

**AGENDA of the  
Municipal Planning Tribunal  
27 July 2017**

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**4.2**

**ERF 131, 13 LINK ROAD, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA :  
PROPOSED CONSENT USE : MESSRS WRAP ON BEHALF OF THE  
RENDEZVOUS TRUST 2**

**131 HFH (3589)**

**H Olivier**

**14 June 2017**

**(028) 313 8900**

**Hermanus Administration**

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**1. EXECUTIVE SUMMARY**

An application has been received on Erf 131, Fisherhaven for a consent use for a five (5) bedroom guesthouse in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016.

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

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

**3. BACKGROUND / SITE HISTORY**

The erf measures 1525m<sup>2</sup> in extent and is developed with a residential dwelling.

The existing land owner did apply for a departure for a guesthouse which was approved in September 2012. This approval will lapse in this year.

The owner still intends to renovate the dwelling and utilize it as a guesthouse and therefore apply for a consent use.

Provision will be made for five (5) guestrooms and a manager's room, and eight (8) parking bays will be provided.

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

- Fisherhaven functions mostly as a retirement-, residential- and holiday town.
- There are no restrictions in the Title Deed that prohibit the guesthouse activity.
- The guesthouse is desirable for the following reasons:

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- The application is in line with the principles and goals of the Western Cape Provincial Spatial Development Framework (PSDF), Overstrand Municipal Spatial Development Framework (OMSDF) and Overstrand Municipal Growth Management Strategy (OMGMS).
  - Contribute to market and promoting Fisherhaven as a tourist destination.
  - The site is fully serviced.
  - The site is not in an environmentally sensitive area.
  - Guesthouse blend in with the character of the residential area.
  - No negative impact on the society or environment.
- The application is in line with the development parameters applicable for accommodation establishments in that a maximum of five (5) guestrooms will be provided, sufficient parking will be provided, meals and liquor will only be served for guests, the manager will reside on the premises, etc.
  - A new access for guests is proposed from Disa Road.
  - The application is in line with the Planning Principles as follows:

Spatial Justice

The application will not contribute to spatial imbalances.

Spatial Sustainability

Will not impact on agricultural land, environmentally sensitive and biodiversity rich areas or on scenic and cultural landscape.

Efficiency

Optimise development potential of property which is compatible with the surrounding environment.

Spatial Resilience

Property is spatially resilient and can absorb shocks whether economic or environmental.

Good Administration

The application went through a consultative planning process and was advertised to the general public.

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**5. ADMINISTRATIVE COMPLIANCE**

Methods of advertising		Date published	Closing date for comments
Press	No	N/A	N/A
Gazette	No	N/A	N/A
Notices	Yes	23 March 2017	28 April 2017
Ward councillor	Yes	23 March 2017	28 April 2017
Total comments	<b>ONE (1)</b>		
Was public participation undertaken in accordance with section 45-49 of the Proposed Draft By-law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below):			<b>Yes</b>
Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			<b>Yes</b>

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

Name	Date received	Summary of comments	Recommendation
<b>Fire Department</b>	8/05/2017	Subject to compliance with the requirements of the National Fire Protection Regulations – SANS 10400 T: 2011 – a maximum occupancy total is 16. Persons in terms of SANS 10400 A : 2010–Table 2 – National Building Regulations	<b>Positive</b>
<b>Building Control</b>	27/03/2017	Supported subject to compliance with SANS 10400	<b>Positive</b>
<b>Senior Manager: Hermanus</b>	8/05/2017	No objection	<b>Positive</b>
<b>District Health</b>	10/05/2017	In terms of Municipal Health By-Law, 2015 the owner of the guest house must apply for a Health Certificate at the Overberg District Municipality and a R962	<b>Positive</b>

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		certificate of acceptability for the preparation and serving of food on premises.	
<b>Telkom</b>	4/05/2017	See Annexure F	<b>Positive</b>
<b>Engineering Services</b>	31/03/2017	See Annexure G	<b>Positive</b>
<b>Eskom</b>	29/03/2017	See Annexure H	<b>Positive</b>
<b>Traffic Department</b>	6/04/2017	No traffic impact	<b>Positive</b>

**7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION.**

One objection was received from Klaus and Marian R Wendland, which can be summarized as follows:

1. This area of Fisherhaven is a pure single residential area, and the application for a permanent use change will change such status.
2. The approved garage, which is over the building line, will now be utilized as a servant's quarters.
3. The guest parking bays and guestrooms on first floor will invade privacy.
4. Disa Road is a gravel road, and access to the guest parking will create dust.
5. Disa Road's name is actually marked Link Road on the road sign.
6. The owner did not act on the previous departure approval; it may be that this application for permanent rights is only to increase the value of the property.
7. The guesthouse of this size will have a negative impact on surrounding properties and should be in the commercial area of Fisherhaven.

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

1. There are numerous differently zoned erven in Fisherhaven. Guesthouses are considered residential ventures and usually situated in residential areas, hence the provision under such residential zone for a guesthouse consent use. Strict conditions are also imposed in such permanent applications. There are various guesthouses in Eastcliff, Voëlklip and Westcliff, etc. which are residential areas.
2. It was a condition of approval for the guesthouse departure approval that the garage be removed. The applicant did not act on the approval, but will attend to the demolition after the finalization of the consent use application.

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3. The additional vehicles to the site will only be five (5) more than a normal residence and cannot create such a nuisance. It is also within the zoning rights to construct a double storey dwelling.
4. Disa Road is a proclaimed road and the fact that it is not tarred must be taken up with the Municipality.
5. The name Disa Road is indicated on all town planning documentation.
6. The owner did not act on the previous guesthouse departure approval as the economic climate was not right. It is every property owner's right to proceed with a business venture if he/she prefers. If a property owner obtains additional rights on a property, which is increase its value, it is his/her right, as for any other property owner.
7. No comment provided.

**9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon)**

1. Concur with the applicant's comments.
2. The comments of the objector and applicant are noted. The legalization of the existing garage structure over the building line was not applied for as part of this application. It shows as a servant's quarters on the site plan, but it is indicated that it will be demolished.
3. The proposed parking area off Link Road will be situated to the north east of the objector's property (Erf 790, 11 Link Road). There are large trees situated on both properties next to the common property boundary, which will help block any noise or lights of vehicles. The impact on the neighbour should be minimal. The dwelling on Erf 131 is situated on the southern corner of the property, and the dwelling is situated approximately 28m from the dwelling of the objector. There is also another vacant property situated between the two (2) buildings, which may also be developed at a later stage. The existing double storey portion only has bathroom windows facing towards the objector's property, while the two (2) new proposed bedrooms on first floor level will only have smaller windows facing the objector's property, with timber decks facing north. It is foreseen that the impact on privacy on Erf 790 will be minimal.
4. The comments are noted. The increase in traffic will not be to the level that it is foreseen that major dust problems will be created.
5. The property is known as 13 Link Road on municipal records. The portion of the same road on the western side of Erven 790 and 131 is Disa Road, while from Erf 790 in a north eastern direction it is named Link Road.

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6. The comments are noted. Land use applications cannot be considered on the intension of applicants, but only in terms of the criteria listed in SPLUMA, LUPA and the Municipal By-Law on Land Use Planning, to determine desirability.
7. The Overstrand Zoning Scheme makes provision for applications for consent use for guesthouses in residential areas. In terms of the Overstrand Policy for Conducting an Accommodation Establishment on a single residential erf, application can be made for up to five (5) guest rooms in a guest house. Many such applications have been approved by the Municipality in the past, and the impact of such establishments was minimal. Such facilities must also abide by strict conditions/regulations, which ensure minimal impact on surrounding owners.

**Internal Departments**

No objection has been received by the internal departments.

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

**10.1 Background**

N/A

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

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

The objectives relating to:

**Spatial Justice**

Not applicable.

**Spatial sustainability**

The application would lead to an increase of tourists to this area which would have a positive economic impact on the land owner and business in the area.

**Efficiency**

The land owner will use the property to its full potential as is allowed in terms of the Overstrand Zoning Scheme.

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**Spatial Resilience**

The application is in line with local policies which promote tourism in this area. The application will enable the applicant to optimise his assets, should it be necessary due to economic and/or financial reasons.

**Good administration**

Procedure was followed and a public participation was applicable.

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

Same.

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

Same.

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

N/A

**10.6 Impact on Municipal engineering services**

None. Existing services will be used.

