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ERF 2478, 228 PORTER DRIVE, BETTY'S BAY : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE AND DEPARTURE : INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF JOHAN KROG FAMILY TRUST

2478 KBB (3741)

H van der Stoep
16 January 2018

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 27 July 2017 from InterActive Town & Regional Planners on behalf of Johan Krog Family Trust on Erf 2478, Betty's Bay for the following:

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 with reference to Clause D.1.a & D.1.d of Title Deed T8678/2017 applicable to Erf 2478, Betty's Bay in order to relax the street building line from 4,72m to 3,7m to accommodate an existing house and allow a guest house.

Clause D.1.a & D.1.d of Title Deed T8678/2017 reads as follows:

- a) *"That this erf be used for residential purposes only, excluding licensed hotels, maisonettes and semi-detached buildings.*
- d) *That no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than the 4,72 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining erf."*
- ❖ Consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to enable the owner to utilize the existing dwelling house on the property as a guesthouse (5 rooms).
- ❖ Departure in terms of Section 16(2)(b) of the the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the northern street building line from 4m to 3,7m to accommodate the existing dwelling-house on the property.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The erf measures 1876m² in extent and is held under Title Deed T8678/2017. The erf is located in the residential area of Betty's Bay

A guest house was approved in 2003 and in 2009 for five (5) bedrooms. Both approvals went through a departure application, which was distributed with full public processes. At that stage a removal of Condition D.1.a was not necessary due to the interpretation that the primary use remains a dwelling. In later years the interpretation in this regard is that residential entails a single family only.

4. SUMMARY OF APPLICANT'S MOTIVATION

The area is characterized by predominantly residential uses with a suburban business centre in close proximity. The proposed guest house is merely an extension of the existing character of the area. The traffic generated will have no significant impact on the existing and surrounding street network. The erf is fully serviced as it is located in an existing township and all municipal services are available.

The application centres mainly on two concerns namely the tourism industry and the hospitality industry. The value of the tourism in South Africa has the biggest impact on manufacturing, trade accommodation and finance. The aforementioned has an impact in as far as this sector contributes to 9,9% of the total employment in South Africa. Tourism is an important growth driver in South Africa and especially the Overstrand. The contribution of hotels and restaurants is one of the major employment sectors and it is important that the Overstrand take specific action to ensure sustainable tourism development. The quality and quantity of environmental resources of which tourism in particular the hospitality industry, has to be promoted.

The argument for the need of the establishment of a guest house on this particular site can be mentioned as a fact that these kind of facilities in the vicinity of the mountains and the sea are of great importance to attract visitors nationally or internationally. The development can therefore be seen as an opportunity to provide for a large need as far as visitors to the region is concerned.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Press	Yes	21 September 2017	27 October 2017
Gazette	Yes	22 September 2017	27 October 2017
Notices	Yes	21 September 2017	27 October 2017
Ward councillor	Yes	21 September 2017	27 October 2017
Total comments	TWO (2)		
Total letters of support	ONE (1)		
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
District Health	21/09/17	Needs to apply for a health certificate for an accommodation establishment and a certificate of acceptability for food premises for the kitchen, before operating the guesthouse.	Positive
Traffic	03/10/17	All in order from information given. There will be enough parking, as well as entrances and exists.	Positive
Environmental	16/10/17	Foresees no problem.	Positive
Building Control	13/10/17	Supported subject to the submission of plans in compliance with SANS 10400 if any building work to be done.	Positive
Engineering Services	13/11/17	See Annexure G.	Positive
Fire Department	14/11/17	See Annexure H.	Positive

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Comments were received from the Betty's Bay Ratepayers Association and Ms. L Brown:

The comments can be summarized as follows:

- ❖ A six bedroom guesthouse and a spa
- ❖ Adequate parking

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

- ❖ The guesthouse will only consist of five (5) bedrooms.
- ❖ Sufficient parking is provided as per the Zoning Scheme.
- ❖ The Spa will only be for the guests and not for the general public.

9. MUNICIPAL ASSESSMENT OF COMMENTS

- ❖ The application is for a five (5) bedroom guesthouse.
- ❖ Sufficient parking on-site is provided.
- ❖ The spa will be restricted to the guests only.

Internal Departments

No objections were received from the internal departments.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)**10.1 Background**

N/A

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

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

The objectives relating to:

Spatial Justice

The application is located in an existing township in an existing dwelling and thus cannot address past spatial imbalances. The one aspect it does address is that the guesthouse is available to all.

Spatial sustainability

The proposed guesthouse is located within the urban edge and will have no detrimental impact on the environmental, social and economic environment.

Efficiency

The proposal is efficient in that it optimizes the existing resources and continuous the existing suburban development typology.

Spatial Resilience

N/A

Good administration

Procedure as determined by the Municipality has been followed.

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

The application is consistent with the planning principles.

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

The application is located within the urban edge and thus will not contribute to fragmentation of the area. The proposed development also complies with the aim of promoting spatial and socio economic integration.

One of the objectives of the SDF is to provide an environmentally and economically sustainable bulk service infrastructure and the application is fully services and will thus not impact on the sustainability of municipal services. The development will contribute to LED strategy in the creation of sustainable economic development.

The purpose of the Overstrand Growth Management Strategy is to improve the Musicality's overall environmental sustainability by enhancing the quality and efficiency of the built environment. The application for the consent use is located in the dwelling and the built environment is not in any way impacted upon by an excessive structure to accommodate the guesthouse

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

Same as 10.4 above.

10.6 Impact on Municipal engineering services

The proposed development will have no impact on Municipal services.

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

The Title Deed does obtain a restrictive condition, which is applied for.

10.8 Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand Spatial documents. The application is due to Title Deed restrictions and Overstrand Zoning Scheme development parameters applicable to Residential Zone 1

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**The financial or other value of the rights**

The financial value of the rights relates to the applicant's guesthouse, but the value is limited to its dwelling.

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

The personal benefit is to make the dwelling more financial viable and optimize the present dwelling.

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

The building will be compliant with the National Building Regulations and employment is provided if the conditions are removed, which is a social benefit to all.

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

The removal will not be to the detriment of the beneficiaries of the conditions as it has been established since 2003 with no complaints from neighbours and or the community of Betty's Bay.

12. THE DESIRABILITY OF THE PROPOSAL

The application is due to the lapsing of the departure approval dated 2009. The first approval dates back to 2003 and the guesthouse have been in operation for the past 20 years, which indicates the successful management of the guesthouse. The application property is located next to a business node, which limits the influence on the residential area.

The guesthouse will have no impact on municipal services and or traffic flow due to the low impact thereof. The proposed spa is an additional use to make the guesthouse more attractive. It should be noted that the spa may not be used by the general public, but guests residing in the guesthouse only. The reason being that there parking on-site is not sufficient to accommodate the general public. The impact of a spa open to the public will be evaluated differently and the applicant did indicate that it is for guests only.

The removal of the restrictive conditions is to cater for the guesthouse and the existing house that transgresses the title condition of 4,72m and Scheme building line of 4m. It seems that the house was built not according to the original building plan. This transgression was picked up when the building was properly surveyed. The impact has been established more than 20 years ago and has a minimum impact on the built environment. The aforementioned fact has never been in dispute and is rectified now with the application. The Municipality support such rectification in order to ensure compliance with the National Building Regulations and the Zoning Scheme.

