



209 Main Road
Hermanus
7200
25th October 2016

The Director
Infrastructure and Planning
Overstrand Municipality
P O Box 20
Hermanus
7200

TP - A Theart
(P Roux)

FILE NO: EL 11094-Her
SCAN NO: 38
COLLABORATOR NO: 965211

Dear Sir

Erf 11094 Closure of Public Place.

I refer to your letter 11094 HEC (3356) dated 29th September 2016 which was addressed to my neighbour Ms Barbara James of 207 Main Road Hermanus but which was not sent to me or my wife Elizabeth Ketteringham the registered owner of 209 Main Road.

It appears that Mr Delport has already obtained additional public land for his guesthouse by "accidental" means and now wishes to acquire more by following the correct channels. We are of the opinion that if his application is approved by the Overstrand Municipality this will set a precedent for other property owners to submit similar proposals which will become increasingly difficult for the Municipality to refuse in future. For instance the public open land on the corners of Main and Protea Roads may be applied for by the adjoining landowners. What would be the decision of the Municipality were that to occur?

The consolidation of the remainder of erf 1253 with Mr Delport's erf 11094 will deprive the inhabitants and visitors – except those staying with Mr Delport – of a piece of open parkland which we consider to be a selfish request of the applicant. Who is to say that in future Mr Delport won't request to extend his guest house or parking areas onto this additional piece of land? If as according to his submission, Mr Delport merely wants to develop a garden on the remainder of erf 1253, perhaps the Municipality can grant him permission to do so provided that he does not build a wall or fence around it so that it will be open to the public eye. But it should also be remembered that a garden requires more water which Hermanus can ill afford.

When Mr Delport decided to create a guest house on the old Municipal property that used to be occupied by Mr Ellis the traffic officer during the 1950's, he should have taken the area of his erf No 11094 into consideration when designing the new building and left enough space for a garden. Why did he not submit his application to enlarge his erf together with his plans for the guesthouse?

Already Hermanus has lost much of its "old world" charm by the demolition of many of its old land mark buildings only to be replaced by concrete and glass structures with little or no character. A case in point is the loss of the beautiful old house named "Bellvue" on Marine Drive to the west of the Windsor Hotel where now stands a nondescript four storey block of flats. Approval of Mr Delport's application will be a small addition to that loss but nevertheless a significant one.

Therefore we the undersigned, owners of two old houses of Hermanus, hereby wish to register our strong disapproval of and objection to the proposed consolidation of erven 11094 and 1253 Hermanus.

Yours faithfully,

R A Ketteringham
E. Ketteringham

B James

28 OCT 2016
TP



TP - A Theart
(P Roux)

31 Mitchell St
Eastcliff
Hermanus
26 October 2016

S Muller/ P Roux/Pieters
Director Infrastructure and Planning
Overstrand Municipality...

Erf 11094 and portion erf 1253.
Proposals on behalf of Mr Delport

FILE NO: Erf 11094 & 1253
HEC
SCAN NO:
COLLABORATOR NO: 966 563

Dear Sir / Madam,

I have been a homeowner in Mitchell St for the past 30 years.

I have watched with dismay the very unattractive and very large structure being built on the corner on Stemmet and Mitchell St.

I have spoken to Mr Delport on several occasions, asking what he was building. He answered "a home for my very large family". When I asked if it would be a guest house/ backpacker he denied this in the strongest terms.

I also watched in dismay, a somewhat charming small house on the property, (heritage?) first being dwarfed by his building and then suddenly being demolished. Did he have permission to do this?

It appears that he has been able to build this monstrous edifice, unchecked by building restrictions or proper planning.

1) His building coverage is well in excess of the 50% allowance.

2) He has built well over the building line (a so called "mistake").

HE now proposes to buy the land, he has "mistakenly built on" at a ridiculous price for Eastcliff (well below the normal Eastcliff land prices.). So that he can rectify both these so called "mistakes."

This is a gross transgression of building rules.

I see further that the Municipality has approved this in principle.

I find this completely unacceptable.

To Reward someone for blatant disregard of the law is contrary to right thinking

3) Mr Delport says he will only use this portion for a garden, but he has already proved himself to be dishonest and a liar.

3 NOV 2016

OVERSTRAND MUNICIPALITY
DEPARTMENT: TOWN PLANNING
P O BOX 70, HERMANUS, 7200

2 NOV 2016

4) Having stated categorically that this building was his home, he has now erected signage and is already advertising this property as a guest house or back packer or self catering, WITHOUT having received any approval from the Overstrand.

Again a complete disregard for any of the Overstrand rules.

I strongly object to the excess building coverage.

I strongly object to his purchase of Municipal land to rectify his "mistake"

I strongly object to the rezoning of erf 1253 into his property.

I strongly object to a noisy so called "guest House "providing liquor and meals'

This" guest House" and all that it entails does not fit in with the old Eastcliff area. It is a very unattractive and unsightly building and it neither "blends in " nor has any positive impact in Eastcliff whatsoever.

The jobs that a guest house may provide will be minimal compared with the personal enrichment of Mr Delpont and I strongly doubt that he has the well being of the neighbourhood or job creation as his objectives.

The noise, traffic, food , alcohol consumption and disturbance that will result from Mr Delpont's business proposal are absolutely not in keeping with this old sedate area and as such will not be welcomed by the majority of the Eastcliff residents

His business is not welcomed and Eastcliff will not be enriched in any way.

I am appalled in the manner in which he has blatantly pursued his personal interests with total disregard for any of the rules and regulations that have been laid down by the Municipality, and which appear to have gone unchecked by any building Inspectors or Municipal officials.

Mr Delpont states that "should the land use have any negative impact on the surroundings, the Municipality can enforce the conditions of approval "

BUT Mr Delpont has demonstrated that he has a total disregard for any conditions that may be imposed on him and with his past record I would think his transgressions would continue, unchecked in spite of the Municipality trying to enforce conditions.

I am vehemently opposed to any of the proposals that Mr Delpont has requested

Ruth Vary

26 October 2016

Cell 0823781833

Alida Calitz - RE: DELPORT PROPERTY 58 MITCHELL ST> ERF NO> 11049

From: "Zan Luck" <zanky@worldonline.co.za>
 To: <alida@overstrand.gov.za>
 Date: 2016/10/27 10:56 AM
 Subject: RE: DELPORT PROPERTY 58 MITCHELL ST> ERF NO> 11049



Please confirm receipt of this email

Attn : Mr. Petrus Roux

Dear Mr. Roux

My name is Suzanne Luck and I reside at 4 Stemmet Street directly across from Mr. Delport's property

Contact details : mobile number 082 658 4860
 Email: zanky@worldonline.co.za

FILE NO:	EL 11049-Hm
SCAN NO:	18
COLLABORATOR NO:	964841

I am writing to lodge my vehement objections to Mr. Delport's existing property and further plans for his unsightly establishment which is directly across from my property, 4 Stemmet St. on the corner of Mitchell and Stemmet streets.

Eastcliff's reputation as a quiet established residential community with a few guesthouses which fit in discreetly and maintain the character of the houses adjacent to them is undisputed. The Delport property stands out as a glaring, aesthetic eyesore which has nothing in common with any of the residences surrounding it and transgresses over the building lines. I understand that Mr. Delport has contravened various building regulations and is currently in dispute with the municipality in regard thereto. He has now built two separate structures incorporating five bedrooms which abut Stemmet Street and exceed the municipal 50% coverage limitation and extend over the applicable building lines. Mr. Delport has also constructed a garden wall beyond his boundary which incorporates 237m² of municipal land along Stemmet St. I understand that Mr. Delport has conditionally purchased the 237 m² of municipal land at a price of R141.41 per m² which is unconscionable; if this purchase were to be finalised of course it would require all adjacent properties to be re evaluated according to this rate per square meter thereby entitling neighboring properties to considerable reductions in rates and taxes. Furthermore I understand that the municipality forced the owner of an establishment on Main Rd to demolish his carport after it was established that it exceeded building lines by 21mm so why has Mr. Delport been permitted to contravene building limits way in excess of this number. Where is the consistency in maintaining regulations? Accordingly, I object to the municipality approving the first four applications listed in your public notice as these would condone and facilitate Mr. Delport's breaches referred to above and create an unwelcome precedent.

I strongly object to Mr. Delport's final application regarding permanent consent use as a guest house serving food and alcoholic beverages. The structure is hardly going to attract a high end genteel clientele; this establishment will only attract hostel/backpackers who will undoubtedly be rowdy, noisy and bring down the entire neighbourhood. Property prices can only decrease and longtime residential dwellers will no longer be afforded a respite from the hustle and bustle, a restful holiday getting away from it all but will instead be subjected to noisy carousing till the wee hours by revelers who should be at a bar in

27 OCT 2016

11061

town . Parking in the area will be affected and the duplicity of Mr. Delport's actions should be noted. He has applied for a 5 bedroom guest house and yet there is a recently constructed upper floor addition and the extensive ground floor which could and undoubtedly would be used for an additional 5 bedrooms .

Given the history, current status and probable outcome of Mr. Delport's actions, granting unlimited consent use before resolution of the other outstanding matters would be premature and unwise. It is evident that Mr. Delport is a wily operator who thinks he can achieve his objectives one way or another.

It is up to the Municipality to stop him in his tracks.

Kind regards
Suzanne Luck

ERF 902



37 Mitchell Street ANNEXURE D 26/108

Hermanus

TP-Atheart (P Roux)

HEC 28/10/16.

The Planning Department
Hermanus.

FILE NO:	EL 11094-HEC
SCAN NO:	01
966571	OVERSTRAND MUNICIPALITY
COLLABORATOR NO:	DEPARTMENT TOWN PLANNING
	P.O. BOX 20, HERMANUS, 7200

Dear Sir of Mitchell Street,

My husband and I have been living in Hermanus for over five years, we have come to enjoy life in Hermanus more than we did in any other town or country we lived in during my husband's long career.

Like a lot of people we dislike the very large and very ugly house which has been built not far from us in Mitchell Street.

However, that is a small detail compared to that which really troubles me. I refer to the proposal that the owner of the above-mentioned property be allowed to buy the strip of land which surrounds his domain is between his wall and the road.

In this part of the street there are no pavements but quite a lot of traffic, which leads to a dangerous situation as there ~~is~~ ^{would be} no place for people to escape the traffic should this proposal be agreed. The fact that that it is on a corner makes the problem even greater.

The municipality of Hermanus is much appreciated by many, many people.

Please do not let us down by entering into a plan which potentially could be very dangerous.

