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ERF 7182, 39 MARINE DRIVE, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE (TOURIST ACCOMMODATION): MESSRS WRAP PROJECT OFFICE ON BEHALF OF SUNNY SEAS PROPERTIES (PTY) LTD

7182 HSB (4603/2024)

H van der Stoep

15 November 2024

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application, applicable to Erf 7182, Hermanus have been received on 7 March 2024 from Messrs WRAP Project Office on behalf of Sunny Seas Properties (Pty) Ltd for a **consent use** in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020 (By-Law) for “tourist accommodation” to allow the future owners of the approved twenty one (21) flat units to be developed on the property, to also utilize their individual flat units as self-catering units for transient tourists. A Locality Plan is attached as Annexure A. The Motivation Report from the applicant in support of the application is attached as Annexure B, while the Site Development Plan is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The property is 3355m² in extent and situated in Marine Drive, Westcliff. On 2 November 2023 the Municipal Planning Tribunal approved an application for the rezoning of the property from General Residential Zone 1: Town Housing to General Residential Zone 3 (Bulk Zone 1) to develop a four (4) storey flat development consisting of twenty-one (21) luxury apartments with amenities on the property. The property has not been developed yet. The owners of the property marketed the units with the right to also rent it out on a self-catering basis. The property owners were informed that self-catering is not a primary right under the new zoning status obtained after which the application under discussion was submitted.

4. SUMMARY OF APPLICANT’S MOTIVATION

Only a summary of the main points of motivation are conveyed as follows (the detailed motivation report is attached as Annexure B):

- ❖ The individual flats will be sold on the open market and any future owners may want to capitalise on the lucrative short-term rental market, especially in a tourist destination like Hermanus.
- ❖ It should be stated that the flats will not be used for tourism accommodation only.
- ❖ Should the owners of the flats not want to exercise their right for short-term accommodation, they will not be forced to do so.
- ❖ Marine Drive is a popular street in Hermans with significant tourist attractions and great access to the entire central area of Hermanus.
- ❖ There are numerous short-term accommodation establishments in the immediate area.

- ❖ The short-term renting will comply with the body corporate's conduct rules, which rules are legally binding to all the residents.
- ❖ The luxury amenities and prime location makes the property attractive to permanent residents seeking a prestigious address while highlighting its suitability for short-term rental.
- ❖ High-end short-term rental attracts tourists to the area that stimulates local businesses and boosts the local economy.
- ❖ A mixture of permanent residents and transient guests can contribute the maintenance and security of the property.
- ❖ The property is located along a popular coastal path with mixed used properties.
- ❖ The title deed of the property contains no restrictive conditions.
- ❖ The property is connected to the municipality's services networks, and there will be no impacts on the networks regardless of the flats being rented on a short-term basis or being permanently occupied.
- ❖ Access and egress will be from one point and the 5m wide access will have sufficient stacking capability to allow for two cars to stack up behind each other in front of a motorised gate.
- ❖ The proposal is in line with the municipality's spatial development framework.
- ❖ The planning principles as set out in SPLUMA, is not affected.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Notices	Yes	07 May 2024	14 June 2024
Internal Departments	Yes	08 May 2024	14 June 2024
Ward councillor		08 May 2024	14 June 2024
Total letters of objection	None		
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?			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			Yes

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

Name	Date received	Summary of comments
Tourism	09/05/2024	The application is in line with that of other properties in the area. Tourism supports this application.
Waste Management	10/05/2024	No objection from Solid Waste Management.
Building Department	13/05/2024	No objection. The building plan application must comply with all applicable law.

Fire Department	27/05/2024	No objection subject to compliance with SANS 10400 A:2016, 10400-T:2020 and the by-law relating to community fire safety.
Engineering Services	18/01/2019	Attached as Annexure D.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Comment (objection) was received from the adjacent property owner of Erf 6127, but the objection was formally withdrawn.

The chairperson of the Hermanus Ratepayers' Association penned a letter on behalf of the association, but it was never formally submitted to the municipality. The chairperson e-mailed the draft letter to Cllr. Lerm who forwarded it to the Divisional Manager: Town and Spatial Planning (Mr. R Kuchar). The draft letter is not on the letterhead of the association. It is further undated and not signed. It was received by this office on 7 August 2024 nearly two months after the closing date for comments. The letter is attached as Annexure E for information purposes only since it can legally not be considered. However, the late objection will be taken into consideration and is responded to by the Town & Spatial Planning Department as follows:

The main objection joints are summarised and responded to as follows:

Objection point 1:

"Background

In July of 2023 Horizon Capital applied for approvals and departures for the development in question, which, following objections from P Redford and the HRA was finally approved by the MPT.

The application sought approval for 21 luxury units for high net worth clients as identified by the developer.

Following the lodging of objections, representatives of the HRA as well as P Redford were invited to meet with the developer at the offices of WRAP PROJECT OFFICE (WPO) in order to share information regarding their motivation for the development and to request the invited parties to withdraw their objections. During the course of the discussion it came to light that officials of the Overstrand Municipality (OM) had encouraged the developer to increase the number of units proposed. The suggestion was to provide a greater number of smaller units at more affordable prices. The motivation for the increase was to alleviate the housing shortage in greater Hermanus."

Response by Town Planner

The Overstrand Municipal Officials from the Town & Spatial Planning Department were not present at the above-mentioned meeting. Furthermore, the objection / comment detailed in the background will be disregarded due to the fact that the development of 21 luxury flats obtained approval in 10 November 2023. The objection point / comment is therefore disregarded.

Objection point 2:

"The HRA is opposed to the application for the consent use as set out in the application.

If the development was justified on the basis of alleviating a housing shortage, then one would assume that the units would all be occupied by grateful owners.

If the developer does not manage to sell all the units and a number remain unoccupied then that would motivate the consent use in order to earn a return on its investment. If this is so then the question arises as to the need for 21 units in the first instance. Is there also the possibility that a selling point for the development is that short term rentals are permitted when owners are not in residence.

One could be forgiven for being cynical about the real motivation behind the high number of units as per the application. You cannot have it both ways. Either the development is intended for permanent occupation, or it is for short term rentals.

WPO, in the application, mentions a number of accommodation establishments in the area as being justification, as precedent, for the application. This is the standard response from planners to justify unwelcome approvals of this nature. The establishments named are all commercial short term accommodation businesses, not luxury residential apartments."

Response by Town Planner

The initial application as well as the current application is not based on alleviating a housing shortage, no reference thereto was made in either land use planning application. Therefore, this objection point should be disregarded.

The primary utilisation of the 21 luxury flats is for flats in both land use planning applications submitted to the Town & Spatial Planning Department. However, with the current land use planning application submission, the motivation details that if the property owners of the flats wish to rent their flat on a short-term basis, the land use rights would be in place to do so. Therefore, this objection point should be disregarded as well. Furthermore, the character of the area, especially the residential accommodation (flats) in the area makes it possible for a higher density residential component. Additionally, the trend of the seafront developments along Marine Drive promotes tourism which is both beneficial to the enjoyment of the transient guests as well as financial benefit to the Greater Hermanus area especially in the case of the proposed luxury flats being permitted to be utilised for short-term renting (self-catering accommodation).

Conclusion:

It is herewith confirmed that the objection points have been adequately responded.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

N/A

9. MUNICIPAL ASSESSMENT OF COMMENTS

N/A

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 in line with the planning objectives applicable to this application.

The objectives relating to:

Spatial Justice

The application will not perpetuate spatial injustices.

Spatial Sustainability

The application is located within the urban edge and will thus not lead to urban sprawl. No natural habitat is impacted upon, and it will have no negative influence on the environment.

Efficiency

The application will optimize the use of property in terms of municipal services and infrastructure.

Spatial Resilience

The accommodation establishments 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 in that the tourism industry must be promoted.

Good Administration

The application follows the required planning procedures and a good 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.

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

Consistent with the Zoning Scheme and the Spatial Development Framework.

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.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand Spatial documents.

