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**ERF 452, 30 MAIN ROAD, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR REZONING AND DEPARTURES: MESSRS WRAP PROJECT OFFICE
ON BEHALF OF BVA BELEGGINGS PROPRIETARY LIMITED**

452 HWC (4481/2023)

B Minnaar

24 June 2026

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), has been received on 18 July 2023 from Messrs WRAP Project Office on behalf of BVA Beleggings Proprietary Limited, the owner of Erf 452, Hermanus (Westcliff) for the following:

- ❖ **Rezoning** of the property in terms of Section 16(2)(a) of the By-Law from Residential Zone 1: Single Residential (SR1) to General Residential Zone 3: Flats (GR4) to accommodate flats (sectional title units) on the property, and
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - deviate from the minimum permissible erf size from 3000m² to 2252m²;
 - deviate from the permissible height restriction from 9m to 9.9m to accommodate the proposed roof structures and lift shaft;
 - deviate from the applicable density provision to accommodate the proposed development, and
 - deviate from the provisions of the Overstrand Zoning Scheme Regulations allow a split functional open space.

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, and the Site Development Plan is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 452 is situated in Westcliff, Hermanus with the extent of 2252m². The property is zoned Residential Zone 1: Single Residential and is currently vacant. The property was subject to a previous approval which permitted the development of 23 apartments. The approval has subsequently lapsed and therefore the intention of this application is to reinstate the approval and accommodate 25 apartments.

The application therefore requires a rezoning and departure application to acquire the development rights to accommodate 25 apartment units on the subject property.

4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation of the applicant is attached as Annexure C for detailed information.

The following is a summary of the applicant's motivation:

- The intension of the application is to develop 25 high-quality flats which will provide additional residential units within the Hermanus area.
- The previous application for the subject property was submitted in 2007 and approved in 2009 for 23 apartments. The approval has subsequently lapsed, and the intention is to reinstate the approval to accommodate apartments on the property.
- The application is for the following:
 - ❖ Rezoning of the property in terms of Section 16(2)(a) of the By-Law from Residential Zone 1: Single Residential (SR1) to General Residential Zone 3: Flats (GR4) to accommodate flats (sectional title units) on the property, and
 - ❖ Departure in terms of Section 16(2)(b) of the By-Law to:
 - deviate from the minimum permissible erf size from 3000m² to 2252m²,
 - deviate from the permissible height restriction from 9m to 9.9m to accommodate the proposed roof structures and lift shaft,
 - deviate from the applicable density provision to accommodate the proposed development, and
 - deviate from the provisions of the Overstrand Zoning Scheme Regulations allow a split functional open space.
- The design of the building has been guided by the shape and size of the site and will comprise a ground floor dedicated to parking and landscaped open spaces, with two residential storeys above, all within the maximum height limit prescribed by the OMLUS.
- Access to the property will be provided via a single carriageway crossing in Flower Street.
- The proposal provides for 25 flats across three storeys. Several of the units are designed to extend over multiple levels, while the ground floor units will have access to private gardens, enhancing their appeal to future residents. The development will consist of seven one-bedroom flats and eighteen two- and three-bedroom flats across the allowable three storeys. Each unit will be finished to a high standard, contributing to the proposed building becoming a landmark residential development in Hermanus.
- The proposal is for a total of 25 flats, comprising 7 one-bedroom units and 18 two- and three-bedroom units. Of the 47 parking bays, 41 are located inside a secured gate, allowing for private and safe parking. The remaining 6 parking bays outside the gate will be available for guests and residents to utilise.
- Due to the irregular shape of the property, providing the required open space in a single functional area has been proven challenging. The proposal therefore allocates the open space in smaller sections around the development in order to achieve the required 10%. As this configuration does not comply with the OMLUS requirement that open space function as a single functional area approval of a departure is necessary to permit the current proposal.
- Splitting the open space across the property offers several practical benefits while retaining its functional value for residents. By distributing open space in this manner, accessibility and usability are enhanced, ensuring that the designated areas are easily reachable from different parts of the development. This layout also allows each section to serve varied purposes, including areas for relaxation, outdoor activities, or small communal gardens.

- The subject property has an extent of 2252m², which necessitates approval of a departure from the development parameters of General Residential Zone 3: Flats Bulk Zone 2 (GR4) as it falls below the minimum erf size of 3000m² prescribed for densification. This departure is required in order to comply with the OMLUS provisions while aligning with the property owners' development vision. The size of the subject property is restricted by its unique location, being bordered by three streets. A permanent departure is therefore essential to unlock the full development potential of the property, notwithstanding its reduced size. Approval of this departure will enable the property to be developed to its optimum capacity and will contribute positively to the achievement of the densification objectives set out in the Overstrand Spatial Development Framework and the Overstrand Growth Management Scheme.
- The proposed flat structures are designed to a total height of 9.9m, which exceeds the maximum permissible height of 9m by 0.9m in terms of the OMLUS. Approval of a formal permanent departure is therefore required.
- The additional height results solely from the roof design and lift shaft, which is intended to ensure a functional and aesthetically appropriate building form. The area above 9m will not contain any habitable space and it will be limited to roof space only. The intention is to provide sufficient roof pitch to accommodate weatherproofing, insulation, and architectural integration, thereby enhancing the overall quality and longevity of the development.
- The development plan for the subject property aims to optimise the available land and proposes a total of 25 units, resulting in a density of approximately 111 dwelling units per hectare (Du/Ha). The primary objective of proposing a higher density is to minimise the need for additional land while addressing the significant housing demand in the Hermanus area. Maximising the allowable density reduces land requirements, supporting sustainable development and helping to curb urban sprawl.
- As previously noted, the only aspect of *OMLUS Section 6.3.2* requiring a departure is the allowable density of 50 units per hectare. Under this restriction, only 11.26 dwelling units would be permitted on the site, which is not consistent with the municipality's own guideline documents. As confirmed in Section 11 of this motivation report, the proposed density aligns with relevant municipal guidelines. This area has been designated for higher-density development, and the subject property represents one of the last remaining parcels where such development can be accommodated.
- While the proposed density exceeds the 50 units per hectare limit stipulated in Section 6.3.2 of the OMLUS, it aligns with other municipal regulations and policy objectives. Several measures have been incorporated to minimise the impact of the proposed development on the surrounding area. Furthermore, the proposed density is not unusual, as several higher-density developments have been approved along Main Road in the surrounding area.

Development Name	Erf Number	Total Units	Extent	Du / ha
Belle on Main	6359	42	3103	135
Silver Oaks	441	50	4461	112
Oak Terrace	7585	50	3286	152
2-on-Main	10965	20	2456	81

- The properties surrounding the subject property are predominantly zoned for single residential purposes, although the Growth Management Strategy earmarks the surrounding area for densification of more than 30 units per hectare.
- There are no conditions that restrict the proposed development of the subject property.

- Electricity is provided by Overstrand Municipality, and the proposed development will be connected to the existing network.
- The proposal is to connect the proposed development to the existing Overstrand Municipality network. A GLS report was obtained, which indicates that there is sufficient water and sewer capacity for the proposed development.
- Solid waste will be collected weekly by the OM. The solid waste will be accumulated which will be collected on the applicable solid waste pick-up day for the area. There will be a 11,6m² refuse room on Flower Street. The refuse room will comply with the requirements as set out within section 17.4 of the OMLUS.
- The proposed development will be accessed and egressed via a vehicular entrance on Flower Street. This access point is sufficient in width to allow for convenient vehicle movement. The entrance also provides ample stacking capacity, with a minimum length of 12m, allowing two vehicles to queue behind each other in front of the access-controlled, motorised gate.
- The internal one-way driveway is 7.5m wide, facilitating smooth vehicular circulation within the site. The exit onto Flower Street ensures efficient on-site traffic flow, allowing residents to merge seamlessly into the existing traffic stream.
- The subject property is not listed in the OM Heritage Register. The existing structure was recently demolished after approval was obtained from the Overstrand Heritage Committee and Heritage Western Cape, after the design of the building proposed for the site was considered.
- The subject property is not located within an environmentally important area and is located within the urban edge.
- The subject property is not located within the EMOZ.
- The subject property is located within the Historic Core of Hermanus HPOZ of which the purpose is to ensure that any land use application resulting in additional rights complies with the existing character and contextual significance.
- The proposed residential development was aligned with the OMSDF to ensure that policy requirements are met.
- As illustrated above, the property is located within the densification zone, permitting development at a density exceeding 30 dwelling units per hectare. The surrounding area is designated for higher density due to its proximity to the CBD, which itself supports higher-density developments, several of which have been approved in recent years.
- Additionally, the OMGMS specifies the proposed housing typology for this planning unit as two- and three-storey walk-up buildings (D4), aligning with the proposed development, as the property owners have identified the site for accommodating two- and three-storey flats. It is important to note that the OMGMS indicates the density for this housing typology (D4) on a three-storey proposal should be 84 dwelling units per hectare.
- The SPLUMA Principles will be discussed in point 10.2 of this report.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	21 November 2025	16 January 2026
Notices	Yes	19 November 2025	16 January 2026
Internal Departments	Yes	19 November 2025	16 January 2026

Ward councillor	Yes	19 November 2025	16 January 2026
Total comments	NINE (9) OBJECTIONS		
Total letters of support	NONE		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

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

Name	Date received	Summary of comments
Local Heritage and Aesthetics Committee	13/11/2025	No objection.
Building Control Department	19/11/2025	No objection. All buildings to comply with the NBR and all other applicable law.
Property Administration	24/11/2025	The applicant must ensure that there are no encroachments on municipal land and further ensure that no additional municipal land will be required for parking purposes, refuse areas, etc.
Fire Department	01/12/2025	No objection subject to compliance with the provisions of SANS 10400-T:2024, SANS 10400-A and the By-Law relating to fire safety.
Waste Management	16/01/2026	No objection.
Engineering Services Department: Services Report.	04/02/2026	Refer to Services Report (attached as Annexure F).
Department of Transport and Public Works	09/02/2026	No objection.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The application was advertised in the local newspaper; notices were e-mailed to surrounding residents in the area and the applicant's consultant also placed on-site notice board during the public participation period.

Nine (9) objections (with 22 objection points) were received during the public participation process (the objections are attached as Annexure D). See list below:

<u>OBJECTORS</u>	
	<i>H Durr, Erf 10578</i>
	<i>M Kotze obo Rossouw Familie Trust, Erf 5507</i>
	<i>J Kampherbeek, 9 Belle Court</i>
	<i>Zacharia Wessels, 21 Belle Court</i>
	<i>Stefan Hanekom, Executor to Late Gabriel Stephanus Wessels, 20 & 22 Belle Court</i>
	<i>Alex McCall obo Bell Court Body Corporate</i>
	<i>CF & J Kampherbeek</i>
	<i>Edith Mary Marsh, Erf 6359</i>
	<i>Peter Albert Marais, Erf 520</i>

The applicant was awarded the opportunity to respond to the objections. The response to the objections summarises the main objection points (attached as Annexure E).

The objections are discussed and responded to below:

OBJECTION

POINT 1

Reliance on the OMGMS

RESPONSE FROM APPLICANT

It is acknowledged that the Overstrand Growth Management Scheme (OMGMS) of 2010 has been rescinded, as this was also stated in the motivational report. References to the OMGMS in the Motivation Report were included for contextual and historical purposes and in response to municipal requirements.

The application is not founded on the OMGMS as a determinative policy instrument. The proposal has been assessed in accordance with:

- *SPLUMA;*
- *The OMSDF;*
- *The OMLUS; and*
- *The Overstrand Municipal Planning By-Law.*

Accordingly, no impermissible reliance has been placed on a rescinded policy, and the application remains legally compliant and procedurally sound. The OMGMS is referenced as a guideline document currently used by the Municipality for contextual purposes.

RESPONSE FROM TOWN PLANNER

The OMGMS has been rescinded from the SDF however, it remains a strategic document utilised when evaluating the land use planning applications. It must be noted that the application is noted only evaluated by means of the OMGMS but in assessed in accordance with the following as stated by the applicant:

- *SPLUMA;*
- *The OMSDF;*

- The OMLUS; and
- The Overstrand Municipal Planning By-Law.

OBJECTION

POINT 2

Compliance with the OMSDF

RESPONSE FROM APPLICANT

The proposed development aligns with the OMSDF objectives relating to:

- *Urban consolidation and densification;*
- *Efficient use of infrastructure;*
- *Infill development;*
- *Sustainable settlement patterns; and*
- *Protection of heritage character.*

As set out in Section 10 of this Motivation Report, the subject property is located within an area identified for higher-density residential development. The proposed development supports the spatial vision and policy direction of the OMSDF by promoting infill development and compact urban form. Substantive compliance with the OMSDF has been demonstrated throughout the Motivation Report.

Refer to Section 10.3 in the motivational report.

“To ensure compliance with the principles and objectives set out by the PSDF and the National Development Plan, the OMSDF was synthesised through the influence of these policies and frameworks.

The proposed residential development was aligned with the OMSDF to ensure that policy requirements are met. The OMSDF states in Section 5.8.3. p 207 ‘New Development’ that “no new urban development areas / urban edge amendments are proposed for Hermanus Central with densification as the proposed tool to accommodate population growth”. This is aligned with the proposal on the subject property. The increase in population mentioned above is based on the growth indicated by Table 2.7 p25 of the OMSDF.”

RESPONSE FROM TOWN PLANNER

It is agreed with the applicant in which they state that the application is proposed in line with the objectives of the OMSDF. Densification is a tool utilised to create additional dwelling units to accommodate the increase in population growth.

The application does conform with the notion of context -sensitive development, protection of the urban character as well as cautious intensification. The subject property is situated along the R43 Main Road which consists of existing 3 storey residential developments similar to the current proposal.

The proposed development responds adequately to the sense of massing and monolithic shapes since the development is designed in such a manner that it complies with the Scheme and Provincial development setbacks whilst creating a staggered effect through elevation as well as side profile.

The application is situated in an area where higher density developments are encouraged through strategic planning documentation. However, it must be noted that the extent of the site limits the development potential of proposal. Therefore, it is considered that the development be scaled down to by means of reducing the number of units by one (1) to comply with the basic development parameters.

Noting the above, the application is proposed to be in line with the OMSDF.

OBJECTION

POINT 3

Assessment on Merit and Previous Approvals

RESPONSE FROM APPLICANT

Each land use application is assessed independently on its own merits, having regard to its specific site characteristics, surrounding context, and applicable policy framework. No applicant acquires an automatic right to additional development or departures based on previous approvals granted on the same or neighbouring properties.

References to previously approved developments within the Motivation Report were included solely to provide planning context and to illustrate established development patterns within the area. These examples assist in demonstrating compatibility and contextual appropriateness and are not relied upon as a basis for entitlement or automatic approval.

The present application has been comprehensively evaluated against current legislation, municipal policies, zoning provisions, and applicable overlay requirements, including SPLUMA, the OMSDF, the OMLUS, and heritage controls. The proposal has therefore been assessed in accordance with prevailing regulatory standards and not on the basis of historical permissiveness.

RESPONSE FROM TOWN PLANNER

The applicant is correct when stating that each application is evaluated on its own merits. Although, a previous planning approval for a similar development on the subject site was granted, the consideration of this application does not automatically grant the developer the development rights automatically. The application proposal in its current form is not considered favourable. It is recommended that the development be scaled down and reduce the number of apartments from 25 to 24 units in order to comply with the parking requirements as well as to reduce the height of the roof to comply with the 9m height requirement in order to maintain a gradual stepping of buildings in the surrounding area, similar to the residential developments to the north of the main road. Noting that the lift shaft exceeds the 9m height restriction by 0.3m is considered favourable since it is functional service that serves the building.

OBJECTION

POINT 4

Justification for Departures

RESPONSE FROM APPLICANT

The application seeks certain departures in terms of the Overstrand Municipality Land Use Scheme (OMLUS), including departures relating to density, building height, and minimum erf size. Each of these departures has been individually assessed, motivated, and justified in detail within the Motivation Report, with reference to the specific site constraints, planning context, and applicable policy framework.

The Motivation Report clearly demonstrates that strict compliance with the standard zoning parameters is not reasonably feasible in this instance due to the inherent physical and contextual limitations of the subject property. These constraints are comprehensively addressed in the relevant sections of the report and include, inter alia:

- The unique size, configuration, and limited developable footprint of the site;*
- Its location within a constrained urban block bounded on all sides by three public streets, limiting opportunities for conventional development layouts; and*
- The established pattern of higher-density residential development within the immediate vicinity, particularly along the Main Road corridor.*

As set out in the relevant sections of the Motivation Report, these factors collectively restrict the ability to develop the site in strict accordance with standard zoning parameters without compromising functional design, urban integration, and development viability. The proposed departures therefore represent a necessary and reasonable response to these site-specific constraints.

Furthermore, the Motivation Report demonstrates that the proposed departures are clearly in the public interest and are not sought solely for private financial benefit. In this regard, the departures:

- Facilitate the provision of additional affordable and accessible housing in a well-located and serviced area;*
- Support municipal objectives relating to urban densification, consolidation, and sustainable settlement patterns;*
- Promote efficient and responsible use of scarce urban land and existing infrastructure; and*
- Contribute positively to local economic activity and urban regeneration.*

Each departure is modest in scale and has been carefully calibrated through architectural design, layout planning, and technical assessments to ensure that the intent and integrity of the zoning scheme are maintained. As demonstrated in the Motivation Report, the cumulative effect of the departures has been fully considered and does not result in overdevelopment or an erosion of planning controls.

Instead, when viewed holistically, the proposed departures enable an appropriate, context-sensitive, and policy-aligned development that responds to the constraints of the site while delivering tangible public benefits within a constrained urban environment.

RESPONSE FROM TOWN PLANNER

It must be noted that the development complies with all the applicable building line setbacks apart from the refuse area which is considered acceptable from a planning perspective as well as from a waste management perspective. The development is setback further from the main road than the prescribed 4m Scheme and 5m Provincial building lines.

The departure relating to the open space functioning as one functional space is considered favourable since the applicant exceeds the 10% requirement.

The departure relating to the roof height encroachment is not considered favourable from a planning perspective since the height is within the proposed zoning and the existing heights for residential developments in the area should be maintained and not merely be considered as a design feature. However, the height encroachment of the lift shaft is considered acceptable since it provides a functional use for the building.

The departure relating to the minimum erf size is considered acceptable since the proposed development is designed to comply with the relevant setback requirements and should therefore be considered for approval.

OBJECTION **POINT 5*****Erf Size and Precedent*****RESPONSE FROM APPLICANT**

Although the site is smaller than 3 000m², planning decisions are not based on erf size alone. The site's location, context, accessibility, and surrounding development pattern are decisive factors.

Approval will not create an undesirable precedent. Each application is considered on its own merits and within its specific context.

RESPONSE FROM TOWN PLANNER

Although the subject property does not meet the requirements of the 3000m² erf size, the development is capable of accommodating a 3 storey apartment building of which the parking area utilises a larger portion of the ground floor in relation to the building itself.

It must again be noted that a precedent will not be created since each application is evaluated on their own merits.

OBJECTION **POINT 6*****Density***

RESPONSE FROM APPLICANT

The proposed density has been carefully determined with reference to the specific characteristics of the subject property, the surrounding development pattern, and the applicable municipal policy framework. As demonstrated in the Motivation Report, the proposal provides for 25 dwelling units on the site, resulting in a density that is consistent with other approved developments along Main Road and within the immediate vicinity. These comparable developments illustrate that higher-density residential development is an established and accepted feature of this area.

The Motivation Report further confirms that the subject property is located within an area identified by the Overstrand Municipality for increased residential intensity and urban consolidation. The proposed density therefore directly supports the Municipality's objectives relating to densification, efficient land use, and the optimisation of well-located urban land.

The application demonstrates that the proposed density has been achieved through careful site planning and architectural design. Adequate provision has been made for on-site parking, internal circulation, open space, access, and service infrastructure. The layout ensures that higher density is accommodated in a functional and orderly manner, without resulting in overcrowding or overdevelopment.

Technical assessments submitted in support of the application, including the Traffic Impact Assessment and municipal engineering evaluations, confirm that the anticipated increase in residential population can be accommodated within the existing road network and service infrastructure. No objections have been raised by the relevant technical departments in this regard.

Furthermore, the proposed density enables the development of smaller, more efficient residential units, which contributes to affordability and supports a broader range of households. This aligns with the objectives of the Motivation Report to increase housing supply in a central, accessible location while reducing pressure for peripheral expansion.

When considered holistically, the proposed density represents an appropriate balance between intensification and amenity. It responds to site-specific constraints, reflects the established urban character of the area, and delivers tangible public benefits in line with municipal planning policy. The proposed intensity is therefore justified, sustainable, and suitable within the context of the application.

RESPONSE FROM TOWN PLANNER

Although, the subject property does not meet the requirements of the 3000m² erf size in terms of the Scheme, subject property is located within a higher density area indicated in the OMGMS.

It must be noted that 3 storey apartment buildings are not out of the ordinary in terms of the character of the area, since there are numerous 3 storey apartment buildings located along the main road.

The development is constrained by the irregular shape of the erf as well as location of the subject property. Retaining the development as a single residential property could be considered a waste of space and development potential.

The densification of the site will be in line with the SDF by means of optimally utilising the space available. If the property were to be subdivided, it would create multiple additional access onto both the main road as well as the other municipal roads which would have a negative impact on traffic safety. Furthermore, the erf sizes would not be in line with the spatial pattern of the Westcliff area if the property were to be subdivided. Therefore, the logical scenario would be to densify the subject property.

OBJECTION

POINT 7

Clarification Regarding Unit Numbers and Parking

RESPONSE FROM APPLICANT

The development comprises 25 residential units only. Parking bays do not constitute dwelling units.

The allegation that the development contains more than 25 units is factually incorrect.

RESPONSE FROM TOWN PLANNER

The development is to provide 25 apartments which comprises of 7 one-bedroom units and 18 two & three-bedroom units.

Parking is calculated at 1.5 bays for every one-bedroom unit and 2 bays for every two & three-bedroom units. The total number of parking bays required is therefore 47. Only 46 parking bays are provided and therefore it is recommended that the development be scaled down by one unit in order to meet the parking requirements.

OBJECTION

POINT 8

Visual and Streetscape Impact

RESPONSE FROM APPLICANT

The architectural design of the proposed development has been informed by a detailed analysis of the surrounding built environment, including building heights, massing, setbacks, roof forms, façade articulation, and material treatments. As demonstrated in the Motivation Report and architectural drawings, the proposal reflects the prevailing pattern of three-storey residential developments along Main Road and within the surrounding area.

Comparable developments such as Belle on Main, Silver Oaks, Oak Terrace, and 2-on-Main illustrate that buildings of similar scale, form, and intensity have been successfully integrated into the local streetscape. The proposed development responds to this established context by adopting a compatible height, proportion, and urban form, ensuring visual continuity and coherence within the streetscape.

The building massing has been carefully articulated through setbacks, roof modulation, and façade detailing to reduce visual bulk and avoid a monolithic appearance. Variations in building planes, balconies, fenestration, and landscaping contribute to visual interest and soften the overall appearance of the structure when viewed from the public realm.

Particular attention has been given to the interface between the development and the surrounding streets. Active frontages, appropriate boundary treatments, pedestrian-friendly elements, and landscaped areas have been incorporated to enhance the quality of the public environment and strengthen the relationship between the building and the street.

Heritage Western Cape has reviewed the proposed design and formally approved the development (Annexure D1), confirming that the scale, massing, and architectural expression are compatible with the heritage context of the area. This approval provides independent confirmation that the proposal does not detract from the historic character or visual significance of the neighbourhood.

The proposed roof form, including the minor height departure, has been designed to complement surrounding building profiles and contributes to an articulated skyline rather than visual dominance. The additional height is limited to roof structures and does not introduce additional habitable space, thereby maintaining proportionality within the streetscape.

Landscaping and boundary treatments further enhance visual integration by softening building edges and reinforcing the residential character of the area. These elements contribute to creating a cohesive and attractive urban environment.

Overall, the proposed development represents a context-sensitive and well-considered architectural response that respects established streetscape patterns, enhances visual quality, and integrates harmoniously into the surrounding urban fabric.

RESPONSE FROM TOWN PLANNER

The apartment building is setback further than the 4m Scheme and 5m Provincial street building lines. Furthermore, the development is designed in such a way to reduce the monolithic appearance, by means of staggering the elevation of the building as well as its side profile.

Noting the above, the design of the building along the main road does not create a blank or solid wall but rather an aesthetically pleasing perspective.

It must also be noted that the proposal was considered favourable from the Local Heritage Committee.

OBJECTION

POINT 9

Sunlight and Overshadowing

RESPONSE FROM APPLICANT

The subject property is bounded by public streets on three sides, which creates substantial spatial separation between the proposed development and neighbouring residential properties. These road reserves function as effective physical buffers, increasing the distance between buildings and reducing the potential for direct overshadowing.

As illustrated in the site development plans and building sections, the proposed building has been positioned and orientated to optimise solar access while complying substantially with prescribed requirements. The width of the surrounding streets, combined with the proposed building setbacks, ensures that shadows are largely confined to the road reserves and public spaces rather than extending onto adjacent private properties.

The minor height departure of 0,9m relates solely to the roof structure and does not introduce additional habitable floors. This limited increase does not materially alter the overall building envelope or significantly affect shadow patterns when compared to a fully compliant three-storey structure.

Furthermore, the surrounding area already accommodates buildings of similar height and massing, which have not resulted in demonstrable sunlight impacts. The proposed development is therefore consistent with the prevailing urban form and is not anticipated to cause any unacceptable loss of sunlight or solar access to neighbouring properties.

The concept of the right to light is regarded as a type of easement, where one property benefits from a right enjoyed over the land of another. In this context, the right to light easement refers to the entitlement to enjoy natural light passing over someone else's land and entering specified spaces in a building, such as windows, skylights, and glass roofs.

While South Africa does not have a specific law entitling individuals to direct sunlight. It is important to note that sunlight and light patterns shift throughout the day, and the acknowledgement is made that, although there will be an impact on the area, all property owners will still receive their fair share of light as the sun moves. This recognition aims to address concerns about potential impact while acknowledging the dynamic nature of sunlight distribution.

*To provide further information and motivation in support of the above, the appointed architects have prepared a sun study to determine the impact that the proposed development may have on neighbouring properties. Reference is made to **Annexure A**, which illustrates both the summer and winter solstices.*

RESPONSE FROM TOWN PLANNER

The proposed development is setback from both the provincial and scheme building line setbacks. Within these setbacks it is proposed that this space be developed with garden space being open communal space, exclusive open spaces as well as parking. This creates an adequate buffer between the development itself and the streetscape.

The building height encroachment of 0.9m being almost 1m over the applicable 9m height restriction is not considered for approvable since this is only a roof design feature. There are other roof forms that can be accommodate. Furthermore, the encroachment of the lift shaft being 0.3m over the height restriction is considered favourably since the lift shaft is considered an essential service for the functioning of the building.

The overall design of the building apart from the height encroachment of the roof is considered an acceptable building form since there are similar existing residential developments that have been developed along main road. Therefore, the building form will not cause unacceptable loss of sunlight.

Development parameters such as setback lines, height restrictions, parking requirements, but not limited thereto, determine the acceptable development forms within the applicable zoning. Therefore, taking into account the abovementioned changes to be made to the development, the development parameters applicable as well as the character of the surrounding area which has already accommodated similar developments along main road, it is considered that the “amended” proposal be considered acceptable in terms of impacts relating to overshadowing and sunlight.

OBJECTION

POINT 10

Privacy and Overlooking

RESPONSE FROM APPLICANT

The architectural layout has been carefully designed to minimise opportunities for direct overlooking and to preserve reasonable levels of privacy for neighbouring properties. Building orientation, internal unit layout, window positioning, and balcony placement have been configured to avoid direct sightlines into adjoining private spaces wherever possible.

Appropriate setbacks from street boundaries and neighbouring properties further reduce the potential for visual intrusion. In addition, the intervening road reserves surrounding the site provide meaningful separation distances, limiting direct views into adjacent dwellings and private gardens.

Where windows and balconies are oriented towards public streets, views are primarily directed towards the public realm rather than private properties. This is consistent with accepted urban design principles and reinforces the active and safe use of streets.

These design measures ensure that acceptable urban residential privacy standards are maintained and that neighbouring residents are not subject to unreasonable overlooking or loss of privacy.

RESPONSE FROM TOWN PLANNER

As discussed in the objection points above, the development is well within the applicable setback lines of both the Scheme and Province. Furthermore, it is agreed with the applicant that the development design is acceptable urban residential privacy being maintained.

OBJECTION **POINT 11*****Neighbourhood Character*****RESPONSE FROM APPLICANT**

The proposed development reflects the established pattern of medium- to high-density residential development within the central Hermanus area and along the Main Road corridor. The surrounding neighbourhood includes several three-storey apartment and flat developments of comparable scale, form, and intensity, which collectively define the prevailing urban character of the area.

The architectural approach has been informed by this context and incorporates design elements that respond to local building traditions, proportions, and streetscape rhythms. These include articulated façades, pitched roof forms, varied building lines, and the use of materials and colours that complement surrounding structures.

Rather than introducing an incongruous or dominant form, the development reinforces the existing transition towards more compact, mixed-density residential development in well-located urban areas. This approach is consistent with municipal planning policies that promote densification and urban consolidation within established centres.

By balancing intensification with contextual sensitivity, the proposal preserves the essential character of the area while accommodating sustainable growth and housing provision. The development therefore represents an appropriate and positive evolution of the neighbourhood's urban form.

RESPONSE FROM TOWN PLANNER

The proposal in its current form is not considered acceptable due to the following: density, parking and height restriction.

As discussed in the above objection points, the development conforms to the setback lines however the height restriction is not considered acceptable since there are other roof forms that can be utilised. The provision of parking does not meet the required 47 parking bays and has a shortfall of one parking bay. Therefore, the development must be reduced to 24 apartments which can adequately accommodate the required number of parking bays.

Noting the above, the density, although it has not in line with the development parameters or guideline documents, the changes recommended in the aforementioned paragraph will result in a development that meets the necessary parameters of the Scheme and should therefore be considered favourable.

Furthermore, the amendments recommended and the building design is considered favourably since there are similar developments that have been approved along main road being: Belle Court, Silver Oaks, Oak Terrace as well as 2-On-Main. Therefore, the development is not considered out of character with the surrounding area.

OBJECTION **POINT 12*****Heritage and Overlay Zone Considerations*****RESPONSE FROM APPLICANT**

The subject property is located within the Historic Core of Hermanus Heritage Protection Overlay Zone (HPOZ), which has been established to ensure that new development and additional land use rights are compatible with the area's cultural, historical, and contextual significance.

The primary purpose of the HPOZ is to protect and enhance the unique heritage character of the area, including:

- The high concentration of heritage sites;*
- The historic role of the old harbour and Bientangs Cave;*
- The scenic quality of the coastline;*
- Recreational facilities associated with the coastal walkway and whale-watching viewpoints;*
- The relatively fine-grained, low-rise nature of the building fabric; and*
- The integration of these place-making elements within the urban fabric.*

Collectively, these features reflect key heritage themes within the Overstrand area and justify the designation of the precinct as a Heritage Protection Overlay Zone in terms of the land use scheme.

The proposed development has been designed with full cognisance of these heritage attributes. Particular attention has been given to building scale, height, massing, roof form, façade articulation, and material selection to ensure compatibility with the surrounding historic environment. The proposal respects the prevailing low-rise character while accommodating appropriate urban intensification in line with municipal policy.

The application was submitted to Heritage Western Cape for review, and formal approval has been granted. This confirms that:

- No separate Heritage Impact Assessment is required; and*
- The proposed development is compatible with the heritage context and does not adversely affect protected resources.*

Heritage Western Cape's approval provides independent professional confirmation that the development will not detract from the cultural, scenic, or historical significance of the area.

Furthermore, the proposal is not predicted to affect any of the protected elements identified within the HPOZ, including the old harbour precinct, Bientangs Cave, coastal viewpoints, scenic corridors, or recreational facilities. The development remains visually and spatially integrated within the existing urban framework and does not compromise important sightlines or landscape features.

Accordingly, the objectives of the Heritage Protection Overlay Zone have been respected and upheld. The proposed development supports the ongoing protection and enhancement of the Historic Core while enabling sensitive and sustainable urban infill development. The overlay provisions are therefore not undermined by the proposal, and the development remains fully compliant with heritage planning requirements.

RESPONSE FROM TOWN PLANNER

The subject property forms part of the HPOZ overlay zone and therefore the applicant has been circulated the Local Heritage Committee in which they provided their support of the application.

Furthermore, the initial application submission provided a letter from Western Cape Heritage which permitted the demolition of the heritage building that was located on the site as well as considered the initial development for 27 apartment units.

The revised development proposal with the reduced apartment units is therefore also considered favourably.

OBJECTION

POINT 13

Traffic Impact Assessment

RESPONSE FROM APPLICANT

A comprehensive Traffic Impact Assessment (TIA) has been prepared by a suitably qualified and experienced traffic engineer and submitted in support of the application (Annexure F – Motivation Report). The assessment was undertaken in accordance with accepted engineering standards and municipal guidelines and provides a detailed evaluation of the potential transport-related impacts of the proposed development. The assessment was available for review during the public participation process.

The TIA assessed, inter alia:

- *Existing traffic conditions on Flower Street, Bird Street, and Main Road, including peak-hour traffic volumes and operational characteristics;*
- *Projected trip generation associated with the proposed 25 residential units, based on recognised trip rate methodologies;*
- *The suitability and safety of the proposed access arrangement, including sight distances, alignment, and turning movements;*
- *On-site stacking capacity and internal circulation to prevent queuing onto public roads;*
- *Compliance of parking provision with municipal requirements and the functionality of parking layouts; and*
- *The performance and capacity of affected intersections, particularly those providing access to Main Road, under existing and future traffic scenarios.*

The assessment confirms that the additional traffic generated by the proposed development will be low in volume and consistent with that typically associated with medium-density residential developments. The anticipated increase in vehicular movements can be safely and efficiently accommodated within the existing road network without compromising road safety or operational efficiency.

Adequate on-site stacking and manoeuvring space has been provided, ensuring that vehicles entering and exiting the site will not obstruct Flower Street or interfere with through-traffic. The access design complies with applicable geometric and visibility standards, further enhancing operational safety.

The parking provision exceeds the minimum requirements of the Overstrand Municipality Land Use Scheme and ensures that both residents and visitors can be accommodated within the site. This mitigates the risk of spill-over parking and associated congestion in surrounding streets.

The intersection analysis undertaken as part of the TIA demonstrates that the relevant intersections currently operate within acceptable levels of service and will continue to do so following development. No capacity upgrades or signalisation improvements are required as a result of the proposal.

The TIA also considered cumulative impacts and future growth scenarios and concluded that, even when broader traffic trends are taken into account, the development will not result in unacceptable congestion or safety concerns.

Overall, the Traffic Impact Assessment confirms that the proposed development will have a negligible and manageable impact on the surrounding road network. The findings demonstrate that the access, parking, and circulation arrangements are appropriate and that the development can be accommodated without adverse effects on traffic operations or neighbouring properties.

RESPONSE FROM TOWN PLANNER

A TIA was submitted with the application documentation and is considered acceptable by the Engineering Services Department. It is noted that objections relating to the circulation of the advertisement did not include the TIA, however the advertisement did stipulate that the application is available for public viewing at the Town & Spatial Planning Offices for additional information which includes the viewing of the TIA.

OBJECTION

POINT 14

Access and Flower Street

RESPONSE FROM APPLICANT

The primary vehicular access to the proposed development is provided via Flower Street and has been designed in accordance with accepted traffic engineering standards and municipal requirements. The access point has been carefully positioned and configured to ensure safe and efficient vehicle movements while minimising impacts on the surrounding road network.

The access arrangement provides:

- *Adequate sight distances in both directions along Flower Street, ensuring that drivers entering and exiting the site have clear visibility of approaching traffic;*
- *Sufficient on-site stacking capacity, with a minimum stacking length of approximately 12m, allowing at least two vehicles to queue within the site boundary without extending onto the public roadway;*
- *Adequate manoeuvring space within the development to accommodate passenger vehicles safely and conveniently, including provision for turning movements without the need for reversing onto the street; and*
- *Controlled entry and exit through an access-controlled, motorised gate, which regulates vehicle movements and prevents unauthorised access.*

The internal circulation system has been designed to facilitate smooth, one-way vehicle flow, reducing conflict points and improving operational efficiency. This layout ensures that vehicles can enter, circulate, park, and exit the site in an orderly manner.

As a result of these design measures, vehicles entering or leaving the development will queue on-site and will not obstruct Flower Street or interfere with through-traffic. This arrangement minimises the risk of congestion, improves safety for road users, and protects the amenity of neighbouring properties.

Additionally, the Municipality has identified the closure of the access to and from Flower Street from the Main Road. The bulk infrastructure contribution levies can be used for this purpose if deemed necessary by the municipality.

RESPONSE FROM TOWN PLANNER

The access from Flower Street is considered acceptable by the Engineering Services Department. The development is limited to access granted along municipal streets rather than from the R43. Furthermore, the upgrading of the CBD proposes the closer of Flower Street from the R43 which reduces the traffic impact and improves access. Therefore, the access from Flower Street is considered favourable.

OBJECTION

POINT 15

Parking Provision

RESPONSE FROM APPLICANT

A total of 47 parking bays is provided on-site in full compliance with the parking requirements prescribed by the Overstrand Municipality Land Use Scheme and relevant municipal guidelines. The parking provision has been calculated based on the number, size, and typology of the proposed residential units, ensuring that both resident and visitor parking needs are adequately accommodated.

Of the total parking bays, 41 are located within a secured, access-controlled area, providing safe and convenient parking for residents. The remaining bays are designated for visitor use and are positioned to allow easy access without disrupting internal circulation.



The parking layout has been carefully designed to ensure efficient vehicle movement, safe pedestrian interaction, and convenient access to residential units. Adequate aisle widths, turning radii, and parking bay dimensions have been incorporated in accordance with accepted engineering standards.

By providing sufficient on-site parking, the development avoids reliance on on-street parking and mitigates potential congestion and parking pressure on Flower Street and surrounding roads. This ensures that neighbouring properties and public road reserves are not adversely affected by spill-over parking.

RESPONSE FROM TOWN PLANNER

As stipulated previously, the provision of parking bays does not meet the required 47 parking bays and has a shortfall of one parking bay. Therefore, the development must be reduced to 24 apartments which can adequately accommodate the required number of parking bays.

