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

7182 HWC

4119/2022

(H Boshoff)

S van der Merwe)

11 October 2023

(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 19 April 2022 from Messrs WRAP Project Office on behalf of Sunny Seas Properties Pty (Ltd), the owner of Erf 7182, Hermanus for the following:

- ❖ **rezoning** of the property in terms of Section 16(2)(a) of the By-Law from General Residential Zone 1: Town Housing to General Residential Zone 3: Flats (Bulk Zone 1) to accommodate a four (4) story flat development consisting of a total of twenty-one (21) luxury apartments with amenities, and
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the minimum required erf size for densification from 3000m² to 1677m²;
 - relax the eastern lateral building line from 4.5m to 2m to accommodate the proposed apartment block;
 - relax the eastern lateral building line from 4.5m to 0m, as well as the rear building line from 3m to 0m accommodate a refuse room; and to
 - relax the size restriction applicable to refuse rooms within building lines in terms of Chapter 16.1.1(a)(x) and 17.4.4 of the Overstrand Municipality Land Use Scheme, 2020, from 5m² to 17.5m².

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 7182, Hermanus is zoned for General Residential Zone 1: Town Housing purposes and measures 1677m². The property is the consolidation of previous Erven 557 and 558, Hermanus. During June 2005 the then property owner obtained conditional approval for the rezoning of the property from the previous Intermediate Residential Zone to the previous General Residential Zone to construct a 4-storey block of flats on the property with a height of 12 meters.

A condition was imposed that a demolition permit be obtained from the municipality to demolish the structures on the property. The structures have been demolished since, leaving the property undeveloped.

Additional background

This submission is a re-submission of the application to the Municipal Planning Tribunal (MPT) for the following reasons:

The (MPT) on 29 June 2023 decided on the application as set out in paragraph 1 above of this submission in terms of the provisions of Section 61 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 which decisions are quoted as follows:

- "1 that the comments 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 7182, Hermanus (the property) from General Residential Zone 1: Town Housing to General Residential Zone 3: Flats (Bulk Zone 1) to accommodate a four (4) story flat development consisting of a total of twenty-one (21) luxury apartments with amenities, **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, to relax the requirement for the minimum erf size for densification from 3000m² to 1677m² to accommodate the development on the property in 2 above, **be approved** in terms of the provisions of Section 61 of the By-Law;*
- 4. that the application for departure in terms of Section 16(2)(b) of the By-Law to relax the eastern lateral building line of the property from 4.5m to 2m to accommodate the development in 2 above, **be approved** in terms of the provisions of Section 61 of the By-Law;*
- 5. that the approvals in 2, 3, and 4 above, be subject to the following conditions:*
 - (a) the development, parking layout, and refuse room must be in accordance with the applicable layout plans that was submitted with the application;*
 - (b) the development be restricted to a total of 21 flat units with amenities;*
 - (c) that the refuse room must comply with the requirements of Chapter 17.4.3 of the applicable Zoning Scheme, and the refuse bins must be put on the sidewalk on refuse collection days as the Municipality does not enter private properties to collect refuse – the refuse bins must be removed from the sidewalk immediately after the refuse has been collected by the Municipality;*
 - (d) that building plans must be submitted to the Building Department for consideration and approval, and any requirements by the Building- and Fire Departments at that stage, must be complied with;*

- (e) *that the relevant conditions of Telkom (Annexure G), Department of Environmental Affairs and Development Planning Directorate: Development Management, Region 1 (Annexure H), Department of Environmental Affairs and Development Planning: Biodiversity and Coastal Management (Annexure J), Engineering Services (Annexure K), and the GLS Report (Annexure N), must be complied with;*
 - (f) *that this approval does not absolve the landowners from compliance with any other relevant legislation, and*
 - (g) *that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.*
6. *that the applicant and objectors be notified of their appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above conditional approvals.”*

The municipality caused notice of the application in the media and registered notices were served on all possible interested and affected parties on 24 June 2022.

Objections against the application have been received from the following parties with the prescribed timeframe:

- Nederduits Gereformeerde Kerk-Hermanus
- P Redford
- MA Verster
- Hermanus Ratepayers Association

After discussions between the applicant and church's owners, the church formally withdrew its objection.

The objections of P Redford and MA Verster were thoroughly discussed and addressed in the planning report which was considered by the MPT.

However, due to a bona fide and inadvertent administrative oversight the objection of the Hermanus Ratepayers Association (HRA) was not placed on record, was not referred to the applicant for comment and was also therefore not addressed in the planning report which was considered by the MPT.

Notwithstanding the above the comments/objections of the Hermanus Ratepayers Association (HRA) must also be considered since same was received within the prescribed period and is therefore a valid comment that must be considered by the Municipality and the MPT to also afford the HRA an appeal right should the MPT again decide to approve the application.

For the above reasons the application must necessarily be referred back to the MPT to also evaluate the comments/objections of the HRA and to determine whether it stands by its initial decision or not, hence the internal appeal that was lodged.

In terms of the provisions of Section 51 of the Spatial Planning and Land Use Management Act, 2013, the Appeal Authority had to consider the appeal and confirmed, varied, or revoked the decision of Municipal Planning Tribunal.

In terms of the provisions of Regulation 26 of the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015, should the Appeal Authority decided to revoke the decision of the MPT, it may remit the decision to the Municipal Planning Tribunal or Authorized Official or replace the decision with any decision it regards necessary.

The appeal was forwarded to all the above objectors in terms of the provisions of Sections 79(3), and (4) of the By-Law to comment on the appeal. The appeal was also served on the applicant who is the only party that commented on the appeal.

In terms of the above reasons, it was recommended as follows to the Appeal Authority in the appeal submission:

- “(a) *that the appeal be upheld by the Appeal Authority;*
- (b) *that the decisions pertaining to the application applicable to Erf 7182, Hermanus (Westcliff) that was taken by the Municipal Planning Tribunal on 29 June 2023, be revoked by the Appeal Authority as a whole in terms of paragraphs 6(e) and (f) above (reasons for appeal); and,*
- (c) *that the Appeal Authority instructs the Town Planning Department to provide the applicant the opportunity to also respond to the comments/objections of the Hermanus Ratepayers Association after which the application, together with the responses of the applicant and the Town Planning Department on the Association’s comments be re-submitted to the Municipal Planning Tribunal for consideration and decision.”*

The Appeal Authority on 6 October 2023 upheld the appeal and confirmed that the decision of the Municipal Planning Tribunal dated 27 February 2023 be dismissed (see decision attached as Annexure R). In view of the latter decision by the Appeal Authority the application is now re-submitted to the MPT for consideration.

4. SUMMARY OF APPLICANT’S MOTIVATION

Only the main points of motivation are summarised as follows (the detailed report is attached as Annexure C):

- ❖ The property is located in a prime location and has an uninterrupted view of the South Atlantic Ocean.
- ❖ The property was purchased with the view to develop a hallmark development thereon.
- ❖ The development will consist of fifteen two-bedroom flats and six three-bedroom flats.
- ❖ The proposed development will capture the essence of Hermanus and will complete the seafront property line.
- ❖ A contemporary design of the building is proposed that will respond to both the urban context of the property and the location on the urban edge next to the sea.
- ❖ The building will be broken up in two masses to reduce the mass of the building perceptually. The two masses are connected by means of a walkway.
- ❖ The property will have two accesses, one for vehicles and one for pedestrians.

- ❖ Adequate space is provided to ensure that vehicle access and egress has adequate stacking space to ensure minimal impact on the public street.
- ❖ The site will be cut to the back by approximately 1.4m so that the entire ground floor is at street level.
- ❖ Two parking bays per flat will be provided by means of tandem parking which Mr Andrew of the Municipality's Engineering Department supported in writing, provided that both parking bays of a tandem parking bay be allocated to the same flat.
- ❖ The extent of the property is 1677m² and requires a departure from the minimum erf size of 3000m² for development. Due to its location, it is limited in size as both properties to the sides are developed and the property to the back has town housing status. The departure will unlock the true potential of the property and can be developed to its full potential and contribute to the densification targets of the Spatial Development Framework.
- ❖ The adjacent Grobbelaar Saal (Erf 10569) has historic buildings with heritage significance. The structures are uninhabitable and are occasionally used for church and other purposes. The encroachment of the eastern lateral building line from 4.5m to 2m is not anticipated to have any negative impact on Erf 10569 since it is not used on an uninterrupted habitable basis. The portions of the building encroaching the lateral building line are service rooms, storerooms, bedrooms, bathrooms, and an uncovered balcony. A refuse room is a general encroachment in terms of the zoning scheme.
- ❖ In terms of the zoning scheme the footprint of a refuse room may not exceed 5m² and if covered with a roof not more than 3m² or as required by the Municipality. It is proposed to have a refuse room of 17.5m² that will allow adequate space to service the individual flats. The general requirements for a refuse room as set out in Chapter 17.4 of the zoning scheme will be adhered to.
- ❖ The proposed development is not out of character of the immediate area.
- ❖ There are no restrictive conditions in the title deed of the property that prohibits the proposed development.
- ❖ Communal open space of at least 10% of the property must be provided as outdoor recreational/garden areas. Open space will be provided at the second and third storeys of the building that is interlinked by means of "green steps" between the two storeys to function as one communal space.
- ❖ Adequate parking can be provided on the property.
- ❖ As indicated in the service reports submitted with the application, all services and capacity are available, although certain infrastructure needs to be upgraded.
- ❖ Access and from the property will be obtained from one 5m wide access point in Marine Drive with sufficient stacking distance for two cars.
- ❖ Residential space will be provided to 21 families who will be paying rates and taxes to be used to upgrade public infrastructure.
- ❖ There may be view and sunlight impacts on surrounding properties since the design of the development will maximize the space on the property. The side where the most impact will be is not zoned for residential purposes and is therefore not permanently occupied (Grobbelaar Saal).
- ❖ The proposed development is located within Bulk Zone 1 (CBD) that allows for a maximum height of 12.5m and 4 storeys. This is not out of the ordinary for the area with reference to the Esplanade and the close by four storeys Misty Waves Hotel with a height of 14m.

- ❖ The development proposal considers the surrounding area and there will be a 5m space between the property and the adjacent Erf 6127 that has a single storey residential dwelling. View corridors were considered, but the view corridor of Erf 10569 (church) is compromised due to the shape of the property and the extension to the church. The view corridor to the south-western boundary is kept open to ensure that the view to the mountains is retained.
- ❖ It is predicted that there would be no negative impacts on the sunlight of adjoining properties.
- ❖ It is important to the owners that the development does not disrupt the character of the broader area. The proposed boundary wall is to be semi-permeable with a stone base to match the existing stonework in the neighbourhood.
- ❖ The development will have both short- and long-term positive economic impacts.
- ❖ The property is listed in the Municipality's Heritage Register and the building that was on the property was demolished with the consent of Heritage Western Cape.
- ❖ A portion of the property is located in the Coastal Protection Overlay Zone and the application was evaluated in terms of the provisions of the Overlay Zone.
- ❖ The proposal is not predicted to affect the protected elements as set out in the Historic Core of Hermanus Heritage Protection Overlay Zone.
- ❖ The proposed development was aligned with Overstrand Spatial Development Framework.
- ❖ The repealed Overstrand Municipality Growth Management Strategy provides that the area is designated for high density development to which the proposed development is aligned.
- ❖ The proposal is in line with the Planning Principles as set out in SPLUMA.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	24 June 2022	29 July 2022
Notices	Yes	24 June 2022	29 July 2022
Ward councillor	Yes	24 June 2022	29 July 2022
Total comments	THREE		
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
Building Department	24/06/2022	No objection. Building plan application must comply with all applicable law.
Fire Department	27/06/2022	No objection subject to compliance with the provisions of SANS 10400-A: 2016, 10400-T: 2020 and the By-Law relating to Community Fire Safety.
Environmental Section	05/07/2022	Attached as Annexure F.
Heritage Western Cape	05/07/2022	The application does not trigger the provisions of the National Heritage Resources Act and no comment from HWC is required – see attached as Annexure R.
Telkom	23/07/2022	Attached as Annexure G.
Department of Environmental Affairs and Development Planning Directorate: Development Management, Region 1	30/06/2022 28/07/2022	Attached as Annexure H
CapeNature	23/08/2022	Attached as Annexure I.
Department of Environmental Affairs and Development Planning: Biodiversity and Coastal Management	30/08/2022	Attached as Annexure J.
Engineering Services	10/11/2022	Attached as Annexure K
Manager: Engineering Services (re tandem parking)	24/05/2023	Attached as Annexure L
Operational Department (refuse room)	29/05/2023	Attached as Annexure O.
Local Heritage	10/03/2022	The applicant submitted its proposed development plans to the local Heritage and Aesthetics Committee for comment prior to the formal submission of its application. Its conditional support is attached as Annexure P.

Heritage Western Cape	05/07/2022	The application does not trigger the provisions of the National Heritage Resources Act and no comment from HWC is required – see attached as Annexure Q.
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7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

It should be noted that the owners (“Nederduits Gereformeerde Kerk-Hermanus”) of the adjacent Erf 10569 initially objected to the position of the refuse room in front of the windows of the church’s prayer room. After discussions between the applicant church’s owners, it was decided that the refuse room be relocated to the western side of the property beneath the building. The church subsequently formally withdrew its objection.

Mrs P Redford (no address provided – only indicated that she is a Ward 3 committee member.)

Me Mary Ann Verster (no address provided – indicated that she is a Ward 3 committee member as a representative of the Hermanus Botanical Society.)

Mr BH Wridgway (Chairperson) on behalf of the Hermanus Ratepayers Association

The main points of comment are addressed as follows:

Point 1 of comments (Mrs P Redford)

Minimum size erf for densification from 3000m² to 1677m².

Response of applicant

We have taken note of the various comments raised by Mrs Redford and have addressed all items either in the application or further elaborated on below.

Response of town planner

Similar applications were approved in the past. The property currently has development rights for group housing. It is important to note that the Mayoral Committee on 29 June 2005 approved, amongst others, a 12m high four storey block of flats on the property, as well as a departure to deviate from the minimum allowable erf size for the development (see letter of approval attached as Annexure M). It is however unsure why the property was not developed in accordance with the said rights. Although the density is higher than the previous approved application, one must consider the fact that the repealed Overstrand Growth Management, that is now used as a guideline document, indicates that the area (CBD) within which the property falls, has a density rate of 30 units/hectare or more, thus in compliance.

Point 2 of comments (Mrs P Redford)

Rezoning from General Residential Zone 1 to Zone 3 (Bulk Zone) reflects an assumption that such intense densification will be suitable to the existing bulk infrastructure and provision of basic services.

Response of applicant

As part of the design process and application a detailed service and infrastructure study was undertaken. The GLS Services Report was obtained and submitted with the application. GLS is a professional Civil Services Engineering Company contracted by the Municipality and confirmed that there is sufficient capacity to supply the proposed development.

Response of town planner

The applicant's response is noted and concurred with.

Point 3 of comments (Mrs P Redford)

The departure is effectively requesting almost doubling the density allowed on the relevant erf size currently allowed. A reconsidered approach may be better received by reducing the bulk from 21 units, 42 parking bays and highly restricted open space, to a lower density of 12 spacious units, reduction of floors from 4 to 3 and 20 parking bays. (Manoeuvring of vehicles to exit the tandem bays safely/efficiently is questionable at a density of 42 bays for such a small parking area). "Little room for error!"

Response of applicant

There are already several General Residential Zone 3 approvals: Flats Bulk Zone 1 developed even within the surrounding area, which is not out of the ordinary and not considered out of character. The CBD have been specifically identified as an area where Bulk Zone 1 developments may be accommodated.

The submission that the number of units should be reduced to accommodate more spacious apartments is respectfully not grounds for an objection and "spaciousness" is highly subjective in nature. The current design has been workshopped with various local agents and professionals and is considered a desirable response to the current demands being seen in Hermanus.

The current proposal accommodates a very generous allocation of 185m² of communal space which functions as one space over two floors.

An integrated design was prepared for 21 flats and 42 parking bays which are compliant with the standard parking specifications as per the requirements set out by the Overstrand Municipality.

There is sufficient manoeuvring space as the client has complied with the prescribed 7,5m drive-aisle width required in between parking bays. In addition, the actual parking bays' dimensions are standard being 2,5m x 5m.

Mrs Redford's view "that there is little room for error" is not substantiated.

Response of town planner

The applicant's response is noted and concurred with. Also refer to town planner's response under Point 1 above.

Point 4 of comments (Mrs P Redford)

North-eastern lateral building line from 4.5m to 2m to accommodate the proposed apartment block. Over densification along the seafront should be considered with caution as the resultant impact on the area is bound to detract from the Hermanus charm and character. The unique reminders of historical significance blended equally with a fresh interpretation of design criteria can be achieved. The bold and intense bulking of this site to facilitate 21 units seems to violate this uniqueness and sense of space. The term “luxury” is repeated a number of times in the application document, however the compromising space of the units, minimising of facilities and complex parking arrangements, do not reflect luxury.

It may be argued that luxury will be reflected in terms of fixtures and fittings; however, the desirability of space remains investors’ criteria for the term and associated costs of luxury.

Response of applicant

The submitted motivation for the departure addresses the reasoning and motivation for the proposed departure. It is noteworthy that none of the immediately adjacent property owners (Dutch Reformed Church) and Erf 6127 raised any concerns relating to this lateral building line departure.

A heritage report was commissioned to inform the design proposal for the property. The front treatment of the building was carefully considered to enhance the charm and character of Hermanus, and a number of elements have been incorporated which responds both to the heritage and urban context of the property, as well as its position on the urban edge next to the sea. The irregular, more naturalistic composition of the façade is a response to the irregular character of the rocky coastline directly in front of the property. The building is broken up into several smaller elements and has been articulated vertically into a tripartite composition to reduce the mass. The natural stone wall, paving along the street edge, permeability of the boundary wall creating a connection between the building and the street, echoes the existing historic fabric of the area.

The proposed building went through an extensive review process with the Overstrand Heritage and Aesthetics Committee. All formal comments received from the Heritage and Aesthetics Committee meeting held on 10 March 2022 have been addressed and incorporated in the design proposal. It is also worth noting that the proposed development does not accommodate 21 units bulked out on the seaside per the objector’s inference. There are 15 apartments that interact with the seaside with the rest of the apartments situated towards the north (back) side, the side which are not visible from the seafront.

Response of town planner

Author is neither a specialist in the field of architecture nor architectural designs. The Municipality’s Heritage and Aesthetical Committee already commented on the architectural design prior to the formal submission of the application. Its comments are attached as Annexure P.

Point 5 of comments (Mrs P Redford)

North-eastern lateral building line from 4.5m to 0m to accommodate purposed-built refuse room. Practical considerations with the location of the refuse room may require review. Transferring the refuse bins from the furthest corner of the basement area to, presumably, the pavement area, along the narrow driveway on the opposite side of the property, is challenging. In addition to this, the placing of 21+ refuse bins on the pavement area of the erf, on refuse collection day would be an offensive aesthetic for all passing by. By reducing the bulk, the reduction of refuse bins is reduced to a more manageable volume. The pavement space is public traversing area and should not be blocked for any period by refuse bins for obvious reasons. This requires review by the Integrated Solid Waste Department and applicable regulations applied rigorously.

Response of applicant

The refuse room has been relocated away from the church common boundary and is now proposed underneath the main building structure as indicated on the revised ground floor layout. The refuse room has been designed to comply with the guidelines for refuse rooms of the Overstrand Municipality Land Use Scheme (section 17.4) and complies with the size ratio for general residential buildings.

The management of the refuse on refuse collection days will comply with municipal standards that are applicable to any property within the municipal area. The proposed development will have a managing agent and caretaker who will ensure that the bins are taken out only on collection days and brought in as soon as possible after being collected on the relevant refuse day. This will ensure that there would be no "offensive aesthetic".

Response of town planner

The applicant's response is noted and concurred with. It should be mentioned that in terms of Chapter 17.4.1 of the Overstrand Land Use Scheme, 2020, the Municipality may require that a landowner constructs a refuse room for a specific development. Refer to condition 25 of the Municipality's Engineering Department's Service Report attached as Annexure K. The condition requires, amongst others, that a refuse collection area/room must be constructed by the developer that can sufficiently accommodate the refuse generated by the development. It must further be properly ventilated, have a cement floor, tap and running water with a drainage point connected to the sewer network, and be as close as possible to the road. As already mentioned, the refuse room will be moved to a new position at the western side of the property beneath the building due to the initial objection of the neighbouring church. It will further comply with the requirements of the Fire Department that will be addressed at building plan phase.

The operational department indicated that it has no objection to the new location provided that the refuse bins will have to put be on the sidewalk on refuse collection days since the municipality does not enter private properties to collect refuse (see Annexure N). It is common practice to place refuse bins on sidewalks during refuse collection days even in residential neighbourhoods, which has a temporary impact on pedestrians.

No comment is offered on the point of the building line encroachment since the new location of the refuse room does not involve a building line encroachment anymore.

Point 6 of comments (Mrs P Redford)

Rear building line from 3m to 0m to accommodate refuse room. Fire risk associated with a contained refuse space needs to be addressed should this building line be reduced to 0m. Suitable fire-resistant walls and sprinkler systems may be a good approach. This presumably applies to the parking space as well.

Response of applicant

The refuse room will be built to the applicable regulation for fire protection standards and be aligned with the requirements set out by the Overstrand Municipality to minimize the fire risk that a refuse room may have.

Response of town planner

Same as under Point 5 above.

Point 7 of comments (Mrs P Redford)

The adjacent Erf 6127 has an existing thatch roofed building. This requires particular consideration as the escalated risk of rapidly spreading fire on the property, (particularly on the ground level in close proximity to the parking garage) could present associated risk to the proposed development. Further investigation of fire-proof products applied to the building structures should be considered, with due interrogation by the Overstrand Fire Department's suitably qualified inspection officer and Building Department/Planning Dept compliance officers. The historical evidence of how rapidly thatch homes have been reduced to cinders, in that area, is well documented, as recently in Westcliff 6/7years ago.

Response of applicant

As per the submitted motivational report and site development plan it is clear that the building is set back to 5m on the western side. It is the opinion that an uncovered parking bay will not increase the fire risk on the western boundary. The application was also circulated to the Overstrand Municipality's Fire Department for comments that will be made conditions of approval of the application.

Response of town planner

Author discussed the point of comment with the building control officer of the area who stated that it is the responsibility of the adjacent property owner to comply with the relevant legislation regarding thatch roofed dwellings, and not that of the applicant.

Point 8 of comment (Mrs P Redford)

Chapter 4 of the Overstrand Land Use Planning Bylaw (substations/meter kiosks/service pillars).

“... allow the following on his or her land unit if considered necessary and in the manner and position as may be reasonably required by the Municipality.”

Due regard for the above requirement should be emphasised. Given that the public pavement area is constantly used by pedestrians, the pavement area should not be used for installations such as substations/meter kiosks/service pillars, as this obstructs pedestrian flow and is offensive to the aesthetics of the seafront access area. These should be housed within the boundary of the property to be developed. Oversight regarding the positioning must be followed by the building authority to ensure compliance and avoid deviation.

Response of applicant

The application for the rezoning and departure does not propose any encroachments on the public pavement area.

Response of town planner

The commenter's point is a general requirement that can be enforced on any landowner in terms of the By-Law, if and when infrastructure is reasonably required in respect of other land units. The latter is not the case. It is further a function of the municipality's engineering department regarding the placement of infrastructure that will be addressed in the services agreement if found necessary.

Point 9 of comment (Mrs P Redford)

On street parking bays in front of building (Marine Drive).

The significant lack of visitors and shoppers parking and general parking bay allocation throughout Hermanus CBD currently poses a dilemma. Due consideration of the street front parking bays on Marine Drive are essential to ensure further densification does not further compromise an already challenging CBD issue. The relevant authority should apply relevant status to the street parking bays with this in mind. A loading zone would remove current street parking, obviously something to-be considered with Traffic Department/Roads.

Response of applicant

The proposed development cannot be held accountable for the current general parking bay status throughout the Hermanus CBD. The proposed development has been designed to provide sufficient parking in compliance with the requirements of the Overstrand Municipality Land Use Scheme. No on-street parking is required to service the proposed development.

There is also no loading zone being proposed that will remove any street parking as being referred to.

Response of town planner

The applicant's response is noted and concurred with. Sufficient and practical parking for the development can be provided on-site and the proposed parking layout was approved by the Engineering Department. It is not a business site or an industrial site that requires loading zones.

Point 10 of comment (Mrs P Redford)

Wind factor consideration for roof terrace structures. From an environmental and public safety viewpoint, it is expected that any installations onto the flat roof/roof terrace will be suitably constructed to resist the intense wind strengths experienced regularly on the seafront of Hermanus. Winds of up to 9 or 10m/second can cause dislocation of structures, damage to unsecured furniture and a potential to cause damage to public areas surrounding the building. Hazards could be associated to the terrace fittings and plant installations if due consideration is not made by the developer/builder/building inspector /safety authorities.

Response of applicant

All installations on the roof will be constructed to the highest standards. The proposed development has a full appointed professional team including civil & structural engineers who will specify roof installations to ensure they are secure and safe.

The client will also ensure that sufficient storage space will be provided on the roof for any loose items to be securely stowed when not in use. In addition, the client proposes to incorporate a specific rule in the Body Corporate's rules that will require that all loose items must be fastened and stowed when not in use.

Response of town planner

The applicant's response is noted and supported. All civil & structural works must be in accordance with national building legislation, and the commenter's point is regarded as speculative.

General response by applicant on comments of Mrs Redford

The applicant, in its conclusion to Mrs Redford's points of comment, states that its comments is in its capacity as a "Ward 3 Hermanus committee member.", and that it respectfully submits that its comments did not meet the requirements for submission of comments in terms of Section 52 of the By-Law for the reasons set out below:

Although the application was circulated to the Ward Committee of Ward 3, no confirmation that Mrs Redford was mandated to submit the comments on behalf of the Ward Committee was attached to the comments.

