

OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<p>ERF 983, 16 FLUXOLWENI STREET AND ERF 984, 14 FLUXOLWENI STREET, ZWELIHLE, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, CONSENT USE, DEPARTURE & REGISTRATION OF A RIGHT OF WAY SERVITUDE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF NL NXELE AND SEEDS4KIDS DAY CARE CENTRE</p> <p>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 Erven 983 and 984, Zwelihle (the properties), namely:</p> <p>Rezoning Application in terms of Section 16(2)(a) of the By-Law for the rezoning of the property from Residential Zone 1: Single Residential to Community Zone 1: Community Facilities (CO1) to operate an educational centre.</p> <p>Consent Use Application in terms of Section 16(2)(o) of the By-Law to allow the existing (residential) dwelling house to remain on Erf 984, Zwelihle.</p> <p>Departures Application for departure in terms of Section 16(2)(b) of the By-Law for the following:</p> <ul style="list-style-type: none"> relaxation of the western lateral building line from 5m to 1m to accommodate the existing additions, relaxation of the eastern lateral building line from 5m to 1m to accommodate the existing additions, relaxation of the street building line from 5m to 1.48m to accommodate the existing additions, relaxation of the western lateral building line from 5m to 2.24m to accommodate the existing bathroom, relaxation of the rear building line from 5m to 1.18m to accommodate the existing bathroom, and relaxation of the parking provision. <p>Registration of a right of way servitude Application in terms of Section 26(1)(h)(v) of the By-Law for the registration of a right of way servitude over Erf 983, Zwelihle in favour of Erf 984, Zwelihle.</p> <p>Determination of an administrative penalty Application in terms of Section 16(2)(q) of the By-Law for the unauthorised land use as mentioned above.</p> <p>Details regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town and Spatial Planning at 16 Paterson Street, Hermanus. Any comments must be in writing in accordance with Sections 51 and 52 of the By-Law to reach the Municipality (16 Paterson Street, Hermanus / (e) loretta@overstrand.gov.za) on or before Friday, 25 July 2025 quoting your name, address and contact details, interest in the application, as well as the reasons for comment. Telephonic enquiries can be made to the Town Planner, Mr. B. Minnaar at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town and Spatial Planning Department where a municipal official will assist them in order to formalize their comment.</p>	<p>ERF 983, FLUXOLWENI STRAAT 16 EN ERF 984, FLUXOLWENI STRAAT 14, ZWELIHLE, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM HERSONERING, VERGUNNINGSGEBRUIK, AFWYKING EN REGISTRASIE VAN 'N REG VAN WEG SERWITUUT EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE WRAP PROJECT OFFICE NAMENS NL NXELE AND SEEDS4KIDS DAY CARE CENTRE</p> <p>Kragtens Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die volgende aansoek van toepassing op Erve 983 en 984, Zwelihle (die eiendom), naamlik:</p> <p>Hersonering Aansoek ingevolge Artikel 16(2)(a) van die Verordening vir die hersonering van Erf 984, Zwelihle vanaf Residensiële Sone 1: Enkelwoonsone na Gemeenskapsone 1: Gemeenskapfasiliteite (CO1) ten einde 'n opvoedkundige sentrum te akkommodeer.</p> <p>Vergunningsgebruik Aansoek ingevolge Artikel 16(2)(o) van die Verordening ten einde die bestaande (residensiële) woonhuis op Erf 984, Zwelihle toe te laat.</p> <p>Afwykinge Aansoek om afwyking ingevolge Artikel 16(2)(b) van die Verordening vir die volgende:</p> <ul style="list-style-type: none"> verslapping van die westelike syboullyn vanaf 5m na 1m om bestaande aanbouings te akkommodeer, verslapping van die oostelike syboullyn vanaf 5m na 1m om bestaande aanbouings te akkommodeer, verslapping van die straatboullyn vanaf 5m na 1.48m om bestaande aanbouings te akkommodeer, verslapping van die westelike syboullyn vanaf 5m na 2.24m om die bestaande badkamer te akkommodeer, verslapping van die agterboullyn vanaf 5m na 1.18m om die bestaande badkamer te akkommodeer, en verslapping van die parkeeringvereistes. <p>Registrasie van 'n reg van weg serwituut Aansoek ingevolge Artikel 26(1)(h)(v) van die Verordening vir die registrasie van 'n reg van weg serwituut oor Erf 983, Zwelihle ten gunste van Erf 984, Zwelihle.</p> <p>Bepaling van 'n administratiewe boete Aansoek ingevolge Artikel 16(2)(q) van die Verordening vir bogenoemde ongemagtigde grondgebruik.</p> <p>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. Enige kommentaar moet skriftelik wees in ooreenstemming met Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) loretta@overstrand.gov.za) bereik voor of op Vrydag, 25 Julie 2025 met u naam, adres en kontakbesonderhede, belang in die aansoek, asook die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Stadsbeplanner, Mr. B. Minnaar by 028-3138900. Die Munisipaliteit mag weier om kommentare wat na die sluitingsdatum ontvang word, te aanvaar. 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.</p>	<p>ISIZA 983, 16 FLUXOLWENI STREET & ISIZA 984, 14 FLUXOLWENI STREET, ZWELIHLE, HERMANUS, INDAWO KAMASIPALA OVERSTRAND: ISICELO SOKUCANDWA NGOKUTSHA, IMVUME YOKUSEBENZISA, UKUPHAMBUKA & UKUBHALISWA KWELUNGULO LOKUDLULA KUMHLABA (I-SERVITUDE KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: MESSRS WRAP PROJECT OFFICE EGAMENI LIKA-NL NXELE AND SEEDS4KIDS DAY CARE CENTRE</p> <p>Isaziso sinikwe apha ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala oLungisiweyo we-Overstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, wowama-2020 (uMthetho kaMasipala) wezi zicelo zilandelayo, osebenza ku-Erven 983 no-984, eZwelihle (iipropati), ezizezi:</p> <p>Ukutshintsha kocando lomhlaba Isicelo ngokweCandelo le-16 (2) (a) loMthetho kaMasipala wocando ngokutsha lweipropati ukusuka kuMmandla wokuHlala 1: Indawo yokuhlala eNye ukuya kuMmandla woku-1 woLuntu: iZibonelelo zoLuntu (CO1) ukuze ziqhube iziko lemfundo.</p> <p>Imvume yokusebenzisa Isicelo ngokweCandelo le-16 (2)(o) loMthetho kaMasipala ukuvumela indlu yokuhlala ekhoyo (yokuhlala) ukuba ihlale e-Erf 984, eZwelihle.</p> <p>Ukuphambuka Isicelo ukuphambuka okungunaphakade kwimigca yokwakha ngokweCandelo 16(2)(b) loMthetho kaMasipala koku kulandelayo:</p> <ul style="list-style-type: none"> Ukuthomalalisa umgca wokwakha oseNtshona ukusuka kwi-5m ukuya kwi-1m ukuze kwamkelwe izongozo ezikhoyo, Ukuthomalalisa umgca wokwakha oseMpuma ukusuka kwi-5m ukuya kwi-1m ukuze kwamkelwe izongozo ezikhoyo, Ukuthomalalisa umgca wokwakha ojongene nesitrato ukusuka kwi-5m ukuya kwi-1.48m ukuze kwamkelwe izongozo ezikhoyo, Ukuthomalalisa umgca wokwakha oseNtshona ukusuka kwi-5m ukuya kwi-2.24m ukuze kwamkelwe igumbi lokuhlambela elikhoyo, Ukuthomalalisa umgca wokwakha ongasemva ukusuka kwi-5m ukuya kwi-1.18m ukuze kwamkelwe igumbi lokuhlambela elikhoyo, kunye nokuthomalalisa kwemigqo enxulumene nendawo yokupaka. <p>Ukubhaliswa kwelungelo lokudlula kumhlaba (i-servitude) Isicelo ngokweCandelo 26(1)(h)(v) loMthetho oMiselweyo sokubhaliswa kwelungelo lokudlula kumhlaba (i-servitude) phezu kwe-Erf 983, eZwelihle, ukuze kusetyenziswe yi-Erf 984, eZwelihle.</p> <p>Ukumiselwa kwesohlwayo solawulo Isicelo ngokweCandelo 16(2)(q) sokusetyenziswa komhlaba okungekho mthethweni njengoko kuchaziwe ngasentla.</p> <p>Iinkcukacha eziphathelile esi siphakamiso ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza phakathi kwexesha lika-08:00 ukuya ku-16:30 kwiSebe loCwangciso lweDolophu, kwi-16 Paterson Street, eHermanus. Naziphi na izimvo kufuneka zibhalwe ngokuhambelana neCandelo 51 neCandelo 52 loMthetho oMiselweyo, zize zifike kwiMasipala (16 Paterson Street, eHermanus / (e) loretta@overstrand.gov.za) phambi okanye ngolwesihlanu, umhla we-25 Julayi 2025, ziquiathe igama lakho, idilesi, iinkcukacha zoxibebelelwano, umdla wakho kwisicelo, kunye nezizathu zokunika uluvo lwakho. Imibuzo ngocingo ingenziwa kuMcebisi weDolophu, uMnu. B. Minnaar ku-028 313 8900. UMasipala unelungelo lokwala izimvo ezifike emva komhla wokugqibela. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho igosa likamasipala liza kunceda ekubhaleni uluvo lwakhe ngendlela esemthethweni.</p>
<p>Dr DGI O'Neill Municipal Manager / Munisipale Bestuurder / Umphathi Kamasipala PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200</p> <p style="text-align: right;">Notice no. / Kennisgewing nr. / Inothi si yeNomb: 117/2025</p>		



