

## 4.2

**ERF 5, 12 SMUTS STREET, DE KELDERS : PROPOSED CONSENT USE : MESSRS HUGO CARSTENS ATTORNEYS ON BEHALF OF SW VIETZE & ABJ GOMEZ**

5 GDK (3835)

P Roux

12 July 2018

(028) 313 8900

Hermanus Administration

**1. EXECUTIVE SUMMARY**

An application was received from Messrs Hugo Carstens Attorneys on behalf of SW Vietze and ABJ Gomez for consent use in terms of Section 162)(o) the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to establish a tourist accommodation facility (self-catering) on the property.

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

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

**3. BACKGROUND / SITE HISTORY**

Erf 5, De Kelders is zoned for residential purposes and is developed with a dwelling. The applicant seeks to accommodate tourist on a short term basis in the dwelling house and therefore the applicant submitted an application in order to establish a tourist accommodation facility (self-catering) on the property.

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

The motivation for the consent use is as follows:

- ❖ the property owner resides in Spain and visit the property twice a year;
- ❖ the property is locked the rest of the year and there have been break-ins in the past;
- ❖ it is motivated by the applicant that the continuation of people on the property will better secure the property;
- ❖ further, there is a need for overnight accommodation during whale and the summer season;
- ❖ the land uses in the immediate area share the same residential and tourism traits;
- ❖ no more paying guests will be accommodated than the normal household (4-6 people);
- ❖ no additional parking will be triggered by the application, and
- ❖ a Xhosa speaking woman from the local community will help ensure that the dwelling is still managed correctly while the property owner is in Spain.

**5. ADMINISTRATIVE COMPLIANCE**

Methods of advertising		Date published	Closing date for comments
Ward councillor	Yes	27/02/2018	06/04/2018
Notices	Yes	27/02/2018	06/04/2018
Total letters of comment	<b>One (1)</b>		
Was public participation undertaken in accordance with Section 45- 49 of the Proposed Draft By-law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below):			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			<b>Yes</b>

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

Name	Date received	Summary of comments	Recommendation
Electro Technical Services	27/02/2018	No objection.	Positive
Building Department	19/03/2018	No objection.	Positive
Health	03/04/2018	Annexure F.	Positive
Operational Services	03/04/2018	No objection.	Positive
Services Report	25/04/2018	Annexure G.	Positive
Fire Services	22/05/2018	Annexure H.	Positive

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

One (1) objection was received from the adjacent property owner on Erf 6, De Kelders. The main extent of the objection is regarding an incident where a group of eight (8) to ten (10) people occupied the dwelling which resulted in excessive noise. Guests use a mobile braai and leave it unattended near the objector's thatch roof house. The objector further states that the incident is not isolated and that it has happened before.

**Property owner's response**

- ❖ no complaints were received in the past. The objector could have made the complaint to the person who manages and cleans the house as she is often around;

- ❖ the current year the house has only been rented out to a group maximum of six (6) people. The rentals are made to families and not youngsters who are looking for a party. The property owner apologises for any inconvenience caused by the loud music and braai;
- ❖ the property owner further states that they themselves do not host parties and mostly entertain guests and family during the daytime, and
- ❖ the property owner is willing to manage noise levels and ask guest to be respectful.

#### **Town Planner's response**

The objection is noted. However, the main objection has regard to the management of the property. The property owner has indicated that they are willing to manage the property better and that the objector is welcome to contact the lady managing the property should incidences arise.

It should be noted that a mobile braai is not considered a structure and therefore no condition can be imposed on the property owner in respect thereof.

#### **6. SUMMARY OF APPLICANT'S REPLY TO COMMENTS**

N/A

#### **8. MUNICIPAL ASSESSMENT OF COMMENTS**

All the internal departments' comments have been positive.

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

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

The application is of a small scale and therefore the planning objectives applicable in terms of SPULMA and LUPA cannot be adequately discussed.

The objectives relating to:

##### **Spatial Justice**

The Zoning Scheme makes provision for the proposed use which will enable the property owners to employ personnel from a previous disadvantaged area.

##### **Spatial sustainability**

The application is located within the urban edge and thus will not lead to urban sprawl. No natural habitat is impacted upon and will not have any negative influence on the environment.

**Efficiency**

The application will optimize the use of property in terms of municipal services and infrastructure.

**Spatial resilience**

The application will ensure that the existing resource, land is used to its maximum in an affordable manner and in line with the Overstrand Municipality's forward planning documents.

**Good administration**

The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the public process has been followed.

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

Same.

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

Consistent with the Spatial Development Framework.

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

Not applicable.

**9.5 Impact on Municipal engineering services**

The proposed application will not require additional services

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

Not applicable.

**9.7 Existing and proposed zoning comparisons and considerations**

The subject property is zoned Single Residential Zone 1 and therefore Residential Zone 1 parameters as described in the relevant Zoning Scheme are applicable.

The operation of a tourist accommodation facility from the residential property requires consent from the Municipality.

