

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
17 June 2015  
(Also the agenda for the Mayoral Committee Meeting : 24 June 2015)**

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**4.  
ERF 116, 41 THE CRESCENT, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA :  
PROPOSED DEPARTURE : XU JIANPING ON BEHALF OF ZHANG JIABIN**

**116 HFH (2705)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**11 June 2015**

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**1. Executive Summary**

Application has been received on 16 September 2014 from XU Jianping on behalf of Zhang Jianbin on Erf 116, Fisherhaven for a consent use in terms of the relevant Scheme Regulations in order to accommodate a place of entertainment for live music, dancing and karaoke.

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 in support of the proposal is attached as Annexure C.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town Planning

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

Executive Mayor

**5. Legal Requirements**

Section 2.2 of the Overstrand Municipality Zoning Scheme

**6. Background/Discussion/Evaluation/Conclusion**

**Background/Discussion**

Erf 116, Fisherhaven measures approximately 516m<sup>2</sup> in extend. The erf is zoned Business Zone III : Local Business and is developed with a double storey building with existing restaurant and pub.

The property owner is applying for a consent use for a place of entertainment on the property. This is to enable live music in the building, some dancing and karaoke.

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
17 June 2015  
(Also the agenda for the Mayoral Committee Meeting : 24 June 2015)**

---

The application was advertised in the local press, the Government Gazette and notices were sent to surrounding affected property owners. Thirteen letters of objection were received. The applicant was also provided an opportunity to provide his comments, and provided comments with a petition list of people in favour of the application. The objections and comments thereon can be summarized as follow:

- The building is not sound proof and the facility will create noise pollution. Loud music has a negative effect on birdlife and therefore has a negative impact on the environment.

*Volume control will be seriously monitored to not create aggravation to nearby residents. Two windows have already been boarded up.*

- Patrons leaving the establishment create a disturbance with excessive noise levels, speeding vehicles and a disturbance at the slipway

*This anti-social behaviour has never been experienced within the precinct of the Blue Roof.*

- Facility will lead to an increase in crime

*The increase in crime cannot reasonably only relate to the Blue Roof establishment.*

- Facility will impact on the rural feel of the village, the peacefulness and the quality of life

*Not oblivious to the concern of residents and rural character of the area.*

- There will be an increase in traffic

*The complaints regarding increase in traffic are unfounded.*

- Community interest and safety will be affected

*Unable to understand comment with regard to interest and safety. We do deal with their comments as far as possible.*

- Operating hours will be extended to 02:00, and is considered a late night club. Operating hours must be limited to 00:00

*The facility is not a "club", but a family venue. The application is also not to extend the operating hours to 02:00, as this is the existing trading hours in terms of the Municipal By-Laws.*

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
17 June 2015  
(Also the agenda for the Mayoral Committee Meeting : 24 June 2015)**

---

- There is already slow responses to complaints on noise pollution in Fisherhaven

*Allegations pertaining to the ineptitude of Law Enforcement and South African Police Services (SAPS) are unfounded and should be taken up with such institutions.*

- A second pub/restaurant in Fisherhaven is not warranted, that is now why the applicant is reliant to draw people outside the town for business to be economically viable

*There is another pub/restaurant in Fisherhaven, which is now only being used as a social club as it lost its liquor licence. There is a need for the communities of Benguela Cove, Arabella, Hawston and Vermont for this type of establishment.*

- The establishment has already been operating illegally

*Was originally not aware a separate entertainment licence was required for live music, and immediately stopped when we became aware it was not legal.*

- The applicant is not correct to say that no complaints have been received against the facility as complaints have in the past been made against the way the facility is being operated

*No complaints have been received against the operation of the establishment.*

- The loud music up to 02:00 will have a negative impact on the nearby residential properties

*The establishment is not situated in a residential area.*

- The painted advertisement on the roof is a visual eyesore

*The advertisement on the roof of our building is compliant with the Municipal By-Laws and has been approved by the Municipality.*

- It will impact on the value of surrounding properties

*The Blue Roof is in a business centre, not a residential area, and is buffered from residential properties by a public open space.*

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
17 June 2015  
(Also the agenda for the Mayoral Committee Meeting : 24 June 2015)**

---

- Will lead to an increase in drinking and driving in the town

*The objector generalises about the consequences of drinking and driving, which relate to any licensed establishment.*

The letters of objection are attached as Annexure D, and the applicant's response to the objections is attached as Annexure E.

The application was also circulated to all relevant municipal departments and State Departments. No objections were received against the application.

