

4.3

ERF 6879, 29 CROSS STREET, EASTCLIFF, HERMANUS : PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE : PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF B BUSSE

6879 HEC (4234)

P Roux

9 April 2019

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received in terms of Section 16(2)(o) and (f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) from PlanActive Town- and Regional Planners on behalf of B Busse, on Erf 6879, Hermanus for the following:

- ❖ application for removal of a restrictive title condition with reference to Clause D.(a) of Title Deed T5150/2018 applicable to Erf 6879, Hermanus in terms of Section 16(2)(f) of the aforementioned By-Law.
- ❖ application for consent use in terms of Section 16(2)(o) of the aforementioned By-Law to enable the owner to utilize the existing dwelling house on the property as a three (3) bedroom guesthouse.

The Locality Plan of the property concerned is attached as Annexure A. The Motivation Letter from the applicant in support of the application is attached as Annexure B, while the Site Development Plan is attached as Annexure C. A copy of the Title Deed T5150/2018 is attached as Annexure D.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

PlanActive is assigned to apply for a consent use application in order to attain approval for a three bedroom guest house. Further, the title deed is encumbered by a restrictive condition which limits the use of the property to residential use, therefore the application is also made for the removal of the title deed condition.

4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation for the application is summarised as follows:

- ❖ The proposal is to establish a three bedroom guest house on the subject property.
- ❖ Erf 6879 is held by Title Deed No T5150/2018 and is 1125m² in extent.
- ❖ In order to accommodate the three bedroom guest house a consent use application was submitted and the removal of a title deed condition is proposed.
- ❖ The zoning of the property is Single Residential Zone 1.
- ❖ The property is developed with a dwelling and an outbuilding.
- ❖ Surrounding properties are also zoned for residential use.
- ❖ The proposed guest house will consist of:

- three guest bedrooms
 - manager's accommodation with study and bathroom
 - kitchen and scullery
 - laundry
 - TV room
 - outdoor space
 - double garage
 - parking area
- ❖ The manager's accommodation with the various amenities and one guest room will be situated on the ground floor, two of the guest bedrooms will be provided on the first floor.
 - ❖ The proposal will be accommodated within the existing footprint of the dwelling and the zoning will remain unchanged therefore the proposal will have a low impact.
 - ❖ The subject property is in close proximity to the various recreational facilities in Hermanus, which leads to the potential of the property being used for guesthouse purposes.
 - ❖ Similar sized structures have also been constructed in the area over the building lines.
 - ❖ The property previously obtained consent use to conduct a three bedroom guesthouse and a departure for a fourth bedroom. The departure for the fourth bedroom has since lapsed and therefore application is made for a consent use to reintroduce a fourth bedroom for guest accommodation.
 - ❖ The business contributes to the tourism and economy of the area. Two full time jobs have been created and temporary employment opportunities over the festive season.
 - ❖ Access is gained from Cross Street and will remain unchanged; the proposed parking areas will be developed on site. Three additional parking bays are required and will not have an impact on the traffic of the area.
 - ❖ A Conveyance's certificate from Van Dyk Saayman Attorneys has been obtained by the applicant; the certificate indicates that the title deed restriction must be removed in order to utilize the dwelling for guesthouse purposes.
 - ❖ The density of the area in terms of the Growth Management Strategy will not be affected.
 - ❖ It is motivated by the applicant that the proposal is in line with the planning principles of SPLUMA, 2013.
 - ❖ The existing zoning will remain unchanged.
 - ❖ No additional services will be required.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Internal Departments	Yes	10/12/2018	10/01/2019
Ward councillor	Yes	10/12/2018	10/01/2019
Notices	Yes	30/01/2019	08/03/2019
Local Newspaper	Yes	30/01/2019	08/03/2019
Gazette	Yes	01/02/2019	08/03/2019

Total letters of objection	None
Total letters of support	None
Was public participation undertaken in accordance with section 46- 50 of the By-law on Municipal Land Use Planning?	Yes
Was the application processed correctly?	Yes
Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA and Chapter VI of LUPA?	Yes

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

Name	Date received	Summary of comments	Recommendation
District Health	11/12/2018	Approval recommended	Supported
Operational Services	12/12/2018	No objection.	Supported
Building Department	19/12/2019	No comment.	Supported
Local Heritage	19/12/2019	Supported.	Supported
Electro Technical Services	21/12/2019	Supported.	Supported.
Property Administration	10/01/2019	Annexure E.	Supported
Department of Environmental Affairs and Development Planning (Land Management) (DEA&DP)	15/01/2019	Annexure F.	Supported
Fire Department	17/01/2019	Annexure G.	Supported
Engineering Services	18/01/2019	Annexure H.	Supported

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The Department of Environmental Affairs and Development Planning (DEADP) has indicated that they have no objection with regard to the application regarding the consent use. However, the removal of the title deed restriction is not supported and it is advised that the condition should be amended in order to allow for guesthouse purposes.

Property Administration stated that there is currently no approval for the encroachment of the boundary wall on municipal land. The right to use the municipal land must be obtained or the boundary wall must be removed. Further, a portion of Erf 4771 is being illegally utilized.

6. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

Not applicable.

8. MUNICIPAL ASSESSMENT OF COMMENTS

All of the comments received from the various departments have been positive.

The comment from DEA&DP relating to the amendment versus the removal is noted. Legal opinion has recently been received from the Overstrand Municipality's Legal Department that the application and request thereof must be considered and decided upon. The decision cannot be in contrary to what is requested. Therefore, the decision of the Authorised Official or Municipal Planning Tribunal must state whether the application and the request to remove the condition is approved or not. The Authorised Official or Municipal Planning Tribunal cannot make a decision to amend the restrictive condition as it was not requested.

Property Administration did not address the proposal but indicated that there are issues which need to be addressed by the property owner. The reason for this is due to the subject property being extended over municipal property which has no approval and municipal land is being utilized unlawfully. It stands to reason the proposed guests will also be able to make use of these areas. The comment from Property Administration will be incorporated in the conditions of the decision.

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

9.1 (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 objectives relating to:

Spatial Justice

The application has no impact on the furtherance of spatial injustice of the past and will promote economic opportunities for local residence.

Spatial sustainability

The proposed use will not have any further impact on the natural environment or agricultural land use.

Efficiency

The proposal is to make efficient use of the existing resources. Further, the subject property is in close proximity to various amenities in Hermanus.

Spatial resilience

The property is located in the Overstrand Municipal Area and is therefore guided by the Overstrand Municipality's Spatial Development Framework and Integrated Development Plan.

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.