OBJECTION

POINT 16

Off-Site Measures and Procedural Fairness

RESPONSE FROM APPLICANT

The proposed development is fully self-contained in terms of access, parking provision, and internal circulation and does not rely on any off-site roads, parking, traffic calming measures, or other external interventions to render the development acceptable. All vehicular access, stacking capacity, and parking facilities are accommodated entirely within the boundaries of the subject property.

No undisclosed or future off-site traffic measures are proposed, anticipated, or required in order to support the development. The functionality and acceptability of the proposal are therefore not dependent on any external infrastructure upgrades or alterations to the surrounding road network.

All traffic-related components of the development, including the access location, internal circulation layout, stacking capacity, and parking provision, are clearly illustrated on the site development plans and architectural drawings submitted as part of the application. These components, together with the Traffic Impact Assessment, formed an integral part of the advertised application and were made available for public inspection during the statutory public participation period.

Interested and affected parties were accordingly afforded a meaningful opportunity to review and comment on the full scope of the proposed traffic and access arrangements. No material elements relating to traffic management were withheld from public scrutiny.

RESPONSE FROM TOWN PLANNER

The response by the applicant is agreed with since the development is self-contained with no off-site parking or structures.

Furthermore, the development was adequately advertised which made provision for the public to view the application documentation at the Town & Spatial Planning Office for further/additional information.

OBJECTION

POINT 17

Infrastructure and Engineering Services

RESPONSE FROM APPLICANT

The assessment of engineering services capacity and infrastructure availability forms an integral part of the Municipality's internal circulation and evaluation process for all land use applications. As part of this process, the application was referred to the relevant municipal departments responsible for water supply, sanitation, stormwater management, electricity provision, and road infrastructure.

These departments were afforded an opportunity to review the proposed development and to assess whether existing municipal services and networks are capable of accommodating the anticipated increase in demand arising from the proposed residential units. This assessment was undertaken with reference to current capacity, system performance, and planned infrastructure upgrades, where applicable.

No objections or adverse comments have been raised by the relevant technical departments in respect of the availability or adequacy of engineering services. This confirms that the existing municipal infrastructure has sufficient capacity to support the proposed development without compromising service delivery to surrounding properties.

Where necessary, standard conditions of approval may be imposed by the Municipality to ensure that appropriate connections, upgrades, or service contributions are implemented prior to occupation. These measures form part of established municipal practice and further safeguard the integrity and reliability of infrastructure networks. It is also important to note that an independent bulk services investigation was undertaken and included in the application.

Accordingly, the proposed development is considered to be adequately serviced and compatible with existing engineering systems. The availability and capacity of municipal infrastructure do not constitute a constraint to the approval or implementation of the application.

RESPONSE FROM TOWN PLANNER

The application is considered favourable from the Engineering Services Department in line with the applicable TIA (attached as Annexure G) and GLS reports (attached as Annexure H). Furthermore, the proposed development is subject to Bulk Contribution Levies to supplement municipal services and amenities in accordance with the relevant legislation and as determined by Council.

OBJECTION

POINT 18

Management, Noise, and Sectional Title

RESPONSE FROM APPLICANT

The proposed development will be established as a sectional title scheme in accordance with applicable national legislation. This legal framework provides for the formal establishment of a body corporate, which will be responsible for the effective management, administration, and maintenance of the scheme.

The body corporate will be responsible for, inter alia:

- Ongoing maintenance of common property and shared facilities;*
- Enforcement of conduct and management rules applicable to all owners and occupants;*
- Regulation and control of noise and nuisance-related matters; and*
- Overall management of the development and its operations.*

These statutory management mechanisms ensure that the development is operated in an orderly and responsible manner and that potential disturbances are appropriately addressed.

In addition, all residents and occupants remain subject to the Municipality's by-laws relating to noise, nuisance, and public order, which are legally enforceable. These regulatory measures provide further protection to neighbouring properties and the surrounding community.

Accordingly, concerns relating to management, behaviour, and operational control have been adequately addressed through established legal and regulatory frameworks.

RESPONSE FROM TOWN PLANNER

The proposal of sectional title units will be subject to the establishment of a body corporate which will be required to implement rules relating to management, noise and any other nuisance factors which may arise by the development, similar to all medium to high density residential already existing along main road (R43).

OBJECTION** POINT 19*****Spatial Justice and Socio-Economic Considerations*****RESPONSE FROM APPLICANT**

Spatial justice, as contemplated in the Spatial Planning and Land Use Management Act (SPLUMA), includes the promotion of inclusive, accessible, and integrated urban development patterns that enhance equitable access to land, housing, and economic opportunities.

The proposed development contributes meaningfully to these objectives by:

- *Locating additional housing opportunities within the Hermanus CBD and established urban core;*
- *Improving access to public facilities, employment opportunities, transport routes, and social amenities;*
- *Reducing commuting distances and associated financial and time burdens on residents;*
- *Supporting urban integration and preventing further peripheral expansion; and*
- *Increasing housing supply within a constrained and high-demand area.*

The higher-density development model enables more efficient use of well-located land and existing infrastructure, which in turn supports the delivery of smaller and more affordable entry-level units than would be achievable under low-density, single-dwelling development. This contributes to improved housing accessibility for a broader range of households, including first-time buyers, young professionals, and smaller families.

While the development is privately funded and market-driven, it plays an important role in advancing spatial transformation by increasing residential opportunities in central, well-serviced locations. Market-led densification is expressly recognised under SPLUMA as a key mechanism for promoting sustainable, integrated, and equitable settlement patterns.

Accordingly, the proposed development makes a practical and substantive contribution to spatial justice and aligns with the spatial transformation objectives of national and municipal planning policy.

RESPONSE FROM TOWN PLANNER

The application for sectional title flats is considered consistent with the principle of spatial justice. The development of sectional title units will not perpetuate spatial injustices of the past, in contrast it will provide an additional form accommodation through densification within a well-located area close to commercial activities, recreational facilities and proximity to the CBD. Therefore, the application is in line with the spatial provisions of the area.

OBJECTION **POINT 20*****Property Value and Economic Impacts*****RESPONSE FROM APPLICANT**

Concerns regarding potential impacts on property values are acknowledged. However, speculative or perceived changes in market value do not constitute a determinative consideration in land use decision-making, which must be based on objective planning, legal, and technical criteria. Property value considerations are secondary to land use compatibility, public interest, and policy compliance.

Well-designed, appropriately scaled, and professionally managed residential developments in central urban areas typically contribute positively to neighbourhood stability, urban renewal, and long-term investment confidence. Such developments support the efficient use of infrastructure, stimulate local economic activity, and enhance the overall functionality and attractiveness of the surrounding area.

The proposed development is supported by professional architectural design, technical assessments, and heritage approval, all of which confirm its compatibility with the surrounding context. The inclusion of appropriate management structures and compliance with municipal regulations further ensures that the development will be maintained to a high standard over time.

Accordingly, the proposed development is expected to contribute positively to the economic vitality and sustainability of the area and is unlikely to result in any material or demonstrable adverse impact on neighbouring property values.

RESPONSE FROM TOWN PLANNER

The notion of property values is not a deciding factor in relation to the planning approval. Therefore, this objection point will only be noted.

OBJECTION **POINT 21*****Procedural Fairness and Request for Suspension***

RESPONSE FROM APPLICANT

The application has been processed in full compliance with the statutory and procedural requirements prescribed by the applicable legislation and municipal policies. In this regard, the application:

- *Was properly advertised in accordance with the Overstrand Municipal Planning By-Law and relevant regulations;*
- *Included all mandatory documentation required at the time of submission;*
- *Underwent formal internal circulation to relevant municipal departments and external authorities for technical and regulatory review; and*
- *Was subjected to a comprehensive public participation process, during which interested and affected parties were afforded a reasonable opportunity to submit comments and objections.*

All required technical reports, specialist inputs, and statutory approvals have been submitted and considered as part of the evaluation process. The Municipality has accepted the application as complete and suitable for assessment.

The administrative process followed satisfies the principles of lawfulness, reasonableness, and procedural fairness as contemplated in the Promotion of Administrative Justice Act (PAJA) and the Spatial Planning and Land Use Management Act (SPLUMA).

Interested and affected parties have been provided with meaningful access to information and a fair opportunity to participate in the decision-making process. No material procedural irregularities have been identified that would justify suspending or delaying the application.

Accordingly, there is no procedural or legal basis to hold the application in abeyance, and the process has complied fully with the requirements of PAJA and SPLUMA.

RESPONSE FROM TOWN PLANNER

The application conformed to the requirements of the public participation process and good administration. It must also be noted that the application was advertised for an extended period due to the advertising period that was held over the December holiday period.

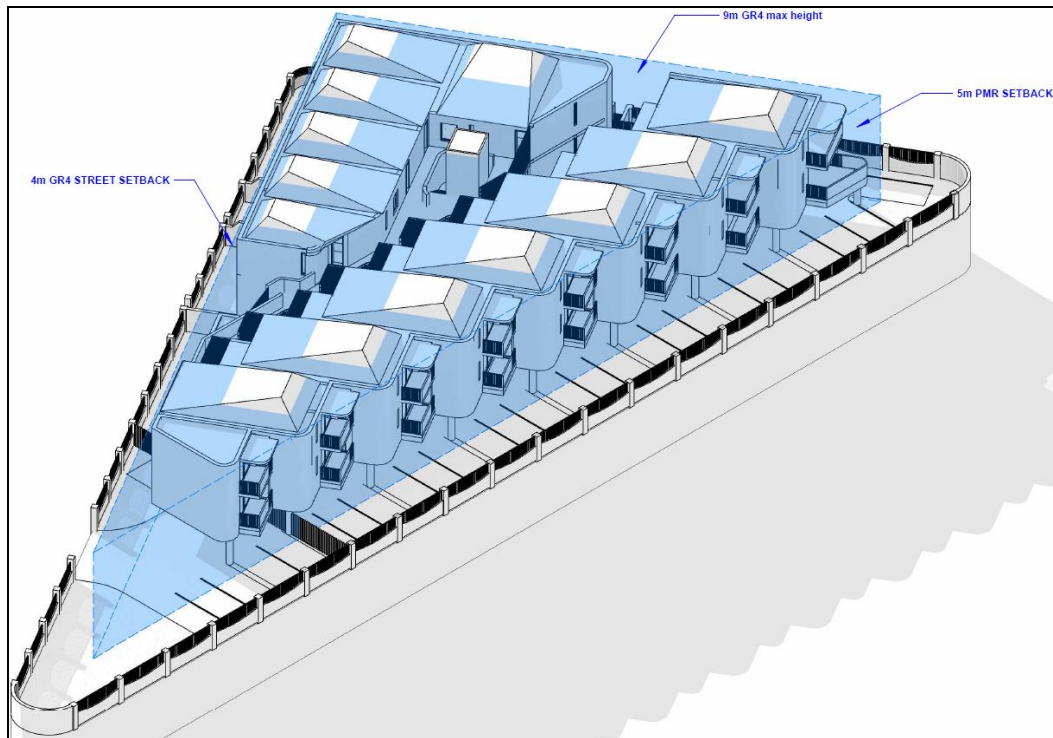
Furthermore, the application was available for viewing at the Town & Spatial Planning Department for additional/detailed information relating to the application.

OBJECTION **POINT 22*****Height and Building Line Compliance***

RESPONSE FROM APPLICANT

Detailed architectural drawings, including site sections, elevations, and height calculations, have been submitted as part of the application. These drawings clearly demonstrate the proposed building height in relation to the applicable development parameters prescribed by the Overstrand Municipality Land Use Scheme.

The proposed development complies with the permitted three-storey height envelope applicable to the area. The minor departure from the maximum allowable height, increasing the height from 9,0m to 9,9m, relates solely to the roof structure and associated architectural elements. This additional height is required to accommodate appropriate roof pitch, weatherproofing, insulation, and building services, thereby ensuring functional and durable construction.



Importantly, the additional height does not result in the introduction of any additional habitable storeys, floor area, or residential units. The roof space remains non-habitable and is not intended for residential occupation and will be subject to municipal compliance monitoring. The overall building bulk, massing, and intensity therefore remain consistent with a fully compliant three-storey development.

The proposed roof form has been carefully designed to complement surrounding building profiles and to contribute to an articulated and visually balanced skyline. Similar roof forms and building heights are evident in nearby developments, demonstrating that the proposed height is compatible with the established character of the area.

From a visual and environmental perspective, the minor height departure does not result in material increases in overshadowing, loss of privacy, or visual dominance. As demonstrated in the Motivation Report and supporting drawings, the spatial separation created by surrounding streets further mitigates any potential impacts associated with the additional roof height.

Accordingly, the proposed height departure is modest in scale, technically justified, and contextually appropriate. It supports good architectural design and construction quality without undermining the intent of the zoning scheme or adversely affecting neighbouring properties or public amenity.

RESPONSE FROM TOWN PLANNER

This objection point has been discussed in numerous objection points above and has been resolved.

APPLICANTS' CONCLUSION TO OBJECTIONS RECEIVED

All objections received in respect of the application have been carefully considered and evaluated against the applicable legislative framework, municipal policies, technical assessments, and the contents of the Motivation Report. The concerns raised have been addressed, and no substantive planning, legal, or technical grounds have been identified that would warrant refusal of the application or render the development undesirable.

The proposed development:

- *Complies substantially with the provisions of the Overstrand Municipality Land Use Scheme and relevant policy frameworks;*
- *Is supported by comprehensive professional and technical assessments, including traffic, engineering, and architectural evaluations;*
- *Has received formal approval from Heritage Western Cape, confirming compatibility with the heritage context;*
- *Provides safe and efficient access arrangements and adequate on-site parking;*
- *Maintains acceptable levels of amenity in respect of sunlight, privacy, noise, and visual impact;*
- *Supports municipal objectives relating to densification, housing provision, and efficient land use; and*
- *Promotes sustainable, integrated, and inclusive urban development.*

The requested departures have been individually motivated and justified and are reasonable, modest in scale, and responsive to the specific characteristics of the site. They do not undermine the intent of the zoning scheme, compromise planning controls, or create undesirable precedents.

When assessed holistically, the proposal represents a balanced and context-sensitive response to housing demand within a well-located urban area. It delivers tangible public benefits while safeguarding the rights and amenity of surrounding property owners.

Accordingly, the proposed development is consistent with sound planning principles, and its approval would represent a balanced, responsible decision, one that preserves the unique character of the property while enabling thoughtful economic and community growth. Approval of this application is therefore strongly supported.

RESPONSE FROM TOWN PLANNER

The applicant's conclusion to the objections received is noted.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

See paragraph 7 above.

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

10.1 Background

N/A

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

The application is considered consistent in the following manner from a town planning perspective:

Spatial Justice

The application will not perpetuate spatial development injustices. The application proposes additional dwelling units on a property that previous only permitted two dwelling units. Therefore, the application is considered in line with the principle of spatial justice.

Spatial sustainability

The application is located within the urban edge and will not lead to urban sprawl. No natural habitat is impacted upon, and it will have no negative influence on the natural environment. The application does however form part of the HPOZ overlay zone and the support by both the local heritage committee and Heritage Western Cape.

Efficiency

The application to rezone that property to allow a higher density is considered favourably since it will be in line with the strategic planning for the area. Furthermore, the proposed development with the higher density will be subject to additional bulk infrastructure contributions which will enable the municipality to utilise these funds to upgrade necessary bulk infrastructure where needed. Therefore, the application also seeks to optimize the use of the property in terms of municipal services and infrastructure.

Spatial resilience

The development of the property will ensure that the existing resource (land) is used to its maximum in an affordable manner and in line with the Overstrand Municipality's forward planning documents regarding densification within the urban edge.

Good administration

The application followed the required planning procedures, and the required public participation process has been followed.

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

Same as Point 10.2 above.

10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable Policies

The application to rezone the property to a higher density is in line with the strategic policy documentation of the Overstrand Municipality being indicted as a densification area (more than 30du/ha) of the OMGMS planning unit 13 of Hermanus Central. Furthermore, the proposal to accommodate additional dwelling units is consistent with the SDF.

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

N/A

10.6 Impact on municipal engineering services

The existing services are available and have been viewed positively by the Engineering Department, although it indicates that certain infrastructure needs to be upgraded to accommodate the development, the costs of which will stem from the bulk infrastructures levies payable by the landowners.

Additional reports such as the TIS and GLS reports have been accepted by the Engineering Department in line with the master plans for the area.

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

The application does not trigger any listed activities in terms of Local or National legislation.

10.8 Existing and proposed zoning comparisons and considerations

The subject property will be zoned from Residential Zone 1: Single Residential (SR1) to General Residential Zone 3: Flats (GR4). The application is in line with the proposed GR4 zoning apart for density and the building line departure to accommodate refuse area. The departures applicable is the following:

- deviate from the minimum permissible erf size from 3000m² to 2252m²;
- deviate from the permissible height restriction from 9m to 9.9m to accommodate the proposed roof structures and lift shaft;

- deviate from the applicable density provision to accommodate the proposed development, and
- deviate from the provisions of the Overstrand Zoning Scheme Regulations allow a split functional open space.

The rezoning of the property to GR4 is considered acceptable since the property falls within a densification area. However, due to the shape, size and orientation of the property, the development is constrained and therefore requires departures.

However, the only departures not considered for approval is that of the height restriction, due to there being other forms of roof designs that can be accommodated on the site.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

There are no restrictive clauses registered against the title deed of the property that prohibits the proposed development.

12. THE DESIRABILITY OF THE PROPOSAL

REZONING AND DENSITY

There are multiple developments along the main road (R43) that accommodates a similar form of residential densification being 3 storey apartment buildings. In this instance, most of the apartments are located on the first and second floor with four ground floor apartments and parking. The rezoning is therefore considered favourable.

The applicable zoning determines the density which is limited to 50du/ha and a 3000m² minimum erf size. A departure in this respect has been submitted. Furthermore, the OMGMS indicates that the subject property falls within a densification zone being more than 30du/ha. This densification zone, in layman's terms could be viewed as unlimited however, the design and proposal must remain compliant to factors such as, but not limited to, building line setbacks, height restrictions, parking provision, character and impact on the surrounding area.

The following table is a list of residential developments similar in nature in relation to the proposed development that are situated along the main road (R43):

Development Name	Erf Number	Total Units	Extent	Du / ha
Belle on Main	6359	42	3103	135
Silver Oaks	441	50	4461	112
Oak Terrace	7585	50	3286	152
2-on-Main	10965	20	2456	81

The table above indicates that 3 of the 4 residential developments comply with the minimum erf sizes with the number of dwelling units being 42 and 50 on the respective properties. Only one of the above residential developments fall short of the minimum erf size which can be similarly compared to the current development proposal. the density of the smaller erf and number of dwellings.

The current application proposes a densification of 111.01du/ha which may be considered in the event that the development parameters relating to the building line setbacks, parking provision and height restrictions have been complied with. Unfortunately, the proposal exceeds the height restriction, and it does not meet the provision of 47 parking bays. Therefore, it is recommended that the number of apartments be reduced to 24 units which will adequately provide sufficient parking as well as to redesign the roof structure to comply with the height restriction. With the amendments recommended above, the application will be considered for approval.

DEPARTURES

The development complies with all the relevant development parameters contained in the proposed zoning apart from the following:

- Deviate from the permissible height restriction from 9m to 9.9m to accommodate the proposed roof structures and lift shaft. The roof height is not considered favourable since there are other forms of roof designs that can be accommodated to comply with the height restriction. The departure relating to the lift shaft being 0.3m over the height restriction is considered favourable since the lift will form a functional service to the operations of the building.
- Deviate from density and the minimum permissible erf size from 3000m² to 2252m², which is considered favourable with the compliance of the parking provision, building line setbacks and the height restriction relating to the roof.
- Deviate from the provisions of the Overstrand Zoning Scheme Regulations allow a split functional open space is considered favourable since the development provides multiple functional open spaces which can be utilised by the residents. In addition, if the property were to provide one functional open space, the design of the property will trigger additional building line departures which will have a greater impact on the surrounding property owners compared to the current design. Furthermore, the development exceeds the required 10% open space requirement.

DEVELOPMENT DESIGN AND LAYOUT

The proposed design provides a 3-storey residential building which consists of the following:

- Ground floor:
 - Guest parking and tenant parking;
 - 2 communal open spaces;
 - 4 ground floor units with their own garden space, and
 - A refuse area.
- First floor:
 - 9 units;
 - 3 units that extends to the second floor, and
 - Roof garden;
- Second floor:
 - 9 units, and
 - 3 units that extends to the first floor.
- with parking (for tenants and guests).

The total number of apartments provided is 25 which consists of 7 one-bedroom units and 18 two & three-bedroom units.

The design of the building is considered favourable since the development complies with all the building line setbacks applicable as well as having a staggered elevation and side profile. Therefore, the development is considered for approval subject to the amendments recommended in the previous headings.

HERITAGE

The application was reviewed by both the Overstrand Local Heritage Committee as well as Heritage Western Cape and is supported.

ENGINEERING SERVICES

The proposed development requires the connection of essential municipal services which include water, electricity, and sewerage to the municipality's existing infrastructure. Furthermore, the development must comply with the Engineering Services Departments minimum criteria relating to traffic, access, and egress.

Noting the above, additional reports and assessments such as the TIS and GLS reports have been submitted to the Engineering Services Department in which they are in support of.

OVERLAY ZONES

The proposal does not fall within the EMOZ but does fall within the HPOZ Overlay Zones. As mentioned above, the application is supported by the Overstrand Local Heritage Committee.

CONCLUSION

Noting the above discussion, the development proposal is considered desirable.

13. RECOMMENDATION

1. that the objections received, be noted;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), for the **rezoning** of Erf 452, Westcliff, Hermanus from Residential Zone 1: Single Residential (SR1) to General Residential Zone 3: Flats (GR4); **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for **departure** in terms of Section 16(2)(b) of the By-Law applicable to Erf 452, Westcliff, Hermanus **be partially approved** in terms of the provisions of Section 61 of the By-Law:
 - (a) that the departures relating to the following:
 - (i) deviation from the minimum permissible erf size from 3000m² to 2252m²;

- (ii) deviation from the permissible height restriction from 9m to 9.3m to accommodate the proposed lift shaft;
- (iii) deviate from the applicable density provision to accommodate the proposed development, and
- (iv) deviate from the provisions of the Overstrand Zoning Scheme Regulations allow a split functional open space,

be approved in terms of the provisions of Section 61 of the By-Law;

- (b) that the departures relating to the deviation from the permissible height restriction from 9m to 9.9m to accommodate the proposed roof structures **not be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in 2. and 3.(a)(i)-(iv), above, be subject to the following conditions:
- (a) that the number of apartments be limited to 24 units;
 - (b) that the roof be redesigned to comply with the 9m height restriction;
 - (c) that the parking provisions be amended to reflect the decision point 4.(a);
 - (d) that a revised site development plan be submitted to the Town & Spatial Planning Office for approval prior to the submission of building plans;
 - (e) that building plans be submitted to the Building Control Office, and that all comments from the Building Department and Fire Department be complied with at that stage;
 - (f) that the conditions of the Engineering Services Department: Services Report (attached as Annexure F) must be complied with;
 - (g) that a body corporate be established in accordance with the Sectional Titles Act with compulsory membership for all subsequent owners of a sectional title unit within the development.
 - (h) that house/conduct rules be approved by the body corporate of the development to ensure the management of common property.
5. that the applicant and person who objected be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions; and

14. REASONS FOR RECOMMENDATION

Reasons for recommendation point 2. and 3.(a)(i)-(iv):

- ❖ The application has followed due procedure.
- ❖ The concerns raised by during public participation have been adequately addressed.
- ❖ All of the internal and external departments is in support of the application.
- ❖ That the application has followed due procedure.

- ❖ The rezoning and increased density to 74.44du/ha of the subject property is in line with the strategic planning for the area in terms of the SDF and the OMGMS.
- ❖ The development proposal complies with the relevant setbacks and development parameters of the new zoning.
- ❖ The residential character is maintained with regards to the stepping of the building heights and applicable setbacks.
- ❖ The proposal is in line with the general principles of SPLUMA and LUPA as this development will be spatially sustainable, it will not lead to urban sprawl or be developed on agricultural land or environmentally sensitive areas.
- ❖ The studies provided with the application is supported by the Engineering Services Department in line with the upgrading in accordance with the master plan.

Reasons for the decisions in paragraphs 3.(b)

- ❖ The deviation of the height restriction is not favourable since there are other forms of roof designs that can be accommodated within the prescribed height restriction.

Reasons for the decisions in paragraphs 4.(a) and (c)

- ❖ The proposal to accommodate 25 apartment units falls short of one parking bay. Therefore, reducing the number of apartment units enables sufficient space for adequate parking provision.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Objections received
Annexure E:	Response from applicant
Annexure F:	Services Report
Annexure G:	Traffic Impact Assessment
Annexure H:	GLS Report

SIGNATURES

AUTHOR:

Name: **B MINNAAR**

SACPLAN Reg No: **C/8630/2021**

Signature: _____

Date: _____

REGISTERED PLANNER:

Name:

S VAN DER MERWE

SACPLAN Reg No:

A/1850/2014

Signature:

Date:

1. Locality Plan ERF 452 - HERMANUS

 Subject property

Plan prepared by: Thian Jansen

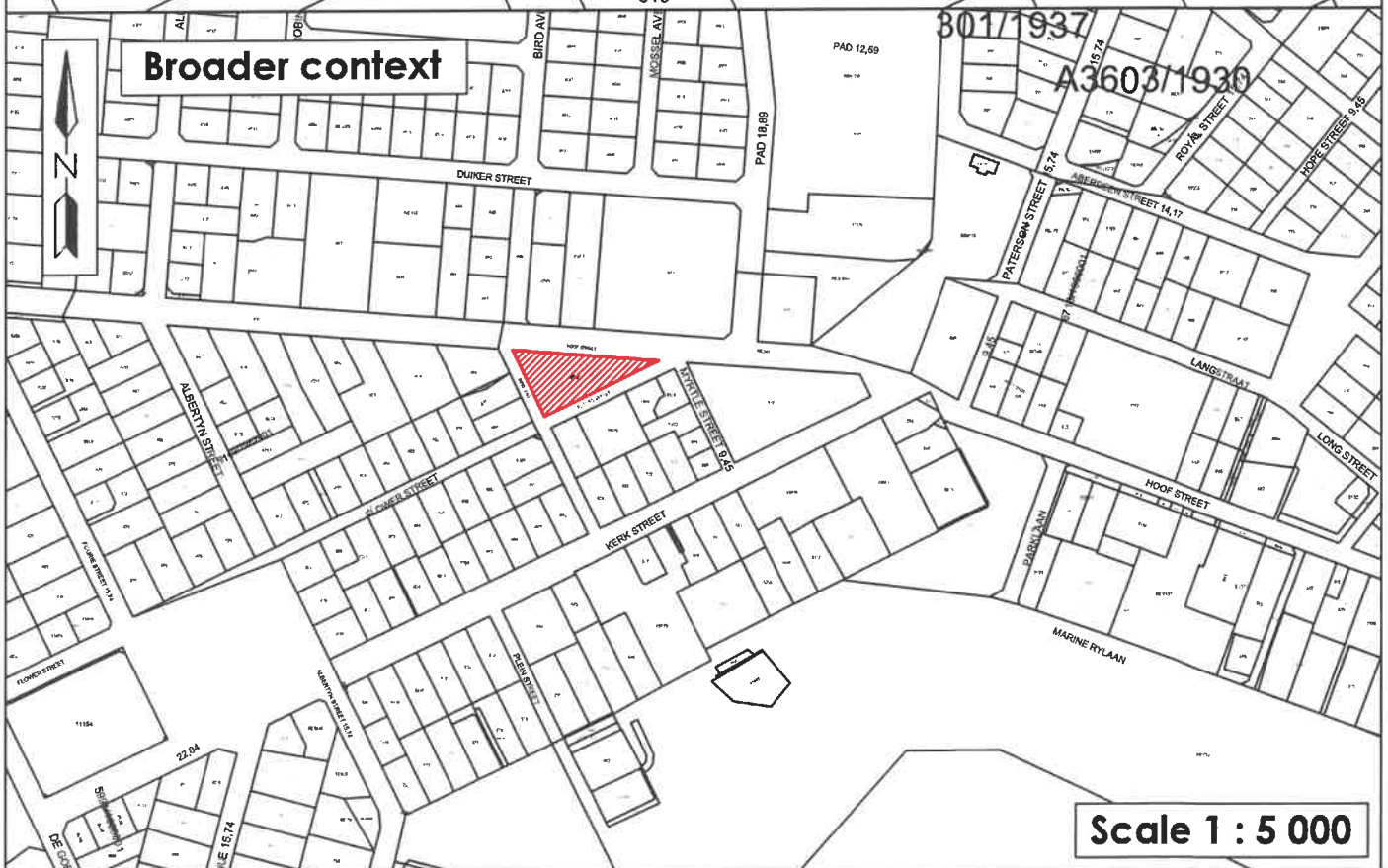
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Unit B, Standard House,
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Project Office
Team Fencing & Project Management





MOTIVATION

1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
OMSDF	Overstrand Municipal Spatial Development Framework, 2020
SR1	Residential Zone 1: Single Residential
GR4	General Residential Zone 3: Flats Bulk Zone 2

2. PROPERTY DETAILS

Erf Number	Erf 452 Hermanus
Extent	2252m ²
Zoning	Residential Zone 1: Single Residential

3. BACKGROUND AND INTENT

The subject property, known as Erf 452 Hermanus, occupies a unique location, being bordered by three streets. Situated in central Hermanus, it was historically used as a parsonage, refer to the attached **Plan 1 – Locality Plan**.

Due to its advantageous position, the property offers an excellent opportunity for development, with the potential to provide much-needed additional housing options in the Hermanus area. The property was recently purchased by the current owners, who have appointed WRAP Project Office to prepare and submit a land use application on their behalf, refer to the Power of Attorney attached as **Annexure A**.

In 2006, the previous owners engaged WRAP Project Office to submit a land use application for development. Approval was granted in August 2009 for the construction of flats on the site, refer to **Annexure C – Historic 2009 Approval**. Due to the 2008 housing market crash, the proposed development was never undertaken, and the approval subsequently lapsed. The current owners now intend to apply for new development rights. To ensure a successful outcome, they have appointed a skilled professional team to secure the necessary land use approval for the property's development.

The intention for the subject property is to establish a residential development that complements the character of Hermanus while making efficient use of the land. The proposal is for a three-storey residential complex comprising 25 high-quality flats, which will provide much-needed additional housing options in an area where such opportunities are limited. Please refer to **Annexure D for the Proposed Architectural Designs**.



MOTIVATION

4. PROCEDURE TO ACHIEVE THE PROPERTY OWNERS' INTENT

WRAP compiled this report to ensure the property owner's vision is achieved. The following is proposed:

4.1 Rezoning of Erf 452 from Residential Zone 1: Single Residential to General Residential Zone 3: Flats Bulk Zone 2 (GR4).

The intention is to rezone the subject property in line with the owners' vision to develop it to its maximum potential, refer to **Plan 3 – Proposed Zoning Plan**. This requires obtaining approval for the proposed zoning. If approved, the zoning will permit the construction of a three-storey block of flats on the property. The design of the building has been guided by the shape and size of the site and will comprise a ground floor dedicated to parking and landscaped open spaces, with two residential storeys above, all within the maximum height limit prescribed by the OMLUS.

Access to the property will be provided via a single carriageway crossing in Flower Street. Adequate space has been allocated for vehicle manoeuvring to ensure that access and egress do not adversely affect the public street.

The proposal provides for 25 flats across three storeys. Several of the units are designed to extend over multiple levels, while the ground floor units will have access to private gardens, enhancing their appeal to future residents. The development will consist of seven one-bedroom flats and eighteen two- and three-bedroom flats across the allowable three storeys. Each unit will be finished to a high standard, contributing to the proposed building becoming a landmark residential development in Hermanus. **Figure 1** illustrates the proposed development.

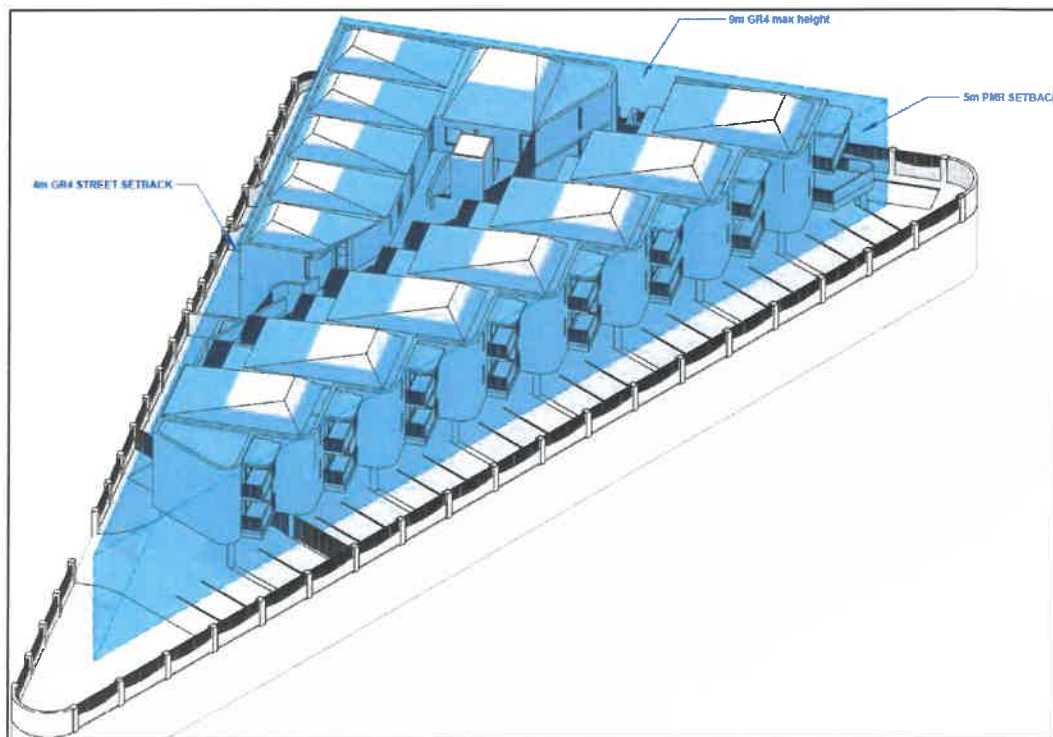


Figure 1: Bird Eye View



MOTIVATION

Parking will be allocated to each unit on the ground floor. The parking requirements according to the OMLUS are as follow:

Proposed	7 x 1-bedroom flats	18 x 2- & 3-bedroom flats
Flats	1.5 bays per 1 bedroom dwelling unit	2 bays per 2 and more bedroom dwelling unit
Parking Requirements	10.5 Parking Bays	36 Parking Bays
Total Parking Required	(46.5) 47 Parking Bays	
Total Parking Provided	46 Parking Bays 4 Motorcycle and 6 Bicycle Parking Spaces (1 Parking Bay Credit) Section 17.1.11 of the OMLUS states the following: <i>"For every four motorcycle and six bicycle parking spaces provided, a credit of one parking bay may be given towards the parking requirements, provided that:</i> <i>a) the total credit shall not exceed 2.5% of the parking bays required;</i> <i>b) the minimum dimension for a motorcycle space shall be 2,2 m in length and 1,0 m in width; and</i> <i>c) the minimum dimension for a bicycle space shall be 2,0 m in length and 0,6 m in width."</i> 47 Parking Bays Provided as indicated above	

As illustrated above, 47 parking bays are required and provided. Each flat's parking bays are proposed to be provided on site without the need to depart from the required parking provisions as depicted in the attached **Plan 5 – SDP** and *Figure 2* for an illustration of the proposed parking layout.

Parking Allocation

The proposal is for a total of 25 flats, comprising 7 one-bedroom units and 18 two- and three-bedroom units. Of the 47 parking bays, 41 are located inside a secured gate, allowing for private and safe parking. The remaining 6 parking bays outside the gate will be available for guests and residents to utilise. Sufficient manoeuvring space is provided, and compliance has been confirmed by the appointed traffic engineer who conducted the Traffic Impact Assessment, as discussed later in this motivation.

Open Space

Due to the irregular shape of the property, providing the required open space in a single functional area has been proven challenging. The proposal therefore allocates the open space in smaller sections around the development in order to achieve the required 10%. As this configuration does not comply with the OMLUS requirement that open space function as a single functional area approval of a departure is necessary to permit the current proposal.



MOTIVATION



Figure 2: Extract from Plan 5

Layout and design

The triangular shape of the subject property lends itself to a distinctive residential development. The proposal is to develop 25 flats on the site, designed in a manner that both responds to the shape of the property and complements the surrounding built environment.

The layout has been carefully considered to enhance liveability for future residents. On the ground floor, units are designed with private gardens, providing dedicated outdoor space and contributing to a suburban residential character. The first and second floors will accommodate a mix of duplex-style units, connected internally by private staircases, and single-level units. This variation in unit typology ensures diversity in housing options and caters to a wider residential market.

A key design principle of the proposal is the orientation of the units. The architects have intentionally positioned the units facing the Main Road to maximise the benefit of north-facing mountain views. These units will feature private outdoor balconies, thereby strengthening the connection between indoor and outdoor living. Furthermore, significant emphasis has been placed on incorporating natural light throughout the development. This has been achieved through the strategic use of skylights and large openings, which reduce reliance on artificial lighting and enhance the energy efficiency of the development.

The architectural treatment of the building also addresses the scale and character of the area. Instead of a single monolithic block, the design incorporates separate roof structures and staggered building elements. This creates the visual impression of individual units and reduces the overall bulk of the development. The architectural approach results in a built form that is harmonious with the surrounding residential context, while also contributing a unique and attractive streetscape along Main Road.



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Importantly, the proposed development respects the development parameters of the zoning scheme. The total building coverage is restricted to 52% of the property, which is significantly below the permissible maximum under the proposed zoning. This demonstrates a sensitive approach to site development, ensuring that adequate open space, landscaping, and circulation areas are maintained on the property.

The proposed development of 25 flats achieves a balance between optimising the use of the property and maintaining sensitivity to its context. The design provides high-quality housing opportunities with access to natural light, views, and private outdoor spaces, while also reducing visual bulk and maintaining coverage below what is allowed. The application is therefore considered to be consistent with sound planning principles and is motivated for approval.

4.2 Departure from the provisions of the Land Use Management Scheme to allow a split functional open space.

Splitting the open space across the property offers several practical benefits while retaining its functional value for residents. By distributing open space in this manner, accessibility and usability are enhanced, ensuring that the designated areas are easily reachable from different parts of the development. This layout also allows each section to serve varied purposes, including areas for relaxation, outdoor activities, or small communal gardens.

