

## 4.4

**ERF 775, 13 SHEARWATER CRESCENT, VERMONT, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,  
DEPARTURE, CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: WRAP PROJECT OFFICE ON BEHALF OF K PALIC**

775 HVM (4473/2023)

H Olivier

5 September 2024

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Hermanus Administration

### 1. EXECUTIVE SUMMARY

An application has been received on 4 September 2023 from WRAP Project Office on behalf of K Palic on Erf 775, Vermont in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Removal of Restrictive Title Deed Conditions** in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed conditions E.(a), E.(c) and E.(d) as contained in Title Deed T38907/2021 of the property to accommodate building line departures, a guesthouse and a second dwelling on the property.

The restrictive title deed conditions read as follows:

*“E. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. T 2109/1948 in favour of “South Westerns Districts Land and Finance Corporation (Proprietary) Limited” (hereafter referred to as the “Transferor Company” and its successors in title of the remaining land held by Deed of Transfer No. T 7023/1935, viz:-*

- (a) “Save with the consent of the Transferor company in writing no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 3,15 metres to the street line which forms a boundary of the said property, and no such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining lot, nor save with the consent aforesaid, may the said property of any lot of the property sold compromises more than one lot, be subdivided.*
- (c) No canteen, hotel, restaurant, shop, factory, industry or any place of business whatsoever shall be opened or conducted on the said property except with the consent in writing of the Transferor Company.*
- (d) Unless the permission of the Transferor Company in writing be obtained under condition (c) above the said property shall be used for residential purposes only and only one dwelling, together with such outbuildings as are ordinarily required for domestic purposes, shall be erected on any one lot in particular, subject to any permission granted as aforesaid, no structure or the type commonly known as “flats” shall be erected on the said property.”*

- ❖ **Departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the lateral building line from 2m to 1,2m to accommodate the existing steps.

- ❖ **Consent use** in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate a five (5) bedroom guesthouse.
- ❖ **Determination of an Administrative penalty** application in terms of Section 16.(2)(q) of the By-Law for the unauthorized building line encroachments and illegal utilization of the dwelling as two dwellings.

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. The Title Deed is attached as Annexure D.

## 2. DECISION AUTHORITY

Municipal Planning Tribunal

## 3. BACKGROUND / SITE HISTORY

The erf measures 773m<sup>2</sup> in extent and is developed with a double storey dwelling with garage. The erf is in a residential area and is zoned Residential Zone I.

The property owner is illegally utilizing the dwelling as three dwelling units at this stage. There is also an illegal staircase over the Title Deed building line.

An application has now been submitted to legalize the staircase over the building line, to allow for a 5-bedroom guest house in the main dwelling and to also construct a new second dwelling on the property.

Application is then also made not to pay an administrative penalty.

## 4. SUMMARY OF APPLICANT'S MOTIVATION

THE MOTIVATION CAN BE SUMMARIZED AS FOLLOWS:

- ❖ The new owner wants to construct a second dwelling and operate a guest house from the main dwelling.
- ❖ The dwelling was illegally utilized as two rental units, but the property owner now only leases it out as one dwelling.
- ❖ The application includes an application for removal of restrictions in the Title Deed to allow the second dwelling and guest house, and to allow structures over Title Deed Building lines.
- ❖ The application therefore also includes a departure in terms of the Land Use Scheme to relax building lines to accommodate an existing staircase 1,2m from the lateral boundary. It also includes a consent use for the guest house. Five (5) rooms will be utilized for guests, one (1) for the manager and one (1) as a linen room.
- ❖ The guest house will create jobs for housekeeping and maintenance, create cultural enrichment and promote sustainable tourism.
- ❖ All services are available and the existing access off Shearwater Crescent will be used.
- ❖ The guest house will create employment, will create an economic boost and support small businesses in the food and other amenities business.

- ❖ It will be compatible with the surrounding area as the style of the building is in harmony with the surrounding area, traffic and parking management in site will provide minimum congestion, and the property owner will have an open communication system with surrounding residents.
- ❖ There will be no impact on the safety, health and wellbeing of the surrounding community.
- ❖ No heritage impact or environmental impact.
- ❖ Will not have a significant impact on traffic, parking and access.
- ❖ The guesthouse activities will be inside the existing dwelling, the proposed second dwelling will comply with the land use scheme. These measures will ensure that views, sunlight and overall character of the area will be unaffected.
- ❖ The MSDF (Municipal Spatial Development Framework) promotes developments that enhance the visual quality and attraction of the built environments while preserving the social and cultural attributes which are valued by inhabitants.
- ❖ The area is designated in the MSDF for residential purposes and the proposed guesthouse on the property is in harmony with this designation.

#### REMOVAL OF TITLE DEED RESTRICTION

The application is motivated in terms of Section 39(5) as follows.

***The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vests in the personas of the owner of a dominant tenement:***

There is no financial value of the rights.

***The personal benefits which accrue to the holder of rights in terms of the restrictive condition:***

No person is directly benefitting from the condition as the condition is only restricting the property owners.

***The personal benefits which will accrue to the person seeking the removal, of the restrictive condition, if removed:***

The property owner will be gaining from the removal of the restrictive condition as it will allow them to utilize their property to its full extent.

***The social benefit of the restrictive condition remaining in place***

It has no social benefit.

***Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights:***

There is no specific beneficiary of the condition, and no person or entity will be affected if these are removed.

#### DETERMINATION OF ADMINISTRATIVE PENALTY

a) ***Nature, duration, gravity, and extent of the contravention***

The new owner constructed an outside staircase which encroach the 2m building line with 0,8m, with a total area of **0,68m<sup>2</sup>** in extend. The whole dwelling area was rented out as two dwellings, which the property owner has stopped since receiving a notice that it was illegal. It is only leased out as one dwelling now.

**(b) *The conduct of the person (allegedly) involved in the contravention***

The existing owner created the contraventions. The property owner is a foreign national and was not aware of the regulations. A professional team was now appointed to assist to ensure compliance.

**(c) *Report by a quantity surveyor in matters of unauthorised building/construction***

Due to the small scale of the contraventions no quantity surveyor was involved.

**(d) *Whether the unlawful conduct was stopped***

The stairs have already been built, and the illegal land use stopped.

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

No, according to our knowledge.

It is requested that the administrative penalty be waived given that this application serves to rectify the violations that have transpired.

PLANNING PRINCIPLES

❖ **Spatial Justice**

The application will not contribute to past spatial injustices.

❖ **Spatial Sustainability and Efficiency**

The property will be used to its maximum potential.

❖ **Spatial Resilience**

The proposal is not in conflict with any spatial planning policies or other OM regulations.

❖ **Good Administration**

The correct consultation process is followed in consultation with the Municipality, and relevant government tiers and the general public are enabled to participate.

## 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Gazette	<b>Yes</b>	14 September 2023	14 February 2024
Local newspaper	<b>Yes</b>	14 September 2023	14 February 2024
E-mail notices & on-site notice	<b>Yes</b>	14 September 2023	14 February 2024
Internal departments	<b>Yes</b>	14 September 2023	14 February 2024
Ward councillor	<b>Yes</b>	14 September 2023	14 February 2024
Total comments	<b>Five (5)</b>		
Total letters of support	<b>NONE</b>		
Was public participation undertaken in accordance with Section 46 - 50 of the By-law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below):			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			<b>Yes</b>

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

Name	Date received	Summary of comments
<b>Fire Department</b>	21/12/2023	No objection.
<b>Building Control</b>	18/12/2023	No objection.
<b>Municipal Environmental Branch</b>	26/03/2024	No objection.
<b>Engineering Services</b>	29/01/2024	See Annexure G.
<b>Telkom</b>	19/12/2023	See Annexure H.

## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The application was duly advertised in the local newspaper and Government Gazette. Notices were e-mailed to all residents in Vermont and the Vermont Ratepayers Association. A notice board was also placed on-site by the applicant's consultant.

Five (5) letters of objection were received from the following individuals:

- **C & M Broodryk**

- **E Truter**
- **C Nieuwoudt**
- **D Booth**
- **M Breytenbach & L Cameron**

The applicant was provided with an opportunity to respond to the objections received. The objections and applicant's response are attached as Annexures E and F respectively.

The objections, the applicant's reply and the Municipal Town Planners response thereon can be summarized as follows:

**OBJECTION 1 – ILLEGAL OPERATION CONTINUATION**

- *The Municipality did submit a notice on the property owner since an illegal additional kitchen was fitted in the main dwelling and three (3) units are rented out on the property, which is still being rented out at this stage.*
- *The leasing of the three (3) units started in August 2022, does the owner have a license to operate a guesthouse? The three (3) units were still advertised for renting out in January 2024.*
- *Have a problem with the stairs encroaching the building line as guests create noise walking upstairs with suitcases. If stairs up to 1,2m from the boundary is approved, a double storey dwelling can be constructed on top of it.*
- *Will the manager's area not be used as a unit with a kitchen again?*
- *The linen room can easily again be utilized as a guest room.*
- *The owner previously lived in South Africa and cannot use ignorance as an excuse, she disregards the laws.*

**APPLICANT'S RESPONSE**

- The property owners assured that the operations would be stopped. This office only reported on the intentions as was relayed by the property owner.
- The application serves as a method to address any past contraventions that occurred.
- The kitchen in the manager room will be removed and the manager will have access to the kitchens in the guest house.
- The objector is making various assumptions about the linen room, the fact is it will be utilized as a linen room.

TOWN PLANNER'S RESPONSE

More than one objector indicated that the illegal land use is still continuous. The internet was searched, and it was found that on "Lekkeslaap" three (3) units are advertised for holiday accommodation. A site inspection was also done in August 2024, and there are three (3) kitchens in the building and spaces are blocked off to create the three (3) units.

The comments regarding the existing stairs traversing the building line are noted. The staircase was not constructed by the existing owner. It was indicated as existing stairs with the approval of building plans in 2021 and 2022 respectively. The Land Use Scheme allows stairs up to a height of 1m above natural ground level over building lines. The stairs are approximately 1.7m (landing) in height over the building line and enclosed with a wall on the northern side of the stairs and covered with a roof structure. The stairs are also over the 1,57m Title Deed building line.

The one objector's concern that the area of the staircase can be changed into a double storey is not correct, if the stairs over the building line is approved over the 2m Land Use Scheme building line, the approval is limited to only the stairs, and any further extensions over the building same line will require a new application for departure.

The objectors also make assumptions about possible future uses of various rooms in the dwelling, this is however assumptions and have no relevance to consider the desirability of this application.

**OBJECTION 2 – IMPACT ON THE NEIGHBOURHOOD*****(a) Residential Character will not be preserved***

*The large house attached to a second dwelling and with seven (7) additional parking bays does not fit in with the character of this area, and such a venture should be done on a larger stand.*

*The second dwelling extension will create the same impact as flats and impact on views, privacy and negatively impact the character.*

APPLICANT'S RESPONSE

The proposal is not to change the neighbourhood but to utilize existing infrastructure while allowing enjoying the tranquil, quiet nature of the neighbourhood.

The assumption that any business will disrupt the residential character overlooks the possibility to integrate it with the existing neighbourhood. The guest house will respect the residential character while achieving the owner's intent.

The owner already bought the stand and wants to apply for the land uses on this property.

TOWN PLANNER'S RESPONSE

The objectors' concerns regarding the proposed scale of the new building are noted, but it cannot necessarily be debated that a larger building is not in line with the character of the area. The impact concerns relate more to the use of these buildings and the impact thereof. This will be discussed in more detail later in this report.

There are also concerns regarding that the large number of parking bays on the property that could impact the character of the area if it is not carefully planned and sufficient for the proposed land uses. This will also be further elaborated on later in this report.

The fact is the scale and impact of this application must be very carefully considered, and only a development in line with the character of this area must be considered positively.

**OBJECTION 2 – IMPACT ON THE NEIGHBOURHOOD****(b) Not zoning compliant**

- Business in the area will have a negative impact and devalue properties.
- A guest house could possibly open a restaurant that would hold functions for non-residents.

APPLICANT'S RESPONSE

- The objectors indicated the zoning of the area is strictly residential. However, the application is not for a rezoning, and additional land uses such as guesthouses and home occupations are allowed with the consent of the Municipality.
- The owner is not planning to add any additional uses or apply for a liquor license; these concerns are not based on facts.
- Conditions for guesthouses stipulate a manager/owner must reside in the main or second dwelling and a maximum of 5 rooms/10 persons may be accommodated. This will be complied with.
- A guestroom may not be converted into separate units or have prep bowls or prepping facilities, which will be complied with.
- The residential character will also be retained, and the owner did not show any interest to apply for a liquor license to serve guests. No home occupation or place of entertainment will be operated at the same time, and no more than 3 persons will be employed for the establishment.
- Objections relating to signage are noted, but advertising signs will comply with the Overstrand Signage By-Law, and therefore is expected not to be out of character.

TOWN PLANNER'S RESPONSE

The objections and applicant's response thereon are noted.

The applicant is correct in that a guest house forms part of the character of residential areas, and no rezoning to business rights is required. A guest house may also not operate a restaurant and may only serve meals to guests staying at the guest house.

**OBJECTION 3 – COMPLAINTS ABOUT NOISE AND NUISANCE**

- *Guest arrives any time of the day and night and creates noise.*
- *Guests on balconies and in the yard create nuisance and noise.*
- *Staff come and goes 24/7, which creates nuisance at night and day.*

**APPLICANT'S RESPONSE**

The zoning scheme conditions stipulate activities may not create a source of public nuisance and no loud music and other source may take place after 22h00. Past noise disturbances reported are regretted, but future occurrences will be able to be reported to the manager.

The application will change the way the property is operated and help limit and mitigate any disturbance. Strict rules will be applied for check-in, and check-out times reduced to minimize any disturbances. Guests will also be limited to 2 persons per room.

**TOWN PLANNER'S RESPONSE**

The comments are noted. The way the illegal operation of three self-catering units was operated created the situation that there was no supervision. This created the situation that nuisance and noise was not managed.

As indicated by the applicant, with the guest house being applied for there will be no loud noise allowed after 22h00 and check-in and check-out times will be reduced to specific hours. Although it is the opinion that some guests will in all probability arrive/leave outside the specified check-in and check-out times, the manager on-site will be able to supervise that noise levels be limited.

**OBJECTION 4 – OBJECTIONS RELATING TO REMOVAL OF TITLE DEED CONDITIONS**

*The Title Deed restrictions are there to protect the quiet character and atmosphere of Vermont, and approving the application will create an unwanted precedent and impact this quiet area. Will also have a socially negative impact on neighbours and only economically benefit the applicant.*

**APPLICANT'S RESPONSE**

The Title Deeds restrictions prohibit the owner from utilizing the property for its intended purpose.

As indicated in the motivation the removal of the relevant restrictions will not directly negatively impact the surrounding area. When these conditions were inserted into the Title Deeds residential areas were significantly different than at present time. A guest house is not considered out of ordinarily in present day residential areas.

TOWN PLANNER'S RESPONSE

The comments are noted. Title Deed conditions were inserted due to the fact that no land use scheme was approved for Vermont at the time the development was approved, and this was the only way to have some form of land use control. It is historic, and the applicant's sentiment that the residential areas have changed significantly since then, is supported.

The motivation to remove the Title Deed restrictions must still however be very carefully considered, and the application will remove Title Deed restriction to allow a guest house, allow a second dwelling and allow a structure over a building line.

The application will carefully be considered in terms of the relevant criteria later in this report.

**OBJECTION 5 – OBJECTIONS REGARDING PARKING AND TRAFFIC**

- *More traffic increase noise and decrease the sense of piece.*
- *There is not enough parking on-site and a bad layout requiring lots of manoeuvring on-site. Guest already park on the pavements.*
- *Existing parking is already creating a nuisance.*
- *What about extra parking for staff or taxi's transporting staff?*

APPLICANT'S RESPONSE

- The proposal is to formalize and establish well demarcated parking bays that will allow all guests of the establishment to park on-site.
- A traffic engineer was consulted with the feasibility of the parking.
- The new parking differs from the existing parking and will comply with the Overstrand Municipality parking regulations.
- Limitation of check-in and check-out times will also minimise impact, and employees can use shuttle services to minimise traffic impact.

TOWN PLANNER'S RESPONSE

The objections and applicant's response are noted.

The parking layout shows seven (7) parking bays on the property and one (1) parking in the garage. This allows for two (2) parking bays for the main dwelling, one (1) for the second dwelling and five (5) parking bays for five guest rooms. Two parking bays are tandem parking, and this would in all probability be utilized by the manager, and the property owner will possibly use the garage when visiting the property.

The number of parking is sufficient, but there is concern about the manoeuvrability for cars to use the parking in an organized way. The placement of a parking space right at the entrance gate could make it difficult for vehicles to access/egress the property. Major manoeuvring will also have to take place to enter or leave parking bays. This manoeuvring on the site will impact surrounding neighbours, especially at night with vehicle lights shining in all different directions as vehicles leave/enter the property. If there is already parking problems with the three (3) illegal units being rented, which should not require more than six parking areas (2 per unit), how 8 vehicles will successfully park on the property is difficult to comprehend.

A site inspection was done on the property, and it is difficult to see how vehicles will be able to manoeuvre from parking bays 5 and 6 to leave the property in first gear. Parking bay 1 is also right at the entrance gate, and it is difficult to comprehend how vehicles will be able to manoeuvre past the parking bay when leaving the property.

The property owner also intends to change the one garage into a laundry, which increases the challenges with the parking layout.

If the existing parking layout is considered, only four (4) parking bays are considered reasonable, and two (2) is tandem parking that can only be used by the manager of the facility. This leaves two (2) parking bays for guests. The property owner also wants to construct a second dwelling, which will also require an additional parking bay.

Considering the comments above, the property owner will only have sufficient parking for the main dwelling (2), the second dwelling (1) and 2 parking bays for two guest rooms.

There is a clear lack of sufficient area on the property to provide for the requirement of eight (8) parking bays for the proposed application. The objector's concerns are valid concerns.

**OBJECTION 6 – OBJECTION REGARDING USE OF ADDITIONAL SERVICES**

*Such a large guest house with washing and bathing facilities and 3 washing machines will have additional pressure on sewerage and water consumption.*

*Are existing services sufficient?*

**APPLICANT'S RESPONSE**

Most of the bathrooms are existing, and as such it can be utilized as part of a single dwelling and the use will be the same.

The proposal is aligned with the residential nature of the property and neighbourhood. The objectors assume that guests will use more services. The house could be converted back to a dwelling house, and the same services can be used by the occupants as the proposed guests.

**TOWN PLANNER'S RESPONSE**

The comments are noted. The applicant's comments are supported.

The property owner can build a much larger dwelling with many more bedrooms with bathrooms etc., all within its existing rights. Such a dwelling would require the same services.

Sufficient municipal services are available for the proposed application.

**OBJECTION 7 – USE OF THE WENDY HOUSE FOR HUMAN HABITATION.**

*The wendy house is used for occupation and has a kitchen and sink.*

APPLICANT'S RESPONSE

The owner was informed this was an illegal use. The wendy house is not indicated on the plan as it will be removed.

TOWN PLANNER'S RESPONSE

The applicant indicated that the wendy house will be removed, and therefore this concern has been addressed.

**OBJECTION 8 – OBJECTIONS REGARDING THE PROPOSED OPERATION OF THE FACILITY**

*Where will the manager live? What facilities will be available for staff?*

APPLICANT'S RESPONSE

One side of the garage will be used for staff as a bathroom and to rest in their breaks.

There are three existing kitchens in the dwelling, one in the manager's room will be removed, and the manager will utilize the space with a bathroom.

TOWN PLANNER'S RESPONSE

The applicant did address the concerns. It is also to be noted that the manager will reside in the dwelling and will have access to the existing kitchen for food preparation.

**OBJECTION 9 - OBJECTIONS REGARDING LOSS OF VIEW, PRIVACY AND SUNLIGHT**

- *Guests using the balcony - even braaiing on the balcony - impact adjacent neighbour's privacy and creates smoke. Guest creates noise till late night and play loud music.*
- *Guests hang washing over balustrades, which is unsightly.*
- *Lights are left on for the whole night impacting neighbours.*
- *Guest presses their hooters at the gate as they have no gate control.*
- *It is proposed that privacy screens be installed on the deck to ensure the privacy of Erf 776.*
- *Proposal is made to move the parking for Bedroom 2, change the inner layout of the guest house and change the manager's room into a guest reception area, also install water tanks to save water.*
- *The proposed second dwelling and decking will impact the adjacent neighbour's views, sunlight and privacy.*

APPLICANT'S RESPONSE

- South African law does not recognize an inherent right to the existing view from a property. View is an incidental advantage and not a right.
- The owners would never inadvertently affect any other property owner. The design was to focus on providing guests the possibility to experience the outdoor space.

- The concept of right of light where one property owner benefits from light passing over another property and entering spaces and windows, skylights and glass roof areas on another property is not specified in any specific South African law. Sunlight also changes direction during the day and a property will still receive sunlight.
- Guest will be provided with rules and regulations to mitigate the above-mentioned concerns.
- Lights are left on for safety.
- The balcony balustrade can be changed to a non-see-through to mitigate concerns and improve privacy. Privacy screens can also be placed on several points on the property to limit impact on adjacent neighbours. The proposals to alter the internal workings of the guest house move the reception room and install water tanks will be considered by the property owner.

#### TOWN PLANNER'S RESPONSE

The objections and applicants' response thereon are noted.

The concerns regarding view and sunlight were sufficiently addressed by the applicant. It must also be noted that the existing dwelling and second dwelling will comply with building lines and height restrictions and is within the property owners' rights to develop to such scale.

The fact that 3 units are operated illegally on the property, and 2 of the units have decks on first floor level which is used for outdoor entertainment and to braai, do have an impact on neighbours' privacy to the south. This impact should be less if the guests may not make their own food/braai, and the behaviour of guests will be controlled by the manager staying on-site.

The proposal to attach screening to the two first floor decks will help to limit the impact on privacy of the owners to the south, especially when guest makes use of deck (balcony) seating. This should be considered as a mitigating measure.

#### **OBJECTION 10 – CONCERNS ABOUT NEW PROPOSALS**

- *The dwelling is large enough for the owner to also live in the dwelling when visiting the property; a second dwelling is not necessary and would be leased out again.*
- *Who will use the separate room created next to the garage with basin and toilette?*
- *There are no facilities for other staff to utilize at lunch time or ablution facilities, only for the manager.*
- *There are concerns where people will braai and where the manager will make food and store and prepare food.*
- *Will a manager be appointed, and will the person live permanently on-site? Will he/she have a contact number? The property owner is overseas and was not contactable in the past.*
- *There is no control over the guest's behaviour and numbers.*

#### APPLICANT'S RESPONSE

- The property owner has authority to utilise the property as she sees fit.
- Staff of the guesthouse will use this outbuilding.

- Guests will not be able to prepare their own meals as they will not have access to cooking facilities in their rooms. Meals will be served to guests if they wish so.
- The manager can have a fridge and store food in his/her room, as there is no cooking facility. The manager can however use the existing kitchen facility to prepare food.
- The manager will be appointed and stay on-site.

#### TOWN PLANNER'S RESPONSE

The applicant addressed most of the concerns. The fact that a manager will reside on the property will help to mitigate many of the concerns, and the manager will then be available to be contacted if there are any complaints.

Guest will not be able to braai on their own, and only the manager may prepare food for residents. This will help ensure that groups do not braai on various balconies, impacting neighbours.

#### **OBJECTION 11 – PROCESSES FOLLOWED FOR ILLEGAL ACTIVITIES**

- *When a notice of illegal land use was sent out to the owner and is it due to a compliant dated 27 January 2023? No response has been received.*
- *What did the owner do to rectify the illegal internal changes, and what did the Municipality do to stop the activities.*
- *The property owner should have informed herself of relevant laws and regulations.*
- *It does not appear that the Municipality has capacity to do regular inspection to police illegal land uses.*

#### APPLICANT'S RESPONSE

- The application is a method to respond to the municipality's letter received. A copy of the letter must be obtained from the municipality.
- The comments regarding being informed of laws and regulations are noted.
- Have no comments on the comment regarding monitoring of land uses by the Municipality.

#### TOWN PLANNER'S RESPONSE

The Municipality did send out a notice to the property owner on 22 May 2023. The property owners' professional team then started to prepare a planning application to legalize illegal activities, and it was indicated in the planning application submitted in September 2023 that illegal activities will be stopped.

During a site inspection by the Town Planner who is preparing the planning report in August 2024, it was established that there were still 3 kitchens in the dwelling, and it could clearly be identified that three (3) units were operated in the dwelling. The establishment Palm House was also advertised for accommodation (three units) on "Lekkeslaap".

The reason that administrative penalty fees are provided for in the Municipal By-Law is to charge penalty fees for illegal land uses, and to charge even higher penalty fees if illegal activities were not stopped after notification by the Municipality.

**OBJECTION 12 – COMPLIANCE WITH FIRE REGULATIONS AND EMERGENCY PROTOCOLS**

- *Does the main building comply with fire regulations?*
- *Is there emergency gathering points for guests as the property is used by guests at this stage?*
- *Who must be contacted for emergencies?*

**APPLICANT'S RESPONSE**

- Building plans will be submitted for the building branch to evaluate compliance.
- The new manager and the property owner will be the contact persons.

**TOWN PLANNER'S RESPONSE**

The concerns are noted.

It is not clear if fire regulations are complied with concerning accommodation establishment. The land use is illegal, but should the property owner want to legalize the activities and approval is granted, all fire regulations will have to be complied with.

**8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS**

See Paragraph 7 above.

**9. MUNICIPAL ASSESSMENT OF COMMENTS**

All Municipal Branches and other institutions support the application.

**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**

N/A

**Spatial Sustainability**

The application will not impact valuable agricultural and sensitive environmental land. Careful consideration should however be given not to impact the strong single residential character of the surrounding area.

#### **Efficiency**

The property owner wants to utilize the existing dwelling as a guest house to create an income stream.

#### **Spatial Resilience**

The application is in line with spatial planning policies which promotes tourism and tourist accommodation in the greater Hermanus area, a well-known tourist destination.

#### **Good Administration**

Procedure as determined by the relevant By-Law of the Municipality has been followed and a good public participation process was followed.

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

The application is consistent with the planning principles.

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

Consistent since it remains Residential.

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

N/A

#### **10.6 Impact on Municipal engineering services**

No impact.

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

The Title Deed does contain restrictive conditions, and application is made to remove such restrictions to allow building line relaxations, a second dwelling and a guest house.

#### **10.8 Existing and proposed zoning comparisons and considerations**

The application is in line with the Overstrand Spatial documents.

### **11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

***The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vests in the personas of the owner of a dominant tenement:***

There is no financial value of the rights.

***The personal benefits which accrue to the holder of rights in terms of the restrictive condition:***

There is no specific holder of these rights.

***The personal benefits which will accrue to the person seeking the removal, of the restrictive condition, if removed:***

It will only have a personal benefit for the applicant to be able to legalize staircase, to construct a second dwelling and operate a guest house.

***The social benefit of the restrictive condition remaining in place:***

The restrictive conditions for building lines, allowing second dwellings and allowing guest houses were inserted in Title Deeds to control development prior to the approval of Zoning/Land Use Schemes. The restrictive conditions applicable are now controlled in terms of the Amended Overstrand Land Use Scheme, 2020.

The objectors could debate that the restrictions have social benefit to protect the character of the area. However, the area is a major tourist destination and there are social benefits to remove these conditions to establish facilities that create job opportunities and insure income into the area.

**The social benefit of the removal of the restrictive condition**

Property owners will be able to create additional accommodation opportunities and also create job opportunities with additional income, which will benefit the area economically.

***Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights:***

Application is made to only remove the restriction that stipulate building lines, that no second dwelling be developed and that no business or other use other than residential be allowed on the property.

## **12. THE DESIRABILITY OF THE PROPOSAL**

The property is developed with a double storey dwelling with double garage. The property measures 773m<sup>2</sup> in extent and is zoned Residential Zone 1. It is situated in an area with a strong Single Residential character.

The Municipality investigated a complaint regarding the illegal operation of tourist accommodation units on the property. The property owner then applied for a consent use for a 5-bedroom guest house and the legalization of an existing staircase over a building line. The owner also applied for a removal of Title Deed restrictions which prohibits a business (guest house) on the property and restrictions regarding building lines. Application is also made to remove a Title Deed restriction prohibiting the construction of a second dwelling.

The application was duly advertised, and five (5) objections were received from surrounding property owners. The applicant was provided with the opportunity to respond to the objections.

As can be seen in this report the property owner is illegally operating a tourist accommodation with three self-catering units. This created tension with neighbours who complains about noise, impact on privacy and impact on the character of the area.

The points of objection were discussed in detail under Paragraph 7 of this report. The objections regarding impact on privacy, the character of the area and parking problems will be further discussed.

The area does have a strong single residential character. The dwelling on Erf 775 is however in line with the sizes of surrounding houses being approximately 356m<sup>2</sup> in size (first floor open decks included) with a coverage of 31% with the existing double garage included.

The applicant proposes to remove the wendy house, and then make alterations and extensions to the outbuilding to change the outbuilding and create a second dwelling with decking on first floor level linking it with the main dwelling. The new coverage will be approximately 37%, and the new building will be double storey and comply with the height restriction. The second dwelling will be 64m<sup>2</sup> in size, in line with the Land Use Scheme regulations, allowing a second dwelling of 120m<sup>2</sup> maximum in size.

The existing staircase over the building line is enclosed around the landing and its impact on neighbours is not considered significant. It is still situated 1,2m from the property boundary and there is a raised boundary wall on the northern boundary limiting impact on the adjacent neighbours.

