

4.2

**ERF 115, 39 THE CRESCENT, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA:
PROPOSED CONSENT USE: MESSRS ME PLANNERS ON BEHALF OF A WALLS**

115 HFH (3450/2019)

H Olivier

20 August 2020

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application was received on 22 October 2019 from Messrs ME Planners on behalf of A Walls on Erf 115, Fisherhaven in terms of Section 16(2)(c) of the Overstrand Municipality By-Law on Land Use Planning, 2015 (By-Law) for a consent use for the sale of alcoholic beverages (bar) and also to use the property as a place of entertainment.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 115, Fisherhaven measures 516m² in extent and is zoned Business Zone III: Local Business.

There is an existing superette on the property, and the owner want to utilize the one portion of the property for a bar with "live entertainment".

4. SUMMARY OF APPLICANT'S MOTIVATION

- ❖ The area proposed to be used was previously used as a restaurant/pizzeria, bookshop, coffee shop, take-away foods and beauty salon.
- ❖ The proposal is to use the area as a pub and for live entertainment.
- ❖ The activities will take place in the existing approved building.
- ❖ The character of the area is residential with small businesses, and this character will not be affected.
- ❖ There is very few community and recreational facilities in Fisherhaven.
- ❖ Will not have a negative effect on surrounding neighbours or the existing built environment.
- ❖ No heritage value will be affected.
- ❖ Tourism plays an important role in Overstrand economy.
- ❖ The position of the facility is desirable as it will provide entertainment for residents in the area and visitors to the area.
- ❖ Traffic impact will be minimal as the entertainment activities will mostly draw traffic after hours at night when other businesses in the vicinity are closed.
- ❖ Parking is already provided in terms of the Zoning Scheme, and the fact that only approximately 78m² area will be used for the pub/live entertainment area with a maximum of 24 persons, parking space is provided to satisfaction.

- ❖ Services will not be impacted as the property is in an existing township with all services available.
- ❖ The Title Deed contains no restrictive conditions to accommodate the activity.
- ❖ The Overstrand SDF, 2006 earmarks the area for residential purposes with low key business premises, and this proposal is in line with such guidelines.
- ❖ The Overstrand GMS, 2010 promotes the improvement of environmental sustainability by enhancing the quality and efficiency of the built environment. This proposal is in line with the core objectives as it will make optimal use of the erf and more efficient use of infrastructure, it will contribute to place making and an attractive environment, and the proposed development will change nothing in the scale and character of the area.
- ❖ The property is not situated in a heritage area and the building has no heritage value.
- ❖ No environmental listed activities are triggered.
- ❖ Planning principles :

Spatial Justice

The application will not contribute to perpetuate past apartheid imbalances as the facility will be open to all persons in the Republic.

Spatial Sustainability

The development will be within the Urban Edge and therefore not impact on agricultural land or environmentally sensitive areas.

Efficiency

This is not a new settlement development and caters specifically for travellers from far and near.

Spatial Resilience

The development will not lead to economic and/or environmental shocks as it will basically not differ from the existing use on the erf.

Good Administration

There were consultation processes with the Municipality who advertised the application for public participation.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Press	Yes	19 February 2020	27 March 2020
Notices	Yes	12 February 2020	27 March 2020
Ward councillor	Yes	12 February 2020	27 March 2020
Total comments	TWO (2)		
Total letters of support	NONE		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes

Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)	Yes
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6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
Fire Department	13/02/2020	No objection.
Building Control	12/02/2020	No objection.
Waste Management	17/03/2020	No objection.
District Health	1/06/2020	Needs to apply for a R638 Certificate if food premises will be part of building.
Engineering Services	21/02/2020	See Annexure F.
Eskom	5/03/2018	See Annexure G.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION.

Two (2) letters of objection were received, which letters are attached as Annexure D. The applicant's response is attached as Annexure E.

Comments/objections were received from the following individuals:

- D Hugo
- V Hudson

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

1. Objection

There is an existing establishment (the Blue Roof), that already offer facilities for the sale of alcohol and live music. It is a false statement that there is no other such facility. It is not proven that there is a need for another such facility.

Applicant's response

The Blue Roof is a restaurant and pub which occasionally has live entertainment whilst this facility will be a pub with laid back lounge atmosphere with Wi-Fi facilities with live entertainment on occasional basis.

This is considered a trade objection. In a free-market economy it is an individual's right to earn an income from his property, and profit through the productive use of their assets or capital.

Town Planner's response

The comments are duly noted.

The objection is based on need, and the applicant also does not have to prove need. There is also a difference between a restaurant with live music and a village pub with live music.

2. Objection

Tranquillity of the area will be disturbed due to loud noise and late nights. It will be detrimental to the area and it is a false statement to say it would not. It would draw an undesired element and increase crime.

Applicant's response

Only 24 patrons can be accommodated, therefore no noisy crowds are expected.

The concept is a lounge with classic village pub. The owner is a resident of Fisherhaven and is committed to keeping the peace and tranquillity. The SAPS Liquor Officer also indicated the application is recommended as it is not perceived as a potential contributor to alcohol related crime.

No proof is provided that the proposed business will be detrimental to the area. The position of the building is not regarded as undesirable and will not have a detrimental impact on rights of surrounding property owners or on the existing built environment. The Fisherhaven character will not be affected and no heritage value will be impacted on. The proposal will rather contribute positively to the economy of the area, and all development will be in line with the standards and conditions for the existing zoning.

Town Planner's response

The comments are duly noted.

It is to be noted that the objectors' properties are situated 130m and 340m respectively from the site, and they should therefore not directly be affected by noise or disturbances of the proposed facility. It is also to be noted that the facility will only cater for 24 patrons, and therefore it is unlikely that such a facility would have an impact on the wider Fisherhaven area or even lead to an increase in crime.

There is however concern about the impact with regard to the behaviour of patrons leaving the pub, or live music emanating from a place of entertainment especially on the residential dwellings to the west, which the closest is situated approximately 9m from the proposed pub/place of entertainment. Erf 115, Fisherhaven is situated on the edge of the Business Node, and careful consideration should be given when considering activities which could impact immediate neighbours.

It is therefore the opinion that it is not foreseen that the proposed facility would have a negative impact on the wider Fisherhaven area, but could have some impact on immediate adjacent residential erven. This will be considered in the evaluation of the application.

3. Objection

Insufficient parking and impact on traffic flow. It is false to say it would not impact on traffic flow and parking as it can already be seen with the Blue Roof Restaurant/Pub when they have entertainment.

Applicant's response

There are parking outside the front of the premises for eleven (11) vehicles, and also parking facilities at the rear of the establishment, with a servitude walk way to the front entrance.

Traffic flow will not be affected as increase in traffic to present live entertainment will be created after hours when most other businesses in the area are closed. Parking is provided in terms of the ratio six (6) parking bays per 100m² GLA for the shop floor area. The total area is 162,3m² with only 77,8m² will be used for the pub, catering for 24 persons.

Parking ratio for a pub being one (1) bay for every four (4) seats, there is therefore sufficient parking.

Town Planner's response

The applicant provided a Site Development Plan indicating four (4) parking bays on-site, but eleven (11) parking bays in the road reserve area north of the property.

In terms of the Zoning Scheme Regulations all parking must be provided on-site, therefore the parking plan is not acceptable.

To address the concern regarding parking concerns and traffic flow, the parking requirements for the various land uses was again investigated.

It is to be noted that a restaurant has been operating in the footprint area for the pub (sale of alcoholic beverages area) since 2011. The parking requirement for the restaurant was four (4) parking bays per 100m² GLA, and in terms of the detail on the last building plan submitted, the footprint is 177m². The required parking was therefore seven (7) parking bays on-site. It is therefore the opinion that due to the fact that no additions are proposed, should a shop and pub only be operated, seven (7) parking bays must be provided and no additional parking is required in terms of the amended Zoning Scheme approved in 2013 and 2020.

It must also be noted that in terms of the new Zoning Scheme that was approved on 7 August 2020, the required ratio for a restaurant and pub is again four (4) parking bays per 100m² GLA.

When looking at the parking requirements for a place of entertainment, the Zoning Scheme of 2013 and the latest approved Zoning Scheme (August 2020) requires one (1) bay for every four (4) seats. It is noted that the applicant indicated the pub/place of entertainment area is approximately 78m². However, the size of the footprint of the proposed pub and outside covered area is approximately 99m² in terms of the last approved building plan, and the superette 68m². This means that if the latest Zoning Scheme (August 2020) is applied three (3) parking bays are required for the superette (at four (4) bays/100m² GLA), and six (6) parking bays are

required for a pub utilized specifically as a place of entertainment. This is calculated at one (1) bay per four (4) seats, considering it is indicated that the place of entertainment will be limited to 24 patrons.

Considering the above, should the applicant want to establish a place of entertainment in the pub, he must provide nine (9) parking bays on-site.