### 9.8 The desirability of the proposal

Tourist accommodation is regarded as a consent use under Single Residential Zone 1 zoned properties due to the nature of the occupation matching that primary right which is residential use. The proposed use on Erf 5, De Kelders is in line with the uses in the surrounding vicinity. The aforesaid is further emphasised due to the lack of multiple objections.

A Conveyance's Certificate was received and it was determined that there are no restrictive conditions in the title deed which restrict the proposed use. It is noted that the Conveyance's Certificate stipulates that the property owner will only rent out two of the guest rooms. This was confirmed in consultation with the applicant as the property owner wishes to keep their private belongings separate and therefore only two rooms will be accessible and the rest closed off to the guests. Should the application be approved a condition will be stipulated to limit the amount of guests to two per bedroom and to the use of a single family.

Therefore the proposed application is considered desirable due to the limited scope and impact of the proposed use.

### 9.9 ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

#### The financial or other value of the rights

N/A

#### The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

N/A

#### The social benefit of the restrictive condition remaining in place, and/or being removed/amended

N/A

#### Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights

N/A

## 10. RECOMMENDATION

1. that, the application for consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), on Erf 5, De Kelders in order to establish a tourist accommodation facility (self-catering) on the property, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions;
  - (a) that a building plan be submitted to the Building Department for approval;

- (b) that approval is only for the renting of the dwelling on a self-catering basis to two (2) people per room, to a single family, and limited to the utilization of two bedrooms for the guests;
  - (c) that all other structures comply with the relevant Zoning Scheme Regulations and title deed restrictions;
  - (d) that no tourist facilities are made available to guests on the property;
  - (e) that applicable rates and service tariffs, as determined by the annual budget be made applicable which tariffs are automatically adjusted in terms of the annual budget;
  - (f) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
  - (g) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
  - (h) that all the conditions in the Services Report (attached as Annexure G), be adhered to;
  - (i) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
  - (j) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant and objector be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

## 11. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ The proposed use has limited impact.
- ❖ The objection received was adequately addressed and the property owner/manager will manage the noise levels on the property.

## 12. Annexures

Annexure A:	Locality Plan
Annexure B:	Motivation Letter
Annexure C:	Site Development Plan
Annexure D:	Objection received
Annexure E:	Applicant's response
Annexure F:	Health
Annexure G:	Services Report
Annexure H:	Fire Services

**SIGNATURES****AUTHOR:**

Author name:

**PETRUS ROUX**

SACPLAN Reg No:

**A/2246/2015**

Author signature:

\_\_\_\_\_

Date:

\_\_\_\_\_

**REGISTERED PLANNER**

Name :

**S VAN DER MERWE**

SACPLAN Reg No:

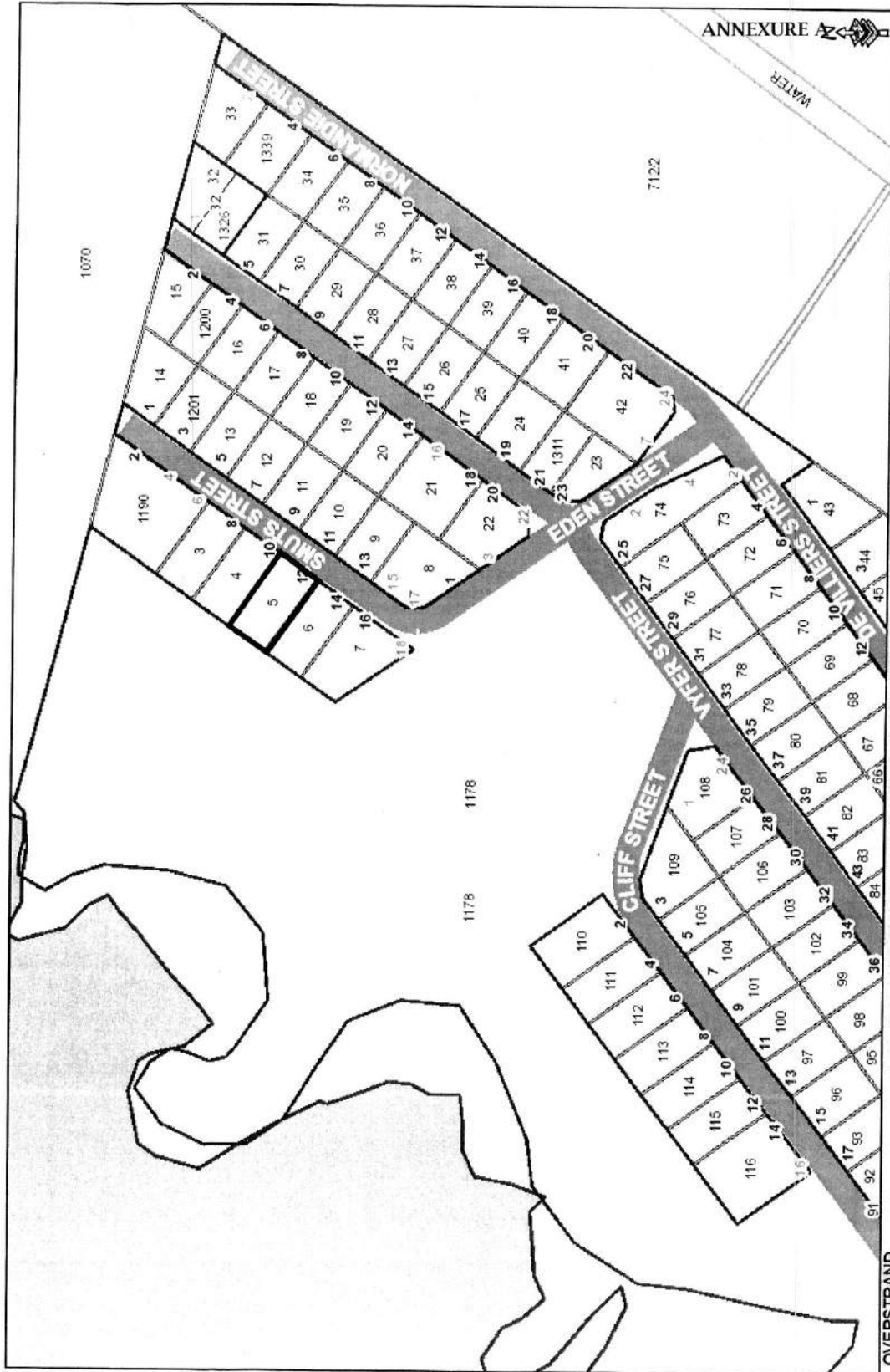
**A/1850/2014**

Signature :

\_\_\_\_\_

Date:

\_\_\_\_\_



FR 5, 12 SMUTS STREET, DE KELDERS

Date: 2018-07-19



## ANNEXURE B 1/2

## MOTIVATION LETTER

**A. GENERAL INFORMATION:**

The applicant own the property being Erf No 5, situated at 12 Smuts Street, De Kelders Gansbaai.

Although the applicant stays in Spain she and her family visit the property at least twice a year for approximately two months of any year.

The property was locked up for the rest of the year and was vandalized during the past years because the property is situated at the far end of De Kelders neighborhood (on the Plaat side) and is accessible for intruders from the coastline side without any effort.

Only for that reason it would be better to use the property as a self catering unit in order to have people around on the premises, providing short term accommodation.

Research showed that there is a need for overnight facilities for tourists, especially in the whale season and summer time when people tend to move to the sea for weekends and holidays.

**B. CHARACTER OF ENVIROMENT**

The land use in the immediate area and surroundings are mostly single residential of nature with same similar tourist accommodation facilities. The application is to rent the two bedrooms including the use of the entire house out for a single tourist family as a self catering unit.

**C. DESIRABILITY OF THE PROPOSED UTILIZATION**

De Kelders area is an attractive destination for whale watching tourists, people who are normally more matured and settled in life.

**D. INVESTIGATION CARRIED OUT IN TERMS OF LAWS**

No investigation other than market related was executed by applicant because no more paying clients will be accommodated than a normal household.

**E. IMPACT OF PROPOSES APPLICATION ON MUNICIPAL ENGINEERING SERVICES**

The proposed application will have no impact as no more people are involved or the premises than one normal family at a time, being 4 to 6 people using any two rooms of the house as guest rooms.

-2-

Although there is a third bedroom in the house the manager does not sleep in and no extra services or parking will be triggered and utilized as such.

#### F. PLANNING PRINCIPLES

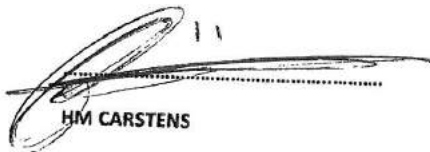
The applicants goal is et al to enrich and uplift lives of previously disadvantaged people in the area by creating work as such.

The in house manager employed is a Xhosa woman and her appointees from the local Masakhane township and her remuneration entails a commission driven income, which stimulates an incentive to enrich lives in the area. The house manager is contactable by neighbours or anyone with complaints at all times and has transport to and from the premises if so needed in order to attend to problems as such.

The fact that the premises got occupied helps the owner to derive an income for the premises whilst she is in Spain, in order to at least break even on the investment.

It is the applicant's prayers that the application will be favourable as market research showed that there is place in a rather under established tourist market in this field that will also bring foreign money to Gansbaai in the bigger picture.

DONE AND SIGNED BY HUGO CARSTENS.