10.9 Additional Planning Motivation For Removal of Restrictive Condition

N/A

11. THE DESIRABILITY OF THE PROPOSAL**CONSENT USE**

The accommodation establishments (self-catering units) should not have any mentionable impacts on the rights of surrounding property owners and the surrounding built environment nor the character of the area. Although it cannot be confirmed, it can be argued that all 21 units will not be leased since some owners would rather prefer to permanently reside in their flat units and some would prefer to rent out their units on a long-term basis. There are numerous accommodation establishments in the area, and it is therefore apparent that the subject property is situated in an area where rights have already been obtained to establish accommodation establishments. Secondary uses under a specific zoning are generally regarded as ancillary to the primary rights under such zoning and are in most instances supported when applied for. Although self-catering is a secondary use under the zoning of the property, one must also consider that self-catering is a primary right on single residential properties provided that the owner/manager resides on the property. Once the property has been developed and the sectional title units have been surveyed, a body corporation will take over the management of the development and, amongst others, introduce conduct rules for both permanent residents and transient tourists.

The approved development consists of 15 two-bedroom flats and 6 three-bedroom flats. Standard size families of 6 would most likely rent the 6 three-bedroom flats and smaller families and couples would rent the 15 two-bedroom flats. Any possible noise impacts would therefore rather generate from the lesser 6 three-bedroom flats than the 15 two-bedroom flats.

It should be noted that in terms of the applicable forward planning documents of the municipality, the tourism industry should be promoted as far as possible. However, due to the parking arrangement namely parallel parking for the flats, which in essence relates to permanent occupancy, self-catering is for transient guests. The latter may impact on the effective use of the parallel parking arrangement and has not been tested to the impact on traffic flow, off street parking or efficient use of the parking arrangement. To effectively determine whether the parking arrangement can accommodate self-catering option, it is proposed that the consent use application be limited to a 2-year period (starting from date of occupation). This will enable the Municipality to determine if such parking arrangement can be accommodated in future high-density developments.

In view of the above, it is the opinion that the application under consideration holds sufficient merit not to be deemed undesirable from a town planning perspective and should be supported in the manner as set out in the recommendation of this submission.

12. RECOMMENDATION

1. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for a consent use for "tourist accommodation" to allow the future owners of the approved twenty-one (21) sectional title flat units to be developed on Erf 7182, Hermanus to also utilize their units as self-catering units for transient tourists, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the above approval be subject to the following conditions:
 - (a) prior to the letting of any unit, it must comply with SANS 10400 A:2016, 10400-T:2020 and the By-law relating to community fire safety, and the necessary certificate of compliance must be obtained from the Fire Department of the municipality;
 - (b) that the accommodation establishments be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (c) that the applicable conditions of Engineering Services attached as Annexure D must be complied with;
 - (d) that the house/conduct rules must be approved by the body corporate of the development before any short-term rentals may be done;
 - (e) that no on-street parking be allowed whatsoever;
 - (f) that the body corporate be responsible to ensure that all individual self-catering units be properly managed by the owners thereof;
 - (g) that this approval does not absolve the landowner from compliance with any other relevant legislation; and

- (h) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (i) The consent use be limited to a 2-year period (starting from date of occupation), afterwhich the applicant can apply for a permanent consent use.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the conditions in 2. above.

13. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ The objection received from the Hermanus Ratepayers Association refers to the previous approval regarding the development of flats. The second objection point refers to the whether the self-catering accommodation should be allowed, it is clear that there is a trend with tourist accommodation located along Marine Drive and therefore the objections should be disregarded.
- ❖ It is in line with policy documents.
- ❖ The accommodation establishments will be beneficial for optimization of the erf.
- ❖ It will promote the tourism industry.
- ❖ Is not regarded as being undesirable from a town planning point of view.
- ❖ The limitation of the consent use is to determine whether parallel parking is viable in high density developments with additional land use rights.

14. Annexures

- Annexure A: Locality Plan
- Annexure B: Motivation Report
- Annexure C: Site Development Plans
- Annexure D: Services Report
- Annexure E: Draft letter from the Hermanus Ratepayers Association

SIGNATURES

REGISTERED PLANNER:

