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REMAINDER ERF 4173, 10 VILLAGE LANE, HEMEL EN AARDE VILLAGE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: WRAP PROJECT OFFICE ON BEHALF OF CEM PROP (PTY) LTD

4173 HON (4477/2023)

BC Minnaar

11 October 2024

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application was received on 11 September 2023 from WRAP Project Office on behalf of CEM Prop (Pty) Ltd on Remainder Erf 7143, Onrustrivier in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a consent use to accommodate twelve (12) flats on the property.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The subject property measures 2898m² in extent and is situated in the Hemel en Aarde Village, Onrustrivier and zoned Special Zone (land use and building parameters are applicable in terms of the Hemel-en-Aarde Village Scheme Regulations).

The subject property has a building plan approval for the following:

Ground floor:

- Four (4) craft workshops; and
- Ten (10) single garages.

First floor:

- 11 short term rental units; and
- 1 manager/owner unit.

It is the intent of the property owner to convert the 12 units (including the manager unit) to flats. In terms of the Scheme Regulations of the Hemel-en-Aarde Village, flats is a consent use.

The applicant has therefore applied for a consent use in order to accommodate the twelve (12) flats on the subject property.

4. SUMMARY OF APPLICANT'S MOTIVATION

The main grounds of motivation for the application are as follows:

- ❖ The property is located within the Special Zone (Hemel-en-Aarde Village), with approved crafts shops and garages on the ground floor and a guest house on the first floor.
- ❖ The intent of the property owner is to convert the guesthouse units (including managers/owners unit) into flats.
- ❖ The Special Zone (Hemel-en-Aarde Village) permits the development of flats as a consent use right.
- ❖ The Hemel-en-Aarde Village was intended to be a unique tourist destination with several uses that attract unique businesses. With the inclusion of flats, these existing businesses will receive more permanent support, while addressing a huge demand for housing in the Greater Hermanus area.
- ❖ The proposed flats resulting in densification for the area are in line with the OMSDF and OMGMS future projections.
- ❖ The proposal increases new housing opportunities without leading to urban sprawl.
- ❖ The proposed conversion of short term rental accommodation to flats is also not uncommon for the area since there is an approved development with flats in the Hemel-en-Aarde Village.
- ❖ The site is subject to a Special Zone which makes provision for flats as a consent use.
- ❖ There is no restrictive condition contained in the applicable title deed of the property T47594/2019.
- ❖ The subject property is already connected to Overstrand Municipality's service networks which include water, electricity and sewerage. Solid waste is to be accumulated from the subject property every week by Overstrand Municipality.
- ❖ Access and egress to the subject property is gained from Village Street across the 10m wide servitude and the proposal will not affect this.
- ❖ The socio-economic impact of the proposal refers to the potential effects it may have on the social and economic aspects of the surrounding area. This includes factors such as population growth, employment opportunities, income levels, housing affordability, property values, and demand for local services and amenities such as schools, shops, and healthcare facilities. The proposed development has the potential to create jobs, increase the tax base for the local government, and contribute to economic growth as more individuals will be residing in the area.
- ❖ The proposal is not out of character with the surrounding area and the uses are prevalent in the surrounding area which are residential of nature.
- ❖ It is not predicted that the proposal will have any additional impact on external engineering services than what is currently approved on the property.
- ❖ It is not predicted that the proposal will have an impact on safety, health and wellbeing of the surrounding community. In fact, the proposed project has the potential to provide a number of benefits to the community, such as increasing the number of residents that may in the future draw in new development potential as an increase in the population may create new opportunities.
- ❖ The proposal is compliant with the scheme regulation's development parameters ensuring no views, sunlight, or the character of the area is affected.

- ❖ The subject property has a sustainable impact on the economy by firstly creating jobs and secondly providing accommodation to the residents of the Hermanus area. The commercial activity on the property will also add additional value to the property and would create additional income for the municipality through the collection of rates and taxes and an increased municipal valuation.
- ❖ An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The proposal is not predicted to have a negative impact on surrounding properties and the addition and construction of the property had a positive impact on the area itself.
- ❖ The subject property is not located within an environmentally important area.
- ❖ The subject property is not located within the EMOZ.
- ❖ The subject property is not located within the HPOZ.

PLANNING PRINCIPLES:

Spatial justice

This proposal does not have an impact on past spatial justice.

Spatial sustainability and Efficiency

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal is to continue utilising the as built building but wants to be able to change the use of the short-term rental units to flats.

Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

Good administration

The Overstrand Municipality has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Notices via e-mail	Yes	08/03/2024	12/04/2024
Internal Departments	Yes	08/03/2024	12/04/2024
Ward Councillor	Yes	08/03/2024	12/04/2024
Total comments	FIVE (5)		
Total letters of support	ONE (1)		
Was public participation undertaken in accordance with section 46- 50 of the By-law on Municipal Land Use Planning?			Yes
Was the application processed correctly (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
Building Control	11/03/2024	No objection. The building plan application must comply with all applicable law.
Fire Department	27/04/2024	The fire department has no objection.
Services Report	25/03/2024	See Annexure D.
Waste Management	11/04/2023	The new proposed waste storage location is supported by Solid Waste Planning as it allows our waste collection vehicle to access the waste without having to enter the property. See attached email correspondence with this submission for new layout. See Annexure E.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

During the public participation process, five (5) objections were received within the timeframe and one (1) letter of no-objection was received after the public participation process concluded. See attached Annexure F.

- **L Hanson-Moore**
- **Glenfruin Meadows Homeowners Association**
- **L Makepeace**
- **JMM Wilson**
- **S McArthur**
- **G Kemp (no-objection)**

The applicant was provided the opportunity to respond to the objections (see attached Annexure G).

Note: Glenfruin Meadows Homeowners Association, Lesley Hanson Moore and Louise Makepeace provided the same comment. Neil Wilson and Sean McArthur provided the same comment.

The objection, applicants' response and the municipal town planner's response will be summarised as follows:

COMMENT 1

Comment on the application provided by Glenfruin Meadows Homeowners Association, Lesley Hanson Moore and Louise Makepeace.

The Scheme Regulations for Hemel en Aarde Village allow for: "Primary use: Tourism Business/Cottage Industry & Dwelling House. Guesthouse is included in the description of Tourism Business. Consent Use: Flats".

APPLICANT'S RESPONSE

No response provided from the applicant.

TOWN PLANNER'S RESPONSE

Objection statement and applicant's (no) response is noted.

COMMENT 2

Approved Plans – Special Conditions provided by Glenfruin Meadows Homeowners Association, Lesley Hanson Moore and Louise Makepeace.

*"The covering letter from the Overstrand Municipality (OM) advising the developers of the plan approval dated 10 July 2020 notes a Special Condition in red: **"Plans to be endorsed. The flats may solely be used for short term accommodation purposes for tourists, no sectional title or alike allowed"**.*

It is clear that the plans were drawn up for 12 "Flats" on the First Floor then amended to "Guesthouse" to comply on the face of it without having to apply for consent use for flats. There are references to flats on the approved plan (see Parking Calculation) and Flats is crossed out and Guesthouse written in handwriting above the architect's logo. By implication, it would appear that there was an intentional withholding of information and in all probability; it was a clear plan of the applicant to apply for flats at a later stage, which is now the case.

It has come to our attention that the possible sale of the individual "flats" has been explored with prospective buyers by the developer for several years.

Although having been in the construction phase for a few years already, the building is far from complete and application for a change in land use is already being submitted.

The definition of "Guesthouse" in the Hemel en Aarde Village Scheme Regulations read as follows: "dwelling units or guest rooms, which are equipped for and may be utilized by travelers or holiday makers which in the opinion of the council are of short-term nature."

*In the Overstrand Municipality Land Use Scheme, 2020, a guesthouse is defined as "a dwelling **house** or **second dwelling unit** which is used for the purpose of lodging transient guests for compensation."*

APPLICANT'S RESPONSE

"Plans were originally submitted for flats. After evaluation, the plans were amended to a guest house, as flats are not permitted as a primary use in terms of the zoning of the property. WRAP Project Office was appointed to apply for a consent use to allow the proposed flats, which would enable the owners to sell the units individually rather than solely renting them out to transient guests."

TOWN PLANNER'S RESPONSE

The condition in red on the latest approved building plan, simply stated, that the flats may only be used for short-term letting. This condition was included simply because the right to permit flats on the property requires a land use application for consent use which is being applied for. There is no condition in the Hemel-en-Aarde Scheme Regulations which state that flats may only be used for short term letting. The Heme-en-Aarde Scheme Regulations do however stipulate: “flats will only be permitted if a tourism business or cottage industry concern exist on the subject erf” which the application compiles with. However, the Hemel-en-Aarde Village Scheme Regulations contains another clause which stipulates, “Flats will be of the same size or less than the tourism business or cottage industry”. The applicant did not submit an application to depart from the previously mentioned clause, therefore it is considered that only 6 of the 12 units be converted into flats and the remainder 6 units be utilised for guesthouse purposes.

COMMENT 3***Precedent for Flats provided by Glenfruin Meadows Homeowners Association, Lesley Hanson Moore and Louise Makepeace.***

“If this Consent Use application is successful, then a precedent could be set for other properties in H&A Village and we may end up with other blocks of flats along Glenfruin Meadows boundary. Apart from the obvious invasion of privacy to properties along Meadow Avenue in particular, there are already traffic, parking and congestion problems in Hemel en Aarde Village which will be exacerbated given the narrow roads and parking challenges.”

On page 3 of the WRAP report: “Flats are also not uncommon within the area and have been approved in the past as part of the expansion of the Hemel-en-Aarde Village. The property south of the subject property, Erf 4174 Onrustrivier, has six flats also located on the first floor and it has been proven that if the property is well operated and managed, the use of flats in the area can work”.

Contrary to this reference to Hornbill House on erf 4174, we are unaware of any consent use for flats having ever been granted in Hemel-en-Aarde Village. An internet search reveals that “Hornbill House Self Catering Accommodation” advertises apartments offering “an unforgettable holiday experience on the Cape Whale Coast”. A simple inspection of the signage on erf 4174 reveals the same on the face of it. If there are in fact any “flats” in Hemel en Aarde Village then we believe this is in contravention of the Scheme Regulations and therefore illegal.

Further, the owners of Hornbill House live on the property and therefore are at hand to operate and manage the establishment which is in the best interests of their businesses.

There have been numerous parties who have had the idea of building flats in the past in Hemel en Aarde Village but none that we have been made aware of, as neighbours, have reached the application for consent use stage.”

APPLICANT'S RESPONSE

The proposal cannot set a precedent, as town planning in general and land use applications are site-specific. The approval of the proposed consent use for one property does not automatically justify approving similar applications in the area.

Each application is evaluated individually and considered on its own merits to determine its desirability for consent use approval. The Overstrand Municipality cannot be compelled to approve another consent use application solely based on the fact that the application for Erf 4173 Onrustrivier was approved. The Municipality is obligated to consider all relevant factors that may influence their decision on the specific application. It is important to highlight that Erf 4174 Onrustrivier has approval for six flats, five of which were historically approved in 2012 and the sixth which was approved in 2023. The additional flat was created by dividing the managers' residence into two separate units.

TOWN PLANNER'S RESPONSE

The proposed land use planning application setting precedent is irrelevant. As stipulated by the applicant, each application is site specific and evaluated on its own merit. However, there are other factors that the municipality considers, such as the applicable land use rights and the character of the area. The Hemel-en-Aarde Village area has a special zoning which is subject to the Hemel-en-Aarde Village Scheme Regulations which makes provision for the development of flats within this zoning. Therefore, the notion of setting a precedent is irrelevant since the permitted land uses include the development of flats as a consent use which is being applied for. Furthermore, as stipulated in the previous response point 3, only 6 of the 12 units will be converted to flats due to the restrictive clause in section 4 of the Hemel-en-Aarde Scheme Regulations.

COMMENT 4

Guesthouse versus Flats provided by Glenfruin Meadows Homeowners Association, Lesley Hanson Moore and Louise Makepeace.

"We believe that the numerous contrasts between a guesthouse and flats are important to consider in this instance as well and the different impacts that they have.

Occupancy of guesthouses in the Hermanus area is likely around 60%. Tourists staying in small units such as these would typically be a couple arriving in one hire car. They would have infrequent, if any, visitors. It's likely most would park their vehicle in an allocated garage and not in the open-air parking.

In contrast, flats have the potential for multiple vehicles per household and may give rise to 2 cars per unit plus visitors. The use of the garages for purposes other than parking is highly likely. Ten of the required parking bays are garages. One can deduce that there will be insufficient parking on site given that there will be other businesses operating in the "craft workshops". There is no off-street parking at all in the area for the predicted overflow if flats are approved.

The approved plans for a guesthouse show Unit 1 for Owner/Manager. This implies that there would be onsite management to control parking and the general behaviour of guests who would become rowdy. An onsite caretaker would most likely be absent in the case of flats and no mention is made in the application of this consideration.”

APPLICANT’S RESPONSE

The comments have been noted and carefully considered. It's important to acknowledge that the building plan was initially approved for the establishment of a guest house. The current application however seeks approval for the conversion of these guest rooms / dwelling units into flats.

During the evaluation process, much attention was drawn to the perceived difference in intensity between a guest house and flats. Some objectors expressed the view that a guest house would pose less disturbance to the surrounding area compared to flats. Their opinion is that due to the transient nature of guesthouse occupants and the typically lower volume of traffic and activity associated with such establishments.

However, it's imperative to recognize that these assessments are subjective in nature. The argument is that flats may align more harmoniously with the adjacent residential development. This line of thought suggests that the routines of flat occupants, likely comprising of individuals or families, would better integrate with the established rhythm of the neighbourhood. Residents would commute to and from work within reasonable hours, contributing to a sense of stability and community cohesion.

Conversely, a guest house operates with a different dynamic. With guests arriving at various times throughout the day and night, and with their stays being temporary in nature, there may be concerns about potential disruptions or unwanted occurrences. This could include increased noise levels, changes in traffic patterns, or other disturbances that may not be conducive to the tranquil residential atmosphere desired by the community.

In summary, while opinions may differ regarding the preferred land use, it's crucial to thoroughly consider all perspectives and weigh the potential impacts on the surrounding environment and community. The proposal was evaluated and focussed on maintaining the overall harmony and quality of life within the area.

