



**ERF 2582, 121 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF G & R LEDERLE**

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

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
  - relax the southern lateral building line from 3m to 1.77m and 1.5m to accommodate the change of use;
  - relax the southern lateral building line from 3m to 0m to accommodate the built-in braai, and
  - relax the permissible height restriction applicable to boundary walls from 2.1m to 2.4m and 2.8m.
- ❖ **Determination of an administrative penalty** in terms of section 16(2)(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, 16 Paterson Street, Hermanus. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **Friday, 15 August 2025**, quoting your name, address and contact details, interest in the application and the reasons for comment. Telephonic enquiries can be made to **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 2582, TIENDESTRAAT 121, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE WRAP PROJECT OFFICE NAMENS G & R LEDERLE**

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

- ❖ **Afwyking** ingevolge Artikel 16(2)(b) om:
  - die suidelike syboullyn vanaf 3m na 1.77m en 1.5m te verslap om die gebruiksverandering te akkommodeer;
  - die suidelike syboullyn vanaf 3m na 0m te verslap om ingeboude braai te akkommodeer, en
  - die toelaatbare hoogtebeperking van toepassing of grensmure vanaf 2.1m na 2.4m en 2.8m te verslap.
- ❖ **Bepaling van 'n administratiewe boete** ingevolge artikel 16(2)(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 ingevolge die bepalings van Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) bereik voor of op **Vrydag, 15 Augustus 2025**, met u naam, adres en kontakbesonderhede, belang in die aansoek sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **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.

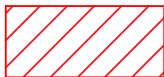
**ISIZA 2582, 121 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND UMMANDLA KAMASIPALA: ISICELO SOKUTENXA NGOKUSISIGXINA KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: MESSRS WRAP PROJECT OFFICE EGAMENI LIKA-G & R LEDERLE**

Isaziso sinikwe apha ngokweCandelo lama-48 loMthetho kaMasipala oLungisiweyo we-Overstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, wowama-2020 (uMthetho kaMasipala), sokuba isicelo sifunyenwe koku kulandelayo:

- ❖ **Ukutenxa** ngokweCandelo 16.2(b) loMthetho kaMasipala ukuze:
  - yokuthomalalisa umgca wesakhiwo osecaleni osemazantsi ukusuka kwi-3m ukuya kwi-1.77m kunye ne-1.5m ukulungiselela utshintsho lokusetyenziswa;
  - yokuthomalalisa umgca wesakhiwo osecaleni osemazantsi ukusuka kwi-3m ukuya kwi-0m ukulungiselela i-braai eyakhelwe ngaphakathi, kunye
  - ukukhulula uthintelo lobude obuvumelekileyo obusebenza kwiindonga zemida ukusuka kwi-2.1m ukuya kwi-2.4m kunye ne-2.8m.
- ❖ **Ukumiselwa kwesohlwayo solawulo** ngokweCandelo lama-90(5) loMthetho kaMasipala.

Iinkcukacha ezipheleleyo malunga nesindululo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi kwe-08:00 kunye ne-16:30 kwiSebe: UCwangciso lweDolophu, 16 Paterson Street, Hermanus. Nawaphi na amagqabantshintshi abhaliweyo kufuneka angeniswe ngokungqinelana nezibonelelo zeCandelo 51 nelama-52 loMthetho kaMasipala oxeliweyo kwaye afikelele kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngoLwesihlanu okanye **ngaphambi koko, 15 EyeThupa 2025**, ucaphula igama lakho, idilesi kunye neenkukacha zohqagamshelwano, umdla kwisicelo kunye nezizathu zokuphawula. Imibuzo ngefowuni 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.