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

N/A

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

The application is in line with the Overstrand Spatial documents.

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

N/A

**12. THE DESIRABILITY OF THE PROPOSAL**

The application is in line with the aim of the Overstrand Municipal SDF, which promotes tourism.

The application complies with the requirements for tourist accommodation on residential erven.

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Council previously found the application desirable and approved a departure application for the same scale guest house application in 2012.

The application complies with the general principles in terms of SPLUMA and LUPA, and the guesthouse would be a sustainable enterprise with the potential to create economic growth in the area.

The site has good accessibility and sufficient on-site parking can be provided. It is also fully serviced and it will have no real impact on services.

Fisherhaven has a strong single residential character, with large properties with big yards. Erf 131, Fisherhaven also measures 1525 m<sup>2</sup> in extend.

The proposed guesthouse (with additions) would not be much larger than the dwellings found in the area, and vegetation on the property would also help to ensure privacy to surrounding property owners. It is therefore not foreseen that the approval of the guesthouse will have a negative impact on the character of this area, and is desirable.

### **13. RECOMMENDATION**

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (the By-Law) on Erf 131, Fisherhaven for a consent use to operate a five (5) bedroom guesthouse, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the facility be utilized as a guesthouse only
  - (b) that the approval be acted on within three (3) years of the date of approval, if not, the approval will lapse;
  - (c) that the guesthouse only be utilized in line with the site development plan submitted with this application;
  - (d) that the illegal garage constructed over the lateral building line be demolished;
  - (e) that a maximum of five (5) bedrooms to be let, be permitted;
  - (f) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guesthouse;
  - (g) that the guesthouse is utilized as such – no self-catering will be permitted;

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- (h) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
- (i) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary Liquor Licence;
- (j) 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, subject to the approval of the Authorised Official;
- (k) that commercial rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
- (l) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
- (m) that a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises, and that the existing flag pole be removed;
- (n) 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;
- (o) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
- (p) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
- (q) that should any building alterations be required building plans should be submitted to the Building Department for approval;
- (r) that all the conditions in the Services Report (attached as Annexure G), be complied with;
- (s) that all conditions imposed by the Fire Department, be complied with;
- (t) that no kitchen facilities and or prep bowls be allowed in the guestrooms, and
- (u) that all the conditions by Telkom (attached as Annexure F), be complied with.

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2. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**14. REASONS FOR RECOMMENDATION**

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have objected to the application.
- ❖ No new municipal services will be needed.
- ❖ It is in line with the aims of the Overstrand SDF.
- ❖ Contribute to alleviate the need for employment possibilities and accommodation.
- ❖ The objection was duly addressed by the applicant.
- ❖ The application will not have a negative effect on the character of the area and is desirable.

**15. ANNEXURES**

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Objection received
- Annexure E: Applicant's response to objection received
- Annexure F: Comments: Telkom
- Annexure G: Services Report
- Annexure H: Comments: Eskom

**SIGNATURE**

**AUTHOR:**

Name: **HENK OLIVIER**

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

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

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**REGISTERED PLANNER**

Name : **H VAN DER STOEP**

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

SACPLAN registration number: **A/1708/2013**

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

Locality Plan  
131 Fisherhaven

Erf 131 Fisherhaven  
(1525m<sup>2</sup>)



Plan prepared by : Reatshile Jankie

Scale 1 : 4 000

All distances approximate and subject to survey.

WRAP makes no warranty of any kind, expressed or implied with regard to data, accuracy or consequences arising from its use. The data remains the property of the client and may only be used for the purposes of a project with the prior written approval of the client.

35 Duiker Street  
Pobox 1247  
Hermanus  
7200

Tel: 028 313 1411  
Fax: 086 508 3248  
Email: wrap@telkomsa.net  
Web: www.wrapgroup.co.za





AREAS:

ERF AREA: 1925sqm  
 FOOTPRINT: 244,7sqm  
 COVERAGE: 16,04%

NOTES

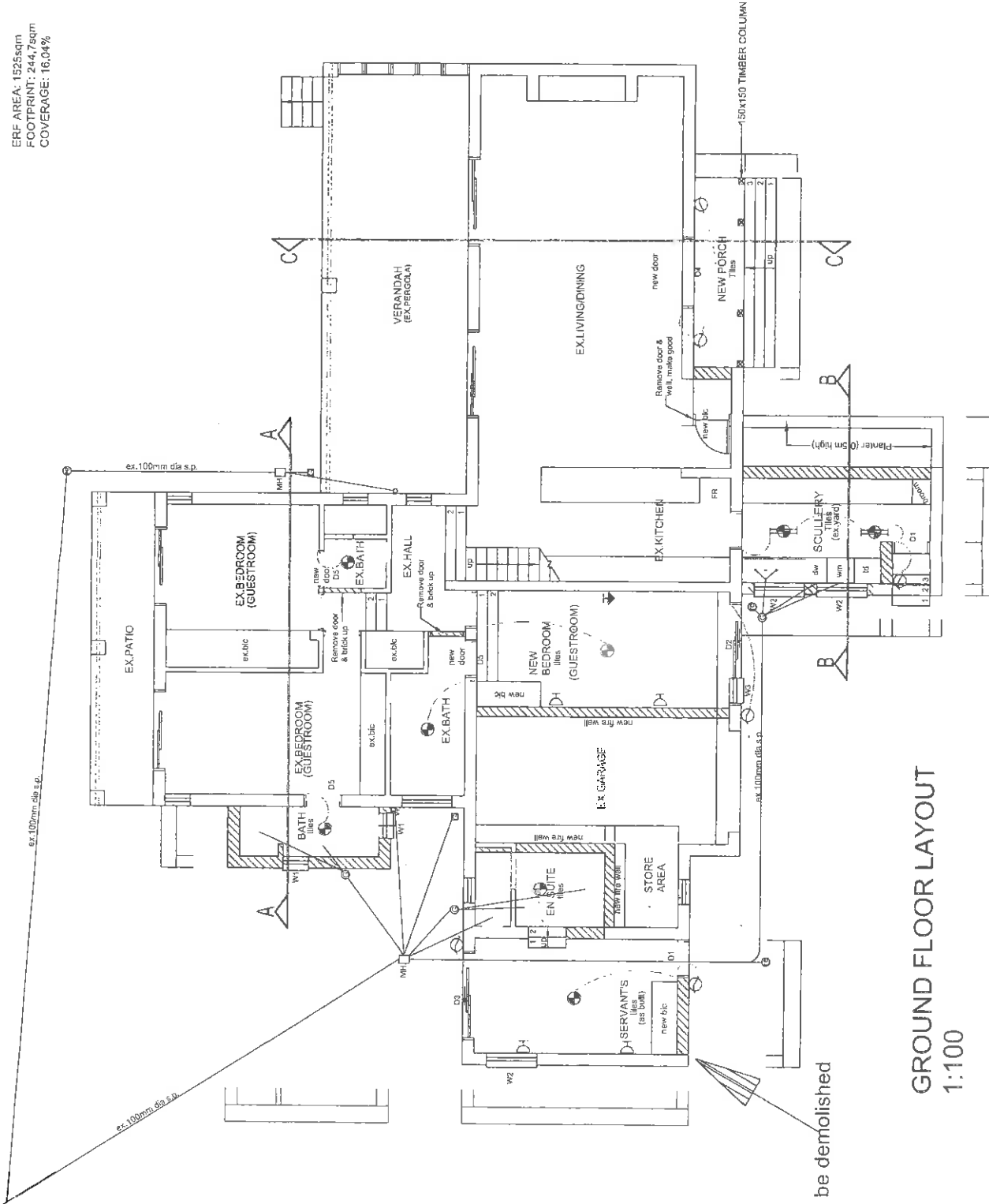
- Drawings may not be sized.
- Dimensions are given in millimeters unless otherwise stated.
- All dimensions & levels must be verified on site.
- All RC work to be designed by engineer.
- SANS 1035, floor building practice.
- Contractor to provide details of all underground services which are to be avoided or re-routed & to provide instructions before proceeding.
- TIMBER: Timber to be weather resistant & treated to carry the SANS 1035 load.
- FOUNDATIONS: Foundation walls to be 250mm (excl. walls) reinforced for the last 2 courses below slab. Concretes to be fixed with concrete.
- CONCRETE: To be cast in accordance with SANS 1035. Minimum base level of 100mm on ground.
- Min. 100mm surface beds to be cast & well consolidated. Apply OPC beam of walls, cols, door & window sills. Precast concrete over all services & ducts. With 20mm thick concrete. With 20mm thick concrete. With 20mm thick concrete.
- ELECTRICAL: All electrical work to be tested & approved by a qualified electrician. All plumbing & drainage work & installation of sanitary ware to be done in accordance with the relevant SANS standards. All measurements must be taken in accordance with SANS 1035.
- Provide approved reset tiles in all waste fittings. Provide it's at least 10mm above the waste pipe to be fully grouted. Provide it's at least 10mm above the waste pipe to be fully grouted. Provide it's at least 10mm above the waste pipe to be fully grouted.
- Provide approved reset tiles in all waste fittings. Provide it's at least 10mm above the waste pipe to be fully grouted. Provide it's at least 10mm above the waste pipe to be fully grouted.
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**N GENADE ARCHITECTURAL DRAUGHTING & DESIGN SERVICES**

