

**AGENDA of the
Portfolio Committee : Investment, Infrastructure & Tourism
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

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 29 June 2023 – 29 August 2023:

- | | | |
|-----|---|----------------|
| 1. | Erf 2424, 14 McFarlane Street, Onrustrivier, Hermanus | 29 June 2023 |
| 2. | Erf 3003, 21 Palmiet Road, & Erf 3051, 6 Neethling Street, Kleinmond | 29 June 2023 |
| 3. | Erf 2275, 77 Ninth Street, Voëlklip, Hermanus | 03 July 2023 |
| 4. | Erf 4641, 7 Fifth Avenue, Kleinmond | 03 July 2023 |
| 5. | Erf 2056, 85 Chiapini Street, Onrustrivier, Hermanus | 03 July 2023 |
| 6. | Erf 4174, (A Portion Of Erf 4173), 12 Village Lane, Hemel & Aarde Village, Onrustrivier, Hermanus | 06 July 2023 |
| 7. | Erf 728, 10 Dirkie Uys Street, Northcliff, Hermanus | 06 July 2023 |
| 8. | Erf 12313, 233 Eleventh Street, Voëlklip, Hermanus | 06 July 2023 |
| 9. | Erf 477 and Remainder Erf 65, Church Street, Hawston, Hermanus | 10 July 2023 |
| 10. | Erf 4286, Onrus Manor, Chanteclair Drive, Onrustrivier, Hermanus | 19 July 2023 |
| 11. | Erf 569, 16 Marine Drive, Hermanus | 20 July 2023 |
| 12. | Erf 904, 33 Mitchell Street, Hermanus | 21 July 2023 |
| 13. | Erf 7031, 226 Ninth Street and Erf 7032, 228 Ninth Street, Voëlklip, Hermanus | 24 July 2023 |
| 14. | Erf 9823, 61 Marine Drive, Hermanus | 25 July 2023 |
| 15. | Erf 7795, 2 Lobelia, Thirteenth Avenue, Kleinmond | 31 July 2023 |
| 16. | Erf 260, 284 and Remainder Erf 295, Westcliff, Hermanus | 31 July 2023 |
| 17. | Erf 21816, 229 Eleventh Street, Voëlklip, Hermanus | 02 August 2023 |
| 18. | Erf 997, 1 McFarlane Street, Hermanus | 06 July 2023 |

**AGENDA of the
Portfolio Committee : Investment, Infrastructure & Tourism
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 27 July & 24 August (Special MPT) 2023:

1. Erf 4419, 9 Main Road, Northcliff, Hermanus 27 July 2023
2. Erf 2820, Corner of Main Road & Jimmy Smith Street, 24 August 2023
(Sandbaai Community Hall), Sandbaai, Hermanus
3. Portion 23 of the Farm Uylenkraal No. 695 24 August 2023
(Strandskloof)

RESPONSIBLE OFFICIAL :

L TAYLOR

TARGET DATE FOR IMPLEMENTATION :

26 SEPTEMBER 2023

**AGENDA of the
Portfolio Committee : Investment, Infrastructure & Tourism
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

1. ERF 2424, 14 MCFARLANE STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: BOLAND PLAN TOWN AND REGIONAL PLANNERS ON BEHALF OF THE TRUSTEES IN TIME OF KRIGE LE ROUX FAMILY TRUST

2424 HVM (4247/2022)

H Olivier

(028) 313 8900

Hermanus Administration

10 May 2023

EXECUTIVE SUMMARY

An application was received on 16 September 2022 from Boland Plan Town & Regional Planners on behalf of The Trustees in time of Krige le Roux Family Trust on Erf 2424, Onrust River for the following:

- ❖ **Departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:
 - To relax the eastern lateral building line from 2m to 1,11m to accommodate the encroachments of the new first floor, alterations on the existing ground floor of the dwelling and a new second dwelling.
 - To relax the western lateral building line from 2m to 1,4m to accommodate the alterations of the existing ground floor, and encroachment of the new first floor and use change of an outbuilding to a second dwelling.
 - To relax the rear building line from 2m to 1m to accommodate the use change of an outbuilding to a second dwelling.

- ❖ **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 building line encroachments as stipulated above.

**AGENDA of the
Portfolio Committee : Investment, Infrastructure & Tourism
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

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 2424, Onrustrivier for the following departures:

- to relax the eastern lateral building line from 2m to 1,11m to accommodate the encroachments of the new first floor, alterations on the existing ground floor of the dwelling and a new second dwelling;
- to relax the western lateral building line from 2m to 1,4m to accommodate the alterations of the existing ground floor, and encroachment of the new first floor and use change of an outbuilding to a second dwelling;
- to relax the rear building line from 2m to 1m to accommodate the use change of an outbuilding to a second dwelling;

be partially approved in terms of the provisions of Section 61 of the By-Law, to only allow the relaxation of the eastern lateral building line from 2m to 1,11m, the western building line from 2m to 1,4m and the rear building line from 2m to 1m to accommodate a use change, subject to the following conditions:

- (a) that this approval is only for the structures as indicated on Plan Number 1 dated 6 February 2023, submitted with the application, excluding the proposed encroachment of the new first storey over the eastern and western lateral building lines;
- (b) that revised building plans be submitted showing the first storey extensions in compliance with the 2m eastern and western lateral building lines,
- (c) that the necessary building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
- (d) that the conditions of Engineering Services, be complied with;
- (e) that all the conditions imposed by Eskom and Telkom, be complied with;
- (f) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
- (g) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.

