

**THIS MEETING DID NOT TAKE PLACE
DUE TO A LACK OF QUORUM**

PORTFOLIO COMMITTEE :

**INVESTMENT, INFRASTRUCTURE
& TOURISM**

Chairperson :

Cllr C Lerm

Committee Members :

**Cllr M Nomatiti, Ald R de Coning,
Cllrs M Sihlahla & V Bandeza**

INVESTMENT, INFRASTRUCTURE & TOURISM PORTFOLIO COMMITTEE

3 April 2024

I N D E X

ITEM
NO

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**AGENDA of the
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3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

**1.
TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: NOVEMBER 2023 –
FEBRUARY 2024**

**R Kuchar Senior Manager: Town & Spatial Planning
20 February 2024**

(028) 3138900

1. Executive Summary

To report on applications disposed of by the Authorised Official and Municipal Planning Tribunal in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 28 November 2023 – 28 February 2024.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

6. Background/Discussion/Evaluation/Conclusion

Background

This item serves to inform Council of matters that were disposed of by the Authorised Official in terms of SPLUMA and the Municipal Planning Tribunal.

7. Financial Implications

None

8. Staff Implications

None

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9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

To view, annexures are available at the office of the Senior Manager: Town and Spatial Planning.

RECOMMENDATION:

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 28 November 2023 – 28 February 2024:

1.	Erf 8123 & 8124 , 111A Tenth Avenue, Kleinmond	28 November 2023
2.	Erf 8108 , 80 Main Road, Kleinmond	11 January 2024
3.	Erf 1175 , 15 Gull Close, Vermont	24 January 2024
4.	Erf 1746 , 5 Protea Street, Pearly Beach	24 January 2024
5.	Erf 6224 , 237A Tenth Street, Voëlklip	29 January 2024
6.	Erf 2393 , 107 Tenth Street & Erf 2398, 108 Eleventh Street, Voëlklip	29 January 2024
7.	Erf 4113 , 5 Ravencroft Close, Bosplasia, Onrustrivier	31 January 2024
8.	Erf 5055 , 31 Geelhout Avenue, Kleinmond	31 January 2024
9.	Erf 393 , 15 Van Dyk Street, Gansbaai	31 January 2024
10.	Erf 6301 , 82 Main Road, Kleinmond	31 January 2024
11.	Erf 4548 , 15 Main Road, Kleinmond	6 February 2024
12.	Erf 6186 , 4 Fourteenth Street, Kleinmond	6 February 2024
13.	Erf 3142 , 9 Cross Street, Onrustrivier, Hermanus	8 February 2024
14.	Erf 1668 , Longmarket Street, 9 Victoria Close, Stanford	19 February 2024
15.	Erf 224 , 107 Sea View Drive, Franskraalstrand	19 February 2024
16.	Erf 445 , 55 Main Road & Erf 450 , 15 Bird Lane, Northcliff, Hermanus	20 February 2024
17.	Erf 646 , 1 Nursery Road, Pearly Beach	20 February 2024
18.	Erf 2087 , 49 Fourth Street, Voëlklip	23 February 2024
19.	Erf 3259 , 215 Tenth Street, Voëlklip	23 February 2024

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 27 February 2024:

1.	Erf 234 , 20 Porter Drive, Rooiels	27 February 2024
2.	Erf 158 , 22 Central Street, Pearly Beach	27 February 2024

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3. Erf **4286** Chanteclair Avenue & Erf **4443**, 27
Chanteclair Avenue, Onrus Manor, Onrustvriër 27 February 2024

RESPONSIBLE OFFICIAL : L TAYLOR

TARGET DATE FOR IMPLEMENTATION : 26 APRIL 2024

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

**1. ERVEN 8123 & 8124, 111A TENTH AVENUE, KLEINMOND, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION: NW & J THYS**

8123 & 8124 KKM (4393/2023)

B Minnaar

(028) 313 8900

Hermanus Administration

24 October 2023

EXECUTIVE SUMMARY

An application was received on 17 May 2023 from NW & J Thys on Erven 8123 & 8124, Kleinmond in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the consolidation of Erven 8123 & 8124, Kleinmond to create a consolidated erf of 1062m² in extent.

RESOLUTION

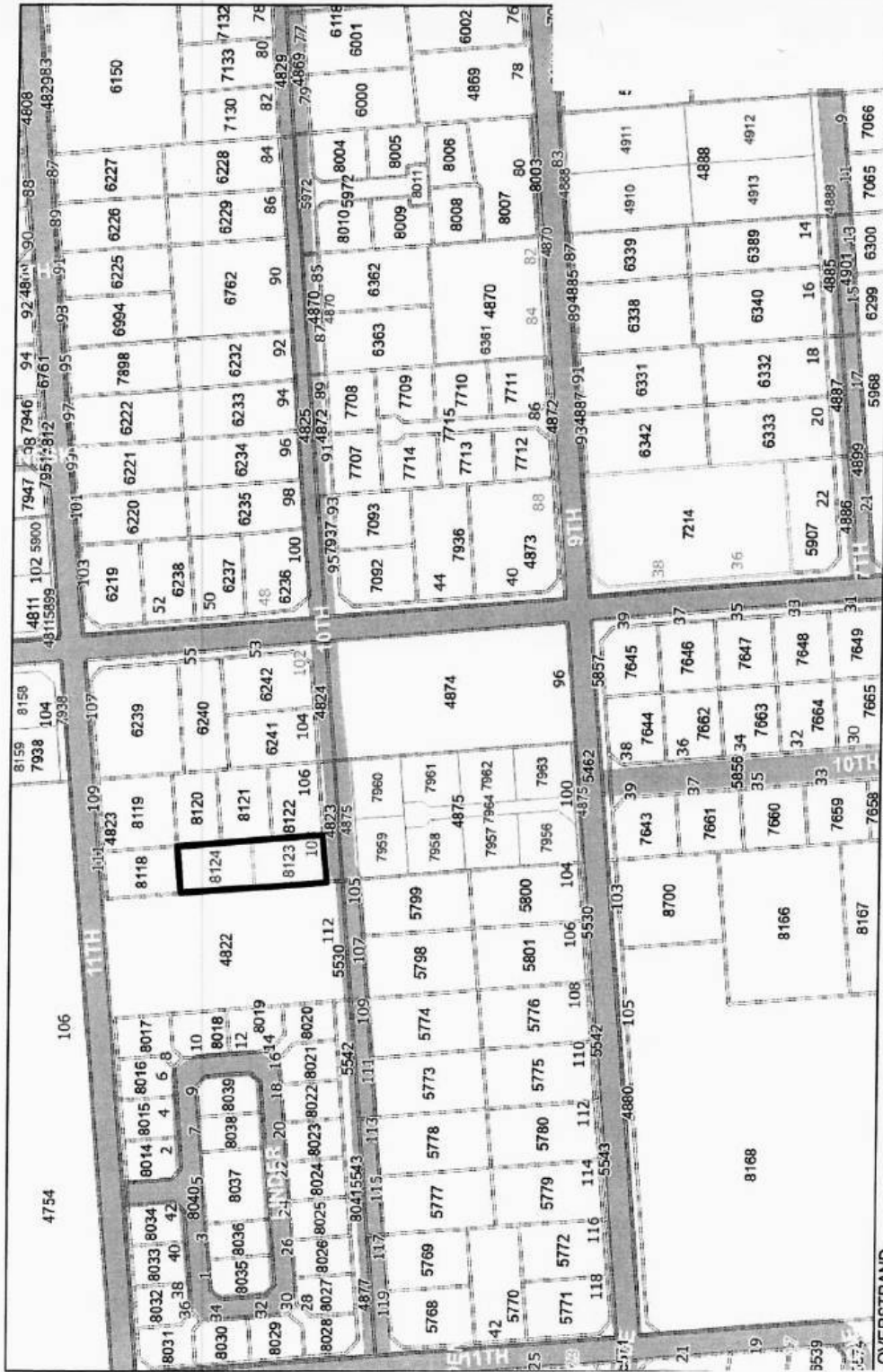
1. that the application in terms of Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the consolidation of Erven 8123 & 8124, Kleinmond to create a consolidated erf of 1062m² in extent, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the consolidation as indicated on the consolidation diagram compiled in November 2023;
 - (b) that the coverage of 50% be maintained;
 - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all the conditions in the Services Report be complied with, and
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with.

2. that the applicant be notified of the right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**AGENDA of the
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REASONS FOR RESOLUTION

- ❖ The application is only for the consolidation of the two (2) erven and that no further development is proposed.
- ❖ That the proposed new erf size is in line with the erf sizes in the immediate surrounding area.
- ❖ That the application followed due process and no objections were received.



OVERSTRAND
MUNICIPALITY

Locality Map
Erven 8123 & 8124 Kleinmond

Date: 2023/05/19

VAN DYK & Associates Inc. (V21575)

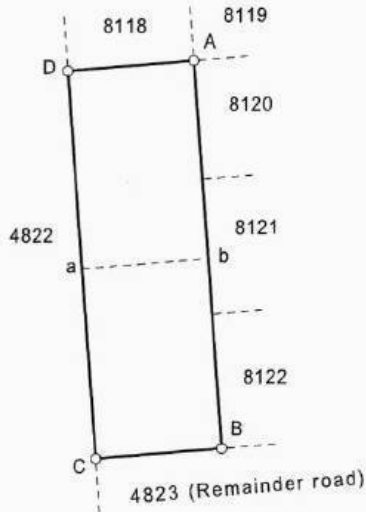
Components:

1. The figure AbaD represents Erf 8124 Kleinmond
Vide General Plan No. 7272/2007
2. The figure abBC represents Erf 8123 Kleinmond
Vide General Plan No. 7272/2007

SG No.

Approved

for
SURVEYOR-
GENERAL



Scale : 1 / 750

The figure ABCD represents 1 062 square metres of land, being

Erf 8720 Kleinmond
(comprising 1 and 2 above)

situate in the Overstrand Municipality
Administrative District of Caledon

Western Cape Province
Compiled in November 2023 by me

LA van Dyk
LA van Dyk
Professional Land Surveyor
Registration Number: PLS 1069

This Diagram is annexed to
No.

The original diagrams
are as indicated above

File:
S.R. No. Compiled
GP SG No. 7272/2007
Comp AI-3AC/W14 (414)
AI-3AC/X14 (419)
LPI No. C0130014

Registrar of Deeds

Erf 8720 Kleinmond

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION: ERF 8123 & ERF 8124, KLEINMOND
(4393/2023)**

Water	:	Refer to Conditions
Sewer	:	Refer to Conditions
Stormwater	:	Refer to Conditions
Roads and traffic	:	Refer to Conditions

Conditions:

1. that the existing sewer connection(s) be used to service the proposed consolidated development;
2. that the water connections to the erven must be consolidated to one connection and that one water meter be allowed/ registered ;
3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
4. that the electricity connections to the erven must be consolidated to one connection and that one electricity meter be allowed/ registered;
5. that electrical submetering for second/additional dwelling(s) remains the responsibility of the developer/owner.
6. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
7. that, should any upgrading and / or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Operational Manager: Hermanus for written approval;
8. that any additional and / or extended vehicle entrances will be for the owner's account;
9. that no reservation of on-street parking be allowed.
10. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;

p.p. D. Hendriks
DENNIS HENDRIKS

SENIOR MANAGER: ENGINEERING SERVICES

29/06/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

2. ERF 8108, 80 MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: FUTURE PLAN TOWN & REGIONAL PLANNERS ON BEHALF OF AUTUMN STAR TRADING 138 (PTY) LTD

8108 KKM (4434/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

20 December 2023

EXECUTIVE SUMMARY

An application has been received on 6 July 2023 from Future Plan Town & Regional Planners on behalf of Autumn Star Trading 138 (Pty) Ltd on Erf 8108, Kleinmond in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for a departure to exceed the maximum height of a boundary wall from 2,1m to approximately 2,996m and to erect additional electric fencing of 0,6m in height for on the eastern boundary for security purposes.

RESOLUTION

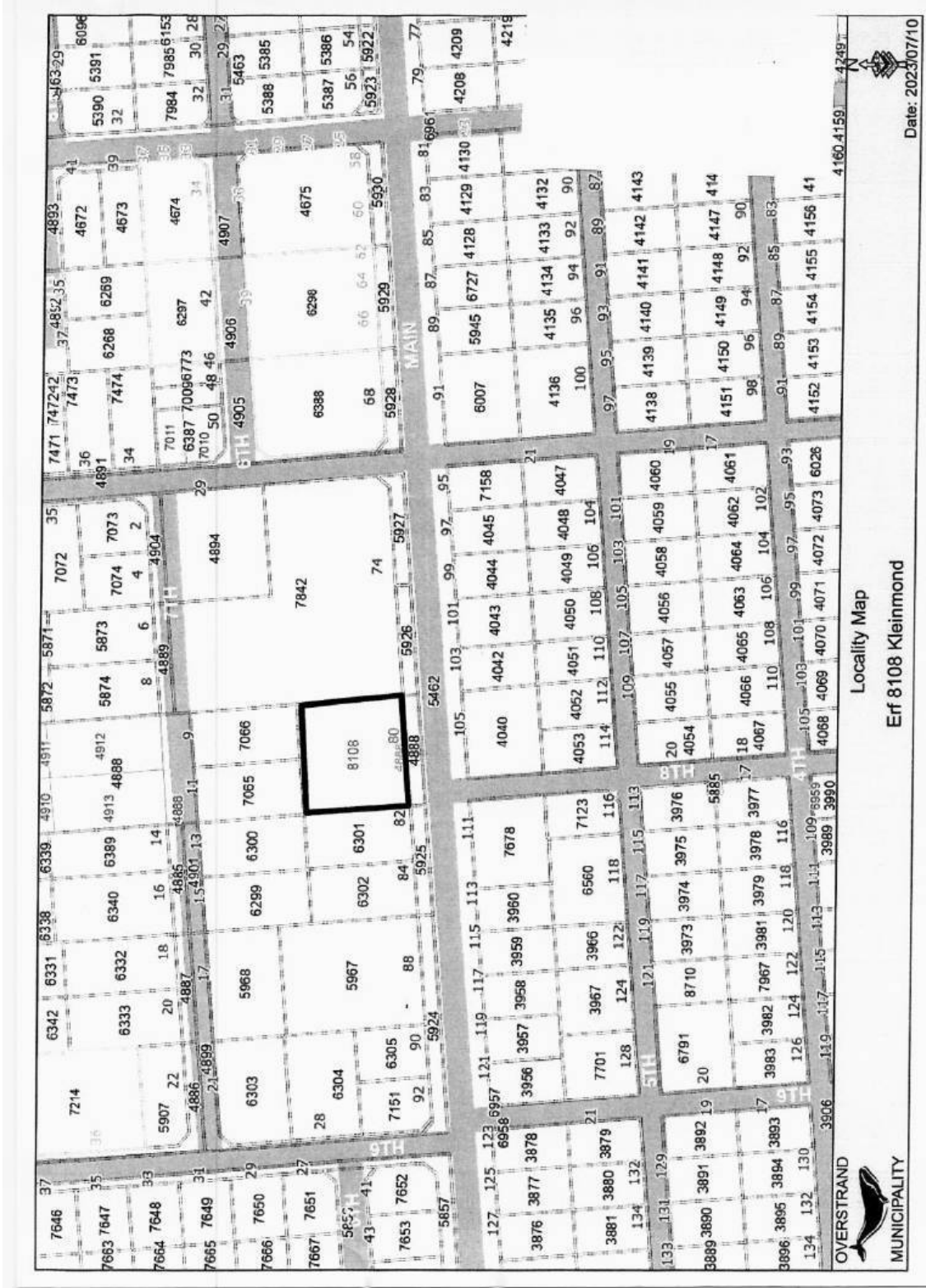
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 8108, Kleinmond for a departure to exceed the maximum height of a boundary wall from 2,1m to approximately 2,996m and to erect additional electric fencing of 0,6m in height for on the eastern boundary for security purposes, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions
 - (a) that this approval is only for the development as indicated on the plan number 23/103/M-101 dated 26 June 2023, as submitted with the application;
 - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The erf has approved building plans.
- ❖ The surrounding owners did not object.
- ❖ The application will have no impact on the surrounding area.



Date: 2023/07/10

Locality Map Erf 8108 Kleinmond



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**3. ERF 1175, 15 GULL CLOSE, VERMONT, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR DEPARTURE: INTERACTIVE TOWN & REGIONAL
PLANNING ON BEHALF OF M CICHON**

1175 HVM (4466/2023)

H Olivier

(028) 313 8900

Hermanus Administration

19 December 2023

EXECUTIVE SUMMARY

An application was received on 29 August 2023 from Interactive Town & Regional Planning on behalf of M Cichon Erf 1175, Vermont in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to relax the northern street building line from 3m to 1,78m to accommodate a proposed new bedroom on ground floor level and a balcony on first floor level.

RESOLUTION

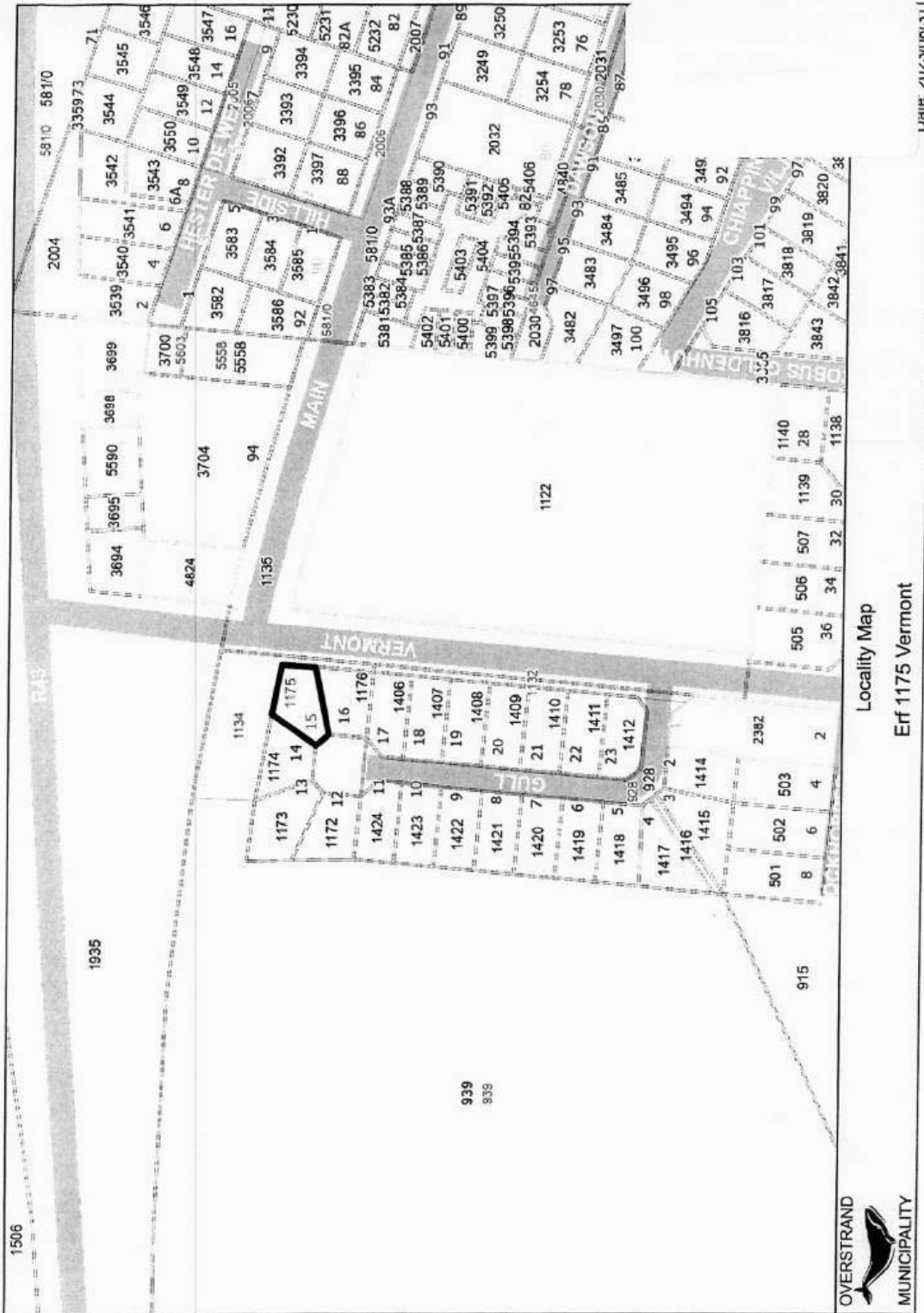
1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1175, Vermont for a departure to relax the northern street building line from 3m to 1,78m to accommodate a proposed new bedroom on ground floor level and a balcony on first floor level, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval only relates to a building line relaxation as indicated on Plan Numbers 101 and 102 dated 20 July 2023 submitted with this application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Departments be complied with at that stage;
 - (c) that all the conditions in the Services Report be complied with;
 - (d) that all conditions imposed by Eskom and Telkom be complied with;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

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- (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regards to the above-mentioned approval.

REASONS FOR RESOLUTION

- ❖ All municipal departments support the application.
- ❖ No objections were received from surrounding neighbours.
- ❖ The proposed extension will not impact the privacy of surrounding property owners.
- ❖ The application will not impact on the character of the area, view lines or the street scape.
- ❖ The application is in line with the Planning Principles and is considered desirable.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 1175,VERMONT (4466/2023)**

Stormwater (SW) : Refer to conditions
Electricity : Eskom Area
Water : Refer to conditions
Sewer : Refer to conditions
Roads and traffic : Refer to conditions

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
3. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
4. that any additional and / or extended vehicle entrances will be for the owner's account;
5. that no reservation of on-street parking be allowed;
6. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
7. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
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3 April 2024
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4. ERF 1746, 5 PROTEA STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR RELAXATION OF A RESTRICTIVE TITLE DEED CONDITION: WW MOOSA, T TITUS & UE BURGESS

1746 GPB (4431/2023)

SW van der Merwe

(028) 313 8900

Hermanus Administration

9 January 2024

EXECUTIVE SUMMARY

An application has been received on 6 July 2023 from WW Moosa, T Titus and UE Burgess applicable to Erf 1746, Pearly Beach for the relaxation of a restrictive title deed condition *E.6(b)* as contained in Title Deed T3201/2023 to permit the encroachment of the 1,57m lateral building line to 0,1m to accommodate a proposed carport.