### **Evaluation**

To evaluate the desirability of this application, it will be considered in terms of the criteria to determine desirability in terms of Section 36 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

#### Location and Accessibility

Erf 116, Fisherhaven is situated in The Crescent in the northern part of Fisherhaven. Access from the R43 Provincial Road to the site is obtained via China Marais Road, then Lagoon and then Broadway into The Crescent. These are the main distributor roads in Fisherhaven and can easily accommodate any additional traffic that might be visiting the facility.

Access can also be obtained from Service Road, south of the property.

At this stage ten parking bays can be provided on the property. Due to the fact that the application will not lead to an increase of footprint of the building, and will still mainly be utilized as a restaurant/pub, no increase in parking will be required.

#### Physical characteristics of the property

Erf 116, Fisherhaven is developed with a double storey building, utilized as a restaurant/pub.

It is a flat property, covered mostly by grass and a parking area and the building itself.

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
17 June 2015  
(Also the agenda for the Mayoral Committee Meeting : 24 June 2015)**

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Existing Planning

The property is situated in an area with a blend of businesses (restaurants and shops) and also some residential units.

The immediate property to the north-west is developed with a superette whilst the property to the south east is developed with a dwelling.

It is to be noted that the properties in The Crescent were all originally planned for business purposes and zoned as such, but the former District Council, the Municipality's predecessor, who governed this area, allowed owners to construct dwellings on some of the business erven.

However, Erf 116 is situated in an area considered as the business centre of Fisherhaven. This business area is then also buffered from most residential properties to the north and south of the business area by two large Public Open Spaces.

Character of the Surrounding Area

Fisherhaven is a residential neighbourhood with a small business centre that was created next to The Crescent, to provide a service to the residents of Fisherhaven and the surrounding area.

The development of the business sites have been very slow, and at this stage only four business sites, of the sixteen are developed with businesses, whilst four are actually developed with residential units.

The residential area around the business area has almost not been impacted by it in the past due to the lack of development of these business sites. The comments from objectors of the "rural feel" and "peacefulness" are a good description of the existing character of the town. It is then also for this reason why any activity on the business sites which increases noise or increases activities of patrons leaving the businesses (pub/restaurant) are immediately considered as impacts on the residential character. It is then also due to the above-mentioned factors why objectors are of the opinion that the proposed activities at the Blue Roof restaurant/pub would have a negative impact on their property values.

The objectors expect the environment they lived in for many years to remain the same, but it must also be remembered that the business centre was approved at the original development stage of Fisherhaven. Any commercial facilities, restaurants and entertainment that will need to be provided in Fisherhaven for tourists and also permanent residents in future will be provided in this business centre.

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
17 June 2015  
(Also the agenda for the Mayoral Committee Meeting : 24 June 2015)**

---

In essence the Blue Roof facility is a restaurant/pub, and the new rights they are applying for is to provide for live music in the restaurant/pub, occasional dancing possibly for party bookings and also for karaoke. The activities are not to create a night club, disco or theatre.

The one concern that do have merit is higher noise levels that will be created by live music, karaoke and dancing. The first floor of the facility has relatively large windows and any excessive noise would create a situation where music will be heard a far distance from the facility, considering the fact the ambient noise levels in the area is so low. An increase in noise levels could therefore only be accommodated if the building is made sound proof to control noise levels.

A concern of the objectors which to a certain extend relates to the noise issue is the operating hours up to 02:00. The Municipality does not have By-Laws limiting operating hours, but the Municipal By-Law relating to the hours for operating facilities with on-site consumption of alcohol allows facilities to only sell alcohol to 02:00. This right is applicable to the existing restaurant/pub, and is not part of this application. However, considering the fact that the property owner is applying for additional rights, hours of the activities such as live entertainment, karaoke and dancing can be limited to ensure more control over noise levels. This would ensure less of an impact on surrounding property owners.

General

The objectors made comments regarding increase in crime and more people driving drunk in Fisherhaven. The applicant's opinion that this is generalized statements is supported.

The comments that response by the Municipality and SAPS on complaints are slow, are noted, but once again general statements.

It is noted that the Blue Roof facility did have live music at a stage, but the applicant also clearly indicated that such activities were stopped when they became aware it was illegal.

The complaint/concern that the painted roof is a visual eyesore, is noted. This matter will be referred to the Building Department for their attention, but has no relevance to this application.

There were some comments from objectors that there is no need for a second restaurant/pub in Fisherhaven. This comment is irrelevant as in terms of the Land Use Planning Ordinance 15 of 1985 the application can only be considered in terms of desirability.

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
17 June 2015  
(Also the agenda for the Mayoral Committee Meeting : 24 June 2015)**

---

Policy Documents

The Overstrand Municipal Wide Spatial Development Framework (2006) (SDF) stipulate that Fisherhaven should be promoted as a tourist town. This application to provide for additional entertainment in Fisherhaven, is considered to be in line with such aims of the Policy Documents.

