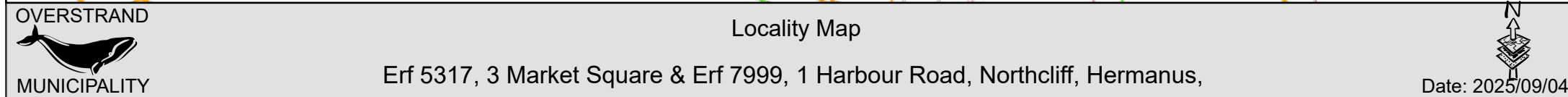




OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<u>ERF 5317, 3 MARKET SQUARE & ERF 7999, 1 HARBOUR ROAD, NORTHCLIFF, HERMANUS: APPLICATION FOR DEPARTURE, REGISTRATION OF A NEW SERVITUDE AND PERMISSION REQUIRED IN TERMS OF THE LAND USE SCHEME (APPROVAL OF SITE DEVELOPMENT PLAN): URBAN DYNAMICS SOUTH CAPE ON BEHALF OF DIE TRUSTEERAAD VAN DIE OU HAWE MUSEUM HERMANUS</u> Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications applicable to the abovementioned properties (the property), namely: Departure Application in terms of Section 16(2)(b) of the By-Law to be read with Sections 17.1.2 and 17.1.4 of the Overstrand Municipality Land Use Scheme, 2020 to deviate from the required parking provision of 33 parking bays to accommodate the provision of 21 on-site parking bays (shortfall of 12 parking bays to be waived). Registration of a new servitude Application in terms of Section 16(2)(d) of the By-Law to register a new right of way access servitude over Erf 7999, Hermanus in favour of Erf 5317, Hermanus to enable vehicular and pedestrian access from Harbour Road. Permission required in terms of the Land Use Scheme Application in terms of Section 16(2)(g) of the By-Law for the approval of the new site development plan to formalise the redevelopment of Erf 5317, Hermanus to accommodate the South African Whale Centre. Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town and Spatial Planning, 16 Paterson Street, Hermanus and on the municipal webpage at the following link https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) on or before 6 November 2026, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the Principal Town Planner, Mrs. H. van der Stoep at 028-3138900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Town and Spatial Planning Department where they will be assisted by a municipal official in formulating their comments. <i>Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed / used in the (application) process.</i>	<u>ERF 5317, MARKPLEIN 3 & ERF 7999, HAWEWEG 1, NORTHCLIFF, HERMANUS: AANSOEK OM AFWYKING, REGISTRASIE VAN 'N NUWE SERWITUUT EN TOESTEMMING VEREIS INGEVOLGE DIE GRONDGEBRUIKSHEMA (GOEDKEURING VAN TERREINONTWIKKELINGSPLAN): URBAN DYNAMICS SOUTH CAPE NAMENS DIE TRUSTEERAAD VAN DIE OU HAWE MUSEUM HERMANUS</u> Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruik-beplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoeke van toepassing op die bogenoemde eiendomme (die eiendom), naamlik: Afwyking Aansoek ingevolge Artikel 16(2)(b) van die Verordening saamgelees met Artikels 17.1.2 en 17.1.4 van die Overstrand Munisipaliteit Grondgebruiksbeplanningskema, 2020 om af te wyk van die vereiste parkeervoorsiening van 33 parkeerplekke om voorsiening te maak vir 21 parkeerplekke op die perseel (tekort van 12 parkeerplekke moet afgeskryf word). Registrasie van 'n nuwe serwituut Aansoek ingevolge Artikel 16(2)(d) van die Verordening om 'n nuwe reg-van-weg toegangsserwituut oor Erf 7999, Hermanus te registreer ten gunste van Erf 5317, Hermanus om toegang vir voertuie en voetgangers vanaf Haweweg moontlik te maak. Toestemming vereis ingevolge die GrondgebruiksHEMA Aansoek ingevolge Artikel 16(2)(g) van die Verordening vir die goedkeuring van die nuwe terreinontwikkelingsplan om die herontwikkeling van Erf 5317, Hermanus, te formaliseer om die Suid-Afrikaanse Walvisseentrum te akkommodeer. Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus en op die munisipale webtuiste by die volgende skakel https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) landuse@overstrand.gov.za) voor of op 6 November 2026, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Hoof Stadsbeplanner, Me. H. van der Stoep by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer. <i>U aandag word gevestig op die Bepalinge van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van en kontakbesonderhede openbaar gemaak mag word.</i>	<u>ISIZA 5317, 3 MARKET SQUARE & ISIZA 7999, 1 HARBOUR ROAD, NORTHCLIFF, HERMANUS: ISICELO SOKUNDULUKA, UKUBHALISWA KOBUKHOBOKA OBUTSHA KUNYE NEMVUME EFUNEKAYO NGOKWESKIMU SOKUSETYENZISWA KOMHLABA (UKUVUNYWA KWESICWANGCISO SOPHUHLISO LWESIZA): URBAN DYNAMICS SOUTH CAPE EGAMENI LEDIE TRUSTEERAAD VAN DIE OU HAWE MUSEUM HERMANUS</u> Isaziso sinikwe apha ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala oLungisiweyo we-Overstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, wowama-2020 (uMthetho kaMasipala), kwezi zicelo zilandelayo zisebenza kwiipropati ezikhankanywe ngasentla (ipropati), ezizezi: Sokunduluka Isicelo ngokweCandelo le-16 (2)(b) loMthetho kaMasipala esiza kufundwa kunye neCandelo 17.1.2 kunye ne-17.1.4 leSikimu sokuSetyenziswa koMhlaba kaMasipala wase-Overstrand, ngo-2020 ukuze siphambuke kulungiselelo olufunekayo lokupaka iindawo zokupaka ezingama-33 ukulungiselela ubonelelo lwama-21. iindawo zokupaka ezikwisiza (Ukusilela kweendawo zokupaka ezili-12 kucelwa ukhululo). Ukubhaliswa kobukhoboka obutsha Isicelo ngokweCandelo le-16(2)(d) loMthetho kaMasipala sokubhalisa ilungelo elitsha lendlela yokufikelela kobukhoboka ngaphezu kwe-Erf 7999, iHermanus ixhasa i-Erf 5317, iHermanus ukuze ikwazi ukufikelela kwizithuthi nabahambi ngeenyawo ukusuka kwi-Harbour Road. Imvume efunekayo ngokweSkimu sokuSetyenziswa koMhlaba Isicelo ngokweCandelo le-16 (2)(g) loMthetho kaMasipala ukuze kuphunyezwe isicwangciso esitsha sophuhliso lwesiza ukuze kuqulunqwe ngokusesikweni uphuhliso ngokutsha lwe-Erf 5317, iHermanus ukulungiselela iziko loMnenga loMzantsi Afrika. Iinkcukacha ezipheleleyo malunga nezi zindululo zingasentla ziyafumaneka ukuze zihlolwe phakathi evelini phakathi kwe-08:00 kunye ne-16:30 kwiCandelo: UCwangciso lweDolophu neSithuba, i-16 Paterson Street, iHermanus nakwiphepha lewebhu likamasipala kweli khonkco lilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Nawaphi na amagqabantshintshi kufuneka abhalwe kwaye afikelele kuMasipala (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-6 EyeNkanga 2026, kunye negama lakho, idilesi, iinkcukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zokuphawula. Imibuzo ye-Telephonic inokwenziwa kuMchwangcisi weDolophu oyiNqununu, uNksk. H. van der Stoep ngo-028 313 8900. UMasipala usenokwala ukwamkela izimvo emva komhla wokulala. Nawuphi na umntu ongakwaziyo ukufunda nokubhala angatyelela iCandelo: UCwangciso lweDolophu neSithuba apho aya kuncediswa ligosa likamasipala ekuqulunqeni izimvo zakhe. <i>Nceda uqaphele ukuba Uthetho omayela noMthetho Wokhuseleko Lwengxelo Ngomntu (POPIA), uza kuba ungena kwinkqubo yoluntu ngoko ke uvumela kwaye uvumelana nokusetyenziswa kwegama lakho, ifani, iinkcukacha ofumaneka kuzo kunye noluvo(nezimvo) zakhe zingadizwa / zingasetyenziswa (kwisicelo) kwinkqubo.</i>
EW JANTJIES Acting Municipal Manager / Waarnemende Munisipale Bestuurder / Umphathi Kamasipala Obambeleyo PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200		

Notice no. / Kennisgewing nr. / Inothiisi yeNomb: 207/2026





Prepared By:
Urban Dynamics

Prepared For:
Old Harbour Museum

ERF 5317 & 7999 HERMANUS

APPLICATION FOR PERMANENT DEPARTURE,
REGISTRATION OF A RIGHT-OF-WAY SERVITUDE
AND APPROVAL OF A SITE DEVELOPMENT PLAN

Hermanus Whale Museum South African Whale Centre




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AMENDED 2026



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SECTION 1

INTRODUCTION

1.1 BACKGROUND & INTRODUCTION

Urban Dynamics Cape (Pty) Ltd, have been appointed by the Board of Trustees of the Old Harbour Museum, in partnership with the University of Pretoria's Mammal Research Institute Whale Unit (MRI Whale Unit). To prepare and submit a land use application to the Overstrand Municipality in respect of Erf 5317, Hermanus, herein after referred to as the subject property.

The subject property, commonly known as the Whale House Museum, is situated within the Hermanus Central Business District, forming part of the Old Harbour precinct. It is proposed that the Whale House Museum undergo a redevelopment to be known as the South African Whale Centre (SAWC). The new centre will be a cutting-edge, non-profit marine research, education and exhibition facility.

Application is accordingly made for the necessary departures, approval of a Site Development Plan (SDP), as well as the establishment of a Right-Of-Way Servitude over Erf 7999, Hermanus, to enable access from Harbour Road to Erf 5317, Hermanus, for the purposes of accommodating the South African Whale Centre (SAWC).



Figure 1: Regional Context



Figure 2: Local Context and existing Right of Way Servitude

Figure 2 shows the application area within its broader locational context. Currently, access to the subject property is obtained from Marine Drive via the public parking and driveways over Erf 832, while there is also an existing registered access servitude over Erf 5316, Hermanus. In a pre-submission meeting held with Messrs. Riaan Kuchar and Henk Olivier on 7 April 2025, it was indicated that the access off Marine Drive will be closed off, while the access servitude over Erf 5316 has never really been utilised for access to the Museum. It was further advised that access will only be allowed off Harbour Road via a Right of Way access servitude to be registered over Erf 7999, Hermanus. Figure 3 below indicates the proposed Right of Way to be registered. It is hereby confirmed that Erf 7999, Hermanus, is owned by the same owners as the current Whale House Museum **refer to Annexure D**.

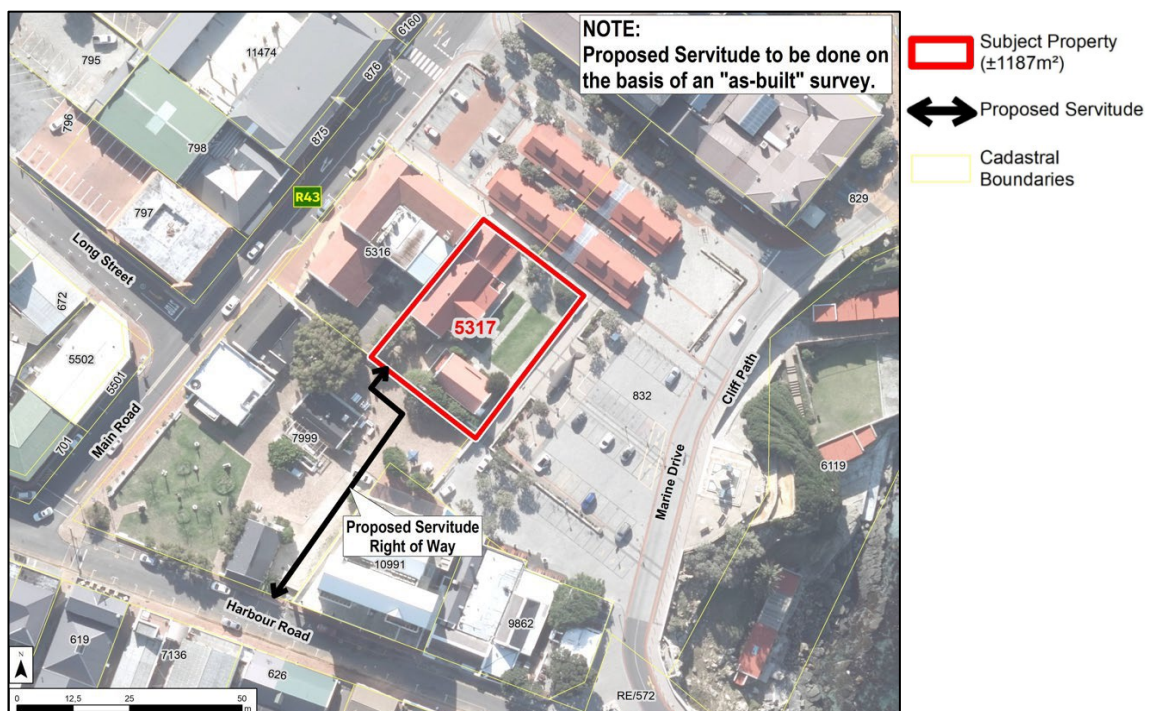


Figure 3: Proposed Servitude Right of Way

1.2 PROPERTY DESCRIPTION AND OWNERSHIP

The application areas, *Refer Figure 2*, are described in the Title Deeds as follows:

SUBJECT PROPERTY	EXTENT (SQM)	DEED OF TRANSFER	REGISTERED OWNER
Erf 5317, Hermanus	1187 m ²	T28122/1969	OU HAWE MUSEUM-HERMANUS
Erf 7999, Hermanus	3168 m ²	T32063/2023	OU HAWE MUSEUM-HERMANUS

Table 1: Property Descriptions

Refer to Annexure B for a copy of the Title Deeds.

