

**PORTFOLIO COMMITTEE :**

**INVESTMENT, INFRASTRUCTURE  
& TOURISM**

**Chairperson :**

**Cllr C Lerm**

**Committee Members :**

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

# INVESTMENT, INFRASTRUCTURE & TOURISM PORTFOLIO COMMITTEE

5 June 2024

## I N D E X

ITEM  
NO

PAGE  
NUMBER

OPENING AND WELCOME

APPLICATIONS FOR LEAVE OF ABSENCE

CONFIRMATION OF MINUTES

STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE  
CHAIRPERSON

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| 1. | TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS<br>CONSIDERED IN TERMS OF DELEGATED AUTHORITY: MARCH 2024 – MAY<br>2024 | 1 |
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**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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

**R Kuchar  
20 February 2024**

**Senior Manager: Town & Spatial Planning**

**(028) 3138900**

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**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 5 March 2024 – 5 May 2024.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town- and Spatial Planning

**3. Compliance with Strategic Priority**

Promotion of tourism, economic and social development

**4. Delegated Authority**

Executive Mayor

**5. Legal Requirements**

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

**6. Background/Discussion/Evaluation/Conclusion**

**Background**

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

**7. Financial Implications**

None

**8. Staff Implications**

None

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**9. Comments from other Departments, Divisions and Administrations**

None

**10. Annexures**

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

**RECOMMENDATION:**

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 5 March 2024 – 5 May 2024:

1.	Erf 1539, , 40 Schneider Street, Sandbaai	5 March 2024
2.	Erf 1295, 315 Main Road, Eastcliff	5 March 2024
3.	Erven 2037, 2038, 2039 and 2041, Stanford	6 March 2024
4.	Erf 9902, 223 Eleventh Street, Voëlklip	11 March 2024
5.	Erf 6427, 12 Erica Close, Proteadorp, Kleinmond	11 March 2024
6.	Erf 1455, 30 Diane Road, Pringle Bay & Erf 1456, 3 Irma Road, Pringle Bay	14 March 2024
7.	Erf 4999, 21 Keurboom Avenue, Kleinmond	20 March 2024
8.	Erf 5611, 2 Mimosa Street, Hermanus Industrial Area	28 March 2024
9.	Erf 6117, 153 Eleventh Street, Voëlklip, Hermanus	3 April 2024
10.	Erf 2032, 44 Eight Street, Voëlklip, Hermanus	5 April 2024
11.	Erf 4164, Butterfly Road, Chanteclair, Onrustrivier	9 April 2024
12.	Remainder Portion 10 (Carolina) Of The Farm Sandies Glen No. 129, Devision Bredasdorp	15 April 2024
13.	Remainder Portion Of The Farm Kleinrivier No. 646, Caledon Division	17 April 2024
14.	Erf 3268, 203 Ninth Street, Voëlklip, Hermanus	17 April 2024
15.	Remainder Erf 243, Meerenbosch	18 April 2024
16.	Erf 1879, 62 Buffels Road, Pringle Bay	22 April 2024
17.	Portion 132 Of The Farm Hangklip No. 559, Division Caledon	22 April 2024
18.	Erf 848, 173 Main Road, Northcliff, Hermanus	23 April 2024
19.	Remainder Of Portion 11 (Nieuwe Post) Of Farm Hemel-En-Aarde No 587, Division Caledon	23 April 2024
20.	Erf 4584, 13 Chiappinni Street, Onrustrivier	23 April 2024
21.	Erf 3583, 5 Hillside Crescent, Onrustrivier	23 April 2024
22.	Remainder Of Erf 13, 1 Kus Weg, Van Dyksbaai	24 April 2024
23.	Erf 1023, 13 Seaview Drive, Franskraalstrand	24 April 2024
24.	Erf 2064, Corner Of Trunk Road No. 28 and Main Road Sandbaai, Hermanus	24 April 2024

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25. Erf 3370, 204 Sixth Street and Erf 8028, 202 Sixth Street, Voëlklip, Hermanus 29 April 2024

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 25 April 2024:

1. Erf **349**, 10 Main Road, Sandbaai 25 April 2024

**RESPONSIBLE OFFICIAL :** L TAYLOR

**TARGET DATE FOR IMPLEMENTATION :** 3 JULY 2024



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**1. ERF 1539, 40 SCHNEIDER STREET, SANDBAAI: OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, DEPARTURE, AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS ACTIVE PLANNING SOLUTIONS ON BEHALF OF YE INGLES**

**1539 HSB (4231/2022)**

**(H Boshoff)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**10 January 2024**

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**EXECUTIVE SUMMARY**

To consider an application received on 2 September 2022 (revised application 22 May 2023) from Messrs Active Planning Solutions on behalf of the YE Ingles, the owner of Erf 1539, Sandbaai (the property), for the following:

- **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) to subdivide the property in two portions namely, Portion 1 ( $\pm 709\text{m}^2$ ) and Portion 2 ( $\pm 756\text{m}^2$ );
- **application for departure** in terms of Section 16(2)(b) of the By-Law to relax the common boundary line of the proposed subdivided portions from 2m to 0m to accommodate an existing bathroom and storeroom; and
- **the determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the illegal encroachments of the portions of the dwelling unit, being the above existing bathroom and storeroom.

**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 (By-law) to subdivide Erf 1539, Sandbaai in two portions namely, Portion 1 ( $\pm 709\text{m}^2$ ) and Portion 2 ( $\pm 756\text{m}^2$ ), **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 relax the lateral building line of the common boundary of the subdivided portions in 1. above from 2m to 0m to accommodate an existing bathroom, **not be approved** in terms of the provisions of Section 61 of the By-Law;

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3. that the application for departure in terms of Section 16(2)(b) of the By-Law to relax the lateral building line of the common boundary of the subdivided portions in 1. above from 2m to 0m to accommodate an existing storeroom, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the decisions in paragraphs 1. and 3. above be subject to the following conditions:
  - (a) that the bathroom on the lateral building line in 2. above, must be converted to a storeroom;
  - (b) that building plans be submitted to the Building Department for consideration and approval within 30 (thirty days) from the registration of the subdivision in 1. above, and that any requirements by internal departments at the time, must be adhered to;
  - (c) that all the relevant conditions of Engineering Services and Telkom (Open Serve), must be complied with; and
  - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation.
5. that the determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the illegal usage of a portion ( $\pm 4.5\text{m}^2$ ) of the storeroom in 3. above, was considered and that an administrative penalty in terms of the provisions of Section 90 of the By-Law, **not be applicable**;
6. that the determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the unauthorised land use (second dwelling) was considered and that an administrative penalty of R15712.90 (excluding VAT), being 1% per year calculated at 1% of the value per  $\text{m}^2$  of the extent of the area of the property being illegally utilised over 6 (six) and a half years, **be applicable** in terms of the provisions of Section 90 of the By-Law which penalty must be paid within thirty (30) days from the final date of the decision of the application; and

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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 with regard to the decisions in 2. and 6. above, as well as the conditions in 4. above.

## **REASONS FOR RESOLUTION**

### Subdivision

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ The subdivision is not out of character with the surrounding area.
- ❖ The subdivided portions are in line with the erf sizes of the immediate surrounding area.
- ❖ It is in line with the forward planning documents of the municipality.

### Departure

- ❖ The departures are only triggered as a result of the subdivision of the property due to the location of the existing dwelling unit.
- ❖ The total extent ( $\pm 9\text{m}^2$ ) of the departures is insignificant and it will not impact on the rights of surrounding landowners since the rear building lines of the subdivided portions will not be encroached upon.

### Refusal of departure (bathroom)

- ❖ Habitable spaces that encroach building lines are not desirable from a town planning perspective and is only supported in exceptional instances that is not the case with the application under discussion.

### Administrative penalty for the storeroom and bathroom not payable

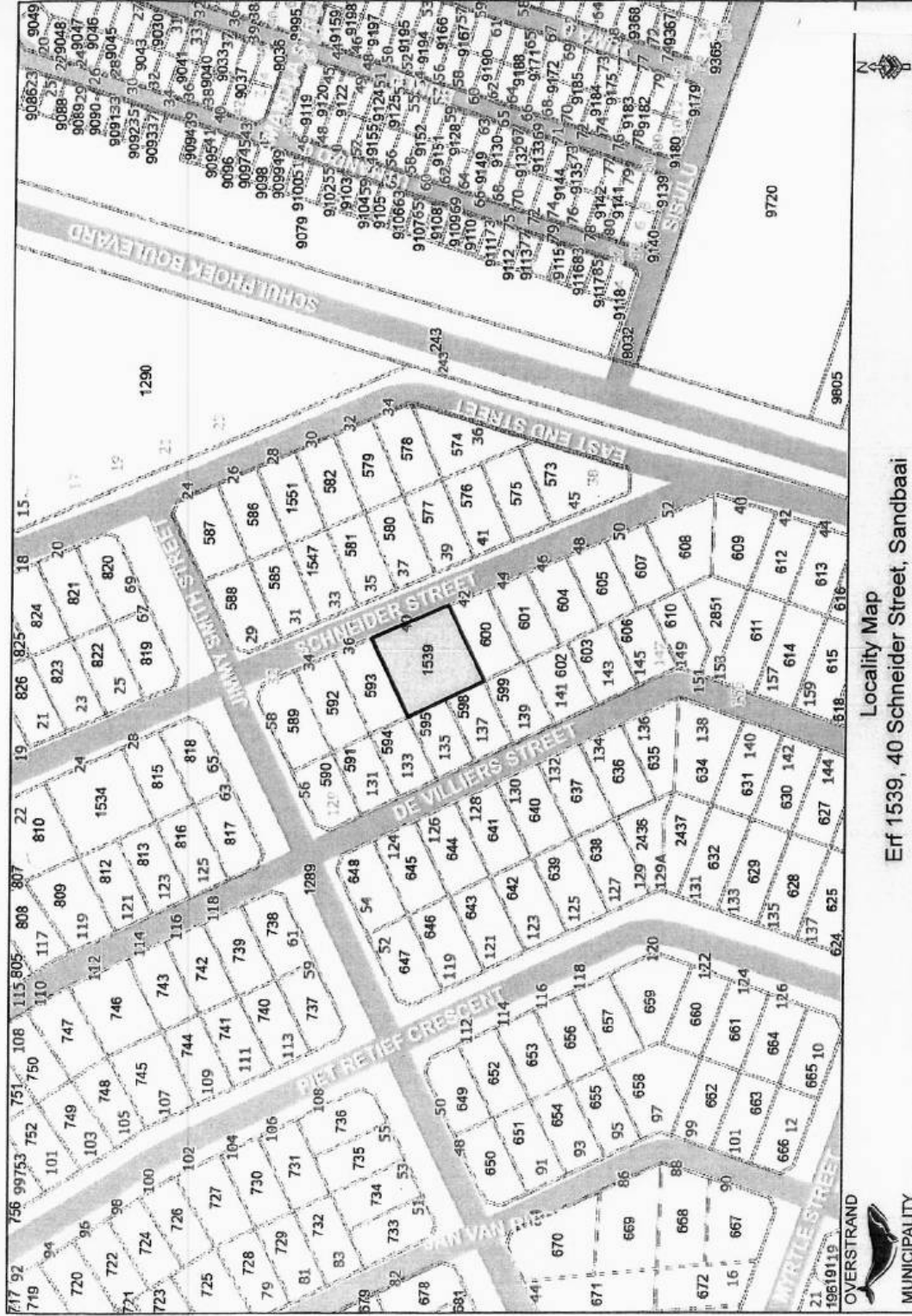
- ❖ The administrative penalty was only triggered as a result of the proposed subdivision of the property, the location of the existing dwelling unit, and the line of subdivision.
- ❖ It is evident that the current landowner is not responsible for the change of use of the pantry within the dwelling unit to a storeroom.
- ❖ The  $\pm 4.5\text{m}^2$  portion of the storeroom and the  $\pm 4.5\text{m}^2$  portion of the bathroom that will be converted to a storeroom (non-habitable spaces), will necessitate the landowner to build a new bathroom within the dwelling unit. It is therefore the considered opinion that an administrative penalty in this instance not be payable.

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Administrative penalty (second dwelling)

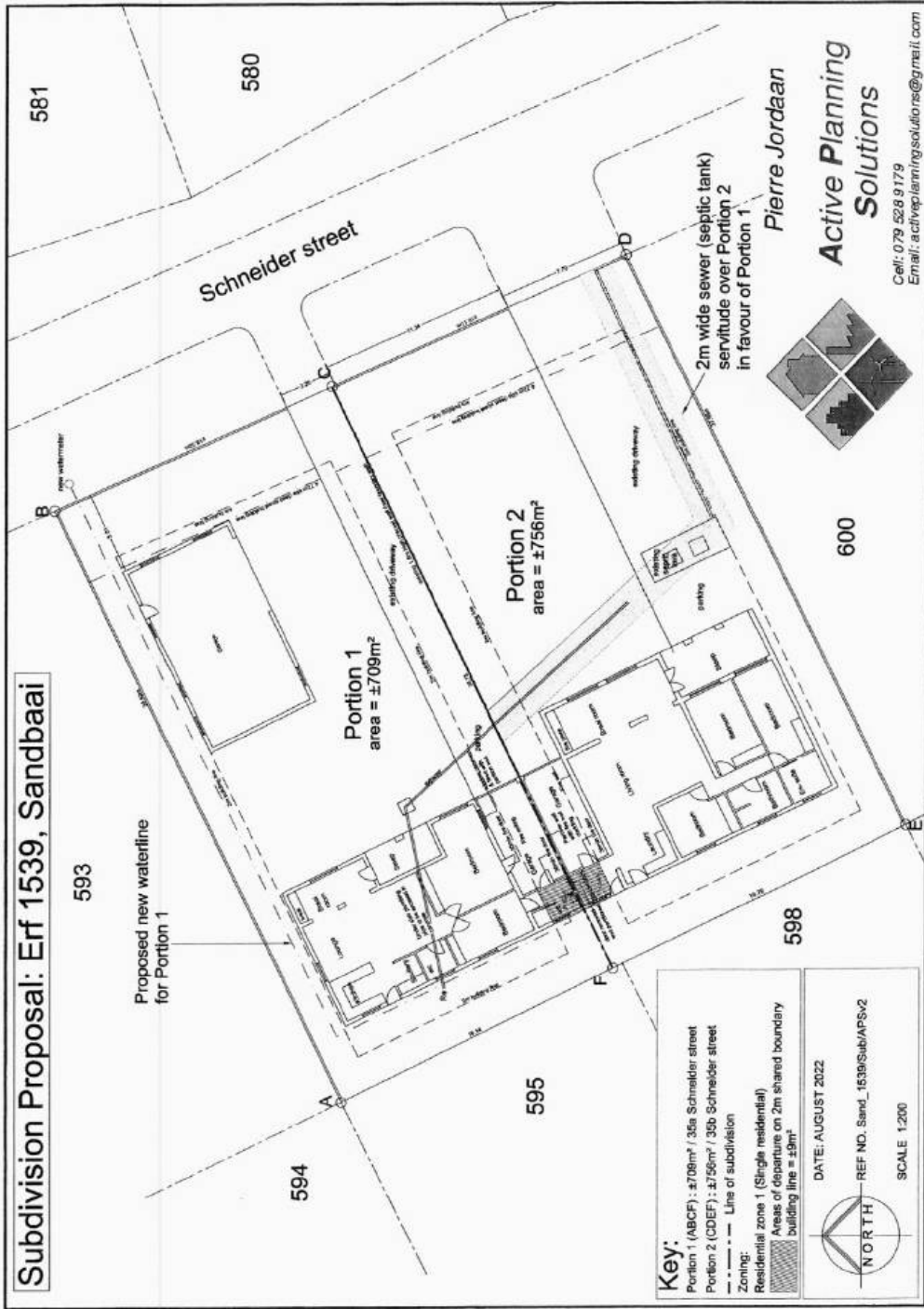
- ❖ The applicant states in its application that there are two self-sufficient dwellings on the property.
- ❖ It was considered that an administrative penalty be payable since there is an unauthorised self-sufficient second dwelling unit on the property for a considerable time already.



Locality Map  
 Erf 1539, 40 Schneider Street, Sandbaai



Date: 2022/01/12



**Subdivision Proposal: Erf 1539, Sandbaai**

**Key:**  
 Portion 1 (ABCF) : ±709m<sup>2</sup> / 35a Schneider street  
 Portion 2 (CDEF) : ±756m<sup>2</sup> / 35b Schneider street  
 --- Line of subdivision  
 --- Zoning:  
 Residential zone 1 (Single residential)  
 Areas of departure on 2m shared boundary building line = ±3m<sup>2</sup>

DATE: AUGUST 2022  
 REF NO. Sand\_1539/SUB/APSv2  
 SCALE 1:200

**NORTH**

Pierre Jordaan  
**Active Planning Solutions**  
 Cell: 0 79 528 9 179  
 Email: [activeplanningolutions@gmail.com](mailto:activeplanningolutions@gmail.com)

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION, DEPARTURE & DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: ERF 1539, SANDBAAI (4231/2022)**

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 1	=	R 27 598.16
Sewerage	R 18 608.30 x 1	=	R 18 608.30
Roads	R 8 344.32 x 1	=	R 8 344.32
Stormwater	R 9 626.92 x 1	=	R 9 626.92
Solid Waste	R 1 668.44 x 1	=	R 1 668.44
Electricity	R 37 025.00 x 1	=	<u>R 37 025.00</u>
<b>TOTAL (inclusive of VAT)</b>		<b>=</b>	<b>R102 871.14</b>

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 1539 that crosses the common boundary of Portion A and the Remainder of Erf 1539 shall be disconnected and sealed off;
3. that the Remainder and Portion A of Erf 1539 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 and Remainder of Erf 1539 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, Sandbaai, unobstructed.

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

  
DATE

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**2. ERF 1295, 315 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF CMR & E DELPLANQUE**

**1295 HEC (4386/2023)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**02 February 2024**

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**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 09 May 2023 from Messrs PlanActive Town- and Regional Planners on behalf of the owners of Erf 1295, Eastcliff, Hermanus for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to relax the eastern lateral building line as follows:
  - from 2m to 1.970 and 1.957m, to accommodate the existing braai on the covered braai terrace on ground floor level;
  - from 2m to 1.957m, to accommodate the windows in the study on ground floor level; and
  - from 2m to 1.2m, to accommodate the existing windows of the single garage and storeroom on lower ground floor level.
  
- ❖ **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 1295, Hermanus to relax the eastern lateral building line as follows:
  - from 2m to 1.970 and 1.957m, to accommodate the existing braai on the covered braai terrace on ground floor level;
  - from 2m to 1.957m, to accommodate the windows in the study on ground floor level; and
  - from 2m to 1.2m, to accommodate the existing windows of the single garage and storeroom on lower ground floor level.

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

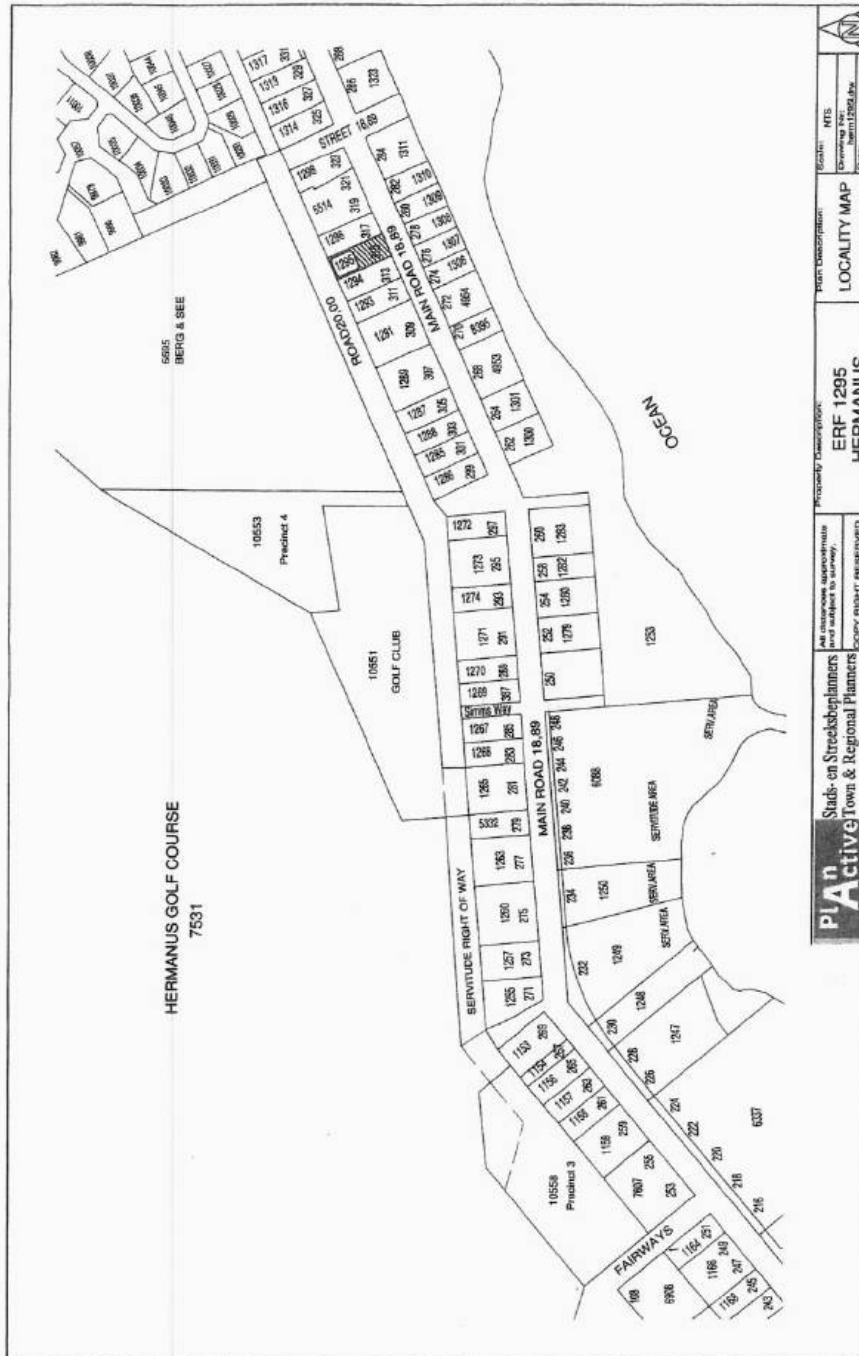
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2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1295, Hermanus for the unauthorised building work over building lines on the 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 No *DAL/022* 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 R184,86 (including VAT) be imposed which penalty must be paid within thirty (30) days from the final date of the decision of the application;
  - (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 structures will not have a negative impact on the 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 property was developed contrary to the approved building plans.



**PLAN** Stads- en Streeksplanners  
Town & Regional Planners

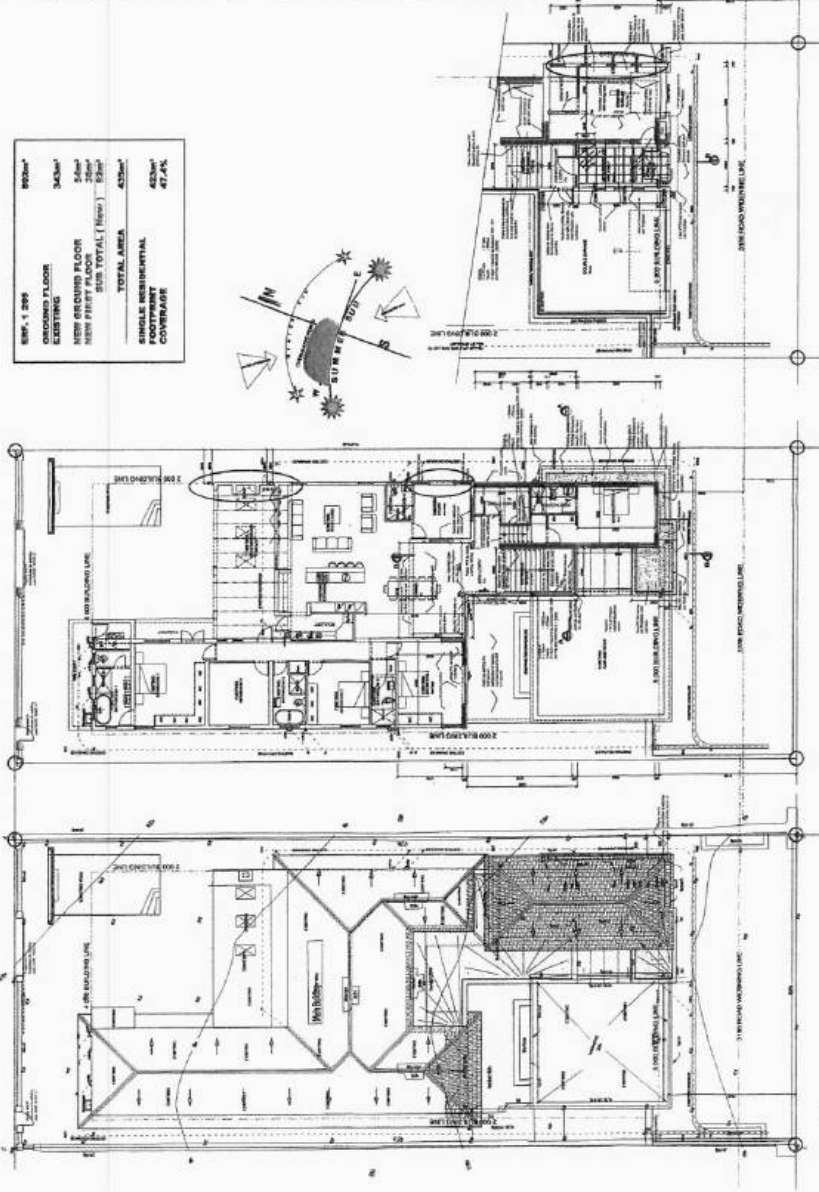
Project Description: **LOCALITY MAP**  
ERF 1295  
HERMANUS

Scale: MTS  
Drawing No: 1295/1/2023/1/1  
Date: APRIL 2023

All dimensions and measurements are subject to survey.  
COPY RIGHT RESERVED

 <b>SRT ARCHITECTS</b> <small>CO.</small> 1000 WEST 10TH AVENUE SUITE 100 DENVER, CO 80202 TEL: 303.733.1111 FAX: 303.733.1112		
<b>General Notes</b> THE DRAWING IS COPYRIGHT CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. USE FINISHED DIMENSIONS IN PREFERENCE TO CALLING. ALL WORK TO COMPLY WITH NATIONAL BUILDING RECS AND LOCAL AUTHORITY REQUIREMENTS. ALL DRAWINGS TO BE MADE IN ACCORDANCE WITH SPECIFICATION OF MATERIALS. ANY CHANGES TO BE REPORTED TO ARCHITECT IMMEDIATELY. ALL DIMENSIONS ARE IN FEET. CLAY BRICK WALLS OF THICKNESS SHOWN ON PLAN. SLAG & BEAMS TO EMPLOYERS SPEC. CLIENT ARCHITECT		
No.	Drawn/Checked	Date
<b>ADDITIONS AND ALTERATIONS</b>		
<b>GROUND STOREY &amp; LOWER GROUND</b>		
<b>HOUSE DELPLANGUE</b> BRK-129S 318 MAIN ROAD WINDMILL HILL OVERSEAID		
Project No.	Scale	Date
	1:100	11/18/22
DWG. NO.		1,1A

BRK-1 29S	900sqm*
GROUND FLOOR	343sqm*
ELECTRICAL	24sqm*
NEW GROUND FLOOR	24sqm*
NEW FIRST FLOOR	24sqm*
<b>TOTAL AREA</b>	<b>439sqm*</b>
<b>SINGLE RESIDENTIAL</b>	<b>439sqm*</b>
<b>COVERAGE</b>	<b>47.4%</b>



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 1295, EASTCLIFF**

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

**Conditions:**

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

*p.p. A. Chappin*  
DENNIS HENDRIKS  
SENIOR MANAGER: ENGINEERING SERVICES

*13/02/2023*  
DATE

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Portfolio Committee : Investment & Infrastructure  
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**3. ERVEN 2037, 2038, 2039 AND 2041, STANFORD: APPLICATION FOR SUBDIVISION, REZONING AND CONSOLIDATION: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF LJ GORLEI AND STANHAVEN HOMEOWNERS' ASSOCIATION**

**2037, 2038, 2039 & 2041 (4454/2023)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**16 February 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 21 August 2023 from Messrs PlanActive Town & Regional Planners on behalf of LJ Gorlei and Stanhaven Homeowners Association in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the following:

**Subdivision** in terms of Section 16(2)(d) of the By-Law for the following subdivisions:

- a portion of Erf 2037, Stanford to create Portion A approximately 515m<sup>2</sup> in extent; and
- Erf 2038, Stanford to create four (4) portions, namely: Portion B approximately 153m<sup>2</sup> in extent, Portion C approximately 118m<sup>2</sup> in extent, Portion D approximately 238m<sup>2</sup> in extent and Remaining extent of Erf 2038 and Erf 2039, Stanford to create Portion E approximately 13m<sup>2</sup> in extent.