TOWN PLANNER’S RESPONSE

The objector draws a contrast between a guest house and flats with the main issue being the occupancy, parking for both the proposed flats and the business “craft workshops” as well as the issue of no management being on-site to control parking and the general behaviour of guests.

The applicant responds to the objection stating the conversion of the guest house units into flats could reduce the possible noise nuisance and other disturbances that may be applicable. Furthermore, the main concern of the conversion into flats is mainly the parking issue as well as the access which will be discussed in response points 5 and 6.

It must however be noted that the conversion of flats is a consent use right that was approved in terms of the Hemel-en-Aarde Village Scheme Regulations which the applicant is applying for and has the right to submit such application.

COMMENT 5

Parking – Specific Analysis provided by Glenfruin Meadows Homeowners Association, Lesley Hanson Moore and Louise Makepeace.

“With regard to the number of parking bays, the plans on page 16 and 17 of the WRAP application appears to conflict with each other and also appear to conflict with the original approved plan stamped on 13 July 2020 (see further comment under Parking).”

The number of parking bays indicated on the approved plans is insufficient according to our calculations. According to the requirements, the development requires 30 parking bays (as stated on the side notes of the plan). Only 23 parking bays including the 10 garages appear to be indicated on the original approved ground floor plan stamped and dated 13/7/2020. The ground floor plan in the WRAP report does not appear to be the approved plan but in contrast shows the required 30 i.e. 20 parking bays plus 10 garages. However, parking bays are shown in front of what is currently garage parking bays which has been designed and built for a classic car collection in one of the designated craft workshops.

Although there appears to be ample open space, we understand that there is a second phase of development (offices) planned for the property which is not shown on the site development plan.

Errant parking in the road outside Erf 4173 would be unacceptable and in contravention of the servitude agreement.”

APPLICANT’S RESPONSE

It is important to note no parking is being proposed on the street and there is more than ample space available on site. The comment that plans are not in line with the approved building plans, are incorrect. Please see below:



Figure 1: Approved building plans

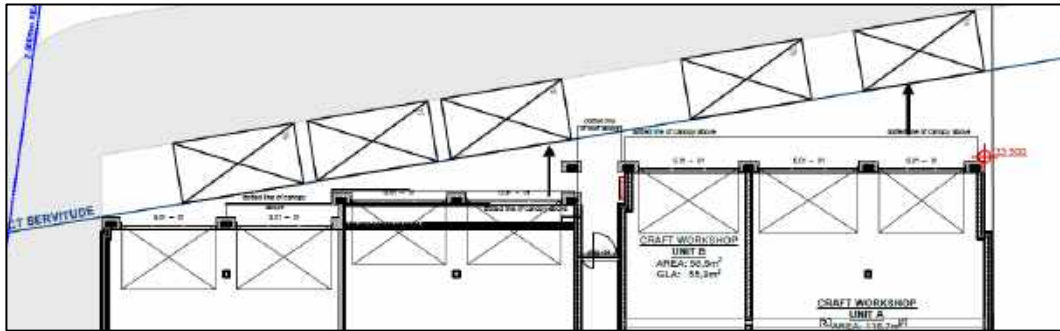


Figure 2: Proposed Site Plan

As clearly illustrated in the figures above, both parking layouts are the same. The objectors continued stating that the development does not have sufficient parking which is not the case. As stated in Section 8 of the motivational report:

Tourism Business = 1 parking bay per 25m²

GLA = 349,9m²

13,9 Parking Bays Required

Main Dwelling / Flat = 2 Parking Bays Required

Flats = 1.25 per flat / unit

13,75 Parking Bays Required

Total Parking Bays Required = 29,65

Total Parking Bays Provided = 30

TOWN PLANNER'S RESPONSE

The objection point stipulating that there is not sufficient parking allocated to the proposed development of craft workshops as well as the parking allocated to the flats/units is not completely inaccurate. The parking calculation stipulated by the applicant is incorrect, however number of parking bays provided by the applicant complies with the relevant parking requirements. Furthermore, the objection regarding that the parking, references the previous building plan which should not be taken into consideration when evaluating the current land use planning application.

The correct calculation is as follows:

Tourism Business = 1 parking bay per 25m²

GLA = 349,9m²

13,996 Parking Bays Required

Flats = 1.25 per flat / unit

14 Parking Bays Required

Total Parking Bays Required = 28,996

Total Parking Bays Provided = 30

Noting the correct calculation above, the parking requirements for the proposed development remains compliant with the relevant parking requirements.

The objection regarding the provision of parking being split (20 parking bays and 10 garages) is irrelevant since the combined parking is sufficient in terms of the Overstrand Municipality Land Use Scheme, 2020.

COMMENT 6

Road, Servitude and Access provided by Glenfruin Meadows Homeowners Association, Lesley Hanson Moore, Louise Makepeace, JMM Wilson and Sean McArthur.

“The road from the stop street at Hornbill House/Biga to our Glenfruin Meadows gate was constructed by Glenfruin Meadows HOA (GMHOA) and is maintained 100% by GMHOA in terms of a registered servitude agreement over the property erf 4159. Erf 4159 is owned by the Hemel en Aarde Village Homeowners Assoc (ex Mooisig).

At the time that this servitude agreement was registered, there were no other properties having access from this road. Subsequent to this servitude agreement, as a result of a consolidation and subdivision, erf 4173 was created and it has its access from this road. The neighboring erf 4174 has a goods/service entrance from it too.”

APPLICANT’S RESPONSE

The road in question, constructed by the Glenfruin Meadows Homeowners Association (GMHOA), came into existence through a mutual agreement with the Hemel-en-Aarde Village Homeowners Association (HOA). This road (the land on which it is built) is owned by the Hemel-en-Aarde Village HOA who granted Glenfruin Meadows the right to traverse it in terms of a right-of-way servitude.

Erf 4173 Onrustvriër, as a member of the Hemel-en-Aarde Village HOA, has the inherent right to utilize any segment of the roadway, including the portion constructed by Glenfruin Meadows' development. Should any dispute arise from GMHOA regarding this usage, the matter must be resolved with the Hemel-en-Aarde Village HOA to establish a mutually agreeable solution. Disallowing a member to traverse a road of which they partially own by being a member of the Hemel-en-Aarde Village HOA cannot be deemed reasonable or legal.

Furthermore, GMHOA has voiced concerns regarding the entrance to the development. It is however important to note that they acknowledged that they are “stacking” on and along the road, being the servitude road, which is not ideal and may lead to safety hazards for other road users. Additionally, it is not clear if their access conforms to prescribed standards. It is normal transport engineering practice that “stacking” to a development should be on your own land and not on the land of a neighbour or on a public road. Conversely, access to Erf 4173, Onrustvriër, has been designed to adhere to all municipal regulations, ensuring compliance with safety and operational requirements. It is imperative that similar standards be upheld by all users of the roadway to guarantee the integrity and safety of the surrounding community

TOWN PLANNER'S RESPONSE

The objection and the applicants response to the objection is noted. To mitigate the concerns regarding the access issues, it is therefore considered that the access and egress of the subject property be located closer to the refuse area. Furthermore, a revised site plan indicating the aforementioned will be included as a condition of approval which is to the municipality's satisfaction.

COMMENT 7

Access to Glenfruin Meadows provided by Glenfruin Meadows Homeowners Association, Lesley Hanson Moore, Louise Makepeace, JMM Wilson and Sean McArthur

"Of grave concern is the access at the gate entrances of Glenfruin Meadows and Erf 4173. A traffic engineer who was consulted some years ago was of the opinion that we would have to create a suitable traffic lane structure at that juncture to enable both erf 4173 and Glenfruin Meadows to handle the traffic flow. He did indicate that it was irregular for two access and exit points to be placed in such close proximity for the amount of vehicle traffic that could be expected.

It appears that the owners of Erf 4173 have previously indicated that they are not prepared to enter into a cost sharing of the access point (or servitude road). The Hemel en Aarde Village Homeowners Association has indicated previously that the matter should be resolved between the developers of Erf 4173 and Glenfruin Meadows gate HOA.

In the original layout of properties in the Hemel en Aarde Village, Erf 4173 was not in existence, and it was not envisaged that any erven would have access from this current road let alone within 6.5 meters from the Glenfruin Meadows gate.

The reality now is that there is a situation which the Glenfruin Meadows HOA will need to resolve, namely the shared maintenance of the servitude as well as the regulation of traffic flow at our entrances.

We often have visitors waiting at the Glenfruin Meadows gate to press the intercom access system and residents waiting in the same queue to get in and there could well be a backup of 2 or 3 vehicles on occasion. With Erf 4173 accessing 6.5 to 7 meters from our gate there is potential for much congestion and frustration.

In terms of the access to erf 4173, it is logical to have the entrance where it is shown as this is a municipal servitude area which cannot be built on. It is not likely that the developer will ever agree to move the entrance to the property elsewhere so as to relieve the anticipated pressure around the Glenfruin Meadows access gate."

APPLICANT'S RESPONSE

Refer to applicants response to point 6.

TOWN PLANNER'S RESPONSE

Refer to response point 6.

COMMENT 8

Conclusion provided by Glenfruin Meadows Homeowners Association, Lesley Hanson Moore and Louise Makepeace.

“The Overstrand Municipality was most probably misled/ deceived by the owner of erf 4173 from the onset, for reasons given above and that the original intent was to build flats and not a guesthouse.

Apart from setting a worrying precedent, we believe that 12 flats are too many for the property for the reasons given above, mainly parking and traffic congestion.

Further, neither the original site development plan nor the WRAP motivation for Consent Use provides any insight into the planned further developments for the site (offices).

No information is provided regarding the envisaged plan for the flats, if in the unlikely event that it is approved – are they to be rented out by developer/owner or to be sold off as sectional title units? Will there be a caretaker living on site? Will there be a body corporate or managing agent? What rules are envisaged e.g. regarding parking, occupancy numbers, entertainment, noise, speeding on servitude road, contribution towards the maintenance of the roads, etc.?”

APPLICANT’S RESPONSE

While the objections raised by some parties are understandable, they may have not fully considered the situation. The owner will indeed have the option to either sell or rent out the flats. Additionally, it's important to mention that there are no plans for caretaker's accommodation on-site, as clearly shown on the site plan, which only features flats.

If the flats are sold, the establishment of a sectional title scheme will be required, which will include the establishment of a body corporate. It's important to note that all other standard occupancy requirements and regulations will need to be followed diligently.

The comments and objections raised have been carefully considered and addressed within this response. While the objections express concerns about the potential impact that the flats may have on the Glenfruin Meadows development, it's important to note that the response provided above aims to clarify any misconceptions and demonstrate the viability of the proposed plan.

Upon thorough review and analysis, it is our recommendation that the planning application be approved as submitted. The concerns raised, while valid in their intent, do not appear to present obstacles to the proposed development. With proper adherence to regulations and planning, the integration of these flats can contribute positively to the overall community landscape.

TOWN PLANNER'S RESPONSE

The developer has followed due procedure in order to accommodate the development of the guest house (with craft workshops on the ground floor) by means of building plan approval. The condition that was included on the building plan, restricting the guest house units to be solely utilised for short-term accommodation, was stipulated due to the fact that the flats are a consent use right in terms of the Hemel-en-Aarde Village Scheme Regulations. In order for the property to be converted into flats, a land use planning application will be required. Hence, the owner decided to submit the land use planning application in order to accommodate the proposed conversion of the guest house/units into flats/units on the first floor.

Responses to the key questions:

1. Will the property be rented out or sold off?
It is the prerogative of owner of the property to either rent or sell off the individual units. However, the property will be subject to sectional titles. Furthermore, only 6 of the 12 units will be permitted to convert into flats due to the restrictive parameter in section 4 of the Heme-en-Aarde Scheme Regulations.
2. Will there be a caretaker on the property?
The applicant informed the town planning department that due to the conversion of the guest house/units to flats, there will be no need for a caretaker or manager to reside in one of the units.
3. Will there be a body corporate or managing agent?
With the development of sectional title developments, it is required that a body corporate be established.
4. What rules are envisaged?
No response has been provided by the applicant regarding this question; however, it is assumed that when the body corporate is established, certain rules will be put in place to mitigate any nuisance/disturbance issues that may arise.

CONCLUSION

With reference to the above-mentioned, it is considered that the objections/comments were adequately responded to.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

Refer to point 7 of this report.

9. MUNICIPAL ASSESSMENT OF COMMENTS

Refer to point 7 of this report.

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

10.1 Background

N/A

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

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

Spatial Justice

The proposal will not further perpetuate historic spatial imbalances.

Spatial sustainability

The application is considered spatially sustainable as the proposal is to continue utilising the as built building but wants to be able to change the use of the short-term rental units to flats, the existing property will therefore be more optimally utilised and provide additional financial gain to the property owner by either renting the property or selling the units for profit.

Efficiency

The proposed development intends to make optimal use of existing infrastructure, thereby optimising existing resources.

Spatial Resilience

The development of the property will be in synchrony with the relevant spatial planning policies that adhere to the principle of spatial sustainability in terms of the Spatial Development Framework.

Good administration

The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and a public participation process had been followed.

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

Same as Point 10.2 above.

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

The subject property is located in the Greater Hermanus (west area) specifically in the Hemel-en-Aarde Village. In terms of the Overstrand Municipality Spatial Development Framework (OMSDF), the proposal is located in an area called Urban Development.

The Urban Development area permits development within the urban edge. Therefore, the development of a business activity on the ground floor and 12 flats on the first floor on the proposed location is in with the development trend.

The key policies directing future management and development within the Greater Hermanus (West area) promotes the following:

1. Progressively ensure housing provision for different lifestyle choices, income groups, life stages, household sizes, including adequate provision of affordable housing options and opportunities for the aging
2. All housing developments should be planned within the context of creating sustainable human settlements where housing areas are integrated with social and economic facilities.

The proposal for the development of business activity on the ground floor with a residential component on the first floor is therefore considered to be in line with the proposals mentioned above. The proposal provides a different form of housing which could cater for a different lifestyle choice in terms of housing opportunities. The proposal could cater for young couples who are seeking to enter into the housing market or older couples/families which seek to downscale from living in houses that could be tedious to maintain. The housing market within the Greater Hermanus area is quite slim when looking at the options to buy or rent. Therefore, the current proposal seeks to provide yet another avenue for buyers seeking to reside in the Hermanus area.

