



ERF 1180, 223 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF MJ VAN DER WALT

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) that an application has been received for the following:

- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law for a five (5) bedroom guest house.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the north-eastern side building line from 2m to 0m to accommodate the use-change of the servant's quarters to manager's quarters and the carport to a storage room.
- ❖ **Determination of an administrative penalty** in terms of Section 90(q) of the By-Law.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) on or before **09 May 2025**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the **Town Planner, Mr. P Roux** 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 Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 1180, HOOFWEG 223, EASTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM VERGUNNINGSGEBRUIK, AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE WRAP PROJECT OFFICE NAMENS MJ VAN DER WALT

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek ontvang is vir die volgende:

- ❖ **Vergunningsgebruik** ingevolge Artikel 16(2)(o) van die Verordening vir 'n vyf (5) slaapkamer gastehuis
- ❖ **Afwyking** ingevolge Artikel 16(2)(b) van die Verordening om:
 - die noord-oostelike syboullyn vanaf 2m na 0m te verslap om die gebruiksverandering van die bediende kwartier na bestuurderskwartiere en die motorafdak na 'n stoorkamer te akkommodeer.
- ❖ **Bepaling van 'n administratiewe boete** ingevolge Artikel 90(q) van die Verordening

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (e) alida@overstrand.gov.za) voor of op **09 Mei 2025**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. P. Roux** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

ISIZA 1180, 223 MAIN ROAD, EASTCLIFF, HERMANUS, KUMASIPALE WASE-OVERSTRAND: ISICELO SOKUSETYENZISWA KWEMVUME, UKUTENXA KUNYE UKUMISELWA KWESOHLWAYO SOLAWULO: MESSRS WRAP PROJECT OFFICE EGAMENI LIKA MJ VAN DER WALT

Isaziso sinikwe apha ngokweCandelo lama-48 loMthetho kaMasipala oLungisiweyo waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala) wokuba isicelo sifunyenwe koku kulandelayo:

- ❖ **Ukusetyenziswa kwemvume** ngokweCandelo le-16(2)(o) loMthetho kaMasipala kwindlu yeendwendwe zokulala ezintlanu (5).
- ❖ **Ukutenxa** ngokweCandelo le-16(2)(b) loMthetho kaMasipala ukuya:
 - nciphisa umgca wesakhiwo wecala lomntla-mpuma ukusuka kwi-2m ukuya kwi-0m ukulungiselela ukutshintshwa kokusetyenziswa kweendawo zokuhlala zomkhonzi ukuya kwiindawo zokuhlala zomphathi kunye ne-carport kwigumbi lokugcina.
- ❖ **Ukumiselwa kwesohlwayo solawulo** ngokweCandelo lama-90(q) loMthetho kaMasipala.

Iinkcukacha ezipheleleyo malunga nesindululo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi kwe-08:00 kunye ne-16:30 kwiSebe: UCwangciso lweDolophu, ePaterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo zinokungeniswa ngokungqinelana nezibonelelo zeCandelo 51 nelama-52 loMthetho kaMasipala oxeliweyo (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) **09 ngoMeyi okanye ngaphambi koko 2025**, ucaphula igama lakho, idilesi. kunye neenkukacha zohagamshelelwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo yomnxeba inokwenziwa **kuMchwangcisi weDolophu, uMnu. P Roux** ngo-028-313 8900. UMasipala usenokwala ukwamkela izimvo azifumeneyo emva komhla wokuvala. Nawuphi na umntu ongakwaziyo ukufunda nokubhala angatyelela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kubancedisa ukuze benze izimvo zabo zibe sesikweni.

1. Locality Plan Erf 1180 Hermanus

Plan prepared by: Veronica Jansen

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



Project Office
Town Planning & Project Management



Scale 1 : 1000



1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
By-Law	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020
SR1	Residential Zone 1: Single Residential

2. PROPERTY DETAILS

Erf Number	Erf 1180 Hermanus
Extent	892m ²
Zoning	Residential Zone 1: Single Residential

3. BACKGROUND AND INTENT

Erf 1180 Hermanus, referred to as the subject property, is located at 223 Main Road, Hermanus (refer to **Plan 1 – Locality Plan**). The owner appointed WRAP Project Office to submit this land use application on her behalf (refer to **Annexure A – Power of Attorney**).

The subject property has been owned by the owner since 1997. She has been operating a guest house from the property since 2008 after she obtained approval to operate a guest house in 2007 (refer to **Annexure C – Land Use Approval 2007**).

In 2017, approval was obtained for a consent use for a guest house with five (5) lettable bedrooms provided that the conditions of approval be adhered to (refer to **Annexure D – Consent Use Approval 2017**). Condition 1(a) which states that, *the owner has to apply for the approval for the change of use of the servant's quarters for the manager's accommodation and an application in order to depart from the 2m eastern lateral building line in order to legalise existing extension to the servant's quarters*, was complied with, but the departure was only partly approved in September 2017 (refer to **Annexure E – Departure Approval 2017**) and therefore both approvals lapsed in September 2022 (refer to **Annexure H – Zoning Certificate**). It needs to be reiterated that the owner only rented out four (4) bedrooms since approval was obtained as the guest house manager was staying in the fifth bedroom (bedroom 4).

The owner was unaware that the approval has lapsed and therefore this application aims to rectify the situation to ensure the property may be utilized as a five (5) bedroom guest house. The owner is in the process of selling the property and only realized the issue after potential buyers inquired about the approvals.

The permanent departure from the 2m north-eastern building line to 0m to allow a store room in its current position was approved in September 2017 and lapsed in 2022 as building plans were not submitted for the store room. Therefore, application for permanent departure from the building lines to accommodate the use-change again, is also applied for.



Additionally, permanent departure from the 2m north-eastern building line to 0m is also applied for with regards to the servant's quarters which is proposed to be used as a manager's quarters. Previously the use-change was not approved due to the increased size that was proposed, but the owner is now proposing a smaller manager's quarters of an approximate size of 14,5m² which includes the bathroom.

