

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

135 GKB (3865)

SW van der Merwe

28 June 2019

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 1 December 2017 from Messrs ME Planners on behalf of M Beukes for the following:

- ❖ Removal of restrictive title conditions with reference to clauses C.(e), C.(g)(i) & (ii) and C.(j) of Title Deed T380/1982 applicable to Erf 135, Van Dyksbaai in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to develop a guest house on the property.

The restrictive conditions contained in Title Deed T380/1982 to be removed, read as follows:

“C.(e) Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir ‘n ander doel as wat volgens hierdie voorwaardes toegelaat word nie.

C.(g) geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 5 meter van die straatlyn wat ‘n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 1,5 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie, met dien verstande dat met die toestemming van die plaaslike owerheid:-

(i) ‘n buitegebou wat uitsluitend vir die stalling van motorvoertuie gebruik word en hoogstens 3 meter hoog is, gemeet van die vloer van die buitegebou tot by die muurplaat daarvan, binne sodanige sy- en agterruimtes opgegrig mag word, en enige ander buitegebou van dieselfde hoogte binne die agterruimte en syruimte opgerig mag word vir ‘n afstand van 12 meter gemeet van die agtergrens van die erf, met dien verstande dat in geval van ‘n hoekerf die afstand van 12 meter gemeet moet word van die punt wat die verste is van die strate wat die erf begrens;

(ii) ‘n buitegebou ingevolge subparagraaf (2) slegs nader aan ‘n sygrens of agtergrens van ‘n perseel as die afstand hierbo voorgeskryf opgerig mag word indien geen vensters of deure en enige muur, wat op sodanige grens front, aangebring word nie.

C.(j) Geen gebou vir bewoning deur mense mag op hierdie erf opgerig word nie, tensy voorsiening bogronds gemaak word vir die opgaar van minstens 7500 liters reënwater.”

- ❖ Rezoning in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 from Residential Zone 1: Single Residential

(SR1) to Business Zone 3: Local Business in order to establish an eight (8) bedroom guest house.

- ❖ Consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015 in order to establish an eight (8) bedroom guest house.
- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015 to relax the western lateral building line from 3m to 0m to accommodate the conversion of the existing outbuilding to a garage/laundry room as well as the encroachment of the eastern lateral building line from 3m to 1,5m in order to accommodate the existing dwelling.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, while the proposed Site Development Plan is attached as Annexure C. Title Deed T380/1982 is attached as Annexure D.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The application property is situated in Kleinbaai and measures 706m² in extent. The property is zoned for Residential Zone 1: Single Residential purpose and developed with a single storey dwelling and a detached double garage, situated on the western lateral property boundary. The rear outside area contains mature milk wood trees. The property had in the past been utilised to provide accommodation for volunteers in the shark and whale watching industry.

The proposed development comprises the removal of restrictive title conditions as per paragraph 1. above, as well as the rezoning of the subject property from Residential Zone 1: Single Residential (SR) to Business Zone 3: Local Business and consent use in order to establish an eight (8) bedroom guest house and building line departures due to more restrictive building lines of the proposed zoning. Provision is also made for accommodation of a manager and staff room in the former outbuilding (garage). The departure application entails the use change of a portion of the existing garage to a laundry room as well as a departure of the 2m eastern lateral building line to 1,5m to accommodate the existing dwelling. On-site parking is provided with access from Geelbek Street.

4. SUMMARY OF APPLICANT'S MOTIVATION

The applicant's motivation (refer to Annexure B) is summarised as follows:

- ❖ various business concerns (guest house, restaurant, shop, service station, bottle store, shark cage diving/whale watching operators form part of the character of the area;
- ❖ the proposed guest house is merely an extension/similar to the existing character of the area;
- ❖ the property is not older than sixty (60) years and has not been identified in the heritage survey as a property of heritage significance;

- ❖ the proposal will not have a significant traffic impact on the street network and traffic flow patterns;
- ❖ the proposal will not have a significant impact on municipal services;
- ❖ the proposal is consistent with the Provincial Spatial Development Framework (PSDF), Spatial Development Framework (SDF), Growth Management Strategy (GMS);
- ❖ the encroachment of the western lateral building line will not detract from the character of the area, traffic flows and will not impact upon municipal services;
- ❖ there is no complaints from surrounding land owners regarding the existing building line encroachments;
- ❖ the existing building line encroachments will have no negative impact;
- ❖ the proposal adheres to the planning principles in terms of LUPA and SPLUMA;
- ❖ creation of employment opportunities, during both construction and operational phases of the development;
- ❖ parking requirements of the Scheme Regulations are adhered to, and
- ❖ the proposal will add value to the area.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Press	Yes	24/05/2018	29/06/2018
Provincial Gazette	Yes	25/05/2018	29/06/2018
Notices (surrounding owners)	Yes	24/05/2018	29/06/2018
Internal Departments	Yes	24/05/2018	29/06/2018
Ward councillor	Yes	24/05/2018	29/06/2018
Total comments	Two (2)		
Was public participation undertaken in accordance with Section 47 – 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
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?			N/A

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

Name	Date received	Summary of comments	Recommendation
Traffic Department	12/06/2018	Take note of application. Will assist where needed.	Positive
Building Department	12/06/2018	No objection	Positive

Environmental Section	29/06/2018	No objection.	Positive
Health	12/07/2018	Annexure G.	Positive
Fire Services	20/07/2018	Annexure H.	Positive
Waste Management Services	26/07/2018	Refuse are to be constructed according to municipal specifications.	Positive
Engineering Services	20/08/2018	Annexure I.	Positive
Telkom	10/09/2018	Annexure J.	Positive

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Two (2) letters of objection against the application for rezoning and removal of restrictive title conditions were received. The letters of objection and consent are attached per Annexure E. The applicant's response to the objections received is attached as Annexure F.

The objections can be summarized as follows:

1. JGM Rossouw, Erf 134, Kleinbaai, van Dyksbaai

The adjoining property owner commented as follows:

The removal of the milk wood trees will not be permitted and will relocate the parking problem to Geelbek Street, where parking is already problematic, especially during the season.

Applicant's response

The applicant states that the above is not an objection, but an untested allegation.

Town Planner's response

The applicant's comment is noted. The removal of milk wood trees would be subject to the issue of a permit by the competent authority, whilst the guest house rights would be subject to satisfactory on-site parking provision being made. There is thus no merit in the objection to the extent that refusal of a permit would result in off-street parking, since it would be contrary to the conditions of approval, should the application be supported.

Objector provided written consent for the garage on the property boundary, subject to a 3m height restriction which was financially beneficial for the applicant. The building plan indicates that the proposed development will be 7,975m high, thus the objector stands to lose 95% of his current sea view from the first floor room and balcony due to the orientation of the roof

ridge. The objector request that the roof be altered so that the ridge is parallel with Geelbek Street, thus lessening the impact of the potential loss of view.

Applicant's response

The Zoning Scheme provides for an 8m height restriction as a primary right. The applicant discussed that matter of the roof ridge with the architect, confirming it is possible to swing the orientation of the roof ridge parallel with Geelbek Street. The applicant did not discuss this with the property owner and merely advise that it is a matter to be discussed between the property owner and objector.

Town Planner's response

The objector on 23 October 1993 provided a written consent letter in respect of the garage on the western property boundary. This letter was not subject to a 3m height restriction as per the letter of objection. The approved building plan however indicates the eaves of the outbuilding to be 2,7m high. The departure application pertaining to the outbuilding relates to the use change from garage to a combined garage/laundry room only, whilst no external alterations are proposed to this portion of the outbuilding.

The current zoning imposes an 8m height restriction, calculated from base level and no restriction on the number of storeys. Following rezoning the development would be subject to a two (2) storey and 8,5m height restriction. Given the restriction on the amount of storeys following rezoning the opinion is held that the proposal would not unacceptably detract from the views from the adjoining property owners when compared to the current rights permitting development up to three (3) storeys as a primary right.

The applicant did not discuss the proposal to swing the pitch of the roof with the property owner. Although it would potentially have a lesser impact upon the objector's views, loss of views (especially sea views) are not a valid reason for refusal.

The objector states that the Municipality is aware of the traffic and parking problems in the area and stress that the development of a convenient central located and orderly parking area is critical.

Applicant's response

The objector states that parking will be provided on site, whilst the proposed development of a parking area should be discussed with the Municipality.

Town Planners' response

The proposed development, if supported will be subject to the provision of on-site parking in accordance with the provisions of the Scheme Regulations and will not add to any on street parking problems in the area. The objection based on parking/traffic problems is considered unsubstantiated.

2. AM Ellewee, Owner of Erf 112, Van Dyksbaai

Commented as follows:

The use of the property as a hostel due to loud noises and talking since 05:15 in the morning invaded the objector's right to have a peaceful holiday home, which will be worsened by the proposed guest house.

Applicant's response

It is difficult that any noise from across Geelbek Street, which is a wide and busy street with a number of businesses and guest houses on the main way to the harbour, could be more disturbing from ordinary traffic noise.

Town Planner's response

The applicant did not address the objector's concern with regards to noise which refers to current unauthorised land use.

The use of the property as a hostel is an unauthorised land use. The proposed guest house where a manager will reside will ensure that the activities on the premises, being the provision of overnight accommodation in a controlled upmarket environment, will not detract from the character and amenity of the area, opposed to the current unauthorised hostel. The latter will be dealt with separately in accordance with the provisions of the Scheme Regulations.

A cash bar is permitted, more reason for guests, thus leading to noise from guests on holiday.

Applicant's response

The bar would only be for use of the occupants of the guest house. A full time manager will reside on the premises.

Town Planner's response

The applicant advised that a full time manager will reside on the premises, thus ensuring that the amenity of the surrounding area will not be adversely impacted upon. Further, the above facilities will be limited to overnight guest only.

Disagree with the applicant's statement that the guest house will not have a significant impact on services (water and sewage). It appears that the objector has a problem with the current sewage system (i.e. conservancy tank that needs to be emptied by a honey sucker) and associated smells and the location of the septic tank opposite their main bedroom window.

Applicant's response

The sewage system is handled by the Municipality and problems regarding the system cannot be used as an objection against the application. There is no indication of any changes in the existing sewage system on any of the plans submitted.

Town Planner's response

It should be noted that the majority of the Greater Gansbaai area, save for CBD of Gansbaai and subsidised housing schemes (Blompark & Gansbaai) does not

have a formal sewage system. Due to the potential risks of pollution of ground water and associate health risks sewage disposal in built up areas are no longer dealt with by means of soak away systems as before, but by means of conservancy tanks requiring emptying by means of a honey sucker.

The Site Development Plan does indicate a conservancy tank in front of the property, which is also a standard requirement when extending property or alternatively upon application for the upgrade of development rights to ensure that existing soak away systems are upgraded to conservancy tanks. The means of sewage disposal is not considered to warrant refusal of planning permission.

The objector questions the desirability of a guest house, since the nodal development framework states that tourists stays in Cape Town and comes to Kleinbaai for one day only as other must see activities are in Cape Town.

Applicant's response

The subject property is situated within the proposed business district of Kleinbaai and is regarded to be a business.

Town planner's response

The SDF promotes the tourism and local economic development. Accordingly the GMS identified a tourism business node amongst others in Kleinbaai, abutting the slipway which was also incorporated in the Kleinbaai Nodal Development Study. Surrounding land uses comprises a mix of residential and commercial properties such as shops, liquor store, tourism business, offices and guest houses. The proposed guest house, being a business, complies with the planning vision for the area.

8. MUNICIPAL ASSESSMENT OF COMMENTS

N/A

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

N/A

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)

Compliance with the planning principles is motivated as follows:

Spatial Justice

The proposal will not contribute to the perpetuation of historical spatial imbalances as the opening of a guest house will open up provision for all of the above to all persons in the Republic.