PO BOX 547  
 KINGSMEAD 6570  
 TEL : 082 215 7700  
 TEL : 044-3822674  
 TEL : 044-3822536  
 EMAIL : ngenade@nengade.com

PROPOSED ADDITIONS & ALTERATIONS  
 ERF 13  
 PROENA STREET  
 FISHERMAN  
 WIMBORNE

GROUND FLOOR LAYOUT  
 1:100

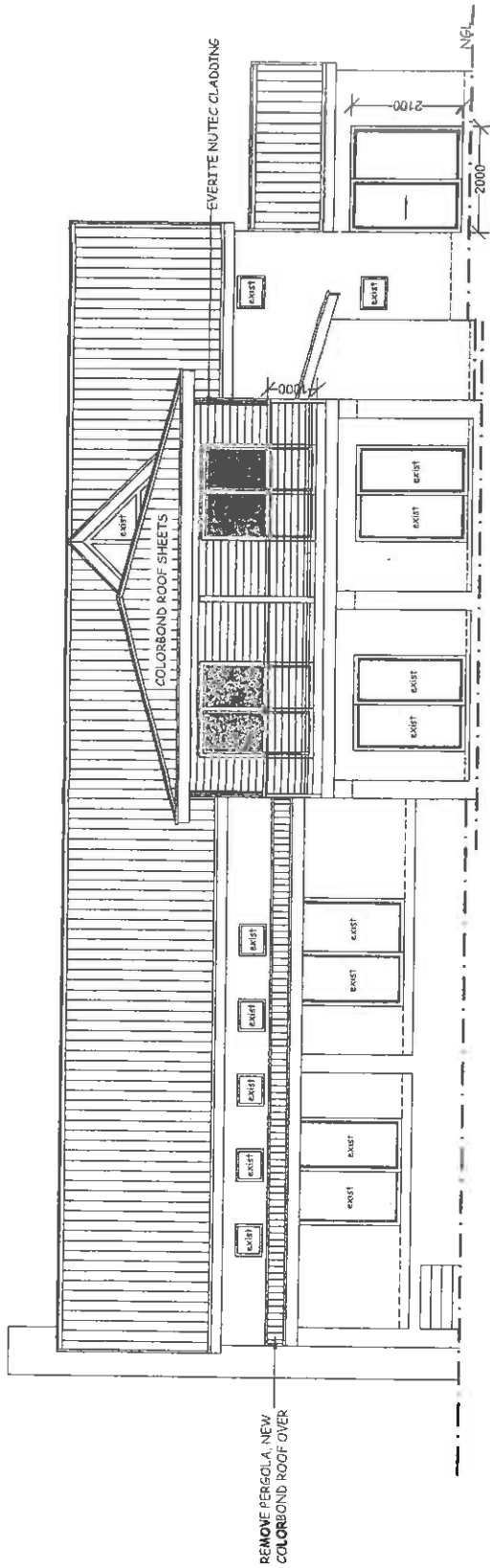


GROUND FLOOR LAYOUT  
 1:100

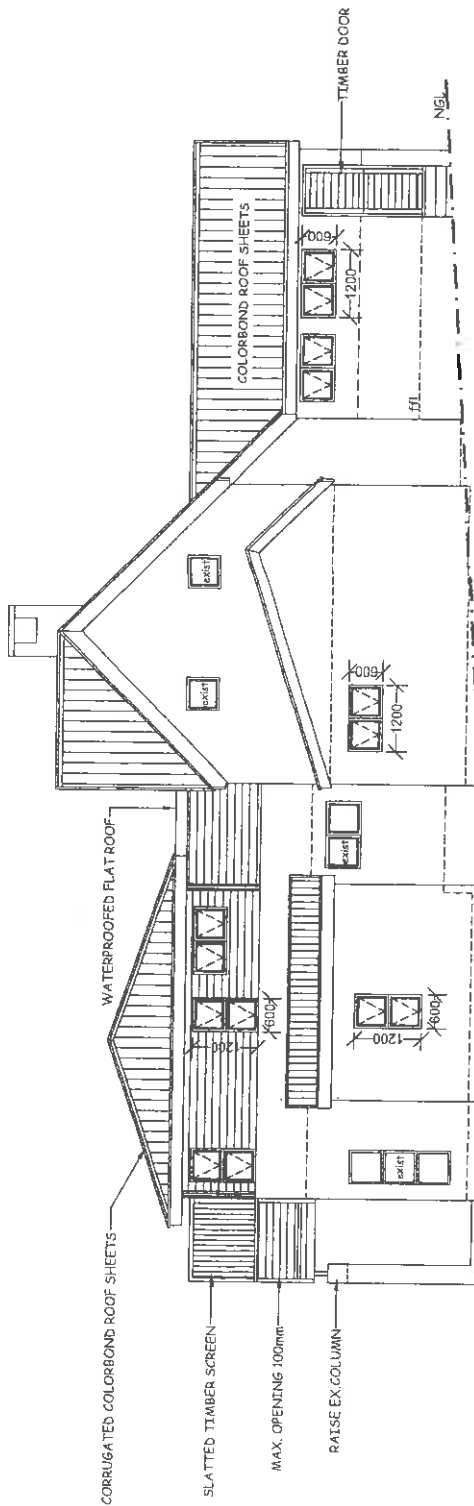
Building to be demolished

LEGEND	
	EXTERNAL WALL
	CEILING LIGHT
	FLOOR LIGHT
	DOWNLIGHT
	LAMP PLUG
	DOUBLE SWITCH
	HOT WATER
	SHOWER
	TV POINT & DOUBLE PLUG
	DISTRIBUTION BOARD
	AIRCON
	TELEPHONE
	DOOR
	WINDOW





NORTH ELEVATION  
1:100



WEST ELEVATION  
1:100

N.GENADE  
ARCHITECTURAL  
DRAUGHTING & DESIGN  
SERVICES

PO BOX 346  
KNYSNA 6570  
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TEL : 044-3822672  
TEL : 044-3825086  
E.MAIL : ngenade@nmda.com

DRAWINGS: N.GENADE  
REC. NO. 100049

PROJECT  
PROPOSED ADDITIONS & ALTERATIONS

ERF. 131  
PROTEA STREET  
FISHERMAN

CLIENT  
VAN MECHEM

TITLE  
ELEVATIONS

SCALE  
1:100

DATE  
10-11-2011

REV  
0

NO. 003/11/2011

DRW. NO.

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## 2. OWNER'S INTENT

The subject property is situated in Fisherhaven and is zoned Residential Zone 1: Single Residential (SR1). Currently the property is developed with a single residential dwelling unit. It is furthermore proposed to renovate the existing dwelling.

An application was submitted for **DEPARTURE** for the establishment of a guest house on Erf 131, Fisherhaven in terms of Section 15(1)(a)(ii) of the Land Use Planning Ordinance, 1985 (no.15 of 1985) and was approved on 2 October 2012 (**Annexure B**).