**Rezoning** in terms of Section 16(2)(a) of the By-Law for the following rezoning:

- Portion A from Open Space Zone 3: Private Open Space (OS3) to Residential Zone 1: Single Residential (SR1);
- Portion B from Business Zone 3: Local Business (B3) to Private Open Space Zone 3: Private Open Space (OS3);
- Portion C from Business Zone 3: Local Business (B3) to Private Open Space Zone (OS3);
- Portion D from Business Zone 3: General Business (B1) to Transport Zone 2: Road and Parking (TR2);
- Portion E from Private Open Space Zone (OS3) to Transport Zone 2: Road and Parking (TR2); and
- Remaining extent of Erf 2038 from Business Zone 3: Local Business (B3) to Residential Zone 1: Single Residential (SR1).

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**Consolidation** in terms of Section 16(2)(e) of the By-Law for the following consolidations:

- Portion A to be consolidated with the Remaining extent of Erf 2038 to create a single residential erf approximately 908m<sup>2</sup> in extent;
- Portion B with the Remaining extent of Erf 2037 to create a buffer between the refuse yard and the relocated Erf 2038;
- Portion C with the Remaining extent of Erf 2039 to increase the size of the refuse yard;
- Portion D with Erf 2041 to widen the access road to the residential estate; and
- Portion E with Erf 2041 to widen the existing access road.

**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) for the following subdivisions:
  - a portion of Erf 2037, Stanford to create Portion A approximately 515m<sup>2</sup> in extent; and
  - Erf 2038, Stanford to create four (4) portions, namely: Portion B approximately 153m<sup>2</sup> in extent, Portion C approximately 118m<sup>2</sup> in extent, Portion D approximately 238m<sup>2</sup> in extent and Remaining extent of Erf 2038 and Erf 2039, Stanford to create Portion E approximately 13m<sup>2</sup> in extent.

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

2. that the application for rezoning in terms of Section 16(2)(a) of the By-Law for the following rezonings:
  - Portion A from Open Space Zone 3: Private Open Space (OS3) to Residential Zone 1: Single Residential (SR1);
  - Portion B from Business Zone 3: Local Business (B3) to Private Open Space Zone 3: Private Open Space (OS3);
  - Portion C from Business Zone 3: Local Business (B3) to Private Open Space Zone (OS3);
  - Portion D from Business Zone 3: General Business (B1) to Transport Zone 2: Road and Parking (TR2);
  - Portion E from Private Open Space Zone (OS3) to Transport Zone 2: Road and Parking (TR2); and
  - Remaining extent of Erf 2038 from Business Zone 3: Local Business (B3) to Residential Zone 1: Single Residential (SR1).

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

3. that the application for consolidation in terms of Section 16(2)(e) of the By-Law for the following consolidations:
  - Portion A to be consolidated with the Remaining extent of Erf 2038 to create a single residential erf approximately 908m<sup>2</sup> in extent;
  - Portion B with the Remaining extent of Erf 2037 to create a buffer between the refuse yard and the relocated Erf 2038;
  - Portion C with the Remaining extent of Erf 2039 to increase the size of the refuse yard;
  - Portion D with Erf 2041 to widen the access road to the residential estate; and
  - Portion E with Erf 2041 to widen the existing access road.

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

4. that the approvals in paragraphs 1. 2. and 3. above be subject to the following conditions:
  - (a) that the approval is for the subdivision, rezoning and consolidation as indicated on plan no *stanf2038s.drw*;
  - (b) that all conditions in the Services Report, be complied with;
  - (c) that all conditions from the Waste Management Department, 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
5. 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**

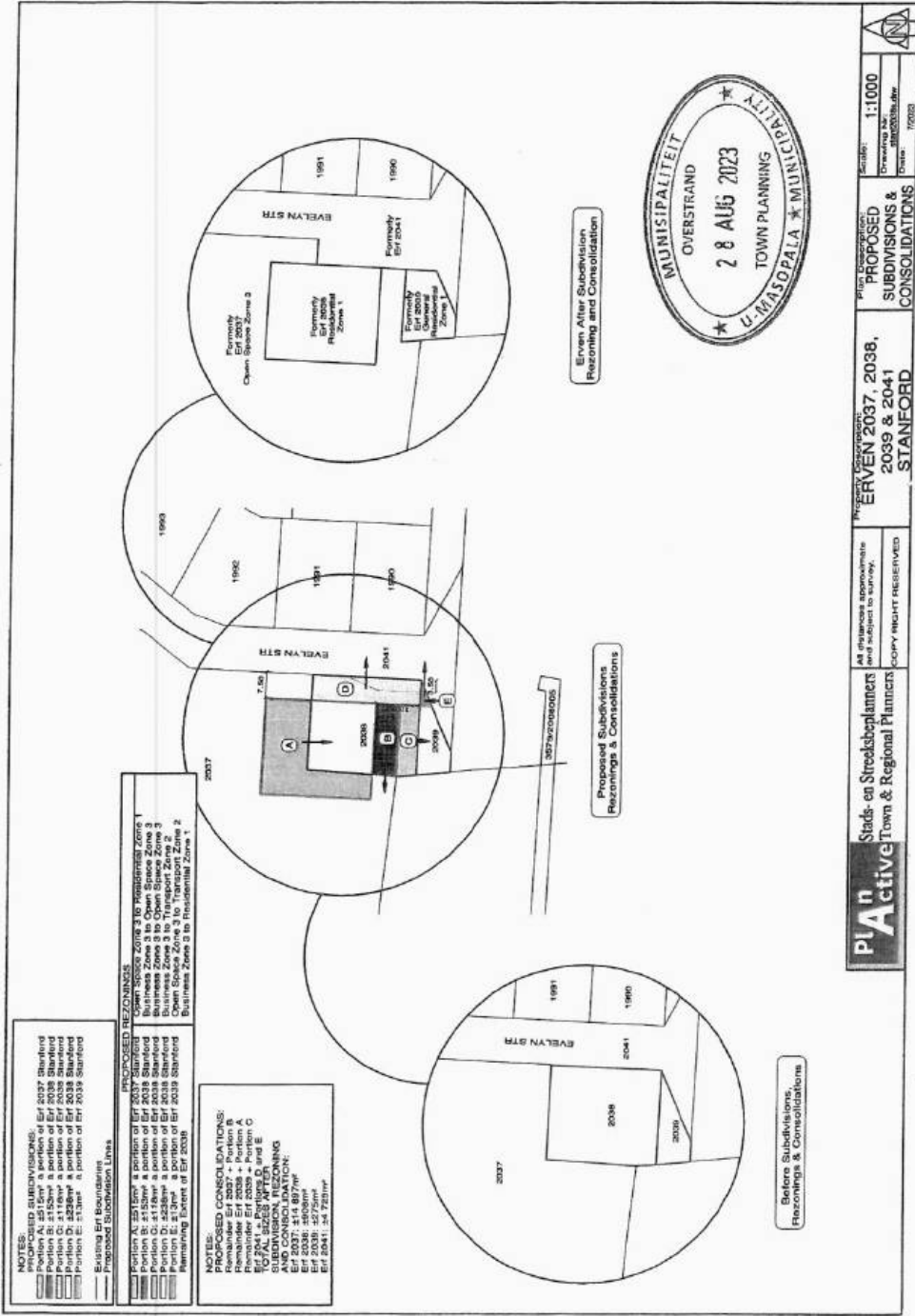
- ❖ No objections were received from the community, neighbours, or municipal and state departments.
- ❖ The proposal is beneficial to the Stanhaven Estate and in line with the estates character.
- ❖ The application will not have a negative effect on the character of the area.

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- ❖ 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 manoeuvrability of vehicles and increase the accessibility to the shared service area.
- ❖ The application will not have a negative impact on surrounding property owners and is desirable.





**NOTES:**  
**PROPOSED SUBDIVISIONS:**  
 Portion A: 251.5m<sup>2</sup> a portion of Erf 2037 Stanford  
 Portion B: 215.0m<sup>2</sup> a portion of Erf 2038 Stanford  
 Portion C: 228.0m<sup>2</sup> a portion of Erf 2038 Stanford  
 Portion D: 228.0m<sup>2</sup> a portion of Erf 2038 Stanford  
 Portion E: 213.0m<sup>2</sup> a portion of Erf 2039 Stanford  
 Remaining Portion of Erf 2038

**PROPOSED REZONINGS:**  
 Portion A: 251.5m<sup>2</sup> to Open Space Zone 3  
 Portion B: 215.0m<sup>2</sup> to Open Space Zone 3  
 Portion C: 228.0m<sup>2</sup> to Open Space Zone 3  
 Portion D: 228.0m<sup>2</sup> to Open Space Zone 3  
 Portion E: 213.0m<sup>2</sup> to Residential Zone 1  
 Remaining Portion of Erf 2038

**NOTES:**  
**PROPOSED CONSOLIDATIONS:**  
 Remainder Erf 2038 = Portion A  
 Remainder Erf 2039 = Portion C  
 Remainder Erf 2041 = Portion D  
 Remainder Erf 2044 = Portion E  
**TOTAL SIZES AFTER AND BEFORE REZONING AND CONSOLIDATION:**  
 Erf 2037: 414.877m<sup>2</sup>  
 Erf 2038: 872.000m<sup>2</sup>  
 Erf 2039: 272.500m<sup>2</sup>  
 Erf 2041: 147.720m<sup>2</sup>

Even After Subdivision  
 Rezoning and Consolidation

Proposed Subdivisions  
 Rezoning & Consolidations

Before Subdivisions,  
 Rezoning & Consolidations



**PLAN** Stads- en Streetsplanners  
**Active** Town & Regional Planners

Project: ERVEN 2037, 2038, 2039 & 2041 STANFORD

Scale: 1:1000  
 Drawing No: 20230818-01  
 Date: 2023

All drawings approximate and subject to survey.  
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION, REZONING & CONSOLIDATION:  
ERVEN 2037, 2038, 2039 & 2041, STANFORD**

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

**Conditions:**

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

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

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

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

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

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

**Freehold erven:**

Water	R 27 598.16 x 1.0 =	R 27 598.16
Sewerage	R 18 608.30 x 1.0 =	R 18 608.30
Roads	R 8 344.32 x 1.0 =	R 8 344.32
Stormwater	R 9 626.92 x -1.210667=-	R 11 654.99
Solid Waste	R 1 668.44 x -1.27000=-	<u>-R 2 118.92</u>
<b>TOTAL (inclusive of VAT)</b>	=	<b>R 40 776.87</b>

**Please note that the above figures:**

- a. Are estimated amounts.

2

- b. Do not include evaluation/investigation levies and connection fees.
  - c. Are subject to annual tariff adjustments.
- 2.0. that all the conditions contained in the previous approvals, dated 23 October 2001 (for Portion of Portion 5 Farm Weltevrede No. 647) and 31 May 2004 (Erf 1794 Stanford), are still applicable and must be adhered to.

  
DENNIS HENDRIKS  
SENIOR MANAGER: ENGINEERING SERVICES

29/11/2023  
DATE

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5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**4. ERF 9902, 223 ELEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF BE THORPE**

**Erf 9902 HVK**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**22 January 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 30 August 2023 from Messrs WRAP Project Office on behalf of the property owner on Erf 9902, for the following:

- ❖ **subdivision** in terms of Section 16(2)(d) of the By-Law, to subdivide Erf 9902, Hermanus into 2 (two) portions, namely, Portion A, approximately 1189m<sup>2</sup> in extent and the Remainder, approximately 1190m<sup>2</sup> in extent; and
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, to relax the western street building line from 4m to 2m, to accommodate future developments on the property.

**RESOLUTION**

1. that the application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 9902, for the **subdivision** in terms of Section 16(2)(d) of the By-Law, to subdivide Erf 9902, Hermanus into 2 (two) portions namely, Portion A approximately 1189m<sup>2</sup> in extent and the Remainder approximately 1190m<sup>2</sup> in extent; **be approved** in terms of the provisions of Section 61;
2. that the application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 9902, for the departure in terms of Section 16(2)(b) of the By-Law, to permanently relax the western street building line from 4m to 2m, to accommodate future developments on the property, **not be approved** in terms of the provisions of Section 61
3. that the approval under point 1 above is subject to the following conditions:
  - (a) that the approval is only for the subdivision as indicated on *Subdivision Plan dated 28/08/2023*, as submitted with the application;
  - (b) that the applicant and property owner take note and adhere to the conditions as stipulated on 18 February 2003, be the Section 62 Appeal Committee:

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*“4.b. (that a servitude be registered by the applicants at their cost over the portion of road.) That a condition be included in the date of sale and if possible registered against the title deeds prohibiting any building or construction on this portion.*

*4.c. that the building line applicable to the southern boundary be calculated from the original boundaries of Erven 3503 and 3504 and not from the new boundary resulting from incorporation of the road.”*

- (c) that a 12,58m servitude is applicable on proposed subdivided erven of Erf 9902 together with a 3m building line measured from the servitude as per the decision of 1.(b);
  - (d) 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;
  - (e) that the conditions in the Services Report, be complied with;
  - (f) that this approval does not absolve the owner/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.
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 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.
- ❖ The servitude and building line are a condition which must still be adhered to dating back to 18 February 2003.

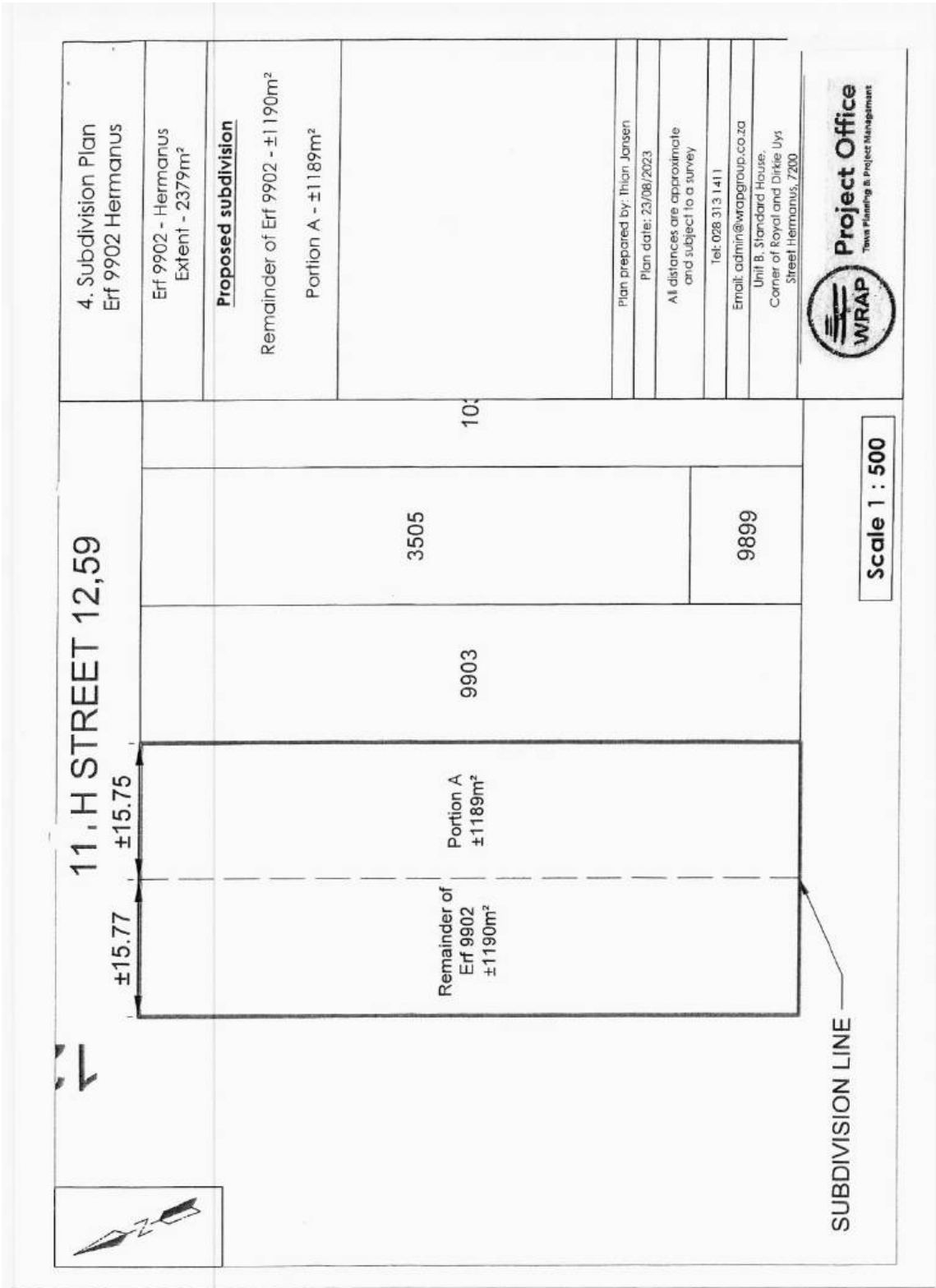
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**REASONS FOR RECOMMENDATION UNDER POINT 2**

- ❖ No proposal was submitted which indicates the extent to which the property will be developed over the building line.
- ❖ The Municipality cannot consider the application or make an informed decision without the necessary information.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION & DEPARTURE: ERF 9902, VOELKIP**

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 1	=	R 27 598.16
Sewerage	R 18 608.30 x 1	=	R 18 608.30
Roads	R 8 344.32 x 1	=	R 8 344.32
Stormwater	R 9 626.92 x 1	=	R 9 626.92
Solid Waste	R 1 668.44 x 1	=	R 1 668.44
Electricity	R 37 025.00 x 1	=	R 37 025.00
<b>TOTAL (inclusive of VAT)</b>		<b>=</b>	<b>R102 871.14</b>

**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 9902 that crosses the common boundary of Portion A and the Remainder of Erf 9902 shall be disconnected and sealed off;
3. that both the Remainder and Portion A of Erf 9902 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 and Remainder of Erf 9902 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.p. A. Hendriks*  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

*14/01/2023*  
DATE

**AGENDA of the  
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(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**5. ERF 6427, 12 ERICA CLOSE, PROTEADORP, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: COMPROP DESIGNS ON BEHALF OF Z SONDAY**

**6427 KKM (4490/2023)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**28 February 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 29 September 2023 from Comprop Designs on behalf of Z Sunday on Erf 6427, 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 2m street building line as well as the 1m lateral building lines 0m respectively to accommodate a proposed new 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 Erf 6427, Kleinmond for a departure in order to relax the 2m street building line as well as the 1m lateral building lines to 0m respectively to accommodate a proposed new carport, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions
  - (a) that this approval is only for the development as indicated on the plan number P230101S dated 5 January 2023 as submitted with the application;
  - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
  - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department, be complied with at that stage;
  - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and

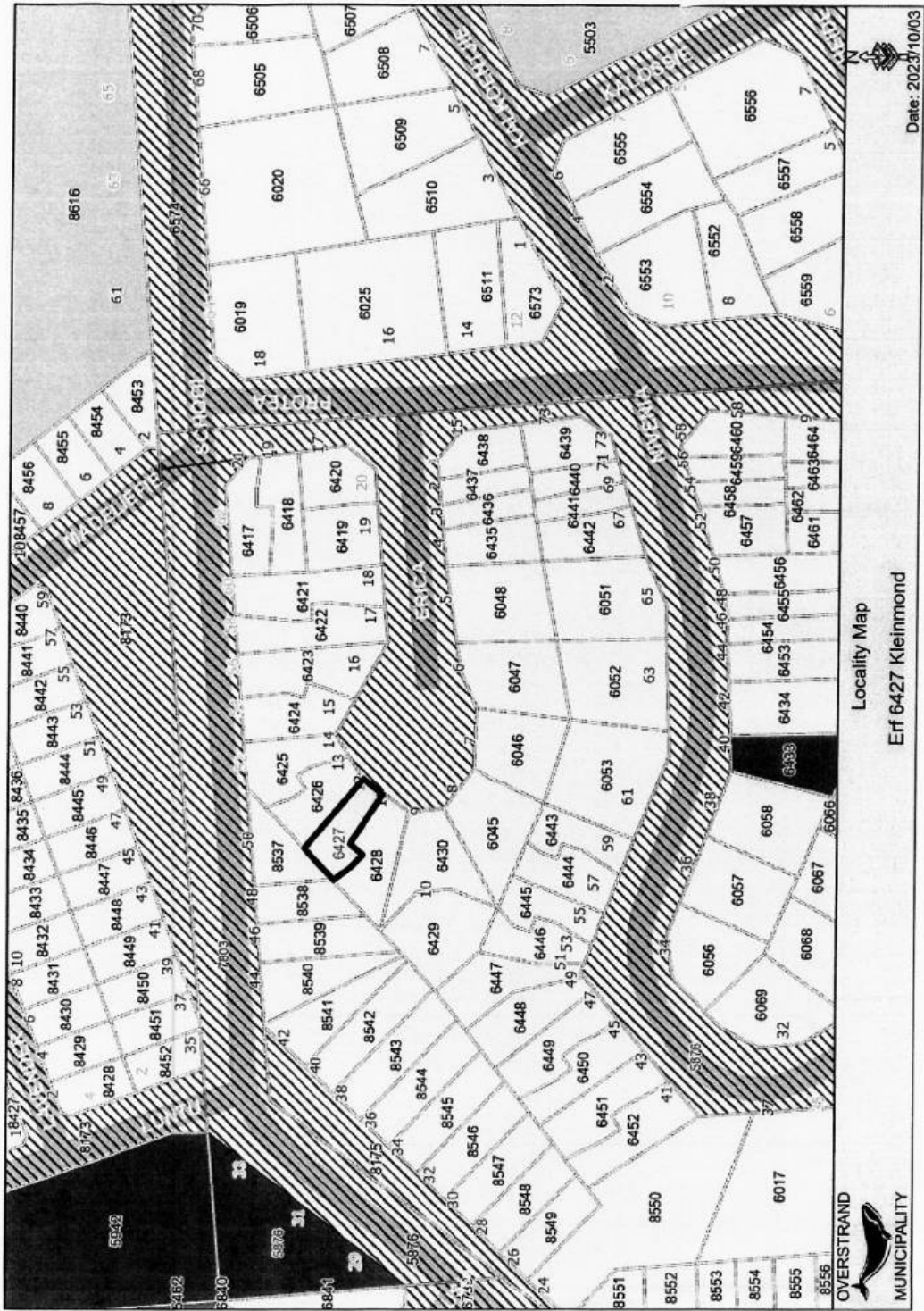
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2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**REASONS FOR RESOLUTION**

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



Locality Map  
Erf 6427 Kleinmond





**AGENDA of the  
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- 6. ERF 1455, 30 DIANE ROAD, PRINGLE BAY & ERF 1456, 3 IRMA ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE, RELAXATION OF TITLE DEED, EXEMPTION OF SUBDIVISION / CONSOLIDATION (BOUNDARY ADJUSTMENT) AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF M & BE CREWE-BROWN AND AHB ROGOWSKI**

**1455 & 1456 KPRB (4391/2023)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**23 December 2023**

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**EXECUTIVE SUMMARY**

An application has been received on 16 May 2023 from Plan Active Town & Regional Planners on behalf of M & BE Crewe-Brown and AHB Rogowski on Erven 1455 & 1456, Pringle Bay in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Subdivision** in terms of Section 16(2)(d) Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 1455, Pringle Bay into a Portion A ( $\pm 50,4\text{m}^2$ ) and a Remainder ( $\pm 557,6\text{m}^2$ ).
- ❖ **Consolidation** in terms of Section 16(2)(e) Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to consolidate Portion A ( $\pm 50,4\text{m}^2$ ) with Erf 1456, Pringle Bay to realign the erf boundaries in order to create a newly consolidated erf of  $670,4\text{m}^2$  in extent.
- ❖ **Departure** in terms of Section 16(2)(b) Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the common boundary from 2m to 1,5m to accommodate the existing double storey dwelling and double garage on Erf 1456, Pringle Bay.
- ❖ Application is also made to relax Clause B.6.(b) of Title Deed No. T61952/2021 applicable to Erf 1455, Pringle Bay to relax the street building line from 5m to 4m to gain an additional 1m developable area that is lost due to result of boundary adjustment. (withdrawn e-mail 20 November 2023)
- ❖ **determination of an administrative penalty** in terms of Section 90 of the By-Law, to accommodate the existing structure.

