

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
22 November 2016  
(Also the agenda for the Mayoral Committee Meeting : 2 December 2016)**

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**3.**

**ERF 2500, 1 DEMPERS STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE AND REMOVAL OF RESTRICTION : MESSRS PLAN ACTIVE ON BEHALF OF C JUDGE AND J CAMPBELL**

**2500 HON (3093)**

**H Olivier**

**18 July 2016**

**(028) 313 8900**

**Hermanus Administration**

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**1. Executive Summary**

An application has been received on 26 October 2015 from Messrs Plan Active on behalf of the property owners, C Judge and J Campbell, on Erf 2500, Onrustrivier for a consent use in order to operate five (5) bedroom guest house on the property concerned.

Application is also made for a removal of restrictive Title Deed condition applicable to Erf 2500, Onrustrivier to enable the owner to remove some restrictive conditions limiting the land use on the property from the Title Deed.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Plan is attached as Annexure B, and the Motivation Report from the applicant 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 and accountable governance

**4. Delegated Authority**

Executive Mayor

**5. Legal Requirements**

Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)  
Removal of Restrictions Act 84 of 1967

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## **6. Background/Discussion/Motivation/Evaluation**

### **Background**

The property is situated on the corner of Van Blommestein Street and Dempers Street, Onrustrivier. The property is developed with an existing double storey dwelling, which have now recently been extended.

The applicant proposes to operate a five (5) bedroom guest house from the property. It is motivated that it is ideally situated in Van Blommestein Street with close access to the beach in Onrustrivier.

The Title Deed of the property also contains a restriction that prohibits the guest house use. Application is therefore applied for a removal of the following restrictive condition:

*“C. **Further Subject** to the following conditions referred to in Deed of Transfer Numbers T1275/1930 and T1276/1930 imposed for the benefit of “ONRUST RIVER AND SEASIDE TOWNSHIP AND ESTATE COMPANY LIMITED (in liquidation)” as owner of the Remainder of the farm ONRUSTRIVIER held by Deed of Grant dated 19 February 1904 (Caledon Quitrents Volume 10 Number 18), for the benefit of the Transferee of erven in the Town of Onrustrivier transferred subject to similar conditions, namely*

- “(b) The said Transferees and their successors in title of the above land shall only have the right to erect residences with the necessary outbuildings and accessories on said land.*
- (c) The said Transferees and their successors in title shall not have the right to open or allow or cause to be opened upon the above land any hotel, canteen, restaurant, shop, or other place of business”*

The application was advertised in the local press, Government Gazette and registered notices were sent to surrounding potentially affected property owners, and two (2) letters of objection were received.

The objections can be summarized as follow:

- The property owners committed to raise the wall between Erven 3810 and Erf 2500, but this is not indicated on the plans. This would ensure privacy to bedrooms.
- Building plans for extensions to create a guest house has already been approved.

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- There are eight (8) rooms with on-suite toilets, clearly showing more rooms will be rented.
- The parking is not practical and would not cater for eight (8) guest vehicles and personal parking.

The objections are attached as Annexure D.

The applicant was provided with the opportunity to respond to the objections. The response can be summarized as follows:

- A revised building plan was already submitted, which included the plan for the boundary wall.
- The building plan was submitted for extensions and renovations of a dwelling house only. The owners do have the right to make the submission, as long as they only act on their existing rights.
- The three (3) additional bedrooms will be used for a spa, an office and a staff room respectively, and not for guest rooms.
- The parking layout was discussed with the Senior Manager: Engineering before the site development plan was finalized. Considering also only five (5) guest rooms will be provided, parking will be sufficient.

The applicant's response on the objections is attached as Annexure E.

The application was also circulated to all relevant municipal departments, and the application is supported by all departments.

### **Discussion/Evaluation**

Erf 2500, Onrustrivier is situated in Van Blommestein Street, in the southern part of Onrustrivier. The site is located near the central business area with restaurants and tourists shop, and also the beach in Onrustrivier to its south east. The location is ideal for a guest house.

The property is on the corner of Van Blommestein Street and Dempers Street. The applicant proposed to obtain vehicle access off Van Blommestein Street, and that vehicles would travel through the property, and then egress the property in Dempers Street. It is indicated on the site development plan that eight (8) on-site parking bays would be provided. In terms of the Overstrand Zoning Scheme parking requirements only seven (7) parking bays need to be provided. Therefore the application complies with this requirement.

It is noted that there are concerns about the number of rooms and parking provision. The applicant clearly indicated that only five (5) bedrooms will be utilized for guests.

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The applicant indicated that the parking layout was supported by the Senior Manager: Engineering. The plan was again distributed to the Engineering Department, who indicated their support for the layout.

It is clear from the objections received that there are no objections to the operation of a guest house in the area. This clearly shows that the application will not impact on the character of this area.

The concerns regarding the fact that the building plans was already approved for the extension and also concerns that more than five (5) guest rooms will be utilized is noted.

It is to be noted that if a building plan is submitted in compliance with all zoning restrictions, this Municipality cannot hold back such approval. This is a risk the applicant take and in no way will be considered by the Municipality in considering the desirability of the guest house application.

The concerns with regard to the utilization of the eight (8) rooms were clearly addressed by the applicant in their response to the objections.

It is also clear from the applicant's response to the objections that the land owners did make a commitment to raise their boundary wall with Erven 3810. This would ensure more privacy to such property owners.

It is to be noted that a draft building plan to such effect was provided to the building inspector, but has not been formally submitted. A new boundary wall has however already been constructed between Erven 2500 and 3810.

The guest house application complies with the Policy for Accommodation Establishments on residential properties.

In terms of the Overstrand Municipal Wide SDF, 2006 tourism should be promoted. The application is therefore in line with such Policy Plans.

