AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

16.
TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS CONSIDERED IN TERMS OF DELEGATED AUTHORITY: AUGUST 2023 – DECEMBER 2023

R Kuchar **Senior Manager: Town & Spatial Planning**
15 January 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 18 August 2023 – 18 December 2023.

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

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 – 18 August 2023 – 18 December 2023:

1.	Remainder Erf **3363**, 222 Seventh Street and Erf **3364**, 221 Sixth Street, Voëlklip, Hermanus	18 August 2023
2.	Erf **1748**, 2 Fourth Street, Voëlklip, Hermanus	18 August 2023
3.	Erf **3259**, 3 Roos Street, Onrustrivier, Hermanus	21 August 2023
4.	Erf **2262**, 26 Douglas Street, Onrustrivier, Hermanus	21 August 2023
5.	Various Erven (Portions **9935**), Hermanus	21 August 2023
6.	Erf **2429**, 12 McFarlane Street, Onrustrivier, Hermanus	21 August 2023
7.	Erf **3940**, 264 Eighth Street, Voëlklip, Hermanus	25 August 2023
8.	Portion **99** of the Farm Baardscheerders Bosch No. **213**, Baardskeerdersbos	25 August 2023
9.	Erf **5420**, 4 Krige Street, Onrustrivier, Hermanus	4 September 2023
10.	Erf **856**, 12 Jally Road, Pringle Bay	12 September 2023
11.	Erf **44**, 30 Van Blommenstein Street, Birkenhead	20 September 2023
12.	Remainder Extent Of Farm **312**, Bredasdorp	20 September 2023
13.	Erf **1081**, De Wet Street, Gansbaai	21 September 2023
14.	Erven **2430 & 3425**, Gansbaai	27 September 2023
15.	Erf **5744**, 273 Fifth Street, Voëlklip, Hermanus	10 October 2023
16.	Erf **3556**, 233 Ninth Street, Voëlklip, Hermanus	10 October 2023
17.	Erf **4411**, 1 Main Road, Northcliff, Hermanus	19 October 2023
18.	Erf **5725**, 19 Keurboom Avenue, Heuningkloof, Kleinmond	19 October 2023
19.	Erf **5057**, Kidbrooke Retirement Village, Onrustrivier	19October 2023
20.	Erf **6127**, 35 Marine Drive, Westcliff, Hermanus	19 October 2023
21.	Erf **3461**, 16 Rheezicht Crescent, Onrustrivier	19 October 2023
22.	Erf **1068**, 52 End Street, Sandbaai	25 October 2023
23.	Erf **88**, 1 Sea View Drive, Franskraal	25 October 2023
24.	Erf **4888**, 83 Ninth Avenue, Kleinmond	26 October 2023
25.	Portion **75** Of The Farm Hermanus River No. **542**, Arabella Country Estate	26 October 2023

26.	Erf **9823**, 61 Marine Drive, Westcliff, Hermanus	26 October 2023
27.	Remainder Farm Kleyn Hegel Kraal No **321**, Bredasdorp Division	2 November 2023
28.	Portion **312** (A Portion Of Portion 285) Of The Farm Hermanus River No. **542**, Arabella Country Estate	7 November 2023
29.	Erf **3895**, 132 Fourth Avenue, Kleinmond	7 November 2023
30.	Remainder of Portion **14** of Farm No. **660**, Klein Rivier Kloof, Caledon Division	8 November 2023
31.	Erf **603**, 5 Allan Road, Pringle Bay	8 November 2023
32.	Portion **101** (A Portion of Portion 94) of the Farm Hangklip No. **559**, Division Caledon	9 November 2023
33.	Erf **179**, 23 Dirkie Uys Street, Gansbaai	28 November 2023
34.	Erf **1318**, 335 Main Road, Eastcliff, Hermanus	28 November 2023
35.	Erf **2816**, 155 Tenth Street, Voëlklip, Hermanus	7 December 2023
36.	Erf **3730**, 274 Tenth Street, Voëlklip, Hermanus	7 December 2023
37.	Erf **4268**, 315 Fifth Street, Voëlklip, Hermanus	7 December 2023
38.	Erf **1724**, 5 Fifth Street, Voëlklip, Hermanus	13 December 2023
39.	Erven **11068** and **11166**, 1 & 10 Church Street, Westcliff, Hermanus	18 December 2023

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 July & 24 August (Special MPT) 2023:

1.	Erf **3221**, 16 Lagoon Drive, Onrustrivier, Hermanus	31 August 2023
2.	Portion **104** (a portion of portion 102) of the Farm Hemel en Aarde No **587**, Hermanus	31 August 2023
3.	Erf **2674**, 199 Porter Drive, Betty's Bay	28 September 2023
4.	Remainder of Portion **366** of the Farm Onrust river No. **581**, Hermanus	28 September 2023
5.	Erf **67**, 58 Naude Street, Franskraal	28 September 2023
6.	Erf **146**, 2 Mark Street, Gansbaai	28 September 2023
7.	Erf **1642**, 4 Gousblom Street, Pearly Beach	2 November 2023
8.	Erf **7182**, 39 Marine Drive, Westcliff, Hermanus	2 November 2023
9.	Erf **108**, 6 Priestleya Road, Rooi Els	2 November 2023
10.	Erf **11171**, 19 Fish Eagle Street, Hemel & Aarde Estate, Hermanus	2 November 2023
11.	Erf **3921**, 128 Second Avenue, Kleinmond	2 November 2023
12.	Erf **171**, 4 Le Grange Street, Franskraal	30 November 2023
13.	Erf **5703**, 3 Myrtle Street, Westcliff, Hermanus	30 November 2023

RESPONSIBLE OFFICIAL : **L TAYLOR**

TARGET DATE FOR IMPLEMENTATION : **28 FEBRUARY 2024**

AGENDA of the
Portfolio Committee : Investment, Infrastructure & Tourism
7 February 2024
(Also the Agenda for the Mayoral Committee Meeting : 13 February 2024)

16.
TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS CONSIDERED IN TERMS OF DELEGATED AUTHORITY: AUGUST 2023 – DECEMBER 2023

R Kuchar **Senior Manager: Town & Spatial Planning**
15 January 2024 **(028) 313 8900**

THIS MATTER SERVED BEFORE THE INVESTMENT & INFRASTRUCTURE PORTFOLIO COMMITTEE ON 7 FEBRUARY 2024, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION

RESPONSIBLE OFFICIAL : **L TAYLOR**

TARGET DATE FOR IMPLEMENTATION : **28 FEBRUARY 2024**

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

1. REMAINDER ERF 3363, 222 SEVENTH STREET AND ERF 3364, 221 SIXTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSOLIDATION: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF KARIN DE VILLIERS TRUST

3363 & 3364 HVK
P Roux **(028) 313 8900** **Hermanus Administration**
03 August 2023

EXECUTIVE SUMMARY

An application was received on 5 June 2023 from Messrs PlanActive Town- and Regional Planners on behalf of Karin De Villiers Trust in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to consolidate Erven 3363 and 3364, Voëlklip, Hermanus to create one erf of approximately 916m² in extent

RESOLUTION

1. that the application in terms Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 3363 & 3364, Voëlklip, Hermanus for the consolidation of the erven to create an erf of approximately 916m² in extent, **be approved**, in terms of Section 61 of the By-law, subject to the following conditions:

    (a) that the approval is only for the consolidation as indicated on drawing number *Consolidation.drw, Hermanus* dated *May 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 the conditions in the Services Report, be complied with;

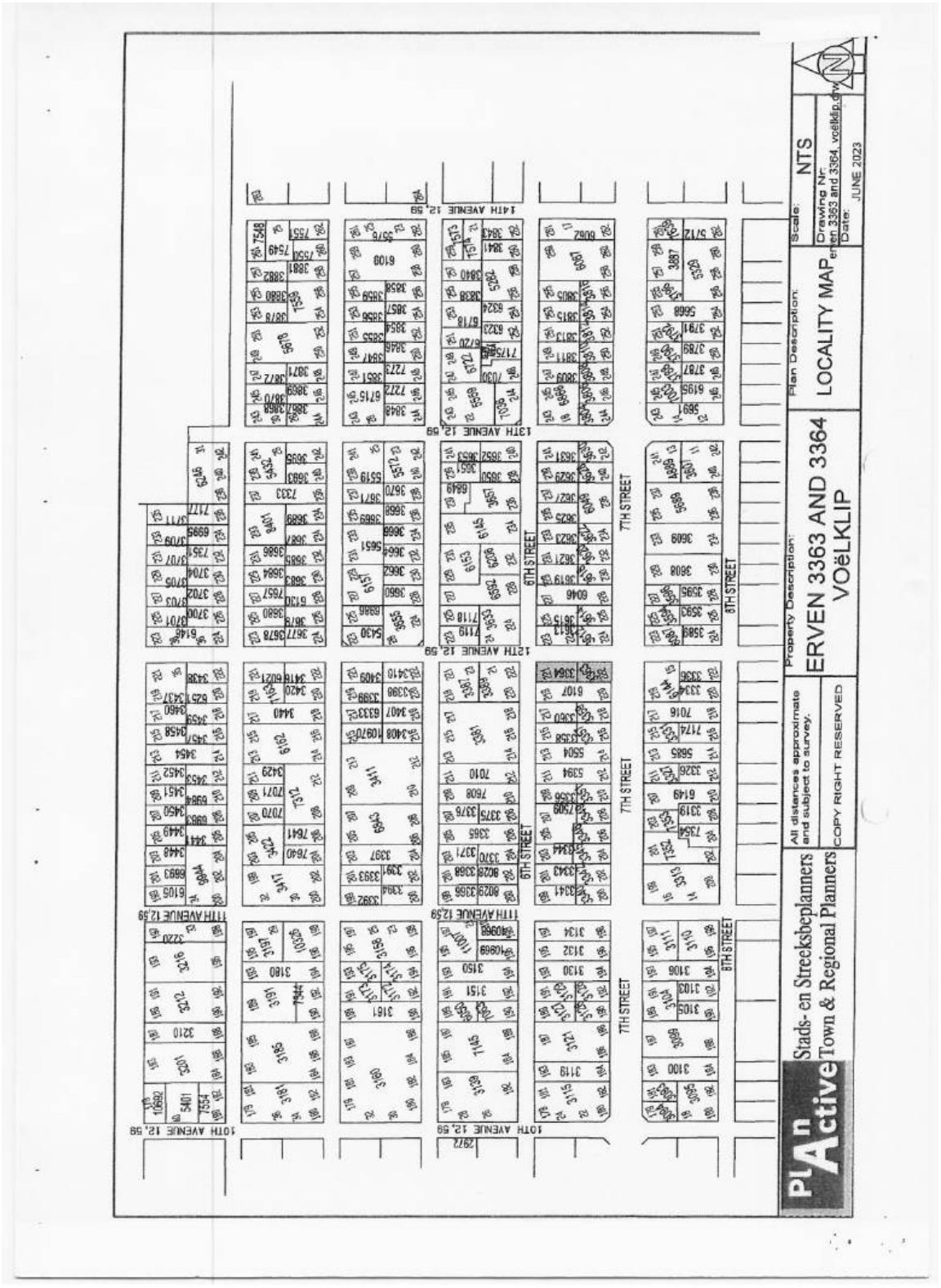
    (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

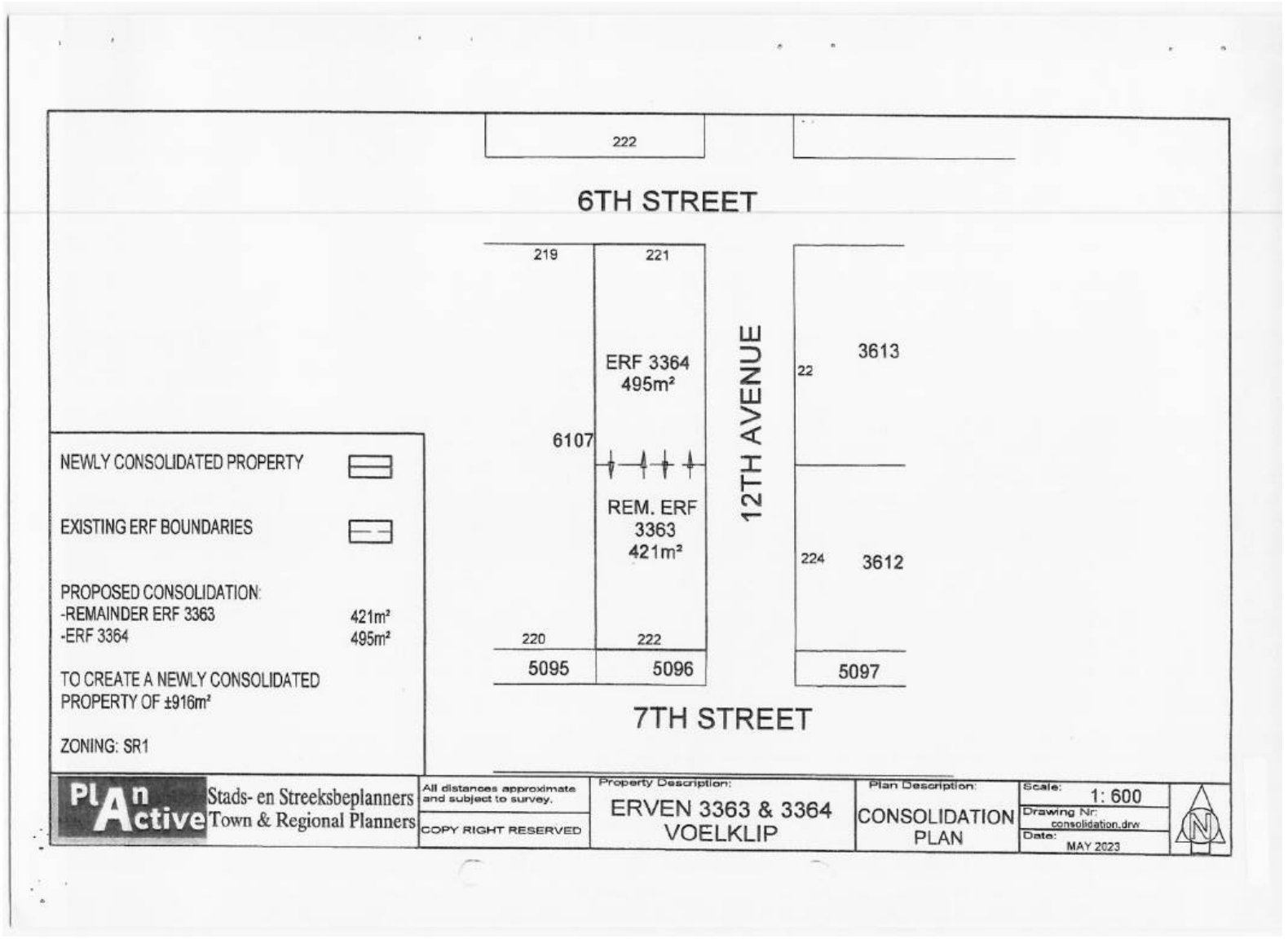
    (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.

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 development is not considered to unacceptably detract from the character of the area and vested rights of adjoining property owners.
- The proposed consolidation is in line with the applicable municipal and provincial planning policy and will make more efficient use of brownfield land within the urban edge.
- The application followed due process.
- The proposal is consistent with the SDF.


Plan Active
Stads- en Streeksbeplanners
Town & Regional Planners
All distances approximate and subject to survey.
COPY RIGHT RESERVED
Property Description:
ERVEN 3363 AND 3364
VOëLKLIP
Plan Description:
LOCALITY MAP
Scale: NTS
Drawing Nr: erven 3363 and 3364_voelklip.dwg
Date: JUNE 2023
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13TH AVENUE 12,59
12TH AVENUE 12,59
11TH AVENUE 12,59
10TH AVENUE 12,59
6TH STREET
7TH STREET
8TH STREET


222
6TH STREET
219
221
ERF 3364
495m²
6107
REM. ERF
3363
421m²
12TH AVENUE
22
3613
224
3612
220
222
5095
5096
5097
7TH STREET
NEWLY CONSOLIDATED PROPERTY
EXISTING ERF BOUNDARIES
PROPOSED CONSOLIDATION:
-REMAINDER ERF 3363 421m²
-ERF 3364 495m²
TO CREATE A NEWLY CONSOLIDATED PROPERTY OF ±916m²
ZONING: SR1
PLAN Active
Stads- en Streeksbeplanners
Town & Regional Planners
All distances approximate and subject to survey.
COPY RIGHT RESERVED
Property Description:
ERVEN 3363 & 3364
VOELKLIP
Plan Description:
CONSOLIDATION PLAN
Scale: 1: 600
Drawing Nr: consolidation.drw
Date: MAY 2023
N

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR CONSOLIDATION: REMAINDER ERF 3363 & ERF 3364, 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 Cordier
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

12/07/2023
DATE

2. ERF 1748, 2 FOURTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS INTERACTIVE TOWN AND REGIONAL PLANNING ON BEHALF OF THE BOOYSEN FAMILIE TRUST

1748 HVK (4381/2023)
P Roux **(028) 313 8900** **Hermanus Administration**
07 August 2023

EXECUTIVE SUMMARY

An application has been received on 02 May 2023 from Messrs Interactive Town and Regional Planning on behalf of the owners of Erf 1748, Voëlklip, Hermanus 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 eastern lateral building line from 2m to 1.1m, in order to accommodate the proposed buildings and extension of the existing dwelling on the property..

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 1748, Hermanus to relax the eastern lateral building line from 2m to 1.1m, in order to accommodate the proposed buildings and extension of the existing dwelling on the property, **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. L1000 to L1003 and L3000, as submitted with the application;

   (b) that the revised building plans be submitted to the Building Control Office, and all comments from the Fire Department be complied with at that stage;

   (c) that all the conditions in the Services Report be complied with;

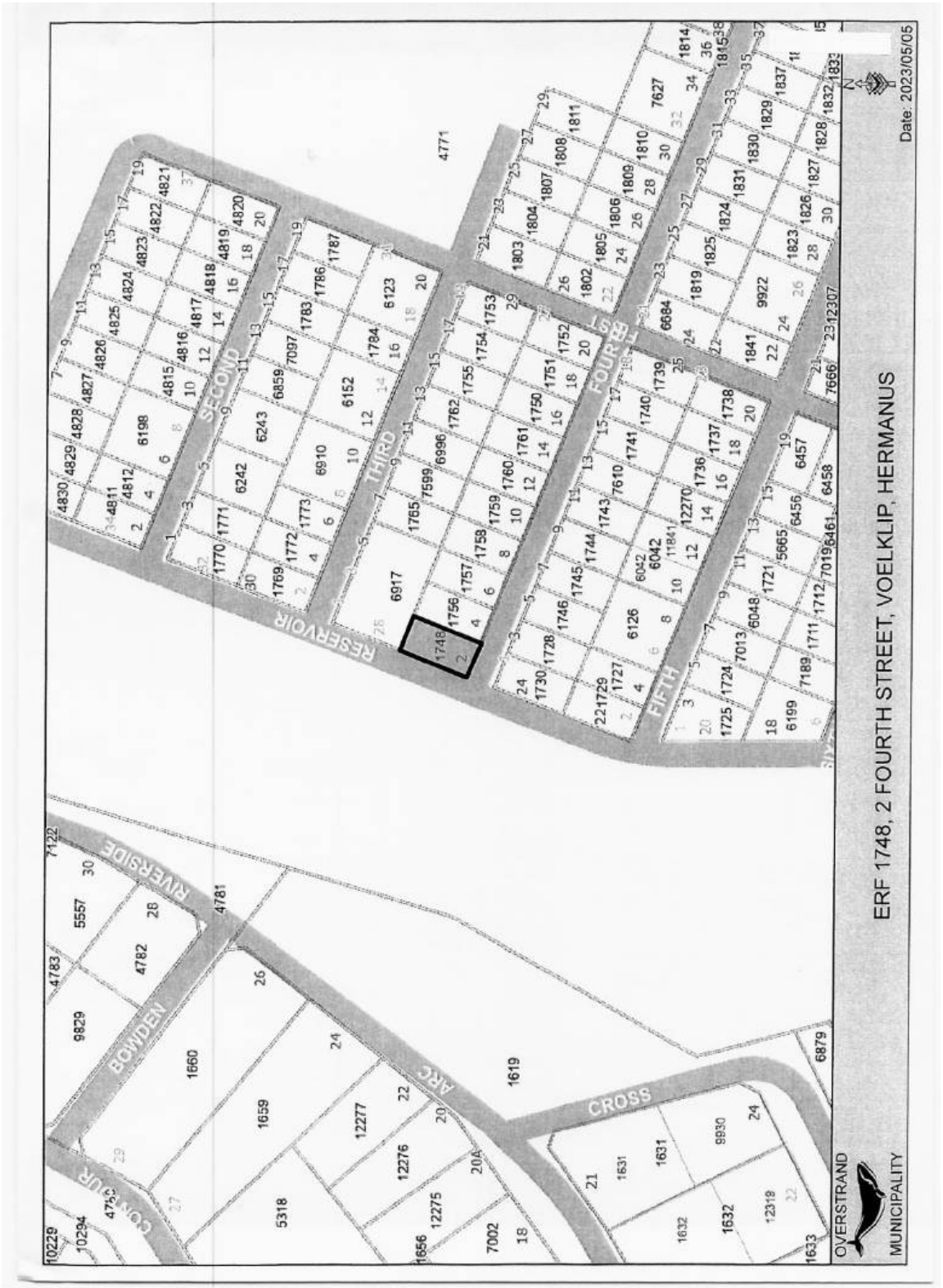
   (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

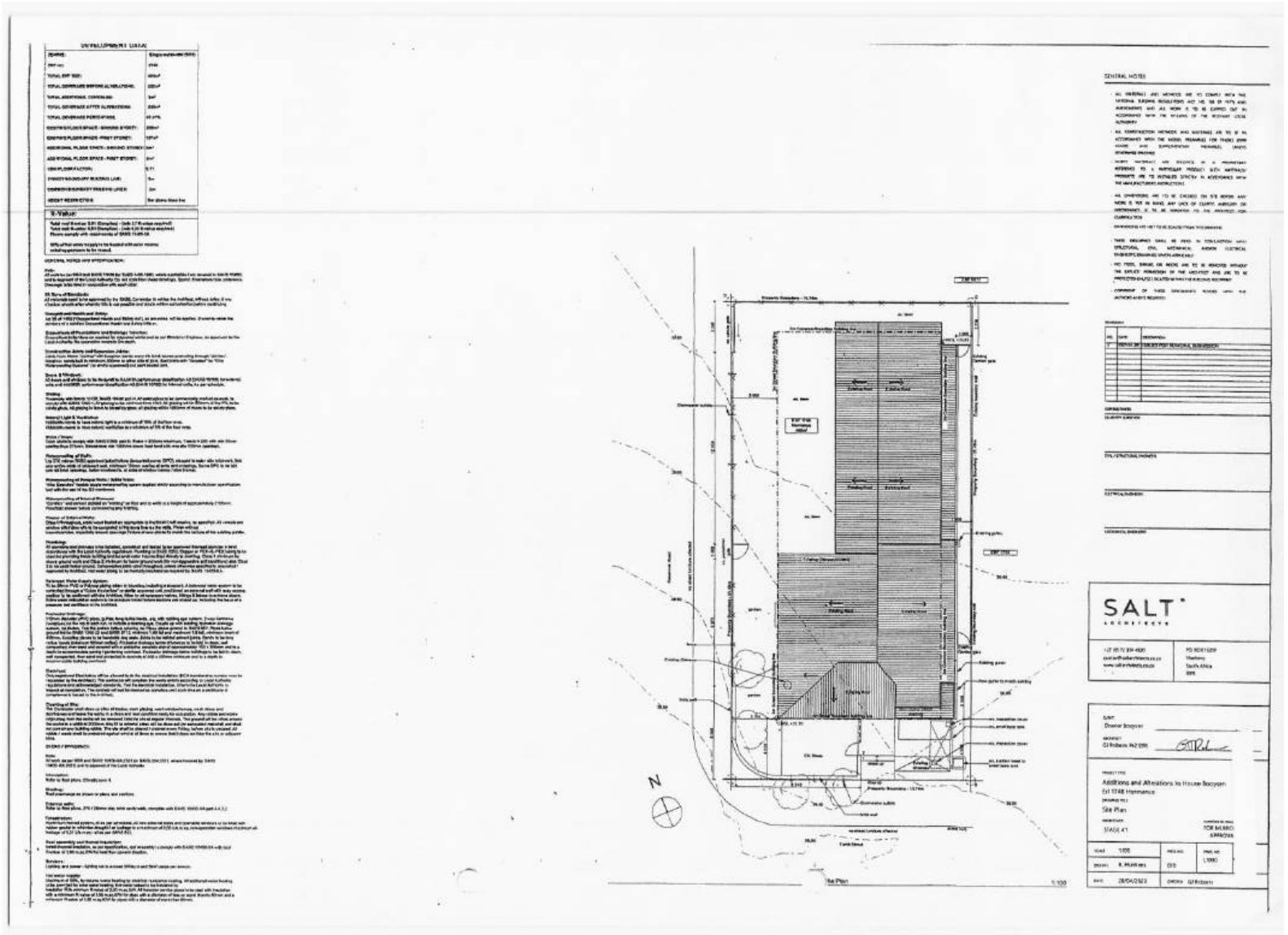
   (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with;

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 decisions.

REASONS FOR RESOLUTION

- The proposal will not have a negative impact on the adjacent property owners or the character of the area.
- The proposed sections will make use of the existing buildings form and be in line with the existing bulk of the structure.
- The application has followed due procedure.
- The proposal is in line with the relevant policy documents.


ERF 1748, 2 FOURTH STREET, VOELKLIP, HERMANUS
Date: 2023/05/05
OVERSTRAND
MUNICIPALITY
RESERVOIR
SECOND
THIRD
FOURTH
FIFTH
BOWDEN
RIVERSIDE
ARC
CROSS
CONDOR



COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 1748, VOELKLIP

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. R Arden
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

07/07/2023
DATE

3. ERF 3259, 3 ROOS STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: EBEN RALL DESIGN ON BEHALF OF VORSTER FAMILY TRUST

3259 HON (4330/2023)
H Olivier **(028) 313 8900** **Hermanus Administration**
25 July 2023

EXECUTIVE SUMMARY

An application was received on 26 January 2023 from Eben Rall Design on behalf of Vorster Family Trust on Erf 3259, Onrustrivier in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following departures:

- to relax the western lateral building line from 2m to 0,9m to accommodate a proposed single garage and to relax the same building line to 1,580m to accommodate a proposed new bedroom and balcony on first floor level, and
- to relax the 2m eastern lateral building line to 0,9m to accommodate an extension to an existing bedroom.

RESOLUTION

1. that the application in terms of Section 16(2)(b) of the of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3259 Onrustrivier for the following departures:

   to relax the western lateral building line from 2m to 0,9m to accommodate a proposed single garage and to relax the same building line to 1,580m to accommodate a proposed new bedroom and balcony on first floor level;
   to relax the 2m eastern lateral building line to 0,9m to accommodate an extension to an existing bedroom;

   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 VORST-100 Rev04 and VORST-200 Rev 03 dated 8 March 2023 submitted with this application;

   (b) that the necessary 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 the conditions of Engineering Services be complied with;

(d) that all the conditions of Telkom be complied with;

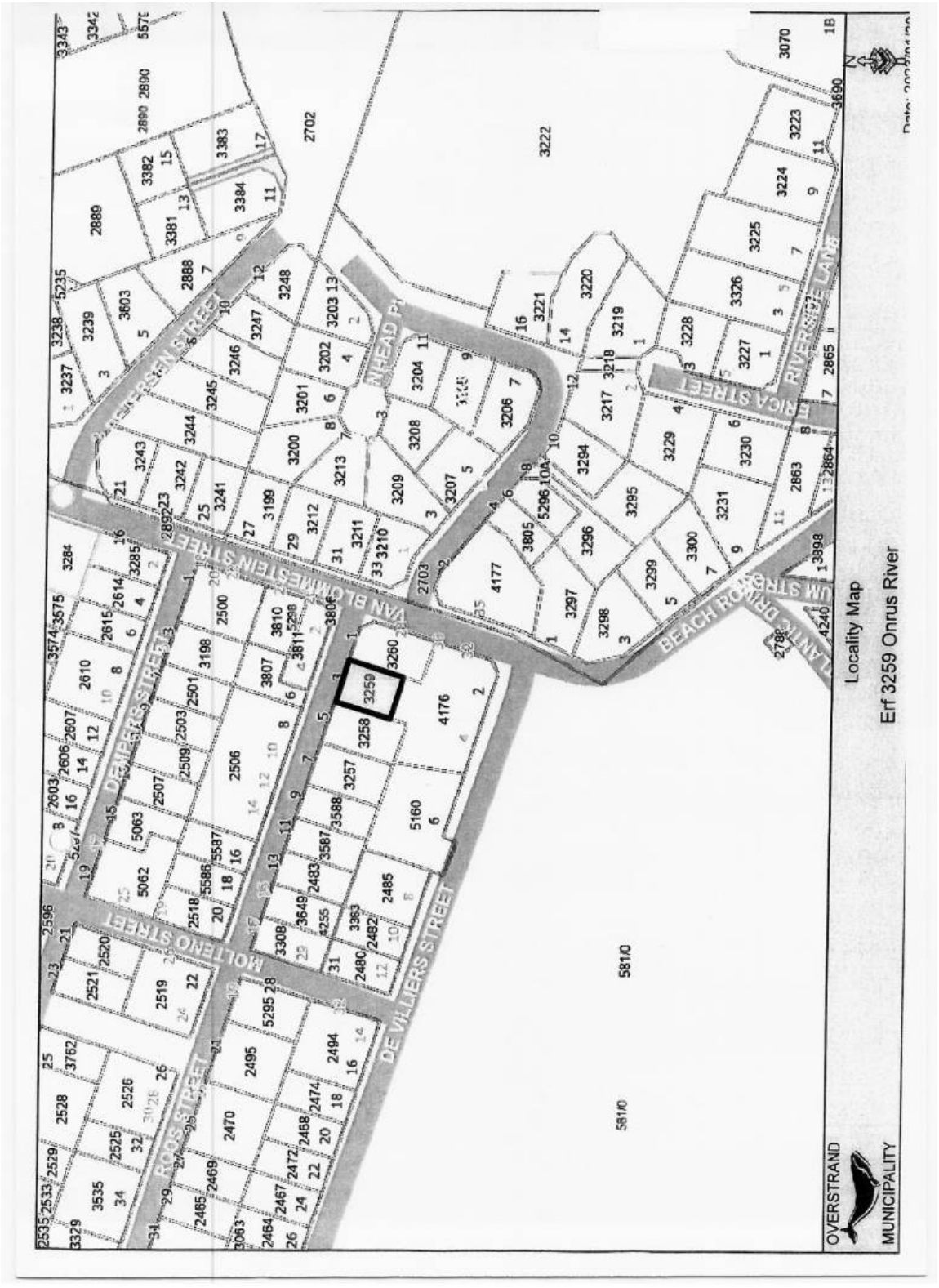
(e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

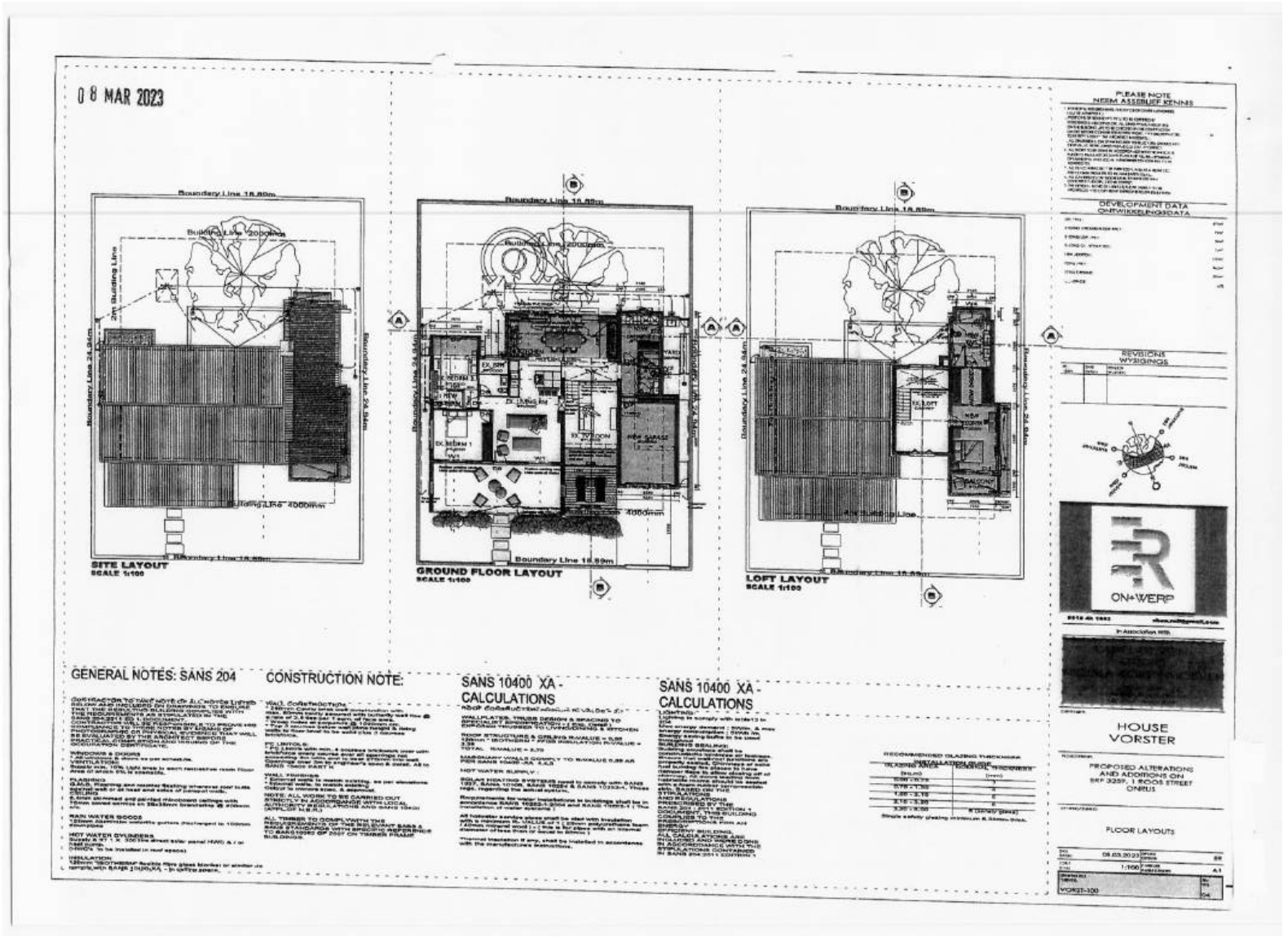
(f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.

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

- The application has followed due procedure.
- No objections were received from surrounding neighbours or Municipal Branches.
- The encroachments will not have a negative impact on neighbours' privacy or and will not have a negative impact on the character of this area.
- The fact that the applicant's development area on the erf is limited due to existing milkwood trees is a major consideration point, and the encroachment application will ensure minimal trees will have to be removed or trimmed.
- The application is regarded as being desirable from a town planning point of view.


Locality Map
Erf 3259 Onrus River
OVERSTRAND
MUNICIPALITY
VAN BLOMMESTEIN STREET
DENNERS STREET
WOLTENO STREET
ROOS STREET
DE VILLIERS STREET
BEACH ROAD
RIVERSIDE LANE
NHEAD PL
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08 MAR 2023
SITE LAYOUT
SCALE 1:100
GROUND FLOOR LAYOUT
SCALE 1:100
LOFT LAYOUT
SCALE 1:100
PLEASE NOTE
NEEM ASSEBLIEF KENNIS
DEVELOPMENT DATA
ONTWIKKELINGSDATA
REVISIONS
WYSIGINGS
ON+WERP
In Association with
HOUSE
VORSTER
PROPOSED ALTERATIONS
AND ADDITIONS ON
ERF 3259 , 1 ROOS STREET
ONRUS
FLOOR LAYOUTS
GENERAL NOTES: SANS 204
CONSTRUCTION NOTE:
SANS 10400 XA -
CALCULATIONS
SANS 10400 XA -
CALCULATIONS

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE: ERF 3259, ONRUS RIVER (4330/2023)

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 owner'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 investigate and determine the limitations of the site in terms of sewer drainage, subject to 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 stormwater be allowed to discharge through Erf 3259, Onrus River, unobstructed;

6. that any additional and / or extended vehicles entrances will be for the owner's account;

7. that no on-street parking be allowed.

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

09/05/2023
DATE

4. ERF 2262, 26 DOUGLAS STREET, ONRUS RIVER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF A NIEMAND

2262 HON (4347/2023)
H Olivier **(028) 313 8900** **Hermanus Administration**
1 August 2023

EXECUTIVE SUMMARY

An application was received on 7 March 2023 from Interactive Town & Regional Planning on behalf of A Niemand on Erf 2262, Onrus River 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 southern and western lateral building lines from 2,0m to 0m respectively, to accommodate the proposed extension to the existing garage.

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 2262, Onrus River for a departure to relax the southern and western lateral building lines from 2m to 0m respectively to accommodate proposed extensions to the garage, **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 001 revision 006 dated 13/01/2023 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;

   (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

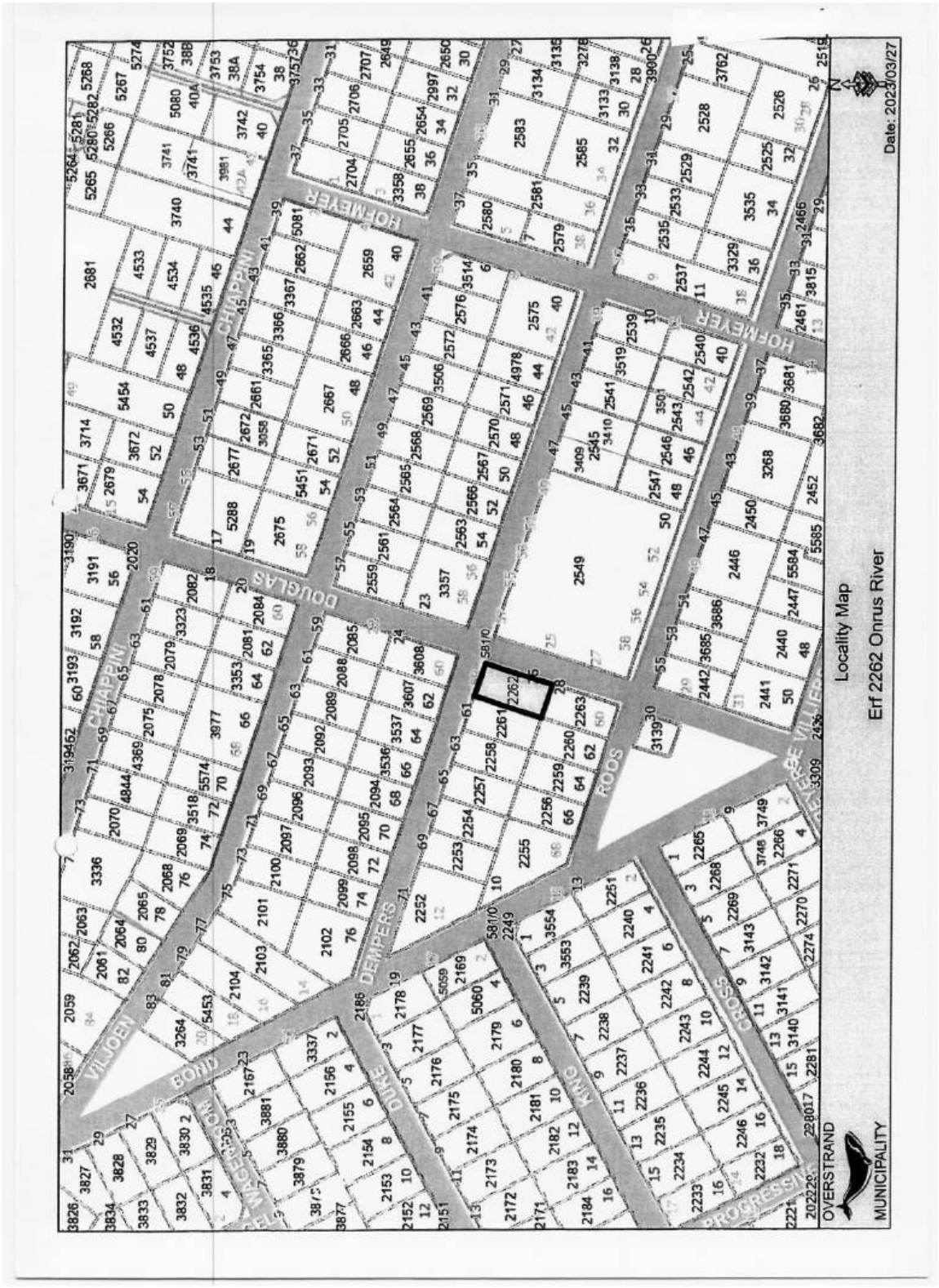
   (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

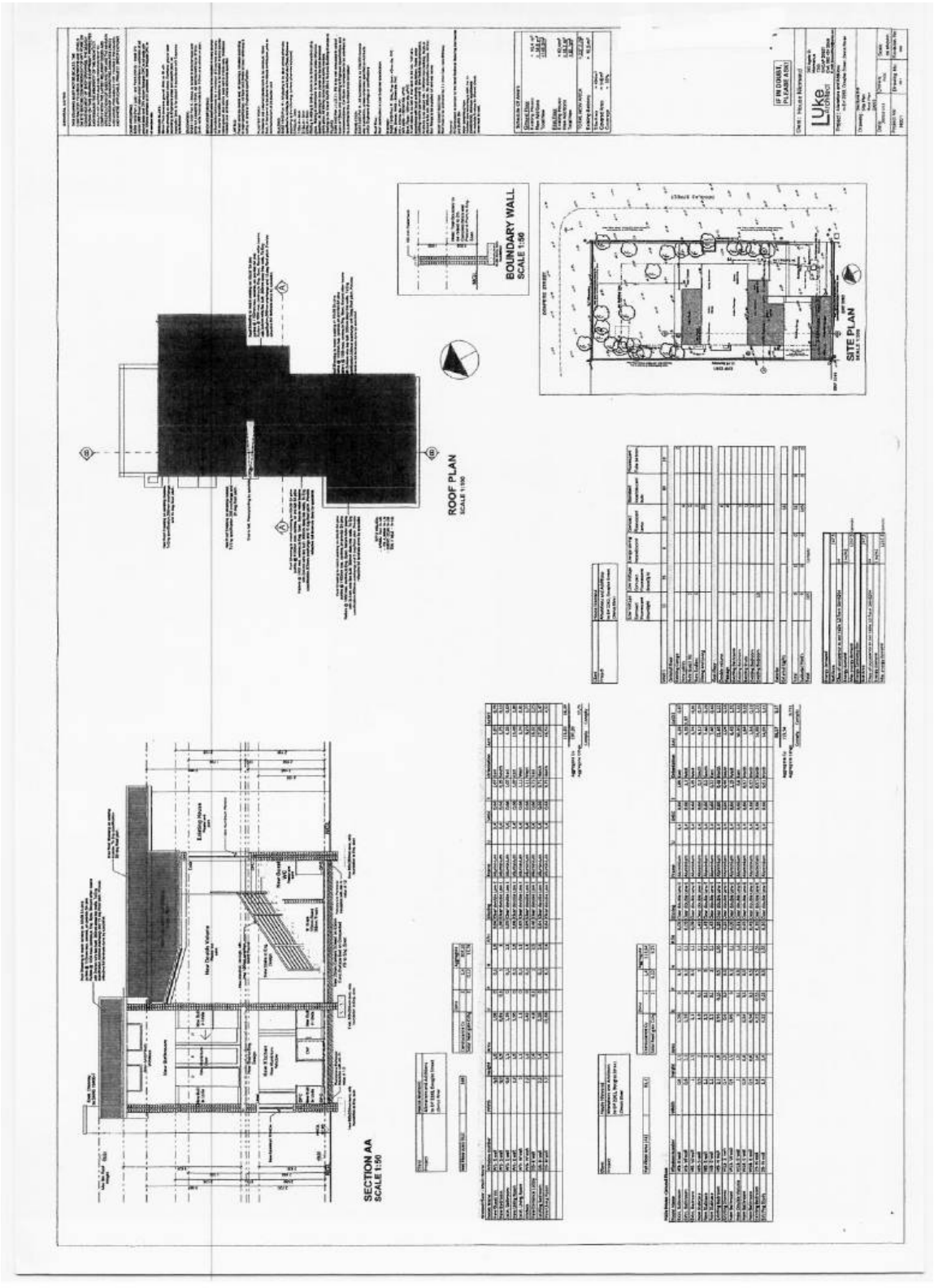
(g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

2. that the applicant and objector 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 structure 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 concern regarding the existing telephone pole is not relevant as the pole is on an adjacent property.
- The application is in line with the Planning Principles and is considered desirable.


Locality Map
Erf 2262 Onrus River
Date: 2023/03/27
OVERSTRAND
MUNICIPALITY
VILJOEN
DOUGLAS
CHAPMAN
HOFMEYER
DEMPERS
DUKE
KING
ROOS
BOND
WESTERN
PROGRESS
CROSS
DE VILLIERS
2262


BOUNDARY WALL
SCALE 1:50
SITE PLAN
ROOF PLAN
SCALE 1:100
SECTION AA
SCALE 1:50

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE: ERF 2262, ONRUS RIVER (4347/2023)

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 owner'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 investigate and determine the limitations of the site in terms of sewer drainage, subject to 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 stormwater be allowed to discharge through Erf 2262, Onrus River, unobstructed;

6. that any additional and / or extended vehicles entrances will be for the owner's account;

7. that no on-street parking be allowed.

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

08/05/2023
DATE

5. VARIOUS ERVEN (PORTIONS 9935), HERMANUS, OVERSTRAND MUNICIPAL AREA: AMENDMENT OF CONSTITUTION: R DAVIDOWITZ ON BEHALF OF THE FERNKLOOF MASTER PROPERTY OWNERS' ASSOCIATION

Various portions of Erf 9935
P Roux **(028) 313 8900** **Hermanus Administration**
10 August 2023

EXECUTIVE SUMMARY

An application has been received on 28 May 2021 from R Davidowitz on behalf of The Fernkloof Master Property Owners' Association for an application in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to amend the constitution of the Fernkloof Estate and its various precincts.

RESOLUTION

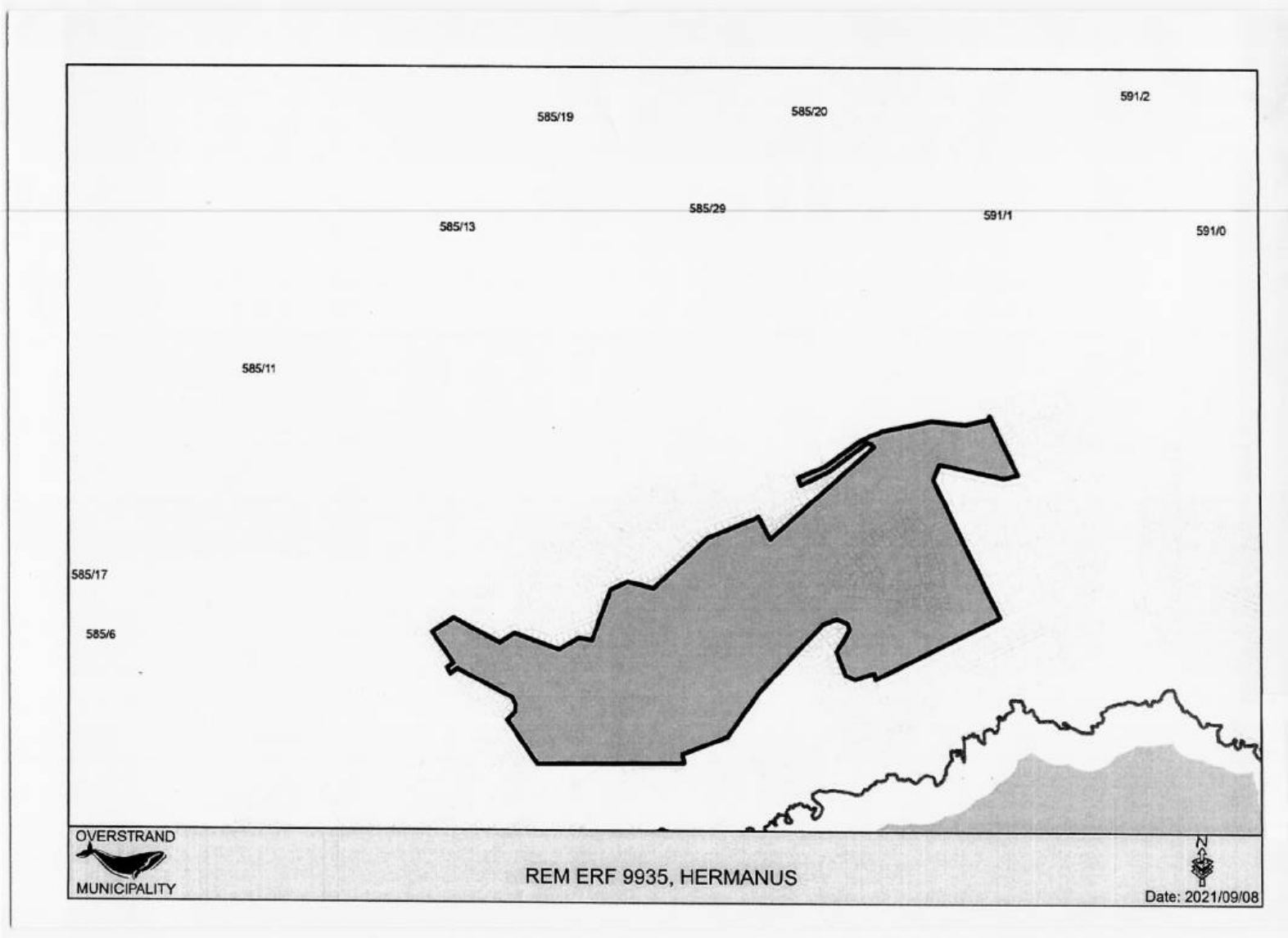
1. that the application in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to amend the constitution of the Fernkloof Estate and its various precincts, **be approved** in terms of the provisions of Section 61 of the By-Law, subject that the final version of the constitution (signed by the trustees) be provided in hard copy and in digital format, for record keeping purposes, to the satisfaction of the Town and Spatial Planning Department.

2. that the final version of the constitutions be submitted to the Town and Spatial Department for acknowledgement and record keeping;

3. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- The amendments were supported by the Municipal Legal Department.
- The amendments will allow for the constitutions of the Fernkloof Estate to be updated and to be more user friendly whilst adding additional procedures to aid in disputes and deviations with regards to the Fenkloof Architectural Guidelines.
- Minor changes are proposed to allow for clarity.


585/19
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585/17
585/6
OVERSTRAND
MUNICIPALITY
REM ERF 9935, HERMANUS
N
Date: 2021/09/08

FERNKLOOF ESTATE
MASTER PROPERTY OWNERS ASSOCIATION
Theron Street
Fernkloof
HERMANUS
7200

OVERSTRAND MUNISIPALITEIT
28 MAY 2021
OVERSTRAND MUNICIPALITY
TP - A Theart (P Roux)

The Municipal Manager
Overstrand Municipality
Magnolia Street
Hermanus
7200

Attention: Mr Petrus Roux
By electronic mail: petrusroux@overstrand.gov.za

Dear Mr Roux

FERNKLOOF ESTATE MPOA AND PRECINCTS' CONSTITUTION CHANGES

FERNKLOOF ESTATE BACKGROUND

The Fernkloof Estate was established in 2006 and comprises of approximately 358 properties (including single residential erven and sectional title units), which are divided into eight Precincts, including six Property Owners Associations and two bodies corporate, namely:

Precinct 1 - Fairbanks Village POA – 6 erven
Precinct 2 – Innesbrook Village POA – 22 erven
Precinct 3 – Fairways Body Corporate – 11 sectional title units
Precinct 4 – Eighteen on 18 body Corporate – 17 sectional title units
Precinct 5 – Prestwick Village POA – 77 erven
Precinct 6 – Lakewood Village POA – 90 erven
Precinct 7 – Hillside village POA – 39 erven
Precinct 8 &9 – Fernkloof Village POA – 96 erven

The Fernkloof Estate is managed by the Fernkloof Estate Master Property Owner Association (MPOA), which was established in terms of Section 29 of the Land Use Planning Ordinance. The precincts each have their own property owners association (managed according to independent constitutions, which all basically reads the same) and/or body corporate (managed according to management and conduct rules) and operate autonomously with their own levy structure relative to their individual budgetary requirements, but pay a nominal levy to the MPOA, for maintenance and management of the common areas and wetlands.

FILE NO: Ptns of Erf 9935
HVK ✓
SCAN NO:
COLLABORATOR NO: 544603

2/...

VOËLKLIP ADMINISTRATION CC
Postnet Suite 124, P/Bag X16, Hermanus, 7200
Cell: 072 589 0007 Fax: 086 512 6669
Email: fernkloofadmin@hermanus.co.za
Reg No: 2005 / 118163 / 23

TP 28 MAY 2021

FERNKLOOF ESTATE
MASTER PROPERTY OWNERS ASSOCIATION
Theron Street
Fernkloof
HERMANUS
7200

REASON CONSTITUTIONS AMENDMENT

We approached Paddocks, specialist in Home Owners Associations and Sectional Titles, to carry out a general review of all constitutions and rules of the MPOA and the POA's in order to identify any problematic provisions, and to recommend a suitable internal resolution process, for the following reasons:

1. Due to Fernkloof Estate being almost fully developed at 97%, the need arose to adjust our constitutions, to adapt to community living opposed to the original constitution that was more focussed on the development stage;
2. After submitting our Constitutions to the Community Schemes Ombud Service (CSOS), we received various recommendations and comments from them for amendments to our Constitutions;
3. After a CSOS ruling with a dispute case against an owner, it became clear that our constitution did not have a proper dispute procedure in place; and
4. Due to existing encroachments which were illegally constructed and requires departure approval from the MPOA, the Municipality requested an amendment in the constitutions to add a clause that the MPOA can allow for deviations and what the proposed process is going to entail.

The following documentation were provided to Paddocks for their review:

1. Constitutions of all the Property Owners Associations;
2. Rues of all the Property Owners Associations;
3. The conditions and approval of subdivision imposed by the Overstrand Municipality for the establishment of the Fernkloof Estate (conditions of approval and record of decision);
4. A deed of transfer for an erf situated within the development (title deed);
5. A budget of the MPOA and a Property Owners Association (Prestwick Village)
6. The Operational Phase Environmental Management Plan for the Fernkloof Estate.

PROPOSED AMENDMENTS TO CONSTITUTION

After considering all the documentation provided to them and CSOS recommendations and comments, Paddocks provided us with their proposed amendments in the MPOA and POA's constitutions, showed in mark-up mode in the constitutions delivered to Overstrand Municipality on

3/...

FERNKLOOF ESTATE
MASTER PROPERTY OWNERS ASSOCIATION
Theron Street
Fernkloof
HERMANUS
7200

19 April 2021, together with our application for approval of the proposed amendments. These amendments were approved by the trustees of the MPOA and the various POA's trustees (extract of trustees' meetings were included in our documentation delivered to you on 19 April 2021).

APPROVAL OF CONSTITUTION AMENDMENTS BY MEMBERS

There is a need amongst owners to have in person AGMs and we have therefore made provision for proper venues to comply with the Covid19 regulations. In order to minimise the need for meetings, due to the covid-19 situation, we would like to have the municipality's approval of the constitution amendments first before we submit it to the owners. Once we have the Municipality's approval, we wish that the proposed amendments to the constitutions be formally approved by Special Resolution at the various AGM's of the POA's which will be held during the period of 23 July 2021 to 21 August 2021. We do however need to give 21 days' notice of the AGM meetings, which would mean distribution of the Agenda, Financials, and Special Resolution for Constitution changes, etc., by 2 July 2021.

We would therefore really appreciate your urgent attention and approval of the amendments of the MPOA and POA's constitutions by no later than 30 June 2021.

Kind regards,

CRAIG HOLMES
CHAIRPERSON: FERNKLOOF ESTATE MASTER PROPERTY OWNERS ASSOCIATION

TP. n /Ihoot
(H.Olivia)

OVERSTRAND MUNISIPALITEIT
15 FEB 2022
OVERSTRAND MUNICIPALITY

FERNKLOOF ESTATE
MASTER PROPERTY OWNERS ASSOCIATION
Theron Street
Fernkloof
HERMANUS
7200

FILE NO: 9/ 9935
Fernkloof Hermanus
SCAN NO:
COLLABORATOR NO:
1640948

The Municipal Manager
Overstrand Municipality
Town & Spatial Planning Department

15 February 2022

Attention: Alida Conradie

By Electronic mail: alida@overstrand.gov.za and "CC" to petrusroux@overstrand.gov.za

Dear Ms Conradie

refer to your mail dated 10 December 2021 in which you comment on the constitutional amendments. The Fernkloof Estate Master Property Homeowners Association (MPOA) had referred its constitution to the Municipality for approval in compliance with clause 37.3 of the constitution – which clause reads as follows - *Any amendment that affects Council or a provision referred to in section 31(3) of the By-law must be approved by Council in terms of Section 31(4) of the By-law.*

The by-law referred to is BY-LAW ON MUNICIPAL LAND USE PLANNING, 2020.

We disagree with your final comment under paragraph 5.

For ease of reference the full content of paragraph 5 is quoted below –
***Clause 15.6.3** – (page 19) – the provision stating that a breach committed by "any person" of the household or "any guest or lessee" of a MPOA member shall be deemed to have been committed by the MPOA member **is a misstatement of the law** as **the person committing a transgression or breach** etc. is the only person that can incur liability. This is not a case of a Master – Servant relationship where the principle of vicarious liability comes into play."*

Our disagreement is based on the following points –

- As the party responsible for land use planning, the municipality is empowered in terms of the By-law at section 31, to carry out certain roles. In particular the municipality is required to approve any amendments but only if the amendment affects any rights of the Municipality or a provision referred to in subsection 31(3) - *see subsection 31(5) of the By-law.*

  It is our view that the provision under question is a deeming provision which governs only the liability of a member (owner) in terms of the rules of the constitution. The provision has no bearing on any other third party (including the Municipality) and does not in any way have any relevance as regards the right of the Municipality.

2/...

VOËLKLIP ADMINISTRATION CC
Postnet Suite 124, P/Bag X16, Hermanus, 7200
Cell: 0725890007 Fax: 086 512 6669
Email: fernkloofadmin@hermanus.co.za
Reg No: 2005 / 118163 / 23

15 FEB 2022

Section 31(3) of the by-law lists what, from the perspective of land use planning, must be provided for in the constitution. In particular the following -

- *The constitution of an owners' association must provide for —*
  - *(a) the owners' association to formally represent the collective mutual interests of the area, suburb or neighbourhood set out in the constitution in accordance with the conditions of approval;*
  - *(b) control over and maintenance of buildings, services or amenities arising from the subdivision;*
  - *(c) the regulation of at least one yearly meeting with its members;*
  - *(d) control over the design guidelines of the buildings and erven arising from the subdivision; 20 Province of the Western Cape: Provincial Gazette Extraordinary 7540 4 December 2015 18*
  - *(e) the ownership by the owners' association of private open spaces, private roads and other services arising out of the subdivision;*
  - *(f) enforcement of conditions of approval or management plans;*
  - *(g) procedures to obtain the consent of the members of the owners' association to transfer an erf in the event that the owners' association ceases to function;*
  - *(h) the implementation and enforcement by the owners' association of the provisions of the constitution.*

Given the narrow mandate over what issues the municipality must comment, as prescribed in section 31(3), we are of the opinion that the municipality is not required to comment, nor should it do so, on the matter described in the Municipality's response document paragraph 5.

We note that section 31(4) of the by-law allows the municipality to comment if any provisions of the constitution are in conflict with any law. You do not assert that the clause under discussion is in conflict with a specific law but merely that it is misstated. We assert that the clause under discussion is not in conflict with any law and thus is permissible.

Notwithstanding this general objection to your comment, we make the following additional points –

- Before making any changes to the constitutions we briefed Paddocks Inc, a firm of attorneys who are leading industry experts in the law applicable to all forms of community ownership including homeowners associations. The reason Paddocks was briefed was to ensure that both the MPOA and the respective individual homeowners' constitutions, making up the Fernkloof Estates, conformed to best practice and did not conflict or transgress applicable laws. As a result of the brief, we received a detailed commentary and advice on the content of the constitutions. The constitutions, as amended on the advice of Paddocks, were submitted by the MPOA to the Municipality for approval. None of the comments or advice received singled out the clause mentioned in your email as being a misstatement of the law. The inference being that the clause is compliant with the law.

- Every homeowner is a member of the MPOA – see extract from clause 6.1 of the MPOA constitution - *Every property owner shall become a MPOA member* .... In turn, as an MPOA member, every homeowner undertakes to comply with the provision of the constitution – See extract from clause 15.4 and 15.4.1 of the MPOA constitution - *Each MPOA member undertakes to the Association that such MPOA member will comply with, and procure compliance by its respective precinct members with the provisions of this constitution :*

  And again, at the level of the constitutions applicable to the individuals' homeowners association, each homeowner undertakes to comply with the constitution – see clause 17.3 and 17.3.1 *Each member undertakes to the Association that such member will comply with:*
  the provisions of this constitution;

3/...

In addition, before any person can become a member as a result of acquiring a property within the estates, that person must agree in writing to become a member and agrees to abide by the provisions of the constitution. – see clause 6.5.1.3.1 *provided that the purchaser, transferee or cessionary (as the case may be) of such single residential erf agrees in writing to become a member of the Association and to abide by the provisions of the constitution of the Association including all rules made by the trustee committee in terms of this constitution;*

Thus, in this way, homeowners contractual agree to be bound by the constitution. The constitution in turn provides that an owner is liable for the actions of guests and lessees. By agreeing to abide by the constitution the owner enters into a contract with the homeowners association. Such a contract is valid and would not in our view be a misstatement of the law.

- Finally, a brief survey of other constitutions governing the operations of similar community schemes confirms that the particular clause is common in equivalent constitutions. The reason being that without the ability to hold the owner responsible for the transgressions of guests and lessees the association would have great difficulty, if not impossible, to enforce the rules of the association. These rules are designed to promote harmonious living conditions for the residents.

We trust that the municipality will withdraw the comment as quoted above.

Yours faithfully

Terry McCarthy
Vice Chairperson: Fernkloof Estate Master Property Owners Association

6. ERF 2429, 12 MCFARLANE STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF VSH INVESTMENTS PTY LTD

2429 HON (4368/2023)
H Olivier **(028) 313 8900** **Hermanus Administration**
27 July 2023

EXECUTIVE SUMMARY

An application was received on 5 April 2023 from Plan Active Town & Regional Planners on behalf of VSH Investments Pty Ltd on Erf 2429, 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:
  - street building line from 4,0m to 0,65m to accommodate the existing carport;
  - eastern lateral building line from 2,0m to 0,6m to accommodate the existing carport;
  - western lateral building line from 2,0m to 0m to accommodate the existing pizza oven and chimney, and
  - rear building line from 2,0m to 0m to accommodate the existing pizza oven and chimney.

- **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 to accommodate the existing as-built pizza oven (and associated braai area) and as-built carport.

RESOLUTION

1. that the application in terms of Section 16.(2)(b) of the of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2429, Onrustrivier for a departure to relax the following building lines:

   street building line from 4,0m to 0,65m to accommodate the existing carport;
   eastern lateral building line from 2,0m to 0,6m to accommodate the existing carport;
   western lateral building line from 2,0m to 0m to accommodate the existing pizza oven and chimney;
   rear building line from 2,0m to 0m to accommodate the existing pizza oven and chimney;

   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 plan number Plan A dated 8 March 2023 as submitted with the 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;

   (c) that the conditions of Engineering Services be complied with;

   (d) that all the conditions of Telkom 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 Zoning Scheme be complied with.

2. that the determination of an administration penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 2429, Onrustrivier for the unauthorized structures which encroach the building lines, be imposed, and that an administrative penalty fee of R3567,83 be payable within thirty (30) days of the decision.

3. 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.

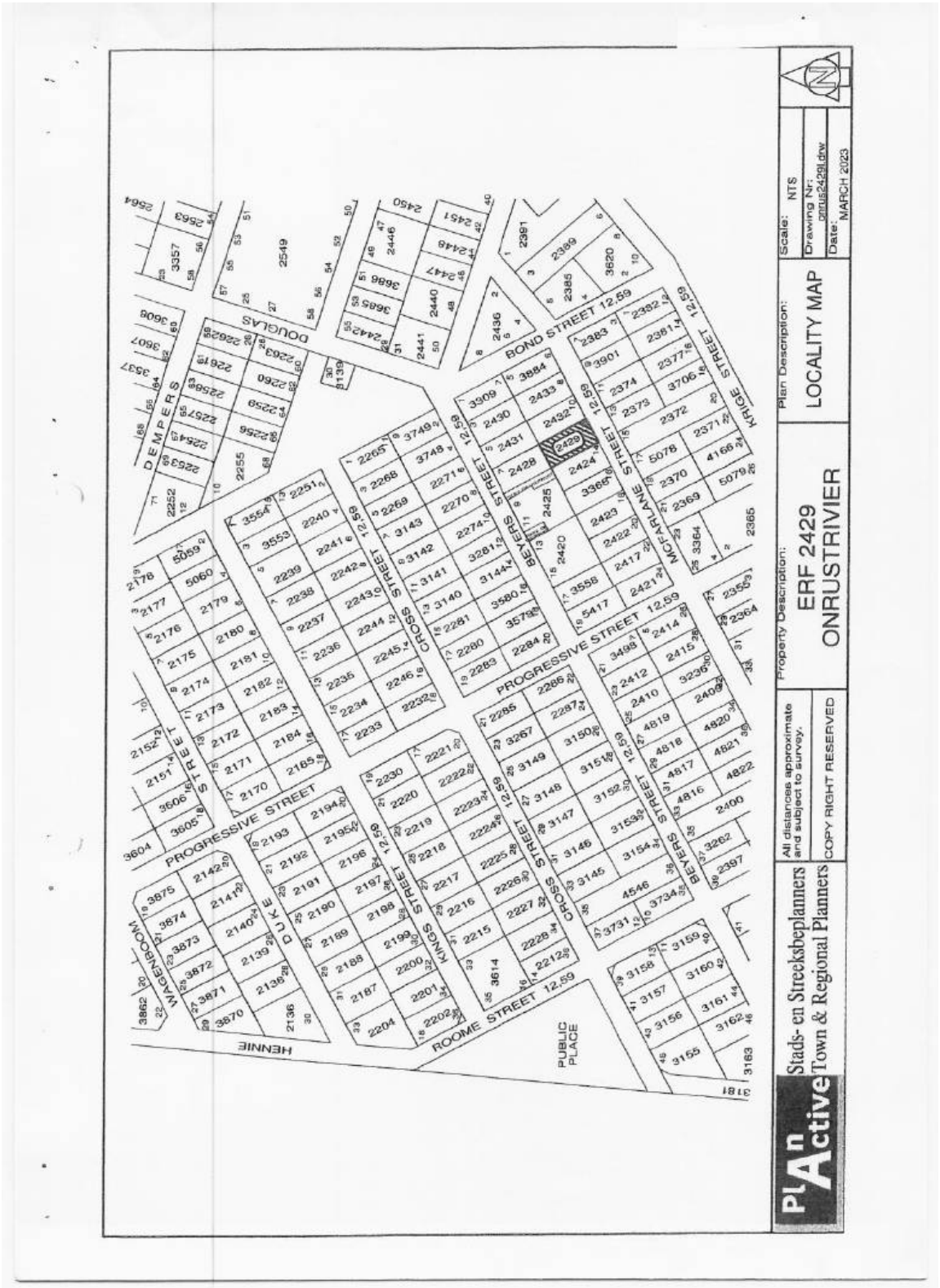
REASONS FOR RESOLUTION

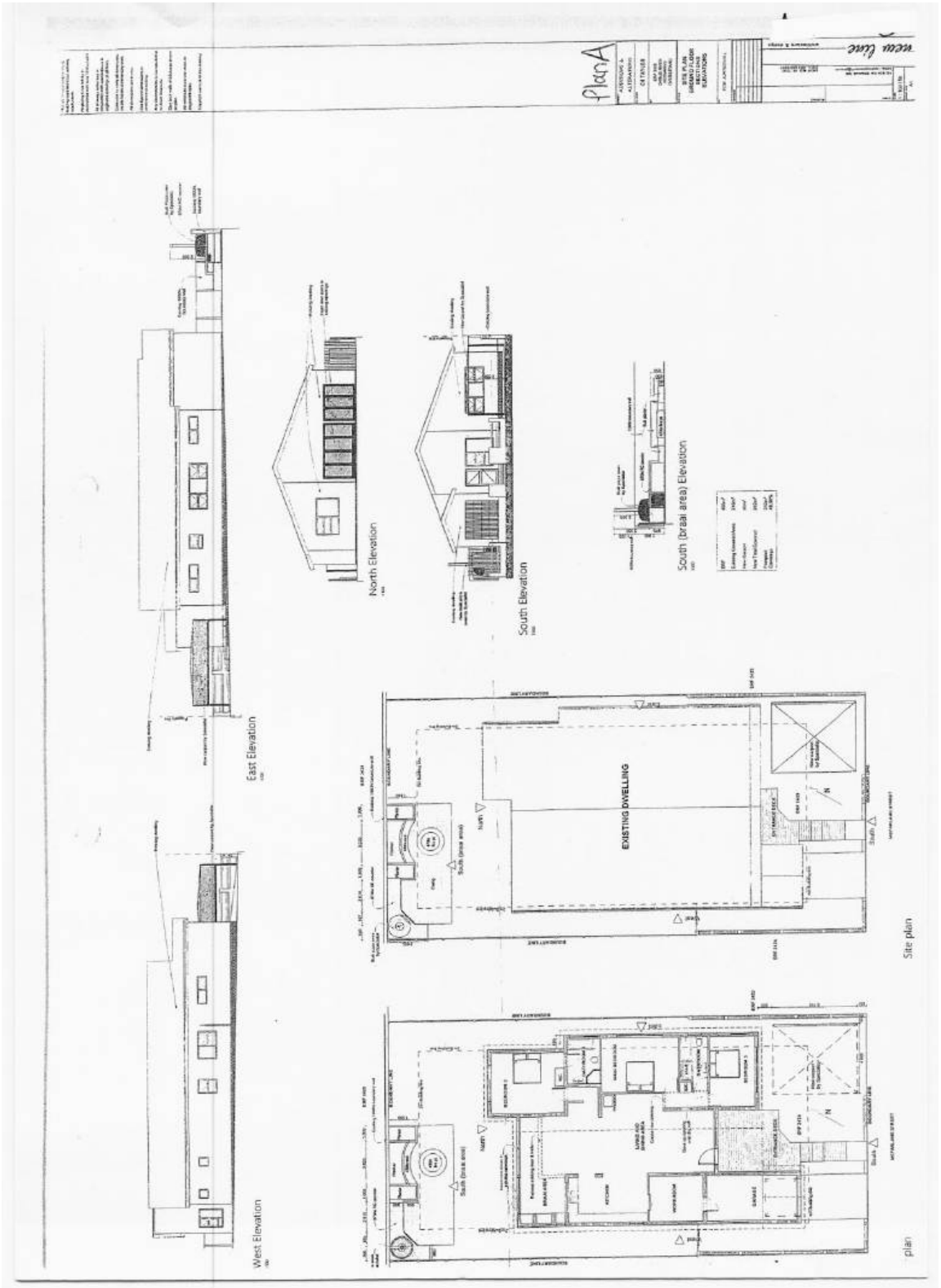
POINT 1

- The application has followed due procedure.
- No objections were received from surrounding neighbours or Municipal Branches.
- The encroachments are existing structures and have no real negative impact on neighbours' privacy or and will not have a negative impact on the character of this area.
- A carport over street building lines and braais or pizza oven type structures over lateral or rear building lines is common in single residential areas.
- The application is regarded as being desirable from a town planning point of view.

