



**MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL
(MPT)**

A G E N D A

**DATE:
VENUE:
TIME:**

**15 DECEMBER 2021
PREEKSTOEL / VIRTUAL
10:00**

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

10 December 2021

TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

NOTICE IS HEREBY GIVEN that the **Municipal Planning Tribunal (MPT)** will go into session on **Wednesday, 15 December 2021 at 10:00** at **Preekstoel/Virtually**, to consider the attached agenda.

H JANSER (MS)
CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL

Distribution:

1. Ms H Janser (Chairperson)
2. Mr S Müller (Vice Chairperson)
3. Mr S Madikane (Member)
4. Mr H Blignaut (Member)
5. Ms R Louw (Member)
6. Mr R Kuchar (Authorised Official)
7. Mr S van der Merwe (Senior Town Planner)
8. Ms H van der Stoep (Senior Town Planner)
9. Mr H Boshoff (Town Planner)
10. Secretariat

1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

3.1 Minutes of a Municipal Planning Tribunal Meeting held on 7 December 2021

4. ITEM FOR CONSIDERATION

4.1 ERVEN 7286 AND 7287, 2 ALBERTYN STREET AND 1 MARINE DRIVE, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, CONSOLIDATION, CONSENT USE AND DEPARTURE: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF CAPEFAM GUESTHOUSE CC

Report attached

4.2 PORTION 164 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, DIVISION BREDASDORP, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS PLANACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF JJ NEL AND AL RABIE

Report attached.

4.3 ERF 47, 36 VAN BLOEMENSTEIN STREET, BIRKENHEAD : APPLICATION FOR AMENDMENT OF RESTRICTIVE TITLE CONDITIONS, CONSENT USE AND DEPARTURE : MESSRS WARREN PETERSON PLANNING ON BEHALF OF WJ VERMEULEN

Report attached.

4.4 ERF 1619, 9 CAESAR ROAD, PRINGLE BAY: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE: WRAP ON BEHALF OF SERFIE SERFONTEIN TRUST

Report attached.

**MUNICIPAL PLANNING TRIBUNAL
(MPT)**

15 December 2021

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4.1

ERVEN 7286 AND 7287, 2 ALBERTYN STREET AND 1 MARINE DRIVE, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, CONSOLIDATION, CONSENT USE AND DEPARTURE: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF CAPEFAM GUESTHOUSE CC

7286 & 7287 HWC

(H Boshoff)

S van der Merwe

22 November 2021

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 7 December 2020 (amended) from Messrs PlanActive Town- and Regional Planners on behalf of Capefam Guesthouse CC applicable to Erven 7286 and 7287, Hermanus for the following:

- (a) application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the rezoning of Erven 7286 and 7287, Hermanus from Residential Zone 1: Single Residential (SR1) to General Residential Zone 3: Flats, Bulk Zone 2 (GR4);
- (b) application in terms of Section 16(2)(e) of the By-Law for the consolidation of Erven 7286 and 7287, Hermanus;
- (c) application in terms of Section 16(2)(o) of the By-Law for consent use to develop a boutique hotel on the consolidated property in (b) above that consists of 16 (sixteen) en-suite hotel rooms, a breakfast buffet, two (2) spa treatment rooms, a bar for resident guests, a conference room and associated uses, as well as an outdoor recreational area with two (2) swimming pools;
- (d) application for departure in terms of Section 16(2)(b) of the By-Law to deviate from the minimum erf size of 3000m² applicable for densification to allow for the boutique hotel development on the consolidated erf with a size of 1282m²;
- (e) application for departure in terms of Section 16(2)(b) of the By-Law for the following (refer to layout plans attached as Annexure C):

(departures applicable to the new development on the consolidated property (the property) in (b) above)

- (i) relaxation of the northern lateral building line of the property from 4,5m to 3m to:
 - at ground floor level, accommodate a portion of the covered parking area;
 - at first floor level, accommodate portions of two balconies, and two en-suite hotel rooms; and
 - at second floor level, accommodate portions of two balconies;
- (ii) relax of the eastern lateral building line of the property from 4,5m to 3,03m, 2.75m and 0m to:

- at ground floor level, accommodate a portion of the covered parking area, a portion of the staff toilet facilities, a portion of the bar area, a portion of a lounge, and an existing approved laundry of which the roof is to be converted into a roof garden;
 - at first floor level, accommodate portions of three (3) balconies, portions of three (3) en-suite hotelrooms, and two (2) spa treatment rooms for guests; and
 - at second floor level, accommodate three (3) balconies, portions of three (3) en-suite hotel rooms and a terrace; and the
- (iii) relaxation of the western street building line of the property from 4m to 3,28m and 3m to:
- at ground floor level, accommodate a portion of a pedestrian entrance, a reception, an internal staircase, a refuse yard, and a portion of a covered parking area;
 - at first floor level, accommodate a portion of the administrative office, staircase, conference room, linen storage room, a hotel room and a balcony; and
 - at second floor level, accommodate a portion of a terrace, the internal staircase, two (2) balconies and an en-suite hotel room;

(departures applicable to the existing guesthouse development on the property that is to be incorporated with the new boutique hotel development on the consolidated property)

- (iv) relaxation of the eastern lateral building line from 4,5m to 2m to:
- at ground floor level, accommodate a portion of the dining patio/pergola, dining room, en-suite guest room, and covered patio of the existing guesthouse;
 - at first floor level, accommodate a portion of a terrace, en-suite guestroom, and balcony of the existing guesthouse; and
 - at second floor level, accommodate an en-suite guestroom, and a covered deck of the existing guesthouse.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report of the applicant in support of the proposal as Annexure B, and the proposed Site Development Plan (layout plans) is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 7286, Hermanus is zoned Residential Zone 1: Single Residential, measures 571m², and is vacant. Erf 7287 is zoned Residential Zone 1: Single Residential, measures 711m², and is currently developed with a five-bedroom guesthouse for which approval was obtained on 21 June 2016 as a consent use. The main aim of the application is to rezone the properties to General Residential Zone 3: Flats (GR4), the consolidation thereof, as well as a consent use to develop a sixteen-

bedroom boutique hotel thereon together with ancillary uses. The existing guesthouse on Erf 7287 will be incorporated by the main extension on Erf 7286.

4. SUMMARY OF APPLICANT'S MOTIVATION

Due to the comprehensive nature of the Motivation Report only the main points of motivation are summarised as follows (the detailed report is attached as Annexure B):

- ❖ The properties are situated in close vicinity of the Hermanus CBD that is a tourist destination with great views over Walkerbay and therefore the expansion of the existing guesthouse would be a viable option as an accommodation establishment (boutique hotel).
- ❖ The existing guesthouse will be incorporated with the proposed development of the consolidated erf with a combined size of 1282m².
- ❖ There are various tourist accommodation establishments, guesthouses, flats, offices, boutique hotels, single residential uses and medical orientated land uses in the vicinity of the subject properties.
- ❖ The Title Deeds of the subject properties contain no restrictive clauses that needs to be removed to accommodate the new structures.
- ❖ The boutique hotel and incorporated existing guesthouse will provide for sixteen (16) guestrooms with a total of thirty two (32) guests.
- ❖ The development will consist of the following:

Existing guesthouse

The existing three-storey five-bedroom guesthouse with two (2) rooms reserved for the owner will remain the same except for the reception, parking area and pool area that will change. The reception area will be relocated to the new addition. The breakfast buffet area will be accessible to all visitors making use of the guestrooms. The existing kitchen and five (5) guestrooms will remain, and the two (2) bedrooms of the owner will also be used as guestrooms. The premium bedrooms at the first and second floors will have access to a private balcony, lounge, and kitchenette. Although a kitchenette is provided in each premium guestroom it will not be fitted with any cooking appliances and would therefore not be self-catering units. Guests will be able to make their own hot beverages and will have access to cold beverages. Guests will have to make use of the dining facilities in the original guesthouse where they will have access to a breakfast buffet area or make use of restaurants in the CBD area.

New addition

Guests will have access to the breakfast buffet area, an outside recreation area consisting of two (2) swimming pools, a pool lounge, a bar spa treatments and a conference room. The two (2) buildings will be linked by means of a covered walkway. The parking is provided at the northern section of the consolidated erf partially underneath the new building at ground floor level with a single entrance and exit from Albertyn Street. The reception area will be accessible from the parking area and pedestrian access from Albertyn Street is also provided. The conference room will be located at the western side of the building to have the least impact on surrounding erven.

- ❖ The coverage, floor factor and height of the new zoning will not be exceeded. Except for the 1m gained in height, the development compares well with the development parameters of a single residential zoning and is in line with the character of the area and will not be excessive. The new height will have a minimal impact on the sunlight of Albertyn Street.
- ❖ There are no habitable spaces on Erven 4929 and 527 to the east of the new extension and the dwellings are developed facing south south-east and north

north-west and therefore there will be no impact on the views of surrounding property owners.

- ❖ A total of sixteen (16) guestrooms will be provided and the zoning scheme requires one (1) bay per bedroom. Sixteen (16) practical parking bays will be provided.

Building line departures

- ❖ The relaxation of the building lines is to accommodate existing structures and the proposed addition. The building line encroachments will have a minimal impact on surrounding landowners and the residential ambiance will be retained.

Deviation from minimum 3000m² for densification

- ❖ No flats are applied for or any form of residential units.
- ❖ The proposed zoning is the most appropriate to accommodate the boutique hotel.
- ❖ The boutique hotel must be considered taking the surrounding land uses, future trends and approved land uses in the area into consideration.
- ❖ All services already exist and there are sufficient services to accommodate the development. Bulk services will be paid if required by the Municipality.

Forward planning

- ❖ The Overstrand Growth Management Strategy (OGMS) indicates that the erven fall within planning unit 13 that consists of the Hermanus CBD, that is mostly used for business purposes and tourist accommodation with a limited number of residential units.
- ❖ Densification for this area is proposed for site consolidation developments of three-storey gallery access simplex row housing with densities of more than 30 units p/ha.
- ❖ The OGMS is not applicable since it refers to the density of dwelling units. No dwellings are proposed, but a boutique hotel that is compatible with the surrounding residential, business and tourist related land uses, and built form.
- ❖ The SDF earmarks the area for urban development and the rezoning to Residential Zone 3 is compatible with both the OGMS and the SDF.
- ❖ The properties fall within the Heritage Overlay Zone but is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey.
- ❖ The application does not trigger any listed activities in terms of NEMA.
- ❖ No planning principles are impacted upon.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	27 January 2021	5 March 2021
Notices	Yes	30 January 2021	5 March 2021
Ward councillor	Yes		
Total comments	TWO (2)		
Total letters of support	ONE		
Was public participation undertaken in accordance with Section 467 - 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
Building Control	29/07/2021	No objection. Building plan application (if required) to comply with all applicable law.
Fire Department	28/01/2021	No objection, subject to compliance with the provisions of SANS 10400-A2016, SANS-T:2020 and the By-Law Relating to Community Fire Safety: Guesthouse / Bed & Breakfast Accommodation SANS-T-4.59.
Electro Technical Services	29/01/2021	No objection – only one electrical connection will be allowed to the consolidated erf.
Waste Management	23/02/2021	Ensure that the proposed designated waste storage area complies with the new refuse rooms standards as per Chapter 17.4.1 of the 2020 Zoning Scheme.
Engineering Services	27/07/2021	Attached as Annexure F.
Heritage & Aesthetics Committee	03/02/2021	No objection to Town Planning Application. Building design to be submitted to the Overstrand Heritage Committee for Scrutiny.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION



HOFMEYR FAMILY TRUST, ERF 527, 3 MARINE DRIVE**Point of comment**

The roof garden should only be used as a roof garden and not as a gathering or entertainment area linked with the two spa treatment rooms.

Response from applicant

The proposed roof garden will be used in the manner as requested by the commenter.

Response from town planner

The matter is addressed together with the evaluation on the desirability of the application in paragraph 10.9 of this submission.

AS VAN DER WATT, ERF 6847, 5 ALBERTYN STREET**Point of comment**

The 1m increase in the height of the building from 8m to 9m will spoil our views of the mountains.

Response from applicant

The objector's double storey dwelling is positioned to enjoy views in a north-western, north-eastern and a south-eastern direction. The subject properties are located east of the objector's property and the development will not have a detrimental impact on its mountain views. The proposed development will be 1m higher than what is currently permitted on the subject properties. The development is at an angle from the objector's property having the effect that it will still enjoy mountain views from the first floor. From ground floor level the objector does not enjoy any views due to the existing 2,1m high boundary wall.

Response from town planner

The applicant's response on this point of objection is fully agreed with and is confirmed by the photos below that was captured during a site inspection.

WIDE-ANGLED PHOTO OF THE NORTH-WESTERN, NORTHERN AND NORTH-EASTERN VIEWS OF THE OBJECTOR (THE MOUNTAIN VIEWS IN THE OPPOSITE DIRECTION OF THE PROPERTIES UNDER DISCUSSION)



WIDE-ANGLED PHOTO OF THE SOUTHERN AND SOUTH-EASTERN VIEWS OF THE OBJECTOR



From the above photos it is evident that the objector's mountain views are dominantly towards the northern sides of its property and not towards the proposed development. Towards the south of the objector's property mountain views are already hindered by the existing three-storey guesthouse on Erf 7287 and towards the east of the proposed development the objector's views are further obstructed by multi-storey buildings. The roof of the extension will be a semi-pitched roof. A flat roof at a 9m height would have impacted more since it will be out of character of the surrounding buildings in the immediate area which are predominantly pitched type roofs. The additional 1m in height would therefore hardly have a mentionable impact on the mountain views of the objector. One must also consider that the Title Deeds of both properties do not have any restrictions regarding one (1) dwelling per erf only. The owners of the properties could therefore construct two (2) 8m high dwellings on each erf that would create a much bigger impact on views.

The objector's property and the location of its dwelling unit is of such a nature that the development can hardly impact on the objector's rights, if at all.

Point of comment

We appose the application for departure from the minimum 3000m² for densification to 1282m² accommodating 16 parking bays.

Response from applicant

The Zoning Scheme limits the size of properties on which flats may be erected to 3000m². We are applying for a boutique hotel and not flats, and the application must be evaluated as such. The existing guesthouse is incorporated in the proposed development and all parking bays will be accommodated on the vacant portion to be developed.

Response from town planner

The application is indeed for a boutique hotel and not flats that is clearly stated in the application document. Although the specific departure is not relevant at this stage, it might be beneficial for the landowners in future should the buildings be used for a different use under the General Residential Zone 3 zoning. It is however uncertain what the objector's argument is by linking the departure with the sixteen (16) parking bays that needs to be provided since it has no relevance to the specific departure application at all.

Point of comment

Additional traffic in Albertyn Street between Marine Drive and Church Street will bring about an unwelcome increase in activity/traffic that will influence property values negatively.

Response from applicant

The objector's property is located at the corner of Church- and Albertyn Street. Church Street is one of the major roads that link the town centre with Westcliff and is also the main access road to Medi Clinic and the Provincial Hospital. It is further planned that Church Street become a relief road in future. The impact of traffic on Albertyn Street will be minimal taking the current traffic flow of Church Street and Albertyn Street into consideration.

It is clear that the impact of the proposed boutique hotel would be minimal and that it will not have a negative impact on the surrounding landowners and its property values. It should also be considered that no other objections were received from the immediate neighbouring landowners. The existing guesthouse is a great example of the upmarket establishment that can be expected on the consolidated properties.

Response from town planner

The applicant's response is concurred with. It is further the opinion that the objector currently experiences much more noise impacts from traffic and pedestrians in Church Street than it would experience in Albertyn Street. Future plans for Church Street involve the upgrading and widening thereof that will lead to even more vehicles and pedestrians in the vicinity. It is further anticipated that the

boutique hotel will more likely only be fully booked during festive times and not necessarily throughout the year. During festive times there are a huge influx of tourists and visitors to the area and with or without the boutique hotel development the impact of vehicles and pedestrians in the immediate area of the development will most probably remain unchanged. It is also important to note that access to the development can be obtained from two (2) roads, namely Church Street and Westcliff Road. All guests would therefore not necessarily gain access from Church Street only that by itself minimizes road traffic impacts in Albertyn Street. The fact that also needs to be considered is the existing traffic circle at the southern end of Albertyn Street where it intersects with Westcliff Road. The traffic circle ensures a much better traffic flow on the roads it serve that ultimately alleviates traffic congestion/flow in Albertyn Street. Further, the owners of Erf 6847 are the only objectors in Albertyn Street and also the only objectors to the application which is an indication that additional traffic to the area would not be problematic to the rest of the landowners in that section of Albertyn Street.

In view of the above, the objector's point that the proposed development will impact negatively on property values cannot be justified since property values in the area would rather increase as a result of the proposed upmarket development.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

As above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

As 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 as set out below.

The objectives relating to:

Spatial Justice

The application will not perpetuate spatial injustices and will provide access to opportunities, i.e. employment.

Spatial sustainability

The application is located within the urban edge and will not lead to urban sprawl. Although Erf 7287 partly falls within the Environmental Management Overlay Zone it is already developed and therefore no natural habitat will be impacted upon, and it will have no 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 it is in line with the Overstrand Municipality's forward planning documents.

Good administration

The application follows the required planning procedures and a good public participation process has been followed.

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

The same as Point 10.2 above.

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

Inconsistent with the Zoning Scheme due to the building line encroachments, but consistent with the Spatial Development Framework and the Overstrand Municipal Spatial Growth Management Strategy.

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

N/A

10.6 Impact on Municipal engineering services

The existing services are available and have been viewed positively by the Engineering Department.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The application is not in line with the Overstrand Land Use Scheme due to building line encroachments.

10.9 THE DESIRABILITY OF THE PROPOSAL

The motivation of the application by the applicant is supported. The comments by the author on the points of objection should be read in conjunction with the desirability of the application.

Rezoning

The area within which the application properties are located, is seen as a transitional area due to the number of existing tourist accommodation amenities and the number of accommodation amenities that have been approved over the last couple of years. It is thus inevitable that more and

more similar developments will occur in the area in the future. It is further in close proximity of the ocean and the business centre of Hermanus, making it a very desirable location for such a development since it would be in line with the character of the surrounding mixed land use environment. The block within which the subject properties are situated already has three (3) erven that is zoned General Residential Zone 3, namely Erven 529, 530, and 531. Erf 526 that is situated directly to the north to be consolidated erven is zoned Business Zone 2. It is thus evident that the proposal does not fall in a predominant single residential neighbourhood. The proposed zoning status of the subject properties will therefore only complement the already mixed land uses of the area. Further, the properties currently have residential status and will only obtain higher residential status, but with a consent use to develop a boutique hotel consisting of sixteen (16) rooms together with ancillary uses.

The applicant clearly highlighted in its application and its comments on the objection that it is the sole intention of the landowners to develop a boutique hotel on the property and not flats and that the application must be evaluated according. The Engineering Department provided its comment on the application taking the latter into consideration. A condition should therefore be laid down that the development be restricted to a boutique hotel only together with the ancillary uses and that no sectional title for own title of any of the guestrooms be allowed. The department indicated that there are sufficient services available for the development. The department further requires the payment of bulk services levies, as well as that should any upgrading of services be required, the necessary investigations be done by the applicant.

In terms of the 2020 Spatial Development Framework the property is reserved for residential development. The proposed zoning will still be residential in nature and the proposal is therefore in line with the spatial planning for the area.

Consolidation

The consolidation of Erf 7286 with Erf 7287 will optimize the usage of the consolidated erf when fully developed. The average erf size of the mixed land use erven in the block within which the subject properties are located, is $\pm 940\text{m}^2$ in relation to the proposed consolidated size of 1282m^2 . It is the opinion that the approximate 26% ($\pm 340\text{m}^2$) deviation of the average erf size in the block will not have a mentionable, if any, impact on the immediate area due to the existing built character and mixed land uses thereof.

Consent Use

The proposed Residential Zone 3 zoning allows for a hotel as a secondary use on the properties. The secondary uses under the different zonings are regarded as uses that can normally be associated with the primary uses. The consent use is only for a boutique hotel on the consolidated property that will consist of 16 (sixteen) hotel rooms, a breakfast buffet, two (2) spa treatments rooms, a bar facility for guests, a conference room and associated uses, as well as an outdoor recreational area with two (2) swimming pools.

It should be mentioned that the applicant indicated that each hotel room in the new flank/addition would have a kitchenette as indicated on the layout plans,

but it will not be fitted with cooking appliances and would therefore not be self-catering units. Guests would only be able to make hot beverages and will have access to cold beverages. Guests will have to make use of the dining facilities of the enterprise. It is however the opinion that you do not need a kitchenette to be able to make hot beverages and to have access to cold beverages because if it does have kitchenettes, it can easily function as independent units that cannot be properly policed in future. The kitchenettes should therefore not be allowed since it would defeat the purpose of the proposal to establish a boutique hotel development only. The dining area that is proposed in the existing building is there for the guests to enjoy warm meals. However, most accommodation establishments do cater for facilities in its guestrooms for guests to be able to make hot beverages and have access to cold beverages. Kettles and bar type fridges can however be allowed, but not kitchenettes. A condition should therefore be imposed that no kitchenettes or cooking facilities whatsoever be allowed in the hotel rooms to avoid possible future exploitation of the land use that is being applied for.

In view of the above the proposed rezoning and consolidation of the applicable erven, should be supported.

Deviation from the minimum erf size of 3000m² applicable for densification

Although not directly applicable to the application since the proposed development does not comprise of units that will be individually sold off as clearly stated by the applicant in its application, it can still be considered since the primary rights of the proposed zoning are flats, town houses and residential buildings of which future owners may want to convert the development to.

The deviation of 1718m² of the minimum property size of 3000m² required for densification can be supported. Although it is regarded as a mentionable deviation one should consider the fact that the applicant requires that the application be evaluated for a boutique hotel only and that no densification per se is applied for. Thus, no individual units will be created. As already mentioned, a condition will be imposed that the development be restricted to a boutique hotel only and should any future owners decide to convert the development to a different use under the proposed zoning, an application to deviate from this condition of approval would then be evaluated on the merit thereof. One should also note that densification within the urban edge is promoted in the forward planning documentation of the Municipality. The to be consolidated property is already semi-developed as a result of the existing guesthouse which makes it impossible to be in keeping with the required minimum property size of 3000m². It should also be noted that the properties fall within an already developed mix land use area and the application can therefore be regarded as being exceptional in nature and can be supported.

Departures

Existing guesthouse structure

The guesthouse was legally approved at its current position which is 2m from the eastern boundary of the property, as well as a laundry room that was approved at ground floor level on the eastern boundary.

All seven (7) rooms of the existing guesthouse (dwelling) will be used as hotel rooms in lieu of the original approved five-guestrooms, should the application be approved. Further, the existing guesthouse structure will now be altered to also accommodate a breakfast facility for all guests of the whole establishment. If fully occupied the whole establishment can cater for thirty-two (32) guests at a time, excluding staff. Although all guests would not necessarily make use of the breakfast area at the same time in the mornings it may to some extent lead to noise generation resulting in a disturbance for the adjacent property owner if not properly managed. The adjacent dwelling is situated close to the guesthouse/hotel under discussion and although the adjacent property owner only had an issue with the rooftop garden it is the opinion that a condition should be imposed that the management/owners of the establishment must implement noise control measurements to reduce noise levels of any kind to the minimum.

Proposed roof garden

The laundry room will still be utilised as such except that application is also made to create a rooftop garden on top of the laundry room that is accessible to guests. The owners of the adjacent Erf 527 commented that they would have no objection to the rooftop garden should it be solely used as a roof garden that is linked to the two (2) spa treatment rooms only and not as a gathering or entertainment area. The applicant agreed to these conditions via e-mail. The landowners should therefore ensure that it would not be used as a gathering or entertainment area by means of a proper notice and that the garden is only tied to the two (2) spa treatment rooms. This condition should be further extended that should it be found that the roof garden turns into a nuisance or impact on the privacy of surrounding property owners, it must be removed, and the access thereto completely closed up.

The new addition to the existing development

The following development parameters apply to the proposed zoning of the consolidated property:

Floor factor:	1,5 (proposed floor factor 0,98 – compliant)
Coverage:	80% (proposed coverage 44% - compliant)
Height:	9m (proposed height 9m – compliant)
Storeys:	3 (proposed storeys 3 – compliant)
Setback:	8m (compliant)
Lateral building lines:	4,5m (non-compliant)
Rear building line:	3m (not applicable since the consolidation of the properties will result in the property being a corner erf with no rear building line)
Street building lines:	4m (non-compliant)
Parking:	One (1) parking bay per hotel room equals sixteen (16) (compliant)

The encroachment of the 4,5m eastern lateral building line of the proposed three-storey extension will be 2,75m at the closest distance (except for the already approved laundry at ground floor level) from the boundary being an encroachment of 1,75m. The 1,75m encroachments at ground floor level consist of a portion of the parking area beneath the building, a portion of the staff toilet facility, and a portion of the bar and lounge facility. The encroachment of the parking area is to ensure that there would be a practical parking area with ample manoeuvrability space. The bar and lounge area are relatively small compared to the whole development and should not have any mentionable impacts, if any. It is further enclosed at that side of the building.

The encroachments of the 4,5m eastern lateral building line at first- and second storey levels will be 1,47m. These encroachments consist of six (6) balconies in total, portions of the hotel rooms, and a terrace for one (1) hotel room at second floor level. *See aerial extract below.* Although the balconies are regarded as habitable spaces it must be kept in mind that the dwellings on the possible affected erven, namely Erven 527 and 4929, are situated to the most northern part of the erf (Erf 4929) and to the most southern part of the erf (Erf 527) away from the proposed extension. The views and habitable portions of these dwellings are also located in such a way that there would hardly be any privacy impacts on the owners thereof once guests make use of these balconies. Further, the balconies are only approximately 1m wide and therefore not particularly suitable for leisure purposes. It is anticipated that it would mostly be utilised in the mornings and evenings for viewing purposes towards the coastline and the ocean and not necessarily throughout the day. In addition to the latter, it can be observed from the layout plans that the hotel rooms of the proposed extension each have a lounge area specifically for leisure purposes. It should also be noted that if the properties were to be utilised for single residential purposes, then a 2m lateral building line would have applied keeping in mind that three-storey single residential buildings, as well as second dwellings could be constructed at heights of 8m which could by implication have much more mentionable impacts if it was to be utilised for self-catering purposes. The proposed terrace at second floor level is excessive in relation to the balconies of the rest of the hotel rooms at that side of the building and would impact more on the privacy of surrounding property owners than the narrow balconies. It also reaches from the eastern side of the building around to the southern side thereof. In order to lessen any possible privacy impacts a condition should be imposed that a balustrade be fixed at the eastern side of the terrace on the 4,5m lateral building line.



The 4m Albertyn Street building line encroachment to 3,28m and 3m consists of a section of the parking area at ground floor level. At first floor level a section of a balcony, hotel room, linen storage room, conference room, internal staircase, and an administrative office. At second floor level a section of two (2) balconies, a hotel room, an internal staircase and a section of the terrace at second floor level will encroach the street building line. The depth of the erven is less than 20m and should it be utilised for single residential purposes a 3m street would have applied in any event in terms of the Municipal Land Use Scheme. It is thus the opinion that the proposed encroachments will not have any mentionable impacts on the streetscape of the consolidated property. The conference facility has specifically been placed at the Albertyn Street side of the building to have the least impact on surrounding property owners.

The encroachment of the parking area at the Albertyn Street side of the building is to ensure that there would be a practical parking area with ample manoeuvrability space. As already mentioned, the balconies are only approximately 1m wide and therefore not particularly suitable for leisure purposes. The hotel rooms of the extension each have a lounge area specifically for leisure purposes. It should also be noted that if the properties were to be utilised for single residential purposes, then a 2m lateral building line would have applied keeping in mind that three-storey single residential buildings, as well as second dwellings could be constructed at heights of 8m which could by implication have much more mentionable impacts if it was to be utilised for i.e., self-catering purposes.

The encroachment of the northern lateral building line from 4,5m to 3m comprises of the parking area at ground floor level, sections of two (2) balconies and hotel rooms at first floor level, as well as sections of balconies at second floor level. The evaluation directly above also applies to these departures and no further or additional comment is therefore considered to be offered.

It should be noted that the Overstrand Heritage Committee in its comment on the application requires that the building design (building plans) be submitted to the committee for scrutiny. A condition to the latter effect should therefore be laid down as a condition of approval.

It should also be noted that Waste Management requires that the proposed designated waste storage area complies with the new refuse rooms standards as per Chapter 17.4.1 of the Overstrand Land Use Scheme of 2020. The requirements as per Chapter 17.4.1 are quoted as follows:

“17.4.1 The Municipality may, for the purposes of collecting refuse, require the owner to install a refuse receptacle on the land unit which shall:

- a) be of sufficient size to accommodate the refuse generated from the land unit for one week;*
- b) be located adjacent to a public street or, at the Municipality’s discretion, in a position which will provide acceptable access to a refuse collection vehicle;*
- c) be designed in a manner that is architecturally compatible with the surrounding structures and screen refuse bins from public view; and*
- d) comply with any other reasonable condition the Municipality may impose relating to access, health, pollution control, safety or aesthetics.”*

The above will be a condition of approval should the application be successful.

The Fire Department also requires that the development complies with the provisions of SANS 10400-A2016, SANS-T:2020 and the By-Law Relating to Community Fire Safety: Guesthouse / Bed & Breakfast Accommodation SANS-T-4.59. A condition to the latter effect will form part of the approval should the application be successful.

Conclusion

In view of the responses on the points of comment, as well as the evaluation of the desirability of the application as a whole, the application is found to be desirable from a town planning perspective and should be supported in the manner as set out in the recommendation of this submission.

11. RECOMMENDATION

1. that the application in terms of Sections 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the rezoning of Erven 7286 and 7287, Hermanus from Residential Zone 1: Single Residential (SR1) to General Residential Zone 3: Flats, Bulk Zone 2 (GR4), **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(e) of the By-Law for the consolidation of Erven 7286 and 7287, Hermanus, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(o) of the By-Law for consent use to develop a boutique hotel on the consolidated property in 2. above that consists

of 16 (sixteen) hotel rooms, a breakfast buffet, spa treatment rooms, a bar for resident guests, a conference room and associated uses, as well as an outdoor recreational area with two (2) swimming pools, **be approved** in terms of the provisions of Section 61 of the By-Law;

4. that the application for departure in terms of Section 16(2)(b) of the By-Law to deviate from the minimum erf size of 3000m² applicable for densification to allow for the boutique hotel development on the consolidated erf with a size of 1282m², **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the application for departure in terms of Section 16(2)(b) of the By-Law to allow for a rooftop garden on the existing laundry at ground floor area, **be approved** in terms of the provisions of Section 61 of the By-Law; and
6. that the application for departure in terms of Section 16(2)(b) of the By-Law for the following:

(departures applicable to the new development on the consolidated property (the property) in 2. above)

- (i) relaxation of the northern lateral building line of the property from 4,5m to 3m to:
 - at ground floor level, accommodate a portion of the covered parking area;
 - at first floor level, accommodate portions of two (2) balconies, and two (2) en-suite hotel rooms; and
 - at second floor level, accommodate portions of two (2) balconies;
- (ii) relax of the eastern lateral building line of the property from 4,5m to 3,03m, 2,75m and 0m to:
 - at ground floor level, accommodate a portion of the covered parking area, a portion of the staff toilet facilities, a portion of the bar area, a portion of a lounge, and an existing approved laundry;
 - at first floor level, accommodate portions of three (3) balconies, portions of three (3) en-suite hotel rooms, and two (2) spa treatment rooms for guests; and
 - at second floor level, accommodate three (3) balconies, portions of three (3) en-suite hotel rooms and a terrace; and the
- (iii) relaxation of the western street building line of the property from 4m to 3,28m and 3m to:
 - at ground floor level, accommodate a portion of a pedestrian entrance, a reception, an internal staircase, a refuse yard, and a portion of the covered parking area;
 - at first floor level, accommodate a portion of an administrative office, an internal staircase, a conference room, a linen storage room, a hotel room and a balcony; and
 - at second floor level, accommodate a portion of a terrace, an internal staircase, two (2) balconies and a hotel room;

(departures applicable to the existing guesthouse development on the property that is to be incorporated with the new boutique development on the consolidated property)

(iv) relaxation of the eastern lateral building line from 4,5m to 2m to:

- at ground floor level, accommodate a portion of the dining patio/ pergola, dining room, an en-suite hotel room and a covered patio of the existing building (previous approved guesthouse);
- at first floor level, accommodate a portion of a terrace, an en-suite hotel room, and a balcony; and
- at second floor level, accommodate an en-suite hotel room, and a covered deck;

be approved in terms of the provisions of Section 61 of the By-Law;

7. that the above approvals be subject to the following conditions:

- (a) that the development of the consolidated property be restricted to a boutique hotel together with the ancillary uses as indicated on the layout plans that was submitted with the application;
- (b) that the hotel rooms on the consolidated property be restricted to sixteen (16) hotel rooms;
- (c) that none of the hotel rooms may be utilised as self-catering units;
- (d) that no sectional title/own title of the hotel rooms be allowed;
- (e) that no kitchenettes or cooking facilities be allowed in the guestrooms – kettles or alike and bar type fridges are allowed;
- (f) that the necessary liquor license be obtained from the Liquor Authority for on-site consumption;
- (g) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
- (h) that the proposed designated waste storage area complies with the refuse room standards as per Chapter 17.4.1 of the Overstrand Land Use Scheme;
- (i) that the rooftop garden may solely be used as a roof garden that is linked to the two (2) spa treatment rooms and not as a gathering or entertainment area - the landowners must therefore ensure that it may not be used as a gathering or entertainment area by means of a proper notice and that the garden is only tied to the two (2) spa-treatment rooms;
- (j) that should it be found that the roof garden turns into a nuisance or impact on the privacy of surrounding property owners, it must be removed, and access thereto must be completely closed up;
- (k) that the management/owners of the establishment must implement noise control measurements within the establishment, as well as the outside

- area to reduce noise levels of any kind to the minimum;
- (l) that the establishment be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area and no activities constituting a public nuisance shall be carried out on the property;
 - (m) that a balustrade be affixed at the eastern side of the terrace at second storey level on the 4,5m lateral building line;
 - (n) that the consolidation in 2. above must be registered prior to the submission of building plans;
 - (o) that the building design (building plans) must first be submitted to the Overstrand Heritage Committee for scrutiny prior to the approval thereof and any conditions by the said Committee, as well as the Fire- and Building Departments when considering the building plans, must be complied with;
 - (p) that the development complies with the provisions of SANS 10400-A2016, SANS-T:2020 and the By-Law Relating to Community Fire Safety: Guesthouse / Bed & Breakfast Accommodation SANS-T-4.59;
 - (q) that the parking bays be properly demarcated and provided with a hard surface to the satisfaction of the Municipality and provision be made for the run-off of rain/stormwater;
 - (r) that the hotel establishment comply with all applicable Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (s) that no on-street parking be allowed whatsoever;
 - (t) that no advertising on the property shall be displayed without the approval of the Municipality (Building Department);
 - (u) that the conditions of Engineering Services (attached as Annexure F), be complied with;
 - (v) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (w) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (x) that the applicant/landowners provide proof of compliance with the above conditions (g), (n), (p), (r), and (u) prior to operating the establishment.
8. that the applicant, as well as the objectors be notified of their respective appeal rights in terms of Section 78 of the By-Law with regard to the above decisions.

12. REASONS FOR RECOMMENDATION

Rezoning, consolidation, consent use, and departures (rooftop garden and deviation from the 3000m² minimum allowable erf size for development)

- ❖ The applicant's motivation and response to the objection is supported.
- ❖ No internal objections were received.
- ❖ The establishment will promote the tourism industry in the area that is in line with the forward planning documents of the Municipality.
- ❖ The property (consolidated) falls within an area with numerous established tourist establishments, as well as recent approved tourist establishments, and is therefore in line with the land use character of the area.
- ❖ Only one (1) objection was received of which the points of objection were appropriately addressed by the applicant.
- ❖ The establishment will create much wanted job opportunities.
- ❖ The proposed development is regarded as desirable from a town planning point of view.

Departure (building lines)

- ❖ The encroachments are not regarded as undesirable from a town planning perspective because it is not regarded as excessive in nature since it is predominantly sections of the main structure.
- ❖ It will ensure that a practical parking area can be developed for guests of the establishment.
- ❖ The impact thereof on surrounding property owners is minimal.
- ❖ It does not impact negatively on the built environment or character of the area.
- ❖ It will not result in a bulky development of the property since the proposed coverage is 44% in lieu of the allowable 80% coverage, as well as the proposed floor factor of 0,98 in lieu of the allowable floor factor of 1,5.
- ❖ It will not impact on the street scapes of the property.

13. Annexures

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plans
Annexure D:	Comment received
Annexure E:	Comment from applicant
Annexure F:	Services Report

SIGNATURES

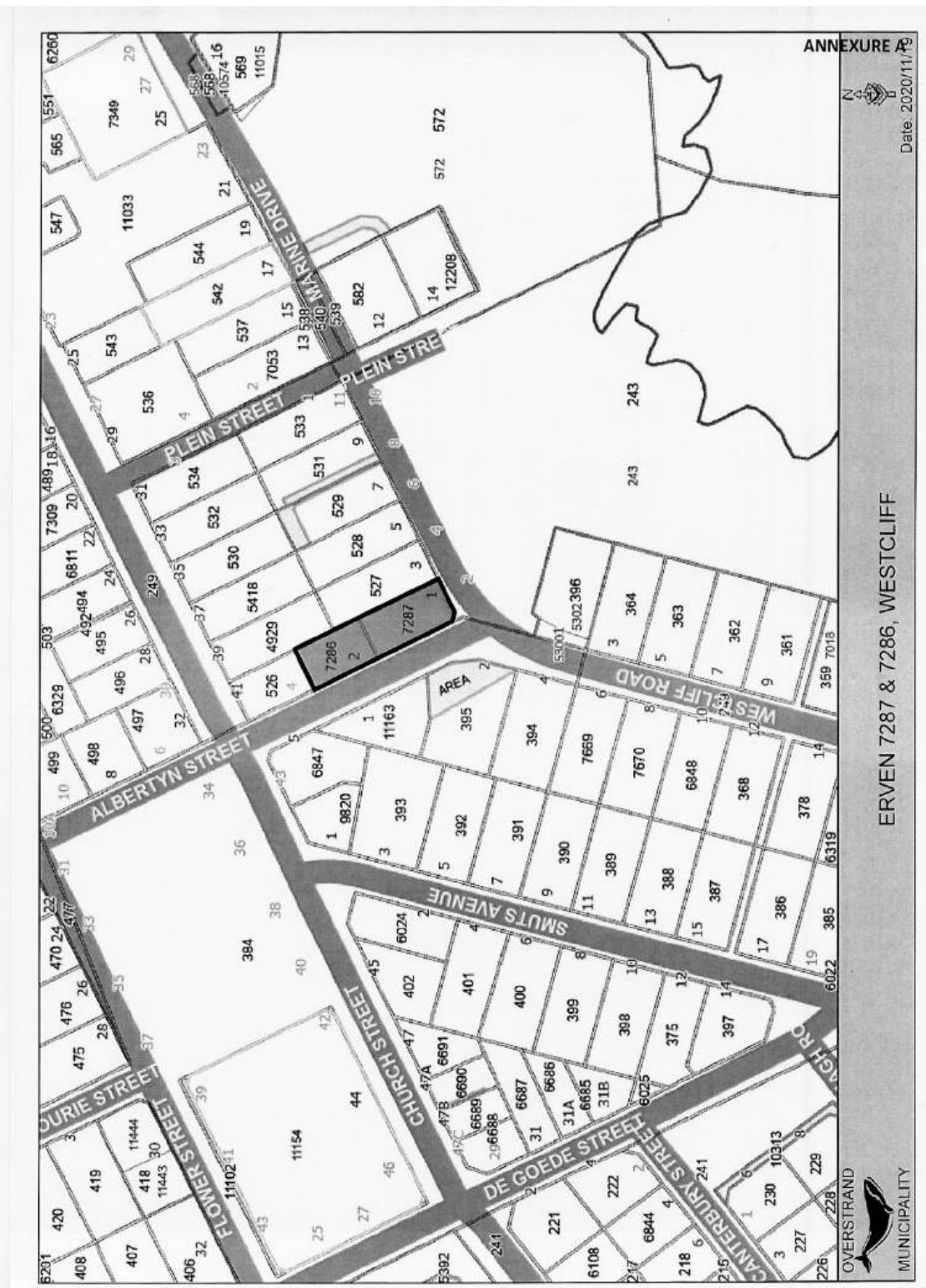
REGISTERED PLANNER:

Name : **S VAN DER MERWE**

SACPLAN Reg No: **A/1850/2014**

Signature : _____

Date: _____



ANNEXURE A

Date: 2020/11/19

ERVEN 7287 & 7286, WESTCLIFF



**PROPOSED REZONING,
CONSOLIDATION, CONSENT USE
& DEPARTURES**

ERVEN 7286 & 7287 HERMANUS

OVERSTRAND MUNICIPALITY



MOTIVATION REPORT

1. BACKGROUND

Erven 7286 & 7287 Hermanus are situated on the corner of Marine Drive and Albertyn Street. Please refer to the enclosed locality map. The company Plan Active has been instructed by Mr. John David Stewart on behalf of Capefam Guest House CC to apply for a rezoning, consolidation, consent use and departures. Please refer to the enclosed Special Power of Attorney and Close Corporation Resolution.

Properties in the vicinity of Church Street and Marine Drive, from the CBD of Hermanus towards the Medi Clinic, consist of a number of different land uses. Taking the Overstrand Municipal Spatial Development Framework into account as well as the Overstrand Municipal Spatial Growth Management Strategy, which promote densification within the exiting urban areas, the properties within the planning unit experience pressure for change in land use being allocated within an area classified as being part of the Hermanus CBD.

We were approached by the owner of the subject properties to initiate discussions with the Planning Department (Overstrand Municipality), to determine what would be a viable proposal with regards to the development of the subject properties. During the discussions of the development of the erven it was clear that being within close proximity of the Hermanus CBD as a tourist destination and the erven

also offering great views over Walkerbay, that the expansion of the existing guesthouse located on Erf 7287 Hermanus would be a viable option. Gerd Weideman Architects were appointed to assist in drawing a site development plan, parking layout, floor plans and elevations of the proposed tourist accommodation establishment (Boutique Hotel).

2. APPLICATION DETAILS

In order to accommodate a Boutique Hotel on the subject erven, it would be required that an application be lodged in terms of:

- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the rezoning of erven 7286 & 7287 Hermanus from Residential Zone 1 to General Residential Zone 3.
- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the consolidation of erven 7286 & 7287 Hermanus.
- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for a consent use to establish a Boutique Hotel on the consolidated erven 7286 & 7287 Hermanus.
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for departures.

3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erven 7286 & 7287 Hermanus are situated on the corner of Marine Drive and Albertyn Street, Hermanus. Please refer to the enclosed locality plan.

The property details are as follow:

Erf Number	Size (m ²)	Title Deed Nr.	Owner	Zoning
7286 Hermanus	571	T6336/2018	Capefam Guest House CC	Residential Zone I
7287 Hermanus	711	T42886/2015	Capefam Guest House CC	Residential Zone I

3.2 ZONING

Erven 7286 & 7287 Hermanus are zoned Residential Zone I. Only Erf 7287 Hermanus is developed and Erf 7286 Hermanus is vacant. An application for a consent use for a guesthouse and a lateral building line departure were approved on the 21 June 2016. We have enclosed a copy of this approval for easy reference as Annexure A. The guesthouse has been operational to date and will be incorporated within the proposed development of the consolidated erven.

The predominant zonings found in the vicinity of the subject erven are Residential Zone 1, General Residential Zone 1, General Residential Zone 3 (Bulk Zone 1 and 2), Business Zone 3 and departures / consent uses for tourist accommodation establishments that also includes Boutique Hotels. Please refer to the Table below indicating the surrounding erven with a zoning other than Residential Zone 1:

ZONING	Business 3	General Residential 1	General Residential 3 (Bulk Zone 1)	General Residential 3 (Bulk Zone 2)
ERVEN	526	536, 543, 547, 565, 551, 553, 7182, 6127, 9844, 6260, 7349, 544, 537, 7053	529, 530, 531, 542	11018, 11033

Please refer to an abstract of the zoning map below:



3.3 LAND USE

A guesthouse is established on Erf 7287 Hermanus and Erf 7286 Hermanus is currently vacant. The surrounding area consists mainly of single residential uses, guesthouses, boutique hotels, flats, offices and medical business orientated land uses.

Properties adjoining the subject properties are used for single residential purposes, offices and a guesthouse.

3.4 PROPOSAL

Application is made in terms of:

- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the rezoning of erven 7286 & 7287 Hermanus from Residential Zone 1 to General Residential Zone 3.

- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the consolidation of erven 7286 & 7287 Hermanus.
- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for a consent use for a Boutique Hotel on consolidated erven 7286 & 7287 Hermanus.
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for building line departures.

The owner intends to rezone and consolidate erven 7286 & 7287 Hermanus in order to expand the tourist accommodation currently offered on Erf 7287 Hermanus by means of a Boutique Hotel.

In order to accommodate more than 5 guestrooms on the proposed consolidated erven it would require that we apply for a rezoning, consent use and a departure from the building lines in order to accommodate the existing guesthouse due to the fact that more restrictive building lines now apply and also to accommodate the proposed new structures.

The Title Deeds of erven 7286 & 7287 Hermanus contain no restrictive conditions that will have to be removed in order to accommodate the proposed Boutique Hotel. The detail of the application can be described as follows:

3.4.1 Proposed Consolidation, Rezoning and Consent Use

The owner intends to consolidate erven 7286 & 7287 Hermanus and to rezone the consolidated properties from Residential Zone 1 to Residential Zone 3, Bulk Zone 2 in order to construct a Boutique Hotel that will incorporate the existing guesthouse established on Erf 7287 Hermanus to make provision for 16 guestrooms (32 Guests) in total. The consolidated erf will be $\pm 1282\text{m}^2$ in extent.

With reference to the above and the enclosed site development plan, the proposed Boutique Hotel will consist of the following: (Firstly we will deal with the existing guesthouse and secondly the proposed addition.)

- **The existing approved guesthouse**

A 3 storey guesthouse was approved with 5 guestrooms and 2 rooms reserved for the owner / manager. The structural layout of the guesthouse will remain the same except for the use of the reception, parking area and pool area that will change. The use of the existing reception and dining area will be changed into a breakfast buffet area and dining area. The reception area will be relocated to the proposed additional building. The breakfast buffet area will be accessible to all visitors making use of the proposed 16 guestrooms.

The existing kitchen and location of the existing 7 bedrooms and en-suite bathrooms will remain the same. The 2 bedrooms reserved for the owner / manager of the guesthouse will now also be utilised as guestrooms. Subsequently 7 guestrooms will be provided. 2 guestrooms are located on the ground floor, 3 guestrooms are located on the 1st floor and 2 guestrooms are located on the 2nd floor.

The area where the existing swimming pool and parking area are located will be utilised as an outside pool area. An additional swimming pool will be constructed west of the existing swimming pool. A covered walkway will be constructed linking the existing guesthouse with the proposed addition, with the swimming pools located on either side of the covered walkway.

The existing laundry that is located on the eastern boundary of Erf 7287 Hermanus for which a building line relaxation was obtained will still be used as a laundry within the prescribed building line. For detail of the above description of the guesthouse area please refer to the enclosed set of building plans.

- **The proposed addition**

The addition on ground floor will consist of a new reception area that will be centrally located from where the combination of 16 guestrooms will be easily accessible. A guest bathroom labelled as day room, luggage storage room, pool lounge and small bar are also being provided on ground floor. The majority of the area of Erf 7286 Hermanus will be utilised as a parking area. 16 parking bays will be provided of which the detail will be covered later in this report.

The 1st floor of the proposed addition will make provision for 4 premium guestrooms, linen storage, a conference room, admin office and spa treatment facility with 2 spa treatment rooms. The pool lounge area and bar, dining facilities, conference room and

spa treatment facility will only be accessible to paying guests making use of the overnight facilities. The auxiliary facilities will not be available or accessible to the general public.

The 2nd floor makes provision for 5 premium guest rooms. The premium guestrooms provided on the 1st and 2nd floors all have access to a private balcony, lounge and kitchenette. **Even though a kitchenette is provided in each premium guest room it will not be fitted with any cooking appliances and would therefore not be self-catering units.** Guests will be able to make their own hot beverages and will have access to cold beverages that they can enjoy. Guests will have to make use of the dining facilities located in the original built guesthouse where guests will have access to a breakfast buffet or make use of the restaurants located in the Hermanus CBD area and surrounds for lunch and dinner.

With reference to the above descriptions of the original built guesthouse and the additional structure, the development can be summarised as follows:

It is proposed that erven 7286 & 7287 Hermanus be consolidated and rezoned to General Residential Zone 3 to create a property that would be 1282m² in extent. The application also includes a consent use to make provision for a Boutique Hotel.

The reason for applying for a rezoning of the consolidated properties is because more than 5 guest rooms are proposed. A total of 16 guestrooms accommodating 32 guests will be established that will have access to the breakfast buffet, outside recreation area consisting of 2 swimming pools, pool lounge, bar, spa treatments and the conference room. The two buildings will be linked by means of a covered walkway and ample parking bays are provided on the northern section of the consolidated erven. The parking is partially underneath the proposed new building on the ground level with a single entrance and exit from Albertyn Street.

The new reception area is accessible from the parking area and a pedestrian access from Albertyn Street is also provided. The conference room is located on the western side of the new building facing Albertyn Street in order to have the least impact on the privacy of the adjoining erven.

With reference to the Overstrand Municipality Zoning Scheme and the proposed Residential Zone 3 zoning the coverage of a development may not exceed 80% and a

floor factor of 1.5. The total coverage of the proposed development is $\pm 560\text{m}^2$ or 44%. The total floor factor of the proposed development is 0.98. The height of buildings may not be in excess of 9m and 3 storeys. With reference to the enclosed set of building plans is it clear that the proposed Boutique Hotel conforms to these land use restrictions. With the exception of the additional 1m gained in height, it clear that the development compares well with the development parameters of a Residential Zone 1 zoning with reference to coverage and the maximum floor factor.

The former Section 7 Zoning Scheme that was applicable to Hermanus, the height of a dwelling was limited to 2 storeys that could be at a height of 8m measured from the finished ground floor level to the ceiling / wall plate and excluded the roof. Including a roof dwellings were permitted to be constructed higher than 9m measure from natural ground level to the top of the roof. The new height is therefore in line with the character of the area and will not be excessive.

Being a corner erf after being consolidated the 9m height of the building will only impact minimally on the amount of sunlight Albertyn Street will receive and will have no impact on the surrounding residential erven. There are no habitable spaces located east of Erf 7286 Hermanus on erven 4929 Hermanus where the new extension is proposed, and all the dwellings are developed facing south-south-east or north-north-west. Subsequently the proposed Boutique Hotel, constructed to a maximum allowable height of 9m, will not have a impact on the views enjoyed by the owners of the surrounding erven. Please refer to the aerial photo below.



- **Parking Bays**

In terms of the Overstrand Municipality Zoning Scheme 1 parking bay per guestroom must be provided. A total of 16 guestrooms are provided and subsequently 16 parking bays are required. As mentioned earlier in this report, the owner decided that the vacant erf, Erf 7287 Hermanus will be used to accommodate the required number of parking bays for the proposed guestrooms. The parking bays will be provided on the ground floor and will be partially covered.

With reference to the building plans provided by Gerd Weideman Architects access to the parking area would be from Albertyn Street on the eastern boundary of the consolidated erven 7286 and 7287 Hermanus. Each parking bay provided is at least 2.8m x 5.5m with 8m manoeuvre space. Provision is also made for 1 demarcated parking bay for the disabled, parking bay number 13.

3.4.2 Proposed Departure from the building lines

The building lines that will be applicable once the application for rezoning is approved will be more restrictive and are:

- 4m Street building line
- 4.5m side building lines.
- 3m rear building lines.

The above-mentioned building lines are more restrictive than the building lines that are applicable under the current Residential Zone I zoning. We are therefore required to apply for the building lines to be relaxed to make provision for existing and proposed structures.

The building lines that need to be relaxed are as follow:

Consolidated erven 7286 & 7287 Hermanus

- Northern: Side Boundary: The relaxation of the northern side building line from 4.5m to 3m to make provision for a portion of the covered parking area on ground floor, portions of 2 balconies, portions of 2 guestrooms and portions of 2 guest bathrooms on the 1st floor. The same building line departure from 4.5m to 3m will also apply to make provision for portions of 2 balconies and portions of 2 guestrooms proposed on the 2nd floor.
- Eastern: Side Boundary: The relaxation of the 4.5m side building line to 2m in order to accommodate a portion of the former guesthouse that will be incorporated with the proposed Boutique Hotel. The uses of the guesthouse building that will now be encroaching the side building line will remain the same. These uses are the guestrooms established on ground floor, 1st and 2nd floor and the dining area.
- Eastern: Side Boundary: It will also be required to apply for relaxation of the eastern side building line from 4.5m to 0m to accommodate the existing laundry of which a building line departure was already approved with a former application. The use of the laundry will remain the same with the further development of the consolidated site.
- Eastern: Side Boundary: It will also be required that we apply for the relaxation of the side building line from 4.5m to 2.75m. Please take note that if Erf 7286 Hermanus is not consolidated with Erf 7287 Hermanus, a 3m rear building line would have applied for this erf. It can therefore be argued that we are only applying for the relaxation of the northern building line by 25cm to make provision for a small portion of staff toilet facilities, a portion of the bar area and a portion of the lounge on ground floor. There would be a buffer between the bar area and lounge consisting of an existing laundry approved on the boundary. The roof of the laundry will be changed into a roof garden. We are therefor also applying for a side building line relaxation from 4.5m to 0m to make provision for the roof garden.

- North: The application for the relaxation of building lines along the northern side boundary are also from 4.5m to 3.3m and 2.75. respectively to make provision for the construction of balconies located on the 1st and 2nd floors. These balconies are located 3.03m from the northern side boundary. A small portion of guestroom lounges, portions of 2 bathrooms and a small portion of a guestroom are located 2.75 from the northern side building line on both the 1st and 2nd floors. A terrace on the 2nd floor on the eastern side of the new building also encroached the side building line. A portion of this terrace is located 3.03m from the side boundary.
- West: Albertyn Street: The relaxation of the 4m street building line to 3m in order to accommodate a portion of the existing guesthouse and a portion of the proposed addition. The land uses encroaching the street building line by 1m are the covered parking area, staircase and reception on ground floor, a portion of a guestroom, portions of balconies, a portion of the conference room, staircase and admin office all located on the 1st floor. The same building line relaxation from 4m to 3m also applies to the 2nd floor to accommodate balconies, a staircase and a portion of a guestroom.

The proposed relaxation of the building lines mentioned above are to accommodate existing structures and where existing structures are converted into other uses and the proposed addition. The proposed building line relaxations will have a minimal impact on the surrounding land owners and the residential ambiance will be retained.

3.4.3 Proposed Departure from the minimum erf size required

We have been involved with the proposed development of consolidated erven 7286 and 7287 Hermanus since February 2020. During this time the Zoning Scheme Regulations have been amended. The amended Zoning Scheme was adopted in August 2020 and now it has a land use restriction that read as follows:

"A minimum erf size of 3000m² is applicable for densification."

We are not applying for flats or any form of residential units. The proposed zoning is the most applicable zoning to apply for in order to accommodate a Boutique Hotel. Subsequently the proposed Boutique Hotel must be considered taking the surrounding land uses, future trends and approved change of land uses in the area into

consideration. The consolidated erven will be 1282m² in extent. We are therefore applying for a departure from the minimum erf size required for densification from 3000m² to 1282m².

3.5 ACCESS & PARKING

Vehicular access to the proposed parking bays will be from Albertyn Street. Please refer to the site development plan attached.

With reference to the Amended Overstrand Zoning Scheme, 1 parking bay will be required per guestroom.

The required parking bays can be calculated as follow:

Land Use	Parking Bays Required	Parking Bays Provided
16 Guestrooms	16	16

3.6 SERVICES

All services on the subject properties already exist and it is our opinion that there are sufficient services capacities to accommodate the proposed 16 guestrooms on the consolidated sites consisting of erven 7286 and 7287 Hermanus. Bulk services levies as calculated by the Overstrand Municipality will be paid for the upgrading of services infrastructure where it is required taking into consideration that the development will be established on 2 erven that will be consolidated.

3.7 TITLE DEED

The Title Deeds applicable to the 2 erven in question contain no restrictions that will have to be removed in order to establish a Boutique Hotel.

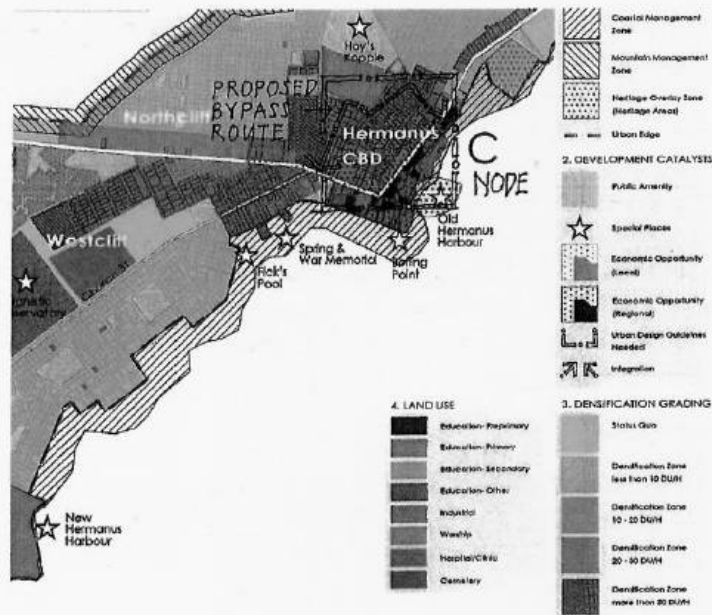
Erf Number	Size (m ²)	Title Deed Nr.	Owner	Bond Registered
7286 Hermanus	571	T6336/2018	Capefam Guest House CC	No
7287 Hermanus	711	T42886/2015	Capefam Guest House CC	No

3.8 FORWARD PLANNING

The Overstrand Municipal Growth Management Strategy (OMGMS) indicates that erven 7286 & 7287 Hermanus are within planning unit 13 that consists of Hermanus CBD and is mostly used for business purposes, tourist accommodation with a limited number of permanent residential units.



Densification is proposed for this area by means of site consolidation development into 3 storey gallery access simplex row housing for 30% of this planning unit. The densities proposed are more than 30 units per hectare.



It is our opinion that the Growth Management Strategy is not applicable to this application because it refers to the density of dwelling units. No dwellings are proposed, but a Boutique Hotel. The proposed Boutique Hotel is compatible with the existing surrounding residential, business and tourist related land uses and built form. The proposed alterations and construction of the Boutique Hotel will be in line with the built character of the area and would still be visually pleasing.

The Overstrand Municipal Spatial Development Framework (2020) earmarks the site as urban development. Our application consists of a rezoning from residential Zone 1 to Residential Zone 3 to accommodate a Boutique Hotel with 16 guestrooms and auxiliary uses as defined on the accompanying building plans on the consolidated erven 7286 & 7287 Hermanus. It should be noted that the Overstrand Municipal Growth Management Strategy is an extension of the Overstrand Municipality Spatial Development Framework. It is therefore our opinion that the proposed Boutique Hotel is compatible with both the SDF and Growth Management Strategy.

With reference to the above mentioned forward planning guidelines it is clear that the proposed application for rezoning, consolidation, consent use and departures could be supported.

3.9 HERITAGE VALUE AND IMPACT

Erven 7286 & 7287 Hermanus are situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The existing guesthouse situated on Erf 7287 Hermanus 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 rezoning, consolidation, consent use and departures will not have a negative impact on the heritage value of the subject property or the greater area of Hermanus.

3.9.1 ENVIRONMENTAL IMPACT

The proposed rezoning, consolidation, consent use and departures of erven 7286 & 7287 Hermanus do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

3.10 PLANNING PRINCIPLES

Spatial justice: The proposed Boutique Hotel will create employment opportunities for local residents in town. Most of the staff who will benefit from the proposed Boutique Hotel will be local residents living in the informal settlements of Hermanus (i.e. previously disadvantaged communities).

Spatial sustainability: The proposed Boutique Hotel will be accommodated in an established mixed use area within an area referred to in the Growth Management Strategy as the CBD of Hermanus. A number of tourist accommodation establishments are located in the area such as the Hermanus Guesthouse, The Misty Waves Boutique Hotel and Ocean Eleven to name but a few. The proposed application will have no impact on the conservation worthy areas of Hermanus. Spatially the land use will be in keeping with the mixed use character of the area.

Efficiency: The Boutique Hotel is easily accessible and conveniently located close to Hermanus' beaches, Hermanus CBD, Hermanus Harbour and other tourist attractions in the area mentioned, making travelling to the subject property, to make use of the proposed tourist accommodation easy and accessible to everybody. The subject properties also offer great views over Walker Bay.

Spatial resilience in the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e. communities that are most likely to suffer the impacts of economic and environmental shocks). Spatial resilience also refers to the requirement for flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks (United Nations Office for Disaster Risk Reduction, 2009). The principle of Spatial resilience is not applicable to this application.

Good administration: Our Company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016.

4. **RECOMMENDATION**

When this application is evaluated it is important to take note of the following:

- The proposed rezoning, consolidation, consent use and departures will not have a negative effect on the current character and land values of the surrounding erven.
- The proposal will also be compatible with the existing mixed land use and built character of the area.
- Sufficient municipal services are readily available to carry the proposal and bulk services levies will be paid for the upgrading of municipal services.
- Our client, being the owner of the guesthouse established on Erf 7287 Hermanus, that has great knowledge of the industry, concluded that there is a demand for a tourist accommodation establishment that offers more guestroom in the area.
- Densification is promoted within exiting coastal towns to prevent urban sprawl and the application is in-line therewith.
- The impact on traffic will be minimal as no access to the proposed development will be gained from Marine Drive but from Albertyn Street.
- The Boutique Hotel will not exceed the prescribed 9m height restriction and will subsequently be in line with the built character of the area.
- The finishes proposed for the Boutique Hotel will be of a high quality and is designed taking the character and surrounding land uses into consideration to ensure that the proposal will not have a negative impact on the area.
- All the required parking bays are located on site.

With regards to the above mentioned it would be appreciated if Overstrand Municipality would approve the proposed rezoning, consolidation, consent use and departures of erven 7286 & 7287 Hermanus in order to accommodate 16 guestrooms.

GENERAL NOTES

1. CONSULT WITH THE ENGINEER OF RECORD FOR ALL DIMENSIONS AND MATERIALS TO BE USED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL WALLS TO BE CONCRETE UNLESS OTHERWISE NOTED.
4. ALL ROOFING TO BE AS SPECIFIED IN THE CONTRACT DOCUMENTS.
5. ALL FINISHES TO BE AS SPECIFIED IN THE CONTRACT DOCUMENTS.
6. ALL UTILITIES TO BE AS SPECIFIED IN THE CONTRACT DOCUMENTS.
7. ALL UTILITIES TO BE PROTECTED AND NOTED ON THE CONTRACT DOCUMENTS.
8. ALL UTILITIES TO BE PROTECTED AND NOTED ON THE CONTRACT DOCUMENTS.
9. ALL UTILITIES TO BE PROTECTED AND NOTED ON THE CONTRACT DOCUMENTS.
10. ALL UTILITIES TO BE PROTECTED AND NOTED ON THE CONTRACT DOCUMENTS.

ANNEXURE C 1/4

PROJECT: CAPTAIN GUEST HOUSE CC
 DRAWING NO: 01
 SHEET: 1 OF 1
 SCALE: 1:100
 DATE: 26/03/2020
 AUTHOR: AMS
 CHECK: SA

GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

2. ALL WALLS TO BE CONCRETE UNLESS OTHERWISE NOTED.

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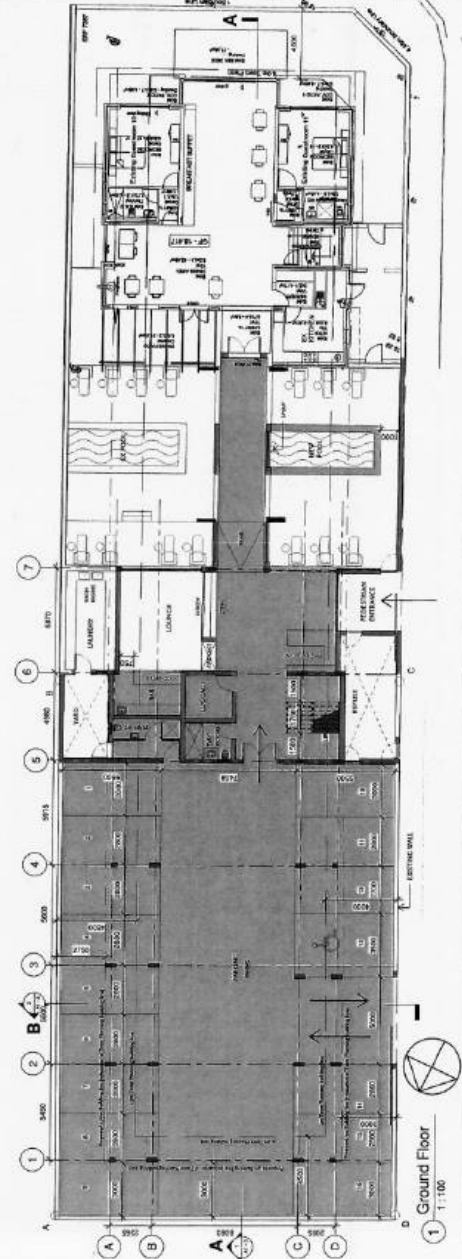
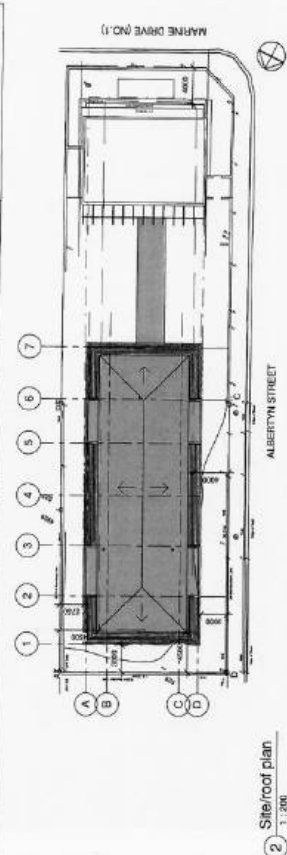
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10. ALL UTILITIES TO BE PROTECTED AND NOTED ON THE CONTRACT DOCUMENTS.

SITE INFORMATION TABLE	
Area of site (sqm)	111 sqm
Area of building (sqm)	111 sqm
Area of parking (sqm)	111 sqm
Area of other (sqm)	111 sqm
Area of site (sqm)	111 sqm
Area of building (sqm)	111 sqm
Area of parking (sqm)	111 sqm
Area of other (sqm)	111 sqm

NEW		EXISTING	
Ground floor	111 sqm	111 sqm	111 sqm
First floor	111 sqm	111 sqm	111 sqm
Second floor	111 sqm	111 sqm	111 sqm
Third floor	111 sqm	111 sqm	111 sqm
Fourth floor	111 sqm	111 sqm	111 sqm
Fifth floor	111 sqm	111 sqm	111 sqm
Sixth floor	111 sqm	111 sqm	111 sqm
Seventh floor	111 sqm	111 sqm	111 sqm
Eighth floor	111 sqm	111 sqm	111 sqm
Ninth floor	111 sqm	111 sqm	111 sqm
Tenth floor	111 sqm	111 sqm	111 sqm

COVERED	
Ground floor	111 sqm
First floor	111 sqm
Second floor	111 sqm
Third floor	111 sqm
Fourth floor	111 sqm
Fifth floor	111 sqm
Sixth floor	111 sqm
Seventh floor	111 sqm
Eighth floor	111 sqm
Ninth floor	111 sqm
Tenth floor	111 sqm





OVERSTRAND MUNICIPALITY
16 PATERSON STREET
PO BOX 20
HERMANUS
7200

TP- n./hoort
(I. Oliva)

TO WHOM CONCERN:

We, **Hofmeyr Family Trust** the register owners of Erf 527, 3 Marine Drive, Hermanus hereby confirm that we have no objection on the proposed development on Erf 7286 & Erf 7287 as presented in drawings received via registered post.

- Drawings: JOB 2020/33 – 01 – Rev 1 Date 26-10-2020
- Drawings: JOB 2020/33 – 02 – Rev 1 Date 26-10-2020
- Drawings: JOB 2020/33 – 03 – Rev 1 Date 26-10-2020
- Drawings: JOB 2020/33 – 04 – Rev 1 Date 26-10-2020

Our only concern is the proposed roof garden on the east boundary on first storey, it should be used for the sole purpose of a roof garden (linked to 2x treatment rooms) and shall not be used as a gathering or entertainment area.

Thus, we confirm no objection if the above will be adhere to.

Kind regards,

Jan-Hendrik Hofmeyr on behalf of Hofmeyr Family Trust

Email: jhh123@mweb.co.za

Cell: 083 230 2720

FILE NO:	Gen 7286 & 7287
	Norddijk Hermanus
SCAN NO:	Hofmeyr
COLLABORATOR NO:	1515248

1515248

**A Conradie**

From: Van Der Watt, Andy <AVanDerWatt@fnb.co.za>
Sent: Thursday, 04 March 2021 10:50
To: A Conradie
Cc: Debbie van der Watt
Subject: RE: ERF 7286 en Erf 7287 - [External Email]

TR n. /hoof
 (H. Olivier)

Hi Alida.

We A S en D I Van der Watt, Owners of ERF 6847 (5 Albertyn street, Westcliff Hermanus, 7200) are hereby opposing the application and more specific the Application for an additional 1m height increase application from 8m to 9m in building height, which will spoil our views of the mountains. We are also opposing the application for departure from minimum 3000 sqm for Densification to 1282 sqm accommodating 16 parking bays. Additional traffic in Albertyn Street, between Marine drive and Church Street will bring about an unwelcome increase in activity/traffic. The aforesaid will influence the values of surrounding properties in a negative way.

A S van der watt
 12 Ficus Street
 Heldervue
 Somerset Wes
 7130
 072637541

FILE NO:	7286 & 7287
	Westcliff Hermanus
SCAN NO:	VDWATT
COLLABORATOR NO:	1515241

From: A Conradie <alida@overstrand.gov.za>
Sent: Friday, 26 February 2021 11:10
To: Van Der Watt, Andy <AVanDerWatt@fnb.co.za>
Subject: RE: ERF 7286 en Erf 7287 - [External Email]

CAUTION - EXTERNAL SENDER - Please be careful when opening links and attachments! FNB Cyber Security Office.

Goeiemore

Geliewe kennis te neem dat 'n geregistreerde posstuk met "tracking" nr. RI357288335ZA aan u gestuur is op 28 Januarie 2021.

Vind hierby aangeheg 'n afskrif van die kennisgewing wat na die omliggende grondeienaars versprei soos versoek.

Vriendelike Groete

Alida Conradie

Administrator, Town & Spatial Planning Department
 Overstrand Municipality

A: 16 Paterson Street, Hermanus, 7200 **P:** P O Box 20

T: 028 313 8900 | **F:** 028 313 2093 | **E:** alida@overstrand.gov.za

From: Van Der Watt, Andy <AVanDerWatt@fnb.co.za>
Sent: Thursday, 25 February 2021 17:44
To: A Conradie <alida@overstrand.gov.za>
Cc: Debbie van der Watt <debbie.vanderwatt@ooba.co.za>; wolly@wode.co.za
Subject: ERF 7286 en Erf 7287

Goeie dag.

Ek is die eienaar van ERF 6847 en ek verstaan dat daar aansoek gedoen word deur die eienaars van ERF 7286 EN ERF 7287 om die bestaande boulyn hoogtes van 7.5M te oorskry. Die betrokke eindomme is reg oorkant ons huis 5 Albertynstraat West Cliff.

Graag wil ek dit onder u aandag bring dat geen korrespondens rondom die aansoek my gehaal het nie.

Kan ek vra dat u asb per kerende epos die nodige briewe aan my te stuur sodat ek en my gade n ingeligte oorsg en besluit kan maak.

Groete

AS en DI van der Watt
072 636 7541
083 253 8212

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Overstrand Municipality
A: 1 Magnolia Street, Hermanus, 7200 | P: P.O Box 20, Hermanus, 7200
T: +27 (0) 313 8000 | F: +27 (0) 312 1894
E: enquiries@overstrand.gov.za | W: www.overstrand.gov.za

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

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By replying to this e-mail or opening any attachment you agree to be bound by the provisions of the disclaimer

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PLAN Town & Regional Planners
Stads-en Streeksbeplanners
Active



ANNEXURE E 1/4

6 Magnolia St / Str
PO Box / Posbus 296
HERMANUS
7200

Tel: (028) 313 1673

Fax / Faks: (028) 312 1351

Email: planactive@hermanus.co.zaWebsite: www.planactive.co.za

TR. N. Ahearne
(H. Boshoff)

Our reference: PA20008
Your reference: 7286 & 7287 HWC

30 March 2021

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

For attention: Mr. H. Boshoff

FILE NO:	Case 7286 & 7287
	Westcliff Hermanus ✓
SCAN NO:	
COLLABORATOR NO:	1524454

Sir,

COMMENTS ON OBJECTIONS: ERVEN 7286 & 7287 HERMANUS: PROPOSED REZONING, CONSOLIDATION, CONSENT USE AND DEPARTURE

Your letter dated 15 March 2021 with a single objection from Mr. A.S. van der Walt refers. We would like to make use of the opportunity to comment on the objection received. A summary of the objection and our comments thereon are as follows:

- The objector is opposing the proposed height increase from 8m to 9m that will spoil their mountain view;
- The objector is also opposing the departure from the minimum required area from 3000m² for densification to 1282m² also accommodating 16 parking bays;
- The proposal will bring about an unwelcome increase in activity / traffic that will have a negative impact on the property values.

The property of the objector is situated on the corner of Church Street and Albertyn Street, Westcliff. Please refer to the aerial photograph below:

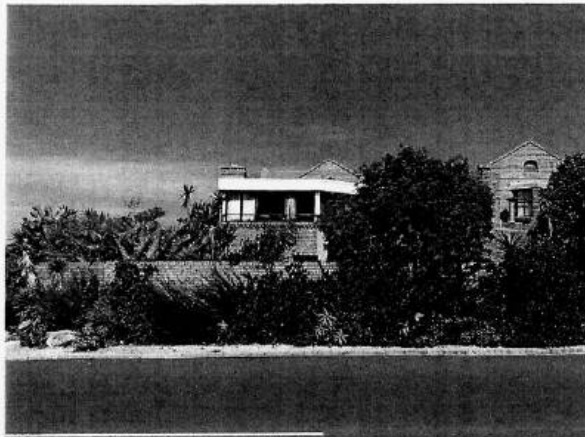
Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active
Reg. No. 2006/030921/07
Vat. No. 4770250340

John Mc Lachlan: Ndlip (Town Planning) Tech Witwatersrand; MSAPI Nr.10908; SACPLAN Tch.Pln B/8250/2014
Pauline Spronk: B (Soc Sci) US, BA Hon (UNISA)
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr.Pln A/158/2009

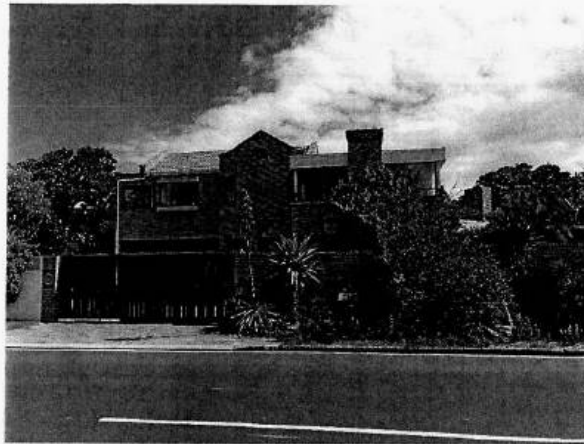
01 APR 2021



From the aerial photograph above is it clear that the existing double storey dwelling of the objector is positioned to enjoy views in a north-western, north eastern and south eastern direction as indicated by the blue arrows. Please also refer to the photographs below of the objector's double storey dwelling:



Elevation of the double storey dwelling facing in a north western direction.



Elevation of the double storey dwelling facing in a north eastern direction.

Erven 7286 & 7287 Hermanus are located east of the objector's property and the development will be visible from the objector's property but will not have a detrimental impact on the mountain views that the objector currently enjoys. The proposal must also be evaluated taking the current land use rights into account that makes provision for an 8m high structure. The proposed boutique hotel will be 1m higher than what is currently permitted and the proposed area to be developed is at an angle from the objector's property having the effect that the objector would still enjoy mountain views from the first floor. The ground floor of the objector's dwelling does not enjoy any views due to the 2.1m high boundary wall that is erected. The proposed boutique hotel would therefore not have an impact on the ground floor views from the objector's dwelling.

The zoning scheme was compiled to limit the size on which flats may be erected to 3000m². In this case we are applying for a boutique hotel and not flats and that the application must be evaluated as such. It must also be taken into consideration that an existing guesthouse is incorporated in the proposed development plan and that all the parking bays will now be accommodated on the vacant portion to be developed in the future.

The objector's property is located on the corner of Church Street and Albertyn Street. Church Street is one of the major roads linking the town centre with Westcliff and is also the main access road towards Medi Clinic and the Provincial Hospital. It is also planned that Church Street becomes a relief road in the future. The proposed boutique hotel will consist of 16 guest rooms of which parking for each guest room is provided onsite. The impact of the traffic on Albertyn Street will be minimal, taking the current traffic making use of Church Street and Albertyn Street into consideration.

In the light of our comments above it is clear that the impact that the proposed boutique hotel would have is minimal and that it will not have a negative influence on the surrounding land owners and the value of their property. It should also be considered that no other objections were received from the immediate neighbouring landowners abutting erven 7286 & 7287 Hermanus. The current guesthouse that is established on Erf 7287 Hermanus is a great example of the upmarket establishment that can be expected to be developed on the consolidated properties.

We trust that you would find our comments on the objection in order and that the application will be dealt with favourably.

Yours faithfully



John Mc Lachlan

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, CONSOLIDATION, CONSENT USE &
DEPARTURE: ERVEN 7286 & 7287, WESTCLIFF**

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

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

1.1 Developments containing Sectional Title Units/ Commercial Buildings
(non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

1.2 Developments with free standing properties (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (2021/2022) is as follows:

Freehold erven:

Water	R 24 915.00 x 1.2	= R 29 898.00
Sewerage	R 16 799.12 x 1.2	= R 20 158.94
Roads	R 7 532.72 x 10.30769	=R 77 644.94
Stormwater	R 8 691.28 x 1.281833	= R 11 140.77
Solid Waste	R 1 505.92 x 1.2	= R 1 807.10
TOTAL (Inclusive of VAT)		= R 140 649.75

Note:

- a) The above figures are estimates
 - b) That Overstrand Municipality's Electrical Department be contacted regarding the bulk electricity cost.
 - c) The cost exclude investigation and connection fees.
2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;

2

3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 4.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 4.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 4.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
5. that any additional cost related to the upgrading of bulk civil services will be for the developer's account;
6. that no on-street parking will be allowed;
7. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer;
8. that only the existing municipal service connections will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
9. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
10. that on-site parking facilities be provided as per Planning Schedule, and to the satisfaction of the Department: Operational Services;
11. that any additional and / or extended vehicle entrances will be for the owner's account;
12. that the proposed development on Erven 7286 & 7287 be provided with a central refuse collection facility, which must comply with the standards of the Department Services (Hermanus)
13. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be proved with the following is provided:
 - a. properly ventilated;
 - b. a cement floor;

3

- c. a tap and running water, as well as a drainage point which is connected to the sewer network;
 - d. at a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
14. 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.



DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES

29/07/2021
DATE