ERVEN 983 & 984 ZWELHILE

APPLICATION FOR REZONING, CONSENT USE, PERMANENT
DEPARTURES AND EXEMPTION TO ALLOW THE
REGISTRATION OF A RIGHT OF WAY SERVITUDE

Application prepared for:

Seeds4kids Day Care Centre

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Submitted

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Amended

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1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
OM 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

2. PROPERTY DETAILS

Erf descriptions	Erf 983 Zwelihle	Erf 984 Zwelihle
Erf extents	250m ²	250m ²
Current zonings	Residential Zone 1: Single Residential	Residential Zone 1: Single Residential
Proposed zoning	n.a.	Community Zone 1: Community Facilities

3. BACKGROUND

Erf 984, Zwelihle (hereafter referred to as the subject property) was purchased by a non-profit organisation, Seeds4Kids, with the intention of establishing and operating an educational centre that will include, but are not limited to, assistance with homework, assignments, exam preparation as well as sewing classes. The property was originally used for residential purposes, and the existing dwelling house on the property is proposed to remain.

Seeds4Kids is a Christian non-profit organisation operating in Zwelihle. It aims to provide students with equal opportunities, protection, and support. The organisation seeks to counteract the effects of poverty and violence by offering a safe space and spreading hope through the Gospel.

As the property is currently zoned Single Residential, it will need to be rezoned to align with its intended use. The owners however commenced construction while taking transfer of the property, resulting in the development of new additions. The owners have appointed WRAP Project Office to submit this application on their behalf, refer to **Annexure A for the Power of Attorney**. The completed renovations and alterations will ensure the efficient use of space while maintaining the property's primary function as a community facility. These enhancements will also contribute to improved functionality and better utilisation of the existing infrastructure. To summarise, approval of the following applications is required:

- Rezoning from Residential Zone 1: Single Residential to Community Zone 1: Community Facilities;
- Consent Use to allow a dwelling house;
- Permanent Departure to allow the existing structures;



-
- Permanent departure from the required parking provision;
 - Exemption to allow a right of way servitude across Erf 983 Zwelihle in favour of Erf 984, Zwelihle; and
 - Determination of an administrative penalty.

4. PROCEDURE TO ACHIEVE THE OWNER'S INTENT

WRAP Project Office was appointed to compile and submit a land use planning application to achieve the vision highlighted in *Section 3* of this report. The following is proposed:

4.1 Rezoning of Erf 984, Zwelihle from Residential Zone 1: Single Residential to Community Zone 1: Community Facilities.

The current zoning of the property as Residential Zone 1: Single Residential does not align with the proposed use sought by the owners. Rezoning to Community Zone 1: Community Facilities is therefore necessary to accommodate the intended purpose and ensure compliance with land use regulations.