Mrs Redford has also not specifically addressed how the current application would impact on its specific property as an owner in Ward 3, Hermanus.

Response of town planner

Refer to Mrs Redford's letter of comment attached as Annexure D. From the comments in the letter, it is the view that Mrs Redford does not comment on behalf of the Ward 3 Committee, since she only indicates that she is a member (not on behalf) of the Ward 3 Committee, which cannot without further ado be construed that she is commenting on behalf of the Ward 3 Committee without a mandate.

The MPT however, during its discussions on the above point, was of the opinion that the above point of response should rather be ignored since the comment was received within the prescribed period. Thus, it was considered as a valid comment. The same applies to Point 11 below in response to Me MA Verster's comment.

Point 11 of comment (Me MA Verster)

This is prime land affecting the attractiveness of the coastline from the point of view of tourist experience in Hermanus. A structure that is not in proportion to existing buildings will set an unacceptable precedent for further development in the area.

Response of applicant

The objector's argument against the proposed development is based on personal opinion rather than objective grounds, specifically claiming that it will set a precedent. The motivation behind the development reveals that it aligns with the development trends in the surrounding area.

It should be emphasized that each land use application is evaluated on an individual and site-specific basis. The notion that this application of one property automatically sets a precedent for another property is unfounded. Town planning is a thorough process that considers the unique characteristics of each site, and the approval of rezoning is determined based on its own merits.

The Overstrand Municipality is obligated to consider various factors that may influence their evaluation and decision-making regarding the proposed development.

Response of town planner

The applicant's response is supported since the commenter's point of comment is not substantiated, thus subjective. Also refer to author's response under points 1 and 3 above that is also relevant to this point of comment.

The remaining points of comment are similar to Mrs Redford's points of comment above and are therefore not addressed again to avoid unnecessary duplication.

General response by applicant on comments of Mrs Verster

The applicant, in its conclusion to Mrs Verster's comments, and similar to its conclusion of Mrs Redford's comments, states that she was not mandated by the Ward 3 Committee to submit the comments on behalf of the Ward Committee. It further states that she did not meet the requirements for the submission of comments in terms of Section 52 of the By-Law and that she has also not specifically addressed how the current application would impact on her specific property as an owner in Ward 3, Hermanus.

Response of town planner

Refer to Mrs Verster's letter of comment attached as Annexure D. From the contents of Mrs Verster's comments, it is the view that Mrs Verster does not comment on behalf of the Ward 3 Committee, since she only indicates that she is a member (not on behalf) of the Ward 3 Committee representing (as a representative of) the Hermanus Botanical Society, which cannot without further ado be construed that she is commenting on behalf of the Ward 3 Committee without a mandate.

Also refer town planner's response in Point 10 above.

Point 12 of comments (Mr BH Wridgway (Chairperson) on behalf of the Hermanus Ratepayers Association (HRA))

For information purposes it should be mentioned that in its introduction on the comments on the application, the commenter states the following:

"The Association recognises the detailed design of the development as having been carefully crafted with cognisance having been taken of many of the legislative and planning criteria which apply to it. In any other setting and without the restrictions which apply the Association would be happy to give its approval to a development of this nature."

Rezoning permitting densification: There is no justification offered by the developer to rezone the property other than the maximisation of its return on investment on a restricted footprint intended to accommodate fewer units. Building 21 units where only 6 or 8 are permitted, based on the current zoning effectively quadruples the return without due consideration of the negative effects of the densification.

Response of applicant

Refer to Section 4.1 of the motivational report. The property currently has a zoning of General Residential Zone 1: Town Housing, which is not aligned with the proposal. The current zoning only allows for the current primary uses, being town housing, private road, and private open space. Since the proposal is for the construction of flats, it is required to rezone the property as motivated in the motivation report. The Bulk Zone 1, within which the property is located, is the only area that allows for these densities and 4 floors together with a 12.5m height. This is aligned with numerous policies and legislation of the municipality and the property owners are not applying for anything that is considered out of place or out of the ordinary.

Bulk Zone 1 permits a floor factor of 3. The proposal is compliant and well within the range with a floor factor of 1.7. The return is not quadrupled by having more units since the same amount of bulk is built and sold at market related prices. The envelope of the building will remain unchanged.

In the initial town planning report that served before the MPT, the municipality's town planner evaluated the rezoning and its desirability, as well as why the application should be approved.

Response of town planner

The applicant's response is noted and concurred with.

Point 13 of comments (Mr BH Wridgway o.b.o. HRA)

Municipal infrastructure (Bulk Services Infrastructure): It is common cause that the municipal infrastructure is under severe strain and requires substantial upgrading if future development is to be facilitated. The proposal is therefore antithetical to "lightening the load" as it were. There are already a number of multi storey developments in the area which place pressure on existing infrastructure and 21 additional units, fully occupied at peak season, would be most unwelcome.

Response of applicant

The applicant was required to provide a Capacity Analysis Report from GLS Consulting to determine whether the proposed development is viable and that there is sufficient services capacity. It is confirmed in the report that there is sufficient capacity. Applicant's motivation report addresses the bulk service infrastructure and that there are sufficient services for the proposal. The bulk services levy that the developer needs to pay to the municipality is approximately R 1 126 452.00. With this contribution there will be funding available to upgrade the current bulk water and sewer networks to reduce the strain and accommodate future infrastructure in the area.

Response of town planner

The response of the applicant is noted and concurred with. In addition, it should be noted that the engineering department supports the application in terms of the availability and capacity of services infrastructure. A bulk infrastructure levy must be paid for to upgrade bulk infrastructure in the area where and when it is required in future. The engineering department's comment is attached as Annexure K.

Point 14 of comments (Mr BH Wridgway o.b.o. HRA)

Heritage: Even though the development sits on the edge of the CBD it still falls within the Heritage zone and its very design is not in keeping with heritage criteria. The rezoning application is opposed.

Response of applicant

As addressed in the motivation report, the property was not found to have a negative impact on the heritage core of the area. Referring to the Heritage Protection Overlay Zone: **Land use** and building plan applications, if applicable, must be submitted to the Overstrand Heritage and Aesthetics Committee or a registered conservation body for comment. This was done and the property owners' appointed architects presented the proposed development scheme to the Overstrand Heritage and Aesthetics Committee (OHAC).

Heritage Western Cape indicated that the application does not trigger the provisions of the National Heritage Resources Act and that no comment is required of HWC.

Response of town planner

The applicant's response is noted and concurred with. In addition, the applicant submitted its proposed development plans to the local Heritage and Aesthetics Committee for comment prior to the formal submission of its application. Its conditional support is attached as Annexure P. The letter of Heritage Western Cape indicating it has no comment on the application is attached as Annexure Q.

Point 15 of comments (Mr BH Wridgway o.b.o. HRA)

Departure from 3000 sq/m to 1677 sq/m. If the proposed development were to be situated on the adjacent site bordering on Church Street the Association would have no objection in particular to the number of units being proposed. What is likely to happen if the densification is permitted it will automatically set a precedent for a similar application for the adjoining property to also densify thereby exacerbating the problem. The application is the thin edge of the wedge which, if approved, will signify the total collapse of restrictions on the Hermanus sea facing townscape and will lead to it looking like The Strand on the False Bay coast. The densification application is opposed.

Response of applicant

The departure is motivated in the motivation report since the property's current zoning requires a minimum erf size of 3000m². The permanent departure will unlock the true potential of the subject property as motivated, being located within the CBD.

The Hermanus Ratepayers Association must understand that the Strand (False Bay), is located and in the jurisdiction of the City of Cape Town, that has their own land use scheme.

To compare the Strand to Hermanus:

GR5 (Strand – CoCT)	Erf 7182 proposal
Maximum Height	
35,0m	12,5m

From the above comment it is clear that the HRA is not aware that the planning parameters applicable in the City of Cape Town are different to those in the Hermanus (Overstrand) area. The Hermanus sea facing properties are not allowed to be higher than the current proposal of 12,5m.

The proposal compares well with the recently built Esplanade development and will not be higher than The Birkenhead or Hamewith apartments.

Response of town planner

The applicant's response is noted and concurred with. In addition and as already responded on above, various similar applications were approved in the past. The property currently has development rights for group housing. The Mayoral Committee on 29 June 2005 approved, amongst others, a 12m high four storey block of flats on the property, as well as a departure to deviate from the minimum allowable erf size for the development (see letter of approval attached as Annexure M).

Although the density is higher than the previous approved application, one must consider the fact that the repealed Overstrand Growth Management, that is now used as a guideline document, indicates that the area (CBD) within which the property falls, has a density rate of 30 units/hectare or more, thus in compliance.

It is also important to note that the Department of Environmental Affairs and Development Planning Directorate: Development Management, Region 1, Department of Environmental Affairs and Development Planning: Biodiversity and Coastal Management, as well as Environmental Management of the municipality, supports the application.

Point 16 of comments (Mr BH Wridgway o.b.o. HRA)

Encroachment of lateral building line: The justification to encroach the lateral building line at the north-eastern boundary does not hold water. One acknowledges that the Grobler Hall is not a permanently occupied building but nevertheless the character of the area is one of open vistas to and also from the seafront. By effectively halving the space between the buildings this character will be lost. By reducing the number of proposed units to the permissible number of 6 to 8 permitted by current zoning the footprint of the building can be reduced and the need to encroach the building line will fall away. The departure is opposed.

Response of applicant

The departure is motivated in the motivation report and the adjacent property owners (NG Kerk Hermanus) did not object to the proposal or submit an appeal to the initial decision that was made the MPT. It was also motivated that no views will be affected.

Response of town planner

The applicant's response is noted and concurred with. As already mentioned, an approximate 5m wide space is provided between the proposed building and Erf 6127 to the west that allows for ample view lines from the northern and southern sides of the property. The building on the adjacent church site (Erf 10569) is used for ancillary uses to the primary uses of the property. The primary usage (congregation/church building) of the property is situated at the most northern (Church Street) side of the property. See extract of GIS below. The black delineation indicates a section of the church building, and the blue line indicates the proposed 2m building line. It is apparent that due to the position of that section of the building any views from the northern side of Erf 10569 as well as the southern side thereof, is obstructed in any event. Thus, whether the applicant maintains the 4.5m building line or not, it would make no difference to view lines due to the position of that section of the church building. If the eastern lateral boundary of the subject property and the western lateral boundary of Erf 10569 were aligned there would have been a view line due to building lines.



It is also important to note that the owners of the church property only objected to the refuse room to close to its building and not the bulk of the development encroaching the building line. A notice of the proposed development was also served on the owners of Erf 11018 that directly abuts the northern boundary of the subject property. The owners of the subject property also applied for the development of its property with buildings lower than the proposed building on the subject property resulting in obstructing views from certain proposed buildings on its property. However, no objection was submitted by the said property owners although they are fully aware of the proposed development on the subject property. The commenter's point that the area has a character of open vistas, are therefore completely unfounded.

Point 17 of comments (Mr BH Wridgway o.b.o. HRA)

Vested right of the owners of adjacent property: The owner of the adjacent property on the southwestern side will suffer a loss of daytime sunlight to which he has a vested right. Vested rights may not summarily be withdrawn. The application speculates that there will be no loss of sunlight and any approval should be subject to a detailed technical study to establish the facts. We oppose the development on these grounds.

Response of applicant

The impact on views, sunlight and character of the area are addressed in the motivation report and the property owners adjacent did not object to the proposal or submit an appeal to the initial decision that was made the MPT. The entire structure is set back at that side and the association is concerned that their vested rights will be affected.

The adjacent property owners (Erf 6127) and their architects have been in consultation with the applicant throughout their renovation process and never raised any concern regarding the proposed development. They are also aware of the proposed development and the decision of the MPT.

Response of town planner

The applicant's response is noted and concurred with.

Point 18 of comments (Mr BH Wridgway o.b.o. HRA)

OMSDF: The framework allows for densification in order to facilitate population growth within certain parameters. A figure of "more than 30DU/H" is what is permitted. There is no shortage of accommodation in Hermanus. The planned density sits at 125DU/H and far exceeds the norm in the area, setting a dangerous precedent. The development is opposed on these grounds.

Response of applicant

The alignment of spatial planning policies is addressed in the motivation report. The Overstrand Municipality Spatial Development Framework (OMSDF) indicates that: "Table 2.7 p25 of the OMSDF" when indicating the need and desire for additional housing in Hermanus. Additionally, applicant provides reference to the Overstrand Growth Management Scheme (OGMS) in its motivation, where it is clearly indicates that the property is located in an area where densification should be promoted and to allow development with "more than 30DU/H" (Dwelling Units per hectare).

Response of town planner

The applicant's response is factual, thus concurred with.

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 prolong spatial development injustices.

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 environment. The proposed buildings are compatible with the character of the area and the proposed zoning status of the property.

Efficiency

The application will 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.

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 primary uses are in line with the land uses in terms of the Land Use Scheme. It is however inconsistent with the development parameters (building lines) as set out in the Land Use Scheme, but it is consistent with the Spatial Development Framework and Growth Management Strategy.

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.

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 is zoned General Residential Zone 1: Town Housing. Should the rezoning be approved, the development parameters of the Overstrand Land Use Scheme, 2020 will apply, except for the departures being applied for.

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*

The property falls within the demarcated Central Business District (CBD) of Hermanus, which is the Bulk Zone 1 developable area of Hermanus that allows for a maximum height of 12.5m and 4 storeys (the proposal). The proposal is not out of the ordinary for the surrounding area with reference to the Esplanade area and the close-by 4 storey Misty Waves Hotel just outside the CBD with a height of 14m. The building will consist of two masses to aesthetically reduce the mass of the building on the relatively small land unit. The two masses will be connected by means of a walkway. Due to the proposed upmarket architectural style of the flats, it will enhance the already surrounding developed area significantly.

The proposal is in line with the 2020 Overstrand Spatial Development Framework that earmarks the property for urban development. The property is the only undeveloped property in that section of Marine Drive, and once developed it will close that gap in Marine Drive that will subsequently lead to a desirable coastal and street view.

The repealed Overstrand Growth Management Strategy, that is used as a policy/guideline document for developments regarding densities, earmarks the node within which the property is situated with a density of 30 units/ha or more. There are no maximum limit set for densification within this node, thus the proposed 21 flat compartments are in line with the said document.

Relaxation of the minimum erf size for densification

A flat development consisting of six units was approved on Erf 542 in Marine Drive that is located approximately 165m west of the application property, which property measures 1166m². Although the property is situated outside the Bulk Zone 1 area, it can be fairly debated that a precedent has been created in close proximity of the subject property to deviate from the minimum erf size restriction for densification. The proposal to deviate from the minimum 3000m² allowable erf sizes for densification to 1677m², would therefore not detract from the character of the immediate developed area and is therefore not regarded as undesirable.

Relaxation of the eastern lateral building line

The relaxation of the eastern lateral building line from 4.5m to 2m to accommodate the proposed flats is supported. The affected abutting erven are Erf 11018 to the north and Erf 10569 to the east. None of the owners of the two erven objected to the building line encroachment except for the refuse area that has been re-located. See 2020 GIS extract below.



The 12.5m high structures will have a darkening impact on the adjacent Erf 10569, but one must consider the fact that the structure on Erf 10569 directly adjacent to the proposed buildings is not the primary functional structure of the church site. The structure mainly consists of the church hall that is occasionally used for supplementary church purposes. Western Cape Blood Services also utilises it for blood donation purposes. It further consists of the church's offices and a prayer room.

From the above GIS extract it can be seen that the primary structure that is used for the congregation, is situated at Church Street's side of the property away from the proposed development. It should be mentioned that in terms of Chapter 6.4(e) of the Zoning Scheme, *"the Municipality may require the fourth storey of the proposed flat development to be set back 6,0m from the property boundary"*. It is the considered opinion that it should not be a requirement taking the aforesaid into consideration.

The coastal view lines of surrounding property owners from the western, northern, and eastern sides of the property will be minimally obscured due to the following:

- there will still be a 2m wide view line at the eastern side of the property;
- a mentionable size of the church building (at the western lateral boundary of the church property) already obstructs view lines from the southern and northern sides of the subject property;
- an approximately 5m wide view line will be provided at the western boundary of the property due to the layout of the proposed development;
- the occasional non-permanent uses of the structures on Erf 10569;
- Erf 11018 is undeveloped.

In view of the above, the building line encroachment will not have a mentionable negative impact on the immediate and wider surrounding developed environment and should therefore be supported.

Relaxation of the eastern lateral building line and the rear building line to accommodate a refuse room, and to relax the size restriction applicable to refuse rooms within building lines

Refer to revised site plan attached as Annexure C. Due to the relocation of the refuse room outside the said building lines, the above relaxations are not relevant anymore.

The title deed of the property does not contain any restrictive clauses that prohibit the proposed development.

In view of the above and author's responses on the points of comments, the application is supported from a town planning point of view in the manner as set out in the recommendation below.

13. RECOMMENDATION

1. that the comments 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 7182, Hermanus (the property) from General Residential Zone 1: Town Housing to General Residential Zone 3: Flats (Bulk Zone 1) to accommodate a four (4) story flat development consisting of a total of twenty-one (21) luxury apartments with amenities, **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, to relax the requirement for the minimum erf size for densification from 3000m² to 1677m² to accommodate the development on the property in 2 above, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application for departure in terms of Section 16(2)(b) of the By-Law to relax the eastern lateral building line of the property from 4.5m to 2m to accommodate the development in 2 above, **be approved** in terms of the provisions of Section 61 of the By-Law;

5. that the approvals in 2, 3, and 4 above, be subject to the following conditions:
 - (a) the development, parking layout, and refuse room must be in accordance with the applicable layout plans that was submitted with the application;
 - (b) the development be restricted to a total of 21 flat units with amenities;
 - (c) that the refuse room must comply with the requirements of Chapter 17.4.3 of the applicable Zoning Scheme, and the refuse bins must be put on the sidewalk on refuse collection days as the Municipality does not enter private properties to collect refuse – the refuse bins must be removed from the sidewalk immediately after the refuse has been collected by the Municipality;
 - (d) that building plans must be submitted to the Building Department for consideration and approval, and any requirements by the Building- and Fire Departments at that stage, must be complied with;
 - (e) that the relevant conditions of Telkom (Annexure G), Department of Environmental Affairs and Development Planning Directorate: Development Management, Region 1 (Annexure H), Department of Environmental Affairs and Development Planning: Biodiversity and Coastal Management (Annexure J), Engineering Services (Annexure K), and the GLS Report (Annexure N), must be complied with;
 - (f) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (g) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
6. that the applicant 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 conditional approvals; and
7. that the commenters be informed of their appeal right in terms of Section 78 of the By-Law with regard to the above conditional approvals.

14. REASONS FOR RECOMMENDATION

Reasons for the decisions above

- ❖ The application has followed due procedure.
- ❖ The development will not detract from the character of the immediate surrounding area or the coastal scene and is not out of the ordinary for the surrounding area.
- ❖ The coastal view lines of surrounding property owners will be minimally obscured although a mentionable size of the church building (at the western lateral boundary of the church property) already obstructs view lines from the southern and northern sides of the subject property.
- ❖ The development will enhance the ambiance of the immediate area since it will fill the gap in Marine Drive resulting in all the properties in that section of Marine Drive being developed.

- ❖ The building line encroachment will not have a mentionable negative impact, if any, on the immediate and wider surrounding developed environment.
- ❖ The development is an upmarket development.
- ❖ It is in line with policy documents.
- ❖ Is not regarded as being undesirable from a town planning point of view.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Layout Plans
Annexure D:	Objections/comment received
Annexure E:	Comment from applicant on objections
Annexure F:	Comment: Environment Section
Annexure G:	Comment: Telkom
Annexure H:	Department of Environmental Affairs and Development Planning Directorate: Development Management, Region 1
Annexure I:	Comment: CapeNature
Annexure J:	Department of Environmental Affairs and Development Planning Directorate: Biodiversity and Coastal Management
Annexure K:	Services Report
Annexure L:	Comment: Manager Engineering Services (tandem parking)
Annexure M:	Letter of approval dated 14 July 2005
Annexure N:	GLS Report
Annexure O:	Comment: Manager Operational Services (refuse)
Annexure P:	Comment: Local Heritage
Annexure Q:	Comment: Heritage Western Cape
Annexure P:	Appeal Decision

SIGNATURES

REGISTERED PLANNER:

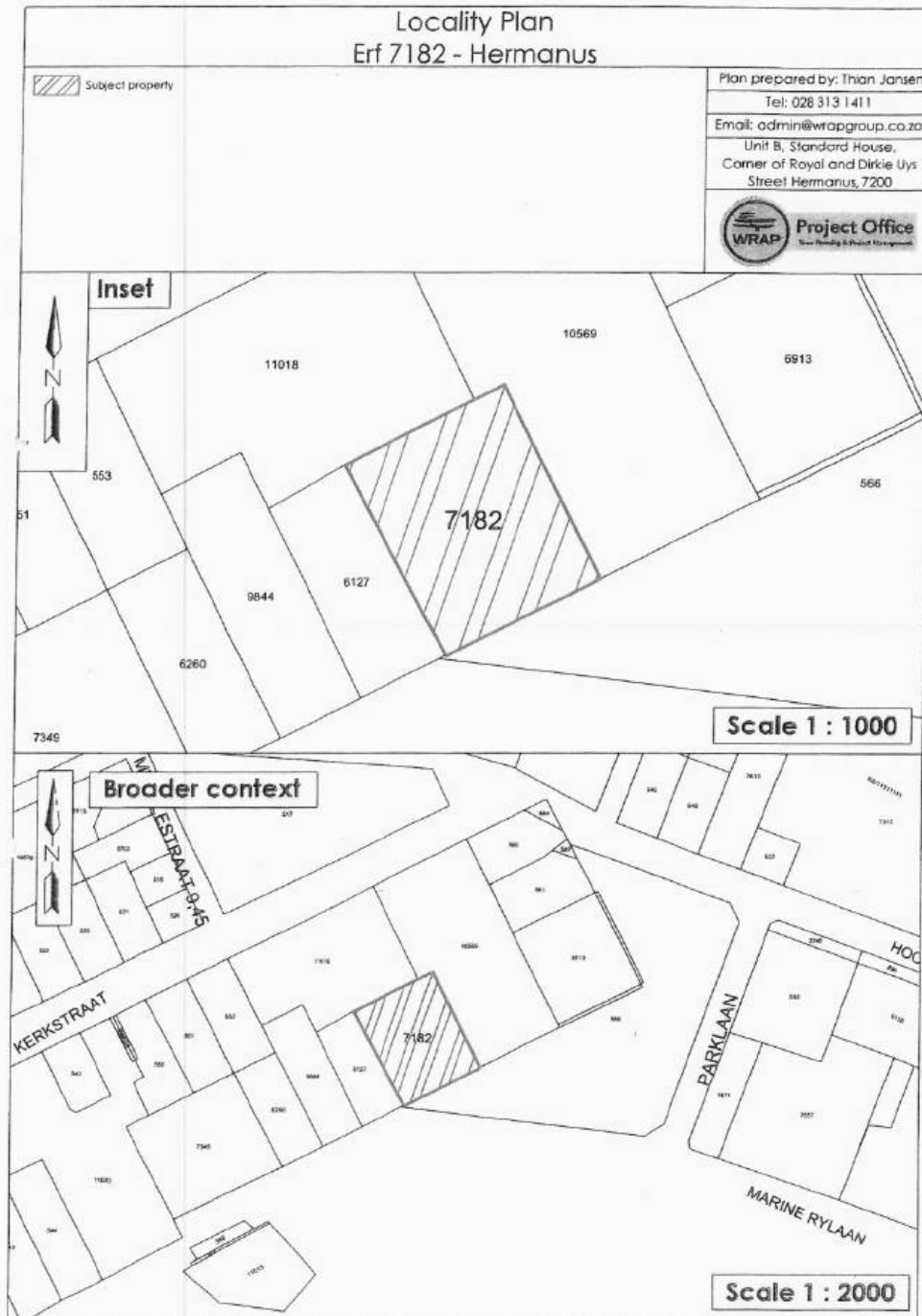
Name: **S VAN DER MERWE**

SACPLAN Reg No: **A/1850/2014**

Signature: _____

Date: _____

ANNEXURE A





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.
MSDF	Overstrand Spatial Development Framework, 2020
GRI	General Residential Zone 1: Town Housing

2 PROPERTY DETAILS

Consultant	WRAP Project Office
Erf Number	Erf 7182 Hermanus
Extent	1677m ²
Zoning	General Residential Zone 1: Town Housing

3 BACKGROUND AND INTENT

Erf 7182 Hermanus, hereafter referred to as the subject property, is located in a prime location. The location being a vacant property in central Hermanus, the property has an uninterrupted view of the South Atlantic Ocean (refer **Plan 1 – Locality Plan**).

A property with these credentials has a unique opportunity to be developed into a hallmark development for Hermanus. The property owner (Sunny Seas Properties Pty (Ltd)), appointed WRAP Project Office to submit the land use application on their behalf (refer **Annexure A – Power of Attorney**). The property owner bought the property in 2021, 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.

Various development proposals have been investigated on the subject property over the past decade but were never implemented. The subject property is proposed to be developed by Horizon Capital that is a property developer in the Western Cape focussing on both commercial and residential developments. The proposal for the subject property is to do a residential development that will capture the essence of Hermanus and complete the seafront property line.

The proposal is a four (4) storey residential complex that will be home to 21 luxury apartments that will be constructed to the highest standards with luxury finishes. A contemporary design is proposed, which responds both to the urban context of the property, as well as its position on the urban edge next to the sea. The irregular, more naturalistic composition of the façade is a response to the irregular character of the rocky coastline directly in front of the property. (Refer **Plan 5 - Site Development Plan and Annexure F – Elevations and 3D Images**)



4 PROCEDURE TO ACHIEVE THE PROPERTY OWNERS' INTENT

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

4.1 Rezoning of Erf 7182 Hermanus from General Residential Zone 1: Town Housing to General Residential Zone 3: Flats Bulk Zone 1 in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The proposal is to rezone the subject property to be aligned with the property owners' intent. As stated above, the proposal is to develop the property to its maximum potential, which requires the proposed rezoning.

