



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

**A G E N D A**

<b>DATE:</b>	<b>10 OCTOBER 2018</b>
<b>VENUE:</b>	<b>TOWN PLANNING COMMITTEE ROOM HERMANUS</b>
<b>TIME:</b>	<b>14:00</b>

# OVERSTRAND MUNICIPALITY

Office of the Municipal Manager  
Civic Centre  
HERMANUS  
7200

**5 September 2018**

**TO : THE CHAIRPERSON AND MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL**

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

**NOTICE IS HEREBY GIVEN** that a meeting of the **Municipal Planning Tribunal (MPT)** will go into session on **Thursday, 27 September 2018 at 14:00, Town Planning Committee Room, 16 Paterson Street, Hermanus**, to consider the attached agenda.

You are kindly requested to submit any amendments/additions to Ms S Swart ([sswart@overstrand.gov.za](mailto:sswart@overstrand.gov.za)) on or before **12 September 2018**.

**PLEASE NOTE THAT THIS MEETING WAS POSTPONED TO 10 OCTOBER 2018**

**STEPHEN MÜLLER**  
**CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL**

## **Distribution:**

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

# MUNICIPAL PLANNING TRIBUNAL (MPT)

27 September 2018

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**1. OPENING**

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

**3. CONFIRMATION OF MINUTES**

**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 30 August 2018**

**4. ITEMS FOR CONSIDERATION**

**4.1 ERF 4509, 29 DUIKER STREET, NORTHCLIFF, HERMANUS: OVERSTRAND MUNICIPAL AREA: REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE AND DEPARTURE: MESSRS WRAP CONSULTANCY ON BEHALF OF T PRETORIUS**

Report attached

**4.2 ERF 905, 17 CENTRAL AVENUE, VERMONT, OVERSTRAND MUNICIPAL AREA: REMOVAL OF RESTRICTONS, CONSENT USE AND DEPARTURE: MESSRS ME PLANNERS ON BEHALF OF EN PRINSLOO**

Report attached

**4.3 ERF 987, 30 MOFFAT STREET, HERMANUS (EASTCLIFF), OVERSTRAND MUNICIPAL AREA: REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF PM HEYNS**

Report attached

**4.4 PORTIONS 34, 35, 36 AND 37 OF THE FARM HEMEL AND AARDE NO. 587, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION, DEPARTURE AND CONSOLIDATON: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNING ON BEHALF OF DEPSON 40 (PTY) LTD**

Report attached

**4.5 ERF 533, 28 MADELIEFIE STREET, GANSBAAI (BLOMPARK): PROPOSED DEPARTURE AND CONSENT USE: MESSRS WARREN PETTERSON PLANNING ON BEHALF OF "DIE NEDERDUITSE GEREFORMEERDE SENDING GEMEENTE GANSBAAI-STANFORD"**

Report attached

**4.1****ERF 4509, 29 DUIKER STREET, NORTHCLIFF, HERMANUS: OVERSTRAND MUNICIPAL AREA: REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE AND DEPARTURE: MESSRS WRAP CONSULTANCY ON BEHALF OF T PRETORIUS****4509 HNC (3915)****S van der Merwe****13 August 2018****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

An application has been received on 23 February 2018 from Messrs WRAP Consultancy on behalf T Pretorius for the following:

**Removal of restrictive title deed conditions**

Application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the removal of conditions C.(1), C.(2), C.(3) and C.(4) of Title Deed T10765/2018 applicable to Erf 4509, Northcliff in order to utilize the existing dwelling as guesthouse.

Clauses C.(1), C(2), C(3) and C(4) reads as follows:

*C.(1): That this erf be used for residential purposes only.*

*C.(2): That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.*

*C.(3): That not more than half the area of this erf be built upon.*

*C.(4): That no building or structure to any portion thereof except boundary walls and fences shall be erected nearer than 4,72metres to the street line of this erf. No such building or structure shall be situated within 2,36metres if the lateral boundary common to many adjoining erf."*

**Consent use**

Application in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to enable the owners to utilize the existing dwelling house on the property as a guesthouse.

**Departure**

Application in terms of Section 16(2)(b) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015 to relax the rear building line from 2m to 1m and 1,45m respectively.

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

**2. DECISION AUTHORITY**

Municipal Planning Tribunal.

**3. BACKGROUND / SITE HISTORY**

The erf is located in the residential area of Northcliff and measure 881m<sup>2</sup> in extent. The erf is zoned Residential Zone 1. The building was approved in 1948. The existing building plan was approved with the transgressions of the bedroom, servant's room and a garage.

**4. SUMMARY OF APPLICANT'S MOTIVATION**

The owner intends to operate a five (5) bedroom guest house and the motivation is as follows:

**Removal of the restrictive conditions**

C.1: *That this erf be used for residential purposes only*

The proposed use does not conform to the definition of residential as a primary right in terms of the Zoning Scheme. The application is for a consent use and the condition must be removed to enable the consent uses.

C.(2): *That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf*

The proposed application contains a managers unit, which is intended to function as a second dwelling unit. The condition needs to be removed to accommodate the second dwelling.

C.(3): *That not more than half the area of this erf be built upon*

The coverage of the building is 32% and the permissible coverage is not exceeded. It is proposed that the condition be removed to allow for the Zoning Scheme restriction of 50%.

C.(4): That no building or structure to any portion thereof except boundary walls and fences shall be erected nearer than 4,72metres to the street line if this erf. No such building or structure shall be situated within 2,36metres of the lateral boundary common to many adjoining erf.

The existing and approved building plan transgresses the restrictions. In order to relax these building lines, the restrictive conditions must be removed.

**Requirements of an application of removal of restrictive conditions:**The financial or other value of the rights

The restrictive condition does not have any financial value or other value for the property owner or anyone else.

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

There are no personal benefits.

**AGENDA OF THE MUNICIPAL PLANNING TRIBUNAL: 27 SEPTEMBER 2018**

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

The benefit is that no buildings encroach the title deed building lines and ensure compliance with the municipal town planning legislation.

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

The removal will unlock employment opportunities and contribute to the economy of Hermanus.

The application complies with the Planning Principles indicated by the applicant:

**Spatial Justice**

The approval will contribute to employment opportunities and redressing the social economic imbalances caused by apartheid planning.

**Spatial Sustainability**

The proposed guest house will not compromise high potential agricultural land, biodiversity or the environment.

**Efficiency**

The application will contribute to maximising the utilisation of services.

**Spatial Resilience**

The proposal is in line with the municipal planning documents.

**Good Administration**

The procedure applicable for the application with regard to public participation was followed.

**5. ADMINISTRATIVE COMPLIANCE**

Methods of advertising		Date published	Closing date for comments
Press	Yes	24/4/2018	08/6/2018
Gazette	Yes	26/4/2018	08/6/2018
Notices	Yes	24/4/2018	08/6/2018
Ward councillor	Yes	24/4/2018	08/6/2018
Total comments	<b>TWO (2)</b>		
Total letter of support	<b>ONE (1)</b>		
Was public participation undertaken in accordance with Section 45 - 49 of the Proposed Draft By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below):			<b>Yes</b>

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Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)	<b>Yes</b>
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**6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS**

<b>Name</b>	<b>Date received</b>	<b>Summary of comments</b>	<b>Recommendation</b>
Building Control	07/05/2018	Supported subject to submission of building plans in compliance with SANS10400 and any other legislation should any building work take place.	Supported
Local Heritage	02/05/2018	No objection.	Supported
Fire Services	18/06/2018	Annexure I.	Supported
Engineering Services	21/06/2018	Annexure H.	Supported

**7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION**

Objection was received from Mr JJ le Roux (Erf 4517)

The objections and reply can be summarized as follows:

**Objection**

Tourism is giving priority in relation to other businesses and rights of permanent residents. Advertising signs are permissible, but not for other professions such as physiotherapists.

**Applicant's response**

The tourism industry is one of the main drivers in the area. Tourism is not given preference over other professions, but is only supported if it does not harm the prevailing residential character of an area. The application for the removal of the conditions was addressed in the Motivation. An occupation on a residential erf may erect a sign subject to an application at Building Control in line with the By-Law on Signage.

**Town Planner's response**

No preference is given for a specific land use as long as it complies with the planning documents. Any property owner has a right to lodge an application.

**Objection**

There are too many guesthouses and with the protest many tourists cancelled. Employment will not benefit.

**Applicant's response**

Market and economic conditions are not regulated by town planning, but rather supply and demand. Employment opportunities will be created and has the potential to create the opportunity to address the unemployment situation.

**Town Planner's response**

Agree with the applicant.

**Objection**

The misuse of services by the influx of people that cannot or contribute a minimal fee towards service forces higher rates and taxes, which the average worker and pensioner cannot afford.

**Applicant's response**

The Municipality provides excellent services to its residents.

**Town Planner's response**

Noted

**Objection**

Planning Justice which has reference to apartheid has had an impact on the objector. His family were removed from Hawston to Hermanus in 1957 and the family was residents since then. At present the people coming into Hermanus has change the town and the objector expect as an original resident to retire in peace in Northcliff. The application erf was neglected and should be restored to its original function as a residential house.

**Applicant's response**

The history is very insightful, but has no bearing on the application. The applicant bought the erf in 2018 and is using the town planning process to deal with all the non-compliant aspects, which was caused by the previous owner.