Name : **H VAN DER STOEP**

SACPLAN Reg No: **A/1708/2013**

Signature : _____

Date: _____

Locality Plan Erf 7182 - Hermanus

 Subject property

Plan prepared by: Thian Jansen

Tel: 028 313 1411

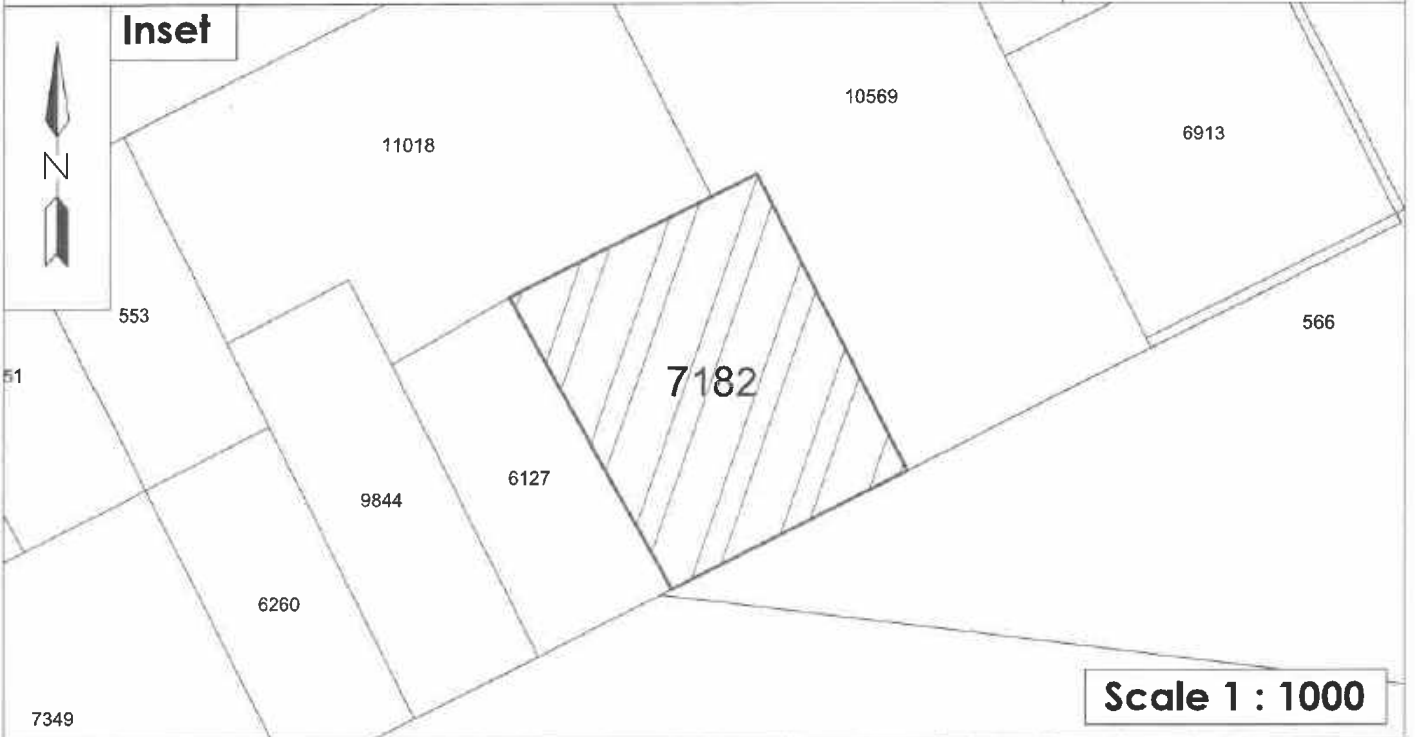
Email: admin@wrapgroup.co.za

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

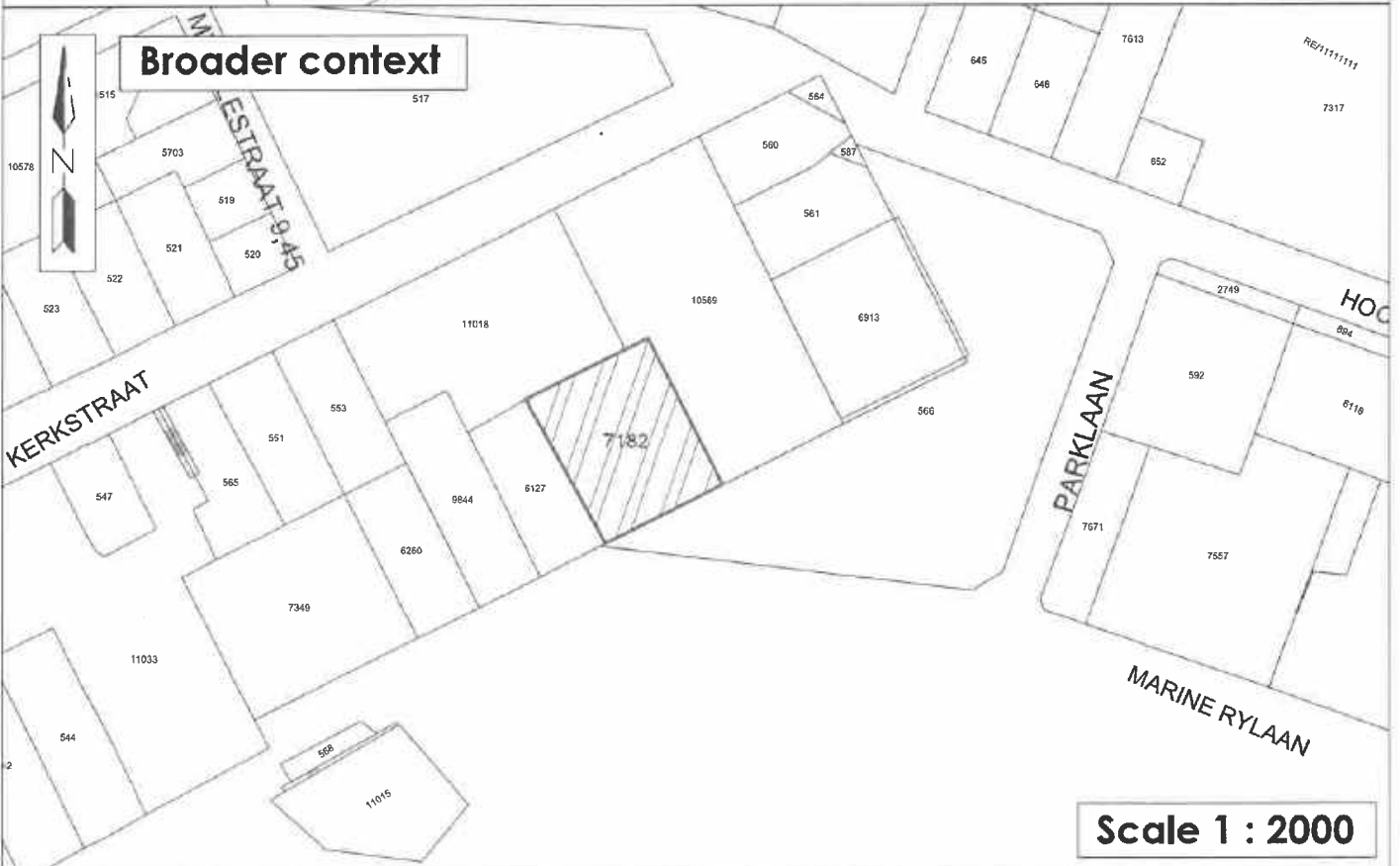


Project Office
Town Planning & Project Management

Inset



Broader context





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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
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020

2. PROPERTY DETAILS

Consultant	WRAP Project Office
Erf Number	Erf 7182, Hermanus
Extent	1677m ²
Zoning	General Residential Zone 3: Flats (GR3)

3. BACKGROUND AND INTENT

Erf 7182 Hermanus, hereafter referred to as the property (Refer to **Plan 1** for the locality), is owned by Sunny Seas Properties Proprietary Limited, who purchased the subject property with the vision to develop the hallmark development and to unlock its maximum potential and to ensure the proposal is feasible and more importantly, desirable. The rezoning application to allow twenty-one (21) luxury flats with amenities was approved in late 2023. This application serves to obtain consent use for tourist accommodation to allow the flats to be rented out as short-term accommodation. The property owners appointed WRAP Project Office to submit this land use application on their behalf (refer **Annexure A – Power of Attorney**).

The subject property is proposed to be developed by Horizon Capital that is a developer in the Western Cape focussing on both commercial and residential developments, with many successful developments completed. The future flats will capture the essence of Hermanus and complete the seafront property line.

The subject property is zoned General Residential Zone 3: Flats (Bulk Zone 1) and will have a future block of 21 luxury flats with the entire development spread over 4 storeys. The flats will be constructed to the highest standards with luxury finishes.

The developers have a vision for the future owners of the flats to be able to use their flats for short-term tourist accommodation. The flats will be sold on the open market and any future owners may want to capitalise on the lucrative short-term rental market, especially in a tourist destination like Hermanus. The flexibility enables any future owners to generate additional income during peak tourist seasons or events, maximizing revenue potential.

To achieve the owners' vision, the following is being applied for:

- Consent use for tourist accommodation.



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4. PROCEDURE TO ACHIEVE THE PROPERTY OWNERS' INTENT

4.1. **Consent Use** for tourist accommodation on Erf 7182 Hermanus in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The proposal is to apply for a consent use to allow tourist accommodation on the property. However, it should be stated that the flats will not be used for tourist accommodation only, but the developers want to have the option available for new owners to be able to utilise their flats for short-term tourist accommodation. If the new owners of the flats do not want to exercise their rights for short-term accommodation they will not be forced to do so.

The flats will be one of several other properties in the area that will be rented out for short-term tourist accommodation. Marine Drive is a popular street in Hermanus with significant tourist attractions and great access to the entire central area of Hermanus. Therefore, it is not uncommon to observe short-term tourist accommodation in the area of the property. The below *table 1* and *figure 1* indicate the flats that are rented out on Airbnb within the area of the subject property.

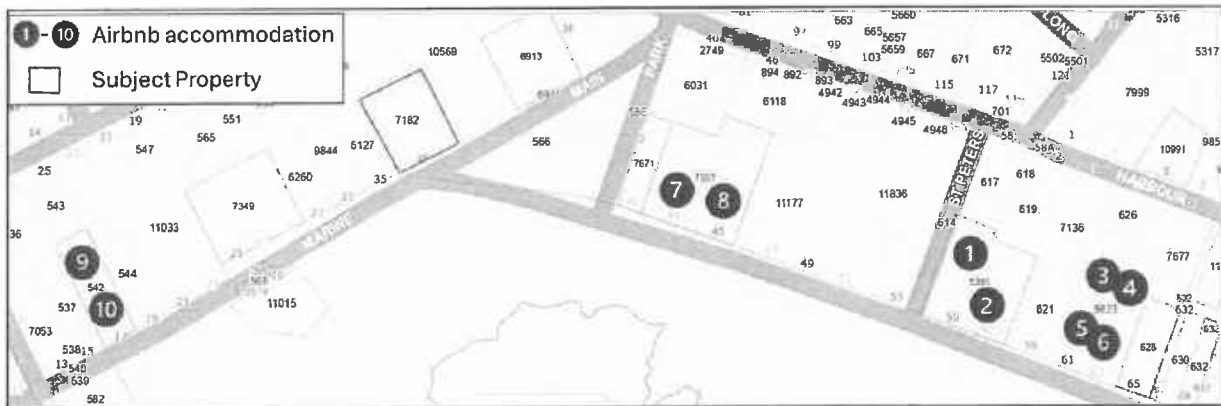


Figure 1: Indication of Airbnb accommodation

Table 1: Airbnb accommodation listed from Figure 1

No.	Airbnb name	Address	Hosted by
1	Whale Haven@SeaVillage	55 Marine Drive	Wayne & Dalia
2	Ocean Breeze Hermanus	55 Marine Drive	Svenia
3	Sea and Champagne Air	61 Marine Drive	Janet
4	Esplanade 312 Village View (2 Bed)	61 Marine Drive	Elizma
5	Esplanade 105 Sea View (1 Bed Terrace)	61 Marine Drive	Elizma
6	Esplanade Penthouse (3 Bedroom)	61 Marine Drive	Elizma
7	Ocean Bliss	45 Marine Drive	Kathy
8	Wonderview	45 Marine Drive	Kathy
9	17 Marine (1 Bedroom Garden Apartment-New Private Hot Tub)	17 Marine Drive	Back in Town
10	17 Marine 202 (Unique Solar Powered Apartment)	17 Marine Drive	Back in Town



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It is evident from the above information that there are many short-term tourist accommodation options available in the area of the property. According to the municipal zoning information, the above properties; 17, 45, 55 and 61 Marine Drive all have the same zoning as the subject property, namely General Residential Zone 3: Flats Bulk Zone 1. Therefore, the proposal will not be out of character with the other properties in the area with the same zoning, which are being rented out for short-term accommodation.