1.3 CURRENT ZONING AND LAND USE

The subject property is currently zoned **Business Zone 1: General Business** in terms of the OMLUS, 2020. This zoning permits a wide range of business and commercial activities, including shops, offices, places of entertainment, places of assembly and related uses. The zoning context map, *refer to Figure 4*, confirms that the subject property is located within the Hermanus Central Business District, surrounded predominantly by other Business Zone 1 properties, with Community Zone 1 and Residential Zone 3 areas located nearby and with public open space and coastal land to the south-east along Marine Drive.

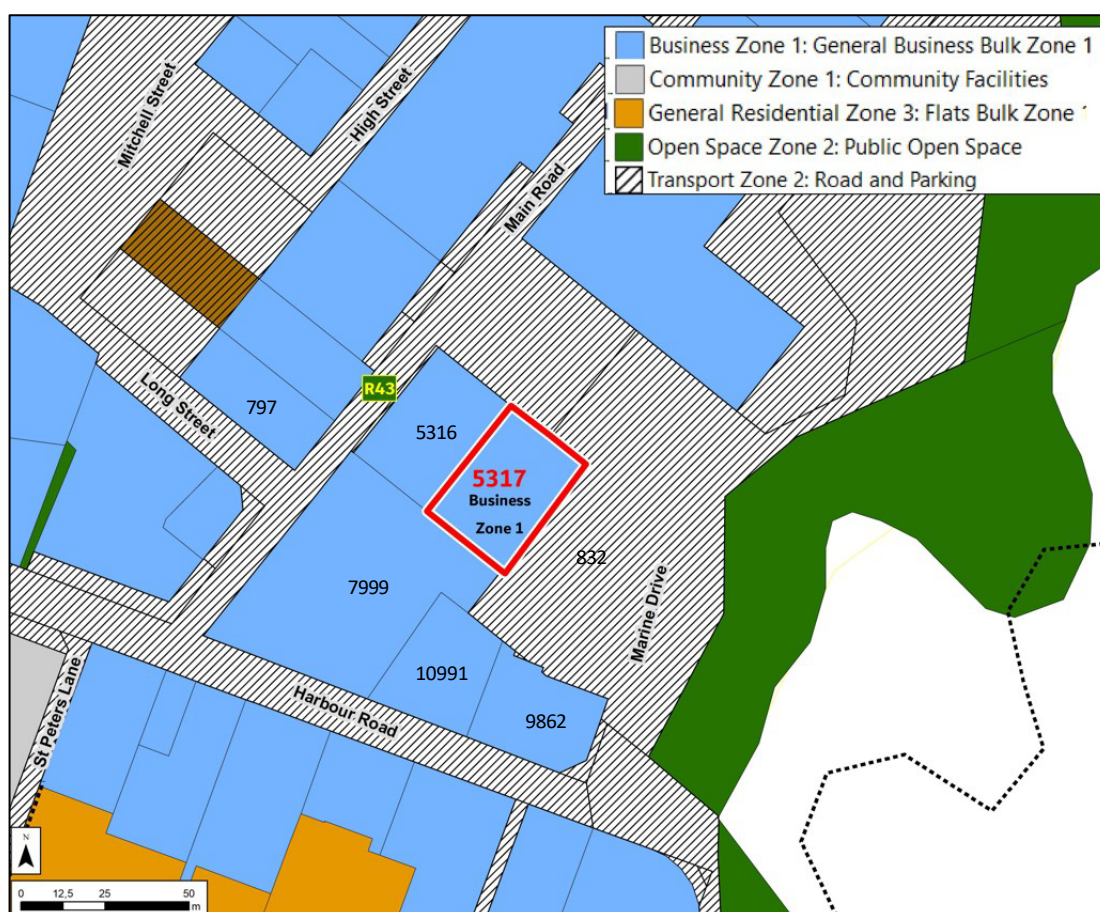


Figure 4: Zoning Context

The Hermanus Whale Museum is an existing facility on Erf 5317, Hermanus, including exhibition space, offices and lecture room (conference room), utilised for public appreciation, education and conservation of whales, including the migration of whales and its resemblance with Hermanus and Walker Bay. The De Wets Photo Museum is also located on Erf 5317 Hermanus.



Figure 5: Hermanus Whale Museum (HWM)



Figure 6: Whale display at HWM



Figure 7: De Wets Phot Museum



Figure 8: Whale display

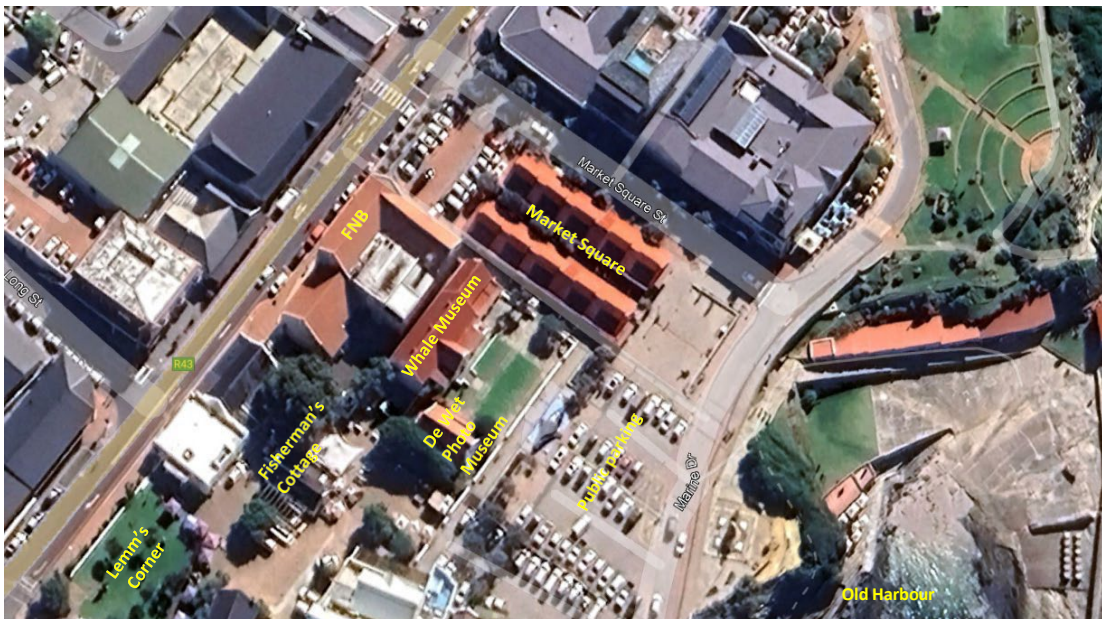


Figure 9: Land Use Context

1.4 HERITAGE

It is noted that the Hermanus Whale Museum building was constructed during the 1990's, while the De Wets Photo Museum building was constructed in the 1980's. On this basis, the buildings are roughly 30 years and 40 years old, respectively. In terms of the provisions of the Heritage Resources Act, neither building on the site is older than 60 years, and therefore the redevelopment of the Whale Museum is not subject to the National Heritage Resources Act.

It is however noted that the Hermanus Heritage & Aesthetics Committee reviewed the proposal and issued their formal support, *refer to Annexure E*.

1.5 APPLICATION DETAILS

Application is hereby made in terms of Section 16(2) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, for the following:

- a) **Permanent departure from the parking requirements** in terms of **Section 16(2)(b) of the By-Law, as read together with Sections 17.1.2 and 17.1.4 of the Overstrand Municipality Land Use Scheme, 2020**, to permit the provision of 21 on-site parking bays in lieu of the required 33 bays required (12-bay parking shortfall).
- b) **Registration of a right-of-way servitude in terms of Section 16(2)(d) of the By-Law**, to enable vehicular and pedestrian access across Erf 7999, Hermanus, from Harbour Road to Erf 5317, Hermanus.
- c) **Approval of a Site Development Plan in terms of Section 16(2)(g) of the By-Law, as read together with Section 16.3 of the Overstrand Municipality Land Use Scheme, 2020**, to formalise the redevelopment of Erf 5317, Hermanus, as the South African Whale Centre.

SECTION 2

DEVELOPMENT PROPOSAL

2.1 INTRODUCTION

The proposal entails the redevelopment of the existing Whale Museum building into an upgraded state of the art marine research and exhibition facility. The centre will integrate the University of Pretoria's Mammal Research Institute Whale Unit, interactive public exhibition spaces, a small conference facility, administrative offices and supporting amenities.

The objective being that the upgraded facility will contribute significantly to the whale tourism of Hermanus, whale establishing a landmark well-designed building within the thriving and diverse central business district, tourism node of Hermanus.

The following section evaluates the Site Development Plan, comparing the proposed development with the provisions of the OMLUS, 2020 in respect of **Business Zone 1: General Business**. Given the location of the subject property within both the Heritage Protection Overlay Zone (HPOZ) and the Environmental Management Overlay Zone (EMOZ), special consideration is required to ensure that the design responds sensitively to the heritage character, coastal context and the visual sensitivity of the Old Harbour interface.



Figure 10: Artist Impression – Proposed Hermanus Whale Museum

The design of the proposed redeveloped Hermanus Whale Museum and Marine Research Facility is a creative, though contextually sensitive, response to the site and its surrounding environs in the Hermanus CBD. The design incorporates a whale sculpted roof structure, thereby proposing a purposeful design and aesthetic that will encapsulate the identity and function of the building.

2.1.1 PROPOSED FLOOR PLANS AND LAND USE COMPONENTS

The proposed floor plans, *refer to Figures 11–14* shows the spatial layout and distribution of uses across the three levels of the South African Whale Centre, including exhibition areas, administrative offices, conference space, café and supporting amenities.