The owner has continued operation of the guest house after the approval lapsed in 2022 as she was unaware of the lapsed approval. Since the owner has been operating the guesthouse without the necessary approval, it is required that an application for the determination of an administrative penalty is also submitted.

Below is a timeline summary to conclude the background of how the rooms were rented out in relation to the manager's room:

Year:	Approvals:	Number of guest rooms rented out:	Location where manager reside:
2017 – 2022	Consent use approval for a guest house received 2017.	Four (4) bedrooms	Fifth (5 th) bedroom of the guest house.
2022	Approval lapsed	-	-
2022 – 2024	None	Four (4) bedrooms	Fifth (5 th) bedroom of the guest house.

To ensure compliance with the OMLUS, approval of the following applications is required:

- Consent use to allow a guest house;
- Permanent departure from the building lines to accommodate a use-change; and
- Determination of an administrative penalty.

4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

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

4.1 Consent Use for a guest house.

As mentioned in Section 3 of this report, the subject property had historic approval for a guest house in terms of a previous zoning scheme that had lapsed without the knowledge of the owner. Operations have however continued, and the owner recently discovered that the approval has lapsed after a potential buyer inquired about the historic approval. The owner purposefully built the dwelling to operate as a guest house of the highest standard. Each room is well equipped to ensure that the requirements of guests are met.

The property is improved with a dwelling consisting of 5 bedrooms, a store room, carport and a servant's quarters. The main dwelling house is a double-storey structure with a ground floor and a first floor. The guest house consists of five (5) bedrooms of which one (1) bedroom is exclusively used by the manager but it is proposed to also be used for a guest room as the proposal is to change the use of the servant's quarters to a manager's quarters. In 2007, the owner had approval to use all five bedrooms of the guest house

which is proof that a five-bedroom guest house will not be out of character for the property. It is a requirement from the OM that a guest house should have a manager on-site. The property is ideally located on Main Road in Eastcliff, Hermanus with views of the ocean.

The building plans of the guest house reflect high architectural integrity, and the property was designed to be optimally used as a guest house. It blends seamlessly with the mixed-use character of the surrounding area. Each bedroom can accommodate two guests, and each room has an en-suite bathroom to ensure the privacy of the guests. In addition, the property has seven parking bays of which one is used by the manager, and the remaining 6 is used by the guests. The guest house requires five parking bays for the five bedrooms and two for the owner/manager, therefore the parking provision aligns with the parking requirements of the OMLUS (refer to **Plan 4.1 – Site Plan**).

The guest house is located in Eastcliff, and the property owner hopes that it will continue to attract guests and patrons from all over the world. The property owner has operated the guest house successfully for over 15 years and is aware of the high competition in Eastcliff and Hermanus with regard to guest houses. They welcome this competition, as each guest house offers a unique experience as illustrated in **Figure 1** below.



Figure 1: Pictures of the guest house on the subject property

The guest house is considered favourable as a result of the following:

- Economic Benefit:

Allowing the guest house to operate legally will contribute to the local economy by attracting tourists, which will benefit local businesses and create employment opportunities.

- Architectural and Environmental Harmony:

The guest house is designed with high architectural integrity and blends seamlessly with the mixed-use character of the surrounding area. Its location on Main Road provides guests with scenic views of the ocean, enhancing their experience and contributing positively to the area's aesthetic.



- High-Quality Accommodation:

The property is purpose-built to provide high-quality accommodation. Each room is well-equipped, ensuring guest comfort and privacy, which meets the high standards expected by visitors.

- Compliance with OMLUS:

The guest house meets the parking requirements stipulated by OMLUS, demonstrating the owner's commitment to complying with land use regulations.

- Operational Success and Experience:

The owner has successfully operated the guest house for several years, demonstrating her capability to manage the establishment efficiently and effectively. Her experience ensures that guests receive a high standard of service.

- Support for Local Tourism:

The guest house attracts visitors from around the world, contributing to the tourism sector in Eastcliff and Hermanus. This influx of tourists supports local tourism initiatives and promotes the region as a desirable destination.

4.2 Permanent Departure from the 2m north-eastern side building line to 0m to accommodate the change of use of the carport to a store room and the servant's quarters to a manager's quarters.

The subject property has building plans which were approved in 1981 and 2006 with regards to the existing servant's quarters and carport. The carport is now proposed to have the use changed from a carport to a store room. The store room within the building line was previously approved in September 2017 in a different location as is now proposed, but the approval has lapsed and therefore, the reason for the re-application. No new structures are proposed in the building line as all structures are existing. Refer to **Figure 2** on the following page for an illustration of what was proposed in 2017 versus what is proposed now.