The developers have taken cautious measures to ensure that the short-term letting (tourist accommodation) will also need to comply with the body corporate conduct rules. The body corporate conduct rules are regulations that govern the conduct of residents and owners within the sectional title scheme. These rules are established by the body corporate. The purpose of these rules is to ensure harmonious communal living and to regulate the use of common property on the erf. These rules cover various aspects such as letting, noise levels, parking, keeping of pets and any other relevant matter pertaining to the shared spaces and communal living.

These rules are legally binding and must be adhered to by all residents and owners of the flats, this includes the persons making use of the tourist accommodation. Below is an extract from Section 10 of **Annexure D – Body corporate conduct rules**;

- "10. (1) Short-term letting is permitted within the scheme.
 (2) An owner must, prior to occupancy being taken by a tenant:
 (a) ensure the completion of Annexure B;
 (b) furnish them with a copy of the conduct rules, and
 (c) inform them of their obligation to observe the conduct rules."

Due to these rules applying to all persons entering the property, it's essential for all residents and owners to familiarize themselves with these rules to ensure compliance and to contribute to a peaceful living environment. Therefore, all tenants (short- or long-term) will receive a copy of the conduct rules.

According to the OMLUS, "tourist accommodation" is defined as:

'...the letting of rooms or individual unit(s) (including a dwelling house/unit) on a temporary basis to transient guests where a daily or weekly tariff is applicable and includes a guest house, backpackers' establishment, camp sites, and associated amenities, provided that the use complies with the requirements of any other relevant legislation.'

Tourist accommodation is allowed in terms of the existing zoning with the consent of the OM.

Utilising the proposed flats for both short-term accommodation and permanent residents, offers numerous benefits, catering to different needs and enhancing the overall appeal and functionality of the development. As previously mentioned, by allowing the flats to be rented out as short-term tourist accommodation, the future owners may capitalize on the lucrative short-term rental market.



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Promoting the flats as both permanent residences and short-term tourist accommodation allows for diverse marketing strategies. The luxury amenities and prime location make the property attractive to potential permanent residents seeking a prestigious address, while highlighting its suitability for short-term tourist accommodation. The short-term tourist accommodation could appeal to investors seeking opportunities to generate additional income. The added 'bonus' of having the rights to rent out the flats for short-term accommodation will attract more potential buyers due to the lucrative opportunity. Owning an oceanfront flat with the opportunity to utilise the flat during holiday times and rent the flat out for short-term tourist accommodation the rest of the year, is an attractive selling point.

Offering high-end short-term tourist accommodation contributes to attracting tourists to the area, stimulating local businesses, and boosting the local economy. Visitors seeking high-end accommodation will be drawn to the property, thus benefiting nearby restaurants, shops, and attractions.

Having a mix of permanent residents and transient guests can contribute to better property maintenance and security. Permanent residents have a vested interest in the upkeep of the property and may help monitor any security concerns, complementing the efforts of property management. The developers, Horizon Capital will oversee managing the short-term accommodation as part of their development portfolio.

Allowing the property to be used for both short-term accommodation and permanent occupation promotes sustainable tourism practices by preserving the residential character of the neighbourhood. The dual-use approach of utilising the luxury flats for both short-term accommodation and permanent residences, offers a multifaceted solution that maximises revenue potential, promotes community integration, and enhances the overall appeal and sustainability of the development.

5. LAND USE ENVIRONMENT

The property is located in Marine Drive, along the popular coastal path with mixed-use properties. The property is mainly surrounded by residential, business and community use properties. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

6. TITLE DEED

The title deed of the subject property was perused (T52189/2021, refer to **Annexure B**) and it contains no restrictive conditions.

7. ZONING

The following zoning parameters were assessed in conjunction with the GR3 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:



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GENERAL RESIDENTIAL ZONE 3: FLATS (GR3)			
Land Use Restrictions			
	Parameters	Proposal	Comply/ deviate
Primary use	Flats 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.	Tourist Accommodation	Deviate - Applied for and motivated
Development parameters			
Density	A minimum erf size of 3000 m ² is applicable for densification.	Approval dated 2023. (Refer to Annexure C)	Comply
Floor Factor	3	1.87	Comply
Coverage	100%	68.5%	Comply
Height	12.5m (4 Storeys)	12.5m (4 Storeys)	Comply
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.	8,0m	Comply
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 require the fourth storey to be set back 6,0 m from the property boundary.	(i) Comply (ii) Comply (iii) Comply	(i) Comply (ii) Approval dated 2023 (Refer to Annexure C)



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	<p>(iv) The general building line exemptions of 16.1 apply.</p>	<p>(iii) Approval dated 2023 (Refer to Annexure C)</p>
<p>Open space</p>	<p>(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.</p>	<p>Open space is located on the first and second floor (second and third storey), interlinked by means of "green steps" between the two floors, to function as one communal space. 185,2m² = 11,04%</p>
<p>Parking</p>	<p>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</p>	<p>42 Parking Bays required – 42 parking bays provided At least 1 parking bay per 25 parking bays or part thereof required for the disabled. As per Section 17.1.9 parking for the disabled count towards off-street parking provision.</p>



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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, Water, Sewage and Solid Waste

The subject property is connected to the OM's networks which include electricity, water and sewage. The proposal of this application will not have an impact on the existing network, whether the flats are used by transient guests or flat owners, the same number of services will be used.

Solid waste will be collected weekly by the OM. The solid waste will be accumulated in the proposed refuse room which will be emptied on the applicable solid waste pick-up day of the surrounding area.

Access and Egress

Access to and egress from the subject property is from one vehicular point in Marine Drive. The 5m wide access will have sufficient stacking capability to allow two cars to stack up behind each other in front of the access controlled motorized gate.

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 can be illustrated as follow:

Need and desirability

The need for the land use application arose from the property owners identifying the need to give the potential buyers the option to rent out their flats for short-term accommodation and to make the flats more attractive and lucrative for the potential buyers.

Socio-economic impact	<ul style="list-style-type: none"> • Boost the local economy: Short-term accommodation may attract tourists and short-term visitors to the area, leading to increased spending in local businesses such as restaurants, shops, and attractions. This may stimulate economic growth and create job opportunities in the community. • Income generation: Homeowners who participate in renting out their flat for short-term accommodation may generate supplementary income, which may contribute to their financial stability and improve their quality of life. • Diversification of housing options: By allowing these flats to be used for both short-term tourist accommodation and permanent residents, it provides diverse housing options within the Hermanus community. This flexibility may accommodate various needs and preferences,
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	<p>including short-term visitors, long-term renters, and homeowners.</p> <ul style="list-style-type: none"> • Revitalisation of Neighbourhoods: short-term accommodation may contribute to the revitalisation of neighbourhoods by attracting visitors and bringing new energy to the area. Well-maintained short-term accommodation properties can enhance the aesthetic appeal of the famous Marine Drive and encourage further investment in local infrastructure and amenities. • Cultural Exchange and Community Engagement: Short-term accommodation facilitate cultural exchange between hosts and guests, promoting cross-cultural understanding and fostering community engagement.
<p>Compatibility with surrounding uses</p>	<ul style="list-style-type: none"> • As previously mentioned in Section 4 of this report, the surrounding uses are similar to what is being applied for. Therefore, the proposal is compatible with the surrounding uses. • The development's dual-use nature aligns with the existing residential character of the area, fostering a sense of community integration. Both permanent residents and transient guests can contribute positively to the Hermanus social fabric, supporting local businesses and participating in community events, including those held at the nearby church. • The oceanfront location across the street presents a unique opportunity to capitalize on the area's natural beauty and recreational amenities. Residents and transient guests alike can enjoy easy access to oceanfront activities, waterfront dining, and leisurely strolls along the coastal path, enhancing the overall appeal and desirability of the development. • The proximity to both a religious landmark and a picturesque oceanfront can enhance the tourism potential of the development. Short-term accommodation can attract travellers seeking unique accommodation experiences with convenient access to both cultural and recreational attractions, thereby stimulating tourism-related spending in the area.
<p>Impact on the external engineering services</p>	<p>Refer Section 9 of this report.</p>
<p>Impact on safety, health and wellbeing of the surrounding community</p>	<ul style="list-style-type: none"> • The body corporate has compiled conduct rules that will apply to all residents and owners entering the property (Refer to Annexure D) that will ensure that the proposed tourist accommodation will not