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**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 1455, Pringle Bay into a Portion A ( $\pm 50,4\text{m}^2$ ) and a Remainder ( $\pm 557,6\text{m}^2$ ), **be approved**, in terms of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to consolidate Portion A ( $\pm 50,4\text{m}^2$ ) with Erf 1456, Pringle Bay to realign the erf boundaries in order to create a newly consolidated erf of  $670,4\text{m}^2$  in extent, **be approved**, in terms of Section 61 of the By-Law;
3. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to relax the common boundary from 2m to 1,5m to accommodate the existing double storey dwelling and double garage on Erf 1456, Pringle Bay, **be approved**, in terms of Section 61 of the By-Law;
4. that the approvals in Points 1. - 3. above be subject to the following conditions:
  - (a) that this approval is only for the development as indicated on plan number pring1455.drw, dated 02/2023 as submitted with the application;
  - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
  - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
  - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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5. 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 1456, Pringle Bay for the unauthorized encroachments over building lines on the property was considered and that an administrative penalty of R5445-50 (*incl. VAT*), **be imposed** which penalty must be paid within thirty (30) days from the final date of the decision of the application.
6. that the applicant and objector be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**REASONS FOR RESOLUTION**

POINTS 1 – 4

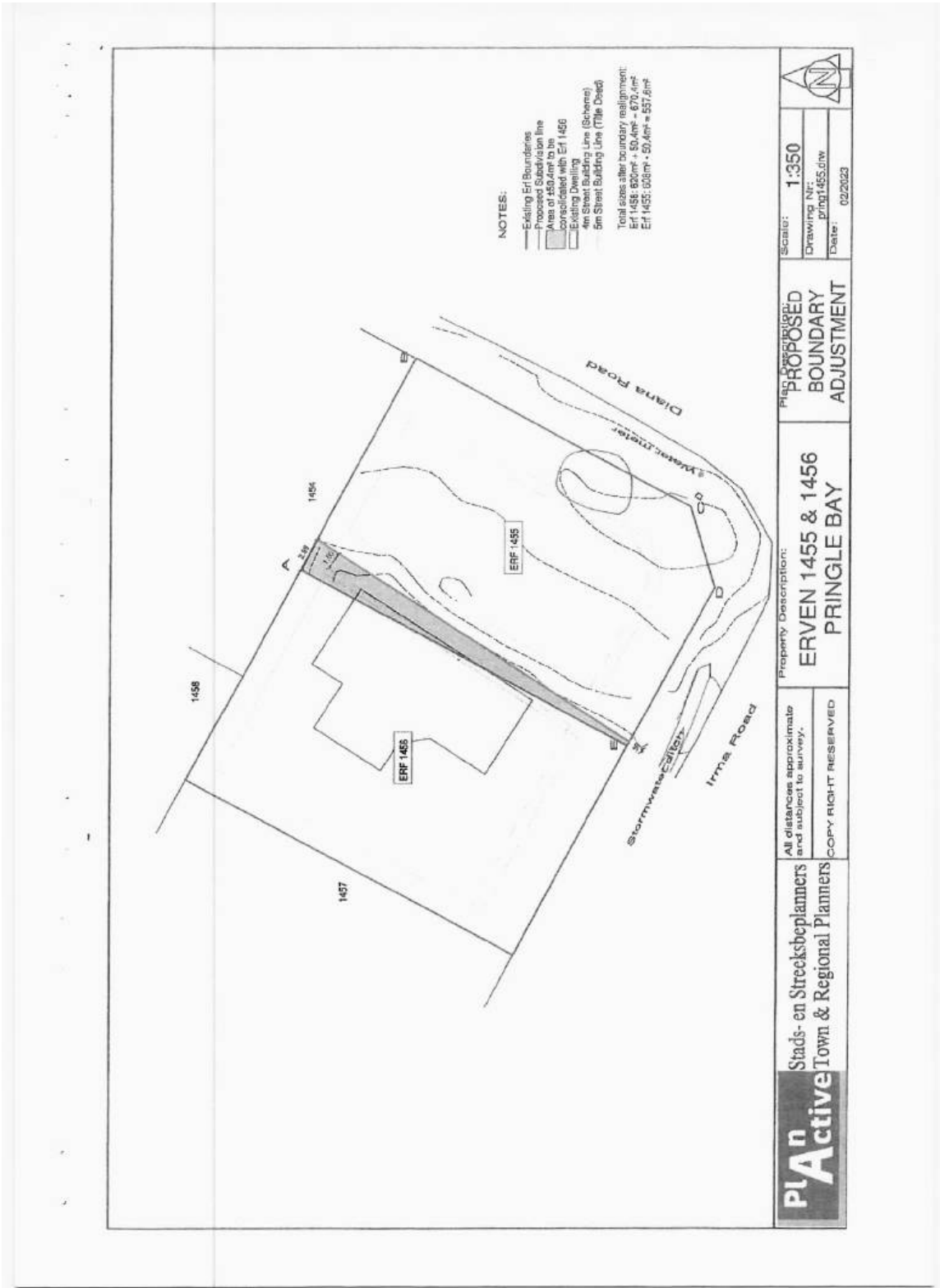
- ❖ The structure has approved building plans.
- ❖ The surrounding owners did not object.
- ❖ The application will have no impact on the surrounding area.
- ❖ Landowners of Erven 1455 and 1456 came to an agreement to rectify the situation.

POINT 5

The owner remains responsible for ensuring that the structure complies with the approved building plan and development parameters of Residential 1 as per the land Use Scheme.



<b>PLAn</b> Stads- en Streeksbeplanners Town & Regional Planners <b>Active</b>	Property Description: <b>ERVEN 1455 &amp; 1456          PRINGLE BAY</b>	Plan Description: <b>LOCALITY MAP</b>	Scale: <b>NTS</b> Drawing Nr: <b>Pring1455L.dwg</b> Date: <b>05/2020</b>
	All distances approximate and subject to survey. COPY RIGHT RESERVED		



NOTES:

- Existing Erf Boundaries
  - Proposed Subdivision Line
  - Proposed Building Line (to be considered with Erf 1456)
  - Existing Dwelling
  - 4m Street Building Line (Scheme)
  - 5m Street Building Line (Title Deed)
- Total sizes after boundary realignment:  
 Erf 1456: 830m<sup>2</sup> + 50,4m<sup>2</sup> = 870,4m<sup>2</sup>  
 Erf 1455: 938m<sup>2</sup> - 50,4m<sup>2</sup> = 887,6m<sup>2</sup>

<b>PLAN</b> Stads- en Streeksbeplanners Town & Regional Planners	Property Description: <b>ERVEN 1455 &amp; 1456                  PRINGLE BAY</b>	Scale: <b>1:350</b> Drawing Nr: <b>primg1455.dwg</b> Date: <b>02/2023</b>
	All distances approximate and subject to survey. <b>COPY RIGHT RESERVED</b>	

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**7. ERF 4999, 21 KEURBOOM AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: J DOUGLAS ON BEHALF OF JR TANTON**

**4999 KKM (4445/2023)**

**H van der Stoep  
19 February 2024**

**(028) 313 8900**

**Hermanus Administration**

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**EXECUTIVE SUMMARY**

An application has been received on 27 July 2023 from J Douglas on behalf of JR Tanton on Erf 4999, 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 2m to 0,28m to accommodate the new carport and the relaxation of the western lateral building line from 2m to 0m to accommodate the change of use of the existing garage to staff quarters.

**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 4999, Kleinmond for a departure in order to relax the following:

- ❖ rear building line from 2m to 0,28m to accommodate the new carport;
- ❖ western lateral building line from 2m to 0m to accommodate the change of use of the existing garage to staff quarters;

**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 E.255.K (1-4) dated 9 June 2023, as submitted with the application;
- (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
- (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
- (d) that all the conditions in the Engineering Services Report, be complied with;

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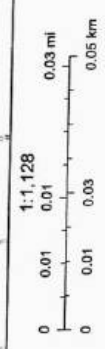
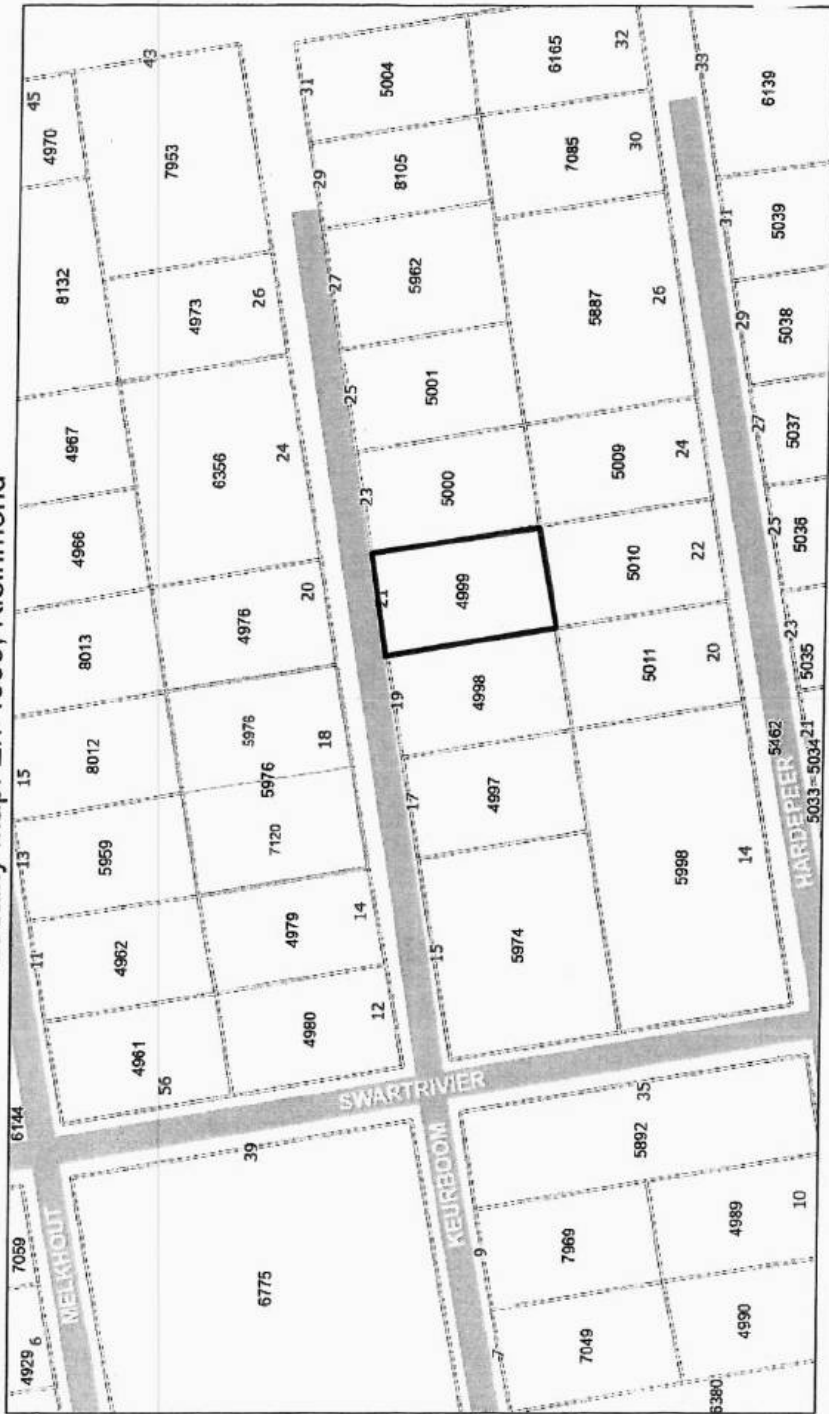
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- (e) that the carport be built according to the land use scheme regulations;
  - (f) that the proposed conversion of the garage to staff quarters may not be used as a second dwelling, or for self catering purposes;
  - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (h) that all other development parameters as prescribed in the relevant 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 conditions of approval.

**REASONS FOR RESOLUTION**

- ❖ Consent letters and signed plans received from affected neighbours.
- ❖ Does not jeopardize character of area.
- ❖ No restrictive Title Deed conditions.
- ❖ Better utilization of the property.
- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ No additional services are required.

Locality Map: Erf 4999, Kleinrivier



- 7/17/2023, 7:40:21 AM
- Municipalities
  - Districts
  - Overstrand
  - Property Standard
  - SG Approvals
  - Roads

Erii South Africa, Esri, HERE, Garmin, USGS, NGA | Overstrand Environmental Section, Kahler Dik, Timon Duij

**General SANS 10400**  
 All building work in accordance with the National Building Regulations and the South African Standard Code of Practice SANS 10400.  
 Other work in accordance with the National Building Regulations and Municipal By-laws.  
 All construction work to Engineer's design and specifications.  
 All changes in level, the design of ramps and driveways in accordance with the detailed requirements of SANS 10400-0.  
 Builders tools and site operations to be in accordance with SANS 10400-F.  
 Fire safety to comply with SANS 10400-T and the Overstrand Fire Safety By-law PM 6454 - 2007.  
 All materials and fittings used to be SABS approved. It is the responsibility of the Owner to appoint a Land Surveyor to confirm set boundaries.  
 It is the responsibility of the Owner to appoint a Health and Safety Agent to comply with the Construction Regulations 2014 and the Occupational Health and Safety Act.  
 All concrete work to comply with SANS 2001-AC1 & C12, SANS 10400-SA-3201, E2.  
 Contractor to bear note of all notes listed below and inclusion on drawings to ensure that the resulting building complies with the requirements as stipulated in the SANS 10400 series with 1 of 2 documents.  
 Contractor will be responsible to prove his compliance by means of photographs or physical evidence that will be evaluated by the Architect for practical completion and the issuing of the Occupancy Certificate.  
**Floors**  
 Bathroom floor to be water resistant in accordance with SANS 2001-C11/C12.  
 Floor finishes to Owner's preference.  
 No under floor heating system installed.  
**Electrical**  
 All electrical work according to current SANS codes and to be done by a registered electrician.  
 All electrical points to be confirmed with Owner before work commences.  
**Air Conditioning**  
 No centrally controlled artificial ventilation or air conditioning.  
**SABS:**  
 New Carport 18.15m<sup>2</sup>  
 Staff Quarters 38.38m<sup>2</sup>  
 Dwelling 170.48m<sup>2</sup>  
 Footprint 225.01m<sup>2</sup>  
 Coverage 586m<sup>2</sup>  
 38%
 Class of occupancy of building: HH  
 Occupancy: Dwelling House  
 Population: 6  
 Zoning: Residential Zone 1 - Single Residential  
 Orientation: North  
 Energy Zone: 4 (Low, Low)  
 Engineer's Signature: \_\_\_\_\_

**Client:** Tanton  
**Project:** Building Plans for Municipal Approval  
**Convert garage into staff quarters and new carport**  
**Erf No. 4449**  
**21 Keurooom Avenue**  
**Kleinmond**  
**Site Plan**  
 Drawing  
 Scale: 1:200  
 Drawn: \_\_\_\_\_  
 Project No: E-256 K  
 Revision: 0  
 Date: 2023/06/09  
 Sheet No: \_\_\_\_\_  
 1 of 4

**Site Plan**  
 Scale 1:200

All dimensions from plan. However, checker must be empowered to and approved by the Architect in writing. Engineer will assume the Architect is liable for any further responsibility relating directly or indirectly to the drawings.

Architect's Signature: \_\_\_\_\_  
 Designer's Signature: \_\_\_\_\_

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE, ERF 4999, KLEINMOND (4445/2023)**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer 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

*23/10/2023*  
 DATE

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**8. ERF 5611, 2 MIMOSA STREET, HERMANUS INDUSTRIAL AREA,  
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR AMENDMENT OF  
APPROVED SITE DEVELOPMENT PLAN: INTERACTIVE TOWN &  
REGIONAL PLANNING ON BEHALF OF AM MARAIS**

**5611 HIND (4388/2023)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**21 December 2023**

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**EXECUTIVE SUMMARY**

An application has been received on 11 May 2023 from Interactive Town and Regional Planning on behalf of AM Marias in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5611, Hermanus for the Amendment of the Approved Site Development Plan to accommodate a vehicle dealership.

**RESOLUTION**

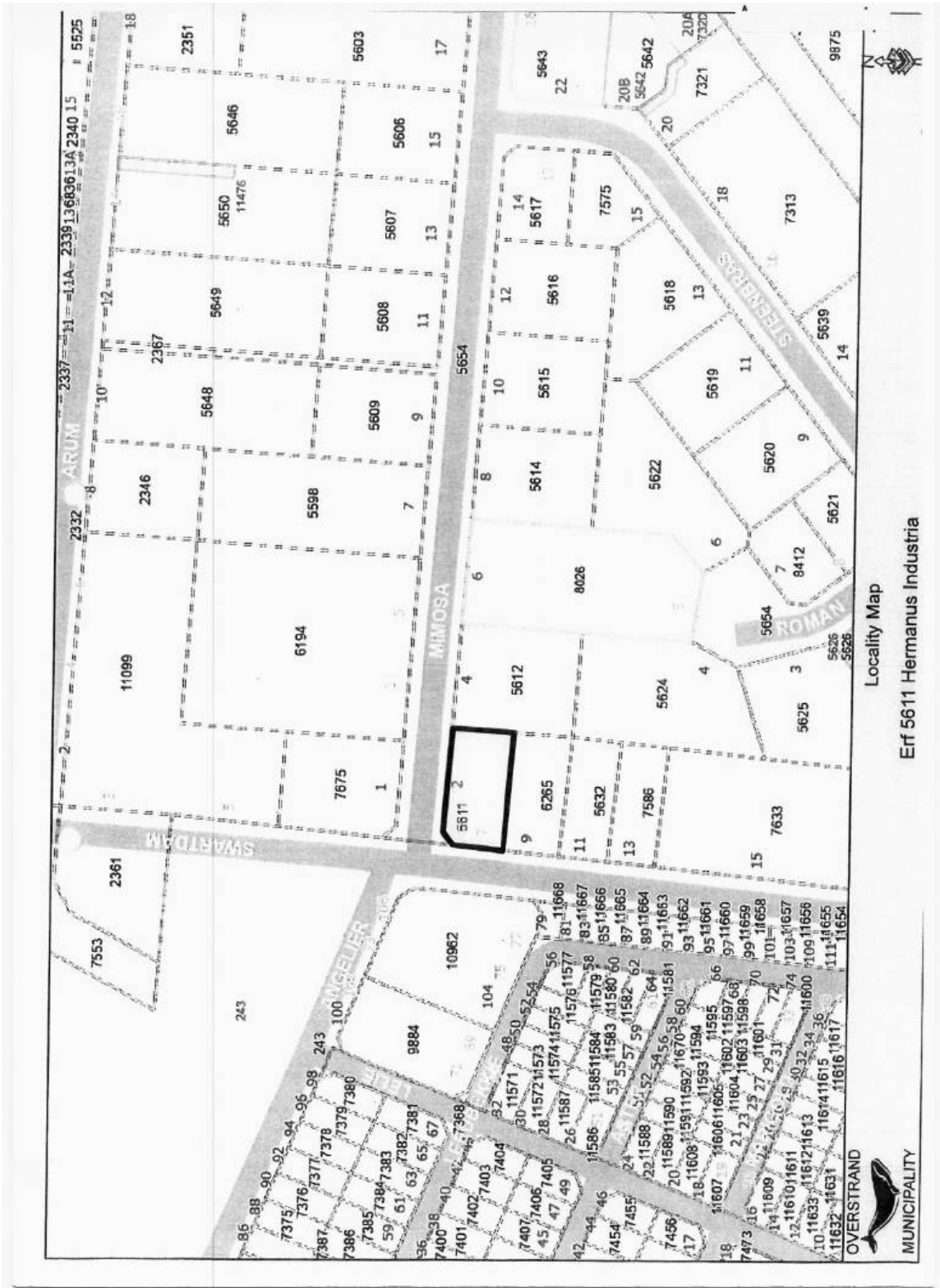
1. that the application in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 of the Overstrand Municipality Land Use Scheme, 2020 on Erf 5611, Hermanus for the Amendment of the Approved Site Development Plan to accommodate a vehicle dealership, **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 number 0001 Rev5 dated 3 April 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.

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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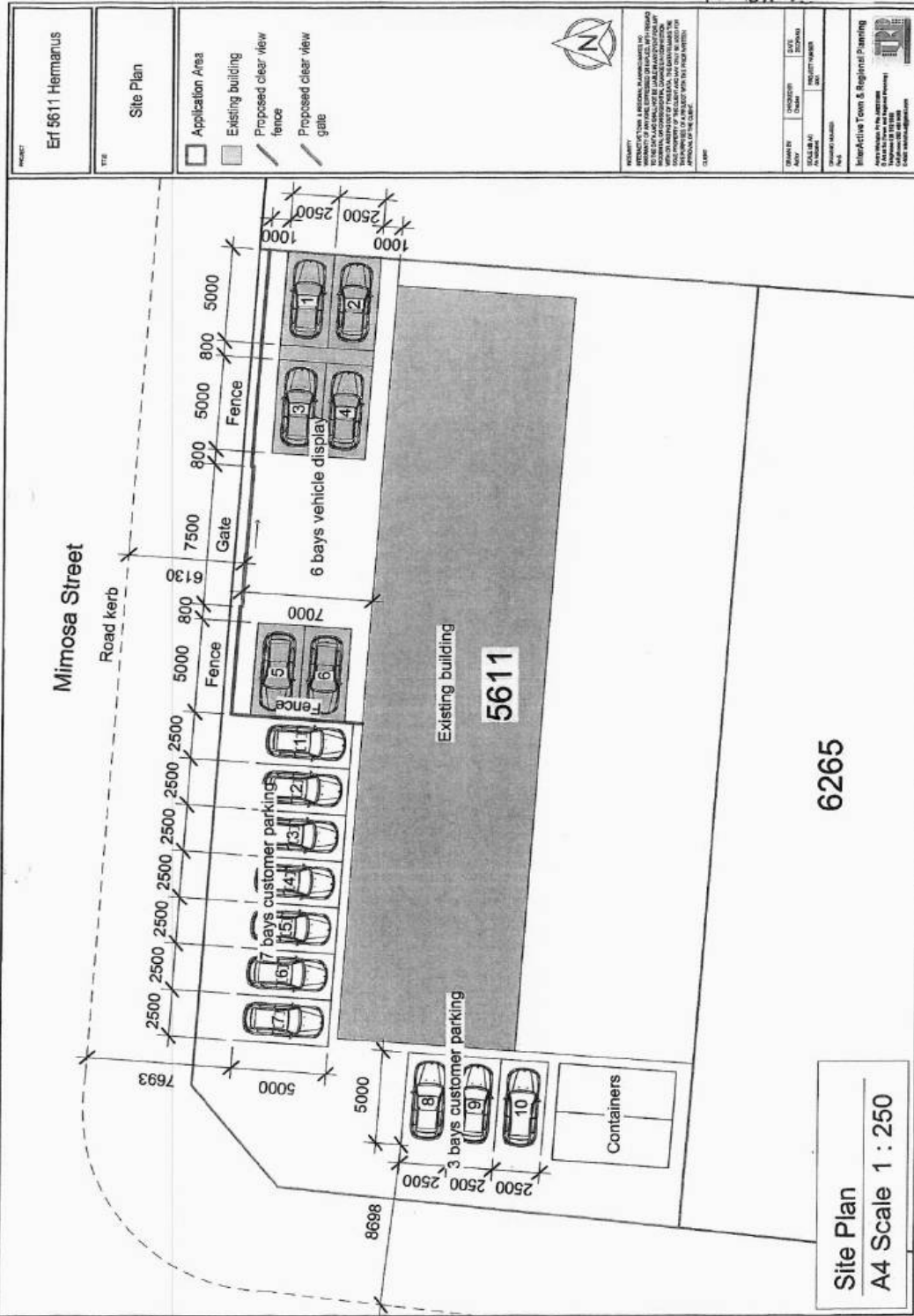
**REASON FOR THE RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have objected to the application.
- ❖ It is in line with the aims of the Overstrand Forward Planning Documents and Policies.
- ❖ No objections were received from neighbours.



Locality Map  
Erf 5611 Hermanus Industria





PROJECT  
Erf 5611 Hermanus

TITLE  
Site Plan

- Application Area
- Existing building
- Proposed clear view fence
- Proposed clear view gate



REGULATORY  
INTERACTIVE TOWN & REGIONAL PLANNING  
TO THE CITY AND METROPOLITAN MUNICIPALITY OF HERMANUS  
IN ACCORDANCE WITH THE SPATIAL ORDERING ACT (S.O.A.) AND THE SPATIAL ORDERING REGULATIONS (S.O.R.) WHICH AUTHORISES OF HERMANUS. THE REGULATIONS OF THE S.O.A. AND S.O.R. REQUIRE THE SUBMISSION OF A PROJECT WITH THE NECESSARY APPROVAL OF THE CLIENT.  
DATE

PROJECT NUMBER	DATE
PROJECT NAME	PROJECT NUMBER
PROJECT NUMBER	PROJECT NUMBER

Interactive Town & Regional Planning  
 4000 Willem van der Stroom  
 Hermanus 6601  
 021 202 2222  
 info@interactive.co.za

Site Plan  
A4 Scale 1 : 250

6265

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR AMENDMENT OF APPROVED SITE DEVELOPMENT PLAN:  
ERF 5611, HERMANUS INDUSTRIAL AREA (4388/2023)**

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. Hendriks*  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

*17/08/2023*  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**9. ERF 6117, 153 ELEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF K2018307671 (SA) LTD**

**6117 HVK (4470/2023)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**08 March 2023**

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**EXECUTIVE SUMMARY**

An application has been received on 30 August 2023, amended application received 31 October 2023, from Messrs WRAP Project Office on behalf of the owner of Erf 6117, 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 4m to 3.29m, to accommodate the renovations on the lower ground- and ground floor;
  - relax the northern street building line from 4m to 2.55m, to accommodate the proposed balconies on the ground- and first floor; and
  - to exceed the 2.1m permissible boundary wall height restriction with 0.72m ( $\pm 2.82\text{m}$ );
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) 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 6117, Hermanus in order to:
  - relax the northern street building line from 4m to 3.29m, to accommodate the renovations on the lower ground- and ground floor;
  - to exceed the 2.1m permissible boundary wall height restriction with 0.72m ( $\pm 2.82\text{m}$ );

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

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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2. 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 6117, Hermanus in order to:
  - relax the northern street building line from 4m to 2.55m, to accommodate the proposed balconies on the ground- and first floor; and

**not be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the **determination of an administrative penalty** in terms of Section 90(4) of the By-law for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
4. that the recommendation under paragraph 1 & 3. is subject to the following conditions:
  - (a) that the approvals are for the development as indicated on Site Development Plan no 4.2, 4.3, 4.4 and 4.5 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 an administrative penalty of R12 734.82 (including VAT) 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.
5. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**REASONS FOR RESOLUTION**

Reasons for approval under point 1:

- ❖ 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.

Reasons for non-approval under point 2:

- ❖ From a town planning perspective the encroachment of the street building line is considered to be contradictory to the character of the area, as the encroachment of the 4m building line will create additional bulk on the street front and since the adoption of the Zoning Scheme in 2013 and the Land Use Scheme 2020, the encroachment of the 4m street building line have been discouraged.
- ❖ The building can easily be developed with larger north facing windows or stacking doors which will provide greater mountain views without the further need to encroach the building line.
- ❖ The existing dwelling over the 4m street building line is already a large and imposing structure the addition of the balconies will not soften the outward appearance of the dwelling. No other means are proposed by the applicant to soften or hide the bulk of the structure.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 6117, 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.

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

  
DATE

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**10.ERF 2032, 44 EIGHT STREET, VOËLKLIP, HERMANUS, OVERSTRAND  
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND  
DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS  
INTERACTIVE TOWN- & REGIONAL PLANNING (ITRP) ON BEHALF OF R  
& M THERON FAMILIETRUST**

**2032 HVK (4478/2023)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**18 March 2024**

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**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 4 September 2023 from Messrs Interactive Town- and Regional Planning on behalf of the owners of Erf 2032, Voëlkliip, Hermanus for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, to relax the eastern lateral building line as follows:
  - relax the eastern lateral building line from 2m to 1.67m, to accommodate an existing scullery;
  - relax the eastern lateral building line from 2m to 1.67m, to accommodate a door proposed to be bricked up;
  - relax the western lateral building line from 2m to 0.81m, to accommodate an existing chimney and its proposed chimney amendment, and
  - relax the western lateral building line from 2m to 1.5m, to accommodate three (3) proposed windows.
  
- ❖ **determination of an administrative penalty** in terms of Section 90 of the By-Law, in order to accommodate the existing structure.