**Conclusion**

The application was advertised and thirteen letters of objection were received against the application. The applicant did respond to the objections and addressed most of the objections.

An only objection that does have merit is the increase in noise levels. This can however be dealt with by enforcing conditions on the property owner to make the facility sound proof. A further measure to ensure a low impact is to limit the hours of the entertainment activities.

There is a lack of facilities for residents and tourists in Fisherhaven, and the additional proposed activities at the Blue Roof restaurant/pub will provide for additional entertainment for such residents and tourists.

The application is considered desirable and can be supported subject to conditions ensuring a limited impact on surrounding properties.

**7. Financial Implications**

None

**8. Staff Implications**

None

**11. Comments from other Departments, Divisions and Administrations**

**Fire Department**

Premises are in compliance with Fire Safety Regulations SANS 10400 T : 2011 and the Overstrand Community Fire Safety By-Law PN 6454/2007.

**Building Control Department**

No building works. Supported.

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
17 June 2015  
(Also the agenda for the Mayoral Committee Meeting : 24 June 2015)**

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**Waste Management**

A refuse area according to municipal specifications must be built for the proposed restaurant.

**Engineering Services Department**

Attached as Annexure F.

**District Health**

Supported. See Annexure G.

**10. Annexures**

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Objections received against the application
- Annexure E: Applicant's response on the objections
- Annexure F: Services Report
- Annexure G: Comments: District Health

**RECOMMENDATION:**

1. that in terms of Section 2.2 of the Overstrand Municipality Zoning Scheme the application for consent use to accommodate entertainment activities such as live music, karaoke and dancing in the existing restaurant on Erf 116, Fisherhaven, **be approved**, subject to the following conditions:
  - (a) that only the areas inside the existing building as indicated on the Site Plan be utilized for the uses applied for (as indicated on Annexure B);
  - (b) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (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 in terms of the "Noise Control Regulations" promulgated under the Environment Conservation Act, 1989 (Act 72 of 1989) the music volumes emanating from the premises at all times be controlled in such a manner that it adds less than 7 dB(a) to ambient noise levels;

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
17 June 2015  
(Also the agenda for the Mayoral Committee Meeting : 24 June 2015)**

---

- (e) that the applicant submit a noise pollution study, with recommendation, in order to comply with condition (d) above, and any conditions with regard to sound proofing be implemented, prior to acting on the approval;
  - (f) that the entertainment activities such as live music, dancing and karaoke is limited to 00:00;
  - (g) that the premises may not be utilized as a night club/disco or theatre, but that the additional entertainment uses are subservient to the primary use of restaurant/pub; and
  - (h) that the Overstrand Municipality retains the right to enforce any relevant legislation, regulations, law and order regarding these premises.
2. that the applicant/objectors be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H OLIVIER</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>8 JULY 2015</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>8 JULY 2015</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>8 JULY 2015</b>

**AGENDA of the  
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PROPOSED DEPARTURE : XU JIANPING ON BEHALF OF ZHANG JIABIN**

**116 HFH (2705)**

**H Olivier**

**11 June 2015**

**(028) 313 8900**

**Hermanus Administration**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
17 JUNE 2015, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