RESOLUTION

1. that the application for relaxation of a restrictive title deed condition in terms of the provisions of *Condition E.6(b)* as contained in Title Deed T3201/23 to permit the encroachment of the lateral title deed building line from 1,57m to 0,10m, **be approved**, subject to the following conditions;
 - (a) that the approval is only for the relaxation of the building lines indicated on the Site Development Plan;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that all the conditions in the Services Report be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

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REASONS FOR RESOLUTION

- ❖ The application followed due procedure.
- ❖ Surrounding owners provided written consent.
- ❖ The proposal will not detract from the character of the area.
- ❖ The proposal will not adversely impact upon vested rights of adjoining properties.

NOTAS:

FONDASIES:
700 x 230 Strook fondasie vir afkak mure, minimum 230mm onder OV.

VLOERE:
25mm Vlaklag op 85mm beton vloer op 250 micron vogwerende membraan min. 230mm bo grondvlak.

MURE:
230mm Steenmure op 375 mic. VWL. pleister binne en buite en beide kante geverf. Siensversterking elke derde steenlaag met beton lankle oor alle openinge 38 x 114 Houramwerk vir mure vir nuwe slaap kamers met vertikale hout naks. 600 h/b. Dubbel muurplaat en styie lankle deur openinge.

DAKKE:
Soos per speks. op snitte A-A, B-B, C-C en D-D.

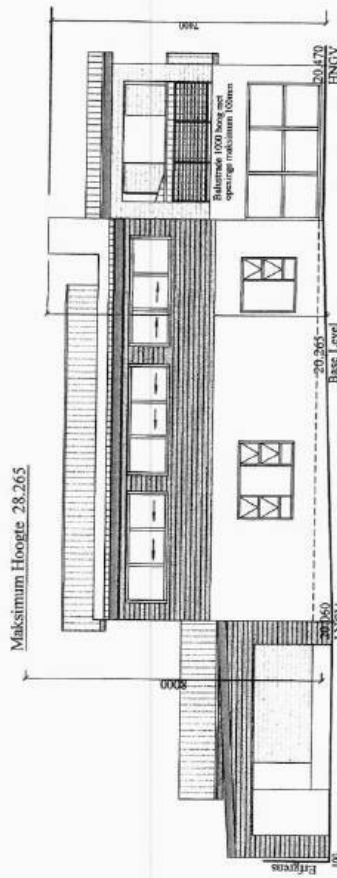
PLAFON:
Plafon vir slaapkamers soos per spesifikasies op snit B-B.

ALGEMEEN:
Alle werk moet voldoen aan NBR sowel as Plaaslike Owerheid Regulasies om aan te pas by bestaande bouwerk.

**VOORGESTELDE AANBOU
ING AAN BESTAANDE
WOONHUIS OP ERF 1746,
PEARLY BEACH, VIR W.
W. MOOSA, T. TITUS EN
U. E. BURGESS**

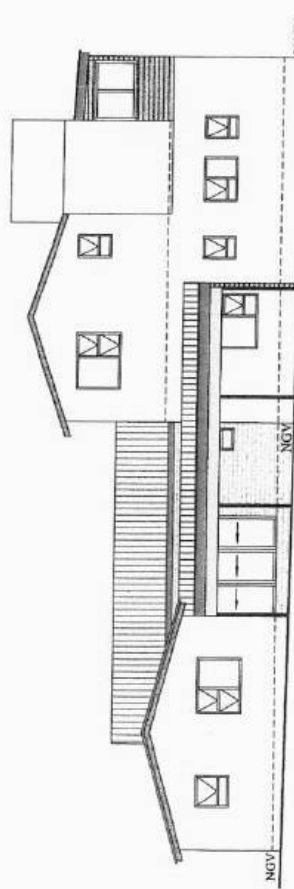
J.J. CRISTEN - PROJ. ARCHITECTONISKE TEKENING
Simp Ing. No. 11 021 jccristen@ymail.com
Fisika 053
Pearly Beach 7201
Tel. No. 081 23 341 000 707 0201 2002-08-12

Moosa, B.I. 1 van 7



Skaal 1 : 100

SUID AANSIG



Skaal 1 : 100

WES AANSIG

AREA		WES AANSIG		SUID AANSIG	
Grondvlak	147,16	147,16	147,16	147,16	147,16
Bestaande Woonhuis	23,08	23,08	23,08	23,08	23,08
Bestaande Bouwplan	47,39	47,39	47,39	47,39	47,39
Voorg. Slaapkamers	41,22	41,22	41,22	41,22	41,22
Voorg. Motorstak	27,96	27,96	27,96	27,96	27,96
Total	186,91	186,91	186,91	186,91	186,91
Eerste Vloer	12,75	12,75	12,75	12,75	12,75
Bestaande Woonhuis	40,33	40,33	40,33	40,33	40,33
Bestaande Bouwplan	40,33	40,33	40,33	40,33	40,33
Voorg. Motorstak	27,96	27,96	27,96	27,96	27,96
Total	123,37	123,37	123,37	123,37	123,37
Roof	71,64	71,64	71,64	71,64	71,64
Dekking	41,22	41,22	41,22	41,22	41,22
Total	112,86	112,86	112,86	112,86	112,86

608,91m²

2. *[Handwritten Signature]*

3. *[Handwritten Signature]*

Tekenaar: *[Handwritten Signature]*
Eiensman: 1. *[Handwritten Signature]*

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR RELAXATION OF TITLE DEED: ERF 1746, PEARLY
BEACH**

Electricity : In order
Water : In order
Sewer : In order
Stormwater : In order
Roads and traffic : In order

Conditions:

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 1746, Pearly Beach, unobstructed;
6. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

22/11/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

5. ERF 6224, 237A, TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN: MESSRS INTERACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF DJ & C BOTHA

6224 HVK (4260/2022)

P Roux

(028) 313 8900

Hermanus Administration

08 December 2023

EXECUTIVE SUMMARY

An application has been received on 20 August 2022 from Messrs InterActive Town and Regional Planners on behalf of the owners of Erf 6224, Voëlklip, Hermanus for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law in order to:
 - relax the western lateral building line from 1m to 0m to accommodate the first floor stoep;
 - relax the western lateral building line from 1m to 0m to accommodate the stairs from the ground floor to the first floor, and
 - relax the eastern lateral building line from 3m to 1m to accommodate ground floor bedroom with bathroom.
- ❖ **amendment of the approved site development plan** in terms of Section 16(2)(l) of the By-Law to accommodate the proposed structures.

RESOLUTION

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 6224, Hermanus to:
 - relax the western lateral building line from 1m to 0m to accommodate the first floor stoep;
 - relax the western lateral building line from 1m to 0m to accommodate the stairs from the ground floor to the first floor, and
 - relax the eastern lateral building line from 3m to 1m to accommodate ground floor bedroom with bathroom.

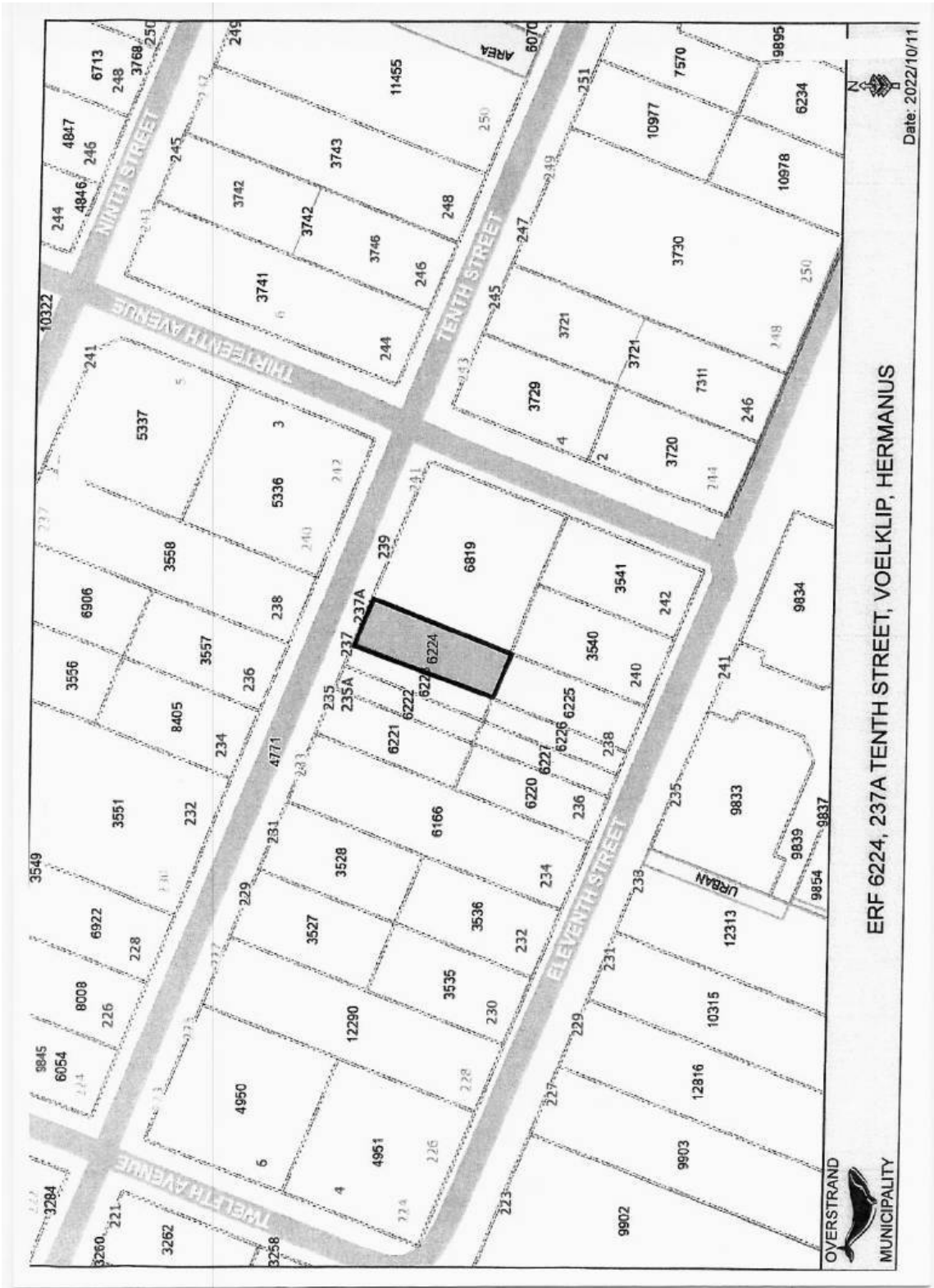
be approved in terms of the provisions of Section 61 of the By-Law; Amendment of the approved site development plan in terms of section 16(2)(l) of the By-Law to accommodate the proposed structures.

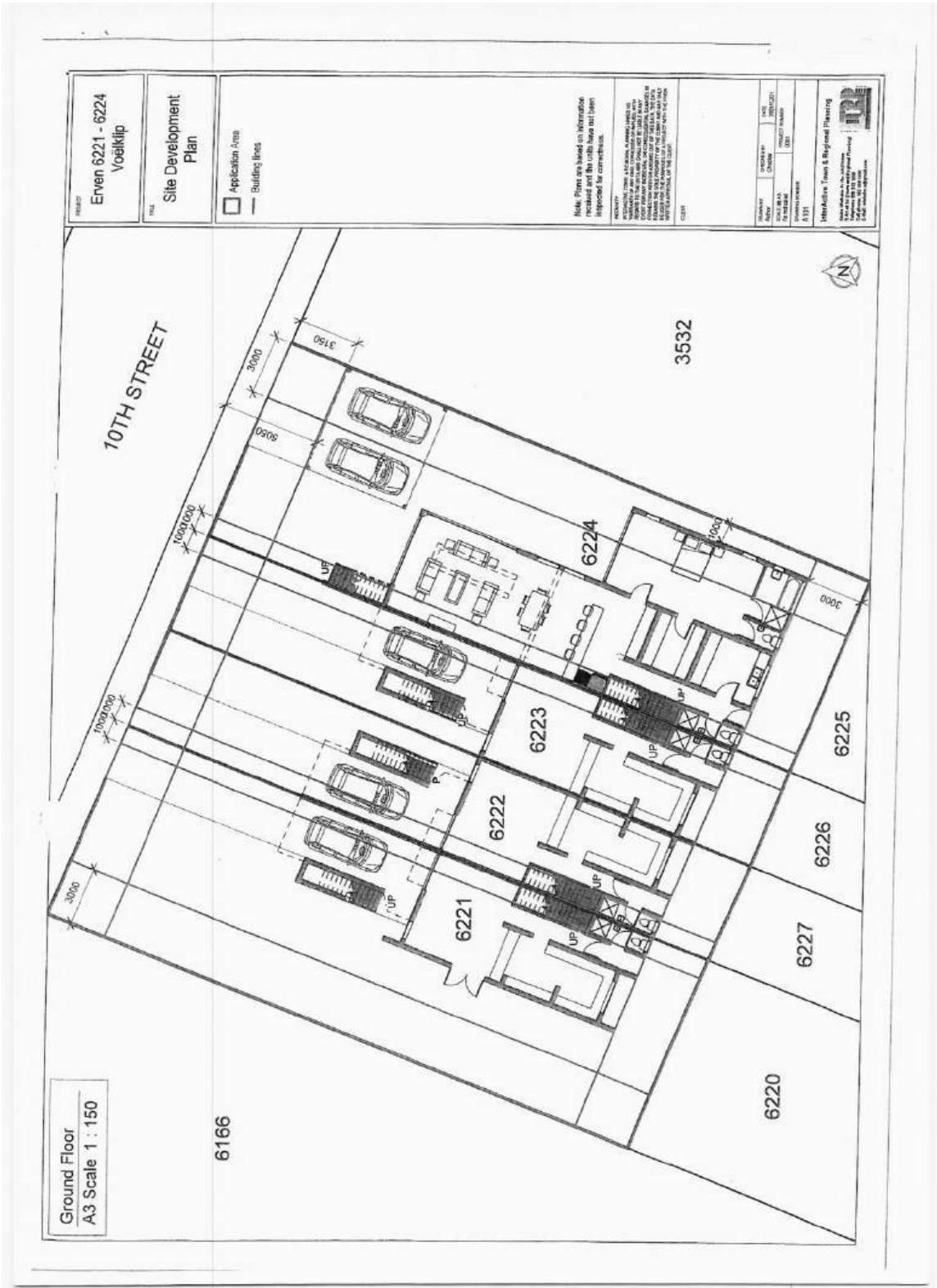
**AGENDA of the
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2. that the application for amendment of the approved site development plan in terms of Section 16(2)(l) of the By-Law, applicable to Erf 6224, Hermanus be approved in terms of the provisions of Section 61 of the By-Law;
3. that the recommendation under paragraphs 1. and 2. above is subject to the following conditions:
 - (a) that the approval is only for the development as indicated on drawing no. 0001 dated 01/12/2021, as submitted with the application;
 - (b) that the departure for the new bedroom be limited to 2m from the eastern boundary;
 - (c) that the building plans be submitted to the Building Control Office in line with condition 2 (c), and all comments from the Fire Department be complied with at that stage;
 - (d) that all the conditions in the Services Report be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with;
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- ❖ The proposed amendment of the SDP will not have a negative impact on the adjacent property owners or the character of the area.
- ❖ All the owners of Erven 6221, 6222 and 6224 have provided their consent for the application.
- ❖ The design can be easily adjusted to lessen the footprint over the eastern lateral building line.
- ❖ A 2m building line will ensure that the character of the single residential zoned area is maintained.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ No objections were received.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF THE SITE DEVELOPMENT PLAN &
DEPARTURE: ERF 6224, VOELKLIP (4260/2022)**

Stormwater (SW) : In Order
Electricity : In Order
Water : In Order
Sewer : In Order
Roads and traffic : In Order

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that stormwater be allowed to discharge through Erf 6224, Voelklip, unobstructed;
7. that no on-street parking be allowed.

p.p. R. Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

10/02/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

6. ERF 2393, 107 TENTH STREET & ERF 2398, 108 ELEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS MB PLAN TOWN PLANNING ON BEHALF OF PERISSEUO TRUST

2393 & 2398 HVK

P Roux

(028) 313 8900

Hermanus Administration

18 December 2023

EXECUTIVE SUMMARY

An application was received on 17 May 2023 in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) from Messrs MB Plan Town Planners on behalf of the owners of Erven 2393 and 2398, Hermanus for the following:

consolidation in terms of Section 16(2)(e) of the By-Law, to consolidate Erven 2393 & 2398 Hermanus, to create one extended erf which allows for the dwelling and the associated garages to exist on one property.

departure in terms of Section 16(2)(b) of the By-Law in order to:

- ❖ relax the eastern lateral building line from 2m to 1.07m to accommodate alterations to the walls and window of the existing study, guest bathroom and dressing room; and
- ❖ relax the western lateral building line from 2m to 1.45m to accommodate the existing balcony, stairs, columns and garden door.

determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law, in order to legalize the existing structures.

RESOLUTION

1. that the application for consolidation in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 2393 and 2398, Voëlkliip to consolidate Erven 2393 & 2398 Hermanus to create on erf of approximately 990m² in extent, **be approved** in terms of the provisions of Section 61 of the By-Law;

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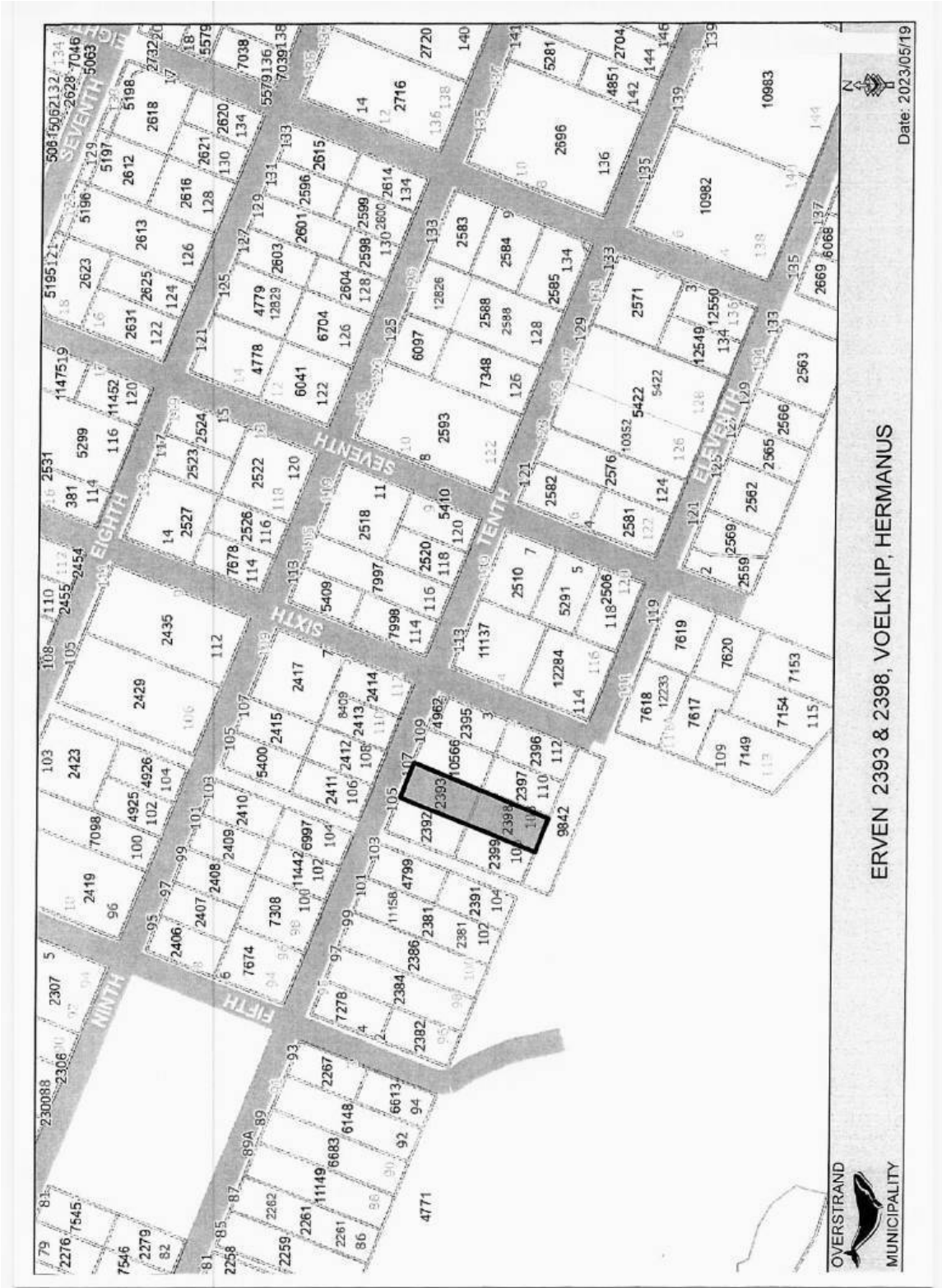
2. that the application for departure in terms of Section 16(2)(b) of the By-Law applicable to Erven 2393 and 2398, Voëlklip to:
 - relax the eastern lateral building line from 2m to 1.07m to accommodate alterations to the walls and window of the existing study, guest bathroom and dressing room; and
 - relax the western lateral building line from 2m to 1.45m to accommodate the existing balcony, stairs, columns, and garden door, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erven 2393 & 2398 Hermanus, for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
4. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:
 - (a) that the approval is only for the consolidation and departures as indicated on drawing number H2398, Hermanus dated August 2022 and drawing number 2398.1 to 2398.6 dated 14/04/2023 as submitted with the application;
 - (b) that building plans be submitted for any new work done and that the Building Department and Fire Department's comments be complied with at that stage;
 - (c) that an administration penalty fee of R5 096,79 (VAT included), be payable within thirty (30) days of the decision;
 - (d) that the conditions in the Services Report be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
5. that the applicant and person who commented be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