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**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 2032, Hermanus to:
  - relax the eastern lateral building line from 2m to 1.67m, to accommodate an existing scullery;
  - relax the eastern lateral building line from 2m to 1.67m, to accommodate a door proposed to be bricked up;
  - relax the western lateral building line from 2m to 0.81m, to accommodate an existing chimney and its proposed chimney amendment, and
  - relax the western lateral building line from 2m to 1.5m, to accommodate three (3) proposed windows.

**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 2032, 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 No HRMNS P46 800 as submitted with the application;
  - (b) that an administrative penalty of R1 872.49 (including VAT), (being 5% of the Overstrand Municipal Budget as determined by the municipality) be payable within thirty (30) days of the decision;
  - (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 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

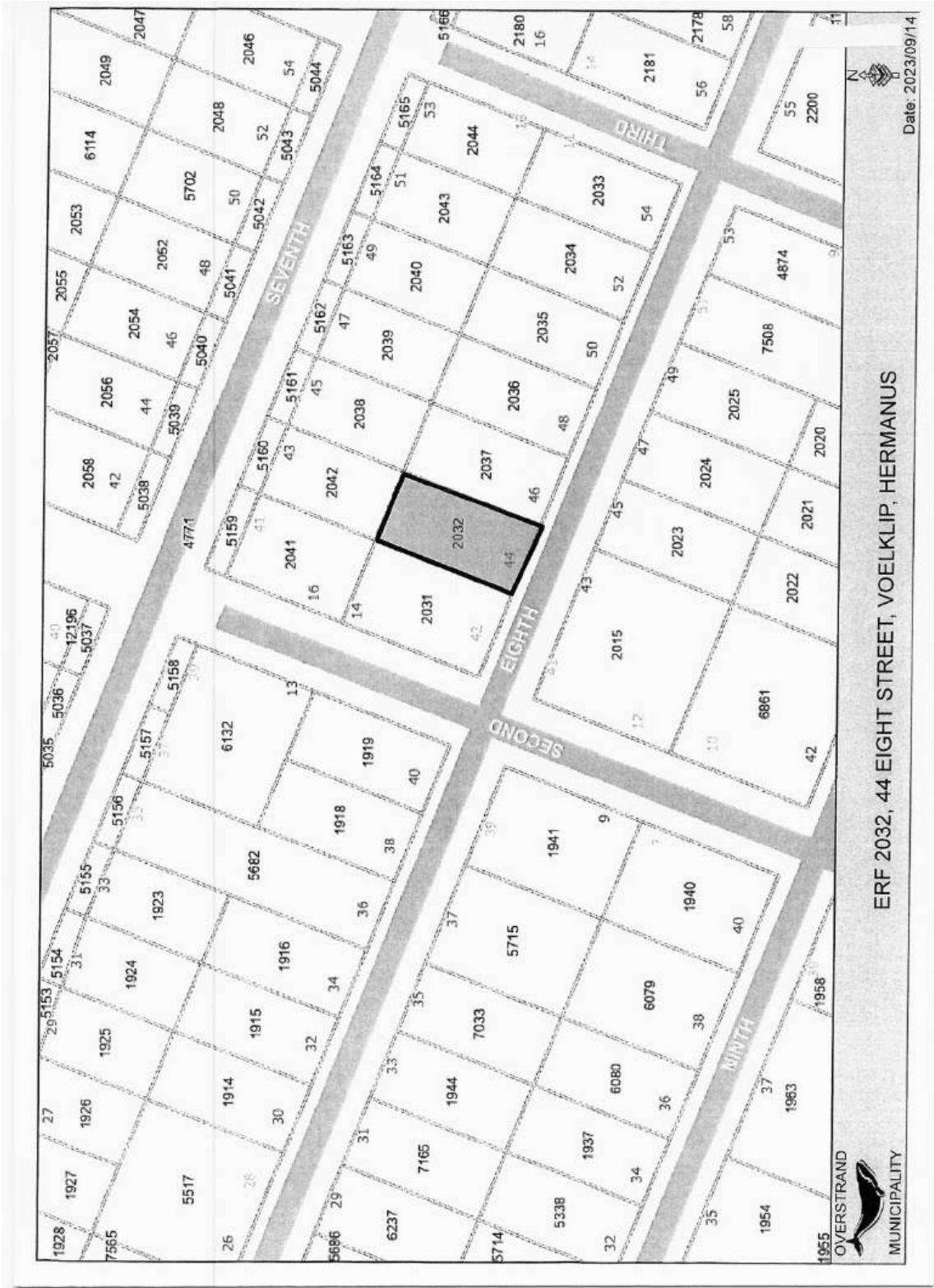
**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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- (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.
- ❖ Building work was completed without the required approval from the municipality.



**GENERAL NOTES:**

ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF HERMANUS LOCAL ORDINANCES AND THE NATIONAL BUILDING REGULATIONS. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

**REVISION RECORD:**

NO.	DATE	DESCRIPTION
1	13/09/2023	ISSUED FOR MUNICIPAL

**ENGINEER CERTIFICATION:**

ISSUED FOR MUNICIPAL  
REV 02  
13/09/2023

**grow**

3 Kings Park  
www.grow.co.za  
021 913 8051  
072 461 7177

**PROJECT:**  
HOUSE THERON HERMANUS ALTERATIONS & ADDITIONS

**LOCATION:**  
EIGHTH STREET, HERMANUS

**ERF:** 2032

**DRAWING:** SITE PLAN

**DATE:** 2022 / 10 / 17

**BY:** DPW

**SCALE:** AS INDICATED

**PROJECT NO.:** HERMANUS - P46

**SCALE:** 1:100

**SCALE:** 1:100

**SCALE:** 1:100

**SCALE:** 1:100

**SCALE:** 1:100

**SCALE:** 1:100

**SCALE:** 1:100

**SCALE:** 1:100

**ERF 2041**

**ERF 2042**

**ERF 2038**

**ERF 2037**

**ERF 2031**

**ERF 2032**

**ERF 2031**

**ERF 2032**

**ERF 2031**

**ERF 2032**

**ERF 2041**

**ERF 2042**

**ERF 2038**

**ERF 2037**

**ERF 2031**

**ERF 2032**

**ERF 2031**

**ERF 2032**

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 2032, 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. D. Hendriks*  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

*11/12/2023*  
DATE

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**11.ERF 4164, BUTTERFLY ROAD, CHANTECLAIR, ONRUSTRIVIER,  
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION,  
REZONING, DEPARTURE AND PERMISSION REQUIRED IN TERMS OF  
CONDITIONS OF APPROVAL: INTERACTIVE TOWN & REGIONAL  
PLANNING ON BEHALF OF THE TRUSTEES FOR THE TIME BEING OF  
FRIEDERICH SONKE MOOLMAN FAMILY TRUST**

**4164 HON (4447/2023)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**4 March 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 1 August 2023 from Interactive Town & Regional Planning on behalf of The Trustees for the Time Being of Friederich Sonke Moolman Family Trust on Erf 4164, Onrustrivier in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the following:

- ❖ **rezoning** in terms of Section 16(2)(a) of the By-Law from General Residential Zone 1: Town Housing (GR1) to Subdivisional Area (SA).
- ❖ **subdivision** in terms of Section 16(2)(d) of the By-Law into the following:
  - eleven (11) General Residential Zone 1: Town Housing (GR1) erven, of which Portion 3 will be utilized for Care Centre / Clubhouse purposes,
  - four (4) Open Space Zone 2: Private Open Space (OS3) erven, and
  - one (1) Transport Zone 2: Road and Parking, sub zoning A - Private (TR2A) erf.
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to relax the internal street building line from 1m to 0,6m applicable to subdivided Portion 3 to accommodate the encroachments of the proposed Care Centre / Clubhouse.
- ❖ **permission required in terms of conditions of approval** in terms of Section 16(2)(l) of the By-Law to establish a homeowners' association, with associated constitution, and to approve architectural guidelines.

**RESOLUTION**

1. that the application in terms of Section 16(2)(a) of the Overstrand municipality Amendment By-Law on Land Use Planning, 2020 on Erf 4164, Onrustrivier to rezone the said property from General Residential Zone 1: Town Housing (GR1) to Subdivisional Area (SA), **be approved** in terms of the provisions of Section 61;

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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2. that the application in terms of Section 16(2)(d) of the By-Law to subdivide Erf 4164 into the following:
  - ❖ eleven (11) General Residential Zone I: Town Housing (GR1) erven, of which Portion 3 will be utilized for a Care Centre / Clubhouse purpose;
  - ❖ four (4) Open Space Zone 3: Private Open Space (OS3) erven, and
  - ❖ one (1) Transport Zone 2: Road and parking, sub zoning A-Private (TR2A) erf.

**be approved** in terms of the provisions of Section 61;
3. 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 4164, Onrustrivier for a departure to relax the internal street building line from 1m to 0,6m applicable to subdivided Portion 3 to accommodate the encroachments of the proposed Care Centre / Clubhouse, **be approved** in terms of the provisions of Section 61;
4. that the application for permission in terms of conditions of approval in terms of Section 16(2)(l) of the By-Law on Erf 4164, Onrustrivier to amend the approved architectural guidelines and to allow the establishment of a homeowners' association, with associated constitution, be approved, in terms of the provisions of Section 61;
5. that the above approvals in Points 1., 2., 3. and 4. be subject to the following conditions:
  - (a) that an amended Architectural Design Guideline in line with Zoning Scheme parameters, be submitted for the development;
  - (b) that the subdivision be in line with plan 0001 submitted with this application;
  - (c) that the conditions as indicated in the previous approval on the property dated 26 August 2021 still be complied with;
  - (d) that all the conditions of Eskom be complied with;
  - (e) that all conditions in the Services Report be complied with;
  - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;

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- (g) 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;
  - (h) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
  - (i) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (j) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
  - (k) that a Homeowners Association be established with compulsory membership for all property owners within the development, and
  - (l) that the Constitution of the Homeowners Association be submitted for approval by the Municipality (which reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
    - the approval of building plans by an “estate architect” prior to submission thereof the Municipality, and
    - that the Constitution clarifies at what stage the responsibility would be transferred from the developer to the Homeowners Association to deal with approval of plans and all other internal matters.
6. 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, 2020 regarding the above conditions of approval.

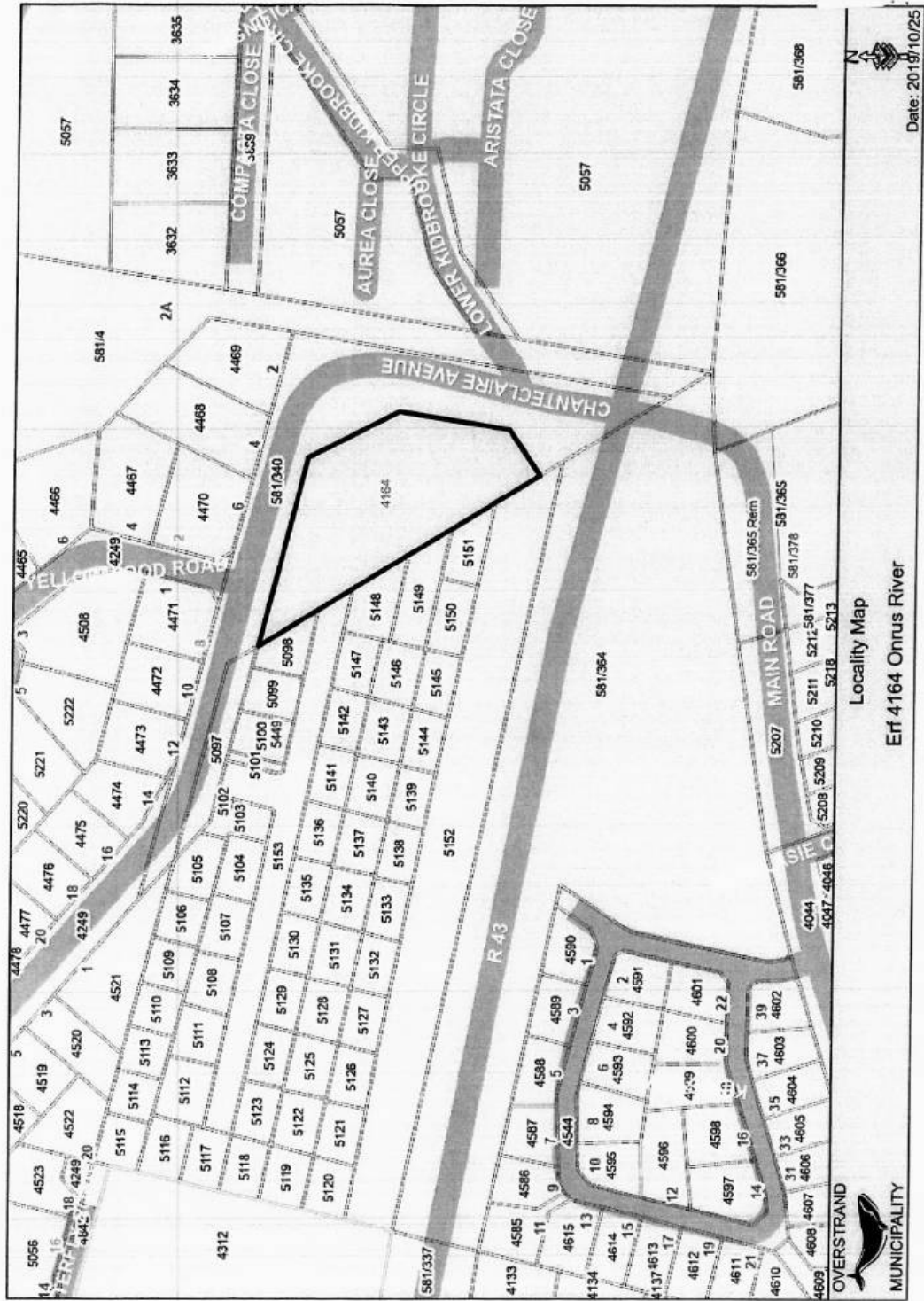
#### **REASONS FOR RESOLUTION**

- ❖ This application is only an application to subdivide an approved retirement Village development to enable freehold ownership and will have no additional impact on surrounding property owners and services in this area.
- ❖ The proposed departure to relax an internal street building line is of such a small scale that it would not have a negative effect on the character of the area nor the surrounding property owners.
- ❖ The application is supported by all relevant State Departments, Institutions and Municipal Departments.
- ❖ No objections were received in the public participation process.

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- ❖ The application is in line with the SPLUMA and LUPA Planning Principles.
- ❖ The application is desirable.



Locality Map  
Erf 4164 Onrus River





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION, REZONING, DEPARTURE & PERMISSION  
REQUIRED IN TERMS OF CONDITIONS OF APPROVAL: ERF 4164, ONRUS  
RIVER (4447/2023)**

Stormwater (SW) : According to the master plan by the developer  
Electricity : Eskom supply area  
Water : According to GLS Report  
Sewer : According to GLS Report  
Roads and traffic : According to the TIA report

**Conditions:**

1. that all the conditions contained in the previous engineering services report, dated 5 December 2019, are still applicable and must be adhered to.

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

*23/11/2023*  
**DATE**

**AGENDA of the  
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**12.REMAINDER PORTION 10 (CAROLINA) OF THE FARM SANDIES GLEN  
NO. 129, DIVISION BREDASDORP, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR CONSENT USE: TS SANDER ON BEHALF OF  
COLWYN TRUST**

**Prt 10/129 (4316/2023)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**15 March 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 21 December 2022 on Portion 10 (Carolina) of the Farm Sandies Glen No. 129, Division Bredasdorp, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for a **consent use** in terms of Section 16(2)(o) of the By-Law to accommodate an agricultural industry (winery) within a portion of the existing structure on the farm.

**RESOLUTION**

1. that the application in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (the By-Law) on Remainder Portion 10 (Carolina) of Farm Sandies Glen No. 129 for a **consent use** in terms of Section 16(2)(o) of the By-Law to accommodate an agricultural industry (winery) within a portion of the existing structure on the farm, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following:
  - (a) that the approvals are for the development as indicated on drawing no *M/01 dated May 2009* and *01 dated October 2009* as submitted with the application
  - (b) that the conditions stipulated by District Health, CapeNature, Department of Agriculture and Breede-Gouritz Cathment Management Agency, Department of Environmental Affairs and Development Planning, *Environmental*, be complied with;
  - (c) that the conditions stipulated by the Engineering Department be complied with;
  - (d) 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;

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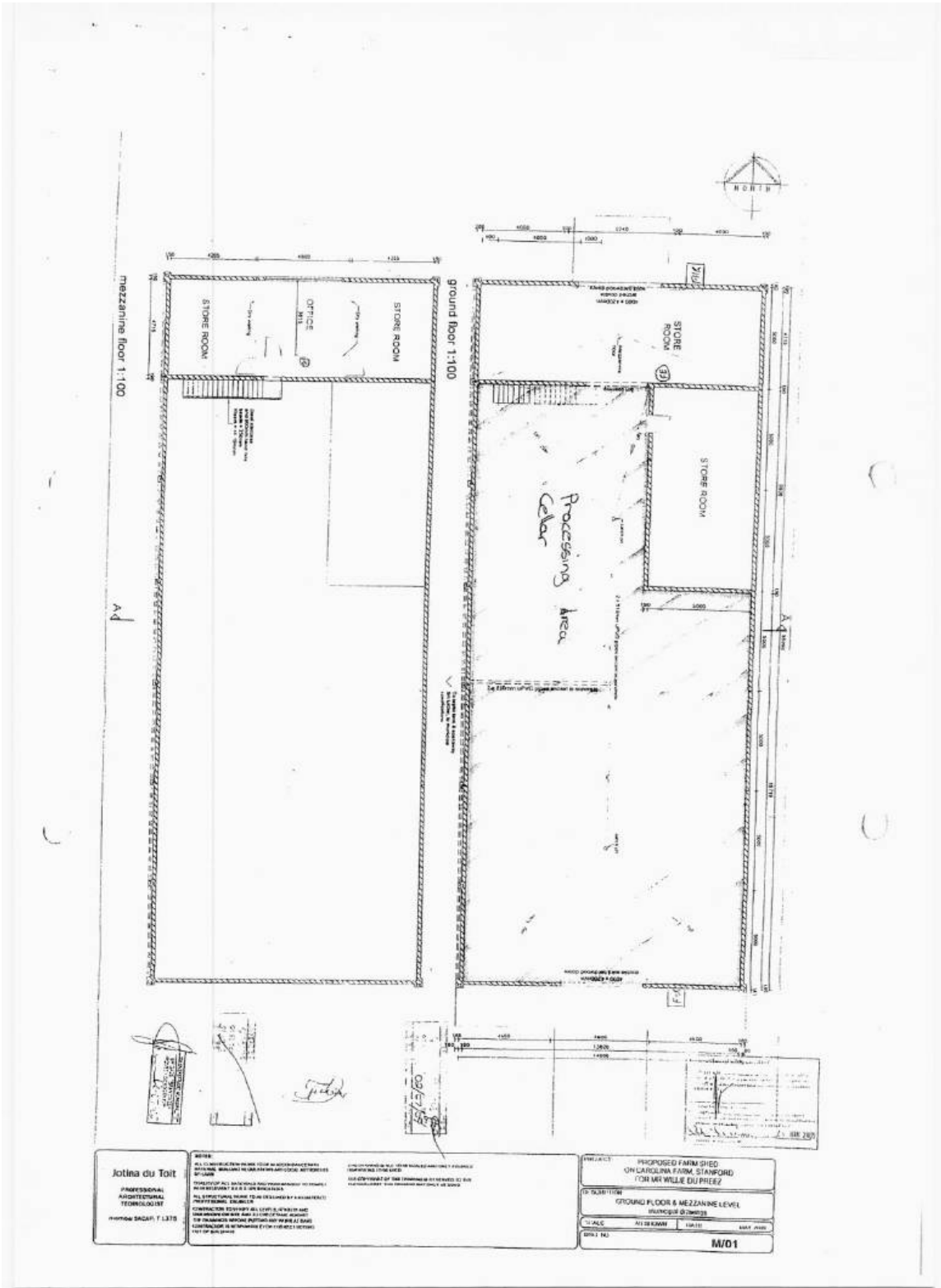
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- (e) that applicable rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and
  - (g) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
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 diversification of uses on the property will positively contribute to job creation, economic growth, and sustainability of the farm.
- ❖ 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.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE: REMAINDER PORTION 10  
(CAROLINE) OF THE FARM SANDIE GLEN NO. 129, BREDASDORP  
DIVISION**

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 service from Overstrand Municipality is available and the developer is responsible for the provision of any water supply and/or services to the development;
3. that the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, BOCMA etc.) for the use of any other water resources and the extraction thereof;
4. 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: probinso@overstrand.gov.za);
5. that no sewerage service from Overstrand Municipality is available and no municipal sewerage services will be rendered to the development;
6. that the owner will be responsible for the removal of sewerage from the proposed development, and the safe disposal thereof at a licensed municipal sewerage treatment facility;
7. that the proposed development must be provided with adequate sewer conservancy tanks, which must comply with the relevant legislation;
8. that, alternatively, the developer will be responsible to obtain the necessary approval, licences and permits from the applicable authorities (water affairs, health, etc.) for the use of any other method of sewage disposal;

2

9. 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;
10. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and the Department of Water Affairs for approval;
11. that the developer complies to all the conditions set by Department Of Water & Environmental Affairs;
12. that on-site parking facilities are provided as per Planning Schedule and to the satisfaction of the Department: Operational Services;
13. that the developer will arrange with Provincial Administration to obtain approval for any new access from the Provincial road.

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

13/03/2023  
DATE

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**13.REMAINDER PORTION OF THE FARM KLEINRIVIER NO. 646, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: N STRITZL ON BEHALF OF PST SOUTH AFRICA (PTY) LTD**

**Rem Prt of the Farm 646 (4440/2023)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**25 March 2024**

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**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 08 June 2023 (final version received 18 September 2023) from N Stritzl on behalf of the owners of Remainder Farm 646, for **departure** in terms of Section 16(2)(b) of the By-Law, to relax the lateral building line from 30m to 20m and 10m respectively, to accommodate new additions and an outbuilding 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 Remainder of the Farm No. 646, Division Caledon in order to relax the lateral building line from 30m to 20m and 10m respectively, to accommodate new additions and an outbuilding 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 approvals are for the development as indicated on Site Development Plan No 800 to 806 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 the conditions stipulated by Fire Services and Eskom be complied with;
  - (d) that the conditions stipulated by the Engineering Department 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

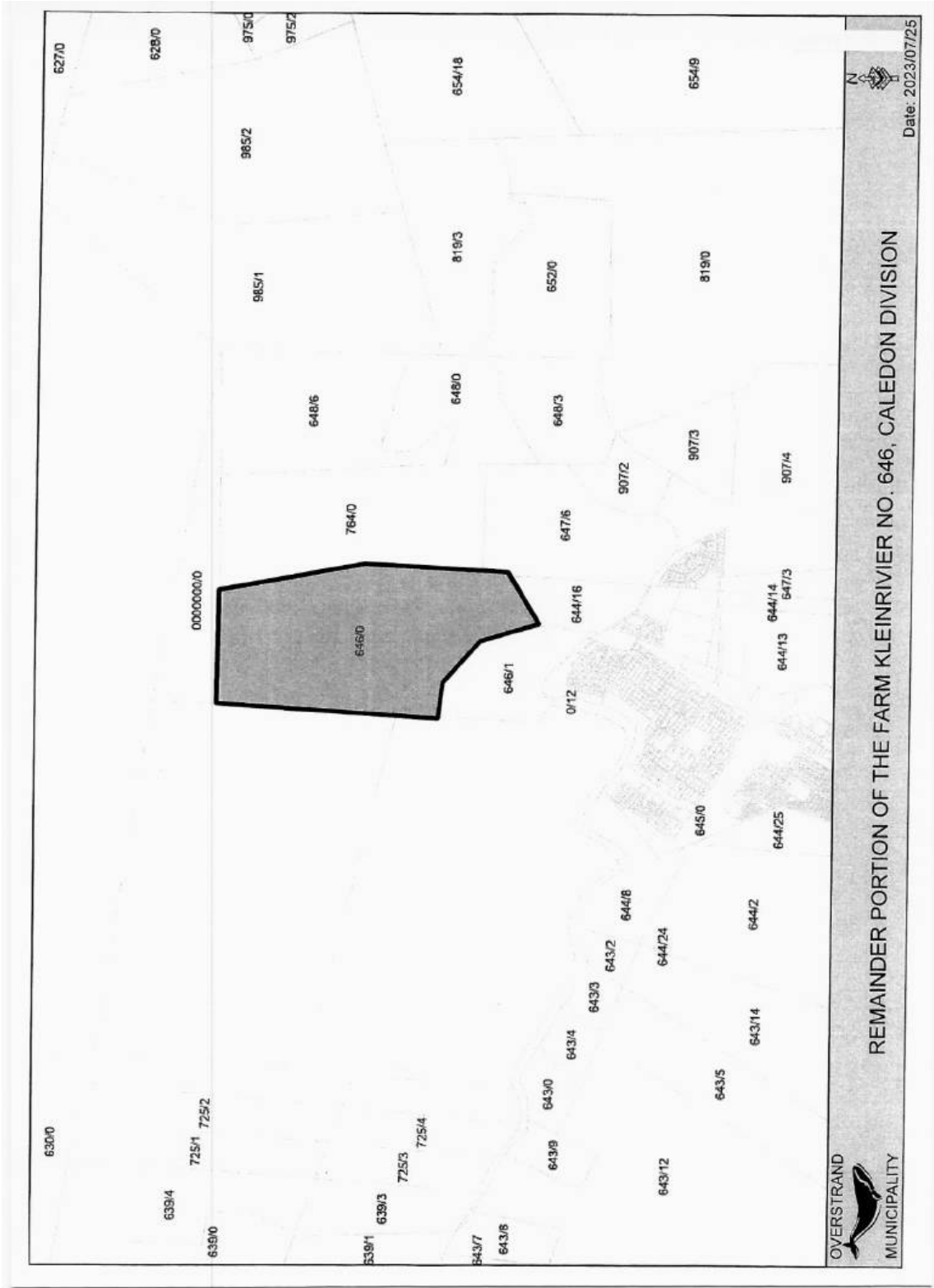
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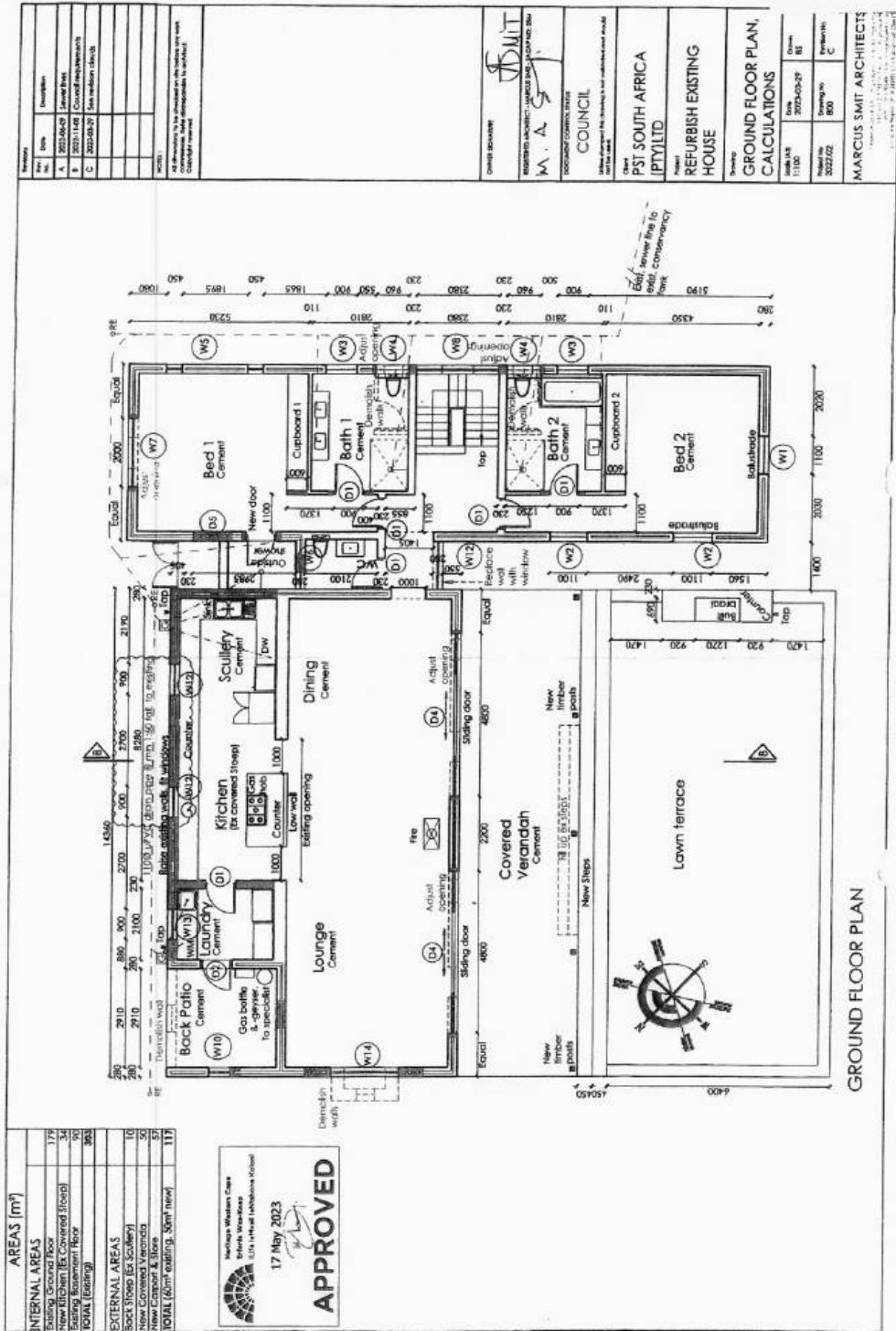
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2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**REASONS FOR RESOLUTION**

- ❖ The proposed renovation and additions to the existing dwelling, and the construction of a new outbuilding will not have a negative impact on the adjacent property owners or the character of the area.
- ❖ The farming activities will remain unaffected.
- ❖ No natural habitat or cultivated areas will be affected.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.