MOTIVATION

	<p>have an adverse impact on the surrounding community.</p> <ul style="list-style-type: none"> • It is not predicted that the proposal will have an impact on safety, health and wellbeing of the surrounding community: • Safety: These high-quality, well-maintained luxury flats will contribute to enhancing the overall safety of the area. With the property being developed to the highest standards, including security measures such as gated access, surveillance cameras, and on-site management, it will help create a secure environment for both residents and visitors. • Health: The recreational areas may promote active lifestyles and improve overall wellbeing of both the residents and tourists. • Wellbeing: The introduction of luxury flats with upscale amenities can contribute to enhancing the quality of life for residents and tourists. Access to well-designed living spaces, communal areas, and leisure facilities can foster a sense of community and social interaction. • Furthermore, the presence of short-term accommodation options can attract a diverse range of visitors, bringing vibrancy and cultural enrichment to the Hermanus area.
<p>Impact on heritage</p>	<p>The subject property is not listed in the OM Heritage Register. However, is located within the Heritage Protection Overlay Zone (HPOZ).</p> <p>Refer to <i>Section 10</i> of this report, where the Hermanus Historic Heritage core is addressed.</p>
<p>Impact on the biophysical environment</p>	<p>It is not predicted that the proposal of tourist accommodation will have an impact on the biophysical environment.</p>
<p>Traffic impacts, parking, access and other transport related considerations</p>	<p>It is not expected that the proposal will have an impact on traffic, parking or access. It should be noted that the parking requirements are being adhered to in terms of the OMLUS and that this proposal is not proposing any additional traffic or persons to the development than what is already approved.</p>

To achieve their vision, the property owners have appointed WRAP Project Office to submit this application to ensure the proposed consent use is not in contradiction to any policies, legislation, or title deed conditions.

Impact on views, sunlight, and character of the area

The proposal is not intended to have an impact on the views, sunlight, and character of the area. The proposal is to allow the flats within the approved development to be utilised for short-term tourist accommodation.



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Economic impact

The proposal will have significant positive economic impacts on both the property owners and the broader community. The short-term accommodation will provide future owners with a flexible and lucrative opportunity to generate additional income from their investment. By renting out luxury flats to tourists on a short-term basis, the flat owners may maximise their revenue potential, especially during peak tourist seasons or special events in Hermanus. This additional income stream can contribute to the financial sustainability and profitability of the development.

The operation and management of short-term accommodation require various services, including cleaning, maintenance, guest services, and property management. This creates employment opportunities for local residents, contributing to job creation and economic growth in the community. Additionally, the influx of tourists attracted to the area by the availability of upmarket luxury accommodation can stimulate demand for hospitality, retail, and other related services, further boosting employment opportunities.

The presence of short-term tourist accommodation can attract a diverse range of tourists to Hermanus, including domestic and international travellers seeking upmarket experiences. These tourists typically spend money on accommodation, dining, shopping, entertainment, and experiences, injecting revenue into the local economy. The multiplier effect of tourism spending can have ripple effects across various sectors, supporting businesses and livelihoods throughout the community.

Overall, the introduction of short-term tourist accommodation on the property has the potential to stimulate economic growth, create jobs, and generate revenue for property owners and the local community. By leveraging the opportunities presented by the short-term rental market, the proposal may contribute positively to the economic vitality and sustainability of Hermanus as a tourist destination.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The proposal is in line with the existing zoning and the development parameters of the OMLUS. Great care has gone into the design of the proposal, and it is predicted that it will not negatively impact the area.

Impact on heritage

As mentioned, the property is not listed in the OM Heritage Register. However, it is located within the Heritage Protection Overlay Zone (HPOZ): Local Areas and motivated in *Section 10* of this report.

Environmental impact

The property is located within the Overstrand Municipality Environmental Protection Overlay Zone (EMOZ) and motivated in *Section 10* of this report.



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10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

A large portion of the property is located within the Coastal Protection Zone and to ensure compliance with the guidelines set out in the EMOZ, the application was evaluated in terms of the provisions of Schedule A & B of the Environmental Management Overlay Zone 2020:

SCHEDULE A PROHIBITED ACTIVITIES IN OVERSTRAND ENVIRONMENTAL MANAGEMENT OVERLAY ZONES		
Prohibited Activity	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Coastal	
Agricultural practices within this EMOZ which may cause water logging and siltation.	X	N/A
Planting or harbouring of declared emerging weeds on properties within and adjacent to this EMOZ.	X	N/A
Development or agriculture on slopes steeper than 1:4.	X	N/A
Establishment of Informal settlements or Temporary Relocation Areas.	X	N/A
No land user within this EMOZ may utilise the vegetation in a vlei, marsh or within the flood area of watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources.	X	N/A
Placement of religious symbols or memorabilia.	X	N/A
Harvesting /collection of kelp / seaweed in municipal designated "no-take" zones.	X	N/A
Harvesting, collection, moving, loading drying of kelp /seaweed, with a valid Seaweed Harvesting Permit or an exemption in terms of Section 81 or the MLRRA issued by the DAFF.	X	N/A
Stockpiling, drying, processing or loading of marine resources beyond areas designated, demarcated and signposted by the Municipal Council for such purposes.	X	N/A
Modification of the littoral active zone / functional dune systems in absence of approved management plans.	X	N/A
Feeding, disturbing / pursuit of fauna.	X	N/A
Disturbance, modification or destruction of the environment or species within special management areas designated, demarcated and signposted by the Municipal Council from time to time.	X	N/A
Defacing/damaging / removing of any notice, sign, barrier building or other infrastructure.	X	N/A
Playing or tampering with any rope, float, buoy, vessel, shelter or similar life - saving device.		N/A
Staying overnight.	X	The property will have 21 flats.



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The discharging of domestic effluent / grey water into all natural systems.	X	N/A
Tampering with security / surveillance infrastructure.	X	N/A
Defacing of rocky outcrops and placement of memorial plaques, religious symbols or structures on natural features.	X	N/A
Graffiti, vandalism or damaging of municipal infrastructure.	X	N/A
Littering	X	N/A
Disposal of cigarette butts, ash or other hazardous materials in any place or manner other than a receptacle designated for such items	X	N/A
Dog walking / exercising of dogs in non- designated zones.	X	N/A

SCHEDULE B ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT IN OVERSTRAND ENVIRONMENTAL OVERLAY ZONES		
A) Activities Only Permitted With Council Consent	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Coastal	
Permission for the utilization of access routes to permitted kelp / seaweed harvesting sites.	X	N/A
Removal or destruction of vegetation which is protected and/or of conservation concern.	X	N/A
Dune maintenance on private land as per approved dune maintenance management plans.	X	N/A
Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits).	X	N/A
Discharging of pool backwashing or untreated grey water or the channelling of storm water into open spaces without the necessary approval from the Municipality.	X	The property's pool water will be managed in a sustainable manner.
B) Permit Upon Approval By Delegated Authority and / Receipt of Tariff	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Coastal	
Installation of conservancy tanks or biological treatment plants within 50 metres from the edge of a watercourse / wetland.	X	N/A
Access from private properties to open spaces, including the removal of vegetation and the establishment of paths, structures and infrastructure.	X	N/A
Commercial filming.	X	N/A



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Construction or placement of any temporary object, building, shelter, path or structure.	X	N/A
Use of engine or motor driven vehicles, remotely piloted aircraft or any other means of transport or other conveyances beyond designated, demarcated and signposted areas.	X	N/A
Launching of vessels at registered launch sites.		N/A
C) Council Authorisation Pending Consent Use Application / Lease Agreement / Applicable Tariffs as applicable	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Coastal	
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	N/A
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	N/A
Application for the designation of industrial sites and activities associated with the seaweed harvesting, collection, drying, transport and processing fishery.	X	N/A
Encroachment of private buildings, structures, infrastructure, access routes.	X	The entire development is located inside of the buffer.
Commercial Harvesting/collection and removal of any natural resource.	X	N/A
Construction or placement of any permanent object, building, shelter, pathway or structure.	X	The entire development is located inside of the buffer.

