

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
17 June 2015
(Also the agenda for the Mayoral Committee Meeting : 24 June 2015)**

5.

ERVEN 529, 530 & 531, MARINE DRIVE & CHURCH STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, CONSENT USE, DEPARTURE, NOTARIAL TIE & ACCESS SERVITUDE : MESSRS PLAN ACTIVE ON BEHALF OF THE ANTOBEN TRUST, JA VAN DER WESTHUIZEN & W STEYN

529, 530 and 531 HWC (2663)

**H van der Stoep
20 May 2015**

(028) 313 8900

Hermanus Administration

1. Executive Summary

An application has been received on 14 August 2014 from Messrs Plan Active on behalf of The Antoben Trust, JA van der Westhuizen and W Steyn for the rezoning of Erven 530 & 531, Hermanus from Residential Zone I to Residential Zone III.

An application was also received for a consent use on Erven 530 & 531, Hermanus in order to establish a boutique hotel on the rezoned properties.

An application was also received for a departure from the relevant Scheme Regulations in order to relax the:

- Street building line on Erf 530 from 4m to 2,70m in order to accommodate a portion of the existing house that will be used as a residence for the owner/manager.
- Eastern side building line on Erf 530 from 4,5m to 0,5m in order to accommodate the existing single garage
- Western side building line on Erf 530 from 4,5m to 1m and 2,4m respectively in order to accommodate the existing dwelling and a portion of the building that will be converted into the six guest rooms.
- Rear building line on Erf 531 from 3m to 0m in order to accommodate the existing outbuilding that is being utilized as a laundry and servant's quarters.
- Eastern side building line on Erf 531 from 4,5m to 0m and 1,5m in order to accommodate the existing outbuilding and the existing guesthouse that will be used as a boutique hotel respectively.
- Western side building line on Erf 531 from 4,5m to 3,5m in order to accommodate the existing guesthouse that will be utilized as a boutique hotel.

An application was further received for a notarial tie on Erven 530 & 531, Hermanus as the boutique hotel will stretch over both properties.

An application was lastly received for a proposed access servitude area over Erf 529, Hermanus in order to gain access to Erven 530 & 531, Hermanus.

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

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

Executive Mayor

5. Legal Requirements

- Sections 17 and 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
- Section 2.2 of the Overstrand Municipality Zoning Scheme

6. Background/Discussion/Evaluation/Conclusion

Background

The application was advertised in the local newspaper and Government Gazette, and registered notices were sent to all surrounding affected property owners. No objections were received against the proposal.

The application was also circulated to all relevant municipal departments, and no objections were received against the application.

Discussion

An application has been received for the rezoning, consent use, departure and notarial tie and access servitude on Erven 529, 530 and 531. This application relates to Erven 530 and 531 and only the creation of access servitude over Erf 529.

The erven is located along Marine Drive and Church Street respectively in the township known as Westcliff. The properties are located on the fringe of the Hermanus Central Business District (CBD) and are surrounded by land uses such as residential, guesthouses, hotels and business activities.

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The owners have come to an agreement with regard to the redevelopment of the erven concerned to benefit the various parties. An amicable solution to deal with the parking requirements are the establishment of a parking area to the benefit of all three erven.

The erven is zoned Residential Zone 1 : Single Residential (SR1) of which Erf 531 has had guesthouse approval, but limited to five bedrooms. Erf 530 is at present vacant, whilst Erf 529 has lodged a separate application for a guesthouse. The latter is a separate application as it is not part of the rezoning.

The Title Deeds of the three erven do not prohibit the proposed activities as proposed in the application.

Evaluation

The properties are located in an area, which was previously in terms of the Hermanus Scheme Regulations 7, as an Intermediate Residential Zoning. This zoning was encapsulated in the Overstrand Municipal Growth Management Strategy (OMGMS), which earmarked the properties as a densification area. Planning Unit 13 as per the OMGMS indicates the densification criteria as thirty units per hectare. The Overstrand Municipality Zoning Scheme Regulations with the conversion of zoning categories earmarked the erven as General Residential Zoning with a density of thirty five units per hectare. However, the zoning of the erven does not make provision for a boutique hotel and thus requires a General Residential Zone 3 zoning, which allows a boutique hotel as a consent use.

The recent development trends in Marine Drive are focused on tourism and tourism accommodation. This has led to more tourism related facilities along Marine Drive from the east, Hermanus CBD to the west at Albertyn Street. The latter forms the boundary between the higher density residential and associated land uses and single residential erven.