**RESPONSIBLE OFFICIAL :**

**H OLIVIER**

**TARGET DATE FOR IMPLEMENTATION :**

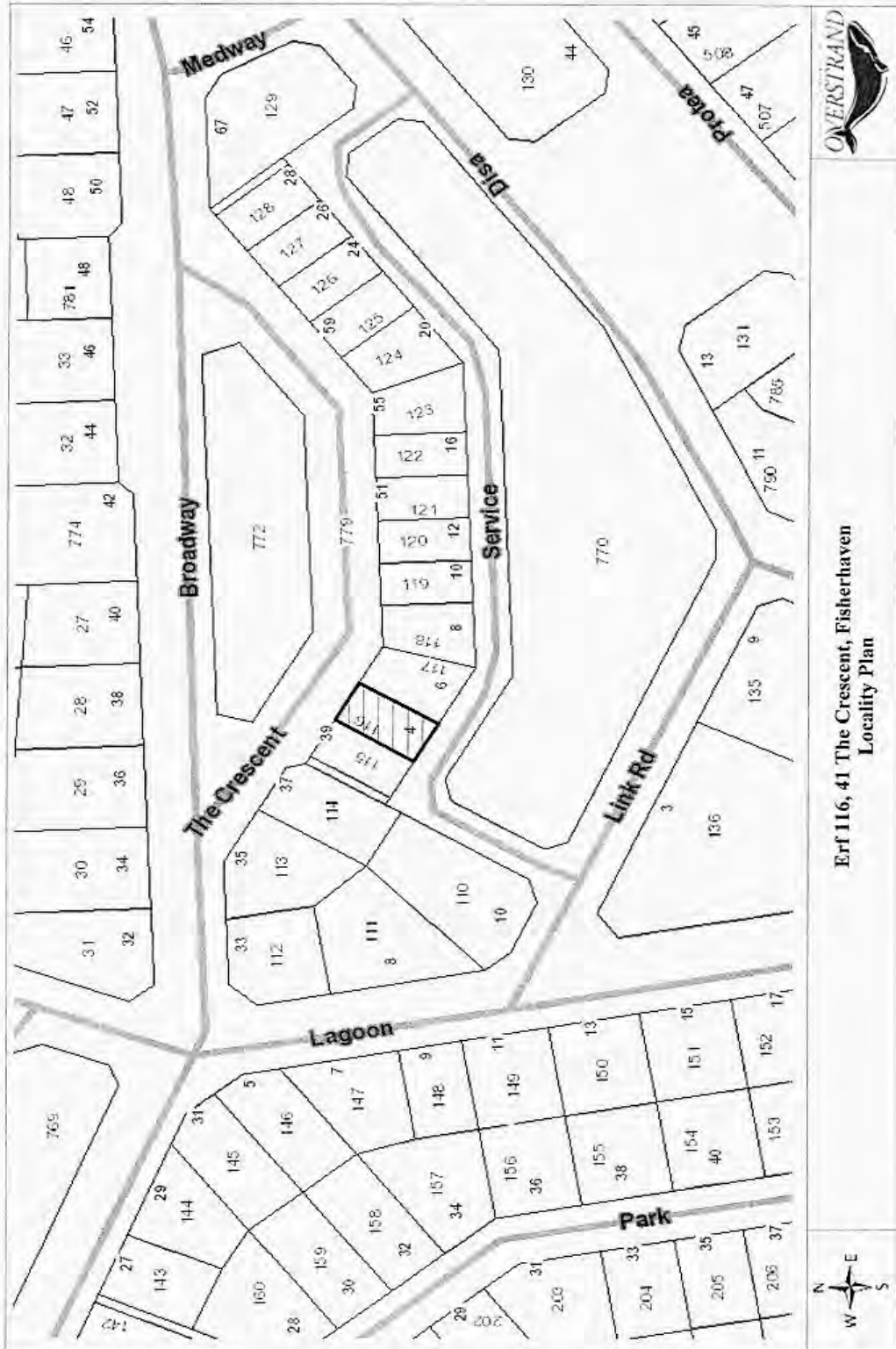
**8 JULY 2015**

**TARGET DATE TO INFORM APPLICANT :**

**8 JULY 2015**

**TARGET DATE TO INFORM OBJECTOR :**

**8 JULY 2015**



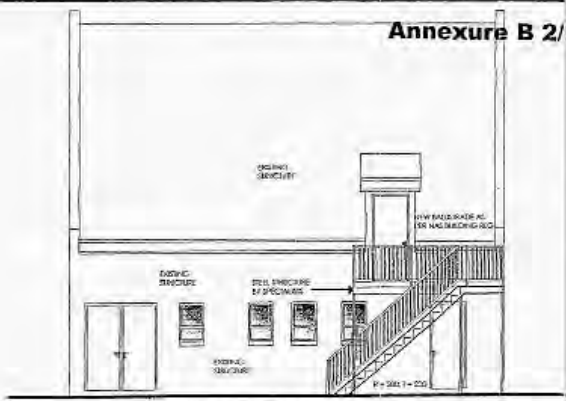
Erf 116, 41 The Crescent, Fishershaven  
Locality Plan



Annexure B 2/2



**EAST ELEVATION**  
SCALE 1 : 100



**WEST ELEVATION**  
SCALE 1 : 100

**DRYWALLS**

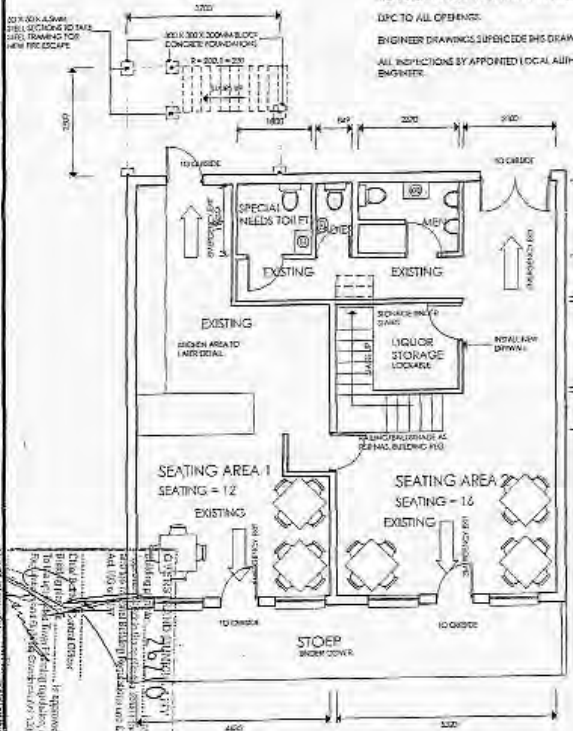
ALL WALLS TO COMPLY WITH SABS 002:1998 EDITION 3 AND SABS 10301.