The major concern with the application is the consent use for the 5-bedroom guest house. The neighbours have major concerns about the way the existing illegal self-catering units are managed. This will however be mitigated as a manager will now have to live on the premises, and no food preparation will be allowed by guests. The guests will only lease a room and not a self-catering unit, and therefore all areas outside the rooms will have to be shared by all guests. This will already help to decrease noise levels and better management of guest's behaviour.

The major concern about the decks (balconies) overlooking the property on the southern side is noted. The decks are not over building lines, and should the dwelling be used for normal single residential purposes, the privacy of the property owner to the south would also have been impacted. This application is however for additional rights, and therefore the privacy of surrounding property owners must be respected within reasonability. There is already some type of screening on the balustrade on the balcony facing south, to prevent someone to see into the neighbour's property. Screening must be placed at the balustrades for the full height of the balustrades, to mitigate impact as guests seated on the balcony will then not be able to have a view onto the neighbour to the south's bedrooms.

The other major concern is the parking arrangements. Five (5) parking bays must be provided for guests - 2 for the main dwelling (for the manager) and 1 for the proposed second dwelling.

The parking layout shows seven (7) parking bays on the property and one (1) parking in a single garage. This allows for 2 parking bays for the main dwelling, 1 for the second dwelling and 5 parking bays for five guest rooms. Two (2) parking bays are tandem parking, and this would in all probability be utilized by the manager, and the property owner will possibly use the garage when visiting the property.

The number of parking is sufficient, but there is concern about the manoeuvrability for cars to use the parking in an organized manner. The placement of a parking space right at the entrance gate (parking 1) will make it very difficult for vehicles to access/egress the property. Major manoeuvring will also have to take place to enter or leave the property. This manoeuvring on the site will impact surrounding neighbours, especially at night with vehicle lights shining in all different directions as vehicles leave/enter the property. If there is already parking problems with the three (3) illegal units being rented, which should not have required more than 4 parking bays and the double garage, how will 8 vehicles successfully park on the property and in the one single garage?

A site inspection was done on the property, and it is difficult to see how vehicles will be able to manoeuvre from parking bays 5 and 6 to leave the property in first gear. Parking bay 1 is also right at the entrance gate, and it is difficult to comprehend how vehicles will be able to manoeuvre past the parking bay and leave the property in first gear.

The property owner also intends to change the one garage into a laundry, which increases the challenges with the parking layout.

If the proposed parking layout is considered, only five (5) parking bays is considered reasonable manoeuvrable parking, and this already includes a tandem parking and single garage that can only be used by the manager and occupant of the second dwelling. This leaves for two (2) parking bays for guest parking. With an alteration an additional guest parking bay can be created between the existing outbuilding and main dwelling patio by moving the screen wall further south. This would allow for a manoeuvrable third guest parking bay.

Considering the above, the property owner will only have sufficient parking for the main dwelling (2), the second dwelling (1) and 3 parking bays for three guest rooms.

There is a clear lack of sufficient area on the property to provide for the requirement of eight (8) parking bays for the proposed application. The objector's concerns are supported regarding parking, and the recommendation will reflect this fact.

#### ADMINISTRATIVE PENALTY

**a) *Nature, duration, gravity, and extent of the contravention***

The portion of the staircase over the 2m Land use scheme building line and 1,57m Title Deed building line is **0,68m<sup>2</sup>** in extent.

It is not clear when this staircase was constructed.

The property owner was informed in a notice on 22 August 2023 to stop with leasing out the illegal tourist's accommodation self-caring units. The applicant indicates in the report the illegal activity was stopped. The three units are however advertised as rental units on the internet, and a site inspection revealed there is still an illegal kitchen in the dwelling, and there are three units in the dwelling, each with its own kitchen and bathroom facilities.

The area used in the main dwelling as illegal self-catering tourist units is 356m<sup>2</sup> in extend.

***(b) The conduct of the person (allegedly) involved in the contravention***

It is indicated that the existing owner created the contraventions.

***c) Report by a quantity surveyor in matters of unauthorised building/construction***

The applicant indicated that due to the scale of the contraventions a report from a quantity surveyor was not requested.

***d) Whether the unlawful conduct was stopped***

The stairs have already been constructed. The illegal self-catering units are still in operation.

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

The applicant indicated not to their knowledge.

The applicant only addressed the encroachment of the stairs over the building lines in the penalty fee application. It is not clear who constructed the staircase, but considering the existing owner never tried to legalize the stairs, a penalty fee will be imposed.

Although it is indicated in the motivation report that the illegal self-catering tourist accommodation rentals were stopped, it is still advertised and there is still an illegal kitchen and clear division into three (3) units in the dwelling. It is recommended that an administrative penalty fee be imposed calculated from the date the Municipality sent out the notice of unauthorized land use on the property.

The penalty fee for habitable structures/buildings is determined as follows:

- ✚ The fee for structures/building will be used which is R20 253/m<sup>2</sup> administrative penalty fee for the staircase.
- ✚ The property owner illegally constructed the structures, and for such a 5% penalty fee will be charged.
- ✚ The calculation is 0,68 x R20253-00 divided by 100 x 5, given the 5% penalty fee which equates to **R689-00**.

The penalty fee for illegally using the dwelling for three (3) self-catering units is determined as follows:

- ✚ The municipal land value of R805 000-00, divided by 773m<sup>2</sup> (size of the property), determines the value of the land per m<sup>2</sup>, which equates R1041/m<sup>2</sup>.
- ✚ The size of the dwelling being utilized for the illegal land use is 356m<sup>2</sup>.
- ✚ The fact that the property owner was sent a notice in May 2023 and is still operating the illegal land use, a 10% penalty fee of the cost of the floor area used for the illegal activity will be imposed.
- ✚ 356(m<sup>2</sup>) multiplied by R1041-00 is R370 566-00.
- ✚ 10% of this value is **R37 060-00**.

**It is recommended that a total penalty fee of R37 749 be imposed.**

### CONCLUSION

Considering the above, it is the opinion that the application can partially be approved by lowering the amount of guest rooms to ensure sufficient on-site parking, and also to mitigate privacy by fixing screens to the balustrades on the first-floor decks.

The application is desirable and is supported.

### **13. RECOMMENDATION**

1. that the objections be noted;
2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 775, Vermont for the removal of restrictive title deed conditions E.(a), E.(c) and E.(d) as contained in Title Deed T38907/2021 of the property to accommodate building line departures, a guesthouse and a second dwelling on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 775, Vermont for a departure relax the lateral building line from 2m to 1,2m to accommodate the existing steps, **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16.(2)(0) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 775, Vermont for a consent use to accommodate a guest house, **be approved**, in terms of the provisions of Section 61 of the By-Law;
5. that the approvals in Points 2 to 4 above be subject to the following conditions:
  - (a) that this approval is not an approval in terms of any other legislation;
  - (b) that the approval for the guest house be **limited to 3 guest rooms**, and that a **revised** Site Development Plan be submitted showing which three rooms will be utilized as guest rooms, and also showing a revised parking layout removing parking bays 1, 5 and 6 from the parking plan submitted,

and creating one additional parking bay between the outbuilding and the dwelling, to the satisfaction Divisional Manager: Town and Spatial Planning;

- (c) that the balconies facing south, which is accessible to guest house customers, be screened by placing non-see-through screens next to the balustrades facing south the full height of the balustrades, to the satisfaction of the Divisional Manager: Town & Spatial Planning;
- (d) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
- (e) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
- (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
- (g) that all the conditions in the Services Report (attached as Annexure G), be complied with;
- (h) that the conditions imposed by Telkom (attached as Annexure H), be complied with,
- (i) that the owner/manager must reside on the property to oversee the guest house,
- (j) that no more than three (3) staff members shall be employed in support of the establishment at any given time;
- (k) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building) and for security and protection of surrounding properties, patrons, vehicles, etc.;
- (l) that no activities constituting a source of public nuisance shall be carried out;
- (m) that no disturbance from loud music and other sources are allowed after 22:00;
- (n) that no cooking facilities or prep bowl may be provided in the guest rooms;
- (o) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
- (p) that commercial rates and tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;

- (q) that no advertising sign shall be displayed without the written approval of the Municipality other than a single, un-illuminated sign or notice affixed to the building or boundary wall or fence, and such sign must be in line with the Overstrand Signage By-Law at any given time, and
  - (r) that a Health Certificate be obtained from the Health Department of the Overberg District Municipality and a Fire Prevention Certificate from the Municipal Fire Department.
6. that all the illegal building work (additional kitchen and wendy house) on the property be removed **within 60 days** of this decision.
  7. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 775, Vermont, for the unauthorized structures/buildings over building lines and the illegal land use of self-catering units, as stipulated above, **be imposed**, and that an administrative penalty fee of **R37 749-00** be payable within sixty (60) days of this decision.
  8. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above decisions.

#### 14. REASONS FOR RECOMMENDATION

##### POINTS 2 to 5

- ❖ The encroachment of the staircase over the building line is a minor encroachment and the fact that the staircase is enclosed on three sides and the fact that there is a raised boundary wall next to the staircase; it should have a limited impact on the adjacent neighbours.
- ❖ The conditions in the Title Deed were inserted as no Land Use Scheme was in place when this part of Vermont was originally developed. The new land use scheme stipulates building lines and uses that is compatible with residential uses. The land use scheme also allows for second dwellings as a primary right. The Title Deed restrictions therefore prohibits that properties can be developed in line with the Land Use Scheme and be developed to its full potential. The removal of such conditions is thus supported.
- ❖ The application is supported by all relevant Municipal Departments and State or other institutions.
- ❖ No Municipal services are affected.
- ❖ The objections regarding lack of parking and impact on privacy does have merit. With the amendment of the parking layout to provide for 5 parking bays and the single garage the parking manoeuvrability would be resolved. The reduction of the number of guest rooms to 3 and the placing of screens on the balconies facing south would ensure less of an impact on neighbours' privacy and less impact on the character of the area.
- ❖ Guest Houses are part of the fabric of residential areas, and if they operate within the parameters as stipulated in the Land Use Scheme, should have a minimal impact on the surrounding property owners.

**POINT 6**

- ❖ It is not clear if the existing landowner constructed the staircase, but every property owner has the responsibility to ensure all buildings / structures on the property are legal.
- ❖ The existing landowner fitted a third kitchen in the dwelling, enclosed areas off and rents it out on the internet as self-catering units. A notice was sent out to the existing landowners, but in terms of the objections and existing advertisements on the internet the units are still illegally being rented out.
- ❖ The penalty fee imposed is reasonable considering the scale of the illegal activities.

**15. ANNEXURES**

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site plan and parking layout plan
Annexure D:	Title Deed T38907/2021
Annexure E:	Objections received
Annexure F:	Applicant's response to objections
Annexure G:	Services Report
Annexure H:	Comment: Telkom

**SIGNATURES****AUTHOR:**Name: **HENK OLIVIER**SACPLAN Reg No: **B/8128/2004**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**REGISTERED PLANNER**Name: **H VAN DER STOEP**SACPLAN Reg No: **A/1708/2013**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_





## MOTIVATION

### 1. ABBREVIATIONS

<b>OM</b>	Overstrand Municipality
<b>OMLUS</b>	Overstrand Municipality Land Use Scheme, 2020
<b>BY-LAW</b>	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
<b>PSDF</b>	Western Cape Provincial Spatial Development Framework, 2014
<b>MSDF</b>	Overstrand Spatial Development Framework, 2020
<b>SR1</b>	Residential Zone 1: Single Residential

### 2. PROPERTY DETAILS

<b>Consultant</b>	WRAP Project Office
<b>Erf Number</b>	Erf 775 Vermont
<b>Extent</b>	773m <sup>2</sup>
<b>Zoning</b>	Residential Zone 1: Single Residential

### 3. BACKGROUND AND INTENT

The subject property, Erf 775 Vermont, is located in Shearwater Crescent, refer **Plan 1 - Locality Plan**. The property owner has appointed WRAP Project Office to submit a land use application on her behalf, refer **Annexure A - Power of Attorney**.

The owner acquired the property in 2021 and have renovated the majority of the existing structures on the property. The proposal is to add a second dwelling on top of existing garage and to connect it with the main dwelling through a series of decks. In addition to the second dwelling, the property owners envision utilising the main dwelling as a guest house. In their pursuit to achieve their intent, the property's title deed contains restrictive conditions that need to be removed.

In addition to the above mentioned, the property owner had divided the main dwelling and had been renting out the divided sections to transient guests. After receiving a notice from the OM, the property owner however reconverted the dwelling and is renting it out as a single self-catering unit which is in compliance with the OMLUS.

To ensure compliance with the OMLUS, approval of the following applications is required:

- Removal of Restrictive title deed conditions;
- Consent Use to allow a guest house;
- Permanent Departure from the side building line; and
- Determination of an administrative penalty.



**MOTIVATION**

**4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT**

WRAP compiled this report to ensure the property owner's requirements are met. The following is proposed:

**4.1 Removal of a restrictive title deed condition** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;

There are numerous title deed conditions that prohibit the property owner from utilising their property to its full extent as described in Section 3 and the rationale for the removal of these conditions are discussed below:

<b>Restrictive Title Deed Conditions</b>	
Condition E. a, c & d	<p>"E. <i>SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. T 2109/1948 in favour of "South Westerns Districts Land and Finance Corporation (Proprietary) Limited" (hereafter referred to as the "Transferor Company" and it's successors in title of the remaining land held by Deed of Transfer No T 7023/1935, viz:-</i></p> <p>"a) <i>Save with the consent of the Transferor company in writing no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 3,15 metres to the street line which forms a boundary of the said property, and no such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining lot, nor save with the consent aforesaid, may the said property of any lot if the property sold comprises more than one lot, be subdivided."</i></p> <p>c) <i>No canteen, hotel, restaurant, shop, factory, industry or any place of business whatsoever shall be opened or conducted on the said property except with the consent in writing of the Transferor Company.</i></p> <p>d) <i>Unless the permission of the Transferor Company in writing be obtained under condition (c) above the said property shall be used for residential purposes only and only one dwelling, together with such outbuildings as are ordinarily required for domestic purposes, shall be erected on any one lot in particular, subject to any permission granted as aforesaid, no structure or the type commonly known as "flats" shall be erected on the said property."</i></p>

The rationale for the removal of the restrictive title deed conditions is to enable the property owner to achieve her development intent highlighted in Section 3 and not be restricted in the future. Certain of the title deed conditions are more restrictive than what is allowed in terms of the OMLUS.



## MOTIVATION

The rationale for the removal of these restrictive title deed conditions will be discussed in detail in Section 7 of this report.

**4.2 Permanent Departure** from the 2m side building line to 1,2m to allow the existing steps in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

As discussed in section 3 above, the property owner has renovated the property and added steps that lead to the raised ground floor of the main dwelling. These steps are encroaching on the side building line. The encroaching structure only includes a landing and steps and is not considered as out of the ordinary for a residential area. The steps allow the property owner to access the back of the dwelling. The property owner did not have proper consultation with professionals and before the work was completed, after construction occurred, did the property owner realise that she was not allowed to place the steps over the building lines.

The total area that was constructed over the building line equates to  $\pm 0,68\text{m}^2$  of which is shared between the landing and steps which is covered by a roof.



Figure 1: Existing Steps.

The section that is located over the building line is located at a height of approximately 3,2m. The figure above is an extract from **Plan 4.1 – Site Plan (GF)** and **Annexure C – Architectural Drawings**.

The application is submitted to allow the steps to be retained in its current position, which is 1,2m from the side boundary. As the neighbours have become accustomed the existing steps and the use of the steps is not considered a nuisance and is not expected to negatively affect the surrounding property owners.



## MOTIVATION

### **4.3 Consent Use** to allow a guest house in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

In addition to removing the restrictive title deed conditions, the property owner has the vision to utilise the property's main dwelling as a guest house. The house currently has 7 bedrooms, and the vision is to utilise all seven bedrooms. The proposal is to utilise one of the bedrooms as a manager's room, the room will not be equipped with a kitchen and the manager will make use of the provisions of the guest house. Additionally, the property owners will also be utilising another existing bedroom as a linen room where the guest room's linen will be stored and prepared by the house keepers, meaning ironing and folding. The guest house will have five guest bedrooms, two on the ground floor and three on the first floor, refer to **Plan 5 – Guest House Operation Plan** for a visual illustration. The owner will reside in the proposed second dwelling on top of the garage.

In addition to the five guest bedrooms the main dwelling is equipped with two lounges and two kitchens with a braai room on the first floor that will be open to the guests for their convenience. Furthermore, a guest house can generate employment opportunities for the local workforce. Hiring staff members, such as housekeepers, and maintenance personnel, would not only provide stable jobs but also contribute to skills development and capacity building within the hospitality industry. By supporting job creation, the guest house would enhance the livelihoods of local residents and promote social well-being.

In addition to the economic advantages, a guest house can significantly contribute to the cultural enrichment of the area. As visitors stay at the guest house, they would have the opportunity to immerse themselves in the local culture, interact with the community, and experience the unique offerings of the Greater Hermanus area first hand. This cultural exchange can foster mutual understanding and appreciation, promoting a positive image of Greater Hermanus area as a welcoming and diverse destination.

Moreover, the establishment of a guest house aligns with the Municipality's efforts to promote sustainable tourism. By providing an alternative to large-scale hotels, a guest house offers a more intimate and personalized experience for guests, allowing them to connect with the local environment and heritage. This approach fosters a more sustainable form of tourism, minimizing the impact on natural resources and reducing carbon emissions associated with mass tourism. It supports the Municipality's vision of responsible tourism, ensuring the long-term preservation of the area's natural and cultural assets for future generations.

### **4.4 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

Since being notified, the property owner has ceased the contravening operations on the property. As previously mentioned, the property owner had divided the main dwelling into three self-catering units without the necessary approval. However, she has since discontinued this operation and reopened the divided sections, allowing the main dwelling to function as a unified unit. This adjustment has enabled her to rent out the entire house as a single entity.



## MOTIVATION

Additionally, the construction of the contravening stairs, as detailed in Section 4.2 of the application, exceeds the building line. In order to ensure compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, it is imperative to incorporate a determination of an administrative penalty within this application. Nevertheless, we would like to submit a request for the waiver of the administrative penalty, given that this application serves as a means to rectify the violations that have transpired.

Section 90(3) of the By-law requires the following information:

### **The nature, duration, gravity and extent of the contravention**

Section 4.2 indicate the nature and gravity the additions that were constructed.

The total extent of the building line encroachments is:

Covered Steps	±0,68m <sup>2</sup>
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### **The conduct of the person (allegedly) involved in the contravention.**

The intention was never to knowingly contravene the provisions of the OMLUS. The property owner is a foreign national and was not aware of the regulations and have since sought the assistance of professionals to guide her and provide assistance to ensure she abides by the required regulations.

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

Due to the small-scale nature of the encroachment no quantity surveyor was involved.

### **Whether the unlawful conduct was stopped**

The stairs have been built. The illegal use has been ceased and she has reconverted the alterations that had occurred.

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

To the knowledge of this office, the property owners have not previously contravened the By-Law.

## 5. APPLICATION

Considering the above, application is made for the following:

- 5.1 Removal of a restrictive title deed conditions** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.2 Permanent Departure** from the 2m side building line to 1,2m to allow the existing steps in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.3 Consent Use** to allow a guest house in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.4 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

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## MOTIVATION

### 6. LAND USE ENVIRONMENT

The subject property is located in the Vermont area, an established residential area located within Hermanus. The property is surrounded by Residential Zone 1: Single Residential. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

### 7. TITLE DEED

Title deed 38907/2021 (refer **Annexure B**) was perused and there are restrictive conditions that were inserted into the original title deed and transferred into the current title deed. These restrictive title deed conditions prohibit the property owner's intent.

#### Title deed restriction

- "E. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. T 2109/1948 in favour of "South Westerns Districts Land and Finance Corporation (Proprietary) Limited" (hereafter referred to as the "Transferor Company" and it's successors in title of the remaining land held by Deed of Transfer No T 7023/1935, viz:-
- "a) Save with the consent of the Transferor company in writing no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 3,15 metres to the street line which forms a boundary of the said property, and no such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining lot, nor save with the consent aforesaid, may the said property of any lot if the property sold comprises more than one lot, be subdivided."
  - c) No canteen, hotel, restaurant, shop, factory, industry or any place of business whatsoever shall be opened or conducted on the said property except with the consent in writing of the Transferor Company.
  - d) Unless the permission of the Transferor Company in writing be obtained under condition (c) above the said property shall be used for residential purposes only and only one dwelling, together with such outbuildings as are ordinarily required for domestic purposes, shall be erected on any one lot in particular, subject to any permission granted as aforesaid, no structure or the type commonly known as "flats" shall be erected on the said property."

#### Motivation

##### **The rationale for the proposed removal**

The subject property has been improved with the additions and the dwelling house. The existing structures have already encroached on the title deed building lines which is more restrictive than the OMLUS. Refer to **Plan 4.1 & 4.2 – Site Plans** and **Annexure C – Architectural Drawings**. The property owners were unaware of the restriction contained within the title deed. The current title deed conditions are more restrictive than what is allowed in the OMLUS and the residential properties in the Overstrand area.

In addition, the property owner has requested that condition E(c)& (d) also be removed as she wishes to utilise the main dwelling as a guest house which may be considered as a business and add a new second dwelling on top of the garage and utilising that available space.



## MOTIVATION

### Title deed condition background

The restrictive title deed conditions were originally intended to protect the residential character of the Vermont area, but with the introduction of more overarching and stringent town planning regulations in place, the title deed building lines are proposed to be removed.

### Status quo

The current OMLUS has clear development guidelines in place to ensure that the whole of the Overstrand Area's residential properties is managed in a similar manner. The title deed conditions are more restrictive than the OMLUS and the property owner has already encroached thereon. The removal of these conditions will bring the subject property in-line with what is allowed on a single residential property.

The current and future development of the property is being restricted by these title deed conditions. These conditions made sense when no clear development guidelines existed. With the restrictive conditions being more restrictive than the land use scheme and policies of the Overstrand Municipality, the property owners will not be able to utilise their property to its full extent.

In terms of the requirements of LUPA, the following information is addressed in terms of Section 39(5)(a-f):

<b>LUPA, Section 39(5) (a-f)</b>	
<i>(a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;</i>	No person or entity will be affected financially by the removal of the restrictive title deed condition.
<i>(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;</i>	No person is directly benefitting from this condition as the condition is only restricting the property owners.
<i>(c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;</i>	The property owner will be gaining from the removal of the restrictive condition as it will allow them to utilise their property to its full extent.
<i>(d) the social benefit of the restrictive condition remaining in place in its existing form;</i> <i>(e) the social benefit of the removal, suspension or amendment of the restrictive condition; and</i>	This restrictive condition does not have a social benefit.
<i>(f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.</i>	There is no specific beneficiary of the condition, and no person or entity will be affected if these are removed.

**MOTIVATION**

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**8. ZONING**

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The following zoning parameters were assessed in conjunction with the SR1 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:



**MOTIVATION**

<b>RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL</b>			
<b>Land Use Restrictions</b>			
	<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>
<b>Primary use</b>	Crèche, <b>Dwelling House</b> , Guest Rooms, Home Occupation, <b>Second Dwelling Unit</b> and Self-Catering.	Dwelling House, Second Dwelling Unit	Comply
<b>Consent use</b>	Day Care Centre, Green House, <b>Guest House</b> , House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	Guest House	Applied for and motivated
<b>Development parameters</b>			
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area: 400m <sup>2</sup> and greater = 50%	<u>Existing Extent</u> = 773m <sup>2</sup> Proposed Coverage = 287.27m <sup>2</sup> / 37,16%	Comply
<b>Building lines</b>	(i) The street building line is determined in accordance with the net erf area: <ul style="list-style-type: none"> <li>• 400 m<sup>2</sup> and greater = 4m</li> </ul> (ii) The side and rear building lines are determined in accordance with the net erf area: <ul style="list-style-type: none"> <li>• Greater than 400 m<sup>2</sup> = 2m</li> </ul>	The street building lines are being adhered to. <ul style="list-style-type: none"> <li>• Permanent Departure from the 2m side building line to 1,2m.</li> </ul>	Deviate
<b>Height</b>	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	The proposed dwelling will adhere to the 8,0m building line.	Comply
<b>Garages and carports</b>	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.		Comply
<b>Parking</b>		5 Guest Rooms = <b>5 Parking Bays</b> Main Dwelling / Manager = <b>2 Parking Bays</b> Second Dwelling = <b>1 Parking Bay</b> Total Parking Bays required = <b>8 Parking Bays</b> <b>Total Parking Bays provided = 8 Parking Bays</b>	



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 will be connected to the existing networks in the area, which include electricity, water and sewage. The proposal of this application is not anticipated to drastically influence the existing services in the area.

Solid waste will be collected every week by the OM.

**Access and Egress**

Access and egress to the property will be gained from Shearwater Crescent.

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 need for the land use application was a result of addressing all the land use requirements and ensuring the property meets the requirements of the property owners. To achieve this, the property owners are required to apply for the removal of the restrictive title deed condition.

<p>Socio-economic impact</p>	<p>The removal of the restrictive title deed condition and permanent departures are not predicted to have a socio-economic impact.</p> <p>The Guest House:</p> <ul style="list-style-type: none"> <li>• <b>Employment Generation:</b> A guest house requires staff members such as receptionists, housekeepers, and maintenance personnel, creating job opportunities and reducing unemployment rates within the local community.</li> <li>• <b>Economic Boost:</b> The operation of a guest house attracts tourists and visitors to the area, resulting in increased spending on local goods and services. This stimulates the local economy, benefiting businesses such as restaurants, shops, tour operators, and transportation services.</li> <li>• <b>Small Business Support:</b> Guest houses often collaborate with local suppliers for various needs, such as food, beverages, and other amenities. By sourcing from local businesses, guest houses contribute to their success and sustainability, further strengthening the local economy.</li> </ul>
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## MOTIVATION

	<ul style="list-style-type: none"> <li>• Cultural Exchange: Guest houses provide a platform for cultural exchange between guests and the local community. Visitors have the opportunity to learn about the local culture, traditions, and way of life, while residents can share their experiences and knowledge, fostering cultural appreciation and understanding.</li> </ul>
Compatibility with surrounding uses	<ul style="list-style-type: none"> <li>• Architectural Harmony: The design and architecture of the guest house and second dwelling, is in harmony with existing buildings in the area. Scale, materials, and architectural styles were considered.</li> <li>• Traffic and Parking Management: Adequate on-site parking will be provided to minimize congestion and inconvenience to the surrounding residents.</li> <li>• The property owners will have an open communication system that will maintain open and transparent communication with the surrounding residents and stakeholders throughout the process.</li> </ul>
Impact on the external engineering services	Refer Section 9.
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.
Impact on heritage	The proposed improvement to the property is not expected to have a negative impact on heritage as the structure is not considered important in terms of heritage and is not older than 60 years.
Impact on the biophysical environment	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 is not predicted to have a significant impact on traffic, parking or access.

### **Impact on views, sunlight and character of the area**

The subject property is situated within a residential neighbourhood, and the proposed operation of the guest house within the existing main dwelling is not anticipated to have any adverse effects on the surrounding area.

Additionally, the second dwelling's construction will align with the layout as proposed in Plan 4.1 & 4.2. It is important to note that these uses comply with the provisions of the Land Use Management Scheme. Therefore, measures have been taken to ensure that the views, sunlight, and overall character of the area will be unaffected by the proposed changes.

### **Economic Impact**

Approval of the applications will allow the property owner to utilise the property as a guest house which will unlock employment as a guest house requires staff members such as receptionists, housekeepers, and maintenance personnel, creating jobs and reducing the unemployment rates within the local community. Economic Boost: The operation of a guest

File 23/76

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August and amended September 2023

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## MOTIVATION

house attracts tourists and visitors to the area, resulting in increased spending on local goods and services. This stimulates the local economy, benefiting businesses such as restaurants, shops, tour operators, and transportation services enterprises that will in turn employ local people that will aid in the daily operations of the businesses.

### **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.

### **Environmental impact**

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

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## 11. POLICIES AND REGULATIONS

### **11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)**

The property is not located within the HPOZ.

### **11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)**

The property is not located within the HPOZ.

### **11.3 Spatial Planning Policies**

The consistency and inconsistency of this proposal with the applicable spatial development policies will herewith be illustrated. The spatial policies which are pertinent to the submitted proposal are the following:

#### **PSDF**

The PSDF is a product of a provincial inter-departmental and inter-governmental collaboration under the guidance of the inter-departmental steering committee in collaboration with the private sector, academia, and non-governmental organisations. This broad participatory process has created a shared spatial vision that is intended to inform spatial development patterns in urban and rural areas in the province.

Throughout the PSDF economic development is a widespread term used and focussed on. Economic development is an aspect that is important to ensure the Provincial economy has a large impact on the National economy.

The continual growth of the Provincial economy means that economic activity should be stimulated in other spheres of the government. Approval of this application will provide a guest house in an area where economic activity is relatively low as the area is a residential area, with a few home occupation practices in the area. The application then relates to the development of economic activity which is in line with the PSDF.

#### **MSDF**

The broad policy objectives of the SDF include enhancing the image of the Overstrand as a liveable urban area that provides a range of facilities and activities which tourists can enjoy. Development proposals should also capitalise on the unique sense of place which urban areas in the Overstrand are renowned for. The SDF promotes developments that



## MOTIVATION

enhance the visual quality and attraction of the built environments while preserving the social and cultural attributes which are valued by inhabitants.

### **Consistency of the proposal with the policy**

The spatial proposal plan designates the subject property for residential purposes and the proposed guest houses on the property is in harmony with this designation.

The policy cites that tourism destinations need to be accessible, safe and attractive through maintaining current facilities and developing new ones. This proposal entails the operation of the guest house and adding a second dwelling unit onto the property. The guest house allows the property to provide additional tourist accommodation that is accessible and with a variety of safety and security measures as prescribed by the policy.