**Town Planner's response**

As one of the older families in Hermanus, the objector at one time was also seen as a new resident. The application to address the non-compliance and upgrade the building has remove the eye sore in Northcliff.

**Objection**

The application will add to traffic in a street that is used by school children due to busses and tour operator mini busses. The adjacent open space is visited by children and people walking their dogs and additional traffic will be to the detriment.

**Applicant's response**

The proposed guest house is for only five (5) bedrooms and therefore is reasonable to expect that the guest will utilize private vehicles and not busses. The two (2) access points in Duiker- and Albertyn Streets will not add to the present traffic use and flow due to its limited activity of five (5) bedrooms.

**Town Planner's response**

The proposed guest house due to scale of the operation will not cause traffic congestion and the Engineering Department did not request a Traffic Impact Assessment. Parking is provided on site.

**Objection**

The financial benefit is not to the benefit of the town, since the applicant can sell the property at a premium price. Building on the property has commenced and should be investigated.

**Applicant's response**

The owner of a property has a right to sell his or her property at any price. The renovation of the buildings on the property was approved as long as it is within the existing footprint and not the areas for which the application is.

**Town Planner's response**

The objection is not realistic, since everyone has a right to lodge an application and sells the property. The renovations were approved by the Municipality.

**8. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)****8.1 Background**

N/A

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

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

The objectives relating to:

**Spatial Justice**

Not applicable.

**Spatial sustainability**

The renovation of the property irrespective of the use has attributed to the amenity of the area, which is to the benefit of the community at large. The effective use of the municipal services contributes to the rates and taxes. The proposed use will enable the applicant to ensure a functional building and effective use of the services rendered by the Municipality.

**Efficiency**

The upgrade of the property ensures efficiency of services rendered and use of the structure.

**Spatial Resilience**

The compliance with the applicable legislation ensures that the structure can withstand change and attribute to the social and economic conditions as may arise.

**Good administration**

The applicant did comply with the required administrative procedures in terms of public participation and information stipulated relevant to the application.

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

Same as Point 8.2 above.

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

Same as Point 8.2 above.

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

N/A

**8.6 Impact on Municipal engineering services**

None.

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

Not applicable.

**8.8 Existing and proposed zoning comparisons and considerations**

The application is in line with the Overstrand Spatial Documents.

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

The applicant will gain a financial benefit should the condition be removed due to the added use rights.

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

The applicant will personally benefit financially.

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

The social benefit is the advancement of the tourism industry and employment. The wider community benefit from the upgrading of a derelict building and the maintenance thereof.

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

The beneficiaries of the rights will partially benefit due to the upgrading of the structures, however will lose the benefit of an only single residential use.

**10. THE DESIRABILITY OF THE PROPOSAL**

The erf is located in the residential area of Northcliff, which is primarily residential. Very few guest houses are prevalent in the area. The dwelling house with the associated outbuildings was approved during 1947/48. Over the years the different owners did convert some of the outbuildings into habitable rooms. The important factor is that the building plan was approved transgressing the title deed building lines. The present owner bought the erf with the existing structures as approved in the 1940's and with the application rectifying the situation, including the transgression of the building lines and use change. The latter refers to the change of a single garage into a habitable room.

The application does comply for the Overstrand Spatial Development Framework, 2017 (SDF) and the Growth Management Strategy, 2010 (GMS). The application is also in line with the Policy of Guesthouses, which restricts guest houses to five (5) bedrooms and parking on site. The consent use application for a guest house is in line with the Overstrand Zoning Scheme, 2013.

The removal of the restrictive conditions is necessary to allow a guest house on a single residential erf as a consent use. The conditions to be removed are as follows:

C.(1): *That this erf be used for residential purposes only.*

The removal of the condition in total is not desirable as it opens the door for possible uses not in line with the character of the area. It is proposed that the condition to amend as follows: That this erf be used primarily for residential purposes and other primary uses be subservient to the residential use

C.(2): *That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.*

The restriction prohibits a second dwelling, which is a primary right in terms of the zoning. To ensure that the development parameters as per the Zoning Scheme is adhered to, the following amended is proposed: *That dwellings together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf with the approval of the Local Authority.*

C.(3): *That not more than half the area of this erf be built upon.*

The restriction can be removed, since the Zoning Scheme restricts the coverage of an erf to 50%, which is half of area of the erf. The condition can be removed.

C.(4) *That no building or structure to any portion thereof except boundary walls and fences shall be erected nearer than 4,72metres to the street line if this erf. No such building or structure shall be situated within 2,36metres if the lateral boundary common to many adjoining erf.*

The restriction is more restrictive than the Zoning Scheme. The Zoning Scheme building lines for a single residential erf went through an extensive public participation process before adopting the integrated scheme and were never in dispute. The condition can be removed.

The departures of the building lines in terms of the Zoning Scheme are deemed desirable, since it is necessary to accommodate an existing building with an approved building plan. No objection was received from the adjacent land owners.

The use change of a single garage into a single dwelling unit over the years is to be made inter-leading with the main dwelling. The use change will have no effect on any owner, since the adjacent erf is a public open space. However, the owner must roof the courtyard to ensure that the "second dwelling, previously a single garage, complies with the concept on inter-leading.

The objection received has been dealt with in Section 7 of the report.

## **11. RECOMMENDATION**

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 4509, Hermanus for the removal of the restrictive condition Clause C.(1) of Title Deed T10765/2018 applicable to Erf 4509, Hermanus in order to utilize the existing dwelling as a guest house, **be amended** to read as follows:

*"that this erf be used primarily for residential purposes and other primary uses be subservient to the residential use;"*

2. that the application in terms of Section 16(2)(f) of the afore-mentioned By-Law on Erf 4509, Hermanus for the removal of the restrictive condition Clause C.(2) of Title Deed T10765/2018 applicable to Erf 4509, Hermanus in order to utilize the existing dwelling as a guest house, **be amended** to read as follows:

*"that dwellings together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf with the approval of the Local Authority;"*

3. that the application in terms of Section 16(2)(f) of the afore-mentioned By-Law on Erf 4509, Hermanus for the removal of the restrictive conditions Clause C.(3) and C.(4) of Title Deed T10765/2018 applicable to Erf 4509, Hermanus in order to utilize the existing dwelling as a guest house, **be approved**;
4. that the application in terms of Section 16(2)(o) of the afore-mentioned on Erf 4509, Hermanus for a consent use in order to enable the owners to utilize the existing dwelling house on the property as a guest house, **be approved** in terms of the provisions of Sections 61 of the By-Law;
5. that the application for departure in terms of Section 16(2)(b) of the afore-mentioned By-Law to relax the rear building line from 2m to 1m and 1,45m respectively, **be approved** in terms of the provisions of Sections 61 of the By-Law;
6. that the amendments in paragraphs 1. and 2. and the approval in paragraphs 4. and 5. be subject to the following conditions:
  - (a) that the amount of guests be restricted to ten (10) people;
  - (b) that parking be provided on-site as per parking layout Plan 3: SDP, as submitted with the application;
  - (c) that a maximum of one (1) permanently demarcated parking bay per guest room and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Authorised Official;
  - (d) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guest house
  - (e) that no facilities (bar/restaurant or any other) be provided for non-residents of the guest house;
  - (f) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (g) 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;
  - (h) that a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises;
  - (i) 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;
  - (j) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
  - (k) that this approval does not absolve the applicant from compliance with any other relevant legislation;

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- (l) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (m) that all the conditions in the Services Report (attached as Annexure H), be complied with, and
  - (n) that all conditions imposed by the Fire Department (attached as Annexure I), be complied with.
7. that the applicant and objector be notified of its 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.

**12. REASONS FOR RECOMMENDATION**

- ❖ The application has followed due procedure.
- ❖ One (1) objection has been received.
- ❖ None of the internal departments have any objection.
- ❖ None of the municipal services will be needed.
- ❖ It is in line with policy documents.