The properties are ideally located in terms of distance to all the tourist amenities catered for in the CBD. It is adjacent to the coastal belt consisting of the coastal pathway and prime whale watching spot. The developments along this tourist accommodation belt are ideally located in terms of tranquil setting with ocean views and Walker Bay.

The proposed development will enhance the environmental interface between coast and development as it contributes to the mixed setting of land uses within the area. The agglomeration of similar activities has proven to be beneficial for the public in general and for the business activities itself. It provides the public, national or international, a variety of choices of accommodation along a pristine area of the southern coastline, without impacting on the coastal belt.

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In evaluating the application erven in more detail, it is clear that the development will have a minimum impact on the area since Erf 531 has an established guesthouse. Erf 530 is at present vacant, but with the possibility of being utilized as a guesthouse and/or a residential dwelling. The mentioned erven have existing development rights when executed can have a similar impact as the proposed application.

The rezoning of Erven 530 and 531 is to accommodate a boutique hotel consisting of sixteen bedrooms, of which ten bedrooms are located in the existing guesthouse on Erf 531 and the remaining six bedrooms on Erf 530. It should be kept in mind that in order to have more than five bedrooms on a residential erf, an owner will have to rezone to accommodate more rooms as per the Tourism Accommodation Policy. In order to enable owners to develop their properties to accommodate a hotel, a rezoning and simultaneous application for a consent use is necessary, as is the case in this application. Individually the erven do not have enough area to accommodate the required parking as per the Overstrand Municipality Zoning Scheme Regulations. In order to accommodate the required parking, the owners of Erven 530 and 531 have involved the owner of Erf 529, who has sufficient area to accommodate the parking as required. A servitude area and road on Erf 529 will be registered and notarially tie all three erven in utilizing the servitude area an access road to the aforementioned area to the benefit for guests of the establishments of the three erven.

The parking required is sixteen bays and two for the owner/manager of the boutique hotel. Erf 530 provides nine parking bays, whilst Erf 531 provides nine parking bays. The servitude area and access road is to comply with the required turning circle for vehicles to enable the vehicles to exit the premises safely.

The departures of the building lines are necessary since it is much more restricted than the Residential Zone 1 building lines. A portion of the Boutique Hotel will be located in an existing building that will not be able to comply with the building lines once it is rezoned to Residential Zone 3.

The departures applicable to Erf 531 are as follows:

- Ø Northern boundary from 3,0m to 0,0m to accommodate an existing outbuilding used for laundry and servant's quarters.
- Ø Eastern lateral boundary from 4,5m to 0m and 1,5m to accommodate the existing outbuilding as mentioned above and the existing guesthouse.
- Ø Western lateral boundary from 4,5m to 3,5m to accommodate the existing guesthouse, which will be used for the boutique hotel.

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The building lines departures requested for Erf 530 are as follows:

- Ø Northern street boundary from 4m to 2,70m to accommodate a portion of the existing house.
- Ø Eastern lateral building line from 4,5m to 0,5m to accommodate an existing single garage.
- Ø Western lateral building line from 4,5m to 1m and 2,4m respectively to accommodate the existing dwelling and a portion that will be converted into six guest bedrooms.

Erf 531 is an existing guesthouse and the boutique hotel will be accommodated in the existing building, which has a height of 7,5m. The application is therefore to accommodate a boutique hotel which allows more than the prescribed five bedrooms as per the Guesthouse Policy.

Erf 530 has submitted Building Plan No. 26375, which indicated the second storey setback 2m from the western lateral building line as per single residential parameters. It is thus recommended that the building on second floor remains at 2m and not 1m as per the application. This is due to provide privacy for the adjacent neighbour.

It is clear that the departures are to accommodate existing structures e.g dwelling units and with the rezoning these structures transgresses the more restrictive building lines of the zoning category Residential Zone 3. It should be noted that no future building line departures will be approved since the impact it may have on adjacent land owners in terms of the development being over massed. The impact on the adjacent owners is negligent since the buildings have been in existence for some time and no objections have ever been received in this regard, except for the second floor of Erf 530 that should remain on 2m as per Building Plan No. 26375.

All engineering services are available, but should extra capacity be needed, the applicants will have to bear the cost of upgrading existing services.