13. RECOMMENDATION

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a removal of restrictive title conditions Clauses D.1.a & D.1.d of Title Deed T8678/2017 applicable to Erf 2478, Betty's Bay in order to relax the street building line from 4,72m to 3,7m to accommodate an existing house and allow a guest house, **be approved**;
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 2478, Betty's Bay for a consent use in order to enable the owner to utilize the existing dwelling house on the property as a guesthouse (five rooms), **be approved**, subject to the following conditions:
 - (a) that a maximum of five (5) bedrooms to be let, be permitted;

- (b) that parking be provided on-site for seven (7) vehicles and that the guest house only be utilized in line with the finally approved site development plan;;
 - (c) that the spa may only be utilized by guests and is restricted for the general public;
 - (d) that the facility be utilized as a guesthouse only
 - (e) that the guest house is utilized as such – no self-catering will be permitted;
 - (f) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guest house;
 - (g) that the owner and his successors in title prevent the occurrence of any public nuisance, which through an act or omission materially interferes with the comfort, peace and quiet of the surrounding area, and should the owner or his successor in title fail to comply with such condition, they will themselves make themselves liable to further legal action;
 - (h) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
 - (i) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary Liquor Licence;
 - (j) that a maximum of one (1) permanently demarcated parking bay per guest room and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Authorised Official;
 - (k) that commercial rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (l) 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;
 - (m) that a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises, and that the existing flag pole be removed;
 - (n) that the guest house be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area, and
 - (o) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality.
3. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-

Law on Municipal Land Use Planning, 2016 on Erf 2478, Betty's Bay for a departure to relax the northern street building line from 4m to 3,7m to accommodate the existing dwelling-house on the property, **be approved**, be subject to the following conditions:

- (a) that this approval is only for the departure of the street building line indicated on Plan Numbers DD1625 REV 2 dated 7 February 2017 and DD1625 REV 03 dated 8 March 2017, submitted with the application, and
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.
4. that the approvals in Points 1., 2., and 3. be subject to the following conditions:
- (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (c) that all the conditions in the Services Report (attached as Annexure G), be complied with.
- that all conditions imposed by the Fire Department (attached as Annexure H), be complied with.
5. 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.

14. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ None of the Municipal services will be needed.
- ❖ It is in line with policy documents.
- ❖ The renovation will add value to the area.

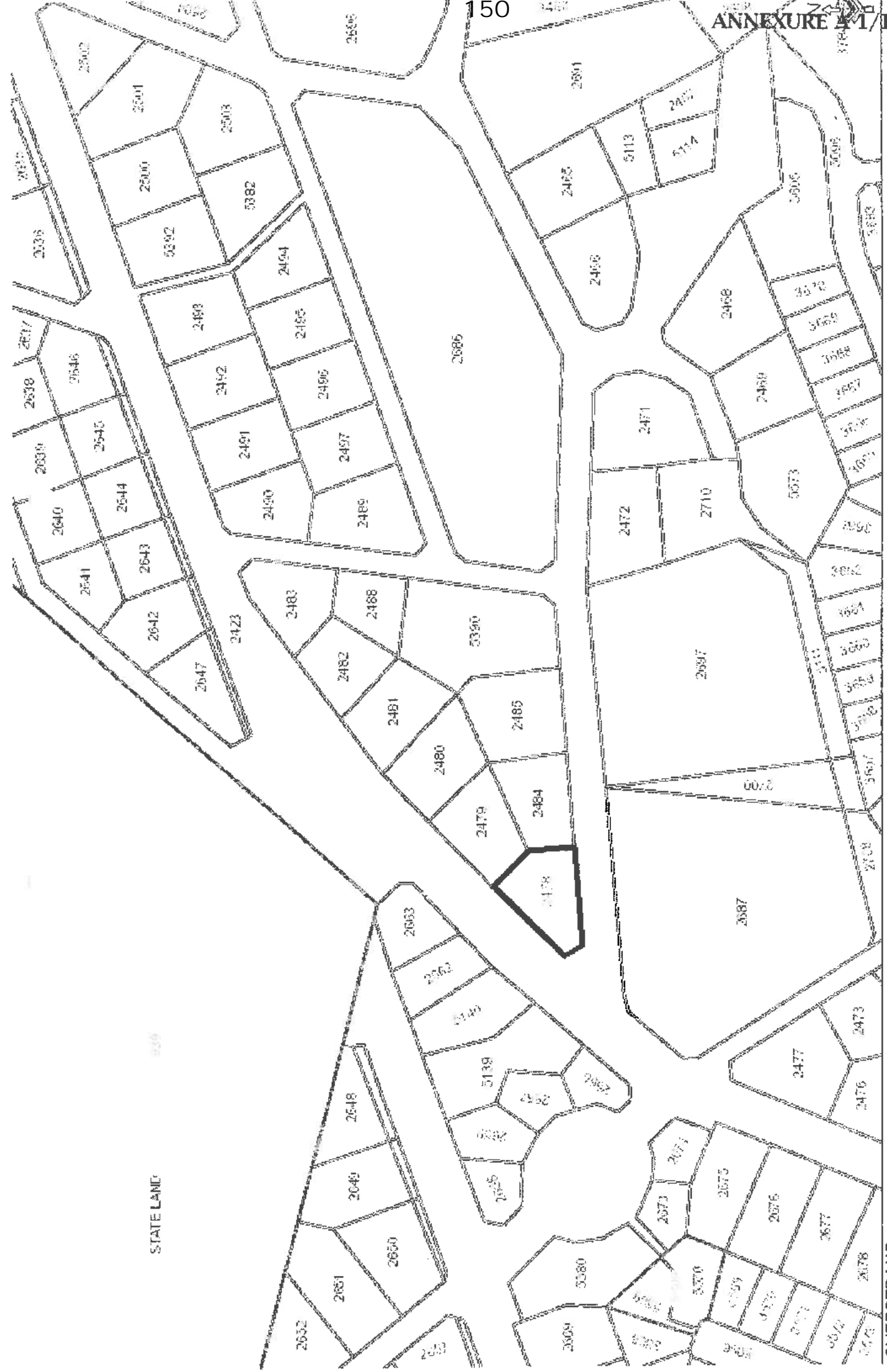
15. ANNEXURES

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Title Deed T8678/2017
- Annexure E: Objections received
- Annexure F: Applicant's response to objections received
- Annexure G: Services Report
- Annexure H: Comment from Fire Department

SIGNATURES**REGISTERED PLANNER**Name : **H VAN DER STOEP**SACPLAN registration number: **A/1708/2013**