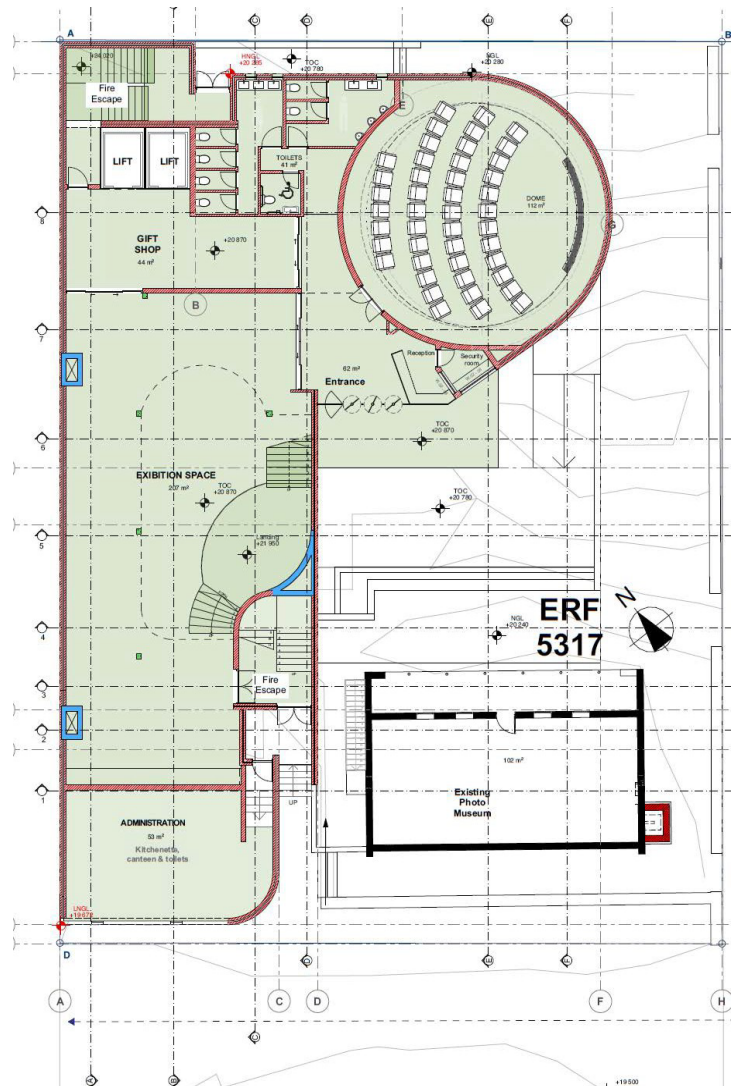
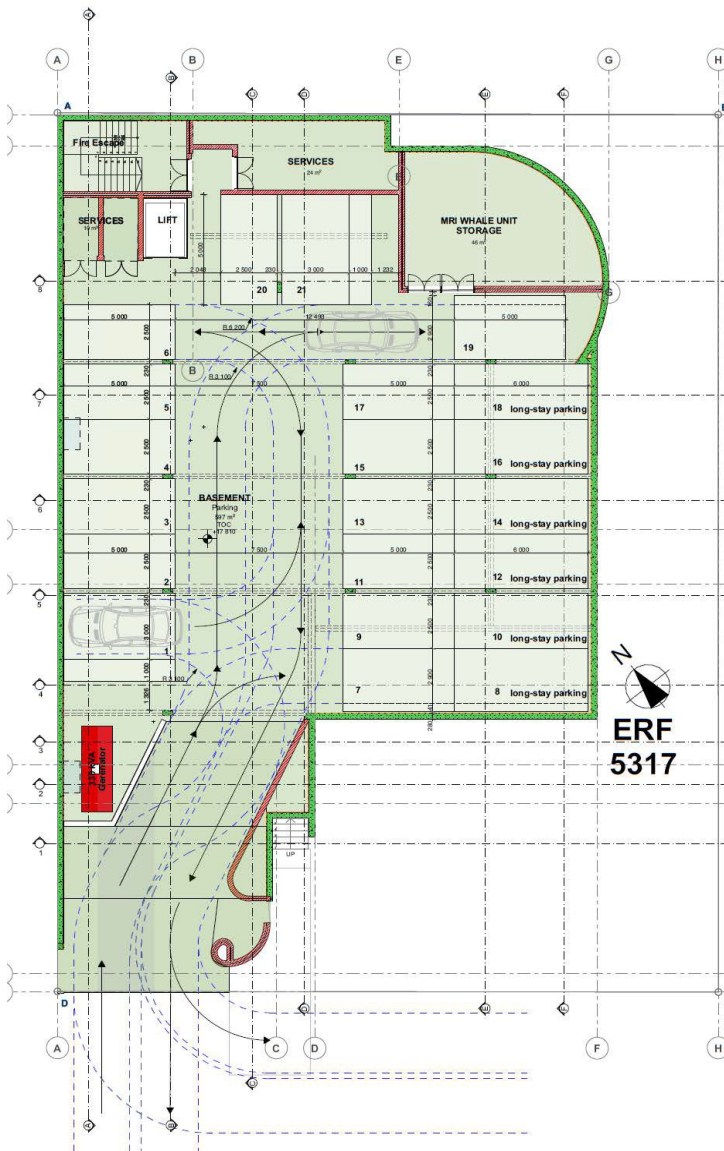


Figure 11: Basement Parking

Figure 12: Ground Floor

AREAS:	
Basement:	770 m ²
Ground Floor:	627 m ²
First Floor:	437 m ²
Second Floor:	318 m ²
TOTAL FLOOR AREA:	2152 m ²
<u>COVERAGE</u>	
New Building:	670m ²
Existing Building:	100 m ²
Erf size:	1187 m ²
COVERAGE:	64.87%

HEIGHT RESTRICTION:	
LOWEST POINT CUT THROUGH SITE	19 724
HIGHEST POINT CUT THROUGH SITE	20 285
MGL / BASE LVL	20 005
POINT O REFERS TO	20 240
HEIGHT RESTRICTION 14 000 =	34 005

The existing Whale Museum building will be demolished and replaced with the new redesigned building, while the De Wet Photo Museum building will remain at its current position as can be seen from the SDP. The proposed South African Whale Centre comprises of a number of distinct functional components. For purposes of assessing compliance with the OMLUS, 2020, each component identified on the proposed floor plans has been classified according to the most appropriate land use definition contained in the Scheme. **Refer to Figure 13 and Figure 14** below. The following OMLUS, 2020, definitions are considered relevant to the proposal:

“Place of Assembly”

...means a public hall, a hall for social functions, a music hall, an exhibition hall, a club house, a town hall or a civic centre which is not directly related to a commercial undertaking and excludes a place of entertainment.

“Conference Facility”

...means a place of commercial nature where information is presented and ideas exchanged among groups of people or delegates whose normal place of work is elsewhere and may include overnight accommodation and the supply of meals and beverages to delegates.

“Office”

...means property used for conducting an enterprise primarily concerned with administrative, clerical, financial or professional duties and includes medical consulting rooms.

“Shop”

...means a property or part of a property used for the retail sale of goods, items and services to the public, including a retail concern where goods which are sold are manufactured and repaired, provided that the floor space relating to such manufacture or repair shall not exceed 50% of the floor space of the shop; it excludes an industry, service trade, motor repair garage, service station, adult entertainment business or sale of alcoholic beverages, and if such uses are included on the property, they shall be regarded as separate uses subject to such separate development parameters as may be determined by the Municipality.

The individual components of the proposed development have been classified in **Table 2** below.

SDP Component	Area	Function	Applicable OMLUS Category	Description
Exhibition Space (Ground Floor)	206 m ²	Public exhibition area	Place of Assembly	Public exhibition space
Exhibition Space (First Floor)	222 m ²	Public exhibition area	Place of Assembly	Public exhibition space
Dome	112 m ²	Public gathering / presentation space	Conference Facility	Used for presentations and visitor gatherings
Lobby	60 m ²	Visitor gathering area	Conference Facility	Ancillary to conference and presentation functions
Conference Room	58 m ²	Conference facility	Conference Facility	Directly aligned with definition
MRI Office	101 m ²	Office	Office	Administrative use
Trust Office (Ground Floor)	54 m ²	Office	Office	Administrative use
Trust Office (First Floor)	68 m ²	Office	Office	Administrative use
Building Management Office	12 m ²	Office	Office	Administrative use
Gift Shop	44 m ²	Retail	Shop	Retail activity
Café	12 m ²	Food service	Shop	Ancillary commercial activity

Table 2: Classification of Proposed Land Use Components in terms of the OMLUS, 2020

The exhibition areas will operate as part of a non-profit museum and educational facility and are therefore considered to be most closely aligned with the OMLUS, 2020, definition of a Place of Assembly, which expressly includes an exhibition hall. The dome, lobby and conference room have been classified as Conference Facility components because these spaces will accommodate presentations, visitor gatherings, the exchange of information and related group activities.

The administrative spaces associated with the Mammal Research Institute Whale Unit, the Whale Centre Trust and building management have been classified as Offices, while the gift shop and café have been classified as Shops for purposes of applying the relevant OMLUS, 2020, parking standards. Based on the above classification, the proposed development comprises of:

Description	Area
Place of Assembly Floor Area	427,7 m ²
Conference Facility Floor Area	230 m ²
Office Floor Area	233,6 m ²
Shop Floor Area	56 m ²

The location and extent of the classified land use components are illustrated on the proposed floor plans in **Figures 13 and Figure 14** below.

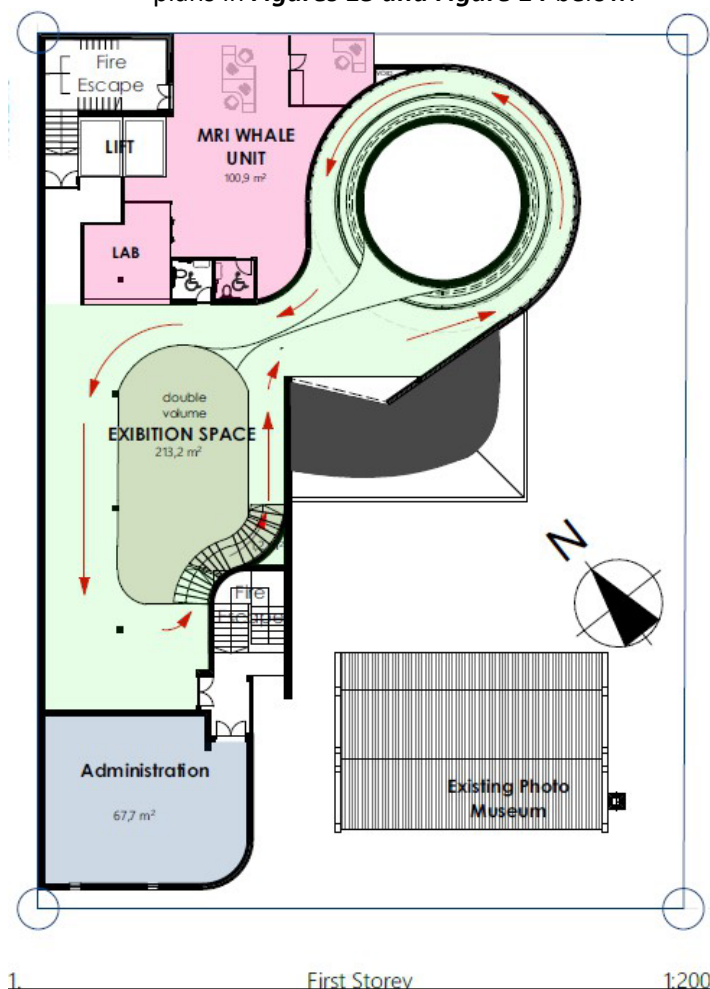


Figure 13: 1st Floor

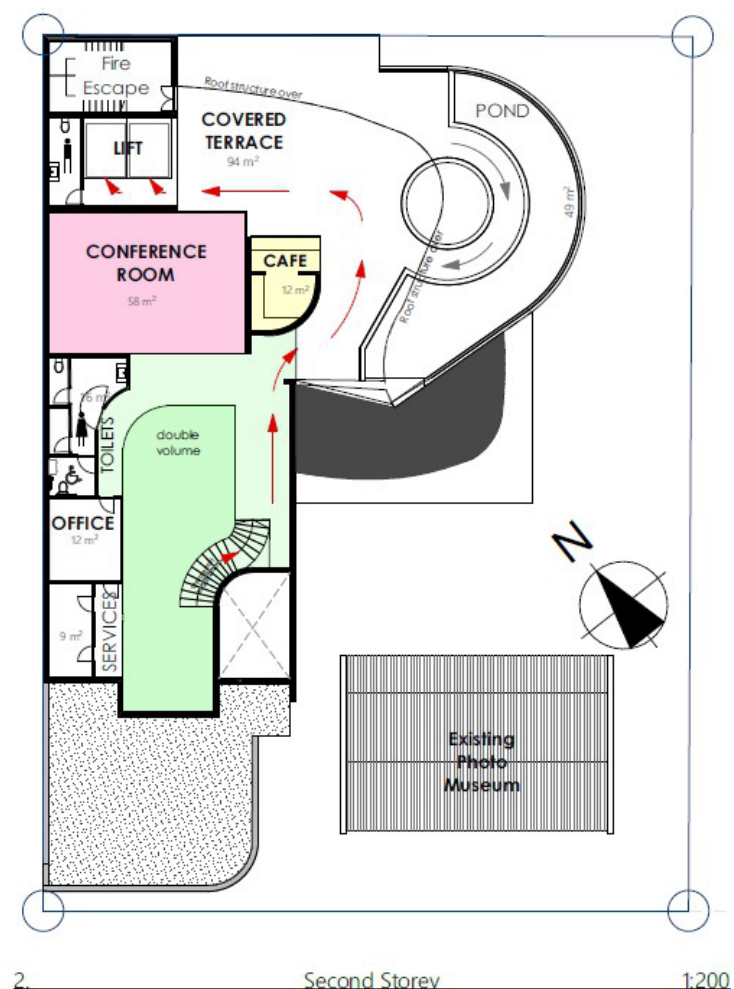


Figure 14: 2nd Floor

The above classifications and floor areas form the basis of the development parameter assessment in Section 2.2 and the parking and GLA assessment in section 2.3 of this report.

2.2 DEVELOPMENT PARAMETERS

2.2.1 DEVELOPMENT PARAMETER COMPLIANCE

The proposed development has been assessed relative to the zoning parameters of Erf 5317 Hermanus, given its **Business Zone I** zoning, in terms of the Overstrand Zoning Scheme, 2020. The zoning compliance of the development is summarised below.

Description	Proposed by SDP	Permissible Ito. OMLUS 2020	Compliance
Erf Area	1 187m ²	n/a	n/a
Zoning	Business Zone I	Business Zone I	✓
Uses	Museum & exhibitions, cultural/ educational facility, Offices (MRI Whale Unit), Café, gift shop, Conference Facility	business premises, caretaker's accommodation, conference facility, flats (above ground floor), guest house, hotel, place of assembly, place of instruction and self-catering	✓
GLA	947,3 m ² (excl. basement parking & services)	n/a	n/a
Parking	21 on-site bays provided	33 Parking bays required (12 parking bay shortfall)*	Departure Required
Coverage	±670 m ² (±59%)	100%	✓
Floor Factor	1.43	3.0	✓
Height	12.25m	14 m 4 storeys	✓

Table 3: SDP Compliance Schedule

Table 3 confirms that the proposed redevelopment of Erf 5317, Hermanus, to accommodate the South African Whale Centre, is compliant with the approved zoning rights applicable to Business Zone 1: General Business. An overview and assessment of the proposed land uses, confirmed that the uses are permissible in terms of the existing Business Zone 1 rights, not requiring any consent uses or land use departures. A parking departure is required, as the basement parking layout makes provision for only 21 bays in lieu of the calculated parking requirement, as set out in section 2.3 below.

