting the Hermanus area.

Cognisance should be taken of a previous application that was submitted for the subdivision of Erf 4174 Hermanus that was subsequently approved. The newly created portion has not been registered yet and therefore we can only make use of the current erf size and Title Deed to apply for the guesthouse. The proposed site development plan for the guesthouse does however take the approved subdivision into consideration. After subdivision the remaining extent of Erf 4174 Hermanus will be ±740m². Building line encroachments have also been addressed in our application for subdivision and were subsequently approved. Please refer to the enclosed letter of approval for the subdivision dated 22 March 2017 and the subdivision plan.

Plan Active Group / Proposed Plan-016

2. APPLICATION DETAILS

In order to accommodate a Guesthouse that would have 4 guestrooms on the subject property an application is lodged in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consent use of Erf 4174 Hermanus for a guesthouse on the subject property;

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

The subject property is situated on the corner of 16th Avenue and 7th Street, Voëlkop, Hermanus. Please refer to the locality plan attached. Erf 4174 Hermanus is 1263m² in extent, but only the remaining extent of ±740m² and the existing dwelling as indicated on the site plans are applicable with this application. The Remainder Erf 4174 Hermanus it is situated in a predominantly single residential area.

3.2 ZONING

Erf 4174 Hermanus is zoned Residential Zone I and is utilized as such. Surrounding properties are also zoned for single residential purposes.

3.3 LAND USE

Erf 4174 Hermanus is used for residential purposes. A dwelling and an outbuilding is situated on the subject property. Please refer to the enclosed site plan. Access to Erf 4174 Hermanus was obtained from both 7th Street and 16th Avenue. With the approval of the subdivision it was made a condition of approval of the subdivision of Erf 4174 Hermanus that only the newly created vacant erf may gain access from 7th

Street and that the dwelling may only get access off 16th Avenue. This condition will also be applicable to the proposed guesthouse.

Land uses that surround erf 4174 Hermanus are single dwellings, public roads and public open spaces. It is therefore evident that erf 4174 Hermanus is within a predominantly single residential area.

3.4 PROPOSED DEVELOPMENT

Application is made for:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consent use of Erf 4174 Hermanus to accommodate a guesthouse on the subject property;

The owners intend to utilise the existing dwelling as a guesthouse. The guesthouse will consist of:

- 4 guestrooms, each with their own en-suite bathroom consisting of a shower, basin and toilet;
- Manager's bedroom and en-suite bathroom;
- Lounge;
- Dining area;
- Kitchen;
- Covered veranda;
- Outdoor space;
- Garage;
- Parking area.

Title Deed No. T23373/2016 has no title deed restrictions that need to be removed in order for this application to be approved. Please refer to Section 3.7 of the motivation report for the details concerning the title deed conditions and how the restrictions do not prohibit the proposed consent use of the subject property.

The proposed consent use to utilise the existing dwelling as a guesthouse will have a low impact on the surrounding erven as the subject property's zoning will be retained.

The consent use will have a low impact on the environment and traffic of the area. We therefore do not anticipate any problems with the proposed application.

3.5 CHARACTER OF THE ENVIRONMENT

The subject property is situated in Voëlklip on the corner of Main Road (7th Street) and 16th Avenue in close vicinity to Grotto Beach. The Voëlklip area is characterized by single dwellings and some tourist accommodation establishments. The subject property's character will remain unchanged since it is proposed to utilize the existing dwelling as a guesthouse within the current physical land use restrictions applicable to the property. We are therefore of the opinion that the impact on the existing character of the area will be kept to a minimum. The proposal to establish a guesthouse with 4 guestrooms on the subject property will not have a negative impact on the surrounding property values.

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

The subject property is ideally positioned to explore all the great attractions of the Cape Whale Coast. The subject property is in close proximity of the famous Grotto Beach and Fernkloof Nature Reserve is also easily accessible.

Due to the location and accessibility of the property the subject property has the potential to be developed as a guesthouse. The subject property is situated in the picturesque Hermanus and last mentioned is known as a popular area for guests visiting and staying over in Hermanus.

Since the owners are familiar with the high demand for guest accommodation in Hermanus they took the aforementioned into consideration and decided to contribute towards the tourist industry of Hermanus.

3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.7.1 PROVISION OF SERVICES

All services on the subject property already exist and are sufficient to accommodate the proposed guesthouse with 4 guest rooms. It is our opinion that the impact on services will be minimal.

3.8 TRAFFIC IMPACT, PARKING AND ACCESS

Access to the proposed guesthouse will be restricted to 16th Avenue only from where the existing tandem carport / garage and parking area with 5 parking bays will be accessed as depicted on the enclosed site plan.

With reference to the Overstrand Zoning Scheme Regulations, 1 bay per guestroom plus 2 additional parking bays for the owner / manager will be required to accommodate a guesthouse.

The required parking bays can be calculated as follow:

Land Use	Parking Bays Required	Parking Bays Provided
4 guest rooms	4	4
Owner / Manager	2	2
TOTAL	6	6

All the proposed parking bays adhere to the design requirements of 5m x 2,5m with 7,5m manoeuvre space behind each parking bay.

From the above it is apparent that sufficient parking bays can be provided for on site. The impact on the traffic of the area will be kept to a minimum since guests never arrive and depart at the same time at tourist accommodation establishments.

Cognisance must also be taken of the fact that 16th Avenue is not directly accessible from 7th Street due to a substation that was constructed in 16th Avenue abutting 7th Street. After a site inspection it can be confirmed that the proposed parking bays 1-5 as indicated on the site plan is accessible. The parking bay, number 4, will be reserved for the use by the owner / manager only and the carport / garage will be used to accommodate the owner / manager's second vehicle.