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

Same as above.

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

The subject property is located in Eastcliff which is a residential area in Hermanus as indicated in the Overstrand Municipality Wide Spatial Development Framework, 2006 (OMSDF) and the Overstrand Municipality Integrated Development Framework, 2014 (IDF), due to the applicant seeking to maintain the existing character, and to develop the property in a suitable manner in line with the residential use it is considered in line with the aforementioned documents.

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

Not applicable.

9.5 Impact on Municipal engineering services

The proposed application will not require additional services.

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

Not applicable.

9.7 Existing and proposed zoning comparisons and considerations

The subject property is zoned Single Residential Zone 1 and therefore Single Residential Zone 1 parameters as prescribed in the Overstrand Municipal Zoning Scheme, 2013 are applicable. A guesthouse renting more than two rooms requires consent from the Municipality.

9.8 The desirability of the proposal

As stated in the applicant's motivation the proposal is made to conduct a three bedroom guest house which use will be accommodated in the dwelling. The Overstrand Municipal Zoning Scheme and the Overstrand Municipality's policy on accommodation on residential properties allow for consent to be requested for up to five guest bedrooms. The Zoning Scheme stipulates that the manager/property owner must reside on the property and two parking bays must be provided for the manager/property owner and one bay per guest room on site.

The dwelling has four bedrooms; one of the bedrooms will be used by the manager/property and the additional three will be used by the guests. The Site Plan also allows for sufficient parking on site.

Subject to the above being stated the proposal submitted by the applicant can be considered desirable due to the following reasons:

- Local and external departments have provided supporting comments for the proposal.
- The proposal will benefit the local community economically and through tourism.
- The proposal is compliant with the spatial policies contained in the SDF and IDF.
- The proposal is constant with the spatial principles as set out in SPLUMA and LUPA.
- The title deed does not hold any restrictive conditions preventing the proposed development.
- The proposal is in line with the character of the area.
- No objections were received.

The comment received from Property Administration is noted and the comments will be incorporated in the conditions as stated under the decision.

9.9 ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The applicant also applied for the removal of the restrictive title deed condition with reference to Clause D.(a) of Title Deed T5150/2018 applicable to Erf 6879, Hermanus, which reads as follows:

- *That the above lot be used for residential purposes only.*

Comment was requested from DEA&DP and as previously stated the departments' comment was as follows: The Department of Environmental Affairs and Development Planning (DEA&DP) has indicated that they have no objection with regard to the application regarding the consent use. However the removal of the title deed restriction is not supported and it is advised that the condition should be amended in order to allow for guesthouse purposes.

As stated in the Town Planners' response, a legal opinion has recently been obtained from the Overstrand Municipality's Legal Department that the application and request there in must be considered and decided upon. The

decision cannot be in contrary to what is requested. Therefore, the decision of the Authorised Official or Municipal Planning Tribunal must state whether the application and the request to remove the condition is approved or not. The Authorised Official or Municipal Planning Tribunal cannot make a decision to amend the restrictive condition as it was not requested.

Further, the applicant submitted a Conveyances Certificate with the application wherein the conveyancer instructed the applicant to remove the abovementioned condition. Therefore, the applicant applied for the removal of the condition as stipulated.

In view of the above being stated the following directly relates to Section 39 (5) of LUPA, 2014 (Act 3 of 2014):

Will financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement?:

The restrictive condition was registered to create a residential character in Eastcliff. The existing character will be maintained as the dwelling will not be altered in any significant way. If the restrictive title deed condition is removed then the property owner will still only be able to act upon the rights as provided through the Zoning Scheme, and as depicted in the Zoning Scheme the character and land use will remain residential. The removal of the restrictive title deed condition will allow the property owner to apply for consent to operate a guesthouse which will add value to his/her property and to generate additional income from the properties.

The personal benefits which accrue to the holder of rights in terms of the restrictive condition:

The Municipality gains no benefits in keeping or removing the restrictive conditions as the Zoning Scheme stipulates the character of the area.

The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended:

As stated earlier the property owner will be able to develop the property in line with the Zoning Scheme Regulations.

The social benefit of the restrictive condition remaining in place in its existing form and the social benefit of the removal, suspension or amendment of the restrictive condition:

There is no social benefit should the condition remains in place. By removing the restrictive title deed condition and approving the consent use application it will allow the property owner to establish a guesthouse which will stimulate the local economy and create tourism opportunities.

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

The rights enjoyed by the beneficiary will remain in place since the erf will remain residential and the right obtained will be subservient to the zoning, which is Single Residential Zone 1. The residential rights of the adjacent property owners will not be affected. Further, no objections were received from the adjacent property owners.

Given the abovementioned evaluation the opinion is held that the proposal is sufficiently evaluated in terms of Section 39 (5) of LUPA 2014 (Act 3 of 2014).

10. RECOMMENDATION

1. that the application received in terms of Section 16.(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the removal of restrictive title deed condition D.(a) as contained in Title Deed T5150/2018 applicable to Erf 6879, Hermanus in order to enable the owner to conduct a guesthouse from the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(o) of the By-Law for consent use for a guesthouse in order to accommodate a guesthouse with three (3) guestrooms on Erf 6879, Hermanus, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the above approvals be subject to the following conditions:
 - (a) that the approvals are for the development as indicated on drawing no Erf 6879 –Busse A1-01 to 03 as submitted (attached as Annexure C);
 - (b) that a maximum of three (3) bedrooms to be let, be permitted on Erf 6879 Eastcliff;
 - (c) that the owner/manager resides on the premises and be responsible for the proper management of the guesthouse;
 - (d) that the guesthouse is utilized as such – no self-catering will be permitted;
 - (e) that no kitchen facilities and/or prep bowls be allowed in the guestrooms;
 - (f) 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;
 - (g) that the selling or serving of liquor will be subject to the owner obtaining the necessary Liquor Licence;
 - (h) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on each property;
 - (i) that a maximum of one (1) permanently demarcated parking bay per guestroom and two (2) for the owner/manager be provided within the erf boundaries;

- (j) that the applicable tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (k) 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;
 - (l) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (m) 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;
 - (n) that all the conditions in the Services Report (attached as Annexure H), be complied with;
 - (o) that all conditions imposed by the Fire Department (attached as Annexure G), be complied with;
 - (p) that the boundary wall transgressing onto municipal property is removed or an application for the retention of the wall is submitted to Property Administration within 60 days from the date of the decision letter;
 - (q) that the illegal utilisation of a portion of Erf 4771 is ceased immediately and that all garden ornaments are removed and that the portion of Erf 4771 is rehabilitated with indigenous plants to the satisfaction of the Overstrand Municipal Environmental Services;
 - (r) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (s) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
4. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval

11.1 REASONS FOR RECOMMENDATION

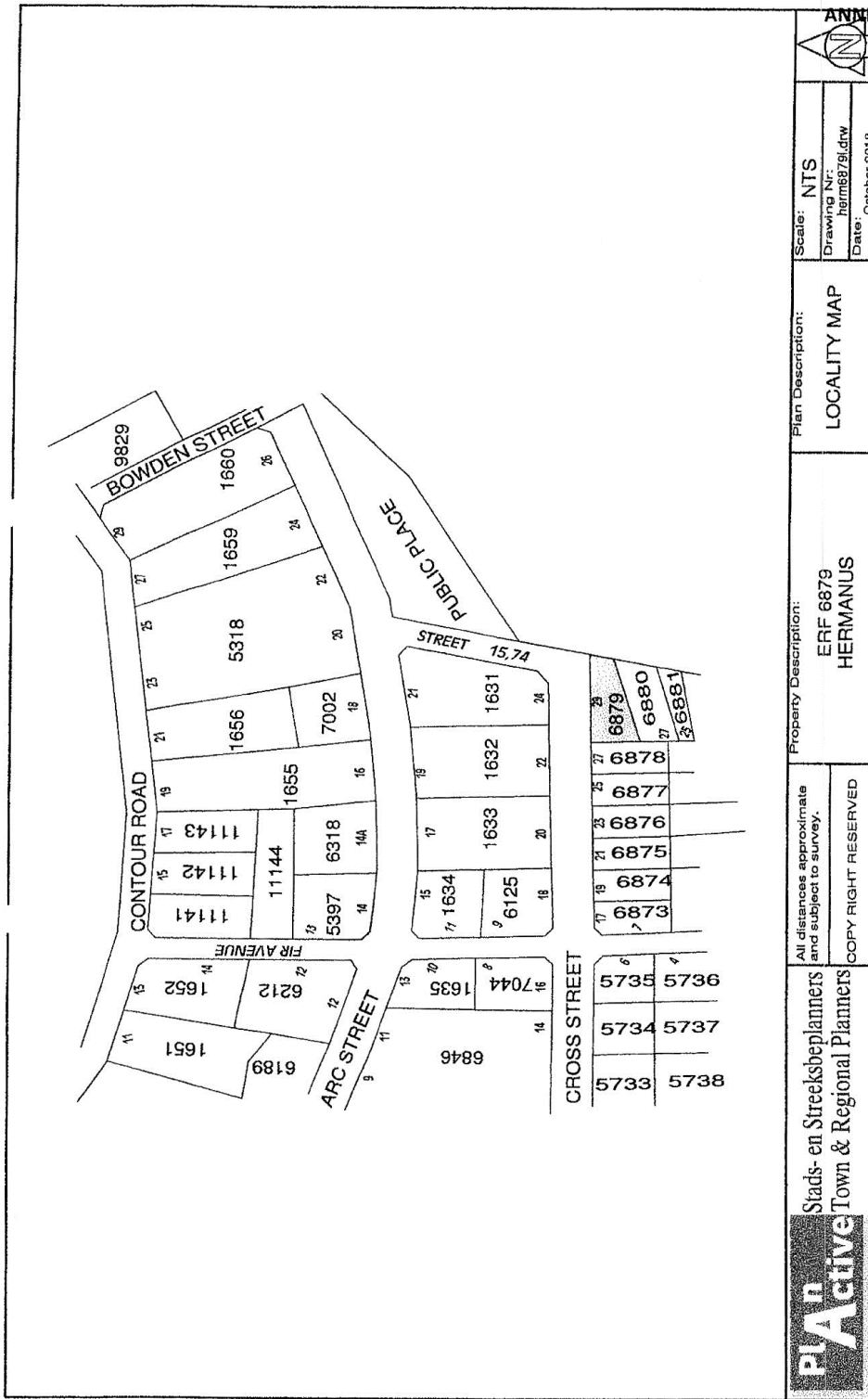
- ❖ The proposed uses will have a minimal impact on the surrounding area.
- ❖ The diversification of uses on the property will positively contribute to job creation, economic growth and tourism in the area.
- ❖ The removal of the restrictive condition will not change the residential character which has been established.
- ❖ No objections have been received from the adjacent property owners.
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ The proposal is compliant with the spatial policies contained in the SDF.

- ❖ The proposal is consistent with the spatial principles as set out in SPLUMA and LUPA.

12. Annexures

Annexure A:	Locality Plan
Annexure B:	Motivation Letter
Annexure C:	Site Development Plan
Annexure D:	Title Deed
Annexure E:	Comment: Property Administration
Annexure F:	Comment: Department of Environmental Affairs and Development Planning (Land Management)
Annexure G:	Comment: Fire Services
Annexure H:	Services Report

RESPONSIBLE OFFICIAL :**P ROUX****TARGET DATE FOR IMPLEMENTATION :****13 JUNE 2019****TARGET DATE TO INFORM APPLICANT :****13 JUNE 2019****TARGET DATE TO INFORM OBJECTOR :****13 JUNE 2019**



ANNEXURE A 1/1



Scale: NTS
 Drawing Nr: herim6879jg.drw
 Date: October 2018

Plan Description:
 LOCALITY MAP

Property Description:
 ERF 6879
 HERMANUS

All distances approximate
 and subject to survey.
 COPY RIGHT RESERVED

PLAN
 Active
 Stads- en Streekspeplanners
 Town & Regional Planners

Motivation report

Erf 6879 Hermanus

ANNEXURE B 1/11



**PROPOSED CONSENT USE AND REMOVAL
OF A RESTRICTIVE TITLE DEED CONDITION:**

ERF 6879 HERMANUS

OVERSTRAND MUNICIPALITY

DIVISION CALEDON

MOTIVATION REPORT

1. BACKGROUND

The company Plan Active has been instructed by the owner of Erf 6879 Hermanus, Mrs. B. Busse, to apply for a consent use and removal of a restrictive Title Deed condition of Erf 6879 Hermanus in order to establish a Guesthouse on the subject property.

It is the intention of the owner to make use of the existing dwelling to create a 3 bedroom guesthouse offering tourist accommodation for people (tourists) visiting the Hermanus area.

The subject property, Erf 6879 is held by Title Deed No. T5150/2018 and is 1164m² in extent.

