

**ERF 530, 35 CHURCH STREET, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE, AMENDMENT OF SITE DEVELOPMENT PLAN AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF HERMANUS GUEST HOUSE TRUST**

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:

- > **Departure** in terms of Section 16.2(b) of the By-Law in order to:
  - relax the street building line from 4m to 3.2m and 3.6m to accommodate the rebuilding of the enclosed stoep (braai room);
  - relax the street building line from 4m to 2.7m to accommodate the proposed use change of the en-suite bathroom;
  - relax the western side building line from 4.5m to 1.8m to accommodate the proposed use change of the en-suite bathroom;
  - relax the eastern side building line from 4.5m to 1.4m to accommodate the proposed use change of the laundry room;
  - relax the western side building line from 4.5m to 1.3m to accommodate the existing tv lounge extension;
  - relax the western side building line from 4.5m to 1.9m & 2.8m to allow the proposed use change of the jacuzzi and lounge;
  - relax the western side building line from 4.5m to 0.6m to accommodate the existing shade net carport;
  - relax the rear building line from 3m to 0m to accommodate the existing shade net carport;
  - relax the eastern side building line from 4.5. to 0m to accommodate the proposed garage;
  - relax the eastern side building line from 4.5. to 1.4m to accommodate the existing deck;
  - relax the western side building line from 4.5m to 2.8m to accommodate the existing staff quarters;
  - relax the western side building line from 4.5m to 1.5m to accommodate the outdoor shower;
  - relax the western side building line from 4.5m to 2.8m to accommodate the existing day spa expansion;
  - relax the western side building line from 4.5m to 2.8m to accommodate the existing use change from a covered outdoor space to a day spa;
  - relax the western side building line from 4.5m to 1.85m to allow the proposed first floor addition to the existing dwelling house;
  - relax the street building line from 4.5m to 1.85m to allow the proposed first floor addition to the existing dwelling house, and
  - relax the eastern side building line from 4.5m to 2m to allow the proposed first floor addition to the existing dwelling house.
- > **Amendment of Site Development Plan** in terms of Section 16(2)(l) of the By-Law to accommodate the amended Site Development Plan.
- > **Determination of an administrative penalty** in terms of Section 90(5) 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](mailto:alida@overstrand.gov.za)) on or before **Friday 8 August 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. 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 Planning Department where a municipal official will assist them in order to formalize their comment.

**ERF 530, KERKSTRAAT 35, WESTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING, WYSIGING VAN TERREINONTWIKKELINGSPLAN: MNRE WRAP PROJECT OFFICE NAMENS HERMANUS GUEST HOUSE TRUST**

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:

- > **Afwyking** ingevolge Artikel 16(2)(b) van die Verordening ten einde die:
  - straatboulyn vanaf 4m na 3.2m en 3.6m te verslap om die herbou van die onderdak stoep (braaikamer) te akkommodeer;
  - straatboulyn vanaf 4m na 2.7m en die westelike syboulyn van 4.5m na 1.8m te verslap om die voorgestelde gebruikverandering van die en-suite badkamer te akkommodeer;
  - westelike boulyn van 4.5m na 1.8m te verslap om die voorgestelde gebruikverandering van die en-suite badkamer te akkommodeer;
  - oostelike syboulyn vanaf 4.5m na 1.4m te verslap om die voorgestelde gebruikverandering van die opwaskamer te akkommodeer;
  - westelike syboulyn vanaf 4.5m na 1.3m te verslap om die bestaande televisiekamer te akkommodeer;
  - westelike syboulyn vanaf 4.5m na 1.9m en 2.8m te verslap om die voorgestelde gebruikverandering van die jacuzzi en leef area te akkommodeer;
  - westelike syboulyn van 4.5m na 0.6m te verslap om die bestaande skadunet-motorafdak te akkommodeer;
  - agterboulyn van 3m na 0m te verslap om die bestaande skadunet-motorafdak te akkommodeer;
  - oostelike syboulyn van 4.5m na 0m te verslap om die voorgestelde motorhuis te akkommodeer;
  - oostelike syboulyn vanaf 4.5m na 1.4m te verslap om die bestaande dek te akkommodeer;
  - westelike syboulyn vanaf 4.5m na 2.8m te verslap om die bestaande personeelkwartier te akkommodeer;
  - westelike syboulyn vanaf 4.5m na 1.5m te verslap om die buite stort te akkommodeer;
  - westelike syboulyn vanaf 4.5m na 2.8m te verslap om die bestaande dag spa uitbreiding te akkommodeer;
  - westelike syboulyn vanaf 4.5m na 1.85m te verslap om die voorgestelde eerste vloer toevoegings tot die woonhuis te akkommodeer;
  - straatboulyn vanaf 4.5m na 1.85m te verslap om die voorgestelde eerste vloer toevoegings tot die woonhuis te akkommodeer, en
  - oostelike syboulyn vanaf 4.5m na 2m te verslap om die voorgestelde eerste vloer toevoegings tot die woonhuis te akkommodeer.
- > **Wysiging van tereinontwikkelingsplan** ingevolge Artikel 16(2)(l) van die Verordening om 'n gewysigde tereinontwikkelingsplan te akkommodeer.
- > **Bepaling van 'n administratiewe boete** ingevolge Artikel 90(5) 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](mailto:alida@overstrand.gov.za)) voor of op **Vrydag 8 Augustus 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. B. Minnaar** 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 530, 35 CHURCH STREET, WESTCLIFF, HERMANUS, KAMASIPALA WASE-OVERSTRAND: ISICELO SOKUTENXA, UKULUNGISWA KWESICWANGCISO SOPHULHISO LWESIZA KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: MESSRS WRAP PROJECT OFFICE EGAMINI LIKA HERMANUS GUEST HOUSE TRUST**

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 sesitratu ukusuka kwi-4m ukuya kwi-3.2m kunye ne-3.6m ukulungiselela ukwakhiwa kwakhona kwe-stoep evaliweyo (igumbi le-braai);
  - yokuthomalalisa umgca wesakhiwo sesitratu ukusuka kwi-4m ukuya kwi-2.7m ukulungiselela utshintsho olucetywayo lokusetyenziswa kwegumbi lokuhlambela le-en-suite;
  - yokuthomalalisa umgca wesakhiwo osecaleni lasentshona ukusuka kwi-4.5m ukuya kwi-1.8m ukulungiselela utshintsho olucetywayo losetyenziso lwegumbi lokuhlambela le-en-suite;
  - yokuthomalalisa umgca wesakhiwo osecaleni osepumpa ukusuka kwi-4.5m ukuya kwi-1.4m ukulungiselela utshintsho olucetywayo lokusetyenziswa kwegumbi lokuhlambela impahla;
  - yokuthomalalisa umgca wesakhiwo osecaleni lasentshona ukusuka kwi-4.5m ukuya kwi-1.3m ukulungiselela ukwandiswa kwendawo yokuphuma yetv ekhoyo;
  - yokuthomalalisa umgca wesakhiwo osecaleni lasentshona ukusuka kwi-4.5m ukuya kwi-1.9m & 2.8m ukuvumela utshintsho olucetywayo losetyenziso lwejacuzzi kunye negumbi lokuphuma;
  - yokuthomalalisa umgca wesakhiwo osecaleni lasentshona ukusuka kwi-4.5m ukuya kwi-0.6m ukulungiselela i-carport ekhoyo yomthunzi;
  - yokuthomalalisa umgca wesakhiwo osecaleni lasentshona ukusuka kwi-3m ukuya kwi-0m ukulungiselela i-carport ekhoyo yomthunzi;
  - yokuthomalalisa umgca wesakhiwo osecaleni osepumpa ukusuka ku-4.5. ukuya ku-0m ukulungiselela igaraji ecetywayo;
  - yokuthomalalisa umgca wokwakha osepumpa, ususwe kwi-4.5m uye kwi-1.4m ukwenzela ukulungiselela ithala elikhoyo;
  - yokuthomalalisa umgca wesakhiwo osecaleni lasentshona ukusuka kwi-4.5m ukuya kwi-2.8m ukulungiselela iindawo zokuhlala zababenzi ezikhoyo;
  - yokuthomalalisa umgca wesakhiwo osecaleni lasentshona ukusuka kwi-4.5m ukuya kwi-1.5m ukulungiselela ishawari yangaphandle;
  - yokuthomalalisa umgca wesakhiwo osecaleni lasentshona ukusuka kwi-4.5m ukuya kwi-2.8m ukulungiselela ukwandiswa kwe-spa yosuku olukhoyo;
  - yokuthomalalisa umgca wesakhiwo osecaleni lasentshona ukusuka kwi-4.5m ukuya kwi-2.8m ukulungiselela utshintsho olukhoyo losetyenziso ukusuka kwindawo egqunyweyo yangaphandle ukuya kwi-spa yosuku;
  - yokuthomalalisa umgca wesakhiwo osecaleni lasentshona ukusuka kwi-4.5m ukuya kwi-1.85m ukuvumela ukongezwa komgangatho wokuqala ocetywayo kwindlu yokuhlala ekhoyo;
  - yokuthomalalisa umgca wesakhiwo sesitratu ukusuka kwi-4.5m ukuya kwi-1.85m ukuvumela ukongezwa komgangatho wokuqala ocetywayo kwindlu yokuhlala ekhoyo, kwaye
  - yokuthomalalisa umgca wesakhiwo osecaleni osepumpa ukusuka kwi-4.5m ukuya kwi-2m. ukuvumela ukongezwa komgangatho wokuqala ocetywayo kwindlu yokuhlala ekhoyo.
- > **Ukulungiswa kweSicwangciso soPhuhliso lweSiza** ngokweCandelo le-16 (2) (l) loMthetho kaMasipala ukuze kulungiselelwe isiCwangciso soPhuhliso lweSiza esilungisiweyo.
- > **Ukumiselwa kwesohlwayo solawulo** ngokweCandelo lama-90(5) loMthetho kaMasipala.

Iinkcukacha ezipheleleyo malunga nesindululo ziyafumaneka ukuze zihlole phakathi evekini phakathi kwe-08:00 kunye ne-16:30 kwiSebe: UCwangciso lweDolophu, ePaterson Street, eHermanus. Naziphi na izimvo ezibhalweyo zinokungena ngokungqinelana nezibonelelo zeCandelo 51 nelama-52 loMthetho kaMasipala oxeliweyo (16 Paterson Street, Hermanus / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngo-**uLwesihlanu 8 EyeThupha 2025** okanye ngaphambi koko, ucahula igama lakho, idilesi kunye iinkcukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo yomnxeba inokwenziwa ku**Mcwangcisi weDolophu, uMnu. B Minnaar** ngo-028-313 8900. UMasipala usenokwala ukwamkela izimvo azifumeneyo emva komhla wokwala. 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 530 - Hermanus

Plan prepared by: Thian Jansen

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Email: admin@wrapgroup.co.za

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



**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>GR3</b>	General Residential Zone 3: Flats Bulk Zone 1

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**2. PROPERTY DETAILS**

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<b>Consultant</b>	WRAP Project Office
<b>Erf Number</b>	Erf 530 Hermanus
<b>Extent</b>	961m <sup>2</sup>
<b>Zoning</b>	General Residential Zone 3: Flats Bulk Zone 1

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**3. BACKGROUND AND INTENT**

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The subject property, Erf 530, Hermanus, is located on the historic Church Street, as illustrated in **Plan 1 – Locality Plan**. The property owners have appointed WRAP Project Office to submit this land use application after the submission of building plans revealed land use concerns, as noted in the comments. Refer to **Annexure A – Power of Attorney**.

The owners currently operate Erf 530 Hermanus in conjunction with Erven 529 and 531 Hermanus. All three properties are improved with highly rated boutique hotels. These properties are notarially tied, preventing separate transfers. Additionally, a right-of-way servitude is registered across Erven 529 and 531 Hermanus, allowing access to parking at the rear of the subject property via the servitude.

A historic approval permitted the establishment of a boutique hotel on Erf 530 Hermanus, along with several approved departures. Refer to **Annexure D – Historic Approval**. Due to a change in use, the owners were however required to obtain approval for new departures. The current application is being submitted because, after the original approval, several alterations were made to enhance the property and the services offered to guests.


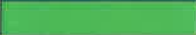

These alterations were however done without the necessary approvals, and it is required to be addressed as a result, approval of the following applications are required:

- Permanent Departure from the building lines;
- Determination of an administrative penalty; and
- Permission required in terms of the conditions of approval.

**4. PROCEDURE TO ACHIEVE THE PROPERTY OWNERS' INTENT**

WRAP compiled this report to ensure the property owner's intent and visions are met. The following is proposed:

For the purposes of this application, the legend below is introduced, to serve as guide for the application:

LEGEND	
	New proposed encroachment (2024)
	Historic approved building plan (2015)
	Proposed use change

**GROUND FLOOR**

**4.1 Permanent departure** from the 4m street side building line to 3,2m & 3,6m to allow the rebuilding of the enclosed stoep (braairoom).

The property owners began demolishing an approved stoep with the intention of rebuilding it as a braai room. It is important to note that no reconstruction has commenced yet, and this application serves as a request for approval to proceed with the rebuilding. The historic stoep is illustrated in the figure below (refer to Annexure E – Historic Building Plans).

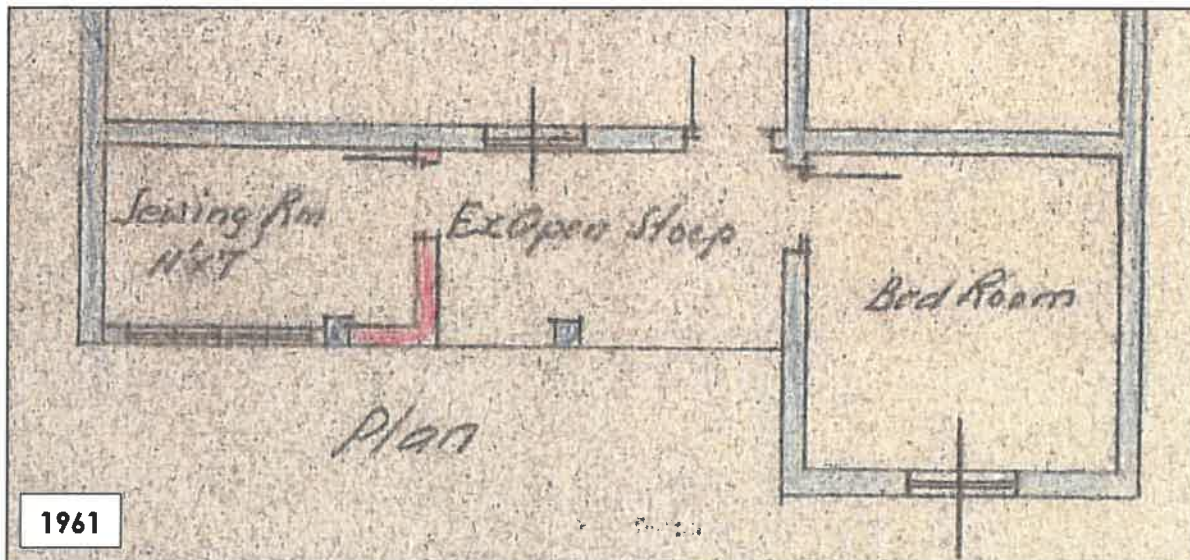


Figure 1: Historic stoep

As mentioned, the stoep has been demolished, and approval is being sought to rebuild it in its original position, 3.2m from the street, encroaching on the 4m street building line. See the figure 2 for reference:

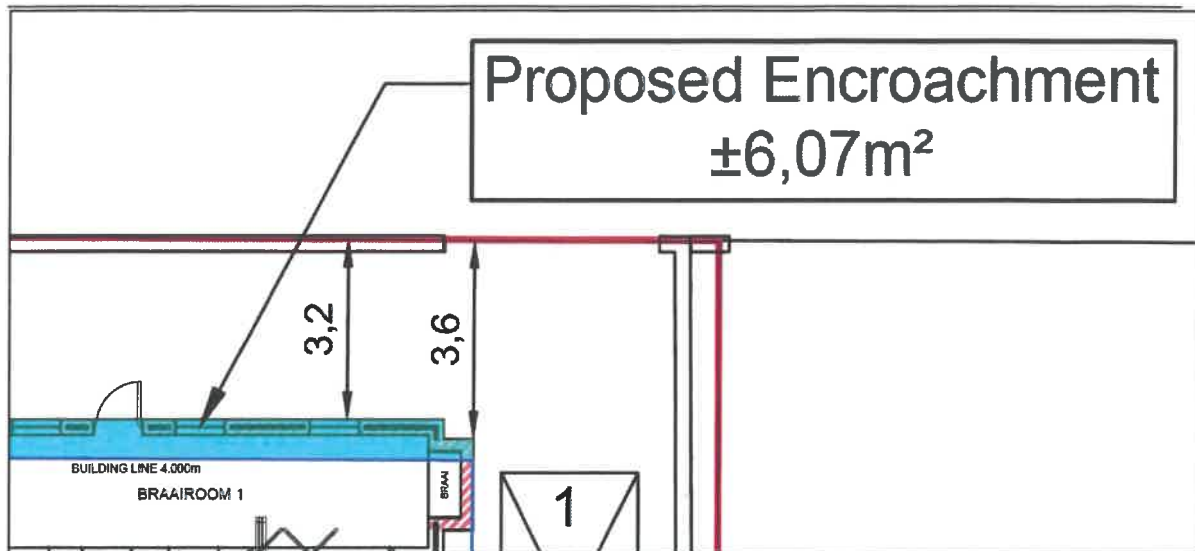


Figure 2: Proposed rebuilding stoep

The proposed stoep's reconstruction forms an integral part of the main dwelling, which will be used by the owner and/or manager of the boutique guest house. Its placement at 3.2 metres from the street, although encroaching on the 4-metre building line, aligns with the historic character of the property and maintains the architectural harmony of the area.

Allowing the stoep to be rebuilt in its original position will ensure the property remains functional and aesthetically consistent, supporting the efficient management of the guest house. Additionally, as the building is currently vacant pending the approval of this application, granting approval will enable the property to be fully utilised, enhancing the quality of service provided to guests and contributing positively to the local tourism economy.

**4.2 Permanent departure** from the 4m street side building line to 2,7m & from the 4,5m western side building line to 1,8m to allow the proposed use change of the en-suite bathroom.

As part of the dwelling's renovation, it is proposed to convert an approved storage area into an ensuite bathroom. This area has always been part of the dwelling, as shown in Figure 1, where it is identified as a bedroom. Although the historic approval included the structure's position, approval for a departure is now required due to the change in use.

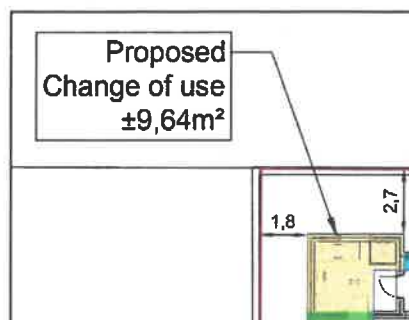


Figure 3: Proposed use change area



The structure in question has long existed as part of the approved historic building and has become an established feature within the local environment. Its presence has been consistent, and neighbouring properties have grown accustomed to its location and appearance. As such, the proposed change in use, from a storage area to an ensuite bathroom, will have no adverse impact on the surrounding area, nor will it alter the established visual or spatial character.

Furthermore, the proposed conversion enhances the functionality of the dwelling without increasing the building's footprint or introducing any new external elements that could affect neighbouring properties. This ensures that the change remains respectful of both the original approval and the existing built environment.

The change also aligns with broader planning principles that support adaptive reuse and the optimisation of existing structures to meet evolving needs. By repurposing internal space within the existing structure, the owners are enhancing the liveability and utility of the dwelling without causing any disruption to neighbouring properties or the streetscape.

Given that the structure has been historically approved and no new impacts are anticipated, it is respectfully submitted that the change in use be permitted. This will allow the property to continue contributing positively to the local character while providing improved functionality for the owner and guests.

**4.3 Permanent departure** from the 4,5m eastern side building line to 1,4m to allow the proposed use change of the laundry room.

The existing garage, previously approved and situated 1.4m from the boundary, has been converted into a functional laundry room. This conversion plays a vital role in supporting the day-to-day operations of the boutique hotel, ensuring efficient management of laundry services for guests.

The change in use does not alter the external appearance of the structure or its footprint, maintaining the integrity of the original approval while enhancing the property's operational efficiency. Given the nature of the boutique hotel, the conversion of the garage into a laundry room is essential for providing high-quality service and ensuring smooth internal operations.

Moreover, as the structure's position has long been established and has not caused any adverse impact on the surrounding properties, the conversion is unlikely to affect the character or amenity of the area. This adaptive reuse of the space is a practical solution that maximises the functionality of the existing building without compromising the surrounding environment.

The dwelling house, which previously utilised the garage as part of its parking provision, will now make use of the space in front of the garage for parking and access from Church Street. This adjustment ensures that the property continues to meet its parking requirements while maintaining functional access to the property. Refer to the figure 4.

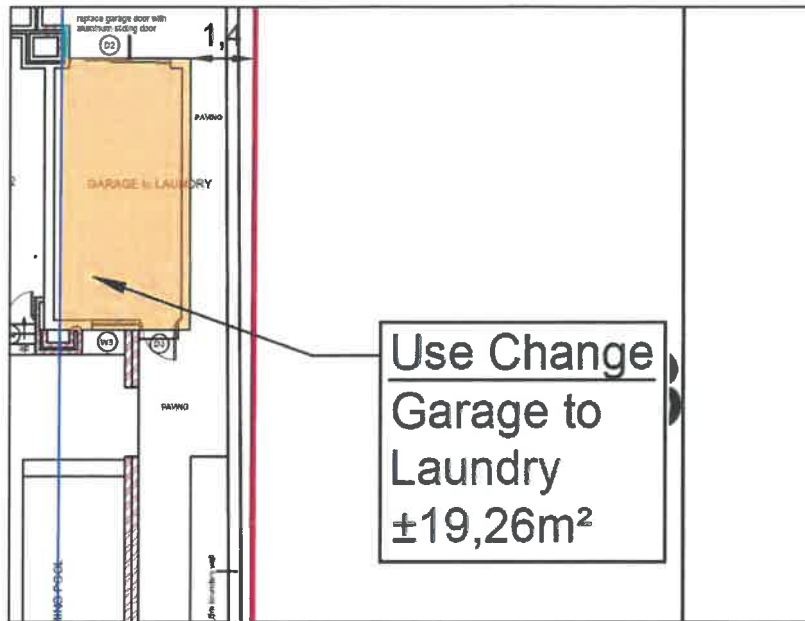


Figure 4: Proposed use change of the garage

**4.4 Permanent departure** from the 4,5m western side building line to 1,3m to allow the existing tv lounge extension.

The existing TV lounge, used by guests of the hotel, was renovated and expanded. The expansion extends across the side building line and as a result, approval is being sought. Refer to the figure 5, which illustrates the approved building plan that was altered and expanded upon:

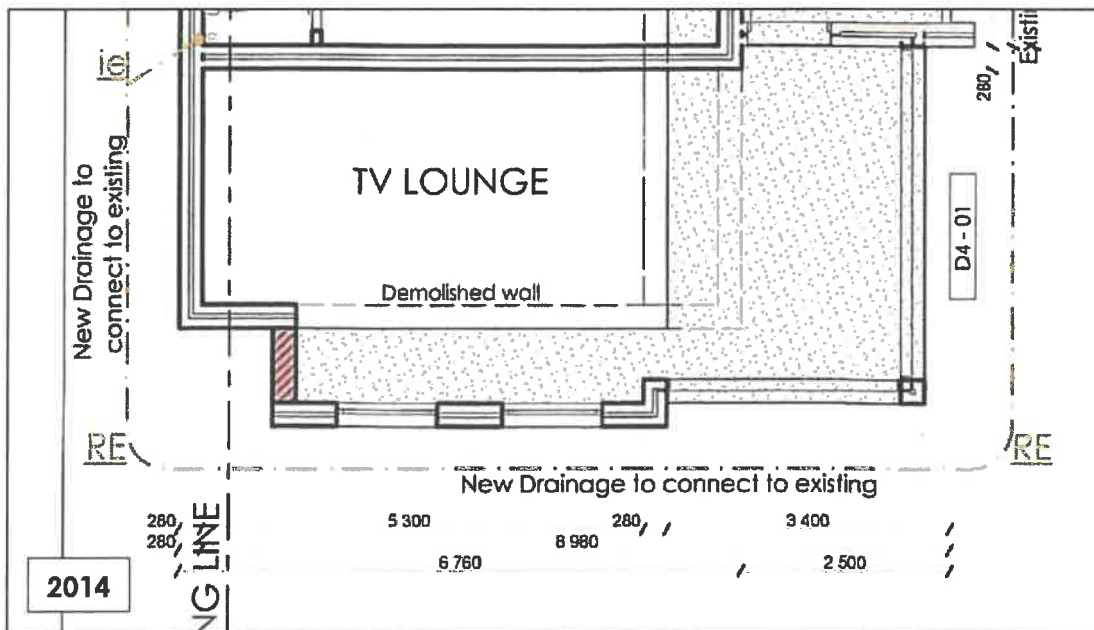


Figure 5: Approved building plan illustrating the TV lounge



## MOTIVATION

The expansion of the TV lounge enhances the functionality and comfort of the hotel, providing a more spacious and improved area for guest use. This upgrade contributes directly to the overall guest experience, aligning with the high-quality standards expected of a boutique hotel. By increasing the lounge's size, the owners can better accommodate the needs of their guests, enhancing the appeal of the establishment and promoting a more pleasant and comfortable stay.

The expansion extends across the side building line, but it is important to note that the design remains respectful of the surrounding environment and neighbouring properties. The adjustment does not affect the external appearance of the building significantly and does not introduce any new features that would disrupt the established character of the area. Additionally, the side building line encroachment is minor and, given the context of the property, will not negatively impact the streetscape or the neighbouring properties' enjoyment.

Allowing this expansion is in line with principles of adaptive reuse and enhancing existing structures, improving the property's utility without altering its overall character. The owners have invested in the property to improve the quality of service offered to guests, which ultimately benefits the local tourism economy and supports the long-term success of the boutique hotel. Refer to the figure 6 illustrating the extension:

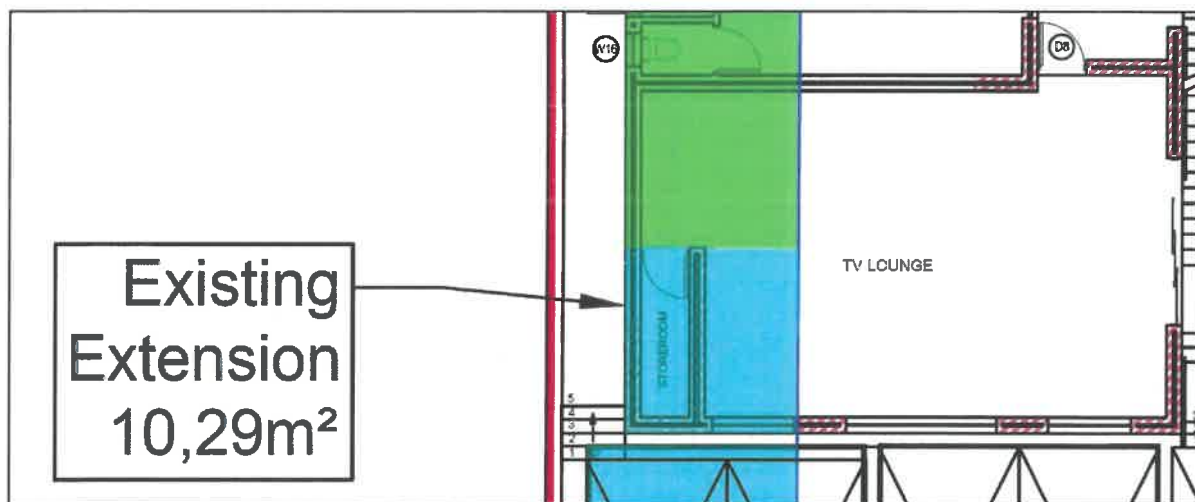


Figure 6: Proposed area of the TV lounge encroaching the building line

#### 4.5 Permanent departure from the 4,5m western side building line to 0,6m & from the 3m rear building line to 0m to allow the existing shade net carport.

As mentioned in Section 3 above, the property is operated together with two others, and the property's parking is accessed across Erven 529 and 531 Hermanus. To accommodate this, the owners have erected carports for the use of guests. These carports have been in place for several years, and there have been no complaints regarding their existence or use.

The carports have been in place for several years and are essential for the smooth operation of the boutique hotel, providing convenient and secure parking for guests.



## MOTIVATION

These carports contribute to the overall guest experience by ensuring that visitors have safe and easily accessible parking, which is a key consideration for any hospitality establishment.

The owners have made a long-term investment in these structures, and their continued use is vital for the efficient management of the property. There have been no complaints or issues regarding the carports, demonstrating that they have been well-received by both guests and neighbours. This lack of objection further supports the argument that the carports do not negatively impact on the surrounding area or the character of the neighbourhood.

Moreover, the carports do not obstruct any public spaces or create safety hazards. They are designed in a manner that complements the property's existing structure and do not interfere with the flow of traffic or pedestrian movement. Given that the carports have been in place for several years without causing concern, it is reasonable to allow them to remain as an essential facility for the operation of the guest house.

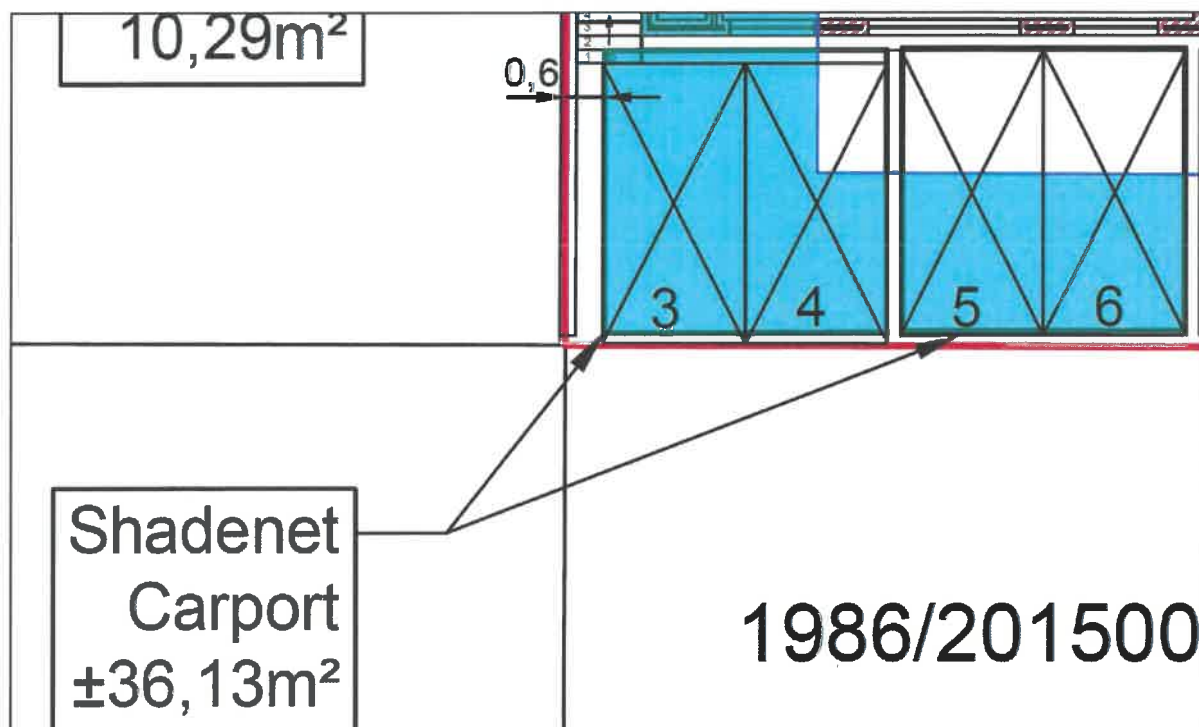


Figure 7: Existing shade net carports

### FIRST FLOOR

**4.6 Permanent departure** from the 4,5m eastern side building line to 1,4m to allow the existing deck.

The owners have utilised the roof of the laundry room (formerly the garage) and transformed it into a deck, offering guests a space to relax and enjoy the open air. The deck was added several years ago, and during this time, there have been no complaints regarding its use, indicating that it has been well-received by guests and neighbours alike.



## MOTIVATION

While the original approval for the garage did not include the use of the roof for a deck, it is important to note that the structure itself has not been altered significantly, and the deck does not introduce any new, intrusive elements to the property except for stainless steel balustrades. The roof has been adapted in a manner that is in keeping with the character of the building, and the addition of the deck does not impact on the surrounding area or neighbouring properties negatively.

The creation of the deck enhances the functionality of the property, providing an attractive amenity for guests. It adds value to the guest experience, allowing for relaxation and enjoyment of the surrounding environment, which is a key feature for any boutique hotel. The owners have thoughtfully converted an underutilised space into an inviting area that improves the overall appeal of the property and contributes positively to its operation.

Additionally, the deck is designed with minimal impact on the streetscape and does not obstruct any views or cause any congestion. Since the deck has been in use for several years without issue, and there have been no objections from neighbours or concerns regarding safety or aesthetics, it is reasonable to conclude that its continued use should be allowed.

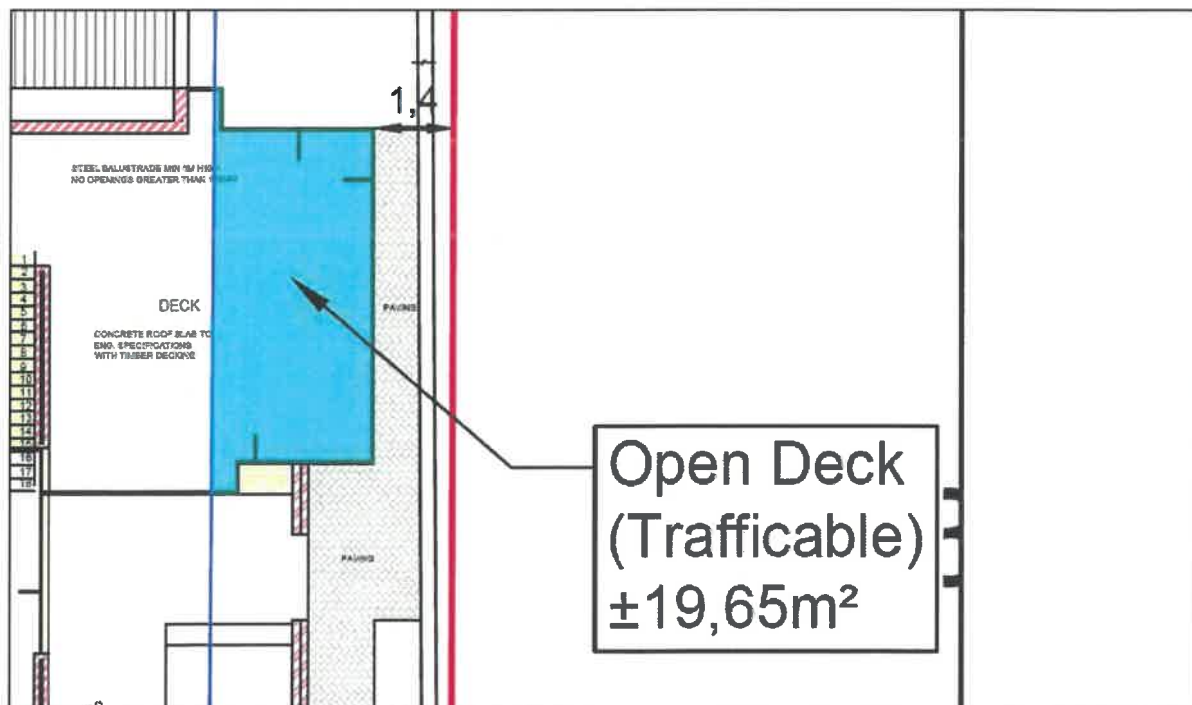


Figure 8: Existing deck area

### 4.7 Permanent departure from the 4,5m western side building line to 2,8m to allow the existing staff quarters.

The owners increased the area of an existing bedroom on the first floor. The extension was made to expand the bedroom, allowing it to be used as staff quarters while making efficient use of the available space. The figure 9 shows the existing bedroom that was previously approved. As mentioned, this space will be used exclusively for staff accommodation, helping to meet the operational needs of the hotel.

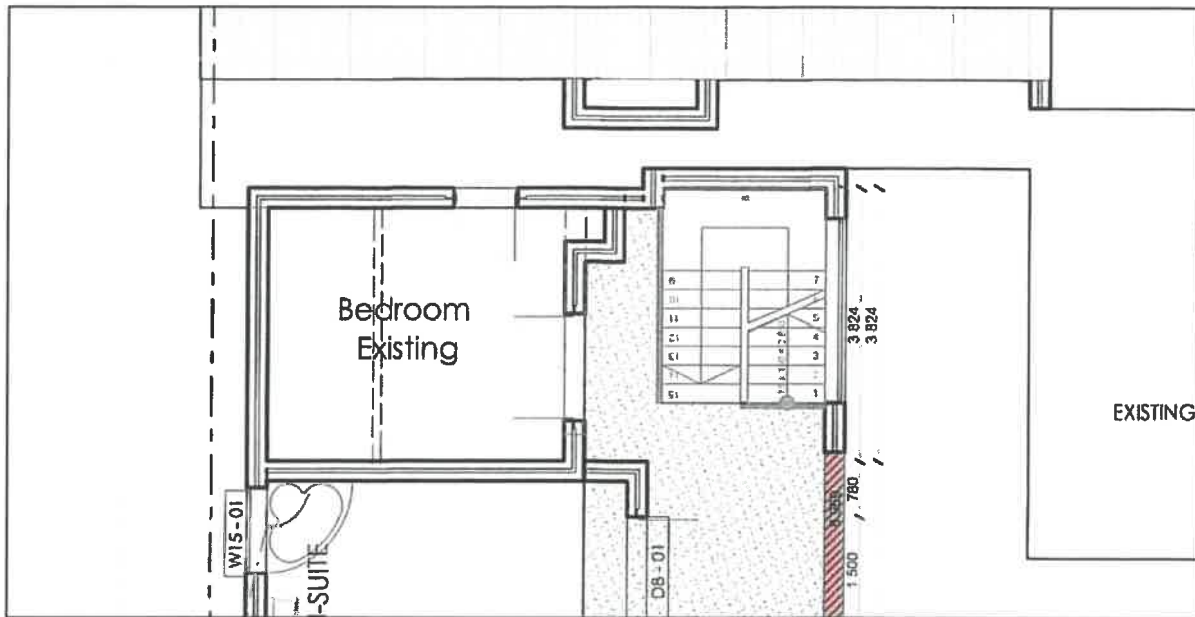


Figure 9: Approved building plan illustrating the bedroom that was increased.

The extension serves a practical purpose by providing staff with adequate and comfortable living space. As the boutique hotel relies on its staff for daily operations, it is essential to ensure that the staff quarters are spacious and conducive to a positive working environment. The owners have utilised the existing space to improve the property's functionality without altering its external appearance or increasing its footprint in any significant way.

The proposed extension does not negatively impact on the surrounding area, as it is contained within the existing structure and respects the character of the property. Given that the room is intended for staff, the extension will not increase the number of guests or public visitors to the property, ensuring that the residential nature of the building is maintained.

Furthermore, the extension aligns with the overall operational needs of the guest house, improving efficiency and helping the property to run smoothly. The owners have demonstrated a commitment to maintaining a high standard of service, and this extension plays a critical role in ensuring the well-being of the staff, who are an integral part of the guest house's success.

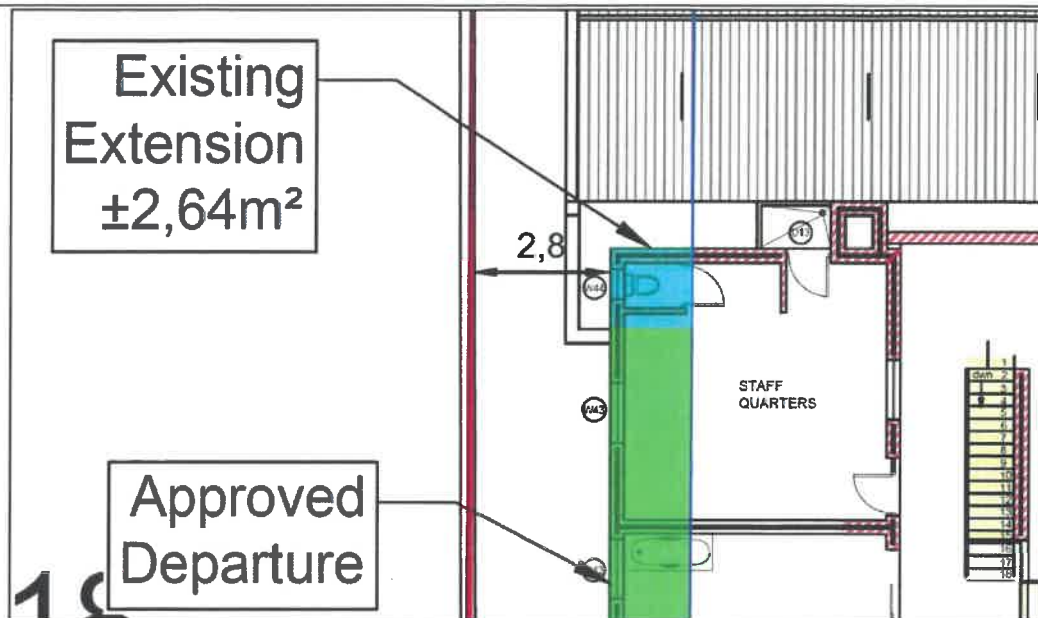


Figure 10: Approved building plan illustrating the bedroom that was increased.

**4.8 Permanent departure** from the 4,5m western side building line to 1,5m to allow the outdoor showers.

The first floor of the property has been enhanced with three guest bedrooms and a day spa, providing an elevated experience for visitors. As part of these improvements, the owner added an outdoor shower linked to the internal showers, offering guests a unique opportunity to enjoy the outdoors and enhance their stay when the weather permits. The addition of the outdoor showers was made in 2016, and despite its installation across the side building line, there have been no complaints or concerns raised regarding its use.

The purpose of the outdoor shower is to provide guests with a relaxing and enjoyable experience, contributing to the high standards of comfort expected from a boutique hotel. This feature adds value to the guest experience by offering a distinct option for guests seeking to connect with nature during their stay. The addition aligns with the overall theme of wellness and relaxation promoted by the day spa, enhancing the hotel's appeal and competitiveness within the market.

Importantly, while the outdoor shower extends across the side building line, it has not caused any negative impact on neighbouring properties, the streetscape, or public safety. The area where it has been installed is discreet and not visible from the street, ensuring that it does not alter the character of the neighbourhood or infringe upon neighbouring properties' enjoyment. The showers have functioned well for several years without issue, indicating minimal impact on the surrounding environment.

The owners' intention now is to ensure that the property complies fully with the OMLUS parameters. Allowing the outdoor shower to remain, with the appropriate approvals, will rectify any non-compliance and ensure the property continues to meet all local regulations while maintaining the high standards of service for guests.

**4.9 Permanent departure** from the 4,5m western side building line to 2,8m to allow the existing day spa expansion.

As mentioned above, the TV lounge on the ground floor was increased in size, which subsequently created additional space above. This newly available space has been utilised to accommodate a day spa, an associated facility that enhances the overall functionality of the hotel. The addition of the day spa offers guests a comprehensive experience, elevating the property’s appeal and catering to the growing demand for wellness and relaxation amenities in the boutique hotel sector.

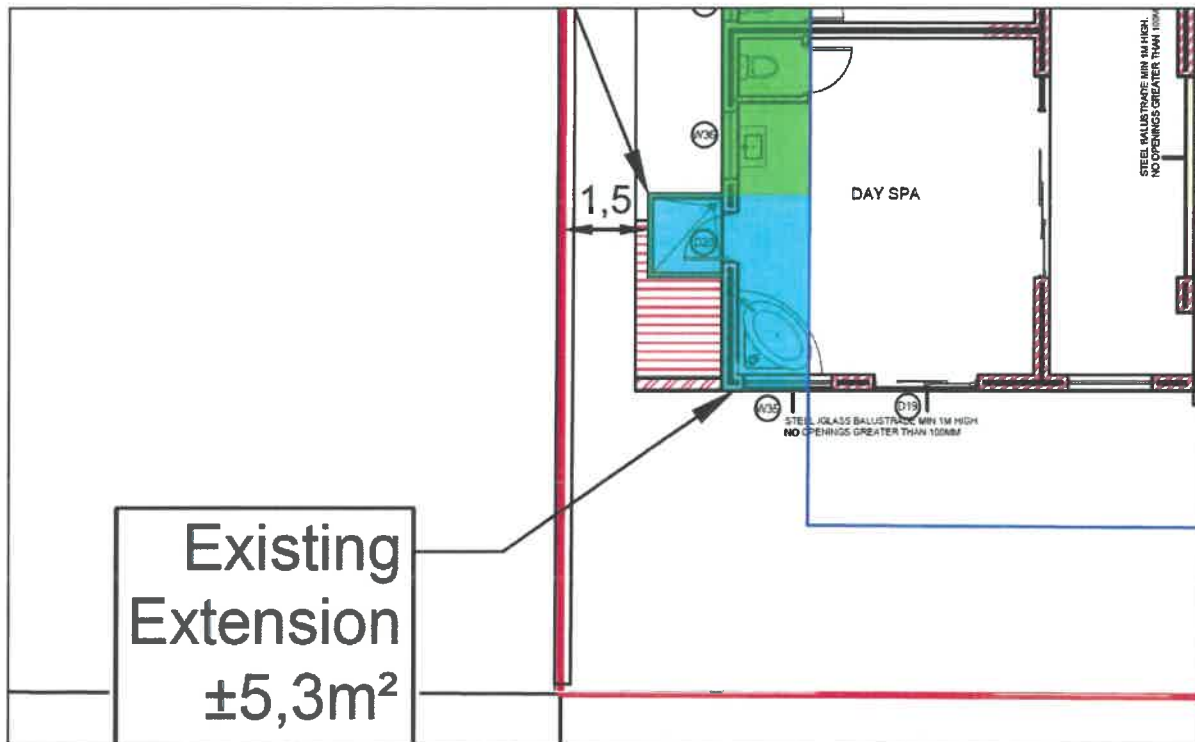


Figure 11: Approved building plan illustrating the bedroom that was increased.

The day spa is a natural extension of the services provided by the hotel, contributing to the overall guest experience. It enhances the hotel's competitiveness in the market, as more guests seek properties that offer leisure and wellness services alongside traditional accommodations. By providing such amenities, the owners are enhancing the attractiveness of the hotel, offering guests a space to unwind and relax, which aligns with current trends in the hospitality industry.

Importantly, the creation of the day spa does not alter the external appearance or footprint of the building significantly. The space was created through the efficient use of the area above the enlarged TV lounge, without infringing on building lines or disturbing the local character. This thoughtful repurposing of space ensures that the property remains in harmony with the surrounding environment while increasing its operational capacity.

There have been no adverse impacts on the surrounding area as a result of these improvements. The day spa is an internal addition that enhances the guest experience, and as it operates within the confines of the building, it does not result in increased traffic,



noise, or other external disturbances. Neighbours have not raised any concerns regarding the expansion, which indicates that the improvements have been well-received and have not negatively affected the local community.

**4.10 Permission required in terms of the conditions of approval** to allow an amended Site Development Plan;

The historic decision made the previous site development plan a condition of approval refer to Annexure C. The condition being:

3(c) *"that this approval only has reference to the Site Development Plan, Drawing No her530(8).drw dated 05/2014, as submitted with the application"*

The current application seeks to amend specific aspects of the previously approved SDP to better align the site with the evolving needs of the property and its operations. The proposed amendments are reflected in **Plan 3 – Site Plan**, which represents a more accurate depiction of the property's current and intended layout.

The need to amend the SDP arises from several operational and functional improvements made to the property since the initial approval. These changes are aimed at enhancing the guest experience, improving operational efficiency, and ensuring compliance with municipal land use regulations. By aligning the historic SDP with the current state of the property, the application ensures that all existing structures and uses are accurately documented.

**4.11 Determination of an administrative penalty;**

The property owners, as mentioned in Section 3 of this report, are currently in the process of ensuring their property complies with the development parameters of the OMLUS to allow building plans to be approved for all the additions. As a result, several additions that occurred over the past few years need to be rectified and approved by the municipality. To ensure compliance with the By-Law, it is of importance to include an application for the determination of an administrative penalty. It is however 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 4.1 – 4.9 indicates the nature and gravity of the additions that were constructed without prior approval. The total extent of the building line encroachments is:

Use Change – Garage to Laundry	±19,26m <sup>2</sup>	Habitable Space
Existing TV Lounge Extension	±10,29m <sup>2</sup>	Habitable Space
Existing Shadenet Carports	±36,13m <sup>2</sup>	Non-habitable Space
Existing Open Deck	±19,65m <sup>2</sup>	Non-habitable Space
Existing Staff Quarters extension	±2,64m <sup>2</sup>	Habitable Space
Existing Outdoor Showers	±8m <sup>2</sup>	Non-habitable Space
Existing Open Deck	±5,3m <sup>2</sup>	Non-habitable Space



## MOTIVATION

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Habitable Space ±32,19m <sup>2</sup>	Non-habitable Space ±69.08m <sup>2</sup>
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### **The conduct of the person (allegedly) involved in the contravention**

The owner was 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**

A report by a quantity surveyor can be obtained if required.

### **Whether the unlawful conduct was stopped**

The structures have already been erected.

### **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 subject property is located in the Hermanus central business district. The property is located in an area where hospitality enterprises flourish due to their location. The property is surrounded by Residential Zone 1: Single Residential and other General Residential Zone 3: Flats properties and a Public Open Space. The surrounding area's zonings are illustrated in the attached **Plan 2 - Zoning Plan**.

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## **6. TITLE DEED**

The title deed of the subject property (T37343/2014) attached as **Annexure B**, does not contain any restrictive conditions which may prohibit the approval of the permanent departures.

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## **7. ZONING**

The following zoning parameters were assessed in conjunction with the GR3 OMLUS zoning as this is a relevant consideration in terms of Section 66(1)(a) of the OM By-Law:



**MOTIVATION**

<b>GENERAL RESIDENTIAL ZONE 3: FLATS (GR3)</b>			
<b>Land Use Restrictions</b>			
<b>Primary use</b>	<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>
	Flats and Town House in accordance with 6.3.2 and <b>Residential Buildings.</b>	- Dwelling House	Comply
<b>Consent use that may be applied for</b>	Crèche, Day Care Centre, Home Occupation, <b>Hotel</b> , Institution, Place of Assembly, Place of Instruction, Place of Worship, Retirement Village, Tourist Accommodation and Transmission Apparatus.	- Hotel	Comply
<b>Development parameters</b>			
<b>Density</b>	A minimum erf size of 3000 m <sup>2</sup> is applicable for densification.	Historic Approval	-
<b>Floor Factor</b>	3	0,72	Comply
<b>Coverage</b>	100%	48,99%	Comply
<b>Height</b>	12.5m (4 Storeys)	2	Comply
<b>Setback</b>	(i) The Municipality may require an <b>8,0 m</b> setback from the centreline of the abutting street, provided that the Municipality may permit stoeps to be located within the setback line. (ii) The general provisions of 16.2 apply.	8,0m	Comply
<b>Building lines</b>	(i) The street building line is 4,0 m. (ii) The side building line is 4,5 m, provided that where a fourth storey is provided, the Municipality may require the fourth storey to be set back 6,0 m from the property boundary. (iii) The rear building line is 3,0 m, provided that where a fourth storey is provided, the Municipality may require the fourth storey to be set back 6,0 m from the property boundary. (iv) The general building line exemptions of 16.1 apply.	(i) <b>Permanent departure</b> from the 4m street side building line to 3,2m & 3,6m to allow the rebuilding of the enclosed stoep (braai room).  <b>Permanent departure</b> from the 4m street side building line to 2,7m to 1,8m to allow the proposed use change of the en-suite bathroom;	(i) Comply (ii) Approval dated 2015 (Refer to <b>Annexure D</b> ) (iii) Approval dated 2015 (Refer to <b>Annexure D</b> )



**MOTIVATION**

	<p>(ii) <b>Permanent departure</b> from the 4,5m western side building line to 1,8m to allow the proposed use change of the en-suite bathroom;</p> <p><b>Permanent departure</b> from the 4,5m eastern side building line to 1,4m to allow the proposed use change of the laundry room;</p> <p><b>Permanent departure</b> from the 4,5m western side building line to 1,3m to allow the existing tv lounge extension;</p> <p><b>Permanent departure</b> from the 4,5m western side building line to 0,6m to allow the existing shade net carport;</p> <p><b>Permanent departure</b> from the 4,5m eastern side building line to 1,4m to allow the existing deck;</p> <p><b>Permanent departure</b> from the 4,5m western side building line to 2,8m to allow the existing staff quarters;</p> <p><b>Permanent departure</b> from the 4,5m western side building line to 1,5m to allow the outdoor showers;</p>	



**MOTIVATION**

		<p><b>Permanent departure</b> from the 4,5m western side building line to 2,8m to allow the existing staff quarters;</p> <p>(iii) <b>Permanent departure</b> from the 3m rear building line to 0m to allow the existing shade net carport;</p>	
<p><b>Open space</b></p>	<p>(i) Every block of flats, residential building or hotel in this zone must have access to an outdoor living area and will provide communal open space but excludes parking, service yards and roads.</p> <p>(ii) Communal open space of at least 10% of the whole property must be provided as outdoor recreational/garden areas as one functional space.</p>	<p>Historic Approval</p>	<p>Comply</p>
<p><b>Parking</b></p>	<p>Parking and access shall be provided on the land unit in accordance with 17.1.</p> <p>1 Parking Bay per guest bedroom</p> <p>2 Parking Bays – Dwelling Unit</p>	<p>6 Parking Bays for each guest bedroom</p> <p>2 Parking Bays for the dwelling unit</p> <p><b>Total of 8 parking bays provided</b></p>	<p>Comply</p>



**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 existing networks in the area, which include electricity, water and sewage. The proposal of this application is not anticipated to impact on existing services. Solid waste is collected every week by the OM.

**Access and Egress**

Access and egress to the property is gained from Church Street as well as Marine Drive via an existing right of way servitude.

**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 to ensure the property meets all the needs of the owner. The owner requires approval of a departure to allow the construction of a garage on the side building line. The structures will not benefit any other users or person other than the property owner, but it will however increase the property value and in the future, may yield additional income for the OM in additional rates.

Socio-economic impact	The permanent departures are not predicted to have a socio-economic impact.
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 character with the surrounding area.
Impact on the external engineering services	Refer to <i>Section 8</i> .
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 listed in the OM Heritage Register, any future alteration will be submitted to the local heritage committee.
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.



## MOTIVATION

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

The subject property is situated in a mixed-use area, which means that the surrounding environment accommodates a range of residential, commercial (Ficks), and hospitality uses. As such, the property is already part of a dynamic and diverse setting, where various structures and activities coexist. The proposed structures and improvements have been in place for several years and have not attracted any negative comments or objections from neighbours or the local community. This lack of opposition suggests that the development has blended well into the area, causing no disruptions to the established character or function of the surrounding environment.

In terms of the impact on views, sunlight, and the character of the area, it is important to note that the proposed changes and existing structures are designed in a way that does not obstruct significant views or overshadow neighbouring properties. The property is positioned in a way that minimises its impact on direct sightlines and access to natural light for neighbouring buildings. The scale and design of the structures are in keeping with the character of the surrounding area, ensuring that the overall aesthetic and ambience of the neighbourhood remain intact.

Additionally, the area is already accustomed to a mix of uses, including both residential and commercial activities, which means there is a degree of flexibility in how properties are developed and utilised. The improvements made to the property, such as the expansion of the TV lounge, addition of the day spa, and the creation of guest amenities, align with the established character of the area as a place that accommodates both residential living and tourism-related businesses.

The surrounding community has not raised any concerns regarding the impact of these improvements, further indicating that the changes have not affected the area's character or the quality of life for residents. In fact, the enhancements to the property may even contribute positively by improving the overall appearance and functionality of the building, which can have a beneficial effect on the local streetscape.

### **Economic impact**

The proposed departures aim to ensure the property complies with the development parameters to facilitate the ongoing operation and enhancement of the property. These departures are primarily related to the existing structures and improvements that serve the property's function as a boutique hotel. The economic impact of granting these departures can be assessed from several perspectives, including the property's contribution to the local economy, its role in the tourism sector, and its potential for job creation.

- **Tourism and Local Business Growth:** The boutique hotel has the potential to attract both local and international guests, thereby contributing to the growth of the local tourism sector. By enhancing the property with features such as a day spa, additional guest rooms, and improved amenities, the hotel can offer a higher level of service, which can attract a broader range of visitors. Increased guest numbers can lead to higher occupancy rates, generating more revenue for the business. This increase in tourism activity also benefits local businesses such as restaurants,



## MOTIVATION

shops, and other services that cater to guests. The economic ripple effect will likely result in a boost to the local economy through spending by both guests and the hotel's operational needs.

- **Job Creation:** The hotel's operation and the improvements made to the property will require a range of staff, both directly within the hotel and in supporting industries. This can include jobs for hospitality staff, maintenance personnel, and spa therapists, as well as indirect employment in the local supply chain. By allowing the proposed departures, the hotel's ability to offer expanded services can contribute to job creation in the area, providing employment opportunities and increasing disposable income for local workers.
- **Property Value and Investment:** The proposed departures and the improvements to the property may also positively impact its market value. By allowing for the expansion of the hotel's amenities and the efficient use of available space, the property becomes more competitive in the hospitality market, which may result in increased property value. This can have a knock-on effect on property taxes, benefiting the local authority. Additionally, the investment made in the property can signal confidence in the area's potential for growth, which can attract further investment from other property owners or developers, further contributing to the economic vitality of the area.
- **Attracting High-Quality Visitors:** With the addition of a day spa and other amenities, the hotel is positioned to attract higher-income guests who may spend more on leisure activities, thus contributing significantly to the local economy. High-quality tourism also often leads to longer stays, which can increase revenue and create repeat business opportunities.
- **Sustainable Business Growth:** By providing the necessary improvements, the hotel can operate more efficiently, offering better services and enhancing guest satisfaction. This can help increase the longevity and sustainability of the business, which in turn supports long-term employment and a stable revenue stream for local service providers.

### **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 development will not have an impact on the property values of surrounding properties.

### **Environmental impact**

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

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## **10. POLICIES AND REGULATIONS**

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### **10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)**

The property is not located within the EMOZ.



## MOTIVATION

### 10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The property is located within the Hermanus HPOZ. The proposed departures are however not expected to have a negative impact.

### 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.

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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 refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal to align with the development parameters that increased the functionality and aesthetic appeal of the property, it is not predicted to influence past spatial injustices.

### Spatial sustainability

Spatial sustainability refers to planning proposals which result in communities that are viable. The proposed departures intends to ensure the subject property aligns with the development parameters is utilised to its maximum capabilities.

### Efficiency

This proposal is intended to maximise the usage of the subject property and to align with the development parameters of the OM.

### 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.



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### 12. EVALUATION

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In conclusion, the proposed departures and associated improvements to the property are essential for the continued success and functionality of the boutique hotel. The property, situated in a mixed-use area, has already integrated seamlessly into the neighbourhood without causing any adverse impacts on its surroundings. The proposed departures, including the enlargement of guest spaces, the addition of a day spa, and the modification of staff quarters, are all designed to enhance the guest experience, increase the operational efficiency of the hotel, and support its long-term sustainability.

The proposed departures align with the evolving needs of the business and the market, allowing the hotel to remain competitive within the tourism sector. These improvements are directly tied to the hotel's ability to offer high-quality services that meet guest expectations and contribute positively to the local economy. The increase in tourist activity will benefit not only the hotel but also surrounding local businesses, creating economic growth, job opportunities, and fostering investment in the area.

Furthermore, the existing structures and changes to the property have not caused any disturbances or negative feedback from the surrounding community. The owners have shown a commitment to integrating the property within its context while adhering to local regulations and maintaining a high standard of service. The proposed departures will ensure that the property fully complies with municipal guidelines while allowing it to operate efficiently and effectively.

Allowing these departures will contribute to the long-term success of the property, supporting both the business and the wider community. By granting approval for these changes, the municipality will be fostering economic growth, encouraging sustainable development, and ensuring that the property can continue to function as a valuable asset to the local tourism industry.

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### 13. RECOMMENDATION

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

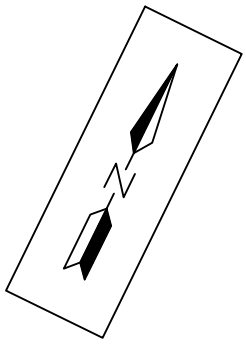
- 13.1 Permanent departure** from the 4m street side building line to 3,2m & 3,6m to allow the rebuilding of the enclosed stoep (braai room) in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 13.2 Permanent departure** from the 4m street side building line to 2,7m & from the 4,5m western side building line to 1,8m to allow the proposed use change of the en-suite bathroom 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 4,5m eastern side building line to 1,4m to allow the proposed use change of the laundry room in terms of Section 16(2)(b) of



## EVALUATION & RECOMMENDATION

the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;

- 13.4 Permanent departure** from the 4,5m western side building line to 1,3m to allow the existing tv lounge extension in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.5 Permanent departure** from the 4,5m western side building line to 0,6m & from the 3m rear building line to 0m to allow the existing shade net carport in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.6 Permanent departure** from the 4,5m eastern side building line to 1,4m to allow the existing deck in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.7 Permanent departure** from the 4,5m western side building line to 2,8m to allow the existing staff quarters in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.8 Permanent departure** from the 4,5m western side building line to 1,5m to allow the outdoor showers in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.9 Permanent departure** from the 4,5m western side building line to 2,8m to allow the existing day spa expansion in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.10 Permission required in terms of the conditions of approval** to allow an amended Site Development Plan in terms of Section 16(2)(L) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.11 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



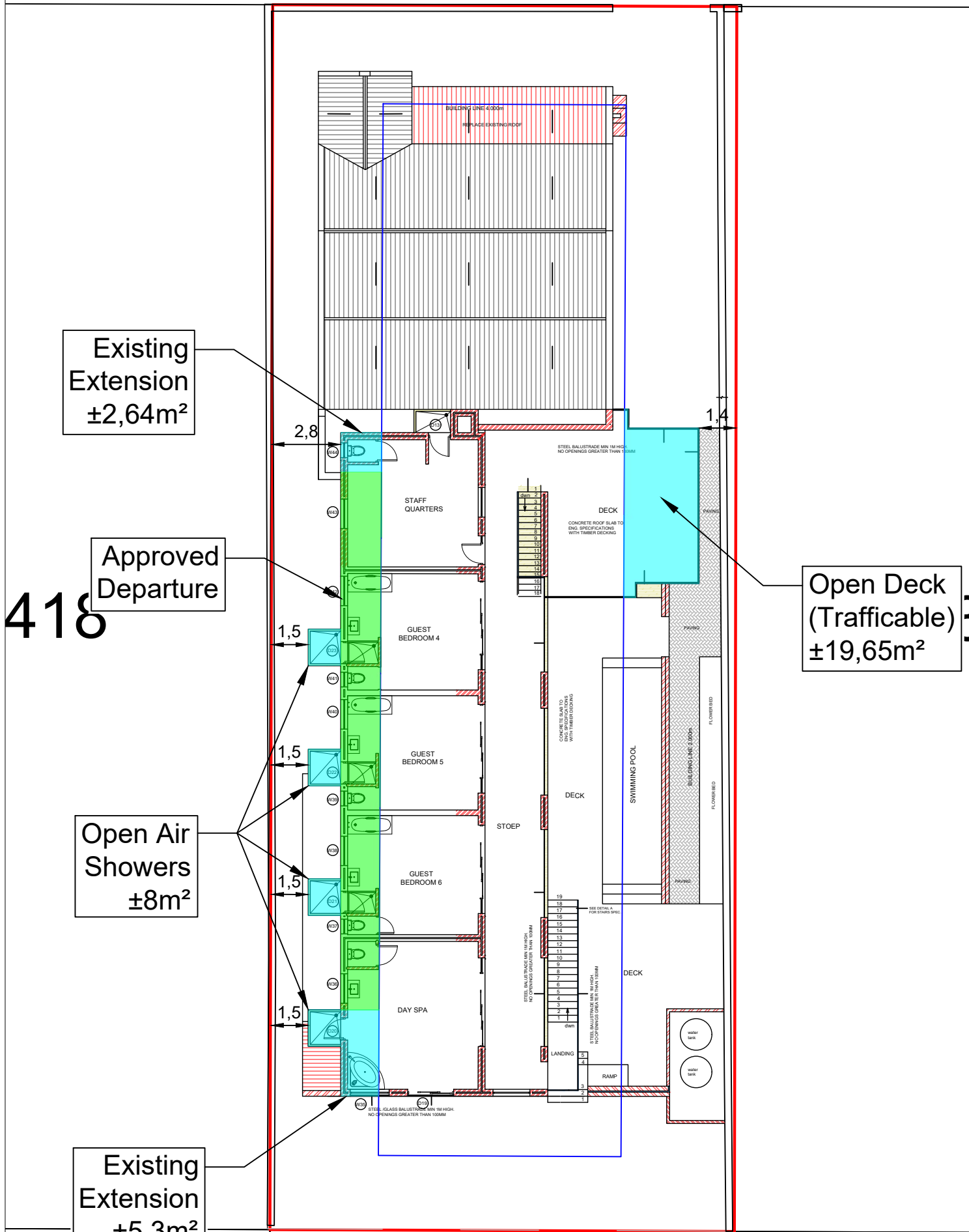
3.2 Site Plan  
First floor  
Erf 530 - Hermanus

**Existing Structures**

Existing Footprint - 461m<sup>2</sup>

Coverage - 48.99%

- Approved Departures
- Change of Use
- Proposed Departures



Existing Extension  
±2,64m<sup>2</sup>

Approved Departure

418

Open Deck  
(Trafficable)  
±19,65m<sup>2</sup>

Open Air Showers  
±8m<sup>2</sup>

Existing Extension  
±5,3m<sup>2</sup>

1986/2015001

Scale 1 : 200

Plan date: 05/12/2024  
Plan Number: 23.173(001)

Plan prepared by: Thian Jansen  
Based on plans by Grow Architecture

All distances are approximate  
and subject to a survey

Tel: 028 313 1411

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



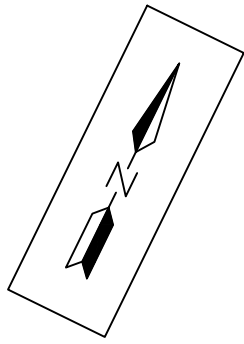
3.1 Site Plan  
Ground floor  
Erf 530 - Hermanus

**Existing Structures**

Existing Footprint - 461m<sup>2</sup>

Coverage - 48.99%

- Approved Departures
- Change of Use
- Proposed Departures



Proposed  
Change of use  
±9,64m<sup>2</sup>

Proposed Encroachment  
±6,07m<sup>2</sup>

418

Approved  
Departure

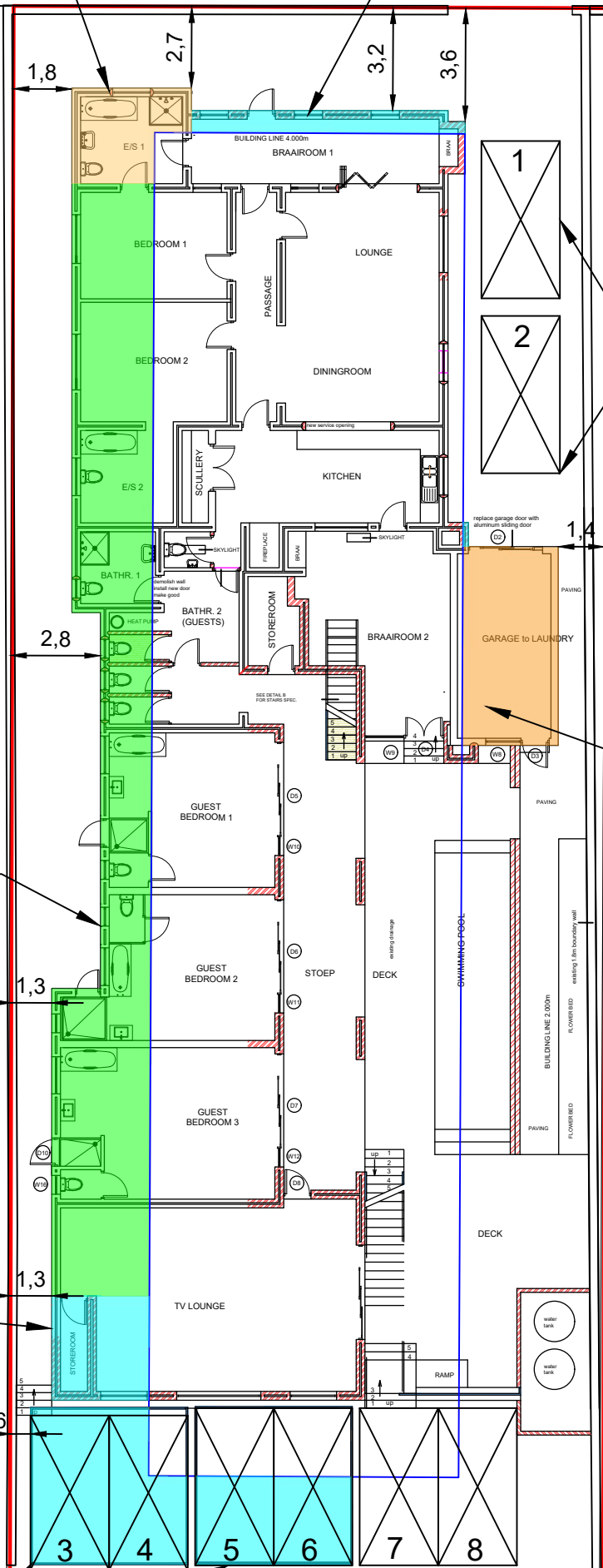
Use Change  
Garage to  
Laundry  
±19,26m<sup>2</sup>

Two parking  
bays for  
dwelling

Existing  
Extension  
10,29m<sup>2</sup>

Shadenet  
Carport  
±36,13m<sup>2</sup>

Existing  
Right of Way  
Servitude



1986/2015001

Scale 1 : 250

Plan date: 05/12/2024  
Plan Number: 23.173(001)

Plan prepared by: Thian Jansen  
Based on plans by Grow Architecture

All distances are approximate  
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