

## Overstrand Municipality



## LAND USE PLANNING REPORT – MUNICIPAL PLANNING TRIBUNAL (MPT)

**ERF 1178, MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED  
CONSENT USE : MESSRS WRAP CONSULTANCY ON BEHALF OF THE UNIT 121 THE LEISURE BAY  
TRUST**

Reference number	1178 HEC (3238)	Application submission date	4 March 2016	Date report finalised	2 August 2016
<b>PART A: AUTHOR DETAILS</b>					
First name(s)	PETRUS				
Surname	ROUX				
Job title	TOWN PLANNER				
SACPLAN registration number	A/2246/2015				
Directorate/Department	INFRASTRUCTURE AND PLANNING				
Contact details	028 313 8900 <a href="mailto:petrusroux@overstrand.gov.za">petrusroux@overstrand.gov.za</a>				
<b>PART B: APPLICANT DETAILS</b>					
First name(s)	PINE				
Surname	PIENAAR				
Company name	WRIGHT APPROACH INVESTMENTS 136 CC				
SACPLAN registration number	A/409/1985	Is the applicant authorised to submit this application		Yes	N
Registered owner(s)	THE UNIT 121 THE LEISURE BAY TRUST				
<b>PART C: PROPERTY DETAILS</b>					
Property description (in accordance with Title Deed)	ERF 1178 HERMANUS in the Overstrand Municipality, Division of Caledon				
Physical address	MAIN ROAD	Town/City	HERMANUS (EASTCLIFF)		
Current zoning	RESIDENTIAL ZONE 1	Extent (m <sup>2</sup> /ha)	892m <sup>2</sup>	Are there existing buildings on the property?	
Applicable zoning scheme	Overstrand Municipality Zoning Scheme Regulations, 2014				
Current land use	Single Residential		Title Deed number & date	T47501/2013	
Any restrictive title conditions applicable	Y	No	If Yes, list condition number(s)		
Any third party conditions applicable?	Y	No	If Yes, specify		
Any unauthorised land use/building work	Yes	No	If Yes, explain		

<b>PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)</b>							
Has pre-application consultation been undertaken?			Y	No	If yes, provide a brief summary of the outcomes below.		
<b>PART E: LIST OF APPLICATIONS (TICK APPLICABLE)</b>							
Rezoning	√	Permanent departure	√	Temporary departure	√	Subdivision	√
Extension of the validity period of an approval	√	Approval of an overlay zone	√	Consolidation	√	Removal, suspension or amendment of restrictive conditions	√
Permissions in terms of the zoning scheme	√	Amendment, deletion or imposition of conditions in respect of existing approval	√	Amendment or cancellation of an approved subdivision plan	√	Permission in terms of a condition of approval	√
Determination of zoning	√	Closure of public place	√	Consent use	√	Occasional use	√
Disestablish a home owner's association	√	Rectify failure by home owner's association to meet its obligations	√	Permission for the reconstruction of an existing building that constitutes a non-conforming use	√		
<b>PART F: APPLICATION DESCRIPTION</b>							
An application for consent use was received in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to conduct a guest house on Erf 1178, Hermanus (Eastcliff).							
<b>PART G: BACKGROUND</b>							
<p>Messrs WRAP Consultancy was appointed in order to submit the consent use application on behalf of the property owners of Erf 1178, Hermanus, The Unit 121 The Leisure Bay Trust. The objective of the application is to obtain the land use rights in order to conduct a three (3) bedroom guest house with the required five (5) parking bays. Three (3) bedrooms will be available for the guests and one (1) bedroom for the owner/manager and their children.</p> <p>It should be noted that a similar application has also been submitted on Erven 1138 and 1179, Hermanus which also belongs to the same developer. The two (2) guest houses, if approved, will be managed together, but will also be able to be operated separately if the need arises, furthermore two (2) managers will be appointed in respect of each application.</p> <p>The subject property is zoned for residential use and it is developed with a single storey dwelling.</p>							
<b>PART H: SUMMARY OF APPLICANTS MOTIVATION</b>							
<p>The applicant motivates that all changes which will be done will comply with the provisions of the Zoning Scheme Regulations and are internal of nature, thus the bulk of the dwelling itself will remain unchanged.</p> <p>Access will be obtained from the Main Road as indicated on an approved building plan. Therefore no additional entrances will be required.</p> <p>The kitchen will be used to serve meals to the guests and all facilities at the guest house will only be made available to the guests lodging at the guest house and not to outside visitors.</p> <p>It is motivated that Hermanus is a famous holiday destination therefore the guest house will cater for tourists who require lodging during peak seasons.</p>							

The guest house establishment will also promote economic viability for the owner and provide work opportunities.