The application is evaluated in terms of the consent use e.g. a boutique hotel. The primary rights are in this case not a given right and will not be able to be executed without a planning procedure and public participation process. The desirability and impact of the proposed boutique hotel has been proven by the applicant and is thus evaluated on this use only.

Conclusion

The application is in line with the Overstrand Municipality policy documents and is found desirable in terms of use, economic and social benefits for Hermanus town.

The application is recommended for approval.

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7. Financial Implications

None

8. Staff Implications

None

12. Comments from other Departments, Divisions and Administrations

Building Control Department

No building activities – supported.

Waste Management

Refuse area to be constructed according to municipal conditions.

Environmental Officer

Approved.

District Health

Approval recommended.

Fire Department

See Annexure D.

Engineering Services Department

Attached as Annexure E.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Proposed Subdivision Plan
- Annexure C: Motivation Report
- Annexure D: Comments - Fire Department
- Annexure E: Services Report

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RECOMMENDATION:

1. that, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the rezoning of Erven 530 & 531, Hermanus from Residential Zone 1 to Residential Zone 3, **be approved**;
2. that, in terms of Section 2.2 of the Scheme Regulations made in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a consent use on Erven 530 & 531, Hermanus in order to establish a boutique hotel only, on the rezoned properties, **be approved**,
3. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departures from the relevant Scheme Regulations in order to relax the following building lines:
 - street building line on Erf 530 from 4m to 2,70m in order to accommodate a portion of the existing house that will be used as a residence for the owner/manager;
 - eastern side building line on Erf 530 from 4,5m to 0,5m in order to accommodate the existing single garage;
 - western side building line on Erf 530 from 4,5m to 1m, 2m on second floor and 2,4m respectively in order to accommodate the existing dwelling and a portion of the building that will be converted into six guest rooms;
 - rear building line on Erf 531 from 3m to 0m in order to accommodate the existing outbuilding that is being utilized as a laundry and servant's quarters;
 - eastern side building line on Erf 531 from 4,5m to 0m and 1,5m in order to accommodate the existing outbuilding and the existing guesthouse that will be used as a boutique hotel respectively, and
 - western side building line on Erf 531 from 4,5m to 3,5m in order to accommodate the existing guesthouse that will be utilized as a boutique hotel,

be approved, subject to the following conditions:

- (a) that the approval is limited to a boutique hotel only and for no other land use ;
- (b) that any other rights associated with the zoning will need to be applied for;
- (c) that this approval only has reference to the Site Development Plan, Drawing No. her530(8).drw dated 05/2014, as submitted with the application;

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- (d) that Erven 530 and 531 be notorially tied;
 - (e) that a servitude area and access road be registered against the Title Deed of Erf 529 in favour of Erven 530 and 531 for parking and access purposes;
 - (f) that all other parameters as prescribed in the Zoning Scheme be adhered to;
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (h) that a refuse area be constructed according to municipal conditions;
 - (i) that all conditions imposed by the Fire Department (attached as Annexure D), be complied with;
 - (j) that all the conditions in the Services Report (attached as Annexure E), be complied with;
 - (k) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (l) that 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;
 - (m) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (n) that a minimum of one permanently demarcated parking bay per guest room (as indicated on the Site Plan submitted) and two for the owner/manager be provided within the erf boundaries, subject to the approval of the Senior Manager: Town- and Spatial Planning;
 - (o) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
 - (p) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality; and
 - (q) that should any building alterations be required, building plans should be submitted to the Building Department for approval.
4. that a notarial tie be registered on Erven 530 & 531, Hermanus for parking purposes as the boutique hotel will stretch over both properties;

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5. that an access servitude area be registered over Erf 529, Hermanus in favour of Erven 530 & 531 Hermanus;
6. that Points 4 and 5 be adhered to before the rights may be executed; and
7. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	8 JULY 2015
TARGET DATE TO INFORM APPLICANT :	8 JULY 2015
TARGET DATE TO INFORM OBJECTOR :	N/A

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**ERVEN 529, 530 & 531, MARINE DRIVE & CHURCH STREET, HERMANUS,
OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, CONSENT USE,
DEPARTURE, NOTARIAL TIE & ACCESS SERVITUDE : MESSRS PLAN ACTIVE
ON BEHALF OF THE ANTOBEN TRUST, JA VAN DER WESTHUIZEN & W STEYN**

529, 530 and 531 HWC (2663)