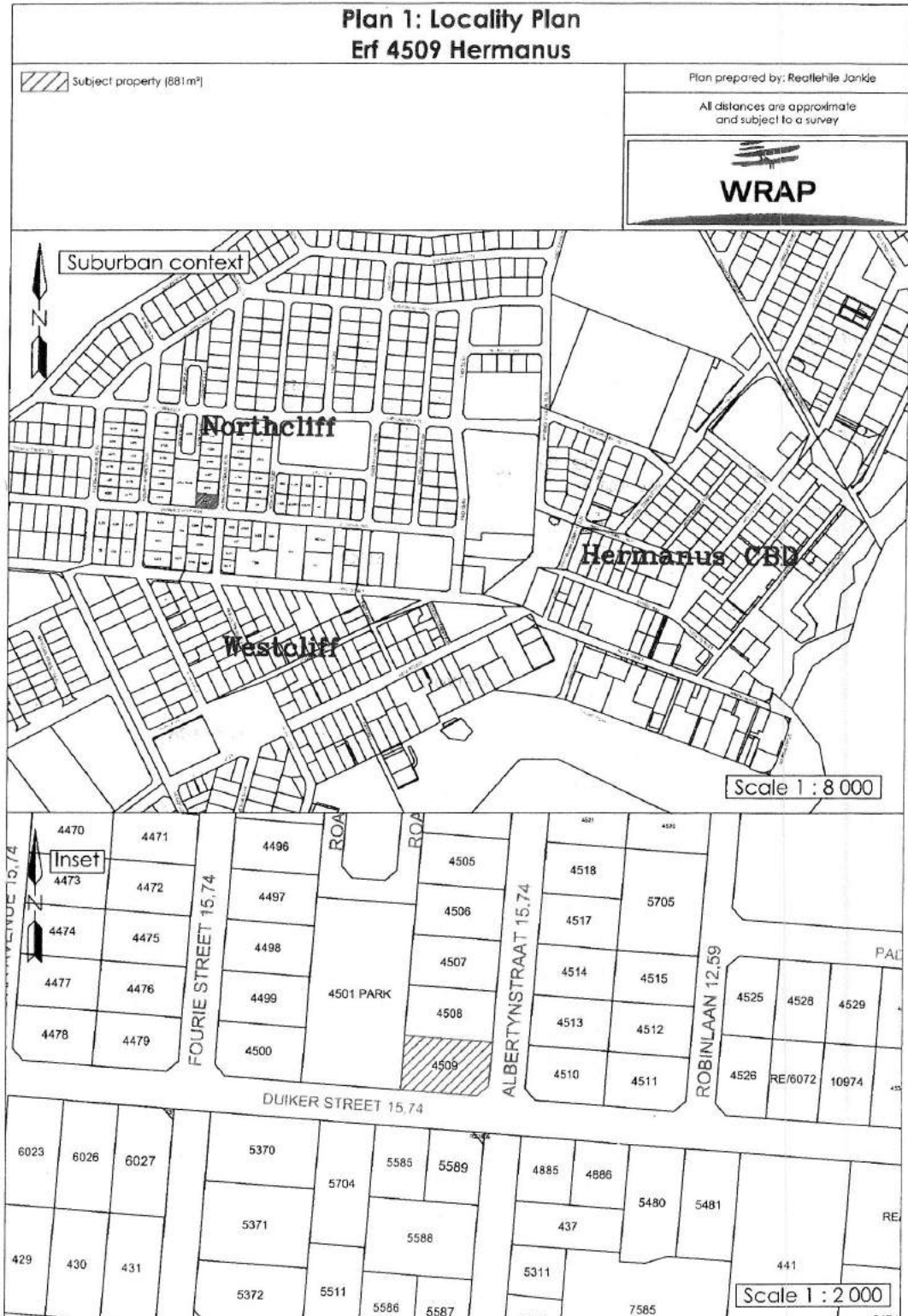
**13. ANNEXURES**

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Title Deed T10765/2018
Annexure E:	Objection received
Annexure F:	Applicant's response to objection received
Annexure G:	Fire Services
Annexure H:	Engineering Services Report

**SIGNATURES****REGISTERED PLANNER**Name : **S VAN DER MERWE**SACPLAN Reg No: **A/1850/2014**

Signature : \_\_\_\_\_

Date: \_\_\_\_\_



WRAP

MOTIVATION

## 2. ABBREVIATIONS

OMZS	Overstrand Municipality Zoning Scheme, 2013
SDF	Overstrand Municipality Spatial Development Framework, 2006
OM	Overstrand Municipality
OMAE	Overstrand Municipality Accommodation Establishments
OM By-Law	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015
SPLUMA	Spatial Planning and Land Use Management Act, 2013
LUPA	Land Use Planning Act, 2014
PSDF	Western Cape Provincial Spatial Development Framework 2014
IDP	Overstrand Municipality Integrated Development Plan
DEADP	Western Cape Department of Environmental Affairs and Development Planning
SDP	Site Development Plan

## 3. SUMMARY OF PROPERTY DETAILS

<b>Applicant</b>	WRAP (Wright Approach Consultancy)
<b>Registered owner</b>	Tania Pretorius
<b>Erf number</b>	Erf 4509 Hermanus ( <i>hereafter referred to as the subject property</i> ).
<b>Suburb</b>	Northcliff
<b>Property extent</b>	881m <sup>2</sup>
<b>Building footprint</b>	322 <sup>2</sup>
<b>Title deed</b>	T10765/2018
<b>Restrictive title deed conditions</b>	There are 4 restrictive title deed conditions which are proposed for removal.
<b>Applicable zoning scheme</b>	OMZS
<b>Current zoning</b>	Residential Zone 1: Single Residential (SR1)
<b>Permissible primary uses on SR1</b>	Dwelling house, day care centre, guest rooms, home occupation and second dwelling unit.
<b>Current land use</b>	Vacant dwelling

## 4. BACKGROUND

An extension on the building works of the subject property was approved on 4 May 1948 (refer **Annexure A**). This means that the subject building was built before 1948. The buildings which encroach on the zoning scheme and title deed building lines are the bedroom, maids room and garage, as depicted on the approved building plan. The building was thus approved to be used for habitation purposes while encroaching on the building line. The previous property owner changed the land use of the outbuilding which is located 1m from the boundary line to be used for habitation purposes. This application is therefore intended to also address this historic situation.

WRAP

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WRAP

MOTIVATION

## 5. PROPOSAL

The property owner intends to operate a 5-bedroom guest house. The following is proposed to enable the owner to have the appropriate land use rights to operate a guest house.

### 1. Removal of the following restrictive title deed conditions:

- C.1 "That this erf be used for residential purposes only"  
 C.2 "That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf."  
 C.3 "That not more than half the area of this erf be built upon."  
 C.4 "That no building or structure or any portion thereof except boundary wall and fences shall be erected nearer than 4,72 meters to the street line of this erf. No such buildings or structure shall be situated within 2,36 meters of the lateral boundary common to any adjoining erf."

The rationale for the removal of these restrictive title deed conditions will be elucidated in Section 7 of this report.

2. Departure from the building lines in the OMZS to accommodate the existing building.
3. A consent use for a 5-bedroom guest house.

This proposal will not result in the alteration of the building footprint of the existing building. The rooms which are proposed as to be used as guest rooms which encroach on the 2m rear building lines have historically been converted by the previous property owner for habitation purposes. The subject property on the western boundary is abutted by a public open space (park) and this proposal will not have any impact on people who occasionally use the park for leisure purposes.

The property owner also intends to renovate the subject property with new finishes to increase the visual attractiveness of the property.

Considering the above, WRAP has been appointed to apply for the following:

- **Removal of title deed restrictions** C (1), C (2), C (3) and C (4) from Title Deed T239/2018 of Erf 4509 Hermanus, in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Departure** from the 2m rear boundary line to 1m to accommodate the existing dwelling house in terms of Section 16(2)(b) Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Departure** from the 2m rear boundary line to 1,45m to accommodate the existing dwelling house in terms of Section 16(2)(b) Overstrand Municipality By-Law on Municipal Land Use Planning, 2015; and
- **Consent use** for a guest house with 5 lettable rooms in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning.

WRAP

File 18/009  
 Erf 4509 Hermanus  
 February 2018  
 Amended April 2018  
 Page 8

WRAP

MOTIVATION

## 6. URBAN FORM

The urban form of Northcliff is a mixture of a grid and curved suburban layout with pockets of 7 public open spaces. The approval of this proposal will not alter this valued prevailing urban form.

The urban form of Northcliff predominantly comprises of residential buildings which range from single residential, flats, some guest houses, tourist accommodation and home occupations. This proposal blends in with this prevailing valued urban form.

## 7. RESTRICTIVE TITLE DEED CONDITIONS PROPOSED FOR REMOVAL

The following title deed restrictions are proposed for removal:

- **C.1 That this erf be used for residential purposes only.**

The proposed use of a 5-bedroom guest house is not in conformity with the definition of "residential" in terms of the primary rights of SR1 in the OMZS. The proposed 5 bedrooms in the guest house exceeds the primary rights enjoyed by property owners of SR1 properties who have not applied for a consent use. This title deed condition is proposed for removal for the proposed uses to be permissible.

- **C.2 That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.**

The subject property has a proposed managers room (refer **Plan 3**) which is intended to function as a second dwelling unit. It is thus proposed that this title deed restriction be removed to accommodate the proposed use.

This title deed restriction was imposed by the Administrator in 1945 within the context of suburban sprawl which promoted low density development. This title deed restriction does not respond to the current development pressures caused by urbanisation and population growth which promote densification within the urban edge. This title deed restriction is thus proposed for removal for any land uses on the subject property to respond to the current dynamic urban development pressures.

- **That not more than half the area be built upon.**

The coverage of the subject building is 32,5% and this permissible coverage is not exceeded. It is proposed that this coverage title deed restriction be removed as the OMZS allows a maximum coverage of 50% for the subject property. The OMZS is thus a modern tool to regulate coverage and the removal of this restrictive title deed condition would eliminate regulatory duplication. If there is a future requirement to exceed such coverage in future, it will only require an application for departure.

- **That no building or structure or any portion thereof except boundary walls and fences be erected nearer than 4,72 meters to the street line of this erf. No such building or structure shall be situated within 2,36 meters of the lateral boundary common to any adjoining erf.**

The following existing and approved buildings encroach on the title deed building lines which necessitates the removal of this title deed restriction.

WRAP

WRAP

## MOTIVATION

- The dwelling house is located 1m from the rear boundary and encroaches on the 2,36m building line.
- The dwelling house is also located 1,45m from the other rear boundary and encroaches on the 2,36m building line.