Spatial sustainability

The development takes place in the urban edge and will have no impact on agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Efficiency

The proposed development is not intended as a new settlement development and caters specifically for long distance travellers for whom all facilities will be available on site.

Spatial Resilience

The proposed development will not lead to environmental or economic shocks as the business conducted will not differ from the basic use of the erf.

Good administration

The application followed the required planning procedures, including public participation.

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 10.2 above.

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

The proposal is consistent with the SDF, GMS and Kleinbaai Nodal Development Framework.

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

N/A

10.6 Impact on Municipal engineering services

No objections were raised by the Municipal Engineering Services Department on the basis of availability and capacity of services, subject to conditions that amongst others, the payment of bulk services levies.

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

Environmental Management Services confirmed that the proposal does not trigger NEMA.

The proposed rezoning does not trigger the requirements of Section 38 of the National Heritage Resources Act.

The existing house has not been graded in the heritage survey.

10.8 Existing and proposed zoning comparisons and considerations

The development parameters applicable to Business Zone 3 imposes a 3m lateral building line, hence the application to encroach the 1,5m lateral building line.

10.9. Additional Planning Motivation for Removal of Restrictions**The financial or other value of the rights**

The owner will benefit financially due to the income generated through the proposed development of the property in terms of the Zoning Scheme, which is less restrictive than the Title Deed. Adjoining properties will also benefit in terms of increased property value.

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

Financial benefit will accrue.

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

There is no social benefit for the applicant should the conditions remain in place. Community benefit is the employment possibilities and a choice of accommodation, promotion of tourism and economic development.

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

Only certain of the rights will be removed, since the no-subdivision clause imposed by the administrator will remain.

11. THE DESIRABILITY OF THE PROPOSAL**Existing forward planning for the area**

The application property is situated in an identified tourism node as per the Kleinbaai Nodal Development Framework and the GMS. The 2006 SDF amongst others promotes tourism and economic development. The opinion is thus held that the proposed guest house is consistent with the forward planning vision of the area.

Character and amenity of the area

The proposed development is situated in a development node earmarked for tourism business related development. The surrounding area has a mix character comprising single residential, guest house, shop, office, service station and tourism business uses (including shark cage diving/whale watching operations. As such, the proposed rezoning to permit a guest house is not considered to appear out of keeping with the character of the surrounding area.

The proposed guest house due to the nature of the business, providing overnight accommodation to paying guests and the fact that a full time manager will reside on

site will ensure that the proposed guest house will not detract from the amenity of the surrounding properties by reason of noise and disturbance.

The guest house will be conducted from a commercial property. The facilities will however be restricted to paying guests, since the available on-site parking provision does not permit the creation of public accessible facilities for which a parking ratio of six (6) bays per 100m² apply.

The departure application (use change and building line) is according to the applicant's motivation limited to the ground floor of the building and the existing structures. Although the proposed first floor plan indicates a lateral building line encroachment up to 1,5m from the property boundary, it did not form part of the application and dealt with in terms of the conditions of approval.

The existing approved outbuilding will be converted into a laundry room and tandem garage on the lateral property boundary. A second dwelling in accordance with the applicable development parameters will be situated in the former outbuilding. No external alterations will occur, save for the addition of doors and windows facing the inside of the application property, outside the building lines. The departure to accommodate the use change of the building is thus not considered to unacceptable detract from the amenity of the adjoining properties.

Access and parking

The proposal provides eight (8) on-site parking bays and manoeuvring in accordance with the requirements of the Scheme Regulations. The applicant submitted detail of vehicle manoeuvring, which is considered to be acceptable by the Engineering Services Department.

Municipal services

The opinion is held that the proposal will not have a significant impact on municipal services, and is supported by the Municipal Engineering Services Department subject to conditions that amongst others relates to the payment of a bulk services levies.

Removal of Restrictive Title Conditions

In accordance with the provisions of the By-Law this objector, as well as the adjoining interested and affected parties, were notified of the proposed development.

The relevant conditions that will be removed as per Title Deed T380/1982 are as follows:

“C.(e) Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir 'n ander doel as wat volgens hierdie voorwaardes toegelaat word nie.”

The application for rezoning to commercial use with consent use for guest house necessitates the removal of the restrictive title condition. The subject property is situated in an area that is earmarked as a tourism node and has a mixed character, comprising residential and commercial uses. The proposal comprising overnight accommodation will promote tourism and economic development, which has been

accepted by the public at large in terms of the existing strategic policy documents. The condition may be removed.

“C.(g) *geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 5 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 1,5 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie, met dien verstande dat met die toestemming van die plaaslike owerheid:-*

- (i) *'n buitegebou wat uitsluitend vir die stalling van motorvoertuie gebruik word en hoogstens 3 meter hoog is, gemeet van die vloer van die buitegebou tot by die muurplaat daarvan, binne sodanige sy- en agterruimtes opgegrig mag word, en enige ander buitegebou van dieselfde hoogte binne die agterruimte en syruimte opgerig mag word vir 'n afstand van 12 meter gemeet van die agtergrens van die erf, met dien verstande dat in geval van 'n hoekerf die afstand van 12 meter gemeet moet word van die punt wat die verste is van die strate wat die erf begrens;*
- (ii) *'n buitegebou ingevolge subparagraaf (2) slegs nader aan 'n sygrens of agtergrens van 'n perseel as die afstand hierbo voorgeskryf opgerig mag word indien geen vensters of deure en enige muur, wat op sodanige grens front, aangebring word nie.”*

Building lines are regulated in terms of the Overstrand Integrated Zoning Scheme Regulations, 2013. This condition may be removed.

“C.(j) *Geen gebou vir bewoning deur mense mag op hierdie erf opgerig word nie, tensy voorsiening bogronds gemaak word vir die opgaar van minstens 7500 liters reënwater.”*

The subject property is situated within an existing town and connected to municipal services. This condition may be removed.

Conclusion

Having had regard to the evaluation above, the proposal is considered desirable in the context of its location within the CBD, consistent with existing policy and forward planning documents, the planning principles and will not adversely impact on the natural or built environment. The proposed development will promote tourism and economic development; create employment opportunities (direct and indirect) during both the construction and operational phases. Potential impacts could be mitigated in terms of conditions of approval. The proposed development is considered to be desirable and is therefore recommended for approval, subject to conditions.

12. RECOMMENDATION

1. that the objections be noted;
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipal Land Use Planning By-Law, 2015 for the removal of restrictive conditions C.(e), C.(g)(i) & (ii) and C.(j) of Title Deed T380/1982 applicable to Erf 135, Van Dyksbaai in order to develop a guest house on the property, **be approved**;

3. that the application in terms of Section 16(2)(a) of the above By-Law for the rezoning of Erf 135, Van Dyksbaai from Residential Zone 1: Single Residential (SR1) to Business Zone 2: General Business (B2), Bulk Zone 2 in order to develop a guest house on the property, **be approved**;
4. that the application in terms of Section 16(2)(b) of the above By-Law to relax the western lateral building line from 3m to 0m to accommodate the conversion of the existing outbuilding to a garage/laundry room as well as the encroachment of the eastern lateral building line from 3m to 1,5m in order to accommodate the existing dwelling, **be approved**;
5. that the approvals in paragraphs 2. and 3. and 4. above be subject to the following conditions:
 - (a) that the development be restricted to a guest house – no self-catering;
 - (b) that the departure approval of the 3m eastern lateral building line be restricted of the ground floor only;
 - (c) that a revised Site Development Plan be submitted indicating that the eastern first floor elevation be set back to comply with the applicable 3m lateral building line;
 - (d) 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;
 - (e) that a maximum of **eight (8)** bedrooms to be let, be permitted on Erf 135, Van Dyksbaai;
 - (f) that the owner/manager resides on the premises and be responsible for the proper management of the guest house;
 - (g) that the display of signage shall comply with the Municipal By-Law Relating to Outdoor Advertising and Signage;
 - (h) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
 - (i) that the selling or serving of liquor be subject to a valid liquor license;
 - (j) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (k) that the boutique hotel complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (l) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;

- (m) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (n) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (o) that a maximum of one (1) permanently demarcated parking bay per guestroom and two (2) for the owner/manager be provided within the erf boundaries in accordance with the approved policy regulations;
 - (p) that the guest house be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (q) that all the conditions in the Services Report (attached as Annexure I), be complied with;
 - (r) that the requirements of Health, Fire Services and Telkom (attached as Annexures G, H and J), be adhered to;
 - (s) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (t) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
6. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decisions and conditions of approval.

12. REASONS FOR RECOMMENDATION OF APPROVAL

- ❖ The application is consistent with applicable forward planning and policy documents.
- ❖ The application is consistent with the planning principles.
- ❖ The proposed development will not adversely impact upon the character of the area, or amenity of adjoining properties.
- ❖ The proposed development is desirable.
- ❖ The proposal will contribute to the promotion of tourism, economic development, including employment opportunities.
- ❖ The application has followed due procedure.
- ❖ None of the internal or external departments have any objection.
- ❖ It will not impact negatively upon municipal services.
- ❖ The application did not include the encroachment of the eastern lateral building line to 1,5m at first floor level.

13. ANNEXURES

- Annexure A: Locality Plan
- Annexure B: Motivation Report
- Annexure C: Site Development Plan
- Annexure D: Title Deed T380/1982
- Annexure E: Objections received

Annexure F: Comment on objections
Annexure G: Comment: District Health
Annexure H: Comment: Fire Services
Annexure I: Services Report
Annexure J: Comment: Telkom