### PART I: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising				Date published	Closing date for comments		
Press	Y	N	N/A				
Gazette	Y	N	N/A				
Notices	Yes	N	N/A	19 April 2016	27 May 2016		
Ward councillor	Yes	N	N/A	19 April 2016	27 May 2016		
Site notice	Y	N	N/A				
Community organisation(s)	Y	N	N/A				
Public meeting	Y	N	N/A				
Third parties	Y	N	N/A				
Other	Y	N	If yes, specify	N/A			
Total valid comments	1			Total comments and petitions refused	0		
Valid petition(s)	Y	No	If yes, number of signatures				
Community organisation(s) response	Y	N	N/A	Ward councillor response	Yes	N	N/A
Total letters of support	None						
Was public participation undertaken in accordance with Section 48 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016						Yes	N

### PART J: SUMMARY OF OBJECTIONS RECEIVED, RESPONSE FROM APPLICANT AND MUNICIPAL ASSESSMENT OF COMMENTS

It should be noted that an objection was received from GFN Shreeve against the proposed application on Erven 1138 and 1179, Hermanus. In the objection the objector mentions the proposed application on Erf 1178, Hermanus however no issue raised in the objection refers to Erf 1178 except that the two (2) applications must be submitted as one (1).

#### Applicant's comment

The two (2) houses were dealt with in two (2) applications on request of the Municipality as this is in their policy.

#### Town Planner's comment

It should be noted that the proposals received will be able to function separately and it involved two (2) separately registered erven. The town planning application form does not allow two (2) separate applications to be submitted as one (1), due to the payment method used. Thus, it was requested that the two (2) applications be processed separately.

It should be noted that this issue raised from the objector is not regarded as an objection, because it does not deal with any aspect regarding the proposed guest house on Erf 1178, Hermanus.

<b>PART K: SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS</b>					
Name	Date received	Summary of comments	Recommendation		
Operational Services	19/04/2016	No objection	Positive	Negative	Comment
Electro Technical Services	19/04/2016	No comment	Positive	Negative	Comment
Health	20/04/2016	Approval recommended.	Positive	Negative	Comment
Engineering Services	21/04/2016	Attached as Annexure D.	Positive	Negative	Comment
Building Department	03/05/2016	Supported – any building works to submit plans subject to SANS 10400.	Positive	Negative	Comment
Traffic Department	19/05/2016	No obstruction will be caused for traffic normal traffic flow on the Main Road. (sic)	Positive	Negative	Comment
Fire Department	27/05/2016	Attached as Annexure E.	Positive	Negative	Comment
<b>PART L: MUNICIPAL ASSESSMENT OF COMMENTS FROM DEPARTMENTS</b>					
<p>The comment received from the Department of Transport and Public Works was sent to the applicant and the parking layout was revised as suggested. The Engineering Department confirmed that the revised parking layout is acceptable. All other comments received indicated that the proposed consent use is supported.</p>					
<b>PART M: MUNICIPAL PLANNING EVALUATION ( REFER TO RELEVANT CONSIDERATIONS GUIDELINE)</b>					
Was the application processed correctly (if no, elaborate below):				Yes	N
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	N

**Application history**

The Overstrand Zoning Scheme Regulations allow two (2) bedrooms to be rented to guests as a primary right. However, if more than two (2) bedrooms are to be conducted then consent must first be obtained from Council. As stated in the Background, the objective of the application is to obtain the land use rights in order to conduct a three (3) bedroom guest house with the required five (5) parking bays. Three (3) bedrooms will be available for the guests and two (2) bedrooms for the owner/manager.

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

It should be noted that the subject property is situated in an established township and residential area, thus it is difficult to evaluate the proposed consent use in terms of Section 42 of SPLUMA. However, one can determine its compliance as follows:

**Spatial Justice**

As mentioned above the subject property is within the existing township therefore spatial justice does not apply to this application. The applicant motivates however that the application will create/provide training for employees and encourage a culture of entrepreneurs.

**Spatial Sustainability**

The proposed application is limited to the subject property and therefore does not require additional use of resources such as services or land, which is inherently seen as a sustainable practice. There is further no increase impact on the environment.

**Efficiency**

The Overstrand Municipality is committed to the development of efficient and streamlined timeframes. Therefore the application process followed the timelines as set forth in the By-law. The subject property is relatively close to the Central Business District (CBD) which will promote less time travelling and a range of facilities are provided for on-site which will reduce the need to travel.

**Spatial Resilience**

The existing township in which the subject property is situated is governed with spatial plans, policies and land use management systems which will help the community of the area to resist, absorb and accommodate impacts which are caused by economic and environmental shocks.

**Good Administration**

The Overstrand Municipality seeks to maintain a good administrative quality which give adherence to well established administrative procedures.

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

Same as above.

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

The subject property is situated within a residential unit as identified in terms of the Overstrand Municipal Growth Management Strategy, 2010 (OMGMS). Cognisance must be taken that the proposed alterations are in line with the character and use of single residential zoned properties and therefore complies with the OMGMS and SDF.

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

Not relevant.

**Impact on Municipal Engineering Services**

All engineering services are provided; therefore the proposed application will not have an impact on existing services. The Services Report obtained from the Engineering Department (attached as Annexure D) confirms this.

As stated earlier five (5) parking bays will be provided for on-site, the revised parking layout will have to be adhered to.

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

The size and the impact of the application is of such a nature that it does not have an impact on other policies and legislation.

**Existing and proposed zoning comparisons and considerations**

The dwelling was approved in terms of the building plan and the relevant Zoning Scheme and therefore complies with the relevant legislation. The land use and zoning of the property will remain unchanged.