Yours sincerely, Kathleen Davidson.

5 NOV 2016 TP

EKF 402

50

ANNEXURE D 27/108

FILE NO: EL 11094-HEC
SCAN NO: 02
COLLABORATOR NO: 966578

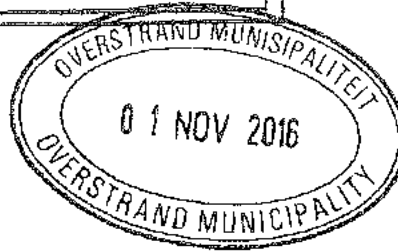
FAST CLIFF

HERMANUS

7200

P Roux
Town Planning

FRIDAY 28 OCTOBER 2016



TP - A Theart
(P Roux)

DEAR SIR,

I AM WRITING TO YOU IN CONNECTION WITH A LETTER ISSUED ON 29 SEPTEMBER 2016 BY S. MULLER, DIRECTOR INFRASTRUCTURE AND PLANNING. THE LETTER REFERRED TO PROPOSALS RELATING TO ERF 11094 AND ERF 1253.

IT APPEARS THAT THIS LETTER WAS ADDRESSED TO CERTAIN OF MY NEIGHBOURS BUT NOT TO OTHERS. THIS DOES SEEM STRANGE AS IT STATES THAT IT IS A NOTICE TO AFFECTED PERSONS.

MY WIFE AND I CAME TO HERMANUS FIVE YEARS AGO BECAUSE IT WAS AN ATTRACTIVE TOWN. IT ALSO HAD THE REPUTATION OF BEING AMONG THE BEST MANAGED MUNICIPALITIES NOT ONLY IN THE WESTERN CAPE BUT IN SOUTH AFRICA AS A WHOLE. WE HAVE NOT BEEN DISAPPOINTED WITH OUR CHOICE.

PLEASE BE AWARE THAT THE PROJECT FOR ERF 11094 AND ERF 1253

OVERSTRAND MUNICIPALITY
TOWN PLANNING
PO BOX 20, HERMANUS, 7200

TP 1 NOV 2016

HAS GIVEN RISE TO 51 CONSIDERABLE UNFAVOURABLE
COMMENT. DOUBTS HAVE BEEN EXPRESSED
AS TO WHETHER REGULATIONS HAVE BEEN
FOLLOWED AND INSPECTIONS CARRIED OUT.
THE GREATEST CONCERN BY FAR IS THAT
THIS PROJECT WILL ESTABLISH PRECEDENTS
THAT WILL BE DAMAGING FOR THE FUTURE
PLANNING OF HERMANUS

YOURS SINCERELY

James B. Danchin

FILE NO: 1253
SCAN NO: 39
COLLABORATOR NO: 965278

TE A Theart
(Phone)
52



Re:- FYNN OBJECTION TO

ERF 11094 AND A PORTION OF THE REMAINING EXTENT OF ERF 1253 62 MITCHELL STREER, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION, CLOSURE OF A PUBLIC PLACE (ROAD), REZONING, CONSOLIDATION AND CONSENT USE: WRAP ON BEHALF OF MR DELPORT"

We call it the

"TELKOM EXT II @ STEMMET/MITCHELL"

OBJECTION FROM FYNNS, 205 MAIN RD, EASTCLIFF.

TO WHOM IT MAY CONCERN

Mr Delport's extensions have reduced Eastcliff's leafy suburb to a grotesque urban business node and is in danger of further cancerously reducing the area to the depths of his city architecture in our Hermanus village.

MEETING 1 WITH MUNICIPAL ARCHITECT; MR BASIL BRINK

Mr Blignaut and myself requested a meeting with the Municipal architect, Mr Brink, when we saw the heritage house, that was our neighbour's homestead, start to become a face brick monstrosity after knocking down the heritage corrugated iron roof and then the rest of the heritage house that once gave a peaceful perspective to our western view.

Your Mr Stephen Muller document says he inadvertently progressed with the building overstepping limitations of his authority to proceed. It appeared to us that he incrementally pushed the boundaries of his property with stealth and cunning as he pushed boundaries with minimal disclosure or communication with his neighbours of his ultimate intent. Each metre of extension seemed to lead to another metre of building line which now is obviously out of alignment with the nighbourhood building line.

This is the quiet corner that we used to be able to walk and ride into town or go to the Deli through a quiet suburban cul de Sac instead of down the busy R43 with all its busy traffic and taxis. It is now an eye sore!

Mr Brink was also surprised at the size of the house and said that the senior town planner could not believe he was getting away with his extensions. He wanted to know how it had materialised but he assured us that it was a residential house that he had personally inspected to ensure that the rooms were all interleading in a residential rather than commercial manner. We said to him that it looked very much like something that could become a noisy commercial venture and he assured us that this would not be the case.

Then the double story building just continued incrementally taking away our views of Hoy's kopje and the mountains, not to mention the sunsets.

PROPOSED BUILDING INSPECTOR MEETING

When Mr Delpont started to do further alterations to the second floor and when we contacted Mr Brink again he said to speak to the Building Inspector who was already dealing with Mr Delpont's case. When we phoned the inspector he confirmed that the case was already in court in legal hands so no need to worry about a meeting; he had it all in hand. That was within the last two months.

REGISTERED LETTER WITH FURTHER PROPOSALS


Now we get this registered letter at short notice (4th Nov!) for objection, (which is better than the zero notice received on the aforementioned changes to our Eastcliff "spirit of place") but Mr Blignaut received nothing again so I have photocopied our documents for him to read.

SUMMARY

We object to another inch of our municipal property being stolen from our suburban beauty and would like to know what rate or rental he paid for the municipal property you have already allowed him to ruin.

We also object to all and any proposals Mr Delpont has, such as B & B, business, creche, church, community or accommodation proposals mentioned in your document. Our first prize would be for the house to be returned to it's former single story heritage residential beauty and be used accordingly.

Yours sincerely



Jenny and Mick Fynn

205 MAIN RD.
EASTCLIFF.
HERMANUS.

(028) 313 1361
(082) 443 0848 (Mick)
(082) 461 7886 (Jenny)

From: "Paula Combrink" <paula@combrink.com>
To: <alida@overstrand.gov.za>
Date: 2016/10/28 10:10 AM
Subject: FW: erf No 11049 58 Mitchell Street Eastcliff
Cc: <kanbrice@hermanus.co.za>



The Town Planner
The Planning Department
16 Paterson Street, Hermanus 7200
By email to alida@overstrand.gov.za

TP - A Theart
(P Rouse)

2016/10/28

Dear Sirs

erf No 11049 58 Mitchell Street Eastcliff

I would like to register as an I&AP for the proposed development on the above mentioned property and care to object as an Eastcliff Resident.

The reason for my objection is that during construction I enquired about this precise development and specifically with regards to the building lines and was advised by return emails that it was all within the required specs.

It now appears that many Town Planning Rules and Regulations may have been disregarded.

I would like to object on the grounds that due process was not carried out in spite of pointing this out while under construction.

The undesirable affect it will have is clear in my opinion ~ if this application is allowed a precedent will be set by granting consent *partial or wholly* and the way forward for all other irregular and errant applications to infringe the municipal planning laws and bylaws.

Furthermore ~ In the immediate neighbourhood there are already several existing BrB's or Guesthouses so the need is not there nor is there any great aesthetics value to speak of to bring credit to this proposed development.

Yours sincerely
Paula Combrink
paula@combrink.com

PO Box 886
Hermanus 7200
083 212 0115



FILE NO:	ER 11049-HEC
SCAN NO:	37
COLLABORATOR NO	965188

28 OCT 2016

FILE NO: ER 11094 Herold
 SCAN NO:
 Alida Calitz - Formal Complaint - in regard to 58 Mitchell Street, ERF 11049, Eastcliff,
 COLLASORATOR NO:
965 843

ER 11094 Eastcliff
 55

ANNEXURE D 32/108
 TP - A Thaw
 CH Olivier



From: rob aspin <cortex.ra@googlemail.com>
 To: <alida@overstrand.gov.za>
 Date: 2016/10/29 12:57 PM
 Subject: Formal Complaint - in regard to 58 Mitchell Street, ERF 11049, Eastcliff, Hermanus

With regard to the public notice on the above mentioned property, I wish to make a number of objections:

Building line contraventions of 58 Mitchell str – Mr Delpport’s recently completed structures have extended beyond the stipulated building lines in four separate instances. These are:

- the west corner of the main double storey building facing on to Stemmet St. projects over the present non-consolidated building line;
- the single storey two bedroom structure facing on to Mitchell St. likewise projects over the present non-consolidated building line;
- the front single storey three bedroom structure likewise extends over the present building line; and
- the south rear section of the main double storey structure extends beyond the 2 meter building line in that it is only some 1.9 meters in from the boundary between Mr Delpport’s erf no. 11094 and the adjoining erf no. 885 at 60 Mitchell Street.

Building lines constitute one of the foundation tenants of town planning and building regulations. I believe, it is unconscionable that any property owner be allowed to contravene a building line with impunity and without first having obtained a formal departure.

I believe that the property also exceeds the requisite 50% build area allowed.

Given the very premeditated nature of the breaches in question, I would ask that the council take extreme action in this case to have them rectified.

Business purpose - The building and design appears to have been erected to establish a hostel / back packers type business. This business may likely look to offer accommodation and food, beverage and liquor sales. **Given its size (potentially 11 bedrooms?) and the fact that it is designed for the lower end backpackers market, i would take the view that the nature of the business does not fit within the existing neighbourhood.**

Ethos - Eastcliff has it’s own character and ethos. Mr Delpport’s property and apparent and demonstrated intentions are at complete and blatant odds to the current ethos of Eastcliff. The structure may also contravene Heritage regulations - given its 'design' and finish.

Pricing of land being sold to Mr Delpport: I believe that the council is selling the additional piece of land for less than market price. **I would ask that the council either sell the land on an auction basis to the highest bidder OR sells the land at a similar rate per sqm to other properties on the street. If it does not do so, I would ask the council to respond as to why not the case.**

28 OCT 2016

1 NOV 2016

Given the process which Mr Delpont has followed, that of blatantly ignoring property lines and usage permissions, I would ask that the council not approve any of Mr Delpont's property related applications before compelling him to abide by all normal planning and building regulations by demolishing a portion of the structures.

Similarly, it is my view that the final application for usage as a guest house should be put in abeyance and, if necessary, revisited at a later time by way of a fresh application.

