



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

A G E N D A

DATE:	28 JUNE 2017
VENUE:	TOWN PLANNING COMMITTEE ROOM HERMANUS
TIME:	14:00

OVERSTRAND MUNICIPALITY

Office of the Municipal Manager
Civic Centre
HERMANUS
7200

12 June 2017

TO : THE CHAIRPERSON AND MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

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

NOTICE IS HEREBY GIVEN that a meeting of the **Municipal Planning Tribunal (MPT)** will go into session on **Wednesday, 28 June 2017 at 14:00, Town Planning Committee Room, 16 Paterson Street, Hermanus**, to consider the attached agenda.

You are kindly requested to submit any amendments/additions to Ms S Swart (sswart@overstrand.gov.za) on or before **19 June 2017**.

**COENIE GROENEWALD
CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL**

Distribution:

1. Mr C Groenewald (Chairperson)
2. Mr S Müller (Vice-Chairperson)
3. Mr S Madikane (Member)
4. Mr R Williams (Member)
5. Mr R Kuchar (Member)
6. Ms H Janser (Member)
7. Mr S van der Merwe (Senior Town Planner)
8. Ms H van der Stoep (Senior Town Planner)
9. Mr P Roux (Town Planner)
10. Secretariat

MUNICIPAL PLANNING TRIBUNAL (MPT)

28 June 2017

INDEX

<u>ITEM</u>		<u>PAGE NUMBER</u>
	APPLICATIONS FOR LEAVE OF ABSENCE	
4.1	ERF 1189, 28 CALEDON STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: MESSRS WRAP CONSULTANCY ON BEHALF OF GE JONES	1
4.2	ERF 5318, 23 CONTOUR STREET, FERNKLOOF, HERMANUS, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND SUBDIVISION : MESSRS WRAP ON BEHALF OF THE JA KLEYNHANS TESTAMENTÊRE TRUST	63
4.3	ERF 10558, FAIRWAYS AVENUE, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE CONDITIONS OF APPROVAL AND AMENDMENT OF THE SITE DEVELOPMENT PLAN: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF NMH TRADING 23 (PTY) LTD	114

1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

3.1 Minutes of a Municipal Planning Tribunal Meeting held on 31 May 2017

4. ITEMS FOR CONSIDERATION

4.1 ERF 1189, 28 CALEDON STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: MESSRS WRAP CONSULTANCY ON BEHALF OF GE JONES

Report attached

4.2 ERF 5318, 23 CONTOUR STREET, FERNKLOOF, HERMANUS, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND SUBDIVISION : MESSRS WRAP ON BEHALF OF THE JA KLEYNHANS TESTAMENTÊRE TRUST

Report attached

4.3 ERF 10558, FAIRWAYS AVENUE, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE CONDITIONS OF APPROVAL AND AMENDMENT OF THE SITE DEVELOPMENT PLAN: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF NMH TRADING 23 (PTY) LTD

Report attached

**AGENDA of the
Municipal Planning Tribunal
28 June 2017**

4.1

ERF 1189, 28 CALEDON STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: MESSRS WRAP CONSULTANCY ON BEHALF OF GE JONES

1189 SSS (3572)

P Roux

18 May 2017

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

To consider an application received in terms of Section 16(2)(o) on 26 January 2017 from Messrs WRAP Consultancy on behalf of GE Jones, the owner of Erf 1189, Stanford, for a consent use in order to use the existing second dwelling unit on the property concerned for tourist accommodation.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 1189, Stanford measures 2884m² in extent and is located in the residential area of Stanford. The erf is developed with an existing dwelling and second dwelling. The second dwelling was the old mill which was renovated by the property owner into a second dwelling.

4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation for the consent use can be summarised as follows:

- The property owner wishes to operate a self-catering unit from the second dwelling. The second dwelling can be used for long- and short term accommodation, however tourist accommodation is a consent use and therefore the application was applied for.
- The self-catering unit blends in with the character of the area.
- It is motivated by the applicant that the proposed use is in line with the relevant Spatial Development Framework (SDF) and planning principles
- There is a need for tourist accommodation.
- No additional services will be required.

**AGENDA of the
Municipal Planning Tribunal
28 June 2017**

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Notices	Yes	03/02/2017	10/03/2017
Ward councillor	Yes	03/02/2017	10/03/2017
Total letters of support	N/A		
Was public participation undertaken in accordance with Section 45- 49 of the Proposed Draft 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

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

Name	Date received	Summary of comments	Recommendation
Local Heritage	04/02/2017	No objection	Positive
Building Control	06/02/2017	Supported – subject to compliance to SANS 10400	Positive
Electro Technical Services	06/02/2017	A 60 Amp single phase connection is provided. No additional connections will be provided. Should additional capacity be required, the standard application procedures will apply. All investigation and upgrading fees as well as any repositioning of existing services will be for the client's account.	Positive
District Health	09/02/2017	Recommended for approval.	Positive
Area Manager	16/02/2017	Favourable consideration of the application is supported.	Positive
Operational Services	01/03/2017	Attached as Annexure F.	Positive
Engineering Department	10/3/2017	Attached as Annexure G.	Positive

**AGENDA of the
Municipal Planning Tribunal
28 June 2017**

Fire Department	28/03/2017	Attached as Annexure H	Positive
------------------------	------------	------------------------	-----------------

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

One (1) objection was received from the neighbouring property owner, Mr Williams, on Erf 583 Stanford. The points of objection can be summarised as follows:

1. Operator's character and motivation of the said consent use application

The objector states that there is evidence that the tourist accommodation facility has been conducted illegally and that he is the one to point it to the Town Planning Official as per his affidavit, which is addendum to the objection.

The Municipality (Town Planning Department) instructed the property owner to cease the activity, however the operation continued. Changes made by the property owner to comply with the instruction to the Municipality were to change the wording on the website from self-catering to B & B.

According to the objector he perceives that there is still a functioning kitchen and therefore the self-catering use is continued. Summons was issued and the objector states that the activity did not cease since inspection was done on the property.

The objector is of the opinion that the property owner only submitted the application due to being forced into this position. He also states that it speaks to their character as no compliance was shown until forced to comply. The objector also asks the question on whether or not the operators will be responsible tenants as they have since now have disregard for the law.

The objector lists various grievances regarding the property owners on Erf 1189, Stanford where forth the objector needed to seek legal advice and is in the process of selling his property.

Town Planner's response

It must be stated that the acquired legal process was followed in order to cease the illegal activity which was brought to the attention of the Town Planning Official. It should be noted that there is a fine line between operating two (2) guest rooms, which are a primary right, versus self-catering unit (with

**AGENDA of the
Municipal Planning Tribunal
28 June 2017**

two (2) bedrooms) which is a consent use. This is mainly to do with the preparation of meals. An affidavit was provided to the municipal prosecutor who, in turn, indicated that the legal process will not continue as there is currently no legal basis on which the property owner of Erf 1189 can be prosecuted.

The Overstrand Municipal By-Law on Municipal Land Use Planning sets forth which aspects the Municipal Planning Tribunal (MPT) must consider regarding land use application when deciding on an application. The decision maker cannot deter from this and therefore although the comment regarding the character of the tenant is noted, it cannot form part of the evaluation of the land use application.

2. Detrimental effect on my privacy, peace and security as a direct result of the use of the old mill as tourist accommodation

The objector states that the peace and privacy he experienced at his house has already been negatively affected by the continued use of the tourist accommodation for the past year. No security problems have been experienced; however the amount of unknown tourists who visit the next door property in such close proximity leaves him feeling uneasy as he has to rely on the operators of the tourist accommodation to do proper screening.

Guests walk/drive approximately 1,5m from the boundary and fence which is approximately 6m from the main bedroom. Photos are attached to the objection letter. The objector believes his privacy, security and peace has been invaded due to the large amount of the visitors (unknown public) which passes by his dwelling. The objector further states that due to the elevation of his bedroom he can hear the visitors from the driveway and parking area. The objector refers to his affidavit and CCTV footage provided, which indicates late night foot- and vehicle traffic. The only covered parking provided is right next to the objector's bedroom. The objector refers to further CCTV footage as an example. Please note the detail of the incident is extensive and cannot be properly summarised without losing context, therefore the incident is noted and will be addressed in the comment section.

The objector refers to Clause 17 of the Executive Committee Meeting dated 31 May 2001, which relates to the Residential Community and it states:

“Although the development of tourism and economy are crucial, one should not leave the primary factor namely the residents from the equation. These people insist on peacefulness and amenity of a residential neighbourhood according to its primary use as single residential.

**AGENDA of the
Municipal Planning Tribunal
28 June 2017**

These people's rights should be the highest priority and any impact on privacy and general living conditions should be restricted or mitigated to acceptable standards."

The objector states regarding the aforementioned that the long term rental is more in line with the current character of the area and due to the location of the old mill the proposed use has a greater impact on the surrounding properties. No fencing is provided by the operators to reduce noise pollution.

Town Planners response

As stated by the applicant the access to the old mill was historically gained via an access servitude, furthermore the access to the site is indicated on approved building plans. The entrance and driveway can currently be used by the property owner and the tenants who occupy the second dwelling. Only the use of parking can be regulated by a condition of approval. However, nothing currently prohibits the owner or tenant of Erf 1189 from walking and talking in the driveway which borders the objector's property.

A legal opinion was received from the Legal Department that the CCTV footage and recordings should not be used or opened as it is an invasion of privacy of the owner of Erf 1189.

The comment and representation of the objector is noted and will be considered in the evaluation of this application, therefore Clause 17 of the Executive Committee Meeting dated 31 May 2001 is adhered to, while simultaneously adhering to the Overstrand Municipal By-Law on Municipal Land Use Planning.

3. Refutation of some of the claims in Messrs WRAP's report submitted as part of the consent use application for a tourist accommodation establishment on Erf 1189

The objector states that the report prepared by Messrs WRAP Consultancy is professionally prepared, however wishes to refute claims in the report to re-emphasize the primary objections to the old mill, which are as follows:

- i. the access drive/walk way;
- ii. the covered parking at the entrance to Erf 1189;
- iii. the location of the old mill and its proximity to the surrounding properties makes it unsuitable for tourist accommodation (but suitable for medium to long term self-catering); and
- iv. the main parking area is in close proximity to the objector's north western boundary.

**AGENDA of the
Municipal Planning Tribunal
28 June 2017**

The objector states the four (4) reasons above impact negatively on his privacy and peace, and potential impact on security.

- 4. Page 6 to 8 of the objection deals with specific arguments against the motivation produced by Messrs WRAP. The objector has a right not to agree with the statements made by the applicant, it is noted and will be addressed in the comment section.**

Town Planner's response

As stated by the applicant the access to the old mill was historically gained via an access servitude. Furthermore the access to the site is indicated on approved building plans. The entrance and driveway can currently be used by the property owner and the tenants who occupy the second dwelling. Only the use of parking can be regulated by a condition of approval. However, nothing currently prohibits the owner or tenant from walking and talking in the driveway.

The objector mentions that the property owner or occupiers create a nuisance at the entrance of the property. Thus it must be stated that the objector cannot prohibit the property owner or occupiers of the property from using the property as they see fit (in terms of their primary rights) especially regarding where they talk and at what time they can come and go. The old mill will not be occupied full time, however a condition can be imposed that guests are managed properly in the future.

Two (2) guest rooms is a primary right in terms of single residential dwellings due to the low impact on the surrounding residence. It should be remembered that the change in use from two (2) guest rooms and one (1) self-catering unit is minor, as previously explained; it only has bearing on the preparation of food. Therefore the proposed use will also have a low impact, because only two (2) rooms are available to guests.

The proposed parking area is approximately 33m away from the objector's dwelling and approximately 4m away from the adjacent property boundary. Therefore the proposed parking area should not be a problem.

- 5. On page 9 to 10 bullets are given reading the main point of objection, these are summarised as follows:**

- i. The opinion is held that there is no need for self-catering tourist accommodation in Stanford as there is a large amount already. Everybody has the right to earn income and have the opportunity. The old mill is not situated at the appropriate geographical area for such an enterprise. The enterprise on Erf 1189 creates considerable inconvenience to the resident**

**AGENDA of the
Municipal Planning Tribunal
28 June 2017**

neighbours and the Municipal Document 'Executive Committee Meeting 31 May 2001, Clause 17' must be considered.

Town Planner's response

The objector is enabled to make representation and the comments received are noted and addressed; therefore Executive Committee Meeting 31 May 2001, Clause 17 was considered. As stated earlier the consent use and primary use is very similar in this instance and therefore is the impact low.

- ii. Geographical position of the old mill is not suitable for tourist accommodation. It could be considered suitable for medium and long term self-catering accommodation**

Town Planner's response

This has been previously addressed.

- iii. A large part of Messrs WRAP's report could literally be copied and paste for any proposed tourist accommodation application in the Overberg Area. The report covers all the legislative angles and food practices. The report does not consider the geographical position of the old mill, and the old mill's proximity to the neighbouring properties or the long access way**

Town Planner's response

It is the responsibility of the consultant/applicant to ensure that the application is correctly motivated and that any issues are addressed. The motivation will be considered in the evaluation of the application at hand.

- iv. There is an overabundance of self-catering units and a critical short supply of medium to long term rental. The objector states that this is confirmed by the estate agent and an online search. This option be considered by the property owner on Erf 1189 and it will be in line with the primary rights of the property. There is no comparison between the potential negative impact on neighbours created by the presence of a known permanent resident, and that of unknown guests changing daily or weekly.**

Town Planner's response

If there was not a demand for self-catering or guest accommodation then fewer property owners would provide accommodation facilities. It should be considered that the Overstrand is a tourist destination and therefore it is beneficial for owners to consider short term renting.