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REASONS FOR RESOLUTION

POINT 1

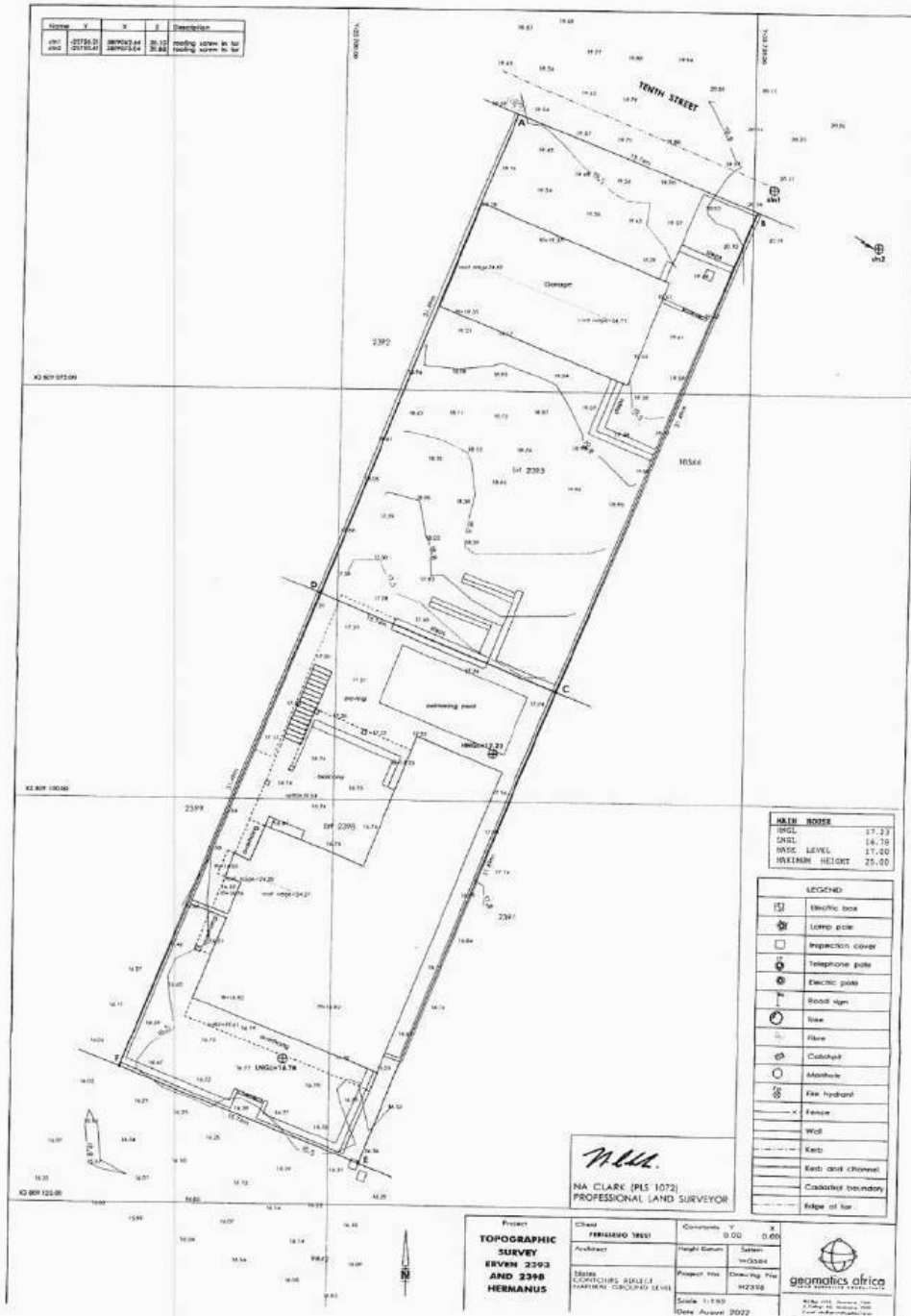
- ❖ The structures are low-cost structures, and the use thereof is on temporary occasions.
- ❖ The retention of the existing structures on its existing placement will not have a negative impact on the adjacent property owners or the character of the area.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The structures proposed are further considered to be in line with the character of the area.
- ❖ Building work was completed without the required approval from the municipality.



ERVEN 2393 & 2398, VOELKLIP, HERMANUS

Date: 2023/05/19





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION, DEPARTURE & DETERMINATION
OF AN ADMINISTRATIVE PENALTY: ERF 2393 & ERF 2398, VOELKLIP**

Electricity	:	Refer to Conditions
Water	:	Refer to Conditions
Sewer	:	Refer to Conditions
Stormwater	:	Refer to Conditions
Roads and traffic	:	Refer to Conditions

Conditions:

1. that the existing sewer connection(s) be used to service the proposed consolidated development;
2. that the water connections to the erven must be consolidated to one connection and that one water meter be allowed/ registered;
3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
4. that the electricity connections to the erven must be consolidated to one connection and that one electricity meter be allowed/ registered;
5. that electrical submetering for second/additional dwelling(s) remains the responsibility of the developer/owner;
6. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
7. that, should any upgrading and / or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Operational Manager: Hermanus for written approval;
8. that any additional and / or extended vehicle entrances will be for the owner's account;
9. that no reservation of on-street parking be allowed;
10. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;

- 11. that stormwater reticulation and connection(s) to the municipal system be provided at the owner's cost, if required.

p.p. R. Archey
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

23/06/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

**7. ERF 4113, 5 RAVENCROFT CLOSE, BOSPLASIE, ONRUSTRIVIER,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: D
SCHIRMER & A DU TOIT**

4113 HON (4425/2023)

H Olivier

(028) 313 8900

Hermanus Administration

15 November 2023

EXECUTIVE SUMMARY

An application was received on 29 June 2023 from D Schirmer and A Du Toit on Erf 4113, Onrustrivier in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to relax the following:

- ❖ Bosplasia Special Zone street building line from 4,5m to 0m to accommodate a driveway that is higher than 1m above natural ground level and a covered walkway.
- ❖ Bosplasia Special Zone lateral building line from 1,2m to 0,9m to accommodate the encroachment of a portion of the dwelling.

RESOLUTION

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4113, Bosplasia, Onrustrivier for a departure to relax the street building line from 4,5 to 0m to accommodate a driveway with 1m wall that is higher than 1m above natural ground level and a covered walkway, and also to relax the western lateral building line from 1,2m to 0,9m to accommodate the encroachment of a portion of the dwelling, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval only relates to a building line relaxation as indicated on Plan Number 4113 A1-A3 dated 17 June 2023 submitted with this application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Departments be complied with at that stage;
 - (c) that all the conditions in the Services Report be complied with;
 - (d) that all conditions imposed by Telkom be complied with;

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- (e) that all conditions imposed by BOCMA be complied with;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regards to the above-mentioned approval.

REASONS FOR RESOLUTION

- ❖ All municipal departments support the application.
- ❖ The properties odd shape, steep gradient and position of the 1:50 year flood line limits the development footprint and necessitates the departure applications.
- ❖ The structures will not impact the privacy of surrounding property owners.
- ❖ The application will not impact on the character of the area, view lines or the street scape.
- ❖ The application is in line with the Planning Principles and is considered desirable.

NOTES

REGULATIONS:
 1. All work shall conform to the applicable codes and regulations.
 2. The contractor shall be responsible for obtaining all necessary permits.
 3. The contractor shall maintain access to all adjacent properties at all times.
 4. The contractor shall be responsible for the safety of all workers and the public.
 5. The contractor shall be responsible for the protection of all existing utilities.
 6. The contractor shall be responsible for the removal of all debris and waste.
 7. The contractor shall be responsible for the cleanup of all spills and leaks.
 8. The contractor shall be responsible for the maintenance of all equipment and tools.
 9. The contractor shall be responsible for the storage of all materials and supplies.
 10. The contractor shall be responsible for the disposal of all hazardous materials.

GENERAL NOTES:
 1. The contractor shall be responsible for the coordination of all trades.
 2. The contractor shall be responsible for the scheduling of all work.
 3. The contractor shall be responsible for the quality control of all work.
 4. The contractor shall be responsible for the safety of all workers and the public.
 5. The contractor shall be responsible for the protection of all existing utilities.
 6. The contractor shall be responsible for the removal of all debris and waste.
 7. The contractor shall be responsible for the cleanup of all spills and leaks.
 8. The contractor shall be responsible for the maintenance of all equipment and tools.
 9. The contractor shall be responsible for the storage of all materials and supplies.
 10. The contractor shall be responsible for the disposal of all hazardous materials.

EXCEL BUILDING CORP.
 12345 Main Street
 Suite 100
 Anytown, CA 90123
 Phone: (555) 123-4567
 Fax: (555) 987-6543
 Email: info@excelbuilding.com

SECTION 3
 1/100

SECTION 4
 1/100


EXE 4118
 1/100

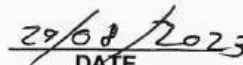
**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 4113, ONRUS RIVER (4425/2023)**

Stormwater (SW) : Refer to conditions
Electricity : Eskom Area
Water : Refer to conditions
Sewer : Refer to conditions
Roads and traffic : Refer to conditions

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
3. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
4. that any additional and / or extended vehicle entrances will be for the owner's account;
5. that no reservation of on-street parking be allowed;
6. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
7. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.
8. that the developer should identify and locate all municipal services located on the property under consideration. The assistance of Hermanus Operational Services and Electrical Departments may be required. According the GIS system several bulk water and stormwater lines are located on and in close vicinity to the property;
9. that the existing municipal services have to stay intact and can't be compromised. If any of the existing services need to be relocated, it will be done by the applicant's at his cost, and to the satisfaction of the Director: Infrastructure and Planning.


DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

**8. ERF 5055, 31 GEELHOUT AVENUE, KLEINMOND, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: GREEFF
ARCHTECTURE ON BEHALF GW & JKK LEICHER**

5055 KKM (4455/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

19 December 2023

EXECUTIVE SUMMARY

An application has been received on 16 August 2023 from Greeff Architecture on behalf of GW & JKK Leicher on Erf 5055, Kleinmond in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for a departure in order to relax the lateral building line from 2m to 0m to accommodate change of use of a lapa into a store room and to change the garage into a bedroom and laundry.

RESOLUTION

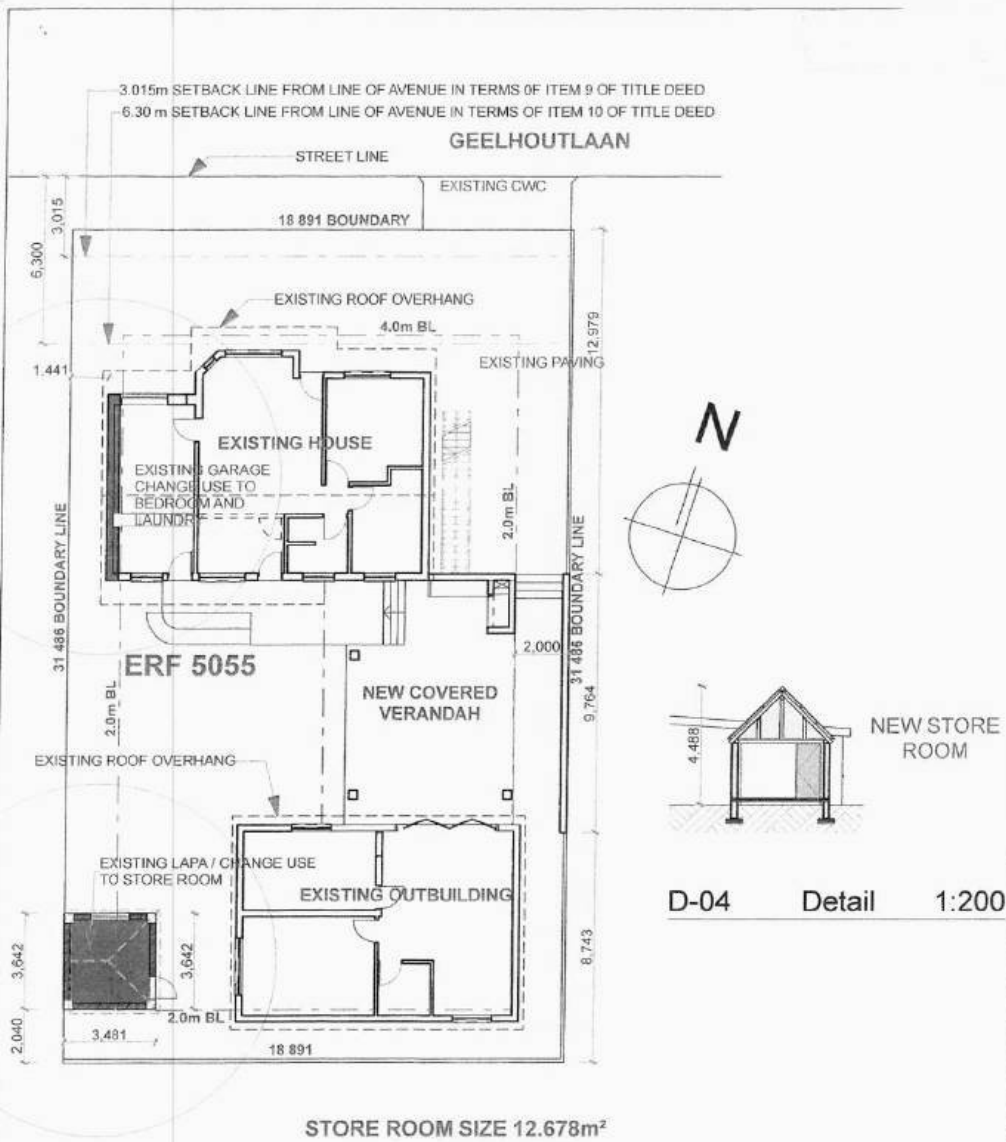
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5055, Kleinmond for a departure in order to relax the lateral building line from 2m to 0m to accommodate change of use of a lapa into a store room, and relax the lateral building line from 2m to 1,5m to accommodate the change of the existing garage into a bedroom and laundry, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions
 - (a) that this approval is only for the development as indicated on plan numbers A.01.4 dated August 2023 as submitted with the application; A site plan be submitted indicating the parking lay-out for approval by the Municipality.
 - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASON FOR THE RESOLUTION

- ❖ The erf has approved building plans.
- ❖ The surrounding owners did not object.
- ❖ The application will have no impact on the surrounding area.



D-03 Site Plan 1:200

<p>Greeff Architecture PROFESSIONAL SENIOR ARCHITECTURAL TECHNOLOGIST MARTHINUS ANTON GREEFF</p> <p>MARIUS GREEFF (MARTHINUS A GREEFF) PSAT REG. ST0510 B.Tech. Architectural Technology DATE: 23/07/07 NHD Architecture T4 Office 2, 205 Porter Road, Bettys Bay 7141 Cellular: 082 821 7837</p>	Modified by	Date	Drawing Name	
	Checked by	Date	Drawing Status	
	ERF 5055, KLEINMOND		Drawing Scale	1:200
	Change of Use: Lapa to Storeroom		Layout ID	A.01.4 Revision

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

9. ERF 393, 15 VAN DYK STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: AM KIECK

393 GGB (4362/2023)

SW van der Merwe

(028) 313 8900

Hermanus Administration

12 January 2024

EXECUTIVE SUMMARY

An application has been received on 27 March 2023 from AM Kieck, the owner of Erf 393, Gansbaai in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed conditions Clause D. 4(b) and D. 4(d) as contained in Title Deed T2336/1995 applicable to Erf 393, Gansbaai to accommodate a carport and a second dwelling.

The restrictive title deed condition read as follows:

“D. ONDERHEWIG VERDER aan die volgende spesiale voorwaardes in die gemelde Akte van Transport Nr T1437/1963 vervat opgelê deur die Administrateur van die Provinsie Kaap die Goeie Hoop volgens Ordonnasie Nr 33 van 1934 naamlik:

4. This erf shall be subject to the following conditions, provided especially that where, in the opinion of the Administrator after consultation with the Township Board and the local authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as may impose:

(b) it shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;

(d) no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority, an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven, this condition shall apply to the consolidated area as one erf.”

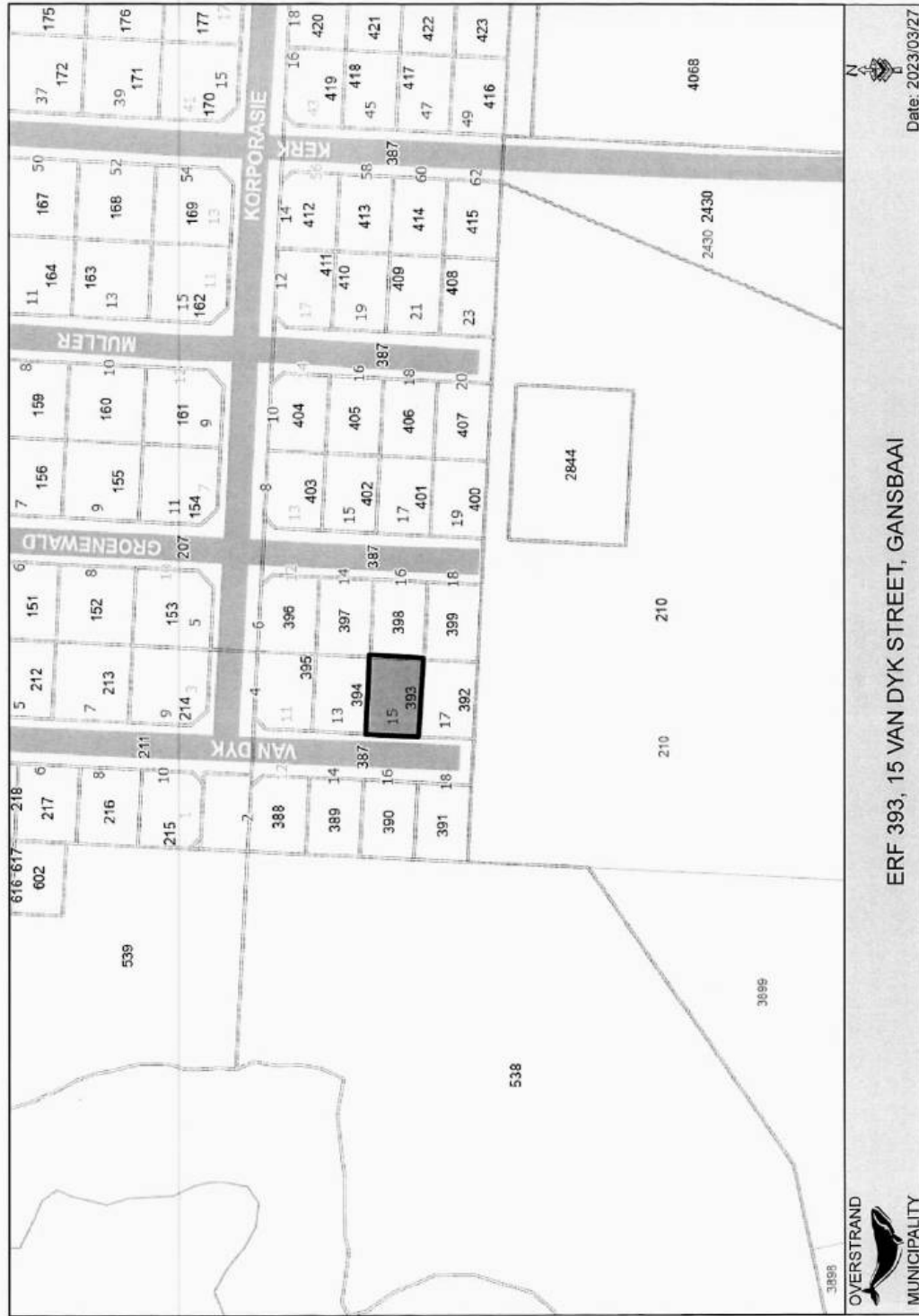
**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

RESOLUTION

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 393, Gansbaai for the removal of restrictive title deed conditions D. 4(b) and D. 4(d) as contained in Title Deed T2336/1995 to allow a second dwelling and carport along the lateral boundary, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the Drawing No. JJ 07/23 dated 22/02/2023, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (c) that all the conditions in the Services Report be complied with.
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ It is in line with the aims of the Overstrand SDF.
- ❖ No objections were received from neighbours.
- ❖ The proposed developments are in line with relevant Zoning Scheme.



ERF 393, 15 VAN DYK STREET, GANSBAAI



Date: 2023/03/27

<p>VUCHINGS</p> <p>ERF DEKING 694 m²</p> <p>WOONSTEL 35,83%</p> <p>ERF DEKING 694 m²</p> <p>WOONSTEL 65,38%</p> <p>TOTAAL 694 m²</p> <p>ERF DEKING 21,11%</p>		<p>STERMWERK</p> <p>Bate van regulator ophoek op gewent.</p> <p>DAKKONSTRUKSIE</p> <p>MOTOR AFDAK :</p> <p>Sien detail op plan</p> <p>PLAFONNE</p> <p>25 mm ISOPIRE op 300x300 @ 400mm oc gips/water</p> <p>VENSTERS EN DEURE</p> <p>Alu. raam</p> <p>GLAS</p> <p>12 mm</p> <p>WINDY/STOOR</p> <p>12 mm</p>	
<p>OPPERVAKTE</p> <p>Wentel 219,04 m²</p> <p>Nuwa 35,85 m²</p> <p>Nuwa Motorafdak : 22,85 m²</p> <p>Wendy/Stoor : 07,50 m²</p> <p>Stoep 02,07 m²</p> <p>Totaal 287,31 m²</p> <p>"Footprint" 285,24 m²</p>		<p>SKAAL : 1:50, 1:100, 1:200</p> <p>REG NO D2730</p>	

ALGEMEEN

Alle werke en bouskeppings moet volgens die Nasionale Provisoriese Plaaslike Oordelings- en Argitektoniese Dienste (P.A.R.A.R.C.H.D.R.A.U.G.H.T) S.A.C.A.P. REG. (D2730) uitgevoer word.