The rezoning will allow the proposal of a four (4) storey block of flats to be developed on the subject property. The building is broken up into two masses, one on the street and the other at the rear of the property, connected by a walkway and containing green common areas. The building has been articulated vertically into a tripartite composition: an open base, two storeys that are of the same character and an open top storey with a light roof canopy. This reduces the mass of the building perceptually and introduces a light floating character to the architecture.

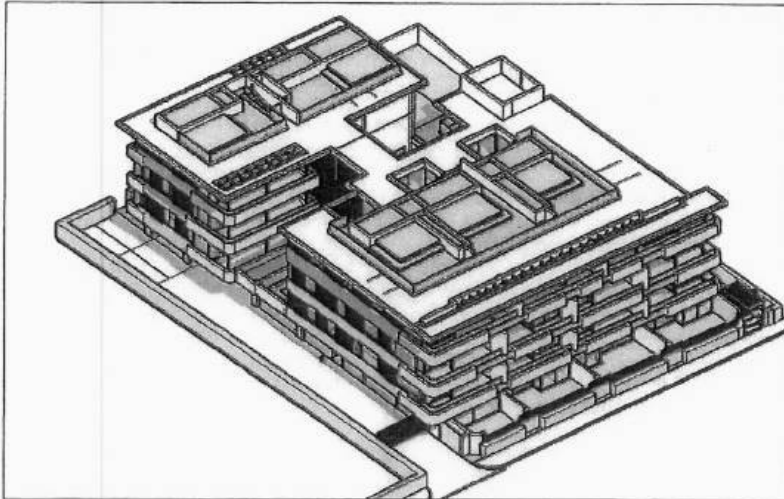


Figure 1: Massing of the proposed structure

The property will be accessed by two entrances on Marine Drive, the first being a pedestrian access that will welcome pedestrians to a foyer that will be used by the residents of the flats and their guests. The second is a vehicle access that will consist of a 5m access road to ensure easy access to the subject property. Adequate space has been provided to ensure the vehicle access and egress have adequate stacking space available that will ensure minimal impact on the public street.



MOTIVATION

The proposal is to allow 21 flats on the subject property spread out over four (4) storeys:

Storey	Floor	Proposed Flats
1	Ground	Four x 2-bedroom flats
2	First	Four x 2-bedroom flats Two x 3-bedroom flats
3	Second	Four x 2-bedroom flats Two x 3-bedroom flats
4	Third	Three x 2-bedroom flats Two x 3-bedroom flats

The proposal is to have fifteen, 2-bedroom flats and six, 3-bedroom flats over four storeys. Each flat will have the highest quality finishes to contribute to the proposed building being a hallmark development in Hermanus. The figure below illustrates the proposed building:

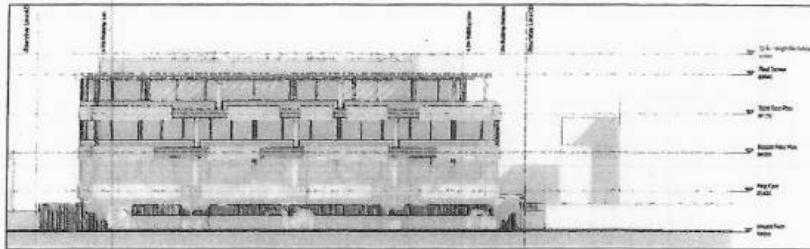


Figure 2: Southeast Elevation (Street View)

The site is proposed to be excavated back from street level so that the entire ground floor is at street level. This drops the site level approximately 1.4m below the existing level at the back boundary and requires some retaining on the rear boundary line.

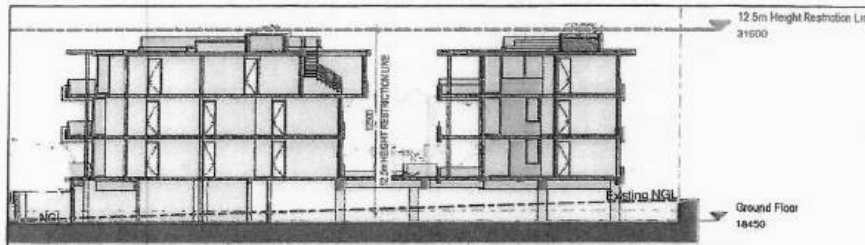


Figure 3: Section indicating the proposed 1.4m cut

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

ANNEXURE B 4/22



MOTIVATION

Flats	1.5 bays per 1 bedroom dwelling unit Two bays per two and more bedroom dwelling units
-------	--

Each 2- and 3-bedroom flat requires 2 parking bays, and this equates to 42 parking bays that need to be provided. The use of tandem parking bays is proposed, and two tandem bays will be allocated to a specific flat. All 42 parking bays are provided on site, not requiring any additional parking. Refer to Figure 4 below for an illustration of the proposed parking layout.

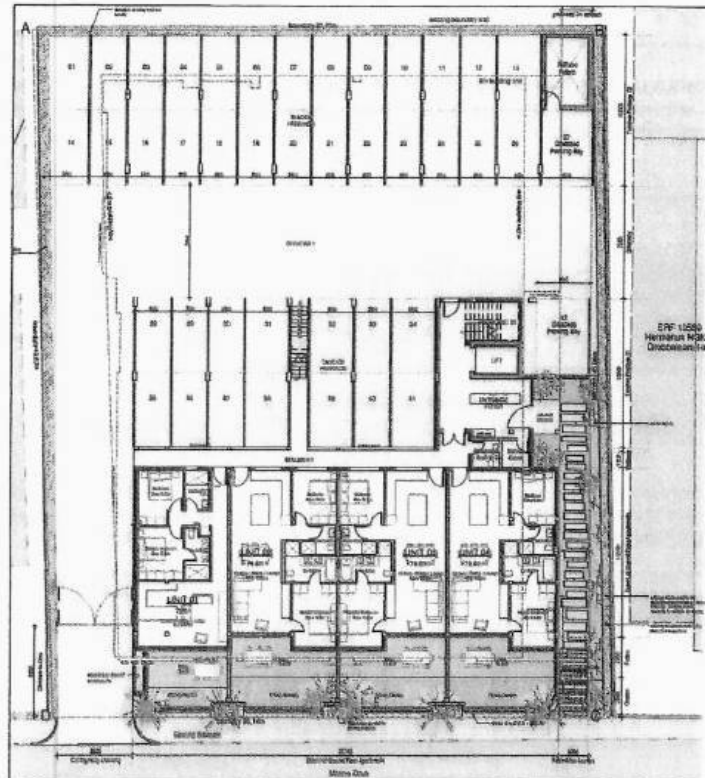


Figure 4: Proposed ground floor layout (Parking)

Prior to submission of this application, several meetings were held with stakeholders in 2020 and 2022 to discuss the proposed use of tandem parking bays. Initial conversations and meetings were held with Mr Ricardo Andrew – Manager Engineering Services who confirmed in writing that tandem parking would be supported on condition that both parking bays are allocated to the same flat (refer **Annexure C – Email Correspondence**).



MOTIVATION

After confirmation was received, Ms Hanneen van der Stoep, the OM's town planner for the area was approached who also indicated that tandem parking would be supported (refer **Annexure C – Email Correspondence**).

The outcome of these initial meetings and correspondence informed the decision of the property owners to acquire the subject property for development. A follow up meeting was held with Mr Dennis Hendriks and Mr Ricardo Andrew in February 2022 to continue the discussion and after presentation of the development scheme, a final comment was received from Mr Hendriks that tandem parking would be supported by the Overstrand Municipality's Engineering Department.

4.2 Permanent Departure from the minimum erf size of 3000m² to 1677m² in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The subject property has an extent of 1677m² that requires a departure from the development parameters of the proposed zoning - General Residential Zone 3: Flats Bulk Zone 1.

The minimum erf size applicable for densification is 3000m² and requires a permanent departure to ensure compliance with the provisions of the OMLUS and to ensure that the property owners' intent is achieved. Due to the subject property's location, it is limited in size as the properties to both sides are developed and the property at the back has an approval to be developed into a town housing development.

This permanent departure unlocks the true potential of the subject property as it has an extent of only 1677m².

With the departure the property can be developed to its full potential and contribute to the densification targets of the Overstrand Spatial Development Framework.

4.3 Permanent Departure from the north-eastern side building line of 4,5m to 2m to accommodate the proposed building in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The subject property is located adjacent to Erf 10569 Hermanus, which is commonly referred to as the *Grobbelaar Saal* that has historic buildings with heritage significance.

The structures on Erf 10569 Hermanus are uninhabitable and are occasionally used for church- and other purposes. The proposal to encroach on the boundary line between the subject property and Erf 10569 Hermanus is not anticipated to have any negative impact on the property as Erf 10569 Hermanus is not used on an uninterrupted habitable basis.

The proposal is to allow the entire building to be set back to 2m from the lateral boundary instead of the required 4,5m. The areas of the building proposed to encroach on the side building line are the following:

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Storey	Floor	Proposed Encroachment Area Use	Habitable/Uninhabitable
1	Ground	Motivated in Section 4.4 below	-
2	First	Service and storerooms	Uninhabitable
		Bedrooms and Bathrooms of Unit 8	Habitable
3	Second	Service and storerooms	Uninhabitable
		Bedrooms and Bathrooms of Unit 14	Habitable
4	Third	Balcony of Unit 19 – Uncovered and Occasional Use	Uninhabitable

Refer to **Plan 5 and Annexure F – SDP and Elevations and 3D Images** that illustrate the uses that are proposed to be accommodated within the north-eastern side building line.

4.4 Permanent Departure from the north-eastern side building line of 4.5m to 0m to accommodate the proposed refuse room in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

4.5 Permanent Departure from the rear building line of 3m to 0m to accommodate the proposed refuse room in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

A refuse room is a general encroachment permitted in terms of the OMLUS and the requirements are the following:

"(x) a refuse room that has a footprint not exceeding 5 m² and, if covered, a roof height not exceeding 3,0 m or as required by the Municipality in terms of 17.4;"

The proposal is to have a larger refuse room than what is permitted in terms of the general encroachment allowed. The proposal is to have a refuse room that is 3.5m x 5m that equates to **17.5m²** which will allow adequate space to service each of the proposed flats. The 17.5m² exceeds the allowable footprint of 5m² that may encroach, necessitating a permanent departure to allow the refuse room.

The refuse room will be developed in line with the general requirements set out within Section 17.4 of the OMLUS that are:

- Be of sufficient size to accommodate the refuse generated from the land unit for one week;
- Be designed in a manner that is architecturally compatible with the surrounding structures and screen refuse bins from public view; and
- Comply with any other reasonable conditions the Municipality may impose relating to access, health, pollution control, safety or aesthetics.



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5 APPLICATION

Considering the above, application is made for the following:

- 5.1 Rezoning** of Erf 7182 Hermanus from General Residential Zone 1: Town Housing to General Residential Zone 3: Flats Bulk Zone 1 in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.2 Permanent Departure** from the minimum erf size of 3000m² to 1677m² in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.3 Permanent Departure** from the north-eastern side building line of 4,5m to 2m to accommodate the proposed building in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.4 Permanent Departure** from the north-eastern side building line of 4,5m to 0m to accommodate the proposed refuse room in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.5 Permanent Departure** from the rear building line of 3m to 0m to accommodate the proposed refuse room in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

6 LAND USE ENVIRONMENT

As previously mentioned, the property is situated on Marine Drive with unobstructed views of the Atlantic Ocean. The properties surrounding the subject property are identified as the following:

Erf Number	Zoning	Current Use
6127	General Residential Zone 1: Town Housing	Dwelling Unit
11018	General Residential Zone 3: Flats Bulk Zone 2	Vacant
10569	Community Zone 1: Community Facilities	Grobbelaar Saal (Church- and Community use)

The surrounding area's zonings are illustrated in **Plan 2** (zoning plan). The proposed development is not out of character of the area and the proposal was designed to ensure all possible affected parties are considered.

7 TITLE DEED

Title deed T52189/2021 (refer **Annexure B – Title deed**) was perused and there are no conditions that restrict the proposed development of the subject property.

8 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			
Primary use	Parameters	Proposal	Comply/ deviate
Consent use that may be applied for	Flats and Town House in accordance with 6.3.2 and residential buildings. Crèche, Day Care Centre, Home Occupation, Hotel, Institution, Place of Assembly, Place of Instruction, Place of Worship, Retirement Village, Tourist Accommodation and Transmission Apparatus.	Flats	Comply
Development parameters			
Density	A minimum erf size of 3000 m ² is applicable for densification.	Site Extent is 1677m ²	Deviate - Applied for and motivated
Floor Factor	3	1,7	Comply
Coverage	100%	58,5%	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.	(i) Comply (ii) Proposed departure from the north-eastern side building line of 4,5m to 2m to allow the encroachment of the proposed building.	(i) Comply (ii) Deviate - Applied for and motivated

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<p>(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.</p> <p>(iv) The general building line exemptions of 16.1 apply.</p>	<p>Proposed departure from the north-eastern side building line of 4.5m to 0m to allow the proposed refuse room.</p> <p>(iii) Proposed departure from the rear building line of 3m to 0m to allow the proposed refuse room.</p>	<p>Comply</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.</p> <p>(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.</p> <p>185.2m² = 11.04%</p>	<p>Comply</p>
<p>Parking</p> <p>Parking and access shall be provided on the land unit in accordance with 17.1.</p> <p>1.5 Parking Bays – 1 Bedroom Dwelling Unit</p> <p>2 Parking Bays – 2/3 Bedroom Dwelling Unit</p>	<p>42 Parking Bays required – 42 parking bays provided</p> <p>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>	<p>Comply</p>



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9 SERVICES

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

Electricity

It is proposed that the development connect to the existing Overstrand Municipality network and an initial electricity investigation was done by Driger Consulting and it was determined that there is sufficient capacity available to accommodate the proposed development. (Refer **Annexure D – Email Confirmation of electricity supply**)

Water & Sewage

A bulk services investigation was conducted by GLS Consulting, and the report indicates that the development will have a negligible impact on the existing bulk services of the area. The proposed development will utilise 7,7kl of water per day which is 0,3% of the total flow of the existing network of the surrounding area (**refer Annexure E – GLS Report**).

Solid Waste

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.

10 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 residential development arose from the applicant's vision to develop the subject property to its maximum potential. The property was acquired with the intention to develop a block of flats thereon. The applicant's vision will in the future benefit others including the OM, by providing residential space for 21 families to live in a unique residential development. These families/investors will be paying rates and taxes towards the OM which will generate additional income that may be used to upgrade public infrastructure. To achieve this vision, the applicant has appointed WRAP Project Office to submit this application to ensure the application is in line with the relevant policies and legislation. (Refer to **Annexure F – Elevations and 3D Images**)



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Impact on views, sunlight and character of the area

The surrounding properties may be impacted upon as the design and utilisation will maximise the space on the property. The side where the most impact will be is however not zoned for residential purposes and therefore not permanently occupied (Grobbeelaar Saal). To ensure the proposed development does not impede on the above mentioned these will be addressed individually:

Views

The proposed development is located within Bulk Zone 1 which allows for a maximum height of 12,5m maximum and 4 storeys. The proposal is to utilise the maximum potential that the subject property offers. This is not out of the ordinary for the area. Examples include Esplanade which is a 3-storey development being developed on Marine Drive and the Misty Waves Hotel, which is a 14m high, 4 storey development in close proximity to the subject property. The subject property is also located within the Hermanus CBD where the height restriction is 12.5 m.

The property owners have appointed Metropolis Architects that designed the development proposal that considers the surrounding area. The south-western boundary adjacent the single storey dwelling unit of Erf 6127 Hermanus has been designed to create a 5m gap between the boundary of the subject property and the proposed building. Other considerations that were taken into account include the view corridors, as illustrated in figure 5 below:

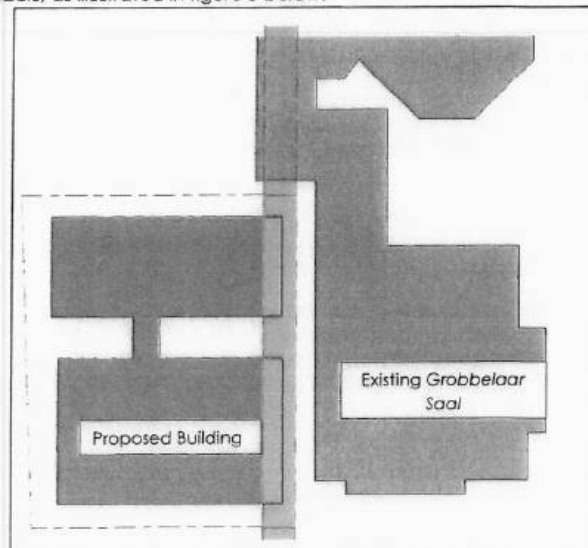


Figure 5: View Corridor



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The view corridor on the north-eastern side of the property is unfortunately compromised by the shape of Erf 10569 Hermanus and the extension to the church on the Church Street side of Erf 10569 Hermanus.

The shape, use and existing buildings on Erf 10569 Hermanus was the main factor for the proposed building to rather encroach on the north-eastern side building line as even if the building lines were adhered to, the view corridor would still have been constructed due to the existing buildings on Erf 10569 Hermanus. The view corridor of the south-western boundary is proposed to be kept open to ensure the views of the mountains are retained from the South.

Sunlight

With the proposed development being aligned with the development parameters of the Overstrand Municipality Land Use Scheme, it is not predicted to negatively have an impact on the sunlight of any adjoining properties. The only encroachment proposed is of the north-eastern side building line on the side of the *Grobbelaar Saal* that is not permanently occupied and is used for church- and community purposes.

The single storey dwelling unit to the south-west of the subject property will enjoy a 5m development gap (to accommodate the driveway) and it is not anticipated to affect the sunlight of this property.

The maximum height of the structures will be just below the maximum height of 12.5m allowed in terms of the OMLUS, with a maximum of 4 storeys.

Character

With regards to character, it was of great importance to the owners to ensure the proposed development does not disrupt the character of the broader Hermanus area.

The proposed development's boundary wall is proposed to be semi-permeable, with a stone base to match existing stonework in the immediate neighbourhood and a light steelwork infill with a vertical emphasis on top.

The boundary wall itself is thickened to contain a planter, which is intended to contain creepers that will grow up the palisade fence and soften the street edge. The boundary wall is set back periodically, for planting beds to be located on the street, at street level within the boundary of the site. This will punctuate the stone wall with greenery.

Economic impact

The proposed development will have both a short- and long-term economic impact on the surrounding area and the Overstrand Municipality.

In the short term, once the approval has been received, the construction phase will commence, creating construction jobs and providing income to several residents of



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Hermanus and the municipal area in general. Long term economic impact will be in terms of the additional rates and taxes that will be payable to the Overstrand Municipality.

Calculated at a ratio of only 3 people per flat, the residential additionality was calculated at 63 which means that the development will bring at least 63 new people to Hermanus. These people will spend money in Hermanus on various items such as food, petrol, restaurants, repairs etc., contributing to the local economy.

Long term economic impact will be in terms of the additional rates and taxes that will be payable to the Overstrand Municipality.

The **initial direct investment** into the development was calculated to be approximately **R 138 000 000.00**.

Based on this investment the additional **basic charges** payable to the Municipality will be approximately **R 268 705.00 per annum**.

The **annual rates payable** to the Overstrand from the development, calculated at the average sales price of the flats in the development, will be approximately **R 849 082.00 per annum**, based on the 2021/2022 budget.

The **bulk services levy** that the development will need to pay to the Overstrand Municipality is approximately **R 1 126 452.00**.

In terms of the GLS report, certain upgrades will be required to the bulk water and sewer networks to accommodate the development for which the bulk services levy contribution can be used.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal which leads to the devaluation or foregoing valued land use rights of interested and affected parties when an application is approved.

The proposed development is not foreseen to negatively affect any surrounding landowners as the development is aligned with what the urban area is being earmarked for. The development is the final step to complete the line of properties on Marine Drive.

Impact on heritage

The subject property is listed in the OM Heritage Register. The building on the property was demolished with the consent of Heritage Western Cape. A recent Heritage Study was commissioned by the owners and Katie Smuts from Rennie Scurr Architects executed the study. While this study focused on the heritage value of the adjacent sites, it was sufficiently comprehensive to inform the design proposal for the property. It was concluded that the site is flanked by the *Grobbelaar Saal* on the east and the



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thatched roof house on the west and both buildings having some historic significance and some heritage value.

The plans of the proposed building were also presented to the Overstrand Heritage and Aesthetics Committee on 10 March 2022 and their comment is the following: *"Proposed scheme dated 22/02/2022 scrutinized. Heritage / History of the site (First House in Hermanus). Lateral boundary stone walls to be re-built (retain existing expression – vertical coursing to top etc). History board is suggested to the pedestrian walkway. The proposed "floating" cantilevered RC roof is rather heavy and monolithic, a lighter / articulated expression would be preferred. The building generally is well designed."*

These comments were interpreted by the project architect and the existing perimeter stone walls will be demolished and rebuilt to suit the new site levels, to match the existing stonework. The distinctive 'header coursing' to the wall copings, executed in stone, will form part of the wall design.

The concrete roof was considered "rather heavy and monolithic": We have increased the area of the skylights to the roof, and reduced the thickness of the roof slab, which both create a lighter impression. The above is illustrated by the newest proposed plans annexed as **Annexure F**.

11 POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

A portion of the subject 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

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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 subject property will be improved with 21 flats.
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

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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 pool on the subject property's 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
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

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	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 property 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 property is located inside of the buffer.

11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

Historic Core of Hermanus Heritage Protection Overlay Zone

Purpose: 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.*

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

An application for the determination of an ad-hoc Coastal Setback Line was completed by Lornay Environmental Consultants and submitted to the Western Cape Department of Environmental Affairs and Development Planning as the subject

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property is located within the HPOZ. The environmental authorisation will be provided to the Overstrand Municipality once received.

11.3 Spatial Planning Policies

The consistency of this proposal with the applicable spatial development policies will herewith be illustrated. The spatial policies which are pertinent to the submitted proposal are the following:

PSDF
<p>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 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.</p> <p>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.</p>
OMSDF
<p>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.</p>

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.

PSDF

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.



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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 residential area. The proposal is not out of character and is located within the Bulk Zone 1 that allows properties to be developed to this extent.
Improve accessibility at all scales	The subject property has adequate accessibility to the surrounding Hermanus area. The proposed development was designed to blend in with the existing nature of the Hermanus area and to form part of an existing built-up area. While ensuring access is possible to larger towns and cities such as Cape Town.
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 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.

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



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property. The increase in population mentioned above is based on the growth indicated by Table 2.7 p25 of the OMSDF.

OGMS – OVERSTRAND GROWTH MANAGEMENT SCHEME

The subject property is located within Planning Unit 13 of the OGMS, Hermanus Central. The planning unit includes the Hermanus Central Business District (CBD) as well as the residential area to the west of the CBD.

The subject property is located in an area where higher density is supported, 'more than 30DU/H' (Dwelling Units per hectare). The subject property has an extent of 0,1677ha, and the proposal is to construct 21 flats on the subject property, which equates to 125DU/H. It may sound high, but when compared to other developments along Marine Drive it is aligned.

The area where the subject property is located is 'limited to only 30 units per hectare, due to the demand in housing in the area and lack of open or vacant properties.

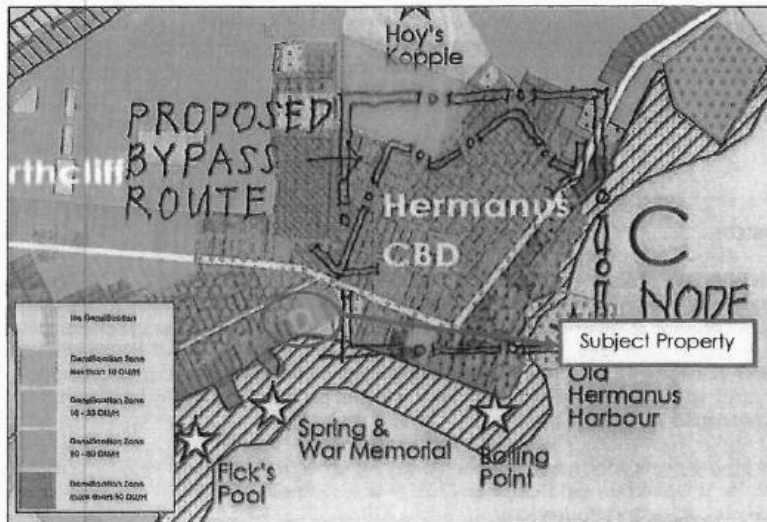


Figure 6: Allocated Density in terms of the OGMS



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12 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. This proposal for the development is not proposed to contribute to the perpetuation of apartheid spatial development imbalances.

The development aims to provide housings 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 to the Hermanus centre.

Efficiency

This proposal is intended to maximise the usage of the subject property and to ensure the entire area is used in a manner that will be an asset to the entire 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. The policies identified earlier in Section 16.1 are guided by a higher hierarchy of several policies and legislation that the proposal is aligned with.

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.



RECOMMENDATION

13 EVALUATION

The revised OMSDF and OMLUS, identified the subject property as a property that is capable to accommodate the proposed development. The property owners instructed a professional team to investigate and determine the "highest and best use" of the subject property within the provisions of the relevant policies and legislation. It was concluded that proposed development is in line with the policies and legislation as confirmed throughout this report.