# Plan 1. Locality Plan Erf 2582 - Hermanus



Subject property

Plan prepared by: Thain Jansen

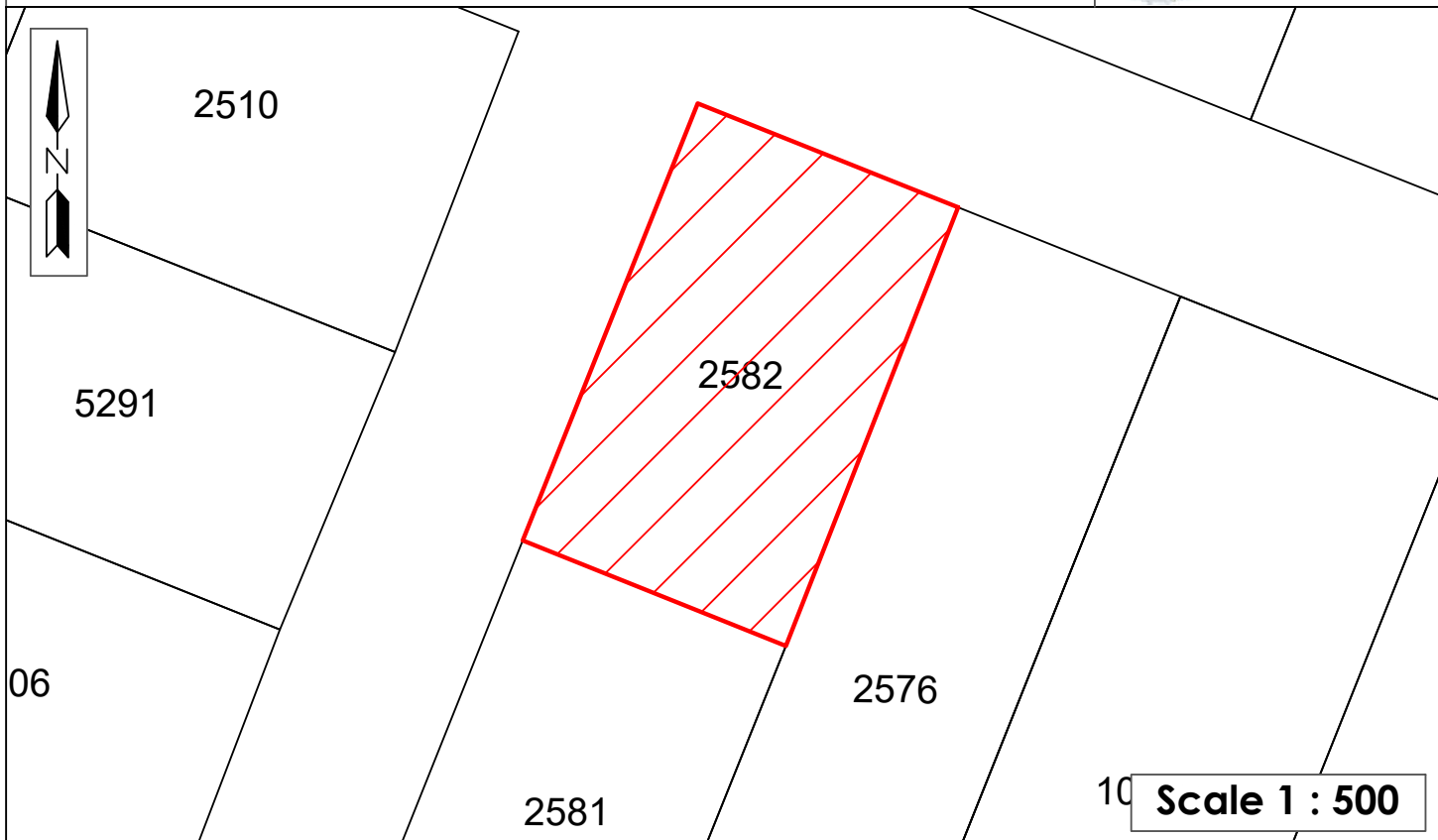
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**Project Office**  
Town Planning & Project Management





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### 1. ABBREVIATIONS

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<b>OM</b>	Overstrand Municipality
<b>OMLUS</b>	Overstrand Municipality Land Use Scheme, 2020
<b>By-Law</b>	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
<b>PSDF</b>	Western Cape Provincial Spatial Development Framework, 2014
<b>LUPA</b>	Western Cape Land Use Planning Act, 2014.
<b>MSDF</b>	Overstrand Spatial Development Framework, 2020

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### 2. PROPERTY DETAILS

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<b>Erf Number</b>	Erf 2582 Hermanus
<b>Extent</b>	495m <sup>2</sup>
<b>Zoning</b>	Business Zone 3: Local Business

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### 3. BACKGROUND AND INTENT

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Erf 2582 Hermanus, hereinafter referred to as the subject property, is situated at 121 Tenth Street, Voëlklip, Hermanus (refer to **Plan 1 – Locality Plan**). The property is uniquely positioned in that it holds business rights and is subject to a sectional title scheme. One of the sectional title owners has appointed WRAP Project Office to act on their behalf in the preparation and submission of this land use application (refer to **Annexure A – Power of Attorney**).

The property was transferred to the current owners in August 2023. Following transfer and upon taking occupation, the owners envisioned upgrading and modernising their section of the property to create a space that would serve as a comfortable and welcoming environment during visits to Hermanus. In the process of undertaking renovations, various alterations were made that necessitated the need for municipal consent. These alterations inadvertently resulted in non-compliance with certain development parameters.

Recognising the importance of adhering to regulatory requirements, the owners are now taking a proactive approach to regularise the unauthorised work and to bring the property into alignment with the applicable planning policies and regulations.

Accordingly, this application is submitted to address the existing contraventions through the following components:

- **Permanent departure** from the building line parameters;
- **Permanent departure** from the permissible boundary wall height; and
- **Determination of an administrative penalty.**

#### **4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT**

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

##### **4.1 Permanent departure** from the 3m south side building line to 1,77m and 1,5m to allow the existing change of use.

The subject property, Erf 2582 Hermanus, is zoned Business Zone 3, which requires a 3m building line along its southern boundary where it abuts a residentially zoned property. This increased setback is intended to provide a buffer between business and residential land uses. It is however important to note that although the subject property is zoned for business purposes, the specific sectional title unit in question is utilised exclusively for residential purposes, and no commercial activity is conducted from the unit.

A portion of the existing building encroaches onto this 3m building line. This structure was historically approved and lawfully constructed in its current form. In accordance with current planning legislation, any alterations to the approved structure now however require the consent of the local authority, even if the building footprint remains unchanged.

During the recent internal renovation process, the owners identified an opportunity to improve the liveability and functionality of their unit. Specifically, they proposed reconfiguring the interior layout by swapping the position of the kitchen and one of the bedrooms. This adjustment would allow for more practical use of the space, improve internal flow, and introduce direct access to the kitchen via a new opening window from the outside. This change enhances natural ventilation and the overall usability of the space, particularly for leisure stays in Hermanus.

