



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

**A G E N D A**

<b>DATE:</b>	<b>23 JANUARY 2020</b>
<b>VENUE:</b>	<b>TOWN PLANNING COMMITTEE ROOM HERMANUS</b>
<b>TIME:</b>	<b>10:00</b>

# OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT  
Civic Centre  
HERMANUS  
7200

15 January 2020

**TO : MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL**

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

**NOTICE IS HEREBY GIVEN** that a meeting of the **Municipal Planning Tribunal (MPT)** will go into session on **Thursday, 23 January 2020 at 10:00, Town Planning Committee Room, 16 Paterson Street, Hermanus**, to consider the attached agenda.

**S MÜLLER**  
**CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL**

**Distribution:**

1. Mr S Müller (Chairperson)
2. Mr R Williams (Vice Chairperson)
3. Mr S Madikane (Member)
4. Ms D Arrison (Member)
5. Ms H Janser (Member)
6. Mr R Kuchar (Authorised Official)
7. Mr S van der Merwe (Senior Town Planner)
8. Ms H van der Stoep (Senior Town Planner)
9. Mr P Roux (Town Planner)
10. Secretariat

# MUNICIPAL PLANNING TRIBUNAL (MPT)

23 January 2020

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**1. OPENING**

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

**3. CONFIRMATION OF MINUTES**

**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 28 November 2019**

**4. ITEMS FOR CONSIDERATION**

**4.1 ERF 869, 6 ROSS STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: MESSRS WRAP CONSULTANCY ON BEHALF OF "DIE TRUSTEES INTERTYD VAN DIE ML SWART FAMILIETRUST"**

Report attached

**4.2 UNREGISTERED ERF 9901 AND ERF 3517, ELEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CLOSURE OF PUBLIC OPEN PLACE, REZONING, DEPARTURE AND CONSOLIDATION: C HEYS ON BEHALF OF "DIE BERGRANT TRUST"**

Report attached

**4.3 ERF 523, CORNER OF R43 & R326, STANFORD: PROPOSED CONSENT USE AND DEPARTURE: MESSRS WARREN PETTERSON TOWN AND REGIONAL PLANNING CONSULTANTS ON BEHALF OF OVERBERG AGRI BEDRYWE (PTY) LTD**

Report attached

**4.1****ERF 869, 6 ROSS STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR CONSENT USE: MESSRS WRAP CONSULTANCY ON BEHALF OF  
“DIE TRUSTEES INTERTYD VAN DIE ML SWART FAMILIETRUST”****869 GFK (3155)****SW van der Merwe****16 October 2019****(028) 313 8900****Hermanus Administration**

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**1. EXECUTIVE SUMMARY**

An application has been received in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 from Messrs WRAP Consultancy on behalf of “Die Trustees intertyd van die ML Swart Familietrust”, applicable to Erf 869, Franskraal for consent use to conduct a guesthouse with five (5) lettable rooms.

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

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

**3. BACKGROUND / SITE HISTORY**

The subject property is situated on the corner of Ross and Nico Street, Franskraal. The property measures 1087m<sup>2</sup> in extent and is developed with a dwelling house and associated outbuildings. Access is obtained from Ross Street. The property is zoned for Residential Zone 1 purposes.

The consent use application proposes the establishment of a guesthouse with five (5) lettable rooms. Provision is made for on-site parking comprising a double garage and five (5) parking bays adjoining the south eastern lateral boundary. Two (2) guest rooms are provided on the ground floor and three (3) on the first floor. The first floor will also accommodate a lounge, deck, pool and managers' suite.

**4. SUMMARY OF APPLICANT'S MOTIVATION**

The motivation for the application (refer to Annexure B) is summarised as follows:

- proposal is in harmony with the prevailing urban form and urban fabric of Franskraal;
- the proposal complies with the applicable development parameters in terms of the Scheme Regulations;
- municipal services are available;
- approval and implementation will not result in any heritage impact;
- approval and implementation will promote tourism and economic development;
- approval and implementation will result in additional rates and service tariffs;
- approval and implementation of the proposal will enable the property owner to implement constitutional transformation imperatives of Overstrand Municipality;

- property is the ideal tourist destination due to location in proximity to the coast and mountain views;
- additional surveillance as a result of approval and implementation will enhance the safety and wellbeing of the surrounding community;
- the proposal will not deprive adjoining residents of their right to occupy their properties in peace and comfort;
- proposal complies with municipal policy on Accommodation Establishments;
- the proposal is consistent with the Provincial Spatial Development Framework (PSDF), Spatial Development Framework (SDF) and Overstrand Municipal Growth Management Strategy (OMGMS);
- compliance with the planning principles are motivated as follows:
- *Spatial Justice*: proposal will contribute to creation of a more spatially just urban landscape;
- *Spatial Sustainability*: proposal promotes equitable land markets and is aligned with the principles of spatial sustainability;
- *Efficiency*: proposal promotes efficient use of services within the service capacity limits of the site;
- *Spatial Resilience*: proposal is aligned with spatial resilience principles in the PSDF, SDF and OMGMS, and
- *Good Administration*: the application will be processed in accordance with the legislative requirements.

#### 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Internal Departments	Yes	23/07/2019	30/08/2019
Ward councillor	Yes	23/07/2019	30/08/2019
Notices	Yes	23/07/2018	30/08/2019
Total letters of objection	<b>Two (2)</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?			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			<b>Yes</b>

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

Name	Date received	Summary of comments	Recommendation
Fire Services	23/07/2019	Annexure F.	Supported
Building Department	5/08/2019	No objection.	Supported
Tourism	12/08/2019	Annexure G.	Supported

Waste Management	19/08/2019	No objection.	Supported
Telkom	20/08/2019	Annexure H.	Supported
Health	29/08/2019	Annexure I.	Supported
Engineering Services	9/09/2019	Annexure J.	Supported

## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Two (2) objection letters were received from H Beeslaar, the owner of Erven 891 and 892, Franskraal, and J Wessels, the owner of Erf 870, Franskraal (attached as Annexure D). The main grounds of objection are summarised as follows:

### Objection

It is the opinion of the objector(s) that their privacy will be compromised by the proposed guest house as the entertainment area overlooks the objector's property.

### Applicant's comment

Every dwelling in Franskraal may have a second storey in terms of the development rights applicable to the SR1 zoning. The guesthouse is therefore in harmony with this and does not unlock additional development rights which the objector(s) does not enjoy. The balcony where the guests will relax is therefore in harmony with the development parameters of Franskraal and is not projected to compromise on the privacy enjoyed by the objector.

### Town planner's comment

The applicant's comment is noted. The primary elevation windows of the guest rooms face towards the north, south and west and not into the objector's property save for bathroom, staircase windows and windows to other non-habitable areas. The proposal provides for a first floor deck and swimming pool mainly facing towards the flank elevation of the objectors property. The deck and swimming pool will be constructed in accordance with the development parameters pertaining to single residential properties and as such is not considered to give rise to overlooking/loss of privacy sufficient to warrant refusal of planning permission.

### Objection

The proposed guest house will result in noise pollution, attract wrong elements and associated negative impact on property value. No indication is given, whether the guest house will be pet friendly, thus further contributing to noise.

### Applicant's comment

The motivation of the application was perhaps not interpreted correctly by the objector. The purpose of the on-consumption liquor license applied for in the guest

house is not for alcohol to be sold to the general public, but only to the guests of the guesthouse.

The benefit of the approval would ensure that guests would be able to purchase and consume alcohol on the property which will eliminate the likelihood of the guests driving under the influence of alcohol.

The guests will be genteel clients who want to view various tourist attractions in the area and spend money in local businesses which will contribute to enhance the economic viability of Gansbaai/Franskraal.

The genteel guests who will visit the guest house and occasionally consume alcohol are also not projected to devalue the neighbouring properties.

It is not only the occupants of guest houses which generate noise, but ordinary residential property owners as well. To therefore attribute a guest house as the only potential contributor to the generation of noise is not fair. The objector may however contact the police to intervene if noise levels at the subject guest house or from any other residence in the neighbourhood becomes unbearable, which is highly unlikely.

Any property zoned Single Residential Zone 1: SR1 may have a reasonable number of pets.

#### **Town Planner's comment**

The applicant's comment is noted. The objection based on alleged behaviour of patrons and impact on property value is speculative. The operation of the guest house, if successful, is subject to conditions, limiting the sale of liquor to paying guests of the guest house only and not the general public. Furthermore, the owner or manager will reside on the premises, thus ensuring that the behaviour of guests does not detract from the amenity of the surrounding area by reason of noise and disturbance. The keeping of pets, including those of guests are subject to compliance with the By-Law pertaining to the Keeping of Dogs and Cats that limits the number of pets to two (2) dogs and three (3) cats per property. As such, the objection that the aforesaid will contribute to noise pollution is considered an unsubstantiated objection.

#### **Objection**

The objectors are concerned because the property is for sale and not sure who they give consent to. This means that a green light has been given by the objector to someone they don't know to operate a guest house from the property. The objector has been living in Franskraal for 12 years and the subject property is still in a neglected state.

#### **Applicant's comment**

The objector is concerned that the approval and implementation of this proposal could potentially lead to a different property owner running a guest house which would be disruptive to the community. This is speculative as there is likelihood that the current property owner might not sell the property and likelihood that a genteel property owner may purchase the subject property. Speculation is therefore not sufficient ground for the submitted application to be refused.

Changes in the property market and property values cannot be used as justification to approve or refuse a town planning application. These changes can also not be used to attempt to prohibit a property owner from selling a property.

The matter relating to the broken wall between two (2) neighbouring property owners can be resolved through communication between neighbours aimed at finding an amicable solution to the problem. The approval and implementation of this proposal would enable the owner of the subject property to generate an additional income which can be used to continually maintain the property. This would therefore enhance the role of the subject property as a visual asset in the community which would be to the benefit of the objectors.

### **Town Planner's response**

The objection based on ownership is not considered a valid objection, since the approval of the development, if supported, would be subject to development rights and conditions that vest with the property. As such, either the current and future owner(s) would be bound by the approval conditions. Should the property be sold during the application process the new owner should advise the Municipality with reference to the continuation of the application.

### **Objection**

The objector is of the opinion that guests of guest houses perhaps due to low occupancy levels out of season is not the only source of spending/contributor to the economy, but that spending by the current co-owners will have a similar or greater impact. Guest houses focus on more on their tourism related activities to generate income. It is also the opinion that more guesthouses results in more crime in the area.

### **Applicant's comment**

The following factors contribute to the low occupancy rates of guest houses and self-catering units:

- dirty rooms;
- poorly trained staff;
- poor or inconsistent staff;
- lack of expected amenities, and
- slow internet

The low occupancy rates of the guest houses and self-catering units which the objector is referring to could be caused by one or more of the above factors. An application for a guest house can also not be refused on the grounds of low occupancy rates as these are market conditions which town planners have no control over.

The allegation that guest houses attract more crime can be solved by the owner of the subject guest house cautioning guests about crime in the area and sharing tips on how to ensure that valuables are safe and hidden from criminals. This will prevent the subject guest house from luring criminals.

**Town Planner's comment**

The objector's research of other establishments represents self-catering units and is not representative of guest houses where self-catering is not permitted. The establishments referred to by the objector, save for Air Del Mar is unauthorised. The link between guest houses and crime is considered speculative. The approval, should the application be successful will require on-site parking to be made available. The security of the parking area is thus the responsibility of the property owner.

**Objection**

The objector is of the opinion that it is risky to believe that all race and cultures will get along in a small space where alcohol is sold. Due to crime and armed crime in the area it is difficult to believe that no race friction exist in the area.

**Applicant's comment**

Social cohesion can only be achieved if an environment is created which fosters intercultural interactions which this guest house is intended to achieve. It is also presumptuous of the objector to assume that intercultural interaction leads to an increase in crime and cultural friction.

**Town Planner's comment**

The respective point of objection cannot be substantiated and should be dismissed.

**Objection**

The objector is of the opinion that the guest house will have an adverse impact on safety, health and wellbeing of surrounding community, which is also now targeted by crime. Neighbours look after each other's properties and Franskraal Buurtweg was established by the community to promote safety and prevent crime.

**Applicant's comment**

Crime in an area cannot be attributed to the presence of guest houses. On the contrary, the additional guests whom the subject guesthouse will attract will contribute to decreasing crime in the area due to the additional surveillance.