The proposal is not situated within the HPOZ or EMOZ overlay zones.

Noting the above-mentioned, the application is consistent with the SDF.

In terms of the Overstrand Municipality Growth Management Strategy (OMGMS) the following is considered.

OMGMS, 2010:

The site is located in planning unit 3 with no residential densification proposed for this planning unit. Therefore, the proposed application is not in line with this spatial planning document.

OMGMS, 2020:

The site remains located in planning unit 3, however the densification for the area has changed from no densification to incremental densification (being less than 10du/ha). The proposal to accommodate 12 flat units on the property calculates to 41,4du/ha which is more than 4 times the proposed densification for the subject area. Therefore, the consideration from the Town Planning Department to only permit 6 flat units on the property which calculates to a density of 20,7du/ha is more in line with the proposed densification for the area.

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

N/A

10.6 Impact on Municipal Engineering Services

The proposal is supported by the Engineering Services Department, subject to conditions (attached as Annexure E) in order to accommodate the proposed development. However, due to the issues raised by the objections received regarding the access and egress, it is considered that the access and egress point be relocated further south along Village Lane (refer to 12 of this report).

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The property is zoned Special Zone. The Hemel-en-Aarde Village has their own scheme regulations which permits the proposed land use as a consent use right for which the applicant has applied. However, there is an additional restriction that permits flats subject to it being equal or less in size than the tourism business or cottage industry which the proposal does not comply with.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

The subject property is 2898m² in extent and is zoned Special Zone which is subject to the Hemel-en-Aarde Scheme Regulations. The property in question was first proposed to be utilised for a craft workshop on the ground floor with a guest house on the first floor comprising of 11 units which are to be utilised as guest units for transient guests with a manager/owners unit. The aforementioned development only required a building plan submission which was approved on 13 July 2020, with a condition restricting the guest house to be solely utilised for the accommodation of transient guests. This condition was included purely due to the guest house being a primary land use right in terms of the Hemel-en-Aarde Scheme Regulations. In contrast, flats are a consent use in terms of the Hemel-en-Aarde Scheme Regulations, therefore, before the property may be utilised as flats, a land use planning application must be submitted to obtain the land use rights. The property owner therefore decided to submit this land use planning application in order to obtain the relevant land use rights.

That being said, Section 4 of the Hemel-en-Aarde Scheme Regulations stipulates the following restriction with regards to flats, "*Flats will be of the same size or less than the tourism business or cottage industry.*" Furthermore, the applicant did not submit an application to depart from the aforementioned restriction. In addition, the applicant also did not discuss the densification of the subject site but rather the future densification of the area. As mentioned in point 10.4 of this report, the proposed densification for the area is less than 10du/ha. The proposal to convert the 12 guest units to flats results in a density of 41,4du/ha which is more than 4 times the proposed densification for the subject area. Therefore, the consideration from the Town Planning Department to only permit 6 flat units on the property which calculates to a density of 20,7du/ha is more in line with the proposed densification for the area.

The Hemel-en-Aarde Village predominantly caters to tourism within the Hermanus area. This is clearly evident when one takes reference from the Hemel-en-Aarde Village Scheme Regulations which lists tourism businesses and cottages industries as primary land use rights with flats being a consent use right. Subsequently, the area has been developed purely in relation to tourism with only one other property being granted consent to accommodate 6 flats in the area. Keep in mind that the 6 flats approved on Erf 4174 is less in size than that of the tourism business.

Therefore, it is considered that the proposal for 12 flats be partially approved to accommodate 6 flats due to the predominant nature of the tourism businesses in the area.

The development of craft workshops on the ground floor and flats on the first floor requires 29,996 parking bays (calculation provided in part 7 of this report). The applicant therefore provides 30 parking allocations which is compliant with the relevant scheme regulations applicable. It must be noted that of the 30 parking allocations, 20 parking bays are provided and 10 garages are provided. Therefore, the parking requirements have been met by the applicant in their proposal.

Not only does the proposal comply with the applicable scheme regulations to allow flats as a consent use, but the proposal also complies with the proposed mixed-use nature of the area. The Hemel-en-Aarde Village was established to comprise of the various tourist activities/businesses with a residential component. The surrounding properties range from furniture stores, restaurants, craft shops, wine shops and residential components. Therefore, the proposal is in line with the relevant mixed-use nature of the area. Subsequently, the proposal is therefore also in line Overstrand Municipality Spatial Development Framework, 2020.

The relevant services have been adequately evaluated by the Engineering Department (refer to Annexure D). The development is supported by the Engineering Department subject to conditions that are stipulated in the aforementioned attachment.

The refuse area proposed is located along the street boundary of the subject property which has been requested and is supported Waste Department.

The objections/comments received during public participation was mainly concerning the following:

✚ The parking:

The parking has been adequately explained which is compliant.

✚ The noise/disturbances that may arise for the conversion of a guest house into flats:

The nuisance/disturbance factor for a guest house will have a greater impact on the tranquillity of the area. The aforementioned negative impact will occur sporadically and more frequent during the festive seasons due to individuals/couples/families being on holiday/vacation. In contrast, the development of flats will mitigate the nuisance/disturbance issues since it will be used for residential purposes (for the housing of a single family) and not transient guests. The proposal to accommodate flats rather than the guest house is therefore (for want of a better word) a better fit for the area. Furthermore, the consideration of the Town Planning Department is to only permit the conversion of 6 of the 12 units to flats which caters for both the objectors as well as the applicant (owner).

✚ The access and egress:

As stipulated by the applicant, the utilisation of Village Lane is subject to an agreement between the Hemel-en-Aarde Estate and the Genfruin Meadow Estate. The objections received regarding the access, egress and applicable servitude agreement raised issues regarding possible congestion and stacking issues. In order to mitigate these issues that were raised, it is considered that the access and egress point be relocated to the southern portion of the subject property along Village Lane near the refuse area. This way, both parties (the applicant & objectors) will be catered for. The Glenfruin Meadows will have their adequate stacking distance, and the proposed development will not be subject to the applicable congestion or stacking. It is therefore also considered that the relocation of the access and egress points as well as the refuse area will be included as a condition of approval.

With reference to the above mentioned, the application is considered desirable from a town planning perspective.

13. RECOMMENDATION

1. that the objections be noted;
2. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Remainder Erf 4173, Onrustvriev for consent use to accommodate twelve (12) flats on the property, **be partially approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions;
 - (a) that this approval is for the proposed development as indicated on the plan numbers 19/008 (001) dated 2024/10/10, as submitted with the application;
 - (b) that only 6 of the 12 guesthouse units be converted into flats;
 - (c) that the access and egress be relocated to the southern portion of the property along Village Lane;
 - (d) that a revised site plan be submitted that indicates incorporates points 2.(b) and 2.(c) above, to the satisfaction of the relevant departments (Engineering Department, Waste Management Department and Town & Spatial Planning Department;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (f) that a bulk service's levy be payable on each residential unit as determined by Council;
 - (g) that all the conditions imposed by the Engineering Services Report (attached as Annexure D), be complied with;

- (h) that the disposal of solid waste be conducted as per Waste Management Department comment (attached as Annexure E);
 - (i) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (j) that all other development parameters as prescribed in the relevant Zoning Scheme & Hemel-en-Aarde Village Scheme Regulations 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 Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

14. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ The objections received from the public were adequately responded to and resolved in terms of the land use rights applicable to the subject property.
- ❖ That only 6 of the 12 guesthouse units be converted into flats due to the densification constraints as well as the limitation for permitted flats in terms of the Hemel-en-Aarde Scheme Regulations.
- ❖ The Hemel-en-Aarde Village caters more to tourism businesses which is evident in terms of the character of the area as well as the applicable Hemel-en-Aarde Village Scheme Regulations.
- ❖ The objections received were mainly concerned with the nuisance/disturbance factor that will impact on the surrounding property as well as access and egress.
- ❖ There is a much greater possibility that the development of a guest house to accommodate transient guest will generate more nuisance/disturbance opposed to the development flats to accommodate a single family.
- ❖ The relocation of the access and egress is mainly to mitigate the issues regarding congestion along Village Lane which would be in favour of both the proposed development as well as the existing Glenfruin Meadows Development.
- ❖ It is in line with policy documents.

15. ANNEXURES

- Annexure A: Locality Plan
- Annexure B: Motivation Report
- Annexure C: Site Development Plan
- Annexure D: Services Report
- Annexure E: Comment: Waste Management
- Annexure F: Objections received
- Annexure G: Applicant's response to objections

SIGNATURES**REGISTERED PLANNER**Name: **B MINNAAR**SACPLAN Reg No: **C/8630/2021**

Signature: _____

Date: _____

REGISTERED PLANNERName: **H VAN DER STOEP**SACPLAN registration number: **A/1708/2013**

Signature: _____

Date: _____

1. Locality Plan Erf 4173 - Onrustrivier

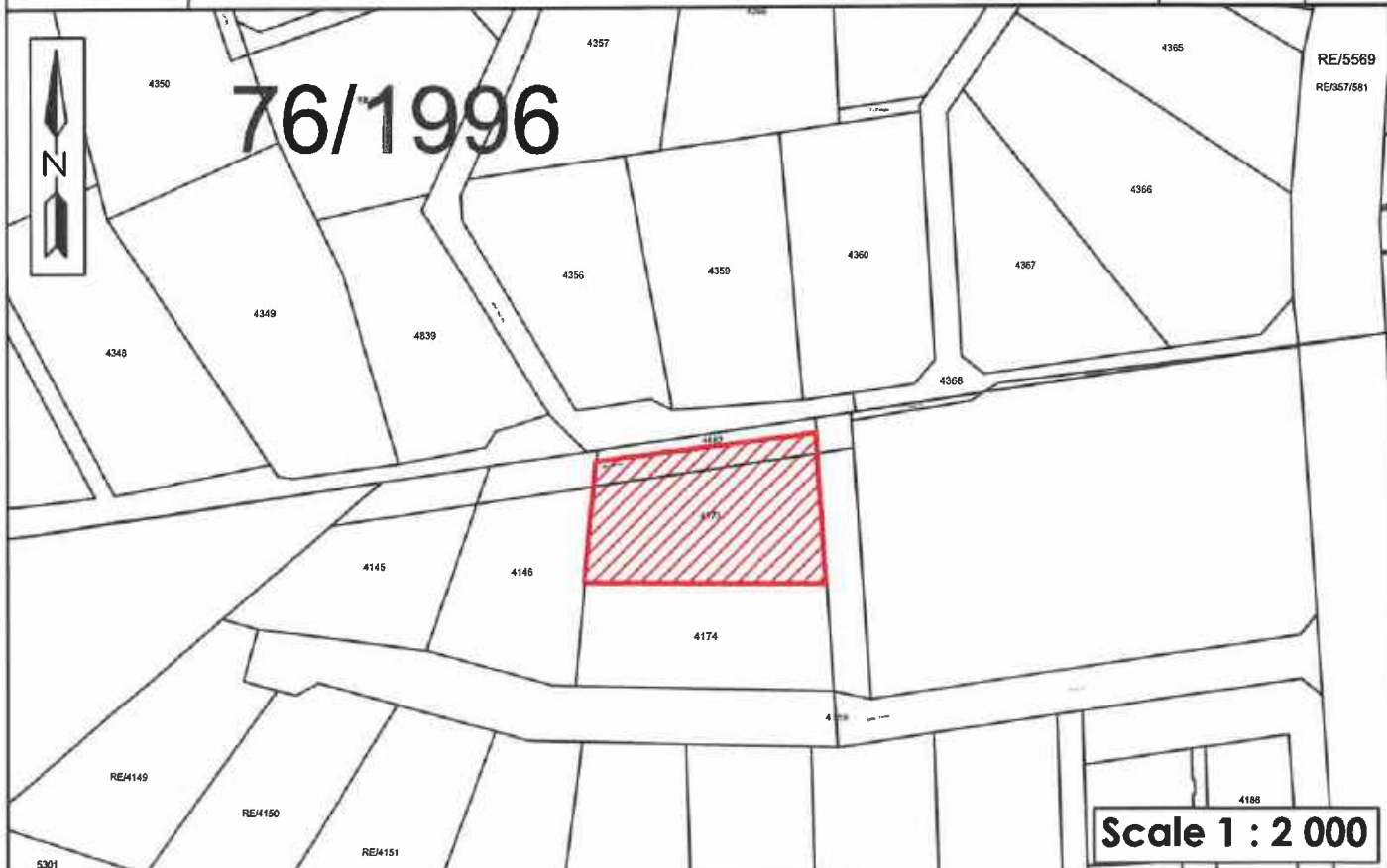
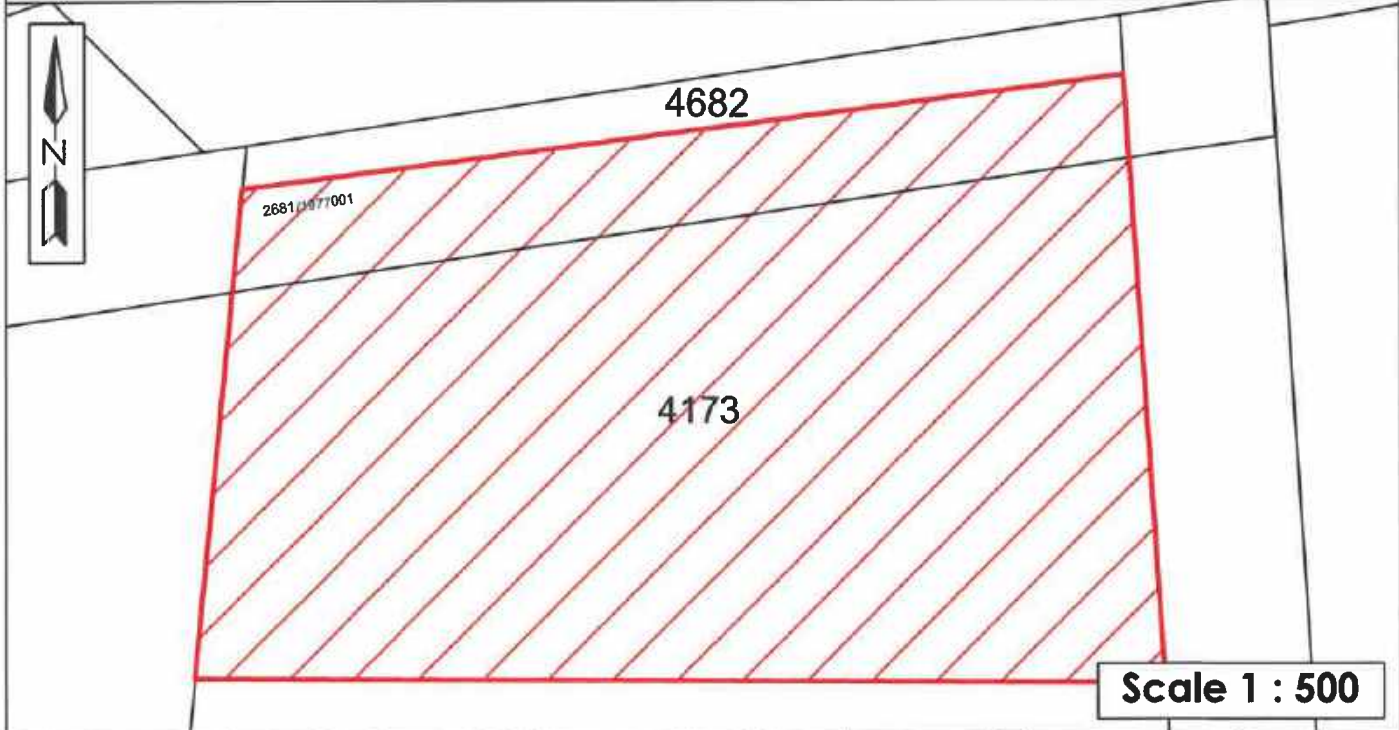
 Subject property