**The desirability of the proposal**

The application is considered desirable due to the fact that the alteration to the dwelling has a very small impact and only really pertains to the use of the dwelling to allow guests and the parking which is provided. Furthermore, the alteration does not in any way change the character of the dwelling nor will it have a negative effect on the privacy of the adjacent property owners.

It should be noted that Eastcliff in general is known for its guest houses, due to its close proximity to the CBD and the local cliff paths. Many well regarded guest houses have been established in the past. The proposed guest house will therefore contribute to growth in the tourism sector and promote economic opportunities.

**PART N: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

Not applicable as the Title Deed does not contain any restrictive condition which may prevent the proposed application.

**PART O: SUMMARY OF EVALUATION**

The Overstrand Zoning Scheme Regulations allow two (2) bedrooms to be rented to guests as a primary right. However, if more than two (2) bedrooms are to be conducted then consent must first be obtained from Council. As stated in the Background, the objective of the application is to obtain the land use rights in order to conduct a three (3) bedroom guest house with the required five (5) parking bays. Three (3) bedrooms will be available for the guests and one (1) bedroom for the owner/manager.

The size and the impact of the application is of such a nature that it does not have an impact on other policies and legislation. Furthermore, it does not affect existing services. The required parking will be provided on site.

The application is considered desirable due to the fact that the alteration to the dwelling has a very small impact and only really pertains to the use of the dwelling. It is the opinion that the alteration does not in any way change the character of the dwelling nor will it have a negative effect on the privacy of the adjacent property owners.

The subject property is situated within a residential unit as identified in terms of the Overstrand Municipal Growth Management Strategy, 2010 (OMGMS). Cognisance must be taken that the proposed alterations are in line with the character and use of single residential zoned properties and therefore complies with the OMGMS and the SDF.

**PART P: RECOMMENDATION**

1. that in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning , 2016 the consent use application on Erf 1178, Hermanus (Eastcliff) in order to operate a three (3) bedroom guest house, **be approved**, subject to the following conditions:
  - (a) that this approval only has reference to the revised Site Plan No.4, Erf 1178, Eastcliff, as submitted on 6 June 2016;
  - (b) that a Site Development Plan be submitted which indicates the rooms that will be used for guest accommodation and changes to the building must be indicated on a building plan which are to be submitted to the Building Department for approval;
  - (c) that all the conditions in the Services Report (attached as Annexure D) and by the Fire Department (attached as Annexure E), be complied with;
  - (d) 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;
  - (e) that parking be demarcated on site indicating which parking may be used for guests;
  - (f) that the owner/manager resides on the premises;
  - (g) that the guest house is utilized as such - no self-catering will be permitted;
  - (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 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;
  - (j) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
  - (k) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
  - (l) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
  - (m) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
  - (n) that the accommodation facility complies with Council's Policy with regard to Accommodation Establishments;
  - (o) that refuse facilities on Erf 1178, Hermanus be run separately from the proposed guest houses on Erven 1138 and 1179;
  - (p) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (q) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**PART Q: REASONS FOR RECOMMENDATION**

- ❖ the application complies with the principles as set out in SPLUMA and LUPA;
- ❖ the application complies with the Overstrand Zoning Scheme Regulations and other policies; and
- ❖ the character of the area will not be affected.

**PART R: ANNEXURES**

Annexure A: Locality Plan  
Annexure B: Site Development Plan  
Annexure C: Motivation Report  
Annexure D: Services Report  
Annexure E: Comment: Fire Department  
Annexure F: Comment: District Roads Engineer

**PART S: SIGNATURES**

Author name: **PETRUS ROUX**

Author signature: 