The property is situated in the area of the Overstrand Municipality Zoning Scheme, 2014. The controls stipulated in the Title Deed with regard to land use controls are now controlled in terms of the relevant Zoning Scheme. The Removal of Restriction application can therefore be supported.

### **Conclusion**

Two (2) letters of objection were received. The objections were sufficiency addressed by the applicant.

All municipal departments support the application.

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The application is in line with the Overstrand Municipality Spatial Development Framework, 2006.

The application for consent use for a guest house and the removal of restrictions application is supported.

**7. Financial Implications**

None

**8. Staff Implications**

None

**9. Comments from other Departments, Divisions and Administrations**

**Engineering Services Department**

See Annexure F.

**Fire Department**

Premises must comply with National Building Regulations Occupancy : Hospitality H5 – SANS 10400 T : 2011 all sections that are relevant especially 4.58.

**Manager: Building Department**

Guest house to comply with SANS 10400 – supported.

**Local Heritage**

Guest house application endorsed.

**Operation Department**

No objection.

**10. Annexures**

- Annexure A: Locality Plan
- Annexure B: Proposed Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Objections received
- Annexure E: Applicant's response to objections
- Annexure F: Services Report

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Annexure G: Comments: Eskom

**RECOMMENDATION:**

1. that, in terms of the Removal of Restrictions Act 84 of 1967, the removal of restrictive title conditions C(b) and (c) in Title Deed T67268/2014 applicable to Erf 2500, Onrustvriër to enable the owner to operate a guest house from the property **be recommended for approval** by the Provincial Government : Western Cape;
2. that, subject to the approval in 1. above, in terms of Section 2.2 of the Section 9 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a consent use on Erf 2500, Onrustvriër to operate a five (5) bedroom guesthouse on the property concerned, **be approved**, subject further to the following conditions:
  - (a) that the facility be utilized as a **guesthouse only**;
  - (b) that a maximum of five (5) bedrooms to be let, be permitted;
  - (c) that the owner/manager resides on the premises;
  - (d) that the guesthouse is utilized as such - no self-catering will be permitted;
  - (e) 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;
  - (f) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
  - (g) that a revised site plan be submitted showing the five (5) bedrooms to be utilized for guest room purposes, and also a revised parking layout to the satisfaction of the Manager : Engineering Department;
  - (h) that a minimum of one (1) permanently demarcated parking bay per guest room (as indicated on the Site Plan submitted) and two (2) for the owner/manager be provided within the erf boundaries;
  - (i) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;

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- (j) 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;
  - (k) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
  - (l) that Council reserves the right to rescind this approval without payment of compensation should any justified objection be received to the manner in which the guesthouse is conducted or should the operation of the guesthouse be found to be detrimental to the peacefulness and amenity of the surrounding area;
  - (m) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
  - (n) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
  - (o) that should any building alterations be required building plans should be submitted to the Building Department for approval;
  - (p) that all the conditions in the Services Report (attached as Annexure F), be complied with; and
  - (q) that a site plan be submitted showing the five (5) rooms that will be utilized for guest rooms, for record purposes.
3. that the applicant be notified of its<sup>1`</sup> right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

**RESPONSIBLE OFFICIAL :**

**H OLIVIER**

**TARGET DATE FOR IMPLEMENTATION :**

**12 DECEMBER 2016**

**TARGET DATE TO INFORM APPLICANT :**

**12 DECEMBER 2016**

**TARGET DATE TO INFORM OBJECTORS :**

**12 DECEMBER 2016**

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**3.**

**ERF 2500, 1 DEMPERS STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL  
AREA : PROPOSED CONSENT USE AND REMOVAL OF RESTRICTION : MESSRS  
PLAN ACTIVE ON BEHALF OF C JUDGE AND J CAMPBELL**

**2500 HON (3093)**

**H Olivier**

**18 July 2016**

**(028) 313 8900**

**Hermanus Administration**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
22 NOVEMBER 2016, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