In order to relax these building lines, the restrictive title deed conditions need to be removed.

These building lines were imposed by the Administrator in 1945 in an era of low density development and do not respond to the current urban development pressures. The title deed building lines are also more restrictive than the OMZS building lines. It is proposed that the OMZS be used to regulate all building lines on the subject property.

**Requirements for the amendment, suspension or removal of restrictive conditions:**

Section 35(4) of the Overstrand By-Law on Municipal Land Use Planning, 2015, highlights the relevant Municipal considerations for the removal, suspension or amendment of restrictive title deed conditions. Herewith are the relevant considerations assessed in conjunction with this proposal.

- **(a) The 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 vests in the persons of the owner of a dominant tenement.**

This restrictive condition does not have a beneficial financial or other value for the property owner or anyone else.

- **(b) The personal benefits which accrue to the holder of rights in terms of the restrictive condition.**

There are no personal benefits which accrue to the holder of these restrictive title deed conditions.

- **(c) The personal benefits which will accrue to the person seeking the removal of the restrictive conditions, if removed.**

The removal of these restrictive title deed conditions will enable the property owner to derive the following benefits;

- Ensure that no building lines in the title deed are encroached;
- Remove title deed conditions which restrict the use as a guest house; and
- Ensure compliance with all relevant municipal town planning legislation.

- **(d) The social benefit of the restrictive condition remaining in place.**

There is no social benefit if the restrictive conditions remain in place.

- **(e) The social benefit of the removal of the restrictive condition.**

The removal of this restrictive title deed condition will contribute to unlocking employment opportunities in the proposed guest house. The tourists who will visit

WRAP

## ANNEXURE B 5/13

WRAP

## MOTIVATION

the proposed guest house will also purchase items from other establishments in Hermanus which will have a financial benefit for other businesses and the society.

**(f) Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.**

There are no rights which are enjoyed by any member of the society and the removal of these restrictive conditions do not constitute a deprivation of rights.

## 8. ZONING

The following zoning parameters of the subject property were assessed in conjunction with the proposal.

Residential Zone 1: Single Residential			
	Parameters	Proposal	Comply or deviate
<b>Primary use</b>	Dwelling house, day care centre, guest rooms, home occupation and second dwelling unit.	Dwelling house	Comply
<b>Consent use</b>	Crèche, <b>guest house</b> , green house, house shop, institution, place of instruction, place of worship, residential building and tourist accommodation.	Guest house	Deviate/applied for
<b>Land Use Restrictions</b>			
<b>Coverage</b>	50%	32,5%	Comply
<b>Street building line</b>	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.	N/A	N/A
<b>Side and Rear building line</b>	Side and Rear building lines for erven greater than 400m <sup>2</sup> are 2m.	Departure from the 2m rear building line to 1m to accommodate an existing dwelling.  Departure from the 2m rear building line to 1,45m to accommodate an existing dwelling house.	Deviate/applied for

WRAP

## ANNEXURE B 6/13

WRAP	MOTIVATION		
<b>Height</b>	8 m measured from the base level to the top of the roof.	5,7m	Comply
<b>Garages and carports</b>	Garages and carports may be constructed within the building lines in accordance with 16.1.2.	N/A	N/A
<b>Parking</b>	<p>Parking and access shall be provided on the land unit in accordance with Section 17.1 of the Overstrand Municipality Zoning Scheme of November 2013.</p> <p>2 bays per establishment (owner/manager)</p> <p>Guest rooms 1 bay per bedroom/2 persons accommodated</p>	<p>2 parking bays required for the manager and 2 parking bays are provided.</p> <p>5 parking bays required for the guest house and 5 parking bays are provided.</p> <p>A total of 7 parking bays are proposed on the property</p>	Comply

**9. SERVICES****9.1 Electricity**

Electricity on the subject property is provided by the Overstrand Municipality and the approval of this application will not alter the status quo.

**9.2 Water**

Water on the subject property is provided by the Overstrand Municipality. The approval of this application will not alter this.

**9.3 Sewage**

The subject property is connected to the Municipal sewage network.

**9.4 Access and egress**

Access to parking labelled P1 to P6 is proposed to be gained from the 6,08m wide vehicle entrance (refer **Plan 3**). There is sufficient manoeuvring space ensure that the vehicles enter Duiker Street in first gear.

Access to the parking labelled as P7 is proposed to be gained from Albertyn Street. Sufficient manoeuvring space is provided.

This proposed guest house will have minimal impact on the traffic passing in the two streets.

**10. HEALTH AND SAFETY**

The approval of the proposed guest house will not have any noxious activities and will not impact on the health of neighbours in any way.

The tourists who will visit the subject property will also bring additional surveillance in the area which will contribute to reducing crime and positively impact on the safety of Northcliff.

**11. VISUAL IMPACT**

The footprint of the subject property will not be altered with the approval of this application. Only the uses of the internal rooms will be changed. The property will also be renovated to increase its attractiveness for guest and neighbours. The approval of this application will thus contribute to a positive visual impact on the streetscape and neighbours.

**12. OMAE**

The Overstrand Municipality Policy on Accommodation Establishments provides a set of guidelines which enhance the development parameters that are applicable for accommodation establishments. The alignment of this proposal was assessed in terms of the relevant sections of this guideline.

- **Up to 5 rooms need to apply for Special Consent or a Departure from the Zoning Regulations. All rooms to be interleading with the main dwelling.**

Five guest rooms are proposed. The rooms on the subject property are interleading, apart from the second dwelling unit.

- **Meals/liquor may be served to residents only.**

If the property owner decides to serve meals on the subject property, only the bona fide guest will be served.

- **The owner/manager must occupy the premises personally.**

The owner/manager will occupy the room in the second dwelling.

- **An approved unilluminated advertising sign to a maximum size of 2000 cm<sup>2</sup> may be displayed. Any other signage not on the property must be applied for separately at the Tourism Bureau.**

The subject property will comply with the Overstrand Municipality By-Law Relating to Outdoor Advertising and Signage.

- **One or more fire extinguishers must be provided to the satisfaction of the municipal Head of the Fire Department. Obtain specifications regarding fire extinguishers.**

There will be one or more fire extinguishers on the subject property and will be to the satisfaction of the Head of the Fire Department.

### 13. SPATIAL PLANNING DOCUMENTS

#### Spatial planning documents

This proposal was assessed in terms of the existing spatial planning documents. This is to ensure that this proposal is in harmony with the urban form and urban form which is envisaged by the local and provincial authorities.

#### PSDF

The aim of the PSDF is to give spatial expression to the national and provincial development agendas and serves as a basis for coordinating, integrating, and aligning ground delivery of national and provincial departmental programmes. The framework also aims to communicate the government's spatial development intentions to the private sector and civil society.

The PSDF promotes capitalising and preserving the local build form, natural typologies, character and heritage of an area. The subject property is located in an area with a grid and curved built form which is characterised by a variety of residential properties. This proposal is in harmony with this character as the proposed 5-bedroom guest house is complementary to residential uses.

The PSDF cites that creating connections to economic and social opportunities as integral towards achieving socio-economic integration. The tourism industry in Hermanus is one of the major economic drivers in the Overstrand. The tourists who will reside on the subject property will visit a variety of places and socialise with a variety of people and spend money at different places. This will contribute to enhancing socio-economic integration in the Overstrand.

The PSDF highlights that the clustering of social facilities and complementary services as integral. The subject property is located within walking distance to the services/amenities which the CBD has to offer as well as the cliff path. This will provide the guests with a great experience of Hermanus which will promote the beauty of the town through a word of mouth.

#### SDF

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

The SDF cites that the Greater Hermanus needs to be promoted as a tourist destination. This proposal seeks to contribute to enhancing the image of Hermanus as an attractive and viable tourist destination.

It is highlighted in the SDF that the character of Hermanus must be retained in the current form while ensuring appropriate growth to address the growing populations housing needs. This proposal seeks to address the accommodation needs of tourist

WRAP

MOTIVATION

who flock to Hermanus while ensuring that the housing typology of the subject property blends in with the housing typology of Northcliff.

The Spatial Proposal Plan in the SDF earmarks the subject property for residential development. This proposal is intended to preserve the current SRT zoning on the subject property and is aligned with the SDF.

#### **OMGMS**

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

The OMGMS highlights that the built environment and landscapes in Hermanus should be enhanced and well managed. The subject property has been vacant for some time and was subject to urban blight. This proposal seeks to institute a process where the subject property will be renovated and renewed and restored to its former glory. The approval of this application will contribute towards enhancing the visual look of the subject property as the owner will constantly improve the look of the property to impress the guests. This proposal is intended contribute to enhancing the built environment.

The OMGMS cites that the development of mixed land uses which provide for vitality, opportunities and integrated living environments should be supported. This proposal consists of a permanent residential use as the manager/owner will reside on the property and a temporary accommodation for the tourists. This permanent and temporary mixed-use is complementary to the residential context of the subject property.

The OMGMS promotes optimal land use planning and the efficient use of services, facilities and land. This proposal seeks to ensure that the available services on the subject property are optimally used to benefit a greater number people (tourists) within the services capacity limits.