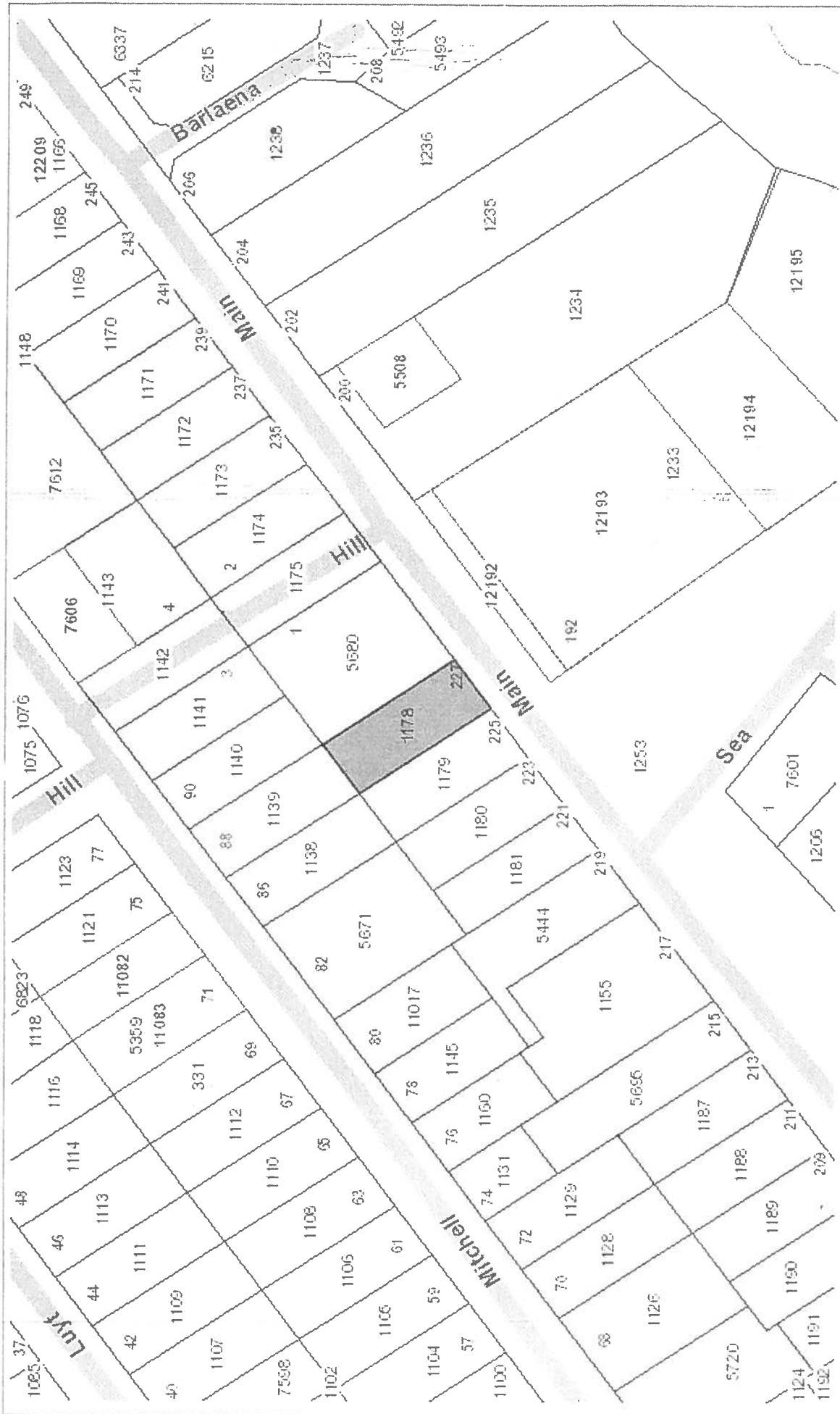
Date: 19/06/16

Registered planner name: **SCHALK VAN DER MERWE**

Registered planner signature: 

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

Date: 23 | 08 | 2016



Erf 1178, Eastcliff, Hermanus  
Locality Map



SDP of Erf 1178

-  Proposed guesthouse
-  Existing carports
-  Proposed 5 parking bays
-  Driving lanes