**AGENDA of the
Portfolio Committee : Investment, Infrastructure & Tourism
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

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 2424, Onrust River for the unauthorized structures which encroach the lateral building lines, **be imposed**, and that an administrative penalty fee of R4 975,25 be payable within thirty (30) days of the decision.
3. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

POINT 1: Partial approval

Reasons for support

- ❖ The application has followed due procedure.
- ❖ No valid objections were received from surrounding neighbours or Municipal Branches.
- ❖ The existing dwelling and outbuildings were constructed in line with the original 0,9m lateral and rear building lines that was applicable in the 1980's. The internal alterations, window alterations, the new braai structure and the extension and use change of the existing outbuilding as a second dwelling will have no real impact on surrounding neighbours' privacy or sunlight.
- ❖ The position of the extensions on ground floor level is such that it does not impact the street façade or impact the character of the area and is desirable.
- ❖ The application is regarded as being desirable from a town planning point of view.

Reasons for not supported

- ❖ The relaxation of the lateral building lines on first storey level would mean that the dwelling will be double storey for almost the full width of the property, only with a small gap of 1,1m on the eastern side and 1,4m gap on the western side of the dwelling to the property boundaries. This would impact on the street scape, and ultimately the character of an area mostly known for lower density development.
- ❖ The proposed double storey encroachments could impact neighbours' sunlight, views and even privacy of neighbours.
- ❖ The proposed double storey addition would be approximately 162m² in extend. Should the first storey be set back to comply with the 2m lateral building lines, an area of approximately 132m² in extend can still be developed on first storey level. This will allow for a total size off all

**AGENDA of the
Portfolio Committee : Investment, Infrastructure & Tourism
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

buildings on the property 396m² in extend, which is a significant size dwelling on such small size property. The landowner therefore does have other options to still construct a new first storey extension, without traversing the building lines. This type of application is considered on merit, and if other options are available for extensions, such options should be considered.

- ❖ Due to the possible negative impact on neighbours and the character of the area, this part of the application is not desirable.

POINT 2

- ❖ Some of the encroachments of building lines on ground floor level are historic, but the new landowner did construct some extensions without submitting the necessary building plans for approval.
- ❖ Each landowner has the responsibility to comply with legislation, and therefore an administrative penalty fee is imposed.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 2424, ONRUS RIVER (4247/2022)**

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

Conditions

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 10400 – P:2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erf 2424, Onrus River, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

21/02/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

**2. ERF 3003, 21 PALMIET ROAD AND ERF 3051, 6 NEETHLING STREET,
KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR
CONSOLIDATION: PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON
BEHALF OF M KIESSLING AND M & M KIESSLING**

3003 & 3051 KKM (4281/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

22 June 2023

EXECUTIVE SUMMARY

An application has been received on 2 November 2022 from Plan Active Town and Regional Planners on behalf of M Kiessling & M & M Kiessling in terms of Section 16.(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the consolidation of Erven 3003 and 3051, Kleinmond to create a consolidated erf of ±1308m² in extent.

RESOLUTION

1. that the application in terms of Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the consolidation of Erven 3003 & 3051, Kleinmond, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions
 - (a) that the consolidation be as per Drawing number erf 3003 kleinmonds.drw dated October 2022 as submitted with the application;
 - (b) that the residential dwelling and outbuildings on Erf 3051 be demolished before the issuing of Section 30(2) certificate for registration of the consolidated erf;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (d) that the conditions in the Services Report be complied with;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

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

REASONS FOR RESOLUTION

- ❖ The surrounding owners did not object.
- ❖ The application will have no impact on the surrounding area.
- ❖ The application is in line with the forward planning documents of the Overstrand Municipality.