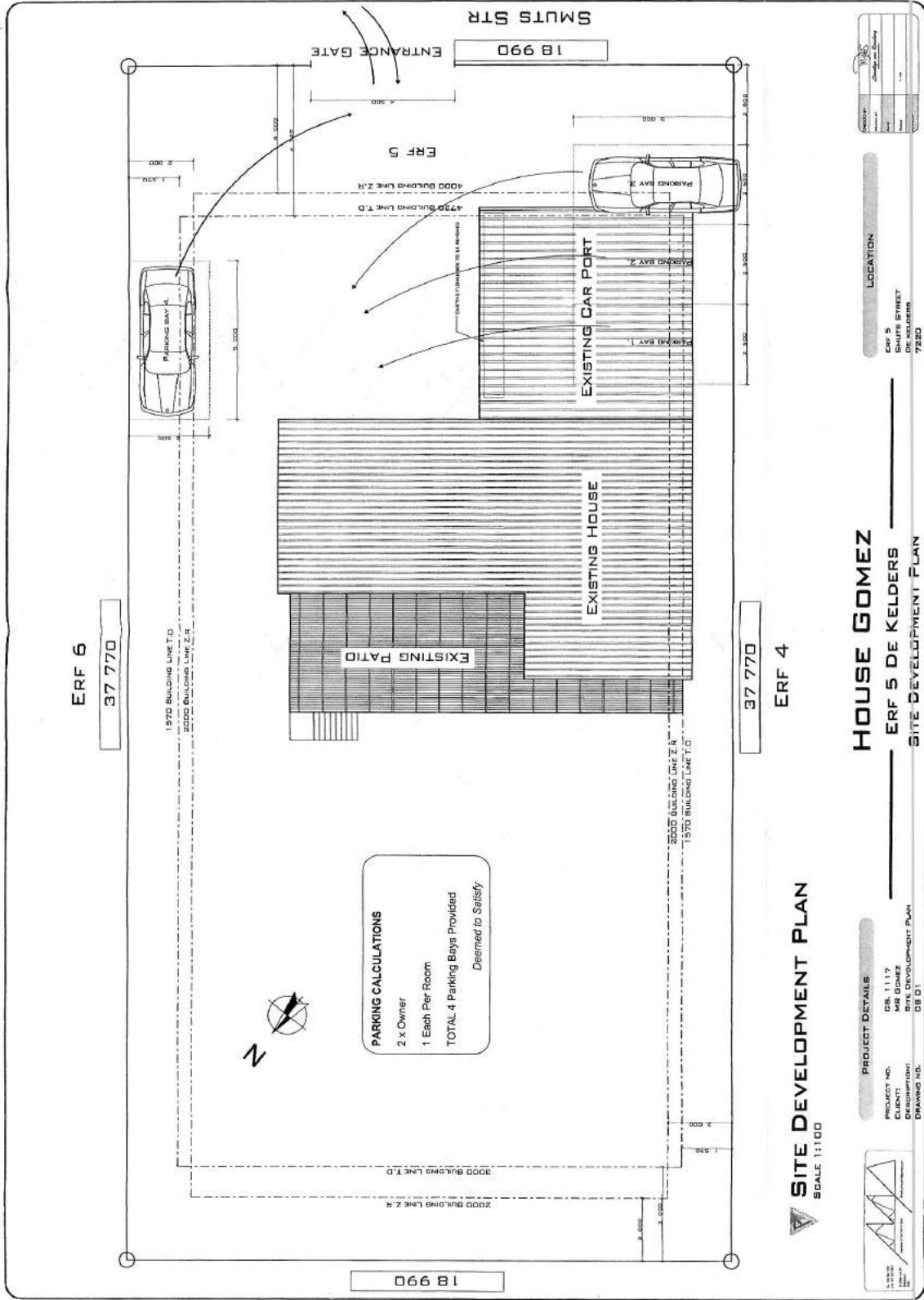


HM CARSTENS

DULY AUTHORIZED

24/10/17

DATE

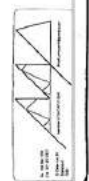


**PARKING CALCULATIONS**  
 2 x Owner  
 1 Each Per Room  
**TOTAL 4 Parking Bays Provided**  
*Deemed to Satisfy*

**SITE DEVELOPMENT PLAN**  
 SCALE 1:1100

**HOUSE GOMEZ**  
 ERF 5 DE KELDERS  
 SITE DEVELOPMENT PLAN

**PROJECT DETAILS**  
 PROJECT NO. CS 1117  
 CLIENT MR GOMEZ  
 DRAWING NO. SITE DEVELOPMENT PLAN  
 DRAWING NO. SB 01



DATE	BY	REVISION

**LOCATION**  
 ERF 5  
 SMUTS STREET  
 18 990  
 7280

ANNEXURE C 2/4

**OPPERVLAKTE VOORGESTELDE WCONHUS**

LOFT/VLEEFAREA	80,80m <sup>2</sup>
TOTAAL	95,94m <sup>2</sup>
MOTOR AFJAK	31,20m <sup>2</sup>
DOOR HOUT DEK	33,84m <sup>2</sup>