2. APPLICATION DETAILS

In order to accommodate a Guesthouse that would have 3 guestrooms on the subject property an application is lodged in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consent use of Erf 6879 Hermanus for a guesthouse on the subject property;
- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the removal of a restrictive Title Deed condition.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

The subject property is situated at 29 Cross Street, Fernkloof, Hermanus. Please refer to the enclosed locality plan. Erf 6879 Hermanus is 1164m² in extent and is developed. A double storey dwelling and a double garage are established on the property. Erf 6879 Hermanus is situated in a predominantly single residential area.

3.2 ZONING

Erf 6879 Hermanus is zoned Residential Zone I and is utilized as such. Surrounding properties are zoned for single residential purposes, public open spaces and public roads.

3.3 LAND USE

Erf 6879 Hermanus is used for residential purposes. A dwelling and an outbuilding is situated on the subject property. Please refer to the enclosed site plan. Access to Erf 6879 Hermanus is obtained from Cross Street.

Land uses that surround Erf 6879 Hermanus are single dwellings, public roads and public open spaces. It is therefore evident that Erf 6879 Hermanus is within a predominantly single residential area.

3.4 PROPOSED DEVELOPMENT

Application is made in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consent use of Erf 6879 Hermanus to accommodate a guesthouse on the subject property;
- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the removal of a restrictive Title Deed condition.

The owner intends to utilise the existing dwelling as a guesthouse. The guesthouse will consist of:

- 3 guestrooms, each with their own en-suite bathroom
- Manager's bedroom with en-suite bathroom and office/studio;
- Kitchen & Scullery
- Laundry;
- TV room;
- Outdoor space;
- Double Garage;
- Parking area.

With reference to the above proposed uses of the dwelling the manager / owner will reside on the ground floor. Communal spaces such as the kitchen, living room and foyer are also located on the ground floor. Parking bays will be located on the subject property as illustrated on the enclosed site development plan. Detail of the parking will be dealt with under section 3.8 below. Two of the 3 guestrooms are located on the first floor and one is located on the ground floor. All 3 bedrooms are equipped with en-suite bathrooms.

The Title Deed contains a restriction that needs to be removed in order for this application to be approved. The Title Deed has a restriction that prohibits uses, other than residential use. A guesthouse approval can be granted by the Overstrand Municipality through a consent use application according to the Zoning Scheme Regulations in the Overstrand Municipal area, under a zoning of Residential Zone 1. Guesthouses situated on a Residential Zone 1 property thus fall within the forward planning principles of the Overstrand Municipal Area as provision is made to apply by means of a consent use application to operate a guesthouse from a property with the mentioned zoning. Please refer to Section 3.9 of the motivation report for more details concerning the Title Deed restriction that prohibits the proposed consent use of the subject property.

The proposed consent use and removal of a restrictive Title Deed condition to utilise the existing dwelling as a guesthouse will have a low impact on the surrounding even as the subject property's zoning will be retained.

The proposed consent use and removal of a restrictive Title Deed condition will have a low impact on the environment and traffic of the area. We therefore do not anticipate any problems with the proposed application.

3.5 CHARACTER OF THE ENVIRONMENT

The subject property is situated in Fernkloof, Cross Street, in close proximity of the Hermanus Golf Course. The Fernkloof area is characterized by single dwellings and some tourist accommodation establishments. The subject property's character will

not change since it is not proposed to add any additions to the existing dwelling and outbuilding.

We are therefore of the opinion that the impact on the existing character of the area will be kept to a minimum. The proposal to establish a guesthouse with 3 guestrooms on the subject property will not have a negative impact on the surrounding property values.

3.6 THE POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

The subject property is ideally positioned to explore all the great attractions of the greater Hermanus area. The subject property is in close proximity of the beaches, such as the famous Grotto Beach and the Fernkloof Nature Reserve is also easily accessible.

Due to the location and accessibility of the property the subject property has the potential to be developed as a guesthouse. The subject property is situated in the picturesque Hermanus and last mentioned is known as a popular tourist area for guests visiting and staying over in Hermanus.

Since the owners are familiar with the high demand for guest accommodation in Hermanus they took the aforementioned into consideration and decided to contribute towards the tourist industry of Hermanus.

3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.7.1 PROVISION OF SERVICES

All services on the subject property already exist and are sufficient to accommodate the proposed guesthouse with 3 guest rooms. It is our opinion that the impact on services will be minimal.

3.8 TRAFFIC IMPACT, PARKING AND ACCESS

The existing access to the dwelling will also be used as access to the proposed guesthouse. Access is gained from Cross Street as indicated on the enclosed site plan. The existing double garage will be used to provide 2 parking bays for the exclusive use by the owner / manager. 3 additional parking bays are proposed in order to accommodate the three guestrooms for bedroom number 1-3 on the enclosed site plan. A total of 5 parking bays will therefore be provided onsite.

With reference to the Overstrand Zoning Scheme Regulations, 1 bay per guestroom plus 2 additional parking bays for the owner / manager will be required to accommodate a guesthouse.

The required parking bays can be calculated as follow:

Land Use	Parking Bays Required	Parking Bays Provided
3 guest rooms	3	3
Owner / Manager	2	2
TOTAL	5	5

The 3 proposed guest parking bays are situated on the subject property. The dimensions for each parking bay are 2.5m x 5.5m. The manager/owner will make use of the existing double garage on the subject property. The garage is already on an approved building plan and is already used by the owner with the manoeuvre space of 6.7m.

The existing garden will be made smaller in order to fit in parking bay number 1 and 2. Behind parking bay number 3 is enough manoeuvre space of 8.1m.

From the above it is apparent that sufficient parking bays can be provided on the subject property. The impact on the traffic of the area will be kept to a minimum

Prepared by: [Name] Date: [Date]

Motivation report

Erf 6879 Hermanus

ANNEXURE B 7/11

since guests never arrive and depart at the same time at tourist accommodation establishments.

3.9 TITLE DEED

The Title Deed T5150/2018 has a restriction that needs to be removed in order for this application for consent use to be approved. Please refer to the enclosed Conveyancer Certificate from Van Dyk Saayman Attorneys.

The following restriction will have to be addressed:

Page 4 paragraph D. (a) that reads as follows:

D. SUBJECT to the special conditions contained in Deed of Transfer Number T2795/1934 imposed by the Administrator in approving of the said Mosse! River West Township, as amended by Section 6(1) Act 84/1967, which reads as follows:

(a) That the above lot be used for residential purposes only.