Positioning open space in separate locations further ensures that more residents enjoy direct access to recreational areas, strengthening community interaction and improving safety through natural surveillance. The presence of multiple landscaped spaces also enhances the visual character of the development, creating an attractive and well-integrated environment. From a planning perspective, the proposed layout represents an efficient response to the constraints of the property's shape, optimising land use while upholding the standards necessary to ensure a high quality of life for future residents.

4.3 Permanent Departure from the minimum erf size of 3000m² to 2252m².

The subject property has an extent of 2252m², which necessitates approval of a departure from the development parameters of General Residential Zone 3: Flats Bulk Zone 2 (GR4) as it falls below the minimum erf size of 3000m² prescribed for densification. This departure is required in order to comply with the OMLUS provisions while aligning with the property owners' development vision.

The size of the subject property is restricted by its unique location, being bordered by three streets. A permanent departure is therefore essential to unlock the full development potential of the property, notwithstanding its reduced size.

Approval of this departure will enable the property to be developed to its optimum capacity and will contribute positively to the achievement of the densification objectives set out in the Overstrand Spatial Development Framework and the Overstrand Growth Management Scheme.



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4.4 Permanent Departure from the 9m maximum height to 9.9m to allow the proposed roof structures and lift shaft.

The proposed flat structures are designed to a total height of 9.9m, which exceeds the maximum permissible height of 9m by 0.9m in terms of the OMLUS. Approval of a formal permanent departure is therefore required.

The additional height results solely from the roof design and lift shaft, which is intended to ensure a functional and aesthetically appropriate building form. The area above 9m will not contain any habitable space and it will be limited to roof space only. The intention is to provide sufficient roof pitch to accommodate weatherproofing, insulation, and architectural integration, thereby enhancing the overall quality and longevity of the development.

The departure is minor in scale and will not have any adverse impact on the surrounding area. The proposed structures remain within the character of the neighbourhood and the incremental increase in height will not result in overshadowing, loss of privacy, or visual intrusion for adjoining properties. From a streetscape perspective, the design ensures that the building integrates harmoniously with its context, and the variation is unlikely to be perceptible from the public realm. For these reasons, the departure from the height restriction is considered reasonable and desirable, as it supports good architectural design without compromising the rights or amenity of surrounding property owners. Refer to the **Figure 3** below. The white portions of the roofs indicate the section that exceeds the 9m height restriction.



MOTIVATION

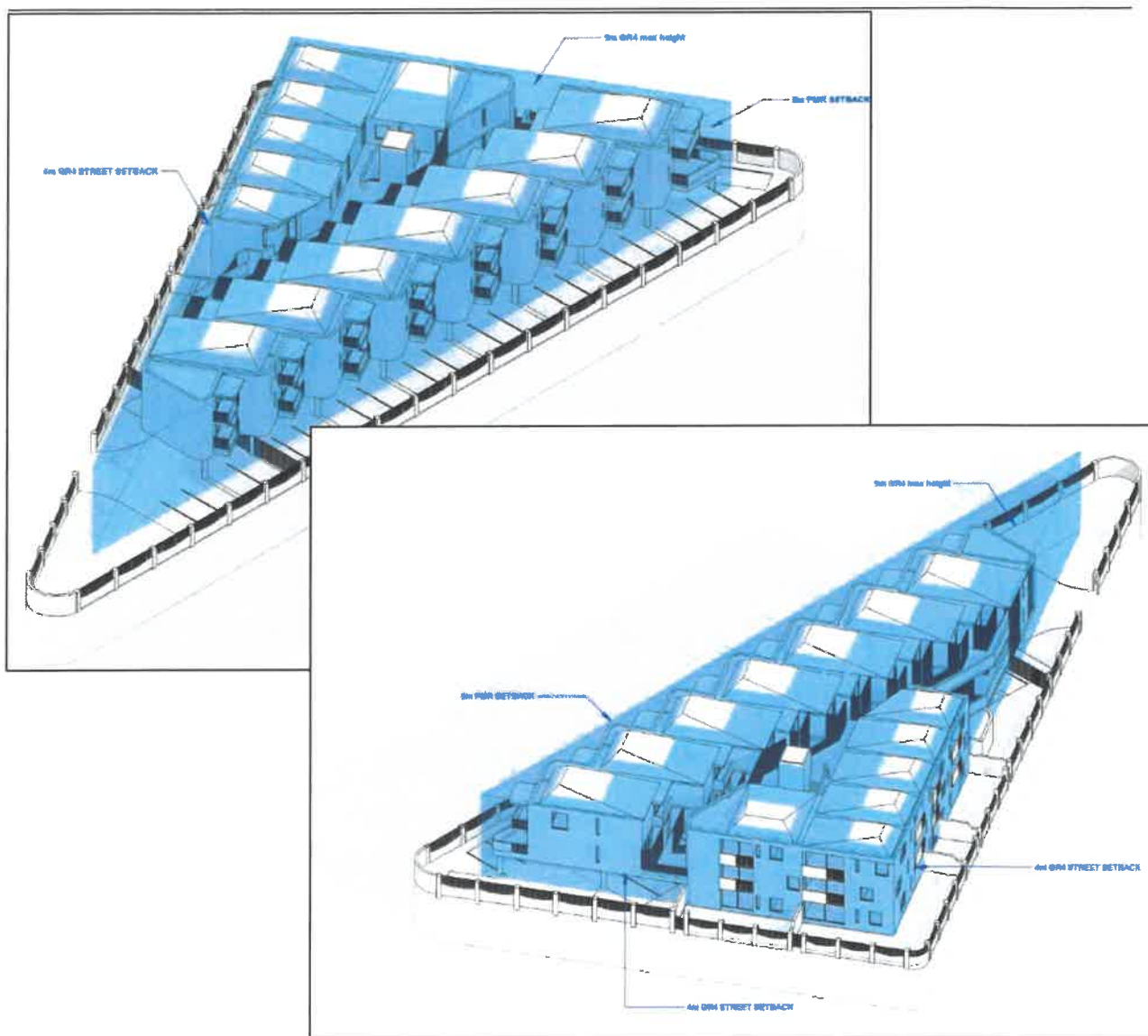


Figure 3: Illustration of the proposed departure from the permissible height

There are several developments along the main road that have been constructed at heights similar to the proposed development. These include Belle on Main, Silver Oaks, Oak Terrace, and 2-on-Main. Oak Terrace, in particular, is a three-storey development with a raised basement and a pitched roof, demonstrating how slightly increased heights have been successfully integrated into the streetscape.

The proposed height departure of 0.9m for the subject property is minor in comparison and is required solely to accommodate the roof structure, with no habitable space in the additional height. Given the precedent set by neighbouring developments, the departure will not be out of character or visually intrusive. The proposed building will therefore integrate harmoniously into the existing built environment and maintain the overall character and scale of the area. For these reasons, the height departure is considered reasonable, will not have any adverse impact on surrounding properties, and aligns with the established pattern of development along the main road.



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4.5 Departure from the maximum density allowed in terms of the proposed zoning.

A departure from the provisions of the zoning scheme is required as the primary uses under the proposed zoning, General Residential Zone 3: Flats Bulk Zone 2 (GR4), include the following:

- Flats and townhouses in **accordance with Section 6.3.2**, as well as other residential buildings.

Although no townhouses are proposed, the OM indicates that compliance with certain development parameters outlined in *Section 6.3.2 of the OMLUS* is required. With specific reference to the density requirements.

Development Parameter	Section 6.3.2 of the OMLUS	Applicable (Deviate/Comply)
a) Density	(i) The maximum gross density in this zone is 50 units a hectare. (ii) A minimum erf size of 3000 m ² is applicable for densification.	Applicable (i) Deviate – Applied for and motivated. (ii) Deviate – Applied for and motivated.

The development plan for the subject property aims to optimise the available land and proposes a total of 25 units, resulting in a density of approximately 111 dwelling units per hectare (Du/Ha). The primary objective of proposing a higher density is to minimise the need for additional land while addressing the significant housing demand in the Hermanus area. Maximising the allowable density reduces land requirements, supporting sustainable development and helping to curb urban sprawl.

As previously noted, the only aspect of *OMLUS Section 6.3.2* requiring a departure is the allowable density of 50 units per hectare. Under this restriction, only 11.26 dwelling units would be permitted on the site, which is not consistent with the municipality's own guideline documents. As confirmed in Section 11 of this motivation report, the proposed density aligns with relevant municipal guidelines. This area has been designated for higher-density development, and the subject property represents one of the last remaining parcels where such development can be accommodated.

While the proposed density exceeds the 50 units per hectare limit stipulated in *Section 6.3.2* of the OMLUS, it aligns with other municipal regulations and policy objectives. Several measures have been incorporated to minimise the impact of the proposed development on the surrounding area. Furthermore, the proposed density is not unusual, as several higher-density developments have been approved along Main Road in the surrounding area.

Development Name	Erf Number	Total Units	Extent	Du / ha
Belle on Main	6359	42	3103	135
Silver Oaks	441	50	4461	112
Oak Terrace	7585	50	3286	152
2-on-Main	10965	20	2456	81



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The table above demonstrates that the proposed density is consistent with the prevailing character of high-density flat developments in the area. The requested departure from the zoning scheme is therefore essential to facilitate the consideration of this application. As outlined, the proposed development aligns with existing characteristics of the area and follows the trend of other recent high-density developments, which have also responded to the limited availability of developable land.

The proposed development is aimed at providing more affordable housing, which is highly appropriate given its location across from key community facilities, such as the police station and magistrate's court, and within walking distance of the CBD. This context does not lend itself to high-end development, making an affordable housing project both necessary and suitable for the area.

Reducing the number of units would increase individual costs, making the development less accessible to those seeking affordable housing. By proposing higher density, the development ensures more efficient land use, keeping unit prices lower and attainable for the local community, where demand for affordable housing is high.

The location adjacent to essential community services further supports the feasibility of an affordable housing development. Residents will benefit from proximity to public infrastructure, reducing dependence on private transport and making the development attractive to middle-income households. Limiting the density would increase unit costs and risk rendering the project non-viable, contradicting the objective of providing accessible housing in this location.

Additionally, the proposed higher density aligns with sustainable development principles, as it optimises land use efficiency and supports a housing typology that is financially viable and responsive to local needs. In this context, a departure from the zoning scheme to allow increased density is fully justified and consistent with other nearby developments that have successfully accommodated higher-density housing.

5. LAND USE ENVIRONMENT

The properties surrounding the subject property are predominantly zoned for single residential purposes, although the Growth Management Strategy earmarks the surrounding area for densification of more than 30 units per hectare. The surrounding area's zonings are illustrated in **Plan 2 - Status Quo Zoning Plan**.

6. TITLE DEED

Title deed T28302/2024 (refer to **Annexure B – Title deed**) was perused and there are no conditions that restrict the proposed development of the subject property.

7. ZONING

The following zoning parameters were assessed in conjunction with the General Residential Zone 3: Flats Bulk Zone 2 (GR4) OMLUS zoning as this is a relevant consideration in terms of Section 66(1)(a) of the OM By-Law:



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GENERAL RESIDENTIAL ZONE 3: FLATS (GR4) (BULK ZONE 2)			
Land Use Restrictions			
	Parameters	Proposal	Comply/ deviate
Primary use	<u>Flats</u> and Town House in accordance with 6.3.2 and residential buildings.	Flats	Comply
Consent use that may be applied for	Crèche, Day Care Centre, Home Occupation, Hotel, Institution, Place of Assembly, Place of Instruction, Place of Worship, Retirement Village, Tourist Accommodation and Transmission Apparatus.	-	-
Development parameters			
Density	A minimum erf size of 3000m ² is applicable for densification.	Site Extent is 2252m ² Refer to Section 4.5 of this report for the permanent Departure applied for and motivated.	Deviate for applied and motivated
Height	9m (3 Storeys)	9,9m (3 Storeys) Refer to Section 4.4 of this report for the permanent Departure applied for and motivated.	Deviate for applied and motivated
Setback	(i) The Municipality may require an 8,0 m setback from the centreline of the abutting street, provided that the Municipality may permit stoeps to be located within the setback line. (ii) The general provisions of 16.2 apply.	To be determined if required	-
Building lines	(i) The street building line is 4,0 m. (ii) The side building line is 4,5 m, provided that where a fourth storey is provided, the Municipality may require the fourth storey to be set back 6,0 m from the property boundary. (iii) The rear building line is 3,0 m, provided that where a fourth storey is provided, the Municipality may	(i) Comply (ii) N/A (iii) N/A	Comply



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Open space	require the fourth storey to be set back 6,0 m from the property boundary. (iv) The general building line exemptions of 16.1 apply. (i) Every block of flats, residential building or hotel in this zone must have access to an outdoor living area and will provide communal open space but excludes parking, service yards and roads. (ii) Communal open space of at least 10% of the whole property must be provided as outdoor recreational/garden areas as one functional space.	Open space is split between different areas on the property. The open space has an area of approximately 356m² that equates to 15,8%. Refer to Section 4.2 of this report for the permanent Departure applied for and motivated.	Deviate - for applied and motivated
Parking	Parking and access shall be provided on the land unit in accordance with 17.1. 1.5 Parking Bays – 1 Bedroom Dwelling Unit 2 Parking Bays – 2/3 Bedroom Dwelling Unit	Parking Required: 1.5 Bays / 1 Bed Unit (1.5 X 7) = 10.5 Bays 2 Bays / 2 & 3 Bed Unit (2 X 18) = 36 Bays Total = 46.5 Bays Parking Provided: 46 Parking Bays + 4 Motorcycle + 6 Bicycle Parking Spaces (1 Parking Bay Credit) (As allowed in terms of Section 17.1.1) Total = 47 Parking Bays	Comply



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8. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

Electricity

Electricity is provided by Overstrand Municipality, and the proposed development will be connected to the existing network.

Water & Sewage

The proposal is to connect the proposed development to the existing Overstrand Municipality network. A GLS report was obtained, which indicates that there is sufficient water and sewer capacity for the proposed development. The report is annexed as **Annexure E – GLS Report**.

Solid Waste

Solid waste will be collected weekly by the OM. The solid waste will be accumulated which will be collected on the applicable solid waste pick-up day for the area. There will be a 11,6m² refuse room on Flower Street. The refuse room will comply with the requirements as set out within section 17.4 of the OMLUS.

Traffic, Access and Egress

The proposed development will be accessed and egressed via a vehicular entrance on Flower Street. This access point is sufficient in width to allow for convenient vehicle movement. The entrance also provides ample stacking capacity, with a minimum length of 12m, allowing two vehicles to queue behind each other in front of the access-controlled, motorised gate.

The internal one-way driveway is 7.5m wide, facilitating smooth vehicular circulation within the site. The exit onto Flower Street ensures efficient on-site traffic flow, allowing residents to merge seamlessly into the existing traffic stream.

To thoroughly assess the potential impact on the local traffic network, a comprehensive Traffic Impact Assessment was conducted by Lizel Stodart, provided as **Annexure F**. The findings indicate that the development will have a negligible impact on surrounding traffic. The assessment provides a detailed breakdown of potential impacts, taking various operational factors into account.

While the overall impact is minimal, the assessment identifies certain requirements to ensure compliance with relevant regulations. These requirements, based on the assessment findings, are intended to mitigate any potential negative effects on the surrounding traffic network. Adherence to these stipulated requirements will enable the development to proceed in accordance with established regulations, ensuring harmonious integration with the existing traffic infrastructure and minimal disruption to the surrounding area.

9. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66(1)(c) of the OM By-Law is outlined in the table below.



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Socio-economic impact	The proposed rezoning and departure to allow for higher density residential development is expected to positively impact several socio-economic aspects of the area. By increasing the supply of housing, the development aims to improve housing affordability for current and prospective residents. It also supports the local economy through job creation and heightened demand for nearby businesses. Additionally, the development fosters social diversity by encouraging a mix of residents from various backgrounds and income levels. From an environmental perspective, higher density construction uses less land and can incorporate energy-efficient materials and technologies, resulting in a lower environmental footprint compared to low-density alternatives.
Compatibility with surrounding uses	The proposed development is deemed to be consistent with the character of the surrounding area, and it has also been approved by Heritage Western Cape as a suitable addition to the area.
Impact on the external engineering services	The Overstrand Municipality's Engineering Department will review the application to ensure that the availability of services is adequate, and the developers will be expected make bulk services contributions. These contributions will also enable the municipality to upgrade/improve any current services.
Impact on safety, health and wellbeing of the surrounding community	The proposed development has undergone a comprehensive safety, health, and wellbeing assessment to ensure that it will not have any negative impact on the surrounding community. The assessment has taken into account factors such as noise, traffic, pollution, and other potential nuisances that may arise from the development. Based on the assessment, it has been determined that the residential use of the property will not be considered a nuisance land use that will negatively impact on the surrounding community. The development has been designed in a way that minimizes any potential adverse effects on the surrounding community, and any necessary measures will be taken to ensure that the development complies with safety and health regulations. Overall, the proposed development is not expected to have any adverse impact on the safety, health, and wellbeing of the surrounding community. The property owners have taken measures to mitigate any potential negative effects which includes adhering to building lines and stepping back the property. The residential use of the property is not expected to cause any nuisance to the surrounding community.
Impact on heritage	The subject property is not listed in the OM Heritage Register and the existing structure was recently approved to be



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	demolished by the Heritage Committee of Overstrand Municipality and Heritage Western Cape.
Impact on the biophysical environment	The proposed development has the following positive impact on the biophysical environment: • Land use efficiency: The proposed development is proposing to be more land-efficient than low density developments, which can help preserve open spaces, farmland, and natural habitats. This can help maintain biodiversity and ecosystem services in the surrounding area. • Resource efficiency: The proposed development will be designed to be resource-efficient, using sustainable building materials and incorporating energy-efficient systems. This can reduce energy consumption and associated environmental impacts, as well as lower water consumption and waste generation. • Brownfield redevelopment: The proposed development is considered a brownfield redevelopment which is the redevelopment of a previously developed site, that aids to reduce urban sprawl and preserve natural habitats. • Green spaces: The proposed development has green areas running along the entire boundary which can improve air quality, increase biodiversity, and provide recreational opportunities for residents.
Traffic impacts, parking, access and other transport related considerations	The proposed development will have parking on the ground floor that will be accessed from an internal road. Due to its proximity to Hermanus CBD, residents can easily walk to their destination, reducing the need for cars. The entrance and exit of the development will be located on Flower and Bird Street, which is not a heavily trafficked area. It is not anticipated that the 25 flats in the development will have any significant negative impact on traffic in the area.

Impact on views, sunlight and character of the area

The development proposal is expected to have a slight impact on the surrounding properties, given that the property was previously only improved with a single storey dwelling house which has been demolished and left the property vacant for the better part of two years. The proposed development will however bring more housing opportunities to the area, thereby increasing the number of residents and boosting the local economy.

The unique position of the property, which is surrounded by three streets, means that it is not directly adjacent to any other property. This will likely minimize the impact on surrounding properties, as no property will be affected by the shadows or loss of sunlight resulting from the development. This also means that the property has the potential to provide a degree of separation and privacy for all residents, existing and proposed.

Overall, while there may be some impact on surrounding properties, the proposed development has the potential to bring significant benefits to the area, such as providing more



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housing opportunities and contributing to the local economy. The unique position of the property is also likely to minimize the impact on the surrounding area, ensuring that any potential negative effects are mitigated.

Views

The development parameters of the proposed zoning permit a maximum height of 9m and up to three storeys. The developer intends to maximize the potential of the property by utilizing the full height allowance and applying for a slight departure to 9,9m to accommodate the roof structures. This is however not an unusual approach in the area. Other nearby developments, such as 2-on-Main, Silver Oaks, and Oak Terrace, have also taken advantage of the three-storey allowance in the same bulk zone.

The development proposed for the subject property will also be a three-storey development which has the potential to provide residents with views of the surrounding area. The increased height of the development could provide vistas that were previously unavailable to residents in the area. This can enhance the quality of life for residents by providing them with a greater connection to their surroundings, as well as adding value to the property.

Moreover, the surrounding area is already home to several other three-storey developments, such as those previously mentioned. The proposed development is therefore in keeping with the character and scale of the area and is not expected to have any significant negative impact on the aesthetic appeal of the neighbourhood. Heritage Western Cape has reviewed the proposed design and approved the design and considers it to be in keeping with the surrounding area, refer to **Annexure D1 for the approval**.

In summary, while the proposed development may alter the views of the area, it is not out of character with the vision for the area set out by the OM and is in line with other nearby developments. It also has the potential to enhance the quality of life for residents by offering new views of the surrounding area.

Sunlight

The proposed development adheres to most of the development parameters prescribed by the Overstrand Municipality Land Use Scheme and is not anticipated to have any negative impact on the sunlight of neighbouring properties. This is due to the property's unique location, which is surrounded on all boundaries by public streets and not located directly adjacent to any other properties.

The absence of neighbouring properties adjacent to the development means that there are no buildings that would potentially cast shadows onto other properties, thereby preserving the amount of sunlight that currently reaches the surrounding area. This ensures that the development will not have any significant impact on the natural light and warmth that neighbouring properties currently receive.

Overall, the proposed development is designed to minimize its impact on neighbouring properties, particularly in relation to sunlight. The unique location of the property, surrounded by public streets, ensures that the development will not negatively affect the amount of natural light reaching the surrounding area.



MOTIVATION

Character

The owners of the subject property place great importance on preserving the character of the broader Hermanus area with the proposed development. They recognize the significance of ensuring that the proposed development aligns with the overall aesthetic appeal of the area and does not cause any disruption.

To achieve this objective, the owners have conducted a thorough analysis of other developments in the surrounding area to ensure that the proposed development does not stand out in a negative way. They have taken care to ensure that the proposed development is in keeping with the character of the surrounding area, and as such, it should not be perceived as undesirable.

Furthermore, the proposed development will have a positive impact on the housing demand in central Hermanus. By adding more housing opportunities in the area, the development will help to meet the growing demand for housing in the region. This is a positive step towards ensuring that the area remains accessible to a diverse range of residents, while also preserving its unique character.

The property owners have appointed an architect that has taken inspiration from other developments in the surrounding area to ensure that the proposed development does not disrupt the area's character. Additionally, the proposed development will contribute positively to meeting the growing housing demand in central Hermanus.

Economic impact

The proposed development will have significant economic impacts on both the surrounding area and the Overstrand Municipality, both in the short- and long-term. During the construction phase, the proposed development will create employment opportunities for the local residents of Hermanus and the municipal area. This will generate income for several individuals and contribute to the local economy.

Furthermore, the long-term economic impact of the proposed development is expected to be positive. The development will result in additional rates and taxes payable to the Overstrand Municipality, which will have long-term economic benefits for the region. The additional rates and taxes generated by the development will contribute to the municipality's revenue streams and enable the provision of better services to the local community.

Additionally, the development is expected to attract at least 50 new residents to Hermanus, based on a calculation ratio of 2 people per flat. These new residents will contribute to the local economy by spending money on various items such as food, petrol, restaurants, repairs, and other goods and services, thereby boosting the local economy.

The proposed development will have both short- and long-term economic impacts on the Overstrand Municipality and the surrounding area. It will create employment opportunities during the construction phase, generate additional rates and taxes, and attract new residents to the region, all of which will contribute positively to the local economy.

Opportunity cost

In land use planning, the term "opportunity cost" refers to the potential loss or devaluation of land use rights for affected parties when a development proposal is approved. The proposed development in question is however not expected to have a negative impact on surrounding



MOTIVATION

landowners as it is in line with the existing urban area plan. In fact, it is seen as a final step to redevelop the property to its full potential and creating a viable development that will both create housing and economic activities available.

Impact on heritage

The subject property is not listed in the OM Heritage Register. The existing structure was recently demolished after approval was obtained from the Overstrand Heritage Committee and Heritage Western Cape, after the design of the building proposed for the site was considered.

Environmental impact

The subject property is not located within an environmentally important area and is located within the urban edge.

10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is not located within the EMOZ.

10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is located within the Historic Core of Hermanus HPOZ of which the purpose is to ensure that any land use application resulting in additional rights complies with the existing character and contextual significance as outlined below:

- To protect and enhance the context of the high concentration of heritage sites; the role of the old harbour; Bientangs cave; the high scenic quality of the coastline; the recreational facilities related to the coastal walkway and associated whale watching points; the relatively fine-grained, low-rise nature of the building fabric; and the integration of these place-making elements.
- These heritage features all contribute to an area of particular character, reflecting many of the heritage themes identified in the Overstrand area and worthy of the status of a HPOZ in terms of the land use scheme.

The proposal is not predicted to affect the protected elements mentioned above.

10.3 Spatial Planning Policies

The consistency of this proposal with the applicable spatial development policies will herewith be illustrated. The PSDF and OMSDF are frameworks to be interpreted on a local level. National policies, such as the National Development Plan, National Spatial Development Frameworks etc. provide guidelines on several important aspects which includes human settlements. To focus on provincial and local policies will ensure alignment with the above-mentioned higher hierarchy of legislation and policies. The spatial policies which are pertinent to the submitted proposal are the following:

PSDF

The PSDF is a product of a provincial inter-departmental and inter-governmental collaboration under the guidance of the inter-departmental steering committee in collaboration with the private sector, academia, and non-governmental organisations. This



MOTIVATION

broad participatory process has created a shared spatial vision that is intended to inform spatial development patterns in urban and rural areas in the province.

Throughout the PSDF the importance of developing integrated and sustainable settlements as an objective of the framework is highlighted. The PSDF also provides a settlement agenda which addresses the full spectrum of Western Cape settlements irrespective of their size from metropolitan Cape Town to the smallest hamlets.

To ensure the proposed residential development is in line with the PSDF, the Provincial settlement policy objectives, the proposed development was evaluated in terms of the policy objectives.

Provincial settlement policy objective	Alignment of the proposal with the policy objectives.
Protect and enhance sense of place and settlement patterns	The proposed development is located in a predominantly mixed-use area. The proposal is not out of character and is located within an area where other higher density development exist. Once approved, the parameters of the Bulk Zone 2 will be applicable on the subject property.
Improve accessibility at all scales	The subject property has adequate accessibility to the surrounding Hermanus area. The proposed development was designed to not be out of character and blend in with the surrounding area.
Promote an appropriate land use mix and density in settlements	The land use proposed is residential in nature. The area as motivated in Section 6 of this report is mixed use. The surrounding area is predominantly residential in nature with some business and community zoning in the surrounding vicinity.
Ensure effective and equitable social services and facilities	With Hermanus being a regional service centre as indicated by the PSDF, ensuring access to the area is important. The proposed development will have access to all the services available within the Hermanus Area.

OMSDF

The Municipal Spatial Development Framework is a sectoral component of the IDP (Integrated Development Plan) that, in terms of the MSA (Municipal Systems Act), is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable and habitable regions, cities, towns and residential areas.

The OMSDF is directed by National, Provincial and Municipal Planning legislation, policies and plans. These include SPLUMA, LUPA, By-Law, PSDF and the IDP. The OMSDF aims to provide sufficient guidance regarding what constitutes appropriate spatial development land uses and direction within the urban edge. The SDF was drafted after considering input from other state departments and the public and provides a shared spatial vision which the development proposal should ideally attempt to synchronise with.

To ensure compliance with the principles and objectives set out by the PSDF and the National Development Plan, the OMSDF was synthesised through the influence of these policies and frameworks.



MOTIVATION

The proposed residential development was aligned with the OMSDF to ensure that policy requirements are met. The OMSDF states in Section 5.8.3. p 207 'New Development' that "no new urban development areas / urban edge amendments are proposed for Hermanus Central with densification as the proposed tool to accommodate population growth". This is aligned with the proposal on the subject property. The increase in population mentioned above is based on the growth indicated by Table 2.7 p25 of the OMSDF.

Overstrand Municipal Growth Management Strategy, 2010 (OMGMS)

On the 27th of May 2020 the Municipal Council adopted the OMSDF, (Overstrand Spatial Development Framework, 2020), in the same instance rescinded the Overstrand Municipal Spatial Growth Management Strategy, 2010 (OMGMS).

Although the OMGMS was rescinded in 2020, the Overstrand Municipality's Town Planning Department still utilise the document as a 'guideline'. The OMGMS indicates that the area where the subject property is located is assigned for high density development, see figure below:

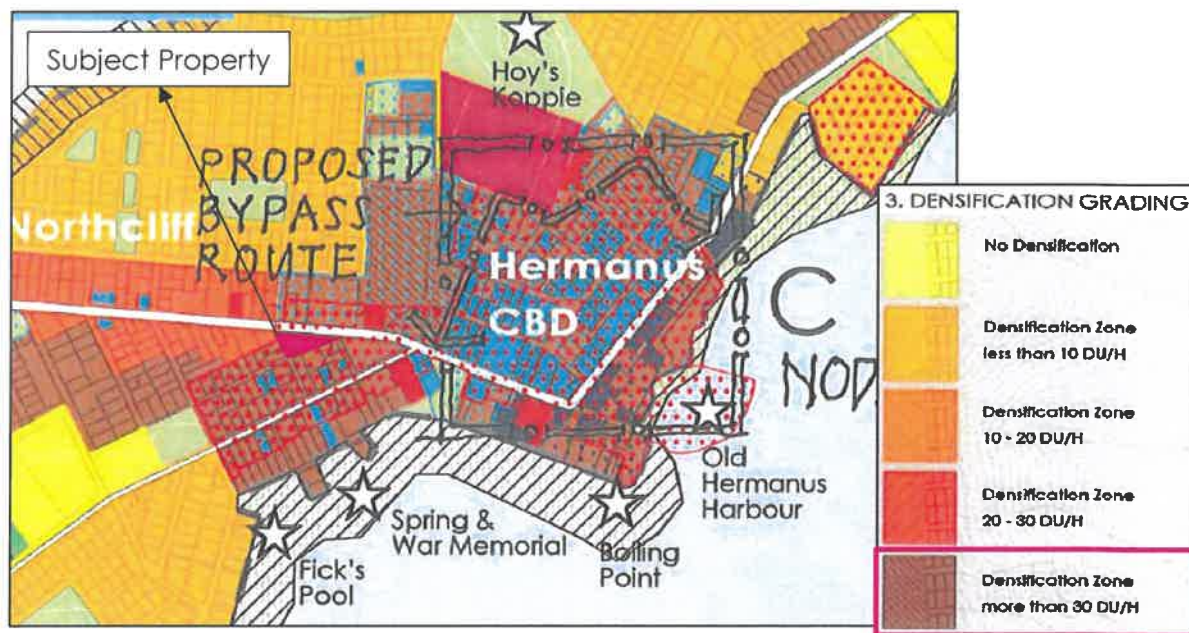


Figure 4: Extract of the OMGMS

As illustrated above, the property is located within the densification zone, permitting development at a density exceeding 30 dwelling units per hectare. The surrounding area is designated for higher density due to its proximity to the CBD, which itself supports higher-density developments, several of which have been approved in recent years.

Additionally, the OMGMS specifies the proposed housing typology for this planning unit as two- and three-storey walk-up buildings (D4), aligning with the proposed development, as the property owners have identified the site for accommodating two- and three-storey flats. It is important to note that the OMGMS indicates the density for this housing typology (D4) on a three-storey proposal should be 84 dwelling units per hectare.



MOTIVATION

As mentioned above, the document serves as a guideline, allowing for flexibility in density requirements when site-specific conditions justify it. If conditions support higher densities, proposals exceeding the standard may be permitted, as has occurred in the past in the surrounding area. As previously motivated, the area does not possess characteristics associated with low-density, high-end developments, making it appropriate for a higher-density, more affordable development.

The proposed density aligns with the established development patterns in the vicinity, where other projects have successfully integrated higher-density housing. This approach not only meets the pressing demand for affordable units but also ensures that the project contributes positively to the area's urban fabric and the community's housing needs.

11. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided. Policy proposals in SPLUMA which are pertinent to this proposal are recorded:

Spatial justice

Spatial justice in land use planning involves ensuring that proposals do not contribute to the continuation of apartheid-era spatial development imbalances. In this regard, the proposed development aligns with this principle by providing additional housing options within the Hermanus area without reinforcing existing disparities.

Furthermore, the proposed development is strategically located near the existing urban centre, making it accessible to all members of the community, regardless of socio-economic status. This helps to prevent the perpetuation of spatial inequalities by offering housing that is both accessible and affordable to a broader range of residents, thereby fostering inclusivity and diversity in the area.

In summary, this proposed development supports the principles of spatial justice by delivering much-needed housing options without reinforcing historical imbalances in the Hermanus area.

Spatial sustainability and Efficiency

Spatial sustainability in land use planning aims to foster the development of viable communities that can thrive over the long term. In this proposal, the development seeks to increase the economic strength of the Hermanus area by unlocking the full potential of the subject property. As outlined in Section 9 of this report, the project is expected to have both short- and long-term economic impacts on the surrounding area and the OM, including the creation of construction jobs and additional rates and taxes payable to the municipality.

Additionally, the proposed development's location offers easy access to the central area of Hermanus, which is important for sustaining the local community. By providing more housing options in a central location, the project will promote sustainable urban growth and help reduce the need for urban sprawl. This can lead to decreased congestion and the preservation of natural areas outside the urban centre. Overall, this proposal aligns with the principles of spatial sustainability, supporting the long-term viability of the Hermanus community.



MOTIVATION

Spatial resilience

The proposed development aligns with the spatial planning policies and regulations of the OM, reflecting its resilience. These policies and regulations adhere to the broader hierarchy of policies and legislation guiding development in the area, as outlined in Section 16.1. Consequently, the proposed development complies with all relevant policies and regulations.

Good administration

The OM is known for its effective public participation process in land use planning. This process is crucial, as it allows those potentially affected by the proposed development to provide feedback, express concerns, or offer suggestions for improvement, ensuring alignment with community needs and preferences.

All comments and feedback received during the public participation process will be thoroughly reviewed and considered by the relevant authorities. Any issues or concerns raised will be addressed, and suggestions for improvement will be incorporated where feasible. This approach ensures that the final outcome benefits both the community and property owners.

12. CONCLUSION

After a thorough analysis of the subject property, it has been determined that the proposed development complies with relevant policies and legislation, as outlined throughout this report. The property owners have engaged a professional team to establish the "highest and best use" of the property within these regulatory frameworks.

To streamline and coordinate the land use application, the property owners have appointed WRAP Project Office. The proposed development aligns with the Overstrand Municipality's spatial frameworks and policies, particularly the OMSDF, which designates this area for densification and higher-density development. This proposal supports these guidelines and aims to provide accessible housing within an urban framework, aligning with the municipality's goal of addressing the area's high housing demand.

The development is contextually appropriate, integrating with the surrounding area without impeding views, sunlight, or the character of the neighbourhood. In addition, the proposed units are geared towards affordability, a crucial consideration given the property's proximity to essential community facilities, such as the police station, magistrate's court and CBD. This location, and the project's focus on affordability, ensures that the housing will serve a broad range of residents, promote inclusivity and meeting the principles of spatial justice.

In conclusion, the proposed development is a sustainable and viable initiative that adheres to Overstrand Municipality's policies, promotes spatial sustainability, and contributes positively to Hermanus's economic growth. By addressing housing demand in a central, well-connected location, the project fosters long-term community viability, delivering much-needed housing options without perpetuating historical spatial imbalances.



RECOMMENDATION

13. RECOMMENDATION

Based on the abovementioned motivation, it is recommended that the following is approved:

- 13.1 Rezoning** of Erf 452 Hermanus from Residential Zone 1: Single Residential to General Residential Zone 3: Flats Bulk Zone 2 (GR4) in terms of Section 16(2)(a) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020.
- 13.2 Departure from the provisions of the Land Use Management Scheme** to allow a split functional open space in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 13.3 Permanent Departure** from the minimum erf size of 3000m² to 2252m² in terms of Section 16(2)(b) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020.
- 13.4 Permanent Departure** from the 9m maximum height to 9,9m to allow the proposed roof structures and lift shaft in terms of section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 13.5 Departure from the maximum density allowed in terms of the proposed zoning** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



LOCALITY

1: 2000



COVERAGE

1: 500

SCHEDULE OF RIGHTS

ADDRESS	30 MAIN ROAD
TOWNSHIP	HERMANUS
ERF/PORTION	ERF 452
ERF SIZE	222m²
CURRENT ZONING	RESIDENTIAL ZONE 1 SINGLE RESIDENTIAL
PROPOSED ZONING	GENERAL RESIDENTIAL ZONE 4 FLATS BULK ZONE 2
CURRENT USE	MAIN DWELLING - SINGLE
PROPOSED USE	FLATS

PRIMARY USES

EXISTING	H4 SINGLE DWELLING
PROPOSED	H3 x 25 APARTMENTS

PARKING

OFF-STREET PARKING REQUIREMENT	UNIT TYPE	Nr. UNITS	BAYS REQUIRED
	1 Bed	7	10.5
	2 Bed	15	32
	3 Bed	2	4
	TOTAL PARKING BAYS REQUIRED: 46.5		
OFF-STREET PARKING PROVIDED	PARKING TYPE	Nr. PROVIDED	
	Standard	45	
	Handicap - 1500 x 2500	4	
	Handicap - 3500 x 5000	1	
	TOTAL PARKING BAYS PROVIDED: 50		

OPEN SPACE

OPEN SPACE REQUIRED	10% x 222,2m² Communal open space
OPEN SPACE PROVIDED	Communal open space 130 m² Private open space 150 m² Private garden 200 m² TOTAL 480 m²

FLOOR SPACE

FLOOR FACTOR	SR1	N/A	GR4	1.5
MAX PERMISSIBLE	SR1	N/A	GR4	3375m²
PROPOSED				
GROUND STOREY (BASE LEVEL)				
Floor Space				352 m²
FIRST STOREY				
Floor Space				940 m²
SECOND STOREY				
Floor Space				945 m²
TOTAL PROPOSED				2246 m²

HEIGHT

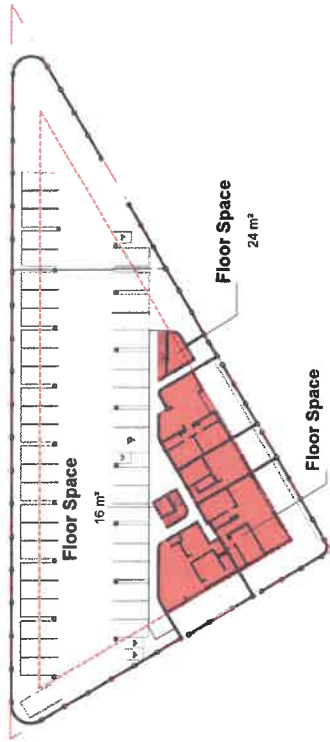
MAX HEIGHT	SR1	4m - Base Level to Top of Structure	GR4	11m - Base Level to Top of Structure
PROPOSED HEIGHT				
MAX STOREYS		0.8m - Base Level to Top of Structure		11m - Base Level to Top of Structure
PROPOSED STOREYS		Max 3 Storeys		3 Storeys

COVERAGE

GR4 SITE AREA	222m²
PERMISSIBLE COVERAGE	SR1 50% (112m²) GR4 80% (180m²)
PROPOSED COVERAGE	1189m² (53%)

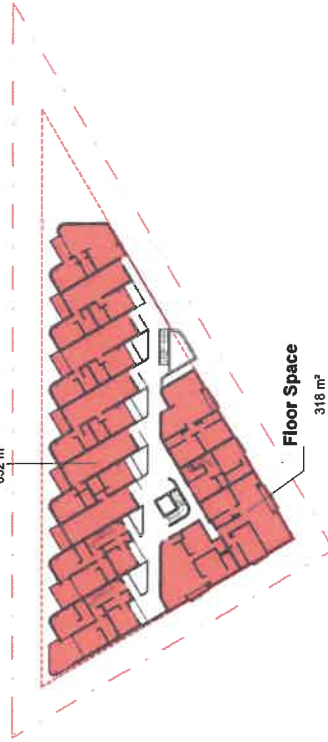
BUILDING LINES

STREET BOUNDARY	SR1 & GR4
	4m Street Setback
	11m Street Setback
	5m Frontal Road Setback



FLOOR SPACE: Ground Storey

1: 500



FLOOR SPACE: 1st Storey

1: 500



FLOOR SPACE: 2nd Storey

1: 500

NOTES

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2	2025/06/01	REV: 2
3	2025/06/01	REV: 3

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PROJECT: 30 MAIN

PROJ: NEW APARTMENTS

30 MAIN ROAD, HERMANUS

PROPOSED REZONING FROM SR1 TO GR4

CLIENT: BVA BELEGINGS

LOCALITY SCHEDULE OF RIGHTS & FLOOR SPACE

As indicated

SCALE: 1:500

DATE: 2025/06/28

REVISION: 01-03-001

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PROJ. NO. 2025/06/01

REV.