**WEGROBLEN**  
HOOFWEG 4, DAINSBAAI  
TEL: 045 324 0350  
SR: 552024874

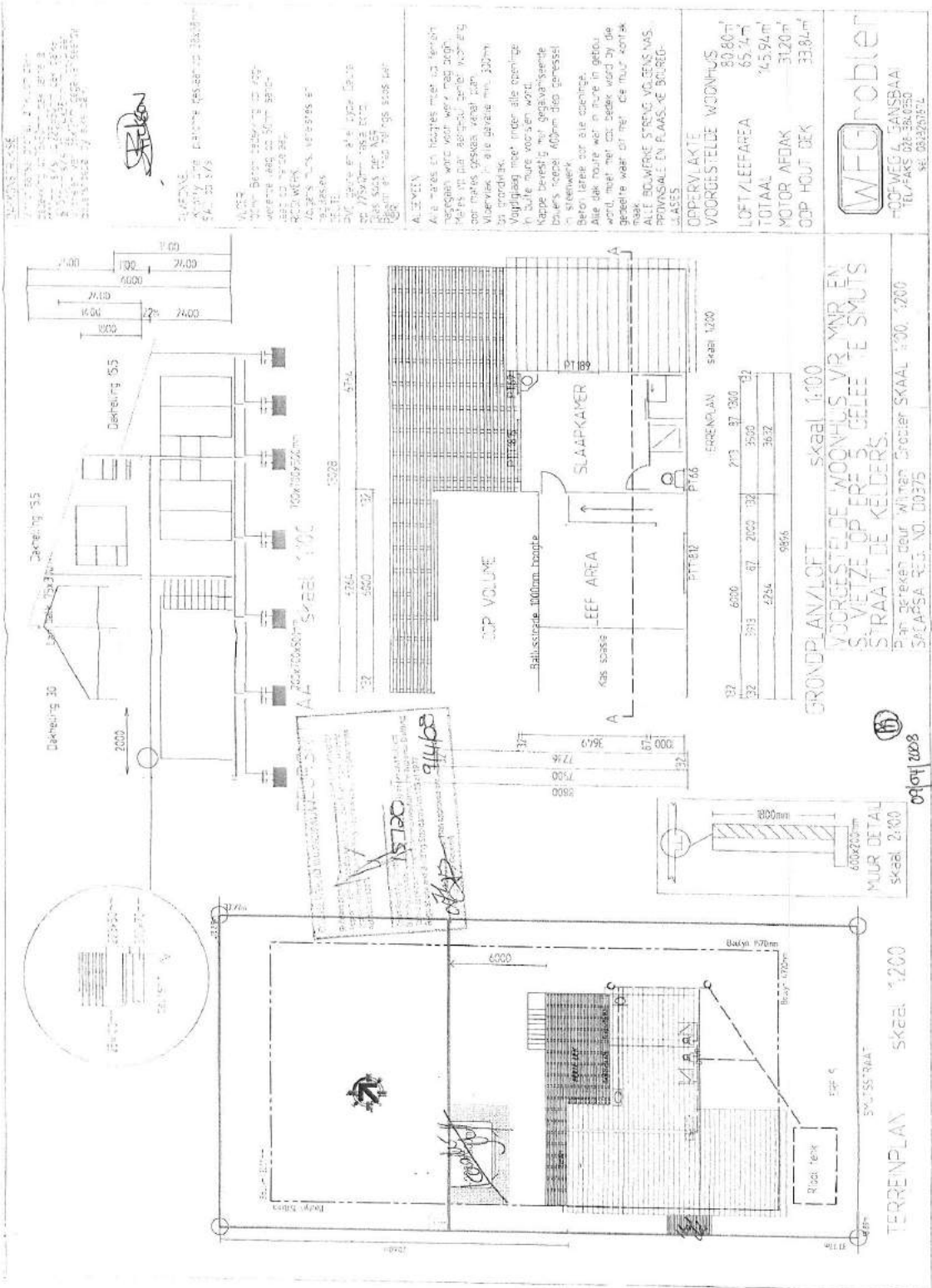
**GRONDPLAN/GRONDVLINDER** skaal 1:100

**WSTSE**  
WSTSE is 'n goedgekeurde tegniese teken- en tekenreëlprogram wat gebruik word om teken te skep en te wysig te maak. Dit is 'n goedgekeurde tegniese teken- en tekenreëlprogram wat gebruik word om teken te skep en te wysig te maak.

1387	1370	67	275	137	613	67	1370	1387
24	4000	154	1370	67	275	137	613	67
22	3012	67	2000	154	1370	67	275	137
	6264							
								13228