**H van der Stoep
20 May 2015**

(028) 313 8900

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
17 JUNE 2015, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	8 JULY 2015
TARGET DATE TO INFORM APPLICANT :	8 JULY 2015
TARGET DATE TO INFORM OBJECTOR :	N/A



Annexure A 1.1



Scale: **NTS**
 Drawing No: **Her530L.drw**
 Date: **14/07/2014**

Plan Description:
LOCALITY MAP

Property Description:
**ERVEN 529-531
 HERMANUS**

All distances approximate
 and subject to survey.
 COPY RIGHT RESERVED

Stads- en Sireksbeplanners
 Town & Regional Planners



Scale: 1:500 Drawing Nr. HES/2014/000 Date: 02/2014	
Plan Description: SITE DEVELOPMENT PLAN	Property Description: ERVEN 529 - 531 HERMANUS
All distances approximate and subject to survey Stads- en Streeklaanplanners Town & Regional Planners COPY RIGHT RESERVED	

**PROPOSED REZONING, CONSENT
USE, DEPARTURE, NOTARIAL TIE
AND PROPOSED ACCESS
SERVITUDE**

ERVEN 529, 530 & 531 HERMANUS

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

The company Plan Active has been instructed by the owners of erven 529, 530 & 531 Hermanus, Mr. Nelis Saayman on behalf of the Antoben Trust, Mr. J.A. van der Westhuizen and Mr. Willem Steyn on behalf of the Hermanus Guesthouse Trust to apply for the rezoning, consent use, departure, notarial tie and a proposed access servitude of Erven 529, 530 & 531 Hermanus in order to extend the established Hermanus Guesthouse.

The Hermanus Guesthouse is a very popular seafront guesthouse establishment situated on Marine Drive, Hermanus. The guesthouse currently offers spacious individually decorated suites from where one could enjoy a spectacular view of the Walker Bay and view Southern Right Whales from June to November.

Due to a greater demand for holiday accommodation the owner bought Erf 530 Hermanus, that is currently in the process of transfer, and wants to incorporate it with the existing guest house in order to extend the guest house. Due to the size of the proposed guesthouse and its extension it would not qualify as a guesthouse as per definition but as a Boutique Hotel.

Motivation report

In order to establish a Boutique Hotel on the subject properties it would be required that an application be lodged for a rezoning of the properties from Residential Zone 1 to General Residential Zone 3 (GR4) with a consent use, departure from the building lines, notarial tie and an access servitude. The rezoning, consent use and departure from the building lines and notarial tie will only be applicable to erven 530 & 531 Hermanus. Erf 529 Hermanus will be used to accommodate an access servitude in order to upgrade the existing access and to create access to the additional proposed parking bays.

2. APPLICATION DETAILS

In order to extend the existing guest house, and thereby creating a Boutique Hotel, it would be required that an application be lodged in terms of:

- Section 17 of the Land Use Planning Ordinance, Ordinance 15 of 1985 for the rezoning of erven 530 & 531 Hermanus from Residential Zone 1 to Residential Zone 3;
- Consent use in terms of the Overstrand Municipal Zoning Scheme;
- Section 15 (1)(a)(i) of the Land Use Planning Ordinance, Ordinance 15 of 1985 for a departure from the building lines;
- The notarial tie of erven 530 & 531 Hermanus.
- The creation of an access servitude over a portion of Erf 529 Hermanus.

3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erven 529, 530 & 531 Hermanus are situated between Church Street & Marine Drive Hermanus. Please refer to the enclosed locality plan. The property details are as follow:

Erf Number	Size (m ²)	Title Deed Nr.	Owner	Zoning
529 Hermanus	941	T81151/1995	In process of transfer to the Antoben Trust	Residential Zone 1
530 Hermanus	941	T17463/2005	Mr. J.A. van der Westhuizen. In process of transfer to the Hermanus	Residential Zone 1

Motivation report

			Guesthouse Trust.	
531 Hermanus	941	T93662/2006	The Hermanus Guesthouse Trust	Residential Zone I

3.2 ZONING

Erven 529, 530 & 531 Hermanus are zoned Residential Zone I. A departure application was approved for a guesthouse for erf 531 Hermanus in order to accommodate the Hermanus Guesthouse.

The predominant zonings found in the vicinity of the subject erven are Residential Zone I, General Residential Zone 3 and departures for guesthouses. Business zonings and Community Zones are located towards town within the Hermanus CBD.