The Site Development Plan was scrutinized, and it would be impossible to provide nine (9) on-site parking bays. The maximum on-site parking bays that can be provided are seven (7), which is indicated on Parking Plan 2 (attached as Annexure I), prepared by the Municipal Planner.

It is therefore the opinion that sufficient parking can be provided on-site for a superette with pub, but should the pub also be used as a place of entertainment, sufficient parking cannot be provided.

It is also to be noted that the restaurant/pub/place of entertainment on Erf 116, Fisherhaven must provide ten (10) parking bays on-site in terms of their approval. This is not being provided at this stage, hence the possible traffic impact. This will be investigated to ensure the applicant comply with his approval.

The concern with regard to traffic flow and safety can however not be supported. The new proposed facilities will not create any great increase in traffic into Fisherhaven considering there was a restaurant on the property. The road network around the property is also more than sufficient to deal with any traffic. The Crescent road reserve is approximately 24m wide in front of Erf 115, and provides for a tarred area of 9m deep next [measures from Erf 115] to The Crescent, to manoeuvre vehicles before entering The Crescent. There are also tarred parking bays opposite Erven 115 and 116, providing for an additional twelve (12) overflow parking bays.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See Point 7 above.

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

See Point 7 above.

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

10.1 Background

N/A

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

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

The objectives relating to:

Spatial Justice

N/A

Spatial Sustainability

The application is within the urban edge and will not impact on agricultural land or environmentally sensitive areas.

Efficiency

The land owner wants to use the property to its full potential.

Spatial Resilience

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

Good Administration

Good procedure was followed and with a good public participation process.

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

Same as Point 10.2 above.

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

The SDF, 2006 promotes tourism, but also a balanced land use pattern to "live", "work" and "play". The application is consistent with such aims.

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

N/A

10.6 Impact on Municipal engineering services

Existing services will be used and where not available will have to be installed at the cost of the developer.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The business property to the east of Erf 115 has restaurant and place of entertainment rights.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

Erf 115 is located in The Crescent in the northern part of Fisherhaven. Access from the R43 Provincial Road can be obtained via China Marais Road, then Lagoon and then Broadway, into The Crescent. These are distributor roads which can easily accommodate any additional traffic. Access can also be obtained from Service Road on the eastern side of the property.

There is an existing building on the property that was mostly utilized as a superette and restaurant. The total size of the building is approximately 172m² and the erf measure 516m² in extent.

Erf 115 is on the western edge of the Business Node in Fisherhaven situated next to The Crescent and with Service Road to its southern side. The erven to the west is residential, whilst the erven to the east are all zoned Local Business. Not many of these business sites have been developed for business purposes. Erf 116 to the west is an existing restaurant/place of entertainment, whilst a pottery shop is being developed further to the west in near future. Many of the business sites have been developed with residential dwellings.

The application is to utilize approximately 99m² of the existing building area for a pub with internet facilities, which will be operated more like a lounge. The proposal also includes a place of entertainment, to cater for some live music.

The two (2) major concerns from objectors were addressed in this report under Point 7. It relates mostly to the possible impact on the character of the area, and also parking and traffic concerns.

The concerns regarding the impact of the traffic on the character of the area was also discussed in detail. It is not foreseen that a pub with 24 patrons, established in an area previously utilized as a restaurant, would have a major impact on the character of Fisherhaven and even the surrounding properties. However, Erf 115 is situated next to residential erven, and is only situated 9m from a residential dwelling to its west. A place of entertainment with live music would create an increase in noise from loud music and patrons, and this could negatively impact the residential erven to the west.

It is to be noted that all State and Municipal Departments support the application.

In conclusion, a place of entertainment could have a negative impact on the residential area to its west, and sufficient parking for such use cannot be provided. A pub (sale of alcoholic beverages) operating as a lounge with internet facilities would not have a negative impact on the character of the area or on surrounding property owners, and sufficient on-site parking can be provided for such use.

It is therefore recommended that the application only partially be approved, but that approval not be granted for place of entertainment rights.

13. RECOMMENDATION

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 115, Fisherhaven for a consent use for the sale of alcoholic beverages to operate a pub, **be approved** in terms of the provisions of Section 61;
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 115, Fisherhaven for a consent use to utilize a pub area as a place of entertainment to accommodate live music, **not be approved** in terms of the provisions of Section 61;
3. that the above approval in Point 1, be subject to the following conditions:
 - (a) that a new dimensioned Site Development Plan be submitted in line with the parking layout with seven (7) on-site parking bays as indicated on parking plan 2 (attached as Annexure I);
 - (b) that only the area as indicated on Plan No 480-15 (see Annexure B1/3) submitted with the application may be utilized as a pub;
 - (c) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building), and for security and protection of surrounding properties, patrons, vehicles, etc. to the satisfaction of the Senior Manager : Town- and Spatial Planning, and that the Municipal Council reserves the right to impose detailed conditions in this regard as and when required;
 - (d) that the Overstrand Municipality retains the right to enforce any relevant legislation, regulations, law and order regarding these premises;
 - (e) that the application does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (f) that commercial rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (g) that the facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (h) that a single non-illuminated sign that complies with the Municipal By-Law on Signage may be displayed on the premises;
 - (i) that the facility be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (j) that all the conditions in the Services Report (attached as Annexure F), be complied with;
 - (k) that all the conditions of Telkom (attached as Annexure G), be complied with, and

- (l) that all the conditions of Eskom (attached as Annexure H), be complied with.
6. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

14. REASONS FOR RECOMMENDATION

PARAGRAPH 1 – APPROVAL

- ❖ The scale of the alcoholic beverages (pub) application will not create a greater impact on surrounding property owner than the restaurant that operated in the same area of the property.
- ❖ The erf is situated in a business area and this application is in line with the uses allowed in a business area, and it will not impact on the character of the larger Fisherhaven.
- ❖ Sufficient on-site parking can be provided for this specific use, as it is in line with the parking ratio for the restaurant that operated on the property.
- ❖ The objections do not prove this specific use to be undesirable.
- ❖ There will be no real increase in traffic and therefore no traffic safety concerns.
- ❖ All State and Municipal Departments support the application.
- ❖ The application is in line with the Overstrand Municipality SDF, 2006 in that it will promote tourism, and is desirable.

PARAGRAPH 2 (NON-APPROVAL)

- ❖ Sufficient on-site parking [nine (9) parking bays] cannot be provided as is required in terms of the Zoning Scheme.
- ❖ Live entertainment with loud music and high noise levels of patrons would have a negative effect on the residential properties west of Erf 115, especially on the residence of Erf 114, which is only 9m from the existing building on Erf 115.
- ❖ The application for a place of entertainment is not desirable.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development and Parking Layout Plans
Annexure D:	Objections received
Annexure E:	Applicant's comments on objections
Annexure F:	Services Report
Annexure G:	Comments: Telkom
Annexure H:	Comments: Eskom
Annexure I:	Proposed Parking Plan of Municipal Town Planner