The above approval reads:

*"that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), application for a departure from the relevant Scheme Regulations on Erf 131, Fisherhaven, in order to allow the new property owner to operate a Guesthouse with five lettable rooms on the property concerned, be approved, subject to the following conditions:*

- (a) that the facility be utilized as a guesthouse only;*
- (b) that only one kitchen be permitted;*
- (c) that a maximum of five bedrooms to be let, be permitted;*
- (d) that the owner/manager resides on the premises;*
- (e) that the guesthouse be run on a bed-and-breakfast basis only; no self-catering will be permitted;*
- (f) 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;*
- (g) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;*
- (h) that a minimum of one permanently demarcated parking bay per guest room (as indicated on the Site Plan submitted) and two for the owner/manager be provided within the erf boundaries, subject to the approval of the Manager: Town Planning;*
- (i) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;*
- (j) 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;*
- (k) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;*
- (l) that this approval is only valid for five years and not transferable and should the owner sell the property or there is a successor in title to the property for whatever reason, this approval will lapse;*
- (m) that Council reserves the right to rescind this approval without payment of compensation should any justified objection be received to the manner in which the guesthouse is conducted or should the operation of the guesthouse be found to be detrimental to the peacefulness and amenity of the surrounding area;*
- (n) that a R918 GOA (Certificate of Acceptability) must be applied for at the Overberg District Municipality;*
- (o) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,*
- (p) that the applicant registers at the local Tourism Bureau;*
- (q) that the portion of the outbuilding (garage) be demolished to not encroach the building line and that building plans be submitted to the Building Branch for their approval for*

- 
- such rectification and also for the new proposed extensions;*
- (r) that fire safety must be in compliance with SANS 10400 T: 2011-4.58. NBR Occupation category H5-Maximum occupation sixteen persons @ two per room Subject to a Fire Safety Compliance inspection;*
  - (s) that all the conditions in the Services Report be complied with;*
  - (t) that application be made for a Business Licence, prior to the operation of the guesthouse, and*
  - (u) that the new owner provide a positive Bond Holder's consent to the Town Planning office, prior to acting on this approval."*

The owner of the erf still intends to renovate the dwelling unit, which will be utilised as a guest house. As the land use rights of the property do not provide for this specific use, it is necessary to submit a consent use application to the Overstrand Municipality for the obtainment of the necessary land use rights.

The property owner obtained a departure to operate a guest house prior to the gazetting of the current zoning scheme. The departure was only valid for 5 years and will lapse soon. In terms of the current Overstrand Municipality Zoning Scheme, 2013 it is necessary to apply for a consent use for a guest house which is permanent.

The size of the erf is 1525 m<sup>2</sup> and the renovated dwelling unit will have a footprint area of 258.3 m<sup>2</sup>. The ground floor of the proposed dwelling will have three (3) en-suite bedrooms, a scullery, a garage/store room, a kitchen, a living/dining area as well as servant's quarters. The first floor will consist of a manager's room, two (2) en-suite bedrooms and a bar area (refer **Plan 5**).

A total of five (5) bedrooms will be made available for guests. One bedroom will be for the manager of the guest house. Eight parking bays will be provided on the site which will include one parking bay for the disabled (refer **Plan 4**).

**Application** is hereby made for the following:

- **Consent use** for a five (5) bedroom guest house in terms of Section 16(2)(o) of the Overstrand By Law on Municipal Land Use Planning, 2015.

### 3. CHARACTER OF ENVIRONMENT

The subject property is located in Fisherhaven which is a township on the eastern bank of the Botrivier estuary, 9km west of Hermanus and predominantly functions as a retirement-, residential- and holiday town.

The subject property is located in the north-western part of Fisherhaven, near the designated business area of the township. The property is bound by Disa Road to the north, a park to the east, Protea Road to the south and Erven 785 and 790 to the west and is zoned Residential Zone 1: Single Residential (SR1).

### 4. TITLE DEED AND PROPERTY DETAILS

A copy of the subject property's title deed is attached as Annexure C and a study of the deed revealed that there are no restrictive conditions that may prohibit the approval of this application.

	APPROX. EXTENT	OWNERSHIP	TITLE DEED NO
Erf 131 Fisherhaven, in the Overstrand Municipality, Division of Caledon, Province of the Western Cape.	1525m <sup>2</sup>	Rendezvous Trust 2 (Reg. Nr. 1547/2004)	T13945/2012

### 5. DESIRABILITY

In terms of Section 55 (b) and (c) Land Use Planning Act; 2014 an application can be refused based on it being undesirable. The measure to assess the desirability of the application is the consistency of the application with spatial development frameworks, applicable structure plans, the principles referred to in Chapter VI and guidelines issued by the Provincial Minister regarding the desirability of proposed development.

The proposed guest house needs to be desirable and consistent with the logic character of the town and add value to the owner and the community. The Department of Environmental Affairs and Development Planning (DEADP) published a Guideline on Need and Desirability as part of the EIA Guideline and Information Document Series. Although this application does not include an environmental authorization application, the desirability guidelines set out in the document are also applicable in planning.

In terms of the above, a number of questions need to be asked with regard to the need and desirability of a proposal, which include the following:

Need and desirability measure	Yes/ No	Applicability to the subject farms
Is the land use considered within the timeframe intended by the existing approved SDF agreed to by the relevant environmental authority?	Yes	The application for a guest house is within the timeframe of the PSDF (Western Cape Provincial Spatial Development Framework), OMSDF (Overstrand Municipal Spatial Development Framework) and Overstrand Municipal Growth Management Strategy (OMGMS) is consistent with the principles and goals enshrined in the frameworks. The spatial planning initiatives section of this report will

		elucidate this.
Does the community/area need the activity and the associated land use concerned?	Yes	There is a definite need in Fisherhaven for a guest house to contribute to marketing and promoting the town as a viable tourist destination.
Are the necessary services with adequate capacity currently available, or must additional capacity be created to cater for the development.	Yes	The subject erf is developed with a dwelling. The solid waste removal will be done by the Municipality. Electricity is provided by Eskom.
Is this development the best practicable environmental option for this land/site?	Yes	This application is the most practical environmental option as the property is situated in an approved township where the relevant specialist studies have been done to prove that the subject property is not situated on environmentally sensitive land.
Would the approval of this application compromise the integrity of the existing approved and credible municipal IDP and SDF as agreed to by the relevant authorities?	No	As this motivation will prove later on, the proposal is well aligned with the existing approved and credible municipal IDP and OMSDF.
Do location factors favour this land use?	Yes	The location of the proposed guest house is ideal as it is within a residential area and the proposed consent use for guest house blends in with the residential character of the area.
How will the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas?	No	The renovated building will not adversely impact on any sensitive natural areas and cultural areas.
Will the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?	No	The proposed land use applied for will not result in unacceptable opportunity cost.
Will the proposed land use result in unacceptable cumulative impact.	No	The proposal will not have any adverse impact on the society and the environment.

## 6. OVERSTRAND MUNICIPALITY ACCOMMODATION ESTABLISHMENTS

The Overstrand Municipality Policy on Accommodation Establishments provides a set of guidelines that outlines the development parameters that are applicable for accommodation establishments. It is essential for the proposed guest house to be aligned with the guidelines and promote a sound short term rental facility for guests.

Guideline	Consistency of the application with the guideline
Up to 5 rooms need to apply for Special Consent or a Departure from the Zoning Regulations. All rooms to be interleading with the main dwelling.	This application is for a consent use for a guest house with five lettable rooms. All the rooms are interleading with the main dwelling.

Approved building plan, showing all B & B rooms	Building plans that were submitted in the previous approval of the guest house show all the rooms in the proposed guest house (refer <b>Plan 5</b> ).
A proper site plan, also indicating the parking layout, to scale.	The SDP shows the positioning of the existing building and with a parking layout with dimensions. The parking layout and manoeuvring space is compliant with the requirements of the Overstrand Municipality Zoning Scheme.
Copy of the Title Deed,	A copy of the title deed is attached to the application and there are no title deed restrictions that can prohibit the approval of this application.
Meals/liquor may be served to residents only.	All meals will only be served to guests.
If meals are prepared and provided to guests a Certificate of Acceptability must be obtained from the municipal Health Department. (See Annexure B)	The property owner will follow all the processes as prescribed by the Municipal Health Department to ensure that the meals provided are hygienically prepared.
Liquor may only be sold to residents of the guesthouse.	Liquor will only be sold to residents of the guest house.
No accommodation establishment may have more than one kitchen. (Except if approval was granted for a second dwelling.)	There is one kitchen and a dining area on the ground floor.
The owner/manager must occupy the premises personally.	The manager will reside at the premises.
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.	The subject property will comply with the Overstrand Municipality By-Law Relating to Outdoor Advertising and signage.
One or more fire extinguishers must be provided to the satisfaction of the municipal Head of the Fire Department. Obtain specifications regarding fire extinguishers.	There will be one or more fire extinguishers on the subject property and will be to the satisfaction of the municipal Head of the Fire Department.