3.9 TITLE DEED

The title deed T37388/2015 has no restrictions that need to be removed in order for this application for consent use to be approved.

Please note the following:

Page 3, paragraph E. and paragraph E.(c) reads as follow:

E. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. 8165 dated 21st August, 1940 imposed by and in favour of the Hermanus Mossel River Township Proprietary Limited (hereinafter called the Transferor Company) and in favour of its successors in Title to the remaining extent of the land held by Deed of Transfer No. 10114/1937, namely -

(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 of the Transferor Company

The functions of the Hermanus-Mossel River Township Proprietary Limited also referred to as the Transferor Company now vests in the Overstrand Municipality. Please refer to Annexure A. It is therefore not required that this Title Deed condition be amended or removed that prohibits any business.

3.10 FORWARD PLANNING & OTHER LAND USE DOCUMENTS

3.10.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2006)

The Overstrand Spatial Development Framework (2006) earmarks the area where Erf 4174 Hermanus is situated, for residential purposes. The current Residential Zone 1 zoning will be retained of Erf 4174 Hermanus and this application only constitutes a consent use for a guesthouse as prescribed in the Overstrand Municipality Scheme Regulations. Subsequently the proposal will be in line with the spatial planning guidelines for the area.

The proposed guesthouse will also be compatible with the existing residential land uses of the area.

3.10.2 OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010)

With reference to the Overstrand Growth Management Strategy the subject erf falls within planning unit 6 that consists of the existing pristine high income, low density southern section of the Voëlklip residential area.

Incremental development through subdivision to allow second and third dwelling units is proposed for an assumed 20% of this planning unit. With the proposed consent use application in order to accommodate a guesthouse the density of the subject erf will not be increased and therefore the Growth Management Strategy does not apply to this application.

3.11 THE RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.11.1 HERITAGE VALUE AND IMPACT

Erf 4174 Hermanus is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The existing dwelling situated on Erf 4174 Hermanus 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 Hermanus.

3.11.2 ENVIRONMENTAL IMPACT

The proposed consent use of Erf 4174 Hermanus does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

3.12 PLANNING PRINCIPLES

Spatial justice: The proposed guesthouse will create employment opportunities for local residents in town. Most of the staff who will benefit from the proposed guesthouse will be local residents living in the informal settlements of Hermanus (i.e. previously disadvantaged communities).

Spatial sustainability: The proposed guesthouse will be accommodated in an established residential area within an existing single storey dwelling on Erf 4174 Hermanus. The proposed application will have no impact on the conservation worthy areas of Hermanus. Spatially the land use will be in keeping with the residential character of the area.

Efficiency: The guesthouse is easily accessible and conveniently located close to Hermanus' beaches and other tourist attractions in the area. Last mentioned makes travelling to the subject property to make use of the proposed guest accommodation easy and accessible to everybody.

Spatial resilience: Not applicable to this application.

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

4. RECOMMENDATION

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

- The proposed consent use is compatible with the existing built character of the area;
- The proposed land use is compatible with the land uses of the area;
- The impact on the traffic and services will be kept to a minimum;
- There are no environmental or heritage factors that prohibit the proposed land use;
- The proposed consent use will not have a negative impact on the current character and land values of the surrounding erven;
- All the required parking bays are located on site;
- The visual impact will remain unchanged;