**Town Planner's comment**

The applicant's comment is noted. The opinion is held that there is no direct correlation between the operation of a guest house and crime. Further, guest vehicles will be parked upon the subject property where the property owner can implement the necessary security measures.

**Objection**

The applicant uses the principle of reasonability in the context of the impact of the guest house in terms of visual impact on the environment and neighbourhood. The objector(s) want to apply the principle on their right of privacy and safety.

**Applicant's response**

The objection is related to general crime problems experienced by residents in Franskraal. The crime concerns highlighted by the objector can however not be used as a justification for the refusal of the submitted town planning application.

**Town Planner's response**

The applicant's response is noted. The objector failed to provide substantive evidence to prove there is a correlation between crime and the operation of guest houses. The objection is considered speculative and should be dismissed.

Impact on privacy had been addressed above. Further in addition the opinion is held that impact on privacy of adjoining properties would not be greater compared to the existing rights attached to the property.

**Objection**

The objector is of the opinion that there is not sufficient parking available and that the proposal will result in on-street parking, thereby compromising the safety of other road users.

**Applicant's response**

Section 7 of the Motivation Report has illustrated that there is sufficient parking on the subject property. This is tended to avert all the parking related concerns.

**Town Planner's response**

The applicant's response is noted. The operation of a guest house, if approved, will be subject to the provision of on-site parking and will be enforced as such. The opinion is held that the proposal will not compromise the safety of road users and is supported by the Engineering Services Department.

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

N/A

**8. MUNICIPAL ASSESSMENT OF COMMENTS**

All of the comments received from the various departments have been positive.

**9. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)****9.1 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

Consistency with the planning objectives applicable in terms of SPLUMA and LUPA is motivated as follows:

Spatial Justice

The proposed guest house will create employment opportunities for the historically economically marginalised, thereby providing access to opportunities, facilities, land and services.

Spatial sustainability

The proposed guest house will be financially accessible to a wider market, thus promoting equity in the short term rental market. The property is a residential erf within the urban edge and will not encroach agricultural land, thereby contributing to spatial sustainability.

Efficiency

The proposal promotes optimal use of space, energy and infrastructure on the property to cater for guests, owner/manager within the service capacity limits of the property.

Spatial resilience

The proposal is consistent with the PSDF, SDF and OMGMS that promotes resilience.

Good administration

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

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

Same as 9.1 above.

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

The subject property is located in the residential area of Franskraal as indicated in the Overstrand Municipality Wide Spatial Development Framework, 2006 (OMSDF) and the Overstrand Municipality Integrated Development Framework, 2014 (IDF). The applicant is seeking to maintain the existing character and to develop the property in a suitable manner in line with the residential use and is therefore consistent with the aforementioned documents.

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

Not applicable.

**9.5 Impact on Municipal engineering services**

The proposed application will not require additional services

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

Not applicable.

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

The subject property is for Residential Zone 1 purposes. The proposal complies with the applicable development parameters as prescribed in the Overstrand Integrated Zoning Scheme Regulations, 2013.

The operation of a guest house between three (3) and five (5) bedrooms is a consent use, requiring prior municipal approval.

### **9.8 The desirability of the proposal**

The applicant proposes the renovation of the subject property comprising two (2) guest rooms on the ground floor and three (3) guest rooms on the first floor, with associated kitchen, living room and entertainment area comprising a deck and swimming pool, also on the first floor. Bedrooms for the property owner and manager are provided on the ground floor.

The proposed guest house complies with the applicable development parameters pertaining to single residential properties, thereby consistent with the prevailing urban form and fabric.

The Overstrand Municipal Zoning Scheme and the Overstrand Municipality's policy on accommodation on residential properties allow for consent to be requested for up to five (5) guest bedrooms.

The proposed guest rooms do not face the objector's property but the front of the property, affording north to north westerly mountain views. It is only the first floor living room and outdoor deck/swimming pool that face the lateral boundary of Erf 870. The first floor deck and swimming pool will be developed under the applicable primary rights, facing the front and flank elevation of Erf 870. Having had regard to the orientation of the subject property in relation to the objector's property, the proposed guest house is not considered to unacceptably detract from the privacy of the adjoining properties, sufficient to justify refusal of planning permission.

The municipal policy pertaining to accommodation establishments requires the applicant/property owner to reside on the premises, thereby ensuring the establishment is supervised at all times and the amenity of the surrounding residential area not be adversely impacted upon.

The consent use for a guest house, should it be approved, vests against the property and is subject to the conditions of approval imposed by the Municipal Planning Tribunal.

Further, with reference to the objections to the liquor license the facilities at the guest house will be limited to paying overnight guests of the establishment only, and not the general public. As such, serving of liquor is limited to paying guest only which is not considered to unacceptably detract from the amenity of the area by reason of noise and disturbance.

The proposal allows for the manager/property owner to reside on the property and for five (5) guest bedrooms. The site plan also allows for sufficient parking on site.

Subject to the above being stated the proposal submitted by the applicant can be considered desirable, due to the following reasons:

- local departments have provided supporting comments for the proposal;
- the proposal will benefit the local community economically and through tourism;
- the proposal is compliant with the spatial policies contained in the SDF and IDF;
- the proposal is consistent with the spatial principles as set out in SPLUMA and LUPA;
- the Title Deed does not hold any restrictive conditions preventing the proposed development, and
- the proposal is in line with the character of the area.

#### 9.9 ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

Not applicable

#### 10. RECOMMENDATION

1. that, the application in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 from Messrs WRAP Consultancy on behalf of “Die Trustees intertyd van die ML Swart Familietrust”, applicable to Erf 869, Franskraal for consent use to conduct a guesthouse with five (5) lettable rooms, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the facilities be utilized as a guesthouse only (no self-catering will be permitted);
  - (b) that this approval only relates to the proposed Site Development Plan and parking layout (attached as Annexure C);
  - (c) that building plans be submitted to the Building Department for approval and that all conditions of the Building- and the Fire Department be complied with at that stage;
  - (d) that the guesthouse be restricted to a maximum of five (5) lettable bedrooms;
  - (e) that the owner/manager resides on the premises and be responsible for the proper management of the guest house;
  - (f) that a single non-illuminated sign that complies with the Municipal By-Law on signage may be displayed on each property;
  - (g) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
  - (h) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;

- (i) that a maximum of one (1) permanently demarcated parking bay per guestroom and two (2) for the owner/manager be provided within the erf boundaries;
  - (j) that the applicable tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (k) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
  - (l) that the guesthouse be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
  - (m) that all the conditions in the Services Report (attached as Annexure J), be complied with;
  - (n) that all conditions imposed by the Fire Department (attached as Annexure F), Telkom (attached as Annexure H) and District Health (attached as Annexure I), be complied with;
  - (o) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
  - (p) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. 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, 2015 with regard to the above conditions of approval.”

## 11. REASONS FOR RECOMMENDATION

- ❖ The proposed guest house will have a minimal impact on the surrounding area.
- ❖ The diversification of uses on the property will positively contribute to job creation, economic growth and tourism.
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ The proposal is compliant with the spatial policies contained in the SDF and IDF.
- ❖ The proposal is consistent with the planning principles in terms of SPLUMA and LUPA.
- ❖ The proposal is consistent with the municipal policy pertaining to accommodation establishments

## 12. Annexures

- Annexure A: Locality Plan
- Annexure B: Motivation Letter
- Annexure C: Site Development Plan
- Annexure D: Objections
- Annexure E: Comment on objections

Annexure F: Comment: Fire Services  
Annexure G: Comment: Tourism  
Annexure H: Comment: Telkom  
Annexure I: Comment: Health  
Annexure J: Services Report

**REGISTERED PLANNER**


Name : **S VAN DER MERWE**

SACPLAN Reg No: **A/1850/2014**

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

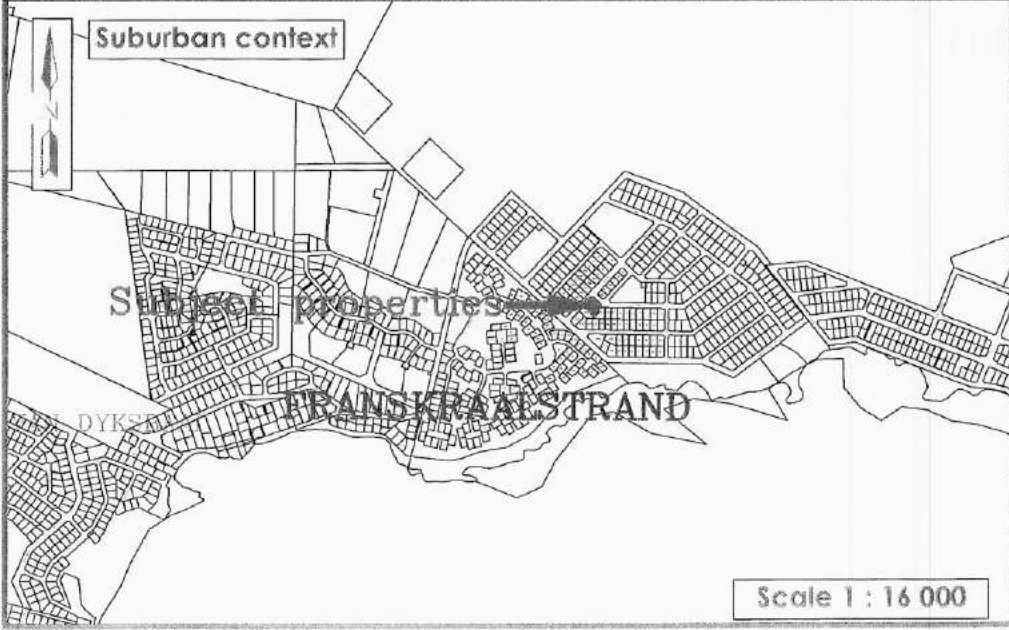
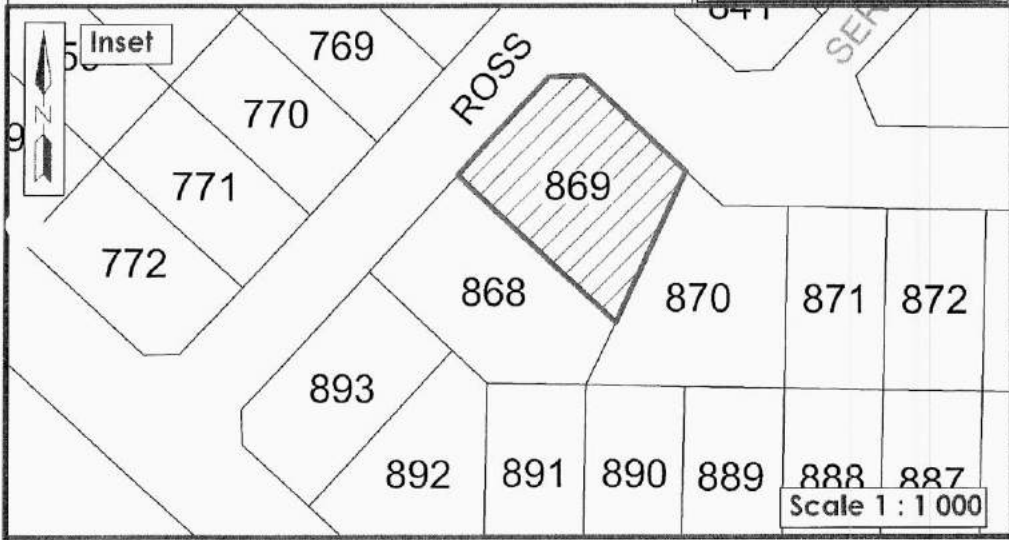
Date: \_\_\_\_\_

### Plan 1: Locality Plan Erven 869 Franskraalstrand

 Subject property (1087m<sup>2</sup>)

Plan prepared by: Reatlehle Jankie

All distances are approximate  
and subject to a survey





## EXECUTIVE SUMMARY

## 2. ABBREVIATIONS

Abbreviation	Definition
OMZS	Overstrand Municipality Zoning Scheme, 2013
SDF	Overstrand Municipality Spatial Development Framework, 2006
OM	Overstrand Municipality
OMAE	Overstrand Municipality Accommodation Establishments
OM By-Law	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015
SPLUMA	Spatial Planning and Land Use Management Act, 2013
LUPA	Land Use Planning Act, 2014
PSDF	Western Cape Provincial Spatial Development Framework 2014
IDP	Overstrand Municipality Integrated Development Plan
DEADP	Western Cape Department of Environmental Affairs and Development Planning
SDP	Site Development Plan

## 3. SUMMARY OF PROPERTY DETAILS

Particulars	Details
Applicant	WRAP (Wright Approach Consultancy)
Registered owner	M L Swart Familietrust
Erf number	Erf 869 Franskraalstrand (hereafter referred to as the subject property).
Suburb	Franskraalstrand
Property extent	1087m <sup>2</sup>
Building footprint	272,82m <sup>2</sup> = 25,09% coverage
Title deed	T27709/1995
Restrictive title deed conditions	None
Applicable zoning scheme	OMZS
Current zoning	Residential Zone 1: Single Residential (SR1)
Permissible primary uses on SR1	Dwelling house, day care centre, guest rooms, home occupation and second dwelling unit.
Current land use	Dwelling house and outbuildings

## 4. BACKGROUND

The subject property is currently used as a dwelling house with associated outbuildings and used for the occupation of a single family. There are approved building plans for the subject property however, there are historic changes to the existing building which are not depicted on the approved building plans. The property owner therefore appointed an architect to draft as built plans which depict all the rooms and uses on the property. There is an existing wendy house which encroaches on the street building line which the property owner will remove should this application be approved and implemented.