10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The property is located within the 'Historic Core of Hermanus Heritage Protection Overlay Zone', the purpose is to ensure that any land use application resulting in additional rights complies with the existing character and contextual significance:

- 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.



MOTIVATION

The proposal is not predicted to adversely affect the protected elements mentioned above, as it is also in character with the existing surrounding area of residential developments which are also being rented out as tourist accommodation. It should be emphasized that the developer has been mindful of the surrounding buildings' architectural elements.

For instance, ensuring that the development harmoniously integrates with the existing aesthetic. By incorporating such elements, the developer seeks to preserve the unique character of the area while still accommodating the need for new development. This approach reflects a commitment to respecting and enhancing the visual integrity of the neighbourhood, thereby contributing positively to the overall urban landscape of Hermanus.

10.3 Spatial Planning Policies

The compliance of this proposal with the applicable spatial development policies was assessed. These policies are instrumental in guiding spatial development and providing prescripts of what constitutes sound town planning development patterns. The compliance of this proposal in conjunction with provincial and local policies which are key development informants will be illustrated.

Overstrand Municipality Spatial Development Framework (MSDF)

Policy Preface

The SDF's intention is to ensure compliance with national, provincial, and district legislation policies and principles. The SDF 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. It provides a shared spatial vision which the development proposal should ideally attempt to synchronise with.

Consistency of the proposal with the policy

The policy illustrates that the property is located in the Central Business District (CBD) of Hermanus, where high density residential uses are promoted. The proposal for tourist accommodation is regarded as a residential use and is therefore consistent with the MSDF.

The MSDF also promotes infill development and tourism-based development, which is aligned with the proposal. The property owners have indicated that the main objective is to attract more people to the Hermanus area.

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 below:

Spatial justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. The proposal of tourist



MOTIVATION

accommodation promotes economic inclusivity within the community, fostering a sense of spatial justice and equal opportunity for the residents in Hermanus.

The development aims to provide housing options within the Hermanus area, and the position of the development is located close to the current urban centre.

Spatial sustainability

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal is intended to increase the economic power of the Hermanus area and increasing the tax base collectable by the OM, (refer to **Section 10** of this report). The proposal is to establish a development in an area where there is easy access for the residents and tourists to the Hermanus centre.

Efficiency

This proposal is intended to maximise the usage of the property and to ensure that the entire area is used in a manner that will be an asset to the Hermanus area. The proposal will also ensure that the property is utilised to its full potential and in a sustainable way that will ensure efficient usage of services required by the development.

Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

Good administration

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process. The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



EVALUATION & RECOMMENDATION

12. EVALUATION

The proposal needs to be evaluated on the basis that the zoning is not proposed to change and that the zoning makes provision for tourist accommodation with the consent of the Overstrand Municipality.

- Approval for 21 flats was received from the Overstrand Municipality at the end of 2023.
- No additional flats, persons or traffic are proposed.
- There is sufficient access and parking provided for the proposal.
- The body corporate conduct rules will apply to all residents, tenants and transient guests.
- The proposal is in character of the area where several short-term accommodations are already available and in operation.
- The proposal will create new economic opportunities for local residents; and
- The property does not have a negative impact on the environment or heritage of the area.
- The proposal is in line with the relevant policies and legislation as confirmed throughout this report.

The proposed use of tourist accommodation is not out of context with the surrounding area and is not seen as a proposal that is undesirable. Therefore, the proposal is not predicted to negatively affect the character of the area.

13. RECOMMENDATION

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

- 13.1 Consent Use** for a Tourist Accommodation on Erf 7182 Hermanus in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

REVISIONS	REV.	DATE	DESCRIPTION

Hecho
 JONATHAN JACOBSON, ARCH. 12/24/2024
 0204 02 02

This drawing is prepared in accordance with the provisions of the Metropolitan Building Code, and is intended to be used in conjunction with the other drawings in this set. It is the responsibility of the applicant to ensure that all information provided is accurate and complete. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The drawings are prepared in accordance with the provisions of the Metropolitan Building Code, and are intended to be used in conjunction with the other drawings in this set. It is the responsibility of the applicant to ensure that all information provided is accurate and complete. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The drawings are prepared in accordance with the provisions of the Metropolitan Building Code, and are intended to be used in conjunction with the other drawings in this set. It is the responsibility of the applicant to ensure that all information provided is accurate and complete. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate authorities.



2 Coverage Calculation
 1:200



3 Parking Requirements
 1:200



Ground Floor Plan
 1:100

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 registration no. 5736

PROJECT
 New Multi Storey Residential Apartment Building, Sees Proposals on Est 7184, Hermanus (39 Marine Drive, Hermanus)

DRAWING TITLE
 Ground Floor Plan

Council Submission

DATE	SCALE	PROJECT NO.	DRAWING NO.	REV. NO.
2024 02 02	As indicated @ A1	#2201	C8001	

This drawing is prepared in accordance with the Metropolitan Building Code. All dimensions are to the center of walls unless otherwise indicated. The contractor shall verify all measurements with a National Building Regulations.

REV.	DATE	DESCRIPTION

Yoshino
 ARCHITECTURE (Pty) Ltd (Pty)
 10001 0000 0000

GENERAL NOTES:
 1. The contractor shall be responsible for the correct interpretation of the drawings and specifications.
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METROPOLIS
 501 Bullen Kloof studios
 8 Kloof street, gardens
 L. 0 2 1. 4 2 9 7 1 0 4
 P. 0 2 1. 4 2 9 7 5 6 0
 JONATHAN JACOBSON
 B. A. R. C. H. (W. I. T. S)
 registration no. 5735

PROJECT
 New Multi Storey Residential
 Apartment Building for Sunny Seals
 Partnership, 807 182
 (39 Marine Drive, Harmanus)

DRAWING TITLE
 Second Floor Plan

Council Submission

DATE
 2024.02.02

SCALE
 1 : 100 @ A1

PROJECT NO.
 R2201

DRAWING NO.
 C3009

REV. NO.



Second Floor Plan
 1:100

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REV.	DATE	DESCRIPTION

Speth
 Jonathan Jacobson Pty. (t/as) 5758
 0025 10 02

GENERAL NOTES

- The drawings are prepared in accordance with the Building Act 2011, the Building Regulations 2012, and the Building Code of Australia 2012.
- The drawings are prepared in accordance with the National Construction Code (NCC) and the Australian Standard AS/NZS 1170.0:2011.
- The drawings are prepared in accordance with the Australian Standard AS 1546:2012.
- The drawings are prepared in accordance with the Australian Standard AS 1547:2012.
- The drawings are prepared in accordance with the Australian Standard AS 1548:2012.
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- The drawings are prepared in accordance with the Australian Standard AS 1598:2012.
- The drawings are prepared in accordance with the Australian Standard AS 1599:2012.
- The drawings are prepared in accordance with the Australian Standard AS 1600:2012.

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 registration no. 5758

PROJECT
 New Multi Storey Residential
 Apartment building for Sunny Seas
 Properties on E7182, Hermanus
 (89 Marine Drive, Hermanus)

DRAWING TITLE
 Third Floor Plan

Council Submission	
DATE	2024 02 02
SCALE	1 : 100 @ A1
PROJECT NO.	M2201
DRAWING NO.	C3004
REV. NO.	REV. NO.