Rev	Date	Description
A	2022-04-27	Issue Final
B	2022-01-14	Correct Impassment
C	2022-08-27	See revisions sheet

All drawings to be checked on the table by the client before construction starts.  
Contractor to check all dimensions to be checked on the table by the client before construction starts.

**CLIENT**  
COUNCIL

**PROJECT**  
PST SOUTH AFRICA  
REFURBISH EXISTING HOUSE

**DATE**  
2022-03-29

**SCALE**  
1:100

**PROJECT NO.**  
800

**CLIENT NO.**  
BS

**PROJECT NO.**  
C

**ARCHITECT**  
MARCUS SMIT ARCHITECTS

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: REMAINDER PORTION OF THE FARM  
KLEINRIVIER NO. 646, CALEDON DIVISION**

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, Portion 1 of Farm 586 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services (Hermanus), 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 Portion of the Farm 646 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 Portion of the Farm 646, 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. Hendriks*  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

*29/01/2024*  
**DATE**

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**14.ERF 3268, 203 NINTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND  
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS MARCUS  
SMIT ARCHITECTS ON BEHALF OF AC BEUKES**

**3268 HVK (4489/2023)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**25 March 2024**

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**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 02 October 2023 from Messrs Marcus Smit Architects (Pty) Ltd on behalf of the owners of Erf 3268, Voëlklip, Hermanus for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to:
  - relax the western lateral building line from 2m to 1.25m to enclose part of the southern balcony with a new roof, and
  - relax the eastern lateral building line from 2m to 1.16m to enclose the existing covered balcony.

**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 3268, Hermanus to:
  - relax the western lateral building line from 2m to 1.25m to enclose part of the southern balcony with a new roof, and
  - relax the eastern lateral building line from 2m to 1.16m to enclose the existing covered balcony.

**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 800 and 801 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;

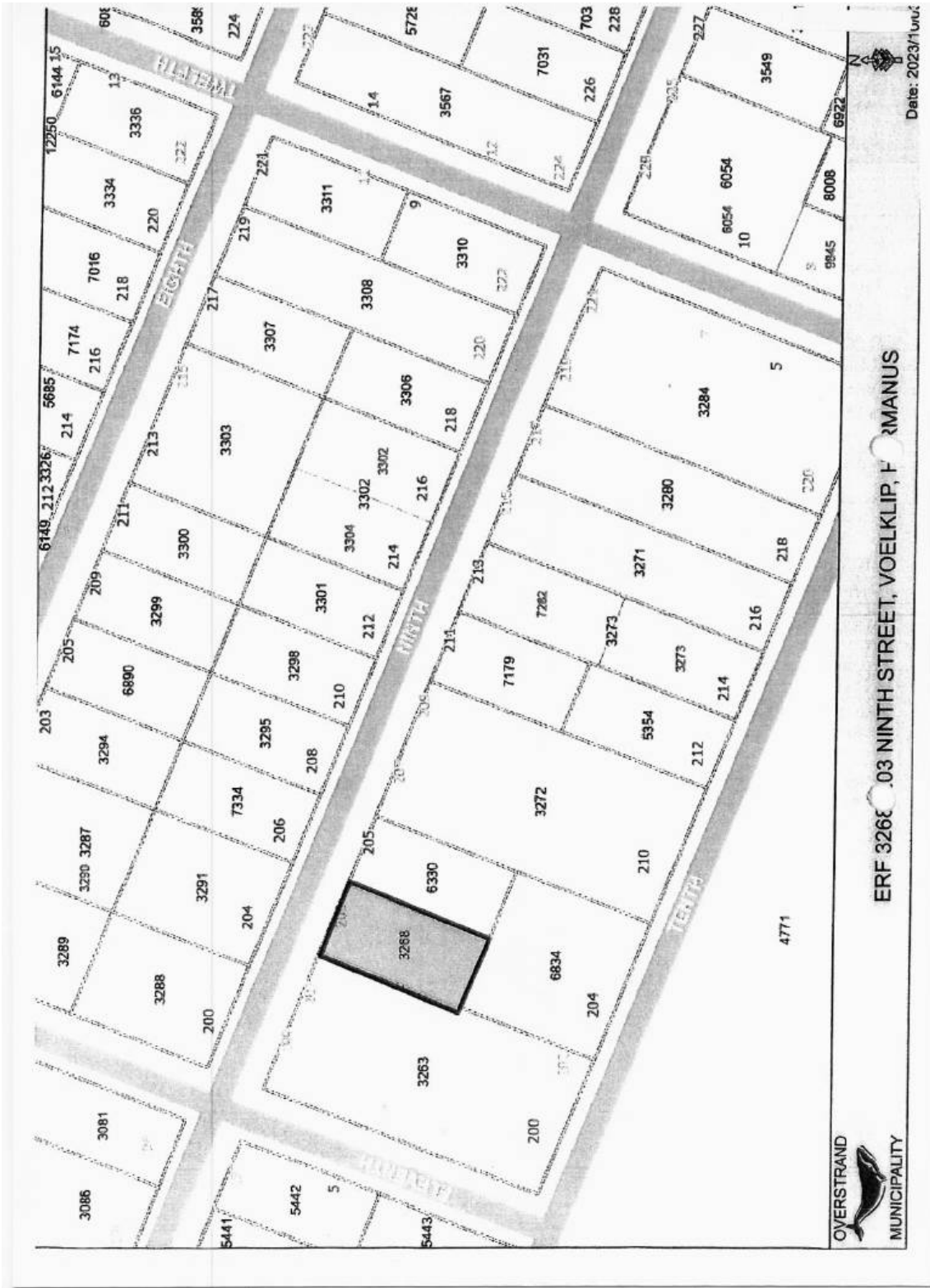
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- (c) that all the conditions in the Services Report be complied with;
  - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
  - (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with
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 retention of the structures will not have a negative impact on the on the adjacent property owners or the character of the area.
- ❖ Privacy of the adjacent property owners will be enhanced.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.



ERF 3268 .03 NINTH STREET, VOELKLIP, F RMANUS

Date: 2023/10/12



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 3268, 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. D. Hendriks*  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

*13/02/2024*  
DATE

**AGENDA of the  
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**15.REMAINDER ERF 243, MEERENBOSCH, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR AMENDMENT OF AN APPROVED SITE DEVELOPMENT PLAN AND AMENDMENT OF CONDITIONS OF AN EXISTING APPROVAL: PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF MEERENSEE RESORT LIMITED**

**243 HMB (3919/2021)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**15 March 2024**

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**EXECUTIVE SUMMARY**

An application was received on 1 December 2021 from Plan Active Town and Regional Planners on behalf of Meerensee Resort Ltd on Remainder Erf 243, Meerenbosch for an application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Amendment of Conditions of an Existing Approval** in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to amend the Site Development Plan (SDP) for the development.
- ❖ **Amendment of an Approved Site Development Plan** in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 in order to replace 12 residential erven with 7 residential erven and a private road.

The application will enable the applicant to amend the current layout.

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**RESOLUTION**

1. that the application in terms of Section 16(2) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Remainder Erf 243, Meerenbosch for the amendment of conditions of approval in respect of approvals dated 2 October 2012 and 23 April 2021 of the By-Law, being amended as follows:

*“1.(a)*

*that a new subdivision plan be submitted in line with the Site Development Plan (proposed SDP Meerenbosch dated July 2022) also showing the setback line 6,5m above sea level, which setback must be determined by a qualified land surveyor.*

*3.(a)*

*that all the conditions in the amended services report be complied with.”*

**be approved** in terms of the provisions of Section 61;

2. that the application in terms of Section 16(2)(i) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Remainder Erf 243, Meerenbosch for the amendment of the Site Development Plan to accommodate the amendment to the layout plan to only allow for seven (7) Residential Zone 1 erven instead of twelve (12) erven in this phase, and to only allow for 44 erven in total in the whole Flamingo Bay development, **be approved** in terms of the provisions of Section 61;
3. that the approvals in 1 and 2 above be subject to the following conditions:
  - (a) that the amendments on the property be in line with the Site Development Plan number meerenbosch243.drw dated July 2022, as submitted with the application;
  - (b) that all the other conditions in the original approval dated 2 October 2012, be complied with;
  - (c) that building plans be submitted for all new buildings to the Building Branch for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
  - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;

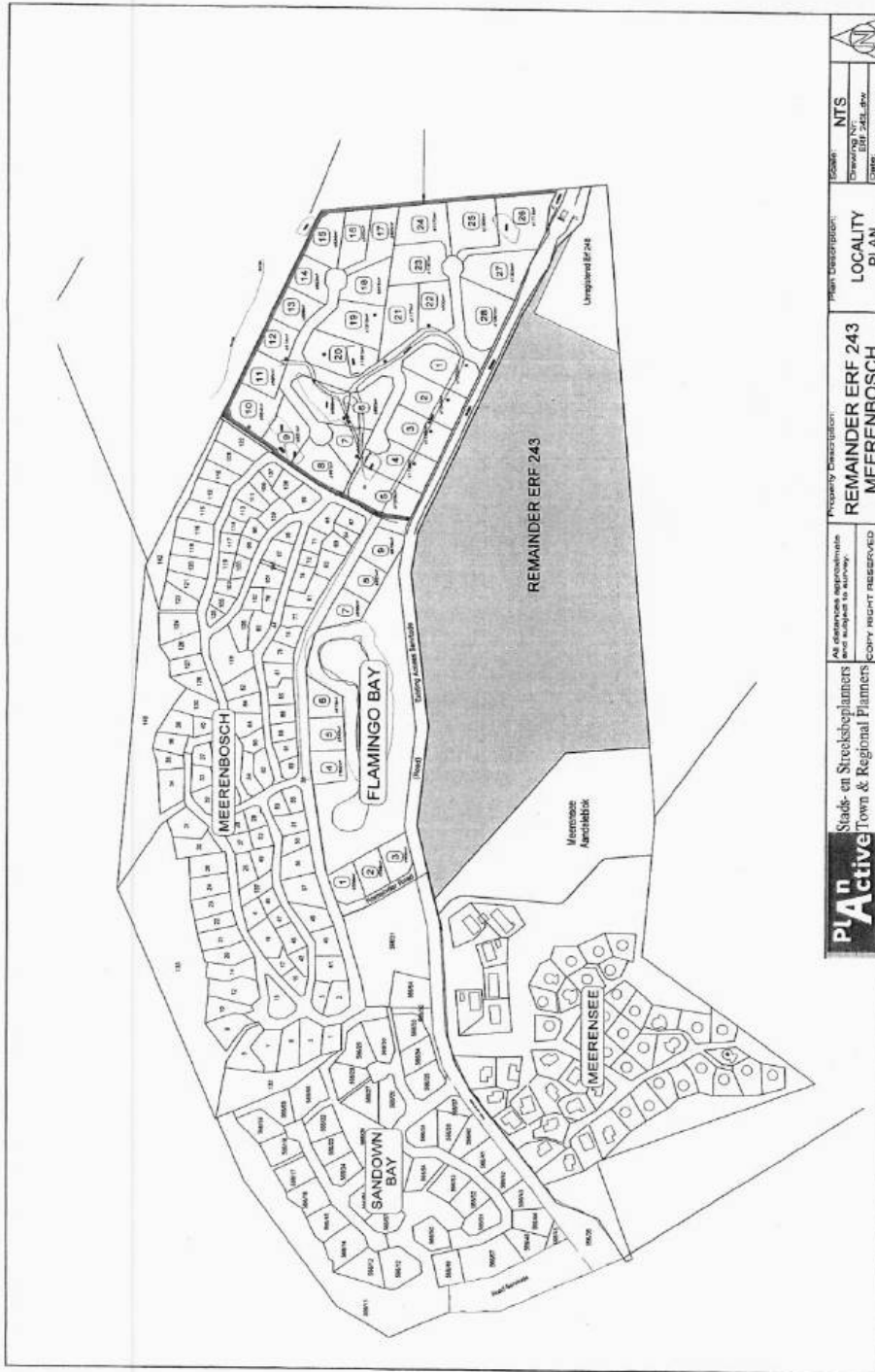
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- (e) that this is not an approval in terms of any other legislation
  - (f) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
  - (g) that all the conditions in the Services Report be complied with,
  - (h) that all the conditions imposed by Western Cape Government: EADP(Environmental) be complied with, and
  - (i) that all the conditions imposed by BGCMA be complied with.
4. 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 regarding the above decision.

**REASONS FOR RESOLUTION**

- ❖ The application is to make changes to the placement of approved residential erven and a private road, and even lowering the number of erven, which would have less of an impact on surrounding properties.
- ❖ The application would ensure better storm water management in this area of Flamingo Bay.
- ❖ There will be less pressure on existing services.
- ❖ No objections were received from surrounding HOA's, property owners and internal and external departments/branches.
- ❖ There will be no additional impact on the character of the area or surrounding neighbours.
- ❖ The application is desirable.



<b>pu n</b> Active Stads- en Streekeplanneerders Town & Regional Planners	As shown, approved, revised and subject to survey. COPY RIGHT RESERVED	Property Description:	REMAINDER ERF 243 MEERENBOSCH
		Plan Description:	LOCALITY PLAN
		Scale:	NTS
		Drawing No.:	ERF 243-REV
		Date:	NOVEMBER 2021



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR AMENDMENT OF SITE DEVELOPMENT PLAN AND  
AMENDMENT OF CONDITIONS OF AN EXISTING APPROVAL: REMAINDER  
ERF 243, MEERENBOSCH**

Stormwater (SW) :	According to the management plan by the developer
Electricity :	According to the master plan ; Refer to Conditions
Water :	According to GLS Report; Refer to Conditions
Sewer :	According to GLS Report ; 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 original 2012 town planning approval was for the subdivision and rezoning of Portion 6 of Farm 566 into 49 residential erven. Twelve residential erven were approved for Phase 2 of the proposed development. This application reduce the erven for Phase 2 of the proposed development to seven (7) residential erven.

The contribution for Phase Two, according to the current policy (2023/2024) is as follows:

Water	R 27 598.16 x 7	=	R 193 187.12
Sewerage	R 18 608.30 x 7	=	R 130 258.10
Roads	R 8 344.32 x 7	=	R 58 410.24
Stormwater	R 9 626.92 x 7	=	R 67 388.44
Solid Waste	R 1 668.44 x 7	=	<u>R 11 679.08</u>
<b>TOTAL (inclusive of VAT)</b>		<b>=</b>	<b><u>R 460 922.98</u></b>


**Please note that:**

- a) The above figures are estimates.
- b) Are subject to annual tariff adjustments.
- c) Exclude investigation levies and connection fees.

2. that the developer at his cost constructs the Internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
  - 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:
5. that a plan of all 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 the Home Owners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;

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 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;
17. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, 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;
18. that the above stormwater management plan include the following:
  - 18.1 pre-development run-off from the catchment area;
  - 18.2 post-development run-off from catchment area;
  - 18.3 existing stormwater reticulation system and the capacity thereof;
  - 18.4 connection of internal stormwater reticulation system;
  - 18.5 overland escape routes
19. that the developer applies for a temporary water connection on the prescribed application form at Overstrand Municipality's Finance Department, before commencement of construction;
20. that the developer applies for a bulk water connection on the prescribed application form, at Overstrand Municipality's Finance Department and that the installation of the bulk water meter, by the developer, be done under the supervision of the Senior Operational Manager, Hermanus;
21. that the connection to the main water line will only be done by the Operational Department after payment of the connection fee, by the developer.
22. that all the conditions contained in the previous town planning approvals, including the approval dated 2 October 2012 (subdivision and rezoning of Portion 6 of Farm 566) , are still applicable and must be adhered to.

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

12/03/2024  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**16.ERF 1879, 62 BUFFELS ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR RELAXATION OF TITLE DEED RESTRICTION: FVS TOWN & REGIONAL PLANNERS ON BEHALF OF MJ STREATFIELD & BR PALMER**

**1879 KPRB (4235/2022)**

**B Minnaar**

**(028) 313 8900**

**Hermanus Administration**

**17 January 2024**

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**EXECUTIVE SUMMARY**

An application was received on 1 September 2022 from FVS Town & Regional Planners on behalf of MJ Streatfield & BR Palmer on Erf 1879, Pringle Bay in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a relaxation of the restrictive title deed condition 6.(2).(a) of Title Deed No. T32641/2021 in terms of Section 16.(2)(b) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the northern, western & southern lateral building lines from 5m to 2m to accommodate the new dwelling.

The restrictive title deed conditions read as follows:

*“6.(2) Except with the prior consent of the Administrator-*

*(a) No building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 8 metres to the street line which forms a boundary of this erf, nor within 5 metres of any other boundary common to any adjoining erf, provided that with the consent of the local authority:”*

**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 6.(2).(a) of Title Deed No. T32641/2021 applicable to Erf 1879, Pringle Bay to relax the northern and southern lateral building lines from 5m to 2m to accommodate a proposed new dwelling, **be approved** in terms of Section 61 of the By-Law subject to the following conditions:

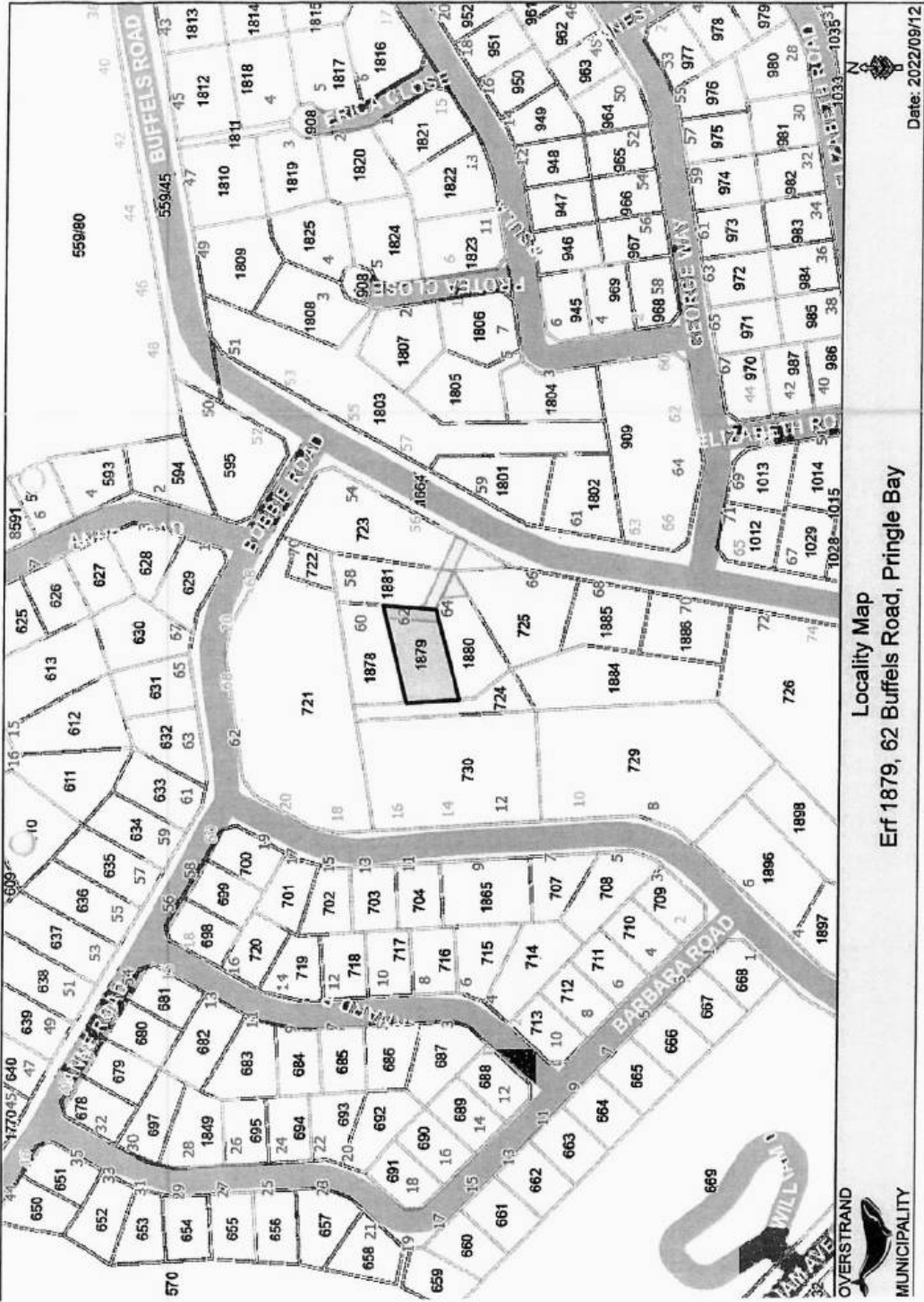
**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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- (a) that the approval is only for the development indicated on plan numbers JC6007/101 to JC6007/106 dated Jan 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 other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (e) that the conditions of Engineering be adhered to.
  - (f) that the conditions of Water Usage License be adhered to.
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 conditions of approval.

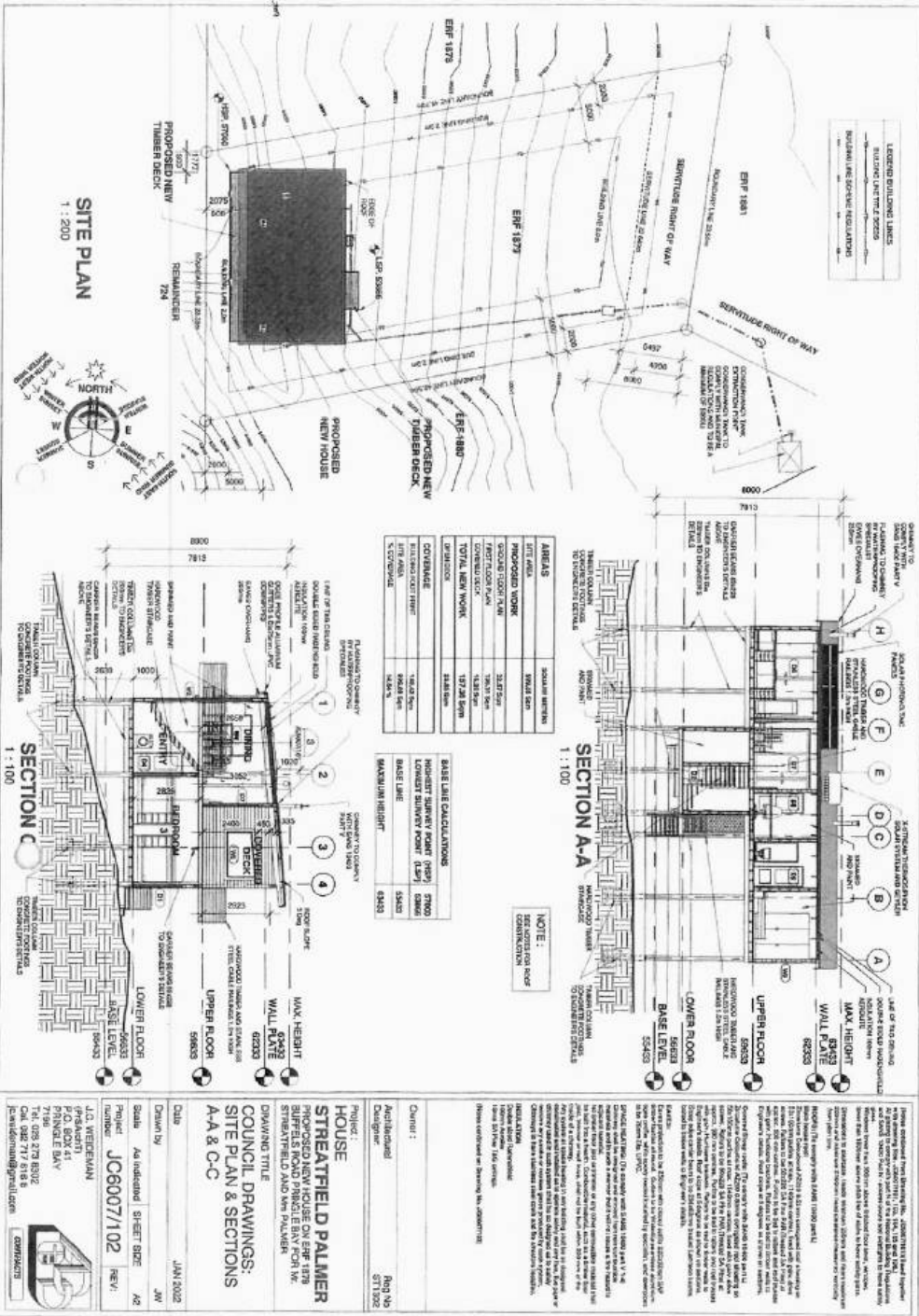
**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ The objection received from the Pringle Bay Ratepayers Association has been withdrawn subject to the clarification provided by the municipality regarding relaxation applications.
- ❖ The proposed application fits in with the character of the surrounding area and is desirable.
- ❖ There will be no impact on services.
- ❖ The proposal has been amended in order setback per 5m from the rear Title Deed building line in compliance with the approval letter dated 2 July 2008. The proposal will have no negative impact on the environment.
- ❖ No objections were received from the immediate surrounding property owners of the subject property.