Proposed use: B-Residential

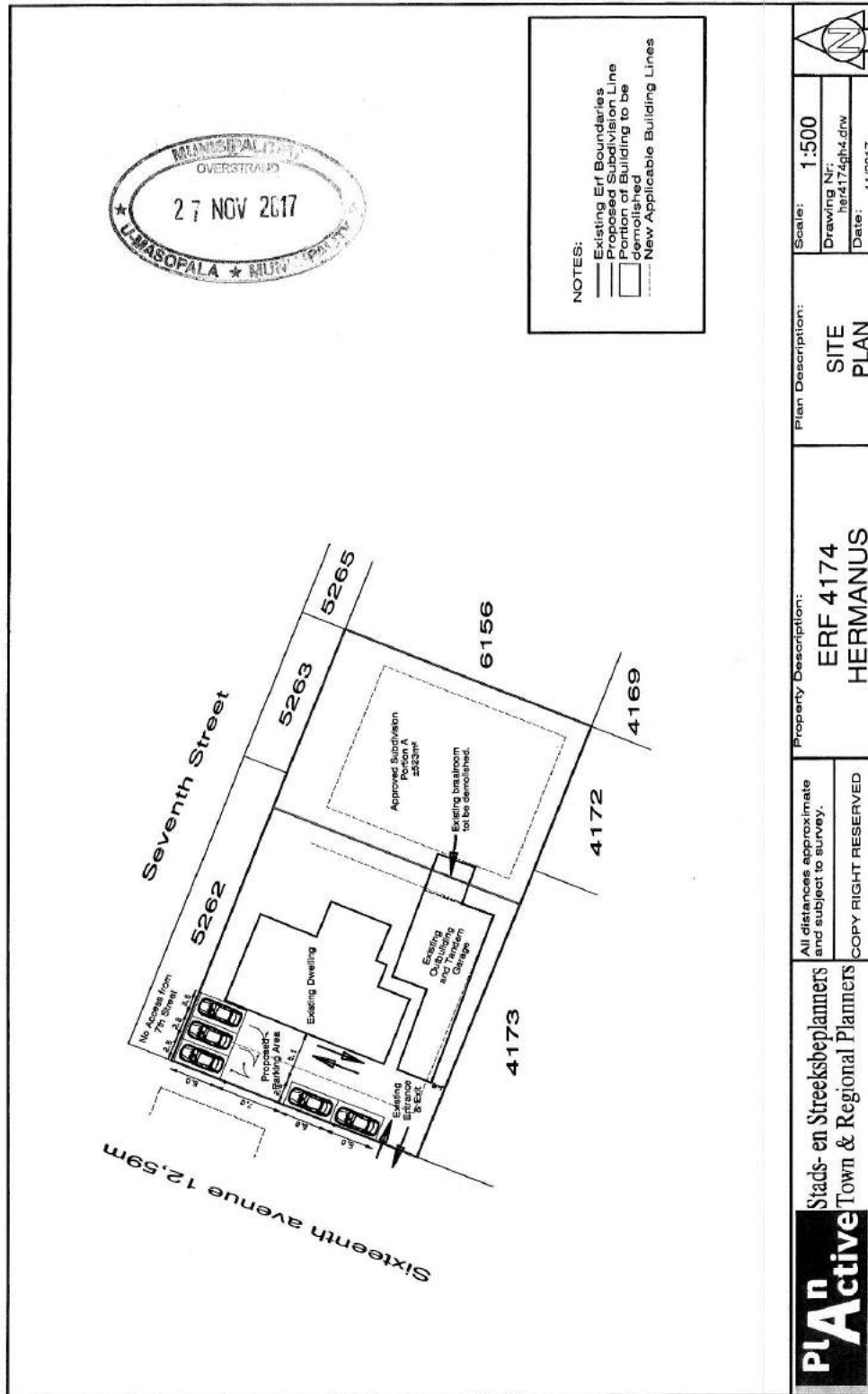
Motivation report

Erven 3160 & 3161 Hermanus

ANNEXURE B 10/10

- The proposed application complies with the spatial planning policies of the area,
- The proposed consent use is a low impact guest accommodation establishment.

With regards to the above mentioned it would be appreciated if Council would approve the proposed consent use of Erf 4174 Hermanus.



TP-A Theart
(H Boshoff)

ANNEXURE D 1/3

OBJECTION TO APPLICATION FOR CHANGES TO ERF 4174, 303 SEVENTH STREET, VOELKLIP, HERMANUS

TO: Mr H Boshoff

From CL Marshall & RJ Lawrence

Town Planner

53 Albert Rd

Overstrand

Hout Bay 7806

File Ref: 4174 HVK (3711)



Dear Mr Boshoff

We have read and considered the application to have Erf 4174 rezoned to accommodate a guest house and wish to lodge the strongest objection to the proposal.

The reasons are as follows:

We own the house adjacent to this property – 13-16th Avenue Voelklip

- 1) The surrounding properties are zoned for single residential purposes, the proposal is to operate a business which constitutes a departure from single residential
- 2) The presence of a guesthouse and the accompanying arrival and departure of guests at odd hours will disrupt the entire cul de sac. One of the main reasons we purchased our property (13-16th Avenue) was due to the quiet nature of the road, there being no through road for traffic
- 3) The change to a guest house will also cause significant noise pollution as they will be accommodating up to 10/12 people at any given time (including staff.) Deliveries necessary for the running and upkeep will be noisy and intrusive and most people who are on vacation have very little respect for the surrounding area in this regard
- 4) Given the quiet nature of the street there is currently very little foot traffic, however if there are 10 or more people coming and going we believe this will encourage opportunistic crime as the residents will not know who is supposed to be in the area
- 5) Point 3.4 states that the development will have a low impact on the environment and traffic of the area – we strongly disagree with this. The parking will become a big issue as these will be tandem bays. This will necessitate the shuffling of vehicles whenever someone wishes to leave, which in turn will result in the drivers of these vehicle parking in the street and will effectively block access to our property. In turn this will act as a magnet to undesirables who spend their days trolling for easy targets
- 6) Kerb side parking at this property will also adversely affect access to the electrical sub station situated between our property and the proposed guesthouse

Based on all of the above, as we are retiring shortly and will more than likely be living in Hermanus permanently this will have a negative effect on the value of our property and this in turn will impact hugely on the quality of our life which is a serious issue for us

Your prompt response to the above objections would be appreciated. We can be contacted at the above address or on our cellphones Rick Lawrence 082 4685565 or Lynne Marshall 083 2736297

Yours sincerely

CL Marshall & RJ Lawrence
CL Marshall & RJ Lawrence

FILE NO: EL 4174-HVK
SCAN NO: 13
COLLABORATOR NO: 1065365



TP- A Theart
(H Boshoff)

gste Street ANNEXURE D 23

Voelklip

Hermanus

7200

Tel. 0828738734

Mnr. H. Boshoff
Stadsbeplanner
Overstrand

FILE NO: EL 4174-HVK
SCAN NO: 37
COLLABORATOR NO: 1069851

is Erf 4174, 7de Street 303, Voelklip.

Geagte mnr Boshoff

ER is goed bekend met die opstel op erf 4174 daar dit aan my broer, Albie Bishop behoort het.