SIGNATURES**AUTHOR:**

Name: **H OLIVIER**

SACPLAN Reg No: **B/8128/2004**

Signature: _____

Date: _____

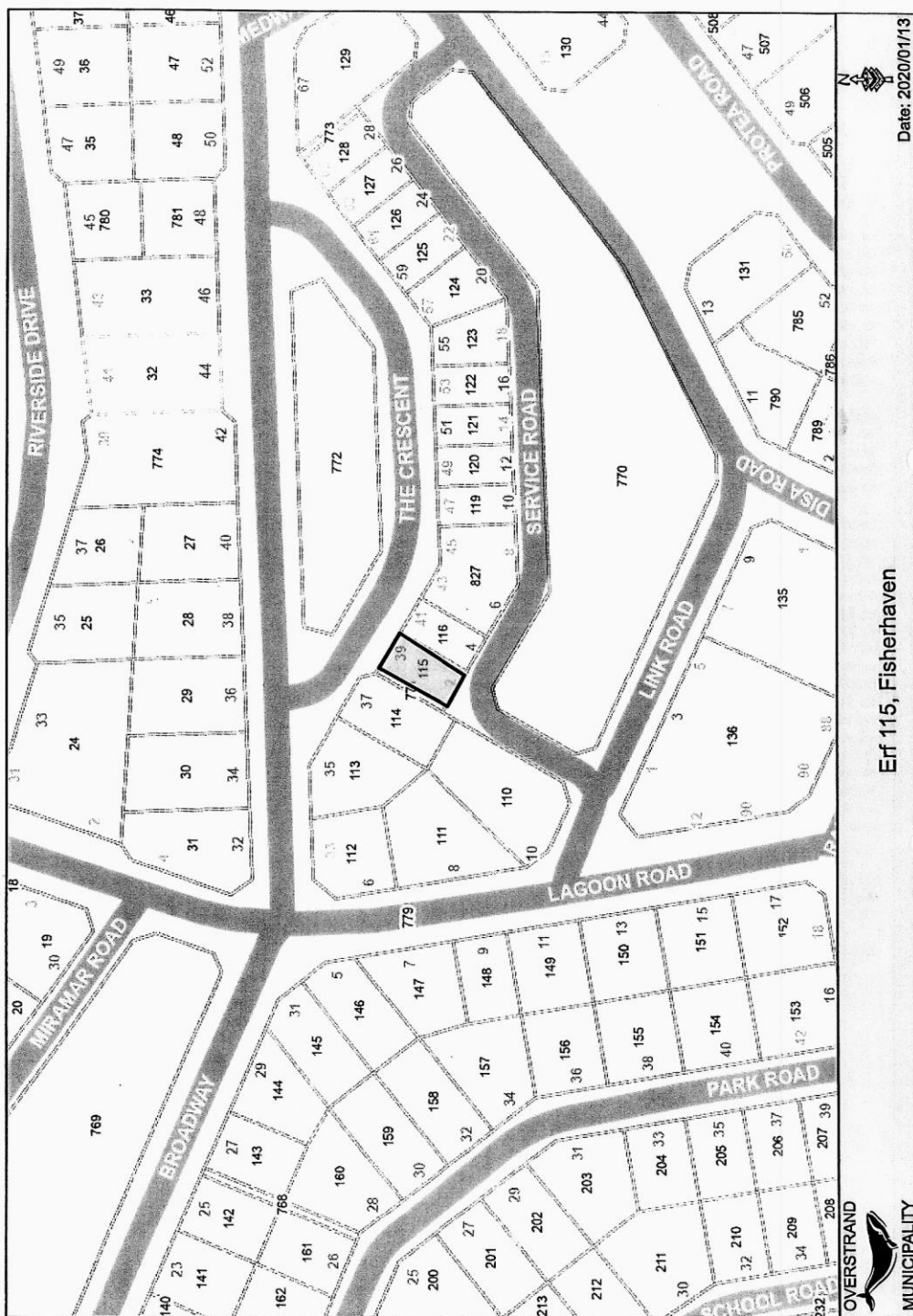
REGISTERED PLANNER

Name: **H VAN DER STOEP**

SACPLAN Reg No: **A/1708/2013**

Signature: _____

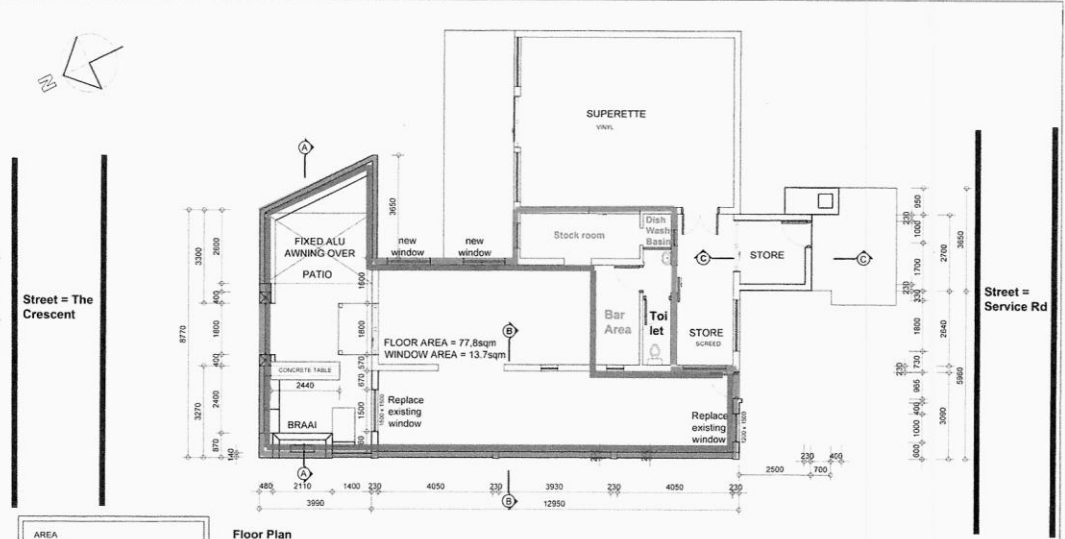
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Erf 115, Fisherhaven

Date: 2020/01/13





AREA
 PLOT = 515.5sqm
 EXISTING FLOOR AREA = 115.5sqm
 NEW FLOOR AREA = 48.8sqm
 PERGOLA COVERING = 10.9sqm
 TOTAL FLOOR AREA = 162.3sqm
 TOTAL COVERAGE = 173.2sqm = 34%

Floor Plan
 SCALE 1:100

Red indicates areas where access is denied to public.
 Green indicates total area of premises to be licenced.
 Blue indicates areas where public will consume alcohol.

Revise	Date	Description

Project: **ADDITIONS**


Client: **FISHERHAVEN RESTAURANT**
 Erf 115
 The Crescent
 Fisherhaven

L.A Design Studio
 ARCHITECTURAL PRACTICE
 74 Breda Street
 Cape Town, South Africa
 Tel: 021 222 5158 Fax: 021 542 4554
 info@ladesignstudio.co.za www.ladesignstudio.co.za


Drawing No.		Date	
480 - 15	C01	05/05/20	
Project No.	Drawing No.	Revision	
480 - 15	C01		
Project	Client	Phase	

NO RESPONSIBILITY FOR THE CONFORMANCE WITH THE REGULATIONS OF THE SOUTH AFRICAN DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND AFFAIRS OF THE PROVINCE OF THE WESTERN CAPE.

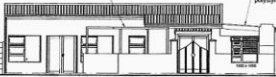
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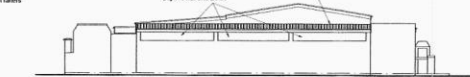
SOUTH ELEVATION
SCALE 1:100




EAST ELEVATION
SCALE 1:100




NORTH ELEVATION
SCALE 1:100



WEST ELEVATION
SCALE 1:100



SECTION A-A
SCALE 1:100



SECTION B-B
SCALE 1:100

Notes:
 READ THIS DRAWING IN CONJUNCTION WITH ARCHITECT'S AND OTHER SPECIFIC TO DRAWINGS. THE CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE. ALL DIMENSIONS TO BE REPORTED IMMEDIATELY. REFER TO FOURING DIMENSIONS ONLY. DO NOT SCALE FROM THIS DRAWING.

CONCRETE WORK:
 All building materials to conform to S.A.B.S. standards & specifications. All workmanship to be done in strict accordance with the N.B.S.R.

CONCRETE WORK:
 All foundations to be founded min. 400mm below natural ground. Any fill areas to be certified by an engineer. All rafters to be 75mm thick x 20mm Laminated insulation with 250 mm gap under, on 50mm sand blinding on well consolidated hardcore.

BRICKWORK:
 Precast panels to be used. Specs. over all door & window openings unless otherwise specified. Walls to be 115mm, 225mm or 200mm (as per brick work in section) to be plastered smooth. All cavity walls to have 4 gals. wire ties per 1sqm. Cavity to be plastered above. All external doors and above and below windows and all floor and sub-level. Cavities to be kept clean. The cavity of the top 4 courses to be closed and concrete filled to its gap keep iron roof ties.

ROOF STRUCTURE:
 The roof shall be constructed of Corrugated galvanized roof sheets (Charnock) fixed to 75mm rafters at 1000c/c on SAP joists to Eng gauge. 100mm battens insulation to be fitted over rafters. Metal Claspfast to be used at the junction of the roof and parapet walls. Colour to match roof sheets.

GENERAL:
 On completion of contract all rubble & rubbish to be removed by contractor and premises to be left fit and clean for occupation. Lighting and ventilation to be in accordance with N.B.S.R. Laminated timbers to comply with S.A.B.S. 876.

FIRE REQUIREMENTS:
 All new work to be in accordance with part 'F' of the Fire Protection Regulation as stated in the N.B.S.R.

Other notes:
 All pipes & connectors in walls to be to be Cuba multi-layer products. All pipework to be chased into walls and tested before any plastering is done. All hot water pipes to be insulated. 150L Solar water heating systems to be used for all hot water requirements. Existing Corrugated galvanized roof sheets on 75mm rafters at 800c/c on 1000c/c SAP rafters. 60mm polyisocyanurate insulation to be inserted between rafters. Clips in wall bricked in.

Section A-A note:
 Corrugated galvanized roof sheets on 75mm rafters at 1000c/c on 1000c/c SAP rafters with 50mm polyisocyanurate inserted between rafters.