Plan prepared by: Thian Jansen

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200





MOTIVATION

1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020
SZ	Special Zone (Hemel-en-Aarde Village)

2. PROPERTY DETAILS

Consultant	WRAP Project Office
Erf Number	Erf 4173, Onrustrivier
Extent	2898m ²
Zoning	Special Zone (Hemel-en-Aarde Village)

3. BACKGROUND AND INTENT

Erf 4173 Onrustrivier, hereafter referred to as the subject property, is located at 10 Village Lane in Hemel & Aarde Village (refer to **Plan 1**). The owners (Cem Prop Pty Ltd) have appointed WRAP Project Office to submit this land use application on their behalf (refer to **Annexure A – Power of Attorney**).

The owners are in the process of constructing a building on the property, which has been approved by the Overstrand Municipality Building Control Department. The building was approved to have four craft workshops on the ground floor, with ten enclosed and lockable garages, while the first floor will accommodate twelve short term rental units that will be operated as guest house, including the manager's accommodation. (Refer to **Annexure C – Architects Building Plans**)

The purpose of this application is to obtain approval to change the use of the approved short term rental units to flats (Refer to **Plan 4.1 and 4.2 - Site Plans Ground and First Floor**)

Approval of the following application is required:

- Consent Use for Flats.



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4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

WRAP compiled this report to ensure that the property owner's intent is achieved. The following is proposed:

4.1 Consent Use for flats on Erf 4173, Onrustrivier in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The owners have a vision to allow the units that are currently under construction to be used as flats and to achieve this intent, approval of a consent use is required. As the property is located within the Special Zone (Hemel-en-Aarde Village), flats are allowed as a consent use as it is not a primary right. As the short-term rental units were approved as a guest house and no additions are being made it is not expected to have any negative impact on the services in the area. The proposal is only to change the use of the units from approved short term rental units to flats.

The Special Zone (Hemel-en-Aarde Village) defines flats as:

Flats means a building containing two or more dwelling units for human habitation, together with such outbuilding as area ordinarily used therewith.

The Hemel-en-Aarde Village was intended to be a unique tourist destination with several uses that attract unique businesses such as wineries, souvenir shops, antique shops, art galleries etc. With the inclusion of flats these existing businesses will receive more permanent support, while also addressing a huge demand for housing in the Greater Hermanus area.

The OMSDF contains calculations on the population growth for the main areas in the Overstrand Municipality. The OMSDF indicates that the Greater Hermanus Area was and will be experiencing a population growth rate of between 4 – 6.4% per annum between 2011 and 2031, increasing the housing demand with 11 234. The information contained within the OMSDF indicates that the Greater Hermanus which includes Onrustrivier, requires several thousand dwelling units to be built to accommodate the projected population growth. (OMSDF, p28).

Table 1: Housing Need and estimated land area required (15du/ha)		
Year	Greater Hermanus Area	
	Total dwelling units (du) required	Estimated land area required (ha)
2011	3 892	256
2016	5 360	357
2021	7 127	475
2026	9 106	607
2031	11 234	749

Based on information obtained within the OMSDF (OMSDF, p28)

Table 2: Housing Need and estimated land area required (20du/ha)		
Year	Greater Hermanus Area	
	Total dwelling units (du) required	Estimated land area required (ha)
2011	3 892	195
2016	5 360	268



MOTIVATION

2021	7 127	356
2026	9 106	455
2031	11 234	562

Based on information obtained within the OMSDF (OMSDF, p28)

The two tables provided offer valuable insights into the required additional number of dwelling units for the Greater Hermanus area, and the extent of additional developable land required. Notably, the proposed development will take place within the existing urban edge of the Hermanus area (Onrustrivier), as no additional land was included in the urban edge when the 2020 OMSDF was reviewed. This means that the proposed inclusion of 12 new flats in areas such as the subject property should be welcomed as densification in existing urban areas are the only logical way to add new housing opportunities without urban sprawl. The proposal for the subject property aims to convert the approved short terms rental units on the property while being able to accommodate several tourism businesses on the property.

Flats are also not uncommon within the area and have been approved in the past as part of the expansion the Hemel-en-Aarde Village. The property south of the subject property, Erf 4174 Onrustrivier, has six flats also located on the first floor and it has been proven that if the property is well operated and managed, the use of flats in the area can work.

5. APPLICATION

Considering the above, application is made for the following:

5.1 Consent Use for flats on Erf 4173, Onrustrivier in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

6. LAND USE ENVIRONMENT

The properties surrounding the subject property are also zoned Special Zone. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

7. TITLE DEED

Title deed T47594/2019 (refer **Annexure B**) was perused and there are no restrictive title deed conditions present that may restrict the approval for the consent use.

8. ZONING

The following zoning parameters were assessed in conjunction with the SZ OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:



MOTIVATION

SPECIAL ZONE (HEMEL-EN-AARDE VILLAGE SCHEME REGULATION)			
Land Use Restrictions			
Primary use	Parameters	Proposal	Comply/ deviate
Tourism Business / House	Cottage Industry & Dwelling	Tourism Business	Comply
Consent use that may be applied for	Flats	Flats	Applied for
Development parameters			
Floor Factor	0.75	0.49	Comply
Coverage	50%	Erf Extent = 2898m ² Building Extent = 732.5m ² / 25.28%	Comply
Height	Maximum 8m and 2 storeys	Existing / In construction – Two Storey	Comply
Building Lines	Street Building Line – 4.5m Side Building Line – 2m	All building lines are being adhered to.	Comply
Parking	Tourism Business – 1 parking bay per 25m ² Flats – 1.25 parking bays	Tourism Business = 1 parking bay per 25m ² GLA = 349,9m² 13,9 Parking Bays Required Main Dwelling / Flat = 2 Parking Bays Required Flats = 1.25 per flat / unit 13,75 Parking Bays Required Total Parking Bays Required = 29,65 Total Parking Bays Provided = 30	Comply



MOTIVATION

9. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

Electricity, Water, Sewage and Solid Waste

The subject property is connected to the OM's networks, which include electricity, water and sewage. The proposal of this application is not expected to impact the services as it is only for the uses to change from being short term rental units to flats. No additional services are expected to be required with the change of use from short term rental units to flats.

Solid waste is accumulated on the property in the refuse room and collected every week by the OM.

Access and Egress

Access and egress to the subject property is gained from Village Street across the 10,0m wide access servitude and the proposal will not affect this.

10. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law can be illustrated as follow:

Need and desirability

The following considerations are amongst other things relevant to the assessment of the proposed land use to determine if it would be desirable and should therefore be properly motivated in an application:

<p>Socio-economic impact</p>	<p>The socio-economic impact of the proposal refers to the potential effects it may have on the social and economic aspects of the surrounding area.</p> <p>This includes factors such as population growth, employment opportunities, income levels, housing affordability, property values, and demand for local services and amenities such as schools, shops, and healthcare facilities.</p> <p>The proposed development has the potential to create jobs, increase the tax base for the local government, and contribute to economic growth as more individuals will be residing in the area.</p>
<p>Compatibility with surrounding uses</p>	<p>The proposal is not out of character with the surrounding area and the uses are</p>



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	prevalent in the surrounding area which are residential of nature.
Impact on the external engineering services	It is not predicted that the proposal will have any additional impact on external engineering services than what is currently approved on the property.
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on safety, health and wellbeing of the surrounding community. In fact, the proposed project has the potential to provide a number of benefits to the community, such as increasing the number of residents that may in the future draw in new development potential as an increase in the population may create new opportunities.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	The building is already under construction, and it is not predicted that the proposal will have an impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposal will not have an impact on traffic, parking or access.

To ensure that all land uses on the subject property is compliant, the property owners appointed WRAP Project Office to submit this application to ensure the proposed development is not in contradiction with any policies, legislation, or title deed conditions.

Impact on views, sunlight, and character of the area

The subject property is located in a unique tourism focussed area, the building currently under construction is compliant with the scheme regulation's development parameters ensuring no views, sunlight, or the character of the area is affected.

Economic impact

The subject property has a sustainable impact on the economy by firstly creating jobs and secondly providing accommodation to the residents of the Hermanus area. The commercial activity on the property will also add additional value to the property and would create additional income for the municipality through the collection of rates and taxes and an increased municipal valuation.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The proposal is not predicted to have a negative impact on surrounding properties and the addition and construction of the property had a positive impact on the area itself.

Environmental impact

The subject property is not located within an environmentally important area.



MOTIVATION

11. POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is not located within the EMOZ.

11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is not located within the HPOZ.

11.3 Spatial Planning Policies

PSDF

To ensure the proposed residential development is in line with the PSDF, the Provincial settlement policy objectives, the proposed development was evaluated in terms of the policy objectives.

Provincial settlement policy objective	Alignment of the proposal with the policy objectives.
Protect and enhance sense of place and settlement patterns	<p>The proposed development will be situated on the edge of the Hemel-en-Aarde Village. It was essential to incorporate the development into the existing area by including the tourism business on the ground floor while providing adequate accommodation on the first floor.</p> <p>Furthermore, the development emphasizes the importance of wellbeing and creates a new place of attraction in the Onrustrivier area.</p>
Improve accessibility at all scales	<p>The subject property boasts sufficient accessibility to both the Cape Town and Hermanus areas, through the main distributor routes in the area.</p> <p>The proposed development was designed to seamlessly integrate with the Hemel-en-Aarde Village area, forming part of the extended urban area and allowing for easy access to larger towns and cities.</p>
Promote an appropriate land use mix and density in settlements	<p>The primary land use of the proposed development remains a mixture between tourism business and the proposed residential.</p>
Ensure effective and equitable social services and facilities	<p>With Hermanus being a regional service centre as indicated by the PSDF, the importance to ensure access to the area is important.</p> <p>There are adequate road networks between the proposed development and Hermanus which have been upgraded recently.</p>



MOTIVATION

OMSDF

The Overstrand Municipal Spatial Development Framework (OMSDF) is a crucial document that provides guidelines for spatial development in the municipality. It is developed based on national, provincial and municipal planning legislation, policies and plans such as SPLUMA, LUPA, By-Laws, PSDF and the IDP. The purpose of the OMSDF is to provide direction for appropriate spatial development land uses within the urban edge and ensure that the development proposal aligns with the shared spatial vision.

The OMSDF was drafted with inputs from state departments and the public to provide adequate housing options for the increasing population. The proposed residential development is in line with the OMSDF, which focuses on addressing the housing demand, including the Sandbaai area, which is considered part of the Greater Hermanus area. According to Table 3 and 4 of the OMSDF, the population growth in the whole Overstrand is increasing, and Sandbaai is no exception.

To meet the growing demand for housing, the proposed development will convert the approved guest house (short term rental units) to flats. The increase in the population is based on the growth identified in Table 2.7 on page 25 of the OMSDF. The proposed development addresses the small but highly sought after demand identified by the OMSDF and will be welcomed by the housing market in the Hermanus area.

The application is aligned with the OMSDF, which will enable the Overstrand Municipality to respond to the future housing demand and ensure adequate residential options are available within the Hermanus area. The OMSDF sets out the principles and objectives that the proposed development aims to meet, ensuring that the policy requirements are met, and that the development proposal synchronises with the shared spatial vision of the municipality.

12. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided by. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

Spatial justice

This proposal does not have an impact on past spatial justice.

Spatial sustainability and Efficiency

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal is to continue utilising the as built building but wants to be able to change the use of the short-term rental units to flats.

Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

Good administration

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process.



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The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



RECOMMENDATION

13. EVALUATION

Approval of the application is required as the owners want to use the property differently from the original approval. The only proposed change pertains to the use of the units on the first floor. Initially, these units were approved for short-term rentals as a guest house, but the owners now intend to use them as flats.

This change in use, will allow them to use the units as flats. The proposal aligns with the spatial frameworks, legislation, and policies of the OM, particularly the OMSDF, which acknowledges the growing need for dwelling units in the region due to the projected increase in population over the coming years.


Furthermore, the proposal is not seen as an undesirable use that is out of sync with the surrounding area. On the contrary, it has been designed to have minimal impact on the area's views, sunlight, and character. The property will become an integral part of the Hemel-en-Aarde Village area and contribute to the area, once completed.