ER wil graag beswaar aanteken teen die oprigting van ses parkeer areas grensende aan 16de Laan en wel om die volgende redes:

i) Baie min ruimte vir ses voertuie om te draai en te parkeer. Daar is 'n substasie van die Munisipaliteit en 'n kragbox in 16de Laan, 'n doodloop straat. As gevolg van baie inbrake moes ons noodgedwonge ons erwe omhein. Wens min ruimte is hierdie omheining nou in gevaar.

ii) Ons woon in 'n rustige woonbuurt en ER is 'n permanente inwoner ER Barry

TP 30 AUG 2017

Kan my net die laerou oorskeel van ges
motors (met hoewel insittendes) wat sukkel om
te parkeer, enige tyd nog of dag.

iii) Aan die teenoorgestelde kant van die gastehuis
is baie meer ruimte vir parkeerareas met
weinig ontwikkeling. Die meeste besoekers wat
buidelgelyk van die gastehuis gebruik maak,
oornag net of bly vir 'n naweek.

iv) Betreffe vir die geruas probleem, betrou
naweek besoekers weinig respekt vir die
omgewing en die baan word noual reeds
betreidel met plastiese sakke, tee koudedrank,
bottels, en ander, papiere en voedsel flousers.
Dit blokkeer die stormwaterstoot wat voor my
dewer verby vloei

v) Volgens my mening sal nog ekstra aanbouings
beslis 'n negatiewe invloed hê op die
verkoopswaarde van ons eiendomme.

Ek vertrou dat hierdie skrywe u ernstige
aandagting sal geniet.

Unieëndelike groete

Now. J. van Deventer

(Eienaar cxf 4179)

ANNEXURE E 1/4

Plan Active Town & Regional Planners
Stads-en Streeksbeplanners



6 Magnolia St / Str
PO Box / Posbus 296
HERMANUS
7200
Tel: (028) 313 1673
Fax / Faks: (028) 312 1351
Email: planactive@hermanus.co.za
Website: www.planactive.co.za

Our reference: PA16061
Your reference: 4174 HVK (3711)

3 OCTOBER 2017

THE MUNICIPAL MANAGER
OVERSTRAND MUNICIPALITY
P.O. BOX 20
HERMANUS
7200

FOR ATTENTION: MR H BOSHOFF

Sir

TRA Theart
C H Boshoff

FILE NO:	EL 4174
	Hermanus
SCAN NO:	33
COLLABORATOR NO:	1082624

PROPOSED CONSENT USE : ERF 4174 HERMANUS

- **JM & CP SWARBRECK**

Reference is made to our application dated 14 June 2017 as well as your letter dated 7 September 2017 with objections attached thereto.

2 Objections were received from CL Marshall & RJ Lawrence and J van Deventer.

The objections and our response can be summarized as follows:

- ***According to the objector the application is for a rezoning and departure to run a business and guests arriving and departing will be disruptive.***
- ***The guests and staff together with deliveries would cause noise pollution.***

The application at hand is not for a rezoning and departure to run a business, but for a consent use to operate a 4 guestroom guest house from the property.

A guesthouse generates low traffic volumes to residential areas. In most instances guests do not arrive or depart at the same time either.

Assuming a 60% average occupancy rate, between two to three cars a day can be expected. The noise created by these vehicles will be absolutely negligible compared to the nonstop din created by traffic on 7th Street. The supplies required by this small handful of people will easily be managed by the Manager in his private vehicle and will not require the services of a delivery truck.

We are of the opinion that the noise generated will be low and in keeping with the residential character. It is in the best interest of our client to ensure good relations with neighbours as well as to ensure that noise levels are kept to a minimum for the guests' sake. It is therefore in the best

1

Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active
Reg. No. 2006/030921/07
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACTRP

24 OCT 2017

interest of the owner to manage the guest house to high standards to ensure that guests return and that good relations with the neighbours are maintained.

If the municipality approves the application, it will be subject to certain conditions. Our client will have to adhere to these conditions or risk forfeiting their land use rights. It is in their best interest to keep to the conditions of approval since any deviation from the aforementioned will alarm the neighbours and force law enforcement to act on any complaints.

▪ ***Increase in crime with unknown visitors in the area.***

The owners will deal with unwanted elements (if any) on and outside their premises since it is in their own best interest to keep their property safe.

- ***Parking is an issue as there are tandem bays and it would cause on street parking and would block access to properties. Street parking will lead to crime and would also block the access to the electrical sub-station.***
- ***The parking bays do not leave enough space for turning and parking. Because of crime in the area the erven had to be fenced and because of limited area the fencing is now in danger. Parking problems will also result in noise pollution. Adequate parking is available on the other side of the property.***

One of the main objections shared by both objectors is to the parking. The parking diagram submitted with the application shows that there are sufficient bays within the property to accommodate the guests. These are not tandem bays and there will be no need for vehicles to shuffle at all hours of the night. No parking will need to take place on the road causing interference, neither with the substation and nor with neighbour's access. The others side of the property is not available for parking as it has been subdivided.

The parking layout has also been amended due to the comments received from the Engineering Department and the slightly revised parking layout plan is attached. The amended layout plan makes provision for one access point to the parking bays and garage.

As mentioned above assuming a 60% average occupancy rate, between two to three cars a day are expected. The parking layout makes provision for enough space for the cars to turn and park.

There is a great deal of crime in the area, as pointed out by both objectors. It is believed that a house, occupied by a managing couple with eyes and ears on site most hours of the day, will be a greater deterrent than yet another empty house in the neighbourhood.

It is known that a guesthouse needs to be well presented at all times. If it does not look neat and clean the guests will not be happy and it will not attract ongoing business. With all the online reviews that a Guesthouse is subjected to, it will not survive if it is not properly managed and this keeps the establishment on its toes.

It is the intention, and it is also essential to combat the noise from 7th Street, to build a wall around the entire property if the necessary permission for the guesthouse is received.