Zwelihle is a densely populated and historically disadvantaged community, characterised by a lack of access to quality supplementary education services. Many students in the area face academic challenges due to overcrowded schools, limited individual attention, and a shortage of safe, quiet environments conducive to study. The proposed facility aims to bridge this educational gap by offering structured academic support and community-driven resources. Specifically, the centre will:

- Assist students with daily homework and assignments received from school;
- Provide structured support in preparation for examinations and tests;
- Foster foundational skills, including literacy, numeracy, comprehension, and memory techniques;
- Offer a supervised, safe space for students during after-school hours, particularly while parents or guardians are at work;
- Provide an affordable and accessible academic resource for working parents, with particular emphasis on supporting single-parent households;
- Facilitate small group tutoring sessions and workshops that promote academic excellence and personal growth.

The proposed educational centre will be able to accommodate a maximum of 40 learners per day, spread across two classrooms. Classroom 1 will cater to students from Grade 1 to Grade 12, with space for 20 learners. Classroom 2 will be more flexible and open to learners of all age groups, also accommodating up to 20 learners. This structure allows the centre to assist a wide range of students across different school phases, while maintaining small group sizes to ensure each learner receives focused and personalised support.

In terms of staffing, the centre will operate with a core team of one full-time tutor, who will be responsible for leading the academic support sessions and assisting learners with their schoolwork. A second assistant tutor will be appointed on an as-needed basis, particularly during peak periods such as exam time or when group sizes temporarily



increase. This staffing model ensures the centre remains flexible and cost-effective, while still delivering quality academic support.

The proposed facility includes two dedicated classrooms, bathroom facilities, and the retention of the existing dwelling unit on the property. The structures on Erf 984 Zwelihle are sufficient to accommodate the intended number of learners and staff and allow for the safe and efficient daily functioning of the centre. The information listed in *Tables 1; 2 & 3* outlines a summary of information that is relevant to the daily operations of the educational centre:

Table 1: Learners

Classrooms	Age groups	Number of students
Classroom 1	Grade 1 - 12	20
Classroom 2	All	20
Total		40

Table 2: Employees

Number of employees	Role of employee
1.	Tutor
2.	Assistant Tutor (only when required)

Table 3: Facilities

Facilities
Classrooms
Ablution Facilities
Dwelling

The proposed rezoning will enable the establishment of a facility that will directly benefit the local community in several ways. It will support educational development by offering learning tools that enhance literacy and numeracy skills and memory skills. The facility will also create employment opportunities for local residents as seen in *Table 2* above. Furthermore, it will serve as a safe environment and by providing a structured and secure setting, the facility will play a preventative role in safeguarding vulnerable youth.

The rezoning from Residential Zone 1 to Community Zone 1 is a logical and socially responsible intervention that will provide critical educational and social support to the community. The proposed facility will directly contribute to the well-being of the youth, support working parents, create employment, and enhance social development within Zwelihle.

4.2 Consent Use to allow a dwelling house on Erf 984, Zwelihle.

Section 3 of this report indicates that there is an existing dwelling house on the property. As this is not a primary use under the proposed zoning, the municipality's consent is required to ensure that the dwelling house can remain and continue to be used as a residential dwelling.

Retaining the dwelling house is essential to minimise the environmental impact of new construction and promote sustainable land use. The existing structure offers a practical



and cost-effective solution, allowing the project to proceed without significant disruption or the need for additional development, while still fulfilling its intended function as part of the proposed community facility. Furthermore, preserving the dwelling house supports the efficient utilisation of resources and avoids unnecessary demolition, contributing to the long-term sustainability of the project.

Having a dwelling house on the property provides several positive effects in the context of the educational centre. One key benefit is that the dwelling can be used for on-site staff accommodation, ensuring that staff are readily available and on hand to meet the needs of the community. This can enhance the operational efficiency of the centre, allowing for prompt responses to any situations that may arise.

Additionally, the dwelling house significantly increases security by providing a constant presence on the property, particularly after hours. This added security ensures peace of mind for both parents and the local community, as there will always be someone present to monitor and maintain safety. Retaining the dwelling house is a cost-effective solution, reducing the need for further construction and enabling the project to proceed with the existing infrastructure. This approach supports sustainable development by making efficient use of available resources and minimising additional costs.

In the future, the existing dwelling may offer operational flexibility to the educational centre, as it could be repurposed for supportive functions such as a staff room, administrative office, or meeting space. This maximises the use of the property and helps integrate the residential and educational components of the centre.

Finally, the presence of the dwelling house helps with community integration by demonstrating the educational centre's long-term commitment to the area. It creates a sense of stability and permanence, not only for the centre but also for the youth and families it serves, reinforcing the centre's connection to the local community.

4.3 Permanent Departure from the building lines to allow the existing structures on Erf 984, Zwelihle.

As the property's zoning is being proposed to be changed, the applicable building lines will also change and as there are existing structures on the property, it is necessary to apply for departure as some of these structures have not yet been approved by the municipality, refer to *Figure 1*.

- **Permanent Departure** from the 5,0m western side building line to 1m to allow the existing addition.
- **Permanent Departure** from the 5,0m eastern side building line to 1m to allow the existing addition.
- **Permanent Departure** from the 5,0m street building line to 1,48m to allow the existing addition.