POINT 2

- When the applicant purchased the dwelling, a specific condition was inserted in the sale agreement that the previous owner had to rectify any illegal building work. The previous owner constructed the pizza oven and became aware of the illegal carport, and the fact that it was not dealt with prior to the transfer of the property into the applicant's name does not take away the fact that there was illegal building work that needs to be penalized.


Property Description:
ERF 2429
ONRUSTRIVIER
Plan Description:
LOCALITY MAP
Scale: NTS
Drawing Nr: gmus2429l.dgw
Date: MARCH 2023
All distances approximate and subject to survey.
COPY RIGHT RESERVED
PLAN Active
Stads- en Streeksbeplanners
Town & Regional Planners
BOND STREET 12,59
PROGRESSIVE STREET 12,59
ROOME STREET 12,59
PUBLIC PLACE
HENNIE
DOUGLAS
DEMPERS
WAGENBOOM
DUKE STREET
KINGS STREET
CROSS STREET
BEYERS STREET
MCFARLANE STREET
KRIGE STREET
2429


Plan A
East Elevation
North Elevation
South Elevation
South (braai area) Elevation
West Elevation
EXISTING DWELLING
Site plan
plan

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 2429, ONRUS RIVER (4368/2023)

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 owner'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 investigate and determine the limitations of the site in terms of sewer drainage, subject to 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 stormwater be allowed to discharge through Erf 2429, Onrus River, unobstructed;

6. that any additional and / or extended vehicles entrances will be for the owner's account;

7. that no on-street parking be allowed.

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

19/05/2023
DATE

7. ERF 3940, 264 EIGHT STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF DU TOIT FAMILIE TRUST

3940 HVK (4217/2022)
P Roux **(028) 313 8900** **Hermanus Administration**
12 May 2023

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 10 August 2022 (final version 26 August 2022) from Messrs WRAP Project Office on behalf of the owners of Erf 3940, Voëlklip, Hermanus for the following:

- **departure in terms of Section 16(2)(b) of the By-Law in order to:**
  - relax the eastern building line from 2m to 1,12m to allow the existing bathroom and balcony on the first floor;
  - relax the eastern building line from 2m to 1,12m to allow the existing scullery on the ground floor;
  - relax the eastern building line from 2m to 1,11m to allow the new balcony on the first floor;
  - relax the eastern building line from 2m to 1,11m to allow the new covered patio on the ground floor;
  - relax the eastern building line from 2m to 1,11m to allow the new living room on the first floor; and
  - relax the eastern building line from 2m to 1,11m to allow the existing garage on the ground floor, and

- **determination of an administrative penalty** in terms of Section 90 of the By-Law, in order to accommodate the existing structure.

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 3940, Hermanus in order to:

   • relax the eastern building line from 2m to 1,12m to allow the existing bathroom and balcony on the first floor;
   • relax the eastern building line from 2m to 1,12m to allow the existing scullery on the ground floor;
   • relax the eastern building line from 2m to 1,11m to allow the new balcony on the first floor;
   • relax the eastern building line from 2m to 1,11m to allow the new covered patio on the ground floor;
   • relax the eastern building line from 2m to 1,11m to allow the new living room on the first floor; and
   • relax the eastern building line from 2m to 1,11m to allow the existing garage on the ground floor,

   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 Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3940, Hermanus for the unauthorised building work over building lines on the property, not be exempt from 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;

   (b) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;

   (c) that an administrative penalty of R52 997,18 (including VAT) (being 20% of the Overstrand Municipal Budget as determined by the municipality) be payable within ninety (90) days of the decision;

   (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

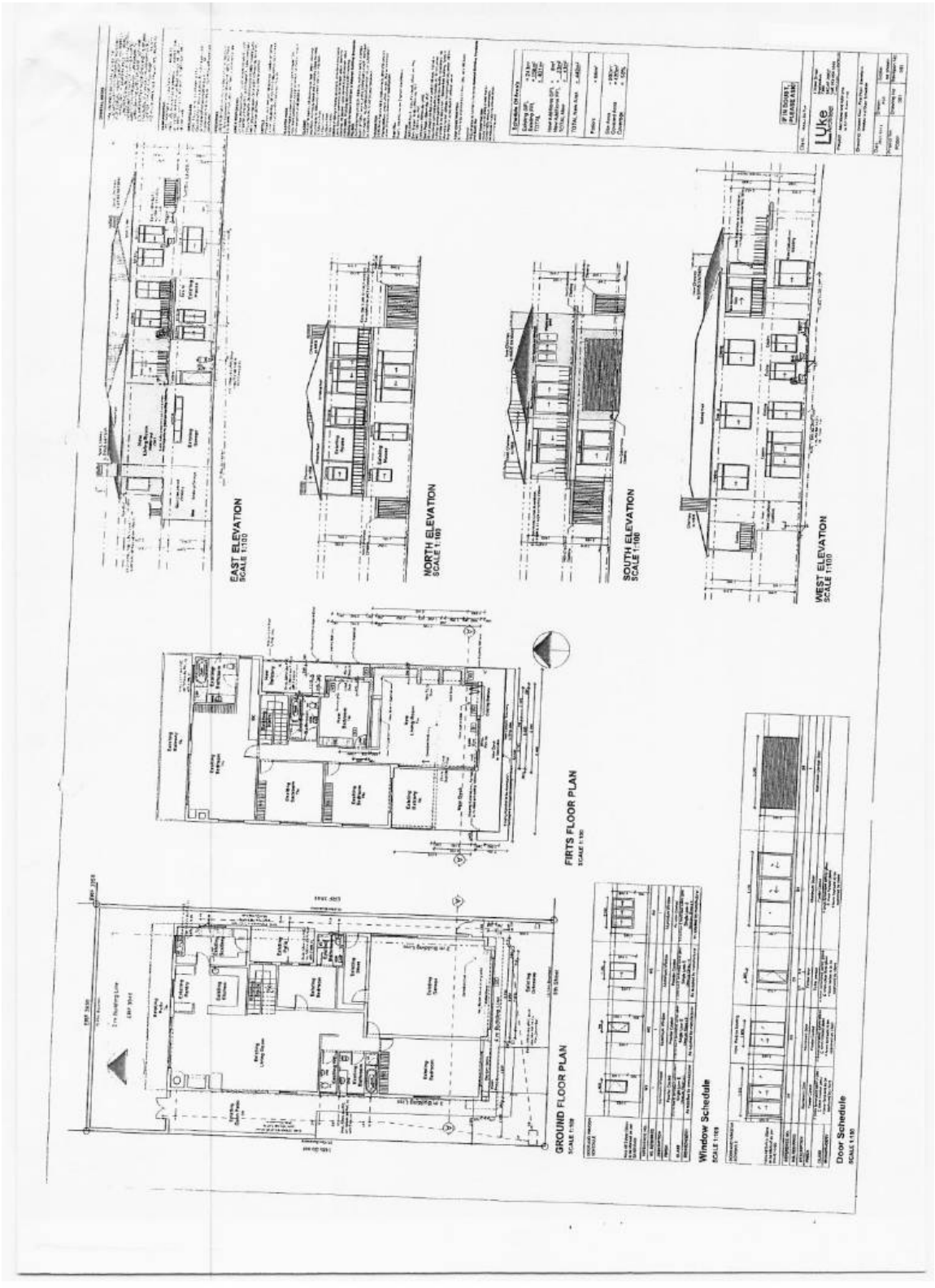
(f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.

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 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.
- The consultants working on the project is well-informed that no building work can be done on site prior to approval from the municipality. Building work was done at the same time that a building plan was submitted to the municipality however the building work was concluded and only after the conclusion of the building work was a land use application submitted.


Locality Plan
Erf 3940 - Hermanus
Subject property
Plan prepared by: Thian Jansen
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200
WRAP
Project Office
N
5712
3940
3958
10972
3941
6102
RE/6909
59
Scale 1 : 500
Scale 1 : 5 000


EAST ELEVATION
SCALE 1:100
NORTH ELEVATION
SCALE 1:100
SOUTH ELEVATION
SCALE 1:100
WEST ELEVATION
SCALE 1:100
FIRTS FLOOR PLAN
GROUND FLOOR PLAN
Window Schedule
Door Schedule

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 3940, VOELKLIP

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 3940, Voelklip, unobstructed;
7. that no on-street parking be allowed.

DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

30/09/2022
DATE

8. PORTION 99 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, BREDASDORP DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING AND SUBDIVISION: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF THE ESTATE OF THE LATE HC GROENEWALD

Ptn 99 of 213 RBRE (4255/2022)
SW van der Merwe (028) 313 8900 Hermanus Administration
19 August 2022

EXECUTIVE SUMMARY

An application was received on 30 September 2022 from Messrs PlanActive Town- and Regional Planners on behalf of the Estate of the late HC Groenewald in terms of the Overstrand Municipality Amendment By-Law, 2020 on Portion 99 of the Farm Baardscheerders Bosch, Division Bredasdorp for the following:

- **rezoning** in terms of Section 16.(2)(a) of the By-Law from Agricultural Zone 1: Agriculture (AR1) to Rural Zone 1: Agricultural Smallholding (R1), and
- **subdivision** in terms of Section 16.(2)(d) of the By-Law in four portions, namely Portion A (±1ha), Portion B (±1ha), Portion C (±0,4970ha) and Portion D (±1ha).

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 for the rezoning of Portion 99 of the Farm Baardskeerdersbos No. 213, Division Bredasdorp from Agricultural Zone 1 to Rural Zone 1: Agricultural Small Holdings, **be approved** in terms of the provisions of Section 61 of the By-Law;

2. that the application for subdivision in terms of Section 16.(2)(d) of the By-Law in four portions, namely Portion A (±1ha), Portion B (±1ha), Portion C (±0,4970ha) and Portion D (±1ha), be approved in terms of the provisions of Section 61 of the By-Law;

3. that the recommendation in paragraphs 1. and 2. above be subject to the following conditions:

(a) that this approval is only for the subdivision as indicated on Drawing Number: *farm213-99s-rev1.drw dated March 2023*, which was supported by Department of Transport and Public Works;

(b) that the requirements by Telkom, Department of Agriculture, Heritage Western Cape and Department of Transport and Public Works, be complied with;

(c) that all the conditions in the Services Report be complied with;

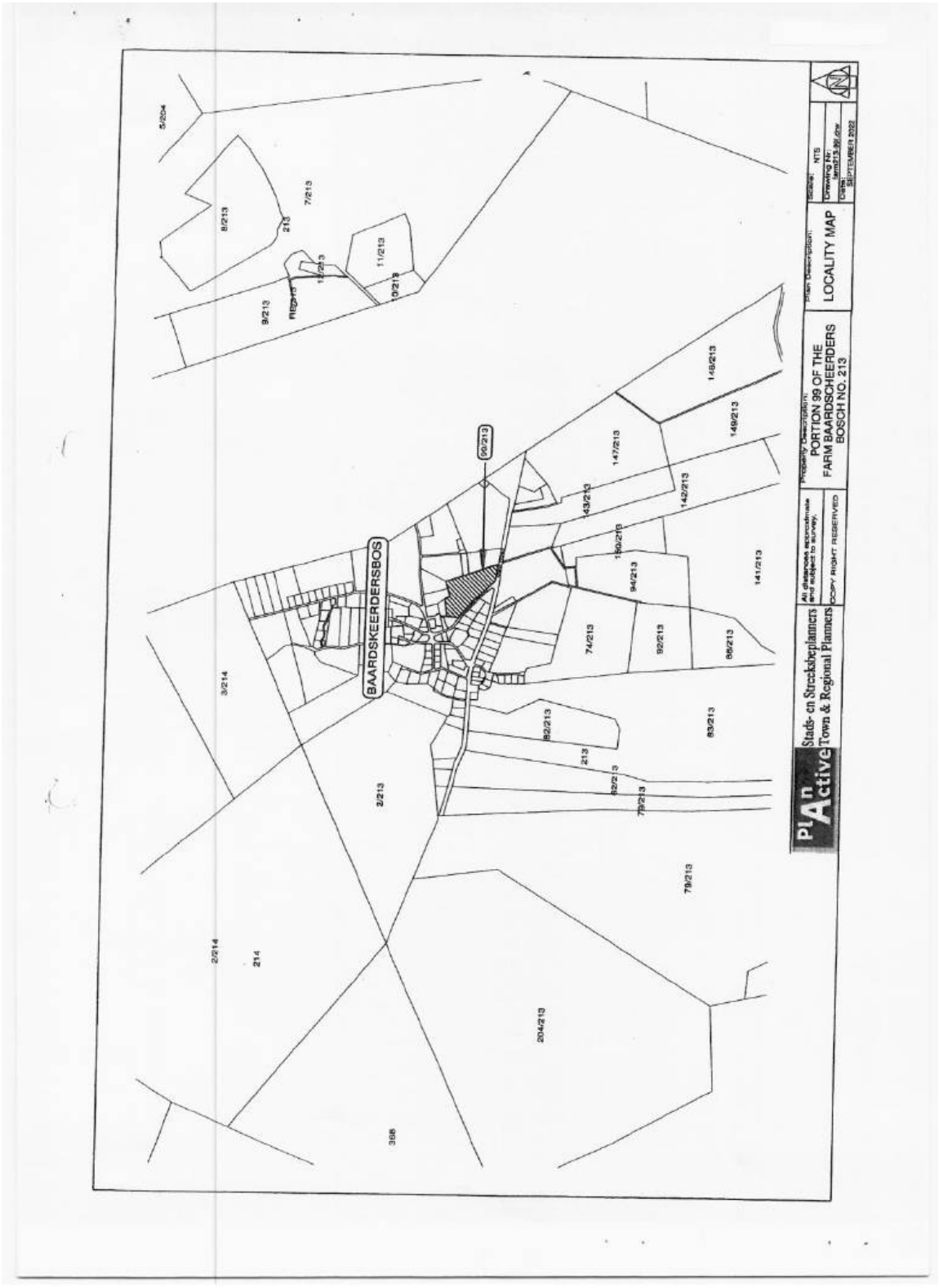
(d) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with, and

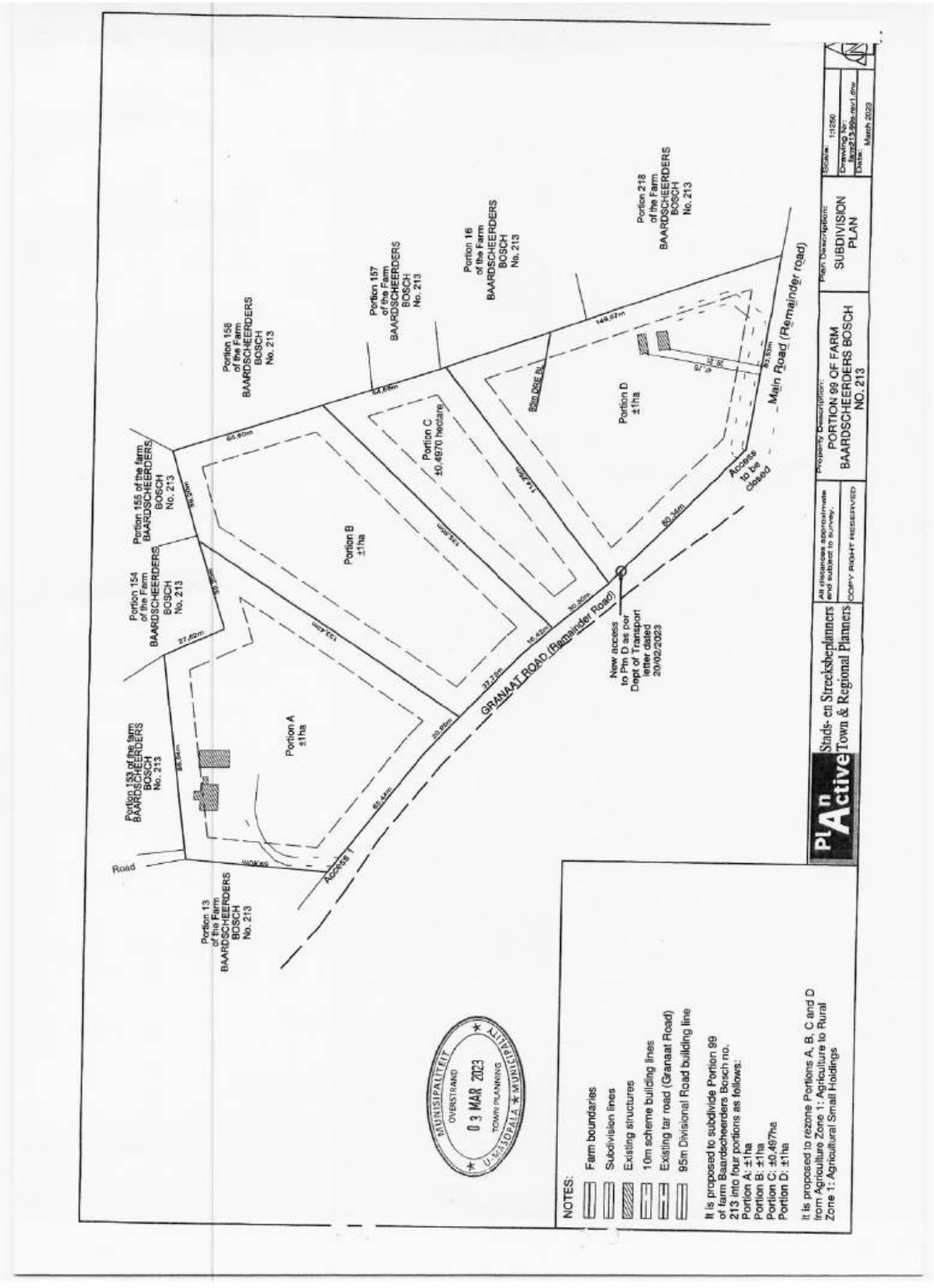
(e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and

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.

REASON FOR THE RESOLUTION

- The application has followed due procedure.
- The applicant is consistent with the SDF and Baardskeerdersbos Precinct Plan.
- The proposal will not detract from the rural character of the area or vested rights of adjoining property owners.
- No objections were received.
- The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.


BAARDSKEERDERSBOS
99/213
PLAN Active
Stads- en Streekbeplanners
Town & Regional Planners
All distances approximate and subject to survey.
COPY RIGHT RESERVED
Property Description:
PORTION 99 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213
Plan Description:
LOCALITY MAP
Scale: NTS
Drawing No: lams213.99.dgn
Date: SEPTEMBER 2022
5/204
8/213
7/213
213
11/213
9/213
10/213
148/213
149/213
147/213
143/213
142/213
94/213
141/213
74/213
92/213
86/213
3/214
82/213
213
83/213
2/213
79/213
2/214
214
204/213
385


Portion 155 of the farm BAARDSCHEERDERS BOSCH No. 213
Portion 154 of the Farm BAARDSCHEERDERS BOSCH No. 213
Portion 153 of the farm BAARDSCHEERDERS BOSCH No. 213
Portion 13 of the Farm BAARDSCHEERDERS BOSCH No. 213
Portion 156 of the Farm BAARDSCHEERDERS BOSCH No. 213
Portion 157 of the Farm BAARDSCHEERDERS BOSCH No. 213
Portion 16 of the Farm BAARDSCHEERDERS BOSCH No. 213
Portion 218 of the Farm BAARDSCHEERDERS BOSCH No. 213
Portion A ±1ha
Portion B ±1ha
Portion C ±0.4970 hectare
Portion D ±1ha
Road
Access
GRANAAT ROAD (Remainder Road)
Main Road (Remainder road)
New access to Ptn D as per Dept of Transport letter dated 20/02/2023
Access to be closed
148.67m
65.80m
27.62m
37.24m
16.42m
20.45m
65.44m
60.34m
95m DSE RL
MUNISIPALITEIT OVERSTRAND
0 3 MAR 2023
TOWN PLANNING
U.M.S.POALA * MUNICIPALITY
NOTES:
Farm boundaries
Subdivision lines
Existing structures
10m scheme building lines
Existing tar road (Granaat Road)
95m Divisional Road building line
It is proposed to subdivide Portion 99 of farm Baardscheerders Bosch no. 213 into four portions as follows:
Portion A: ±1ha
Portion B: ±1ha
Portion C: ±0.497ha
Portion D: ±1ha
It is proposed to rezone Portions A, B, C and D from Agriculture Zone 1: Agriculture to Rural Zone 1: Agriculture/ Small Holdings
PLAN Active
Stads- en Streeksbeplanners
Town & Regional Planners
All distances approximate and subject to survey.
COPY RIGHT RESERVED
Property Description:
PORTION 99 OF FARM BAARDSCHEERDERS BOSCH NO. 213
Plan Description:
SUBDIVISION PLAN
Scale: 1:1250
Drawing No: farm213-99-rezd.dwg
Date: March 2023

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR REZONING & SUBDIVISION: PORTION 99 OF THE FARM NO.213, BAARDSCHEERDERS BOSCH, DIVISION BREDASDORP (4255/2022)

Stormwater (SW)	:	In order
Electricity	:	Eskom
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 3	=	R 23 616.00
Solid Waste	R 1 574.00 x 3	=	R 4 722.00
TOTAL (inclusive of VAT)		=	**R159 111.00**

Note:

1.3 The above figures are estimates

1.4 The above figures do not include evaluation/investigation levies and connection fees

2. that the existing water connection to Portion 99 of Farm 213 shall be used to service Portion A of Portion 99 of Farm 213;

3. that the proposed Portion A, Portion B, Portion C and Portion D of Portion 99 of Farm 213 each be serviced with individual and separate water connections to the municipal system, which must comply with the standards of the Department: Operational Services;

4. that the proposed Portion A, Portion B, Portion C and Portion D of Portion 99 of Farm 213 be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the individual erven must each connect to;

5. that the sewer conservancy tanks must be accessible to the municipal sewer tankers from one of the adjacent public roads, with parking areas for the sewer tankers provided with permanent surfaces and to the layout and specification of the Department: Operational Services;

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 on site parking facilities be provided as per the Planning Schedule, and to the satisfaction of Department: Operational Services;

8. that any additional and / or extended vehicle entrances will be for the owner's account;

9. that stormwater be allowed to discharge through the proposed erven, unobstructed.

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

25/01/2023
DATE

9. ERF 5420, 4 KRIGE STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: PATRIMOINE CONCEPTS ON BEHALF OF C STEMMET

5420 HON (4257/2022)
H Olivier **(028) 313 8900** **Hermanus Administration**
15 August 2023

EXECUTIVE SUMMARY

An application was received on 4 October 2023 from Patrimoine Concepts on behalf of C Stemmet on Erf 5420, 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 eastern lateral building lines from 2,0m to 0m to accommodate the proposed garage with laundry area.

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 5420, Onrustrivier for a departure to relax the eastern lateral building lines from 2m to 0m to accommodate proposed garage with laundry area, **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 M9001 to M9003 dated 09/2022 submitted with this application;

   (b) that the door to the laundry be moved to 1m away from the common boundary to comply with fire regulations, and the boundary wall be raised adjacent the garage door to comply with fire safety, all to the satisfaction of the Fire- and Building Control Departments;

   (c) 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;

   (d) that all the conditions in the Services Report, be complied with;

   (e) that all conditions imposed by Telkom, be complied with;

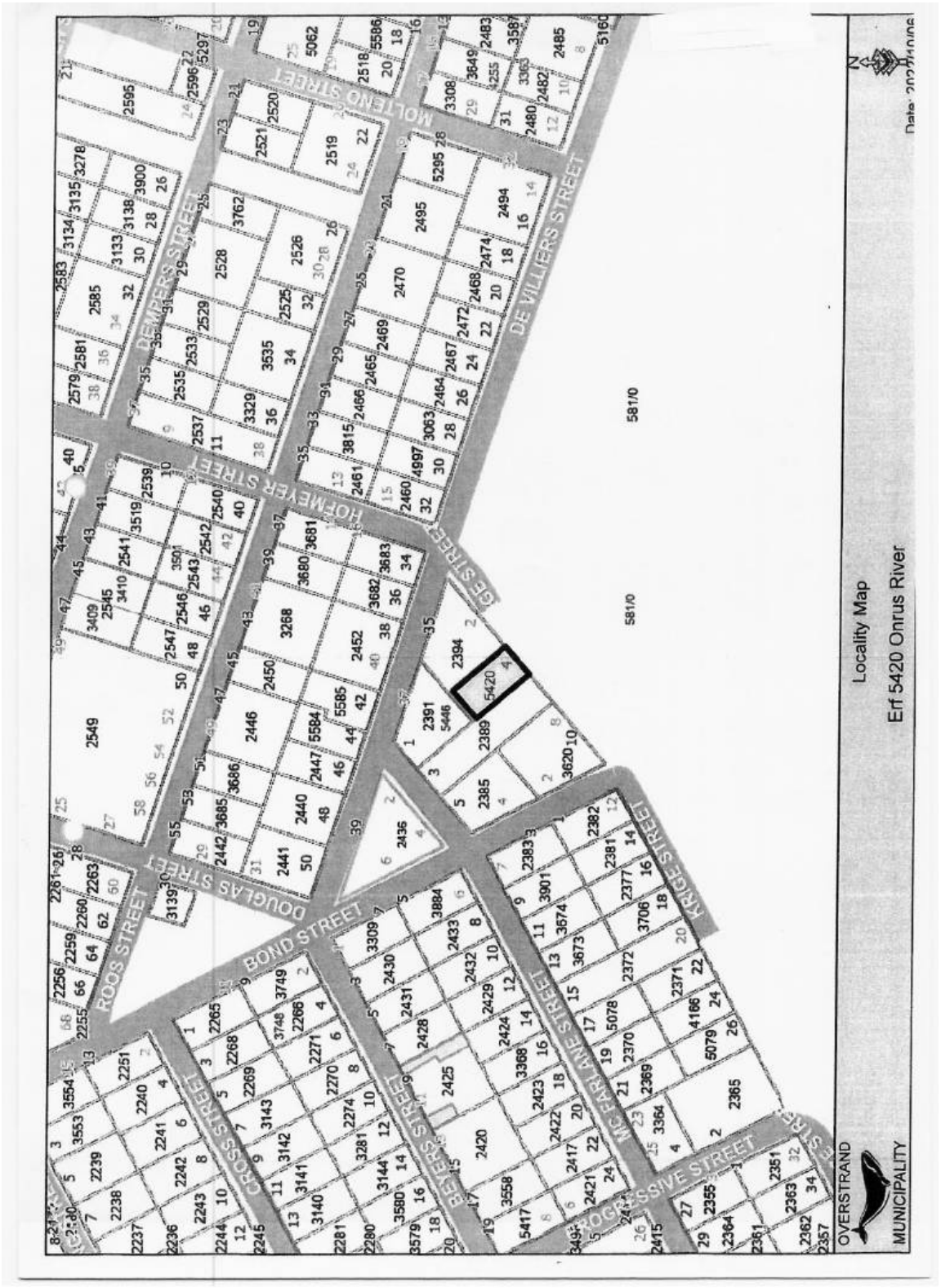
   (f) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

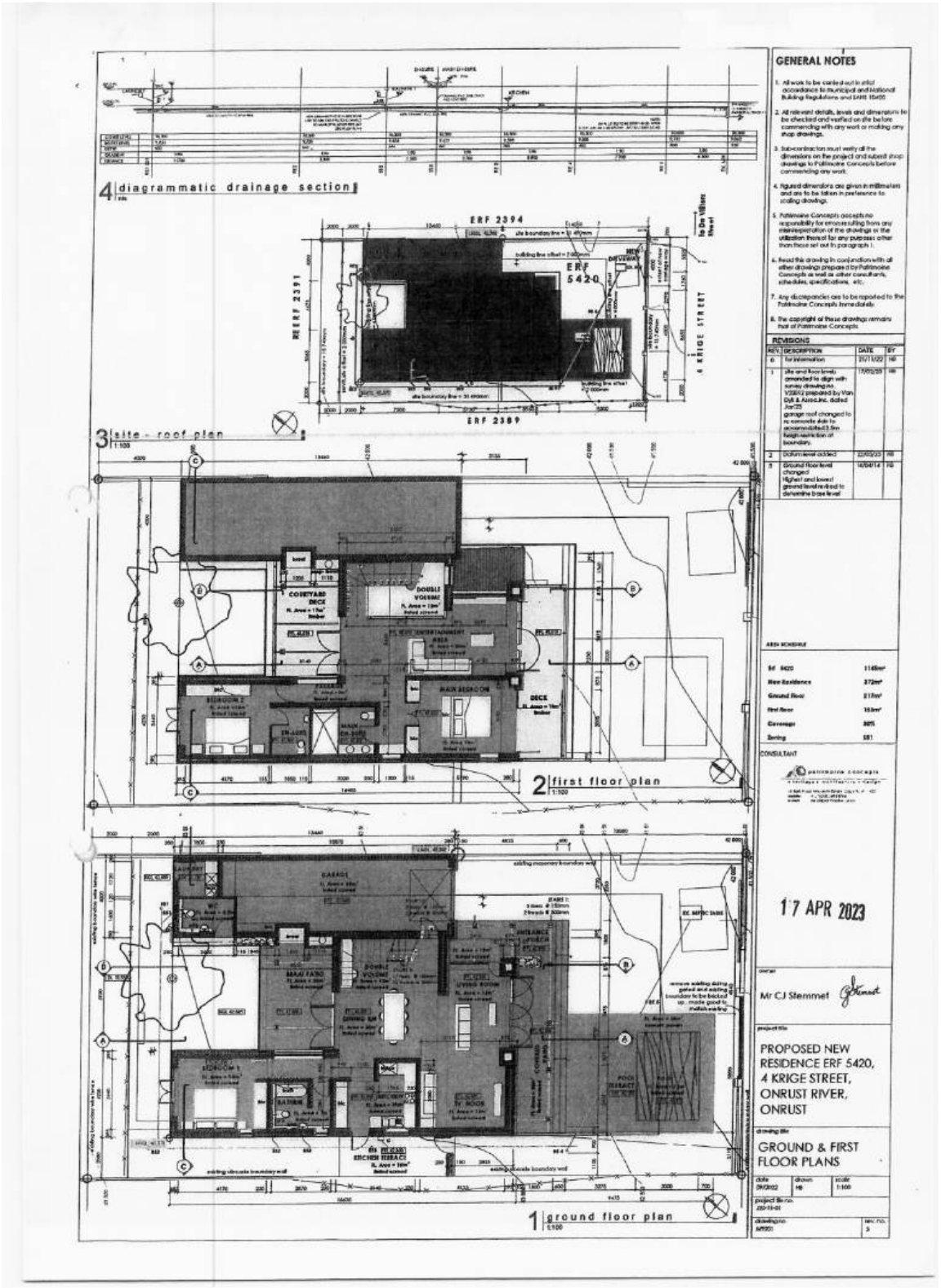
(g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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 regard to the above conditions of approval.

REASONS FOR RESOLUTION

- All municipal departments support the application.
- The small size of the property, the existing tree and a 2m servitude inside its northern boundary makes it difficult to develop the site without relaxing a building line.
- The structure 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 letter received from the neighbour was only to obtain clarity on a matter and was not an objection per say.
- All relevant Municipal Branches and Institutions support the application, with only a minor change requested for fire safety.
- The application is in line with the Planning Principles and is considered desirable.


Locality Map
Erf 5420 Onrus River
OVERSTRAND
MUNICIPALITY
DE VILLIERS STREET
DEMPERS STREET
HOFMEYER STREET
MOLTENO STREET
DOUGLAS STREET
ROOS STREET
BOND STREET
BEYERS STREET
MCFARLANE STREET
KRIGE STREET
ROGGESSIVE STREET
5420
581/0


GENERAL NOTES
1. All work to be carried out in strict accordance to municipal and National Building Regulations and SANS 10400
2. All relevant details, levels and dimensions to be checked and verified on site before commencing with any work or making any shop drawings.
3. Sub-contractors must verify all the dimensions on the project and submit shop drawings to Pattimoine Concepts before commencing any work.
4. Figured dimensions are given in millimeters and are to be taken in preference to scaling drawings.
5. Pattimoine Concepts accepts no responsibility for errors resulting from any misinterpretation of the drawings or the utilization thereof for any purposes other than those set out in paragraph 1.
6. Read this drawing in conjunction with all other drawings prepared by Pattimoine Concepts as well as other consultants, schedules, specifications, etc.
7. Any discrepancies are to be reported to the Pattimoine Concepts immediately.
8. The copyright of these drawings remains that of Pattimoine Concepts
REVISIONS
REV. DESCRIPTION DATE BY
0 for information 21/11/22 HB
1 site and floor levels amended to align with survey drawing no. V2592 prepared by Van Dyk & Assoc.Inc. dated Jan'23 garage roof changed to rc concrete slab to accommodate 3.5m height restriction at boundary. 17/01/23 HB
2 Datum level added 22/02/23 HB
3 Ground floor level changed Highest and lowest ground levels re-tried to determine base level 16/04/14 HB
AREA SCHEDULE
Erf 5420 1145m²
New Residence 272m²
Ground floor 217m²
First floor 55.8m²
Coverage 30%
Zoning SR1
CONSULTANT
17 APR 2023
Mr CJ Stemmet
PROPOSED NEW RESIDENCE ERF 5420, 4 KRIGE STREET, ONRUST RIVER, ONRUST
GROUND & FIRST FLOOR PLANS
4 diagrammatic drainage section
3 site - roof plan 1:100
2 first floor plan 1:100
1 ground floor plan 1:100
ERF 2394
ERF 5420
ERF 2391
ERF 2389
4 KRIGE STREET
14 De Villiers Street
NEW DRIVEWAY
GARAGE
COVERED DECK
DOUBLE VOLUME
MAIN BEDROOM
DECK
BEDROOM 2
BEDROOM 3
BEDROOM 4
BRAAI PATIO
LIVING RM
DINING RM
KITCHEN
TV ROOM
POOL TERRACE
KITCHEN TERRACE
ENTRANCE PORCH
existing boundary wall
existing concrete boundary wall

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE & PERMISSION REQUIRED IN TERMS OF THE ZONING SCHEME: ERF 5420, ONRUS RIVER (4257/2022)

Stormwater (SW)	:	In order
Electricity	:	Eskom
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 should additional services connections be required, the owner will be responsible for the payment of bulk services levies;

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 on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;

5. that any additional and / or extended vehicle entrances will be for the developer's account;

6. 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;

7. that stormwater be allowed to discharge through Erf 5420, Onrus River, unobstructed.

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

12/05/2023
DATE

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

10. ERF 856, 12 JALLY ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: JP HAPGOOD

856 KPRB (4282/2022)
H van der Stoep (028) 313 8900 Hermanus Administration
23 August 2023

EXECUTIVE SUMMARY

An application was received on 2 November 2022 from JP Hapgood on Erf 856, Pringle Bay in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure in order to relax the lateral building line from 2m to 1,650m and the 12m distance restriction on other outbuildings to accommodate the use change of the existing double garage into a staff quarters

RESOLUTION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 856, Pringle Bay for a departure in order to relax the lateral building line from 2m to 1,650m and the Title Deed Condition 6(b)(1) to accommodate the use change of the existing double garage into a staff quarters, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:

   (a) that the approval is only for the development indicated on Plan Number 033/1207/01 dated 12 July 2022, 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;

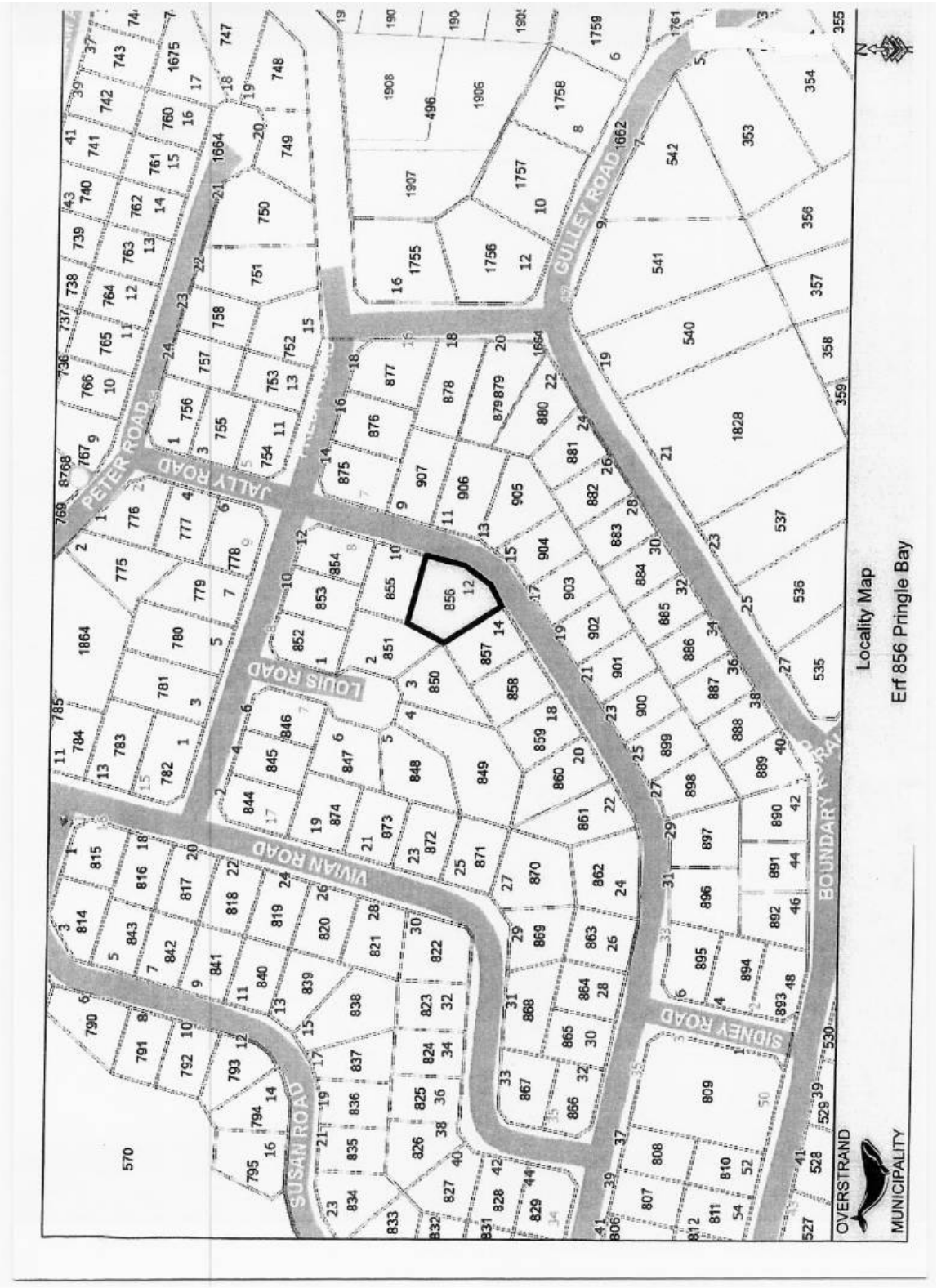
   (d) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with, and

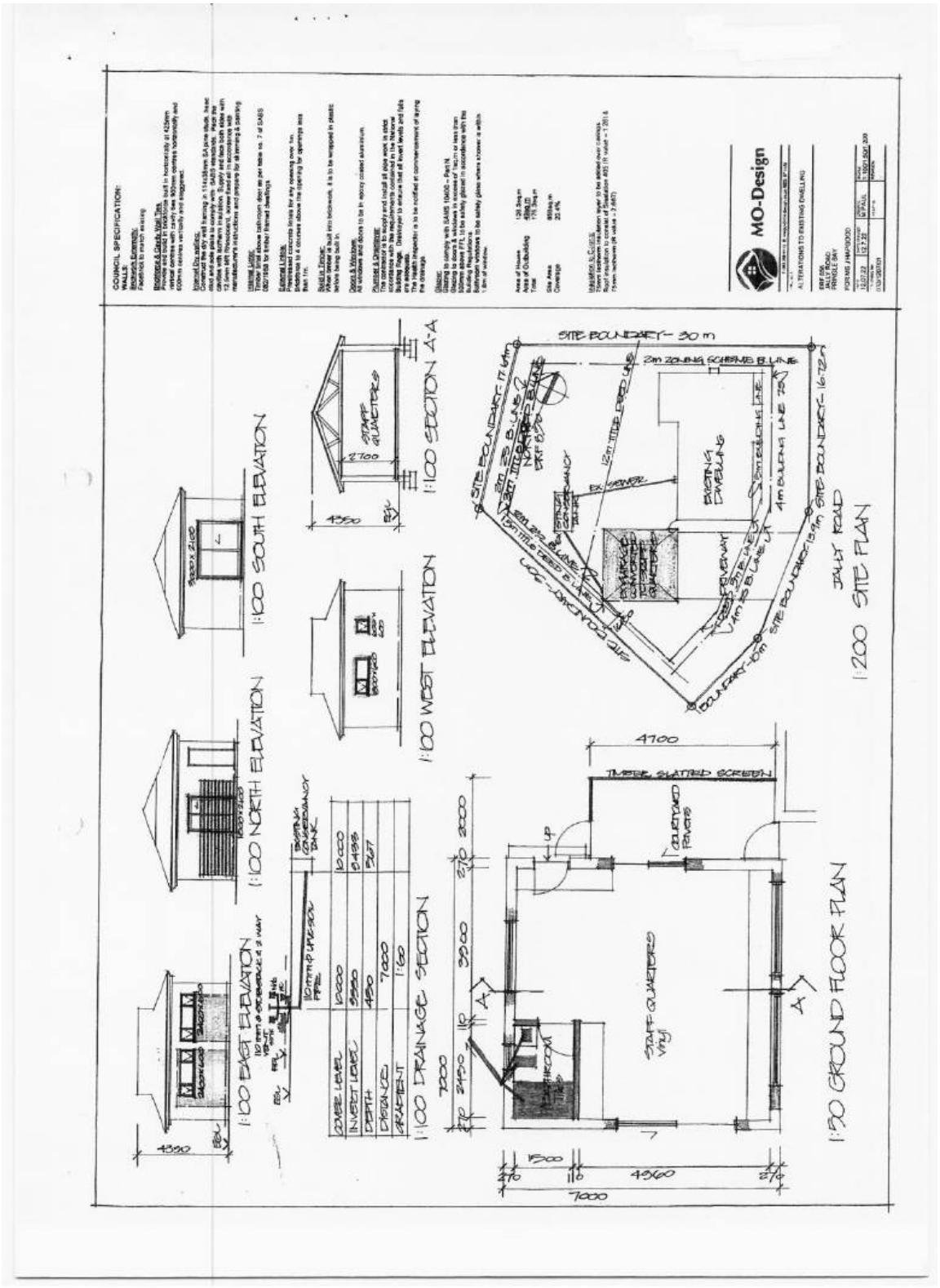
   (e) that this approval does not absolve the applicant from compliance with any other relevant legislation.

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 decision.

REASONS FOR RESOLUTION

- The application has followed due procedure.
- The proposed application fits in with the character of the surrounding area and is desirable.
- There will be no impact on services.
- The proposal will have no negative impact on the environment.
- Consent letter from the surrounding property owner was received.


PETER ROAD
JALLY ROAD
LOUIS ROAD
VIVIAN ROAD
SUSAN ROAD
GULLEY ROAD
SIDNEY ROAD
BOUNDARY ROAD
Locality Map
Erf 856 Pringle Bay
OVERSTRAND
MUNICIPALITY


COUNCIL SPECIFICATION:
WALLS
Ground Storey:
Facebrick to match existing
Upper Storey:
Weatherboard & Sheet to Match Existing
Internal Dry-walling:
Internal Doors:
Internal Linings:
External Lining:
Roofing & Flashing:
Doors & Windows:
Painting & Preservative:
Glazing:
Insulation:
MO-Design
ALTERATIONS TO EXISTING DWELLING
REF DR
ERF 6570
PORMS /HAVENGO
1:100 EAST ELEVATION
1:100 NORTH ELEVATION
1:100 SOUTH ELEVATION
1:100 WEST ELEVATION
1:100 SECTION A-A
1:100 DRAINAGE SECTION
1:200 SITE PLAN
1:50 GROUND FLOOR PLAN
SITE BOUNDARY - 30 m
2m ZONING SCHEME B LINE
12m TITLE DEED LINE
EXISTING DWELLING
4m BUILDING LINE
SITE BOUNDARY - 16.72m
SITE BOUNDARY - 17.64m
SITE BOUNDARY - 13.9m
SITE BOUNDARY - 10m
JAILY ROAD
EXISTING GARAGE
EXISTING CARPORT
PROPOSED STAFF QUARTERS
EXISTING SEWER LINE
EXISTING ACCESS
EXISTING DRIVEWAY
SITE BOUNDARY - 10m
4700
TIMBER SLATTED SCREEN
COLOURED PAVERS
STAFF QUARTERS
Vinyl
BATHROOM
7000
4560
1500
2700
1100
3900
2700
2400
4350
2700
ZONE LEVEL
INVERT LEVEL
DEPTH
DISTANCE
GRADIENT
10000
9350
450
7000
1:60
10mm DIA UNPLASTICISED PIPE

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE: ERF 856, PRINGLE BAY (4282/2022)

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 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 856, Pringle Bay, unobstructed.

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

28/03/2023
DATE

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

11. ERF 44, 30 VAN BLOMMENSTEIN STREET, BIRKENHEAD: APPLICATION FOR CONSENT USE: MESSRS CREATIVE PROFILE TOWN PLANNERS ON BEHALF OF C & CA FITZGIBBON

44 GBH (4168/2022)
SW van der Merwe (028) 313 8900 Hermanus Administration
7 September 2023

EXECUTIVE SUMMARY

An application has been received on 7 June 2022 from Messrs Creative Profile Town Planners in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on behalf of the property owners of Erf 44, Birkenhead for consent use in terms of Section 16.(2)(o) of the By-Law, to accommodate a boutique hotel.

RESOLUTION

1. that the application for consent use for a boutique hotel 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 44, Birkenhead to accommodate a boutique hotel comprising three (3) bedrooms, a guest atrium, reception, wellness pod and caretaker dwelling, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions;

   (a) that the development of the boutique hotel and associated wellness facilities be limited to the area and uses as per the Site Development Plan, 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 the proposed development be limited to single storey in accordance with the Overstrand Land Use Scheme;

   (d) that adequate on-site parking must be provided for seven (7) cars, which parking bays must be properly demarcated and be provided with a hard surface to the satisfaction of the Municipality – no on-street parking for transient guests are allowed whatsoever;

   (e) that the proposed boutique hotel may not be provided with a restaurant / bar facilities that is open to the general public;

(f) that a R918 Certificate of Acceptability must be obtained from the Overberg District Municipality prior to the operation of the guesthouse;

(g) that the establishment must comply with Health and Safety Legislation;

(h) that, subject to obtaining a liquor licence, alcoholic beverages may only be sold to resident guests for consumption with meals on site - meals may only be provided to bona fide guests on the property;

(i) that no advertising may be displayed on the property without the written approval of the Municipality;

(j) that all the conditions imposed by District Health, Environmental Section and the Engineering Department, be complied with;

(k) 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;

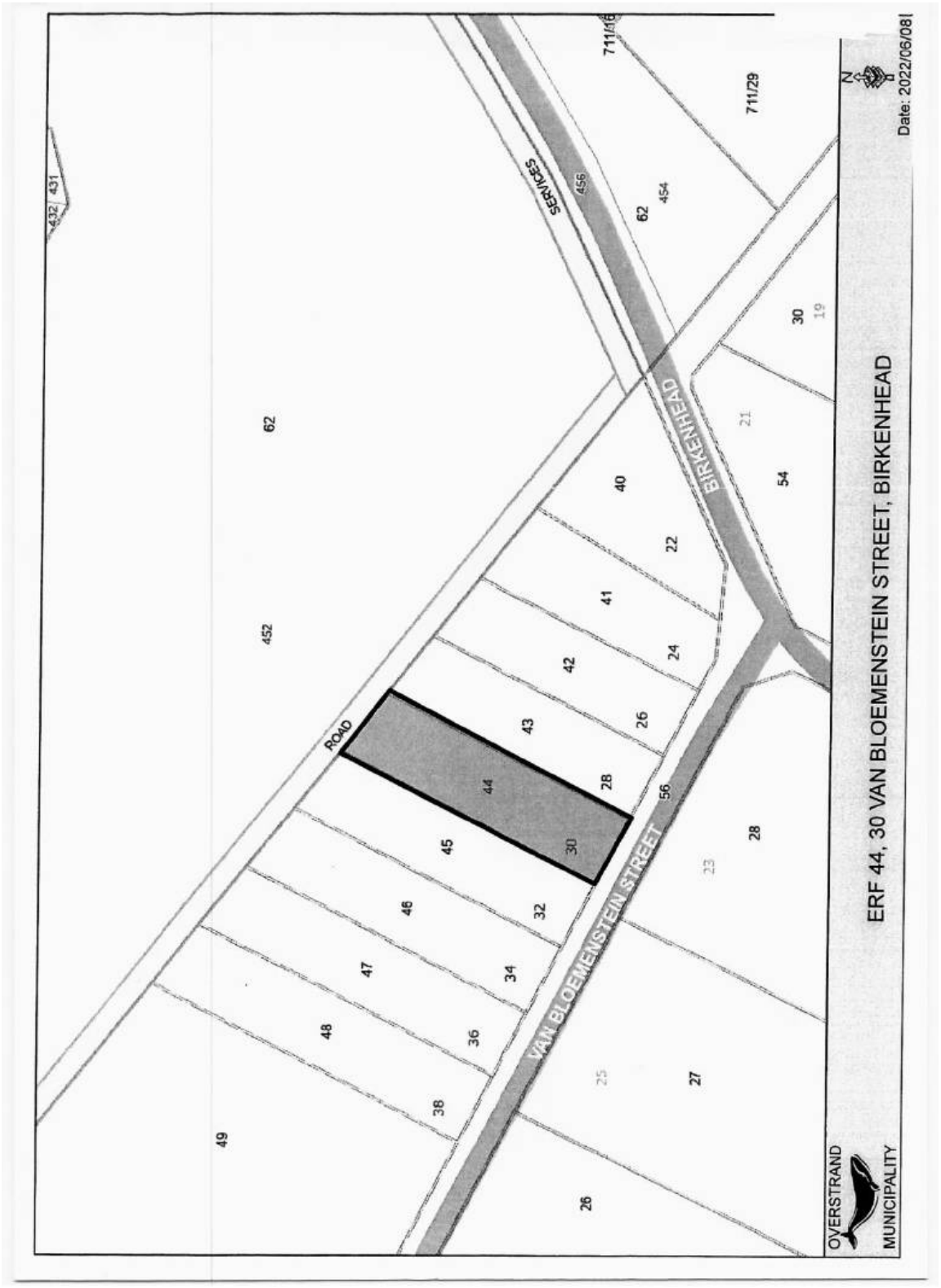
(l) that this approval does not absolve the applicant from compliance with any other relevant legislation;

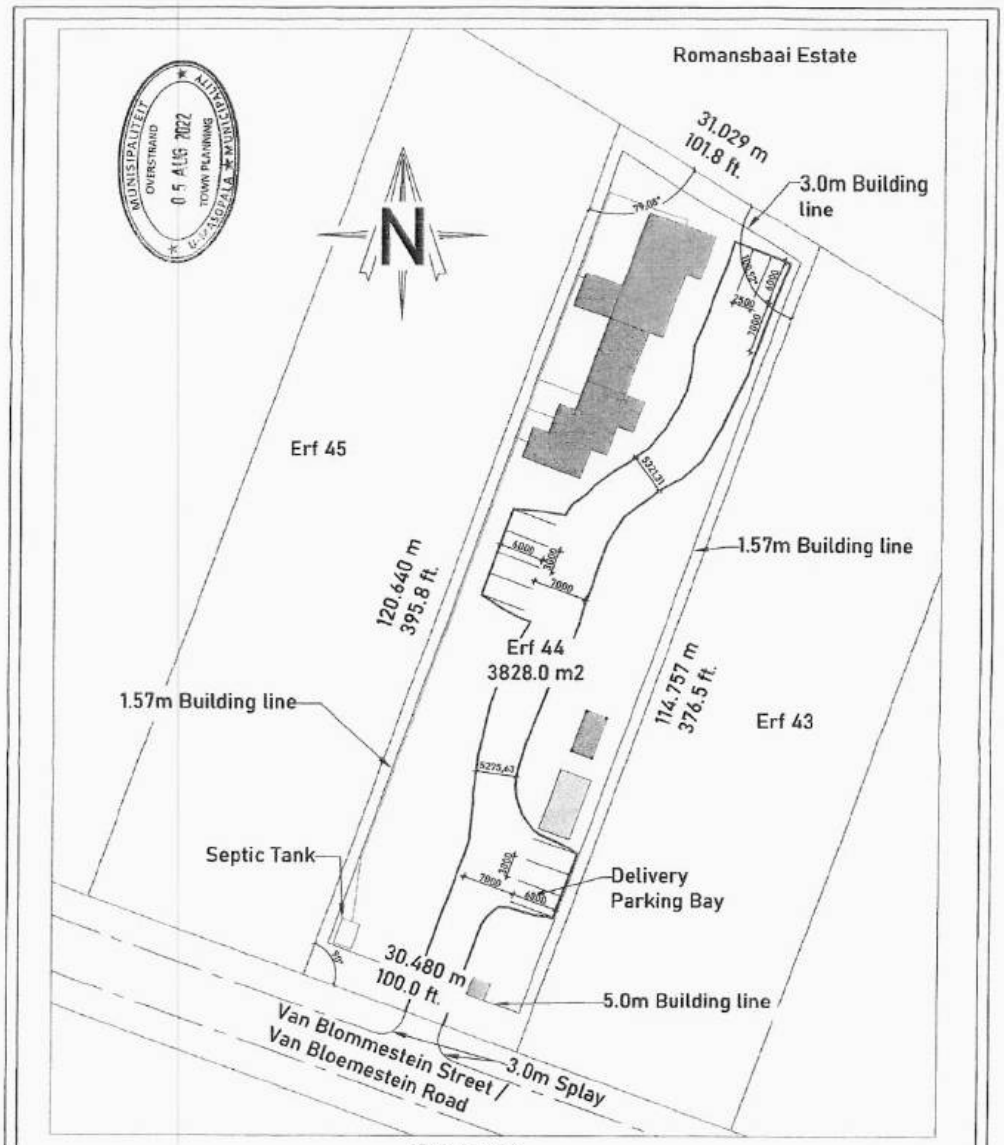
(m) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;

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 with regard to the above conditions of approval.

REASONS FOR RECOMMENDATION

- 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 44, 30 VAN BLOEMENSTEIN STREET, BIRKENHEAD
Date: 2022/06/08
OVERSTRAND MUNICIPALITY
VAN BLOEMENSTEIN STREET
BIRKENHEAD
SERVICES ROAD
711/29
711/46
431
432
452
456
454
62
49
48
47
46
45
44
43
42
41
40
38
36
34
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25
23



SDP Layout
Scale 1:500

Legend	Buildings & Outbuildings	Area	Erf 44 Birkenhead Township Gansbaai	Owners: C. & C.A. Fitzgibbon
	Hotel	222.25 m2		
	Caretakers accomodation	78.80 m2		Signatures: C. Fitzgibbon
	Gazebo	17.20 m2	Rev 2 - 05/08/2022	
	Reception & wellness pod	35.24 m2		C.A. Fitzgibbon
	Refuse area	6.20 m2		
	Total	359.69 m2		
Total Area of Site : 3828 m2		9.40% of Total Area		

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR CONSENT USE: ERF 44, BIRKENHEAD

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

Conditions:

1. That the developer will only utilize the existing roads/accesses and no new additional roads/accesses will be created without the written approval of the Senior Manager: Engineering Services

2. There are no existing low voltage electrical networks available in the vicinity of Erf 44 Birkenhead. Electrical bulk and link services will be provided as determined by the guidelines for new electricity networks as determined by the Municipality, at the developers cost.

3. That the developer will comply with all conditions and capacity requirements for electricity supply services as determined by the municipality, at his/her own cost;

4. that no water supply service from Overstrand Municipality is available and the developer is responsible for the provision of any water supply and/or services to the development;

5. that the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs & sanitation, health, BOCMA etc.) for the use of any other water resources and the extraction thereof;

6. that the quality of potable water comply with SANS0241 standards and that relevant proof be submitted to the Manager: Water Infrastructure & Quality, Overstrand Municipality (Tel: 028 313 5046, email: probinson@overstrand.gov.za);

7. that the proposed development must be provided with adequate communal sewer conservancy tanks, which must comply with the relevant legislation; The developer/owner will liaise with the Gansbaai Senior Operational Manager regarding the size of the communal tank.

8. Sewerage will be removed from the communal sewer conservancy tank as per municipal arrangement.

9. That the developer/owner is to install a connection point to the communal conservancy tank, to which the municipal tankers can connect to.

10. that the owner is responsible for the removal of all refuse generated on the property and the disposal thereof at a registered municipal waste transfer station or –waste disposal facility;

11. that the developer complies to all the conditions set by Department of Water Affairs & Sanitation and the provincial Department of Environmental Affairs and Development Planning;

12. that on-site parking facilities are provided as per Planning Schedule and to the satisfaction of the Department: Operational Services;

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

10/02/2023
DATE

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

12. REMAINDER EXTENT OF FARM 312, BREDASDORP DIVISION: APPLICATION FOR CONSENT USE (MINING) AND APPROVAL OF A MINING REHABILITATION PLAN: MESSRS SETPLAN ON BEHALF OF DJ PENWILL PROPERTIES (PTY) LTD

Farm 312/0 (4224/2022)
SW van der Merwe (028) 313 8900 Hermanus Administration
5 September 2023

EXECUTIVE SUMMARY

An application has been received in terms of the Overstrand Municipal Land Use Planning By-law Amendment By-Law, 2020 from Messrs Setplan applicable to the Remainder Extent of Farm 312, Bredasdorp Division on behalf of DJ Penwill Properties (Pty) Ltd for the following:

- **consent use** (mining) in terms of Section 16(2)(o) of the By-Law, and
- **approval of a mining rehabilitation plan** in terms of Section 16(2)(g) of the By-Law.

RESOLUTION

1. that the application in terms of Section 16(2)(o) of the By-Law for consent use (mining) applicable to the Remainder Extent of Farm 312, Bredasdorp Division to accommodate the proposed extension of the existing quarry, **be approved** in terms of the provisions of Section 61 of the By-Law;

2. that the application for approval of a mining rehabilitation plan in terms of Section 16(2)(g) of the By-Law, be approved in terms of the provisions of Section 61 of the By-law;

3. that the recommendations in paragraphs 1. and 2. above be subject to the following conditions:

   (a) that mining on the subject property be subject to a valid mining right;

   (b) that the consent use for mining be limited to a period of five years;

   (c) that the provisions of the Environmental Authorisation and Environmental Management Plan at all times be complied with;

   (d) 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;

(e) that mining be restricted to the area of 4,8619ha and coordinates indicated on the Surveyor's Mining Plan dated *July 2022* as submitted with the application;

(f) that rehabilitation of the mining area be conducted in accordance with the EMP to the satisfaction of the Overstrand Municipality;

(g) that all the conditions in the Services Report, be complied with;

(h) that all the conditions imposed by Department of Environmental Affairs and Development Planning, *Component: Planning*, Department of Transport and Public Works, Cape Nature, Department of Environmental Affairs and Development Planning, Component: *Environmental* be complied with

(i) that **no** mining activity may occur outside the hours of 07h00 to 17h00, Mondays to Thursdays and 07h30 to 14:30 on Fridays;

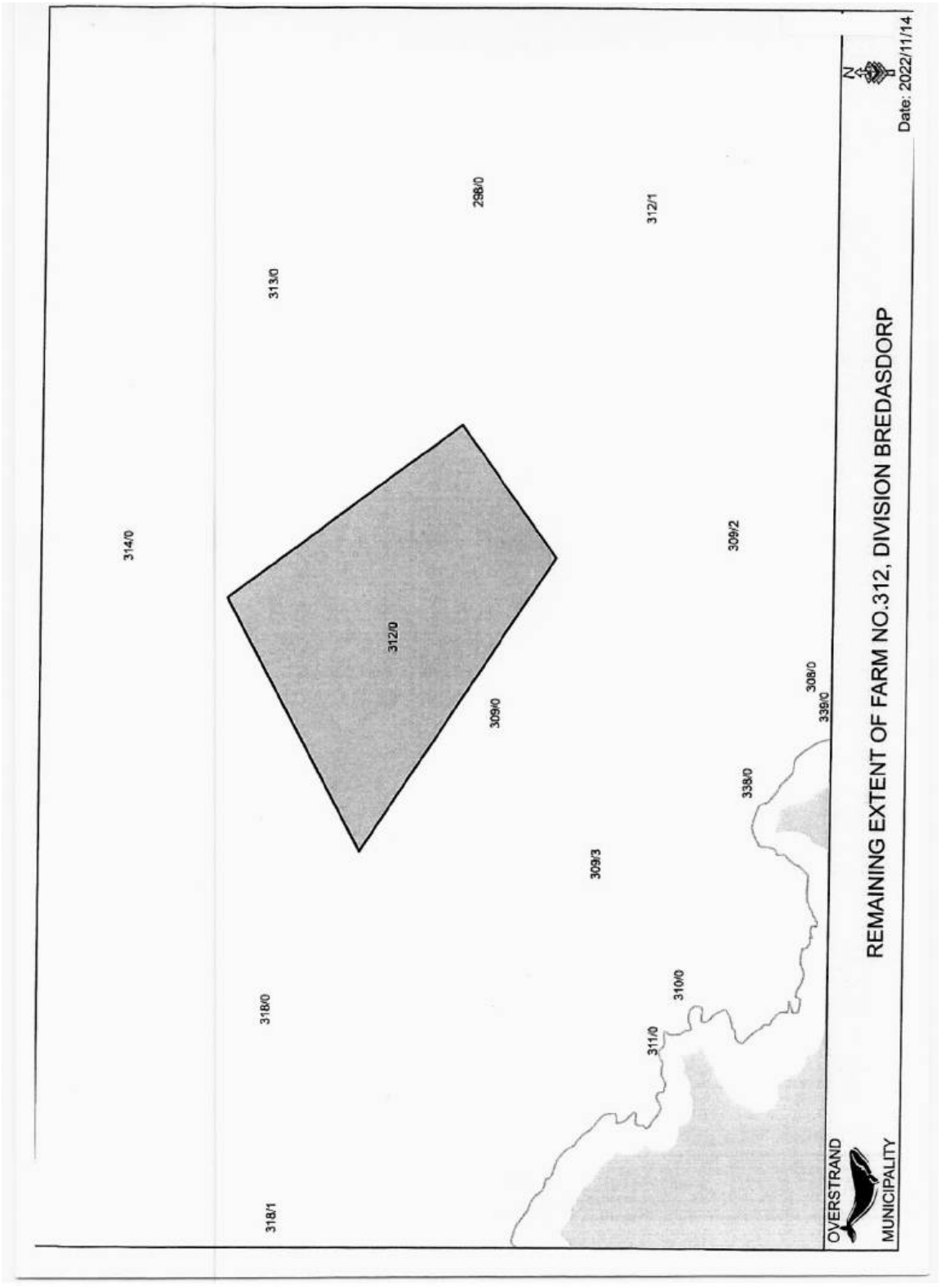
(j) that this approval does not absolve the applicant from compliance with any other applicable legislation

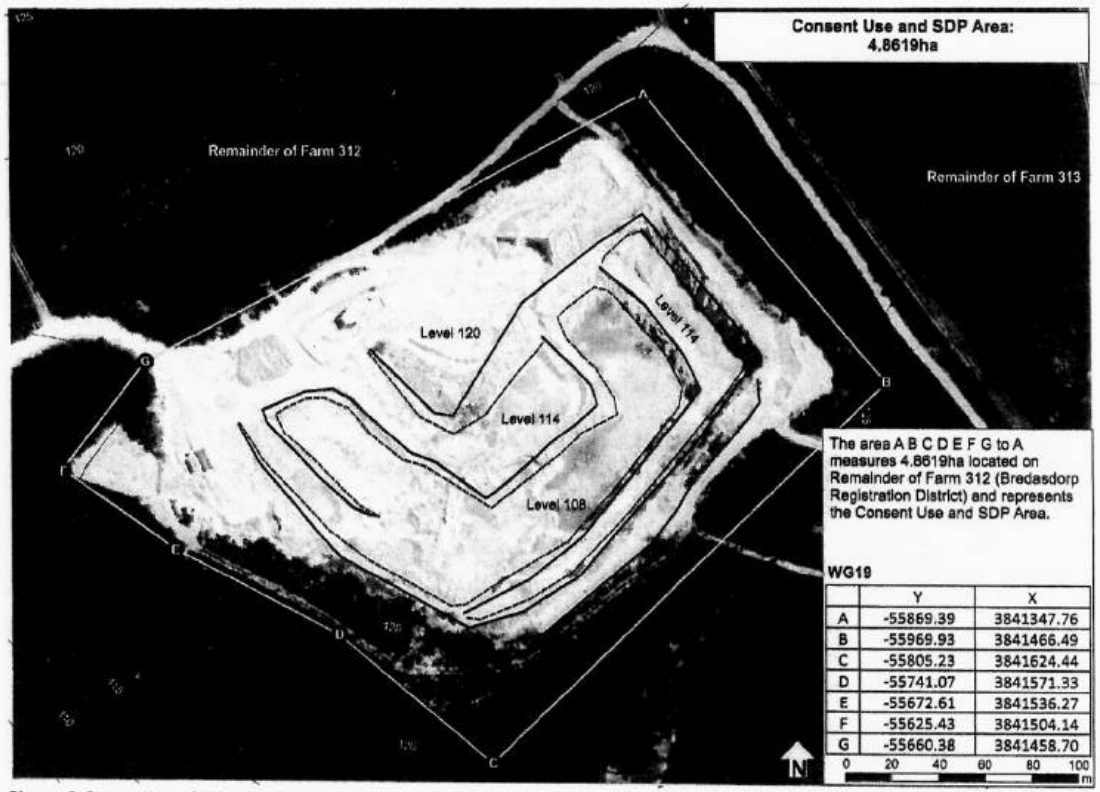
(k) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.

4. 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.

REASONS FOR RESOLUTION

- The application followed due process.
- The proposal is consistent with the SDF.
- The proposal is consistent with the Planning Principles in terms of LUPA and SPLUMA.
- The proposal is supported by relevant government departments.
- The associated impacts of the proposed mining activity could be sufficiently mitigated in terms of the EMP incorporated in the approval conditions.
- The proposal will ensure provision of construction aggregate in support of the construction industry in Overstrand and Overberg Region.
- The proposal will positively contribute to the local economy.


REMAINING EXTENT OF FARM NO.312, DIVISION BREDASDORP
Date: 2022/11/14
N
OVERSTRAND
MUNICIPALITY
314/0
313/0
298/0
312/1
312/0
309/0
309/2
308/0
339/0
338/0
309/3
318/0
310/0
311/0
318/1



	Y	X
A	-55869.39	3841347.76
B	-55969.93	3841466.49
C	-55805.23	3841624.44
D	-55741.07	3841571.33
E	-55672.61	3841536.27
F	-55625.43	3841504.14
G	-55660.38	3841458.70

Diagram 5: Consent Use and SDP: 4,8619ha Portion of Rem Farm 312, Registration Division of Bredasdorp, situated in the Overstrand Municipal Area

13. ERF 1081, DE WET STREET, GANSBAAI : APPLICATION FOR SUBDIVISION, AMENDMENT OF A CONDITION OF AN EXISTING APPROVAL, APPORVAL OF STREET NAMES AND PHASING: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF T BLACK INVESTMENTS CC

1081 GB (4213/2022)
SW van der Merwe (028) 313 8900 Hermanus Administration
7 September 2023

EXECUTIVE SUMMARY

An application has been received on 8 August 2022 from Messrs PlanActive Town- and Regional Planners on behalf of T Black Investments CC, the owner of Erf 1081, Gansbaai in terms of the Overstrand Municipal Land Use Planning Amendment By-law, 2020 for the following:

- **subdivision** in terms of Section 16(2)(d) of the By-law into 107 General Residential Zone 1: Town Housing erven, 4 Open Space Zone 3: Private Open Space erven and 2 Transport Zone 2: Private Road and Parking erven;
- **amendment of conditions of approval** in terms of Section 16(2)(h) of the By-law to permit development in accordance with the development parameters applicable to General Residential Zone 1: Town Housing in terms of the Overstrand Land Use Scheme, 2020;
- **phasing of the development** in terms of Section 16(2)(k) of the By-Law, and
- **approval of street names** in accordance with Section 96(1) of the By-Law.

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 (By-Law) for the subdivision of Erf 1081, Gansbaai into 107 General Residential Zone 1: Town Housing erven, 4 Open Space Zone 3: Private Open Space erven and 2 Transport Zone 2: Private Road and Parking erven, **be approved** in terms of the provisions of Section 61 of the By-law;

2. that the application in terms of Section 16(2)(k) for amendment of condition 2.1 of an existing approval to be replaced with the wording "Section 8 Zoning Scheme Regulations" with "Overstrand Land Use Scheme, 2020", be approved in terms of the provisions of Section 61 of the By-law;

3. that the application in terms of Section 16(2)(k) of the By-Law, for phasing of the development in six (6) phases, be approved in terms of the provisions of Section 61 of the By-Law;

4. that the application in terms of Section 96(1) for approval of street names, be approved in terms of the provisions of Section 61 of the By-Law;

5. that the approvals in paragraphs 1 to 4 be subject to the following conditions:

   (a) that this approval is only for the development indicated on the Subdivision Plan, Drawing No. *SD*, Project No. *0422* dated *January 2023*;

   (b) that the requirements by Open Serve and the Engineering Department, be complied with;

   (c) that a Home Owners Association be established with compulsory membership for all property owners and written into the title deeds of the respective properties;

   (d) that the Home Owners Association assumes responsibility (including costs) for the provision, maintenance, management and upkeep of the communal property, including private open spaces and private roads;

   (e) that the constitution of the Home Owners Association be submitted for approval by the Senior Manager Town and Spatial Planning;

   (f) that the architectural guidelines be submitted for approval by the Senior Manager Town and Spatial Planning;

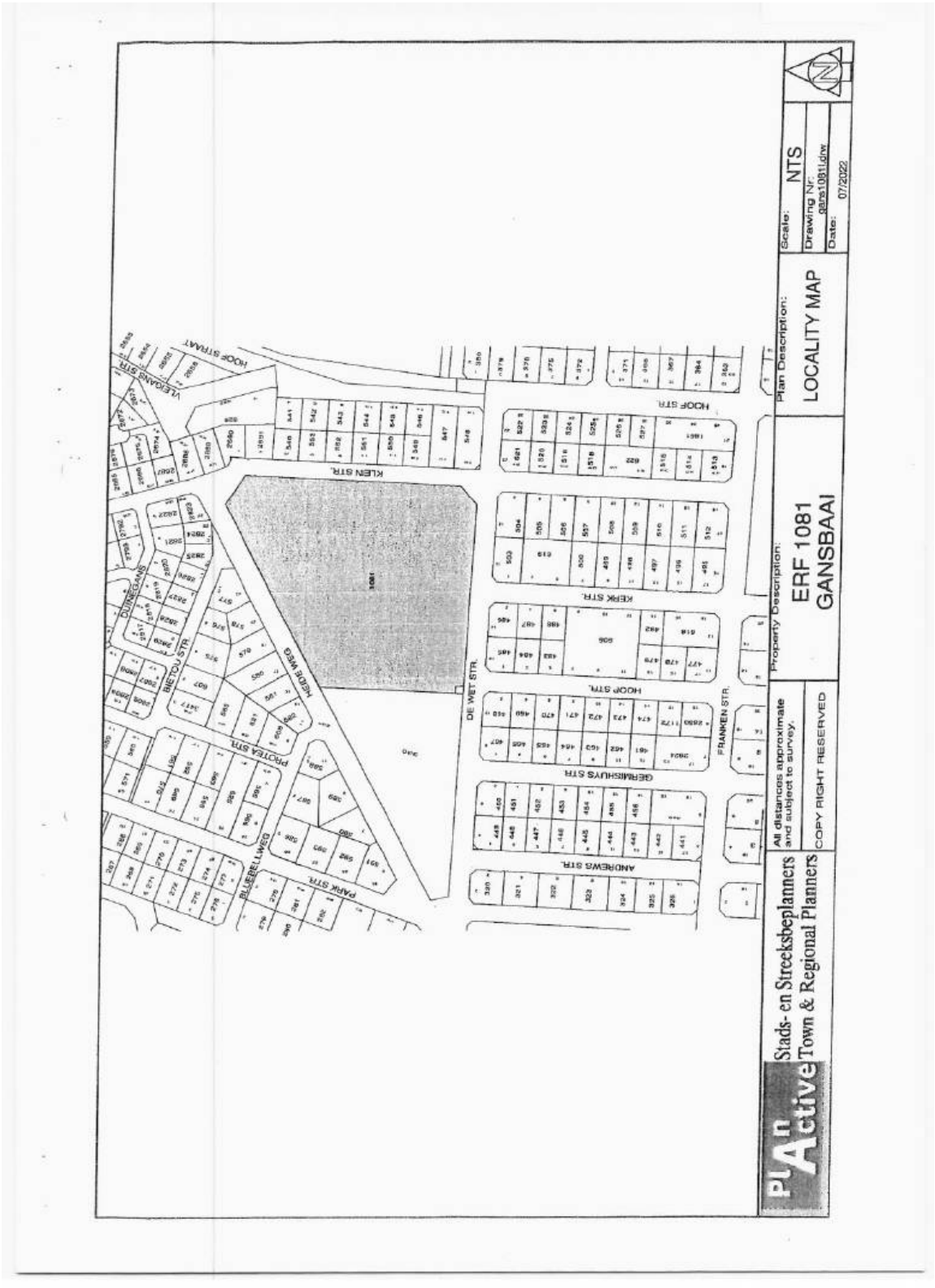
   (g) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

   (h) that all other development parameters as prescribed in the relevant Overstrand Land Use Scheme be complied with.