Alle werke en bouskeppings moet volgens die Nasionale Provisoriese Plaaslike Oordelings- en Argitektoniese Dienste (P.A.R.A.R.C.H.D.R.A.U.G.H.T) S.A.C.A.P. REG. (D2730) uitgevoer word.

Alle werke en bouskeppings moet volgens die Nasionale Provisoriese Plaaslike Oordelings- en Argitektoniese Dienste (P.A.R.A.R.C.H.D.R.A.U.G.H.T) S.A.C.A.P. REG. (D2730) uitgevoer word.

GETEKEN :

J.J. VAN DER NEST

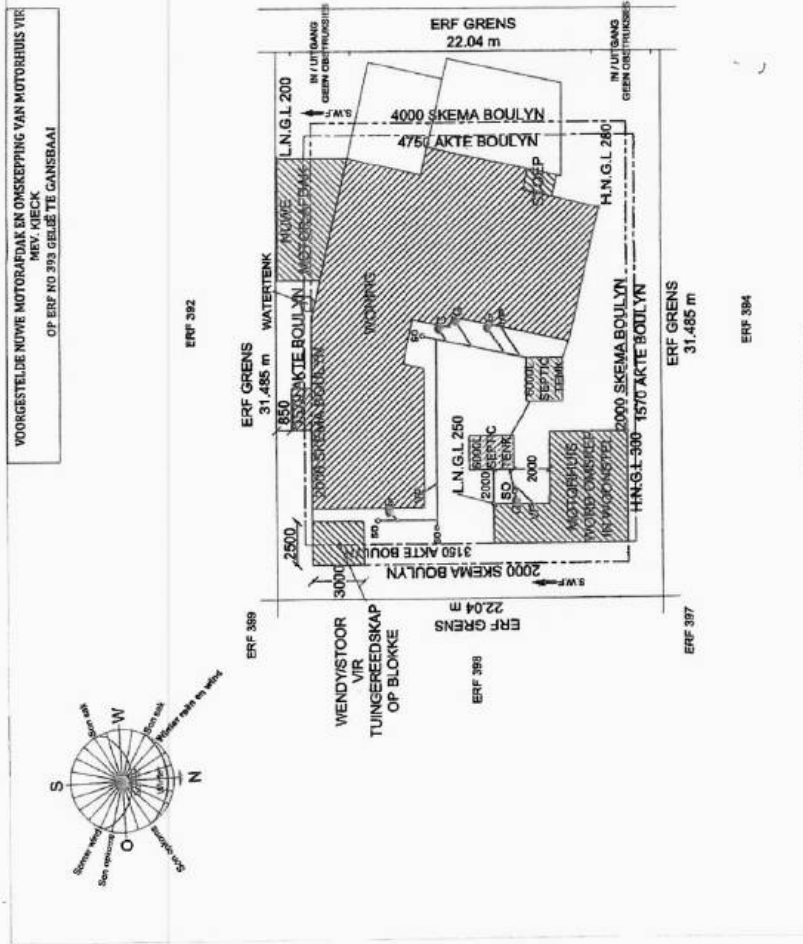
Blesbostraat 3

Kleinbaai, 7220

Sel : 082-486-8380

DATUM :

TEK NO : J.J. 0723



TERREIN PLAN
SCALE 1:200

S.M.F. - STORM WATER FLOW

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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS: ERF 393, GANSBAAI**

Electricity : In order
Water : In order
Sewer : In order
Stormwater : In order
Roads and traffic : In order

Conditions:

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 393, Gansbaai, unobstructed;
6. that no on-street parking be allowed.

p.p. R. Oude
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

12/09/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

10.ERF 6301, 82 MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: FUTURE PLAN TOWN & REGIONAL PLANNERS ON BEHALF OF MALAKAI (TAGTIG)(PTY) LTD

6301 KKM (4433/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

20 December 2023

EXECUTIVE SUMMARY

An application has been received on 6 July 2023 from Future Plan Town & Regional Planners on behalf of Malakai (Tagtig) (Pty) Ltd on Erf 6301, Kleinmond in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for a departure of the height of the boundary wall from 2,1m to 2,45m and to erect additional electrical fencing of 0,6m in height on the northern and western boundary for security purposes.

RESOLUTION



1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 6301, Kleinmond for a departure of the height of the boundary wall from 2,1m to 2,45m and to erect additional electrical fencing of 0,6m in height on the northern and western boundary for security purposes, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions
 - (a) that this approval is only for the development as indicated on the plan numbers 23/103/M-103 dated 26 June 2023, as submitted with the application;
 - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.


**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

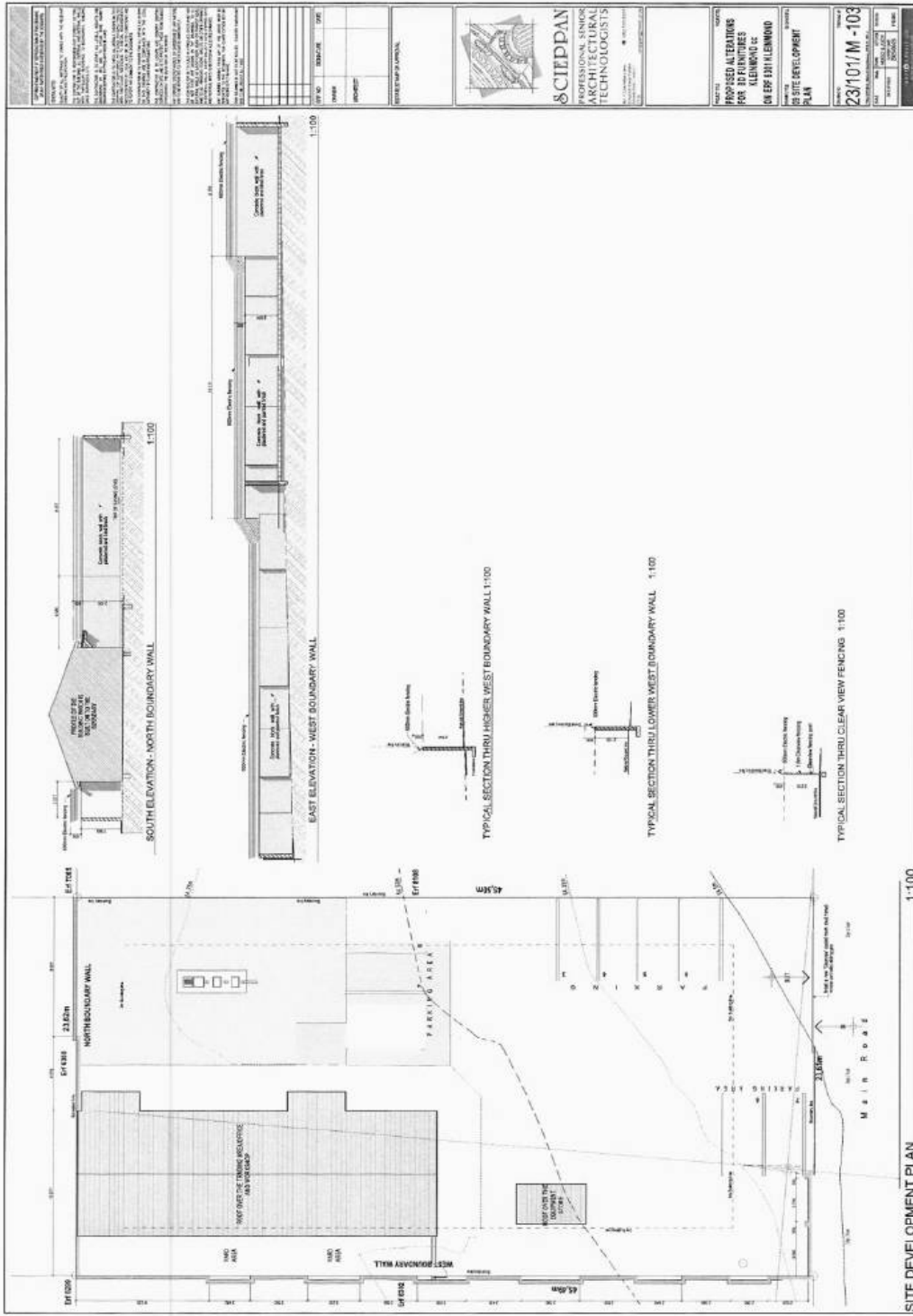
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The erf has approved building plans.
- ❖ The surrounding owners did not object.
- ❖ The application will have no impact on the surrounding area.

	FUTURE PLAN TOWN AND REGIONAL PLANNING
	Project Title
Erf 6301, Kleinmond	
Client Name	Malakai Tagtig
Street Address	82 Main Road, Kleinmond, 7195
Property Particulars	
Erf Numbers	6301
Area	Kleinmond
Extent	1074m ²
	

Locality Plan	
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<p>PROPOSED ALTERNATIONS FOR THE KLEINWALD ON EPPY DR. IN LEMMOND SITE DEVELOPMENT PLAN</p>	
<p>DATE: 23/10/11</p>	<p>PROJECT: 23/10/11/M-103</p>
<p>SCALE: 1:100</p>	<p>CLIENT: [REDACTED]</p>
<p>DESIGNER: [REDACTED]</p>	<p>APPROVED BY: [REDACTED]</p>
<p>DATE: [REDACTED]</p>	<p>PROJECT NO: [REDACTED]</p>

SITE DEVELOPMENT PLAN 1:100

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

**11.ERF 4548, 15 MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL
AREA: APPLICATION FOR DEPARTURE: C STRYDOM ON BEHALF OF
SHARPA BUILDING (PTY) LTD**

4548 KKM (4346/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

19 December 2023

EXECUTIVE SUMMARY

An application has been received on 7 March 2023 from C. Strydom on behalf of Sharpa Building (PTY) LTD for Erf 4548, Kleinmond in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for a departure in order to relax the rear building line from 3,0m to 0m to accommodate the use change of the existing garage into an industrial kitchen.

RESOLUTION

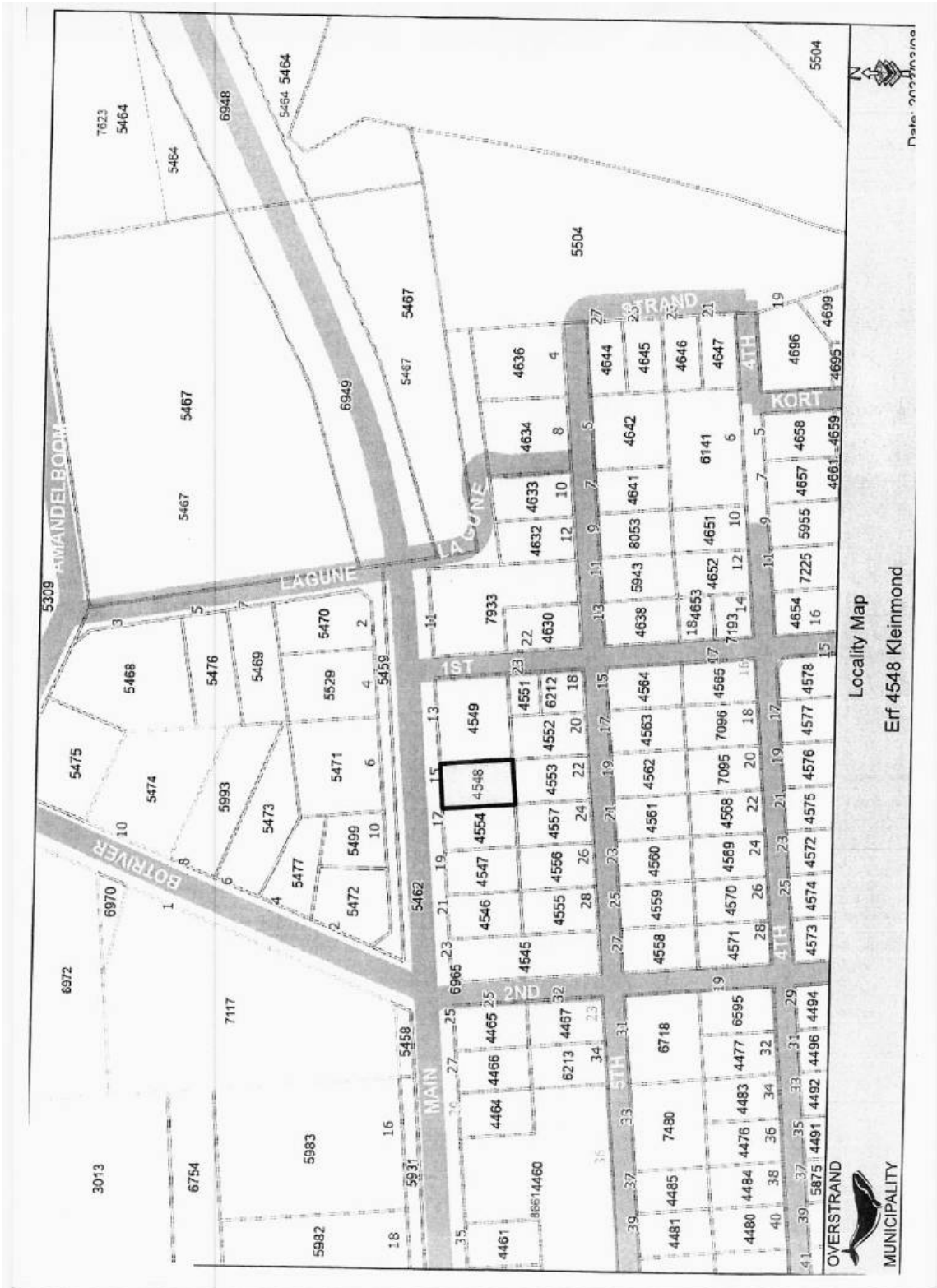
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4548, Kleinmond for a departure in order to relax the rear building line from 3,0m to 0m to accommodate the change of use of the existing garage into an industrial kitchen, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions
 - (a) that this approval is only for the development as indicated on the plan numbers 4548/2022 dated 17 October 2022 as submitted with the application;
 - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (d) that the conditions imposed by Overberg District Health Department be complied with.
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and

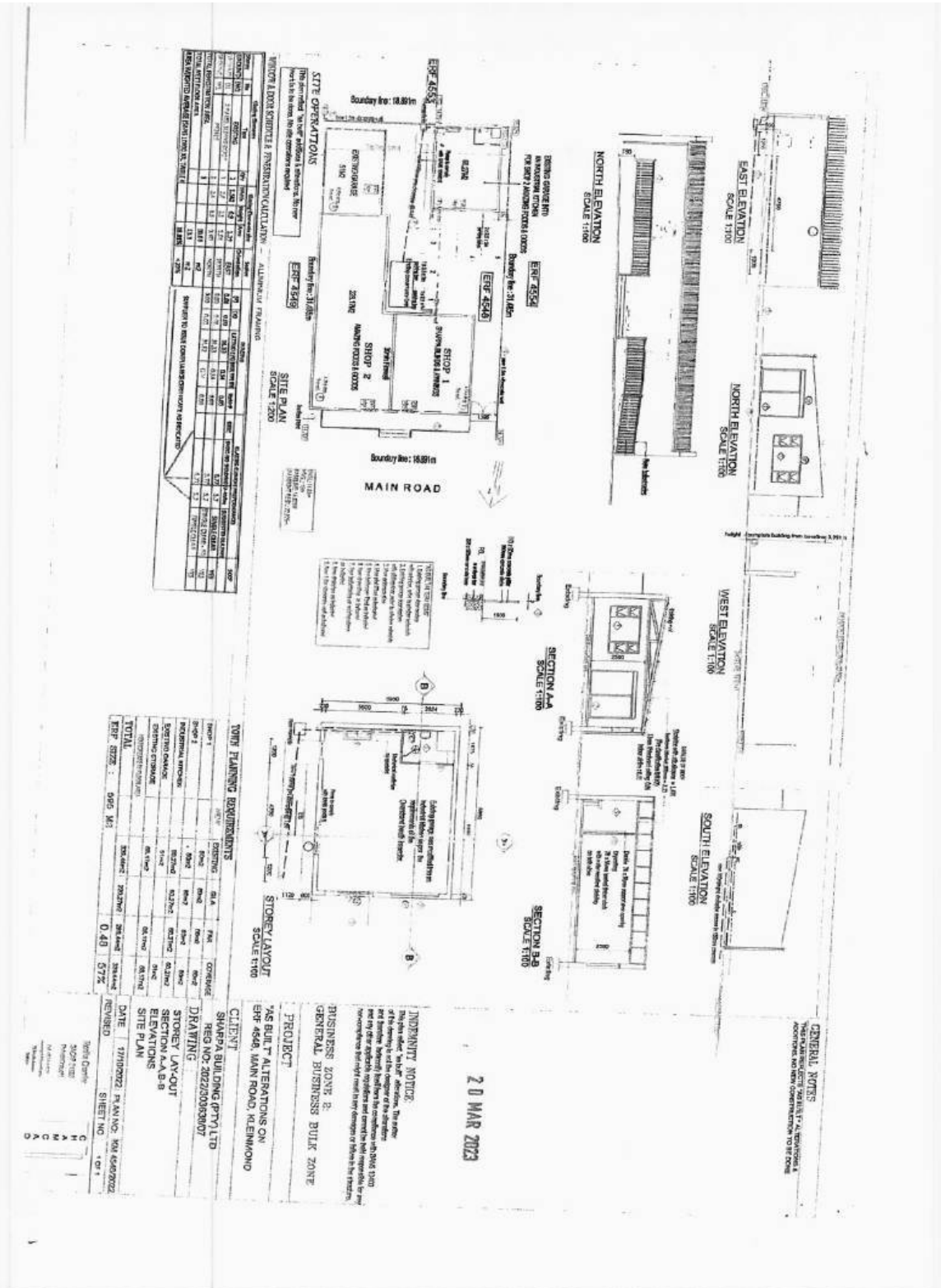
**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

- (g) that in the case of a noise-complaint received, the owner is required to do a New Impact Assessment and implement the recommendations.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ No objection from surrounding owners.
- ❖ No additional building required.
- ❖ No change in character of the locality and property.
- ❖ Creation of job opportunities.
- ❖ Better utilization of the property.





GENERAL NOTES

1. THE DRAWINGS SHALL BE A REPRESENTATION OF THE DESIGN AND SHALL NOT BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.
2. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING AS SHOWN ON THE DRAWINGS.
3. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ANY SERVICES OR UTILITIES SHOWN ON THE DRAWINGS.
4. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ANY FOUNDATIONS OR STRUCTURES SHOWN ON THE DRAWINGS.
5. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ANY LANDSCAPE OR PLANTING SHOWN ON THE DRAWINGS.
6. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ANY FURNITURE OR FITTINGS SHOWN ON THE DRAWINGS.
7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ANY ELECTRICAL OR MECHANICAL SERVICES SHOWN ON THE DRAWINGS.
8. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ANY SPECIALTIES SHOWN ON THE DRAWINGS.
9. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ANY MATERIALS OR FINISHES SHOWN ON THE DRAWINGS.
10. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ANY STRUCTURAL ELEMENTS SHOWN ON THE DRAWINGS.

CLIENT

SHARDA BUILDING (PTY) LTD
 REG NO: 2022/0083907

PROJECT

SAS BUILT ALTERNATIONS ON
 ERF 4548, MAIN ROAD, KENILWORTH

GENERAL BUSINESS BULK ZONE

DATE 17/03/2022 **PLANNING NO** 100/4548/2022

REVISION

NO	DATE	DESCRIPTION
1	17/03/2022	ISSUED FOR PERMIT
2	20/03/2023	REVISED

SHEET NO 1 OF 1

DRIVER

M. C. A.

DATE 20 MAR 2023

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

**12.ERF 6186, 4 FOURTEENTH STREET, KLEINMOND, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR REZONING: PLAN ACTIVE TOWN
& REGIONAL PLANNERS ON BEHALF OF LAEBEX UTILITIES CC**

6186 KKM (4462/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

18 January 2023

EXECUTIVE SUMMARY

An application has been received on 25 August 2023 from Plan Active Town & Regional Planners on behalf of Laebex Utilities CC in terms of Section 16.(2)(a) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to rezone Erf 6186, Kleinmond from Special Zone to Industrial Zone 1: General Industrial Zone (IND1).