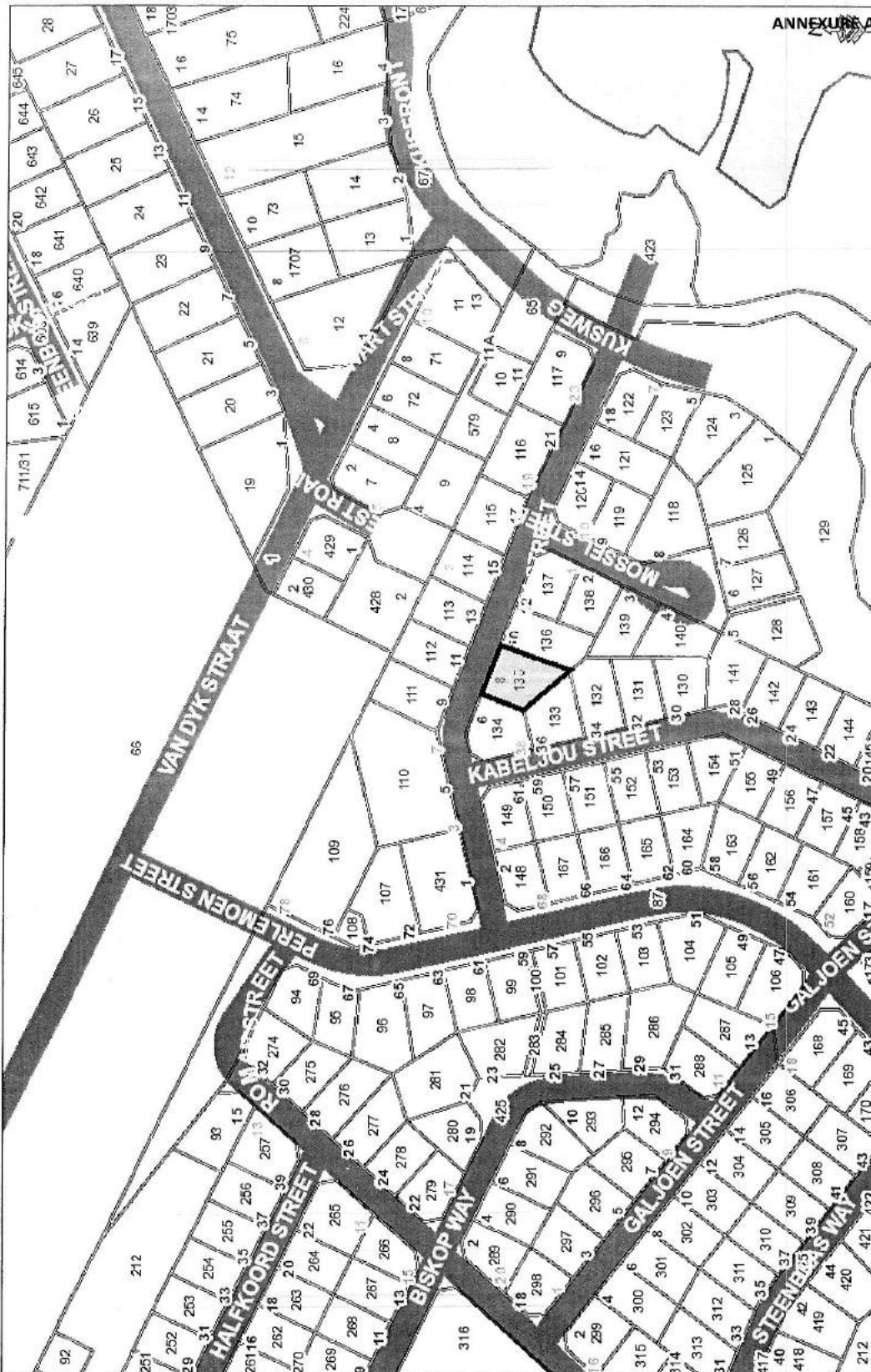
SIGNATURES**REGISTERED PLANNER**

Name : **SW VAN DER MERWE**

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

Signature : _____

Date: _____



ANNEXURE A 1/1

Locality Plan Erf 135 Kleinbaai



MEMORANDUM

APPLICATION FOR: A: REMOVAL OF TITLE DEED CONDITIONS, B: REZONING, C: CONSENT USE AND D: DEPARTURE FOR THE RELAXATION OF A SIDE BUILDING LINE FOR ERF 135, VAN DYKSBAAI, VAN DYKSBAAI DORP EXT. NO. 2: GANSBAAI: OVERSTRAND MUNICIPALITY: DIVISION CALEDON: WESTERN CAPE PROVINCE

INTRODUCTORY INFORMATION

1. INTRODUCTION:

This introduction serves as a short summary of the application before the necessary proposals and motivations are presented.

- 1.1 Applicant: ME Planners Town and Regional Planner
P.O.Box 552
Hermanus
7200
- 1.2 Power of Attorney: Power of Attorney has been rendered to ME Planners Town and Regional Planner to lodge this Application for a Removal of Restrictive Title Deed Conditions in terms of Sections 16(2)(f) and 35, Rezoning in terms of Section 16(2)(a), Consent Use in terms of Sections 16(2)(o) and 21, and Departures in terms of Sections 16(2)(b) and 20(1)(a) of the Overstrand Municipal By-Law on Municipal Land Use Planning.
- 1.3 Property: Erf 135 Kleinbaai, Hermanus, (hereafter referred to as "the site of application" or "the property").
- 1.4 Street address: 8 Geelbek Street, Kleinbaai, Hermanus.
- 1.5 Locality: Erf 135 is situated on the southern side of Geelbek Street, adjacent to erf 133 on the south western side, erf 134 on the north western side and erf 136 on the north eastern side.

2. OVERVIEW OF APPLICATION

- 2.1 **Application for the Removal of Restrictive Title Deed Conditions** (refer to Section C of the application form) in terms of Sections 16(2) (f) and 35 of the Overstrand Municipal By-Law on Municipal Land Use Planning (forth worth called 'the By-law').
(Removals set out in Section A of this report)

- 2.2 **Application for Rezoning** in terms of Section 16(2) (a) of the Overstrand Municipal By-Law on Municipal Land Use Planning
(Rezoning application set out in Section B of this report)
- 2.3 **Application for Consent Use** in terms of Sections 16(2)(o) and 21 of the Overstrand Municipal By-Law on Municipal Land Use Planning.
(Consent Use application set out in Section C of this report)
- 2.3 **Application for Departures** in terms of Section 16(2) (b), read with Section 20 (1) (a) of the By-Law
*(Departures as set out in Section D of this report).
(Refer to the layout plans attached to the application as well.)*

3. GENERAL INFORMATION

3.1 Title Deed and Property Description

T 380/1982, the property is described as:

"Sekere opgehefte erfpaggrond, geleë in Van Dyksbaai Dorp Uitbreiding Nr. 2 in die plaaslike gebied van Van Dyksbaai, Afdeling van Caledon, synde ERF 135 Van Dyksbaai, en is sewehonderd en ses (706) vierkant meter in grootte."

The property is registered in the name of Marlene Beukes" (Gebore Brink op 25 Desember 1948) getroud buite gemeenskap van goedere met Johannes Petrus Beukes, HVK NR. 2663/67; m/m uitgesluit - Blanke Groep, - Haar Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes."

3.2 Bond/s

The property is not encumbered by a bond.

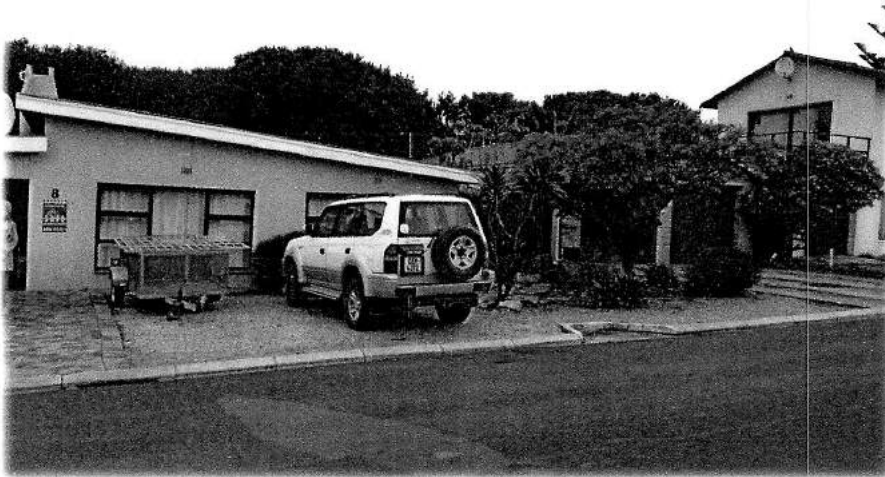
3.3 Current Zoning Status

Erf 135, 8 Geelbek Street, Kleinbaai is zoned "Residential Zone 1: Single Residential (SR1)" in terms of the Overstrand Municipality Zoning Scheme, 2013.

3.4 Existing Development on the Property

The property is currently developed with a single-storey, Single Residential dwelling, with a double garage on the western side.

BELOW: PHOTO SHOWING THE EXISTING HOUSE AND DOUBLE GARAGE ON THE WESTERN SIDE

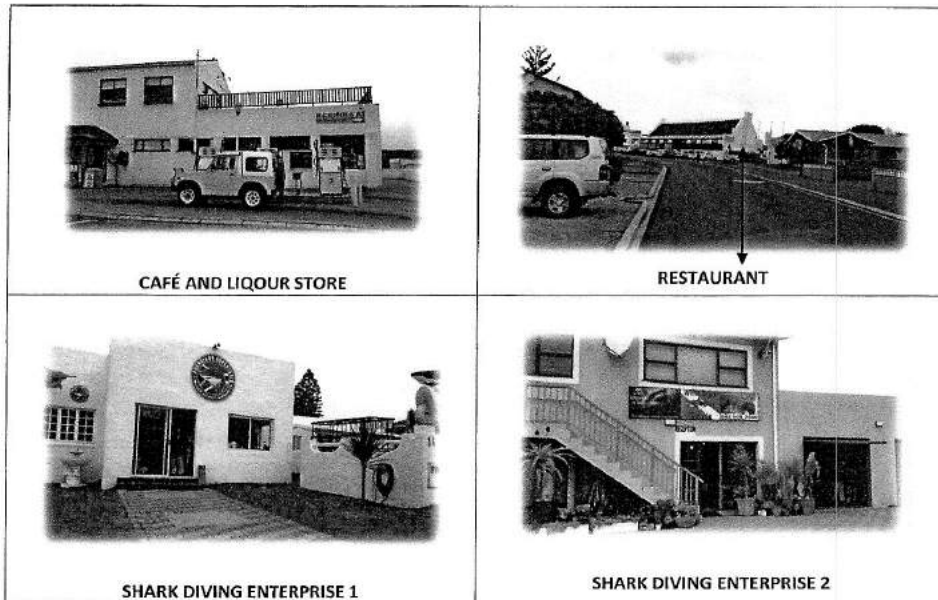


4. BACKGROUND

- 4.1 The property was purchased as is by the applicant during 1982 with the intention of using it as an ordinary dwelling house, but because of the development of a fairly large number of various businesses, particularly related to the tourism business, along Geelbek Street, which is also the main entrance road to the harbour with its thriving whale and shark watching enterprises, the owner saw the opportunity of developing a guest house in the midst of these developments.

In the meantime the residence has been used as a hostel by crew members of one of the shark watching boats working from Kleinbaai harbour.

BELOW: PHOTO'S SHOWING THE NUMEROUS BUSINESSES IN THE SAME STREET



- 4.2 The foregoing was also seen as a great opportunity, as Gansbaai as a whole, including Kleinbaai, is rapidly developing as a popular holiday destination in the Western Cape.

5. MOTIVATION

Intro:

It is generally known that out dated town planning legislation has recently been repealed and replaced with new legislation, and subsequently various decision making powers in this regard have also been delegated from Provincial Level to Local Authority levels in the Western Cape.

Restrictive title deed development parameters were registered against title deeds decades ago during the processing of township development applications. These conditions however, have, in many instances, become out-dated due to zoning schemes developed by local authorities through which the development parameters of properties are now regulated by local authorities with a view to better and more conforming development.

From a technical point of view, the motivation for departure applications could also be read as part of the motivation for the removal of the relevant restrictive title deed conditions.

MOTIVATIONAL REPORT

SECTION A

APPLICATION FOR THE REMOVAL OF TITLE DEED CONDITIONS

The removals being applied for are C (e), (g) and (j) that read as follows:

“C (e) Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir 'n ander doel as wat volgens hierdie voorwaardes toegelaat word nie.”

Reason for removal:

The reason for this removal is that the application for rezoning will change the use of the land to a business site and the building will be used for a "guest house", which is regarded as a business use in terms of the Overstrand Municipality Zoning Scheme, June 2013.

“C (g) Geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 5 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 1, 5 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie, met dien verstande dat met die toestemming van die plaaslike owerheid:-

- (i) 'n buitegebou wat uitsluitend vir die stalling van motorvoertuie gebruik word en hoogstens 3 meter hoog is, gemeet van die vloer van die buitegebou tot die muurplaat daarvan, binne sodanige sy- en agterruimtes opgerig mag word, en enige ander buitegebou van dieselfde hoogte binne die agterruimte en syruimte opgerig mag word vir 'n afstand van 12 meter gemeet van die agtergrens van die erf, met dien verstande dat in die geval van 'n hoekerf die afstand van 12 meter gemeet moet word van die punt wat die verste is van die strate wat die erf begrens;***
- (ii) 'n buitegebou ingevolge subparagraaf (i) slegs nader aan 'n sygrens of agtergrens van 'n perseel as die afstand hierbo voorgeskryf opgerig mag word indien geen vensters of deure en enige muur, wat op sodanige grens front, aangebring word nie.”***

Reason for removal:

The reason for the removal is that building lines are regulated by the Overstrand Municipality Zoning Scheme Regulations.

“C (j) Geen gebou vir bewoning deur mense mag op die erf opgerig word nie, tensy voorsiening bogronds gemaak word vir die opgaar van minstens 7500 liters reënwater.”

Reason for removal:

The reason for this removal is that all services are provided by the Overstrand Municipality.

NOTE:

The attached conveyance's certificate shows that the removal of Clauses C (f), (h) and (i) will also be applied for. This is, however, not the case as they are not perceived to be restrictive as far as the new use applied for, is concerned.

FINAL OBSERVATIONS IN TERMS OF PART 7 OF THE WESTERN CAPE LAND USE PLANNING ACT, 2014

In terms of Section 39(5) the following can be stated:

1. The removal of the mentioned restrictions will be to the benefit of the owner who wishes to make better use of the property for bigger financial gain;
2. It will be to the benefit of the Municipality and all the ratepayers as a larger income will accrue to the Municipality.
3. It will be to the benefit of Kleinbaai as the proposed development will attract more visitors to the area leading to more income for development of the area as a whole.
4. The removals will be of benefit for the proposed development of the business district.
5. Not all conditions will be removed, only those blocking the way of development and expansion.

SECTION B**APPLICATION FOR REZONING FROM RESIDENTIAL ZONE 1 TO BUSINESS
ZONE 3: LOCAL BUSINESS (B3) OF ERF 135, KLEINBAAI****B.1. ZONING OF THE ERF:**

In terms of the Overstrand Municipality Zoning Scheme Regulations the erf is zoned Residential Zone 1: Single Residential (SR1) with the following use restrictions applicable to it:

- (a) **Primary uses:** day care centre, dwelling house, guest rooms, home occupation, second dwelling unit;
- (b) **Consent uses:** crèche, green house, **guest house**, house shop, institution, place of instruction, place of worship, residential building, tourist accommodation.

B.2. PROPOSED ZONING:

In terms of the Overstrand Municipality Zoning Scheme Regulations the following use restrictions are applicable to Business Zone 3: Local Business (B3):

- (a) **Primary uses:** shops, flats (above ground floor), offices;
- (b) **Consent uses:** bottle store, business premises, clinic, conference facility, flats (on ground floor), town housing, **guest house**, hotel, informal trading, institution, place of assembly, place of entertainment, place of instruction, place of worship, recreational facilities, residential building, restaurant, rooftop base station, sale of alcoholic beverages, service station, service trade, transmission tower.

B.3. PROPOSED DEVELOPMENT:

The proposed development will be the establishment of a guest house with 8 rooms for guests and one for the manager.

Note:

1. The dwelling unit for use by the manager, as well as the servant's room, are regarded as "staff quarters" and will be attached to the existing garage.
2. There will be two outlets from the stand; one for the existing garage and the other from the parking at the back of the building.
3. There will be three entrance points from the street; one to the parking in front of the building, one to the parking at the back and one to the existing garage.

B.4 REASON FOR REZONING:

The only reason for the application for rezoning in terms of Section 16(2) (a) of the By-Law, is the fact that the Overstrand: Policy for conducting an accommodation Establishment on a Single Residential erf, states that: "any Accommodation Establishment from 1 to 5 bedrooms to apply for a departure or a Special consent. Should a person wish to conduct more than the prescribed 5 bedrooms on a Single Residential erf, he should apply for a Rezoning".

The proposed zoning will allow the establishment of a Guest House with more than 5 bedrooms through an application for Consent Use

SECTION C**APPLICATION FOR CONSENT USE FOR A GUEST HOUSE ON ERF 135, KLEINBAAI****C.1. PROPOSED DEVELOPMENT:****1.1 Introduction**

The following application is being submitted for the purpose of obtaining the necessary approval to place the applicant in a position to effect the proposed development.

1.2 An application is being submitted in terms of Sect. 16 (2) (o) together with Sect. 21 of the Overstrand Municipality By-Law on Municipal Land Use Planning, to obtain a consent use.

1.3 The development will consist mainly of the establishment of a guesthouse with the usual ancillary uses and compliance with the definition of a "Guest House".

1.4 Definition of "Guest House"**1.4.1 Guesthouse and related facilities:**

According to Schedule B of the Overstrand Municipality Zoning Scheme Regulations of June 2013, a Guesthouse is a dwelling-house, or second dwelling unit which is used for the purpose of temporary lodging of guests or lodgers on compensation, the provision of meals for guests, visitors or tourists, and is occupied by the owner or occupant, or manager of the property, and may include an in-house cash bar and restaurant, provided that these facilities are only for the use of the bona fide guests or lodgers

and may not be accessible to the general public, but does not include a hotel, guest rooms, residential building or boarding house.

- a) All parking shall be provided on the property;
- b) Guesthouse: 1 parking bay for each bedroom;

1.4.2 Building lines: As specified in the Overstrand Municipality Zoning Scheme of June 2013.

1.4.3 Vehicle entrances and exits:

Entrance to and exit from the property shall be to the satisfaction of the Overstrand Municipality.

C.2. ACCESS:

The present access to the property is from Geelbek Street and will provide safe access to and exit from the proposed development. (Refer to B.3, Note 3 in this regard.)

BELOW: SAFE ACCESS FROM GEELBEK STREET



C.3. NEED AND DESIRABILITY

When considering the application for consent use for Erf No. 135, Kleinbaai, it is evident that the need and desirability should both fall within the broad parameters and principles set out and necessary for orderly planning. To this end the following facts are given as far as this statement is concerned:

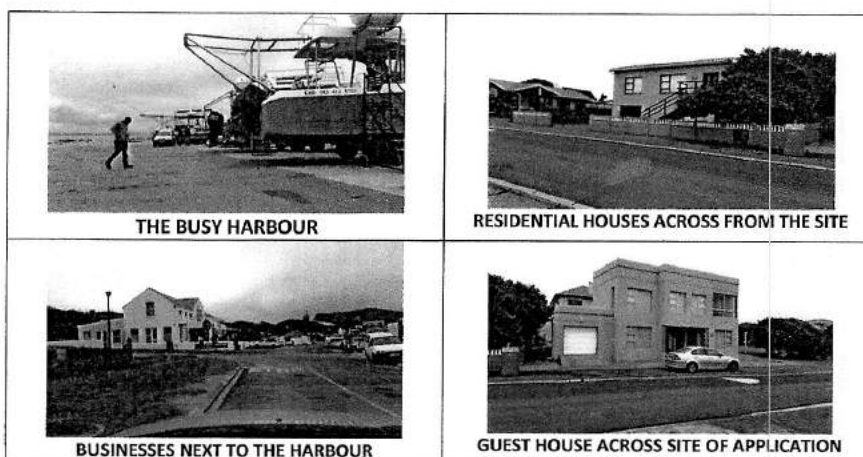
3.1 ORDERLY PLANNING:

Orderly planning centre's around the following four considerations that should be taken into account:

- The existing as well as the future character of the area;
- Traffic generation and access;
- The impact on services; as well as
- The standards and conditions that apply to such an application.

Character of Area:

The area in which the site is located, is characterized by the nearby harbour and related activities, including whale and shark watching trips by boat, a number of residential uses interspersed with existing guest houses, other business concerns and light industrial concerns as could be expected in the vicinity of a harbour, which means that various kinds of business concerns form a fairly comprehensive part of the character of the area. The proposed Guesthouse-development is merely an extension of and/or similar to the existing character of the area.



From the foregoing it is clear that the character of the area will not be disturbed should this application be approved and as this area is not one of the oldest established developments in the Overstrand area – with the result that the buildings on the property were not listed during the Municipality's heritage survey (see below) –it is not necessary to consider the possibility of the heritage value being affected and disturbed by the proposal.

The Heritage Survey, 2009

The objective of the heritage survey was to identify properties within Hermanus that has historical significance and that should therefore be protected.

The subject property has not been listed and not identified as a building with great historical significance.

The proposal is, however, consistent with heritage criteria as the dwelling might be older than 60 years and could therefore be considered as a Grade 3 building.

The classification of heritage buildings is explained as follows:

"The National Heritage Resources Act, number 25 of 1999 makes provision for a three-tier system for grading heritage resources, namely:

Grade 1: Heritage resources with qualities so exceptional that they are of special national significance;

Grade 2: Heritage resources with special qualities, which make them significant in the context of a province or region; and

Grade 3: Heritage resources worthy of conservation within a local context.

In terms of the National Heritage Resources Act, number 25 of 1999, heritage resources declared National Monuments in terms of the National Monuments Act (Act of 1969, amended in 1989) automatically become Grade 2 heritage resources or provincial heritage sites.

The Grade 3C grading is applied to buildings and/or sites whose significance is, in large part, a significance that contributes to the character or significance of the environs. It should be noted that although a 3C grading relates primarily to contextual significance a 3C grading has also been allocated to heritage sites which reveal typical architectural and aesthetic characteristics of the region, i.e. there are intrinsic and contextual values associated with this category.

It should be emphasized that in the Overstrand heritage survey, a 3C grading has been allocated to those buildings which are representative of their type or which represent what is regarded as typical Overstrand architecture i.e. a 3C grading does not refer entirely to contextual significance. *These buildings and sites should, as a consequence, only be protected and regulated if the significance of the environs is sufficient to warrant protective measures.*

It is, however, necessary to take into account the following policy.

Coastal Zone Policy for the Western Cape

The aim of the Policy is to give guidance regarding the sustainable development and management of the Western Cape coastline with specific reference to the creation of environments for investment opportunities, which would lead to economic development and consequent sustainability of the economic growth of its coastal towns.

According to the Policy the area falls within its specific Spatial Planning Category, in that tourist related enterprises within coastal towns must be encouraged.

It is therefore a given that the proposed development is consistent with the principles of the Policy.

Traffic:

The low level of traffic generated by this planned kind of development will have no significant effect on the existing and surrounding street network and the traffic flow patterns around the site will not be affected at all.

Because of the foregoing, no traffic impact assessment or environmental impact assessment is necessary with this application.

Services:

The site is fully serviced as it is located in an existing township and next to the harbour with the result that all municipal services are available, which is an indication that a guesthouse will have no significant affect on the existing water and sewerage systems.

Standards and Conditions:

Land uses in the area and on the site of application are being regulated and controlled by the Overstrand Municipality Zoning Scheme of June 2013.

The said Town Planning Scheme together with the proposals in the Kleinbaai Nodal Development Study of 26 January 2016, Provincial Spatial Development Framework 2014 (PSDF), the Overstrand Spatial Development Framework (2006) SDF, 2006, and the Overstrand Municipality: Growth Management Strategy, 2010, makes provision for consent uses such as applied for in this application.

The aims and objectives of the foregoing frameworks and strategy can be summarised as follows:

KLEINBAAI NODAL DEVELOPMENT STUDY

Apart from all the other recommendations in the study, the recommendations regarding the proposed extent of Kleinbaai Business area are of importance as far as this application is concerned.

Figure 10 of the study shows clearly that the erf under discussion is included in the proposed business development along Geelbek Street and the application should thus be considered favourably.

PSDF

The purpose of the PSDF is to give expression to the national and provincial development agendas for land development and serves as a basis for coordinating, integrating and aligning national and provincial programmes. It also aims to communicate the spatial development intentions of the government to the private sector.

The following aims underpin the PSDF, together with explanations of how the proposed development will be in line therewith.

“Capitalise and preserve unique local built form and natural typologies, character and heritage.”

The application will not disturb the local built form as it aims to only change the present use of the property from use by one or two families to “guest house” with minor changes to the existing building and out-building.

“Promote urban rather than suburban model: avoid further fragmentation of townships.”

The proposed development will not lead to a fragmentation of the area.

“Focus on creating connections to economic and social opportunity to promote spatial and socio-economic integration.”

The proposed development is an excellent example of the promotion of spatial and socio-economic integration.

“Cluster all social facilities and complementary activities.”

As a business concern with a basic social background this development will be an addition to the nearby cluster and variety of business activities.

SDF

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

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

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

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

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

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

"Restrict development within the carrying capacity limitation of the natural resources."

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

"To improve the aesthetic quality of the built environment."

The proposed additions to the building can only lead to the improvement of the aesthetical quality of the built environment.