Regards
Rob

--

Rob Aspin and Marialine Verdickt
ERF 11160
41 Mitchell Street
Hermanus



52 Mitchell Street
Eastcliff
Hermanus
31 October 2016

S Muller; P Roux; Pieters
Director Of Infrastructure and Planning
Overstrand Municipality

TP - A Theart
(P Roux)

Re: Erf 11094 and a Portion of Erf 1253

Dear Sir,

It has been very disturbing over the past months to witness the building of a most unattractive mansion that has replaced what I thought was an attractive 'heritage' house. During the construction of this building 'Mr Delport' stood on my property promising he was not building a guest house but instead it was for his very large family.

It is very obvious;

- (a) He has built well over the boundary line.
- (b) His building coverage well exceeds 50% allowance.

To claim these were mistakes and merely approach the Municipality to purchase the land is Totally Unacceptable. I personally have built two houses in the past two years and I have nothing but strict regard for the building lines. This is the law. How can there be a law for one resident and not another. How will you control this in the future if you allow Mr Delport to break the law then rectify it by purchasing the municipal land at below average rate. It is an outrage.

His application to run a guest house Must be declined. He has proved to be a Liar to most of the neighbourhood. We have more than enough guest houses in Mitchell Street and we are sure he will use most of the 10 rooms for 'back packers' selling food and alcohol.

He has transgressed every rule to date, been Totally dishonest, there is no reason to believe this proposed Guest House will be adhering to the Guest House Laws.

The property being situated where it is, on the corner of Stemmit and Mitchell is also dangerous to have many cars in and out.

I strongly object to the re-zoning of erf 1253 to be incorporated into Mr Delport's property. It will certainly Not make the Overstrand Municipality 'look good'. A reputation will develop in this town 'Do what you want and we will fix it later/ just pay our way way out of it'-UNACCEPTABLE.

Yours sincerely
Jacquie Rathfelder
082 570 9757

FILE NO: EL 11094 - HEC
SCAN NO:
COLLABORATOR NO:
966701

2 NOV 2016

2 NOV 2016

Director of Infrastructure and Planning
Overstrand Municipality



ANNEXURE D 35/108
31 October 2016

Objections to all five applications made by WRAP for and on behalf of
MG Delport, owner of Erf 11094 Eastcliff-Hermanus

FILE NO: EL11094-HEC
SCAN NO: 04
COLLABORATOR NO: 966582

Dear Sir

TP - A Theart
(P Roux)

I, Rolf Gutschow, owner of Erf 5720 HEC, situate at 66 Mitchell Street, from which address I operate the Guest House Hortensia Lodge since 1996 hereby object to all five applications made by the applicant/owner of Erf 11094 for reasons hereunder .

1. Allow me to deal first with the following 4 applications namely

subdivision - closure of a public place - rezoning + consolidation of portion A with Erf 11094. I respectfully request Council to consider to rescind the decisions taken by the Mayoral Committee on 30.03.2016 for the following reasons:

- a. By granting any of the above applications you would in fact reward the applicant for willful disrespect shown this town for personal gain. Has he not purposely covered 58.86% of his erf with improvements, thus exceeding the 50% bulk allowed by 8.86% illegally ?
- b. To sell part of a municipal road frontage to the applicant in order ~~to~~ to reduce the overbulk to within legal limits of below 50% , would indeed be a slap in the face to all present property owners of Eastcliff. Such decision would set a precedent and may, over time, well contribute to change the present character of Eastcliff to the detriment of present property owners including property values.
- c. The land representing the road reserve is far too valuable to be sold at such low cost. The part facing Main Road ought to be developed for the common good of our citizens who, coming from Stanford area, rely on transport back home after work. A legal pick up place is needed badly as THREE (3) traffic signs within fifty meters of the road reserve forbidding hitchhiking and stopping of cars are not obeyed by dozens of people and drivers every day. This ought to be remedied BEFORE a fatal accident occurs here. The road reserve is large enough to be developed easily for this purpose, with little cost including sun shelter/planting a tree and installing a bench for those who have to wait. This would be a real service to the less providedged without own transport.

I suggest a Committee makes an on site inspection to fully understand the need for a legal pick-up/taxi site.
- d. With 8 motor cars finding a home on Erf 11094 you would allow the largest car park of any private residence in Mitchell Street, a road already burdened by much additional traffic from TELKOM since the completion of the R43 ByPass, when Mitchell Street became a CUL DE SAC. Certainly not contributing to safety in an area that will be further stressed by constant daily arrivals and departures of guests entering and leaving through motor gates situated fairly close to a street corner.
- e. Instead of selling the land at a give away price Council ought to use the land to construct a pedestrian pavement along Stemmet Street, from Main Road to Musson Street, thus affording more

OVERSTRAND MUNICIPALITY
DEPARTMENT : TOWN PLANNING
P O BOX 20, HERMANUS, 7200

3 NOV 2016
TP

the safety to us citizens when on foot. Ever since the completion of the ByPass a pedestrian is exposed to dangerous traffic because no pedestrian pavement is available over the entire length of Stemmet Street. There would also be plenty of room along such pavement to beautify, at little cost, with shrubs and trees.

Council seems aware of the dangers of traffic accidents since a 30 km speed restriction was installed recently in Stemmet Street, (between Mitchell and Luyt) which is increasingly being used as a shortcut to reach the traffic circle at Checkers whenever traffic in Main Road is congested or diverted by traffic control. Traffic up and down Mitchell/Stemmet has increased dramatically since the ByPass was completed not only because of Telkom but also because of the additional parking provided to serve the Flight Centre, the Deli and Aida opposite Woolworth accessible from Main Road only via Stemmet and Mitchell Street.

To assure the safety of pedestrians the new Stemmet Street pavement ought to be constructed along the entire road from Main Road to Musson Street. A big car park at Erf 11094 would add further traffic movements in this area.

2.APPLICATION FOR CONSENT USE TO OPERATE A GUEST HOUSE

The application is not made in good faith because improvements erected on Erf 11094 are overbulk and purposely built large enough to easily accommodate 20 or more guests.

Imagine 20 or more young backpackers from all over the world congregating nightly around bar-b-que fires, exchanging experiences, talking, laughing, expressing happiness and having a whale of a time sharing travel stories, animatedly told around the open fire over some bottles of beer or a bottle of wine. Imagine Erf 11094 well lit on summer nights, the smoke of braais rising into the air and spicy smells of beef and lamb permeating the neighbourhood forcing neighbours to keep their windows shut EVERY NIGHT during the summer months. Remember this neighbor is not celebrating a special occasion like most neighbors do once or twice a year and announcing this out of courtesy beforehand to one another, no, all living close to erf 11094 will be inconvenienced NIGHTLY for the entire tourist season which is about 6 months per annum. Be aware also that even soft spoken happy voices emanating from some 20 or more people will destroy the peaceful quality of life of neighbors around erf 11094 when subjected to it night after night from October to March every year, regardless whether guests behave well or not.

So, WHY even consider to allow a backpackers place to operate in the up-market suburb of Eastcliff ??? When even at Grotto Beach large bill boards erected by council proclaim :

NO ALCOHOL – NO BOTTLES – NO NOISE – NO FIRES – NO MUSIC

A backpackers place in Eastcliff IS NOT WANTED and doesn't need the consent applied for. IT NEEDS A BUSINESS LICENCE. And business licences should be obtained in a business district, not in Eastcliff.

Council would do grave injustice to Eastcliff residents were it to allow the operation of a backpackers establishment.

Council ought to rather consider obtaining a court order demanding the demolition of those structures that were erected illegally instead of rewarding the applicant by correcting a wrong with a

Why does it appear that Council seems willing to bend the Law in matters Erf 11094? We have a good local government in Hermanus. Laws are always enforced to assure fairness and a good quality of life to all citizens. I know of several instances Council insisting on demolition when building regulations were not observed. Why suddenly be lenient ?

Should ALL property owners not be treated the same ?

Applicant motivates his application with the desirability to provide additional tourist accommodation consisting of 5 (five) bedrooms only.

The assurance by the applicant that overcrowding of his premises will never happen is to be regarded as worthless, judging by his past record having blatantly disregarded municipal Regulations and By Laws. Furthermore, my own personal experience over the past 12 years has taught me that Municipal Law enforcement cannot be counted on at all. I have correspondence on file regarding illegal accommodation providers in Mitchell Street that will testify to the toothlessness or unwillingness of the Municipality to level the playing field. I will attach copies of correspondence I had with the OVERSTRAND MUNICIPALITY regarding these illegal operators that will clearly indicate that should the Applicant decide to satisfy demand for 10 rooms instead of the 5 rooms applied for, HE WILL SATISFY THE DEMAND and our Municipality would condone it by inaction. The owner of Erf 11094 would not pass up the opportunity for extra income and his neighbors would suffer a much reduced quality of life because the authorities of our town are unlikely to act on this type of lawlessness. In fact Wraps Motivation states that the Municipality can enforce the conditions of approval. It does not say that it will enforce the conditions if.....

To this very day there are ILLEGAL accommodation providers in MITCHELL STREET that offer - via many websites and for all to see - accommodation for up to 10 persons in a dwelling that allows them to let one room only after having obtained a departure, limited by time.

As municipal rates levied for property and services are based on what the property is used for, illegal operators enjoy rebates they are not entitled to. To level the playing field I have spend much time during the past 12 years approaching Council on this matter. Written and verbal representations made to the late Mayor Beyleveld, the then Town Clerk Sybrand van Zyl, the town planer Kuchar, Geraldine van Vuuren, Councillor Walther, Law enforcements staff A. Prins and Hendricks and others consumed much of my time ALL spent WITHOUT ANY RESULTS.

During the past 3 years I hoped to get assistance from the Senior Town Planner Mrs. Van der Stoep. I went in and out her office often hoping.... BUT NEVER TO GET SATISFACTION.

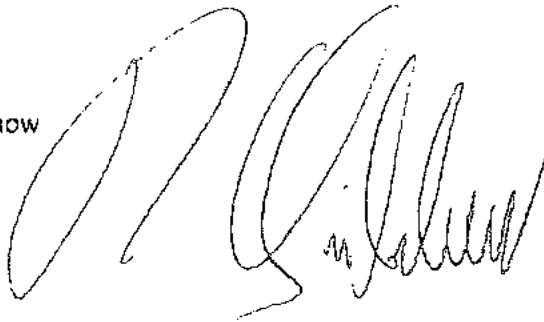
The above is recorded here to illustrate that overcrowding of the proposed backpackers accommodation on Erf 11094 will most likely NOT be prevented by the authorities at any time no matter how much the neighbors may object. All the more reasons to refuse this application for consent use to operate a guest house.