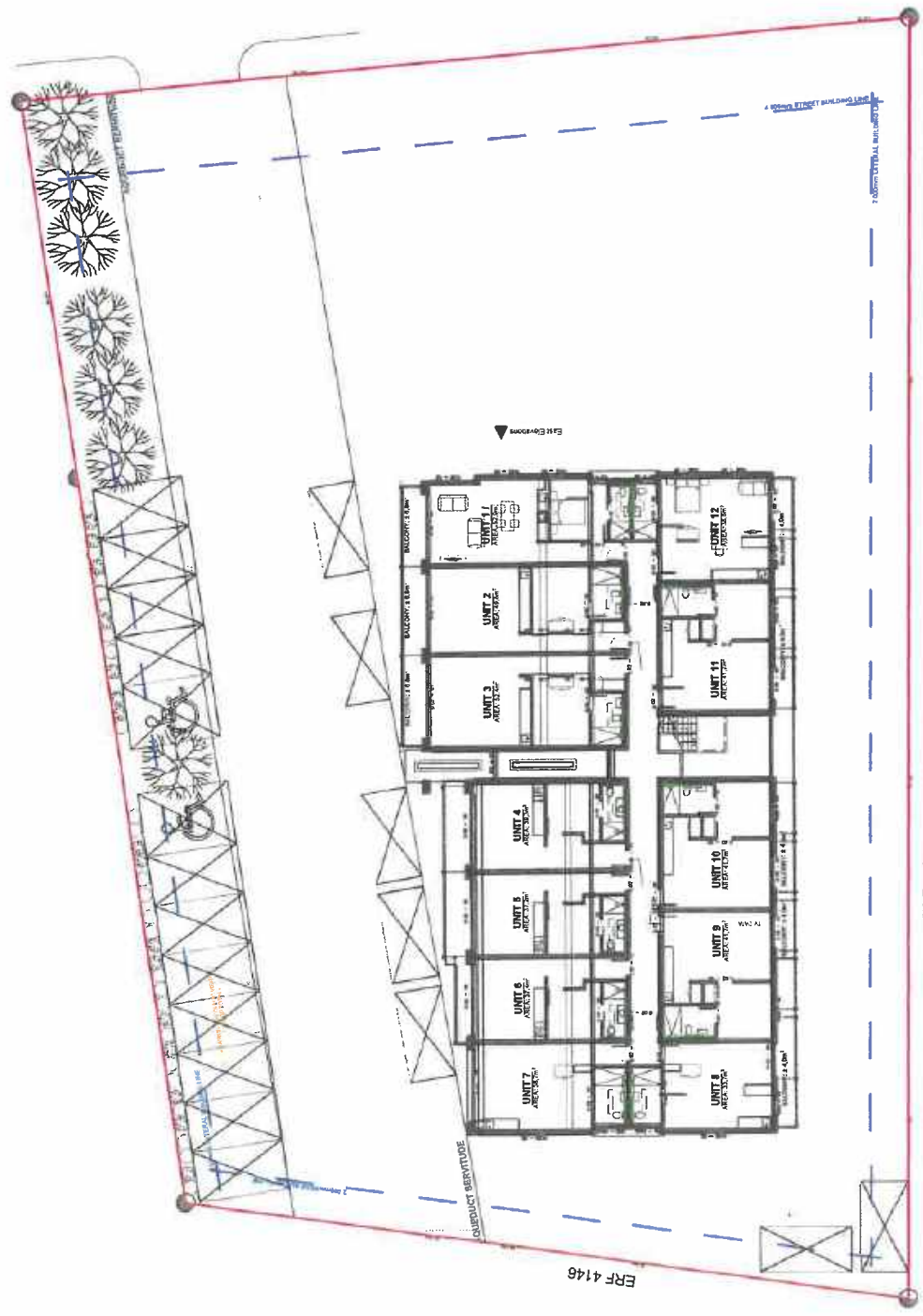
Finally, the proposal will provide an economic boost to the OM through increased tax revenue. This aligns with the OM's goals of promoting sustainable economic growth in the region. In conclusion, the proposal is a well-designed and carefully planned project that aligns with the principles of spatial sustainability and will contribute to the long-term viability of the Hemel-en-Aarde Village area and the Hermanus area as a whole.

14. RECOMMENDATION

Based on the abovementioned motivation, it is recommended that the following be approved:

- 14.1 Consent Use** for flats on Erf 4173, Onrustvriër in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

<p>4.2 Site Plan Erf 4173 Onrusrivier</p>
<p>Property Extent - 2898m²</p>
<p>Coverage - 732,5m² / 25,28%</p>
<p><u>Parking requirements</u></p> <p>GLA = 349,9m²</p> <p>13,9 (14) Parking Bays Required</p> <p>Guest Units / Flats = 1.25 per flat / unit</p> <p>12 x 1.25 = 15</p> <p>15 Parking Bays Required</p> <p>Total Parking Bays Required = 29</p> <p>Total Parking Bays Provided = 30</p>
<p>Plan Number - 19/008 (001)</p> <p>2024/10/10</p> <p>Plan prepared by: Thian Jansen</p> <p>Plan based on plans by: Finlayson Van Der Merwe Architect</p> <p>All distances are approximate and subject to a survey</p> <p>Tel: 028 313 1411</p> <p>Email: admin@wrappgroup.co.za</p> <p>Unit 8, Standard House, Corner of Royal and Dirkie Uys Street Hermanus, 7200</p>
 <p>Project Office Town Planning & Project Management</p>



SCALE 1 : 250

FIRST FLOOR

NOT TO SCALE

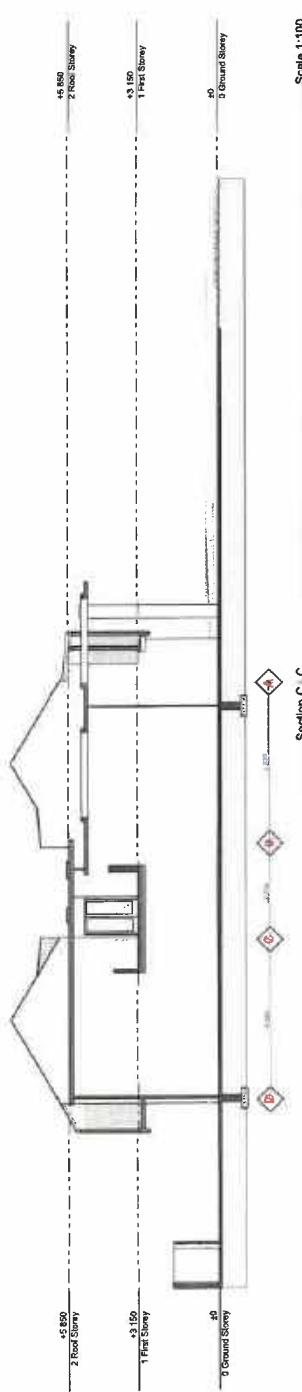
GENERAL NOTES

1. All work shall be in accordance with the approved plans and specifications.
2. The contractor shall be responsible for obtaining all necessary permits.
3. All materials and workmanship shall be subject to inspection and approval by the building official.
4. The contractor shall maintain access to all existing utilities and structures.
5. The contractor shall be responsible for the safety of all workers and the public.
6. The contractor shall be responsible for the protection of all existing structures and utilities.
7. The contractor shall be responsible for the removal and disposal of all debris.
8. The contractor shall be responsible for the cleanup of the site.
9. The contractor shall be responsible for the final inspection and approval of the work.
10. The contractor shall be responsible for the final payment of the contract.

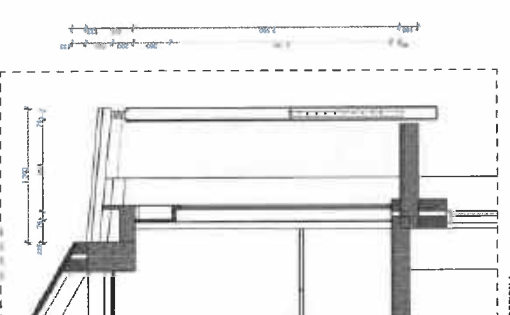
SEPARATIONS:

45.800 2 Floor Slab
45.150 1 First Storey
20 Ground Storey

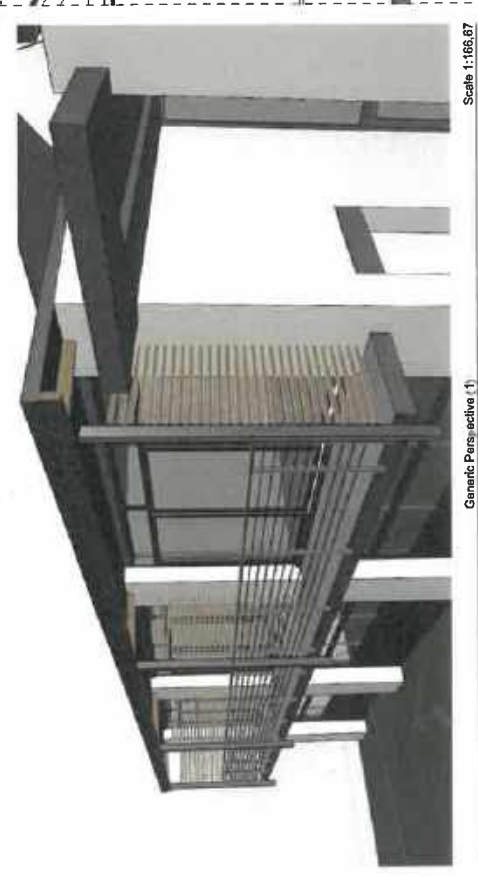
SCALE 1:100



Section C-C
Scale 1:100



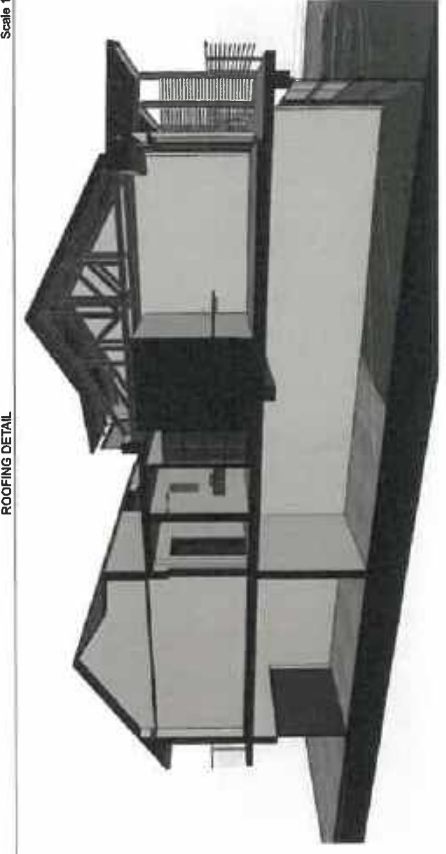
ROOFING DETAIL
Scale 1:25



Generic Perspective (1)
Scale 1:166.67



Generic Perspective (2)
Scale 1:166.67



Generic Perspective (3)
Scale 1:166.67

317

PROJECT INFORMATION

Client: [REDACTED]
Date: 14 August 2023

PROJECT INFORMATION

Client: [REDACTED]
Date: 14 August 2023

AREAS:

Site Area	1500.00
Building Footprint	1000.00
Total Footprint	1000.00
Site Area	1500.00
Building Footprint	1000.00
Total Footprint	1000.00

CONCRETE:

Concrete Strength Class: C25/30
Concrete Slab Thickness: 150mm
Concrete Wall Thickness: 200mm

STEEL:

Steel Section: 150x150x10
Steel Plate Thickness: 10mm

WOOD:

Wood Species: Radiata Pine
Wood Treatment: Preservative

GLASS:

Glazing System: 100mm Air Gap
Glass Thickness: 10mm

INSULATION:

Insulation Type: Mineral Wool
Insulation Thickness: 100mm

ROOFING:

Roofing System: Asphalt Shingles
Roof Pitch: 12%

FINISHES:

Interior Wall: Plaster
Interior Floor: Carpet
Exterior Wall: Brick
Exterior Floor: Concrete

FINLAYSON VAN DER MERWE

20 Hoop Road Cape Town Western Cape
Capetown 7700, South Africa

Project Name: H & A VILLAGE
Er:472 Hannel & Aurore Village Hermanus
Western Cape for CBM Prop Pty Limited

Working Drawings
Checked by: [REDACTED]
Date: 2023/08/14

Building Sections

Scale: 1:166.67

4/4

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: REMAINDER ERF 4173, HEMEL EN
AARDE VILLAGE (4477/2023)**

Stormwater (SW)	:	In order
Electricity	:	Eskom Area
Water	:	In order
Sewer	:	In order
Roads and traffic	:	In Order

Conditions:

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

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

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

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

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

The contribution according to the current policy (**2023/2024**) is as follows:

Freehold erven:

Water	R 27 598.16 x 7.2	=	R 198 706.75
Sewerage	R 18 608.30 x 7.2	=	R 133 979.76
Roads	R 8 344.32 x 12	=	R 100 131.84
Solid Waste	R 1 668.44 x 12	=	<u>R 20 021.28</u>
TOTAL (inclusive of VAT)		=	R 452 839.63

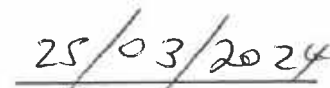
Please note that the above figures:

- a) **Are estimated amounts.**
- b) **Exclude investigation levies and connection fees.**
- c) **Are only valid for the 2023/2024 financial year and subject to annual tariff adjustments.**

2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property;
5. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 5.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 5.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 5.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
6. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
7. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
8. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
9. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and

10. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE and which insurance shall be valid for the relevant contract and maintenance period;
11. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for works of Civil Engineering Construction – 2004, of 12 months, and
12. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
13. that no on-street parking will be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE



File reference:	Erf 4173 HON 4477/2023
Date:	08 March 2024
AJF	

INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: Mr. H Boshoff (Town Planner)

TO:


<u>Area Manager</u>	<u>Building Control Department</u>	District Health	<u>Electrical Department</u>	Environmental Officer
<u>Fire Department</u>	<u>Infrastructure and Planning</u>	Local Heritage Committee	<u>Operational Services</u>	Property Administration
Tourism	Traffic Department	<u>Ward Councillor</u>	<u>Waste Management</u>	

Applicant	WRAP PROJECT OFFICE ON BEHALF OF CEM PROP (PTY) LTD
Property Details	REMAINDER ERF 4173, 10 VILLAGE LANE, HEMEL EN AARDE VILLAGE, HERMANUS
Application Description	APPLICATION FOR 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 Map	
3. Motivational Report	
4. Building Plans	

YOUR DEPARTMENT'S COMMENTS:

No objection to the consent use change to flats.	
UPDATED COMMENT: The new proposed waste storage location is supported by Solid Waste Planning as it allows our waste collection vehicle to access the waste without having to enter the property. See attached email correspondence with this submission for new layout.	
Signature:	
Date:	15 April 2024

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.