GROWTH MANAGEMENT STRATEGY

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

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

"Ensure optimal land use planning and the efficient use of infrastructure, services, facilities and land."

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

"Contribute to place making and the development of attractive and safe urban environments."

The proposed development will definitely contribute to place making and a more attractive property.

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

The proposed ground storey development will basically stay the same as at present except for the development changes to the garage and only the height will be affected by the proposed first storey additions.

Because of the relatively large size of the property, namely 706m², the owner observed the potential to apply for a guesthouse and related activities where space is one of the

determining factors for the successful running of the business. In order to do this, an application for consent use for Erf No. 135, Kleinbaai has to be made.

The proposed development will be done in compliance with the guidelines of the Overstrand Municipality Zoning Scheme of June 2013. Building plans will be submitted to the satisfaction of the Overstrand Local Municipality, as the controlling authority.

3.2 NEED

3.2.1 Introduction

According to a survey named *The Impact of Tourism on the Overstrand Economy* dated 22 February 2010 initiated by the Overstrand Directorate of Economic Development and Tourism the “**Overstrand Municipality is a local municipality located within the Overberg District Municipality, in the Western Cape province of South Africa with its unique offerings of the ultimate experience in land-based whale watching and shark cage diving, pristine Blue Flag beaches, excellent wine industry and top-class restaurants and accommodation that make it an attractive tourist destination with a variety of activities.**

It should be clear from the application and the proposed development that the application centres mainly or to a large extent, on two concerns or so-called industries, namely the **tourism industry** and the **hospitality industry**.

Although these two industries are to a large extent two separate entities, they are intertwined to such an extent that the one can basically not exist without the other.

The foregoing fact is, *inter alia*, one of the main reasons for this one application to make the total proposed development possible.

The need for the proposed developments will be discussed for the two industries separately.

3.2.2 Tourism

Why did they travel to SA?

It may not come as any surprise, but more than 90% of tourists from each of the overseas regions i.e., UK, USA, Germany, the Netherlands, France, China, Italy, Australia, India and Spain, came to South Africa for a holiday.

South Africa's reputation for delivering scenic countryside, a sunny climate and rich cultural diversity makes it a desirable destination for travellers.

South Africa's scenic beauty, magnificent outdoors, sunny climate, cultural diversity and reputation for delivering value for money have made it one of the world's fastest growing leisure – and business – travel destinations.

Tourism is regarded as a modern-day engine of growth and is one of the largest industries globally. In 2012, G20 heads of state recognised tourism as a driver of growth and development, as well as a sector that has the potential to spur global economic recovery. South Africa has earmarked tourism as a key sector with excellent potential for growth.

South Africa's spectacular scenery, friendly people, world-class infrastructure make it one of the most desired destinations in the world. Despite tough global economic conditions, tourism grew in 2011, with 8.3-million international tourists. Domestic tourism is also an important source of revenue and employment, contributing 52% of total tourism consumption. Cruise and rural tourism are focusing growth areas.

Tourism service excellence standards have been devised and implemented by the SA Bureau of Standards and the National Department of Tourism.

Business tourism

South Africa is a popular destination for business travellers, who spend on average three times more than their leisure counterparts while crossing over significantly into leisure travel themselves, through tours before or after their business activities and through return trips in subsequent years with its first-world infrastructure, balmy climate and breath taking scenery.

Summary

From the foregoing, it is clear that tourism is an important growth driver in South Africa. The actual contribution of tourism and its effects on the Overstrand economy are, however, not known. If Overstrand were to succeed in capturing the same share of travel and tourism of its GVA as in the national economy, this could amount to a few billion rand, which is a large share if compared with other sectors.

3.2.3 Hospitality

Given the important role of tourism, information about the current contribution of tourism to the Overstrand economy and its potential is vital for strategic planning.

The quality and quantity of environmental resources on which tourism, in particular the hospitality industry – comprising hotels, guesthouses, restaurants, etc. – is based, have to be promoted.

This application will, in fact, lead to the alleviation of quite a number of needs as far as the tourism and travel industries and the above-mentioned needs are concerned, if approved.

As a final, but very important, argument for the need of the establishment of a guesthouse on this particular site is concerned, it can be mentioned as a fact that these kinds of facilities in the vicinity of mountains and the sea – particularly a harbour (as in the case of Cape Town and Gansbaai, Kleinbaai, etc.) – are of great importance to attract visitors from all over the country and even internationally. The development can therefore be seen as an opportunity to provide for a large need as far as visitors to the region is concerned.

3.3 DESIRABILITY

The question of desirability centres mainly around the matter of orderly planning; particularly when a need for something exists.

This application is being made because of a need that has been identified as explained in paragraph 3.2 above.

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

In the case of this application it can be stated categorically that very few better or more desirable developments can be envisaged for the area, as visitors to the sea and even the Western Cape, who are non-residents of the Overstrand, will be able to be accommodated near to everything that usually attracts people to spend their holidays in this beautiful environment, offered by the Overstrand and surrounds.

SECTION C

APPLICATION FOR DEPARTURE FOR THE RELAXATION OF A SIDE BUILDING LINE

- C.1. **Application for Departure** in terms of Section 16(2) (b), read with Section 20(1) (a) of the By-Law (departure as set out below).

(Refer to the layout plans attached to the application.)

- C.2. Departures being applied for are:

The western side of the existing outbuilding will encroach the side building line by 3.0m in the case of the zoning scheme restrictions and the eastern side of the house will encroach the zoning scheme restrictions by 1.5m which necessitates an application for departures.

The western side of the outbuilding also encroaches the title deed side building line by 1.5m which necessitates an application for the removal of title deed conditions.

C.3. Need:

The need in this instance centres mainly on the fact that the owner wishes to legalise the structure that was constructed beyond the building lines as prescribed.

C.4. Desirability

In the light of what has been mentioned as far as the need is concerned for this application, the desirability needs no further motivation, but the following is relevant and of interest:

- 4.1 The existing as well as the future character of the area will not be adversely affected should the application be approved.
- 4.2 The traffic flow pattern in the area will not be affected.
- 4.3 Services will not be affected adversely.
- 4.4 The prescribed standards and conditions for the existing zoning of the erf will not be adversely affected through the approval of the application.

C.5. Final Facts

The owner of the property states that he is not aware of complaints by surrounding landowners or even the Overstrand Municipality, about the negligible exceeding of the building lines described above.

C.6. Conclusion

From the contents of this report it is apparent that the existing building line encroachments of the building on Erf 135, Kleinbaai will have no negative impacts in general, and it is thus requested that the Municipality favour the application as set out in this motivation report.

6. IMPORTANT LEGAL ASPECTS CONCERNING THE APPLICATION

- 6.1 The application in question is submitted in terms of Chapter IV, Section 16.2(b), (f) & (o) for the amendment of the Overstrand By-Law on Municipal Land Use Planning 2015 to legalise an existing building and for purposes of obtaining the necessary approval to place the applicant in a position to develop a guesthouse and ancillary uses.

6.2 The application site is included within the jurisdiction area of the Overstrand Municipality Zoning Scheme of June 2013.

6.3 PLANNING PRINCIPLES

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

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

Possible results of the development

The proposed consent use, removal of title deed conditions and departure will not in any way contribute to the perpetuation of past apartheid spatial development imbalances as the development of the guest house will open up the provision of all the above to all persons in the Republic.

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

Possible results of the development

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

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

Possible results of the development

The proposed development is not intended as a new settlement development and caters specifically for long-distance travellers for whom all facilities will be available on site.

(d) Spatial Resilience which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable

communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.

Possible results of the development

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

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

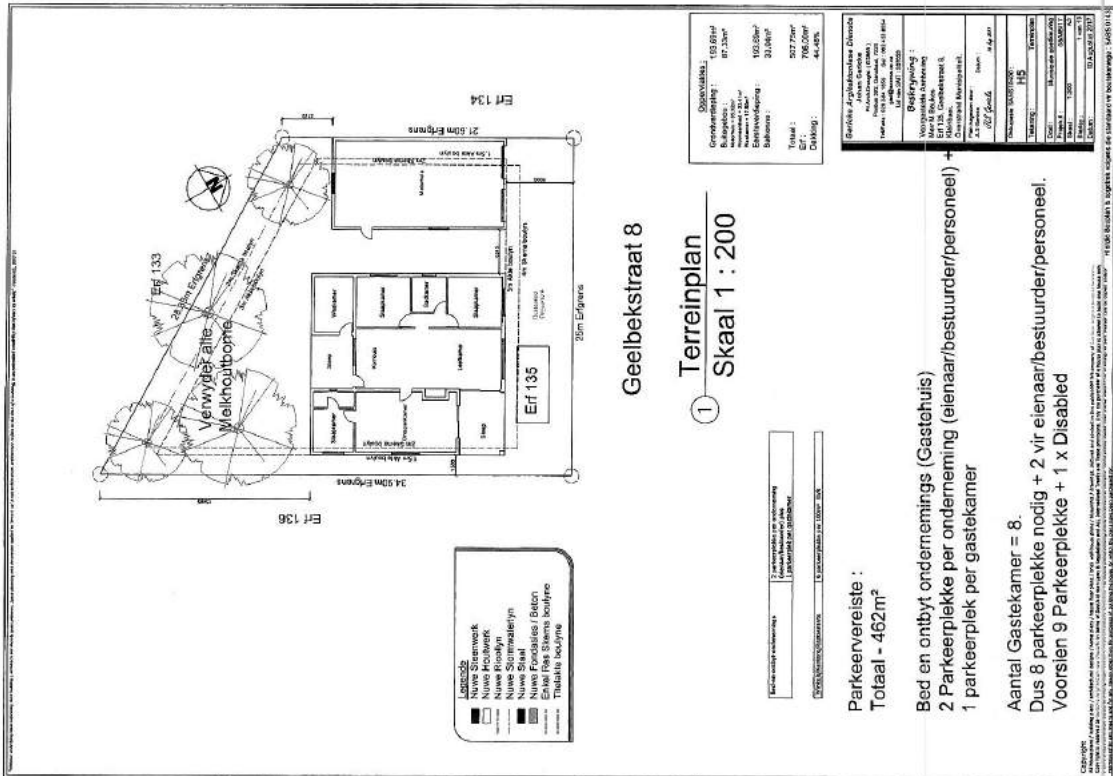
Possible results of the development

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

7. SUMMARY AND CONCLUSION

- 7.1 The proposed development, apart from monetary reasons, is an attempt by the client to bring about a development that will add value to the area.
- 7.2 There is also a definite need for a guesthouse together with ancillary uses, in this area of the Overstrand. In this regard it can be stated that the demand and economic viability of any development determines the need for it. Local economic conditions, the presence of the sea and mountains and other attractions plus the unprecedented growth in the tourism market make the proposed development viable and favourable on the site of application.
- 7.3 Finally, the application adheres to the criteria of the Overstrand Municipality Zoning Scheme of June 2013. The proposed developments will contribute positively to the economy and character of the area in which it is situated as well as the Overstrand as a whole.