**RESPONSIBLE OFFICIAL :**

**H OLIVIER**

**TARGET DATE FOR IMPLEMENTATION :**

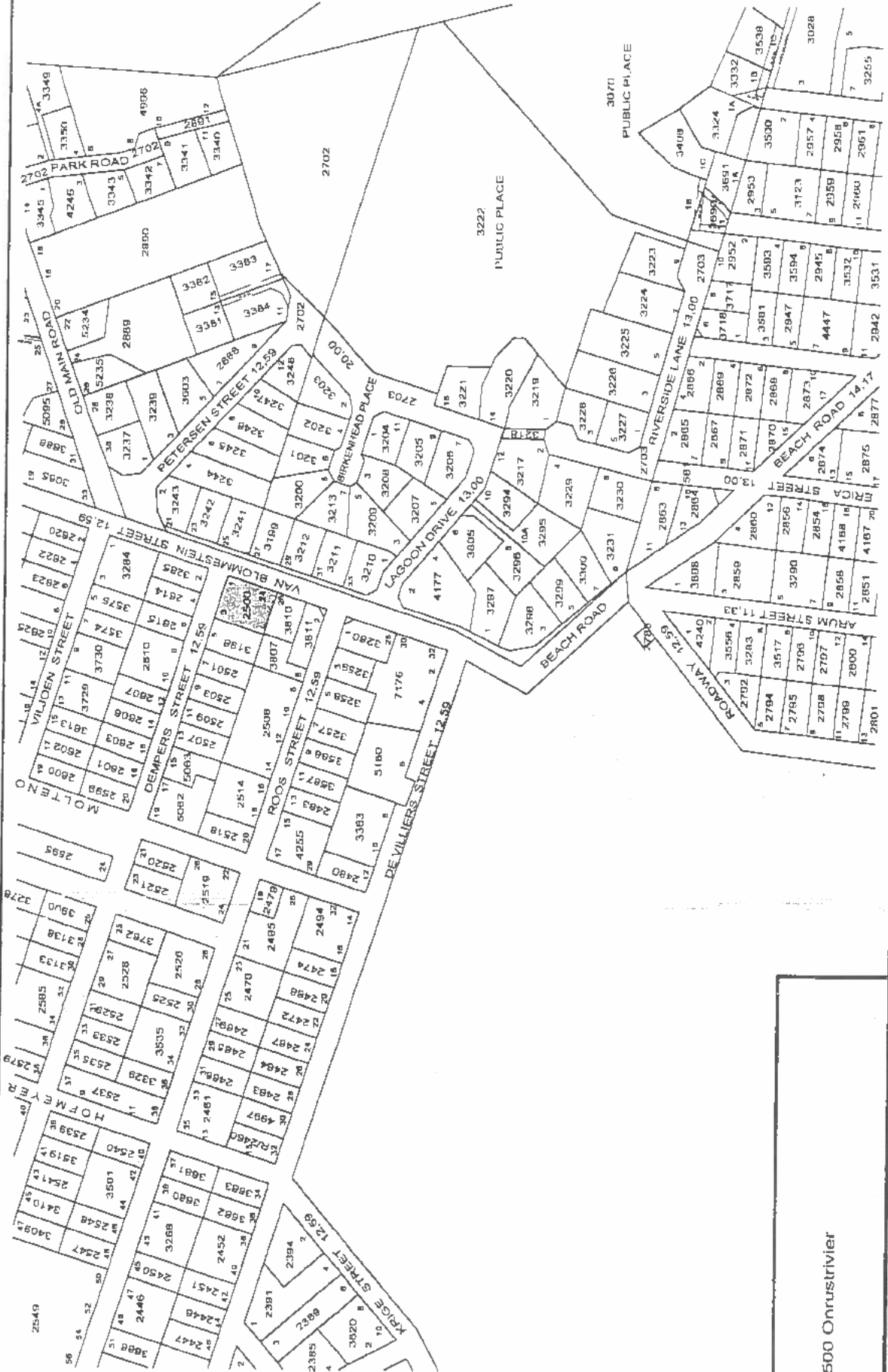
**12 DECEMBER 2016**

**TARGET DATE TO INFORM APPLICANT :**

**12 DECEMBER 2016**

**TARGET DATE TO INFORM OBJECTORS :**

**12 DECEMBER 2016**



Scale: NTS  
 Drawing Nr. ONRUS25001.dwg  
 Date: SEPTEMBER 2015

Plan Description:  
**LOCALITY MAP**

Property Description:  
**RE/ERF 2500  
 ONRUSTRIVIER**

All distances approximate  
 and subject to survey.  
**COPY RIGHT RESERVED**

**PLAN** Stads-en Streeksbeplanners  
 Town & Regional Planners

**Active**

NOTES:  
 Erf 2500 Onrustrivier







**PROPOSED CONSENT USE & REMOVAL OF  
RESTRICTIVE TITLE DEED CONDITIONS**

**REMAINDER ERF 2500 ONRUSTRIVIER**

**DIVISION: CALEDON**

**OVERSTRAND MUNICIPALITY**

**MOTIVATION REPORT**

**1. BACKGROUND**

C. Judge and J. Campbell, the owners of Remainder erf 2500 Onrustriver, have instructed the company Plan Active to apply for the consent use and removal of restrictive title deed conditions of Remainder erf 2500 Onrustriver.

Remainder erf 2500 Onrustrivier is 834m<sup>2</sup> in extent and is held by title deed number T67268/2014. It is the intention of the owners of Remainder erf 2500 Onrustrivier to establish a five bedroom guest house on the subject property.

**2. APPLICATION DETAILS**

Application is made in terms of:

- Section 6.1.1 (b) of the Overstrand Zoning Scheme Regulations for the consent use to allow for the establishment of a five bedroom guest house on Remainder erf 2500 Onrustrivier;
- The Removal of Restrictions Act, Act 84 of 1967 as amended, for the removal of the restrictive title deed conditions.

### **3. NEED AND DESIRABILITY**

#### **3.1 PROPERTY DESCRIPTION**

Remainder erf 2500 Onrustrivier is situated on the corner of Dempers and Van Blommenstein Street (1 Dempers / 24 Van Blommenstein Street), Onrus. Please refer to the locality plan attached. Remainder erf 2500 Onrustrivier is 834m<sup>2</sup> in extent and is situated in a mainly residential environment.

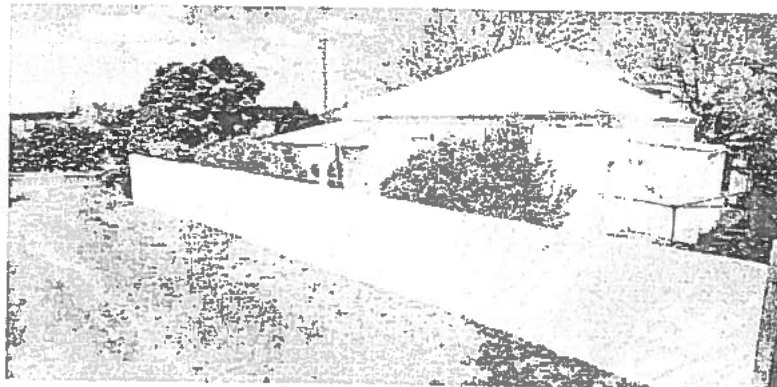
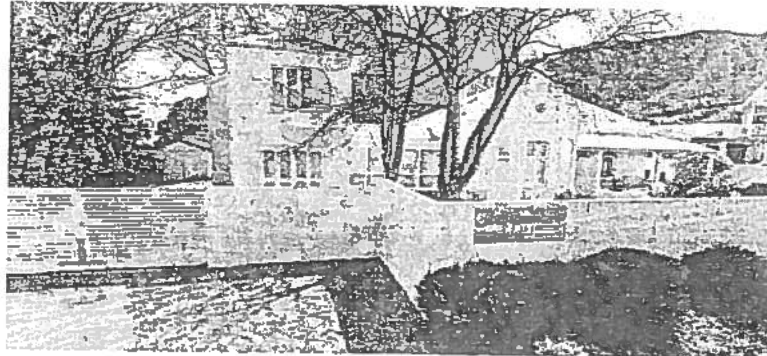
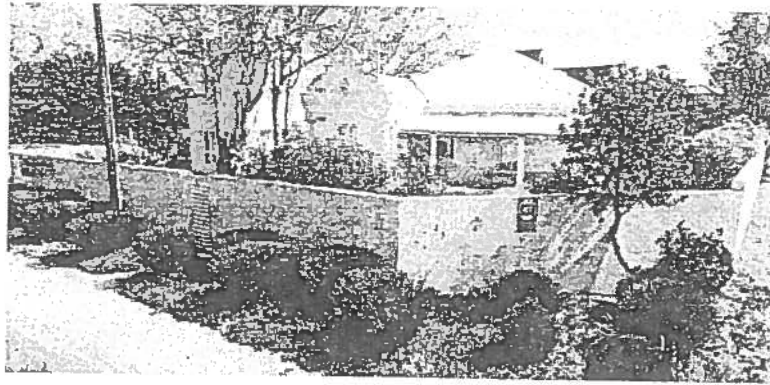
#### **3.2 ZONING**