## 5. PROPOSAL

The property owner envisages operating a 5-bedroom guest house on the property to rent out the guest rooms on a short-term rental basis to tourists.

<p><b>Proposal</b></p> <p>Consent use for a guest house with 5 guest rooms.</p>
<p><b>Rationale</b></p> <p>The rationale for applying for a 5-bedroom guest house is to confer the property owner the most appropriate land use rights for what is envisaged on the subject property. The OMZS provides the following definition for a guest house.</p> <p><i><u>"guest house means a dwelling house, or second dwelling unit which is used for the purpose of temporary lodging of guests or lodgers on compensation, the provision of meals for guests, visitors or tourists, and is occupied by the owner or occupant, or manager of the property, and may include an in-house cash bar and restaurant, provided that these facilities are only for the use of the bona fide guests or lodgers and may not be accessible to the general public, but does not include a hotel, guest rooms, residential building or boarding house"</u></i></p> <p>The proposed guest house is in harmony with the definition above. The property owner also wants to sell liquor to bona fide guests of the guest house and WRAP has submitted an application for an on-consumption liquor license to the Western Cape Liquor Authority. The property owner however has no intention of selling liquor to the general public and it is proposed that it be made a condition of approval that the sale of liquor be limited to guests only. The property owner also intends to do certain alterations and refurbishments to the subject property to ensure that it is aesthetically appealing and to enhance the stay of the guests. The alterations and refurbishments will also enhance the visual attractiveness of the subject property which will be to the benefit of the residents of Franskraalstrand.</p>

Franskraalstrand is gradually evolving into a tourist accommodation destination which is ancillary to the shark cage diving businesses of Van Dyksbaai by providing tourist related accommodation. The land use evolution of Franskraalstrand is facilitated by advances in online guest house booking platforms which make finding affordable accommodation for tourists convenient. It is therefore integral for land use planners to respond to this land use evolution which is slowly taking hold in Franskraalstrand in a manner which ensures that the rights of neighbouring property owners are not deprived or impacted upon.

## 6. URBAN FABRIC AND FORM

The urban form of Franskraalstrand is characterised by grid layout which curves in some places as well as a layout which conforms to garden city principles. Most of the erven are rectangular with a few triangular erven. The approval of this proposal will not result in the prevailing valued urban form being altered.

The urban fabric adjacent to the subject property is predominantly residential with some self-catering B&B and guesthouses. The approval and implementation of this proposal is in harmony with the prevailing urban fabric within proximity to the subject property.

## 7. ZONING

The zoning parameters of the subject property were assessed in conjunction with the proposal:

<b>Residential Zone 1: Single Residential</b>			
	<b>Parameters</b>	<b>Proposal</b>	<b>Comply or deviate</b>
<b>Primary use</b>	Dwelling house, day care centre, guest rooms, home occupation and second dwelling unit.	Dwelling house.	Comply
<b>Consent use</b>	Crèche, guest house, green house, house shop, institution, place of instruction, place of worship, residential building and tourist accommodation.	A 5-bedroom guest house.	Consent use applied for and motivated
<b>Land Use Restrictions</b>			
<b>Coverage</b>	50%	25,09%	Comply
<b>Street building line</b>	4 metres to any street boundary provided that in the case of a corner site with an average depth of 20m or less has a 3m street building line.	5m	Comply
<b>Side and Rear building line</b>	Side and Rear building lines for erven greater than 400m <sup>2</sup> are 2m.	4,628m	Comply
<b>Height</b>	8m measured from the base level to the top of the roof.	Lower than 8m.	Comply
<b>Garages and carports</b>	Garages and carports may be constructed within the building lines in accordance with 16.1.2.	There is a double garage on the property and complies with the prescripts of 16.1.2	Comply

<p><b>Parking</b></p>	<p>Parking and access shall be provided on the land unit in accordance with Section 17.1 of the Overstrand Municipality Zoning Scheme of November 2013.</p> <p>2 bays per establishment (owner/manager)</p> <p>Guest rooms 1 bay per bedroom/2 persons accommodated</p>	<p>There are 7 parking bays required and a double garage and 5 parking bays are provided.</p>	<p>Comply</p>
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**8. SERVICES**

**8.1 Electricity**

There is an existing electricity connection on the subject property and the approval and implementation of this proposal will not alter this.

**8.2 Water**

There is an existing water connection on the subject property and the approval and implementation of this proposal will not alter that.

**8.3 Sewage**

There is an existing sewage disposal method on the subject property and the approval and implementation of this proposal will not alter that.

**8.4 Access and egress**

The entrance is proposed to be on Ross Street and the egress will be on Nico Street (refer **Plan 3**).

**9. DESIRABILITY**

Section 66(1)(c) of the OM By-Law as indicated below highlights that desirability is a relevant consideration which must be addressed in a town planning application in accordance with the guidelines issued by the Provincial Minister.

DEADP issued the "Provincial support document on Relevant Considerations 2015" which should be considered before the Municipality makes a decision. The desirability guideline in the document was used to assess the desirability of the approval and implementation of this proposal.

WRAP

## MOTIVATION

Element consideration for	Motivation of the impact of the approval and implementation of this proposal.	Impact Positive or negative
<b>Economic impact</b>	The establishment of the proposed guest house will result in the creation of employment opportunities on the subject property. The tourists who will visit the subject property will also spend money in other businesses in Franskraalstrand and Gansbaai. The approval and implementation of this proposal will therefore have a positive economic impact.	<b>Positive</b>
<b>Social impact</b>	There are communal spaces on the subject property where tourists from different cultural backgrounds will be able to interact with each other. This intercultural interaction which will occur on the subject property will therefore contribute to social cohesion which is a positive social impact.	<b>Positive</b>
<b>Compatibility with surrounding uses</b>	Most of the surrounding land uses are residential and the proposed guest house is residential and is in harmony with the surrounding land uses. Herewith are other guest houses which are within proximity to the subject property: <ul style="list-style-type: none"> <li>• Franskraal Self-catering;</li> <li>• Sharky holiday home;</li> <li>• Di Roil Otel;</li> <li>• Drome Dreams B&amp;B;</li> <li>• Squires A M;</li> <li>• Islandview Drive Accommodation;</li> <li>• Stone Villa; and</li> <li>• Aire Del Mar Guest House;</li> </ul> This proposal is therefore in harmony with the prevailing residential/guest house fabric of the surrounding.	<b>Positive</b>
<b>Impact on safety, health and wellbeing of the surrounding community;</b>	The additional guests who will visit the subject guest house will provide additional surveillance. This is projected to contribute towards Franskraalstrand being a safer place.  The proposed guest house does not constitute a noxious land use and will not compromise on the wellbeing and safety of the surrounding community.	<b>Positive</b>
<b>Impact on heritage</b>	This proposal does not constitute the alteration of the building footprint. The approval and implementation of this proposal will therefore have no heritage impact.	<b>Positive</b>

WRAP

WRAP

## MOTIVATION

<b>Aspects which impact on quality of life (including views, sunlight, privacy, visual impact, character)</b>	The subject building already exists, and this proposal does not constitute an expansion of the building footprint. The approval and implementation of this proposal will not create any additional visual impact which may lead to neighbours occupying properties in discomfort.	<b>Positive</b>
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## 10. SPLUMA MOTIVATION REQUIREMENTS

Section 42 (c) of SPLUMA highlights that town planning applications must be motivated on the following grounds with due consideration for the site-specific circumstances.

<b>Criteria</b>	<b>Motivation</b>
<b>(c) (i) the public interest</b>	<p>The approval of this proposal would be in the interest of the residents of Franskraalstrand for the following reasons:</p> <ul style="list-style-type: none"> <li>• The property owner will pay higher rates to the OM which will contribute to service delivery which is in the public interest;</li> <li>• The property owner will also constantly maintain the subject property to ensure that it is aesthetically appealing which is in the public interest; and</li> <li>• The approval and implementation of this proposal will also contribute to promoting Franskraalstrand as a viable tourist destination which will enhance the image of the area which is in the public interest.</li> </ul>
<b>(c) (i) the constitutional transformation imperatives and the related duties of the state.</b>	The constitutional transformation agenda of the OM includes creating an enabling environment for residents to operate businesses to enhance livelihoods in compliance with all prescribed legislation. The approval and implementation of this proposal will therefore enable the property owner to implement the constitutional transformation imperative of the OM.
<b>(c) (iii) the facts and circumstances relevant to the application.</b>	The ideal proximity of the subject property to the ocean and majestic mountain views and a high-quality built environment makes it ideal for the accommodation of guests due to the high quality surrounding prevalent in the area.
<b>(c) (iv) the respective rights and obligations of all those affected.</b>	<p>The principle of common law will be used to assess the impact and implementation of this proposal on the land use rights which are enjoyed by surrounding property owners.</p> <p>Common law dictates that a property owner may not use his/her land in such a way as to interfere with the</p>

WRAP

	<p>rights of others, particularly neighbours (sic utere tuo ut alienum non laedas). A nuisance occurs when a land use interferes with a neighbour's or communities health, wellbeing or comfort in the occupation of his/her land. There must however be evidence of material interference and the complainant must not be oversensitive.</p> <p>The test applied is one of reasonableness. In other words, would a reasonable man who is the neighbour or public believe that a 5-bedroom guest house within a residential area which is contextually appropriate complain about the land uses. In other words, would the existing land use for which an application is submitted, negatively affect the wellbeing of the neighbours or the public in the occupation of their land? Considering the merits and scale of the land uses which are applied for, a reasonable person would not be deprived of his/her right of occupation and wellbeing should this application be approved.</p>
<b>(c) (v) the state and impact of engineering services, social infrastructure and open space requirements.</b>	The availability of engineering services on the subject property is elucidated in Section 8 of this report.
<b>(c) (vi) any factors that may be prescribed, including timeframes for making decisions.</b>	The time frames which pertain to Municipal decision making are prescribed by the OM By-Law and the OM will comply with these timeframes.

#### 11. OMAE

The Overstrand Municipality Policy on Accommodation Establishments provides a set of guidelines which enhance the development parameters that are applicable for accommodation establishments. The alignment of this proposal was assessed in terms of the relevant sections of this guideline.

<p><b>Up to 5 rooms need to apply for Special Consent or a Departure from the Zoning Regulations. All rooms to be interleaving with the main dwelling.</b></p> <p>There are 5 bedrooms which are proposed to be rented out.</p>
<p><b>Meals/liquor may be served to residents only.</b></p> <p>The property owner will provide meals to guests and applied for an on-consumption liquor licence to sell alcoholic beverages to the bona fide guests of the guest house.</p>

<p><b>The owner/manager must occupy the premises personally.</b></p> <p>The owner/manager will occupy the subject premises.</p>
<p><b>An approved unilluminated advertising sign to a maximum size of 2000 cm<sup>2</sup> may be displayed. Any other signage not on the property must be applied for separately at the Tourism Bureau.</b></p> <p>The subject property will comply with the Overstrand Municipality By-Law Relating to Outdoor Advertising and Signage.</p>
<p><b>One or more fire extinguishers must be provided to the satisfaction of the municipal Head of the Fire Department. Obtain specifications regarding fire extinguishers.</b></p> <p>Fire extinguishers will be provided on site to the satisfaction of the Fire Department.</p>

## 12. SPATIAL PLANNING DOCUMENTS

### Spatial planning documents

This proposal was assessed in terms of the existing spatial planning documents. This is to ensure that this proposal is in harmony with the urban form and urban fabric which is envisaged by the local and provincial authorities.