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3	2024/06/28	REV 3

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PROJECT: 30 MAIN

PROPOSED: NEW APARTMENTS

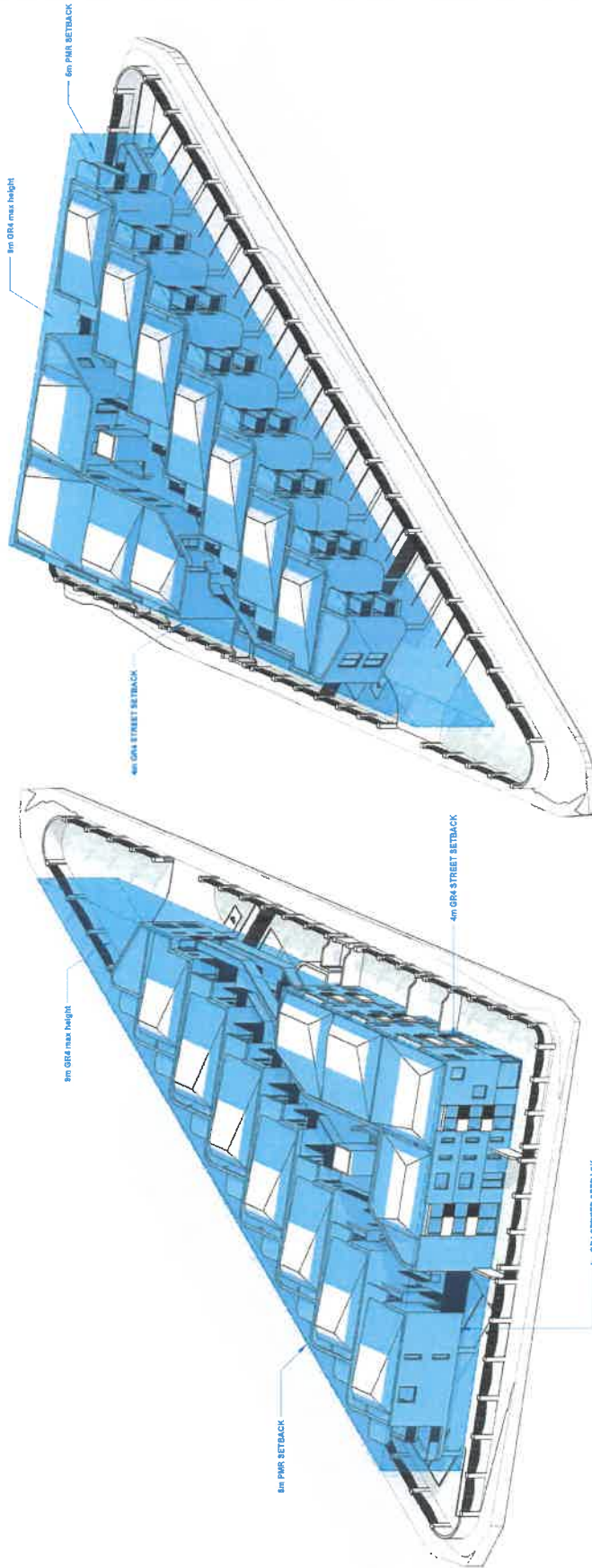
LOCATION: 30 MAIN ROAD, HERMANUS

PROPOSED REZONING FROM B1 TO GRA

CLIENT: BVA BELEGINGS

3D SETBACK DIAGRAMS

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DRAWN: [NAME]	CHECKED: [NAME]	CHECKED: [NAME]
2515	01-03-002	3
PROJ. NO.	DRAWING NO.	REV.



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3	2023/06/01	REV 3

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PROJECT	30 MAIN
PROJECT NAME	NEW APARTMENTS
LOCATION	30 MAIN ROAD, HERMANUS
CLIENT	PROPOSED REZONING FROM SR1 TO GR14
DATE	BVA BELEGINGS

BASE LEVEL CALCULATION

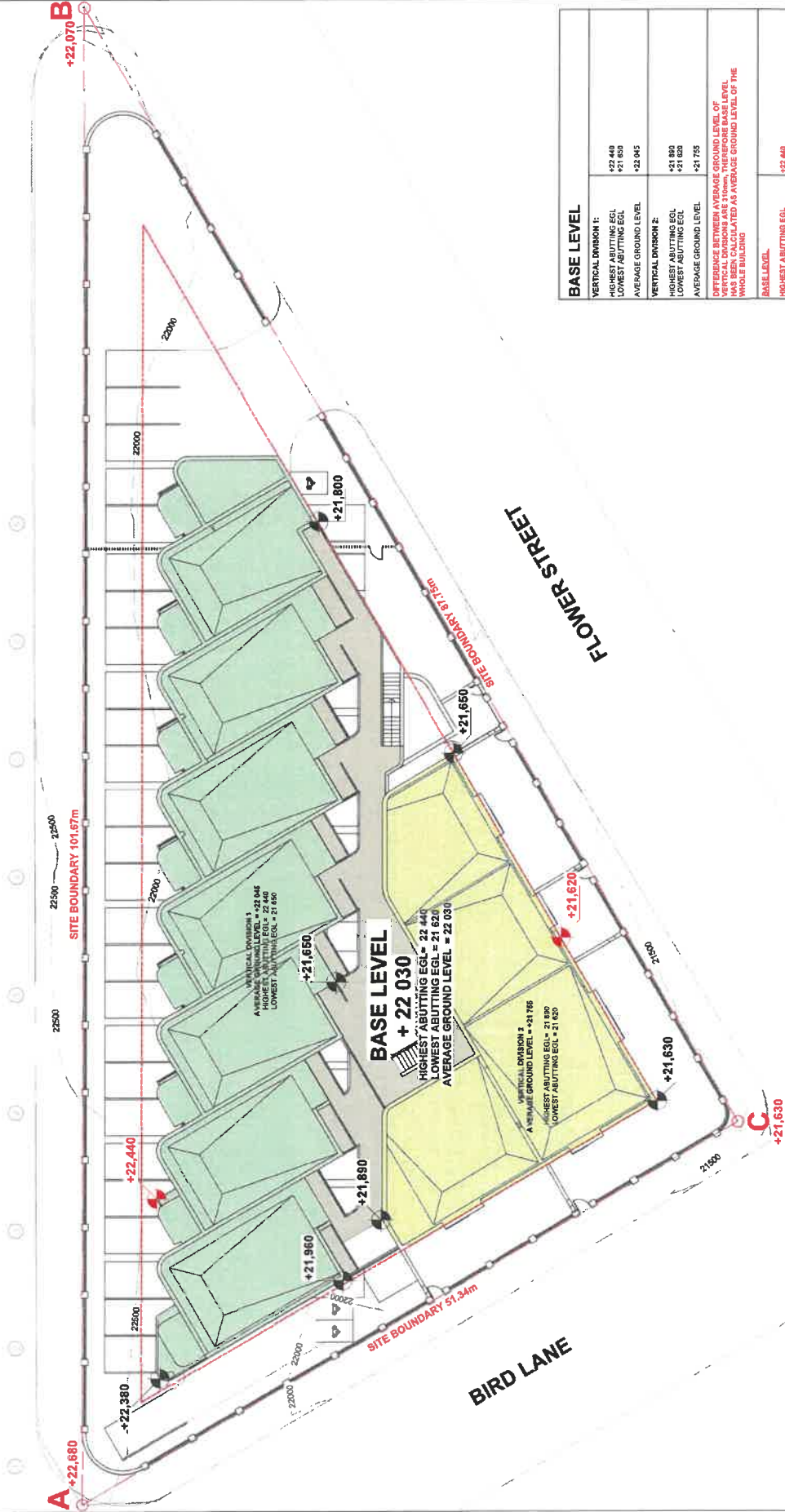
AS INDICATED	2023/06/02
SCALE #12	DATE
FILENAME	CREATED
2515	01-03-2004
PROJ. NO.	DATE
3	REV

BASE LEVEL	
VERTICAL DIVISION 1:	
HIGHEST ABUTTING EGL	+21 440
LOWEST ABUTTING EGL	+21 850
AVERAGE GROUND LEVEL	+22 045
VERTICAL DIVISION 2:	
HIGHEST ABUTTING EGL	+21 860
LOWEST ABUTTING EGL	+21 630
AVERAGE GROUND LEVEL	+21 755
DIFFERENCE BETWEEN AVERAGE GROUND LEVEL OF VERTICAL DIVISIONS ARE 100mm, THEREFORE BASE LEVEL HAS BEEN CALCULATED AS AVERAGE GROUND LEVEL OF THE WHOLE BUILDING	
BASE LEVEL	
HIGHEST ABUTTING EGL	+22 440
LOWEST ABUTTING EGL	+21 630
AVERAGE GROUND LEVEL	+22 030

MAIN ROAD

FLOWER STREET

BIRD LANE



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3	2025/06/02	REV 3

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PROJECT: 30 MAIN

PROPOSED: NEW APARTMENTS
LOCATION: 30 MAIN ROAD, HERMANUS
ZONING: PROPOSED REZONING FROM SR1 TO GR1
CLIENT: EVA BELEGINGS

GROUND FLOOR

1: 200
SCALE 1:2

DATE: 2025/03/28

DESIGNED BY: NIEUW ARCHITECTS

DECIDED BY: NIEUW ARCHITECTS

2515 01-03-010

3

REV

MAIN ROAD



- Apartment
- Balcony/Patio
- Private Garden
- Common Open Space
- Paving
- Circulation
- Refuse

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T: 011 918 2711 | info@nieww.co.za | E: jasper@nieww.co.za
 A: 201 Buitenkant Street, 4th Floor, Cape Town, South Africa

30 MAIN

PROPOSER: NEW APARTMENTS
 LOCATION: 30 MAIN ROAD, HERMANUS
 ZONING: PROPOSED REZONING FROM SR1 TO GRH
 CLIENT: BVA BELEGINGS

FIRST FLOOR

1:200
 SCALE 1:2
 DATE: 2025/06/05

DRAWN: [Name]
 CHECKED: [Name]

2515
 PROJECT NO. 01-03-011
 DRAWING NO. 3

REV

MAIN ROAD



- Apartment
- Balcony/Patio
- Private Garden
- Common Open Space
- Parking
- Circulation
- Refuse

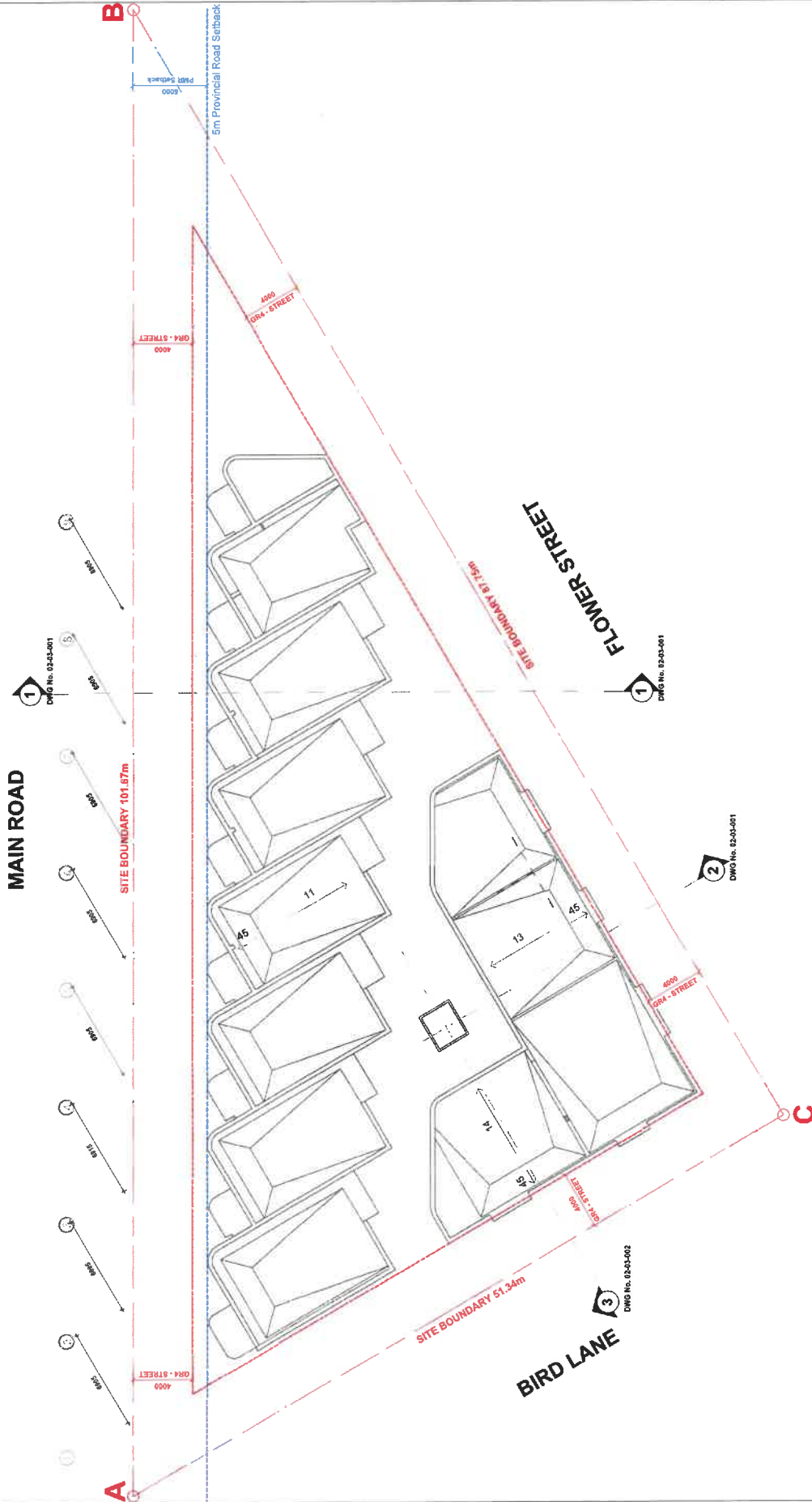
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- ☒ Apartment
☐ Balcony/Patio
☐ Private Garden
☒ Common Open Space
☐ Parking
☐ Circulation
☐ Refuse

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3 2025/10/01 REV 3

2515	01-03-013	3
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FOR INFORMATION

2023/001/17/04/05

REVISIONS

REV	DATE	DESCRIPTION
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1	2023/04/02	REV 1
2	2023/04/02	REV 2
3	2023/04/01	REV 3

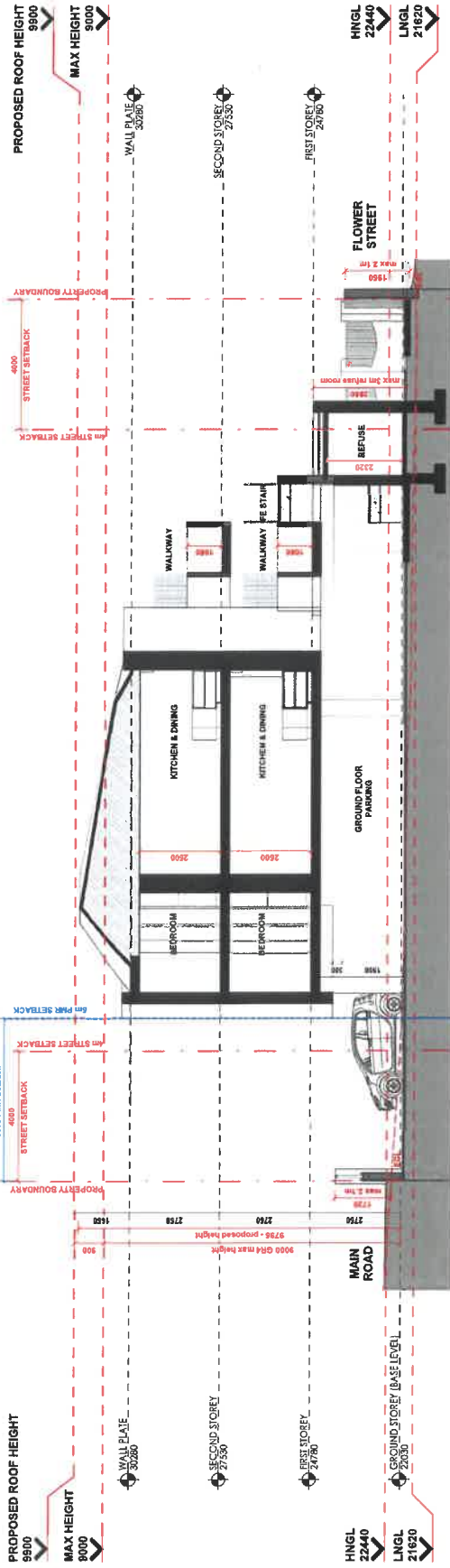
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T: 084 642 97151 | new@niew.co.za | E: info@niew.co.za
A: 201 Bantaband Road, 1600 Street, Grahamstown, Cape Town

PROJECT:	30 MAIN
PROPOSER:	NEW APARTMENTS
REF:	455 MAIN ROAD, GRAHAMSTOWN
DATE:	2023/04/02
STATUS:	PROPOSED REZONING FROM SR1 TO OR1
CLIENT:	BVA BELEGINGS

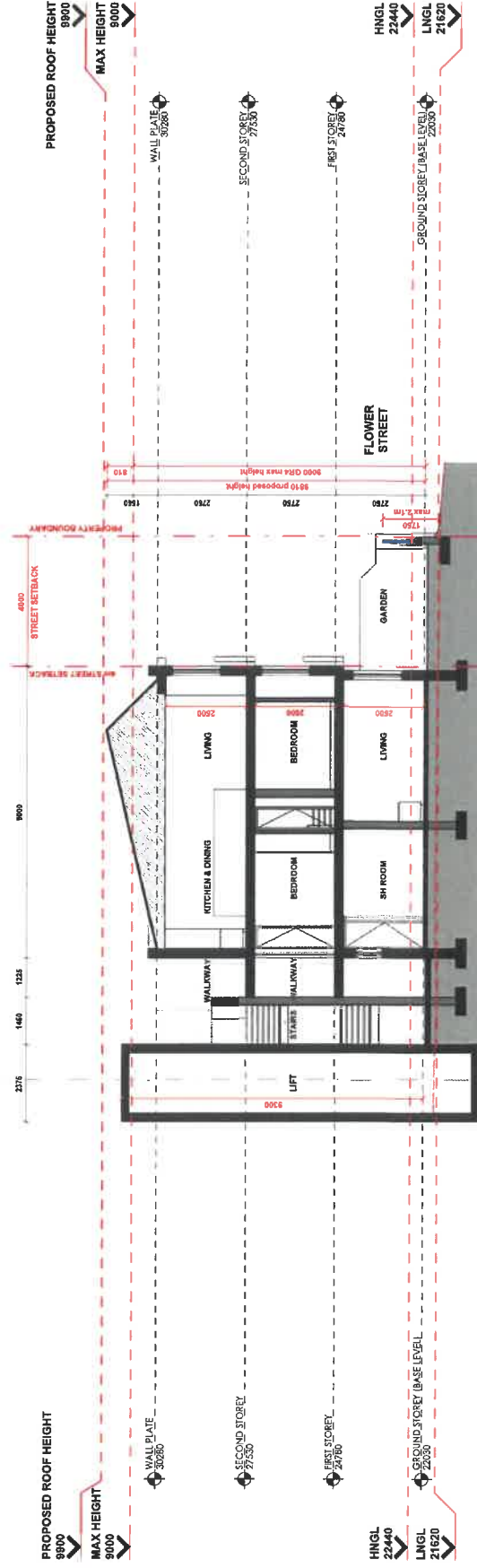
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SCALE	DATE
REVIEW	CHECKED
DATE	2023/05/28
2515	02-03-001
PROJ. NO.	DRAWING NO.
3	REV.



SECTION 1

1:100



SECTION 2 - FLOWER STREET EDGE

1:100

FOR INFORMATION

REVISIONS

REV	DATE	DESCRIPTION
0	2028/09/28	EV 0
1	2028/09/29	EV 1
2	2025/0/28	EV2
3	2025/1/01	EV 3

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30 MAIN

PROJECT NAME: NEW APARTMENT

REF: 452
 LOCATION: 30 MAIN ROAD, HERMANUS
 ZONE: PROPOSED REZONING FROM SR1 TO G
 CLIENT: BVA BELEGINGS

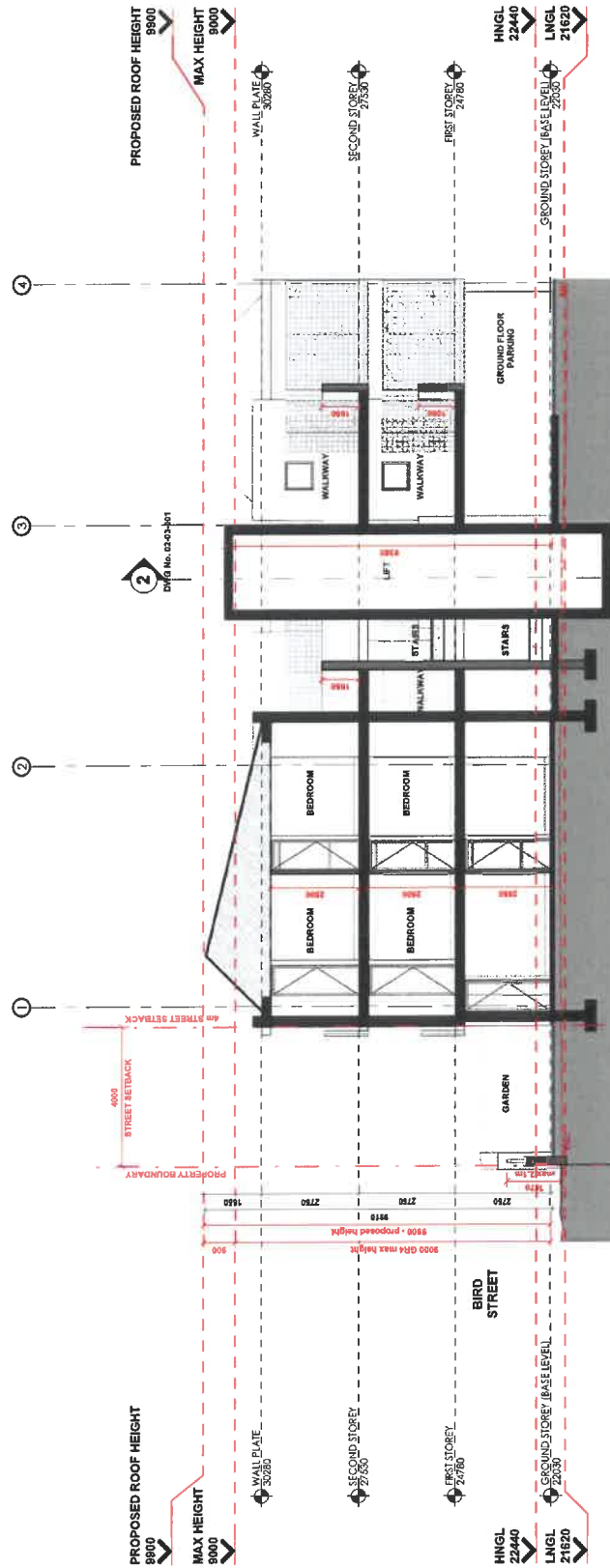
SECTIONS

1 : 100	2025/08/28
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BCAL 100 A2	
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DATE	DESCRIPTION	AMOUNT	CHECK NO.
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10/5/10	PAYROLL	50.00	101
10/10/10	RENT	25.00	102
10/15/10	UTILITIES	15.00	103
10/20/10	SALES	75.00	104
10/25/10	INVENTORY	30.00	105
10/30/10	DEPOSIT	100.00	
10/31/10	BALANCE	225.00	

2515	02-03-002	3
PROJ. NO.	DELIVERABLE NO.	REV.



SECTION 3 - BIRD STREET EDGE

1:100

PROPOSED ROOF HEIGHT

MAX HEIGHT

9900

9000

WALL PLATE

30280

SECOND STOREY

27530

FIRST STOREY

27080

GROUND STOREY (BASE LEVEL)

26630

Main Road Elevation

1 1:200

PROPOSED ROOF HEIGHT

MAX HEIGHT

9900

9000

WALL PLATE

30280

SECOND STOREY

27530

FIRST STOREY

27080

GROUND STOREY (BASE LEVEL)

26630

North Elevation

2 1:200

PROPOSED ROOF HEIGHT

MAX HEIGHT

9900

9000

WALL PLATE

30280

SECOND STOREY

27530

FIRST STOREY

27080

GROUND STOREY (BASE LEVEL)

26630

Bird Street Elevation

3 1:200

PROPOSED ROOF HEIGHT

MAX HEIGHT

9900

9000

WALL PLATE

30280

SECOND STOREY

27530

FIRST STOREY

27080

GROUND STOREY (BASE LEVEL)

26630

West Elevation

4 1:200

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FOR INFORMATION

2023/10/11 17:04:16

REVISIONS

REV	DATE	DESCRIPTION
1	2023/06/08	REV 0
2	2023/06/08	REV 1
3	2023/06/08	REV 2
4	2023/06/08	REV 3

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A: 201 Bunkers Road, 3rd Floor, Cape Town

PROJECT	30 MAIN
PROPOSAL	NEW APARTMENTS
LOCATION	30 MAIN ROAD, HERMANUS
CLIENT	PROPOSED REZONING FROM B11 TO GR1 BVA BELEGINGS

ELEVATIONS	DATE
1:200	2023/06/08

REVISION	DATE
1:200	2023/06/08

2515	03-03-001	3
2515	03-03-001	3

2515	03-03-001	3
2515	03-03-001	3

REVISIONS

REV	DATE	DESCRIPTION
0	2025/08/28	REV 0
1	2025/09/29	REV 1
2	2025/09/28	REV 2
3	2025/10/01	REV 3

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30 MAIN

PROJ DESCRIP: NEW APARTMENTS
GRF: 452
LOCATION: 30 MAIN ROAD, HERMANUS
ZONE: PROPOSED REZONING FROM SR1 TO SR2
CLIENT: BVA BELEGINGS

ELEVATIONS

1:200 SCALE IN 1/8"		2025/08/28 DATE	
DRAWING DRAWN		CHECKED	

2515 PROJ. NO.	03-03-002 DRAWING NO.	3 REV.
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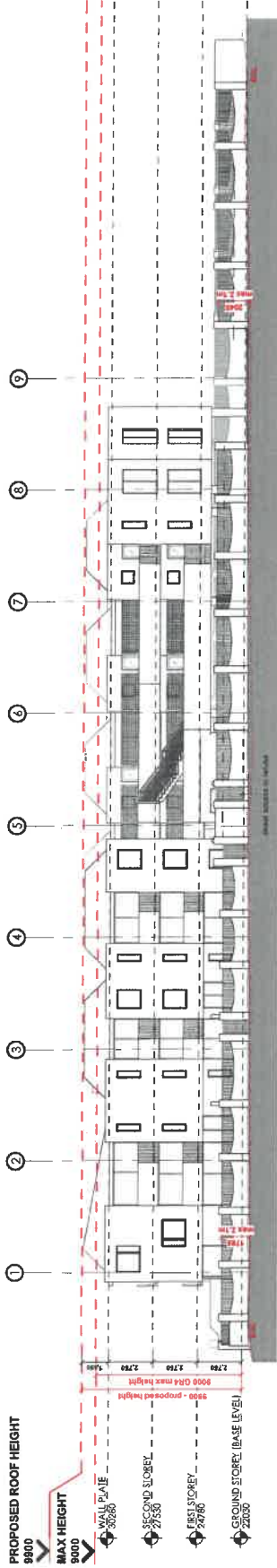
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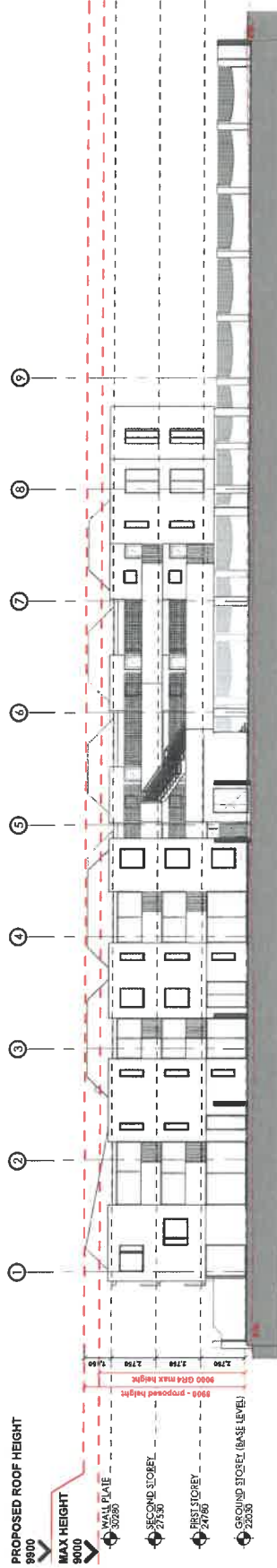
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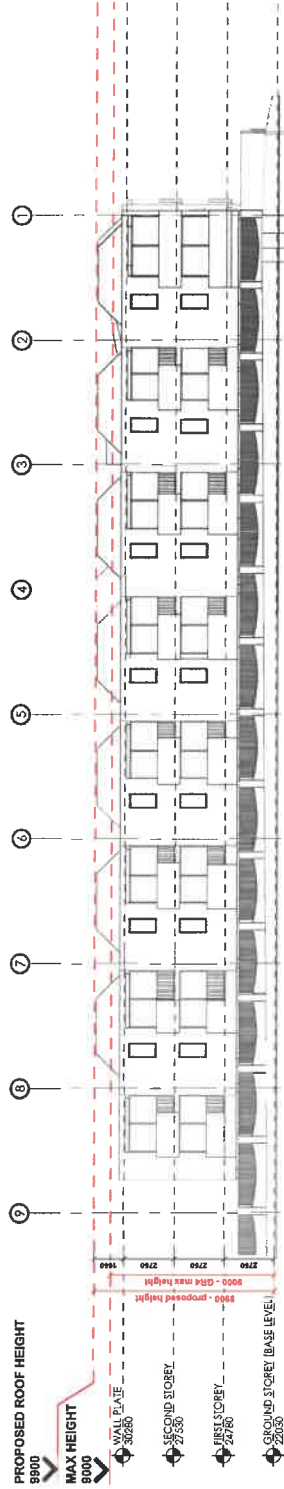
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1
1:200



2



3

	Erf Number	First Name	IN TIME / LATE	SUPPORT / OBJECTION	EMAIL	Address Line 1	Address Line 2	City	ZIP Code
1	10578	H Durr	In time	OBJ	annali@greeff.co.za	7 Flower Street	Westcliff	Hermanus	7200
2	5507	M Kotze obo Rossouw Familie Trust	In time	OBJ	mr1@sun.ac.za	5 Bird Lane		Hermanus	7200
3		J Kamperbeek (owner of unit 9 Belle Court)	In time	OBJ	janette.engel@gmail.com	3 Flower Street		Hermanus	7200
4		Zacharia Wessels	In time	OBJ	hermanusgallery@gmail.com	21 Belle Court	60 Duiker Street	Hermanus	7200
5		Stefan Hanekom (Executor to Late Gabriel Stephanus Wessels)	In time	OBJ	stefan.hanekom@gmail.com	20 & 22 Belle Court	60 Duiker Street	Hermanus	7200
6		Alex McCall obo Belle Court Body Corporate	In time	OBJ	alex@lexreview.net	Unit 3, Belle Court	60 Duiker Street	Hermanus	7200
7		CF & J Kampherbeek	In time	OBJ	janette.engel@gmail.com	3 Flower Street	Westcliff	Hermanus	7200
8	6359	Edith Mary Marsh	In time	OBJ	edithmarsh@gmail.com	17 Belle Court	60 Duiker Street	Hermanus	7200
9	520	Peter Albert Marais	In time	OBJ	petermarais2005@yahoo.com	9 Flower Street		Hermanus	7200

262

Annexure D1/43

Note: collab checked 20 January 2026

OBJ (IN TIME)	9
OBJ (LATE)	0
SUPPORT (IN TIME)	0
SUPPORT (LATE)	0
	9



**DIRECTORATE: PLANNING & DEVELOPMENT
TOWN & SPATIAL PLANNING
LAND USE PLANNING APPLICATION RESPONSE FORM**

E-mail to relevant person stipulated on the notice: loretta@overstrand.gov.za / alida@overstrand.gov.za
16 Paterson Street / PO Box 29 HERMANUS, 7200 / Tel: 028 313 8900

APPLICATION DETAILS

Application erf number:

Erf 452, 30 Main Road, Hermanus

APP ID:

239/202

How did you receive notice of the application?

Word of mouth

STATE YOUR INTEREST IN THE APPLICATION:

Chairperson, Belle Court Body Corporate, 60 Duiker Street - representing trustees and owners of nearby residential complex

TICK RELEVANT BOX



OBJECTION

COMMENT

SUPPORT

REASONS FOR OBJECTION / COMMENT / SUPPORT:

COMPREHENSIVE OBJECTION LETTER PROVIDED WITH THIS DOCUMENT BY EMAIL

Feel free to continue on separate page(s)...

PERSONAL INFORMATION (To be completed in full – Compulsory)

Name & surname (PRINT) **ALEX MCCALL**

Your erf number: **6359**

Company/Trust details: **Belle Court Body Corporate**

Postal address: **Unit 3, Belle Court, 60 Duiker Street, Northcliff, Hermanus**

Contact details: Cell: **0663411117**

E-mail address: **alex@lexreview.net**

Signature:

Date: **15.01.2026**

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed/used in the application process. Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the person mentioned in the notice within the time period stated in the notice.

Belle Court Body Corporate

c/o Alex McCall (Chair)

Belle Court

60 Duiker Street

Hermanus

alex@lexreview.net

066 3411 117

14 December 2026

To:

The Authorised Decision-Maker

Overstrand Municipality

By email: alida@overstrand.mov.za

Dear Sir/Madam

RE: FORMAL OBJECTION TO LAND USE APPLICATION / ERF 452 HERMANUS – FILE 21/109 - REZONING, DEPARTURES AND INCREASED DENSITY (GR4)

1. INTRODUCTION, STANDING AND LEGAL BASIS

- 1.1. I submit this objection in my capacity as Chairperson of the **Body Corporate of Belle Court, 60 Duiker Street, Northcliff**, in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (as amended by the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020) (**OMLUPA**), read with the Spatial Planning and Land Use Management Act, 16 of 2013 (**SPLUMA**) and the Promotion of Administrative Justice Act, 3 of 2000 (**PAJA**).
- 1.2. This objection:
 - 1.2.1. is submitted with the knowledge and support of trustees of the Body Corporate, and additional written confirmations of support may be submitted separately or as annexures; and
 - 1.2.2. is lodged within the prescribed objection period following publication of the notice of application, subject to paragraph 2.3 below (inconsistent submission dates).
- 1.3. Belle Court is in close proximity to the subject property and its owners and residents will be directly affected by the scale, density, bulk, height, traffic generation and cumulative planning impacts of the proposed development.

2. NATURE OF THE APPLICATION

- 2.1. The application seeks approval for the following:
 - 2.1.1. rezoning of Erf 452 Hermanus from Residential Zone 1: Single Residential to General Residential Zone 3: Flats Bulk Zone 2 (GR4) in terms of section 16(2)(a) of OMLUPA;

- 2.1.2. departure to permit split functional open space;
- 2.1.3. permanent departure from the minimum erf size of 3000 m² to 2252 m²;
- 2.1.4. permanent departure from the maximum height of 9.0 m to 9.9 m; and
- 2.1.5. departure from maximum density permitted under the proposed zoning.
- 2.2. Individually and cumulatively, these constitute a substantial intensification of development rights requiring strict scrutiny against the applicable statutory and policy framework.
- 2.3. It is noted that there is an apparent inconsistency in the information published by the Municipality regarding the applicable objection period, and:
 - 2.3.1. Notice 239/2025 (the **Advertisement**) records the closing date for objections as **16 January 2026**, whereas the proposal notice published on the Municipality's website in October 2025 (the **Proposal**) reflects a final submission date of **23 January 2026**;
 - 2.3.2. this inconsistency creates uncertainty for interested and affected parties as to the applicable deadline, and has the potential to undermine the fairness and effectiveness of the public participation process; and
 - 2.3.3. **in the circumstances, and in accordance with the requirements of procedural fairness under PAJA, it is respectfully submitted that no decision should be taken until the objection period has been clarified and all interested and affected parties have been afforded a clear and consistent opportunity to make representations.**

3. APPLICABLE PLANNING AND POLICY FRAMEWORK

3.1. Statutory framework

- 3.1.1. In terms of section 22 of SPLUMA, a land development application may only be approved if it is consistent with:
 - (a) the Municipal Spatial Development Framework;
 - (b) the Integrated Development Plan; and
 - (c) applicable land use schemes and municipal by-laws.
- 3.1.2. Further, PAJA requires that any administrative decision be lawful, reasonable and procedurally fair, with all relevant considerations taken into account and irrelevant considerations excluded.