**WEGROBLEN**  
HOOFWEG 4, DAINSBAAI  
TEL: 045 324 0350  
SR: 552024874

ANNEXURE C 3/4



WAGERS KASSE  
 1771-1875-1976-2077-2178-2279-2380-2481-2582-2683-2784-2885-2986-3087-3188-3289-3390-3491-3592-3693-3794-3895-3996-4097-4198-4299-4300-4401-4502-4603-4704-4805-4906-5007-5108-5209-5310-5411-5512-5613-5714-5815-5916-6017-6118-6219-6320-6421-6522-6623-6724-6825-6926-7027-7128-7229-7330-7431-7532-7633-7734-7835-7936-8037-8138-8239-8340-8441-8542-8643-8744-8845-8946-9047-9148-9249-9350-9451-9552-9653-9754-9855-9956-10057-10158-10259-10360-10461-10562-10663-10764-10865-10966-11067-11168-11269-11370-11471-11572-11673-11774-11875-11976-12077-12178-12279-12380-12481-12582-12683-12784-12885-12986-13087-13188-13289-13390-13491-13592-13693-13794-13895-13996-14097-14198-14299-14300-14401-14502-14603-14704-14805-14906-15007-15108-15209-15310-15411-15512-15613-15714-15815-15916-16017-16118-16219-16320-16421-16522-16623-16724-16825-16926-17027-17128-17229-17330-17431-17532-17633-17734-17835-17936-18037-18138-18239-18340-18441-18542-18643-18744-18845-18946-19047-19148-19249-19350-19451-19552-19653-19754-19855-19956-20057-20158-20259-20360-20461-20562-20663-20764-20865-20966-21067-21168-21269-21370-21471-21572-21673-21774-21875-21976-22077-22178-22279-22380-22481-22582-22683-22784-22885-22986-23087-23188-23289-23390-23491-23592-23693-23794-23895-23996-24097-24198-24299-24300-24401-24502-24603-24704-24805-24906-25007-25108-25209-25310-25411-25512-25613-25714-25815-25916-26017-26118-26219-26320-26421-26522-26623-26724-26825-26926-27027-27128-27229-27330-27431-27532-27633-27734-27835-27936-28037-28138-28239-28340-28441-28542-28643-28744-28845-28946-29047-29148-29249-29350-29451-29552-29653-29754-29855-29956-30057-30158-30259-30360-30461-30562-30663-30764-30865-30966-31067-31168-31269-31370-31471-31572-31673-31774-31875-31976-32077-32178-32279-32380-32481-32582-32683-32784-32885-32986-33087-33188-33289-33390-33491-33592-33693-33794-33895-33996-34097-34198-34299-34300-34401-34502-34603-34704-34805-34906-35007-35108-35209-35310-35411-35512-35613-35714-35815-35916-36017-36118-36219-36320-36421-36522-36623-36724-36825-36926-37027-37128-37229-37330-37431-37532-37633-37734-37835-37936-38037-38138-38239-38340-38441-38542-38643-38744-38845-38946-39047-39148-39249-39350-39451-39552-39653-39754-39855-39956-40057-40158-40259-40360-40461-40562-40663-40764-40865-40966-41067-41168-41269-41370-41471-41572-41673-41774-41875-41976-42077-42178-42279-42380-42481-42582-42683-42784-42885-42986-43087-43188-43289-43390-43491-43592-43693-43794-43895-43996-44097-44198-44299-44300-44401-44502-44603-44704-44805-44906-45007-45108-45209-45310-45411-45512-45613-45714-45815-45916-46017-46118-46219-46320-46421-46522-46623-46724-46825-46926-47027-47128-47229-47330-47431-47532-47633-47734-47835-47936-48037-48138-48239-48340-48441-48542-48643-48744-48845-48946-49047-49148-49249-49350-49451-49552-49653-49754-49855-49956-50057-50158-50259-50360-50461-50562-50663-50764-50865-50966-51067-51168-51269-51370-51471-51572-51673-51774-51875-51976-52077-52178-52279-52380-52481-52582-52683-52784-52885-52986-53087-53188-53289-53390-53491-53592-53693-53794-53895-53996-54097-54198-54299-54300-54401-54502-54603-54704-54805-54906-55007-55108-55209-55310-55411-55512-55613-55714-55815-55916-56017-56118-56219-56320-56421-56522-56623-56724-56825-56926-57027-57128-57229-57330-57431-57532-57633-57734-57835-57936-58037-58138-58239-58340-58441-58542-58643-58744-58845-58946-59047-59148-59249-59350-59451-59552-59653-59754-59855-59956-60057-60158-60259-60360-60461-60562-60663-60764-60865-60966-61067-61168-61269-61370-61471-61572-61673-61774-61875-61976-62077-62178-62279-62380-62481-62582-62683-62784-62885-62986-63087-63188-63289-63390-63491-63592-63693-63794-63895-63996-64097-64198-64299-64300-64401-64502-64603-64704-64805-64906-65007-65108-65209-65310-65411-65512-65613-65714-65815-65916-66017-66118-66219-66320-66421-66522-66623-66724-66825-66926-67027-67128-67229-67330-67431-67532-67633-67734-67835-67936-68037-68138-68239-68340-68441-68542-68643-68744-68845-68946-69047-69148-69249-69350-69451-69552-69653-69754-69855-69956-70057-70158-70259-70360-70461-70562-70663-70764-70865-70966-71067-71168-71269-71370-71471-71572-71673-71774-71875-71976-72077-72178-72279-72380-72481-72582-72683-72784-72885-72986-73087-73188-73289-73390-73491-73592-73693-73794-73895-73996-74097-74198-74299-74300-74401-74502-74603-74704-74805-74906-75007-75108-75209-75310-75411-75512-75613-75714-75815-75916-76017-76118-76219-76320-76421-76522-76623-76724-76825-76926-77027-77128-77229-77330-77431-77532-77633-77734-77835-77936-78037-78138-78239-78340-78441-78542-78643-78744-78845-78946-79047-79148-79249-79350-79451-79552-79653-79754-79855-79956-80057-80158-80259-80360-80461-80562-80663-80764-80865-80966-81067-81168-81269-81370-81471-81572-81673-81774-81875-81976-82077-82178-82279-82380-82481-82582-82683-82784-82885-82986-83087-83188-83289-83390-83491-83592-83693-83794-83895-83996-84097-84198-84299-84300-84401-84502-84603-84704-84805-84906-85007-85108-85209-85310-85411-85512-85613-85714-85815-85916-86017-86118-86219-86320-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## ANNEXURE D