The subject property is located in Planning Unit 12 and conforms to the housing typology envisaged in the area. Second and third dwelling units are promoted for this planning unit and the subject property has a second dwelling unit. The densification zone of Planning Unit 12 is less than 10 dwelling units per hectare and this proposal does not seek to densify the subject property beyond the permissible density in terms of the zoning scheme.

#### **Consistency with the various planning principles**

The analysis of the spatial planning documents has provided a clear and complete explanation of the alignment of the proposal with the relevant development frameworks. The proposal is consistent with the PSDF, SDF and OMGMS can be deemed as encompassing the core objectives of planning as set out in the documents.

WRAP

#### 14. PLANNING PRINCIPLES

The proposal was analysed for consistency with the planning principles to provide a recommendation to the OM for the application in terms of Section 42 of SPLUMA and Chapter VI of LUPA.

##### **Spatial Justice**

The approval of this proposal will contribute to employment creation and redressing the socio-economic imbalances caused by apartheid planning.

##### **Spatial Sustainability**

The proposed guest house will not in any way compromise on agricultural land, environmentally sensitive and biodiversity rich areas as well as the scenic and cultural landscape and will contribute to combating urban sprawl.

##### **Efficiency**

The approval of this proposal will contribute towards maximising on the utilisation of services on the subject property by catering to guests and the manager within the available service capacity limits.

##### **Spatial Resilience**

This proposal is aligned with the PSDF, SDF and OMGMS. The approval of this application will thus ensure that the subject property will be able to resist, absorb and accommodate economic shocks in a timely and efficient manner.

##### **Good Administration**

The proposed development will promote consultative planning as the Municipality will advertise the proposal to the public to allow the comments of the public to be taken into consideration. WRAP will also respond to the comments of the public and take the comments into consideration in the planning of the project. All these measures will ensure that a joint planning approach is pursued to the benefit of the owner of the subject property and the community.

#### 15. EVALUATION

##### **Application**

- **Removal of title deed restrictions** C (1), C (2), C (3) and C (4) from Title Deed T239/2018;
- **Departure** from the 2m rear boundary line to 1m to accommodate the existing dwelling house;
- **Departure** from the 2m rear boundary line to 1,45m to accommodate the existing dwelling house; and
- **Consent use** for a guest house with 5 lettable rooms.

##### **Urban form**

The approval of this proposal will not alter the prevailing urban form and will blend in with the valued form.

**Restrictive title deed conditions proposed for removal**

Title deed restriction C1, C2, C3 and C4 are proposed for removal for the proposal to be permissible.

The restrictive title deed conditions remaining in place do not have any benefit for the property owner or society. The removal of the restrictive conditions has a social benefit as additional employment opportunities will be unlocked and other businesses in the tourism value chain will have additional customers.

**Zoning**

- The proposed guest house is a consent use in terms of SR1;
- The permissible coverage is 50% and this proposal is for 32,5%;
- The proposed departure is from 2m to 1m of the rear boundary and from 2m to 1,45m; and
- Seven parking bays required are provided.

**Services**

- There is an existing connection to the Municipal electricity grid;
- There is an existing connection to the Municipal water supply;
- The subject property is connected to the Municipal sewage system; and
- The access and egress to the subject property is depicted on the SDP and is compliant.

**Health and safety**

This proposal will not have an adverse impact on the health of neighbours. The additional guest will also bring surveillance to Northcliff and contribute to reducing crime.

**Visual impact**

The footprint of the property will be unaltered with the approval of this application. The renovations which the property owner will make, will increase the attractiveness of the subject property.

**OMAE**

- Only 5 rooms will be used as guest accommodation;
- The manager/owner will reside on the premises; and
- All future advertising will comply with Overstrand Municipality By-Law Relating to Outdoor Advertising and Signage.

**PSDF**

The approval of this proposal will contribute preserving the local built form and character of Northcliff. This proposal seeks to positively build on the existing socio-economic connections of the Overstrand. The subject property is ideally located to provide tourists with a great experience of Hermanus.

**SDF**

This proposal seeks to contribute to Hermanus being an attractive tourist destination. This proposal is aligned with the prevailing housing typology in Northcliff. The subject

property is earmarked for residential purposes and this proposal is aligned with this development imperative.

#### **OMGMS**

The approval of this proposal will lead to the visual improvement of the subject property. The proposal promotes mixed uses which range from the permanent occupier which is the manager/owner and temporary visitors which are the tourists. The proposal complies with the envisaged densities and the housing typology for the area.

#### **Consistency with the planning principles**

**Spatial justice:** the guest house will not in any way perpetuate the spatial development imbalances caused by apartheid planning.

**Spatial sustainability:** the guest house will not compromise on agriculturally viable land, biodiversity rich areas and will not cause urban sprawl.

**Efficiency:** the guest house seeks to optimally capitalise on the residentially related development potential that exists on the subject property in an efficient manner.

**Spatial resilience:** the guest house is well aligned with all the relevant spatial planning policies that have been created by DEADP and the OM and is therefore spatially resilient.

**Good administration:** the Overstrand Municipality has an inclusive and efficient public participation process where the comments from the public will be taken into consideration and ensure a joint planning approach between WRAP, Municipal Officials and the public.

  
WRAP

MOTIVATION

**16. RECOMMENDATION**

It has been motivated that this proposal blends in with the prevailing urban form of the area and will contribute towards improving the visual appearance of the property.

Considering the above, it is recommended that the following application be **approved**:

- **Removal of title deed restrictions** C (1), C (2), C (3) and C (4) from Title Deed T239/2018 of Erf 4509 Hermanus, in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Departure** from the 2m rear boundary line to 1m to accommodate the existing dwelling house in terms of Section 16(2)(b) Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Departure** from the 2m rear boundary line to 1,45m to accommodate the existing dwelling house in terms of Section 16(2)(b) Overstrand Municipality By-Law on Municipal Land Use Planning, 2015; and
- **Consent use** for a guest house with 5 lettable rooms in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning.

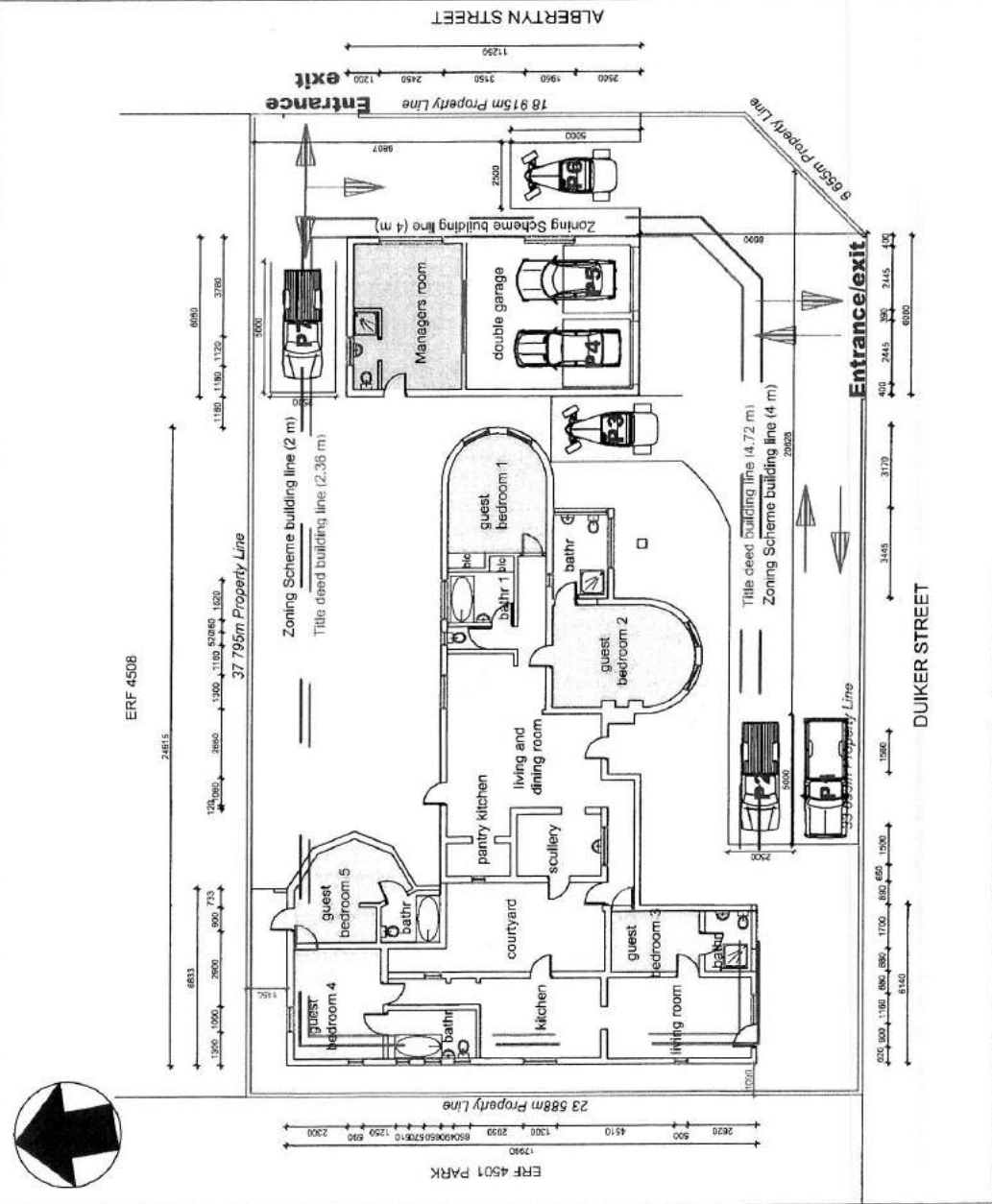
  
WRAP

**Plan 3: SDP**  
**Erf 4509 Hermanus**

Subject property (881m<sup>2</sup>)