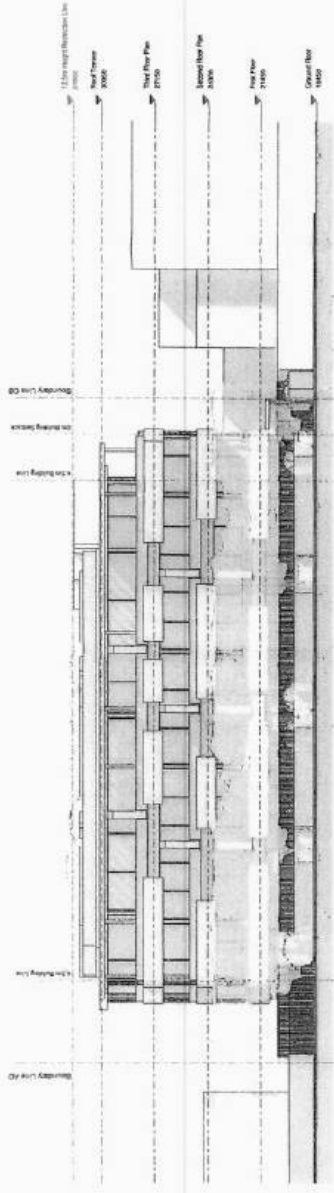
The property owners approached WRAP Project Office to facilitate and coordinate the land use application process in conjunction with other professionals who prepared reports to ensure a feasible development. The proposed development is in-line with the spatial frameworks, legislation, and policies of the OM. The OMSDF clearly requires densification for the area which is earmarked for high density development.

The proposed land use is not out of the context of the surrounding area and is not seen as a development that is undesirable. The development aims not to impede on views, sunlight or negatively affect the character of the area.

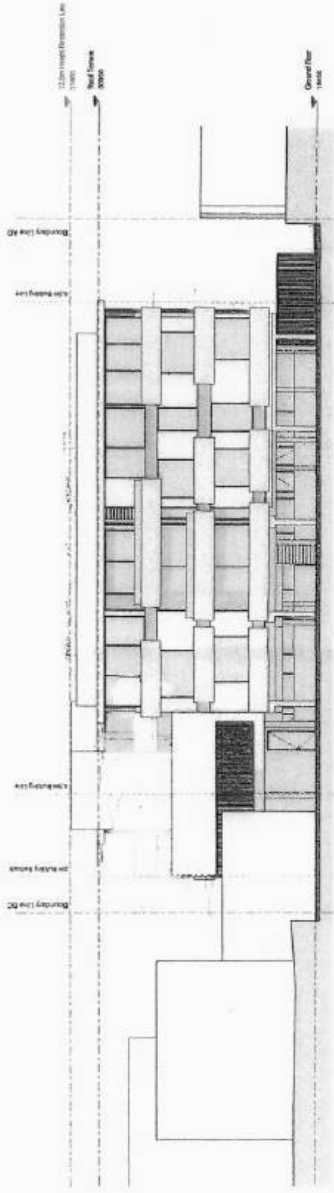
14 RECOMMENDATION

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

- 14.1 Rezoning** of Erf 7182 Hermanus from General Residential Zone 1: Town Housing to General Residential Zone 3: Flats Bulk Zone 1 in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.2 Permanent Departure** from the minimum erf size of 3000m² to 1677m² in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.3 Permanent Departure** from the north-eastern side building line of 4,5m to 2m to accommodate the proposed building in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.4 Permanent Departure** from the north-eastern side building line of 4,5m to 0m to accommodate the proposed refuse room in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.5 Permanent Departure** from the rear building line of 3m to 0m to accommodate the proposed refuse room in terms of Section 16(2)(b) of the of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



① South East Elevation (Street View)
1 : 200

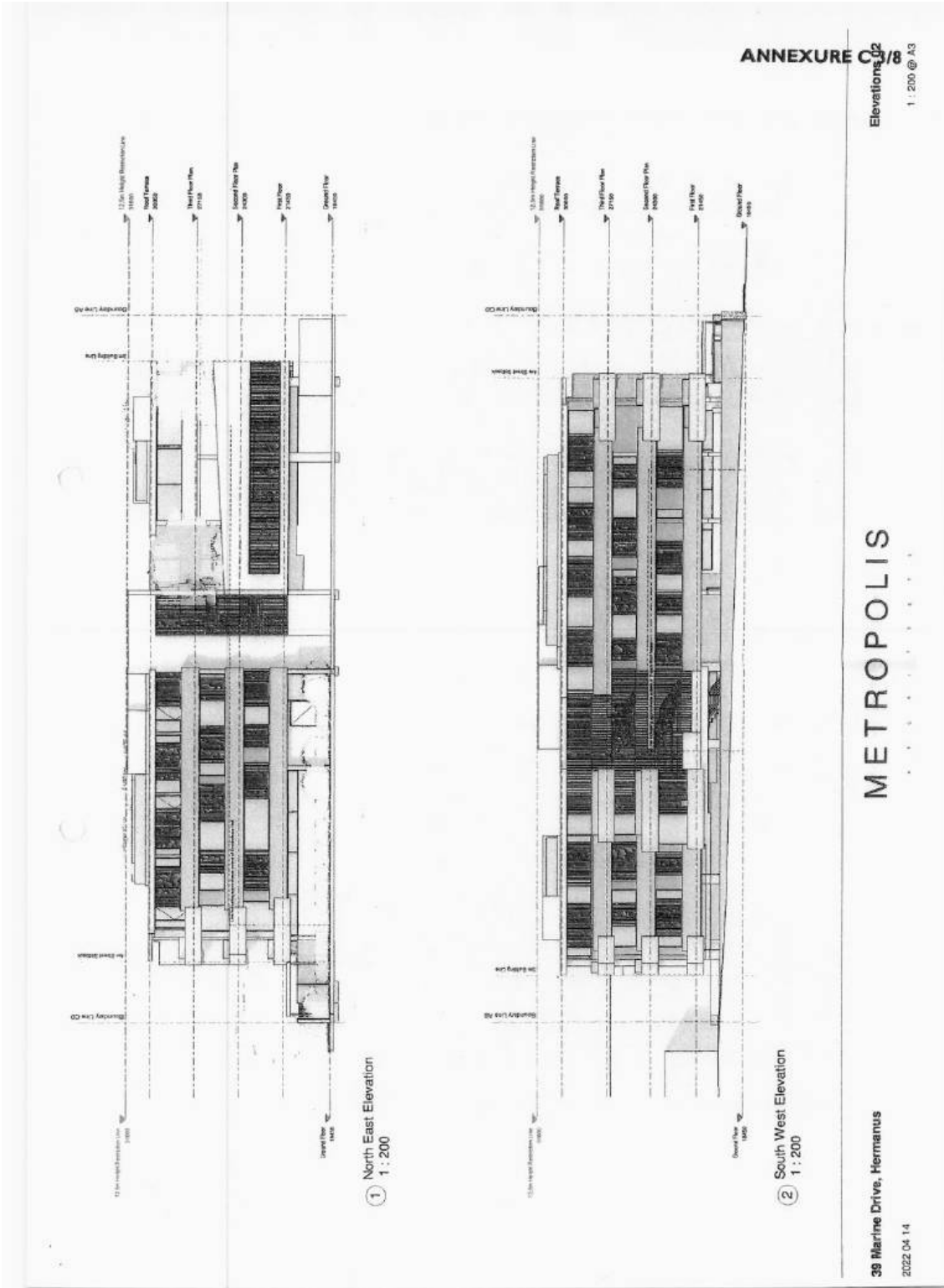


② North West Elevation
1 : 200

ANNEXURE C1
Elevations C1/8
1 : 200 @ A3

METROPOLIS

39 Marine Drive, Hermanus
2022 04 14



① North East Elevation
1 : 200

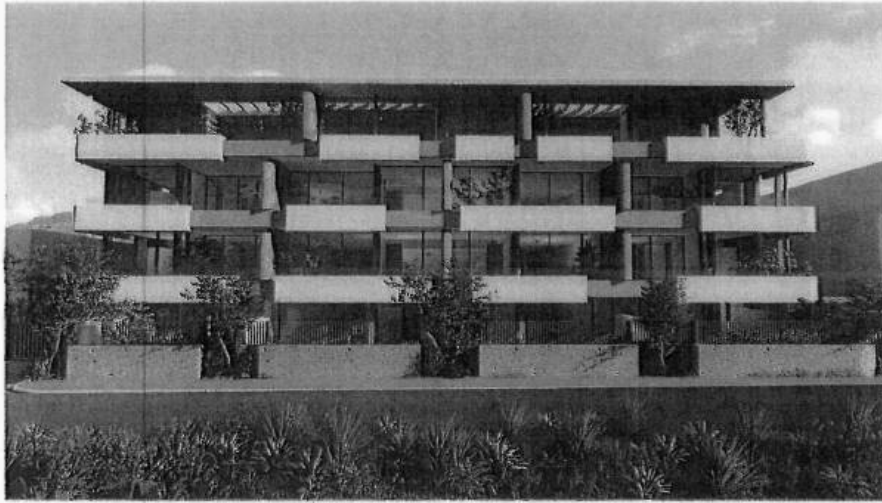
② South West Elevation
1 : 200

ANNEXURE C/8
Elevations
1 : 200 @ A3

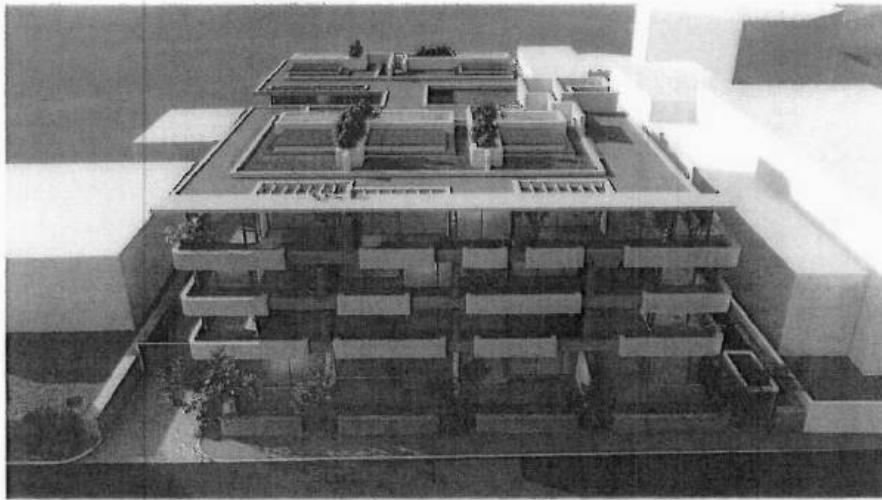
METROPOLIS

39 Marine Drive, Hermanus
2022 04 14

ANNEXURE C 4/8



39 Marine Drive Street View



39 Marine Drive Street View Bird's eye view

ANNEXURE C 5/8

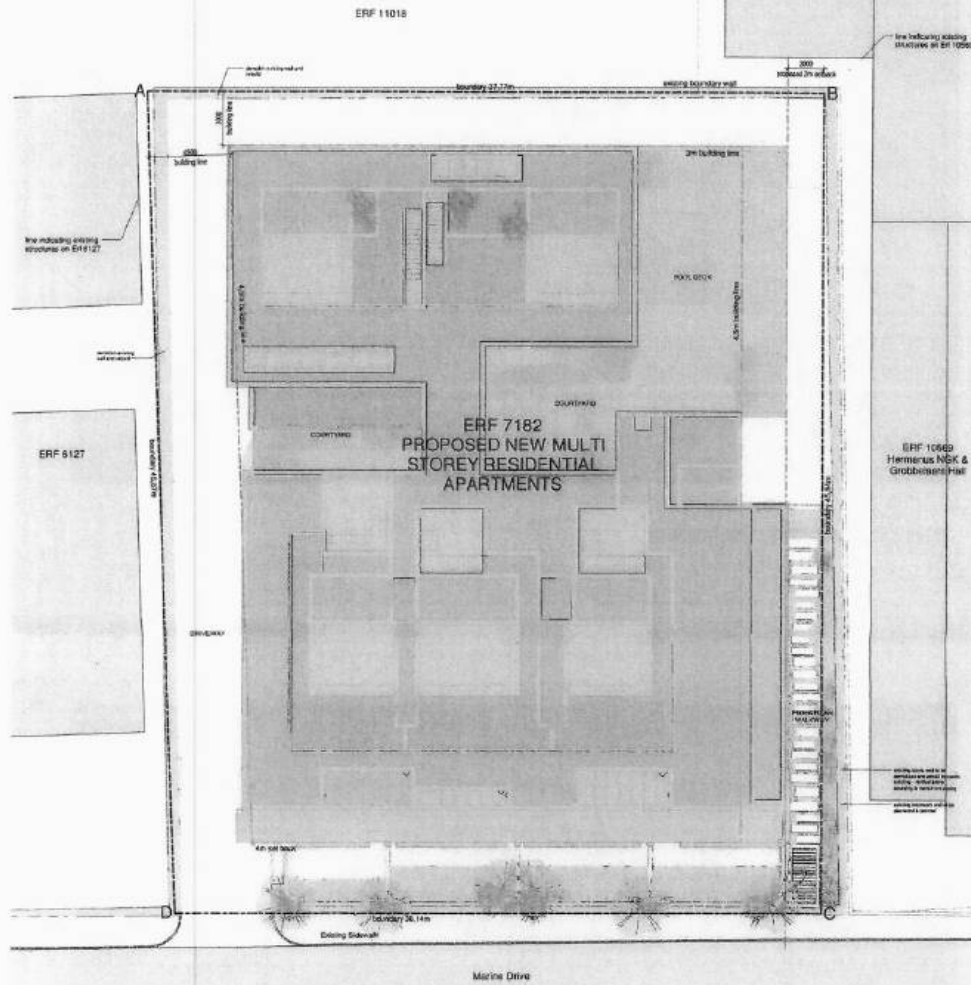


39 Marine Drive Street - Car Entrance



39 Marine Drive Street - Pedestrian Entrance

ANNEXURE C 6/8



1 Site Development Plan
1 : 200

TOTAL AREAS FOR SITE:

- Site area: 1 677m²
- Green area: 185.2m² (11.04%)
- Total required parkings: 42 bays (21 tandem)
- Total required refuse space: 10.1m²
- Total Units: 21 units
- Total units areas: 2 026.1m²
- Total balconies/terraces area: 521m²
- Total service areas & walkways: 393.77m²
- Total communal/green space: 185.2m²
- Total roof terrace areas: 297.27m²
- Total refuse room area: 10.3m²



39 Marine Drive, Hermanus

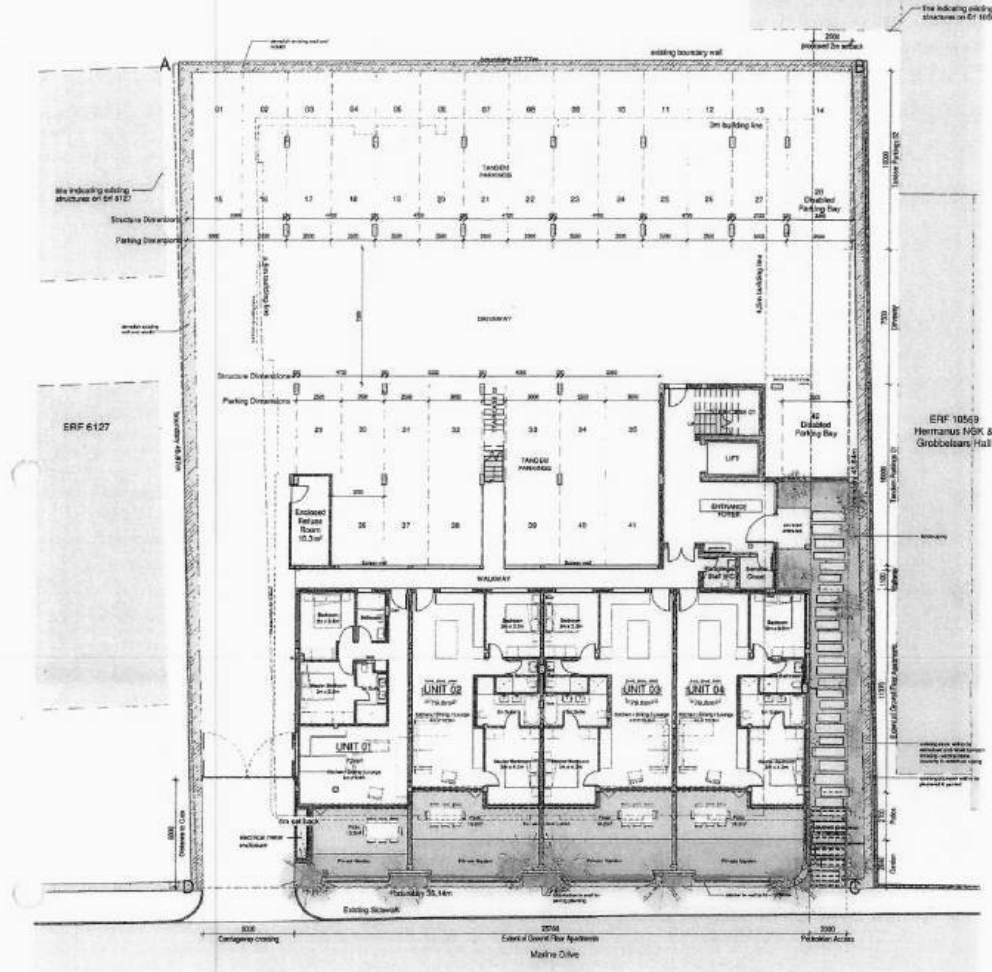
METROPOLIS

SDP

2022 08 11

As indicated @ A3

ANNEXURE C 7/8



1 Ground Floor
1 : 200

Units per floor: 4 units
 Parkings required: 8 parkings
 Total unit area (ex balconies): 311.4m²
 Total balconies/patios: 62.1m²
 Total service areas & walkways (incl. foyer): 96.1m²
 Total communal/green space: -m²

Unit 01:
 Unit area (ex balconies): 72m²
 Balcony/Patio area: 13.5m²

Unit 02, 03 & 04 (per unit):
 Unit area (ex balconies): 79.8m²
 Balcony/Patio area: 16.2m²



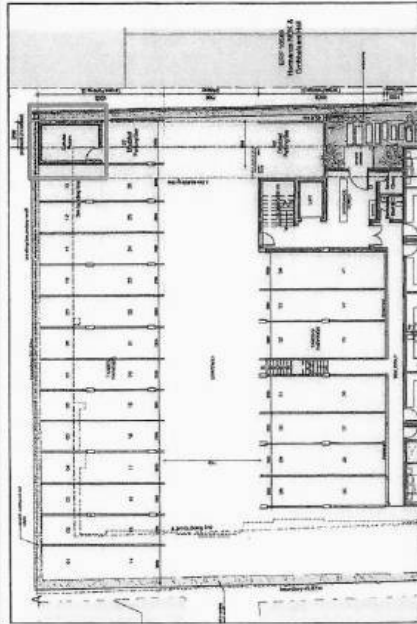
39 Marine Drive, Hermanus

METROPOLIS

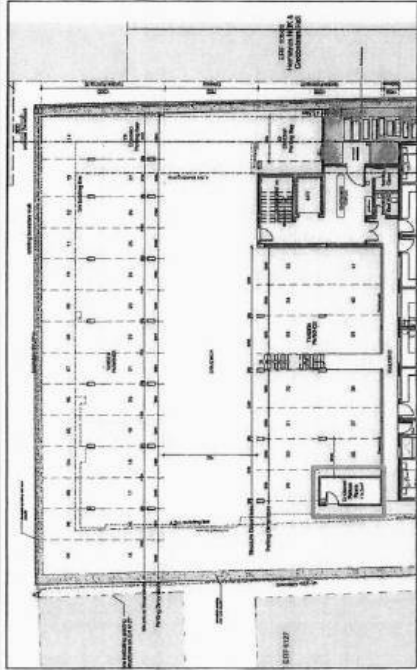
Ground Floor Plan

2022 06 11

As indicated @ A3



ORIGINALLY SUBMITTED SDP



AMENDED SDP

BOTH PARKING LAYOUTS PROVIDED 42 PARKING BAYS

REFUSE ROOMS WAS RELOCATED TO ADDRESS COMMENTERS' CONCERNS
REFUSE ROOM AND PARKING BAY WAS SWAPPED

Project Planning | Project Feasibility | Land Use Applications | Project Execution Management | Liquor Licensing
 Unit B, Standard House,
 Cnr Boyd and Dilke Sts
 Strewell
 Hemmant
 F O Box 1247
 Hemmant,
 7200
 Email: admin@wrapgroup.co.za
 Web: www.wrapgroup.co.za



100% PROJECT SUCCESS RATE



TO:
MR. H. BOSCHOFF,
TOWN PLANNER,
TOWN PLANNING DEPARTMENT,
OVERSTRAND MUNICIPALITY
16, PATERSON STREET,
HERMANUS

FILE NO.	OF 7182
	Westcliff Hermanus
SCAN NO.	HWC 7182
COLLABORATOR NO.	1723053

OBJECTION: ERF 7182, 39 MARINE DRIVE, WESTCLIFF

DATE OF SUBMISSION: THURSDAY 28TH JULY 2022

There is obvious desire and support within the community of Hermanus to minimise problems associated with open vacant properties such as vagrancy, lack of compliance of bylaws by owners, aesthetics of unkept vacant plots, perception of neglect and other issues. Investment and tourism are highly desirable for the town. For these reasons interest in the development of the property is to be welcomed.

Departures:

(i) Minimum size erf for densification from 3000m² to 1677m²:

Rezoning from General Residential Zone 1 to Zone 3 (Bulk Zone) reflects an assumption that such intense densification will be suitable to the existing bulk infrastructure and provision of basic services.

Currently, the Municipal authority has an extensive list of replacement water infrastructure demands. A proper indication of how demand due to further intensive densification will be facilitated must be provided by the Municipal authority to properly satisfy this level of densification.

The departure is effectively requesting almost doubling the density allowed on the relevant erf size currently allowed.

A reconsidered approach may be better received by reducing the bulk from 21 units, 42 parking bays and highly restricted open space, to a lower density of 12 spacious units, reduction of floors from 4 to 3 and 20 parking bays. (Manoeuvring of vehicles to safely/efficiently exit the tandem bays is questionable at a density of 42 bays for such a small parking area). Little room for error!

(ii) NE lateral building line from 4.5m to 2 m to accommodate the proposed apartment block:

Over densification along the seafront should be considered with caution as the resultant impact on the area is bound to detract from the Hermanus charm and character. The unique reminders of historical significance blended equally with a fresh interpretation of design criteria can be achieved. The bold and intense bulking of this site to facilitate 21 units seems to violate this uniqueness and sense of space.

The term 'luxury' is repeated a number of times in the application document, however the compromising space of the units, minimising of facilities and complex parking arrangements, do not reflect luxury. It may be argued that luxury will be reflected in terms of fixtures and fittings, however the desirability of space remains an *investors' criteria for the term and associated costs of luxury.*

(iii) NE lateral building line from 4.5m to 0m to accommodate purpose-built refuse room:

TP 29 JUL 2022

Practical considerations associated with the location of the refuse room may require review. Transferring the refuse bins from the furthest corner of the basement area to, presumably, the pavement area, along the narrow driveway on the opposite side of the property, is challenging. In addition to this, the placing of 21+ refuse bins on the pavement area of the erf, on refuse collection day would be an offensive aesthetic for all passing by. By reducing the bulk, the reduction of refuse bins is reduced to a more manageable volume. The pavement space is public traversing area and should not be blocked for any period by refuse bins for obvious reasons. This requires review by the Integrated Solid Waste Department and applicable regulations applied rigorously.

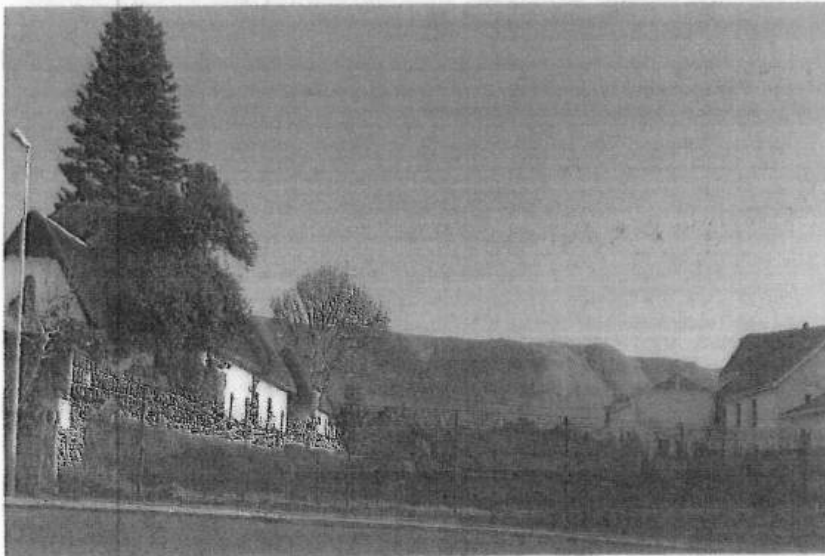
(iv) Rear building line from 3m to 0m to accommodate refuse room:

Fire risk associated with a contained refuse space needs to be addressed should this building line be reduced to 0m. Suitable fire-resistant walls and sprinkler systems may be a good approach. This presumably applies to the parking space as well.

Other concerns:

(v) Neighbouring property Erf 6127:

This property has an existing THATCH roofed building. This requires particular consideration as the escalated risk of rapidly spreading fire on the property, (particularly on the ground level in close proximity to the parking garage) could present associated risk to the proposed development. Further investigation of fire-proof products applied to the building structures should be considered, with due interrogation by the Overstrand Fire Department's suitably qualified inspection officer and Building Department/Planning Dept compliance officers. The historical evidence of how rapidly thatch homes have been reduced to cinders, in that area, is well documented, as recently in Westcliff 6/7years ago.