**WALLS**

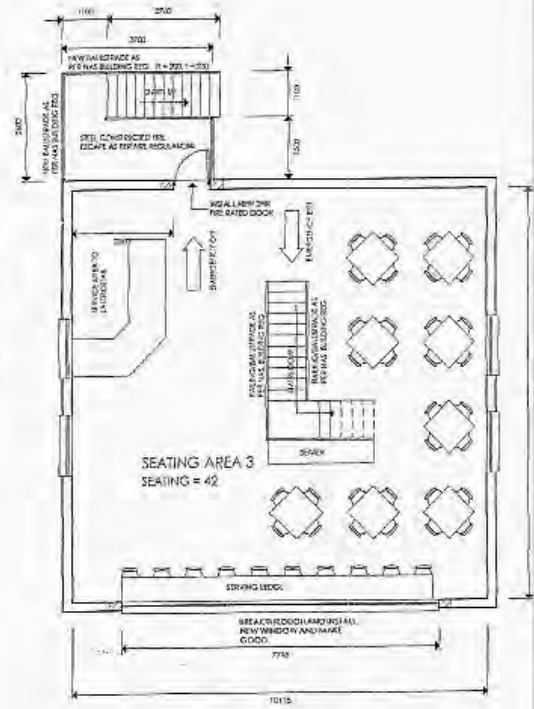
ALL 1 WHERE WINDOW IS REMOVED TO BE MADE TO MATCH EXISTING WORKS. INSERT NEW WINDOW AROUND NEW SLIDING DOOR.

**GENERAL:**

CHECK ALL LEVELS AND DIMENSIONS AGAINST ACTUAL SITE LEVELS AND DIMENSIONS BEFORE ANY WORK IS PUT INTO HAND.  
NO PART OF NEW BUILDING TO EXCEED ANY PART OF BUILDING LINE OR BOUNDARY LINE.  
DRAWING NOT TO BE SCALED. WRITE DIMENSIONS TO BE TAKEN.  
ALL NEW WORKS TO BE EXECUTED STRICTLY ACCORDING TO THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT 199 OF 1977.  
WINDOWS AND DOORS EXCEEDING 150MM OR LESS THAN 500MM FROM FFL TO BE SAFETY GLASS.  
EPC TO ALL OPENINGS.  
ENGINEER DRAWINGS SUPERSEDES THIS DRAWING.  
ALL INDICATIONS BY APPOINTED LOCAL AUTHORITY AND ENGINEER.



**GROUND FLOOR PLAN**  
SCALE 1 : 100  
SQM = 110



**FIRST FLOOR PLAN**  
SCALE 1 : 100  
SQM = 110

<p>1611 078-3307 3331 1611 084-238-8769 systemhomes@cedonell.co.za www.systemhomes.co.za</p>	<p>Client: <b>LOWE - BLUE ROOF</b></p> <p>Project: <b>MINOR WORKS TO EXISTING STRUCTURE ON ERF 116, FISHERHAVEN</b></p>	<p>Drawing Name: <b>FLOOR LAYOUT</b></p> <p>Scale: <b>1 : 100</b></p> <p>Project No: <b>J103</b></p> <p>Date: <b>MAY 2014</b></p> <p>Drawn By: <b>JS</b></p>	<p>DWG No: <b>101/01/C</b></p>
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To Whom It May Concern

LETTER OF MOTIVATION FOR THE APPLICATION OF AN ENTERTAINMENT LICENSE

The Blue Roof Pub & Restaurant is located in Fisherhaven which is "off the beaten track" as far as this type of venue is concerned in Hermanus. It therefore relies on attracting "outsiders" as the local population is simply not large enough to sustain this type of business.

From the outset the Blue Roof has established a reputation for being a good place to go and listen to some music while dining or just whiling away the time with friends.

There are no cover charges and the music is not "disco" but rather in keeping with general tastes, old and young.

Live music is performed by local artists who "jam" together. There are usually two artists.

Karaoke evenings are also popular in Fisherhaven and are done fortnightly.

Dancing does occur but is usually spontaneous when the mood is right.

Overall we are talking about good fun evenings in which families can participate and not a "late night club" scenario.