Scale 1 : 200

Plan prepared by: Rectiflexia Jonkhe  
All distances are approximate  
and subject to a survey



**340**

DYKES VAN HEERDEN SLABBERT  
 HOPKINS  
 Unit E4/2  
 Edward IV  
 120-122 Edward Road  
 Bellville 7530  
 South Africa

Prepared by me

  
 CONVEYANCER  
 LISE COETZEE

R1965 000,00		R1050,00	
Amount	1965 000,00	1050,00	
Balance			
Interest			
Capital			
Other			

T000010765 / 2018

**DEED OF TRANSFER**

BE IT HEREBY MADE KNOWN THAT

**LISE COETZEE**

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at CAPE TOWN on 21 FEBRUARY 2018 granted to him by

1. **HUW BRYN OWEN JONES**  
 Identity Number 720901 5028 087  
 Unmarried
2. **CECILE DE VILLIERS**  
 Identity Number 720511 0079 082  
 Unmarried

DATA / CAPTURE  
 20 MAR 2018  
 DIPONTSENG LEEUW

DATA / VERIFY  
 22 MAR 2018  
 NOLUVO MTYAMBA

GhostConvey 16.3.1.2

And the appearer declared that his said principal had, on 20 January 2018, 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:

**TANIA PRETORIUS**  
**Identity Number 611013 0057 087**  
**Unmarried**

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

ERF 4509 HERMANUS  
 IN THE OVERSTRAND MUNICIPALITY  
 DIVISION CALEDON  
 PROVINCE OF THE WESTERN CAPE

IN EXTENT 881 (EIGHT HUNDRED AND EIGHTY ONE) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T10650/1945 with Diagram No 3585/45 relating thereto and held by Deed of Transfer Number T239/2018

- A. SUBJECT to the conditions as referred to in Deed of Transfer No. T10650 dated 8 August 1945.
- B. SUBJECT FURTHER to the following conditions contained in the Deed of Grant issued by virtue of the provisions of Section 10 of Act 15 of 1887 in favour of the Municipality of Hermanus on 5 August 1922 (CALEDON QUITRENT VOLUME 3 NO 8), namely:
- (2) That all roads and thoroughfares over the land, whether or not described in the plan or diagram thereof, shall remain free and uninterrupted unless closed, diverted or altered by competent authority.
  - (4) That the land hereby granted shall be subject to all rights and servitudes which now affect, or at any time hereafter may be found to affect, the title of the land hereby granted, or which may be binding on the Government in respect of the said land as at the date hereof.
- C. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. 10650 dated 8 August 1945, imposed by the Administrator of the Province of the Cape of Good Hope upon approval of the Hermanus Township Extension No. 4, namely:-

As synde ten gusnte van die geregistreerde eienaar van enige erf in die dorpsgebied en onderhewig aan wysiging of verandering deur die Administrateur kragtens die bepalings van Ordonnansie No. 33 van 1934:

1. That this erf be used for residential purposes only;
2. That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf;

Page 3

3. That not more than half the area of this erf be built upon;
4. That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres to the street line of this erf. No such building or structure shall be situated within 2,36 metres of the lateral boundary common to any adjoining erf.

As synde ten gunste van die Administrateur:

6. That the owner of this erf shall be obliged to allow the drainage or sewerage of any other erf to be conveyed over this erf, if deemed necessary by the Council of the Municipality of Hermanus and in such manner and in such position as may from time to time be reasonably required by the said Municipal Council.
- D. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. 10650 dated 8 August 1945 imposed by the Municipality of Hermanus for its benefit namely:
- (a) No person, Company or Syndicate shall at any time own more than four vacant erven in this extension (Hermanus Township Extension No 4);
  - (b) No person shall construct a dwelling with the necessary outbuildings at a cost of less than One Thousand Two Hundred Rand (R1 200.00) on this erf.

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

- 1. **HUW BRYN OWEN JONES, Unmarried**
- 2. **CECILE DE VILLIERS, Unmarried**

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

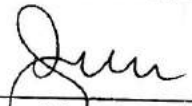
**TANIA PRETORIUS, Unmarried**

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 R1 965 000,00 (ONE MILLION NINE HUNDRED AND SIXTY FIVE THOUSAND RAND).


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

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

16 MAR 2018

  
 \_\_\_\_\_  
 q.q.

In my presence

  
 \_\_\_\_\_  
 REGISTRAR OF DEEDS

FILE NO:	EL 4509
	Hermanus
SCAN NO:	HMS 4509
COLLABORATOR NO:	1166269

Albertynstraat nr.38  
North Cliff  
HERMANUS 7200

ANNEXURE E 1/3  
CH Olivier



05 Junie 2018

DIE MUNISPALE BESTURDER  
DEPARTEMENT  
STADSBEPANNING  
PATERSONSTRAAT 16  
HERMANUS  
7200

Mun: VERWYSING:4509 HNC (3915)

**BESWAAR**

**PER HAND : VIR AANDAG ME H VAN DER STOEP**

Geagte Heer / Dame

**MUNISIPALE KENNISGEWING NR. 65/2018**  
**ERF 4509, HERMANUS: AANSOEK VIR DIE VERWYDERING VAN**  
**BEPERKENDE BEPALING IN DIE TRANSPORT AKTE VOORWAARDES**  
**AFWYKING EN TOESTEMMENDE GEBRUIK / TRANSPORT AKTE**  
**T 10765//2018 / NUWE REGISTERDE EIENAAR TANIA PRETORIUS**

Ek is die geregistreerde eienaar van Erf 4517 Albertrynstraatnr.38 , North Cliff, Hermanus. Hiermee maak ek beswaar teen opheffing van die beperkende bepaling in die Transport Akte nr. T10765 / 2018 van die Applikant asook die verbruiksreg van 'n gastehuis op erf 4509 en wel omrede die volgende

**TOERISME**

**Toerisme** in Hermanus word voorkeur aan verleen teenoor ander beroepe, besighede en regte van jare lange permanente residensiele inwoners. Orals word gaste huise opgerig en voorwaardes en beperkings op transportaktes gerojear en gaste huise goedgekeur. Dit in teenstelling met die bepaling van gelykheid in terme van artikel 9 van die Grondwet nr 108 van 1996. Uithangborde vir gaste huise word goedgekeur maar 'n persoon wat 'n beroep beoefen soos 'n fisioterapeut mag nie 'n bord oprig nie en daar is sekere voorkeur beroepe.

**GASTE HUISE**

Met die onlangse opstand, oproer , brandstigting en saakbeskadiging wat nou openbare geweld genoem word, het toerisme afgeneem en was daar baie kansellaries. Daar is te veel gaste huise en baie word nie tenvolte benut nie. Die gemiddelde vergoeding van werkers in gaste huise is R2 500 00 per maand plus moontlike diens footjies. Die werkverskaffing gaan minimaal wees.

**MISBRUIK VAN DIENSTE**  
**WATER EN ELEKTRISITEIT**

Sedert 1946-1948 was permanente inwoners onderhewig aan waterbeperkings veral Desember-Januarie maande .Die Demokratiese Alliance doen hul uiterse bes en doen uitstekend werk om die invloed van mense oor ons grense en binnelands in Hermanus van die nodige dienste te voorsien. Die Meerderheid moet kosteloos of teen 'n minimale vergoeding wat behuising water, sanitasie, vuilgoed verwydering en

TP 7 JUN '18

elektrisiteit betref voorsien word. Die vraag is wie betaal daarvoor. Die gewone werker en pensioenaris in Hermanus kan net eenvoudig dit nie meer bybring nie.

#### **GESKIEDKUNDIGE AGTERGROND**

**My** erf 4517 is reeds sedert 1948 die eiendomsreg van my en my familie. Op daardie stadium het my familie erwe 4513, 4514, 4517 en 4518 aangekoop en die erwe behalwe erf 4518 ontwikkel. Erf 4509 was dieselfde tyd gekoop en verder was daar nie ontwikkeling in North Cliff na die berg se kant toe nie..

.Paragraaf 14 "Planning Principal" "Spatial Justice" van die aansoeker verwys na A P A R T H E I D. Die ontwikkeling van Hermanus het lank voor die A P A R T H E I D wetgewing begin. Dit het nog onder die Engelse Kolonialisme begin. My voorouers Henn en Warrington het van Hawston na Hermanus gekom en was die eerste inwoners van Hermanus. Wat die dorp ontwikkel het. My grootvader het 'n winkel, slaghuis en 'n melkery gehad. Hulle het werk verskaf. My vader was 'n polisie Beampite en is op 'n jeugdige ouderdom in Keimoes oorlede. Hy het die Botswana grens met kamele gepatrolleer en my moeder moes met haar kinders terugkeer na Hermanus. Ek en broer het in Kaapstad polisie diens gedoen. en het net naweke na Hermanus gekom. Hier was nie werk op Hermanus na die Depressie en tweede wereld oorlog nie. In 1952 is my familie uit Hawston gesit en die Laerskool waar my tante skool gehou het gesluit.