RESOLUTION

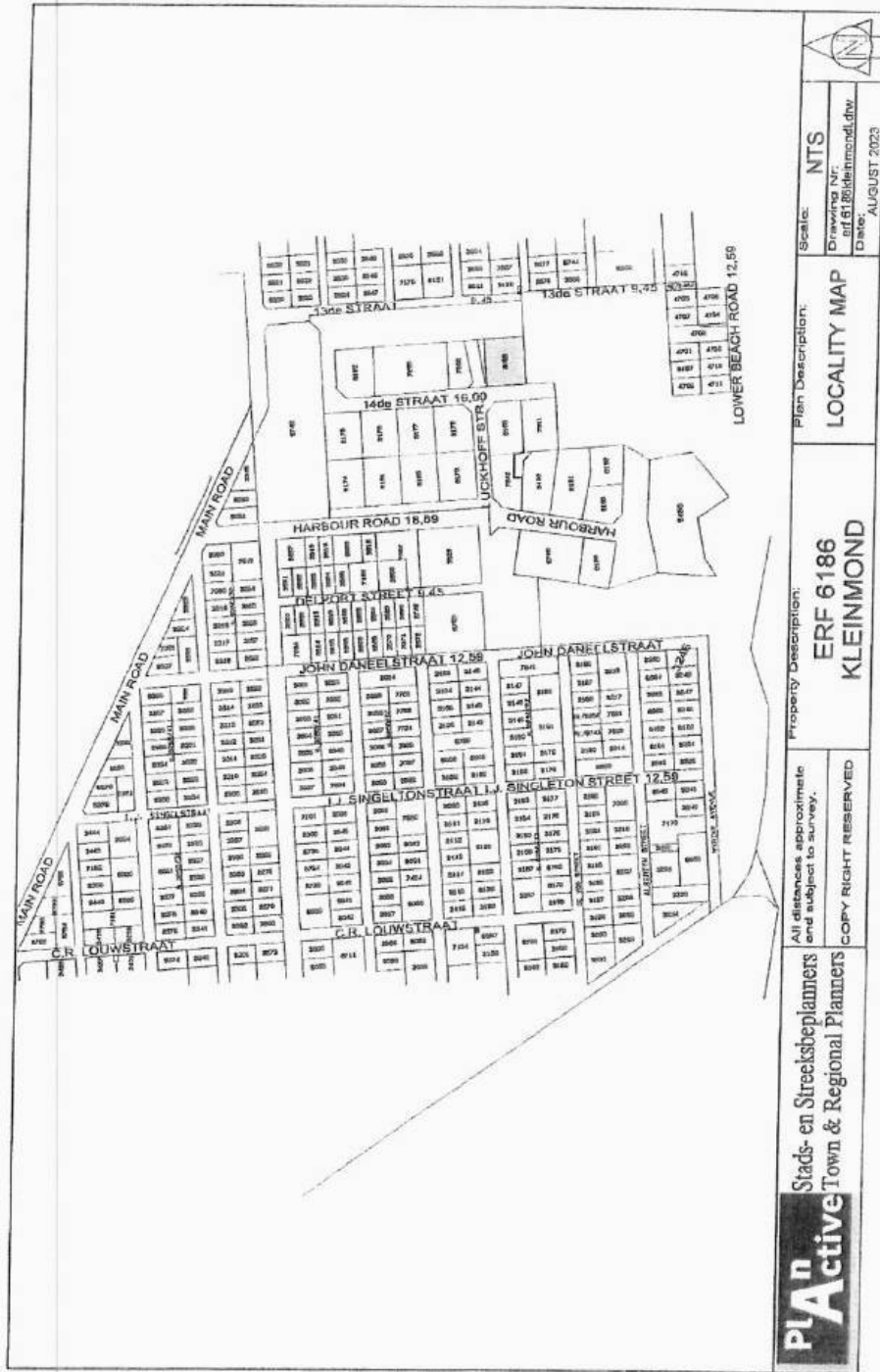
1. that the application in terms of Section 16.(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the rezoning of Erf 6186, Kleinmond from Special Zone to Industrial Zone 1: General Industrial Zone; **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the primary uses for the property remains the limited primary uses as stated in the motivation report;
 - (b) that the developer submits a Site Development Plan (SDP) for any future developments on Erf 6186 Kleinmond;
 - (c) that the necessary building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control– and the Fire Departments be complied with at that stage;
 - (d) that all the conditions in the Services Report be complied with;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that this approval does not absolve the applicant/owner from compliance with any other relevant legislation.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decision.

REASONS FOR RESOLUTION

- ❖ No objections were received.
- ❖ The location of the property is situated in close proximity to other properties that are also zoned as Industrial Zone 1: General Industry.
- ❖ The property has previously been zoned as Industrial Zone 1: General Industry.
- ❖ The proposed rezoning will not negatively affect the character of the area.
- ❖ The property is currently vacant and not being utilized.
- ❖ The property has potential economic benefits.
- ❖ The application is in line with the SPLUMA and LUPA Planning Principles.



PLAⁿ Active Stads- en Streetsbeplanners
Town & Regional Planners

All distances approximate
and subject to survey.

Property Description:
ERF 6186
KLEINMOND

Plan Description:
LOCALITY MAP

Scale: NTS
Drawing No: 6186Kleinmond.dwg
Date: AUGUST 2023

COPY RIGHT RESERVED



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, ERF 6186, KLEINMOND (4462/2023))**

Electricity	:	Refer to conditions
Water	:	Refer to conditions
Sewer	:	Refer to conditions
Stormwater	:	Refer to conditions
Roads and traffic	:	Refer to conditions

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer will be responsible for the construction and provision of all municipal services to the proposed development, including all connection fees and investigation levies for municipal services.
4. that the developer submits a Site Development Plan (SDP) for any future development on Erf 6186 Kleinmond.
5. that bulk contribution levies will be charged according to the Overstrand Bulk Contribution Levy Policy and the prescribed tariffs as contained in Council's budget, for any future development on Erf 6186 Kleinmond.
6. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: *Drainage*;
7. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Kleinmond for written approval;
8. that any additional and / or extended vehicle entrances will be for the owner's account;
9. that no reservation of on-street parking be allowed.

2

10. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
11. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.

p.p. M. Hendriks
DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES

18/12/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

13.ERF 3142, 9 CROSS STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: SMART SOLUTIONS ARCHITECTURE ON BEHALF OF DJ & MP LE ROUX

3142 HON (4420/2023)

H Olivier

(028) 313 8900

Hermanus Administration

12 December 2023

EXECUTIVE SUMMARY

An application was received on 27 June 2023 from Smart Solutions Architecture on behalf of DJ & MP Le Roux on Erf 3142, Onrustrivier for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the following:
 - ✚ eastern lateral building line from 2m to 0,695m to accommodate extensions to an existing storeroom and the use change into a laundry, and also to relax the same building line from 2m to 1,311m to accommodate a new guest bathroom extension and the replacement of windows in the main dwelling,
 - ✚ western lateral building line from 2m to 1.348m to accommodate the proposed new kitchen, the replacement of windows and the use change of the existing storeroom to a scullery, and
 - ✚ rear building line from 2m to 0m to legalize the extensions to the domestic quarters, and to accommodate a use change and extension of the storeroom to a laundry.

- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the illegal extensions to the outbuilding.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

RESOLUTION

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3142, Onrustvriër for a departure to relax the following:

- ❖ eastern lateral building line from 2m to 0,695m to accommodate extensions to an existing storeroom and the use change into a laundry, and also to relax the same building line from 2m to 1,311m to accommodate a new guest bathroom extension and the replacement of windows in the main dwelling,
- ❖ western lateral building line from 2m to 1.348m to accommodate the proposed new kitchen, the replacement of windows and the use change of the existing storeroom to a scullery, and
- ❖ rear building line from 2m to 0m to legalize the extensions to the domestic quarters, and to accommodate a use change and extension of the storeroom to a laundry;

be approved in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

- (a) that this approval is only for the structure as indicated on Plans I 0474-A3-06 to 09 Rev 1 dated 18 July 2023, submitted with the application;
- (b) that the necessary building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control– and the Fire Departments be complied with at that stage;
- (c) that the conditions of Engineering Services be complied with;
- (d) that all the conditions imposed by Telkom be complied with;
- (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with, and
- (f) that this approval does not absolve the landowners from compliance with any other relevant legislation.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 3142, Onrustrivier for the unauthorized structures which encroach the permissible building lines as stipulated above, **be imposed**, and that an administration penalty fee of R4 834,05 (VAT included), be payable within thirty (30) days of the decision.
3. that the applicant and objector be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

POINT 1

- ❖ The application has followed due procedure.
- ❖ The objections relate more to information not relevant to determine desirability, building requirements that must in future be complied with and speculation on future use of the dwelling, but none of the objections proof the application to be undesirable.
- ❖ No objections were received from Municipal Branches.
- ❖ It is in line with policy documents.
- ❖ The existing outbuilding portions encroaching the building line is historic structures and will have no additional impact on the neighbours or the character of the area.
- ❖ The proposed alterations and extensions to the main dwelling will be in line with the line of the existing dwelling and should not impact on neighbours or the character of the surrounding area.
- ❖ The application is regarded as being desirable from a town planning point of view.

POINT 2

- ❖ The small alterations to the main dwelling are mostly internal changes and window changes. This is minor changes, and no administrative penalty fee is imposed for these changes.
- ❖ Although the original property owner constructed the illegal extensions to the outbuilding, the new property owner should have requested copies of approved building plans prior to transfer and should have addressed the illegalities. An administrative penalty fee is thus imposed for these encroachments. The fact that it is minor encroachments and already built in 1986, a low penalty fee is charged.

MUNICIPAL REQUIREMENTS AND THOSE OF OTHER AUTHORITIES MUST BE ADHERED TO. CONTRACTORS AND SUB-CONTRACTORS ARE TO CHECK ALL DIMENSIONS AND LEVELS. DIMENSIONS TO BE TAKEN IN PREFERENCE TO FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED MEASUREMENTS AND LARGE SCALE DETAILS SUPERSEDE SMALL SCALE DRAWINGS. THE DESIGN ON THIS ARCHITECTURE AND ARCHITECTURAL CONSULTANTS AND COPYRIGHT THEREOF IS RESERVED BY THEM.

REV. NO.	DATE	DESCRIPTION
00	12.05.2023	DEPARTURE APPLICATION
01	18.07.2023	DEPARTURE APPLICATION - amendments to existing (according)

DRAWING STAGE	
CONVOI SUBMISSION	
DEPARTURE APPLICATION	
CONVOI DEPARTURE APPLICATION	
TENDER DRAWING	
WORKING DRAWING	

SITE RESTRICTIONS	
STREET BUILDING LINE	0.000
CATERA BUILDING LINE	0.000
HEIGHT RESTRICTION	0.000
TITLE DEED BUILDING LINES (see drawings)	0.000

ZONE APPLICABLE:	
SINGLE RESIDENTIAL (SRI)	
TOWN HOUSING - ZONE 1 (THT)	
FLATS - ZONE 3 (GF3) (FLL)	
LESS FORMAL DEVELOPMENT (LFD)	

SMART SOLUTION ARCHITECTURE
and Architectural consultants
Members of SACAP / CIA / and SMART
MEMBER OF THE SOUTH AFRICAN ARCHITECTURAL BOARD
Office 028 245 0019 adm@smartarc.co.za
I Smit 082 819 6788 info@smartarc.co.za
D Swart 079 694 1725 d@smartarc.co.za
Mail Collection 104, Hermal & Andie Edelle, Hermanus, 7200

PROJECT NAME:
ALTERATIONS AND ADDITIONS TO EXISTING DWELLING
ROUTE DJ & MP LE ROUX
CORNER OF STREET
7200

DWG TITLE:
LOCALITY PLAN

DATE:
18.07.2023

DRAWN BY:
RACHILLE TALIJAND - JEANNE NEL

CHECKED BY:
D SWART SACAP REG.
PRINT 24/08/23

DRAWING SCALE:
AS SHOWN PRINT A3

DRAWING NO.:
10474 - A3 - 02

REV NO.:
01

18 JUL 2023



MUNICIPAL APPROVAL STAMP

LOCALITY PLANS

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 3142, ONRUS RIVER (4420/2023)**

Stormwater (SW) : Refer to conditions
Electricity : Eskom Area
Water : Refer to conditions
Sewer : Refer to conditions
Roads and traffic : Refer to conditions

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
3. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
4. that any additional and / or extended vehicle entrances will be for the owner's account;
5. that no reservation of on-street parking be allowed;
6. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
7. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

**14.ERF 1668, LONGMARKET STREET, 9 VICTORIA CLOSE, STANFORD,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE:
MESSRS TOWN & COUNTRY ON BEHALF OF EED MILLS**

1668 SSS (4414/2023)

P Roux

(028) 313 8900

Hermanus Administration

05 February 2024

EXECUTIVE SUMMARY

An application has been received on 07 June 2023 from Messrs Town and Country on behalf of the owners of Erf 1668, Stanford, in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to relax the south-western lateral building line from 3m to 1m, to accommodate additions (kitchen and scullery) to the existing dwelling.

RESOLUTION

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 1668, Stanford to relax the south-western lateral building line from 3m to 1m to accommodate additions (kitchen and scullery) to the existing dwelling, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the development as indicated on drawing no. Mills dated 07/06/2023, as submitted with the application;
 - (b) that all the conditions in the Services Report be complied with;
 - (c) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (d) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with;


4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

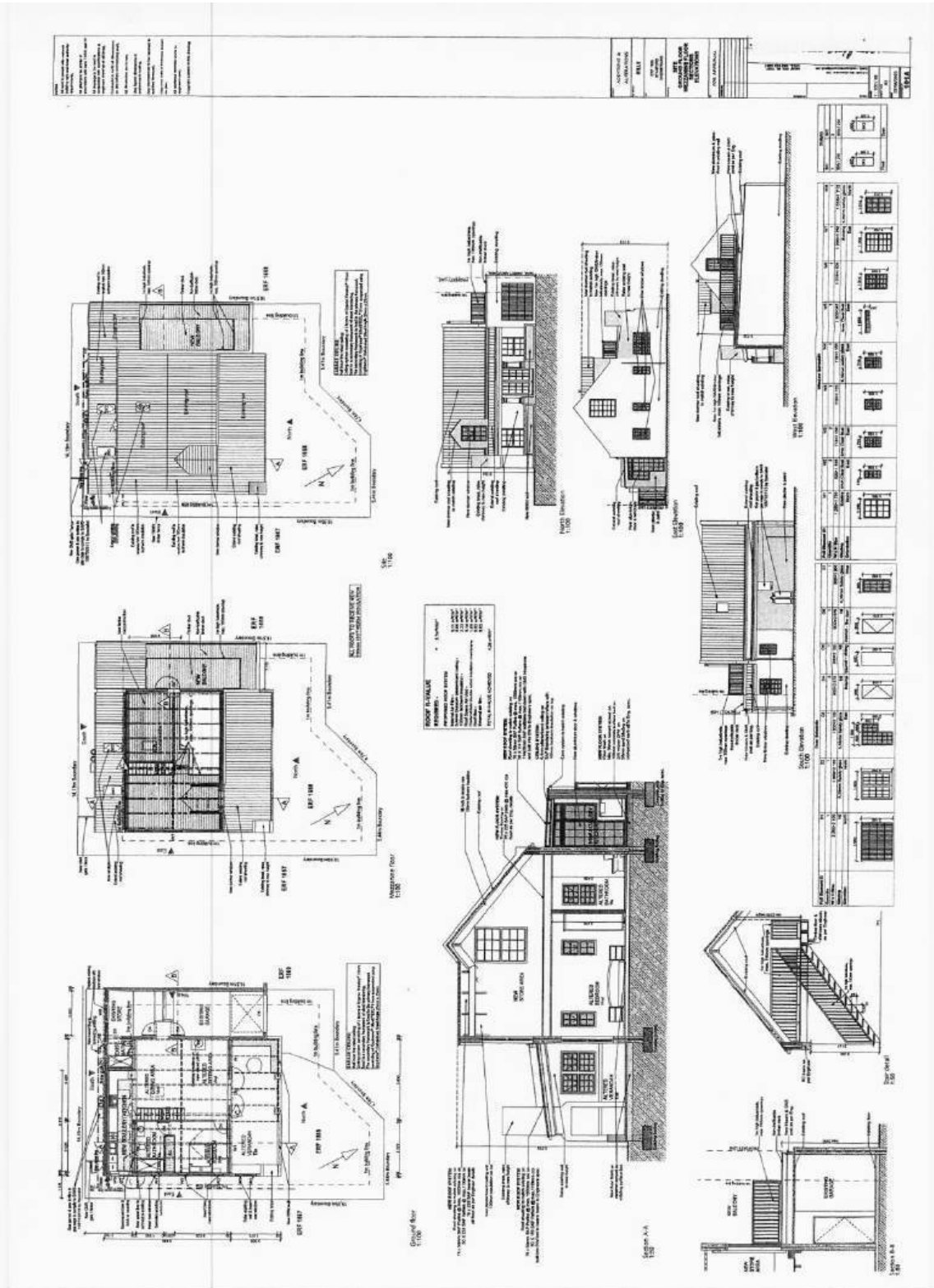
**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

REASON FOR THE RESOLUTION

- ❖ The proposed departure will not have a negative impact on the adjacent property owners or the character of the area.
- ❖ Homeowners provided their consent for the application.
- ❖ The site is severely limited in terms of further expansion and therefore the only reasonable area to extend is within the 3m rear building line.
- ❖ The proposal is in line with the characteristics of the development.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ No objections were received.



<p>Town & Country Creative Land Solutions P.O. Box 1085 Bredasdorp 7280 Tel. 028 424 1645 Fax. 028 425 2085 E-mail: towncountry@vodamail.co.za</p>	<p>PROJECT LOCALITY PLAN: ERF 1668 STANFORD OVERSTRAND MUNICIPALITY</p>		<p>DRAWN LT</p>	<p>CHECKED LT</p>
			<p>SCALE NTS</p>	<p>DATE JUN 2023</p>
	<p>1:1000000 - 1:1000000</p>		<p>DWG No.</p>	<p>REVISION</p>
	<p>Notes:</p>			




**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE, ERF 1668, STANFORD**

Electricity	:	Refer to conditions
Water	:	Refer to conditions
Sewer	:	Refer to conditions
Stormwater	:	Refer to conditions
Roads and traffic	:	Refer to conditions

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that no reservation of on-street parking be allowed;
7. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
8. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

15.ERF 224, 107 SEA VIEW DRIVE, FRANSKRAALSTRAND: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF VM SWART

224 GFK (4422/2023)

SW van der Merwe

(028) 313 8900

Hermanus Administration

25 January 2024

EXECUTIVE SUMMARY

An application has been received on 28 June 2023 from Messrs PlanActive Town- and Regional Planners on behalf of VM Swart in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 224, Franskraal for the following:

- **removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law of condition 20(d) contained in Title Deed T33632/1990, to accommodate the existing development;
- **departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the rear building line from 2m to 0,681m to accommodate the existing covered entertainment and braai area;
 - relax the lateral building line from 2m to 1,635m to accommodate the existing covered entertainment and braai area, and
 - relax the rear- and lateral building line from 2m to 0m to accommodate the existing carport;
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to legalize unauthorized building work on the property.

RESOLUTION

1. that in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) the application for the removal of restrictive title condition as contained in Title Deed T33632/1990 applicable to Erf 224, Franskraal, namely Condition 20(d), **be approved** in terms of the provisions of Section 61 of the By-Law;

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2. that the application for departure in terms of Section 16(2)(b) of By-Law for the following:
 - relaxation of the rear building line from 2m to 0,681m to accommodate the existing covered entertainment- and braai area;
 - relaxation of the lateral building line from 2m to 1,635m to accommodate the existing covered entertainment- and braai area, and
 - relaxation of the rear- and lateral building lines from 2m to 0m to accommodate the existing carport;

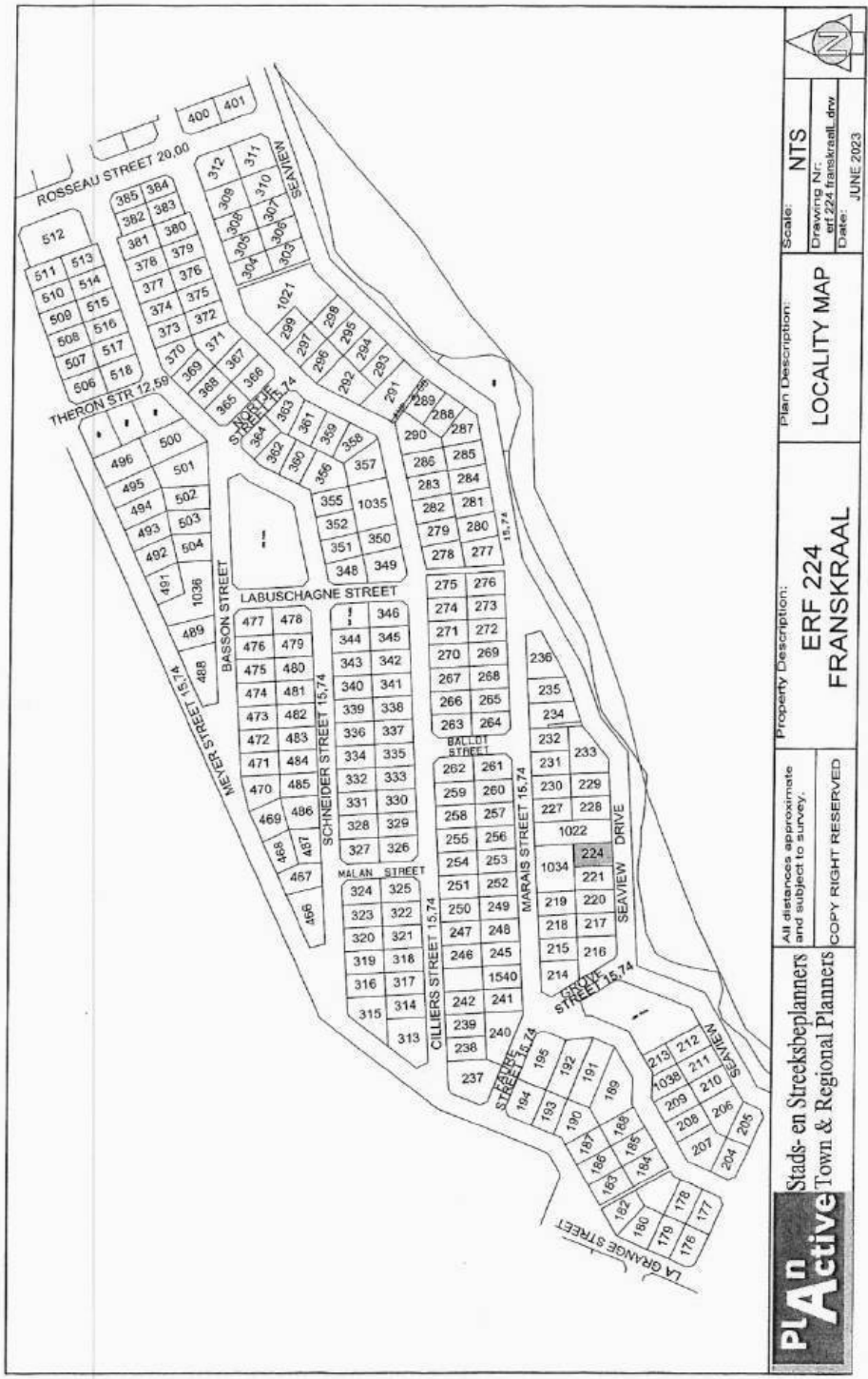
be approved in terms of the provisions of Section 61 of the By-Law;
3. that the determination of an administrative penalty in terms of Section 90(4) of the By-Law for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
4. that the decisions in paragraphs 1. to 3. above be subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan No. 2023/19/MOI, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department, be complied with at that stage
 - (c) that building plan submission in (b) above demonstrates compliance with SANS-A:2016, 10400-T:2020;
 - (d) that all the conditions in the Engineering Services Report and Telkom be complied with.
 - (e) that an administrative penalty of R38 194.89 (including VAT) (being 5% of the Overstrand Municipal Budget as determined by the municipality) be payable within thirty (60) days of the decision;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and

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5. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The Overstrand Zoning Scheme Regulations have sufficient control measures when it comes to land use, coverage and building line controls.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.
- ❖ No objections were received from the affected property owners.
- ❖ The proposal is considered in line with the Municipality's SDF.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.



PIAn Active Stads- en Streeksbeplanners
Town & Regional Planners

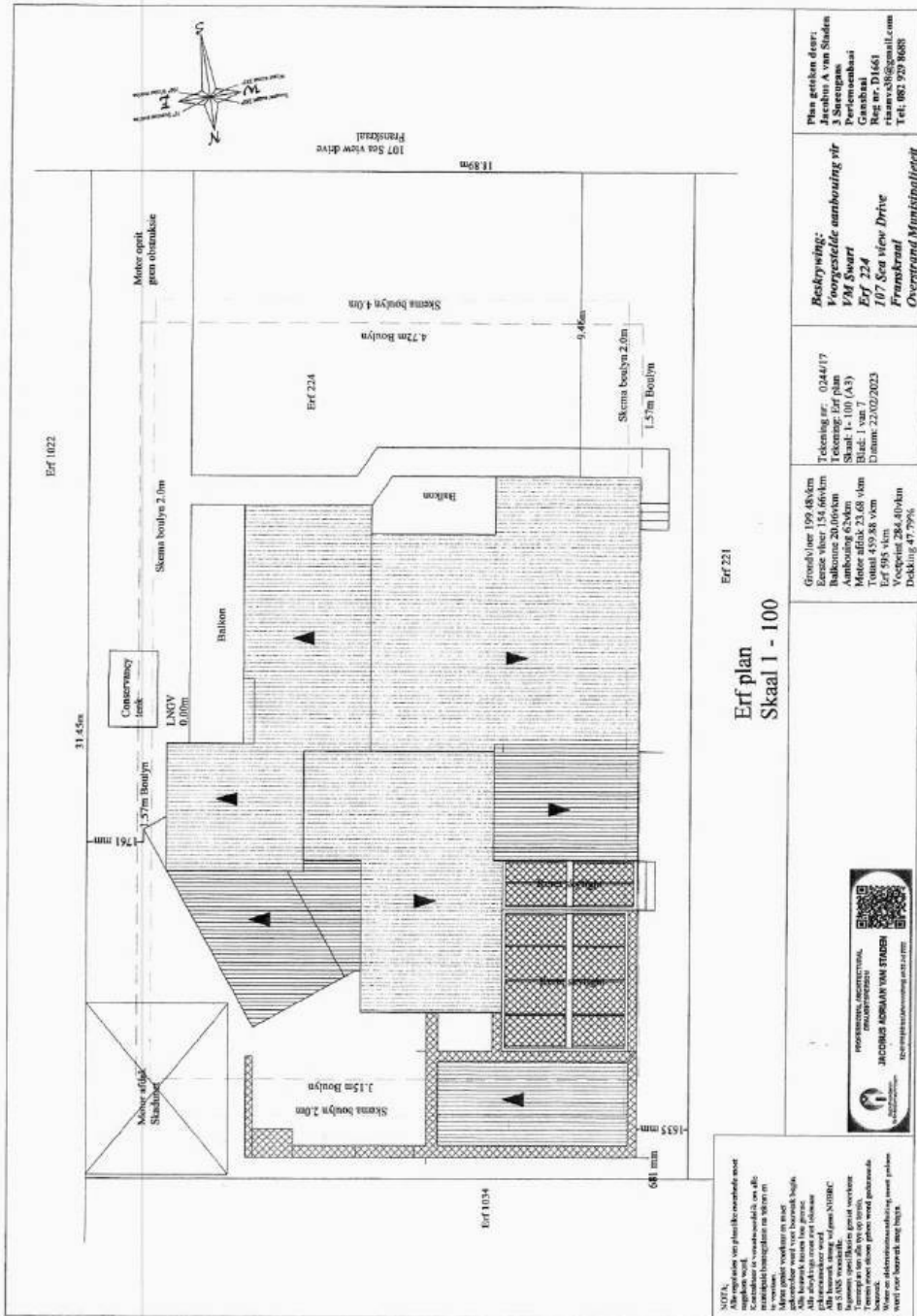
All distances approximate
and subject to survey.

COPY RIGHT RESERVED

Property Description:
**ERF 224
FRANSKRAAL**

Plan Description:
LOCALITY MAP

Scale: **NTS**
Drawing No: **erf224franskraal.drw**
Date: **JUNE 2023**



Erf 221
Erf plan
Skaal 1 - 100

NOTA:
Alle matings is op planne gebaseer. Die
gebruiker moet die matings met die
reële matings vergelyk. Die matings
is gebaseer op die matings van die
reële matings. Die matings is gebaseer
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<p>Grondvlak 199.48x16m Eerste vloer 154.66x16m Aantal vloere 20.00x16m Aantal mure 23.68x16m Motor afkolk 23.68x16m Totaal 4.59.48 x 16m Erf 595 x 16m Vloeroppervlakte 284.40x16m Dekking 47.79%</p>	<p>Tekening nr. 0244/17 Tegening Erf plan Tegening 1 van 1 (A3) Blad: 1 van 1 Datum: 23/02/2023</p>	<p>Reklynwag: Voorgestelde aanbouing vir Vrij Swaar Erf 224 107 Sea view Drive Franskrans Overstrand Municipality</p>	<p>Plan geteken deur: Jacobus A van Staden 3 Saerengas Cape Town Suid-Afrika Rek nr. D1661 riaanv38@gmail.com Tel: 982 529 8688</p>
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 224, FRANSKRAAL**

Electricity : In order
Water : In order
Sewer : In order
Stormwater : In order
Roads and traffic : In order

Conditions:

1. that the existing water connection to- and sewer conservancy tank to Erf 224 shall be used to service Erf 224;
2. that the owner is to install a connection point from the sewer conservancy tank, to which the municipal tankers can connect to;
3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
4. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
5. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
6. that any additional and / or extended vehicle entrances will be for the developer's account;
7. that stormwater be allowed to discharge through Erf 224, Franskraal, unobstructed.

p.p. D. Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

04/08/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

**16.ERF 445, 55 MAIN ROAD & ERF 450, 15 BIRD LANE, NORTHCLIFF,
HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR
SUBDIVISION AND CONSOLIDATION & AMENDMENT OF CONDITIONS OF
APPROVAL: INTERACTIVE TOWN AND REGIONAL PLANNING ON
BEHALF OF ERF NO. 445 HERMANUS TRUST**

445 & 450 HNC (4443/2023)

450 HNC (4549/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

16 February 2024

EXECUTIVE SUMMARY

An application has been received on 10 July 2023 from InterActive Town & Regional Planning on behalf of Erf No. 445 Hermanus Trust on Erven 445 & 450, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Subdivision** in terms of Section 16(2)(d) Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 450, Hermanus into two (2) portions, namely, a 66m² portion (11m x 6m); and the remainder portion of Erf 450.
- ❖ **Consolidation** in terms of Section 16(2)(e) Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to consolidate Erf 445 and the 66m² portion subdivided from Erf 450, in order to accommodate (8) eight parking bays for a dental practice.

Application was also received on 11 December 2023 from InterActive Town & Regional Planning on behalf of Erf No. 445 Hermanus Trust on Erf 445, Hermanus in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the **Amendment of a condition in respect of an existing approval** for the amendment of Condition 3.(e) of the decision dated 26 September 2022.

RESOLUTION

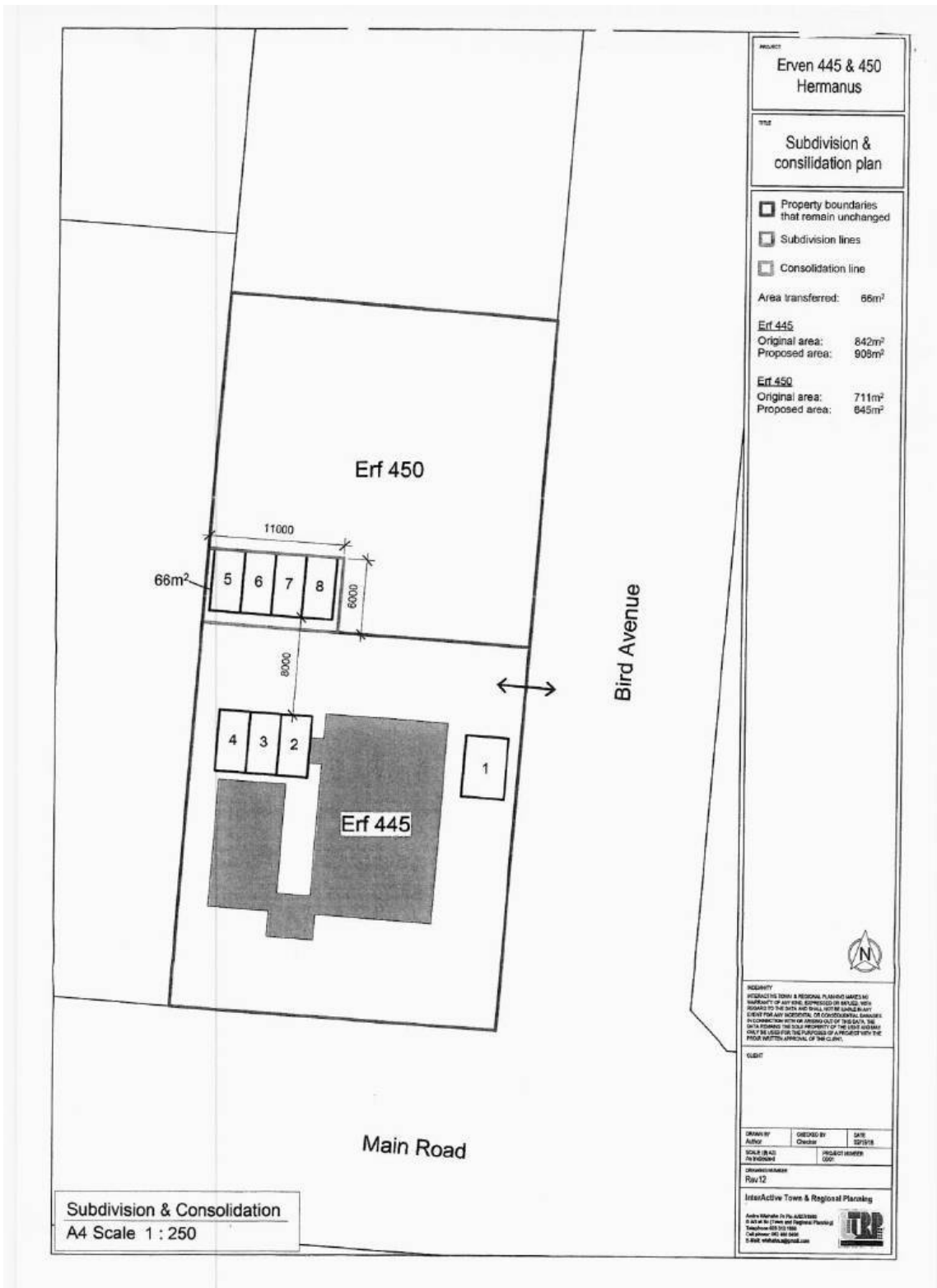
1. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 450, Hermanus into two (2) portions, namely, a 66m² portion (11m x 6m); and the remainder portion of Erf 450, **be approved** in terms of the provisions of Section 61 of the By-Law;

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2. that the application in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the consolidation of Erf 445 and the 66m² portion subdivided from Erf 450, in order to accommodate (8) eight parking bays for a dental practice, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 445, Hermanus for the amendment of a condition in respect of an existing approval for the amendment of Condition 3.(e) of the decision letter dated 26 September 2022, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in Points 1-3. above be subject to the following conditions:
 - (a) that the subdivision and consolidation be in line with plan number REV 12 dated 02/19/18 as submitted with the application;
 - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (d) that all the conditions in the Services Report be complied with;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
5. that the applicant and objector be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The structure has approved building plans.
- ❖ The surrounding owners did not object.
- ❖ The application will have no impact on the surrounding area.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION & CONSOLIDATION: ERF 445 & ERF 450,
NORTHCLIFF (4443/2023)**

Stormwater (SW) : Refer to conditions
Electricity : Refer to conditions
Water : Refer to conditions
Sewer : Refer to conditions
Roads and traffic : Refer to conditions

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that no reservation of on-street parking be allowed;
7. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
8. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.

p.p. A. Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

10/10/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

**17.ERF 646, 1 NURSERY ROAD, PEARLY BEACH, APPLICATION FOR
CONSENT USE (TRANSMISSION APPARATUS) : B VAN EEDEN ON
BEHALF OF COMPUTER HUT**

646 GPB (4141/2023)

SW van der Merwe

(028) 313 8900

Hermanus Administration

07 February 2024

EXECUTIVE SUMMARY

An application has been received on 06 May 2022 from B van Eeden on behalf of Computer Hut, in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 646, Pearly Beach to accommodate transmission apparatus.

RESOLUTION

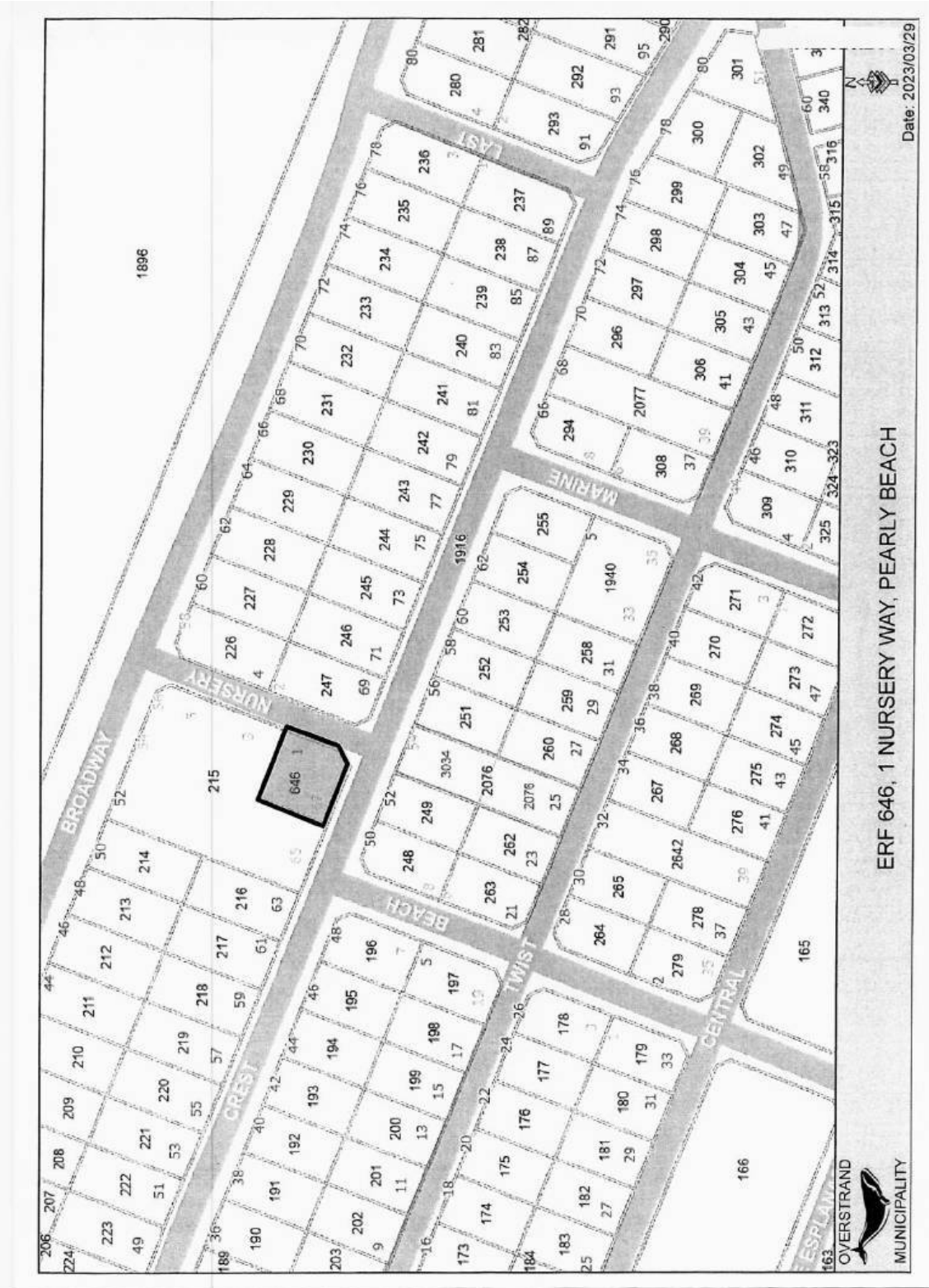
1. that the application for consent use (transmission apparatus) in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 646, Pearly Beach, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions;
 - (a) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (b) that the proposed development be limited to transmission apparatus as shown on the Site Development Plan;
 - (c) that the transmission apparatus must comply with the applicable Health and Safety Legislation;
 - (d) that all the conditions imposed by Telkom and the Engineering Department be complied with;
 - (e) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

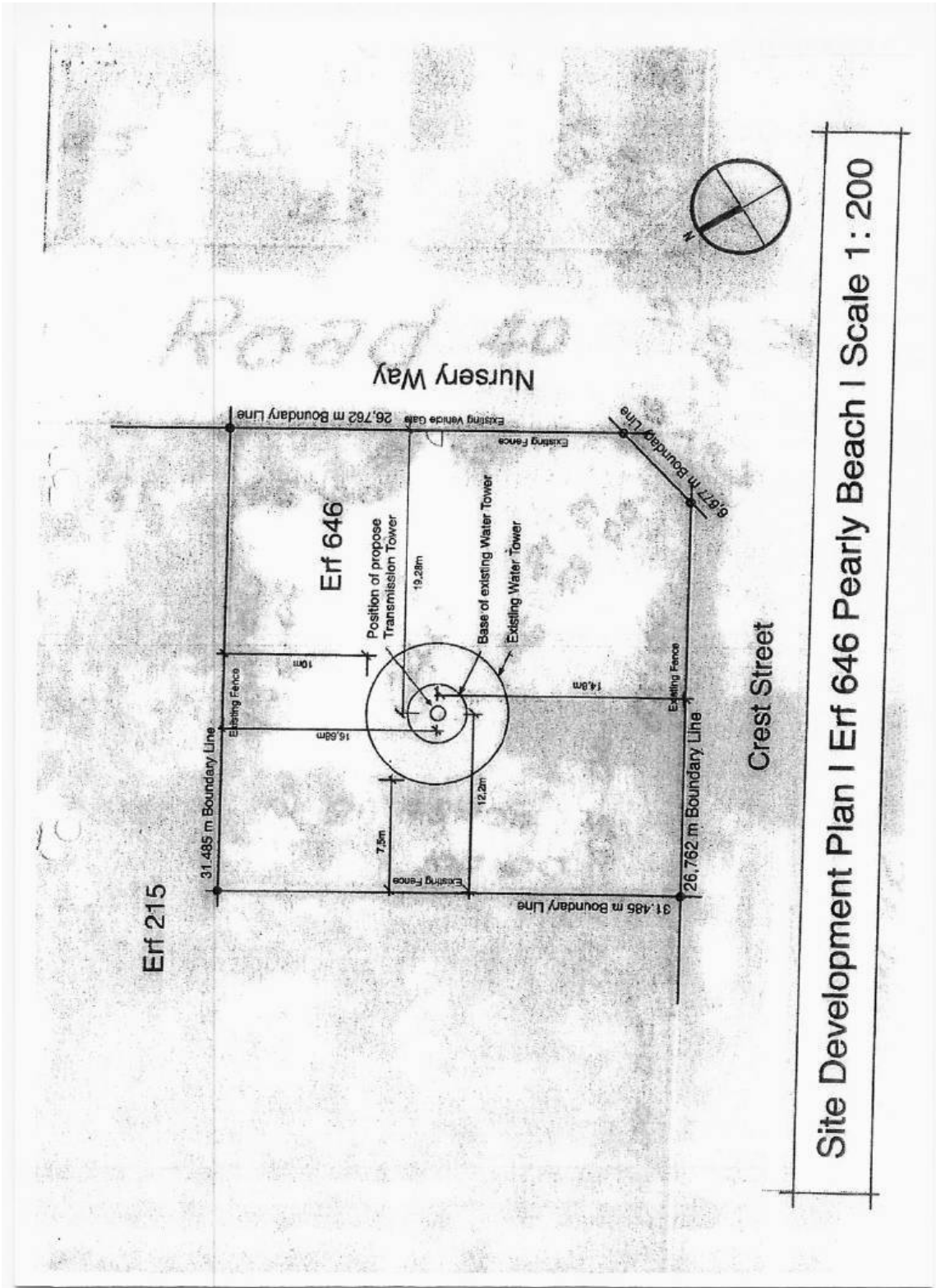
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ No objections were received.
- ❖ It is in line with policy documents.
- ❖ Is not regarded as being undesirable from a town planning point of view.



ERF 646, 1 NURSERY WAY, PEARLY BEACH



Date: 2023/03/29



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR: CONSENT USE: ERF 646, PEARLY BEACH**

Electricity : In order
Water : In order
Sewer : In order
Stormwater : In order
Roads and traffic : In order

Conditions:

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 646, Pearly Beach, unobstructed;
6. that no on-street parking be allowed.

p.p. R Andrew
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

19/05/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

**18.ERF 2087, 49 FOURTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: JAMES THOMAS
SMITH**

2087 HVK (4550/2023)

P Roux

(028) 313 8900

Hermanus Administration

31 January 2024

EXECUTIVE SUMMARY

An application has been received on 12 December 2023 from Jame Thomas Smith on behalf of the owners of Erf 2087, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- **departure** in terms of Section 16(2)(b) of the By-Law, to relax the western lateral building line from 2m to 1.519m and the eastern lateral building line from 2 to 1,909 and 1,785m (respectively), to accommodate the existing balconies and their supporting columns; and
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law.

RESOLUTION

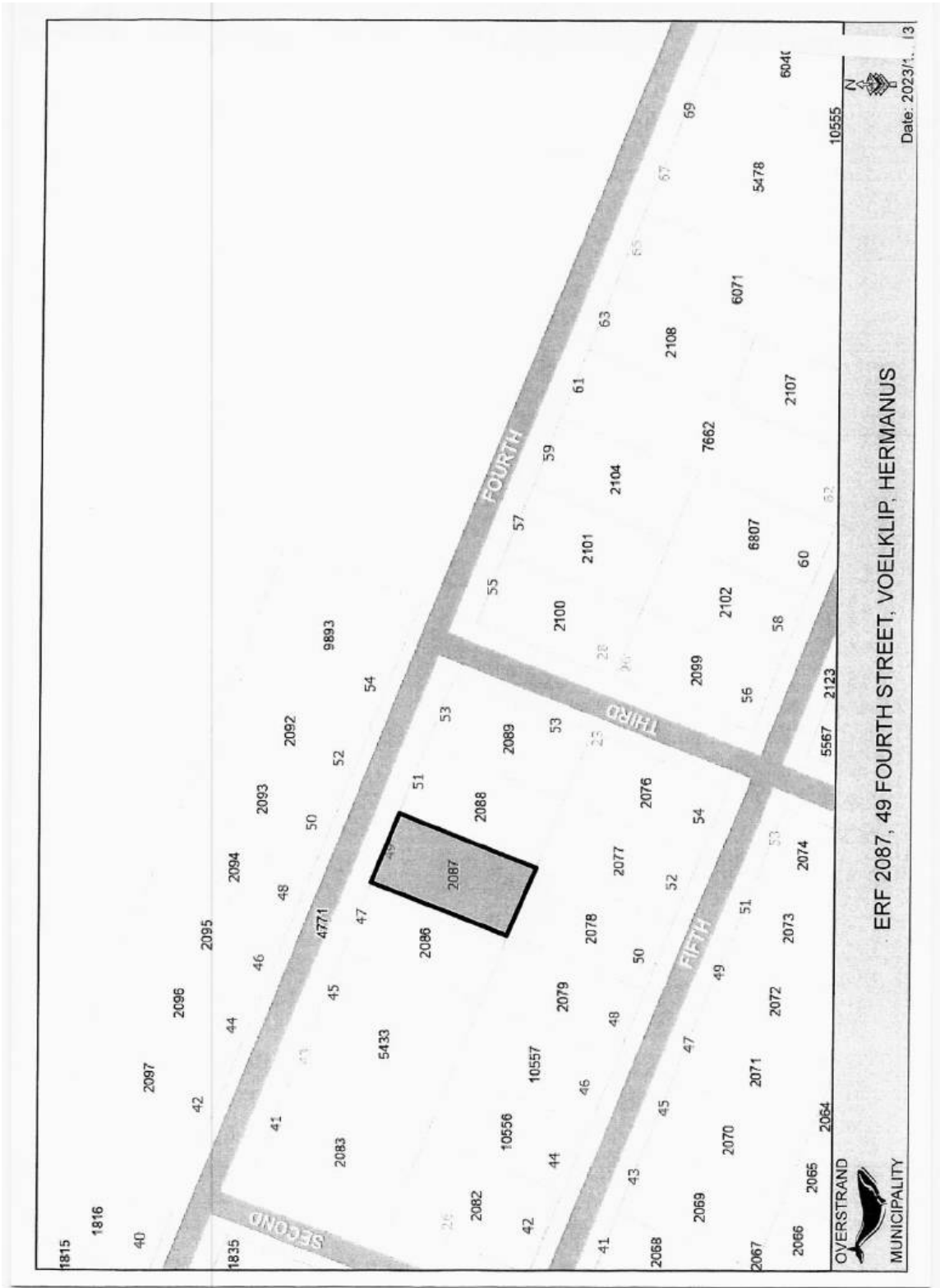
1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 2087, Hermanus to relax the western lateral building line from 2m to 1.519m and the eastern lateral building line from 2 to 1,909 and 1,785m (respectively), to accommodate the existing balconies and their supporting columns **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the determination of an administrative penalty in terms of Section 90.(4) of the By-Law for the unauthorised building work over building lines on the property, **be imposed** for the payment of an administrative penalty;
3. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan, as submitted with the application;

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- (b) that building plans be submitted to the Building Control Office, and all comments from the Fire Department be complied with at that stage;
 - (c) That a penalty fee of R1 624, 09 (including VAT) be imposed for, and be paid within 30 days from the date of the decision;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- ❖ The retention of the structures will not have a negative impact on the adjacent property owners or the character of the area.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The building work was illegally done without approval from the municipality and therefore an administrative penalty is imposed.



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3 April 2024
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19.ERF 3259, 215 TENTH STREET, ERF 3260, 219 TENTH STREET AND ERF 3262, 221 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSOLIDATION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF TIENDESTRAAT 215 TRUST & SEETUIN TRUST

3259, 3260 & 3262 HVK (4476/2023)

P Roux

(028) 313 8900

Hermanus Administration

08 February 2024

EXECUTIVE SUMMARY

An application was received on 06 September 2023 in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) from Messrs WRAP Project Office on behalf of the owners of Erven 3259, 3260 and 3262, Voëlklip, Hermanus for the consolidation of Erven 3259, 3260 and 3262, Hermanus to create one erf of approximately 1487m² in extent.

RESOLUTION

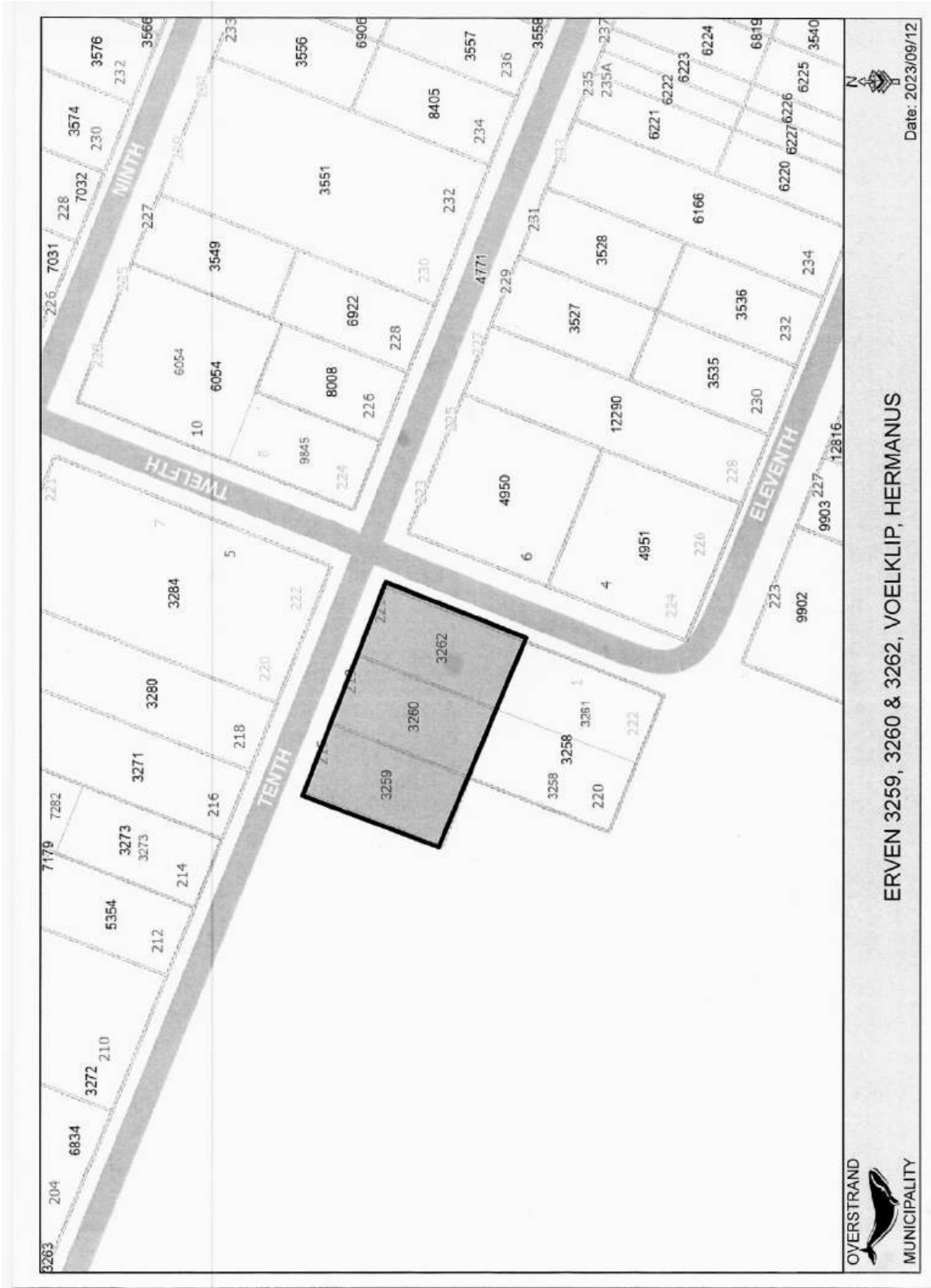
1. that the application for consolidation in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 3259, 3260 and 3262, Voëlklip to consolidate the subject properties to create an erf of approximately 1487m² in extent, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the consolidation as indicate1753d on drawing number 4 Consolidation Plan Erven 3259, 3260 and 3262 , Hermanus, Plan number 23/120 (001) dated 05 September 2023;
 - (b) that building plans be submitted for any new work done and that the Building Department and Fire Department's comments be complied with at that stage;
 - (c) that the conditions in the Services Report be complied with;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.

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2. that the applicant and person who commented be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The proposal is considered to be in line with the character of the area.



ERVEN 3259, 3260 & 3262, VOELKLIP, HERMANUS



Date: 2023/09/12



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION: ERVEN 3259, 3260 & 3262,
VOELKLIP**

Electricity	:	Refer to Conditions
Water	:	Refer to Conditions
Sewer	:	Refer to Conditions
Stormwater	:	Refer to Conditions
Roads and traffic	:	Refer to Conditions

Conditions:

1. that the existing sewer connection(s) be used to service the proposed consolidated development;
2. that the water connections to the erven must be consolidated to one connection and that one water meter be allowed/ registered;
3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
4. that the electricity connections to the erven must be consolidated to one connection and that one electricity meter be allowed/ registered;
5. that electrical submetering for second/additional dwelling(s) remains the responsibility of the developer/owner;
6. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
7. that, should any upgrading and / or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Operational Manager: Hermanus for written approval;
8. that any additional and / or extended vehicle entrances will be for the owner's account;
9. that no reservation of on-street parking be allowed;
10. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;

11. that stormwater reticulation and connection(s) to the municipal system be provided at the owner's cost, if required.

p.p. D Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

20/10/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

MUNICIPAL PLANNING TRIBUNAL

1. **ERF 234, 20 PORTER DRIVE, ROOIELS, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS AND DEPARTURE: A VON MALTITZ ON BEHALF OF A VON
MALTITZ & L KAESTNER**

234 KRE (4308/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

5 January 2024

EXECUTIVE SUMMARY

An application has been received on 9 December 2022 from A von Maltitz on behalf of A von Maltitz & L Kaestner for the following:

- ❖ **Removal of Restrictive Title Deed Condition** in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Planning, 2020 for the removal of restrictive title deed conditions F.4.(d) and G.(b) as contained in Title Deed T44343/2021 of the property to accommodate the proposed new dwelling.

The restrictive title deed conditions read as follows:

*“F. **SUBJECT** to the following conditions contained in the said Deed of Transfer Number T1609/1964 imposed by the Administrator of the Province of the Cape of Good Hope when approving of the General Plan of the said Rooi Els Township under the provisions of Ordinance 33 of 1934 reading as follows;*

4. *This erf shall be subject to the following further conditions, provided especially that where, in the opinion of the administrator after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorize the necessary suspension or relaxation subject to compliance with such conditions as he may impose.*

(d) No buildings or structure except the boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 3,15 metres of the rear of 1,57 metres of the lateral boundary common to any adjoining erf provided that with the consent of the Local Authority an outbuilding not exceeding 3,05 metres in height measured from the floor to the wall plate and no portion of which will be used for human habitation may be erected within

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the above prescribed rear space, and provided further that a garage may be erected up to such street line if the opinion of the local authority of the erf is such to make that necessary.

G. SUBJECT to the following conditions contained in said Deed of Transfer Number T1609/1964 imposed by the Transferor Company as being in favour of the registered owner of any erf in the Township;

(b) No wood and iron buildings of any description shall be erected on this erf, nor shall corrugated iron be used for roofing purposes.”

RESOLUTION

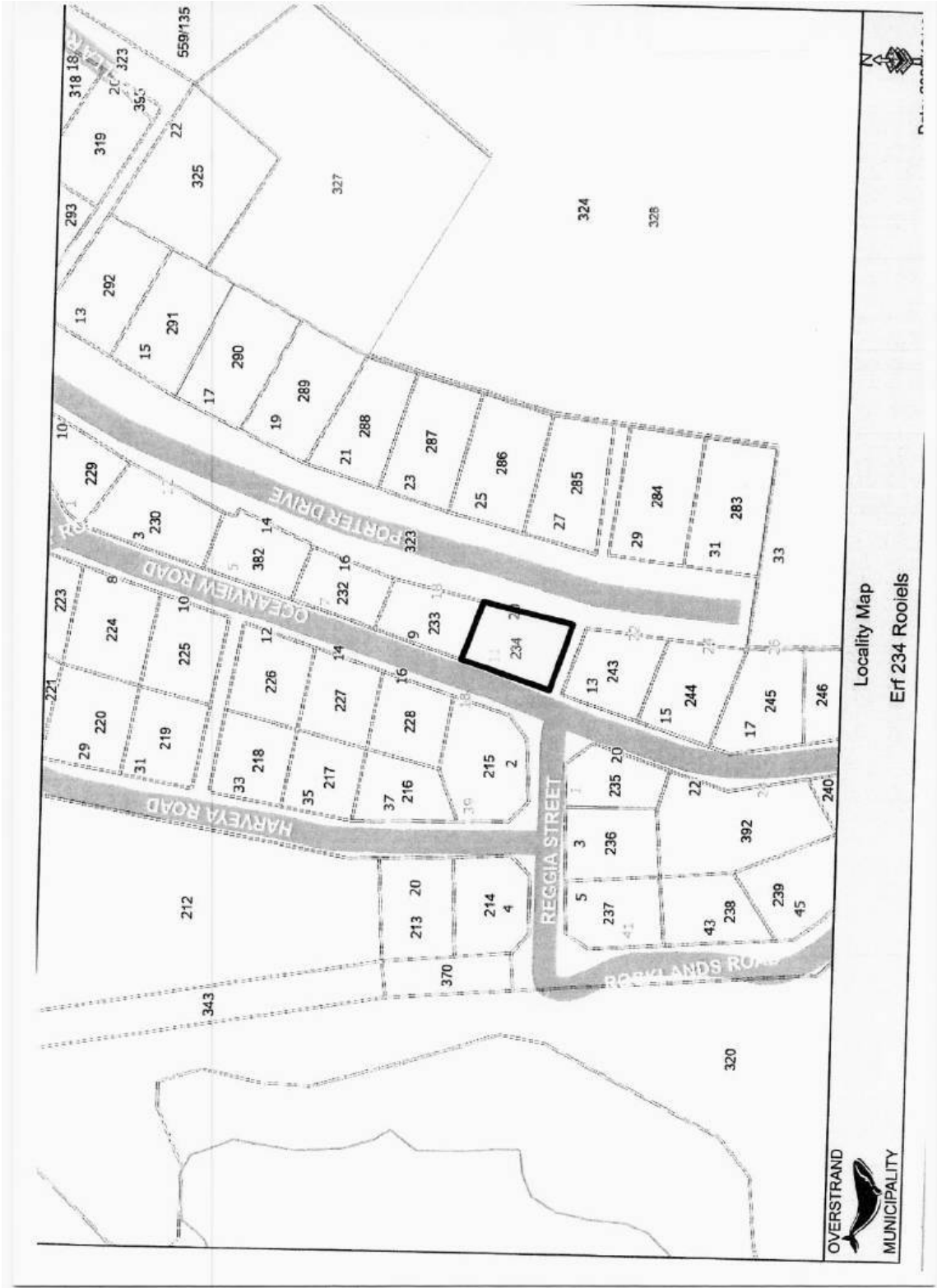
1. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 Erf 234, Rooiels for the removal of restrictive title deed condition G.(b) as contained in Title Deed T44343/2021 of the property to accommodate the proposed new dwelling, **not be approved**, in terms of the provisions of Section 61 of the By-Law.
2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 234, Rooiels for the removal of restrictive title deed condition F.4.(d) as contained in Title Deed T44343/2021 of the property to accommodate the proposed new dwelling, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 234, Rooiels for a departure to relax the street building line from 4m to $\pm 2,97$ m to accommodate the proposed new dwelling on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in Points 2 and 3 above be subject to the following conditions:
 - (a) that the approval be limited to the building/structures as per Plan dated 14 December 2022, submitted with this application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;

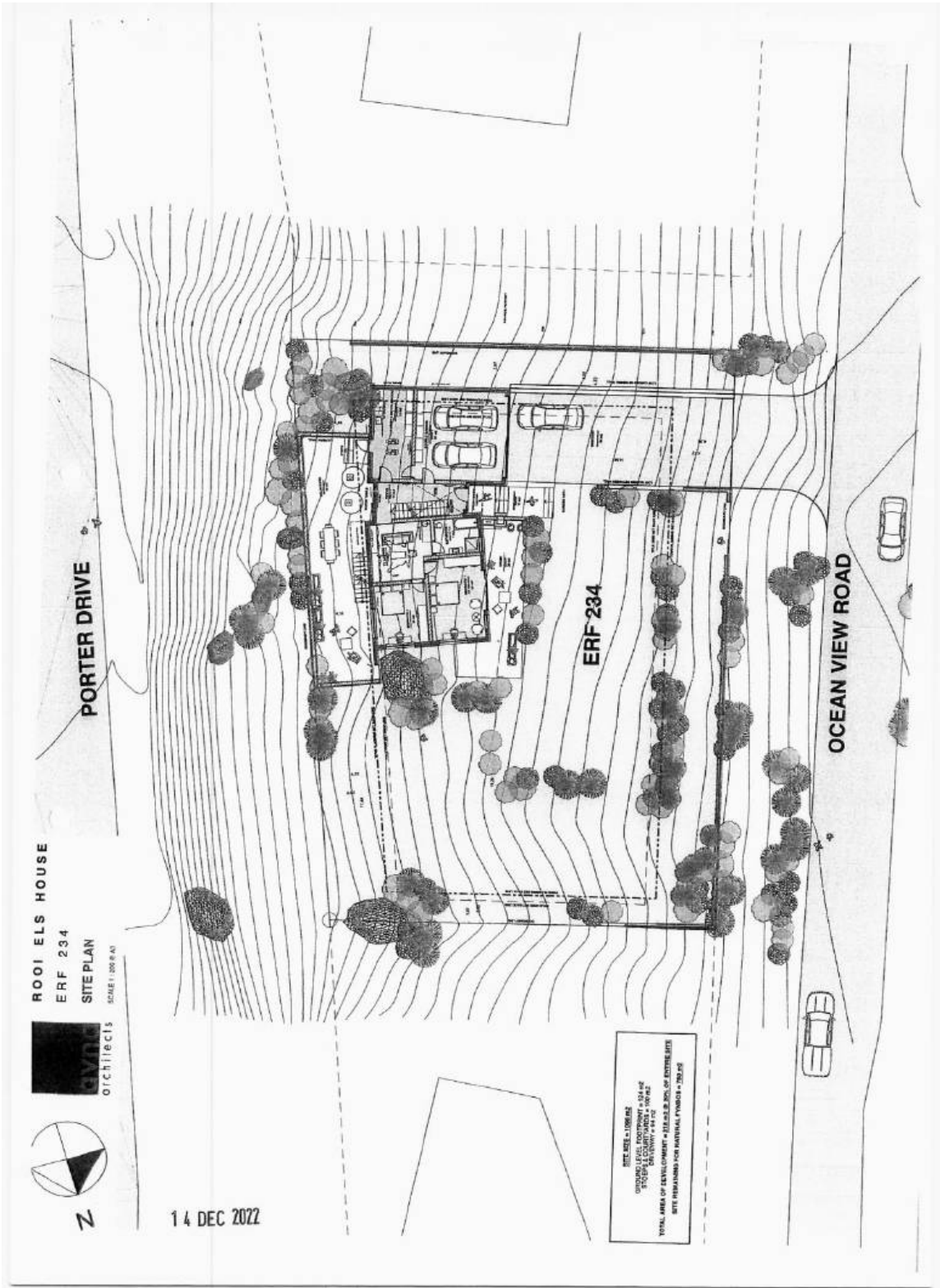
**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

- (c) that the amended title deed be submitted for record purposes to the Municipality;
 - (d) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (g) that all the conditions in the Services Report be complied with.
5. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The proposed development will have the least impact on the erf.
- ❖ The proposed development adheres to RERA Constitution, and promotes the principle of the protection of environmental spatial character of Rooi Els.
- ❖ The development adheres to the precautionary principle.
- ❖ None of the residents objected to the application.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITIONS
& DEPARTURE: ERF 234, ROOIELS (4308/2022)**

Stormwater (SW) : In order
Electricity : Eskom Area
Water : In order
Sewer : In order
Roads and traffic : In order

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigates and determine the limitations of the site in terms of drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
7. that stormwater be allowed to discharge through Erf 234, Rooiels, unobstructed.

p.p. R. Gaden
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

30/05/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

**2. ERF 158, 22 CENTRAL STREET, PEARLY BEACH: APPLICATION FOR
REZONING: MESSRS WRAP PROJECT OFFICE ON BEHALF OF JA & GM
BAARD**

158 GPB (4396/2023)

SW van der Merwe

(028) 313 8900

Hermanus Administration

17 January 2024

EXECUTIVE SUMMARY

An application has been received on 19 May 2023 from Messrs WRAP Project Office in terms of the Overstrand Municipality Municipal Land Use Planning Amendment By-Law, 2020 (By-Law) on behalf of JA & GM Baard, the owners of Erf 158, Pearly Beach for **rezoning** of the property in terms of Section 16(2)(a) of By-Law from Utility Zone: Utility Services to Business Zone 3: Local Business.