APRIL 2018



Geelbekstraat 8

1 Terreinplan
Skaal 1 : 200

- Landings
- Nuwe Staanwerk
- Nuwe Houwerk
- Nuwe Rooklyn
- Nuwe Waterlyn
- Nuwe Skiel
- Nuwe Funderings / Beton
- Esiaal Riek Stene / kalfere
- Tuinskaal oopgrawe

Grondvlakke	153,80m²
Suboplek	87,33m²
Verrekeningsvlak	153,80m²
Erwagingsvlak	31,96m²
Totaal	507,72m²
Dekking	44,48%

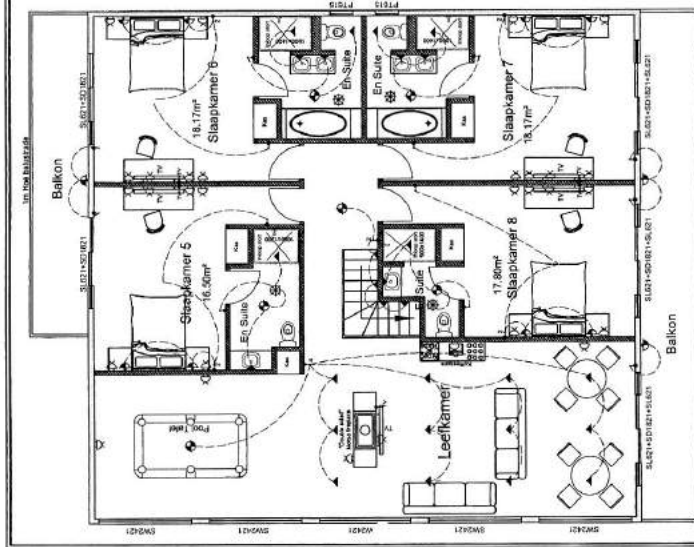
Boukoste / Argitektoniese Omskrywing	
Wand	1000
Plafond	1000
Wand	1000
Plafond	1000
Totaal	1000

Parkeervereiste :
Totaal - 462m²

Bed en onbyt ondernemings (Gastehuis)
2 Parkeerplekke per onderneming (eienaar/bestuurder/personeel) +
1 parkeerplek per gastekamer

Aantal Gastekamer = 8.
Dus 8 parkeerplekke nodig + 2 vir eienaar/bestuurder/personeel.
Voorsien 9 Parkeerplekke + 1 x Disabled

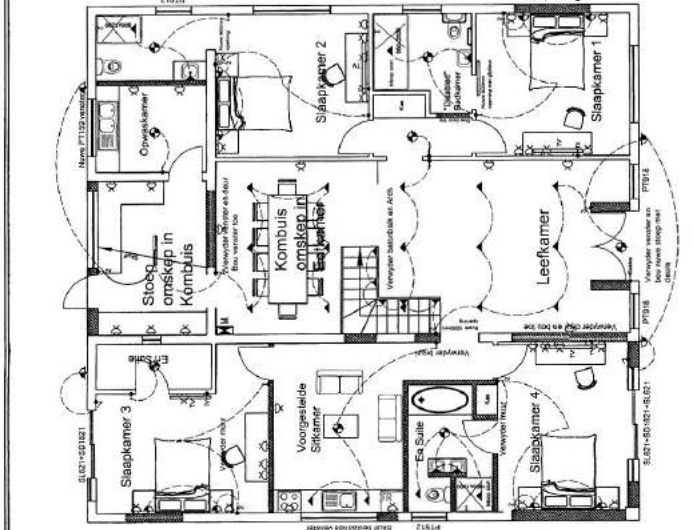




Eerste verdieping - Elektries

Skaal 1 : 100

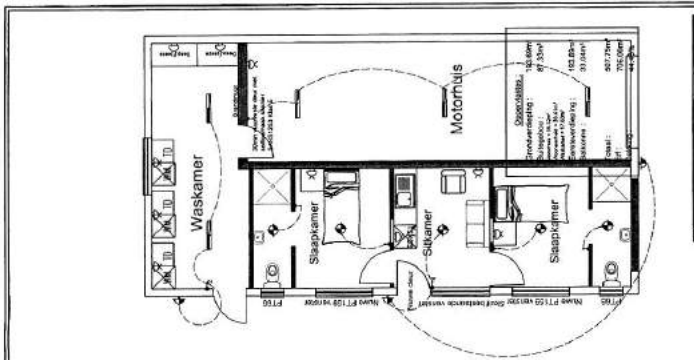
- ⊕ Plafon Ligpunt
- ⊕ Downlighter - 15W LED
- ⊕ Trap: muring - Downlighter
- ⊕ Dubbele Buislig - 2x32W FT
- ⊕ 16A Dubbele Muurprop (outlet) - 300mm vanaf AVV
- ⊕ 16A Dubbele Muurprop (outlet) - 600mm vanaf AVV
- ⊕ 16A Dubbele Muurprop (outlet) - 900mm vanaf AVV
- ⊕ 16A Dubbele Muurprop (outlet) - 1200mm vanaf AVV
- ⊕ Eienet Ligpunt (outlet) - 300mm vanaf AVV
- ⊕ 3 Punt Ligpunt (outlet) - 300mm vanaf AVV
- ⊕ 4 Punt Ligpunt (outlet) - 300mm vanaf AVV
- ⊕ 16A 300mm Muurprop (outlet) - 300mm vanaf AVV
- ⊕ 16A 300mm Muurprop (outlet) - 600mm vanaf AVV
- ⊕ TV / DSTV Punt - 1.8m vanaf AVV
- ⊕ Stof Punt
- ⊕ "Complete Fluorescent Lamp"
- ⊕ "LED lamp"
- ⊕ "Downlighter"
- ⊕ "Downlighter"
- ⊕ "Downlighter"



Grondverdieping - Elektries

Skaal 1 : 100

- Health & Safety Risk:**
1. Falling from height
 2. Wind factor working on roof
 3. Scaffolding ties
 4. Electric shock
 5. Falling materials
 6. Lifting heavy items
 7. Load noise
 8. Demolition
- Site need to be screened off from public entrance and "no Entrance" signs to be displayed. Contractor to wear health & safety file on site. Best Practice to appoint Health & Safety Officer.



Gerieke Argitektoniese Dienste
 Johan Gerieke
 Pr Aron Draighi (120881)
 Proteus 332, Gerardsbaai, 7220
 Telf: 041 708 6200 / 041 708 3554
 jg@jgarchitects.co.za

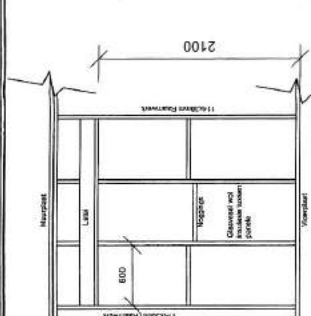
Beskriving:
 Voorgestelde Aanbouing
 Mxv M Boukes
 Erf 135, Geelbekstraat 8,
 Kleinbaai,
 Oorstrand Munisipaliteit.

Plan nagaan deur: J.S. Gerieke
 Datum: 05 Apr 2017

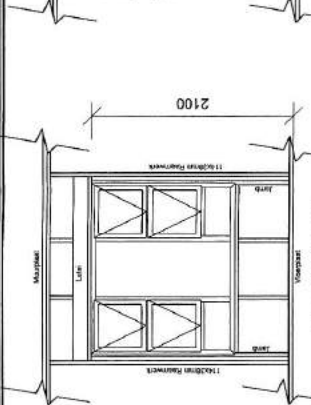
OK-kapasiteits SAANS (0400): H5
 Tekenning: H5
 Elektrisiteitsplan
 Doel: Munisipale goedkeuring
 Projek # : 06MBS/17
 Skaal: Saas gebou
 Bladsy: 5 van 10
 Datum: 10 Augustus 2017

NOTAS !

Die verskies van die projek se ontwerp word slegs 'n algemene oorsig van die ontwerp en die spesifikasies daarvan. Dit is nie 'n volledige projekplan nie en kan verander word sonder kennisgewing. Die ontwerper aanvaar geen aanspreeklikheid vir enige skade of verlies wat voortvloeit uit die gebruik van hierdie dokument. Die ontwerper aanvaar ook geen aanspreeklikheid vir enige skade of verlies wat voortvloeit uit die gebruik van hierdie dokument deur ander persone. Die ontwerper aanvaar ook geen aanspreeklikheid vir enige skade of verlies wat voortvloeit uit die gebruik van hierdie dokument deur ander persone. Die ontwerper aanvaar ook geen aanspreeklikheid vir enige skade of verlies wat voortvloeit uit die gebruik van hierdie dokument deur ander persone.



Venster Detail
Skaal 1 : 40



Muur Detail
Skaal 1 : 40

Brandvereistes : SANS10400 Deel T tabel 11
 GV totaal - 181,23m²
 Buitegebou - 87,33m²
 EV totaal - 193,18m²
 Totaal = 461,74m²

SANS10400 Deel T tabel 11
 1 x 4,5Kg Droë poeier brandblusser
 per 100m² vir H5 gebou.
 Dus 5 Brandblussers nodig



5 x 4,5Kg Droë poeier brandblusser toegerus in weerbestande kabinette vasgeheg teen muur



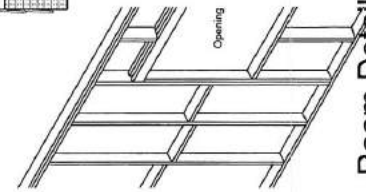
1 x 30m Brandtol toegerus in weerbestande kabinette vasgeheg teen muur

Muur R - Waarde Berekening :

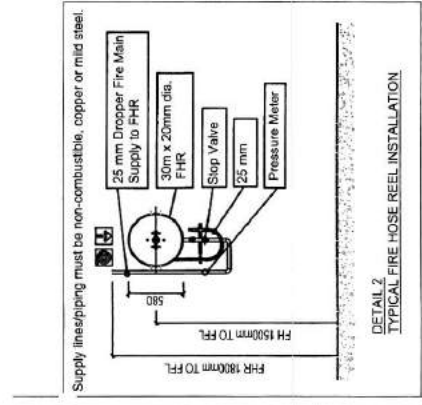
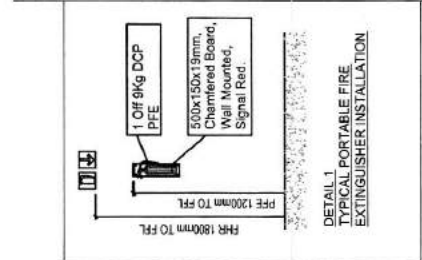
1. Buite lug, 12km/h wind 0,044
 2. 150x9mm Nutec Vermont Plank 0,047
 3. 75mm Isotherm isolasie 1,65
 4. 12,7mm Rhino-board 0,071
 5. Binne lug, stil 0,12
- TOTAAL 1,93**
 Verlang Sone 4

30min Brandbestand volgens SANS10400 deel T tabel 14

- 3mm "Creststone Plaster"
- 114x238mm hartslyn
- 75mm Isotherm isolasie
- 150x9mm Nutec Vermont plank
- 12,7mm Rhino-board
- Seël elke ophang van plank



Raam Detail
Skaal 1:50



Organisasie :

Grondweping : 193,88m²
 Buitegebou : 87,33m²
 Aantal : 15,25m²
 Woordeboek : 12,11m²
 Eerste verdieping : 193,88m²
 Balkonne : 33,04m²
 Totaal : 507,76m²
 Erf : 705,00m²
 Dekking : 44,48%

Gerieke Argitektoniese Dienste
 Johan Gericke
 Private Practice (Pty) Ltd
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Beskriving :
 Voorgestelde Aandbouing
 Mv M Brakes
 Erf 135, Grellekstraat 8,
 Kleinbaai.
 Owerstrand, Murrumbidgee.
 Plan nagaan out : Datum :
 10 Augustus 2017

Okruane SANS10400
H5
 Details en Brand
 Tekening :
 Doel :
 Projek # :
 Skaal :
 Bladsy :
 Datum :

9/10
 8 van 10
 10 Augustus 2017

12

DATE-DATUM	OPERATOR-OPERATEUR	ANNEXURE D 1/7
1981-01-19	<i>MS</i>	

R. G. C. C. C. C.
V. S. G. G. G. G.

OPPOSITUM ENTECH	21/1/81
GEW...	<i>do</i>

380

JPW/DGT. TRANSPORTAKTE

JANS. DE VILLIERS EN SEUN,
PROKUREURS,
KAAPSTAD

Opgestel deur my *J.P. Minnie*
Aktebesorger.

HIERBY WORD BEKEND GEMAAK

DAT HERPHILUS STEYN

Aktebesorger, voor my, Registrateur van Aktes in Kaapstad, verskyn het, behoorlik daartoe gemagtig deur 'n volmag geteken te KAAPSTAD

van DESEMBER 19 81 en aan hom verleen deur op die 1ste dag

MARTINUS PETRUS JOHANNES ALBERTUS COETZEE
(Gebore 31 Januarie 1944)

(14)

6

En /.....

J

- 2 -

En genoemde Komparant het verklaar dat sy Lasgewer op 20 November 1981 verkoop het en dat hy, die genoemde Komparant in sy hoedanigheid voormeld, hiermee in volkome eiendom sedeer en transporteer aan en ten gunste van -

MARLENE BEUKES

(Gebore Brink op 25 Desember 1948)
getroud buite gemeenskap van goedere met JOHANNES
PETRUS BEUKES, HVK NR. 2663/67; m/m uitgesluit

- Blanke Groep -

Haar Erfgename, Eksekuteurs, Administrateurs of
Regverkrygendes;

SEKERE opgehefte erfpaggrond,
geleë in Van Dyksbaai Dorp
Uitbreiding Nr. 2 in die plaas-
like gebied van Van Dyksbaai,
Afdeling Caledon, synde

ERF 135 VAN DYKSBAAI;

GROOT: Sewehonderd-en-Ses
(706) Vierkante Meter;

WHITE GROUP
BLANKE GROEP

SOOS BLYK uit Transportakte Nr. 29223
gedateer 30 Augustus 1974, gemaak ten gunste van die
Komparant se Lasgewer en Algemene Plan TP 8401.

A. ONDERHEWIG aan die voorwaardes waarna
verwys word in Transportakte Nr. 5132 gedateer
25 Junie 1935.

B. ONDERHEWIG VERDER /.....

(M)

- 3 -

B. ONDERHEWIG VERDER aan die bepalings van die volgende endossement gedateer 25 April 1972 op ~~begemelde~~ Transportakte Nr. 29858, ^{gedateer 20 Oktober 1970} welke endossement soos volg lui:-

"Kragtens Not. Akte Nr. 158/1972 ged. 13/3/1972 is die Restant van Gedeelte 22 van plaas "Klip Fonteyn", groot 93,2915 ha, hierondergehou, ONDERHEWIG aan waterskema serwitute met betrekking tot:

- (a) die hoeveelheid van water per erf per dag;
- (b) die opgaring van water en opvangwerke;
- (c) die watertoevoer deur pype en waterleiding, en
- (d) bykomende regte - die water synde afkomstig van boorgate op die binnegemelde eiendom ten gunste van die Administrateur van die Kaap-provinsie in Trust van sodanige plaaslike owerheid benoem te word. Soos meer ten volle sal blyk uit gesegde Not. Akte.

C. ONDERHEWIG VERDER soos genoem in gesegde Transportakte Nr. 29223/1974 aan die volgende voorwaardes, opgelê deur die Administrateur van die Provinsie Kaap die Goeie Hoop, tydens die goedkeuring van VAN DYKSBAAI DORP UITBREIDING NR. 2 in terme van Ordonnansie 33 van 1934, welke voorwaardes soos volg lui:-

(a) Alle /.....

111

- 4 -

- (a) Alle woorde en uitdrukkings wat in die volgende voorwaardes gebesig word, het dieselfde betekenis as wat daaraan geheg word by die regulasies afgekondig by Provinsiale Kennisgewing Nr. 623 van 14 Augustus 1970.
- (b) Ingeval 'n dorpsaanlegskema of enige gedeelte daarvan op hierdie erf van toepassing is of daarop van toepassing gemaak word, sal enige bepalinge daarvan wat meer beperkend is as enige voorwaardes van eiendomsreg wat op hierdie erf van toepassing is voorkeur geniet. Enige bepalinge van hierdie voorwaardes moet nie opgevat word as sou dit die bepalinge

van /.....

EED



van artikel 146 van Ordonnansie Nr. 15 van 1952, soos gewysig, vervang nie.

- (c) Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding, toe te laat dat elektrisiteitskabels of -drade en hoof-en/of ander waterpype en die rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, binne of buite hierdie dorp, oor hierdie erf gevoer word indien dit deur die plaaslike owerheid nodig geag word, en wel op die wyse en plek van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om enige werke met betrekking tot bogenoemde aan te lê, te wysig, te verwyder of te inspekteer.
- (d) Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word omrede van die verskil tussen die hoogte van die straat soos finaal aangelê en die erf tensy hy verkies om steunmure te bou tot genoeë van en binne 'n tydperk wat die plaaslike owerheid bepaal.
- (e) Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir 'n ander doel as wat volgens hierdie voorwaardes toegelaat word nie.
- (f) Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Administrateur van tyd tot tyd, na oorleg met die Dorpekommissie en die plaaslike owerheid, goedkeur, met dien verstande dat, indien die erf in die gebied van 'n dorpsaanlegskema ingesluit is, die plaaslike owerheid enige ander geboue wat deur die skema toegelaat word, kan toelaat onderworpe aan die voorwaardes en beperkings wat in die skema bepaal word
- (g)/.....

- (g) Geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 5 meter van die straatlyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 1,5 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie, met dien verstande dat met die toestemming van die plaaslike owerheid:-
- (i) 'n buitegebou wat uitsluitend vir die stalling van motorvoertuie gebruik word en hoogstens 3 meter hoog is, gemeet van die vloer van die buitegebou tot by die muurplaat daarvan, binne sodanige sy- en agterruimtes opgerig mag word, en enige ander buitegebou van dieselfde hoogte binne die agterruimte en syruimte opgerig mag word vir 'n afstand van 12 meter gemeet van die agtergrens van die erf, met dien verstande dat in geval van 'n hoekerf die afstand van 12 meter gemeet moet word van die punt wat die verste is van die strate wat die erf begrens;
- (ii) 'n buitegebou ingevolge subparagraaf (i) slegs nader aan 'n sygrens of agtergrens van 'n perseel as die afstand hierbo voorgeskryf opgerig mag word indien geen vensters of deure en enige muur, wat op sodanige grens front, aangebring word nie.
- (h) By die konsolidasie van hierdie erf of enige gedeelte daarvan met enige aangrensende erf wat onderworpe is aan dieselfde voorwaardes as die wat hierin uiteengesit word, is hierdie voorwaardes op die gekonsolideerde eiendom van toepassing asof dit een erf is.
- (i) Ingeval hierdie erf onderverdeel word, is elke onderverdeelde gedeelte, uitgesonderd 'n gedeelte afgesny vir pad- of dergelike doeleindes, onderworpe aan die voorwaardes hierin uiteengesit asof dit die oorspronklike erf is.
- (j) Geen gebou vir bewoning deur mense mag op hierdie erf opgerig word nie, tensy voorsiening bogronds gemaak word vir die opgaar van minstens 7500 liters reënwater.

- 7 -

WESHALWE die Komparant, q.q., afstand doen van al die regte en titel wat die bogenoemde

MARTINUS PETRUS JOHANNES ALBERTUS COETZEE

voorheen op genoemde eiendom gehad het en gevolglik ook erken dat hy geheel en al van die besit daarvan onthef is en nie meer daarop geregtig is nie, en dat, kragtens hierdie Akte bogenoemde

MARLENE BEUKES
(Gebore Brink)

Haar Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes; tans en voortaan daarop geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat; en ten slotte verklaar hy dat die koopsom die bedrag is van R4 000,00.

TEN BEWYSE waarvan ek, die genoemde Registrateur van Aktes, tesame met die Komparant, q.q., hierdie Akte onderteken en met die Ampseël bekragtig het.

ALDUS GEDOEN en geteken op die Kantoor van die Registrateur van Aktes in Kaapstad, Provinsie van die Kaap die Goeie Hoop,

op die 6

dag van die maand *Januarie*

in die jaar van onse Heer Eenduisend
Negenhonderd

Twee-en-Tagtig (1982).

[Handwritten Signature]
q.q.

In my teenwoordigheid,

[Handwritten Signature]
Registrateur van Aktes.

Geregistreer in die Register van

Folio

1. Hereregtevrystellingsertifikaat uitgereik te
KAAPSTAD op 16/12/81.

N.H.D./LL (10/79) JS17

2. Belastinguitklaringsertifikaat: Afdelingsraad van Caledon.
Geldig tot 30/6/82.

(Nagesien:- 1. *[Handwritten Signature]* 2. *[Handwritten Signature]*)

ANNEXURE E 1/4

Die MUNISIPALE BESTUURDER,
PATERSONSTRAAT 16,
HERMANUS

POSBUS 713,
GANSEBAAI 7220
1 JUNIE, 2018



TRATHART
(Suidmaats)

Geagte Meneer,

I/S : KOMMENTAAR - ERF 135, GEELBEKSTRAAT 8, KLEINBAAI

As eienaar van erf 134 aanliggend aan bovermelde eiendom wil ek graag asvolg kommentaar lewer op die aansoek op hersonering en verslapping bougrensbeperkings :-

- (a) Op die terreinplan word aangetoon dat alle melkhoudbome verwyder moet word. As afgetrede bosbouer wat die betrokke Wetgewing selg geadministreer het kan ek u verseker dat die aansoek om die bome almalte verwyder nie 100% sal slaag nie. Hierdie feit sal daartoe lei dat die parkeerprobleem na Geelbekstraat verplaas sal word, waar daar reeds n geweldige probleem, veral in seisoentye, bestaan.
- (b) Met betrekking tot die aansoek om die westelike syboulyn te verslap, (Punt 4) wens ek die volgende onder u aandag te bring :-
Gedurende 1998/99 met die aanbouing van die motorhuis op erf 135 het die eienaar my genader vir toestemming om tot op die gemeenskaplike grens te bou. Ek het dit goedgeestiglik toegestaan op voorwaarde dat geen aanbouing hoër as 3,0 meter sal wees nie. Dit het daartoe gelei dat die betrokke eienaar vir 20 jaar n aansienlike finansiële voordeel uit hierdie ooreenkoms getrek het.
Die bouplante dui aan dat die beplande dubbelverdieping 7,975 meter hoog gaan wees wat tot gevolg gaan hê dat 95% van my seeuitsig vanaf my bovertrek en balkon in die slag gaan bly, wat gevolglik die waarde van my eiendom negatief gaan raak.
Ek let op dat die huidige plan aandui dat die nok van die dak van die dubbelverdieping, loodreg met Geelbekstraat loop en dus in sy volle lengte, n uitsigverprerring gaan wees. Ek wil vra dat daar oorweging gegee word om die nok van die dak 90 grade te swaai sodat dit parallel met Geelbekstraat loop, wat die impak van die uitsigversperring sal versag.

(c)

.....2.

FILE NO:	EL 135 Kleinbaai
SCAN NO:	GKB 135
COLLABORATOR NO:	1164608

4 JUN 2018

2.

- (c) Met verwysing na bladsy I2 "Traffic" wens ek te meld dat die munisipaliteit terdeë bewus is van die groot verkeers- en parkeerprobleme in Geelbekstraat nadat hulle verskeie skrywes ontvang het, en ondersoek deur konsultante en amptenare asook versoeke van plaaslike haaiykbesighede vir die ontwikkeling n sentrale parkeerarea op die meentgrond wat omgrens word deur Van Dykstraat, Perlemoenstraat en erewe IO9, IIO, III, 428 en 430. Hierdie betrokke area skeep huidiglik net n goeie wegkruipplek vir inbrekers en kwaaddoeners. Die ontwikkeling van hoerdie area in n geordende sentrale parkeerplek vir die haaiibesigtigingstoerisme is is n absolute dringende noodsaaklikheid

Die uwe,


J.G.M. ROSSOU

1/6/2018

Alida Conradie - Rezoning Erf 135 Kleinbaai



From: a vEllewee <a.v.ellewee@gmail.com>
To: <aconradie@overstrand.gov.za>
Date: 2018/06/19 04:57 PM
Subject: Rezoning Erf 135 Kleinbaai

FILE NO: ELISS
 OVERSTRAND MUNICIPALITY Kleinbaai
 SCAN NO: GKB 135
 COLLABORATOR NO: 1169461

Application for: Removal of restrictive conditions, rezoning, consent use and departure for erf 135, van Dyksbaai dorp ext. no 2: Gansbaai: Overstrand municipality: Division Caledon: Western Cape Province

With reference to the above-mentioned, herewith comments on the application:

On page 3 of the application the following is stated: 'In the meantime the residence has been used as a hostel by crew members of one of the shark watching boats working from Kleinbaai harbour.'