If paragraph D(a) of the above mentioned Title Deed is not removed the owner will be restricted to only use the property for single residential purposes and will not have the possibility to establish a guesthouse on the subject property. Single residential means that only a dwelling house may be erected on the subject property. The definition of a dwelling house reads as follows:

"dwelling house" means a self contained inter-leading group of rooms, used for the accommodation and housing of one family, together with adequate sanitary facilities and kitchen, and such outbuildings as are ordinarily used therewith, provided further that a dwelling house may not have more than two kitchens;

With reference to this definition only one family may be accommodated in a dwelling house. Therefore guests, in terms of a guesthouse are not being provided for in the above definition.

It is not proposed that we depart from any land use restrictions as prescribed in the Overstrand Municipality Zoning Scheme, Residential Zone 1.

3.10 FORWARD PLANNING & OTHER LAND USE DOCUMENTS

3.10.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2006)

The Overstrand Spatial Development Framework (2006) earmarks the area where Erf 6879 Hermanus is situated, for residential purposes. The current Residential Zone 1 zoning will be retained for Erf 6879 Hermanus and this application only constitutes a consent use for a guesthouse as prescribed in the Overstrand Municipality Scheme Regulations. Subsequently the proposal will be in line with the spatial planning guidelines for the area.

The proposed guesthouse will also be compatible with the existing residential land uses of the area.

3.10.2 OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010)

With reference to the Overstrand Growth Management Strategy the subject erf falls within Planning Unit 2 that consists of the existing high property value low density Fernkloof residential area.

Incremental development through subdivision to allow second and third dwelling units is proposed for an assumed 20% of this planning unit. With the proposed consent use and removal of restrictive Title Deed conditions in order to accommodate a guesthouse the density on the subject erf will not be

increased and therefore the Growth Management Strategy does not apply to this application.

3.11 THE RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.11.1. HERITAGE VALUE AND IMPACT

Erf 6879 Hermanus is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The existing dwelling situated on Erf 6879 Hermanus is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the above mentioned it is evident that the proposed consent use and removal of restrictive a Title Deed condition will not have a negative impact on the heritage value of the subject property or the Greater area of Hermanus.

3.11.2. ENVIRONMENTAL IMPACT

The proposed consent use and removal of a restrictive Title Deed condition of Erf 6879 Hermanus do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

3.12 PLANNING PRINCIPLES

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

Spatial sustainability: The proposed guesthouse will be accommodated in an established residential area. The proposed application will have no impact on the conservation worthy areas of Hermanus. Spatially the land use will be in keeping with the residential character of the area.

Efficiency: The guesthouse is easily accessible and conveniently located close to the Fernkloof Nature Reserve, Hermanus Golf Course, Hermanus CBD, beaches and other tourist attractions in the area. Last mentioned, makes travelling to the subject property, to make use of the proposed guest accommodation, easy and accessible to everybody.

Spatial resilience: Not applicable to this application.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process.

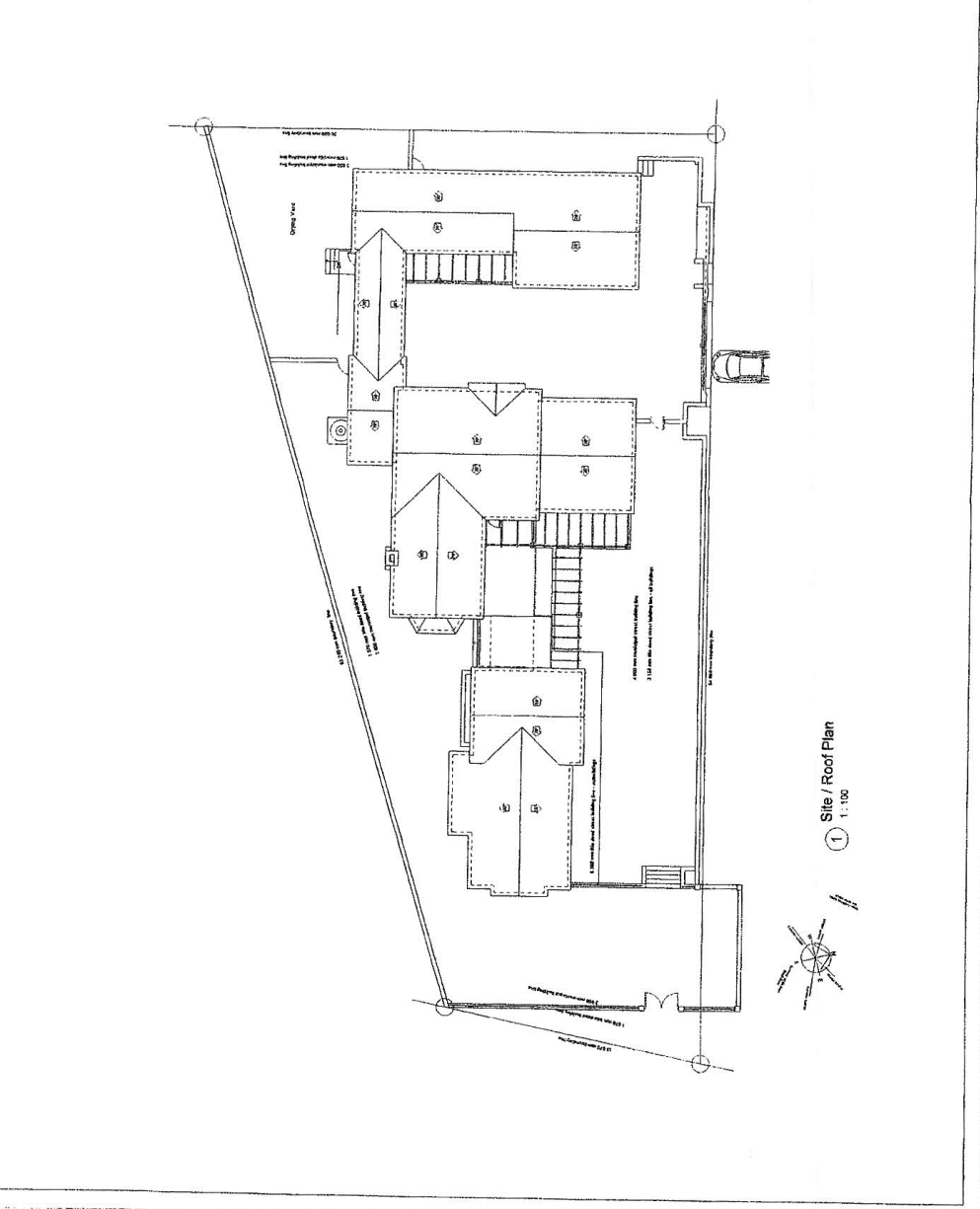
4. RECOMMENDATION

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

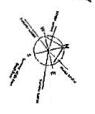
- The proposed consent use and removal of a restrictive Title Deed condition of Erf 6879 Hermanus are compatible with the existing built character of the area;
- The proposed land use is compatible with the land uses of the area;
- The impact on the traffic and services will be kept to a minimum;
- There are no environmental or heritage factors that prohibit the proposed land use;
- The proposed consent use and removal of a restrictive Title Deed condition will not have a negative impact on the current character and land values of the surrounding erven;
- There are adequate parking bays provided and they are located on site;
- The proposed application complies with the spatial planning policies of the area;
- The proposed consent use is a low impact guest accommodation establishment.