**AGENDA of the
Municipal Planning Tribunal
28 June 2017**

- v. **The objector states that a physical inspection must be done in order to assess the location of the old mill and drive way in proximity to the neighbouring properties and to consider the implications of the approval on the surrounding property owners. And there after read Executive Committee Meeting 31 May 2001, Clause 17**

Town Planner's response

An inspection was done and the findings will be incorporated into the evaluation.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

The applicant draws comparisons between the primary rights and consent use which is applicable in the zoning of Erf 1189. Further, the definition of a dwelling unit, second dwelling unit and guest rooms are defined by the applicant as per the Scheme Regulations. The applicant states that guest rooms, as well as second dwellings, are a primary right under Single Residential Zoning. The applicant further states the parameters regarding guest rooms:

- (a) no more than two (2) rooms per property shall be used for the bedroom accommodation for paying guests or lodgers, and no more than five (5) guests or lodgers shall be supplied with lodging or meals at any one time;
- (b) guest rooms may not be converted to, or used as, separate dwelling units, and there shall be no cooking facilities in the guest rooms, apart from a kettle;
- (c) meals shall only be supplied by the landowner or manager to guests or lodgers who are staying on the property;
- (d) no advertising sign shall be displayed without the written approval of Council other than a single un-illuminated sign or notice affixed to the building or boundary wall or fence, and such sign must be in line with the Overstrand Signage By-Law; and
- (e) one (1) on-site parking bay shall be provided per guest room.

From the zoning rights, consent uses and guest room parameters the following can be concluded regarding the old mill:

- i. it is a second dwelling (legal);
- ii. its rooms may be utilised as guest rooms;
- iii. meals may be supplied by the land owners or manager or meals must be eaten in town (guest are currently receiving meals from the land owners or manager or they eat in town); and
- iv. parking on site is provided.

**AGENDA of the
Municipal Planning Tribunal
28 June 2017**

1. Operator's character and motivation of the said consent use application

Applicant's comment

The objector mainly deals with the operation of the tourist accommodation which was illegal and that he was instrumental to bringing this fact to the attention of the Municipality.

This cannot really be considered a point of objection as the Municipality did act against the applicant and she now made an application to legalise the establishment and the merits of the application must now be considered and not the history.

2. Detrimental effect on my privacy, peace and security as a direct result of the use of the old mill as tourist accommodation:

Applicant's comment

The driveway to the old mill runs down close to the objector's house and according to him causes disturbances.

It should be noted that Erf 1189 originally consisted of a portion of Erf 1188 and Erf 584. Erf 1188 was accessed by means of a servitude which was registered over Erf 584. This access servitude is to gain access to the old mill.

The servitude still registered and the objector would have been aware of the servitude to the old mill when he bought the property.

The old mill can be rented out as guest rooms as part of the primary rights. The only difference between the letting of a guest room and self-catering is whether or not the manager provides food or the tenants provide/prepare their own food. What the objector must consider is whether the difference in the preparation of food will increase traffic?

The statement that the short term rental of the old mill will generate more traffic is unfounded. The same goes that a permanent residence will provide less traffic.

3. Refutation of some of the claims in Messrs WRAP's report submitted as part of the consent use application for a tourist accommodation establishment on Erf 1189

**AGENDA of the
Municipal Planning Tribunal
28 June 2017**

Applicants' comment

The objector does not agree with the statements made in the Motivation Report. The applicant does not wish to enter into a debate regarding the motivation as the objector has a right to disagree with the report.

The applicant states that they are a professional Town Planning Consultancy, with qualified and registered staff, which endeavours to submit an application which will have a positive outcome for all stakeholders.

The objector states that he is of the opinion that there is not a demand for short term renting in Stanford and a demand for long term renting, however fails to provide statistics to support the claims. The owner of Erf 1189 will fill the accommodation facility for any period of time as long as there is a demand and it is immaterial whether short, medium or long.

The objector claims that there is no demand for self-catering however states that for months he has experienced discomfort regarding all the guests.

The objector's issues raised in summary of the objection as bullets will now be addressed by the applicant:

Bullet 1 The opinion is held by the applicant that the scale of the proposed facility must be considered, two (2) rooms can be rented out in a house without approval. If the use was for a hotel then the applicant would have agreed with the objector. In most residences you find guest houses which accommodate five (5) bedrooms.

The old mill is a historical structure which was renovated. People staying therein experience the "real" heritage of Stanford.

Bullet 2 The applicant fails to comprehend how the geographical location can be suitable for medium and long term accommodation, but not for short term renting as the need for both are the same. The location does not really play a role as the property is in walking distance to all of the major facilities in Stanford.

Bullet 3 Addressed in paragraph 3.

Bullet 4 This is also addressed in paragraph 3.

Bullet 5 An inspection will be carried out by the Town Planning Officials.

The applicant urges the Town Planning Department to seek legal advice before submitting the CCTV footage to the Tribunal.

9. MUNICIPAL ASSESSMENT OF COMMENTS

All the internal departments' comments have been positive. The Town Planner's comment is provided below each issue of the objection as summarised under Section 7 of this report.

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

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

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

The applicant motivated the principles in the following manner:

Spatial Justice

The application will not in any way contribute to perpetuating the spatial imbalances caused by apartheid spatial planning.

Spatial sustainability

The application will have no impact on the conservation status of the area.

Efficiency

The application seeks to optimise the existing development potential which already exists while maintaining the residential character of the property.

Spatial Resilience

The applicant motivates that the application is aligned with the existing planning development frameworks.

Good administration

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

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

Same as above.

**AGENDA of the
Municipal Planning Tribunal
28 June 2017**

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

The application is sufficiently motivated to be in line with the SDF as the planning unit is indicated for residential use and the proposed application will not change the zoning of the property. The proposed consent use will further promote tourism in Stanford which is aligned with the SDF principals. The second dwelling was renovated from the old mill. This ensures the preservation of historical value of the structure.

No title deed restrictions are contained in the Title Deed provided.

The application is further motivated to be in line with the Overstrand Municipal Growth Management Strategy, 2010 as Erf 1189 forms part of Planning Unit 1, which indicates that no densification is proposed of the area, the property owner does not seek to increase the density of the property, but to use the existing structures.

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

Not applicable.

10.5 Impact on municipal engineering services

The existing services are available.

The comment received from Electrical Services are noted which states that only one (1) 60 Amp single phase is available. Should additional services be required then the Electrical Department must be contacted.

The subject property has two (2) entrances, both which are from Caledon Street. The entrances and driveways have been approved on previous building plans.

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

Not applicable.

10.7 Existing and proposed zoning comparisons and considerations

The zoning of the property will remain for residential use. In terms of the Zoning Scheme tourist accommodation (self-catering) is a consent use which the owner of the property wishes to obtain.

10.8 The desirability of the proposal

Erf 1189, Stanford measures 2884m². The owner wishes to lease a self-catering unit on a temporary basis on his property. As previously stated the self-catering unit is contained in the existing second dwelling which was the historical old Stanford Mill. Building plans were approved for the structure. Local Heritage gave input with the submission of the building plans.

The objections from the owner of Erf 583 is noted, however as stated in the response of the applicant with regard to the objector's comment, the scale of the proposed facility must be considered; two (2) rooms can be rented out in a house without approval (as a primary right). The proposed consent use will only entail the additional use of a kitchen and not additional rooms (i.e. only two (2) rooms will be available to tourists). Therefore the impact on the neighbours is considered relatively low and equal to that of the primary right. The objection received regarding the nuisance caused by the owners and/or occupiers can also be caused by permanent residence or guests using the guest rooms. The only recourse the objector will have is to open a civil case against the owner of the property in order to manage the property better. A condition will be imposed that the rental of the second dwelling unit is limited to a single family or four (4) people.

A site inspection was done and it was found that there is a fence between Erf 1189 and Erf 583 which is sufficiently planted to create privacy for the owner of Erf 583. The second dwelling (the old mill) itself is located more than 4m away from any of the property boundaries and therefore the use of the old mill should not affect any of the adjacent property owners. It should be noted that the dwelling on Erf 583 is situated approximately 32m away from the second dwelling on Erf 1189.

Considering the above mentioned, with the response given by the applicant and comment of the Town Planner the opinion is held that the objector's issues raised has been addressed.

The existing entrances will be maintained as approved on the building plans. A condition will be imposed that all vehicles must be parked on the property and not in Caledon Street. A sign to direct guests to the parking area must also be erected.

No restrictions are found in the Title Deed which prohibit the proposed application and no objections against the application was received.

The application is considered desirable due to the low impact and the zoning of the property which will be unchanged.

**AGENDA of the
Municipal Planning Tribunal
28 June 2017**

10.9 ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A

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

N/A

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

N/A

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

N/A

11. RECOMMENDATION

1. that the application for consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 applicable to Erf 1189, Stanford in order to use the existing second dwelling unit for tourist accommodation, **be approved**, in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that the approval is only for the consent use in order to utilize the existing second dwelling for tourist accommodation as indicated on the Site Development Plan as submitted with the application;
 - (b) that the parking for the guests is adequately indicated by signs which comply with the Overstrand Signage By-law;
 - (c) that no on street parking be provided for the guests;
 - (d) that the rental of the tourist accommodation is limited to four (4) people or a single family and that the advertising thereof is changed accordingly;
 - (e) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are

**AGENDA of the
Municipal Planning Tribunal
28 June 2017**

automatically adjusted in terms of the annual budget;

- (f) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (g) that a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (h) that the self-catering unit be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (i) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (j) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
 - (k) that should any building alterations be required building plans should be submitted to the Building Department for approval;
 - (l) that the conditions compiled in the Services Report (attached as Annexure G) be complied with, and
 - (m) that the comment received by Operational Services and the Fire Department (attached as Annexure F and H), be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

12. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ No new municipal services will be needed.
- ❖ It is in line with policy documents.
- ❖ The development of the erf will be beneficial for optimization of the erven and infrastructure.
- ❖ The objection was duly addressed by the applicant.
- ❖ The application will not have a negative effect on the character of the area and is desirable.

**AGENDA of the
Municipal Planning Tribunal
28 June 2017**

13. ANNEXURES

- Annexure A: Locality Plan
- Annexure B: Motivation Report
- Annexure C: Site Development Plan
- Annexure D: Objection
- Annexure E: Comment on objection
- Annexure F: Comment: Operational Services
- Annexure G: Services Report
- Annexure H: Comment: Fire Department

SIGNATURES

AUTHOR:

Name: **PETRUS ROUX**

Signature: _____

Date: _____

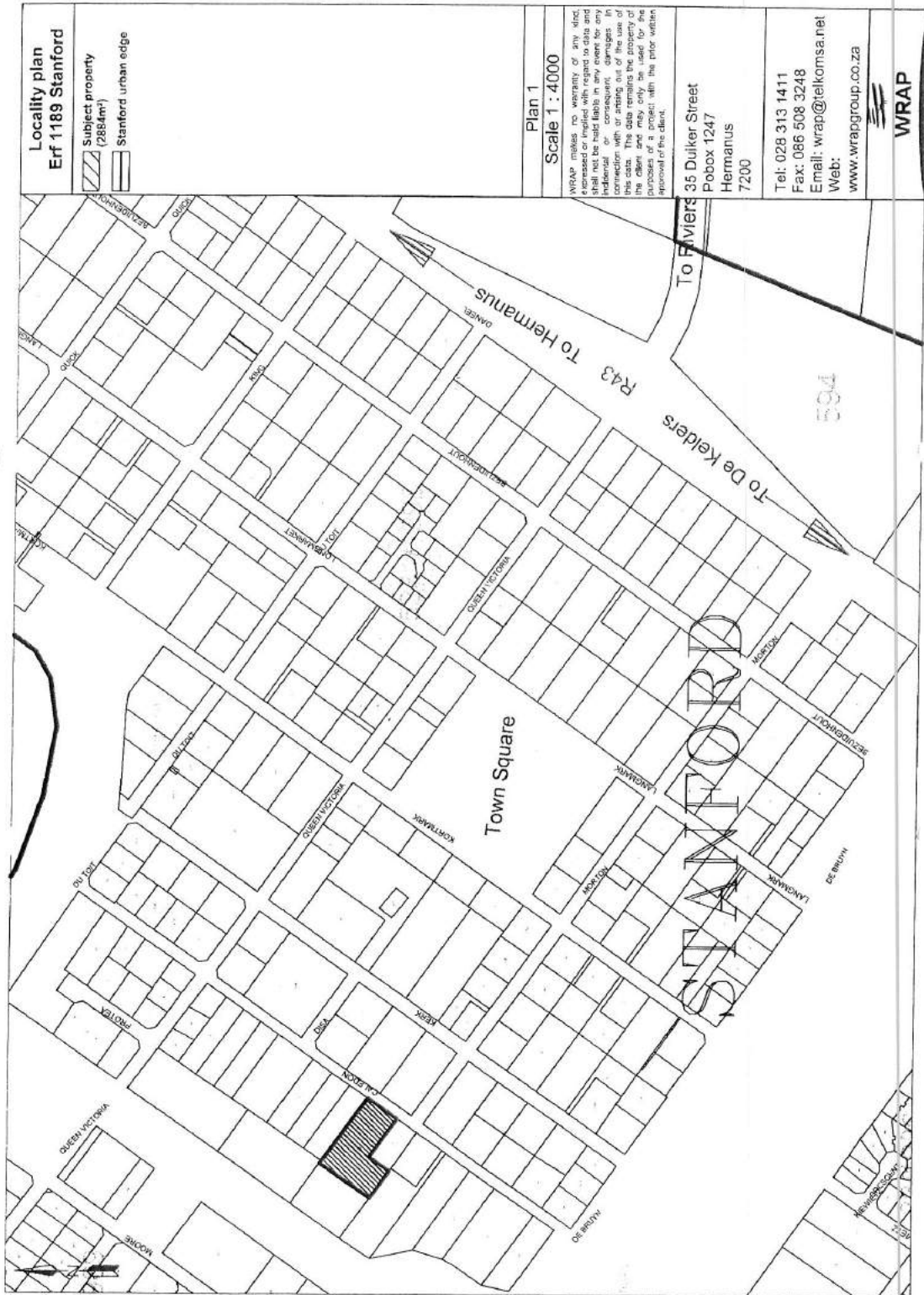
REGISTERED PLANNER

Name : **S VAN DER MERWE**

Signature : _____

SACPLAN registration number: **A/1850/2014**

Date: _____



WRAP

EXECUTIVE SUMMARY

2. OWNER'S INTENT

The subject property is situated in the Stanford and is zoned Residential Zone 1: Single Residential (SR1).