To date there have been no complaints from neighbours and to the contrary, residents have been complimentary in their remarks that the Blue Roof has brought value to the community and is not just another nuisance in the village.

I hope the above motivation will reinforce our application for an entertainment license.

Yours faithfully

Jewell Lowe

Owner of the Blue Roof.

2

Annexure D 1/18

TP A Theart (H Olivier)

**Loretta Gillion - Municipal notice 75/2014 - entertainment licence - Blue Roof Pub and Restaurant, Fisherhaven**

**From:** Tracey Whitelaw <tracey@aardvarkpress.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 19/12/2014 12:40 PM  
**Subject:** Municipal notice 75/2014 - entertainment licence - Blue Roof Pub and Restaurant, Fisherhaven



WITHOUT PREJUDICE

Dear Sir or Madam

I wish to object to the entertainment licence as applied for by the Blue Roof Pub and Restaurant.

My objections are:

- music carrying through the village (as evidenced a number of times earlier this year),
- poor sound insulation at venue and its location way above street level (resulting in the above),
- the prospect of late night weekend partying way past midnight in a village which strives for a rural feel,
- increased traffic flow in a suburb which is already target for antisocial behaviour as law enforcement agencies are so far away,
- slow responses to any noise disturbances (for logistical reasons as above) etc.

I have no wish for Fisherhaven to start experiencing the same kind of problems with noise as formerly quiet villages such as Greyton now have.

Given my own personal experience,, I simply do not trust the proprietor to ensure that the best interests and the safety of the community will be observed. There has been scant regard for the very valid views of villagers who have the temerity to express them.

You are welcome to interview me in this regard.

With best wishes

FILE NO:	EL 116 FM
SCAN NO:	
COLLABORATOR NO:	698944

TP

19 DEC 2014

08:09:34 AM

2.

Annexure D 2/18

Tracey Whitelaw  
62 Broadway  
Fisherhaven

08:09:34 AM

2

From: Cliff Coombe <cliffy@agent-c.co.za>  
 To: <loretta@overstrand.gov.za>  
 Date: 19/12/2014 11:52 AM  
 Subject: Comment on application for entertainment licence by Blue Roof Restaurant and Pub, Fisherhaven 75/2014

TP - A Theart  
 (S old name)

Dear Sir/Madam

Please find below my concerns regarding the application for an entertainment license for the Blue Roof Pub and Restaurant in Fisherhaven.

First and foremost I write these concerns with a degree of fear of victimization by the owner of this establishment's husband, Mr Ray Lowe, as I have already been accosted by him in the street for an opinion that he "incorrectly" thought I'd expressed at a public meeting about his wife's business.



1. With what appears to be very little public participation this venue managed to change its operating hours to 2 am on Saturday and Sunday mornings, much to the dismay of surrounding residents including myself.
2. The Blue Roof building is double-storey with the venue situated in an attic with large opening windows and the upstairs venue simply does not have enough sound-proofing as was evidenced when music was played there earlier this year.
3. The venue, although zoned for business, is situated in a residential area with retired people and young families and to be entertaining past 12 pm with the resulting noise of revellers would be an invasion on their, and our right, to a quiet home environment.
4. Increased traffic to and from this venue as revellers leave between 12 and 2 am in the morning will also result in a disturbance to the fabric of the village.
5. With the precedent already set with uncontrolled antisocial and alcohol-fuelled behaviour at the public slipway and the distance from Fisherhaven of police and law enforcement I am concerned for what may occur between 12 and 2 am with people leaving under the influence.

I trust that these objections will be taken seriously. I am happy to make myself available for discussion.

Yours faithfully

Cliff Coombe

59 Riverside Drive, Fisherhaven

19 December 2014

FILE NO:	EL 116 FH
SCAN NO:	
COLLABORATOR NO:	698938

TP 19 DEC 2014

EL 116 FH
SCAN NO: 46
COLLABORATOR NO: 697829



40 Broadway (Erf 27)  
Fisherhaven  
7202  
15 December 2014

Annexure D 4/18

TP - A Theart  
(H Olivier)

H. Olivier (Town Planner)  
Town Planning  
Overstrand Municipality  
Hermanus

**RE: Erf 116, 41 The Crescent, Fisherhaven : Proposed Consent Use (dated 14 November 2014)**

When purchasing our property in Broadway some 6 years ago we took into consideration the business crescent directly opposite our house. At the time the premise, now "The Blue Roof" consisted of a hire business operating normal business hours.

Fisherhaven, being a small fulltime resident community, had a well established pub located further down the road in the Piccaniny Center, close enough to be within walking distance but far enough away that it did not pose a threat to our peace and quiet.