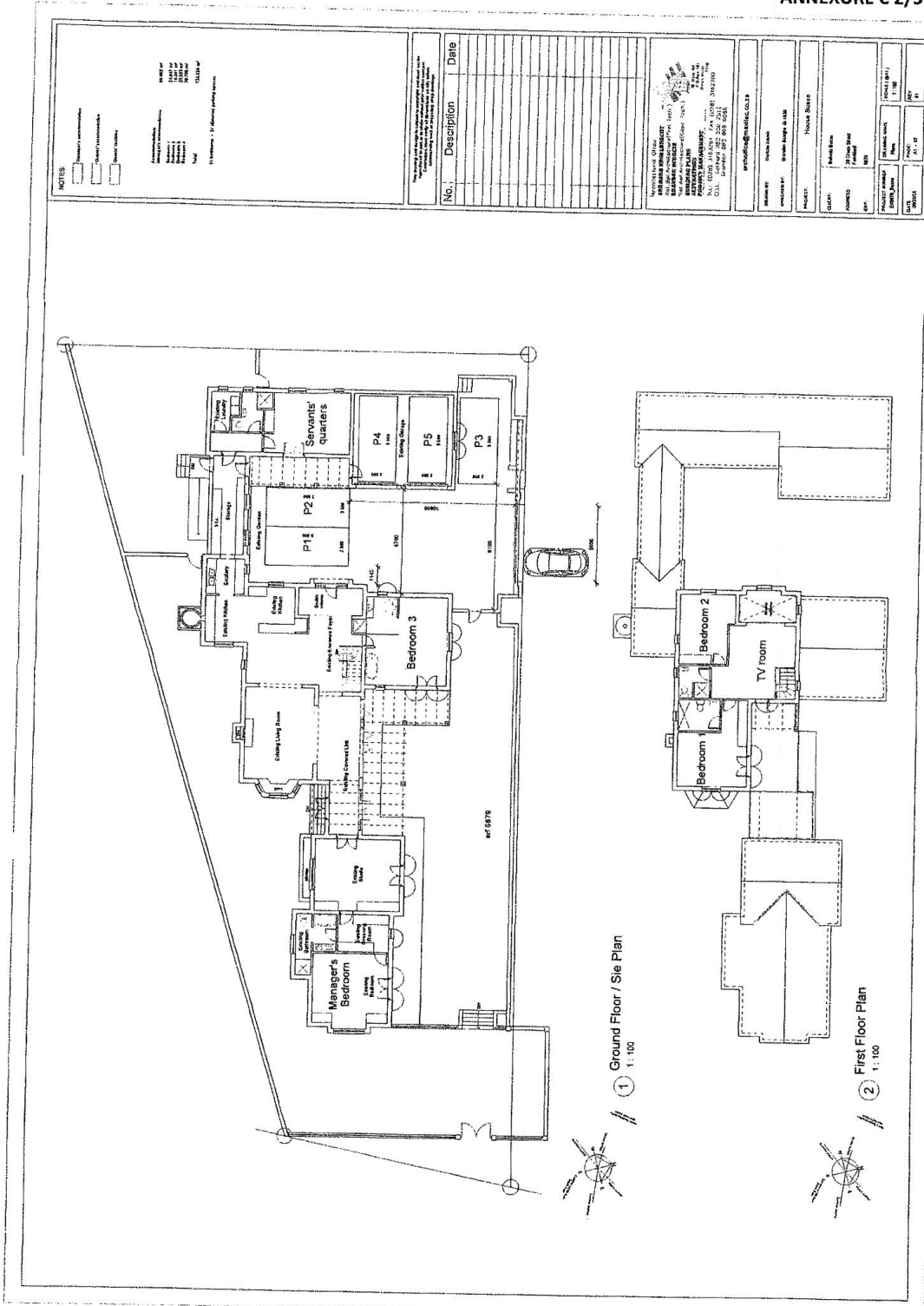
With regards to the above mentioned it would be appreciated if the proposed Consent Use and removal of a Restrictive Title Deed condition of Erf 6879 Hermanus be approved.

NOTES	No.	Description	Date
<p>Architectural Office 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.</p>			



① Site / Roof Plan
1:100





25

Vorster & Steyn
Mitchell House
16 Mitchell Street

Prepared by me

HERMANUS 3-2008-2018	
7200	Amount
4-230	80000
	24800

CONVEYANCER
LUCAS CORNELIS STEYN

DATA / VERIFY
15 FEB 2018
LINDA NCAPI

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT
ROBERT CHRISTOPHER FERRANDI

T000005150/2018

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him by

1. EDGAR LOXTON ✓
Identity Number 510901 5077 088 ✓
Married out of community of property ✓
2. DEIRDRE LOXTON ✓
Identity Number 641005 0116 081 ✓
Married out of community of property ✓

DATA / CAPTURE
14 FEB 2018
TAMARA MASIU

which said Power of Attorney was signed at HERMANUS on 9 JANUARY 2018

And the appearer declared that his said principal had, on 5 December 2017, 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.

BELINDA BUSSE ✓
Born on 29 November 1984 ✓
Married according to Muslim rites ✓

her Heirs, Executors, Administrators or Assigns, in full and free property

ERF 6879 HERMANUS, in the Overstrand Municipality, Division of Caledon, Western Cape Province

IN EXTENT 1164 (ONE THOUSAND ONE HUNDRED AND SIXTY FOUR) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T67021/1988 with General Plan SG No 12073 relating thereto and held by Deed of Transfer Number T8223/2015. ✓

A. SUBJECT to the conditions referred to in Certificate of Consolidated Title No T9445/1985.

B. SUBJECT to the special condition contained in the Amended Title granted under the provisions of Act No 9 of 1879 on 22 November 1904 (Caledon Quits. Vol 10 No 19) reading :-

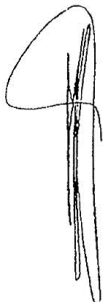


"That the land granted thereby shall be subject to all such duties and regulations as either are already or shall in future be established with regard to such lands."