The proposal also respects the heritage and environmental overlay requirements affecting the Old Harbour precinct, with the only statutory management required relating to on-site parking provision.

2.2.2 SIDE ELEVATIONS AND HEIGHT

Figure 15 and Figure 16 illustrate the proposed elevations and building section of the South African Whale Centre. These drawings demonstrate the building envelope and confirm a maximum building height of 12.255m being proposed, which remains below the 14m height restriction applicable within a **Business Zone 1** zoning.

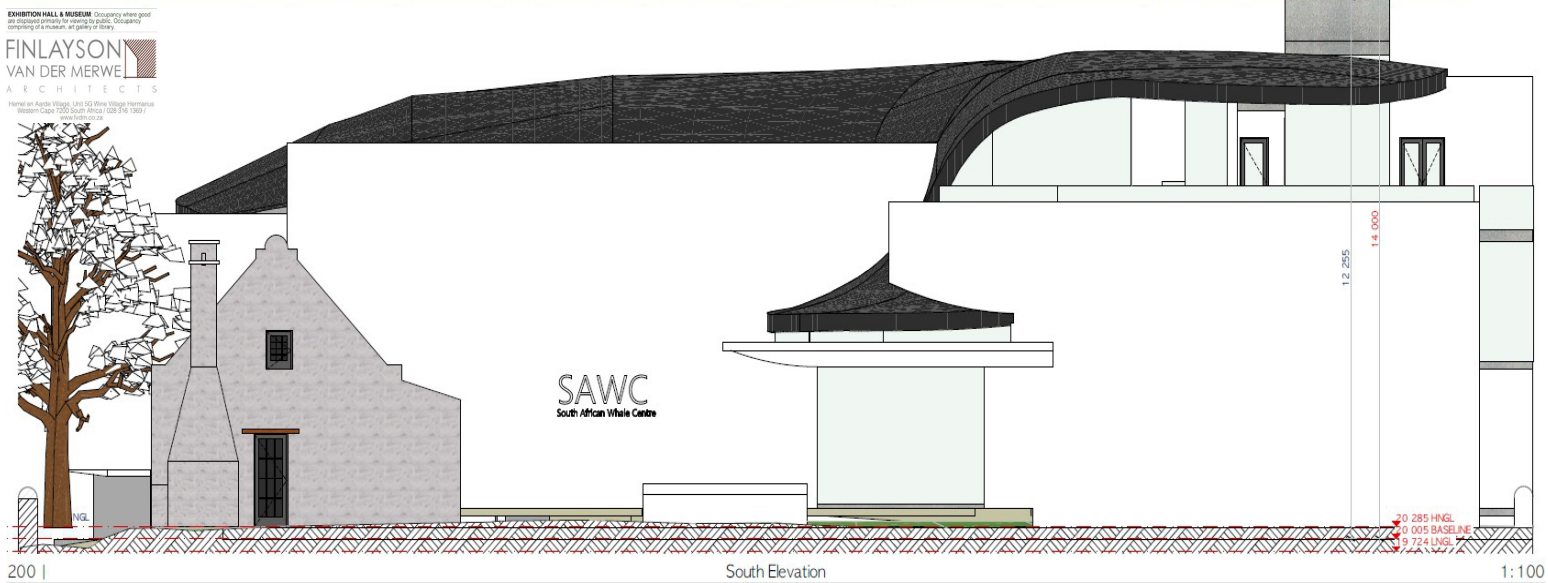


Figure 15: South Elevation with height dimension

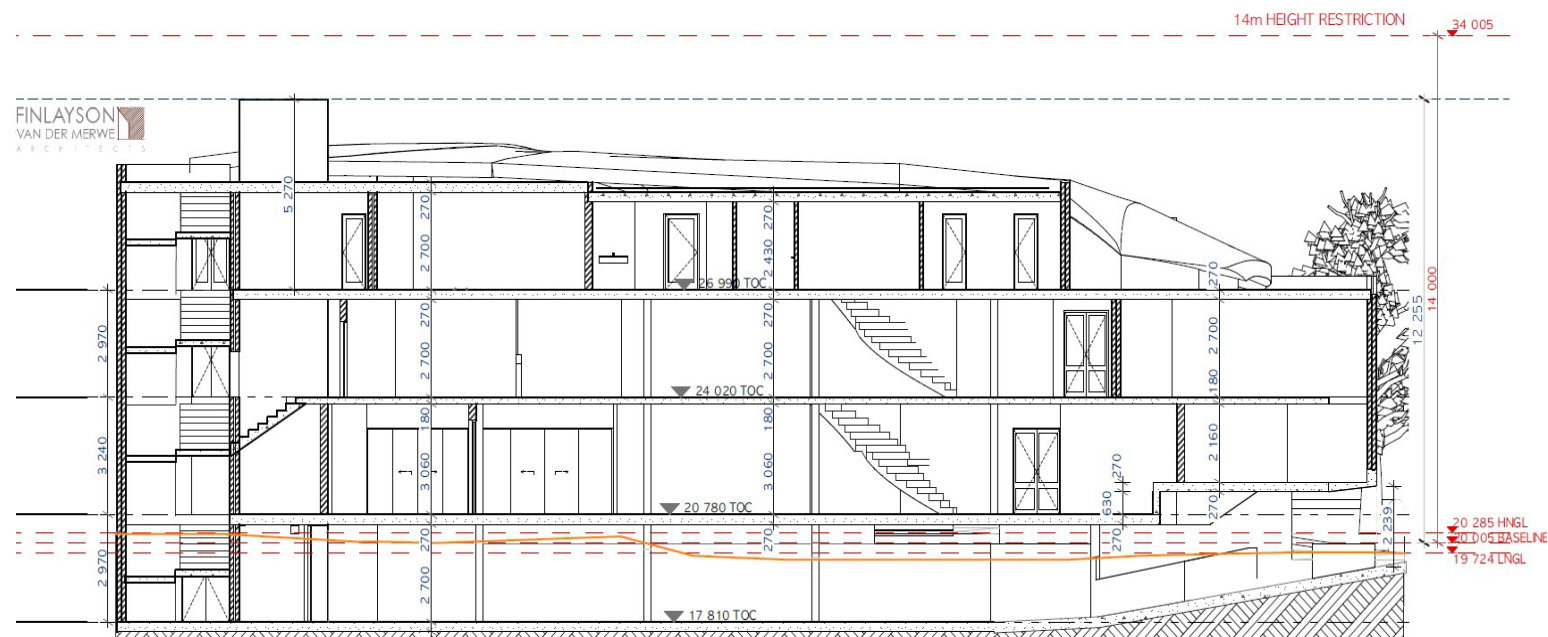


Figure 16: Section

2.2.3 GRAPHIC REPRESENTATION & BUILDING CONTEXT

To provide a better understanding of the building design within its surrounding urban context, the architects have prepared three-dimensional illustrations, as shown in **Figure 17-19** below.



Figure 17: 3-D Illustration

The 3D renders illustrate the new building as a contemporary designed building, within the context of and integrated with the Old Harbour Precinct of Hermanus. The muted contrast of old versus new contributes to an interesting place, which will add positively to the landmark nature of the precinct as an international tourism destination.



Figure 18: 3-D Illustration



Figure 19: 3-D Illustration

2.3 PARKING COMPLIANCE AND GLA ASSESSMENT

2.3.1 EXISTING AND PROPOSED GLA

In order to assess the statutory parking requirement, the Gross Leasable Area (GLA) of the existing museum building was measured from the approved plans and compared with the proposed GLA. The side-by-side comparison of existing and proposed floor areas, illustrated below in **Figures 20 and 21** respectively, establishes the net increase in GLA which directly informs the parking calculations.

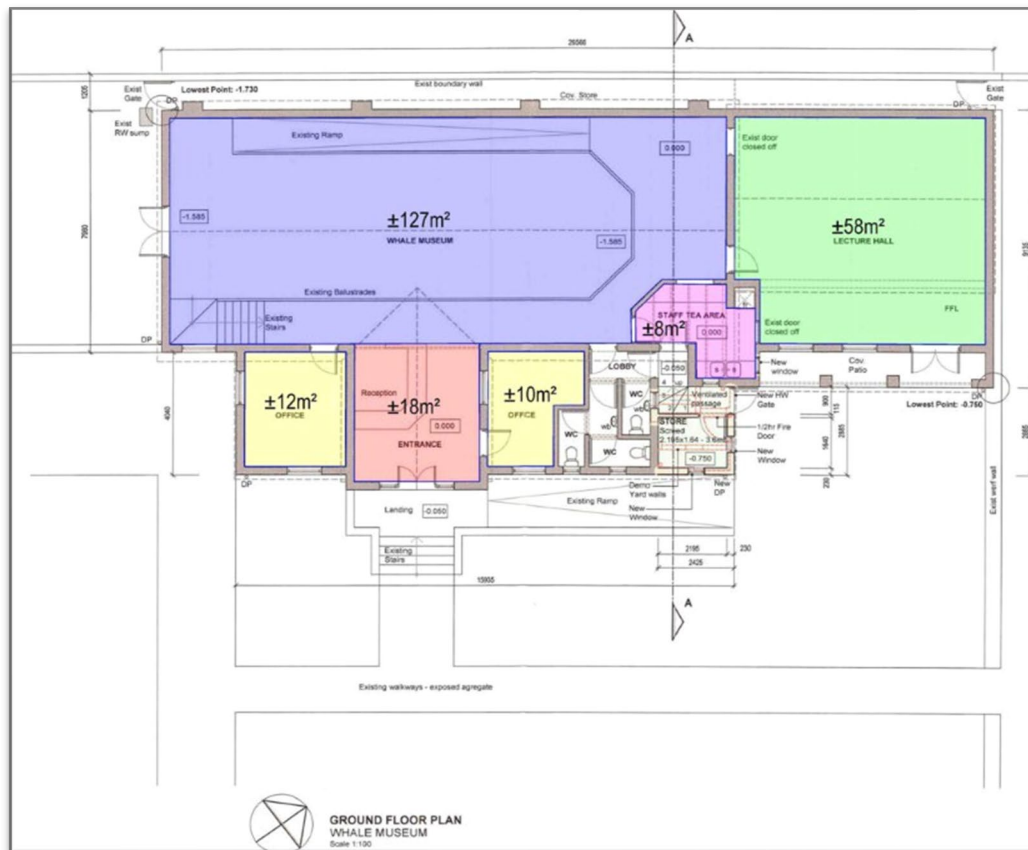


Figure 20: Existing Whale Museum As-Built Plan

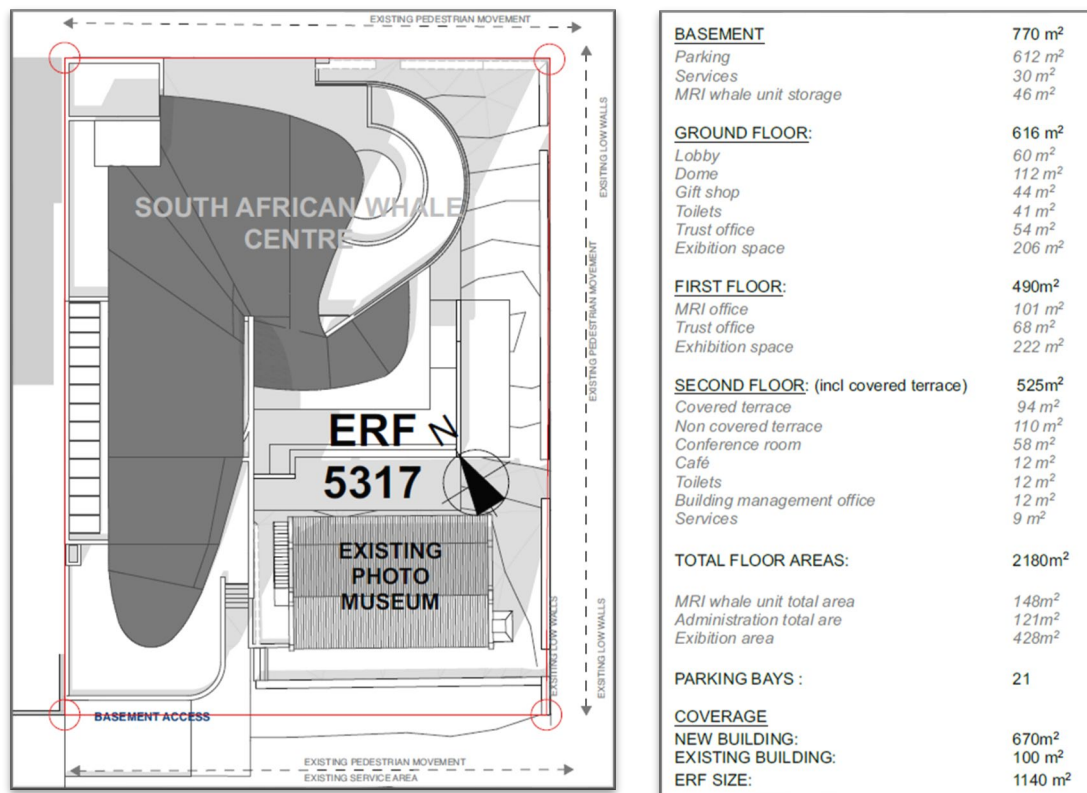


Figure 21: Proposed South African Whale Museum SDP

The existing approved Whale Museum building comprises approximately 233 m² of floor area, consisting of:

- 145 m² of Place of Assembly floor area,
- 58 m² of Conference Facility floor area; and
- 30 m² of Office floor area.