We could not have imagined that in a village this small someone would open a second pub in the Crescent opposite our house.

To address the contents of the applicant's letter of motivation I would like to respond to a few points contained therein, please find below the sections of the applicants motivation and our response below:

"It therefore relies on attracting "Outsiders" as the local population is simply not large enough to sustain this type of business"

- 1) The reliance of "outsiders" has only become necessary since a second pub, "The Blue Roof" opened, prior to this the already established pub was a viable business with the support of the local residents. The main issue with "outsiders" is that they are in general far less considerate than the local residents, when arriving and leaving the pub, often speeding up the roads with their music at unreasonable levels late at night.

"From the outset the Blue Roof has established a reputation for being a good place to go and listen to some music while dining..."

- 2) If this is true, isn't the applicant then admitting to providing entertainment without the necessary licence? In fact "The Blue Roof" has had on several occasions provided "Live" entertainment which could be heard several streets away.

"Overall we are talking about good fun evenings in which families can participate and not a "late night club" scenario."

- 3) If this is true then why did they apply, and to my knowledge were granted, the right to trade till 2am? I find it strange that as a resident directly opposite "The Blue Roof" I was not given an opportunity to comment on the extended hours application?

TP

17 DEC 2014

✓

"To date there have been no complaints from neighbours..."

4) This is simply not true, the applicant was present when my wife and I complained about their bar tenders' motorbike roaring up and down the road at unreasonable hours.

Our main objection to this application is the fact that we have a 11 year old son who suffers from epilepsy and because of this condition it is very important for him to have a good nights' rest, this we feel will be at risk should this application be granted.

Furthermore I would like to point out that the main source of ventilation for "The Blue Roof" is the windows to the front of the premises directly opposite us, unfortunately this means that all noise from the premises can be clearly heard by us.

We trust that you will consider our letter and choose to deny this application.

Many thanks

Antony Masterson      Joan Masterson

1.

Annexure D 6/18

TP - A Theart (H olivie)

**Loretta Gillion - Application for Entertainment Licence**

**From:** "Sheila Craul" <sheilacraul@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 13/12/2014 09:17 AM  
**Subject:** Application for Entertainment Licence



I thank you for the registered letter I have received advising me of the Proposed Consent Use for Erf 116, 41 The Crescent, Fisherhaven, known as The Blue Roof. As the current registered owner of Erf 121, 51 The Crescent, I wish to lodge an objection to this Application on the following grounds:

1. Although the property is zoned for business, there are residential properties in close proximity, mine being one of them. I have already been disturbed by the sound of the music blaring from this venue, and did not retire to Fisherhaven to be kept awake until 2am! A licence to play music until 2am is totally unacceptable.
2. The additional traffic in a narrow road could cause accidents, particularly when the drivers have been drinking. The road is narrow (it used to be a one way which was safer), and vehicles driven by non-residents tend to speed in the middle of the road and round the bend in The Crescent. Vehicles being driven by people who have been partying is likely to cause accidents.
3. When the patrons of this establishment leave at 2am there is likely to be loud shouts of Goodbye, etc. and tooting of horns and general merriment which will disturb the sleeping neighbours.
4. A recent survey conducted by our Fisherhaven Ratepayers Association established that the vast majority of ratepayers and residents strongly agreed that the village atmosphere of Fisherhaven should be preserved. I would suggest that an Entertainment Licence at The Blue Roof which would allow them to have music and sell liquor until 2am on Saturdays and Sundays does not comply with this vision.

I trust that the above points of objection will be carefully considered and that the Proposed Consent Use will not be approved.

Yours faithfully,  
 Sheila Craul

Sheila Craul  
 PO Box 574,  
 Onrus River,  
 7201

028 315 1490  
 072 324 7894

FILE NO:	EL 116FH
SCAN NO:	25
COLLABORATOR NO:	697281

TP

15 DEC 2014

07:58:12 AM

15 DEC 2014

1 ✓

1.

Annexure D 7/18

TP A Theart (Holwer)

**Loretta Gillion - BLUE ROOF PUB, FISHERHAVEN:  
ENTERTAINMENT LICENCE**

**From:** "a3mossie" <a3mossie@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 12/12/2014 09:16 PM  
**Subject:** BLUE ROOF PUB, FISHERHAVEN: ENTERTAINMENT LICENCE

Good Evening Loretta

From Monday I will be a new resident of Fisherhaven

I have decided to retire there because Fisherhaven sounded like the place I could escape from the noise, crime and stress of the City

A peaceful place with beautiful nature, river, wild horses, a pub and a shop, NO MORE, a sleepy little "Dorpie"

I will be moving in at 51 The Crescent, four plots away from the Blue Roof and now I must hear about this pending entertainment license for the Blue Roof.