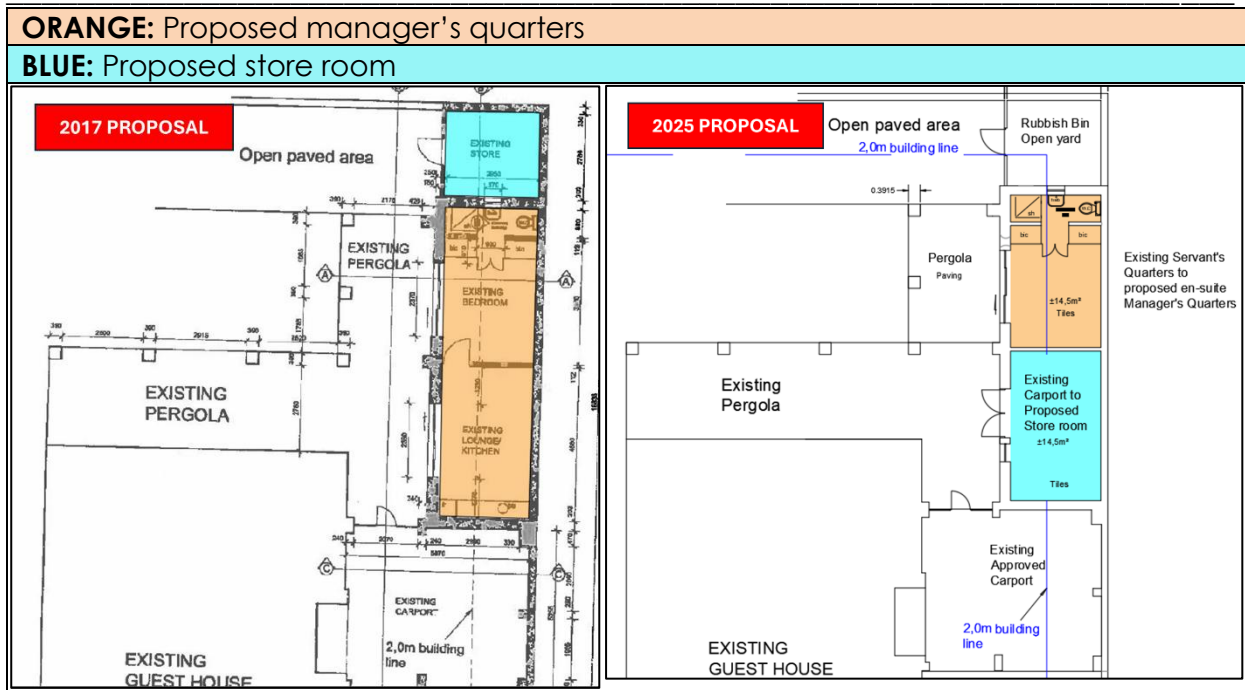


Figure 2: 2017 Proposal versus 2025 Proposal (store room and quarters)

It needs to be reiterated that the structure was approved in its current position within the building line, but due to the change of use, approval of a permanent departure from the 2m building line to 0m is now required. It is important for a guest house to have an appropriate storage area to ensure the guest house remains neat and clutter-free. The storage area will be used for storing the linen and all other guest house supplies.

From the illustration in Figure 2, it is evident that the owner considers the comments from the municipality by proposing the manager's quarters in a much smaller extent than what was proposed in 2017.

Approximately ±20,7m² of the area of which the land use is proposed to change, is located within the side building line. The historic carport was converted into a store room while the carport approved in 2006 is used for parking. It is important to note that a store room is non-habitable space of which only 9,8m² is located over the 2m building line on the north-eastern side of the property.

The servant's quarters is proposed to be converted into a manager's quarters and will be used independently by the manager in conjunction with the guesthouse. Therefore, the only habitable space (10,9m² within the building line) that is created is a small section where the approved servant's quarters is currently situated which is proposed to be extended marginally.

The Overstrand Municipality Land Use Scheme (OMLUS) requires a guest house to have the owner or a manager residing on the property. To comply with this requirement, the existing servant's quarters, which has historically been part of the approved structures on the property, is proposed to be used as the manager's quarters. The presence of an on-site manager ensures the efficient operation of the guest house, enhances guest experience, and maintains security.

The proposed uses do not involve any new structural additions but simply a change in use of the existing structures as motivated throughout this report.

4.3 Determination of an administrative penalty in terms of Section 90(3).

The property has been operating as a guesthouse since 2007 and has not been interrupted. In 2017, approval was obtained for a consent use for a guest house provided that the conditions of approval be adhered to (refer to **Annexure D – Consent Use Approval 2017**). The following condition was complied with, but the departure was only partly approved in September 2017 (refer to **Annexure E – Departure Approval 2017**).

“Condition 1(a) which states that, *the owner has to apply for the approval for the change of use of the servant’s quarters for the manager’s accommodation and an application in order to depart from the 2m eastern lateral building line in order to legalise existing extension to the servant’s quarters*”

The owner did not use the servant’s quarters for the manager and continued using the manager’s quarters located on the ground floor of the guesthouse (as indicated in **Figure 3** below). The owner assumed that the approval for the store room was final due to the structures being existing and only the use being changed. Therefore, she did not submit building plans, and therefore both approvals lapsed in September 2022 (refer to **Annexure H – Zoning Certificate**). It needs to be reiterated that the owner only rented out four (4) bedrooms since approval was obtained as the guest house manager was staying in the fifth room, refer to **Figure 3** and **Figure 4**.