3.2. Operative municipal spatial instrument

- 3.2.1. The *Overstrand Municipal Spatial Development Framework, 2020 (OMSDF)*, adopted by Council on 13 May 2020, is the current and legally operative spatial planning instrument for the Overstrand Municipality, as contemplated in section 20 of SPLUMA and development framework consistency provisions of OMLUPA.

- 3.2.2. The earlier *Overstrand Municipal Growth Management Strategy, 2010 (OMGMS)* was expressly rescinded upon adoption of the OMSDF and has no binding legal force.

4. SUBSTANTIVE GROUNDS OF OBJECTION

4.1. Improper reliance on a rescinded policy instrument

- 4.1.1. The applicant expressly relies on the 2010 OMGMS, notwithstanding its rescission, as justification for the proposed density and typology - see *Motivation Report*, under the diagram titled "*Figure 4: Extract of the OMGMS*", at page 19 of the Advertisement.

- 4.1.2. This reliance is legally impermissible. A rescinded strategy cannot constitute a relevant consideration under SPLUMA or PAJA. Continued reliance on the OMGMS constitutes an error of law, rendering any approval reviewable and unlawful.

4.2. Failure to demonstrate compliance with the OMSDF

- 4.2.1. The motivation under the Advertisement fails to properly engage with the OMSDF, including but not limited to:

- (a) OMSDF Section 4.3 (*Hermanus Historic Core*), which emphasises context-sensitive development, protection of urban character, and cautious intensification;
- (b) OMSDF Section 5 (*Urban Form and Built Environment*), which requires scale, massing and density to respond to local grain and infrastructure capacity;
- (c) OMSDF spatial structuring maps, which do not appear to support blanket high-density GR4 zoning on small, irregular erven within the historic core.

- 4.2.2. No clause-by-clause analysis demonstrating consistency with the OMSDF has been provided, contrary to the development framework consistency provisions of OMLUPA.

4.3. Zoning scheme and departure concerns

- 4.3.1. The Overstrand Zoning Scheme Regulations prescribe development standards for GR4 properties (Schedule 1), including density, height, coverage, setbacks and parking.

- 4.3.2. The application seeks multiple permanent departures under OMLUPA, yet fails to demonstrate:

- (a) why compliance with standard zoning controls is not reasonably possible;
- (b) why such departures are in the public interest, rather than merely in the applicant's financial interest;
- (c) how cumulative departures will not undermine the purpose of the zoning scheme.

4.4. Heritage and character impacts

- 4.4.1. The subject property is located within the Hermanus Historic Core Heritage Protection Overlay Zone (HPOZ), triggering obligations under:

- (a) the National Heritage Resources Act, 25 of 1999 (NHRA); and
- (b) municipal heritage overlay controls.

- 4.4.2. Generic statements in the Advertisement that the proposal, "...*is not predicted to affect the protected [HPOZ] elements...*" are insufficient (see Notice, under paragraph 10.2, titled 'Overstrand Municipality Heritage Protection Overlay Zone'), and no detailed Heritage Impact Assessment assessing scale, massing, streetscape impact and cumulative erosion of character has been provided.

4.5. Environmental and heritage overlay zones

- 4.5.1. While the proposal notice published at <www.overstrand.gov.za> (the **Proposal**) further acknowledges that the subject property falls within both the Environmental Protection Overlay Zone and the Coastal Strip Heritage Protection Overlay Zone (see sections 10.1 and 10.2, pp 8-9), these overlays are treated as neutral considerations on the basis that development occurs within an existing footprint.

- 4.5.2. Overlay zones exist to impose a heightened level of scrutiny precisely to prevent incremental erosion of environmental and heritage objectives. The Advertisement does not demonstrate how the proposed permanent departures actively support or advance the objectives of these overlay zones, nor how cumulative impact has been considered, as required by the OMSDF.

4.6. Cumulative impact and precedent risk

The site's size (2252 m²) is materially smaller than the historical norm in the area. Preliminary analysis indicates that neighbouring erven average approximately 2500–3000 m², meaning approval here would establish a precedent for progressive erosion of erf-size, density and height controls.

4.7. Unsupported assertions regarding impact

- 4.7.1. Assertions in the Proposal that the development will have no adverse impact on views, sunlight, privacy, or neighbourhood character are stated as conclusions rather than demonstrated by objective evidence (see pp. 5; 8–9; 12–13).

- 4.7.2. No shadow analysis, streetscape assessment, or visual impact study accompanies the application, despite the acknowledged increase in height and proximity to public streets.

- 4.7.3. In the absence of such material, the decision-maker cannot lawfully conclude that impacts are negligible, particularly given the site's location within a sensitive and established residential area.

4.8. Repeated characterisation of the requested departures as "minor"

- 4.8.1. The applicant repeatedly characterises the proposed departures, including permanent street building line encroachments to 1.75 m and 1.82 m and an 880 mm increase in roof and wall-plate height, as "*minor*" or "*modest*" (see for example pp. 4–5; 8–9 of the Proposal).

- 4.8.2. This characterisation is unsupported in law: in terms of OMLUPA, read with section 22 of SPLUMA, the Municipality is required to assess whether a proposed departure is consistent with the purpose and intent of the applicable development controls and land use scheme, as read with the applicable spatial planning framework, and whether approval would give rise to cumulative or precedent-setting impacts that undermine proper planning.
- 4.8.3. A permanent relaxation of street building lines in a Residential Zone 1 context, coupled with an increase in building height and introduction of additional habitable space, cannot be treated as *de minimis* merely because it is presented as incremental.
- 4.9. **Undisclosed traffic and parking mitigation measures**
- 4.9.1. It has come to our attention that consideration has been given to accommodating increased traffic flow and parking demand associated with the proposed development by means of measures affecting adjacent Flower Street.
- 4.9.2. No proposal, plan, or notice detailing such measures has been included in the advertised application or made available for public comment.
- 4.9.3. Any reliance on off-site traffic or parking interventions to render the development acceptable would constitute a material component of the proposal and must be disclosed and subjected to public participation as part of a single, integrated application.
- 4.9.4. Consideration or approval of such measures at a later stage would undermine procedural fairness and deprive interested and affected parties of a meaningful opportunity to assess and comment on the full traffic and access impacts of the development, contrary to PAJA and SPLUMA.
- 4.10. **Intensity of use, population load, and management implications**
- 4.10.1. Although the subject property measures substantially less than 3000 m², the proposal appears to accommodate approximately 25 dwelling units, together with associated parking.
- 4.10.2. On a conservative assumption of three to four occupants per unit, this represents a potential resident population exceeding what is typical for erven of this size and context within the surrounding area.
- 4.10.3. The resulting intensity of use has direct implications for noise, privacy, shared open space, traffic generation, and general amenity, all of which are material planning considerations under the applicable land use scheme and the OMSDF.
- 4.10.4. The application contemplates the development of flats within a sectional title scheme. However, the potential implications of sectional title ownership, including management arrangements, conduct rule enforcement, noise control, visitor turnover, and the

likelihood of short-term letting, have not been assessed as part of the cumulative impact analysis.

- 4.10.5. These factors are reasonably foreseeable consequences of the proposed development typology and density, and are material to an assessment of long-term compatibility with the surrounding residential character.

4.11. Reliance on historical approval

- 4.11.1. The Proposal places material reliance on the fact that the second dwelling was "*previously approved*" and forms part of the established built form of the property (pp. 2-3).
- 4.11.2. This reliance is misplaced: prior approval of a structure does not create a vested right to further intensify non-compliance, nor does it absolve the decision-maker from assessing the present proposal on its own merits.
- 4.11.3. The proposed additions, including a loft bedroom and associated roof height increase, represent a qualitative intensification of built form and must be assessed against current policy, zoning controls, and overlay protections, rather than historic permissiveness.

5. MISAPPLICATION OF THE PRINCIPLE OF SPATIAL JUSTICE

- 5.1. The applicant invokes the principle of *spatial justice* in the Advertisement, as contemplated in section 7(a) of SPLUMA (which requires land use decisions to redress past spatial and other development imbalances) to justify the proposed rezoning and increased density.
- 5.2. However, this reliance is asserted at a purely abstract level and is not supported by any factual or economic analysis demonstrating how the proposed development would, in practice, address apartheid-era spatial imbalances or meaningfully advance access to land or housing for historically disadvantaged persons.
- 5.3. In the absence of any affordability analysis, tenure model, pricing information, or delivery mechanism targeting lower- or middle-income households, the invocation of spatial justice is unsubstantiated and appears rhetorical rather than substantive.
- 5.4. In particular, given prevailing land values and property prices in Hermanus, and the nature of the proposed development as a private, market-driven scheme, it is highly improbable that the units to be delivered will be accessible or affordable to socio-economically marginalised groups.
- 5.5. Without evidence to the contrary, the proposal is more accurately characterised as contributing to market-led densification, rather than spatial justice as envisaged by SPLUMA.
- 5.6. Reliance on spatial justice in these circumstances risks reducing the principle to a façade, deployed to legitimise increased and over-broad development rights without delivering any demonstrable redistributive or corrective spatial outcome.

- 5.7. Such an approach is inconsistent with the purpose of SPLUMA and constitutes an irrelevant or misapplied consideration for purposes of lawful administrative decision-making under PAJA.

6. PROCEDURAL FAIRNESS AND REQUEST FOR SUSPENSION

- 6.1. In terms of PAJA, meaningful public participation requires that interested and affected parties be afforded a real opportunity to respond to a complete and lawful application.
- 6.2. In this regard, the material made available during the public participation process is materially insufficient to enable interested and affected parties to properly assess the lawfulness, policy compliance, and cumulative impacts of the proposed development. In particular, the absence of specialist reports, policy compliance matrices, and substantiated impact analyses renders meaningful engagement impossible and undermines the participatory objectives contemplated in PAJA.
- 6.3. Accordingly, I/we formally request that:
- 6.3.1. no decision be taken on this application;
- 6.3.2. the application be held in abeyance pending submission and circulation of:
- (a) a detailed Overstrand Municipal Spatial Development Framework compliance matrix, demonstrating alignment with the spatial structuring, urban form, and heritage-related provisions applicable to the Hermanus Historic Core;
 - (b) a Traffic Impact Assessment;
 - (c) an Engineering Services Report;
 - (d) a Heritage Impact Assessment;
 - (e) substantiated information or analysis demonstrating how the proposed development is said to advance the principle of spatial justice as contemplated in section 7(a) of SPLUMA, including any affordability, tenure, or access mechanisms relied upon; and
 - (f) that any responses, supplementary reports, or additional information submitted by the applicant pursuant to the above be formally circulated to all registered interested and affected parties, together with a reasonable opportunity to comment thereon, prior to any recommendation or decision being taken.
- 6.4. In the absence of the information listed above, any decision taken would necessarily be based on incomplete, untested, and conclusory assertions, and would therefore be procedurally unfair, irrational, and susceptible to review under PAJA.
- 6.5. Failure to do so would constitute procedural unfairness and expose the Municipality to review proceedings.

7. RELIEF SOUGHT

- 7.1. For the reasons set out above, I/we respectfully submit that the application:

- 7.1.1. is premised on an obsolete and rescinded policy;
- 7.1.2. fails to demonstrate compliance with the OMSDF, Zoning Scheme, and OMLUPA;
- 7.1.3. seeks excessive and unjustified permanent departures;
- 7.1.4. fails to provide a lawful evidentiary basis upon which the decision-maker can reasonably conclude that the cumulative effect of the proposed departures will not undermine the purpose of the applicable development controls or set an undesirable precedent within the surrounding area;
- 7.1.5. misapplies the principle of spatial justice without evidentiary support; and
- 7.1.6. should accordingly be refused.
- 7.2. Alternatively, the application should be withdrawn or deferred pending proper motivation and re-notification.
- 7.3. In the further alternative, and without prejudice to the relief sought above, any approval should be expressly refused until such time as the Municipality is satisfied, on the basis of properly substantiated information, that the proposal complies with the applicable statutory framework, advances the objectives of the OMSDF, and does not compromise procedural fairness or the rights of interested and affected parties.

8. RESERVATION OF RIGHTS

I/we reserve all rights, including the right to:

- 8.1. amend and/or supplement this objection upon receipt of further documentation;
- 8.2. appeal any approval; and/or
- 8.3. institute review proceedings under PAJA, SPLUMA and OMLUPA.

Yours faithfully



Alex McCall

Chairperson: Belle Court Body Corporate

	DIRECTORATE: PLANNING & DEVELOPMENT TOWN & SPATIAL PLANNING LAND USE PLANNING APPLICATION RESPONSE FORM E-mail to relevant person stipulated on the notice: karetta@overstrand.gov.za / alida@overstrand.gov.za 16 Paterson Street / PO Box 20 HERMANUS, 7200 / Tel: 028 313 8900
	APPLICATION DETAILS

Application erf number:

APP ID:

How did you receive notice of the application?

STATE YOUR INTEREST IN THE APPLICATION:

TICK RELEVANT BOX ☒	OBJECTION	COMMENT	SUPPORT
REASONS FOR OBJECTION / COMMENT / SUPPORT:			

- ① Aangeheg skrywe van Rossouw Familie Trust waar mee ek heeltemal saam stem.
- ② Flowerstraat is te nou om die verkeer te hante soos dit huidige is. As ek by my hek uitry en daar is 'n motor aan die oorkant parkeer, sukkel ek.
- ③ Hierdie ontwikkeling gaan 'n baie negatiewe impak op die waarde van, veral die vissers huisies, hê. Die enorme blok woonstelle gaan ons son, ons uitsig en privaatheid skend.
- ④ Die potensiele geraas gaan ook 'n groot probleem wees.

PERSONAL INFORMATION (To be completed in full – Compulsory)

Name & surname (PRINT) **H A Durr** Your erf number: **10578/5**
 Company/Trust details: **10578/5T**
 Postal address: **7 Flower Street, Westcliff, Hermanus**
 Cell: **082 323 6552**
 Contact details: E-mail address: **annali@greeff.co.za**
 Signature: **[Signature]** Date: **14/1/20**

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed/used in the application process. Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the person mentioned in the notice within the time period stated in the notice.

- ① In reference to paragraph 4.3 **Permanent Departure from the minimum erf size of 3000m²** for densification (Section 6.3.2 of the O MLUS) for this type of development, the developer should restrict his development to suit the current erf size of 2252m² . Therefore, we object against a permanent departure.

This objection is therefore also extended to paragraph 4.5, **Departure from the maximum allowable density**, current zoning recommends low-density, single-dwelling development. Exceeding the allowable density could lead to significant road congestion in Flower Street. Access from Flowers Street to the Main Road is currently already problematic bordering on dangerous during peak times and Bird Lane is currently used to gain access to the Main Road via Church Street to the traffic circle. *As well as visitors parking problem* Previously approved departures from allowable density, as per per listed developments along Main Road, most definitely should not be seen as a precedent that has been set that will allow automatic approval of any departure from allowable density as per **Section 6.3.2 of the O MLUS**.

rather to the above mentioned objections and comments the following must also be noted as sections:

We fail to see how a three-storey residential complex comprising 25 flats will enhance the surrounding area, instead it replaces open sky and greenery with a bulky mass, conflicting with the existing streetscape and mountain views.

In reference to paragraph 4.4 **Permanent Departure from the 9m maximum height to 9.9m**, the proposed height exceeds the set limits and should not be considered.

the reasons stated above , the **Rossouw Familie Trust** request that the rezoning / departure indication be refused or significantly revised to align with Section 6.3.2 of the O MLUS.

Stefan Hanekom (Executor to Late Gabriel Stephanus Wessels)

20 and 22 Belle Court, 60 Duiker Street, Hermanus 7200

stefan.hanekom@gmail.com

077 362 3949

Date: 15 January 2026

To:

The Authorised Decision-Maker / Senior Manager: Town and Spatial Planning

Overstrand Municipality

By email: alida@overstrand.gov.za / rkuchar@overstrand.gov.za

Dear Sir/Madam

**RE: FORMAL OBJECTION TO LAND USE APPLICATION / ERF 452 HERMANUS –
FILE 21/109 - REZONING, DEPARTURES AND INCREASED DENSITY (GR4)**

1. INTRODUCTION, STANDING AND LEGAL BASIS

- 1.1. I/we submit this objection as an interested and affected party in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (as amended by the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020) (**OMLUPA**), read with the Spatial Planning and Land Use Management Act, 16 of 2013 (**SPLUMA**) and the Promotion of Administrative Justice Act, 3 of 2000 (**PAJA**).
- 1.2. This objection is lodged within the prescribed objection period following publication of the notice of application, subject to paragraph 2.3 below (inconsistent submission dates).
- 1.3. I/we own the property situated at 20 and 22 Belle Court, 60 Duiker Street, Hermanus (please refer to proof of address annexed to this notice), which is in close proximity to the subject property and will be directly affected by the scale, density, bulk, height, traffic generation and cumulative planning impacts of the proposed development.

2. NATURE OF THE APPLICATION

- 2.1. The application seeks approval for the following:
 - 2.1.1. rezoning of Erf 452 Hermanus from Residential Zone 1: Single Residential to General Residential Zone 3: Flats Bulk Zone 2 (GR4) in terms of section 16(2)(a) of OMLUPA;
 - 2.1.2. departure to permit split functional open space;

- 2.1.3. permanent departure from the minimum erf size of 3000 m² to 2252 m²;
- 2.1.4. permanent departure from the maximum height of 9.0 m to 9.9 m; and
- 2.1.5. departure from maximum density permitted under the proposed zoning.
- 2.2. Individually and cumulatively, these constitute a substantial intensification of development rights requiring strict scrutiny against the applicable statutory and policy framework.
- 2.3. It is noted that there is an apparent inconsistency in the information published by the Municipality regarding the applicable objection period, and:
 - 2.3.1. Notice 239/2025 (the **Advertisement**) records the closing date for objections as **16 January 2026**, whereas the proposal notice published on the Municipality's website in October 2025 (the **Proposal**) reflects a final submission date of **23 January 2026**;
 - 2.3.2. this inconsistency creates uncertainty for interested and affected parties as to the applicable deadline, and has the potential to undermine the fairness and effectiveness of the public participation process; and
 - 2.3.3. **in the circumstances, and in accordance with the requirements of procedural fairness under PAJA, it is respectfully submitted that no decision should be taken until the objection period has been clarified and all interested and affected parties have been afforded a clear and consistent opportunity to make representations.**

3. APPLICABLE PLANNING AND POLICY FRAMEWORK

3.1. Statutory framework

- 3.1.1. In terms of section 22 of SPLUMA, a land development application may only be approved if it is consistent with:
 - (a) the Municipal Spatial Development Framework;
 - (b) the Integrated Development Plan; and
 - (c) applicable land use schemes and municipal by-laws.
- 3.1.2. Further, PAJA requires that any administrative decision be lawful, reasonable and procedurally fair, with all relevant considerations taken into account and irrelevant considerations excluded.

3.2. Operative municipal spatial instrument

- 3.2.1. The *Overstrand Municipal Spatial Development Framework, 2020 (OMSDF)*, adopted by Council on 13 May 2020, is the current and legally operative spatial planning instrument for the Overstrand Municipality, as contemplated in section 20 of SPLUMA and development framework consistency provisions of OMLUPA.
- 3.2.2. The earlier *Overstrand Municipal Growth Management Strategy, 2010 (OMGMS)* was expressly rescinded upon adoption of the OMSDF and has no binding legal force.

4. SUBSTANTIVE GROUNDS OF OBJECTION

4.1. Improper reliance on a rescinded policy instrument

- 4.1.1. The applicant expressly relies on the 2010 OMGMS, notwithstanding its rescission, as justification for the proposed density and typology - see *Motivation Report*, under the diagram titled "*Figure 4: Extract of the OMGMS*", at page 19 of the Advertisement.
- 4.1.2. This reliance is legally impermissible. A rescinded strategy cannot constitute a relevant consideration under SPLUMA or PAJA. Continued reliance on the OMGMS constitutes an error of law, rendering any approval reviewable and unlawful.

4.2. Failure to demonstrate compliance with the OMSDF

- 4.2.1. The motivation under the Advertisement fails to properly engage with the OMSDF, including but not limited to:
- (a) OMSDF Section 4.3 (*Hermanus Historic Core*), which emphasises context-sensitive development, protection of urban character, and cautious intensification;
 - (b) OMSDF Section 5 (*Urban Form and Built Environment*), which requires scale, massing and density to respond to local grain and infrastructure capacity;
 - (c) OMSDF spatial structuring maps, which do not appear to support blanket high-density GR4 zoning on small, irregular erven within the historic core.
- 4.2.2. No clause-by-clause analysis demonstrating consistency with the OMSDF has been provided, contrary to the development framework consistency provisions of OMLUPA.

4.3. Zoning scheme and departure concerns

- 4.3.1. The Overstrand Zoning Scheme Regulations prescribe development standards for GR4 properties (Schedule 1), including density, height, coverage, setbacks and parking.
- 4.3.2. The application seeks multiple permanent departures under OMLUPA, yet fails to demonstrate:
 - (a) why compliance with standard zoning controls is not reasonably possible;
 - (b) why such departures are in the public interest, rather than merely in the applicant's financial interest;
 - (c) how cumulative departures will not undermine the purpose of the zoning scheme.

4.4. Heritage and character impacts

- 4.4.1. The subject property is located within the Hermanus Historic Core Heritage Protection Overlay Zone (**HPOZ**), triggering obligations under:
 - (a) the National Heritage Resources Act, 25 of 1999 (**NHRA**); and
 - (b) municipal heritage overlay controls.
- 4.4.2. Generic statements in the Advertisement that the proposal, "*...is not predicted to affect the protected [HPOZ] elements...*" are insufficient (see Notice, under paragraph 10.2, titled 'Overstrand Municipality Heritage Protection Overlay Zone'), and no detailed Heritage Impact Assessment assessing scale, massing, streetscape impact and cumulative erosion of character has been provided.

4.5. Environmental and heritage overlay zones

- 4.5.1. While the proposal notice published at <www.overstrand.gov.za> (the **Proposal**) further acknowledges that the subject property falls within both the Environmental Protection Overlay Zone and the Coastal Strip Heritage Protection Overlay Zone (see sections 10.1 and 10.2, pp 8-9), these overlays are treated as neutral considerations on the basis that development occurs within an existing footprint.
- 4.5.2. Overlay zones exist to impose a heightened level of scrutiny precisely to prevent incremental erosion of environmental and heritage objectives. The Advertisement does not demonstrate how the proposed permanent departures actively support or advance the objectives of these overlay zones, nor how cumulative impact has been considered, as required by the OMSDF.

4.6. Cumulative impact and precedent risk

The site's size (2252 m²) is materially smaller than the historical norm in the area. Preliminary analysis indicates that neighbouring erven average approximately 2500–3000 m², meaning approval here would establish a precedent for progressive erosion of erf-size, density and height controls.

4.7. Unsupported assertions regarding impact

- 4.7.1. Assertions in the Proposal that the development will have no adverse impact on views, sunlight, privacy, or neighbourhood character are stated as conclusions rather than demonstrated by objective evidence (see pp. 5; 8–9; 12–13).
- 4.7.2. No shadow analysis, streetscape assessment, or visual impact study accompanies the application, despite the acknowledged increase in height and proximity to public streets.
- 4.7.3. In the absence of such material, the decision-maker cannot lawfully conclude that impacts are negligible, particularly given the site's location within a sensitive and established residential area.

4.8. Repeated characterisation of the requested departures as "minor"

- 4.8.1. The applicant repeatedly characterises the proposed departures, including permanent street building line encroachments to 1.75 m and 1.82 m and an 880 mm increase in roof and wall-plate height, as "*minor*" or "*modest*" (see for example pp. 4–5; 8–9 of the Proposal).
- 4.8.2. This characterisation is unsupported in law: in terms of OMLUPA, read with section 22 of SPLUMA, the Municipality is required to assess whether a proposed departure is consistent with the purpose and intent of the applicable development controls and land use scheme, as read with the applicable spatial planning framework, and whether approval would give rise to cumulative or precedent-setting impacts that undermine proper planning.
- 4.8.3. A permanent relaxation of street building lines in a Residential Zone 1 context, coupled with an increase in building height and introduction of additional habitable space, cannot be treated as *de minimis* merely because it is presented as incremental.

4.9. Reliance on historical approval

- 4.9.1. The Proposal places material reliance on the fact that the second dwelling was “*previously approved*” and forms part of the established built form of the property (pp. 2-3).
- 4.9.2. This reliance is misplaced: prior approval of a structure does not create a vested right to further intensify non-compliance, nor does it absolve the decision-maker from assessing the present proposal on its own merits.
- 4.9.3. The proposed additions, including a loft bedroom and associated roof height increase, represent a qualitative intensification of built form and must be assessed against current policy, zoning controls, and overlay protections, rather than historic permissiveness.

5. MISAPPLICATION OF THE PRINCIPLE OF SPATIAL JUSTICE

- 5.1. The applicant invokes the principle of *spatial justice* in the Advertisement, as contemplated in section 7(a) of SPLUMA (which requires land use decisions to redress past spatial and other development imbalances) to justify the proposed rezoning and increased density.
- 5.2. However, this reliance is asserted at a purely abstract level and is not supported by any factual or economic analysis demonstrating how the proposed development would, in practice, address apartheid-era spatial imbalances or meaningfully advance access to land or housing for historically disadvantaged persons.
- 5.3. In the absence of any affordability analysis, tenure model, pricing information, or delivery mechanism targeting lower- or middle-income households, the invocation of spatial justice is unsubstantiated and appears rhetorical rather than substantive.
- 5.4. In particular, given prevailing land values and property prices in Hermanus, and the nature of the proposed development as a private, market-driven scheme, it is highly improbable that the units to be delivered will be accessible or affordable to socio-economically marginalised groups.
- 5.5. Without evidence to the contrary, the proposal is more accurately characterised as contributing to market-led densification, rather than spatial justice as envisaged by SPLUMA.
- 5.6. Reliance on spatial justice in these circumstances risks reducing the principle to a façade, deployed to legitimise increased and over-broad development rights without delivering any demonstrable redistributive or corrective spatial outcome.

- 5.7. Such an approach is inconsistent with the purpose of SPLUMA and constitutes an irrelevant or misapplied consideration for purposes of lawful administrative decision-making under PAJA.

6. PROCEDURAL FAIRNESS AND REQUEST FOR SUSPENSION

- 6.1. In terms of PAJA, meaningful public participation requires that interested and affected parties be afforded a real opportunity to respond to a complete and lawful application.
- 6.2. In this regard, the material made available during the public participation process is materially insufficient to enable interested and affected parties to properly assess the lawfulness, policy compliance, and cumulative impacts of the proposed development. In particular, the absence of specialist reports, policy compliance matrices, and substantiated impact analyses renders meaningful engagement impossible and undermines the participatory objectives contemplated in PAJA.
- 6.3. Accordingly, I formally request that:
- 6.3.1. no decision be taken on this application;
- 6.3.2. the application be held in abeyance pending submission and circulation of:
- (a) a detailed Overstrand Municipal Spatial Development Framework compliance matrix, demonstrating alignment with the spatial structuring, urban form, and heritage-related provisions applicable to the Hermanus Historic Core;
 - (b) a Traffic Impact Assessment;
 - (c) an Engineering Services Report;
 - (d) a Heritage Impact Assessment;
 - (e) substantiated information or analysis demonstrating how the proposed development is said to advance the principle of spatial justice as contemplated in section 7(a) of SPLUMA, including any affordability, tenure, or access mechanisms relied upon; and
 - (f) that any responses, supplementary reports, or additional information submitted by the applicant pursuant to the above be formally circulated to all registered interested and affected parties, together with a reasonable opportunity to comment thereon, prior to any recommendation or decision being taken.
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- 7.1. For the reasons set out above, I respectfully submit that the application:
- 7.1.1. is premised on an obsolete and rescinded policy;
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- 8.1. amend and/or supplement this objection upon receipt of further documentation;
- 8.2. appeal any approval; and/or
- 8.3. institute review proceedings under PAJA, SPLUMA and OMLUPA.

Yours faithfully



Stefan Hanekom

Executor to the Estate of Gabriel Stephanus Wessels



VAT / BTW : 4140106396

HERMANUS ADMIN 20, HERMANUS, 7200
 028 313 8000
 028 312 1894
 enquiries@overstrand.gov.za
 HANGKLIP / KLEINMOND ADMIN 028 271 8400
 STANFORD ADMIN 028 341 8500
 GANSBAAI ADMIN 028 384 8300
 FIRE, TRAFFIC, LAW ENFORCEMENT 028 312 2400 (24/7 number)

Bladsy 1 van 1

MNR GS WESSELS
 BELLE COURT 22
 HERMANUS
 7200

BELASTINGFAKTUUR

VIR ALLE REKENING NAVRAE KONTAK ASB.
 DIE ADMIN NAASTE AAN U
 DEBITEUR BTW REG. NO.

MNR GS WESSELS		60 DUIKERSTRAAT		NORTHCLIFF					
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SALDO OORGEDRA									
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IMPORTANT NOTICE

This account has been rendered in terms of Council's relevant policies.

DUE DATE:

Accounts are payable when rendered. The due date on the account is only applicable on the current portion of the account and not the arrear portion. Amounts which remain unpaid after the due date are in arrears and services may be disconnected/restricted after a written 14 days' notice.

METHODS AND PLACES OF PAYMENT:

1. Payments will always be appropriated to the oldest outstanding amount (notwithstanding the kind of service), where after it will be appropriated in order of a predetermined priority.
2. Payments can be made
 - 2.1 at any of the MUNICIPAL OFFICE from Mondays to Fridays (public holidays excluded) 08:00 – 13:00 and 14:00 – 15:30.
 - 2.2 at any branch of Pay@, EasyPay. Processing of these payments takes approximately 48 hours thus payments must be made at least two days before the due date.
 - 2.3 by direct BANK PAYMENTS into **ABSA** Hermanus, Account number **4066578021**. Your Municipal account number must be used as the reference number.
 - 2.4 by way of an automatic debit order. These forms are available at any of the Municipal Offices.
 - 2.5 via the INTERNET Please contact our client services for more information in this regard.

INTEREST:

Interest will be levied on arrear accounts in terms of Council's policy.

SUSPENSION OF SERVICES

The disconnection or restriction of services may be enforced should the account remain in arrears after the expiry of the 14 (fourteen) days' notice of restriction of services may be disconnected. The deposit will simultaneously be revised and a surcharge, as determined by council from time to time, will be added whether the supply had been physically disconnected or not.

In the event of debit orders being returned, services will immediately be disconnected/restricted and future payments shall be made in cash. The account holder will be held liable for charges incurred.

ACCOUNTS:

Payment may not be deferred pending settlement of a dispute.

If no account has been received by the 10th of a month, a copy should be obtained from the Municipality. The account must always be produced when payments or enquiries are made.

If no official complaint in writing is received by the 15th of the month it will be considered that you agree with the delivered account.

TERMINATION OF SERVICES

When premises are vacated the consumer leaving such premises must give the Municipality 15 day's written notice prior to leaving. Failing to do so the consumer will be held liable for any levies until the date a written notice is received.

PRE-PAID ELECTRICITY

The Municipality may apply debt collection as a percentage (at least 60%) on the pre-payment electricity system, to ensure collection of all arrear debt on the account of the customer.

Belangrike Kennisgewing

Rekeninge word ooreenkomstig die Raad se toepaslike beleid gelewer.

SPERDATUM:

Rekeninge is betaalbaar wanneer gelewer. Die sperdatum op die rekening is slegs van toepassing op die lopende rekening en nie op die agterstallige gedeelte van die rekening nie. Bedrae wat vereffen is na die vervaldatum is agterstallig en die dienste kan gesper/opgeskort word nadat 'n 14 dae skriftelike kennisgewing gestuur is.

METODES EN PLEKKE VAN BETALING:

1. Betalings sal eerstens toegewys word na die oudste skulde (ongeach watter tipe diens), waarna dit in 'n voorafbepaalde prioriteitsvolgorde toegewys sal word.
2. Betalings kan soos volg gemaak word:
 - 2.1 by enige van die MUNISIPALE KANTORE Maandae tot Vrydae (vakansiedae uitgesluit) 08:00 – 13:00 en 14:00 – 15:30.
 - 2.2 by enige tak van pay@, EasyPay. Verwerking van die betalings neem ongeveer 48 uur en moet die betalings dus minstens twee dae voor die laaste betaaldatum gemaak word.
 - 2.3 deur direkte BANKINBETALINGS by **ABSA**, Hermanus, Rek No. **4066578021**. U rekeningnommer moet as verwysing gebruik word.
 - 2.4 deur outomatiese debietorder. Vorms hiervoor is beskikbaar by enige van die Munisipale kantore.
 - 2.5 per INTERNET kontak asseblief ons kliëntedienste vir navrae in hierdie verband.

RENTE:

Rente sal ingevolge die Raad se beleid op agterstallige bedrae gehef word.

OPSKORTING VAN DIENSTE:

Dienste mag gesper/gestaak word indien enige bedrag na die sperdatum verskuldig is, na die vervaldatum op die 14 dae kennisgewing. Die deposito sal terselfdertyd hersien word en administratiewe koste, soos van tyd tot tyd deur die Raad bepaal, sal bygevoeg word ongeag of die toevoer fisies gestaak is al dan nie.

Indien 'n debietorder teruggestuur word, sal die dienste onverwyld gesper/gestaak word en toekomstige betalings moet in kontant geskied. Die toepaslike koste sal op die rekeninghouer se diensterkening gehef word.

REKENINGE:

Betaling mag nie weerhou word totdat 'n geskild besleg is nie.

Indien geen rekening ontvang is teen die 10de van 'n maand nie moet 'n afskrif vanaf die Munisipaliteit aangevra word. Die rekening moet te alle tye getoon word wanneer 'n betaling gemaak word.

Indien u nie teen die 15de van die maand skriftelik beswaar maak teen u rekening nie, word aanvaar dat u saamstem met die rekening gelewer.

BEEÏNDIGING VAN DIENSTE:

Wanneer 'n perseel ontruim word moet die vertrekkende verbruiker die Munisipaliteit minstens 15 dae vooraf skriftelik kennis gee. Versum hiervan sal tot gevolg hê dat die persoon aanspreeklik bly vir kostes gehef tot datum wat die kennisgewing ontvang en verwerk is.

VOORAFBETAALDE KRAG:

Die munisipaliteit mag skuldinvordering as 'n persentasie (ten minste 60%) op die voorafbetaalde elektrisiteitstelsel toepas om te verseker dat alle agterstallige skuld op die rekening van die klient verhaal word.

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1. Payments will always be appropriated to the oldest outstanding amount (notwithstanding the kind of service), where after it will be appropriated in order of a predetermined priority.
2. Payments can be made
 - 2.1 at any of the MUNICIPAL OFFICE from Mondays to Fridays (public holidays excluded) 08:00 - 13:00 and 14:00 - 15:30.
 - 2.2 at any branch of Pay@, EasyPay : Processing of these payments takes approximately 48 hours thus payments must be made at least two days before the due date.
 - 2.3 by direct BANK PAYMENTS: Into **ABSA** Hermanus, Account number **4066578021**. Your Municipal account number must be used as the reference number.
 - 2.4 by way of an automatic debit order. These forms are available at any of the Municipal Offices.
 - 2.5 via the INTERNET Please contact our client services for more information in this regard.

INTEREST:

Interest will be levied on arrear accounts in terms of Council's policy.

SUSPENSION OF SERVICES

The disconnection or restriction of services may be enforced should the account remain in arrears after the expiry of the 14 (fourteen) days' notice of restriction of services may be disconnected. The deposit will simultaneously be revised and a surcharge, as determined by council from time to time, will be added whether the supply had been physically disconnected or not.

In the event of debit orders being returned, services will immediately be disconnected/restricted and future payments shall be made in cash. The account holder will be held liable for charges incurred.

ACCOUNTS:

Payment may not be deferred pending settlement of a dispute.

If no account has been received by the 10th of a month, a copy should be obtained from the Municipality. The account must always be produced when payments or enquiries are made.

If no official complaint in writing is received by the 15th of the month it will be considered that you agree with the delivered account.

TERMINATION OF SERVICES

When premises are vacated the consumer leaving such premises must give the Municipality 15 day's written notice prior to leaving. Failing to do so the consumer will be held liable for any levies until the date a written notice is received.

PRE-PAID ELECTRICITY

The Municipality may apply debt collection as a percentage (at least 60%) on the pre-payment electricity system, to ensure collection of all arrear debt on the account of the customer.

Belangrike Kennisgewing

Rekeninge word ooreenkomstig die Raad se toepaslike beleid gelewer.

SPERDATUM:

Rekeninge is betaalbaar wanneer gelewer. Die sperdatum op die rekening is slegs van toepassing op die lopende rekening en nie op die agterstallige gedeelte van die rekening nie. Bedrae wat vereffen is na die vervaldatum is agterstallig en die dienste kan gesper/opgeskort word nadat 'n 14 dae skriftelike kennisgewing gestuur is.

METODES EN PLEKKE VAN BETALING:

1. Betalings sal eerstens toegewys word na die oudste skulde (ongeach watter tipe diens), waarna dit in 'n voorafbepaalde prioriteitsvolgorde toegewys sal word.
2. Betalings kan soos volg gemaak word:
 - 2.1 by enige van die MUNISIPALE KANTORE Maandae tot Vrydae (vakansiedae uitgesluit) 08:00 - 13:00 en 14:00 - 15:30.
 - 2.2 by enige tak van pay@, EasyPay. Verwerking van die betalings neem ongeveer 48 uur en moet die betalings dus minstens twee dae voor die laaste betaaldatum gemaak word.
 - 2.3 deur direkte BANKINBETALINGS by **ABSA**, Hermanus, Rek No. **4066578021**. U rekeningnommer moet as verwysing gebruik word.
 - 2.4 deur outomatiese debietorder. Vorms hiervoor is beskikbaar by enige van die Munisipale kantore.
 - 2.5 per INTERNET kontak asseblief ons kliëntediens vir navrae in hierdie verband.