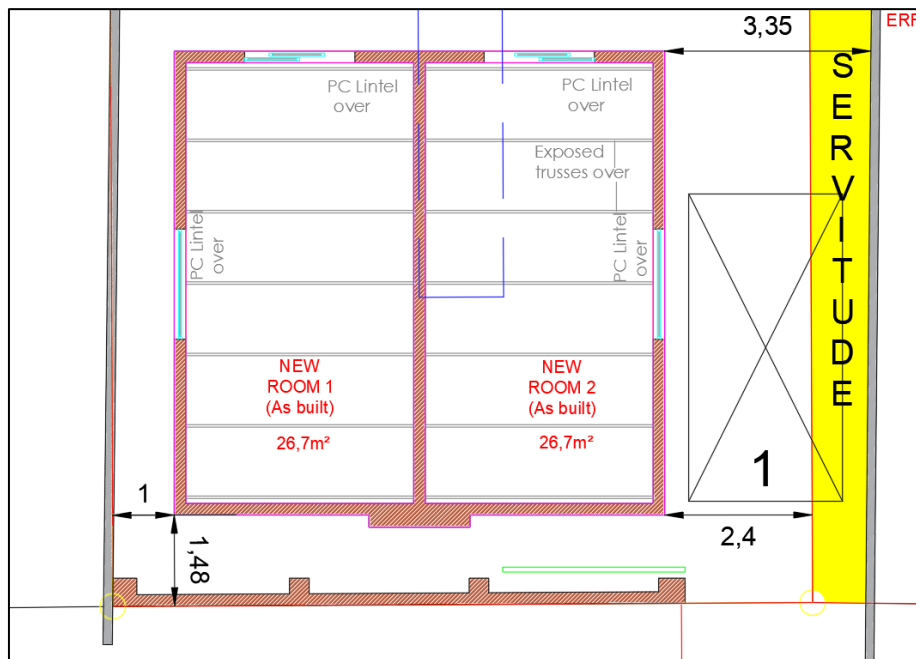


Figure 1: Existing new structure

The structure in question, as seen in *Figure 1*, will be home to the proposed educational centre that will provide assistance to the community. To save time, the owner had constructed the building during the registration process and started using the building for the purposes of an educational centre.

The constraint of the primary right of a crèche is the maximum number of children allowed to be looked after at a time, and that it is exclusively for the care of children, hence the reason for the rezoning. The Seeds4kids organization aims to accommodate youth and simultaneously educate youth and adults (i.e. students) on several aspects while also using the property for a dwelling house.

- **Permanent Departure** from the Western 5,0m Side Building Line to 2,24m to allow the existing bathroom.
- **Permanent Departure** from the 5,0m Rear Building Line to 1,18m to allow the existing bathroom.

The owners have also constructed a new bathroom facility that will be made available for use by the educational centre. This addition is essential to ensure adequate sanitation and hygiene for the students and staff. As the structure was built without prior approval from the Municipality, it now requires formal approval in its current position.

To rectify this, a departure application must be submitted to obtain the necessary municipal consent. This process will ensure compliance with building regulations and confirm that the structure meets all health and safety standards. The approval of this bathroom facility is crucial, as it enhances the functionality of the educational centre by providing proper sanitation infrastructure, thereby promoting a safe and hygienic environment for the students.



4.4 Permanent Departure from the required parking provisions.

Due to the nature of the property and the surrounding area, the proposal includes the provision of a single on-site parking bay. This is considered appropriate as the tutors and the residents of the property arrive on foot. Similarly, parents are dropping off and collect their children on foot, further reducing the need for on-site parking.

One parking bay is proposed alongside the existing structure. The surrounding environment and the mode of access for both staff and parents support this approach. According to the parking provisions outlined in Section 17.1 of the OMLUS, an educational centre is required to provide one parking bay per 10 children in addition to a stop-and-drop facility. The proposed facility will consist of two classrooms and accommodate a maximum of 40 students, thereby requiring three on-site parking bays under standard provisions with a drop off facility. Given the specific circumstances of this facility regarding the extent of the property and its location in Zwelihle, only one parking bay is proposed.

Section 17.1.2 of the OMLUS provides for alternative parking provisions under certain circumstances. Due to the unique nature of this project and the justification for departing from the standard parking requirements, it is requested that no alternative parking be required and that no monetary contributions be imposed to offset the shortfall as the owner is a non-profit organisation that is dependent on donations. The departure from the prescribed on-site parking requirements is motivated by the fact that the facility operates under a different model than a conventional educational centre.

The proposed parking arrangement is not expected to have a negative impact on the surrounding area, as the scale of the educational centre is limited to 40 students, and no parents or tutors are anticipated to travel to the facility by car. Unlike a typical commercial educational/tutoring centre, the services provided at this facility are completely free of charge and are fully funded by private donors. Additionally, all tutors employed at the facility receive compensation through these generous donations, ensuring that the operation remains sustainable without imposing additional infrastructure burdens.

This application seeks to formalise the operations of the centre and ensure that the existing infrastructure is not overcrowded or over utilised. The approval of this consent use will allow the centre to function effectively within the constraints of the property while addressing the necessary regulatory requirements.

4.5 Exemption for the registration of a right of way servitude over Erf 983, Zwelihle in favour of Erf 984, Zwelihle.

The owners of the properties became aware that the existing boundary wall was erected away from the boundary on Erf 983 Zwelihle. As a result, they have agreed with the owner of Erf 983 Zwelihle that Seeds4Kids may use the section as a driveway and/or parking space. To formalise this agreement, it is proposed to register a right-of-way servitude over Erf 983 Zwelihle in favour of Erf 984 Zwelihle.



Section 26(h) of the By-Law allows for the registration of a servitude or lease agreement for the provision or installation of –

- (i) water pipelines, electricity transmission lines, sewer pipelines, gas pipelines or oil and petroleum product pipelines, and boreholes by or on behalf of an organ of state or service provider;
- (ii) telecommunication lines by or on behalf of a licensed telecommunications operator;
- (iii) the imposition of height restrictions;
- (iv) storm water channels, ditches and channels, and
- (v) **the granting of right of way.**

4.6 Determination of an administrative penalty.

The owners are currently in the process of ensuring the property complies with the development parameters of the OMLUS to allow the educational centre to continue its operation. As a result, two additional structures were constructed and needs to be rectified and approved by the municipality.

The construction of the classrooms as well as the ablution building, as previously mentioned, took place in November 2024. The owners were responsible for the construction thereof and the decision to proceed with the construction was driven by a commitment to the well-being of the community, with the intent of avoiding the exclusion of children in need of educational assistance due to limited space. The existing building, although constructed without prior planning approval, has since become an integral part of the Seeds4Kids Centre's operations. It serves as a functional classroom that supports the Centre's mission as a Non-Profit Organisation (NPO) to provide quality educational assistance and care to the residents of Zwelihle.

The unauthorised land use took place from January 2025 until present. The land use in question was started in good faith by the Seeds4Kids Centre with the sole intention of enhancing the educational- and personal welfare of the youth and adults attending the centre. As a non-profit organisation operating in a historically disadvantaged community, the Centre's focus has consistently been on providing educational assistance and a protective environment for youth and adults, often with very limited resources and capacity.

At the time of construction and land use, there was no deliberate intention to disregard planning laws or procedures. The lack of prior land use approval was the result of a misunderstanding and limited technical capacity on the part of the Centre, which operates without in-house planning or architectural expertise. Upon becoming aware of the non-compliance, the Centre acted responsibly by initiating the necessary land use processes and appointing a professional planning consultant (WRAP Project Office) to formalise the situation and bring the property into compliance with the applicable legislation.