3.3 LAND USE

The Hermanus Guesthouse with its required parking is currently established on Erf 531 Hermanus. A dwelling house is situated on Erf 530 Hermanus and Erf 529 Hermanus is currently vacant. The surrounding area consists mainly of single residential uses, guesthouses, boutique hotels, flats, business orientated land uses within the Hermanus CBD and public roads.

Properties adjoining the subject properties are used for single residential purposes and home base business.

3.4 PROPOSAL

Application is made in terms of:

- Section 17 of the Land Use Planning Ordinance, Ordinance 15 of 1985 for the rezoning of erven 530 & 531 Hermanus from Residential Zone I to Residential Zone 3;
- Consent use in terms of the Overstrand Municipal Zoning Scheme;

Motivation report

- Section 15 (1)(a)(i) of the Land Use Planning Ordinance, Ordinance 15 of 1985 for a departure from the building lines;
- The notarial tie of erven 530 & 531 Hermanus.
- The creation of an access servitude over a portion of Erf 529 Hermanus.

The owner intends to expand the existing guesthouse in order to create a boutique hotel.

In order to accommodate a boutique hotel on the proposed notarially tied erven 530 & 531 Hermanus it would require that we apply for a rezoning, consent use, departure from the building lines in order to accommodate the existing structures, and the creation of an access servitude over a portion of Erf 529 Hermanus.

The Title Deeds of erven 529, 530 & 531 Hermanus contain no restrictive conditions that will have to be removed in order to accommodate the proposed boutique hotel on erven 530 & 531 Hermanus. The detail of the application can be described as follows:

3.4.1 Proposed Rezoning

The owner intends to expand the Hermanus Guesthouse that is situated on Erf 531 Hermanus and subsequently purchased Erf 530 Hermanus.

With reference to the above and the enclosed site development plan, the proposed boutique hotel will consist of the following:

- Entrance Hall;
- Dining hall;
- Kitchen;
- Library;
- 16 guest rooms;
- Living room;
- Swimming pool;
- Manager / Owner residence and additional parking;
- Guest parking bays.

Motivation report

The layout of the above mentioned land uses can be described as follows:

- **Entrance Hall**

The entrance and entrance hall is situated on Erf 531 Hermanus facing Marine Drive and will be used as main access to the boutique hotel for the guests.



- **Dining Hall & Kitchen**

The dining hall is centrally situated on the ground floor of the existing guesthouse situated on Erf 531 Hermanus. The dining hall will be used by guests only and will not be accessible to the general public.

The Kitchen is also located in close proximity of the dining hall as indicated on the site development plan. The kitchen will be used to prepare breakfast, dinner and lunch to paying guests.

- **Library**

The boutique hotel also offers a library to their guests. The library is located on the first floor of the existing guest house in close proximity of guest rooms 4 & 5 situated on Erf 531 Hermanus.

- **Guest Rooms**

In total 16 guestrooms will be provided on erven 530 & 531 Hermanus. 10 Guestrooms will be provided within the existing guest house as indicated on the proposed site

Motivation report

development plan of which 3 are located on the ground floor and 7 are located on the first floor. Each guest room consists of a bedroom area and en suite bathroom.

The remaining 6 guestrooms will be located on Erf 530 Hermanus as indicated on the proposed site development plan. The last mentioned 6 guestrooms also consist of a bedroom area and en suite bathroom.

- **Living Room**

The living room is located on Erf 530 Hermanus in the vicinity of the existing swimming pool that will be for the exclusive use of guests to the boutique hotel.

- **Swimming Pool**

The existing swimming pool as indicated on Erf 530 Hermanus will also be incorporated into the boutique hotel to be enjoyed by the guests.

- **Manager / Owner Residence**

The owner / manager of the boutique hotel will use the existing dwelling situated on Erf 530 Hermanus as a residence. The residence is accessible from Church Street. 2 additional parking bays are provided for the exclusive use for the residence. One parking bay is located within the existing garage and the second parking bay is indicated on the existing driveway. Please refer to parking bays 1 & 2 as indicated on the proposed site development plan.

Please note that guests will also park on Erf 530 Hermanus, but will gain access to these proposed parking bays from Marine Drive.

- **Guest Parking Bays**

The existing approved guests parking bays are accessed from Marine Drive as indicated on the proposed site development plan. 9 parking bays are provided. Please refer to the photograph below indicating a portion of the existing parking area for easy reference.