### PSDF

The aim of the PSDF is to give spatial expression to the national and provincial development agendas and serves as a basis for coordinating, integrating, and aligning ground delivery of national and provincial departmental programmes. The framework also aims to communicate the government's spatial development intentions to the private sector and civil society.

Policy proposals which are pertinent to this proposal can be recorded as follow:

- **Capitalise**

The PSDF promotes capitalising and preserving the local built form, natural typologies and character of an area. The existing building is in harmony with the local built form, housing typologies and character of the area. The proposed guest house land use rights which are sought by the property owner are intended to capitalise on the guest house character which is prevalent Franskraalstrand.

- **Economic connections**

The PSDF highlights that creating connections to economic and social opportunities as integral towards achieving socio-economic integration. Tourism related facilities and accommodation are one of the most prominent economic drivers in Hermanus. The approval and implementation of this proposal will contribute to the creation of additional economic connections as guests will spend money in other establishments in Franskraalstrand which will contribute to enhancing the financial viability of other businesses. This will therefore be integral towards achieving socio-economic integration.

- **Promote an appropriate land use mix**

The PSDF cites that there needs to be an appropriate land use mix in human settlements. This proposal entails a land use mix of the manager/owner who resides on the subject property as well as guests who will reside on the subject property on a short-term basis. This proposal therefore promotes a complementary and land use mix on the subject property which is in harmony with the surrounding residential character.

#### SDF

The objective of the SDF is to formulate strategic spatially based policy guidelines and proposals where the needs, changes and growth in the area can be managed to benefit the inhabitants and the environment in the Overstrand Municipality. The SDF is guided by a set of objectives and the consistency of this proposal will be assessed with these core objectives.

Policy proposals which are pertinent to this proposal can be recorded as follow:

- **Maintain the unique village character of the area**

The SDF cites that the village character of Franskraalstrand needs to be maintained in the current format. The proposal of conferring guest house land use rights on the subject property will not alter the village character of Franskraalstrand. This proposal is intended to expose tourists who are from metropolitan areas to the unique and valued village character of Franskraalstrand.

- **Restrict development within the urban edge**

The SDF underscores that all development in Franskraalstrand needs to be contained within the urban edge. The subject property is located within the urban edge and aligned with this policy proposal.

- **Promote tourism**

The promotion of tourism, based on the ecological and heritage value of Franskraalstrand is promoted. Franskraalstrand and surrounding suburbs and farms offer hiking trails, mountain quad biking, shark cage diving, penguin watching and many other activities which reveal the ecological/natural systems value of the area. The tourists who will visit the subject guest house will visit some of these establishments which will intensify the promotion of tourism in the area based on the ecological/natural systems value of the area as prescribed by the SDF.

- **Spatial proposal plan**

The spatial proposal plan designates the subject property for residential purposes. The proposed guest house is a residential land use and is aligned with this designation.

#### OMGMS

The purpose of the Growth Management Strategy is to improve the Overstrand Municipalities' overall environmental sustainability by enhancing the quality and efficiency of the built environment. It will be outlined how the proposed development will contribute towards the aims and objectives of this strategy.

Policy proposals which are pertinent to this proposal can be recorded as follow:

- **Enhance the built environment**

The OMGMS underscores that the built environment and landscapes in Hermanus should be enhanced and well managed. The property owner will constantly refurbish and maintain the subject building to be in an aesthetically appealing condition. This will enhance the value of the subject property as a visual asset in Franskraalstrand and contribute to an enhanced and well managed built environment as prescribed by the PSDF.

- **Scale and character**

The OMGMS cites that buildings should be within the immediate scale and character of the surrounding environment. The existing building used for residential purposes is in harmony with the immediate scale and character of surrounding buildings. The approval and implementation this proposal will not alter that.

- **Spatial proposal plan**

The spatial proposal plan earmarks the subject property for residential purposes. This proposal for a guest house is in harmony with this residential land use designation.

### 13. PLANNING PRINCIPLES

The proposal was analysed for consistency with the planning principles to provide a recommendation to the OM for the application in terms of Section 42 of SPLUMA and Chapter VI of LUPA.

#### **Spatial Justice**

Spatial justice refers to the need to redress past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services and land. The proposed guest house will create additional employment opportunities for the historically economically marginalised. This will and subsequently lead to employees having enough money to access opportunities, facilities, land and services. The approval of this proposal will therefore enable the property owner to contribute towards addressing spatial development imbalances caused by apartheid land use and spatial planning.

#### **Spatial Sustainability**

Sustainability in the land use context refers to development which promotes equitable land markets while ensuring the protection of valuable agricultural land and ultimately limiting urban sprawl. Guest houses on residential properties are normally cheaper than hotels. This will therefore ensure that the proposed guest house is financially accessible to a wider pool of people and promote equity in the short-term rental market. The subject guest house does not entail the encroachment on valuable agricultural land and contributes to limiting urban sprawl due to the ideal location within the urban edge.

**Efficiency**

Efficiency refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources and land. The proposed guest house promotes the optimal utilisation of space, energy and infrastructure on the subject property to cater to guests and the manager/owner within the services capacity limits of the subject property. This proposal therefore promotes efficiency as prescribed by LUPA and SPLUMA.

**Spatial Resilience**

Spatial resilience refers to the drafting of flexible spatial plans and policies and land use management systems to ensure the sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shock. The PSDF, SDF and OMGM\$ all have land use proposals for the subject site which promote resilience which this proposal is aligned with.

**Good Administration**

The proposed development promotes consultative planning as the Municipality will advertise the proposal to the public to allow the comments of the public to be taken into consideration. WRAP will also respond to the comments of the public and take the comments into consideration in the planning of the project. All these measures will ensure that a joint planning approach is pursued to the benefit of the owner of the subject property and the community.

## 14. EVALUATION AND CONCLUSION

**APPLICATION**

Consent use for a guest house with 5 guest rooms.

**URBAN FORM AND URBAN FABRIC**

The approval and implementation of this proposal is in harmony with the prevailing urban form and urban fabric of Franskraalstrand.

**ZONING**

- There is a dwelling house on the property which are a primary right;
- A consent use for a 5-bedroom guest house is applied for;
- The permissible coverage is 50% and the existing coverage is 25,09%;
- No building lines and height restrictions are encroached on in the proposal; and
- There are 7 parking bays required and there is a double garage and 5 parking bays provided.

**SERVICES**

Service	Availability Yes or No
Electricity	Yes
Water	Yes
Sewage	Yes
Access and egress	Yes

**DESIRABILITY**

Element for consideration	Motivation	Impact Positive or Negative
<b>Economic impact</b>	The employment creation that the approval and implementation of this proposal will generate can be regarded as a positive economic impact.	<b>Positive</b>
<b>Social impact</b>	The subject guest house will create intercultural interaction in communal spaces which can be regarded as a positive economic impact.	<b>Positive</b>
<b>Compatibility with surrounding uses</b>	The proposed guest house is in harmony with the prevailing residential character of the surrounding environment.	<b>Positive</b>
<b>Impact on safety, health and wellbeing of the surrounding community;</b>	The additional surveillance which will be caused by the subject guest house is projected to enhance the safety and wellbeing of the surrounding community.	<b>Positive</b>
<b>Impact on heritage</b>	The approval and implementation of this proposal will not have any heritage impact.	<b>Positive</b>

SPLUMA MOTIVATION REQUIREMENTS	
Criteria	Motivation
(c) (i) the public interest	The approval and implementation of this proposal will contribute to the OM collecting more rates and promote Franskraalstrand as a viable tourist destination.
(c) (i) the constitutional transformation imperatives and the related duties of the state.	The approval and implementation of this proposal will enable the property owner to implement the constitutional transformation imperatives of the OM.
(c) (iii) the facts and circumstances relevant to the application.	The ideal location of the subject property close to the ocean with a majestic mountain view make the subject property ideal as a tourist destination.
(c) (iv) the respective rights and obligations of all those affected.	The approval and implementation of this proposal will not deprive any resident in Franskraalstrand of their right to occupy respective properties in peace and comfort.
(c) (v) the state and impact of engineering services, social infrastructure and open space requirements.	The availability of services has been illustrated in Section 8 of this report.
(c) (vi) any factors that may be prescribed, including timeframes for making decisions.	The subject proposal will be processed in accordance with the timeframes prescribed by the OM By-Law which the OM will comply with.

OMAE
This proposal complies with all the prescripts of the OMAE.

SPATIAL PLANNING POLICY		
Element for consideration	Motivation	Impact Positive of Negative
PSDF	<p>The approval and implementation of this proposal will have the following impacts;</p> <ul style="list-style-type: none"> <li>• Capitalise on the prevailing tourism character of the Overstrand;</li> <li>• Contribute to enhancing socio-economic integration; and</li> <li>• Promote a complementary land use mix.</li> </ul>	Positive

**EVALUATION, CONCLUSION AND RECOMMENDATION**

<b>SDF</b>	The approval and implementation of this proposal will have the following impacts; <ul style="list-style-type: none"> <li>• Contribute to maintaining the village character of the area;</li> <li>• Restrict development to be within the well-defined urban edge;</li> <li>• Promote tourism in Franskraalstrand; and</li> <li>• Is aligned with the spatial proposal plan.</li> </ul>	<b>Positive</b>
<b>OMGMS</b>	The approval and implementation of this proposal will have the following impacts; <ul style="list-style-type: none"> <li>• Contribute to the enhancement of the built environment; and</li> <li>• Is aligned with the spatial proposal plan.</li> </ul>	<b>Positive</b>

<b>PLANNING PRINCIPLES</b>		
<b>Element for consideration</b>	<b>Motivation</b>	<b>Impact Positive of Negative</b>
<b>Spatial justice</b>	The approval and implementation of this proposal will contribute to the creation of a more spatially just urban landscape.	<b>Positive</b>
<b>Spatial Sustainability</b>	This proposal promotes equitable land markets and is aligned with the principles of spatial sustainability.	<b>Positive</b>
<b>Efficiency</b>	The guest house promotes the efficient use of services on the subject property within the services capacity limits of the site.	<b>Positive</b>
<b>Spatial Resilience</b>	This proposal is aligned with the spatial resilience principles in the PSDF, SDF and OMGMS.	<b>Positive</b>
<b>Good administration</b>	The OM has a good track record of good administrative practices which will be followed in this application.	<b>Positive</b>

**15. RECOMMENDATION**

This motivation report has extensively motivated that the subject proposal is aligned with the prevailing urban form and fabric of Franskraalstrand and will contribute to the enhancement of the tourism value of the area.