The structures and land use do not negatively impact the surrounding area, nor does it pose any health or safety risk. On the contrary, it performs a vital function to the community rather than diminishing the value or character of the surrounding public realm.



In light of the above, we request that the context, intent, and community benefit of the structures and land use should be considered and grant a waiver of the administrative penalty. The Centre has acted in good faith throughout and is now fully engaged in the lawful formalisation of all planning approvals.

To ensure compliance with the By-Law, it is of importance to include an application for the determination of an administrative penalty. It is requested that the administrative penalty be waived in total.

Section 90(3) of the By-law requires that the following information be provided:

The nature, duration, gravity and extent of the contravention

Section 4.6 of this report indicates the nature and gravity of the structures that were constructed without prior approval as well as the unauthorised land use. The total extent of the structures are 66,9m².

The conduct of the person (allegedly) involved in the contravention

The owners were responsible for ensuring that there were no contraventions in terms of the By-Law.

A report by a quantity surveyor in matters of unauthorised building/construction

Due to the nature of the construction, a quantity surveyor report was not obtained.

Whether the unlawful conduct was stopped

The structures have already been constructed and the land use continued.

Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law.

To the knowledge of this office, the owners have not previously contravened the By-Law.

5. LAND USE ENVIRONMENT

There is a mixture of zonings surrounding the subject property, although the area is considered to be a residential area there are several informal businesses surrounding the property with other community zoned properties located nearby. The surrounding area's zoning is illustrated in **Plan 3 – Zoning Plan**.

6. TITLE DEED

Title deed T6039/2025 of Erf 984 Zwelihle (refer to **Annexure B**) was perused and there are no restrictive conditions prohibiting the owners from rezoning the property.

7. ZONING

The following zoning parameters were assessed in conjunction with the CO1 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:



Community Zone 1: Community Facilities			
Land Use Restrictions			
	Parameters	Proposal	Comply/ deviate
Primary use	Clinic, Crèche, Day Care Centre, Multi-Purpose Centre, Place of Assembly, Place of Instruction and Place of Worship	Place of Instruction	Comply
Consent use that may be applied for	Dwelling Units, Cemetery, Conference Facility, Dwelling House , Hospital, Institution, Recreational Facilities, Residential Building, Transmission Apparatus (Subject to the provisions of chapter 16.10) and Urban Agriculture	Dwelling House	Applied for and motivated.
Development parameters			
Floor factor	(i) The floor factor on the land unit shall not exceed 1.2, provided that (ii) The floor factor for a Place of Worship is 2.	±0,35	Comply
Coverage	The maximum coverage for all buildings on the land unit shall not exceed 60%.	Coverage = 35,6%	Comply
Height	The maximum height of any building is 10,5 m, measured from the base level to the top of the structure, provided that there is a 14,0 m height limit for a bell tower, steeple, minaret or similar architectural feature to accentuate the significance of a building.	Existing Single Storeys maximum height of 4,4m. Refer to Annexure C – Architect Building Plans	Comply
Building lines	(i) All building lines shall be 5,0 m. (ii) The general building line exemptions of 16.1 apply.	Existing Approved Dwelling: <ul style="list-style-type: none"> • Located 1,0m from the Eastern Boundary • Located 3,0m from the rear Boundary • Located 4,8m from the Western Boundary Existing New Structures:	Applied for and Motivated.



		<p><u>Educational Centre</u></p> <p>DEPARTURES REQUIRED</p> <ul style="list-style-type: none"> • Located 1,0m from the Eastern Boundary • Located 1,48m from the Street Boundary • Located 1,0m from the Western Boundary <p><u>Bathrooms</u></p> <p>DEPARTURES REQUIRED</p> <ul style="list-style-type: none"> • Located 1,18m from the Rear Boundary • Located 2,24m from the Western Boundary 	
Setback	<p>(i) A setback of 8,0 m, measured from the centreline of the street, applies and must be provided.</p> <p>(ii) The provisions in 16.2 apply.</p>	Comply	Comply
Parking	<p>Parking and access shall be provided on the land unit in accordance with 17.1.</p> <p><u>Crèche, Day Care Centre</u></p> <p>One bay per 10 children plus stop-and-drop facility where a day care centre makes provision for more than 30 children or determined by the Municipality</p>	<p><u>Required Parking:</u></p> <p>Dwelling House = 1 Parking Bay</p> <p>40 students = 4 Parking Bays and a drop-off facility.</p> <p><u>Proposed Parking:</u></p> <p>1 Parking Bay <u>Proposed departure from the parking regulations.</u></p>	Applied for and motivated

8. SERVICES

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

Electricity, Water, Sewage and Solid Waste

The subject property is fully connected to the Overstrand Municipality's services network, which includes electricity, water supply, sewage disposal, and solid waste management. These existing municipal services are adequate to support the property's current use, and



the proposed addition of an educational centre is not expected to place any undue strain on the infrastructure.

The educational centre will operate on a small scale, accommodating a maximum of 40 students, which means that the additional demand for water and electricity will be minimal. Furthermore, the centre will operate primarily during daytime hours, aligning with standard municipal service availability, further reducing the likelihood of any significant impact.

With regard to sewage and sanitation, a new bathroom facility has been constructed to accommodate the needs of the students and staff. The existing sewer connection is sufficient to handle the expected usage, and no additional capacity upgrades are required.

In terms of solid waste management, the volume of waste generated by the facility will be limited to general household waste, which will be collected and disposed of in accordance with the municipality's regular refuse removal schedule. There will be no hazardous waste or excessive refuse production beyond what is typical for a small community facility.

Given these factors, the proposed educational centre will integrate seamlessly with the existing municipal service infrastructure, without causing any undue burden on local resources or requiring additional service upgrades.

Access and Egress

Access is obtained from the Eluxolweni Street, and the proposal is not expected to impact on the existing access and egress points.

9. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law can be illustrated as follow:

The need for the proposed development arose from the property owners' vision to be able to optimise the utilisation of the entire extent of the subject property.