RENTE:

Rente sal ingevolge die Raad se beleid op agterstallige bedrae gehef word.

OPSKORTING VAN DIENSTE:

Dienste mag gesper/gestaak word indien enige bedrag na die sperdatum verskuldig is, na die vervaldatum op die 14 dae kennisgewing. Die deposito sal terselfdertyd hersien word en administratiewe koste, soos van tyd tot tyd deur die Raad bepaal, sal bygevoeg word ongeag of die toevoer fisies gestaak is al dan nie.

Indien 'n debietorder teruggestuur word, sal die dienste onvermyld gesper/gestaak word en toekomstige betalings moet in kontant geskied. Die toepaslike koste sal op die rekeninghouer se diensterkening gehef word.

REKENINGE:

Betaling mag nie weerhou word totdat 'n geskild besleg is nie.

Indien geen rekening ontvang is teen die 10de van 'n maand nie moet 'n afskrif vanaf die Munisipaliteit aangevra word. Die rekening moet te alle tye getoon word wanneer 'n betaling gemaak word.

Indien u nie teen die 15de van die maand skriftelik beswaar maak teen u rekening nie, word aanvaar dat u saamstem met die rekening gelewer.

BEGINDING VAN DIENSTE:

Wanneer 'n perseel ontruim word moet die vertrekkende verbruiker die Munisipaliteit minstens 15 dae vooraf skriftelik kennis gee. Versum hiervan sal tot gevolg hê dat die persoon aanspreeklik bly vir kostes gehef tot datum wat die kennisgewing ontvang en verwerk is.

VOORAFBETAALDE KRAG:

Die munisipaliteit mag skuldinvordering as 'n persentasie (ten minste 60%) op die voorafbetaalde elektrisiteitstelsel toepas om te verseker dat alle agterstallige skuld op die rekening van die klient vernaam word.

CF and J Kampherbeek
3 Flower Street
Westcliff
Hermanus
7200

15 January 2026

The Authorized Decision-Maker
Overstrand Municipality
By email: alida@overstrand.co.za

ERF 452, 30 MAIN ROAD, WESTCLIFF, HERMANUS: APPLICATION FOR
REZONING AND DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF
OF BVA BELEGGINGS PROPRIETARY LIMITED

Herewith please receive our objection to the above mentioned development. We are the owners of 3 Flower Street, the historic house across the road from the proposed development.

- We believe that a 3-storey building will block the sunlight from our dwelling, resulting in lower temperatures as well as affecting the garden in a negative manner. Although the matter is being addressed in the application, it is a mere assumption that the proposed development will not affect sunlight reaching our property. No concrete study has been included as proof that it will have no impact.
- According to the plan of the development, the entrance and exit will be right across our property. There is a major concern that the movement of 45 vehicles (45 parking bays) that enter and leave the property daily will negatively impact the current peaceful environment. Furthermore, no study has been included in the application to measure the impact on the traffic, especially with Main road already being a very busy road. To enter Main Road from Flower or Bird Street is already problematic as is.
- We are concerned that the character of our house, which was built in 1895, will be lost next to the development which tries to fit in a maximum of units on such a small piece of land. It will visually impact our house and surrounding area. We acquired our property because of the historic value and charm and are dedicated to keep it as such. We are also concerned that proposed development will be inhabited by more people than proposed in the application. No mention of a body corporate to enforce rules and code of conduct are made in the application, leaving us vulnerable to have to deal with noise and possible unruly behavior of inhabitants. This can influence the value of our property in a negative way.
- We strongly object to the zoning rule changes proposed: extension of height, the open space allocated and the size of the plot. These are not minor changes but deviate from the framework quite a lot. We believe that

developments should stay within the framework as exceptions will allow future developments to push the limits.

In view of the reasons as set out above, we submit that the application:

- should be withdrawn by the developers
- should be refused by the Overstrand Municipality
- should be withdrawn or deferred pending proper motivation and renotification

We herewith reserve all rights to amend or supplement our objection; to appeal any approval and to institute review proceedings under PAJA, SPLUMA and OMLUPA.

Signed:

Carl Frederick Kampherbeek

Janette Kampherbeek

Belle Court Body Corporate

c/o Alex McCall (Chair)

Belle Court

60 Duiker Street

Hermanus

alex@lexreview.net

066 3411 117

14 December 2026

J Kampereck (owner of unit 9)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
16 JAN 2026
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

JP- A Theart
(H Olivier)

To:

The Authorised Decision-Maker

Overstrand Municipality

By email: alida@overstrand.gov.za

And by hand

Dear Sir/Madam

RE: FORMAL OBJECTION TO LAND USE APPLICATION / ERF 452 HERMANUS – FILE 21/109 - REZONING, DEPARTURES AND INCREASED DENSITY (GR4)

1. INTRODUCTION, STANDING AND LEGAL BASIS

- 1.1. I submit this objection in my capacity as Chairperson of the **Body Corporate of Belle Court, 60 Duiker Street, Northcliff**, in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (as amended by the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020) (**OMLUPA**), read with the Spatial Planning and Land Use Management Act, 16 of 2013 (**SPLUMA**) and the Promotion of Administrative Justice Act, 3 of 2000 (**PAJA**).
- 1.2. This objection:
- 1.2.1. is submitted with the knowledge and support of trustees of the Body Corporate, and additional written confirmations of support may be submitted separately or as annexures; and
- 1.2.2. is lodged within the prescribed objection period following publication of the notice of application, subject to paragraph 2.3 below (inconsistent submission dates).
- 1.3. Belle Court is in close proximity to the subject property and its owners and residents will be directly affected by the scale, density, bulk, height, traffic generation and cumulative planning impacts of the proposed development.

FILE NO. ERF 452- HMC ✓
SCAN NO.
COLLABORATOR NO.
2954283

2. NATURE OF THE APPLICATION

2.1. The application seeks approval for the following:

- 2.1.1. rezoning of Erf 452 Hermanus from Residential Zone 1: Single Residential to General Residential Zone 3: Flats Bulk Zone 2 (GR4) in terms of section 16(2)(a) of OMLUPA;
- 2.1.2. departure to permit split functional open space;
- 2.1.3. permanent departure from the minimum erf size of 3000 m² to 2252 m²;
- 2.1.4. permanent departure from the maximum height of 9.0 m to 9.9 m; and
- 2.1.5. departure from maximum density permitted under the proposed zoning.

2.2. Individually and cumulatively, these constitute a substantial intensification of development rights requiring strict scrutiny against the applicable statutory and policy framework.

2.3. It is noted that there is an apparent inconsistency in the information published by the Municipality regarding the applicable objection period, and:

- 2.3.1. Notice 239/2025 (the **Advertisement**) records the closing date for objections as **16 January 2026**, whereas the proposal notice published on the Municipality's website in October 2025 (the **Proposal**) reflects a final submission date of **23 January 2026**;
- 2.3.2. this inconsistency creates uncertainty for interested and affected parties as to the applicable deadline, and has the potential to undermine the fairness and effectiveness of the public participation process; and
- 2.3.3. **in the circumstances, and in accordance with the requirements of procedural fairness under PAJA, it is respectfully submitted that no decision should be taken until the objection period has been clarified and all interested and affected parties have been afforded a clear and consistent opportunity to make representations.**

3. APPLICABLE PLANNING AND POLICY FRAMEWORK

3.1. Statutory framework

- 3.1.1. In terms of section 22 of SPLUMA, a land development application may only be approved if it is consistent with:
 - (a) the Municipal Spatial Development Framework;
 - (b) the Integrated Development Plan; and
 - (c) applicable land use schemes and municipal by-laws.
- 3.1.2. Further, PAJA requires that any administrative decision be lawful, reasonable and procedurally fair, with all relevant considerations taken into account and irrelevant considerations excluded.

3.2. Operative municipal spatial instrument

- 3.2.1. The *Overstrand Municipal Spatial Development Framework, 2020 (OMSDF)*, adopted by Council on 13 May 2020, is the current and legally operative spatial planning instrument for the Overstrand Municipality, as contemplated in section 20 of SPLUMA and development framework consistency provisions of OMLUPA.
- 3.2.2. The earlier *Overstrand Municipal Growth Management Strategy, 2010 (OMGMS)* was expressly rescinded upon adoption of the OMSDF and has no binding legal force.

4. SUBSTANTIVE GROUNDS OF OBJECTION

4.1. Improper reliance on a rescinded policy instrument

- 4.1.1. The applicant expressly relies on the 2010 OMGMS, notwithstanding its rescission, as justification for the proposed density and typology - see *Motivation Report*, under the diagram titled "*Figure 4: Extract of the OMGMS*", at page 19 of the Advertisement.
- 4.1.2. This reliance is legally impermissible. A rescinded strategy cannot constitute a relevant consideration under SPLUMA or PAJA. Continued reliance on the OMGMS constitutes an error of law, rendering any approval reviewable and unlawful.

4.2. Failure to demonstrate compliance with the OMSDF

- 4.2.1. The motivation under the Advertisement fails to properly engage with the OMSDF, including but not limited to:
- (a) OMSDF Section 4.3 (*Hermanus Historic Core*), which emphasises context-sensitive development, protection of urban character, and cautious intensification;
 - (b) OMSDF Section 5 (*Urban Form and Built Environment*), which requires scale, massing and density to respond to local grain and infrastructure capacity;
 - (c) OMSDF spatial structuring maps, which do not appear to support blanket high-density GR4 zoning on small, irregular erven within the historic core.
- 4.2.2. No clause-by-clause analysis demonstrating consistency with the OMSDF has been provided, contrary to the development framework consistency provisions of OMLUPA.

4.3. Zoning scheme and departure concerns

- 4.3.1. The Overstrand Zoning Scheme Regulations prescribe development standards for GR4 properties (Schedule 1), including density, height, coverage, setbacks and parking.
- 4.3.2. The application seeks multiple permanent departures under OMLUPA, yet fails to demonstrate:
- (a) why compliance with standard zoning controls is not reasonably possible;
 - (b) why such departures are in the public interest, rather than merely in the applicant's financial interest;
 - (c) how cumulative departures will not undermine the purpose of the zoning scheme.

4.4. Heritage and character impacts

4.4.1. The subject property is located within the Hermanus Historic Core Heritage Protection Overlay Zone (**HPOZ**), triggering obligations under:

- (a) the National Heritage Resources Act, 25 of 1999 (**NHRA**); and
- (b) municipal heritage overlay controls.

4.4.2. Generic statements in the Advertisement that the proposal, "...*is not predicted to affect the protected [HPOZ] elements...*" are insufficient (see Notice, under paragraph 10.2, titled 'Overstrand Municipality Heritage Protection Overlay Zone'), and no detailed Heritage Impact Assessment assessing scale, massing, streetscape impact and cumulative erosion of character has been provided.

4.5. Environmental and heritage overlay zones

4.5.1. While the proposal notice published at <www.overstrand.gov.za> (the **Proposal**) further acknowledges that the subject property falls within both the Environmental Protection Overlay Zone and the Coastal Strip Heritage Protection Overlay Zone (see sections 10.1 and 10.2, pp 8-9), these overlays are treated as neutral considerations on the basis that development occurs within an existing footprint.

4.5.2. Overlay zones exist to impose a heightened level of scrutiny precisely to prevent incremental erosion of environmental and heritage objectives. The Advertisement does not demonstrate how the proposed permanent departures actively support or advance the objectives of these overlay zones, nor how cumulative impact has been considered, as required by the OMSDF.

4.6. Cumulative impact and precedent risk

The site's size (2252 m²) is materially smaller than the historical norm in the area. Preliminary analysis indicates that neighbouring erven average approximately 2500–3000 m², meaning approval here would establish a precedent for progressive erosion of erf-size, density and height controls.

4.7. Unsupported assertions regarding impact

4.7.1. Assertions in the Proposal that the development will have no adverse impact on views, sunlight, privacy, or neighbourhood character are stated as conclusions rather than demonstrated by objective evidence (see pp. 5; 8–9; 12–13).

4.7.2. No shadow analysis, streetscape assessment, or visual impact study accompanies the application, despite the acknowledged increase in height and proximity to public streets.

4.7.3. In the absence of such material, the decision-maker cannot lawfully conclude that impacts are negligible, particularly given the site's location within a sensitive and established residential area.

4.8. **Repeated characterisation of the requested departures as "minor"**

4.8.1. The applicant repeatedly characterises the proposed departures, including permanent street building line encroachments to 1.75 m and 1.82 m and an 880 mm increase in roof and wall-plate height, as "*minor*" or "*modest*" (see for example pp. 4–5; 8–9 of the Proposal).

4.8.2. This characterisation is unsupported in law: in terms of OMLUPA, read with section 22 of SPLUMA, the Municipality is required to assess whether a proposed departure is consistent with the purpose and intent of the applicable development controls and land use scheme, as read with the applicable spatial planning framework, and whether approval would give rise to cumulative or precedent-setting impacts that undermine proper planning.

4.8.3. A permanent relaxation of street building lines in a Residential Zone 1 context, coupled with an increase in building height and introduction of additional habitable space, cannot be treated as *de minimis* merely because it is presented as incremental.

4.9. **Undisclosed traffic and parking mitigation measures**

4.9.1. It has come to our attention that consideration has been given to accommodating increased traffic flow and parking demand associated with the proposed development by means of measures affecting adjacent Flower Street.

4.9.2. No proposal, plan, or notice detailing such measures has been included in the advertised application or made available for public comment.

4.9.3. Any reliance on off-site traffic or parking interventions to render the development acceptable would constitute a material component of the proposal and must be disclosed and subjected to public participation as part of a single, integrated application.

4.9.4. Consideration or approval of such measures at a later stage would undermine procedural fairness and deprive interested and affected parties of a meaningful opportunity to assess and comment on the full traffic and access impacts of the development, contrary to PAJA and SPLUMA.

4.10. **Intensity of use, population load, and management implications**

4.10.1. Although the subject property measures substantially less than 3000 m², the proposal appears to accommodate approximately 25 dwelling units, together with associated parking.

4.10.2. On a conservative assumption of three to four occupants per unit, this represents a potential resident population exceeding what is typical for even of this size and context within the surrounding area.

- 4.10.3. The resulting intensity of use has direct implications for noise, privacy, shared open space, traffic generation, and general amenity, all of which are material planning considerations under the applicable land use scheme and the OMSDF.
- 4.10.4. The application contemplates the development of flats within a sectional title scheme. However, the potential implications of sectional title ownership, including management arrangements, conduct rule enforcement, noise control, visitor turnover, and the likelihood of short-term letting, have not been assessed as part of the cumulative impact analysis.
- 4.10.5. These factors are reasonably foreseeable consequences of the proposed development typology and density, and are material to an assessment of long-term compatibility with the surrounding residential character.
- 4.11. **Reliance on historical approval**
- 4.11.1. The Proposal places material reliance on the fact that the second dwelling was “*previously approved*” and forms part of the established built form of the property (pp. 2-3).
- 4.11.2. This reliance is misplaced: prior approval of a structure does not create a vested right to further intensify non-compliance, nor does it absolve the decision-maker from assessing the present proposal on its own merits.
- 4.11.3. The proposed additions, including a loft bedroom and associated roof height increase, represent a qualitative intensification of built form and must be assessed against current policy, zoning controls, and overlay protections, rather than historic permissiveness.

5. MISAPPLICATION OF THE PRINCIPLE OF SPATIAL JUSTICE

- 5.1. The applicant invokes the principle of *spatial justice* in the Advertisement, as contemplated in section 7(a) of SPLUMA (which requires land use decisions to redress past spatial and other development imbalances) to justify the proposed rezoning and increased density.
- 5.2. However, this reliance is asserted at a purely abstract level and is not supported by any factual or economic analysis demonstrating how the proposed development would, in practice, address apartheid-era spatial imbalances or meaningfully advance access to land or housing for historically disadvantaged persons.
- 5.3. In the absence of any affordability analysis, tenure model, pricing information, or delivery mechanism targeting lower- or middle-income households, the invocation of spatial justice is unsubstantiated and appears rhetorical rather than substantive.
- 5.4. In particular, given prevailing land values and property prices in Hermanus, and the nature of the proposed development as a private, market-driven scheme, it is highly improbable that the units to be delivered will be accessible or affordable to socio-economically marginalised groups.

- 5.5. Without evidence to the contrary, the proposal is more accurately characterised as contributing to market-led densification, rather than spatial justice as envisaged by SPLUMA.
- 5.6. Reliance on spatial justice in these circumstances risks reducing the principle to a façade, deployed to legitimise increased and over-broad development rights without delivering any demonstrable redistributive or corrective spatial outcome.
- 5.7. Such an approach is inconsistent with the purpose of SPLUMA and constitutes an irrelevant or misapplied consideration for purposes of lawful administrative decision-making under PAJA.

6. PROCEDURAL FAIRNESS AND REQUEST FOR SUSPENSION

- 6.1. In terms of PAJA, meaningful public participation requires that interested and affected parties be afforded a real opportunity to respond to a complete and lawful application.
- 6.2. In this regard, the material made available during the public participation process is materially insufficient to enable interested and affected parties to properly assess the lawfulness, policy compliance, and cumulative impacts of the proposed development. In particular, the absence of specialist reports, policy compliance matrices, and substantiated impact analyses renders meaningful engagement impossible and undermines the participatory objectives contemplated in PAJA.
- 6.3. Accordingly, I/we formally request that:
 - 6.3.1. no decision be taken on this application;
 - 6.3.2. the application be held in abeyance pending submission and circulation of:
 - (a) a detailed Overstrand Municipal Spatial Development Framework compliance matrix, demonstrating alignment with the spatial structuring, urban form, and heritage-related provisions applicable to the Hermanus Historic Core;
 - (b) a Traffic Impact Assessment;
 - (c) an Engineering Services Report;
 - (d) a Heritage Impact Assessment;
 - (e) substantiated information or analysis demonstrating how the proposed development is said to advance the principle of spatial justice as contemplated in section 7(a) of SPLUMA, including any affordability, tenure, or access mechanisms relied upon; and
 - (f) that any responses, supplementary reports, or additional information submitted by the applicant pursuant to the above be formally circulated to all registered interested and affected parties, together with a reasonable opportunity to comment thereon, prior to any recommendation or decision being taken.
- 6.4. In the absence of the information listed above, any decision taken would necessarily be based on incomplete, untested, and conclusory assertions, and would therefore be procedurally unfair, irrational, and susceptible to review under PAJA.

- 6.5. Failure to do so would constitute procedural unfairness and expose the Municipality to review proceedings.

7. RELIEF SOUGHT

- 7.1. For the reasons set out above, I/we respectfully submit that the application:
- 7.1.1. is premised on an obsolete and rescinded policy;
 - 7.1.2. fails to demonstrate compliance with the OMSDF, Zoning Scheme, and OMLUPA;
 - 7.1.3. seeks excessive and unjustified permanent departures;
 - 7.1.4. fails to provide a lawful evidentiary basis upon which the decision-maker can reasonably conclude that the cumulative effect of the proposed departures will not undermine the purpose of the applicable development controls or set an undesirable precedent within the surrounding area;
 - 7.1.5. misapplies the principle of spatial justice without evidentiary support; and
 - 7.1.6. should accordingly be refused.
- 7.2. Alternatively, the application should be withdrawn or deferred pending proper motivation and re-notification.
- 7.3. In the further alternative, and without prejudice to the relief sought above, any approval should be expressly refused until such time as the Municipality is satisfied, on the basis of properly substantiated information, that the proposal complies with the applicable statutory framework, advances the objectives of the OMSDF, and does not compromise procedural fairness or the rights of interested and affected parties.

8. RESERVATION OF RIGHTS

I/we reserve all rights, including the right to:

- 8.1. amend and/or supplement this objection upon receipt of further documentation;
- 8.2. appeal any approval; and/or
- 8.3. institute review proceedings under PAJA, SPLUMA and OMLUPA.

Yours faithfully

Alex McCall

Chairperson: Belle Court Body Corporate

[additional signatories annexed]

Additional trustee and owner signatories:

Signed: _____

Name: _____

Capacity (owner/trustee): _____

Date: _____

Signed: _____

Name: _____

Capacity (owner/trustee): _____

Date: _____

Signed: _____

Name: _____

Capacity (owner/trustee): _____

Date: _____

Signed: _____

Name: _____

Capacity (owner/trustee): _____

Date: _____

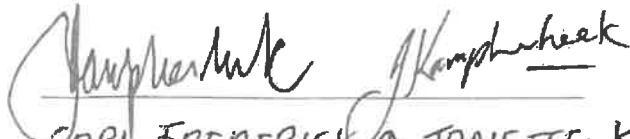
Additional trustee and owner signatories:

Signed:

Name:

Capacity (owner/trustee):

Date:


CARL FREDERICK & JANETTE KAMPHERBEEK
OWNERS OF BELLE COURT 9
15 JANUARY 2026

Signed:

Name:

Capacity (owner/trustee):

Date:

Signed:

Name:

Capacity (owner/trustee):

Date:

Signed:

Name:

Capacity (owner/trustee):

Date:

Alida Conradie

From: Alida Conradie
Sent: Friday, 16 January 2026 08:47
To: 'Janette Kampherbeek'
Subject: Erf 452, Westcliff - Acknowledgement of objection

Tracking:	Recipient	Delivery	Read
	'Janette Kampherbeek'		
	Enquiries	Delivered: 2026/01/16 08:47	Read: 2026/01/16 08:48

Good day

Receipt is hereby acknowledged of your objection. Your objection will be forwarded to the applicant for comment and further communication will be addressed to you in due course.

KINDLY REGARD THIS EMAIL AS YOUR FORMAL ACKNOWLEDGEMENT.

Kind Regards

Alida Conradie
 Administrative Officer, Town- and Spatial Planning
 Directorate: Planning & Development, Overstrand Municipality, Hermanus
 A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20
 T: 028 313 8900 | F: 028 313 2093 | E: alida@overstrand.gov.za

—Original Message—

From: Janette Kampherbeek <janette.engel@gmail.com>
 Sent: Thursday, 15 January 2026 20:45
 To: Alida Conradie <alida@overstrand.gov.za>
 Subject: Objection to the proposed development at 30 Main Street

Dear Alida,

Herewith please receive our objection to the proposed development on ERF 452, 30 Main Street, Hermanus. I sent through an objection as owners of 3 Flower Street. We are also the owners of Unit 9 at Belle Court.

Please acknowledge that you have received this.

Kind regards

Janette Kampherbeek

9 Belle Court
 082 773 9807



DIRECTORATE: PLANNING & DEVELOPMENT TOWN & SPATIAL PLANNING

LAND USE PLANNING APPLICATION RESPONSE FORM

E-mail to relevant person stipulated on the notice: loretta@overstrand.gov.za / alida@overstrand.gov.za
16 Paterson Street / PO Box 20 HERMANUS, 7200 / Tel: 028 313 6900

APPLICATION DETAILS

Application erf number: 452

APP ID: 4481/2023

How did you receive notice of the application? E-MAIL

STATE YOUR INTEREST IN THE APPLICATION:

Affected property owner, Erf number 5507, 5 Bird Lane, Westcliff, Hermanus

TICK RELEVANT BOX	OBJECTION	COMMENT	SUPPORT
☒	☒		

REASONS FOR OBJECTION / COMMENT / SUPPORT:

- In reference to paragraph 4.3 Permanent Departure from the minimum erf size of 3000m² for densification (Section 6.3.2 of the OMLUS) for this type of development, the developer should restrict his development to suit the current erf size of 2252m². Therefore, we object against a permanent departure.
- This objection is therefore also extended to paragraph 4.5, Departure from the maximum allowable density; current zoning recommends low-density, single-dwelling development. Exceeding the allowable density could lead to significant road congestion in Flower Street. Access from Flower Street to the Main Road is currently already problematic bordering on dangerous during peak times and Bird Lane is currently used to gain access to the Main Road via Church Street to the traffic circle. The influx of visitors can lead to significant parking problems.
- Previously approved departures from allowable density, as per listed developments along Main Road, most definitely should not be seen as a precedent that has been set that will allow automatic approval of any departure from allowable density as per Section 6.3.2 of the OMLUS.

Further to the above-mentioned objections and comments the following must also be noted as objections:

- We fail to see how a three-storey residential complex comprising 25 flats will enhance the surrounding area, instead it replaces open sky and greenery with a bulky mass, conflicting with the existing streetscape and mountain views.
- In reference to paragraph 4.4 Permanent Departure from the 9m maximum height to 9.9m, the proposed height exceeds the set limits and should not be considered.

For the reasons stated above, the Rossouw Familie Trust request that the rezoning / departures application be refused or significantly revised to align with Section 6.3.2 of the OMLUS.

Thank you for considering the Rossouw Familie Trust objection.

Feel free to continue on separate page(s)...

PERSONAL INFORMATION (To be completed in full - Compulsory)

Name & surname (PRINT): Marinela Rotze for Rossouw familie Trust Our erf number: 5507

Company/Trust details: Rossouw Familie Trust

Postal address: 5 Bird lane, Hermanus, 7200

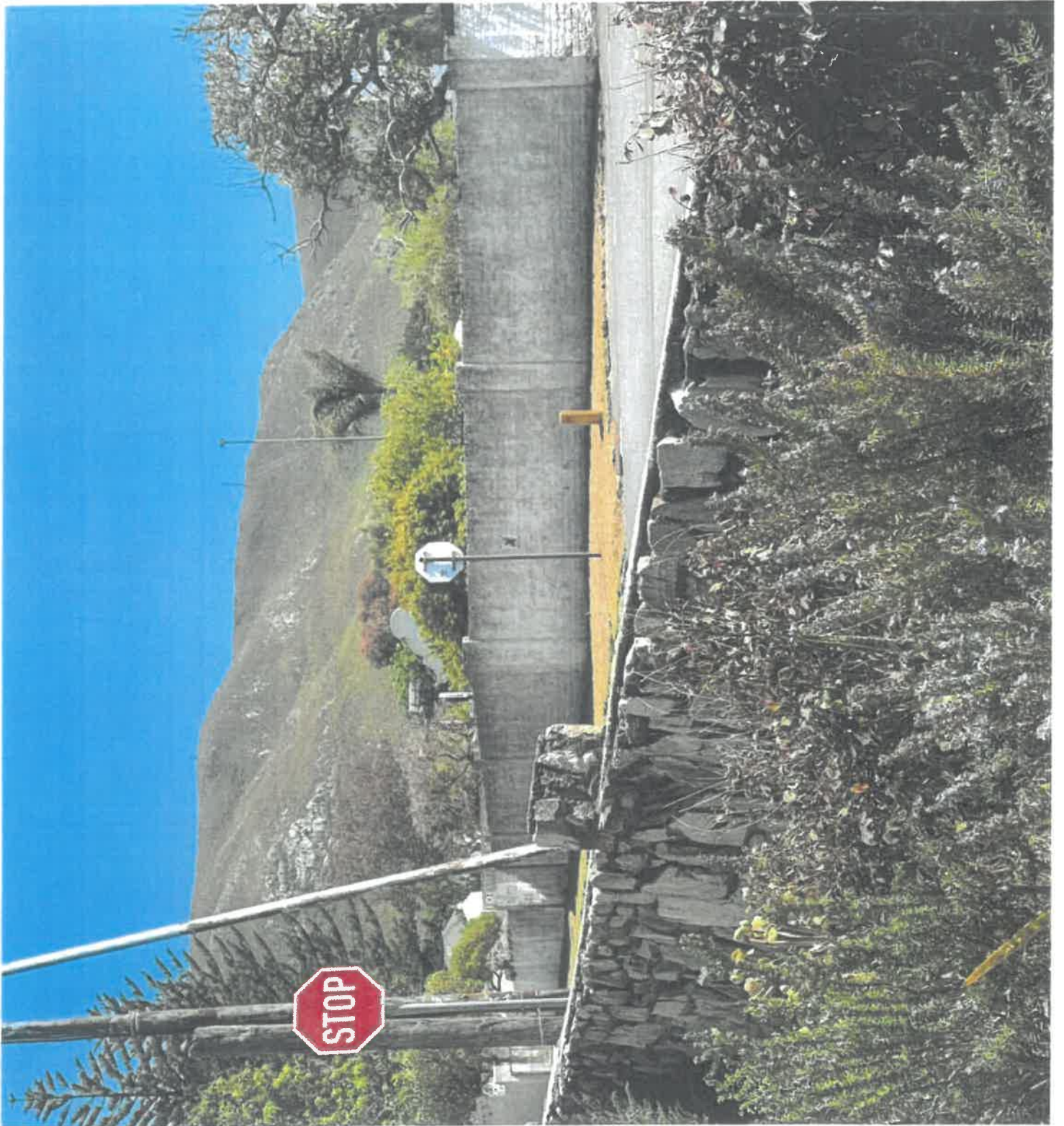
Contact details: Cell: 083 962 3205

E-mail address: mr1@sun.ac.za

Signature: *u. Rotze*

Date: 1/15/26

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed/used in the application process. Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the person mentioned in the notice within the time period stated in the notice.





**DIRECTORATE: PLANNING & DEVELOPMENT
TOWN & SPATIAL PLANNING
LAND USE PLANNING APPLICATION RESPONSE FORM**

E-mail to relevant person stipulated on the notice: lor.ita@overstrand.gov.za / elida@overstrand.gov.za
16 Paterson Street / PO Box 20 HERMANUS, 7200 / Tel: 028 313 8900

APPLICATION DETAILS

Application erf number: Erf 452, 80 Main Road Wst Cliff Hermanus APP ID: 4481/2023
How did you receive notice of the application? E-mail

STATE YOUR INTEREST IN THE APPLICATION:

Owner Erf 529, 9 Flower Street Hermanus -
Object development in this town.

TICK RELEVANT BOX ☒

OBJECTION ☒

COMMENT ☐

SUPPORT ☐

REASONS FOR OBJECTION / COMMENT / SUPPORT:

Objected to development of property in this town.
1. Concerned about the density of this development resulting in overcrowding of people and vehicles with limited space in road ways and area.
2. No calculations made in application regarding the buildings shall with regards to height. Only mention in application but no proof or calculations shown. Concerned about the height as app request deviation from house to a height of 9m. Would like to see proof in calculations as concerned the height will affect shade in property.
Height, height angle, shadow length - formula $L = H \tan(\alpha)$ $L = \tan(\alpha) H$
3. Height of proposed building concern as will lose privacy on new property - residents on upper floors will look at my property. Bad yard losing all privacy.
Do not support building in this town but a simple residence with a better

PERSONAL INFORMATION (To be completed in full - Compulsory)

Name & surname (PRINT)

Peter Albert Marais

Your erf number: 520

Company/Trust details:

Owner
9 Flower Street
Hermanus

Postal address:

Cell:

062 290 6834

Contact details:

E-mail address:

petmarais2005@yahoo.co.za

Signature:

Date: 14 Jan 2023

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed/used in the application process. Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the person mentioned in the notice within the time period stated in the notice.



DIRECTORATE: PLANNING & DEVELOPMENT TOWN & SPATIAL PLANNING

LAND USE PLANNING APPLICATION RESPONSE FORM

E-mail to relevant person stipulated on the notice: loretta@overstrand.gov.za / alida@overstrand.gov.za
16 Paterson Street / PO Box 20 HERMANUS, 7200 / Tel: 028 313 8900

APPLICATION DETAILS

Application erf number:

452

APP ID:

How did you receive notice of the application?

ADVERTISEMENT

STATE YOUR INTEREST IN THE APPLICATION:

HERMANUS PROPERTY OWNER

TICK RELEVANT BOX



OBJECTION



COMMENT

SUPPORT

REASONS FOR OBJECTION / COMMENT / SUPPORT:

FIRSTLY THE SIZE OF THE ERF IS TOO SMALL FOR THIS DENSITY. TRAFFIC AND PARKING WILL HAVE AN ADVERSE EFFECT ON NEIGHBOURING STREETS AND PROPERTIES.

THE PROPOSED DEPARTURES INCLUDING STREET BUILDING LINE ENCROACHMENTS AND INCREASE IN WALL PLATE HEIGHT ARE MAJOR FACTORS. ERF 452 IS LOCATED WITHIN THE HERMANUS HISTORIC CORE HERITAGE PROTECTION OVERLAY ZONE. NO DETAILED HERITAGE IMPACT ASSESSMENT HAS BEEN PROVIDED.

CURRENTLY SRI RESIDENTIAL WITH PROPOSED REZONING TO FLATS BULK ZONE 2 (AR4) THREATENS ENTIRE NEIGHBORHOOD WITH RESULTANT ADVERSE EFFECTS ON ROADS, TRAFFIC WATER, SANITATION AND ELECTRICITY.

OVER DENSIFICATION WITHIN THE HERITAGE OVERLAY ZONE MUST BE STOPPED.

Feel free to continue on separate page(s)...

PERSONAL INFORMATION (To be completed in full - Compulsory)

Name & surname (PRINT)

EDITH MARY MARSH

Your erf number:

6359

Company/Trust details:

N/A

Postal address:

17 BEUVE COURT, TOUWER STREET
NORTHCLIFF, HERMANUS

Contact details:

Cell:

0836542168

E-mail address:

EDITHM.MARSH@GMAIL.COM

Signature:

[Handwritten Signature]

Date:

15.01.26

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed/used in the application process. Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the person mentioned in the notice within the time period stated in the notice.

Zacharia Wessels

21 Belle Court

60 Duiker street

Northcliff Hermanus

hermanusgallery@gmail.com

0631983 727

14 Januarie 2026

To

Authorised Decision-Maker

Overstrand Municipality

Email: alida@overstrand.gov.za

Dear Sir/madam

Re Formal objection to land use application/ Erf 452 Hermanus- File 21/109- Rezoning, Departures and increased density (GR 4)

Na aanleiding van vergelykings wat getref is deur die aansoekers tussen die bestaande 4 woonstelblokke in Main Road Hermanus (North & West Cliff) is daar as volg waargeneem:

Erf groottes en verdigtings

In die geval van Belle Court (BELLE ON MAIN)

29 woonstelle plus 1 woonhuis met 12 onderdak parkerings

Word gesien as 42 eenhede op n erfgroute van 3103 m2

In die aansoekers van Erf 452 wprd daar vir afwykend aansoek gedoen met

25 wooneenhede, maar die onderdak parkering word nie gemeld nie.

Dws die 46 eenhede word nie in ag geneem nie wat die total van eenhede op 71 te staan bring.

Hierdie is op n heelwat kleiner erf nl 2252 m2

Hiermee word dus aangevra dat die aansoek onttrek of verwys word.

Z Wessels

Eienaar 21 Belle Court



Our Reference: 21/109

Your reference: 452 HWC & 4481/2023

6 February 2026

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus
7200

Sir

RESPONSE TO OBJECTIONS FOR ERF 452, 30 MAIN ROAD, WESTCLIFF, HERMANUS: APPLICATION FOR REZONING AND DEPARTURE

The public comments received in response to the application have been carefully considered. All issues raised have been categorised according to their main areas of concern and are addressed individually below.

Each objection has been evaluated against the relevant legislative framework, municipal policies, and technical assessments. The responses demonstrate how the proposed development complies with applicable planning requirements, mitigates potential impacts, and aligns with the strategic objectives of the Overstrand Municipality.

Where necessary, additional clarification is provided to ensure that the merits of the application are clearly articulated and that the concerns raised have been appropriately addressed.

Project Planning | Project Feasibility | Land Use Applications | Project Execution Management | Liquor Licensing

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Email: admin@wrapgroup.co.za
Web: www.wrapgroup.co.za

20 YEARS
EST 2002

WRAP Group Established 2002



1. Legislative, Policy, and Regulatory Compliance

1.1 Reliance on the OMGMS

It is acknowledged that the Overstrand Growth Management Scheme (OMGMS) of 2010 has been rescinded, as this was also stated in the motivational report. References to the OMGMS in the Motivation Report were included for contextual and historical purposes and in response to municipal requirements.

The application is not founded on the OMGMS as a determinative policy instrument. The proposal has been assessed in accordance with:

- SPLUMA;
- The OMSDF;
- The OMLUS; and
- The Overstrand Municipal Planning By-Law.

Accordingly, no impermissible reliance has been placed on a rescinded policy, and the application remains legally compliant and procedurally sound. The OMGMS is referenced as a guideline document currently used by the Municipality for contextual purposes.

1.2 Compliance with the OMSDF

The proposed development aligns with the OMSDF objectives relating to:

- Urban consolidation and densification;
- Efficient use of infrastructure;
- Infill development;
- Sustainable settlement patterns; and
- Protection of heritage character.

As set out in Section 10 of this Motivation Report, the subject property is located within an area identified for higher-density residential development. The proposed development supports the spatial vision and policy direction of the OMSDF by promoting infill development and compact urban form. Substantive compliance with the OMSDF has been demonstrated throughout the Motivation Report.

Refer to Section 10.3 in the motivational report.

"To ensure compliance with the principles and objectives set out by the PSDF and the National Development Plan, the OMSDF was synthesised through the influence of these policies and frameworks.

The proposed residential development was aligned with the OMSDF to ensure that policy requirements are met. The OMSDF states in Section 5.8.3. p 207 'New Development' that *"no new urban development areas / urban edge amendments are proposed for Hermanus Central with densification as the proposed tool to accommodate population growth"*. This is aligned with the proposal on the subject property. The increase in population mentioned above is based on the growth indicated by Table 2.7 p25 of the OMSDF."



1.3 Assessment on Merit and Previous Approvals

Each land use application is assessed independently on its own merits, having regard to its specific site characteristics, surrounding context, and applicable policy framework. No applicant acquires an automatic right to additional development or departures based on previous approvals granted on the same or neighbouring properties.

References to previously approved developments within the Motivation Report were included solely to provide planning context and to illustrate established development patterns within the area. These examples assist in demonstrating compatibility and contextual appropriateness and are not relied upon as a basis for entitlement or automatic approval.

The present application has been comprehensively evaluated against current legislation, municipal policies, zoning provisions, and applicable overlay requirements, including SPLUMA, the OMSDF, the OMLUS, and heritage controls. The proposal has therefore been assessed in accordance with prevailing regulatory standards and not on the basis of historical permissiveness.