### 6.1 Services

For the proposed development to be viable it is necessary for services such as water, sewage, electricity and roads to be available. The owner will ensure that all required services are in compliance with municipal standards.

### 6.2 Water

The water to the Erf is provided by the Overstrand Municipality.

### 6.3 Traffic impacts, parking access and other transport related considerations

An existing access point is located on Protea Road. However, it is proposed to establish a separate access point for guests of the establishment in Disa Road. There are eight parking bays on site. (refer **Plan 4**). The parking layout configuration has been designed in a manner to ensure the safety of pedestrians and motorists.

### 6.4 Electricity

Electricity on the subject property is provided by Eskom.

## 7. ZONING OVERLAY

The zoning of the property is Residential Zone 1: Single Residential (SR1) in terms of the Overstrand Municipality Zoning Scheme, 2013.

The parameters associated with this zoning and the development parameters of the proposal were assessed for compliance:

<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.	Approved building plans comply.	Comply
<b>Consent use</b>	Crèche, guest house, green house, house shop, institution, place of instruction, place of worship, residential building and tourist accommodation.	Guest house	Deviate/Application made
<b>Land Use Restrictions</b>			
<b>Coverage</b>	50% = 762.5	244.7 = 16.04%	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.	As depicted on the SDP the existing building is not within the building lines (refer Plan 4).	Comply
<b>Side and Rear building line</b>	Side and Rear building lines for erven greater than 400m <sup>2</sup> are 2m.	The condition of approval (g) of the previous application for a guest house outlines that the portion of the outbuilding which encroaches on the building line be demolished. The property owner will still demolish this as the SDP submitted with this application indicates that a section of the property is encroaching on the building line.	Comply
<b>Height</b>	8 m measured from the base level to the top of the roof.	The building is 6,7m high, measured from the base level to the top of the roof.	Comply
<b>Garages and carports</b>	Garages and carports may be constructed within the building lines in accordance with 16.1.2.	NA	NA

<b>Parking</b>          	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.  Guest house 2 bays per establishment (owner/manager) 1 bay per 2 persons accommodated	Five rooms will be rented out on a short term basis.  Owner/manager = 2 bays 5 guest room = 5 bays  Required bays = 7 bays Provided bays = 8 bays	Comply
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## 8. SPATIAL PLANNING INITIATIVES

### Spatial planning initiatives

The proposed consent use application was assessed for consistency with the existing spatial planning initiatives. This is to ensure that the development does not deviate from the spatial planning initiatives and is in line with the structure form that is envisaged by Local and Provincial Authorities.

### Provincial Spatial Development Framework 2014 (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

The spatial logic following refers to the physical and socio-economic manifestation of activity within a neighbourhood.

Spatial logic	Alignment of the proposal with the spatial logic.
<p>“<b>Capitalise</b> and preserve unique local built form and natural typologies, character and heritage”</p>	<p>It is maintained that a definite need for developments as proposed in this application exists in Fisherhaven. Apart from the few businesses that are already established in the neighbourhood, little economic development/activities can be observed in the area. Research has shown that very little accommodation opportunities are provided for tourists within Fisherhaven. The proposed building also blends in with the streetscape and character of the area.</p>
<p>“<b>Promote</b> urban rather than suburban model: avoid further fragmentation of townships.”</p>	<p>The subject property on which the application for a consent use for a guest house is made, is located within an urban area, within a well-defined urban edge and will maintain the character of the town and not fragment it.</p>
<p>“<b>Focus</b> on creating connections to economic and social opportunity to promote spatial and socio-economic integration”</p>	<p>The tourism sector is one of the main economic drivers of the Overstrand Municipality and it is ideal for the subject erf to capitalise on the opportunity that exists in this sector. The consent use for a guest house applied for seeks to unlock employment opportunities in Fisherhaven.</p>
<p>“<b>Cluster</b> all social facilities and complementary</p>	<p>The guest house applied for is situated in a residential area and is compatible with the dominant use in the area.</p>

activities”

### Overstrand Municipality Spatial Development Framework (OMSDF)

The objective of the OMSDF 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 OMSDF is guided by a set of objectives and the consistency of the proposed consent use application will be assessed with these core objectives.

According to the OMSDF the future detailed planning for the area must provide a sustainable balanced land use pattern which would provide future residents with a desirable environment in which to “live, work and play”. The intention of the proposed development is for a guest house fit into the character of the town.

Local spatial development principles	Alignment of the proposal with the local spatial development principles
Promote conservation of the historic townscape	The township is also ideally located with regard to the Botriver Lagoon. Last-mentioned lagoon offers endless tourism opportunities for the township. Fisherhaven is also the only town in the Overstrand area that has direct access to such a large body of water that can sustain recreational activities (fishing, boating, etc). Currently much of the area is undeveloped and it is maintained that economic stimulation will encourage investment in the area, subsequently leading to the development of the vacant properties.
Promote the development of the area as a sub-regional growth area for sustainable integrated development.	The intention of this application is to promote accommodation on the subject property for guests to promote a sustainable integrated living environment for short term rental guests and the permanent residents in the township.
Promote the provision of employment opportunities through the allocation of space for appropriate commercial and service industrial activities.	The intention of this proposal is to provide employment opportunities on the subject property for the manager, cleaners and gardener to contribute to the increase the circulation of money in the township.
Promote a balanced mix of residential development.	The area where the subject property is located is predominantly residential and the proposed guest house will blend into the balanced residential character that exists.
Promote Fisherhaven as a tourism destination.	Being located in close proximity to the R43 (which is regarded as the gateway to Hermanus) it is maintained that the township itself enjoys excellent accessibility. The subject property is also easily accessible and is not located too far from the main road, as well as the lagoon. The subject property has great tourism development potential and the proposed development seeks to capitalise on the potential that exists.
Contain the urban footprint of Fisherhaven within the clearly demarcated urban edge.	This proposal is within the urban edge and will not in any way undermine the viable and credible urban edge.

The Spatial Proposal Plan in the OMSDF outlines that the subject property is earmarked for residential development. The proposed development does not seek to alter the residential zoning of the property.

#### Overstrand Municipal Growth Management Strategy (OMGMS 2010)

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.

Objectives	Alignment of the proposal with the objectives
Protect, manage and enhance the natural and built environment and landscapes.	Currently the property is developed with a single residential dwelling unit. It is furthermore proposed to renovate the existing dwelling for the purposes of this application.
Support the development of mixed land uses, providing for vitality, opportunities, opportunities and integrated living environments.	This proposal seeks to create employment opportunities during the construction phase of the development and also during the operation of the proposed guest house. The erf is also strategically located in an area that is identified as being within a residential densification zone area in Fisherhaven and this will ensure that the proposed guest house will promote integrated living environments for guest of the establishment and the community.
Ensure that the scale and character (in terms of bulk, height, and architectural styling) of the higher density areas are appropriate to the immediate context.	The scale, height, character and architectural styling of the subject property are within the immediate context and character of the street and will preserve the existing character of the area.
Contribute to place making and the development of attractive and safe urban environments.	The operation of a guest house requires constant maintenance and renovation for the establishment to be competitive and in operation. The constant maintenance will therefore result in guest house applied for to be attractive. The additional surveillance by the guests will also contribute to more safe urban environments.
Ensure optimal land use planning and the efficient use of infrastructure, services, facilities and land.	This application seeks to efficiently utilise the services and infrastructure that is available to the property.

The subject property is also located in Planning Unit 1 within a densification zone of less than 10 dwelling units per hectare and the subject property's density is below that. The housing typology that is promoted for Planning Unit 1 is B1 which the subject property is aligned with.

#### Consistency with the various planning principles

The analysis of the spatial planning initiatives has provided a clear and complete explanation of the alignment of the proposal with the relevant guidelines. The proposal is consistent with

the PSDF, OMSDF and OMGMS and can be deemed as encompassing the core objectives of planning as set out in the documents.

## 9. PLANNING PRINCIPLES

An analysis of the applications' consistency with the planning principles was analysed. These spatial planning principles are in terms of Section 42 of the Spatial Planning and Land Use Management Act, 2013 and also Chapter VI of the Land Use Planning Act, 2014.