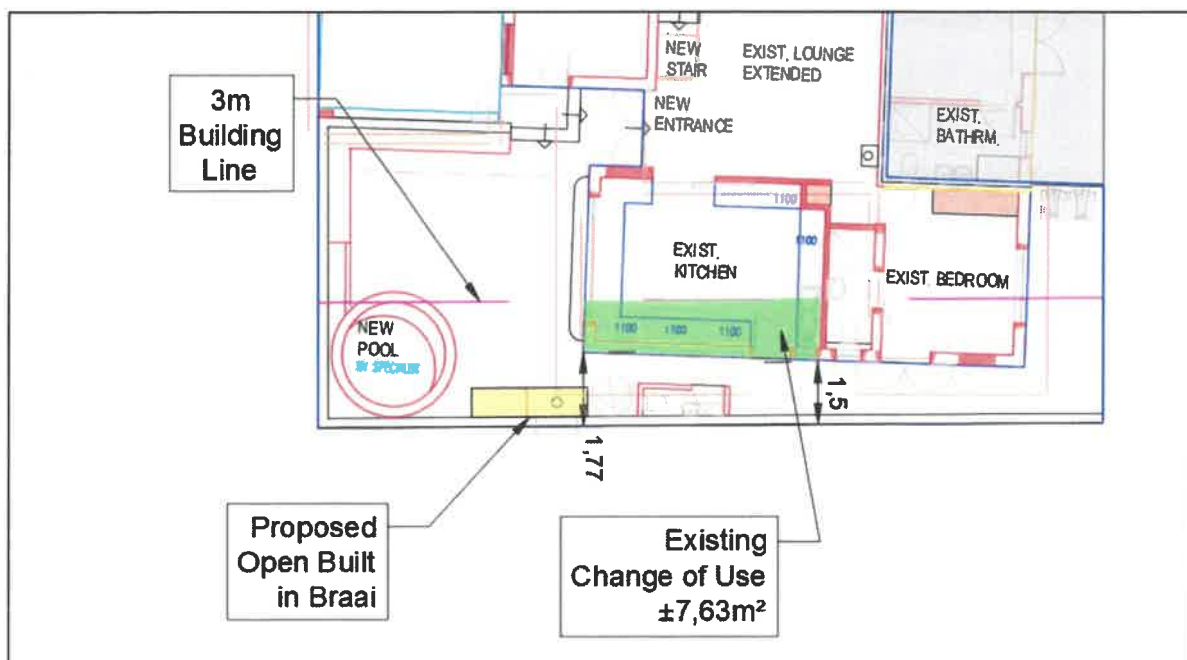


Figure 1: Existing Use Change



While this reconfiguration did not increase the building footprint or extend the existing structure further into the building line, it resulted in a change in use of a portion of the building within the setback area, from a bedroom (a less intensive use) to a kitchen (typically viewed as a more active space). As such, this alteration requires municipal approval in terms of building line encroachments.

Given that:

- the encroaching structure is existing and historically approved;
- no physical expansion or intensification of built form occurred;
- the property is used exclusively for residential purposes, similar in nature to the adjoining residential property; and
- and the internal changes enhance liveability without negatively impacting the neighbouring property or streetscape;

it is submitted that the departure from the prescribed building line warrants favourable consideration.

The change has no material adverse impact on the amenity, privacy, or sunlight of the neighbouring property and merely formalises an existing structure with an improved internal layout.

**4.2 Permanent departure** from the 3m southern side building line to 0m to allow the proposed built-in braai.

As part of the current land use application, approval is also being sought for the construction of a built-in braai within the southern side building line. The proposed braai structure will be open in design and built at a standard height of 0,9m from the finished floor level. Due to the natural slope of the site, the braai is situated approximately 1,56m above the natural ground level when measured from the lowest adjacent point. In accordance with the OMLUS, any structure exceeding 1m in height within a building line requires formal consent from the local authority.

The braai is intended to enhance the owners' enjoyment of the property and support its primary residential use. It would serve as a functional outdoor amenity for entertaining, in keeping with the typical lifestyle associated with holiday and coastal homes in Hermanus. The location of the braai has been carefully selected to avoid overlooking or impacting adjacent properties and does not introduce any additional bulk or enclosure that would detract from the visual character or amenity of the surrounding area.

It is worth noting that the owners had commenced construction of the braai in good faith during the renovation process. The issue was brought to their attention by the municipal building inspector, who advised that approval would be required due to the height of the structure in relation to natural ground level. Upon receiving this notification, the owners immediately ceased construction and voluntarily dismantled the incomplete structure to ensure full compliance with municipal requirements.

This application therefore seeks to regularise the intended development through the appropriate legal channels and enable the construction of the braai in a compliant manner. The proposed built-in braai is modest in scale, open in form, and compatible with both the use of the property and the surrounding residential context. It will not

negatively impact neighbouring properties and is considered to be reasonable and appropriate within the established development pattern of the area.

**4.3 Permanent departure** from the 2,1m permissible boundary wall height to allow a raised boundary wall of 2,4m – 2,8m.

A departure is required to formalise a deviation from the permissible 2,1m boundary wall height, as measured from the natural ground level. The need for this departure arises due to the elevated finished floor level (FFL) of the subject property in relation to the natural ground level along the southern boundary. While the wall appears higher from the exterior due to this topographical difference, it remains fully compliant when measured from inside the property, where it does not exceed 2,1m in height from the FFL.