The proposed South African Whale Centre comprises a total GLA of approximately 947.3 m², consisting of:

- 427.7 m² of Place of Assembly floor area,
- 230 m² of Conference Facility floor area,
- 233.6 m² of Office floor area; and
- 56 m² of Shop floor area.

These floor areas, together with the land use classifications established in section 2.1.1, form the basis of the parking assessment set out below.

2.3.2 DETERMINATION OF NOTIONAL OCCUPANCY FOR PARKING PURPOSES

The parking requirements applicable to Place of Assembly and Conference Facility uses are expressed in terms of the number of seats provided. The proposed exhibition areas, dome, lobby and conference-related spaces do not, however, contain fixed seating throughout and the plans therefore do not provide a confirmed maximum seating capacity for all the relevant areas. It was consequently necessary to establish an objective and reasonable method of converting the applicable floor areas into an estimated number of occupants for parking calculation purposes.

Reference is therefore accordingly made to the design-population factors contained in Table 2 of *SANS 10400-A:2010*, as amended, page 45. Table 2 provides a recognised method of estimating the population of a building or part of a building where the actual population is not known. The proposed South African Whale Centre incorporates museum, public exhibition, educational, interactive and presentation functions. The potentially relevant SANS occupancy categories include the following:

- A3: Place of Instruction: one person per 5 m²,
- C1: Exhibition Hall: one person per 10 m²; and
- C2: Museum: one person per 20 m².

Although parts of the building could be regarded as an exhibition hall or museum, the proposed facility will not function solely as a passive museum or display space. It will also accommodate educational exhibitions, interactive installations, organised group visits, presentations, visitor gatherings and related public activities.

The A3 population factor of one person per 5 m² has therefore been adopted as the most conservative reasonable proxy for the purposes of estimating the notional occupancy of the Place of Assembly and Conference Facility components. The use of the A3 population factor is not intended to constitute a formal building-occupancy classification of the entire development. It is used solely as an objective and conservative method of determining an equivalent number of occupants where no fixed seating capacity is provided.

The adoption of the more conservative factor is also considered appropriate having regard to the location of the subject property within the Hermanus CBD and Old Harbour precinct. The Whale Centre will form part of a wider pedestrian-oriented tourism environment in which visitors are likely to move between the museum, restaurants, shops, tourism facilities and surrounding public spaces. The conservative occupancy factor therefore ensures that the potential visitor population associated with the proposed facility is not understated.

The notional occupancy and parking requirement has been calculated as follows:

- Estimated population = applicable floor area ÷ 5 m² per person.
- Parking requirement = estimated population ÷ 4 persons per parking bay.
- The calculation may therefore also be expressed as follows: Parking requirement = applicable floor area ÷ 20.

2.3.3 PARKING CALCULATION

The calculated results of this assessment are summarised in Table 4 below:

Category	Parking Standard (Business Zone I)	Existing Whale Museum As-Built Plan	Parking Bays Required	Proposed South African Whale Museum SDP	Parking Bays Required
Place of Assembly	1 bay / 4 seats	145 m ²	7,25	427,7m ²	21,39
Office	4 bays/100 m ² GLA	30 m ²	1,20	233,6m ²	9,34
Conference	1 bay / 4 seats	58 m ²	2,90	230m ²	11,5
Shops	4 bays/100 m ² GLA	-	-	56m ²	2,24
Total GLA		Total GLA: 233 m ²	11,35 Bays	Total GLA: 947,3 m ²	44,47 Bays

Table 4: Comparison of existing vs Proposed

44,47 bays – 11,35 bays = 33,12 bays required

21 bays provided

12,12 bays shortfall

2.3.4 EXISTING PARKING CREDIT AND EXTENT OF DEPARTURE

The principle applied in the parking calculation is that there is currently no parking provided for the existing approved Whale Museum. Therefore, the 11,35 bays that would technically have been required for the existing building, should be credited to the site in lieu of the required parking for the new building. On this basis, the parking required is calculated as the difference between new and existing (44,47 – 11,35 = 33,12).

The basement parking layout reflects only 21 parking bays, in lieu of the calculated 33,12 bays required. Hence, departure is sought for the shortfall of 12 bays.

2.3.5 SHARED PARKING AND INTEGRATED OPERATION

Section 17.1.4 of the OMLUS recognises that where two or more land uses share a common parking area, the Municipality may reduce the parking requirement applicable to the independent uses, provided that the utilisation of the parking area by the different activities is not concurrent.

In this instance, the exhibition areas, conference facilities, offices, gift shop and café function as an integrated destination rather than as independent land uses. The various components are intended to serve the same visitor group and are not expected to generate peak parking demand simultaneously. The proposed 21 parking bays are therefore utilised on a shared basis by all components of the development.

Combined parking requirements

- 17.1.4 Where two or more land uses share a common parking area, the Municipality may reduce the amount of parking required for the independent uses, provided that:
- a) the Municipality is satisfied that the utilisation of the same parking area by different activities is not concurrent; and
 - b) bays intended for combined use may not subsequently be reallocated to selected uses without the approval of the Municipality.

Extract from the OMLUS, 2020, Page 155

The parking demand generated by the office component is largely limited to staff and administrative functions, whilst the exhibition, conference and ancillary commercial components are visitor-orientated and experience varying levels of utilisation throughout the day. **Accordingly, the proposal is considered to align with the intent of Section 17.1.4 of the OMLUS.**

Whilst the calculated parking requirement exceeds the number of parking bays provided on site, the proposed South African Whale Centre represents a unique museum, educational and tourism facility where the various land use components operate as an integrated whole and share a common parking resource. The application of Section 17.1.4 of the OMLUS, 2020, together with the occupancy-based assessment derived from SANS 10400-A, demonstrates that the parking demand associated with the proposal is likely to be significantly lower than that which would arise if each component were assessed as an entirely separate land use operating independently.

2.3.6 ALTERNATIVE PARKING ARRANGEMENTS AND DEPARTURE MOTIVATION

Section 17.1.2 of the OMLUS, 2020, makes provision for alternative parking arrangements where the off-street parking requirements cannot be fully complied with on site. In terms of this section, the parking shortfall may be addressed by one of the following means:

Alternative parking provision

17.1.2 As an alternative to compliance with the off-street parking requirements in terms of this land use scheme, an owner may, with the approval of the Municipality:

- a) acquire an area of land sufficient for the permanent parking requirements elsewhere in a position approved by the Municipality;
- b) acquire permanent rights to a parking facility or portion of a parking facility elsewhere in a position approved by the Municipality and shall register a notarial deed of servitude against such land or parking facility to link the properties concerned for the purpose of parking, and the owner shall cause the parking

concerned to be constructed and maintained at his cost to the satisfaction of the Municipality, and the cost of registration of the servitude shall be borne by the owner;

c) pay the Municipality the amount to the value of the parking to be provided in accordance with the zoning concerned, together with the construction cost, in cases where the provision of parking is precluded in terms of other legislation or site specific constraints or a contribution is made to an approved Municipal parking fund or project for the provision of parking.

Extract from the OMLUS, 2020, Page 154-155

In this instance, the acquisition of additional land for parking purposes is not considered practical or feasible, given the established and fully developed nature of the Hermanus CBD and Old Harbour precinct. Similarly, the acquisition of permanent rights to a private parking facility elsewhere is not considered to be a practical or readily available option in the immediate context of the subject property. Accordingly, Section 17.1.2(c), being the payment of a parking contribution to the Municipality, is the only potentially applicable alternative parking mechanism available in this instance.

However, having regard to the nature of the proposed South African Whale Centre, it is motivated that the Municipality should waive the requirement for payment of a parking contribution in respect of the calculated parking shortfall.

The proposed development is not a conventional commercial development intended to maximise private retail or office floor area. It is a non-profit museum, marine research, educational and tourism facility that will provide a significant public benefit to Hermanus and the wider Overstrand region. The facility will strengthen the role of the Old Harbour precinct as a cultural, educational and tourism destination and will contribute to the public appreciation, research and conservation of whales and the marine environment.

The subject property is located within the established Hermanus CBD and Old Harbour precinct, where visitors typically park once and move on foot between a number of destinations, including the museum, restaurants, shops, tourism facilities, public spaces and the harbour area.



The proposed Whale Centre will therefore form part of a broader walkable tourism environment and is not expected to operate as an isolated destination that generates a separate parking demand for each of its internal components.

It is further noted that the proposed development provides 21 on-site parking bays, which represents a significant improvement on the existing situation, as the existing Whale Museum currently operates without dedicated on-site parking. The proposed on-site parking provision, together with the shared parking characteristics of the integrated museum, research, educational, conference, café and gift shop components, is considered to provide an appropriate and practical parking response in this context.

It is therefore requested that the Municipality approve the parking departure and, in terms of the discretion available to the Municipality, waive the requirement for payment of a parking contribution in respect of the calculated parking shortfall, on the following grounds:

- the public-benefit nature of the proposed facility,
- the non-profit, educational, research and tourism function of the South African Whale Centre,
- the established pedestrian-oriented character of the Hermanus CBD and Old Harbour precinct,
- the availability of public parking within the surrounding area,
- the impracticality of acquiring additional land or permanent private parking rights in the immediate context; and
- the fact that the proposed development will provide 21 on-site parking bays where no dedicated on-site parking is currently provided.

SECTION 3**MOTIVATION & DESIRABILITY****3.1 INTRODUCTION**

Erf 5317, Hermanus, is situated within the historic Old Harbour precinct of the Hermanus Central Business District. The property currently accommodates the Whale Museum building, that has long been a cornerstone of Hermanus's identity as the "whale capital of South Africa." The proposed development entails the redevelopment and expansion of this museum into the South African Whale Centre (SAWC). It should be noted that the project does not seek to erase the history of the site, but rather to retain and sensitively integrate the heritage fabric of the existing building, ensuring continuity of cultural identity while allowing for a modernised and expanded facility.



The SAWC will serve multiple functions of significant public benefit. It will accommodate the Mammal Research Institute's Whale Unit of the University of Pretoria, reinforcing Hermanus's role as a hub for marine science and conservation. It will also introduce a state-of-the-art interactive exhibition centre, including immersive experiences such as a 3D dome, augmented reality displays, and educational

installations that bring whale behaviour and ecology to life for visitors of all ages.

The development is intended to strengthen Hermanus's position as a leading international whale-watching and eco-tourism destination. The town already attracts between 75 000 and 130 000 visitors annually through the Hermanus Whale Festival, recognised as the only Eco-



Marine Festival in the world. The SAWC will provide a permanent and world-class facility that not only complements such events but also ensures that Hermanus's marine heritage is showcased year-round. In this way, the centre will directly

contribute to the local economy by increasing tourism, extending visitor stays and diversifying the cultural and educational contribution to the town.

From a land use perspective, the redevelopment represents an **efficient and sustainable use of an existing site within the Hermanus CBD. It strengthens the mixed-use and tourism character of the central area and encourages inward urban development.** The proposal aligns with municipal objectives of optimising existing infrastructure while protecting environmentally sensitive coastal areas from further urban encroachment. The proposal demonstrates a careful **balance between heritage conservation, tourism development and urban sustainability.**

The application is accordingly made for the necessary departure, the registration of a right-of-way servitude over Erf 7999, Hermanus, to provide access from Harbour Road and the approval of a Site Development Plan (SDP) to enable the redevelopment of Erf 5317, Hermanus.

3.2 PARKING DEPARTURE

The proposed redevelopment of the South African Whale Centre provides 21 on-site parking bays. Based on the parking assessment contained in Section 2 above, a departure is required to permit the provision of 21 parking bays in lieu of the 33 bays required.

The parking assessment was undertaken by classifying the individual components of the proposed development according to the applicable land use definitions contained in the Overstrand Municipal Land Use Scheme (OMLUS), 2020. The exhibition areas were assessed as Place of Assembly uses, the dome, lobby and conference room as Conference Facility uses, the administrative components as Offices and the gift shop and café as Shops.

As set out in section 2.3 of this report, the parking calculation adopts a conservative occupancy-based approach for the Place of Assembly and Conference Facility components, as these areas do not all contain fixed seating layouts. The A3 population factor contained in *SANS 10400-A:2010*, as amended, was used as a conservative proxy to convert the relevant floor areas into an equivalent notional occupancy for purposes of applying the OMLUS parking ratio of one bay per four seats.