Planning principles	Consideration and impact
<p><b>Spatial Justice</b>            "Refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services and land."</p>	<p>This application will not in any way contribute to perpetuating the spatial imbalances caused by apartheid spatial planning.</p>
<p><b>Spatial Sustainability</b>            "A spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscape and ultimately limits urban sprawl."</p>	<p>The proposal will not in any way compromise on agricultural land, environmentally sensitive and biodiversity rich areas as well as the scenic and cultural landscape and will not cause urban sprawl.</p>
<p><b>Efficiency</b>            "Efficiency refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources and land."</p>	<p>This application seeks to optimise on the development potential that exists on the subject property in a manner that is compatible with the surrounding environment.</p>
<p><b>Spatial Resilience</b>            Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner.</p>	<p>The Department of Environmental Affairs and Development Planning (DEADP) and the Overstrand Municipality have compiled spatial policies that promote resilience in land use management. As the motivation in the spatial planning initiatives has proven the proposed development is well aligned with the different planning development frameworks as set out by the competent authorities and promotes resilience. The fact that the subject property is spatially resilient will enable it to absorb and accommodate shocks whether they are economic or environmental in a timely and efficient manner.</p>
<p><b>Good Administration</b>            Good administration in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure a joint planning approach is pursued.</p>	<p>The Overstrand Municipality has an integrated consultative planning process where the application is advertised to the general public and comments on the application are made by the general public. WRAP will also respond to the comments of the general public and this will ensure that a joint planning approach is</p>

pursued.
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The proposed consent use application is aligned with the core planning principles as outlined in SPLUMA and LUPA. The proposed consent use application can therefore be viewed as encompassing and promoting all planning principles.

## 10. EVALUATION

The synopsis will outline how the application is practicable and viable on the site. The evaluation will consider site specific circumstances and how the application fits into the character of the area.

### Application

Currently the property is developed with a single residential dwelling unit. It is furthermore proposed to renovate the existing dwelling for the purposes of this application. The purpose of the application is to apply for a consent use for a guest house.

### Character of the environment

The character of the surrounding area can be described as predominantly residential with a park located east from the subject property.

### Title deed

- There is a restriction that not more than 30% of the area is built upon and the coverage of the proposed guest house is 16.04%.
- There is a 1,57m lateral building applicable on the property and it is encroached by a portion of the building. The property owner still intends on demolishing the section of the building that is encroaching on the building line.

### Desirability

- The application is well aligned with the SDF.
- There is a need for guest houses in Fisherhaven to promote and market the town as a viable tourist destination.
- There are adequate services in the form of water, sewage, electricity and waste removal.
- The land is not located on environmentally sensitive land.
- The proposal will blend in with the character of the area.
- The proposal will not result in unacceptable opportunity cost and not cause unacceptable cumulative impact.

### Overstrand Municipality Accommodation Establishments

- Five rooms are applied for and all the rooms will be interleading with the main dwelling.
- The proposed building plan shows all the rooms applied for.
- The SDP and parking layout is to scale and complies with provisions in the Overstrand Municipality Zoning Scheme.
- The title deed is attached and proves that there are no title deed restrictions which can prohibit the proposed development.
- Meals and refreshments will only be served to the guests of the proposed guest house.
- There is only one kitchen on the property.
- The manager will reside on the premises.
- Signage will be compliant with the Overstrand Municipality By-Law Relating to Outdoor Advertising and signage.

### Zoning overlay

- A dwelling house is a primary right.
- A guest house is applied for as it is a consent use.
- The coverage is 16.04% and is within the 50% coverage limit.
- The street building line is complied with.
- The height restriction is 8m and the existing and proposed building is 6,7m high.
- There is a 2m lateral building applicable on the property and it is encroached by a portion of the building. The property owner still intends to demolish the section of the building that is encroaching on the building line.
- Two bays are required for the owners and five parking bays are required for the five rooms of the guest house. There are in total eight parking bays provided.

### Services

- **Water:** a connection to the municipal distribution system will be made prior to construction of the dwelling unit.
- **Traffic and parking:** Eight parking bays are provided which include one parking bay for the disabled.
- **Electricity:** electricity is provided by Eskom.

### Spatial Planning Initiatives

#### Alignment with the PSDF spatial logic

- The guest house applied for is aligned with the residential character of Fisherhaven and will not alter the Residential Zone 1: Single Residential (SR1) zoning applicable on the subject property.
- The guest house applied for will create economic opportunities on the subject property by means of employment and contribute to increasing the money in circulation in Fisherhaven.
- The subject property is situated within a residential area and the consent use is compatible and complementary to the residential character in the town and streetscape.

#### Overstrand Spatial Development Framework (SDF)

- This development will maintain the historic townscape.
- The subject property is located within a predominantly residential character and will promote integrated living environments for guests alongside the community members.
- The proposed guest house will also provide employment opportunities.
- Fisherhaven is also very accessible and gains its access from the R43.
- The proposal is within the well defined urban edge.

#### Overstrand Municipal Growth Management Strategy

- This proposal seeks to enhance the built environment as the subject dwelling house will constantly be maintained to be visually appealing to guests and the community.
- The proposal seeks to create employment opportunities and contribute to creating integrated living environments.
- The scale, height, character and architectural style of the subject property blend in with the character of the area.
- The property is also located in an area that is earmarked for residential densification of up to 10 dwelling units per hectare and the dwelling house is below this density.

#### Consistency with the planning principles

- *Spatial justice:* the guest house land use will not in any way perpetuate the spatial development imbalances caused by apartheid planning.
- *Spatial sustainability:* the guest house land use will not compromise on agriculturally viable land, biodiversity rich areas and will not cause urban sprawl.

  
WRAP**MOTIVATION**

- *Efficiency*: the guest house land use seeks to optimally capitalise on the residentially related development potential that exists on the subject property in an efficient manner.
- *Spatial resilience*: the guest house land use is well aligned with all the relevant spatial planning policies that have been created by DEADP as well as the Overstrand Municipality is therefore spatially resilient and will therefore absorb economic and environmental shock.
- *Good administration*: the Overstrand Municipality has an inclusive and efficient public participation process where the comments from the public will be taken into consideration and ensure a joint planning approach between WRAP, Municipal Officials and the public.

  
WRAP

11. RECOMMENDATION

This motivation report has provided clear analyses that the owner's intent is to have a guest house and also to contribute to the economic growth in the town. The proposed development has also been proven to be desirable as it has tangible benefits to the community and property owner.

In light of the above, it is recommended that the following application be **approved**:

- **Consent use** for a five (5) bedroom guest house in terms of Section 16(2)(o) of the Overstrand By Law on Municipal Land Use Planning, 2015.



ANNEXURE D

Klaus and Marion-R. Wendland  
Eichbergstr.54A  
12589 Berlin  
Germany  
owner of Erf 790 Fisherhaven

P O Box 39  
Hermanus  
7200

25-4-2017

TP A Theart  
(C H Olivier)

Overstrand Municipality  
Mr H. Olivier (Town Planner)  
16 Paterson Street  
Hermanus  
email: loretta@overstrand.gov.za

FILE NO:	ER 131-FH
SCAN NO:	26
COLLABORATOR NO:	1018380

File Reference: 131 HFH (3589)

Dear Sirs,

ERF 131, 13 Link Road, Fisherhaven: Proposed Consent Use: Wrap (obo Rendevous Trust 2)

We chose Fisherhaven as domicile because of the harmony with nature and the quietness of this area which we enjoy very much. As an immediate neighbour to ERF 131 we object to the proposal to extent the building there into a guest house because:

- Fisherhaven in this area is a pure single residential area
- Any allowance for a guest house in this area will be a prejudice to others and will finally lead to a change of the status "pure single residential area". This will especially be the case if this is a permanent permission for running a guest house.
- The part of the building that encroaches the building line has been used as a single garage. It's now planed for a servants room and will still encroach on the building line.
- The extension with its 6 parking places leading to Disa Street and the 2 guest rooms in the 1<sup>st</sup> floor invades our privacy.
- the 6 parking places mentioned above lead to the dust road Disa Street and not to the tared road Protea Street.
- By the way: why is this road mentioned as Link Road and not as Disa Road as marked on street?
- The permission for a guest house has not been used in the last 4 years. So we wonder if there is any real intention to run a guest house in the future. May be this plan only exists to increase the value of the property.

In summary this proposal with its 5 guest rooms and 6 additional parking places does have a negative impact to our property and to the other surrounding neighbourhood. A guest house in this size should be within a commercial area in Fisherhaven.