Third Floor Plan
 1 : 100

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REVISIONS	DATE	DESCRIPTION

Yehya
 2024-02-02

GENERAL NOTES:

1. The drawings are prepared in accordance with the SANS 10400, but where it varies from the SANS 10400, the SANS 10400 shall prevail.
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10. The drawings are prepared in accordance with the SANS 10400, but where it varies from the SANS 10400, the SANS 10400 shall prevail.

CONTRACTOR'S OBLIGATIONS:

1. The contractor shall be responsible for the construction of the building in accordance with the drawings and specifications.
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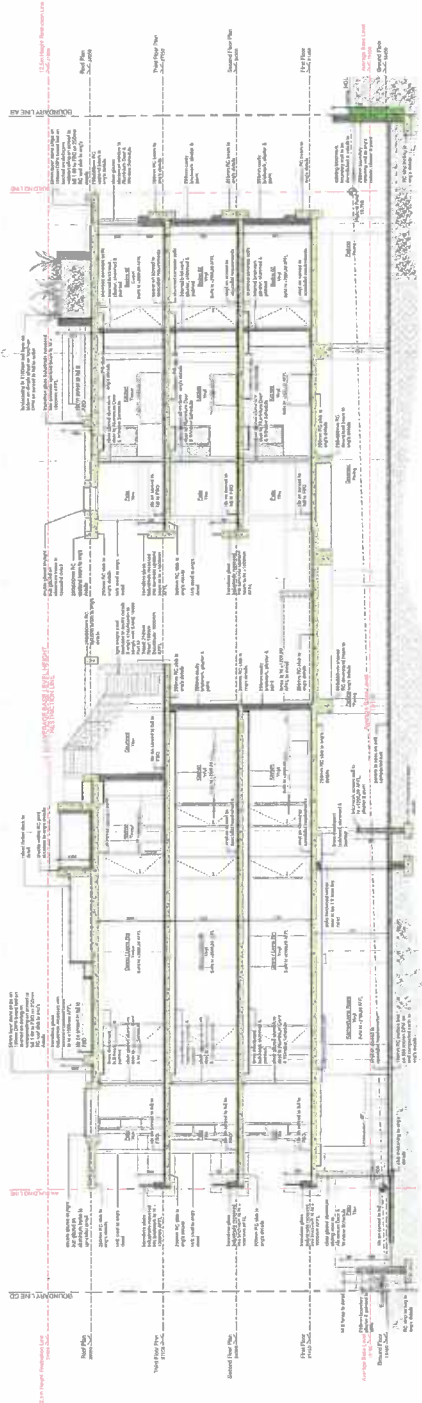
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 registration no. 5936

PROJECT
 New Multi Storey Residential Apartment building for Sunny Seas Properties on Erf 7182, Hermanus (89 Marine Drive, Hermanus)

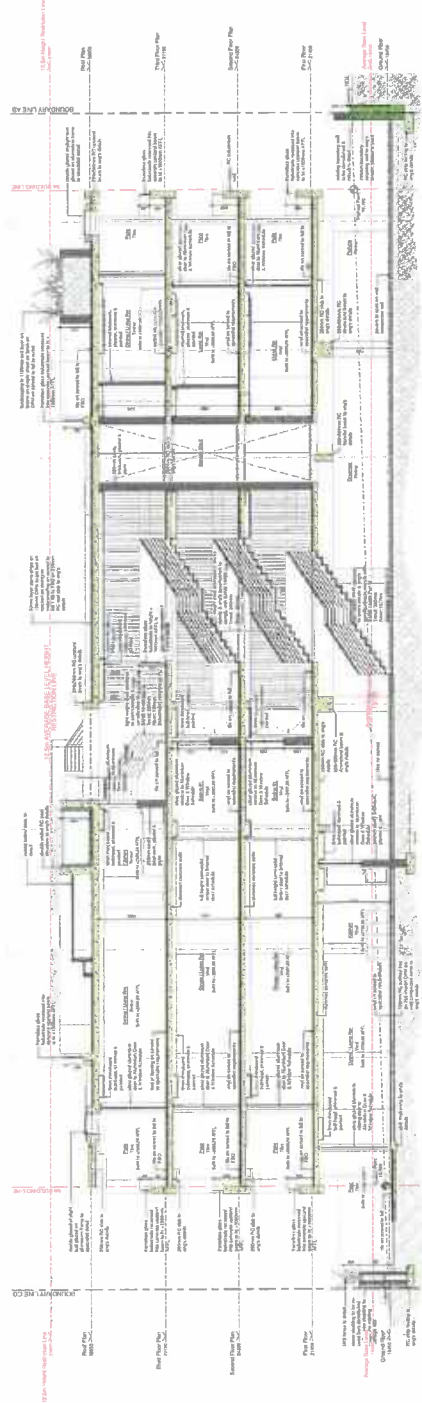
DRAWING TITLE	SCALE	DATE
Sections	1:100 @ A1	2024-02-02

Council Submission

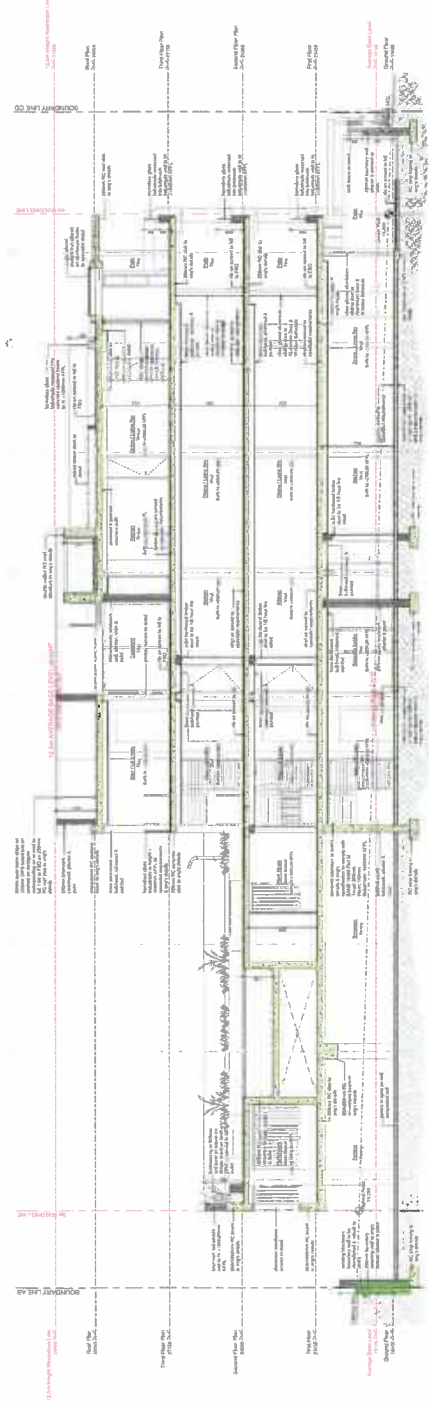
PROJECT NO.	DRAWING NO.	REV. NO.
M2201	C3006	



Ⓐ Section AA
1:100



Ⓑ Section BB
1:100



Ⓒ Section CC
1:100

REV.	DATE	DESCRIPTION
<p><i>Yeeho</i> JONATHAN JACOBSON Pty Ltd (27/1)</p> <p>2024 02 02</p>		
<p>REVISIONS</p>		
<p>PROJECT</p> <p>New Multi Storey Residential Building 8 Kloof Street, Gardens Property on Eas 7182, Hermannus (39 Marine Drive, Hermannus)</p>		
<p>DRAWING TITLE</p> <p>Elevations 01</p>		
<p>Council Submission</p>		
DATE	SCALE	As Indicated @ A1
2024 02 02		
PROJECT NO.	DRAWING NO.	M2201 C3307
	REV. NO.	

