



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

## **A G E N D A**

<b>DATE:</b>	<b>1 AUGUST 2019</b>
<b>VENUE:</b>	<b>TOWN PLANNING COMMITTEE ROOM HERMANUS</b>
<b>TIME:</b>	<b>10:00</b>

# OVERSTRAND MUNICIPALITY

Office of the Municipal Manager  
Civic Centre  
HERMANUS  
7200

**19 July 2019**

**TO : MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL**

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

**NOTICE IS HEREBY GIVEN** that a meeting of the **Municipal Planning Tribunal (MPT)** will go into session on **Thursday, 1 August 2019 at 10:00, Town Planning Committee Room, 16 Paterson Street, Hermanus**, to consider the attached agenda.

**STEPHEN MÜLLER**  
**CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL**

**Distribution:**

1. Mr S Müller (Chairperson)
2. Mr R Williams (Vice Chairperson)
3. Mr S Madikane (Member)
4. Ms D Arrison (Member)
5. Ms H Janser (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. Secretariat

**MUNICIPAL PLANNING TRIBUNAL (MPT)**

**1 August 2019**

**I N D E X**

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**1. OPENING**

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

**3. CONFIRMATION OF MINUTES**

**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 28 March 2019**

**3.2 Minutes of a Municipal Planning Tribunal Meeting held on 30 May 2019**

**3.3 Minutes of a Special Municipal Planning Tribunal Meeting held 3 July 2019**

**4. ITEMS FOR CONSIDERATION**

**4.1 ERF 434, 15 PEAK ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: H BAANEN**

Report attached

**4.2 ERF 135, 8 GEELBEK STREET, VAN DYKSBAAI, OVERSTRAND MUNICIPAL AREA: REMOVAL OF RESTRICTIVE CONDITIONS AND REZONING: ME PLANNERS ON BEHALF OF M BEUKES**

Report attached

**4.3 PORTION 7 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213 AND REMAINDER OF FARM 229, BREDASDORP DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND CONSOLIDATION: MESSRS TOWN & COUNTRY CREATIVE LAND SOLUTIONS ON BEHALF OF EARTHWORKS INV 7 CC**

Report attached

## 4.1

**ERF 434, 15 PEAK ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR CONSENT USE: H BAANEN****434 KPRB (3985)****H van der Stoep  
28 May 2019****(028) 313 8900****Hermanus Administration**

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**1. EXECUTIVE SUMMARY**

An application has been received on 2 May 2018 from Mr H Baanen on Erf 434, Pringle Bay for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to accommodate three (3) proposed flats on the ground floor of the existing building.

The application was complete on 15 October 2018.

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

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

**3. BACKGROUND / SITE HISTORY**

The erf is zoned Business Zone 3. An application for a departure and consent use to produce honey liqueur was approved in 2009. The property was purchased in 2014 by the applicant who indicated that the craft liqueur distillery has been discontinued.

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

The motivation is as follows:

- ❖ The business building be split into a business portion and into flats. The existing general dealer known as "Pringle Bay Country Shop" and the remainder as flats.
- ❖ The shop will be 49m<sup>2</sup> and the remainder as flats. The building has an established general dealership, book store and several other businesses in the past. The zoning does allow for flats above the ground floor and thus the application is for the consent of three (3) flats on ground floor level. The building as per approved building plan, outer exterior will not be changed and is it only internal changes to accommodate the flats that will be applicable.
- ❖ The property is surrounded by single residential erven vacant and developed, as well as a woodwork shop and a construction office/builders yard. The application will not have a detrimental effect on the surrounding land uses.
- ❖ The property is serviced and is envisaged that the flats will consume less electricity and water than the percentage used by the business activities.

## **Planning Policies**

### Western Cape Provincial Spatial Development Framework (PSDF)

The PSDF aims to give spatial expression to the national and provincial development agendas and serves as a basis for the coordinating, integrating and aligning ground delivery of national and provincial departmental programs. The PSDF promotes the protection and improvement of the existing sense of place and settlement patterns. The sense of place in Pringle Bay is unique and the promotion of mixed land use and density is highlighted as integral. The subject property is located within a suburb that has appropriate residential land use mix and the application will contribute to enhancing this balanced mix.

### Spatial Development Framework (SDF)

The SDF cites that the unique character and attractiveness of Pringle Bay needs to be balanced and retained in the context of urban growth. The request for consent use is aimed at adding flats in an existing building and in response of urban pressure for the need of flats in Pringle Bay, whilst retaining the character of the area. The request is located within the urban footprint.

### Overstrand Municipal Growth Management Strategy (OMGMS)

The purpose of the OMGMS is to improve the Overstrand Municipality's overall environmental sustainability by enhancing the quality and efficiency of the built environment. As the outside of the building will remain the same, the approval and implementation for the consent use will contribute to an enhanced and well managed built environment. The subject property is located in the commercial zone of Pringle Bay and will not affect the density calculations envisaged for the area.

## Planning Principles

### Spatial Justice:

The approval will not affect spatial development imbalances caused by apartheid land use planning.

### Spatial Sustainability:

The approval will not compromise agricultural land or environmentally and biodiversity sensitive area and will contribute to combating urban sprawl.

### Efficiency:

The approval will contribute towards maximising on the utilization of services on the subject property in an efficient manner.

### Spatial Resilience:

The request aligns with the various spatial documents.

### Good Administration:

The proposed development will comply with the consultative planning process to allow for public participation.

## 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Notices	Yes	24 October 2018	30 November 2018
Ward councillor	Yes	24 October 2018	30 November 2018
Total comments	<b>ONE (1)</b>		
Total letters of support	<b>NONE</b>		
Was public participation undertaken in accordance with Section 47 - 50 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below):			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			<b>Yes</b>
In case of application for removal, amendment or suspension of restrictive title conditions if notices in accordance with Section 35(3)(d) of the By-Law on Municipal Land Use Planning was served on all persons mentioned in the Title Deed for whose benefit the restriction applies?			<b>N/A</b>

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

Name	Date received	Summary of comments	Recommendation
Building Control	26/10/2018	Supported subject to the submission of building plans in compliance with SANS 10400.	Supported
Engineering Services	15/11/2018	See Annexure F.	Supported
Fire Department	30/11/2018	See Annexure G.	Supported

## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

One (1) objection was received by the Pringle Bay Ratepayers Association (attached as Annexure D), and can be summarized as follows:

### Shortage of rental Office Space

The Association is aware of businesses which require rent office space in the central business area, but are unable to do so and therefore is tempted to rent residential properties for business purposes. There is no objection to the conversion of the ground floor into rental office space.

### Creation of a Precedent

Granting the consent application will create a precedent in circumstances where the village of Pringle Bay is experiencing rapid growth and demand for primary business space in the Central Business District. Setting the precedent for conversion of business space into flats is not desirable.