6. 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, 2015 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- No objections were submitted.
- The proposal is consistent with the SDF.
- The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.
- The proposal will not adversely impact the character of the area or vested rights of adjoining properties,
- The proposal provides for a balanced housing stock and a secure private development.


Plan Description:
LOCALITY MAP
Property Description:
ERF 1081
GANSBAAI
Scale: NTS
Drawing Nr: gans1081ld/w
Date: 07/2022
All distances approximate and subject to survey.
COPY RIGHT RESERVED
Stads- en Streeksbeplanners
Town & Regional Planners
KLEIN STR.
HOOF STR.
KERK STR.
HOOF STR.
DE WET STR.
FRANKEN STR.
GERRITSHUYS STR.
ANDREWS STR.
PROTEA STR.
BLEEKBELLWEG
PARK STR.
HEROR WEG
BRETOU STR
DUINEGANS
VLEIGANS STR
HOOF STRAAT
1081

SUBDIVISION PLAN



COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR SUBDIVISION, AMENDMENT OF CONDITIONS OF APPROVAL, APPROVAL OF PHASING PLAN, STREET NAMES AND NUMBERS: ERF 1081, GANSBAAI (4213/2022)

Water	:	Refer to conditions & GLS report
Sewer	:	Refer to conditions & GLS report
Roads and Traffic	:	Refer to conditions & TIA
Stormwater	:	Refer to conditions
Electricity	:	Refer to conditions

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).

1.3 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 84.8	= R 2 207 852.80
Sewerage	R 17 555.00 x 84.8	= R 1 488 664.00
Roads	R 7 872.00 x 105.999997	= R 834 431.98
Solid Waste	R 1 574.00 x 106	= R 166 844.00
TOTAL (inclusive of VAT)		**= R 4 697 792.78**

Please note the above figures:

a) Exclude bulk electricity cost and bulk levies. The Overstrand Municipality's Electrical Department should be contacted regarding the bulk electricity cost.

b) Are estimated amounts which exclude evaluation/ investigation levies and connection fees.

c) Are only valid for the current financial year and are subject to annual tariff adjustments.

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;

   2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided:

   2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;

   2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;

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 indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property:

   4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;

   4.2 the insurance to be to an amount which shall not be less than that required by the SAACE;

   4.3 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;

5. that a plan of all the existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the

services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:

5.1 way-leaves must be obtained from the Operational Manager;

5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;

6. 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:

6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;

6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;

6.3 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;

7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;

8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;

9. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;

10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and

11. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE and which insurance shall be valid for the relevant contract and maintenance period;

12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for Works of Civil Engineering Construction - 2004, of 12 months, and

13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;

14. that a service agreement may be required by the Director: Infrastructure and Planning prior to the approval of any service plans;

15. that the developer provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;

16. that the water and sewer reticulation be provided/upgraded according to the report prepared by GLS consulting engineers and/or the Overstrand Water Master Plan.

17. that the street lighting be provided and conform to municipal standards;

18. that the developer appoint a consulting electrical engineer to determine the electricity demand for the development and pay a fee to Overstrand Municipality to determine the capacity in the existing electricity network;

19. that the electricity reticulation and supply be provided according to the master plan and the electrical services report by Driger Consulting at the developer's cost. Transfer of the newly created erven can only proceed once electricity is available;

20. 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*;

21. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be provided with the following:

    a) properly ventilated,
    b) a cement floor,
    c) a tap and running water, as well as a drainage point which is connected to the sewer network,
    d) in 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;

22. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded, be submitted to the Director: Infrastructure and Planning for approval and

that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;

23. 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: Gansbaai for written approval;

24. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.

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

31/03/2023
DATE

14. ERVEN 2430 & 3425, GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR EXEMPTION OF SUBDIVISION, REZONING, CONSOLIDATION AND CLOSURE OF A PUBLIC PLACE: MESSRS TERRAPLAN TOWN PLANNERS ON BEHALF OF OVERSTRAND MUNICIPALITY

2430 & 3425 GGB (4274/2022)
B Minnaar (028) 313 8900 Hermanus Administration
20 September 2023

EXECUTIVE SUMMARY

An application has been received on 27 October 2022 from Messrs Terraplan Town Planners on behalf of Overstrand Municipality and Western Cape Government: Department of Transport and Public Works [the proposed purchaser of the land] applicable to Erven 2430 & 3425, Gansbaai in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the following:

- **exemption of subdivision** of a portion (Portion 1), approximately 0,9ha in extent of Remainder Erf 2430, Gansbaai in terms of Section 26 of the By-Law;
- **closure of public place** in terms of Section 16(2)(n) of the By-Law to accommodate the closure of a public place (Portion 1, a portion of the Remainder Erf 2430, Gansbaai);
- **rezoning** in terms of Section 16(2)(a) of the By-Law of Portion 1 (a portion of the Remainder of Erf 2430, Gansbaai) from Open Space Zone 2: Public Open Space (OS2) to Community Zone 1: Community Facilities (CO1), and
- **exemption of consolidation** of Portion 1 (a portion of the Remainder of Erf 2430, Gansbaai), approximately 0.9ha in extent with Erf 3425, Gansbaai (±2.6036ha) to create a newly consolidated erf of ±3.5036ha in extent in terms of Section 26 of the By-Law.

RESOLUTION

1. that the application in terms of Section 26 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the exemption of subdivision of a portion (Portion 1), approximately 0,9ha in extent of Remainder Erf 2430, Gansbaai, **be approved,** in terms of the provisions of Section 61;

2. that the application in terms of Section 16(2)(n) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the closure of a public place measuring ±0.9ha in extent (Portion 1, a portion of Remainder Erf 2430, Gansbaai), be approved, in terms of the provisions of Section 61;

3. that the application in terms of Section 16(2)(a) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the rezoning of Portion 1 (a portion of the Remainder Erf 2430, Gansbaai) from Open Space Zone 2: Public Open Space (OS2) to Community Zone 1: Community Facilities (CO1), be approved, in terms of the provisions of Section 61;

4. that the application in terms of Section 26 of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the exemption of consolidation of Portion 1 (a portion of the Remainder Erf 2430, Gansbaai), approximately 0.9ha in extent with Erf 3425, Gansbaai to create a newly consolidated erf of ±3.5071ha in extent, be approved, in terms of the provisions of Section 61;

5. that the approvals in points 1. to 4. above be subject to the following conditions:

    (a) that the consolidated erf be in line with the subdivision and consolidation plans;

    (b) that a revised parking layout (to include traffic flow) – as per the scheme regulations be submitted to this office for scrutiny and approval thereof;

    (c) that all conditions in the Services Report, be complied with;

    (d) that all conditions of Telkom, District Health and Department of Transport and Public Works, be complied with;

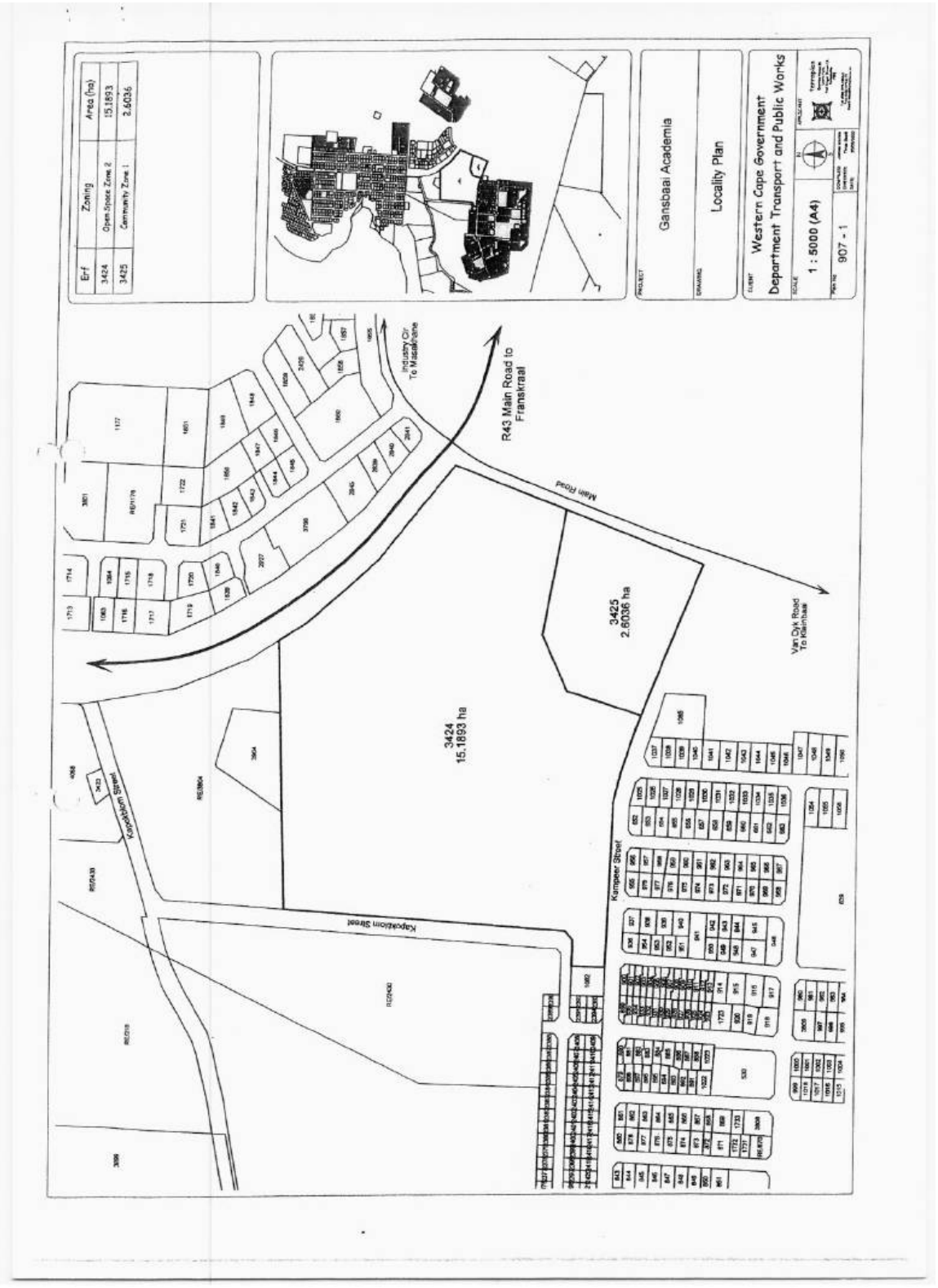
    (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;

    (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;

6. 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.

REASONS FOR RESOLUTION

- No objections were received from the community, neighbours, or municipal and state departments.
- Council in-principle approved the sale of this portion of public open space to the owner of Erf 3425, Gansbaai.
- The immediate adjacent properties are all zoned for public open space or for community purposes and this application will thus not have a negative effect on the character of the area.
- The application is in line with the general principles as existing services will be used more efficiently, and the development will be more sustainable.
- The application would help to better the parking, manoeuvrability of vehicles and increase the space needed for a playground area.
- The application will not have a negative impact on surrounding property owners and is desirable.


Erf
Zoning
Area (ha)
3424
Open Space Zone 2
15.1893
3425
Community Zone 1
2.6036
Gansbaai Academia
Locality Plan
Western Cape Government
Department Transport and Public Works
1 : 5000 (A4)
907 - 1
R43 Main Road to Franskraal
Industry Or To Masakhane
Main Road
Van Dyk Road To Hermitage
3424
15.1893 ha
3425
2.6036 ha
Kapokbloom Street
Kampeer Street


Erf
Zoning
Area (ha)
Remainder
Open Space Zone 2
14.2928
Community Zone 1
0.9000
Gansbaai Academia
Subdivision Plan
Western Cape Government
Department Transport and Public Works
1 : 5000 (A4)
907 - 2
R43 Main Road to Franskraal
Industry Cir To Massiphane
Main Road
Van Dyk Road To Klipdrift
Remainder 3424
14.2928 ha
3426
2.6035 ha
Portion 1
0.9000 ha
Kerper Street
Klipoortjies Street
Klipoortjies Street

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR EXEMPTION OF SUBDIVISION, REZONING, CONSOLIDATION AND CLOSURE OF A PUBLIC PLACE: ERVEN 2430 & 3425, GANSBAAI (4274/2022)

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

Conditions:

1. that the existing water- and sewer connections to Erf 3425 shall be used to service the proposed consolidated Erf 2430 & 3425;
2. that only one standard water connection and meter will be available to the consolidated erf;
3. that only one standard electricity connection, supply line and meter will be available to the consolidated erf. The electricity connection to the second property will thus be forfeited once the consolidation has been done. Should a larger capacity be required, the upgrading will be at the owner's cost;
4. that any additional and / or extended vehicle entrances will be for the owner's account;
5. that stormwater be allowed to discharge through Erven 2430 & 3425, Gansbaai, unobstructed;
6. that no on-street parking be allowed.

p.p. [signature]
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

10/03/2023
DATE

15. ERF 5744, 273 FIFTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE ON BEHALF OF AE VAN DER MERWE

5744 HVK (4322/2023)
P Roux **(028) 313 8900** **Hermanus Administration**
21 September 2023

EXECUTIVE SUMMARY

An application has been received on 08 December 2022, amended application received 03 May 2023, from Messrs Engelbrecht & Scorgie Architectural Office on behalf of the owner of Erf 5744, Voëlklip, 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 northern street building line from 4.0m to 2.82m, to accommodate the guest bedroom;
  - relax the western lateral building line from 2.0m to 1.28m, to accommodate the guest bedroom and the en-suite bathroom; and
  - relax the western lateral building line from 2.0m to 1.28m, in order to replace existing balustrades erected over the 2.0m lateral building line.

- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to accommodate the existing structure.

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 5744, Hermanus in order to:

   •relax the northern street building line from 4.0m to 2.82m, to accommodate the guest bedroom;
   •relax the western lateral building line from 2.0m to 1.28m, to accommodate the guest bedroom and the en-suite bathroom; and
   •relax the western lateral building line from 2.0m to 1.28m, in order to replace existing balustrades erected over the 2.0m lateral building line.

   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, not be exempt from the payment of an administrative penalty;

3. that the recommendation under paragraph 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, Drawing No J1122;A1-01 to 03;

   (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 an administrative penalty of R1 980,81 (excluding VAT) (being 10% of the property value as indicated on the Overstrand GIS system) be payable within thirty (30) days of the decision;

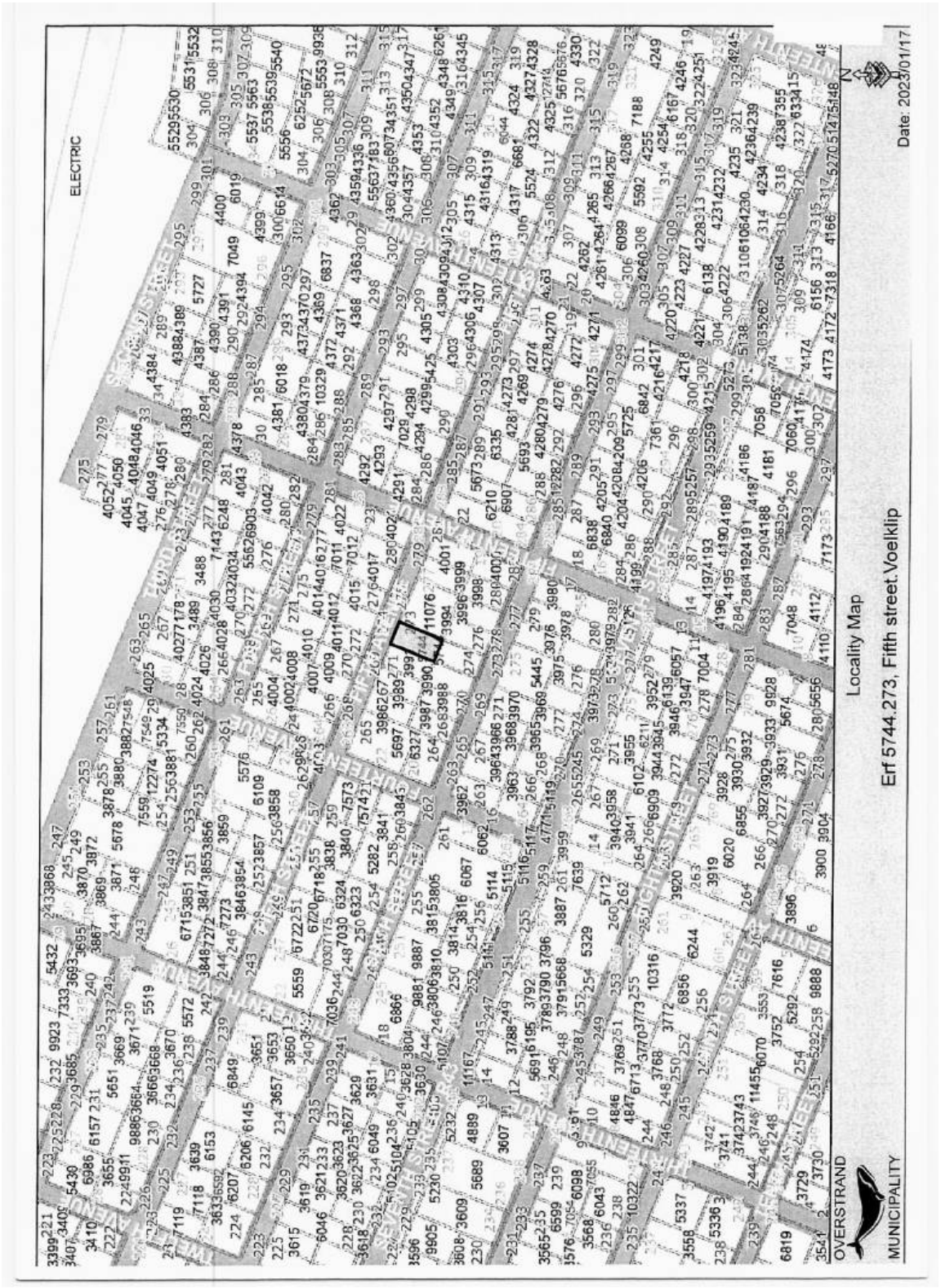
   (d) that all the conditions from Fire Department and Engineering Services be complied with;

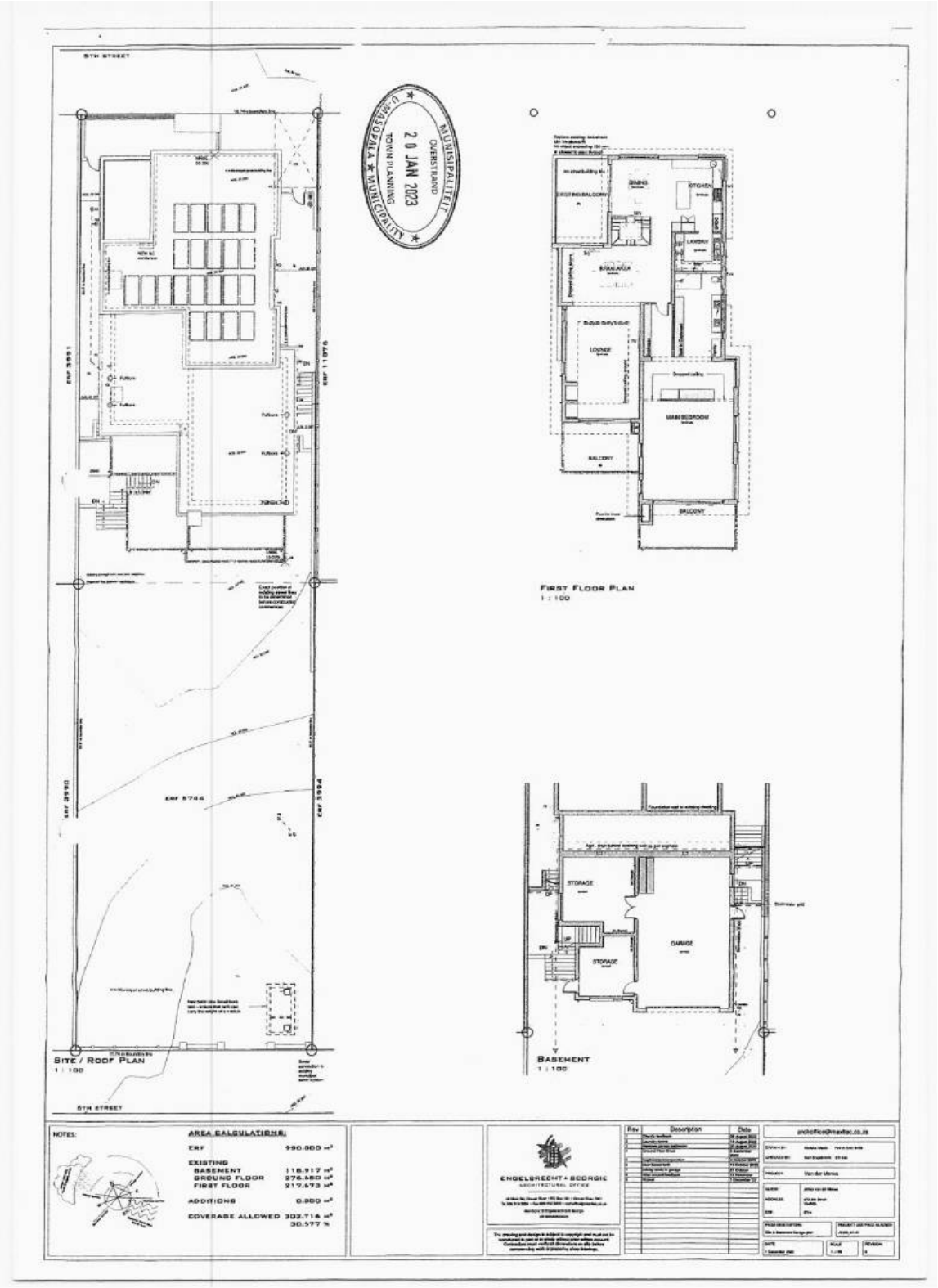
   (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

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.

REASON FOR THE RESOLUTION

- The proposed structures are small in scale and will not create additional bulk on the streetscape.
- The location of the proposed structures will be optimally placed to not have a negative influence on the adjacent property owners.
- No objections were received from the previous property owners.
- The application has followed due procedure.
- The proposal is in line with the relevant policy documents.


ELECTRIC
Locality Map
Erf 5744.273, Fifth street.Voelklip
Date: 2023/01/17
MUNICIPALITY
OVERSTRAND
N


5TH STREET
MUNISIPALITEIT OVERSTRAND
20 JAN 2023
TOWN PLANNING
MUNICIPALITY
ERF 1555
ERF 11076
ERF 8744
ERF 9995
ERF 3994
SITE / ROOF PLAN
1 : 100
5TH STREET
KITCHEN
LAUNDRY
LOUNGE
MAIN BEDROOM
BALCONY
FIRST FLOOR PLAN
1 : 100
STORAGE
GARAGE
STORAGE
BASEMENT
1 : 100
NOTES:
AREA CALCULATIONS:
ERF 990.000 m²
EXISTING
BASEMENT 118.917 m²
GROUND FLOOR 276.480 m²
FIRST FLOOR 217.673 m²
ADDITIONS 0.000 m²
COVERAGE ALLOWED 302.716 m²
30.577 %
ENGELBRECHT + BOORGIE
ARCHITECTURAL OFFICE
Rev
Description
Date

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE &DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 5744, VOELKLIP

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 the developer / applicant install a new sewer suction point in the public street / road reserve;

5. 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;

6. that any additional and / or extended vehicle entrances will be for the owner's account;

7. that stormwater be allowed to discharge through Erf 5744, Voelklip, unobstructed;

8. that no on-street parking be allowed.

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

12/05/2023
DATE

16. ERF 3556, 233 NINTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS STEPHAN WEYERS ARCHITECTS ON BEHALF OF P & R COETZER

3556 HVK (4459/2023)
P Roux **(028) 313 8900** **Hermanus Administration**
22 September 2023

EXECUTIVE SUMMARY

An application has been received on 23 August 2023 from Messrs Stephan Weyers Architects on behalf of the owners of Erf 3556, Voëlklip, 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) to relax the western lateral building line from 2m to 1.34m to accommodate the enclosure of an existing patio on the property.

- **determination of an administrative penalty** in terms of Section 90 of the By-Law to accommodate the existing structure.

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 3556, Hermanus to relax the western lateral building line from 2m to 1.34m, to accommodate the enclosure of an existing patio on the property, **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 Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3556, Hermanus for the unauthorised building work over building lines on the property, **be exempt** from 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 No. 2023/19/MOI, as submitted with the application;

(b) that building plans be submitted to the Building Control Office, and all comments from the Fire Department be complied with at that stage;

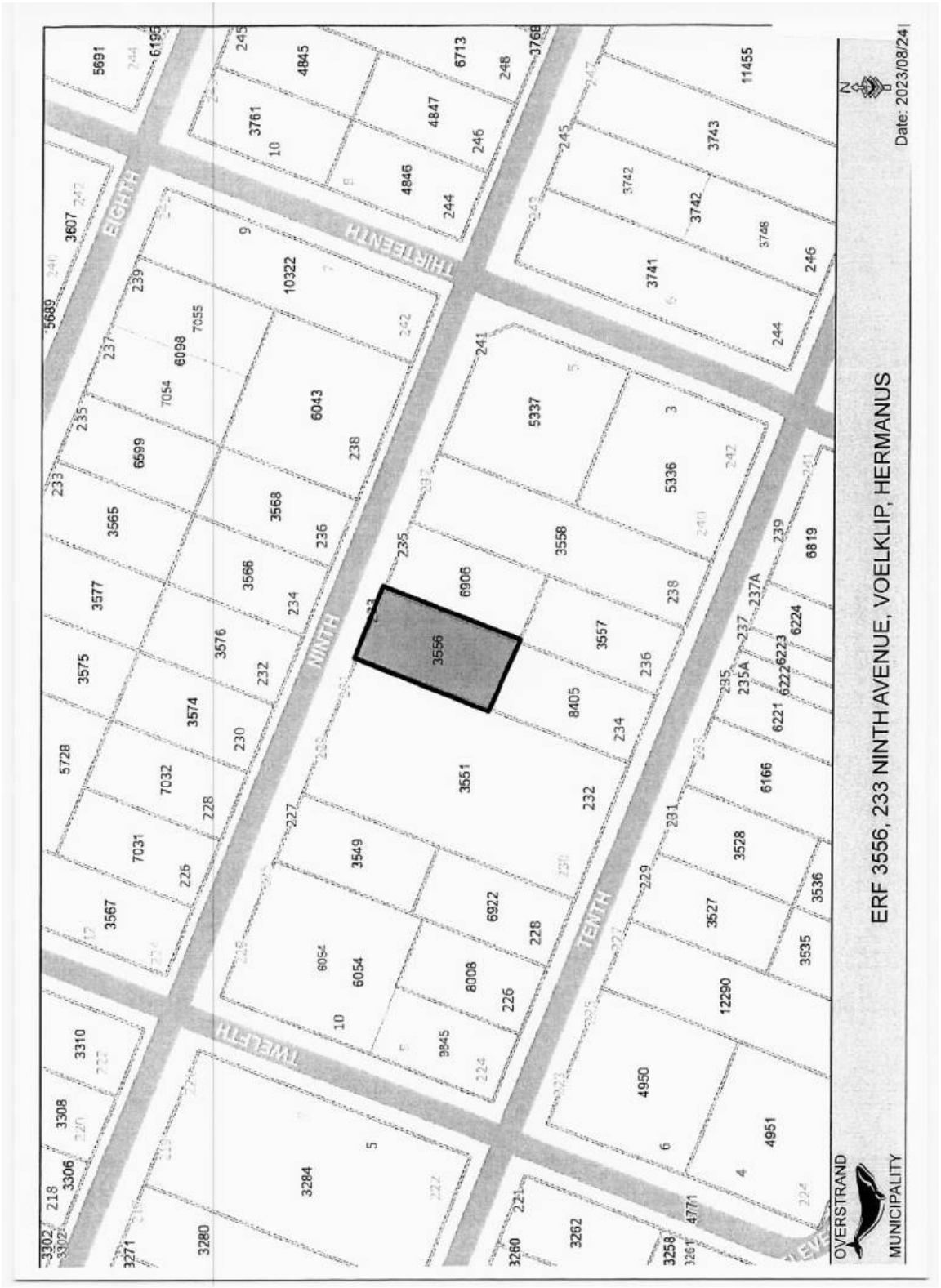
(c) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

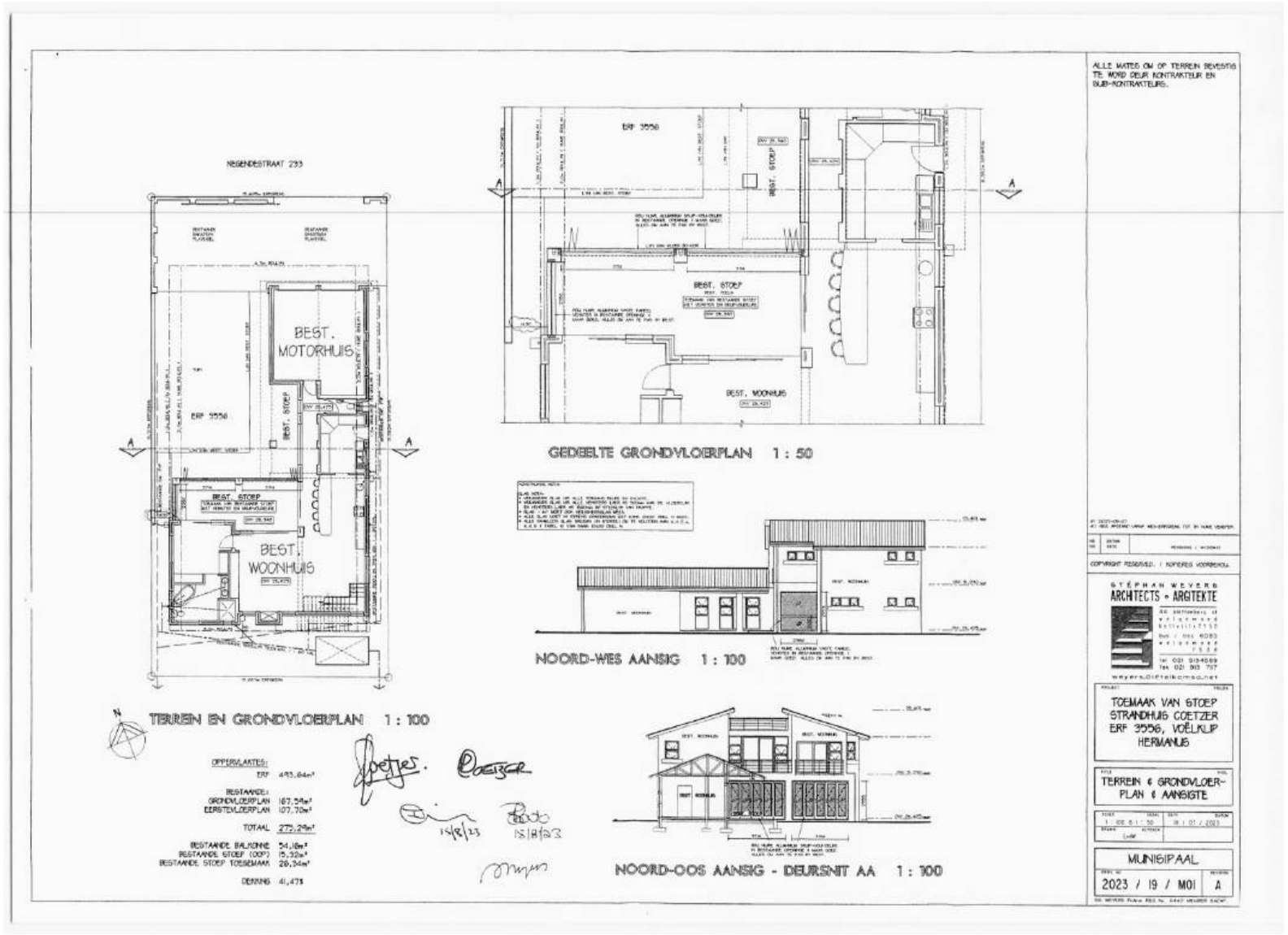
(d) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.

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.

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.
- The use of the structure will remain unchanged.
- The retention of the structure as is considered a minor deviation from what was previously approved on the building plan.
- The fixed panel reduces any noise concerns.
- The structure is situated on the ground floor and therefore will not be cause an intrusion on the neighbour.


ERF 3556, 233 NINTH AVENUE, VOELKLIP, HERMANUS
OVERSTRAND
MUNICIPALITY
Date: 2023/08/24
N
EIGHTH
NINTH
TENTH
TWELFTH
THIRTEENTH
3556
6906
3551
6054
6054
8008
6922
9845
3549
3567
7031
7032
5728
3574
3575
3576
3577
3565
6599
7054
6098
7055
3566
3568
6043
10322
5689
3607
5691
3761
4845
4846
4847
6713
3768
5337
5336
3558
8405
3557
6819
6224
6223
6222
6221
6166
3528
3527
12290
3535
3536
4950
4951
3741
3742
3743
3746
11455
3284
3280
3262
3260
3258
3271
3310
3308
3306
3302
4771


REGENDESTRAAT 233
BEST. MOTORHUIS
BEST. STOEP
BEST. WOONHUIS
ERF 3556
BEST. STOEP
BEST. WOONHUIS
TERREIN EN GRONDVLOERPLAN 1 : 100
GEDEELTE GRONDVLOERPLAN 1 : 50
NOORD-WES AANSIG 1 : 100
NOORD-OOS AANSIG - DEURSNIT AA 1 : 100
ALLE MATES OM OP TERREIN BEVESTIG TE WORD DEUR KONTRAKTEUR EN SUB-KONTRAKTEURS.
COPYRIGHT RESERVED. / KOPIEREG VOORBEHOU.
STÉPHAN WEYERS
ARCHITECTS • ARGITEKTE
TOEMAAK VAN STOEP
STRANDHUIS COETZER
ERF 3556, VOËLKLIP
HERMANUS
TERREIN & GRONDVLOER-
PLAN & AANSIGTE
MUNISIPAAL
2023 / 19 / M01
A

234

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

17. ERF 4411, 1 MAIN ROAD, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL & AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: LJ & I GARNER

4411 HNC (4371/2023)
H van der Stoep (028) 313 8900 Hermanus Administration
10 October 2023

EXECUTIVE SUMMARY

An application has been received on 10 April 2023 from JL and I Garner, the owners of property on Erf 4411, Hermanus for the following:

- **Removal & Amendment of Restrictive Title Deed Condition** in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the **removal** of restrictive title deed conditions C.1(b) and the **amendment** of restrictive title deed condition C.1(c) as contained in Title Deed T003756/23 of the property to:

  - to accommodate a second dwelling, and
  - to accommodate encroachments over the street building line.

The restrictive title deed conditions read as follows:

*"C. **SUBJECT FURTHER** to the following conditions referred to in Deed of Transfer Number T10501/1969, imposed by the administrator with the approval of the Hermanus Township Extension No.4, namely:*

1. That any words and expressions used in these conditions shall have the meanings assigned to them in the Regulations published under Provincial Notice No. 401 dated 17th October 1935, being in favour of the registered owner of any erf in the Township and subject to any amendments by the Administrator in terms of the provisions of Section 18(3) of Ordinance No 33/1934:

(b) That only one dwelling with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.

(c) That no building or structure or any portion thereof except boundary walls and fences be erected nearer than 4,72metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 2,35 metres of the lateral boundary common to any adjoining erf."

- **Determination of Administrative Penalty** in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the determination of an administrative penalty for the illegal use on the property for a second dwelling and the building line encroachment.

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 on Erf 4411, Hermanus for the **amendment** of restrictive title deed condition C.1(c) as contained in Title Deed T003756/23 of the property, **be approved**, in terms of the provisions of Section 61 of the By-Law, and condition C. 1.(c) to read as follows:

   "That no building or structure or any portion thereof except boundary walls and fences be erected nearer than **4,00** metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 2,35 metres of the lateral boundary common to any adjoining erf."

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 4411, Hermanus for the removal of restrictive title deed conditions C.1.(b) as contained in Title Deed T003756/23 of the property to allow a second dwelling on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law.

3. that the approvals in Points 1 -2 above be subject to the following conditions:

   (a) that building plans be submitted to the Municipality showing all building changes, partitioning and correct names of rooms to the satisfaction of the Fire Department and Building Control Department;

   (b) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;

   (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and

   (d) that all the conditions in the Services Report, be complied with.

4. that the 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 on Erf 4411, Hermanus for the above illegal use on the property for a second dwelling and the building line encroachment was considered and that an administrative penalty of R5151,10 including VAT (being 5% of the built cost as per the price per m² of the land value + VAT), **be applicable** in terms of Section 90.(4) of the By-Law which penalty must be paid within thirty (30) days from the final date of the decision of the application.

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 decision.

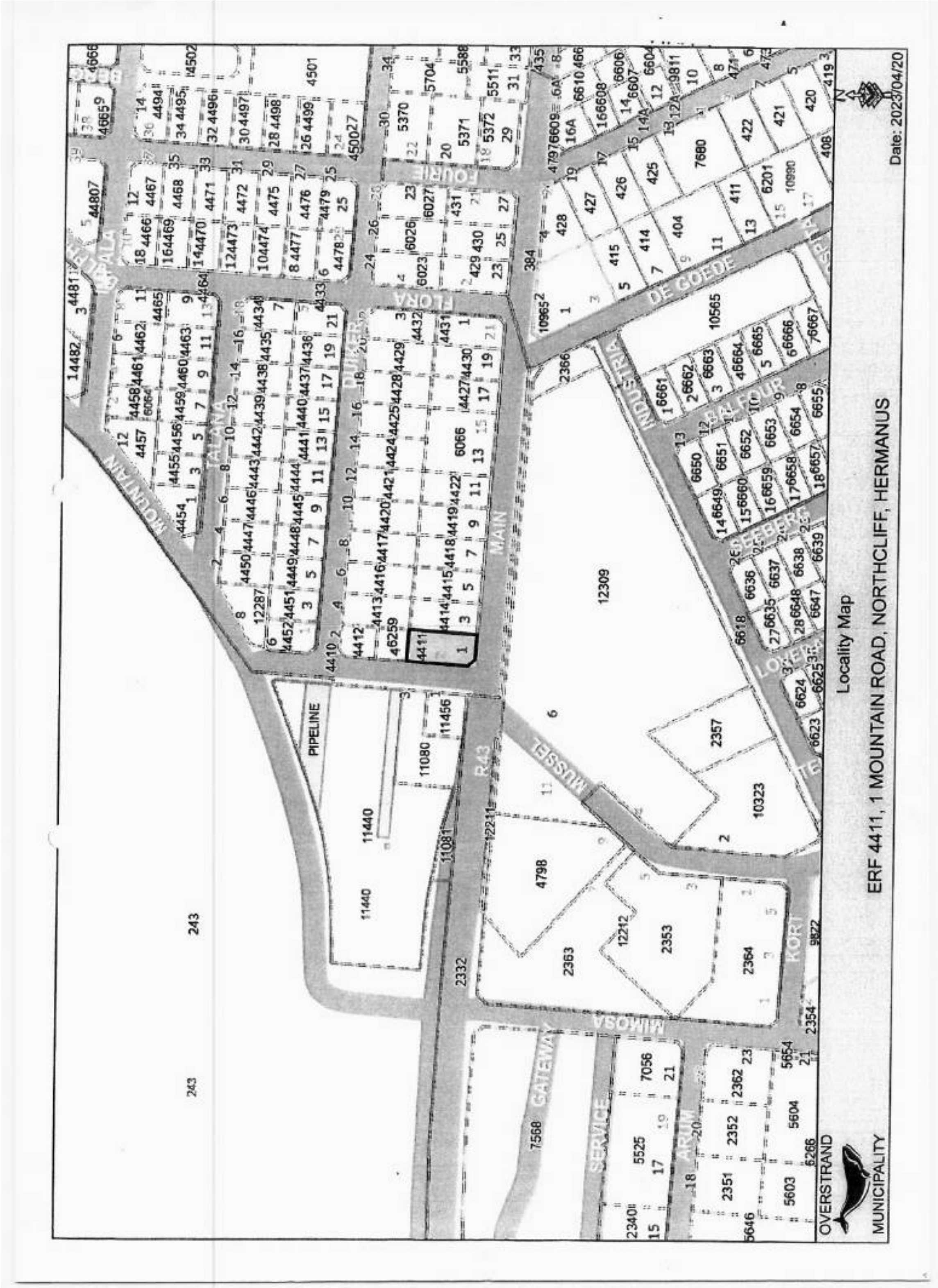
REASONS FOR RESOLUTION

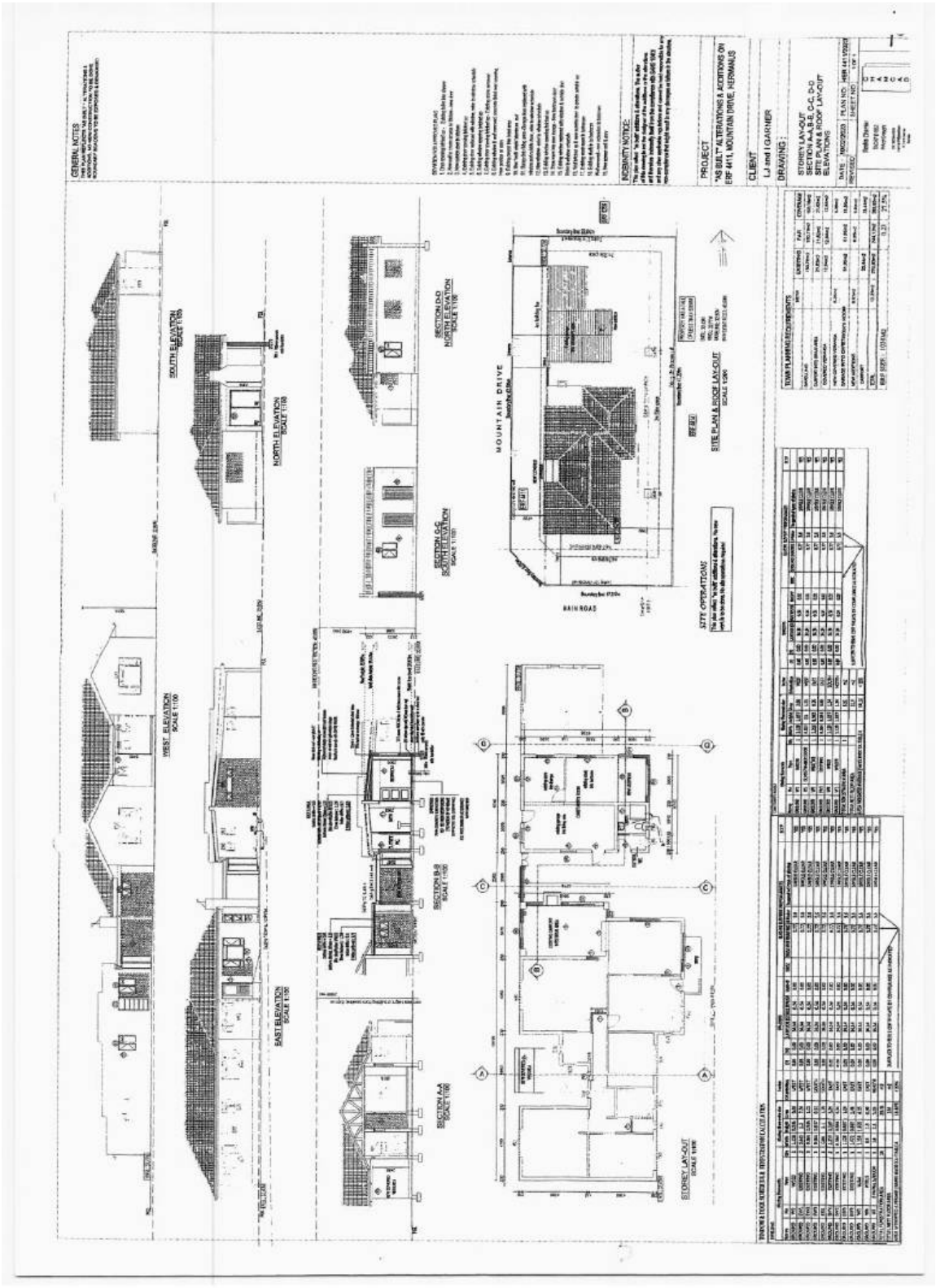
POINTS 1 & 2

- The application has followed due procedure.
- It is in line with the aims of the Overstrand SDF.
- No objections were received from neighbours.
- The building line encroachment is minor encroachment and is historic.
- The second dwelling is an existing situation and will have no additional impact on surrounding property owners.
- The application will not have a negative impact on the Single Residential character of the area.

POINT 3

- The second dwelling expanded over the years and there was no application to legalize the application.
- The current property owner should have applied due diligence and should have familiarized him/her with the approved buildings plans for the property prior to purchasing the property.


Locality Map
ERF 4411, 1 MOUNTAIN ROAD, NORTHCLIFF, HERMANUS
Date: 2023/04/20
OVERSTRAND
MUNICIPALITY
MOUNTAIN
MAIN
R43
FLORA
FOURIE
DE GOEDE
INDUSTRIA
MUSSEL
MIMOSA
KORT
GATEWAY
SERVICE
ARUM
PIPELINE


GENERAL NOTES
SOUTH ELEVATION
SCALE 1:100
WEST ELEVATION
SCALE 1:100
NORTH ELEVATION
SCALE 1:100
EAST ELEVATION
SCALE 1:100
SECTION A-A
SCALE 1:100
SECTION B-B
SCALE 1:100
SECTION C-C
SOUTH ELEVATION
SCALE 1:100
SECTION D-D
NORTH ELEVATION
SCALE 1:100
STOREY LAY-OUT
SCALE 1:100
SITE PLAN & ROOF LAY-OUT
SCALE 1:200
MOUNTAIN DRIVE
RAIN ROAD
SITE OPERATIONS
INDEMNITY NOTICE:
PROJECT
"AS BUILT" ALTERATIONS & ADDITIONS ON
ERF 6411, MOUNTAIN DRIVE, HERMANUS
CLIENT
LJ and I GARMER
DRAWING :
STOREY LAY-OUT
SECTION A-A, B-B, C-C, D-D
SITE PLAN & ROOF LAY-OUT
ELEVATIONS
DATE : 30/03/2023
PLAN NO. : HBR 6411/2023
SHEET NO :
TOWN PLANNING REQUIREMENTS

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 4411, NORTHCLIFF (4371/2022)

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 4411, Northcliff, unobstructed;

7. that no on-street parking be allowed.

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

12/06/2023
DATE

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

18. ERF 5725, 19 KEURBOOM AVENUE, HEUNINGKLOOF, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION DEPARTURE AND ADMINISTRATIVE PENALTY: J VAN NIEKERK ON BEHALF OF JCDEW & M VAN NIEKERK

5725 KU6 (4071/2022)
H van der Stoep (028) 313 8900 Hermanus Administration
2 October 2023

EXECUTIVE SUMMARY

An application has been received on 25 February 2022 from J van Niekerk on Erf 5725, Heuningkloof, Kleinmond 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 lateral building line from 2m to 0,95m to accommodate a carport.

- **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 of the restriction of the 9m or third of structures over a building line lateral building line to 15m to accommodate a carport.

- **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 construction the pergola and carport without an approved building plan.

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 5725, Kleinmond for the following departures:

   - to relax the lateral building line from 2m to 0,95m to accommodate a carport;
   - to relax the restriction of the 9m or third of structures over a building line lateral building line to 15m to accommodate a carport;

   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 plan numbers D0012-07 dated 9 September 2021 and D0012-08 to 10 dated 10 January 2021, 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 Department reflecting the approval for approval, and that all conditions of the Building– and the Fire Department be complied with at that stage;

(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 owner/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

(g) that all the conditions in the Services Report be complied with.

2. that the 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 on Erf 5725, Kleinmond for construction the pergola and carport without an approved building plan was considered and that an administrative penalty for an amount R1662,51 (including VAT), **be applicable** in terms of Section 90.(4) of the By-Law which penalty must be paid within thirty (30) days from the final date of the decision of the application.

3. 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.

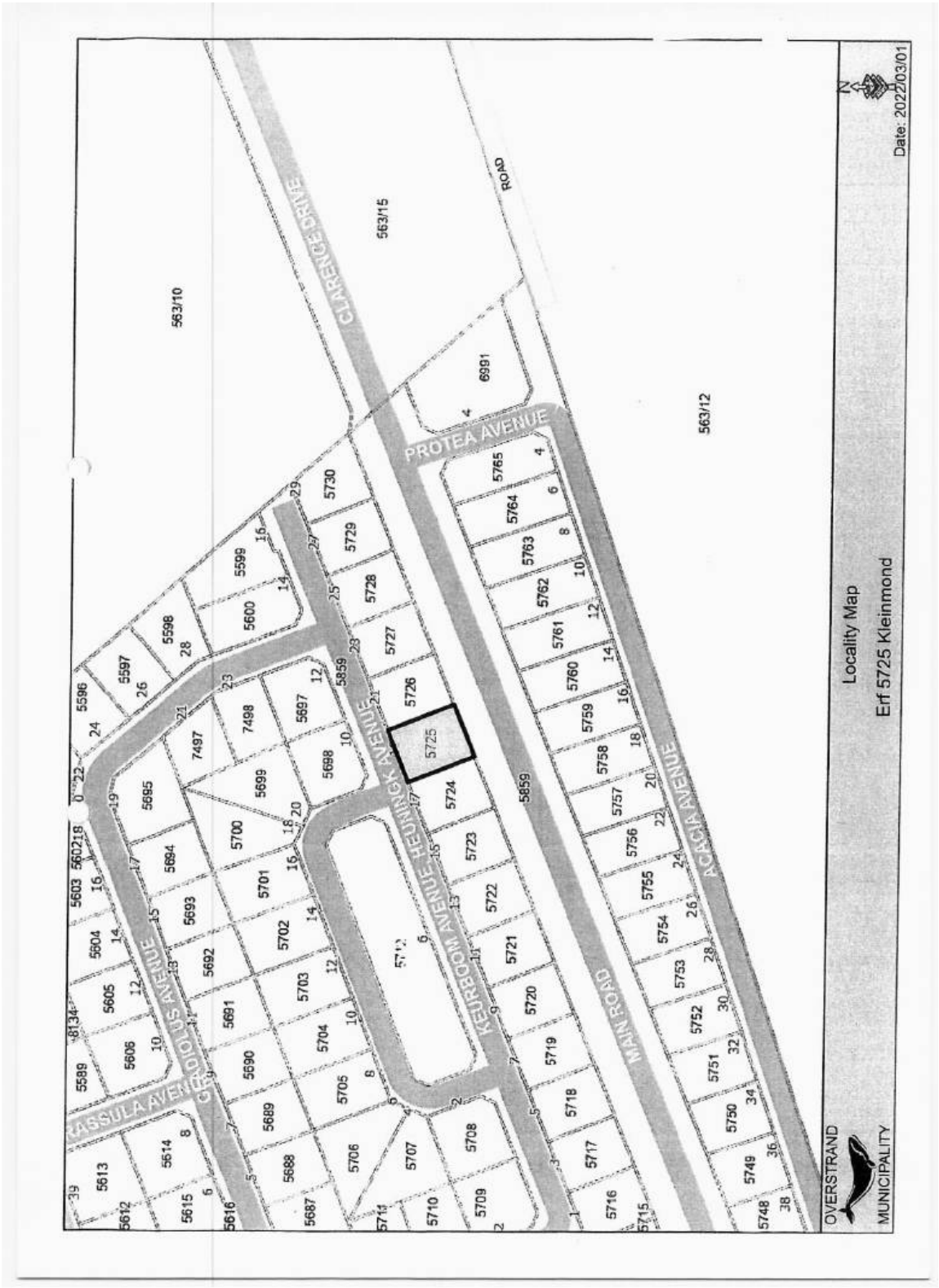
REASONS FOR RESOLUTION

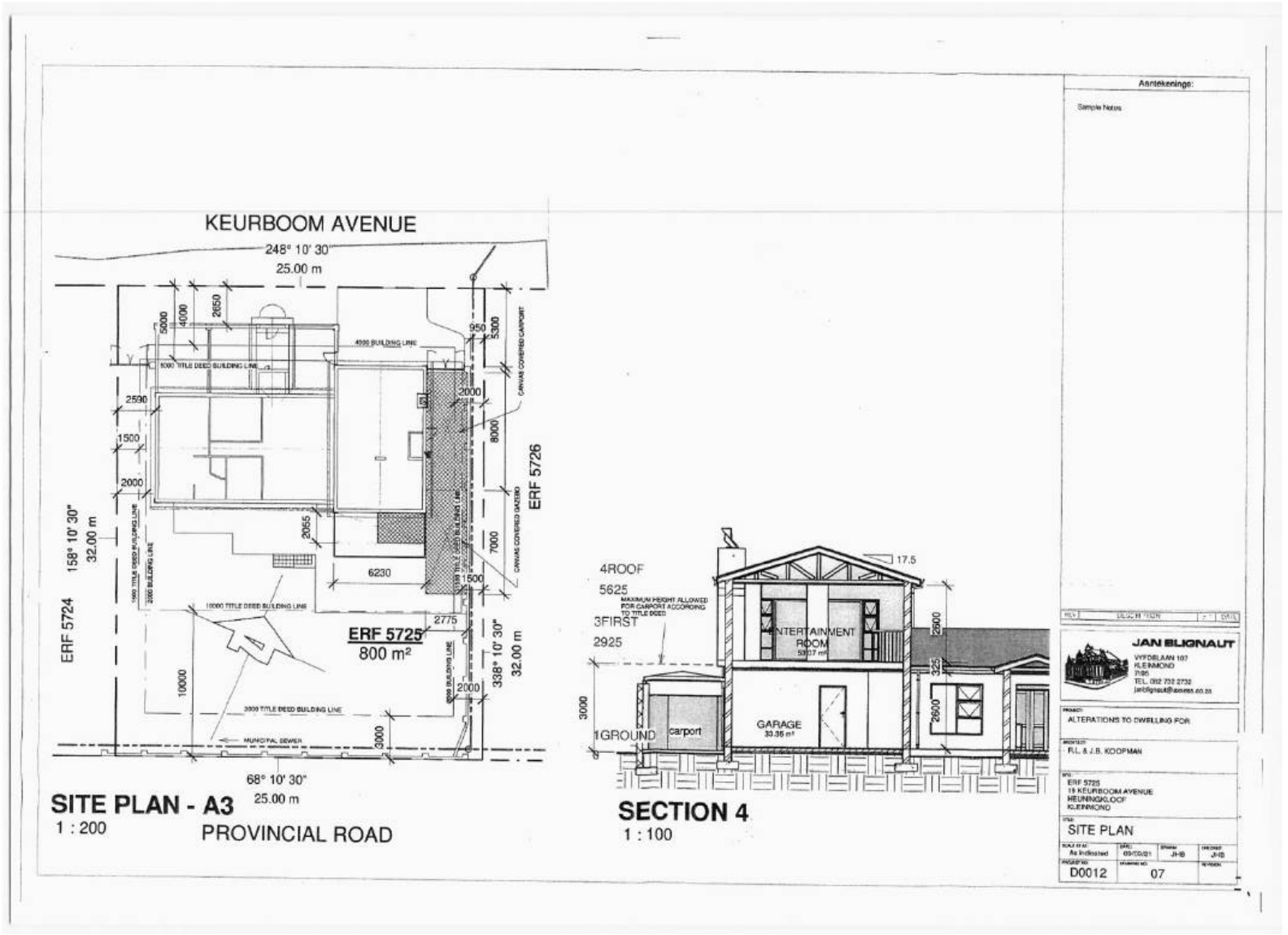
POINT 1: APPROVAL

- The application has followed due procedure.
- It is in line with the aims of the Overstrand SDF.
- The adjacent neighbour consented to the transgression.
- The incorrect placement of the boundary wall was resolved with the owner of Erf 5724 and consent was given to the applicant for the carport.

POINT 2: ADMINISTRATION PENALTY

- The applicant erected the structures illegally without an approved building plan.
- The penalty is only applicable to the area transgressing the 1,5m as was applicable in the previous Kleinmond Scheme and Title Deed.


Locality Map
Erf 5725 Kleinmond
OVERSTRAND
MUNICIPALITY
Date: 2022/03/01
CLARENCE DRIVE
PROTEA AVENUE
MAIN ROAD
ACACIA AVENUE
HEUNINCK AVENUE
KEURBOOM AVENUE
CASSULA AVENUE
563/10
563/15
563/12
5725
5726
5727
5728
5729
5730
5724
5723
5722
5721
5720
5719
5718
5717
5716
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5610
5609
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5601
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5597
5596
5595
5694
5693
5692
5691
5690
5689
5688
5687
7498
7497
8134


KEURBOOM AVENUE
248° 10' 30"
25.00 m
ERF 5724
158° 10' 30"
32.00 m
ERF 5726
338° 10' 30"
32.00 m
ERF 5725
800 m²
68° 10' 30"
25.00 m
PROVINCIAL ROAD
SITE PLAN - A3
1 : 200
4ROOF
5625
3FIRST
2925
1GROUND
carport
GARAGE
ENTERTAINMENT ROOM
SECTION 4
1 : 100
Aantekeninge:
JAN BLIGNAUT
ALTERATIONS TO DWELLING FOR
R.L. & J.B. KOOPMAN
ERF 5725
18 KEURBOOM AVENUE
HEUNINGKLOOF
KLEINMOND
SITE PLAN
D0012
07

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE: ERF 5725, KLEINMOND

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 developer'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 developer's cost;

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 5725 Kleinmond, unobstructed.

p.p. R Cockran — 11/08/2022

DENNIS HENDRIKS — **DATE**
SENIOR MANAGER: ENGINEERING SERVICES

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

19. ERF 5057, KIDBROOKE RETIREMENT VILLAGE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR AMENDMENT OF APPROVED SITE DEVELOPMENT PLAN: INTERACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF THE TRUSTEES FOR THE TIME BEING OF THE HUDD TRUST

5057 HON (4344/2023)
H Olivier **(028) 313 8900** **Hermanus Administration**
1 September 2023

EXECUTIVE SUMMARY

An application was received on 24 February 2023 from Messrs Interactive Town and Regional Planner's on behalf Trustees for the time being the Hudd Trust on Erf 5057, Onrustrivier in terms of Section 16(2)(I) of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 for the amendment of the Site Development Plan to allow for a proposed new care centre for frail and dementia care with sixteen (16) rooms, and also to allow for the change of use of the existing care centre into ten (10) additional retirement dwelling units.

RESOLUTION

1. that the application in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5057, Onrustrivier for the Amendment of the Approved Site Development Plan to allow for a proposed new care centre for frail and dementia care with sixteen (16) rooms, and to allow for the change of use of the existing care centre into ten (10) additional retirement dwelling units, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

   (a) that the alterations/extensions on the property be in line with the submitted Site Development Plan and Plans 2002 dated 14 February 2023 and plan C-002 dated 18 January 2023;

   (b) that building plans be submitted for all new buildings 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 this approval does not absolve the applicant from compliance with any other relevant legislation;

(d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;

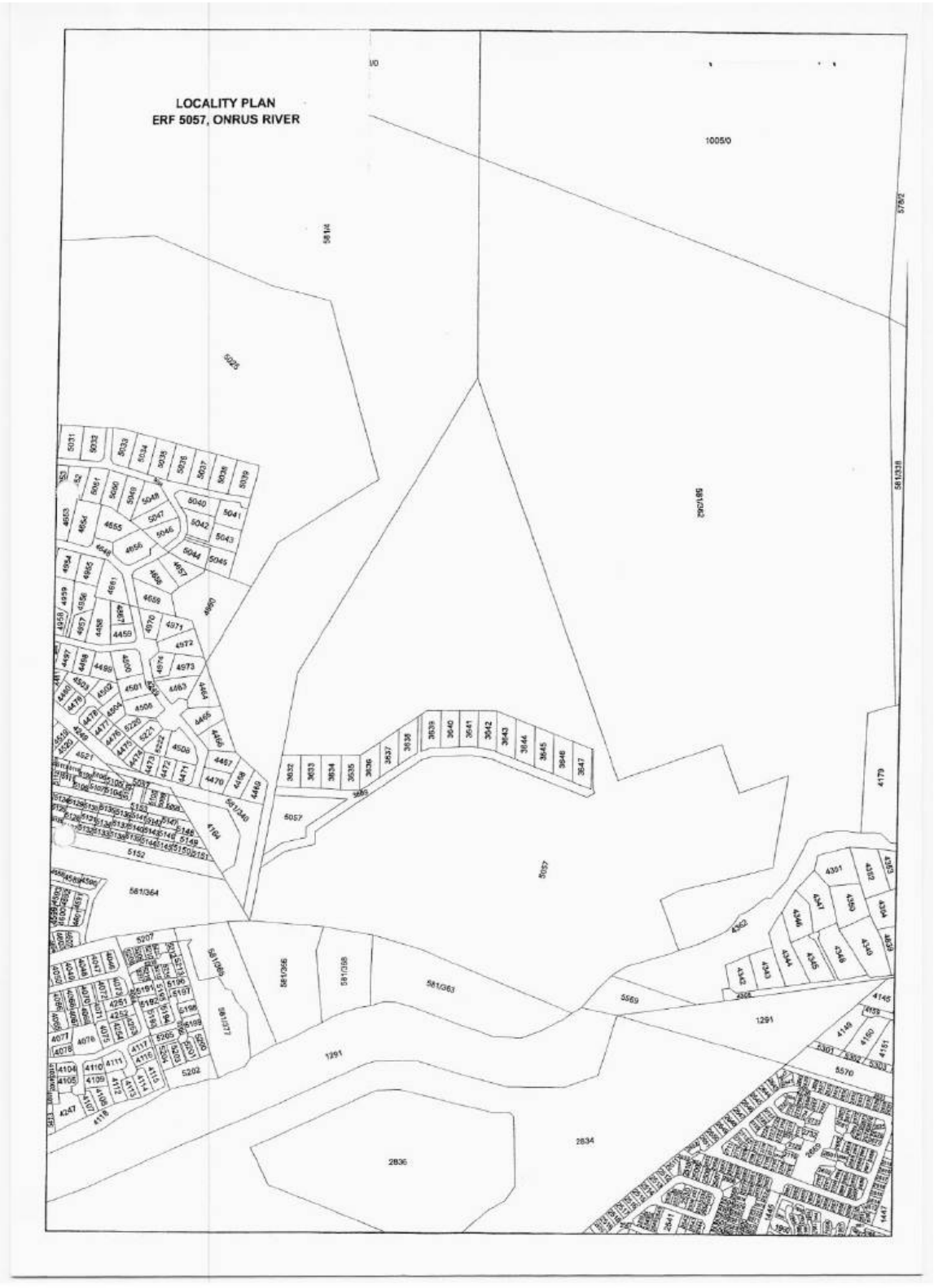
(e) that all the conditions in the Services Report be complied with, and

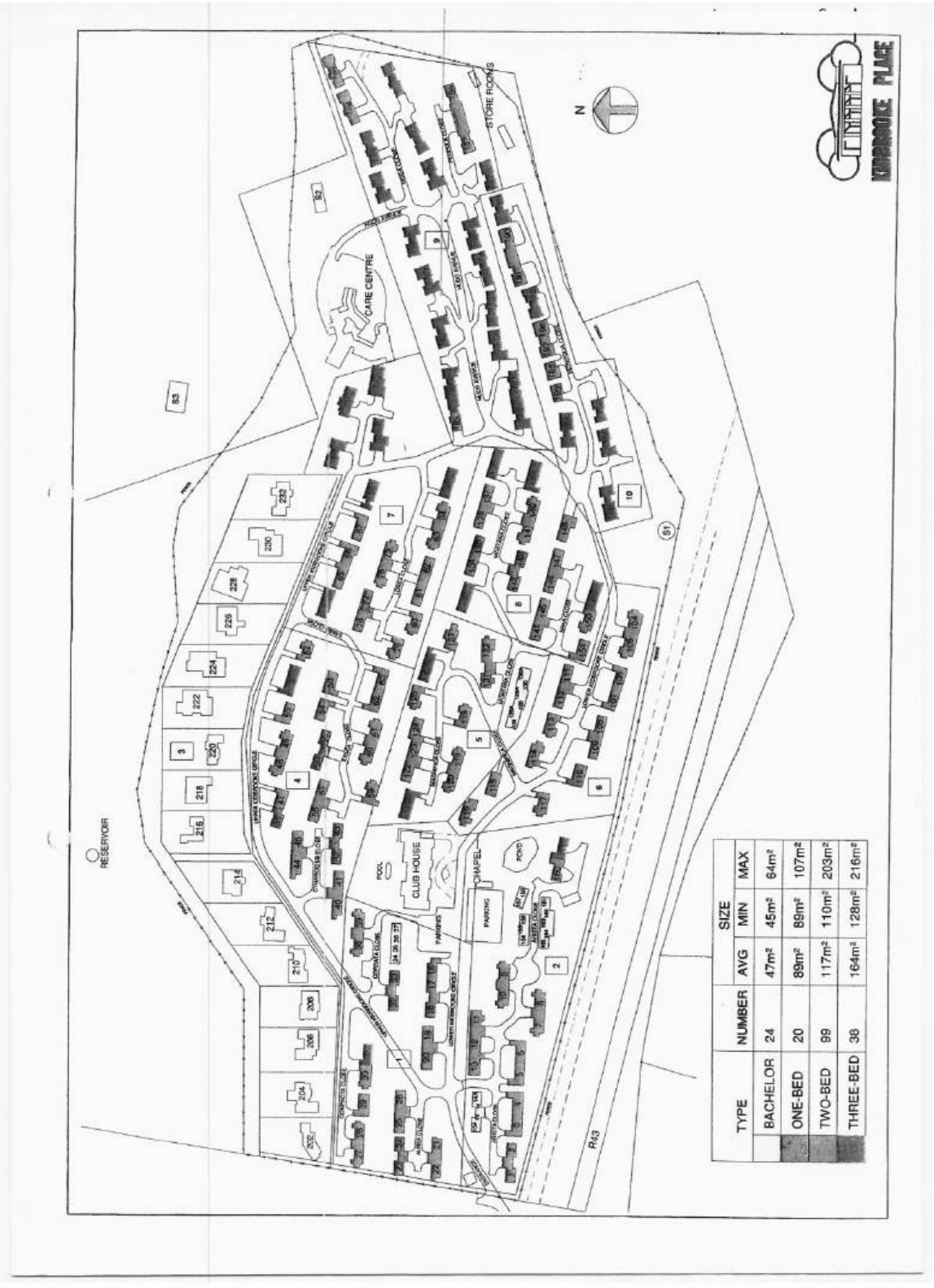
(f) that all the conditions imposed by Telkom be complied with.

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 decision.

REASONS FOR RESOLUTION

- No new municipal services will be required.
- The application will increase the income in Kidbrooke development and thereby help maintain the development.
- The municipal and state departments support the application.
- No objections were received against the application.
- The additions and alterations to the existing care centre into 10 retirement units will not have an impact on services, and it is also in line with the character of the surrounding area.
- The new proposed care facility for 16 rooms will have minimal impact on traffic and services, and it is designed in such a manner that it will fit in with the existing character of the area.
- The application in in line with SPLUMA and LUPA principles as the existing facilities and land will be used more efficiently and it will help the development to be more spatially resilient.
- The application will have no impact on the character of the area or the surrounding property owners.
- The application is desirable.


LOCALITY PLAN
ERF 5057, ONRUS RIVER
10050
5814
5025
5057
581/364
581/363
581/338
581/356
581/358
581/357
581/349
2836
2834
1291
5569
5570
5202
5152
4104
4179


KINGSBROKE PLACE
N
STORE ROOMS
CARE CENTRE
CLUB HOUSE
POOL
CHAPEL
POND
PARKING
RESERVOIR
R43
TYPE
NUMBER
SIZE
AVG
MIN
MAX
BACHELOR 24 47m² 45m² 64m²
ONE-BED 20 89m² 89m² 107m²
TWO-BED 99 117m² 110m² 203m²
THREE-BED 38 164m² 128m² 216m²

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR AMENDMENT OF APPROVED SITE DEVELOPMENT PLAN: ERF 5057, ONRUS RIVER (4344/2023)

Stormwater (SW)	:	In order
Electricity	:	Eskom
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 should additional services connections be required, the owner will be responsible for the payment of bulk services levies;

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 on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;

5. that any additional and / or extended vehicle entrances will be for the developer's account;

6. 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;

7. that stormwater be allowed to discharge through Erf 5057,Onrus River, unobstructed.

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

01/06/2023
DATE

20. ERF 6127, 35 MARINE DRIVE, WESTCLIFF, HERMANUS: OVERSTRNAD MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS PLANACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF G L ILSINK BEHEER B V INCORPORATED IN THE NETHERLANDS

6127 HWC (4354/2023)
H Boshoff (028) 313 8900 Hermanus Administration
6 October 2023

EXECUTIVE SUMMARY

An application was received on 13 March 2023 from Messrs PlanActive Town- and Regional Planners on behalf of G L ILSINK BEHEER B V INCORPORATED IN THE NETHERLANDS applicable to Erf 6127, Hermanus for the following:

- Departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) to:

  - relax the rear building line from 2m to ±1.018m to accommodate a caretaker's quarters;
  - relax the eastern lateral building line from 2m to ±1.485m to accommodate a portion of the caretaker's quarters, and a portion of a proposed pergola above a new stoep in front of the structure; and to
  - relax the eastern lateral building line from 2m to ±1.337m to accommodate a portion of a pergola attached to the dwelling unit.