Remainder erf 2500 Onrustrivier is zoned Residential Zone 1: Single Residential. Please refer to the zoning certificate dated 22 October 2015 attached.

Surrounding properties are zoned for Residential Zone 1: Single Residential and Business Zone II purposes.

#### **3.3 LAND USE**

There is an existing dwelling and single garage situated on Remainder erf 2500 Onrustrivier. A portion of the existing dwelling is double storey. The existing dwelling is older than 60 years. (the impact on the heritage value is addressed in Section 3.9 of the report). Please refer to the photographs below showing the existing dwelling on Remainder erf 2500 Onrustrivier:



Land uses that surround Remainder erf 2500 Onrustrivier are mostly single residential dwellings, guest houses / bed-and-breakfast establishments, local shops and an art gallery.

### 3.4 PROPOSAL

- The consent use of Remainder erf 2500 Onrustrivier in terms of Section 6.1.1 (b) of the Overstrand Zoning Scheme Regulations to allow for the establishment of a five bedroom guest house on the subject property;

- The removal of the restrictive title deed conditions in terms of the Removal of Restrictions Act, Act 84 of 1967, as amended.

It is the intention of the owners of Remainder erf 2500 Onrustriver to establish a five bedroom guest house on the subject property. A guest house can be accommodated as a consent use under the Residential Zone 1: Single Residential zoning. Application is therefore made for a consent use to establish a five bedroom guest house on Remainder erf 2500 Onrustrivier.

The subject property is situated in Van Blommenstein Street – the main feeder street route to get access to Onrus Beach. The subject property is therefore ideally located to accommodate guests visiting the Hermanus region since the subject property is conveniently positioned close to Onrus Beach.

It is proposed to renovate and alter the existing dwelling to accommodate the proposed five bedroom guest house on the subject property. After renovations and alterations the dwelling will consist of six on-suite bedrooms, a sitting room, laundry, kitchen and dining area on ground floor level and two on-suite bedrooms (one with a new balcony) on first floor level. A new deck will uplift the existing pool and a new terrace deck and water feature is also proposed on ground level. It is proposed to demolish the existing single garage on the subject property to allow for the provision of parking bays (with sufficient manoeuvre space) on site. Please refer to the site development plans attached.

Bedrooms no. 1-5 on ground floor level will be used as guest rooms in the proposed new guest house. The site development plan shows the position of the proposed guest rooms within the existing dwelling. Bedroom no. 6 will serve as servant's accommodation for staff working in the proposed guest house. The two on-suite bedrooms on the upper level will be occupied by the manager / owners of the guest house.

The architectural style of the proposed guest house will remain unchanged. It is however proposed to renovate and alter the existing dwelling as shown on the site development plans attached. All proposed additions and renovations will be done in accordance with the land use restrictions applicable to Residential Zone 1: Single Residential properties.

The guests will have access to all the communal facilities on the ground floor. Only breakfast will be served at the proposed guest house.

The proposed guest house will employ four permanent staff members that will be responsible for the overall maintenance, cleaning, cooking and managing of the proposed guest house.

The parking policy for the Overstrand area determines that one parking bay per guest room has to be provided on site and an additional two parking bays for the owner / manager. Provision is made for five parking bays for guests and three additional parking bays for the owner / manager and staff on site. This amounts to a total of eight parking bays on site. Seven of the eight parking bays adhere to the minimum requirements. Only parking bay no.8 is a tandem parking bay. Parking bays no. 7 and 8 will be used by the owners / manager or staff only and therefore the provision of the parking bays in this manner (tandem parking) will have no impact on the parking availability for guests on site. Refer to the site development plan attached.

Vehicular access is proposed from both Dempers and Van Blommenstein Street. Parking bays no. 1-6 will take access from Van Blommenstein Street and will exit in Dempers Street. Parking bays no. 7 and 8 will take access from and exit into Dempers Street. Please refer to the site development plan attached. The proposed guest house is a low impact development and consequently the proposed parking bays will not adversely affect traffic flow, the streetscape or the general character of the area.

All the bedrooms in the proposed guest house will be interleading. The proposed guest house can therefore easily be converted into a single dwelling house in future.

The proposed guest house will be used for accommodation purposes only and no conference facility or place of entertainment is proposed. The proposed land use will therefore not result in any noise pollution to the adjacent residential area.