Considering the above, it is recommended:

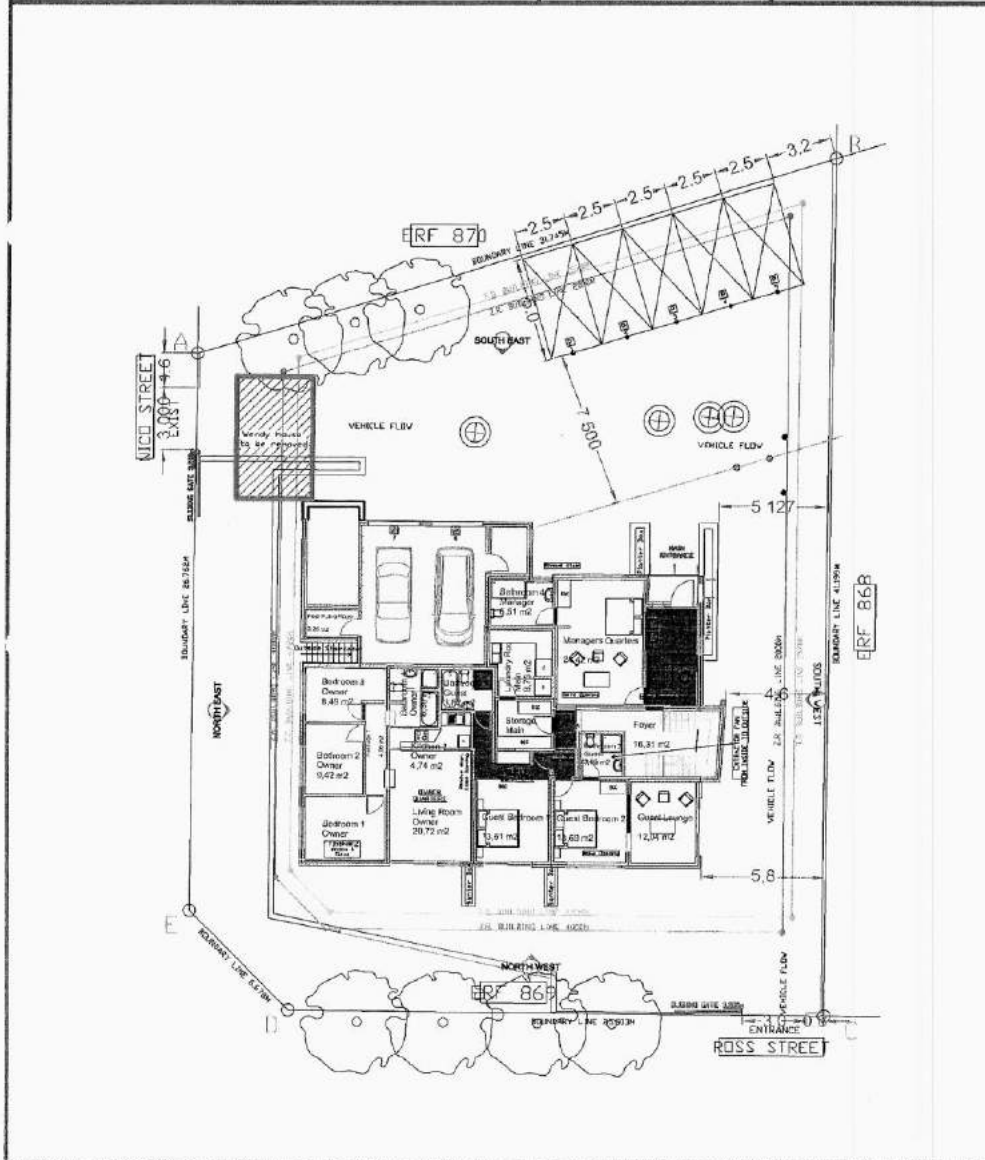
- That the application for a **Consent use** for a guest house with 5 lettable guest rooms be approved in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015.

Plan 3: Status Quo SDP  
Erf 869 Franskralstrand

ANNEXURE C-1/3

 Wendy house to be removed

Based on plans by PRK-SARCH  
Scale 1: 250  
Tel: 028 313 1411  
Email: admin@wrapgroup.co.za  
Plan prepared in June 2019  
File number 18/033  
35 Duiker Street, Hermanus, 7200  
Plan prepared by: Reetienle Jankie  
All distances are approximate  
and subject to a survey





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**Phillipus Swart**

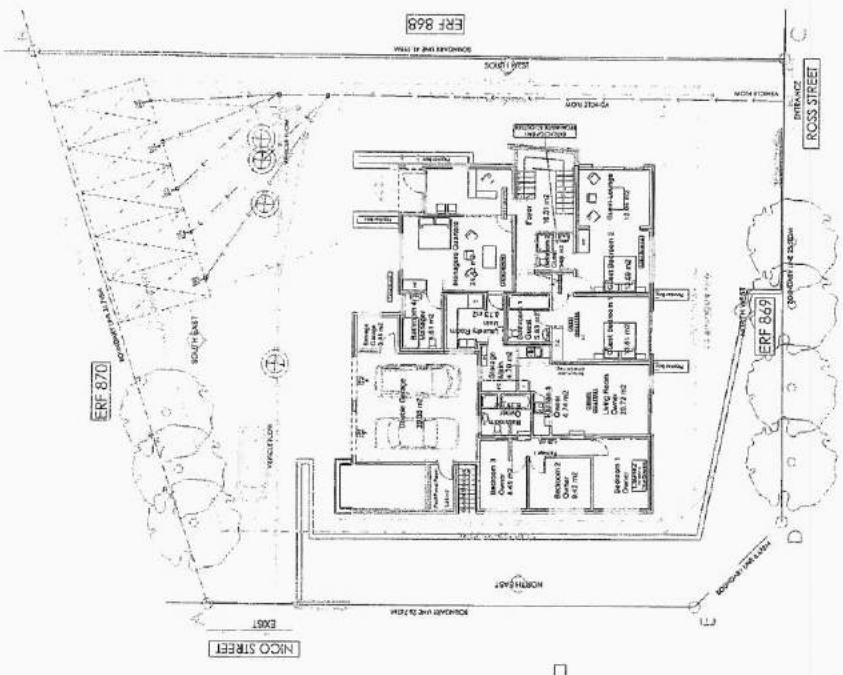
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**PROJECT INFO**

Drawing Number: **SWA-DK-19/15**

Layout Name: Town Planning (Ground Storey)  
Drawing Status: Proposed Plans  
Project Description: Additions  
Drawn By: Ete Joubert  
Checked By: Martin Prinsloo  
Signed: 06/02/19  
06/02/19

Drawing Scale: As Shown  
Sheet Size: A3  
File Name: Swart ERF 866 A.ph  
Number of pages: 1 of 2



GROUND STOREY 1:200



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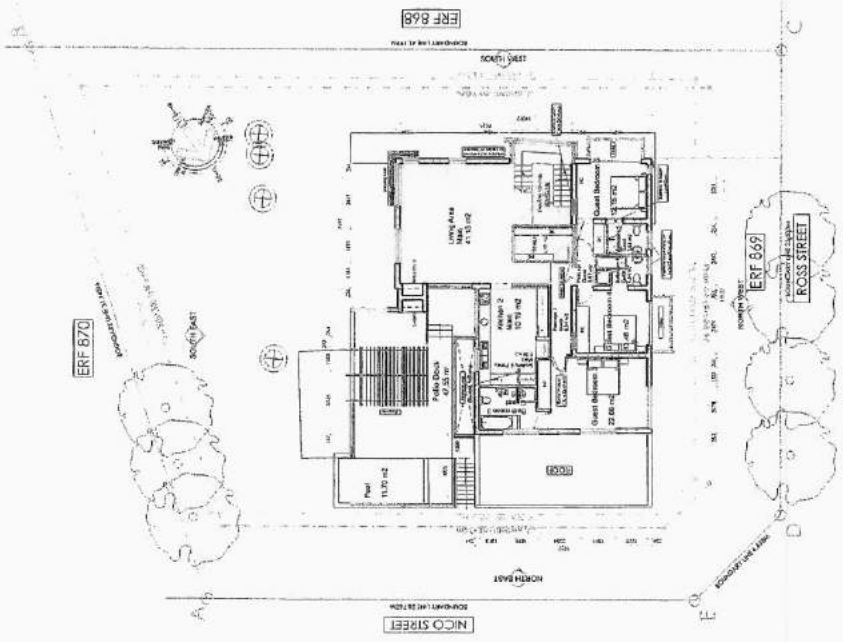


**CLIENTS DETAILS**

**Phillipus Swart**  
ERF 869, 868 & 867 off Nico & Ross Street  
Frontend  
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**PROJECT INFO**

Drawing Number: **SWA-DK-19/15**  
Layout Name: **Town Planning First Storey**  
Drawing Status: **Proposed Plans**  
Project Description: **Add lots**  
Drawn By: **ERF 869A**  
Checked By: **Martin Prinsloo**  
Scale: **600/200 1/8**  
Drawing Code: **As Shown**  
Sheet Size: **Swart ERF 869 A, 1/8**  
File name: **2 of 2**  
Number of pages: **2 of 2**



**FIRST STOREY** 1:200



TP N. Inco  
(S. Ud N. N. N.)

Overstrand Munisipaliteit  
Patersonstraat 16  
Hermanus  
7200

Posbus 230  
Caledon  
7230

Datum: 21 Augustus 2019

Geagte Meneer

**Insake kommetaar/beswaar teen aansoek om vergunningsgebruik van erf 869, Ross straat 6 Franskraal**

Baie dankie dat u ons die geleentheid gee om kommetaar/beswaar te lewer oor bogenoemde aansoek.

Dit is 'n baie volledige motivering wat na ons mening geneig is om eensydig die prentjie voor te stel. Die fokus volgens die uiteensetting/voorstel is net op die positief, meestal vir die eienaar self en /of munisipaliteit.

Dit sou waardevol gewees het as dit volgens 'n "SWOT" (strengths/weaknesses/opportunities/threats) analise gedoen was, want dan is die prentjie meer volledig, maar definitief ook meer realities.

Die gesonde uit leef van buurmanskap is baie belangrik en daarom wil niemand 'n projek van 'n ander buurman summier afkeur nie, maar terseldertyd ook nie blindelings goedkeur nie.

Een van die probleme is: vir wie gee die huidige bure toestemming, want hierdie aansoek is op die tafel, maar daar staan steeds "Te Koop" bordjies op die gras. Die moontlikheid bestaan derhalwe dat die huidige eienaar die eiendom kan verkoop voor die aansoek deurgevoer word of daarna. Indien dit na 'n goedgekeurde aansoek in die hande van 'n nuwe eienaar beland, het die onmiddellike bure (ons onder andere) die groen lig vir die totaal onbekende gegee wat nie noodwendig tot almal se voordeel sal wees nie. Indien die aansoek onsuksesvol is en eiendom word ook nie verkoop nie (die mark is nou nie 'n verkopersmark nie) is die onmiddellike bure steeds gekonfronteer met 'n verwaarloosde eiendom. Ons woon nou reeds ongeveer 12 jaar daar en op die oog af, word geen instandhouding gedoen nie. Die stukkende muur tussen een van die bure, is 'n sprekende voorbeeld daarvan.

Bogenoemde inaggeneem, en aan die hand van die motiveringselemente van die dokument, is ons besware as volg teen die aansoek om vergunningsgebruik van erf 869, Ross straat 6, Franskraal:

1. "Economic impact":

Ons het navrae by verskeie gastehuse in Franskraal en omgewing gedoen. Die besetting in die vakansie seisoen is tussen 70 en 80 % maar in die wintertyd is dit 30% en minder. Die vakansie seisoen bring oor die algemeen groter inkomste na kusdorpe en kan nie slegs toegeskryf word aan besetting van gastehuse nie. Die eienaar en sy familie (broers en hul gesinne) beset ook die huis in die vakansietyd en behoort dieselfe of selfs meer inkomste as gaste te genereer, want daar is geen beperking op getalle soos in hierdie aansoek nie.

Die motivering van WRAP het gastehuse as voorbeelde gebruik wat goed by die omgewing inskakel, maar ons het van die gastehuse gekontak en hulle terugvoer was meer gefokus om die toerismebedryf waarin hulle is.

FILE NO:	CF 869 ✓
	franskraal
SCAN NO:	CFK 869
COLLABORATOR NO:	1315406

22 AUG 2019

Hier is die terugvoer:

1. Sharky holiday home is net Desember maande oop en het reeds twee inbrake in 2019 gehad.

2. Drome Dreams B&B: Hulle is nie as 'n B&B geregistreer nie. Twee woonstelle word gebruik as vriende en familie kom kuier en word net uitverhuur as dit nie deur genoemdes beset word nie. Die inkomste is net genoeg vir een oorsese vakansie.

Dit word nie as 'n besigheid bestuur nie. Dit is selfsorg woonstelle. Volgens die eienaar teiken hulle gastehuse as daar gaste is, omdat daar dan meer elektroniese toerusting soos selfone en skootrekenaars is om te steel. Inbrake gebeur meestal in die nag wanneer die gaste slaap. Gaste word versoek om voertuie ter wille van veiligheid tussen "beams" te parkeer en alle besittings uit voertuie te haal. Die plek is in Klipfontein 2, baie naby Ross straat 6 Franskraal.

3. Aire Del ar Guest House

Hierdie gastehuis het 16 kamers en gemiddelde besetting is 30%. Twee diefstalle het in 2019 plaasgevind: een in 'n motor en in die ander geval is al die toerusting uit die besoeker se boot gesteel.

Al drie die eienaars/bestuurders is dit eens dat inbrake by gastehuse hoër is omdat daar meer goed beskikbaar is om te steel, veral in voertuie. Die redenasie van WRAP dat daar meer oë in 'n gastehuis is om te kyk en moontlik so misdaad te voorkom, hou volgens hulle geen water nie.

4. Franskraal selfcatering.

Hulle doen geen verhuring in Desember nie, maar word deur eie kinders beset. Die res van die jaar is daar 'n 40% bedbesetting.