2. Departures, Erf Size, Density, and Development Intensity

2.1 Justification for Departures

The application seeks certain departures in terms of the Overstrand Municipality Land Use Scheme (OMLUS), including departures relating to density, building height, and minimum erf size. Each of these departures has been individually assessed, motivated, and justified in detail within the Motivation Report, with reference to the specific site constraints, planning context, and applicable policy framework.

The Motivation Report clearly demonstrates that strict compliance with the standard zoning parameters is not reasonably feasible in this instance due to the inherent physical and contextual limitations of the subject property. These constraints are comprehensively addressed in the relevant sections of the report and include, inter alia:

- The unique size, configuration, and limited developable footprint of the site;
- Its location within a constrained urban block bounded on all sides by three public streets, limiting opportunities for conventional development layouts; and
- The established pattern of higher-density residential development within the immediate vicinity, particularly along the Main Road corridor.

As set out in the relevant sections of the Motivation Report, these factors collectively restrict the ability to develop the site in strict accordance with standard zoning parameters without compromising functional design, urban integration, and development viability. The proposed departures therefore represent a necessary and reasonable response to these site-specific constraints.

Furthermore, the Motivation Report demonstrates that the proposed departures are clearly in the public interest and are not sought solely for private financial benefit. In this regard, the departures:

- Facilitate the provision of additional affordable and accessible housing in a well-located and serviced area;



- Support municipal objectives relating to urban densification, consolidation, and sustainable settlement patterns;
- Promote efficient and responsible use of scarce urban land and existing infrastructure; and
- Contribute positively to local economic activity and urban regeneration.

Each departure is modest in scale and has been carefully calibrated through architectural design, layout planning, and technical assessments to ensure that the intent and integrity of the zoning scheme are maintained. As demonstrated in the Motivation Report, the cumulative effect of the departures has been fully considered and does not result in overdevelopment or an erosion of planning controls.

Instead, when viewed holistically, the proposed departures enable an appropriate, context-sensitive, and policy-aligned development that responds to the constraints of the site while delivering tangible public benefits within a constrained urban environment.

2.2 Erf Size and Precedent

Although the site is smaller than 3 000m², planning decisions are not based on erf size alone. The site's location, context, accessibility, and surrounding development pattern are decisive factors.

Approval will not create an undesirable precedent. Each application is considered on its own merits and within its specific context.

2.3 Density

The proposed density has been carefully determined with reference to the specific characteristics of the subject property, the surrounding development pattern, and the applicable municipal policy framework. As demonstrated in the Motivation Report, the proposal provides for 25 dwelling units on the site, resulting in a density that is consistent with other approved developments along Main Road and within the immediate vicinity. These comparable developments illustrate that higher-density residential development is an established and accepted feature of this area.

The Motivation Report further confirms that the subject property is located within an area identified by the Overstrand Municipality for increased residential intensity and urban consolidation. The proposed density therefore directly supports the Municipality's objectives relating to densification, efficient land use, and the optimisation of well-located urban land.

The application demonstrates that the proposed density has been achieved through careful site planning and architectural design. Adequate provision has been made for on-site parking, internal circulation, open space, access, and service infrastructure. The layout ensures that higher density is accommodated in a functional and orderly manner, without resulting in overcrowding or overdevelopment.

Technical assessments submitted in support of the application, including the Traffic Impact Assessment and municipal engineering evaluations, confirm that the anticipated increase in residential population can be accommodated within the existing road network and service infrastructure. No objections have been raised by the relevant technical departments in this regard.



Furthermore, the proposed density enables the development of smaller, more efficient residential units, which contributes to affordability and supports a broader range of households. This aligns with the objectives of the Motivation Report to increase housing supply in a central, accessible location while reducing pressure for peripheral expansion.

When considered holistically, the proposed density represents an appropriate balance between intensification and amenity. It responds to site-specific constraints, reflects the established urban character of the area, and delivers tangible public benefits in line with municipal planning policy. The proposed intensity is therefore justified, sustainable, and suitable within the context of the application.

2.4 Clarification Regarding Unit Numbers and Parking

The development comprises 25 residential units only. Parking bays do not constitute dwelling units.

The allegation that the development contains more than 25 units is factually incorrect.

3. Visual Impact, Sunlight, Privacy, and Character

3.1 Visual and Streetscape Impact

The architectural design of the proposed development has been informed by a detailed analysis of the surrounding built environment, including building heights, massing, setbacks, roof forms, façade articulation, and material treatments. As demonstrated in the Motivation Report and architectural drawings, the proposal reflects the prevailing pattern of three-storey residential developments along Main Road and within the surrounding area.

Comparable developments such as Belle on Main, Silver Oaks, Oak Terrace, and 2-on-Main illustrate that buildings of similar scale, form, and intensity have been successfully integrated into the local streetscape. The proposed development responds to this established context by adopting a compatible height, proportion, and urban form, ensuring visual continuity and coherence within the streetscape.

The building massing has been carefully articulated through setbacks, roof modulation, and façade detailing to reduce visual bulk and avoid a monolithic appearance. Variations in building planes, balconies, fenestration, and landscaping contribute to visual interest and soften the overall appearance of the structure when viewed from the public realm.

Particular attention has been given to the interface between the development and the surrounding streets. Active frontages, appropriate boundary treatments, pedestrian-friendly elements, and landscaped areas have been incorporated to enhance the quality of the public environment and strengthen the relationship between the building and the street.

Heritage Western Cape has reviewed the proposed design and formally approved the development (Annexure D1), confirming that the scale, massing, and architectural expression are compatible with the heritage context of the area. This approval provides independent confirmation that the proposal does not detract from the historic character or visual significance of the neighbourhood.

The proposed roof form, including the minor height departure, has been designed to complement surrounding building profiles and contributes to an articulated skyline rather than visual dominance. The additional height is limited to roof structures and does not



introduce additional habitable space, thereby maintaining proportionality within the streetscape.

Landscaping and boundary treatments further enhance visual integration by softening building edges and reinforcing the residential character of the area. These elements contribute to creating a cohesive and attractive urban environment.

Overall, the proposed development represents a context-sensitive and well-considered architectural response that respects established streetscape patterns, enhances visual quality, and integrates harmoniously into the surrounding urban fabric.

3.2 Sunlight and Overshadowing

The subject property is bounded by public streets on three sides, which creates substantial spatial separation between the proposed development and neighbouring residential properties. These road reserves function as effective physical buffers, increasing the distance between buildings and reducing the potential for direct overshadowing.

As illustrated in the site development plans and building sections, the proposed building has been positioned and orientated to optimise solar access while complying substantially with prescribed requirements. The width of the surrounding streets, combined with the proposed building setbacks, ensures that shadows are largely confined to the road reserves and public spaces rather than extending onto adjacent private properties.

The minor height departure of 0,9m relates solely to the roof structure and does not introduce additional habitable floors. This limited increase does not materially alter the overall building envelope or significantly affect shadow patterns when compared to a fully compliant three-storey structure.

Furthermore, the surrounding area already accommodates buildings of similar height and massing, which have not resulted in demonstrable sunlight impacts. The proposed development is therefore consistent with the prevailing urban form and is not anticipated to cause any unacceptable loss of sunlight or solar access to neighbouring properties.

The concept of the right to light is regarded as a type of easement, where one property benefits from a right enjoyed over the land of another. In this context, the right to light easement refers to the entitlement to enjoy natural light passing over someone else's land and entering specified spaces in a building, such as windows, skylights, and glass roofs.

While South Africa does not have a specific law entitling individuals to direct sunlight. It is important to note that sunlight and light patterns shift throughout the day, and the acknowledgement is made that, although there will be an impact on the area, all property owners will still receive their fair share of light as the sun moves. This recognition aims to address concerns about potential impact while acknowledging the dynamic nature of sunlight distribution.

To provide further information and motivation in support of the above, the appointed architects have prepared a sun study to determine the impact that the proposed development may have on neighbouring properties. Reference is made to **Annexure A**, which illustrates both the summer and winter solstices.



3.3 Privacy and Overlooking

The architectural layout has been carefully designed to minimise opportunities for direct overlooking and to preserve reasonable levels of privacy for neighbouring properties. Building orientation, internal unit layout, window positioning, and balcony placement have been configured to avoid direct sightlines into adjoining private spaces wherever possible.

Appropriate setbacks from street boundaries and neighbouring properties further reduce the potential for visual intrusion. In addition, the intervening road reserves surrounding the site provide meaningful separation distances, limiting direct views into adjacent dwellings and private gardens.

Where windows and balconies are oriented towards public streets, views are primarily directed towards the public realm rather than private properties. This is consistent with accepted urban design principles and reinforces the active and safe use of streets.

These design measures ensure that acceptable urban residential privacy standards are maintained and that neighbouring residents are not subject to unreasonable overlooking or loss of privacy.

3.4 Neighbourhood Character

The proposed development reflects the established pattern of medium- to high-density residential development within the central Hermanus area and along the Main Road corridor. The surrounding neighbourhood includes several three-storey apartment and flat developments of comparable scale, form, and intensity, which collectively define the prevailing urban character of the area.

The architectural approach has been informed by this context and incorporates design elements that respond to local building traditions, proportions, and streetscape rhythms. These include articulated façades, pitched roof forms, varied building lines, and the use of materials and colours that complement surrounding structures.

Rather than introducing an incongruous or dominant form, the development reinforces the existing transition towards more compact, mixed-density residential development in well-located urban areas. This approach is consistent with municipal planning policies that promote densification and urban consolidation within established centres.

By balancing intensification with contextual sensitivity, the proposal preserves the essential character of the area while accommodating sustainable growth and housing provision. The development therefore represents an appropriate and positive evolution of the neighbourhood's urban form.

4. Heritage and Overlay Zone Considerations

The subject property is located within the Historic Core of Hermanus Heritage Protection Overlay Zone (HPOZ), which has been established to ensure that new development and additional land use rights are compatible with the area's cultural, historical, and contextual significance.



The primary purpose of the HPOZ is to protect and enhance the unique heritage character of the area, including:

- The high concentration of heritage sites;
- The historic role of the old harbour and Bientangs Cave;
- The scenic quality of the coastline;
- Recreational facilities associated with the coastal walkway and whale-watching viewpoints;
- The relatively fine-grained, low-rise nature of the building fabric; and
- The integration of these place-making elements within the urban fabric.

Collectively, these features reflect key heritage themes within the Overstrand area and justify the designation of the precinct as a Heritage Protection Overlay Zone in terms of the land use scheme.

The proposed development has been designed with full cognisance of these heritage attributes. Particular attention has been given to building scale, height, massing, roof form, façade articulation, and material selection to ensure compatibility with the surrounding historic environment. The proposal respects the prevailing low-rise character while accommodating appropriate urban intensification in line with municipal policy.

The application was submitted to Heritage Western Cape for review, and formal approval has been granted. This confirms that:

- No separate Heritage Impact Assessment is required; and
- The proposed development is compatible with the heritage context and does not adversely affect protected resources.

Heritage Western Cape's approval provides independent professional confirmation that the development will not detract from the cultural, scenic, or historical significance of the area.

Furthermore, the proposal is not predicted to affect any of the protected elements identified within the HPOZ, including the old harbour precinct, Bientangs Cave, coastal viewpoints, scenic corridors, or recreational facilities. The development remains visually and spatially integrated within the existing urban framework and does not compromise important sightlines or landscape features.

Accordingly, the objectives of the Heritage Protection Overlay Zone have been respected and upheld. The proposed development supports the ongoing protection and enhancement of the Historic Core while enabling sensitive and sustainable urban infill development. The overlay provisions are therefore not undermined by the proposal, and the development remains fully compliant with heritage planning requirements.

5. Traffic, Access, and Parking

5.1 Traffic Impact Assessment

A comprehensive Traffic Impact Assessment (TIA) has been prepared by a suitably qualified and experienced traffic engineer and submitted in support of the application (Annexure F – Motivation Report). The assessment was undertaken in accordance with accepted engineering standards and municipal guidelines and provides a detailed evaluation of the



potential transport-related impacts of the proposed development. The assessment was available for review during the public participation process.

The TIA assessed, inter alia:

- Existing traffic conditions on Flower Street, Bird Street, and Main Road, including peak-hour traffic volumes and operational characteristics;
- Projected trip generation associated with the proposed 25 residential units, based on recognised trip rate methodologies;
- The suitability and safety of the proposed access arrangement, including sight distances, alignment, and turning movements;
- On-site stacking capacity and internal circulation to prevent queuing onto public roads;
- Compliance of parking provision with municipal requirements and the functionality of parking layouts; and
- The performance and capacity of affected intersections, particularly those providing access to Main Road, under existing and future traffic scenarios.

The assessment confirms that the additional traffic generated by the proposed development will be low in volume and consistent with that typically associated with medium-density residential developments. The anticipated increase in vehicular movements can be safely and efficiently accommodated within the existing road network without compromising road safety or operational efficiency.

Adequate on-site stacking and manoeuvring space has been provided, ensuring that vehicles entering and exiting the site will not obstruct Flower Street or interfere with through-traffic. The access design complies with applicable geometric and visibility standards, further enhancing operational safety.

The parking provision exceeds the minimum requirements of the Overstrand Municipality Land Use Scheme and ensures that both residents and visitors can be accommodated within the site. This mitigates the risk of spill-over parking and associated congestion in surrounding streets.

The intersection analysis undertaken as part of the TIA demonstrates that the relevant intersections currently operate within acceptable levels of service and will continue to do so following development. No capacity upgrades or signalisation improvements are required as a result of the proposal.

The TIA also considered cumulative impacts and future growth scenarios and concluded that, even when broader traffic trends are taken into account, the development will not result in unacceptable congestion or safety concerns.

Overall, the Traffic Impact Assessment confirms that the proposed development will have a negligible and manageable impact on the surrounding road network. The findings demonstrate that the access, parking, and circulation arrangements are appropriate and that the development can be accommodated without adverse effects on traffic operations or neighbouring properties.

5.2 Access and Flower Street

The primary vehicular access to the proposed development is provided via Flower Street and has been designed in accordance with accepted traffic engineering standards and municipal requirements. The access point has been carefully positioned and configured to



ensure safe and efficient vehicle movements while minimising impacts on the surrounding road network.

The access arrangement provides:

- Adequate sight distances in both directions along Flower Street, ensuring that drivers entering and exiting the site have clear visibility of approaching traffic;
- Sufficient on-site stacking capacity, with a minimum stacking length of approximately 12m, allowing at least two vehicles to queue within the site boundary without extending onto the public roadway;
- Adequate manoeuvring space within the development to accommodate passenger vehicles safely and conveniently, including provision for turning movements without the need for reversing onto the street; and
- Controlled entry and exit through an access-controlled, motorised gate, which regulates vehicle movements and prevents unauthorised access.

The internal circulation system has been designed to facilitate smooth, one-way vehicle flow, reducing conflict points and improving operational efficiency. This layout ensures that vehicles can enter, circulate, park, and exit the site in an orderly manner.

As a result of these design measures, vehicles entering or leaving the development will queue on-site and will not obstruct Flower Street or interfere with through-traffic. This arrangement minimises the risk of congestion, improves safety for road users, and protects the amenity of neighbouring properties.

Additionally, the Municipality has identified the closure of the access to and from Flower Street from the Main Road. The bulk infrastructure contribution levies can be used for this purpose if deemed necessary by the municipality.

5.3 Parking Provision

A total of 47 parking bays are provided on-site in full compliance with the parking requirements prescribed by the Overstrand Municipality Land Use Scheme and relevant municipal guidelines. The parking provision has been calculated based on the number, size, and typology of the proposed residential units, ensuring that both resident and visitor parking needs are adequately accommodated.

Of the total parking bays, 41 are located within a secured, access-controlled area, providing safe and convenient parking for residents. The remaining bays are designated for visitor use and are positioned to allow easy access without disrupting internal circulation.



The parking layout has been carefully designed to ensure efficient vehicle movement, safe pedestrian interaction, and convenient access to residential units. Adequate aisle widths, turning radii, and parking bay dimensions have been incorporated in accordance with accepted engineering standards.

By providing sufficient on-site parking, the development avoids reliance on on-street parking and mitigates potential congestion and parking pressure on Flower Street and surrounding roads. This ensures that neighbouring properties and public road reserves are not adversely affected by spill-over parking.

5.4 Off-Site Measures and Procedural Fairness

The proposed development is fully self-contained in terms of access, parking provision, and internal circulation and does not rely on any off-site roads, parkings, traffic calming measures, or other external interventions to render the development acceptable. All vehicular access, stacking capacity, and parking facilities are accommodated entirely within the boundaries of the subject property.

No undisclosed or future off-site traffic measures are proposed, anticipated, or required in order to support the development. The functionality and acceptability of the proposal are therefore not dependent on any external infrastructure upgrades or alterations to the surrounding road network.

All traffic-related components of the development, including the access location, internal circulation layout, stacking capacity, and parking provision, are clearly illustrated on the site development plans and architectural drawings submitted as part of the application. These components, together with the Traffic Impact Assessment, formed an integral part of the advertised application and were made available for public inspection during the statutory public participation period.



Interested and affected parties were accordingly afforded a meaningful opportunity to review and comment on the full scope of the proposed traffic and access arrangements. No material elements relating to traffic management were withheld from public scrutiny.

6. Infrastructure and Engineering Services

The assessment of engineering services capacity and infrastructure availability forms an integral part of the Municipality's internal circulation and evaluation process for all land use applications. As part of this process, the application was referred to the relevant municipal departments responsible for water supply, sanitation, stormwater management, electricity provision, and road infrastructure.

These departments were afforded an opportunity to review the proposed development and to assess whether existing municipal services and networks are capable of accommodating the anticipated increase in demand arising from the proposed residential units. This assessment was undertaken with reference to current capacity, system performance, and planned infrastructure upgrades, where applicable.

No objections or adverse comments have been raised by the relevant technical departments in respect of the availability or adequacy of engineering services. This confirms that the existing municipal infrastructure has sufficient capacity to support the proposed development without compromising service delivery to surrounding properties.

Where necessary, standard conditions of approval may be imposed by the Municipality to ensure that appropriate connections, upgrades, or service contributions are implemented prior to occupation. These measures form part of established municipal practice and further safeguard the integrity and reliability of infrastructure networks. It is also important to note that an independent bulk services investigation was undertaken and included in the application (refer to Annexure E: GLS Report).

Accordingly, the proposed development is considered to be adequately serviced and compatible with existing engineering systems. The availability and capacity of municipal infrastructure do not constitute a constraint to the approval or implementation of the application.

7. Management, Noise, and Sectional Title

The proposed development will be established as a sectional title scheme in accordance with applicable national legislation. This legal framework provides for the formal establishment of a body corporate, which will be responsible for the effective management, administration, and maintenance of the scheme.

The body corporate will be responsible for, inter alia:

- Ongoing maintenance of common property and shared facilities;
- Enforcement of conduct and management rules applicable to all owners and occupants;
- Regulation and control of noise and nuisance-related matters; and
- Overall management of the development and its operations.

These statutory management mechanisms ensure that the development is operated in an orderly and responsible manner and that potential disturbances are appropriately addressed.



In addition, all residents and occupants remain subject to the Municipality's by-laws relating to noise, nuisance, and public order, which are legally enforceable. These regulatory measures provide further protection to neighbouring properties and the surrounding community.

Accordingly, concerns relating to management, behaviour, and operational control have been adequately addressed through established legal and regulatory frameworks.

8. Spatial Justice and Socio-Economic Considerations

Spatial justice, as contemplated in the Spatial Planning and Land Use Management Act (SPLUMA), includes the promotion of inclusive, accessible, and integrated urban development patterns that enhance equitable access to land, housing, and economic opportunities.

The proposed development contributes meaningfully to these objectives by:

- Locating additional housing opportunities within the Hermanus CBD and established urban core;
- Improving access to public facilities, employment opportunities, transport routes, and social amenities;
- Reducing commuting distances and associated financial and time burdens on residents;
- Supporting urban integration and preventing further peripheral expansion; and
- Increasing housing supply within a constrained and high-demand area.

The higher-density development model enables more efficient use of well-located land and existing infrastructure, which in turn supports the delivery of smaller and more affordable entry-level units than would be achievable under low-density, single-dwelling development. This contributes to improved housing accessibility for a broader range of households, including first-time buyers, young professionals, and smaller families.

While the development is privately funded and market-driven, it plays an important role in advancing spatial transformation by increasing residential opportunities in central, well-served locations. Market-led densification is expressly recognised under SPLUMA as a key mechanism for promoting sustainable, integrated, and equitable settlement patterns.

Accordingly, the proposed development makes a practical and substantive contribution to spatial justice and aligns with the spatial transformation objectives of national and municipal planning policy.

9. Property Value and Economic Impacts

Concerns regarding potential impacts on property values are acknowledged. However, speculative or perceived changes in market value do not constitute a determinative consideration in land use decision-making, which must be based on objective planning, legal, and technical criteria. Property value considerations are secondary to land use compatibility, public interest, and policy compliance.

Well-designed, appropriately scaled, and professionally managed residential developments in central urban areas typically contribute positively to neighbourhood stability, urban renewal, and long-term investment confidence. Such developments support



the efficient use of infrastructure, stimulate local economic activity, and enhance the overall functionality and attractiveness of the surrounding area.

The proposed development is supported by professional architectural design, technical assessments, and heritage approval, all of which confirm its compatibility with the surrounding context. The inclusion of appropriate management structures and compliance with municipal regulations further ensures that the development will be maintained to a high standard over time.

Accordingly, the proposed development is expected to contribute positively to the economic vitality and sustainability of the area and is unlikely to result in any material or demonstrable adverse impact on neighbouring property values.

10. Procedural Fairness and Request for Suspension

The application has been processed in full compliance with the statutory and procedural requirements prescribed by the applicable legislation and municipal policies. In this regard, the application:

- Was properly advertised in accordance with the Overstrand Municipal Planning By-Law and relevant regulations;
- Included all mandatory documentation required at the time of submission;
- Underwent formal internal circulation to relevant municipal departments and external authorities for technical and regulatory review; and
- Was subjected to a comprehensive public participation process, during which interested and affected parties were afforded a reasonable opportunity to submit comments and objections.

All required technical reports, specialist inputs, and statutory approvals have been submitted and considered as part of the evaluation process. The Municipality has accepted the application as complete and suitable for assessment.

The administrative process followed satisfies the principles of lawfulness, reasonableness, and procedural fairness as contemplated in the Promotion of Administrative Justice Act (PAJA) and the Spatial Planning and Land Use Management Act (SPLUMA).

Interested and affected parties have been provided with meaningful access to information and a fair opportunity to participate in the decision-making process. No material procedural irregularities have been identified that would justify suspending or delaying the application.

Accordingly, there is no procedural or legal basis to hold the application in abeyance, and the process has complied fully with the requirements of PAJA and SPLUMA.

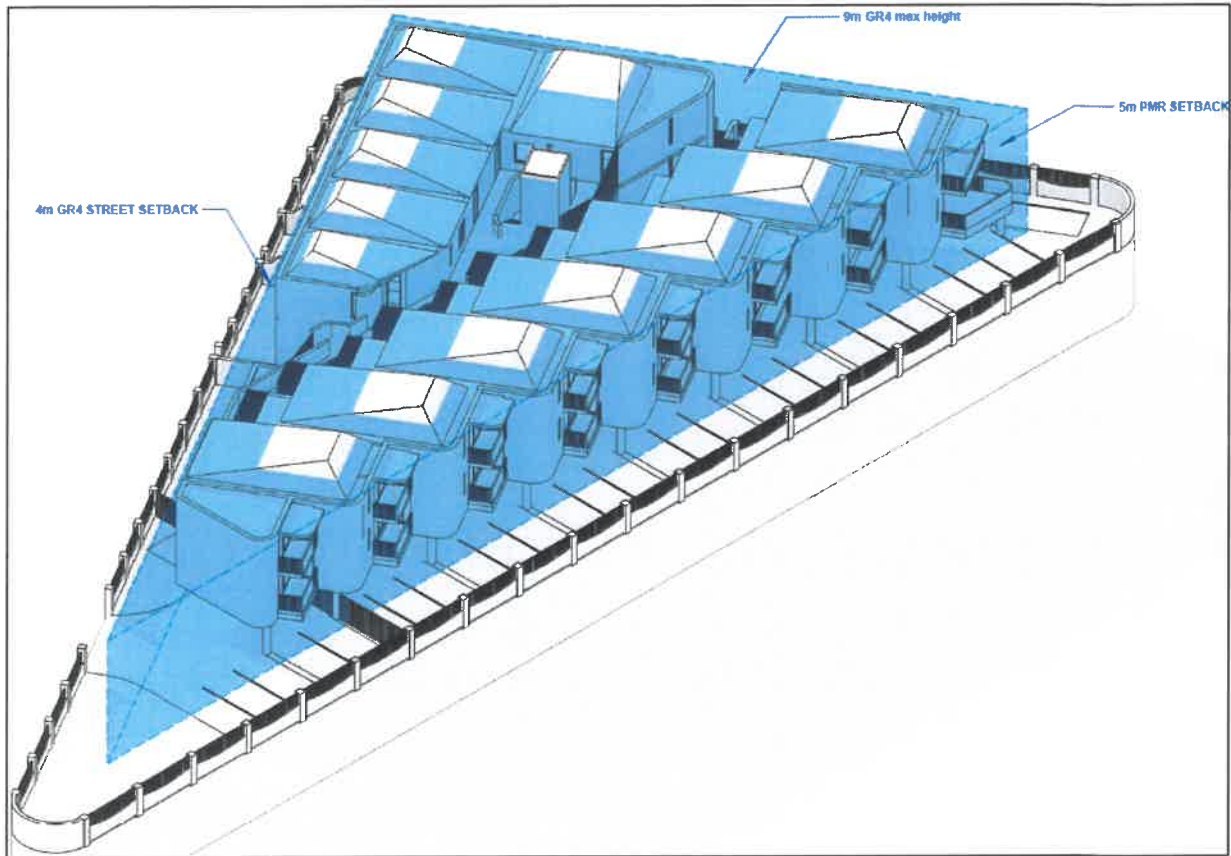
11. Height and Building Line Compliance

Detailed architectural drawings, including site sections, elevations, and height calculations, have been submitted as part of the application. These drawings clearly demonstrate the proposed building height in relation to the applicable development parameters prescribed by the Overstrand Municipality Land Use Scheme.

The proposed development complies with the permitted three-storey height envelope applicable to the area. The minor departure from the maximum allowable height,



increasing the height from 9.0m to 9.9m, relates solely to the roof structure and associated architectural elements. This additional height is required to accommodate appropriate roof pitch, weatherproofing, insulation, and building services, thereby ensuring functional and durable construction.



Importantly, the additional height does not result in the introduction of any additional habitable storeys, floor area, or residential units. The roof space remains non-habitable and is not intended for residential occupation and will be subject to municipal compliance monitoring. The overall building bulk, massing, and intensity therefore remain consistent with a fully compliant three-storey development.

The proposed roof form has been carefully designed to complement surrounding building profiles and to contribute to an articulated and visually balanced skyline. Similar roof forms and building heights are evident in nearby developments, demonstrating that the proposed height is compatible with the established character of the area.

From a visual and environmental perspective, the minor height departure does not result in material increases in overshadowing, loss of privacy, or visual dominance. As demonstrated in the Motivation Report and supporting drawings, the spatial separation created by surrounding streets further mitigates any potential impacts associated with the additional roof height.

Accordingly, the proposed height departure is modest in scale, technically justified, and contextually appropriate. It supports good architectural design and construction quality without undermining the intent of the zoning scheme or adversely affecting neighbouring properties or public amenity.



12. Conclusion

All objections received in respect of the application have been carefully considered and evaluated against the applicable legislative framework, municipal policies, technical assessments, and the contents of the Motivation Report. The concerns raised have been addressed, and no substantive planning, legal, or technical grounds have been identified that would warrant refusal of the application or render the development undesirable.

The proposed development:

- Complies substantially with the provisions of the Overstrand Municipality Land Use Scheme and relevant policy frameworks;
- Is supported by comprehensive professional and technical assessments, including traffic, engineering, and architectural evaluations;
- Has received formal approval from Heritage Western Cape, confirming compatibility with the heritage context;
- Provides safe and efficient access arrangements and adequate on-site parking;
- Maintains acceptable levels of amenity in respect of sunlight, privacy, noise, and visual impact;
- Supports municipal objectives relating to densification, housing provision, and efficient land use; and
- Promotes sustainable, integrated, and inclusive urban development.

The requested departures have been individually motivated and justified and are reasonable, modest in scale, and responsive to the specific characteristics of the site. They do not undermine the intent of the zoning scheme, compromise planning controls, or create undesirable precedents.

When assessed holistically, the proposal represents a balanced and context-sensitive response to housing demand within a well-located urban area. It delivers tangible public benefits while safeguarding the rights and amenity of surrounding property owners.

Accordingly, the proposed development is consistent with sound planning principles, and its approval would represent a balanced, responsible decision, one that preserves the unique character of the property while enabling thoughtful economic and community growth. Approval of this application is therefore strongly supported.

Yours faithfully

T JANSEN
PROFESSIONAL TOWN PLANNER (A/2858/2019)



ANNEXURE A

SOLAR STUDY
30 MAIN
1:500

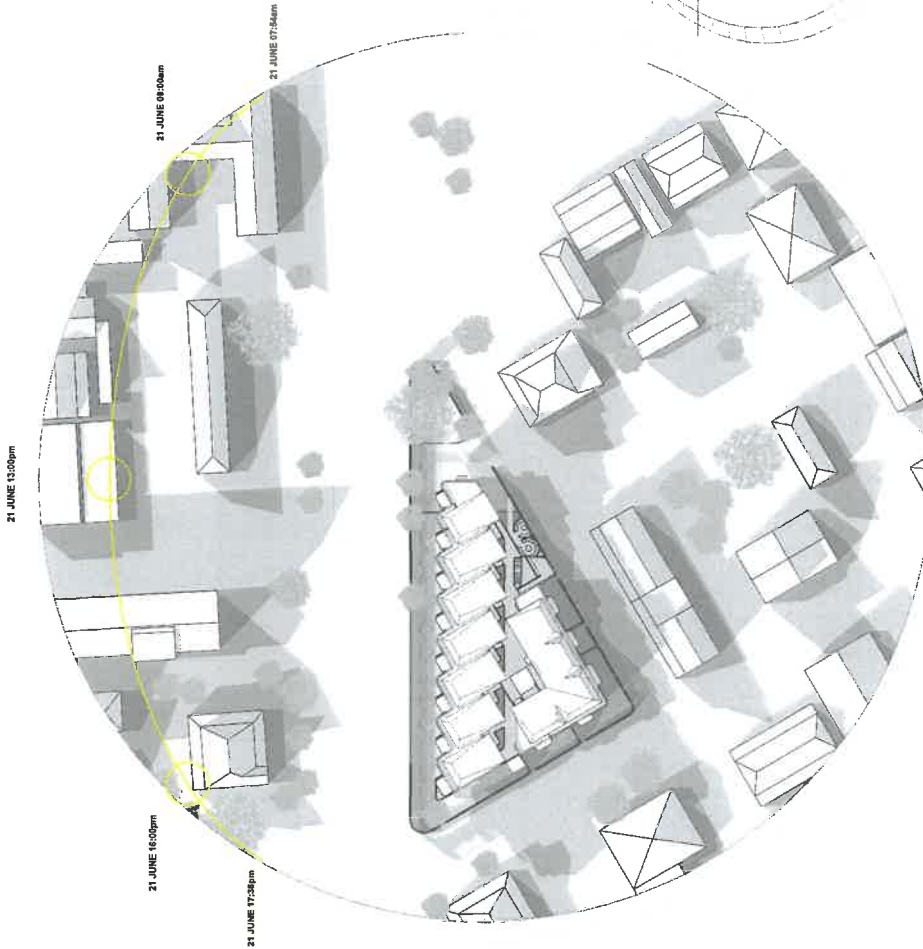


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19/19

REVISIONS			
REV	DATE	DESCRIPTION	
0	20/06/2019	REVISED	
2515	08-03-2017	REVISED	0



21 JUNE 13:00pm

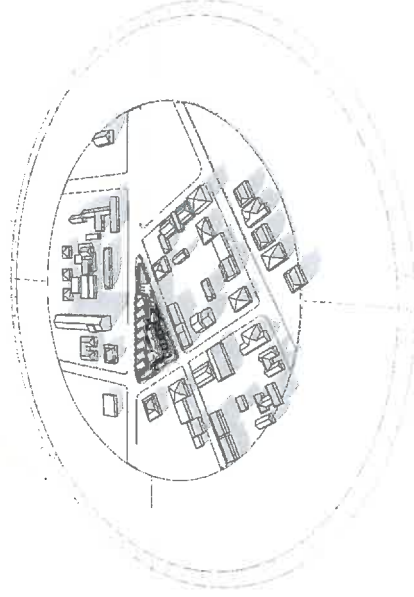
21 JUNE 16:00pm

21 JUNE 08:50am

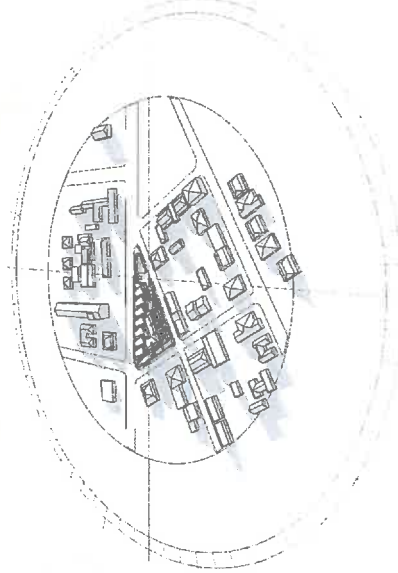
21 JUNE 17:28pm

21 JUNE 07:54am

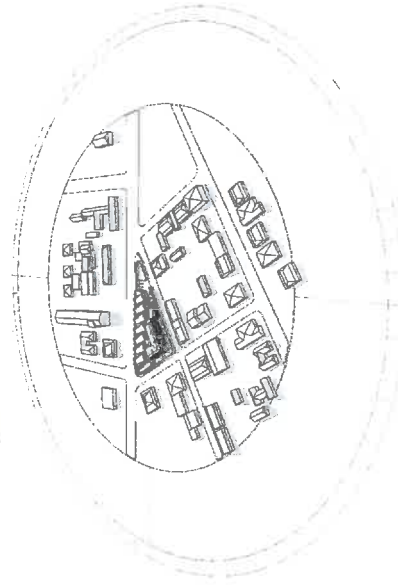
WINTER SOLSTICE (21 June)
SCALE 1:500



WINTER SOLSTICE 4pm



WINTER SOLSTICE 9am



WINTER SOLSTICE 1pm



**SOLAR STUDY
30 MAIN**
1:500

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR REZONING & DEPARTURE: ERF 452, WESTCLIFF
(4481/2023)**

Water	:	Refer to Condition & GLS Report
Sewer	:	Refer to Condition & GLS Report
Roads and Traffic	:	Refer to Condition & TIA
Stormwater	:	Refer to Condition
Electricity	:	Refer to Condition

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

1.1 Developments containing Sectional Title Units/ Commercial Buildings (non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

1.2 Developments with free standing properties (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (**2025/2026**) is as follows:

Freehold erven:

Water	R 27 598.00 x 14.00	= R 386 372.00
Sewerage	R 19 725.00 x 14.00	= R 276 150.00
Roads	R 8 845.00 x 24.00	= R 212 280.00
Stormwater	R 10 205.00 x 5.005334	= R 51 079.43
Solid Waste	R 1 769.00 x 24.00	= <u>R 42 456.00</u>
TOTAL (inclusive of VAT)		= <u>R 968 337.43</u>

Note that:

- a) The above figures are estimated amounts
- b) The above figures are subject to annual tariff adjustments.
- c) Overstrand Municipality's Electrical Department must be contacted regarding the bulk electricity cost.

2

2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
 - 2.1 the Chief Engineer: Infrastructure Services may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided;
 - 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
 - 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Chief Engineer: Infrastructure Services to determine the amount of such contribution in terms of a system which is fair and equitable;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property;
5. that a plan of all the existing services be submitted to the Chief Engineer: Infrastructure Services, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Chief Engineer: Infrastructure Services;
 - 5.1 way-leaves must be obtained from the Principal Technologist: Hermanus;
 - 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
6. that the developer must enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;

3

7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Chief Engineer: Infrastructure Services, prepared by an ECSA registered professional engineer/technologist, be submitted to the Chief Engineer: Infrastructure Services for his prior approval;
8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
9. the Chief Engineer: Infrastructure Services to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Chief Engineer: Infrastructure Services;
10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
11. such independent professional civil engineer/technologist to furnish the Chief Engineer: Infrastructure Services with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE and which insurance shall be valid for the relevant contract and maintenance period;
12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for Works of Civil Engineering Construction - 2004, of 12 months, and
13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
14. that a service agreement must be required by the Chief Engineer: Infrastructure Services prior to the approval of any service plans;
15. that the developer provides bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
16. that the developer apply for a bulk water connection on the prescribed application form, at Overstrand Municipality's Finance Department and
17. that the installation of the bulk water meter, by the developer, be done under the supervision of the Principal Technologist: Hermanus;

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18. that the water reticulation be provided/upgraded according to the report prepared by GLS consulting engineers and/or the Overstrand Sewer Master Plan and Water Master Plan.
19. that only the standard 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;
20. that the developer appoints a consulting electrical engineer to determine the electricity demand for the development and pay a fee to Overstrand Municipality to determine the capacity in the existing electricity network;
21. that the electricity reticulation and supply be provided according to the master plan, by the developer and that transfer can only proceed once electricity is available;
22. 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*;
23. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be provided with the following:
 - a) properly ventilated,
 - b) a cement floor,
 - c) a tap and running water, as well as a drainage point which is connected to the sewer network,
 - d) in a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Chief Engineer: Infrastructure Services;
24. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Chief Engineer: Infrastructure Services;
25. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded, be submitted to the Chief Engineer: Infrastructure Services for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Chief Engineer: Infrastructure Services;
26. that the approved stormwater management plan include the following:
 - a) pre-development run-off from the catchment area;
 - b) post-development run-off from catchment area;
 - c) existing stormwater reticulation system and the capacity thereof;
 - d) connection of internal stormwater reticulation system;
 - e) overland escape routes;

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27. that the connection to the stormwater reticulation system be provided according to the approved stormwater management plan by, the developer;
28. that a minimum stacking space/distance of at least 6,0 m (in front of the gate or boom) be provided for the access point in the Flower Street;
29. that no structures be build in the 5m building restriction line with R43 Municipal Main Road 28.
30. that all the recommendations made in the Site Traffic Assessment by the Traffic Engineer (dated March 2025) be implemented;
31. that the developer will be responsible for submitting plans and obtaining written approval from the provincial road authority for the planned closure of Flower Street at its intersection with Main Road;
32. that a minimum stacking space/distance of at least 6,0 m (In front of the gate or boom) be provided for the access point in the Flower Street;
33. 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 Principal Engineer: Project Management for written approval;
34. that any damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.
35. that all the parking requirements from the 2020 Overstrand Land Use Scheme be complied with.