THATCH roofed house (Erf 6127) on boundary of Erf 7182, Marine Drive, Westcliff

(vi) Overstrand Land Use Planning Bylaw (substations/meter kiosks/service pillars:

Chapter 4:

"...allow the following on his or her land unit if considered necessary and in the manner and position as may be reasonably required by the Municipality:

- (i) surface installations such as sub-stations;
- (ii) meter kiosks;
- (iii) service pillars;"

Due regard for the above requirement should be emphasised. Given that the public pavement area is constantly used by pedestrians, the pavement area should not be used for installations such as substations/meter kiosks/service pillars, as this obstructs pedestrian flow and is offensive to the aesthetics of the seafront access area. These should be housed within the boundary of the property to be developed. Oversight regarding the positioning must be followed by the building authority to ensure compliance and avoid deviation.

v) On street parking bays in front of building (Marine Drive)

The significant lack of visitors and shoppers parking and general parking bay allocation throughout Hermanus CBD currently poses a dilemma. Due consideration of the street front parking bays on Marine Drive are essential to ensure further densification does not further compromise an already challenging CBD issue. The relevant authority should apply relevant status to the street parking bays with this in mind. A loading zone would remove current street parking, obviously something to be considered with Traffic Department/Roads.

vi) Wind factor consideration for roof terrace structures:

From an environmental and public safety viewpoint, it is expected that any installations onto the flat roof/roof terrace will be suitably constructed to resist the intense wind strengths experienced regularly on the seafront of Hermanus. Winds of up to 9 or 10m/second can cause dislocation of structures, damage to unsecured furniture and a potential to cause damage to public areas surrounding the building. Hazards could be associated to the terrace fittings and plant installations if due consideration is not made by the developer/builder/building inspector/safety authorities.

It is the intention of this comment to be of a constructive nature and to present considerations which seem to have been missed in the documents available.

As mentioned in the introduction, a development on the vacant site is a welcome initiative and Hermanus does require investment to sustain the viability of the town, but creating a precedent by applying unreasonable departures and over densification runs the risk of becoming the thin edge of the wedge. Hermanus is unique and should not become simply another Clifton or Durban seafront.

Please confirm receipt of this comment to patred@iafrica.com and enter my details on your reference of interested and affected parties.

Respectfully,

Pat Redford

Ward 3 Hermanus Committee Member.

Property owner in Hermanus for 22 years

patred@iafrica.com

A Conradie

From: H Boshoff
Sent: Friday, 29 July 2022 12:22
To: A Conradie
Subject: FW: Application for development at 39 Marine Drive Westcliff

Hi,

Die ~~park~~ moet net ontvangs erken van die kommentare sover + Collab.

Dankie

Helgaardt Boshoff
 Town Planner, Town & Spatial Planning Department
 Overstrand Municipality
 A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20
 T: 028 313 8900 | F: 028 313 2093 | E: hboshoff@overstrand.gov.za

From: maver@mweb.co.za <maver@mweb.co.za>
Sent: Friday, 29 July 2022 11:54
To: H Boshoff <hboshoff@overstrand.gov.za>
Subject: Application for development at 39 Marine Drive Westcliff

Good Day

The application for development on Erf 1782, 39 Marine Drive, Westcliff refers.

I have an interest in the proposed development as a member of the Ward 3 Committee representing the Hermanus Botanical Society.

We wish to support the notion that vacant stands need to be developed legally in order to prevent illegal occupation of land in Hermanus. It is also in the interest of the economy of the town to support development and residential options close to the CBD are needed to alleviate a shortage of housing in this bracket. The degree of densification involved in this application however is unacceptable. The proposed 1600m² for 21 units represents a doubling of densification right on the Hermanus Coastline and bordering the CBD. Our objection to this application is based on the following considerations:

- This is prime land affecting the attractiveness of the coastline from the point of view of tourist experience in Hermanus. A structure that is not in proportion to existing buildings will set an unacceptable precedent for further development in the area.
- There is little if any allowance for parking facilities for the 21 apartments (residents and their visitors);
- The minimum building line does not appear to be adhered to;
- Space for storage of refuse bins is minimal for 21 units;
- Has the impact of this development on the provision of critical infrastructure, including water, parking in the CBD and management of traffic in the surrounding areas been taken into account?

If the proposed units for this development could be substantially reduced the application may be more favourably considered.

Regards

Mary Ann Verster

Mary Ann Verster



BELASTINGBETALERSVERENIGING
HERMANUS
RATEPAYERS ASSOCIATION

WE WORK FOR YOU

5/6

OVERSTRAND MUNISIPALITEIT

REKORDBEHEER

11 OCT 2023

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

7182 HWC

TP-17/Heard
(H. Ollie)

Submission by the Hermanus Ratepayers Association in response to the application in respect of Erf 7812 Westcliff and the departures being sought by the developer of the property.

FILE NO.

SCAN NO. OF 7182 HWC

HWC 7182

COLLABORATOR NO. 1328845

Introduction

The Association recognises the detailed design of the development as having been carefully crafted with cognisance having been taken of many of the legislative and planning criteria which apply to it. In any other setting and without the restrictions which apply the Association would be happy to give its approval to a development of this nature.

That having been said, in our view the proposed development fails critically in tree of the proposed five requested and marginally in two.

Detailed response

Rezoning permitting densification: In our view there is no justification offered by the developer to rezone the property other than the maximisation of its return on investment on a restricted footprint intended to accommodate fewer units. Building 21 units where only 6 or 8 are permitted, based on the current zoning effectively quadruples the return without due consideration of the negative effects of the densification. It is common cause that the municipal infrastructure is under severe strain and requires substantial upgrading if future development is to be facilitated. This proposal is therefore antithetical to "lightening the load" as it were. There are already a number of multi storey developments in the area which place pressure on existing infrastructure and 21 additional units, fully occupied at peak season, would be most unwelcome. Even though the development sits on the edge of the CBD it still falls within the Heritage zone and its very design is not in keeping with heritage criteria. We oppose the rezoning application.

Departure from 3000 sq/m to 1677 sq/m: If the proposed development were to be situated on this and the adjacent site bordering on Church Street the Association would have no objection in particular to the number of units being proposed. What is likely to happen if the densification is permitted it will

TP

automatically set a precedent for a similar application for the adjoining property to also densify thereby exacerbating the problem. This application is the thin edge of the wedge which, if approved, will signify the total collapse of restrictions on the Hermanus sea facing townscape and will lead to it looking like The Strand on the False Bay coast. We oppose the densification application.

Departure re lateral building line: The justification offered in terms of reducing the lateral building line on the north-eastern boundary doesn't hold water. One acknowledges that the Grobler Hall is not a permanently occupied building but nevertheless the character of the area is one of open vistas to and also from the seafront. By effectively halving the space between the buildings this character will be lost. By reducing the number of proposed units to the permissible number of 6 to 8 permitted by current zoning the footprint of the building can be reduced and the need for a departure i.r.o the building line will fall away. We oppose the departure.

Vested right of the owners of adjacent property: The owner of the adjacent property on the south western side will suffer a loss of daytime sunlight to which he has a vested right. Vested rights may not summarily be withdrawn. The application speculates that there will be no loss of sunlight and any approval should be subject to a detailed technical study to establish the facts. We oppose the development on these grounds.

OMSDF: The framework allows for densification in order to facilitate population growth within certain parameters. A figure of "more than 30DU/H" is what is permitted. There is no shortage of accommodation in Hermanus. The planned density sits at 125DU/H and far exceeds the norm in the area, setting a dangerous precedent. We oppose the development on these grounds.

Conclusion

The association welcomes high quality development such as what is proposed as it adds to the character of Hermanus. The essence of our opposition sits squarely in the area of densification which it represents.

BH WRIDGWAY, REPRESENTING

EXECUTIVE COMMITTEE – HERMANUS RATEPAYERS ASSOCIATION

ratepayers@hermanus.co.za

076 941 8065



Project Office

Town Planning & Project Management

Our Reference: 21/118
Your reference: 7182 HWC

16 August 2022

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

Attention: Mr H Boshoff

ERF 7182, 39 MARINE DRIVE, WESTCLIFF: RESPONSE TO OBJECTIONS: APPLICATION FOR REZONING & DEPARTURE: SUNNY SEAS PROPERTIES PTY LTD.

Your email dated 4 August 2022, refers.

Two external comments were received, one of which was a comment from the adjacent Hermanus Dutch Reformed Church, the other from Mrs Pat Redford, who signed the objection as "Ward 3 Hermanus Committee Member".

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

Unit 8, Standard House,
Cnr Royal and Dirkie Uys Street
Hermanus

P O Box 1247
Hermanus,
7200

Tel: +27 (0)28 313 1411
Email: admin@wrapgroup.co.za
Web: www.wrapgroup.co.za

20 YEARS
1999-2019

WRAP Group Established 2002



Response to objections to the application for Rezoning and Departure.

Comments from Hermanus Dutch Reformed Church	Response to comment
<p>Refuse Room</p> <p>"Die rede hoekom ons 'n vergadering met u wil belê is omdat sekere voorstelle in die ontwerp vir ons onaanvaarbaar is.</p> <p>Die probleme wat ons voorsien is as volg:</p> <ol style="list-style-type: none"> 1. Onder 5.4 - 'Permanent Departure' vanaf 4,5m tot 0m om toe te laat vir 'n rommelkamer is onaanvaarbaar aangesien die kamer direk voor ons gebedskamer se vensters sal wees. Ons stel voor dat die rommel kamer aan die westekant opgerig word. 2. 5.5 'Permanent Departure' van die agter boulyn van 3m tot 0m verander word vir dieselfde kamer." 	<p>The client has considered this comment and instructed the architects to amend their design to address the Church's concern, being the property's adjacent neighbour.</p> <p>The refuse room has been relocated away from the Church common boundary, is fully enclosed underneath the building structure, and will be built according to the Overstrand Municipality Land use scheme section 17.4 for Refuse Rooms.</p> <p>The departures required to construct a refuse room in the Northeast corner of the site is no longer applicable.</p>

Comments from Mrs Pat Redford	Response to objection
<p>Densification</p> <p>"(i) Minimum size erf for densification from 3000m² to 1677m²:</p> <p>Rezoning from General Residential Zone 1 to Zone 3 (Bulk Zone) reflects an assumption that such intense densification will be suitable to the existing bulk infrastructure and provision of basic services.</p> <p>Currently, the Municipal authority has an extensive list of replacement water infrastructure demands. A proper indication of how demand due to further intensive densification will be facilitated must be provided by the Municipal authority to properly satisfy this level of densification.</p> <p>The departure is effectively requesting almost doubling the density allowed on the relevant erf size currently allowed.</p> <p>A reconsidered approach may be better received by reducing the bulk from 21 units, 42 parking bays and highly restricted open</p>	<p>We have taken note of the various comments raised by Mrs Redford and have addressed all items either in the application or further elaborated on below.</p> <p>Bulk services & density:</p> <p>As part of the design process and application a detailed services and infrastructure study was undertaken. The GLS Services Report was obtained and submitted with the application. GLS is a professional Civil Services Engineering company contracted by the Municipality and confirmed that there is sufficient capacity to supply the proposed development.</p> <p>With regards to the comment pertaining to the density on the site, there are already several General Residential Zone 3: Flats Bulk Zone 1 developed erven within the surrounding area, which is not out of the ordinary and not considered out of character. The CBD have been specifically identified as an area where Bulk Zone 1 developments may be accommodated.</p>



space, to a lower density of 12 spacious units, reduction of floors from 4 to 3 and 20 parking bays. (Manoeuvring of vehicles to safely/efficiently exit the tandem bays is questionable at a density of 42 bays for such a small parking area). Little room for error!"

Section 4.2 of the report submitted for this application deals with the departure from the minimum erf size and the density in further detail.

During the design phase of the project, the client considered a number of design alternatives ranging in different internal sizes.

The submission that the number of units should be reduced to accommodate more spacious apartments is respectfully not grounds for an objection and "spaciousness" is highly subjective in nature. The current design has been workshopped with various local agents and professionals and is considered a desirable response to the current demands being seen in Hermanus.

Open space:

The current proposal accommodates a very generous allocation of 185m² of communal space which functions as one space over two floors. This open space is a private area that may only be accessed by the owners of the proposed scheme and their guests. It includes a communal pool, landscaped gardens, braai facilities and recreational outdoor seating & showers. In addition to this communal space, the proposed apartments also have generous exclusive-use terraces, courtyards, gardens and in some instances roof decks. It is therefore our submission that the outdoor spaces are highly generous and a desirable contribution to the proposed development.

Parking manoeuvrability:

An integrated design was prepared for 21 flats and 42 parking bays which is compliant with the standard parking specifications as per the requirements set out by the Overstrand Municipality.

There is sufficient manoeuvring space as the client has complied with the prescribed 7,5m drive-aisle width required in between parking bays. In the addition, the actual parking bays' dimensions are standard being 2,5m x 5m.



	<p>The specifications are in line with industry standards, and it is respectfully submitted that the Mrs Redford's view "that there is little room for error" is not substantiated.</p> <p>Section 4.1 of the submitted motivation addresses the rezoning and parking layout in further detail.</p>
<p><u>Northeast Building Line</u></p> <p><i>"(ii) NE lateral building line from 4.5m to 2m to accommodate the proposed apartment block:</i></p> <p><i>Over densification along the seafront should be considered with caution as the resultant impact on the area is bound to detract from the Hermanus charm and character. The unique reminders of historical significance blended equally with a fresh interpretation of design criteria can be achieved. The bold and intense bulking of this site to facilitate 21 units seems to violate this uniqueness and sense of space.</i></p> <p><i>The term "luxury" is repeated a number of times in the application document, however the compromising space of the units, minimising of facilities and complex parking arrangements, do not reflect luxury. It may be argued that luxury will be reflected in terms of fixtures and fittings; however, the desirability of space remains an investors' criteria for the term and associated costs of luxury."</i></p>	<p>Section 4.3 of the submitted motivation - Permanent departure addresses the reasoning and motivation for the proposed departure.</p> <p>We take note of the comment alongside. It is noteworthy that none of the immediately adjacent property owners (Dutch Reformed Church) and Erf 6127 raised any concerns relating to this lateral building line departure.</p> <p>A heritage report was commissioned to inform the design proposal for the property. The front treatment of the building was carefully considered to enhance the charm and character of Hermanus and a number of elements have been incorporated which responds both to the heritage and urban context of the property, as well as its position on the urban edge next to the sea.</p> <p>The irregular, more naturalistic composition of the façade is a response to the irregular character of the rocky coastline directly in front of the property. The building is broken up into several smaller elements and has been articulated vertically into a tripartite composition to reduce the mass.</p> <p>The natural stone wall, paving along the street edge, permeability of the boundary wall creating a connection between the building and the street, echoes the existing historic fabric of the area.</p> <p>The proposed building went through an extensive review process with The Overstrand Heritage and Aesthetics Committee.</p> <p>All formal comments received from the Heritage and Aesthetics Committee meeting held on 10 March 2022 have been addressed and incorporated in the design proposal.</p>



	<p>It is also worth noting that the proposed development does not accommodate 21 units bulked out on the seaside per the objector's inference. There are 15 apartments that interact with the seaside with the rest of the apartments situated towards the north (back) side of the side which are not visible from the seafront.</p>
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<p>Refuse Room</p> <p>"(iii) NE lateral building line from 4.5m to 0m to accommodate purpose-built refuse room:</p> <p><i>Practical considerations associated with the location of the refuse room may require review. Transferring the refuse bins from the furthers corner of the basement area to, presumably, the pavement area, along the narrow driveway on the opposite side of the property, is challenging. In addition to this, the placing of 21+ refuse bins on the pavement area of the erf, on refuse collection day would be an offensive aesthetic for all passing by. By reducing the bulk, the reduction of refuse bins is reduced to a more manageable volume.</i></p> <p><i>The pavement space is public traversing area and should not be blocked for any period by refuse bins for obvious reasons. This requires review by the Integrated Solid Waste Department and applicable regulations applied rigorously."</i></p>	<p>As per the above comments, our client has taken note of the comments made with regards to the refuse room. The refuse room has been relocated away from the Church common boundary and now resides underneath the main building structure as indicated on the revised ground floor layout.</p> <p>The refuse room has been designed to comply with the guidelines for refuse rooms of the Overstrand Municipality Land Use Scheme (section 17.4) and complies with the size ratio for general residential buildings.</p> <p>The management of the refuse, on refuse collection days will comply with municipal standards that are applicable to any property within the municipal area. The proposed development will have a managing agent and caretaker who will ensure that the bins are taken out only on collection days and brought in as soon as possible after being collected on the relevant refuse day. This will ensure that there would be no "offensive aesthetic".</p>
<p>Fire Risk</p> <p>"(iv) Rear building line from 3m to 0m to accommodate refuse room:</p> <p><i>Fire risk associated with a contained refuse space needs to be addressed should this building line be reduced to 0m. Suitable fire-resistant walls and sprinkler systems may be a good approach. This presumably applies to the parking space as well."</i></p> <p>"Other concerns:</p>	<p>The refuse room will be built to the applicable regulation for fire protection standards and be aligned with the requirements set out by the Overstrand Municipality to minimize the fire risk that a refuse room may have.</p> <p>In addition, the project will have a fire engineer appointed who will be responsible for ensuring all relevant standards are adhered to.</p>



<p><i>This property has an existing THATCH roofed building. This requires particular consideration as the escalated risk of rapidly spreading fire on the property, (particularly on the ground level in close proximity to the parking garage) could present associated risk to the proposed development.</i></p> <p><i>Further investigation of fire-proof products applied to the building structures should be considered, with due interrogation by the Overstrand Fire Department's suitably qualified inspection officer and Building Department/Planning Dept compliance officers.</i></p> <p><i>The historical evidence of how rapidly thatch homes have been reduced to cinders, in that area, is well documented, as recently in Westcliff 6/7years ago."</i></p>	<p>As per the submitted motivational report and site development plan it is clear that the building is set back to 5m on the western side (adjacent the thatch roofed structure). We are of the opinion that an uncovered parking bay will not increase the fire risk on the western boundary.</p> <p>The application was also circulated to the Overstrand Municipality's Fire Department for comments that will be made conditions of approval of the application,</p>
<p>Substations</p> <p><i>"(vi) Overstrand Land Use Planning Bylaw (substations/meter kiosks/service pillars:</i></p> <p><i>Chapter 4:</i></p> <p><i>" allow the following on his or her land unit if considered necessary and in the manner and position as may be reasonably required by the Municipality:</i></p> <p><i>Due regard for the above requirement should be emphasised. Given that the public pavement area is constantly used by pedestrians, the pavement area should not be used for installations such as substations/meter kiosks/service pillars, as this obstructs pedestrian flow and is offensive to the aesthetics of the seafront access area. These should be housed within the boundary of the property to be developed. Oversight regarding the positioning must be followed by the building authority to ensure compliance and avoid deviation."</i></p>	<p>The application for the rezoning and departure does not propose any encroachments on the public pavement area.</p>



<p>On-Street Parking</p> <p><i>"v) On street parking bays in front of building (Marine Drive)</i></p> <p><i>The significant lack of visitors and shoppers parking and general parking bay allocation throughout Hermanus CBD currently poses a dilemma.</i></p> <p><i>Due consideration of the street front parking bays on Marine Drive are essential to ensure further densification does not further compromise an already challenging CBD issue.</i></p> <p><i>The relevant authority should apply relevant status to the street parking bays with this in mind.</i></p> <p><i>A loading zone would remove current street parking, obviously something to-be considered with Traffic Department/Roads."</i></p>	<p>The proposed development cannot be held accountable for the current general parking bay status throughout the Hermanus CBD.</p> <p>The proposed development has been designed to provide sufficient parking in compliance with the requirements of the Overstrand Municipality Land Use Scheme. No on-street parking is required to service the proposed development.</p> <p>There is also no loading zone being proposed that will remove any street parking as being referred to.</p>
<p>Wind</p> <p><i>"vi) Wind factor consideration for roof terrace structures:</i></p> <p><i>From an environmental and public safety viewpoint, it is expected that any installations onto the flat roof/roof terrace will be suitably constructed to resist the intense wind strengths experienced regularly on the seafront of Hermanus. Winds of up to 9 or 10m/second can cause dislocation of structures, damage to unsecured furniture and a potential to cause damage to public areas surrounding the building.</i></p> <p><i>Hazards could be associated to the terrace fittings and plant installations if due consideration is not made by the developer/builder/building inspector/safety authorities."</i></p>	<p>We take note of the comment regarding wind and address it below:</p> <ol style="list-style-type: none"> 1) All installations on the roof will be constructed to the highest standards. The proposed development has a full appointed professional team including civil & structural engineers who will specify roof installations to ensure they are secure and safe. 2) The client will also ensure that sufficient storage space will be provided on the roof for any loose items to be securely stowed when not in use. 3) In addition, the client proposed placing in the Body Corporate rules a specific rule requiring all loose items to be fastened and stowed when not in use.

**Requirements for submitting comments.**

Mrs Pat Redford, is submitting her comments in her capacity as a "Ward 3 Hermanus Committee member." We respectfully submit that she/her comments do not meet the requirements for submission of comments in terms of Section 52 of the By-Law for the reasons set out below:

- Although the application was circulated to the Ward Committee of Ward 3, no confirmation that Mrs Redford was mandated to submit the comments on behalf of the Ward Committee was attached to the comments.
- Mrs Redford has also not specifically addressed how the current application would impact on her / her specific property as an owner in Ward 3, Hermanus.

Conclusion

Two comments were received during the public participation process. The common comment between the two submissions related to the location of the refuse room in the proposed scheme. After considering these two comments, the client has relocated the position of the refuse room as elaborated on above.

In addition, the client has made several additional comments and will strengthen the Body corporate rules to cover the wind risk on the roof.

The development proposal evolved over a period of time through a detailed design and consultation process, complying with the development parameters of the proposed zoning with minimal and minor departures. The client had a number of pre-submission meetings with the Overstrand Town Planning Department as well as the Overstrand Heritage & Aesthetics Committee, to ensure that the proposed design is a desirable insertion and fits within the Overstrand Land Use Management Scheme and Hermanus aesthetic.

Considering the comments above have been adequately addressed, it is recommended that the planning application be approved as submitted with amendments proposed to location of refuse are as per attached plans (Refer **Annexure A**).

Yours faithfully

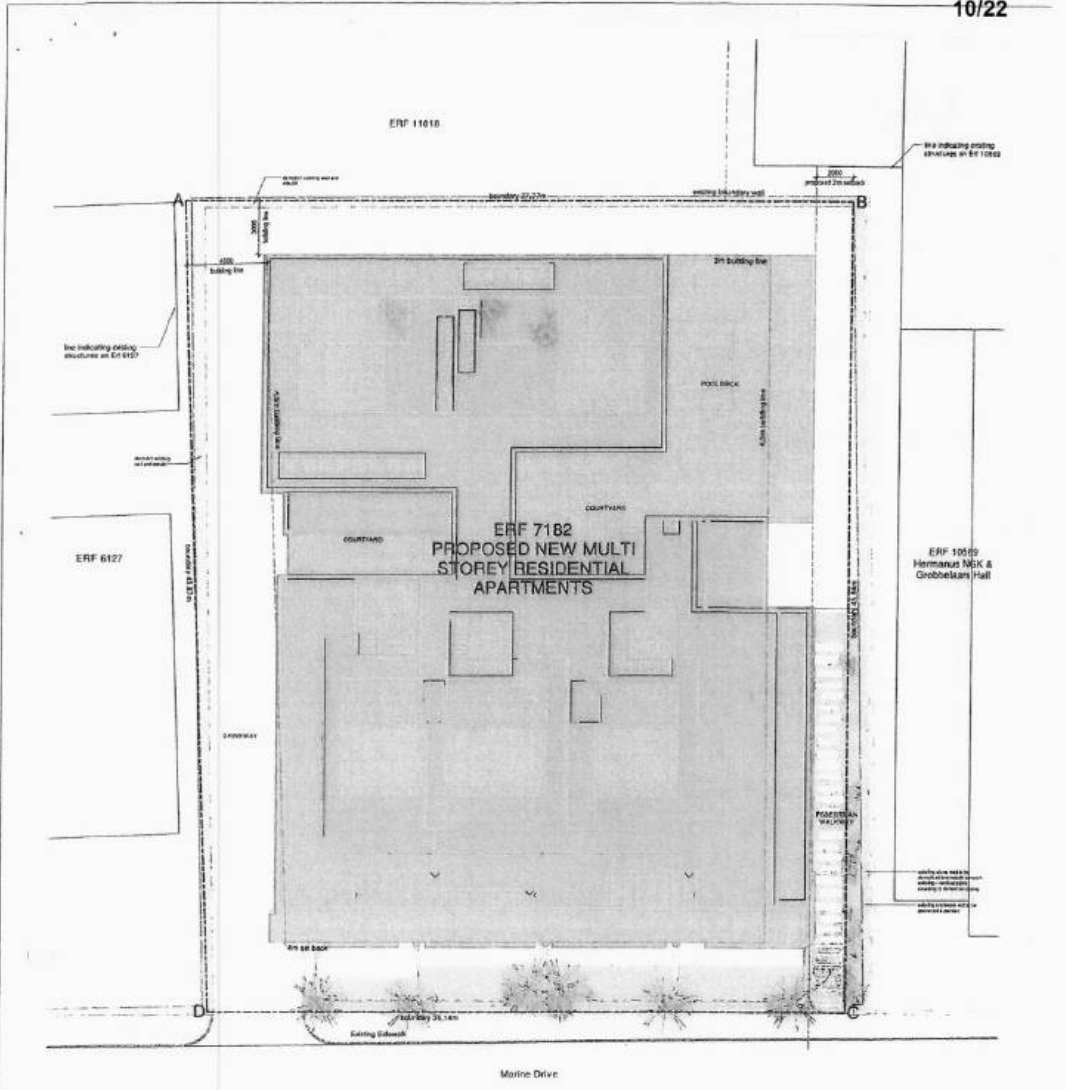
A handwritten signature in black ink, appearing to read 'T Jansen', is written over the typed name.