The policy highlights that development proposals should ideally protect the unique character of the Greater Hermanus. The building is within the development bulk and scale of the SR1 zoning, and the guest house will be in harmony with the prevalence of other guest houses within the Greater Hermanus area.



## MOTIVATION

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### 12. PLANNING PRINCIPLES

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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**

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal to operate a guest house is not predicted to contribute to past spatial injustices.

#### **Spatial sustainability and Efficiency**

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal to continue the utilisation of the property for more than just a residential property and operate a guest house which will ensure the property is being used for its maximum capabilities.

#### **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. 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

The proposal aims to allow the property owner permission to establish a guest house while simultaneously removing restrictive title deed conditions. As motivated throughout the application, the establishment of the guest house is expected to generate additional employment opportunities and diversify the property's utilization beyond residential accommodation for a single family.

Furthermore, the application was required to address past violations that had taken place. As indicated, the property owner has acquainted herself with the OMLUS and have engaged WRAP to submit the application on their behalf. They have also taken corrective measures to rectify the property, enabling the operation of the entire dwelling as a single unit that aligns with the provisions of the OMLUS. This application also serves as a method to seek waiving of the administrative penalty, considering the absence of malicious intent and the lack of any reported complaints.

The proposal remains consistent with the surrounding area and does not constitute any nuisance land uses. These proposals are aligned with the spatial planning policies, which the property owner took into consideration and is applying for uses that have been aligned with these relevant spatial planning policies.

### 14. RECOMMENDATION

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

- 14.1 Removal of a restrictive title deed condition** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 14.2 Permanent Departure** from the 2m side building line to 1,2m to allow the existing steps in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 14.3 Consent Use** for a guest house in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 14.4 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



5. Guest House Operations  
Erf 775 - Vermont

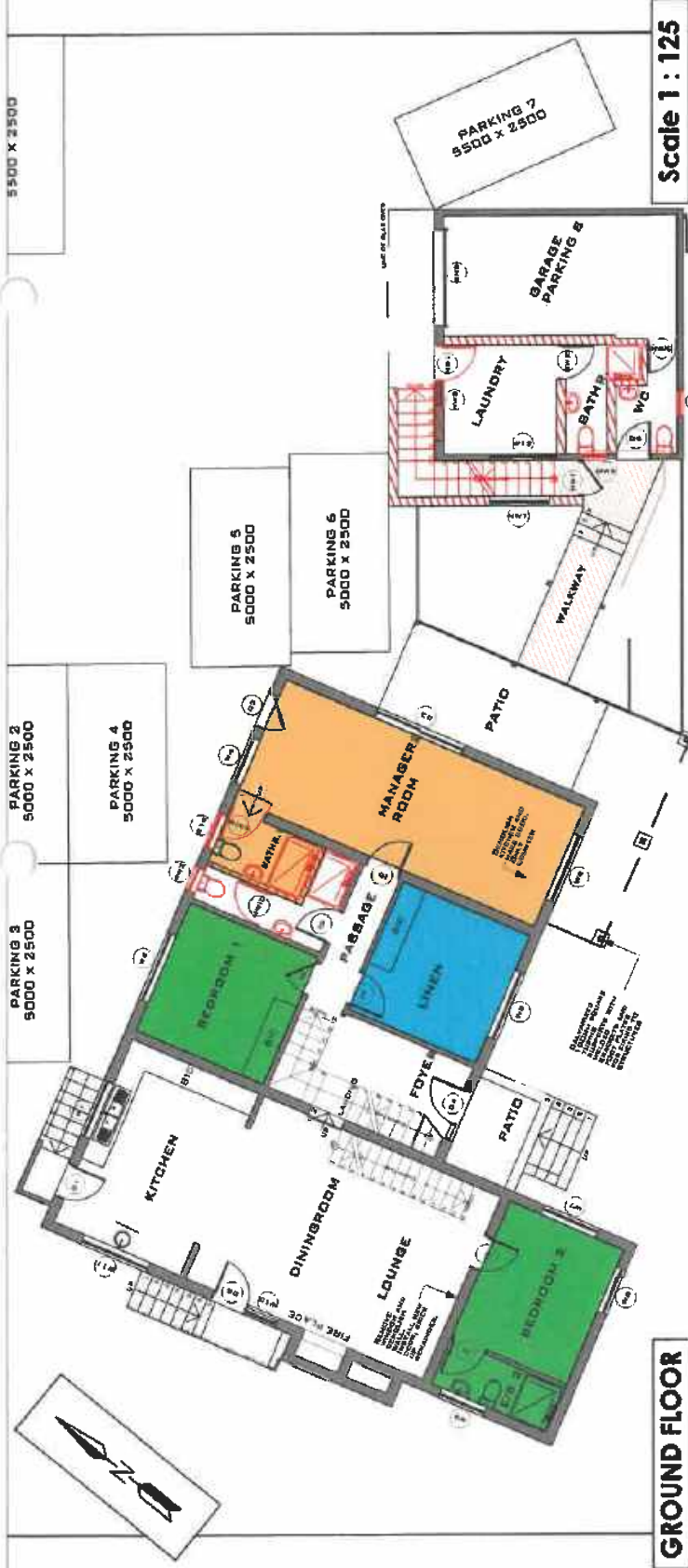
2 - Ground Floor Guest Rooms  
3 - First Floor Guest Rooms

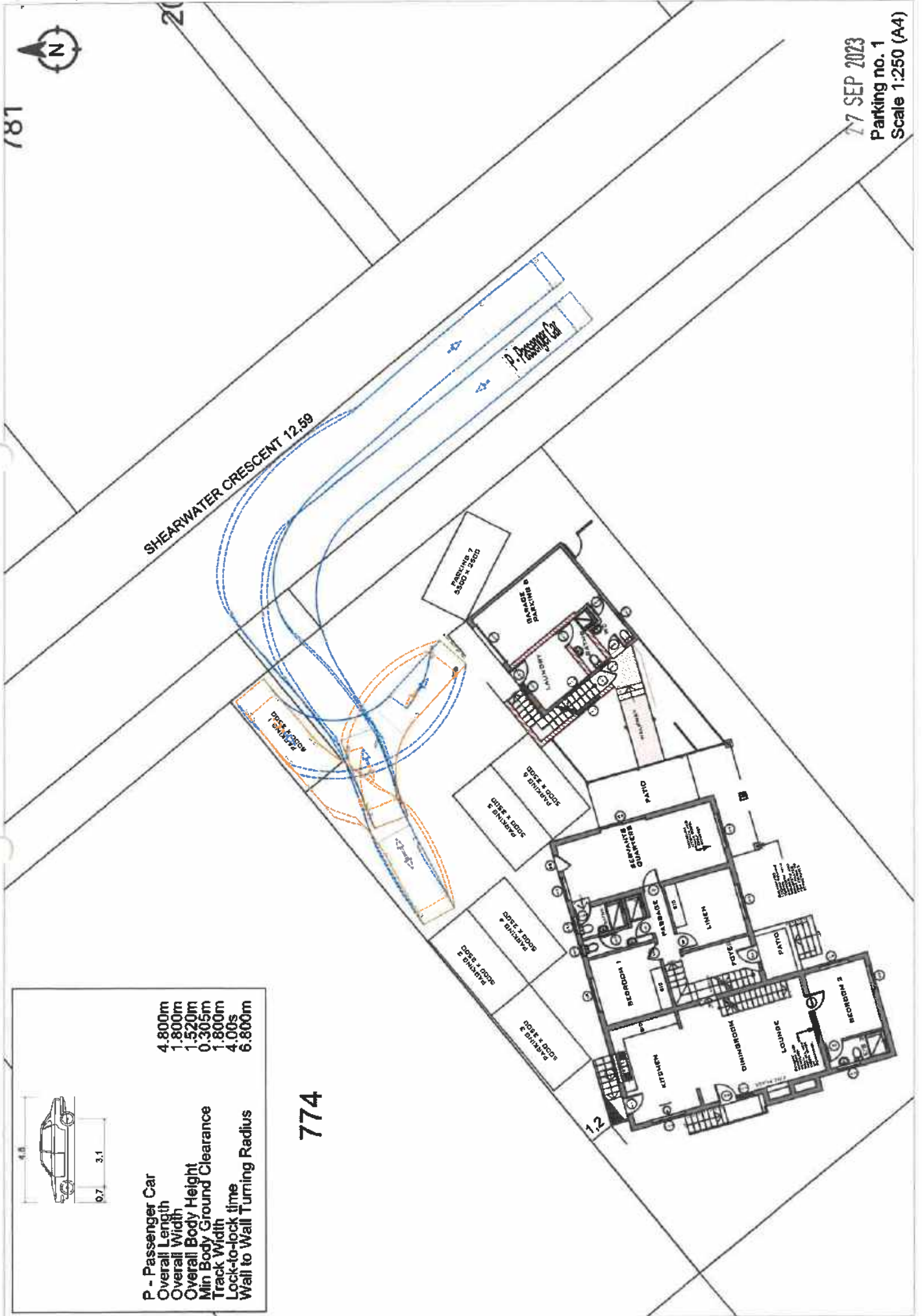
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2/9  
27 SEP 2023

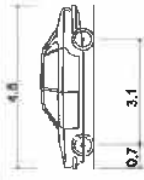
Plan prepared by: Thian Jansen  
Based on plans prepared by Grow Architecture  
All distances are approximate  
and subject to a survey

Tel: 028 313 1411  
Email: admin@wrapgroup.co.za  
Unit B, Standard House, Corner of Royal and Dikie Uys  
Street Hermanus, 7200





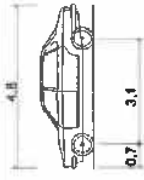
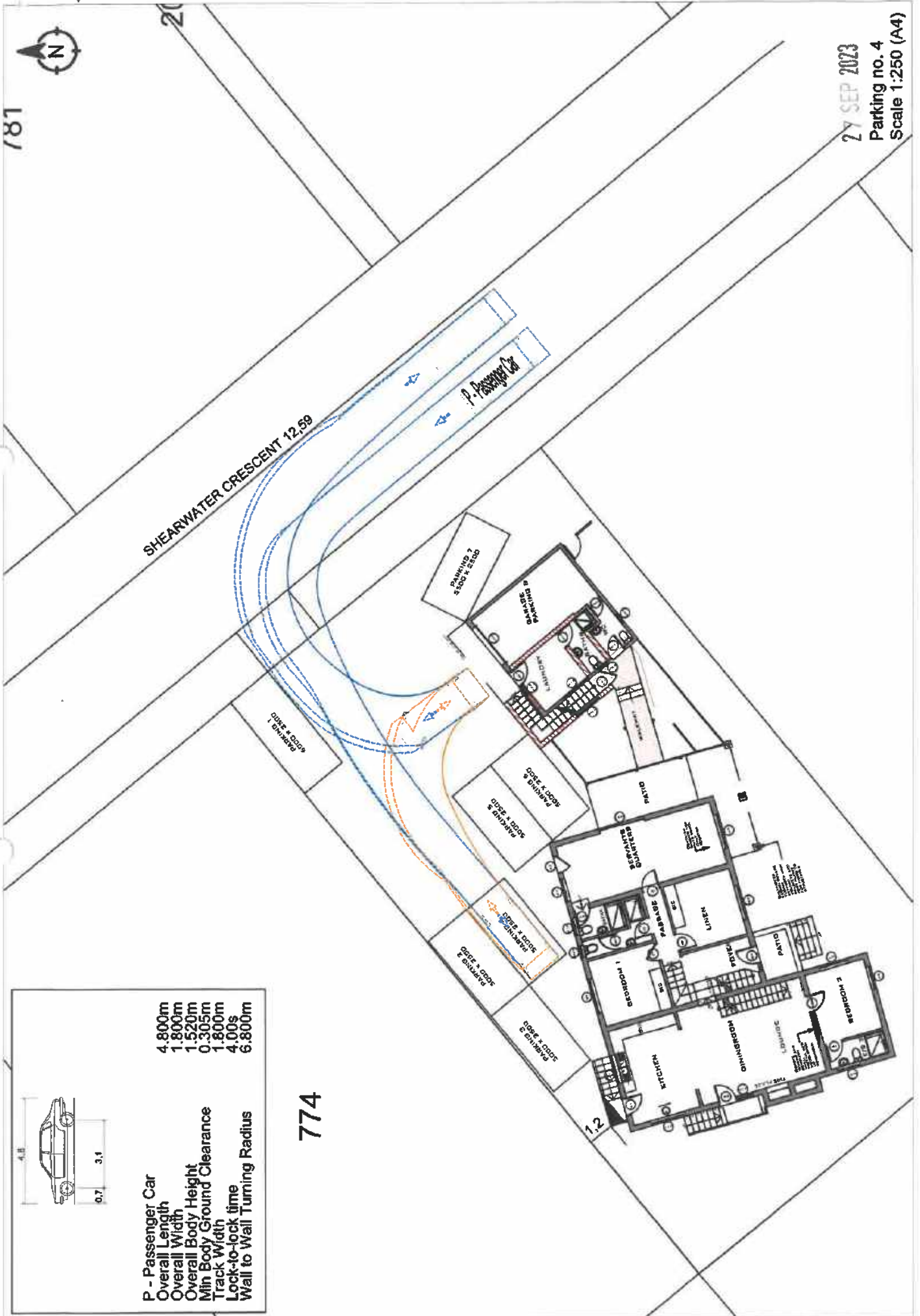
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- Overall Length 4.800m
- Overall Width 1.800m
- Overall Body Height 1.520m
- Min Body Ground Clearance 0.305m
- Track Width 1.800m
- Lock-to-lock time 4.00s
- Wall to Wall Turning Radius 6.800m



774

27 SEP 2023  
 Parking no. 1  
 Scale 1:250 (A4)





- P - Passenger Car
- Overall Length 4.800m
- Overall Width 1.800m
- Overall Height 1.520m
- Min Body Ground Clearance 0.305m
- Track Width 1.600m
- Lock-to-lock time 4.00s
- Wall to Wall Turning Radius 6.800m

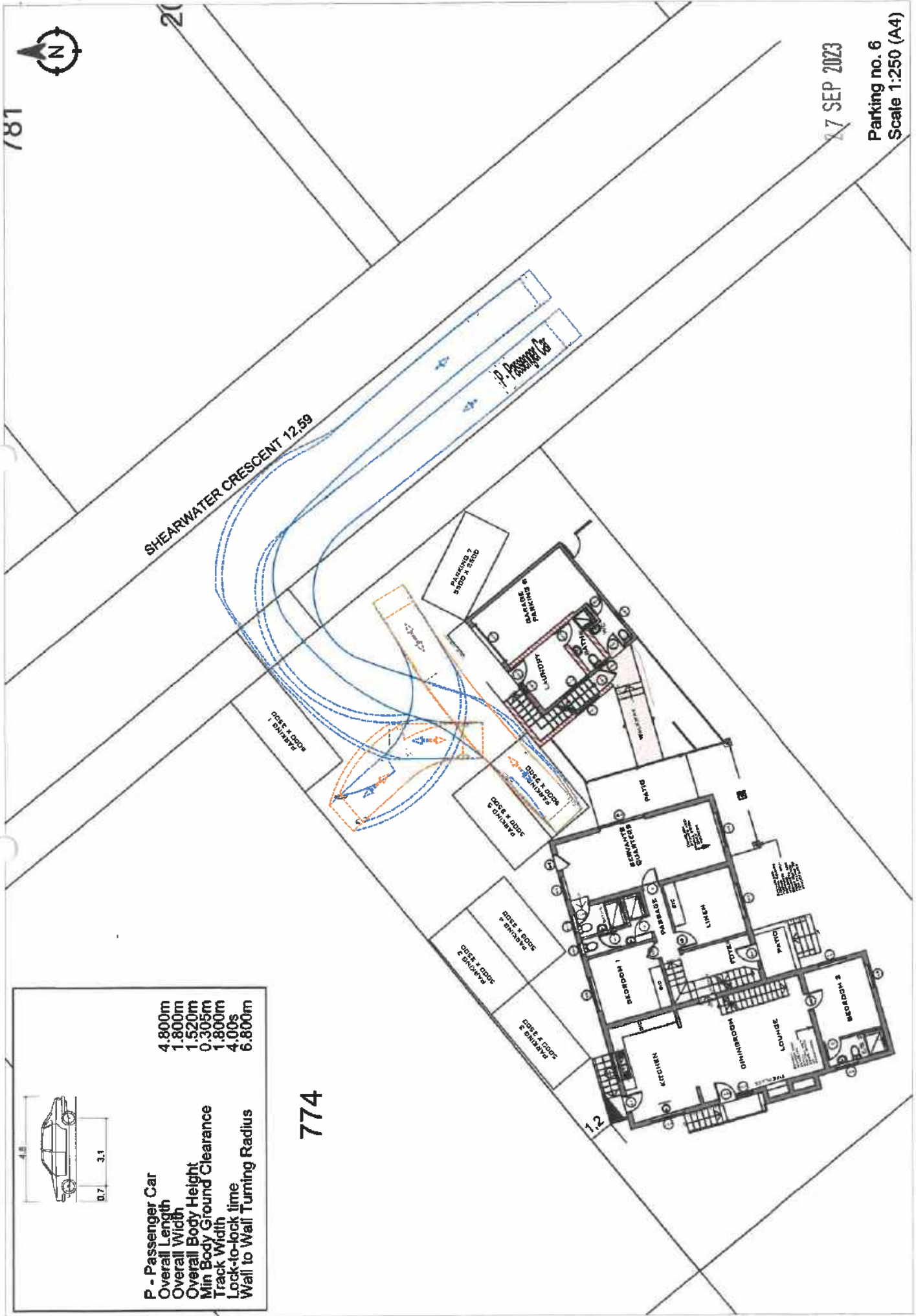
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SHEARWATER CRESCENT 12,59

P - Passenger Car

27 SEP 2023  
 Parking no. 4  
 Scale 1:250 (A4)



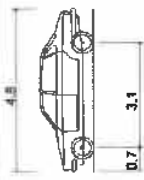


17 SEP 2023

Parking no. 6

Scale 1:250 (A4)

- P - Passenger Car
- Overall Length 4.800m
- Overall Width 1.800m
- Overall Body Height 1.520m
- Min Body Ground Clearance 0.305m
- Track Width 1.800m
- Lock-to-lock time 4.00s
- Wall to Wall Turning Radius 6.800m



774

781



SHEARWATER CRESCENT 12.99

P - Passenger Car

RECEPTION 7  
3500 x 2000

LOBBY  
2000 x 2000

PARKING 5 DRIVE  
2000 x 2000

PARKING 6 DRIVE  
2000 x 2000

PARKING 7 DRIVE  
2000 x 2000

PARKING 8 DRIVE  
2000 x 2000

1,2

RECEPTION 1  
2000 x 2000

LOBBY  
2000 x 2000

DINING ROOM  
2000 x 2000

KITCHEN  
2000 x 2000

LOUNGE  
2000 x 2000

RECEPTION 2  
2000 x 2000

PARKING 9 DRIVE  
2000 x 2000

PARKING 10 DRIVE  
2000 x 2000

PARKING 11 DRIVE  
2000 x 2000

PARKING 12 DRIVE  
2000 x 2000

PARKING 13 DRIVE  
2000 x 2000

PARKING 14 DRIVE  
2000 x 2000

RECEPTION 3  
2000 x 2000

LOBBY  
2000 x 2000

DINING ROOM  
2000 x 2000

KITCHEN  
2000 x 2000

LOUNGE  
2000 x 2000

RECEPTION 4  
2000 x 2000

PARKING 15 DRIVE  
2000 x 2000

PARKING 16 DRIVE  
2000 x 2000

PARKING 17 DRIVE  
2000 x 2000

PARKING 18 DRIVE  
2000 x 2000

PARKING 19 DRIVE  
2000 x 2000

PARKING 20 DRIVE  
2000 x 2000

RECEPTION 5  
2000 x 2000

LOBBY  
2000 x 2000

DINING ROOM  
2000 x 2000

KITCHEN  
2000 x 2000

LOUNGE  
2000 x 2000

RECEPTION 6  
2000 x 2000

PARKING 21 DRIVE  
2000 x 2000

PARKING 22 DRIVE  
2000 x 2000

PARKING 23 DRIVE  
2000 x 2000

PARKING 24 DRIVE  
2000 x 2000

PARKING 25 DRIVE  
2000 x 2000

PARKING 26 DRIVE  
2000 x 2000

RECEPTION 8  
2000 x 2000

LOBBY  
2000 x 2000

DINING ROOM  
2000 x 2000

KITCHEN  
2000 x 2000

LOUNGE  
2000 x 2000

RECEPTION 9  
2000 x 2000

PARKING 27 DRIVE  
2000 x 2000

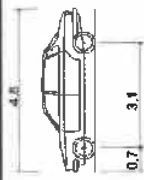
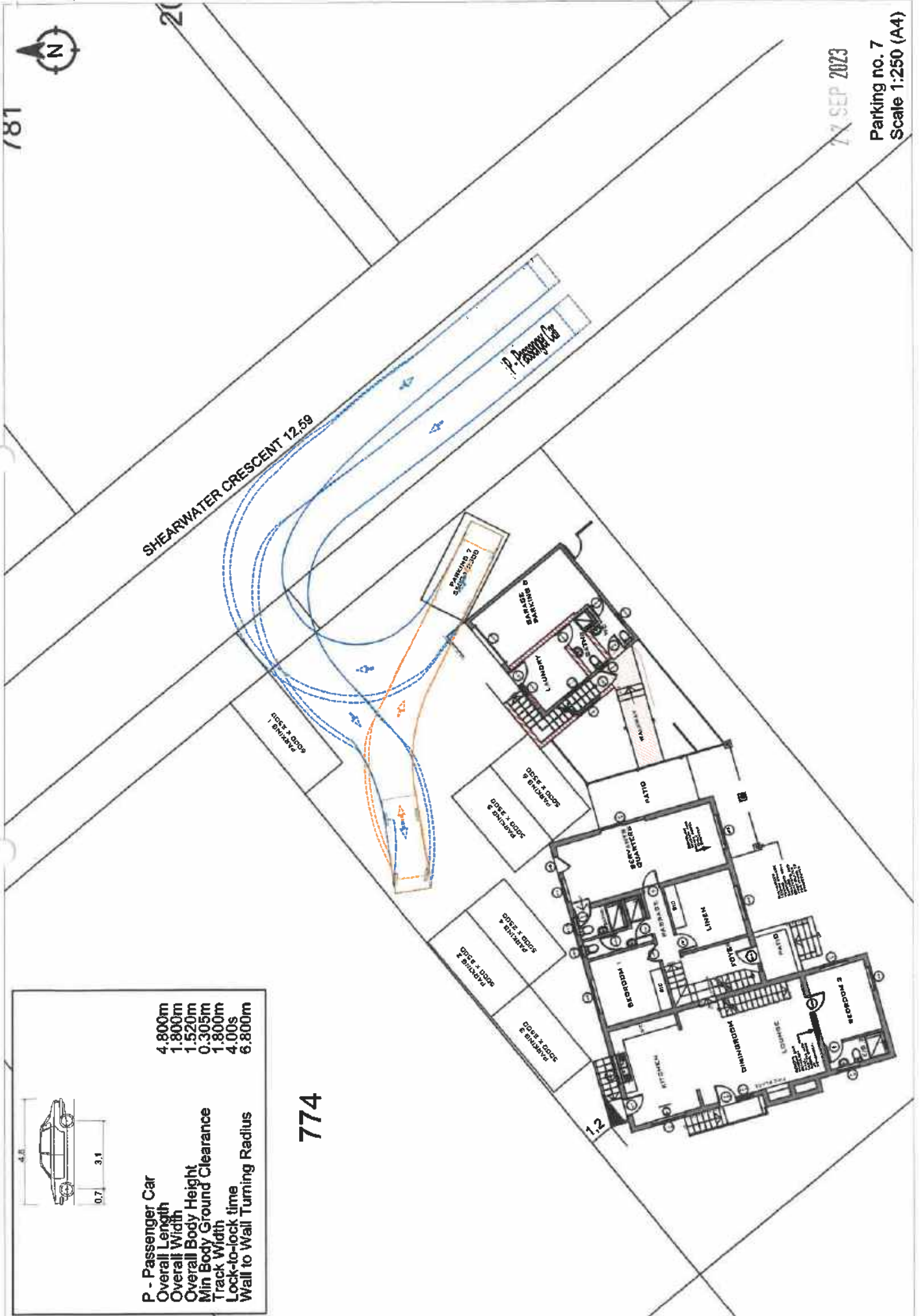
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PARKING 29 DRIVE  
2000 x 2000

PARKING 30 DRIVE  
2000 x 2000

PARKING 31 DRIVE  
2000 x 2000

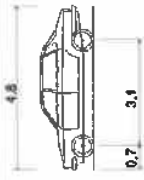
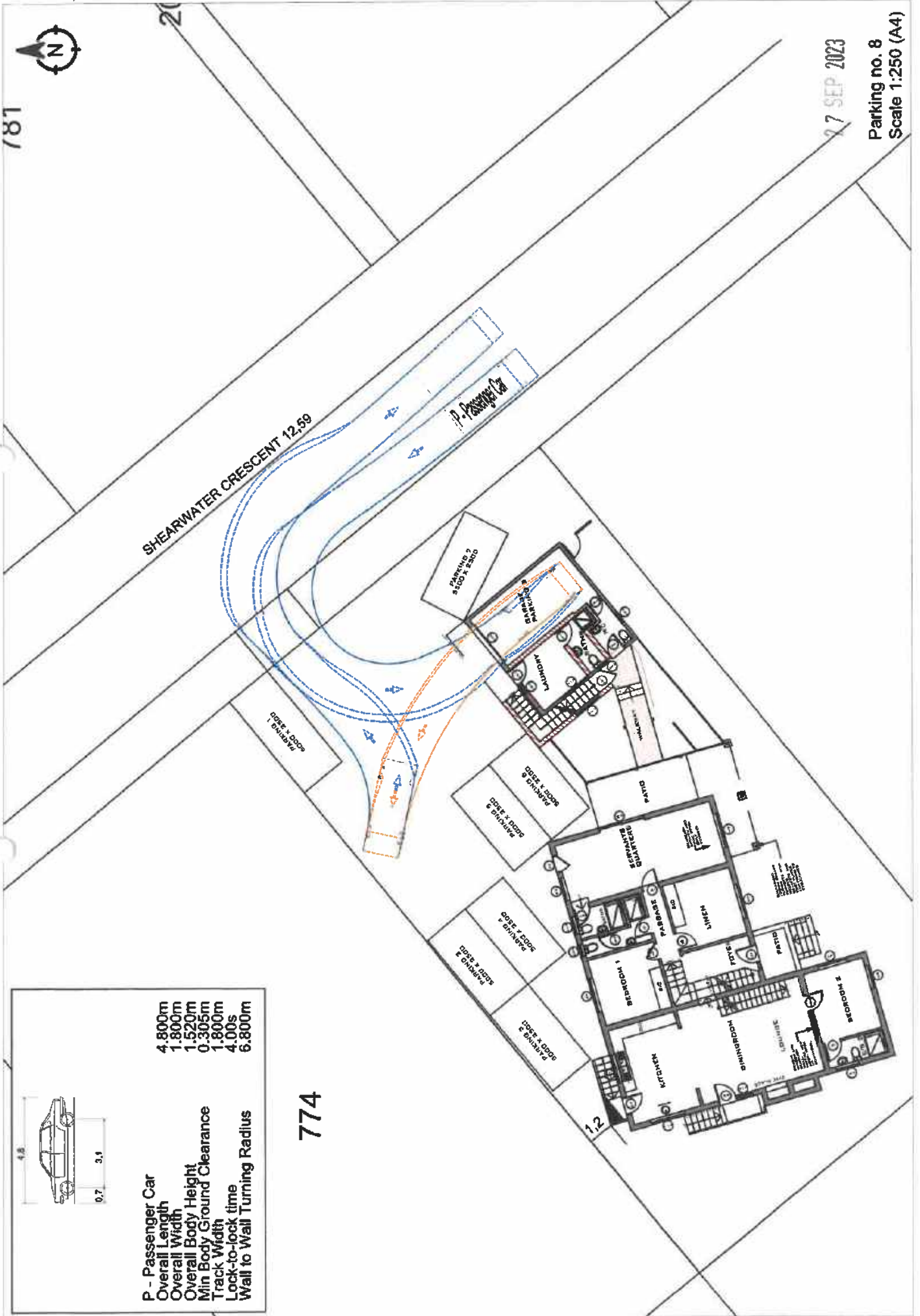
PARKING 32 DRIVE  
2000 x 2000



- P - Passenger Car
- Overall Length 4.800m
- Overall Width 1.800m
- Overall Body Height 1.520m
- Min Body Ground Clearance 0.305m
- Track Width 1.800m
- Lock-to-lock time 4.00s
- Wall to Wall Turning Radius 6.800m

774

27 SEP 2023  
Parking no. 7  
Scale 1:250 (A4)



- P - Passenger Car
- Overall Length 4.800m
- Overall Width 1.800m
- Overall Body Height 1.520m
- Min Body Ground Clearance 0.305m
- Track Width 1.800m
- Lock-to-lock time 4.00s
- Wall to Wall Turning Radius 6.800m

774

27 SEP 2023

Parking no. 8  
Scale 1:250 (A4)

**1342**SNYMANS INCORPORATED  
021 003 0297

Prepared by me

CONVEYANCER  
CARA HENDRICKS (96080)

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 2010000.00	R. 1778.00
Reason for exemption	Category Exemption	Exemption i.o. Sec/Reg. Act/Proc.