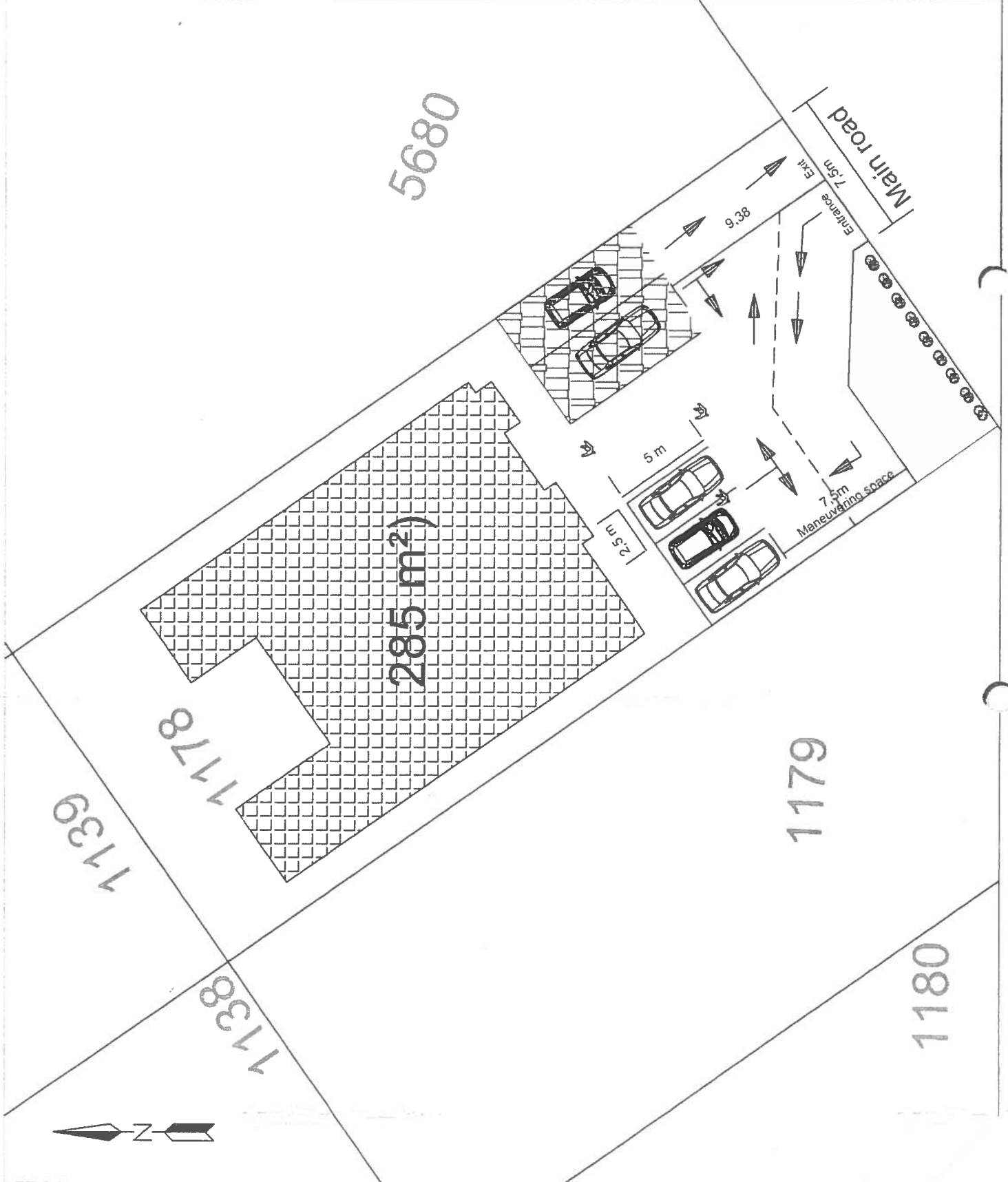
Plan 4

Scale 1 : 250

WRAP makes no warranty of any kind, expressed or implied with regard to data and shall not be held liable in any event for any incidental or consequent damages in connection with or arising out of the use of this data. The data remains the property of the client and may only be used for the purposes of a project with the prior written approval of the client.

1 Myrtle Avenue  
 Pobox 1247  
 Hermanus  
 7200

Tel: 028 313 1411  
 Fax: 086 508 3248  
 Email: [wrap@telkomsa.net](mailto:wrap@telkomsa.net)  
 Web: [www.wrapgroup.co.za](http://www.wrapgroup.co.za)



## 1. PRE-APPLICATION CONSULTATION

A pre-application discussion took place between WRAP and the Overstrand planning department regarding the application to get additional clarity on how the application should be made to be more feasible. The purpose of the pre-application meeting was to ensure that all the Municipal requirements will be met.

## 2. PROPOSED DEVELOPMENT

Erf 1178, Hermanus is located in Main Road, Eastcliff, Hermanus. The property is bound by Main Road to the south, Erf 5680, Hermanus to the east, Erf 1139, Hermanus to the north and Erf 1179, Hermanus to the west. (Refer Plan 2). Access to the property is obtained directly from Main Road by means of an existing access point. It is proposed to utilise this specific access point for purpose of the application. No additional access points will therefore be created.

The first objective of this application is to establish the land use rights for the operation of a guest house on the property. Three (3) bedrooms will be available to guests and one (1) room will be used by the owner/manager. The guest house will furthermore consist of a television lounge, dining area as well as a kitchen. Meals will only be provided to guests of the establishment as well as all the other facilities will be provided for. Liquor will only be provided to guests, as per the guest house policy of the Overstrand Municipality. Five (5) parking bays will be provided on the site. The parking layout is attached to this report as **Plan 3**.

All the necessary health and safety certificates will be obtained upon approval of this application.

In light of the above, Wright Approach (WRAP) Consultancy was appointed to prepare and submit application documentation, to the relevant authorities. (Refer **Annexure A**)

**Application is hereby made for the following:**

**CONSENT USE** on Erf 1178, Hermanus for a guest house in terms of Section 35 of the Land Use Planning Act, 3 of 2014, Section 21 of the Overstrand By-Law on Municipal Land Use Planning, 2015 and Section 2.2 of the Overstrand Municipality Zoning Scheme of 2013.

---

#### 4. CHARACTER OF ENVIRONMENT

Erf 1178 Hermanus, is located in the neighbourhood of Eastcliff and is zoned Residential Zone 1: Single Residential (SR1) in terms of the Overstrand Zoning Scheme.

The erf is developed with a single storey dwelling house and the owners intend to operate a guest house on the erf and they also want to provide sufficient parking on the erf.

The dwelling house located on Erf 1178 Hermanus, has a ground floor of 285 m<sup>2</sup> and consists of four bedrooms, three bathrooms, lounge, and kitchen, bar area with guest toilet, terrace with swimming pool and a double carport. Three bedrooms will be rented out to guests and the manager/owner will reside in the fourth bedroom.

The kitchen in the guest house will be utilised for the preparation of guest's meals, which meals will only be served to residents of the establishment. All facilities will only be for the use of guests and no facilities will be open to the general public. The proposal therefore complies with the policy for conducting an accommodation establishment of the Overstrand Municipality.

A total of five (5) parking bays are required for this guest house and are calculated as follows:

1. Three rented bedrooms on Erf 1178, Hermanus will requires 3 parking bays; and
2. The owner/manager on Erf 1178, Hermanus requires 2 parking bays.