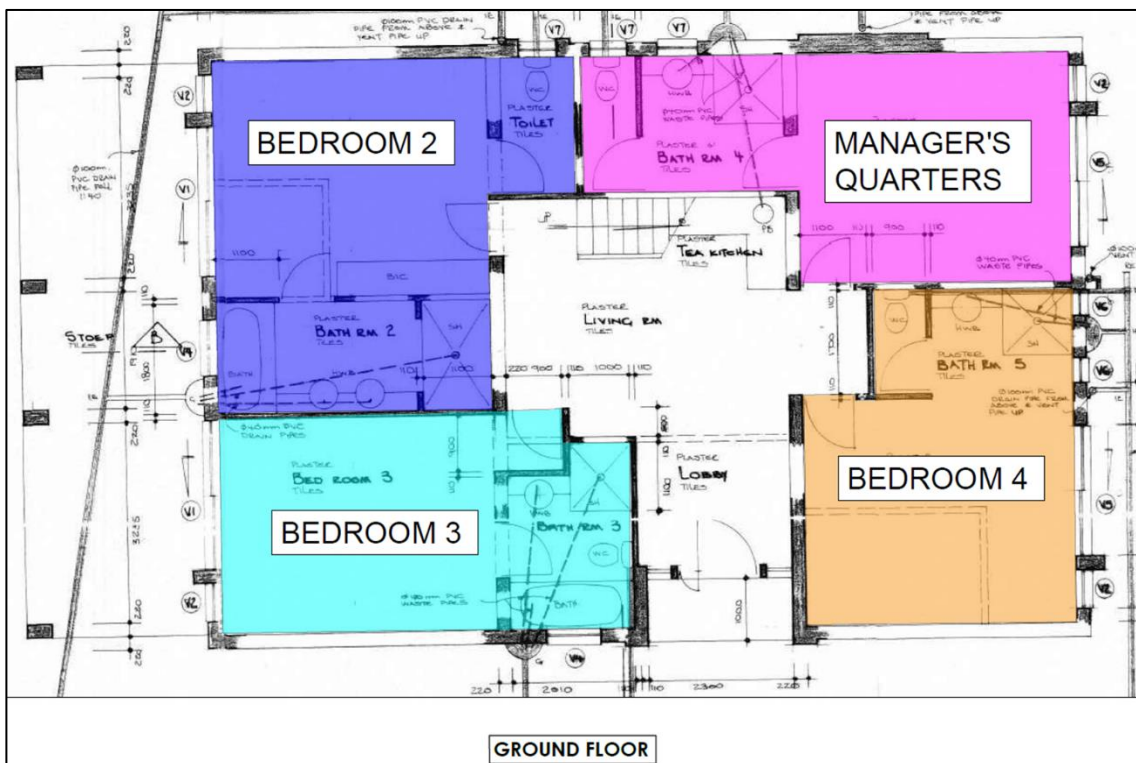


Figure 3: Room allocation on the ground floor of the guesthouse

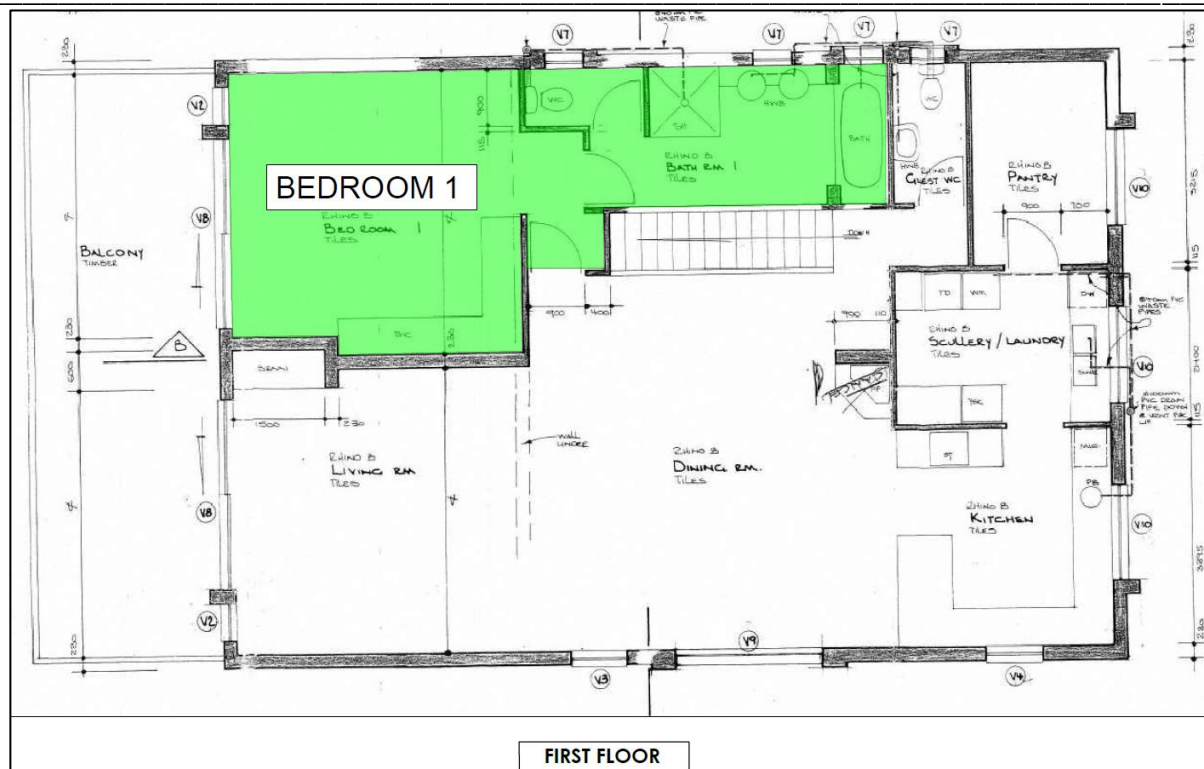


Figure 4: Room allocation on the first floor of the guesthouse

To ensure compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 it is of importance to include the determination of an administrative penalty into this application. We would however like to request that the administrative penalty be reduced as this application serves as method to rectify contravention that had occurred.

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

The nature, duration, gravity, and extent of the contravention

The nature, gravity and extent are explained in Section 3, 4.1 and 4.2 above and summarised below:

- The guest house was operating without approval from 2022 to date.
- The existing carport was converted to a store room in 2017.

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

The intention was never to knowingly contravene the provisions of the OMLUS. The property owner had a vision and executed on her vision and there was never any malintent planned by the property owner.

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

Due to the small scale of the contravention, a quantity surveyor was not involved.

Since the approval of the initial consent use for a guest house, the owner paid property rates for a guest house with 5 lettable rooms in terms of the Overstrand Municipality's budget. Even when the initial approval lapsed after 5 years, the owner kept on paying the rates applicable to a property letting 5 rooms.



MOTIVATION

The Municipality at no stage lost any property rates but received rates according to the use. We are of the opinion that this fact plays a major role in determining the administrative penalty.

Whether the unlawful conduct was stopped

The guest house is still operational as it would not be financially viable to shut down the guest house. The owner is dependent on the income from the guest house, and it would cause financial ruin should the guest house be closed.

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 property owner has not previously contravened the By-Law.

5. LAND USE ENVIRONMENT

The properties surrounding the subject property are predominantly zoned for single residential purposes. The surrounding area's zonings are illustrated in **Plan 3** (zoning plan).

6. TITLE DEED

Title deed T120576/1997 (refer to **Annexure B**) was perused and there are no restrictive conditions that prohibit the proposal.

7. ZONING

The following zoning parameters were assessed in conjunction with the SR1 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:



RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL			
Land Use Restrictions			
	Parameters	Proposal	Comply/ deviate
Primary use	Crèche, Dwelling House , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House	Comply
Consent use that may be applied for	Day Care Centre, Green House, Guest House , House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	Guest House	Applied for and motivated
Development parameters			
Coverage	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area: 400m ² and greater = 50%	Proposed Coverage = 27,73%	Comply
Building lines	(i) The street building line is determined in accordance with the net erf area: 400 m ² and greater = 4m (ii) The side and rear building lines are determined in accordance with the net erf area: Greater than 400 m ² = 2m	(i) Comply (ii) Permanent departure from the 2m north-eastern side building line to 0m to accommodate the use change of the servant's quarters to manager's quarters and a carport to a store room.	Applied for and motivated
Height	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	Existing – two Storey	Comply
Garages and carports	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	<u>Parking Requirements:</u> 5 parking bays required for the 5 guest rooms & 2 parking bays required for the manager 7 parking bays required 7 parking bays provided	Comply



8. SERVICES

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

Electricity, Water, Sewage and Solid Waste

The subject property is connected to the OM's networks, which include electricity, water and sewage. The proposal of this application is not expected to put excessive amount of pressure on these networks.

Solid waste is collected every week by the OM.

Access and Egress

Access and egress to the subject property is gained from Main Road and the proposal will not affect this.

9. NEED AND DESIRABILITY

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

Need and desirability

The need for the land use application is a result of addressing all the land use requirements and ensuring the property meets the requirements of the owner. To achieve this, the owner is required to apply for a removal of restrictive title deed conditions and a consent use to allow the guest house.

Socio-economic impact	<p>The consent use and departure are predicted to have a socio-economic impact. The operation of the guest house creates direct employment opportunities for local residents, including managerial staff, housekeeping, maintenance, and other support services. This provides stable income and improves the livelihood of employees and their families.</p> <p>Guests staying at the guest house likely visits nearby restaurants, shops, and attractions, leading to increased revenue for local businesses. This boost in customer traffic can help sustain and potentially expand these businesses, fostering a more vibrant local economy.</p> <p>By offering high-quality accommodation, the guest house attracts more tourists to Eastcliff and Hermanus. Increased tourism can lead to a higher demand for local tours, activities, and cultural experiences, further stimulating economic growth in the region.</p> <p>The presence of a well-maintained and attractive guest house can enhance the overall appeal and value of the surrounding properties. This can be beneficial for other</p>
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	<p>property owners in the area, contributing to a positive real estate market.</p> <p>The economic benefits generated by the guest house can contribute to community development projects. Increased tax revenue from the successful operation of the guest house can be used by local authorities to improve infrastructure, public services, and community facilities.</p> <p>The guest house hosts visitors from various parts of the world, promoting cultural exchange and understanding. This can enrich the local community's cultural fabric and foster a sense of global connectedness.</p> <p>With its commitment to high-quality service and environmental harmony, the guest house serves as a model for sustainable tourism practices. This may encourage other businesses in the area to adopt similar practices, leading to a more sustainable and responsible tourism industry.</p> <p>The guest house will continue to contribute to local tax revenues through property taxes, business taxes, and other applicable levies. This revenue can be utilized by the local government to fund public services and community improvements.</p> <p>A successful guest house can enhance the identity and reputation of Eastcliff and Hermanus as desirable tourist destinations. This can attract more visitors and investment to the area, further boosting economic development and community pride.</p>
Compatibility with surrounding uses	The proposal is to ensure the property complies with the OMLUS. It is not predicted that the proposal is out of line with the surrounding area as the guest house is designed to maintain a residential feel, ensuring it does not disrupt the tranquillity of the neighbourhood. Its operation is consistent with the local residential atmosphere, and it provides a quiet and comfortable environment for guests and neighbours alike.
Impact on the external engineering services	Refer to <i>Section 8</i> of this report.
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on safety, health, and wellbeing of the surrounding community.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	It is not predicted that the proposal will have an impact on the biophysical environment.



Traffic impacts, parking, access and other transport related considerations	The proposal will not have an impact on traffic, parking or access.
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Impact on views, sunlight and character of the area

The subject property is located in a residential neighbourhood and the existing buildings are compliant with the OMLUS's development parameters ensuring no views, sunlight, or the character of the area is affected.

The guest house was designed in such a way to ensure it does not take away from the character of the area. It is not predicted that the proposal will have any impact on the views, sunlight, and character of the area.

Economic impact

The proposal will have a sustainable impact on the economy by firstly creating job opportunities in an area where there used to be low economic activity. The guests being accommodated at the guest house will be spending money in Eastcliff, Hermanus and the surrounding areas. The guest house also adds additional value onto the property, which creates additional income for the municipality through the collection of rates and taxes and an increased municipal valuation.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The proposal is not predicted to have a negative impact on surrounding properties.

Impact on heritage

As previously mentioned, the subject property is not listed in the OM Heritage Register.

Environmental impact

The subject property is not located within an environmentally important area.

10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is not located within the EMOZ.

10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is located within the 'Route of Regional Scenic Significance' HPOZ. The proposal will not have an impact on these Heritage Protection Overlay Zones as it is existing.

10.3 Spatial Planning Policies

PSDF

Broad policy objectives

The objective of the policy is to create an enabling policy environment and prioritises the creation of employment opportunities, social inclusion and improvement of the quality



of life of the Western Cape inhabitants. The development principles in the PSDF are informed by other spatial planning policies which are aimed at creating a policy alignment between different spheres of government.

Consistency of the proposal with the policy

The PSDF highlights that the OM functions as a significant leisure, lifestyle and holiday economic centre. The approval and implementation will enable the property owner to continue to operate a guest house that will allow guests and tourist to have accommodation available while supporting the lifestyle and holiday economic centre as prescribed by the policy.

The policy cites those coastal economic activities to include nature-based tourism. The guest house is ideally located in Eastcliff located close to Hermanus and has easy access to the Hermanus CBD to support the local businesses. This is one of the drawcards to the region and this proposal is intended to capitalise on this nature-based tourism that is prevalent on the subject property.

The PSDF promotes the transition of urban settlements from having limited economic opportunities to a variety of livelihoods and opportunities. This guest house is intended to ensure additional economic opportunities are available on the subject property which is compatible with the mixed land use fabric and will contribute towards the provision of a variety of livelihoods as prescribed by the policy.

MSDF

The broad policy objectives of the SDF include enhancing the image of the Overstrand as a liveable urban area that provides a range of facilities and activities which tourists can enjoy. Development proposals should also capitalise on the unique sense of place which urban areas in the Overstrand are renowned for. The SDF promotes developments that enhance the visual quality and attraction of the built environments while preserving the social and cultural attributes which are valued by inhabitants.

Consistency of the proposal with the policy

The spatial proposal plan designates the subject property for residential purposes and the proposed guest houses on the property is in harmony with this designation.

The policy cites that tourism destinations need to be accessible, safe and attractive through maintaining current facilities and developing new ones. This proposal entails the continuation of the operation of the guest house and entails the continuation to operate the property as a tourist accommodation facility that is accessible and with a variety of safety and security measures as prescribed by the policy.

The policy highlights that development proposals should ideally protect the unique character of the Greater Hermanus. The building is within the development bulk and scale of the SR1 zoning, and the guest house is in harmony with the prevalence of other guest houses within the Hermanus area.



11. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by 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 refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal to continue to operate a guest house is not predicted to contribute to past spatial injustices.

Spatial sustainability and Efficiency

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal to continue the utilisation of the property for more than just a residential property and operate a guest house which will ensure the property is being used for its maximum capabilities.

Spatial resilience

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

Good administration

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



12. EVALUATION

The proposal is to allow the property owner to continue utilising her property as a guest house. The guest house has been operating since 2008. The owner now understands the land use process and will ensure that all land uses and buildings adhere to the provisions of OMLUS in the future.

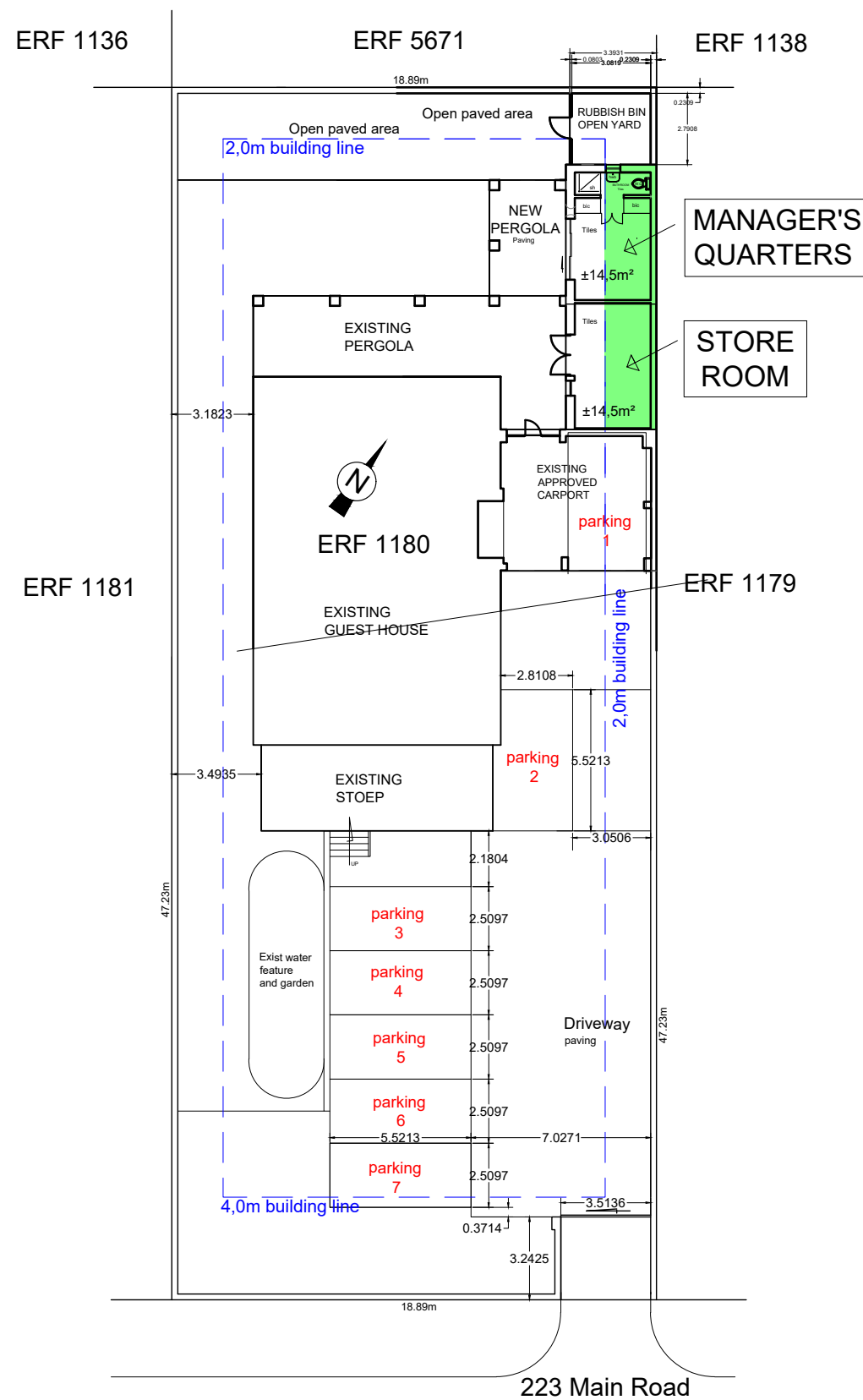
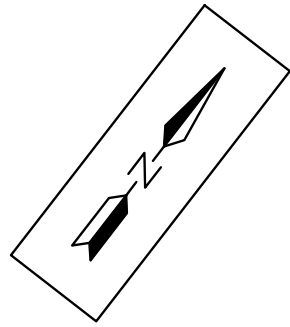
Therefore, the application serves as a mitigation measure to determine the administrative penalty, as there has been no malintent and no complaints have been received regarding the operation of the guest house. The owner has also taken corrective steps to submit this application to ensure the guest house is legally operated, including approval for the use-change of the servant's quarters to manager's quarters and the carport to a storage area at the side of the property.

The proposal is not out of context with the surrounding area and is not seen as a nuisance land use. The proposal is in harmony with all relevant spatial planning policies.

13. RECOMMENDATION

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

- 13.1 Consent Use** for a guest house in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.2 Permanent departure** from the 2m north-eastern side building line to 0m to accommodate the use-change of the servant's quarters to manager's quarters and the carport to a storage area in terms of section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.3 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



4. Departure Plan Erf 1180 Hermanus

Extent - 892m²

Coverage - 27,73%

Proposed Parking

5 Guest Rooms = 5 Parking Bays
Managers = 2 Parking Bays

Total Parking Bays required = 7

Total Parking Bays provided = 7

- Permanent departure from the 2m north-eastern side building line to 0m to accommodate the use change of the servant's quarters to a manager's quarters and the carport to a storage area

Plan prepared by: Veronica Jansen on 26/02/2025
Based on plans by Louis van Tonder Architects

All distances are approximate
and subject to a survey

Tel: 028 313 1411

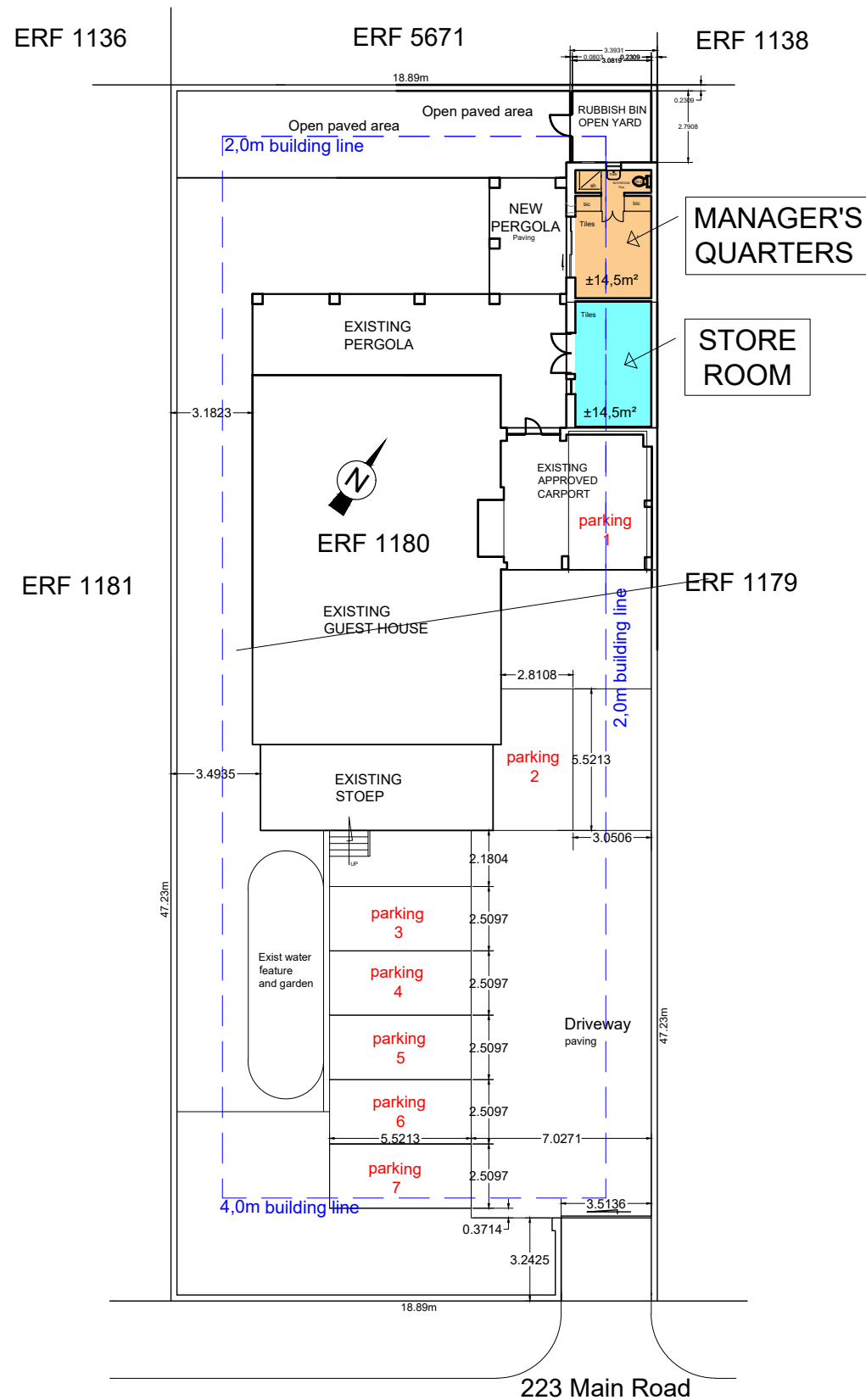
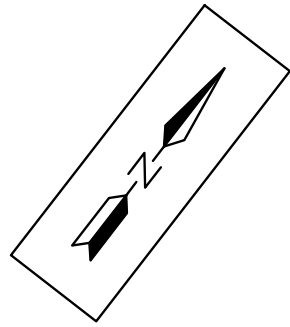
Email: admin@wrapgroup.co.za

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



Project Office
Town Planning & Project Management

Scale 1 : 250



4.1 Site Plan
Erf 1180 Hermanus

Extent - 892m²

Coverage - 27,73%

Proposed Parking

5 Guest Rooms = 5 Parking Bays
Managers = 2 Parking Bays

Total Parking Bays required = 7

Total Parking Bays provided = 7

- Permanent departure from the 2m north-eastern side building line to 0m to accommodate the use change of the servant's quarters to a manager's quarters and the carport to a storage area

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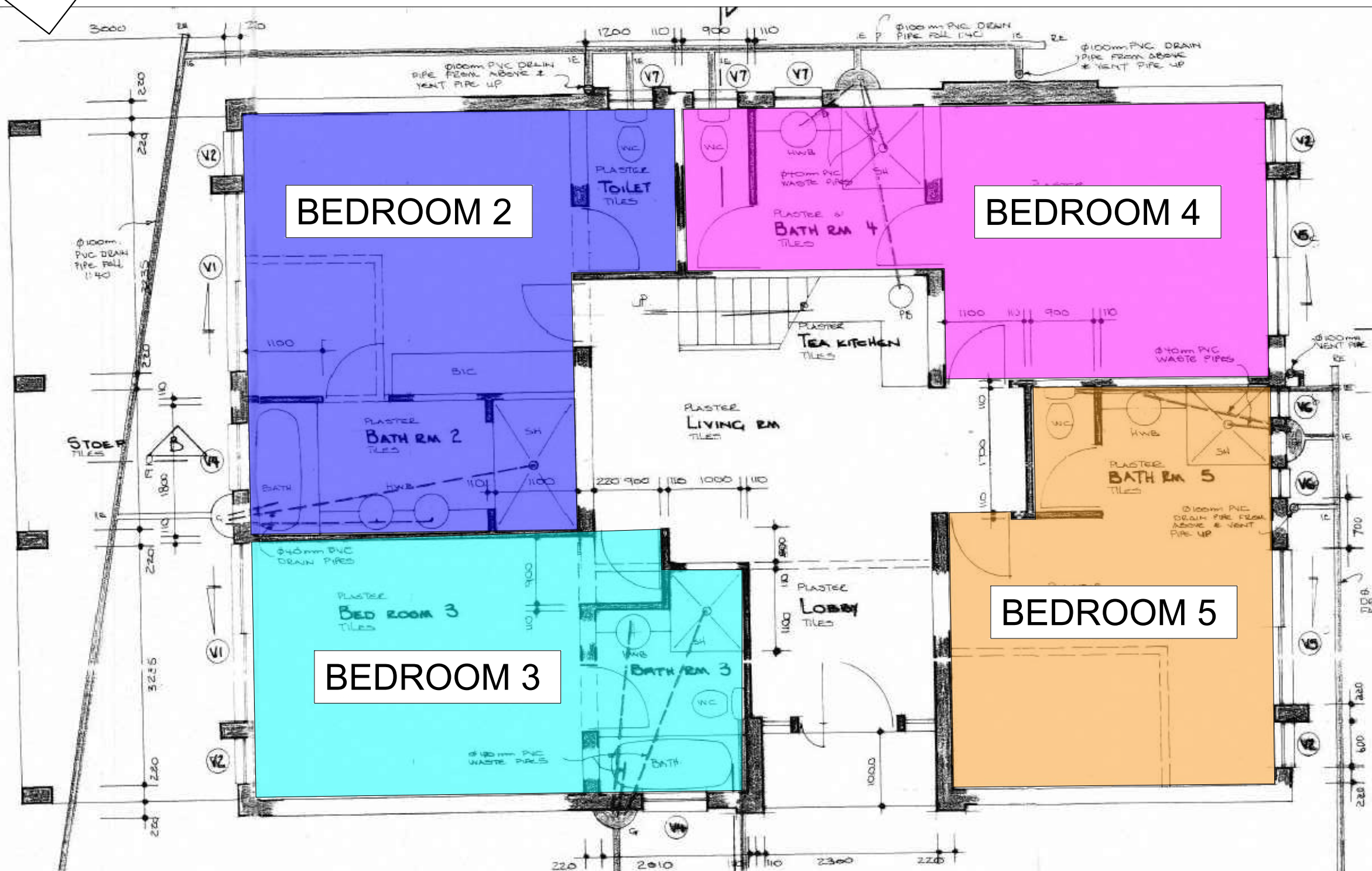
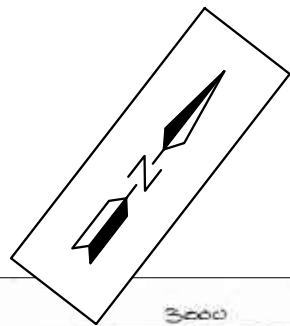
Email: admin@wrapgroup.co.za

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Street Hermanus, 7200



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Town Planning & Project Management

Scale 1 : 250



GROUND FLOOR

NOT TO SCALE

4.2 Site Plan
Erf 1180 Hermanus

Extent - 892m²

Coverage - 27,73%

Proposed Parking

5 Guest Rooms = 5 Parking Bays
Managers = 2 Parking Bays

Total Parking Bays required = 7

Total Parking Bays provided = 7

- Permanent departure from the 2m north-eastern side building line to 0m to accommodate the use change of the servant's quarters to a manager's quarters and the carport to a storage area

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