**DATA / VERIFY**  
04-09-2021  
NOLUVO MTYATYAMBA

**DATA / CAPTURE**  
02-09-2021  
LITHA VUYO MADAMA

T 000038907 2021

**DEED OF TRANSFER**

BE IT HEREBY MADE KNOWN THAT

**JENNIFER NORRIS (85277)**

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

**PETRUS MARTHINUS STEPHANUS VAN HEERDEN**

Identity Number 560501 5024 087

and

**CHRISTA MARIA VAN HEERDEN**

Identity Number 600520 0109 083

- Married in community of property to each other

which said Power of Attorney was signed at Hermanus on 18 June 2021

And the appearer declared that his/her said principal had, on 19 May 2021, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**KATICA PALIC**  
Born on 12 March 1961  
Unmarried

her Heirs, Executors, Administrators or Assigns, in full and free property

ERF 775 VERMONT,  
IN THE OVERSTRAND MUNICIPALITY  
CALEDON DIVISION  
WESTERN CAPE PROVINCE

IN EXTENT 773 (SEVEN HUNDRED AND SEVENTY THREE) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T2109/1948 with General Plan No. 2541/46 relating thereto and held by Deed of Transfer Number T56800/2009

- A. SUBJECT to the conditions referred to in Deed of Transfer No. T12129/1971.
- B. ENTITLED to the benefits of rights contained in the endorsement dated 16 September 1924 on Deed of Transfer No. T2258/1921, that reads as follows: -

"BY Notarial Deed dated 31<sup>st</sup> July 1924 (1) condition (1) in Transfer No 7685 dated 9 September 1913 re sale of liquor has been cancelled and (2) conditions (2) in said Deed of Transfer 7685 re water rights have been varied as will more fully appear on reference to the copy annexed hereto."

- C. SUBJECT FURTHER to the conditions mentioned in Notarial Deed dated 11 April 1930 attached to Deed of Transfer no. T9286/1925 and referred to in the endorsement thereon dated 29 April 1930, which reads as follows: -

"By Notarial Deed dated 11 April 1930 a restriction has been imposed upon the remainder of the land held hereunder that no liquor shall be sold thereon without the consent of the present or future proprietors of the property held under Transfer 53 dated 5<sup>th</sup> January 1918 as will more fully appear on reference to the copy annexed thereto".

- D. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No T 2287/1935, namely: -

"SUBJECT to the conditions that the present and future proprietors of all erven sold and transferred in the Township of Vermont (as shown on the General Plan No. V34) shall be entitled by means of the existing system of distribution laid down and situate on the said remaining extent of Lot no 1 of Orrus River and Reezigt, to a reasonable supply of water for domestic purposes if available, and that they shall have the right to impose a reasonable charge for any repairs and maintenance of the various pipelines and for the use and distribution of water.

- E. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. T 2109/1948 in favour of "South Westerns Districts Land and Finance Corporation (Proprietary) Limited" (hereafter referred to as the "Transferor Company" and it's successors in title of the remaining land held by Deed of Transfer No T 7023/1935, viz:-

- a) "Save with the consent of the Transferor company in writing no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 3,15 metres to the street line which forms a boundary of the said property, and no such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining lot, nor save with the consent aforesaid, may the said property of any lot if the property sold comprises more than one lot, be subdivided.
- b) No building shall be erected on the said property unless plans (including one showing siting of proposed buildings) and the specifications have been previously submitted and are approved by the Transferor company in writing in addition to the requirements of any Local Authority in control over the area of the Township.
- c) No canteen, hotel, restaurant, shop, factory, industry or any place of business whatsoever shall be opened or conducted on the said property except with the consent in writing of the Transferor Company.
- d) Unless the permission of the Transferor Company in writing be obtained under condition (c) above the said property shall be used for residential purposes only and only one dwelling, together with such outbuildings as are ordinarily required for domestic purposes, shall be erected on any one lot in



particular, subject to any permission granted as aforesaid, no structure or the type commonly known as "flats" shall be erected on the said property.

- e) The owner of the said property shall be obliged to allow the drainage or sewerage of any other lot to be conveyed over such property if deemed necessary by the Local Authority and in such manner and in such position as may from time to time be reasonably required by the said Local Authority.

**ALL** the conditions E(a), E(c), E(d) and E(e) set out above shall be binding on the transferee and his successors in title to the said property, but the Transferor Company reserves the right to sell any other lots in the said Vermont Township free from any

**AFTER** the Transferor Company has ceased to be the owner of any property under the said Deed of Transfer No 7023/1935 or of any lot in the Vermont Township under any other Deed of Title, the power of permission and approval vested in the Transferor Company under the aforesaid conditions (a) to (d) inclusive shall be exercisable by the Local Authority for the time being in control of the area of the Vermont Township.

Handwritten signature and initials in the bottom right corner of the page.

WHEREFORE the said Appearer, renouncing all rights and title which the said

**PETRUS MARTHINUS STEPHANUS VAN HEERDEN and CHRISTA MARIA VAN HEERDEN, Married as aforesaid**

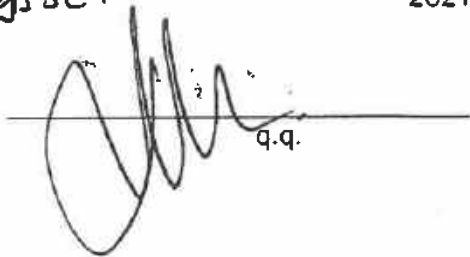
heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**KATICA PALIC, Unmarried**

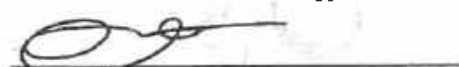
her Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R2 010 000,00 (TWO MILLION TEN THOUSAND RAND).



IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 17 August 2021

  
q.q.

In my presence

  
REGISTRAR OF DEEDS



Annexure E 1/44

15 Shearwater Crescent  
VERMONT  
7201  
22 January 2024

**RE: OBJECTION - PROPOSED DEVELOPMENT ERF 775 - 13 SHEARWATER CRESCENT - VERMONT**

We, the owners of 15 Shearwater crescent, Erf 774, Vermont, hereby object to the proposed development for the above- mentioned property.

We have previously logged a complaint to the planning department of the Overstrand municipality in FEBRUARY 2023 about the activities on Shearwater 13.

**Comments on the municipal notice no. 197/2023 regarding the removal of restrictive title deed conditions on erf 775, Shearwater 13, Vermont.**

**1. Referring to Paragraph 3 page 1 ...BACKGROUND AND INTENT**

Since the owner acquired the property in 2021, she had renovated the existing structure into three separate self-catering units. It has never been reconverted or been rented out as a single self-catering unit. It has been rented out as three separate units until today. The statement that she has "converted the dwelling and is renting it out as a single self-catering unit in compliance with the OMLUS" is untrue. As direct neighbours and with a clear view of what is going on next door, we observed numerous cars from all over South-Africa booked in during the same days. It was clear that these guests had nothing to do with one another. A look into the bookings for the past year will reveal the truth. The advertisements for these units are still running, clearly showing that there are three different "houses" (as it is called in the advertisements).

Photo's from advertisements attached show different kitchens, therefor 3 dwellings. In the client comments, one of the clients even stated that one must make sure which unit you are renting, because not all units have sea-view. (attached in photo's)

**2. Paragraph 4.2: Permanent departure from the 2 m side building line to 1.2 m**

As the neighbours on the side where the steps are, we object to the statements: "the neighbours have become accustomed to the existing steps", "...is not considered a nuisance", And "not expected to negatively affect the surrounding property owners".

This door is used as an entrance to one of the units, and the rolling in and out of luggage on the paving late at night, loud greeting and discussions about travelling etc is annoying.

We haven't had a say when the construction was done, and more importantly: if we allow the building line to be relaxed, then the owner will be allowed to build up to two storey height on the relaxed building line. THAT will surely negatively affect us.

In 2021, a new back entrance has been added to the back of the building. Why the need for two back doors?

FILE NO. Erf 775-HNM
SCAN NO. HVM 775
1996308
COLLABORATOR NO

TP 13 FEB 2024

### 3. Consent Use ...page 4

To utilise the property as a guest house will not reduce the impact of guests on the neighbourhood. When the owner bought the property, she was well aware of the fact that the property is located in the Vermont area, an **"ESTABLISHED RESIDENTIAL AREA, SURROUND BY RESIDENTIAL ZONE 1"**, "Single residential" as stated in paragraph 6 on page 6.

*WE BOUGHT IN THIS QUIET STREET IN VERMONT WITH ONLY 11 HOUSES IN THIS SECTION OF SHEARWATER CRESCENT IN 2015. WE DID NOT WANT TO BE PART OF THE BUSIER PARTS OF VERMONT, AND THAT WAS WHAT WE WERE LOOKING FOR.*

*The peace and quiet and calm neighbourhood were perfect for retirement. We loved nature around us in the green belts. We loved the dark night skies and almost no cars in our street. We loved the fact that there are no street lamps for this section of our street.*

*Since the house in nr 13 has been rented out as self-catering units, we have lost our peace and quiet. The owner admitted that she had divided and rented out the building without the necessary approval. We want to state that SHE DID NOT DISCONTINUE the operation and that she still rents out three kitchen-equipped self-catering units that she advertises on various sites for any one to see.*

*It was evident from the start that the new owner was bulldozing forward with no compassion for any-one. Flood lights are on all night for the "safety" of the guests, glaring white light into our house; guests coming and going and greeting loudly all day and night; car doors and boots being opened and closed as new guests arrive; cars hooting to be let in; cars parked in the street, not even on the side of the road in our previously quiet street; shouting and laughing outside on a regular base; (even sex on the lawn in the middle of the night with the accompanying noises).*

*One bedroom on the first floor has a window directly opposite our stoep where we relax on a regular basis, and we have many times experienced people dressing within our sight, or lying almost naked on the bed without realising that they are clearly in our view. The en-suite bathroom is also facing our stoep, and we can see people from the bust upwards if they shower, because they don't realise that it has clear and not frosted glass, and they don't draw the blinds. Embarrassing for us and inconvenient to be confined inside our house to avoid being confronted with these scenes.*

*The economic advantages mentioned in paragraph 3 on page 4 was definitely the number one factor for the owner. NO cultural enrichment of the area has taken place and no cultural exchange has taken place – guests want to be spoiled and enjoy a "lekker" time. They don't want to "immerse themselves" and have a cultural exchange mingling with the adjacent homeowners.*

*To get back to the land use quoted: we would like to be restored to our residential zone, single residential.*

#### 4. Referring to paragraph 4.4 page 5

The owner states that she is a foreign national and was not aware of the regulations. This is blatantly misleading since she has previously resided in South Africa for quite a number of years, living in Robertson, and her son went to school in Paarl.

The owner claims ignorance, but ignorance has never been accepted as an excuse to bypass the law.

The unlawful conduct did not stop.

The illegal use of the stairs did not stop.

"She has reconverted the alterations that had occurred" -- This did not happen.

#### 5. Referring to page 6: title deed condition.

The fact that the restrictive title deed conditions were intended to protect the residential character of the Vermont area, is exactly why we want to protect the same character mentioned. If the owner wants to "utilise the property to its full extent", does that imply the economic extent, (see paragraph c in LUPA section page 7)? How far can the owner develop to utilise the property to its FULL EXTENT?

If the municipality allows the restrictions to be removed, the door will be opened for every other owner to claim the same, and there will be nothing left of the residential character of our neighbourhood.

(a) As owners of erf 774, the direct neighbour to erf 775, we have reservations on the influence of a direct neighbouring guest house on future property sales.

Paragraph (d)...(f) :referring to the social benefits. See our personal experience of social NON-benefits with the self-catering units rented out at the moment, as mentioned previously. It is not clear who is implicated by the applicant in the statement: "the restricted condition does not have a social benefit".

We will definitely be negatively socially affected if these are removed.

#### 6. Page 9 referring to the number of parking bays.

As it is at the moment, there is not enough parking space inside for all the guests. Cars are parked outside in the street and even on the sidewalks of neighbours. Guests don't want to reverse in and out to make space for someone to get in or out. It is not convenient at all.

Apart from our concerns about the utilization of the space, we have reservation about the **three** parking bays planned for the manager and the main house. It will be easy to misuse these for more guests in future.

#### 7. Services page 10

"The proposal of this application is not anticipated to drastically influence the existing services in the area." With all the staff members required, (as the owner mentioned), and including the number of guests every day, this can not just be "anticipated". A thorough investigation of the services situation should be made. Guests will use more water: showers, toilets, baths. And more electricity. And more waste.

#### 8. Page 11...

Parking inside will not realise, because of the inconvenience of guests and managers to pull in and out to make way for one another. Congestion and inconvenience to the surrounding residents are already a reality. There is not sufficient parking. It is already causing problems with guests parking in front of neighbouring properties.

The increased traffic is affecting environmental noise levels, which negatively impacts human cognition. Increased noise pollution from guests coming and going at all hours has further adversely affected neighbours through increased stress and psychological frustration and annoyance as well as sleep deprivation. The increased noise in the environment is impacting neighbour's sense of self control and reducing our sense of peace.

9. **"Open communication system** that will maintain open and transparent communication with the surrounding residents and stakeholders throughout the process."

Nothing of this exists. We do not have a number to call if we have any complaints about anything going on. The owner spoke to us in 2021 when construction started. She said that she is renovating to provide for when family visits from overseas. As we experienced later, this was not the truth. (see note on wendy house).

When we experienced a lot of noise one night, we just had to deal with it, the owner was overseas. She asked to lift the boundary wall with 2 slabs, but the intention was to attach a roof for her wendy on it.... No communication about it.

10. **Page 11... "impact on views, sunlight and character of the area"**.

The views, and overall character of the area will definitely be affected by the proposed changes. It is already affecting us, as discussed above. The second dwelling on top of the garage, will have an impact on the neighbours because it will take on the look of a block of flats next to us, blocking sea views and mountain views for others. Guests looking down on your coming and going and invading your space with views very close to you as it is not positioned to shield living areas and large openings from neighbours, are already imposing on our privacy.

11. **Plans for the wendy-house.**

There was a wendy-house in the north-western corner of stand 775. The wall between our premises had a lower height for the last section to the corner of the erf. The owner asked if she could lift the height of the wall for this part so that it will be on the same level to the corner. We agreed to this. During this time, she was busy renovating the wendy-house into living quarters. We were caught off-guard with the next stunt, which was attaching a roof to the boundary wall to cover the shower area she has built onto the wendy-house.

Nothing of this has been communicated to us, and *we cannot see a living quarter plan on the plan proposals issued now.*

We queried the issue with the OM in our letter of February 2023.

This extra living quarter should be included in all calculations and conditions. Inspection of the building should reveal if a kitchen and sink area is part of the building.

**12. Final words.**

Since no approvals were in place, we are astounded by the boldness and audacity of the owner to continue operating illegally. A display of disrespect and deliberate disregard for the rules and laws of the country she bought a property in, is making it hard to have sympathy with her plight.

An admin penalty has been issued for illegal building work due to enquiry and complaints from neighbours, with regards to operations, noise and parking issues earlier.


If no one raised our concerns, how far would she take things to make more money?

Her alterations and proposed changes are not in line with the relevant zoning scheme as the area is predominantly a quiet residential area and a guest house of this size will and already has changed the general feel of the neighbourhood.

The "busyness", or increased activity in the area is affecting the tranquillity of an otherwise peaceful area.

In lieu of the above, we trust that you will see fit to reject the application for the above-mentioned departures.

Yours sincerely,



Chris & Minda Broodryk



Owners – Erf 774, VERMONT



**Luis**

9

Netherlands, February  
2023

- ✓ It's a duplex - make sure you're clear about which room you're booking because one is a sea view and the other isn't.
- If both rooms are occupied by guest, parking inside the property is limited.



**Mohamed**

9

South Africa, February  
2023

Very quite, clean and homey. Looks absolutely beautiful inside and out and Kati is a great host!



**Mario**

Screenshots  
taken on 14/1/24

7/44

## Room Types



### Two-Bedroom House

The fireplace is a top feature of this holiday home. Boasting a private entrance, this holiday home comes with 2 living rooms, 4 separate bedrooms and 2 bathrooms with a walk-in shower and a hairdryer. Guests will find a stovetop, a refrigerator, a dishwasher and kitchenware in the well-equipped kitchen. The holiday home also includes a barbecue. Featuring a terrace with sea views, this holiday home also features a washing machine and a flat-screen TV with streaming services. The unit has 8 beds.

Show Prices



### Two-Bedroom House

Featuring a private entrance, this holiday home consists of 1 living room, 2 separate bedrooms and 1 bathroom with a walk-in shower and a bath. Guests will find a stovetop, a refrigerator, a dishwasher and kitchenware in the kitchen. The holiday home also offers a barbecue. Boasting a terrace with garden views, this holiday home also provides a washing machine and a flat-screen TV with streaming services. The unit offers 2 beds.

Show Prices



401

8/44  
Screen shots  
taken 14-1-11

# Hermanus

13 Shearwater Crescent, Hermanus, Western Cape, South Africa, 7201



**Beachfront location - Show on map**



2 mobile-only deals \*selected nights ?

**Choose dates to see prices**

Check-in

Check-out

# Hermanus

13 Shearwater Crescent, Hermanus, Western Cape, South Africa, 7201

*Screen shots taken  
14-1-24.*

*Definitely  
different kitchen  
& different  
houses.*



**Beachfront location - Show on map**



16/45

**2 mobile-only deals** \*selected nights

**Choose dates to see prices**

Check-in  Check-out

# Hermanus

13 Shearwater Crescent, Hermanus, Western Cape, South Africa, 7201



Beachfront location - Show on map

*different units!*



2 mobile-only deals \*selected nights ?

## Choose dates to see prices

Check-in

Check-out

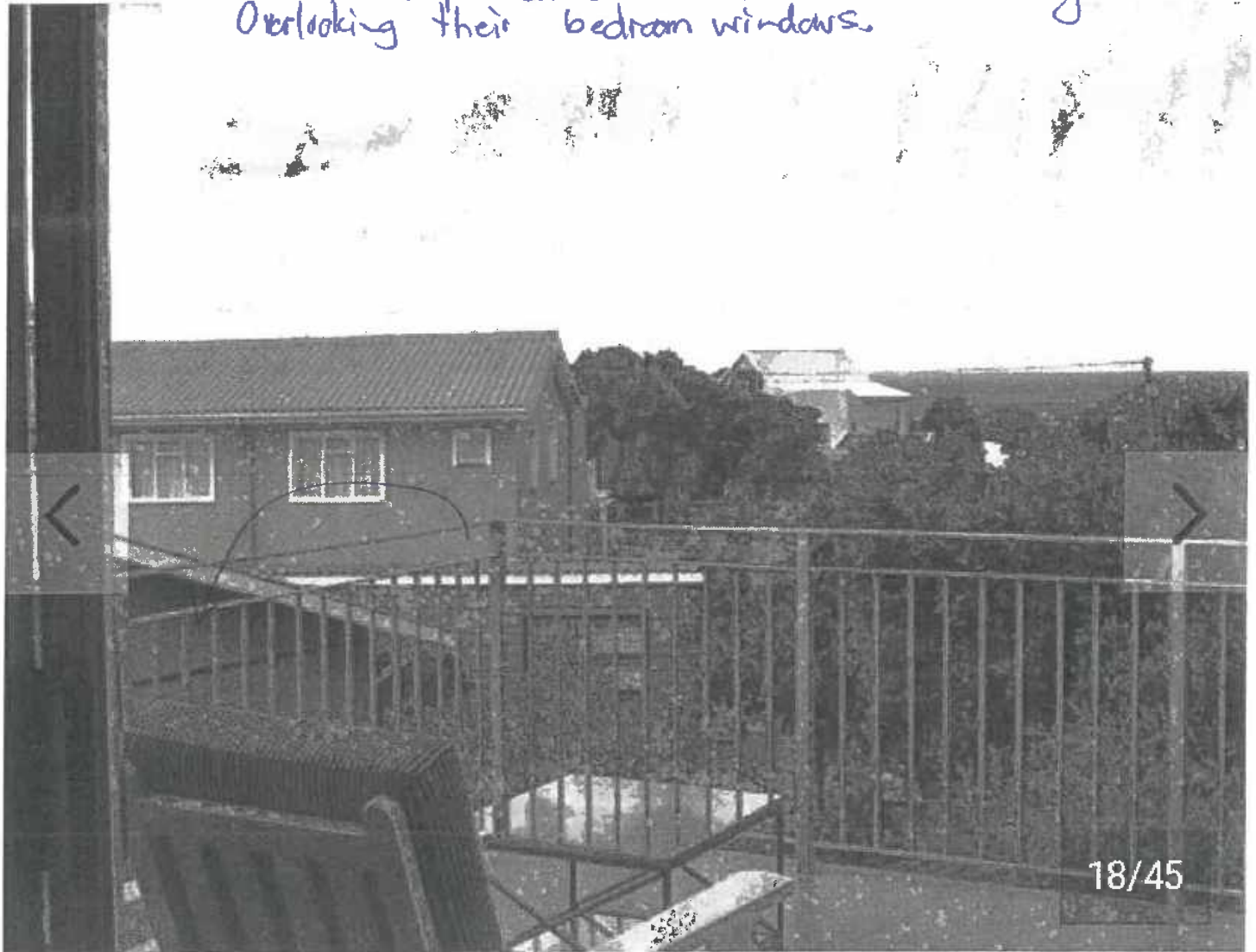
# Hermanus

13 Shearwater Crescent, Hermanus, Western Cape, South Africa, 7201



**Beachfront location - Show on map**

*Balcony very inconvenient for next door neighbour. Overlooking their bedroom windows.*



18/45

2 mobile-only deals \*selected nights ?

## Choose dates to see prices

Check-in

Check-out

405

# Hermanus

12/44

13 Shearwater Crescent, Hermanus, Western Cape, South Africa, 7201

*Different kitchens ?  
Different units !*



**Beachfront location - Show on map**



32/45

**2 mobile-only deals** \*selected nights

## Choose dates to see prices

Check-in

Check-out

# Hermanus

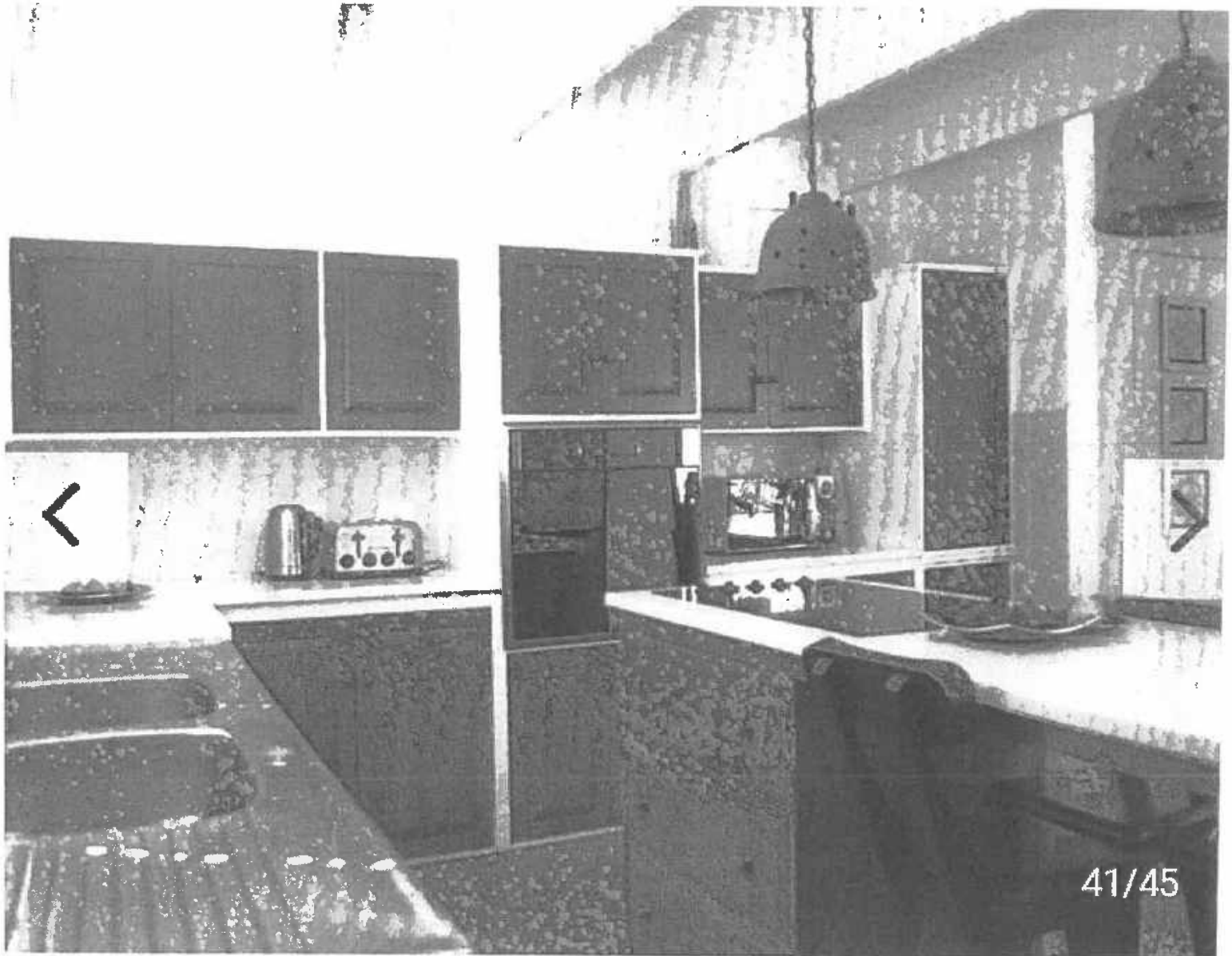
406

13/44


13 Shearwater Crescent, Hermanus, Western Cape, South Africa, 7201



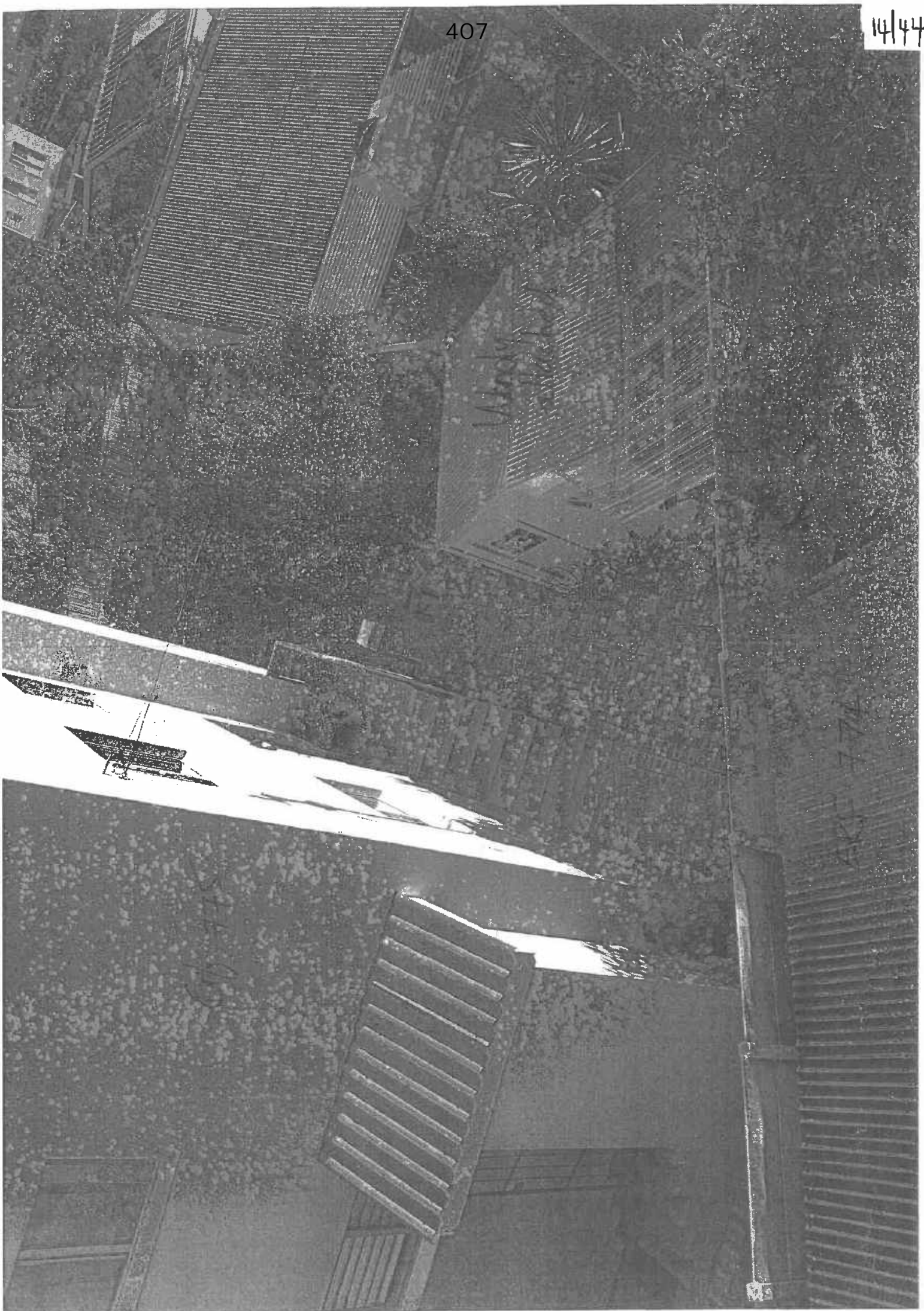
Beachfront location - Show on map



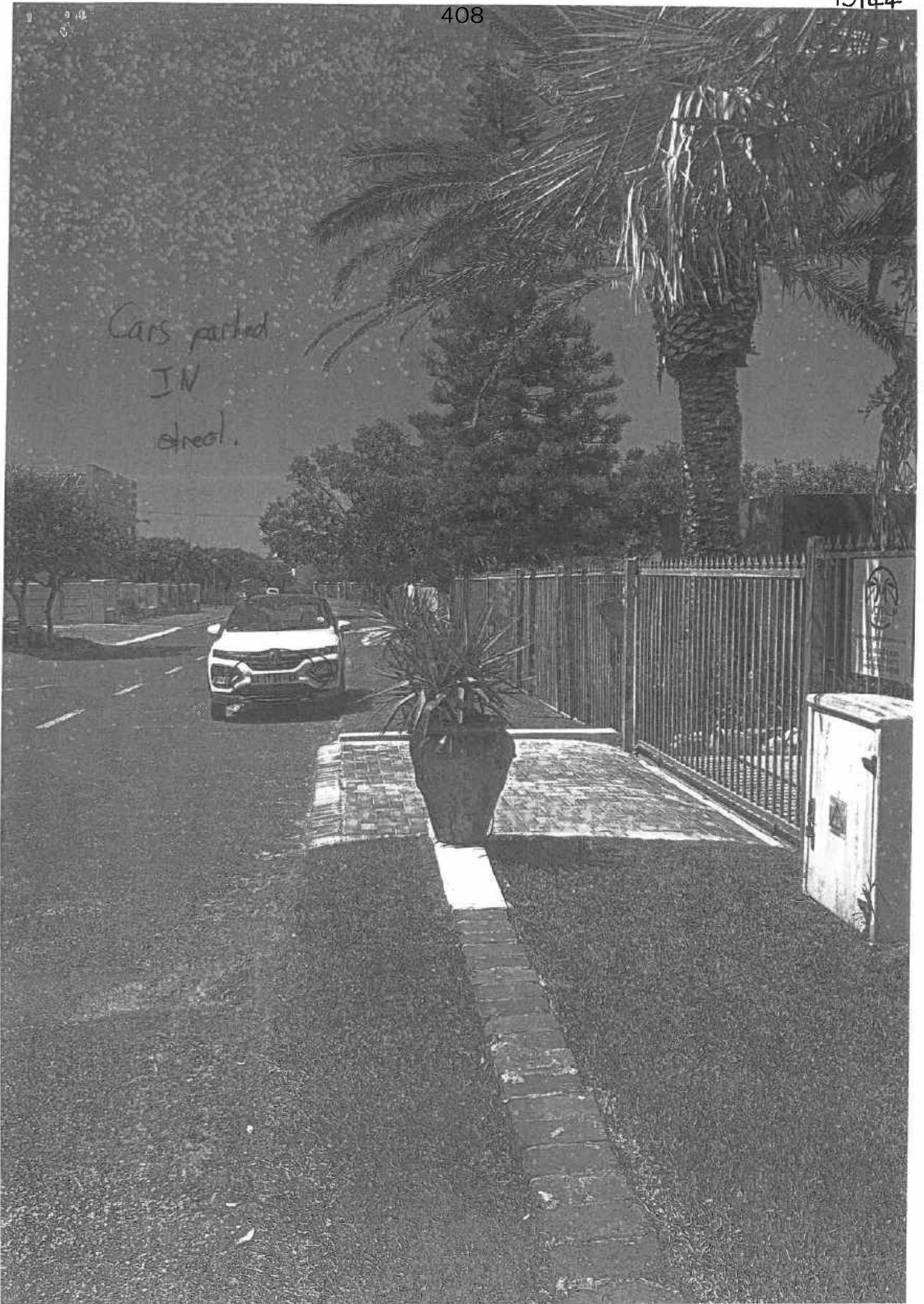
41/45

2 mobile-only deals \*selected nights 

Choose dates to see prices



Cars parked  
IN  
street.