- ***Visitors to the area cause pollution and it blocks the storm water system.***
- ***Value of properties will be negatively affected and the guest house would have an effect on the quality of life.***

ANNEXURE E 3/4

A guesthouse requires that a manager stays on site. The manager's duty is, inter alia, to ensure that harmony is maintained and that no guests disturb either the other guests or the neighbours with their behaviour. A typical guest is an overseas traveller who visits the region to explore and enjoy the facilities on offer. They will likely enjoy a meal at a restaurant in the evening before retiring to bed and setting off again, after breakfast, the next morning. This is a far cry from the conception held by Mrs Van Deventer of noisy, thieving, fence breaking, drain blocking, littering hoodlums.

It is however uncertain how all of the above would detract from the value of the neighbours' property.

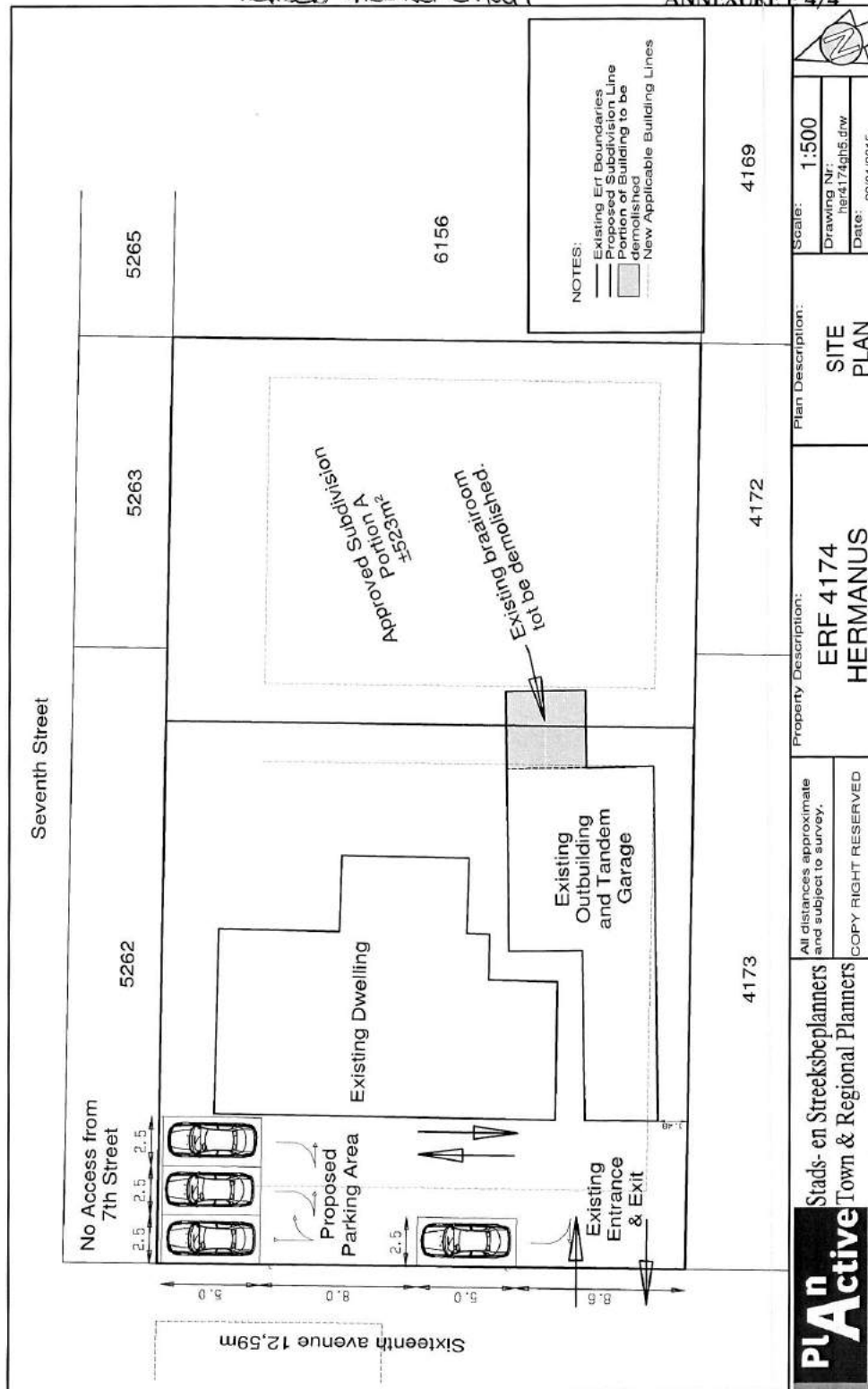
We trust that you find the above in order and that you will now be able to proceed with the processing of the application.

Yours faithfully

J V Mc Lachlan
PLAN ACTIVE

REVISED PARKING LAYOUT

ANNEXURE F 4/4



Munisipaliteit – U-Masipala – Municipality
OVERSTRAND

INTERNAL MEMORANDUM

Aandag / For Attention:	Town Planning department: H Boshoff	Van / From:	Department: Operational Services
Afskrif / Copy:		Datum / Date:	04 August 2017

Ref: Erf 4174, Voëlklip

RE: APPLICATION FOR PROPOSED CONSENT USE – ERF 4174, VOËLKLIP, HERMANUS.

The request for comment from the Department: Operational Services (Hermanus) dated 15 May 2017 with regard to the abovementioned proposal refers,

The proposal entails the following:

- Consent use to operate a guest house facility on the premises.