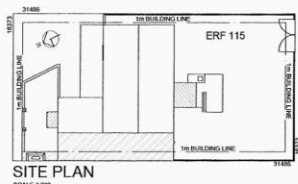
Revisions	Date	Description

ADDITIONS

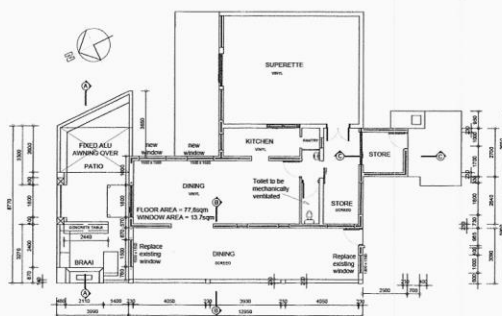
FISHERHAVEN RESTAURANT
Est 115
The Crescent
Fisherhaven

L.A Design Studio	
ARCHITECTURAL PRACTICE	
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Drawing No.	ELEVATIONS & SECTIONS	Date	Issued
480 - 15	C02		
Project No.	Drawing No.	Revision	
Designer	L. Abbott	Drawn	



SITE PLAN
SCALE 1:200



SITE PLAN
SCALE 1:100

AREA
PLOT = 515.0sqm
EXISTING FLOOR AREA = 115.5sqm
NEW FLOOR AREA = 48.0sqm
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TOTAL COVERAGE = 173.2sqm = 34%

<table border="1"> <thead> <tr> <th>Revisions</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Revisions	Date	Description										Project ADDITIONS	Client FISHERHAVEN RESTAURANT Erf 115 The Crescent Fisherhaven	L A Design Studio ARCHITECTURAL PRACTICE Les Abbott (Pty) Ltd 75 Brackenley, Fisherhaven Cell: 083 332 8138 Fax: 083 542 4166 info@ladesignstudio.co.za www.ladesignstudio.co.za	Drawing No. 480 - 15	Drawing No. C01	Date 05/05/2010	Title GENERAL SITE PLAN	Designer L. Abbott	Drawn L. Abbott	Plotted L. Abbott
Revisions	Date	Description																				

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PROPOSED CONSENT USE: ERF 115 FISHERHAVEN: OVERSTRAND MUNICIPALITY: DIVISION
CALEDON: PROVINCE OF WESTERN CAPE

MOTIVATION REPORT

1. **INTRODUCTION**

- 1.1 Applicant: ME Planners Town and Regional Planner
P.O.Box 552
Hermanus
7200
- 1.2 Power of Attorney: Power of Attorney has been rendered to ME Planners Town and Regional Planner to lodge this Application for Consent Use in terms of the Overstrand Municipality By-law on Municipal Land Use Planning.
- 1.3 Property: Erf 115 Fisherhaven (hereafter referred to as "the site of application" or "the property")
- 1.4 Street address: 39 The Crescent, Fisherhaven.
- 1.5 Locality: Erf 115 Fisherhaven is situated just off Broadway Road, on the southern side of 39 The Crescent, Fisherhaven.

2. **BACKGROUND OF THE PROPERTY**

The area of the building affected by this proposal has in the past been used for different purposes, namely:

- Restaurant and pizzeria
- Book shop
- Coffee Shop
- Takeaway Foods
- Beauty Salon

3. **OVERVIEW OF APPLICATION**

- 3.1 Chapter 4, Section 16(2) (o) of the Overstrand Municipality By-Law on Municipal Land Use Planning is applicable.
- 3.2 Application is made for Consent Use to utilize the property for a pub with live entertainment.

4. GENERAL APPLICATION INFORMATION

4.1 PROPERTY DESCRIPTION

Erf 115 Fisherhaven is situated just off Broadway Road, on the southern side of 39 The Crescent, Fisherhaven.



4.2 SIZE

The property is 516m² in extent.

4.3 ZONING

Erf 115 Fisherhaven is zoned "Business Zone III: Local Business (B3)" and is utilized as such. Surrounding properties are also zoned for smaller business purposes and single residential erven.

- A Zoning Certificate; (Attached as "Annexure A")
- A Zoning Plan; (Attached as "Annexure B")

4.4 LAND USE

- 4.4.1 The property is developed with a small Superette on the one side of the building. The tenant plans to develop a bar in another part of the building that will also offer "live entertainment".
- 4.4.2 The proposed land uses will be utilised in the building at the current location on the property. The building on the approved building plan is therefore shown as existing.

➤ *(Refer to the approved Building Plans attached to the application ;)*

- *Refer to the plan indicating the area to be utilised as the pub and what the liquor license application is for; (Attached as "Annexure C")*
- *Also see the Police Report regarding the liquor license; (Attached as "Annexure D")*.

4.5 CHARACTER OF THE ENVIRONMENT

The area, in which the site is located, is characterized by predominantly residential uses with a few relatively small businesses which mean that the proposed uses will blend in with the business concerns that form part of the character of the area. The application, if approved, will change nothing in the existing character of the area.

4.6 NEED AND DESIRABILITY OF THE PROPOSED UTILIZATION

- 4.6.1 The need in this instance centres mainly on the fact that the tenant wishes to develop a pub where alcohol can be served and which will also allow live entertainment.
- 4.6.2 The character of Fisherhaven is mainly single residential middle income homes. More than 40% of residential plots are vacant and although the 'Growth Management Strategy' provides for a number of community facilities, development has not yet taken place.
- 4.6.3 Another factor is the fact that such recreational facilities do not exist in Fisherhaven.
- 4.6.4 The existing position of the business is not regarded as being undesirable and will not have any detrimental impact on the rights of surrounding property owners nor the existing built environment in future.
- 4.6.5 From the foregoing it is clear that the character of the area will not be disturbed should this application be approved, and although Fisherhaven is one of the oldest established townships in the Overstrand area, it will not be necessary to also consider the possibility of the heritage value being affected and disturbed by the application as the existing buildings will not be affected by the application.
- 4.6.6 Given the important role of tourism, information about the current contribution of tourism to the Overstrand economy and its potential is vital for strategic planning.

What remains now is to argue the case of whether it is desirable to have this development taking place in this particular area and on this particular site or not.

In the case of this application it can be stated categorically that very few better or more desirable developments can be envisaged for the area, as many people living in the vicinity and even further away and the many visitors, particularly during the holiday seasons, will now be accommodated in their search for the kinds of entertainment that will be offered by the applicant.

4.7 TRAFFIC IMPACT, PARKING AND ACCESS

4.7.1 Traffic:

The approval of the application will not affect the traffic flow patterns in the area as the granting of the right to present live music on the premises will mostly draw after-hours traffic when most of the other businesses in the vicinity are closed for the night.

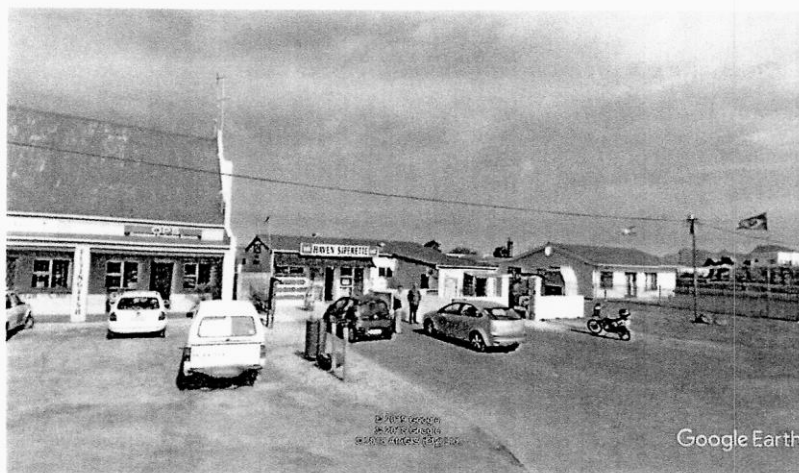
4.7.2 Parking:

In terms of the Overstrand Zoning Scheme Regulations (Chapter 17), 1 parking bay per 4 seats must be provided for the proposed pub.

The initial zoning, namely "Business Zone III: Local Business", already provided for 6 parking spaces per 100m² of GLA, and it was approved as such (which was of relevance for 162.3 m²).

The portion now left for the Superette is only 84, 8 m². In that space only a portion will now be used for Shops, Offices and / or Restaurant, namely 77.8 m² which includes the proposed pub which will cater for a maximum of 24 persons (a number of persons which is also within the rules of the liquor law). From this, it is clear that enough parking space has already been provided for.

- See photo below



4.7.3 Access

The present access to the property is from The Crescent and provides safe access to and exit from the development.

- 4.7.4 In the light of what has been mentioned as far as the need is concerned for this application, the desirability needs no further motivation, but the following is relevant and of interest:
- a) The existing as well as the future character of the area will not be adversely affected should the application be approved.
 - b) The traffic flow pattern in the area will not be affected.
 - c) Services will not be affected adversely.
 - d) The prescribed standards and conditions for the existing zoning of the erf will not be adversely affected through the approval of the application.

4.8 IMPACT ON EXTERNAL ENGINEERING SERVICES

- 4.8.1 The site is located in an existing township.
- 4.8.2 All services on the property already exist and are sufficient to accommodate the existing buildings and uses, and for that matter also the proposed use.