It is further noted that Section 17.1.4 of the OMLUS, 2020, specifically recognises that where two or more land uses share a common parking area, the Municipality may reduce the parking requirement applicable to the independent uses, provided that the utilisation of the parking area by the various activities is not concurrent.

In this instance, the exhibition areas, conference facilities, offices, gift shop and café do not operate as independent land uses but rather as an integrated museum, research and tourism facility. The various components serve the same visitor base and share a common parking resource. Peak parking demand is therefore not expected to occur simultaneously across all components of the development.

In addition, the following site-specific considerations are relevant:

- The existing Whale Museum has operated at this location for many years without dedicated on-site parking and has historically relied on the extensive public parking supply available within the Hermanus CBD and Old Harbour precinct.

- The proposed development provides a significant improvement on the existing situation through the provision of 21 on-site parking bays.
- The site is situated within the Hermanus CBD and Old Harbour precinct, where visitors typically access a variety of tourism, cultural, retail and recreational destinations during a single visit. The South African Whale Centre therefore forms part of a broader walkable destination rather than operating as a standalone facility.
- The property is located within easy walking distance of substantial public parking areas, public transport facilities and pedestrian routes serving the CBD and harbour precinct.
- The proposal represents a significant public-benefit project that will strengthen Hermanus's role as a marine research, educational and tourism destination while preserving and enhancing an important heritage site.

On this basis, the proposed parking departure is considered reasonable, desirable and consistent with both the intent of Section 17.1.4 of the OMLUS, 2020 and the broader planning objectives applicable to the Hermanus CBD and Old Harbour precinct.

3.3 POLICY CONSISTENCY

It should be noted that the proposal is fully aligned with the latest policy objectives for the area, amongst others, the following:

- Provincial Spatial Development Framework, PSDF 2014
- Overberg District Municipal Spatial Development Framework, 2013
- Overstrand Municipal Spatial Development Framework, 2020
- Overstrand Environmental Management Overlay Zones, 2020 (EMOZ)

The proposal constitutes the redevelopment and intensification of an existing developed Erf within the Hermanus CBD and therefore supports the Policy objective of directing investment and development towards existing urban areas where services and infrastructure already exist.

3.3.1 Overstrand Municipal Spatial Development Framework, 2020

In terms of the Overstrand Municipal Spatial Development Framework (OMSDF, 2020), Erf 5317, Hermanus, is located within the urban development edge of Hermanus Central. The OMSDF identifies Hermanus CBD as a primary node with strong civic, tourism and cultural functions and specifically emphasises the importance of redevelopment and densification within the existing urban footprint rather than expansion into environmentally sensitive areas. The OMSDF further highlights the Old Harbour precinct as a heritage and tourism focal point, with clear guidance that future interventions should reinforce Hermanus's cultural identity, enhance its coastal interface and strengthen the town's status as an international eco-tourism destination.



The proposed South African Whale Centre directly advances these objectives by consolidating Hermanus's role as the "whale capital of South Africa," preserving and adapting a heritage museum building and introducing a globally significant marine research and exhibition facility. An extract from the OMSDF, 2020, confirms that the application area forms part of the established Hermanus CBD node, where mixed-use, tourism-oriented development is supported, as shown in **Figure 22** below. It is therefore clear that the proposal, is fully aligned with the designations of the Overstrand SDF and its spatial development objectives.

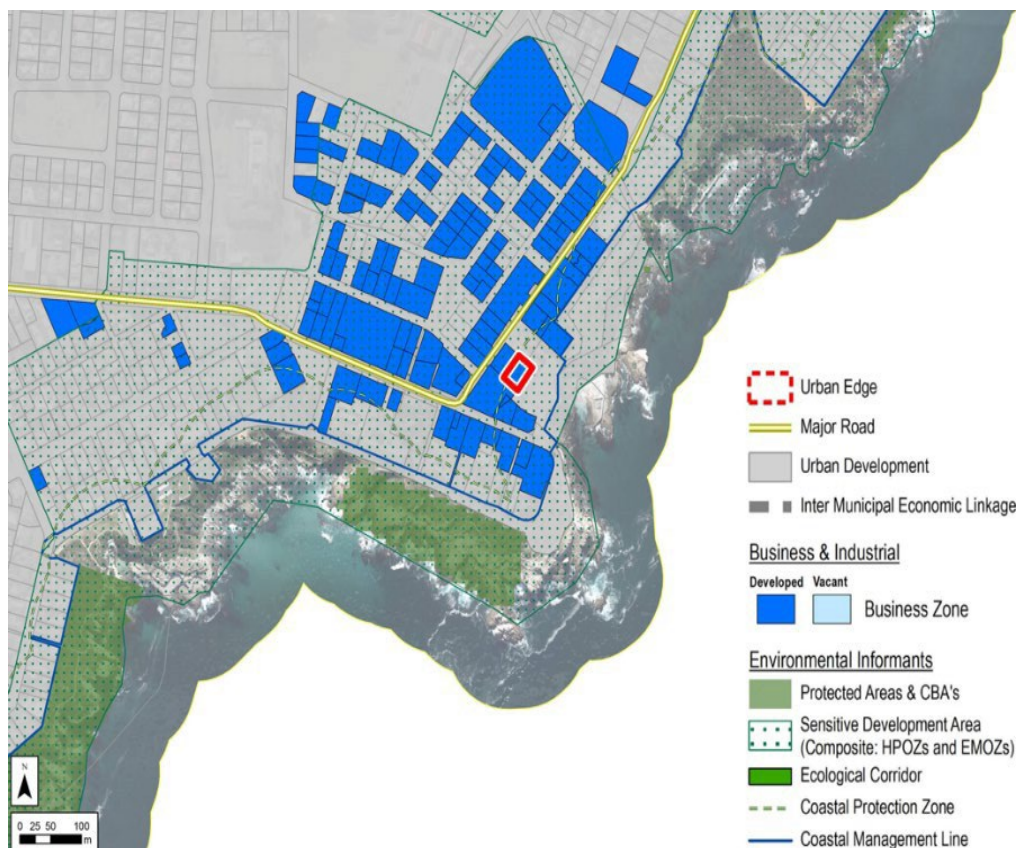


Figure 22 : Overstrand SDF (2020)

3.3.2 Heritage Protection Overlay Zone (HPOZ)

Erf 5317, Hermanus falls within the Heritage Protection Overlay Zone (HPOZ) as identified in the Overstrand Zoning Scheme. This overlay recognises the cultural and historic significance of the Old Harbour precinct and requires that all redevelopment proposals respond sensitively to heritage character, scale and design. The South African Whale Centre proposal acknowledges this by retaining part of the existing heritage structure and incorporating architectural features that respect the coastal village character, while enhancing the cultural tourism role of the site. The proposal has been designed to respond to the scale, massing and visual character of the surrounding Old Harbour precinct while retaining a portion of the existing heritage building fabric through the continued use of the De Wet Photo Museum.

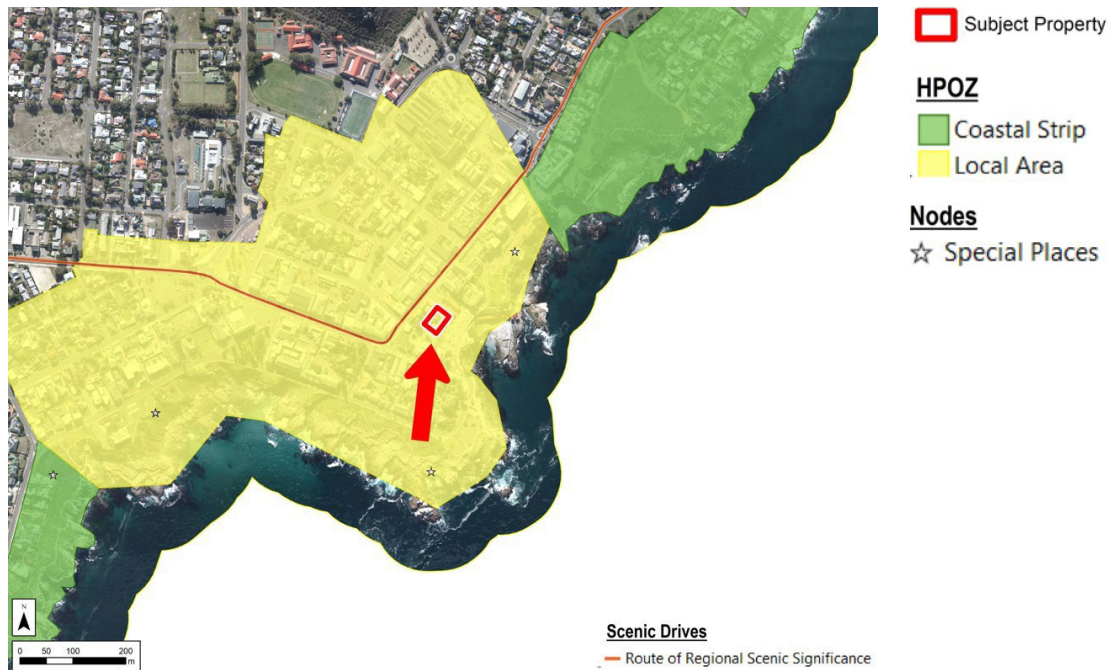


Figure 23 : Extract of the HPOZ Context Plan

3.3.3 Environmental Management Overlay Zone (EMOZ)

Erf 5317, Hermanus, is also situated within the Environmental Management Overlay Zone (EMOZ), specifically adjacent to the Coastal Protection Zone. This overlay introduces additional development controls to safeguard coastal resources, manage visual sensitivity and reduce environmental risks. The proposed development aligns with these objectives by consolidating activity within the existing urban footprint, avoiding encroachment into sensitive coastal areas and promoting sustainable land use within a designated urban node. The proposal does not extend development into previously undeveloped land and therefore does not result in additional pressure on environmentally sensitive coastal areas.



Figure 24: Extract of the EMOZ Context Plan

3.4 CHARACTER OF THE BUILT ENVIRONMENT

The built form surrounding the application site comprises a mixture of historic buildings, contemporary commercial buildings, tourism-related facilities and civic structures. Building heights, architectural styles and materials vary throughout the precinct. The proposed development therefore forms part of an established urban environment characterised by a diverse built form rather than a uniform architectural character.



Figure 25: Render in context

It is further notable that the proposed building at 12,255m height, is similar in height to the existing FNB building on the site located immediately to the north of the application site. The proposed building will therefore not alter the skyline in this area significantly whatsoever, as it is fully compatible with the adjacent building scale and height.

3.5 PLANNING PRINCIPLES OF SPLUMA

The development gives effect to the normative planning principles contained in SPLUMA (2013) and LUPA (2014). Its alignment is summarised below.:

Land Use Planning Principles (LUPA, 2014)	Compliance
Spatial Justice	Compliant The proposal redevelops an existing erf within the Hermanus CBD, ensuring inclusive public access to a cultural and educational facility of national importance. The South African Whale Centre will serve residents and visitors alike, providing social, cultural and economic opportunities without exclusion.
Spatial Sustainability	Compliant The development does not impact on natural or agricultural resources and avoids coastal sprawl by consolidating development within the urban edge. It promotes sustainable land use through adaptive reuse of a heritage building, integration with existing infrastructure and alignment with eco-tourism and conservation principles.

Efficiency	Compliant The SAWC maximises use of an underutilised site in the Hermanus CBD, taking advantage of existing municipal services, shared public parking and accessible transport routes. The co-location of research, cultural, and tourism functions ensures efficient land use with multi-functional benefits.
Good Administration	Compliant The application is submitted in terms of the relevant legislation and will be processed accordingly.
Spatial Resilience	Compliant The development is located within the Hermanus CBD, outside flood or geotechnical risk areas. Its heritage-sensitive design ensures cultural continuity while its flexible layout allows adaptation to changing research, tourism and educational needs over time. The SAWC strengthens Hermanus's resilience by diversifying its economy and reinforcing its identity as a global whale-watching destination.

Table 6: Planning Principles Assessment

3.6 DESIRABILITY CRITERIA I.T.O. THE OMLUS, 2020

The proposed redevelopment of Erf 5317, Hermanus, to establish the South African Whale Centre, fits in well within the established character of the Hermanus Central Business District and the Old Harbour precinct. The development responds to the unique identity of the area as a cultural, tourism and heritage hub. When assessed in terms of the desirability criteria for decision-making in terms of the Overstrand By-Law on Municipal Land Use Planning, 2020, the following is noted:

- The proposal demonstrates a positive response to local and site-specific conditions, integrating sensitively with the Old Harbour heritage precinct and addressing the visual sensitivity of the coastal interface.
- The proposal constitutes the redevelopment of an existing developed property within the Hermanus CBD and does not result in outward urban expansion.
- The proposal utilises existing municipal infrastructure, road networks, public parking areas and pedestrian systems already serving the CBD.
- It is in full compliance and alignment with current spatial planning policies, including the Overstrand SDF, 2020, Growth Management Strategy, 2010 and relevant overlay zones (HPOZ and EMOZ);
- The development does not create any undue burden on municipal services, as it will utilise existing infrastructure and service networks within the CBD.
- It makes a significant positive contribution to economic growth, tourism investment and employment opportunities, while supporting cultural, educational and conservation functions of direct benefit to the community.
- The facility has been planned and designed to adhere to good practice principles of urban efficiency, accessibility, heritage-sensitive design and public safety, thereby ensuring compatibility with its immediate surroundings.