Best Regards

.....  
(Klaus Wendland)

.....  
(Marion-R Wendland)

TP

2 MAY 2017




TR A Theart  
(C H Olivier)

Our Reference: 17/001(131)  
Your Reference: HFH 131 (3589)

12 May 2017

The Municipal Manager  
Overstrand Municipality  
P O Box 20  
HERMANUS  
7200

FILE NO:	EL 131-FH
SCAN NO:	08
COLLABORATOR NO:	1024727

Sir

ERF 131 FISHERHAVEN: APPLICATION FOR CONSENT USE: COMMENTS ON OBJECTION

Your e-mail dated 8 May 2017, refers.

Objections/comments were received from K & M Wendland and we would like to respond as follows:

1. Fisherhaven in this area is a pure single residential area and any allowance for a guest house in this area will be a prejudice to others and will finally lead to a change in the status "pure single residential area". This will especially be the case if this is a permanent permission for running a guest house.

*Fisherhaven is not a pure residential town as there are numerous other erven than are zoned for other purposes than residential. Guest houses are considered residential ventures and for this reason they are normally situated in residential areas and the rights for a guest house can also be obtained by means of a consent use application which is of a permanent in nature but is controlled by strict conditions imposed by the Municipality.*

*In various residential suburbs in Hermanus you find guest houses and at areas such as Eastcliff, Voëlklip and Westcliff to prove this point.*

2. The part of the building that encroaches the building line has been used as a single garage. It is now planned for a servant's room and will still encroach on the building line.

*Application was previously made for a guest house on the subject property and a condition of approval was that the garage building be demolished. This was not done at the time as the owner did not proceed with the alterations. He has however indicated that it will be done as soon as the new application is approved and the Municipality will most probably make it a condition of approval again.*

ESTABLISHED  
2002

Town and  
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Municipal  
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Liquor  
licensing

Development  
Management

35 Duiker Street  
P O Box 1247  
Hermanus  
7200

Tel: +27 (0)28 313 1411

Fax: +27 0865083248

Email:

[wrap@telkomsa.net](mailto:wrap@telkomsa.net)

Web:

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

Wright Approach  
Investments 136 CC

Reg No

CK 2002/060745/23

12 May 2017



3. The extension with its 6 parking places leading to Disa Street and the 2 guest rooms in the first floor invades our privacy.

*There will only be five additional vehicles instead of the two to three that you get at a normal residence. This cannot be such a nuisance as made out by the objector and the double storey building is within the rights of any erf zone for single residential purposes.*

4. The six parking places mentioned above lead to the dust road, Disa Street, and not to the tarred road, Protea Street.

*It was not possible to provide the necessary parking bays from Protea Street and Disa Street is a proclaimed road and can be used as such. The fact that the road is not tarred is something that the objector must take up with the Municipality.*

5. By the way why is the road mentioned as Link Road and not as Disa Road as mentioned on street?

*The road is indicated as Disa Road on all our town planning documentation.*

6. The permission for a guest house has not been used in the last 4 years. So we wonder whether there is any intention to run a guest house in the future. May be this plan only exists to increase the value of the property.

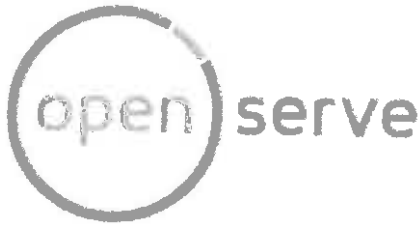
*The owner did not proceed with the previous approval because the economic climate was not right. It is however the privilege of any entrepreneur to proceed with his business venture when and how he prefers. If the owner obtained additional rights on his property to increase its value it is also his right and that goes for any other owner of a property.*

We trust that you will accept our response as adequate to enable you to take an informed decision in this regard.

Yours faithfully

A handwritten signature in black ink, appearing to read "Pine Pienaar", written in a cursive style.

PINE PIENAAR  
PROFESSIONAL TOWN PLANNER (Pr Pln. A409/85)



TR A Theart  
(C Holivier)

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\_WHWS1324\_17  
Your Ref.: 131 HFH 3589

04 May 2017

Attention: S Muller

Overstrand Municipality  
HERMANUS

WAYLEAVE: PROPOSED CONSENT USE: ERF 131, 13 LINK ROAD, FISHERHAVEN

With reference to your application received 23 March 2017.

I hereby inform you that Telkom 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, Telkom SA LTD infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

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

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



Town Planning, Techno Park, Centurion 0157,  
Gauteng, 0001

FILE NO:	EZ 131-FH
SCAN NO:	19
COLLABORATOR NO:	1019955

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

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

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

Should Telkom SA infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Telkom SA LTD rights remain reserved.

Yours faithfully

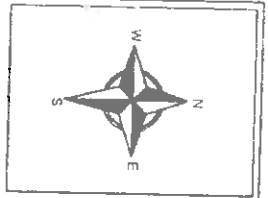


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Selwyn Bowers

Operations Manager

Wayleave Management: Western Region



STREET

FIRSTHAVEN STREET

WWIP\_WHWS1324\_17  
Plant Affected

789

790

786

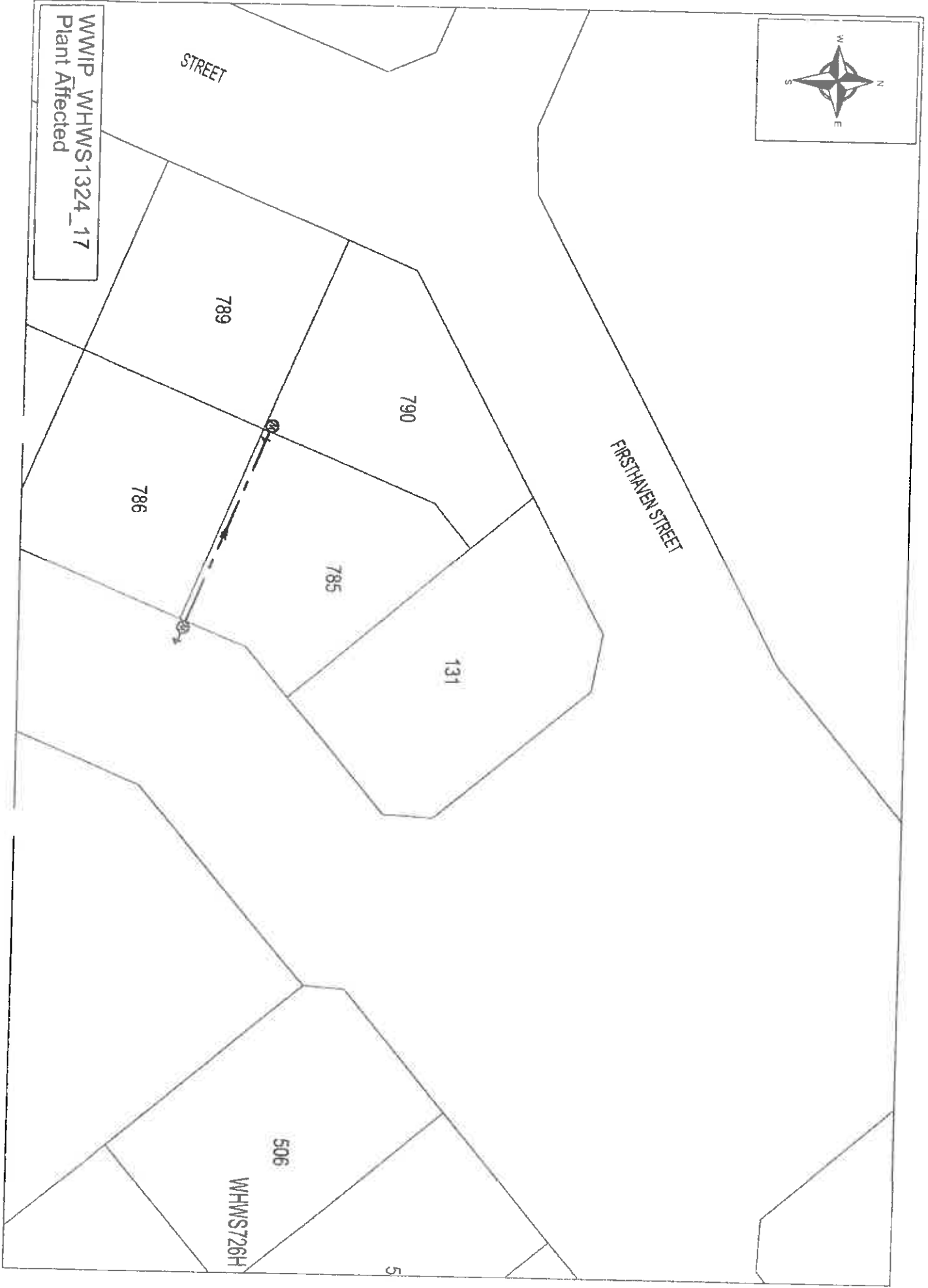
785

131

506

WHWS726H

5



This wayleave, Reference Number WWIP WHWS1324 17 is valid for 12 months from date hereof and is subject to the following conditions:

1. No mechanical plant or vibrator type compactors may be used within three meters of any Telkom 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 Telkom Plant will be indicated on site.
3. A written request must be submitted to Telkom for consideration, should the of the work, upon which the actual location of Telkom Plant will be applicant require our plant to be relocated. The cost of such a relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existance of the indicated plant and to notify Telkom immediately, should the applicant locate any Telkom Plant which is not indicated on the plans.
5. Should the applicant expose any Telkom plant, the safeguard thereof will be the applicant's full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for any damage or loss as a result thereof.

Date: 2017/05/04

By: C Spammer  
For Regional General Manager  
Western Cape

Telkom Symbol 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 )	



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE: ERF 131, FISHERHAVEN (3589)**

Stormwater (SW)	:	In order
Electricity	:	Escom
Water	:	In order
Sewer	:	In order
Roads and traffic	:	In order

**Conditions**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that stormwater be allowed to discharge through Erf 131, Fisherhaven, unobstructed;
4. that no on-street parking be allowed.

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

31/8/2017  
DATE

71



TP-A Theart  
(H Olivier)

OVERSTRAND MUNICIPALITY  
P.O. Box 20  
HERMANUS  
7200

Date:  
29.03.2017

Enquiries:  
Mr David Williams  
Tel: 021 980 3102  
Fax: 021 980 3053

Attention: L. Isaacs

PROPOSED CONSENT USE: ERF 131 – 13 LINK ROAD - FISHERHAVEN  
YOUR REF: 131 HFH (3589)  
OUR REF: 00960/17

I refer to your letter dated 23 March 2017.

Eskom has no objection to the proposal provided that the following requests are adhere to:

1. Should it be necessary to relocate / support any of the existing services, at least 3 months notice in writing is required and the cost will be entirely for the account of the Developer / Applicant.
2. Eskom's right on the properties not to be affected.
3. All services indicated on included drawing to be verified on site (by Applicant)
4. Enclosed find a copy of the **Occupational Health and Safety Act ( Act No. 85 of 1993)**
5. (i) Included drawing indicates existing Eskom services in the vicinity and is for information / planning only and should not be issued.  
(ii)(a) This is not an approval for applicant to undertake any work in close proximity of Eskom's services in proposed area as indicated on included drawing.  
(b) Formal application must be made to Eskom, Land Development, P.O.Box 222, Brackenfell, 7561 – Rochelle Fortuin.

Yours faithfully

*Fortuin*

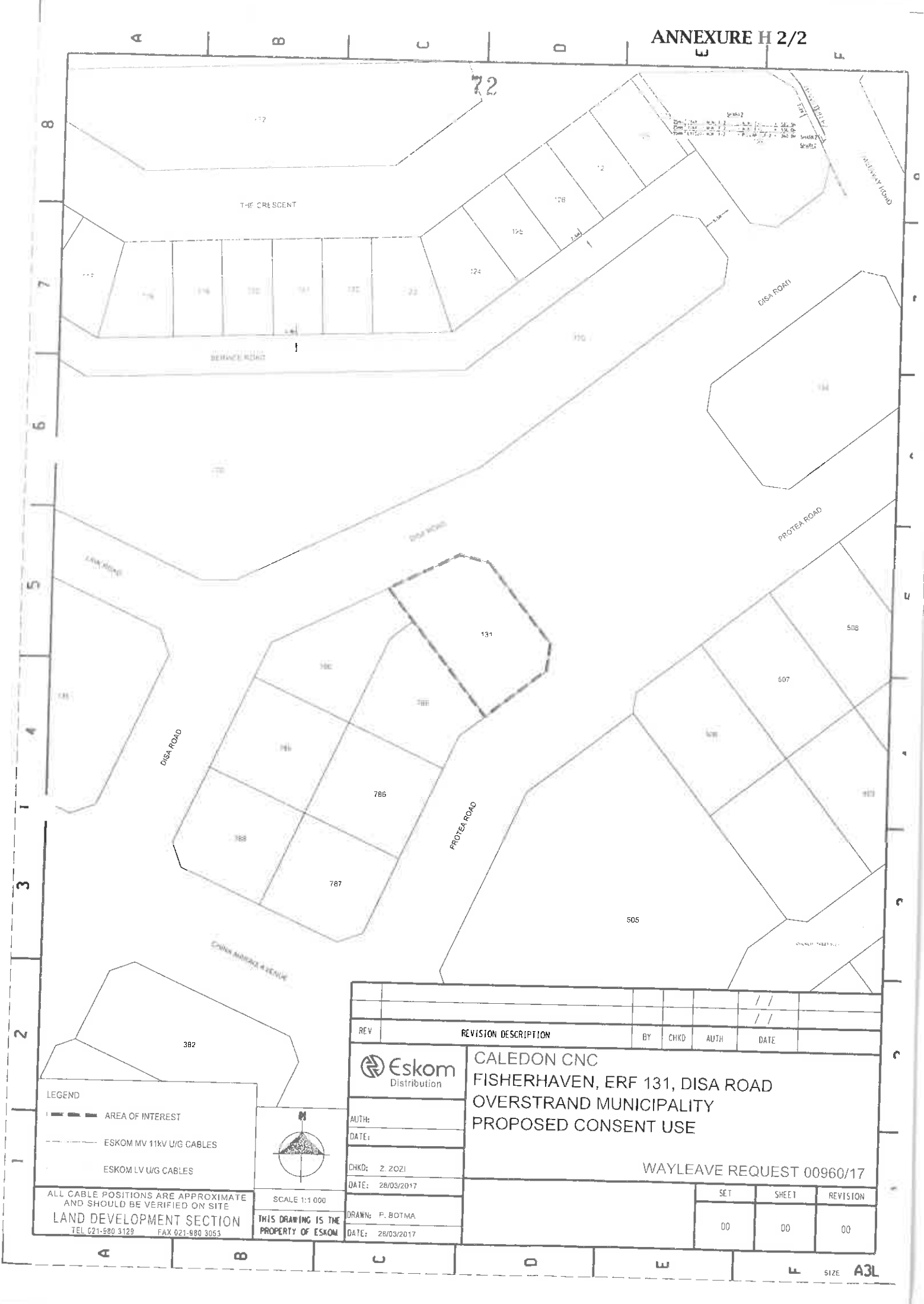
David Williams  
LAND DEVELOPMENT (BRACKENFELL)

FILE NO: EL 131-HFH
SCAN NO: 06
COLLABORATOR NO: 1008527

Western Region  
Eskom Road, Brackenfell 7560 PO Box 222 Brackenfell 7561 SA  
Tel +27 86 003 7566 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/30





**LEGEND**  
 - - - - - AREA OF INTEREST  
 - - - - - ESKOM MV 11KV U/G CABLES  
 - - - - - ESKOM LV U/G CABLES



ALL CABLE POSITIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE  
**LAND DEVELOPMENT SECTION**  
 TEL 021-980 3129 FAX 021-980 3053

SCALE 1:1 000  
**THIS DRAWING IS THE PROPERTY OF ESKOM**

REV	REVISION DESCRIPTION	BY	CHKD	AUTH	DATE

**Eskom**  
Distribution

**CALEDON CNC  
 FISHERHAVEN, ERF 131, DISA ROAD  
 OVERSTRAND MUNICIPALITY  
 PROPOSED CONSENT USE**

WAYLEAVE REQUEST 00960/17

SET	SHEET	REVISION
00	00	00

AUTH: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 CHKD: Z. ZOZI  
 DATE: 26/03/2017  
 DRAWN: F. BOTMA  
 DATE: 26/03/2017