What can I do now sell again and find a quieter place, or fight this out until no such evil is bestowed on this lovely place, named Fisherhaven.

Please, please don't let this happen to this beautiful quiet little sleepy "Dorpie"

We have such a crime ridden country, people will be drinking and men get all worked up when drunk.

Next they will be raping our children and young women, dumping them in the bushes of Fisherhaven, so easy will they be given access to live out their lusts,

due to an irresponsible approval of a license that might be given by council.

Regards  
Adri Mostert  
Retired Accountant



FILE NO:	EL 116-FH
SCAN NO:	24
COLLABORATOR NO:	697279

TP

13 DEC 2014

07:55:41 AM

13 DEC 2014

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FILE NO:	EL 116-FH
SCAN NO:	23
COLLABORATOR NO:	697277

TP - A Theart  
(H Olivier)

15 Lagoon Road  
Fisherhaven  
7200

Municipal Manager  
Overstrand Municipality  
P.O Box 20  
Hermanus  
7200



Dear Municipal Manager

Application for a place of entertainment at Erf 116, 4 The Crescent Fisherhaven  
(Municipal Notice No 75/2014).

I would hereby like to object to this application on the following grounds. I live approximately 150m from this current establishment operating as Blue Roof pub and restaurant. When this establishment was carrying out the activities such as live music, dancing and karaoke I phoned OSM control room on two occasions to complain about the excessive noise coming from this place and to ask them to come out and request that the volume be turned down. The first time the noise level did drop and remained that way but the second time it dropped for short period of time and then they just resumed again to the previous noise levels. On numerous other occasions I have just suffered without complaint with the noise pollution from this place and tried to close my windows to get some relief from the noise inside my house. I cannot sit outside as then the noise is worse and extremely irritating. The noise from this establishment is exacerbated because they open all their windows and operate from an elevated aspect so the sound travels well and far distances. I have been walking at the Fisherhaven slipway and heard the music coming from this establishment. The effect of this should also be taken into consideration from an environmental aspect considering the conservation status of the Bot River Lagoon. Noise pollution at night affects birds roosting in a declared conservation area so I would request that this also be taken into consideration and investigated further in light of this application.

I object to the infringement on my quality of life in my own home by this establishment and do not think that I should have to suffer such noise pollution because the establishment is not currently economically viable. That is solely the owners problem not mine and I should not be disadvantaged because of this. The owners should consider other ways more in keeping with the characteristics of the

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Fisherhaven that do not have a negative effect on the residents or environment to increase their income. I specifically chose to live and invest in a house in Fisherhaven because of the peace, quiet and tranquillity as well as close proximity to natural areas. Considering that this establishment has already created a history of noise pollution without a formal application I am extremely concerned as to what the situation will be should this application be approved? The applicant lies in the letter accompanying the application when it states that no complaints have been received from the residents. This is another concern for me.

In addition I am subjected to visual pollution from this establishment with advertisement notices painted on their roof. I cannot understand how this is permissible according to the OSM by-laws.

Please could you consider this objection in a serious light?

Should there be further queries to this objection please contact me on either cell number 076 844 7504 or email [vHUDSON@capenature.co.za](mailto:vHUDSON@capenature.co.za)

Regards



Vicki Hudson

Loretta Gillion

Erf 116, Fisherhaven

TP A Theart  
(H Olivier)

From: "Peter Hoefnagel" <phoefnagel@vodamail.co.za>  
To: <loretta@overstrand.gov.za>  
Date: 12/12/2014 11:52 AM




Re-application Entertainment licence, Blue Roof pub, Fisherhaven.

Hi Loretta,

I hereby like to state my strongest disapproval for an entertainment licence for above mentioned establishment.  
Fisherhaven is a small peaceful village and this is certainly not going to help in any way to keep it that way. Crime here is now on the increase and us being part of neighbourhood watch can see it is actually escalating. The number of intoxicated drivers here on the road, especially during weekends, is staggering! A few months back we had 3 armed robberies in 1 week and we were 1 of them being held up at knife point when they stripped our house clean. The robbers are still at large and the Police way under staffed have not been able to apprehend the culprits.  
I therefore urge you to seriously consider an approval of such a licence, especially one that would allow 'entertainment' till those early hours in the morning as requested in that application. An approval of such a licence is not at all going to help us as crime watch nor the South African Police.

Thanking you in advance .

P.A. Hoefnagel,  
3 Broadway st,  
Fisherhaven.

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[www.avast.com](http://www.avast.com)

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This message has been scanned for viruses and dangerous content by SYNAQ Securemail, and is believed to be clean.

FILE NO:	EL116PH
SCAN NO:	60
COLLABORATOR NO:	696979

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11 DEC 2014

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11-12-2014

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