RICARDO ANDREW

04/02/2025
DATE

PRINCIPAL TECHNOLOGIST: DEVELOPMENT CONTROL

ERF 452 HERMANUS

TRANSPORT IMPACT ASSESSMENT

March 2025

Rev 04

Liezl Stodart Pr Eng

Address: 111 Toppa Street, Port Elizabeth 6001 | Telephone: 033 646 6463 | e-mail: liezlstodart@gmail.com

COVER PAGE**Certification**

It is herewith certified that this Site Traffic Assessment has been prepared according to the requirements of the TMH16 South African Traffic Impact and Site Traffic Assessment Manual.

**L. Stodart**

M. Eng Pr. Eng (2008 0316)

Tel: 082 338 6466

E-mail: liezlstodart@gmail.com

Application details:

- a) Municipality name: Overstrand Municipality
- b) Type of assessment: Site traffic assessment
- c) Particulars of the Site Plan: 4.1 Ground Floor Erf 452 – Hermanus | Wrap Project Office | Drawing No. 21.109/004 | 26 March 2025
- d) Erf number: Erf 452 Hermanus
- e) Date of report: 31 March 2025 (Rev 04)
- f) Name and address of the Assessor: Liezl Stodart Pr Eng, PO Box 359, Villiersdorp, 6848
- g) Client details: Raymond van Niekerk, BVA Beleggings (Pty) Ltd

INDEX

Item	Description	Page
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3.	Road infrastructure planning _____	1
4.	Development proposal _____	2
5.	Access proposal _____	2
6.	Parking and internal roads _____	2
7.	Trip generation and traffic impact _____	3
8.	Public and non-motorised transport _____	3
9.	Conclusions _____	3
10.	Recommendations _____	4

Annexure A: Photo pages

Annexure B: Drawings

NOTE

This report is a revision of the Erf 452 Hermanus Transport Impact Assessment conducted by Douw Louwrens in July 2023. The revision was necessitated by changes to the Site Development Plan.

ERF 452 FLOWER STREET, HERMANUS
SITE TRAFFIC ASSESSMENT

1. BACKGROUND

This site traffic assessment accompanies the application for the rezoning of Erf 452 Hermanus. The site is situated in the Hermanus Civic Precinct, approximately 500 metres west of the Hermanus CBD. The site is located between Main Road (R43), Flower Street and Bird Lane. The location is shown in *Figure 1, Annexure B*.

2. EXISTING ROADS AND TRAFFIC

The roads that will be most affected by the development include Main Road, Flower Street and Bird Lane. The road characteristics are described below and shown the *Photo Pages (Annexure A)*.

Main Road (Main Road 28, R43) can be classified as a Class 2 Major Arterial in the vicinity of the site and the roadside environment may be described as intermediate. The section past Erf 452 has a blacktop width of approximately 12 metres and a road reserve width of 20 metres. Traffic counts undertaken on Wednesday and Thursday the 26th and 27th of January 2022 (obtained from the Hermanus Civic Precinct Plan by HHO, March 2023) show that Main Road carries 1 696 vehicles (two-way traffic) during the weekday morning peak hour and 1 474 vehicles during the afternoon peak hour in the vicinity of the site.

Flower Street: Erf 452 currently obtains access off Flower Street to the south of Main Road. Flower Street provides a link between Main Road and the Westcliff residential area to the south and southwest of the site. Bird Lane is situated to the west of the site and serves the same function as Flower Street. Flower Street and Bird Lane both have blacktop widths in the order of 6 metres and 10-metre wide road reserves. Flower Street and Bird Lane can be described as Class 5 Local Streets. Flower Street and Bird Lane carry very low peak hour traffic volumes: Flower Street carries 17 vehicles during both the morning and afternoon peak hours. Bird Lane carries 6 vehicles during the morning peak hour and 12 vehicles during the afternoon peak hour. Considerable delays may occur on these two roads at its junctions with Main Road during peak periods due to limited gaps in the Main Road traffic stream.

3. ROAD INFRASTRUCTURE PLANNING

The Hermanus Civic Precinct Plan (HHO, March 2023) included proposals for the rejuvenation and redevelopment of the urban spaces within the Hermanus Civic Precinct. One of the focus areas was the Church Street parking area and surrounds. Proposals for the redevelopment of this area entailed the closure of Flower Street at its intersection with Main Road, changing Myrtle Road to a one-way street in the northbound direction and linking Myrtle Street around the corner into Flower Street. The proposal is shown in *Figure 2, Annexure B*. Budget considerations will guide the design and implementation timeframes.

The implication of the proposed changes is that Erf 452 trips will have to travel via Myrtle Street and Church Street, or via Flower Street and Bird Lane to access Main Road.

ERF 452 FLOWER STREET, HERMANUS
SITE TRAFFIC ASSESSMENT

4. DEVELOPMENT PROPOSAL

The applicant plans to construct a three-storey apartment building with a parking on the ground floor and living units on the ground, first and second floors. Four three-bedroom apartments, eight two-bedroom apartments and fifteen one-bedroom apartments – 27 in total - are proposed. There will be a full access (entrance and exit) off Flower Street and an exit only onto Bird Lane. Details are shown in **Figure 3 (4.1 Ground Floor Erf 452 – Hermanus | Wrap Project Office)**.

5. ACCESS PROPOSAL

The Flower Street access will be located about 23 metres south-west of Main Road, with the Bird Lane egress located 30 metres south of Main Road (both measured kerb to kerb). As indicated in paragraph 3, Flower Street will be closed at the Main Road end. It is suggested that Erf 452 Development Contributions may be used towards the construction work associated with the closure. The road closure and Erf 452 construction processes should preferably run concurrently to avoid delays and a duplication of site establishment costs.

The Flower Street access spacing will be sufficient if the road is closed at Main Road as planned. The spacing between the Bird Lane access and Main Road does not comply with the Western Cape Access Management Guidelines' requirements, but given that it will serve as exit only for the parking area, there will be no risk of vehicles queuing on Bird Lane. Mr. Ricardo Andrew of Overstrand Municipality indicated that the Bird Lane exit will be acceptable.

6. PARKING AND INTERNAL ROADS

The 2020 Overstrand Municipality Land Use Scheme document indicates an off-street parking requirement of 1,5 bays per one-bedroom apartment and 2 bays per two- and three-bedroom apartment, which means that the Erf 452 development will require 47 parking bays. The Site Development Plan shows that a total of 48 parking bays will be provided.

A swept path analysis with a passenger vehicle was carried out to ensure that all bays in the Erf 452 parking garage will be accessible and that there will be adequate manoeuvring space. All perpendicular bays will have dimensions of 2,5 x 5 metres with a 7,5-metre wide aisle width. Slender columns should be used in the construction as shown on the Site Plan.

The Flower Street access gate will be located about 15 metres from the road edge, providing sufficient stacking space.

The Site Development Plan shows that a refuse room will be provided adjacent to the Flower Street access. Refuse vehicles will be able to stop next to Flower Street to collect refuse from the room. The closure of Flower Street at Main Road will negate the risk associated with vehicles entering Flower Street from Main Road and colliding with a parked refuse vehicle.

7. TRIP GENERATION AND TRAFFIC IMPACT

Trip generation rates for apartments were obtained from the COTO TMH17 Trip Data Manual. The document recommends a trip generation rate of 0,65 trips per apartment with a 25:75 in:out split during the morning peak hour and a 70:30 in:out split during the afternoon peak hour. The trip generation potential is summarised in **Table 1**.

Table 1: Erf 452 trip generation potential

Land-use	No. of units	Trip generation			Trips		
		Rate	% In	% Out	Total	In	Out
Morning							
Apartments	27	0,65	0,25	0,75	17	4	13
Afternoon							
Apartments	32	0,65	0,70	0,30	17	12	5

Development trips will add about one per cent (1%) to the traffic volumes on Main Road where it passes the site. It can be concluded that the development will have a very low traffic impact. No infrastructure improvements will be required to accommodate development traffic.

8. PUBLIC AND NON-MOTORISED TRAFFIC

It is anticipated that the Erf 452 development will generate few pedestrian and public transport trips. The existing surfaced sidewalks along Main Road and Flower Street will provide a pedestrian link between the development and the CBD to the east, and to the residential areas to the south and west. The development is located within easy walking distance of the Hermanus Taxi Rank. No additional non-motorised or public transport infrastructure or services will be required to serve the development.

9. CONCLUSIONS

From the Site Traffic Assessment, it can be concluded that the proposed development of Erf 452 Hermanus will have a very low traffic impact. Other conclusions are summarised below.

- The development entails a three-storey apartment building with parking on the ground floor and 27 residential apartments;
- The Hermanus Civic Precinct Plan by HHO proposed the closure of Flower Street at its intersection with Main Road, changing Myrtle Road to a one-way street in the northbound direction and linking Myrtle Street around the corner into Flower Street;
- The Flower Street access will be located about 23 metres south-west of Main Road, with the Bird Lane egress located 30 metres south of Main Road;
- The Flower Street access spacing will be sufficient if the road is closed at Main Road as planned;
- The spacing between the Bird Lane access does not comply with the Western Cape Access Management Guidelines' requirements, but given that it will serve as exit only for the parking area there will be no stacking on Bird Lane which makes the spacing acceptable;
- The Site Development Plan shows that sufficient parking will be provided on site.

ERF 452 FLOWER STREET, HERMANUS
SITE TRAFFIC ASSESSMENT

- The Flower Street access gate will be located about 15 metres from the road edge, providing sufficient stacking space;
- The development will generate 17 trips (4 in; 13 out) during the morning peak hour and 17 trips (12 in; 5 out) during the afternoon peak hour;
- The development is well served in terms of non-motorised transport infrastructure and is within walking distance of the Hermanus Taxi Rank.

10. RECOMMENDATIONS

The recommendations made in the Erf 452 Hermanus Site Traffic Assessment are summarised below.

- Erf 452 Development Contributions may be used towards the construction work associated with the Flower Street road closure;
 - The road closure and Erf 452 construction processes should preferably run concurrently to avoid delays and a duplication of site establishment costs.
 - The access, egress and parking layout should be built as per the SDP design, which was evaluated for light vehicle turning movements.
-

ERF 452 FLOWER STREET, HERMANUS
SITE TRAFFIC ASSESSMENT

Annexure A: Photographic record of existing transport facilities

1. Main Road (MR28, R43)

1a) Looking east from Flower St intersection



1b) Looking west from Flower St intersection



2. Flower Street

2a) Looking southwest from Main Rd intersection



2b) Looking northeast from proposed access position



2c) Looking southwest from proposed access position



3. Bird Lane: Looking northwest from Flower Street

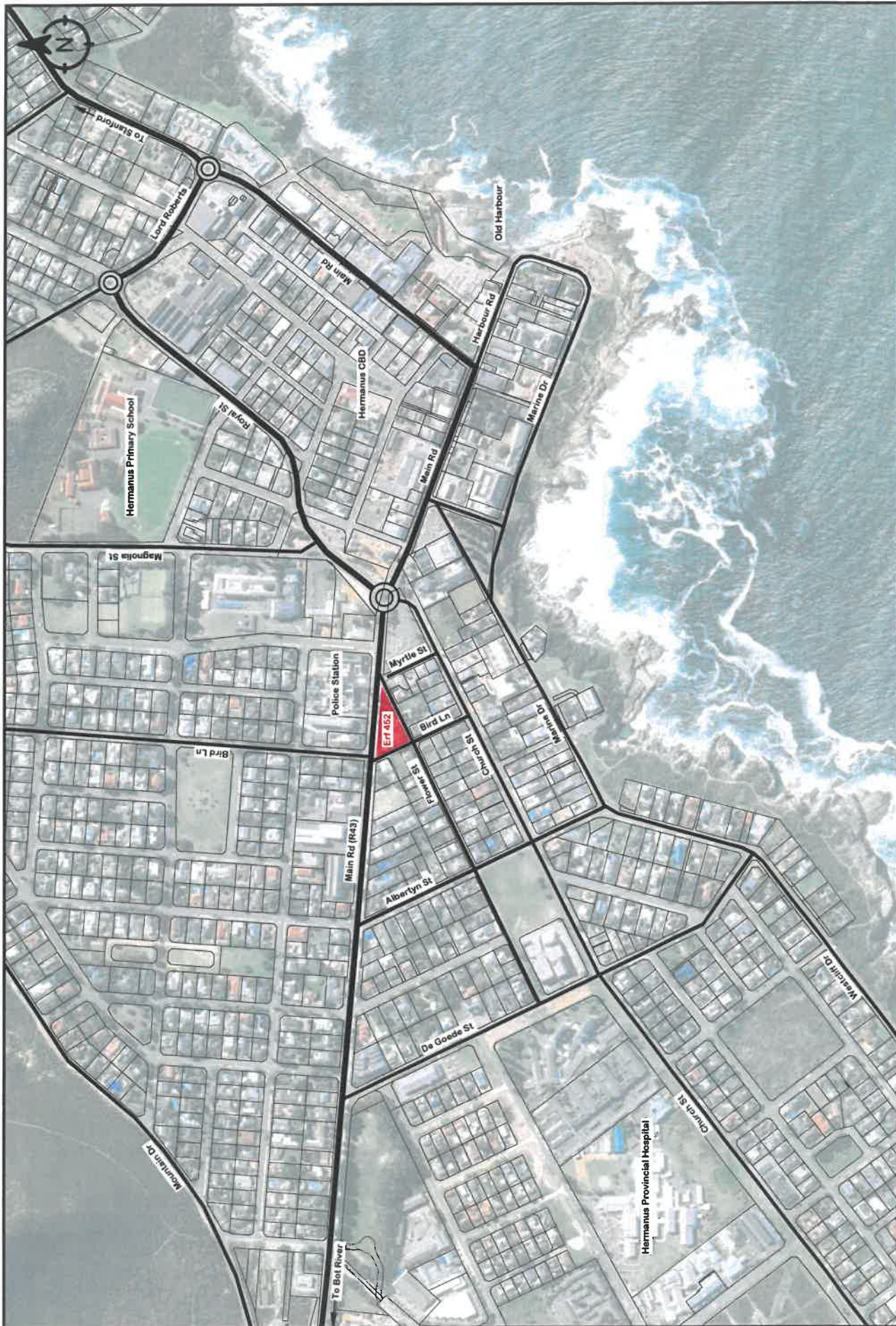


ANNEXURE B: DRAWINGS

Figure 1: Erf 452 Hermanus Locality Plan

Figure 2: 4.1 Ground Floor Erf 452 – Hermanus | Wrap Project Office | Drawing No. 21.109/004 |
26 March 2025

Figure 3: Overstrand Precinct Plan | Conceptual Urban Design & Landscape Proposal: Church Street
Parking. HHO & Alistair Turrell Landscape Architect | 25 May 2022



SCALE
1:7 500 (A4)

FIGURE 1

ERF 452
HERMANUS
LOCALITY PLAN

Douw Louwrens
B.Eng (Civ)

Tel: 021 541 3499
Email: douw@dlouwrens.co.za

APPENDIX G: Hermanus Civic Precinct Plan Conceptual Layout

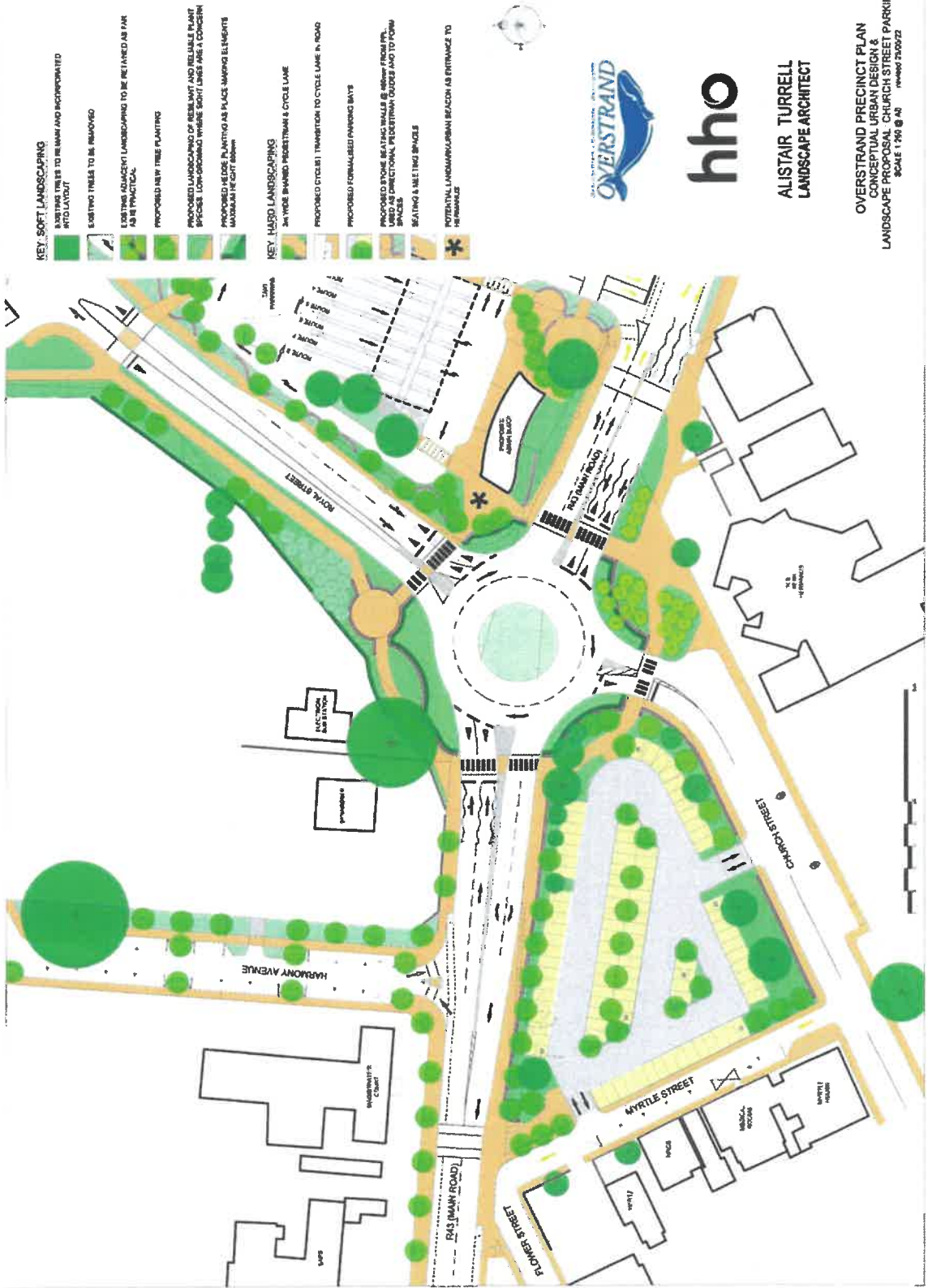


Figure 2



4.1 GROUND FLOOR

Erf 452 - Hermanus

Erf 452 - Hermanus
Extent - 2252m²

Plan prepared by: **Thian Joo Ann** on 26/03/2025 (21.109/004)

All distances are approximate and subject to a survey

Tel: 028 313 1411

Unit B, Standard House, Corner of Royal and Dirkie Uys
Street Hermanus, 7200

Project Office

<u>PROPOSED GROUND FLOOR</u> 1 x 1-Bedroom Units 4 x 2-Bedroom Units	<u>PROPOSED FIRST FLOOR</u> 7 x 1-Bedroom Units 4 x 3-Bedroom Units	<u>PROPOSED SECOND FLOOR</u> 7 x 1-Bedroom Units 4 x 2-Bedroom Units	<u>Parking Requirements</u> 15 x 1-Bedroom Units 8 x 2-Bedroom Units 4 x 3-Bedroom Units 46,5 Parking Bays Required 48 Parking Bays Provided
---	--	---	---

Thian Jansen

From: WRAP
Sent: Wednesday, 06 August 2025 14:44
To: Thian Jansen; WRAP
Subject: Fw: Erf 452 Hermanus

From: Zikhona P Govu <Zikhona.Govu@westerncape.gov.za>
Sent: Wednesday, August 6, 2025 2:40 PM
To: liezlstodart@gmail.com <liezlstodart@gmail.com>
Cc: goldswainj@gmail.com <goldswainj@gmail.com>; WRAP <admintp@wrapgroup.co.za>
Subject: RE: Erf 452 Hermanus

Good afternoon, Liezl

We do not have any problem with parking on the 5m building line for this development, but we don't want any structures within the 5m building line and no access from Main Road 28. Development should take access from the municipal street.

Kind regards

Primrose Zikhona Govu, Pr Techni Eng
 Engineering Technician Production: Proclamation and Road Use
 Chief Directorate: Road Planning
 Department of Infrastructure
 WESTERN CAPE GOVERNMENT

E-mail: Zikhona.Govu@westerncape.gov.za
 Website: www.westerncape.gov.za

From: liezlstodart@gmail.com <liezlstodart@gmail.com>
Sent: Tuesday, August 5, 2025 12:35 PM
To: Zikhona P Govu <Zikhona.Govu@westerncape.gov.za>
Cc: goldswainj@gmail.com; 'WRAP' <admintp@wrapgroup.co.za>
Subject: FW: Erf 452 Hermanus

Good afternoon Zikhona

Hope you're doing well?

You and I had a telephone conversation about this project in October 2024 about a proposed apartment building on Erf 452 on the corner of Main Road and Bird Lane in Hermanus. You indicated that Province would be happy to allow parking in the 5m building line, as long as no structures were erected there AND as long as Overstrand Municipality was satisfied with the proposal. I don't have anything in writing from you, only the mail below that I sent to the planner and the attached mail that I sent to Ricardo after our telephone conversation.

Can you please confirm in writing that the parking will be allowed within the 5m building line

Regards

LIEZL STODART M. Eng Pr. Eng

90 Theewaterskloof Estate, Villiersdorp 6848
PO Box 359, Villiersdorp 6848
CELL 082 338 6466
E-MAIL liezlstodart@gmail.com

TRAFFIC AND TRANSPORT ENGINEERING

From: liezlstodart@gmail.com <liezlstodart@gmail.com>
Sent: Friday, 11 October 2024 15:29
To: 'Melissa van Niekerk | PQS Africa' <melissa@pqsafrica.co.za>
Cc: 'WRAP' <admintp@wrapgroup.co.za>; goldswainj@gmail.com
Subject: RE: Erf 452 feedback

Middag Melissa

Die dame van Provinsiale Paaie het my uiteindelik teruggeskakel. Sy sê hulle sal nie 'n probleem hê met die parkering binne die erfrens nie, solank daar nie permanente strukture opgerig word nie. Sy het wel gesê ek moet ook by Ricardo Andrew van Overstrand Mun uitvind. Hy antwoord nie nou sy foon nie, maar ek het 'n mail gestuur en sal Maandag weer opvolg.

Groete

LIEZL STODART *M. Eng Pr. Eng*

90 Theewaterskloof Estate, Villiersdorp 6848
PO Box 359, Villiersdorp 6848
CELL 082 338 6466
E-MAIL liezlstodart@gmail.com

TRAFFIC ENGINEERING | TRANSPORT ENGINEERING | PROJECT MANAGEMENT | CIVIL ENGINEERING

From: Melissa van Niekerk | PQS Africa <melissa@pqsafrica.co.za>
Sent: Monday, 07 October 2024 11:41
To: liezlstodart@gmail.com
Subject: Erf 452



Melissa van Niekerk
Director

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20 Hope Street, Hermanus, 7200

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3 July 2023

The Director: Civil Engineering Services
Overstrand Municipality
P.O. Box 20
HERMANUS
7200

Attention: Mr Dennis Hendriks

Dear Sir,

PROPOSED DEVELOPMENT OF ERF 452, HERMANUS: CAPACITY ANALYSIS OF THE BULK WATER & SEWER SERVICES

The request by Mr Richard Kotzé of WRAP Town Planning & Project Management for GLS Consulting (Pty) Ltd to investigate and comment on the bulk water supply and sewer discharge of the proposed development (development of 26 flats on Erf 452, Hermanus), refers.

This document should inter alia be read in conjunction with the Water Master Plan (performed for the Overstrand Municipality) dated June 2021 and the Sewer Master Plan dated June 2021.

The proposed development was not taken into consideration for the master plans for the water and sewer networks, but allowance was however made for densification in the area.

1. WATER DISTRIBUTION SYSTEM

1.1 Distribution zone

The master plan indicated that the proposed development area should be accommodated within the existing Hermanus no. 1 & no. 2 reservoir water distribution zone. The proposed connection to the existing water system is to the existing 100 mm Ø pipe on Flower Street, as shown on Figure 1 attached.

The proposed development is situated inside the water priority area.

1.2 Water demand

The original water analysis for the master plan was performed with a total annual average daily demand (AADD) for development on Erf 452 of 2.0 kL/d.

For this re-analysis of the master plan, the total AADD and fire flow for the proposed development were calculated as follows:

- 26 Flats @ 0.45 kL/d/unit = 11.7 kL/d
- Fire flow criteria (Moderate risk) = 25 L/s @ 10 m

GLS Consulting (Pty) Ltd

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Stellenpark, Block D North, Cnr R44 and School Road, Stellenbosch, 7600 | PO Box 814, Stellenbosch, 7599

Reg no: 2007/003039/07

www.gl.s.co.za

Directors: Rebecca Pole, Marius de la Rey, Garreth Young

1.3 *Present situation*

1.3.1 *Reticulation network*

The existing Hermanus water reticulation network has sufficient spare capacity available to provide the required water pressure and fire flow criteria for the development as set out in the Overstrand Water Master Plan.

1.3.2 *Reservoir capacity*

The criteria for total reservoir volume used in the Overstrand Water Master Plan is 48 hours of the AADD (of the reservoir supply zone) for gravity and pumped supply to the reservoir.

According to the water master plan the AADD of the Hermanus 1 & 2 reservoirs water distribution zone is currently approximately 3 835 kL/d. The current combined reservoir storage capacity of the existing Hermanus no. 1 & no. 2 reservoirs is 10 000 kL (5 500 kL + 4 500 kL), which results in a current reservoir storage capacity of 63 hours of the AADD.

There is therefore sufficient capacity in the existing Hermanus no. 1 & no. 2 reservoirs to accommodate the proposed development.

2. **SEWER NETWORK**

2.1 *Drainage area*

The master plan indicated that the proposed development should be accommodated within the existing Hermanus pump station (PS) no. 4 drainage area. The Hermanus PS no. 4 pumps directly to the existing Hermanus Gravity drainage area from where sewage gravitates to the Hermanus Wastewater Treatment Plant (WWTP).

The recommended sewer connection position for the proposed development is to the existing 150 mm Ø gravity pipe in Flower Street, as shown on Figure 2 attached.

The development is inside the sewer priority area.

2.2 *Sewer flow*

The original sewer analysis for the master plan was performed with a total peak day dry weather flow (PDDWF) for development on Erf 452 of 1.4 kL/d.

For this re-analysis of the master plan, the PDDWF of the proposed development was calculated as 9.4 kL/d.

2.3 *Present situation*

There is sufficient capacity in the existing sewer reticulation system of the Hermanus PS no. 4 drainage area to accommodate the proposed development.

Bulk collector sewers downstream of the Hermanus PS no. 4 are however at capacity and require upgrading in the near future.

It should however be noted that the impact of the proposed development on the bulk outfall sewers downstream of the Hermanus PS no. 4 is relatively insignificant in relation to the peak flow through the bulk sewers. The impact is calculated at 0.3% of the total flow through the bulk sewers.

2.4 Implementation of the master plan

The following master plan items will be required to reinforce the existing bulk sewer system downstream of the Hermanus PS no. 4 in order to accommodate the proposed development together with other future development areas.

Bulk sewer upgrades:

• OHS13.1: 405 m x 600 mm Ø new bulk outfall sewer	R 3 045 000 *
• OHS13.2: 545 m x 700 mm Ø new bulk outfall sewer **	(No cost)
• OHS13.4: 390 m x 700 mm Ø new bulk outfall sewer	<u>R 4 314 000 *</u>
Total	R 7 359 000 *

Notes:

(* Including P & G, Contingencies and Fees, but excluding VAT - Year 2022/23 Rand Value. This is a rough estimate, which does not include major unforeseen costs).

** It was communicated to GLS during 2022 that Overstrand Municipality is in the process to install master plan item OHS13.2 and the Consulting Engineer on the project (Lyners Consulting Engineers and Project Managers) has indicated at that time that the estimated completion date for the project was August 2022. The project included a new low lift pump station to lift sewage from the new bulk sewer to the intake works of the Hermanus WWTP. No as-built information has however been received up to date to confirm that this upgrade has been successfully implemented

The routes of the proposed pipelines are schematically shown on Figure 3, but have to be finalised subsequent to detailed pipeline route investigations.

2.5 Minimum items required

The minimum upgrades required in order to accommodate the proposed development in the existing sewer system are master plan items OHS13.1, OHS13.2 & OHS13.4. Master plan item OHS13.2 (the most critical upgrade) is however most likely already implemented (awaiting confirmation of this upgrade from Overstrand Municipality).

It should however be noted that the impact of the proposed development on the capacity of the existing bulk sewers is not significant (less than 1%).

3. CONCLUSION

The developer of Erf 452 in Hermanus may be liable for the payment of a Development Contribution (as calculated by the Overstrand Municipality) for bulk water and sewer infrastructure as per Council Policy.

There is sufficient capacity in the existing water reticulation system to accommodate the proposed development.

There is sufficient capacity in the existing sewer reticulation system of the Hermanus PS no. 4 drainage area to accommodate the proposed development. Bulk collector sewers downstream of the Hermanus PS no. 4 are however at capacity and require upgrading.

The minimum upgrades required in order to accommodate the proposed development in the existing sewer system are master plan items OHS13.1, OHS13.2 & OHS13.4. Master plan item OHS13.2 (the most critical upgrade) is however most likely already implemented (awaiting confirmation of this upgrade from Overstrand Municipality).

It should however be noted that the impact of the proposed development on the capacity of the existing bulk sewers is not significant (less than 1%).

We trust you find this of value.

Yours sincerely,

GLS CONSULTING (PTY) LTD
REG. NO.: 2007/003039/07



Per: PC DU PLESSIS

cc. WRAP Project Office Town Planning & Project Management
P.O. Box 1247
Hermanus
7200

Attention: Mr Richard Kotzé

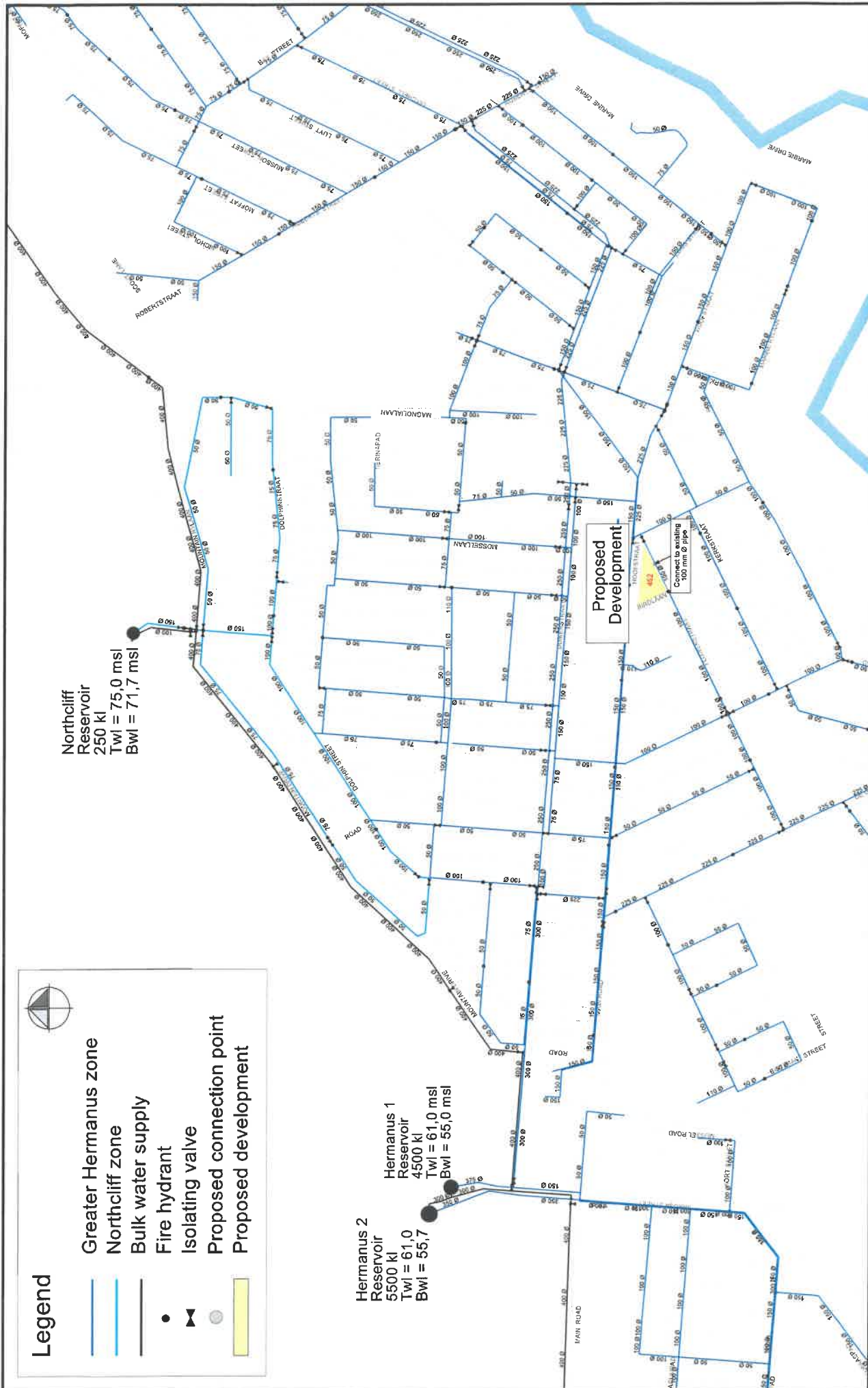


Figure 1

Proposed Development
Erf 452 - Hermanus
Existing Water System



July 2023
Development of Erf 452 - Hermanus



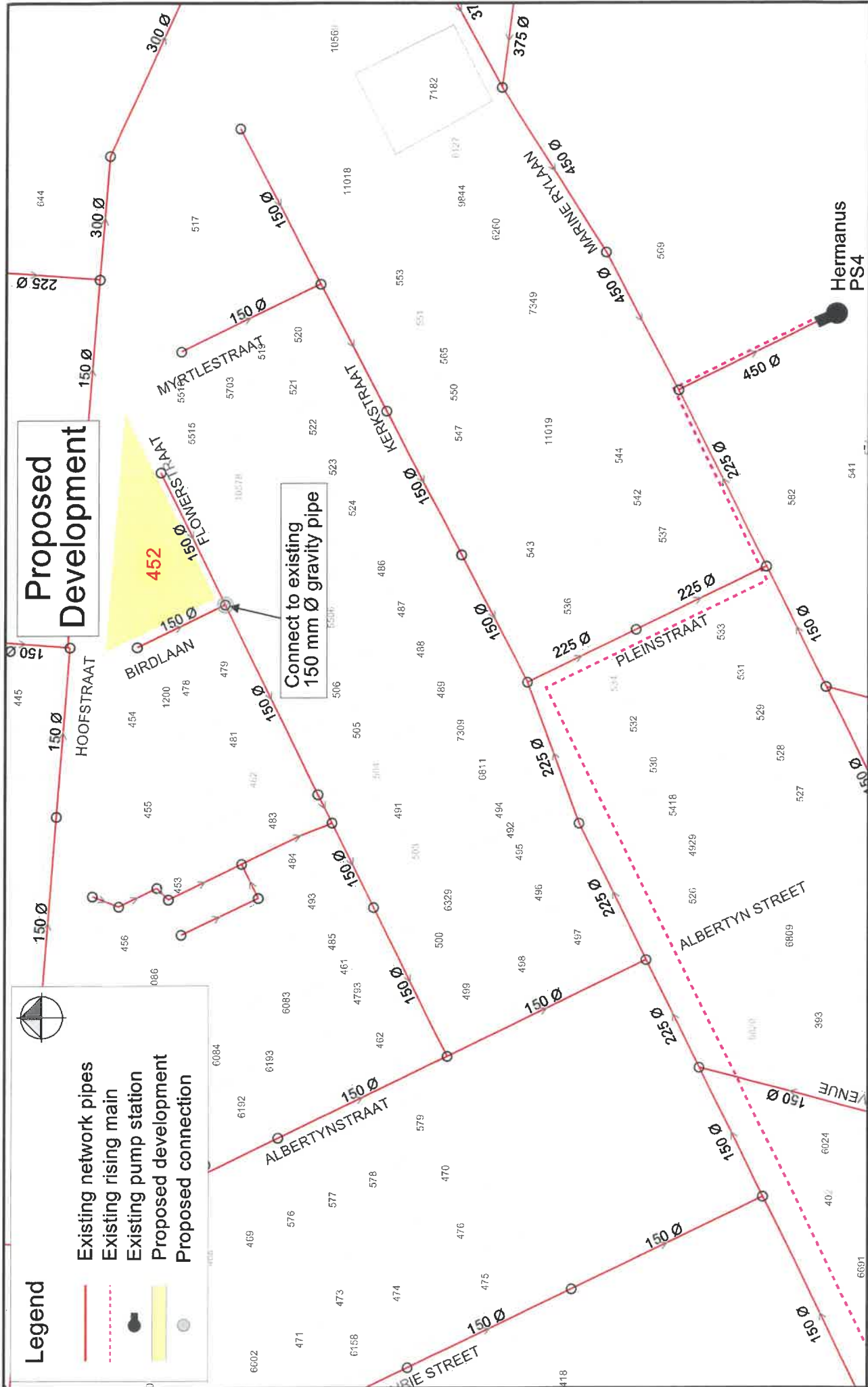


Figure 2
Proposed Development
Hermanus - Erf 452
Existing Sewer System



July 2023
Development of Erf 452 - Hermanus