Signature : _____

Date: _____



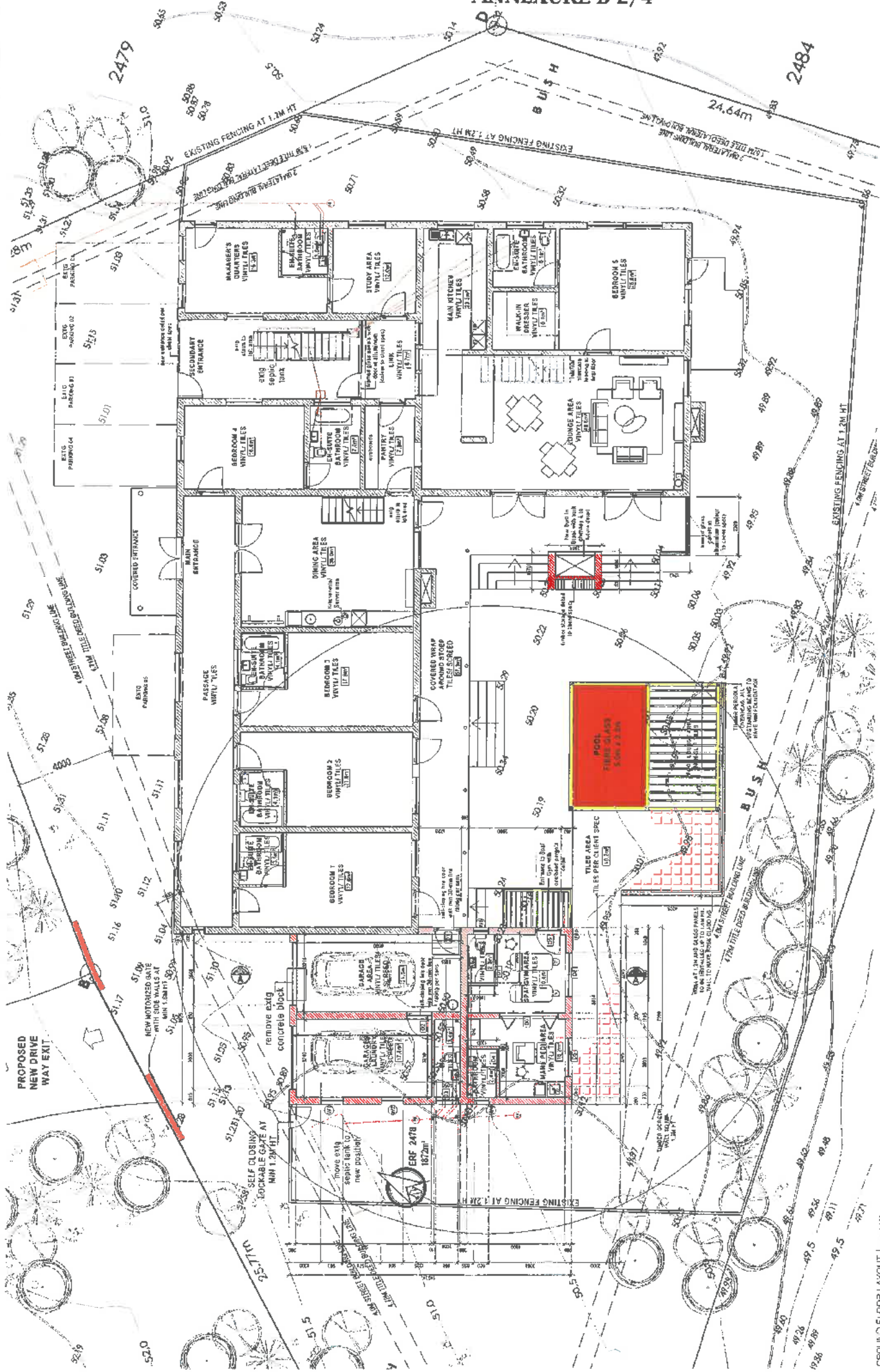
STATE LAND

Locality Plan - Erf 2478 Betty's Bay



OVERSTRAND

MUNICIPALITY



detail DESIGN

Project No: 2479

Client: Mr. & Mrs. S. S. S. S.

Address: 152, 2479, 2484

Scale: 1:100

Date: 08 March 2017

Drawn by: S. S. S. S.

Checked by: S. S. S. S.

Project No: 2479

PROJECT

MOGELBERG BED & BREAKFAST

2479

ADDITIONS ALTERATIONS

PROPOSED FOR 152, 2479, 2484

DRAWING

Scale: 1:100, 50mm scale plan (incl. 1:2)

DATE: 08 March 2017

DRAWN BY: S. S. S. S.

REV: 03

GROUND FLOOR LAYOUT Scale: 1:100

ITEM	DESCRIPTION	AREA (sqm)
1	EXISTING OVERALL	152.0
2	EXISTING FLOOR AREA	152.0
3	EXISTING COVERED AREA	152.0
4	EXISTING BALCONY AREA	152.0
5	EXISTING DRIVEWAY	152.0
6	EXISTING GARAGE	152.0
7	EXISTING POOL	152.0
8	EXISTING PATIO	152.0
9	EXISTING TERRACE	152.0
10	EXISTING DRIVEWAY	152.0
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MOTIVATION	
D. Application for consent use for a guest house	
Application for Consent Use for a Guest house on Erf 2478 Betty's Bay	<p>This application is made because of the intention of the applicant to get the necessary consent of the Overstrand Municipality to conduct the business of a Guest House on Erf 2478, Betty's Bay.</p> <p><u>Note:</u> The granting of a consent use for the Guest House will, however, be dependent on the removal of a certain restrictive title deed conditions and a departure from the building line restrictions prescribed by the Zoning Scheme Regulations of the Overstrand Municipality</p>
1. Zoning of the erf	<p>In terms of the Overstrand Municipality Zoning Scheme Regulations the erf is zoned Residential Zone 1: Single Residential (SR1) with the following use restrictions applicable to it:</p> <ol style="list-style-type: none"> a. Primary uses: day care center, dwelling house, guest rooms, home occupation, second dwelling unit; b. Consent uses: crèche, green house, guest house, house shop, institution, place of instruction, place of worship, residential building, tourist accommodation.
2. Proposed development	<p>2.1 Introduction</p> <p>The following application is being submitted for the purpose of obtaining the necessary approval to place the applicant in a position to effect the proposed development.</p> <p>2.2 An application is being submitted to obtain a consent use.</p> <p>2.3 The development will consist mainly of the establishment of a guesthouse and ancillary uses and comply with the definition of a "Guest House".</p> <p>2.4 Definition of "Guest House"</p> <p>2.4.1 Guesthouse and related facilities:</p> <p>A Guesthouse is a dwelling-house, or second dwelling unit which is used for the purpose of temporary lodging of guests or lodgers on compensation, the provision of meals for guests, visitors or tourists, and is occupied by the owner or occupant, or manager of the property, and may include an in-house cash bar and restaurant, provided that these facilities are only for the use of the bona fide guests or lodgers and may not be accessible to the general public, but does not include a hotel, guest rooms, residential building or boarding house.</p> <ol style="list-style-type: none"> a) All parking shall be provided on the property; b) Guesthouse: 1 parking bay for each bedroom; <p>2.4.2 Building lines: As specified in the Overstrand Municipality Zoning Scheme of June 2013.</p> <p>2.4.3 Vehicle entrances and exits:</p> <p>Entrance to and exit from the property shall be to the satisfaction of the Overstrand Municipality.</p>