Motivation report



Additional to the 9 existing parking bays, 7 additional parking bays will be provided on the southern boundary of Erf 530 Hermanus. These bays are all 5.5m in length and 2.5m wide. The manoeuvre space provided is 7m and is provided on Erf 529 Hermanus. An access servitude will be registered in favour of erven 530 & 531 Hermanus for the provision of the manoeuvre space and access to parking bays numbered 3-9.

It is also proposed that the access from Marine Drive be widened by an additional 1m onto Erf 529 Hermanus. This widening will also form part of a portion of the proposed access servitude area as indicated on the proposed site development plan.

With reference to the provision of parking in terms of the Scheme Regulations 1 parking bay per room is required. 16 Guestrooms are proposed and 16 parking bays are provided for the guestrooms on site. 2 Additional parking bays that are numbered 1 & 2 on the site development plan are solely for the use of the manager / owner.

3.4.2 Proposed Departure from the building lines

The building lines that will be applicable once the application for rezoning is approved will be more restrictive and are:

- 4m Street building line
- 4.5m side building lines.
- 3m rear building lines.

The above mentioned building lines are more restrictive than the building lines that are applicable under the current Residential Zone zoning. It is therefore required that the building lines be relaxed.

Motivation report

The building lines that need to be relaxed are as follow:

Erf 530 Hermanus

- North: Church Street: The relaxation of the 4m street building line to 2.70m in order to accommodate a portion of the existing house that will be used as a residence for the owner / manager.
- East: Eastern side boundary: The relaxation of the side boundary from 4.5m to 0.5m in order to accommodate the existing single garage.
- West: Western side boundary: The relaxation of the side building line from 4.5m to 1m & 2.4m respectively in order to accommodate the existing dwelling and a portion of the building that will be converted into the 6 guestrooms.

Erf 531 Hermanus

- North: Rear boundary. The relaxation of the 3m rear boundary line from 3m to 0m in order to accommodate the existing outbuilding that is being utilised as a laundry and servants quarters.
- East: Eastern side boundary: The relaxation of the side boundary from 4.5m to 0m and 1.5m in order to accommodate the existing outbuilding mentioned above and the existing guesthouse that will be used as a boutique hotel respectively.
- West: Western side boundary: The relaxation of the side building line from 4.5m to 3.5m in order to accommodate the existing guesthouse that will be utilised as a boutique hotel.

The proposed relaxation of the building lines mentioned above are primarily to accommodate existing structures and where existing structures are converted into other uses that is in line with the current land use restrictions. The impact of the proposed building line relaxations will have a minimal impact on the surrounding land owners and the residential ambiance will be retained.

3.4.3 Proposed Notarial Tie

Due to the incorporation of Erf 530 Hermanus and the fact that the boutique hotel stretches over 2 properties that will function as one unit, it is proposed that erf 530, 531 Hermanus be notariaily tied. Access from one erf to the other will be by means of the

Motivation report

proposed access servitude area over Erf 529 Hermanus as indicated on the proposed site development plan.

3.5 ACCESS & PARKING

The existing accesses from Marine Drive will be used and additional parking will be constructed on Erf 530 Hermanus. Please refer to the site development plan attached.

With reference to the Draft Overstrand Zoning Scheme, 1 parking bay will be required per guestroom and 10 parking bays per 100m² public accessed areas.

The required parking bays can be calculated as follow:

Land Use	Parking Bays Required	Parking Bays Provided
16 Guestrooms	16	16
Manager / Owner	1	2

There will be no public accessed areas and therefore no additional parking bays will have to be provided.

3.6 SERVICES

All services on the subject properties already exist and are sufficient to accommodate the proposed boutique hotel. It is our opinion that there would be minimal impact on services due to the fact that a total of 16 guest rooms are proposed stretching over 2 residential erven.

3.7 TITLE DEED.

The Title Deeds applicable to the 3 erven in question contain no restrictions that will have to be removed in order to establish the proposed boutique hotel.