PA Active Town & Regional Planners

Stads- en Streeksplanners

City and Regional Planners

Property Registration: **ERVEN 3003 AND 3051 KLEINMOND**

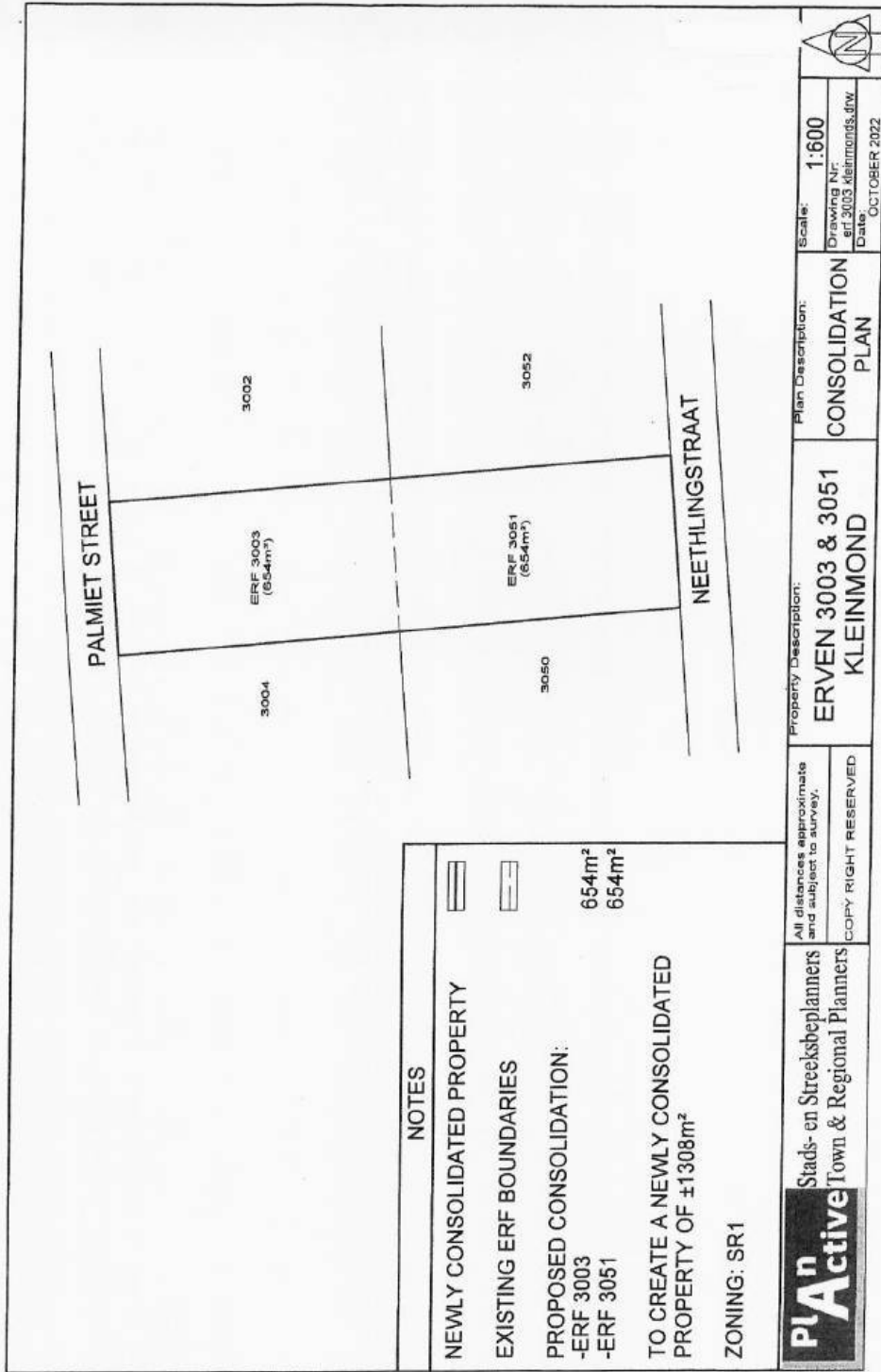
Plan Description: **LOCALITY MAP**

Scale: **NTS**

Drawing NTS: **0000**

Date: **OCTOBER 2022**

US: All rights reserved and subject to NDPT. COPY RIGHT RESERVED



NOTES

NEWLY CONSOLIDATED PROPERTY

EXISTING ERF BOUNDARIES

PROPOSED CONSOLIDATION:

-ERF 3003

-ERF 3051

654m²

654m²

TO CREATE A NEWLY CONSOLIDATED PROPERTY OF ±1308m²

ZONING: SR1

PLAN
Active

Stads- en Streeksbeplanners
Town & Regional Planners

All distances approximate
and subject to survey.
COPY RIGHT RESERVED

Property Description:
**ERVEN 3003 & 3051
KLEINMOND**

Plan Description:
**CONSOLIDATION
PLAN**

Scale: **1:600**

Drawing Nr:
erf 3003 Kleinmond & flow

Date:
OCTOBER 2022



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION: ERF 3003 & ERF 3051, KLEINMOND
(4281/2022)**

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

Conditions:

1. that only the existing, standard 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, standard electricity connection to Erf 3003 Kleinmond will be available to the consolidated erf. The electricity connection / cable to Erf 3051 Kleinmond will be removed. Only one electricity supply line will be allowed. Should a larger capacity be required, the upgrading will be at the owner's cost;
3. that should additional services connections be required the owner will be responsible for the payment of bulk services levies;
4. that stormwater be allowed to discharge through Erf 3003 & Erf 3051, Kleinmond, unobstructed;
5. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
6. that no on-street parking will be allowed.

Dennis Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:ENGINEERING SERVICES

25/01/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

3. ERF 2275, 77 NINTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF THE TRUSTEES FOR THE TIME BEING OF PHILIP JOUBERT FAMILIETRUST, JD MCDONALD & WG MCDONALD

2275 HVK (4298/2022)

P Roux

(028) 313 8900

Hermanus Administration

22 May 2023

EXECUTIVE SUMMARY

An application has been received on 28 November 2022 from Messrs WRAP Project Office on behalf of the owners of Erf 2275, 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 in order to:**
 - relax the western lateral building line from 2m to 0m to convert the existing garage into staff accommodation;
 - relax the western lateral building line from 2m to 0m to accommodate a laundry room, and
 - relax the eastern lateral building line from 2m to 0 to accommodate an existing braai.

- ❖ **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 2275, Hermanus to:
 - ❖ relax the western lateral building line from 2m to 0m to accommodate a laundry room, and
 - ❖ relax the eastern lateral building line from 2m to 0 to accommodate an existing braai.

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

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

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 2275, Hermanus to relax the western lateral building line from 2m to 0m to convert the existing garage into staff accommodation, **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 Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2275, Hermanus for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
4. that the recommendation under paragraphs 1., 2. And 3. is subject to the following conditions:
 - (a) that the garage and second dwelling be limited to the building as per Plan Number 5479.2 dated 14 July 2022, submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (c) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that all the conditions in the Services Report, be complied with.
 - (g) 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
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