Locality Map  
Erf 1879, 62 Buffels Road, Pringle Bay

Date: 2022/09/12



**LEGEND BUILDING LINES**

- BUILDING LINES TO BE REMOVED
- EXISTING BUILDING LINES
- PROPOSED BUILDING LINES

**AREAS**

ITEM	QUANTITY	UNIT
PROPOSED WORK	2,377.50	SQ. FT.
EXISTING WORK	1,431.50	SQ. FT.
TOTAL NEW WORK	1,772.50	SQ. FT.
COVERAGE	2,377.50	SQ. FT.
PERCENTAGE	100.00	%

**BASE LINE CALCULATIONS**

ITEM	HEIGHT	UNIT
HIGHEST FINISH FLOOR	5.00	FT.
LOWEST FINISH FLOOR	0.00	FT.
MAXIMUM HEIGHT	5.00	FT.

**NOTE:**  
CONSTRUCTION

These drawings were prepared by the Architectural Firm of J.C. Weideman, P.A. and are intended to be used in conjunction with the other drawings and specifications for the proposed project. The drawings are not to be used for any other purpose without the written consent of the Architectural Firm. The drawings are not to be used for any other purpose without the written consent of the Architectural Firm. The drawings are not to be used for any other purpose without the written consent of the Architectural Firm.

**PROJECT:**  
STREATHFIELD PALMER HOUSE  
PROPOSED NEW HOUSE ON EBF 1873  
STREATHFIELD AND Wm PALMER DRIVE/AND TITLE

**COUNCIL DRAWINGS:**  
A-A & C-C

**DATE:** JAN 2022

**DESIGN BY:** J.C. WEIDEMAN, P.A.

**PROJECT NUMBER:** JC6007/102

**SCALE:** AS INDICATED

**SHEET SIZE:** A2

**DATE:** JAN 2022

**PROJECT LOCATION:** STREATHFIELD AND Wm PALMER DRIVE/AND TITLE

**ARCHITECTURAL FIRM:** J.C. WEIDEMAN, P.A.

**CONTACT:** J.C. WEIDEMAN, P.A.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR RELAXATION OF TITLE DEED: ERF 1879, PRINGLE BAY  
(4235/2022)**

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 1879, Pringle Bay, unobstructed.

*p.p. R. Coetzee*  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

*21/02/2023*  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**17. PORTION 132 OF THE FARM HANGKLIP NO. 559, DIVISION CALEDON,  
OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: SMART  
SOLUTION ARCHITECTURE & ARCHITECTURAL CONSULTANTS ON  
BEHALF OF ALM VAN ZUYDAM**

**KHANG 132/ 559 (4465/2023)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**26 March 2024**

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**EXECUTIVE SUMMARY**

An application was received on 29 August 2023 from Smart Solution Architecture & Architectural Consultants on behalf of ALM van Zuydam on Portion 132 of the Farm Hangklip No. 559, Division Caledon for a departure in terms of Section 16(2)(b) of the Amended Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to relax the common boundary building line from 30m to 21,906m and 17,304m respectively to accommodate the proposed new outbuildings.

**RESOLUTION**

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Portion 132 of the Farm Hangklip No. 559, District Caledon to relax the common boundary building line from 30m to 21,906m and the common boundary building line from 30m to 17,304m, to accommodate the new proposed outbuildings, **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 site development plan SDP 001 dated 19 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 Departments at that stage, be complied with;
  - (c) that no further departures with regard to the building lines will be considered if not in line with the Zoning Scheme;
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;

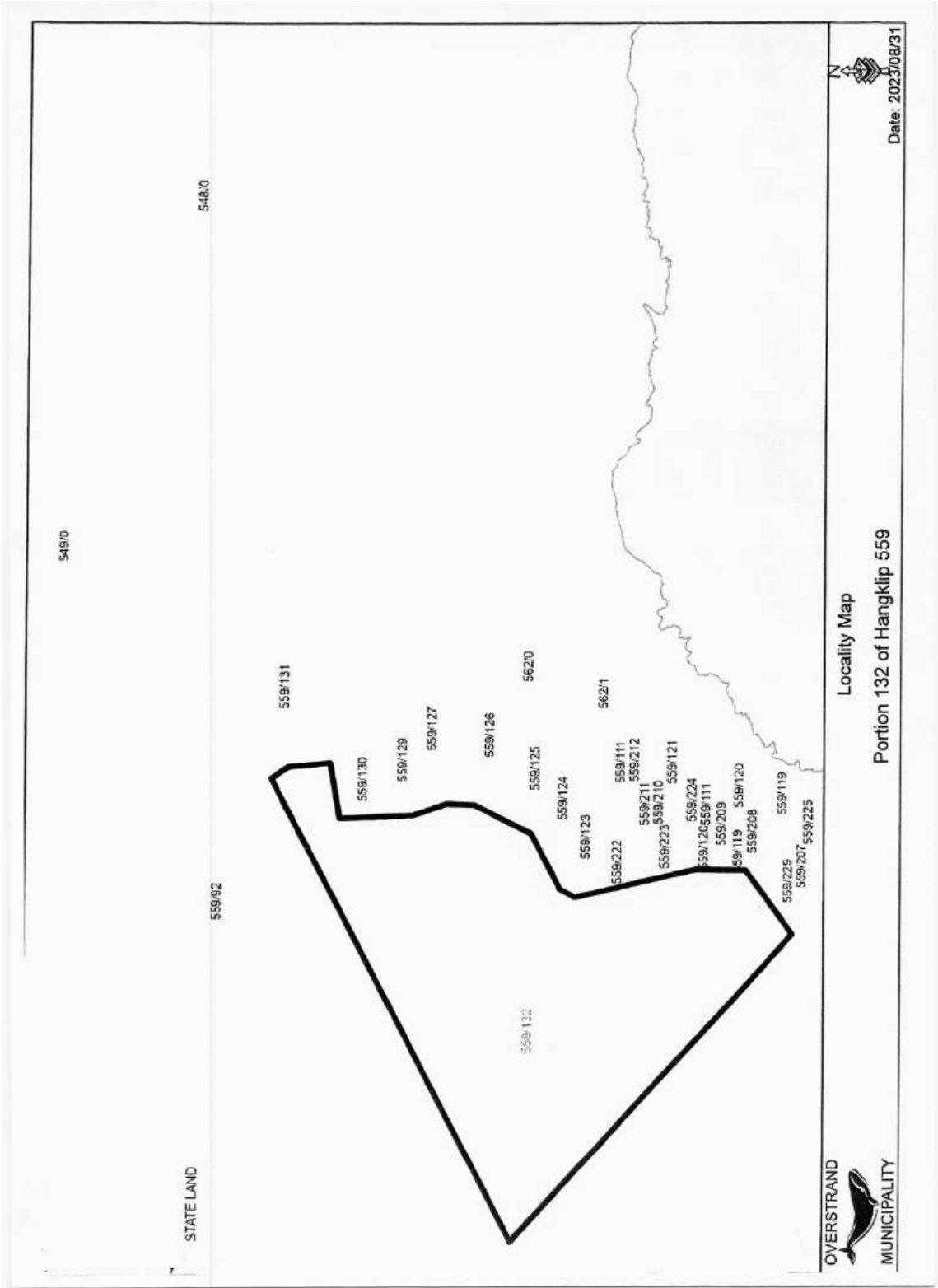
**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

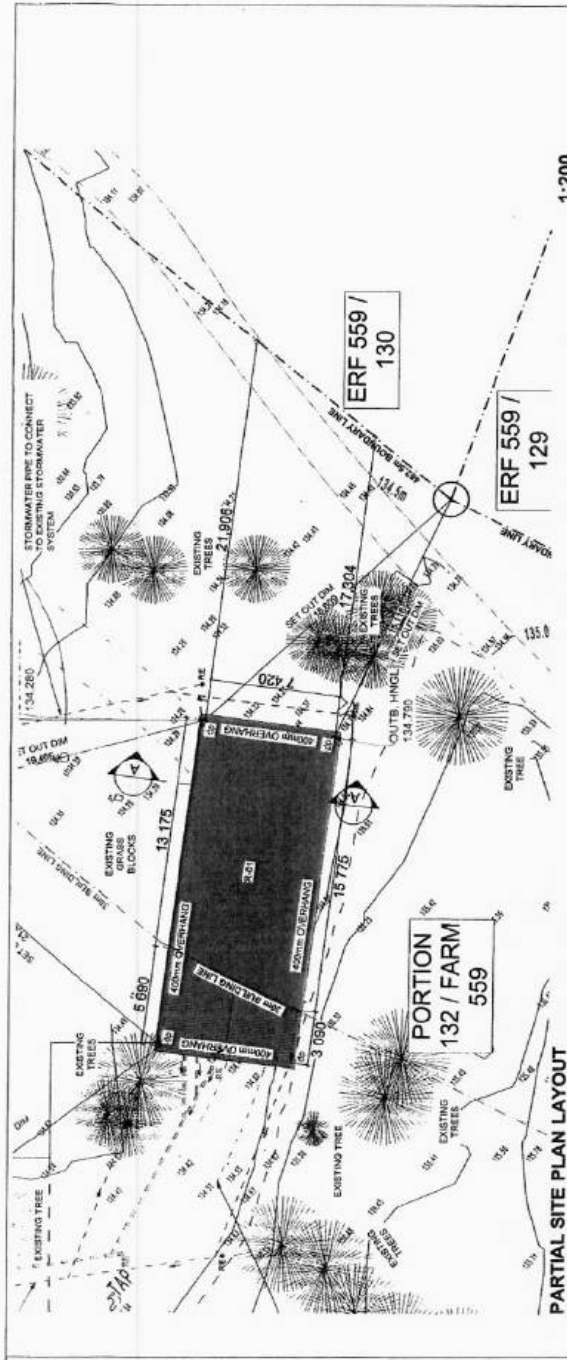
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2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ It is in line with policy documents.
- ❖ No additional access roads required.
- ❖ No removal of indigenous vegetation.
- ❖ Consent provided from affected neighbours.





MUNICIPAL APPROVAL STAMP

**SMART SOLUTION ARCHITECTURE**  
 and Architectural Consultants  
 Members of SACAP / Civ / and Smart  
 Architectural, Environmental and  
 Urban Design  
 Office: 028 025 0018  
 I Smk: 052 879 6748  
 D Sweet: 079 694 1728  
 Mail Collection: 104, Herold & Aards Estate, Hermanus, 7200

PRINT AS  
LANDSCAPE

<b>DWG TITLE:</b> NEW SITE PLAN	<b>DRAWING STAGE:</b> MUNICIPAL SUBMISSION	<b>DEPARTMENT:</b> DEPARTMENT OF MUNICIPAL AFFAIRS
<b>DATE:</b> 20.03.2023	<b>SITE RESTRICTIONS:</b> COMMON BUILDING LINES	<b>HEIGHT RESTRICTIONS:</b> NONE
<b>DRAWN BY:</b> JENNIFER NEL	<b>CHECKED BY:</b> SACAP REG 10147	<b>DRAWING SCALE:</b> AS SHOWN
<b>PROJECT NAME:</b> ZITOGAM	<b>PROJECT ADDRESS:</b> ALM VAN ZITOGAM	<b>DRAWING NO.:</b> 11888805
<b>DESCRIPTION:</b> DEPARTURE APPLICATION	<b>REMARKS:</b> PORTION 132 OF THE FARM HANSHULP 559 HANSHULP SMALLHOLDERS, HANSHULP KLEINHEWEE	<b>REV NO.:</b> 00

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**18.ERF 848, 173 MAIN ROAD, NORTHCLIFF, HERMANUS, OVERSTRAND  
MUNICIPAL AREA: APPLICATION FOR THE AMENDMENT OF THE SITE  
DEVELOPMENT PLAN: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON  
BEHALF OF KEE PROPERTY INVESTMENTS (PTY) LTD**

**848 HNC (4310/2022)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**8 March 2024**

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**EXECUTIVE SUMMARY**

An application was received on 9 December 2022 from Plan Active Town and Regional Planners on behalf of KEE Property Investments (Pty) Ltd for the amendment of the approved site development plan in terms of Section 16 (2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 in order to accommodate the relocation of the existing carwash services from the third floor to the first floor.

**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 for the amendment of the approved site development plan on Erf 848, Hermanus in order to accommodate the relocation of the existing carwash services from the third floor to the first floor, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
  - (a) that the amendments on the property be in line with the Site Development Plan numbers 1.1, 1.2, 1.3, 1.4 and 1.5 dated 3 November 2022 as submitted with the application;
  - (b) that the carwash be limited to the proposed three (3) parking bays that it will occupy;
  - (c) that building plans be submitted for all new buildings to the Building Branch for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
  - (d) that this is not an approval in terms of any other legislation;
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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- (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
  - (g) that all the conditions in the Services Report 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 internal departments have any objection.
- ❖ It is in line with policy documents.
- ❖ No objections were received.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR AMENDMENT OF THE SITE DEVELOPMENT PLAN: ERF  
848, NORTHCLIFF (4286/2022)**

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 stormwater be allowed to discharge through Erf 848, Northcliff, unobstructed;
6. that no on-street parking be allowed.

  
**DENNIS HENDRIKS**  
SENIOR MANAGER:  
ENGINEERING SERVICES

28/03/2023  
DATE

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**19.REMAINDER OF PORTION 11 (NIEUWE POST) OF FARM HEMEL-EN-AARDE NO 587, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE, DEPARTURE AND AMENDMENT OF AN APPROVED SITE DEVELOPMENT PLAN: WRAP PROJECT OFFICE ON BEHALF OF HAYGROVE HEAVEN (PTY) LTD**

**RCAL 11/587 (4429/2023)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**13 March 2024**

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**EXECUTIVE SUMMARY**

An application was received on 30 June 2023 from WRAP Project Office on behalf of Haygrove Heaven (Pty) Ltd on Portion 11 of Farm 587, Hemel-en-Aarde Valley, Division Caledon 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 to allow for a utility service to accommodate a proposed solar installation.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the lateral building line from 30m to 5,64m to accommodate the proposed solar installation and exceed the maximum allowable floor space from 18,7546ha to 18,8626ha.
- ❖ **Amendment of the existing approved Site Development Plan** in terms of Section 16(2)(l) of the By-Law to accommodate a proposed solar installation on the property.

**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 Portion 11 of Farm 587 Hemel-en-Aarde Valley for a consent use to allow for a utility service to accommodate a proposed solar installation, **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 Portion 11 of Farm 587 Hemel-en-Aarde Valley for a departure to relax the lateral building line from 30m to 5,64m to accommodate the proposed solar installation, **be approved**, in terms of the provisions of Section 61 of the By-Law;

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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3. that the application in terms of Section 16(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 11 of Farm 587 Hemel-en-Aarde Valley for a departure to exceed the maximum allowable floor space from 18,7546ha to 18,8626ha, **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(l) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 11 of Farm 587 Hemel-en-Aarde Valley to amend the existing approved Site development plan, to accommodate the proposed solar installation on the property, **be approved**, in terms of the provisions of Section 61;
5. that the approvals in Points 1 – 4 above, be subject to the following conditions:
  - (a) that this approval is only for the new developed as indicated on the amended Site Development Plans dated June 2023, 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 this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (d) that there be compliance with all relevant Health and Fire Regulations;
  - (e) that all the conditions in the Services Report be complied with;
  - (f) that all the conditions of BGCMA be complied with;
  - (g) that all the conditions of Eskom be complied with, and
  - (h) that all the conditions imposed by Telkom be complied with.
6. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.



**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

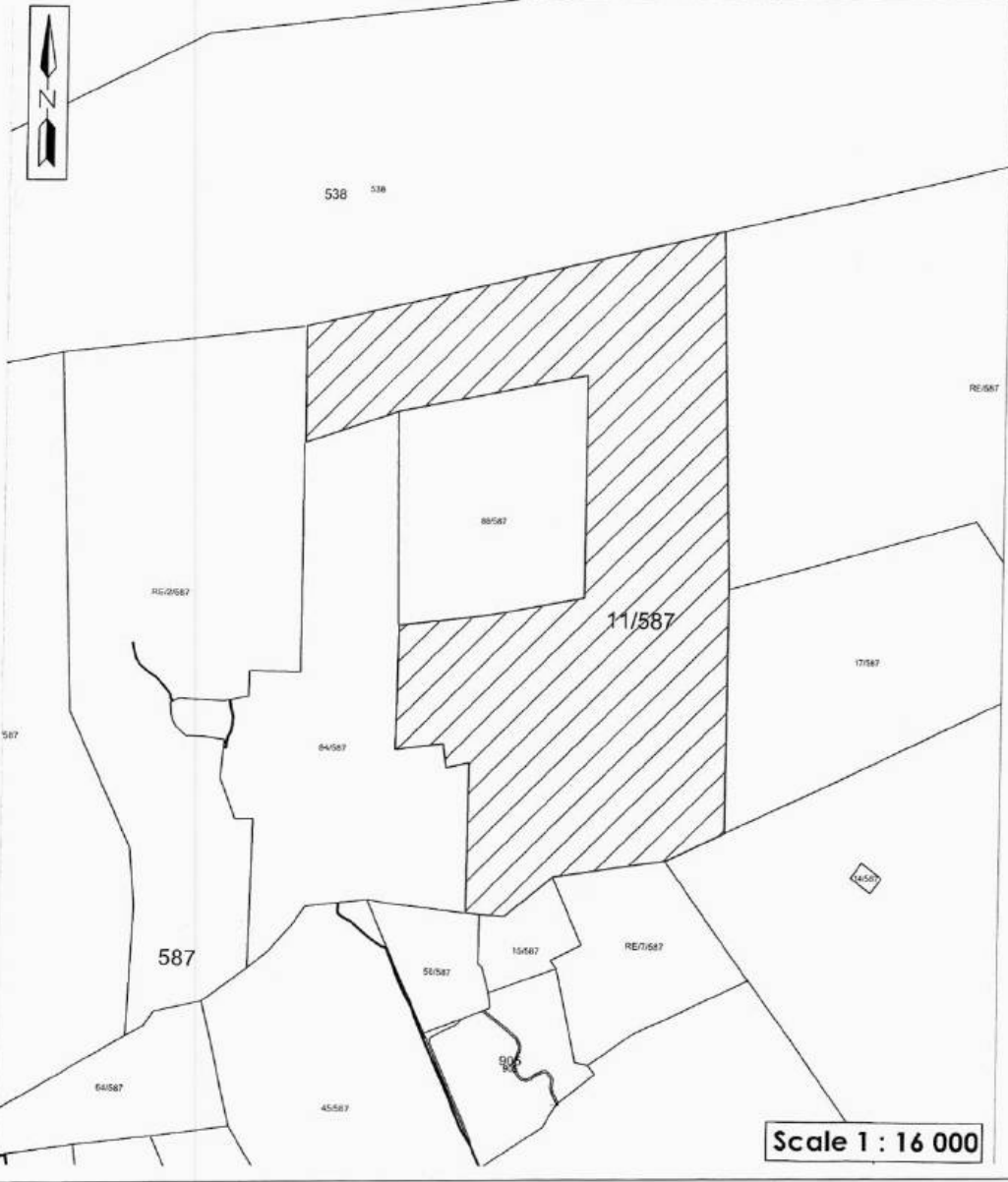
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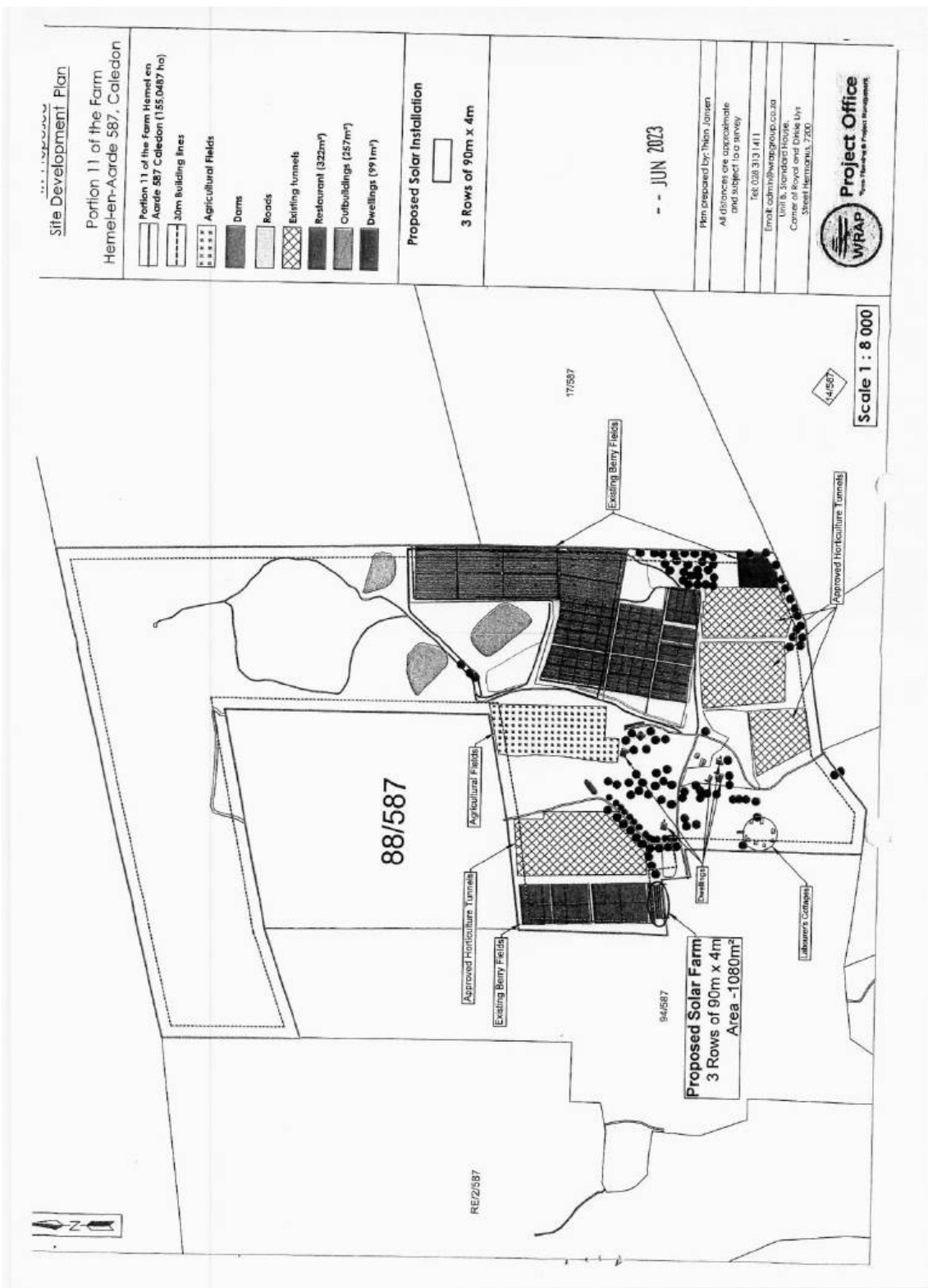
**REASONS FOR RESOLUTION**

- ❖ 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.
- ❖ The application is in line with the general principles of LUPA and SPLUMA in that solar panels will provide clean, constant, affordable energy to the farm which will also make farming activities more sustainable and efficient.
- ❖ The placement of the solar panels will be as such that it will face north, will be situated behind the existing pack store and a wind break, and should not have a major visual impact or major glare.
- ❖ The application will not have a negative effect on the character of the area or impact on other farming activities, and is desirable.

**1. Locality Plan**  
**Portion 11 of the Farm Hemel-en-Aarde 587, 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 Dikie Uys Street Hermanus, 7200
	





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE, DEPARTURE AND AMENDMENT OF  
AN APPROVED SITE DEVELOPMENT PLAN: REMAINDER PTN 11 OF  
THE FARM 587, HAYGROVE HEAVEN (4429/2023)**

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

**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, BOCMA etc.) for the use of any other water resources and the extraction thereof;
3. that, as there is currently no municipal sewer network in the vicinity, Portion 11 of Farm 587 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services (Hermanus), and to which the sewer services on the development must connect to;
4. that stormwater discharged from higher lying properties and generated in the catchment area of Portion 11 of Farm 587 be allowed to drain freely through the property;
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 access can be obtained via the existing access routes(s) to Portion 11 of Farm 587. No additional and / or extended vehicle entrances may be created without approval of the Provincial Roads Engineer.

  
DENNIS HENDRIKS  
SENIOR MANAGER: ENGINEERING SERVICES

  
DATE

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**20.ERF 4584, 13 CHIAPPINI STREET, ONRUSTRIVIER, OVERSTRAND  
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND  
DETERMINATION OF ADMINISTRATIVE PENALTY: ZE KRUGER**

**4584 HON (4442/2023)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**14 December 2023**

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**EXECUTIVE SUMMARY**

An application has been received on 24 July 2023 from ZE Kruger in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4584, 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 street building line from 4m to 0m and the western lateral building line from 2m to 0,92m to accommodate an existing carport.
- ❖ **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 unauthorized encroachments of the carport over building lines on the property.

**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 4584, Onrustrivier for a departure to relax the street building line from 4m to 0m and the western lateral building line from 2m to 0,92m to accommodate an existing 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 departure of building lines and is not an approval in terms of any other legislation;
  - (b) that the approval for the departure is only for the development over for the building lines as indicated on plan number PN16/02 dated July 2023, submitted with the application;

**AGENDA of the  
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- (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
  - (d) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
  - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (f) that all other development parameters as prescribed in the relevant Zoning 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, and
  - (i) that the conditions imposed by Eskom 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 4584, Onrustvrievier for the unauthorized encroachments of the carport over building lines on the property was considered and that an administrative penalty of R802,70 (including VAT), be imposed which penalty must be paid within thirty (30) days from the final date of the decision of the application.
  3. 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 conditions of approval.

## **REASONS FOR RESOLUTION**

### **POINTS 1 & 2**

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ The objection received relates mostly to impact on traffic flow, but the carport is within the property boundaries with no impact on traffic.
- ❖ A carport over street and lateral building lines is part of the residential fabric, and there is already an existing garage and shade port constructed on adjacent properties which is over the street building line.
- ❖ The existing carport does not impact on the street scape or the character of the area.