Die vorige eienaar het veroorsaak dat die huis op erf 4509 in 'n krot verander en moes al lankal gerestoureer gewees het. Vandag is inkommers besig om die hele Hermanus te verander. Ek het beoog en verwag om 'n rustige aftrede in North Cliff te he.

. Ek wil nie nou verder uitwei nie

#### **SONERING**

##### **Paragraaf 8**

Alhoewel daar nou vir 'n Gaste huis aansoek gedoen word sal die opheffing van beperkings in die transport akte meebring dat daar ook aansoek gedoen kan word vir 'n Creche, huis winkel, huis van aanbidding, en toeriste akkommodasie

Die vorige eienaar het reeds van die boulyne oorskrei en word die oortreding nou vergoed met 'n regstelling van die onregmatige daad. Wat gaan in die toekoms gebeur? Regstegnies kan niemand tog voordeel trek uit sy/haar onregmatige daad nie.

#### **VERKEER**

Met 'n Gaste Huis sal daar gedurende die nag toerbusse en minibus taxis moet stop Goedere en passasiers aflaai en oplaa en 'n versteuring gaan veroorsaak. Een van die ingange en uitgange is in Albertynstraat. Hierdie straat het reeds daaglikse parkeer en verkeer probleme. Afleweringsvoertuie sal ook in die twee strate moet stop..

Skoolkinders gebruik Duikerstraat in stede van die Hoofstraat om skool toe te loop en middag terug huis toe te loop. Om van die verkeer in die hoofstraat weg te kom. Die parkie word deur skoolkinders gebruik ( soms ook as 'n skooluitstap ) asook mense wat met hul honde stap vir oefening. Die verkeer gaan hierdie aktiwiteite belemmer en in gevaar stel..

#### **FINANSIELE VOORDEEL**

Die meeste winkels en veral in die Whale Coast Mall is ketting winkels en Banke is verbind met oorseese en binnelandse geldmagnate as aandeelhouers sodat die geld wat spandeer word weer uit Hermanus gaan. Dieselfde geld vir die feeste wat gehou

word. Mense kom van buite Hermanus om stalletjies te bekom en neem dan die winste weer uit Hermanus. As dit oor restaurante gaan word daar dan juis voedsel **en drank** voorsien in die beplande gaste huis, derhalwe kan of die gaste huis of die restaurant nie daaruit voordeel trek. Die eienaar kan nadat die voorstelle goedgekeur is die gastehuis teen 'n groot wins verkoop.

Ek versoek dat die aansoek nie toegestaan word en dat die huis slegs as woonhuis in die vorige stand gerestoureer word. Die nuwe eienaar was bewus van die risikos toe die eiendom aangekoop is. Intussen het die bouery reeds begin. Ek versoek dat die bou inspekteur ondersoek instel of daar reeds sonder dat die planne finaal goedgekeur is van die vorige planne afgewyk is.

Die uwe



**JACOBUS JORDAAN LE ROUX**



*TR: A Theart  
(C. Holiviar)*

ESTABLISHED 2002

Town and  
Regional Planning

Municipal  
legislation  
and Procedures

Liquor  
Licensing

Development  
Management

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Wright Approach  
Investments 136 CC

Reg No  
CK 2002/060745/23

Our reference: 18/009  
Your reference: 4509 HNC (3915)

15 June 2018

The Municipal Manager  
Overstrand Municipality  
P O Box 20  
**HERMANUS**  
7200

Sir

**ERF 4509 HERMANUS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND CONSENT USE**

An objection was received from JJ le Roux.

The objection is in Afrikaans, but the response is in English as that is the language which was used in the submitted application.

<b>Comment</b>	<b>Toerisme</b> Toerisme in Hermanus word voorkeur aan verleen teenoor ander beroepe, besighede en regte van jare lange permanente residensiele inwoners. Orals word gastehuse opgerig en voorwaardes en beperkings op transportaktes gerojee en gaste huise goedgekeur. Dit is in teenstelling met die bepaling van gelykheid in terme van Artikel 9 van die Grondwet nr 108 van 1996. Uithangborde vir gastehuse word goedgekeur maar 'n persoon wat 'n beroep beoefen soos 'n fisioterapeut mag nie 'n bord oprig nie en daar is sekere voorkeur beroepe.
<b>Response</b>	<b>Tourism in Hermanus</b> The tourism industry in Hermanus is one of the major economic drivers in the area as tourists from all over the world visit the area to witness the beauty of the built environment and natural systems. It is within this context that the tourism industry in the area is so prominent in Hermanus. The tourism industry is however not given preference over other occupations but is only supported by the Municipality if it can be illustrated that the tourism proposal is contextually appropriate and not harm the prevailing residential character of an area as it was done in the submitted town planning application.

*TR: 15 JUN '18*

FILE NO:	EL 4509 Hermanus
SCAN NO:	HMS 4509
COLLABORATOR NO:	1168532



<b>Response</b>	<p><b>Removal of the restrictive condition</b> The proposal for the removal of the restrictive title deed conditions was motivated in the town planning application in light of not appropriately responding to the current development pressures prevalent in Northcliff.</p> <p><b>Alleged contravention on equality</b> Article 9 of the constitution highlights the following.</p> <p>Equality "(1) Everyone is equal before the law and has the right to equal protection and benefit of the law. (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken. (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination. (5) Discrimination on one or more of the grounds listed in subsection (3)"</p> <p>The objector has not provided any specific details of how the approval and implementation of the guest house would be in contravention of any of the above provisions in Section 9 of the Constitution. The proposal is consistent with all the above provisions.</p> <p><b>Advertisement signs</b> A physiotherapist may erect a sign on the place of operation on condition that an application is submitted to the Overstrand Municipality Building Control and that the sign is compliant with the Overstrand Municipality By-Law Relating to Outdoor Advertising &amp; Signage.</p>
<b>Comment</b>	<p>Gastehuse Met die onlangse opstand, oproer, brandstiging en saakbeskadiging wat nou openbare geweld genoem word, het toerisme afgeneem en was daar baie kansellasies. Daar is te veel gastehuse en baie word nie ten volle benut nie. Die gemiddelde vergoeding van werkers in gastehuse is R2 500 per maand plus maontlike diens footjies. Die werkverskaffing gaan minimaal wees.</p>
<b>Response</b>	<p><b>Protests</b> Market conditions, economic climate and political stability in the business and societal environment is not regulated by town planning as planning is only responsible for the granting of appropriate land use rights that do not deprive other residents of rights which are enjoyed. The ultimate determinant of the viability of guest houses in Hermanus is supply and demand and will reach equilibrium in the guest house market.</p>


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	<p><b>Wages</b></p> <p>The national minimum wage in South Africa is R3500 and not R2500 as the objector suggests. The objector also negates that some employers pay employees more than this minimum wage. The impact of the approval and implementation of this proposal therefore has the potential to improve the financial disposition of unemployed people subject to adverse socio-economic conditions.</p>
<b>Comment</b>	<p><b>Misbruik van Dienste Water en Elektrisiteit</b></p> <p>Sedert 1946-1948 was permanente inwoners onderhewig aan waterbepenkings veral Desember-Januarie maande. Die Demokratiese Alliansie doen hul uiterse bes en doen uitstekende werk om die invloed van mense oor ons grense en binnelands in Hermanus van die nodige dienste te voorsien. Die meerderheid moet kosteloos of teen 'n minimale vergoeding wat behuising water, sanitasie, vuilgoed verwydering en elektrisiteit voorsien word. Die vraag is wie betaal daarvoor. Die gewone werker en pensioenaris in Hermanus kan net eenvoudig dit nie meer bybring nie.</p>
<b>Response</b>	<p>The Overstrand Municipality is indeed doing a sterling job in ensuring that services are delivered to residents considering the urbanisation process which is underway. The residents are paying for the services as it can be witnessed through the Overstrand Municipality having high collection of rates and taxes.</p>
<b>Comment</b>	<p><b>Geskiedkundige Agtergrond</b></p> <p>Erf 4517 is reeds sedert 1948 die eiendomsreg van my en my familie. Op daardie stadium het my familie erwe 4513, 4514, 4517 en 4518 aangekoop en die erwe behalwe erf 4518 ontwikkel. Erf 4509 was dieselfde tyd gekoop en verder was daar nie ontwikkeling in Northcliff na die berg se kant toe nie. Paragraaf 14 "Planning Principal Spatial Justice" van die aansoeker verwys na apartheid. Die ontwikkeling van Hermanus het lank voor die apartheid wetgewing begin. Dit het nog onder die Engelse kolonialisme begin. My voorouers Henn en Warrington het van Hawston na Hermanus gekom en was die eerste inwoners van Hermanus wat die dorp ontwikkel het. My grootvader het 'n winkel, slaghuis en 'n melkery gehad. Hulle het werk verskaf. My vader was 'n polisie beampte en is op 'n jeugdige ouderdom in Keimoes oorlede. Hy het die Botswana grens met kamele gepatrolleer en my moeder moes met haar kinders terugkeer na Hermanus. Ek en broer het in Kaapstad polisie diens gedoen, en het net naweke na Hermanus gekom. Hier was nie werk op Hermanus na die depressie en tweede wereld oorlog nie. In 1952 is my familie uit Hawston gesit en die Laerskool waar my tante skool gehou het gesluit. Die vorige eienaar het veroorsaak dat die huis op Erf 4509 in 'n krot verander en moes al lankal gerestoureer gewees het. Vandag is inkommers besig om die hele Hermanus te verander. Ek het beoog en verwag om 'n rustige aftrede in Northcliff te he. Ek wil nie nou verder uitwei nie.</p>
<b>Response</b>	<p><b>History</b></p> <p>The history provided by the objector is very insightful, profound and characterised by sadness, however has no bearing or relevance to the town planning proposal.</p> <p><b>Legislative requirements</b></p> <p>The evaluation of the proposal in conjunction with spatial justice was not done arbitrarily but it is a legal requirement in terms of SPLUMA and LUPA.</p>