<p>5. Important legal aspects concerning the application</p>	<p>5.1 Overstrand By-Law on Municipal Land Use Planning 2015</p> <p>The application in question is submitted in terms of Chapter IV, Section 16.2(b), (f) & (o) for the amendment of the Overstrand By-Law on Municipal Land Use Planning 2015 to legalize an existing building and for purposes of obtaining the necessary approval to place the applicant in a position to develop a guesthouse and ancillary uses.</p> <p>5.2 Jurisdiction</p> <p>The application site is included within the jurisdiction area of the Overstrand Municipality Zoning Scheme of June 2013.</p> <p>5.3 Planning principles</p> <p>The application has also been analyzed for consistency with the planning principles prescribed by the Spatial Planning and Land Use Management Act, 2013 (SPLUMA) and also the Western Cape Land Use Planning Act, 2014 (LUPA) and the following conclusions were made:</p> <p>(a) Spatial Justice which refers to the need for redressing the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services and land. Possible results of the development The proposed consent use, removal of title deed conditions and departure will not in any way contribute to the perpetuation of past apartheid spatial development imbalances as the development of the guest house will open up the provision of all the above to all persons in the Republic.</p> <p>(b) Spatial Sustainability which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl. Possible results of the development The proposed development will take place within the urban edge and will therefore have no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas. The application can thus be deemed to be spatially sustainable.</p> <p>(c) Efficiency which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities. Possible results of the development The proposed development is not intended as a new settlement development and caters specifically for long-distance travelers for whom all facilities will be available on site.</p> <p>(d) Spatial Resilience which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner. Possible results of the development The proposed development will not lead to any economical and/or environmental shocks as the business to be conducted will not differ basically from the existing use on the erf.</p>
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<p>3. Access</p>	<p>The present access to the property is from Porter Drive and will provide safe access to and exit from the proposed development.</p>
<p>4. Need and desirability</p>	<p>When considering the application for consent use for Erf No. 2478, Betty's Bay, it is evident that the need and desirability should both fall within the broad parameters and principles set out and necessary for orderly planning. To this end the following facts are given as far as this statement is concerned:</p> <p>4.1 Orderly planning:</p> <p>Orderly planning centers around the following four considerations that should be taken into account:</p> <ul style="list-style-type: none"> • The existing as well as the future character of the area; • Traffic generation and access; • The impact on services; as well as • The standards and conditions that apply to such an application. <p>Character of Area:</p> <p>The area, in which the site is located, is characterized by predominantly residential uses with a Suburban business center situated in the near vicinity which means that business concerns form part of the character of the area. The proposed Guesthouse-development is merely an extension of and/or similar to the existing character of the area.</p> <p>The application site is also within walking distance from the business center mentioned above.</p> <p>From the foregoing it is clear that the planned future character of the area will thus be enhanced should this application be approved.</p> <p>Traffic:</p> <p>The low level of traffic generated by this planned kind of development will have no significant effect on the existing and surrounding street network and the traffic flow patterns around the site will not be affected at all.</p> <p>Because of the foregoing, no traffic impact assessment or environmental impact assessment is necessary with this application.</p> <p>Services:</p> <p>The site is fully serviced as it is located in an existing township and all municipal services are available.</p> <p>As the present erf has an existing right for the supply of guest rooms, which right has been utilized in the past, it is an indication that a guesthouse will have no significant effect on the existing water and sewerage systems.</p> <p>Standards and Conditions:</p> <p>Land uses in the area and on the site of application are being regulated and controlled by the Overstrand Municipality Zoning Scheme of June 2013.</p> <p>The said Town Planning Scheme together with the proposals in the Provincial Spatial Development Framework 2014 (PSDF), the Overstrand Spatial Development Framework (2006) SDF, 2006, and the Overstrand Municipality: Growth Management Strategy, 2010, makes provision for rezoning such as applied for in this application.</p> <p>The aims and objectives of the foregoing frameworks and strategy can be summarized as follows:</p>

PSDF

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

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

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

The application will not disturb the local built form as it aims to only change the present use of the property from “guest rooms” to “guest house” with minor additions to the existing building.

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

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

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

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

“Cluster all social facilities and complementary activities.”

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

SDF

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

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

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

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

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

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

“Restrict development within the carrying capacity limitation of the natural resources.”

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

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

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

Growth Management Strategy

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

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

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

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

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

The proposed development will contribute to place making and an attractive property.

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

The proposed development will basically stay the same as at present.

Because of the relatively large size of the property, namely 1876m², the owner observed the potential to apply for a guesthouse and related activities where space is one of the determining factors for the successful running of the business. In order to do this, an application for consent use for Erf No. 2478, Betty's Bay has to be made.

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

4.2 Need

4.2.1 introduction

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

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

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

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

4.2.2 Tourism

Value of Tourism

Given the variety of activities that could be regarded as part of the tourism industry and the lack of data on many of the activities, it is difficult to determine the monetary importance of the tourism industry, especially at regional level. Many countries are currently in the process of compiling so-called tourism satellite accounts. For that purpose, tourism is usually divided between the "tourism industry" and the "tourism economy". The former includes sectors directly involved in tourism, such as accommodation, catering, entertainment, recreation, transport and tourist-related services. Regarding the latter, the contribution of tourism to the national value added is difficult to determine due to the many backward and forward linkages of the sector.

Impact of Tourism

Tourism impacts on various sectors of the formal economy, such as the communications, manufacturing, trade, finance, agriculture, electricity, water and community services sectors.

Statistics South Africa has estimated that at national level, travel and tourism have the biggest impact on the manufacturing sector (24, 6 percent) followed by trade, accommodation and catering sectors (23 percent mainly due to trade), the finance sector (19, 6 percent) and the transport and communications sectors (15, 7 percent).

Financial contribution of tourism

In 2002, the WTTC estimated the total tourism contribution of South Africa to be worth R108,5 billion, representing 10,1 percent of (GVA) Gross Value Added and contributing 9,9 percent of total employment (1 640 700 jobs).

Travel and tourism are estimated to generate 12, 5 percent of total exports (R43, 8 billion in 2002, growing to R108, 6 billion in 2012 (14, 3 percent of the total). It was expected that the total contribution to GVA would increase to R288,5 billion in 2012, in other words an average real growth rate of 4,5 percent. Of the 108, 6 billion, the travel and tourism industry will contribute R31, 1 billion (1 148 600 jobs) and the travel and tourism economy R72, 5 billion (492 700 jobs).

Summary

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

4.2.3 Hospitality

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

Contribution of hotels and restaurants

In the absence of other data, the contribution of hotels and restaurants could, however, be used as a proxy for tourism. Apart from the global trends in labor markets, such as capital deepening and a shift towards more skilled labor, the South African labor market has also been characterized by several distinct phenomena that have additional influences on the labor intensity of the economy and on the composition of labor demand. Changes in labor legislation, such as the introduction of affirmative action legislation, and so-called "jobless growth", have had a substantial impact on the labor market.

In the light of the foregoing it is important that Overstrand take specific action to ensure sustainable tourism development. This requires Overstrand to actively pursue environmental-, social-, industrial- and economic responsibility, to i.e. achieve its goals for the future.

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

The travel industry, which is a major part of the tourism industry, will therefore also benefit to a certain extent by this proposed development.

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

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

4.3 Desirability

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

This application is being made because of a need that has been identified as explained in paragraph 4.2 above.

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

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

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

Possible results of the development

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

5.4 The Overstrand Spatial Development Plan, 2006

In terms of the Overstrand Spatial Development Plan, the application area is within a residential area and borders a commercial area.

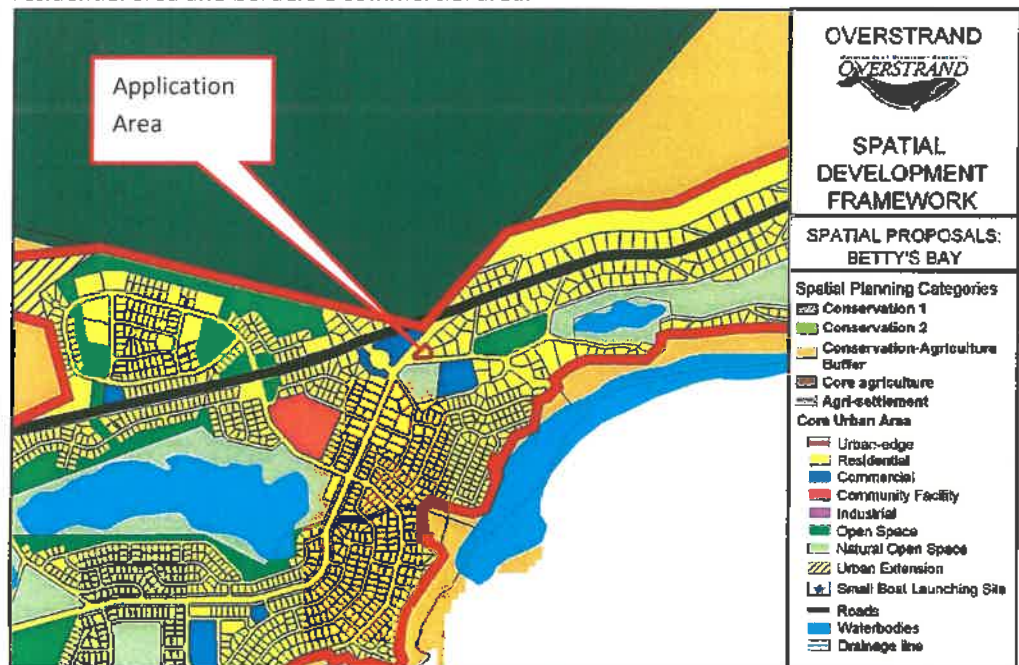


Figure 7: The Overstrand Spatial Development Plan, 2006

5.5 Overstrand Municipal Wide Spatial Development Framework

"5.4.4 Nodal and settlement development pattern

(i) Motivation

The positive effects of a well-managed development pattern are varied, and include, amongst others:

Increasing employment by maximising development and economic growth opportunities.

(iv) Comparative advantage and function

Locational investment / development and local economic (LED) development decisions should also be informed by the existing development, growth potential and function of the town.

Each node / settlement therefore has by definition a comparative advantage relative to another which may exist according to historic development reasons, natural resources, the location, the character of the node / settlement and the function / level of specialisation that already exist compared to other nodes / settlements.

It is therefore proposed that growth management decisions must be informed by the comparative advantages and functions between settlements, as illustrated below.

Location	Main Function	Comparative advantage
Kleinmond to Rooi-Els	Administrative / Residential / Retirement	<ul style="list-style-type: none"> • Tourist accommodation / weekend getaway destination • Country town character • Natural setting and coastal location

5.5.7 Business and Economic Development policy

(v) Guidelines

Issue	Guidelines
Bed and Breakfast	<ul style="list-style-type: none"> • The primary use of the residential land unit should remain residential. • The owner of the property should reside on the land unit concerned. • The property should be subject to zoning scheme regulations regarding parking, signage and any other regulations the council deems necessary. • Council may instruct the owner to mitigate impact of the activity.

7.4 Betty's Bay

Betty's Bay functions as a popular holiday and retirement destination. It also increasingly serves as a dormitory residential suburb to Kleinmond. The unique characteristics of Betty's Bay include:

- Its recognized status as a tourism destination;
- The natural areas located within the village in particular the Harold Porter Botanical Garden, the penguin colony and the proclaimed marine reserve;
- Betty's Bay setting within a pristine natural area within the mountain backdrop, the linear inland lake system and the combination of rocky and sandy shorelines.

7.4.1 Local Spatial Development Principles

- i. Promote:
 - Tourism development based on the ecological and heritage value of the region; and
 - Betty's Bay as a retirement and holiday village."

5.6 Overstrand Municipality: Growth Management Strategy – 2010

In terms of the Overstrand Growth Management Strategy, the application area falls within a No Densification Zone. The application area does not fall within a heritage overlay zone or any other overlay zones.