I hereby appeal to Council NOT TO GRANT THE ADDITIONAL LAND USE RIGHTS APPLIED FOR AND NOT TO GRANT THE APPLICATION FOR CONSENT USE AS BOTH ARE OF A PERMANENT NATURE and as such seem to differ from a departure that is limited by time.

I thank you for the attention given to my objections, trusting that you will make a decision that will find the approval of all concerned Eastcliff residents.

I attach a letter which I wrote to the Overstrand Municipality on the 22 January 2013 to substantiate some of the above.

Rolf Gutschow

A handwritten signature in black ink, appearing to read 'Rolf Gutschow', written in a cursive style.

From: "Hortensia Lodge" <info@hortensialodge.co.za>
To: <loretta@overstrand.gov.za>
Sent: Tuesday, January 22, 2013 1:53 PM
Subject: Fw: Application for a departure made by owners of 55 Mitchell Street

To: S.Mueller, Director Infrastructure and Planning, Overstrand Municipality, Hermanus

Dear Sir

Application for departure - 55 Mitchell Street, Hermanus

I object to the granting of the above application.

Motivation:

THE APPLICATION IS NOT MADE IN GOOD FAITH

SHOULD THE APPLICATION BE GRANTED THE APPLICANT WILL CONTINUE THE ILLEGAL OPERATION HE HAS ENGAGED IN FOR THE PAST 5 YEARS for another 5 years

AS A GOVERNMENT BODY THE MUNICIPALITY HAS A DUTY TO UPHOLD THE RIGHTS OF ALL CITIZENS.

MY RIGHTS AND THOSE OF OTHERS HAVE BEEN ENCROACHED BY THE ILLEGAL ACTIVITIES OF MY NEIGHBORS FOR THE PAST 5 YEARS

COUNCIL HAS FAILED the effected ratepayers and must not allow a repeat.

Explanatory notes to support the above motivation:

When I bought 66 Mitchell Street in 1996 it was purchased for one reason only. To start a guest house business. My property was rezoned and considerable amounts of money were spend to add / alter / renovate the existing building.

About 6 years ago my neighbors application to start a guest house letting one room only, was refused by Overstrand Municipality. The neighbors appealed successfully. Province overruled Local Council and granted the departure for ONE ROOM only.

For the past 5 years I and others experience unfair trading conditions on account of illegal operations by my neighbor, directly opposite my guest house

1/22/2013

Instead of letting the allowed 1 room only, accommodation for a maximum of 9 persons has since then been widely advertised. In print, the world wide web, and at the local tourism office.

As municipal rates levied for property and services are based on what the property is used for my neighbor has enjoyed rebates for the past 5 years. Rebates she was not entitled to. To level the playing field I have spend much time approaching council on this matter. Written and verbal representations to the following persons were made over the past 5 years: to the late Mayor Beyleveld, the Town Clerk Sybrand van Zyl, the Town planner Kuchar, to Geraldine van Vuuren, Councillor Walther, Law inforcement staff A.Prins and Hendricks. WITHOUT SUCCESS.

Our laws state that government must uphold the rights of ALL its citizens. Our local government has failed me and others for the past 5 years to the advantage of an illegal operator.

My RECENT vocal and written objections made to the Senior Town planner Mrs. van der Stoep regarding this state of affairs did bear some fruit. When pressure was applied by Council insisting that marketing on the world wide web (www) had to cease, almost all web sites featurering "Mooi Noointjies" where withdrawn during the month of December 2013.

HOWEVER after receiving Councils Registered letter regarding the application for departure and dated January 14, 2013 I surfed the internet yesterday and made some astonishing observations. Guest House " Mooi Noointjie" is more strongly represented on the www than ever before. With new, much improved websites, and interlinking sites. All web sites offering selfcatering accommodation. FOR UP TO 9 PERSONS in one double room, one flatlet and a flat. ALL WELL BELOW MARKET PRICE OF from Rand140,- PER PERSON PER NIGHT.

Mrs.Kemp is assisted with this departure application by her son, a lawyer and partner in the firm Smuts, Kemp and Small. Mr. Kemp appears to be enjoying this game and and seems to laugh at the helplessness of the Municipal Council and us neighbors. He has done for the past 5 years. Will Council allow him to continue with his superior attitude for another 5 years ?

Further comments pertaining to applicants motivation:

In #4 the applicant is appealing to a symphathetic hearing when in fact Mrs.Kemp & family are wealthy people that should'nt plead poverty. She does it for pocket money. I do it to make a living.

#5 Additional security cannot be provided by paying guests, is however provided by staff that do live on the premises of Mrs. Kemp.

#1 & 8 There is only one single week in a whole year where **ANNEXURE D 41/108**
scarce and that is December 24 to January 2 when the Kemp family use the
entire house for themselves. At all other times of the year there is a great surplus
of beds offered in Hermanus.

64

The web sites noticed on the www yesterday featuring "Mooinoointjie" guest
house with space for 9 guest in a double room, plus a flat, plus a flatlet are
www.sleepingout.co.za
www.stayhere.co.za
www.satravelling.com
www.safarinow.com
www.accommodation.getaway.co.za
www.search4holidayrentals.com
www.safarinowkleinmond.com
www.fish4accommodation.com
www.planyourholiday.co.za
www.holidayinafrika.co.za (site not quite complete)
www.nightsaway.com

If one googles "Rika Kemp" the above web sites are accessed the quickest

There also web links to "Mooinoointjie" from National Parks holiday apartment
accommodation, from Marine Hotel, Hermanus, and links to many others ALL
OFFERING ACCOMMODATION FOR UP TO 9 PERSONS at "Mooinoointjie"

Finally I wish to request that Mrs. Kemp be made to remove the advertising
sign that is hung up outside her dwelling and which is encroaching onto
municipal land and featuring "ZIMMER FREI" and "ROOM AVAILABLE" until
such time she may operate legally.

Kindly acknowledge receipt of this objection in writing.

Thank you

Rolf Gutschow

The Guest House of Distinction"

HORTENSIA LODGE

66 Mitchell Street, Hermanus, 7200 *
South Africa

P.O. Box 553, Hermanus 7200

1/22/2013

Telephone: (028) 312 4358 Fax: (086) 528 7777

Proprietor: Rolf Gutschow
www.hortensialodge.co.za

website:

P.S. I enclose copies of correspondence to Overstrand Municipality in this matter to shed additional light onto it.

08 March 2006 letter to the Municipal Manager with copy to Mr. Kuchar of Town Planning (2 pages)

26 Sept. 2008 letter to Town Planning, Mr. Kuchar and Geraldine van Vuuren (1 page)

08 April 2009 letter to Municipal Manager (2 pages)

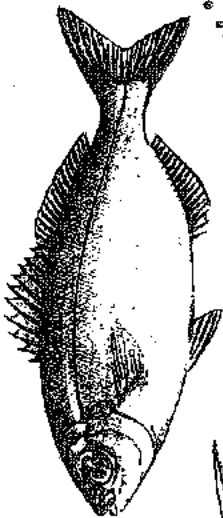
I never received any reply whatever to any of the above correspondence.

Not Good !!!!

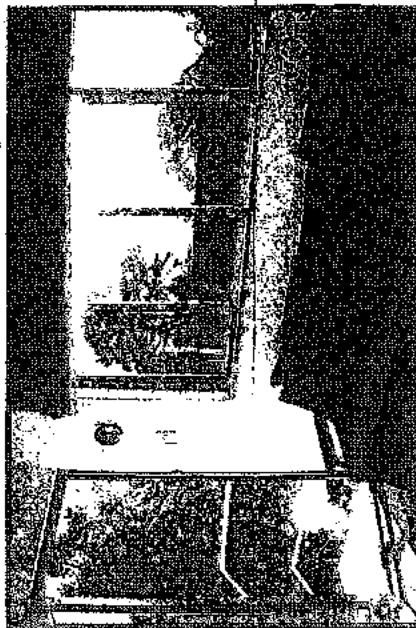
I also enclose a flyer depicting the advertising efforts of "Mooivooientjie" although not licensed by the municipality.

R. Gutschow
 22/01/2013

Call for
Hermanus



Mooi. Vooientjie
Self Catering



Sleeps 2 - 6 - Separate entrance up stairway
 3 separate bedrooms: 2 with double beds, 1 with 2 single beds. All en suite with either showers or bath.



ULRIKE BECKMANN 39 MITCHELL STREET 7200 HERMANUS

DIRECTOR OF
INFRASTRUCTURE & TOWNPLANNING
Mr. Petrus ROUX



OVERSTRAND MUNICIPALITY
16 PATERSON STREET
7200 HERMANUS

TP- A Theurt
(P Roux)

31. OCTOBER 2016

also per e-mail sent to alida@overstrand.gov.za

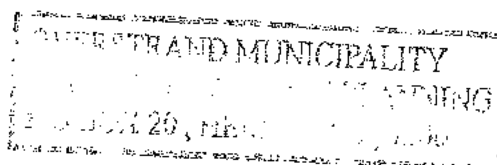
**ERF 11094 HEC (3356) : PLANNING APPLICATIONS AND CONSENT
USE**

Dear Sirs,

I refer to your letter received by registered mail of 29. September 2016
(WRAP on behalf of MG DELPORT).

- A) My name is Ulrike Beckmann, I am the owner of erf 11159 in 39 Mitchell Street, 7200 Hermanus.
- B) I herewith formally **OBJECT** to each of the applications referred to in the above mentioned letter.
- C) The first four applications are facilitating **ILLEGAL** actions carried out by Mr. Delport, which are causing considerable opposition, protest and anger with residents in Eastcliff as well as myself and family. More details provided on following pages.
- D) The fifth application, interlinked with the first four, is for the permanent usage of 5 of the many bedrooms/bathrooms Mr Delport has built on his property, as a **GUESTHOUSE**, serving beverages and food to the respective guests. Please find more detail on the following pages.

FILE NO:	EL 11094-HEC
SCAN NO:	03
COLLABORATOR NO:	966581



11 NOV 2016

To point C)

Communication with the municipality in this regard as well as through various received e-mails from other concerned and knowledgeable residents in Eastcliff plus the information achieved by getting familiar with the details of the applications CONFIRMED MY SUSPICION that Mr Delpont has

- a) contravened various building lines and building regulations
- b) exceeded the municipal 50% coverage limitation
- c) built differently than permitted by his submitted building plans

Mr Delpont has further proven resistant to municipal demands to correct his violations and even made it necessary for the municipality to prosecute him for his doings. The case is still pending. Nonetheless, another bedroom was built on during this winter.