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



ANNEXURE A

10/22



1 Site Development Plan
1 : 200

TOTAL AREAS FOR SITE:

- Site area: 1 677m²
- Green area: 165,2m²(11,04%)
- Total required parking: 42 bays (21 tandems)
- Total required refuse space: 10,1m²
- Total Units: 21 units
- Total units area: 2 026,1m²
- Total balconies/patios area: 521m²
- Total service areas & walkways: 393,77m²
- Total communal/green space: 185,2m²
- Total roof terrace area: 297,27m²
- Total refuse room area: 10,3m²



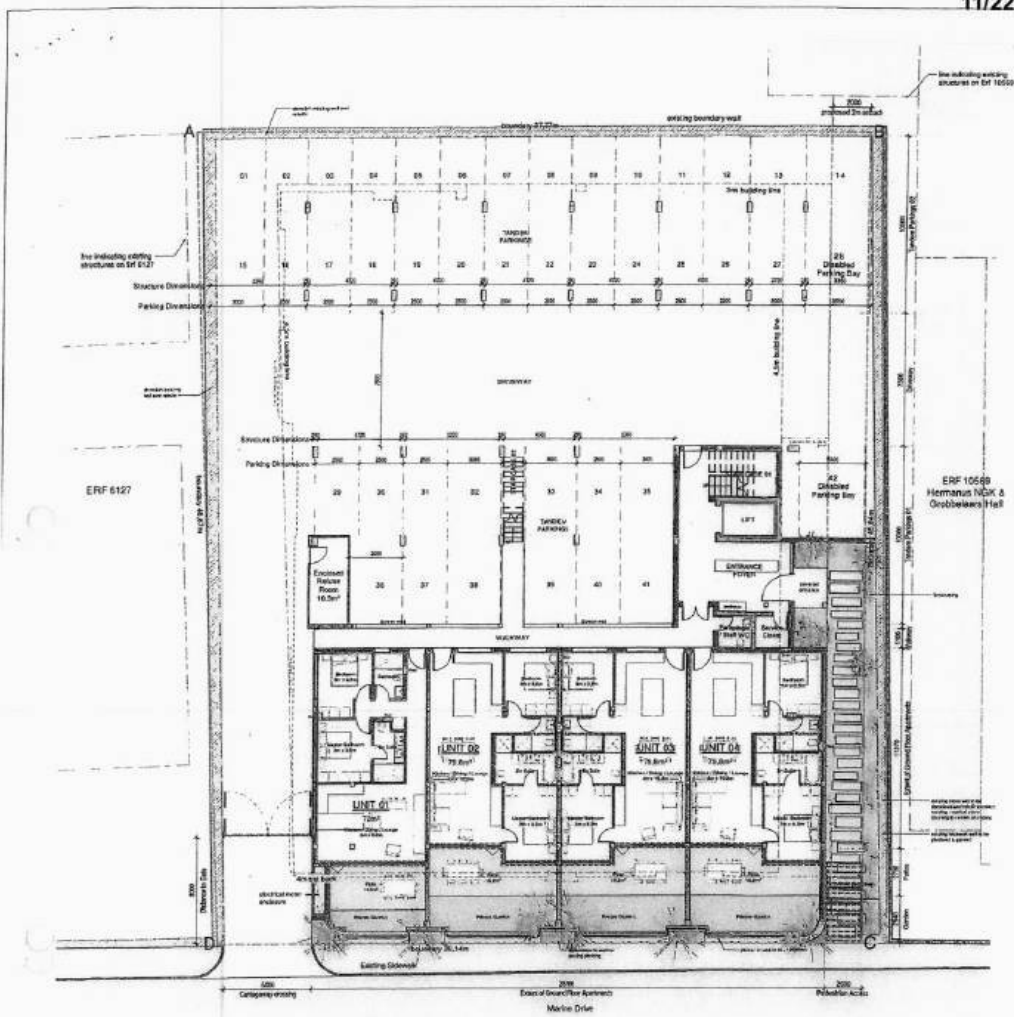
39 Marine Drive, Hermanus

2022 08 11

METROPOLIS

SDP

As Indicated @ A3



1 Ground Floor
1 : 200

Units per floor: 4 units
 Parkings required: 6 parkings
 Total unit area (ex balconies): 311.4m²
 Total balconies/patios: 62.1m²
 Total service areas & walkways (incl. foyer): 98.1m²
 Total communal/green space: -m²

Unit 01:
 Unit area (ex balconies): 72m²
 Balcony/Patio area: 13.5m²

Unit 02, 03 & 04 (per unit):
 Unit area (ex balconies): 79.8m²
 Balcony/Patio area: 16.2m²

39 Marine Drive, Hermanus

2022 08 11

METROPOLIS

Ground Floor Plan

As Indicated @ A3



Response to objections to the application for Rezoning and Departure.

Comments from Mrs Mary Ann Verster	Response to comment
<p><i>"This is prime land affecting the attractiveness of the coastline from the point of view of tourist experience in Hermanus. A structure that is not in proportion to existing buildings will set an unacceptable precedent for further development in the area."</i></p>	<p>We have duly noted this comment. However, the objector's argument against the proposed development is based on personal opinion rather than objective grounds, specifically claiming that it will set a precedent.</p> <p>The motivation behind the development reveals that it aligns with the development trends in the surrounding area. Moreover, the objector incorrectly asserts that the development is not located in the central business district (CBD), "bordering the CBD" whereas it is indeed situated within the delineated CBD.</p> <p>It is important to clarify that the CBD allows for higher density development and is actually encouraged, as it is designated to be the central hub of Hermanus. It is the only area where higher density development is permitted and supported.</p> <p>Furthermore, it should be emphasized that each land use application is evaluated on an individual and site-specific basis. The notion that this application of one property automatically sets a precedent for another property is unfounded. Town planning is a thorough process that takes into account the unique characteristics of each site, and the approval of rezoning is determined based on its own merits.</p> <p>The Overstrand Municipality is obligated to consider various factors that may influence their evaluation and decision-making regarding the proposed development.</p>
<p><i>"There is little if any allowance for parking facilities for the 21 apartments (residents and their visitors)"</i></p>	<p>Refer to Section 4.1, specifically referring to the parking section on Page 4 of the motivational report.</p> <p>The proposed development has adequate parking available in terms of the Overstrand Land Use Management Scheme.</p>
<p><i>"The minimum building line does not appear to be adhered to"</i></p>	<p>The objector has provided a statement regarding the application. The motivation behind the requested departures and the reasons for them have been included in the</p>



	motivational report.
"Space for storage of refuse bins is minimal for 21 units:"	<p>The design of the refuse room has been carefully planned to meet the required space specifications outlined in Section 17.3 of the Overstrand Land Use Management Scheme.</p> <p>Furthermore, the development proposal was reviewed by the engineering department of the Overstrand Municipality and no comments were received indicating a lack of support for the design.</p>
"Has the impact of this development on the provision of critical infrastructure, including water, parking in the CBD and management of traffic in the surrounding areas been taken into account?"	<p>The objector is directed to consult Section 9 of the motivational report.</p> <p>To ensure the viability of the development, a GLS report was obtained to assess the availability of adequate infrastructure. It is crucial for the development that these services are in place and available.</p> <p>It is important to note that the proposed development cannot be held responsible for the current parking situation in the Hermanus CBD as a whole.</p> <p>The design of the proposed development has taken into consideration the requirements outlined in the Overstrand Municipality Land Use Scheme, ensuring the provision of sufficient parking spaces. There is no need for on-street parking to accommodate the proposed development.</p>

Requirements for submitting comments.

Mrs Mary Ann Verster, is submitting her comments in her capacity as a "Ward 3 Hermanus Committee member." We respectfully submit that she/her comments do not meet the requirements for submission of comments in terms of Section 52 of the By-Law for the reasons set out below:

- Although the application was circulated to the Ward 3 Committee, no confirmation that Mrs Verster was mandated to submit the comments on behalf of the Ward Committee, was attached to the comments.
- Mrs Verster has also not specifically addressed how the current application would impact on her / her specific property as an owner in Ward 3, Hermanus.

**Conclusion**

The comments were received during the public participation process. The development proposal evolved over a period of time through a detailed design and consultation process, complying with the development parameters of the proposed zoning with minimal and minor departures. The client had a number of pre-submission meetings with the Overstrand Town Planning Department as well as the Overstrand Heritage & Aesthetics Committee, to ensure that the proposed design is a desirable insertion and fits within the Overstrand Land Use Management Scheme and Hermanus aesthetic.

Considering that the comments above have been adequately addressed, it is recommended that the planning application be approved as submitted.

Yours faithfully

A handwritten signature in black ink, appearing to read "T. Jansen", is written over the typed name.

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

APPLICANT'S RESPONSE TO COMMENT OF HERMANUS RATEPAYERS ASSOCIATION



COMMENTS FROM HERMANUS RATEPAYERS ASSOCIATION	RESPONSE
<p>"Rezoning permitting densification: in our view there is no justification offered by the developer to rezone the property other than the maximisation of its return on investment on a restricted footprint intended to accommodate fewer units. Building 21 units where only 6 or 8 are permitted, based on the current zoning effectively quadruples the return without due consideration of the negative effects of the densification. It is common cause that the municipal infrastructure is under severe strain and requires substantial upgrading if future development is to be facilitated. This proposal is therefore antithetical to "lightening the load" as it were. There are already a number of multi storey developments in the area which place pressure on existing infrastructure and 21 additional units, fully occupied at peak season, would be most unwelcome. Even though the development sits on the edge of the CBD it still falls within the Heritage zone and its very design is not in keeping with heritage criteria. We oppose the rezoning application."</p>	<p>REZONING:</p> <p>❖ Refer to Section 4.1 WRAP motivational report</p> <p>The property currently has a zoning of General Residential Zone 1: Town Housing, which was not aligned with the proposal. The current zoning allows only the current primary uses - town housing, private road and private open space.</p> <p>As the proposal is to erect flats it is required to rezone the property, as motivated within the report, the Bulk Zone 1 which the property is located in is the only area that allows for these densities and proposals of 4 floors and 12.5m (as determined by the Overstrand Municipal Land Use Scheme, 2020).</p> <p>This is aligned with numerous policies and legislation of the Overstrand Municipality and the property owners are not applying for anything that is considered out of place or out of the ordinary.</p> <p>Bulk Zone 1 permits a floor factor of 3, the applicant is compliant and well within the range with a factor of 1.7. The return is not quadrupled by having more units, the same amount of bulk is built and sold at market related price points. The envelope of the building will remain unchanged.</p> <p>❖ Refer to Page 15 of the MPI ITEM – Section 12</p> <p>The Overstrand Municipality Town Planner provided feedback on the rezoning and its desirability and on why should be approved.</p> <p>Conclusion to the Rezoning</p> <p>WRAP's Motivation and the Item that served before the MPI addressed the Rezoning proposal; the MPI were informed through several above-mentioned sections and report on reasons why the rezoning is aligned</p>

<p>and desirable.</p> <p>BULK SERVICE INFRASTRUCTURE:</p> <ul style="list-style-type: none"> ❖ Refer to Annexure E of the WRAP motivational report – GLS REPORT (CAPACITY ANALYSIS) The property owners were required to include a Capacity Analysis Report from GLS Consulting to determine if the proposal is viable and that there is sufficient services capacity. The report was annexed as Annexure E, which report confirmed that there is sufficient capacity. ❖ Refer to Annexure K of the MPT ITEM – SERVICES REPORT The Overstrand Municipality's Engineering Department refers to the GLS Report within Annexure K of the item that served before the MPT. The Capacity Analysis Report from GLS Consulting provides information and determines if there is sufficient capacity for the proposal which is accepted by the Overstrand Municipality's Engineering Department as sufficient information to make an informed decision. <p>Conclusion to the Bulk Services Infrastructure WRAP's Motivation and the Item that served before the MPT addressed the Bulk Service Infrastructure issue and the MPT were informed through several annexures that there are sufficient services for the proposal.</p> <p>The bulk services levy that the development will need to pay to the Overstrand Municipality is approximately R 1 126 452.00. With this contribution there will be funding available to upgrade the current bulk water and sewer networks to reduce the strain and accommodate future infrastructure in the area.</p> <p>HERITAGE:</p> <ul style="list-style-type: none"> ❖ Refer to Section 10 & 11.2 of the WRAP motivational report. As addressed in Section 11.2 the property was not found to have a negative impact on the heritage core of the area. Referring to the 	
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	<p>Heritage Protection Overlay Zone, Land use and building plan applications, if applicable, should be submitted to the Overstrand Heritage and Aesthetics Committee or a registered conservation body for comment.</p> <p>This was done and the property owners' appointed architects presented the proposed development scheme to the Overstrand Heritage and Aesthetics Committee (OHAC) – refer to Section 10 "Impact on heritage".</p> <p>❖ Refer to Page 4 of the MPT ITEM Local heritage - no comment</p> <p>Heritage Western Cape - The application does not trigger the provisions of the National Heritage Resources Act and no comment from HWC is required.</p> <p>❖ Refer to Page 7 of the MPT ITEM A response to an objection received from Mrs P Redford also required WRAP to address her comment with reference to heritage.</p> <p>Conclusion to Heritage WRAP's Motivation and the item that served before the MPT addressed the Heritage aspect and the MPT were informed throughout the motivation and item that served before them.</p>
<p>"Departure from 3000 sq/m to 1677 sq/m: If the proposed development were to be situated on this and the adjacent site bordering on Church Street the Association would have no objection in particular to the number of units being proposed. What is likely to happen if the densification is permitted it will automatically set a precedent for a similar application for the adjoining property to also densify thereby exacerbating the problem. This application is the thin edge of the wedge which, if approved, will signify the total collapse of restrictions on</p>	<p>DEPARTURE FROM THE MINIMUM ERF SIZE FOR DENSIFICATION:</p> <p>❖ Refer to Section 4.2 WRAP motivational report. The departure was motivated in the section as mentioned above. The property's current zoning also requires a minimum erf size of 3000m². The permanent departure unlocks the true potential of the subject property as was motivated, being located within the CBD.</p>

the Hermanus sea facing townscape and will lead to it looking like The Strand on the False Bay coast. We oppose the densification application."

❖ **Refer to Page 16 of the MPT ITEM – Section 12**

The Overstrand Municipality Town Planner provided feedback on the "Relaxation of the minimum erf size for densification" and its desirability and on why it should be approved.

❖ **Refer to Page 5 of the MPT ITEM – Section 7 (Point 1)**

A response to an objection received from Mrs P Redford also required WRAP to address her comment with reference to the minimum erf size for densification.

Conclusion to the minimum erf size for densification

WRAP's Motivation and the Item that served before the MPT addressed the Departure from the minimum erf size for densification proposal and the MPT was informed through several above-mentioned sections and the report on the reasons why the rezoning is aligned and desirable.

The Hermanus Ratepayers Association must understand that the Strand (False Bay), is located and in the jurisdiction of the City of Cape Town, that has their own land use scheme. To compare the Strand to Hermanus:

GRS (Strand – CoCT)	Erf 7182 proposal
35,0m	Maximum Height
	12,5m

From the above comment it is clear that the HRA is not aware that the planning parameters applicable in the City of Cape Town are different to those in the Hermanus (Overstrand) area. The Hermanus sea facing properties are not allowed to be higher than the current proposal of 12,5m.

The proposal compares well with the recently built Esplanade development and will not be higher than The Birkenhead or Hamewith apartments.

<p>"Departure re lateral building line: The justification offered in terms of reducing the lateral building line on the north-eastern boundary doesn't hold water. One acknowledges that the Grabler Hall is not a permanently occupied building but nevertheless the character of the area is one of open vistas to and also from the seafront. By effectively halving the space between the buildings this character will be lost. By reducing the number of proposed units to the permissible number of 6 to 8 permitted by current zoning the footprint of the building can be reduced and the need for a departure i.r.o the building line will fall away. We oppose the departure."</p>	<p>DEPARTURE OF THE LATERAL BUILDING LINE:</p> <ul style="list-style-type: none"> ❖ Refer to Section 4.3 & 10 WRAP motivational report. The departure was motivated in Section 4.3 and the adjacent property owners (NG Kerk Hermanus) did not object to the proposal or submit an appeal to the decision that was made the MPT. The permanent departure was also motivated that no views will be affected (Section 10). ❖ Refer to Page 16 of the MPT ITEM – Section 12 The Overstrand Municipality Town Planner provided feedback on the "Relaxation of the eastern lateral building line" and its desirability and on why should be approved. ❖ Refer to Page 7 of the MPT ITEM – Section 7 (Point 4) A response to an objection received from Mrs P Redford also required WRAP to address her comment with reference to the permanent departure from the eastern lateral building line. <p>Conclusion to the permanent departure of the side building line WRAP's motivation and the item that served before the MPT addressed the Departure from the minimum erf size and lateral building line for the densification proposal, the MPT were informed through several above-mentioned sections and the report considered on the reasons why the rezoning is aligned and desirable.</p>
<p>"Vested right of the owners of adjacent property: The owner of the adjacent property on the southwestern side will suffer a loss of daytime sunlight to which he has a vested right. Vested rights may not summarily be withdrawn. The application speculates that there will be no loss of sunlight and any approval should be subject to a detailed technical study to establish the facts. We oppose the development on these grounds."</p>	<p>VESTED RIGHT OF THE OWNERS OF ADJACENT PROPERTY:</p> <ul style="list-style-type: none"> ❖ Refer to Section 10 WRAP motivational report. The impact on views, sunlight and character of the area were addressed in the section 10 and the property owners adjacent did not object to the proposal or submit an appeal to the decision that was made the MPT. The entire structure is set back on the side of the owners of which the Association is concerned that their vested right will be affected.

<p>The adjacent property owners (Erf 6127) and their architects have been in consultation with the applicant throughout their renovation process and never raised any concern regarding the proposed development. They are also aware of the proposed development and the decision of the MPT.</p> <p>❖ Refer to Page 16 of the MPT ITEM – Section 12 The Overstrand Municipality Town Planner provided feedback on the “Relaxation of the eastern lateral building line” and its desirability and on why it should be approved.</p> <p>❖ Refer to Page 7 of the MPT ITEM – Section 7 (Point 4 & Point 7) A response to an objection received from Mis P Redford also required WRAP to address her comment with reference to the ‘hatched roofed building’. The response was that a 5m buffer between the proposed structure and the erf boundary between Erf 6127 and Erf 7182 will be kept.</p> <p>Conclusion to the vested right of the owners of adjacent property WRAP’s Motivation and the Item that served before the MPT addressed the Departure from the minimum erf size for the densification proposal and the MPT was informed through several above-mentioned sections and submitted report on the reasons the proposed rezoning is aligned and desirable.</p>	<p>“OMSDF: The framework allows for densification in order to facilitate population growth within certain parameters. A figure of “more than 30DU/H” is what is permitted. There is no shortage of accommodation in Hermanus. The planned density sits at 125DU/H and far exceeds the norm in the area, setting a dangerous precedent. We oppose the development on these grounds.”</p>
<p>DENSIFICATION AND NO SHORTAGE OF ACCOMMODATION:</p> <p>❖ Refer to Section 11.4 WRAP motivational report. The alignment of spatial planning policies was addressed in section 11.4. The Overstrand Municipality Spatial Development Framework (OMSDF) referred to is: “Table 2.7 p25 of the OMSDF” when indicating the need and desire for additional housing in Hermanus. Additionally WRAP provided reference to the Overstrand Growth Management Scheme [OGMS], where it is clearly indicated the</p>	

property is located in an area where densification should be promoted and to allow development with more than 30DU/H (Dwelling Units per hectare).

❖ **Refer to Page 16 of the MPT ITEM – Section 12**

The Overstrand Municipality Town Planner provided feedback on the "Relaxation of the eastern lateral building line" and its desirability and on why it should be approved. It is of importance to note the municipal town planner's comment was **"There are no maximum limit set for densification within this node, thus the proposed 21 flat apartments are in line with the said document."**

❖ **Refer to Page 7 of the MPT ITEM – Section 7 (Point 1 & 3)**

A response to an objection received from Mrs P Redford also required WRAP to address her comment with reference to the 'densification'. The response made clear reference to the densities being proposed to be aligned with OGMS.

Conclusion to the Densification and no shortage of accommodation

WRAP's motivation and the item that served before the MPT addressed the densification proposal and the MPT were informed through several above-mentioned sections and the report considered the reasons why the densification and number of units is aligned and desirable.

CONCLUSION

1. The objection received from the HRA during the public participation process was not included in the item that served before the MPT, although all their points raised were covered by other objections included in the report.
2. Throughout the above response it is clear that no new information was provided that was not already included in the application or MPT item that was considered. All of the points of objection that were made by the HRA were addressed, directly or indirectly. No new information was provided in the objection from the HRA that would have or will change the decision of the MPT.

ANNEXURE F 1/3

TPA-EMS-220705-01

Town Planning Application on 24-06-2022

Generated on Unit# by Danielle Smith on 26-07-2022



Basic Information

Captured	05-07-2022 15:37	Call Time	24-06-2022 15:37	Captured By	Danielle Smith
Reference	TPA-EMS-220705-01			Office	EMS
District	Overberg			Status	Open
Municipality	Overstrand				

Description

Erf 7182 - Application for Rezoning and Departure

Geographical Information



39 Marine Drive, Westcliff, Hermanus (-34.4206; 19.2380)

Application Details

File Reference: 7182 HWC 4119/2022
 WRAP Project Office
 Applicant: obo Sunny Seas
 Properties PTY (Ltd)
 Erf 7182, 39 Marine
 Property Details Drive, Westcliff,
 Hermanus

Application Comments

Erf 7182 is situated within the EMOZ: Coastal Protection Zone. This is a very environmentally-sensitive area and should at all times be treated as such as we are bound by Section 28 of NEMA (107 of 1998). The development has also undergone and Environmental Impact Assessment (EIA) for the determination of an ad-hoc Coastal Setback Line.

In the current state of the climate and the ongoing climate change challenges that we are facing, as well as electricity challenges

(loadshedding), it is advised that new developments invest in green energy if financially capable to do so. If it is not financially feasible, and if investments in generators are considered instead, it would be advised that quiet boxes are installed to as a result lower the possibility for noise pollution (see attached: Recommendations for developments). When using a generator, the Western Cape Noise Control Regulations (<https://cer.org.za/wp-content/uploads/1989/06/Western-Cape-Noise-Control-Regulations.pdf>) must at all times be adhered to.

A portion of the subject 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 and B of the Environmental Management Overlay Zone, 2020.

The following applicable regulations were indicated on in the application:

Schedule	Regulation	WRAP comment/indication	EMS comment
A: Prohibited activities in Overstrand EMOZ	Staying overnight.	Subject property will be improved with 21 flats.	<p>"staying overnight" means sleeping or otherwise taking shelter in any building, informal structure, infrastructure or vegetation on Municipal open space properties between the hours of 20:00 and 06:00.</p> <p>This is not applicable to this application.</p>
B: Activities only permitted with council consent in Overstrand EMOZ	Discharging of pool backwashing or untreated grey water or the channelling of stormwater into open spaces without the necessary approval from the Municipality.	The pool on the subject property's water will be managed in a sustainable manner.	<ul style="list-style-type: none"> • Backwash recycling system. • Do not connect to sewer system.
B: Activities only permitted with council consent in Overstrand EMOZ			
Activities only permitted with council consent	Encroachment of private buildings, structures, infrastructure, access routes.	The entire property is located inside of the buffer.	Noted.
(C) COUNCIL AUTHORISATION PENDING Consent Use Application/Lease Agreement/Applicable Tariffs as applicable			

B: Activities only permitted with council consent in Overstrand EMOZ.

Activities only permitted with council consent

Construction or placement of any permanent object, building, shelter, pathway or structure.

The entire property is located inside of the buffer.

Noted.

(C) COUNCIL AUTHORISATION PENDING Consent Use Application/Lease Agreement/Applicable Tariffs as applicable

Due to the property being situated within EMOZ: Coastal Protection Zone, the applicant must familiarise themselves with the Overstrand Municipality Environmental Management Overlay Zone Regulations 2020 (Annexure C: EMOZ), where applicable, which is those that apply to the Coastal Protection Zone. These regulations must at all time be adhered to. The regulations can be found on Overstrand Municipality's website or by clicking on the following link:

<https://www.overstrand.gov.za/en/documents/town-planning/by-laws/overstrand-municipality-amendment-by-law-on-municipal-land-use-planning-2020/04-annexure-c-of-schedule-2-emoz-regulations/7645-04-annexure-c-of-schedule-2-emoz-regulations-2020/file>

There is no objection to this application providing that the above are understood and adhered to.

Cost Sheet

Cost Sheet Summary

Total

0.00



ANNEXURE G 1/3



TP. n. Aheat
(H. Olivia)

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

FILE NO.	EF 7182
SCAN NO.	Neddie Hermanns
	05
COLLABORATOR NO.	1719740

Ihlaam Peters

Tel: 021 414 5614

Fax: 086 480 0617

Email: ihlaam@openserve.co.za

Our Ref.: WWIP_WHMN2740_22

Your Ref.: 7182HWC

23 July 2022

Attention: H Olivier
TOWN PLANNING
OVERSTRAND MUNICIPALITY
HERMANUS

NO SERVICES AFFECTED

WAYLEAVE: ERF 7182, 39 MARINE DRIVE, WESTCLIFF

With reference to your letter received June 2022.

I hereby inform you that Open Serve approves the proposed work indicated on your drawing in principle. This approval is valid for 6 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

As per the drawing supplied, Open Serve infrastructure will not be affected. However, care should still be taken should it be evident that there is in fact Open Serve network present on the actual sites.