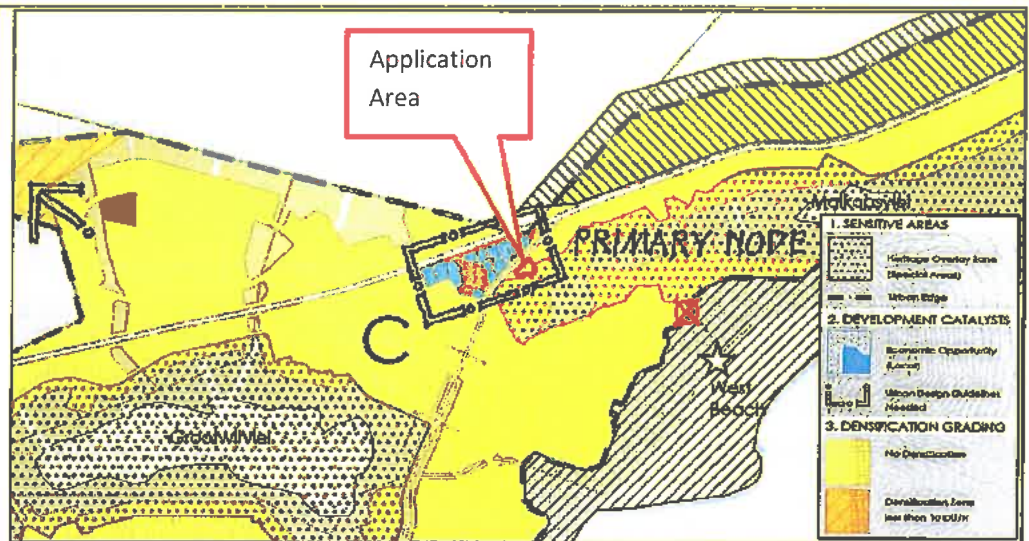


Figure 8: Overstrand Municipality: Growth Management Strategy – 2010

6. Summary and conclusion

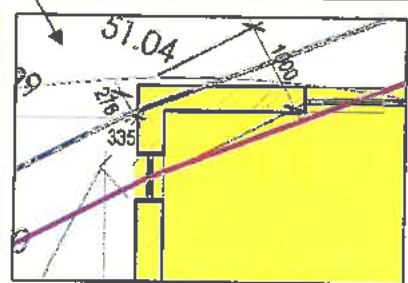
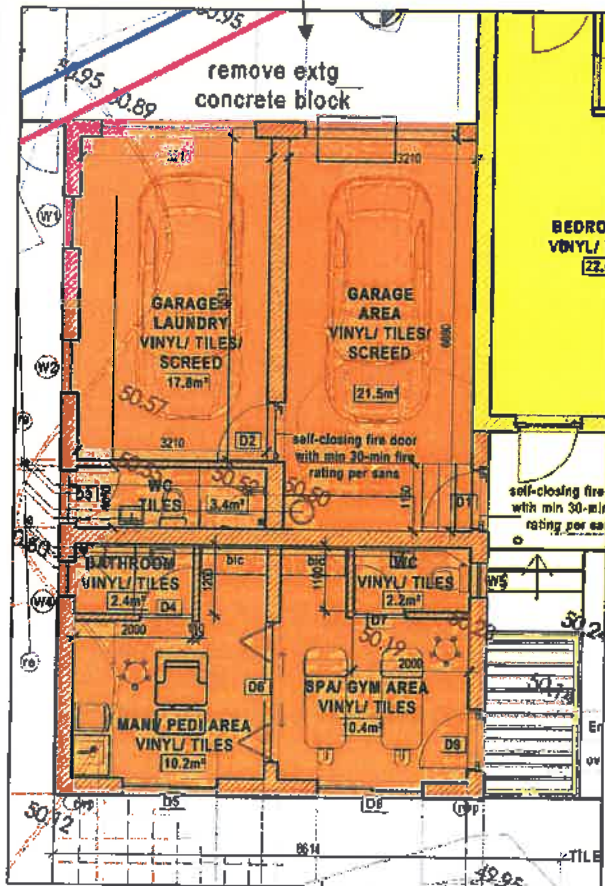
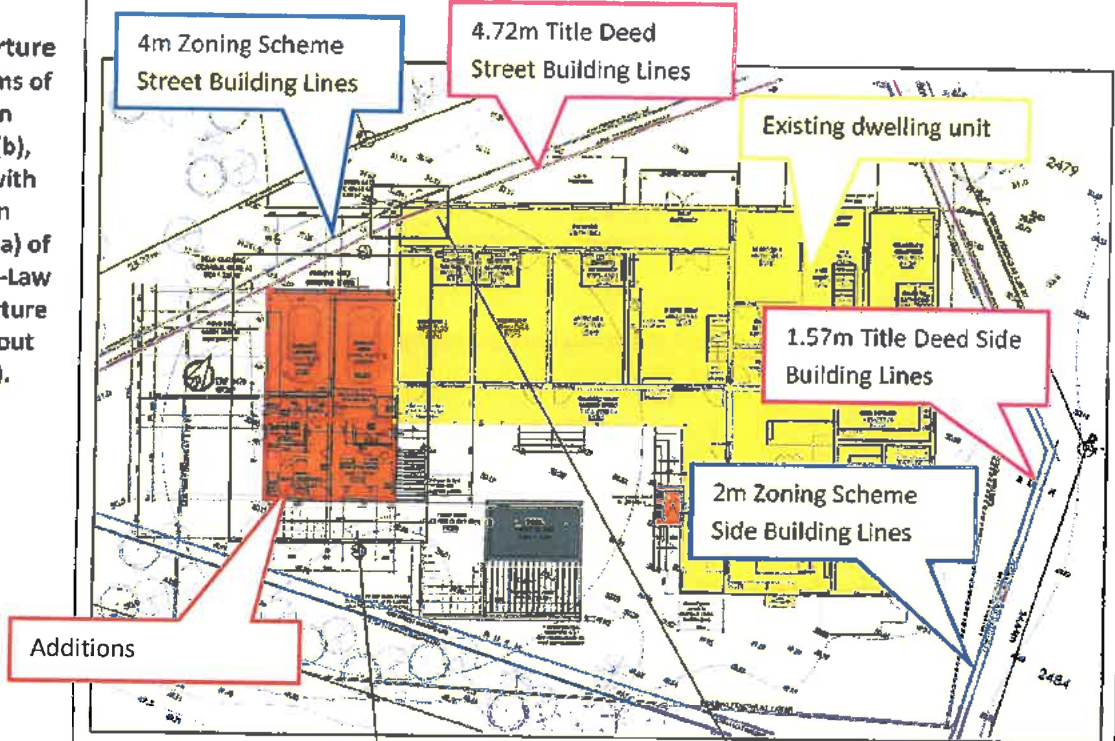
- 6.1 The proposed development, apart from monetary reasons, is an attempt by the client to bring about a development that will add value to the area.
- 6.2 There is also a definite need for a guesthouse together with ancillary uses, in this area of the Overstrand. In this regard it can be stated that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

E. Application for the removal of title deed conditions

The Title Deed Condition to be removed	Motivation for the removal of the condition
D. 1.a) That this erf be used for residential purposes only, excluding licenced hotels, maisonettes and semi-detached buildings.	This prohibits applications for rezoning to business or other uses and thus stifles development.
D.1.d) That no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4.72 meters to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1.57 meters of the lateral boundary common to any adjoining erf.	These requirements should be the same as the prescriptions of the Town Planning Scheme. An existing building is built 3.7m from the street building line. In order to accommodate existing buildings, this condition needs to be removed.

F. Application for departure for the relaxation of a street building line

1. Application for Departure in terms of Section 16(2) (b), read with Section 20(1) (a) of the By-Law (departure as set out below). (Refer to the layout plans attached to the application.)



The existing building exceeds the title deed building line by 1m and exceeds the zoning scheme building line by 0.276m.

The additions include a spa/gym room, manicure/pedicure room, two single garages and three small bathrooms.

Figure 9: Building plan overlay illustrating the application

2. Departure	The north- western corner of the existing house encroaches the street building line by 1m in the case of the title deed restriction – which necessitates an application for the removal of Title Deed Condition D.I.d) – and 0.276m in the case of the zoning scheme restrictions, which necessitates the application for a departure.
3. Need:	The need in this instance centres mainly on the fact that the owner wishes to legalise the structure that was constructed beyond the building lines as prescribed.
4. Desirability	<p>In the light of what has been mentioned as far as the need is concerned for this application, the desirability needs no further motivation, but the following is relevant and of interest:</p> <p>4.1 The existing as well as the future character of the area will not be adversely affected should the application be approved.</p> <p>4.2 The traffic flow pattern in the area will not be affected.</p> <p>4.3 Services will not be affected adversely.</p> <p>4.4 The prescribed standards and conditions for the existing zoning of the erf will not be adversely affected through the approval of the application.</p>
5. Final Facts	The owners of the property state that they are not aware of complaints by surrounding landowners or even the Overstrand Municipality, about the negligible exceeding of a corner of the building of the zoning scheme building line by 0,276m.
6. Summary and Conclusion	<p>From the contents of this report it is apparent that the existing building line encroachment of the structure on Erf 2478, Betty's Bay will have no negative impacts in general, and it is thus requested that the Municipality favour the application as set out in this motivation report.</p> <p>The foregoing thus necessitates a departure in terms of the zoning scheme restrictions.</p>

58

FAIRBRIDGES WERTHEIM BECKER
ATTORNEYS
33 Fricker Road,
Illovo

Prepared by me

Fee endorsement		1.
Amount		Office No.
Purchase price/Value	R. 2 725 000,00	1200,00
Mortgage capital Amount	R.	R.
Reason for exemption	Cap.	Exemption Act.

CONVEYANCER
JACO VAN DER WESTHUIZEN

T00008678 / 2017

DEED OF TRANSFER

DATA / VERIFY
16 MAR 2017
LEONE LORRAINE

BE IT HEREBY MADE KNOWN THAT

LYNNE BOTHA

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at JOHANNESBURG on 23 January 2017 granted to him by

1. CRAIG JAMES THOMSON
Identity Number 630609 5037 08 8
Unmarried
2. OWEN HENRY DRYSDALE
Identity Number 650820 5063 08 0
Unmarried

DATA / CAPTURE
08 MAR 2017
LEEUW D

And the appearer declared that his said principal had, on 21 November 2016, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**The Trustees for the time being of JOHANN KROG FAMILIE TRUST
Registration Number IT 4488/1990/PMB**

its Successors in Office or assigns, in full and free property

ERF 2478 BETTYS BAY
IN THE OVERSTRAND MUNICIPALITY
DIVISION OF CALEDON
PROVINCE OF WESTERN CAPE

IN EXTENT 1876 (ONE THOUSAND EIGHT HUNDRED AND SEVENTY SIX)
Square metres

FIRST TRANSFERRED by Deed of Transfer Number T 7337/1946 with
Diagram SG No. 1969/46 relating thereto and held by Deed of Transfer Number
T48025/2003

- A. SUBJECT to the conditions referred to in Certificate of Registered Title No. T11939/1943.
- B. NOT SUBJECT to condition B on page 3 of Deed of Transfer No. T48025/2003 by virtue of Section 53 of the Mining Title Regulation Amendment Act 24 of 2003.
- C. ENTITLED to the benefit of the conditions referred to in the servitude endorsement dated the 24 June 1940 on Certificate of Registered Title T3720/1937 reading as follows: -
- By Deed of Transfer No. 6068/40 dated 24/6/40 certain conditions relating to (a) non-subdivision for a period of 10 years, (b) prohibition of petrol station on land, (d) wood and iron buildings (e) slaughter poles, cattle kraals and manufacture of bricks, tiles, etc, have been imposed on the property thereby conveyed for the benefit of the owner and its successors in title of the remainder of the property held hereunder, as will more fully appear on reference to the said Deed of Transfer.
- D. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. T7337/1946, namely -
- i. In favour of any registered owner of an Erf in Bettys Bay Township Extension No. 1 and subject to amendment or valuation by the Administrator in terms of Section 18(3)-
 - a) That this erf be used for residential purposes only, excluding licensed hotels, maisonettes and semi-detached buildings.
 - b) That only one building, together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.
 - c) That not more than on-half of the area of this erf be built upon.
 - d) That no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf. No

such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining erf.