The Overstrand Zoning Scheme Regulations stipulate the following land use restrictions for Residential Zone 1: Single Residential properties (larger than 400m<sup>2</sup>):

Coverage: 50%

Height:	8m (measured from the base level to top of roof)
Building lines: street:	4m
rear	2m
lateral	2m

The area schedule for the proposed guest house is as follow:

Existing ground floor	±207m <sup>2</sup>
Existing first floor	±49m <sup>2</sup>
<b>Total existing</b>	<b>±256m<sup>2</sup></b>

#### Additional footprint

New east bathroom	±6m <sup>2</sup>
Enlarged link & kitchen	±31m <sup>2</sup>
Extended bedroom wing (ground floor)	±36m <sup>2</sup>
Extended bedroom wing (first floor)	±32m <sup>2</sup>
<b>Total</b>	<b>±105m<sup>2</sup></b>

**Total footprint ±280m<sup>2</sup>**

The proposed coverage for the new dwelling house (guest house) will be ±34%. The proposed coverage is therefore consistent with the allowable coverage for Residential Zone 1: Single Residential properties.

The proposed guest house will be used for accommodation purposes only and no conference facility or place of entertainment is proposed. The proposed land use will therefore not result in any noise pollution to the adjacent residential area.

Title deed no. T67268/2014 has title deed conditions that will prohibit the proposed consent use. Application is therefore made for the removal of restrictive title deed conditions. Please refer to Section 3.7 of this report for the full description of the proposed removal of restrictions application.

The proposed consent use and removal of restrictive title deed conditions applications do not have a negative impact on the surrounding erven as the subject property's zoning will remain unchanged and an aesthetically pleasing guest house will contribute towards the residential and tourism character of the area. The

provision of parking was done in accordance with the relevant parking policy.

The proposed consent use and removal of restrictive title deed conditions of Remainder erf 2500 Onrustrivier are not in contrast to the existing land uses tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

### **3.5 ACCESS**

The existing access point in Van Blommenstein Street of 4,5m wide will remain. A second access point of 3,5m wide is proposed in Dempers Street to allow parking bays no. 1-6 to exit into Dempers Street and allow parking bays no. 7 and 8 to take access from and exit into Dempers Street.

Since the application does not propose to attract high volumes of traffic to the subject property, the width of the proposed access points and driveways should suffice. Please refer to the site development plan attached.

### **3.6 SERVICES**

All services on the subject property already exist. Additional services (if required) will be provided to the satisfaction of the Overstrand Municipality.

### **3.7 TITLE DEED**

Title deed no. T67268/2014 has title deed conditions that will prohibit the proposed consent use. Application is therefore made for the removal of the restrictive title deed conditions.

It is proposed to remove the following restrictive title deed conditions to accommodate the proposed guest house on Remainder erf 2500 Onrustrivier:

Title deed no. T67268/2014, page 2, paragraph C.(b) & (c):

*C. FURTHER SUBJECT so the following conditions referred to in Deed of Transfer Numbers T1275/1930 and T1276/1930 imposed for the benefit of "Onrust River and Seaside Township and Estate Company Limited (in liquidation) as owner of the Remainder of the farm Onrustrivier held by Deed of Grant dated 19 February 1904 (Caledon Quitrents Volume 10 Number 18), for the benefit of the Transferee of even in the Town of Onrustrivier transferred subject to similar conditions, namely*

*"(b) The said Transferees and their successors in title of the above land shall only have the right to erect residences with the necessary outbuildings and accessories on said land."*

*(c) The said transferees and their successors in title shall not have the right to open or allow or cause to be opened upon the above land any hotel, canteen, restaurant, shop, or other place of business."*

The reason for the proposed removal of the conditions stipulated above is, although the zoning of the subject property will remain unchanged (Residential Zone 1: Single Residential), the proposed consent use to accommodate a guest house on the subject property will change the land use of the subject property. The consent use will allow the owner to operate a guest house from the premises and therefore the conditions specified above will restrict the proposed guest house. We therefore request that the conditions be removed. The Department of Environmental Affairs and Development Planning should also remove all other conditions deemed necessary to allow the proposed guest house on the subject property.

There is a bond registered against Remainder erf 2500 Onrustrivier. The bondholder's consent was requested and will follow.

### 3.8 FORWARD PLANNING

The Overstrand Spatial Development Framework (SDF), 2006, earmarks the area where Remainder erf 2500 Onrustvriër is situated, for residential purposes. The Overstrand SDF (2006) identifies tourism as a sector that should be promoted and developed in the Onrus region. The application for consent use to accommodate a five bedroom guest house on the subject property is therefore within the goals stipulated in the Overstrand SDF (2006) and therefore falls within the existing planning for the Hermanus area.

The character (residential) and zoning (Single Residential) for the subject property will remain unchanged and therefore the subject property falls within the existing planning for the Onrus area.

Remainder erf 2500 Onrustvriër forms part of Planning Unit no. 1 as identified by the Overstrand Municipal Spatial Growth Management Strategy (OMSGMS, 2010). Furthermore the OMSGMS (2010) stipulates that the area where Remainder erf 2500 Onrustvriër is situated does not allow for an increase in density. Since the proposed consent use will not have an impact on the density of the area and therefore the proposed consent use is consistent with the relevant spatial planning policy.

The subject property is not situated within a heritage overlay zone.

In the light of the above mentioned the proposed consent use falls within the existing planning for the Onrus area.

### 3.9 HERITAGE VALUE

The subject property is not situated within a heritage overlay zone. The existing dwelling on the subject property is however graded 3B in terms of the Overstrand Heritage Survey (2009). The property's heritage significance is described as follows: *"The dwelling has the ability to demonstrate the role of Onrus as a holiday destination during the early 20th century. It is a good intact example of Cape Revival villa."*

The proposed site development plans was already approved by the Overstrand Heritage and Aesthetics Committee. The site development plans was also submitted to Heritage Western Cape on 21 September 2015 for approval.