Five (5) parking bays will be provided on Erf 1178, Hermanus as shown on **Plan 3** and these parking proposals comply with the policy for conducting an accommodation establishment of the Overstrand Municipality dated 31 May 2001. These parking bays as indicated on the plan will be made once the application has been approved.

Access to the property is obtained directly from Main Road by means of an existing access point. It is proposed to utilise this specific access point for purpose of the application. No additional access points will therefore be created.

The subject property enjoys views of the ocean and also of the mountain. The slope of the property is the lowest closer to Main Road and gets higher to the rear boundary of the property. There are terraces in place on the property to accommodate the relevant slope. Provision is made for people with disabilities on the grounds and in the beautiful garden with some trees.

Below are the pictures of the property.

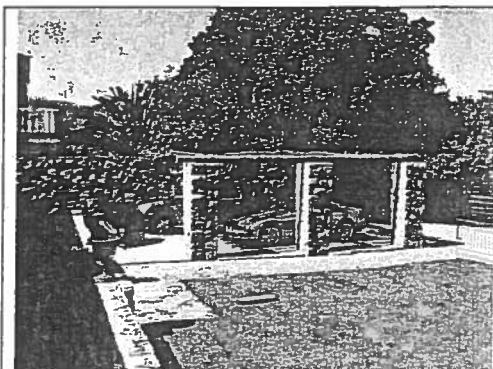


Figure 1: The existing carport and the area that will be demarcated for parking upon approval.



Figure 2: The proposed guest house.

## 5. DESIRABILITY

Hermanus is a typical coastal tourism town and the need for overnight accommodation for tourists always exists. As the town of Hermanus is also locally and internationally known for whale watching and many visitors and even overseas tourists consider this as a "bucket list must do" to visit Hermanus. For this reason the proposed facilities will provide for a definite need. It is our opinion that the land use proposal is also desirable. A dwelling house can at any time be used for single residential purposes. The facility will therefore not have the appearance of an accommodation establishment (for example a hotel, etc) and will still appear as a single residential unit, blending in with the existing neighbourhood. It is furthermore maintained that the proposed land use will not have a negative impact on the surrounding area as the land use proposed is essentially residential in nature.

As mentioned previously, guest house land use is regarded in the same category as residential land use. The reason for this being that guests usually only sleep at the facility. For the greater part of the day, they will spend their time in Hermanus, the beach, or the surrounding area, only returning late afternoon. There is no noise impact associated with guest houses and the proposed structure will be orientated in such a manner that the privacy of surrounding property owners will not be infringed upon.

The additional land use rights that will be established with the approval of this application, is the operation of a guest house on the property concerned. The zoning will remain unchanged. The application is furthermore for a consent use and is permanent in nature. Should the land use however have one or another negative impact on the surrounding neighbourhood during its operations, the Municipality can enforce the conditions of approval. It is however maintained that no negative impacts on existing land use rights will result with the approval of this application.

### 5.1 Services

All the necessary services are already installed that includes electricity, water and sewerage infrastructure.

## 5.2 Surface water

All surface water will be accommodated on the property.

## 5.3 Economic and Social impact

The proposed development will result in the following economic spin offs that will have positive social implications.

Economic and social beneficiary	Implications for the beneficiary
Property owner	The property owner will be able to diversify his income stream and live a more financially independent life and use the income to spend locally and invest in other job creating projects and developments.
Employees	The employees would be able to earn a salary and bearing in mind that they have family members that are dependent on this income stream and this will contribute towards poverty alleviation. The skills and experience that the employees will gain at the guesthouse will also improve the future job prospect of the employees as experience is essential in empowerment.
Businesses in and around Hermanus	The tourists who will spend time at the guesthouse will also go on tours in and around Hermanus, go whale watching, purchase local items such as clothes, artworks, food and many more items. This will also contribute towards other businesses within Hermanus increasing profits and becoming more viable. The other beneficial spin off would be the positive experiences that the guests will be to promote Hermanus in their countries or places of origin which can potentially attract more tourists within the greater Hermanus area.

This table has clearly illustrated the proposed development will have economic and social benefits for the property owner, employees and other businesses in Hermanus. This development will also add great value to the tourism profile of the Hermanus areas.

## 5.4 Traffic impacts, parking access and other transport related considerations

The proposed guesthouse is compliant with the zoning scheme parking requirements for a guesthouse and is also capable of providing more parking than what is required. The parking layout depicts that the entrance and exit for parking is 6.3m wide and considered as adequate. The additional cars that will enter the property belonging to clients are not expected to have an adverse impact on the traffic flow of Main Street as the subject property and surrounding properties form part of Planning Unit 15 in terms of the Overstrand Growth Management Strategy. Planning Unit 15 is earmarked for higher density residential development which will attract more cars on the properties and Main Road. The traffic flow as a result of the proposed guesthouse will be substantially less than what the Overstrand Growth Management Strategy is promoting. The traffic impact can therefore be viewed as minimal.

WRAP

MOTIVATION

## 6. TITLE DEED

Property Description	Extent	Ownership	Title Deed Number
Erf 1178 Hermanus, in Overstrand Municipality, District Caledon, Western Cape Province.	892 m <sup>2</sup>	The Unit 121 Leisure Bay Trust (Reg No 3031/97)	T59637/2015

Copy of the title deeds of the subject property is attached as **Annexure B**.