By reasons unknown to me and neither understandable nor acceptable, the mayoral committee agreed IN PRINCIPLE (March this year) that a piece of municipal land in Stemmet Street could be purchased by Mr Delpont .

The applicant had built his boundary wall on that very municipal land and tries to rectify his wrongdoing by purchasing that portion of land (237 sqm) ?? And he can purchase that land for a ridiculous amount of R 141,41 per sqm (total is R 33.514,17) ??

SHOULD THE MUNICIPALITY ALLOW SUCH LAW-VIOLATION PLUS GRANTING THE PURCHASE OF MUNICIPAL LAND FOR THAT PRICE, IT WILL *SET A PRECEDENT FOR THE FUTURE* :

Who would not, after this deal happening, build out onto the road reserve, pay the municipality a nice low price per sqm, thus enlarging the own property and its value with ease !

The mayoral committee cannot have been aware of the complex background to Mr. Delpont's wish to purchase the above mentioned municipal land. Had they known, they would not have agreed, not even in principle. But agreeing *in principle* doesn't mean that they did agree yet !

THE WHOLE TRANSACTION SHOULD BE QUESTIONED IN ITS TOTALITY AND BE REVIEWED.

I suggest that the municipality/mayoral committee have an on-site inspection to see with their own eyes.

In that context, how is it actually possible to allow for an application process while the law-case against Mr. Delpont regarding his

violation of building lines/building regulations has hardly even started ? I would like to get further information in this regard.

The municipal land adjoining the Delpont property would make for an urgently **needed pavement** : The cars entering from the busy Main Road into Stemmet Street do so with speed - should another car come from the opposite side, the many pedestrians who are walking to work, can only jump up onto the grass in dire need ! On the opposite side of Stemmet Street, there are often cars parked (visitors, workmen, garden services) as there is no elevated curbed grass area. I suggest the municipality considers the needs of many citizens as being more important than Mr. Delpont's need after his violation of the building regulations !

The MOTIVATION paragraph in WRAP's applications on behalf of Mr. Delpont declares the erected structures as "**not of an accommodation establishment appearance**", but of a rather "**single residential unit appearance**" and goes as far as saying that they "**blend in with the existing neighbourhood**". NOTHING OF THIS COULD BE MORE AWAY FROM THE TRUTH ! The brick structures are an eye-sore, they are a monstrosity presiding over the whole corner, visible from everywhere and good for nasty comments from people of all walks of life.

The structures do NOT appear like single residential. They DO look like an accommodation establishment and not only that, they look like army barracks, will only be able to serve as a hostel, are attractive only to backpackers or clientele not suitable to the higher standard buildings/properties in Eastcliff. The municipality has in their SPATIAL DEVELOPMENT FRAMEWORK set out the goal to maintain the character of the town. But the DELPORT buildings are not at all in synchronicity with these goals !

Another question is whether such a **densification** on the Delpont-property is actually **allowed in our suburb**. It certainly is not desirable. If there was evidence of densification elsewhere in Eastcliff happening, one might discuss its pros and cons, but in this case, it just opens the door for other citizens to do the same. One should stop it right now, before it mushrooms out !

In my view, there are many issues not dealt with : There is no final building permission granted yet. The violation of the building regulations is not corrected yet. A court case is opened and not finalized yet.

Although I appreciate the lengthy and unnerving process to apply the building regulations/laws as well as the overload for the

municipality to police all building activities : ***Situations like this are prone to corrupt the trust in the legal system. I therefore urge the municipality to be strict and firm in this case and make full use of its legal capacities !***

To point D)

1. There are more than enough guesthouses and B & Bs in the close proximity of the Delpont property. The Spatial Development Framework should be used to verify this.
2. The policing of the usage of only 5 bedrooms/bathrooms (of the 10 ?? or more bedrooms/bathrooms built) for a guesthouse will prove nearly impossible due to capacity restraints of the municipality. Hence, there is a fair chance of Mr Delpont making use of his other bedrooms/bathrooms for more guests. The considerable lack of concern Mr Delpont has shown towards the law, his denying of wanting to build a guesthouse in various communications with neighbours and the municipality in the past year, his creating facts and then trying to rectify in lengthy processes, shows a person who cannot be trusted. Should Mr Delpont accommodate more than the allowed number of guests, a much greater number of parking bays will be needed. These are not available, not on his original building plans, nor on the plans for a consolidated property !
3. The municipality has imposed a condition on the purchase of the 237 sqm of municipal land "to be restricted for garden purposes only". The usage for parking bays will certainly NOT fall under this category.
4. There is no need to offer guests beverages and food when there are a large number of restaurants/coffee shops even in walking distance.
5. The economic viability of this possible guesthouse is questionable. With 5 bedrooms/bathrooms, the erection of certain kitchen/braai and entertainment facilities will prove very expensive. In my view this is further evidence to Mr Delpont wanting to use his buildings for a larger amount of guests.
6. With the guests, who will be attracted by Mr Delpont's establishment, the offering of beverages and food will result in late partying/braaing at night. This will influence the quiet neighbourhood and will result in us calling in the police at several occasions. The neighbours and their guests in the close proximity will suffer under these circumstances. And one can assume that

the value of those properties in the direct neighbourhood are under severe threat !

7. The option to let Mr. Delpont operate as a guesthouse for a limited time of 2 or 3 years and see how things develop, should not be granted either : The applicant has not proven trustworthy. Before we will all have to police his actions and experience further anger and neighbourhood protest, notify the municipality and trying to get to a peaceful and comfortable situation for all of us, we better stop it NOW.
8. Mr Delpont has, obviously in full trust of his applications being granted, and in full knowledge of the consent use not given to him yet, erected a signage outside on his boundary wall, calling his establishment "PORT DEL MAR". Calling under his landline number 028 313 2378 to Mr Delpont's property, one gets an answer (with a recorded message), listing it as "PORT DEL MAR GUEST HOUSE in Hermanus". Mr Delpont believes he stands above the law and laughs us residents and the municipality in the face.
9. *AS LONG AS NO OCCUPATION CERTIFICATE HAS BEEN ISSUED, MR. Delpont is acting ABSOLUTELY ILLEGALLY !*

My husband, my family and myself are hoping to find the five applications being rejected and the whole transaction being reviewed. We would like to encourage the municipality to set a precedent itself by showing its full legal capacity and not allowing one citizen to destroy our trust in SA's legal system and wreck a peaceful attractive neighbourhood/suburb.

Yours faithfully,



Ulrike Beckmann

Alida Calitz - FW: Notice of Objection

From: "Shreeve" <shreeve@netactive.co.za>
 To: <alida@overstrand.gov.za>
 Date: 2016/11/01 09:43 AM
 Subject: FW: Notice of Objection



TP - A Theart
 (P Roux)

From: Shreeve [shreeve@netactive.co.za]
 Sent: 31 October 2016 06:52 PM
 To: 'alida@overstrand.gov.za'
 Subject: FW: Notice of Objection

FILE NO: EL 11094-HEC
SCAN NO: 13
COLLABORATOR NO: 966722

From: Shreeve [mailto:shreeve@netactive.co.za]
 Sent: 31 October 2016 06:49 PM
 To: 'alida@overstrand.gov.za'
 Subject: Notice of Objection

ERF 1253 Corner Mitchell and Stemmet Sts. Eastcliff

As ratepayers of Hermanus we wish to record our serious objection to the way in which Erf 1253 has been developed.

It is patently obvious that what has been built there is a hostel or backpackers lodge or a large guesthouse. There would appear to be about 9 or 10 bedrooms.

This is not the sort of development that is needed in Eastcliff. Eastcliff is a largely residential suburb in which a number of guesthouses already exist but these are discreet and the owners have gone to great pains to make the buildings look at home alongside private residences. This large, sprawling development is an eyesore and is far too big for this part of Hermanus.

If the plans for this structure were passed by the Council as a single residence then the developer is in breach of his plans because this was obviously designed from the very beginning as a hostel/hotel/guesthouse.

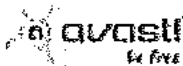
We strongly request that permission to run any sort of accommodation business be refused.

Sincerely,

GILLY and DAVID SHREEVE

88 Mitchell Street

Erf 1139



This email has been checked for viruses by Avast antivirus software.

www.avast.com

2 NOV 2016

2 NOV 2016

Alida Calitz - ERF 11049 Number 58 Mitchell Street

From: Andrew Embleton <andemb@hermanus.co.za>
 To: <alida@overstrand.gov.za>
 Date: 2016/11/01 05:07 PM
 Subject: ERF ~~11049~~ Number 58 Mitchell Street
 11094



The Town Planner
 Municipality of Hermanus
 Town Planning Department
 16 Patterson Street
 Hermanus 7200

TP - A Theart
 (P Roux)

FILE NO: EL 11094-REC
SCAN NO: 05
COLLABORATOR NO: 966638

Submitted by e mail to: alida@overstrand.gov.za

Dear Sirs

it has been brought to my notice that several unacceptable applications have been made in respect of the above property.

In terms of Municipal Regulation 47, 48 or 50, I wish to object in the strongest terms, to all the applications made to condone the activity of a Bed and breakfast or Hotel type establishment on this erf. I also object to the many instances where building regulations have been infringed.

1. More than a year ago I raised with Councillor Brice the possibility that the construction seemed to be outside the municipal parameters for a residential building. I was assured via an email to Cllr. Brice that it was residential only. According to the correspondence the source of that information was a Mr Kuchar at the Municipality. It now appears that we were misled.

2. For many years we have pleaded with our municipality to preserve the unique, quiet, attractive ambiance of Eastcliff- one of Hermanus oldest suburbs. There are already sufficient legitimate Bed and Breakfast establishments in the area and there is no need for a backpacker style of the proposed magnitude.

3. It seems that the establishment may continue to expand surreptitiously if it is granted rights. The building has the potential for far more than the application would seem to indicate.

4. Where is the offstreet parking for the numbers proposed? The small wedge of open ground which serves as an open space will no doubt be incorporated after the event.

The Municipality must resist this application which flies in the face of the initial undertaking to those of us who expressed concern and the Municipality's own regulations. The application must not be approved.

It seems to us that everything done on that site has been done with the view that the original application for residential purposes would be followed by a further application for other, more intrusive rights, which would be readily given.