4.9 TITLE DEED

- 4.9.1 In terms of its Title Deed, No. T 000075010/2015 the property is described as "Erf 115 Fisherhaven, in the Overstrand Municipality, Division of Caledon, Western Cape Province", and is in extent 516 (FIVE HUNDRED AND SIXTEEN) square metres in size.

The property is registered in the name of "GERT PETRUS NICOLAAS KRUGER, Identity Number 5707315054085, married out of community of property, his Heirs, Executors, Administrators or Assigns, in full and free property.

- 4.9.2 The enclosed Title Deed does not contain any Title Deed Restrictions that have to be addressed with the proposed use in mind.
- 4.9.3 The registered owner has entered into a lease agreement with another party. All documents and 'Power of Attorneys' supporting this agreement is attached to the memorandum.
- *Documents concerning the lease agreement as well as the 'Proxy' (Attached as "Annexure E")*

4.10 FORWARD PLANNING & OTHER LAND USE DOCUMENTS

4.10.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2006)

The objective of the SDF is to formulate strategic policy guidelines and proposals which are spatially based, through which the needs, changes and growth in the area can be managed to the benefit of the inhabitants and the environment of the Overstrand Municipality.

- 4.10.1.2 The Overstrand Spatial Development Framework (2006) earmarks the area where Erf 115 Fisherhaven is situated, for overall residential purposes with low key business premises. The current Business Zone III zoning will be retained and the current access from The Crescent will also remain as is. The proposal will, therefore, be in line with spatial planning guidelines for the area.

4.10.1.3 The following objectives are used to test whether the proposed development will be in line with the aims of the SDF:

- ***“To provide an environmentally and economically sustainable bulk service infrastructure and road transport network.”***

The proposed development is already connected to all services and no extra services will be required.

- ***“To ensure that on-going pressure and its spatial implications are managed in a sustainable manner that protects the unique character of the existing cultural landscapes and the place-specific character and form of the existing settlement pattern.”***

The proposal will not change anything in the existing cultural landscape and the character and form of the existing settlement pattern.

- ***“Restrict development within the carrying capacity limitation of the natural resources.”***

The proposal will not change anything in the carrying capacity limitation of the natural resources.

- ***“To improve the aesthetic quality of the built environment.”***

The proposed addition of another form of entertainment will not lead to a change in the aesthetical quality of the built environment.

4.10.2 OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010)

The purpose of the GMS is to improve the Overstrand Municipality’s overall environmental sustainability by enhancing the quality and efficiency of the built environment.

With reference to the Overstrand Growth Management Strategy the subject erf falls within Planning Unit 3.

- ***(Attached as “Annexure F”).***

The following core objectives of the strategy will be used to test the suitability of the proposed development.

- ***“Ensure optimal land use planning and the efficient use of infrastructure, services, facilities and land.”***

The proposal seeks to make optimal use of the erf and can only result in more efficient use of the infrastructure.

- ***“Contribute to place making and the development of attractive and safe urban environments.”***

The proposed development will contribute to place making and an attractive environment.

- ***“Ensure that the scale and character (in terms of bulk, height and architectural styling) of the higher density areas are appropriate to the immediate context.”***

The proposed development will change nothing in the scale and character of the area.

Because of the size and the existing placing of the building, the applicant observed the potential to apply for the right to present live music as an addition to the sale of liquor. In order to do this, this application for consent use was necessary.

The proposed development will be done in compliance with the guidelines of the Overstrand Municipality Zoning Scheme of June 2013.

4.11 **RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION**

4.11.1 HERITAGE VALUE AND IMPACT

Erf 115 Fisherhaven is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The existing building situated on Erf 115 Fisherhaven is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the above mentioned it is evident that the proposed departure will not have a negative impact on the heritage value of the subject property or the Greater area of Fisherhaven.

4.11.2 ENVIRONMENTAL IMPACT

The proposed departure for Erf 115 Fisherhaven does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

4.12 **PLANNING PRINCIPLES**

The application has also been analysed for consistency with the planning principles prescribed by the Spatial Planning and Land Use Management Act, 2013 (SPLUMA) and also the Western Cape Land Use Planning Act, 2014 (LUPA) and the following conclusions were made:

(a) Spatial Justice which refers to the need for redressing the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services and land.

Possible results of the development

The proposed consent use will not in any way contribute to the perpetuation of past apartheid spatial development imbalances as the development of the place of

entertainment will open up the provision of all the above to all persons in the Republic. The right of owners to develop land in accordance with current use rights must be recognized as is the case with this application.

(b) Spatial Sustainability which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Possible results of the development

The proposed development will take place within the urban edge and will therefore have no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas. The application can thus be deemed to be spatially sustainable.

(c) Efficiency which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.

Possible results of the development

The proposed development is not intended as a new settlement development and caters specifically for travellers from far and near.

(d) Spatial Resilience which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.

Possible results of the development

The proposed development will not lead to any economical and/or environmental shocks as the business to be conducted will not differ basically from the existing use on the erf.

(e) Good Administration which, in the context of land uses planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.

Possible results of the development

Consultative practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the Government and the general public to participate in the eventual decision-making process.

The applicant is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient and will ensure that timeframes are adhered to.

5. RECOMMENDATION

- 5.1 Land uses in the area and on the site of application are being regulated and controlled by the Overstrand Municipality Zoning Scheme of June 2013.
- 5.2 The proposed development will contribute positively to the economy and character of the area in which it is situated as well as the Overstrand as a whole.
- 5.3 The prescribed standards and conditions for the existing zoning of the erf will not be adversely affected through the approval of the application.
- 5.4 The application is made for the purpose of helping to ensure that orderly planning as far as the Town Planning and building regulations are concerned will be in place for future reference.
- 5.5 The proposed development, apart from monetary reasons, is an attempt by the client to bring about a development that will add value to the area.
- 5.6 The existing as well as the future character of the area will not be adversely affected should the application be approved.
- 5.7 There is a definite need for a place of entertainment in this area of the Overstrand. In this regard it can be stated that the demand and economic viability of any development determines the need for it. Local economic conditions, the presence of the sea and mountains and other attractions plus the unprecedented growth in the tourism market make the proposed development viable and favourable on the site of application.
- 5.8 The applicant is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient and will ensure that timeframes are adhered to.
- 5.9 From the contents of this report it is apparent that the proposed consent use on Erf 115, Fisherhaven will have no negative impacts in general, and it is thus requested that the Municipality favour the application as set out in this motivation report.

END OF MOTIVATION REPORT:
OCTOBER 2019

15 Lagoon Road (Erf 151)
Fisherhaven
16/03/2020

Municipal Manager
Overstrand Municipality
P.O Box 20
Hermanus
loretta@overstrand.gov.za

Dear Manager

Re: Notice to Affected Persons -Erf 115, 39 The Crescent - application for consent use.

I find several flaws in the application in its current proposal.

This application fails to acknowledge that there is already a place which sells alcohol and provides live entertainment on Erf 116, directly next to Erf 115. Hence the need for this proposed business is already satisfied by existing business. The applicant hence needs to provide evidence that a second such business of the same type if desired by the community and economically sustainable. Fisherhaven is stated as having more than 40% vacant plots, the demand for this type of recreational facility is already adequately provided for by the existing business on Erf 116 (Blue Roof Pub). Proof to the contrary needs to be provided. The application incorrectly states that such recreational facilities do not exist in Fisherhaven.

The issue of parking space for the proposed 24 people that will be visiting the proposed business is not adequately addressed. There is not sufficient parking space and no parking space has been provided by the establishment on their premises. The applicant needs to provide parking for its proposed clientele on its property as there is not sufficient parking space there currently for the proposed business expansion.

The applicant states that visitors to Fisherhaven are searching for the kinds of entertainment that will be offered by the applicant. It also states that there is a definite need for a place of entertainment in this area. The applicant must provide evidence and verification of these statements. It creates false impressions to make such statements without proper means of verification i.e. independent market research surveys.

Until the applicant can provide concrete evidence that there is sufficient demand for an additional bar and place of live entertainment in the exact vicinity of the existing business of the same nature and allocates the necessary parking requirements on its own property, I do not support this application.

Yours sincerely



Vicki Hudson



TP: N/Heart
(I.Olivia)

Application for consent use Erf 115. 39 The Crescent Fisherhaven

Town Planning Hermanus

Application ID 3450/2019

With reference to the motivation report submitted by the applicant for the development of a bar and live entertainment on Erf 115. The Crescent Fisherhaven:

I am a resident of Fisherhaven and have owned property here for the past twenty five years and I am very interested / concerned with what development takes place in this village. Fisherhaven is a rural village, the natural beauty and tranquillity of which is its most attractive feature and surely the one which lures new residents and nature lovers alike.

Many of the residents are retirees, who have put down roots in this village primarily because of its laid back country atmosphere and have done so in spite of the low level of services provided i.e. sewage, storm water system, street lighting, law enforcement etc.