RESOLUTION

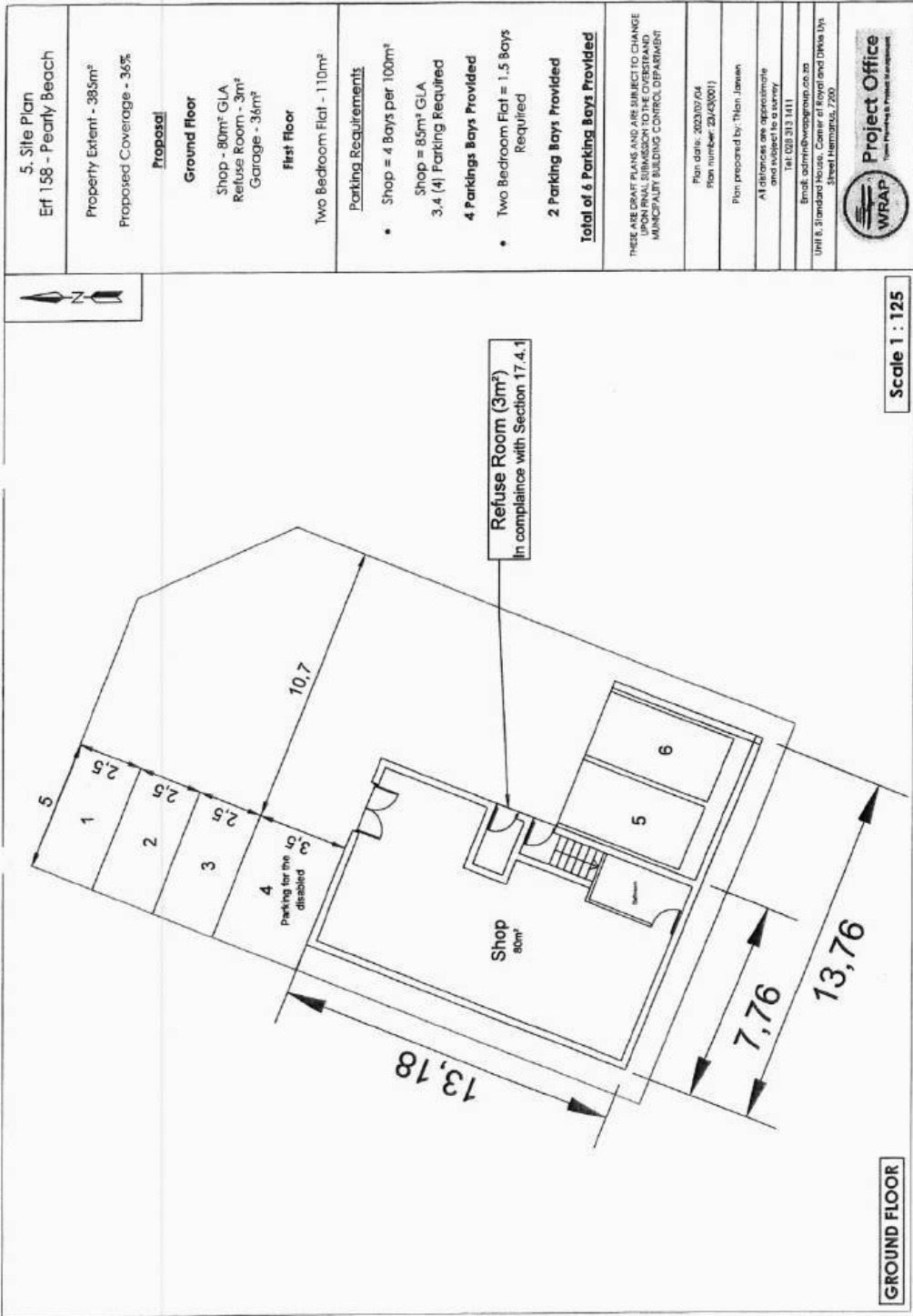
1. that the objections received be noted;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land use Planning, 2020 (By-Law), for the rezoning of Erf 158, Pearly Beach from Utility Zone: Utility Services to Business Zone 3: Local Business, **be approved** in terms of the provisions of Section 61 of the By-Law; and
3. that the above approval be subject to the following conditions:
 - (a) that the conditions of Engineering Services must be complied with;
 - (b) that the conditions of Telkom must be complied with;
 - (c) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (d) that this approval does not absolve the landowner from compliance with any other relevant legislation; and
 - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
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4. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law Amendment on Land Use Planning, 2020 with regard to the above conditions of approval

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No internal objections were received.
- ❖ It is in line with forward planning documents.
- ❖ Much needed job opportunities will be created.
- ❖ It is not regarded as being undesirable from a town planning point of view.
- ❖ The application is consistent with the planning principles in terms of LUPA and SPLUMA



5. Site Plan
Erf 158 - Pearty Beach

Property Extent - 385m²
Proposed Coverage - 36%

Proposal

Ground Floor

Shop - 80m² GLA
Refuse Room - 3m²
Garage - 36m²

First Floor

Two Bedroom Flat - 110m²

Parking Requirements

- Shop = 4 Bays per 100m²
Shop = 85m² GLA
3.4 (4) Parking Required
- 4 Parkings Bays Provided
- Two Bedroom Flat = 1.5 Bays Required
- 2 Parking Bays Provided

Total of 6 Parking Bays Provided

THESE ARE DRAFT PLANS AND ARE SUBJECT TO CHANGE UPON FINAL SUBMISSION TO THE OVERSEAS MUNICIPALITY BUILDING CONTROL DEPARTMENT

Plan date: 2023/07/04
Plan number: 2023/0001
Plan prepared by: Han Jawan
All distances are approximate and subject to a survey.
Tel: 020 213 1411
Email: admin@wragrap.co.za
Unit 8, Standard House, Corner of Royal and Dicks Dv, Street Hemarais, 7200



Scale 1 : 125

GROUND FLOOR

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING: ERF 158, PEARLY BEACH**

Electricity	:	In order
Water	:	In order
Sewer	:	In order
Stormwater	:	In order
Roads and traffic	:	In order

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

- 1.1 **Developments containing Sectional Title Units/ Commercial Buildings** (non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

- 1.2 **Developments with free standing properties** (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (**2023/2024**) is as follows:

Freehold erven:

Water	R 27 598.16 x 0.76=	R 20 974.60
Sewerage	R 18 608.30 x 0.76=	R 14 142.31
Roads	R 8 344.32 x 5.358975=	R 44 717.00
Stormwater	R 9 626.92 x 1.155=	R 11 119.09
Solid Waste	R 1 668.44 x 0.9625=	<u>R 1 605.87</u>
TOTAL (inclusive of VAT)	=	<u>R 92 558.87</u>

Note:

- 1.3 **The above figures are estimates**
1.4 **The above figures do not include connection fees**

2. that the existing water connection to- and sewer conservancy tank on Erf 158 shall be used to service Erf 158;
3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
4. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
5. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
6. that any additional and / or extended vehicle entrances will be for the developer's account;
7. that stormwater be allowed to discharge through Erf 158, Pearly Beach, unobstructed.

p.p. R. Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

10/07/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

3. ERF 4286, CHANTECLAIRE AVENUE AND ERF 4443, 27 CHANTECLAIRE AVENUE, ONRUS MANOR, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, CONSENT USE, DEPARTURE, EXEMPTION OF REGISTRATION OF A RIGHT OF WAY SERVITUDE AND AMENDMENT OF SITE DEVELOPMENT PLAN: WRAP PROJECT OFFICE ON BEHALF OF ONRUS MANOR BODY CORPORATE AND WESTERN OCEAN INVESTMENTS 161 CC

4286 & 4443 HON (4290/2022)

H Olivier

(028) 313 8900

Hermanus Administration

8 December 2023

EXECUTIVE SUMMARY

An application was received on 11 November 2022 from WRAP Project Office on behalf of the Onrus Manor Body Corporate and Western Ocean Investments 161 CC on Erven 4286 and 4443, Onrustrivier in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Rezoning** in terms of Section 16(2)(a) of the By-Law from Residential Zone I: Single Residential (SR1) to General Residential Zone: Town Housing (GR1), applicable to Erf 4443, Onrustrivier to develop five (5) units.
- ❖ **Consent Use** in terms of Section 16(2)(o) of the By-Law to allow a retirement village on Erf 4443, Onrustrivier.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the following on Erf 4443, Onrustrivier:
 - northern perimeter building line applicable to Unit 1 from 3,0m to 2,68m to accommodate a portion of the pergola;
 - eastern perimeter building line applicable to Unit 1 from 3,0m to 0,76m to accommodate a portion of the bedroom and bathroom;
 - north-western perimeter building line applicable to Unit 2 from 3,0m to 2,68m to accommodate a portion of the pergola;
 - eastern perimeter building line applicable to Unit 3 from 3,0m to ±0,75m to accommodate a portion of the bedroom and bathroom;
 - western perimeter building line applicable to Unit 5 from 3,0m to 0,74m to accommodate a portion of the bedroom and bathroom; and
 - to depart from the minimum erf size of 3000m² to 2296m² for the rezoning of a site to General Residential Zone: Town Housing (GR1).

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

- ❖ **Subdivision** in terms of Section 16(2)(d) of the By-law to create a right-of-way access servitude over Erf 4286 Onrustrivier in favour of Erf 4443, Onrustrivier i.e., Exemption of Registration of a Right of Way Servitude.
- ❖ **Amendment of Site Development Plan** in terms of Section 16(2)(l) of the By-Law to accommodate extensions to the roads over Erf 4286, Onrustrivier.

RESOLUTION

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4286, Onrustrivier to rezone the said property from Residential Zone I: Single Residential (SR1) to General Residential Zone 1: Group Housing to develop five (5) units on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law,
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for a Consent Use to allow a retirement village on Erf 4443, Onrustrivier, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4443, Onrustrivier to relax the following:
 - Northern perimeter building line applicable to Unit 1 from 3,0m to 2,335m to accommodate a portion of a patio;
 - Eastern perimeter building line applicable to Unit 1 from 3m to 0,685m to accommodate a portion of the bedroom and bathroom;
 - Northern perimeter building line applicable to Unit 2 from 3,0m to 2,335m to accommodate a patio;
 - Eastern perimeter building line applicable to Unit 3 from 3,0m to 1,04m to accommodate a portion of the bedroom and bathroom;
 - Southern and eastern perimeter building line for Unit 3 from 3m to 0m to accommodate a garage; and
 - South-Western perimeter building line for Unit 5 from 3,0m to 1,73m to accommodate a bedroom;
 - The minimum erf size of 3000m² to 2296m² for the rezoning of a site to General Residential Zone: Town Housing (GR1)

be approved in terms of the provisions of Section 61 of the By-Law.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

4. that the application in terms of Section 16(2)(d) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for subdivision (exemption) to create a right-of-way access servitude over Erf 4286, Onrusrivier in favour of Erf 4443, Onrusrivier, **be approved.**
5. that the application in terms of Section 16(2)(l) of the By-Law for the Amendment of the Site Development Plan of Onrus Manor to accommodate extensions to the roads over Erf 4286, Onrusrivier, as indicated on plan number 22.52/003 dated 29/08/2023, **be approved**, in terms of the provisions of Section 61 of the By-Law.
6. that the approvals in Points 1. to 5. above in terms of the provisions of Section 61 of the By-law, be subject to the following conditions:
 - (a) that development be in line with Site Development Plan 22.52/003 dated 29/08/2023;
 - (b) that a minimum of 2 (two) parking bays be provided at each unit on each erf, to municipal standards and satisfaction;
 - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (d) that the Architectural Design Guidelines be submitted for the development to address the style of the houses in line with the surrounding Onrus Manor style of units, in consultation with the Building Control department;
 - (e) that all the conditions imposed by Telkom be complied with;
 - (f) that all conditions in the Services Report be complied with;
 - (g) that a Body Corporate be established with compulsory membership for all property owners within the development;

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Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

- (h) that the Constitution of the Body Corporate be submitted for approval by the Municipality (which reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
 - o the approval of building plans by an “estate architect” prior to submission thereof to the Municipality, and
 - o that the Constitution clarifies at what stage that the responsibility would be transferred from the developer to the Homeowners’ Association to deal with approval of plans.
 - (i) that the units on Erf 4443 may only access the property over Erf 4286, and no direct access may be obtained from Chanteclair Avenue;
 - (j) that the servitude be registered over the roads, open spaces, and amenities on Erf 4286 in favour of Erf 4443, Onrusrivier, prior to the construction of the first unit on Erf 4443, Onrusrivier;
 - (k) that the notarial tie between Erf 4443 and Erf 4286, Onrusrivier must be registered prior to the construction of the first unit on Erf 4443, Onrusrivier;
 - (l) that the owner submits an operational plan to be approved by the Area Manager before construction commences;
 - (m) that building plans be submitted to the Building Control Department of the Municipality in accordance with the amended Site Development Plan, and that any requirements by the Fire- and Building Departments at that stage be complied with;
 - (n) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with.
7. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 with regard to the above decisions.

REASONS FOR RESOLUTION

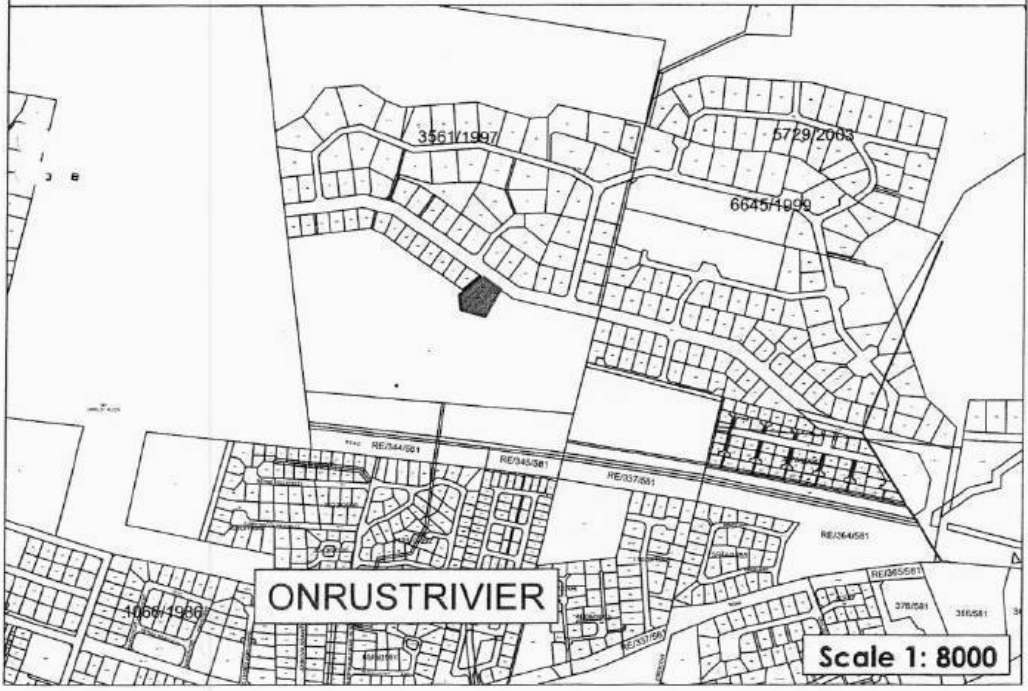
- ❖ The proposal for is in line with the Overstrand Municipality Spatial Growth Management Strategy, 2010 (Guideline document) and Overstrand Municipal Wide SDF, 2020.

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Portfolio Committee : Investment & Infrastructure
3 April 2024
(Also the agenda for the Mayoral Committee Meeting : 10 April 2024)**

- ❖ All relevant municipal departments and external departments/institutions support the application.
- ❖ Concerns/objections raised about the possible impact on traffic, parking and gardens have been considered. The scale of the development is such that it is the opinion that the concerns are unfounded as this proposed development will be in line with the character of surrounding developments, and due to the small scale have a low impact on the internal roads and parking.
- ❖ The application is in line with the general principles of SPLUMA and LUPA as this development will be spatially sustainable as it will not lead to urban sprawl or be developed on agricultural land or environmentally sensitive areas. In terms of efficiency, it will utilize existing road networks and services.
- ❖ In terms of the character of Chanteclair area directly north of the R43 Provincial Road developments consist of a mixture of General Residential Zone I even utilized as Group Housing Developments and Retirement Villages.
- ❖ The relaxations of building lines mostly relate to building lines adjacent to other units within the Onrus Manor development. Only two pergolas traverse the building line with Chanteclair Avenue, and this is only a minor encroachment with no real negative impact.
- ❖ The property to be developed with five (5) units will be notarial tied with Onrus Manor and a servitude will be registered over the Onrus Manor development that the five (5) units is developed as part of Onrus Manor and share in their amenities, roads, open spaces etc. This limits the impact on the surrounding area.

LOCALITY PLAN ERF 4443 ONRUSTRIVIER

Plan prepared by: Thian Jansen
All distances are approximate
and subject to a survey
Tel: 028 313 1411
admin@wrapgroup.co.za
Unit 8, Standard House
Corner of Royal and
Dirkie Uys Street
Hermanus, 7200





4. Site Development Plan
Erf 4443 Onrustivier

AREA SUMMARY

Property Extent - 2286m²

NEW DWELLING UNITS

Unit 1
House and garage - 197m²
Patio - 17m²
Yard - 8m²

Unit 2
House and garage - 197m²
Patio - 17m²
Yard - 8m²

Unit 3
House and garage - 190m²
Patio - 17m²
Yard - 8m²

Unit 4
House and garage - 148m²
Patio - 18m²
Yard - 12m²

Unit 5
House and garage - 148m²
Patio - 18m²
Yard - 12m²

Total Units - 880m²

COVERAGE

880m² / 2276m² = 38.33%

Plan prepared by: Thion Jansen
Based on plan by Thomas Leach Architects
2023/08/29

All distances are approximate
and subject to a survey

Plan Number - 22.52/003

Tel: 028 313 1411

admin@wrapgroup.co.za

Unit 8, Standard House
Corner of Royal and
Diddle Lys Street
Hermanus, 7200



Project Office
Team Working & Project Management

Scale 1 : 250

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, CONSENT USE, DEPARTURE, EXEMPTION OF
REGISTRATION OF A RIGHT OF WAY SERVITUDE & AMENDMENT OF SITE
DEVELOPMENT PLAN: ERVEN 4286 & 4443, ONRUS RIVER (4290/2022)**

Stormwater (SW)	:	In Order
Electricity	:	Eskom Area
Water	:	In Order
Sewer	:	In Order
Roads and traffic	:	In Order

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

1.1 Developments containing Sectional Title Units/ Commercial Buildings (non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

1.2 Developments with free standing properties (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (2022/2023) is as follows:

Freehold erven:

Water	R 26 036.00 x 3	= R 78 108.00
Sewerage	R 17 555.00 x 3	= R 52 665.00
Roads	R 7 872.00 x 4	=R 31 488.00
Stormwater	R 9 082.00 x 1.53066	= R 13 901.45
Solid Waste	R 1 574.00 x 4	= R 6 296.00
TOTAL (inclusive of VAT)		= R 182 458.45

Note:

- a) **The above figures are estimates**
 - b) **The cost exclude investigation and connection fees.**
2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;

3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 4.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 4.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 4.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
5. that any additional cost related to the upgrading of bulk civil services will be for the developer's account;
6. that no on-street parking will be allowed;
7. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer;
8. that only the existing municipal service connections will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
9. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
10. that on-site parking facilities be provided as per Planning Schedule, and to the satisfaction of the Department: Operational Services;
11. that any additional and / or extended vehicle entrances will be for the owner's account;
12. that the proposed development on Erven 4286 & 4443 be provided with a central refuse collection facility, which must comply with the standards of the Department Services (Hermanus)
13. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be proved with the following is provided:
 - a. properly ventilated;
 - b. a cement floor;

3

- c. a tap and running water, as well as a drainage point which is connected to the sewer network;
 - d. at a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
14. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval.

p.p. D. Hendriks

DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES

29/05/2023

DATE