The proposed consent use and removal of restrictive title deed conditions do not trigger any other listed activities in terms of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

### 3.10 ENVIRONMENTAL IMPACT

The proposed consent use and removal of restrictive title deed conditions do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

## 4. RECOMMENDATION

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

- The proposal is compatible with the existing built character and future planning policies of the area;
- Impact on the traffic and services will be kept to a minimum;
- Sufficient parking bays are provided on site for the proposed guest house;
- All proposed additions and renovations will be done in accordance with the land use restrictions applicable to Residential Zone 1: Single Residential properties;
- The guest house will be operated in a professional manner and according to international standards;
- The guest house does not negatively influence the existing character or land values in the area;
- The establishment of a luxury guesthouse in Onrus will contribute to enhancing the Onrus area as one of the most sought after tourist destinations in the Overberg.

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With regards to the above mentioned it would be appreciated if Council would approve the consent use application for Remainder erf 2500 Onrustvriër and recommend the removal of restrictive title deed conditions application for approval to the Department of Environmental Affairs & Development Planning.

TP - A Theast  
C Hollivier

Loretta Gillion - PA15057 Erf 2500 and the VAN BLOMMESTEIN / VAN BLOMMENSTEIN issue



**From:** Caroline Gabb <caroline@biogrow.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 02/03/2016 11:33 AM  
**Subject:** PA15057 Erf 2500 and the VAN BLOMMESTEIN / VAN BLOMMENSTEIN issue  
**Cc:** <planactive@hermanus.co.za>, "jck-lourens@da-mp.org.za" <jck-lourens@da-...>  
**Attachments:** IMG\_3885.jpg;  
 11890943\_10152926542926876\_3305707804021939078\_n.jpg;  
 11884679\_10152926545386876\_5828278445052216747\_o.jpg

Dear Mr. Olivier,

Regarding the paper work we have received for the Removal of restrictive title conditions applicable to Remainder of Erf 2500, Onrus, we reside next door at Erven 3810 and 3811.

We, CA and WS Gabb, have no objections to the application as presented, however, the owners C Judge and J Campbell have verbally agreed to put up a wall between our property and theirs, and we do not see this on the plans submitted? We would like a wall erected as our bedrooms face the boundary of the 2 properties and we feel it would be better for our privacy, as well as theirs.

\*\*\* Just an aside regarding the documentation we received, which I have telephonically addressed, but would like to take this opportunity of putting into writing, the name of the road in the Street Address of the property concerned is VAN BLOMMESTEIN and not VAN BLOMMENSTEIN; the references on the maps are correct, but throughout the rest of this official document the name of the road is incorrectly spelt, which I find disappointing considering that it is coming from the Overstrand Municipality itself!

There is confusion regarding the spelling of the name of this road, and some of the street signs are correct, some not... see photos attached.

Please can the municipality make sure it does not perpetuate this problem.

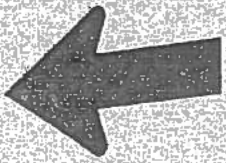
I have recently joined the committee of the Onrus Ratepayers Association, and I have drawn this to their attention, and have copied our Ward Councillor Junita Kloppers-Lourens in so that she is aware of the problem at Ward Level. There are so many big things we cannot control, but we can keep the little things in order, so please understand where I'm coming from with this!