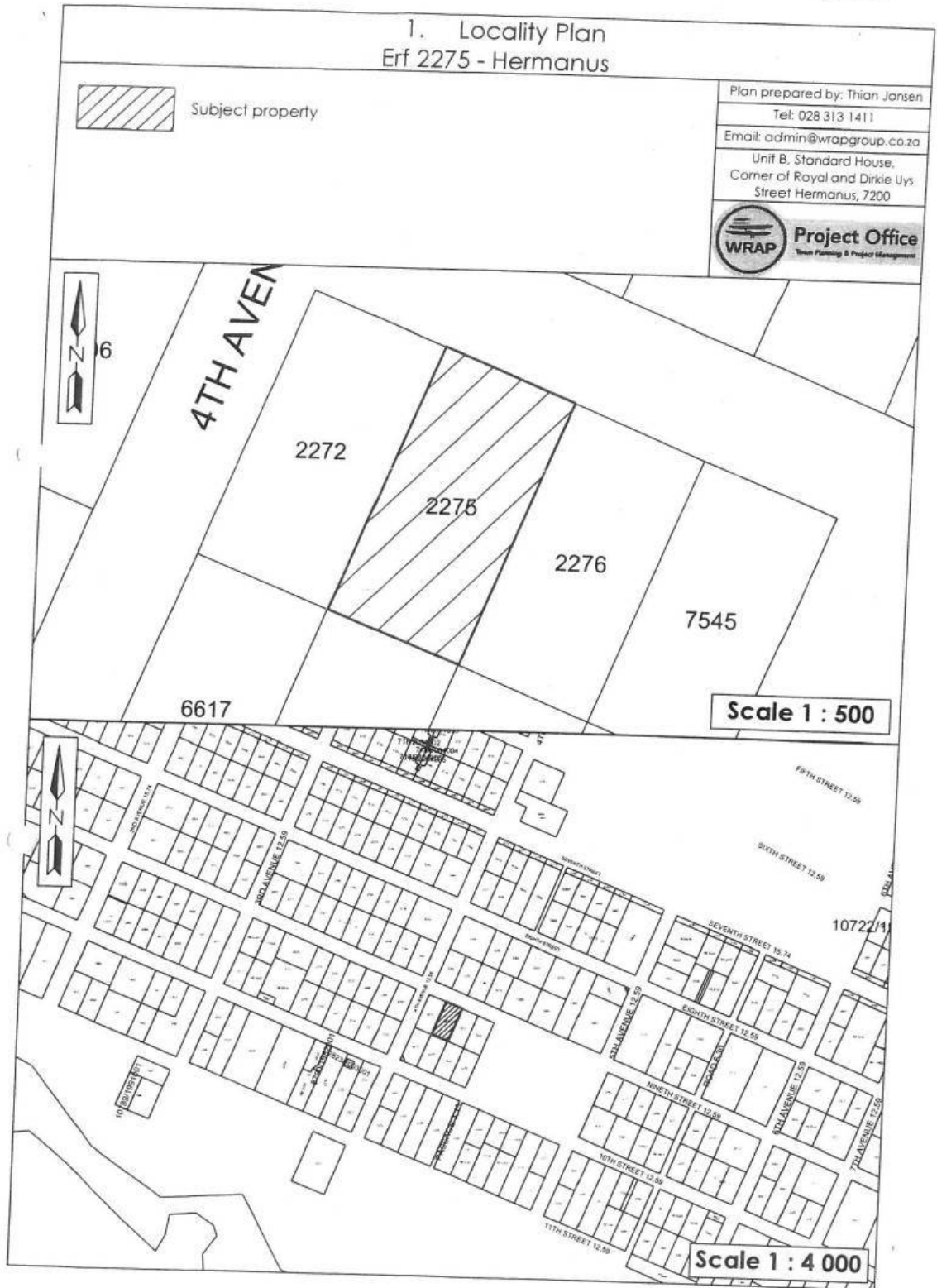
REASONS FOR RESOLUTION

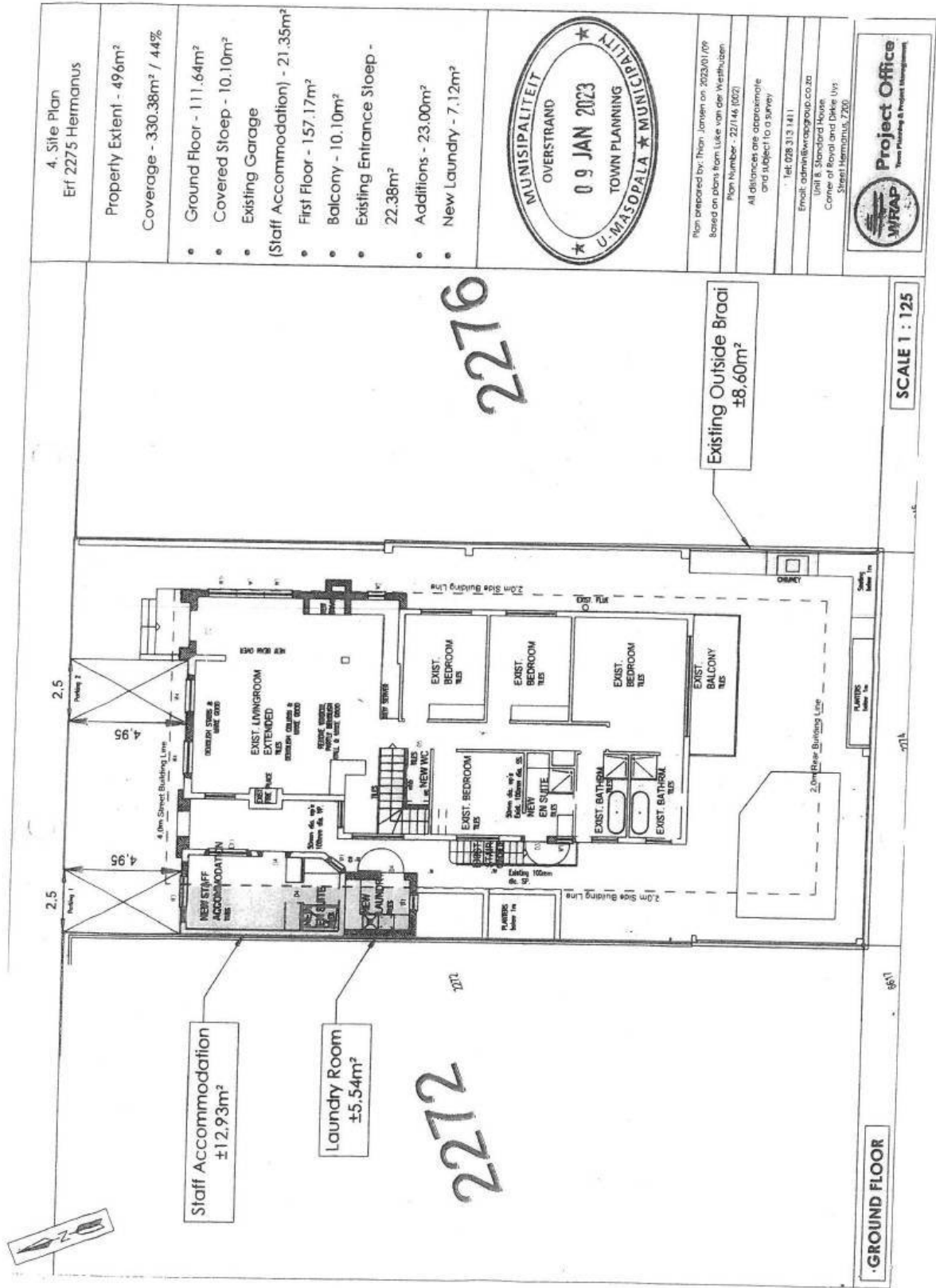
Reasons for approval

- ❖ The retention of the laundry and braai area 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 retention of the laundry and braai area is further considered to be in line with the character of the area.

Reasons for non-approval

- ❖ The property owner and its professional team should have considered the local rules and regulations prior to the construction and conversion of the structures as mentioned in the application.
- ❖ The habitable space is likely to have a negative impact on the character of the area and is likely to infringe on the vested rights of surrounding property owners.
- ❖ Various complaints are received regarding the close proximity of habitable spaces on adjoining properties.
- ❖ The property falls within a low density tranquil residential area oppose to a high-density residential area where such applications would be regarded as more in line with the character of such a built environment.
- ❖ The creation of a habitable space on the boundary could lead to the perception that it is acceptable to construct habitable portions of dwellings on property boundaries, which could ultimately lead to an increase in such applications and thereby having a negative impact on the character of the residential areas in the Overstrand area.
- ❖ There is limited area on the property for the creation of parking bays on the property (which comply with the parking standards), therefore the conversion of the garage will lead to visitors and the property owner(s) parking haphazardly on the property or on the road reserve which will have a negative influence on other road users
- ❖ The parking bays proposed for the residential property is smaller than the standard requirement for parking bays; this will cause larger vehicles to take up more space within the road reserve.
- ❖ The site development plan does not accurately convey that the property is developed with an entrance way (almost a culvert) in front of the dwelling which is has a much lower finished floor level than that of the proposed parking area. This further reduces the area available for parking, causing the property owner(s) to use more of the road reserve for parking. The parking bays provided is not to the Municipal parking standard of 5m x 2,5m, and the application should have departed from this standard. This was not applied for in the application nor is it motivated.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 2275, VOELKLIP (4298/2022)**

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

13 APR 2023
D rec

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 2275, Voelklip, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

4. ERF 4641, 7 FIFTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: FVS TOWN AND REGIONAL PLANNERS ON BEHALF OF BC SMAL

4641 KKM (4122/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

11 April 2023

EXECUTIVE SUMMARY

An application has been received on 21 April 2022 from FVS Town and Regional Planners on Erf 4641, 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 street building line from 4m to 2m and the lateral building line from 2m to 0m to accommodate the proposed garage and relaxation of the 9m development restriction over building lines.

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 4641, Kleinmond for a departure in order to relax the street building line from 4m to 2m **be approved** in terms of the provisions of Section 61 of the By-Law and
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4641, Kleinmond for a departure to relax the lateral building line from 2m to 0m to accommodate the proposed garage and the 9m restriction of buildings transgressing the building lines, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions
 - (a) that this approval is for the relaxations as indicated on plan number 2022-001 (001 and 002) dated 30 March 2022 submitted with the application; except to only allow the relaxation of the street building line from 4m to 2m to accommodate the proposed garage; The site plan be amended to exclude the parking bays indicated and submitted for approval.
 - (b) that the garage access is not directly from the street;
 - (c) that no further departures over the building lines be approved;
 - (d) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

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

REASONS FOR RESOLUTION

- ❖ The proposed garage will enhance the safety of the vehicles.
- ❖ The surrounding owners did not object.
- ❖ The application will have no impact on the surrounding area.
- ❖ The applicant has limited options to erect a garage on the property, without negatively impact on the existing dwelling
- ❖ The relaxation of the street building line to 2m will have a definite impact on vehicle movement and therefore the requirement that access to the garage not be obtained directly from the street.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 4641, KLEINMOND (4122/2022)**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer investigates and determine the limitations of the site in terms of drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
7. that stormwater be allowed to discharge through Erf 4641 Kleinmond, unobstructed.

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

12-10-2022
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

5. ERF 2056, 89 CHIAPINI STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: GR TER MORSHUIZEN ON BEHALF OF CJ & AH RETIEF

2056 HVM (4331/2023)

H Olivier

(028) 313 8900

Hermanus Administration

7 June 2023

EXECUTIVE SUMMARY

An application was received on 3 February 2023 from GR Ter Morshuizen on behalf of CJ & AH Retief on Erf 2056, 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 eastern lateral building line from 2m to 1,190m to legalize the encroachments of the existing built braai that will now form part of an enclosed sunroom.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the existing built braai.

RESOLUTION

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2056, Onrustrivier for a departure to relax the eastern lateral building line from 2m to 1,19m to legalize an built braai that encroaches the building line and forms part of a sunroom, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the structure as indicated on Plan Number 2056.01.100 Rev.1 dated 2 February 2023, submitted with the application;
 - (b) that the necessary building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control– and the Fire Departments be complied with at that stage;
 - (c) that the conditions of Engineering Services, be complied with;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

- (d) that all the conditions imposed by Telkom, be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 2056, Onrustrivier for the unauthorized structures which encroach the permissible building line, be imposed, and that an administrative penalty fee of R R1 798,60 be payable within thirty (30) days of the decision.
 3. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

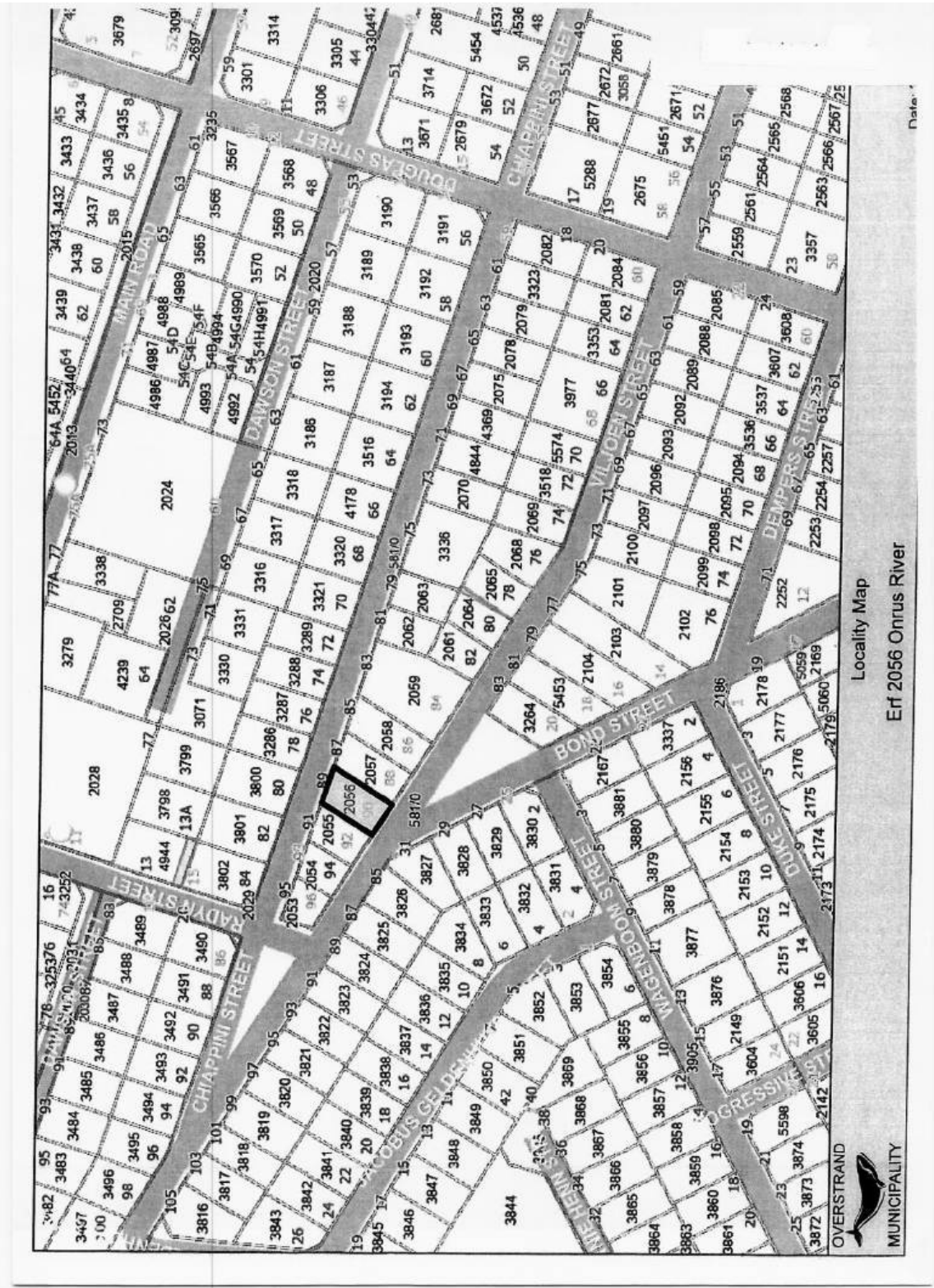
REASONS FOR RESOLUTION

POINT 1

- ❖ The application has followed due procedure.
- ❖ No objections were received from surrounding neighbours or Municipal Branches.
- ❖ It is in line with policy documents.
- ❖ The existing built braai is a minor structure, and it will not impact the neighbours or the character of the area.
- ❖ The application is regarded as being desirable from a town planning point of view.

POINT 2

- ❖ This existing landowner constructed the built braai over the building line and indicated they accept responsibility for the illegal structure they have constructed.
- ❖ The penalty fee imposed is reasonable considering the scale of the encroachment.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 2056, ONRUS RIVER (4331/2023)**

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

Conditions

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 10400 – P:2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erf 2056, Onrus River, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

08/05/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

6. ERF 4174 (A PORTION OF ERF 4173), 12 VILLAGE LANE, HEMEL & AARDE VILLAGE, ONRUSTRIVIER: APPLICATION FOR DEPARTURE, AMENDMENT OF A CONDITION IN RESPECT OF AN EXISTING APPROVAL AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF IBISICON CONSULTANTS CC

4174 HON (4289/2022)

H Olivier

(028) 313 8900

Hermanus Administration

2 May 2023

EXECUTIVE SUMMARY

An application has been received on 11 November 2022 from Messrs WRAP on behalf of Ibisicon Consultants CC in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4174, Hemel & Aarde Village, Onrustrivier for the following:

- ❖ **Departure** in terms of Section 16(2)(b) to relax the following:
 - eastern street building line from 4,5m to $\pm 2,36$ m to accommodate the change of use of the approved carport into a kitchen of the existing restaurant;
 - western street building line from 4,5m to $\pm 4,0$ m to accommodate the change of use of the approved bathroom and scullery into a kitchen and bathroom of the existing restaurant;
 - south eastern street building line from 4,5m to $\pm 1,51$ m to accommodate a bathroom;
 - eastern street building line from 4,5m to $\pm 2,98$ m to accommodate a bathroom, and
 - southern street building line from 4,5m to $\pm 4,0$ m to accommodate the change of use of the approved entrance into a refuse area.

- ❖ **Amendment of a condition in respect of an existing approval** in terms of Section 16(2)(h) of the By-Law to allow the property owner to accommodate 6 flats inside the existing building footprint in lieu of 5 flats as per approval condition.

- ❖ **Amendment of a condition in respect of an existing approval** in terms of Section 16(2)(h) of the By-Law to allow the property owner to provide 27 parking bays in lieu of the 32 bays as per approval condition, and which is also in line with the parking requirements of the Hemel-en-Aarde Village Scheme Regulations, and

- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the unauthorised building line encroachments as detailed above.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

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, applicable to Erf 4174, Hemel & Aarde Village, Onrustrivier to relax the following:
 - eastern street building line from 4,5m to $\pm 2,36$ m to accommodate the change of use of the approved carport into a kitchen of the existing restaurant;
 - western street building line from 4,5m to $\pm 4,0$ m to accommodate the change of use of the approved bathroom and scullery into a kitchen and bathroom of the existing restaurant;
 - south eastern street building line from 4,5m to $\pm 1,51$ m to accommodate a bathroom;
 - eastern street building line from 4,5m to $\pm 2,98$ m to accommodate a bathroom;
 - southern street building line from 4,5m to $\pm 4,0$ m to accommodate the change of use of the approved entrance into a refuse area;

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

2. that the application in terms of Section 16(2)(h) of the By-Law to amend the conditions in respect of an existing approval on Erf 4174, Hemel & Aarde Village, Onrustrivier to allow the property owner to accommodate six (6) flats inside the existing building footprint in lieu of five (5) flats, **be approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following:

(a) that condition 1(a) in the resolution dated 30 October 2013 be amended to read as follows:

"1.(a) that the approval is for the six flats as indicated on Plan No. 22/144(002) dated 5 "December 2022".

3. that the application in terms of Section 16(2)(h) of the By-Law to amend the conditions in respect of an existing approval on Erf 4174, Hemel & Aarde Village, Onrustrivier to allow the property owner to provide 27 parking bays in lieu of the 32 bays as per approval condition, and which is also in line with the parking requirements of the Hemel-en-Aarde Village Scheme Regulations, **be approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following:

(b) that condition 1(b) in the resolution dated 25 April 2012 be amended to read as follows:

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

“1.(b) that at least twenty seven (27) on-site parking bays (including garaging) be provided to the satisfaction of the Senior Manager: Town and Spatial Planning.”

4. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 4174, Hemel & Aarde Village, Onrustrivier for the unauthorized structures / changes over building lines as stipulated above, **be imposed**, and that an administrative penalty fee of R20 459,79 payable within thirty (30) days of the decision;
5. that the recommendations in Points 1. to 4. above be subject to the following conditions:
 - (a) that the approval for the departure is only for the development over the building lines as indicated on Plan No. 22/144 (002) dated 5 December 2022, submitted with this application.
 - (b) that building plans be submitted for all new building extensions and alterations to the Building Control Branch for approval, and that all conditions of the Building Control Branch, Waste Management and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that all the conditions in the Services Report, be complied with.
6. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ The proposed additional flat is in line with Policy Plans which promote densification.
- ❖ No objections were received from neighbours; therefore, the impact on neighbours' privacy and rights will be minimal.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