As this house is directly opposite my house (erf 112), we as a family had for the time this house was utilised as a hostel being subject to loud noises/talking etc from as early as 5.15 on mornings! Thus, my right to have a peaceful holiday home, was already greatly invaded! I cannot see that if permission is granted to utilise it as a guesthouse, anything will change! On the contrary, it can only become worse.

As a guesthouse may also include a cash bar, it is a further reality that more noise will be created while holidaying, relaxing guests are enjoying themselves!

On page 10 of the application, a picture indicates a guesthouse across site of application. This is erf 113 and is definitely not a guesthouse!

Page 12 of the application under SERVICES: It indicates that: 'a guesthouse will have no significant affect of the existing water and sewerage systems.'

I strongly disagree with this statement! It is really unacceptable that there really is NO PROPER SEWERAGE SYSTEM in operation in Kleinbaai! A sewerage tanker that must come ever so often to empty the sewerage with the accompanying smell, is hardly a 'sewerage system' and is an embarrassment in this day and age! It is just a modern day 'nagwa'!

We already suffer through sewerage smells that are pumped almost every second day from The Great White House.

One of the outlays of their plan for the alterations to erf 135 indicates: "bestaande opgaartenk' in front of the building. This is definitely NOT the case. I suppose the idea is to make this the NEW SEWERAGE TANK - directly opposite my main bedroom window!

KLEINBAAI NODAL DEVELOPMENT STUDY: It is interesting to notice that mention is made of this study as to how a new guesthouse will fit into this study. On page 17 of the study it reads as follows: 'Tourists stay in Cape Town and come to Kleinbaai for one day only. Need has not been expressed for accommodation in Kleinbaai, as other 'must see' tourist destinations are in and around Cape Town'

20 JUN 2018

file:///C:/Users/aknoetze/AppData/Local/Temp/XPGrpWise/5B2935DEHermanusMu... 2018/06/20

There are already ten guesthouses in Kleinbaai and as previously stated people mostly come for day visits to the area.

I thus strongly object to the rezoning of this property!

A M Van Ellewee Owner Erf 112; 11 Geelbek St Kleinbaai

33 Lincoln Street Boston Bellville 7530
(021) 948 6906



ME Planners

Town and Regional Planner

Jan van Riebeeck Avenue 35, Sandbaai, Hermanus, 7200
P.O. Box 552, Hermanus 7200
Phone / Fax : 028 316 4094
Cell : 083 456 4064
Email : meplanners@telkomsa.net

ANNEXURE F 1/2



*TRA Theart
(S veldmaer)*

14 August 2018

SENIOR MANAGER: TOWN AND SPATIAL PLANNING
16 Paterson Street / PO Box 20
HERMANUS
7200

Attention: Me Alida Conradie

Sir/Madam

**APPLICATION FOR: A: REMOVAL OF TITLE DEED CONDITIONS, B: CONSENT USE
AND C: DEPARTURE FOR THE RELAXATION OF A SIDE BUILDING LINE FOR ERF
135, VAN DYKSBAAI, VAN DYKSBAAI DORP EXT. NO. 2: GANSBAAI: OVERSTRAND
MUNICIPALITY: DIVISION CALEDON: WESTERN CAPE PROVINCE**

Attached hereto please find the comments on the objections regarding the above-mentioned application for your attention:

Regards,

Elizabeth de Kock
ELIZABETH DE KOCK
TRP (SA) A/027/2007

FILE NO:	EL 135
	Kleinbaai ✓
SCAN NO:	GKB 135
COLLABORATOR NO:	1196057

TP
14 Aug. 2018

REPLY TO OBJECTIONS: ERF 135 KLEINBAAI**1. J.G.M. Rossouw**

- (a) This is not an objection, but an untested opinion.
- (b) The Overstrand Municipality Zoning Scheme of June 2013 makes provision for a building of 8.0m in height as a primary right on a Residential Zone 1 erf.

The objection to the proposed height can therefore not be entertained.

The matter was discussed with the architect who was of the opinion that the ridge of the roof could be swung round by 90 degrees as suggested by the objector. This is, however, a matter to be discussed between the owner and the objector.

- (c) This is also not an objection to the proposed development and something to be discussed with the Municipality. Enough parking will be available on the stand as shown in the application.

2. A.M. van Ellewee

- (a) Noise:

It is difficult to imagine that any noise from across Geelbek Street, which is a wide and busy street with a number of businesses and guesthouses, and which is the main way towards the harbour, could be more disturbing than the ordinary traffic noise.

- (b) Cash bar:

Any bar in a guesthouse may be used by the occupants only, whilst the objector and other holiday-makers in town are allowed to take as much liquor as they want to into their holiday homes and have rowdy parties if they so wish.

The applicant will have a full-time manager staying on the property who will ensure that all guests will be happy and enjoy a quiet time during their stay.

- (c) Sewerage system:

The sewerage system is handled by the Municipality and problems regarding the system cannot be used as an objection against this application.

There is no indication of any changes in the existing sewerage system on any of the plans submitted.

- (d) Nodal Development Plan:

As stated in the application the Nodal Plan clearly indicates erf 135 as being part of the proposed business district of Kleinbaai. A guesthouse cannot be regarded as anything else but a business.

File reference:	135 GKB (3865)
Date:	24 May 2018



INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: Schalk van der Merwe

TO:

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


Applicant	ME Planners (obo M Beukes)
Property Details	Erf 135, 8 Geelbek Street, Kleinbaai
Application Description	Proposed Removal of Restrictive Conditions, Rezoning, Consent Use & Departure

ATTACHMENTS :

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

YOUR DEPARTMENT'S COMMENTS:

Applicant needs to apply for a Health Certificate from O.D.M. to operate as an Accommodation Establishment. For the preparation of meals to guest applicant needs to apply for a COA too. (Certificate of Acceptability)

Signature:  Date: 12/07/2018

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: 29 JUNE 2018

File reference:	135 GKB (3865)
Date:	24 May 2018

INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: Schalk van der Merwe

TO:

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

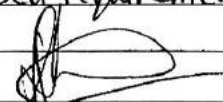
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Property Details	Erf 135, 8 Geelbek Street, Kleinbaai
Application Description	Proposed Removal of Restrictive Conditions, Rezoning, Consent Use & Departure

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:

① Application for laundry + garage on boundary no objection
 ② Guest House - Consent use is subject to compliance with requirements of National Fire Protection Regulations SANS 10400:2011 for occupancy H5 - Refer to Annexure A (attached) for prescribed requirements.

Signature:		Date:	20 JUL 2018	2018
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MUNISIPALITEIT OVERSTRAND MUNICIPALITY
 FIRE BRIGADE / BRANDWEER
 APPROVED / GOEDGEKEUR

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/les are in accordance with the approved building plans.

COMMENTS REQUIRED BY: 29 JUNE 2018

	<p>OFFICE of THE CHIEF FIRE OFFICER PO BOX 20 HERMANUS 7200 Tel: 028 313 8980 Fax: 028 313 1493</p>	<p style="text-align: right;">2/2</p> 
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STANDARD REQUIREMENTS FOR OPERATION OF AN ESTABLISHMENT CLASSIFIED HOSPITALITY – H5 - GUEST HOUSE, BED & BREAKFAST OR SELF CATERING TOURIST ACCOMMODATION IN ANY H3 OR H4 CATEGORY BUILDING IN TERMS OF THE NATIONAL FIRE PROTECTION REGULATION SANS10400T:2011

ANNEXURE A – ERF 135, KLEINBAAI, GANSBAAI,
TOWN PLANNING APPLICATION No: 3865

The operation of Holiday/Tourist accommodation is subject to compliance with following requirements together with any other building compliance requirements as prescribed:

Fire Extinguishers:

SANS10400T:2011 – 4.37:

1 x Portable Fire Extinguisher per 100m² of a type - 4.5kg Dry Chemical Powder, 5kg CO₂ or 9 litre H₂O.

Combustibility of Fitted Floor Coverings:

Shall comply with requirements of Section 4.14 of SANS10400T:2011 - Table 8 – As determined by SANS10177-4.

Combustibility of Internal Finishes:

Shall comply with requirements of Section 4.15 of SANS10400T:2011 - Table 9 – As determined by SANS10177-3.

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 for premises larger than 250m² at a ratio of 1 per 500m² of the establishment. (A dedicated 30 metre 19mm Garden Hose may be an alternative due to water supply connection restraints however this must be compensated with the provision of an addition of 2 x 4.5kg Dry Chemical Powder Fire extinguishers)
- Doors leading to the outside of the building with single turn locks or any other lock device approved by the Controlling 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.

Occupancy is also subject to: Maximum design occupancy total of 16 persons as prescribed by section A21 Table 2 of National Building Regulations SANS10400A:2010 i.e. 4 x 4 sleeper or 8 x 2 sleeper rooms.

Chief Fire Officer

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS,
REZONING CONSENT USE & DEPARTURE: ERF 135, KLEINBAAI (3865)**

Electricity	:	In order
Water	:	In order
Sewer	:	In order
Stormwater	:	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 (2018/2019) is as follows:

Freehold erven:

Water	R 21 688.60 x 0.6816	=	R 14 782.95
Sewerage	R 14 623.16 x 0.5112	=	R 7 475.36
Roads	R 6 557.01 x 10.9187	=	R 71 594.03
Stormwater	R 7 565.79 x 0.935	=	R 7 074.01
Solid Waste	R 1 311.40 x 0.765	=	R 1 003.22
TOTAL (inclusive of VAT)		=	R 101 929.57

Note:

The above figures are estimates

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that any repositioning of existing electrical services will be for the developer's account;
4. that any relevant commercial food preparation facilities must be provided with grease trap, which must comply with the standards and specification of the Department: Operational Services;
5. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
6. that those on-site parking facilities are provided as per the planning Schedule, and to the satisfaction of the Department: Operational Services;
7. that any additional and / or extended vehicle entrances will be for the developer's account;
8. that stormwater be allowed to discharge through Erf 135, Kleinbaai, unobstructed.



DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES



DATE

ANNEXURE J 1/4



FILE NO:	EL 135 Kleinbaai
SCAN NO:	17
REGULATOR NO:	1206673



TPA Theert
(S ubmerse)

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

Candice Spammer
Tel: 021 414 5582
Fax: 086 480 0617
Email: spammec1@telkom.co.za

Our Ref.: WWIP_WVKL2762_18
Your Ref.: 135 GKB 3865

10 September 2018

Attention: S Muller

Overstrand Municipality
HERMANUS

PLANT AFFECTED:

PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, REZONING, CONSENT USE AND DEPARTURE: ERF 135, 8 GEELBEK STREET, KLEINBAAI

With reference to your application received May 2018.

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

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

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

Approval is granted, subject to the following conditions.

As per sketch attached, Open Serve infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

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



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

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

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

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

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

All Open Serve rights remain reserved.

Yours faithfully

pp 

Selwyn Bowers
Operations Manager
Wayleave Management: Western Region

PLANT AFFECTED : COPPER

This wayleave, Reference Number **WWIP WYKL2762 18** is valid for 12 months from date hereof and is subject to the following conditions:

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

Date: 2018/09/10

By: C Spammer
For Regional General Manager
Western Cape

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