- The proposal introduces educational, research, cultural and tourism facilities of public benefit.
- The proposal retains part of the existing heritage resource and strengthens the cultural role of the Old Harbour Precinct.
- No impacts are anticipated on biodiversity, natural resources or agricultural land, as the proposal represents the inward redevelopment of an existing erf within the CBD.
- The redevelopment will not adversely affect the rights, perceptions or legitimate expectations of surrounding landowners, as it complements existing tourism, retail and cultural activities in the town centre.

On this basis, it is clear that the proposed South African Whale Centre meets the desirability criteria set out in the Overstrand Municipal Planning By-Law , 2020 and should be supported for approval accordingly.

3.7 ALIGNMENT WITH DESIGN AND OVERLAY GUIDELINES

The proposed redevelopment of Erf 5317, Hermanus has been reviewed against the provisions of the Overstrand Zoning Scheme, the Heritage Protection Overlay Zone (HPOZ), and the Environmental Management Overlay Zone (EMOZ), all of which act as guiding frameworks for development in the Old Harbour precinct.

The proposal is considered aligned with these guidelines and overlay provisions for the following reasons:

- **Height:** The proposed maximum height of 12.25 m is below the 14 m height restriction applicable to Business Zone 1 and respects the surrounding coastal village scale. The building is similar in height to the immediately adjacent FNB building, while being lower than buildings to the west along Harbour Road and to the east along Market Square Street.
- **Coverage and Floor Factor:** The building footprint of $\pm 670 \text{ m}^2$ (approximately 59% coverage) and total floor factor of 1.43, which fall comfortably within the permissible parameters of 60% and 3.0 respectively.
- **Parking:** Parking has been assessed in accordance with the OMLUS, 2020 and the proposed departure is motivated in terms of the shared parking provisions of Section 17.1.4 and the availability of substantial public parking resources within the Hermanus CBD and Old Harbour Precinct.
- **Heritage Integration:** Approximately 100 m^2 of the original heritage building fabric will be retained in the De Wet Photo Museum, incorporated into the site design, thereby ensuring continuity of the cultural identity. The architectural design reflects a sensitive integration of contemporary exhibition features within the heritage context of the Old Harbour precinct.

- **Environmental Sensitivity:** Development is contained within the existing urban footprint and does not encroach on the Coastal Protection Zone, consistent with EMOZ objectives.
- **Permissible Uses:** All proposed uses: museum, cultural facility, exhibition spaces, offices, café and conference facility are permissible 'as of right' in terms of Business Zone 1.

Accordingly, the design does not require any amendment to the current zoning scheme or overlay provisions. The proposal positively addresses both heritage and environmental considerations, ensuring that the development enhances rather than detracts from the precinct's character.

3.8 CONCLUSION

The proposal represents the redevelopment of an existing site within the Hermanus CBD and Old Harbour Precinct for a use that is fully aligned with the tourism, cultural and educational role of the area. The application is consistent with the applicable policy framework, complies with the intent of the Overstrand Municipal Land Use Scheme and overlay controls, and demonstrates clear public benefit. Subject to the approval of the parking departure, right-of-way servitude and Site Development Plan, the proposal is considered desirable and should be supported.

SECTION 4

CONCLUSION & RECOMMENDATIONS

4.1 CONCLUSION

Application is made for a parking departure, the establishment of a Right-of-Way servitude over Erf 7999, Hermanus, and the approval of a Site Development Plan (SDP) to facilitate the redevelopment of Erf 5317, Hermanus, as the South African Whale Centre (SAWC). The proposed redevelopment represents a significant investment in Hermanus' cultural, educational and tourism infrastructure and will transform the existing Whale Museum into a contemporary marine research, conservation and exhibition facility of national significance. The proposal will accommodate the University of Pretoria's Mammal Research Institute Whale Unit, enhance public education and awareness relating to marine conservation and strengthen Hermanus' role as a leading international whale tourism destination.

The proposal has been assessed against the provisions of the OMLUS, 2020, the applicable Policy Framework, the Heritage Protection Overlay Zone, the Environmental Management Overlay Zone and the broader planning principles contained in SPLUMA and LUPA. The assessment confirms that the proposed land uses are permissible within the existing **Business Zone 1** zoning and that the development complies with all applicable development parameters, with the exception of the parking requirement for which a departure is sought.

The parking departure has been motivated on the basis of the integrated nature of the facility, the shared utilisation of parking by the various land use components, the provisions of Section 17.1.4 of the OMLUS, 2020, the occupancy assessment undertaken in accordance with SANS 10400-A and the strategic location of the site within the Hermanus CBD and Old Harbour precinct, where substantial public parking and pedestrian access opportunities already exist. It is therefore considered that the proposed parking provision will adequately serve the development without resulting in an unacceptable impact on the surrounding area.

The proposed right-of-way servitude over Erf 7999, Hermanus, will formalise access to the property from Harbour Road and provide an appropriate long-term access arrangement for the redevelopment. When considered holistically, the proposal is desirable, compatible with the character and function of the surrounding area, aligned with applicable policy objectives and consistent with sound planning principles. The application is accordingly considered to be in the public interest and is supported from a town planning perspective.

4.2 RECOMMENDATION

Given the aforementioned, it is our considered opinion that the following application can be recommended for approval in terms of Section 16(2) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, as follows:

a) **Permanent departure from the parking requirements in terms of Section 16(2)(b) of the By-Law, as read together with Sections 17.1.2 and 17.1.4 of the Overstrand Municipality Land Use Scheme, 2020**, to permit the provision of 21 on-site parking bays in lieu of the required 33 bays (12-bay parking shortfall).

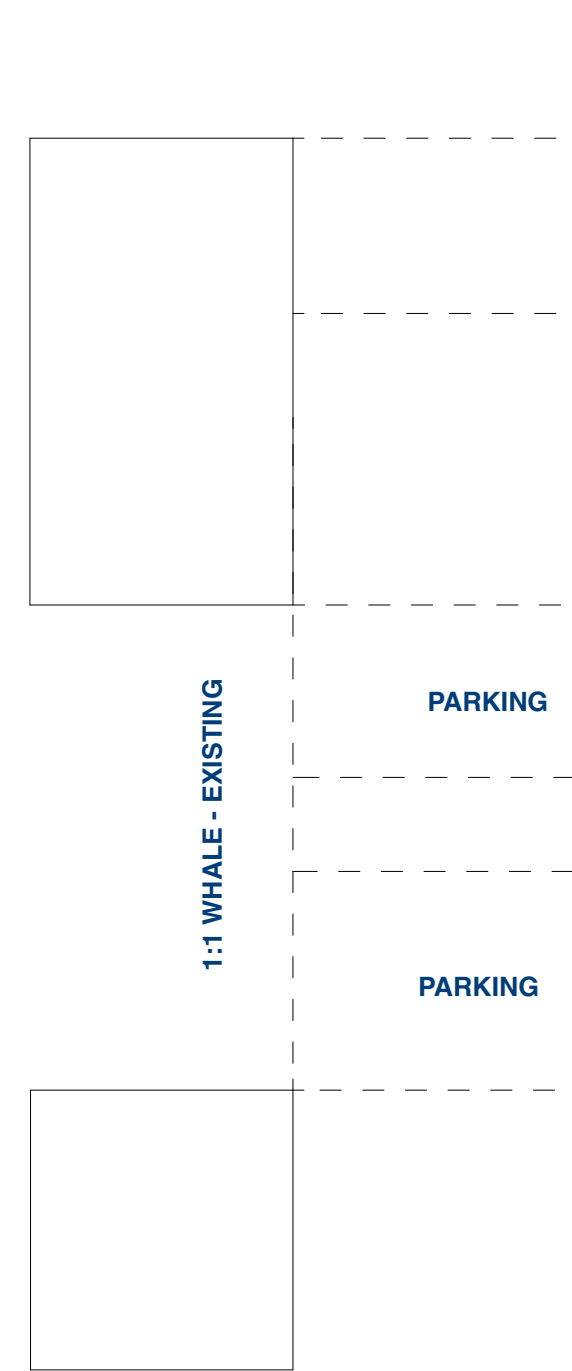
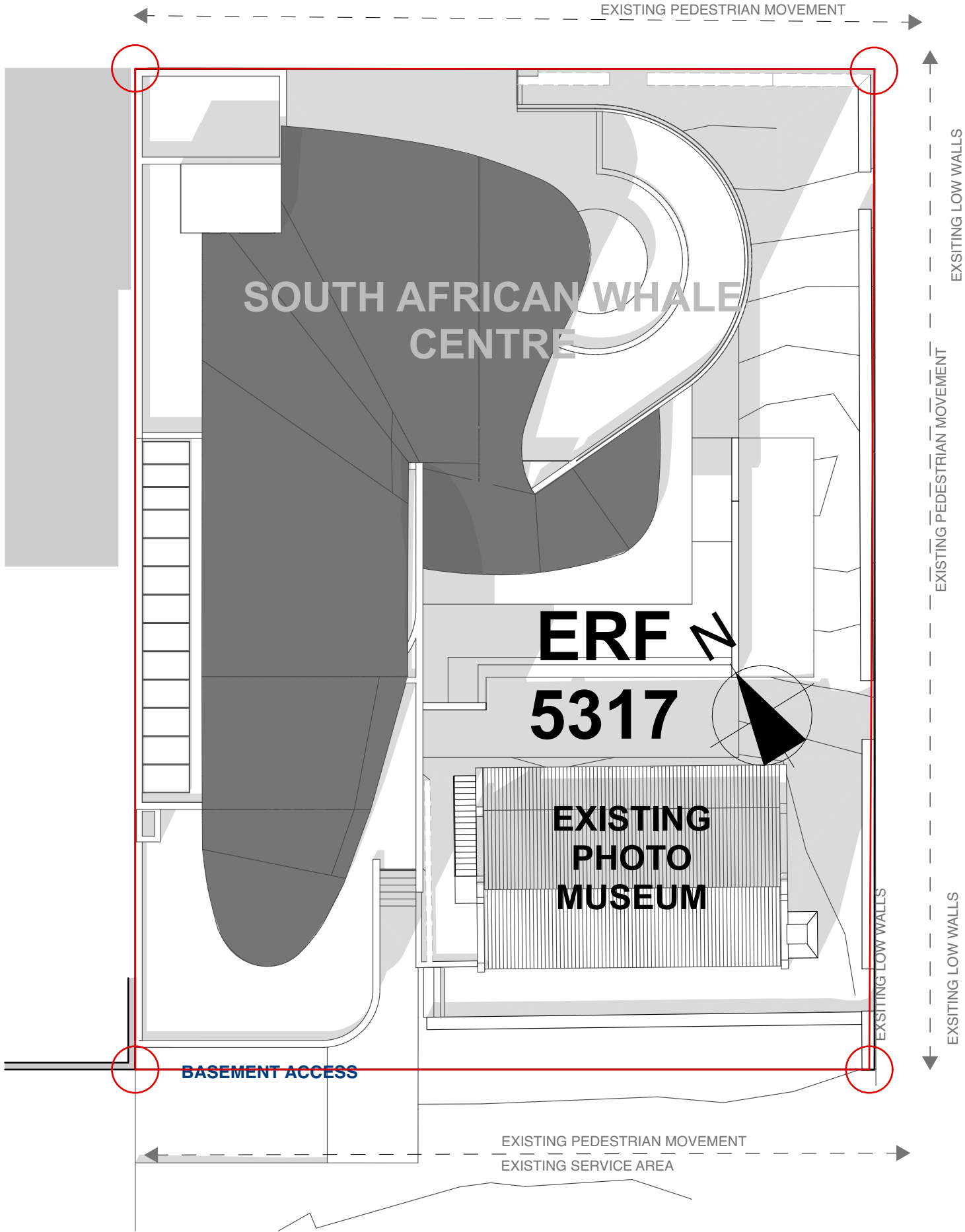
b) **Registration of a new right-of-way servitude in terms of Section 16(2)(d) of the By-Law**, to enable vehicular and pedestrian access across Erf 7999, Hermanus, from Harbour Road to Erf 5317, Hermanus.



c) **Approval of a Site Development Plan in terms of Section 16(2)(g) of the By-Law, as read together with Section 16.3 of the Overstrand Municipality Land Use Scheme, 2020**, to formalise the redevelopment of Erf 5317, Hermanus, as the South African Whale Centre.