Please notify this office immediately if you locate any Open Serve plant that was not indicated. Please contact our representative MELT VAN AS at telephone number 0813637873/MeltVA@openserve.co.za.

51 Oak Avenue, Highveld, Techno Park, Centurion 0157,
Private Bag X881, Pretoria, Gauteng, 0001

TP 26 JUL 2022

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

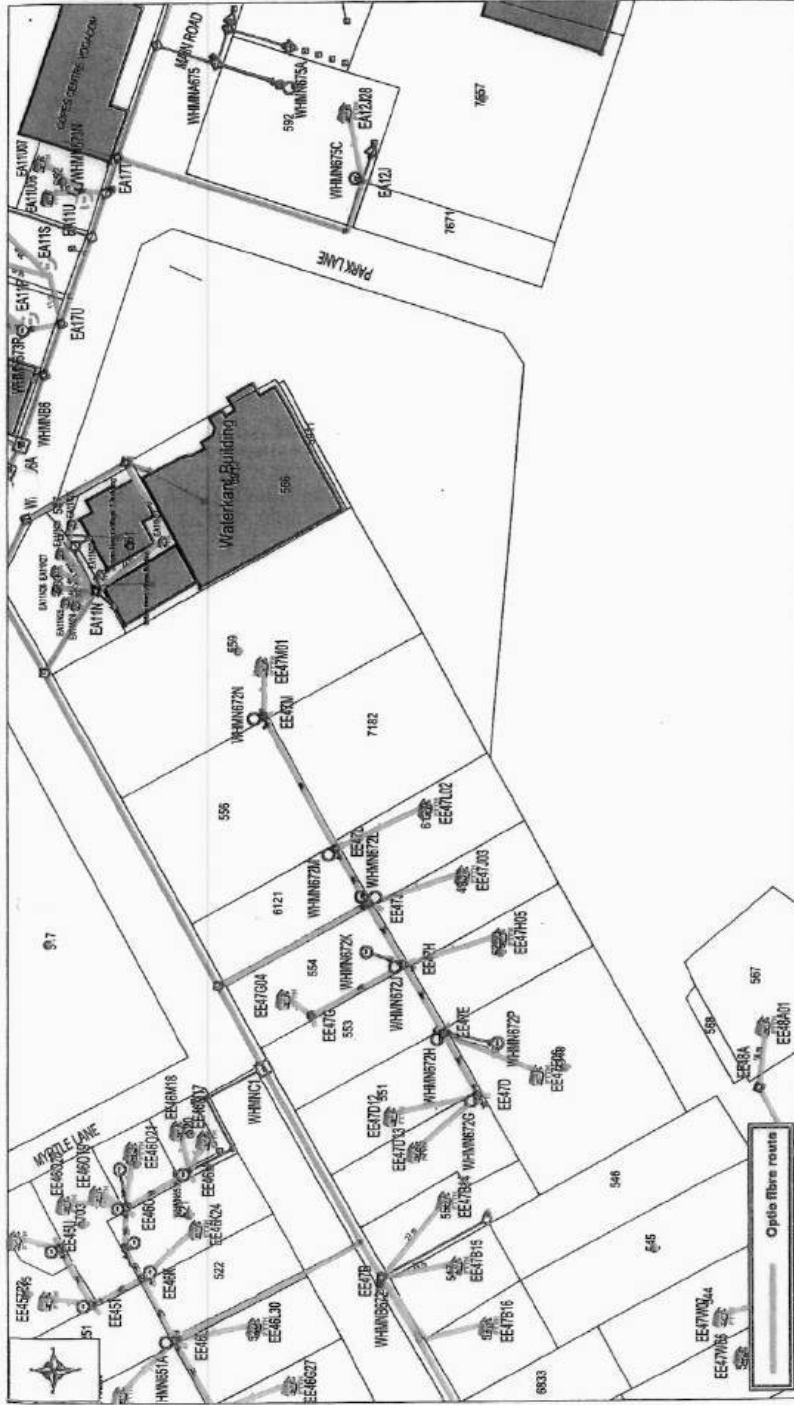
All Open Serve rights remain reserved.

Yours faithfully



Ihlaam Peters
for
Selwyn Bowers
Operations Manager
Wayleave Management: Western Region

ANNEXURE G 3/3



Legend	
	Existing Manhole
	Planned Manhole
	To Be Abandoned Manhole
	Existing Joining Pit
	Planned Joining Pit
	To Be Abandoned Joining Pit
	Existing PJB
	Planned PJB
	To Be Abandoned PJB
	Existing In-lane DP
	Planned In-lane DP
	To Be Recovered DP
	Existing DP
	Planned DP
	To Be Recovered DP
	Existing Pole
	Planned Pole
	To Be Recovered Pole
	Existing Underground Route
	Planned Underground Route
	To Be Abandoned Underground Route
	Existing Overhead Route
	Planned Overhead Route
	To Be Recovered Overhead Route
	Existing Airt Duct
	Planned Airt Duct
	Existing Strut and Stay

TELKOM REGIONAL EXECUTIVE	
Compiled By	J.Peters
Client	23/07/2022
Client ref	WAP_W111125A_22
Details	NO SERVICES AFFECTED
Page Size	A4



ANNEXURE H I/4



Western Cape
Government

Department of Environmental Affairs and Development Planning
Ntlangenedzeni Mabasa
Directorate: Development Management, Region 1
Ntlangenedzeni.Mabasa@westerncape.gov.za | Tel: 021 483 2803

TP. n. Meent
(H. Olivia)

REFERENCE: 16/3/3/6/6/E2/15/1222/22
DATE: 27/7/2022

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

FILE NO.	EF 7182
	Westcliff Hermanus
SCAN NO.	02
COLLABORATOR NO.	1721698

Attention: Ms Alida Conradie

Tel: 028 313 8900
Email: alida@overstrand.gov.za

Dear Madam

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED REZONING AND DEPARTURE ON ERF NO. 7182, WESTCLIFF, HERMANUS.

1. The electronic copy of the abovementioned document, as received by this Department on 24 June 2022, refers.
2. This letter serves as an acknowledgement of receipt of the correspondence by this Department.
3. Your attention is drawn to the listed activities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations, 2014, as defined in Listing Notices 1, 2 and 3. Please be advised that the proposed development triggers Activity 19 A of Listing Notice 1, as defined in terms of the EIA Regulations, 2014 (as amended).
4. The Department received an application for a "request to adopt an *ad hoc* development setback line ("SBL")" in terms of the NEMA EIA Regulations, 2014 (as amended) for the above-mentioned activity. The adoption of the *ad hoc* development SBL to allow the proposed development was issued 30 June 2022 (copy attached for your records). Since the proposed activity will be undertaken behind the adopted *ad hoc* development SBL, environmental authorisation will not be required from this Department prior to the proposed development of an apartment block on Erf No. 7182, Hermanus.
5. The applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
6. This Department reserves the right to revise or withdraw comments or request further information from you based on any information received.

Yours faithfully

Andrea
Thomas

Digitally signed by
Andrea Thomas
Date: 2022.07.27
14:52:46 +02'00'

pp HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
28 JUL 2022

www.westerncape.gov.za

Department of Environmental Affairs and Development Planning



Western Cape
Government

Department of Environmental Affairs and Development Planning
Ntanganedzeni Mabasa
Directorate: Development Management, Region 1
Ntanganedzeni.Mabasa@westerncape.gov.za | Tel: 021 483 2803

REFERENCE: 16/3/3/6/2/E2/15/1106/22
DATE: 30 June 2022

The Board of Directors
Sunny Seas (Pty) Ltd
128 Strand Street
CAPE TOWN
8001

Attention: Eibé Cooper

Tel: 021 425 8586
Email: ecooper@horizoncapital.co.za

Dear Madam

REQUEST TO ADOPT AN AD HOC DEVELOPMENT SETBACK LINE ("SBL") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE PROPOSED DEVELOPMENT OF AN APARTMENT BLOCK ON ERF NO. 7182, HERMANUS.

- The electronic copy of the final setback line checklist received by this Department on 23 May 2022, the additional information received on 26 May 2022, and this Department correspondence issued on 1 June 2022, refer.
- Based on the information submitted to this Department, it is hereby confirmed that the listed activity in bold below applies to the proposed development on the abovementioned property. This is a listed activity in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations, 2014 (Government Notice ("GN") No. 324, 325, 326 and 327 in Government Gazette No. 40772 of 7 April 2017):

Activity Number: 19A

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—

- the seashore;
- the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or**
- the sea; —

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- will occur behind a development setback;**
- is for maintenance purposes undertaken in accordance with a maintenance management plan;
- falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or

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Department of Environmental Affairs and Development Planning

ANNEXURE H 3/4

(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

3. A Public Participation Process ("PPP") was conducted and involved the following:
 - 3.1 Notification letters were distributed to the local and district municipality and the relevant Organs of State, as well as identified interested and affected parties ("I&APs") informing them of the request for the adoption of the *ad hoc* development setback line.
 - 3.2 A 30-day commenting period was afforded to the I&APs, from 14 April 2022, to provide written comment with respect to the proposed *ad hoc* development setback line adoption request.
 - 3.3 The Department is satisfied that the PPP that was followed met the minimum legal requirements for public participation for an *ad hoc* development setback line and that the concerns raised by I&APs were responded to and adequately addressed.
4. In terms of the NEMA EIA Regulations, 2014 (as amended) a "development setback" is defined as "a setback line defined or adopted by the competent authority".
5. In this regard, the competent authority hereby adopts the *ad hoc* development setback line on Erf No. 7182, Hermanus. The *ad hoc* development setback line is depicted in Appendix A (attached hereto). The co-ordinates for the *ad hoc* development setback line that are depicted in Appendix A are given in Table 1 below:

SETBACK LINE		
Ad Hoc Development Setback Line		
POINT	CO-ORDINATES	
	Latitude (S)	Longitude (E)
1	34°25'14.8"S	19°14'16.7"E
2	34°25'14.6"S	19°14'17.2"E
3	34°25'14.3"S	19°14'17.8"E
4	34°25'13.1"S	19°14'11.1"E
5	34°25'13.5"S	19°14'15.8"E

6. The decision by the competent authority to adopt the *ad hoc* development setback line is based on the following factors:
 - 6.1 The site is a vacant residential erf located within the built-up area of Hermanus, set back and elevated from the coastline, thereby reducing its exposure to climate change related sea level rise and storm surges.
 - 6.2 The property boundary falls outside the low, medium, and high-risk urban risk zones associated with the draft Overberg Coastal Setback Line.
 - 6.3 No objections were received during the PPP.
7. With regards to the *ad hoc* development setback line, please note that:
 - 7.1 the *ad hoc* development setback line is adopted in terms of the NEMA EIA Regulations, 2014 and only relate to the listed activity mentioned above and to the determination of whether or not environmental authorisation in terms of NEMA is required before undertaking the listed activity;
 - 7.2 the *ad hoc* development setback line is not adopted in terms of the National Water Act, 1998 (Act No. 36 of 1998) or any other legislation. Notwithstanding the location of the *ad hoc* development setback line, any other statutory requirements that may be applicable to the undertaking of the development must be adhered to;

ANNEXURE H 4/4

- 7.3 the *ad hoc* development setback line does not imply that the areas behind the line will not be exposed to impacts of dynamic processes, including sedimentation, erosion and flooding; and
- 7.4 the fact that development will be undertaken behind the *ad hoc* development setback line does not absolve you from your general "duty of care" set out in Section 28(1) of the NEMA which states that "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment." (Note: When interpreting the "duty of care" responsibility, cognisance must be taken of the principles of sustainability as contained in Section 2 of the NEMA.)
8. Since the proposed activity will be undertaken behind the abovementioned *ad hoc* development setback line, environmental authorisation will not be required for the abovementioned listed activity in terms of NEMA.
9. It is, however, reiterated that the development setback line only relates to the listed activity mentioned above. If any of the other listed activities are triggered, environmental authorisation will have to be obtained in terms of the NEMA. It remains the responsibility of the proponent to determine if listed activities are triggered and to ensure that the necessary environmental authorisation is obtained.
10. Please note, that I&APs involved in the Public Participation Process must be informed of the decision and their opportunity to lodge an appeal in terms of the provisions contained in the National Appeal Regulations, 2014.
11. This Department will not be held liable for any loss or damage to property or person as a consequence of any development within the development setback area as adopted by the Directorate.
12. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully

Mare-Liez Oosthuizen
Digitally signed by
 Mare-Liez Oosthuizen
 Date: 2022.06.30
 07:52:10 +02'00'

MARE-LIEZ OOSTHUIZEN
ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Michelle Naylor (Lornay Environmental Consulting (PTY) LTD)
 (2) Penelope Aplon (Overstrand Municipality)

Email: michelle@lornay.co.za
 Email: paplon@overstrand.gov.za



TP - D. Ahead
(H. Boshoff)



CONSERVATION INTELLIGENCE

postal 16 17th Avenue, Voëlkop, Hermanus, 7200
 physical 16 17th Avenue, Voëlkop, Hermanus, 7200
 website www.capenature.co.za
 enquiries Rhett Smart
 telephone 087 087 866 8017
 email rsmart@capenature.co.za
 reference LS14/2/6/1/7/2/7182_rezoning&dep_Hermanus
 date 23 August 2022

Overstrand Municipality
 P.O. Box 20
 Hermanus
 7200

Attention: Mr H. Boshoff
 By email: alida@overstrand.gov.za

Dear Mr Boshoff

**Application for Rezoning and Departure for an Apartment Block on Erf 7182,
 39 Marine Drive, Hermanus
 (Overstrand Municipality ref: 7182 HWC; 4119/2022)**

CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.

The application is for rezoning and departure for construction of a multi-story apartment block. CapeNature commented on the NEMA application for an *ad hoc* setback line from the high water mark of the sea, whereby we did not object due to the transformed footprint and high elevation of the site (fronted by minor sea cliffs) thereby reducing the risk from climate change related sea level rise and storm damage.

The comment on the NEMA application therefore remains relevant whereby there will not be any direct impact on biodiversity. The *ad hoc* setback application did not however indicate that the proposal is for a multi story apartment block, thereby increasing the demand for services. The municipality however has confirmed that there is sufficient capacity for service provision. It should further be noted that densification reduces the need for urban sprawl and expansion of urban areas into natural habitat.

In conclusion, CapeNature does not object to the application.

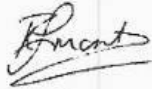
CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

The Western Cape Nature Conservation Board trading as CapeNature
 Board Members: Associate Prof Denver Hendricks (Chairperson), Prof Gavin Manavalid (Vice Chairperson), Ms Marguerite Loubser, Mr Mervyn Burton, Dr Colin Johnson, Prof Aubrey Reddinghuis, Mr Paul Stack

23 AUG 2022
 TP

FILE NO.	Erf 7182
	Hermanus
SCAN NO.	
	HWC 7182
COLLABORATOR NO.	
	1735672

Yours sincerely

A handwritten signature in black ink, appearing to read "Rhett Smart", with a horizontal line underneath.

Rhett Smart
For: Manager (Landscape Conservation Intelligence)



Western Cape
Government



Department of Environmental Affairs and Development Planning

Mercia Liddle

Biodiversity and Coastal Management

Mercia.Liddle@westerncape.gov.za | Tel: 021 483 4627

CMU Reference: 022/2022

The Office of the Director: Infrastructure & Planning
Town and Spatial Planning
Overstrand Municipality
P.O. Box 20
HERMANUS
7200

TP A/Head
(H. Boshoff)

FILE NO.	SF 7182
	HWC
SCAN NO.	HWC 7182
COLLABORATOR NO.	1739255

Attention: Mr. H Boshoff

Tel: 028 313 8900

Email: alida@overstrand.gov.za

RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE APPLICATION FOR REZONING AND DEPARTURE ON ERF 7182, 39 MARINE DRIVE, HERMANUS.

Dear Madam

Your request for comment from the Sub-directorate: Coastal Management on the above-mentioned pre-application basic assessment report received on 24 June 2022, refers.

1. CONTEXT

- 1.1. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("NEM: ICMA") is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). The NEM: ICMA sets out to manage the nation's coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. In terms of Section 38 of the NEM: ICMA, the Department of Environmental Affairs and Development Planning ('the Department') is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of the "Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) "Public Launch Site Regulations".
- 1.2. The Department, in pursuant of fulfilling its mandate, is implementing the Provincial Coastal Management Programme ("PCMP"). The PCMP is a five (5) year strategic document, and its purpose is to provide all departments and organisations with an integrated, coordinated and uniform approach to coastal management in the Province. The Department is in the process of finalising the next generation PCMP that includes

30 AUG 2022

TP

priority objectives for the next 5 years. This PCMP was recently subjected to stakeholder engagement and may be viewed at <https://www.westerncape.gov.za/eadp/files/atoms/files/DRAFT%20Western%20Cape%20Provincial%20Coastal%20Management%20Programme%202022-2027.pdf>.

- 1.3. A key priority of the PCMP is the Estuary Management Programme, which is predominantly implemented through the Estuary Management Framework and Implementation Strategy ("EMFIS") project. The Department is implementing estuary management in accordance with the NEM: ICMA and the National Estuarine Management Protocol ("NEMP"). Relevant guidelines, Estuarine Management Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the Estuarine Functional Zone. The Department is in the process of approving a series of Estuarine Management Plans. Both draft and approved plans may be viewed at <https://www.westerncape.gov.za/eadp/about-us/meet-chief-directorates/environmental-sustainability/biodiversity-and-coastal-management>.

2. COMMENT

- 2.1 The sub-directorate: Coastal Management ("SD: CM") has reviewed the information as specified above and have the following commentary:
- 2.1.1. The applicant had requested the adoption of an ad hoc setback line for the development of an apartment block of approximately 21 flats. It is noted that the title deed of the subject property has no conditions that restricts the proposed development on the subject property.
- 2.1.2. According to the Western Cape Biodiversity Spatial Plan (2017), there are no critical biodiversity or ecological sensitive areas within the subject property.
- 2.1.3. The SD: CM notes that Erf 7182 is located along an elevated rocky shoreline that is landward of the Overberg District coastal management line ("CML"); 100m from the highwater mark of the sea and within the coastal protection zone ("CPZ") as defined in Section 16 of the NEM: ICMA. As such, S63 of the NEM: ICMA must be taken into consideration by the competent authority.
- 2.1.4. The applicant has adequately noted the subject property's location within the CPZ and the SD: CM herewith reminds the applicant that the purpose of the CPZ is to avoid increasing the effect or severity of natural hazards in the coastal zone and to protect people and properties from risks arising from the dynamic coastal and estuarine processes, including the risk of sea level rise.
- 2.1.5. With the country experiencing more severe weather conditions, the applicant must be cognisant that in the event of an erosion or accretion on the subject property, Section 15 of the NEM: ICMA applies.

- 2.1.6. It is acknowledged that the proposed property is located along a rocky shore and is unlikely to be affected by erosion. The SD: CM therefore does not object to the proposed rezoning and departure of the subject property.
3. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: *"...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment..."* together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.
4. The SD: CM reserves the right to revise its comments and request further information from you based on any information that may be received.

Yours faithfully

**leptieshaam
Bekko**

Digitally signed by
leptieshaam Bekko
Date: 2022.08.29 15:03:54
+02'00'

leptieshaam Bekko
CONTROL ENVIRONMENTAL OFFICER
SUB-DIRECTORATE: COASTAL MANAGEMENT
DATE: 29 August 2022

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING & DEPARTURE: ERF 7182, WESTCLIFF
(4119/2022)**

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 (2022/2023) is as follows:

Freehold erven:

Water	R 26 036.00 x 11.8	= R 307 224.80
Sewerage	R 17 555.00 x 11.8	= R 207 149.00
Roads	R 7 872.00 x 20.00	= R 157 440.00
Stormwater	R 9 082.00 x 0.559	= R 5 076.84
Solid Waste	R 1 574.00 x 20.00	= <u>R 31 480.00</u>
TOTAL (inclusive of VAT)		= <u>R 708 370.64</u>

Note:

- 1.4** The above figures are estimates
1.5 That Overstrand Municipality's Electrical Department 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 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;

3

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

4

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;

5

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;
30. that the a minimum of 12m stacking distance be provided between the entrance gate and the road reserve;
31. 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;
32. 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

Alida Conradie

From: Ricardo Andrew
Sent: Wednesday, 24 May 2023 08:37
To: Helgaardt Boshoff; Alida Conradie
Cc: De Wet Nel; Dennis Hendriks; Miliswa Mantyi
Subject: FW: Erf 7182, Westcliff: Parkering: Dringend asb.
Attachments: E Mail Hanneen en Richard Jan 2021.pdf; Parking Layout.pdf; SERVICES REPORT - 7182 HWC.pdf

Goeie Dag,

Ons het al die tandem parkeerplekke bespreek-Dit is geen probleem nie (verwys as. Na Hanneen se 2021 epos) solank dit aan dieselfde wooneenheid behoort en aan die minimum grootte voldoen.

Die Operasionele Departement sal net moet bevestig dat hulle tevrede is met die ligging van die "refuse room" dit is maar 'n operasionele aangeleentheid.

roete

Ricardo Andrew
 Manager: Engineering Services
 Tel: (028) 313 5073
 Fax: (028) 313 0760
 E: randrew@overstrand.gov.za



From: Helgaardt Boshoff <hboshoff@overstrand.gov.za>
Sent: Monday, May 22, 2023 2:24 PM
To: Ricardo Andrew <randrew@overstrand.gov.za>
Cc: Alida Conradie <alida@overstrand.gov.za>
Subject: Erf 7182, Westcliff: Parkering: Dringend asb.

Goeie dag Ricardo

Ek is tans besig met die item vir 'n 4 vlak woonstelblok op Erf 7182, Westcliff.

Sien aangehegte e-pos en parkeeruitlegplan.

Die aansoeker verwys na 8 tandem parkeerplekke in die e-pos terwyl al die parkering op die erf tandem is. Aansoeker noem dat 'n tandem parkering elk aan 'n woonstel toegeken sal word. Dit bly of al die ander vereistes in plek is. Sal jy net bevestig of voornoemde punte in orde is asb. Ek weet nie watter plan aan jou voorgelê is nie en spreek jy nie parkering in jou verslag aan nie.

Sien voorwaarde 25(d) in jou aangehegte verslag.

Die eienaars van die kerk direk langs Erf 7182 op Erf 10569 het beswaar gemaak teen die aansoek en spesifiek oor die plasing van die "refuse room" voor teen die pad in die suid-oostelike

WRAP

From: H van der Stoep <hvdstoep@overstrand.gov.za> on behalf of H van der Stoep
Sent: Tuesday, 05 January 2021 15:07
To: WRAP
Subject: RE: Erf 7182, Marine Drive Hermanus

Middag Richard

Die Ingenieurs het bevestig, solank daar net genoeg parkerings soos die skema vereis is.

Groete

Hanneen

O goeie nuwe jaar.

From: WRAP <admin@wrapgroup.co.za>
Sent: Thursday, 03 December 2020 10:26
To: H van der Stoep <hvdstoep@overstrand.gov.za>
Subject: Erf 7182, Marine Drive Hermanus

Môre Hanneen

Dankie dat ons vinnig kon bespreek. Ons gesprek vanoggend:

1. Die parkeervereiste is 45 parkeerplekke en 48 word voorsien;
2. Agt van die parkeerplekke is tandem parkeerplekke;
3. Die tandem parkeerplekke sal saam met die agterste parkeerplek (waardeur toegang gekry word) aan 'n spesifieke 2-slaapkamer woonstel toegewys word;
4. Indien aan elke 2/3 slaapkamer woonstel twee parkeerplekke, en aan elke een slaapkamer woonstel 1 parkeerplek vir uitsluitlike gebruik toegewys word, sal daar steeds 8 parkeerplekke vir besoekers beskikbaar wees;
5. Die ingenieurs departement het bevestig dat die parking soos voorgestel voldoende is (Het versoek dat hulle skriftelik bevestig).

Jy het aangedui dat jy op die basis die parking soos voorgestel sal kan ondersteun sonder dat 'n afwyking van die parkeervereistes nodig sal wees.

Kan jy asb so bevestig ten einde kliënt in staat te stel om 'n finale besluit te neem?