C. SUBJECT to the special conditions contained in Deed of Transfer No T2795/1934 imposed by the Mossel River Estate Company Limited for its benefit and that of its successors in title as owners of the remainder of Mossel River West Township A held by it by the Certificate of Registered Title No T3907/1932, which reads as follows :-

Page 3

- (a) The Transferor reserves to itself the sole right at any time to all hotels and all liquor licenses within the Township and neither the transferee and her successors in title nor the lessee or occupants of the above Lot shall erect thereon any hotel or hold any liquor licence in respect thereof without the written consent of the transferor first had and obtained.
- (b) The transferor reserves to itself the right at anytime hereafter to the free and undisturbed passage of electric, telegraph or telephone wires over or upon any portion of the lot herein described with the further right of causing them to be affixed to any building or erection thereon, not less than 3,05 metres from the ground, with right of access at any time to such wires for the purpose of removal, replacement or maintenance.
- (c) The transferor reserves to itself the right at any time hereafter to lay and maintain piping for the conveyance of electric, telephone or telephone wires, water or drainage under any portion of the said lot, at all times to have access thereto for removal, maintenance, extension or any other purpose and to do all such acts and things as shall be required for the convenience of the inhabitants of the Township.
- (d) There shall not be erected on the said lot any buildings designed for the purpose of a Boarding or Lodging House or flats, nor shall the transferee or her successors in title be permitted to carry on the business of a Boarding or Lodging House keeper without the consent in writing, of the transferor first had and obtained. No building of more than two storeys in height may be erected on the above lot without the consent of the transferor in writing.
- (e) There shall not be erected on said lot any buildings the plans and specifications of which have not been submitted to and approved by the transferor in writing prior to the commencement of building operations.
- (f) All the buildings being dwelling houses shall be so placed that the front line of such building (including stoep or porch) shall coincide with the building line laid down by the transferor.



Page 4

Outbuildings shall be erected behind the building line in such position as shall be approved by the transferor. The sides of every building shall be parallel to the boundaries of the said lot, unless the transferee or her successors in title be specially exempt by the transferor in writing. In the case of irregular lots the relation between the sides of the building and the boundaries of the property shall be subject to the approval of the transferor.

- (g) No building shall be erected within one comma five seven (1,57) metres of the common boundary and any lots in the above township save where such lots are owned by one and the same individual.
- (h) The transferor reserves to itself the sole right to all water arising on or flowing over the properties Highfield or Fernkloof, as also to all water flowing down the stream known as Mossel River, or any tributary thereof, also to all riparian rights or other rights to water of every description to which the properties Highfield, Fernkloof or Annexe Highfield may be entitled. There shall however be excluded from this reservation any water obtained by the transferee or her successors in title within the Township by means of wells or boreholes sunk on the said lot.
- (i) No obligation shall rest upon the transferor under any circumstances to construct, repair or maintain any streets laid down in the plan of the Township, save that it shall provide practical roadway access to the said lot.

D. SUBJECT to the special conditions contained in Deed of Transfer No T2795/1934 imposed by the Administrator in approving of the said Mossel River West Township, as amended by Section 6(1) Act 84/1967 which reads as follows:-

- (a) That the above lot be used for residential purposes only.
- (b) That all buildings to be erected on the above property shall stand back not less than three comma one five (3,15) metres from the line of the street on which the said lot abuts. Such space may be used as gardens but shall not be built upon

- (c) That all outbuildings to be erected on the above property shall stand back not less than six comma three nought (6,30) metres from the line of the street on which the said lot abuts.

E. SUBJECT to the following conditions contained in Certificate of Registered Title No T53703/1988 imposed by the Administrator in terms of Section 9 of Ordinance No 33/1934 when approving of the subdivision :-

- (a) The owner of this erf shall without compensation, be obliged to allow the electricity, telephone and television cables and/or wires and main and/or other water pipes and the sewerage and drainage, including stormwater of any other erf or even inside or outside this township to be conveyed across this erf, if deemed necessary by the local or other statutory authority and in such manner and in such position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connecting with the above.

- (b) The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

- (c) The owner of this erf must –

Maintain so much of the support for any wall, roof, pipe, gutter, wiring or other structure or thing as is common to such erf and any other erf.

Maintain every part of such wall, roof, pipe, gutter, wiring or other structure or thing which is on or traverses his erf, and

Permit access to his erf for the purpose of maintaining, cleaning, renovating, repairing, renewing, altering and adding to any wall, roof, pipe,

gutter, wiring or other structure or thing, and shall not do anything which will prevent or hinder any such access or work from being done.

The owner of this erf shall not make any alterations, additions or demolitions to any part of the buildings erected on the property including boundary walls and fences, and he shall also not change the external colour scheme or material of such building without the written consent of the local authority, nor shall he permit the external appearance of the buildings to deteriorate into an untidy or dirty condition.

F. SUBJECT to the special conditions imposed by the HERMIL DEVELOPMENTS (PROPRIETARY) LIMITED for the benefit of itself and its successors in title contained in Deed of Transfer No T67021/1988.

1. No outdoor radio or television aerial shall be erected or installed on the erf without the prior written consent of the transferor.
2. The owner of this erf shall not display any advertisement or sign thereon nor do or suffer to be done on the same anything which, in the opinion of the transferor is noisome, injurious, objectionable or detrimental or a public or a prime nuisance or a source of damage or disturbance to any other owner, tenant or occupier of erven in the township in which the erf is situated.
3. The owner of this erf shall not permit any commercial type vehicle, caravan, trailer or any derelict vehicle to be parked thereon unless it is adequately screened from the public view.
4. No burglar bars, awnings, canopies or external additional fixtures to be erected without the prior written consent of the transferor.
5. Any building which may be erected on this property shall conform in architectural design and colour to those already in existence in the development scheme.

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

- 1. EDGAR LOXTON, Married as aforesaid ✓
- 2. DEIRDRE LOXTON, Married as aforesaid ✓

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

BELINDA BUSSE, Married according to Muslim rites

her Heirs, Executors, Administrators 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 R9 250 000,00 (NINE MILLION TWO HUNDRED AND FIFTY THOUSAND RAND) . ✓

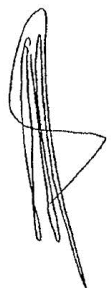
IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto. THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS AT CAPE

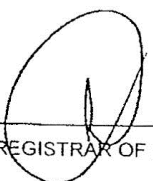
TOWN on 13th February 2018



q.q.