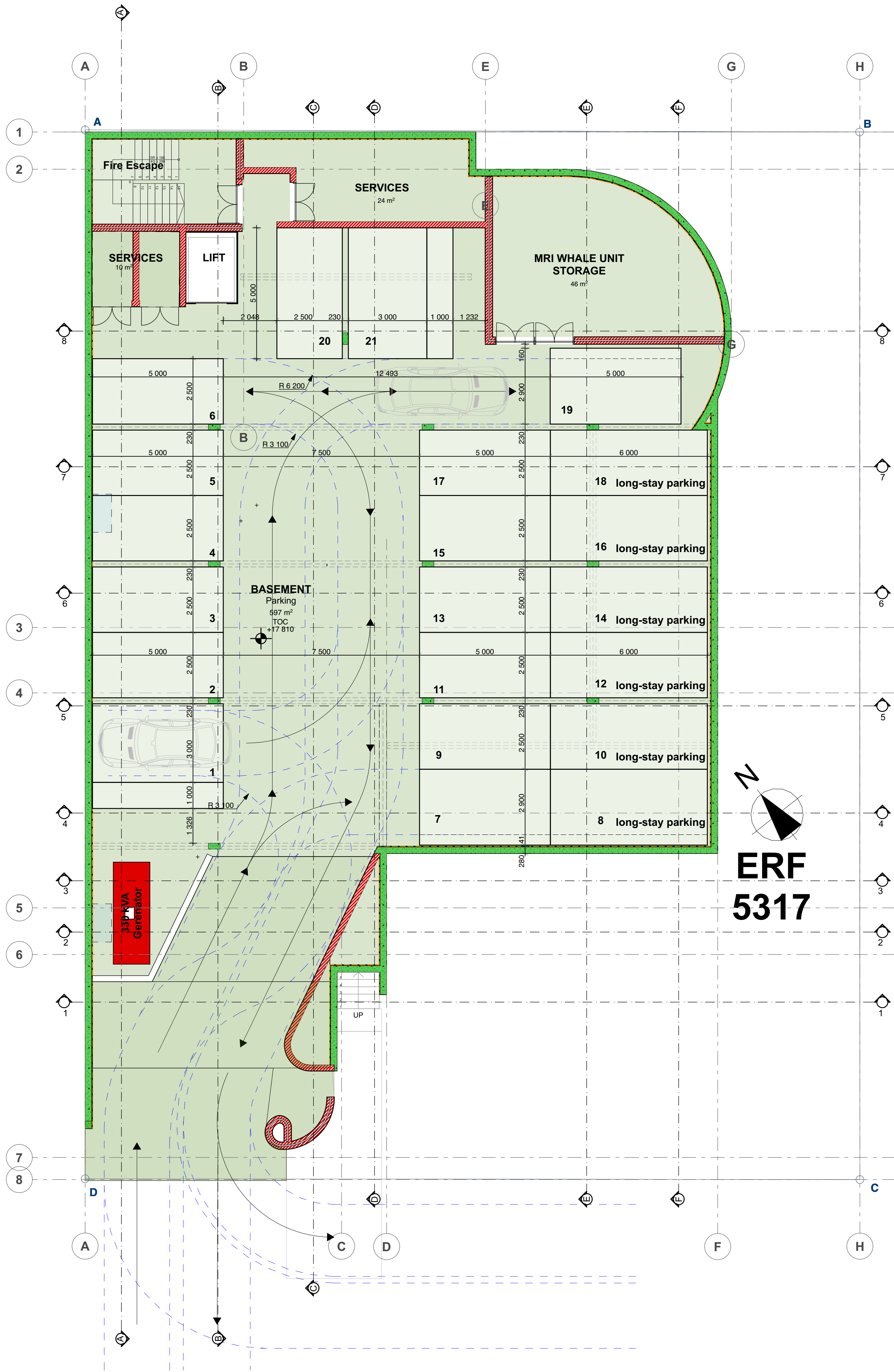
It is further recommended that, insofar as Section 17.1.2(c) of the Overstrand Municipality Land Use Scheme, 2020 is applicable, the Municipality waive the requirement for payment of a parking contribution in respect of the calculated parking shortfall.

This request is made having regard to the public-benefit nature of the proposal, the integrated operation of the facility and the availability of public parking within the surrounding CBD and Old Harbour precinct. It is also noted that the acquisition of additional land or permanent private parking rights is not considered practical or feasible in the immediate context.



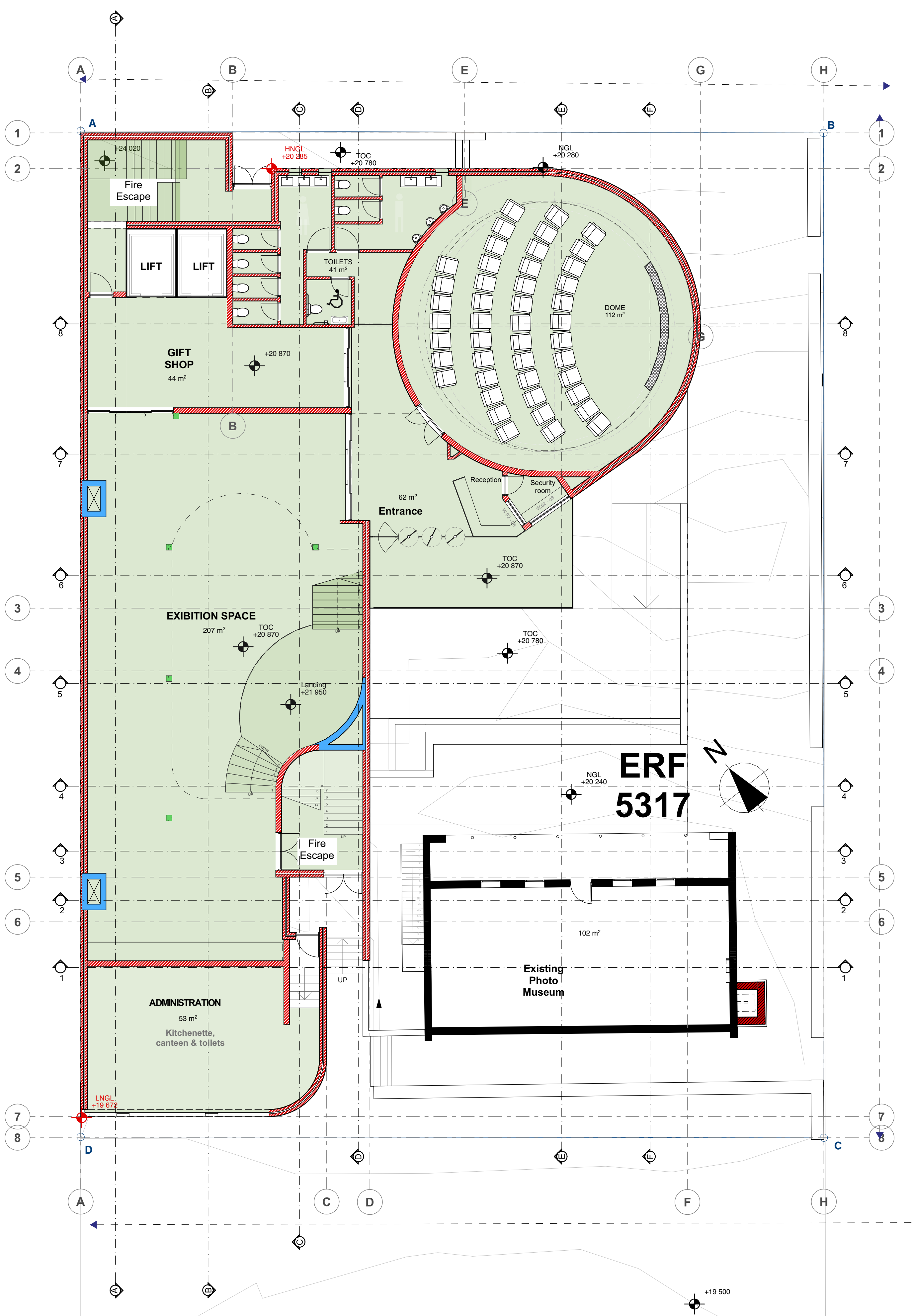
AREAS	
BASEMENT	770 m ²
Parking	612 m ²
Services	30 m ²
MRI whale unit storage	46 m ²
GROUND FLOOR:	616 m ²
Lobby	60 m ²
Dome	112 m ²
Gift shop	44 m ²
Toilets	41 m ²
Trust office	54 m ²
Exhibition space	206 m ²
FIRST FLOOR:	490m ²
MRI office	101 m ²
Trust office	68 m ²
Exhibition space	222 m ²
SECOND FLOOR: (incl covered terrace)	525m ²
Covered terrace	94 m ²
Non covered terrace	110 m ²
Conference room	58 m ²
Café	12 m ²
Toilets	12 m ²
Building management office	12 m ²
Services	9 m ²
TOTAL FLOOR AREAS:	2180m ²
MRI whale unit total area	148m ²
Administration total are	121m ²
Exhibition area	428m ²
PARKING BAYS :	21
COVERAGE	
NEW BUILDING:	670m ²
EXISTING BUILDING:	100 m ²
ERF SIZE:	1140 m ²

001 | REF B SITE LAYOUT & ROOFPLAN 1:200



-1. Basement

1:100 0.



Ground Floor

1:100

GENERAL NOTES

- The design of the drawing remains the property of the architect.
- All work to be carried out in accordance with the National Building Regulations, Municipal Regulations and SANS 10400.
- All structural, mechanical, electrical and plumbing must be checked and verified on the drawings by the relevant authorities.
- Any discrepancies and omissions to be forwarded to the Designer immediately.
- All construction drawings to be made in accordance with all relevant structural, mechanical, electrical, civil engineering and all other Specialist drawings.
- Only signed drawings to be used and not copied.
- Consultant to ensure compliance with safety regulations at all time.

SPECIFICATIONS:

ROOF:

- All roofs to be approved by appointed structural engineer and to comply to SANS 10400 Part 1.
- Engineer to approve design and to do necessary inspections on structure and connections to walls etc.

WALLS:

- New external brick work to be 250mm cavity walls of 115mm ROK's with 50mm cavity, tied together with wall ties evenly distributed at 2.5 mts per square meter of face area.
- New external brick work cavity walls to have Damp Proof Course stepped from internal skin down to external skin with weep holes at regular intervals (every fifth brick row) in the external skin.
- New internal load bearing walls to be min 200mm and in strict accordance with engineer's detail and specification.
- New internal m-load bearing walls to be 110mm ROK brick work.

FLOOR SLABS:

- New ground floor slabs are to be cast at a minimum of 90mm thick reinforced in accordance with engineer's specification, laid on 250micron Damp Proof Membrane, turned up around the perimeter at least the full thickness of the slab, on Styrofoam sheet with at least a R-Value of 1, or maximum 150mm well compacted sand, on clean well compacted fill layers not more than 150mm in thickness.

FOUNDATIONS:

- Foundations, walls, columns and beams to be in accordance with drawings and specifications supplied by the appointed engineer.
- All new foundations are to be min 10MPa at 28 days (1:4:3 coarse aggregate) at min 200mm thick.

WATERPROOFING:

- All parapet walls to receive Duralux flashings.
- All windows and doors to receive vertical and horizontal DPC and to be sealed with polyurethane.

WINDOWS AND DOORS:

- Refer to Window and Door Schedule for specifications.

COOLING:

- Include 1 air conditioning unit is installed, efficiency of minimum COP=2.5 is required.

LIGHTING:

- Include new and existing lighting to be max. 5W/m². If any halogen downlights are present in the existing building, these are to be replaced with LED fittings.

REVISION:

Rev'd	Ch'd	Change Name	Date

ARCHITECTS SIGNATURE

[Signature] Date : Thursday, 29 January 2026

CLIENT SIGNATURE: SIGNED BY ARCHITECT ON BEHALF OF CLIENT - POWER OF ATTORNEY ATTACHED

[Signature] Date : Thursday, 29 January 2026

HEIGHT RESTRICTION:

LOWEST POINT CUT THROUGH SITE	19 724
HIGHEST POINT CUT THROUGH SITE	20 285
MGL / BASE LVL	20 005
POINT 0 REFERS TO	20 240
HEIGHT RESTRICTION 14 000 =	34 005

AREAS:

Basement:	770 m²
Ground Floor:	627 m²
First Floor:	437 m²
Second Floor:	316 m²
TOTAL FLOOR AREA:	2152 m²

COVERAGE

New Building:	670m²
Existing Building:	100 m²
Erf size:	1167 m²
COVERAGE:	64.87%

ZONING: Business zone 1

BUILDING OCCUPANCY CLASSIFICATION: C1 & C2

EXHIBITION HALL & MUSEUM. Occupancy where goods are displayed primarily for viewing by public. Occupancy comprising of a museum, art gallery or library.

FINLAYSON VAN DER MERWE ARCHITECTS

Hemel en Aarde Village, Unit 5G Wine Village Hermanus
Western Cape 7200 South Africa / 026 316 1369 / www.fvdm.co.za

Project Name
SAWC, ERF 5317
Marine drive, Hermanus, 7200, South Africa

Drawing Name
BASEMENT & GROUND STOREY PLAN

Drawing Status

COUNCIL SUBMISSION

Drawn by MK	Date 2026/01/29
Checked by Andrew Finlayson	Date 2026/01/29

Drawing Scale
As shown @ A1

Drawing No. 4023.101	Status CS	Revision -
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