II. As being in favour of the Administrator –

- e) That this erf be not subdivided except with the consent in writing of the Administrator.

III. As being in favour of the Local Authority –

- f) That the owner of the erf be obliged to allow the drainage or sewerage of any other erf to be conveyed over this erf if deemed necessary by the Local Authority.

- g) That the owner of this erf shall be obliged to receive material necessary to give a property slope to the bank if this erf is below the level of the adjoining street, and if this erf is above the level of the adjoining street he shall in like manner permit a safe slope to the bank, unless in either case he shall elect to build retaining walls to the satisfaction of the Local Authority and within a period to be determined by the said Local Authority.

- h) That pending the establishment of the local authority for this township, the sewage of this erf shall not be disposed of otherwise than by means of a property constructed septic tank on this erf if the nature of the soil permits of the use of a septic tank, otherwise a properly constructed vacuum tank serving one or more erven. On the establishment of such local authority, the owner of the erf or erven served by a septic tank or a vacuum tank shall, if required by such local authority, be obliged without compensation to remove the septic or vacuum tank, after three months' notice in writing has been given by such local authority.

IV. As being in favour of the registered owner of any erf in the Township –

- b) No wood and iron buildings of any description shall be erected on this erf, nor shall corrugated iron be used for roofing purposes.
- c) No slaughter poles, cattle kraals, pig-sties or cowsheds shall be erected or carried on by any person whomsoever on this erf.
- d) Save with the consent in writing of the company and of any local authority, the owner shall not have the right to make or cause to be made upon the erf for any purpose whatsoever any bricks, tiles or earthenware pipes or other articles of such nature, nor shall he have the right (save and except to prepare the erf for building purposes), to dig or quarry any earth, gravel or stone thereon.
- e) No building shall be erected on this erf at a cost of less than R800,00, exclusive of the costs of the land.
- f) No noxious trade or noxious business shall be carried on this erf.
- g) No garage or service station may be erected on or carried on the land hereby conveyed.

- h) The transferee shall not camp over-night or light fires on the erf save with the written consent of the company.

With conditions D (b), (c), (d), (e), (f), (g) and (h) having been imposed by Hangklip Beach Estates Limited.

WHEREFORE the said Appearer, renouncing all rights and title which the said

1. CRAIG JAMES THOMSON, Unmarried
2. OWEN HENRY DRYSDALE, Unmarried


heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**The Trustees for the time being of JOHANN KROG FAMILIE TRUST
Registration Number IT 4488/1990/PMB**

its Successors in Office or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R2 725 000,00 (TWO MILLION SEVEN HUNDRED AND TWENTY FIVE THOUSAND RAND) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on

21 January 2017 

q.q.

In my presence



REGISTRAR OF DEEDS

Loretta Gillion - ERF 2478 Betty's Bay

TP-A Theart
(H vld stoep)

From: <info@jacksbettysbay.co.za>
To: <loretta@overstrand.gov.za>
Date: 23/10/2017 11:28 AM
Subject: ERF 2478 Betty's Bay
Cc: <fijnboslodgeandspa@outlook.com>



Re: Removal of a restrictive title deed conditions and building line relaxation

Good Morning,

Being approximate neighbours we have been sent documentation regarding the above matter and have been asked to comment.

We would like to put on record that we have no objections regarding the removal of the restrictive title deed conditions or the building line relaxation.

We would like to have the following noted: We have been in contact with the Manager of the guest house directly and have expressed to him a concern over adequate parking spaces for all of the guest house and spa activities that will take place. The Manager acknowledged a current shortfall in the number of spaces that will be needed and committed to working with the Municipality to find a suitable solution.

We have full confidence that this will be followed through to everyone's satisfaction within a reasonable amount of time.

Yours faithfully

Laura Brown
 Owner
 Jack's Restaurant and B&B
 2663 Clarence Drive
 Betty's Bay
 083 554 7789

 Virus-free. www.avg.com

FILE NO: EL 2478 - KBB ✓
SCAN NO:
COLLABORATOR NO:
1095254

TP 27 OCT 2017



BBRA / BBBV

Betty's Bay Ratepayers' Association
Bettysbaaise Belastingbetalersvereniging



ERF 2478 BETTYS BAY : REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITIONS & BUILDING LINE RELAXATION

Dear Sir / Madam

*TRIA Theart
CH Jbl Steef*

The BBRA comments regarding the above application are listed below.

Page 1 introduction of InterActive Town & Regional Planning

"The existing dwelling house as a 3 bedroom Guesthouse "is clearly incorrect. It is more accurately described as " a 6 bedroom Guesthouse & Spa "

Motivation

The following points are agreed to. The benefits, include amongst other benefits:

- employment
- tourism
- no changes to service infrastructure
- no interruption to the character of the area

Objection

The parking facilities are inadequate and would not meet Town Planning standards. In, say, peak periods, one can envisage customers parking behind each other would not willingly move their cars to accommodate those arriving or leaving the property.

Town Planning confirm that there must be 2 parking bays for the owner and 1 parking bay per bedroom. This would total 8. There are 8 places where cars could be fitted in although the parking bays are not demarcated and congestion is inevitable. This also doesn't take into account clients using the spa or those wanting a manicure.

The plan doesn't reflect the parking bays either from a position or from a demarcation point of view.

The parking area in Anglers road is currently unofficial – a verge parking at best.

FILE NO:	EL 2478
SCAN NO:	Betty's Bay
	12
COLLABORATOR NO:	1083032

Chairman: Rudi Perold
028 272 9054

Treasurer: Adrian de Kock
082 940 4619

Secretary: Adrian de Kock
0282729998

BBRA, P O Box 46, Betty's Bay, 7141 / BBBV, Posbus 48, Bettysbaai, 7141

TP

05 OCT 07



BBRA / BBBV

Betty's Bay Ratepayers' Association
Bettysbaaise Belastingbetalersvereniging

Conclusion

There are no objection to

- the removal of D1 (a) from Title Deed T8678/2017
- the removal of D1 (d) from Title Deed T8678/2017
- a departure for the relaxation of the northern street building line from 4 m to 3.7m

There is an objection to the parking facilities which don't meet the standards in that

- the plan does not reflect the actual parking demarcations which, as they stand, are anyway incomplete
- the parking arrangements are loosely available such that parking could be as much as 2 – 3 deep, one behind the other if, in high season, there is full tenancy and clients use the spa and manicure businesses at the same time.
- Although there is an assurance that there will be no parking required outside the area of the property, that can't be guaranteed. Verge parking will not be acceptable to any of the stakeholders
- the parking on the Municipal ground on Anglers Road is, at this stage, a makeshift arrangement. A banked, grass, uneven area, is currently available. Approval by the Municipality would need to be sought and a parking bay properly constructed. This construction would seem out of place if the verge areas of Bettys Bay are considered. This would not be supported by the BBRA..

This comment is being e mailed to the manager of the complex in order that the parking situation can be revisited.