COMMENTS REQUIRED BY: 12 APRIL 2024



Project Office

Town Planning & Project Management

Our Reference: 19/008
Your Reference: 4173 HON

30 April 2024

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

*TP. D. Ahearne
(H. Boshoff)*

Attention: Mr Helgaardt Boshoff

ERF 4173 ONRUSTRIVIER: APPLICATION FOR CONSENT USE

Your letter dated 25 April 2024, refers.

The comments and objections received are addressed herein.

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
02 MAY 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO. <i>EF 4173</i>
<i>Onustrivier</i>
SCAN NO.
COLLABORATOR NO.
<i>2041735</i>

BUILDING PLANS

Lesley Hanson-Moore
 Dr Gert Pretorius - Chairman Glenfruin HOA
 Louise Makepeace

Response:

Plans were originally submitted for flats. After evaluation, the plans were amended to a guest house, as flats are not permitted as a primary use in terms of the zoning of the property. WRAP Project Office was appointed to apply for a consent use to allow the proposed flats, which would enable the owners to sell the units individually rather than solely renting them out to transient guests.

PRECEDENT

Lesley Hanson-Moore
 Dr Gert Pretorius - Chairman Glenfruin HOA
 Louise Makepeace

Response:

The proposal cannot set a precedent, as town planning in general and land use applications are site-specific. The approval of the proposed consent use for one property does not automatically justify approving similar applications in the area.

Each application is evaluated individually and considered on its own merits to determine its desirability for consent use approval. The Overstrand Municipality cannot be compelled to approve another consent use application solely based on the fact that the application for Erf 4173 Onrustvrievier was approved. The Municipality is obligated to consider all relevant factors that may influence their decision on the specific application. It is important to highlight that Erf 4174 Onrustvrievier has approval for six flats, five of which were historically approved in 2012 and the sixth which was approved in 2023. The additional flat was created by dividing the managers' residence into two separate units.

PARKING

Lesley Hanson-Moore
 Dr Gert Pretorius - Chairman Glenfruin HOA
 Louise Makepeace

Response:

It is important to note no parking is being proposed on the street and there is more than ample space available on site. The comment that plans are not in line with the approved building plans, are incorrect. Please see below:

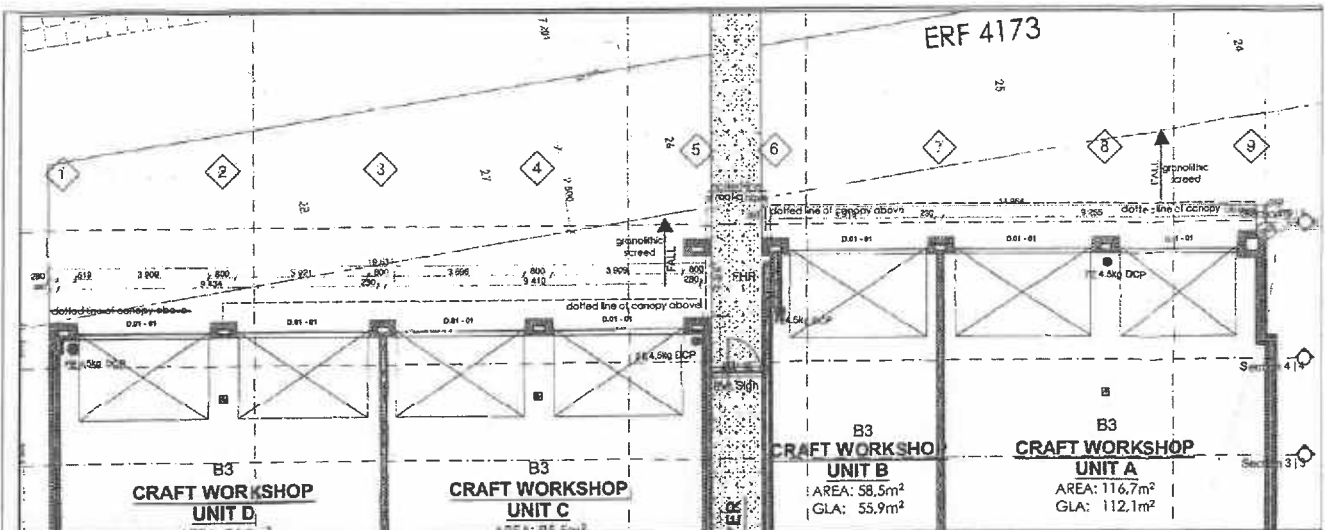


Figure 1: Approved building plans

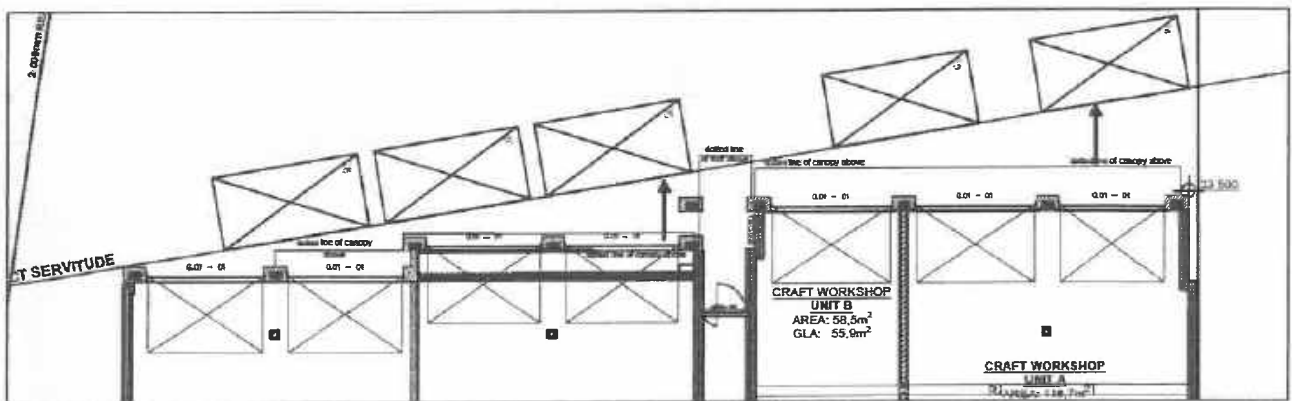


Figure 2: Proposed Site Plan

As clearly illustrated in the figures above, both parking layouts are the same. The objectors continued stating that the development does not have sufficient parking which is not the case. As stated in Section 8 of the motivational report:

Tourism Business = 1 parking bay per 25m²

GLA = 349.9m²

13,9 Parking Bays Required

Main Dwelling / Flat = 2 Parking Bays Required

Flats = 1.25 per flat / unit

13,75 Parking Bays Required

Total Parking Bays Required = 29,65

Total Parking Bays Provided = 30

GUEST HOUSE VERSUS FLATS

Lesley Hanson-Moore
Dr Gert Pretorius - Chairman Glenfruin HOA
Louise Makepeace

Response:

The comments have been noted and carefully considered. It's important to acknowledge that the building plan was initially approved for the establishment of a guest house. The current application however seeks approval for the conversion of these guest rooms / dwelling units into flats.

During the evaluation process, much attention was drawn to the perceived difference in intensity between a guest house and flats. Some objectors expressed the view that a guest house would pose less disturbance to the surrounding area compared to flats. Their opinion is that due to the transient nature of guesthouse occupants and the typically lower volume of traffic and activity associated with such establishments.

However, it's imperative to recognize that these assessments are subjective in nature. The argument is that flats may align more harmoniously with the adjacent residential development. This line of thought suggests that the routines of flat occupants, likely comprising of individuals or families, would better integrate with the established rhythm of the neighbourhood. Residents would commute to and from work within reasonable hours, contributing to a sense of stability and community cohesion.

Conversely, a guest house operates with a different dynamic. With guests arriving at various times throughout the day and night, and with their stays being temporary in nature, there may be concerns about potential disruptions or unwanted occurrences. This could include increased noise levels, changes in traffic patterns, or other disturbances that may not be conducive to the tranquil residential atmosphere desired by the community.

In summary, while opinions may differ regarding the preferred land use, it's crucial to thoroughly consider all perspectives and weigh the potential impacts on the surrounding environment and community. The proposal was evaluated and focussed on maintaining the overall harmony and quality of life within the area.

ROAD, SERVITUDE AND ACCESS

Lesley Hanson-Moore
Dr Gert Pretorius - Chairman Glenfruin HOA
Louise Makepeace
JMM Wilson
Sean McArthur

Response:

The road in question, constructed by the Glenfruin Meadows Homeowners Association (GMHOA), came into existence through a mutual agreement with the Hemel-en-Aarde Village Homeowners Association (HOA). This road (the land on which it is built) is owned by the Hemel-en-Aarde Village HOA who granted Glenfruin Meadows the right to traverse it in terms of a right-of-way servitude.

Erf 4173 – Onrustvriër, as a member of the Hemel-en-Aarde Village HOA, has the inherent right to utilize any segment of the roadway, including the portion constructed by Glenfruin Meadows' development. Should any dispute arise from GMHOA regarding this usage, the matter must be

resolved with the Hemel-en-Aarde Village HOA to establish a mutually agreeable solution. Disallowing a member to traverse a road of which they partially own by being a member of the Hemel-en-Aarde Village HOA cannot be deemed reasonable or legal.

Furthermore, GMHOA has voiced concerns regarding the entrance to the development. It is however important to note that they acknowledged that they are "stacking" on and along the road, being the servitude road, which is not ideal and may lead to safety hazards for other road users. Additionally, it is not clear if their access conforms to prescribed standards. It is normal transport engineering practice that "stacking" to a development should be on your own land and not on the land of a neighbour or on a public road. Conversely, access to Erf 4173, Onrustvriër, has been designed to adhere to all municipal regulations, ensuring compliance with safety and operational requirements. It is imperative that similar standards be upheld by all users of the roadway to guarantee the integrity and safety of the surrounding community.

UNCERTAINTY

Lesley Hanson-Moore
Dr Gert Pretorius - Chainman Glenfruin HOA
Louise Makepeace

Response:

While the objections raised by some parties are understandable, they may have not fully considered the situation. The owner will indeed have the option to either sell or rent out the flats. Additionally, it's important to mention that there are no plans for caretaker's accommodation on-site, as clearly shown on the site plan, which only features flats.

If the flats are sold, the establishment of a sectional title scheme will be required, which will include the establishment of a body corporate. It's important to note that all other standard occupancy requirements and regulations will need to be followed diligently.

SUPPORT

Gerard Kemp (Erf 4163)

No objections

Conclusion

The comments and objections raised have been carefully considered and addressed within this response. While the objections express concerns about the potential impact that the flats may have on the Glenfruin Meadows development, it's important to note that the response provided above aims to clarify any misconceptions and demonstrate the viability of the proposed plan.

Upon thorough review and analysis, it is our recommendation that the planning application be approved as submitted. The concerns raised, while valid in their intent, do not appear to present obstacles to the proposed development. With proper adherence to regulations and planning, the integration of these flats can contribute positively to the overall community landscape.

Yours faithfully



T. JANSEN
PROFESSIONAL TOWN PLANNER (A/2858/2019)

TP. N. 327
(H. Olivier)

Annexure F 1/19

Loretta Gillion

From: Swallows Loft Hermanus <
Sent: Friday, 12 April 2024 16:56
To: Loretta Gillion
Subject: From Lesley Hanson Moore

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 APR 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

REMAINDER ERF 4173, 10 VILLAGE LANE, HEMEL EN AARDE VILLAGE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: WRAP PROJECT OFFICE ON BEHALF OF CEM PROP (PTY) LTD "the applicant"

FILE NO. 514173
Onrustrivier
SCAN NO.
COLLABORATOR NO. 2031089

GLENFRUIN MEADOWS HOA – OBJECTION SUBMISSION

The Glenfruin Meadows HOA represents the 25 Properties in our country estate which is set on the banks of the Onrus River adjacent to Hemel-en Aarde Village. The estate offers families the perfect tranquil setting. A horse riding school and horses regularly walk/run along Medows Lane in Glenfruin.

The role of the Glenfruin HOA is to in general to do everything necessary to promote the interests and well-being and safety of all residents of the Glenfruin Meadows Country estate and it is with this purpose that we submit this objection.

COMMENT ON APPLICATION

The Scheme Regulations for Hemel en Aarde Village allow for: "Primary use: Tourism Business/Cottage Industry & Dwelling House. Guesthouse is included in the description of Tourism Business. Consent use: Flats".

Approved Plans – Special Condition

The covering letter from the Overstrand Municipality (OM) advising the developers of the plan approval dated 10 July 2020 notes a Special Condition in red: "Plans to be endorsed. The flats may solely be used for short term accommodation purposes for tourists, no sectional title or alike allowed".

It is clear that the plans were drawn up for 12 "Flats" on the First Floor then amended to "Guesthouse" to comply on the face of it without having to apply for consent use for flats. There are references to Flats on the approved plan (see Parking calculation) and Flats is crossed out and Guesthouse written in handwriting above the architect's logo. By implication, it would appear that there was an intentional withholding of information and in all probability it was a clear plan of the applicant to apply for flats at a later stage, which is now the case.

It has come to our attention that the possible sale of the individual "flats" has been explored with prospective buyers by the developer for a number of years.

Although having been in the construction phase for a few years already, the building is far from complete and application for a change in land use is already being submitted.

The definition of "Guesthouse" in the Hemel en Aarde Village Scheme Regulations reads as follows: "dwelling units or guest rooms, which are equipped for and may be utilised by travellers or holiday makers which in the opinion of the council are of short-term nature".

In the Overstrand Municipality Land Use Scheme, 2020, a guesthouse is defined as "a dwelling house or second dwelling unit which is used for the purpose of lodging transient guests for compensation".

Precedent for Flats

If this Consent Use application is successful then a precedent could be set for other properties in H&A Village and we may end up with other blocks of flats along the Glenfruin Meadows boundary. Apart from the obvious invasion of privacy to properties along Meadow Avenue in particular, there are already traffic, parking and congestion problems in Hemel en Aarde Village which will be exacerbated given the narrow roads and parking challenges.