RESOLUTION

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law), applicable to Erf 6127, Hermanus, to:

   • relax the rear building line from 2m to ±1.018m to accommodate a caretaker's quarters;
   • relax the eastern lateral building line from 2m to ±1.485m to accommodate a portion of the caretaker's quarters, and a portion of a proposed pergola above a new stoep in front of the structure; and to
   • relax the eastern lateral building line from 2m to ±1.337m to accommodate a portion of a pergola attached to the dwelling unit,

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

2. that the above approvals be subject to the following conditions:

   (a) that the structure may not be fitted with any form of kitchen or be used for self-catering purposes whatsoever without the prior written approval of the municipality;

   (b) that all encroachments must be restricted to the dimensions as per the layout plans nos. I 0455 / A1 / 04, I 0455 /A1 / 05, I 0455 / A3 / 06, I 0455 / A3 / 07, and I 0455 / A3 / 08 dated 08.12.2022 that was submitted with the application;

   (c) that building plans be submitted to the Building Department for approval and that all conditions of the Building- and the Fire Departments at that stage, be complied with;

   (d) that the local heritage committee provide its comment on the building plan application;

   (e) that the conditions of Engineering Services attached be complied with;

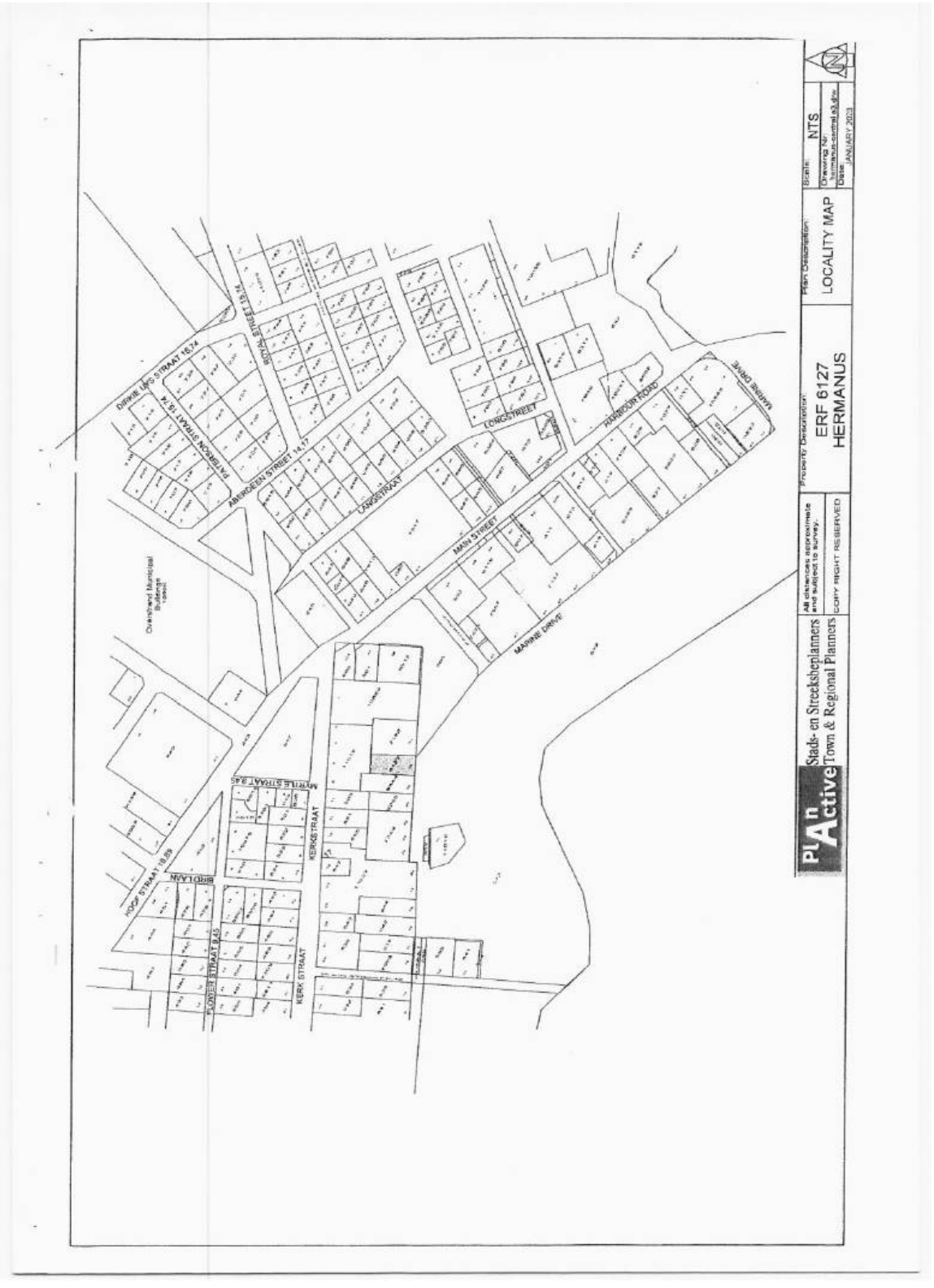
   (f) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

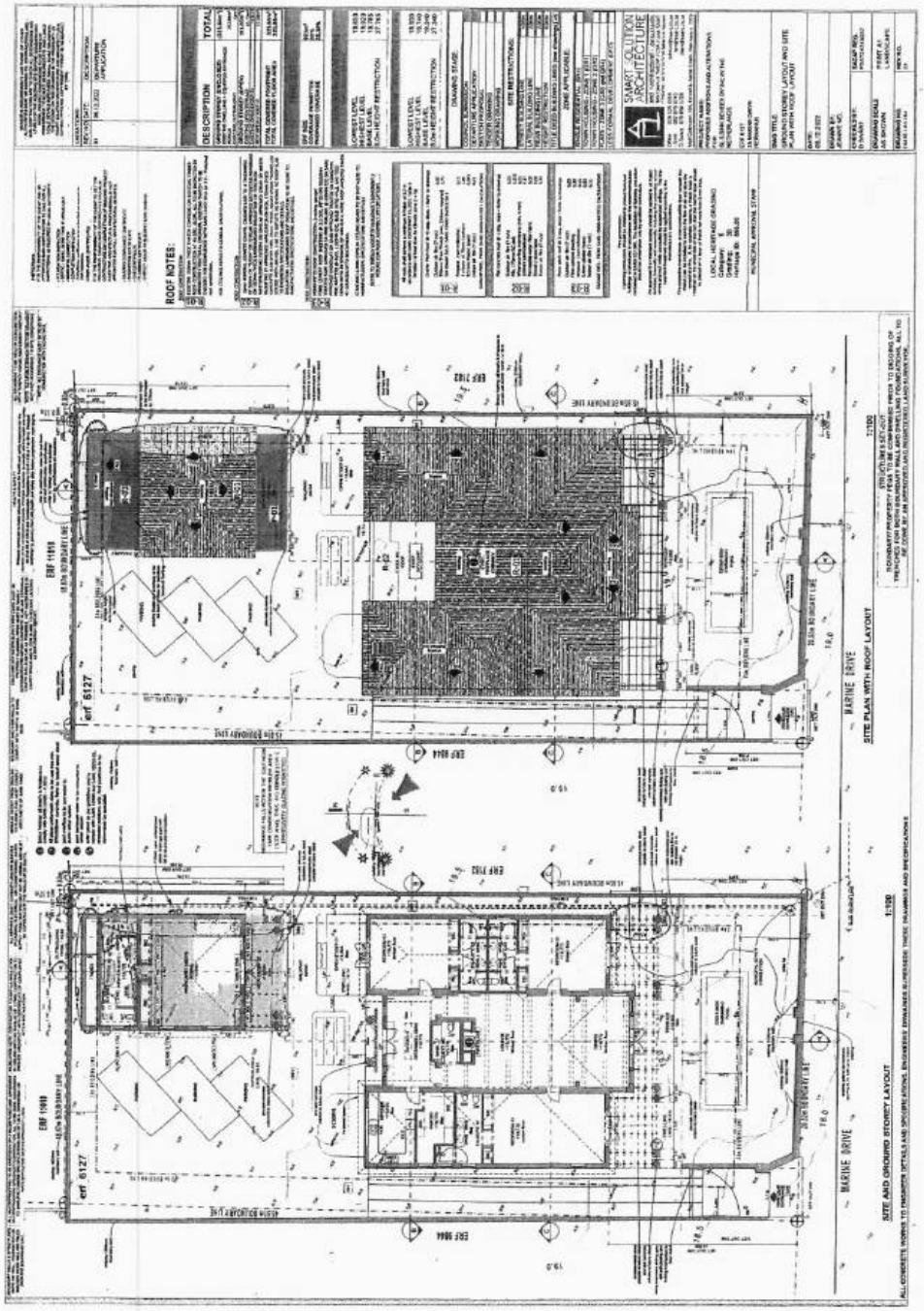
   (g) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.

3. 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 with regard to the conditions in 2. above.

REASONS FOR RESOLUTION

- The application has followed due procedure.
- No objections were received from the public.
- It is in line with policy documents.
- Is not regarded as being undesirable from a town planning point of view.


DIRKIE UYS STRAAT 16.74
BEDFORD STREET 15.75
PATTERSON STRAAT 15.74
ABERDEEN STREET 14.77
LONGSTREET
LANGSTRAAT
MAIN STREET
ASHTON ROAD
MARINE DRIVE
Overstrand Municipal Buildings (west)
NEWTLE STRAAT 9.45
KERKSTRAAT
HOOF STRAAT 10.89
BIRD LAAN
KERK STRAAT
Plan Description:
LOCALITY MAP
Property Description:
ERF 6127
HERMANUS
Scale: NTS
Drawing No: terrmap3.dgn
Date: JANUARY 2023
Plan Active
Stads- en Streeksbeplanners
Town & Regional Planners
All distances approximate and subject to survey.
COPY RIGHT RESERVED


ROOF NOTES:
SITE AND GROUND STOREY LAYOUT
SITE PLAN WITH ROOF LAYOUT
MARINE DRIVE
erf 6127

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE: ERF 6127, WESTCLIFF (4354/2023)

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. R Groden
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

07/07/2023
DATE

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

21. ERF 3461, 16 RHEEZICHT CRESCENT, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: INTERACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF WJ VAN ZYL

3461 HON (4408/2023)
H Olivier (028) 313 8900 Hermanus Administration
21 September 2023

EXECUTIVE SUMMARY

An application was received on 5 June 2023 from Interactive Town and Regional Planners on behalf of WJ van Zyl on Erf 3461, 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 western lateral building line from 2m to 0.417m to accommodate the existing main bedroom and on-suite, and to relax the eastern lateral building line from 2m to 1,748m to accommodate an existing built braai.

- **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 existing built braai.

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 3461, Onrustrivier for a departure to relax the western lateral building line from 2m to 0.417m to accommodate the existing main bedroom and on-suite, and to relax the eastern lateral building line from 2m to 1,748m to accommodate an existing built braai, **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 Plan House Van Zyl dated 8 June 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 the conditions imposed by Eskom be complied with;

(f) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

(g) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.

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 3461, Onrustrivier for the unauthorized structures which encroach the permissible building line, not be imposed.

3. 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.

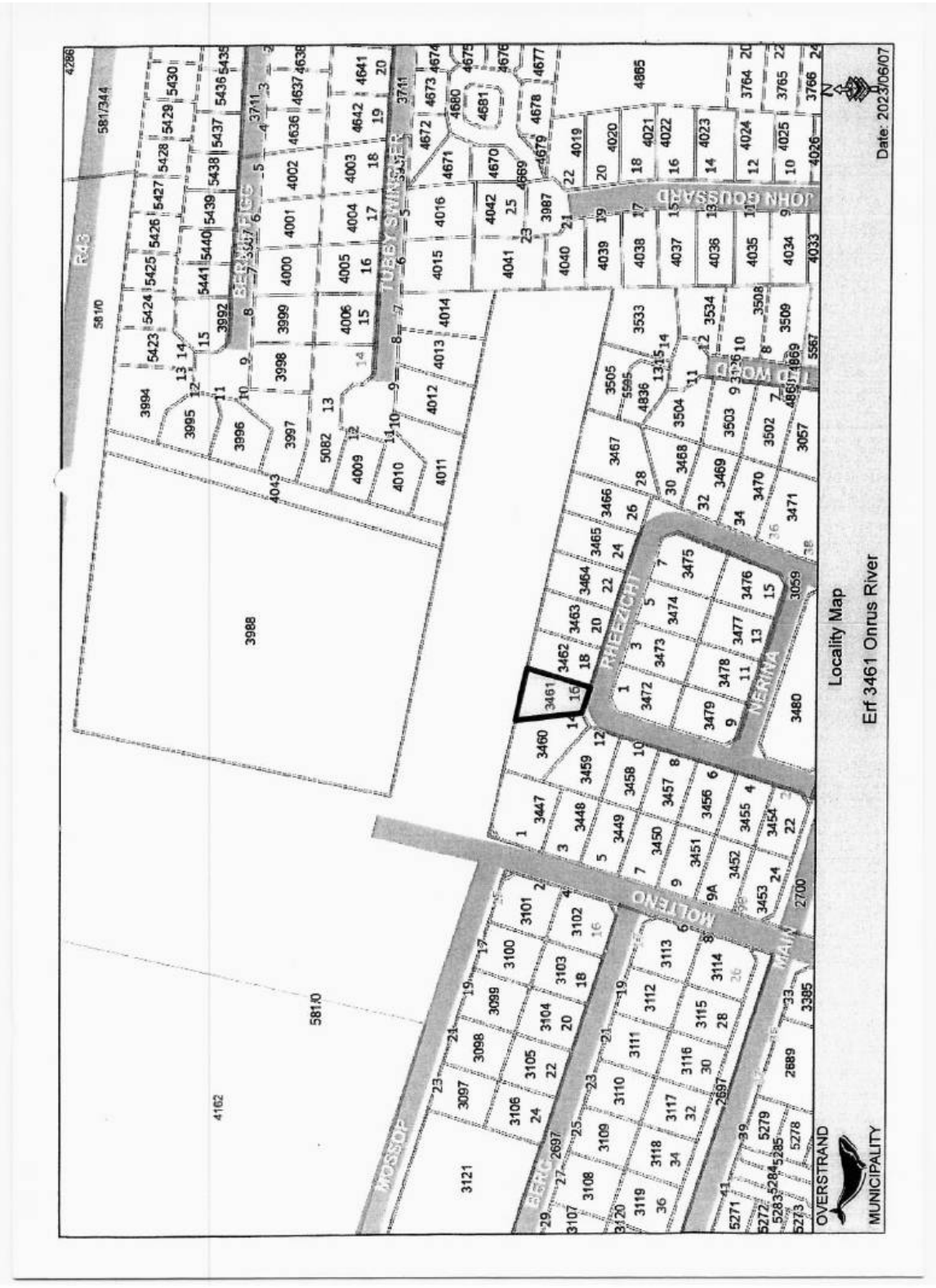
REASONS FOR RESOLUTION

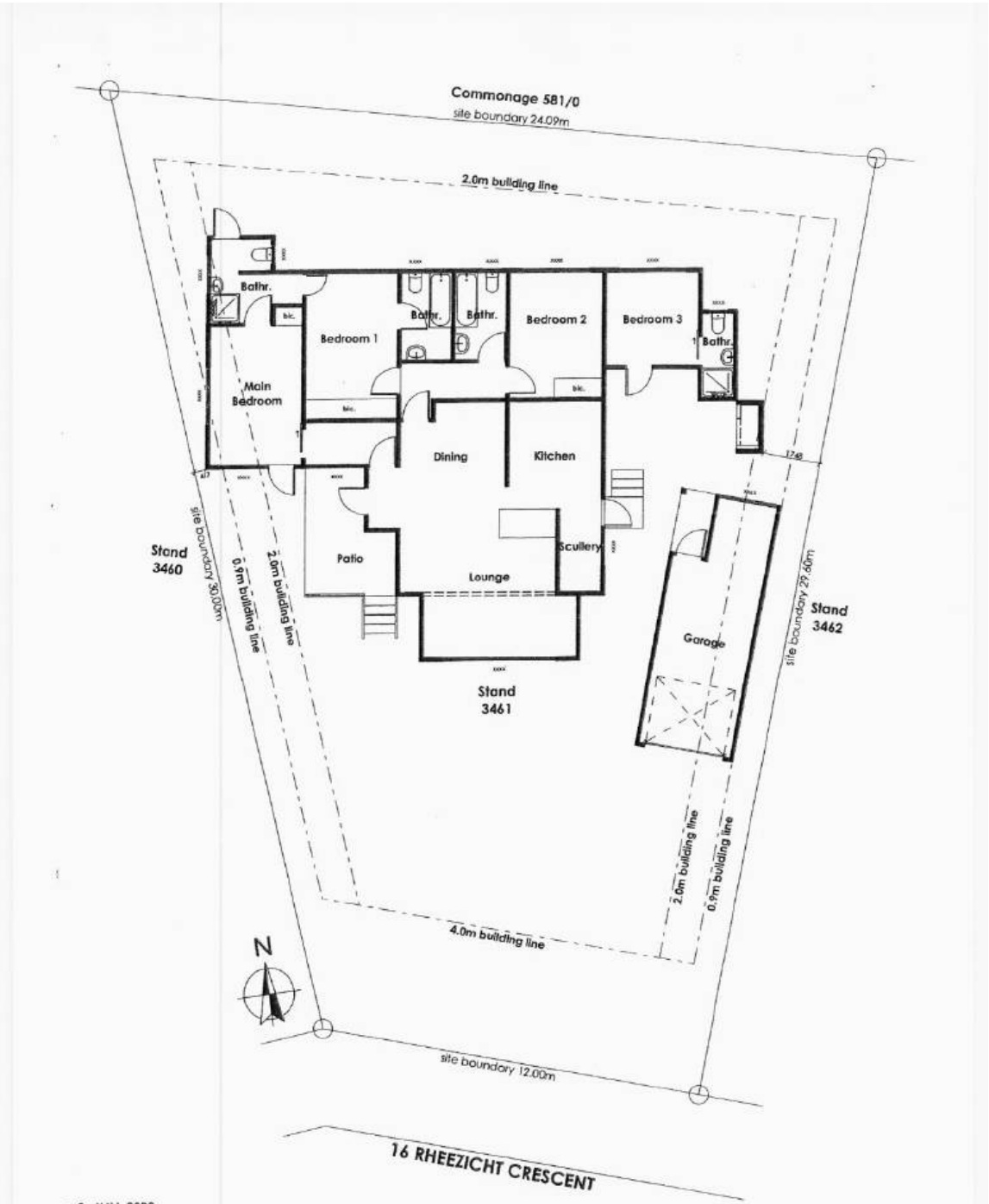
POINT 1

- The application has followed due procedure.
- No objections were received from surrounding neighbours or Municipal Branches.
- It is in line with policy documents.
- The existing built braai and the portions of the dwelling encroaching the building line is historic structures and will have no additional impact on the neighbours or the character of the area.
- The application is regarded as being desirable from a town planning point of view.

POINT 2

- This former landowner constructed the dwelling in 1991 and the braai prior to 2002, and it would thus not be reasonable to require that the new landowner who purchased the property in 2010 be held liable for the encroachments.
- The dwelling encroaching the building line should have been identified by the builder and building inspector in 1991.
- The braai only encroaches the lateral building line with 0,252m, and the land use scheme makes provision that chimney breasts can encroach 0.5m over lateral building lines.


R43
581/344
5810
3988
4162
5810
MOSSOP
MOLTENO
RHEEZICHT
NERINA
JOHN GOUSSARD
TUBBY SWINGLER
BERNARD RIGG
Locality Map
Erf 3461 Onrus River
Date: 2023/06/07
OVERSTRAND
MUNICIPALITY
N


Commonage 581/0
site boundary 24.09m
2.0m building line
Bathr.
Bedroom 1
Bathr.
Bathr.
Bedroom 2
Bedroom 3
Bathr.
Main Bedroom
Dining
Kitchen
Patio
Lounge
Scullery
Garage
Stand 3460
Stand 3461
Stand 3462
site boundary 30.00m
0.9m building line
2.0m building line
site boundary 29.60m
4.0m building line
N
site boundary 12.00m
16 RHEEZICHT CRESCENT
12 JUN 2023
House Van Zyl | Site & Ground Floor
Thursday, 08 June 2023
FINLAYSON VAN DER MERWE
ARCHITECTS

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 3461, ONRUS RIVER (4408/2023)

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.

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

20/07/2023
DATE

22. ERF 1068, 52 END STREET, SANDBAAI: OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF ERF 760 BOSKRUIN EXT 25 CC

1068 HSB (4339/2023)
(H Boshoff)
H van der Stoep **(028) 313 8900** **Hermanus Administration**
19 October 2023

EXECUTIVE SUMMARY

The following application has been received on 14 February 2023 from Messrs WRAP Project Office on behalf of ERF 760 BOSKRUIN EXT 25 CC for departure 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 southern lateral building line of Erf 1068, Sandbaai from 3m to 2m to accommodate the addition of a combined theatre and preparation room to the existing veterinary practice on the property.

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), to relax the southern lateral building line of Erf 1068, Sandbaai from 3m to 2m to accommodate the addition of a combined theatre and preparation room to the existing veterinary practice on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;

2. that the above approval be subject to the following conditions:

   (a) that the relevant conditions of the approval by the Authorised Official on 10 May 2022, must still be complied with;

   (b) that the above approval is only applicable to the dimensions as set out on plan number *VD.2023.01-A101* dated *09/02/2023* that was submitted with the application;

   (c) that building plans be submitted to the Building Department for approval and that all requirements of the Building Department and Fire Services at that stage, must be complied with;

   (d) that the conditions of Engineering Services, must be complied with; and

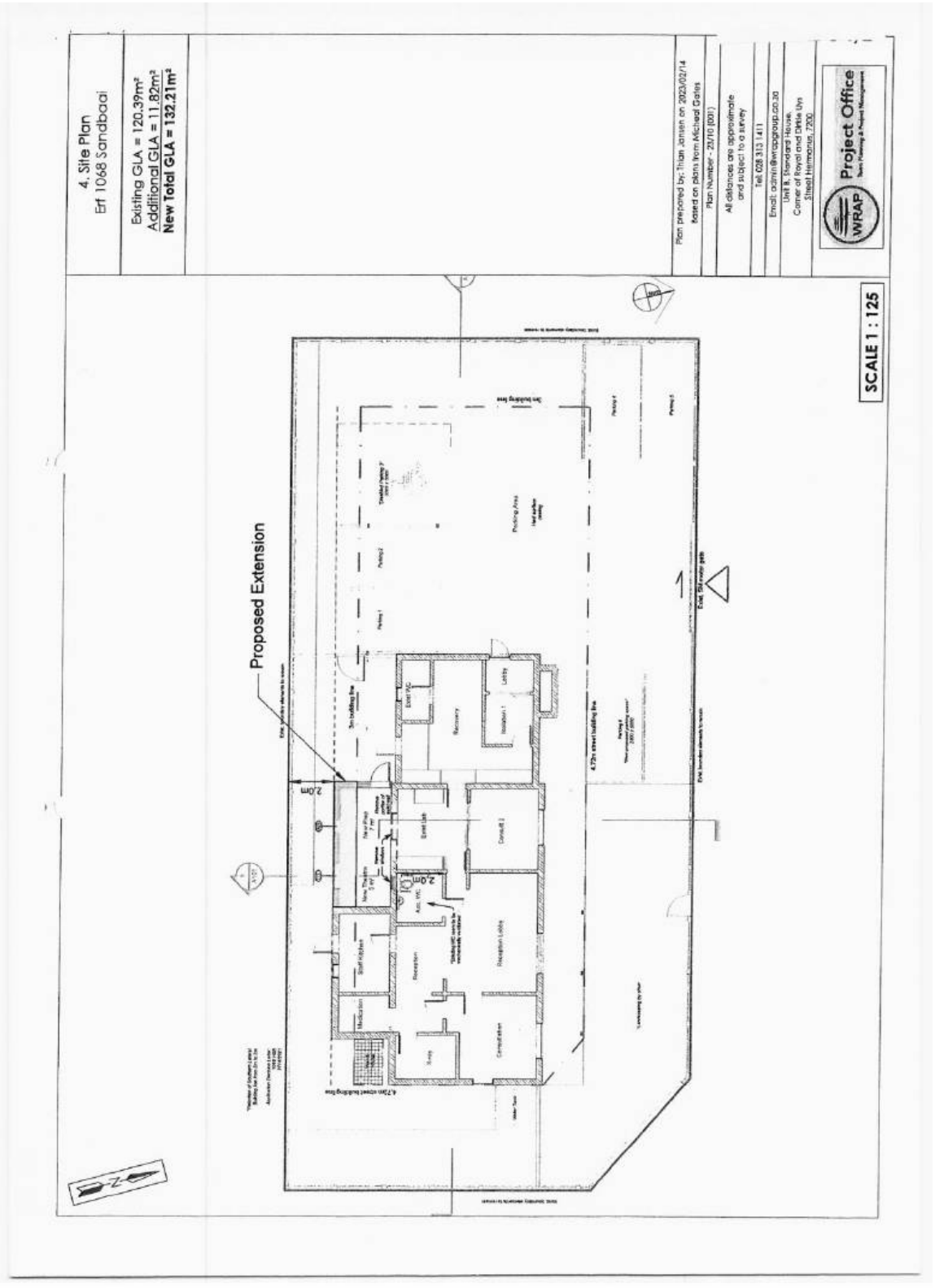
(e) that this approval does not absolve the landowner from compliance with any other relevant legislation.

3. that the applicant be notified of its 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 conditions in 2. above.

REASONS FOR RESOLUTION

- The application has followed due procedure.
- No objections were received from the public.
- Additional job opportunities will be created.
- The practice is a service to the surrounding and broader community.
- The impacts, if any, of the rights of surrounding property owners, are regarded insignificant.
- It is not regarded as being undesirable from a town planning perspective.


1. Locality Plan
Erf 1068 - Sandbaai
Subject property
Plan prepared by: Thian Jansen
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200
WRAP
Project Office
N
1067
1068
1069
Scale 1 : 500
N
HOOFSTRAAT
STRAAT 20.00
2051/2000
4228/1943
Scale 1 : 4 000
ANDBAAI (CALEDON)


4. Site Plan
Erf 1068 Sandbaai
Existing GLA = 120.39m²
Additional GLA = 11.82m²
New Total GLA = 132.21m²
Plan prepared by: Thian Jansen on 2023/02/14
based on plans from Michael Gates
Plan Number: - 23/10 (001)
All distances are approximate
and subject to a survey
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit 8, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200
Project Office
WRAP
SCALE 1 : 125
Proposed Extension
2.0m

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 1068, SANDBAAI (4339/2023)

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 1068, Sandbaai, unobstructed;

7. that no on-street parking be allowed.

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

18/04/2023
DATE

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

23. ERF 88, 1 SEA VIEW DRIVE, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF LJ & C SMIT

88 GFK (4355/2023)
B Minnaar (028) 313 8900 Hermanus Administration
12 October 2023

EXECUTIVE SUMMARY

An application has been received in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on 14 December 2022 from Messrs InterActive Town & Regional Planning on behalf of LJ & C Smit, the owners of Erf 88, Franskraal for the following:

- **Removal of Restrictive Title Deed Conditions** in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed condition C.20(d) as contained in Title Deed T21892/2002 of the property to accommodate the proposed build structures encroachment over building lines.

  The restrictive title conditions read as follows:

  "C.20 Hierdie erf is onderhewig aan die volgende voorwaardes met dien verstande dat indien die Administrateur na oorleg met die Dorpskommissie en die plaaslike owerheid dit raadsaam ag dat die beperking in enige sodanige voorwaarde te eniger tyd opgeskort of versag behoort te word, hy die nodige opskorting of versagting kan goedkeur, onderworpe aan sodanige voorwaardes as wat hy oplê:

  (d). geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings mag binne 4,72 meter van die straatlyn wat 'n grens van hierdie erf vorm opgerig word nie ook nie binne 3,15 meter van die agtergrens of 1,57 meter van die sygrens van 'n aangrensende erf nie, met die verstande dat 'n buitegebou met die toestemming van die plaaslike owerheid mag opgerig word op die voorgeskrewe ruimte langs die agtergrens, mits sodanige buitegebou nie 'n hoogte van 3,05 meter te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die ankerplaat en mits

geen gedeelte daarvan vir bewoningsdoeleindes deur mense aangewend word nie."

- **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 0m to accommodate the existing storeroom;
  - eastern lateral building line from 2m to 1.6m to accommodate the existing bedroom bay window;
  - eastern lateral building line from 2m to 1.7m to accommodate the proposed braai;
  - western street building line from 4m to 3.1m to accommodate the proposed sunroom;
  - the permissible height restriction applicable to boundary walls from 2.1m to 3.1m above natural ground level to accommodate balustrades on the proposed boundary wall; and
  - relaxation onto the street- and lateral property boundaries to accommodate filling over 1m to 2.1m above natural ground level.

- **Determination of Administrative Penalty** in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 in order to accommodate the existing outbuilding.

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 on Erf 88, Franskraal for the removal of restrictive title deed condition C.20(d) as contained in Title Deed T21892/2002 of the property to accommodate the built structures over the applicable building lines, **be approved**, in terms of the provisions of Section 61 of the By-Law;

2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 88, Franskraal to the following departures:

   - ❖ to relax the eastern lateral building line from 2m to 0m to accommodate the existing storeroom;
   - ❖ to relax the eastern lateral building line from 2m to 1.6m to accommodate the existing bedroom bay window;
   - ❖ to relax the eastern lateral building line from 2m to 1.7m to accommodate the proposed braai, and
   - ❖ to relax the western street building line from 4m to 3.1m to accommodate the proposed sunroom;

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

3. that the recommendations in Points 1. - 2. above be subject to the following conditions:

   (a) that the approval for the departure is only for the development over building lines as indicated on plan *02/JS/22* dated *03 March 2023*, 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 the conditions imposed by Engineering Services and Telkom be complied with.

   (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;

   (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;

   (f) that all the conditions in the Services Report, be complied with, and

4. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 88, Franskraal to the following departures:

   - ❖ to relax the permissible height restriction applicable to boundary walls from 2.1m to 3.1m above natural ground level to accommodate balustrades on the proposed boundary wall; and
   - ❖ to relax onto the street and lateral property boundaries to accommodate filling over 1m to 2.1m above natural ground level.

   be partially approved, in terms of the provisions of Section 61 of the By-Law;

5. that the recommendations in Point 4. above be subject to the following conditions:

   (a) that the boundary wall height (which includes the balustrade height) be limited to a total height of 2.1m above natural ground level (NGL), and

   (b) that the filling required between the swimming pool and the boundary wall to not exceed 1.1m in height above natural ground level(NGL);

6. that 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 88, Franskraal for the unauthorized structures over building lines as stipulated above, **be imposed** and that an administrative penalty fee of R7 165,13 be payable within thirty (30) days of the decision.

7. 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 regarding the above conditions of approval.

REASONS FOR RESOLUTION

POINTS 1 & 2

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ The restrictive conditions prohibit the property to be developed to its full potential, and the removal of the restrictive conditions is thus supported.

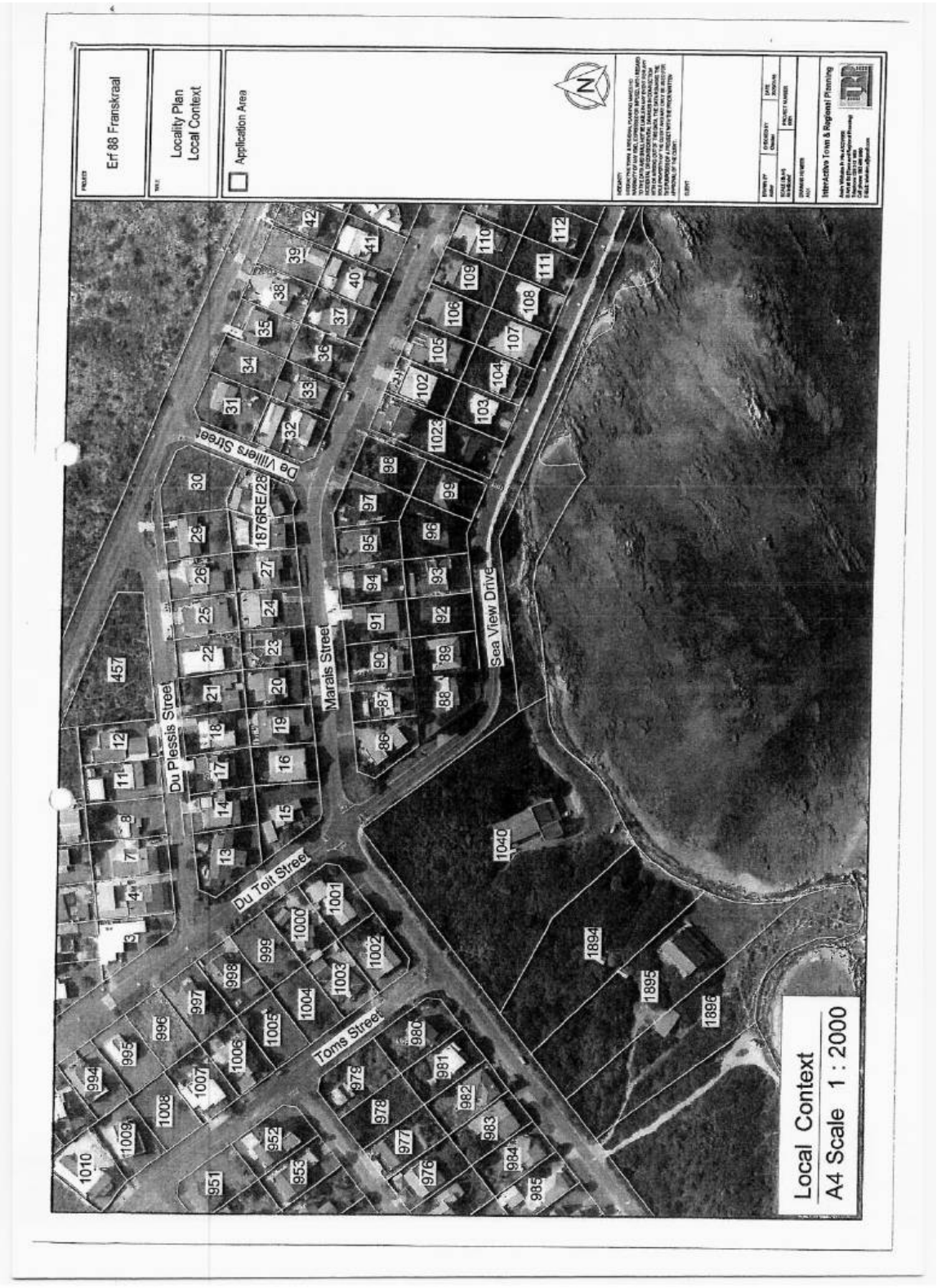
- ❖ No objections were received from neighbours; therefore, the impact on neighbours' privacy and rights will be minimal.
- ❖ The application will not change the character of the area and is desirable.

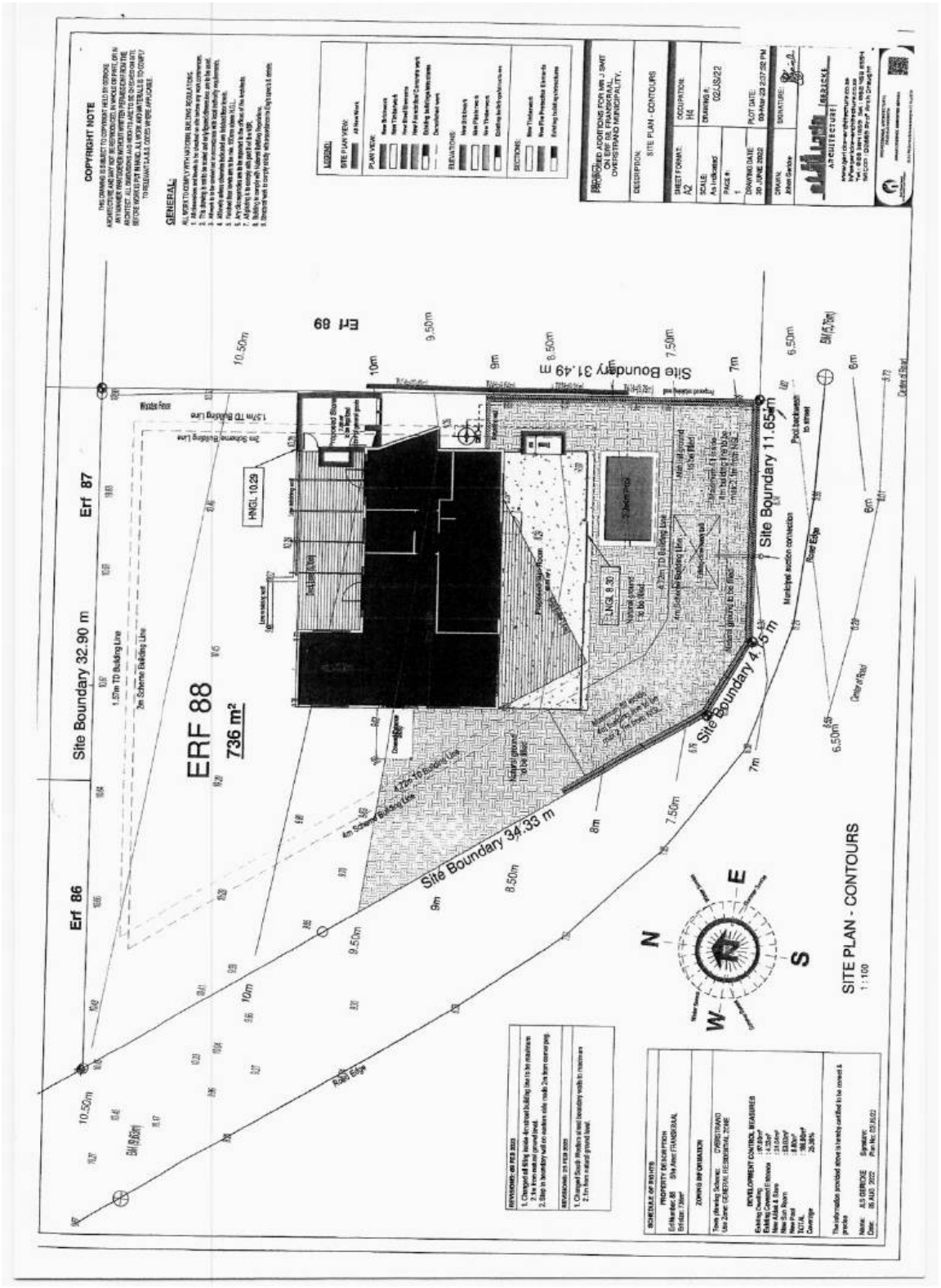
POINT 4

- ❖ The consideration to limit the filling height of the proposed development is to ensure consistency with the character of the neighbourhood and reduce the impact that it will have on the immediate surrounding area.

POINT 6

- ❖ The current property owners constructed the illegal structures without the relevant approvals from the municipality.
- ❖ Although these extensions are considered minor encroachments, the onus remains on the property owner to ensure compliance with the town planning legislations & National Building Regulations as well as any other relevant legislation.


Erf 88 Franskraal
Locality Plan
Local Context
Application Area
Interactive Town & Regional Planning
Du Plessis Street
Du Toit Street
Marais Street
De Villiers Street
Sea View Drive
Toms Street
1876RE/28
1040
1894
1895
1896
Local Context
A4 Scale 1 : 2000


ERF 88
736 m²
Site Boundary 32.90 m
Site Boundary 31.49 m
Site Boundary 11.65m
Site Boundary 4.45 m
Site Boundary 34.33 m
Erf 86
Erf 87
Erf 89
SITE PLAN - CONTOURS
1 : 100
PROPOSED ADDITIONS FOR MR J SMIT
ON ERF 88, FRANSKRAAL,
OVERSTRAND MUNICIPALITY.
DESCRIPTION
SITE PLAN - CONTOURS
SHEET FORMAT: A2
OCCUPATION: H4
SCALE: As indicated
DRAWING #: 02/JS/22
PAGE #: 1
DRAWING DATE: 30 JUNE 2022
PLOT DATE: 05/Mar/23 2:37:02 PM
DRAWN: Johan Gericke
SIGNATURE:
ARCHITECTURE
COPYRIGHT NOTE
GENERAL
LEGEND
SITE PLAN VIEW:
PLAN VIEW:
ELEVATIONS:
SECTIONS:
SCHEDULE OF ERF INFO
PROPERTY DESCRIPTION
ZONING INFORMATION
DEVELOPMENT CONTROL MEASURES
REVISIONS: 08 FEB 2023
REVISIONS: 23 FEB 2023

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 88, 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 88 shall be used to service Erf 88;

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 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 the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;

5. that any additional and / or extended vehicle entrances will be for the developer's account;

6. that stormwater be allowed to discharge through Erf 88, Franskraal, unobstructed.

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

06/06/2023
DATE

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

24. ERF 4888, 83 NINTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND REZONING: PLATINUM TOWN PLANNERS ON BEHALF OF MC & JL DE BEER

4888 KKM (4338/2023)
H van der Stoep (028) 313 8900 Hermanus Administration
11 October 2023

EXECUTIVE SUMMARY

Application has been received on 15 February 2023 from Platinum Town Planners on behalf of MC & JL de Beer on Erf 4888, Kleinmond for the following:

- **subdivision** in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide the above property into three (3) portions namely:
  - Portion 1 (±779m²)
  - Portion 2 (±779m²)
  - Portion 3 (±2954²) in a Subdivisional Area *[Portions A – F]*
  - Remainder Portion A (±84m²)
  - Remainder Portion B (±614m²)

- **rezoning** in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to rezone proposed Portion 2 from Residential Zone 1: Single Residential (SR1) to General Residential Zone 1: Town Housing (GR1).

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 4888, Kleinmond into three (3) portions namely:
   - Portion 1 779m²
   - Portion 2 779m²
   - Portion 3 2954m² *[Subdivisional Area: Portions A – F]*
   - Remainder A 84m²
   - Remainder B 614m²

   be approved in terms the provisions of Section 61 of the By-law

2. that the application in terms of Section 16.(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to rezone Erf 4888, Kleinmond as follows:

   - rezone proposed Portion 3 from Residential Zone 1: Single Residential (SR1) to General Residential Zone 1: Town Housing (GR1) to create proposed Portions A – F;
   - rezone proposed Remainder portions A and B from Residential Zone 1: Single Residential (SR1) to Transport Zone 2: Public Road;

   be approved in terms of Section 61 of the By-Law;

3. that the approval of Points 1. & 2. above in terms of Section 61 of the By-Law be subject to the following conditions:

   (a) that this approval is only for the subdivision as indicated on Subdivision Plan No. 01 dated February 2023, as submitted with the application;

   (b) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building Control- and the Fire Departments be complied with at that stage;

   (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;

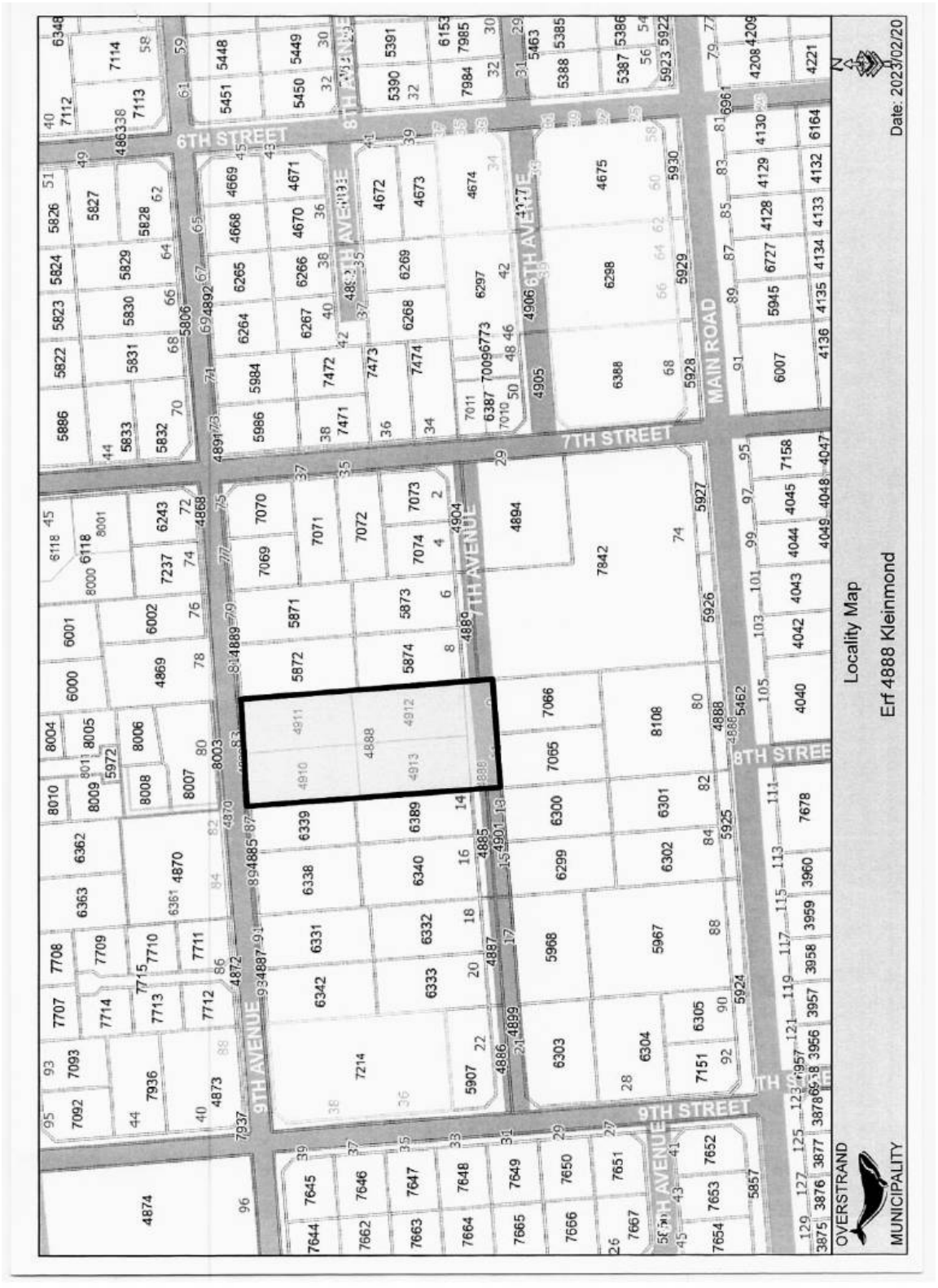
   (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and

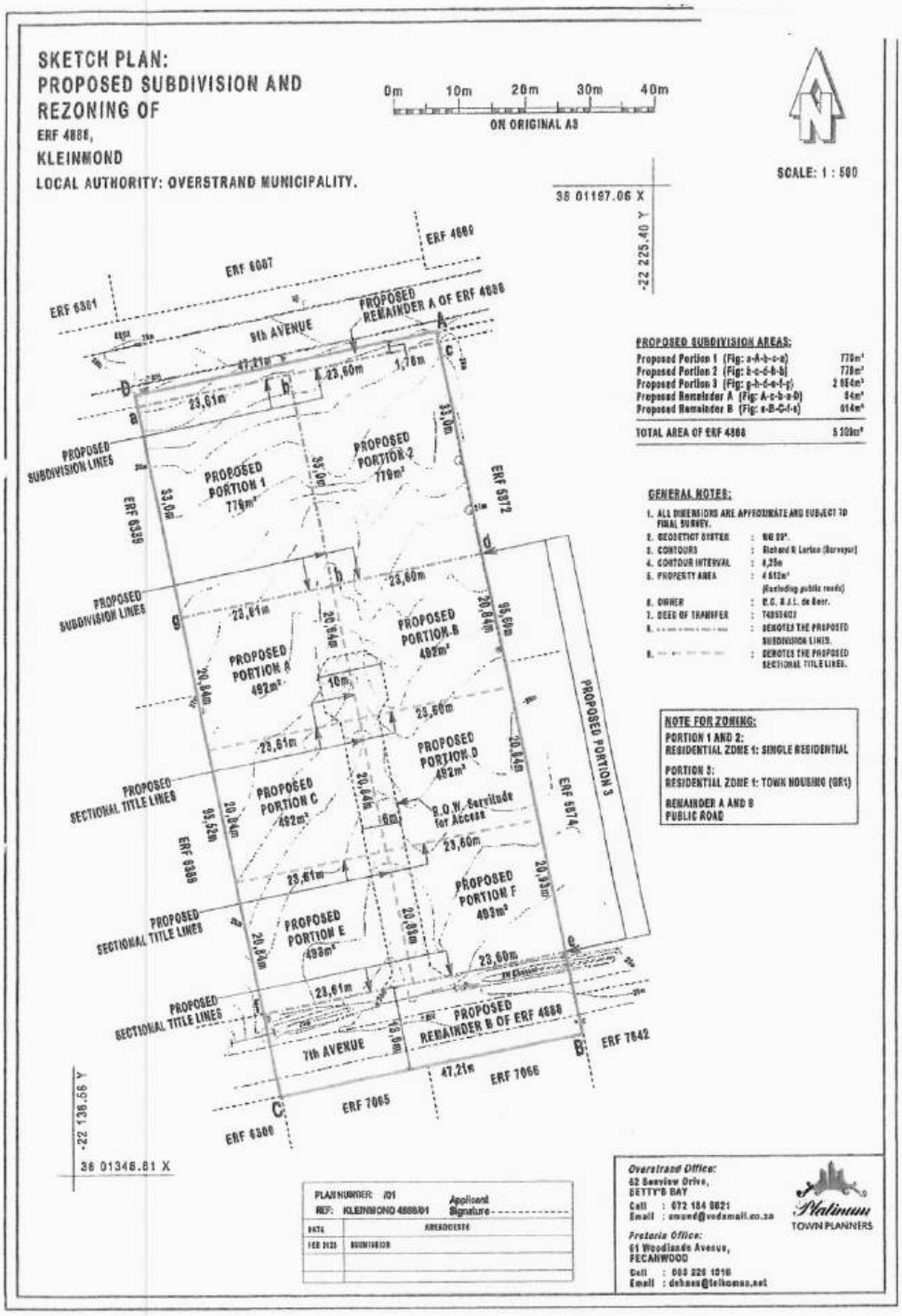
   (e) that all the conditions in the Services Report, be complied with.

4. 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.

REASONS FOR RESOLUTION

- The application has followed due procedure.
- The proposed subdivision is in line with Policy Plans.
- The proposed development is compatible with the sizes of surrounding erven.
- All relevant state and municipal departments support the application.
- No objections were received
- No negative impact on the character of the area and is desirable.


6TH STREET
7TH STREET
8TH STREET
9TH STREET
9TH AVENUE
8TH AVENUE
7TH AVENUE
6TH AVENUE
MAIN ROAD
Locality Map
Erf 4888 Kleinmond
OVERSTRAND
MUNICIPALITY
Date: 2023/02/20


SKETCH PLAN:
PROPOSED SUBDIVISION AND REZONING OF
ERF 4888,
KLEINMOND
LOCAL AUTHORITY: OVERSTRAND MUNICIPALITY.
0m 10m 20m 30m 40m
ON ORIGINAL AS
SCALE: 1 : 500
38 01197.06 X
-22 225.40 Y
ERF 4889
ERF 6007
ERF 6301
9th AVENUE
PROPOSED REMAINDER A OF ERF 4888
PROPOSED SUBDIVISION LINES
PROPOSED PORTION 1 778m²
PROPOSED PORTION 2 778m²
ERF 6302
ERF 6303
PROPOSED PORTION A 492m²
PROPOSED PORTION B 492m²
PROPOSED PORTION C 492m²
PROPOSED PORTION D 492m²
PROPOSED PORTION E 493m²
PROPOSED PORTION F 493m²
PROPOSED SECTIONAL TITLE LINES
R.O.W. Servitude for Access
PROPOSED PORTION 3
ERF 6304
ERF 6305
7th AVENUE
PROPOSED REMAINDER B OF ERF 4888
ERF 7642
ERF 7066
ERF 7065
ERF 6300
-22 136.66 Y
38 01348.81 X
PROPOSED SUBDIVISION AREAS:
Proposed Portion 1 (Fig: a-h-b-c-a) 778m²
Proposed Portion 2 (Fig: h-c-d-b-h) 778m²
Proposed Portion 3 (Fig: g-h-d-e-f-g) 2 864m²
Proposed Remainder A (Fig: A-c-b-a-D) 84m²
Proposed Remainder B (Fig: e-B-C-f-e) 614m²
TOTAL AREA OF ERF 4888 5 108m²
GENERAL NOTES:
1. ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY.
2. GEODETICT SYSTEM : WG 09°.
3. CONTOURS : Richard N. Larkan (Surveyor)
4. CONTOUR INTERVAL : 0,25m
5. PROPERTY AREA : 4 612m² (Excluding public roads)
6. OWNER : R.C. & A.L. de Beer.
7. DEED OF TRANSFER : T4055402
8. - - - - - : DENOTES THE PROPOSED SUBDIVISION LINES.
9. — — — — : DENOTES THE PROPOSED SECTIONAL TITLE LINES.
NOTE FOR ZONING:
PORTION 1 AND 2:
RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL
PORTION 3:
RESIDENTIAL ZONE 1: TOWN HOUSING (GR1)
REMAINDER A AND B
PUBLIC ROAD
PLAN NUMBER: /01
REF: KLEINMOND 4888/01
Applicant Signature
DATE
AMENDMENTS
FEB 2023
Overstrand Office:
62 Seaview Drive,
BETTY'S BAY
Cell : 072 184 9621
Email : smuné@vodamail.co.za
Pretoria Office:
61 Woodlands Avenue,
FECANWOOD
Cell : 083 226 1216
Email : debaas@telkomsa.net
Platinum
TOWN PLANNERS

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR REZONING & SUBDIVISION: ERF 4888, KLEINMOND (4338/2023)

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 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 5.8	=	R 160 069.33
Sewerage	R 18 608.30 x 5.8	=	R 107 928.14
Roads	R 8 344.32 x 7	=	R 58 410.24
Stormwater	R 9 626.92 x 8.489333	=	R 81 726.13
Solid Waste	R 1 668.44 x 7	=	R 11 679.08
TOTAL (inclusive of VAT)		**=**	**R 419 812.92**

Note:

1.3 The above figures are estimates

1.4 The above figures do not include evaluation/investigation levies and connection fees

1.5 Exclude bulk electricity cost and bulk levies. The Overstrand Municipality's Electrical Department should be contacted regarding the bulk electricity cost.

2. that Portions 1 & 2 must be serviced with individual and separate water and sewer connections which must comply with the standards of the Department: Operational Services;

3. that the developer installs one water bulk meter at the erf boundary to serve Portions A-F;

4. that the developer provides any link and internal municipal civil and electricity supply services that are required to ensure that each individual erf can in future be connected to the municipal networks, to the satisfaction/discretion of the Director: Infrastructure and Planning;

5. that the electrical service cable for all erven be installed by the developer up to the street boundary for connection from the municipality;

6. that only the standard electricity connection will be available to each subdivided erf; The current, available capacity needs to be divided for all subdivided erven;

7. that the electricity connection for Portion 1 and Portion 2 will be supplied by the municipality one meter from the original erf boundary;

8. that the electricity connection for Portions A-F will be supplied by the municipality at the original erf boundary;

9. that a bulk electricity meter needs to be installed for Portions A-F. The developer need to install the internal electrical reticulation and submeters for Portions A-F;

10. 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*;

11. 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: Kleinmond for written approval;

12. that, both the existing and the proposed vehicular access to the proposed erven be provided with road infrastructure to allow access to the proposed erven. Such infrastructure must comply with the specifications of the Department: Operational Services (Kleinmond);

13. that any additional and / or extended vehicle entrances will be for the owner's account;

14. that the panhandle or servitude right of way be provided with a permanent surface, and that adequate provision be made for stormwater drainage, to the satisfaction of the Director: Infrastructure and Planning;

15. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be provided with the following:

    a) properly ventilated,
    b) a cement floor,
    c) a tap and running water, as well as a drainage point which is connected to the sewer network,
    d) in 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;

16. that stormwater be allowed to discharge through the proposed erven unobstructed;

17. that no on-street parking be allowed.

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

15/09/2023
DATE

25. PORTION 75 OF THE FARM HERMANUS RIVER NO. 542, ARABELLA COUNTRY ESTATE, DIVISION OF CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: SLT ARCHITECTS ON BEHALF OF CJ HARTZENBERG

H van der Stoep (028) 313 8900 Hermanus Administration
RCAL 75/542 (4463/2023)
10 October 2023

EXECUTIVE SUMMARY

An application has been received on 28 June 2023 from SLT Architects on behalf of CJ Hartzenberg on Portion 75 of the Farm No. 542, Arabella Country Estate, 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 5m and 2m to 0m to accommodate a timber deck with a ramp.

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 Portion 75 of the Farm No. 542, Arabella Country Estate, Kleinmond for a departure in order to relax the rear building line from 5m to 0m to accommodate a timber deck with a ramp, **be approved** in terms of the provisions of Section 61 of the By-Law,

   (a) that this approval is only for the development as indicated on the plan number 33024 02 100 Rev A dated 3 July 2023 as submitted with the application;

   (b) that no further departures over the building lines be approved;

   (c) that the deck may not be enclosed;

   (d) 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;

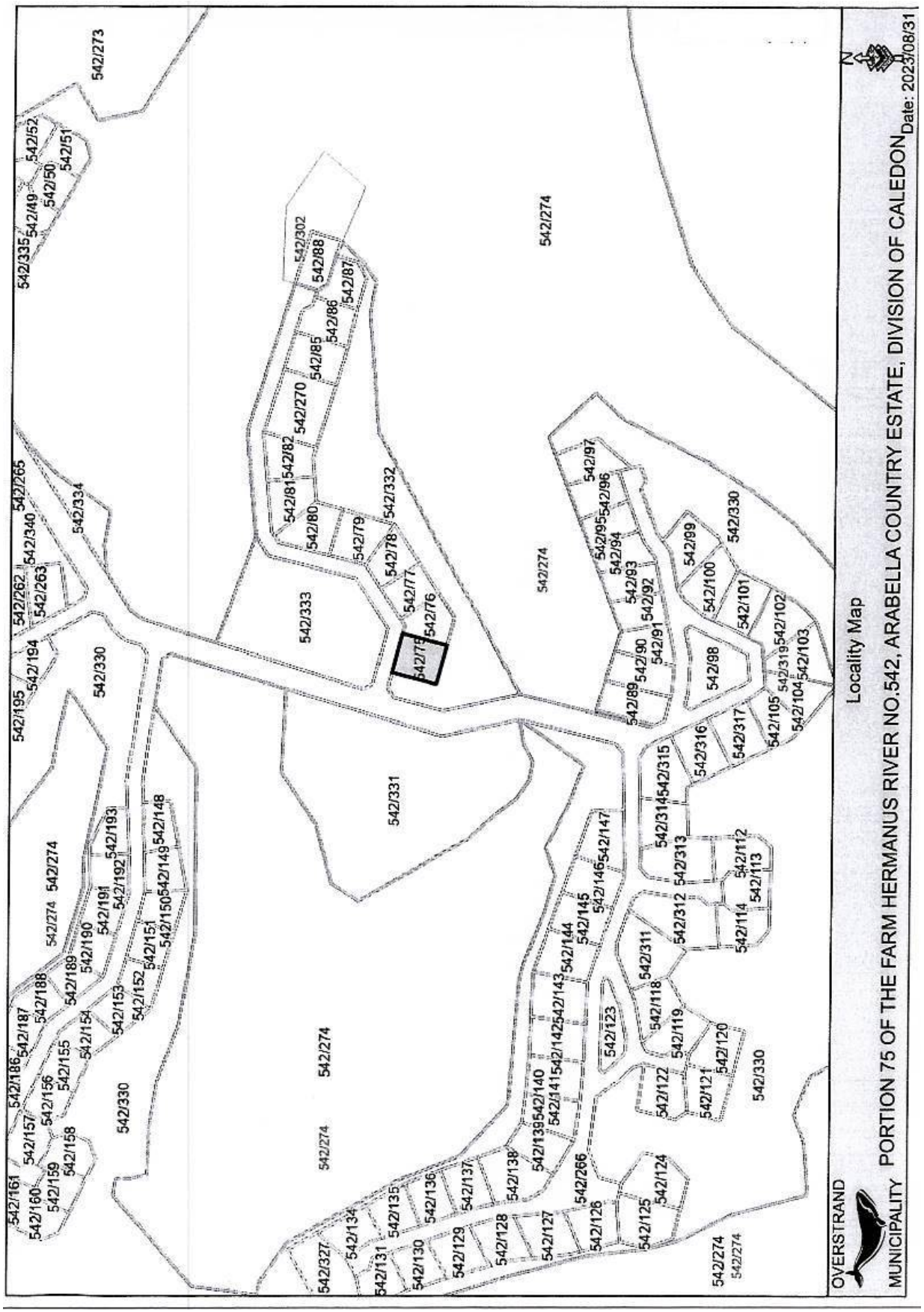
   (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

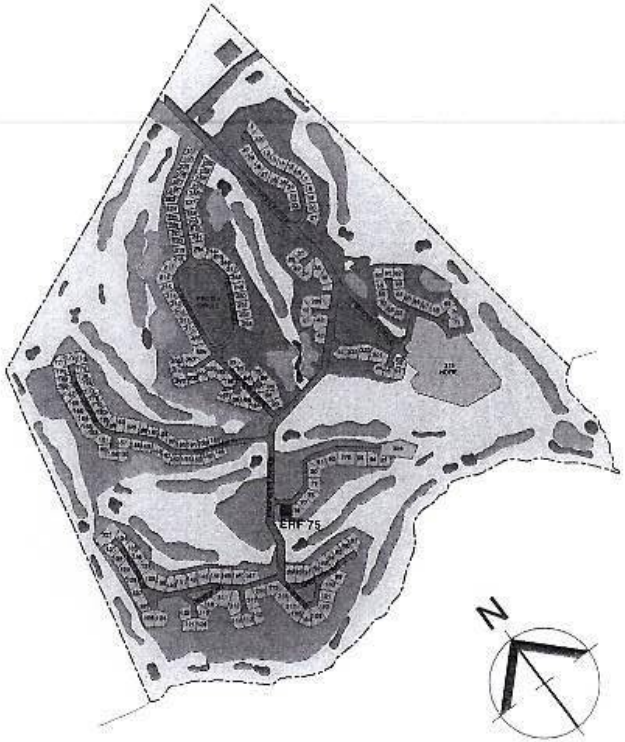
   (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

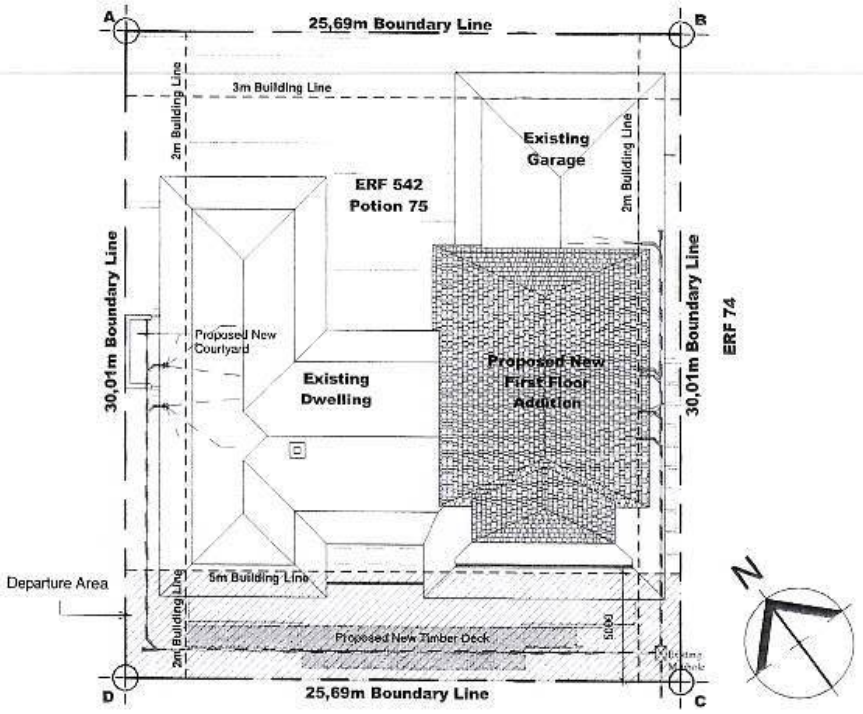
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- The proposed deck will have no impact on surrounding owners.
- The Homeowner's Association has consented to the application.


542/273
542/52
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542/274
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OVERSTRAND
MUNICIPALITY
Locality Map
PORTION 75 OF THE FARM HERMANUS RIVER NO.542, ARABELLA COUNTRY ESTATE, DIVISION OF CALEDON
Date: 2023/08/31
N





Locality Plan Copy 1
Scale: 1 : 10000

Site Plan
Scale: 1 : 200

CLIENT: Mr & Mrs Hartzenberg	PURPOSE OF ISSUE: Council Submission		SCALE	As indicated	DRAWN AJM	SIZE
PROJECT: House Hartzenberg	DRAWING: SITE PLAN	PROJECT NUMBER: 33024	DATE	09/01/23	CHECKED AJM	A3
			DRAWING	33024 02 205		REV

This is a REVIT generated drawing. Drawings must not be scaled. Figured dimensions only may be used. Dimensions should be verified on site and any discrepancies or ambiguities reported to the Architects immediately. This drawing is copyright and the property of SLT ARCHITECTS and must not be retained, copied or used without authority

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SLT ARCHITECTS

26. ERF 9823, 61 MARINE DRIVE, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: BURMEISTER ARCHITECTS ON BEHALF OF THE HERMANUS ESPLANADE DEV CO (PTY) LTD

9823 HWC (4495/2023)
H van der Stoep (028) 313 8900 Hermanus Administration
25 October 2023

EXECUTIVE SUMMARY

An application has been received on 9 October 2023 from Burmeister Architects on behalf of The Hermanus Esplanade Dev Co (Pty) Ltd on Erf 9823, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following departures:

- ❖ to relax the lateral boundary wall height to be 2,45m in lieu of 2,1m;
- ❖ to accommodate the pool situated on 0m lateral and street building line higher than 1m above natural ground level of 1,6m and pool safety balustrade of 2,6m in lieu of 2,1m, and
- ❖ to relax the lateral building line from 2m to 0m to accommodate the pool pump.

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 of the Overstrand Municipality Land Use Scheme, 2020 on Erf 9823, Hermanus for the following departures:

   - ❖ to relax the lateral boundary wall height (with Erf 628) to be 2,45m in lieu of 2,1m;
   - ❖ to accommodate the pool situated on 0m lateral and street building line higher than 1m above natural ground level of 1,6m and pool safety balustrade of 2,6m in lieu of 2,1m;
   - ❖ to relax the lateral building line from 2m to 0m to accommodate the pool pump;

   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 depicted on plan numbers 200/887 (C01 – C06) dated 18 September 2023 as submitted with the application;

(b) that building plans be submitted to the Building Department of the Overstrand Municipality, and that any requirements by the Fire- and Building Departments at that stage be complied with;

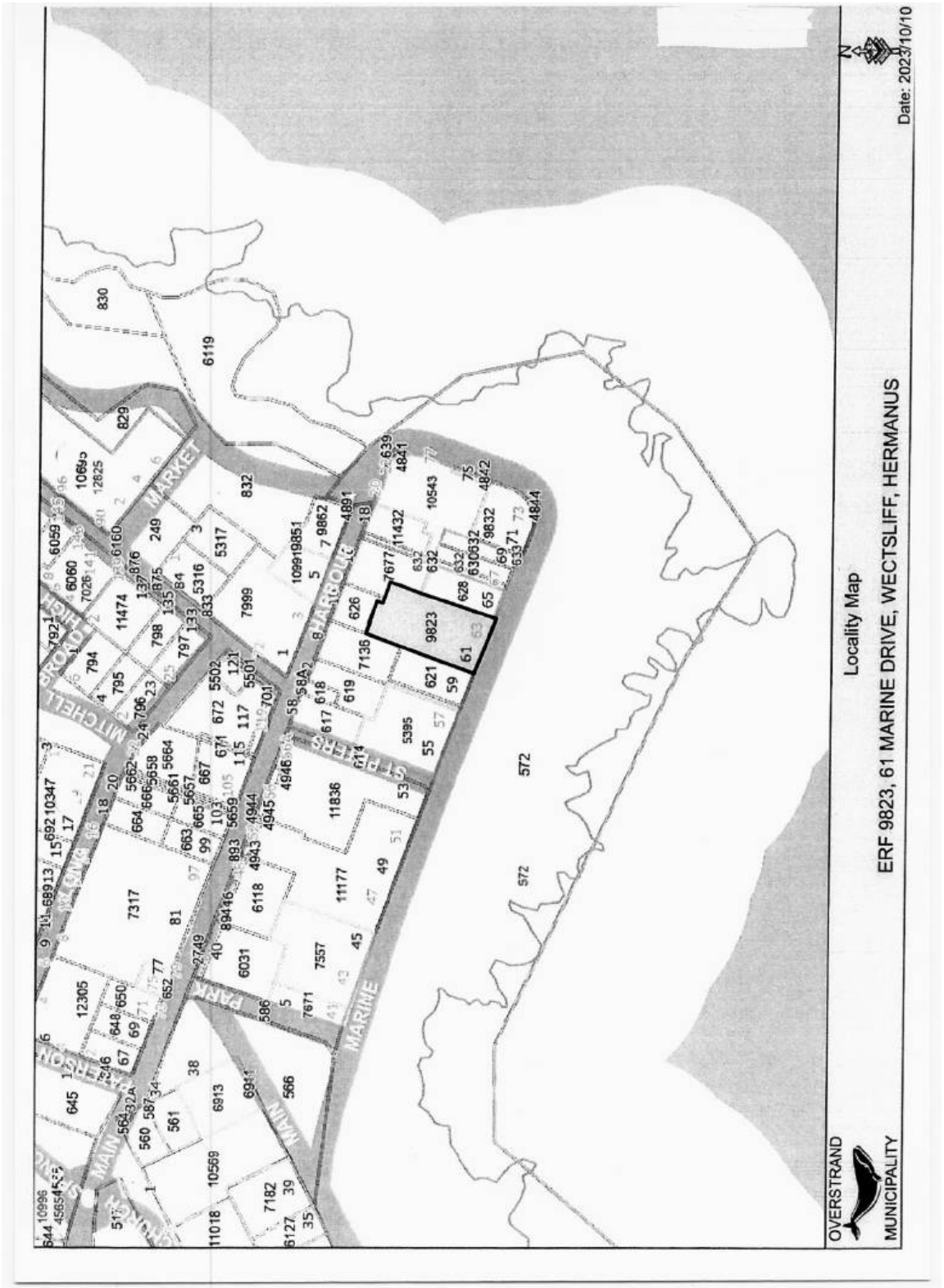
(c) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and

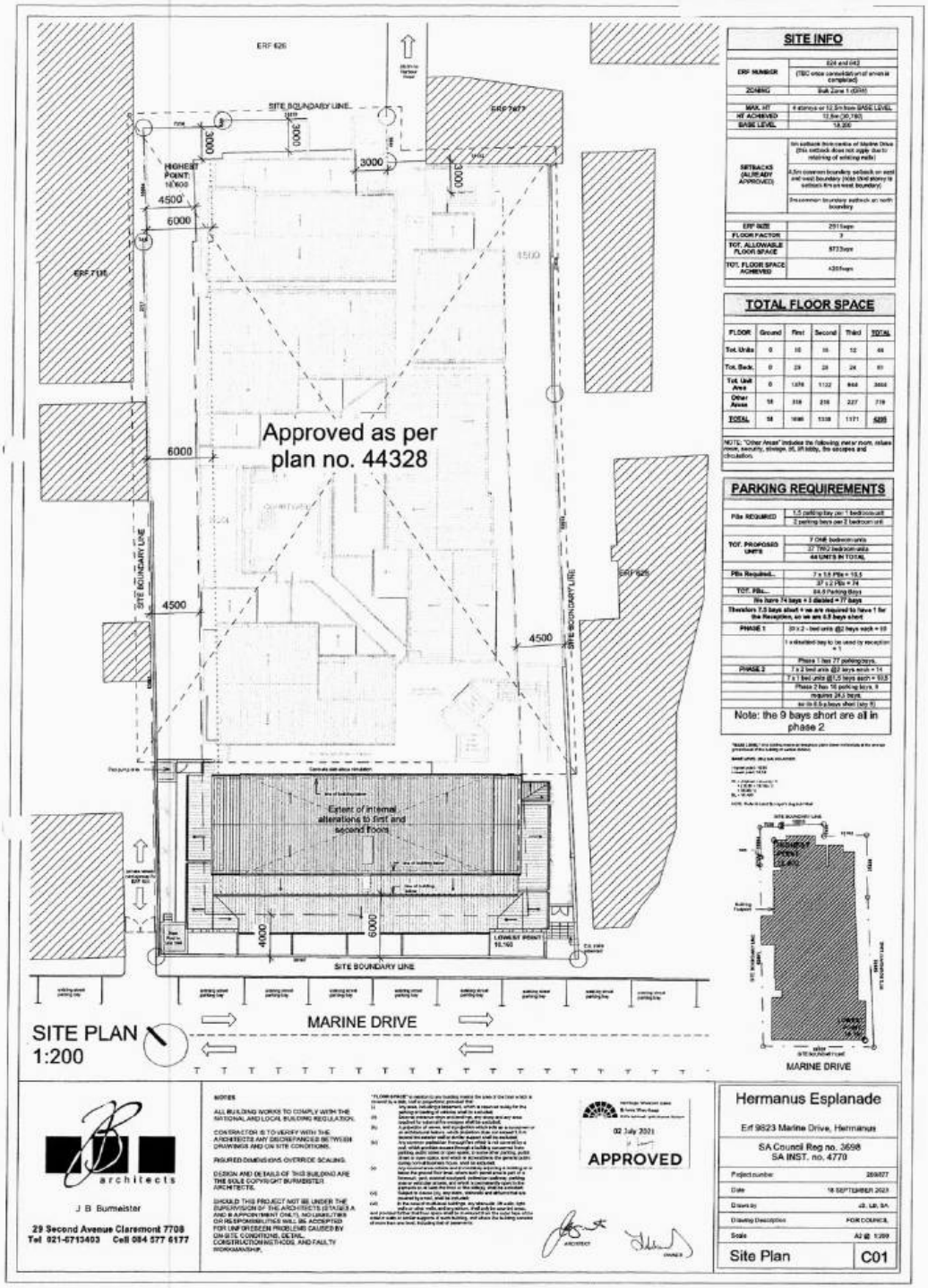
(d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

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

REASONS FOR RESOLUTION

- Minor departure in terms of the overall project.
- No environmental impact on the surrounding areas
- The application is not to the detriment of the street scape.
- The adjacent owners consented to the application.