08.02.2024

Aan wie dit mag gaan

Overstrand Munisipaliteit

Erf 775

Verwys na epos en kennisgewing rakende bg eiendom

1. Opheffing van beperkende titelaktevoorwaardes: **staan aansoek teen.**

Huidige akte beskerm landelike omgewing asook verhinder vestiging van besigheid met gepaardgande geraas, meer voertuie en geraasvlakke

2. Afwyking: **staan aansoek teen**

Soos bo genoem – besigheid gedurig gaste wat trappe gebruik met residensiële ongemak van bure.Steurend en onaanvaarbaar

3. Vergunningsgebruik: **staan aansoek teen**

Landelike opgewing met geraas en geen kontrole of beheer van gaste se gedrag en leefstyl nie. Geen waarborg oor getal besoekers nie ; kan bv potensieel 20 gaste per bespreking wees en nie almal noodwendig deel van aanvanklike bespreking nie- kan selfs op erf kampeer.Uitreiking van dranklisensie en gevolge daarvan in rustige woonbeurt spreek vanself

4. Bepaling van 'n administratiewe boete- Artikel 16(2)q:Neutraal

Erika Truter

Erf 709

TP. A. Theakle  
(H. Olivia)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
12 FEB 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO.	81 775
	Vanant ✓
SCAN NO.	
	HVM 775
COLLABORATOR NO.	
	1995739

TP

12 FEB 2024

Loretta Gillion

Re: Erf 775 Vermont

From: Loretta Gillion  
Sent: Wednesday, 07 February 2024 08:40  
To: Loretta Gillion  
Subject: Municipal Notice 197/2023

OVERSTRAND MUNICIPALITY  
ERF 775, 13 SHEARWATER CRESCENT, VERMONT: APPLICATION FOR  
REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, DEPARTURE,  
CONSENT USE, AND DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: WRAP PROJECT OFFICE ON BEHALF OF K PALIC

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
07 FEB 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

*TP. Nieuwoudt  
(H. Olivier)*

Name: Chris Nieuwoudt  
Address: 14 Shearwater Crescent, Vermont  
Contact Details: (  
Interest in Application : Neighbour across the street  
Reasons for Comment: Against the proposed Guest House

- Shearwater is a quiet Crescent, a guesthouse will change the character of the street
- Staff will be onsite 24/7, coming and leaving shifts at any time of the day and night
- Night traffic will increase in the area etc
- December was chaos with all the cars on site, was for sure not used as stated in the application.

So I hereby state that I am against the request to change to a guesthouse

Please confirm receipt of this e mail.

Regards



**CHRIS NIEUWOUDT | DIRECTOR**

Cell: +  
Email: .

Physical Address:  
Unit 4, Cascades 3,  
11 Waterfront Road, Tygervalley Waterfront,  
Belville, 7530, South Africa.

[www.tradewind.co.za](http://www.tradewind.co.za)



FILE NO.	<i>GF 775 ✓</i>
	<i>Vermont</i>
SCAN NO.	<i>HVM 775</i>
COLLABORATOR NO.	<i>1993482</i>

- 6 FEB 2024

10 Shearwater Crescent  
Vermont  
7201

Cell:  
email:

1 February 2024

Municipal Manager  
Overstrand Municipality  
PO Box 20  
Hermanus  
7200



TP - A Theart  
(H Olivier)

Dear Sir

**OBJECTION AS AFFECTED PARTY TO CHANGES REQUESTED FOR ERF 775,  
VERMONT – Municipal Notice No. 197/2023**

Please note my objection to the Removal of Restrictive Title Deed Conditions as applied for and Rezoning .

My direct neighbour, Erf 780 / 8 Shearwater Crescent, is already a registered Guesthouse /business. When purchasing our property it was/is our intent to live in a quite suburb, not a business hub. Having two businesses as neighbours will have a negative effect on the value of my property.

The owner cannot claim that being a foreigner excuses the lack of knowledge. One would expect any foreigner to make sure that they apprise themselves of the laws in their host country. Due diligence was not done.

The original house has been divided into 3 units. For a while the owner utilised one unit and the other two units were rented out. The claim is that the house has been returned to one unit. This is doubtful judging by the visitors and traffic during December. All three units were seemingly rented out while the owner was away.

The building of a so-called second dwelling on top of the garage just means that the owner will then have 4 units to rent out when she is not in the country or in residence. And, while she is in residence she will have 3 units to rent out.

FILE NO.	Erf 775-HVM
SCAN NO.	
COLLABORATOR NO.	1993053

TP - 6 FEB 2024

There is insufficient place for eight parking spaces as required. Measurements have been considered for ordinary sedans. Unfortunately many of the vehicles are SUVs and Double Cabs some with trailers that need parking as well. This was evident in December and led to vehicles parking on the pavement outside the property. Visitors also can not be bothered to try and maneuver in tight spots as indicated on the plans.

Approval as a guesthouse means that there is a possibility of a restaurant being put in place thus opening the way for functions to be held, non-residents to be admitted to the premises and the possibility of a liquor licence being applied for. All this will lead to extra traffic and noise.

It is doubtful that any real extra employment will be created as currently an existing cleaning/ management company is being used.

This is clear in that the Guest house operations plans do not show any facilities for staff members (kitchen staff, cleaners, gardeners, handy men, etc) to utilise at tea time, lunch time etc. No dedicated ablutions are indicated either. There is only provision for a manager's room and en suite.

What provision has been made for staff vehicles, probable extra traffic with regard to taxis etc.

In conclusion, the owner will be the only person who will benefit/gain from the removal of these restrictions. The rest of the properties will be negatively affected. The running of a guest house will lead to a higher occupancy rate ie more people on the premises and more noise (people and vehicle) than is currently the case with the operation of just two self catering units.

Thank you for your consideration.

Yours sincerely  
Denise Booth



02 FEB 2024

TP - A Theart  
(H Olivier)

Aan: Afdeling Aandag Tel Email adres	Overstrand Munisipaliteit Stadsbeplanning Henk Olivier 028 313 2093 loretta@overstrand.gov.za
ERF Naam & Van Tel Email address	776 Vermont – 11 Shearwatersingel Vermont Mnr M Breytenbach / Leoni Cameron 082 890 2797
Munisipale Kennisgewing no. 197/2023	Erf 775, Aansoek om opheffing van beperkende titelaktevoorwaarde, afwyking, vergunningsgebruik en bepaling van 'n administratiewe boete: WRAP Project Office namens K Palic
Afkortings	OM = Overstrand Munisipaliteit
Bladsye en aanhegsels	01 – 06 = kommentaar, vrde & besware op die WRAP voorlegging 07 – 11 = kommentaar & versoeke, voorstelle Foto's = 5 x aparte leêrs
Notas	Eenheid # 1 = is is soos dit huidiglik in gebruik is (dis slaapkamers 1 & bestuurders vertrek op die voorgestelde plan) Eenheid # 2 = is soos dit huidiglik in gebruik (dis slaapkamers 4 & 5 se area op die voorgestelde plan)

### **3. BACKGROUND AND INTENT**

After receiving a notice from the OM, the property owner however reconverted the dwelling and is renting it out as a single self-catering unit which is in compliance with the OMLUS.

Die huiseienaar het 'n bouplan by die OM ingedien wat aandui daar is slegs twee kombuise – maar ek vermoed dit was maar net om verby die beperkings / reëls te kom, waarom sal al die Webberwe aandui daar is drie verskillende aparte volledig toegeruste eenhede, elk met sy eie foto's, beskrywing en prys. Die huiseienaar weet die goedgekeurde plan het slegs die twee toelaatbare kombuise.

Wanneer het sy die kennisgewing ontvang vanaf OM en wat was die instruksie vanaf die OM?

Watter verandering is deur die huiseienaar aan gebring om die huis as 'n enkele eenheid uit te verhuur om sodoende aan die OM se vereistes soos per kennisgewing te voldoen?

Na aanleiding van wat ons sien en ervaar die afgelope 16-17 maande is daar geen verandering nie – nie eers na ons skriftelike klagte aan die OM nie. Sy verhuur nogsteeds al drie eenhede uit – aan verskillende families / gaste.

### **4 PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT**

#### **4.1 Removal of a restrictive title deed condition**

in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

*There are numerous title deed conditions that prohibit the property owner from utilising their property*

Terwyl die huiseienaar wag vir die nuwe aansoek soos voorberei/opgestel deur WRAP om seker te maak sy voldoen nou aan al die OMLYS se vereistes? Bly my vraag steeds – het die huiseienaar 'n lisensie/toestemming om 'n gastehuis te bedryf vanaf Erf 775 vanaf middel Augustus 2022? aangesien die woning huidiglik uit meer as net een wooneenheid met elk sy eie ingang & kombuis bestaan.

FILE NO. Erf 775-HVM ✓

SCAN NO. HVM 775

TP - 2 FEB 2024

**4.2 Permanent Departure from the 2m side building line to 1,2m to allow the existing steps in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.**

Nie seker of hierdie punt regtig water dra nie. Hoe kan 'n huiseienaar wat beplan om 'n bestaande gebou te verander om sodanig 'n gastehuis te bedryf, nie van 'n professionele persoon i.e. 'n Argitek gebruik maak nie. Wie het die bouplan opgetrek wat by die OM se bou afdeling in 2021 ingedien is.

Interessant genoeg het die huidige huiseienaar nie nie trappe soos gelys op figuur 1 gebou nie – dit was deel van die oorspronklike gebou toe sy die huis gekoop het. Met hierdie trappe het ons as Huiseienars van ERF 776 nie 'n probleem nie.

**4.3 Consent Use to allow a guest house in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.**

Volgens wat ons gesien het (Januarie 2023), ten tye van 'n toer deur die huiseienaar is daar beslis drie eenhede en slegs 6 slaapkamers. Twee slaapkamers in elk van die drie eenhede. Asook op al die Webwre waarna ek gekyk het, is slegs 6 slaapkamers gelys. Ons sien glad nie 7 slaapkamers op enige van die planne nie.

**The proposal is to utilise one of the bedrooms as a manager's room, the room will not be equipped with a kitchen and the manager will make use of the provisions of the guest house.**

Die vertrek wat op die plan aangedui word as bestuurders vertrek (*managers room*), is vaag – dit is nie duidelik nie – daar word nie verwys na Bestuurders slaapkamer nie? Beplan die huiseienaar om hierdie oopplan vertrek in te rig as 'n slaapkamer vir die bestuurder aangesien dit op die oomblik nie 'n slaapkamer is nie?

Dit is 'n oopplan area met 'n sit-eetkamer met 'n volle kombuis. Die voorgesteldeplan aandui aan die kombuis word verwyder. Wat weerhou die huiseienaar om wel weer in die toekoms 'n kombuis hier te laat installeer? Die OM kan sekerlik tog nie elke huishouding besoek / inspekteer om seker maak dit gebeur nie. Die veranderings aan die huidige bestaande badkamer langs slaapkamer 1, dui aan 'n addisionele aparte stort & aparte toilet & wasbak – is dit vir die bestuurder?

Word daar voorsiening gemaak vir slegs 'n stort & toilet met 'n gastewasbak aangesien die bestuurder nie gaan inwoon nie? Is dit ook die rede waarom die bestuurder van die bestaande kombuis gebruik moet maak vir tee ens aangesien die persoon nie regtig gaan kos voorberei nie?

**Additionally, the property owners will also be utilising another existing bedroom as a linen room where the guest room's linen will be stored and prepared by the house keepers, meaning ironing and folding. The guest house will have five guest bedrooms, two on the ground floor and three on the first floor, refer to Plan 5 – Guest House Operation Plan for a visual illustration.**

Waar word die linne op die oomblik geberg (voorheen en na die OM haar aangeskryf het), aangesien die drie self-sorg eenhede nogsteeds uitverhuur word.

Die vloeroppervlak van die voorgestelde linnkamer is byna dieselfde as slaapkamer no 1. Om 'n bestaande slaapkamer wat reeds ingerig is af te staan om'n bergings vertrek te skep vir linne, laat mens wonder of die huiseienaar 'n agterdeur ooplos om hierdie "linnekamer" in die toekoms ook te gebruik as 'n gastekamer – aangesien daar reeds voorsiening gemaak word 'n aparte stort en aparte toilet wat deur die bestuurder gebruik word? Is die bestuurder slegs vir ontvangs doeleindes i.e. deur die dag en slaap nie in nie? Ons ondervinding is dat die huiseienaar haar nie eintlik aan reëls / ooreenkomste steur nie.

**The owner will reside in the proposed second dwelling on top of the garage.**

Ons is heeltemal gekant teen die aansoek / versoek om 'n tweede gebou op die perseel te bou – al is dit om die bestaande dubbel motorhuis te omskep in 'n permanent woning vir die huiseienaar. Die voorgestelde plan vir hierdie tweede gebou dui aan 'n verbinding met die hoofgebou – wat ons direk raak – geen uitsig en geen behoorlike son vir ons nie. Ons het reeds geen privaatheid nie (as gevolg van die huidige hoofgebou se leefarea vensters & oopbalkon wat suid kyk – direk op ons). Dis veral die gaste van eenhede 1 & 2 aangesien hierdie twee eenhede direk op en in ons twee slaapkamers en sitkamer inkyk. Dis sal soos een groot muur voor ons wees waarteen ons vaskyk en geen uitsig met geen lig nie.

Die verbinding sal meebring dat daar net nog meer mense op die oop dekke kan wees – nog minder privaatheid vir ons.

Die dek by slaapkamer 6 soos aangedui, kyk suid – reg teen grootbome vas (Melkhoutboom & Geelhoutboom & Waterbessie) in ons voortuin, waarom sal mens nou teen dit wil vas kyk – daar is geen see uitsig nie – steel net ons privaatheid.

Op papier lyk dit miskien reg maar hierdie voorstel (die hele tweede gebou) neem glad nie enige van ons, as bure in ag nie. As permanente inwoners, hou ons van die stilte en waardeer die mooi omgewing en veral die berg uitsig. Meeste van hierdie oopdek & die hele voorgestelde tweede gebou het min tot geen see uitsig. Is ERF 775 ooit fisies besoek voor die voorgestelde plan opgetrek is? Deur die twee geboue te verbind sal ons die min son asook die berguitsig wat ons nou kry na die eerste aanbouings, ook moet prysgee. Hierdeur gee ons nie te kenne ons is te vinde vir die tweede gebou nie.

Die hoofgebou bied meer as genoeg slaapplek wat kan gebruik word deur die huiseienaar vir haarself; asook vir familie en kuiergaste gedurende haar besoeke aan Vermont. Die huiseienaar kan soveel slaapkamers uithou wat sy benodig met sulke kuiers.

Ons voel die tweede projek om die dubbelemotorhuis in 'n blyplek vir die huiseienaar te omskep, is volgens my net 'n manier om addisionele blyplek te step wat uitverhuur kan word as sy nie in Suid Afrika is nie. Deur die verbinding van die twee geboue, wil die huiseienaar dan saam met vakansiegaste kuier? Wie gaan toesien dat dit nie gebeur nie?

Hierdie addisionele aanbouings is net te veel – ons staan hierdie voorgestelde plan ten sterkste teen!

Dubbelmotorhuis grondvloer: voorsiening word gemaak vir twee aparte vertrekke met was en toilet geriewe – vir wie se gebruik sal dit wees?

- a) Volgens die voorgestelde plan is daar 'n stortkamer met 'n wasbak & toilet in die waskamer – is dit vir die personeel wat die linne was / stryk – bevestig asseblief?
- b) Daar word verder voorsiening gemaak vir 'n addisionele wasbak en toilet? Vir wie se gebruik? – is die oogmerk deur die huiseienaar om eintlik net 'n nie inwonende ontvangspersoon aan te stel wat nie kook geriewe of 'n vol badkamer benodig nie?

Uitwerking op uitsig, sonlig en karakter van die area soos gelys per punt 10.2

Die kombuis, 'n slaapkamer & patio van eenheid # 1 asook Eenheid # 2 se kombuis, sitkamer en oopdek kyk suid; direk op-en-in ons huis se slaapkamers & sitkamer wat noord front.

Nota: Eenhede 1 het geen see uitsig nie en Eenheid 2 het min tot geen see uitsig nie.

Die voorgestelde tweede gebou en vele aanbouings en oop loopvlakke sal die laaste uitsig en bietjie son wat ons nou het totaal en al weg neem.

Met alle respek, ons glo nie alle faktore is inag geneem om te verseker dat ons privaatheid, uitsig en sonlig nie geaffekteer word of meer nog, heelfemal versper word nie.

**In addition to the five guest bedrooms the main dwelling is equipped with two lounges and two kitchens with a braai room on the first floor that will be open to the guests for their convenience.**

Die braaikamer op die vloerplan, beteken dit daar gaan slegs in hierdie vertrek/area gebraai word en nie op die patio by die voorgestelde bestuurders vertrek nie; en ook nie op die oop dek op die eerste vloer nie?

Op hierdie punt wil ons graag uitklaring hê, is dit 'n gastehuis of 'n self-sorg eenheid waarvoor die huiseienaar aansoek doen? Gaan daar enigsins etes voorsien word deur die huiseienaar of maak gaste alle etes self? Indien wel – wat dis die verskil van wat sy op die oomblik bedryf? afgesien van die tittle-akte beperkings en ander regulasies?

Waar sal die bestuurder vir hom/haarself etes kan berei in die geval as al die slaapkamers vol bespreek is? Die persoon kan mos onmoontlik sy/haar kruideniersware & yskasgoed saam met gaste se kos ens berg nie.

**Furthermore, a guest house can generate employment opportunities for the local workforce. Hiring staff members, such as housekeepers, and maintenance personnel, would not only provide stable jobs but also contribute to skills development and capacity building within the hospitality industry. By supporting job creation, the guest house would enhance the livelihoods of local residents and promote social well-being.**

Die bestuurder waarna verwys word – gaan 'n nuwe persoon aangestel word vir hierdie posisie? (Dis mos werkskepping deur 'n persoon aan te stel). Deur voorsiening te maak vir 'n parkeerplek vir die bestuurder, bevestig asseblief of die persoon voltyds op die perseel sal wees? (nie oorkant die straat of so iets nie).

#### **4.4 Determination of an administrative penalty in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020. Since being notified,**

wanneer is hierdie kennisgewing uitgereik aan die huiseienaar deur die OM? Asook wat was die instruksies vanaf die OM? Ons vra hierdie vrae – ons aanvaar hierdie kennisgewing wat die huiseienaar ontvang het is na aanleiding van ons klagte van 27 Januarie 2023 waarop ons tot hede geen terugvoer ontvang het nie.

**the property owner has ceased the contravening operations on the property.**

Watter van al die betrokke oortredings / reëls wat betrokke is het sy mee gestop? Ons was nie eers bewus van die kennisgewing aan die huiseienaar vanaf die OM nie want hier was nog geen verandering in haar bedrywighede nie.

**As previously mentioned, the property owner had divided the main dwelling into three self-catering units without the necessary approval. However, she has since discontinued this operation and reopened the divided sections, allowing the main dwelling to function as a unified unit. This adjustment has enabled her to rent out the entire house as a single entity.**

Hierdie is nie waar nie, dis hoekom ons aanhou vra, wat was die ooreenkoms met die OM? Hoekoms is haar onwettige bedrywighede nie semuur en al gestop nie of 'n sperdatum gegee nie? Wat is deur die huiseienaar gedoen aan die binne strukture om die moontlik te maak om die huis as 'n enkele eenheid te verhuur? Wat is die OM reël ten opsigte van besighede ens –

mag dit bedryf word sonder die nodige lisensies/ en of toesemming? Wonder of die huiseienaar nie maar staat gemaak daarop dat die OM die mannekrag het om 'n opvolg besoek aan die eiendom te bring nie? Tot op hede word verhurings steeds gedoen aan verskillende gaste wat die verwant is nie. Dit word beslis nie as 'n enkele eenheid verhuur nie!!

**Additionally, the construction of the contravening stairs, as detailed in Section 4.2 of the application, exceeds the building line. In order to ensure compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, it is imperative to incorporate a determination of an administrative penalty within this application. Nevertheless, we would like to submit a request for the waiver of the administrative penalty, given that this application serves as a means to rectify the violations that have transpired.**

Ons dog sy het dan al die oortredings gestop – hier word verwys na die aansoek wat dien as haar poging om die oortredings (meervoud) reg te stel. Die huis word as drie eenhede aan verskillende gaste verhuur en die trappe word nogsteeds gebruik.

**Section 90(3) of the By-law requires the following information:**

**The nature, duration, gravity and extent of the contravention** Section 4.2 indicate the nature and gravity the additions that were constructed. The total extent of the building line encroachments is: Covered Steps ±0,68m<sup>2</sup>

Ons op ERF 776 het nie 'n probleem met hierdie trappe en afdak by die agterdeur van die hoofgebou nie.

**The conduct of the person (allegedly) involved in the contravention.** The intention was never to knowingly contravene the provisions of the OMLUS. The property owner is a foreign national and was not aware of the regulations and have since sought the assistance of professionals to guide her and provide assistance to ensure she abides by the required regulations.

Onkunde van die wet / reëls was nog nooit 'n verskoning nie – vind uit as jy nie weet nie of onseker is. Waarom 'n Argitek in Kaapstad gebruik om jou planne op te trek vir 2 kombuise – die plan indien by die OM maar weet jy gaan drie eenhede inrig en verhuur sonder die nodige navorsing & toestemming. Alle stede en dorpe het regulasies – hier kan sy kan nie die feit dat sy 'n buitelanders is gebruik as verskoning nie – sy was 'n huiseienaar in Robertson in die Weskaap vir 9 jaar.

**Whether the unlawful conduct was stopped.**

The stairs have been built. The illegal use has been ceased and she has reconverted the alterations that had occurred.

Interessant genoeg het die huidige huiseienaar nie hierdie trappe soos gelys op figuur 1 gebou nie – dit was deel van die oorspronklike gebou toe sy die huis gekoop het. Met hierdie trappe het ons as Huiseienars van ERF 776 nie 'n probleem nie. Weereens wat is die veranderings wat terugverander is, waarna hier verwys word?

**7. TITLE DEED**

**Motivation**

**7.1 The rationale for the proposed removal**

The subject property has been improved with the additions and the dwelling house. The existing structures have already encroached on the title deed building lines which is more restrictive than the OMLUS. Refer to Plan 4.1 & 4.2 – Site Plans and Annexure C – Architectural Drawings.

The property owners were unaware of the restriction contained within the title deed.

Die huiseienaar moes haar huiswerk / navorsing gedoen het – veral gegewe die feit dat sy van die begin af beplan het om haar woning uit te verhuur. Die huiseienaar het gedink sy kan maak soos sy wil en daarmee wegkom.

**The current title deed conditions are more restrictive than what is allowed in the OMLUS and the residential properties in the Overstrand area.**

Hier aanvaanvaar ons daar is sekerlik goeie rede om die karakter en stil en rustige omgewing te bewaar, soos WRAP ook verwys in 7.2.

**In addition, the property owner has requested that condition E(c)& (d) also be removed as she wishes to utilise the main dwelling as a guest house which may be considered as a business**

Dis mos nie 'n kwessie van dit mag dalk gesien word as 'n besigheid nie – die huiseienaar adverteer verbyf, gaste betaal haar om daar te bly = dis besigheid, geld verwissel hande.

**and add a new second dwelling on top of the garage and utilising that available space.**

Ons staan hierdie versoek ten sterkste teen. Verwys na bladyse 2 & 3.

### **7.2 Title deed condition background**

**The restrictive title deed conditions were originally intended to protect the residential character of the Vermont area, but with the introduction of more overarching and stringent town planning regulations in place, the title deed building lines are proposed to be removed.**

Die beperkings van die titelakteenvoorwaardes is juis daar om Vermont se karakter – veral in die ou deel van Vermont waarin ons woon, te beskerm. Hierdie residensiële area met sy rustige karakter en atmosfeer is van die hoof redes waarom ons gekies het om hier te kom bly en aftree, weg van die meer besige area's in-en-om Hermanus.

Hoewel hier melding gemaak word van meer oorkoepelende en streng dorps-en-stadsbeplanningsregulasie deur die OM bly dit onseker of hierdie regulasies deurlopend gemonitor kan word – hierdie aansoek van WRAP namens K Palic is reeds 'n bewys daarvan. Word daar inspeksies gedoen na afloop van die voltooiing van bouplanne ens of word op goederetrou geglo huiseienaars sal hou by ingediende goedgekeurde planne?

### **7.3 Status quo**

**The current OMLUS has clear development guidelines in place to ensure that the whole of the Overstrand Area's residential properties is managed in a similar manner. The title deed conditions are more restrictive than the OMLUS and the property owner has already encroached thereon.**

Ja die huiseienaar het die reëls oortree en het ook nog nie opgehou daarmee nie. Hoekom word alle besigheids verwante aktiviteite nie gestop tot tyd en wyl die nodige titelakteenvoorwaardes en beperkings opgehef is nie?

**The removal of these conditions will bring the subject property in-line with what is allowed on a single residential property. The current and future development of the property is being restricted by these title deed conditions. These conditions made sense when no clear development guidelines existed. With the restrictive conditions being more restrictive than the land use scheme and policies of the Overstrand Municipality, the property owners will not be able to utilise their property to its full extent.** Voel nou of sy 'n gemiddelde huis-en-erf in 'n stil area wil omskep deur die hoofgebou en voorgestelde tweede gebou te verbind as een groot eenheid – wat byna die hele erf van kant-totkant volstaan en dan nog 7 parkeer area's te skep. Gegewe die huiseienaar se oorspronklike idee om 'n groot huis te hê om 'n gastehuis te bedryf moes sy eerder 'n groter huis op 'n groot erf by die see gekoop het om sodoende die eiendom se volle potensieël te benut.

## **9. SERVICES**

### **9.1 Electricity, Water, Sewage and Solid Waste**

The subject property will be connected to the existing networks in the area, which include electricity, water and sewage. The proposal of this application is not anticipated to drastically influence the existing services in the area. Solid waste will be collected every week by the OM.

Terreinplan 5 – is 'n voorgestelde totaal van:

Toilette	:	9	5 (grondvloer) + 4 (1ste vloer)
Wasbakke	:	9	5 (grondvloer) + 4 (1ste vloer)
Storte	:	8	4 (grondvloer) + 4 (1ste vloer)
Kombuis wasbak afvoerpyp	:	3	1 (grondvloer) + 2 (1ste vloer) *

Wasmasjiene in waskamer om gastelinne te was asook die wasmasjiene wat huidiglik in die eenhede is.

Nie 'n kenner op die gebied nie maar dis onmoontlik om te dink bogenoemde sal nie 'n addisionele impak op die bestaande riolering/septiese tenk en vasteafval hê nie.

Water verbruik: 5-6 slaapkamers met 'n gemiddeld van 2 gaste wat stort = 10-12 persone per dag wat 'n minimum van 1 x per dag stort. Die wasgoed (linne) en skottelgoed water. Dit sal sekerlik druk om die bestaande hulpbronne plaas. Die oorspronklike rioleering ens is dit genoegsaam – die OM moet besluit.

Ons is bewus van 'n Wendyhuis wat ook op ERF 775 is ... waarvoor word hierdie struktuur gebruik aangesien die gebou krag het, 'n wasbak en buite stort?

### **Kommentaar Versoeke Voorstelle & Foto's**

Soos reeds genoem op bladsye 1-6 kan afgelei word ons is nie gelukkig met die huidige stand van sake op ERF 775 – i.e. sakebedrywigheid asook die voorgestelde tweede gebou op die bestaande dubblemotorhuis nie.

Dis maklik om mooi beskrywende woorde te gebruik onder die vaandel van ekonomiese groei en werkskepping deur haar gastehuis. Huiseienaar gebruik Grow Argitek (Mountain Road, Tyger, Waterfront in Kaapstad), waarom nie 'n plaaslike Argitek gebruik nie?

Ons staan nie vooruitgang teen nie maar wonder of die volle impak van die voorstelling regtig soveel van 'n ekonomiese bydrae sal maak tot die groter Hermanus area, gegewe die impak op die bestaande infrastruktuur asook die direkte impak op ons as permanente inwoners wat vir 12 maande van die jaar 'n bydra maak tot die ekonomie op verskillende vlakke. Ons gun almal om 'n ekstra inkomste te verdien maar nie in die huidige format van ERF 775 nie.

Hoeveel (persentasie gewys) van die huiseienaar se inkomste uit toerisme word huidiglik / beplan om teruggeploeg te word in toerisme en ander sektore (soos wat permanente inwoners doen) om 'n verskil te maak in die groter Hermanus area? Huiseienaar woon op die oomblik in die buiteland.

Ons twee slaapkamers en sitkamer kyk Noord wat beteken ons het geen privaatheid. Van die bestaande kuier areas en oopdekke asook kombuise en leefarea's kyk suid, direk op ons.

Die huiseienaar verwag van ons as bure om gaste ten alle tye te akkomodeer, ons eie privaatheid, stilte & rus kan ons maar van vergeet as hier enige gaste/besoekers is.

Lys van wat huidige gebeur as daar enige gaste/besoekers op ERF 775 is:

- Gaste word toegelaat om enige tyd van die dag of nag te arriveer en in te boek. Selfs gaste van openlik dronk en aangeklam is.
- So met die uitpak van voertuie word voertuigdeure toegeklap, tasse word op die plaveisel gesleep (die wiele raas en dit voor ons slaapkamer vensters) selfs wanneer gaste die dag vertrek is dit gereeld regtig vroeg in die oggend en weereen word die tasse gesleep na hul voertuie voor ons slaapkamers verby.
- Konstante beweging van gaste voor ons slaapkamer venster op die oop balkon van vroegoggend tot laat in die aand. Ons het geen privaatheid nie. Daar word gekuier en gebraai op hierdie oopbalkon. Rook en roet waai in ons slaapkamers en sitkamer.
- Skuifdeure & gordyne van hierdie eenheid (# 2) bly tot laat oop, gaste kyk tot laat TV (die klank is oorverdowend).
- Gaste/besoekers hang hul eie wasgoed oor die reëlings – dis onooglik en onaanvaarbaar vir ons.
- Gaste/besoekers wat braai, luid gesels en musiek speel of na 23:00 in die aand.
- Buiteligte word deur gaste aangelos deur die hele nag en veroorsaak slaaplose nagte al is ons slaapkamer gordyne toegetrek.
- Gaste/besoekers sit op die oop balkon (suid) wat na ons slaapkamers kyk en rook, dood te vrede om ons te sit en dophou, kan nie eers die ingeboude kaste in my kamer oopmaak sonder dat gaste/besoekers kan sien wat in my kaste is nie. Ons kan mos nie die heeldag en aldag ons gordyne toegetrek hou nie.
- Gastehuis eienaar het verskeie buite sonkrag kolligte geïnstalleer – waarvan twee 'n direkte impak het op ons slaapkamers – die ligte het geen aan-en-af skakelaars nie.

Ons as permanente inwoners se daaglikse roetine verskil drasties van toeriste/gaste. Ons gesondheid en die gebrek aan privaat word geaffekteer deur die optredes van die huiseienaar se gaste/besoekers.

Ons heg foto's aan te staving van gobenoemde punte.

**Parkering**

Op die voorgestelde planne word parkering vir 7 voertuie aangedui - (parkering # 8 is binne in die bestaande motorhuis) Op die plan is Parkering # 2 reg agter parkering # 3 – dis mos nie prakties en moontlik nie. Die tipe voertuie van gaste is meestal groot dubbelkajuit bakkies / SUV's? Gaste/besoekers kom soms ook met sleepwaentjies, waar sal dit afgehak en staanplek kry?

Scenario = Elk van die drie self-sorg eenhede is uitverhuur:

2 eenhede huisves elk 'n gesin (hulle reis met 1 voertuig en het moontlik 'n sleepwa. die ander eenheid huisves twee paartjies (dus 2 voertuie) 2 gesinsvoertuie + 1 sleepwa + 2 voertuie vir elke paartjie = totaal van 4 voertuie en 'n sleepwa.

In die huidige format met drie self-sorg eenhede is die parkeer area reeds te klein & te min vir gaste en besoekers.

Gaste/besoekers parkeer op die sygaardjies buite, waar gaan die verlangde spasie vandaan kom? Die huiseienaar se eie familie en besoekers het gedurende Januarie'24 op die sygaardjies parkeer omdat daar binne net nie genoeg parkering en spasie is vir voertuie om te draai ens nie.

Ons ervaar die afgelope 17-18 maande dat gaste mekaar vroeg opklop (soms so vroeg as 04:00 am) om voertuie te skuif want hulle parkeer mekaar vas – mense klop so hard en dringend dat ons ook wakker word – dis baie steurend.

**Bestuurder**

Volgens die voorgestelde plan word voorsiening gemaak van 'n kamer & 2 parkeerplekke vir 'n bestuurder. Verdere inligting ten opsigte van die pligte ens van die bestuurder is skrams / vaag.

Ons versoek meer duidelikheid ten opsigte van hierdie persoon se pligte:

- a) Gaan nuwe 'n persoon aangestel word vir hierdie posisie? (Dis mos werkskepping deur 'n persoon aan te stel)
- b) Bly & oornag die persoon voltyds op die perseel? (nie oorkant die straat of so iets nie). Om seker na gaste & bure se belange omgesien? i.e. geraas en laat aand gekuier deur gaste, gaste wasgoed wat oor reëlins hang, ligte (binne & buite) wat onnodige brand. Seker maak gaste het 'n afstandbeheer vir die hoofhek (mense druk die toeter heeldag en al dag)
- c) Sal die bestuurder voorsien word met 'n 'n Suid Afrikaanse selfoon nommer?
- d) Watter badkamer geriewe sal deur die bestuurder gebruik:
  - \*\* die addisiële stort en toilet op die grondvloer van die bestaande woning (langs die bestuurder se vertrek)
  - \*\*\* of die voorgestelde addisiële toilet en wasbak op die grondvloer van die dubbelmotorhuis indien al die en-suite slaapkamers vol bespreek is?
- e) Waar sal die bestuurder vir hom/haarself etes kan berei in die geval as al die slaapkamers vol bespreek is? Die persoon kan mos onmoontlik sy/haar kruideniersware & yskasgoed saam met gaste se kos ens berg nie.

**Verenigbaarheid met omliggende bure**

Die huiseienaar onderneem om 'n kommunikasiestel daar te stel wat deur die hele proses oop en deursigtige kommunikasie met die omliggende inwoners (bure) en belanghebbendes te handhaaf gedurende die proses? Vraag is wat sal die kommunikasiestel wees – i.e. 'n kontak persoon op die perseel? Wat van na die afhandeling van die proses, watter proses word na verwys?

**Afsluiting**

Gegewe knelpunte & besware kry daadwerklike aandag deur OM. Met 'n permanente inwonende kontakbare bestuurder glo & vertrou ons die huiseienaar kan vir haar 'n inkomste genereer uit die bestaande gebou met die 5 en-suite slaapkamers sonder die voorgestelde tweede gebou. Ons is nie tenguste van hoe die uitleg huidige is nie, 3 aparte self-sorg eenhede met te min parkeering en dit sonder 'n inwonende bestuurder nie. Daar moet asseblief aandag gegee word aan ons min tot geen privaatheid.

Soos genoem op bladsy 2 (na aanleiding van uitsig, sonlig en karakter) is ons bereid – op voorwaarde dat die verlangde veranderings (om die oorspronklike verbinding wat tussen die kombuis en eetskamer van eenheid # 3 weer oopmaak en sodoende verseker die hoogebou funksioneer as een enkele wooneenheid) met slegs een agterdeur vir kombuistoelindes (i.e. vullis verwydering en vir personeel om toegang te verkry tot die slaapkamers en leef area's op die grondvloer en 1ste vloer. Gaste/besoekers maak almal van dieselfde voordeur gebruik om toegang tot hul kamers te kry.

In die algemeen word aanvaar dat mens in goeie buurmenskap jou bure nader indien jy groot planne het ten opsigte van verbouings en aanbring van skerp buiteligte, want dit het 'n impak op ander. Die huiseienaar van ERF 775 doen dit ongelukkige nie en deur het die proses heelwat van ons as bure omgekrap en op tone getrap.

Haar verskoning sy het nie van beter geweet nie; sy is 'n buitelandse, is snert – sy was 'n huiseienaar in Robertson (Weskaap) vir byna 9 jaar – die huis daar verkoop en hier gekoop. Ons glo en vertrou ons as bure het regte en natuurlik het sy as huiseienaar en potensiële gastehuiseienaar ook regte. Ons hoop vir 'n regverdige ondersoek met werkbare oplossings dat almal gelukkig kan bly in ons stil en rustige buurt hier in Vermont.

#### Voorstel A

Om meer privaatheid aan ons in in ERF 776 (as direkte bure en gaste) stel ons voor die huiseienaar bring "privaatskerms" op by die houtdek van eenheid # 2 (privacy screens) aan. Ek heg foto's aan wat kan dien as voorbeelde. Hierdie tipe skerms bied tog 'n mate van privaatheid; as dit esteties aanvaarbaar en mooi is aangesien dit van beide kante sigbaar is.

#### Voorstel B

Om die verkeer aan die suide kant reg voor ons slaapkamers te beperk – doen weg met hierdie ingang by eenheid # 2. Verminderde toegang/ingang is 'n goeie veiligheids aspek.

#### Voorstel C

Gebruik die voorgestelde linnekamer as 'n slaapkamer vir die inwonende bestuurder, en doen weg met die ekstra voorgestelde toilet en wasbak in die dubbelmotorhuis. Skuif die voorgestelde "badkamer" in die waskamer teen die suide muur – gebruik die ekstra ruimte om kaste in te sit vir die berging van linne

#### Voorstel D

Die voorgestelde bestuurders vertrek: aangesien die kombuis uitgehaal gaan word, rig hierdie hele oopplan area in as 'n ontvangs waar gaste/besoekers ontvang en verwelkom kan word. Dit dien as 'n voordeur waar gaste inkom en gaste uitgaan. Toegangs beheer is 'n goeie veiligheids opsie. Die gang hier is mos verbind met die "ou hoofgebou" en daar is trappe na eenheid # 2 = so verkry gaste/besoeker toegang tot hul slaapkamers.

#### Voorstel E

Installer water oopgaartenks, huiseienaar kan dit gebruik vir die besproeiingstelsel en minder skoon kraanwater vir die tuin gebruik.

#### Vraag:

Voldoen die huidige hoofgebou wat uitverhuur word aan die nodige brandregulasies? Waar is brandblussers binne-in en brandslange buite die gebou?

Is daar kennisgewings wat die vergaderpunte tydens 'n noodgevalle en moontlike ontruimings aandui, gegewe daar is op die oomblik gaste/besoekers op die perseel.

Daar is op die oomblik geen persoon op die perseel wat gedurende 'n noodgeval (siekte/brand) gekontak kan word nie. Wie kontak gaste/besoekers/ en bure in geval van nood – nie iemand wat in die buiteland sit met 'n buitelandse kontak nommer nie (nie amal kan internasionale oproepe maak nie) en ook nie 'n "instaan persoon" wat na 22:00 nie meer die foon beantwoord nie. As die gebou ontruim moet word, waar is die

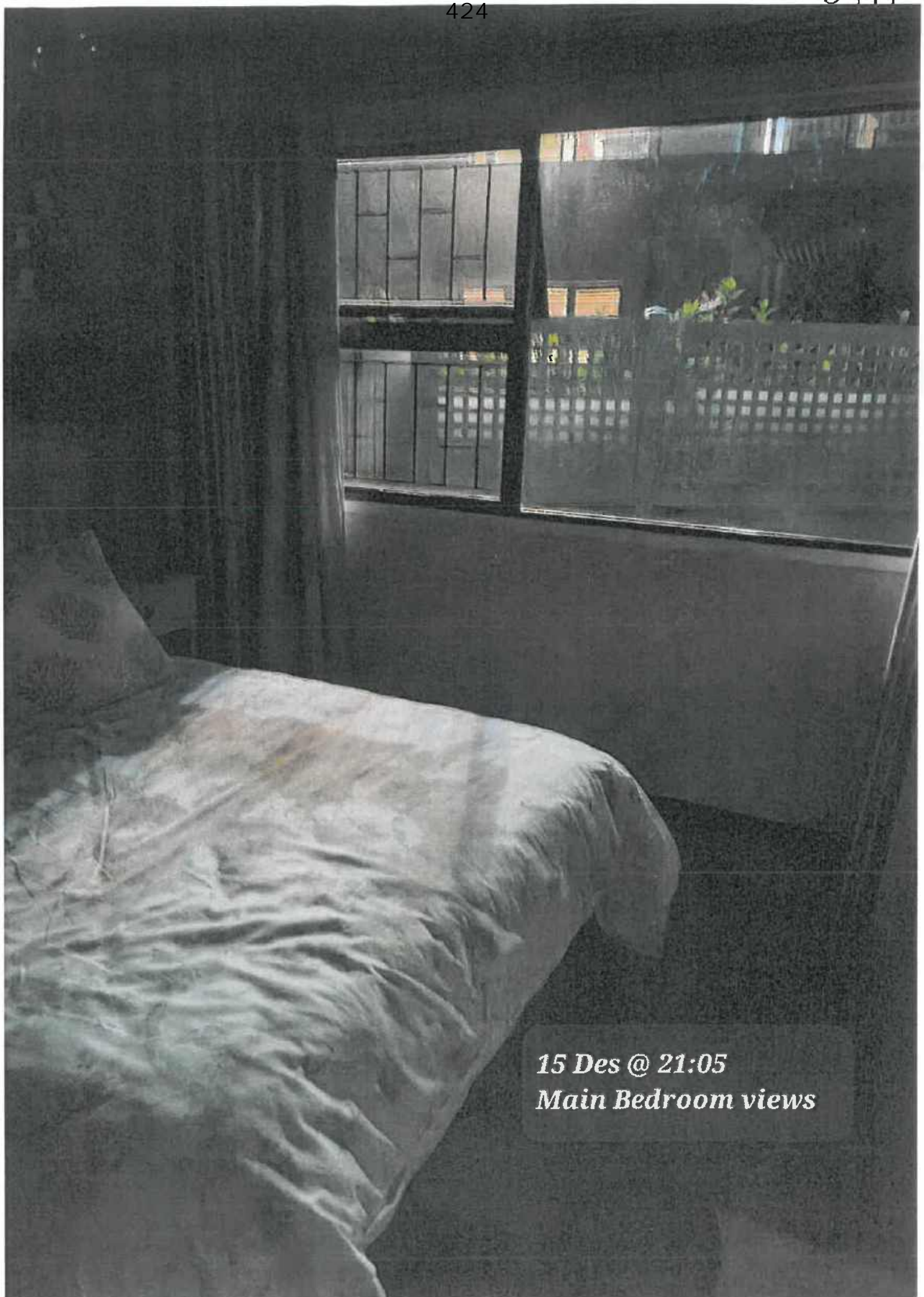
#### Vraag:

Die voorgestelde nuwe badkamer wat vir kamer # 5 gebou moet word – gaan dit bo-op die bestaande gebou opgerig word?

Nota!

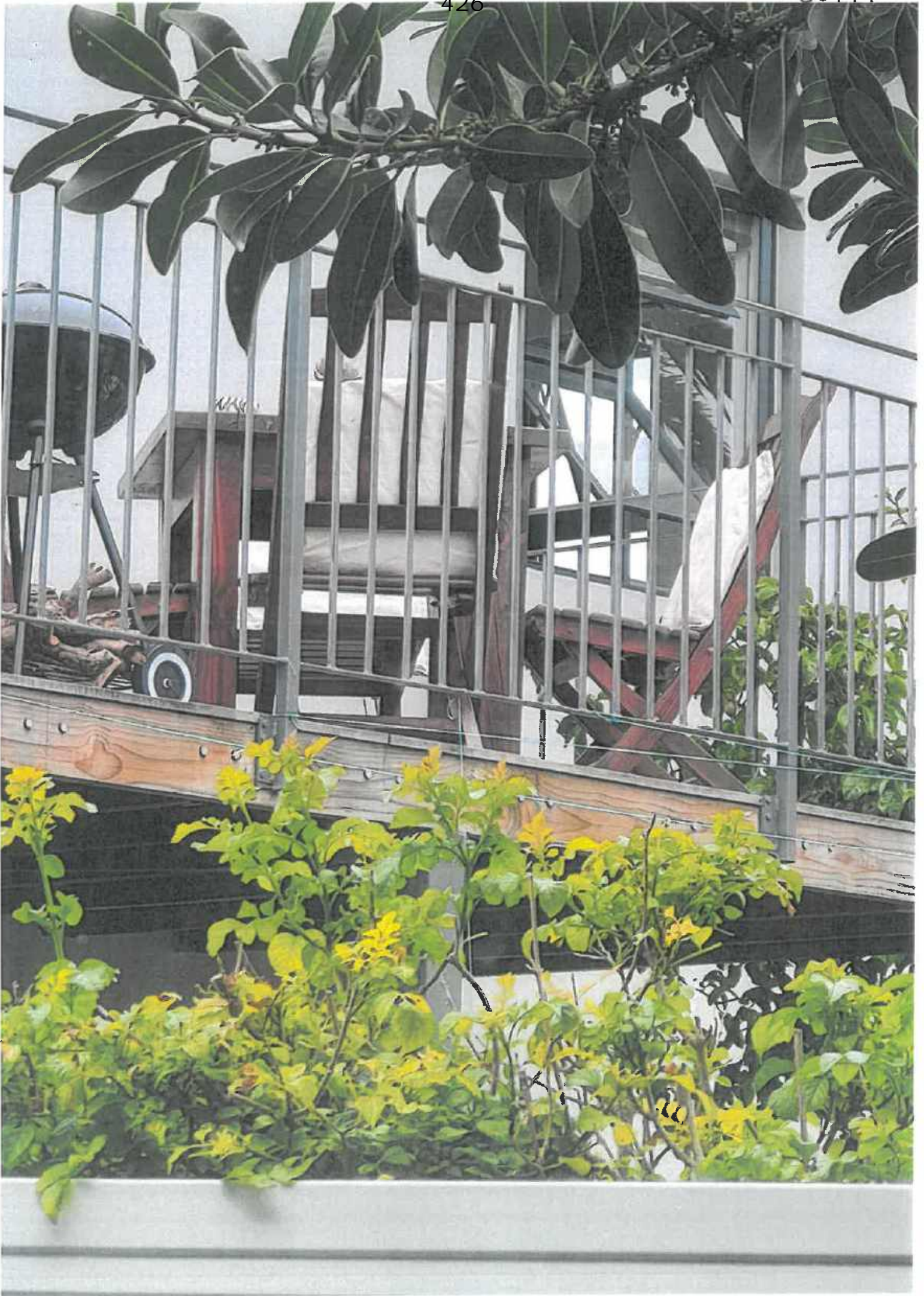
Ons het die huiseienaar per Whatsapp genader op 16 Januarie '24 en gevra of ons dalk saam kan sit en gesels en hoor wat sy beplan en sodoende ons terugvoer vir haar kan gee nie. Sy het per Whatsapp laat weet sy is besig en sal laat weet as sy tyd het. Ten tye van hierdie skrywe is nog nie tyd ingeruim nie. (01.02.2024)

***"You can be a good neighbour only if you have good neighbours" (Howard E Koch, playwright)***

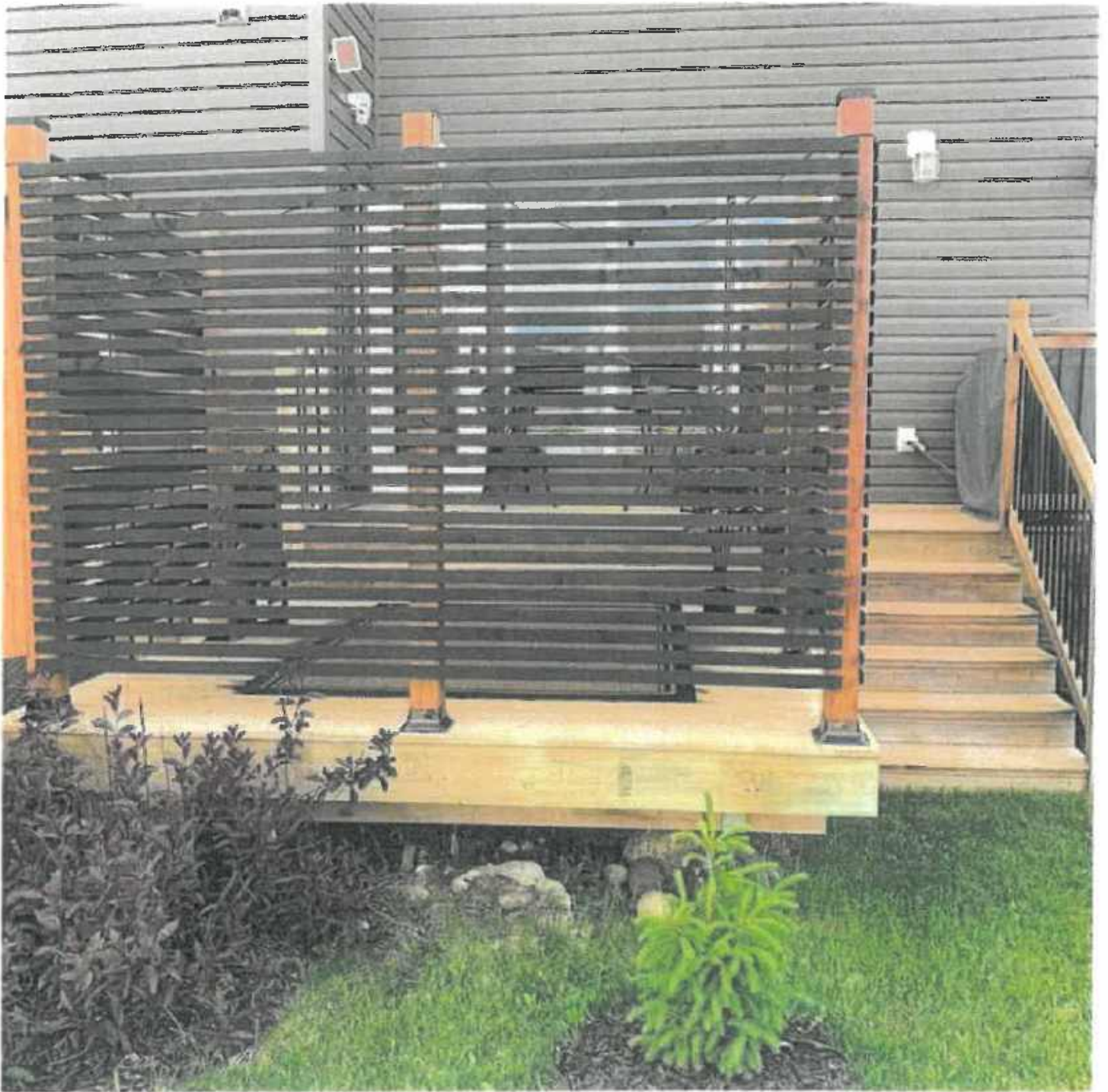


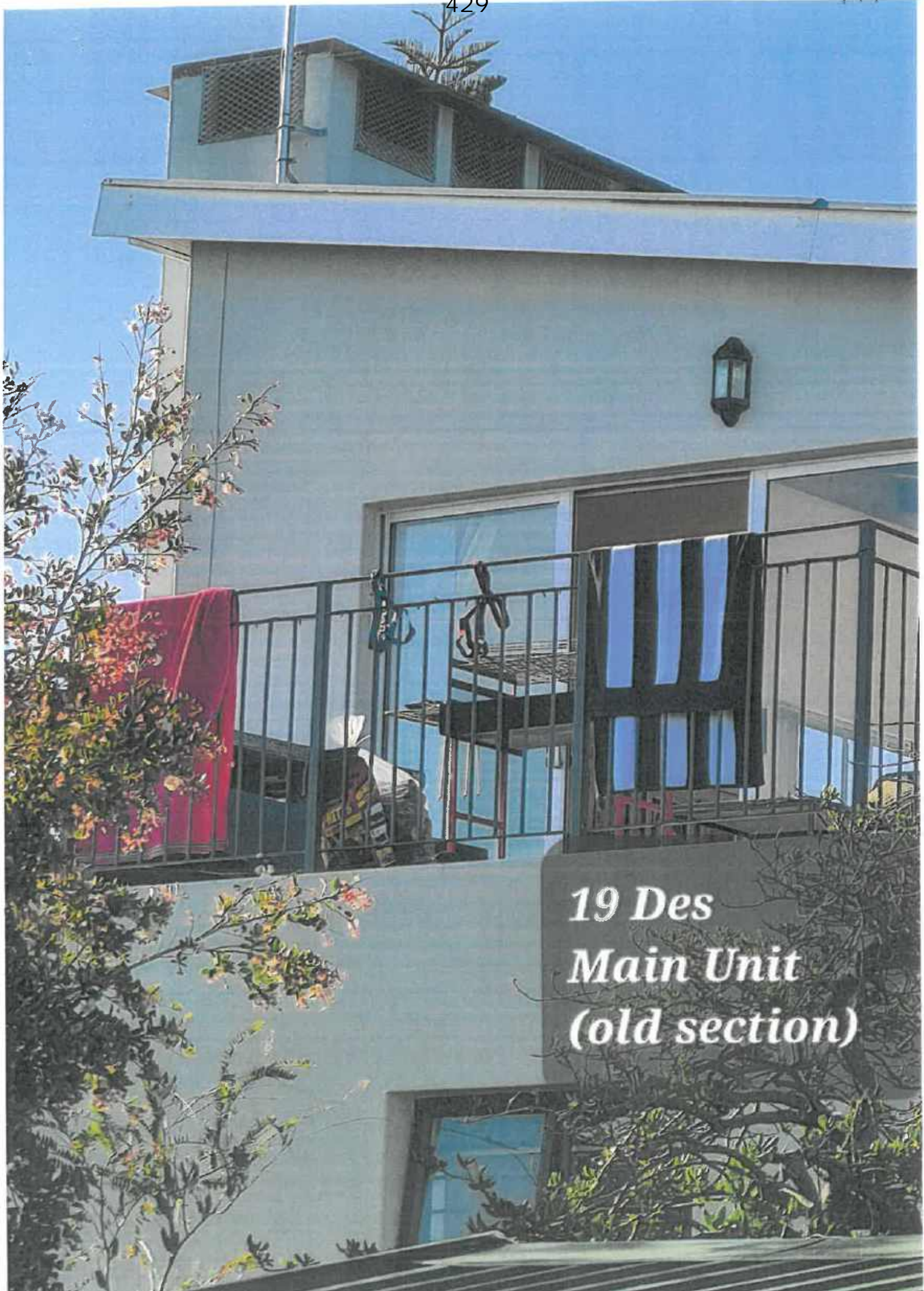
*15 Des @ 21:05  
Main Bedroom views*



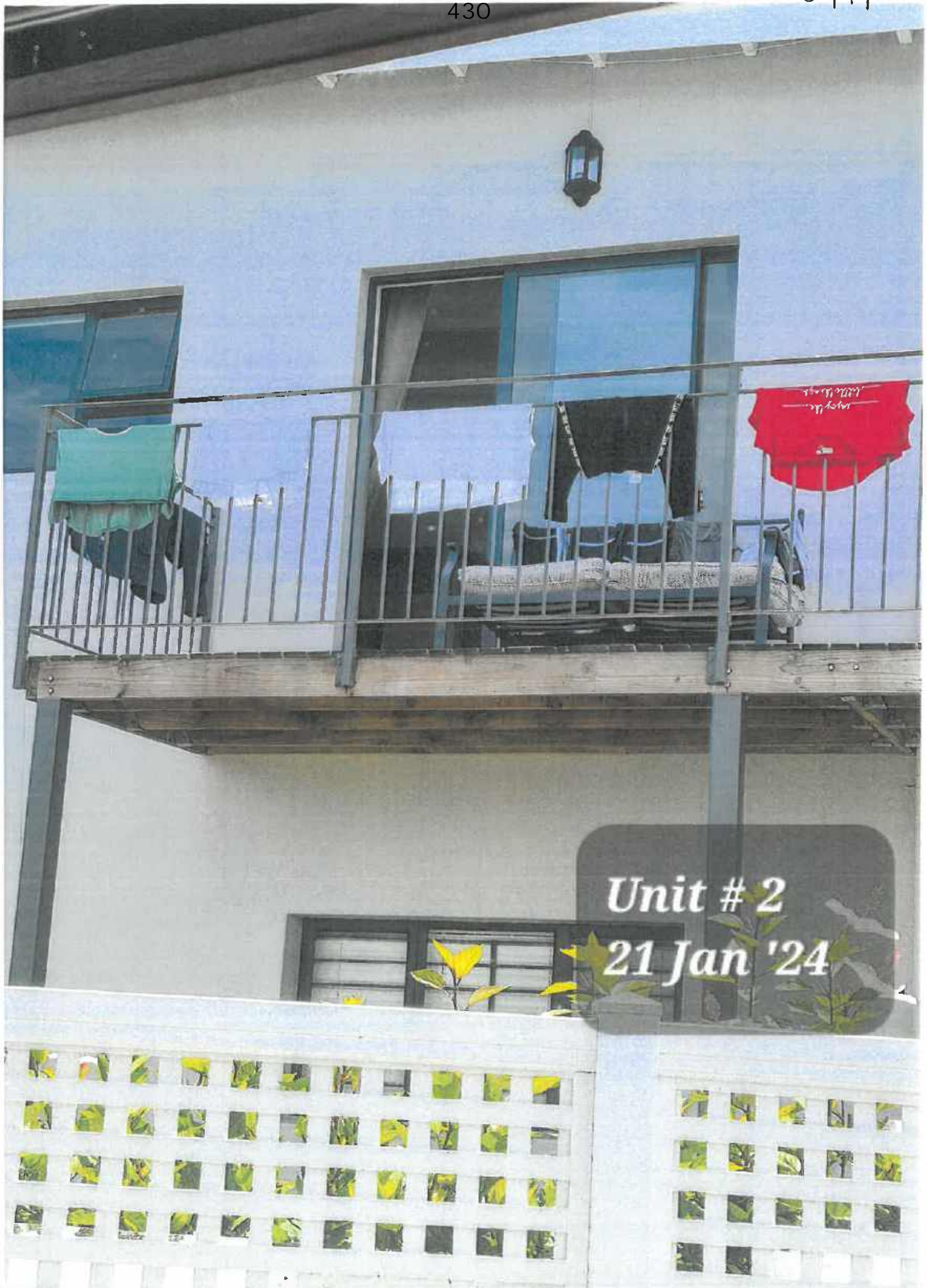




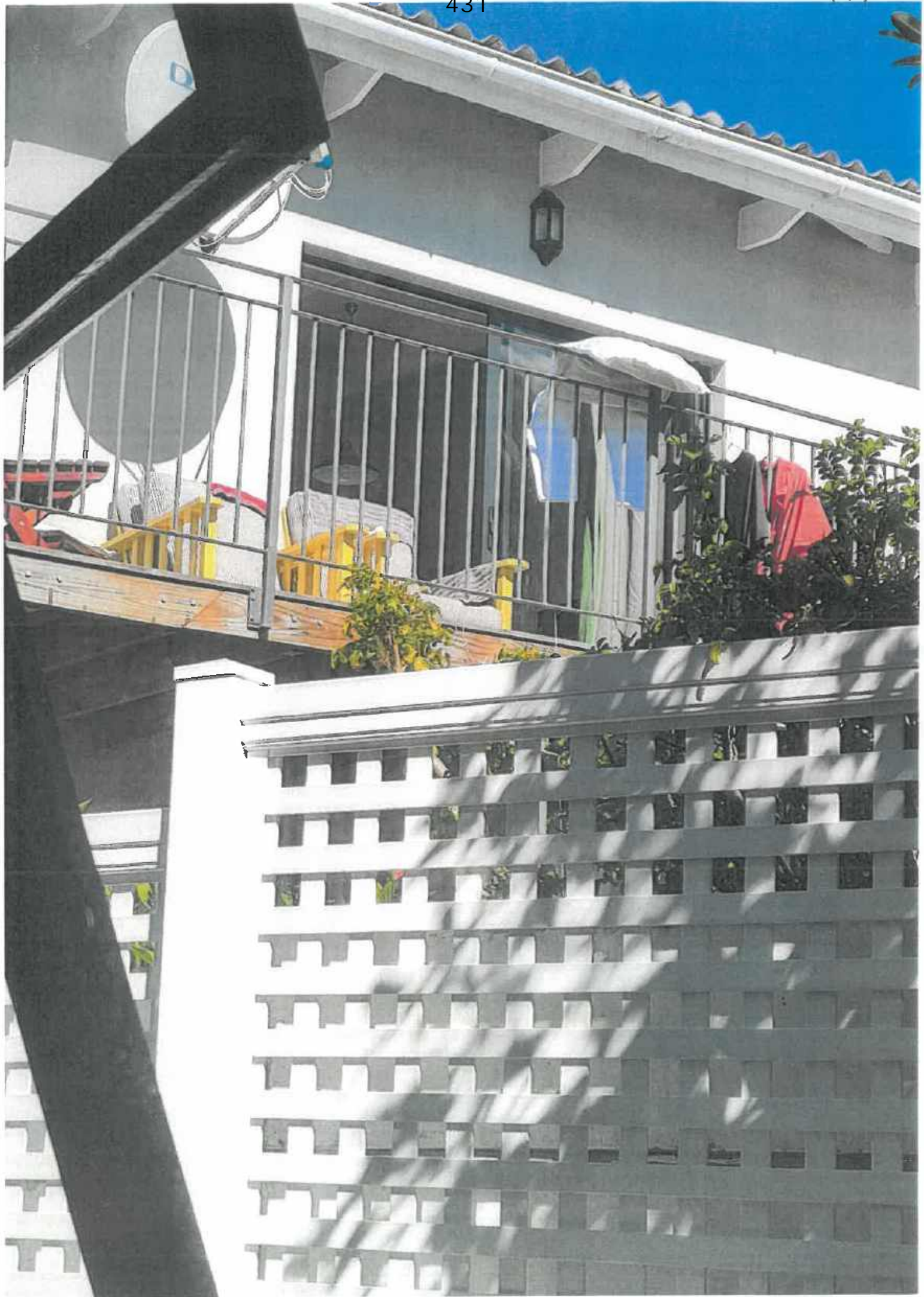




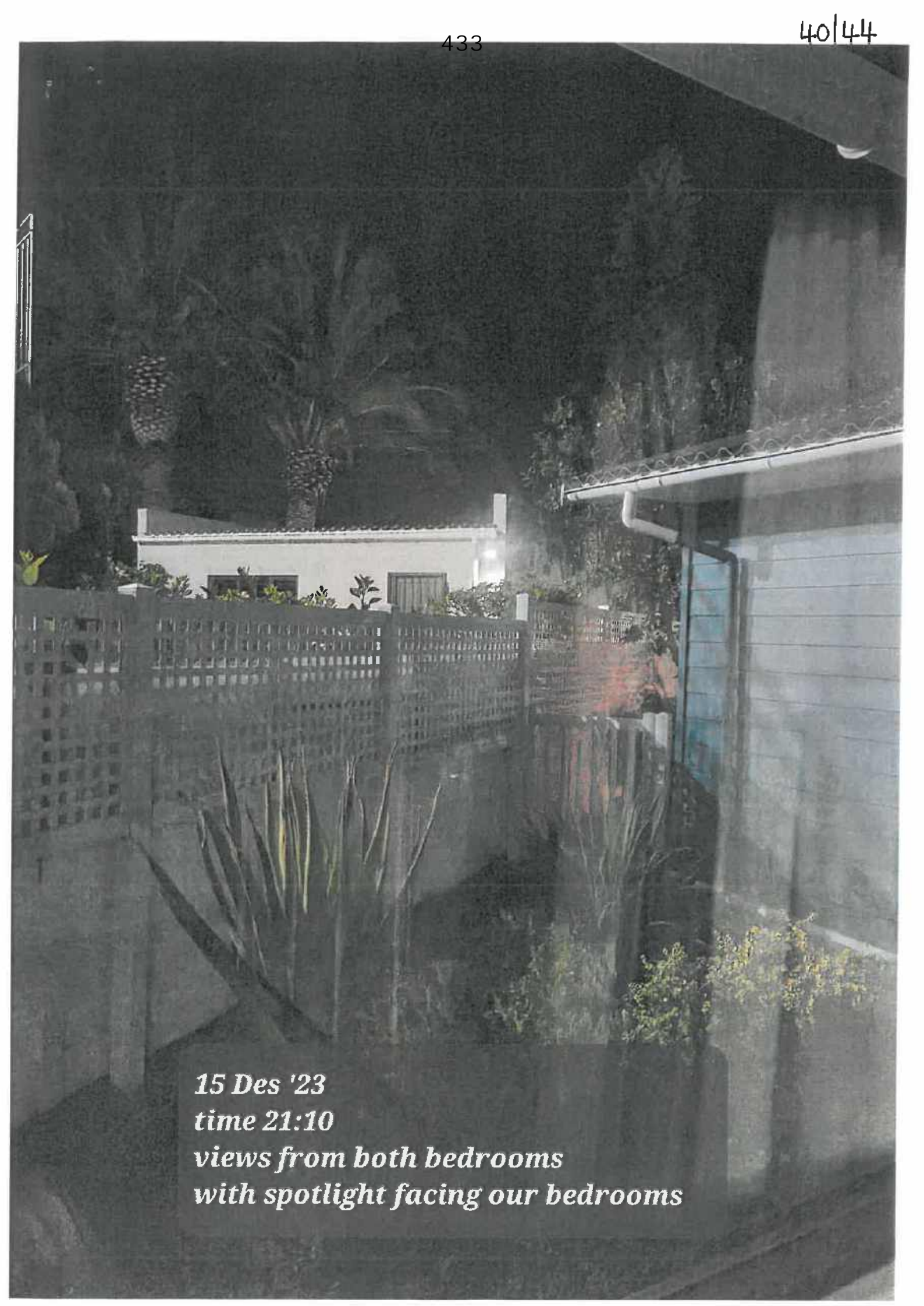
*19 Des  
Main Unit  
(old section)*



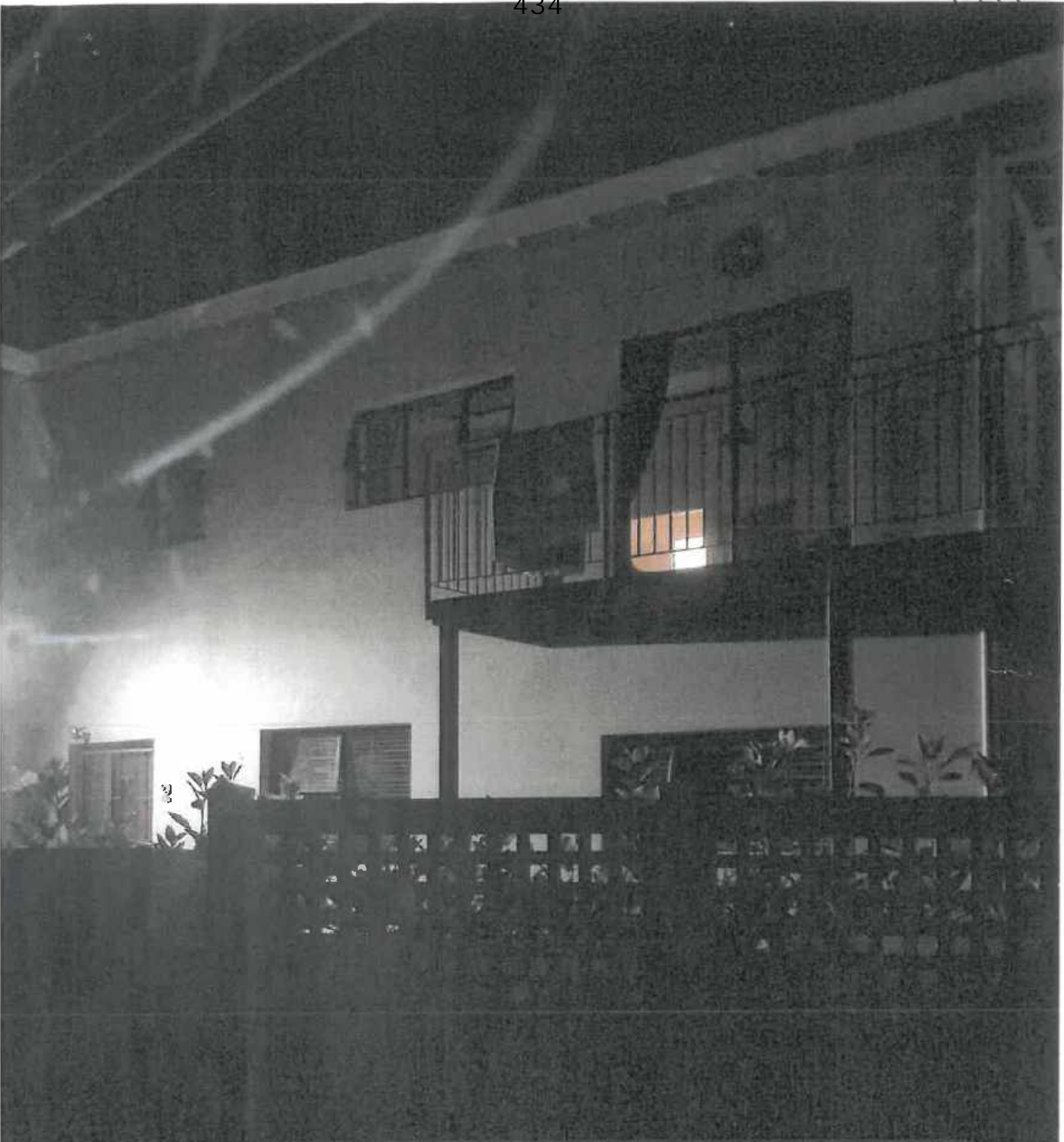
Unit # 2  
21 Jan '24



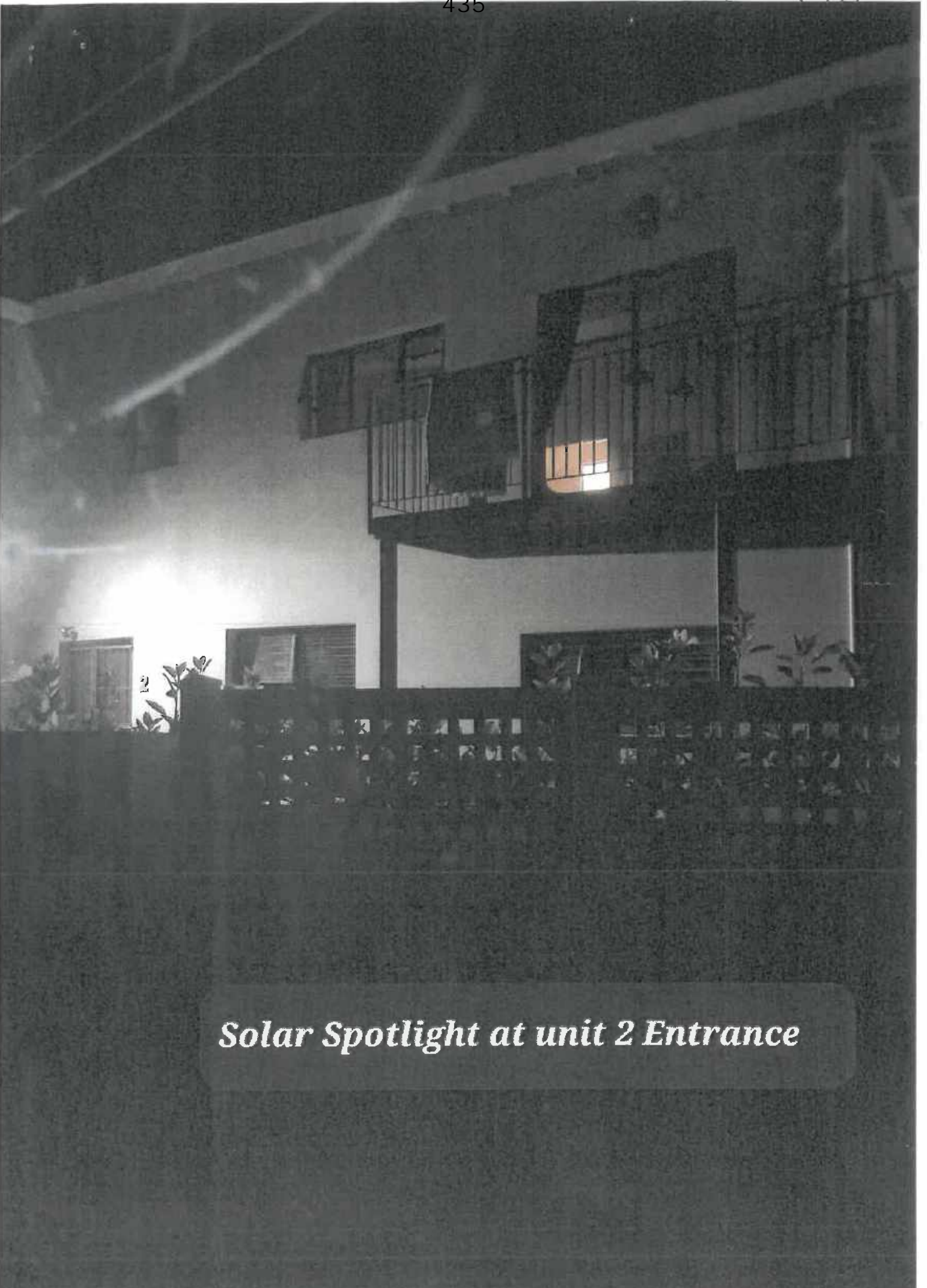


A nighttime photograph of a backyard. In the background, a white single-story house with a tiled roof is visible. A dark, lattice-patterned fence runs across the middle ground. In the foreground, there are several large, dark plants, possibly agave or similar succulents. A bright spotlight illuminates a path or area in the middle ground, creating a strong contrast with the dark surroundings. The sky is dark, and some trees are visible in the background.

*15 Des '23  
time 21:10  
views from both bedrooms  
with spotlight facing our bedrooms*



*Solar Spotlight at unit 2 Entrance*



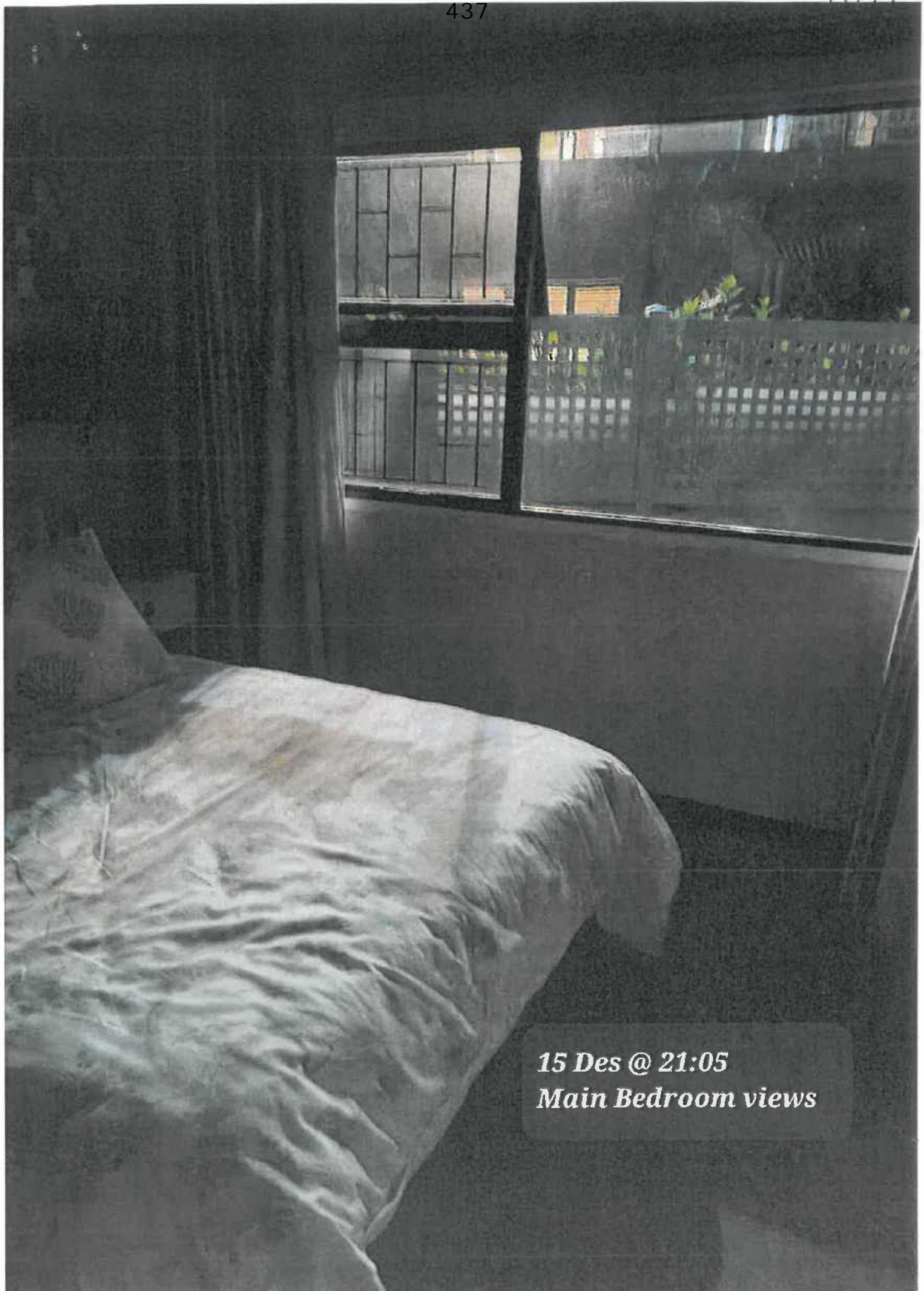
*Solar Spotlight at unit 2 Entrance*

436

43/44

*time: 04:07 am*

*23 Des '23*



*15 Des @ 21:05  
Main Bedroom views*



# Project Office

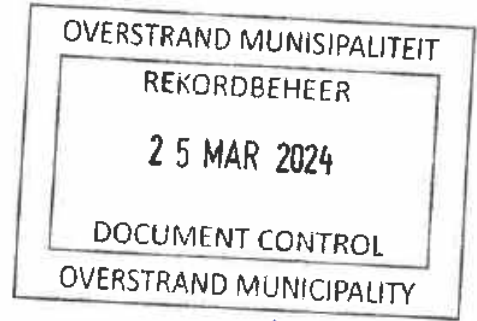
Town Planning & Project Management

Our Reference: 23/76  
Your Reference: 775 HVM 4473/2023

19 March 2024

The Municipal Manager  
Overstrand Municipality  
P O Box 20  
**HERMANUS**  
7200

Attention: Mr Henk Olivier



*TP. A. Meak  
(H. Olivier)*

**APPLICATION FOR PERMANENT DEPARTURE, CONSENT USE, REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION AND DETERMINATION OF AN ADMINISTRATIVE PENALTY ON ERF 775 VERMONT: RESPONSE TO OBJECTIONS AND COMMENTS**

Your email dated 19 February 2024, refers.

The comments and objections received are addressed herein.

FILE NO.	<i>ERF 775 ✓</i>
	<i>Vermont</i>
SCAN NO.	
	<i>HVM 775</i>
COLLABORATOR NO.	
	<i>2019210</i>

Project Planning | Project Feasibility | Land Use Applications | Project Execution Management | Liquor Licensing

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*TP*

ILLEGAL OPERATION CONTINUATION	RESPONSE TO OBJECTIONS
C & M Broodryk D Booth M Breytenbach & L Cameron	The property owners assured that the operations would be stopped. This office only reported on the intentions as was relayed by the property owner.

IMPACT ON THE NEIGHBOURHOOD	RESPONSE TO OBJECTIONS
C & M Broodryk D Booth C Nieuwoudt	<p><b>1. Preservation of Residential Character:</b></p> <p>The objectors' concerns are focused on the change of the neighbourhood, and it should be noted that the proposal is not to change the neighbourhood, but to utilise the existing infrastructure while allowing all to enjoy the tranquil, quiet nature of the neighbourhood.</p> <p>The assumption that any business activity will automatically disrupt the residential character overlooks the possibility of integrating the proposal harmoniously with the existing neighbourhood through careful planning and management. It is important to note that the proposed guest house will attempt to respect the residential character of the area while also being able to achieve the owners' intent.</p> <p><b>2. Zoning Compliance:</b></p> <p>The objectors highlighted the surrounding area's zoning as strictly residential. The proposal is not to rezone the property to a business zoning, but the existing zoning contains additional land use rights which allow a guest house and home occupation practice to be conducted with the consent of the municipality.</p> <p>These consent uses are subject to various conditions that need to be adhered to for example:</p> <p>Guest House:</p> <p>"a) The manager and/or owner shall reside in the main or second dwelling (excluding outbuildings) on the property – <b>The proposal is to have a live in manager as indicated on the site plan.</b></p> <p>b) A maximum of 5 bedrooms (10 persons) per property may be used for paying transient guests – <b>This being complied with, as only 5 guests bedrooms will be available.</b></p> <p>c) Guest rooms may not be converted to or used as separate dwelling units – <b>This is noted and will not be allowed.</b></p> <p>d) Meals may also be provided to bona fide guests on the property – <b>This is agreed with.</b></p>

e) The residential character must be retained – **This is the proposal and is not expected to be altered.**

f) Subject to obtaining a liquor licence, alcoholic beverages may only be sold to resident guests for consumption with meals on site – **The property owners have not shown any indication to apply for a liquor licence.**

g) Home occupation will not be permitted on the same property as a guest house. – **This is not being proposed.**

h) A place of entertainment shall not be permitted - **This is not being proposed.**

i) No more than 3 staff members shall be employed in support of the establishment at any given time - **This is noted and is not being proposed.**

j) No advertising sign shall be displayed without the written approval of the Municipality other than a single, un-illuminated sign or notice affixed to the building or boundary wall or fence, and such sign must be in line with the Overstrand Signage By-Law at any given time - **This is noted and will be complied with.**

k) No activities constituting a source of public nuisance shall be carried out – **Any past occurrence has been noted and it is regretted, and any future occurrence will be able to be reported to the manager.**

l) No disturbance from loud music and other sources are allowed after 22:00;

m) The minimum parking provisions as listed in section 17.1.3 shall apply - **This is noted and will be complied with.**

n) Occupation shall be subject to the submission of a site plan (for record purposes) demonstrating compliance with the requirements pertaining to guest rooms, and - **This is noted and will be complied with.**

o) No cooking facilities or prep bowl may be provided in the guest room. **This is noted and will be complied with.**

The property will not be altered in such a way that it cannot be converted back to a dwelling and second dwelling, with sufficient parking for up to 5 guest bedrooms and the dwelling units. No additional uses are proposed that do not align with the existing zoning and proposed consent uses.

The onus remains on the municipality to ensure that operations align with their regulations and legislation, and any conditions imposed will be complied with by the owners.

It was also a concern of some objectors that signage would be erected. It should be noted that all signage will need to comply with municipal regulations and is not expected to be out of character.

NOISE & NUISANCE	RESPONSE TO OBJECTIONS
<p><i>C &amp; M Broodryk E Truter</i></p>	<p>While past experiences of noise disturbances are unfortunate, it's important to note that the proposed guest house will operate differently from previous situations.</p> <p>The owner is reacting to past situations and the use of the property is being proposed to be changed dramatically.</p> <p>Proper management and enforcement of regulations can address noise concerns effectively. Additionally, the assumption that noise disturbances will persist without considering measures to mitigate it may not accurately reflect the owner's commitment to maintaining a peaceful environment.</p> <p>There will be strict times that will need to be adhered to in terms of check-in and check-out times that will be within prescribed business hours to minimise any disturbance that may occur due to the arrival or leaving of guests and/or clients.</p> <p>Additionally, the number of guests will be limited to two per room.</p>

REMOVAL OF TITLE DEED CONDITIONS	RESPONSE TO OBJECTIONS
<p><i>C &amp; M Broodryk E Truter</i></p>	<p>The comments have been noted, and the removal of the restrictive title deed condition is being requested because it prohibits the owner from utilizing the property for its intended purpose.</p> <p>As stated in the application, the removal is not expected to directly have a negative impact on the surrounding area. It should be noted that when these title deed conditions were inserted into the title deed, residential areas were significantly different from the present time.</p> <p>A guest house is not considered out of the ordinary in present-day residential areas.</p>

PARKING	RESPONSE TO OBJECTIONS
<p><i>C &amp; M Broodryk C Nieuwoudt D Booth</i></p>	<p>The comments have been noted. While past experiences with parking-related concerns are unfortunate, the proposal is to formalise and establish well-demarcated parking bays that will allow all guests of the proposed establishment to park on-site.</p> <p>A traffic engineer was consulted to ensure the feasibility of the proposed parking layout. These layouts were included in the application. It should be stated that the current parking layout differs from what is proposed. Additionally, the proposed layout complies with the parking regulations of the Overstrand Municipality in terms of parking bay sizes, manoeuvring spaces and turning radiuses.</p> <p>In addition, there will be strict enforcement of check-in and check-out times as it is crucial to maintaining order and minimizing disruptions. By adhering to specific cutoff times for guest movements, the guest house can operate smoothly and respectfully, similar to neighbouring activities that vary day by day.</p>

	<p>This will already reduce any concerns of traffic during times that may not be appropriate.</p> <p>Shuttle services can be provided for employees to minimize additional traffic impact, and designated break areas can be established within the property to ensure privacy and convenience.</p>
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SERVICES	RESPONSE TO OBJECTIONS
C & M Broodryk	<p>The comments and concerns are noted, but it should be emphasized that the proposal is aligned with the residential nature of the property and neighbourhood. The objectors assume that guests will use more services. It needs to be reiterated that the house could be converted back into a dwelling house, and the same services can be used by the occupants as the proposed guests.</p>

WENDY HOUSE	RESPONSE TO OBJECTIONS
C & M Broodryk	<p>The comments and concerns are noted. The owner has been informed about the use of the wendy house for human habitation. The reason for it not being indicated on the plans is because the wendy house will be removed.</p>

OPERATIONS	RESPONSE TO OBJECTIONS
D Booth M Breytenbach & L Cameron	<p>The comments are noted.</p> <ul style="list-style-type: none"> <li>• The owner is not proposing adding any additional uses or apply for a liquor licence and these concerns are not based on any factual information.</li> <li>• Additionally, one side of the existing garage is proposed to be converted to allow the future staff members to use, this includes a small bathroom and area where they will be able to have their breaks etc.</li> <li>• There are three existing kitchens, one in the managers room will be removed. The manager will utilise the entire space together with the new proposed bathroom.</li> </ul>

VIEWS & PRIVACY	RESPONSE TO OBJECTIONS
D Booth M Breytenbach & L Cameron	<ul style="list-style-type: none"> <li>• South African law does not recognize an inherent right to the existing view from a property. A beautiful view is considered a mere incidental advantage of property ownership and not an actionable right.</li> <li>• The comments are noted, and the property owners would never inadvertently affect any other property owner. The design was finalized to focus on providing guests the possibility to experience the outdoor space.</li> <li>• MITIGATION: If required, the owner will be open to possibly changing the balustrades to ensure that they are not see-through. This alteration will increase privacy from several angles.</li> </ul>

	Additionally, privacy screens can be erected on several points of the property.
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VIEWS & PRIVACY	RESPONSE TO OBJECTIONS
<p>D Booth M Breytenbach &amp; L Cameron</p>	<ul style="list-style-type: none"> <li>• South African law does not recognize an inherent right to the existing view from a property. A beautiful view is considered a mere incidental advantage of property ownership and not an actionable right.</li> <li>• The comments are noted, and the property owners would never inadvertently affect any other property owner. The design was finalized to focus on providing guests the possibility to experience the outdoor space.</li> <li>• The concept of the right to light is regarded as a type of easement, where one property benefits from a right enjoyed over the land of another. In this context, the right to light easement refers to the entitlement to enjoy natural light passing over someone else's land and entering specified spaces in a building, such as windows, skylights, and glass roofs.</li> <li>• While South Africa does not have a specific law entitling individuals to direct sunlight, the property owners acknowledge the potential impact on the area. It is important to note that sunlight and light patterns shift throughout the day, and the acknowledgement is made that, although there will be an impact on the area, all property owners will still receive their fair share of light as the sun moves. This recognition aims to address concerns about potential impact while acknowledging the dynamic nature of sunlight distribution.</li> </ul>

#### GENERAL COMMENTS AND OBJECTIONS

**The objectors M Breytenbach & L Cameron provided several points of comment that will be addressed individually.**

<p><i>"Die huiseienaar het 'n bouplan by die OM ingedien wat aandui daar is slegs twee kombuise - maar ek vermoed dit was maar net om verby die beperkings / reëls te kom, waarom sal al die Webwerwe aandui daar is drie verskillende aparte volledig toegeruste eenhede, elk met sy eie foto's, beskrywing en prys. Die huiseienaar weet die goedgekeurde plan het slegs die twee toelaatbare kombuise.</i></p> <p><i>Wanneer het sy die kennisgewing ontvang vanaf OM en wat was die instruksie vanaf die OM?</i></p> <p><i>Watter verandering is deur die huiseienaar aangebring om die huis as 'n enkele eenheid uit te verhuur om sodoende aan die OM se vereistes soos per kennisgewing te voldoen?</i></p> <p><i>Na aanleiding van wat ons sien en ervaar die afgelope 16-17 maande is daar geen verandering nie- nie eers na ons skriftelike</i></p>	<p>This is noted and agreed with. However, since the municipality contacted the owner, she indicated that they would stop operations. As indicated above, this office only reported on the intentions as was relayed by the property owner.</p>
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<p>klagte aan die OM nie. Sy verhuur nog steeds al drie eenhede uit- aan verskillende families/ gaste."</p>	
<p>"Terwyl die huiseienaar wag vir die nuwe aansoek soos voorberei/opgestel deur WRAP om seker te maak sy voldoen nou aan al die OMLYS se vereistes? Bly my vraag steeds - het die huiseienaar 'n lisensie/toestemming om 'n gastehuis te bedryf vanaf ERF 775 vanaf middel Augustus 2022? aangesien die woning huidiglik uit meer as net een wooneenheid met elk sy eie ingang &amp; kombuis bestaan."</p>	<p>The application serves as a method to address any past contraventions that occurred.</p>
<p>"Nie seker of hierdie punt regtig water dra nie. Hoe kan 'n huiseienaar wat beplan om 'n bestaande gebou te verander om sodanig 'n gastehuis te bedryf, nie van 'n professionele persoon i.e. 'n Argitek gebruik maak nie. Wie het die bouplan opgetrek wat by die OM se bou afdeling in 2021 ingedien is.</p> <p>Interessant genoeg het die huidige huiseienaar nie trappe soos gelys op figuur 1 gebou nie - dit was deel van die oorspronklike gebou toe sy die huis gekoop het. Met hierdie trappe het ons as Huiseienars van ERF 776 nie 'n probleem nie."</p>	<p>The owner appointed a SACAP registered professional to design the proposed additions.</p>
<p>"Volgens wat ons gesien het (Januarie 2023), ten tye van 'n toer deur die huiseienaar is daar beslis drie eenhede en slegs 6 slaapkamers. Twee slaapkamers in elk van die drie eenhede.</p> <p>Asook op al die Webwerwe waarna ek gekyk het, is slegs 6 slaapkamers gelys. Ons sien glad nie 7 slaapkamers op enige van die planne nie."</p>	<p>This is noted and proposed to change.</p>
<p>"Die vertrek wat op die plan aangedui word as bestuurders vertrek (managers room), is vaag - dit is nie duidelik nie - daar word nie verwys na Bestuurders slaapkamer nie? Beplan die huiseienaar om hierdie oopplan vertrek in te rig as 'n slaapkamer vir die bestuurder aangesien dit op die oomblik nie 'n slaapkamer is nie?</p> <p>Dit is 'n oopplan area met 'n sit-eetkamer met 'n volle kombuis. Die voorgestelde plan aandui aan die kombuis word verwyder. Wat weerhou die huiseienaar om wel weer in die toekoms 'n kombuis hier te laat installeer? Die OM kan sekerlik tog nie elke huishouding besoek / inspekteer om seker maak dit gebeur nie. Die veranderings aan die huidige bestaande badkamer lings slaapkamer 1, dui aan 'n addisionele aparte</p>	<p>As mentioned above the kitchen will be removed from the managers' quarters and it will be an open plan room.</p> <p>The manager will be a staying on the property and will have access to the amenities of the guest house.</p>

<p>stort &amp; aparte toilet &amp; wasbak - is dit vir die bestuurder?</p> <p>Word daar voorsiening gemaak vir slegs 'n stort &amp; toilet met 'n gastewasbak aangesien die bestuurder nie gaan inwoon nie? Is dit ook die rede waarom die bestuurder van die bestaande kombuis gebruik moet maak vir tee ens aangesien die persoon nie regtig gaan kos voorberei nie?"</p>	
<p>"Waar word die linne op die oomblik geberg (voorheen en na die OM hoar aangeskryf het), aangesien die drie self-sorg eenhede nog steeds uitverhuur word.</p> <p>Die vloeroppervlak van die voorgestelde linnekamer is byna dieselfde as slaapkamer no 1. Om 'n bestaande slaapkamer wat reeds ingerig is of te staan om 'n bergings vertrek te skep vir linne, laat mens wonder of die huiseienaar 'n agterdeur ooplos om hierdie "linnekamer" in die toekoms ook te gebruik as 'n gastekamer - aangesien daar reeds voorsiening gemaak word 'n aparte stort en aparte toilet wat deur die bestuurder gebruik word? Is die bestuurder slegs vir ontvangs doeleindes i.e. deur die dag en slaap nie in nie? Ons ondervinding is dat die huiseienaar haar nie eintlik aan reëls / ooreenkomste steur nie."</p>	<p>The objector is making general comments and assumptions. The operations of the guest house were clearly indicated within the motivational report.</p> <ul style="list-style-type: none"> <li>- The linen room cannot be used as a guest room.</li> </ul>
<p>"Die hoofgebou bied meer as genoeg slaapplek wat kan gebruik word deur die huiseienaar vir haarself; asook vir familie en kuiergaste gedurende haar besoeke aan Vermont. Die huiseienaar kan soveel slaapkamers uithou wat sy benodig met sulke kuiers.</p> <p>Ons voel die tweede projek om die dubbelemotorhuis in 'n blyplek vir die huiseienaar te omskep, is volgens my net 'n manier om addisionele blyplek te step wat uitverhuur kan word as sy nie in Suid Afrika is nie. Deur die verbinding van die twee geboue, wil die huiseienaar dan saam met vakansiegaste kuier? Wie gaan toesien dat dit nie gebeur nie?</p> <p>Hierdie addisionele aanbouings is net te veel - ons staan hierdie voorgestelde plan ten sterkste teen!"</p>	<p>The property owner has the authority to utilise her property as she sees fit, within the ambit of applicable legislation.</p> <p>It should be reiterated that the property can be converted back into 2 dwelling units at any stage where the connection may be valuable.</p>
<p>"Dubbelmotorhuis grondvloer: voorsiening word gemaak vir twee aparte vertrekke met was en toilet geriewe - vir wie se gebruik sal dit wees?</p> <p>a) Volgens die voorgestelde plan is daar 'n 'n stortkamer met 'n wasbak &amp; toilet in die</p>	<p>As previously mentioned, these will be available to the staff of the guest house to use.</p>

<p>waskamer - is dit vir die personeel wat die linne was / stryk - bevestig asseblief?</p> <p>b) Daar word verder voorsiening gemaak vir 'n addisionele wasbak en toilet? Vir wie se gebruik? - is die oogmerk deur die huiseienaar om eintlik net 'n nie inwonende ontvangspersoon aan te stel wat nie kook geriewe of 'n vol badkamer benodig nie?"</p>	
<p>"Die braaikamer op die vloerplan, beteken dit daar gaan slegs in hierdie vertrek/area gebrui word en nie op die patio by die voorgestelde bestuurders vertrek nie; en ook nie op die oop dek op die eerste vloer nie?"</p> <p>Op hierdie punt wil ons graag uitklaring hê, is dit 'n gastehuis of 'n self-sorg eenheid waarvoor die huiseienaar aansoek doen? Gaan daar enigsins etes voorsien word deur die huiseienaar of maak gaste alle etes self? Indien wel - wat is die verskil van wat sy op die oomblik bedryf? afgesien van die tittle-akte beperkings en ander regulasies?</p> <p>Waar sal die bestuurder vir hom/haarself etes kan berei in die geval as al die slaapkamers vol bespreek is? Die persoon kan mos onmoontlik sy/haar kruideniersware &amp; yskasgoed saam met gaste se kos ens berg nie"</p>	<p>The application is to allow a guest house and not self-catering units. This means that guests will not be able to prepare their own meals as their rooms will not have access to the cooking facilities. Additionally, meals will be served to the guests if they choose that option.</p> <p>The manager is allowed to have a fridge and storage for their groceries, the limitation is that no cooking facilities may be present in their room.</p>
<p>"Die bestuurder waarna verwys word - gaan 'n nuwe persoon aangestel word vir hierdie posisie? (Dis mos werkskepping deur 'n persoon aan te stel). Deur voorsiening te maak vir 'n parkeerplek vir die bestuurder, bevestig asseblief of die persoon voltyds op die perseel sol wees? (nie oorkant die straat of so iets nie)."</p>	<p>A permanent manager will be appointed and will stay on-site.</p>
<p>"Wanneer is hierdie kennisgewing uitgereik aan die huiseienaar deur die OM? Asook wat was die instruksies vanaf die OM? Ons vra hierdie vrae - ons aanvaar hierdie kennisgewing wat die huiseienaar ontvang het is na aanleiding van ons klagte van 27 Januarie 2023 waarop ons tot hede geen terugvoer ontvang het nie.</p>	<p>The application serves as method to address the letter received from the municipality. The contents of which can be obtained from the municipality if they are willing to provide a copy thereof.</p>
<p>"the property owner has ceased the contravening operations on the property.</p> <p>Watter van al die betrokke oortredings / reëls wat betrokke is het sy mee gestop? Ons was nie eers bewus van die kennisgewing aan die huiseienaar vanaf die OM nie want hier was nog geen verandering in hoar bedrywighede nie."</p>	<p>Refer to the response above.</p>

<p>"Hierdie is nie waar nie, dis hoekom ons aanhou vra, wat was die ooreenkoms met die OM? Hoekom is hoar onwettige bedrywighede nie semier en al gestop nie of 'n sperdatum gegee nie? Wat is deur die huiseienaar gedoen aan die binne strukture om die moontlik te maak om die huis as 'n enkele eenheid te verhuur? Wat is die OM reël ten opsigte van besighede ens - mag dit bedryf word sonder die nodige lisensies/ en of toesemming? Wonder of die huiseienaar nie maar staat gemaak daarop dat die OM die mannekrag het om 'n opvolg besoek aan die eiendom te bring nie? Tot op hede word verhurings steeds gedoen aan verskillende gaste wat nie verwant is nie. Dit word beslis nie as 'n enkele eenheid verhuur nie!!"</p>	<p>The comment is noted, refer to the response above.</p>
<p>"Ons dog sy het dan al die oortredings gestop - hier word verwys na die aansoek wat dien as hoar poging om die oortredings (meervoud) reg te stel. Die huis word as drie eenhede aan verskillende gaste verhuur en die trappe word nogsteeds gebruik."</p>	<p>There is a difference between land use and building work. Building work done without prior approval cannot be undone immediately.</p>
<p>"Ons op ERF 776 het nie 'n probleem met hierdie trappe en afdak by die agterdeur van die hoofgebou nie."</p>	<p>This is noted.</p>
<p>"Onkunde van die wet/ reëls was nog nooit 'n verskoning nie - vind uit as jy nie weet nie of onseker is. Waarom 'n Argitek in Kaapstad gebruik om jou planne op te trek vir 2 kombuise - die plan indien by die OM maar weet jy gaan drie eenhede inrig en verhuur sonder die nodige navorsing &amp; toestemming. Alle stede en dorpe het regulasies - hier kan sy kan nie die feit dat sy 'n buitelanders is gebruik as verskoning nie - sy was 'n huiseienaar in Robertson in die Weskaap vir 9 jaar."</p>	<p>This comment is noted.</p>
<p>"Die huiseienaar moes hoar huiswerk / navorsing gedoen het - veral gegewe die feit dat sy van die begin of beplan het om hoar woning uit te verhuur. Die huiseienaar het gedink sy kan maak soos sy wil en daarmee weggom."</p>	<p>This comment is noted.</p>
<p>"Hier aanvaar ons daar is sekerlik goeie rede om die karakter en stil en rustige omgewing te bewaar, soos WRAP ook verwys in 7.2."</p>	<p>Guest houses are allowed within residential areas and have become a staple income generator for the Overstrand.</p>
<p>"Dis mos nie 'n kwessie van dit mag dalk gesien word as 'n besigheid nie - die huiseienaar adverteer verblyf, gaste betaal hoar om daar te bly = dis besigheid, geld verwissel hande."</p>	<p>This comment is noted.</p>
<p>"Die beperkings van die titelaktevoorwaardes is juis daar om Vermont se karakter - veral in die ou deel van Vermont waarin ons woon, te beskerm. Hierdie</p>	<p>This comment is noted and was addressed previously.</p>

<p>residensiële area met sy rustige karakter en atmosfeer is van die hoof redes waarom ons gekies het om hier te kom bly en aftree, weg van die meer besige area's in-en-om Hermanus.</p> <p>Hoewel hier melding gemaak word van meer oorkoepelende en streng dorps-en-stadsbeplanningsregulasie deur die OM bly dit onseker of hierdie regulasies deurlopend gemonitor kan word - hierdie aansoek van WRAP namens K Palic is reeds 'n bewys daarvan. Word daar inspeksies gedoen no afloop van die voltooiing van bouplanne ens of word op goederetrou geglo huiseienaars sol hou by ingediende goedgekeurde planne?"</p>	
<p>"Die beperkings van die titelaktevoorwaardes is juis daar om Vermont se karakter - veral in die ou deel van Vermont waarin ons woon, te beskerm. Hierdie residensiële area met sy rustige karakter en atmosfeer is van die hoof redes waarom ons gekies het om hier te kom bly en aftree, weg van die meer besige area's in-en-om Hermanus.</p> <p>Hoewel hier melding gemaak word van meer oorkoepelende en streng dorps-en-stadsbeplanningsregulasie deur die OM bly dit onseker of hierdie regulasies deurlopend gemonitor kan word - hierdie aansoek van WRAP namens K Palic is reeds 'n bewys daarvan. Word daar inspeksies gedoen no afloop van die voltooiing van bouplanne ens of word op goederetrou geglo huiseienaars sol hou by ingediende goedgekeurde planne?"</p>	<p>This comment is noted and has been addressed previously as well as the motivational report.</p> <p>With reference to the monitoring of the property, this cannot be commented on.</p>
<p>"Ja die huiseienaar het die reëls oortree en het ook nog nie opgehou daarmee nie. Hoekom word alle besigheids verwante aktiwiteite nie gestop tot tyd en wyl die nodige titelaktevoorwaardes en beperkings opgehef is nie?"</p>	<p>This comment is noted and has been addressed previously.</p>
<p>"Voel nou of sy 'n gemiddelde huis-en-erf in 'n stil area wil omskep deur die hoofgebou en voorgestelde tweede gebou te verbind as een groot eenheid - wot byna die hele erf van kant-fotkant volstaan en dan nog 7 parkeer area's te skep. Gegewe die huiseienaar se oorspronklike idee om 'n groot huis te he om 'n gastehuis te bedryf moes sy eerder 'n groter huis op 'n groot erf by die see gekoop het om sodoende die eiendom se volle potensiaal te benut."</p>	<p>This is noted and no comment as the property owner has already bought the property.</p>
<p>"Terreinplan 5 - is 'n voorgestelde totaal van:</p>	<p>Most of these bedrooms and bathrooms already exist. If the structures are used for a</p>

<p>Toilette</p> <p>9                    5 (grondvloer) + 4 (1ste vloer) Wasbakke</p> <p>9                    5 (grondvloer) + 4 (1ste vloer) Storte</p> <p>8                    4 (grondvloer) + 4 (1ste vloer) Kombuis wasbak afvoerpyp</p> <p>3                    1 (grondvloer) + 2 (1ste vloer) * Wasmasjiene in waskamer om gastelinne te was asook die wasmasjiene wat huidiglik in die eenhede is.</p> <p>Nie 'n kenner op die gebied nie maar dis onmoontlik om te dink bogenoemde sal nie 'n addisionele impak op die bestaande riolering/septiese tenk en vasteafval he nie. Water verbruik: 5-6 slaapkamers met 'n gemiddeld van 2 gaste wat stort = 10-12 persone per dag wat 'n minimum van 1 x per dag stort. Die wasgoed (linne) en skottelgoed water. Dit sal sekerlik druk om die bestaande hulpbronne plaas. Die oorspronklike riolering ens is dit genoegsaam - die OM moet besluit."</p>	<p>dwelling house, the use will remain the same.</p>
<ul style="list-style-type: none"> <li>Gaste word toegelaat om enige tyd van die dag of nag te arriveer en in te boek. Selfs gaste wat openlik dronk en aangeklam is.</li> </ul> <p><b><u>This will be mitigated by providing check-in and check-out times.</u></b></p> <ul style="list-style-type: none"> <li>So met die uitpak van voertuie word voertuigdeure toegeklap, tasse word op die plaveisel gesleep (die wiele raas en dit voor ons slaapkamer vensters) selfs wanneer gaste die dag vertrek is dit gereeld regtig vroeg in die oggend en weereens word die tasse gesleep na hul voertuie voor ons slaapkamers verby.</li> </ul> <p><b><u>This is noted and will be mitigated by providing check-in and out times.</u></b></p> <ul style="list-style-type: none"> <li>Konstante beweging van gaste voor ons slaapkamer venster op die oop balkon van vroegoggend tot laat in die aand. Ons het geen privaatheid nie. Daar word gekuier en gebraci op hierdie oopbalkon. Rook en roet waai in ons slaapkamers en sitkamer.</li> </ul> <p><b><u>This was addressed previously.</u></b></p> <ul style="list-style-type: none"> <li>Skuifdeure &amp; gordyne van hierdie eenheid (# 2) bly tot laat oop, gaste kyk tot laat TV (die klank is oorverdowend).</li> </ul> <p><b><u>This is noted and will be mitigated by providing guests with rules and regulations that need to be adhered to. This includes quiet times.</u></b></p> <ul style="list-style-type: none"> <li>Gaste/besoekers hang hul eie wasgoed oor die reëlings - dis onooglik en onaantvaarbaar vir ons.</li> </ul> <p><b><u>This is noted and will be mitigated by providing guests with rules and regulations that need to be adhered to.</u></b></p>	

- Gaste/besoekers wat braai, luid gesels en musiek speel tot na 23:00 in die aand.

**Refer to above.**

- Buiteligte word deur gaste aangelos deur die hele nag en veroorsaak slaaplose nagte al is ons slaapkamer gordyne toegetrek.

**Lights are a essential for safety in South Africa.**

- Gaste/besoekers sit op die oop balkon (suid) wot na ons slaapkamers kyk en rook, dood tevrede om ons te sit en dophou, kan nie eers die ingeboude kaste in my kamer oopmaak sander dot gaste/besoekers kan sien wat in my kaste is nie. Ons kan mos nie die heeldag en aldag ons gordyne toegetrek hou nie.

**Privacy was addressed previously.**

- Gastehuis eienaar het verskeie buite sonkrag kolligte geïnstalleer - waarvan twee 'n direkte impak het op ons slaapkamers - die ligte het geen aan-en-af skakelaars nie.

**Lights are a staple for safety in South Africa.**

- a) *Goan 'n nuwepersoon aangestel word vir hierdie posisie? (Dis mos werkskepping deur 'n persoon aan te stel)*

**Refer to the previous response.**

- b) *Bly & oornag die persoon voltyds op die perseel? (nie oorkant die straat of so iets nie). Om seker na gaste & bure se belange omgesien? i.e. geraas en laat aand gekuier deur gaste, gaste wasgoed wot oor reelings hang, ligte (binne & buite) wat onnodige brand. Seker maak gaste het 'n afstandbeheer vir die hoofhek (mense druk die teeter heeldag en al dag)*

**Refer to the previous response.**

- c) *Sal die bestuurder voorsien word met 'n 'n Suid Afrikaanse selfoon nommer?*

**This is unknown at this stage.**

- d) *Watter badkamer geriewe sal deur die bestuurder gebruik*

**This is indicated on the site plan, the bathroom next to the bedroom.**

- e) *\*\* die addisionele stort en toilet op die grondvloer van die bestaande woning (langs die bestuurder se vertrek)*

**Refer to above.**

- f) *\*\*\* of die voorgestelde addisionele toilet en wasbak op die grondvloer van die dubbelmotorhuis indien al die en-suite slaapkamers vol bespreek is?*

**This is a bathroom for the staff.**

- g) *Waar sal die bestuurder vir hom/haarself etes kan berei in die geval as al die slaapkamers vol bespreek is? Die persoon kan mos onmoontlik sy/haar kruideniersware & yskasgoed saam met gaste se kos ens berg nie.*

**This is easy as the manager will be able to store their groceries in their room and utilise the existing facilities of the guest house.**

"Die huiseienaar onderneem om 'n kommunikasiestel daar te stel wot deur die hele proses oop en deursigtige kommunikasie met die omliggende inwoners (bure) en belanghebbendes te handhaaf gedurende die proses? Vraag is wat sal die kommunikasiestel wees - i.e. 'n kontak persoon op die perseel? Wat van na die afhandeling van die proses, watter proses word na verwys?"

The public participation processes.

The owner will however be open to comments from the neighbours.

Voorstel A

Om meer privaatheid aan ons in in ERF 776 (as direkte bure en gaste) stel ons voor die huiseienaar bring "privaatskerms" op by die houtdek van eenheid # 2 (privacy screens) aan. Ek heg foto's aan wat kan dien as voorbeelde. Hierdie tipe skerms bied tog 'n mate van privaatheid; as dit esteties aanvaarbaar en mooi is aangesien dit van beide kante sigbaar is.

**This is proposed as a mitigation proposal.**

Voorstel B

Om die verkeer aan die suide kant reg voor ons slaapkamers te beperk - doen weg met hierdie ingang by eenheid # 2. Verminderde toegang/ingang is 'n goeie veiligheids aspek.

**Refer to the site plan, for the operations of the guest house.**

Voorstel C

Gebruik die voorgestelde linnkamer as 'n slaapkamer vir die inwonende bestuurder, en doen weg met die ekstra voorgestelde toilet en wasbak in die dubbelmotorhuis. Skuif die voorgestelde "badkamer" in die waskamer teen die suide muur - gebruik die ekstra ruimte om kaste in te sit vir die berging van linne.

**The manager already has a bathroom and bedroom within the proposed managers' quarters.**

Voorstel D

Die voorgestelde bestuurders vertrek: aangesien die kombuis uitgehaal gaan word, rig hierdie hele oopplan area in as 'n ontvangs waar gaste/besoekers ontvang en verwelkom kan word. Dit dien as 'n voordeur waar gaste inkom en gaste uitgaan. Toegangs beheer is 'n goeie veiligheids opsie. Die gang hier is mos verbind met die "ou hoofgebou" en door is trappe na eenheid # 2 = so verkry gaste/besoeker toegang tot hul slaapkamers.

**This space could be utilised as a reception area and the proposal will be taken into consideration.**

Voorstel E

Installeer water oopgaartenks, huiseienaar kan dit gebruik vir die besproeiingstelsel en minder skoon kraanwater vir die tuin gebruik.

**This will be taken into consideration.**

"Voldoen die huidige hoofgebou waf uitverhuur word aan die nodige brandregulasies? Waar is brandblussers binne-in en brandslange buite die gebou?"

The proposed building plans will need to be submitted to the building control department that have authority on these requirements.

"Is daar kennisgewings wat die vergaderpunte tydens 'n noodgevalle en moontlike ontruimings aandui. gegewe daar is op die oomblik gaste/besoekers op die perseel."	
"Daar is op die oomblik geen persoon op die perseel wat gedurende 'n noodgeval (siekte/brand) gekontak kan word nie. Wie kontak gaste/besoekers/ en bure in geval van nood - nie iemand wat in die buiteland sit met 'n buitelandse kontak nommer nie (nie almal kan internasionale oproepe maak nie) en ook nie 'n "instaan persoon" wat na 22:00 nie meer die foon beantwoord nie. As die gebou ontruim moet word, waar is die"	The manager or property owner will be the contact person.
"Die voorgestelde nuwe badkamer wat vir kamer # 5 gebou moet word - gaan dit bo-op die bestaande gebou opgerig word?"	This bathroom will be constructed on a support system as required by necessary engineering drawings.

### Conclusion

These objections have revealed concerns of the proposal, but the intention of the property owner is to ensure that the guest house is accepted by the community. The property owner is proposing the following mitigation measures:

- Privacy Screens on the balconies;
- Contact person to report any concerns in the future;
- Strict check in and check out times;
- Strict rules and regulations to minimise the impact of the guest house on the neighbours.

Considering the response to objections, it is recommended that the planning application be approved as submitted.

Yours faithfully



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

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION,  
DEPARTURE, CONSENT USE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 775,VERMONT (4473/2023)**

Stormwater (SW)	:	Refer to conditions
Electricity	:	Eskom Area
Water	:	Refer to conditions
Sewer	:	Refer to conditions
Roads and traffic	:	Refer to conditions

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
3. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
4. that any additional and / or extended vehicle entrances will be for the owner's account;
5. that no reservation of on-street parking be allowed;
6. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
7. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.

  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

  
**DATE**



Sanet Botha  
Tel: 081 4093918  
Email: [WayleavesSR@Telkom.co.za](mailto:WayleavesSR@Telkom.co.za)

Our Ref.: WONR 4900 23

Your Ref:

19 December 2023

OVERSTRAND MUNICIPALITY

FIBRE OPTIC/COPPER PLANT AFFECTED

*TP - A Theart  
(H. Olivier)*

WAYLEAVE: ERF 775 - VERMONT

With reference to your application dated 14 December 2023.

**As important OPTIC FIBRE cables are affected, please contact our representative Melt van As telephone cell number 081 3637873 at least 48 hours prior of commencement on construction work.**

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

I hereby inform you that Openserve approves the proposed work indicated on your drawing in principle. This approval is valid for 6 months only, after which reapplication must be made if the work has not been completed.

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

Approval is granted, subject to the following conditions.

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

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

*P* 19 DEC 2023

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

Internal Use

FILE NO.	<i>Erf - 775</i>
	<i>HVM</i>
SCAN NO.	
COLLABORATOR NO.	<i>1970344</i>

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

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

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

All Openseve rights remain reserved.

Yours faithfully



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Sanet Botha  
for  
Selwyn Bowers  
Operations Manager  
Wayleave Management: Western Region