1. ANALYSIS

1.1. Water

- 1.1.1. The existing water connection to Erf 4174 shall be used to service Erf 4174.
- 1.1.2. The proposed consent use will not have a significant impact on the existing municipal water supply network. The Directorate: Infrastructure and Planning must however give comment with regard to network capacity and the relevant Bulk Services Levies.

1.2. Sewer

- 1.2.1. The existing sewer connection to Erf 4174 shall be used to service Erf 4174.
- 1.2.2. The developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*.
- 1.2.3. The proposed consent use will not have a significant impact on the existing municipal sewer system. The Directorate: Infrastructure and Planning must however give comment with regard to network capacity and the relevant Bulk Services Levies.
- 1.2.4. Any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services.

C:\Users\tmarx\Desktop\departures\Consent use\Erf 4174, Voëlklip 2017-08-04.docx

1.3. Streets

- 1.3.1. Access can be obtained via 16th Avenue.
- 1.3.2. Any additional and / or extended vehicle entrances will be for the owner's account.
- 1.3.3. Should any upgrading and / or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development must be made to the office of the Area Manager: Hermanus for written approval.

1.4. Storm water

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

1.5. Parking

- 1.5.1. "On-site parking" must be provided. The parking areas are to be provided at a ratio as described by the Town Planning Scheme, with permanent surfaces and layout to the satisfaction of the Department: Operational Services.
- 1.5.2. It is noted that the parking layout as proposed in the application does not appear to be practical and the fact that the proposed layout of the parking uses more than the entrance to get access to the property. It is recommended that the parking layout be revised and that a revised parking layout, that conforms to the requirements as set out in the Guidelines for Engineering Services in Townships (Red Book), be submitted for written approval prior to approval of the application.

1.6. Other services

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

1.7. Refuse removal

- 1.7.1. The proposed development on Erf 4174 must be provided with a central refuse collection facility, which must comply with the standards of the Department: Operations (Hermanus).
- 1.7.2. Refuse will be removed from sidewalks as per municipal arrangements.

1.8. Irrigation water

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

1.9. Waste Water Treatment Works (WwTW)

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

1.10. Bulk Water Supply

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

2. RECOMMENDATION

- 2.1. With regard to the application for the proposed consent use on Erf 4174, Voëlklip towards establishment of a new guesthouse, the **Department: Operational Services has no objection to the application, subject to the following conditions:**
- 2.1.1. That the existing water- and sewer connections to Erf 4174 shall be used to service Erf 4174.
- 2.1.2. That any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services.
- 2.1.3. That the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*.
- 2.1.4. That, as is noted that the parking layout as proposed in the application does not appear to be practical. It is recommended that the parking layout be revised and that a revised parking layout, that conforms to the requirements as set out in the Guidelines for Engineering Services in Townships (Red Book), be submitted for written approval prior to approval of the application.
- 2.1.5. That any additional and / or extended vehicle entrances will be for the owner's account.
- 2.1.6. That, should any upgrading and / or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval.
- 2.1.7. That the proposed development on Erf 4174 be provided with a central refuse collection facility, which must comply with the standards of the Department: Operations (Hermanus).
- 2.1.8. That refuse will be removed from sidewalks as per municipal arrangement.
- 2.1.9. That the Electrical- and Traffic Departments, as well as Telkom and any other relevant authorities and service providers not have any objections to the application.

Yours faithfully



T.I. Marx
Principal Technician: Operational Services
Hermanus



J. de Villiers Pr. Eng.
Senior Manager: Operational Services
Hermanus

ANNEXURE G 1/2

Munisipaliteit • U-Munipalis • Municipality

OVERSTRAND

File reference:	3711
Date:	24.07.2017

INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: H Boshoff

TO:

Area Manager	Building Department	District Health	Electrical Department
Environmental Officer	Fire Department	Infrastructure and Planning (Onrus)	Local Heritage Committee
Operational Services	Traffic Department	Ward Councillor (K Brice)	Waste Management

Applicant	Plan Active obo Mr & Mrs Swarbreck
Property Details	4174, 303 Seventh Street, Voëlklip
Application Description	Proposed Consent Use

ATTACHMENTS

1. Notice
2. Locality Plan
3. Site & Ground Floor Plans
4. Motivation

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.

YOUR DEPARTMENT'S COMMENTS:

Occupancy H5 - Hospitality.

The operation of a guesthouse is subject to compliance with all requirements of National Fire Protection Regulations SANS 10400T:2011 + SANS 10400A:2016 (Population Design Density) - Refer to Annexure A for requirements

Signature:		Date:	
------------	--	-------	--

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in 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 Mayoral Committee will be informed accordingly.

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

COMMENTS REQUIRED BY: 1 September 2017

	<p align="center">OFFICE of THE CHIEF FIRE OFFICER PO BOX 20 HERMANUS 7200 Tel: 028 313 8980 Fax: 028 313 1493</p>	<p align="right">ANNEXURE G 2/2</p> 
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STANDARD REQUIREMENTS FOR OPERATION OF AN ESTABLISHMENT CLASSIFIED HOSPITALITY – H5 – GUEST HOUSE, BED & BREAKFAST OR SELF CATERING TOURIST ACCOMMODATION IN ANY H3 OR H4 CATEGORY BUILDING IN TERMS OF THE NATIONAL FIRE PROTECTION REGULATION SANS10400T:2011

ANNEXURE A – ERF 4174, VOELKLIP, HERMANUS
TOWN PLANNING APPLICATION No: 3711

The operation of Holiday/Tourist accommodation is subject to compliance with following requirements together with any other building compliance requirements as prescribed:

Fire Extinguishers:

SANS10400T:2011 – 4.37:

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

Combustibility of Fitted Floor Coverings:

Shall comply with requirements of Section 4.14 of SANS10400T:2011 - Table 8 – As determined by SANS10177-4.