In terms of the Overstrand Municipality Zoning Scheme the property owner is permitted to rent out a maximum of two guest rooms on the subject property which is zoned Residential Zone 1: Single Residential.

Guest rooms are defined in the Overstrand Municipality Zoning Scheme as a limited number of rooms forming part of a dwelling unit that are let on a permanent or temporary basis to paying lodgers or guests, provided that the dominant use of the dwelling unit concerned shall remain for the living accommodation of a single family.

The subject property is also permitted to have a second dwelling unit which may have its own kitchen as it is the case. The subject second dwelling unit will be rented out on a short term basis as a self catering unit and a consent use is therefore required for tourist accommodation.

The vision of the property owner is to operate the self catering unit on a short term rental basis in the second dwelling unit on the subject property in a manner that blends in with the residential character of Stanford to cater to the short term accommodation needs of tourists.

Application is hereby made for the following:

- **Consent use** for tourist accommodation in terms of Section 16(2)(o) of the Overstrand By Law on Municipal Land Use Planning, 2015;

WRAP



MOTIVATION

3. CHARACTER OF ENVIRONMENT

The subject property is located on 28 Caledon Street Stanford and is located 106m from Kerk Street which is an adjacent Street. Access to the property is gained from Caledon street and all properties within a 100m radius from the subject property are zoned Residential Zone 1: Single Residential (SR1).

The part of the town where the subject property is located is that of residential area with some community facilities in Kerk Street which is a street close to the subject property.

4. TITLE DEED AND PROPERTY DETAILS

A copy of the subject property's title deed has been attached as **Annexure A** and a study of the deed revealed that there are no restrictive conditions that may prohibit the approval of this application.

	APPROX. EXTENT	OWNERSHIP	TITLE DEED NO
Erf 1189 Stanford, in the Overstrand Municipality, Division of Caledon, Province of the Western Cape.	2884m ²	Gillian Ellen Jones	T34157/2012

5. DESIRABILITY

In terms of Section 55 (b) and (c) Land Use Planning Act; 2014 an application can be refused based on it being undesirable. The measure to assess the desirability of the application is the consistency of the application with spatial development frameworks, applicable structure plans, the principles referred to in Chapter VI and guidelines issued by the Provincial Minister regarding the desirability of proposed development.

The proposed development needs to be desirable and consistent with the logic character of the town and add value to the owner and the community. The Department of Environmental Affairs and Development Planning (DEADP) published a Guideline on Need and Desirability as part of the EIA Guideline and Information Document Series. Although this application does not include an environmental authorization application, the desirability guidelines set out in the document are also applicable in planning.

In terms of the above, a number of questions need to be asked with regard to the need and desirability of a proposal, which include the following:

Need and desirability measure	Yes/No	Applicability to the subject farms
Is the land use considered within the timeframe intended by the existing approved SDF agreed to by the relevant environmental authority?	Yes	The tourist accommodation application is within the timeframe of the PSDF (Western Cape Provincial Spatial Development Framework) and SDF (Overstrand Municipal Spatial Development Framework) and is consistent with the principles and goals enshrined in the frameworks. The spatial planning initiatives section of this report will elucidate this.



WRAP

MOTIVATION

Does the community/area need the activity and the associated land use concerned?	Yes	There is a definite need in Stanford for short term tourist accommodation to contribute to marketing and promoting the town as a viable tourist town.
Are the necessary services with adequate capacity currently available, or must additional capacity be created to cater for the development.	Yes	The second dwelling is connected to the existing municipal water and sewage network. The waste removal is done by the Municipality and electricity is also provided by the municipality.
Is this development the best practicable environmental option for this land/site?	Yes	This application is the most practical environmental option as the property is situated in an approved township where the relevant specialist studies have been done to prove that the subject property is not situated on environmentally sensitive land.
Would the approval of this application compromise the integrity of the existing approved and credible municipal IDP and SDF as agreed to by the relevant authorities?	No	As this motivation will prove later on, the proposal is well aligned with the existing approved and credible municipal IDP and SDF.
Do location factors favour this land use?	Yes	The location of the proposed development is ideal as it is within a residential area and the proposed consent use for tourist accommodation blends in with the residential character of the area.
How will the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas?	No	The second dwelling is not adversely impacting on any sensitive natural areas and cultural areas.
Will the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?	No	The proposed land use applied for will not result in unacceptable opportunity cost.
Will the proposed land use result in unacceptable cumulative impact.	No	The proposal will not have any adverse impact on the society and the environment.

5.1 Services

For the proposed development to be viable it is necessary for services such as water, sewage, electricity and roads to be available. The owner will ensure that all required services are in compliance with municipal standards.

5.2 Water

The water to the Erf is provided by the Overstrand Municipality.

5.3 Traffic impacts, parking access and other transport related considerations

WRAP

File Erf 1189 Stanford
January 2017 Page 9



MOTIVATION

Access to the subject property is gained from Caledon Street. There are three parking bays and an internal road provided on the subject property next to the second dwelling unit and the parking layout configuration has been designed in a manner to ensure the safety of pedestrians and motorists.

5.4 Electricity

Electricity on the subject property is provided by the municipality.

6. ZONING OVERLAY

The zoning of the property is Residential Zone 1: Single Residential (SR1) in terms of the Overstrand Municipality Zoning Scheme, 2013.

The parameters associated with this zoning, development parameters of the proposal was assessed for compliance:


Residential Zone 1: Single Residential			
	Parameters	Proposal	Comply or deviate
Primary use	Dwelling house, day care centre, guest rooms, home occupation and second dwelling unit.	There is an existing dwelling house, garage and second dwelling on the property.	Comply
Consent use	Crèche, guest house, green house, house shop, institution, place of instruction, place of worship, residential building and tourist accommodation.	Tourist accommodation	Application made
Land Use Restrictions			
Coverage	50% = 1442m ² permissible	Existing garage is 42m ² Existing dwelling house is 132m ² Subject second dwelling is 120m ² 294m ² coverage = 10.19%	Comply
Street building line	4 metres to any street boundary provided that in the case of a corner site with an average depth of 20m or less has a 3m street building line.	The building proposed to be used for the tourist accommodation is within the building lines.	Comply
Side and Rear building line	Side and Rear building lines for erven greater than 400m ² are 2m.	The building proposed to be used for the tourist accommodation is within the building lines.	Comply
Height	8 m measured from the base level to the top of the roof.	The building is 5.9m measured from the base level to the top of the roof.	Comply
Garages and carports	Garages and carports may be constructed within the	The garage is constructed within the building lines in accordance	Comply

WRAP

MOTIVATION

	building lines in accordance with 16.1.2.	with 16.1.2.	
Parking	<p>Parking and access shall be provided on the land unit in accordance with Section 17.1 of the Overstrand Municipality Zoning Scheme of November 2013.</p> <p>2 on-site parking bays per dwelling unit provided that on even less than 400m² only one on-site parking bays needs to be provided.</p> <p>Bed and breakfast establishment 2 bays per establishment (owner/manager) 1 bay per guest room</p>	<p>There is a garage on the property which accommodates two vehicles.</p> <p>The garage which can accommodate two cars will substitute the two parking bays.</p> <p>Two rooms for tourist accommodation will be rented out on a short term basis to tourists and two parking bays are required. Three are provided.</p>	Comply
Subdivision and density standard	<p>(a) Minimum subdivision area. Council may specify the minimum size of a subdivisional area in terms of an overlay zone and may prescribe the minimum size of subdivided portions to be achieved in such a zone.</p> <p>(b) Maximum density Council may specify a maximum density for a land unit in terms of an overlay zone.</p>	NA	NA
Second dwelling unit	<p>The provisions of 5.2.4 apply; provided that;</p> <p>(a) The total floor area of the second dwelling units shall not exceed 120m².</p> <p>(b) The same development rules apply as for the primary dwelling unit.</p> <p>(c) One on-site parking bay must be provided to the satisfaction of Council; and</p> <p>(d) Confirmation of the availability of services shall be obtained from the Director of Infrastructure and Planning or his successors in title.</p>	<p>(a) The second dwelling unit is 120m² in extent.</p> <p>(b) With the exception of the consent use applied for, the development rules applicable to the primary dwelling unit are also applicable to the second dwelling unit.</p> <p>(c) The proposed on-site parking bays proposed are compliant with the Overstrand Municipality Zoning Scheme.</p> <p>(d) There are adequate services in the form of water, sewage, electricity and solid waste removal available on the subject property.</p>	Comply

WRAP

 WRAP		MOTIVATION	
Guest rooms	The provisions of 5.1.6 apply.	NA	NA
Day care centre	The provisions of 5.1.7 apply, provided that: (a) No more than 3 persons in total shall be engaged in the day care centre activities on the property, including the occupant and any assistants.	NA	NA
Home occupation	The provisions of 5.1.8 apply, provided that; (a) No more than 3 persons in total shall be engaged in home occupation activities on the property, including the occupants and any assistants; and (b) On-site parking must be provided to the satisfaction of Council, provided that at least one on-site parking bay is provided.	NA	NA
House shop	The provisions of 5.4.9 apply.	NA	NA

7. SPATIAL PLANNING INITIATIVES

Spatial planning initiatives

The proposed consent use application was assessed for consistency with the existing spatial planning initiatives. This is to ensure that the development does not deviate from the spatial planning initiatives and is in line with the structure form that is envisaged by Local and Provincial Authorities.

Provincial Spatial Development Framework 2014 (PSDF)

The aim of the PSDF is to give spatial expression to the national and provincial development agendas and serves as a basis for coordinating, integrating, and aligning ground delivery of national and provincial departmental programmes. The framework also aims to communicate the government's spatial development intentions to the private sector and civil society. This section will outline how the proposed consent use application is aligned with the aims of the PSDF.

The spatial logic following refers to the physical and socio-economic manifestation of activity within a neighbourhood. Below is a list of the spatial logic that underpins the PSDF and how the proposed development is in sync with the spatial logic.

Spatial logic	Alignment of the proposal with the spatial logic.
---------------	---

WRAP

MOTIVATION

"Capitalise and preserve unique local built form and natural typologies, character and heritage"	The unique character of Stanford is that of a retirement town and tourist destination. The character of the Caledon Street where the subject property is situated is predominantly residential and the proposed tourist accommodation fits into the residential character of the street and will preserve the residential character and residential zoning of the property. This proposal will therefore preserve the character and heritage of the street landscape and town.
"Promote urban rather than suburban model: avoid further fragmentation of townships."	The proposal for a consent use for tourist accommodation is occurring within an urban area within a well defined urban edge and will maintain the character of the town and not fragment it.
"Focus on creating connections to economic and social opportunity to promote spatial and socio-economic integration"	There are already economic and social opportunities in Stanford. This by implication also means that the residents in the main dwelling can tap into the existing social capital to ensure personal progress. The proposed consent use for tourist accommodation will also unlock additional employment opportunities in the town and thus promote the advancement of socio economic opportunities.
"Cluster all social facilities and complementary activities"	The proposed tourist accommodation is situated in a residential area and is compatible with the dominant use in the area.

Overstrand Spatial Development Framework (SDF)

The objective of the SDF is to formulate strategic spatially based policy guidelines and proposals where the needs, changes and growth in the area can be managed to benefit the inhabitants and the environment in the Overstrand Municipality. The SDF is guided by a set of objectives and the consistency of the proposed consent use application will be assessed with these core objectives.

The SDF describes Stanford as a historical rural village, which increasingly functions as a tourism destination and retirement town. The intention of the proposed development is for the proposed to fit into the rural character of the town.

Local spatial development principles	Alignment of the proposal with the local spatial development principles
Promote conservation of the historic townscape	The buildings on the subject property are of heritage value and the consent use applied for namely tourist accommodation will not in any way alter these historic buildings but will maintain the current historic landscape.
Promote rural tourism development based on the ecological and	The intention of this application is to promote tourism as prescribed in the SDF in Stanford within the heritage value of the town.

WRAP



MOTIVATION

heritage value of the region.	
Promote a balanced mix of residential development.	The area where the subject property is located is predominantly residential and the proposed tourist accommodation for will blend into the balanced residential character that exists.
Promote Stanford as a retirement and tourism village.	The proposal seeks to promote and enhance the viability of Stanford as a retirement and tourist town.

Overstrand Municipal Growth Management Strategy (OMGMS 2010)

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

Herewith is an assessment of the objectives of the OMGMS and the alignment of the proposal with these objectives:

Goal	The consistency of the proposal with the goals.
"Support the development of mixed land uses providing for vitality, opportunities and integrated living environments"	The subject property has mixed land uses with the dwelling house used for the permanent habitation of the land owner and the second dwelling where the tourist accommodation application is made for. This mixed residential land uses that vary from permanent to short term rental are supporting mixed residential land uses and present integrated living environments.
"Contribute to place making and the development of attractive and safe urban environments."	The consent use applied for will contribute to place making as the subject second dwelling is attractive and will be continually maintained to be attractive by the property owner to contribute towards making the town of Stanford attractive.
"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 scale, character, bulk, height and architectural styling and higher density is within the appropriate immediate context of the Caledon Street and Stanford and is also compliant with the development parameters as outlined in the Overstrand Municipality Zoning Scheme.

The subject property also forms part of the Planning Unit 1 and no densification is proposed for this Planning Unit as outlined in the OMGMS. This proposal does not propose to increase the density on the subject erf. The subject erf also forms part of the heritage overlay zone and there is no intention to alter the existing buildings on the subject property that have a heritage value.

The approved buildings on the subject property have a gross density of 6.9 dwelling units per hectare which is above the 3.3 existing gross density for the total Planning Unit 1. There is therefore no intention to increase the gross density of the subject property.

Consistency with the various planning principles

The analysis of the spatial planning initiatives has provided a clear and complete explanation of the alignment of the proposal with the relevant guidelines. The proposal is consistent with


 WRAP

MOTIVATION

the PSDF, SDF and OMGMS and can be deemed as encompassing the core objectives of planning as set out in the documents.

8. PLANNING PRINCIPLES

The application was analysed for consistency with the planning principles and also to provide a recommendation to the Municipality for the development. These spatial planning principles are in terms of Section 42 of the Spatial Planning and Land Use Management Act, 2013 and also Chapter VI of the Land Use Planning Act, 2014.

Planning principles	Consideration and impact
Spatial Justice "Refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services and land."	This application will not in any way contribute to perpetuating the spatial imbalances caused by apartheid spatial planning.
Spatial Sustainability "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 landscape and ultimately limits urban sprawl."	The proposal will not in any way compromise on agricultural land, environmentally sensitive and biodiversity rich areas as well as the scenic and cultural landscape and will cause urban sprawl.
Efficiency "Efficiency refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources and land."	This application seeks to optimise on the development potential that exists on the subject property while maintaining the residential character of the property.
Spatial Resilience Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner.	The Department of Environmental Affairs and Development Planning (DEADP) and the Overstrand Municipality have compiled spatial policies that promote resilience in land use management. As the motivation in the spatial planning initiatives has proven the proposed development is well aligned with the different planning development frameworks as set out by the competent authorities and promotes resilience. The fact that the subject property is spatially resilient will enable it to absorb and accommodate shocks whether they are economic or environmental in a timely and efficient manner.
Good Administration Good administration 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 a joint planning approach is pursued.	The Overstrand Municipality has an integrated consultative planning process where the application is advertised to the general public and comments on the application are made by the general public. WRAP will also respond to the comments of the general public and this will


 WRAP


 WRAP

MOTIVATION

	ensure that a joint planning approach is pursued.
--	---

The proposed consent use application is aligned with the core planning principles as outlined in SPLUMA and LUPA. The proposed consent use application can therefore be viewed as encompassing and promoting all planning principles.

9. EVALUATION

The synopsis of the extension of the existing development below will outline how the application is practicable and viable on the site. The evaluation will consider site specific circumstances and how the application fits into the character of the area.

Application

The purpose of the application is to apply for a consent use for tourist accommodation on the existing second dwelling unit which has two bedrooms and a kitchen which is intended to be used as a self catering unit for the tourists.

Character of the environment

The subject property is located on 55 Caledon Street Stanford and is surrounded by properties that are zoned Residential Zone 1: Single Residential. Stanford is also popular as a tourist destination and retirement town.

Title deed

Title deed number T59786/1995 was perused and there are no title deed restrictions that can prohibit the proposed consent use for tourist accommodation.

Desirability

- The application is well aligned with the SDF.
- There is a need for tourist accommodation in Stanford to promote and market the town as a viable tourist destination.
- There are adequate services in the form of water, sewage, electricity and waste removal.
- The land is not located on environmentally sensitive land.
- The proposal will blend in with the character of the area.
- The proposal will not result in unacceptable opportunity cost and not cause unacceptable cumulative impact.

Services

- **Water;** water is provided on the subject property by the Overstrand Municipality.
- **Traffic and parking;** there is an internal access road and three parking bays provided on the subject property.
- **Electricity;** electricity is provided to the subject property by the municipality

Residential Zone 1: Single Residential (SR1)

- The application is for a consent use for tourist accommodation.
- The coverage of the build structures is 10.19% which is below the permissible 50%.
- The proposed tourist accommodation is does not encroach on the building lines.
- The height restriction is 8m and the subject second dwelling unit is 5,9m high.
- Two bays are required for the owners and a garage is provided which can accommodate two cars.


 WRAP

- Two parking bays are required for the two rooms of the tourist accommodation that are rented out and three parking bays are provided.
- The subject second dwelling complies with the development parameters of a second dwelling.

Alignment with the PSDF spatial logic

- The tourist accommodation applied for is aligned with the residential character of Stanford and will not alter the Residential Zone 1: Single Residential (SR1) zoning applicable on the subject property.
- The tourist accommodation applied for will create economic opportunities on the subject property by means of employment and contribute to increasing the money in circulation in Stanford.
- The subject property is situated within a residential area and the consent use is compatible and complementary to the residential character in the town and streetscape.

Consistency with the Overstrand Municipal Growth Management Strategy

- The application promotes mixed residential land use being permanent habitation by the property owner and short term rental by means of self catering by the tourists.
- The subject buildings are attractive and will continually be maintained to contribute towards making the Caledon street landscape attractive.
- The scale, height, character and architectural styling are in harmony with the immediate context of the property.

Consistency with the planning principles

- Spatial justice; the application will not in any way perpetuate the spatial development imbalances caused by apartheid planning.
- Spatial sustainability; the application will not compromise on agriculturally viable land, biodiversity rich areas and will not cause urban sprawl.
- Efficiency; the application seeks to optimally capitalise on the residentially related development potential that exists on the subject property in an efficient manner.
- Spatial resilience; the application is well aligned with all the relevant spatial planning policies that have been created by DEADP as well as the Overstrand Municipality is therefore spatially resilient and will therefore absorb economic and environmental shock.
- Good administration; the Overstrand Municipality has an inclusive and efficient public participation process where the comments from the public will be taken into consideration and ensure a joint planning approach between WRAP, Municipal Officials and the public.



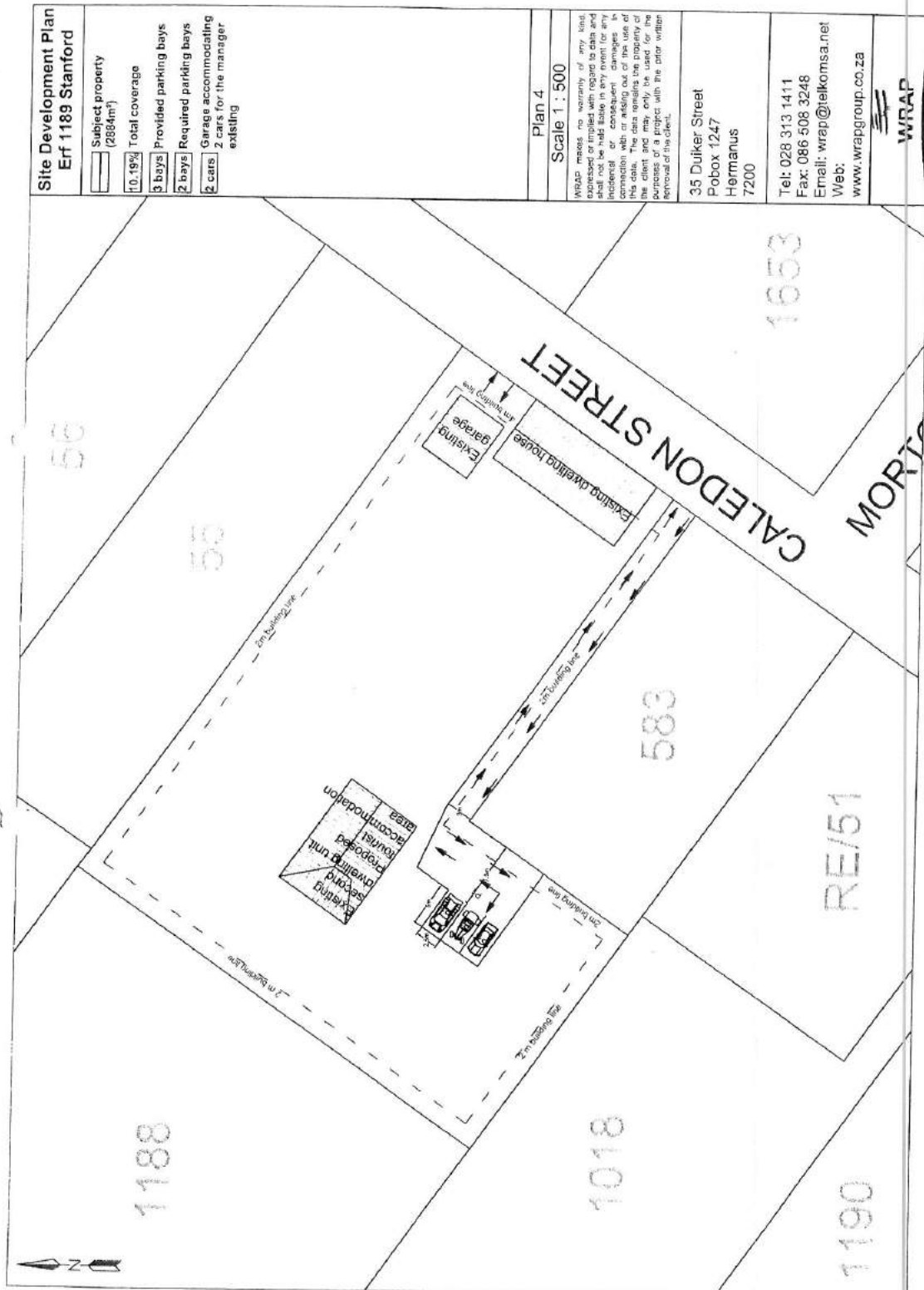
RECOMMENDATION

10. RECOMMENDATION

This motivation report has provided clear analyses that the owner's intent is to have tourist accommodation in the second dwelling unit with a kitchen for the self catering of the tourists and also contribute to economic growth in the town. The proposed development has also been proven to be desirable as it has tangible benefits to the community and property owner.

In light of the above, it is recommended that the following application be **approved**:

- **Consent use** for tourist accommodation in terms of Section 16(2)(o) of the Overstrand By Law on Municipal Land Use Planning, 2015;



TP-ATheart
Cf Roux

FILE NO:	EL 1189
SCAN NO:	Stanford
COLLABORATOR NO:	998743



M. Williams
Postnet Suite 159
Private Bag X16
Hermanus
7200
captmikewilliams@gmail.com
072 719 3100 (mobile)
28 February 2017

Overstrand Municipality, Town Planning Department Hermanus

(Hand delivered to the Hermanus Town Planning Department on 28 February 2017)

OBJECTION TO PROPOSED CONSENT USE FOR TOURIST ACCOMODATION ON ERF 1189, STANFORD.

Sir/Madam,

In response to the registered letter sent to me earlier this month (Overstrand Municipality File Reference 1189 SSS (3572) refers) I hereby submit my written objection to the proposed consent use for tourist accommodation to be established on erf 1189, Stanford.

The operators of the 'Stanford Old Mill' (hereafter referred to as 'the Mill') tourist accommodation establishment on erf 1189 are Adrienne and Barry Jones and that the registered title deed holder of erf 1189 is their daughter-in-law, Gillian Jones. It is noted that the 'WRAP', supporting the application has been prepared on behalf of Gillian Jones. It must be noted that the application must be in her name as well, unless Adrienne and Barry Jones are bringing the application with her written consent. If the property is bonded, the bond holder's consent must be also be submitted.

I am presently the registered title deed holder of erf. 583, that is situated adjacent to erf 1189 on the SW border of erf 1189. I will hereunder list, in numerical order, the reasons for my said objection.

1. Operator's character and motivation for the said consent use application.

There is prima facie evidence that Adrienne and Barry Jones have been illegally operating the Mill as tourist accommodation from as least as early as February 2016 (reference paragraph 2.19 of my sworn affidavit, submitted to the Overstrand Municipality on 11 January 2017, and attached hereto as **ADDENDUM A**). The 7 addenda to my aforementioned affidavit are not included hereto, but can be submitted on request or obtained from Mr. Petrus Roux at the Hermanus Town Planning Department, or the Overstrand Municipality prosecutor. As per my affidavit forming addendum A hereto, it was myself, in November 2016, that notified the Overstrand Municipality of the suspected illegal operation of the Mill as tourist accommodation. Upon confirmation by the Hermanus Town Planning

1

TP 28 FEB 2017

Department that the Mill was being operated illegally, Adrienne and Barry Jones ignored all subsequent instructions and warnings from the Hermanus Town Planning Department to cease the illegal operation of the Mill as tourist accommodation and continued taking in guests to the Mill (last guests' arrival and departure witnessed by myself and recorded on CCTV camera as arriving on 25 February 2017 and departing on 26 February 2017. The only (belated) compliance with Hermanus Town Planning instructions to cease the operation of the Mill as tourist accommodation, by the operators of the Mill that I am aware of, are some changes to some of the online advertising for the Mill, whereby the Mill operators claim to be now offering a 'B & B' service. As far as I am aware the Mill kitchen is still fully functional and the facility is still a self-catering establishment. Adrienne and Barry Jones were served Summons to appear at the Hermanus Municipal Court on 29 March 2017 because of their repeated failures to heed instructions from the Hermanus Town Planning Department to cease illegal tourist accommodation establishment operations at the Mill. To clarify, the operation of the Mill as an illegal tourist accommodation appears to have never ceased since its inception – last recorded guest departed 2 days ago, on 26 February 2017. Adrienne and Barry Jones have shown nothing less than complete contempt for the authority of the Hermanus Town Planning Department. The maxim "innocent until proved guilty" likely applies, but I believe there can be little doubt as to the outcome of the Jones' court appearance, based on the substantial evidence I submitted, and the investigation conducted by the Hermanus Town Planning Department.

In my opinion, the only reason the operators of the Mill have now finally decided to follow proper procedure and apply for consent use for tourist accommodation is because they have been forced into this position. I believe the past behaviour of Adrienne and Barry Jones with regards to the illegal operation of the Mill, and therefore the character of Adrienne and Barry Jones, needs to be taken into consideration when considering their (belated) application for consent use of the Mill for tourist accommodation – will they be responsible operators, follow due process and respect the authority of the Overstrand municipality? Their recent behaviour, showing complete disregard for due process regarding the legal operation of the Mill – until forced to comply, and their utter contempt for the authority of the Overstrand municipality when informed that the operation of the Mill was illegal, and that they were to cease operations, suggests otherwise.

I have resided at erf 583 for approximately 6 years and Adrienne and Barry Jones at erf 1189 for approximately 4 – 5 years. Since Adrienne and Barry Jones moved in next door to me I have had to seek legal advice and involve law enforcement officials on multiple occasions because of their complete disregard for the law or any consideration for myself or my family - this included incidents relating to the siting and use of a portable generator, repeatedly parking illegally on a public road, keeping a large number of dogs on their property, the placement of boulders within the boundary of a public road and the illegal operation of a tourist accommodation enterprise. I am presently in the process of selling my house at erf 583 and re-locating elsewhere – my decision to sell my house and to move was influenced by Adrienne and Barry Jones' complete lack of consideration for myself and my family living in close proximity to them, and the "final

straw" has been this (already well established, albeit illegal) operation of a tourist accommodation enterprise in a completely unsuitable location.

2. Detrimental effect on my privacy, peace and security as a direct result of the use of the Mill as tourist accommodation.

There is no "potential" or "expected" detrimental effect on my privacy or peace because of the Mill being used for tourist accommodation- simply because the Mill has already been operating (illegally) as a tourist accommodation establishment for approximately a year, and I have already experienced a severe negative impact on my privacy and peace as a direct result of the Mill being run as tourist accommodation. I have not experienced any security issues as a direct result of the Mill being run as a tourist accommodation establishment, but I am very uncomfortable with such a high turnover of unknown members of the public being in such close proximity to my home and having to rely solely on the operators of the Mill exercising due diligence and conducting a proper, documented security screening of all their guests.

The guest drive/walk way for the Mill runs approximately 1.5 meters away from my NE erf boundary fence and passes within approximately 6 meters of my main bedroom window (and second bedroom window downstairs). **ADDENDUM B** hereto is a photograph showing the proximity of the Mill guest driveway entrance to my house. The huge increase in vehicle and foot traffic of unknown members of the public passing near my bedroom windows since the Mill started operating as tourist accommodation is an invasion of my privacy, security and peace. The guest frequency at the Mill was carefully and methodically documented on addendum A of my sworn affidavit submitted to the Overstrand Municipality on 11 January 2017, regarding the illegal operation of the Mill as tourist accommodation. Due to the elevated position of my main bedroom on the first floor of my house, I can hear every word said by the Mill guests near the Mill guest drive/walk way off Caledon Street. The same applies to guests in the Mill main parking area, i.e. due to the elevated position of my stoep/house I can hear every word said by the Mill guests in the parking area and drive/walk way. Addendum G of the affidavit I submitted to the Hermanus Town Planning Department on 11 January 2017, regarding the illegal operation of the Mill as tourist accommodation, contained extensive CCTV footage of Mill guests arriving and departing at the Mill guest entrance off Caledon Street and included footage of late night foot and vehicle traffic – invariably by guests in a celebratory/holiday mood. The only covered parking that the Mill offers is parking just inside the gate of the Mill guest drive/walk way off Caledon Street – directly opposite my main and second bedroom windows. When Mill guests use this parking, it is particularly intrusive to my peace and privacy due to the proximity to my bedrooms.

As a small practical example of the disruption that I, and my family, must regularly endure, I have attached hereto, on a USB memory stick labelled 'M. Williams Stanford Old Mill Objection CCTV Footage', four short CCTV video clips of the most recent Mill guests, who stayed the night of 25 February 2017. These video clips are attached as **ADDENDUMS D, E, F and G** hereto in soft copy on a USB memory stick. (Note: Addendums A, B & C are also included on the attached USB memory stick, in addition to being attached hereto in hard

copy). On just one evening (the evening of 25 February 2017) Mill guests walk in the Mill guest drive/walk way at 2014 hrs, walk out the Mill guest drive/walk way at 2134 hrs (all transits accompanied by loud conversation), friends of the Mill guests visit by vehicle at 2148 hrs, and finally the Mill guests return via vehicle at 2358 hrs, waking myself and my family when they enter the Mill drive/walk way via vehicle. If the Mill operators claim that these paying guests were "friends" of theirs using the Mill, I shall refute this – in any event, even if these were not paying guests, the practical disruption to my peace and privacy will still have been the same. At 1156 hrs on 26 February 2017, the Mill guests departed. When the young couple (part of the group of 4 persons) exited the drive/walk way into Caledon Street, I clearly overheard (from my upstairs bedroom) the man say to the woman "So, I will go and pay so long?", and the female replied in the affirmative, and the male then drives their vehicle out and parks in Caledon Street in front of the Jones' residence. Also, the entire demeanour and behaviour of these Mill guests was not that of close acquaintances of Adrienne and Barry Jones. Of late, departing Mill guests appear to follow a pattern of driving out of the Mill drive/walk way and parking in Caledon Street, in front of the Jones' residence and then settling their bill on departure. Previously Mill guests appeared to depart the Mill directly by vehicle and did not stop their vehicles in Caledon Street at the Jones' residence to settle their bill, after exiting the Mill drive/walk way.

Overstrand Municipality document 'Executive Committee Meeting 31 May 2001', clause 17, RESIDENTIAL COMMUNITY states: Although the development of tourism and economy are crucial, one should not leave the primary factor namely the residents from the equation. These people insist on the peacefulness and amenity of a residential neighbourhood according to its use as single residential. These people's rights should be the highest priority and any impact on their privacy and general living conditions should be restricted or mitigated to acceptable standards. Regarding the content of the afore-mentioned statement, I would not object to the use of the Mill for medium to long term self-catering use, but I consider its use for tourist accommodation completely unsuitable considering the geographical position of the Mill building in relation to the neighbouring houses – see **ADDENDUM C** attached hereto, showing an edited scan of the site development plan submitted as part of the 'WRAP' report. Google Maps can also be viewed to appreciate the position of the Mill building in relation to the neighbouring houses. The Mill building basically sits squarely in the middle of the neighbouring houses and the guest drive/walk way and guest parking areas are intrusive to the neighbouring properties. Erfs 583, 1188, 55, 1018 and 58 are all affected to one degree or another. The Mill operators have made absolutely no effort to erect any sort of fencing on any of their erf boundaries to reduce noise pollution created by a high turnover of short-term guests enjoying a "weekend away". What the Mill operators did do was erect fencing between their own residence and the Mill, and between their own residence and the Mill guest drive/walk way – for the Mill operators' convenience only.

3. **Refutation of some of the claims included in the 'WRAP' report submitted as part of the consent use application for a tourist accommodation establishment on erf 1189.**

The 'WRAP' report is a very professionally prepared and presented document. Some of the content however is either not relevant, or utter nonsense in relation to the Mill. The operators/owner of the Mill appear to have decided (after approximately one year, and after much "encouragement" from the Hermanus Town Planning Department) that they are finally going to follow due process and have decided to attempt to legalise their present illegal tourist accommodation operation. The 'WRAP' report waxes lyrical about desirability, logic character of the town, 'adding value to the owner and the community', environmental desirability, consistency with spatial planning initiatives and frameworks, 'physical and socio-economic manifestation of activity within a neighbourhood', growth management strategy's, consistency with planning principles etc. etc.

In my opinion, the 'WRAP' report is nothing more than a very professionally prepared, comprehensive and excessively detailed (but lacking in evidence to support many claims) attempt to "sell" something that is not what it purports to be (in this case the suitability of the Mill premises to be (legally) used as tourist accommodation).

I will hereunder refute several claims in the 'WRAP' report but I will first re-emphasise my **primary objections** to the Mill being approved for use as tourist accommodation – and these objections remain most relevant. I object to the use of the Mill for tourist accommodation as (1) the access drive/walk way for the Mill guests passes very close to my bedroom windows, (2) Mill guests frequently park directly opposite my bedroom windows as this is the only covered parking area, (3) the geographical location of the Mill in relation to the residences surrounding it in close proximity make it completely unsuitable for tourist accommodation (it may however be considered suitable for medium to long term self-catering accommodation), (4) the main parking area for the Mill guests is close in front of my NW erf boundary fence. The afore-mentioned four reasons for my objection to the use of the Mill as tourist accommodation all relate to the **(already experienced)** impact on my privacy and peace, and the potential impact on my security.

The "WRAP" report, page 9, claims that 'There is a definite need in Stanford for short-term tourist accommodation to contribute to marketing and promoting the town as a viable tourist town'. This is complete nonsense – where is the substantiating evidence to support this dramatic statement? I have been a resident of Stanford for 6 years, and before that, resident for one year in Hermanus. Based on my fairly intimate local knowledge regarding accommodation options in Stanford, and after a simple one hour search and analysis of accommodation options on a **single relevant website (the Stanford Info website - <http://www.stanfordinfo.co.za/>)**, there are 42 (**forty two**) self-catering tourist accommodation establishments presently advertised within Stanford, or within a 10 kilometre radius of Stanford (the vast majority of these establishments are actually in the town proper, or very close by). There are a further 10 establishments advertised that offer either self-catering or B & B. There are a further 4 establishments advertised that offer just B & B. There is also one sizeable hotel in Stanford. **Self-catering tourist accommodation is clearly the most prevalent option presently available in Stanford with a total of 52 (fifty-two) establishments that offer self-catering tourist accommodation presently advertised on just the Stanford Info. website alone.** Anybody, who is at least casually acquainted with

Stanford, knows that it is a tiny country village (the population in 2011 was approximately 5000 people). Taking the afore-mentioned statement into consideration, for somebody to state that there is a definite need in Stanford for short-term tourist accommodation, without supporting this claim with any evidence of any sort, is either being economical with the truth, or is not intimately acquainted with Stanford at all.

The "WRAP" report, page 9, claims that 'The location of the proposed development is ideal as it within a residential area and the proposed consent use for tourist accommodation blends in with the residential character of the area'. I actually do not know how to respond to such an illogical statement. How can the establishment of a short-term tourist accommodation establishment in the heart of a residential area (the establishment in question surrounded by residential houses), and the associated increase in vehicle and foot traffic of guests staying just 2 or 3 nights be considered "ideal"? Ideal to who? Not to the neighbouring residents certainly. The location of the "proposed" development (the development is actually already in operation, albeit illegally) is totally unsuitable.

The "WRAP" report, page 9, claims that 'The proposal will not have any adverse impact on the society and the environment'. Assuming that the description of 'society' likely includes the neighbouring residents, how can the establishment of a short-term tourist accommodation establishment in the heart of a residential area (the establishment in question surrounded by residential houses), and the associated increase in vehicle and foot traffic of guests staying just 2 or 3 nights not be expected to have any adverse impact on the neighbouring residents? Of course it will (and I have already experienced this, during the past year's illegal operation of the Mill as self-catering tourist accommodation).

The "WRAP" report, page 9 comments on traffic impacts and parking access and boldly (proudly?) states that 'access to the subject property is gained from Caledon Street' and 'an internal road provided on the subject property next to the second dwelling unit and the parking layout configuration has been designed in a manner to ensure the safety of pedestrians and motorists'. All very nice – just a pity about the inconvenience and loss of privacy to the neighbouring resident at erf 583 because of a road and walkway approximately 6 meters from his bedroom window and cars and ever-changing guests traversing this safe and convenient road and parking area at all times of the day and night.

The "WRAP" report, page 13 states that 'The unique character of Stanford is that of a retirement town and tourist destination. The character of the Caledon Street where the subject property is situated is predominantly residential and the proposed tourist accommodation fits into the residential character of the street and will preserve the residential character and residential zoning of the property. This proposal will therefore preserve the character and heritage of the street landscape and town'. I find this statement illogical. I cannot understand the (repeated) opinion in the "WRAP" report that short-term tourist accommodation and a residential area are (apparently) compatible. Why is there this repeated opinion and inference that a short-term tourist accommodation facility is apparently desirable in the heart of a residential area? Common sense would indicate that it can only be desirable for the person financially benefitting from the facility. What about the

neighbours? (the people who live there). What about the provisions of the Overstrand Municipality document 'Executive Committee Meeting 31 May 2001', clause 17, 'RESIDENTIAL COMMUNITY: Although the development of tourism and economy are crucial, one should not leave the primary factor namely the residents from the equation. These people insist on the peacefulness and amenity of a residential neighbourhood according to its use as single residential. These people's rights should be the highest priority and any impact on their privacy and general living conditions should be restricted or mitigated to acceptable standards'.

The "WRAP" report, page 13 states that '...the proposed consent use for tourist accommodation will also unlock additional employment opportunities in the town and this promote the advancement of socio economic opportunities'. This is nonsense and exaggeration. At best the Mill will provide part-time employment for an additional domestic worker for the Mill resident operators (if their current domestic worker cannot cope with the extra workload). The possibility of the creation of one part-time job at the Mill hardly justifies such a grandiose statement.

The "WRAP" report, page 13 states that 'The proposed tourist accommodation is situated in a residential area and is compatible with the dominant use in the area'. My previous comments in this regard refer – I am genuinely mystified by the repeated opinion and inference throughout the 'WRAP' report that tourist accommodation in a residential area is a "good" thing. I refer (again, as above) to the provisions of the Overstrand Municipality document 'Executive Committee Meeting 31 May 2001', clause 17, RESIDENTIAL COMMUNITY.

The "WRAP" report, page 14 states that 'The area where the subject property is located is predominantly residential and the proposed tourist accommodation for (sic) will blend into the balanced residential character that exists'. My response to this is as per my comments in the preceding paragraph.

The "WRAP" report, page 14 states that 'The consent use applied for will contribute to place making as the subject second dwelling is attractive and will be continually maintained to be attractive by the property owner to contribute towards making the town of Stanford attractive'. I cannot see the relevance of this comment. The geographical position of the Mill (deep amongst neighbouring residential houses) does not permit the Mill to be viewed from any public space – not from Caledon Street above, not from Vlei Street below, not from any public location that I am aware of – except from an aircraft flying over the property!

The rhetoric of section 8 of the 'WRAP' report is noted.

The "WRAP" report, page 16 states that the subject property is located at 55 Caledon Street. This is incorrect – it is located at 28 Caledon Street.

The "WRAP" report, page 16 states that 'There is a need for tourist accommodation in Stanford to promote and market the town as a viable tourist destination'. This is not true.

The tiny town of Stanford presently has a multitude of tourist accommodation options available, as mentioned in my earlier comments above.

The "WRAP" report, page 16 states that 'The proposal will blend in with the character of the area'. The character of the area is not tourist accommodation. The character of the area is residential, i.e. residents living in their residential homes that actually do not appreciate short-term guests in and out their tourist accommodation at all hours, and usually in a celebratory mood because they are on holiday.

The "WRAP" report, page 16 states that 'The proposal will not result in unacceptable opportunity cost and not cause unacceptable cumulative impact'. I assume by this comment that any impact on the neighbours surrounding the Mill is really of no relevance whatsoever to the compiler of this report and/or the applicant. Not once in this report is any mention made of any impact (real or imagined) on neighbouring residents' welfare.

The "WRAP" report, page 17 states that 'The tourist accommodation applied for will create economic opportunities on the subject property by means of employment and contribute to increasing the money in circulation in Stanford'. This is nonsense, and commented on already.

The "WRAP" report, page 17 states that 'The subject property is situated within a residential area and the consent use is compatible and complementary to the residential character in the town and streetscape'. Just because the property is zoned Residential Zone 1: Single Residential (SR1), and one of the consent uses is tourist accommodation, does not mean the property is automatically entitled to, or should be expectant of, approval for this consent use (as seems to be the entire implied theme of the 'WRAP' report).

The "WRAP" report, page 17 states that 'The subject buildings are attractive and will continually be maintained to contribute towards making the Caledon Street Landscape attractive'. As commented previously, the Mill is not visible at all from Caledon Street, so what is the relevance of this statement?

The "WRAP" report, page 18 states that '...the proposed development has also been proven to be desirable as it has tangible benefits to the community and property owner'. This statement seems an admission that the Mill has already been operating as tourist accommodation. If this is the case, then it is an admission that the Mill has been operating illegally as tourist accommodation. I am not sure what tangible benefits to the community have been proven by the illegal operation of the Mill as tourist accommodation (as with many of the claims in the 'WRAP' report, there seems to be a shortage of supporting evidence); however, I am aware of the tangible benefits to the property owner – some simple arithmetic when referring to addendum A to the sworn affidavit I submitted to the Overstrand Municipality on 11 January 2017 with regards to the illegal operation of the Mill as tourist accommodation (addendum A was a pedantic record I kept of all Mill guest arrival and departure dates), adds up to a considerable amount of money – essentially the financial proceeds from a criminal activity, with the perpetrators well aware that their activity was

illegal as they had been so informed by the relevant authority (the Hermanus Town Planning Department).

In summary:

- In my opinion, there is no need whatsoever for the creation of yet another self-catering tourist accommodation establishment in Stanford as the town has a huge choice of self-catering tourist accommodation establishments already. That said, everybody has the right to earn an income, so if a person, or persons, feel they can be successful with such a new enterprise in Stanford then they should of course be given the opportunity. The issue in this case, regarding the Mill, is that **the Mill is not situated in an appropriate geographical area for such an enterprise**. The Mill creates considerable inconvenience to the resident neighbours and the Overstrand Municipality document 'Executive Committee Meeting 31 May 2001', clause 17, RESIDENTIAL COMMUNITY states that 'although the development of tourism and economy are crucial, one should not leave the primary factor namely the residents from the equation. These people insist on the **peacefulness and amenity** of a residential neighbourhood according to its use as single residential. **These people's rights should be the highest priority** and any impact on their privacy and general living conditions should be restricted or mitigated to acceptable standards'.
- The geographical position of the Mill is not suitable for tourist accommodation. It could be considered suitable for medium to long term self-catering accommodation.
- A large part of the 'WRAP' report could literally be copied and pasted for any proposed tourist accommodation application in the Overberg area. The report covers all the legislative angles and good practices. What the report does not consider objectively for this specific application is the actual geographical position of the Mill, and the Mill's proximity to the neighbouring properties, or the proximity of the long access way for Mill guests to the dwelling on erf 583.
- There is presently an over-abundance of short-term self-catering tourist accommodation in Stanford. Presently, what there is a **critical shortage** of in Stanford, is medium to long term rental properties. There are literally **none** available whatsoever – this can be confirmed with any local estate agent in Stanford or a search on the internet. The operators of the Mill should consider this option – and it

is a primary right they have. There can be no comparison between the potential negative impact on neighbours created by the presence of a known permanent resident, and that of short-term guests changing on an almost daily or weekly basis.

- The litmus test for me regarding the approval or rejection of the application in question is if members of the municipal tribunal (that will either approve or reject the application in question) do a physical site inspection and study the proximity of the Mill, and the guest access way, to the surrounding properties, and put themselves in the shoes of the surrounding residents. And thereafter re-read the contents of the Overstrand Municipality document 'Executive Committee Meeting 31 May 2001', clause 17, RESIDENTIAL COMMUNITY.

Sincerely,



Michael Williams

APPENDIX A TO M. WILLIAMS ERF 1189 CONSENT USE
OBJECTION - AFFIDAVIT AS SENT TO OVERSTRAND
MUNICIPALITY ON 11 JANUARY 2017 RE. ILLEGAL
OPERATION OF TOURIST ACCOMMODATION

AFFIDAVIT

I, the undersigned

MICHAEL ROBERT WILLIAMS
Identity No. 7010255038087

Declare under oath as follows:

1.

- 1.1 I am an adult male person and businessman and reside permanently at 28B Caledon Street, Stanford.
- 1.2 I am the registered property owner of erf 583 (street address 28B Caledon Street, Stanford).
- 1.3 The contents of this Affidavit falls within the ambit of my personal knowledge and is to the best of my belief true and correct, unless the contents hereof clearly indicates to the contrary.
- 1.4 The primary purpose of this affidavit is to record my personal observations with regards to activities at 28 Caledon Street, Stanford (erf 1189). These activities relate to the suspected illegal operation of a short-term tourist accommodation establishment on erf 1189 – identified as 'The Stanford Old Mill', hereafter referred to as 'The Mill'.

- 1.5 The secondary purpose of this affidavit is to support the possible prosecution of the owners of this suspected illegal operation by the Overstrand Municipality.
- 1.6 I understand that the Municipality is the competent authority to act against the owners The Mill, as the Municipality has a statutory obligation to enforce the legislation that regulates this kind of activity.
- 1.7 I confirm that the owners of The Mill are continuing to operate this establishment illegally (to date) even after being officially informed by the Overstrand Municipality on 5 December 2016 that the operation was illegal and that the operation must cease.
- 1.8 The motivation for this affidavit (as emphasized later in this affidavit in section 2.2) is as a result of the detrimental effect on my privacy, security and peace as a result of a multitude of short-term guests staying at an establishment (The Mill) next door to me at 28 Caledon Street and their subsequent passage by vehicle or foot along a guest driveway/walkway that runs past my main bedroom window at a distance of 4 meters. This dramatic increase in foot and vehicle traffic past my house and my bedroom window since September 2016 has had a severely detrimental effect on my peace and privacy. I also feel that my security is compromised by having so many unknown members of the public staying in my immediate vicinity. Due to the close proximity of the two properties at 28 and 28B Caledon Street, and the higher elevation that my property and house enjoys, I can hear literally every word the guests say and I have overheard multiple conversations between guests and between guests and Adrienne and Barry Jones that clearly indicated they were not personal friends of Adrienne and Barry Jones.
- 1.9 The believed owners of erf 1189 (and the confirmed operators of The Mill) are Adrienne and Barry Jones and they reside permanently at 28 Caledon Street, Stanford.
- 1.10 This affidavit is supported by several documents attached hereto as addendums in hard copy. This affidavit is also supported by numerous photographs and video clips attached hereto on a USB memory device labelled as 'M. Williams Stanford Old Mill

Affidavit 11 January 2017'. On the USB memory device I have also attached a digital copy of the Stanford River Talk February 2016 edition that features an article on The Mill operating as a self-catering establishment.

2.

- 2.1 I first became aware of short-term guests staying at The Mill at 28 Caledon Street in late September 2016/early October 2016.
- 2.2 The reason this became apparent to me was because (1) my property borders erf 1189 fully on two sides (2) a driveway and access way for Mill guests runs down the entire one side of my property, right up against my fence, and 4 (four) meters from my main bedroom window (3) the Mill guest parking area is either in front of my front garden wire mesh fence or directly opposite my main bedroom window (4) due to the close proximity of the guest driveway and parking area I can hear every word spoken by the guests (and Adrienne and Barry Jones when they converse with their guests).
- 2.3 This movement and activity of Mill guests became a severe inconvenience to me and started to affect my privacy and peace. It is common knowledge that there is normally some sort of neighbour/public participation process when a short-term, or 'tourist' accommodation establishment is established in a residential area. I had not been party to, or aware of, any such participation process - had there been, I definitely would have objected.
- 2.4 It appeared to me that my neighbour was illegally running a tourist accommodation establishment – with this in mind I commenced documenting Mill guest arrival and departure dates and taking photographs of guest vehicles. I commenced this formal record keeping from 21 October 2016. A spreadsheet of this record is attached hereto as 'Addendum A'. Later on I also started saving CCTV footage from my security cameras that cover Caledon Street and my off-street parking on Caledon Street. The driveway/access way entrance for Mill guests is right next to my off-street parking area

therefore guests going in and out of the Mill entrance gate are incidentally also recorded on one of my CCTV cameras.

- 2.5 On 31 October 2016 I contacted the Hermanus Town Planning office to telephonically request information regarding the relevant Overstrand Municipality By-laws and Zoning Scheme with regards to the establishment of a tourist accommodation establishment in a residential area in Stanford.
- 2.6 On 1 November 2016 I received copies of the relevant municipal by-laws and zoning scheme information from clerk Aileen Theart at the Hermanus Town Planning office. I perused these documents carefully over the next few days.
- 2.7 I then emailed the Overstrand Municipality Town Planner responsible for Stanford (a Mr. Petrus Roux) on 7 November 2016. A copy of my email to him, informing him of my suspicions regarding the illegal operation of The Mill as a tourist accommodation establishment - and his subsequent replies to me, are attached hereto as 'Addendum B'.
- 2.8 After a thorough investigation Mr. Roux emailed me (almost a month later) on 5 December 2016, informing me that he had established that The Mill was being operated illegally and that he would inform The Mill owners.
- 2.9 The arrivals and departures of Mill guests continued unabated (as indicated on my Mill Guest Register, Addendum A). I continued my record keeping of guest arrivals and departures.
- 2.10 I decided to meet Mr. Roux in person for a discussion regarding events. I met Mr. Roux at his Hermanus office on 14 December 2016.
- 2.11 Mr. Roux informed me that Mr. Jones had been sent an email (I later established from Mr. Schalk van der Merwe (see clause 2.12. below) that this email was sent on 5 December 2016) informing him that the provision of tourist accommodation at the Mill was not legal and that he must cease this operation. Mr. Roux informed me (at a second meeting that I had with him on 5 January 2017) that Mr. Jones had replied to his email on approximately 6 December 2016 and he had stated that his accommodation facility was "approved by the tourist board"). Mr. Roux advised me of the proper procedure that Mr.

Jones should have followed (apply for consent use for tourist accommodation) and what alternative options were available to Mr. Jones if he did not want to follow this application for consent use (alternatively operate the Mill as a medium to Long term self catering establishment, or remove the Mill kitchen and modify the Mill interior so that the Mill only constituted 2 guest bedrooms). I informed Mr. Roux that I would continue observing the movements of guests at the Mill and that, if there was no change of the activities at the Mill, I would provide him with an affidavit and supporting documents showing that the Mill was still being operated as a short-term tourist accommodation venue in January 2017 when he had returned from his annual leave.

- 2.12 On 20 December 2016, as the operation of The Mill was clearly continuing unabated and guest frequency was increasing, I decided to phone the Hermanus Town Planning office again for further clarity on matters. I spoke to Senior Town Planner Mr. Schalk van der Merwe and he advised me he would have a look into the matter and revert to me.
- 2.13 Mr. van der Merwe phoned me the next day on 21 December 2016 and informed me that (1) Petrus Roux had sent his warning email to Mr. Jones on 5 December 2016, and this warning email included a threat of legal action if no compliance was shown (2) Mr. Jones was given 15 days from confirmed receipt of this email to modify his advertising for The Mill – the cut-off date being on or about 20 December 2016 (3) Mr. Jones was given 30 days to make submissions to show good cause why the Municipality should not proceed with further action to the warning email sent on 5 December 2016 – the cut-off date being on or about 5 January 2017 (4) Mr. Jones was to CEASE tourist accommodation activities at The Mill from the confirmed receipt date of the warning letter from the municipality (on or about 6 December 2016).
- 2.14 Mr. van der Merwe agreed that if tourist accommodation activities at the Mill did not cease then I should prepare an affidavit and supporting documents and submit these to the Overstrand Municipality to assist them in prosecuting Mr. Jones for non-compliance with a directive issued by the Overstrand Municipality Town Planning office, dated 5 December 2016.
- 2.15 From my personal observations (and as per my Mill Guest Register, Addendum A) it is abundantly clear that Mr. Jones has decided to

completely ignore the municipality directive and continue with his illegal actions.

- 2.16 As at 1 January 2017 he had still not modified his main advertising platform, namely his website (www.stanfordoldmill.co.za) – ‘Addendum C’ on the attached USB memory stick refers, showing initial photographs taken of the website in early December 2016 and then again on 1 January 2017 - well after the cut-off date for changing advertising.
- 2.17 As at today, 11 January 2017, I noted for the first time that the ‘www.stanfordoldmill’ website appeared to be unavailable – possibly for the content to be modified; but I noted today that a host of other advertising links for The Mill are still fully active – this list (a list of only the links I managed to find online during a brief search) are listed in hardcopy attached hereto as ‘Addendum D’.
- 2.18 Adrienne and Barry Jones moved in next door to me approximately 4 years ago. I am acquainted with the personal appearance of their regular visiting family and friends and the vehicles these persons drive. None of the persons who stayed for short periods at the Mill from early October 2016 to date were recognizable to me as friends or family of Adrienne and Barry Jones. If Adrienne and Barry Jones consider submitting that all the persons who stayed at the Mill were non-paying friends or acquaintances then I respectfully state that, in my opinion, this is an untruth. A simple forensic investigation of the online booking and payment activity for The Mill and the bank account activity of Adrienne and Barry Jones would confirm this.
- 2.19 Attached hereto as ‘Addendum E’ is a copy of an article on The Mill on page 13 of the February 2016 issue of the publication ‘Stanford River Talk’. This article indicates that the Mill has been operating as a self-catering establishment from possibly as early as February 2016 (or earlier). I submit that my record keeping of Mill guests may be incomplete. I do however state that the details that I have recorded on Addendum A, my Mill guest register is an accurate and honest record of what were clearly all short-term paying guests during the period of my investigation.
- 2.20 Supporting photographs as mentioned in section 1.10 are included on the attached USB memory device as ‘Addendum F’. All photographs are clearly numbered in sequential date order.

2.21 Supporting video footage as mentioned in section 1.10 is included on the attached USB memory device as 'Addendum G'. All video footage is clearly numbered in sequential date order; there is also a video footage index attached hereto in hardcopy for clarity.

3.

3.1 It is my wish that the legality of the present operation of a short-term tourist accommodation establishment at 28 Caledon Street, Stanford (erf 1189) be fully investigated and if the owners and operators Adrienne and Barry Jones are found guilty of contravening the relevant Overberg Municipality By-Laws and Zoning Scheme (and continued this contravention in spite of being directed by the Overberg Municipality to cease their operations) they should be prosecuted to the full extent of the law.

M. Williams

I confirm that the Deponent deposed to this Affidavit before me on this 11th day of January 2017 and that he declared:

- a) that he is familiar with the contents of the Affidavit;
- b) that the Affidavit is the truth, the whole truth and nothing but the truth;
- c) that he has no objection to taking the oath;
- d) that he finds the oath to be binding on his conscience;
- e) he uttered the words, "so help me God".

Commissioner of Oath

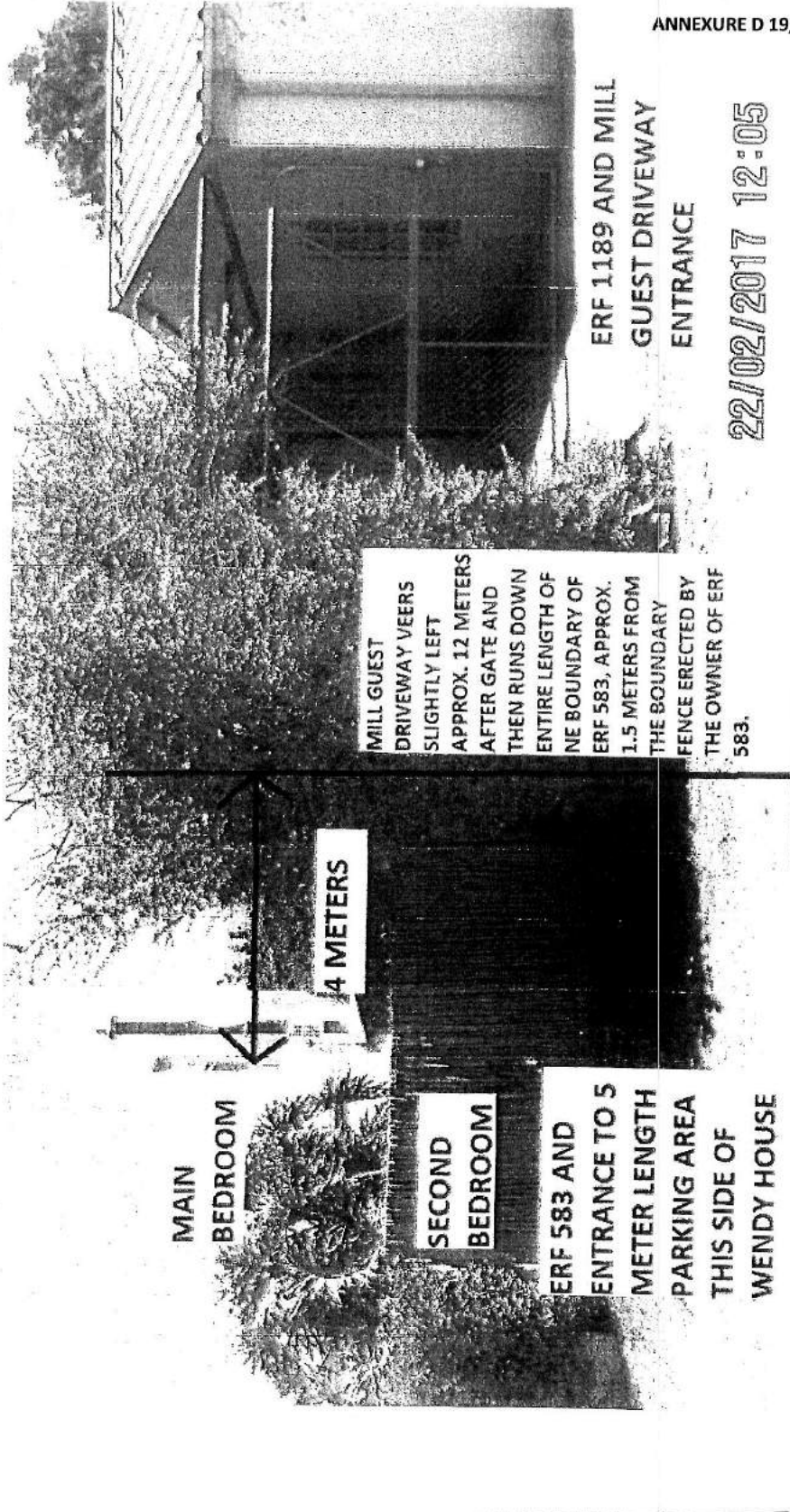
ANNEXURE D 18/21

Full Names and Surname

Rank

Area

**ADDENDUM B TO M. WILLIAMS OBJECTION TO
CONSENT USE FOR TOURIST ACCOMMODATION ON
ERF 1189**



**MAIN
BEDROOM**

**SECOND
BEDROOM**

4 METERS

**ERF 583 AND
ENTRANCE TO 5
METER LENGTH
PARKING AREA
THIS SIDE OF
WENDY HOUSE**

**MILL GUEST
DRIVEWAY VEERS
SLIGHTLY LEFT
APPROX. 12 METERS
AFTER GATE AND
THEN RUNS DOWN
ENTIRE LENGTH OF
NE BOUNDARY OF
ERF 583, APPROX.
1.5 METERS FROM
THE BOUNDARY
FENCE ERRECTED BY
THE OWNER OF ERF
583.**

**ERF 1189 AND MILL
GUEST DRIVEWAY
ENTRANCE**

22/02/2017 12:05

ANNEXURE D 19/21

ERF BOUNDARY BETWEEN ERF 583 AND 1189

ADJACENT TO erf M. WILLIAMS ERFS 1183, ORIENT USE DISCRETION

Site Development Plan
Erf 1189 Stanford

- Subject property (2884m²)
- 10.19% Total coverage
- 3 bays Provided parking bays
- 2 bays Required parking bays
- Garage accommodating 2 cars
- 2 cars for the manager existing

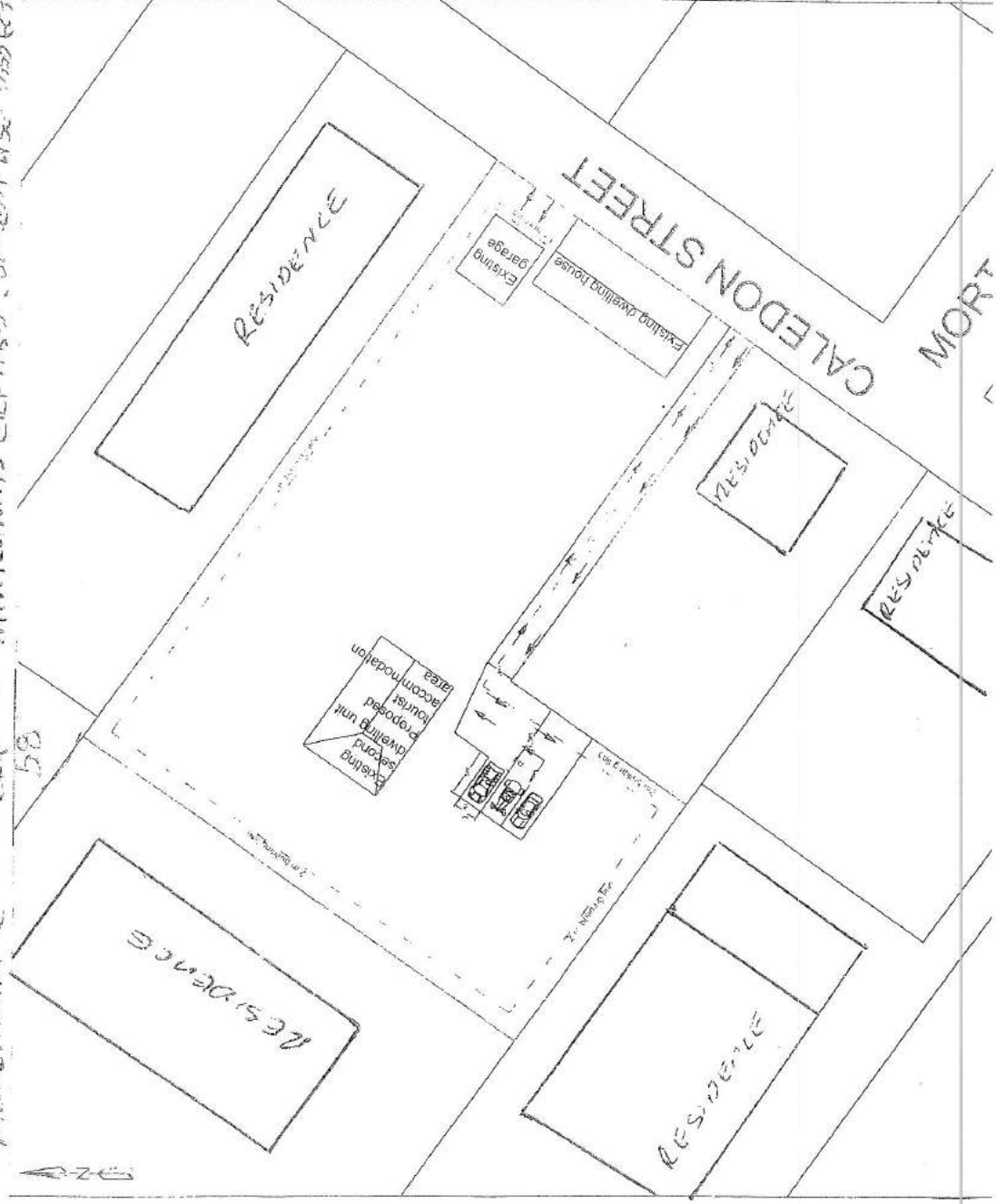
Plan 4
Scale 1 : 500

WRAP reserves the right to amend or cancel this plan at any time without notice. It is the responsibility of the applicant to ensure that the plan is in accordance with the relevant legislation and regulations. The plan is subject to the approval of the relevant authorities.

35 Dulker Street
Pobox 1247
Hermanus
7200

Tel: 028 313 1411
Fax: 086 508 3248
Email: wrap@telkomsa.net
Web: www.wrapgroup.co.za

WRAP



28 February 2017

Receipt of Documentation

I, the undersigned confirm receipt of a 10-page written objection from Michael Williams, ID 7010255038087. The 10-page written objection relates to the tourist accommodation consent use application for erf 1189 in Stanford (Overstrand Municipality File Reference 1189 SSS (3572) refers).

The written objection was accompanied in hard copy by addendum A (an eight-page copy of an affidavit by M. Williams from 11 January 2017), Addendum B (a one-page A4 sized printed photograph of the street view of erf 583 and 1189 in Stanford) and Addendum C (a one-page photocopy of an erf layout plan of erf 1189 and surrounding erf's in Stanford).

The written objection was also accompanied in soft copy by addendums D, E, F & G. These four addendums were short 1 minute video clips and were on a USB memory stick, attached to the written objection. The memory stick was labelled 'M. Williams Stanford Old Mill Objection CCTV Footage'. The four video clips featured CCTV footage of Stanford Old Mill guest arrival and departures at the Mill guest access way from Caledon Street on the evening of 25 February 2017, as recorded from a CCTV camera positioned on the residential premises on erf 583.

Addendums A, B & C were also included in soft copy on the USB memory stick.

Aileen Theart

Name

/Clerk

Designation/Rank

[Signature]

Signature



TP-A Theart
(P Roux)

ESTABLISHED
2002

Town and
Regional
Planning

Municipal
Legislation
and Procedures

Local Economic
Development
Technical
Assistance

35 Duiker Street
P O Box 1247
Hermanus
7200

Tel: +27 (0)28 313 1411

Fax: +27 0845083248

Email:
wrap@telkomsa.net

Web:
www.wrapgroup.co.za

Wright Approach
Investments 136 CC

Reg No
CK 2002/060745/23

Our Reference: 17/002
Your Reference: 1189 SSS (3572)

23 March 2017

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

Attention: Mr Petrus Roux

FILE NO:	EL 1189-Stanford
SCAN NO:	
COLLABORATOR NO:	1006487

ERF 1189 STANFORD: APPLICATION FOR CONSENT USE FOR TOURIST ACCOMMODATION.