In my presence





REGISTRAR OF DEEDS





File reference:	6879 HEC (4234)
Date:	10 December 2018

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>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	Local Heritage Committee
<u>Operational Services</u>	<u>Traffic Department</u>	<u>Ward Councillor (Cllr. K. Brice)</u>	<u>Waste Management</u>
<u>Property Administration</u>			

Applicant	PLAN ACTIVE (obo B BUSSE)
Property Details	ERF 6879, 29 CROSS STREET, EASTCLIFF, HERMANUS : PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE
Application Description	<p>Notice is hereby given in terms of Section 48 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the following applications:</p> <ol style="list-style-type: none"> Application for a removal of restrictive title conditions with reference to Clause D.(a) of Title Deed T5150/2018 applicable to Erf 6879, Eastcliff, Hermanus in terms of Section 16(2)(f) of the aforementioned By-Law. Application for a consent use in terms of Section 16(2)(o) of the aforementioned By-Law to enable the owner to utilize the existing dwelling house on the property for a Guesthouse (3 rooms).

ATTACHMENTS :

1.	Locality Plan	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.	Site Development Plans	
3.	Motivation	

YOUR DEPARTMENT'S COMMENTS:

There is currently no approval for the wall and subsequent additional area encroaching on Municipal Property. An application to purchase the property was cancelled by the applicant. The right to use/buy the said property must be obtained otherwise the wall must be demolished. The use of a ptn of Erf 4771 to NE of Erf 6879 are done illegally

Signature: MERAMMA Date: 28 December 2018

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

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

COMMENTS REQUIRED BY: 10 January 2019

2 8 DEC 2018

ANNEXURE F 1/1



DIRECTORATE DEVELOPMENT MANAGEMENT: REGION 2
PRINCIPAL LAND USE MANAGEMENT REGULATOR
Mr. G van Lille
Gerhard.vanLille@westerncape.gov.za



TR A The
CH Olive

Reference: 15/3/2/12/BO3

Director
Infrastructure and Planning
Overstrand Municipality
P O Box 20
HERMANUS
7200

Sir

REMOVAL OF TITLE DEED CONDITION AND CONSENT USE: ERF 6879 HERMANUS

1. Your letter 6879 HEC (4234) dated 10 December 2018 refers.
2. This Directorate has, in principle, no objection to this application for the establishment of a guesthouse on the subject property.
3. The erf is zoned Single Residential 1 and is situated in a predominantly single residential area.
4. The proposed **removal** of the relevant title deed condition is not supported, but rather an **amendment** to the said condition to read as follows:

"That the above lot be used for residential **and** **guesthouse** purposes only."

5. The above-mentioned comment is based on the information received. The Department reserves the right to amend its comment should any additional or new information be obtained.

Yours faithfully

K MUNRO
DIRECTOR: LAND MANAGEMENT: REGION 2
DATE: 7.1.2019

ERF 6879 HERMANUS

15 JAN 2019

6th Floor, 1 Dorp Street, Cape Town, 8001
tel: +27 21 4834588 fax: +27 21 483 3098

FILE NO:	EL 6879 Hermanus ✓
SCAN NO:	HMS 6879
COLLABORATOR NO:	1246899

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za



File reference:	6879 HEC (4234)
Date:	10 December 2018

INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: Petrus Roux

TO:

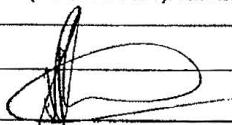
<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Electrical Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	Local Heritage Committee
<u>Operational Services</u>	<u>Traffic Department</u>	<u>Ward Councillor (Clr. K. Brice)</u>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

Applicant	PLAN ACTIVE (obo B BUSSE)
Property Details	ERF 6879, 29 CROSS STREET, EASTCLIFF, HERMANUS : PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE
Application Description	<p>Notice is hereby given in terms of Section 48 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the following applications:</p> <ol style="list-style-type: none"> Application for a removal of restrictive title conditions with reference to Clause D.(a) of Title Deed T5150/2018 applicable to Erf 6879, Eastcliff, Hermanus in terms of Section 16(2)(f) of the aforementioned By-Law. Application for a consent use in terms of Section 16(2)(o) of the aforementioned By-Law to enable the owner to utilize the existing dwelling house on the property for a Guesthouse (3 rooms).

ATTACHMENTS :

1.	Locality Plan	<i>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.</i>
2.	Site Development Plans	
3.	Motivation	

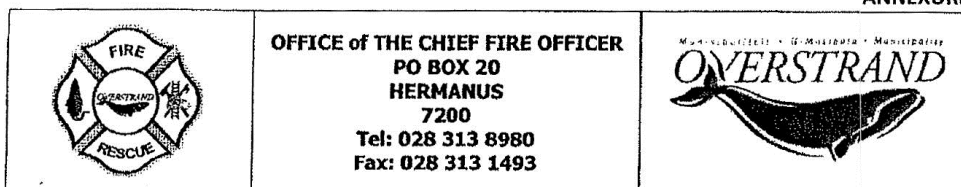
YOUR DEPARTMENT'S COMMENTS:

<p>CONSENT USE FOR A GUEST HOUSE/B&B IS SUBJECT TO COMPLIANCE WITH THE REQUIREMENTS OF THE NATIONAL FIRE PROTECTION REGULATIONS SANS10400T:2011 – OCCUPANCY H5 (HOSPITALITY). REFER TO ANNEXURE A FOR REQUIREMENTS</p>		
<p>MUNICIPALITEIT OVERSTRAND MUNICIPALITY FIRE BRIGADE / BRANDWEER APPROVED / GOEDGEKEUR</p>		
Signature:		Date: 17 JAN 2019 2018/9

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

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

COMMENTS REQUIRED BY:	10 January 2019
------------------------------	------------------------



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

ANNEXURE A – ERF 6879 HEC, 29 CROSS STREET, EASTCLIFF,
TOWN PLANNING APPLICATION No. 4234

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

Fire Extinguishers:

SANS10400T:2011 – 4.37:

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

Combustibility of Fitted Floor Coverings:

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

Combustibility of Internal Finishes:

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

SANS10400T:2011 – 4.58 require the provision of:

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

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

These plans must include:

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

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

Chief Fire Officer

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED & CONSENT
USE: ERF 6879, EASTCLIFF (4234)**

Stormwater (SW) : In Order
Electricity : In Order
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 only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the 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 standards 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, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that stormwater be allowed to discharge through Erf 6879, Eastcliff, unobstructed;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that refuse will be removed from the sidewalks as per municipal arrangement;
9. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE