

**ERVEN 11068 & 11166, 1 & 10 CHURCH STREET, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF ABAGOLD LIMITED**

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 departure in terms of Section 16(2)(b) of the By-Law to relax parking requirements applicable to Erf 11068, Hermanus in order to accommodate parking on Erf 11166, Hermanus via notarial tie.

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 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 / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **27 January 2023**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to the **Town Planner, Mr. H. Boshoff** 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.

**ERWE 11068 & 11166, KERKSTRAAT 1 & 10, WESTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE AREA:  
AANSOEK OM AFWYKING: MNRE WRAP PROJECT OFFICE NAMENS ABAGOLD LIMITED**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek ontvang is om awyking ingevolge Artikel 16(2)(b) van die Verordening vir die verslapping van die parkeervereistes van toepassing op Erf 11068, Hermanus ten einde parkering op Erf 11166, Hermanus deur middel van 'n notariële verbinding te akkommodeer.

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 / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) voor of op **27 Januarie 2023**, 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. H. Boshoff** 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 11068 & 11166, 1 & 10 CHURCH STREET, WESTCLIFF, HERMANUS, INDAWO KAMASIPALA yase-  
OVERSTRAND: ISICELO SOKUPHAMBUKA: I-WRAP PROJECT OFFICE EGAMENI LIKA ABAGOLD LIMITED**

Isaziso sinikezelwa ngokwemigaqo yeCandelo lama-48 Overstrand loMthetho kaMasipala woLungiso loMthetho kaMasipala kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala): sokuba isicelo sifunyenwe sokunduluka ngokweCandelo le-16(2)(b) loMthetho kaMasipala wokunyenyeselwa kweemfuno zokupaka ezisetyenziswa kwiSiza 11068, eHermanus ukuze kulungiselelwe indawo yokupaka kwiSiza 11166, eHermanus ngokudlula i-notarial tie.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngulowo ngolowo ufuna ukuzifundela ngeentsuku zokusebenza ngamaxesha okusebenza phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Zicwangiso ngeDolophu, 16 Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo zingangeniswa ngokungqinelana nemimiselo yeCandelo lama-51 kunye nelama-52 alo Mthetho kaMasipala oxeliweyo kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) okanye phambi komhla wama-**27 EyoMqungu 2023**, ucaphula igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zokuphawula. Imibuzo ngomnxeba ingenziwa **kuMchwangcisi weDolophu, uMnu. H. Boshoff** kule nombolo 028-313 8900. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kuthi limncedise ukuze abhale ngokusesikweni izimvo zakhe.

# Locality Plan Erf 11068 - Hermanus

Plan prepared by: Thian Jansen

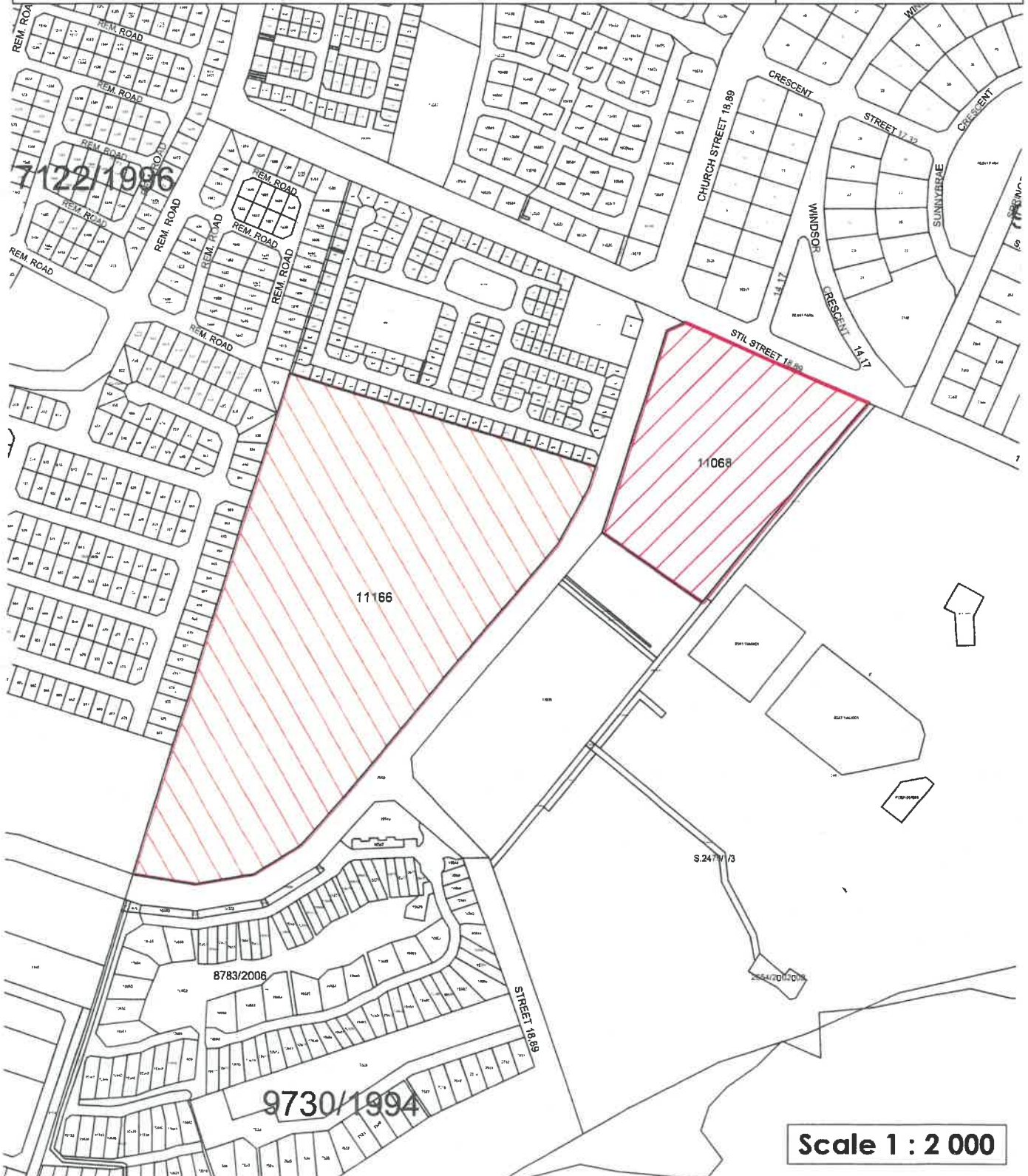
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Unit B, Standard House,  
Corner of Royal and Dirkie Uys  
Street Hermanus, 7200



**Project Office**  
Town Planning & Project Management



**Scale 1 : 2 000**



## MOTIVATION

Although the parking on the subject property is viable, the proposal to add additional parking to the property is not. It is however safer for the ground staff that vehicles do not drive between or next to the abalone tanks.

The proposal is to provide all the parking required for Erf 11068 Hermanus on Erf 11166 Hermanus and that a notarial deed of servitude be registered against the title deed of Erf 11166 Hermanus to link the properties for the purposes of parking.

Existing GLA of Erf 11068 - Hermanus	1176m <sup>2</sup>
Proposed GLA of Erf 11068 - Hermanus	2001m <sup>2</sup>

Existing Parking Requirements			
Use for each building	Gross Leasable Area (GLA)	Bays required as indicated by the OMLUS	Parking Bays
Industry / Warehouse	1176m <sup>2</sup>	2 bays per 100m <sup>2</sup> <500m <sup>2</sup> 1 bay per 100m <sup>2</sup> >500m <sup>2</sup>	17
GLA = 1176m <sup>2</sup>			
10 parking bays for the first 500m <sup>2</sup> of GLA			
6.6 parking bays for the remaining 676m <sup>2</sup> of GLA			
A total of 17 parking bays are required for the subject property 17 parking bays are being provided on the subject property			

The proposal is to add an additional 835m<sup>2</sup> of GLA to the subject property, but the property is not able to accommodate the additional parking bays. The proposal is to remove all parking bays from the subject property and create a dedicated parking area on Erf 11166, Hermanus.

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

- Permanent Departure from the required parking provision.



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

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

**4.1 Permanent Departure from the parking requirements** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

As described in section 3 above, the proposal is to provide the subject property's parking on Erf 11166 Hermanus and to not have any parking on the subject property.

The approved SDP of Erf 11166 Hermanus, indicates 130 parking bays, but only requires 77 parking bays, therefore having 53 additional (spare) parking bays available to be utilised for the parking provision required for subject property.

The parking requirements for the subject property, are as follows:

Table 1: Proposed parking requirement for Erf 11068 Hermanus			
Use for each building	Gross Leasable Area (GLA)	Bays required as indicated by the OMLUS	Parking Bays
Industry / Warehouse	2001m <sup>2</sup>	2 bays per 100m <sup>2</sup> <500m <sup>2</sup> 1 bay per 100m <sup>2</sup> >500m <sup>2</sup>	25
Proposed GLA = 2001m <sup>2</sup>			
10 parking bays for the first 500m <sup>2</sup> of GLA			
15 parking bays for the remaining 1501m <sup>2</sup> of GLA			
A total of 25 parking bays are required for the subject property			

The GLA indicated above includes all of the buildings on-site. The property also has several abalone tanks that is not being included into the calculations above, as the tanks are not considered as structures/buildings.

Erf 11166 Hermanus has 53 additional (spare) parking bays

Erf 11068 Hermanus requires 25 parking bays

Should it be approved to allow the parking to be provided on Erf 11166 Hermanus, there will still be an additional 28 parking available on the property. This leaves room for future expansion of extension of either property.

It is important to note that no additional expansion is being proposed for the subject property at this stage. The expanded factory area that was recently been approved is the last major upgrade being proposed at this stage. Any new expansion would require a review of the parking requirements and approved building plans that would allow the OM's Town Planning Department to provide comment and assess the plans accordingly.



## MOTIVATION

The proposal is also to utilise the stipulated "Alternative parking provision" in terms of Section 17.1.2 of the OMLUS.

*"b) acquire permanent rights to a parking facility or portion of a parking facility elsewhere in a position approved by the Municipality and shall register a notarial deed of servitude against such land or parking facility to link the properties concerned for the purpose of parking, and the owner shall cause the parking concerned to be constructed and maintained at his cost to the satisfaction of the Municipality, and the cost of registration of the servitude shall be borne by the owner;"*

With both properties being owned by the same owner it would make it possible to register the notarial tie between these two properties without requiring an external party's consent.

Refer to Annexure C –SDP of Erf 11166 Hermanus indicating the additional parking in the north-eastern side of the property.

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### 5. APPLICATION

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Considering the above, application is made for the following:

**5.1 Permanent Departure from the parking requirements** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

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### 6. LAND USE ENVIRONMENT

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The subject property is located within a mixed-use area. There are residential areas to the west and north of the subject property and the new harbor is located to the east of the property with other industrial zoned properties to the south, which are also owned by Abagold. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

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### 7. TITLE DEED

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Title deed T53145/2009 (refer **Annexure B**) was perused and there are no restrictive title conditions that would prohibit the allocation of parking on the Sulamanzi site.

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### 8. ZONING

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This proposal was assessed in conjunction with the IND1 zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:



**MOTIVATION**

<b>Industrial Zone 1: General Industry</b>		
	<b>Parameters</b>	<b>Proposal</b>
<b>8.1</b>	<b>(a) Primary use</b> industry, agricultural industry, builder's yard, caretaker's accommodation, factory shop, funeral parlour, heavy vehicle service station, industrial café (subject to the provisions of Chapter 16.10), motor repair garage, service trade, service station, transmission apparatus (subject to the provisions of Chapter 16.10), transport use, utility services, warehouse and workshop.	Industry and warehouse
<b>8.2</b>	<b>(b) Consent use that may be</b> abattoir, adult entertainment business, aquaculture, business premises, crematorium, dwelling unit, mining, noxious trade, place of assembly, place of entertainment, place of instruction, recreational facilities, restaurant, sale of alcoholic beverages and scrap yard.	N/A
<b>Development rules</b>		
<b>8.3</b>	<b>Floor factor</b> The maximum floor factor on the land unit shall not exceed 2.	0,09
<b>8.4</b>	<b>Coverage</b> The maximum coverage for all buildings on the land unit shall not exceed 75%.	9.26%
<b>8.5</b>	<b>Height</b> The maximum height of any building measured from the base level to the top of the structure is 12,0 m, provided that where a structure of greater height is required for the industrial function of the property, the Municipality may grant approval for such greater height.	All proposed structures will be lower than 12m.
<b>8.6</b>	<b>Building lines</b> (i) The street building line shall be 5,0 m. (ii) The side and rear building line shall be 0 m.	(i) 5m; (ii) 0m when abutting another industry zone to the south.



**MOTIVATION**

	<p>(iii) Where a land unit abuts a zone that is not an industry zone, the building lines of the particular zone, whichever is the greater, shall apply.</p> <p>(iv) Notwithstanding the above, the Municipality may stipulate greater building lines for considerations of public health and safety, fire control and in order to enforce any law or right.</p> <p>(v) The general building line exemptions in 16.1 apply.</p>	<p>(iii) The subject; property is abutted by properties that are zone Authority Usage and Undetermined on the side boundaries and these zonings have no building lines;</p> <p>(iv) Subject to the request of the Municipality; and</p> <p>(v) N/A.</p>	
<p><b>8.7 Setback</b></p>	<p>(i) A setback of 8,0 m from the centreline of the road applies.</p> <p>(ii) Notwithstanding the above, the Municipality may stipulate a setback for considerations of public health and safety, fire control and in order to enforce any law or right.</p> <p>(iii) The provisions of 16.2 apply.</p>	<p>(i) 18m;</p> <p>(ii) Subject to the request of the Municipality; and</p> <p>(iii) N/A</p>	<p>Comply</p>
<p><b>8.8 Boundary walls</b></p>	<p>A wall of 2,1 m high must be erected where a land unit has a common boundary with another land unit that is not zoned General Industry (IND1) or Risk Industry (IND2) or when hazardous substances are stored on site.</p>	<p>A boundary wall which is 2,1m high currently exists between the subject property and the surrounding properties.</p>	<p>Comply</p>
<p><b>8.9 Parking and access</b></p>	<p>Parking and access shall be provided on the land unit in accordance with 17.1.</p> <p><b>Industrial and warehouse</b> = 2 bays per 100m<sup>2</sup> GLA up to 500m<sup>2</sup> thereafter one per 100m<sup>2</sup></p>	<p>GLA = 2001m<sup>2</sup></p> <p>10 parking bays for the first 500m<sup>2</sup> of GLA</p> <p>15 parking bays for the remaining 1501m<sup>2</sup> of GLA</p> <p>25 parking bays required for the subject property</p>	<p>Comply</p>
<p><b>8.10 Loading bays</b></p>	<p>Loading bays must be provided in accordance with 17.2. The minimum off-street loading must be provided to the satisfaction of the Engineering Department.</p>	<p>There is sufficient loading space, if the municipality request it a delineated area may be indicated.</p>	<p>Comply</p>



**MOTIVATION**

<p><b>8.11</b></p>	<p><b>Screening</b></p>	<p>The Municipality may require screening in accordance with the following:  a) any part of the land unit which is used for the storage or loading of goods shall be enclosed with a suitable wall and/or landscape screening; and  b) any external utility service or equipment which is required for a building shall be appropriately screened from view from a public street, and such screening shall be integrated with the building in terms of materials, colour, shape and size and shall be to the Municipality's satisfaction.</p>	<p>Subject to the request of the Municipality.</p> <p>Comply</p>
<p><b>8.12</b></p>	<p><b>Environmental considerations</b></p>	<p>An environmental study and/or environmental management plan may be required by the Municipality for its consideration and approval in accordance with 16.4. No activity that includes the storage of on-site hazardous substances shall be permitted unless a risk management and prevention plan has been approved by the Municipality. The Municipality may impose conditions of approval to mitigate the environmental impact of industrial activities on adjacent properties for considerations of public health and safety, fire control and in order to enforce any law or right.</p>	<p>Subject to the request of the Municipality</p> <p>Comply</p>
<p><b>8.13</b></p>	<p><b>Site development plans</b></p>	<p>The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.</p>	<p>No approved site development plan exists. For Site design + consult prepared the site plan and the building plan. Refer to <b>Plan 4 – Site Development Plan.</b></p> <p>Comply</p>