On page 3 of the WRAP report: *"Flats are also not uncommon within the area and have been approved in the past as part of the expansion of the Hemel-en-Aarde Village. The property south of the subject property, Erf 4174*

Onrusrivier, has six flats also located on the first floor and it has been proven that if the property is well operated and managed, the use of flats in the area can work”.

Contrary to this reference to Hornbill House on erf 4174, we are unaware of any consent use for flats having ever been granted in Hemel en Aarde Village. An internet search reveals that “Hornbill House Self Catering Accommodation” advertises apartments offering “an unforgettable holiday experience on the Cape Whale Coast”. A simple inspection of the signage on erf 4174 reveals the same on the face of it. If there are in fact any “flats” in Hemel en Aarde Village then we believe this is in contravention of the Scheme Regulations and therefore illegal.

Further, the owners of Hornbill House live on the property and therefore are at hand to operate and manage the establishment which is in the best interests of their businesses.

There have been numerous parties who have had the idea of building flats in the past in Hemel en Aarde Village but none that we have been made aware of, as neighbours, have reached the application for consent use stage.

Guesthouse versus Flats

We believe that the numerous contrasts between a guesthouse and flats are important to consider in this instance as well and the different impacts that they have.

Occupancy of guesthouses in the Hermanus area is likely around 60%. Tourists staying in small units such as these would typically be a couple arriving in one hire car. They would have infrequent, if any, visitors. It’s likely most would park their vehicle in an allocated garage and not in the open-air parking.

In contrast, flats have the potential for multiple vehicles per household and may give rise to 2 cars per unit plus visitors. The use of the garages for purposes other than parking is highly likely. Ten of the required parkings are garages. One can deduce that there will be insufficient parking on site given that there will be other businesses operating in the “craft workshops”. There is no off-street parking at all in the area for the predicted overflow in the event that flats are approved.

The approved plans for a guesthouse show Unit 1 for Owner/Manager. This implies that there would be onsite management to control parking and the general behavior of guests who could become rowdy. An onsite caretaker would most likely be absent in the case of flats and no mention is made in the application of this consideration.

Parking – specific analysis

With regard to the number of parking bays, the plans on page 16 and 17 of the WRAP application appear to conflict with each other and also appear to conflict with the original approved plan stamped on 13 July 2020 (see further comment under Parking).

The number of parking bays indicated on the approved plans is insufficient according to our calculations. According to the requirements, the development requires 30 parking bays (as stated on the side notes of the plan). Only 23 parkings including the 10 garages appear to be indicated on the original approved ground floor plan stamped and dated 13/7/2020. The ground floor plan in the WRAP report does not appear to be the approved plan but in contrast shows the required 30 i.e. 20 parkings plus 10 garages. However, parkings are shown in front of what is currently garage parking which has been designed and built for a classic car collection in one of the designated craft workshops.

Although there appears to be ample open space, we understand that there is a second phase of development (offices) planned for the property which is not shown on the site development plan.

Errant parking in the road outside Erf 4173 would be unacceptable and in contravention of the servitude agreement.

Road, Servitude and Access.

The road from the stop street at Hornbill House/Biga to our Glenfruin Meadows gate was constructed by Glenfruin Meadows HOA (GMHOA) and is maintained 100% by GMHOA in terms of a registered servitude agreement over the property erf 4159. Erf 4159 is owned by the Hemel en Aarde Village HomeOwners Assoc (ex Mooisig).

At the time that this servitude agreement was registered, there were no other properties having access from this road. Subsequent to this servitude agreement, as a result of a consolidation and subdivision, erf 4173 was created and it has its access from this road. The neighbouring erf 4174 has a goods/service entrance from it too.

Access to Glenfruin Meadows

Of grave concern is the access at the gate entrances of Glenfruin Meadows and Erf 4173. A traffic engineer who was consulted some years ago was of the opinion that we would have to create a suitable traffic lane structure at that juncture to enable both erf 4173 and Glenfruin Meadows to handle the traffic flow. He did indicate that it was irregular for two access and exit points to be placed in such close proximity for the amount of vehicle traffic that could be expected.

It appears that the owners of Erf 4173 have previously indicated that they are not prepared to enter into a cost sharing of the access point (or servitude road). The Hemel and Aarde Village Homeowners Association has indicated previously that the matter should be resolved between the developers of Erf 4173 and Glenfruin Meadows HOA .

In the original layout of properties in the Hemel en Aarde Village, Erf 4173 was not in existence and it was not envisaged that any erven would have access from this current road let alone within 6.5 meters from the Glenfruin Meadows gate.

The reality now is that there is a situation which the Glenfruin Meadows HOA will need to resolve, namely the shared maintenance of the servitude as well as the regulation of traffic flow at our entrances.

We often have visitors waiting at the Glenfruin Meadows gate to press the intercom access system and residents waiting in the same queue to get in and there could well be a backup of 2 or 3 vehicles on occasion. With Erf 4173 accessing 6.5 to 7 meters from our gate there is potential for much congestion and frustration.

In terms of the access to erf 4173, it is logical to have the entrance where it is shown as this is a municipal servitude area which cannot be built on. It is not likely that the developer will ever agree to move the entrance to the property elsewhere so as to relieve the anticipated pressure around the Glenfruin Meadows access gate.

Conclusion

The Overstrand Municipality was most probably misled/ deceived by the owner of erf 4173 from the onset, for reasons given above and that the original intent was to build flats and not a guesthouse.

Apart from setting a worrying precedent, we believe that 12 flats are too many for the property for the reasons given above, mainly parking and traffic congestion.

Further, neither the original site development plan nor the WRAP motivation for Consent Use provide any insight into the planned further developments for the site (offices).

No information is provided regarding the envisaged plan for the flats, if in the unlikely event that it is approved – are they to be rented out by developer/owner or to be sold off as sectional title units? Will there be a caretaker living on site? Will there be a body corporate or managing agent? What rules are envisaged e.g. regarding parking, occupancy numbers, entertainment, noise, speeding on servitude road, contribution towards the maintenance of the roads, etc.?

Thank you

Lesley Hanson-Moore

Loretta Gillion

From: Swallows Loft Hermanus < >
Sent: Monday, 15 April 2024 13:26
To: Loretta Gillion
Subject: RE: ACKNOWLEDGEMENT: Erf 4173 Hemel & Aarde Village

No 19. I am directly opposite all the building and the most likely one on the Estate to be adversely affected.

Regards.

Lesley.



From: Loretta Gillion [mailto:loretta@overstrand.gov.za]
Sent: 15 April 2024 08:10 AM
To:
Subject: ACKNOWLEDGEMENT: Erf 4173 Hemel & Aarde Village

Dear Ms Hanson-Moore

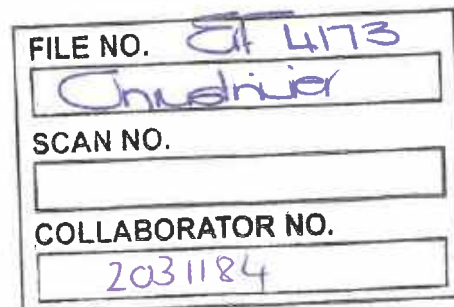
Receipt is hereby acknowledged of your email.

*TP. N. Aheal
(H. Olivia)*

Kindly also provide your erf / street number.

Regards

Loretta Gillion
Administrator : Town & Spatial Planning
Overstrand Municipality
A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20
T: 028 313 8900 | F: 028 313 2093 | E: loretta@overstrand.gov.za



From: Swallows Loft Hermanus < >
Sent: Friday, April 12, 2024 4:56 PM
To: Loretta Gillion <loretta@overstrand.gov.za>
Subject: From Lesley Hanson Moore

REMAINDER ERF 4173, 10 VILLAGE LANE, HEMEL EN AARDE VILLAGE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: WRAP PROJECT OFFICE ON BEHALF OF CEM PROP (PTY) LTD "the applicant"

GLENFRUIN MEADOWS HOA – OBJECTION SUBMISSION

The Glenfruin Meadows HOA represents the 25 Properties in our country estate which is set on the banks of

Glenfruin Meadows Homeowners Association

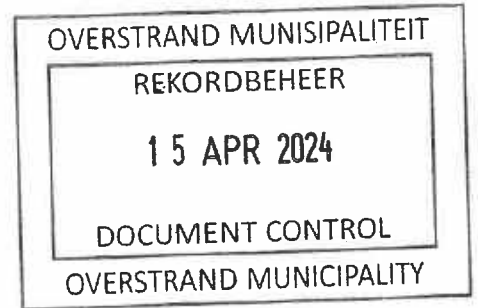
Box 1353,
Hermanus,
7200



*TP. N. Theaak
(H. Olivier)*

12 April 2024

Overstrand Municipality
Office of the Director
Infrastructure & Town Planning
Box 20
Hermanus ,7200



Attention: Loretta@overstrand.gov.za

REMAINDER ERF 4173, 10 VILLAGE LANE, HEMEL EN AARDE VILLAGE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: WRAP PROJECT OFFICE ON BEHALF OF CEM PROP (PTY) LTD "the applicant"

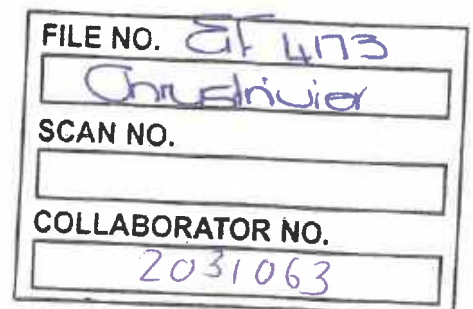
GLENFRUIN MEADOWS HOA – OBJECTION SUBMISSION

The Glenfruin Meadows HOA represents the 25 Properties in our country estate which is set on the banks of the Onrus River adjacent to Hemel-en Aarde Village. The estate offers families the perfect tranquil setting. A horse riding school and horses regularly walk/run along Medows Lane in Glenfruin.

The role of the Glenfruin HOA is to in general to do everything necessary to promote the interests and well-being and safety of all residents of the Glenfruin Meadows Country estate and it is with this purpose that we submit this objection.

COMMENT ON APPLICATION

The Scheme Regulations for Hemel en Aarde Village allow for: "Primary use: Tourism Business/Cottage Industry & Dwelling House. Guesthouse is included in the description of Tourism Business. Consent use: Flats".



Confidential		
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Approved Plans – Special Condition

The covering letter from the Overstrand Municipality (OM) advising the developers of the plan approval dated 10 July 2020 notes a Special Condition in red: *“Plans to be endorsed. The flats may solely be used for short term accommodation purposes for tourists, no sectional title or alike allowed”*.

It is clear that the plans were drawn up for 12 “Flats” on the First Floor then amended to “Guesthouse” to comply on the face of it without having to apply for consent use for flats. There are references to Flats on the approved plan (see Parking calculation) and Flats is crossed out and Guesthouse written in handwriting above the architect’s logo. By implication, it would appear that there was an intentional withholding of information and in all probability, it was a clear plan of the applicant to apply for flats at a later stage, which is now the case.

It has come to our attention that the possible sale of the individual “flats” has been explored with prospective buyers by the developer for several years.

Although having been in the construction phase for a few years already, the building is far from complete and application for a change in land use is already being submitted.

The definition of “Guesthouse” in the Hemel-en-Aarde Village Scheme Regulations reads as follows: “dwelling units or guest rooms, which are equipped for and may be utilized by travelers or holiday makers which in the opinion of the council are of short-term nature”.

In the Overstrand Municipality Land Use Scheme, 2020, a guesthouse is defined as “a dwelling house or second dwelling unit which is used for the purpose of lodging transient guests for compensation.”

Precedent for Flats

If this Consent Use application is successful, then a precedent could be set for other properties in H&A Village and we may end up with other blocks of flats along the Glenfruin Meadows boundary. Apart from the obvious invasion of privacy to properties along Meadow Avenue in particular, there are already traffic, parking and congestion problems in Hemel en Aarde Village which will be exacerbated given the narrow roads and parking challenges.

On page 3 of the WRAP report: *“Flats are also not uncommon within the area and have been approved in the past as part of the expansion of the Hemel-en-Aarde Village. The property south of the subject property, Erf*

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4174 Onrusrivier, has six flats also located on the first floor and it has been proven that if the property is well operated and managed, the use of flats in the area can work”.

Contrary to this reference to Hornbill House on erf 4174, we are unaware of any consent use for flats having ever been granted in Hemel en Aarde Village. An internet search reveals that “Hornbill House Self Catering Accommodation” advertises apartments offering “an unforgettable holiday experience on the Cape Whale Coast”. A simple inspection of the signage on erf 4174 reveals the same on the face of it. If there are in fact any “flats” in Hemel en Aarde Village then we believe this is in contravention of the Scheme Regulations and therefore illegal.

Further, the owners of Hornbill House live on the property and therefore are at hand to operate and manage the establishment which is in the best interests of their businesses.

There have been numerous parties who have had the idea of building flats in the past in Hemel en Aarde Village but none that we have been made aware of, as neighbours, have reached the application for consent use stage.

Guesthouse versus Flats

We believe that the numerous contrasts between a guesthouse and flats are important to consider in this instance as well and the different impacts that they have.

Occupancy of guesthouses in the Hermanus area is likely around 60%. Tourists staying in small units such as these would typically be a couple arriving in one hire car. They would have infrequent, if any, visitors. It’s likely most would park their vehicle in an allocated garage and not in the open-air parking.

In contrast, flats have the potential for multiple vehicles per household and may give rise to 2 cars per unit plus visitors. The use of the garages for purposes other than parking is highly likely. Ten of the required parking bays are garages. One can deduce that there will be insufficient parking on site given that there will be other businesses operating in the “craft workshops”. There is no off-street parking at all in the area for the predicted overflow if flats are approved.

The approved plans for a guesthouse show Unit 1 for Owner/Manager. This implies that there would be onsite management to control parking and the general behavior of guests who could become rowdy. An onsite

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caretaker would most likely be absent in the case of flats and no mention is made in the application of this consideration.

Parking – specific analysis

With regard to the number of parking bays, the plans on page 16 and 17 of the WRAP application appear to conflict with each other and also appear to conflict with the original approved plan stamped on 13 July 2020 (see further comment under Parking).