Fisherhaven because of years of neglect, the size of the erven and the fact that it is underdeveloped, has some of the cheapest real estate per metre in the cape and while interest in the village is growing, inappropriate developments will undoubtedly reverse this trend quickly.

The type of development proposed will most certainly make the area more attractive to an undesirable element, which in turn could well translate into increased crime and retard development.

A number of statements made by the applicant in his report are patently flawed / untrue.

4.6.3 **False:** Another factor is the fact that such recreational facilities do not exist in Fisherhaven.

Fact: The Blue Roof bar and restaurant is situated right next door to this proposed development and they cater for live entertainment.

4.6.5 **False:** The character of the area will not disturbed /.

Fact: Having two bars operating next door to each other, both offering live music will most definitely change the character of this tranquil village and given the competition that will undoubtedly develop i.e. price cutting and extended hours, it is likely to attract a louder and more boisterous type of patron, with all the accompanying social problems.

FILE NO:	Erf 115 ✓
	Fisherhaven
SCAN NO:	HFH 115
COLLABORATOR NO:	1396522

18 MAR 2020

TR

"second letter"
Add official word

It is important to note that the area for this proposed new development is in the middle of a residential area, hardly suited for loud music, boisterous behaviour and late night carousing.

4.7.1 False: Will not affect the traffic flow.

Fact: When the Blue Roof (next door) has live music the parking lot is inadequate and the overflow park in the area envisaged for this new development, it is therefore more than likely that the lack of sufficient parking bays will lead to traffic disruption and confrontation.

Fisherhaven presently enjoys a relatively low level of crime and all residents would like to keep it that way, the introduction of an additional on consumption outlet can only be a retrogressive step for the village and one for which there is little demand.

It is incumbent on the Overstrand Municipal Elders / Liquor Board to exercise wisdom when making a decision in this regard, the future of this village depends on it.

"Sometimes its not good enough to do the right thing, sometimes you have to do what is best" Winston Churchill

D Hugo. (Mr)

47 Riverside Drive

Fisherhaven : 0769817400

ANNEXURE E 1/10

TP-A Theart
(Hoinier)**REPLY TO COMMENTS RECEIVED: ERF 115, FISHERHAVEN**

The comments were received from:

D Hugo
V Hudson

My client is a resident in Fisherhaven for the last 18 years and therefore it was decided to discuss the objections with him and his response is as follows:

Objection 1:

The existing establishment, namely the Blue Roof, already offers the facilities that I propose in regards to Live Music and sale of alcohol.

> Reply:

The Blue Roof advertises itself as a restaurant and pub that occasionally has live entertainment whereas I am envisaging a village pub with a laid back lounge atmosphere, free high speed Wi-Fi connectivity for patrons with the facility to be able to provide live entertainment on an occasional basis if needed.

Objection 2:

The tranquility of the area will be disturbed due to loud noise and late nights.

> Reply:

The venue is only able to accommodate approximately 24 patrons thus large, noisy crowds cannot occur. In essence, the concept is for a laid back internet lounge operating as a classic village pub. As a resident of 18 years in Fisherhaven I am also committed to keeping the peace and tranquility in the village and with my proposal is also offering the residents a choice of social venue without having to travel outside Fisherhaven environs. Further the SAPS Liquor Officer's report clearly indicates that the application is recommended as it is not perceived as a potential contributor to alcohol related crime.

Objection 3:

Insufficient parking and traffic flow impacted:

> Reply:

In addition to the 11 public parking bays available outside the front door of the premises, there are parking facilities at the rear of the establishment (see attached architectural plan) and a servitude walk way to enable foot traffic from these parking bays to the entrance of the premises.

FILE NO: EL 115-HFH
SCAN NO: 03
COLLABORATOR NO: 1431608

TP 17 JUL 2020

TOWNPLANNING COMMENTS

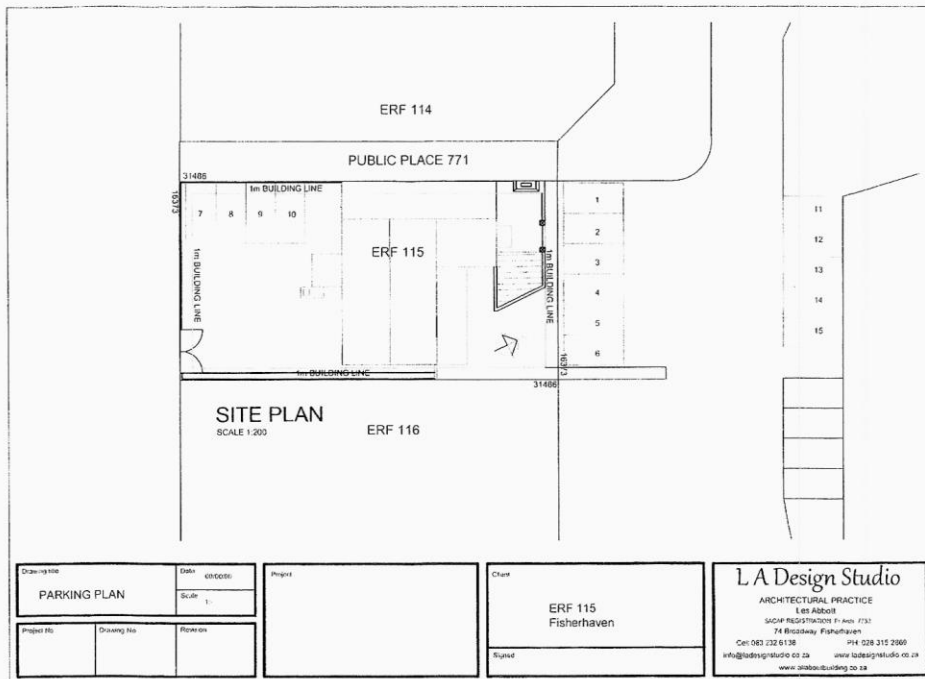
OBJECTION	RESPONSE
<p>1. It is evident that both of the objectors object from a point of primarily a trade objection.</p>	<p>The free-market economy, also called the market economy, is one of the economic systems that man has used for solving his economic problems. It is a system in which most products and services that are in demand in a community are provided by private for-profit companies</p> <p>In the free-market economy, a particular value is attached to the individual's right to own property such as land, buildings, equipment or vehicles, <u>as well as the right to earn an income therefrom.</u></p> <p>This is also the driving force behind the free-market economy: <u>it encourages individuals and entrepreneurs to own even more and to make a profit through the productive use of their assets or capital.</u> In pursuit of maximum profits, this capital, which actually amounts to the community's resources, is used as productively as possible.</p> <p>This aspect also touches on the second foundation of the free-market economy, namely the distribution of resources through the free markets. <u>The private ownership of capital has an important influence on the way resources are allocated or utilized in a free-market economy.</u> The decisions on which products should be produced by which producers therefore rest with those who own the resources.</p> <p>Private property owners are free to own what they want and to do what they want with it: to rent, sell, exchange or even just give it away. Business people are free to produce what they want and to employ whoever they prefer. In the same way, the owners of the labor resource (or workers) can use their resources as they wish. And consumers are free to buy what they want, to stay where they want, and to pursue the career of their choice. <u>This is how competition is set in motion by a free market system.</u></p>
<p>2. Traffic and parking problems</p>	<p>This objection has adequately been addressed in the Motivating Memorandum.</p> <p>Traffic: The approval of the application will not affect the traffic flow patterns in the area as the</p>

	<p>granting of the right to present live music on the premises will mostly draw after-hours traffic when most of the other businesses in the vicinity are closed for the night.</p> <p>Parking: In terms of the Overstrand Zoning Scheme Regulations (Chapter 17), 1 parking bay per 4 seats must be provided for the proposed pub.</p> <p>The initial zoning, namely "Business Zone III: Local Business", already provided for 6 parking spaces per 100m² of GLA, and it was approved as such (which was of relevance for 162.3 m²).</p> <p>The portion now left for the Superette is only 84, 8 m². In that space only a portion will now be used for Shops, Offices and / or Restaurant, namely 77.8 m² which includes the proposed pub which will cater for a maximum of 24 persons (a number of persons which is also within the rules of the liquor law). From this, it is clear that enough parking space has already been provided for.</p> <ul style="list-style-type: none"> • <i>The Site Plan is attached to this document as "Annexure A"</i>
<p>3. The possibility that the proposed business will be detrimental to the area and attract unwanted elements to the area.</p>	<p>This statement is offered without proof or substance. The following can be offered as being nearer to the truth.</p> <ol style="list-style-type: none"> a. The existing position of the business is not regarded as being undesirable and will not have any detrimental impact on the rights of surrounding property owners nor the existing built environment in future. b. The character of the area will not be disturbed should this application be approved, and although Fisherhaven is one of the oldest established townships in the Overstrand area, it will not be necessary to also consider the possibility of the heritage value being affected and disturbed by the application as the existing buildings will not be affected by the application. c. The proposed development will contribute positively to the economy and character of the area in which it is