Street Boundary Wall Detail
1:50

South West Elevation
1:100

1 South East Elevation (Street View)
1:100

2 South West Elevation
1:100

METROPOLIS

501 bulten kloof studios
 8 Kloof Street, gardens
 I. 0 2 1 4 2 3 7 1 0 4
 jonath@metropolisdesign.co.za
 JONATHAN JACOBSON
 B . A . R . C H . (W I L I S)
 registration no. 5735

PROJECT

New Multi Storey Residential Building
 8 Kloof Street, Gardens
 Property on Eas 7182, Hermannus
 (39 Marine Drive, Hermannus)

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 7182, WESTCLIFF (4603/2024)**

Water	:	Refer to Conditions & GLS Report
Sewer	:	Refer to Conditions & GLS Report
Roads and Traffic	:	Refer to Conditions
Stormwater	:	Upgrading according to Stormwater Management Plan
Electricity	:	Refer to Conditions

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).

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

The contribution according to the current policy (**2024/2025**) is as follows:

Freehold erven:

Water	R 27 598.00 x 11.8	= R 325 656.40
Sewerage	R 19 725.00 x 11.8	= R 232 755.00
Roads	R 8 845.00 x 20.00	= R 176 900.00
Stormwater	R 10 205.00 x 0.559	= R 5 704.59
Solid Waste	R 1 769.00 x 20.00	= R 35 380.00
TOTAL (inclusive of VAT)		= R 776 395.99

Note:

- 1.4** The above figures are estimates

- 1.5** That Overstrand Municipality's Electrical Department be contacted regarding the bulk electricity cost.

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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 Director: Infrastructure and Planning 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 Director: Infrastructure and Planning 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;
 - 4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;
 - 4.2 the insurance to be to an amount which shall not be less than that required by the SAACE;
 - 4.3 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;
5. that a plan of all the existing services be submitted to the Director: Infrastructure and Planning, 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 Director: Infrastructure and Planning;
 - 5.1 way-leaves must be obtained from the Operational Manager;
 - 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;

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6. that the developer may 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;
 - 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
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 Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning 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 Director: Infrastructure and Planning 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 Director: Infrastructure and Planning;
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 Director: Infrastructure and Planning 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

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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 may be required by the Director: Infrastructure and Planning prior to the approval of any service plans;
15. that the developer provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
16. that each subdivided erf be provided with individual water and sewer connections which comply with the standards of the Department: Operational Services (Hermanus).
17. that the water and sewer bulk and link services will be prioritized in according the Overstrand Master Plans, the relevant GLS Consultants capacity report (dated 1 February 2022) and the subsequent follow-up email (dated 5 August 2022). The construction will occur according to the agreed service level agreement and only to an amount equal to or less than the total bulk levy amount payable;
18. that the Home Owners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;
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 street lighting be provided and conform to municipal standards;
21. 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;
22. 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;
23. that any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;

24. 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*;
25. 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 Director: Infrastructure and Planning;
26. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Director: Infrastructure and Planning;
27. 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 Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
28. that the connection to the stormwater reticulation system be provided according to the stormwater management plan by, the developer;
29. that a minimum of 12m stacking distance be provided between the entrance gate and the road reserve;
30. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
31. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.


DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES


DATE

From: Riaan Kuchar
Sent: Wednesday, 7 August 2024 3:15 pm
To: Alida Conradie; Hanneen van der Stoep; Helgaardt Boshoff; Brady Minnaar
Subject: FW: Application for consent use Erf 7182 Westcliff
Attachments: Erf 7182.docx



TP - A Theart (Hollivier)

From: Clinton Lerm <clerm@overstrand.gov.za>
Sent: Wednesday, August 7, 2024 12:22 PM
To: Riaan Kuchar <rkuchar@overstrand.gov.za>
Cc: Brian Wridgway <wridgways@gmail.com>
Subject: FW: Application for consent use Erf 7182 Westcliff

Dear Mr Kuchar

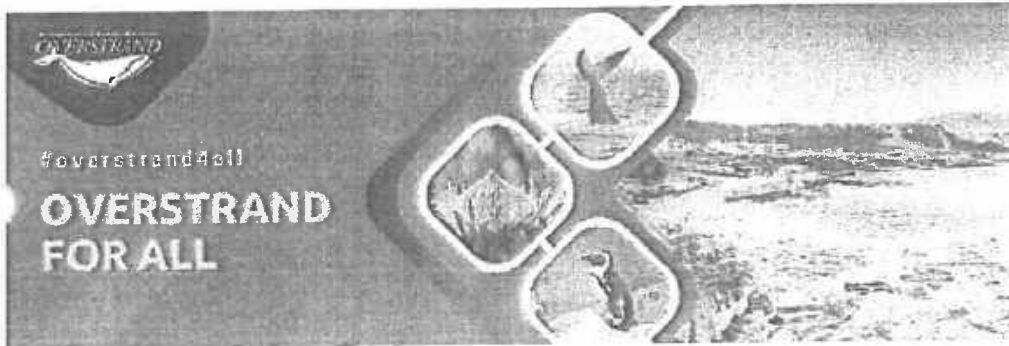
Please find the letter attached – As mentioned this morning at our portfolio meeting the consent use for this property is under a magnifying glass as it will have an impact on future deviation and consent use application.

Kind regards

Cllr. Clinton Lerm

Mayco Member – Investment & Infrastructure

Phone +27 (0) 28 313 8000 Email clerm@overstrand.gov.za
Hermanus Municipal Office, Magnolia Street, Hermanus 7200



From: Brian Wridgway <wridgways@gmail.com>
Sent: Wednesday, August 7, 2024 12:05 PM
To: Clinton Lerm <clerm@overstrand.gov.za>
Subject: Fwd: Application for consent use Erf 7182 Westcliff

FILE NO. Erf 7182-HWC
SCAN NO. HWC 7182
COLLABORATOR NO. 2098461

Hi Clinton,
The attached was penned by me on behalf of the HRA but never submitted by them. I'm upset about it.
Brian

----- Forwarded message -----

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From: **Brian Wridgway** <wridgways@gmail.com>

Date: Wed, 05 Jun 2024 at 12:13

Subject: Application for consent use Erf 7182 Westcliff

To: <russel.schierhout@vodamail.co.za>, Ken Briggs <kbriggs@mweb.co.za>, Ratepayers Hermanus <ratepayers@hermanus.co.za>

Cc: <martin@greeff.co.za>

Hi Guys,

Please see attached submission in respect of the application by Sunny Seas for short term lets on their development. Please note the closing date of 14 June 2024.

Kind regards,

Brian

Erf 7182, 39 Westcliff Drive, Hermanus. Application for consent use.

The Hermanus Ratepayers Association (HRA) makes the following submission in response to the abovementioned application.

Background

In July of 2023 Horizon Capital applied for approvals and departures for the development in question, which, following objections from P Redford and the HRA was finally approved by the MPT.

The application sought approval for 21 luxury units for high net worth clients as identified by the developer.

Following the lodging of objections, representatives of the HRA as well as P Redford were invited to meet with the developer at the offices of WRAP PROJECT OFFICE (WPO) in order to share information regarding their motivation for the development and to request the invited parties to withdraw their objections. During the course of the discussion it came to light that officials of the Overstrand Municipality (OM) had encouraged the developer to increase the number of units proposed. The suggestion was to provide a greater number of smaller units at more affordable prices. The motivation for the increase was to alleviate the housing shortage in greater Hermanus.

Our objection.

The HRA is opposed to the application for the consent use as set out in the application.

If the development was justified on the basis of alleviating a housing shortage, then one would assume that the units would all be occupied by grateful owners.

If the developer does not manage to sell all the units and a number remain unoccupied then that would motivate the consent use in order to earn a return on its investment. If this is so then the question arises as to the need for 21 units in the first instance. Is there also the possibility that a selling point for the development is

that short term rentals are permitted when owners are not in residence.

One could be forgiven for being cynical about the real motivation behind the high number of units as per the application. You cannot have it both ways. Either the development is intended for permanent occupation or it is for short term rentals.

WPO, in the application, mentions a number of accommodation establishments in the area as being justification, as precedent, for the application. This is the standard response from planners to justify unwelcome approvals of this nature. The establishments named are all commercial short term accommodation businesses, not luxury residential apartments.

Conclusion

The HRA is opposed to the application and trusts that sanity will prevail both in the Planning department as well as at the MPT. Should the MPT approve the application the HRA will take it on appeal.

B Wridgway
HRA