Die gevolgtrekking waartoe 'n mens kom, is dat gastehuis nie noodwendig meer inkomste vir die munisipaliteit of die eienaar waarborg nie.

2. "Social Impact":

In vandag se politieke klimaat is dit riskant om te aanvaar dat alle rasse en kulture binne 'n beperkte spasie en waar alkohol vrylik beskikbaar gaan wees, noodwendig samehorigheid bevorder. As gevolg van misdaad/gewapende misdaad in die hele strandgebied van die Gansbaai/Franskraal/ Kleinbaai/ Pearly Beach omgewing, is dit moeilik om te glo dat rasse kwessies nie onder die oppervlak broef nie.

Volgens die bouplan, lyk dit vir ons of die gaste in die gastehuis 'n goeie tyd sal ervaar, maar ons **privaatheid** (Nicostraat 4, Franskraal) word totaal ingeboet, want die ontspanningsgeriewe vir die gaste veroorsaak dat hul direk op ons **voorstoepe en agterplaas** kyk, gevolglik sal ons nooit in **privaatheid** kan braaf of mense ontvang nie of enigsins aktief buite kan wees nie. Dit het ook 'n negtiewe impak op ons wat vakansietyd ons huis verhuur.

3. "Impact on safety, health and wellbeing of surrounding community":

Die omgewing waarin die beoogde gastehuis is, is 'n stil, rustige woonbuurt en tog het dit ook die slagoffer van misdaad geword. Die pensionaris wat in Ross straat woon (skuins oorkant Rossstraat 6) hou die sleutels van Ross straat 6 sodat die sekuriteitsmaatskappy toegang tot die huis kan kry na 'n inbraak. Daar is al 'n paar keer ingebreek, net soos by ons ander se huise. Franskraal Buurtwag wat deur die gemeenskap vir die gemeenskap gestig is, se kantoor is laer af in die straat. Hoekom sou

daar so 'n behoefte gewees het as alles so veilig is soos wat **WRAP** dit beskryf. Die gastehuis kan net 'n aanlokliker teiken wees.

Daar gaan nie voldoende parkering wees vir gaste se besoekers nie. Die ekstra motors van die besoekers, waentjies en selfs bote van die gaste self, gaan heel moontlik in die strate parkeer word. Nicostraat vorm 'n T aansluiting met Ross straat, presies op die hoek waar Ross straat 6 geleë is en dit is altyd 'n bedrywige straat ten opsigte van verkeer, kinders wat op fietse ry en mense wat met hul honde stap. Die uitgang van Ross straat 6 is volgens die **bouplan**, baie naby die stop en gaan 'n risiko vir veiligheid vir almal verhoog. Onbedagsame parkeringgewoontes lei gewoonlik tot ongemak/konflik wat die bestaande goeie verhoudinge wat daar tussen die huiseienaars bestaan, gaan vertroebel.

"health and wellbeing" Geraas het 'n definitiewe impak op geestesgesondheid en algemene gemoedstoestand. Dit sal moeilik wees om te glo dat 'n gastehuis met 'n dranklisensie saam met 'n swembad, nie die geraasfaktor tot watter tyd van aand of oggendure, negatief gaan beïnvloed nie. Ons totale verlies aan privaatheid is ook hier van toepassing.

Geen indikatie is gegee of dit 'n troeteldier vriendelike gastehuis gaan wees nie. Indien wel, verhoog dit die chaos van geraas.

#### 4. "Aspects which impact on quality of life"

Kommenaar/besware soos reeds uiteengesit, beklemtoon die risiko van verlies van rustigheid van omringende huiseienaars, ons ingesluit. Ons kan ons nie vereenselwig met 'n gastehuis met 'n dranklisensie in ons midde nie. Daar is geen waarborg dat alle gaste deuropend binne die perke van "beskaafdheid" gaan optree nie, veral nie as die bure begin kla oor hulle gedrag nie. Ons het begrip dat mense partytjie hou, en selfs losbandig kan raak, maar dan bly dit binne die raamwerk van die seisoenale vakansietyd.

Die ernstige besware/teenkating teen die aansoek van die dranklisensie vir hierdie beoogde gastehuis, is sodanig dat die proses vertraag is en ons is in kennis gestel is dat dit ook in die plaaslike koerant geadverteer gaan word. Dit is duidelik dat hierdie voorgestelde aansoek om vergunningsgebruik in 'n baie negatiewe lig beskou word en mense ernstig beswaar aanteken op grond van die impak op hulle kwaliteit van lewe by hul strandhuise of selfs huise waar mense permanent in die buurt woon.

#### 5. Die beginsel van redelikheid

WRAP gebruik bogenoemde beginsel om die konkrete gebou en die visuele impak daarvan binne die omgewing (natuur) en woonbuurt (inwoners) te regverdig, maar ons wil hierdie beginsel toepas op die reg op privaatheid en veiligheid. Ons reg op privaatheid word baie ernstig geskaad deur die beoogde bouplan van die gastehuis en dit verhoog ook die risiko van misdaad aansienlik. Die toename van misdaad kan deur Jan Alleman op die Facebookblad "Wie maak Gansbaai lekker" gelees word. Die administrateurs van die blad is mense met integriteit en 'n mens kry redelike akkurate terugvoer, veral oor misdaad in woonbuurte op die blad. Die tendens van misdaad in woonbuurte, het ook nou die vorm van gewapende misdaad aangeneem en dit het tot gevolg dat elke inwoner moet toetree tot die pleidooi om misdaad te bekamp. Ons het nog nie eens die euwel van perlmoen smokkel ("poaching") aangeraak nie. Ons erf was 'n aktiewe deurgang van die hardlopers/draers, gevolglik moes ons die huis omhein en sekuriteit aansienlik opgradeer het. Die veiligheidsrisiko is egter steeds daar.

Die verhoogde ekonomiese bydrae tot die munisipaliteit se geldkas blyk minder te wees as wat die onmiddellike bure en ander inwoners (beswaar teen die dranklisensie) moet inboet en hulle lewer reeds en steeds 'n bydrae tot die munisipaliteit se inkomste. (beginsel van redelikheid)

Ons moet, nadat ons al bogenoemde feite inaggeneem het, die aansoek om vergunningsgebruik, erf 869, Ross straat 6, Franskraal, **teenstaan**.

Vriendelike groete

Johan Wessels  
Kontakbesonderhede van Johan Wessels:  
Werk: 028 2611 295  
Faks: 028 2611 259  
Selno: 082 565 7021  
E-pos: [oudekraal@whalemail.co.za](mailto:oudekraal@whalemail.co.za)/[johanw@overbergagri.co.za](mailto:johanw@overbergagri.co.za)



Overstrand Munisipaliteit  
 Patersonstraat 16  
 HERMANUS  
 7200

TP N. Theart  
 (S. uit Nono)

5/6

Posbus 153  
 ROBERTSON  
 6705

28 Augustus 2019

Geagte Meneer

**INSAKE KOMMENTAAR/BESWAAR TEEN AANSOEK OM VERGUNNINGSGEBRUIK VAN ERF 869,  
 ROSS STRAAT 6, FRANSKRAAL**

Ons is die eienaars van die huis te Roelandstraat 3, Franskraal asook erf 891 te Roelandstraat 1, Franskraal. Die agterkant van die huis te Roelandstraat 3 kyk uit op die huis te Rosstraat 6, Franskraal.

Ons is ten sterkste gekant teen 'n gastehuis, wat nog te sê van 'n dranklisensie asook 'n swembad. Daar sal nooit stilte wees nie. Ons wil rus en stilte hê, as ons daar is en nie 'n lawaai nie. Ons gaan juis Franskraal toe vir rus en vrede. Ons sal geen privaatheid of stilte hê nie.

'n Besigheid met 'n dranklisensie lok verkeerde elemente en dit sal die waarde van ons eiendomme verminder.

Ons keur 'n gastehuis met dranklisensie en swembad ten sterkste af want waar drank gebruik word is altyd 'n geraas en soms ook 'n bakleiery.

Ons steun ten volle die volledige besware soos uiteengesit in die korrespondensie van mnr. Johan Wessels.

Vriendelike groete

Jaco Beeslaar  
 Tel. nr. 0729971441

FILE NO:	869
	Franskraal ✓
SCAN NO:	GFK 869
COLLABORATOR NO:	1317357

29 AUG 2019

**Freddie Beeslaar**

**Tel. nr. 0729327116**

**Carina Beeslaar**

**Tel. nr. 0825645057**



# Project Office

Town Planning & Project Management

TP. N. Schoot  
(S. v.d. Merwe) ANNEXURE E 1/7



Our Reference: 19/017  
Your reference: 869 GFK

4 September 2019

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

Attention: Mr Schalk van der Merwe

FILE NO:	GF 869
	Franskraal ✓
SCAN NO:	GFK 869
COLLABORATOR NO:	1321885

**ERF 869 FRANSKRAALSTRAND: APPLICATION FOR CONSENT USE: RESPONSE TO OBJECTIONS**

Objections and comments regarding the application for the abovementioned were received from:

- J Wessels; and
- J, F and C Beeslaar.
- The objections were made in Afrikaans and were responded to in English as the submitted application was in English.

**Response to objections pertaining to privacy related considerations.**

Comment/objection	Response to objections
"Volgens die bouplan, lyk dit vir ons of die gaste in die gastehuis 'n goeie tyd sal ervaar, maar ons privaatheid (Nicostraat 4, Franskraal) word totaal ingeboet want die ontspanningsgeriewe vir die gaste veroorsaak dat hul direk op ons voorstoep en agterplaas kyk, gevolglik sal ons nooit in privaatheid kan braai of mense ontvang nie of enigsins aktief buite kan wees nie. Dit het ook 'n negtiewe impak op ons wat vakansietyd ons huis verhuur."	Every dwelling in Franskraalstrand may have a second storey in terms of the development rights applicable to the SR1 zoning. The subject guest house is therefore in harmony with this and does not unlock additional development rights which the objector does not enjoy. The balcony where the guests will relax is therefore in harmony with the development parameters of Franskraalstrand and is not projected to compromise on the privacy enjoyed by the objector.

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

Wright Approach Investments 136 CC (Reg No. 2002/060745/23)	35 Duiker Street, P O Box 1247 Hermanus, 7200	Tel: +27 (0)28 313 1411 Fax: +27 0865083248	Email: admin@wrapgroup.co.za Web: www.wrapgroup.co.za
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TP. N. Schoot

Established 2002



**Response to objections pertaining to noise related considerations.**

Comment/objection	Response to objections
<p>"Ons is ten sterkste gekant teen 'n gastehuis, wat nog te sê van 'n dranklisensie asook 'n swembad. Daar sal nooit stilte wees nie. Ons wil rus en stilte hê, as ons daar is en nie 'n lawaai nie. Ons gaan juis Franskraal toe vir rus en vrede. Ons sal geen privaatheid of stilte hê nie.</p> <p>'n Besigheid met 'n dranklisensie lok verkeerde elemente en dit sal die waarde van ons eiendomme verminder.</p> <p>Ons keur 'n gastehuis met dranklisensie en swembad ten sterkste af want waar drank gebruik word is altyd 'n geraas en soms ook 'n bakleiery.</p> <p>Ons steun ten volle die volledige besware soos uiteengesit in die korrespondensie van Mnr. Johan Wessels."</p>	<p>The motivation of the application was perhaps not interpreted correctly by the objector. The purpose of the on-consumption liquor license applied for in the guest house is not for alcohol to be sold to the general public, but only to overnight guests of the guesthouse.</p> <p>The benefit of this approval would ensure that guests would be able to purchase alcohol on the subject property and consume the alcohol on the property which will eliminate the likelihood of the guests driving under the influence of alcohol which is in the interest of the public as the likelihood of accidents becomes reduced.</p> <p>The proposed guests will be genteel clients who want to view various tourist attractions in the area and spend money in local businesses which will contribute to enhance the economic viability of Gansbaai/ Franskraalstrand.</p> <p>The genteel guests who will visit the guest house and occasionally consume alcohol are also not projected to devalue the neighbouring properties.</p>
<p>'health and wellbeing Geraas het 'n definitiewe impak op geestesgesondheid en algemene gemoedstoestand. Dit sal moeilik wees om te glo dat 'n gastehuis met 'n dranklisensie saam met 'n swembad, nie die geraasfaktor tot watter tyd van aand of oggendure, negatief gaan beïnvloed nie. Ons totale verlies aan privaatheid is ook hier van toepassing. Geen indikasie is gegee of dit 'n troeteldier vriendelike gastehuis gaan wees nie. Indien wel, verhoog dit die chaos van geraas.</p> <p>"Aspects which impact on quality of life Kommelaar/besware soos reeds uiteengesit, beklemtoon die risiko van verlies van rustigheid van omringende huiseienaars, ons ingesluit. Ons kan ons nie vereenselwig met 'n gastehuis met 'n</p>	<p>It is not only the occupants of guest houses which generate noise, but ordinary residential property owners as well. To therefore attribute a guest house as the only potential contributor to the generation of noise is not fair. The objector may however contact the police to intervene if noise levels at the subject guest house or from any other residence in the neighbourhood becomes unbearable, which is highly unlikely.</p> <p>Any property zoned SRI may have a reasonable number of pets. People also generally do not take pets with when going on holiday.</p>



dranklisensie in ons midde nie. Daar is geen waarborg dat alle gaste deurlopend binne die perke van "beskaafdheid" gaan optree nie, veral nie as die bure begin kla oor hulle gedrag nie. Ons het begrip dat mense partytjie hou, en selfs losbandig kan raak, maar dan bly dit binne die raamwerk van die seisoenale vakansietyd.

Die ernstige besware/teenkanting teen die aansoek van die dranklisensie vir hierdie beoogde gastehuis, is sodanig dat die proses vertraag is en ons is in kennis gestel is dat dit ook in die plaaslike koerant geadverteer gaan word. Dit is duidelik dat hierdie voorgestelde aansoek om vergunningsgebruik in 'n baie negatiewe lig beskou word en mense ernstig beswaar aanteken op grond van die impak op hulle kwaliteit van lewe by hul strandhuise of selfs huise waar mense permanent in die buurt woon."

**Response to objections pertaining to the subject property being for sale and property values related considerations.**

Comment/objection	Response to objections
<p>"Dit is 'n baie volledige motivering wat na ons mening geneig is om eensydig die prentjie voor te stel. Die fokus volgens die uiteensetting/voorstel is net op die positief, meestal vir die eienaar self en/of munisipaliteit.</p> <p>Dit sou waardevol gewees het as dit volgens 'n "SWOT" (strengths/weaknesses/opportunities/threats) analise gedoen was, want dan is die prentjie meer volledig, maar definitief ook meer realisties.</p>	<p>The objector is concerned that the approval and implementation of this proposal could potentially lead to a different property owner running a guest house which would be disruptive to the community. This is speculative as there is a likelihood that the current property owner might not sell the property and a likelihood that a genteel property owner may purchase the subject property. Speculation is therefore not sufficient ground for the submitted application to be refused.</p>
<p>Die gesonde uit leef van buurmanskap is baie belangrik en daarom wil niemand 'n projek van 'n ander buurman summier afkeur nie, maar terseldertyd ook nie blindelings goedkeur nie.</p> <p>Een van die probleme is: vir wie gee die huidige bure toestemming, want hierdie aansoek is op die tafel, maar daar staan steeds "Te Koop" bordjies op die gras. Die moontlikheid bestaan derhalwe dat die huidige eienaar die eiendom kan verkoop</p>	<p>Changes in the property market and property values cannot be used as justification to approve or refuse a town planning application. These changes can also not be used to attempt to prohibit a property owner from selling a property.</p> <p>The matter relating to the broken wall between two neighbouring property owners can be resolved through</p>



<p>voor die aansoek deurgevoer word of daarna. Indien dit na 'n goedgekeurde aansoek in die hande van 'n nuwe eienaar beland het die onmiddellike bure (ons onder andere) die groen lig vir die totaal onbekende gegee wat nie noodwendig tot almal se voordeel sal wees nie. Indien die aansoek onsuksesvol is en eiendom word ook nie verkoop nie (die mark is nou nie in verkopersmark nie) is die onmiddellike bure steeds gekonfronteer met 'n verwaarloosde eiendom. Ons woon nou reeds ongeveer 12 jaar daar en op die oog af, word geen instandhouding gedoen nie. Die stukkende muur tussen een van die bure, is 'n sprekende voorbeeld daarvan."</p>	<p>communication between neighbours aimed at finding an amicable solution to the problem. The approval and implementation of this proposal would enable the owner of the subject property to generate an additional income which can be used to continually maintain the property. This would therefore enhance the role of the subject property as a visual asset in the community which would be to the benefit of the objectors.</p>
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**Response to objections pertaining to economic impact and crime related considerations.**

Comment/objection	Response to objections
<p>"Economic impact"  <i>Ons het navrae by verskeie gastehuse in Franskraal en omgewing gedoen. Die besetting in die vakansie seisoen is tussen 70% en 80% maar in die wintertyd is dit 30% en minder. Die vakansie seisoen bring oor die algemeen groter inkomste na kusdorpe en kan nie slegs toegeskryf word aan besetting van gastehuse nie. Die eienaar en sy familie (broers en hul gesinne) beset ook die huis in die vakansietyd en behoort dieselfe of selfs meer inkomste as gaste te genereer, want daar is geen beperking op getalle soos in hierdie aansoek nie. Die motivering van WRAP het gastehuse as voorbeelde gebruik wat goed by die omgewing inskakel, maar ons het van die gastehuse gekontak en hulle terugvoer was meer gefokus om die toerismebedryf waarin hulle is.</i></p> <p>Hier is die terugvoer:</p> <p><i>Sharky holiday home is net Desember maande oop en het reeds twee inbrake in 2019 gehad.</i></p> <p><i>Drome Dreams B&amp;B: Hulle is nie as 'n B&amp;B geregistreer nie. Twee woonstelle word gebruik as vriende en familie kom kuier en</i></p>	<p>The following factors contribute to the low occupancy rates of guest houses and self-catering units;</p> <ul style="list-style-type: none"> <li>• Dirty rooms;</li> <li>• Poorly trained staff;</li> <li>• Poor or inconsistent staff;</li> <li>• Lack of expected amenities; and</li> <li>• Slow internet.</li> </ul> <p>The low occupancy rates of the guest houses and self-catering units which the objector is referring to could be caused by one or more of the above factors. An application for a guest house can also not be refused on the grounds of low occupancy rates as these are market conditions which town planners have no control over.</p> <p>The allegation that guest houses attract more crime can be solved by the owner of the subject guest house cautioning guests about crime in the area and sharing tips on how to ensure that valuables are safe and hidden from criminals. This will prevent the subject guest house from luring criminals.</p>



<p>word net uitverhuur as dit nie deur genoemdes beset word nie. Die inkomste is net genoeg vir een oorsese vakansie. Dit word nie as 'n besigheid bestuur nie. Dit is selfsorg woonstelsel. Volgens die eienaar teiken hulle gastehuise as daar gaste is, omdat daar dan meer elektroniese toerusting soos selfone en skootrekenaars is om te steel. Inbrake gebeur meestal in die nag wanneer die gaste slaap. Gaste word versoek om voertuie ter wille van veiligheid tussen "beams" te parkeer en alle besittings uit voertuie te haal. Die plek is in Klipfontein 2, baie naby Ross straat 6 Franskraal.</p> <p><i>Aire Del ar Guest House</i> Hierdie gastehuis het 16 kamers en gemiddelde besetting is 30%. Twee diefstalle het in 2019 plaasgevind: een in 'n motor en in die ander geval is al die toerusting uit die besoeker se boot gesteel. Al drie die eienaars/bestuurders is dit eens dat inbrake by gastehuise hoër is omdat daar meer goed beskikbaar is om te steel, veral in voertuie. Die redenasie van WRAP dat daar meer oë in 'n gastehuis is om te kyk en moontlik so misdaad te voorkom, hou volgens hulle geen water nie.</p> <p><i>Franskraal self catering</i> Hulle doen geen verhuring in Desember nie, maar word deur eie kinders beset. Die res van die jaar is daar 'n 40% bedbesetting.</p> <p>Die gevolgtrekking waarvoor 'n mens kom, is dat gastehuis nie noodwendig meer inkomste vir die Munisipaliteit of die eienaar waarborg nie.</p>	
<p>"Social Impact" In vandag se politieke klimaat is dit riskant om te aanvaar dat alle rasse en kulture binne 'n beperkte spasie en waar alkohol vrylik beskikbaar gaan wees, noodwendig samehorigheid bevorder. As gevolg van misdaad/gewapende misdaad in die hele strandgebied van die Gansbaai/Franskraal/ Kleinbaai/ Pearly Beach omgewing, is dit moeilik om te glo dat rasse kwessies nie onder die oppervlak broei nie."</p>	<p>Social cohesion can only be achieved if an environment is created which fosters intercultural interactions which this guest house is intended to achieve. It is also presumptions of the objector to assume that intercultural interaction leads to an increase in crime in cultural friction.</p>



<p><i>"Impact on safety, health and wellbeing of surrounding community</i></p> <p><i>Die omgewing waarin die beoogde gastehuis is, is 'n stil, rustige woonbuurt en tog het dit ook die slagoffer van misdaad geword. Die pensionaris wat in Ross straat woon (skuins oorkant Rossstraat 6) hou die sleutels van Ross straat 6 sodat die sekuriteitsmaatsakppy toegang tot die huis kan kry na 'n inbraak. Daar is al 'n paar keer ingebreek net soos by ons ander se huise. Franskraal Buurtwag wat deur die gemeenskap vir die gemeenskap gestig is, se kantoor is laer af in die straat. Hoekom sou daar so 'n behoefte gewees het as alles so veilig is soos wat WRAP dit beskryf. Die gastehuis kan net 'n aantrekliker teiken wees."</i></p>	<p>Crime in an area cannot be attributed to the presence of guest houses. On the contrary, the additional guests which the subject guest house will attract will contribute to decreasing crime in the area due to the additional surveillance.</p>
<p><i>"Die beginsel van redelikheid</i></p> <p><i>WRAP gebruik bogenoemde beginsel om die konkrete gebou en die visuele impak daarvan binne die omgewing (natuur) en woonbuurt (inwoners) te regverdig, maar ons wil hierdie beginsel toepas op die reg op privaatheid en veiligheid. Ons reg op privaatheid word baie ernstig geskaad deur die beoogde bouplan van die gastehuis en dit verhoog ook die risiko van misdaad aansienlik. Die toename van misdaad kan deur Jan Alleman op die Facebookblad "Wie maak Gansbaai lekker" gelees word. Die administrateurs van die blad is mense met integriteit en 'n mens kry redelike akkurate terugvoer, veral oor misdaad in woonbuurte op die blad. Die tendens van misdaad in woonbuurte, het ook nou die vorm van gewapende misdaad aangeneem en dit het tot gevolg dat elke inwoner moet toetree tot die pleidooi om misdaad te bekamp. Ons het nog nie eens die euwel van perlemoen smokkel ("poaching") aangeraak nie. Ons erf was 'n aktiewe deurgang van die huis omhein en sekuriteit aansienlik opgradeer het. Die veiligheidsrisiko is egter steeds daar.</i></p> <p><i>Die verhoogde ekonomiese bydrae tot die munisipaliteit se geldkas blyk minder te wees as wat die onmiddellike bure en</i></p>	<p>The objection is related to general crime problems experienced by residents in Franskraalstrand. The crime concerns highlighted by the objector can however not be used as a justification for the refusal of the submitted town planning application.</p>



ander inwoners (beswaar teen die dranklisensie) moet inboet en hulle lewer reeds en steeds 'n bydrae tot die munisipaliteit se inkomste. (beginsel van redelikheid)."

**Response to objections pertaining to parking related considerations.**

Comment/objection	Response to objections
"Daar gaan nie voldoende parkering wees vir gasse se besoekers nie. Die ekstra motors van die besoekers, waentjies en selfs bote van die gasse self, gaan heel moontlik in die strate parkeer word. Nicostraat vorm 'n T aansluiting met Ross straat, presies op die hoek waar Ross straat 6 geleë is en dit is aftyd 'n bedrywige straat ten opsigte van verkeer, kinders wat op fiets ry en mense wat met hul honde stap. Die uitgang van Ross straat 6 is volgens die bouplan, baie naby die stop en gaan 'n risiko vir veiligheid vir almal verhoog. Onbedagsame parkeringgewoontes lei gewoonlik tot ongemak/konflik wat die bestaande goeie verhoudinge wat daar tussen die huiseienaars bestaan gaan vertroebel."	Section 7 of the motivation report has illustrated that there is sufficient parking on the subject property. This is intended to avert all the parking related concerns which are highlighted by the objector.

**Conclusion**

The objections submitted are noted, however no substantive reasons were provided which motivate why the submitted application must be refused. Considering the response provided to the objections, it is proposed that the OM set aside the objections and approve the submitted application.

Yours faithfully

**REA JANKIE**  
TOWN PLANNER (B/8392/2017)

<b>File reference:</b>	869 GFK (3155/2019)
<b>Date:</b>	23 July 2019
	LI



## INTERNAL MEMORANDUM

<b>From</b>	: Town Planning Department
<b>Town Planner</b>	: Schalk van der Merwe

TO:

<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Electrical Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	Local Heritage Committee
<u>Operational Services</u>	<u>Traffic Department</u>	<u>Ward Councillor (Cllr. X. Msweli)</u>	<u>Waste Management</u>

<b>Applicant</b>	WRAP CONSULTANCY (obo ML SWART FAMILY TRUST)
<b>Property Details</b>	ERF 869, 6 ROSS STREET, FRANSKRAAL
<b>Application Description</b>	APPLICATION FOR CONSENT USE

**ATTACHMENTS :**

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

**YOUR DEPARTMENT'S COMMENTS:**

No objection providing that the structure complied to the fire protection regulations SANS 10400T: 2011 and community fire safety by-law.	
(Standard requirements for operation of a tented tourist accommodation establishment attached.)	
Signature: _____	Date: _____ 2019

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

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

<b>COMMENTS REQUIRED BY: 30 August 2019</b>
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**STANDARD REQUIREMENTS FOR OPERATION OF AN ESTABLISHMENT CLASSIFIED HOSPITALITY – H5 - GUEST HOUSE, BED & BREAKFAST OR SELF CATERING HOLIDAY ACCOMMODATION IN ANY H3 OR H4 CATEGORY BUILDING IN TERMS OF THE NATIONAL FIRE PROTECTION REGULATION SANS10400T:2011**

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

**Fire Extinguishers:**

SANS10400T:2011 – 4.37:

1 x Portable Fire Extinguisher per 100m<sup>2</sup> of a type - 4.5kg Dry Chemical Powder or 5kg CO<sub>2</sub> or 9 litre H<sub>2</sub>O.

**Combustibility of Floor Coverings:**

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

**Combustibility of Wall Coverings:**

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

**SANS10400T:2011 – 4.58 require the provision of:**

- Escape route signs – Photoluminescent SANS1186-5 in all passages and corridors and also above all exit doors.
- Self-contained luminaires (automatic actuating battery operated lights) in all passages and corridors
- Stand-alone smoke alarms compliant with the requirements of European Standard EN14604 in each:
  - Sleeping room
  - Communal area
  - Passage or corridor leading to rooms
- Fire Hose Reels for premises larger than 250m<sup>2</sup> at a ratio of 1 per 500m<sup>2</sup> of the establishment.
- Doors leading to the outside of the building with single turn locks or any other lock device approved by the Fire Authority.

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

These plans must include:

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

Chief Fire Officer

File reference:	869 GFK (3155/2019)
Date:	23 July 2019



## INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: Schalk van der Merwe

TO:

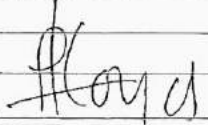
<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Electrical Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	Local Heritage Committee <i>Tourism</i>
<u>Operational Services</u>	<u>Traffic Department</u>	<u>Ward Councillor (Cllr. X. Msweli)</u>	<u>Waste Management</u>

Applicant	WRAP CONSULTANCY (obo ML SWART FAMILY TRUST)
Property Details	ERF 869, 6 ROSS STREET, FRANSKRAAL
Application Description	APPLICATION FOR CONSENT USE

## ATTACHMENTS :

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

## YOUR DEPARTMENT'S COMMENTS:

I have received photos of the house. These show that there are For Sale signs up by Pam Golding and De Huys at this address.	
The notice of lodgment of application for a liquor license was also displayed at the property.	
The current state of the house does not look conducive to tourism and I can only assume that renovations are undertaken an upgrades made in order to present a facility that would meet the demands of guests.	
Signature:	
Date:	12 August 2019

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

\* Building Control Department to confirm that all structures on the site comply with the approved building plans.

ANNEXURE H 1/4

AP N. Theard  
(S. Ud N. Theard)



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive  
Pinelands  
7404

Candice Spammer

Tel: 021 414 5582

Fax: 086 480 0617

Email: spammec1@telkom.co.za

Our Ref.: WWIP\_WGNB2664\_19

Your Ref.: 869 GFK 3155/2019

20 August 2019

Attention: S Muller

Overstrand Municipality  
HERMANUS

FILE NO:	ERF 869
	Kondaraal
SCAN NO:	GFK 869
COLLABORATOR NO:	1314375

**PLANT AFFECTED:**

**APPLICATION FOR CONSENT USE: ERF 869, 6 ROSS STREET, FRANSKRAAL**

With reference to your application received 23 July 2019.

As important cables and other infrastructure are affected, please contact our representative **Frederik Swart** at **028 514 1199 / 081 363 7815 / FrederikS@openseve.co.za** 48 hours prior to commencement of construction work.

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

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

Approval is granted, subject to the following conditions.

As per sketch attached, Open Serve infrastructure **WILL BE AFFECTED**, consequently the conditions below and on the attached legend will apply.

20 AUG 2019

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

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.

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 open serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.**

All Open Serve rights remain reserved.

Yours faithfully

  
\_\_\_\_\_  
Selwyn Bowers  
Operations Manager  
Wayleave Management: Western Region

## PLANT AFFECTED : COPPER

This wayleave, Reference Number WWIP WGNB2664 19 is valid for 12 months from date hereof and is subject to the following conditions:

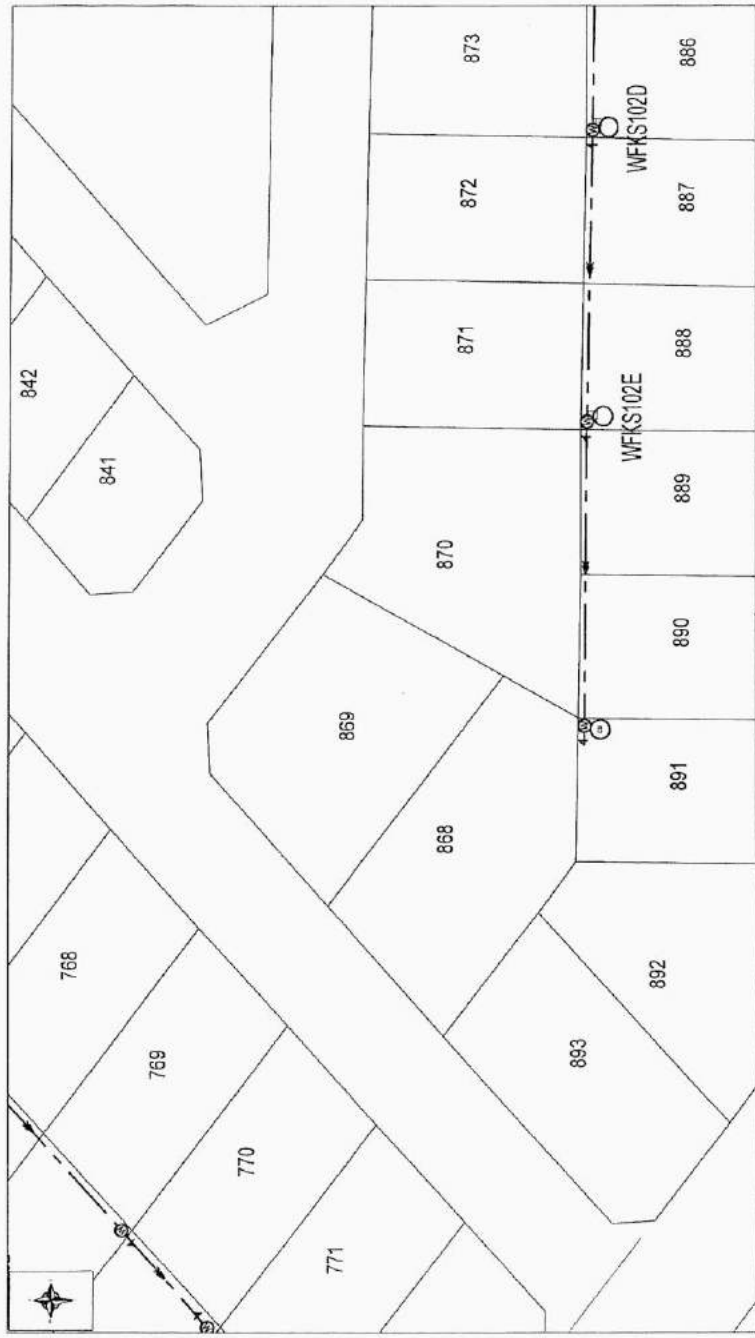
1. No mechanical plant or vibrator type compactors may be used within three meters of any Openserve Plant (I.E. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and **Frederik Swart** at Telephone No **081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

Date: 2019/08/20

By: C Spammer  
For Regional General Manager  
Western Cape

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





Legend		TELKOM REGIONAL EXECUTIVE	
<input checked="" type="checkbox"/> Existing Manhole	<input checked="" type="checkbox"/> Existing SDC	<input checked="" type="checkbox"/> Existing Underground Route	Compiled By: C. Scamner
<input checked="" type="checkbox"/> Planned Manhole	<input checked="" type="checkbox"/> Planned SDC	<input checked="" type="checkbox"/> Planned Underground Route	
<input checked="" type="checkbox"/> To Be Abandoned Manhole	<input checked="" type="checkbox"/> To Be Recovered SDC	<input checked="" type="checkbox"/> To Be Abandoned Underground Route	Client: 200820119
<input checked="" type="checkbox"/> Existing Jointing Pit	<input checked="" type="checkbox"/> Existing OLC	<input checked="" type="checkbox"/> Existing Overhead Route	Date: WMP - WGN/NS64_19
<input checked="" type="checkbox"/> Planned Jointing Pit	<input checked="" type="checkbox"/> Planned OLC	<input checked="" type="checkbox"/> Planned Overhead Route	Operator ref: OpenStive ref
<input checked="" type="checkbox"/> To Be Abandoned Jointing Pit	<input checked="" type="checkbox"/> To Be Recovered OLC	<input checked="" type="checkbox"/> To Be Recovered Overhead Route	Drawn: COPPER SERVICES AFFECTED
<input checked="" type="checkbox"/> Existing P/B	<input checked="" type="checkbox"/> Existing P/B Joint	<input checked="" type="checkbox"/> Existing Man OUDP	Page Size: A4
<input checked="" type="checkbox"/> Planned P/B	<input checked="" type="checkbox"/> Planned P/B Joint	<input checked="" type="checkbox"/> Planned Man OUDP	Sheet No: 1 of 5
<input checked="" type="checkbox"/> To Be Abandoned P/B	<input checked="" type="checkbox"/> To Be Recovered P/B Joint	<input checked="" type="checkbox"/> To Be Recovered Man OUDP	

File reference:	869 GFK (3155/2019)
Date:	23 July 2019
	LI



## INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: Schalk van der Merwe

TO:

<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Electrical Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	Local Heritage Committee
<u>Operational Services</u>	<u>Traffic Department</u>	<u>Ward Councillor (Cllr. X. Msweli)</u>	<u>Waste Management</u>


Applicant	WRAP CONSULTANCY (obo ML SWART FAMILY TRUST)
Property Details	ERF 869, 6 ROSS STREET, FRANSKRAAL
Application Description	APPLICATION FOR CONSENT USE

## ATTACHMENTS :

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

## YOUR DEPARTMENT'S COMMENTS:

Applicant to apply for Health Certificate from OSDM under new Municipal Health By-law to operate as "Accommodation Establishment". If food are to be prepared to guest, Applicant should complete an additional application for Certificate of Acceptability to prepare and handle food.

Signature:		Date:	29/08/2019
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Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

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

COMMENTS REQUIRED BY:	30 August 2019
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE: ERF 869, FRANSKRAAL (3155/2019)**

Electricity : In order  
Water : In order  
Sewer : In order  
Stormwater : In order  
Roads and traffic : In order

**Conditions:**

1. that only the existing water connection and sewer conservancy tank to Erf 869 shall be used to service Erf 869;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 869, Franskraal, unobstructed;
6. that no on-street parking be allowed.

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

  
DATE