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<b>Comment</b>	Alhoewel daar nou vir 'n gastehuis aansoek gedoen word sal die opheffing van beperkings in die transport akte meebring dat daar ook aansoek gedoen kan word vir 'n creche, huis winkel, huis van aanbidding, en toeriste akkommodasie. Die vorige eienaar het reeds van die boulyne oorskrei en word die oortreding nou vergoed met 'n regstelling van die onregmatige daad. Wat gaan in die toekoms gebeur? Regstegnies kan niemand tog voordeel trek uit sy/haar onregmatige daad nie.
<b>Response</b>	<p><b>Day care centre</b> A day care centre is permitted as a primary right on all SR1 properties in Hermanus with stringent rules which control the scale thereof, so the approval of this proposal will not alter that.</p> <p><b>Other consent uses</b> A house shop, place of worship and tourist accommodation is a consent use under the zoning of SR1 and will not be permissible on the subject property as that was not applied for. There is no house shop or place of worship in Northcliff and no precedent to point to.</p> <p><b>Remedial action by the current property owner</b> The current owner bought the property in January 2018 and is using the town planning process to address all non-compliant building and land use matters which were caused by the previous occupants of the subject property. The current property owner is therefore doing what is morally and legally right to remedy the situation.</p>
<b>Comment</b>	<p><b>Verkeer</b> Met 'n gastehuis sal daar gedurende die nag toerbusse en minibus taxis moet stop. Goedere en passasiers aflaai en oplaai en 'n versteuring gaan veroorsaak. Een van die ingange en uitgange is in Albertynstraat. Hierdie straat het reeds daaglikse parkeer en verkeer probleme. Afleweringsvoertuie sal ook in die twee strate moet stop. Skoolkinders gebruik Duikerstraat in stede van die Hoofstraat om skool toe te loop en middag terug huis toe te loop om van die verkeer in die hoofstraat weg te kom. Die parkie word deur skoolkinders gebruik (soms ook as 'n skooluitstappie) asook mense wat met hul honde stap vir oefening. Die verkeer gaan hierdie aktiwiteite belemmer en in gevaar stel.</p>
<b>Response</b>	<p><b>Vehicular movement</b> The proposal is for a 5-bedroom guest house which would attract a maximum of 10 guests (5 couples) from different parts of the world. It can therefore not be reasonably expected that a tour bus which can accommodate 72 people or a taxi which can accommodate 14 people will enter and egress the subject property.</p> <p><b>Traffic</b> Albertyn Street does not have traffic problems as the street has never experienced any congestion or recurring accidents. It cannot be projected that a guest house of this proposed small scale to cause these problems highlighted by the objector.</p>


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	<p><b>Parking</b> Sufficient parking is provided on the property for the guests who will most likely arrive with rented cars and will prevent the likelihood of guests parking in the street.</p>
<p><b>Comment</b></p>	<p><b>Finansiele Voordeel</b> Die meeste winkels en veral in die Whale Coast Mall is ketting winkels en banke is verbind met oorseese en binnelandse geldmagnate as aandeelhouders sodat die geld wat spandeer word weer uit Hermanus gaan. Dieselfde geld vir die feeste wat gehou word. Mense kom van buite Hermanus om stalletjies te bekom en neem dan die winste weer uit Hermanus. As dit oor restaurante gaan word daar dan juis voedsel en drank voorsien in die beplande gastehuis, derhalwe kan of die gastehuis of die restaurant nie daaruit voordeel trek. Die eienaar kan nadat die voorstelle goedgekeur is die gastehuis teen 'n groot wins verkoop. Ek versoek dat die aansoek nie toegestaan word en dat die huis slegs as woonhuis in die vorige stand gerestoureer word. Die nuwe eienaar was bewus van die risikos toe die eiendom aangekoop is, intussen het die bouery reeds begin. Ek versoek dat die bou inspekteur ondersoek instel of daar reeds sonder dat die planne finaal goedgekeur is van die vorige planne afgewyk is.</p>
<p><b>Response</b></p>	<p><b>Planned trips</b> The insinuation that all guests who visit Hermanus arrive on planned trips to specific restaurants is a generalisation. Even if this was the case, guest houses would still create economic opportunities in those businesses and for the locals employed.</p> <p><b>Resale of the property</b> It is unlikely that this property owner will sell the property anytime soon because she is upgrading it currently to be more suited to her personal taste and is developing a sentimental value for the property in the process. Even if she decided to sell the property, nothing prevents her from doing that and it would not be regarded as a sinister or illegal act in the open market of willing buyer willing seller in South Africa.</p> <p><b>Construction</b> The property owner is currently renovating the property for it to be more aesthetically appealing for herself and for the objector when he/she passes the property. Renovations are not regarded as illegal building works but as improvements to the existing structure which has been approved by the Building Control Department without altering the footprint of the building. This town planning process will therefore address this concern by the objector.</p>

**Common law and neighbour relations (nuisance)**

Common law dictates that a person may not use his land in such a way as to interfere with the rights of others (sic utere tuo ut alienum non laedas). A nuisance occurs when a planning proposal is reasonably projected to interfere with a neighbour's/objector's health, wellbeing or comfort in the occupation of his/her land. There must however be evidence of material interference and the complainant must not be oversensitive.

The test applied is one of reasonableness. In other words, would a reasonable man finding himself in the position of the objector, tolerate this proposal or would it affect the wellbeing in the occupation of his or her land? A reasonable person would not be deprived of his right

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ANNEXURE F 6/6

of occupation and wellbeing with the approval and implementation of this proposal. The nature of the land use rights which are also associated with this proposal does not permit land uses which are projected to deprive any member of the Northcliff community of any rights.

**Conclusion**

For any objection or comment to be valid, it has to be illustrated how the planning proposal will be a nuisance and or deprivation of rights which the objector did not illustrate beyond reasonable doubt.

Yours faithfully



**REA JANKIE**  
**TOWN PLANNER (B/8392/2017)**

## ANNEXURE G 1/2

Municipaliteit • U-Matipala • Municipality



File reference:	4509 HNC (3915)
Date:	24 April 2018

## INTERNAL MEMORANDUM

From	:	Town Planning Department
Town Planner	:	Hanneen van der Stoep

TO:

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

Applicant	WRAP (obo T PRETORIUS)
Property Details	ERF 4509, 29 DUIKER STREET, NORTHCLIFF
Application Description	PROPOSED REMOVAL OF RESTRICTIONS, DEPARTURE & CONSENT USE

## ATTACHMENTS :

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

## YOUR DEPARTMENT'S COMMENTS:

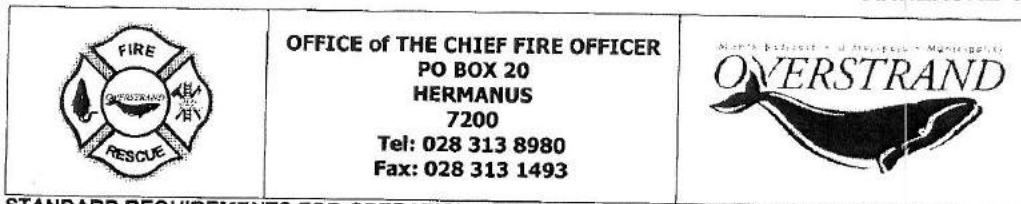
Consent use is subject to the premises being in compliance with requirements of National Fire Protection Regulations SANS10400 T:2011 for an H5-Hospitality occupancy - Refer to annexure A attached for minimum requirements.	
Signature:	Date: 2018

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:	8 June 2018
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## ANNEXURE G 2/2



**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 B4509, 29 DUIKER STREET, NORTHCLIFF, HERMANUS,**  
**TOWN PLANNING APPLICATION No: 3915**

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 100m<sup>2</sup> of a type - 4.5kg Dry Chemical Powder, 5kg CO<sub>2</sub> or 9 litre H<sub>2</sub>O.

**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 250m<sup>2</sup> at a ratio of 1 per 500m<sup>2</sup> 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 RESTRICTIONS, DEPARTURE & CONSENT  
USE: ERF 4509, NORTHCLIFF (3915)**

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 the proposed development on Erf 4509 must be provided with a central refuse collection facility, which must comply with the standards of the Department: Operations (Hermanus);
7. that stormwater be allowed to discharge through Erf 4509, Northcliff, unobstructed;
8. that no on-street parking be allowed.

*p.p. D. Hendriks*  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

*21/06/2018*  
**DATE**