	<p>situated as well as the Overstrand as a whole.</p> <p>d. The prescribed standards and conditions for the existing zoning of the erf will not be adversely affected through the approval of the application.</p> <p>e. Lastly, the Police Report for the purposes of the application for a Liquor License is considered a positive fact when this application is considered by the Council.</p> <ul style="list-style-type: none">• <i>The Police Report is attached as "Annexure B"</i>
--	--

"ANNEXURE A "





"ANNEXURE B"



SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

AMAPOLISA OMZANTS AFRIKA

1. Naam van die polisie-stasie: _____
 2. Naam van die polisie-offisier: _____
 3. Plaaslike polisie-stasie: _____
 4. Plaaslike polisie-stasie: _____
 5. Plaaslike polisie-stasie: _____
 6. Plaaslike polisie-stasie: _____

HERMANUS

- 1. Westelike Landbou- en Veeboerdery
- 2. Die Sentrale Landbou- en Veeboerdery
- 3. Die Sentrale Landbou- en Veeboerdery
- 4. Die Sentrale Landbou- en Veeboerdery
- 5. Die Sentrale Landbou- en Veeboerdery
- 6. Die Sentrale Landbou- en Veeboerdery

Application:

This is an application in terms of section 36 for a liquor licence for ON consumption Section 33 (10) (b) in respect of premises SERVEUS 115 no 39 THE CRESCENT FISHERHAVEN HERMANUS

Applicant:

Riverwalk Trading 957 CC
REG NO: 2007/127978-23
120 Prier Relief Street
Sandbaai
7200

The applicant is not a person mentioned in Section 35 of the Act

Financial Interest:

Sole Proprietor
 Andrew Walls
 ID no: 650321 5106 086
 26 Boundary Road
 Fisherhaven
 Hermanus
 7207

Nominated Manager:

Andrew Walls
 ID no: 650321 5106 086
 26 Boundary Road
 Fisherhaven
 Hermanus
 7207

() The Nominee is not a person mentioned in Section 35 of the Act

Right of Occupation:

The applicant has the right to occupy the premises by means of a Lease Agreement

Premises:

() The proposed licenced premises is currently a computer workshop operating with business name Serveus and is situated in the Fisherhaven area zoned for General Business and has a church Shalom Ministries 3.03km away but the location of the premises does not cause a hindrance to church goers as they do not have to pass by the premises. The closest educational institution for persons under 18 years old is Hawston Secondary School 2.4km away and the proposed licenced premises will not cause a hindrance because learners do not have to pass by the premises. The closest Drug and Alcohol Rehab Centre is 32km from the premises. The closest Institute for the frail and aged is Fair Cape Retirement at 7.34km. The premises is situated in an area zoned for business and no communication has yet been received from Overstrand Municipal Town planning regarding support of the application. The premises is not yet suitable for the purpose of this application as minor improvements have to be made such as furnishing. The premises is not on the same erf as a petrol service station.

Public Interest:

Serveus is situated in the Fisherhaven business hub. The applicant endeavours to make liquor available inside an internet Cafe with a bar and lounge. The business seeks to employ 5 other persons other than Andrew Walls with regards to the sale of

liquor. The trading hours sought is as allowable by Overstrand Local Authority.

Other factors taken into consideration

Number of licenced premises in the area
The Blue roof pub and Grill 20m

Additional information:

The relevant notices are displayed by the applicant at the premises according to section 37(2) of The Act

Recommendation:

I believe that this application can be recommended based on the opinion that said premises is not perceived to be a huge contributor to alcohol related crimes in the area of Hermanus.

[Handwritten signature]
.....

CST JP THOMAS
SAPS DLO HERMANUS

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 115, FISHERHAVEN**

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

Conditions

1. that only the existing water connection and sewer conservancy tank will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that any commercial food preparation facilities (e.g. restaurant/guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
5. that, should any upgrading and / or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that stormwater be allowed to discharge through Erf 115, Fisherhaven, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

ANNEXURE G 1/4



TP: D. Theard
(H. Olivier)

FILE NO:	CF 115 ✓
	Fisherhaven
SCAN NO:	HFH 115
COLLABORATOR NO:	1384950

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

Stefan Geldenhuys

Tel: 021 414 5546
Email: StefanG@openserve.co.za

Our Ref.: WWIP_WHWS0544_20
Your Ref 115 HFH

18 February 2020

Attention: S Muller

Overstrand Municipality
Hermanus

PLANT AFFECTED – COPPER

Wayleave application : Application for consent, Erf 115, 39 The Crescent, Fisherhaven

With reference to your application received **11 February 2020**

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

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

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

Approval is granted, subject to the following conditions.

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

20 FEB 2020

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

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

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

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

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

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

All OpenServe rights remain reserved.

Yours faithfully



For Selwyn Bowers
Operations Manager
Wayleave Management: Western Region



This wayleave, Reference nr. WWIP_WHWS0544_20 is valid for 12 months from date here of and is subject to the following conditions:

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

Date: 18 February 2020

By: S. Geldenhuys

For Wayleave Management
Western Cape

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



		TELKOM REGIONAL EXECUTIVE	
Compiled By S Subintungs	Client Overstrand Municipality	Date 16/02/2020	Open/Save ref WWIP_WHWS544_20
Client ref 115.RFH	Details Copper services affected		
Page Size A4			

Legend	
	Existing SDC
	Planned SDC
	To Be Recovered Manhole
	Existing Joining Pit
	Planned Joining Pit
	To Be Abandoned Joining Pit
	Existing PJB
	Planned PJB
	To Be Abandoned PJB
	Existing Indoor DP
	Planned Indoor DP
	To Be Recovered DP
	Existing DP
	Planned DP
	To Be Recovered DP
	Existing Pole
	Planned Pole
	To Be Recovered Pole
	Existing Underground Route
	Planned Underground Route
	To Be Abandoned Underground Route
	Existing Overhead Route
	Planned Overhead Route
	To Be Recovered Overhead Route
	Existing Min OMDF
	Planned Min OMDF
	Existing Strut and Stay
	Planned Strut and Stay



TP- ANNEXURE H 1/4
(H. Olivier)

Overstrand Municipality

Date: 2020/02/14

Loretta@overstrand.gov.za

Enquiries:

WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: Application for consent use : 39 The Crescent, Fisherhaven :
Hermanus

YOUR REF: HFH 115 (3450/2019)

ESKOM REF: 00441-20

THIS IS NOT AN APPROVAL TO START CONSTRUCTION

I hereby inform you that Eskom has no objection to the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

1. **Eskom services are affected by your proposed works and the following must be noted:**

- a) Eskom has no objection to the proposed work and include a drawing indicating Eskom 11kV/LV underground services in close proximity.
- b) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
- c) There may be LV overhead services / connections not indicated on this drawing.
- d) The successful contractor must apply for the necessary agreement forms and additional cable information not indicated on included drawing, in order to start construction.

Application for Working Permit must be made to:

Customer Network Centre: Caledon

Dirk Swart

028 214 5710

SwartDi@eskom.co.za

Include Eskom Wayleave as-built drawings and all documentation, when applying for Working Permit.

Should it be necessary to move, relocate or support any existing services for possible future needs, it will be at the developer's cost. Application for relocating services must be made to Sabelo Potela on 084 745 8990 / PotelaS@eskom.co.za.

Distribution Division - Western Region (Land Development)
Western Region
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA
Tel +27 86 003 7566 www.eskom.co.za
Eskom Holdings SOC Limited Reg No 2002/015527/30

FILE NO: ERF 115 ✓ HFH
SCAN NO: HFH 115
COLLABORATOR NO: 1383551

TP

14 FEB 2020

2. Underground Services

The following conditions to be adhered to at all times:

- a) Works will be carried out as indicated on plans.
- b) No mechanical plant to be used within 3.0m of Eskom underground cables.
- c) All services to be verified on site.
- d) Cross trenches to be dug by hand to locate all underground services before construction work commences.
- e) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates, then all work is to be stopped and Graham Hector from the Land Development Office to be contacted on 021 980 3551 / HectorG@eskom.co.za, to arrange the capturing of such services.
- f) In cases where proposed services run parallel with existing underground power cable the greatest separation as possible should be maintained with a minimum of 1000mm.
- g) Where proposed services cross underground power cables the separation should be a minimum of **300mm** with protection between services and power cables. (Preferably a concrete slab)
- h) No manholes; catch- pits or any structure to be built on top of existing underground services.
- i) Only walk-behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
- j) If underground services cannot be located then the Customer Network Centre (CNC) should be consulted before commencement of any work.

3. O.H. Line Services:

- a) The following building and tree restriction on **either side of centre line** of overhead power line must be observed:

Voltage	Building restriction either side of centre line
11 / 22kV	9.0 m
66kV	11.0 m
132kV	15.5 m

- b) No construction work may be executed closer than **6 (SIX) metres** from any Eskom structure or structure-supporting mechanism.
- c) No work or no machinery nearer than the following **distances from the conductors:**

Voltage	Not closer than:
11 / 22kV	3.0 m
66kV	3.2 m
132kV	3.8 m

- d) Natural ground level must be maintained within Eskom reserve areas and servitudes.
- e) That a **minimum ground clearance** of the overhead power line must be maintained to the following clearances:

Voltage	Safety clearance above road:
11 / 22kV	6.3 m
66kV	6.9 m
132kV	7.5 m

- f) That existing Eskom power lines and infrastructure are acknowledged as established infrastructure on the properties and any rerouting or relocation would be for the cost of the applicant/developer.
- g) That Eskom rights or servitudes, including agreements with any of the landowners, obtained for the operation and maintenance of these existing power lines and infrastructure be acknowledged and honoured throughout its lifecycle which include, but are not limited to:
 - i. Having 24 hour access to its infrastructure according to the rights mentioned in (a) above,

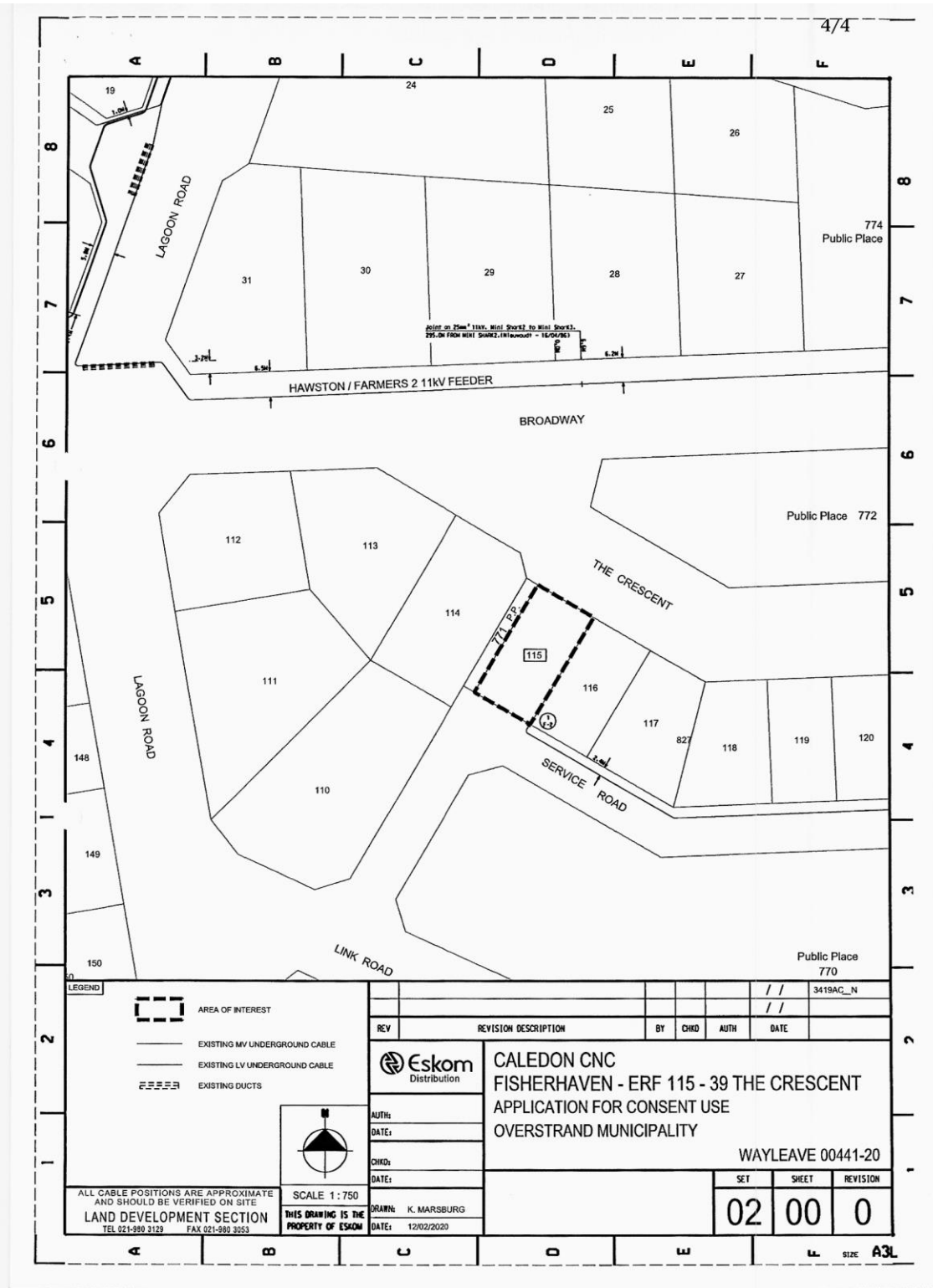
- ii. To perform maintenance (structural as well as servitude – vegetation management) on its infrastructure according to its maintenance programmes and schedules,
 - iii. To upgrade or refurbish its existing power lines and infrastructure as determined by Eskom,
 - iv. To perform any other activity not listed above to ensure the safe operation and maintenance of the Eskom power lines or infrastructure.
- h) Eskom must have at least a 10m obstruction free zone around all pylons (not just a 10m radius from the centre).
 - i) Eskom shall not be liable for the death or injury of any person, or for loss of or damage to any property, whether as a result of the encroachment or use of the area where Eskom has its services, by the applicant, his/her agent, contractors, employees, successors in title and assignee.
 - j) The applicant indemnifies Eskom against loss, claims or damages, including claims pertaining to interference with Eskom services, apparatus or otherwise.
 - k) Eskom shall at all times have unobstructed access to and egress from its services.
 - l) Any development which necessitates the relocation of Eskom's services will be to the account of the developer.
 - m) Lungile Motsisi, Eskom: Transmission must be contacted on 011 800 5734 to comment on behalf of the 400 kV OVERHEAD POWERLINES, NO WORK WITIN THIS SERVITUDE OR UNDERNEATH POWERLINES IS ALLOWED until comment from Eskom Transmission has been obtained.

4. **NOTE**

Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)



LEGEND

- AREA OF INTEREST
- EXISTING MV UNDERGROUND CABLE
- EXISTING LV UNDERGROUND CABLE
- EXISTING DUCTS

ALL CABLE POSITIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE

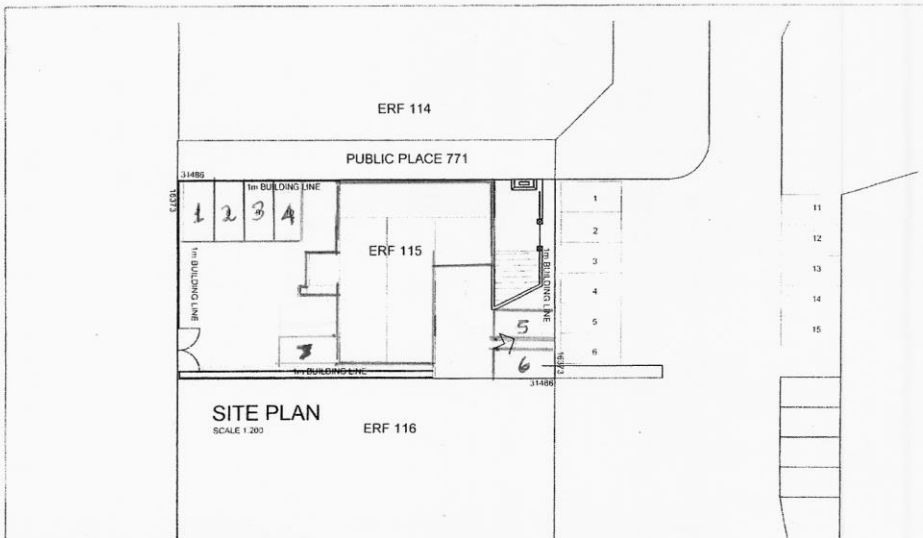
LAND DEVELOPMENT SECTION
TEL 021-880 3129 FAX 021-880 3053

SCALE 1:750

THIS DRAWING IS THE PROPERTY OF ESKOM

		CALEDON CNC FISHERHAVEN - ERF 115 - 39 THE CRESCENT APPLICATION FOR CONSENT USE OVERSTRAND MUNICIPALITY WAYLEAVE 00441-20									
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SIZE A3L



Drawing No. PARKING PLAN 2		Date 00/00/00	Project	Client ERF 115 Fisherhaven	L A Design Studio ARCHITECTURAL PRACTICE Les Abbots 74 Broadmead, Fisherhaven Cell: 085 232 61 38 Fax: 028 215 2869 info@ladesignstudio.co.za www.ladesignstudio.co.za www.08000000000.co.za
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