Socio-economic impact	<p>The proposed educational centre will have several positive socio-economic impacts, benefiting both the immediate community and the broader township of Zwelihle. These include:</p> <p>1. Support for Working Parents Many parents in the area struggle to find affordable educational assistance with school work for their children. By providing free, donor-funded educational services, the centre will enable parents, particularly single mothers, to afford the necessary assistance for their children and to further their children's education, thereby improving present and future household incomes.</p>
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	<p>2. Community Upliftment and Social Stability By providing a safe, nurturing environment for children, the facility helps to reduce exposure after school hours to unsafe conditions, such as crime and substance abuse. This contributes to greater social stability and strengthens community ties.</p> <p>3. Long-Term Economic Benefits By investing in education of the youth and adults in Zwelihle, the proposal contributes to the long-term economic development of the community. Educated individuals are more likely to secure stable employment, leading to reduced poverty rates and an improved quality of life in the area.</p> <p>4. Strengthening Community Support Networks The educational centre will not only provide services to students but also serve as a hub for community engagement, where parents and tutors can access support, parenting resources, and social services. This fosters a sense of community cohesion and resilience.</p> <p>In summary, the establishment of the educational centre will promote education, employment, social well-being, and economic growth, creating a sustainable and positive impact on the local community.</p>
Compatibility with surrounding uses	The proposed use of the property is not expected to drastically change, and the proposal is compatible with the surrounding area.
Impact on the external engineering services	In addition to Section 8 above, the Overstrand Municipality's Engineering Department will review the application to ensure that the availability of services is adequate.
Impact on safety, health and wellbeing of the surrounding community	It is not expected that the proposed rezoning will have an impact on the safety, health or wellbeing of the surrounding community. In fact, it will contribute to the health, safety and wellbeing of the community as motivated throughout this report.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	The proposal is not expected to have an impact on the environment as no new development is proposed.
Traffic impacts, parking, access and other transport related considerations	The proposal is not expected to have a negative impact on transport related activities, as most of the students and tutors will arrive at the property on foot.



Impact on views, sunlight and character of the area

The proposed educational centre will not have a negative impact on views, sunlight, or the character of the area for the following reasons:

Views

The existing dwelling house is being retained, and the proposed additions are single-storey structures, which will not obstruct any surrounding properties' views. The development remains in line with the existing built form of the area, ensuring that no significant changes to sightlines occur.

No Impact on Sunlight or Shading

The proposed additions are low in scale, ensuring they do not cast shadows over neighbouring properties. The surrounding buildings will continue to receive adequate natural sunlight, and the positioning of the structures maintains the current levels of light access.

Alignment with the Character of the Area

The area consists primarily of residential properties and community facilities, making the educational centre a compatible and complementary use. The scale and design of the development remain in keeping with the surrounding built environment, ensuring that the character of the area is preserved. Additionally, the educational centre's community-focused function aligns with the social fabric of Zwelihle, contributing positively to the area's identity.

Economic impact

Section 9 of this report indicated the economic impact that this proposal will have. Various role players will be employed and involved in the process. Jobs were created on a temporary basis as construction was undertaken.

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 proposal will increase the surrounding property values as having an educational centre in close proximity is an advantage in a neighbourhood where travelling is primarily done by foot.

10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The property is not located within the EMOZ.

10.2 Heritage Protection Overlay Zone (HPOZ)

The property is not located within the HPOZ.

10.3 Spatial Planning Policies

This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Spatial Development Framework, 2020. The OMSDF states that Hermanus has a shortfall of Childhood Development Centres that



will be exacerbated over the course of time as indicated by the CSIR guideline on P111 of the OMSDF.

Seeds4Kids organisation aims to provide a service that is currently scarce and subsequently in demand in the Zwelihle area. As mentioned earlier, the CSIR guideline-based calculations indicate that a small childhood development centre is required in the area. The Seeds4Kids will be offering a place of instruction for creative skills, which could potentially include programs geared towards childhood development and education.

Moreover, the proposal for the Seeds4Kids is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework or the Overstrand Spatial Development Framework. This means that it is a suitable and necessary addition to the community and could potentially alleviate the shortfall for education facilities in Hermanus.

Overall, Seeds4Kids' mission to provide a free and much-needed service to the Hermanus community is likely to have a positive impact on the area's wellbeing and education, which could in turn benefit the community as a whole.

Overstrand Municipal Growth Management Strategy, 2010

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

Erf 984 is situated within Planning Unit 5 of the Hermanus Central area, as identified in the Overstrand Municipal Spatial Growth Management Strategy (2010). While the strategy has been replaced by the Overstrand Municipal Spatial Development Framework (OMSDF, 2020), its identification of a need for additional community facilities within Zwelihle remains relevant and consistent with current spatial planning principles.

The provision of community facilities within informal residential areas, such as Zwelihle, is essential to enhance accessibility and meet the daily needs of residents, particularly those who may have limited mobility or access to private transport. Locating such facilities within the heart of the community ensures that services are within walking distance, thereby promoting inclusivity and social upliftment. The subject property is ideally situated to serve this purpose, providing a much-needed local facility that aligns with both past and present planning objectives aimed at spatial justice and integrated community development.

11. PLANNING PRINCIPLES

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

Spatial Justice

Spatial justice ensures that planning proposals do not contribute to apartheid-era spatial development imbalances. The proposed rezoning of Erf 984, Zwelihle, to Community



Zone 1: Community Facilities promotes equitable access to an educational centre by providing a free, donor-funded centre within a historically underserved community. This approach supports inclusive urban development by ensuring that essential community services are available within close proximity to residents, reducing the need for long-distance travel and associated costs.

Furthermore, the proposal optimises the use of existing infrastructure to benefit the local community without reinforcing past spatial inequalities. By integrating educational and support services within the township, the development fosters greater social cohesion and economic upliftment, aligning with broader spatial transformation objectives.

Spatial Sustainability

Spatial sustainability seeks to create viable and functional communities. The proposed rezoning of Erf 984, Zwelihle, to Community Zone 1: Community Facilities enhances the efficient use of the property by establishing an educational centre within the existing built environment. This approach ensures that essential services are provided without the need for extensive new developments, thereby reducing land consumption and environmental impact.

Efficiency

The proposal maximises the utilisation of the subject property by establishing an educational centre within the existing built environment, ensuring that the available space is used efficiently while serving the needs of the local community. By retaining the existing dwelling, the development avoids unnecessary expansion, making the most of existing infrastructure and municipal services.

This approach supports sustainable land use by optimising space for both educational and community purposes, without increasing the property's footprint. The efficient use of resources ensures that the facility remains functional, cost-effective, and accessible, reinforcing the principles of spatial sustainability while addressing the critical need for educational assistance and care within the area.

Spatial Resilience

The proposed conversion aligns with existing spatial planning policies and Overstrand Municipality regulations, ensuring compliance with broader planning objectives. By adapting the existing built form to meet evolving needs, the proposal enhances the resilience of the property, ensuring it remains functional and relevant without the need for extensive redevelopment.

Good administration

The OM has a credible track record of good administration regarding the method of public participation which invites and accepts comments from the public to make an informed decision as well as complying with the prescribed time frames pertaining to the processing of applications.



CONCLUSION AND RECOMMENDATION

12. CONCLUSION

The proposed rezoning of Erf 984, Zwelihle, from Residential Zone 1: Single Residential to Community Zone 1: Community Facilities, along with the necessary departures, should be evaluated in the context of optimising land use and enhancing community services. The current zoning does not align with the intended use, and the proposed changes will ensure that the property functions effectively as an educational centre while complying with planning regulations. The proposal does not introduce any inappropriate land use changes but rather formalises and enhances an essential community facility. The establishment of a free, donor-funded educational centre aligns with spatial planning principles by providing accessible educational assistance and social support within the local community. The proposal also contributes to spatial justice and sustainability, ensuring that valuable community resources are located where they are needed most, without reinforcing historical spatial inequalities.

The retention of the existing dwelling house further promotes sustainable development by reducing unnecessary demolition, providing on-site staff accommodation, and enhancing security. Additionally, the proposed parking approach is appropriate given the local context, ensuring that the facility remains integrated into the surrounding urban fabric without negatively impacting traffic or infrastructure.

Given these considerations, the application warrants support as a logical, sustainable and socially beneficial development that enhances the efficient use of land while directly benefiting the local community.

13. RECOMMENDATION

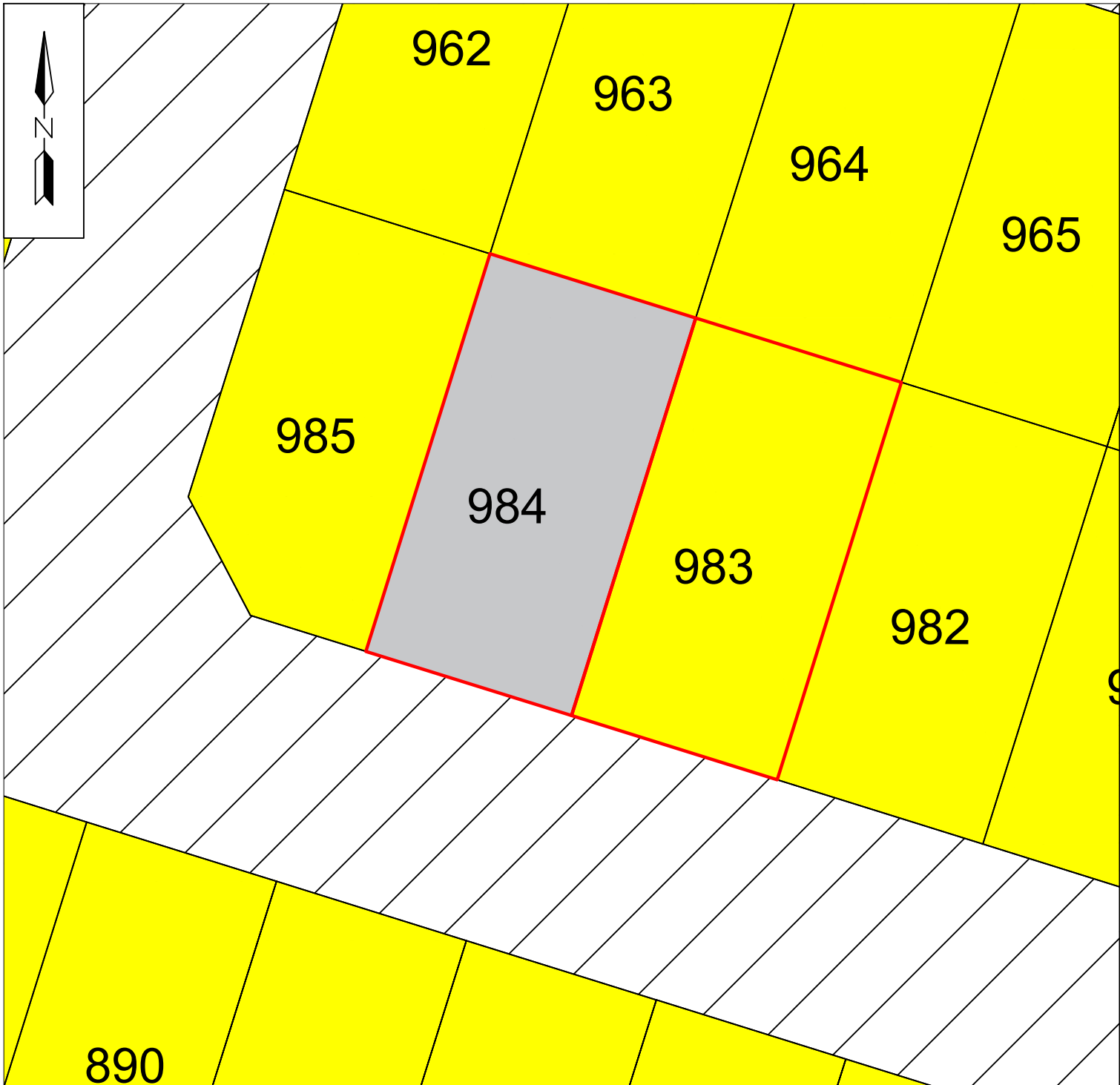
Based on the abovementioned motivation, it is recommended that the following be approved:

- 13.1 Rezoning** of Erf 984, Zwelihle from Residential Zone 1: Single Residential to Community Zone 1: Community Facilities in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.2 Consent Use** to allow a dwelling house on Erf 984, Zwelihle in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.3 Permanent Departure** from the building lines to allow the existing structures on Erf 984, Zwelihle in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 as follows:
 - 13.3.1 Permanent Departure** from the Western 5,0m Side Building Line to 1m to allow the existing addition.

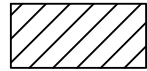


CONCLUSION AND RECOMMENDATION

- 13.3.2 Permanent Departure** from the Eastern 5,0m Side Building Line to 1m to allow the existing addition.
- 13.3.3 Permanent Departure** from the 5,0m Street Building Line to 1,48m to allow the existing addition.
- 13.3.4 Permanent Departure** from the Western 5,0m Side Building Line to 2,24m to allow the existing bathroom.
- 13.3.5 Permanent Departure** from the 5,0m Rear Building Line to 1,18m to allow the existing bathroom.
- 13.4 Permanent Departure** from the required parking provisions in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.5 Exemption for the registration of a right of way servitude** over Erf 983, Zwelihle in favour of Erf 984, Zwelihle in terms of Section 26 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.6 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



3. Proposed Zoning Plan Erven 983 & 984 - Zwelihle



Transport Zone 2: Road and Parking



Residential Zone 1: Single Residential



Open Space Zone 1: Nature Reserve



Community Zone 1: Community Facilities

Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

Tel: 028 313 1411

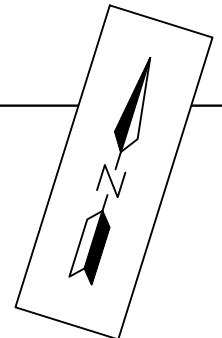
Email: admin@wrapgroup.co.za

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



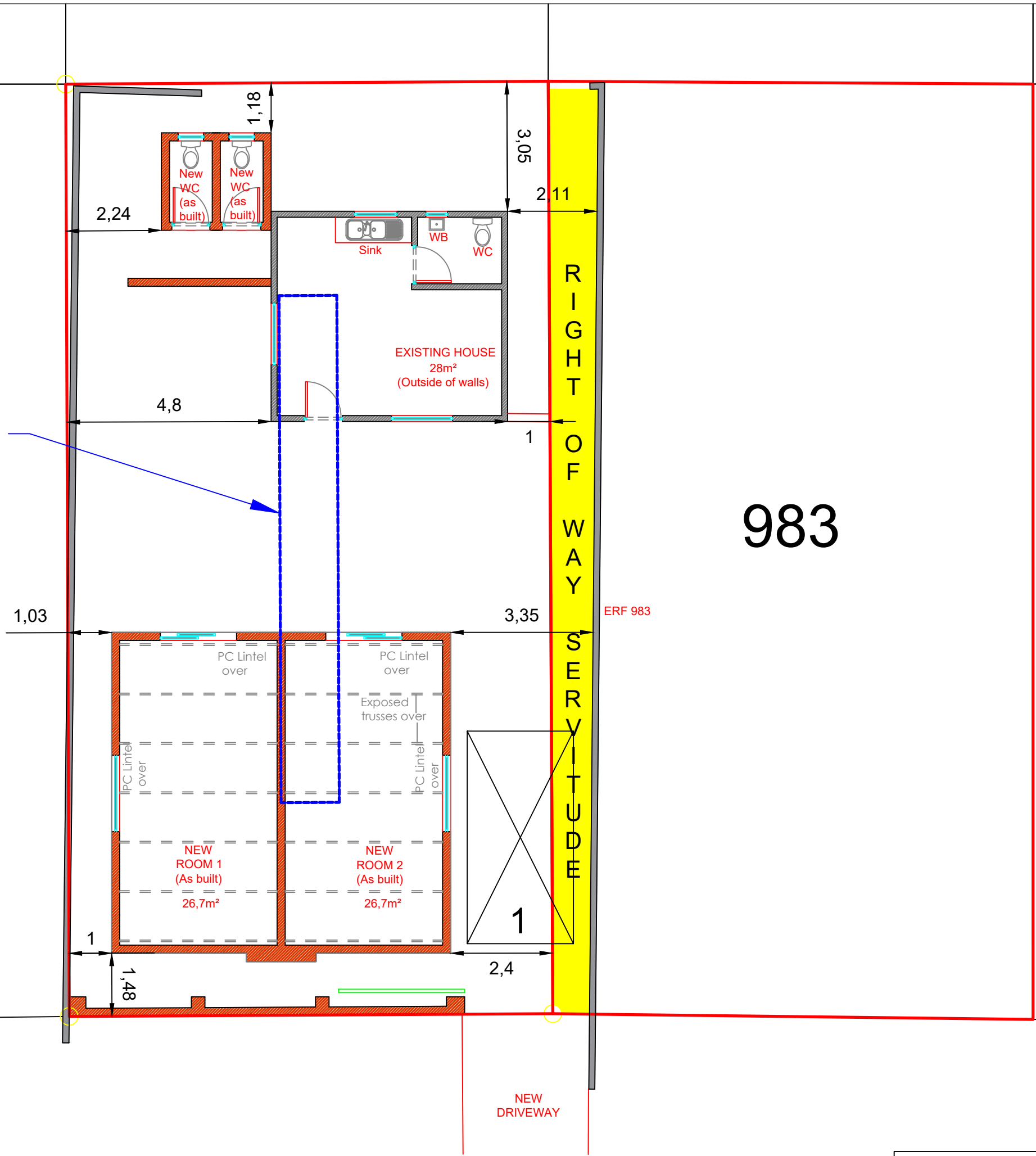
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890



5,0m Building Line

985



983

ERF 983

NEW DRIVEWAY

5. Site Plan
Erf 984 - Zwelihle

SITE - 250.0m²

EXISTING DWELLING - 28.0m²
EXISTING COVERED - 28,0m²

NEW ADDITIONS AND ALTERATIONS

ADDITIONS:
GROUND - 60,9m²
NEW OUTSIDE TOILETS -6,0m²
TOTAL ADDITIONS - 66,9m²

TOTAL NEW COVERED AREA -
28,0m² + 60,9m² = 88,9m²

COVERAGE ALLOWED - 60%
EXISTING COVERAGE - 11,2%

NEW COVERAGE 88,9m²/250m² = 35,6%

Plan date: 05/03/2025
Plan Number: 25.16(001)

Plan prepared by: Thian Jansen
Based on Plans of blackPEPPERcollective

All distances are approximate
and subject to a survey

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Project Office
Town Planning & Project Management

Scale 1 : 100