Ailene Theart - ERF 5,12Smuts street De kelders

**From:** "Ekh Friese" <rose.eggi@telkomsa.net>  
**To:** <svdmerwe@overstrand.gov.za>  
**Date:** 2018/03/05 04:56 PM  
**Subject:** ERF 5,12Smuts street De kelders



Dear Sir / Madam

I hereby giving my objection to the proposed self catering of ERF 5 , 12 Smuts street De kelders.

The reasons are as follows:

The house has not been built on the natural ground. With the specification of the kitchen entrance to the house and the activity on the balcony.

We just had bad experience again this past weekend on the 02/03/2018 –4/03/2018 .A group of 8 – 10 people.

The noise level of talking is unbearable and every second word you hear is F-word, this is not the first time it happens ,it is already goes on for years and years.

We cannot use our bedrooms anymore from the east side because of the noise level ,it is too high.

You can see it yourself on the drawings where it says Kombuis ,this is the main entrance of the house ,people walk in and out there.

In the evening they party there and the door is wide open and play music so loud (that is already after 10pm)that i cannot even make a conversation on my telephone inside my house. I have already complain to the police Sgt Africa about this.

Another problem is the mobile braai it has been moved to every corner of the property including the car port ,which they leave unattended and it is very close to my thatched roof.Unfortunately i am the only permanent resident on Smuts street to experience these things.

You are welcome to inspect it and see it for yourself. Here is my contact number 0283842496 and my cell is 0823460902.

Kind regards

EKH Friese

PS. From ERF 6, 14 smuts Street Dekelders

FILE NO:	
SCAN NO:	
COLLABORATOR NO:	1136113

TP . 06 MAR 2018

ANNEXURE E 1/3

TR-A Theoret  
(S Jd Marwe)**Hugo Carstens**

To: alida@overstrand.go.za  
 Subject: (V5566) ERF 5, 12 SMUTS STREET, DE KELDERS : PROPOSED CONSENT USE

Dear Sir

Re: **OBJECTION : APPLICANT'S REPLY : PROPOSED CONSENT USE**  
**ERF 5, 12 SMUTS STREET, DE KELDERS**  
**YOUR REFERENCE : 5 GDK (3835)**



Above matter refers.

Hereto attached please find the answer from our client, commenting on the letter of EKH Friese – see "Annexure A".

We trust that you will find same in order.

Yours faithfully

**HM CARSTENS**  
 Hugo Carstens Prokureurs / Attorneys  
 Hoofweg 15, Gansbaai, 7220  
 Posbus 702, Gansbaai, 7220  
 Tel: 028-384 0334/8  
 Faks: 086 5022 780  
 Epos: hugo@hugocarstens.co.za

FILE NO:	ELS
	De Kelders
SCAN NO:	61
COLLABORATOR NO:	1153961

13 APR 2018

1

## ANNEXURE E 2/3

Gansbaai Municipality

In Alicante (Spain), on the 19<sup>th</sup> of April 19, 2018

To whom it may concern,

My name is Ana Blanca Jiménez Gómez and I am the owner of the house located in Smuts Str.12, de Kelders. I have received copy of an email sent by an EKH Friese to your attention.

To tell the truth, I am absolutely surprised and I can't help but to find it absurd, as well as a waist of time for you and us.

These are my comments:

- In the previous years, the house was rented very sporadically and we never received any complaints (neither in written, nor personally while we spent 8 weeks in the house every year). Mr. Friese could have also made a complaint to the person who manages and cleans the house (Mrs. Thelma Nonyamenko), who is often around.

- As for the current year, we have only rented the house to groups of maximum 6 persons, most of which were families (and NOT groups of "party" youngsters or similar) looking for privacy, nature and tranquility. Also, rentals took place from time to time and not continuously. If one of these families actually did throw a loud party, I apologize, but they do have the right to sit outside, braai and play some music (under the standard due respect between neighbors). Please, if there are police reports that sustain this complain, I would appreciate receiving a copy.

- We are the ones who use the house for approximately 8 weeks every year (July / August) and I can assure we never do parties at night, never mind after 22:00! We do entertain our friends and family some times in the garden, during daylight hours and with utmost respect to neighbors and surroundings.

- The kitchen door is seldom open because it is not safe (anyone can come from the back and enter "unseen"). Also because of the air current. The house has no other doors or windows facing our neighbors both sides. All windows and doors are facing the sea.

Nevertheless, we do apologize for any inconvenience and we are willing to take better care of noise level in the future. Also, whenever we rent out the house, we will make sure to ask the guests to be respectful.

## ANNEXURE E 3/3

Please, come back to me if there is anything else I can do. We will staying in the house as from the 28<sup>th</sup> of June and I will be available for any further discussion.

Yours sincerely,

Ana Blanca Jiménez Gómez

## ANNEXURE F



File reference:	5 GDK (3835)
Date:	26 February 2018

## INTERNAL MEMORANDUM

From	:	Town Planning Department
Town Planner	:	Petrus Roux

## TO:


<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Electrical Department</u>
Environmental Officer	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	Local Heritage Committee
<u>Operational Services</u>	Traffic Department	<u>Ward Councillor (Clr. R. de Coning)</u>	Waste Management

Applicant	HUGO CARSTENS ATTORNEYS (obo ABJ Gomez)
Property Details	ERF 5, 12 SMUTS STREET, DE KELDERS
Application Description	PROPOSED CONSENT USE

## ATTACHMENTS:

1.	Notice	Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.
2.	Locality Plan	
3.	Site Development Plan	
4.	Motivation	

## YOUR DEPARTMENT'S COMMENTS:

Applicant needs to apply for Health Certificate from O.D.M. to operate as a Accommodation Establishment.	
If food are to be prepared to guest and not only operate as self Catering unit, applicants needs to apply for a COA as well.	
Signature:	
Date:	3/4/2018

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by **not later than the date stipulated below**. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

- Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.

COMMENTS REQUIRED BY:	6 April 2018
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## ANNEXURE G

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE: ERF 5, DE KELDERS (3835)**

Electricity	:	In order
Water	:	In order
Sewer	:	In order
Stormwater	:	In order
Roads and traffic	:	In order

**Conditions:**

1. that only the existing water connection and sewer conversancy tank will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
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 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 5, De Kelders, unobstructed;
6. that no on-street parking be allowed.



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**DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES**

25/4/2018  
DATE

File reference:	5 GDK (3835)
Date:	26 February 2018

## INTERNAL MEMORANDUM

From	:	Town Planning Department
Town Planner	:	Petrus Roux

TO:


<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Electrical Department</u>
Environmental Officer	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	Local Heritage Committee
<u>Operational Services</u>	Traffic Department	<u>Ward Councillor (Cllr. R. de Coning)</u>	Waste Management

Applicant	HUGO CARSTENS ATTORNEYS (obo ABJ Gomez)
Property Details	ERF 5, 12 SMUTS STREET, DE KELDERS
Application Description	PROPOSED CONSENT USE

## ATTACHMENTS:

1.	Notice	Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.
2.	Locality Plan	
3.	Site Development Plan	
4.	Motivation	

## YOUR DEPARTMENT'S COMMENTS:

Consent use is subject to the premises being in compliance with requirements of National Fire Protection Regulations SANS 10400T:2011.	
Refer to Annexure A (attached).	
Signature:	
Date:	27 MAY 2018
MUNISIPALITEIT OVERSTRAND MUNICIPALITY FIRE BRIGADE / BRANDWEER APPROVED / GOEDGEKEUR	
2018	

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

- Building Control Department to confirm that all structures on the properties are in accordance with the approved building plans.

COMMENTS REQUIRED BY:	6 April 2018
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	<p><b>OFFICE of THE CHIEF FIRE OFFICER</b>  <b>PO BOX 20</b>  <b>HERMANUS</b>  <b>7200</b>  <b>Tel: 028 313 8980</b>  <b>Fax: 028 313 1493</b></p>	
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**STANDARD REQUIREMENTS FOR OPERATION OF AN ESTABLISHMENT CLASSIFIED – H5 HOSPITALITY - SELF CATERING TOURIST ACCOMMODATION IN ANY H3 OR H4 CATEGORY BUILDING IN TERMS OF THE NATIONAL FIRE PROTECTION REGULATION SANS10400T:2011**

**ANNEXURE A – ERF 5, 12 SMUTS STREET, DE KELDERS, GANSBAAI**  
**TOWN PLANNING APPLICATION No: 380/35**

The town planning application is subject to compliance with the following fire safety requirements are prescribed together with any other building standards compliance requirements:

**Fire Extinguishers:**

SANS10400T:2011 – 4.37:

• Portable Fire Extinguisher per each accommodation unit of a type - 4.5kg Dry Chemical Powder.

**Combustibility of Floor Coverings:**

Shall comply with requirements of Section 4.14 of SANS10400T:2011 for occupancy H5.

**Combustibility of Wall Coverings:**

Shall comply with requirements of Section 4.15 of SANS10400T:2011 for occupancy H5.

**SANS10400T:2011 – 4.58 require the provision of:**

- Escape route signs – Photoluminescent SANS1186-5 in all passages and corridors and also above all exit doors.
- Self-contained luminaires (automatic actuating battery operated lights) in all passages and corridors.
- Stand-alone smoke alarms compliant with the requirements of European Standard EN14604 in each:
  - Sleeping room
  - Communal area
  - Passage or corridor leading to rooms
- Fire Hose Reels located so that each accommodation unit can be protected in case of fire.
- Doors leading to the outside of the building with single turn locks or any other lock device approved by the Fire Authority.

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

**These plans must include:**

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

Chief Fire Officer