Locality Map
ERF 9823, 61 MARINE DRIVE, WECTSLIFF, HERMANUS
OVERSTRAND
MUNICIPALITY
Date: 2023/10/10
MARINE
MARKET
PARK
MAIN
9823
572
7317
6119
11836
11177
7557
6031
6118
5395
4891
4841
4842
4844
9832
11432
10543
7677
7136
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7999
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11474
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10569
11018
10996
4565
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89416
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10991985
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9852
8
ST PETERS
HAROLD
MITCHELL
PARK
MAIN
MARINE


ERF 626
SITE BOUNDARY LINE
ERF 7477
HIGHEST POINT: 16.600
3000
4500
6000
ERF 7131
Approved as per plan no. 44328
SITE BOUNDARY LINE
4500
6000
4500
SITE BOUNDARY LINE
ERF 625
Extent of internal alterations to first and second floors
4000
6000
LOWEST POINT 10.160
SITE BOUNDARY LINE
MARINE DRIVE
SITE PLAN
1:200
SITE INFO
ERF NUMBER
624 and 642
(TBC once consolidation of erven is complete)
ZONING
Sub Zone 1 (GH1)
MAX. HT
4 storeys or 12.5m from BASE LEVEL
HT ACHIEVED
12.8m (30.760)
BASE LEVEL
18.200
SETBACKS (ALREADY APPROVED)
5m setback from centre of Marine Drive (this setback does not apply due to retaining of existing walls)
4.5m common boundary setback on east and west boundary (Note third storey is setback 6m on west boundary)
3m common boundary setback on north boundary
ERF SIZE
2911sqm
FLOOR FACTOR
2
TOT. ALLOWABLE FLOOR SPACE
5773sqm
TOT. FLOOR SPACE ACHIEVED
4265sqm
TOTAL FLOOR SPACE
FLOOR | Ground | First | Second | Third | TOTAL
Tot. Units | 0 | 16 | 16 | 12 | 44
Tot. Beds | 0 | 29 | 29 | 24 | 81
Tot. Unit Area | 0 | 1378 | 1122 | 866 | 3666
Other Areas | 18 | 318 | 216 | 227 | 779
TOTAL | 18 | 1696 | 1338 | 1171 | 4265
NOTE: "Other Areas" includes the following, inter alia: rooms, stairs, lifts, services, circulation.
PARKING REQUIREMENTS
PBs REQUIRED
1.5 parking bay per 1 bedroom unit
2 parking bays per 2 bedroom unit
TOT. PROPOSED UNITS
7 ONE bedroom units
37 TWO bedroom units
44 UNITS IN TOTAL
PBs Required...
7 x 1.5 PBs = 10.5
37 x 2 PBs = 74
TOT. PBs...
84.5 Parking Bays
We have 74 bays + 1 disabled = 77 bays
Therefore 7.5 bays short + we are required to have 1 for the Reception, so we are 8.5 bays short
PHASE 1
20 x 2 - bed units @2 bays each = 40
1 x disabled bay to be used by reception = 1
Phase 1 has 77 parking bays.
PHASE 2
7 x 2 bed units @2 bays each = 14
7 x 1 bed units @1.5 bays each = 10.5
Phase 2 has 16 parking bays. It requires 24.5 bays, so is 8.5 x bays short (shy 9)
Note: the 9 bays short are all in phase 2
MARINE DRIVE
J B Burmeister
29 Second Avenue Claremont 7708
Tel 021-6713403 Cell 084 577 6177
NOTES
ALL BUILDING WORKS TO COMPLY WITH THE NATIONAL AND LOCAL BUILDING REGULATION.
CONTRACTOR IS TO VERIFY WITH THE ARCHITECTS ANY DISCREPANCIES BETWEEN DRAWINGS AND ON SITE CONDITIONS.
FIGURED DIMENSIONS OVERRIDE SCALING.
DESIGN AND DETAILS OF THIS BUILDING ARE THE SOLE COPYRIGHT BURMEISTER ARCHITECTS.
SHOULD THIS PROJECT NOT BE UNDER THE SUPERVISION OF THE ARCHITECTS (STAGES 5 & 6) AND IS APPOINTMENT ONLY), NO LIABILITIES OR RESPONSIBILITIES WILL BE ACCEPTED FOR UNFORESEEN PROBLEMS CAUSED BY ON SITE CONDITIONS, DETAIL, CONSTRUCTION METHODS, AND FAULTY WORKMANSHIP.
02 July 2021
APPROVED
Hermanus Esplanade
Erf 9823 Marine Drive, Hermanus
SA Council Reg no. 3698
SA INST. no. 4770
Project number 2000027
Date 16 SEPTEMBER 2021
Drawn by JB, LB, SA
Drawing Description FOR COUNCIL
Scale A2 @ 1:200
Site Plan
C01

27. REMAINDER FARM KLEYN HEGEL KRAAL NO 321, BREDASDORP DIVISION: APPLICATION FOR CONSENT USE (MINING): MESSRS INTERACTIVE TOWN- AND REGIONAL PLANNING ON BEHALF OF PSP PROPERTIES

Farm 321/0 (4397/2023)
SW van der Merwe (028) 313 8900 Hermanus Administration
25 October 2023

EXECUTIVE SUMMARY

An application has been received in terms of the Overstrand Municipal Land Use Planning Amendment By-Law, 2020 from Messrs Interactive Town and Regional Planners applicable to the Remainder of the Farm Kleyn Hagelkraal No 321, Bredasdorp Division on behalf of PSP Properties for consent use (mining) in terms of Section 16(2)(o) of the By-Law.

RESOLUTION

1. that the application in terms of Section 16(2)(o) of the By-Law for consent use (mining) applicable to the Remainder of Kleyn Hagelkraal 321, Division Bredasdorp to accommodate a quarry, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:

   (a) that mining be subject to a valid mine permit;

   (b) that the consent use approval is only valid for the period of the upgrading of the road from Stanford to Gansbaai (a part of the R43 - Trunk Road 28, Section 2) and lapses automatically upon completion thereof;

   (c) that the quarry be restricted to the area indicated on the mining plan dated November 2022;

   (d) the quarry must be rehabilitated immediately after the road has finally been upgraded to the satisfaction of the municipality and may not be further exploited by the property owner;

   (e) that the provisions of the Environmental Authorisation and Environmental Management Plan shall at all times be complied with;

   (f) 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;

(g) that rehabilitation of the mining area be conducted in accordance wih the EMP to the satisfaction of the Overstrand Municpality;

(h) that all the conditions in the Services Report, be complied with;

(i) that the requirements by Department of Transport and Public Works, CapeNature and Breede-Gouritz Catchment Management Agency (attached as Annexures H, I and J), be complied with;

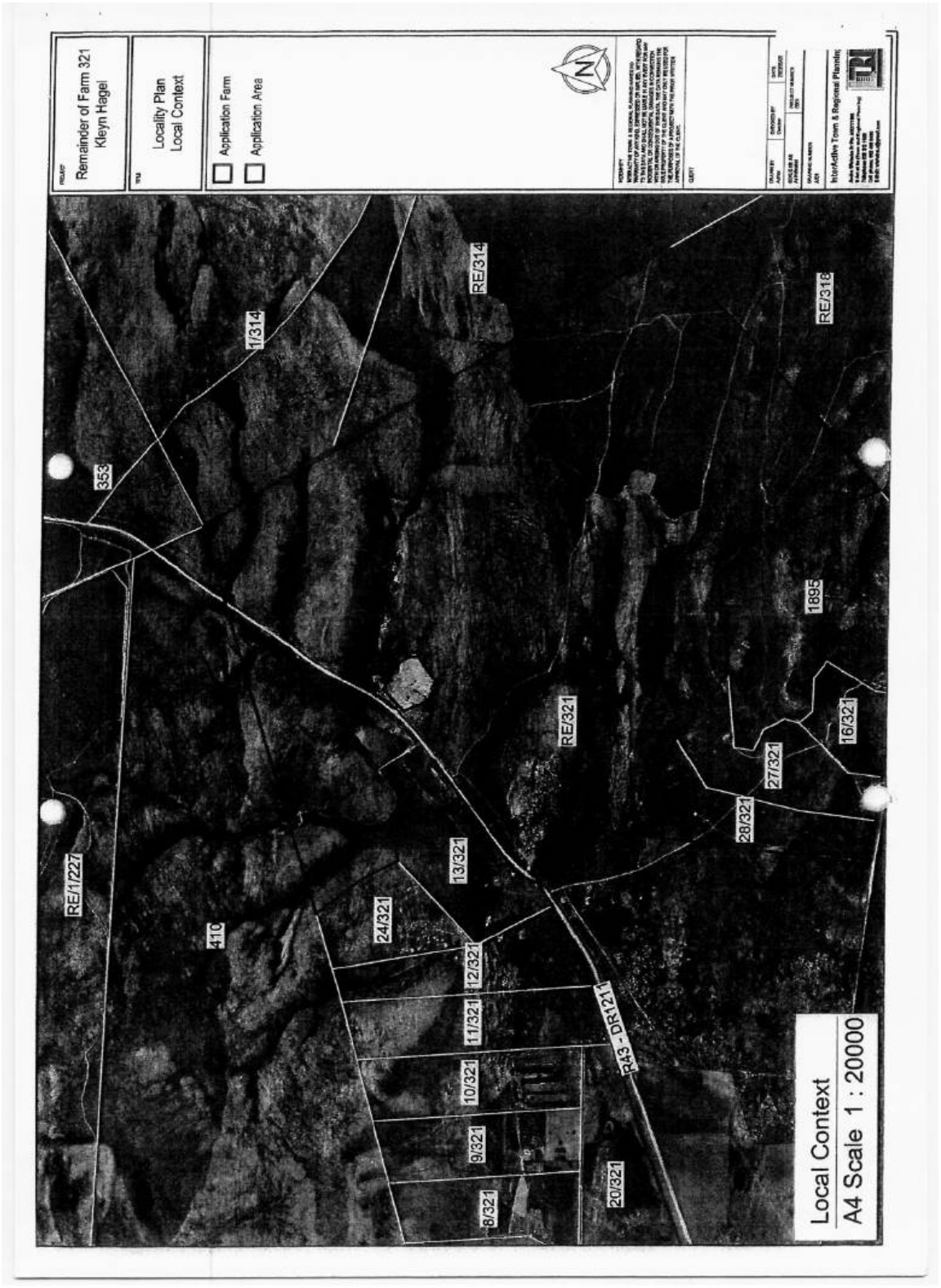
(j) that **no** mining activity ativity may occur outside the hours of 07h00 to 17h00, Mondays to Thursdays and 07h30 to 14:30 on Fridays;

(k) that this approval does not absolve the applicant from compliance with any other applicable legislation

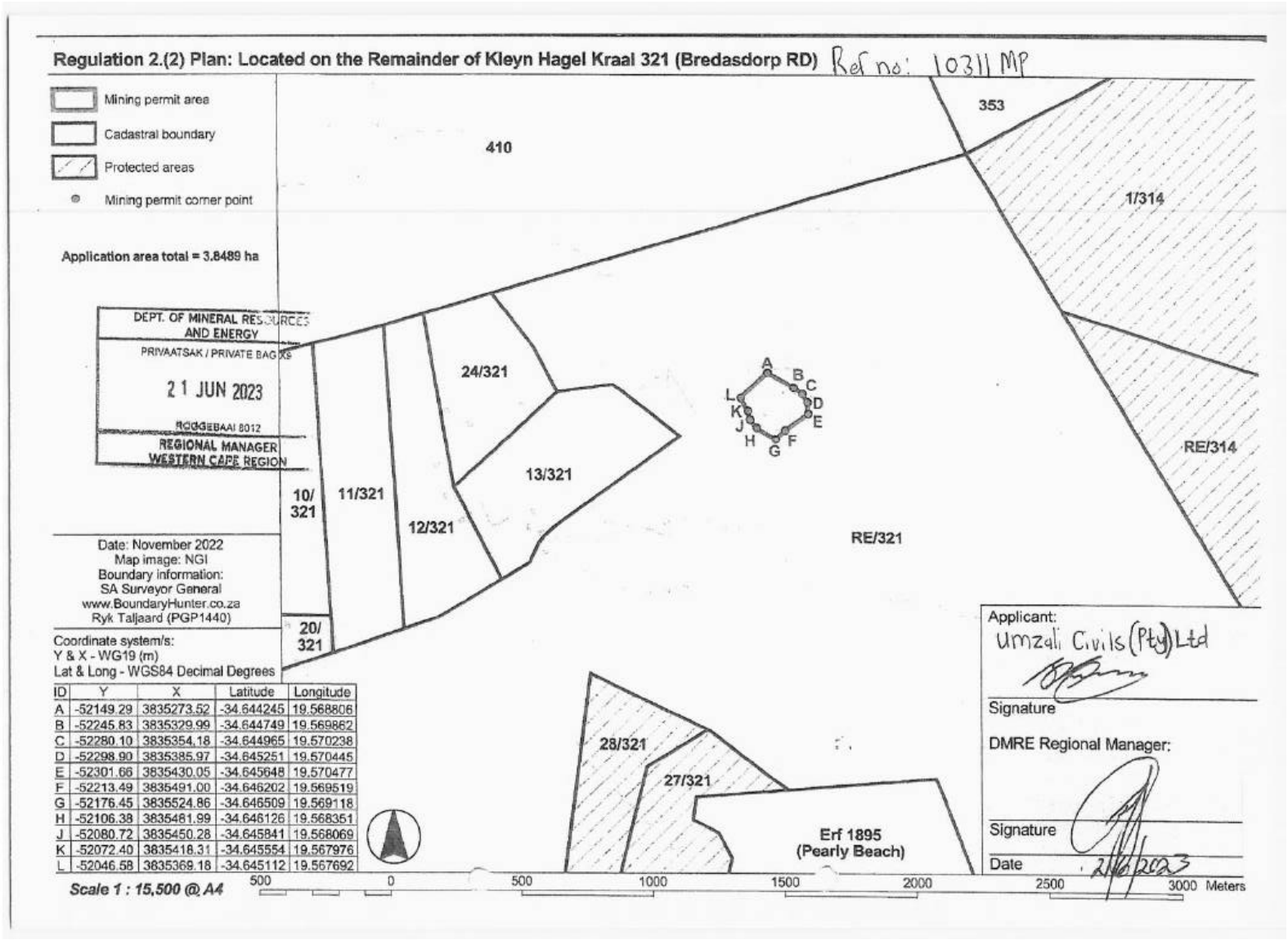
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- The application followed due process.
- The proposal is consistent with the SDF and PSDF.
- The proposal is consistent with the Planning Principles in terms of LUPA and SPLUMA.
- The proposal is supported by all relevant government and municipal departments.
- The associated impacts of the proposed mining activity could be sufficiently mitigated in terms of the EA and EMP incorporated in the approval conditions.
- The proposal will ensure provision of stone and aggregate, essential for the upgrade of the road between Stanford and Gansbaai (a part of the R43, Trunk Road 28, Section 2).
- The proposal will positively contribute to the local economy through improved and safe roads that will stimulate tourism and economic development in the area.


Remainder of Farm 321
Kleyn Hagel
Locality Plan
Local Context
Application Farm
Application Area
RE/1227
353
1/314
RE/314
410
24/321
13/321
12/321
11/321
10/321
9/321
8/321
20/321
R43 - DR1211
RE/321
28/321
27/321
16/321
1895
RE/318
Local Context
A4 Scale 1 : 20000

Regulation 2.(2) Plan: Located on the Remainder of Kleyn Hagel Kraal 321 (Bredasdorp RD) Ref no: 10311 MP



ID	Y	X	Latitude	Longitude
A	-52149.29	3835273.52	-34.644245	19.568806
B	-52245.83	3835329.99	-34.644749	19.569862
C	-52280.10	3835354.18	-34.644965	19.570238
D	-52298.90	3835385.97	-34.645251	19.570445
E	-52301.66	3835430.05	-34.645648	19.570477
F	-52213.49	3835491.00	-34.646202	19.569519
G	-52176.45	3835524.86	-34.646509	19.569118
H	-52106.38	3835481.99	-34.646126	19.568351
J	-52080.72	3835450.28	-34.645841	19.568069
K	-52072.40	3835418.31	-34.645554	19.567976
L	-52046.58	3835369.18	-34.645112	19.567692

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR CONSENT USE: REMAINDER OF THE FARM KLEYN HAGEL KRAAL NO.321, BREDASDORP DIVISION, OVERSTRAND MUNIPAL AREA

Electricity	:	Eskom area
Stormwater	:	No services available
Water	:	No services available
Sewer	:	No services available
Roads and traffic	:	No services available

Conditions:

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;

2. that no water from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (Water and Sanitation, Health, BGCMA etc.) for the use of any other water resources and the extraction thereof;

3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Manager: Water Infrastructure & Quality (Tel: 028 313 8972), Overstrand Municipality;

4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and Department of Water & Sanitation for approval;

5. that the developer complies to all the conditions set by Department Of Water & Sanitation and BGCMA;

6. that, as there is currently no municipal sewer network in the vicinity, Remainder of Farm 321 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services (Gansbaai), and to which the sewer services on the development must connect to;

7. that the Municipality does not have the capacity to service the proposed development with regards to removal of sewerage from the property. The owner is therefore responsible for removal of sewerage from the property, and thereof at a licensed municipal sewerage treatment facility;

8. that alternatively, sewer treatment facilities that are approved by the Department of Water & Sanitation may be provided for disposal of sewer from the developments. Written proof of such approval is to be submitted to the Municipality;

9. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 140400 – P: 2010: Drainage;

10. that stormwater discharged from higher lying properties and generated in the catchment area of Remainder of Farm 321 be allowed to drain freely through the property;

11. that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or-waste disposal facility.

12. that on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services ;

13. that access can be obtained via the existing access routes(s) to Remainder of Farm 321, that any additional and / or extended vehicle entrances will be for the owner's account. The Provincial Engineer must however provide comment in this regard.

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

01/08/2023
DATE

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

28. PORTION 312 (A PORTION OF PORTION 285) OF THE FARM HERMANUS RIVER NO. 542, ARABELLA COUNTRY ESTATE, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: PE WHELAN

H van der Stoep (028) 313 8900 Hermanus Administration
RCAL 312/542 (4349/2023)
25 October 2023

EXECUTIVE SUMMARY

An application has been received on 13 March 2023 from PE Whelan on Portion 312 of the Farm No. 542, Arabella Country Estate, Kleinmond in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for a **departure** to relax the street building line from 3m and 4m respectively to 0m to accommodate a carport.

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 Portion 312 of the Farm No. 542, Arabella Country Estate, Kleinmond for a departure in order to relax the street building line from 3m and 4m respectively to 0m to accommodate a carport, **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 plan number LMReno Rev A (plan 1 of 1) dated 6 May 2022 as submitted with the application;

    (b) that no further departures over the building lines be approved;

    (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;

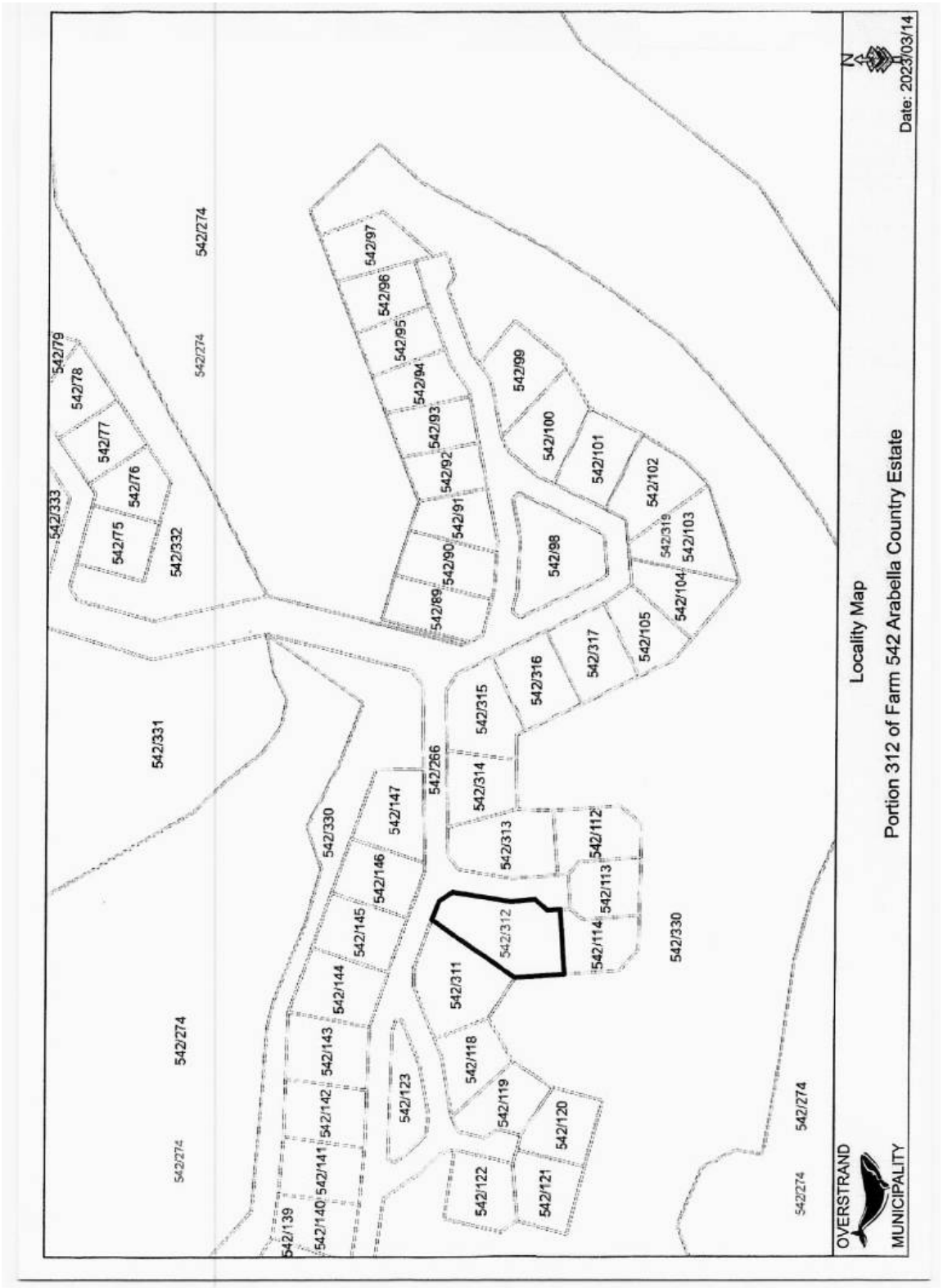
    (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

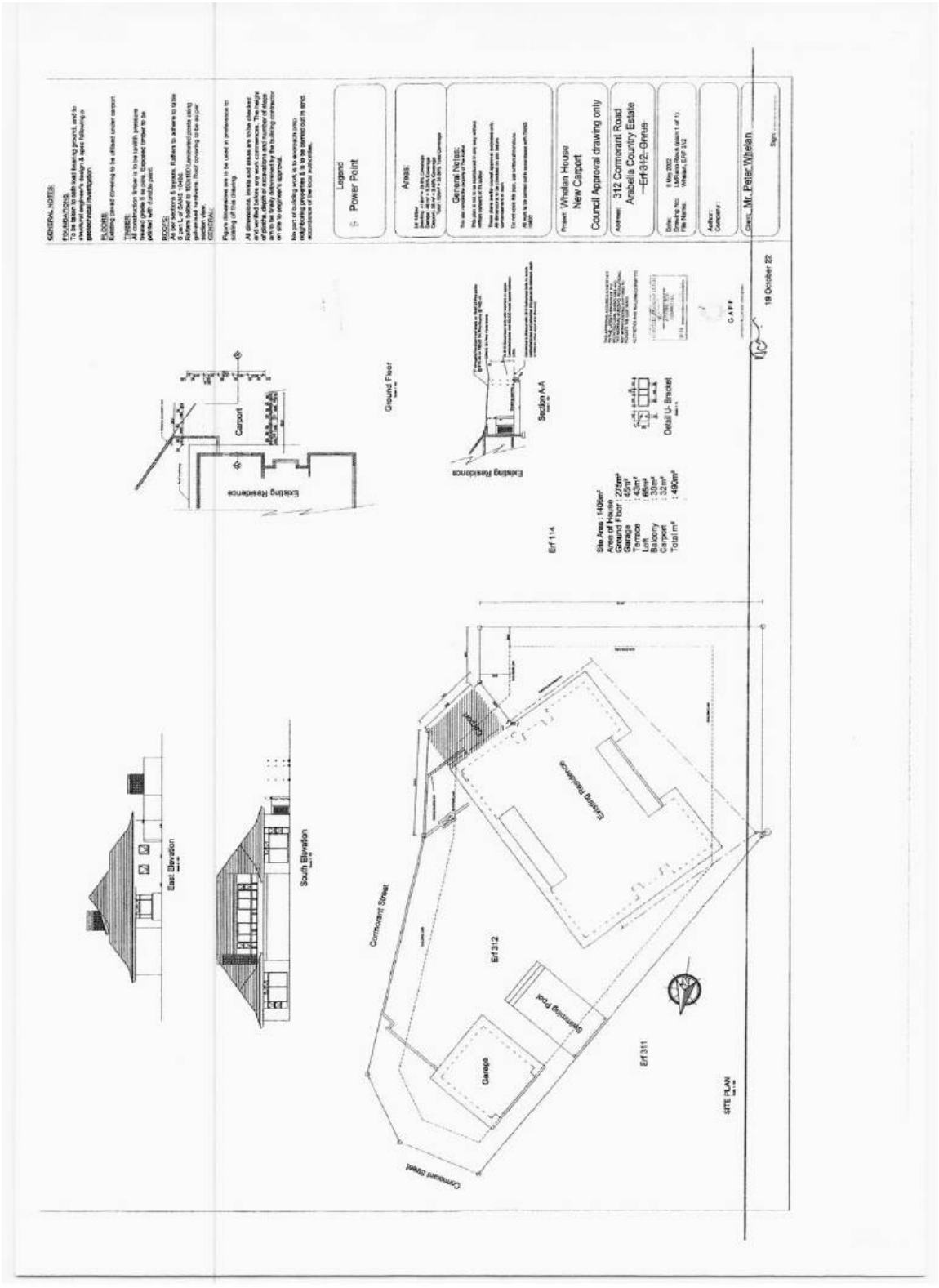
    (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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 decision.

REASONS FOR RESOLUTION

- The proposed deck will have no impact on surrounding owners.
- The Arabella Country Estate Homeowner's Association consented to the application.


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542/121
542/122
542/330
542/274
542/274
542/274
Locality Map
Portion 312 of Farm 542 Arabella Country Estate
Date: 2023/03/14
OVERSTRAND
MUNICIPALITY


GENERAL NOTES:
FOUNDATIONS:
To be taken to solid load bearing ground, and to structural engineer's design & spec following a geotechnical investigation
FLOORS:
Existing carport covering to be utilised under carport
TIMBER:
All construction timber is to be termite pressure treated and to be painted under to be painted both outside joint.
ROOFS:
As per sections & layouts. Rafters to adhere to span & part L of SANS 10400. 150x50 galvanised posts using galvanised hardware. Roof covering to be as per elevation view.
GUTTERS:
Rain Gutters are to be used in preference to flashing of the covering.
All dimensions, levels and areas are to be checked and verified before any work takes place. The depth of plinths, depth of excavations and number of steps are to be finally determined by the building contractor on site when setting out.
No part of building work is to encroach onto neighbouring property & is to be carried out in strict accordance of the local authorities.
Legend
Power Point
Areas:
General Notes:
Proposed: Whelan House
New Carport
Council Approval drawing only
Address: 312 Cormorant Road
Arabella Country Estate
—Erf 312—Grnts—
Date: 6 May 2022
Drawing No: LMRaw1 Sheet (sheet 1 of 1)
File Name: Whelan, ERF 312
Author:
Contact:
Client: Mr. Peter Whelan
Sign:
Carport
Existing Residence
Ground Floor
Section A-A
Existing Residence
Carport
Erf 114
Site Area : 1406m²
Area of House
Ground Floor : 275m²
Garage : 45m²
Terrace : 45m²
Lapa : 65m²
Balcony : 30m²
Carport : 32m²
Total m² : 480m²
Detail U- Bracket
GAFF
19 October 22
East Elevation
South Elevation
Cormorant Street
Erf 312
Existing Residence
Swimming Pool
Garage
Erf 311
SITE PLAN

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

29. ERF 3895, 132 FOURTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: JJP ARCHITECTURE ON BEHALF OF C.R. DE WET

3895 KKM (4233/2022)
B Minnaar (028) 313 8900 Hermanus Administration
2 November 2023

EXECUTIVE SUMMARY

An application was received on 1 September 2022 from JJP Architecture on behalf of C.R. de Wet on Erf 3895, Kleinmond in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following departures:

- to relax the eastern lateral building line from 2m to 1.061m in order to accommodate a column on the ground floor and a bedroom, tv lounge and balcony on the first floor; and
- to relax the western lateral building from 2m to 1.5m, to accommodate a bathroom and braai on the ground floor as well as a bedroom and en-suite on the first floor.

RESOLUTION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 3895, Kleinmond for a departure in order to relax the eastern lateral building line from 2m to 1.061m in order to accommodate the extension of the second dwelling to the front of the property; **be waived** as this does not require approval; and

2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 3895, Kleinmond for a departure in order to relax the western lateral building from 2m to 1.5m, to accommodate the extension of the tv/lounge area to the front of the existing dwelling & the extension of the bathroom and braai-room on the ground floor as well as a bedroom and en-suite on the first floor to the rear of the existing dwelling, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:

   (a) that the approval is only for the development indicated on Plan with project number 3121 and plan number 2000 (revision K) dated 02/22/12, 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 the carport beneath the existing flat (second dwelling) is to remain open (no garage doors) in order to give access to the garage located at the rear of the property;

(e) that the double carport located at the rear of the property be demolished.

(f) that the additional door located at the base of the staircase of the new braai-room be removed in order for the main dwelling to be interleading;

(g) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with, and

(h) that this approval does not absolve the applicant from compliance with any other relevant legislation.

3. that the administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 3895, Kleinmond for the unauthorized carport which encroach the permissible building line, **not be imposed**.

4. 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 RESOLUTIONS

POINT 1

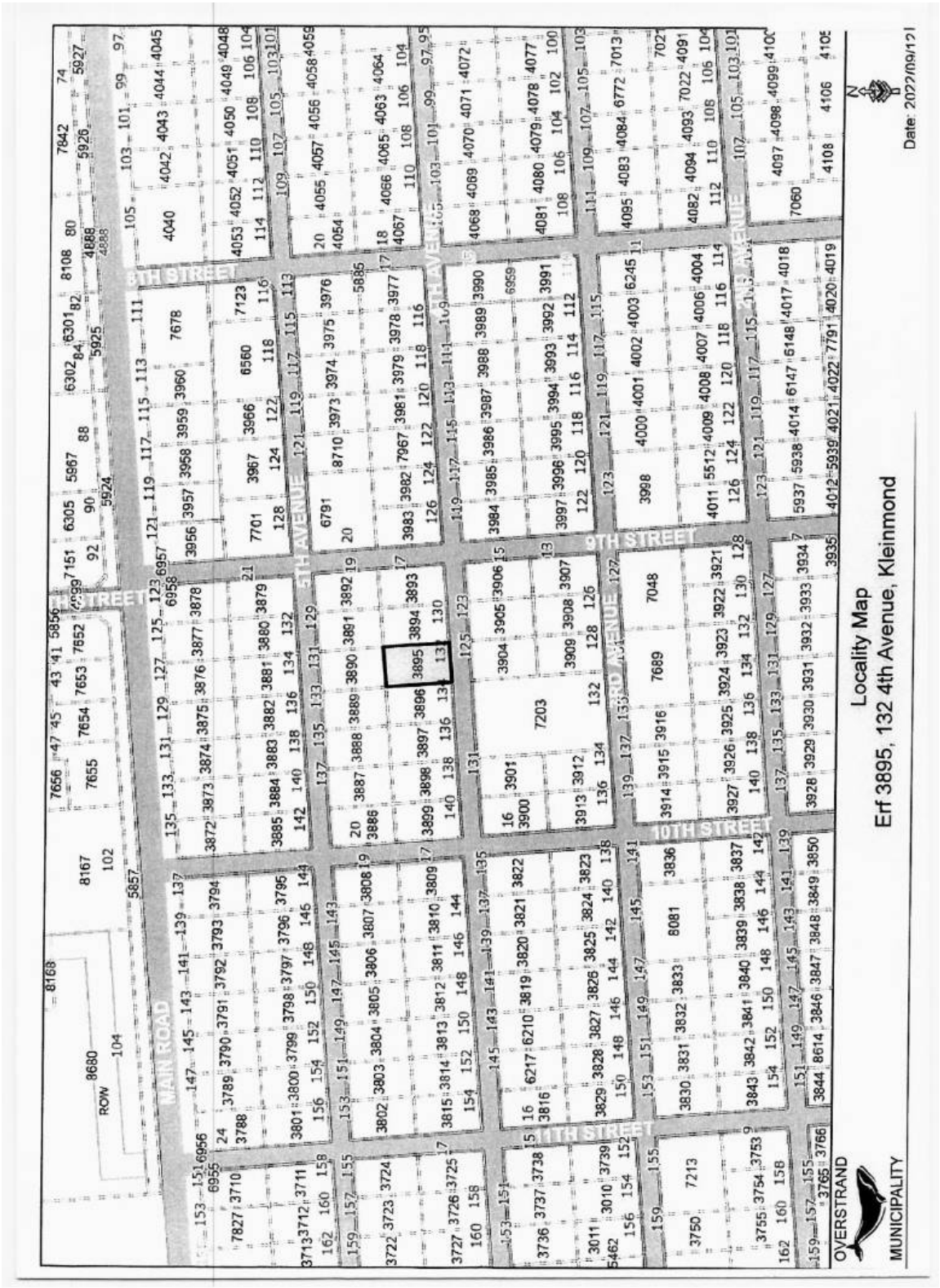
- The motivational report and plan submitted with this application does not correlate properly with one another.
- The extensions proposed to the second dwelling do not trigger the need for the relaxation of the eastern lateral building line.
- The application for the eastern lateral building lines is therefore not required.

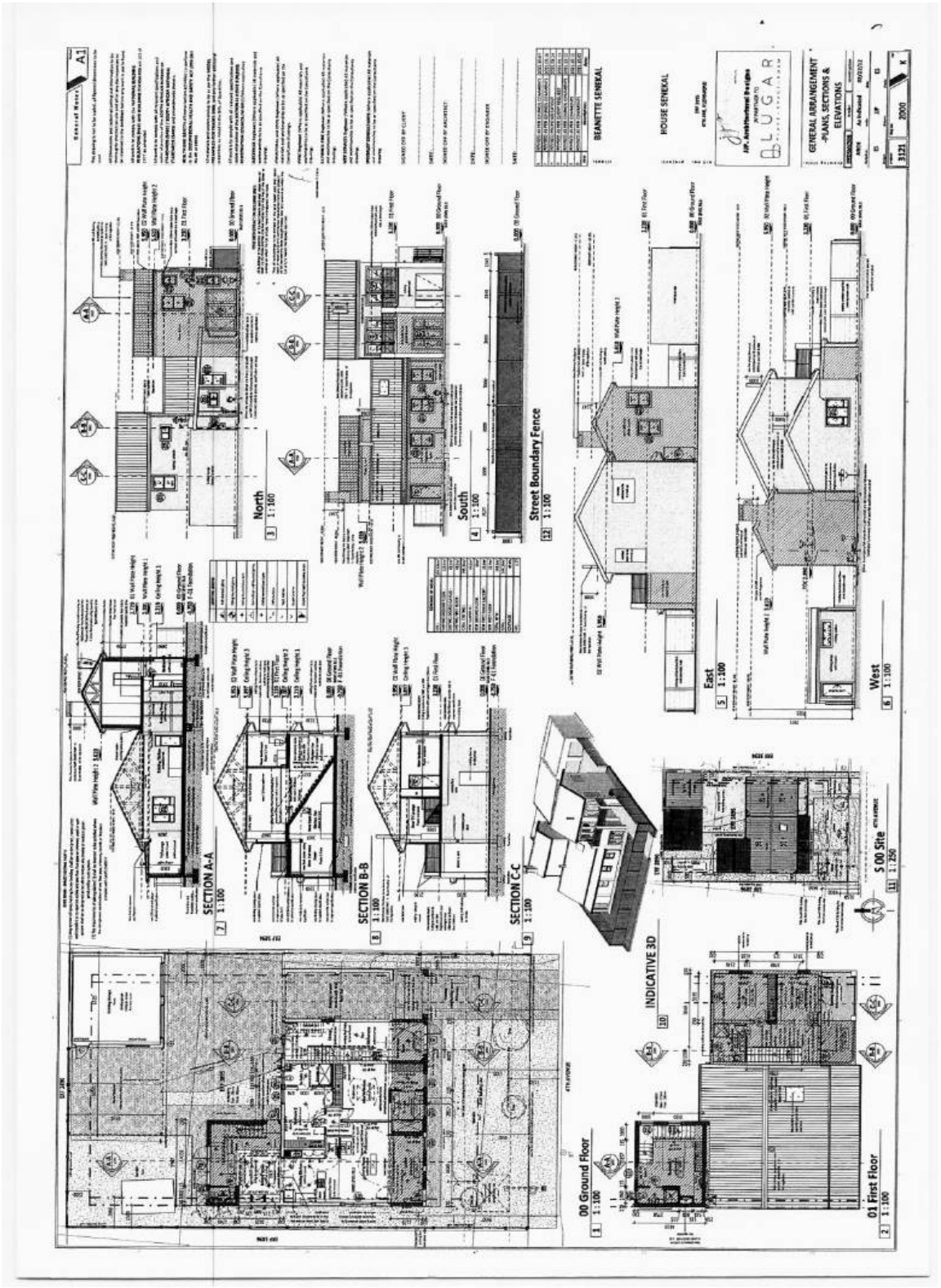
POINT 2

- The proposed extensions made to the front and rear of the property do not encroach the rear and street Scheme building lines, nor does it encroach the title deed setback lines applicable.
- The proposed extensions do not consist of any new openings (windows or doors) along the lateral building lines, therefore not impacting on privacy.
- The carport located at the rear of the property be demolished due to the affected neighbouring property owner not consenting for the carport, but only for the double garage (during building plan application) and that an objection was received for this application.
- The application has followed due procedure.
- No new municipal services will be needed.

POINT 3

- The carport was constructed by the previous property owner.
- The carport had been constructed long before the new owners took ownership of the property.
- The carport has building plan approval since 2007, and the new owners were under the impression that the building plan approval for the carport was valid.


Locality Map
Erf 3895, 132 4th Avenue, Kleinmond
MUNICIPALITY
OVERSTRAND
MAIN ROAD
4TH AVENUE
5TH AVENUE
6TH AVENUE
7TH AVENUE
8TH AVENUE
9TH AVENUE
10TH AVENUE
11TH STREET
9TH STREET
10TH STREET
Date: 2022/09/12


A1
BEANETTE SENEKAL
HOUSE SENEKAL
GENERAL ARRANGEMENT -PLANS, SECTIONS & ELEVATIONS
North
1 : 100
South
1 : 100
Street Boundary Fence
1 : 100
East
1 : 100
West
1 : 100
SECTION A-A
1 : 100
SECTION B-B
1 : 100
SECTION C-C
1 : 100
S 00 Site
1 : 250
INDICATIVE 3D
00 Ground Floor
1 : 100
01 First Floor
1 : 100

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE: ERF 3895, KLEINMOND (4233/2022)

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 developer'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 developer's cost;

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 3895 Kleinmond, unobstructed.

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

08/02/2023
DATE

30. REMAINDER OF PORTION 14 OF FARM NO. 660, KLEIN RIVIER KLOOF, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND AMENDMENT OF THE SITE DEVELOPMENT PLAN: MESSRS WRAP PROJECT OFFICE ON BEHALF OF OUBOKSKRAAL PROPERTIES (PTY) LTD

Prt 14/660 (3927/2021)
P Roux **(028) 313 8900** **Hermanus Administration**
10 October 2023

EXECUTIVE SUMMARY

The application has been received on 8 December 2021 on Portion 14 of Farm 660, Klein Rivier Kloof in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- **consent use** in terms of Section 16(2)(o) of the By-Law in order to accommodate the development of three (3) additional dwelling units, which units will be utilized as tourist accommodation, and

- **amendment of the approved site development plan** in terms of Section 16(2)(l) of the By-Law in order to include the three (3) additional dwelling units and a main dwelling.

RESOLUTION

1. that the application in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (the By-Law) on Portion 14 of Farm No. 660, Klein Rivier Kloof, Division Caledon for the following:

    - consent use in terms of Section 16(2)(o) of the By-Law in order to accommodate the development of three (3) additional dwelling units, which units will be utilized as tourist accommodation, and

    - amendment of the approved site development plan in terms of Section 16(2)(l) of the By-Law in order to include the three (3) additional dwelling units and a main dwelling.

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

(a) that a revised Site Development Plan be submitted to the Town and Spatial Planning Department indicating where additional parking bays will be provided;

(b) that the conditions stipulated by the Fire Department, OpenServe, District Health, CapeNature and Breede-Gouritz Cathment Management Agency, be complied with;

(c) that the building plans be submitted to the Building Department and comments from the Building Department and Fire department be complied with at that stage;

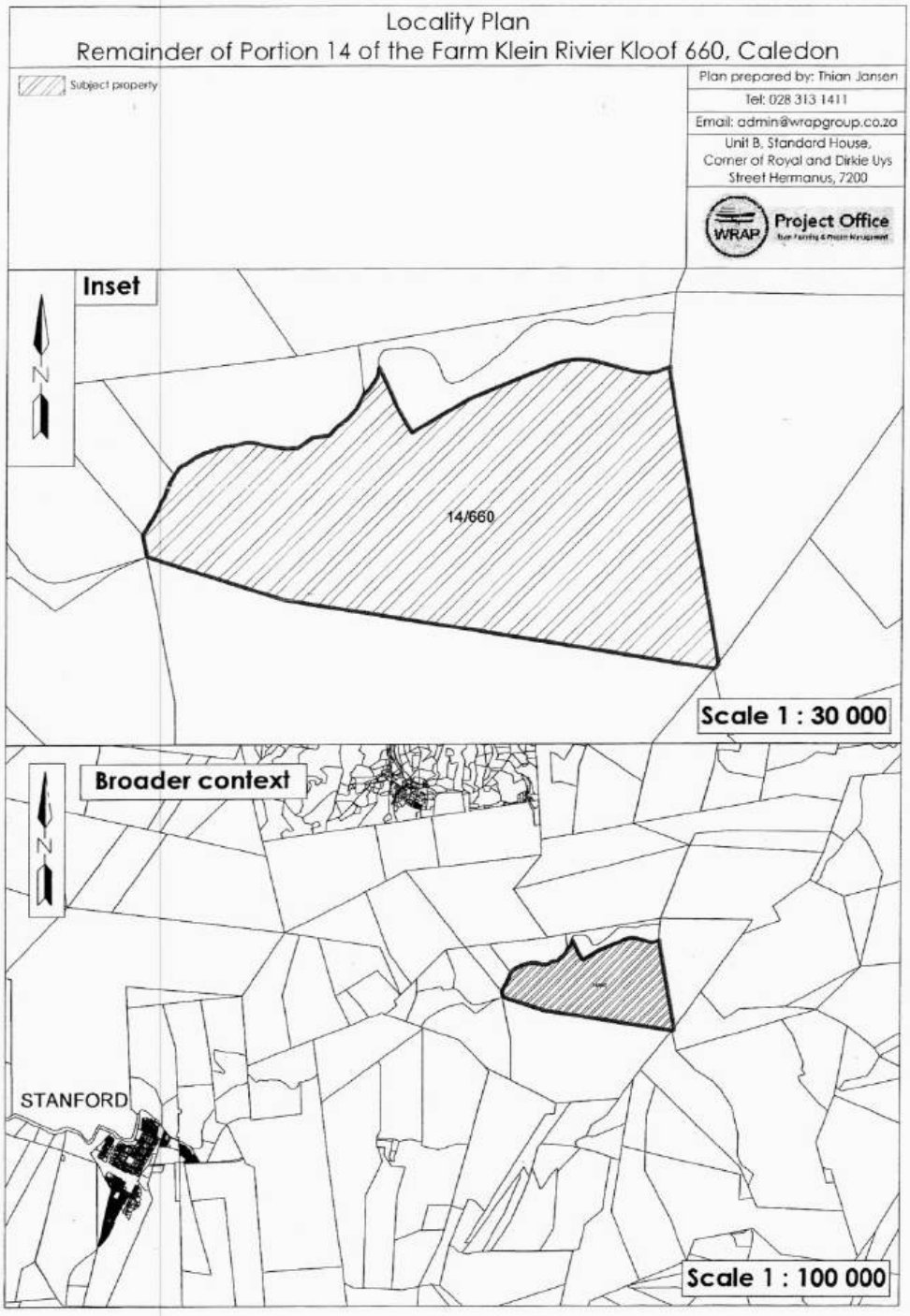
(d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and

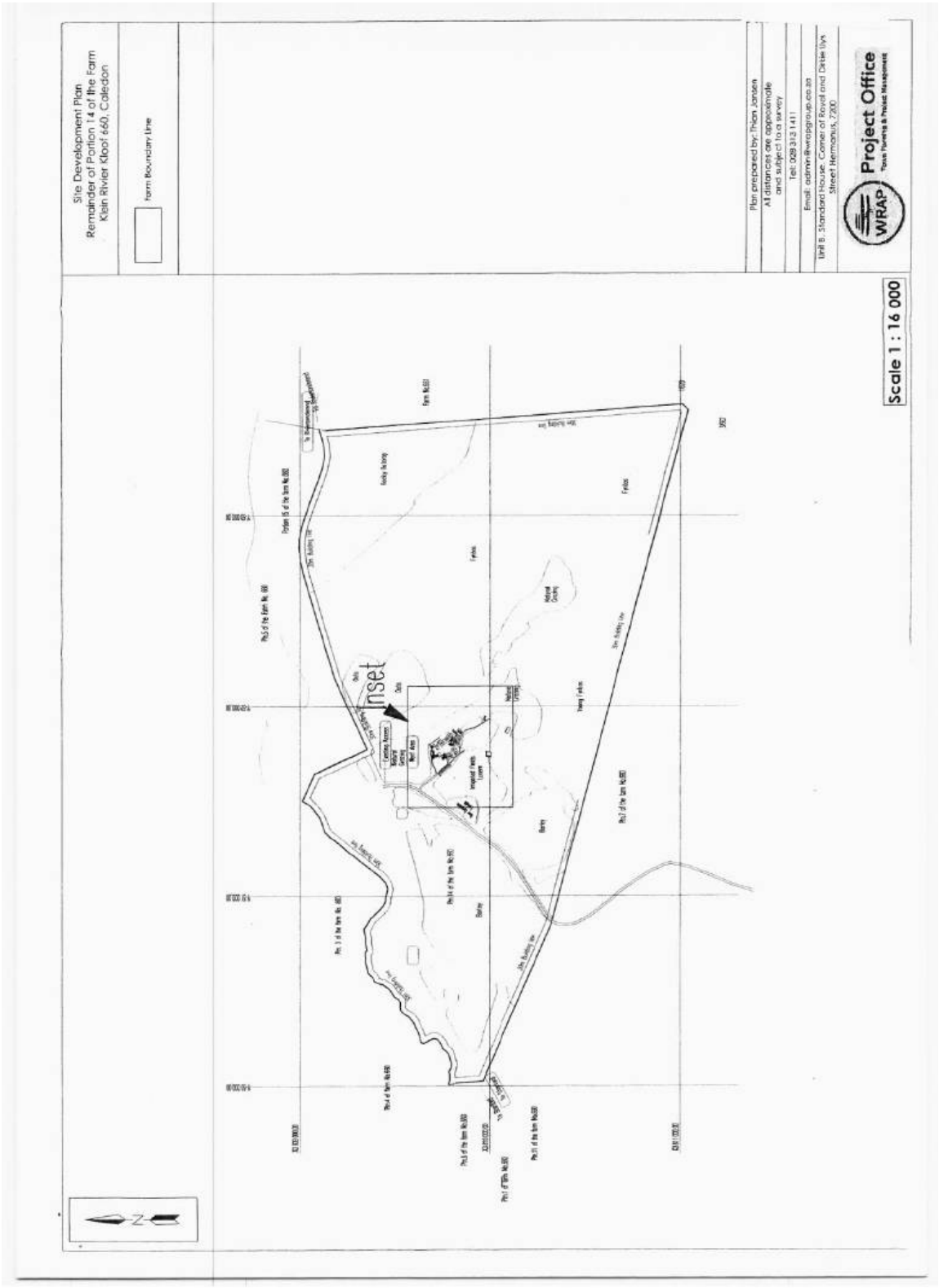
(e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.

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 decisions.

REASONS FOR RESOLUTION

- There is good accessibility.
- The application has followed due procedure.
- None of the internal departments have objected to the application.
- No new municipal services will be required.
- No external state departments objected to the application.
- The application is in line with SPLUMA principles.
- No impact on the environment.
- No objections were received from surrounding property owners.
- It is in line with the aims of the Overstrand SDF to promote tourism.
- The application will not have a negative effect on the character of the area or impact on other farming activities, as the property is already used for tourist facilities and tourist accommodation.


Locality Plan
Remainder of Portion 14 of the Farm Klein Rivier Kloof 660, Caledon
Subject property
Plan prepared by: Thian Jansen
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200
WRAP
Project Office
Inset
N
14/660
Scale 1 : 30 000
Broader context
N
STANFORD
Scale 1 : 100 000


Site Development Plan
Remainder of Portion 14 of the Farm
Klein Rivier Kloof 660, Caledon
Farm Boundary Line
Plan prepared by: Thian Jansen
All distances are approximate
and subject to a survey
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit 8, Standard House, Corner of Royal and Dirkie Uys
Street Hermanus, 7200
WRAP
Project Office
Town Planning & Project Management
Scale 1 : 16 000
Inset

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR CONSENT USE & AMENDMENT OF SITE DEVELOPMENT PLAN: REMAINDER OF PORTION 14 OF FARM NO.660, KLEIN RIVIER KLOOF

Electricity	:	Eskom area
Stormwater	:	No services available
Water	:	No services available
Sewer	:	No services available
Roads and traffic	:	No services available

Conditions:

1. that the developer arrange with ESCOM for the provision of electricity and that he complies with all conditions as may be set by ESCOM;

2. that no water and sewer services from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (Water and Sanitation, Health, Bocma etc.) for the use of any other water resources and the extraction thereof;

3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Senior Manager: Engineering Services, Overstrand Municipality;

4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval;

5. that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or –waste disposal facility;

6. that the developer complies to all the conditions set by Department Of Water Affairs & Bocma.

p.p. R Cradock

DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

05/04/2022
DATE

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

31. ERF 603, 5 ALLAN ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND RELAXATION OF TITLE DEED: FUTURE PLAN TOWN & REGIONAL PLANNERS ON BEHALF OF MK TUCKER

603 KPRB (4312/2022)
B Minnaar (028) 313 8900 Hermanus Administration
25 October 2023

EXECUTIVE SUMMARY

An application has been received on 12 December 2022 from Future Plan Town & Regional Planners on behalf of MK Tucker in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 603, Pringle Bay for a departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- to relax the southern lateral building line from 2,0m to 0m to accommodate a bathroom on ground floor level and a courtyard on first floor; and
- relaxation of the boundary wall height located at the front of the property from 2.1m to 3m to accommodate the existing discrepancy.

The application also entails the relaxation of Clause C.6.(b) of Title Deed No. T50279/22 applicable to Erf 603, Pringle Bay to relax the southern lateral building line from 1.5m to 0m to accommodate a bathroom on the ground floor level and a courtyard on the first-floor level.

RESOLUTION

1. that the application in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the relaxation of restrictive title deed Condition C.(6)(b) as contained in Title Deed No. T50279/22 applicable to Erf 603, Pringle Bay to relax the southern lateral building line from 1.5m to 0m to accommodate the existing bathroom on the ground floor level and the courtyard on first floor level, **be approved**, in terms of Section 61 of the By-Law.

2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 603, Pringle Bay for the following departures:

   - ❖ to relax the southern lateral building line from 2,0m to 0m to accommodate a bathroom on ground floor level and a courtyard on first floor;
   - ❖ relaxation of the boundary wall height located at the front of the property from 2.1m to 3m to accommodate the existing discrepancy;

   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 2022-001 to 003 dated 14 November 2022 submitted with the application;

   (b) that existing bathroom have no windows or doors facing the adjacent properties;

   (c) that no further departures over the building lines be approved; except as stipulated in the Land Use Scheme;

   (d) 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;

   (e) that the conditions imposed by Engineering Services 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.

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 for the unauthorised building work to accommodate the existing additions to the dwelling house was considered and that an administrative penalty fee which amounts to R3 442.78, **be applicable** within thirty (30) days of the date of the decision;

    - Illegal building work contravention which amounts to R3 442.78 (R68 855.50 x 5%).

4. that the applicant be notified of its right of appeal (*against Paragraph 3. above*) 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

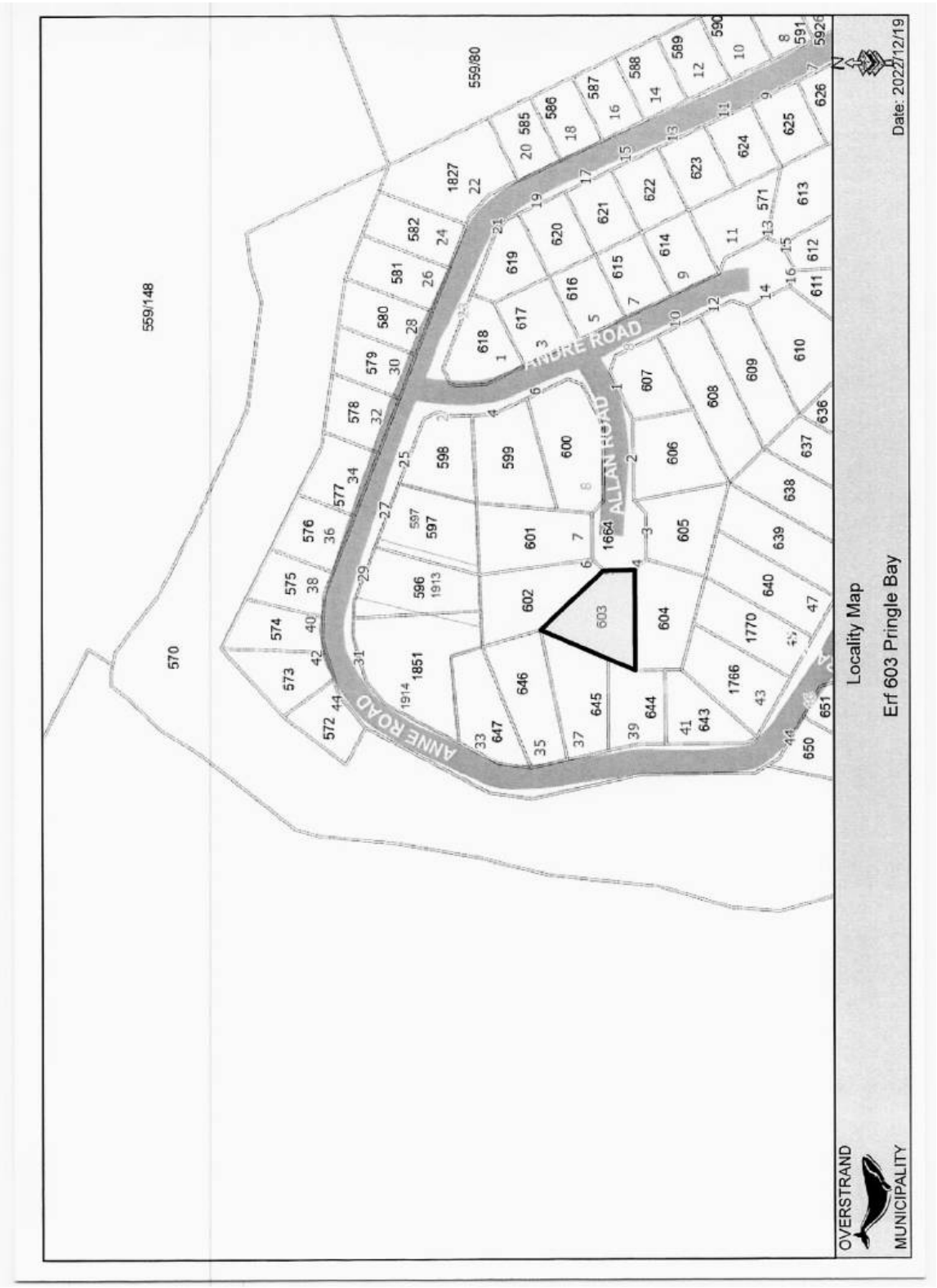
POINTS 1 & 2

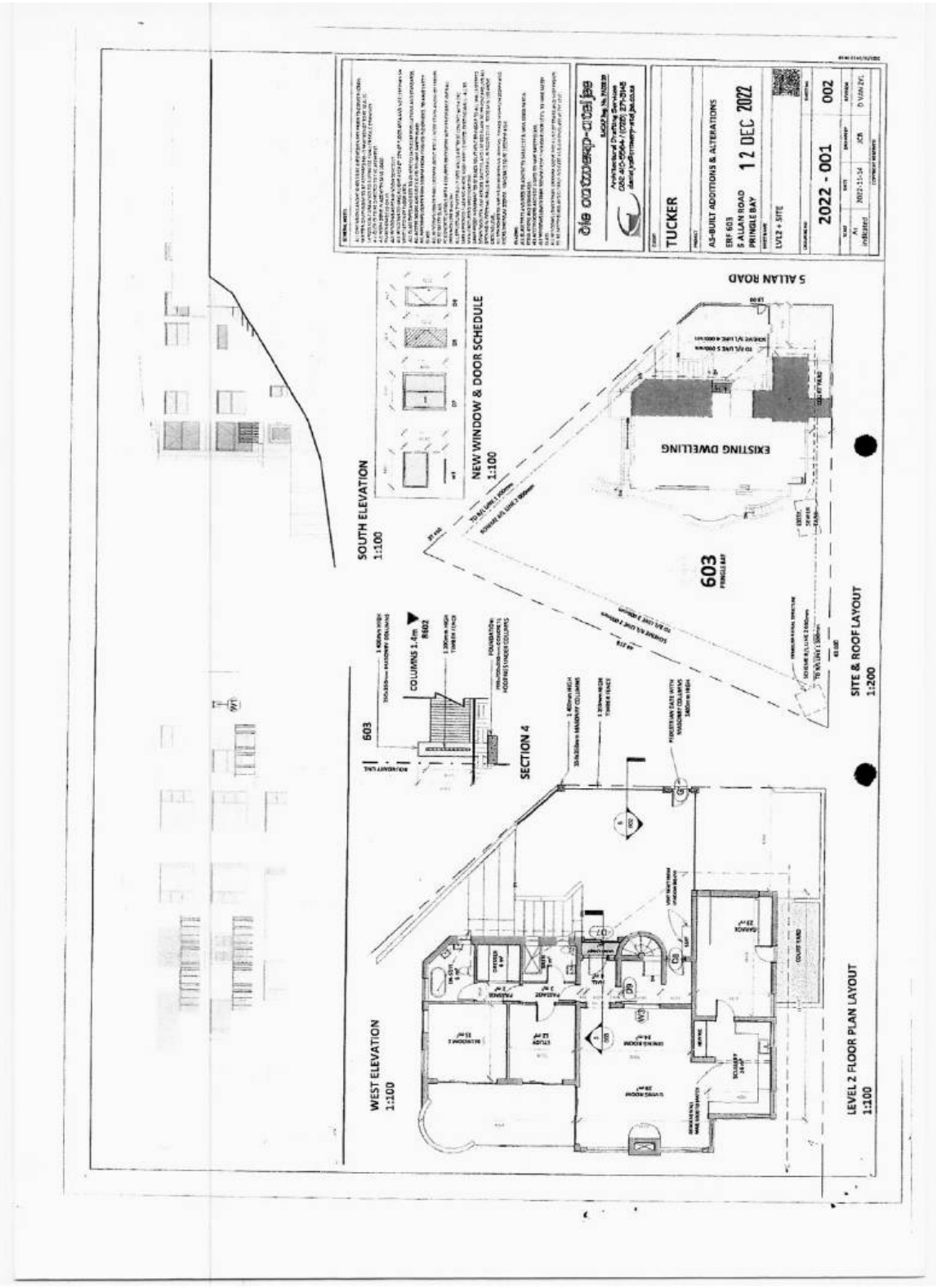
- The addition is of a normal residential nature and will not negatively impact the surrounding character of the area.
- The proposed addition will have no negative impact the surrounding affected neighbours.
- That the additions were constructed over 18 years ago and no complaint has been received by this office regarding the existing structures.
- There are no windows or doors facing the boundary wall and is therefore inline with the scheme regulations.
- The bathroom is located lower than the natural ground level and is screened by vegetation which will have no negative impact in terms of privacy.
- The affected neighbour (Erf 604 Pringle Bay) provided their consent (attached as Annexure G).

POINT 3

- The additions were constructed and completed by the previous owner.
- The previous owner provided a letter stating that they constructed the unauthorised additions.
- The additions were already constructed when the current owner purchased the property in April 2022.
- The additions are of a normal residential use and the both the title deed as well as the scheme regulations make provision for such departures.
- The affected neighbour (Erf 604 Pringle Bay) provided their consent.

- That onus remains on the property owner to ensure that their property is compliant with all applicable legislation.


559/148
559/80
570
ANDRE ROAD
ALLAN ROAD
ANNE ROAD
603
Locality Map
Erf 603 Pringle Bay
Date: 2022/12/19
OVERSTRAND
MUNICIPALITY


TUCKER
A3-BUILT ADDITIONS & ALTERATIONS
ERF 603
5 ALLAN ROAD
PRINGLE BAY
12 DEC 2022
2022 - 001
002
5 ALLAN ROAD
EXISTING DWELLING
603
PRINGLE BAY
NEW WINDOW & DOOR SCHEDULE
1:100
SOUTH ELEVATION
1:100
SECTION 4
COLUMNS 1.4m
SITE & ROOF LAYOUT
1:200
WEST ELEVATION
1:100
LEVEL 2 FLOOR PLAN LAYOUT
1:100

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE & RELAXATION OF TITLE DEED: ERF 603, PRINGLE BAY (4312/2022)

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 603, Pringle Bay, unobstructed.

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

02/05/2023
DATE

32. PORTION 101 (A PORTION OF PORTION 94) OF THE FARM HANGKLIP NO. 559, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR AMENDMENT OF AN APPROVED SITE DEVELOPMENT PLAN AND AMENDMENT OF ARCHITECTURAL GUIDELINES: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF HANGKLIP 101 SHAREBLOCK (PTY) LTD

KHANG 101/559 (4301/2022)
H van der Stoep (028) 313 8900 Hermanus Administration
5 September 2023

EXECUTIVE SUMMARY

An application has been received on 2 December 2022 from Plan Active Town & Regional Planners on behalf of Hangklip 101 Shareblock (Pty) Ltd on Portion 101 (a Portion of Portion 94) of the Farm Hangklip No. 559 in terms of Section 16.(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the Amendment of the Approved Site Development Plan and Amendment of the Architectural Guidelines to allow for the increase of the developable footprint of the 21 holiday houses and associated garages.

RESOLUTION

1. that the application in terms of Section 16.(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 on Portion 101 (a Portion of Portion 94) of the Farm Hangklip No. 559 for the Amendment of the Approved Site Development Plan and Amendment of the Architectural Guidelines to allow for the increase of the developable footprint of the 21 holiday houses and associated garages, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:

   (a) that this approval is only for the new developed as indicated on Amended Site Development Plans dated 1 December 2022, submitted with the 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 the site must have a dedicated waste storage area as per part of the National Building Regulations (SANS 10400), and all refuse must then be removed from the property to a registered dump site;

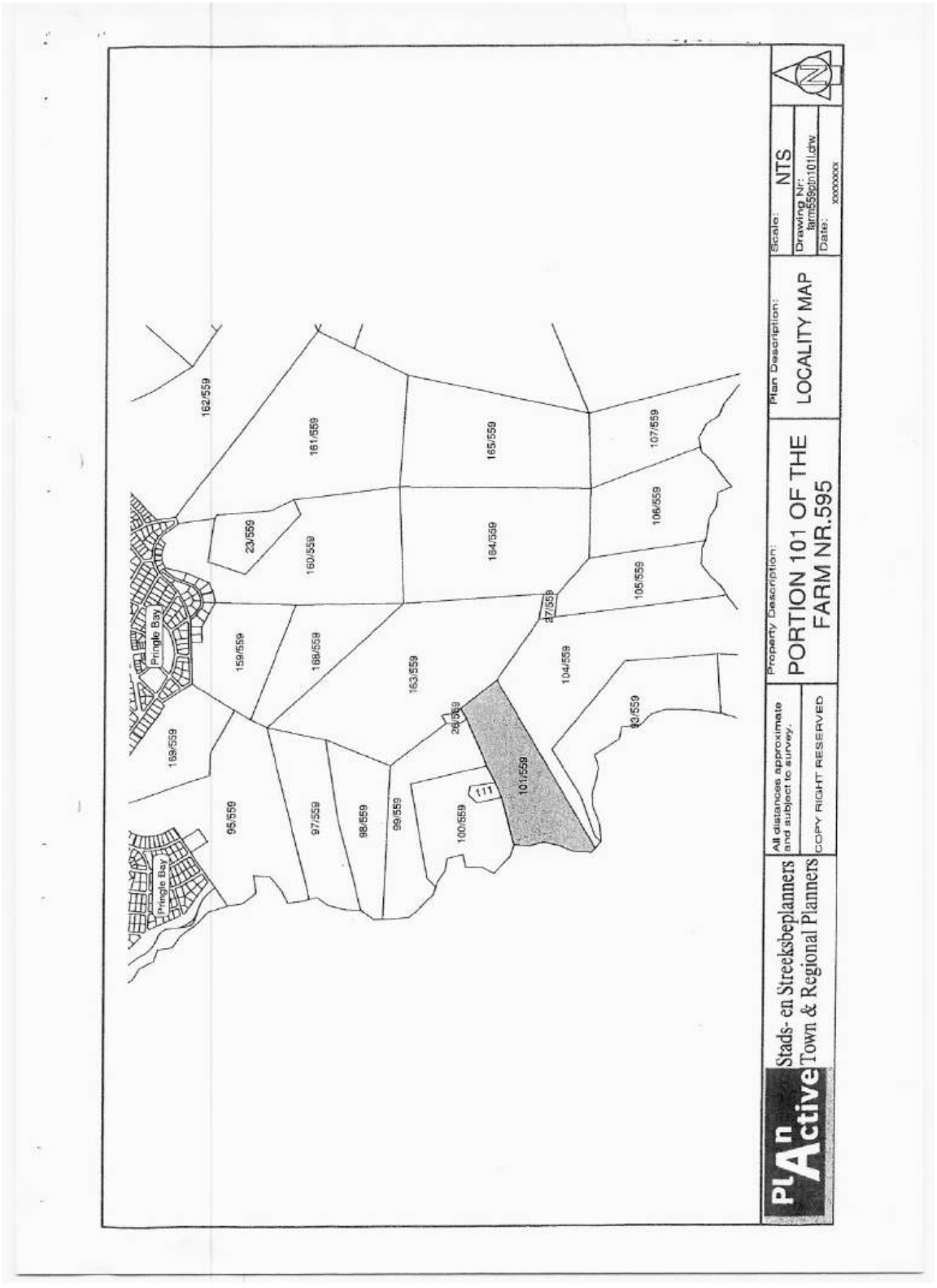
(d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and

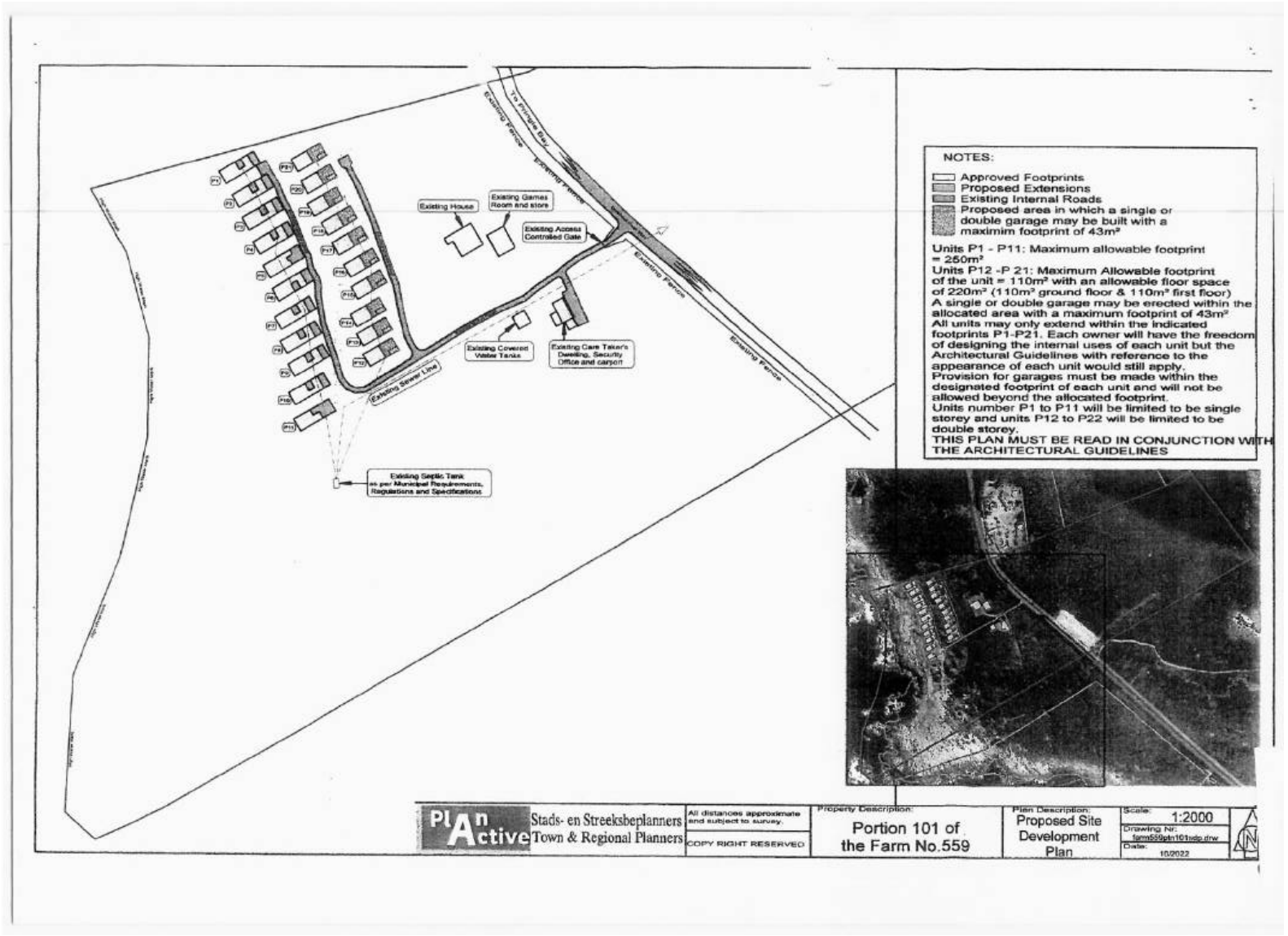
(e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

2. that the applicant 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 decision.

REASON FOR RESOLUTION

- There is good accessibility and sufficient parking provisions.
- The application has followed due procedure.
- None of the internal departments have objected to the application.
- No new municipal services will be required.
- No external state departments objected to the application.
- The application is in line with SPLUMA principles.
- No impact on the environment.
- Majority of shareholders support the changes.
- The application will not have a negative effect on the character of the area or impact on other farming activities.


Pringle Bay
Pringle Bay
162/559
161/559
165/559
107/559
23/559
160/559
164/559
106/559
105/559
47/559
159/559
168/559
163/559
104/559
169/559
29/559
103/559
95/559
97/559
98/559
99/559
100/559
111
101/559
Plan Active
Stads- en Streeksbeplanners
Town & Regional Planners
All distances approximate and subject to survey.
COPY RIGHT RESERVED
Property Description:
PORTION 101 OF THE FARM NR.595
Plan Description:
LOCALITY MAP
Scale: NTS
Drawing Nr: farm559ptn101.dw
Date: xxxxxxxx
N


NOTES:
Approved Footprints
Proposed Extensions
Existing Internal Roads
Proposed area in which a single or double garage may be built with a maximim footprint of 43m²
Units P1 - P11: Maximum allowable footprint = 250m²
Units P12 -P 21: Maximum Allowable footprint of the unit = 110m² with an allowable floor space of 220m² (110m² ground floor & 110m² first floor)
A single or double garage may be erected within the allocated area with a maximum footprint of 43m²
All units may only extend within the indicated footprints P1-P21. Each owner will have the freedom of designing the internal uses of each unit but the Architectural Guidelines with reference to the appearance of each unit would still apply.
Provision for garages must be made within the designated footprint of each unit and will not be allowed beyond the allocated footprint.
Units number P1 to P11 will be limited to be single storey and units P12 to P22 will be limited to be double storey.
THIS PLAN MUST BE READ IN CONJUNCTION WITH THE ARCHITECTURAL GUIDELINES
Existing House
Existing Games Room and store
Existing Access Controlled Gate
Existing Covered Water Tanks
Existing Care Taker's Dwelling, Security Office and carport
Existing Sewer Line
Existing Septic Tank as per Municipal Requirements, Regulations and Specifications
Existing Fence
To Plettenberg Bay
PLAN Active
Stads- en Streeksbeplanners
Town & Regional Planners
All distances approximate and subject to survey.
COPY RIGHT RESERVED
Property Description:
Portion 101 of the Farm No.559
Plan Description:
Proposed Site Development Plan
Scale: 1:2000
Drawing Nr: farm559ptn101sdp.drw
Date: 10/2022

33. ERF 179, 23 DIRKIE UYS STREET, GANSBAAI: APPLICATION FOR REZONING AND CONSENT USE: MESSRS PLATINUM TOWN PLANNERS ON BEHALF OF AE POTGIETER

179 GGB (4332)
SW van der Merwe (028) 313 8900 Hermanus Administration
15 November 2023

EXECUTIVE SUMMARY

An application has been received on 2 February 2023 from Messrs Platinum Town Planners in terms of the Overstrand Municipal Land Use Planning Amendment By-Law, 2020 (By-Law) on behalf of AE Potgieter, the owner of Erf 179, Gansbaai for the following:

- **rezoning** in terms of Section 16(2)(a) of the By-Law from Residential Zone 1 (SR1) to Business Zone 1: General Business (B1), and
- **consent use** in terms of Section 16(2)(o) to accommodate flats on the ground floor and an institution.

RESOLUTION

1. that the application for rezoning in terms of Section 16(2)(a) of the Overstrand Municipality Municipal Land Use Planning Amendment By-Law, 2020 (By-Law) applicable to Erf 179, Gansbaai, **be approved** in terms of the provisions of Section 61 of the By-Law;

2. that the application for consent use (ground floor flats and institution) in terms of Section 16(2)(o) of the By-Law, **be approved** in terms of the provisions of Section 61 of the By-Law;

3. that the approvals in paragraphs 1. and 2. above be subject to the following conditions:

   (a) that the consent for an institution be limited to a clinic / ambulance station;

   (b) that a detailed Site development Plan (SDP) be submitted indicating the extent of the consent uses approved (i.e., ground floor flats and institution), on-site parking provision and compliance with the development parameters in terms of the Land Use Scheme;

   (c) that on-site parking provision be provided in accordance with the approved SDP;

(d) that the requirements of Engineering Services be adhered to;

(e) 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;

(f) that the display of signage be subject to compliance with the Municipal By-Law on Signage;

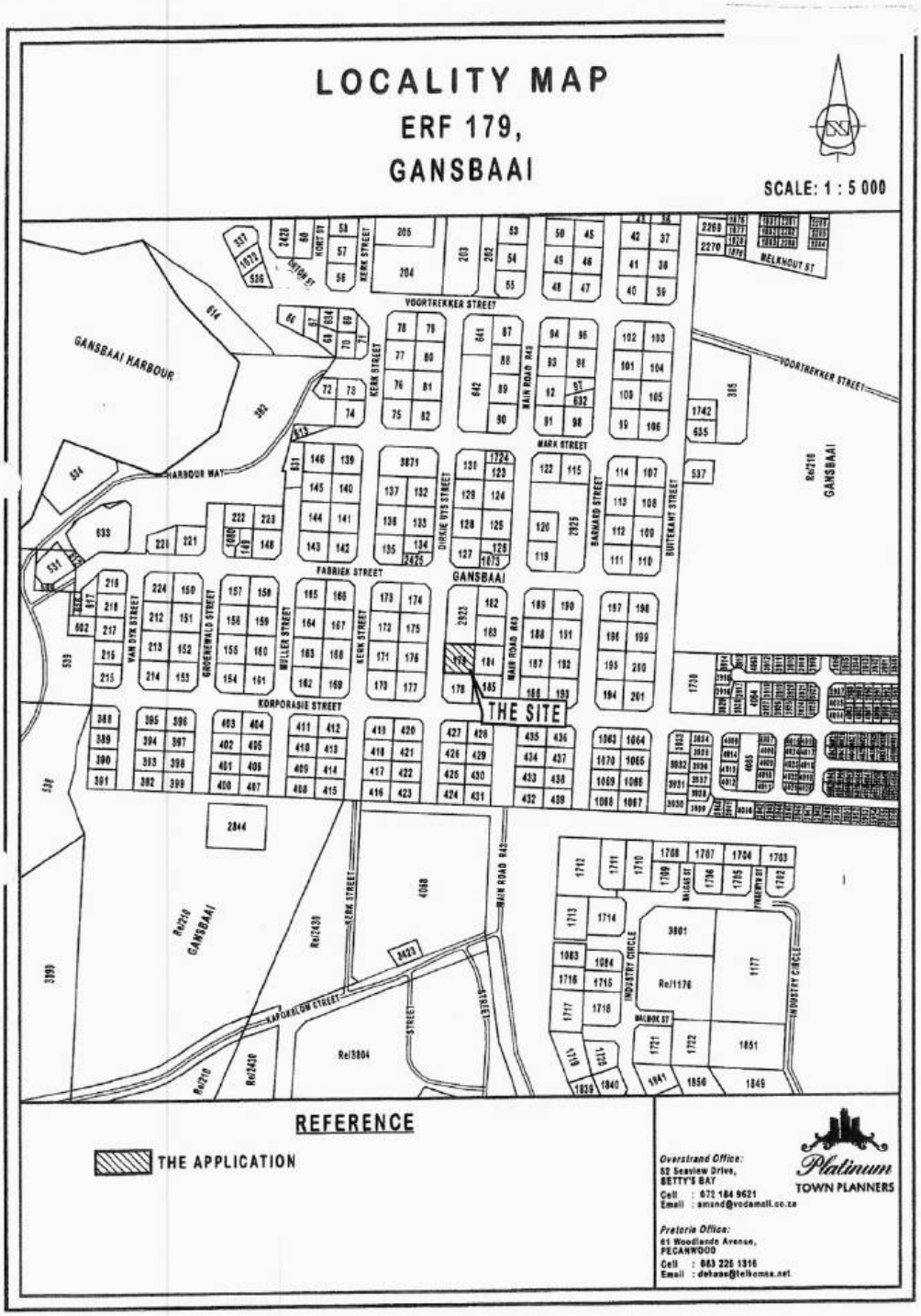
(g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and

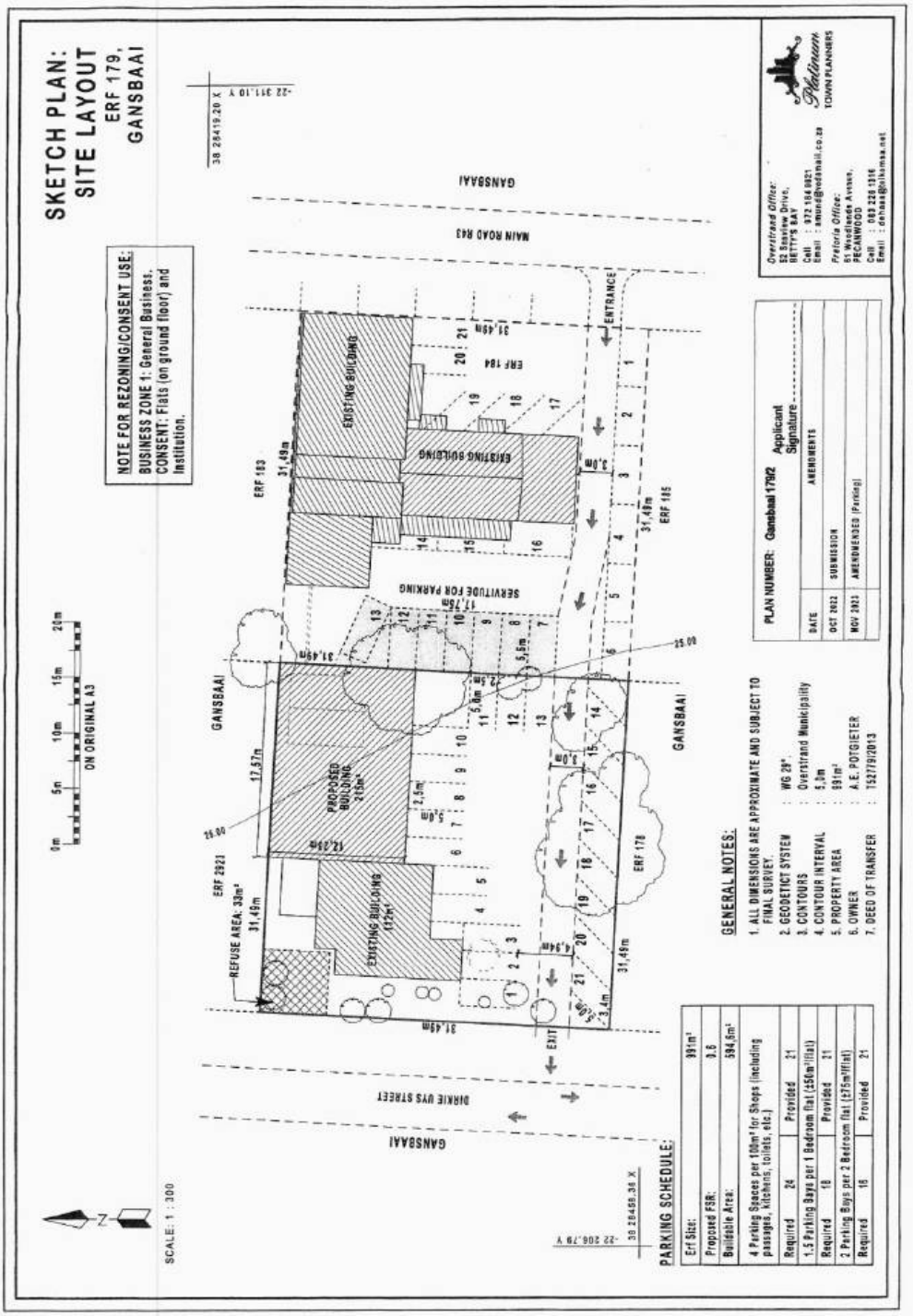
(h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

4. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

REASON FOR RESOLUTION

- The application has followed due procedure.
- The development is consistent with the applicable strategic policy documents.
- The development is consistent with the planning principles.
- The development will not detract from the character of the area.
- The development will not adversely impact upon vested rights of adjoining property owners.
- The development is situated within the CBD.
- The development will provide employment opportunities.


LOCALITY MAP
ERF 179,
GANSBAAI
SCALE: 1 : 5 000
GANSBAAI HARBOUR
VOORTREKKER STREET
MELKHOUT ST
MARK STREET
HARBOUR WAY
FABRIEK STREET
KORPORASIE STREET
KAPOKBLOM STREET
MAIN ROAD 843
KERK STREET
DIRKIE UYS STREET
BARNARD STREET
BUITEKANT STREET
MULLER STREET
VAN DYK STREET
GROENEWALD STREET
INDUSTRY CIRCLE
MALBOK ST
THE SITE
Re/210 GANSBAAI
Re/216 GANSBAAI
Re/1430
Re/1176
Re/3804
Re/2420
REFERENCE
THE APPLICATION
Platinum
TOWN PLANNERS
Overstrand Office:
52 Seaview Drive,
BETTY'S BAY
Cell : 072 184 9621
Email : amand@vodamail.co.za
Pretoria Office:
61 Woodlands Avenue,
PECANWOOD
Cell : 083 226 1316
Email : debase@telkomsa.net


SKETCH PLAN:
SITE LAYOUT
ERF 179,
GANSBAAI
NOTE FOR REZONING/CONSENT USE:
BUSINESS ZONE 1: General Business.
CONSENT: Flats (on ground floor) and Institution.
GANSBAAI
MAIN ROAD R43
ENTRANCE
ERF 184
ERF 183
ERF 185
ERF 178
ERF 2321
EXISTING BUILDING
PROPOSED BUILDING 215m²
EXISTING BUILDING 112m²
SERVITUDE FOR PARKING
REFUSE AREA: 33m²
DIRKIE UYS STREET
EXIT
0m 5m 10m 15m 20m
ON ORIGINAL A3
SCALE: 1 : 300
PLAN NUMBER: Gansbaai 179/2
Applicant Signature
DATE
AMENDMENTS
OCT 2022 SUBMISSION
NOV 2023 AMENDMENDED (Parking)
Overstrand Office:
52 Seaview Drive,
BETTY'S BAY
Cell : 072 164 6921
Email : emma@rodsmail.co.za
Pretoria Office:
51 Woodlands Avenue,
PECANWOOD
Cell : 083 226 1316
Email : estmar@telkomsa.net
Plotroom
TOWN PLANNERS
GENERAL NOTES:
1. ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY.
2. GEODETICT SYSTEM : WG 29°.
3. CONTOURS : Overstrand Municipality
4. CONTOUR INTERVAL : 5.0m
5. PROPERTY AREA : 591m²
6. OWNER : A.E. POTGIETER
7. DEED OF TRANSFER : T52179/2013
PARKING SCHEDULE:
Erf Size: 591m²
Proposed FSR: 0.6
Buildable Area: 354.6m²
4 Parking Spaces per 100m² for Shops (including passages, Kitchens, toilets, etc.)
Required 24 Provided 21
1.5 Parking Bays per 1 Bedroom flat (≥56m² villas)
Required 18 Provided 21
2 Parking Bays per 2 Bedroom flat (≥75m² flat)
Required 18 Provided 21

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR REZONING & CONSENT USE: ERF 179, GANSBAAI

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 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 1.3784=	R 38 041.30
Sewerage	R 18 608.30 x 1.3784=	R 25 649.68
Roads	R 8 344.32 x 15.770769=	R 131 596.34
Stormwater	R 9 626.92 x 1.3213333=	R 12 720 37
Solid Waste	R 1 668.44 x 1.47750=	R 2 465.12
TOTAL (inclusive of VAT)	=	**R 210 472.81**

Please note that the above figures:

a) **Are estimates that are subject to change.**
b) **Do not include investigation levies or connection fees.**
c) **Are only valid for the current financial year and subject to annual tariff adjustments.**

2. that the existing water connection to- and sewer conservancy tank on Erf 179 shall be used to service Erf 179;

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 any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;

5. 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;

6. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;

7. that any additional and / or extended vehicle entrances will be for the developer's account;

8. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;

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

M. R Hendriks

DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

13/07/2023

DATE

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

34. ERF 1318, 335 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR A DEPARTURE: MS & MA FROST

1318 HVK (4516/2023)
P Roux (028) 313 8900 Hermanus Administration
20 November 2023

EXECUTIVE SUMMARY

An application has been received on 2 November 2023 from the owners of Erf 1318, Eastcliff, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to relax the western lateral building line from 2m to 0m, to accommodate the enclosure of a new single storey double garage on the property.

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 1318, Hermanus to relax the western lateral building line from 2m to 0m, to accommodate the proposed garage, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

    (a) that the approvals are for the development as indicated on Site Development Plan No. *SD101* and *103*, as submitted with the application;

    (b) that building plans be submitted to the Building Control Office, and all comments from the Fire Department be complied with at that stage;

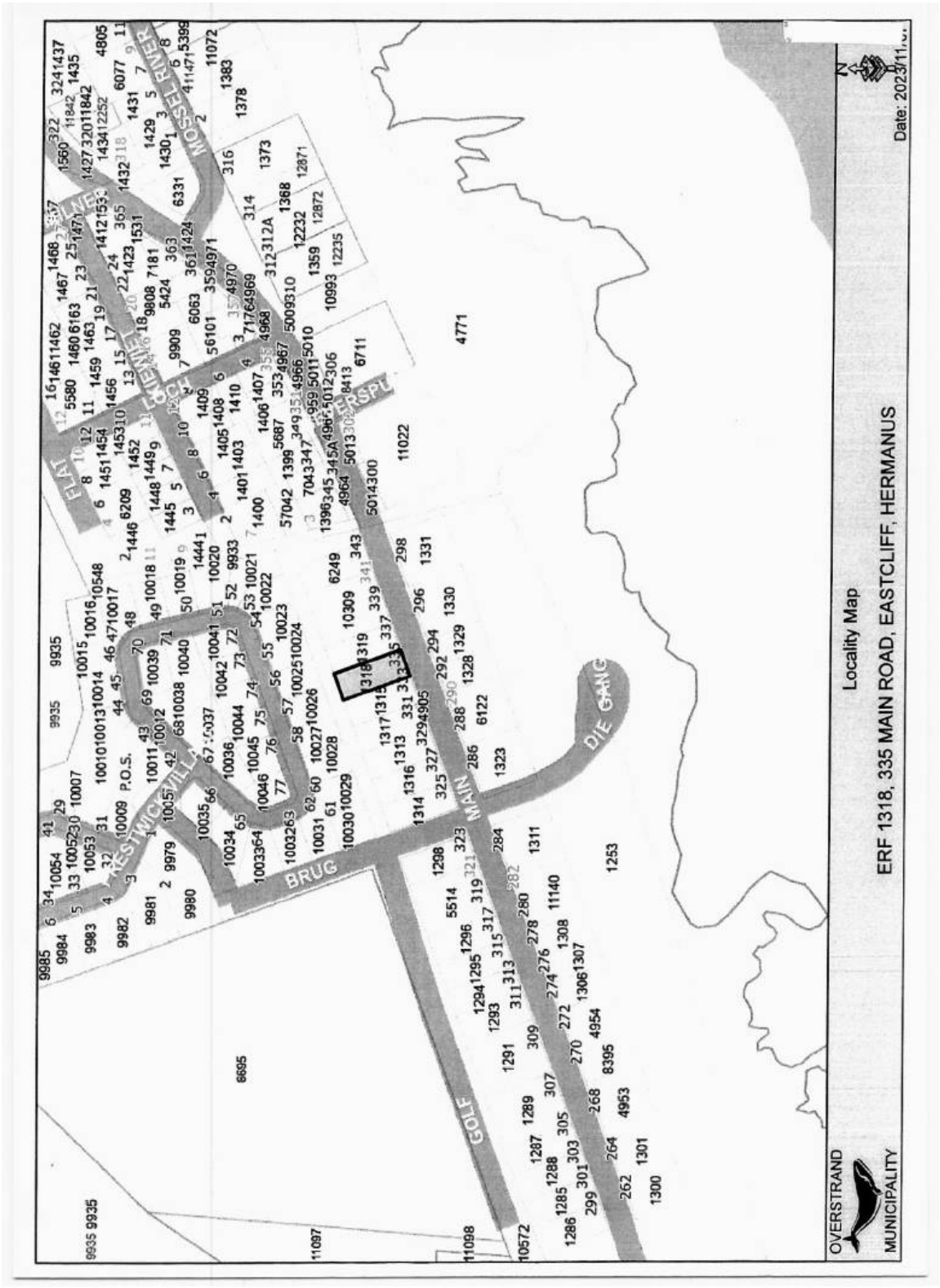
    (c) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

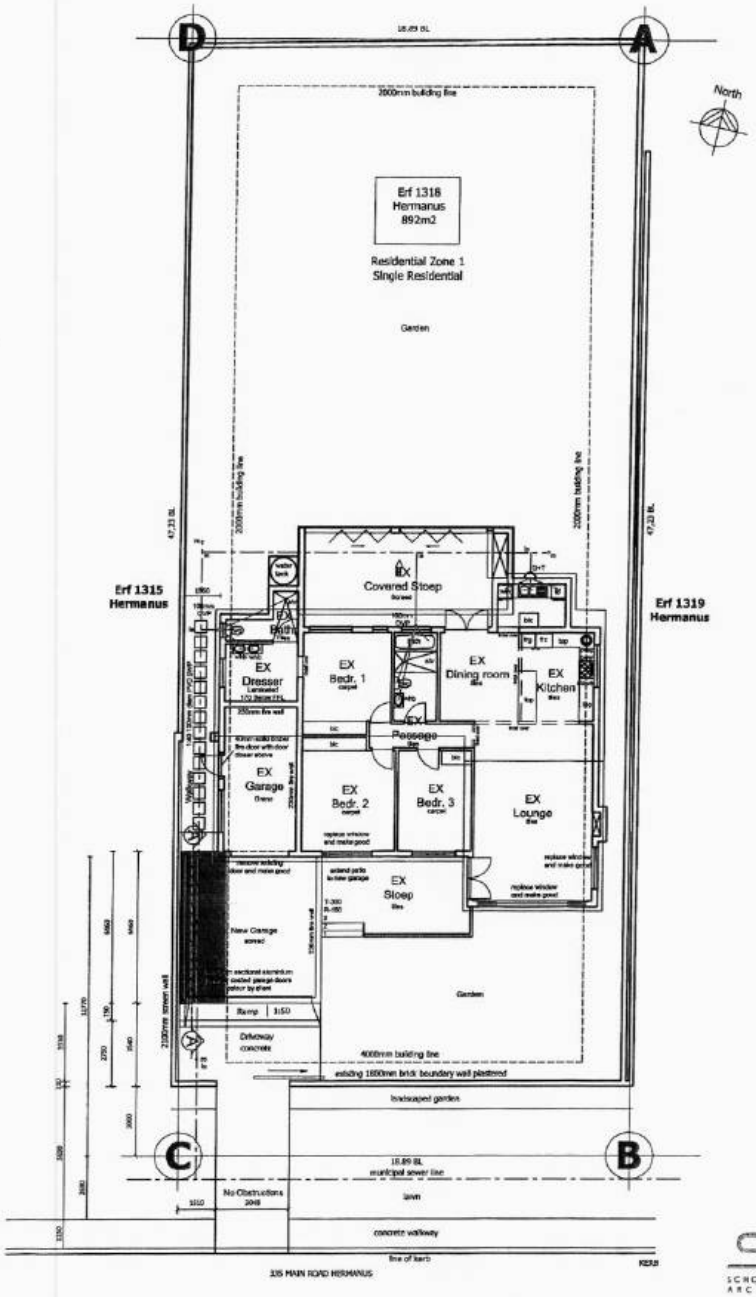
    (d) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.

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 decisions.

REASONS FOR RESOLUTION

- The proposed garage is compliant with the residential character.
- Neighbours consent was provided.
- The use of the structure will remain unchanged.
- The garage is compliant with the parameters of the Land Use Management Scheme, 2020 Section 16.
- The proposal is compliant with the relevant policy documents.


Locality Map
ERF 1318, 335 MAIN ROAD, EASTCLIFF, HERMANUS
OVERSTRAND
MUNICIPALITY
Date: 2023/11/..
N
MAIN
BRUG
GOLF
DIE GANG
MOSSEL RIVER
P.O.S.



Site plan Erf 1318 Hermanus 1:200

SCHOONRAAD ARCHITECTS
12 13th Street Kleinmond 7195
Cell 0828533770
gideon@schoonraadarch.co.za

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

35. ERF 2816, 155 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS SCOTT AND PARTNERS ON BEHALF OF ELPHINSTONE FAMILY TRUST

2816 HVK (4232/2022)
P Roux **(028) 313 8900** **Hermanus Administration**
07 November 2023

EXECUTIVE SUMMARY

An application has been received on 1 September 2022 from Messrs Scott and Partners on behalf of the owners of Erf 2816, Voëlklip, Hermanus 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 western street building line from 4m to 0m, in order to accommodate a swimming pool and a section of the boundary wall higher than 2.1m.

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 2816, Hermanus to relax the western street building line from 4m to 0m, in order to accommodate a swimming pool and a section of the boundary wall higher than 2.1m, **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. *Revision A, LAD 2.1 to 2.2* for the boundary wall and swimming pool, as submitted with the application;

    (b) that the building plans be submitted to the Building Control Office, and all comments from the Fire Department be complied with at that stage;

    (c) that all the conditions in the Services Report, be complied with;

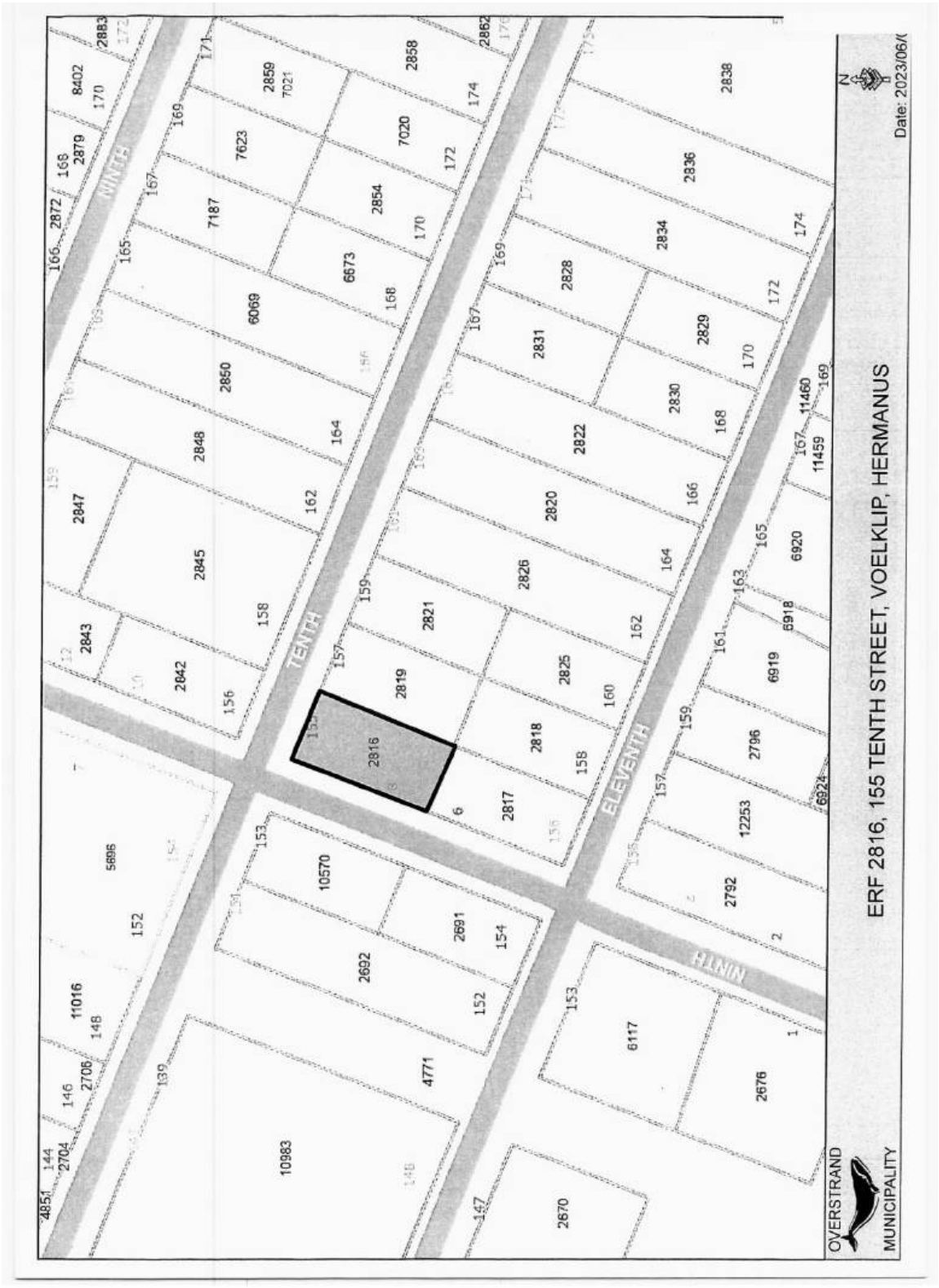
    (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

    (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with;

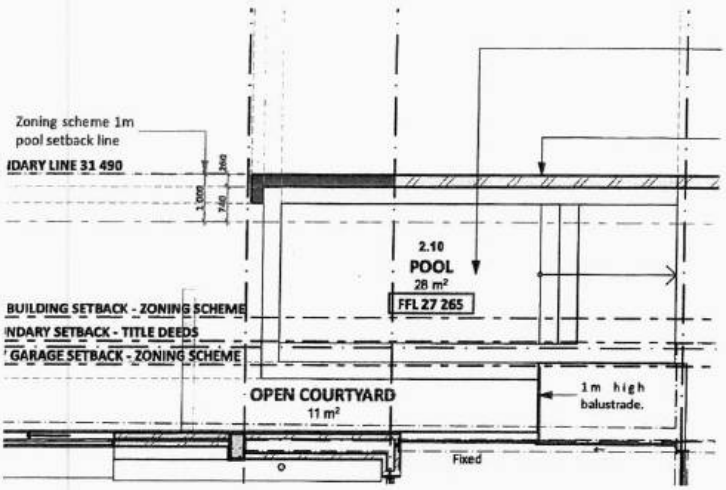
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- The proposal will not have a negative impact on the adjacent property owners or the character of the area.
- The proposal will not increase the existing bulk and footprint of the house any further.
- The application has followed due procedure.
- The proposal is in line with the relevant policy documents.
- No objections were received.


ERF 2816, 155 TENTH STREET, VOELKLIP, HERMANUS
OVERSTRAND
MUNICIPALITY
Date: 2023/06/
TENTH
NINTH
ELEVENTH
FLINN
2816
2819
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2817
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6069
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7187
7623
2859
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6673
2854
7020
2858
2831
2828
2834
2836
2838
2830
2829
6918
6919
6920
11460
11459
2796
12253
2792
6924
5696
11016
10570
2692
2691
4771
10983
6117
2676
2670
2706
2704
2879
2872
8402
2883

SCOTT + PARTNERS



FIRST FLOOR PLAN
EVK I LAD1.2

SCOTT + PARTNERS
REG. No 2018/064152/07 . SACAP 2760
DIRECTOR: GREG SCOTT . B.ARCH (MIA)
DIRECTOR: LIANA ABATE . NZCAD
ASSOCIATE: BIANCA BOTHMA . PR.ARCH
ASSOCIATE: ADEELA SHAH
TEL: +27.21.461.1006
2nd FLOOR 10 SEARLE STREET
WOODSTOCK . CAPE TOWN
MAIL: STUDIO@SCOTT.PARTNERS
WEB: WWW.SCOTT.PARTNERS

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE: ERF 2816, VOELKLIP

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. R Gordon
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

12/09/2023
DATE

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

36. ERF 3730, 274 TENTH STREET, VOËLKLIP, HERMANUS: APPLICATION FOR SUBDIVISION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF DIDUSCORE (PTY) LTD

Erf 3730 HVK (4421/2023)
P Roux (028) 313 8900 Hermanus Administration
08 November 2023

EXECUTIVE SUMMARY

An application was received on 28 June 2023 from Messrs WRAP Project Office in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the subdivision of Erf 3730, Hermanus into (4) four portions, namely, Portion A approximately 495m² in extent, Portion B approximately 496m² in extent, Portion C approximately 496m² in extent and the Remainder Portion approximately 496m² in extent.

RESOLUTION

1. that the application for subdivision in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of Erf 3730, Voëlklip, Hermanus into (4) four portions, namely, Portion A approximately 495m² in extent, Portion B approximately 496m² in extent, Portion C approximately 496m² in extent and the Remainder Portion approximately 496m²), in extent, **be approved** in terms of the provisions of Section 61, subject to the following conditions:

   (a) that the approval is only for the subdivision as indicated on *Subdivision Plan No. 4* 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 comment be complied with at that stage;

   (c) that the conditions in the Services Report be complied with;

   (d) that the conditions from Telkom be complied with;

   (e) that this approval does not absolve the owner/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.

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.

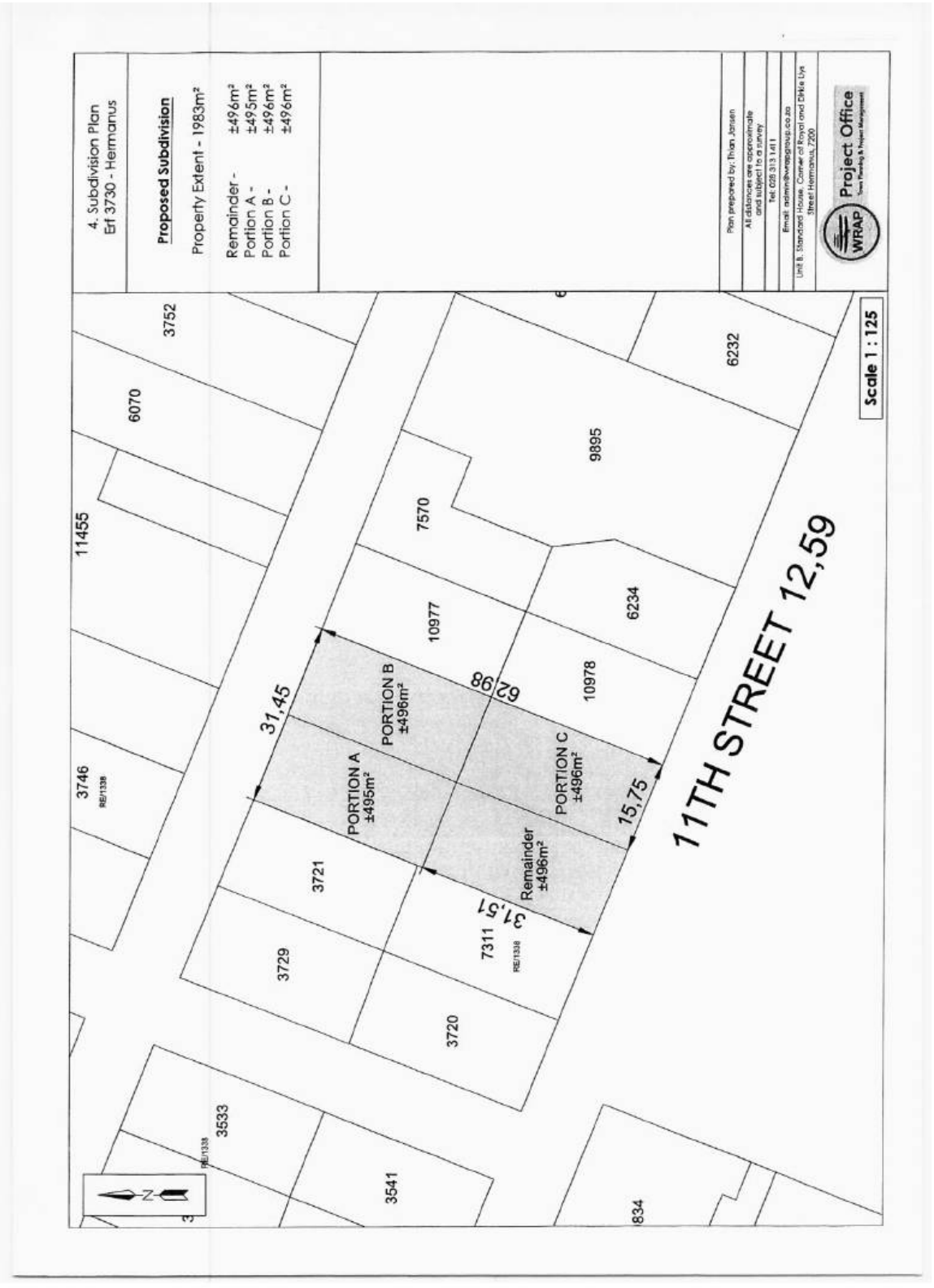
REASONS FOR RESOLUTION

- The application has followed due procedure.
- None of the relevant departments have any objection.
- The proposed subdivision in line with the applicable municipal and provincial planning policy and will make more efficient use of brownfield land within the urban edge.
- The proposal will not negatively impact on existing/vested rights of adjoining property owners.
- The proposed application fits in with the character of the surrounding area and is desirable.
- No objection was received against the proposal.

1. Locality Plan
Erf 3730 - Hermanus

Plan prepared by: Thian Jansen
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200
WRAP Project Office




4. Subdivision Plan
Erf 3730 - Hermanus
Proposed Subdivision
Property Extent - 1983m²
Remainder - ±496m²
Portion A - ±495m²
Portion B - ±496m²
Portion C - ±496m²
Plan prepared by: Thian Jansen
All distances are approximate and subject to a survey
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit 8, Standard House, Corner of Royal and Dirkie Uys Street Hermanus, 7200
WRAP
Project Office
Town Planning & Project Management
Scale 1 : 125
11TH STREET 12,59
PORTION A ±495m²
PORTION B ±496m²
PORTION C ±496m²
Remainder ±496m²
31,45
62,98
15,75
31,51
11455
6070
3752
3746
RE/1338
3721
3729
3720
7311
RE/1338
3533
RE/1338
3541
834
10977
7570
9895
6232
10978
6234

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR SUBDIVISION: ERF 3730, VOELKLIP

Stormwater (SW)	:	In Order
Electricity	:	In Order
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 (**2023/2024**) is as follows:

Freehold erven:			
Water	R 27 598.16 x 3	=	R 82 794.48
Sewerage	R 18 608.30 x 3	=	R 55 824.90
Roads	R 8 344.32 x 3	=	R 25 032.96
Stormwater	R 9 626.92 x 3	=	R 28 880.76
Solid Waste	R 1 668.44 x 3	=	R 5 005.32
Electricity	R 37 025.00 x 3	=	R111 075.00
TOTAL (inclusive of VAT)		=	**R308 613.42**

Note:

1.3 **The above figures are estimates**

1.4 **The above figures do not include investigation and connection fees**

2. that any part of the existing water and sewer services on Erf 3730 that crosses the common boundary of Portion A, B, C and the Remainder of Erf 3730 shall be disconnected and sealed off;

3. that the Remainder and Portion A, B, C of Erf 3730 must be serviced with individual and separate water connections, which must comply with the standards of the Department: Operational Services;

4. that the proposed Portion A, B, C and Remainder of Erf 3730 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the individual erven must connect to;

5. that only a standard 60 Amp single phase electricity connection will be available per erf;

6. that the developer must 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 on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;

8. that any additional and / or extended vehicle entrances will be for the owner's account;

9. that stormwater be allowed to discharge through the proposed Erven, Voelklip, unobstructed.

p/ **DENNIS HENDRIKS**
SENIOR MANAGER:
ENGINEERING SERVICES

04/08/2023
DATE

37. ERF 4268, 315 FIFTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF A VAN DER WESTHUIZEN

4268 HVK (4436/2023)
P Roux **(028) 313 8900** **Hermanus Administration**
27 October 2023

EXECUTIVE SUMMARY

An application has been received on 11 July 2023 (final version received on 15 August 2023) from Messrs WRAP Project Office on behalf of the owners of Erf 4268, Voëlklip, Hermanus in terms of Section 16(2)(b) 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 eastern lateral building line from 2m to 1.4m, to accommodate a proposed built-in braai;
  - relax the eastern lateral building line from 2m to 0m, to accommodate the existing covered patio; and
  - relax the western lateral building line from 2m to 1.2m, to accommodate a proposed en-suite bathroom.

- **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to legalize the previously built structures on the property and ensure compliance with 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 4268, Hermanus for the following:

    - to relax the eastern lateral building line from 2m to 1.4m, to accommodate a proposed built-in braai;
    - relax the eastern lateral building line from 2m to 0m, to accommodate the existing covered patio; and
    - relax the western lateral building line from 2m to 1.2m, to accommodate a proposed en-suite bathroom,

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

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 on Erf 4268, Hermanus for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;

3. that the recommendation under paragraphs 1. is subject to the following conditions:

    (a) that the approval is only for the development as indicated on drawing no. *4.2 and 4.3*, as submitted with the application;

    (b) that the building plans be submitted to the Building Control Office, and all comments from the Fire Department be complied with at that stage;

    (c) that an administrative penalty of R7 642,80 (including VAT), (being 5% of the Overstrand Municipal Budget as determined by the municipality) be payable within thirty (30) days of the decision;

    (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

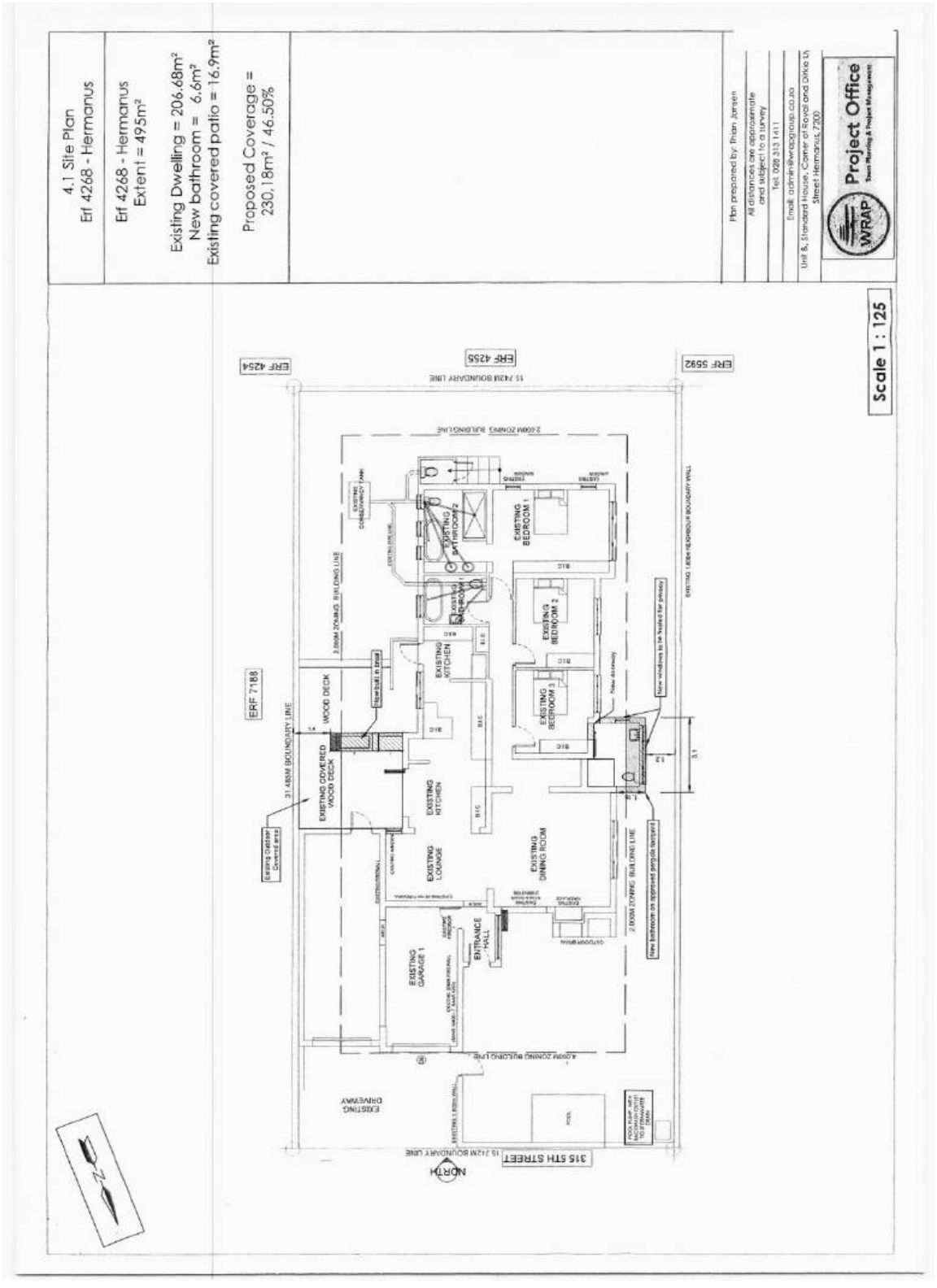
    (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with;

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 decisions.

REASONS FOR RESOLUTION

- The proposal will not have a negative impact on the adjacent property owners or the character of the area.
- The proposal will not increase the existing bulk and footprint of the house any further.
- The proposed patio and braai area is open on two sides and therefore cannot be used for permanent habitation.
- The roof covering of the patio and braai area is an inexpensive and non-intrusive structure which was in place since the year 2000.
- The application has followed due procedure.
- The proposal is in line with the relevant policy documents.


1. Locality Plan
Erf 4268 - Hermanus
Plan prepared by: Thian Jansen
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200
WRAP
Project Office
N
6681
4322
4325
12714
5676
RE/5
5TH STREET 12,59
4265
4266
4267
4268
7188
5592
4255
4254
6167
4246
6TH STREET 12
Scale 1 : 500


4.1 Site Plan
Erf 4268 - Hermanus
Erf 4268 - Hermanus
Extent = 495m²
Existing Dwelling = 206.68m²
New bathroom = 6.6m²
Existing covered patio = 16.9m²
Proposed Coverage =
230.18m² / 46.50%
Plan prepared by: Rian Jansen
All distances are approximate and subject to a survey
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit 8, Stranded House, Corner of Royal and Dirkie Uys Street Hermanus, 7200
WRAP
Project Office
Town Planning & Project Management
Scale 1 : 125
ERF 4254
ERF 4255
ERF 5892
ERF 7188
15.742M BOUNDARY LINE
4.000M ZONING BUILDING LINE
2.000M ZONING BUILDING LINE
31.485M BOUNDARY LINE
315 5TH STREET
15.742M BOUNDARY LINE
EXISTING BEDROOM 1
EXISTING BATHROOM 2
EXISTING BEDROOM 2
EXISTING BEDROOM 3
EXISTING KITCHEN
EXISTING KITCHEN
EXISTING LOUNGE
EXISTING DINING ROOM
ENTRANCE HALL
EXISTING GARAGE 1
WOOD DECK
EXISTING COVERED WOOD DECK
Handrail in steel
New windows to be frosted for privacy
New bathroom on approved pergola footprint
EXISTING DRIVEWAY
POOL
NORTH

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 4268, VOELKLIP

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. R Hodgson
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

12/09/2023
DATE

38. ERF 1724, 5 FIFTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: JACOBUS LANGENHOVEN ON BEHALF OF WILHELM FICK FAMILIETRUST

1724 HVK (3840/2023)
P Roux (028) 313 8900 Hermanus Administration
13 November 2023

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 22 September 2022 from Jacobus Langenhoven on behalf of the owners of Erf 1724, Voëlklip, Hermanus for the following:

- **departure** in terms of Section 16(2)(b) of the By-Law to:
  - relaxation of the western boundary line from 2m to 0m to accommodate the aluminium louvred shade structure;
  - relaxation of the eastern boundary line from 2m to 0m to accommodate the vineyard shade structure with retractable canvas, and
  - relaxation of the northern boundary line from 4m to 0m to accommodate the car shade parking.

- **determination of an administrative penalty** in terms of Section 90 of the By-Law, in order to accommodate the existing structure.

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 1724, Hermanus to:

   - relaxation of the western boundary line from 2m to 0m to accommodate the aluminium louvred shade structure;
   - relaxation of the eastern boundary line from 2m to 0m to accommodate the vineyard shade structure with retractable canvas, and
   - relaxation of the northern boundary line from 4m to 0m to accommodate the car shade parking,

   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 Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1724, Hermanus for the unauthorised building work over building lines on the property, **not be exempt** from 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 *Drawing No. 2.1 and 2.2* dated *21/09/2021* as submitted with the application;

   (b) that a land use application be submitted for the braai area in the front of the property, which is not indicated on any building plan, nor is it motivated in this application;

   (c) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;

   (d) that an administrative penalty of R6 114,24 (including VAT), (being 1% of the Overstrand Municipal Budget as determined by the municipality) be payable within thirty (30) days of the decision;

   (e) that all the conditions in the Services Report be complied with;

   (f) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

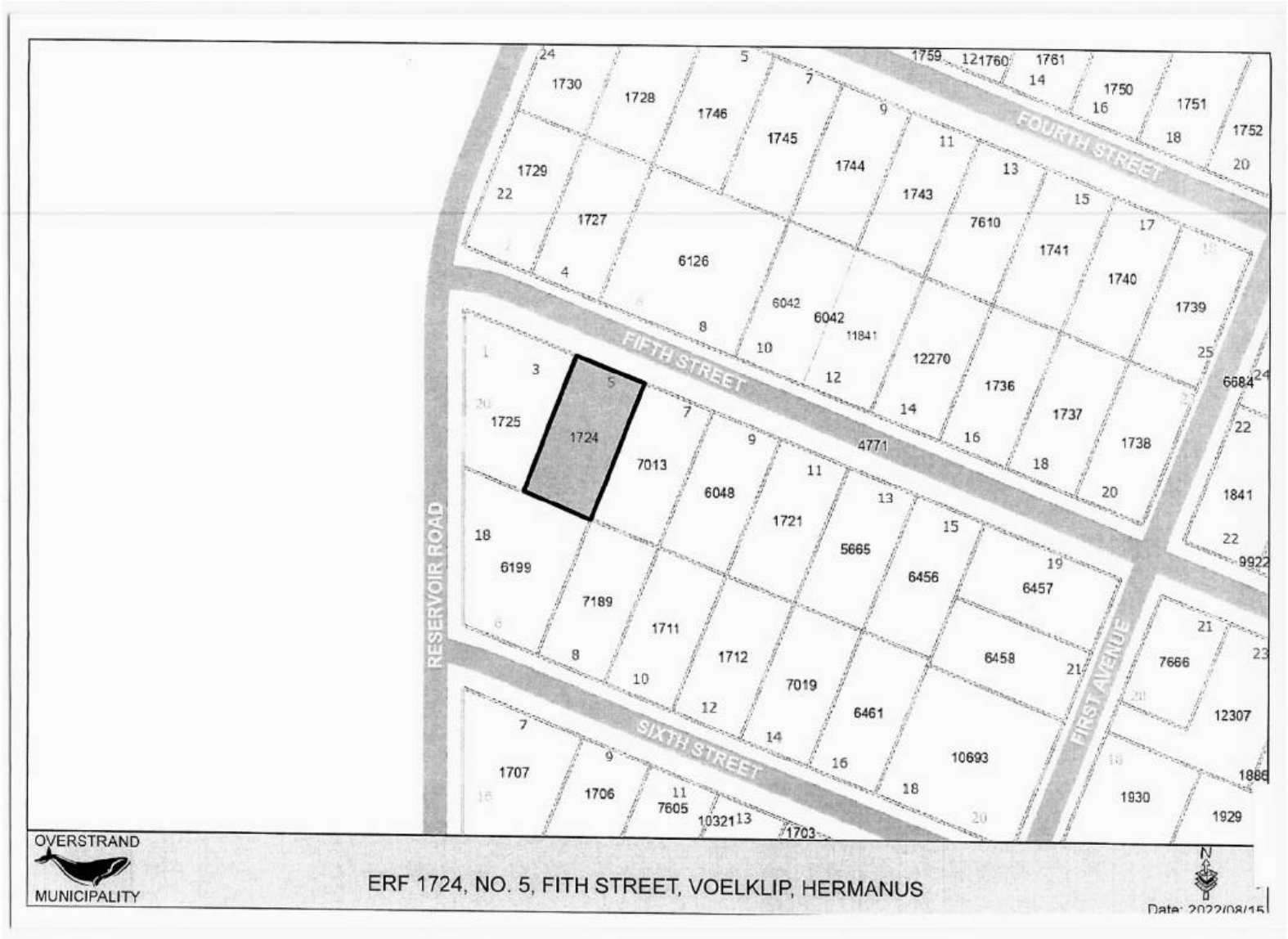
   (g) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.

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.

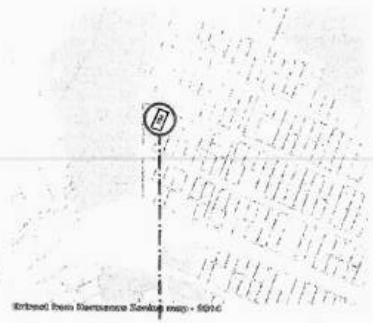
REASONS FOR RESOLUTION

- The 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.


FOURTH STREET
FIFTH STREET
SIXTH STREET
RESERVOIR ROAD
FIRST AVENUE
1724
1725
1730
1728
1746
1745
1744
1743
1729
1727
6126
7610
1741
1740
1739
6042
6042
11841
12270
1736
1737
1738
4771
7013
6048
1721
5665
6456
6457
6199
7189
1711
1712
7019
6461
6458
10693
1707
1706
7605
10321
1703
1759
121760
1761
1750
1751
1752
6684
1841
9922
7666
12307
1886
1930
1929
OVERSTRAND
MUNICIPALITY
ERF 1724, NO. 5, FITH STREET, VOELKLIP, HERMANUS
N
Date: 2022/08/15

LOCALITY PLAN



Extract from Surveyor General map - 3318

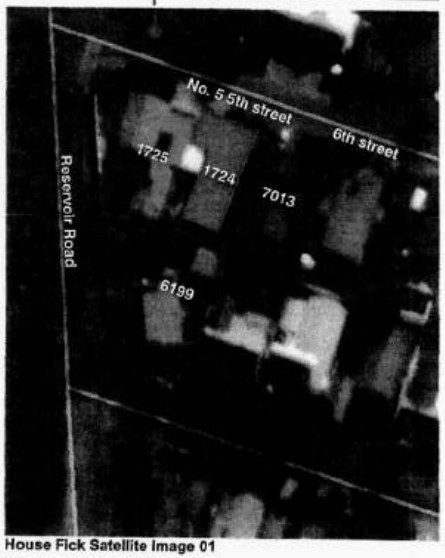
Note:
The purpose of this application if to open the conversation, to legalize existing structures which are built over the building line.

Important to note than none of these structures interfere with easy movement around the house.

The next steps of action to be confirmed by the Town Planning department

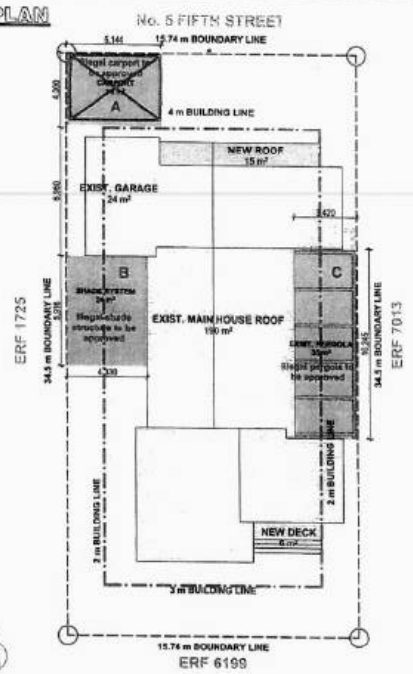
AERIAL IMAGE

LEGEND	
Symbol	Description
	Position of erf 1724

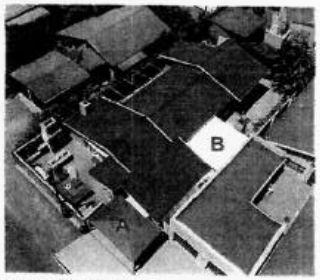


House Fick Satellite Image 01

LAYOUT PLAN



SITE PLAN FOR TOWN PLANNING APPLICATION
Scale 1:200



AERIAL VIEW INDICATING THE 3 STRUCTURES

NOTES

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DO NOT SCALE THIS DRAWINGS.
ALL DIMENSIONS AND LEVELS TO BE DOUBLE CHECKED BEFORE WORKS BEGIN.
REFER TO ENGINEER AND SPETIALIST DRAWINGS WHERE STATED.

REVISIONS

Date	Nr

CLIENT

Mr Wilhelm Fick
+27 82 944 7726
wfick@absnaplaas.co.za

SIGNED: DATE: 21 September 2021

CONSULTANTS

SENIOR TECHNOLOGIST

Andrew James Prince
Architectural Technologist
0735135
0835277777

CONSULTANT CO-ORDINATOR

JACO Studio

PROJECT TITLE

House Fick
Additions & Alterations

ERF 1724
No. 5, 5th Street Hermanus 7200

DRAWING TITLE

STRUCTURES TO BE APPROVED

SCALE: A3	DRAWN: JP	CHECKED: PE	DATE: 21/09/2021

DRAWING NUMBER: 2.1
REVISION: 1

PROJECT STAGE
TOWNPLANNING APPLICATION

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 1724, VOELKLIP (3840/2022)

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 1724, Voelklip, unobstructed;

7. that no on-street parking be allowed.

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

19-10-2022
DATE

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

39. ERVEN 11068 AND 11166, 1 & 10 CHURCH STREET, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND REGISTRATION OF A PARKING SEREVITUDE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF ABAGOLD LIMITED

11068 & 11166 HWC (4253/2022)
(H Boshoff)
S van der Merwe (028) 313 8900 Hermanus Administration
30 November 2023

EXECUTIVE SUMMARY

An application was received on 27 September 2022 from Messrs WRAP Project Office on behalf of Abagold Limited, applicable to Erven 11068 and 11166, Hermanus for departure in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for alternative parking by relocating all the twenty five (25) required parking bays for the whole development on Erf 11068, Hermanus, to Erf 11166, Hermanus, and to register a parking servitude on Erf 11166, Hermanus in favor of erf 11068, Hermanus.

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 Erven 11068 and 11166, Hermanus for alternative parking by relocating all the twenty five (25) required parking bays for the whole development on Erf 11068, Hermanus, to Erf 11166, Hermanus, **be approved** in terms of Section 61 of the By-Law;

2. that the above approval be subject to the following conditions:

   (a) that the properties be tied by means of a Notarial Tie Agreement within six (6) months of the final approval of the application of which a copy of the approved Notarial Tie Agreement must be submitted to the municipality for its records;

   (b) that should the owner/s at any stage sell the properties separately, the Notarial Tie Agreement must be cancelled and a parking servitude must be registered in its stead simultaneously with the transfer of any of the erven of which a copy of such approved servitude must be provided to the municipality for its records;

   (c) that the conditions of OpenServe and Engineering Services and be complied with;

(d) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with; and

(e) that the approval does not absolve the applicant from compliance with any other relevant legislation;

3. 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 conditions and approval.

REASONS FOR RESOLUTION

- The application contains sufficient merit to be considered favourably.
- Since the properties are registered in the names of the same entity, it is not possible to register the parking servitude since one cannot register a servitude in favour of one self.
- The proposal is not something out of the ordinary.
- The proposal complies with the parameters of the Municipality's Land Use Scheme.
- The proposal is regarded as being desirable from a town planning perspective.


Locality Plan
Erf 11068 - Hermanus
Plan prepared by: Thian Jansen
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200
WRAP
Project Office
7122/1996
11068
11166
8783/2006
9730/1994
Scale 1 : 2 000


Existing Site Plan
Erf 11068 - Hermanus
Property Extent - 23 700m²
Existing Building - 1360m²
Total Exsting Coverage % = 5,73%
Property Extent - 23 700m²
Existing GLA - 1176m²
Parkings bays available - 17
Required parking bays - 17
17 Parking Bays are required
Plan prepared by: Thion Jansen
based on plans by: Noel Coller
All distances are approximate
and subject to a survey
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit 8, Standard House, Corner of Royal and Dirkie Uys
Street Hermanus, 7200
WRAP
Project Office
Town Planning & Project Management
Scale 1 : 1000
CRESCENT
14,17
14,17
RESIDENTIAL PARK
7148
10317
21
1
153.90 ERF BOUNDARY
KERB LINE
5m building line
15.15m ERF BOUNDARY
13m Building Line
13m ERF BOUNDARY
187.80m ERF BOUNDARY
PROPOSED FACTORY
PROPOSED ROOM
N

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR DEPARTURE: ERVEN 11068 & 11166, WESTCLIFF (4253/2022)

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 Senior Operational Manager: Hermanus for written approval;

5. that stormwater be allowed to discharge through Erven 11068 & 11166, Westcliff, unobstructed;

6. that any additional and / or extended vehicle entrances will be for the owner's account;

7. that no on-street parking be allowed.

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

02/02/2023
DATE

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

MUNICIPAL PLANNING TRIBUNAL

1. ERF 3221, 16 LAGOON DRIVE, ONRUS RIVER: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF PH VAN NIEKERK

3221 HON (4299/2022)
H Olivier **(028) 313 8900** **Hermanus Administration**
11 July 2023

EXECUTIVE SUMMARY

An application has been received on 29 November 2022 from Interactive Town & Regional Planners on behalf of PH Van Niekerk on Erf 3221, Onrustrivier in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- **Removal of Restrictive Title Deed Conditions** in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed conditions E.7 as contained in Title Deed T3925/2014 of the property to accommodate the existing dwelling and structures.

  The restrictive title conditions read as follows:

  "E. ONDERHEWIG VERDER aan die volgende voorwaardes opgele deur die Administrateur in terme van Ordonnansie Nr 33/1934 met die goedkeuring van die stigting van Onrust Rivier Dorp Uitbreiding Nr 3 en vervat in gesegde Transportakte Nr T29867/80, naamlik:

  7. NO building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5m to the street line which forms a boundary of this erf, nor within 3m of the rear or 1,5m of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority –

  (i) an outbuilding used solely for the housing of motor vehicles and not exceeding 3m in height measured from the ground floor of the outbuilding to the wall plate height thereof, may be erected within such side and rear spaces, and any other outbuilding of the same height may be erected within the rear space and side space for distance of 12m measured from the rear boundary of the erf, provided that in the case of a corner

erf the distance of 12m shall be measured from the point furthest from the streets abutting the erf;

(ii) an outbuilding in terms of subparagraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such boundary."

- **Departure** in terms of Section 16(2)(b) of the By-Law to relax the northern lateral building line from 2m to 1,3m to accommodate the existing dwelling on the property.

- **Determination of an Administrative penalty** application in terms of Section 16.(2)(q) of the By-Law for the unauthorized building line encroachments as stipulated above.

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 on Erf 3221, Onrustrivier for the removal of restrictive title deed condition E.7 as contained in Title Deed T3925/2014 of the property to accommodate the existing dwelling and structures (low wooden deck), **be approved**, in terms of the provisions of Section 61 of the By-Law.

2. 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 3221, Onrustrivier for a departure to relax the northern lateral building line from 2m to 1,3m to accommodate the existing dwelling on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law

3. that the approvals in Points 1 and 2 above be subject to the following conditions:

   (a) that this approval is only for the removal of restriction and a building line departure is not an approval in terms of any other legislation;

   (b) that the approval be limited to the building/structures as per Plan number PvN Onrus-001 dated April 2013 and the encroachments as indicated on the site plan in the motivation reports under point 1(c);

(c) that the applicant construct a 2,1m high (from natural ground level) wall/non-see-through screen (south of the existing wooden deck and any gates in such wall/screen must also be 2,1m in height and non-see through, to the satisfaction of the Senior Manager: Town & Spatial Planning;

(d) that building plans in line with condition 1(b)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;

(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;

(g) that all the conditions in the Services Report be complied with;

(h) that the conditions imposed by Telkom be complied with,

(i) that the conditions of Eskom be complied with.

(j) that the conditions of BGCMA be complied with.

4. 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 3221, Onrustrivier, for the unauthorized structures / buildings over building lines as stipulated above, **be imposed**, and that an administrative penalty fee of R4782-40 be payable within thirty (30) days of the decision.

5. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above decision.

REASONS FOR RESOLUTION

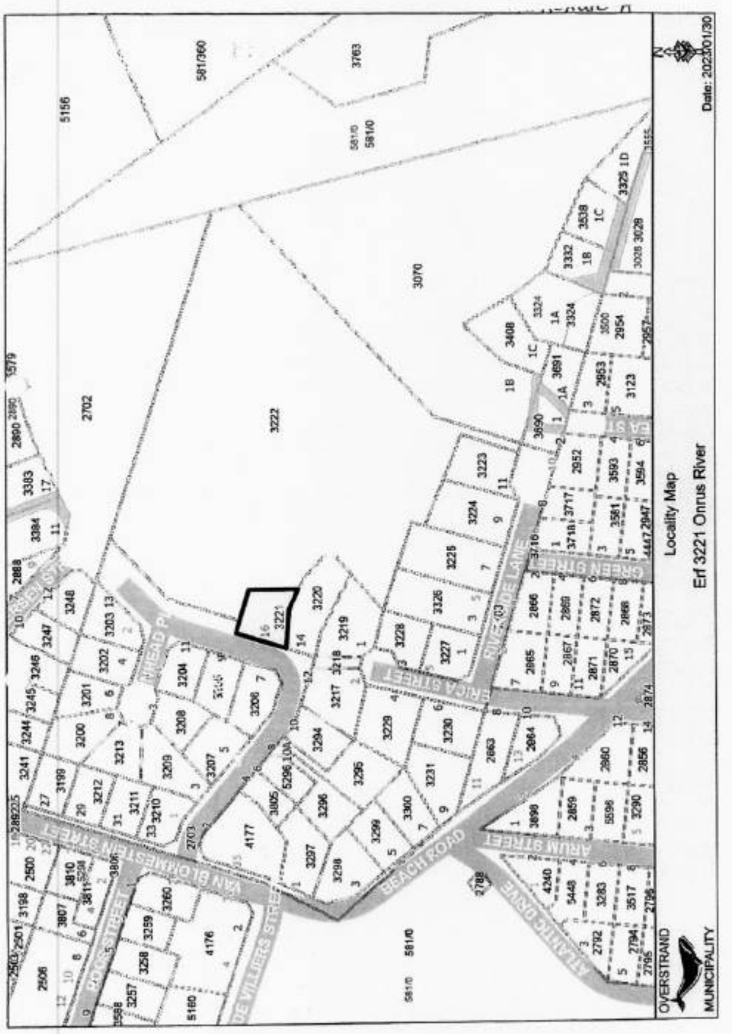
POINTS 1 & 2

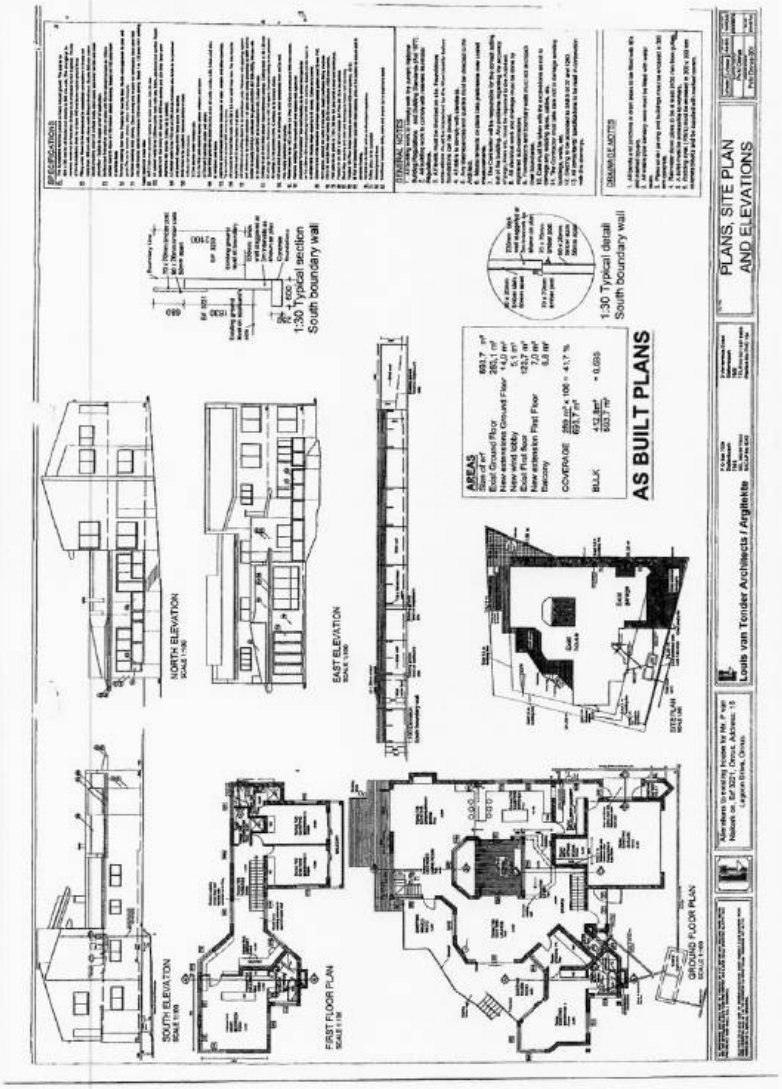
- The portions of the existing dwelling over building lines are historic encroachments and some are encroachments the applicant was not aware of and only became aware of when the property was formally surveyed. The impact of these encroachments is minimal and an existing situation.

- The enclosure of the covered balcony over the Title Deed street building line is a minor encroachment and within an existing building footprint. It will have no impact on the street ambience or privacy of neighbours.
- The low deck is over the 3m rear Title Deed building line. The objections regarding impact on sight lines and privacy by the adjacent property owner is not reasonable as the low deck would have the same impact as a grassed or paved area which the owner of Erf 3220 could have established without any Municipal approval.
- The application is supported by all relevant Municipal Departments and State or other institutions.
- The applicant illegally constructed the low deck, and although the impact on the neighbour is debated, the additional condition that the applicant must construct a 2,1m wall/non-see-through screen next to the southern side of the low deck will improve the privacy for both property owners.
- No Municipal services are affected.

POINT 3

- This existing landowner constructed the low wooden deck and also enclosed the balcony above the garage, without submitting any building plans.
- The penalty fee imposed is reasonable considering the scale of the encroachment.


Locality Map
Erf 3221 Onrus River
Date: 2023/01/30
OVERSTRAND
MUNICIPALITY
VAN BLOMMESTEIN STREET
BEACH ROAD
ARUM STREET
ATLANTIC DRIVE
ERICA STREET
RIVERSIDE LANE
GREEN STREET
DE VILLIERS STREET
ROOS STREET


AS BUILT PLANS
PLANS, SITE PLAN AND ELEVATIONS
Louis van Tonder Architects / Argitekte
1:30 Typical section South boundary wall
1:30 Typical detail South boundary wall
NORTH ELEVATION
EAST ELEVATION
SOUTH ELEVATION
FIRST FLOOR PLAN
GROUND FLOOR PLAN
SITE PLAN

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 3221, ONRUS RIVER (4299/2022)

Stormwater (SW)	:	In order
Electricity	:	Eskom
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 should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to 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 stormwater be allowed to discharge through Erf 3221, Onrus River, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.