Please register my objection.
 yours sincerely,

1 NOV 2016

E.H.Embleton
51 Luyt Street
Eastcliff

73

ANNEXURE D 50/108

Telephone 028 3123006

ID 4001250025 081

HERMANUS PROPERTY SALES

PROFESSIONAL PROPERTY PEOPLE
 PROPERTY CONSULTANTS, VALUATIONS, FARMS, BUSINESSES

TP- A Theart
 (P Roux)

BY HAND / PER Email

02nd November 2016

The Municipal Manager
 Overstrand Municipality
 P O Box 20
 HERMANUS
 7200

Attention: TOWN PLANNING

Dear Sir

OBJECTION TO

PROPOSED SUBDIVISION, CLOSURE OF PUBLIC PLACE, REZONING, CONSOLIDATION, AND CONSENT USE : ERVEN 1253 & 11094 HERMANUS o MG DELPORT

In my capacity as a long standing Principal Estate Agent for the past ±27 years in Hermanus and a Valuer, I hereby lodge an objection to this application.

I record that I lodged a written objection to this new structure on 28th September 2015, which is attached hereto for easy reference, in the same capacity. That objection was apparently forwarded to Liezl Potgieter in the Building Inspectorate and several communications thereafter were exchanged as follows, and all attached.

Email	to	Liezl	01.10.2015
Email x 2	to	Liezl	15.07.2016 and 15.07.2016
Email	to	Liezl	29.09.2016
Email	from	Liezl	01.10.2015
Email	from	Liezl	06.10.2015
Email x 2	from	Liezl	15.07.2016 and 15.07.2016
Email	from	Liezl	30.09.2016

I have always firmly believed that this property was being built specifically as a very large guest house, and that it was the modus operandi of the owner to just build it first and then either simply operate without consent use, or to apply when the build was complete on the basis that the Council would be lenient and have to give latitudes.

MEMBERS: D.D. LEPPAN J.D. LEPPAN

HERMANUS PROPERTY SALES C.C. Reg No. 1990/003325/23
 153 MAIN ROAD, HERMANUS, 7200 . CAPE OF GOOD HOPE
 TEL: (028) 313 0914 . FAX (028) 312 2210 . INT +27 28 313 0914
 E-mail hps@hermanus.co.za Website: www.hpsrealty.co.za

FILE NO: EL 11094-HEC
SCAN NO:
COLLABORATOR NO: 967058

A similar matter is currently in legal process in Stellenbosch where the owners of a Lavender Farm built 6 cottages which they are illegally running as a guest cottages and it has been in process since 2012; and is now about to be scrutinised by the Public Protector; a press article of 27th October 2016 in the Cape Times is attached.

I wish to place on record that I shall take on the Municipality with the support of other ratepayers and Eastcliff residents if Council does not take very strong and appropriate actions in this matter.

I also wish to place on record that the owner already has had a recorded message on his landline 028-3132378, which message originally announced their title greeting beginning with Port del Mare Guest Lodge etc, but it has in the last few days been changed to say "This phone is unattended at present, please try again later". Several people that I know phoned and heard the original message.

It is therefore a fait accompli that this owner is already looking to profit from the illegal and criminal use of his 10 plus guest suites.

Aside from the above, I am of the opinion that this monstrous structure is completely out of character with the suburb of Eastcliff, which is typified by older style cottagey homes, set in leafy streets, and is, in fact arguably the oldest suburb of Hermanus; furthermore, many of the homes are a lot older than 60 years thus falling automatically under the Heritage Act.

Just a block away is Erf 12193 Hermanus, known as "Owls Rock", address 192-196 Main Road, Eastcliff, with a 3B heritage status rating which is the highest heritage rating that any property can actually have, and many of which with such rating are national monuments.

Should this structure become legal, it sets a terrible precedent for the entire suburb of Eastcliff as it would open a floodgate for unscrupulous entrepreneurs to re-develop Eastcliff properties along similar lines, thus destroying the very fabric of this charming and popular suburb, as well as creating huge negativity and unhappiness for old time Eastcliff families, of which there are many. Even now, properties in the immediate surrounds have lost considerable value as a result of the structure's aesthetically displeasing appearance together with its hugely dominating presence; totally out of character in every way with no sense of place in its surroundings.

I also place on record that our Real Estate company has always practised great circumspect and sensitivity to developments or re-developments of older homes in Hermanus and have been involved in the following developments of which both Hermanus and ourselves can be justly proud.

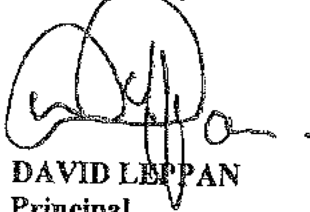
- o Tanglewood Close townhouses in Mitchell Street
- o Sandals Beach Houses on the Voëlklip seafront
- o Old Harbour House above the old harbour
- o Glenfruin Meadows Equestrian Estate

- Sandpiper cluster homes in Voëlklip
 - The old Nurses' Home in Kwaiiwater, the second oldest property in Hermanus
 - Lizettes in the thatched home on Voëlklip circle
 - Mussel Cove in Kwaiiwater
 - The 11 sub-divisions for homesteads bordered by Contour Road, Theron and Arc Streets in Fernkloof
- I was also one of the founder members of the Revitalisation of the Hermanus CBD, where we coined our motto

"The Future of Hermanus lies in its History"

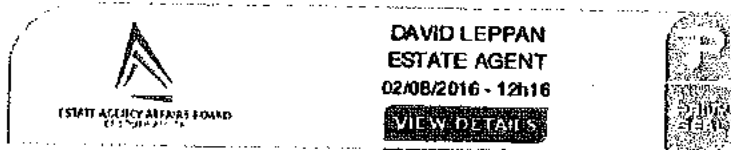
It is my prayer that your Council will, with every by-law criteria available to them, turn down such application; furthermore, to enforce every legal resource at their disposal to put an end to this deceptive and manipulative attempt by this owner to take the law into his own hands.

Yours faithfully



DAVID LEPPAN
Principal

Master Practitioner in Real Estate (MPRE)
Cell 082 455 6439





HERMANUS PROPERTY SALES
PROFESSIONAL PROPERTY PEOPLE
PROPERTY CONSULTANTS, VALUATIONS, FARMS, BUSINESSES

28th September 2015

The Municipal Manager
Overstrand Municipality
Magnolia Street
HERMANUS
7200

BY HAND

Dear Mr Muller,

RE NEW STRUCTURE CNR MITCHELL & STEMMET STREETS,
EASTCLIFF

I am most concerned about the new structure being erected on the site in place of the old municipal home.

- o Not only is the footprint and bulk outrageous, but it appears to be intended as a guest house and then the question of parking becomes an issue.
- o How would / could Heritage have ever given approval to that design in a suburb like Eastcliff?

As a valuer and estate agent, I am firmly of the opinion that its presence has the effect of devaluing every property in its immediate vicinity (by a lot) and to Eastcliff in general as it can be viewed as a future precedent which would result in the entire character of Eastcliff being threatened.

I have not been able to trace any applications for departure and request therefore that I be informed of the process that was followed allowing it to be built.

I look forward to your response.

Yours faithfully

DAVID LEPPAN
Principal

✓ Delivered by hand 29/9/2015

MEMBERS: D.D. LEPPAN J.D. LEPPAN

HERMANUS PROPERTY SALES C.C. Reg. No. 1990/003325/23
153 MAIN ROAD • HERMANUS • 7200 • CAPE OF GOOD HOPE
TEL: (028) 313 0914 • FAX (028) 312 2210 • INT +27 28 313 0914
E-mail hps@hermanus.co.za www.hpsreality.co.za

From: Liezl Potgieter [mailto:liezlpotgieter@overstrand.gov.za]
Sent: 30 September 2016 04:07 PM
To: hps@hermanus.co.za
Cc: Kuchar, Riaan; John simson; Petrus Roux
Subject: RE: NEW STRUCTURE CNR MITCHELL & STEMMET STREETS, EASTCLIFF

Good day Mr Leppan,

As you stated we have exchanged several e-mails. As per my second e-mail, I will inform you as soon as the new plan submitted has been approved. The plan can still not be approved due to subdivisions and consolidations taking place. And as stated before I do not have the authority to discuss any plan submitted for approval with any person other than the owner/s of the property or the architect.

The deviations that we have found between the approved plan and the building on site has been taken to court and the owner has already had his first appearance. There are procedures to follow when deviations and discrepancies are found, and unfortunately it is a lengthy process. I ones again do not have the authority to discuss any legal case with anybody except for the owner/s of the property, his/her architect and the lawyer. As soon as I have handed the docket over to Law Enforcement for further processing, the case is not handled by me anymore.

The approved building plan indicated that the dwelling will be used as a single residential dwelling. Unfortunately many assumed that the property will be used as a guest house however we cannot work on assumption and therefore cannot issue a property owner to comply with such regulations.

The application is a quiet recent one and is currently in public participation process. You may submit your written comment on or before, 4 November 2016.

It must be stated that land use rights (and the acquirement thereof) is a Town Planning matter and the Building Department would not have known of any new application.

Kind Regards,

Liezl Potgieter

Building Inspector

Building Control

Hermanus

Overstrand Municipality

T: +27 (0) 28 313 8944 | F: +27 (0) 28 313 2962



Overstrand Municipality

A 1 Magnolia Street, Hermanus, 7200 | P P.O Box 20, Hermanus, 7200

T +27 (0) 28 313 8000 | F +27 (0) 28 312 1894

E enquiries@overstrand.gov.za | W www.overstrand.gov.za

Vision Statement: "To be a centre of excellence for the community"



BEFORE PRINTING THIS E-MAIL

PLEASE CHECK THE CONTENTS AND CONTACT INFORMATION

From: Liezi Potgieter [mailto:liezi@potgieter@overstrand.gov.za]
Sent: 15 July 2016 04:00 PM
To: hps@hermanus.co.za
Subject: RE: NEW STRUCTURE CNR MITCHELL & STEMMET STREETS, EASTCLIFF

Good day Mr Leppan,

Unfortunately I am not able to elaborate as it is privileged information.

Kind Regards,

Liezi Potgieter

Building Inspector

Building Control

Hermanus

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Asseblende van die Oewerstrand Munisipaliteit

From: Liezl Potgieter [mailto:liezlpotgieter@overstrand.gov.za]
Sent: 15 July 2016 10:49 AM
To: hps@hermanus.co.za
Subject: Re: NEW STRUCTRE CNR MITCHELL & STEMMET STREETS, EASTCLIFF

Good day Mr Leppan,

They are busy reconstructing the property to suite the original plan that was submitted. The rider plan has still not been approved, and it won't for still a few months due to consolidations that still needs to take place. The owner was served with a notice and the summons will be issued in due course.

Kind Regards,

Liezl Potgieter

Building Inspector

Building Control

Hermanus

Overstrand Municipality

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BEFORE PRINTING THIS E-MAIL

PLEASE CONSIDER THE ENVIRONMENT

From: Liezi Potgieter [<mailto:liezi@potgieter@overstrand.gov.za>]
Sent: 06 October 2015 08:26 AM
To: hps@hermanus.co.za
Subject: RE: Attention : Mr David Leppan

Good Morning Mr Lappan,

Regarding the bulk of the property, property owners have the right to utilize 50% of their erf size for coverage. This is checked when plans are being scrutinized for approval. Erf 11094 has a 49% coverage, so that falls within the allowed percentage.

This property was never listed as a heritage site. As part of the plans approval process all plans are viewed, available for comment and signed off by heritage.

On 14 May 2015 the letter were sent out to 8 neighboring properties inviting them to object against the departure. Like previously stated no objections were received from any of the neighbors, nor was there any from the ward counselor. It was not advertised in the media as there was no change made to the title deed and the property is still being used as a single residential unit.

Liezi Potgieter

Building Inspector
 Building Control
 Hermanus

Overstrand Municipality

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T +27 (0) 28 313 8000 | F +27 (0) 28 312 1894

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BEFORE PRINTING THIS E-MAIL

please consider the environment

From: Liezi Potgieter [mailto:liezi.potgieter@overstrand.gov.za]
Sent: 01 October 2015 03:46 PM
To: hps@hermanus.co.za
Subject: Attention : Mr David Lappan

Good day Mr Lappan,

I received a letter from you regarding the erf 11094, corner of Mitchell and Stemmet Street. This property has gone through a departure and it was advertised. No complaints were received and the departure was then granted. This is not a guest house and may not be used as such. If they would like to operate it as a guest house in the future, an application would have to be submitted and it will ones again be advertised.

Kind Regards,

Liezi Potgieter

Building Inspector

Building Control

Hermanus

Overstrand Municipality

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BEFORE PRINTING THIS E-MAIL

please consider the environment

From: Hermanus Property Sales [mailto:hps@hermanus.co.za]
Sent: 29 September 2016 03:53 PM
To: 'Liezl Potgieter'
Cc: 'Riaan Kuchar'
Subject: RE: NEW STRUCTURE CNR MITCHELL & STEMMET STREETS, EASTCLIFF

Dear Liezl

I refer to my numerous correspondences, first of which was 28th September 2015, in respect of this monstrous new structure in Eastcliff.

I have contended all along, that this structure could not possibly be sanctioned by the Council, and that it quite obviously intended to be used as a Guest House without consents, inadequate parking, etc etc.

In all your responses, I have been fended off with assurances that it's all been approved by Council etc etc; furthermore, that a ryder plan had been submitted but we could not have sight of same, ditto for the "summons that would be issued in due course" ... but as always no details as it "is privileged information".

Now it is being advertised in the Hermanus Times for a proposed sub-division and rezoning to Res 1 as well as consent use for a guest house.

This seems to corroborate my belief all along that the tail is wagging the dog.

I kindly request an urgent and detailed explanation as this matter is absolutely unacceptable.

Yours faithfully,

David Leppan
Cell: 082 455 6439
PRINCIPAL
Master Practitioner in Real Estate (MPRE)



Hermanus Property Sales
153 Main Road
Hermanus, 7200
Tel +27 028 313 0914
Fax +27 028 312 2210
Email hps@hermanus.co.za
Website www.hpsrealty.co.za



DAVID LEPPAN
ESTATE AGENT
02/08/2016 - 12h16



From: Hermanus Property Sales [mailto:hps@hermanus.co.za]
Sent: 15 July 2016 03:01 PM
To: 'Liezl Potgieter'
Subject: RE: NEW STRUCTRE CNR MITCHELL & STEMMET STREETS, EASTCLIFF

Hi Liezl

Could you please elaborate why a summons is having to be issued?

Kind regards

David Leppan
Cell: 082 455 6439



Hermanus Property Sales
153 Main Road
Hermanus, 7200
Tel +27 028 313 0914
Fax +27 028 312 2210
Email hps@hermanus.co.za
Website www.hpsrealty.co.za

From: Hermanus Property Sales [mailto:hps@hermanus.co.za]
Sent: 15 July 2016 10:26 AM
To: Liezl Potgieter (liezlpotgieter@overstrand.gov.za)
Subject: NEW STRUCTRE CNR MITCHELL & STEMMET STREETS, EASTCLIFF
Importance: High

Good Morning Liezl

We note that further building extensions are taking place at the above site and plans must have been passed in the interim ... you were going to inform me when the rider plan was available for inspection.

Kind regards

David Leppan
Cell: 082 455 6439



Hermanus Property Sales
153 Main Road
Hermanus, 7200
Tel +27 028 313 0914
Fax +27 028 312 2210
Email hps@hermanus.co.za
Website www.hpsrealty.co.za

From: Hermanus Property Sales [mailto:hps@hermanus.co.za]
Sent: 01 October 2015 05:13 PM
To: 'Liezl Potgieter'
Subject: RE: Attention : Mr David Leppan

Dear Liezl

Thank you for your prompt reply.

However, issues that I raised have not been addressed at all and I refer to my 2 queries regarding footprint, bulk and heritage.

May I also please see copies, dates and media coverage of advertising; not a single neighbour recalls receiving letters inviting objections so details of that as well please.

I look forward to your more comprehensive reply, for which I thank you.

Kind regards

David Leppan
Cell: 082 455 6439



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ALLEGATIONS OF MALADMINISTRATION

Public protector to scrutinise 6 cottages

Siyayaya Mazarasi

THE public protector has launched an investigation into maladministration allegations levelled against the Stellenbosch municipality for "failing to act" against the illegal construction of six cottages at Lavender Guest Farm in Franschoek.

The investigation comes after Franschoek resident Anne Stone took on the municipality for failing to take action against six illegal cottages at Lavender Guest Farm. Stone complained that if the matter was not investigated, the Stellenbosch municipality would continue to "procras-

tinate" and fail in its statutory obligation to enforce planning law in the matter.

She was charged that the municipality was in contempt of a 2012 ruling by Western Cape High Court Judge James Yelds and the Supreme Court of Appeal (SCA), which set aside the rezoning and building regulation approvals for six cottages containing 10 guest units.

"In consequence of this, the municipality then had a statutory duty to take action by either ordering demolition or imposing a contravention levy (fine/penalty). They decided against demolition, but we are still awaiting the imposition

of a fine (two years later). In the meantime, the owner of the property is committing a criminal act by occupying the cottages," she said.

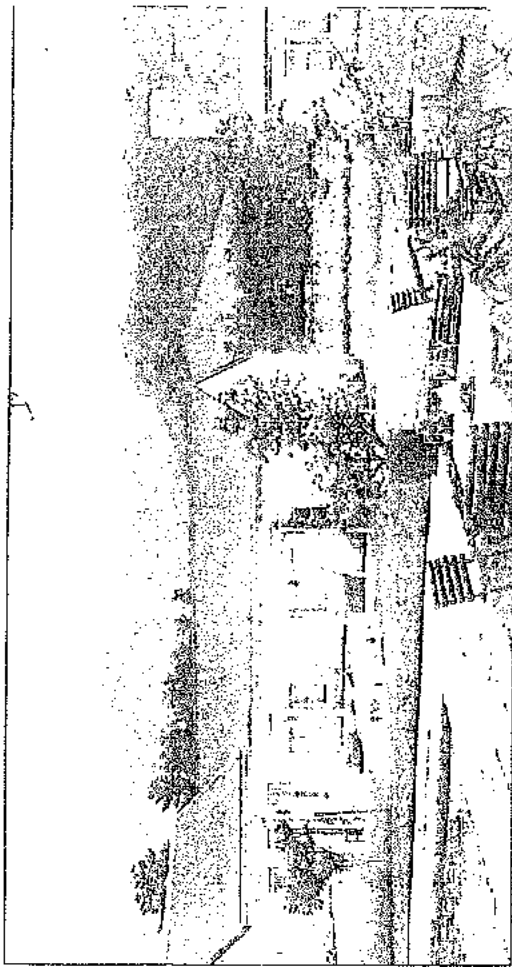
While public protector spokesperson Kealalele Masibi said they had asked the municipality to provide information in line with a recent SCA judgment pertaining to the matter, Stellenbosch municipality spokesperson Vernon Bowers said: "The municipality is taking the complaint under review and will address the matter through the available channels."

Masibi said they were in the process of evaluating the complaint to establish jurisdiction

in the matter. The municipality had ordered property owners Brashville to pay a contravention levy instead of demolition because the development of the cottages was "desirable" - a decision Stone's lawyers argued was irrational because the development failed to comply with applicable by-laws and legislation.

In her complaint to the public protector, Stone said the Franschoek Trust and the ratepayers' association objected to Brashville being allowed to profit from its "illegal and criminal" use of the six cottages.

"In a letter to the municipal-



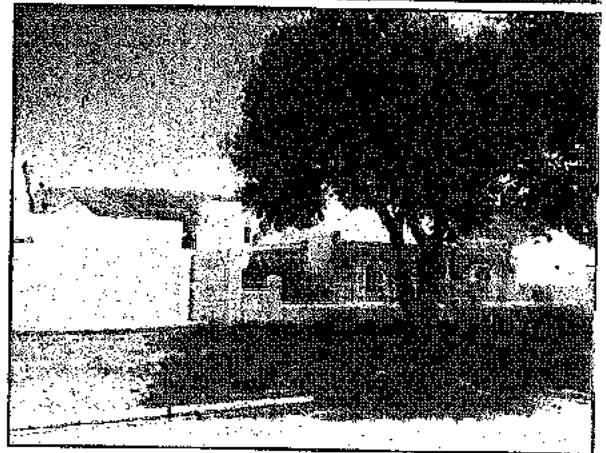
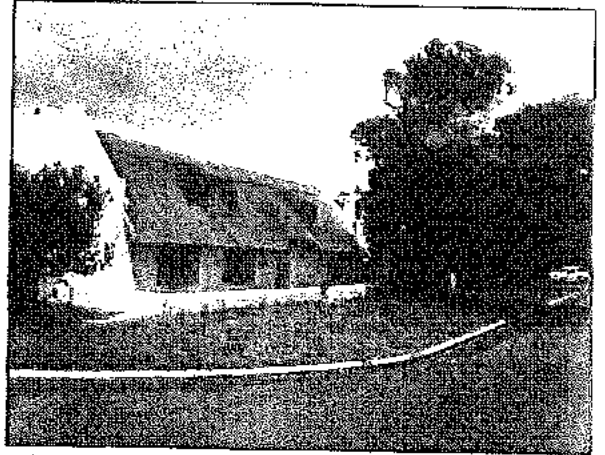
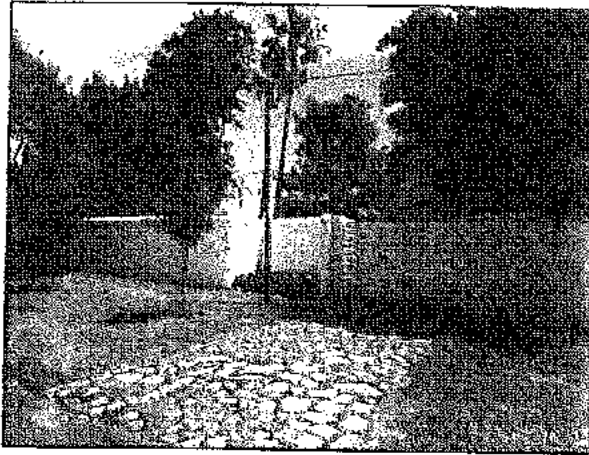
INQUIRY LAUNCHED: Lavender Farm Guest House in Franschoek.

Picture: lavenderfarmfranschoek.co.za

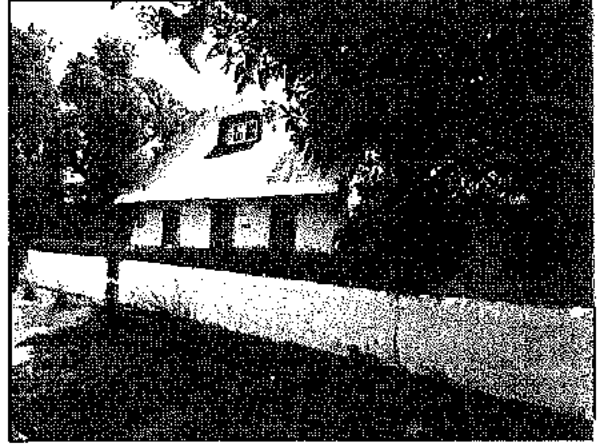
ity dated February 13 last year, my attorneys referred to Provincial Circular 4/2008 which suggested the contravention levy should be 20 percent of actual building costs but in view of the illegal conduct of Brashville (as detailed in that letter) and the SCA judgment, they argued that in this case it should be 100 percent of actual building costs," read Stone's complaint.

She said lawyers representing the municipality this year served a compliance notice on Brashville's attorney, explaining why the House was refused to comply on the matter.

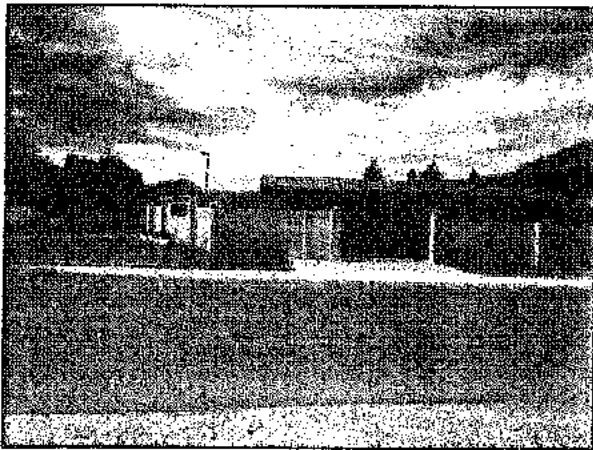
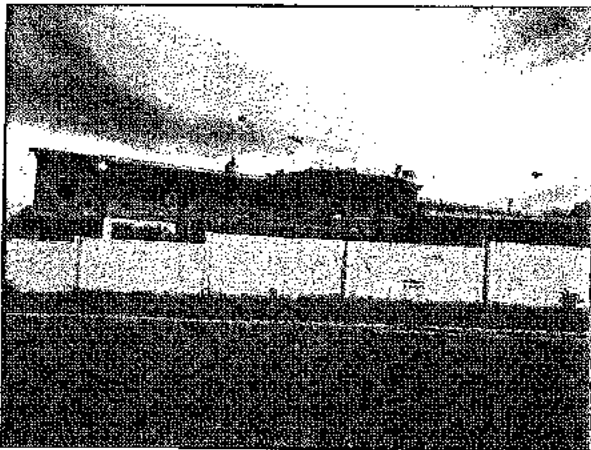
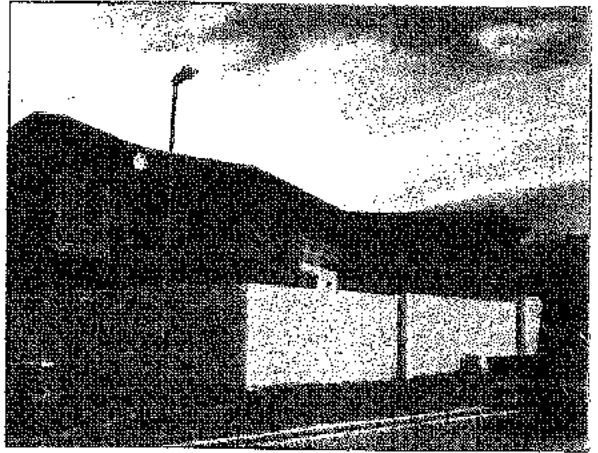
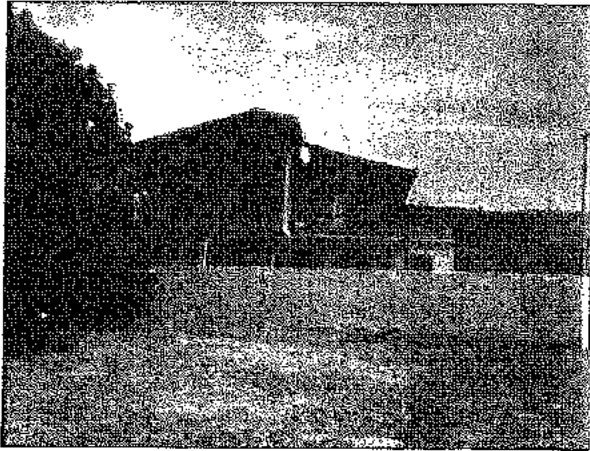
TYPICAL EASTCLIFF AMBIENCE



TYPICAL EASTCLIFF AMBIENCE



CURB APPEAL ?



HERMANUS PROPERTY SALES

PROFESSIONAL PROPERTY PEOPLE
PROPERTY CONSULTANTS, VALUATIONS, FARMS, BUSINESSES

BY HAND / PER Email

2nd November 2016

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200



Attention: TOWN PLANNING

Dear Sir

TP - A Theart
(P Roux)

OBJECTION TO

PROPOSED SUBDIVISION, CLOSURE OF PUBLIC PLACE, REZONING, CONSOLIDATION, AND CONSENT USE : ERVEN 1253 & 11094 HERMANUS o MG DELPORT

In my capacity as Principal of Hermanus Property Sales CC I requested Town and Regional Planners, PLAN ACTIVE, to prepare an objection on my behalf, based on the technicalities of Town Planning by-laws; the objection is attached hereto.

I trust that this information will receive your considered evaluation.

Yours faithfully

DAVID LEPPAN
Principal
Master Practitioner in Real Estate (MPRE)
Cell 082 455 6439

FILE NO:	EL 11094-HEC
SCAN NO:	
COLLABORATOR NO:	967058



DAVID LEPPAN
ESTATE AGENT
02/08/2016 - 12h16

VIEW DETAILS

MEMBERS: D.D. LEPPAN J.D. LEPPAN

HERMANUS PROPERTY SALES C.C. Reg No. 1990/003325/23
153 MAIN ROAD, HERMANUS. 7200 . CAPE OF GOOD HOPE
TEL: (028) 313 0914 . FAX (028) 312 2210 . INT +27 28 313 0914
E-mail hps@hermanus.co.za Website: www.hpsrealty.co.za

TP

03 NOV 2016

27 OCTOBER 2016

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

ATTENTION: TOWN PLANNING

Sir

**PROPOSED SUBDIVISION, CLOSURE OF PUBLIC PLACE, REZONING, CONSOLIDATION,
AND CONSENT USE : ERVEN 1253 AND 11094 HERMANUS**

• **MG DELPORT**

We herewith submit the following objections on behalf of Mr. D. Leppan as per the Power of Attorney attached.

Our objections are based on the information pertained on Plan:3 labeled "Proposed Consolidation of Erf 11094" as obtained from the Overstrand Municipality.

• **TWO ACCESS POINTS TO PROPERTY**

As per the layout plan there are 2 access points indicated on the plan, both the access points are situated in Mitchell Street. Only one access point per erf is allowed and furthermore one of the access points is situated too close to the intersection of Stemmet Street and Mitchell Street which makes it a dangerous and unsafe access.

• **PARKING LAYOUT**

The parking layout as indicated on the layout plan is not practically feasible. A manouversing area of at least 7.5 meters should be available behind every parking bay, the plan indicates this area as 5.1m, which is totally inadequate.

Parking bays numbered 3 - 7, on the attached plan, do not comply with the requirement of the 7.5 meter manouversing space. The wall extending from the front door, next to the garage, has been omitted from the plan and therefor parking bay 3 can only be accessed with great difficulty. There is also no easy access to parking bay 6 as there is a pillar situated on the left side that would make it extremely difficult to park a vehicle in the allocated bay.

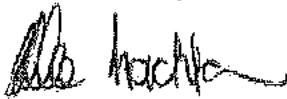
Parking bay number 7 should be omitted because it is situated within the garden area. The motivation, Page 3 states: " The rezoning of the subdivided Portion A to Residential Zone 1 on a condition that it may only be used for gardening purposes. The allocation of parking bay 7 in the garden area is contravening the condition of approval.

The entrance gate, that is too closely situated to the intersection of Stemmet Street and Mitchell Street, should be closed off and therefore parkings bays 5 - 7 would not be accessible.

We question the accessibility of the parking bays due to the fact that it does not conform to the minimum standards required for a parking bay and manouvering space.

In the light of the aforementioned objections the application for the consent use should not be approved.

Yours faithfully



JV McLachlan
PLAN ACTIVE