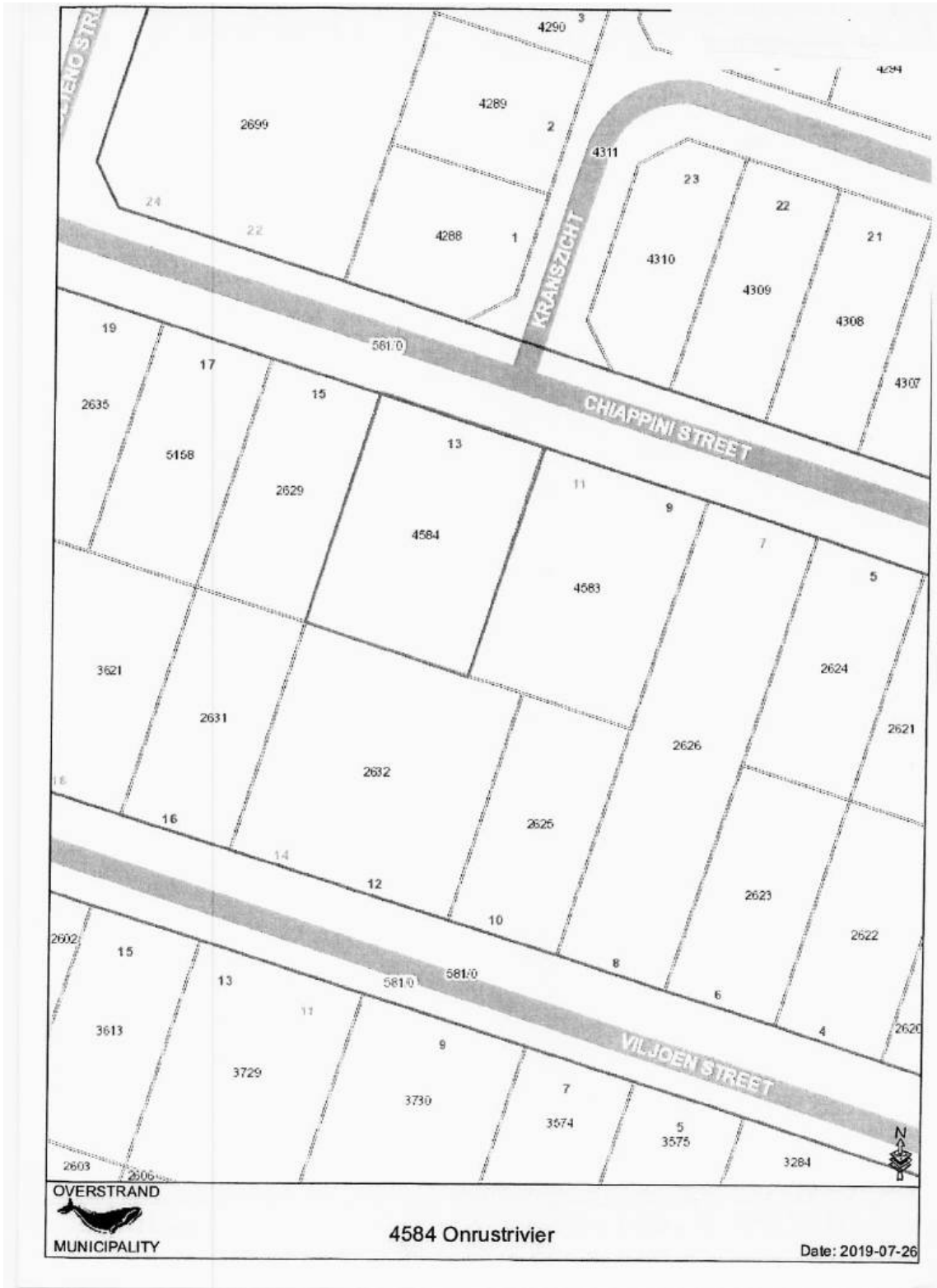
**AGENDA of the  
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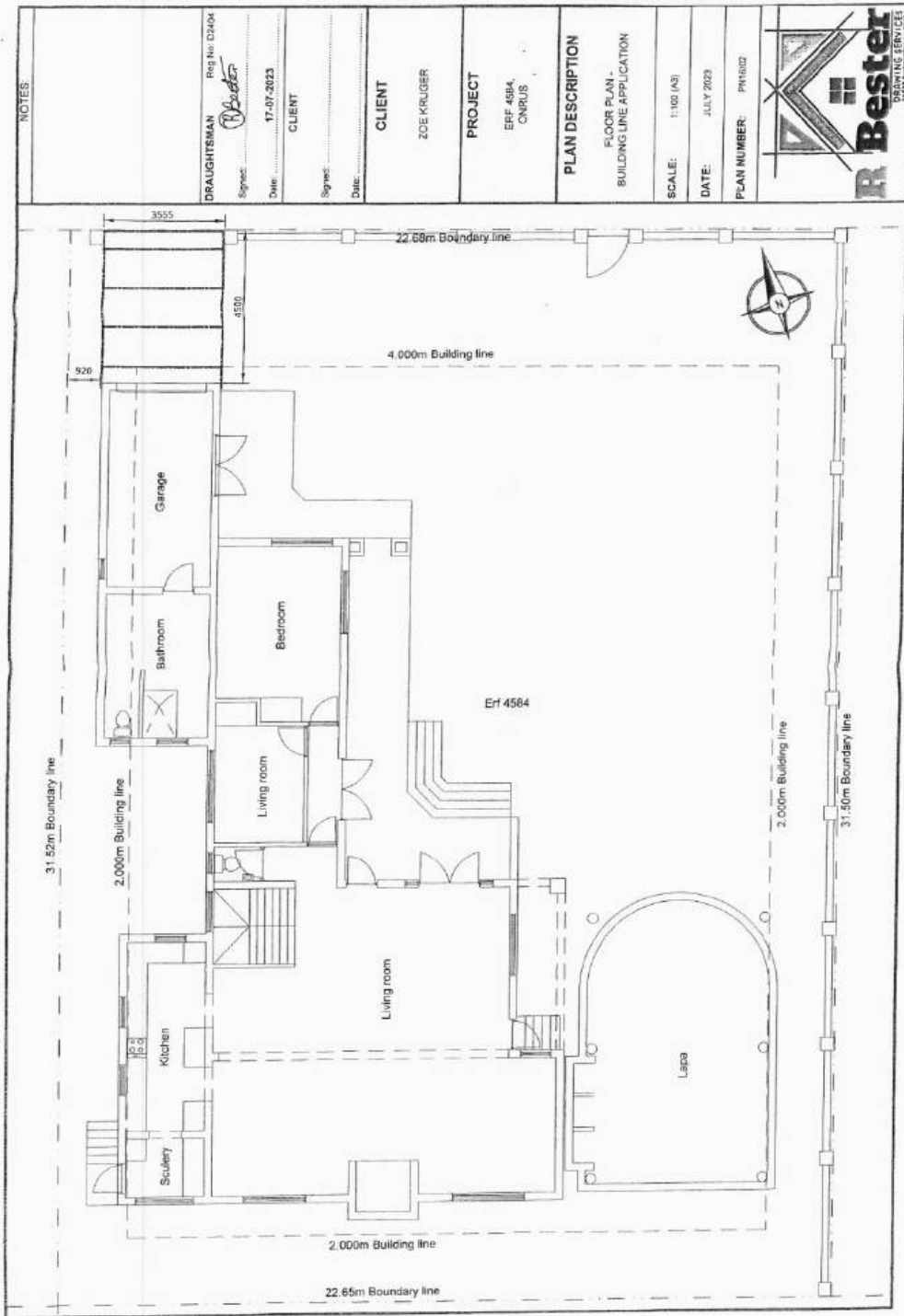
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- ❖ The carport provides safe parking for a vehicle, and it is more efficient to legalize the carport than to demolish it.
- ❖ The application does not have a negative impact on neighbours and or have changed the character of the area and is desirable.

**POINT 3**

- ❖ The existing landowner constructed the carport illegally two (2) years ago.
- ❖ The landowner indicated that she was uninformed that she had to submit a building plan for a carport.
- ❖ The landowner should have consulted with the Municipality before starting such construction work. An administrative penalty fee is thus imposed for these encroachments.
- ❖ The fact that it is encroachments of a minor structure, being a carport, was duly considered in determining the administrative penalty fee.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 4584, ONRUS RIVER (4442/2023)**

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

**Conditions:**

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

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

  
DATE

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**21.ERF 3583, 5 HILLSIDE CRESCENT, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF BETHULIE PROPERTY TRUST**

**3583 HON (4526/2023)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**18 March 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 20 November 2023 from Plan Active Town and Regional Planners on behalf of Bethulie Property Trust on Erf 3583, 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 street building line from 4m to 2,65m to accommodate a lean to roof for solar panels to be affixed to.

**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 3583, Onrustrivier for a departure to relax the street building line from 4m to 2,65m to accommodate a lean to roof for solar panels to be affixed to, **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 departure of building lines and is not an approval in terms of any other legislation;
  - (b) that the approval for the departure is only for the development over for the building lines as indicated on plans numbers CO1 to CO3 dated 15 September 2023, 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 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 applicant from compliance with any other relevant legislation;
  - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;

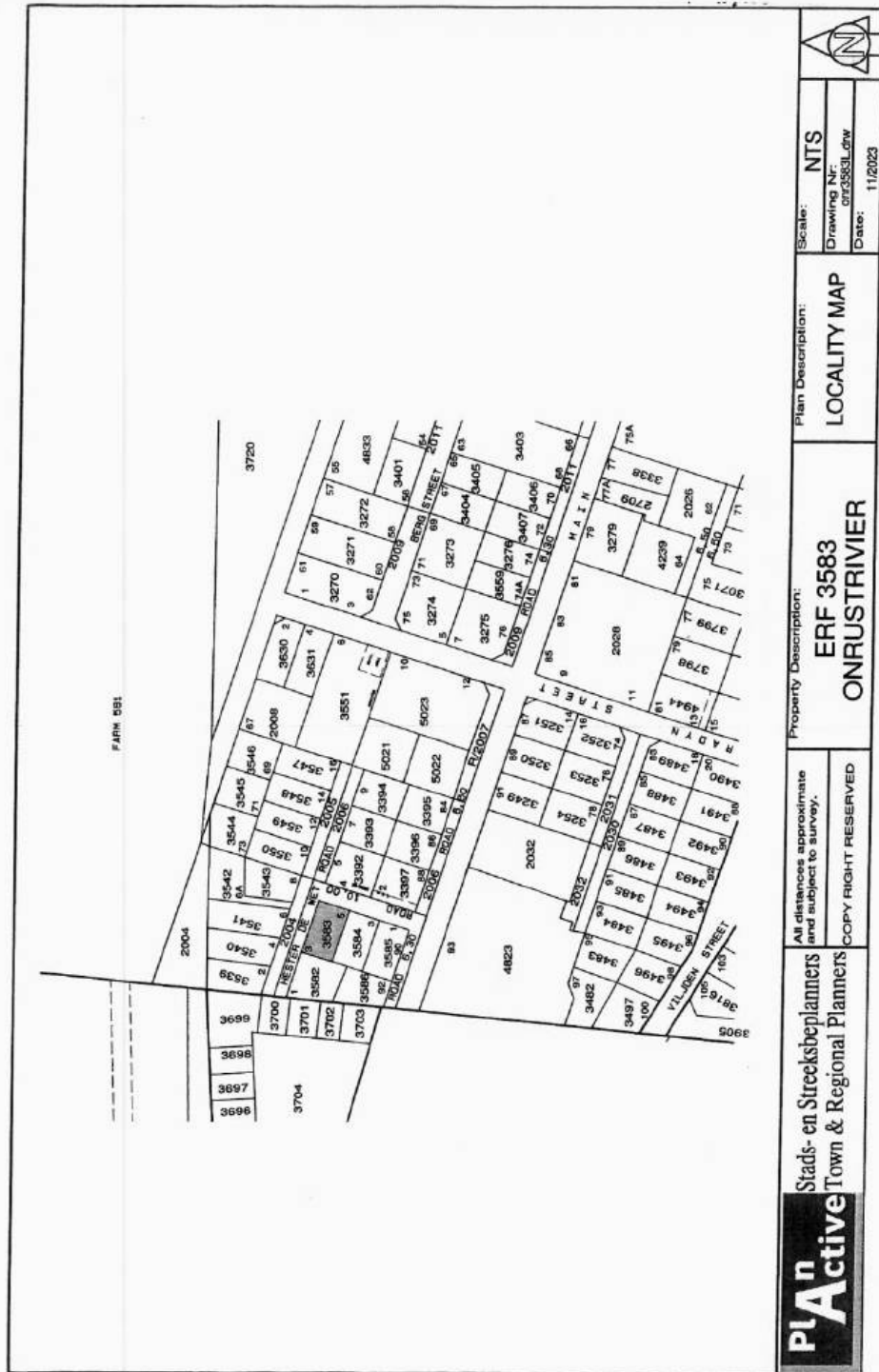
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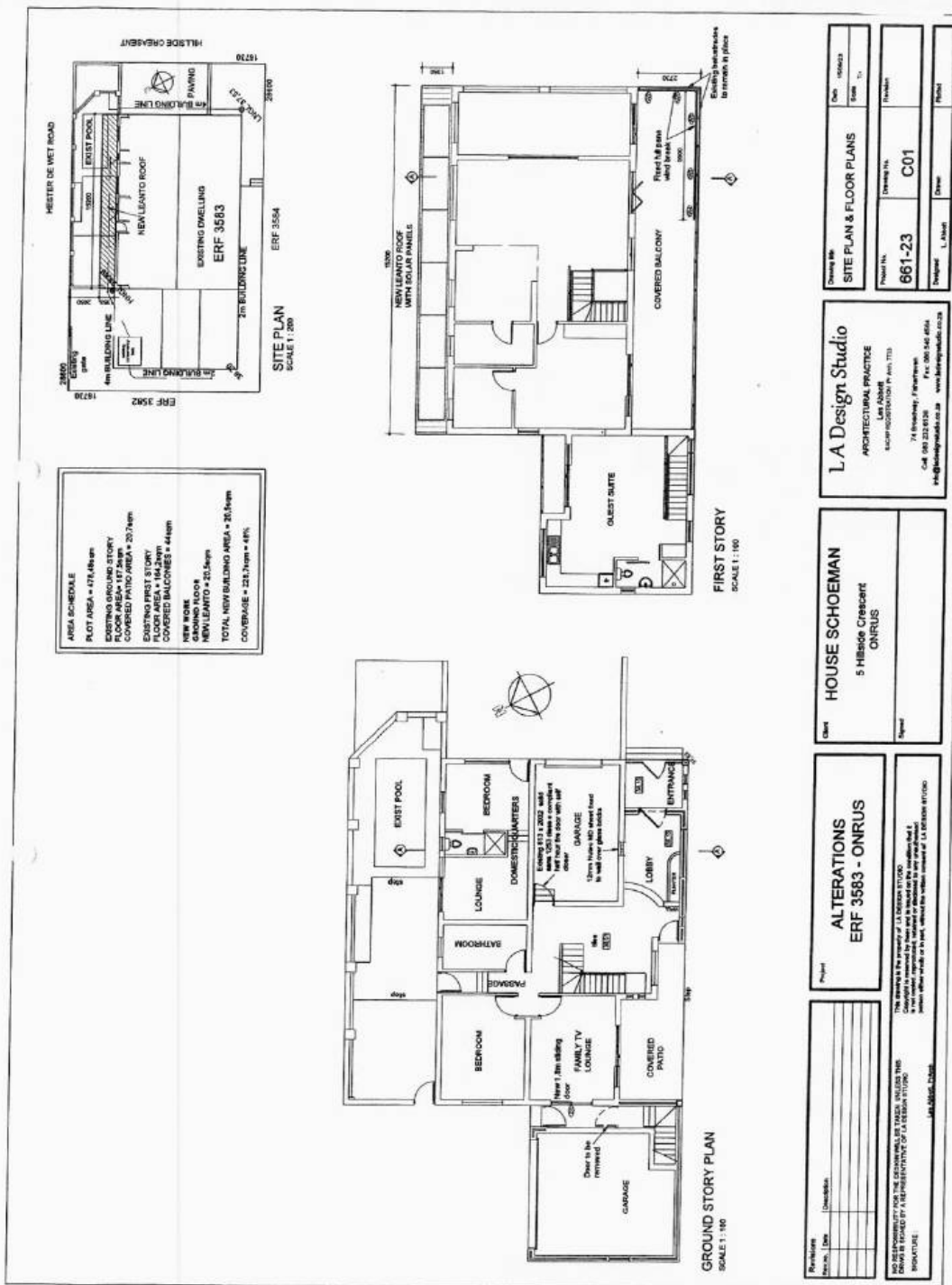
- (g) that all the conditions in the Services Report be complied with;
  - (h) that the conditions imposed by Telkom be complied with, and
  - (i) that any conditions that may be imposed by Eskom be complied with.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

#### **REASONS FOR RESOLUTION**

- ❖ In terms of the Overstrand Land Use Scheme a “dwelling house” is not a primary right under the zoning status of the property. In addition, the definition of a second dwelling unit as set out in the land use scheme, does not allow for the construction of a second dwelling unit on a land unit where a dwelling house is not (primarily) permitted. Thus, the desirability of the application for a second dwelling unit on the subject property can therefore not be evaluated as a consent use of a “dwelling house” since it would technically be in contradiction with the primary rights of the property.
- ❖ Regardless the above the group house erven within the development have already been developed with only one dwelling unit per erf and should second dwelling units be allowed within the town house development it would ultimately alter the current aesthetical and architectural character of the development significantly.



<b>Plan Active</b> Stads- en Strecksbeplanners Town & Regional Planners	All distances approximate and subject to survey.		Property Description: <b>ERF 3583          ONRUSTRIMIER</b>	Plan Description: <b>LOCALITY MAP</b>	Scale: <b>NTS</b> Drawing Nr: <b>onr3583Ldw</b> Date: <b>11/2023</b>
	COPY RIGHT RESERVED				



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 3583, ONRUS RIVER (4526/2023)**

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

**Conditions:**

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

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

  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**22.REMAINDER OF ERF 13, 1 KUS WEG, VAN DYKSBAAI: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF J & L FOURIE**

**13 GKB (4402/2023)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**13 March 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 30 May 2023 from Messrs PlanActive Town and Regional Planners on behalf of J & L Fourie applicable to Remainder of Erf 13, Van Dyksbaai for the following:

- ❖ **Removal 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 (By-Law) for the removal of restrictive title deed condition i(b) and (d) as contained in the Title Deed T9389/2014 to accommodate the existing and proposed additions to the property;
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law for the following:
  - ❖ to relax the eastern lateral building line from 2m to 1.182m, to accommodate the existing en-suite bathroom of bedroom no. 1 on ground floor level;
  - ❖ relaxation of the southern street building line:
    - from 4m to 0m and 2.295m respectively, to accommodate the “As Built” timber balcony on ground floor level;
    - from 4m to 3.48m, to accommodate the existing dwelling (sunroom) on ground floor level;
    - from 4m to 3.674m, to accommodate the existing braai chimney on ground floor level;
    - from 4m to 3.48m and 3.674m respectively, to accommodate the existing servant’s quarters (maid’s room and toilet) on lower ground floor level; and
    - from 4m to 2.643m, to accommodate the proposed new staircase on ground floor level;
  - ❖ relaxation of the south-western street building line:
    - from 4m to 2.182m, to accommodate the proposed new staircase on ground floor level;
    - from 4m to 2.912m, to accommodate the proposed new timber balcony on ground floor level; and

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- from 4m to 3.704m, to accommodate the proposed new timber balcony on first floor level.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the above-mentioned By-Law in order to accommodate the existing structures.

**RESOLUTION**

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law, applicable to Remainder of Erf 13, Van Dyksbaai, for the removal of restrictive title deed conditions i(b) and (d) as contained in Title Deed No: 9389/2014, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application, applicable to Erf 13, Van Dyksbaai, in terms of Section 16(2)(b) of the By-Law to relax the following:
  - ❖ the eastern lateral building line from 2m to 1.182m, to accommodate the existing en-suite bathroom of bedroom no. 1 on ground floor level;
  - ❖ the southern street building line:
    - from 4m to 0m and 2.295m respectively, to accommodate the “As Built” timber balcony on ground floor level;
    - from 4m to 3.48m, to accommodate the existing dwelling (sunroom) on ground floor level;
    - from 4m to 3.674m, to accommodate the existing braai chimney on ground floor level;
    - from 4m to 3.48m and 3.674m respectively, to accommodate the existing servant’s quarters (maid’s room and toilet) on lower ground floor level; and
    - from 4m to 2.643m, to accommodate the proposed new staircase on ground floor level;
  - ❖ relaxation of the south-western street building line:
    - from 4m to 2.182m, to accommodate the proposed new staircase on ground floor level;
    - from 4m to 2.912m, to accommodate the proposed new timber balcony on ground floor level; and
    - from 4m to 3.704m, to accommodate the proposed new timber balcony on first floor level.

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

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3. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the unauthorised build work, which encroach the title deed- and scheme building lines, **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 Development Plan 13/LF/23 as submitted with the application;
  - (b) that an administrative penalty of **R 23 755,00** (including VAT) (being 2,5% of the construction cost as determined by the municipality) be payable within sixty (60) days of the decision;
  - (c) that building plans be submitted to the Building Department and all comments from the Building- and Fire Departments be complied with at that stage;
  - (d) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
  - (e) that all the conditions in the Engineering Services Report be complied with;
  - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with, and
  - (g) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
5. 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 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 as the structures already exist.

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(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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- ❖ Vested rights of adjoining properties will not be affected.
- ❖ Consistent with planning principles in terms of LUPA and SPLUMA.



<b>PLAN</b> <b>Active</b>	Stads- en Streekskeplanners Town & Regional Planners	All details approximate and subject to survey.	COPY RIGHT RESERVED	Project Information:	
				ERF 13 VAN DYKSBAAI	Plan Description: LOCALITY MAP
		Scale: 87% Drawing No: 1000000131_02 Date: MAY 2023			



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED  
CONDITIONS, DEPARTURE & DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: REMAINDER ERF 13, VAN DYKSBAAI**

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 13 shall be used to service Erf 13;
2. that the owner is to install a connection point from the sewer conservancy tank, to which the municipal tankers can connect to;
3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
4. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
5. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
6. that any additional and / or extended vehicle entrances will be for the developer's account;
7. that stormwater be allowed to discharge through Erf 13, Van Dyksbaai, unobstructed.

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

*04/08/2023*  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**23.ERF 1023, 13 SEAVIEW DRIVE, FRANSKRAALSTRAND: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND SUBDIVISION: MESSRS TOWN AND COUNTRY ON BEHALF OF HAVEI TRUST**

**1023 GFK (4503/2023)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**28 March 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 17 October 2023 from Messrs Town and Country on behalf of Havei Trust in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 1023, Franskraal for the following:

- **removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law of conditions I.C.4(a) and II.C.20(a) contained in Title Deed T70258/1998 to accommodate the proposed subdivision;
- **subdivision** in terms of Section 16(2)(d) of the By-Law to subdivide Erf 1023, Franskraal into two portions, namely Portion A approximately 595m<sup>2</sup> and a Remainder approximately 595m<sup>2</sup> in extent.

**RESOLUTION**

1. that in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) the application for the removal of restrictive title condition as contained in Title Deed T70258/1998 applicable to Erf 1023, Franskraal, namely conditions I.C.4(a) and II.C.20(a), **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 By-Law into subdivide Erf 1023, Franskraal into two portions, namely Portion A approximately 595m<sup>2</sup> and a Remainder approximately 595m<sup>2</sup> in extent, **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:

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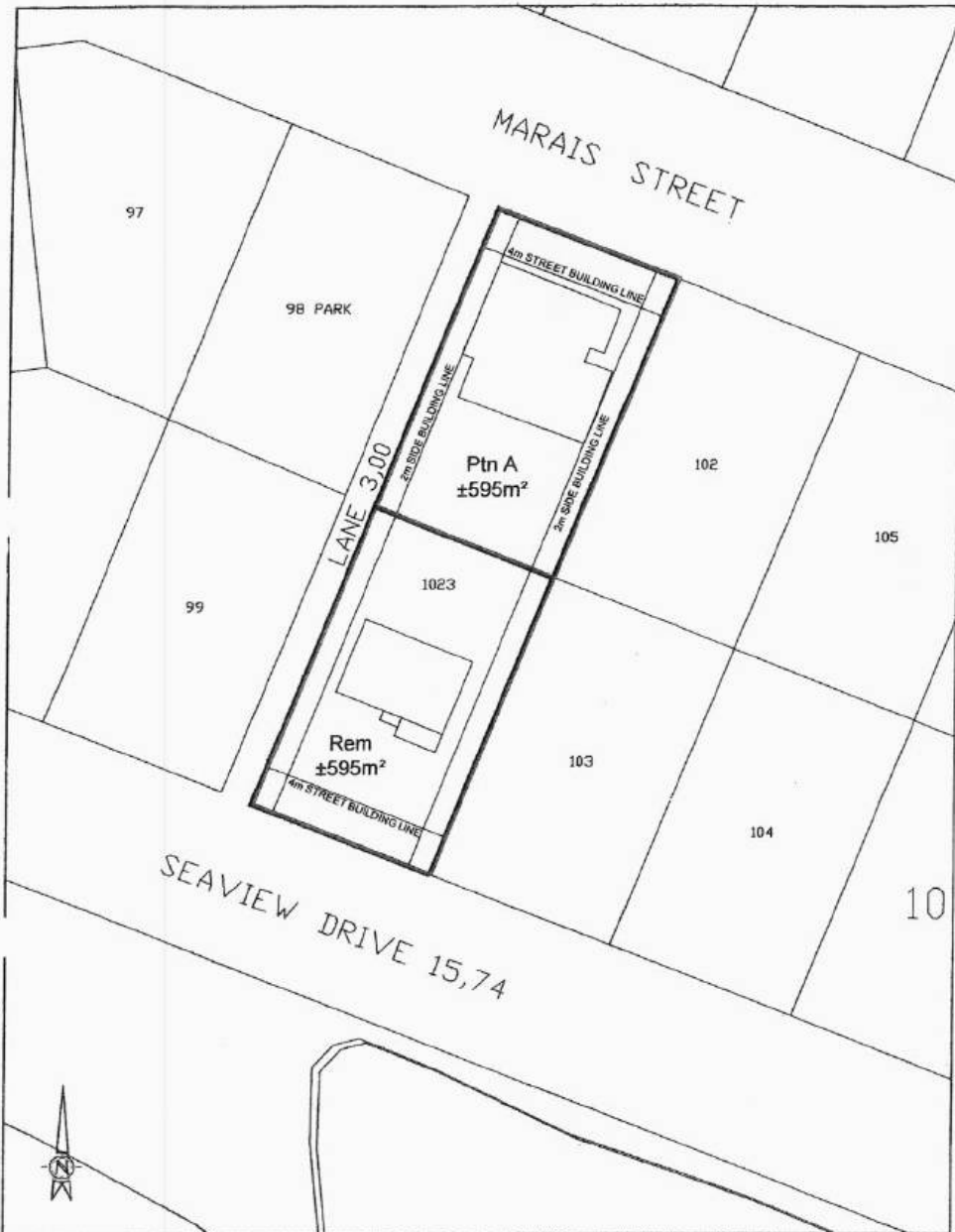
- (a) that the approval is only for the subdivision as indicated on Subdivision Plan, *DWG No. FRA/3057* dated *OCT 2023*, as submitted with the application,
  - (b) that building plans be submitted for any new work done and that the Building Department and Fire Department's comment be complied with at that stage;
  - (c) that all the requirements by Telkom and Engineering Services Report be complied with.
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
  - (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 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.
- ❖ No objections were received.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.
- ❖ The proposal is consistent with the SDF and OMGMS.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.