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

21/02/2023
DATE

2. PORTION 104 (A PORTION OF PORTION 102) OF THE FARM HEMEL EN AARDE NO 587, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: PLAN ACTIVE TOWN AND REGIONAL PLANNING ON BEHALF OF HASPESLAGH VINEYARDS (PTY) LTD

RCAL 587/104 (4250/2022)
H Olivier (028) 313 8900 Hermanus Administration
23 June 2023

EXECUTIVE SUMMARY

An application has been received on 21 September 2022 from Plan Active Town & Regional Planning on behalf of Haspeslagh Vineyards (Pty) Ltd on Portion 104 (a Portion of Portion 102) of the Farm Hemel & Aarde No. 587 for the following:

- **consent use** in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to allow tourist accommodation to accommodate four (4) eco cabins, and
- to obtain **consent of the District Roads Engineer** concerning restrictive title deed conditions imposed in terms of the Ribbon Development Act, Act 21 of 1940.

RESOLUTION

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 104 (a Portion of Portion 102) of the Farm Hemel & Aarde No. 587 for a consent use to allow tourist accommodation to accommodate four (4) eco cabins, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

   (a) that the submitted Site Development Plan be amended and that the non-interleading bedrooms of the two larger cabins be made interleading with the cabins,

   (b) that the tourist accommodation be limited to four (4) eco-cabins;

   (c) 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;

(d) that in terms of the "Noise Control Regulations" promulgated under the Environmental Conservation Act, 1989 (Act 72 of 1989) the music volumes emanating from the premises at all times be controlled in such a manner that it adds less than 7dB(A) to ambient noise;

(e) that the owner/manager must reside on the property to oversee the tourist accommodation;

(f) that adequate provision be made to manage the behaviour of patrons (both inside and outside the buildings) and protection of surrounding properties;

(g) that commercial rates and taxes, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;

(h) that the site must have a dedicated waste storage area as per part of the National Building Regulations (SANS 10400), and all refuse must then be removed from the property to a registered dump site;

(i) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;

(j) that there be compliance with all relevant Health and Fire Regulations;

(k) that all the conditions imposed by Telkom be complied with;

(l) that the conditions of Western Cape Government: Agriculture be complied with;

(m) that all the conditions of BGCMA be complied with;

(n) that all the conditions imposed by Eskom be complied with;

(o) that the conditions in the EIA ROD be complied with, and

(p) that all the conditions in the Services Report be complied with.

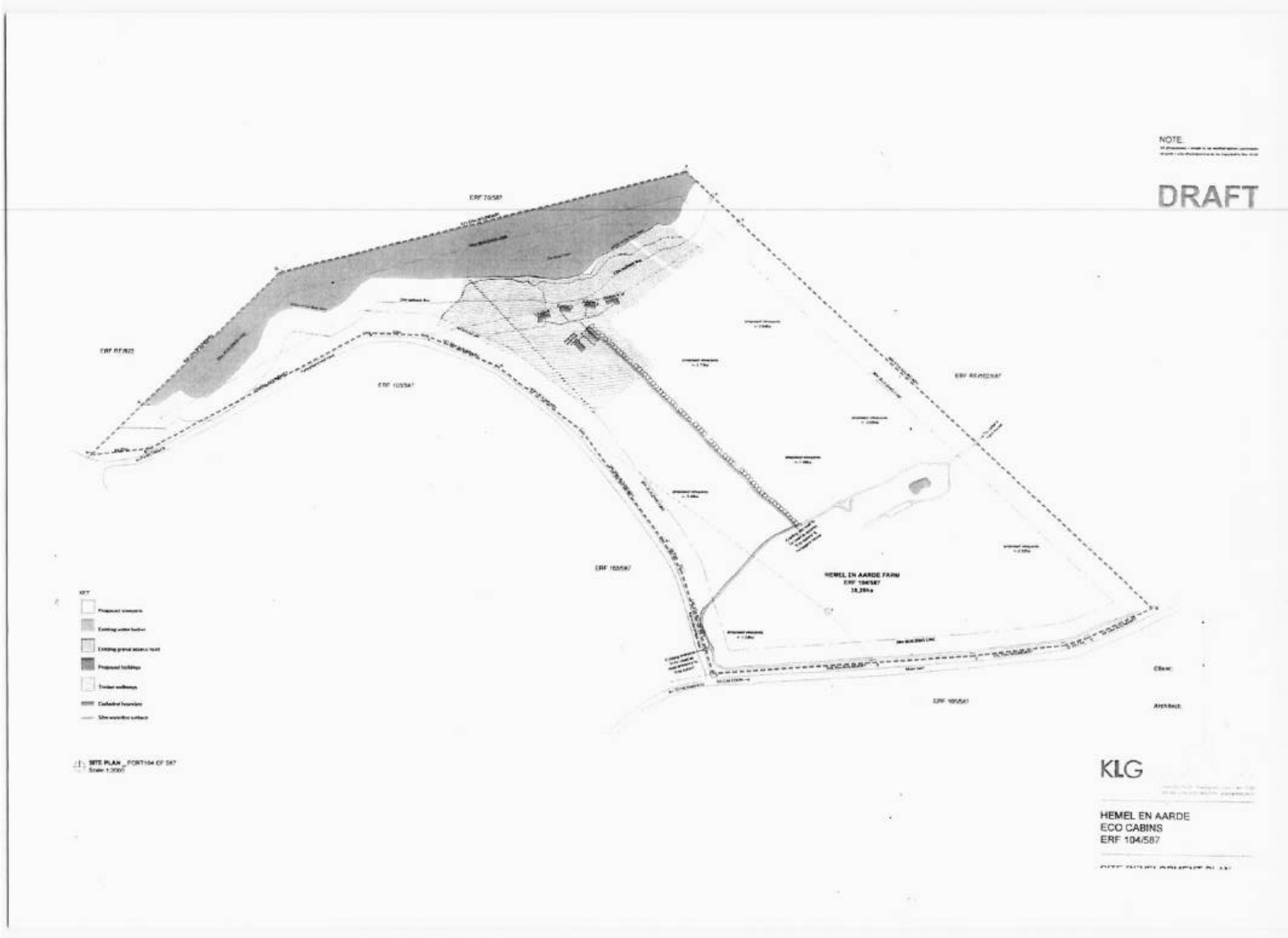
2. that the applicant and objector be notified of his/her right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- The application has followed due procedure.
- None of the internal departments objected to the application.
- The property owner will provide water and electricity, and the municipality will service the conservancy sewerage tank.
- State departments did not object to the application and no objections were received from surrounding landowners.
- An EIA ROD was obtained from Western Cape Government: EADP (Environmental) and Cape Nature supports the application, and therefore it is the opinion the application will not have a negative impact on the natural environment.
- Both the National and Western Cape Government: Agriculture departments support the application, and it is interpreted that the application will not have a negative impact on agricultural productivity.
- Western Cape Government: EADP (Planning) supported the application but requested that only three (3) units be approved, to be in line with the recommendations in the Western Cape Land Use Planning Guidelines for Rural Areas (2019). The fact is that the Land Use Scheme makes provision to accommodate tourist accommodation for transient guests. Similar applications have also been approved in the recent years that also do not comply with the Rural Guidelines. The fact is the Rural Guidelines is only guidelines, and the Municipality may place the interpretation of the Land Use Scheme above the Rural Guidelines. Every application must be considered on merit, and if it is found desirable the Municipality can support such application.
- The application is in line with SPLUMA principles as a resource land will be utilized to its full potential in a sustainable way not impacting on the natural environment or valuable agricultural land.
- Application was also made to obtain the consent of the District Roads Engineer concerning restrictive title deed conditions imposed in terms of the Ribbon Development Act, Act 21 of 1940. Conditions 3.I.C and 3.II.C in Title Deed 9040/2021 stipulate that only two dwellings and bona vide farming buildings may be constructed on the property. The conditions are in favour of The Department of Transport (District Roads Engineer) who is the controlling authority. The Department of Transport did provide consent by providing their support for the application.
- The application is in line with surrounding developments which includes wine estates with tourist accommodation and facilities.
- The application will not have a negative effect on the character of the area.



PLAn Active Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey.	Property Description: PORTION 104 OF THE FARM HEMEL & AARDE NO. 587	Plan Description: LOCALITY MAP	SCALE: NTS	
	COPY RIGHT RESERVED			Drawing Nr: farm587-104L.drw	
				Date: AUGUST 2022	


NOTE:
DRAFT
ERF 79/587
ERF 105/587
HEMEL EN AARDE FARM
ERF 104/587
KLG
HEMEL EN AARDE
ECO CABINS
ERF 104/587

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR CONSENT USE: PORTION 104 (A PORTION OF PORTION 102) OF THE FARM HEMEL & AARDE NO. 587, DIVISION CALEDON (4250/2022)

Water	:	No services available
Sewer	:	In order
Roads and traffic	:	In order
Stormwater (SW)	:	No services available
Electricity	:	Eskom area

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:

Sewerage **(SEW5A)**	R 17 555.00 x 4	=R 70 220.00
TOTAL (inclusive of VAT)		**R 70 220.00**

Note:

1.3 The above figures are estimates

2. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;

3. that no water service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (water affairs, health, etc.) for the use of any other water resources and the extraction thereof;

4. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Senior Manager: Engineering Services, Overstrand Municipality;

5. that the developer complies to all the conditions set by Department Of Water Affairs;

6. that the development on Portion 104 (A Ptn of Ptn 102) of the proposed property be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operations;

7. that the sewer conservancy tanks must be accessible to the municipal sewer tankers from one of the adjacent public roads, with the parking areas for the sewer tankers, that is provided with a permanent surface according to the layout and specification of the Department: Operations;

8. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;

9. that, as no municipal refuse removal services are rendered in the area, the developer is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or-waste disposal facility;

10. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operations.

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

14/11/2022
DATE

3. ERF 2674, 199 PORTER DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: VW SMIT ON BEHALF OF AFRICA PROCURE CC

2674 KBB (4128/2022)
BC Minnaar (028) 313 8900 Hermanus Administration
14 September 2023

EXECUTIVE SUMMARY

An application has been received on 28 April 2022 from VW Smit on behalf of Africa Procure CC on Erf 2674, Betty's Bay for a consent use in terms of Section 16(2)(o) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 for a place of entertainment to accommodate five (5) limited payout machines on the property.

RESOLUTION

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2674, Betty's Bay for a place of entertainment to accommodate five (5) limited payout machines on the property, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

   (a) that the place of entertainment be restricted to the installation of five (5) Limited Payout Machines only and be valid for a period of five (5) years from the date of the final approval letter;

   (b) that should the utilisation of the primary right (restaurant & bar) cease to exist or that the current restaurant and bar business change ownership, this approval shall subsequently lapse with immediate effect;

   (c) that a revised parking layout plan be submitted to this office at a ratio as described by the Overstrand Municipality Land Use Scheme 2020 and to the satisfaction of the municipality within 30 days of the final approval;

   (d) that the owner and his successors in title prevent the occurrence of any public nuisance, which through an act or omission materially interferes with the comfort, peace and quiet of the surrounding area, and should the owner or his successor in title fail to comply with such condition, they will make themselves liable to further legal action;

(e) that all the conditions in the Services Report be complied with;

(f) that a valid business licence in terms of the Business Act (Act 71 of 1991) be obtained prior to the operation of the place of entertainment (five limited payout machines);

(g) that written approval of the Western Cape Gambling and Racing Board be obtained and submitted to the Municipality prior to the commencement of the place of entertainment (five gambling machines);

(h) that if a gambling prohibition exist on the liquor licence issued by the Western Cape Liquor Board, it should be removed prior to the commencement of the place of entertainment;

(i) that the applicant strictly adheres to the requirements of the Western Cape Gambling and Racing Board pertaining to the behaviour of the patriots (in and outside the premises);

(j) that the municipality reserves the right to impose additional conditions with reference to town planning principles pertaining to the conduct on the premises;

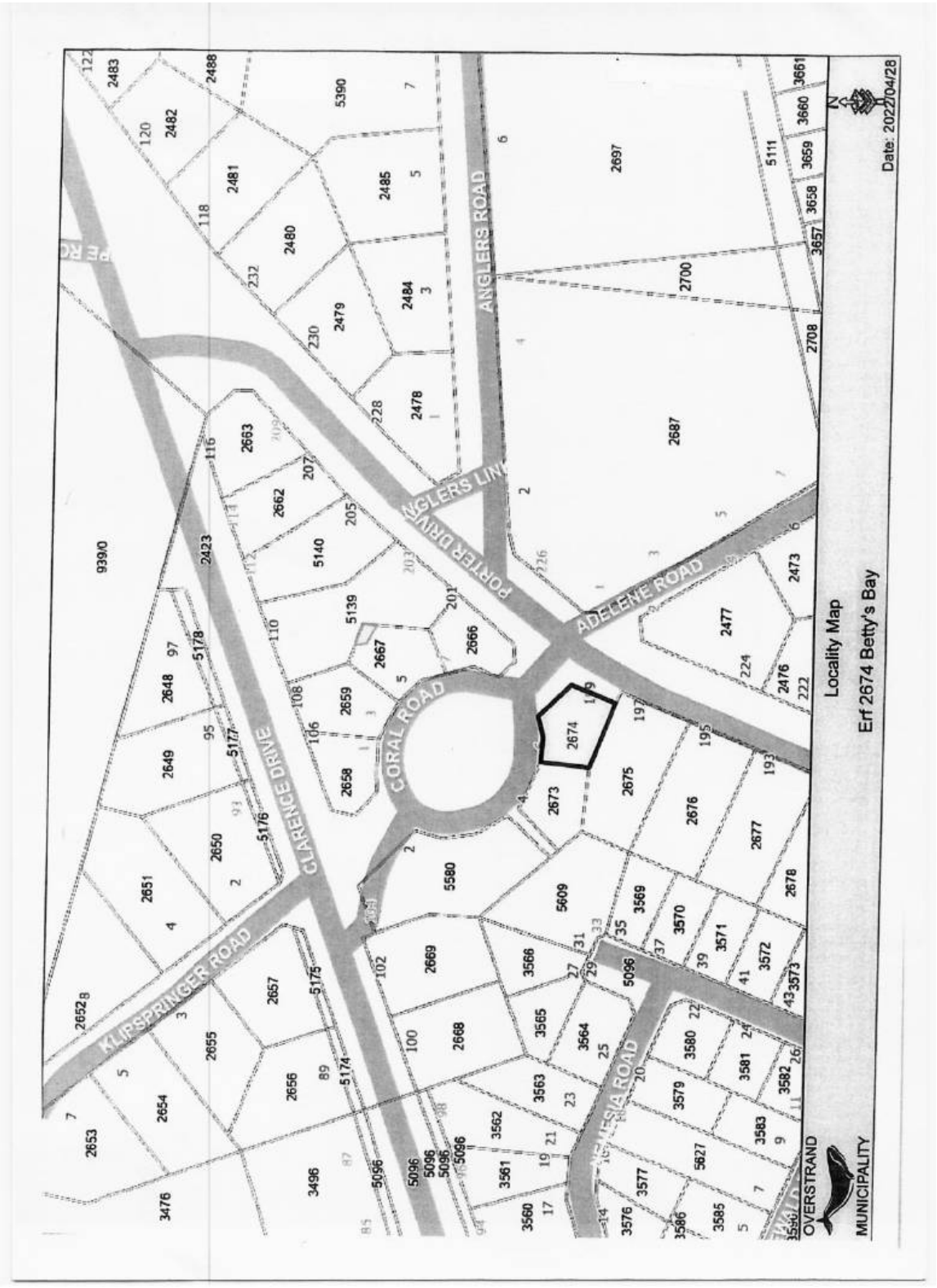
(k) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and

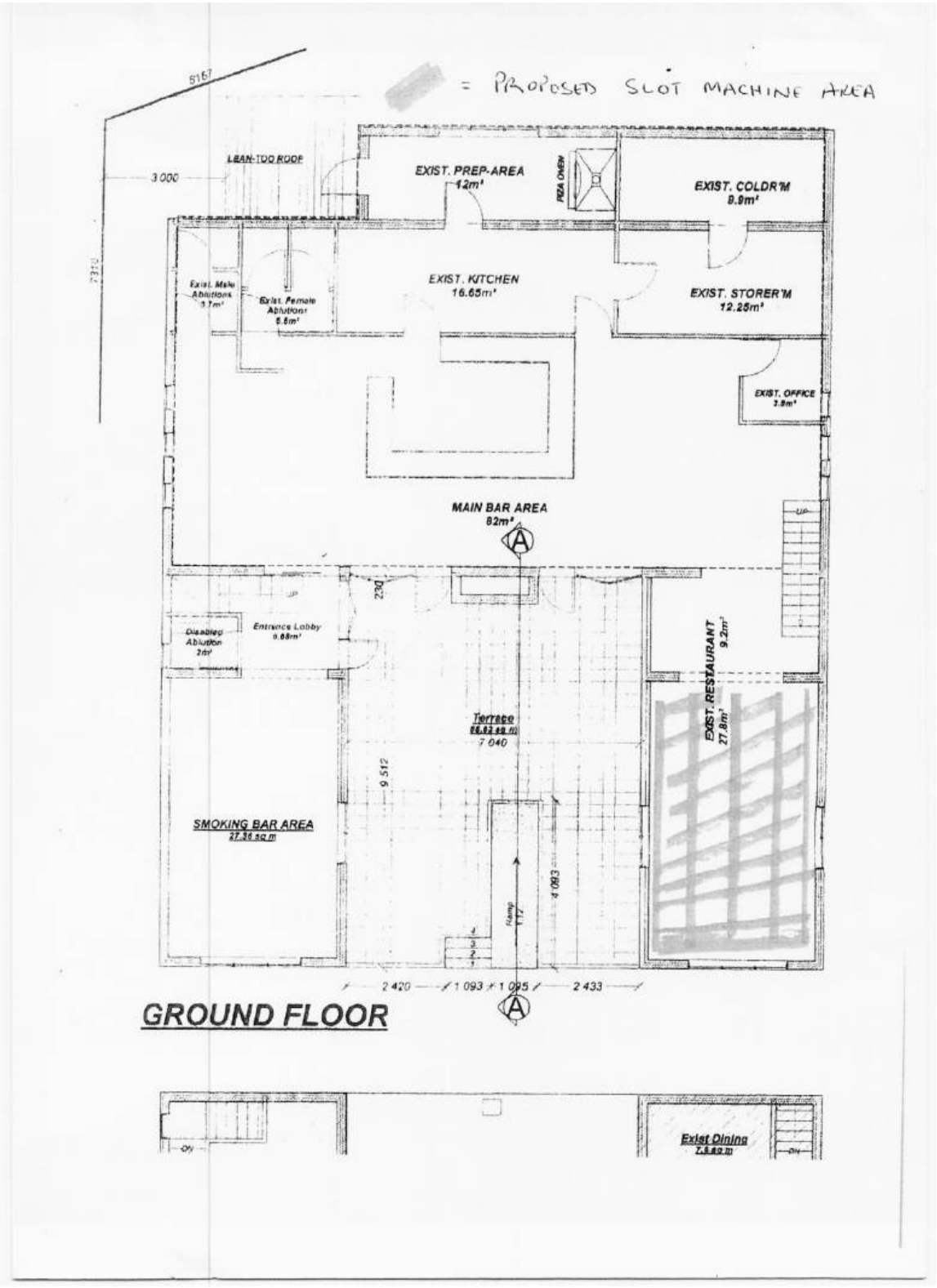
(l) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;

2. that the applicant and objectors 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 decision.

REASONS FOR RESOLUTION

- The application has followed due procedure.
- None of the internal departments have any objection.
- None of the municipal services will be impacted upon.
- It is in line with policy documents.
- The development of the erf will be beneficial for optimization of the erf and infrastructure.
- The character of the area will not be adversely impacted upon.


CLARENCE DRIVE
KLIPSPRINGER ROAD
CORAL ROAD
ADELENE ROAD
PORTER DRIVE
ANGLERS ROAD
Locality Map
Erf 2674 Betty's Bay
OVERSTRAND
MUNICIPALITY
Date: 2022/04/28


= PROPOSED SLOT MACHINE AREA
5157
3 000
LEAN-TOO ROOF
EXIST. PREP-AREA
12m²
PIZA OVEN
EXIST. COLDR'M
9.9m²
EXIST. KITCHEN
16.65m²
EXIST. STORER'M
12.25m²
Exist. Male Ablutions
Exist. Female Ablutions
EXIST. OFFICE
MAIN BAR AREA
82m²
Disabled Ablution
Entrance Lobby
EXIST. RESTAURANT
27.8m²
Terrace
7 040
9 512
SMOKING BAR AREA
27.36 sq m
Ramp
1 093
2 420
1 093
1 095
2 433
GROUND FLOOR
Exist Dining

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR CONSENT USE: ERF 2674, BETTY'S BAY (4128/2022)

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 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;

3. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;

4. that any additional and / or extended vehicle entrance will be for the owner's account;

5. 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;

6. that stormwater be allowed to discharge through Erf 2674 Betty's Bay, unobstructed.

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

18/10/2022
DATE

4. REMAINDER OF PORTION 366 OF THE FARM ONRUST RIVER NO. 581, DIVISION CALEDON: APPLICATION FOR CONSENT USE, DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: MBPLAN ON BEHALF OF OVERBERG HONEY TRUST

RCAL 366/581 (4302/2022)
H Olivier (028) 313 8900 Hermanus Administration
30 August 2023

EXECUTIVE SUMMARY

An application has been received on 2 December 2022 by MB Plan on behalf of Overberg Honey Trust on Remainder of Portion 366 of the farm Onrust River No 581, Division Caledon for the following:

- **Consent uses** in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

  - to accommodate the existing and to allow for a proposed extension of the agricultural industry to accommodate a honey processing business.
  - to allow for an institution to accommodate a home for the indigent (children's home) in the existing second dwelling.

- **Departures** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

  - to relax the western lateral building line from 10m to 4,45m, to accommodate the existing chicken coop and encroachments of the existing barn and stables.
  - to accommodate the change of use of the existing second barn to allow for storage and production of agricultural processes.

- **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the unauthorised land use activities as stipulated above.

RESOLUTION

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on the Remainder of Portion 366 of the farm Onrust River No 581, Division Caledon for an agricultural industry to legalize the existing honey processing plant and to allow an Institution to accommodate a home for the indigent (children's home) in the existing second dwelling, **be approved**, in terms of the provisions of Section 61 of the By-Law;

2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on the Remainder of Portion 366 of the farm Onrust River No 581, Division Caledon for a departure to relax the western lateral building line from 10m to 4,45m, to accommodate the existing chicken coop and encroachments of the existing and proposed alterations of the barn and stables and the use change for the area of the honey processing plant, **be approved**, in terms of the provisions of Section 61 of the By-Law;

3. that the approvals in Points 1. to 2. above in terms of the provisions of Section 61 of the By-law, be subject to the following conditions:

    (a) that the approval for the Agricultural Industry (honey processing) is limited to the footprint of the existing operation of 112,37m^2 as indicated on Plan No 581/366.1 to 6 dated 24 October 2022, and no further extension of such footprint is allowed;

    (b) that only the area of the second dwelling as indicated on plan no, 581/366.7 dated 24 October 2022 may be utilized as an Institution (children's care);

    (c) that the institution be restricted to a maximum of 5 children at any given time;

    (c) that the consent use approval of the Agricultural Industry (honey processing) is limited to a 5-year period, and it is not transferable;

    (d) that the building line departures is only applicable to the building extensions/alterations as indicated on plan 581/366. 2 to 6 dated 24 October 2022;

    (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;

(f) 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;

(g) that commercial rates and taxes, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;

(h) that the site must have a dedicated waste storage area as per part of the National Building Regulations (SANS 10400), and all refuse must then be removed from the property to a registered dump site;

(i) that there be compliance with all relevant Health and Fire Regulations;

(j) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;

(k) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;

(l) that all conditions in the Services Report be complied with;

(m) that all the conditions imposed by Eskom be complied with;

(n) that all the conditions by the BGCMA be complied with,

(o) that application be made to Department of Social Services (Hermanus Child & Family Services) to obtain approval to operate the institution (childcare facility).

4. 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 Remainder of Portion 366 of the farm Onrust River No 581, Division Caledon for the unauthorized land use and structures which encroach the building lines, **be imposed**, and that an administrative penalty fee of **R34 949,28** (R25 983,32 plus R8 965,96) be payable within sixty (60) days of the decision.

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 Municipal Land Use Planning, 2020 with regard to the above decisions.

REASONS FOR RESOLUTION

POINTS 1 & 2

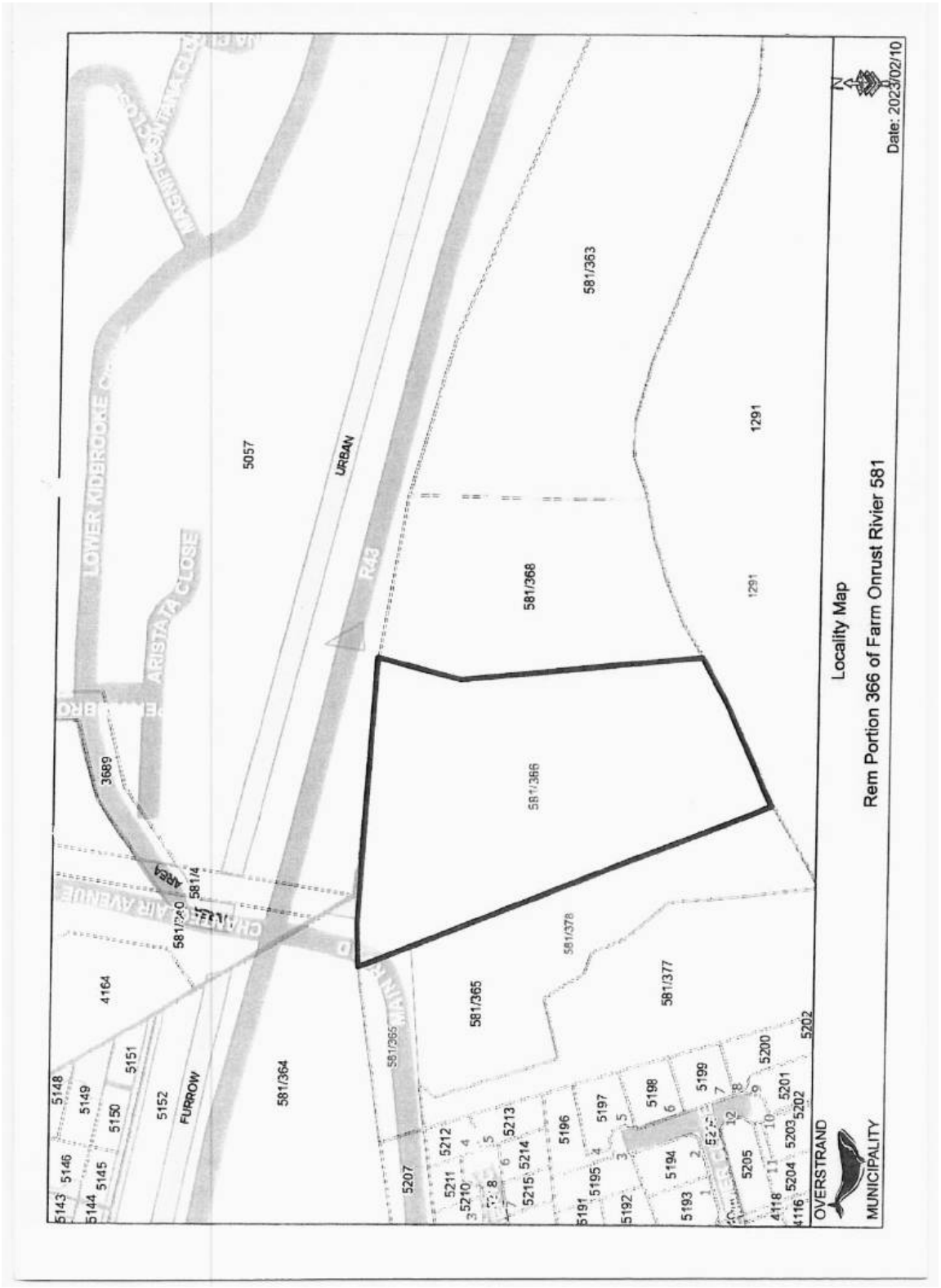
- The application is supported by all relevant Institutions and Municipal and State Departments.
- The application will not have a negative impact on the character of the area, as the area has a mixed-use character, all activities will be within buildings and have low noise impact, and the property is almost 90m away from residential properties.
- The proposal is for a consent use which is allowed under the Agricultural Zoning of the property, and therefore the application is not considered a deviation from the Overstrand Municipal Wide SDF, 2020 or the Overstrand Municipal Growth Management Strategy, 2010, which shows this area is earmarked for residential development.
- The objection does not proof the application to not be desirable and was duly addressed by the applicant.
- The application will have no heritage or environmental impact and is supported by Cape Nature and the Municipal Environmental Management Services Branch.
- The application is in line with the LUPA and SPLUMA general principles, as the proposals are an efficient way to maximize the potential of the property by using existing buildings for agricultural industry and would increase spatial resilience with this additional income from the property. The property is also within the urban edge.
- The institution (childcare facility) would address a social need for care of the needy.
- The departure to relax building lines is mostly for building alterations of existing building, and the legalization of a chicken coop constructed by the property owner. The impact of these encroachments is minimal as it is mostly internal and borders a property also zoned Agriculture Zone I.

REASONS FOR RESTRICTING THE DEVELOPMENT

This area is earmarked for Residential development in terms of the Overstrand Municipality SDF, 2020 and Overstrand Municipality Growth Management Strategy, 2010. Although these policies do not give rights or take rights away, it must be considered in relation to the possible long term impact new land uses/development being applied for could have on this long-term planning. The proposal is already to increase the agricultural industry footprint area even further, which shows it would have a longer operation period for the honey processing plant. This could impact the potential of the area to be developed for residential purposes in future. Two conditions that would mitigate this concern is that only the existing honey processing plant of 112,37m^2 is supported and the consent use for the agricultural industry is only approved for a limited time of five (5) years.

POINT 4

- The existing property owner made building alterations to the farm buildings and illegally started operating an agricultural industry from within such farm buildings.
- The existing property owner also illegally constructed a chicken coop over the building line, without any Town Planning approval or building plan approval.
- There are no mitigating factors for the property owners' actions, and therefore an administrative penalty fee is imposed.


Locality Map
Rem Portion 366 of Farm Onrust Rivier 581
Date: 2023/02/10
OVERSTRAND
MUNICIPALITY
LOWER KIDBROOKE
ARISTATA CLOSE
FURROW
URBAN
R43
5057
581/364
581/365
581/366
581/368
581/363
581/378
581/377
1291
4164
3689
5148
5149
5150
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SPECIFICATIONS:
GENERAL NOTES:
FOUNDATIONS:
FLOORS:
WALLS:
CEILINGS:
WINDOWS & GLAZING:
RAINWATER GOODS:
Coverage Calculations
Project: Proposed Additional Dwelling
Client: B.Pelser
Address: Dirkie
Erf: 581
Dwg No: 19-07-015
Scale: 1:500, @A1
Page: 1 of 3
Rev: A
Site: 24.8.5.2015
Drawn by: Alan du Toit
Checked by: Ronelle Scholtz
SITE PLAN
REMAINDER OF LOT No 2
OF ONRUST RIVER & RHEEZICHT
PORTION 65
PORTION 28
PORTION 74
PORTION 66
Site Plan 1:500

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR CONSENT USE, DEPARTURE & DETERMINATION OF ADMINISTRATIVE PENALTY: REMAINDER PORTION 366 OF THE FARM ONRUS RIVER NO.581, DIVISION CALEDON (4302/2022)

Electricity	:	Eskom area
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, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;

2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;

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 Senior Operational Manager: Hermanus for written approval;

4. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property.

5. that no on-street parking be allowed

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

23/02/2023
DATE

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

5. ERF 67, 58 NAUDE STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE CONDITIONS, DEPARTURE, AMENDMENT OF CONDITIONS OF APPROVAL AND DETERMINATOIN OF AN ADMINISTRATIVE PENALTY: MESSRS ATLAS TOWN PLANNING ON BEHALF OF J & LJ GAMBO

67 GFK (4320/2023)
SW van der Merwe (028) 313 8900 Hermanus Administration
17 August 2023

EXECUTIVE SUMMARY

To consider an application received on 21 December 2022 from Messrs Atlas Town Planning on behalf of the owners of Erf 67, Franskraal in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- **removal of restrictive title conditions** in terms of Section 16(2)(f) of the By-law to remove condition C.20(d) applicable to Title Deed T30094/2020 to accommodate the as built dwelling;
- **departure** in terms of Section 16(2)(b) of the By-law to relax the street building line from 3m to 0m and the western lateral building line from 3m to 1,5m to accommodate the as built dwelling;
- **amendment of conditions of an existing approval** in terms of Section 16(2)(h) of the By-law to accommodate the as built dwelling, and
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-law in respect of the unauthorised building work.

RESOLUTION

1. that the objections/comments received be noted;

2. that the application for removal of restrictive title conditions in terms of Section 16(2)(f) of the By-law to remove condition C.20(d) applicable to Title Deed T30094/2020 to accommodate the as built dwelling on Erf 67, Franskraal, **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 By-Law to relax the street building line from 3m to 0m and the western lateral building line from 3m to 1,5m to accommodate the existing building, **be approved** in terms of the provisions of Section 61 of the By-Law;

4. amendment of conditions of an existing approval in terms of Section 16(2)(h) of the By-law to accommodate the as built dwelling, **be approved** in terms of the provisions of Section 61 of the By-Law; and

5. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the unauthorised building work as stipulated, **not be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-law;

6. that the above approvals be subject to the following conditions:

   (a) that this approval is only for the development as indicated on the plan dated *February 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 an administrative penalty in terms of Section 90.(4) of the By-Law for the unauthorized structure that encroach the building lines for the amount of R20 969,93 (Vat inclusive) **be payable** within thirty (60) days of the decision;

   (d) that all the conditions of Engineering Services and Telkom 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.

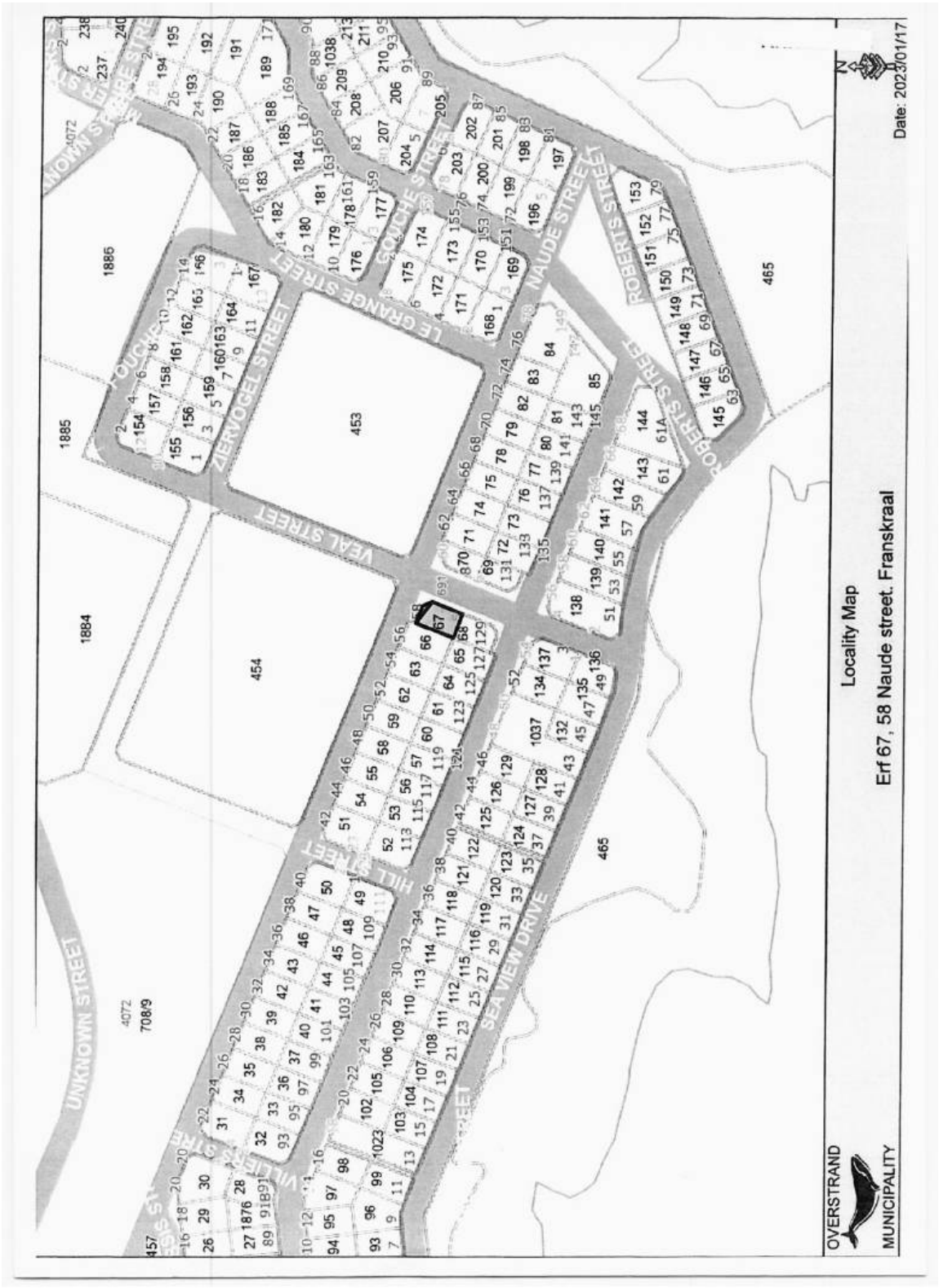
   (g) the conservancy tank in the road reserve should be reallocated onto Erf 67 prior to occupation of the property;

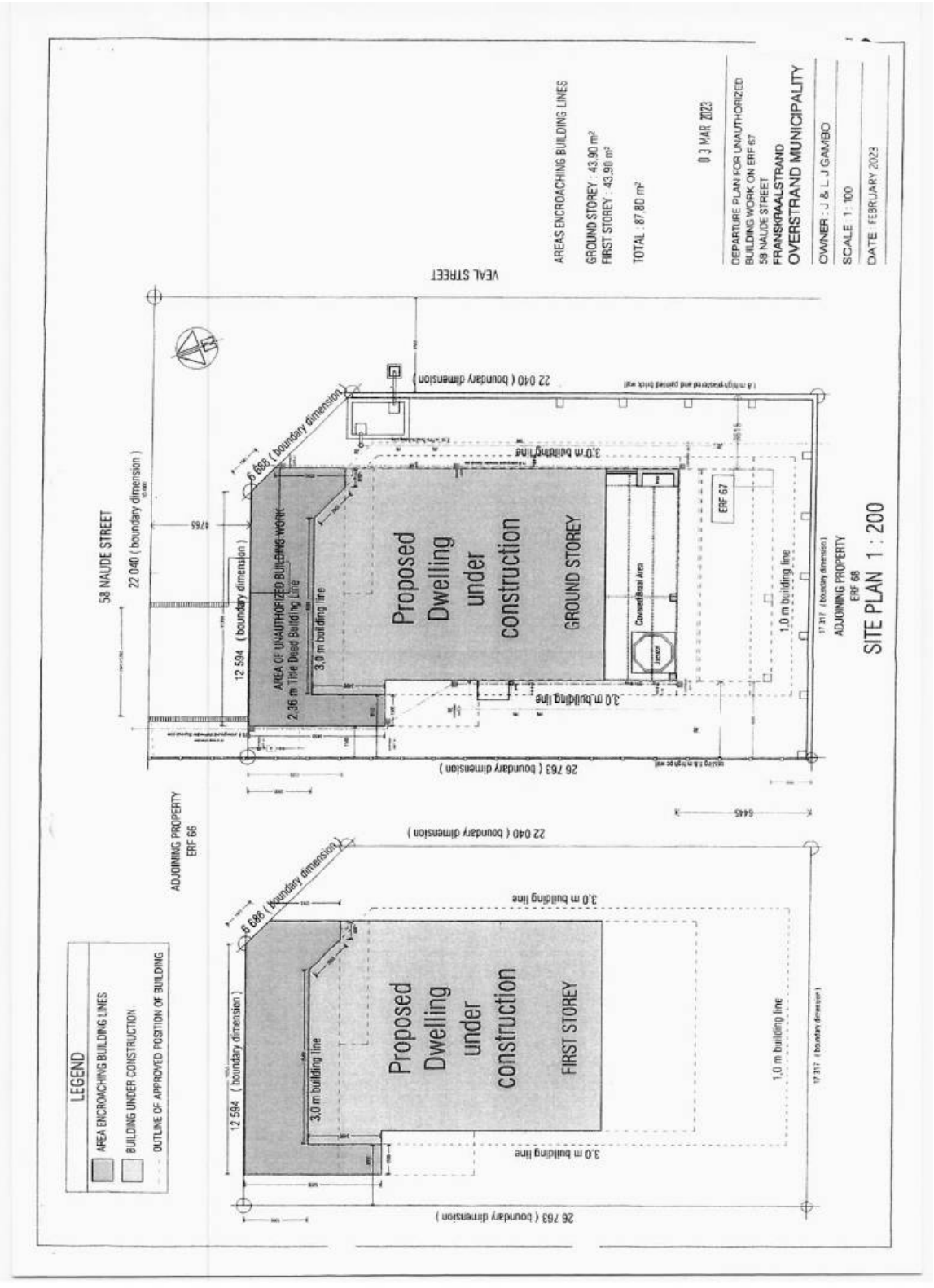
   (h) that prior to the submission of building plans a contour plan be submitted by a professional land surveyor, determining the highest and lowest natural ground level point and base level in accordance with the Overstrand Land Use Scheme, 2020.

7. 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 on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- The application followed due process.
- The proposal will not detract from the character and amenity of the area.
- The proposal will not negatively impact on existing/vested rights of adjoining property owners.
- The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.


Locality Map
Erf 67, 58 Naude street. Franskraal
OVERSTRAND
MUNICIPALITY
Date: 2023/01/17
N
NAUDE STREET
ROBERTS STREET
VEAL STREET
LE GRANGE STREET
SOUCHE STREET
ZIERVOGEL STREET
SEA VIEW DRIVE
UNKNOWN STREET
1884
1885
1886
453
454
465
4072
708/9


AREAS ENCROACHING BUILDING LINES
GROUND STOREY : 43,90 m²
FIRST STOREY : 43,90 m²
TOTAL : 87,80 m²
0 3 MAR 2023
DEPARTURE PLAN FOR UNAUTHORIZED BUILDING WORK ON ERF 67
59 NAUDE STREET
FRANSKRAALSTRAND
OVERSTRAND MUNICIPALITY
OWNER : J & L J GAMBO
SCALE : 1 : 100
DATE FEBRUARY 2023
VEAL STREET
58 NAUDE STREET
22 040 (boundary dimension)
6 686 (boundary dimension)
12 594 (boundary dimension)
AREA OF UNAUTHORIZED BUILDING WORK
2,36 m Title Deed Building Line
3,0 m building line
Proposed Dwelling under construction
GROUND STOREY
ERF 67
3,0 m building line
1,0 m building line
17 317 (boundary dimension)
26 763 (boundary dimension)
ADJOINING PROPERTY ERF 68
ADJOINING PROPERTY ERF 66
SITE PLAN 1 : 200
LEGEND
AREA ENCROACHING BUILDING LINES
BUILDING UNDER CONSTRUCTION
OUTLINE OF APPROVED POSITION OF BUILDING
FIRST STOREY

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE, AMENDMENT OF CONDITIONS OF APPROVAL & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 67, 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 67 shall be used to service Erf 67;

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 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 the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;

5. that any additional and / or extended vehicle entrances will be for the developer's account;

6. that stormwater be allowed to discharge through Erf 67, Franskraal, unobstructed.

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

19/05/2023
DATE

6. ERF 146, 2 MARK STREET, GANSBAAI: APPLICATION FOR CONSENT USE, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: J STEENKAMP ON BEHALF OF J & MM STEENKAMP

146 GGB (3745/2021)
SW van der Merwe (028) 313 8900 Hermanus Administration
19 September 2023

EXECUTIVE SUMMARY

An application has been received on 02 September 2021 from J Steenkamp on behalf of J & MM Steenkamp in terms of the Overstrand Municipality Amendment By-law on Municipal Land Use Planning, 2020 for the following:

- **consent use** in terms of Section 16(2)(o) of the By-law, to accommodate a place of entertainment (five slotmachines);
- **departure** in terms of Section 16(2)(b) of the By-law from 3m to 0m to accommodate the existing caretakers dwelling and storeroom 1 and 2, and
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-law, to accommodate the existing caretakers dwelling and storeroom 1 and 2.

RESOLUTION

1. that the application for consent use (place of entertainment) in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-law on Municipal Land Use Planning, 2020 applicable to Erf 146, Gansbaai to accommodate five limited payout machines, **not be approved** in terms of the provisions of Section 61 of the By-law;

2. that the application for departure in terms of Section 16(2)(b) of the By-law to accommodate the caretakers dwelling, **not 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 By-law to accommodate the conversion of the flats into an outbuilding (store 1 and 2), **be approved** in terms of the provisions of Section 61 of the By-law;

4. that the applicant **be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-law;

5. that the decisions in paragraph 3. above be subject to the following conditions:

(a) that this approval is only conversion of the flats into a storeroom as indicated on Drawing no. *KS/0/02* dated *2018/10/18*;

(b) that building plans be submitted to the Building Department to accommodate the proposed store room within 30 days of the final approval and that all conditions of the Building – and the Fire Department be complied with at that stage;

(c) that the property owner within 30 days from the decision date submit an application to address the unauthorised development on the property namely, but not limited to an application for departure, amendment of conditions of approval and administrative penalty in accordance with the provisions of the By-law;

(d) that the conversion of the two flats into store room 1 and 2 be completed within 90 days of decision date;

(e) that the shower and toilet facilities within store room 1 and 2 be omitted the area may only be utilised for storage purposes;

(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;

6. that the applicant and objectors 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.

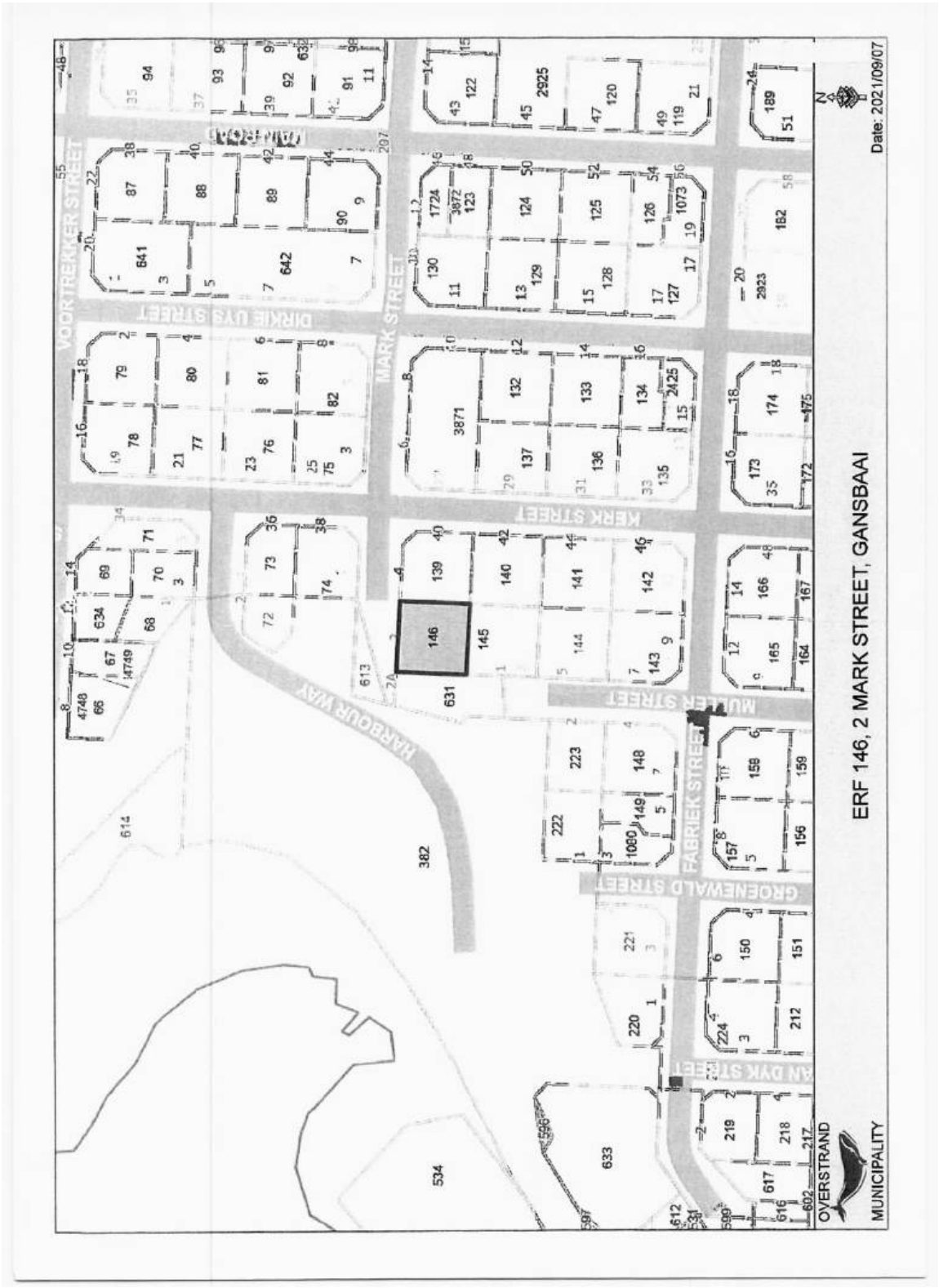
REASON FOR RESOLUTION

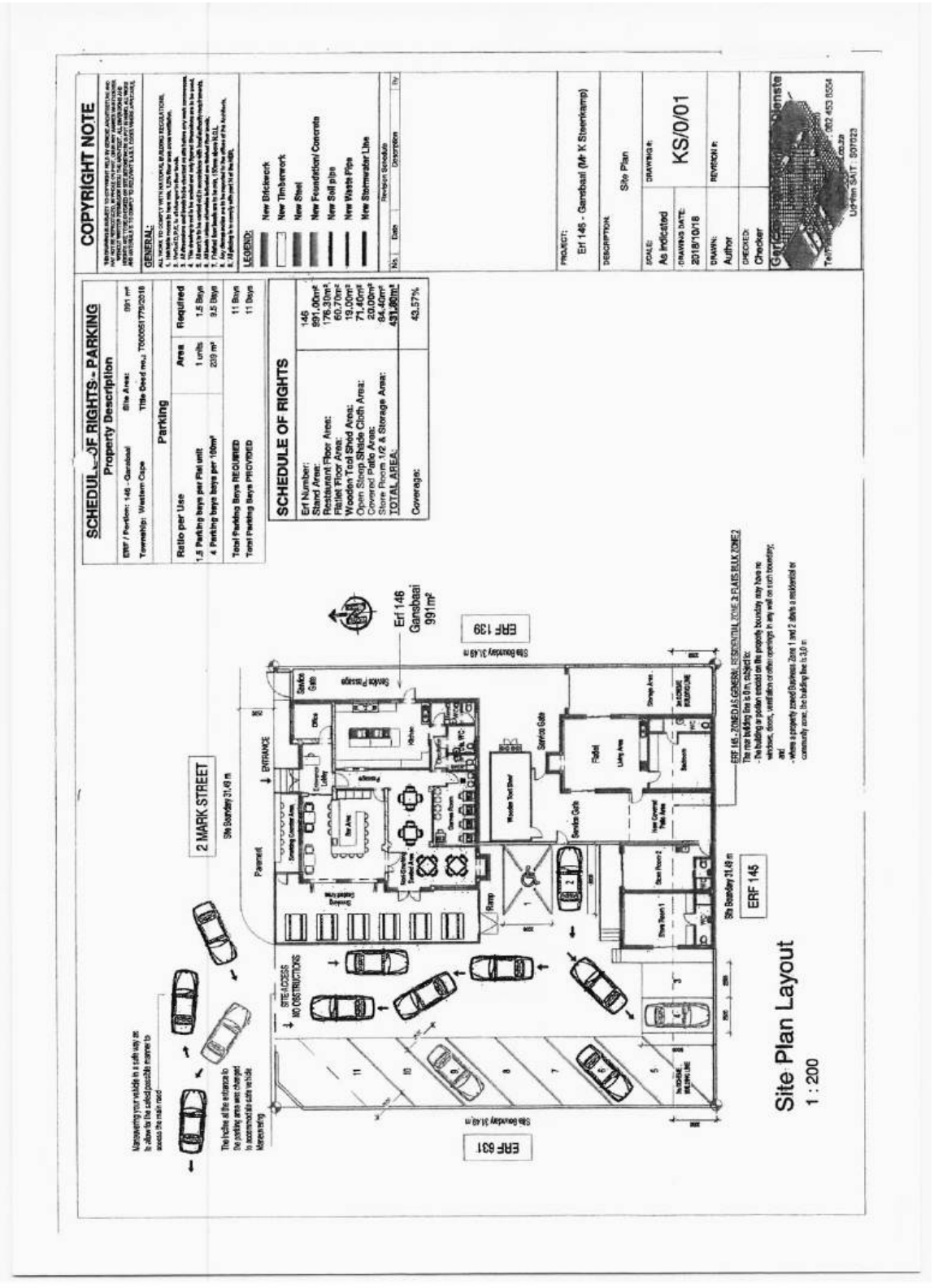
Reasons for departure approval

- The proposed store 1 and 2 is situated within an approved structure (double garage).
- The current unauthorised flat will be converted to store 1 and 2 (i.e an outbuilding).
- The converted building will not impact upon the character of the area, the HPOZ or vested rights of adjoining properties.

Reasons for non-approval

- The applicant's motivation for the place of entertainment is based on generalizations and did not property assess the need and desirability and impact of the proposal.
- The use of the property is limited to a restaurant only. The application did not address the amendment of the condition to accommodate the proposed place of entertainment and caretakers dwelling in accordance with the provisions of Section 16(h) of the By-law.
- In-sufficient on-site parking provision.
- Parking layout submitted is misleading and not a true reflection of the site specific constraints resulting in substandard manoeuvring space;
- Parking layout lack critical dimensions to enable full evaluation thereof and is likely to give rise to on-street parking;
- The application did not address the shortfall of on-site parking provision by means of the relevant applications (i.e. departure for offsite parking or an application to buy out parking in lieu of onsite provision).
- The primary rights do not permit a caretakers dwelling.


ERF 146, 2 MARK STREET, GANSBAAI
Date: 2021/09/07
OVERSTRAND
MUNICIPALITY
MARK STREET
KERK STREET
MULLER STREET
FABRIEK STREET
GROENEWALD STREET
HARBOUR WAY
VOORTREKKER STREET
DIRKIE UYS STREET
VAN DYK STREET


COPYRIGHT NOTE
SCHEDULE OF RIGHTS - PARKING
Property Description
ERF / Portion: 146 - Gansbaai
Site Area: 991 m²
Township: Western Cape
Title Deed no.: T000051779/2018
Parking
Ratio per Use
Area
Required
1,5 Parking bays per Flat unit
1 units
1,5 Bays
4 Parking bays bays per 100m²
209 m²
8,5 Bays
Total Parking Bays REQUIRED
11 Bays
Total Parking Bays PROVIDED
11 Bays
SCHEDULE OF RIGHTS
Erf Number:
146
Stand Area:
991,00m²
Restaurant Floor Area:
176,30m²
Flatlet Floor Area:
60,70m²
Wooden Tool Shed Area:
19,00m²
Open Steep Slide Cloth Area:
71,40m²
Covered Patio Area:
20,00m²
Store Room 1/2 & Storage Area:
84,40m²
TOTAL AREA:
431,80m²
Coverage:
43,57%
GENERAL:
LEGEND:
New Brickwork
New Timberwork
New Steel
New Foundation/ Concrete
New Soil pipe
New Waste Pipe
New Stormwater Line
Revision Schedule
No.
Date
Description
Dr
PROJECT:
Erf 146 - Gansbaai (Mr K Steenkamp)
DESCRIPTION:
Site Plan
SCALE:
As indicated
DRAWING #:
KS/0/01
DRAWING DATE:
2018/10/18
DRAWN:
Author
REVISION #:
CHECKED:
Checker
Site Plan Layout
1 : 200
2 MARK STREET
ENTRANCE
Site Boundary 31,48 m
ERF 139
ERF 631
ERF 145
Erf 146
Gansbaai
991m²
Parapet
Ramp
Service Gate
Wooden Tool Shed
Flatlet
Living Area
Bedroom
Store Room 1
Store Room 2
Storage Area
Ablution
Ablution FEMALE
Ablution MALE
Kitchen
Office
Counter
Dining Covered Area
Bar Area
Dining Seated Area
Dining Seated Area
Deck
Service Passage
Shelves
Gate
SITE ACCESS
NO OBSTRUCTIONS
Maneuvering your vehicle in a safe way as to allow for the safest possible manner to access the main road
The inside of the entrance to the parking area was changed to accommodate safe vehicle Maneuvering
ERF 146 - ZONED AS GENERAL RESIDENTIAL ZONE 2 PLATE BULK ZONE 2
The rear building line is 0 m, subject to:
- The building or portion erected on the property boundary may have no windows, doors, ventilation or other openings in any wall on such boundary; and
- Where a property zoned Business Zone 1 and 2 abuts a residential or community zone, the building line is 3,0 m
Gert Sibande
Tel/Fax: 082 453 8504
Lighthouse SAT: 807023

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR CONSENT USE, DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 146, GANSBAAI

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 (**2022/2023**) is as follows:

Freehold erven:

Water	R 26 036.00 x 0.72720=	R 18 933.38
Sewerage	R 17 555.00 x 0.72720=	R 12 766.00
Roads	R 7 872.00 x 11.178973=	R 88 000.88
Stormwater	R 9 082.00 x 1.321333=	R 12 000.35
Solid Waste	R 1 574.00 x 2.270298=	R 3 573.45
TOTAL (inclusive of VAT)	=	**R 135 274.06**

Note:

1.3 **The above figures are estimates**

1.4 **The above figures do not include evaluation/investigation levies and connection fees**

2. 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;

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 any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;

5. 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;

6. that on-site parking facilities be provided as per that Planning Schedule, and to the satisfaction of the Department: Operational Services;

7. that any additional and / or extended vehicle entrances will be for the developer's account;

8. that stormwater be allowed to discharge through Erf 146, Gansbaai, unobstructed.

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

25/01/2023
DATE

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

7. ERF 1642, 4 GOUSBLOM STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS ME PLANNERS ON BEHALF OF RM VILJOEN

1642 GPB
SW van der Merwe (028) 313 8900 Hermanus Administration
11 October 2023

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), has been received on 26 January 2021 from Messrs ME Planners on behalf of RM Viljoen, the owner of Erf 1642, Pearly Beach for the following:

- **Removal of restrictive title deed condition** in terms of Section 16(2)(f) of the By-Law for the removal of title deed condition C.3(a) contained in Title Deed T49042/2018 to accommodate a second dwelling unit;

  The restrictive title deed condition reads as follows:

  "Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Administrateur van tyd tot tyd, na oorleg met die Dorpskommissie en die plaaslike owerheid, goedkeur, met dien verstande dat, indien die erf in die gebied van 'n dorpsaanlegskema ingesluit is, die plaaslike owerheid enige ander gebou wat deur die skema toegelaat word, kan toelaat onderworpe aan die voorwaardes en beperkings wat in die Skema bepaal word;"

- **Determination of an administrative penalty** in terms of Section 16(2)(q) of the above-mentioned By-Law to enable conversion of two existing ground floor units into a second dwelling.

RESOLUTION

1. that the objections be noted;

2. that the application, applicable to Erf 1642, Pearly Beach, in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the removal of restrictive title deed condition C.3(a) as contained in Title Deed No: 49042/2018, **be approved** in terms of the provisions of Section 61 of the By-Law;

3. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the use, **not be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;

4. that the approvals in paragraphs 1. and 2. above be subject to the following conditions:

   (a) that the approvals are for the development as indicated on Site submitted with the application;

   (b) that an administrative penalty of R19 141,06 (excluding VAT) be payable within **sixty (60)** days of the decision;

   (c) that building plans be submitted to the Building Department within **thirty (30) days** of the decision date and that all comments from the Building- and Fire Departments be complied with at that stage;

   (d) that the applicant within **ninety (90) days** of the final decision convert the unauthorised dwelling units into a second dwelling unit.;

   (e) that all the conditions of Fire- and Engineering Services be complied with;

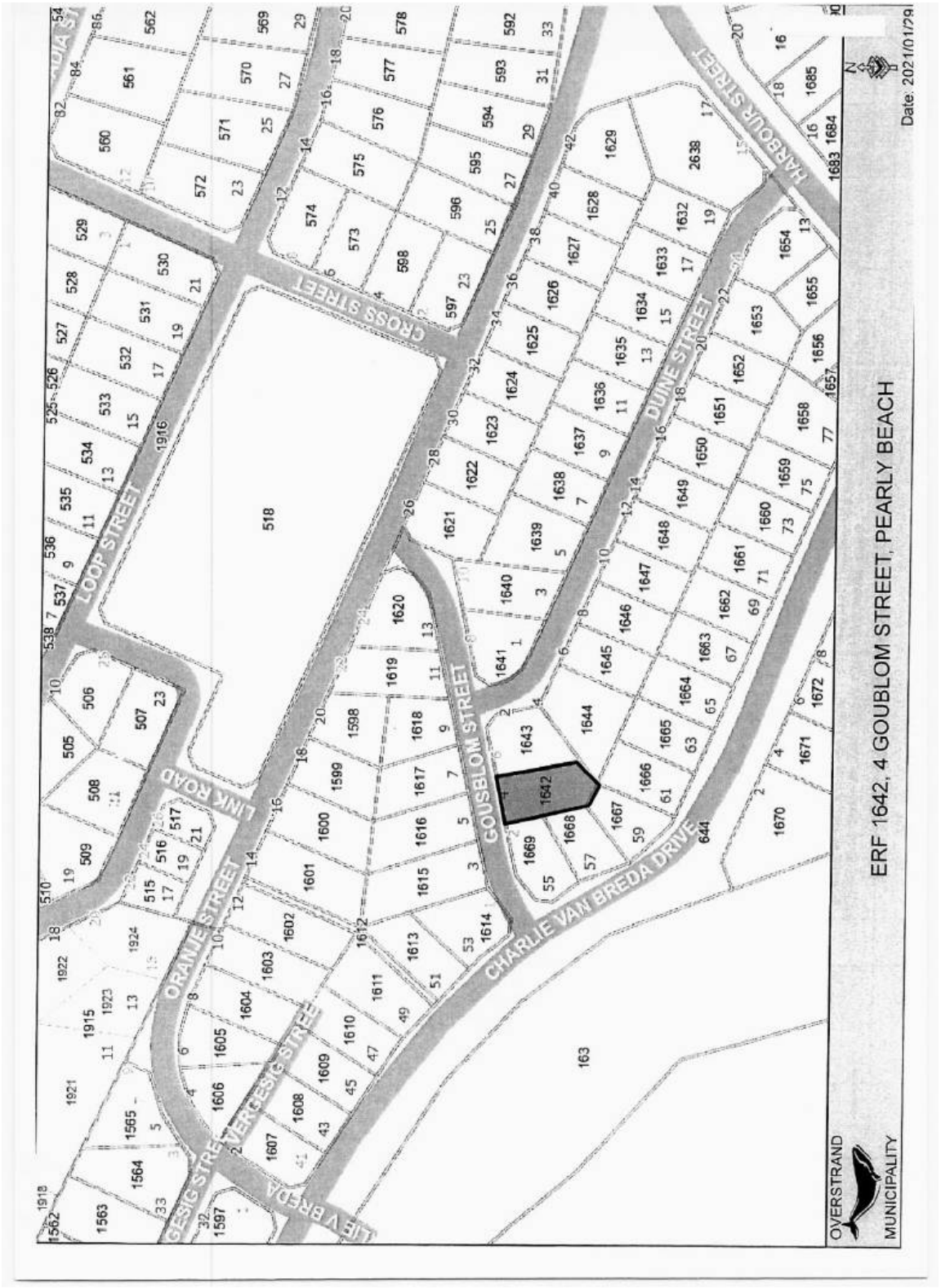
   (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with;

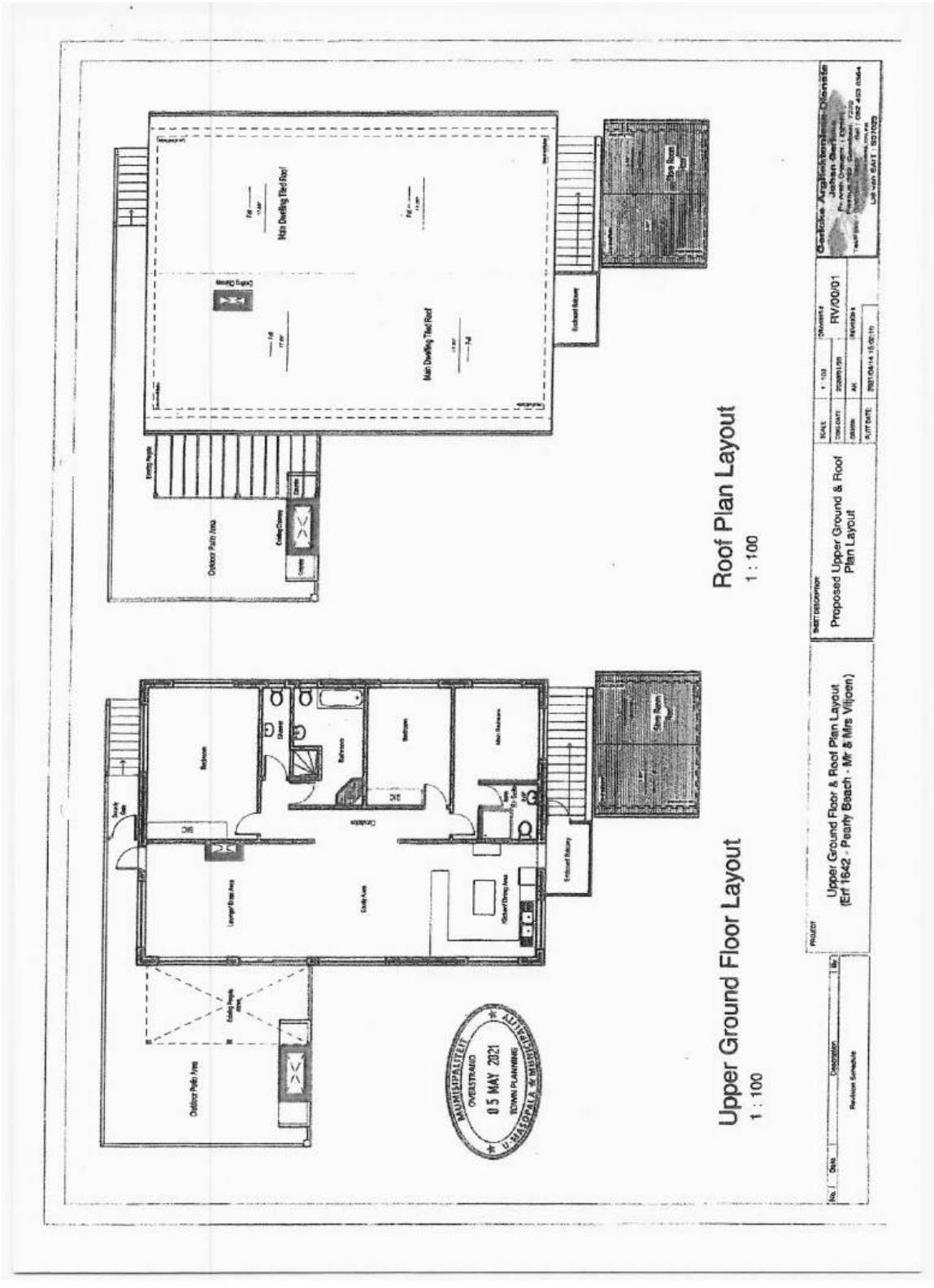
   (g) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

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

REASON FOR RESOLUTION

- The application has followed due process.
- The application is in line with policy documents.
- The removal of the title deed restriction is approved due to the land use scheme regulations making provision for such an application.
- Character of the area will not be negatively impacted upon.
- Vested rights of adjoining properties will not be affected.
- Consistent with planning principles in terms of LUPA and SPLUMA.


ERF 1642, 4 GOUBLOM STREET, PEARLY BEACH
Date: 2021/01/29
OVERSTRAND MUNICIPALITY
LOOP STREET
CROSS STREET
DUINE STREET
HARBOUR STREET
GOUBLOM STREET
CHARLIE VAN BREDA DRIVE
LINK ROAD
ORANJE STREET
VERGESIG STREET
518
163
644
1642


Roof Plan Layout
1 : 100
Upper Ground Floor Layout
1 : 100
Proposed Upper Ground & Roof Plan Layout
Upper Ground Floor & Roof Plan Layout
(Erf 1642 - Pearly Beach - Mr & Mrs Viljoen)
RV/00/01
MUNISIPALITEIT OVERSTRAND
05 MAY 2021
TOWN PLANNING

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 1642, 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 metered water connection and sewer conservancy tank on Erf 1642 be used to service the erf with regards to water and sewer services.
2. that the sewer conservancy tank must be accessible to the municipal sewer tankers from one of the adjacent public roads with a sewer tank suction point on the erf boundary along Gousblom Street;
3. 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;
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 on-site parking facilities be 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 1642, Pearly Beach, unobstructed.

p.p. R Cloete

DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES

08/10/2021
DATE

8. ERF 7182, 39 MARINE DRIVE, HERMANUS, WESTCLIFF, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING AND DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF SUNNY SEAS PROPERTIES PTY (LTD)

7182 HWC
4119/2022
(H Boshoff)
S van der Merwe) (028) 313 8900 Hermanus Administration
11 October 2023

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), has been received on 19 April 2022 from Messrs WRAP Project Office on behalf of Sunny Seas Properties Pty (Ltd), the owner of Erf 7182, Hermanus for the following:

- **rezoning** of the property in terms of Section 16(2)(a) of the By-Law from General Residential Zone 1: Town Housing to General Residential Zone 3: Flats (Bulk Zone 1) to accommodate a four (4) story flat development consisting of a total of twenty-one (21) luxury apartments with amenities, and

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

  - relax the minimum required erf size for densification from 3000m² to 1677m²;
  - relax the eastern lateral building line from 4.5m to 2m to accommodate the proposed apartment block;
  - relax the eastern lateral building line from 4.5m to 0m, as well as the rear building line from 3m to 0m accommodate a refuse room; and to
  - relax the size restriction applicable to refuse rooms within building lines in terms of Chapter 16.1.1(a)(x) and 17.4.4 of the Overstrand Municipality Land Use Scheme, 2020, from 5m² to 17.5m².

RESOLUTION

1. that the comments 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 7182, Hermanus (the property) from General Residential Zone 1: Town Housing to General Residential Zone 3: Flats (Bulk Zone 1) to accommodate a four (4) story flat development consisting of a total of twenty-one (21) luxury apartments with amenities, **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 By-Law, to relax the requirement for the minimum erf size for densification from 3000m² to 1677m² to accommodate the development on the property in 2 above, **be approved** in terms of the provisions of Section 61 of the By-Law;

4. that the application for departure in terms of Section 16(2)(b) of the By-Law to relax the eastern lateral building line of the property from 4.5m to 2m to accommodate the development in 2 above, **be approved** in terms of the provisions of Section 61 of the By-Law;

5. that the approvals in 2, 3, and 4 above, be subject to the following conditions:

    (a) the development, parking layout, and refuse room must be in accordance with the applicable layout plans that was submitted with the application;

    (b) the development be restricted to a total of 21 flat units with amenities;

    (c) that the refuse room must comply with the requirements of Chapter 17.4.3 of the applicable Zoning Scheme, and the refuse bins must be put on the sidewalk on refuse collection days as the Municipality does not enter private properties to collect refuse – the refuse bins must be removed from the sidewalk immediately after the refuse has been collected by the Municipality;

    (d) that building plans must be submitted to the Building Department for consideration and approval, and any requirements by the Building- and Fire Departments at that stage, must be complied with;

(e) that the relevant conditions of Telkom Department of Environmental Affairs and Development Planning Directorate: Development Management, Region 1 Department of Environmental Affairs and Development Planning: Biodiversity and Coastal Management Engineering Services and the GLS Report must be complied with;

(f) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

(g) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.