Thank you,  
Caroline Gabb  
0825540811

FILE NO:	EL 2500 ON
SCAN NO:	C GABB
COLLABORATOR NO:	88/213

TP  
2 MAR 2016

- 3 MAR 2016

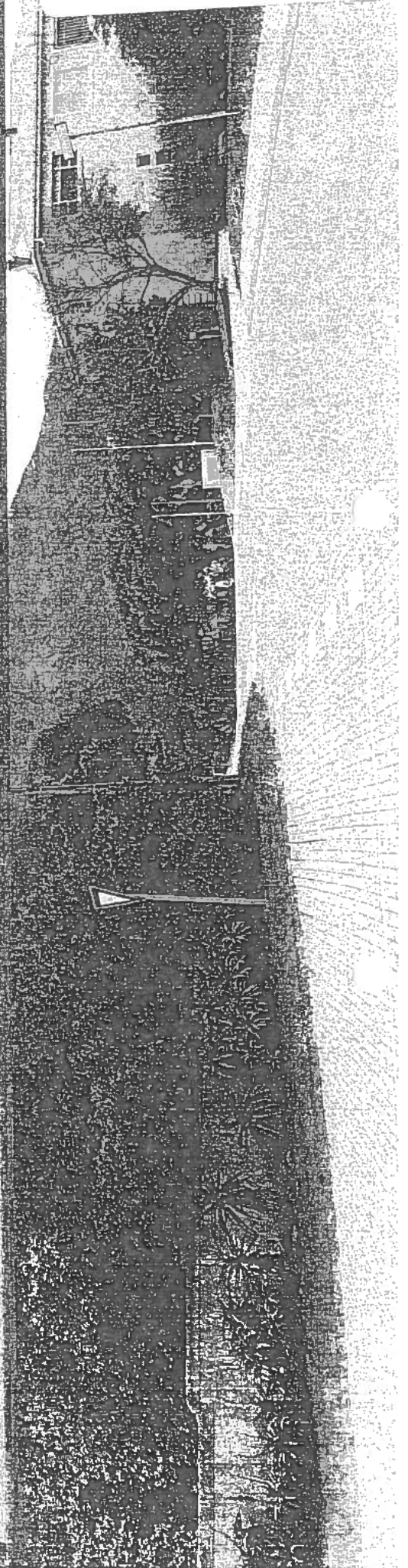


**Van Blommenstein Str**

**Hoofweg**

**De Villiers Str -**

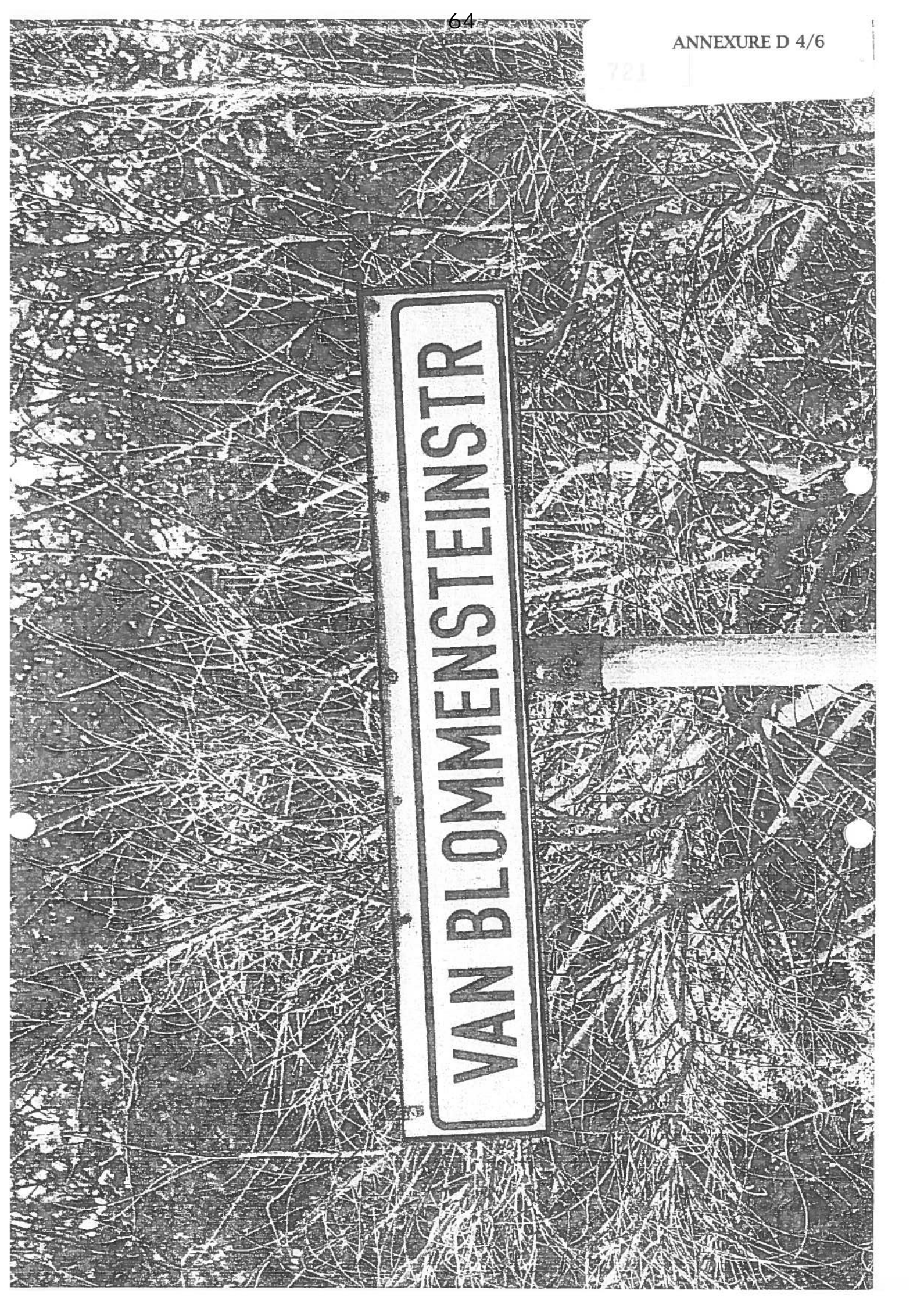
**Karavaan Park**



720



VAN BLOMMENSTEINSTR



722  
 TP - A Theat  
 (H Olivier)



Die Senior Stadsbeplanner,

Overstrand Munisipaliteit

Hermanus

Vir Aandag: Mnr Henk Olivier

AANSOEK OM OPHEFFING VAN TITELVOORWAARDES EN  
 VERGUNNINGSGEBRUIK VAN ERF 2500 ONRUS.

Geagte Mnr Olivier.

Ek rig die skrywe aan u namens die Onrusbelastingbetalersvereniging. In die eertse plek vra ek verskonong vir die baie laat reaksie, maar met die probleem met die poskantoor en die feit dat ons pos via posbusse en sekretaresse gaan, het die skrywe eers onlangs by my gekom.

In beginsel het ons nie beswaar teen die gaste huis nie, maar wel teen die feit dat die bouwerk vir die gastehuis so te sê voltooi is, en daar nou eers aansoek gedoen word vir die regte. Dit is al vir maande alombekend dat daar n Boutiek hotel/ gastehuis gebou word, maar die regte is nie in plek nie. Is die regte prosedure nie dat daar eers aansoek gedoen moet word voor so n groot projek aangepak word nie. Daar is mos nou geen manier waarop dit op die stadium gestop kan word nie.

Die feit dat daar aansoek gedoen word vir 5 gastekamers, maar die planne wys baie duidelik dat daar 8 on-suite slaapkamers gebou word, almal op dieselfde spesifikasies, maak n klug van die aansoek. Wie gaan die toesig hou dat slegs 5 kamers vir gaste gebruik word.

Ten laaste is ons van mening dat die parkering total onprakties is en dat dit slegs gaan meebring dat meeste van die voertuie in die straat gaan parkeer. Die feit dat daar moontlik 8 gaste voertuie kan wees plus personeel, verterk net ons beswaar. Ons glo die problem is nie behoorlik aangepreek nie.

FILE NO:	EL 2500-ON
SCAN NO:	01
COLLABORATOR NO:	889002

30 MAR 2016

TP

Die uwe.