A study of the deeds revealed that no restrictive conditions have been registered that may prohibit the approval of this application. See Bondholder's Consent attached as **Annexure C**.

## 7. ZONING OVERLAY

The zoning of the property is Single Residential Zone 1: Single Residential (SR1) in terms of the Overstrand Municipality Zoning Scheme of November 2013. (See Plan 5)

The land use parameters associated with this zoning is therefore as follow:

Residential Zone 1: Single Residential	
Primary use	Dwelling house, day care centre, guest rooms, home occupation and second dwelling unit.
Consent use	Crèche, guest house, green house, house shop, institution, place of instruction, place of worship, residential building and tourist accommodation.
3.1.2 Land Use Restrictions	
Coverage	50%
Street building line	4 metres to any street boundary provided that in the case of a corner site with an average depth of 20m or less has a 3m street building line.
Side and Rear building line	Side and Rear building lines for erven greater than 400m <sup>2</sup> are 2m.
Height	8m measured from the base level to the top of the roof.
Parking	Parking and access shall be provided on the land unit in accordance with Section 17.1 of the Overstrand Municipality Zoning Scheme of November 2013.

WRAP

## 8. SPATIAL PLANNING INITIATIVES

Spatial planning initiatives that were considered for the purposes of this application include the Western Cape Provincial Spatial Development Framework and the Overstrand Municipal Spatial Development Framework.

None of these documents make specific provision for the land use as proposed in this application. However, the proposal was measured against the principles of these documents and it was found that it is consistent therewith. In light of the above, the documents as mentioned previously will not be discussed in any further detail.

The proposed guesthouse will not in any way be in contrast with other development frameworks and policy documents of the Local Authority or the Provincial Government.

## 9. PLANNING PRINCIPLES

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

Below are the spatial principles and the consistency of the proposed development with these planning principles:

PLANNING PRINCIPLES	CONSIDERATION AND IMPACT
<p><b>Spatial Justice</b> It refers to the need to redress the past apartheid spatial development imbalances and aim for equity provision of access to opportunities, facilities, services and land.</p>	<ul style="list-style-type: none"> <li>• Creating jobs to include the unemployed into the formal economy.</li> <li>• Providing training to the employees</li> <li>• Encourage a culture of entrepreneurs</li> </ul>
<p><b>Spatial Sustainability</b> This essentially refers to a sustainable development that promotes less resource consuming development, promote compaction, pedestrianisation and mixed use urban environments. A spatially sustainable settlement ensures the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas.</p>	<ul style="list-style-type: none"> <li>• Proposed guesthouse provides for a mixed of uses that range from overnight accommodation and provision of food and beverages to guests.</li> <li>• Attracting tourist to the guesthouse and the town.</li> <li>• Occurring within the urban edge.</li> <li>• No impact on environmentally sensitive and biodiversity rich areas.</li> </ul>
<p><b>Efficiency</b> Efficiency refers to the need for settlements that optimise space, energy, infrastructure, resources and land. This also has to do with the manner in which the settlement is designed and functions, which should reduce the need to travel long distances to access services land.</p>	<ul style="list-style-type: none"> <li>• No negative impact on land use rights of the surrounding properties.</li> <li>• The manager will be residing at the guesthouse and no need to travel to work.</li> <li>• Guesthouse in walking distance of the CBD and beach.</li> <li>• Guests can enjoy facilities on premises which will reduce need to travel.</li> </ul>

## WRAP

## MOTIVATION

<p><b>Spatial resilience</b> Spatial resilience also refers to the requirement for flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.</p>	<ul style="list-style-type: none"> <li>• This application complies with the Overstrand Growth Management Strategy.</li> <li>• The property has no adverse impact on the environment.</li> </ul>
<p><b>Good administration</b> In the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure a joint planning approach is pursued.</p>	<ul style="list-style-type: none"> <li>• Good administration principles will be ensured by the consultative process of the Municipality.</li> <li>• This will ensure that a joint planning approach is taken by WRAP, the Municipality and community.</li> </ul>

The table above outlines that the application is well aligned with the planning principles as outlined in LUPA and SPLUMA and can therefore be seen as sound from a general planning perspective.

---

WRAP

---

RECOMMENDATION

---

#### 10. RECOMMENDATION

This motivational report has provided a clear and complete analysis of the land use proposal. It was shown that the proposal is indeed consistent with existing spatial planning initiatives and that there is a definite need for development such as this to be approved.

This application furthermore attempts to establish the land use in the most desirable manner. Being located close to the central business area and beach of Hermanus and enjoying excellent accessibility, it is maintained that the subject property is perfectly located for the proposed development.

It was also shown that the proposed land use is compatible with the character of the surrounding area and that the approval of this application will not result in negative impacts on existing land use rights. Lastly it was shown that the impact of the development on service infrastructure will be minimal.