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

The applicant's response (attached as Annexure E) is summarized as follows:

### Loss of primary business space in the business district.

- ❖ The application is not for rezoning, only consent for use for partial area of ground floor usage.
- ❖ The country shop will remain in smaller capacity.
- ❖ Several businesses tried to "survive", but due to the location had to relocate or close.
- ❖ If the economy is getting back the proposed flats can be rented out as offices.
- ❖ The owner was never approached in the past by anyone or was made aware of businesses requiring "Office Space" to rent.
- ❖ There is a high need of office space in Pringle Bay Central Business Area (CBA). There are still eight (8) vacant plots ready for development.

### Creation of a precedent

- ❖ The land uses in the CBA is as follows:
  - 28% is office use,
  - 30% restaurant/coffee shop/pub,
  - 26% shops, and
  - 14% manufacturing.
- ❖ There are still eight (8) vacant plots.
- ❖ A precedent is already created with flats on ground floor:
  - Erf 424 (previous school),
  - Erf 440 (ground floor flat),
  - Erf 369 (residential), and
  - Erven 429 and 432 (are partially residential).

### Insight in businesses rental of Erf 434

- Book Store moved to Pringle Cove (Erf 1850)
- Fynbos Enterprise moved to pass road (Erf 368)
- Mings Things closed the business.
- Budding Artist closed the business.

It shows that in the current economy and location it is hard to be at the outskirts of the CBA. Business rates are higher than residential and therefore as soon as the economy picks up and if there are a request for office space, it can be accommodated.

In asking for clarity on the point of view of the Pringle Bay Ratepayers Association, the applicant did request a meeting in order to discuss the matter, and the following was received:

*“As mentioned, we are not at liberty to forward the Minutes to you, but I’ve extracted the relevant section of the Minutes of the 20<sup>th</sup> November 2018, which refers...”*

#### Soreaso report

The SOREASO report shows that there is a constant demand/need for affordable housing. The report is available on:

<https://www.overstrand.gov.za/en/documents/strategic-documents/overstrand-socio-economic-report/4549-olm-report-final-10-april-2107/file>.

### 9. MUNICIPAL ASSESSMENT OF COMMENTS

The Central Business District (CBD) of Pringle Bay still has eight (8) erven vacant for development. The mixed use concept has been a principle from Provincial level and adopted by the Municipality in its Zoning Scheme to ensure liveable towns, thus catering for all age groups.

The locality of the erf on the fringe of the CBD for a viable business is problematic as can be seen on the answer of the applicant. There are not enough feet to make it a viable business property, especially in a town which caters for tourists and niche markets.

The Pringle Bay CBD consists of a mixed land use pattern, based on tourism demands and thus needs to be highly visible. The property does not lend itself to visibility.

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

#### 10.1 Background

N/A

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

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

The objectives relating to:

#### Spatial Justice

The application will not perpetuate spatial injustices.

#### Spatial sustainability

The application is located within the urban edge and thus will not lead to urban sprawl. No natural habitat is impacted upon and 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 resources (land) and structure are used to its maximum in an affordable manner and in line with the Overstrand Municipality's forward planning documents. The compliance with the National Building Regulations and SANS attributes to energy efficiency.

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)**

Same as Point 10.2 above.

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

Consistent with the PSDF, SDF and OMGMS.

**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 Services 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 in line with the Overstrand Spatial documents and Zoning Scheme.

**11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

N/A

**12. THE DESIRABILITY OF THE PROPOSAL**

The town of Pringle Bay has a very compact business core. It mainly caters for tourism and limited local needs. The compact business core is one of the place making attributes of Pringle Bay, with regard to mixed development of economic activities and a residential component in walking distance from each other, thus catering for the needs of both parties.

Pringle Bay is a very popular tourist destination due to its unique character and niche activities and uses, and thus applications are evaluated in terms of its existing character area and planning policies. Pringle Bay in terms of the provincial economic study is earmarked as a high potential growth node for tourism development. This in itself creates work opportunities in this sector, which have the effect of younger people coming into the market. The residential component of Pringle Bay does not cater for the younger market due to the inaccessibility into the property market. The provision of flats for a single person and or couples will be advantageous for Pringle Bay. This growth potential has been created by the present inhabitants of Pringle Bay in their outlook and acknowledgement of development. This has the effect that the town are becoming one of the most popular towns for weekenders and tourists.

The property has had various businesses or shops, which did not remain on the premises by either closure and or moved to more visible and pedestrianized erven in order to remain economically viable. The erf is located on the fringe of the CBD and is not visible and thus no business activity reliant on "feet" can survive at this location. The erf is also located in a transition zone between single residential erven and the core of the CBD and therefore, the concept of flats is ideal to buffer the present residential erven from the core of the CBD.

The fact that people can operate a home occupation does not detract from the function of the CBD. The home occupation is very low key and is not reliant on pedestrian movement. It is informal and caters for the elderly, working mothers and provides an opportunity for people who are not financially strong enough to lease a business zoned property.

The indication that the approval will create a precedent is not correct. A business property's rates and taxes is much higher than residential, and thus should the applicant be able to accommodate business rather than residential, it will be more beneficial financially. The other side of the coin is that a mixed CBD is in terms of safety and crime much better off if the area has a mixed land use activity base, since it will entail that there are eyes in the area. The CBD that is only driven by business activates that closes at night, and with no human movement it is more prone to crime and vandalism. The mixed and dual use of properties adheres to the principles of Smart Growth and New Urbanism as advocated by the National Development Plan, 2030 (NDP) and Provincial Frameworks.

The objector acknowledges that the town is experiencing rapid growth and this entails not only catering for economic growth, but also the associated implications related to growth, thus growth in the residential sector, which is not restricted to single residential zoned erven, but rather mixed in terms of housing typologies to address the needs of the community. The application for the flats in close proximity of the CBD will cater for people not mobile or cannot afford other accommodation. It should also be kept in mind that single elderly people may benefit of such an arrangement, since it is close to the amenities and thus does not require transport.

In conclusion, the application will address the needs of a diverse community and still remain in keeping of the character of the CBD, especially since the flats will be accommodated in an existing building and changes are only internally. All the

services are catered for and the parking remains in place. It should be noted that the application is for a consent use and the business zoning remains in place and the flats can easily accommodate offices, if so required.

### 13. RECOMMENDATION

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 434, Pringle Bay for a consent use in order to accommodate three (3) proposed flats on the ground floor of the existing building, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the approval be restricted to only three (3) flats and a shop on ground floor level, as indicated on Plan Numbers BHTP-cncl-3, BHTP-cncl-4 and BHTP-cncl-5 dated 23 April 2018;
  - (b) that the building may not be used for residential purposes only;
  - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (d) that commercial rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (e) that the approvals do not absolve the applicant from compliance with any other relevant legislation;
  - (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with;
  - (g) that all the conditions in the Services Report (attached as Annexure F), be complied with;
  - (h) that all conditions imposed by the Fire Department (attached as Annexure G), be complied with; and
  - (i) that the approval only be valid for seven (7) years with an option to re-apply for the same rights.
2. that the applicant and objector be notified of its appeal right in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decisions.

### 14. REASONS FOR RECOMMENDATION

- ❖ The application is for a consent use and can easily be reverted back to shop or office space.
- ❖ None of the internal departments have any technical objections.
- ❖ It is in line with policy documents.
- ❖ Is not regarded as being undesirable from a town planning point of view.
- ❖ The zoning remains intact.

- ❖ Provide different housing typologies for a diverse generation.

### 15. ANNEXURES

Annexure A: Locality Plan  
Annexure B: Site Development Plans  
Annexure C: Motivation Report  
Annexure D: Objection received  
Annexure E: Applicant's response to objection received  
Annexure F: Engineering Services Report  
Annexure G: Comment: Fire Department

### SIGNATURES

#### REGISTERED PLANNER:

Name : **H VAN DER STOEP**

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

Signature : \_\_\_\_\_

Date: \_\_\_\_\_



Locality Plan - Erf 434 Pringle Bay

Date: 2018-05-02



# MOTIVATION REPORT

## CONSENT USE ERF 434 Pringle Bay

PREPARED BY H.Baanen April 2018

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**SUMMARY OF PROPERTY**

Applicant	H.Baanen
Registered owner	H.Baanen
erf number	434 (hereafter referred to as the subject property)
suburb	pringle bay
property extent	383 m2/ha
title deed	42603/2014
restrictions on title deed	none
application zoning scheme	Consent use on B3 (local business)
current zoning	B3 (local business)
permissible primary uses on SR1	
current land use	B3 (local business)

ABRIVIATIONS	
OMZS	Overstrand Municipality Zoning Scheme 2013
SDF	Overstrand Municipality Spatial Development Framework 2006
OM	Overstrand Municipality
OM by-law	Overstrand Municipality by-law on municipal used planning 2015
SPLUMA	Spatial planning and land use management act 2013
LUPA	land use planning act 2014
LUPO	land use planning ordinance 15 of 1985
PSDF	western cape provincial spatial development framework 2014
DEADP	western cape department of environmental affairs and development planning
SDP	site development plan

## 1 INTRODUCTION

Application is hereby made on behalf Hendrik Baanen for the following:

1. Consent of use for ERF 434 Pringle Bay, The current zoning of the property is **B3 (local business)** in terms of Overstrand Municipality by-law on municipal used planning 2015

Zone B3 and according to this the use of property is currently as primary use: shops, flats (above ground floor), offices;

2. Because of the re-development of the main building and its use therefore the consent uses is requested for: 3 flats (on ground floor)

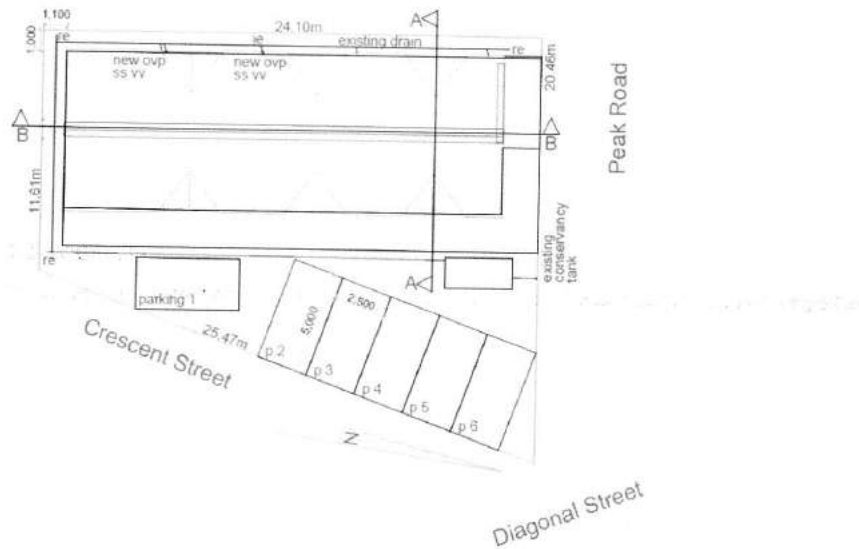
## 2 PROPERTY DESCRIPTION SIZE AND OWNERSHIP

Title Deed Number:	42603/2014
Description:	Erf 2903 pringle Bay, in the Overberg Municipality, Province of the Western Cape.
Property Owner:	H.Baanen
Property Size:	882m <sup>2</sup>
Title Deed Restrictions:	None
Bond:	None
Zoning:	According to the Overberg Zoning Scheme is zoned <b>B3 (local business)</b>
Current Land use:	local business

**3 SITE CHARACTERISTICS**

**3.1 LOCALITY**

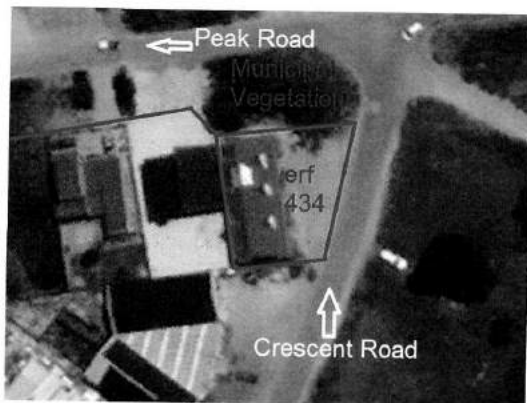
The property is situated on the corner of Crescent Road and Peak Road in centre (cbd) of Pringle Bay



**DIAGRAM 1 LOCALITY PLAN**

**3.2 TOPOGRAPHY AND VEGETATION**

The property has an even gradient, gently sloping to the south. There is no current vegetation on the property but on the north side there is a Municipal vegetation area that is being kept nicely by the owner with Proteas and Fynbos



**DIAGRAM 2 AERIAL PHOTO**

### 3.3 IMPROVEMENTS

The improvements on the site consist the internal of the building only. Building plans for the dwelling where approved in 1999.

### 3.4 SITE PHOTOS



photo 1



photo 2



photo 3

photo	view from	location	shows
1	crescent road	east face	front side building
2	peak road	north face	side of building
3	crescent road	south face	side of building



### 5.1 OVERSTRAND MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK 2006

The property is situated within an area that has been identified in the OMZS as a B3 (local business) location (please see annex 1 Diagram 4:OMZS Pringle Bay) This request for consent of use is therefore compatible with the vision of the OMZS as it is an already had established general dealership, a book store and several other businesses in the past.

### 5.2 OVERSTRAND MUNICIPALITY ZONING SCHEME 2013 (OMZS)

The intention is provide 5 flats within the existing building. In order to mitigate any potential impact on the neighboring properties, it is proposed that the current B3 business zone parameters, are obliged with consent of use be imposed on this site.

Because the building is existing all development rules have been approved already.

According to 7.2.2 of the OMZS The following development rules apply:

(a) **Coverage** The maximum coverage for all buildings on the land unit is 75%.

(b) **Floor factor** The maximum floor factor is 1.5.

(c) **Height**

The maximum height of a building, measured from the base level to the top of the roof is 8,5 m;

The maximum number of storey's is 2; and Earth banks and retaining structures shall comply with 16.6.

(d) **Setback**

Council may require that all buildings and structures on the property are set back at least 6,5 m from the centre line of the street; Where special circumstances exist, Council may require a wider setback; and

The general provisions of 16.2 apply.

(e) **Building lines**

The street building line is 0 m; provided that a 3,5 m building line applies where fuel pumps are erected;

The side building line is 0 m provided that where any Business Zone 3 abuts another zone, the side building line is 3,0 m;

The rear building line is 3,0 m; provided that where any Business Zone 3 abuts another zone, the rear building line is 4,5 m;

### 5.3 IMPACT ON THE NEIGHBOURING PROPERTIES

The re-development of the property will be restricted to the development parameters applicable to the "B3 commercial zoning" zone. The proposed consent of use will therefore not have any physical impact on the privacy or views of the surrounding properties.

The only difference will internal changes of the dwelling on the site. The Country Shop (general dealer) will still be operating on a smaller scale at the same operating hours. The existing onsite parking will be continued of use which will ensure that the residential streets will not become congested with on street parking.

### 5.4 IMPACT ON THE CHARACTER OF THE AREA

The character of the surrounding area can best be described as a mixed use area, on the west, north and east side of the dwelling there is B3 local business zoning and on the east (front face side of the dwelling) there is residential zoning.

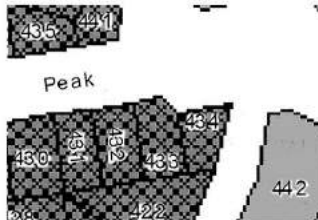


DIAGRAM 5: LAND USE MAP PRINGLE BAY SURROUNDINGS ERF 434

Land uses in the area is depicted on above include; low density of dwelling houses Plot 461, 421 and 420 (other plots in east face view are vacant plots), woodwork shop (plot 433), construction office/builders yard (south side erf 422)

The proposed consent will therefore not create a new precedent in the area.

### 5.5 AVAILABILITY OF SERVICES

This request for consent of use will not require any additional services. At this moment there is a 3 phase electricity connection (Eskom) and conservancy tank. It is anticipated that 5 proposed flats will use less electricity and water than the present usage of the general dealers and shops in the dwelling.

## 6 SPATIAL PLANNING POLICIES

This request for consent of use has been evaluated in terms of the existing spatial planning policies and to ensure that all is in harmony with the urban form and or urban fabric which is envisaged by the local and provincial authorities

- a) Urban form; the physical characteristics of the area, the shape, size, density and configuration of Pringle Bay would not be affected
- b) Urban fabric; The physical aspect of urbanism, building type, thoroughfares, open space, frontage, and streetscape will not be affected.

#### 6.1 WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF)

The aim of the PSDF is to give spatial expression to the national and provincial development agendas and serves as a basis for the coordinating, integrating and aligning ground delivery of national and provincial departmental program. The framework also aims to communicate the government spatial development intentions to the private sector and civil society.

The PSDF promotes the protection and improvement of the existing sense of place and settlement patterns. The existing sense of place in Pringle Bay is the variety of housing typologies, densities, commercial zoning and social fabric which makes the area unique and valued by the residents. This request for consent of use is aligned with this sense of place.

The PSDF promotes the improvement of accessibility at local scales, the proposed right of way servitudes is aimed at improving accessibility to Erf 434 Pringle Bay

The promotion of an appropriate land use mix and density is highlighted as integral. The subject property located within the suburb has appropriate residential land use mix and densities and the approval of this application will contribute to enhancing this balanced mix.

#### 6.2 SITE DEVELOPMENT PLAN (SDF)

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

The SDF is guided by a set of objectives and the consistency of This request for consent of use will be assessed with these core objectives.

The SDF cites that the unique character and attractiveness of Pringle Bay needs to be balanced and retained in the context of urban growth. This request for consent of use is aimed at adding additional flats in an existing building and in response to the urban pressure for the need of flats in Pringle Bay while maintaining the character of the area. Development is proposed to strictly be retained within the urban footprint. This request for consent of use is located within this urban footprint.

#### 6.3 OVERSTRAND MUNICIPAL OVERGROWTH MANAGEMENT STRATEGY (OMGMS)

The purpose of the growth management strategy is to improve the Overstrand Municipalities overall environmental sustainability by enhancing the quality and efficiency of the built environment. It will be highlighted how the proposed development will contribute towards the aims and objectives of this strategy.

OMGMS highlight that the built environment and landscapes in Pringle Bay should be enhanced and well managed. The building on the subject property is aesthetically. As the outside of the building will remain the same the approval and implementation for consent of use will contribute to an enhanced and well managed built environment.

The OMGMS promotes optimal land use planning and the efficient use of services; This request for consent of use will contribute to the optimal use of services which will serve an additional families within the services capacity limits of Pringle Bay.

The subject property is located in the commercial zoning of Pringle Bay and this request for consent of use is for an existing property and will not affect the density calculations and therefore aligned the envisaged density for the area.

#### Consistency with the various planning principles

The analysis of the spatial planning policies illustrate the consistency of This request for consent of use with the PSDF, SDG and OMGMS and can be deemed as encompassing the envisaged urban form / urban fabric laid out by the provincial and local authorities.

### 7 PLANNING PRINCIPLES

This request for consent of use has been analyzed for consistency with the planning principles to provide a recommendation to the Overstrand Municipality for the application in terms of Section 42 of Spatial Planning and Land Use

Management Act (SPLUMA) and Chapter VI of the land Planning Act (LUPA) and is in compliance with these principles and acts.

- **Spatial Justice**  
The approval of this request for consent of use will not affect spatial development imbalances caused by apartheid land use and spatial planning
- **Spatial Sustainability**  
The approval of this request for consent of use will not in any way compromise on agricultural land, environmentally sensitive and biodiversity rich areas as well as the scenic and cultural landscapes and will contribute to combating urban sprawl
- **Efficiency**  
The approval of this request for consent of use will contribute towards maximizing on the utilization of services on the subject property in an efficient manner
- **Spatial Resilience**  
This request for consent of use is aligned with the PSDF, SDF and OMGEMS and can be regarded as spatially resilient
- **Good Administration**  
The proposed development will promote consultative planning as the municipality will advertise this request for consent of use to the public to allow the comments of the public to be taken into consideration. WRAP will also respond to the comments of the public and take the comments into considerations in the planning of the project. All these measures will ensure that a joint planning approach is pursued to the benefit of the owner of the subject property and the community.

## 7.1 SPATIAL PLANNING POLICIES

### **WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF)**

This request is aligned with the existing sense of place and social fabric in Pringle Bay, the proposed servitudes will improve the accessibility at the scales and the request for consent of use is aligned with the existing appropriate residential character of Pringle bay

### **SITE DEVELOPMENT PLAN (SDF)**

This request is intended to get consent of use for the existing building and in response reply to the demand of flats in PRINGLE BAY and to address the priority if the residential redevelopment as highlighted in the SDF. This request for consent of use is located within the urban footprint and the spatial proposal plan designates the subject property for a combined commercial and flats purposes

### **Overstrand Municipal Overgrowth Management Strategy (OMGMS)**

This request for consent of use promotes optimal land use planning by creating 5 additional flats and can reside additional small families within the Overstrand Municipality engineering service capacity limits. The existing building is in the plan of the OMGMS and has been factored into the density calculations and is compliant with the density requirements in the document.

## 7.2 CONSISTENCY WITH THE PLANNING PRINCIPLES

**Spatial justice:** the approval and implementation of This request for consent of use will not result in the perpetuation of apartheid spatial development imbalances

**Spatial sustainability:** the approval and the implementation of This request for consent of use will not compromise on agricultural viable land, biodiversity rich areas and will not cause urban sprawl

**efficiency:** the approval and implementation of This request for consent of use will lead to efficient and optimal use of urban infrastructure and services within the capacity limits of the Overstrand Municipality

**Spatial resilience:** This request for consent of use is aligned with all the relevant spatial planning policies that have been created by the DEAPD (western cape department of environmental affairs and development planning) and the Overstrand Municipality and is therefore spatially resilient

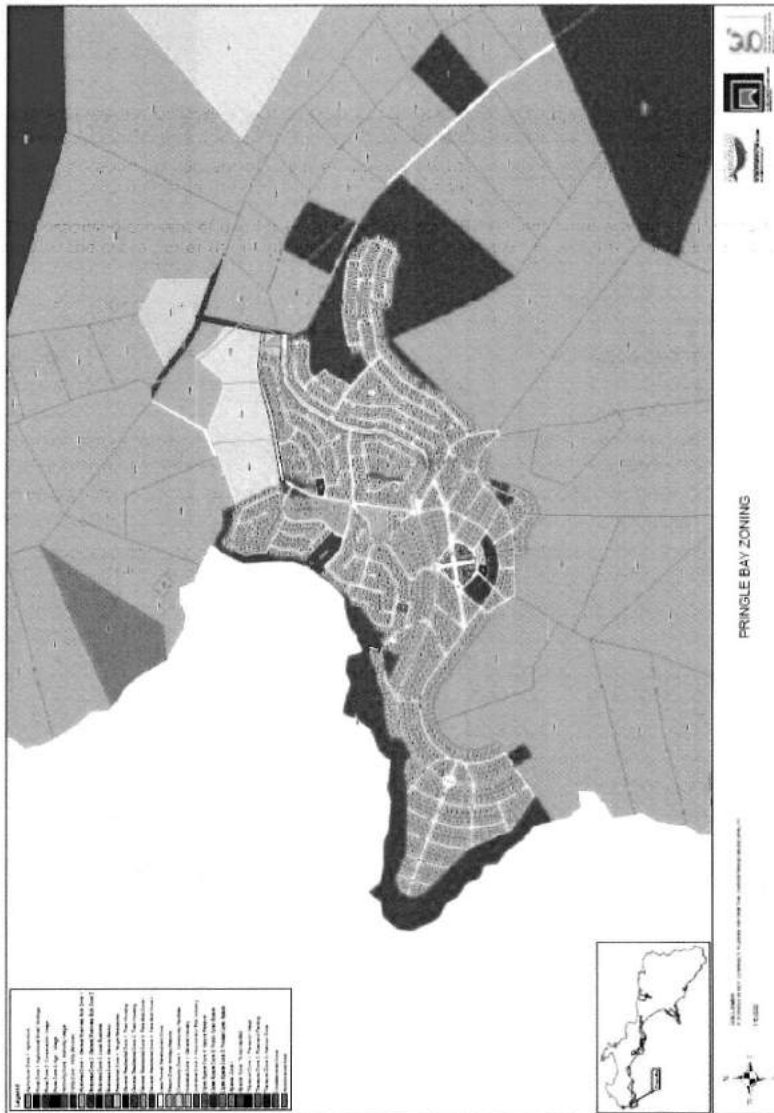
**Good administration:** the Overstrand Municipality has an inclusive and efficient public participation process where the comments from the public will be taken into consideration and ensure a joint planning approach between WRAP municipal officials and the public.

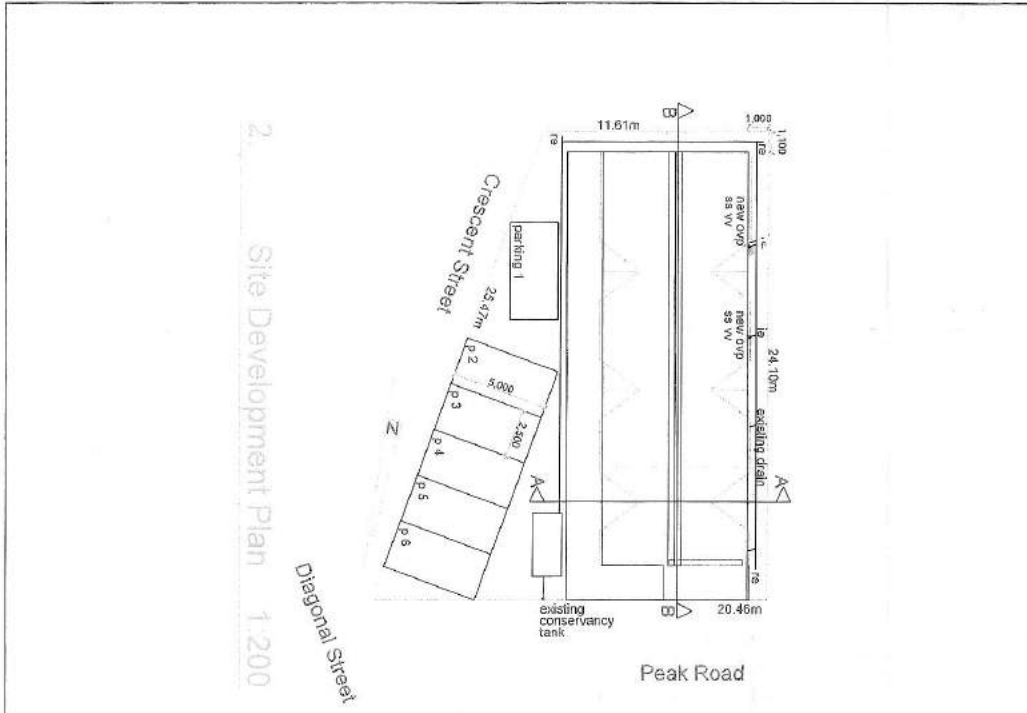
8. CONCLUSION

This application for consent of use is made to allow to construct 5 flats, 2 on top floor for which no consent is needed and 3 at the ground floor in the dwelling on erf 434 Pringle Bay.

The proposed consent of use for Local Business zone B3 will not have any physical impact on the surrounding properties and/or the character of the neighborhood, as it will not result in any physical changes to the property. It is proposed that the current Local Business zone B3 zoning parameters continue to apply to the property.

ANNEX 1 DIAGRAM 4:OMZS PRINGLE BAY





2. Site Development Plan 1:200

AREAS TABLE	
Ground Floor	167
Footprint	47
Sloep	214
Roof Area	
Interior Areas:	
General Dealer	49
excluding stair	28
Flat 1	30
Flat 2	30
Flat 3	30
Ground Floor Interior	137
Flat 4	62
Flat 5	80
including the stair	
First Floor Interior	142
Erf Area	386
Roof Area	214
Coverage all existing	55%

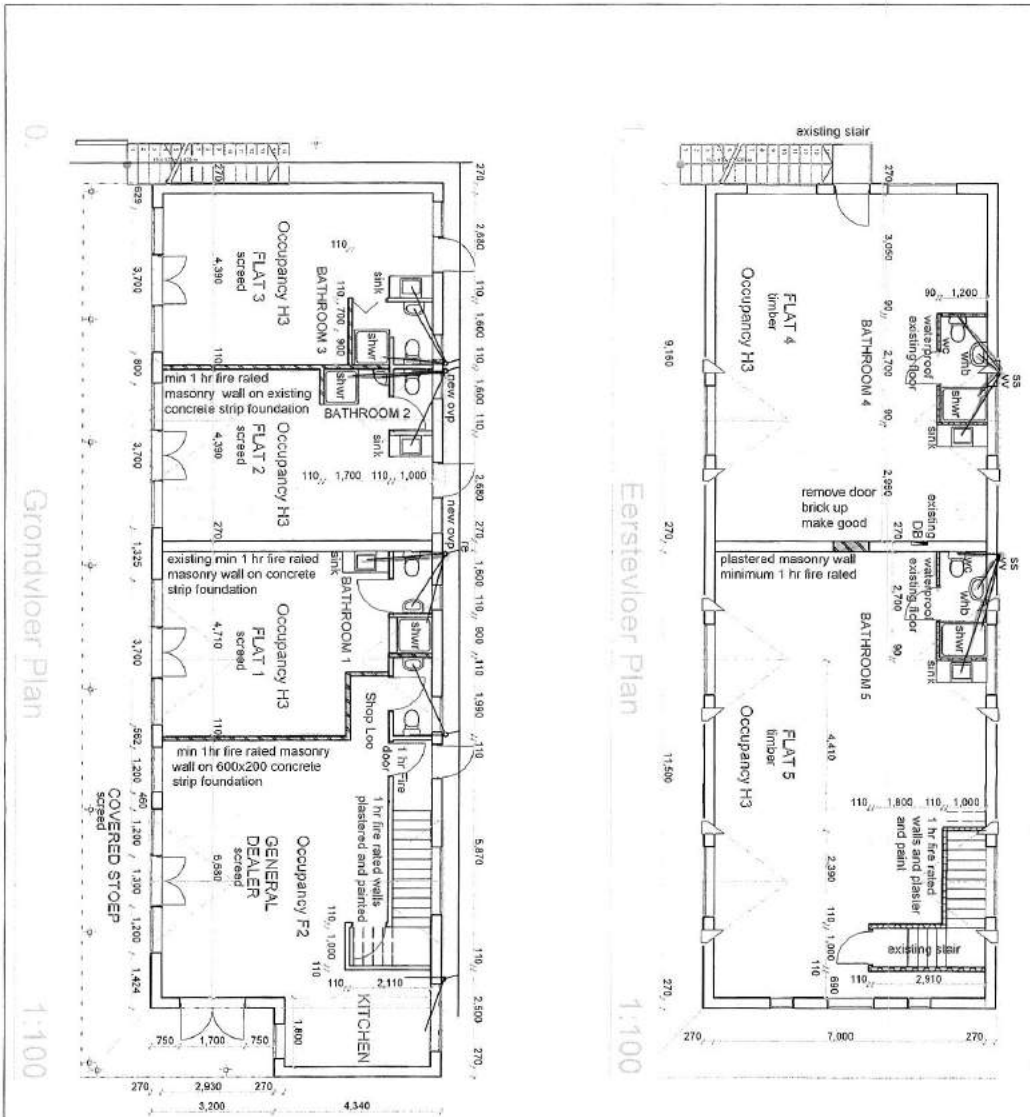
 Gerhard Scheepers <b>g'ts Architects</b> SACAP 7696 © 4/23/2018	OWNER  <b>Baanen</b> <b>Proposed Alteration to Existing Building on Erf 434 Pringle Bay for Owner</b>	AREAS TABLE <b>Site Development Plan</b>
		Tekening Skaal: 1:200 Drawn by: gts 4/23/2018 Tekening Naam: BHTP - cnd1 - 3
g'ts Architects, PO Box 532, Caledon 7230 gtsarchitects@gmail.com tel: 084 634 6651		

2 Suid Aansig 1:100

3 Noord Aansig 1:100

4 Oos Aansig 1:100

<p>Gerhard Scheepers g'tsArchitects SACAP 7698 © 4/23/2018</p>	<p>OWNER</p> <p>Baanen</p>	<p>Oos Aansig, Suid Aansig, Noord Aansig</p>
	<p><b>Proposed Alteration to Existing Building on Erf 434 Pringle Bay for Owner</b></p> <p>g'ts Architects, PO Box 532, Caledon 7230   gtsarchitects@gmail.com   cel: 084 624 6651</p>	<p>Tekening Skaal: 1:100   Tekening Naam: BHTP - cncl - 4</p> <p>Drawn by: gts   4/23/2018</p>



 <p>Gerhard Scheepers g'tsArchitects SACAP 7698 © 4/23/2018</p>	 <p><b>Baanen</b></p>	<p><b>Proposed Alteration to Existing Building on Erf 434 Pringle Bay for Owner</b></p>	
		<p>g'ts Architects, PO Box 532, Caledon 7230 gtsarchitects@gmail.com tel: 084 634 6651</p>	
<p>OWNER</p>		<p><b>Eerstevloer Plan, Grondvloer Plan</b></p>	
		<p>Tekening Skaal: 1:100</p>	<p>Drawn by: gts 4/23/2018</p>
		<p>Tekening Naam: <b>BHTP - cncl - 5</b></p>	

ANNEXURE D

TRATHAERT  
(C Huld Stoep)

**PRINGLE BAY RATEPAYERS' ASSOCIATION**  
**PRINGLEBAAI BELASTINGBETALERSVERENIGING**

SARS Reg. 9101/138/16/3

PBO 930013685

NPO Reg. 214-205

www.pringlebayratepayers.co.za

P O Box 409, Pringle Bay, 7196 / Posbus 409, Pringlebaai, 7196

Chairman / Voorsitter: chairman@pringlebayratepayers.co.za / Tel: 083 556 3345

I, the undersigned, ZIRKIA FOURIE (Identity no. 5407060087089) in my representative capacity as Chairman of the PRINGLE BAY RATEPAYERS' ASSOCIATION (the ASSOCIATION), hereby wish to lodge an objection on behalf of the ASSOCIATION to the granting of the undermentioned application for Consent Use.

1. THE APPLICATION

- 1.1. The Application objected to is that of H Baanen in respect of ERF 434, 15 Peak Road, Pringle Bay.
- 1.2. THE OBJECTOR
- 1.3. The objector is the PRINGLE BAY RATEPAYERS' ASSOCIATION, a separate legal entity having a constitution, in terms of which it has right, *inter alia*, to sue and to be sued.
- 1.4. The affairs of the Association are administered by an elected committee presided over by its elected Chairman.
- 1.5. The members of the Association are owners of property within the Township of PRINGLE BAY.
- 1.6. The matter was discussed by the committee at a meeting held on 20<sup>th</sup> November 2018.

2. THE OBJECTION

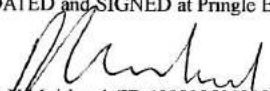
- 2.1. The application requests consent to convert the bulk use of an existing shop, *inter alia*, into three ground floor flats in a building which has a primary use of shops, or offices or above ground floor flats. The Association does not support the application due to the loss of primary use business space which is in short supply in the Pringle Bay business district and the likelihood of setting a precedent for flat conversions.

3. GROUNDS OF OBJECTION

The objection is based on the following criteria:

- 3.1. Shortage of rental Office Space.  
The Association is aware of businesses which require to rent office space in the central business area but are unable to do so and are therefore tempted to rent residential properties for business purposes. This is to the detriment of the town plan.  
**The Association would support conversion of the ground floor building into rental office space.**
- 3.2 Creation of a Precedent  
Granting this consent application would create a precedent in circumstances where the village of Pringle Bay is experiencing rapid growth and demand for primary business space in the central business district. Setting a precedent for conversion of business space into flats is not desirable.

DATED and SIGNED at Pringle Bay on the 28<sup>th</sup> day of November 2018

  
 D H Muirhead (ID 4802195103085)  
 Vice Chairman of Pringle Bay Ratepayers' Association  
 Acting for and on behalf of Z Fourie  
 Chairman of the PRINGLE BAY RATEPAYERS' ASSOCIATION.

FILE NO:	ERF 434
	Pringle Bay
SCAN NO:	
	KPRB 434
COLLABORATOR NO:	
	1236703

TP 28 NOV 2018

## ANNEXURE E 1/3

28 January 2019, Bettys Bay

To:  
Overstrand Municipality  
Town & Spatial Planning  
Overstrand Municipality  
16 Paterson Street  
Hermanus, 7200  
P O Box 20



TP-A Theart  
(H vld Stoeep)

From  
Hendrik Baanen  
5116 Clarence drive  
Bettys Bay, 7141  
PO BOX 165

Your reference: Applicant to reply to objection - Erf 434 Pringle Bay (3985)

I the undersigned, Henri Baanen (passport number NR7R8B223) in my representative capacity as the owner of the property Erf 434 Pringle Bay and owner/manager of the Pringle Bay Country Shop, hereby would like to lodge an counter objection towards the objection made by the Pringle Bay Ratepayer Association.

#### Application

The application objected is the advice/objection by the PBRA in respect towards the consent of use of erf 434 pringle bay.

#### Objector

Hendrik Baanen as owner of the erf 434 Pringle Bay and applicant for the consent of use for the erf 434 Pringle Bay

#### The Reply to objection

The objections mentioned in the letter by PBRA date 28 November 2018 I would like to counter and advise point by point

#### The primary loss of primary business space in the business district (point 2.1) and setting a precedent for flat conversions.

1. We are not rezoning the erf 434 but consent of use for partial area of ground floor usage
2. The Pringle Bay Country Shop is going to stay at the premises in smaller capacity
3. Several businesses tried to "survive" on erf 434 but due to the location(lack of feet) had to relocate or close
4. If the economy is getting back on its feet the proposed flats can be rented out as offices

#### Ground of objection shortage of rental office space (point 3.1) in central business area

1. As I was never approached in the past by anyone or made aware of businesses that require to rent "office space" in central business area 2 polls where conducted a) Facebook b) visitors Country Shop/neighbors/etc.



FILE NO: EL 434-PRB
SCAN NO: 07
COLLABORATOR NO: 1251126

- a) Facebook 100% in favor of accommodation not offices (18votes)
- b) The visitors poll 100% in favor of accommodation (26votes) (see attachment 1)
- c) If there is a high need of office space in Pringle Bay Central Business Area there are still 8 vacant plots ready for development.

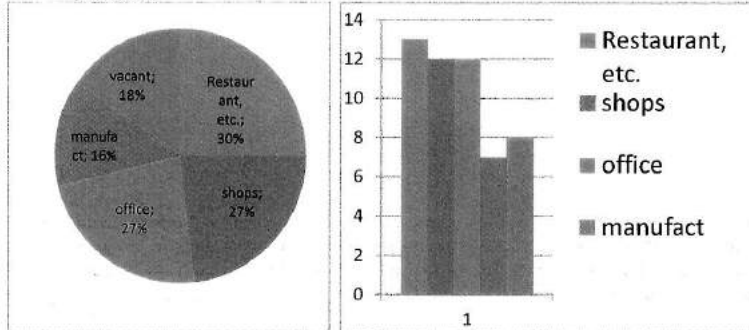
#### Creation of a precedent (item 3.2)

1. By a check on the central business area the following is there still available and/or being in use as such. There is 28% use of Office (mainly estate agents), 30% is restaurant/coffee shop/pub, 26% shops and 14% manufactures
2. There are 8 vacant plots in the central business area ready for development in office space.

TP

29 JAN 2019

3. A precedent will not be created as in the business area there are already several flats apartments created on the ground floor, for example: Pringle mangle (erf1867) previous coffee shop ground floor, erf424 (previous school) ground floor, erf 440 ground floor flat, erf 369 residential, erf 429 and erf 432 are partial residential. The precedent is already created with these other plots in the central business area and therefore my request for consent of use will not create a precedent.



#### Insight in businesses rental of erf 434

As erf 434 is not situated in the central business area but on the outskirts, to survive here as a business has been found extremely difficult. The following shops have tried it on this location.

- (bookstore > moved to Pringle cove (erf 1850)
- Fynbos Enterprise > moved to pass road (erf 368)
- Mings Things > close business > had to vacate after not retrieving rent for 3 months from them
- Budding Artist > could not cope and had to stop their enterprise)

This shows that in the current economy and location it is hard to be at the outskirts of the central business area. As business rates are being paid (which is higher than residential) it is not my choice to go for flats, but as soon as economy picks up and a request will be there for office space I can rent the flats as offices at a higher more efficient rent.

After asking for clarity from the PBRA point of view I requested the MOM from the meeting when the above was discussed: after some correspondence the following was presented by the PBRA:

#### QUOTE"

*As mentioned, we're not at liberty to forward the Minutes to you, but I've extracted the relevant section of the Minutes of the 20th November 2018 which refers.*

#### Overstrand Notices and other official notifications:

*6.1 Application to build flats on the ground floor of the Country Shop building The committee felt that we should object on the grounds that the building is zoned for business, not residential. Secondly, there is a severe shortage of space for small businesses in our village, and it should remain as business premises.*

#### "UNQUOTE

As a reply to point 6.1: it is going to stay a business premises, I am not asking for rezoning just consent of use for a part of the building, the Pringle Bay Country Shop is still going to stay just in a smaller capacity.

#### SOREASO report

There is a report made by Soreaso (OLM final report/Author: Ilse Eigelaar-Meets, Cornie Groenewald and Wynand Louw) into the demand of affordable accommodation in the Overstrand Municipality. This report shows that there is a constant demand/need for affordable accommodation.

The report can be downloaded at the Overstrand municipal website

<https://www.overstrand.gov.za/en/documents/strategic-documents/overstrand-socio-economic-report/4549-olm-report-final-10-april-2017/file>

Dated and signed at Bettys Bay on the 28th January 2019

Hendrik Baanen (pp# NR7R8B223)  
5116 Clarence drive  
Bettys Bay, 7141  
PO BOX 165, Bettys Bay, 7141.

**Pringle Bay Poll December/January 2018-2019**

This poll is to establish the need of more offices or affordable accommodation in Pringle Bay  
 The reason for doing so is that the Pringle Bay Rate Payers Association oppose a plan for  
 developing affordable accommodation by stating that there is a need for more office sp

Please make your preference vote for  
 preference vote for

- \* affordable accommodation
- ▲ OFFICES



date	name	address	phone #	signature	88	89
19/12/18	Felix But	24 CARRIAGE	0723819614	[Signature]	✓	
19/12/18	J. C. DE KOCK	201 VICTORIA	0222756001	[Signature]	✓	
19/12/18	PHILIP	423 CRESCENT	0339482288	[Signature]	✓	
19/12/18	A. M. ...	Pringle Bay	0334444444	[Signature]	✓	
19/12/18	E. ...	140 Wilson Road	0725411536	[Signature]	✓	
19/12/18	A. ...	133 Park Road	082031833	[Signature]	✓	
20/12/18	A. WILLIAMS		064960264	[Signature]	✓	
20/12/18	HECTOR SAMBO	387 Clarence Rd	078918007	[Signature]	✓	
21/12/18	H. HOESNORTH	60	2	[Signature]	✓	
21/12/18	W. ...	5011111111	082022331	[Signature]	✓	
21/12/18	A. ...	2000000000	082022331	[Signature]	✓	
21/12/18	A. ...	Pringle Bay	0113167111	[Signature]	✓	
21/12/18	TAKURA CHABICA	643 Butha Buthe Rd	0786621105	[Signature]	✓	
21/12/18	S. ...	1537 Darius Rd	0725330787	[Signature]	✓	
21/12/18	L. ...	1729 Hardschick	0766010648	[Signature]	✓	
21/12/18	R. ...	Pringle Bay		[Signature]	✓	
21/12/18	K. ...	PRINGLE BAY	0829616012	[Signature]	✓	
21/12/18	S. ...	Pringle Bay	085781836	[Signature]	✓	
21/12/18	P. ...	Hermonville	0124801094	[Signature]	✓	
21/12/18	M. ...	Pringle Bay	0829616012	[Signature]	✓	
21/12/18	Jacqueline Tolson	Kempson Park	0780087032	[Signature]	✓	
21/12/18	S. ...	Pringle Bay	0715617553	[Signature]	✓	
21/12/18	P. ...	Pringle Bay	0734607028	[Signature]	✓	
11/1/19	WILLEM V. HOFFER	CLARENCE RD		[Signature]	✓	
11/1/19	A. ...	1093 Damaris	079781267	[Signature]	✓	

## ANNEXURE F

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE: ERF 434, PRINGLE BAY (3985)**

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

**Conditions**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
1. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
2. that stormwater be allowed to discharge through Erf 434, Pringle Bay, unobstructed;
3. that no on-street parking be allowed.

*p.p. R. Hendriks*  
 DENNIS HENDRIKS  
 SENIOR MANAGER:  
 ENGINEERING SERVICES

*15/11/2018*  
 DATE

FILE NO:	
SCAN NO:	
COLLABORATOR NO:	

## ANNEXURE G 1/2

Munisipaliteit • U-Munipala • Municipality



File reference:	434 KPRB (3985)
Date:	24 October 2018

## INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: Hanneen van der Stoep

TO:

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

Applicant	H BAANEN
Property Details	ERF 434, 15 PEAK ROAD, PRINGLE BAY
Application Description	PROPOSED CONSENT USE

## ATTACHMENTS :

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

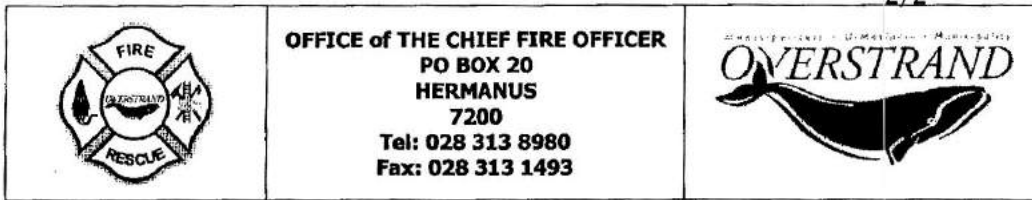
## YOUR DEPARTMENT'S COMMENTS:

<p>1) THE APPLICATION IS SUPPORTED FOR LONG TERM OCCUPATION OF APARTMENTS WITHOUT ADDITIONAL FIRE SAFETY COMPLIANCE APART FROM 3 BELOW;</p> <p>2) THE USE OF APARTMENTS FOR TOURIST/HOLIDAY ACCOMODATION IS SUBJECT TO COMPLIANCE WITH THE REQUIREMENTS OF NATIONAL FIRE PROTECTION REGULATIONS SANS1400T:2011 – REFER TO ANNEXURE A FOR REQUIREMENTS.</p> <p>3) GENERAL REQUIREMENT: 1 X 4.5kg DRY CHEMICAL POWDER FIRE EXTINGUISHER PER 200m<sup>2</sup> MUST BE PROVIDED IN ACCESSIBLE LOCATIONS.</p>	
Signature:	Date: _____ 2018

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

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

COMMENTS REQUIRED BY: 30 November 2018
--



**STANDARD REQUIREMENTS FOR OPERATION OF AN ESTABLISHMENT CLASSIFIED – H5 HOSPITALITY - SELF CATERING TOURIST ACCOMMODATION IN ANY H3 OR H4 CATEGORY BUILDING IN TERMS OF THE NATIONAL FIRE PROTECTION REGULATION SANS10400T:2011**

**ANNEXURE A – ERF 434, 15 PEAK ROAD, PRINGLE BAY**  
**TOWN PLANNING APPLICATION No: 3985**

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

**Fire Extinguishers:**

SANS10400T:2011 – 4.37:

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

**Combustibility of Floor Coverings:**

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

**Combustibility of Wall Coverings:**

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

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

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

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

These plans must include:

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

Chief Fire Officer