Groete
 Richard Kotzé
 CEO

Email: admin@wrapgroup.co.za
 T: +27 (26) 313 1411 | M: +27 (82) 951 7868
 Unit B, Standard House, Cnr Royal and Dirkie Uys Street
 P. O. Box 1247, Hermanus, 7200
www.wrapgroup.co.za

ANNEXURE M 1/7



Navraag:
Inquiries: Mr M's Roux

Verwysing:
In referensie: TP 1-32/2004

Datum:
Date: 14 Julie 2005

Hermanus Administrasie
Hermanus Administration

Geregistreerde Pos

NJ Botha
Hermanus Belastingbetalersvereniging
Posbus 134
HERMANUS
7200

Meneer/Dame

Hermanus: Aansoek om Hersoening en Afwyking Erf 7182: Aner Beleggings

U beswaar in bogenoemde verband verwys. Die Burgermeesterkomitee het op 29 Junie 2005 soos volg besluit ('n Afskrif van die item soos wat deur die komitee oorweeg is, is ingesluit):-

- *1. dat die aansoek van toepassing op erf 7182, Hermanus, vir hersoening vanaf Medium Digtheid Woonsonne na Algemene Woonsonne, goedgekeur word, onderhewig aan die volgende voorwaardes:
 - (a) dat 'n slopingspermit verkry word, en
 - (b) dat voorsorgmaatreëls getref word vir uitgraving en skietwerk en dat die nodige versekering verkry word om enige skade aan aanliggende eiendomme te dek, sou dit plaasvind.
2. dat die aansoek vir afwyking om die hoogte te oorskry ten einde 4 verdiepings op te rig goedgekeur word, onderworpe aan die volgende voorwaardes:
 - (a) dat die verdieping beperk word tot 3m van afgewerkte vloer tot afgewerkte vloer of daklys, en
 - (b) dat dit maksimum 4 verdiepings en 'n maksimum hoogte van 12m van grondvloer tot daklys sal wees.
3. dat die aansoek om afwyking op die straat boulyn van 7,5m na 7m goedgekeur word;

ANNEXURE M 2/7



4. dat die aansoek om afwyking van die dekking van 25% tot 39% goedgekeur word, onderworpe aan die volgende voorwaarde:
 - (a) dat 'n maksimum dekking van 40% toegelaat word.
5. dat die aansoek om afwyking van die vloerruimte van 0,55 na 1,5 nie goedgekeur word nie;
6. dat 'n afwyking van vloerruimte van 0,55m na 1,2 goedgekeur word.
7. dat die aansoek vir afwyking van 'n minimum erf grootte van 2000m² vir Algemene Residensieel goedgekeur word;
8. dat die aansoek om afwyking van die syboullyn van 4,5m of die helfte van die hoogte van die gebou na 1,4 en 1,5m nie goedgekeur word nie;
9. dat die aansoek om afwyking van sy boullyn van 4,5m of die helfte van die hoogte van die gebou goedgekeur word, onderworpe aan die volgende voorwaardes:
 - (a) dat 'n saamgestelde syboullyn van 5m wyd met 'n minimum syboullyn van 2m gehandhaaf word, en
 - (b) dat die gebou en die syboullyn voldoen aan die Nasionale Bouregulasies in terme van die m² glans toegelaat.
10. dat 'n grootmaatsdiensie bydrae betaalbaar is op elke addisionele eenheid soos deur die Raad bepaal, en
11. dat indien dienste opgradeer of geskuif moet word dit die verantwoordelikheid van die ontwikkelaar sal wees en op sy koste gedoen word.

U aandag word daarop gevestig dat u ingevolge Artikel 44 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) saamgelees met die regulasies uitgevaardig kragtens Artikel 47 (1) van die Ordonnansie (P.K. 1050 van 5 Desember 1988) 'n reg tot appél by die Premier teen bogenoemde besluit van die Raad het. Indien u die reg tot appél wil uitoefen, moet die volgende vereistes ingevolge die regulasies nagekom word:

1. Die appél moet die kantoor van die Premier binne 21 (een-en-twintig) dae vanaf die datum van registrasie van hierdie brief bereik, en 'n afskrif daarvan moet terselfdertyd op die munisipaliteit beteken word.

ANNEXURE M 3/7



2. Die appél moet skriftelik wees, vergesel gaan van alle relevante dokumente wat u aan die munisipaliteit voorgelê het, en gerig word aan die Hoofdirekteur by die onderstaande adres, tesame met bevestiging dat 'n afskrif van die appél aan die munisipaliteit beteken is:

Die Hoofdirekteur
 Departement van Omgewingsake en Ontwikkelingsbeplanning
 Hoofdirektoraat Ontwikkelingsbeplanning
 Direktoraat: Grondontwikkelingsbestuur
 Privaatsak X9086
 KAAPSTAD
 8000

Indien u enige van bogeroemde vereistes nie nakom nie kan die appél as ongeldig beskou word. Die applikant is ook op sy reg van appél na die Premier teen die besluit van die komitee in kennis gestel.

Die uwe

nms/Munisipale Bestuurder

MINUTES OF THE MAYORAL COMMITTEE MEETING29 JUNE 2005

27.
**HERMANUS: APPLICATION FOR REZDNING AND DEPARTURE, ERF 7182,
 37 MARINE DRIVE; ANER BELEGGINGS (PTY) LTD**

TP1-37/2004

R Kuchar

(028) 313 8179

Head Office Administration

EXECUTIVE SUMMARY

Wrap Consultancy applied on behalf of Aner Beleggings (Pty) Ltd for rezoning of erf 7182 to General Residential Zone in order to erect eleven apartments. Further application has also been made for departures to exceed the bulk, coverage, height, minimum erf size and building lines.

RESOLVED (NEM CON):

1. that the application relating to erf 7182, Hermanus, for rezoning from Intermediate Residential Zone to General Residential Zone to erect flats, be **approved**, subject to the following conditions:
 - (a) that a demolition permit be obtained, and
 - (b) that precautions be taken for excavation and blasting and that the necessary insurance be obtained to cover any damage to adjoining properties should it occur.
2. that the application for departures to exceed the height, to erect 4 storeys be **approved**, subject to the following conditions:
 - (a) that a storey be restricted to 3m from floor level to floor level and floor level to plinth, and
 - (b) that it be maximum of 4 storeys and a maximum height of 12m from natural ground level to plinth.
3. that the application for a departure on the street building line from 7.5m to 7m be **approved**;
4. that the application for a departure of the coverage from 25% to 39% be **approved**, subject to the following condition:
 - (a) that a maximum of 40% coverage be allowed.

5. that the application for a departure from the bulk of 0,55 to 1,5 **not be approved**;
6. that a departure from the bulk from 0,55 to 1,2 **be approved**;
7. that the application for a departure from the minimum erf size of 2000m² for General residential **be approved**;
8. that the application for the departure from the lateral building line from 4,5m or ½ the height of the building to 1,4 and 1,5m **not be approved**;
9. that the application for a departure from the lateral building line of 4,5m or ½ the height of the building **be approved**, subject to the following conditions:
 - (a) that an aggregate lateral building line of 5m with a minimum lateral building line of 2m be adhered to, and
 - (b) that the building and lateral building lines comply to the National Building Regulations in term of m² glazing allowed.
10. that a bulk services contribution be payable on each additional unit as determined by Council, and
11. that should upgrading or relocation of services be required, it be the responsibility of the developer and for his account.

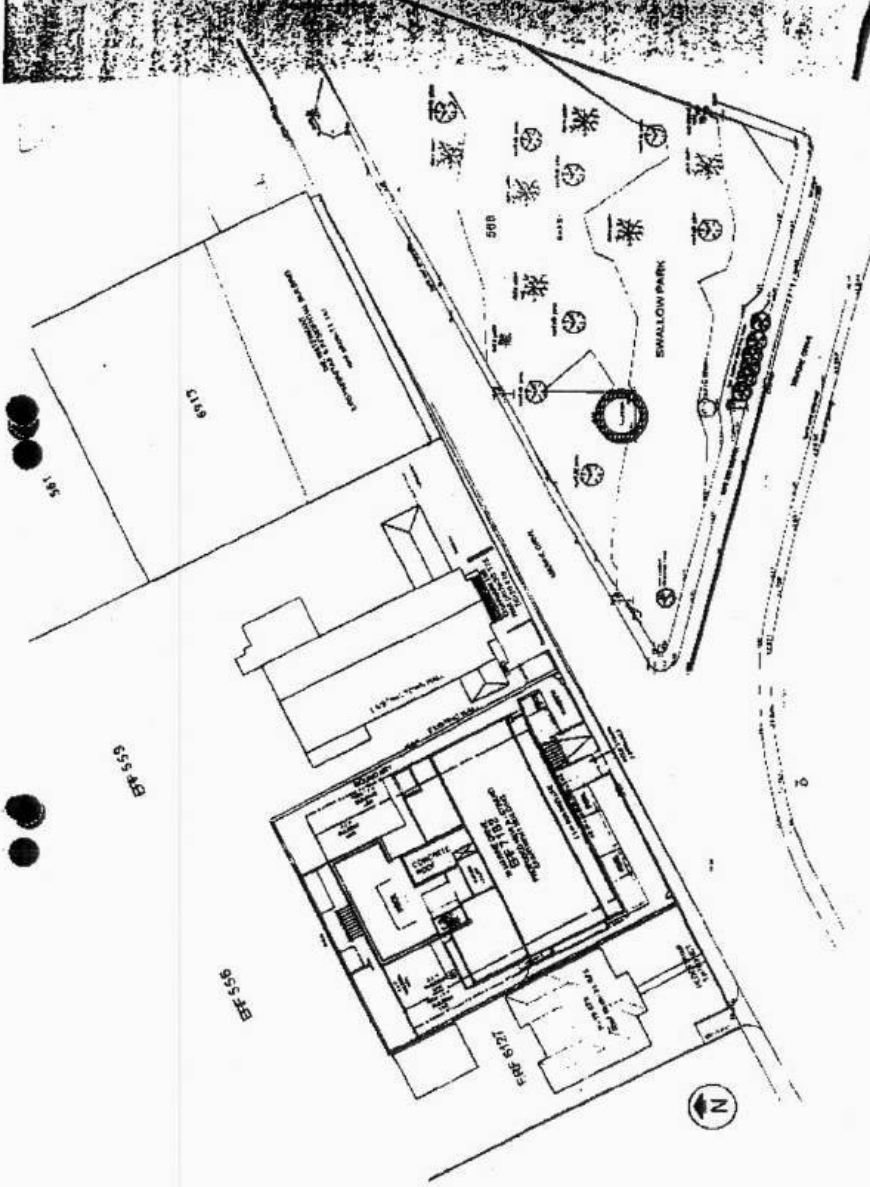
a strand apartments

ANNEXURE M 6/7

**VAN BILJO
VISSER**
ARCHITECTS & INTERIORS

Site development plan

P/S/5



site development plan scale 1:500

ANNEXURE M 7/7
ANNEX A
p/1

374





1 February 2022

The Director: Civil Engineering Services
Overstrand Municipality
P.O. Box 20
HERMANUS
7200

Attention: Mr Dennis Hendriks

Dear Sir,

PROPOSED DEVELOPMENT OF ERF 7812, 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 21 flats on Erf 7812, 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 50 mm Ø pipe in Marine Drive, 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 the development on Erf 7812 of 1,2 kL/d.

For this re-analysis, the total AADD and fire flow for the proposed development was calculated as follows:

- 21 Flats @ 4,5 kL/d/unit = 9,5 kL/d
- Fire flow criteria (Moderate risk) = 25 L/s @ 10 m

GLS Consulting (Pty) Ltd
T +27 21 880 0388 | F +27 21 880 0389
13 Elektron Street, Techno Park, Stellenbosch, 7600 | PO Box 814, Stellenbosch, 7599
Reg no: 2007/003039/07
www.gls.co.za

Directors: MS Mokgosi, AG Hingeston, JJ Streicher, HA Baartman

1.3 Present situation

1.3.1 Reticulation network

The existing Hermanus water reticulation network has insufficient 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.

The following link services item is proposed in order to improve network conveyance to the proposed development:

Link services:

- Item 1 : 190 m x 110 mm Ø replace existing 50 mm Ø asbestos cement pipe R 220 000 *

(* Including P & G, Contingencies and Fees, but excluding VAT - Year 2021/22 Rand Value. This is a rough estimate, which does not include major unforeseen costs).

The route of the proposed pipeline is schematically shown on Figure 1, but has to be finalised subsequent to a detailed pipeline route investigation.

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 are 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 375 mm Ø outfall sewer in Marine Drive, 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 7812 of 0,7 kL/d.

For this re-analysis, the PDDWF of the proposed development was calculated as 7,6 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 in order to accommodate the proposed development together with other future developments.

Bulk sewer upgrades:

• OHS13.1: 405 m x 600 mm Ø new bulk outfall sewer	R 2 614 000 *
• 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	R 4 046 000 *
	Total R 6 660 000 *

Notes:

(* Including P & G, Contingencies and Fees, but excluding VAT - Year 2021/22 Rand Value. This is a rough estimate, which does not include major unforeseen costs).

** 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 that the estimated completion date for the project is August 2022. This includes a new low lift pump station to lift sewage from the new bulk sewer to the intake works of the Hermanus WWTP.

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 requirements to upgrade the existing bulk sewer system between the Hermanus PS no. 4 and the Hermanus WWTP are master plan items OHS13.1, OHS13.2 & OHS13.4. Overstrand Municipality is however in the process to implement master plan item OHS13.2 (this upgrade is the most critical). 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 0.3%).

3. CONCLUSION

The developer of Erf 7182 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 insufficient capacity in the existing water reticulation system to accommodate the proposed development.

The minimum requirement to accommodate the proposed development on Erf 7182 in the existing water system is the implementation of link services item 1 to improve network conveyance in Marine Drive.

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 requirements to upgrade the existing bulk sewer system between the Hermanus PS no. 4 and the Hermanus WWTP are master plan items OHS13.1, OHS13.2 & OHS13.4. Overstrand Municipality is however in the process to implement master plan item OHS13.2 (this upgrade is the most critical). 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 0.3%).

We trust you find this of value.

Yours sincerely,

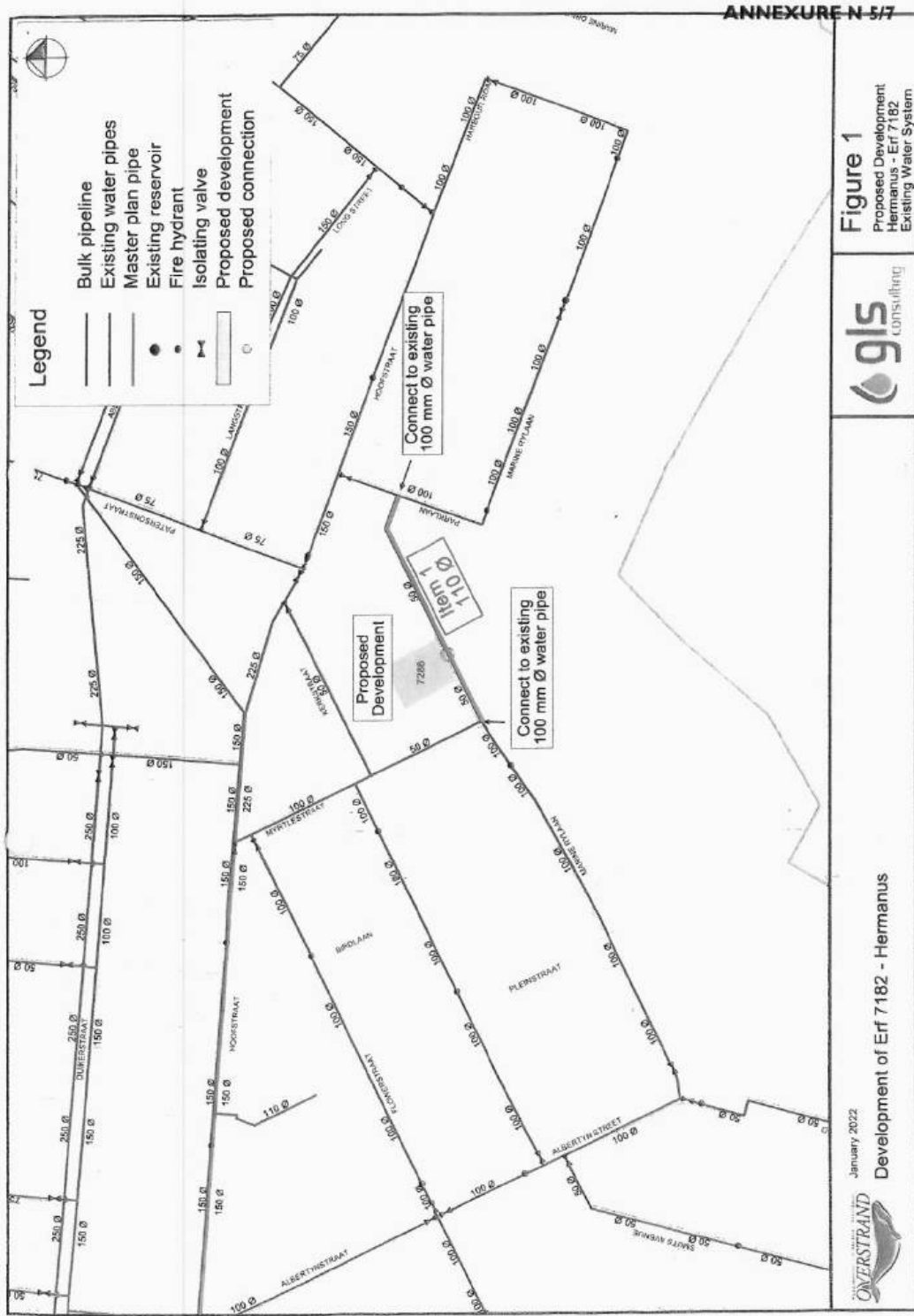
GLS CONSULTING (PTY) LTD
REG. NO.: 2007/003039/07

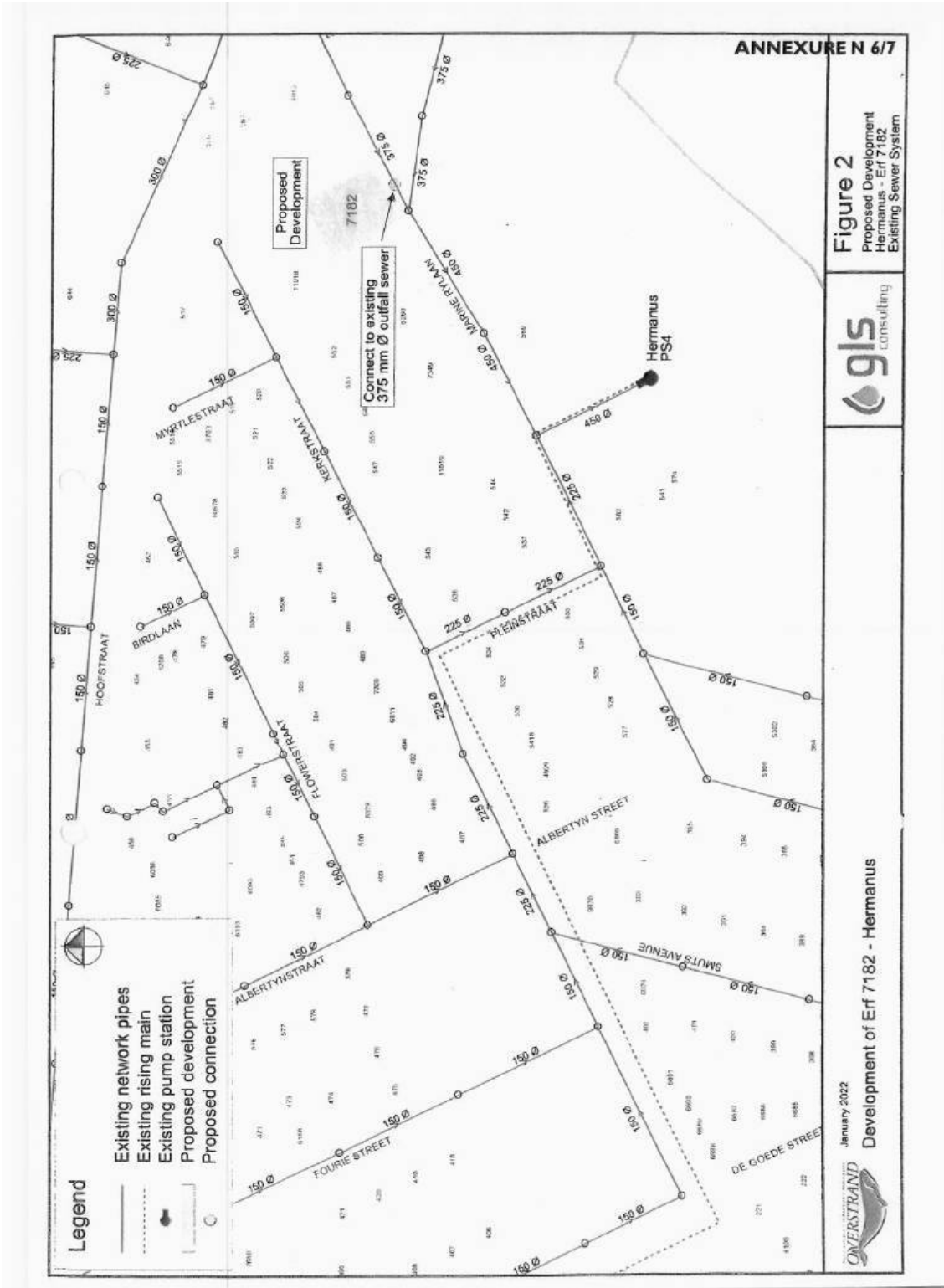


Per: PC DU PLESSIS

cc: WRAP Project Office Town Planning & Project Management
P.O. Box 1247
Hermanus
7200

Attention: Mr Richard Kotzé





Helgaardt Boshoff

From: T Marx
Sent: Monday, 29 May 2023 09:11
To: WRAP
Cc: Helgaardt Boshoff; De Wet Nel
Subject: RE: Erf 7182, Westcliff: Parkering: Dringend asb.

Dear Mr Kotzé,

The Department: Operational Services has no objection with regards to the new location of refuse room but **please note** that the refuse bins will have to be put on the sidewalk on refuse collection days as the Municipality will not be entering private property behind the gates.

Kind Regards

De Wet Nel
Acting Senior Manager: Operational Services
Hermanus

From: WRAP <admin@wrapgroup.co.za>
Sent: Wednesday, May 24, 2023 10:05 AM
To: T Marx <tmarx@overstrand.gov.za>
Subject: FW: Erf 7182, Westcliff: Parkering: Dringend asb.

Môre Tiaan

Die epos van Bossie aan Ricardo verduidelik die skuif van die "refuse room".

Kan ons asb jou aanbeveling vra?

roete
Richard Kotzé
CEO
Email: admin@wrapgroup.co.za
T: +27 (28) 313 1411 | M: +27 (82) 951 7868
Unit 8, Standard House, Cnr Royal and Dirkie Uys Street
P O Box 1247, Hermanus, 7200
www.wrapgroup.co.za



From: Helgaardt Boshoff <hboshoff@overstrand.gov.za>
Sent: Wednesday, May 24, 2023 9:27 AM
To: admin@wrapgroup.co.za
Subject: FW: Erf 7182, Westcliff: Parkering: Dringend asb.



THE HERITAGE AND AESTHETICS COMMITTEE

MINUTES OF MEETING

Date: Thursday – 10 March 2022

Time: 14h00 – 15h30

Ms K. Smuts (Chairman)

Mr N. Clark (Vice-chair)

Mr A. Greeff

Mrs L. Fick

Mr J. Simson

Mr E. Grobler

Mr B. Jones

Mr L. Smith

In Attendance for Overstrand:

Mr G. Coetzee (BCO) & Mrs E Lowings (Admin)

6.1 HERMANUS : ERF: 7182 : 39 MARINE DRIVE : SUNNY SEAS PTY (LTD) : PROPOSED NEW FLATS (HPOZ)
 JON JACOBSON PRESENTED. (EX METOPOLIS ARCHITECTS)
 KATIE SMUTS & EDWARD GROBLER RECUSED THEMSELVES

Comment:

Proposed scheme dated 22/02/2022 scrutinized. Heritage / History of the site (First House in Hermanus). Lateral boundary stone walls to be re-built (retain existing expression – vertical coursing to top etc). History board is suggested to the pedestrian walkway. The proposed “floating” cantilevered RC roof is rather heavy and monolithic, a lighter / articulated expression would be preferred. The building generally is well designed.

Action:

None.

NEXT MEETINGS: 14th APRIL & 19th MAY 2022

ANNEXURE Q

A Conradie

From: Waseefa Dhansay <Waseefa.Dhansay@westerncape.gov.za>
Sent: Tuesday, 05 July 2022 13:40
To: Brady Minnaar; Ceoheritage
Cc: A Conradie
Subject: RE: Request for Comment: Erf 7182 Westcliff, Hermanus

Dear Brady

Thank you for the documentation.
 The Rezoning and Departures as applied for Erf 7182 Hermanus does not trigger the provisions of the National Heritage Resources Act and no comment from HWC is required.

Waseefa Dhansay

Assistant Director: Professional Services

Heritage Resource Management Services
 Protea Assurance Building Greenmarket Square, Cape Town

Website: www.hwc.org.za / www.westerncape.gov.za



**Western Cape
 Government**
 FOR YOU



ILifa leMveli leNtshone Koloni
 Erfenis Wes-Kaap
 Heritage Western Cape

From: Brady Minnaar <bminnaar@overstrand.gov.za>
Sent: Tuesday, July 5, 2022 8:00 AM
To: Waseefa Dhansay <Waseefa.Dhansay@westerncape.gov.za>; Ceoheritage <Ceoheritage@westerncape.gov.za>
Cc: A Conradie <alida@overstrand.gov.za>
Subject: RE: Request for Comment: Erf 7182 Westcliff, Hermanus

Good morning

I trust that all is well.

Herewith, see attachments as requested.

Kind regards

Brady Minnaar

Senior Clerk, Town & Spatial Planning Department Overstrand Municipality
 A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20
 T: 028 313 8900 | F: 028 313 8163 | E: bminnaar@overstrand.gov.za

ANNEXURE R



Memo

OFFICE OF THE EXECUTIVE MAYOR, OVERSTRAND MUNICIPALITY

To: R. Kuchar.
From: Executive Mayor Annelie Rabie
cc: S. Muller
 Dean O'Neill
Date: 05 October 2023



Re: APPEAL: ERF 7182, 39 MARINE DRIVE, HERMANUS, WESTCLIFF, OVERSTRAND MUNICIPAL AREA:
 APPLICATION FOR REZONING AND DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF
 SUNNY SEAS PROPERTIES PTY(LTD)

The appeal was received within the 21-day period and the required fee lodged by the appellant. Thus, the appeal is regarded as valid.

In an appeal against a decision of the Municipal Planning Tribunal (MPT) the onus is on the appellant to show that the members of the MPT erred in reaching their decision and to set out the reasons why there is a belief that MPT erred.

The appeal documentation was scrutinised and after due consideration of the reasons provided by the MPT and the arguments of the appellant, the view is held that this appeal should be upheld and the decision of the MPT, dated 29 June 2023, should be dismissed.

Yours sincerely

Annelie Rabie (Dr.)
 Executive Mayor