The number of parking bays indicated on the approved plans is insufficient according to our calculations. According to the requirements, the development requires 30 parking bays (as stated on the side notes of the plan). Only 23 parking bays including the 10 garages appear to be indicated on the original approved ground floor plan stamped and dated 13/7/2020. The ground floor plan in the WRAP report does not appear to be the approved plan but in contrast shows the required 30 i.e. 20 parking bays plus 10 garages. However, parking bays are shown in front of what is currently garage parking bays which has been designed and built for a classic car collection in one of the designated craft workshops.

Although there appears to be ample open space, we understand that there is a second phase of development (offices) planned for the property which is not shown on the site development plan.

Errant parking in the road outside Erf 4173 would be unacceptable and in contravention of the servitude agreement.

Road, Servitude and Access.

The road from the stop street at Hornbill House/Biga to our Glenfruin Meadows gate was constructed by Glenfruin Meadows HOA (GMHOA) and is maintained 100% by GMHOA in terms of a registered servitude agreement over the property erf 4159. Erf 4159 is owned by the Hemel en Aarde Village Homeowners Assoc (ex Mooisig).

At the time that this servitude agreement was registered, there were no other properties having access from this road. Subsequent to this servitude agreement, as a result of a consolidation and subdivision, erf 4173 was created and it has its access from this road. The neighboring erf 4174 has a goods/service entrance from it too.

ERF 4173_Consent Use_12_4_2024	2024/04/12	Page 4 of 6
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Access to Glenfruin Meadows

Of grave concern is the access at the gate entrances of Glenfruin Meadows and Erf 4173. A traffic engineer who was consulted some years ago was of the opinion that we would have to create a suitable traffic lane structure at that juncture to enable both erf 4173 and Glenfruin Meadows to handle the traffic flow. He did indicate that it was irregular for two access and exit points to be placed in such close proximity for the amount of vehicle traffic that could be expected.

It appears that the owners of Erf 4173 have previously indicated that they are not prepared to enter into a cost sharing of the access point (or servitude road). The Hemel and Aarde Village Homeowners Association has indicated previously that the matter should be resolved between the developers of Erf 4173 and Glenfruin Meadows HOA .

In the original layout of properties in the Hemel en Aarde Village, Erf 4173 was not in existence, and it was not envisaged that any erven would have access from this current road let alone within 6.5 meters from the Glenfruin Meadows gate.

The reality now is that there is a situation which the Glenfruin Meadows HOA will need to resolve, namely the shared maintenance of the servitude as well as the regulation of traffic flow at our entrances.

We often have visitors waiting at the Glenfruin Meadows gate to press the intercom access system and residents waiting in the same queue to get in and there could well be a backup of 2 or 3 vehicles on occasion. With Erf 4173 accessing 6.5 to 7 meters from our gate there is potential for much congestion and frustration.

In terms of the access to erf 4173, it is logical to have the entrance where it is shown as this is a municipal servitude area which cannot be built on. It is not likely that the developer will ever agree to move the entrance to the property elsewhere so as to relieve the anticipated pressure around the Glenfruin Meadows access gate.

Conclusion

The Overstrand Municipality was most probably misled/ deceived by the owner of erf 4173 from the onset, for reasons given above and that the original intent was to build flats and not a guesthouse.

Apart from setting a worrying precedent, we believe that 12 flats are too many for the property for the reasons given above, mainly parking and traffic congestion.

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Further, neither the original site development plan nor the WRAP motivation for Consent Use provide any insight into the planned further developments for the site (offices).

No information is provided regarding the envisaged plan for the flats, if in the unlikely event that it is approved – are they to be rented out by developer/owner or to be sold off as sectional title units? Will there be a caretaker living on site? Will there be a body corporate or managing agent? What rules are envisaged e.g. regarding parking, occupancy numbers, entertainment, noise, speeding on servitude road, contribution towards the maintenance of the roads, etc.?



Name: Dr Gert Pretorius – Chairman Glenfruin HOA

Mobile: 082 333 0199

Email: gdp.pretorius@outlook.com



14/19

FILE NO. AF 4173

Onrusrivier

SCAN NO.

COLLABORATOR NO.

2030770

Loretta Gillion

OVERSTRAND MUNISIPALITEIT
From: REKORDBEHEER
Sent: 15 APR 2024
To:
Subject: DOCUMENT CONTROL
 OVERSTRAND MUNICIPALITY

Louise Makepeace <
 Friday, 12 April 2024 15:42
 loretta.gillion
 REMAINDER ERF 4173, 10 VILLAGE LANE, HEMEL EN AARDEVILLAGE,
 ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT
 USE: WRAP PROJECT OFFICE ON BEHALF OF CEM PROP (PTY) LTD "the applicant"

12 April 2024

Attention: Ms Loretta Gillion, Overstrand Municipality. Email: Loretta@overstrand.gov.za

WITHOUT PREJUDICE

Dear Loretta,

**REMAINDER ERF 4173, 10 VILLAGE LANE, HEMEL EN AARDE VILLAGE, ONRUSTRIVIER,
 OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: WRAP PROJECT OFFICE
 ON BEHALF OF CEM PROP (PTY) LTD "the applicant"**

COMMENT ON APPLICATION

I, Louise Makepeace, as joint owner and resident at **22 Glenfruin Meadows (erf 4366 Onrus River)** and as part owner of **erf 4368 and erf 4362, Onrus River** through our undivided share in the Glenfruin Meadows HOA write this comment on our behalf as interested and affected parties.

My email address for notices and serving of documents is

The Scheme Regulations for Hemel en Aarde Village allow for:
 "Primary use: Tourism Business/Cottage Industry & Dwelling House.
 Guesthouse is included in the description of Tourism Business.
 Consent use: Flats".

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Precedent for Flats

If this Consent Use application is successful then a precedent could be set for other properties in Hemel en Aarde Village and we may end up with other blocks of flats along the Glenfruin Meadows boundary and elsewhere. Apart from the obvious invasion of privacy to properties along Meadow Avenue in particular, there are already traffic, parking and congestion problems in Hemel en Aarde Village which will be exacerbated given the narrow roads and parking challenges.

On page 3 of the WRAP report: "Flats are also not uncommon within the area and have been approved in the past as part of the expansion of the Hemel-en-Aarde Village. The property south of the subject property, Erf 4174 Onrusrivier, has six flats also located on the first floor and it has been proven that if the property is well operated and managed, the use of flats in the area can work".

Contrary to this reference to Hornbill House on erf 4174, we are unaware of any consent use for flats having ever been granted in Hemel en Aarde Village. An internet search reveals that "Hornbill House Self Catering Accommodation" advertises apartments offering "an unforgettable holiday experience on the Cape Wild Coast". The bold signage on erf 4174 reveals the same on the face of it. If there are in fact any "flats" in Hemel en Aarde Village then we believe this is in contravention of the Scheme Regulations and therefore illegal.

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We believe that the numerous contrasts between a guesthouse and flats are important to consider in this instance, particularly regarding the different impacts that they have.

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In contrast, flats have the potential for multiple vehicles per household and may give rise to 2 cars per unit plus visitors. The use of the garages for purposes other than parking is highly likely. Ten of the required parkings are garages. One can deduce that there will be insufficient parking on site given that there will be other businesses operating in the "craft workshops". There is no off-street parking at all in the area for the predicted overflow in the event that 12 flats are approved.

The approved plans for a guesthouse show Unit 1 as being for Owner/Manager. This implies that there would be onsite management to control parking and the general behaviour of guests who could become rowdy. An onsite caretaker would most likely be absent in the case of flats and no mention is made in the application of this consideration.

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The number of parking bays indicated on the approved plans is insufficient according to our calculations. According to the requirements, the development requires 30 parking bays (as stated on the side notes of the plan). Only 23 parkings including the 10 garages appear to be indicated on the original approved ground floor plan stamped and dated 13/7/2020. The ground floor plan in the WRAP report does not appear to be the approved plan but in contrast shows the required 30 i.e. 20 parkings plus 10 garages. However, parkings are shown in front of what is currently garage parking which has been designed and built for a classic car collection in one of the designated craft workshops.

Although there appears to be ample open space on the original approved plan, we understand that there is a second phase of development (offices) planned for the property which is not shown on the original site development plan.

Any parking in the road outside Erf 4173 would be unacceptable and in contravention of the servitude agreement.

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At the time that this servitude agreement was registered, there were no other properties having access from this road. Subsequent to this servitude agreement, as a result of a consolidation and subdivision, erf 4173 was created and it has its access from this road. The neighbouring erf 4174 has a goods/service entrance from it too.

Access to Glenfruin Meadows

Of grave concern is the access at the gate entrances of Glenfruin Meadows and Erf 4173. A traffic engineer who was consulted some years ago was of the opinion that we would have to create a suitable traffic lane structure at that juncture to enable both erf 4173 and Glenfruin Meadows to handle the traffic flow. He did indicate that it was irregular for two access and exit points to be placed in such close proximity for the amount of vehicle traffic that could be expected.

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The reality now is that there is a situation which the GMHOA will need to resolve namely the shared maintenance of the servitude as well as the regulation of traffic flow at our entrances.

We often have visitors waiting at the Glenfruin Meadows gate to press the intercom access system and residents waiting in the same queue to get in and there could well be a backup of 2 or 3 vehicles on occasion. With Erf 4173 accessing 6.5 to 7 meters from our gate there is potential for much congestion and frustration.

In terms of the access to Erf 4173, it is logical to have the entrance where it is shown as this is a municipal servitude area which cannot be built on. It is not likely that the developer will ever agree to move the entrance to the property elsewhere if the anticipated pressure around the Glenfruin Meadows access gate becomes a reality.

Conclusion

Apart from setting a worrying precedent, we believe that 12 flats are too many for the property for the reasons given above, mainly parking and traffic congestion.

Further, neither the original site development plan nor the WRAP motivation for Consent Use provide any insight into the planned further developments for the site (offices).

No information is provided regarding the envisaged plan for the flats, if approved – are they to be rented out by developer/owner or to be sold off as sectional title units? Will there be a caretaker living on site? Will there be a body corporate or managing agent? What rules are envisaged e.g. regarding parking, occupancy numbers etc.?

OVERSTRAND MUNISIPALITEIT
 REKORDBEHEER
 15 APR 2024
 DOCUMENT CONTROL
 OVERSTRAND MUNICIPALITY

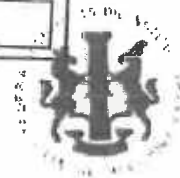
Loretta Gillion

From: Neill Wilson Architects >
Sent: Friday, 12 April 2024 15:46
To: Loretta Gillion
Subject: REMAINDER ERF 4173 VILLAGE LANE, HEMEL EN AARDE VILLAGE, HERMANUS, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR CONSENT USE: WRAP PROJECT OFFICE ON BEHALF OF CEM PROP (PTY) LTD : COMMENT

Importance: High

FILE NO. OF 4173
Onrustvier
 SCAN NO.
 COLLABORATOR NO.
2030753

NEILL WILSON ARCHITECT CC



Corporate Member of the Institute of South African Architects

Chartered Member of the Royal Institute of British Architects

AFFECTED PARTY : J M M WILSON / ERF 4344 GLENFRUIN MEADOWS, 3 MEADOW LANE, ONRUS 7200

Attention : Loretta Gillion

Dear Sirs

REMAINDER ERF 4173 VILLAGE LANE, HEMEL EN AARDE VILLAGE, HERMANUS, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR CONSENT USE: WRAP PROJECT OFFICE ON BEHALF OF CEM PROP (PTY) LTD : COMMENT

In respect of the above application – comment is submitted as follows:

Point 9. SERVICES / Access & Egress

- The Access & Egress in the application is misleading as it is incorrectly called "Village Street" not 'Right Lane' which is a servitude road that serves as an entry into the Glenfruin Meadows Estate
- The new development will inevitably create a much higher usage of 'Right Lane' and in all probability a traffic jam at the Glenfruin Meadows entry gate. This must be addressed.
- Parking on the servitude road (Right Lane) should under no circumstances be permitted to the road reserve as this is a right of way access servitude for Glenfruin Meadows Estate as set up in the development of the two sub-divisions of the original farm. This has previously created access problems – with delivery trucks, etc. gaining entry to the Hornbill House service area from this road blocking entry + overload parking during various events.
- In the event that the so called 'craft workshops' take on a more retail nature – this will then further exacerbate the traffic/parking problem.
- Currently the responsibility for the maintenance of Right Lane has fallen on the Glenfruin Meadows Homeowners – this must also be addressed.

Yours faithfully,

JMM Wilson
 Erf 4344
 Glenfruin Meadows
 Onrus

12 APR 2024

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
27 MAR 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

18/19

Loretta Gillion

From: Sean McArthur · 1>
Sent: Monday, 25 March 2024 15:40
To: Loretta Gillion
Subject: Glenfruin Meadows
Attachments: Erf 4173, H & A Village - Annexures.pdf; Notification to Affected Persons.pdf

Dear Loretta,

My name is Sean McArthur property owner of erf 4361 Glen Fruin Meadows – 17 tortoise lane

Thanks for taking the time to read this. I am of the same opinion as Neil Wilson and agreed with he below statement

“Considering the position of the proposed access from erf 4173 into Right Lane and the effect it will have on Gate Access to Glenfruin, an alternative further to the south are proposed, 11 meters from the north boundary and 5.5 meters wide, sufficient for a cul-de-sac dual lane, which allows visitors to Glenfruin space to stop and activate the gate intercom. They show parking for 30 cars – this could be a major conflict area at certain times of the day”.

Kind regards



TP- N. Theak
(H. Olivier)

FILE NO.	Erf 4173
	Onustriuer
SCAN NO.	
COLLABORATOR NO.	2020365

26 MAR 2024

Loretta Gillion

From: Gerard Kemp <
Sent: Monday, 25 March 2024 13:39
To: Loretta Gillion
Cc: Hermanus Sales
Subject: Erf 4173

Hemel & Aarde Village

No objection.
 Gerard Kemp(Erf4163)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
25 MAR 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

*TP- A. Ahearne
(H. Olivia)*

EF 4173

<i>Onstuur</i>
SCAN NO.
COLLABORATOR NO.
<i>2019212</i>

TP