Your letter dated 16 March 2017 has reference.

In order to respond to the comments of the objector, Mr M Williams, it is important to understand the difference between the *primary rights* and *consent uses* on a property zoned *Single Residential Zone 1: Single Residential* and the rights and parameters attached to each of the aforementioned.

The *primary rights* of the zoning include *guest rooms* as well as a *second dwelling unit*.

Second dwelling unit is defined as *an additional dwelling unit which may, in terms of this zoning scheme, be erected on a land unit where a dwelling house is also permitted, and such second dwelling unit may be a separate structure or may be contained in the same structure as the dwelling house.*

Guest rooms are defined as *a limited number of rooms forming part of a dwelling unit that are let on a permanent or temporary basis to paying lodgers or guests, provided that the dominant use of the dwelling unit concerned shall remain for the living accommodation of a single family.*

Dwelling unit is defined as *a unit containing one or more rooms, with adequate sanitary facilities and a kitchen, which may be used for long or short term accommodation purposes, and may be included in or separate from the main building of the property.*

Under the development parameters of *guest room* (which rooms may be let by an occupant of that property to paying guests or lodgers) *the following provisions shall apply:*

- (a) *No more than two rooms per property shall be used for the bedroom accommodation for paying guests or lodgers, and no more than 5 guests or lodgers shall be supplied with lodging or meals at any one time:*

TP


WRAP

- (b) *Guest rooms may not be converted to, or used as separate dwelling units and there shall be no cooking facilities in the guest rooms apart from a kettle;*
- (c) *Meals shall only be supplied by the landowner or manager to guests or lodgers who are staying on the property;*
- (d) *No advertising sign shall be displayed without the written approval of Council other than a single un-illuminated sign or notice affixed to the building or boundary wall or fence, and such sign must be in line with the Overstrand By-Law; and*
- (e) *One on-site parking bay shall be provided per guest room.*

So from the aforementioned we've established that the following regarding the Mill:

- i) *It is second dwelling (therefore legal);*
- ii) *Its rooms may be utilised as guest rooms (therefore legal);*
- iii) *Meals may be supplied to its guest or lodgers, but may only be supplied by the land owner or manager (although it has a kitchen and guests prepared their own food in the past, guests are now either provided with food by the manager or they eat in town); and*
- iv) *On-site parking must be provided for such guests (3 parking bays are provided).*

With the aforementioned as our points of reference, we will now address objector's comments:

Introduction:

In the introduction of the objector's letter it is mentioned that Adrienne and Barry Jones should "bring" the application.

Any consent use on a property is a real right and not a personal right and "belongs" therefore to the land and not to the owner/operator/manager or tenant thereof.

WRAP was correctly appointed by the registered owner of the property which is Gillian Ellen Jones who provided the required power of attorney.

1. Operator's character and motivation for the said consent use application

The objector deals mainly with the fact that the establishment called "The Mill" was operated illegally for many years and that he was instrumental in bringing this fact to the attention of the Municipality.

This cannot really be considered as a point of objection as the Municipality did act against the applicant and she now made an application to legalise the establishment and the merits of the application must now be considered and not the history.

2. Detrimental effect on my privacy, peace and security as a direct result of the use of the Mill as tourist accommodation

The driveway to the Mill runs close to the objector's house and according to him that causes a lot of disturbances.

It must be pointed out that Erf 1189 Stanford, originally consisted of Erven 584 and a portion of Erf 1188 Stanford. The latter portion's access was by means of servitude 4m wide and registered over Erf 584 Stanford. This servitude served as access to the building now known as "The Mill".

Erf 584 Stanford and the portion of Erf 1188 Stanford were consolidated into Erf 1189 Stanford, now the subject erf, but the mentioned servitude still remained as the access to The Mill.

The objector can therefore not object to this access point and the road leading to "The Mill" as this is an existing access servitude of which he should have been aware of when he has built or bought



his home and for this reason his home should have been built a bit further away from the boundary as there is ample space.

As derived from the facts provided in the introduction of this response to the comments of the objector, it is clear that the "The Mill" may be rented out as guest rooms on a short term basis, as it forms part of the primary rights of the subject property.

It was also established that the only transgression by the applicant in the past was that the objector makes the allegation that the applicant is letting "The Mill" as a self-catering cottage.

The only difference between the letting of a *guest room* and a *self-catering cottage* is that in the first instance, only the owner/manager may provide meals and in the second instance the tenants (short term) will prepare their own meals.

What the objector must then consider is if the fact that the applicant now applies for a consent use for tourist accommodation, which will allow the tenants to prepare their own food: will this increase the traffic on the access road?

The allegation made that the short term renting of "The Mill" will generate more traffic is unfounded and the reality is that a self-catering unit to be rented out when the demand is there, will generate less traffic than let on permanent basis to a working person/family following a routine of going to work and returning every day, including their weekend traveling routine.

3. Refutation of some of the claims included in the "WRAP" report submitted as part of the consent use application for tourist accommodation on erf 1189.

This paragraph deals mainly with the wording and statements in our motivation report with which he obviously doesn't agree. We will not enter into a debate with the objector on all these issues as he has a right to disagree with our report and the reality is that it is still only his opinion and our submission is that it is without any substance.

We, as a professional Town Planning Consultancy practice, with appropriately qualified and registered staff, motivates any application, appointed to prepare, submit and manage to the best of our abilities and in the process endeavours to obtain a positive outcome for all stakeholders concerned.

The objector made it quite clear that in his opinion there is not a demand for short term renting in Stanford but a definite demand for medium to long term renting. He however fails to provide any statistics to support his claim and we are of the opinion that the applicant will fill the accommodation facility for any period of time as long as there is a demand and it is immaterial whether it is short, medium or long term.

It is also strange that the objector has bitterly objected for months about the many guests visiting "The Mill", causing him discomfort in his house but then at the same time claims that there is no demand for the facility?

Summary

In conclusion, we would like to comment on the five points raised under the summary of the objector's lengthy letter and we assumed that these points are actually his main concerns.

Bullet 1:

We appreciate the fact that the objector admits that any person has the right to earn an income and to try and make his enterprise successful. He feels however that such a facility must not be situated in a residential area.



We however are of the opinion that it is exactly the desirable place for such a small facility, especially if one takes into account that anybody can rent out two rooms in his house without any approval required. If this was an application for a hotel we would have agreed with the objector. In all suburbs you find guest houses, which are limited to five bedrooms, in the middle of the residential areas.

"The Mill" is one of the oldest buildings in Stanford and the owner went to great lengths to restore the building to its former glory within the constraints of its heritage status. This alone is enough reason to make the property available to visitors to experience the "real" heritage of Stanford.

Bullet 2:

We fail to understand how the geographical location can be suitable for medium to long term accommodation but not for short term renting as the needs for both are the same and location does not really play a role as the property is situated within walking distance of all the major facilities in Stanford. As already stated, the only difference will be that the tenants will be allowed to prepare their own food.

Bullet 3:

Already addressed in paragraph 3 above.

Bullet 4:

Again the objector does not provide any statistics, apart from the number of self catering units, but fails to supply any information on the number of tourists that visit Stanford to substantiate his claim that there is an abundance of short term renting accommodation available and a critically shortage of medium to long term renting. As said previously, the owner will rent out his facility in any way that he feels there is a demand and we fail to see what difference it will make to the inconvenience experienced by the objector.

Bullet 5:

A physical inspection will be carried out by the Town Planning officials who will make their recommendation to the Tribunal.

Final comment:

The objector frequently makes reference to "CCTV camera footage" which was attached to his letter of objection sent to us for comment which we **unfortunately/fortunately** could not access and even if an accessible copy is provided to us, would not access it as it may be an infringement of the privacy of the applicant.

The objector also makes mention of conversation recordings on such footage which may also be part of the infringement of the privacy of the applicant.

We urge the Town Planning department to obtain legal advice on this matter before any of the contents of the CCTV footage is accessed, reproduced or used in their report to the Tribunal.

We also advised our client to obtain legal advice on this matter in order to consider possible further legal action.

We trust that our response to the objection will enable you to make an informed decision on the application.

The logo for WRAP (Water Resources Planning Agency) features a stylized graphic of three horizontal lines above the text "WRAP".

Yours faithfully

A handwritten signature in black ink, appearing to read "M. Pienaar".

PINE PIENAAR (Pr. Plan A409/85)
PRINCIPAL PLANNER

Munisipaliteit – U-Masipala – Municipality
OVERSTRAND

INTERNAL MEMORANDUM

Aandag / For Attention:	Town Planning department: A Calitz	Van / From:	Department: Operational Services
Afskrif / Copy:		Datum / Date:	1 March 2017

Ref: Erf 1189, Stanford

RE: APPLICATION FOR CONSENT USE – ERF 1189, Stanford

The request for comment from the Department: Operational Services (Stanford) dated 3 February 2017 with regard to the abovementioned proposal refers.

The proposal entails the following:

- Consent use of Erf 1189, Stanford, in order to facilitate use of a second dwelling as tourist accommodation.

1. ANALYSIS

1.1. Water

- 1.1.1. The existing water connection to Erf 1189 shall be used to service Erf 1189.
- 1.1.2. The proposed rezoning will not have a significant impact on the existing municipal water supply network. The Directorate: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.

1.2. Sewer

- 1.2.1. The existing sewer connection to Erf 1189 shall be used to service Erf 1189
- 1.2.2. The proposed rezoning will not have a significant impact on the existing municipal sewer network. The Directorate: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.
- 1.2.3. Any commercial food preparation facilities (e.g. restaurant/guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services.

- 1.2.4. The developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*.

1.3. Streets

- 1.3.1. Access can be obtained via the existing vehicle entrance from Caledon Street.
- 1.3.2. Any relocation of- or additional and / or extended vehicle entrances will be for the owner's account.

1.4. Storm water

- 1.4.1. The "Common Law" shall apply with regards to storm water discharge.

1.5. Parking

- 1.5.1. "On-site parking" must be provided. The parking areas are to be provided at a ratio as described by the Town Planning Scheme, with permanent surfaces and layout to the satisfaction of the Department: Operational Services.

1.6. Refuse removal

- 1.6.1. Refuse will be removed from sidewalks as per municipal arrangement.

1.7. Irrigation water

- 1.7.1. Irrigation water is available in this area, but the owner will make his own arrangements with fellow users as to when and how it can be brought onto his property. The municipality will not become involved in any such negotiations.

1.8. Waste Water Treatment Works (WwTW)

- 1.8.1. The proposed rezoning will not have a significant impact on the Waste Water Treatment Works. The Directorate: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.

1.9. Bulk Water Supply

- 1.9.1. The proposed rezoning will not have a significant impact on the bulk water supply, reservoirs or other bulk water infrastructure. The Directorate: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.

2. RECOMMENDATION

With regard to the application for consent use of Erf 1189, Stanford, the Department: Operational Services **has no objections to the application, subject to the following conditions:**

- 2.1.1. That the existing water- and sewer connection to Erf 1189 shall be used to service Erf 1189.
- 2.1.2. That on-site parking be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services.
- 2.1.3. That any commercial food preparation facilities (e.g. restaurant/guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services.
- 2.1.4. That the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage.
- 2.1.5. That relocation of- or any additional and / or extended vehicle entrances will be for the owner's account.

Yours faithfully



W. Germishuys
Principal Technician: Operational Services
Gansbaai



J. de Villiers Pr. Eng.
Senior Manager: Operational Services
Gansbaai

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 1189, STANFORD (3572)**

Water : In order
Electricity : In order
Stormwater : In order
Roads & Traffic : In order
Sewer : In order

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available and that, should additional capacity be required, an investigation be conducted with regard to the capacity required and that available, at the owner's cost;
3. that any commercial food preparation facilities (e.g. restaurant / guest house etc) must be provided with a grease trap, which must comply with the standard and specification of the Department: Operational Services;
4. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
5. that no on-street parking be allowed;
6. that relocation of- or any additional and / or extended vehicle entrances will be for the owner's account;
7. that stormwater be allowed to discharge through Erf 1189, Stanford, unobstructed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

10 | 3 | 2017
DATE

File reference:	1189 SSS (3572)
Date:	3 February 2017

INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: Petrus Roux

TO:


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

Applicant	WRAP (obo GE JONES)
Property Details	ERF 1189, 28 CALEDON STREET, STANFORD
Application Description	PROPOSED CONSENT USE

ATTACHMENTS :

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

YOUR DEPARTMENT'S COMMENTS:

Occupancy classification is Hospitality-HS in terms of National Building Regulations. Fire Protection compliance must be as per the attached Annexure for Fire Services to support this application.	
Signature:	
Date:	20-MAR-2017



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

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

COMMENTS REQUIRED BY:	10 March 2017
-----------------------	---------------



STANDARD REQUIREMENTS FOR OPERATION OF AN ESTABLISHMENT CLASSIFIED HOSPITALITY – H5 GUEST HOUSE, BED & BREAKFAST OR SELF CATERING HOLIDAY ACCOMMODATION IN ANY H3 OR H4 CATEGORY BUILDING IN TERMS OF THE NATIONAL FIRE PROTECTION REGULATION SANS10400T:2011

ANNEXURE A.– Erf 1189 Stanford File Ref: 1189SSS (3572)

In order to obtain a fire safety clearance the following requirements are prescribed together with any other building compliance requirements:

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 Floor Coverings:

Shall comply with requirements of Section 4.14 of SANS10400T:2011.

Combustibility of Wall Coverings:

Shall comply with requirements of Section 4.15 of SANS10400T:2011.

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.
- Doors leading to the outside of the building with single turn locks or any other lock device approved by the Fire Authority.

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

These plans must include:

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

Chief Fire Officer