Motivation report

Erf Number	Size (m ²)	Title Deed Nr.	Owner	Bond Registered
529 Hermanus	941	T81151/1995	In process of transfer to the Antoben Trust.	No, cash purchase
530 Hermanus	941	T17463/2005	Mr. J.A. van der Westhuizen. In process of transfer to the Hermanus Guesthouse Trust.	No, cash purchase
531 Hermanus	941	T93662/2006	The Hermanus Guesthouse Trust	Yes. Private Bond

3.8 FORWARD PLANNING

The Overstrand Municipal Growth Management Strategy (OMGMS) indicates that erven 529, 530 & 531 Hermanus are within planning unit 13 that consists of Hermanus CBD and is mostly used for business purposes with a limited number of permanent residential units. Densification is proposed for this area by means of site consolidation development into 3 storey gallery access simplex row housing for 30% of this planning unit. Erven 529, 530 & 531 Hermanus are within a visual sensitive interface as indicated in the contextual overview plan. The densities proposed are more than 30 units per hectare.

It is our opinion that the application does constitute the increase in density due to the fact that 16 guestrooms are provided on 2 erven. The proposed boutique hotel is compatible with the existing surrounding residential land use and built form. The proposed extensions and alterations will be in line with the built character of the area and would still be visually pleasing.

The Overstrand Municipal Wide Spatial Development Framework (2006) earmarks the site as residential. Our application consists of a rezoning from residential Zone 1 to Residential Zone 3 with a consent use in order to accommodate a boutique hotel on the subject erven. A boutique hotel is a larger form of a guesthouse and is compatible with the existing residential land uses of the area. It is therefore our opinion that the proposed boutique hotel is compatible with the SDF due to the fact that a residential zoning will be retained.

Motivation report

With reference to the above mentioned forward planning guidelines and Structure Plan it is clear that the proposed application for rezoning, consent use, departure and notarial tie could be supported.

4. RECOMMENDATION

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

- All services on the subject properties already exist;
- The proposal is compatible with the existing built character of the area;
- The impact on traffic will be minimal;
- The proposed boutique hotel will have a minimal impact on the current bulk services due to the fact that the application consists of 2 properties that will be notarially tied.
- The Hermanus Guesthouse is a professional run upmarket establishment that is well maintained and an asset to Hermanus. This application constitutes the extension of the existing guesthouse by adding 11 additional guest rooms and it would be managed in the same professional manner.
- The proposed boutique hotel will not have a negative impact on the current character and land values of the surrounding erven.
- All the required parking bays are located on site.

With regards to the above mentioned it would be appreciated if Council would approve the proposed rezoning, consent use, departure, notarial tie of erven 530 & 531 Hermanus and the proposed access servitude area over Erf 529 Hermanus.

Town Planning Internal Memo



Enquiries: Mr. Henk Olivier (Town Planner)
 Applicant: Plan Active obo Antoben Trust, JA, van der Westhuizen & W Steyn
 File Reference: 529, 530 & 531 HWC (2863)
 Date: 22 January 2015 Comment By: 27 February 2015
 TO:

Infrastructure and Planning	Fire Department	District Health	Traffic Department	Electrical Department
Building Department	Local Heritage Committee	Environmental Officer	Waste Management	Operational Department
Ward Councillor (L. Beyers-Cronje)		Area Manager		

SUBJECT: Erwe 529, 530, 529, Marine Drive & Church Street, Hermanus
 See Notice attached

PROPOSAL:

REZONING	CONSENT USE	DEPARTURE
NOTARIAL TIE		ACCESS SERVITUDE

ATTACHED:

Locality Plan	Site Development Plans	Motivational Report	Engineering Report	CES Report
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COMMENT ON THE PROPOSAL:

① Subject to Fire Safety compliance of SANS 10400 T:2011 - Occupation - Hotel H1 (one) and the Community Fire Safety By-law P. NB454 of 2007.
 ② Provide a Fire Plan to the Municipality by a competent person in terms of SANS 10400 T:2011. (Building Department)
 ③ Formulate an emergency plan in terms of the Community Fire Safety By-law.

Kindly provide your comment (with specific reference to any conditions of approval that should be imposed) in the space provided or in a separate Memo by not later than the date stipulated. Should no comment be received, it will be assumed that you have no objection to the proposal (and where appropriate Mayors will be informed accordingly).

MUNICIPALITY OF OVERSTRAND
 FIRE SAFETY ENGINEER
 APPROVED: [Signature]
 12 MAR 2015

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, CONSENT USE, DEPARTURE,
NOTARIAL TIE & ACCESS SERVITUDE: ERF 529, 530 & 531, WESTCLIFF
(2663)**

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 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;
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 should additional services be required the owner will be responsible for the payment of bulk services levies;
4. that stormwater be allowed to discharge through Erf 529, 530 & 531, Westcliff, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

18/02/2015
DATE