<b>Town &amp; Country</b> <i>Creative Land Solutions</i> P.O. Box 1085 Bredasdorp 7280 Tel. 028 424 1545 Fax. 028 425 2085 E-mail: towncountry@vodamail.co.za	PROJECT LOCALITY PLAN: ERF 1023 FRANSKRAALSTRAND OVERSTRAND MUNICIPALITY	DRAWN LT	CHECKED LT	
		SCALE 1: 2 000	DATE SEP 2023	
	Note: ALL AREAS AND DISTANCES SUBJECT TO SURVEY	DWG No.	REVISION	



**Town & Country**  
 Creative Land Solutions  
 P.O. Box 1085  
 Bredasdorp  
 7280  
 Tel. 028 424 1545  
 Fax. 028 425 2085  
 E-mail: towncountry@vodamail.co.za

PROJECT  
 SUBDIVISION PLAN: ERF 1023 FRANSKRAALSTRAND  
 OVERSTRAND MUNICIPALITY



DRAWN	CHECKED
LT	LT
SCALE	DATE
1: 500	OCT 2023
DWG No.	REVISION
FRA/3057	
Notes: ALL AREAS AND DISTANCES SUBJECT TO SURVEY	

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS &  
SUBDIVISION: ERF 1023, FRANSKRAALSTRAND**

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 1	=	R 27 598.16
Sewerage	R 18 608.30 x 1	=	R 18 608.30
Roads	R 8 344.32 x 1	=	R 8 344.32
Stormwater	R 9 626.92 x 1	=	R 9 626.92
Solid Waste	R 1 668.44 x 1	=	R 1 668.44
Electricity	R 37 025.00 x 1	=	R 37 025.00
<b>TOTAL (inclusive of VAT)</b>		<b>=</b>	<b>R102 871.14</b>

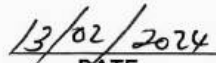
Note:

- 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 1023 that crosses the common boundary of Portion A and the Remainder of Erf 1023 shall be disconnected and sealed off;
3. that both the Remainder and Portion A of Erf 1023 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 and Remainder of Erf 1023 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, Franskraalstrand, unobstructed.

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

  
DATE

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**24.ERF 2064, CORNER OF TRUNK ROAD NO. 28 AND MAIN ROAD  
SANDBAAI, HERMANUS: OVERSTRAND MUNICIPAL AREA:  
APPLICATION TO INCREASE LEASE AREA: TERRAPLAN ASSOCIATES  
(CAPE) ON BEHALF OF PASITASTRAAT EEN EIENDOMME  
PROPRIETARY LIMITED**

**2064 HSB (4522/2023)**

**H Boshoff**

**(028) 313 8900**

**Hermanus Administration**

**8 April 2024**

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**EXECUTIVE SUMMARY**

An application was received on 14 November 2023 from Terraplan Associates (Cape) on behalf of Pasitastraat Een Eiendomme Proprietary Limited, applicable to Erf 2064, Sandbaai, for the following:

- ❖ application for a lease area in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to allow Engen Petroleum Ltd to obtain additional space ( $\pm 317\text{m}^2$ ) within the existing main building on Erf 2064, Sandbaai for storage purposes for the existing “Engin Quick Shop”.

**RESOLUTION**

1. that the application for a lease area in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to allow Engen Petroleum Ltd to obtain additional space ( $\pm 317\text{m}^2$ ) within the existing main building on Erf 2064, Sandbaai for storage purposes for the existing “Engin Quick Shop”, **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 five parking bays that form part of the lease area must at all times be accessible to the public;
  - (b) that should any section of the additional storage space for the shop, as per the 29 November 2023 approved building plans (plan no. 46195), in future be utilised to expand the retail area of the shop, building plans must be submitted to the building department for approval;
  - (c) that no extensions to the existing buildings on the property are allowed without the formal approval of the municipality;

**AGENDA of the  
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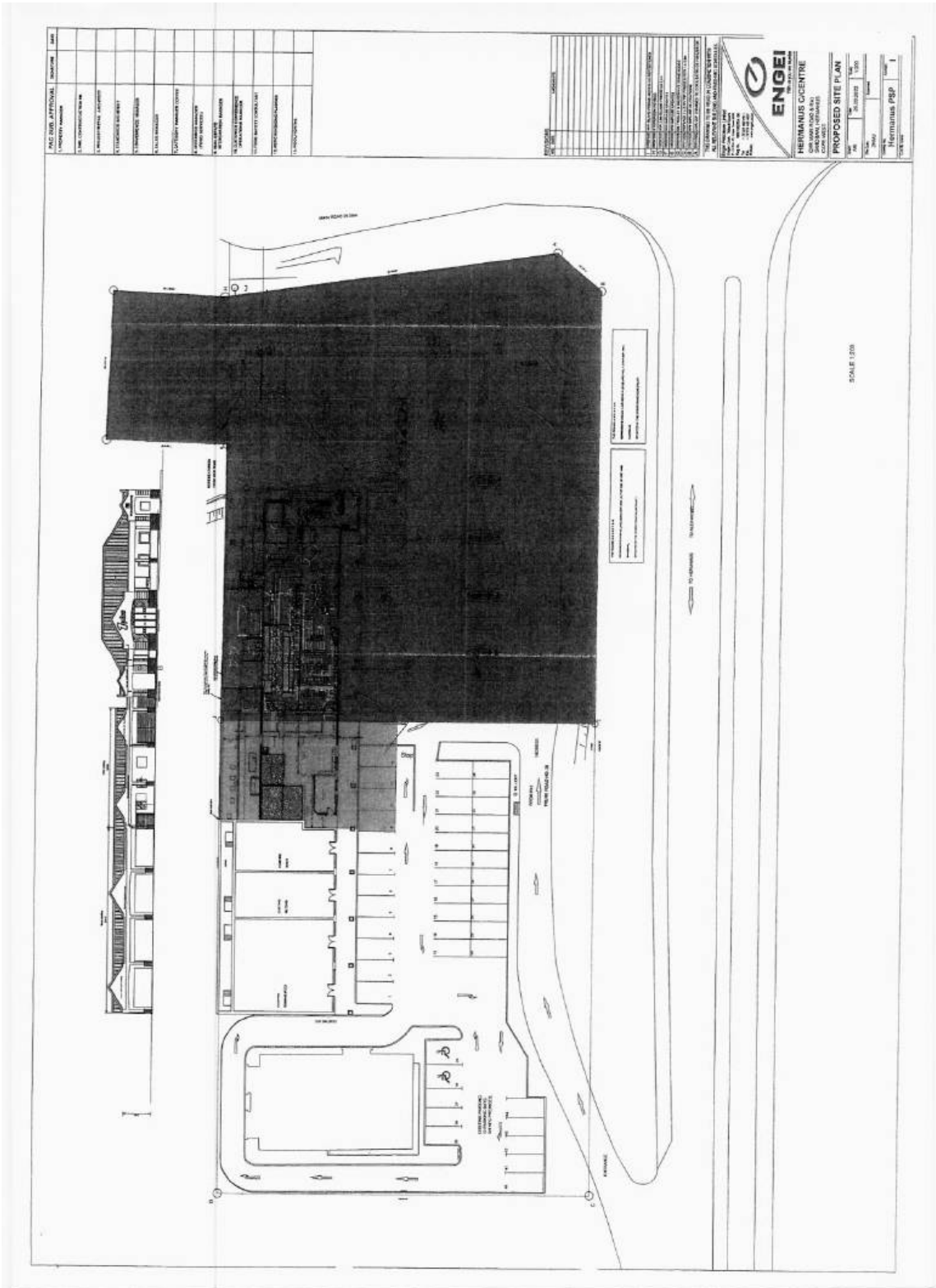
- (d) that this approval does not absolve the applicant/landowners from compliance with any other relevant legislation, and
  - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with.
3. that the applicant be notified of its appeal right in 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.
- ❖ Is not regarded as being undesirable from a town planning point of view.



Project Name:		<b>APPLICATION FOR THE LEASE OF A PORTION ON ERF 2064 SANDBAAL.</b>		 terrapien Town and Regional Planners 200-201 Great Southern Road C/O Warrington and O'Connell Road 3 Barlow Building Dubrovnik 7801
Client:		<b>ENGEN</b>		
Drawing Name:		<b>LOCALITY PLAN</b>		
Drawing No:	E241	Scale:	1:3500	Drawn by: Paul Maize Checked: Tina Scott Date: 10/15/2023



**AGENDA of the  
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**25.ERF 3370, 204 SIXTH STREET AND ERF 8028, 202 SIXTH STREET,  
VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION  
FOR CONSOLIDATION: MESSRS WRAP PROJECT OFFICE ON BEHALF  
OF ADR & M SWISS AND MG & T EYK**

**3370 & 8028 HVK (4590/2024)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**17 April 2024**

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**EXECUTIVE SUMMARY**

An application was received on 23 February 2024 in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) from Messrs WRAP Project Office on behalf of the owners of Erven 3370 and 8028, Voëlklip, Hermanus for the consolidation of the erven to create one erf of approximately 991m<sup>2</sup> in extent.

**RESOLUTION**

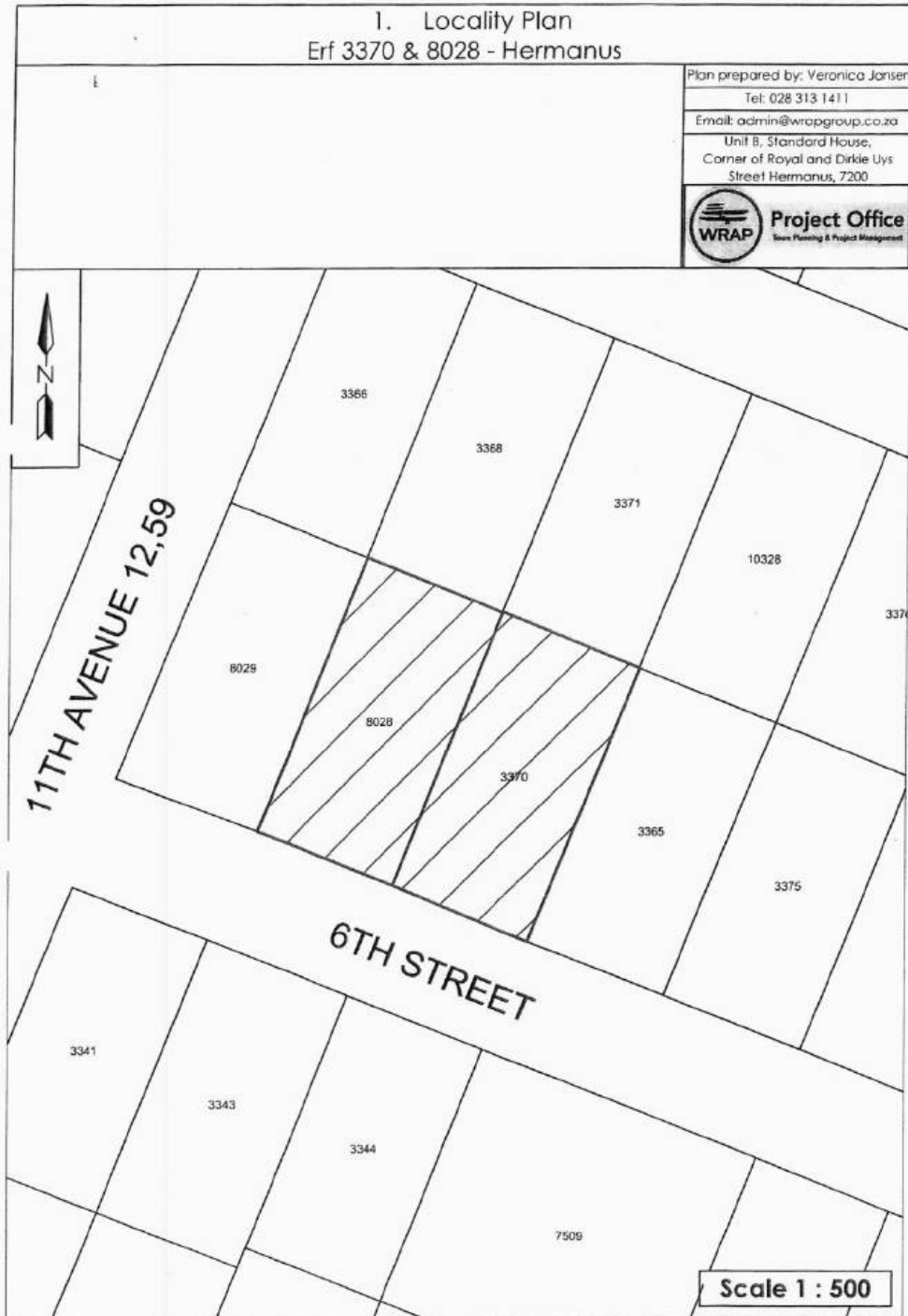
1. that the application for consolidation in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 3370 and 8028, Voëlklip, Hermanus to consolidate the subject properties to create an erf of approximately 991m<sup>2</sup> in extent, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the approval is only for the consolidation as indicated on drawing number *4 Consolidation Plan Erven 3370 and 8028, Hermanus, Plan number 24/15(001)* dated 19/02/2024;
  - (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 be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

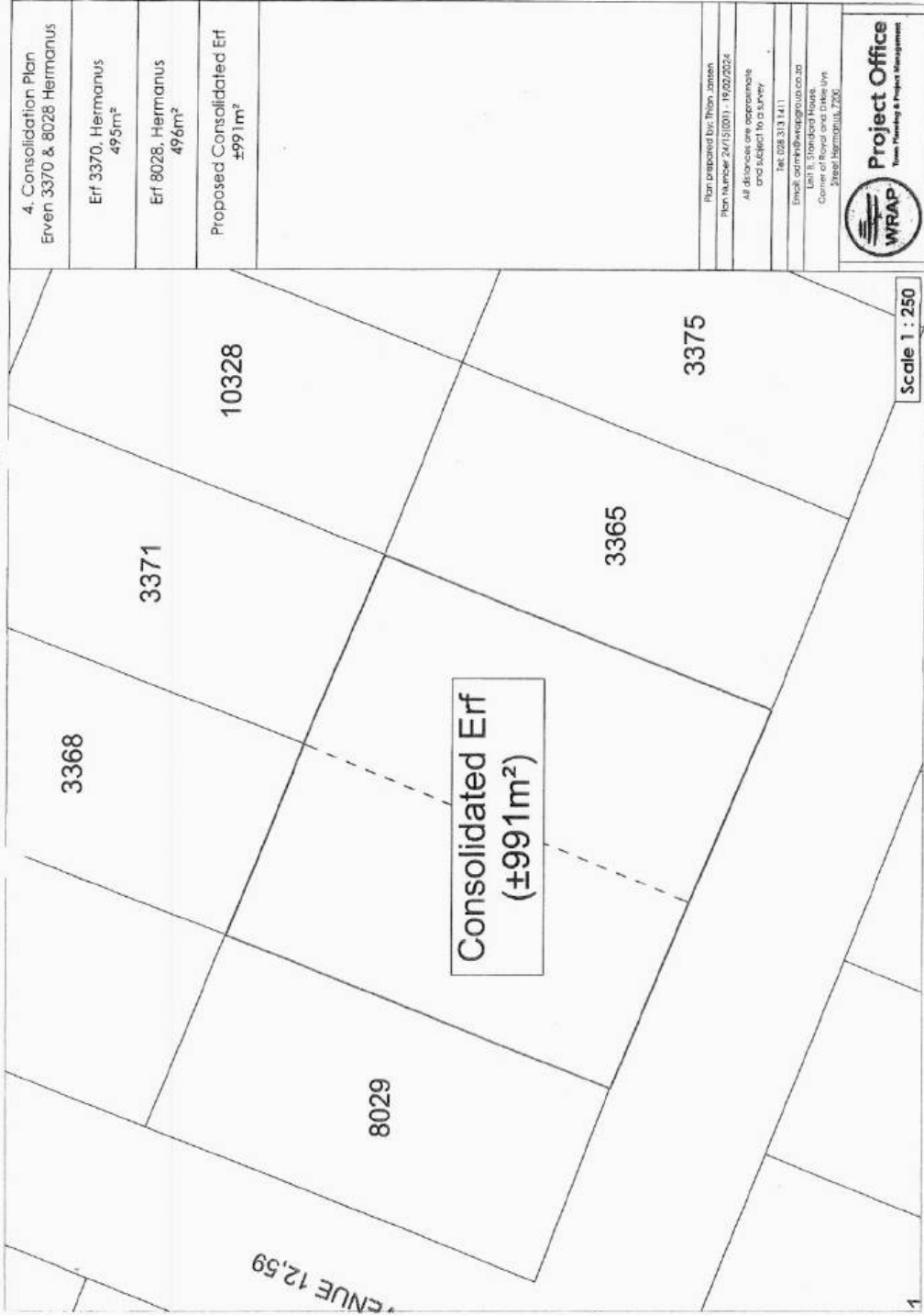
**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
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**REASONS FOR RESOLUTION**

- ❖ 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.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSOLIDATION: ERF 3370 & ERF 8028, 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.

*Dennis Hendriks*  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

12/03/2024  
DATE

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 June 2024  
(Also the agenda for the Mayoral Committee Meeting : 12 June 2024)**

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**MUNICIPAL PLANNING TRIBUNAL**

1. **ERF 349, 10 MAIN ROAD, SANDBAAI: APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS (ON BEHALF OF CB & JA VAN WYK)**

**349 HSB (4188/2022)**

**(H Boshoff)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**03 April 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 28 June 2022 from Messrs PlanActive Town- and Regional Planners on behalf of CB & JA van Wyk in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 349, Sandbaai, for the following:

- **removal of restrictive title deed condition** in terms of Section 16(2)(f) of the By-Law, namely condition B.(2)(d) as contained in Title Deed T5251/2018, to accommodate the existing covered porch at ground floor level and the existing open wooden deck directly above the porch at first floor level, which structures encroach the 4.72m title deed street building line;
- **departure** in terms of Section 16(2)(b) of the By-Law to:
  - relax the street building line from 4m to  $\pm 1.975$ m to accommodate the existing covered porch at ground floor level and the existing open wooden deck/balcony directly above the porch at first floor level; and
  - relax the northern lateral building line from 2m to  $\pm 0.82$ m to accommodate an existing pergola.

The restrictive condition as contained in Title Deed T5251/2018 to be removed, reads as follows:

Clause B.(2)(d)

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*“That no building shall be erected on the above erf or erven within 4.72m of any boundary line between the said erf or erven and any street, road or avenue on which such erf or erven abuts; such space may be used as gardens but shall not be built upon.”*

- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the contraventions as set out in paragraph 1 above.

**RESOLUTION**

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the removal of condition B.(2)(d) as contained in Title Deed T5251/2018 of Erf 349, Sandbaai, to accommodate the existing covered porch at ground floor level and the existing open wooden deck/balcony directly above the porch at first floor level, which structures encroach the 4.72m title deed street building line, **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 relax the street building line of Erf 349, Sandbaai from 4m to  $\pm 1.975$ m to accommodate the existing covered porch and the existing open wooden deck/balcony directly above the porch, **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 northern lateral building line of Erf 349, Sandbaai from 2m to  $\pm 0.82$ m to accommodate an existing open pergola, **be approved** in terms of the provisions of Section 61 of the By-law; and
4. that, in terms of the provisions of Section 90(5) of the By-Law, the applicant/landowners, **not be exempted** of the payment of an administrative penalty for the open wooden deck, but **be exempted** of the payment of an administrative penalty for the covered porch;
5. that the decisions in paragraphs 2, 3, and 4 above be subject to the following conditions:
  - (a) that the administrative penalty determined at 3% of the building costs (as per municipal budget) of the extent of the encroachment, calculated at R8 598,52 (excluding VAT), must be payable within 60 (sixty) days of the final decision of the application;

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- (b) that the wendy house type structure at the southern rear corner of the property that encroach both the lateral and rear building lines, must be moved/relocated outside the building line spaces;
  - (c) that the covered porch and open wooden deck/balcony directly above the porch at first floor level, may not be enclosed in any way whatsoever;
  - (d) that the street boundary wall of the property that is situated in the Main Road reserve, must be relocated to within the property boundaries of the property;
  - (e) that building plans must 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, which plans must be submitted within 60 (sixty) days from the final approval of this application;
  - (f) that all the conditions in the Services Report and Telkom (Open Serve) must be complied with;
  - (g) that all other development parameters as prescribed in the relevant Zoning Scheme; and
  - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
6. that the applicant and the commenters 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 approvals.

## **REASONS FOR RESOLUTION**

### Reasons for approvals

- ❖ The application has followed due procedure.
- ❖ None of the relevant internal or external departments have any objection.
- ❖ The encroachments will not negatively impact on the rights of adjoining property owners, nor does it degrade the neighbourhood in any significant way.
- ❖ It is not out of line with the broader character of the area.

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- ❖ All the erven from Erf 347 up to Erf 355 (to the south) at the end of the residential block has already been developed, and the dwellings are predominantly situated at the front sides of the properties facing in a westerly direction and that significantly minimizes any sea view impacts.
- ❖ The impact on the streetscape of the property and that of surrounding developed properties are insignificant when the 25m wide road reserve of Main Road is taken into consideration.

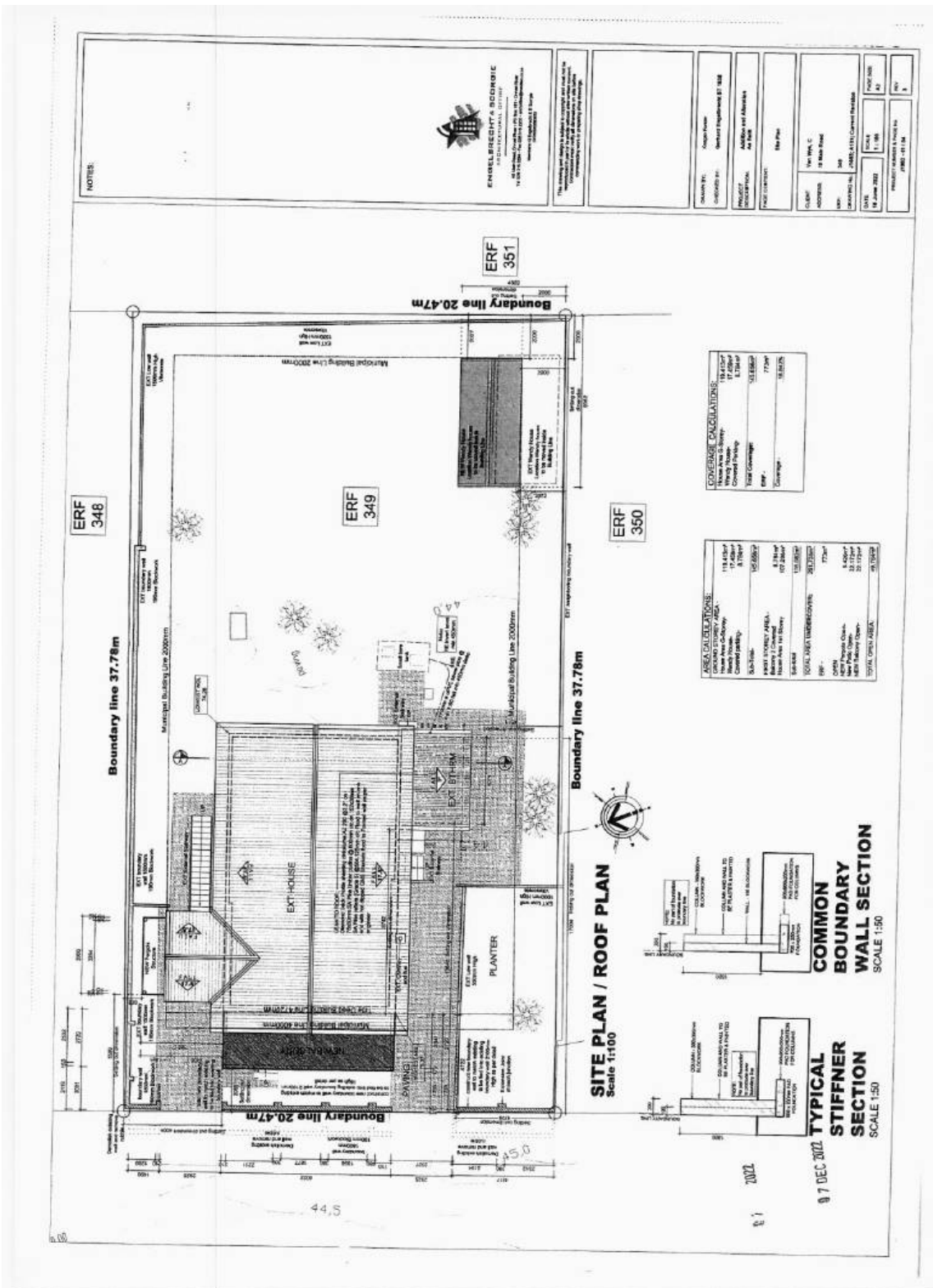
Reasons for the payment of an administrative penalty for the wooden deck

- ❖ The applicant, in its motivation, states that at the time of the purchase of the property, the owners approached the building department of the municipality to view the approved plans of the property. A thorough investigation, however, would have revealed that the structure has actually not been formally approved by the municipality.

Reasons for the exemption of the payment of an administrative penalty for the pergola

- ❖ From records it is evident that the current landowners are not responsible for the construction of the pergola.
- ❖ No formal complaints from surrounding property owners could be traced on town planning records pertaining to the pergola.
- ❖ Due to fact that the pergola mainly consists of five wooden poles/planks, being unenclosed, uninhabitable, unroofed, a see-through structure, and small in extent, it is the opinion that it has a very low overall impact/significance that does not justify the payment of an administrative penalty.
- ❖ The points of comments received are predominantly aimed at the wooden deck and not the pergola.





NOTES:



ENDELBERT'S BOONIC  
ENGINEERING PTY LTD  
18/188 BIRCH ST, BIRCHMOUNT QLD 4074  
PH: 07 5500 1111  
WWW.ENDELBERTSBOONIC.COM

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CLIENT: **Angelo Brown**  
DESIGNED BY: **Gerard Engelberts ET 188**  
PROJECT: **Angelo and Alexandra**  
PROJECT LOCATION: **188 Birch St**  
PROJECT NUMBER: **188 Birch St**

DATE: **18 Nov 2022**  
SCALE: **A3**  
PAGE: **01**  
PROJECT NUMBER: **188 Birch St**  
PROJECT NAME: **188 Birch St**

**COVERAGE CALCULATIONS**

Wing Area	17.23m <sup>2</sup>
Roof Area	13.85m <sup>2</sup>
Ground Coverage	31.08m <sup>2</sup>
Total Coverage	77.2m <sup>2</sup>
Site Area	18.82m <sup>2</sup>
Coverage	409%

**AREA CALCULATIONS**

Site Area	18.82m <sup>2</sup>
Roof Area	13.85m <sup>2</sup>
Wing Area	17.23m <sup>2</sup>
Ground Coverage	31.08m <sup>2</sup>
Total Coverage	77.2m <sup>2</sup>
Site Area	18.82m <sup>2</sup>
Coverage	409%

**SITE PLAN / ROOF PLAN**  
Scale 1:100

**COMMON BOUNDARY WALL SECTION**  
SCALE 1:50

**TYPICAL STIFFNER SECTION**  
SCALE 1:50

07 DEC 2022

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,  
DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF  
349, SANDBAAI (4188/2022)**

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 349, Sandbaai, unobstructed;
7. that no on-street parking be allowed.

*D.P. Hendriks*  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

*02/03/2023*  
**DATE**