  
Paul de Villiers

ONRUSBELASTINGBETALERS

082 658 8265

[paul@orbic.co.z](mailto:paul@orbic.co.z)

NB! Ons doen hiermee aansoek dat alle aansoeke vir vergunde gebruik in die toekoms per e-pos aan ons gestuur word om die proses te bespoedig.

Baie dankie.

Paul de Villiers

PLAN Active  
Town & Regional Planners  
Stads-en Streeksbeplanners

6 Magnolia St / Str  
PO Box / Posbus 296  
HERMANUS  
7200

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Website: [www.planactive.co.za](http://www.planactive.co.za)

TP- A Theart  
C Holivier

Our reference: PA15057ML  
Your reference: 2500 HON (3093)

13 APRIL 2016

THE MUNICIPAL MANAGER  
OVERSTRAND MUNICIPALITY  
P.O. BOX 20  
HERMANUS  
7200



FOR ATTENTION: MR HENK OLIVIER

Sir

**PROPOSED CONSENT USE AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS:  
REMAINDER ERF 2500 ONRUSTRIVIER, CALEDON DIVISION**

- C. JUDGE & J. CAMPBELL

Reference is made to our application dated 26 October 2015 and your email with objections attached dated 7 April 2016.

One comment from C.A. & W.S. Gabb and one objection from the Onrus Ratepayers Association were received:

- C.A. and W.S. Gabb confirm that they have no objection to the proposed application. They mention that there is a verbal agreement between them and the owners of erf 2500 Onrustrivier that the latter will construct a boundary wall between the two properties. However, they do not see the boundary wall on the site development plans.

The owners are aware of the situation and a revised set of building plans was submitted to the Overstrand Heritage & Aesthetics Committee on 17 March 2016 that includes the boundary wall. Following the meeting on the 17<sup>th</sup> of March 2016 the architect was requested to make minor amendments to the building plans, irrelevant to the consent use application (window changes, etc.). The amended building plan was submitted to the Overstrand Heritage & Aesthetics Committee and their comments / approval is expected at the end of April 2016. Thereafter the building plans will also be submitted to Heritage Western Cape for approval.

C.A. & W.S. Gabb's comment with regards to the Van Blommestein / Van Blommenstein Street name was addressed to the municipality and we have no comment in this regard.

Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active  
Reg. No. 2006/030921/07  
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAP  
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)  
Meriké Lemm: B. Art et Scien Cum Laude (Town Planning) UNW; SAC TRP

FILE NO:	EL 2500-01
SCAN NO:	15
COLLABORATOR NO:	894040

14 APR 2016

13 0 3 006

725

The objection from the Onrus Ratepayers Association is summarized and addressed as follows:

- In principle they don't have an objection to the proposed guesthouse, but they do object to the fact the construction work on the property is almost complete without the necessary approvals being in place. They question whether it is not the correct procedure to first obtain the land use rights and then proceed with the construction work?

The dwelling is in line with the existing zoning. The existing structure is constructed as per the land use restrictions of Residential Zone 1: Single Residential (SR1) and therefore the existing structure is in line with the current zoning (SR1). No land use approval is required for renovations to the existing dwelling – as long as the structure still complies with the definition of a dwelling house. The owners are therefore acting within their rights.

- They stipulate that the plans show eight bedrooms and application is only made for five, and then ask who will police the use of only five bedrooms in the guesthouse?

Three of the bedrooms will be used as an office, a spa room and a staff room. The owners will police the use themselves. It was never the intention to convert the existing dwelling into an eight bedroom guesthouse.

- Lastly, they are of the opinion that the layout of the parking bays is unpractical and that guests will only end up parking in the street. And their previous comment that eight guest rooms will be available to rent out (therefore eight vehicles plus staff etc.) strengthens their objection for their concern for sufficient and practical parking on site for the proposed guesthouse.

The architect, Nicolette Lloyd, confirmed that the parking layout for the consent use application was discussed in length with the Overstrand Municipality's Senior Manager of Engineering Services (Mr Dennis Hendriks) before the site development plan was finalized.

Since only five bedrooms will be used as guest rooms, their comment with regards to insufficient parking bays on site is irrelevant. The parking layout should therefore suffice for the purposes of the application.

We trust that you find the above in order and that you will now be able to proceed with the processing of the application.

Yours faithfully



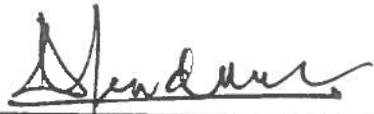
M. LERM Pr. PIn (A/158/2009)  
PLAN ACTIVE

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIONS & CONSENT USE:  
ERF 2500, ONRUS RIVER (3093)**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that no on-street parking be allowed;
3. that stormwater be allowed to discharge through Erf 2500, Onrus River, unobstructed.



**DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES**

8 | 4 | 2016  
DATE



TP - A Theart  
(Hollivier)

OVERSTRAND MUNICIPALITY  
PO Box 20  
Hermanus  
7200

Date: 07 March 2015

Enquiries: R.P. Odendal  
Tel: 021 980 310  
[Ramon.Odendal@eskom.co.za](mailto:Ramon.Odendal@eskom.co.za)

**ATTENTION: MUNICIPAL MANAGER**

Dear Sir/Madam

**RE: ERF 2500, 1 DEMPERS STREET, ONRUS RIVER, OVERSTRAND MUNICIPAL AREA: REMOVAL OF RESTRICTIONS OF ACT, 1967 AND CONSENT USE**

OUR REF: 00570 / 16

I refer to your advertisement nr. 61010 Gazetted 19<sup>th</sup> of February 2016 in the Western Cape Provincial Gazette nr. 7566

1. Eskom Distribution has no objection to the proposal and would like to comment as follows:
  - i) The proposed work does not affect any Eskom services.

Yours sincerely

Ramon Odendal  
Land & Rights Practitioner

FILE NO:	EL 2500-ON
SCAN NO:	28
COLLABORATOR NO:	886051