BBRA
5 October 2017

Chairman: Rudi Pcoold
028 272 9054

BBRA, P O Box 48, Betty's Bay, 7141

Treasurer: Adrian de Kock
082 940 4619

/ BBBV, Posbus 48, Bettysbaai, 7141

Secretary: Adrian de Kock
0282729998



BBRA / BBBV

Betty's Bay Ratepayers' Association
Bettysbaaise Belastingbetalersvereniging



ERF 2478 BETTYS BAY : PARKING ISSUES

TP-A Theart
(H vld Stoop)

Original Objection

The parking facilities are inadequate and would not meet Town Planning standards. In, say, peak periods, one can envisage customers parking behind each other would not willingly move their cars to accommodate those arriving or leaving the property.

Town Planning confirm that there must be 2 parking bays for the owner and 1 parking bay per bedroom. This would total 8. There are 8 places where cars could be fitted in although the parking bays are not demarcated and congestion is inevitable. This also doesn't take into account clients using the spa or those wanting a manicure.

The plan doesn't reflect the parking bays either from a position or from a demarcation point of view.

The parking area in Anglers road is currently unofficial – a verge parking at best.

Recent discussions and resolution

Further discussions have taken place with the owner of the Fijnbos Lodge and Spa, the owner of Café Jack and the BBRA representative.

Although the parking situation has not yet been resolved, there are options open to Fijnbos Lodge and Spa and resolution likely in due course – eg renting parking from the Whaling Station

There has been a commitment, in the meantime, not to park on any of the verges surrounding the property and to guarantee all clients will park on the property. Should this agreement be unrealistic or a resolution not be forthcoming, the BBRA will withdraw its support on this issue.

Conclusion

There is no objection to the parking arrangement if the above commitment is honoured. This comment is being e mailed to the manager of the complex in order that the parking situation be resolved.

BBRA

26 October 2017

Chairman: Rudi Perold
028 272 9054

Treasurer: Adrian de Kock
082 940 4619

BBRA, P O Box 48, Betty's Bay, 7141

/ BBBV, Posbus 48, Bettysbaai, 7141

Secretary: Adrian de Kock
0282729998

FILE NO:	EL 2478 - KBBV
SCAN NO:	
COLLABORATOR NO:	1095003

TP
27 OCT. 2017

ANNEXURE F 1/4
 TR-ATheart
 (C M vld Stoep)



InterActive Town & Regional Planning

PO Box 980

Hermanus

7200



Date: 12 December 2017

Reference: Erf 2478 Betty's Bay

Attention: Mrs H van der Stoep

Erf 2478 Betty's Bay: Response to comments received

Your letter dated 13 November 2017 2478KKM (3741) requesting a written reply to the comments received refer.

1. Background:

Application was made for:

- Consent use for a guest house,
- The removal of restrictive Title Deed Conditions and
- A departure for the relaxation of the northern street building line.

No objection or comments were received to the (1) removal of the restrictive title conditions or (2) the departure for the relaxation of the building line, but comments were received regarding the provision of parking on the application site for the proposed use of the property as a guest house.

The comments to the above application were received from Messrs Laura Brown and the Betty's Bay Ratepayers Association.

The Betty's Bay Ratepayers Association initially lodged an objection to the application, but after consultation with the owner of the guesthouse the objection was changed to comments only.

FILE NO:	EL 2478
	KBB
SCAN NO:	09
COLLABORATOR NO:	1112149

TR 12 DEC 2017

The comments can be analysed as follows:

Ms L Brown:

- Concerned of providing adequate parking spaces for all of the guests and spa activities,

The Betty's Bay Ratepayers Association:

The original objection (but replaced with comments)

- A 6 bedroom guesthouse and Spa
- The parking facilities are inadequate and would not meet town planning standards
- Customers parking behind each other
- There are 8 places where cars could be fitted in although bays are not demarcated and congestion is inevitable.
- This also does not take into account clients using the spa or those wanting a manicure
- The parking area in Anglers Road is unofficial

Updated letter of comments:

- Following discussions with the owner of the guesthouse and Ms Brown solution to the parking problem is possible.
- Commitment by the owner to park only on-site
- There is no objection to the parking arrangement if the commitment is honoured.

The methodology followed in response to the comments consists of responding thematically to the consolidated points of comment. In essence are the points of comments considered to consist of the following two points comments:

- A six bedroom guesthouse with a spa is being applied for
- Adequate on-site and workable parking in compliance with the requirements of the local authority need to be provided for.

2. Response to the comments

In the following section thematic responses to the consolidated points of comments are provided:

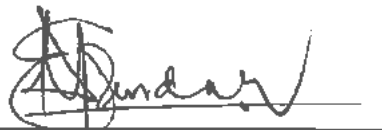
Point of comments	Response to comments
<p>A 6 bedroom guesthouse and spa is being applied for.</p>	<p>The information is incorrect, application was made for a guest house with 5 guest rooms in terms of the Guest House policy and not 6 rooms as commented by the commentators to the application.</p> <p>According to the owner of the guesthouse, the spa is meant for the guests only and not for the general public.</p>
<p>Adequate on-site and workable parking in compliance with the requirements of the local authority need to be provided for.</p>	<p>The parking proposed is fully consistent and workable.</p> <p>All parking is proposed within the boundaries of the property, practical workable and consistent with the requirements of the Overstrand Municipal Zoning Scheme, 2015 parameters.</p> <p>In terms of the Overstrand Municipal Zoning Scheme, 2015 the commentator is correct stating that 2 parking bays for the owner / manager be provided and that 1 parking bay per bedroom must be provided.</p> <p>Provision is made for 5 guest rooms as is evident in plans and motivation report (and not 6 as alleged by the Betty's Bay Ratepayers Association), hence 7 parking bays are required on site and 7 parking bays are provided. Thus the proposal is consistent with the said zoning scheme of the Overstrand Municipality.</p> <p>The following sketch reflects the functional operation / workability of the 7 parking bays envisaged on-site for the operation of the guest house:</p>

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS, DEPARTURE &
CONSENT USE: ERF 2478, BETTY'S BAY (3741)**

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

Conditions

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that stormwater be allowed to discharge through Erf 2478, Betty's Bay, unobstructed;
3. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

13/11/2017
DATE



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STANDARD REQUIREMENTS FOR OPERATION OF AN ESTABLISHMENT CLASSIFIED HOSPITALITY – H6 - GUEST HOUSE, BED & BREAKFAST OR SELF CATERING TOURIST ACCOMMODATION IN ANY H3 OR H4 CATEGORY BUILDING IN TERMS OF THE NATIONAL FIRE PROTECTION REGULATION SANS10400T:2011

ANNEXURE A – ERF 2478, BETTY'S BAY
TOWN PLANNING APPLICATION No: 2478 KBB (3741)

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

Fire Extinguishers:

SANS10400T:2011 – 4.37:

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

Combustibility of Fitted Floor Coverings:

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

Combustibility of Internal Finishes:

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

SANS10400T:2011 – 4.58 require the provision of:

- Escape route signs – Photoluminescent SANS1186-5 in all passages and corridors and also above all exit doors.
- Self-contained luminaires (automatic actuating battery operated lights) in all passages and corridors
- Stand-alone smoke alarms compliant with the requirements of European Standard EN14604 in each:
 - Sleeping room
 - Communal area
 - Passage or corridor leading to rooms
- Fire Hose Reels for premises larger than 250m² at a ratio of 1 per 500m² of the establishment. (A dedicated 30 metre 19mm Garden Hose may be an alternative due to water supply connection restraints however this must be compensated with the provision of an addition of 2 x 4.5kg Dry Chemical Powder Fire extinguishers)
- Doors leading to the outside of the building with single turn locks or any other lock device approved by the Controlling Fire Authority.

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

These plans must include:

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

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

Chief Fire Officer