6. 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 conditional approvals; and

7. that the commenters be informed of their appeal right in terms of Section 78 of the By-Law with regard to the above conditional approvals.

REASON FOR RESOLUTION

- The application has followed due procedure.
- The development will not detract from the character of the immediate surrounding area or the coastal scene and is not out of the ordinary for the surrounding area.
- The coastal view lines of surrounding property owners will be minimally obscured although a mentionable size of the church building (at the western lateral boundary of the church property) already obstructs view lines from the southern and northern sides of the subject property.
- The development will enhance the ambiance of the immediate area since it will fill the gap in Marine Drive resulting in all the properties in that section of Marine Drive being developed.
- The building line encroachment will not have a mentionable negative impact, if any, on the immediate and wider surrounding developed environment.
- The development is an upmarket development.
- It is in line with policy documents.
- Is not regarded as being undesirable from a town planning point of view.


Locality Plan
Erf 7182 - Hermanus
Subject property
Plan prepared by: Thian Jansen
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200
WRAP
Project Office
Inset
N
11018
10569
6913
553
566
51
7182
9844
6127
6260
7349
Scale 1 : 1000
Broader context
N
ESTRAAT 9-45
KERKSTRAAT
7182
PARKLAAN
MARINE RYLAAN
Scale 1 : 2000

9 Marine Drive is currently a vacant site, intended for development as a block of twenty one partments, four storeys in height.
he site is zoned as GR1, and an application is in progress to rezone it to GR3 Bulk Zone 1.
recent Heritage Report was commissioned by the new owners from Rennie Scurr Architects nd was carried out by Katie Smuts. While this report focused on the Heritage value of the djacent sites, it was sufficiently comprehensive to inform the design proposal for the roperty. The site is flanked by the Grobbelaars Hall on the east and a thatched roof house n the west, both buildings having some historic significance and some Heritage value.

General architectural character and response to context

contemporary design is proposed, which responds both to the urban context of the property, s well as its position on the urban edge next to the sea. The irregular, more naturalistic xmposition of the façade is a response to the irregular character of the rocky coastline rectly in front of the property. (Fig. 01)
he building is broken up into two masses, one on the street and the other at the rear of the roperty, connected by a walkway and containing green common areas. (Fig. 02)
he building has been articulated vertically into a tripartite composition: an open base, two oreys that are of the same character and an open top storey with a light roof canopy. This duces the mass of the building perceptually and introduces a light floating character to the chitecture. (Fig. 03)
eep balconies are introduced to the sea-facing facades which create deep voids, which rther mitigate the mass of the building. (Fig. 04)
certain horizontal emphasis is seen as important to tie the building to its broader natural ntext: the flat sea and the long low mountains behind. (Fig. 05)
verthelss, due to the general vertical proportioning in the surrounding mostly residential ildi the balconies are broken up into discontinuous elements and the division walls n apartments are dramatized. The balance between vertical and horizontal façade ements in a somewhat naturalized way is seen by the architects as responding to the spirit both the urban and natural surroundings of the building. (Fig. 06)

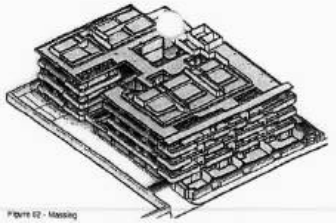
Massing & Accommodation

he site is to be excavated back from street level so that the entire ground floor is at street vel. This drops the site level approximately 1.4m below the level at the back boundary and quires some retaining on the site perimeter. (Fig. 07)
he perimeter stone walls will be affected. We propose underpinning them in certain more sible areas and removing them in areas.
he ground floor is primarily allocated to parking, with four apartments located towards the reet. The parking area is therefore not visible from the street. The first, second and third ors are all residential accommodation. The roof has been utilized for private roof gardens nd pools for the third-floor units. The northeast corner and the center of the site contain mmunal social areas.
he utilization of the roof for gardens has required that the building as a whole be dropped ell below the 12.5m height restriction line imposed by the zoning scheme, to allow height for olated pool elements and balustrades. This has had the very positive effect of reducing the ight of the building on street to 1.5m below the permitted height, a significant contribution to e scale of the streetscape. (Fig. 07)
he building is set back on the north, south and west site boundary, in accordance with the ning scheme. On the east boundary, adjacent to Grobbelaars Hall, the building has been aced 2.0m in lieu of 4.5m from the boundary. Since the church buildings project beyond the r undary at the back boundary of the property, the proposed distance of 2.0m from the undary is not seen as having any significant effect on the view corridor between the robbelaars Hall and the proposed new building. The building sets back to 4.5m at the third orey on the east boundary.

The Streetscape

he boundary wall is proposed to be semi-permeable, with a stone base to match existing onework in the immediate neighborhood and a light steelwork infill with a vertical emphasis, top. (Fig. 09)
he boundary wall itself is thickened to contain a planter, which is intended to contain eepers that will grow up the palisade fence and soften the street edge. (Fig. 08)
he boundary wall is set back periodically, for planting beds to be located on the street, at reet level within the boundary of the site. This will punctuate the stone wall with greenery.
s mentioned previously, the street presence of the building is 1.5m lower than permitted, it is oken up into three horizontal bands, it has deep balconies which create shadowed voids d it has further volumetric relief provided by the protruding balcony elements and vertical vision walls, which have been utilized as architectural features. (Fig. 10)


Figure 01 - Rocky coastline


Figure 02 - Massing

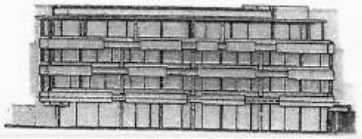
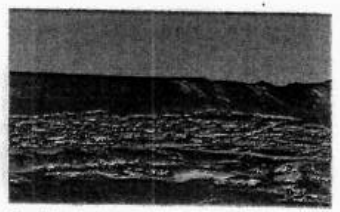
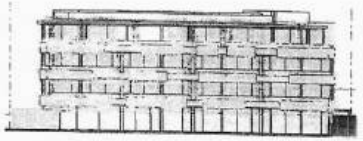

Figure 03 - Tripartite Composition


Figure 04 - Deep Balconies


Figure 05 - Natural Context


Figure 06 - Vertical & Horizontal elements

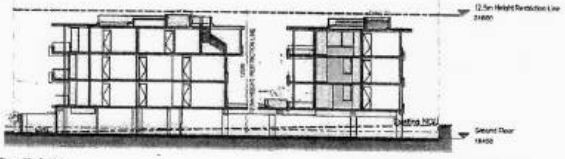
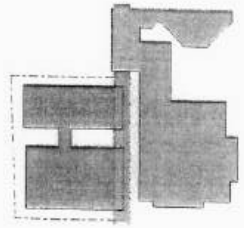


Figure 07 - Section


Figure 08 - View Corridor

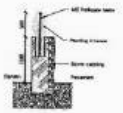

Figure 09 - Boundary Wall section


Figure 10 - Streetscape

39 Marine Drive, Hermanus

2022 04 14

METROPOLIS

Project Discrip

As indicated @

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR REZONING & DEPARTURE: ERF 7182, WESTCLIFF (4119/2022)

Water	:	Refer to Conditions & GLS Report
Sewer	:	Refer to Conditions & GLS Report
Roads and Traffic	:	Refer to Conditions
Stormwater	:	Upgrading according to Stormwater Management Plan
Electricity	:	Refer to Conditions

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).

1.3 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 11.8	= R 307 224.80
Sewerage	R 17 555.00 x 11.8	= R 207 149.00
Roads	R 7 872.00 x 20.00	= R 157 440.00
Stormwater	R 9 082.00 x 0.559	= R 5 076.84
Solid Waste	R 1 574.00 x 20.00	= R 31 480.00
TOTAL (inclusive of VAT)		**= R 708 370.64**

Note:

1.4 The above figures are estimates

1.5 That Overstrand Municipality's Electrical Department be contacted regarding the bulk electricity cost.

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;

   2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided;

   2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;

   2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;

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 indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property:

   4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;

   4.2 the insurance to be to an amount which shall not be less than that required by the SAACE;

   4.3 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;

5. that a plan of all the existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:

   5.1 way-leaves must be obtained from the Operational Manager;

   5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;

6. 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:

   6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;

   6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;

   6.3 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;

7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;

8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;

9. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;

10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and

11. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE and which insurance shall be valid for the relevant contract and maintenance period;

12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for Works of Civil Engineering Construction - 2004, of 12 months, and

13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;

14. that a service agreement may be required by the Director: Infrastructure and Planning prior to the approval of any service plans;

15. that the developer provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;

16. that each subdivided erf be provided with individual water and sewer connections which comply with the standards of the Department: Operational Services (Hermanus).

17. that the water and sewer bulk and link services will be prioritized in according the Overstrand Master Plans, the relevant GLS Consultants capacity report (dated 1 February 2022) and the subsequent follow-up email (dated 5 August 2022). The construction will occur according to the agreed service level agreement and only to an amount equal to or less than the total bulk levy amount payable;

18. that the Home Owners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;

19. that only the 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 owner's cost;

20. that the street lighting be provided and conform to municipal standards;

21. that the developer appoints a consulting electrical engineer to determine the electricity demand for the development and pay a fee to Overstrand Municipality to determine the capacity in the existing electricity network;

22. that the electricity reticulation and supply be provided according to the master plan, by the developer and that transfer can only proceed once electricity is available;

23. that any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;

24. 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*;

25. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be provided with the following:

    a) properly ventilated,
    b) a cement floor,
    c) a tap and running water, as well as a drainage point which is connected to the sewer network,
    d) in 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;

26. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Director: Infrastructure and Planning;

27. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;

28. that the connection to the stormwater reticulation system be provided according to the stormwater management plan by, the developer;

30. that the a minimum of 12m stacking distance be provided between the entrance gate and the road reserve;

31. 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;

32. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.

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

10/11/2022
DATE

9. ERF 108, 6 PRIESTLEYA ROAD, ROOI ELS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, DEPARTURE & A DETERMINATION OF AN ADMINISTRATIVE PENALTY: FVS TOWN AND REGIONAL PLANNERS ON BEHALF OF J & I ORD

108 KRE (4210/2022)
H van der Stoep (028) 313 8900 Hermanus Administration
7 September 2023

EXECUTIVE SUMMARY

An application has been received on 29 July 2022 from FVS Town and Regional Planners on behalf of J & I Ord for the following:

- **Removal of Restrictive Title Deed Conditions** in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Planning, 2020 for the removal of restrictive title deed condition E.(4)(e) as contained in Title Deed No. T28335/2021 of the property to accommodate the proposed outdoor living area and braai on the first floor as well as a proposed bathroom on the ground floor.

  The restrictive title deed condition reads as follows:

  *"E. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No. T21905/1967 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 Township Board and the local authority, it is expedient that the restriction in any such conditions 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:

(e) 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 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, 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."

- **Departure** in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Planning, 2020 in order to:

  - Relax the northern lateral building line from 2m to 1.57m to accommodate the new 1.6m high wall and new outdoor bathroom on the ground floor.
  - Relax the eastern street building line from 4m to 2.472m to accommodate the new ensuite on the ground floor as well as the new braai and new outdoor living area on the first floor.

- **Determination of an Administrative Penalty** in terms of Section 16(2)(q) of the Overstrand Municipal By-Law on Municipal Planning, 2020 for the unauthorized building line encroachments as stipulated above.

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 on Erf 108, Rooiels for the removal of restrictive title deed condition E.(4)(e) as contained in Title Deed No. T28335/2021 of the property to accommodate the proposed outdoor living area and braai on the first floor as well as a proposed bathroom on the ground floor, a screen wall of 1,6m and outdoor bath, **be approved**, in terms of the provisions of Section 61 of the By-Law.

2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2020 on Erf 108, Rooiels for the following departures:

   - to relax the northern lateral building line from 2m to 1.57m to accommodate the new 1.6m high wall and new outdoor bathroom on the ground floor.
   - to relax the eastern street building line from 4m to 2.472m to accommodate the new ensuite on the ground floor as well as the new braai and new outdoor living area on the first floor; on the existing footprint of the building.

   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 removal of restriction and building line departures and is not an approval in terms of any other legislation;

   (b) that the approval be limited to the building/structures as per Plan numbers 101 & 102 Rev 3 dated 7 July 2022;

   (c) that building plans be submitted to the Building Control Department for approval with correct building lines depicted and that all conditions of the Building Control – and the Fire Department be complied with at that stage;

   (d) that the amended title deed be submitted for record purposes to the Municipality;

   (e) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;

   (f) that this approval does not absolve the applicant from compliance with any other relevant legislation;

   (g) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and

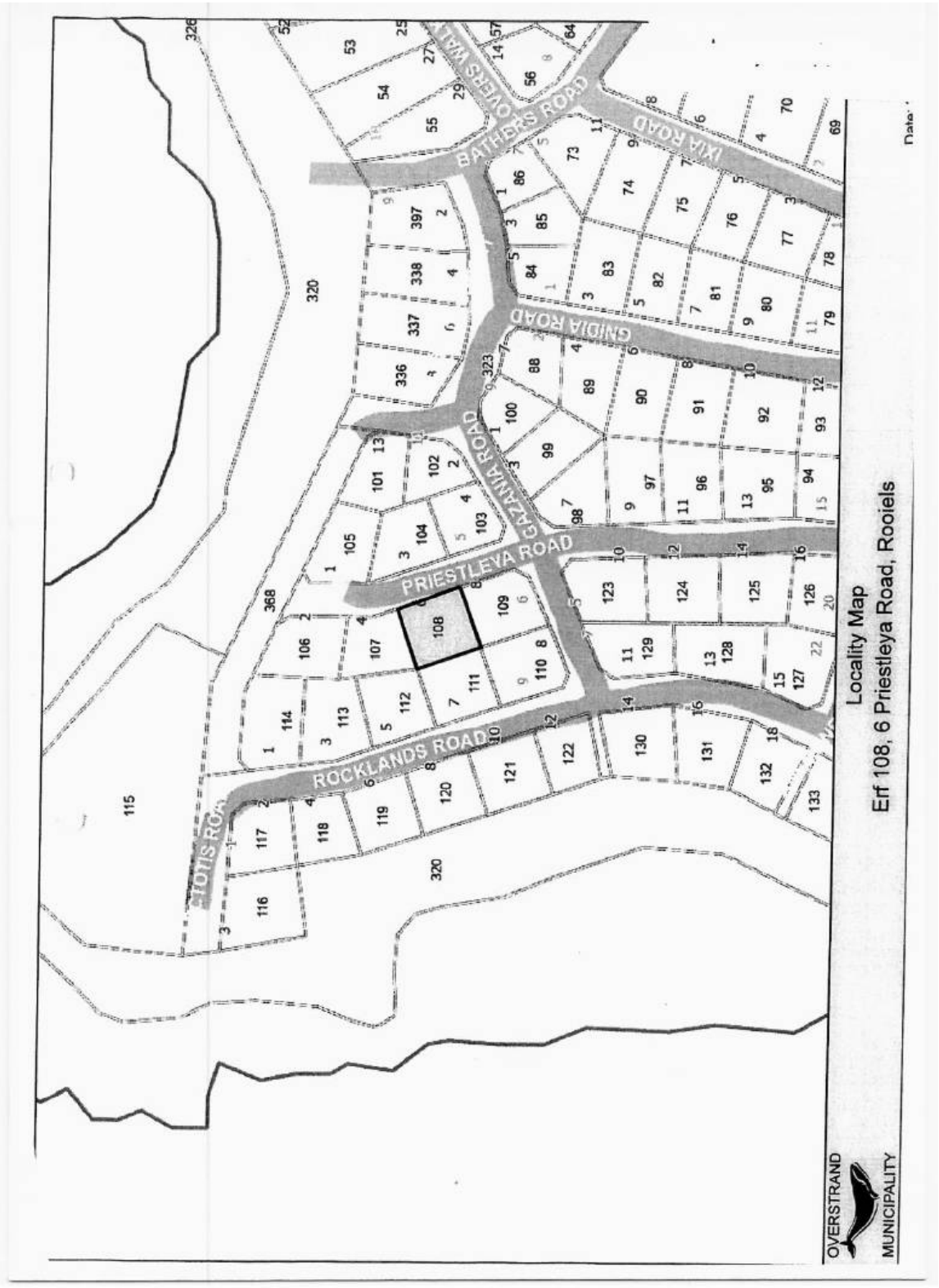
   (h) that all the conditions in the Services Report be complied with.

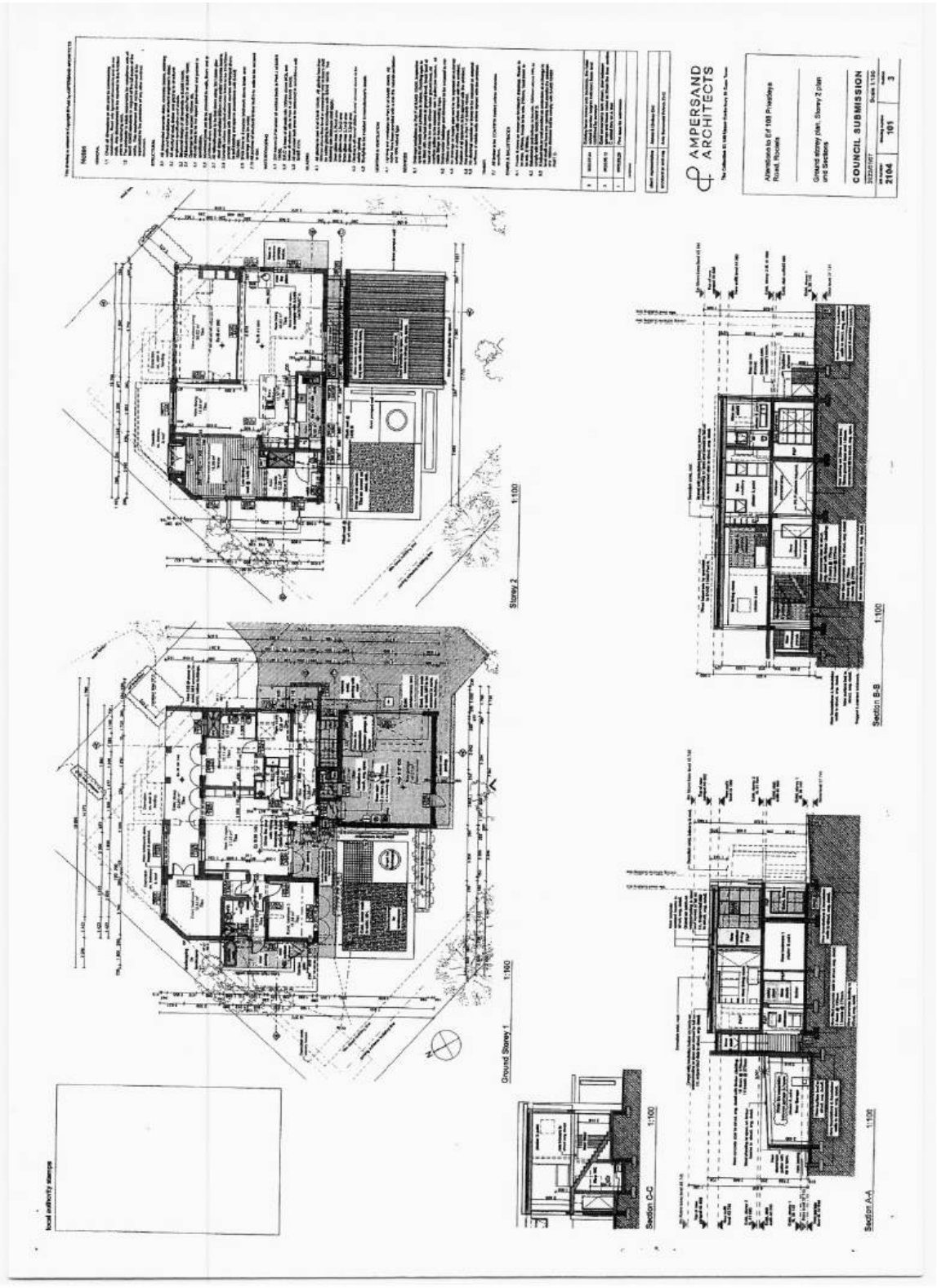
3. that the determination of an administration penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 108, Rooiels for the unauthorized building line encroachments as stipulated above, was considered and that an administrative penalty of R429,53 including VAT (being 1% of the built cost as per budget requirements), **be applicable** in terms of Section 90.(4) of the By-Law which penalty must be paid within thirty (30) days from the final date of the decision of the application.

4. 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.

REASON FOR RESOLUTION

- The building has been erected in 1969, with various changes in the 1970's and 1980's with no objection against the dwelling over the years.
- The structure was built according to plan, but the locality of the structures is not correctly placed.
- The illegal structures will be demolished.
- The application is to bring the plan approvals in line with scheme and title deed thus has to remove the restrictive conditions.
- The proposed building work is on an existing footprint, which transgresses the street building line and will have no impact on the area or character of the area, since the structure is more than 40 years old.
- The administrative penalty be applicable for the square metres transgressing the Title Deed Building line since the registration of the property in June 2021 and thus the owner took responsibility of the transgression.


PRIESTLEYA ROAD
GAZANIA ROAD
ROCKLANDS ROAD
BATHERS ROAD
IXIA ROAD
GNIDIA ROAD
OVERSTRAND MUNICIPALITY
Locality Map
Erf 108, 6 Priestleya Road, Rooiels


Notes
AMPERSAND ARCHITECTS
Alterations to Ed 108 Prestleys Road, Rocklea
Ground storey plan, Storey 2 plan and Sections
COUNCIL SUBMISSION
2104
101
3
Storey 2
1:100
Ground Storey 1
1:100
Section B-B
1:100
Section C-C
1:100
Section A-A
1:100
local authority stamps

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 108, ROOI ELS (4210/2022)

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 108, Rooi Els, unobstructed.

p.p.

DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

03/05/2023
DATE

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

10. ERF 11171, 19 FISH EAGLE STREET, HEMEL & AARDE ESTATE, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND DEPARTURE: WRAP PROJECT OFFICE ON BEHALF OF PTN HARPER

11171 HMS (3617/2020)
(H Boshoff)
H van der Stoep (028) 313 8900 Hermanus Administration
9 October 2023

EXECUTIVE SUMMARY

An application was received on 27 January 2020 (final amended application on 6 October 2022) from Messrs WRAP Project Office on behalf of PTN Harper, applicable to Erf 11171, Hemel & Aarde Estate, Hermanus for the following:

- **subdivision** in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 11171, Hermanus in four portions, namely a Portion A ±835m², a Portion B ±800m², a Portion C ±1640m² and a Remainder ±2236m²; and

- **departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

  - to relax the south-eastern, south-western and north-western lateral building lines of the above proposed Remainder from 2m to 0m in to accommodate portions of the existing dwelling unit, and
  - to relax the north-eastern and south-eastern lateral building lines of the above proposed Portion C from 2m to 0m to accommodate portions of the existing dwelling unit.

RESOLUTION

1. that the comments be noted.

2. 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 11171, Hemel & Aarde Estate, Hermanus in three portions, namely Portion A ±936m² in extent, Portion B ±866m² in extent, and a Remainder ±3711m² in extent, **be approved** in terms of Section 61 of the By-Law;

3. that the above approval be subject to the following conditions:

(a) that this approval is only for the subdivision as indicated on undated Plan Number 19/140;

(b) that all the applicable development parameters for the three land parcels as set out in the estate's architectural guideline document must be complied with; and

(c) that building plans be submitted for all new buildings 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 the conditions of Engineering Services be complied with;

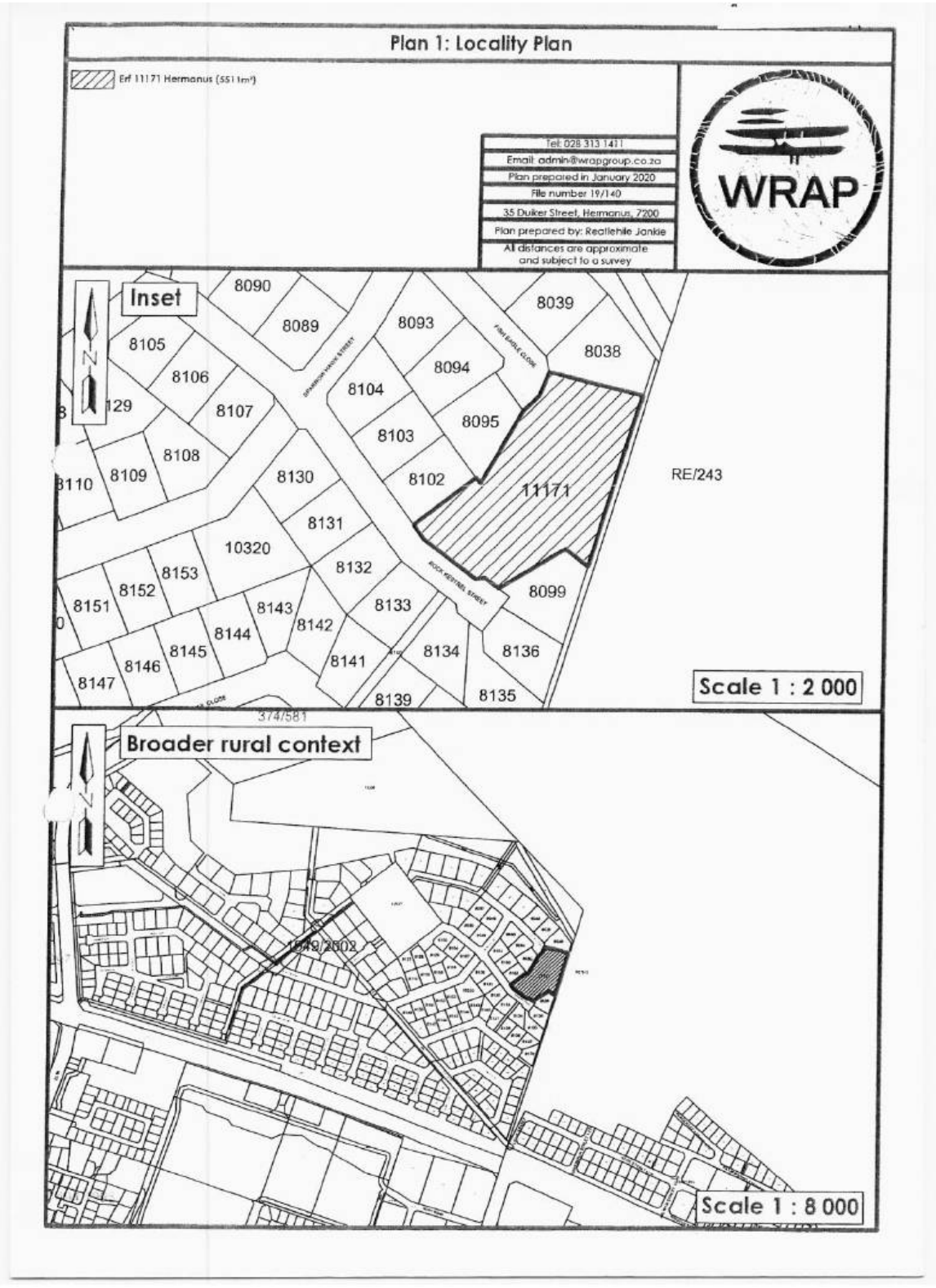
(e) that the above approval does not absolve the applicant from compliance with any other relevant legislation, and

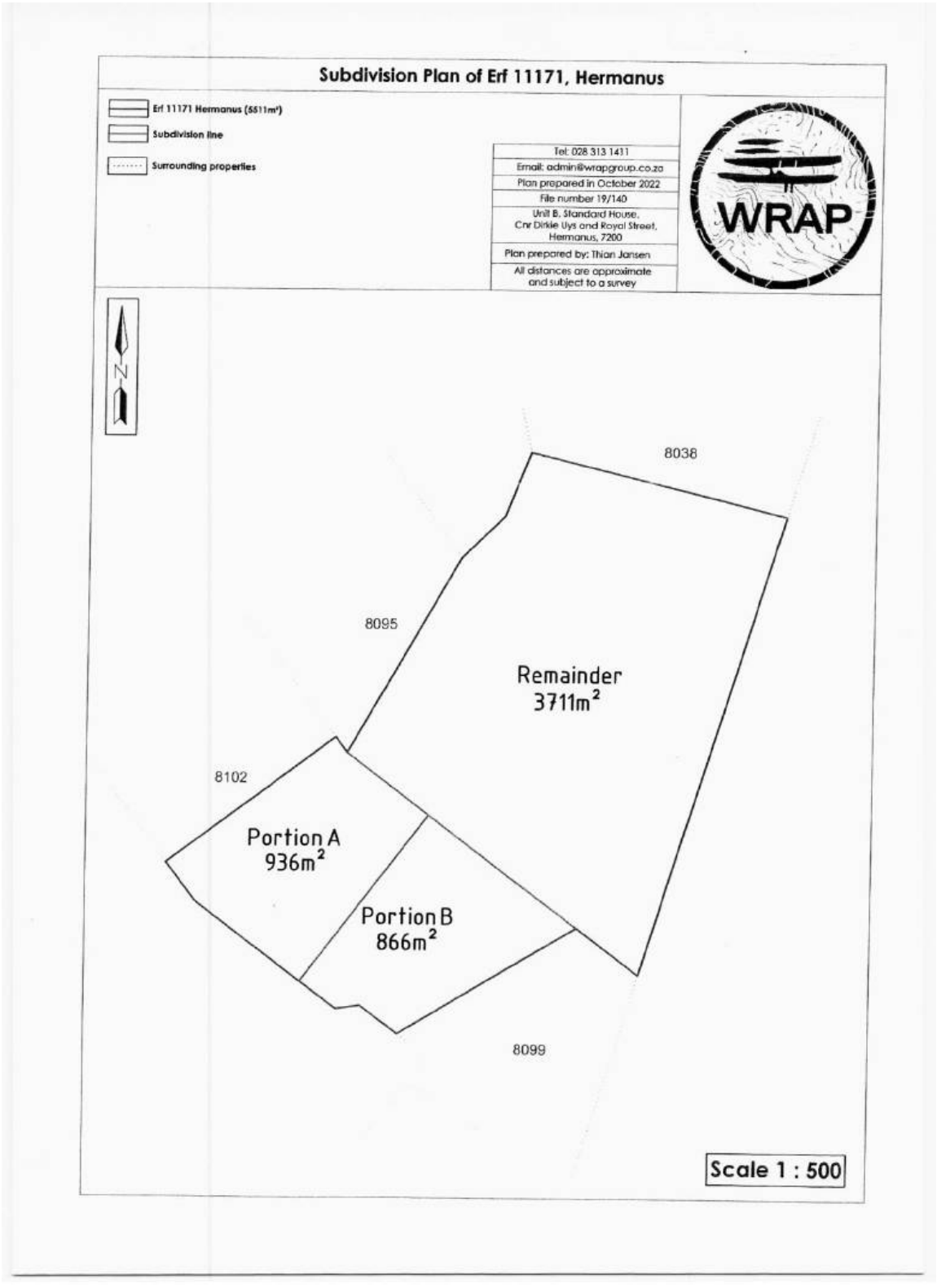
(f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

4. that the applicant and persons who commented be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above conditional approval.

REASON FOR RESOLUTION

- The application contains sufficient merit to be considered favourably.
- The current size of the property is excessive in nature and completely out of character with the sizes of the single residential erven within the Hemel & Aarde Estate development.
- Two additional erven will be created that will be more, except for the remainder, in line with the erf sizes of the immediate area and will therefore not impact on the character of the specific area.
- The additional traffic that will be created when Portions A and B are developed, will not be problematic to the existing development.
- All the applicable development parameters for the three land parcels as set out in the estate's architectural guideline document will be complied with to ensure that there are not impacts on the rights of the surrounding property owners.
- All services for the subdivided portions are available and is sufficient to accommodate the proposal.
- No internal objections were received.
- The proposal is regarded as being desirable from a town planning perspective.


Plan 1: Locality Plan
Erf 11171 Hermanus (551 m²)
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Plan prepared in January 2020
File number 19/140
35 Duiker Street, Hermanus, 7200
Plan prepared by: Reatlehile Jankie
All distances are approximate and subject to a survey
WRAP
Inset
N
8090
8089
8093
8039
8038
8105
8106
8107
8094
8104
8095
8103
8102
8108
8109
8110
8130
8131
10320
8132
8153
8152
8151
8143
8142
8133
8144
8145
8146
8147
8141
8134
8136
8139
8135
8099
11171
RE/243
374/581
Scale 1 : 2 000
Broader rural context
N
1049/2002
Scale 1 : 8 000


Subdivision Plan of Erf 11171, Hermanus
Erf 11171 Hermanus (5511m²)
Subdivision line
Surrounding properties
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Plan prepared in October 2022
File number 19/140
Unit B, Standard House,
Cnr Dirkie Uys and Royal Street,
Hermanus, 7200
Plan prepared by: Thian Jansen
All distances are approximate
and subject to a survey
WRAP
N
8038
8095
Remainder
3711m²
8102
Portion A
936m²
Portion B
866m²
8099
Scale 1 : 500

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR SUBDIVISION & DEPARTURE: ERF 11171, HEMEL & AARDE ESTATE (3617/2020)

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 (**2020/2021**) is as follows:

Freehold erven:			
Water	R 23 957.00 x 3	=	R 71 871.00
Sewerage	R 16 153.00 x 3	=	R 48 459.00
Roads	R 7 243.00 x 3	=	R 21 729.00
Stormwater	R 8 357.00 x 3	=	R 25 071.00
Solid Waste	R 1 448.00 x 3	=	R 4 344.00
TOTAL (inclusive of VAT)		=	**R171 474.00**

Note:

1.3 The above figures are estimates

1.4 The above figures do not include evaluation/investigation levies and connection fees

2. 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;

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 the proposed Erven, Hemel & Aarde Estate, unobstructed;

7. that no on-street parking be allowed.

p.p. R Cocks

DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES

07/09/2020
DATE

AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 February 2024
(Also the agenda for the Mayoral Committee Meeting : 13 February 2024)

11. ERF 3921, 128 SECOND AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: FVS TOWN & REGIONAL PLANNERS ON BEHALF OF HEICH BELEGGINGSTRUST

3921 KKM (4170/2022)
H van der Stoep (028) 313 8900 Hermanus Administration
1 August 2023

EXECUTIVE SUMMARY

An application has been received on 7 June 2022 from FVS Town and Regional Planners on behalf of HEICH Beleggingstrust on Erf 3921, Kleinmond 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 condition C.8. as contained in Title Deed T013275/2001 of the property to accommodate a carport and pergola that encroach the street building line.

  The restrictive title deed condition reads as follows:

  "C. ONDERHEWIG verder aan die volgende voorwaardes vervat in Transportakte nr T14866/1970 opgelê ten gunste van Kleinmond Syndicate Limited en hul opvolgers in titel as eienaars van die restant van die grond gehou kragtens Transportakte nr T3729/1918, naamlik:

  8. All buildings to be erected on the land herein sold shall stand back at least 3,15 metres from the line of the street or avenue on which the lot or lots herein mentioned may front."

- **Departure** in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Planning, 2020 to relax the street building lines from 4m to ±0,45m to accommodate a carport and pergola.

- **Determination of an Administrative Penalty** in terms of Section 16(2)(q) of the Overstrand Municipal By-Law on Municipal Planning, 2020 for the unauthorized building line encroachments as stipulated above.

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 on Erf 3921, Kleinmond for the removal of restrictive title deed condition C.8. as contained in Title Deed T013275/2001 of the property to accommodate a carport that encroach the street building line, **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

   (a) that the amended title deed be submitted for record purposes to the Municipality;

   (b) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;

   (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;

   (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and

   (e) that all the conditions in the Services Report be complied with.

2. 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 3921, Kleinmond to relax the street building lines from 4m to ±0,45m to accommodate a carport and pergola, **not be approved**, in terms of the provisions of Section 61 of the By-Law.

3. that the carport be set back to the **2m** street boundary and the pergola be **removed** within sixty (60) days from the final date of the decision of the application.

4. that the 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 on Erf 3921, Kleinmond for the unauthorized building line encroachments as stipulated above was considered and that an administrative penalty of R2 950-00 including VAT (being 5% of the built cost as per budget requirements), **be applicable** in terms of Section 90.(4) of the By-Law which penalty must be paid within thirty (30) days from the final date of the decision of the application.

5. that the applicant and objectors 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.

REASON FOR RESOLUTION

POINT 1: APPROVAL

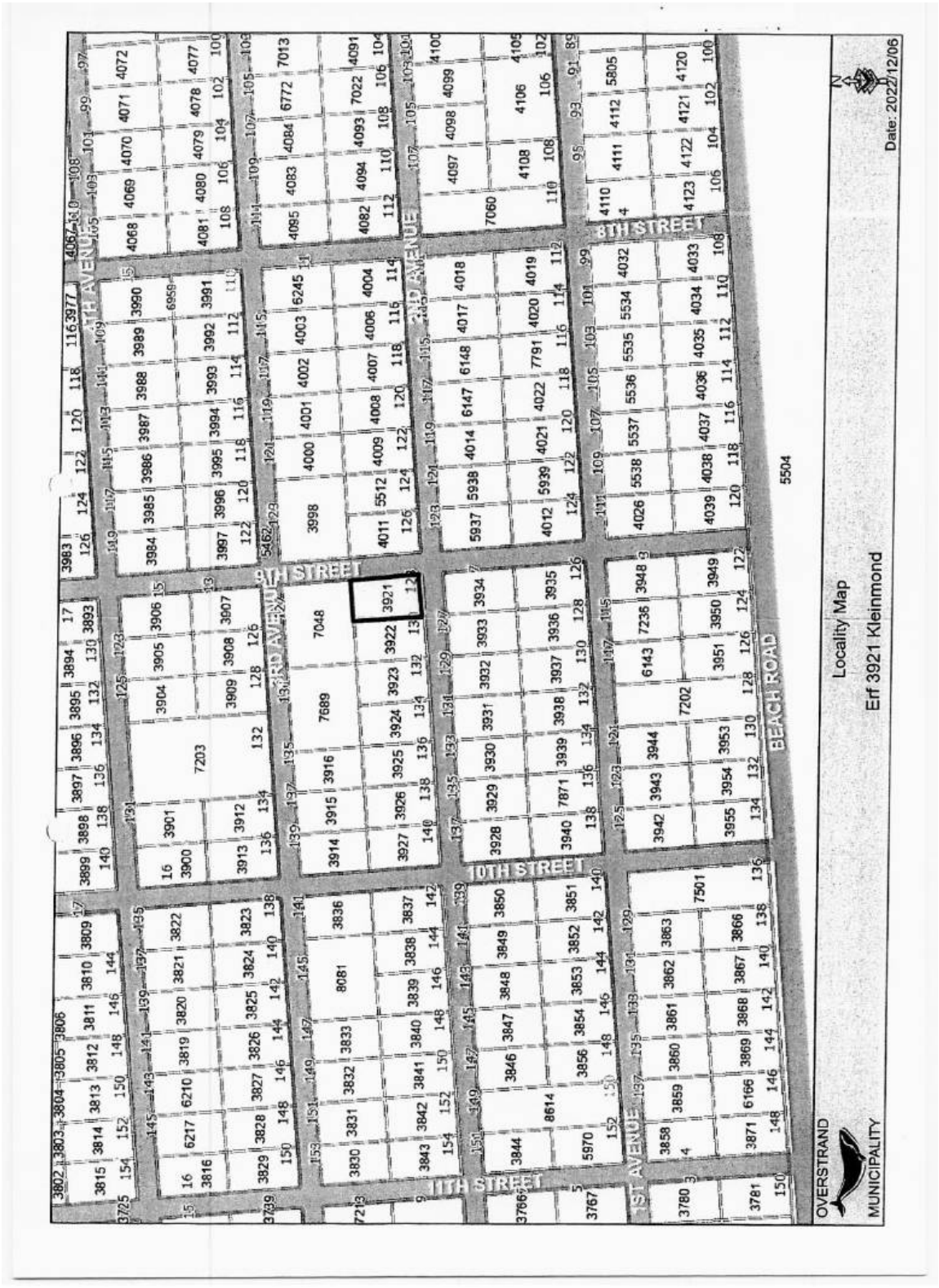
- The application has followed due procedure.
- It is in line with the aims of the Overstrand SDF.
- The removal of the restrictive conditions to be in line with the Land Use Scheme is supported.

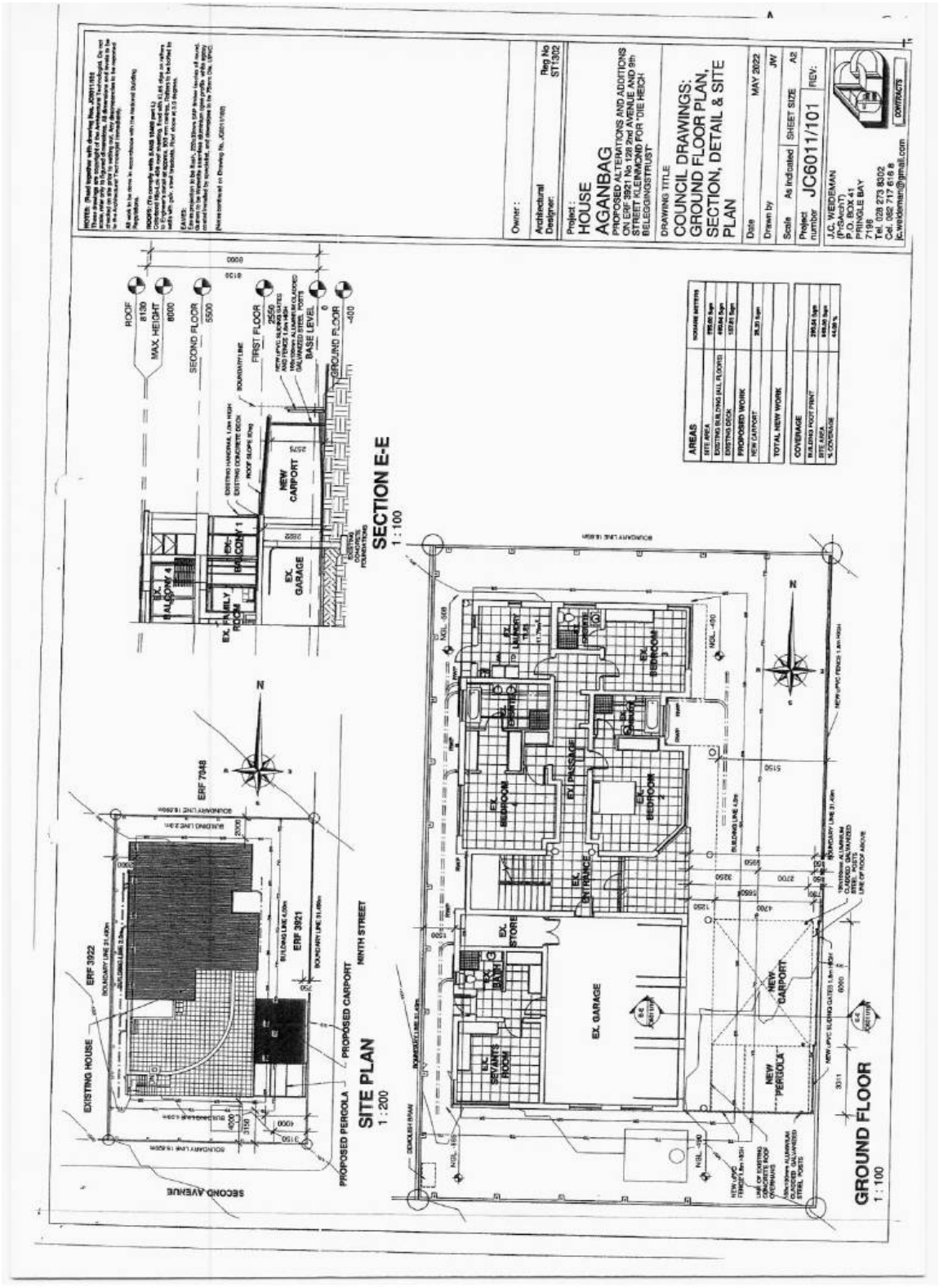
POINT 2 & 3: PARTIAL NON-APPROVAL

- The motivation does not address the pergola *per se*. The reason for increment weather does not coincide with a pergola without a solid roof.
- The carport be set back at least 2m from street boundary to lessen the impact on the street view and character of 9th avenue.

POINT 4: ADMINISTRATION PENALTY

- The applicant has erected the structures illegally but took immediate action to rectify the situation.
- The applicant has full knowledge of Planning and building procedures and the requirements thereof, since it is not the first time that he is involved in a Town Planning and Building procedures.
- The applicant will have to set back the structure to 2m street building line, which will entail some cost.


Locality Map
Erf 3921 Kleinmond
Date: 2022/12/06
OVERSTRAND
MUNICIPALITY
BEACH ROAD
5504
9TH STREET
10TH STREET
11TH STREET
8TH STREET
1ST AVENUE
2ND AVENUE
3RD AVENUE
4TH AVENUE
3921


Owner :
Architectural Designer:
Reg No ST1302
Project :
HOUSE AGANBAG
PROPOSED ALTERATIONS AND ADDITIONS ON ERF 3921 No 128 2nd AVENUE AND 9th STREET TALEINMOND FOR "DIE HEIGH BELEGGINGSTRUST"
DRAWING TITLE:
COUNCIL DRAWINGS: GROUND FLOOR PLAN, SECTION, DETAIL & SITE PLAN
Date MAY 2022
Drawn by JW
Scale As Indicated
SHEET SIZE A2
Project number JC6011/101
REV:
J.C. WEBDEMAN
PO BOX 41
PRINGLE BAY
7196
Tel: 028 273 8802
Cel: 082 717 616 8
jcwebdeman@gmail.com
CONTRACTS
AREAS
SITE AREA
EXISTING BUILDING (ALL FLOORS)
EXISTING DECK
PROPOSED WORK
NEW CARPORT
TOTAL NEW WORK
COVERAGE
BUILDING FOOT PRINT
SITE AREA
% COVERAGE
SECTION E-E
1 : 100
SITE PLAN
1 : 200
GROUND FLOOR
1 : 100
ROOF
MAX. HEIGHT
SECOND FLOOR
FIRST FLOOR
BASE LEVEL
GROUND FLOOR
NEW CARPORT
EX. GARAGE
EX. FAMILY ROOM
EX. BALCONY 1
EX. BALCONY 2
EXISTING HANDRAIL LOW HIGH
EXISTING CONCRETE DECK
ROOF SLOPE 15deg
BOUNDARY LINE
NEW UPVC SLIDING DOORS AND FENCE 1.8m HIGH
NEW POWDER COATED ALUMINIUM FRAMED GLAZED DOORS AND WINDOWS ON GALVANIZED STEEL POSTS
EXISTING CONCRETE FOUNDATIONS
ERF 7048
ERF 3922
ERF 3921
EXISTING HOUSE
PROPOSED PERGOLA
PROPOSED CARPORT
NINTH STREET
SECOND AVENUE
BUILDING LINE 2.0m
BOUNDARY LINE 18.99m
BOUNDARY LINE 31.40m
EX. BEDROOM 1
EX. BEDROOM 2
EX. BEDROOM 3
EX. PASSAGE
EX. ENTRANCE
EX. STORE
EX. BATH
EX. SERVANTS ROOM
EX. LAUNDRY
EX. SHOWER
EX. BATH
NEW PERGOLA
NEW LPVC FENCE 1.8m HIGH
NEW LPVC SLIDING DOORS 1.8m HIGH
TRAFFIC ISLAND
CLADDED GALVANIZED STEEL POSTS
LINE OF EXISTING CONCRETE ROOF OVERHANG
NGL -150
NGL -450

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 3921, KLEINMOND (4170/2022)

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 developer'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 developer's cost;

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 3921 Kleinmond, unobstructed.

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

07/02/2023
DATE

12. ERF 171, 4 LE GRANGE STREET, FRANSKRAAL: PROPOSED APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE: MESSRS WARREN PETTERSON PLANNING ON BEHALF OF TELKOM SA SOC LTD

171 GFK (3901/2021)
P Roux (028) 313 8900 Hermanus Administration
8 November 2023

EXECUTIVE SUMMARY

An application has been received on 2 November 2021 (final version received on 25 July 2022) from Messrs Warren Petterson Planning on behalf of Telkom SA SOC LTD on Erf 171, Franskraal in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- **removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law to remove conditions C.20(b) & C.20(d) as contained in Title Deed No. T4468/1955, applicable to Erf 171, Franskraal, and

- **consent use** in terms of Section 16(2)(o) of By-Law, to replace the existing transmission apparatus (TA) with a 45m lattice mast.

RESOLUTION

1. that the objections be noted

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 171, Franskraal for the removal of the restrictive conditions C.20(b) & C.20(d) as contained in Title Deed No. T4468/1955, **be approved**, in terms of the provisions of Section 61 of the By-Law;

3. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 171, Franskraal, for the consent use to replace the existing transmission apparatus with a 45m lattice mast, **be approved**, in terms of the provisions of Section 61 of the By-Law;

4. that the approvals above be subject to the following conditions:

   (a) that this approval is only for the removal of restriction and the consent use as applied for;

(b) that the approval be limited to the building/structures as per Plan number *05403-P1* sheets *1 to 8* as submitted with the application subject to condition 3. (c);

(c) that the height of the transmission apparatus be restricted to 35m and coloured in a neutral colour;

(d) that building plans in line with condition 3. (b) and (c) 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;

(e) that the use of the structure be limited to 10 years, in which time the property owner must conduct extensive studies into alternative sites and more optimum network coverage if feasible;

(f) that the property owner submits a Noise Impact Assessment prior to the submission of building plans and that mitigation steps be shown on building plan and implemented on site. This is relevant to all structures and operations on the site;

(g) that all the conditions in the Services Report be complied with;

(h) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

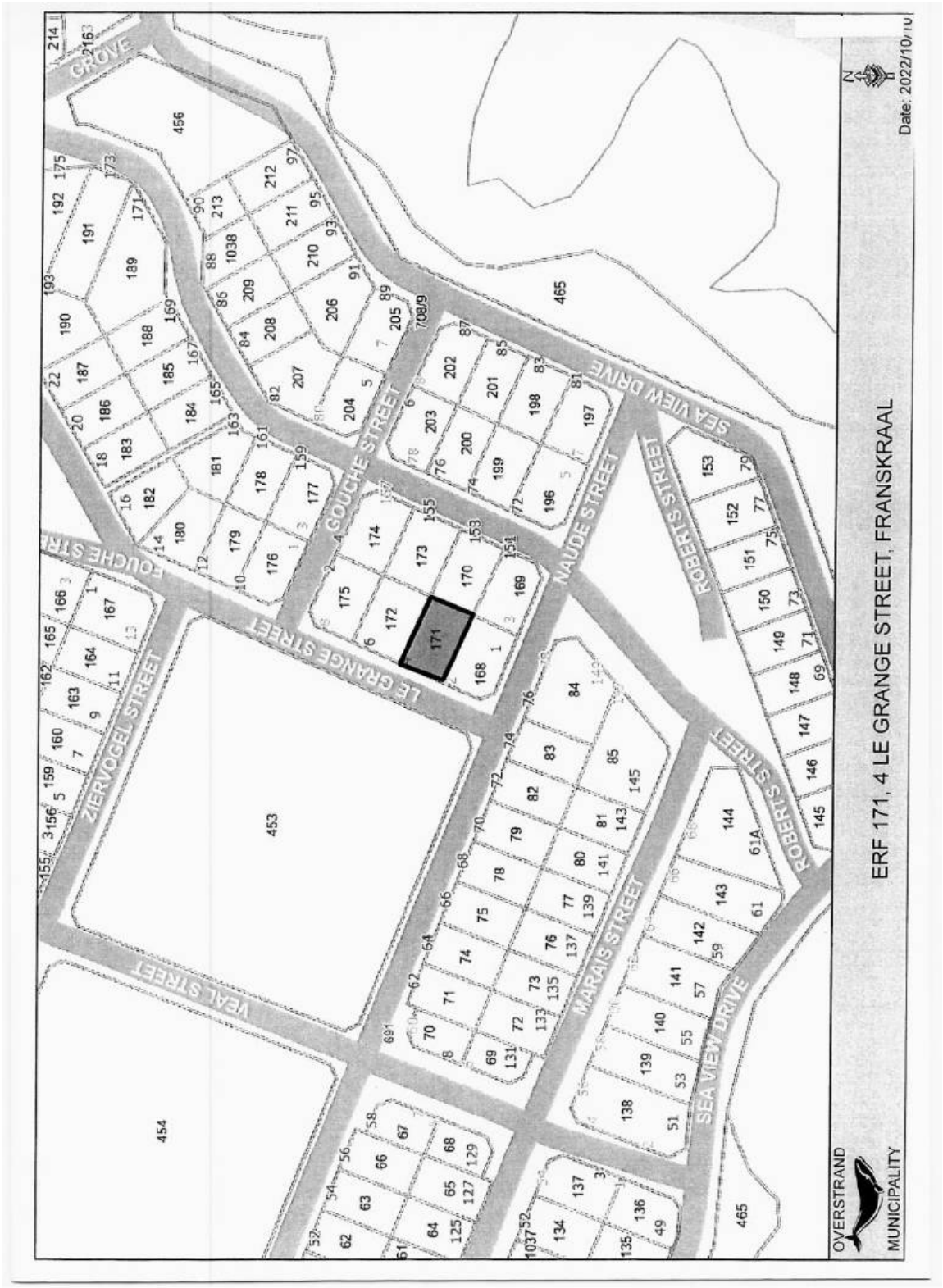
(i) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;

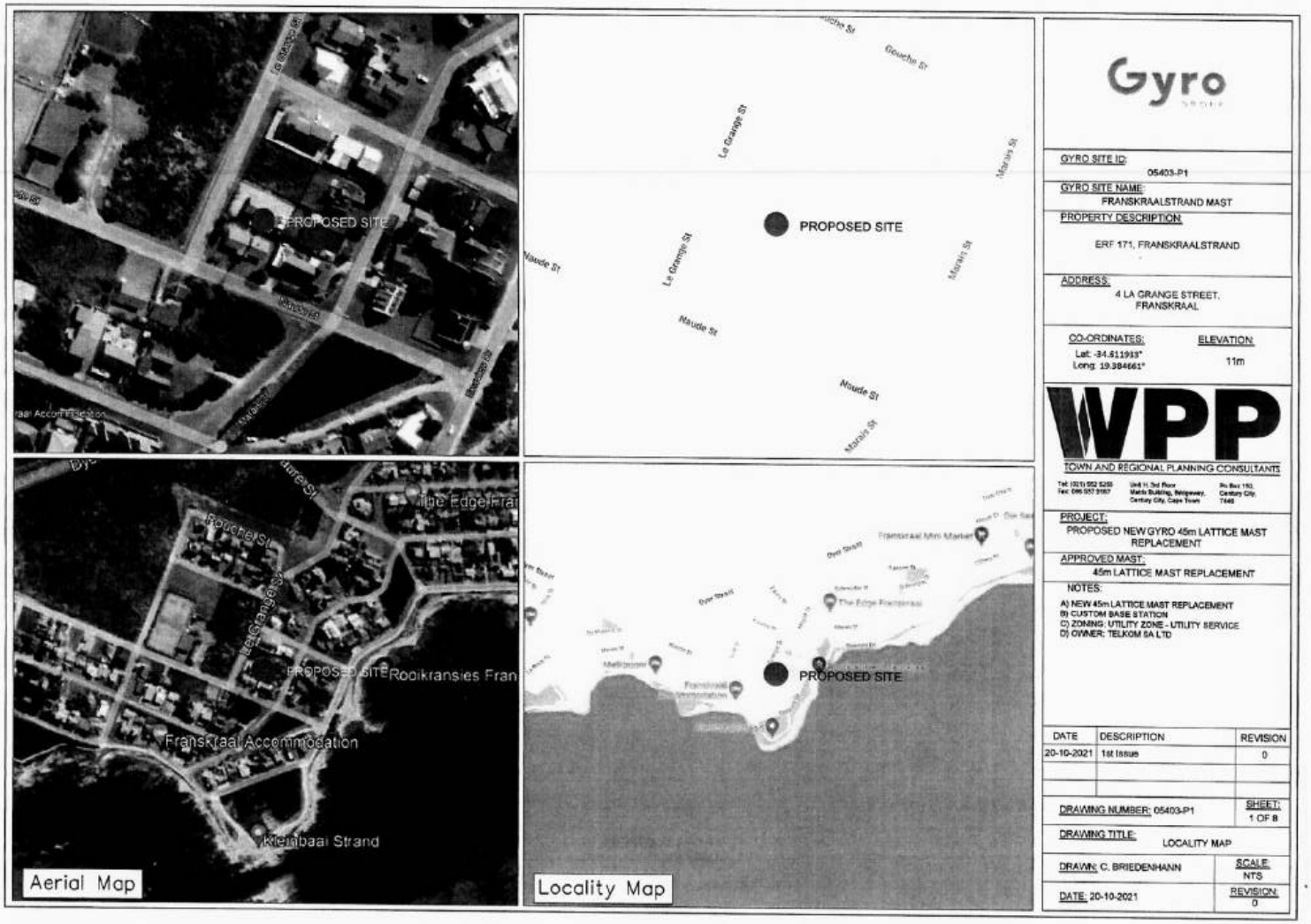
5. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above decision.

REASON FOR RESOLUTION

- Mitigation measures are proposed by the applicant to address the concerns regarding noise and maintenance.
- The existing mast will be replaced with a lattice mast which will be less visually intrusive as per the recommendation of the VIA.
- The site has been in the ownership of Telkom since 1955 and from a town planning perspective the mast is considered to be part of the urban fabric.
- The application is supported by all relevant municipal departments and state or other institutions.
- The development on site is limited to the approval of the proposed SDP.

- No additional services will be required.
- The current and proposed transmission apparatus is the only one in a 2,5km radius and provide a needed service to the community.
- The technology in terms of transmission apparatus changes fast and therefore alternative sites and methods will have to be investigated to better service the community.


ERF 171, 4 LE GRANGE STREET, FRANSKRAAL
OVERSTRAND MUNICIPALITY
LE GRANGE STREET
GOUCHE STREET
NAUDE STREET
SEA VIEW DRIVE
ROBERTS STREET
MARAIS STREET
ZIERVOGEL STREET
VEAL STREET
GROVE
Date: 2022/10/
N


PROPOSED SITE
Aerial Map
PROPOSED SITE
Locality Map
Gyro
GYRO SITE ID:
05403-P1
GYRO SITE NAME:
FRANSKRAALSTRAND MAST
PROPERTY DESCRIPTION:
ERF 171, FRANSKRAALSTRAND
ADDRESS:
4 LA GRANGE STREET,
FRANSKRAAL
CO-ORDINATES:
Lat: -34.611913°
Long: 19.384661°
ELEVATION:
11m
WPP
TOWN AND REGIONAL PLANNING CONSULTANTS
PROJECT:
PROPOSED NEW GYRO 45m LATTICE MAST REPLACEMENT
APPROVED MAST:
45m LATTICE MAST REPLACEMENT
NOTES:
A) NEW 45m LATTICE MAST REPLACEMENT
B) CUSTOM BASE STATION
C) ZONING: UTILITY ZONE - UTILITY SERVICE
D) OWNER: TELKOM SA LTD
DATE
DESCRIPTION
REVISION
20-10-2021
1st Issue
0
DRAWING NUMBER: 05403-P1
SHEET:
1 OF 8
DRAWING TITLE:
LOCALITY MAP
DRAWN: C. BRIEDENHANN
SCALE:
NTS
DATE: 20-10-2021
REVISION:
0

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR: CONSENT USE: ERF 171, FRANSKRAAL (3901/2021)

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 171, Franskraal, unobstructed;

6. that no on-street parking be allowed.

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

02/12/2022
DATE

13. ERF 5703, 3 MYRTLE STREET, WESTCLIFF, HERMANUS: OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING : CREATIVE PROFILE TOWN PLANNERS ON BEHALF OF 3 ON MYRTLE PROPRIETARY LIMITED

4304/2022
S van der Merwe **(028) 313 8900** **Hermanus Administration**
25 October 2023

EXECUTIVE SUMMARY

The following application has been received on 30 November 2022 from Creative Profile Town Planners on behalf of 3 ON MYRTLE PROPRIETARY LIMITED:

- **rezoning**, in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land use Planning, 2020 (By-Law), of Erf 5703, Hermanus from Residential Zone 1: Single Residential to Business Zone 3: Local Business to accommodate offices/lettable space and four single bedroom flats on the property.

RESOLUTION

1. that the objection 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 5703, Hermanus from Residential Zone 1: Single Residential to Business Zone 3: Local Business to accommodate offices/lettable space and four single bedroom flats on the property, **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 a three (3) meter building line must be maintained at the eastern boundary of Erf 521, Hermanus;

   (b) that all health care risk waste that is generated by the practice must be collected and transported by a suitable registered company and be disposed at a licensed disposal facility;

   (c) that the parking layout must be in accordance with the parking layout plan number *101* dated *MAY 2023* that was submitted with the application;

(d) that all the parking bays be clearly demarcated and provided with a hard surface;

(e) that the development must comply with the provisions of SANS 10400 A:2016, 10400-T:2020 and the By-Law Relating to Community Fire Safety;

(f) that the building plans must be submitted to Heritage: Western Cape for approval prior to the submission thereof at the Building Department since the structures on the property are older than 60 years;

(g) that the building plans in (f) above be submitted to the Building Department for approval and that all requirements of the Building Department and Fire Services at that stage be complied with;

(h) that a refuse area must be provided on the property in accordance with Chapter 17.4 of the Overstrand Municipality Land Use Scheme, 2020 and must also form part of the building plan submission;

(i) that the conditions of Engineering Services and Telkom must be complied with;

(j) that no on-street parking be allowed whatsoever;

(k) that any advertising signs must be approved by the Building Department of the Municipality and must comply with the Municipal By-Law on Signage;

(l) 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;

(m) that this approval does not absolve the landowner from compliance with any other relevant legislation; and

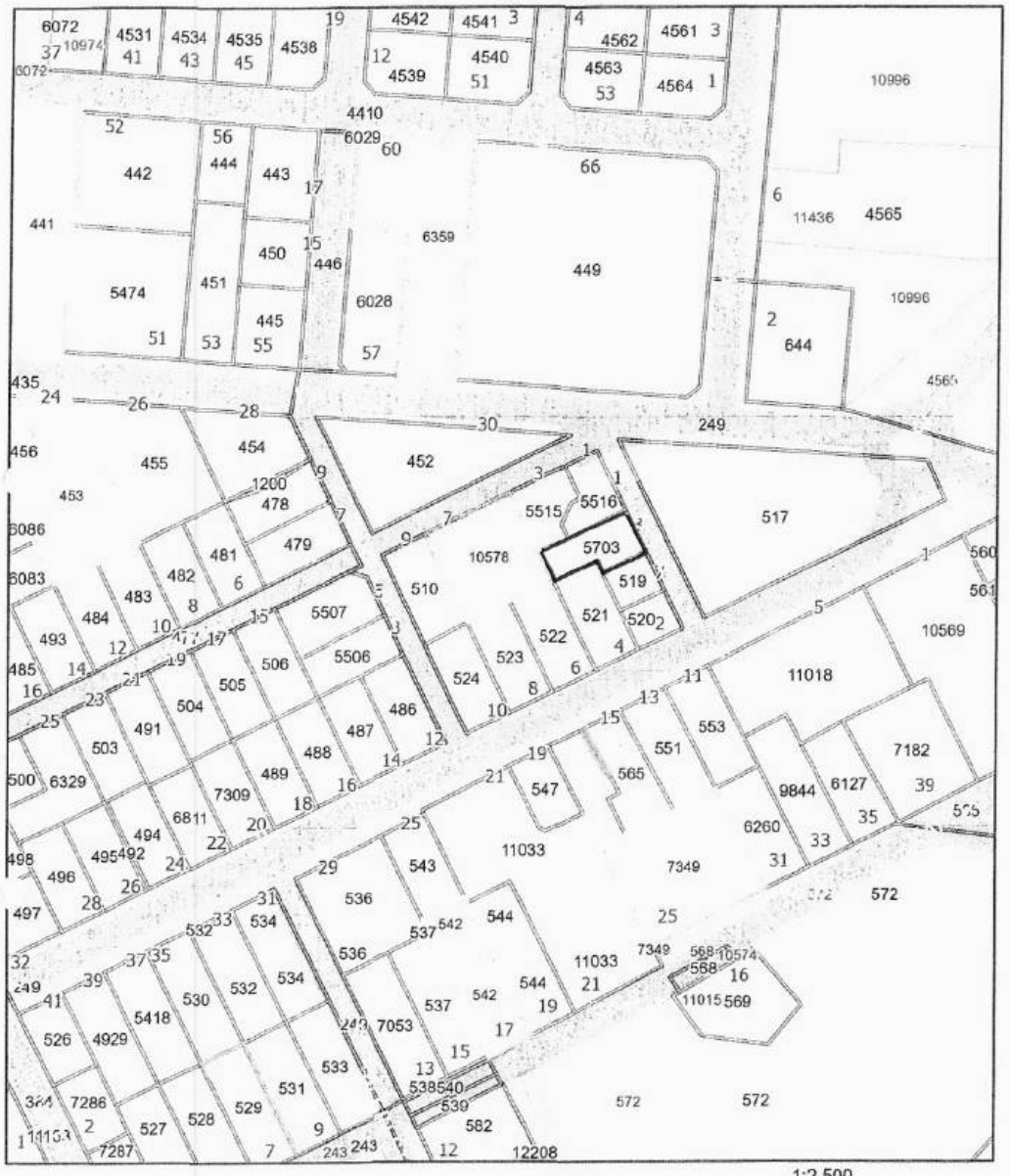
(n) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with;

4. 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 (By-Law) with regard to the conditions in 3. above, and that the commenter/objector be informed that it has no right to appeal the above decision due to non-compliance with the requirements as set out in Section 52 of the By-Law (comment/objection was received after the closing date for the submission of comments/objections).

REASON 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.

Locality Map



10/31/2022, 1:52:50 PM

1:2,500

0 95 190 380 ft

0 25 50 100 m

Property Sectional

Property Standard

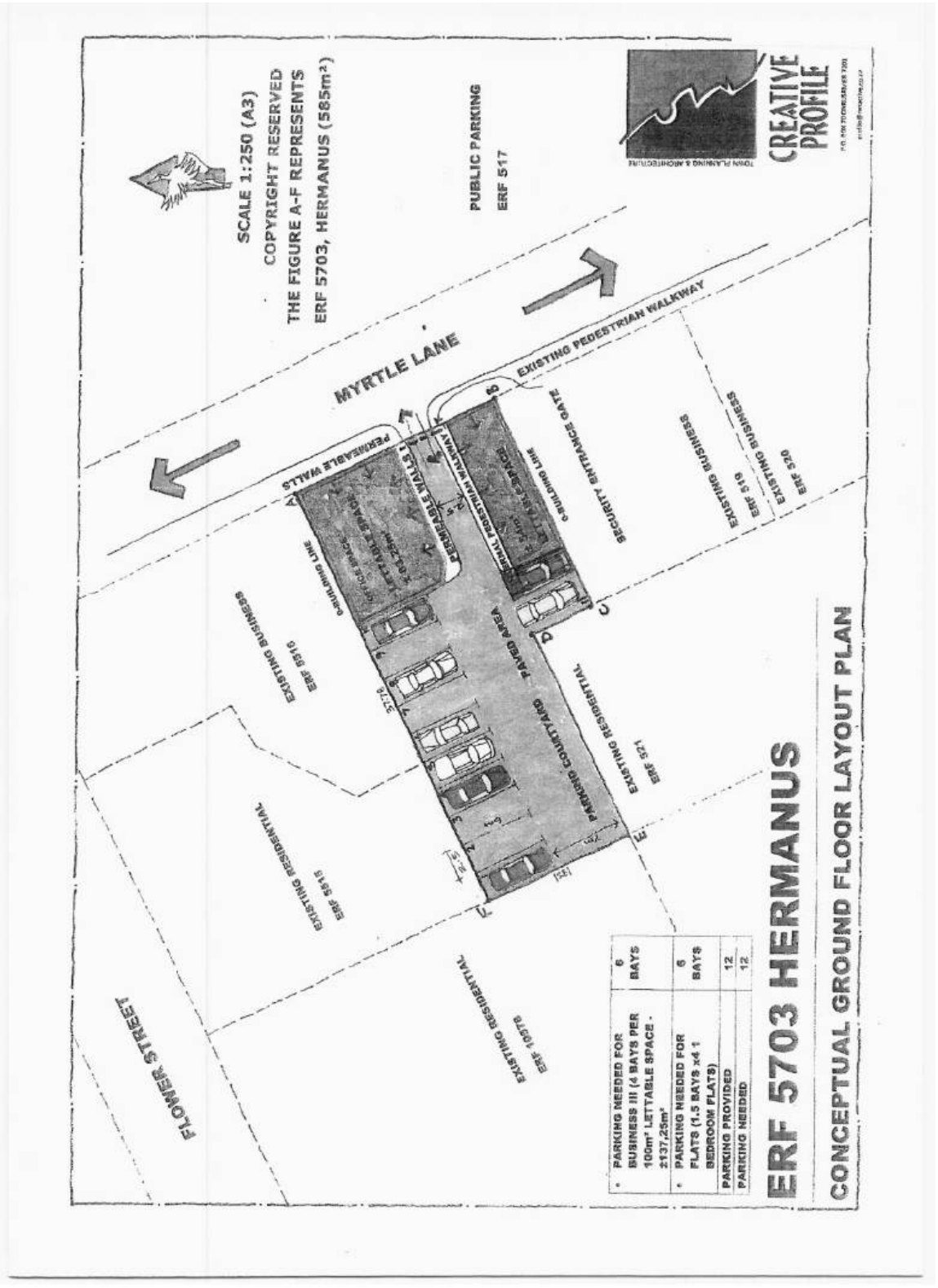
Servitudes

SG Approvals

Roads

Primary

Esri South Africa, Esri, HERE, Garmin, USGS, METI/NASA, NGA | Overstrand Environmental Section, Ashley Dirk, Tarron Dry |


ERF 5703 HERMANUS
CONCEPTUAL GROUND FLOOR LAYOUT PLAN
CREATIVE PROFILE
TOWN PLANNING & ARCHITECTURE
SCALE 1:250 (A3)
COPYRIGHT RESERVED
THE FIGURE A-F REPRESENTS
ERF 5703, HERMANUS (585m²)
PUBLIC PARKING
ERF 517
MYRTLE LANE
EXISTING PEDESTRIAN WALKWAY
PERMEABLE WALLS
PERMEABLE PAVING
PAVED AREA
PARKING COUNTYARD
SECURITY ENTRANCE GATE
EXISTING BUSINESS
ERF 519
EXISTING BUSINESS
ERF 520
EXISTING RESIDENTIAL
ERF 521
EXISTING BUSINESS
ERF 518
EXISTING RESIDENTIAL
ERF 515
EXISTING RESIDENTIAL
ERF 1098
FLOWER STREET
PARKING NEEDED FOR BUSINESS III (4 BAYS PER 100m² LETTABLE SPACE - ±137,25m²) 6 BAYS
PARKING NEEDED FOR FLATS (1.5 BAYS x4 1 BEDROOM FLATS) 6 BAYS
PARKING PROVIDED 12
PARKING NEEDED 12

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR REZONING: ERF 5703, WESTCLIFF (4304/2022)

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 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 -0.451	= -R 11 742.24
Sewerage	R 17 555.00 x -0.451	= -R 7 917.31
Roads	R 7 872.00 x 2,871153	= R 22 601.72
Stormwater	R 9 082.00 x 0,78	= R 7 083.96
Solid Waste	R 1 574.00 x 0,4625	= R 727.98
TOTAL (inclusive of VAT)		= R 10 754.11

Please note that the above figures:

a) **Are estimated amounts.**
b) **Exclude investigation levies and connection fees.**
c) **Are only valid for the 2022/2023 financial year and subject to annual tariff adjustments.**

2. 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;

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 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 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 on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;

5. 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;

6. that any additional and / or extended vehicle entrances will be for the owner's account;

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;

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

23/05/2023
DATE