Combustibility of Internal Finishes:

Shall comply with requirements of Section 4.15 of SANS10400T:2011 - Table 9 – As determined by SANS10177-3.

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. (A dedicated 30 metre 19mm Garden Hose may be an alternative due to water supply connection restraints however this must be compensated with the provision of an addition of 2 x 4.5kg Dry Chemical Powder Fire extinguishers)
- Doors leading to the outside of the building with single turn locks or any other lock device approved by the Controlling 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.

Occupancy is also subject to: Maximum design occupancy total of 16 persons as prescribed by section A21 Table 2 of National Building Regulations SANS10400A:2010 i.e. 4 x 4 sleeper or 8 x 2 sleeper rooms.

Chief Fire Officer

ANNEXURE H 1/2

**ROAD NETWORK MANAGEMENT**

Grace.Swanepoel@westerncape.gov.za
 Tel: +27 21 483 4669
 35, 9 Dorp Street, Cape Town, 8001
 PO Box 2603, Cape Town, 8000

REFERENCE: 13/3/5/1-21/46 (Job 16563)**ENQUIRIES: Ms GD Swanepoel****DATE: 6 September 2017**

The Municipal Manager
 Overstrand Municipality
 PO Box 20
HERMANUS
 7200

FILE NO:	
SCAN NO:	
COLLABORATOR NO:	107 44 60

Attention: Mr H Boshoff

Dear Sir

**ERF 4174, CORNER OF SEVENTH STREET AND 16th AVENUE, HERMANUS (VOËLKLIJ):
 OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE**

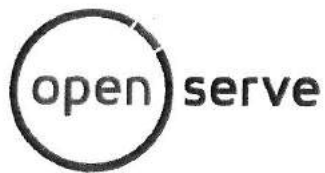
1. Your letter 4174 HVK dated 10 August 2017 refers.
2. Erf 4174 is located at the corner of Seventh Street (Main Road 28) and Sixteenth Avenue and takes access off Sixteenth Avenue.
3. This application is for Consent Use in order to operate a four-bedroomed guesthouse.
4. The Branch offers no objection to the application in terms of the Land Use Planning Act, No 3 of 2014.

Yours faithfully

ML WATTERS
 For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT

ENDORSEMENTS

1. Overstrand Municipality
Attention: Mr H Boshoff (e-mail: hboshoff@overstrand.gov.za)
2. Mr ML Watters (e-mail)
3. Mr F Fakier (e-mail)
4. Planning Section



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

05 October 2017

Attention: S Muller

Overstrand Municipality
HERMANUS

WAYLEAVE: PROPOSED CONSENT USE: ERF 4174, 303 SEVENTH STREET, VOELKLIP, HERMANUS

With reference to your application received July 2017.

I hereby inform you that Open Serve approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

As per sketch attached, Open Serve infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

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

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

05 Oct 17

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



ANNEXURE I 1.4

TP-A Theart
(Holmner)

FILE NO:	EL 4174
	Hermanus
SCAN NO:	20
COLLABORATOR NO:	1090300

Candice Spammer

Tel: 021 414 5582

Fax: 086 480 0617

Email: spammec1@telkom.co.za

Our Ref.: WWIP_WVKL3213_17

Your Ref.: 4174 HVK 3711

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


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

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully

pp 

Selwyn Bowers

Operations Manager

Wayleave Management: Western Region

This wayleave, Reference Number **WWIP WVKL3213 17** is valid for 12 months from date hereof and is subject to the following conditions:

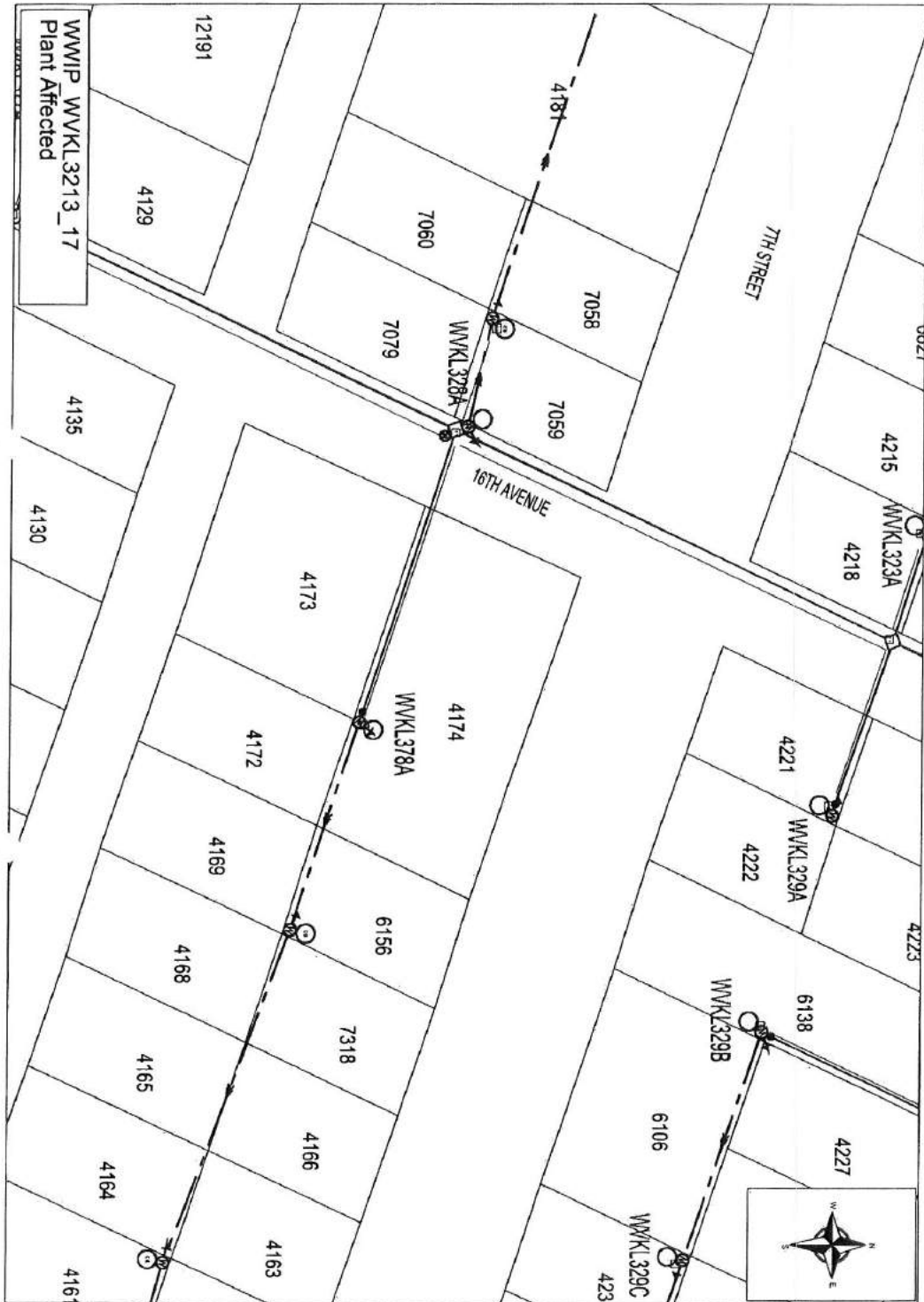
1. No mechanical plant or vibrator type compactors may be used within three meters of any Open Serve Plant (I.E. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and **Frederik Swart** at Telephone No **081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

Date: 2017/10/05

By: C Spammer
For Regional General Manager
Western Cape

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





Navrae:
Enquiries: H Boshoff (Town Planner)

Lêerverwysing:
File Reference: 4174 HVK (3345)

Datum:
Date: 22 March 2017

Munisipaliteit • U-Mo **ANNEXURE J.1/2**

OVERSTRAND

TOWN PLANNING / STADSBEREIKING
HERMANUS

PlanActive
PO Box 296
HERMANUS
7200

BY HAND
EMAIL: planactive@telkomsa.net

Dear Sir

DECISION LETTER TO APPLICANT

**ERF 4174, 305 SEVENTH STREET VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA :APPLICATION FOR SUBDIVISION AND DEPARTURE**

1. The above application refers.
2. The Authorised Employee (Senior Manager: Town- and Spatial Planning), on 8 March 2017, **approved**, your application in terms of Section 62 of the Overstrand By-Law on Municipal Land Use Planning.
3. The Resolution with conditions are as follows:

RESOLVED :

1. *that in terms of Section 16(2)(d) of the Overstrand Municipal By-Law on Land Use Planning, 2016 the application for the subdivision of Erf 4174, Hermanus into two (2) portions namely Portion A $\pm 740m^2$ and a Remainder $\pm 523m^2$, **be approved**;*
2. *that, in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 the application for departure in order to relax the lateral building line from 2m to 1,48m to accommodate an encroachment by an outbuilding, **be approved**, subject to the following conditions:*
 - (a) *that building plans be submitted to the Building Department for approval and that any conditions by the Fire- and Building Departments be complied with at that stage;*
 - (b) *that this approval only has reference to the Subdivisional Plan as submitted by the applicant (attached as Annexure C);*
 - (c) *that the conditions compiled in the Services Report (Annexure D) be adhered to;*

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ANNEXURE J 2/2

- (d) *that the openings in the sections of the structure encroaching the building line on Erf 4173 border may not exceed 5m² in total as per table 2 of SANS 10400T:2011, and*
- (e) *that this is not an approval in terms of any other legislation.*
3. *that the applicant be notified of its 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.*
4. Reasons for the above decision are as follows:
- ❖ the application has followed due procedure;
 - ❖ no objections have been received;
 - ❖ no new municipal services will be needed, and
 - ❖ this application will not have a detrimental effect on surrounding neighbours.
5. You are hereby informed of your right to appeal to the Appeal Authority in terms of Section 78(2) of By-law.
- 5.1 The appeal form must be completed and should be directed to the Appeal Authority (Executive Mayor) and received **within 21 days of notification** of this decision together with proof of payment of the appeal fee (R2700-00).
- 5.2 The appeal form is available at request or alternatively on the Municipal website (www.overstrand.gov.za).
- 5.3 Contact details are as follows:
- Physical address : 16 Paterson Street, Hermanus, 7200
 Postal Address : PO Box 20, Hermanus, 7200
 E-mail address : alida@overstrand.gov.za
6. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

Yours faithfully



 S. MÜLLER
 DIRECTOR : INFRASTRUCTURE AND PLANNING

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 4174, VOELKLIP (3711)**

Stormwater (SW) : In order
Electricity : In order
Water : In order
Sewer : In order
Roads and traffic : 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 owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
4. that, should any upgrading and / or development of the sidewalk adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erf 4147, Hermanus, unobstructed;
6. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

28/11/2017
DATE