In light of the above, it is our recommendation that the following application be approved:

**CONSENT USE** on Erf 1178, Hermanus for a guest house in terms of Section 35 of the Land Use Planning Act, 3 of 2014, Section 21 of the Overstrand By-Law on Municipal Land Use Planning, 2015 and Section 2.2 of the Overstrand Municipality Zoning Scheme of November 2013.

---

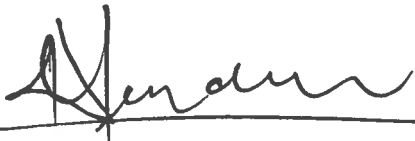
WRAP

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE: ERF 1178, EASTCLIFF (3238)**

Electricity : In order  
Water : In order  
Sewer : In order  
Stormwater : In order  
Roads and traffic : In order

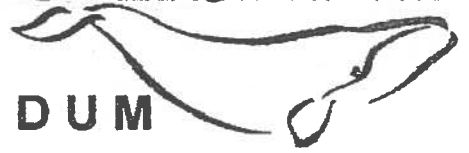
**Conditions:**

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 developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that stormwater be allowed to discharge through Erf 1178, Eastcliff, unobstructed;
4. that no on-street parking will be allowed.



**DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES**

21/4/2016  
DATE



File reference:	1178 HEC (3238)
Date:	19 April 2016

**INTERNAL MEMORANDUM**

<b>From</b>	:	Town Planning Department
<b>Town Planner</b>	:	Petrus Roux

**TO:**

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

<b>Property Details</b>	<b>ERF 1178, EASTCLIFF, HERMANUS</b>
<b>Application Description</b>	<b>PROPOSED CONSENT USE</b>

**ATTACHMENTS :**

<ol style="list-style-type: none"> <li>1. Notice</li> <li>2. Locality Plan</li> <li>3. Site Development Plans</li> <li>4. Motivation</li> </ol>	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.
-------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**YOUR DEPARTMENT'S COMMENTS:**

**SUBJECT TO COMPLIANCE WITH REQUIREMENTS FOR H5 – HOSPITALITY OCCUPANCY IN TERMS OF THE NATIONAL FIRE PROTECTION REGULATIONS SANS10400T:2011  
SEE ANNEXURE – A (ATTACHED)**

Signature:		Date:	27 MAY 2016	2016
------------	-------------------------------------------------------------------------------------	-------	-------------	------

MUNISIPALITEIT OVERSTRAND MUNICIPALITY  
FIRE BRIGADE / BRANDWEER  
APPROVED / GOEDGEKEUR



27 MAY 2016

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.

**COMMENTS REQUIRED BY: 27 MAY 2016**

ANNEXURE A  
276

TP Application Erf 1178 HEC.

	<p><b>OFFICE of THE CHIEF FIRE OFFICER</b>  <b>PO BOX 20</b>  <b>HERMANUS</b>  <b>7200</b>  <b>Tel: 028 313 8980</b>  <b>Fax: 028 313 1493</b></p>	
-----------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------

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

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

**Fire Extinguishers:**

SANS10400T:2011 – 4.37:

1 x Portable Fire Extinguisher per 100m<sup>2</sup> of a type - 4.5kg Dry Chemical Powder or 5kg CO<sub>2</sub> or 9 litre H<sub>2</sub>O.

**Combustibility of Floor Coverings:**

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

**Combustibility of Wall Coverings:**

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

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

- Escape route signs – Photoluminescent SANS1186-5 in all passages and corridors and also above all exit doors.
- Self-contained luminaires (automatic actuating battery operated lights) in all passages and corridors
- Stand-alone smoke alarms compliant with the requirements of European Standard EN14604 in each:
  - Sleeping room
  - Communal area
  - Passage or corridor leading to rooms
- Fire Hose Reels for premises larger than 250m<sup>2</sup> at a ratio of 1 per 500m<sup>2</sup> of the establishment.
- Doors leading to the outside of the building with single turn locks or any other lock device approved by the Fire Authority.

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

These plans must include:

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

Chief Fire Officer

277



## ROAD NETWORK MANAGEMENT

Email: G.D.Swanepoel@westerncape.gov.za  
tel: +27 21 483 4669  
Rm 333, 74 Dorp Street, Cape Town, 8001  
PO Box 2603, Cape Town, 8000



REFERENCE: 16/9/6/1-21/78 (Job 23877)

ENQUIRIES: Ms GD Swanepoel

DATE: 26 May 2016

The Municipal Manager  
Overstrand Municipality  
PO Box 20  
**HERMANUS**  
7200

Attention: Mr P Roux

Dear Sir

FILE NO:	
SCAN NO:	
COLLABORATOR NO:	904678

**ERF 1178, MAIN ROAD, HERMANUS: PROPOSED CONSENT USE**

1. Your e-mail sent on 19 April 2016 refers.
2. Erf 1178 is located adjacent to Main Road 28 off which it also takes access.
3. This application is for Consent Use to enable the operation of a guesthouse on the property.
4. It is noted that five parking bays will be provided on the property.
5. Consideration should be given to revising the parking layout to enable the vehicles to exit in a forward gear.
6. This Branch offers no objection to the Consent Use application in terms of the Land Use Planning Ordinance, No 15 of 1985.

Yours faithfully

**ML WATTERS**  
For **CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT**