

SPECIAL POWER OF ATTORNEY

I, the undersigned,


DAVID LEPPAN

Do hereby nominate, constitute and appoint

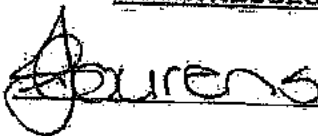
PLAN ACTIVE TOWN & REGIONAL PLANNERS

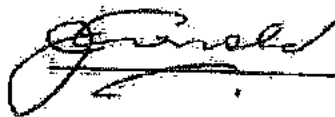
Of 6 Magnolia Avenue, Hermanus, with power of Substitution, to be my lawful agent in our name, place and stead to appear before the Overstrand Municipality and any other officials of Government Departments, which may be necessary in order to submit an objection with reference to the development on Erf 11094 Hermanus and to sign documents and to perform all such acts which may be necessary in connection with the objection and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as we might or could do if personally present and acting herein -- hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever our said Agent shall lawfully do, or cause to be done, by virtue of these presents.

SIGNED AT Hermanus on this the 27 day of October 2016.

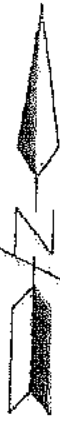

D. LEPPAN

AS WITNESSES:

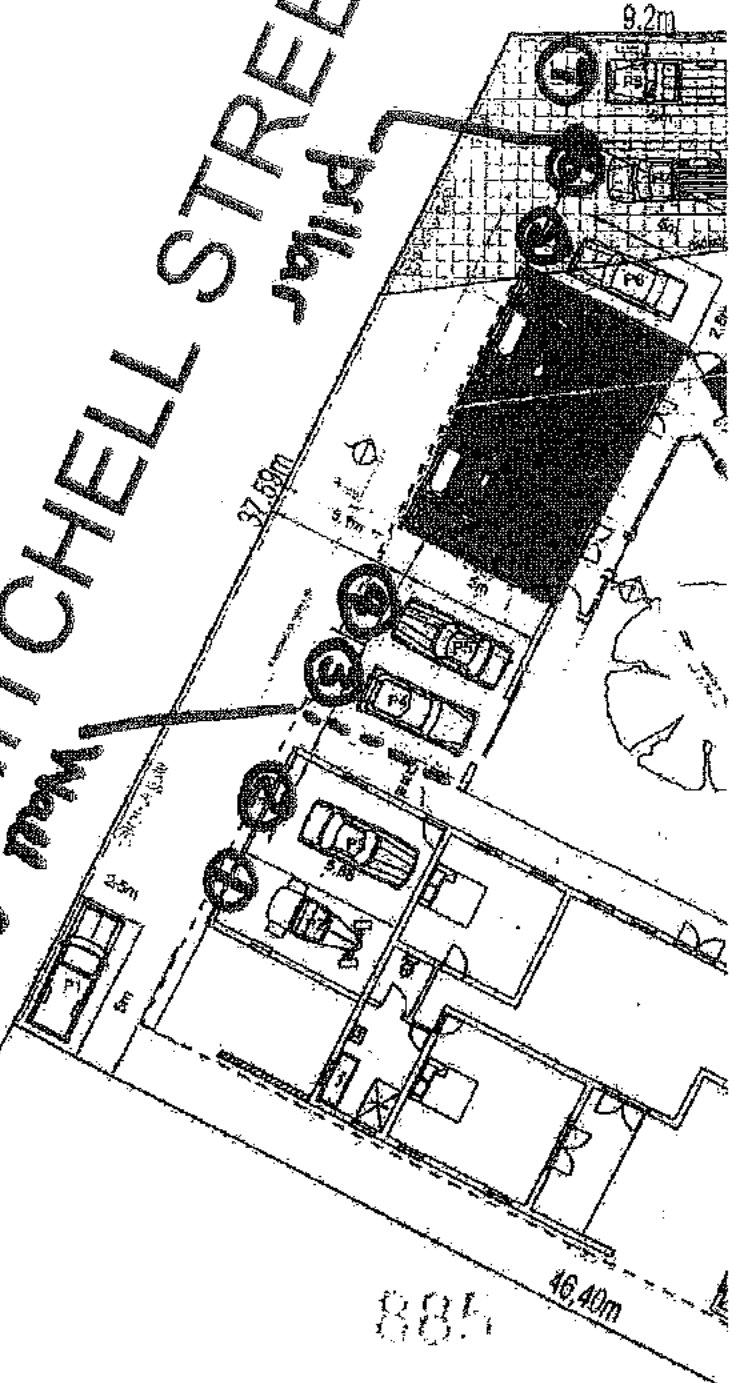
1. 

2. 

6111



MITCHELL STREET
Pillar
New Quarters on Plot



885
885



ANNEXURE D 73/108

Eastcliff
HERMANUS 7200
Cape of Good Hope, South Africa
e-mail: hps@hermanus.co.za
Tel 0027 28 313 0914

TP - A Theart
(P Roux)

BY HAND

02nd November 2016

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

Attention: TOWN PLANNING

Dear Sir

FILE NO: EL 11094-HEC
SCAN NO:
COLLABORATOR NO:
967112

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 resident of Eastcliff, and the registered owner of Erf 967 Hermanus for some 27 years, I hereby lodge my objection to the application referred to above.

Assisted by my husband, David, we lodged an initial formal application to the Municipal Manager on 23rd October 2015 (attached) and followed it up in writing on numerous occasions with the Municipal employee designated to answer his mails, namely Liezl Potgieter of the Building Inspectorate. Such emails are attached for easy reference both to and from himself and Liezl.

Emails	from	Liezl	01.10.2015
			06.10.2015
			30.09.2016

Emails	to	Liezl	01.10.2015
			23.10.2015
			29.09.2016

It is our contention that Mr Delport had fully pre-planned a large 10 bedroomed structure plus guest house and built same without any reference to such usage, with the express intention of building it first and then expecting to get away with an easy "Consent Use" from Council ... a case of just do it first, and then sort out the technicalities later.

Even now, the manner in which the application is motivated is spurious to say the least claiming it is for 5 bedrooms. There is clear evidence on the property that it was all pre-planned from the outset and I cite the following examples with photos to support.

TP 02 NOV 2016

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- The brick wall panel on the corner of Stemmet and Mitchell Streets has the name Port del Mare a good two-thirds high in the panel with the intention of adding on the line spaces below GUEST LODGE and whatever else.

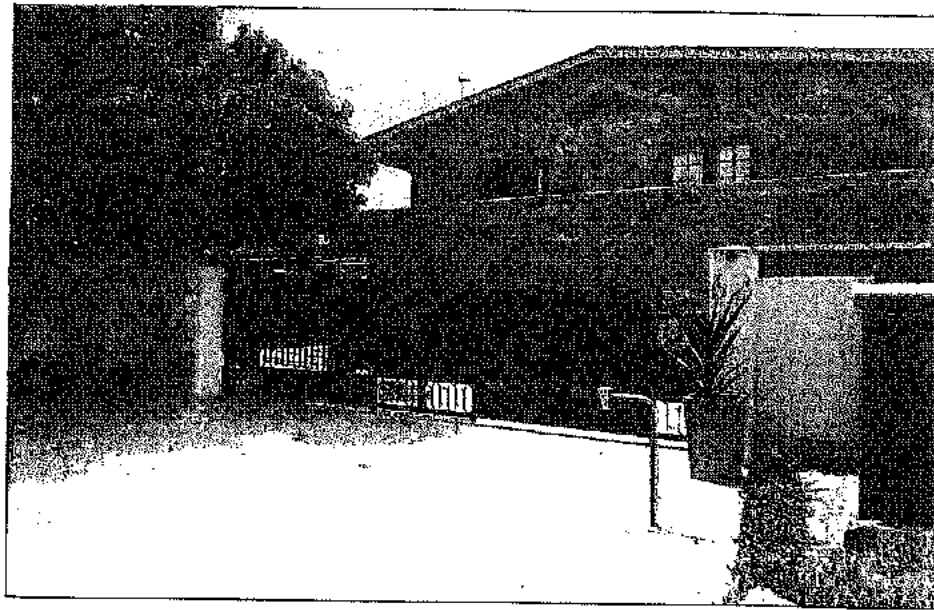


- The newly planted instant lawn on the pavements is a ploy to show compliance with "only to be used for gardening purposes" when a strip some 3 to 4 metres wide of crushed stone has been laid in Mitchell Street between the tar road edge and the grass pavement edging for probable off street parking – photo herewith.



AD
ed

- o The main double gate entrance was clearly designed for a formal guest house entrance as is evidenced by the two button intercom system, the signage on the gate pillar and a short brick paved pathway to a glass panelled front door entrance which would be their front reception office.



Our concern is that the presence and design of this monstrous structure is in total conflict with leafy streets and cottagey homes dominating the suburb of Eastcliff, or tastefully modernised older homes in keeping with their surrounds, and should Council permit this owner to have his way, it will create a very threatening future for other owners to use this property as a precedent in order to build large and unattractive structures, thus spoiling the entire historical charm of Eastcliff and certainly having a negative impact on properties' values in this most sought after and desirable suburb of Hermanus.

Besides our personal residence, David also has directorships in two other properties owned in Eastcliff; namely Erf 11078 Hermanus, on which he developed the Standard Bank building, on the corner of Royal and Dirkie Uys Streets; and Erf 712 Hermanus namely 4 Dirkie Uys Street.

It is my earnest plea that Council deals with this matter, giving no quarter to this both devious and illegal proposed income producing venture, and that a strong message be sent out that Hermanus has a pride of place and a great history and cannot be raped by unscrupulous people.

Lastly, the court proceedings currently in progress in Stellenbosch since 2012, and now in the hands of the Public Protector, refers, and the relevant Cape Times press article of 27th October 2016 is attached; we would certainly become part of a similar movement in Hermanus, should the Council not take the strongest measures in this matter.

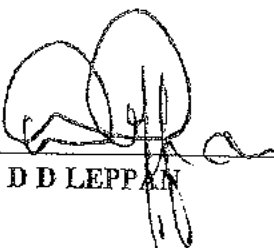
Typical photographs of Eastcliff properties and street ambience are attached to draw attention to the intrusive and undesirable presence of the property under objection.

I trust that my objection will receive your considered evaluation for which I thank you as a resident of Eastcliff.

Most sincerely



MRS L M LEPPAN



MR D D LEPPAN

From: Hermanus Property Sales [mailto:hps@hermanus.co.za]
Sent: 23 October 2015 12:12 PM
To: 'Liezl Potgieter'
Subject: RE: NEW STRUCTRE CNR MITCHELL & STEMMET STREETS, EASTCLIFF

The Municipal Manager
Overstrand Municipality
HERMANUS

ATTENTION: Liezl Potgieter, Building Inspector, Building Control

Dear Mrs Potgieter

RE: NEW STRUCTRE CNR MITCHELL & STEMMET STREETS, EASTCLIFF

With reference to our previous correspondences, I have viewed the Building Inspector's file for this property and noted the detail contained therein.

Whilst the points you made are accurate, I did not see any Heritage Committee approval, nor any record of the 8 neighbours mailed; but be that as it may, and I accept your submission in this regard as being correct.

The plans show a total of 10 en-suite bedrooms, all with separate entrances and mostly flowing out onto garden or patios. In addition, there is an "art room" also en-suite, which could/would make an 11th suite; also the Bedroom 1 on the ground floor is much larger than the rest with a separate entrance and a large private living space area indicative that this is intended as an owner or manager living space.

Clearly, it is extremely hard to understand that this is intended, or would be practical, as a single residential property.

I therefore wish to record my objection to this property in my capacity as an owner/resident in Eastcliff as it not only devalues its immediate surrounds, but effects all Eastcliff values as this could be seen and used as a precedent for future development of old homes in this suburb.

I also believe that an additional plan was submitted in August 2015, but it is not yet approved and I would appreciate being informed about the content and progress of this plan.

Yours faithfully



David Leppan
Cell: 082 455 6439



From: Liezl Potgieter [mailto:liezlpotgieter@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,

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 consider the environment

From: Liezl Potgieter [mailto:liezlpotgieter@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.

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

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BEFORE PRINTING THIS E-MAIL
please consider the environment

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

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BEFORE PRINTING THIS E-MAIL
please consider the environment

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



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

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: 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.

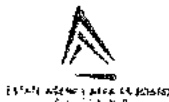
I kindly request an urgent and detailed explanation as this matter is absolutely unacceptable.

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 - 12/16
 VIEW DETAIL



ALLEGATIONS OF MALADMINISTRATION

Public protector to scrutinise 6 cottages

Siyanaya Mpanisa
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 Franschhoek.

The investigation comes after Franschhoek 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 process

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 Kgalehlo Masile 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."

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

on the matter. The municipality had ordered property owners in 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 Franschhoek 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-

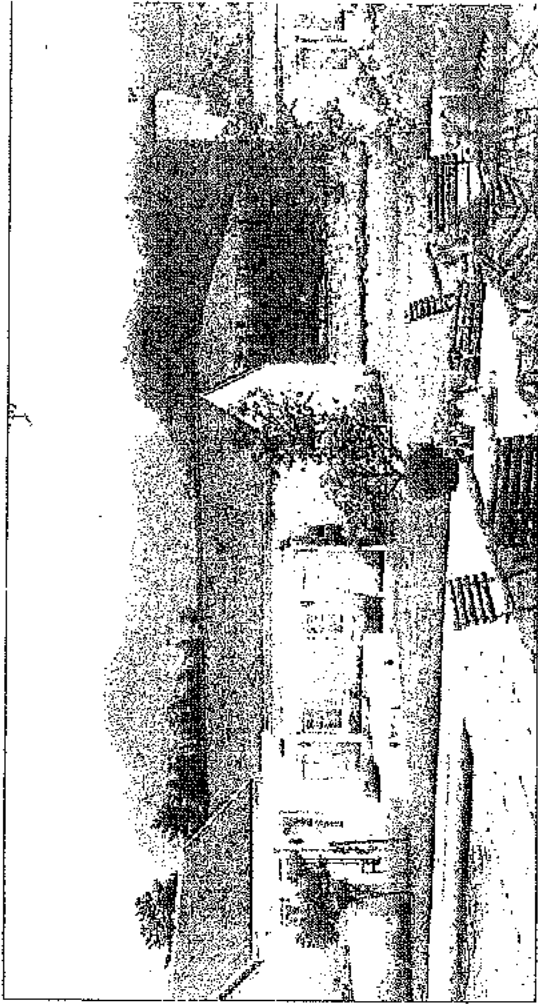
ity dated February 13 last year, my attorneys referred to Provincial Circular 4/2006 which suggested the contravention levy should be 20 percent of actual building costs but in

view of the illegal conduct of Brashville (as detailed in that letter and the SCA judgement), they argued that in this case it should be 100 percent of 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

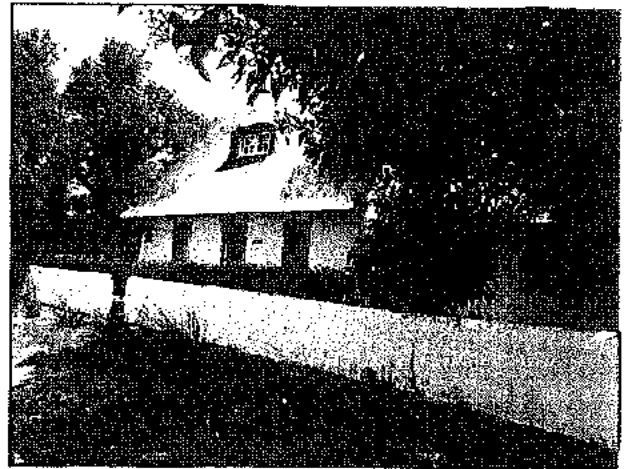
continued use of the six cottages for guest accommodation was unlawful and criminal. Lavender Farm Guest House has refused to comment on the matter.

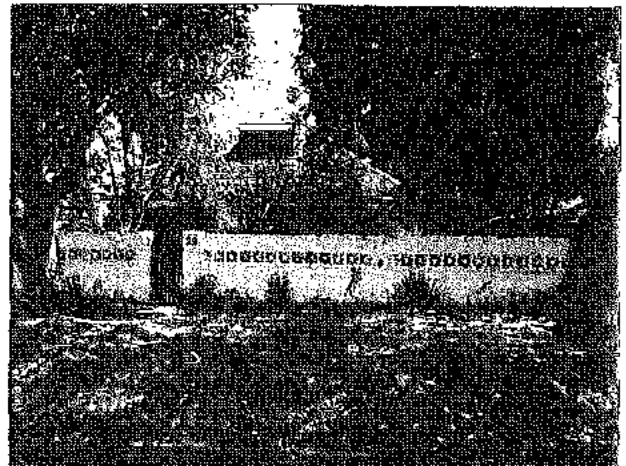
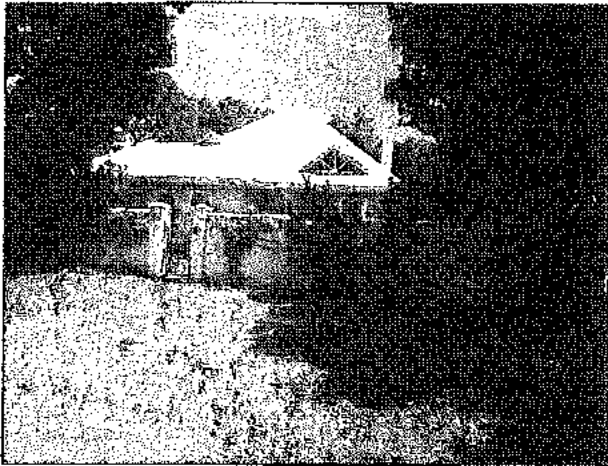
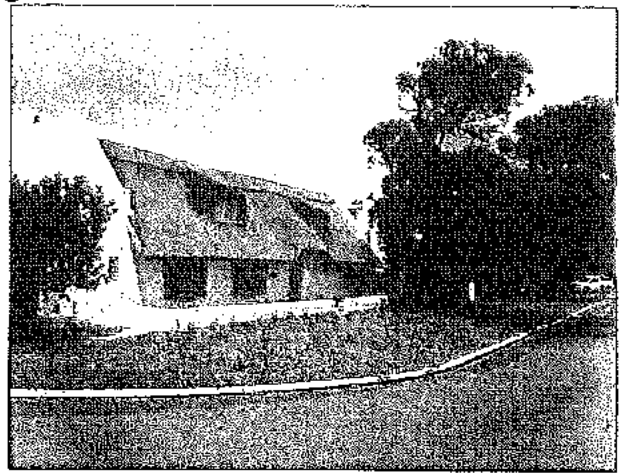
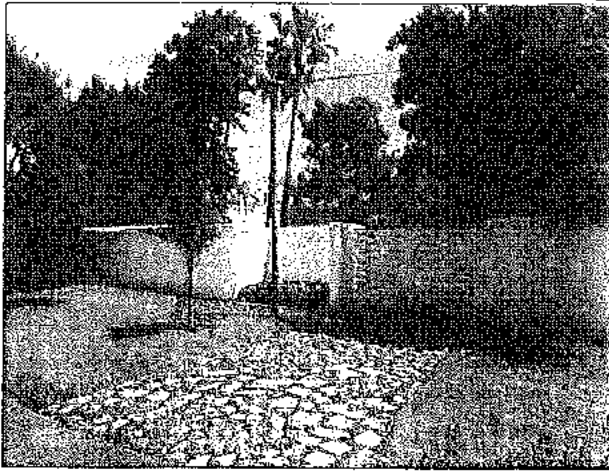
INQUIRY LAUNCHED: Lavender Farm Guest House in Franschhoek



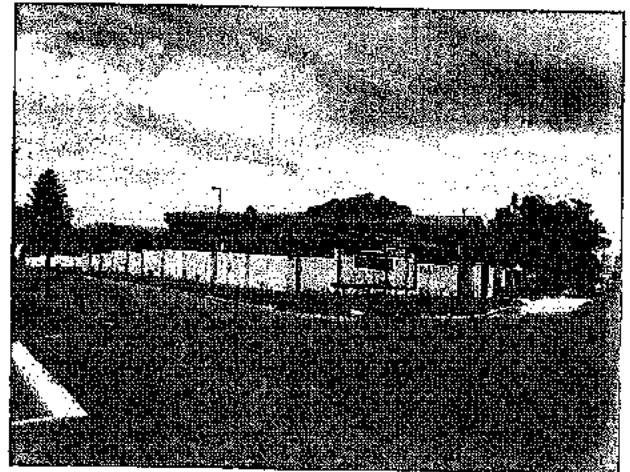
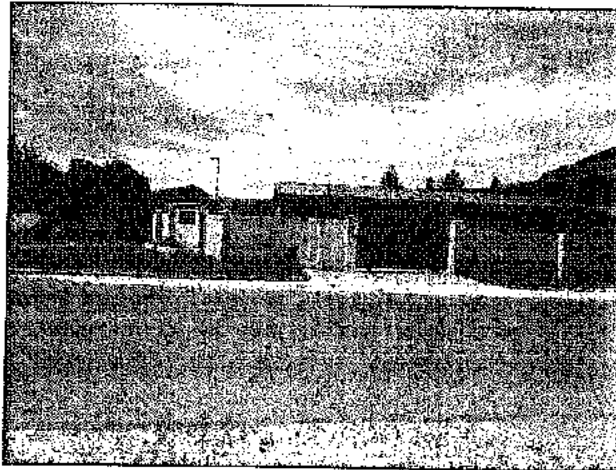
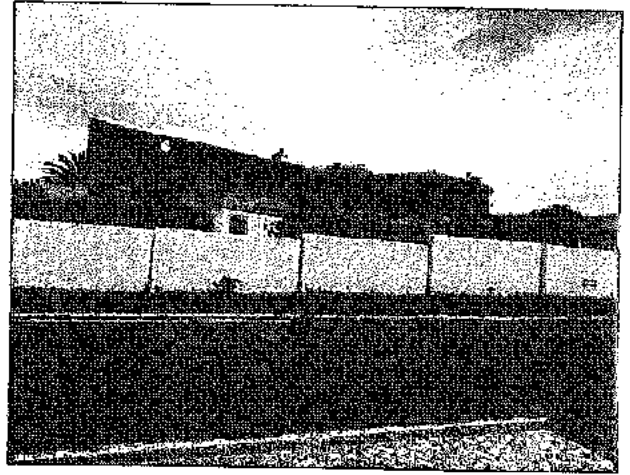
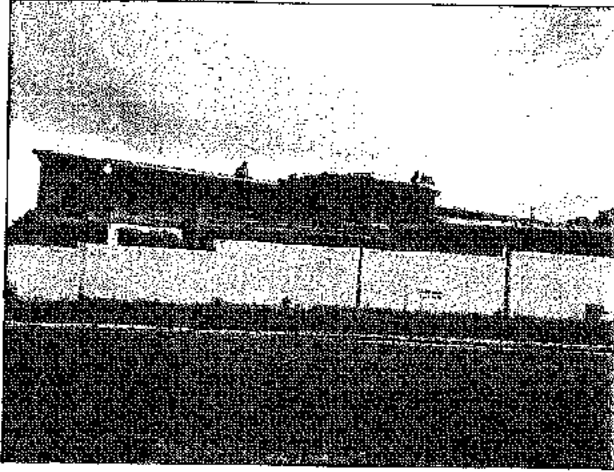
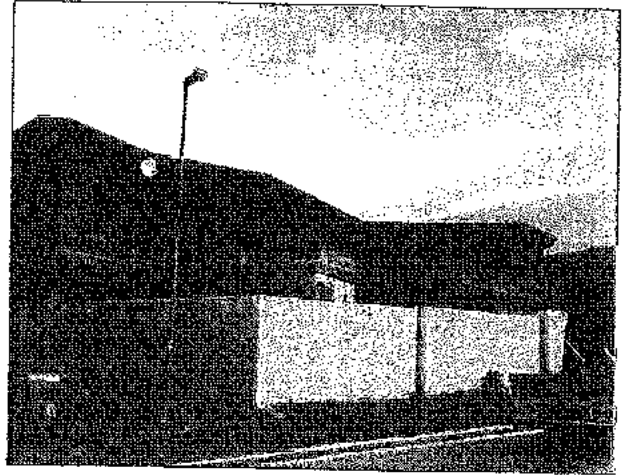
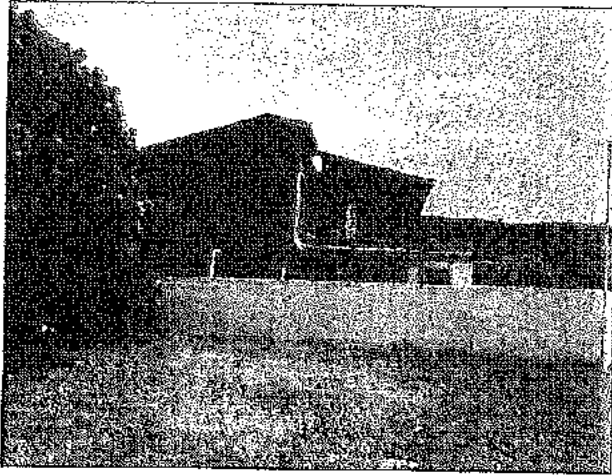
Picture: lavenderfarmfranschhoek.co.za

continued use of the six cottages for guest accommodation was unlawful and criminal. Lavender Farm Guest House has refused to comment on the matter.





CURB APPEAL ?



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COUZYN HERTZOG & HORAK
PROKUREURS · ATTORNEYS
Geestig 1929 Established

ANNEXURE D 88/108

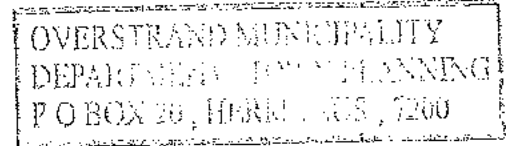


TR-A Thea
C Holivier

Ons Verw : Mnr Oosthuizen/sdg/B939

U Verw : 11094HEC(13356)

3 November 2016



MNR P ROUX
OVERSTRAND MUNISIPALITEIT
PATERSONSTRAAT 16
HERMANUS
7200

4/11/2016

13:00 uur, 16 bloksgf

[Signature]
PER HAND

Meneer

BESWAAR TEEN VOORGESTELDE ONDERVERDELING, SLUITING VAN 'N PUBLIEKE PLEK (PAD), HERSONERING, KONSOLIDASIE EN VERGUNNINGSGEBRUIK : ERF 11094 EN 'N GEDEELTE VAN DIE RESTANT VAN ERF 1253, MITCHELLSTRAAT 62, EASTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE AREA

Ons bevestig dat ons hierin optree namens Erf 1192 Eastcliff Eiendomme (Edms) Bpk, Registrasienuommer 1997/012440/07, synde die geregistreerde eienaar van Erf 1192 Eastcliff, geleë te Stemmetstraat 2, Eastcliff, (hierna genoem "ons kliënt").

FILE NO:	Erf 11094 Kees
	Erf 1253 Herman
SCAN NO:	22
COLLABORATOR NO:	967424

DBEE Vlak 3 Byd...

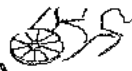
Middelstraat 322 Brooklyn Pretoria Posbus 2509 Brooklyn Square 0075 Docex 50 Brooklyn
RSA Tel (Int): +27 12 460 5090 Tel: (012) 460 5090 Faks: (012) 346 7473 Webadres: www.couzyn.co.za
Direkteure: Hans Oosthuizen Amanda Booysen Jan Sterk Jan Kruger Derick Nel Werner Bruyns Horace Kotsokoane Marlana Vorster
Ferdie Trüter Marinus Steenkamp Assosiaat: Heidi Jonker Professionele Assistentie: Derik van der Linde Petri de Clercq
Bennie Marais Henrike Putter Justin Mulock Houwer Administratiewe Bestuurder: Jolande Augustyn Rekenmeester: Corné Lamprocht

7/8
2 NOV 2016



Die geregistreerde eienaar van Erf 11094, Eastcliff, naamlik mnr Delport, (hierna genoem "die applikant") het die volgende aansoeke by Overstrand Munisipaliteit ingedien:

- 1 die onderverdeling van Erf 1253 in gedeelte A ($\pm 237\text{m}^2$ groot) en die resterende gedeelte ingevolge Artikel 16(2)(d) van die Overstrand Municipality By Law on Municipal Land Use Planning, 2016.
- 2 die sluiting van 'n publieke plek ingevolge Artikel 16(2)(n) van die Overstrand Municipality By Law on Municipal Land Use Planning, 2016, tot die effek om 'n pad te sluit.
- 3 die hersonering van die voorgestelde Gedeelte A van Erf 1253 ingevolge Artikel 16(2)(a) van die Overstrand Municipality By Law on Municipal Land Use Planning, 2016.
- 4 die konsolidasie van Erf 11094 Eastcliff en die voorgestelde Gedeelte A van Erf 1253 ingevolge Artikel 16(2)(e) van die Overstrand Municipality By Law on Municipal Land Use Planning, 2016.
- 5 die aansoek om vergunningsgebruik met betrekking tot die voorgestelde gekonsolideerde erf, om sodoende 'n gastehuis van die erf te bedryf, ingevolge Artikel 16(2)(o) van die Overstrand Municipality By Law on Municipal Land Use Planning, 2016.



Dit is ons instruksie om hiermee namens ons kliënt beswaar aan te teken teen al vyf bogenoemde aansoeke. Alvorens ons die motivering vir ons beswaar uiteensit, gun ons asseblief die geleentheid om die agtergrond van hierdie aangeleentheid te bespreek.

A **Achtergrond**

- 1 Gedurende 2015 en 2016 het die applikant die bestaande geboue (’n kothuis) op Erf 11094 afgebreek, welke ’n gebou was van ouer as 60 jaar. Die kothuis is vervang met ’n dubbelverdieping gebou. Daarby het die applikant twee aparte enkelverdieping strukture, aangrensend tot Stemmetstraat, laat oprig, welke strukture vyf slaapkamers inkorporeer. Ingevolge die Overstrand Munisipaliteit soneringskema is die erf gesoneer as ’n Residensiële Area 1, wat beteken die geboue op die erf mag slegs 50% van die oppervlakte dek. Hierdie 50% dekkingsbeperking is deur die applikant oorskry. Daarby oorskry die geboue (dubbel- en enkelverdieping geboue) die munisipale boulyne.
- 2 Daarna het die applikant ’n grensmuur opgerig. Die grensmuur is gebou om die applikant se Erf 11094 en 237m² van Erf 1253 (Gedeelte A) in te sluit. Hierdie grensmuur is duidelik ’n oorskryding van die munisipale boulyne.



- 3 In 'n poging om hierdie oorskryding te rektifiseer het die applikant 'n koopooreenkoms met die munisipaliteit aangegaan, ingevolge waarvan hy Erf 1253 by die munisipaliteit koop vir 'n skamele R141,41 per vierkante meter, op voorwaarde dat sy vyf aansoeke (soos hierbo uiteengesit) goedgekeur word.
- 4 Uit bogenoemde agtergrond blyk dit duidelik dat die doel van die applikant is uiteindelik om 'n gastehuis van die voorgestelde gekonsolideerde eiendom te bedryf. Dus is al vyf aansoeke verbind en direk afhanklik van mekaar. Enige verwysing na een of 'n spesifieke aansoek, sluit dus die ander aansoeke in; en enige motivering vir die beswaar teen 'n handeling of aansoek sal geag word 'n motivering vir die beswaar teen al die aansoeke te wees.
- 5 Uit die geskiedenis van die betrokkenheid van mnr Delpont by die eiendomsverwante aktiwiteite in die Overstrand munisipaliteit is dit duidelik dat mnr Delpont 'n ongeërgdheid openbaar jeens munisipale voorskrifte en verordeninge:
 - 5.1 die eiendom wat hy op die onderhawige erf opgerig het, het hy gebou sonder goedgekeurde planne.
 - 5.2 hy het 'n grensmuur opgerig wat die munisipale boulyne oorskry het.



- 5.3 hy moet op 18 November 2016 in die munisipale hof verskyn na aanleiding van strafregtelike klagtes wat teen hom gelê is oor die verontagsaming van munisipale verordeninge.

B Motivering vir die beswaar

1 Negatiewe impak op bestaande eienaars se gebruiksregte

- 1.1 Die Overstrand Munisipaliteit het 'n Spatial Development Framework – dokument uitgereik met die hoofdoelstelling *"to formulate strategic spatially based policy guidelines and proposals whereby changes, needs and growth in the area can be managed to the benefit of the environment and its inhabitants"*. [Bladsy 1; Volume II]
- 1.2 Hierdie dokument stel die basis daar waarop die munisipaliteit enige aansoeke vir hersonering en vergunningsgebruik van erwe, sal oorweeg. Dit is belangrik om daarop te let dat die dokument uitdruklik meld dat die belangrikste faktor, wat deur die munisipaliteit in ag geneem moet word by die oorweging van sulke aansoeke, is die voordeel vir die omgewing en sy inwoners, en nie die potensiele voordeel vir die applikant nie.
- 1.3 Die goedkeuring van die vyf aansoeke, en die bedryf van 'n gastehuis hou geen voordeel vir die bestaande inwoners van die gemeenskap in nie. Die bestaande eienaars se reg tot ongestoorde gebruik van hul eiendomme, word beperk tot die mate dat die goedkeuring van die aansoeke die

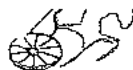


afbreek van die karakter van die omgewing, verhoogde verkeer, onbeheerde toegang en veiligheidsrisiko's ens. tot gevolg sal hê, welke punte hieronder meer volledig bespreek word.

- 1.4 Die goedkeuring van die aansoeke sal direk teenstrydig wees met die Munisipaliteit se beleid, en gevolglik afbreuk doen aan die munisipaliteit se reputasie.

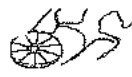
2 Oorskryding van boulyne en dekkingsbeperking

- 2.1 Soos reeds genoem, het die applikant menige male die voorgeskrewe munisipale boulyne oorskry, asook die 50% dekkingsbeperking vir die spesifieke sonering van die Erf. Op geen stadium het die applikant aansoek gedoen by die relevante owerhede vir verslapping van die boulyne of die dekkingsbeperking nie. Sou die munisipaliteit die applikant se vyf aansoeke goedkeur, sal hierdie oortredings en oorskrydings bloot geratifiseer word, sonder dat hy enigsins vir die oortredings en oorskrydings verantwoordelik gehou word.
- 2.2 Die daarstelling van wetgewing en regulasies (soos byvoorbeeld bepaalde boulyne) skep orde en vreedsaamheid in die samelewing. Sou 'n relevante owerheid berus in enige oortreding van wetgewing en regulasies, sonder dat die oortreder daarvoor verantwoordelik gehou



word, sal die presedent chaos en wanorde in die gemeenskap tot gevolg hê.

- 2.3 Dit is van die uiterste belang dat die plaaslike owerheid konsekwent sal wees in sy optrede. So is dit algemene kennis dat 'n grondeienaar voorheen deur dieselfde plaaslike owerheid verplig is om 'n bouwerk af te breek aangesien daar 'n oorskryding van die boulyn plaasgevind het tot die omvang van 50cm. Daar is geen rede waarom mnr Delport anders behandel moet word nie.
- 2.4 Die blote goedkeuring van die aansoeke, wat dus sal lei tot die ratifisering van die oortredings en oorskrydings, is teen die openbare belang, en beïnvloed die belange van alle ander omliggende eienaars.
- 2.5 Die Overstrand Munisipale Spatial Development Framework bepaal uitdruklik dat *"...no guideline contained in this plan, or any proposals regarding land uses which may arise from it, creates any rights, or exempts anybody from his obligation under any law."* [Bladsy 1; Volume II]
- 2.6 Gevolglik moet die applikant aan alle wetgewing en regulasies voldoen en alle nodige toestemmings en goedkeuring verkry, alvorens die vyf aansoeke goedgekeur word deur die munisipaliteit. Alternatiewelik moet



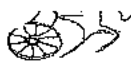
die strukture tot so 'n mate afgebreek word, dat dit aan die voorgeskrewe boulyne en dekkingsbeperking voldoen.

3 Karakter van die omgewing

- 3.1 Die Overstrand Munisipale Spatial Development Framework poog dat enige ontwikkeling en vergunningsgebruik die estetika van die bestaande landskap en omgewing moet respekteer en akkommodeer. [Bladsy 15; Volume II]
- 3.2 Die woonbuurt, en die bestaande geboue het 'n bepaalde karakter en etos. Die oprig van die applikant se enkel- en dubbelverdieping gebou, en die bedryf van 'n gastehuis, sal die die karakter en etos van die gemeenskap aantas. Die stil strate en groot pragtuine is juis dit wat die woonbuurt so aantreklik maak.
- 3.3 Die goedkeuring van die vergunningsgebruik vir die bedryf van 'n gastehuis is nie in lyn met die bestaande estetika en karakter van die omgewing nie.
- 3.4 Daar is tans 'n ooraanbod van gastehuisse in die omgewing. Die munisipaliteit moet poog om 'n balans tussen gastehuisse en residensiële eiendomme te handhaaf, om sodoende die karakter van die omgewing te behou.



- 4 Ekonomiese waarde van omliggende eiendomme
- 4.1 Tans word feitlik alle eiendomme in die omgewing gebruik vir residensiële doeleindes. Dit is ook waarvoor die huidige eienaars van die omliggende eiendomme aanvanklik die eiendomme aangekoop en ontwikkel het.
- 4.2 Daar is wel vyf of ses gaste-huise in die omgewing, wat in ieder geval oorvloediglik voldoen aan enige behoefte tot die verskaffing van sodanige dienste.
- 4.3 Die eienaars van die omliggende eiendomme het fondse in die ontwikkeling, opgradering en onderhoud van hul eiendomme as residensiële eiendomme bestee, met die hoop om eendag 'n wins te maak by die vervreemding van hul eiendom.
- 4.4 Die bedryf van 'n gaste-huis vanuit 'n nabygeleë eiendom, sal die area herklassifiseer as nie net 'n residensiële area nie, maar ook 'n besigheidsarea.
- 4.5 Hierdie herklassifikasie sal potensiële kopers van 'n residensiële eiendom afskrik. Die omliggende eiendomme is nie ontwikkel om as besighede bedryf te word nie, en kan dus nie as potensiële besigheidspersone verkoop word nie.



- 4.6 Gevolglik sal die bedryf van die gastehuis die waarde van omliggende eienaars se beleggings negatief beïnvloed.
- 4.7 Verder, het ons reeds *supra* melding gemaak dat die applikant 'n koopvooreenkoms met die munisipaliteit aangegaan het, ingevolge waarvan hy Erf 1253 by die munisipaliteit koop vir 'n skamele bedrag van R141,41 per vierkante meter, op voorwaarde dat sy vyf aansoeke (soos hierbo uiteengesit) goedgekeur word.
- 4.8 Dit is 'n algemene praktyksriglyn dat die historiese verkoops waarde van omliggende eiendomme in ag geneem word om die waarde van 'n ander eiendom te bepaal.
- 4.9 Die verkoopprijs van R141,41 per vierkante meter is nie 'n markverwante prys nie, en sal lei tot die onregmatige vermindering van die waardes van die omliggende eiendomme.

5 Dienste

- 5.1 Die Overstrand Munisipale Spatial Development Framework bevestig dat die tekortkominge in die diensverskaffing van die munisipaliteit aan die publiek en die inwoners, 'n groot bekommernis is. Dit is 'n belangrike



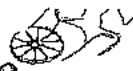
faktor om in ag te neem by die goedkeuring van aansoeke ingevolge die beleid.

"The shortfall in service provision is already having a severe negative effect on the financial viability of the Municipality as well as on future economic growth and job creation" [Bladsy 87; Volume II]

- 5.2 Die destydse stadsbeplanning is so gedoen, dat die dienste vir die spesifieke area bloot residensiële inwoners kan akkommodeer. Die goedkeuring van die bedryf van 'n gastehuis sal verdere stremming op die diensverskaffing in die omgewing plaas, wat sal lei tot die benadeling van regte van die inwoners en finansiële implikasies vir die munisipaliteit.

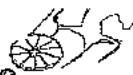
6 Verkeer, parkering en geraas implikasies

- 6.1 Ingevolge die Overstrand Munisipale Spatial Development Framework, is dit uiters belangrik: "... to meet the transport needs of all sectors of the community" [Bladsy 84; Volume II]
- 6.2 Slegs 'n volledige verkeersimpakstudie sal aandui wat die ware effek en invloed van die bedryf van 'n gastehuis op die verkeer in die omgewing is.
- 6.3 Dit is 'n logiese afleiding dat die bedryf van 'n gastehuis die verkeer en dus ook die geraas in die omgewing sal verhoog, en sodoende die



omliggende eienaars van hul ongestoorde gebruiksreg ontnem. Dit is nie net die verhoogde verkeer, wat veroorsaak word deur die gaste, wat in gedagte gehou moet word nie, maar ook die vervoer van die werknemers en diensverskaffers van die gastehuis.

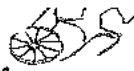
- 6.4 As 'n residensiële area, poog die inwoners om die verkeer te beperk om die karakter van die area asook die veiligheid van die inwoners, te behou.
- 6.5 Daar moet ook vasgestel word of die paale in hul huidige toestand die verhoogde verkeer sal kan akkommodeer. Indien nie, sal die verhoogde verkeer finansiële implikasies vir die munisipaliteit inhou.
- 6.6 Die applikant noem in sy aansoek dat hy ook poog om maaltye aan gaste te verskaf met 'n restaurant-diens. Hierdie is 'n sosiale aangeleentheid wat die stilte en rustigheid van die gemeenskap gaan steur.
- 6.7 Sou die applikant mettertyd groter sosiale geleenthede in sy restaurant akkommodeer, sal parkering op die perseel 'n probleem wees. Dit sal beteken dat die gaste se voertuie buite in die straat parkeer sal word, wat die belange en regte van die inwoners affekteer.
- 6.8 'n Voorwaarde (ingevolge die vergunningsgebruik) vir die bedryf van 'n vyfslaapkamergastehuis, is dat daar in totaal agt parkeerplekke op die perseel moet wees. Ingevolge die applikant se ontwikkelingsplan, dui hy



aan dat drie van hierdie parkeerplekke op die voorgestelde Gedeelte A van Erf 1253 (die 237m² area), wat hy by die munisipaliteit gaan aankoop, sal wees. Die munisipaliteit het egter Erf 1253 aan die applikant verkoop op voorwaarde dat die erf slegs vir tuinboudoeleindes gebruik mag word. Hierdie is 'n direkte teenstrydigheid met die verkoopsvoorwaarde. Gevolglik het die applikant slegs voorsiening gemaak vir vyf parkeerplekke op sy ontwikkelingsplan, en dus moet sy aansoek afgekeur word.

7 Onbeheerde toegang en veiligheidsrisiko's

- 7.1 Die verhoogde verkeer (hierbo genoem) hou veiligheidsrisiko's vir die inwoners van die omgewing in, deurdat dit onbeheerde toegang tot die area skep.
- 7.2 Die gastehuis wat hoofsaaklik toeriste sal huisves is 'n groot lokaas vir diewe en smouse. Diefstal is 'n realiteit van die tyd waarin ons leef, en 'n baie belangrike faktor wat in gedagte gehou moet word by die oorweging van die aansoeke. Geen potensiële ekonomiese voordeel van een persoon, regverdig die gevaar van 'n ander nie.



8 Vyfslaapkamergastehuis

- 8.1 Die applikant het aansoek gedoen vir die bedryf van 'n vyfslaapkamergastehuis. Die uiterlike estetika en uitleg van die enkel- en dubbelverdiepinggeboue op die voorgestelde gekonsolideerde erf, getuig dat daar meer as slegs vyf slaapkamers beskikbaar is.
- 8.2 Daar bestaan selfs die moontlikheid dat die applikant tot soveel as 10 slaapkamers beskikbaar sou hê vir die uitverhuur daarvan aan gaste.
- 8.3 Sou die applikant (sonder die plaaslike owerheid se toestemming) meer as vyf slaapkamers aan gaste uitverhuur, soos in die vooruitsig gestel word, sal dit die argumente wat hierbo in paragrawe 1 tot en met 7 aangevoer word, se geldigheid net verder verhoog.

9 Gevoigtrekking

- 9.1 In die lig van die bogenoemde voorleggingbespreking, is dit ons opinie dat die toestemming tot die verskeie aansoeke direk teenstrydig is met die beginsels van die Overstrand Munisipale *Spatial Development Framework*. Die bedryf van 'n gastehuis sal die omgewing en die regte van die omliggende eienaars negatief beïnvloed en hul ontnem van die hul ongestoorde gebruiksreg.



- 9.2 Gevolglik versoek ons die munisipaliteit om nie die vyf aansoeke van die applikant toe te staan nie, in die lig van volhoubare ontwikkeling van die omgewing.
- 9.3 Ons is met eerbied die mening toegedaan dat dit vir die plaaslike owerheid van die uiterste belang is om konsekwent te wees in sy optrede en nie in die geval van hierdie applikant 'n presedent te skep wat die doel van die daarstelling van wetgewing en ondergeskikte regulasies sal frustreer nie. Dit sal 'n presedent skep wat die orde en vreedzaamheid in die omgewing sal versteur en later tot die onhoudbare situasie sal lei dat ander applikante hulle op die toestaan van hierdie applikant se aansoek sal beroep as gesag daarvoor dat hulle aansoeke insgelyks toegestaan moet word.
- 9.4 Dit is die beswaarmakers se uitgesproke wens dat die vreedzaamheid en orde en amper idilliese omstandighede van die omgewing vir die nageslag behoue moet bly.
- 9.5 Die applikant het homself reeds bewys as 'n individu wat nie veel erg het aan statute, verordeninge en ondergeskikte wetgewing nie. Indien sy aansoeke toegestaan sou word, sal dit die deur van die stal open en sal die plaaslike owerheid nooit weer daarin slaag om die perd op stal hok te slaan nie.



Alle korrespondensie in die aangeleentheid kan gestuur word na Couzyn Hertzog & Horak Ing geleë te 321 Middelstraat, Brooklyn, Pretoria, 0025 met posadres posbus 2509, Brooklyn Square, 0075 of per e-pos gestuur word na oosthuizen@couzyn.co.za of susandg@couzyn.co.za.

Die uwe
COUZYN HERTZOG & HORAK
per :

Direkte faksnommer : 012 – 346-7473
e-pos : susandg@couzyn.co.za

127

Alida Calitz - OBJECTION TO THE DEVELOPMENT CORNER MITCHELL STREET & STEMMET STREET, EASTCLIFF - ERF NUMBER 1253

From: "Fran Hanekom" <paulfranh@mweb.co.za>
To: <alida@overstrand.gov.za>
Date: 2016/11/03 08:50 PM
Subject: OBJECTION TO THE DEVELOPMENT CORNER MITCHELL STREET & STEMMET STREET, EASTCLIFF - ERF NUMBER 1253

Dear Alida

We wish to register our strong objection to the development on the corner of Mitchell Street and Stemmet St, Eastcliff Erf 1253. We believe this has been done without concern for objections from neighbours and that the building does not bear any resemblance to the plans which were submitted to the Town Planning Dept.

Regards
Paul and Fran Hanekom
028 314 0349



TP-A Theart
(P Roux)

FILE NO: EL 11094-REC
SCAN NO: 10
COLLABORATOR NO: 967262

11/03/16

11

Mr. R.W. and Mrs. L.A. Edwards.

8 Stemmet Road, Eastcliff, Hermanus.

November
3rd December, 2016

The Director,
Infrastructure and Town Planning,
Overstrand Municipality,
16 Paterson Street,
Hermanus.

TP - A Theart
(P Roux)



Attention Mr. Petrus Roux.

RE Formal Application by Mr. Delpont in respect of his Property ERF 11049.

We refer to your letter in respect of the above matter and apologies for not having the correct heading but your letter is in Johannesburg and we are writing this objection from Hermanus.

We are the owners of 8 Stemmet Road, Eastcliff, Hermanus.

We have no objection to the establishment of a B and B at 58 Mitchell Street - although the buildings are an eyesore - as long as it is not to be used a back packer's establishment.

We do however object to a Liquor Licence being issued as this could cause problems with noise, the behavior of guests etc, and create a commercial business within an old established residential area.

We also object to the transgression of building lines, exceeding the bulk of 50%, and the rezoning of Road Reserve to Residential.

We also seek clarification concerning the Municipality's ratifying the Sale of 237 m2 Road Reserve @ R141.41 per m2 to Delpont without it first being offered to the public at large as a Tender.

We look forward to your comments in due course.

Yours Faithfully,

R.W. and L.A. Edwards

FILE NO: EL 11094 - HEC
SCAN NO: 05
COLLABORATOR NO: 967181

Erf 11094-HEC
129



Alida Calitz - Objection to development

From: "Shreeve" <shreeve@netactive.co.za>
To: <alida@overstrand.gov.za>
Date: 2016/11/03 04:17 PM
Subject: Objection to development

TP - A Theart
(P Roux)

FILE NO: EL 11094-HEC
SCAN NO: 06
COLLABORATOR NO: 967188



OBJECTION TO THE DEVELOPMENT CORNER MITCHELL STREET & STEMMET STREET, EASTCLIFF - ERF NUMBER 1253

After numerous enquiries and a number of complaints by Hermanus ratepayers we at the Hermanus Ratepayers Association have conducted an intensive investigation into the development on this property. Apart from its somewhat dubious architectural appeal, what was apparently designed initially as a dwelling now appears to have been developed into some sort of multi-roomed hotel or hostel. We cannot believe that plans for a multi-bedroomed boarding-house or backpackers lodge would have been sanctioned by the Municipality in a quiet, traditionally residential suburb such as Eastcliff.

There must be some sort of mistake or oversight. Surely, plans must have been approved by Council for some sort of structure but not the building that now stands on that corner: the builder must have been instructed to deviate from the original approved plans. We see now, in fact, that the owner/developer has brazenly applied for permission to run a guesthouse. The name of the establishment, Port del Mar, has already been erected on the boundary wall and the website advertises accommodation. This to our way of thinking confirms his or her total disregard for planning regulations and is, in fact, an admission of guilt that the structure was always intended to be guesthouse.

We also understand that somewhere in the developer's agreement with the Municipality there was the purchase of a portion of land which was previously owned by the Council. We would like to know if this is a fact and under which conditions this was sanctioned by the Municipality. We would also like to be reassured that the purchase by the developer of the land in question did not have any bearing on the approval of the building plans.

We would also like to question what provision has purportedly been made for parking and the percentage of the Erf the current structure covers.

It seems to have become standard practice in Hermanus for developers to go ahead with building and alterations and only when all construction work has been completed is permission sought for the use of the buildings. We strongly object to this system and would encourage the Municipality to do all it can to put a stop to the practice - including prosecuting the offenders via the Municipal Court. Unless there is a penalty for breaking the law and an example is made of the offenders, unscrupulous property owners and developers will continue as they are doing now.

We wish to record that the HRA strongly objects, on behalf of the ratepayers of Eastcliff and of Hermanus as a whole to permission being granted to the developer to be allowed to run a guesthouse on this property. We would further like to know how the developer was

allowed to build this structure which obviously does not conform with the original plans submitted to Council.

Confirmation of receipt of this letter will be appreciated so we have a record of our objection.

Yours faithfully,

Seth Anderson

Chairman Hermanus Ratepayers Association

PO BOX/POSBUS 134 • HERMANUS • 7200

TEL: 071 507 5893 • FAX/FAKS: 086 544 8682

E-MAIL/E-POS: ratepayers@hermanus.co.za

WEBSITE/WEBWERF: www.ratepayers.co.za



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

TPA Theart
C. Olivier)
131



To : Overstrand Town Planning Department
Overstrand Municipality
Mr P Roux

Objection to the inclusion of the Municipal area bordering Erf 11094 in Eastcliff.
Corner of Stemmet and Mitchell Streets.

Please be advised that I object to the inclusion of Municipal Land, Portion 1253 into the portion of open land Erf 1109 in terms of Section 47 of the Overstrand Municipality By-Law, which the present owner of Erf 1109 will enclose.

The pretty piece of open land is used many local residents to relax on or wait for friends. In August and September it has beautiful natural plants growing which flower profusely in spring, and the open areas add beauty to our beautiful town of Hermanus.

Mr Delport appears to have broken many laws, by pushing out the boundaries of Erf 11094 including demolishing a beautiful Heritage House, as well as building over the building line and he originally indicated that he was building a family home, and not a B & B for business purposes. I object to any further developments on the Erf 11094, and would be most grateful if the Town Planning department would enforce the law and make Mr Delport demolish the illegal buildings that he has built and ruining the leafy suburb of Eastcliff, and that he returns the municipal road side land to keep Stemmet and Mitchell streets a beautiful place to live and walk in.

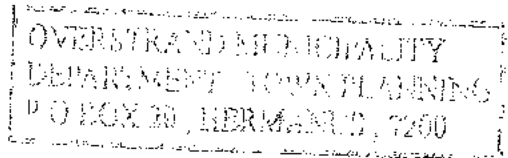
Yours sincerely
Jenny Fynn
205 Main Road
Eastcliff
7200

028 3131361
0824617886

JF

FILE NO:	EL 11094-Han
SCAN NO:	24
COLLABORATOR NO:	967437

TP 04 NOV 2015



WRAP

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2002

Town and
Regional
Planning

Municipal
Legislation
and Procedures

Local Economic
Development
Technical
Assistance

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Fax: +27 0565083248

Email:
wrap@elkomsa.net

Web:
www.wrapgroup.co.za

Wright Approach
Investments 136 CC

Reg No
202/060745/23

Our Reference: 16/25
Your Reference: 11094 HEC (3356)

6 December 2016

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

Attention: Mr Petrus Roux

**ERF 11094 AND PORTION OF THE REMAINING EXTENT OF ERF 1253
HERMANUS: RESPONSE TO OBJECTIONS**

Objections to the application on the abovementioned properties were received from the following:

1. I E Lapping
2. L A Gradus-Samson
3. A Embleton
4. R A Ketteringham & B James
5. T H Bramwell-Jones
6. R Vary
7. Z Luck
8. K Davidson
9. J B Davidson
10. J & M Fynn
11. P Combrink
12. R Aspin & M Verdict
13. J Rathfelder
14. R Gutschow
15. U Beckmann
16. G & D Shreeve
17. E H Embleton
18. D Leppan
19. PlanActive on behalf of D Leppan
20. LM & DD Leppan
21. Couzyn Hertzog & Horak Attorneys obo Erf 1192 Eastcliff Eiendomme
22. P & F Hanekom
23. R W & L A Edwards
24. Hermanus Ratepayers Association
25. J Fynn



TP- A Theart
(P Roux)

FILE NO: EL 11094-HEC
SCAN NO: 15
COLLABORATOR NO: 977497

TP 7 DEC 2016

1. Legal framework

In terms of Section 52 of the Overstrand Municipality: By Law on Municipal Land Use Planning, 2015, an objection must state the following:

- a. The name of the person or body concerned;
- b. The address or contact details at which the person or body concerned will accept notice or service documents;
- c. The interest of the body or person in the application; and
- d. The reason for the objection, comment or representation.

The reason for any objection, comment or representation must be set out in sufficient detail in order to –

- a. Indicate the facts and circumstances which explains the objection, comment or representation;
- b. Demonstrate the undesirable effect the application will have on the area; and
- c. Demonstrate any aspect of the application which is not considered consistent with applicable policy.

Some of the objections received do not provide any detail regarding the address of the objector – refer P Combrink (11) and P & F Hanekom (22). Although a total of 25 objections were received, objections were duplicated and originate from the same property:

- 3 & 17 - same erf;
- 8 & 9 - same erf;
- 10 & 25 - same erf; and
- 18,19 & 20 - same person.

The relevance of the contents of the objection submitted by R Gutschow is also regarded as irrelevant to the application and definitely does not comply with the requirements for an objection in terms of Section 52 of the By-Law.

2. Background

The various objections have been summarised in three categories, namely the selling of a portion of Erf 1253, the consent application for a guest house and the alleged unacceptable appearance of the existing buildings and their alleged encroachment over building lines, coverage and other development parameters. We will deal with each of the three categories separately and will give our response on each of the various points of objections raised in each category.

As an introduction it is important that the sequence of events is understood:

- a. The boundary wall was built in 2012 already and the plans for the wall were approved on 27 July 2012 by the late Mr Ralph Myburgh.
- b. The original building plans for the house were approved on 14 April 2014.
- c. On 17 June 2014, Mr Jonty Abrahams, building inspector, on request by the owners, went to the site for inspection of the foundations for the portion of the building containing the 5 bedrooms (where the applicant wanted to start with the building),

when it was discovered that the boundary wall on the Stemmet Street side of the erf, was not built with the boundaries of Erf 1253. It was then decided to close up the foundations (for the 5 bedrooms) and start with the building work on the side where the subject property shares a boundary with 60 Mitchell Street. No building lines were exceeded in this position.

- d. In February 2015 the process was started to obtain approval for the relaxation of the building line for the portion of the house with the 5 bedrooms in order to retain a Milkwood tree and also the graves of the applicant's dog and two cats. On 15 May 2015 the relaxation of the building line from 4m to 2m was approved. No objections were received to this relaxation.
 - e. At the same time in 2015, the process was started to apply for the purchase of the portion of land on which the boundary wall encroached, from Overstrand Municipality. Application was also made to purchase the remainder of Erf 11094, the triangular piece facing Stemmet Street from the Overstrand Municipality. On 5 April 2016 the applicant was notified that the Council in principle approved the purchase of the portion of land on which the boundary wall encroached. **The purchase of the "triangle" facing Stemmet Street, was however not approved.**
 - f. At no stage, any part of the buildings on the subject property exceeded any building lines, except for the boundary wall.
 - g. No buildings are free standing, but are interleading as required by the Overstrand Zoning Scheme.
3. **Objections to the selling of a portion of the Remainder of Erf 1253 (Stemmet Street) and the subsequent subdivision, rezoning and consolidation thereof with Erf 11094 Hermanus.**

The main points of objection in this category are the following:

- 3.1 *That the applicant used the purchase of the portion to rectify his illegal encroachments.*
- 3.2 *The approval for selling was only given in principle and is not final.*
- 3.3 *The portion is needed for pavement.*
- 3.4 *The land is more valuable than the amount it was sold for.*
- 3.5 *Traffic accidents will occur with the portion that is cut off.*

The owner of Erf 11094, Hermanus, in 2014, has applied to the Overstrand Municipality to purchase a portion of Erf 1253, Hermanus, in extent 237m² with the intention to consolidate it with his property. Overstrand Municipality has considered this request in terms of their Administration of Immovable Property Policy which makes provision for the direct sale of municipal immovable property to owners of neighbouring properties. After careful consideration it was found that the land in question was not required for essential municipal services.

Overstrand Municipality obtained a valuation for the portion of land and at the Mayoral Committee meeting on the 30 March 2016, it was in principle resolved to sell the relevant portion to the owner of Erf 11094, Hermanus, at the market value determined by a valuer, on condition that the applicant is responsible for the execution and cost of final public participation, subdivision, rezoning and consolidation of the portion of land with his property.

The value of the land to be purchased by the applicant was determined by a professional valuer, appointed by the Overstrand Municipality and it cannot be expected from the applicant to respond to the allegation that the value is too low.

What must however be kept in mind is that the applicant is also responsible for the cost of the application for subdivision, rezoning, consolidation and closure of a public place. He is also liable for the cost of the survey of not only such, but also the consolidated erf, after approval. The cost of registration of the consolidated property with the Surveyor-General and thereafter registration in the Deeds Office will also be for the cost of the applicant. **The cost of the aforementioned is anticipated to be twice as much (200%) as the purchase price of the land.**

The applicant proceeded with the relevant town planning applications as required by the Overstrand Municipality and at the same time he also applied for consent to operate a guest house on the property.

The Property Administration section of the Overstrand Municipality who is responsible for the final public participation with regards to the sale of the land indicated that the public participation will be concluded this year. Objections with regards to the alienation of the land will be dealt with in the process to be followed by the Property Administration section.

It is not clear from the objections how the proposed consolidation will contribute to accidents on the specific corner. When the in principle sale of the land was circulated to the Engineering Department, no objection was raised. The same applies to the width of the pavement that is found to be in line with the width of other pavements in Hermanus.

4. Objections to the application for a guest house on Erf 11094 Hermanus.

- 4.1 *The majority of the objections to the guest house application are based on the assumption that the owner will not limit his guest house to the five bedrooms he has applied for but that he will also use the remaining bedrooms in his main house for this purpose.*
- 4.2 *The influx of more than 30 guests at a time will create a noise nuisance and parking problems.*
- 4.3 *The excess bedrooms in his house will be used for backpackers.*
- 4.4 *The one parking bay is situated on the portion that must be used for gardening and the manoeuvring space for the parking bays are inadequate.*
- 4.5 *Too many guest houses in the area.*
- 4.6 *The guest house will be a security risk.*
- 4.7 *Job creation will be minimal.*

Application was made to use five bedrooms for the guest house, and adequate parking was provided for these five bedrooms.

It was never the intention of the owner to utilise the main house for backpacker accommodation as he intends to use the main house for his own personal use and that of his extended family (refer **Annexure A** for photograph).

Overstrand Municipality will therefore only consider the application for the five bedrooms and if granted, the owner will be restricted to the five bedrooms and Overstrand Municipality is the authority responsible for policing such approval.

On the objection regarding the parking arrangement that is inadequate in so far as manoeuvring space is concerned it must be kept in mind that all the parking bays are situated as single parking bays along the access road/manoeuvring space and does not service both side of such space. A manoeuvring space of at least 5m is therefore considered as adequate.

A further discussion was held with Ms Anja Kotze of the property administration section of the Overstrand Municipality regarding the use of the land to be purchased from the Overstrand Municipality. It was confirmed that it may be used for gardening purposes only and the parking layout was amended accordingly. All the required parking will now be provided outside the area to be purchased from the municipality (refer **Annexure B** for amended **parking layout**).

There are a few objectors that felt that there are too many guest houses in the area. It is however the prerogative of any owner to apply for consent to operate a guest house. It is also common knowledge that the suburb of Eastcliff is particularly popular for guest houses due to his excellent location close to the Central Business District, beaches, golf course and mountains and the demand will always be there in Hermanus for guest accommodation within walking distance of the Central Business District, restaurants, cliff tops etc.

The objection of Rolf Gutschow, where he is complaining about the guest house Mooi Nooientjie next to him can be disregarded as it surely has no relevance to this application.

A concern was also raised that the proposed development will put a strain on municipal services. The additional five bedrooms which can accommodate at most 10 people should not cause any problems in this regard but it is for the engineering service department of Overstrand Municipality to do the necessary calculations and investigations to determine whether there is adequate capacity or not.

The aspect of traffic caused by the development, parking and noise levels are also raised. Here again it must be kept in mind that application was made for five bedrooms and at most there will be an additional five cars arriving and departing at different times which surely cannot create traffic problems. The existing roads can cater for this.

The parking was provided in terms of the parameters of the Overstrand Zoning Scheme and is adequate.

Meals in the dining room will be served to guests only and will only cater for 10 people at a time and the noise levels created by this cannot create a disturbance for the neighbourhood. Meals will not be provided to the general public.

It is also stated by an objector that the guests who will be mostly tourists will draw thieves and hawkers, but this statement and allegation is unfounded. Guest houses are in general more security orientated than normal residences and the safety of their guests are always a priority and this would rather bring an element of additional security to an area than the situation that is envisaged by the objector.

The statement that the number of jobs that will be created by the development are minimal in comparison with the personal enrichment of the owner is considered malicious as any

job that is created is one more than what there was before, especially in an area such as the Overstrand with a very high unemployment rate. It can surely not be illegal if the owner creates an income from his property within the parameters provided for in the zoning scheme?

5. Objections to the appearance of the building, building plans and building lines

- 5.1 *It is alleged that the house was built without building plans being approved.*
- 5.2 *That the buildings encroach over the building lines.*
- 5.3 *That the buildings are unsightly and don't blend in with the environment.*

Building plans were submitted to the municipality which was approved in 2014 after being passed by the Aesthetics Committee. With construction, certain amendments were made which created encroachment of some of the building lines for which the relevant departures were applied for and approved by Overstrand Municipality and approved during May 2015.

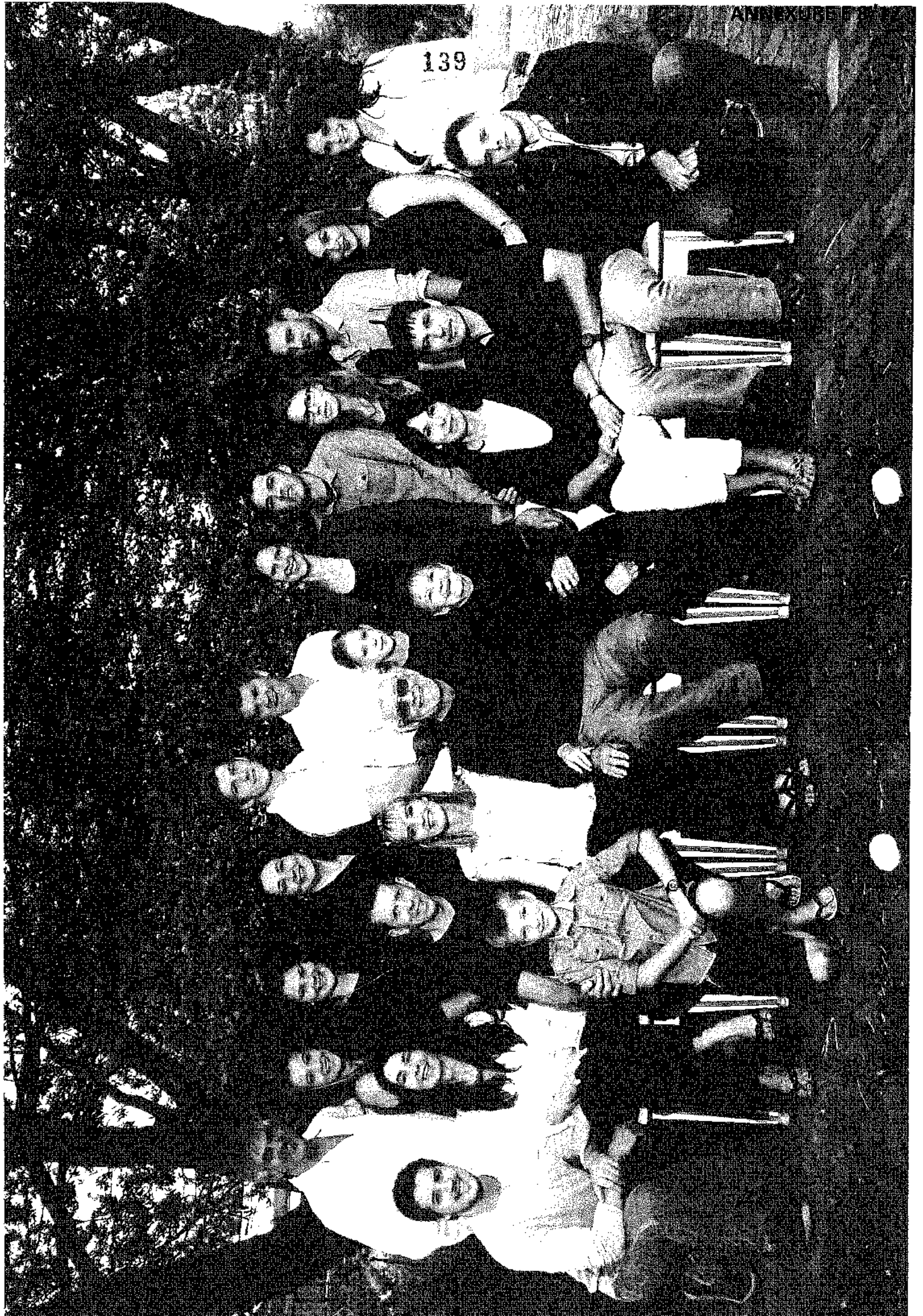
The opinion that the building might be unsightly is a personal opinion. The property is not listed as a heritage site and all building work complies with the National Building Regulations.

The owner of the subject property, Mr M G Delpont requested that his response dealing with the personal attacks, be attached to this response (refer **Annexure C**).









Yours faithfully



PINE PIENAAR
PRINCIPAL PLANNER (Pr.PIn A 409/85)



Proposed consolidation of Erf 11094

-  Existing cadastral boundary
-  Proposed cadastral boundary
-  Building lines
-  Wall
-  Portion A (a Portion of the remaining extent) 237 m²
-  Second dwelling unit / guest house
-  Entertainment and dining area to be used by guests of the guest house
-  7 Proposed parking bays

Plan: 1

Plan prepared by: Reatehife Jankie

Scale 1 : 250

All distances approximate and subject to survey.

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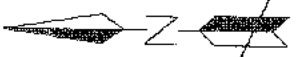
35 Duijker street
PO Box 1247
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Tel: 028 313 1411
Fax: 086 508 3248
Email: wrap@telkomsa.net
Web: www.wrapgroup.co.za



STEMMET STREET

MITCHELL STREET



5 December 2016

Personal response from the owner of Erf 11194, Martin Delport

I have owned properties and businesses in Hermanus for the last 18 years. With that I supported local businesses and created job opportunities as well as spent a lot of money on building this house/ bed and breakfast.

It has been brought to my attention by some of my neighbors that there is a specific person who is responsible for this vendetta against me together with malicious lies about me as a person and also about my building. Even the wording in some of these objections are the exactly the same!

The people who have attacked me personally will be dealt with in a legal manner at a later stage.

It seems that a lot of the objections are “because I transgressed building lines” – this is NOT true – only on the Stemmet Street side of the property but I did apply for a 2m. building line instead of a 4m. building line – this was granted without any objections. Only afterwards did I build the Stemmet Street part of the house.

The opinion of some of the objectors about the appearance of my building is just plain nasty and is off course personal taste – The shape of the erf lends itself to such a building shape – it is not a square erf, but more of a triangle. The brick surface is softened by the green plaster bands and plant boxes.

Some people also accuse me of cutting down an old tree on the sidewalk in Mitchell Street without permission – please take note that I did obtain permission from the Horticulturist of the Municipality – job card no. 619429 (2014) – the tree was half dead and not indigenous. I have planted 6 indigenous trees just inside the boundaries with Stemmet Street – these will off course take a year or 2 to grow.

Also some people seem to think that I am planning to run this property as a Backpackers – I am a businessman – it makes no financial sense to try and recuperate my building expenses by charging backpacker rates! The décor and amenities available to the 5 rooms are of a 4 star Bed and Breakfast standard.

I want to thank the neighbors, friends and businesses in Hermanus who do support us.

Also I want to thank the municipal officials and town planners for their patience with this process.

Regards
Martin Delport



TP-A Theart (Molivier)

OVERSTRAND MUNICIPALITY
P.O. Box 20
HERMANUS
7200

Date:
03.10.2016

Enquiries:
Lianne Muller
Tel: 021 980 3023
Fax: 086 663 6896

Attention: Charlene Pieters

ERF 11094 AND A PORTION OF THE REMAINING EXTENT OF ERF 1253 62 MITCHELL STREET, EAST CLIFF, HERMANUS.

YOUR REF: 11094 & 1253 HEC (3356)
OUR REF: 02822/16

Your request dated 29 September 2016 refers.

1. Eskom Distribution has no objection to the proposal and would like to comment as follows:
 - (i) The proposed construction, is not affected by Eskom services and should be referred to the Local Authority
2. **NOTE:** (i) Not in Eskom area of supply as confirmed by our Geographic mapping office.

Yours faithfully

pp.

Lianne Muller
LAND DEVELOPMENT - BRACKENFELL

FILE NO:	ERF 11094 & 1253 HEC
SCAN NO:	35
COLLABORATOR NO:	943474



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION, REZONING, CONSOLIDATION,
CONSENT USE & CLOSURE OF PUBLIC PLACE: ERVEN 11094 & 1253,
EASTCLIFF (2931)**

Electricity	In order
Water	In order
Sewer	In order
Stormwater	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 only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the existing electrical feeder cables on erf 1253, must be relocated at the owner's cost, by contractors appointed by the Electrical Department and according to their specifications;
4. that the parking for the proposed development be provided on-site with the necessary manoeuvring space, to the satisfaction of the Department: Engineering Services;
5. that only one entrance / exit be provided from Mitchell Street;
6. that no on-street parking be allowed;
7. that stormwater be allowed to discharge through the proposed erven, Eastcliff, unobstructed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

25/1/2017
DATE



File reference:	3356
Date:	28/09/2016

INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: P Roux

TO:

Area Manager	Building Department	District Health	Electrical Department
Environmental Officer	Fire Department	Infrastructure and Planning (Onrus)	Local Heritage Committee
Operational Services	Traffic Department	Ward Councillor (K Brice)	Waste Management

Applicant	WRAP obo MG Delpont
Property Details	Erven 11004 & 1253 Eastcliff, Hermanus
Application Description	Proposed Subdivision, Rezoning, Consolidation, Consent Use, Closure of Public Place

ATTACHMENTS :

<ol style="list-style-type: none"> 1. Notice 2. Locality Plan 3. Site & Ground Floor Plans 4. Motivation 	Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.
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YOUR DEPARTMENT'S COMMENTS:

① Premises must comply with requirements of National Fire Protection Regulations - SANS 10400T:2011 for occupancy H5 - Hospitality (See Annexure attached)

② Maximum occupancy total is 16 person in terms of Table 2 of SANS 10400A:2010 National Building Regulations.

Signature:	MUNISIPALITEIT OVERSTRAND MUNISIPALITEIT FIRE BRIGADE / BRANDWEER APPROVED / GOEDGEKEUR	Date:	MUNISIPALITEIT OVERSTRAND MUNISIPALITEIT FIRE BRIGADE / BRANDWEER APPROVED / GOEDGEKEUR
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Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the deadline for the report. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposed application and where appropriate, the Mayoral Committee will be informed accordingly.

• Building Control Department confirm that all structures on the property are in accordance with the approved building plans.

COMMENTS REQUIRED BY: 4 November 2016



OFFICE of THE CHIEF FIRE OFFICER
PO BOX 20
HERMANUS
7200
Tel: 028 313 8980
Fax: 028 313 1493



STANDARD REQUIREMENTS FOR OPERATION OF AN ESTABLISHMENT CLASSIFIED HOSPITALITY – H5 - GUEST HOUSE, BED & BREAKFAST OR SELF CATERING HOLIDAY ACCOMMODATION IN ANY H3 OR H4 CATEGORY BUILDING IN TERMS OF THE NATIONAL FIRE PROTECTION REGULATION SANS10400T:2011

Annexure A – Erf 11094 & 1253 Eastcliff, Hermanus – Town Planning Application

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

Fire Extinguishers:

SANS10400T:2011 – 4.37:

1 x Portable Fire Extinguisher per 100m² of a type - 4.5kg Dry Chemical Powder or 5kg CO₂ or 9 litre H₂O.

Combustibility of Floor Coverings:

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

Combustibility of Wall Coverings:

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

SANS10400T:2011 – 4.58 require the provision of:

- Escape route signs – Photoluminescent SANS1186-5 in all passages and corridors and also above all exit doors.
- Self-contained luminaires (automatic actuating battery operated lights) in all passages and corridors
- Stand-alone smoke alarms compliant with the requirements of European Standard EN14604 in each:
 - Sleeping room
 - Communal area
 - Passage or corridor leading to rooms
- Fire Hose Reels for premises larger than 250m² at a ratio of 1 per 500m² of the establishment.
- Doors leading to the outside of the building with single turn locks or any other lock device approved by the Fire Authority.

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

These plans must include:

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

Chief Fire Officer