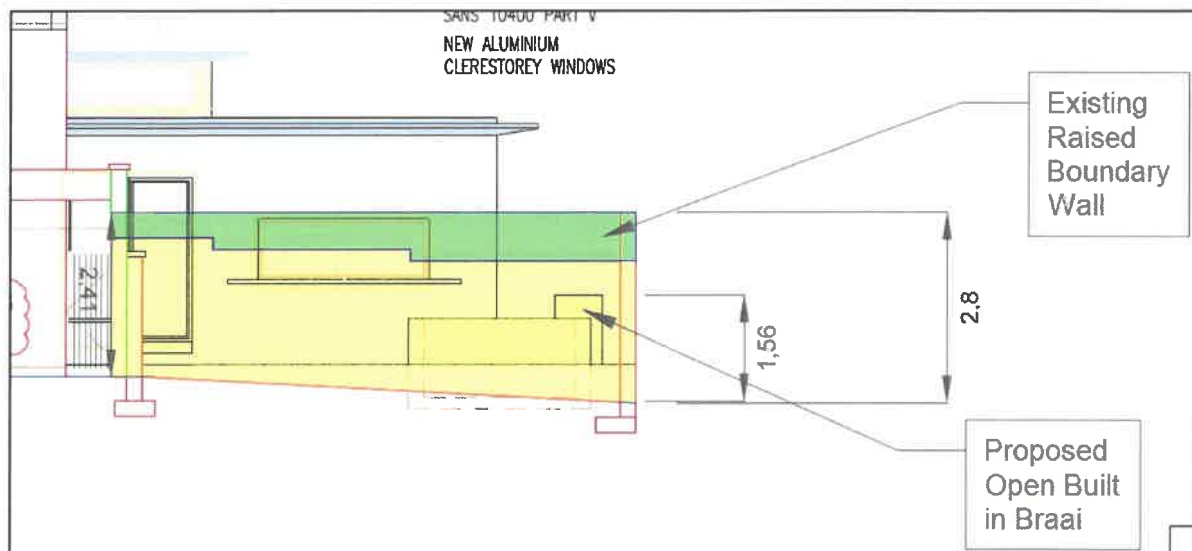


Figure 2: Existing raised boundary wall

From a functional and planning perspective, permitting the increased wall height from the natural ground level offers several tangible benefits:

**Enhanced Privacy**

The elevated position of the dwelling results in a visual line of sight into the neighbouring property, which is zoned residential and used for residential purposes. A higher boundary wall mitigates this issue, ensuring mutual privacy between properties and avoiding overlooking that would otherwise occur due to the difference in levels. This contributes to a more comfortable and private residential environment for both parties.

**Improved Security**

A taller wall enhances the security of the property by making it less susceptible to unauthorised access. The higher wall provides a valuable physical barrier and deterrent without compromising the aesthetic or character of the neighbourhood.

**Noise and Wind Mitigation**

The higher wall assists in reducing noise transmission from adjacent properties or public areas. In coastal areas like Hermanus, such walls also help to buffer strong prevailing winds, contributing to a more sheltered and usable outdoor space for residents.



### **Visual Integration with the Site's Topography**

The wall has been designed in direct response to the site's natural slope and integrates seamlessly with the built form of the dwelling. The perceived increase in height is not the result of excessive or out-of-character construction, but rather a practical adaptation to ensure functional and proportional enclosure.

### **Consistent Residential Character**

In many similar residential contexts, especially in sloped or terraced environments, higher boundary walls are commonplace and accepted as a practical necessity. The proposed wall maintains consistency with the established residential character of Voëlklip and does not introduce visual clutter or an imposing presence.

The departure is necessary not to accommodate unnecessary scale, but to formalise a condition that results from the natural slope of the site and to ensure that the wall provides the expected residential benefits of privacy, safety, and comfort. The wall does not detract from the character or amenity of the area and represents a logical and reasonable planning response to the site's unique conditions.

#### **4.4 Determination of an administrative penalty in terms of Section 90(5).**

The proposed land use application includes a request for the determination of an administrative penalty in accordance with the By-Law. This request arises from several alterations made to the sectional title unit situated on Erf 2582, Hermanus.

Upon taking occupation, the owners undertook a renovation process to improve the functionality and comfort of the unit for personal use. This included the reconfiguration of internal spaces, notably the conversion of a bedroom into a kitchen to improve flow and provide outdoor access via a new opening window. The boundary wall was also increased in height beyond the permissible limit. These changes were made without prior municipal approval.

The extent of the contraventions is modest and does not involve large-scale expansion or additional structures. The changes rather relate primarily to the internal reconfiguration of space, a minor encroachment over the building line, and an increase in boundary wall height resulting from topographical variations. The proposed modifications enhance the overall usability of the unit and are consistent with the established residential character of Voëlklip.

The unit forms part of a sectional title development zoned for business purposes, but this specific section is used exclusively for residential purposes. The encroachments and alterations support this residential use and do not conflict with the land use rights of neighbouring properties, all of which are also residential in nature. No complaints or objections have been received from adjacent property owners, and the changes do not affect access to sunlight, privacy, or ventilation.

Given the limited scale, short duration, and minimal impact of the contraventions, as well as the owners demonstrated willingness to cooperate fully with the Municipality, it is respectfully submitted that the administrative penalty is kept to a minimum. This application is submitted not to justify non-compliance, but to rectify an unintentional oversight and to ensure that the property is fully compliant moving forward.



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 4.3** above and summarised below:

Contravention	Contravention Extent
Existing Change of Use – Bedroom to Kitchen	±7,63m <sup>2</sup>
Existing Raised Boundary Wall (Between 2,4m – 2,8m)	±4,51m <sup>2</sup>

**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 this 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.

**Whether the unlawful conduct was stopped**

The construction of the contraventions has already occurred and is existing.

**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.

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**5. LAND USE ENVIRONMENT**

The properties surrounding the subject property are predominantly zoned for Single Residential purposes, but there is one Business-zoned property located directly adjacent to the subject property. The zoning of the surrounding area is illustrated in **Plan 2 - Zoning Plan**.

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**6. TITLE DEED**

Title deed ST16070/2023 (refer to **Annexure B**) was perused and there are no restrictive conditions that prohibit the proposal.

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**7. ZONING**

The following zoning parameters were assessed in conjunction with the B3 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:



<b>BUSINESS ZONE 3: LOCAL BUSINESS</b>			
<b>Land Use Restrictions</b>			
	<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>
<b>Primary use</b>	Shops, Dwelling Unit (Above Ground Floor) in Accordance With 6.3.2, Flats (Above Ground Floor), Offices, <b>Restaurant</b> , Caretaker's Accommodation and Self-Catering	<ul style="list-style-type: none"> <li>• Restaurant</li> <li>• Flats</li> </ul>	Comply
<b>Consent use that may be applied for</b>	Bottle Store, Business Premises, Clinic, Conference Facility, Dwelling Unit (on Ground Floor) an accordance with 6.3.2, Flats (on Ground Floor), Town Housing in accordance with 6.3.2, Tourist Accommodation, Hotel, Institution, Place of Assembly, Place of Entertainment, Place of Instruction, Place of Worship, Recreational Facilities, Residential Building, Sale of Alcoholic Beverages, Service Station, Service Trade and Transmission Apparatus (Subject to the provisions of Chapter 16.10)	<ul style="list-style-type: none"> <li>• Dwelling Unit</li> </ul>	Comply
<b>Development parameters</b>			
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is 75%.	Coverage = <b>67%</b>	Comply
<b>Building lines</b>	(i) the street building line is 0m, provided that a 5,0 m building line applies where fuel pumps are erected; (ii) the side building line is 0m, provided that where any Business Zone 3 abuts another zone, the side building line is 3,0 m; (iii) the rear building line is 3,0m, provided that where any Business Zone 3 abuts another zone, the rear building line is 3,0 m; and (iv) provided that the Municipality may require more restrictive building lines in the interests of public	(i) Comply  (ii) Permanent departure: From the 3m southern side building line to 1,5m to 1,77m to allow the change of use and from 3m southern side building line to 0m to allow the proposed built-in braai  (iii) Comply (iv) Comply (v) Comply	<b>Applied for and motivated</b>



**MOTIVATION**

	health or safety or the environment or in order to enforce any applicable law or right; and (v) the building line exemptions in 16.1 apply.		
<b>Height</b>	(i) The maximum height of a building, measured from the base level to the top of the structure, is 8,5 m. (ii) The maximum number of storeys is 2.	(i) Comply (ii) Comply	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 additional pressure on the existing networks.

Solid waste is collected every week by the OM.

**Access and Egress**

Access and egress to the subject property is gained from 7<sup>th</sup> Avenue 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 permanent departure and a determination of an administrative penalty.

Socio-economic impact	The proposed alterations have no negative socio-economic impacts. The changes are limited to a sectional title unit used for residential purposes and do not introduce any commercial activity or intensification of land use. On the contrary, the improvements contribute positively by enhancing the liveability and value of the unit, supporting reinvestment into the area.
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## MOTIVATION

Compatibility with surrounding uses	Although the property is zoned for Business purposes, the unit in question is used solely for residential purposes. The surrounding area is primarily residential in character, with adjacent erven zoned for Single Residential use. The proposed departures and renovations are in keeping with this context and do not alter the existing use, ensuring compatibility with neighbouring properties.
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	The proposed alterations do not present any risk to the safety, health, or wellbeing of the surrounding community. There is no industrial or hazardous activity involved, and the use of the property remains residential. The boundary wall height adjustment promotes privacy and security, which contributes positively to the wellbeing of both the owners and adjacent residents.
Impact on heritage	The subject property is not a designated heritage site, nor is it located within a heritage protection overlay zone. The alterations do not involve any demolition or modification of historically significant structures. Consequently, the proposal does not impact the heritage character of the area.
Impact on the biophysical environment	No new development is proposed that would impact the natural environment. The renovations are limited to the existing built footprint and pertain to internal layout changes and minor external works (such as the built-in braai and boundary wall). No vegetation clearance or earthworks are involved, and therefore there is no impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	There are no traffic or transport-related impacts resulting from the proposal. Existing access to the unit is maintained, and no additional access points or driveways are proposed.

### **Impact on views, sunlight and character of the area**

The proposed alterations, including the increased boundary wall height and the addition of a built-in braai, are modest in scale and do not obstruct scenic views or compromise access to natural sunlight for neighbouring properties. The encroachments are minor and do not exceed the height or bulk typically found in the surrounding Voëlklip residential context. The structure remains visually unobtrusive and aligns with the architectural language and established character of the area, which is defined by a mix of permanent residences and holiday homes featuring similar external improvements and outdoor living spaces. No objections or concerns relating to views, overshadowing, or neighbourhood character have been received from surrounding owners, further supporting the compatibility of the proposal with the area.



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**Economic impact**

The completed internal alterations and proposed external alterations are limited to internal renovations and minor structural changes that support the continued residential use of the sectional title unit. These improvements enhance the functionality, comfort, and overall value of the property without altering its use or placing pressure on municipal resources.

**Opportunity cost**

In land use planning, opportunity cost refers to the potential loss or devaluation of existing or future land use rights of interested and affected parties as a result of a development proposal. In this case, the alterations to the sectional title unit on Erf 2582, Hermanus, are modest in nature and do not result in any land use changes that would compromise the rights or expectations of surrounding property owners. The unit remains in residential use, consistent with the prevailing character and zoning of the surrounding area. No development rights are being removed or diminished, and there is no infringement on access, amenity, or development potential of neighbouring erven. Therefore, the proposal does not result in any opportunity cost to the surrounding community or to the broader planning framework.

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**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 not located within the HPOZ.

**10.3 Spatial Planning Policies**

**MSDF**

The broad policy objectives of the SDF include enhancing the image of the Overstrand as a liveable urban area. 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 proposal aligns with the strategic objectives of the Overstrand Municipal Spatial Development Framework (MSDF), particularly its emphasis on sustainable development, spatial efficiency, and the optimal use of existing urban land.

The proposed permanent departures support the MSDF's focus on encouraging context-sensitive infill development and the improvement of existing properties, rather than outward urban expansion. By facilitating low-impact adaptations to an existing residential unit within the urban edge, the proposal promotes compact, efficient land use and contributes to the long-term sustainability of Voëlklip as a residential area. These alterations represent an investment in the existing built fabric, enhancing functionality without compromising the broader spatial or environmental objectives of the municipality.



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## 11. PLANNING PRINCIPLES

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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 entails planning decisions that do not reinforce historic spatial development imbalances. The proposed alterations to the sectional title unit, involve internal reconfiguration and minor departures that enhance the residential function of the unit. The proposal does not alter access to land, services, or opportunity in a way that would perpetuate past injustices. It is consistent with the existing use of the property and the surrounding residential context and thus does not contribute to spatial inequality.

### **Spatial Sustainability and Efficiency**

Spatial sustainability requires land use proposals to contribute to the viability and efficiency of the built environment. The proposal optimises the use of a property within the urban edge by introducing low-impact changes that improve the liveability and usability of the unit without increasing the built footprint. These alterations support densification through the more efficient use of existing space while maintaining the character of the Voëlkliip neighbourhood, thereby promoting long-term sustainability.

### **Spatial Resilience**

Spatial resilience refers to the ability of a place or development to absorb, adapt to, and recover from change while maintaining function. This application is fully aligned with the applicable planning policy framework, including the OMLUS and MSDF. It does not place undue demand on infrastructure or services and supports the adaptive reuse of internal space, which is a hallmark of spatially resilient development.

### **Good Administration**

The Overstrand Municipality maintains a sound reputation for procedural integrity in the administration of land use applications. This proposal will follow the prescribed public participation process as set out in the By-Law. This process ensures that interested and affected parties have the opportunity to submit comments, raise concerns, or provide suggestions. All submissions will be considered in good faith and responded to accordingly as part of a fair and transparent planning process.



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### 12. CONCLUSION

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Considering the above, the proposed land use application represents a balanced and contextually appropriate response to site-specific constraints and the evolving needs of the property owner. The alterations and departures are modest in scale, align with the established residential character of Voëlklip, and do not negatively impact neighbouring properties or municipal service provision. The application supports spatial policy objectives by promoting efficient land use, enhancing residential functionality, and demonstrating sensitivity to the urban fabric.

Importantly, the application also serves to regularise existing contraventions in good faith. The submission of this application reflects a cooperative and proactive approach to compliance, and no objections or adverse impacts have arisen from the changes made. It is therefore respectfully submitted that the departures be approved as applied for, and that the administrative penalty be kept to a minimum, in recognition of the limited extent of the contraventions and the owner's commitment to adhering to municipal land use regulations going forward.

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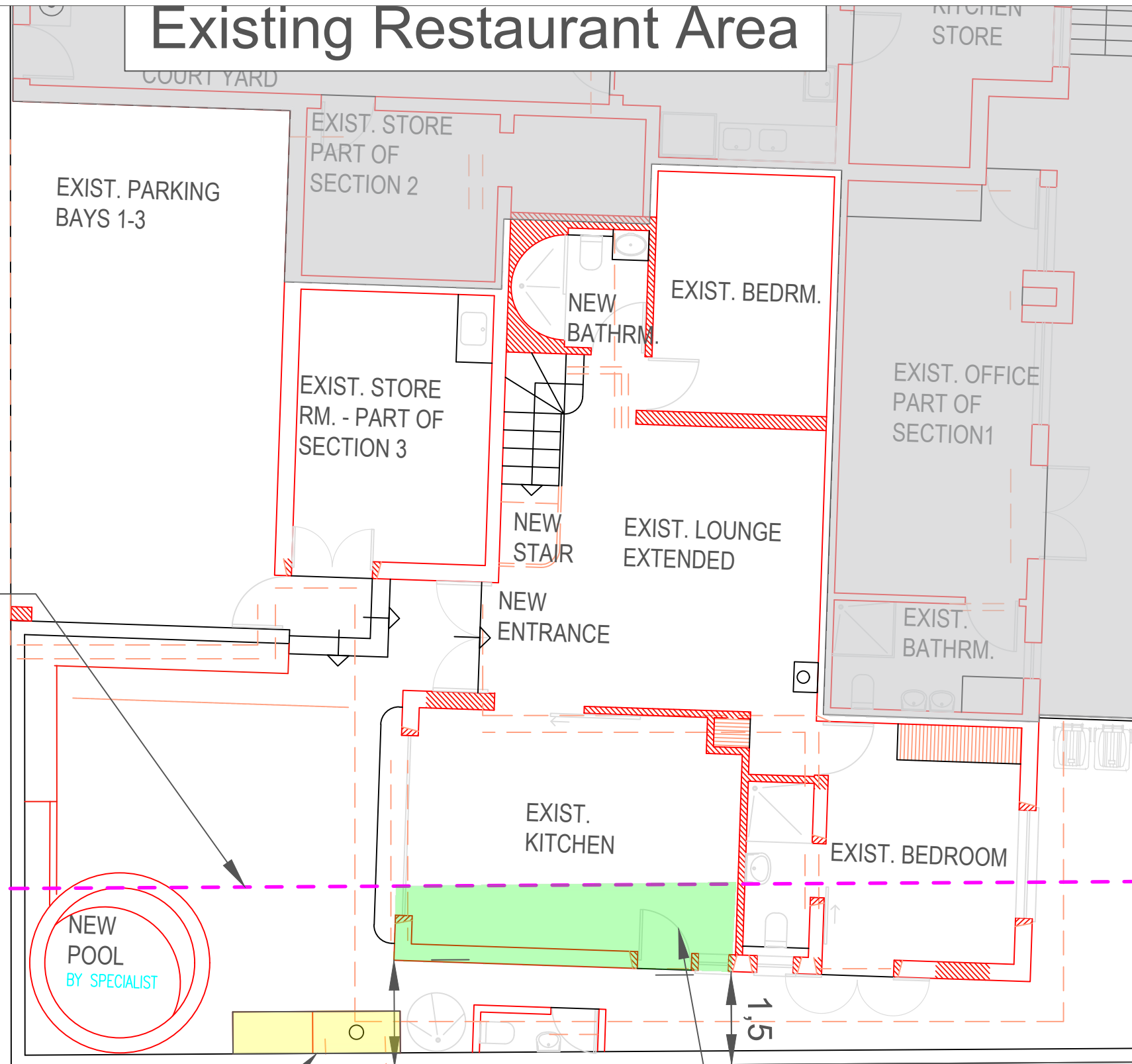
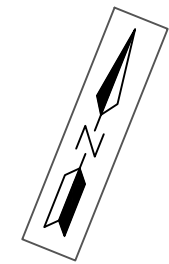
### 13. RECOMMENDATION

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

- 13.1 Permanent departure** from the 3m south side building line to 1,77m and 1,5m to allow the existing change of use in terms of section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.2 Permanent departure** from the 3m southern side building line to 0m to allow the proposed built-in braai in terms of section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.3 Permanent departure** from the 2,1m permissible boundary wall height to allow a raised boundary wall of 2,4m and 2,8m in terms of section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.4 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

# Existing Restaurant Area



3m  
Building  
Line

NEW  
POOL  
BY SPECIALIST

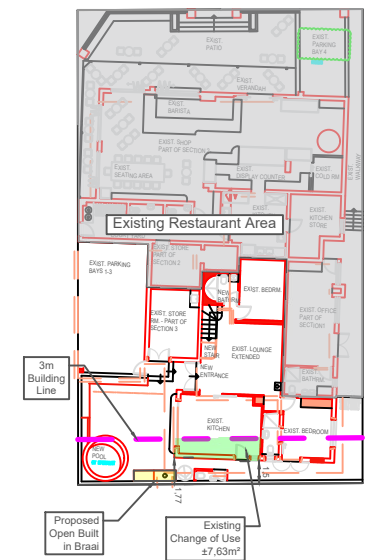
Proposed  
Open Built  
in Braai

Existing  
Change of Use  
±7,63m<sup>2</sup>

INSET AREA

SCALE 1 : 250

3. Plan 3.1 Site Plan  
Erf 2582 Hermanus



Plan prepared by: Thian Jansen on 23/05/2025  
Based on plans from Luke Architect

Plan Number - 25/65 (001)

All distances are approximate  
and subject to a survey

Tel: 028 313 1411

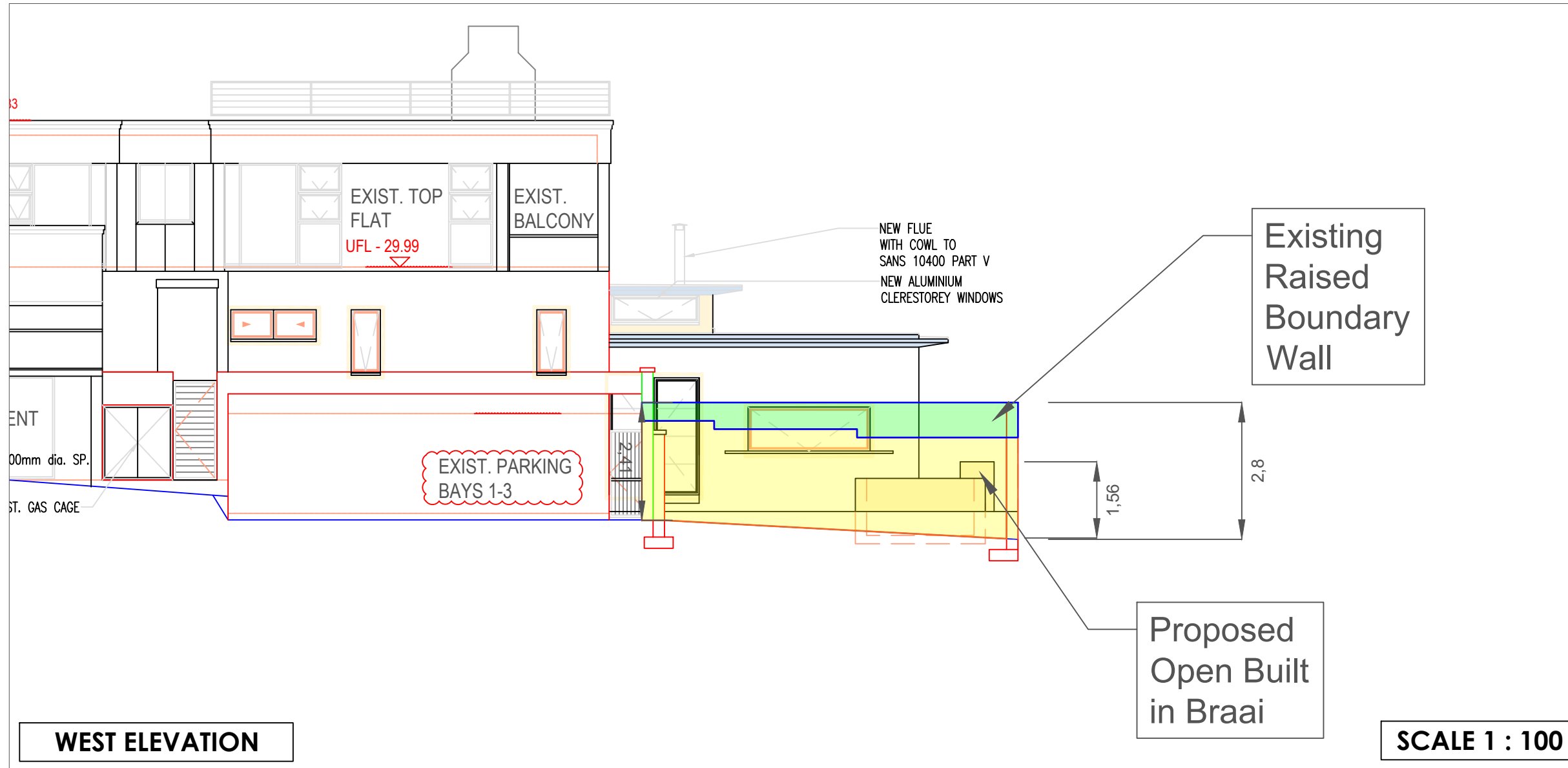
Email: admin@wrapgroup.co.za

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



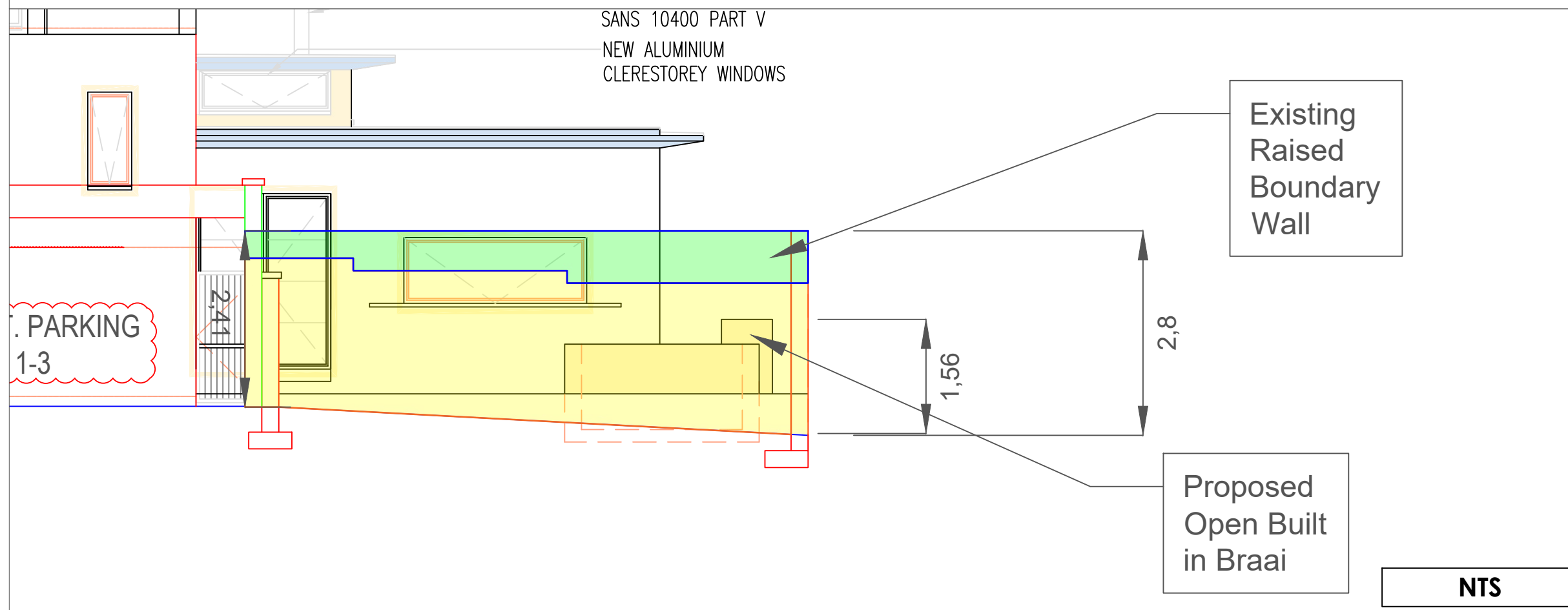
**Project Office**  
Town Planning & Project Management

3. Plan 3.2 Site Plan  
Erf 2582 Hermanus



WEST ELEVATION

SCALE 1 : 100



Plan prepared by: Thian Jansen on 23/05/2025  
Based on plans from Luke Architect

Plan Number - 25/65 (001)

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Corner of Royal and Dirkie Uys  
Street Hermanus, 7200