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## 9. SERVICES

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

### **Solid waste**

Solid waste is collected on the subject property on a weekly basis and the approval and implementation of this proposal will not alter that.

### **Water**

The OM supplies potable water to the existing structures and the proposed structures will connect to this potable water network.

### **Sewage**

The existing buildings connect to the reliable sewage network that is operated by the OM. The proposed processing plant will connect to the sewage network that is operated by the OM.

### **Electricity**

The existing structures are connected to the existing electricity network in the area and the proposed structures will be connected to this.

### **Access and Egress**

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

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## 10. NEED AND DESIRABILITY

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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 land use application is required to address all the land use requirements and ensuring the property meets all the needs of the property owner. Desirability is more often a personal feeling of the property owner. The property owner has a demand to meet, and the natural expansion of the property requires the parking to also increase. The proposal is to provide the required parking on another site, also owned by the property owner. It is not expected that the proposal will benefit any other users or person.

To achieve their vision, the property owners have appointed WRAP Project Office to submit this application to ensure the proposed development is not in contradiction to any policies, legislation, or title deed conditions.

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

The subject property is located in a mixed-use area and the zoning of the property is industrial. It is not proposed that the property will negatively affect the surrounding area and have an impact on the views, sunlight and character of the area. Any structures



## MOTIVATION

being proposed on the property will be required to adhere to the development parameters set out by the OM.

### **Economic impact**

The proposal has little to no impact on the economy. The proposal solves an operational problem with regard to the parking requirements. This does however ensure that operations of the property may continue.

### **Opportunity cost**

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

### **Impact on heritage**

The subject property is not listed in the OM Heritage Register.

### **Environmental impact**

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

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## **11. POLICIES AND REGULATIONS**

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

The subject property is not located within the EMOZ.

### **11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)**

The subject property is not located within the HPOZ.

### **11.3 Spatial Planning Policies**

This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Spatial Development Framework, 2020.

The proposal is only to allow the parking required for the subject property to be located on another property.



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## **12. PLANNING PRINCIPLES**

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Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided. 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 will not contribute to spatial injustices.

### **Spatial sustainability and Efficiency**

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal will ensure that both properties are efficiently utilised, the subject property will not have any parking as it will be located on Erf 11166 – Hermanus. The parking bays on the subject property are compliant, but not regarded to be the most practical parking provision.

### **Spatial resilience**

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

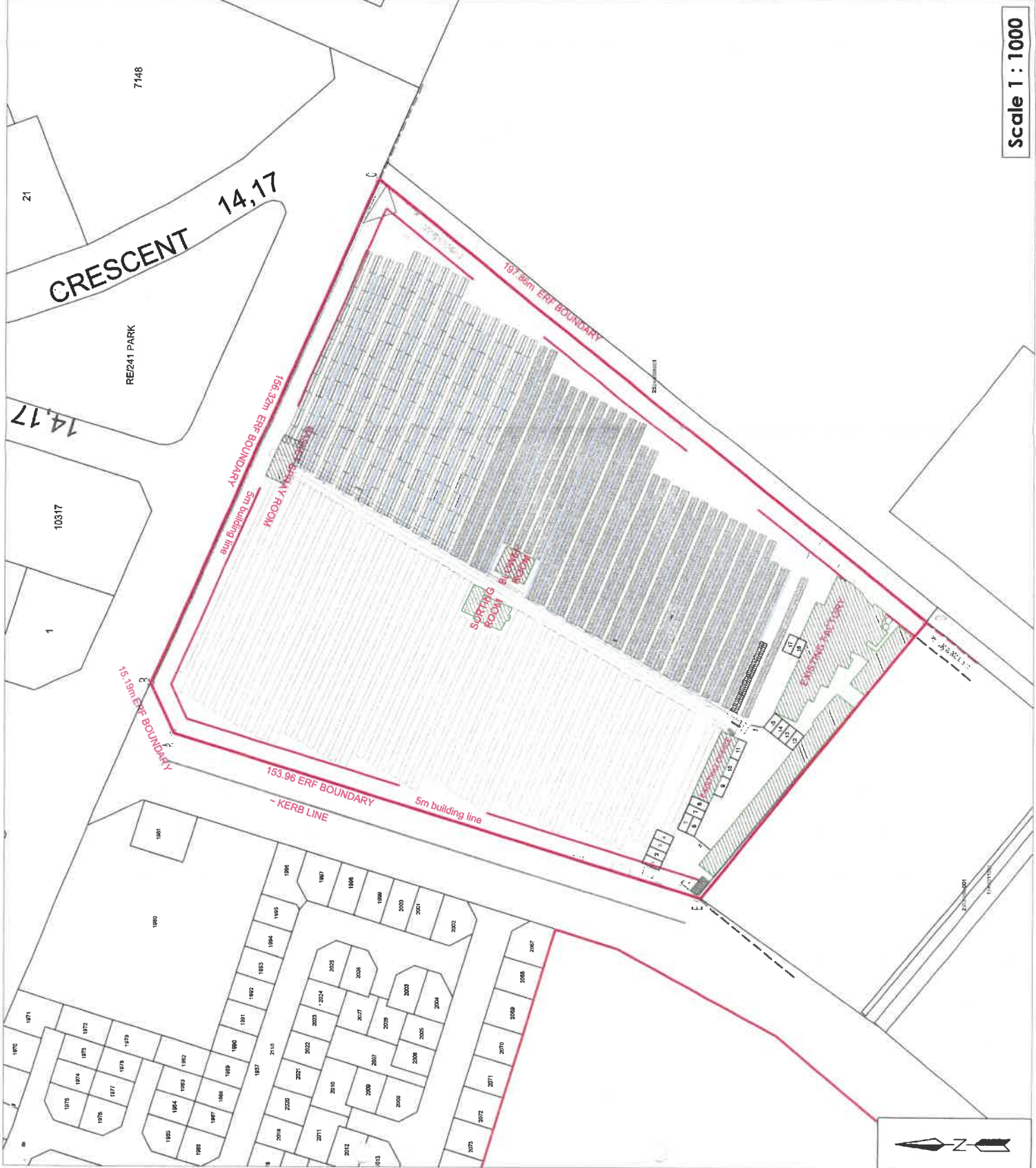
### **Good administration**

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.

Existing Site Plan Erf 11068 - Hermanus	Property Extent - 23 700m <sup>2</sup> Existing Building - 1360m <sup>2</sup> Total Existing Coverage % = 5,73%	Property Extent - 23 700m <sup>2</sup> Existing GLA - 1176m <sup>2</sup> Parkings bays available - 17 Required parking bays - 17 17 Parking Bays are required	Plan prepared by: Thian Jansen Based on plans by Joel Coller 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 Dikie Iys Street Hermanus, 7200
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Scale 1 : 1000



**Proposed Site Development Plan**  
Erf 11068 - Hermanus

Property Extent - 23 700m<sup>2</sup>  
Existing Building - 1360m<sup>2</sup>  
New additions - 835m<sup>2</sup>  
Total Coverage % = 9.26%

Property Extent - 23 700m<sup>2</sup>  
Proposed GLA - 2001m<sup>2</sup>  
Parkings bays available - 0  
Required parking bays - 25  
Parking shortfall - 25

25 Parking Bays are required and cannot be accommodated on Erf 11068, Hermanus

Plan prepared by: Thian Jansen based on plans by Joel Collier

All distances are approximate and subject to a survey

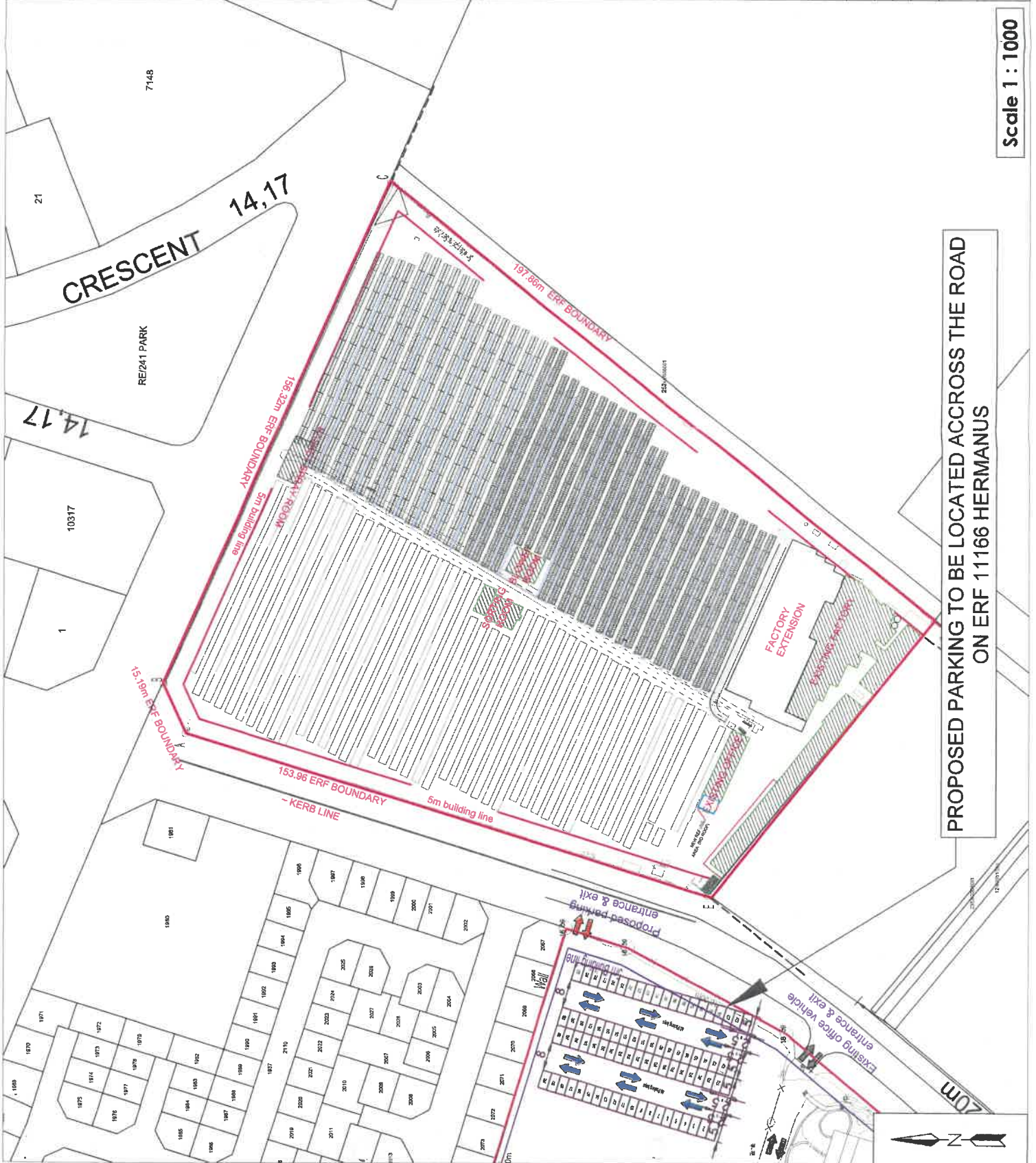
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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



**Project Office**  
Town Planning & Project Management



**PROPOSED PARKING TO BE LOCATED ACCROSS THE ROAD ON ERF 11166 HERMANUS**

Scale 1 : 1000