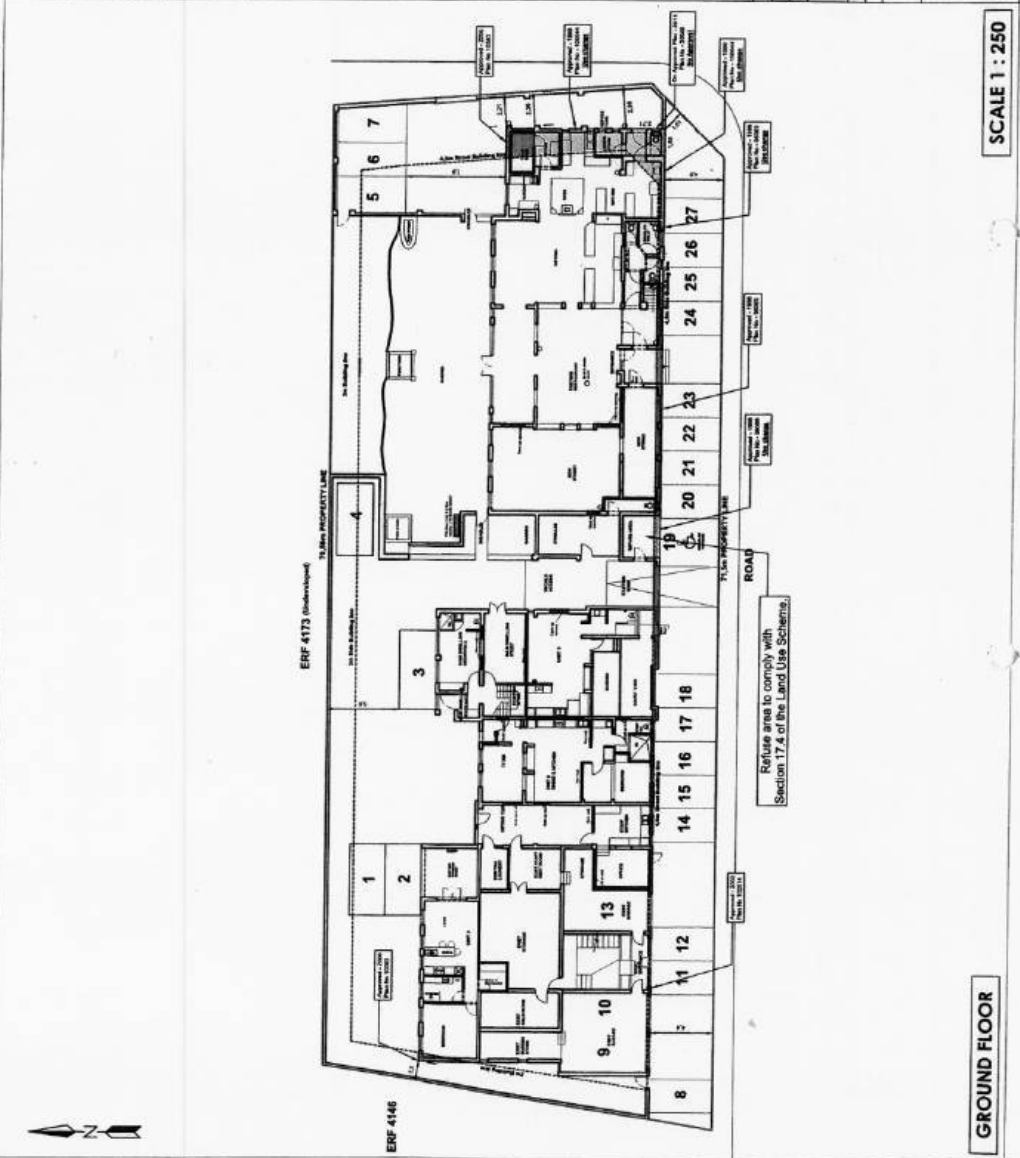
- ❖ The illegal structures and internal changes over building lines are historic and dates back to 1998 - 2006 and is an existing situation with no greater impact on the surrounding area.
- ❖ The number of parking bays required on the original approvals was incorrect since the GLA was calculated incorrectly. Only 26 parking bays is required in terms of the existing GLA, and 27 parking bays are provided.
- ❖ The scale of the building alterations is such that it does not have an impact on the street scape or character of the area and is therefore desirable.

REASON FOR PENALTY FEE

- The existing land owner made extensions and internal alterations without submitting building plans. It is the responsibility of each land owner to comply with Building and Town Planning legislation.



<p>Site Plan Erf 4174 Onrusrivier</p> <p>Property Extent - 20999m² Coverage - 936m² / 44.6%</p> <p><u>Parking requirements</u></p> <ul style="list-style-type: none"> Commercial activities = 1 parking bay per 25m² <p>Restaurant = 197m² New Studio = 87m² Gallery/Office = 105m²</p> <p>Total GLA = 389m²</p> <p>15 Parking Bays Required</p> <ul style="list-style-type: none"> Main Dwelling = 2 Parking Bays Required Guest Units / Flats = 1.25 per flat / unit <p>7.5 Parking Bays Required</p> <p>Total Parking Bays Required = 26</p> <p>Total Parking Bays Provided = 27</p>
<p>Plan Number - 20/14 (002) 2022/205</p> <p>Plan prepared by: Thom Janzen</p> <p>All distances are approximate and subject to a survey</p> <p>Tel: 026 313 1411</p> <p>E-mail: admin@wrap.co.za Unit 8, Standart House Corner of Royal and DMH Lys Street, Heilmans, 7200</p>



GROUND FLOOR

SCALE 1 : 250

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE, AMENDMENT OF A CONDITION IN RESPECT
OF AN EXISTING APPROVAL & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 4174 (A PORTION OF ERF 4173 ONRUS RIVER), HEMEL EN
AARDE VILLAGE (4289/2022)**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

Water	R 26 036.00 x 0.6	=	R 15 621.60
Sewerage	R 17 555.00 x 0.6	=	R 10 533.00
Roads	R 7 872.00 x 1	=	R 7 872.00
Solid Waste	R 1 574.00 x 1	=	<u>R 1 574.00</u>
TOTAL (inclusive of VAT)		=	<u>R 35 600.60</u>

Please note that the above figures:

- a) Are estimated amounts.
- b) Exclude investigation levies and connection fees.
- c) Are only valid for the 2022/2023 financial year and subject to annual tariff adjustments.

2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer 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 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:
 - 5.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 5.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 5.3 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;
6. 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;
7. 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;
8. 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;
9. 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

10. 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;
11. 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
12. 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;
13. that no on-street parking will be allowed.


DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES

23/02/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

**7. ERF 728, 10 DIRKIE UYS STREET, NORTHCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE:
PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF J & B
OAK TREE DEVELOPMENTS (PTY) LTD**

728 HNC (4400/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

13 June 2023

EXECUTIVE SUMMARY

An application has been received on 25 May 2023 from Plan Active Town & Regional Planners on behalf of J & B Oak Tree Development (Pty) Ltd for a departure in terms of Sections 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to exceed the permissible coverage from 75% to 90% in order to accommodate the timber decks within the proposed development.

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 applicable to Erf 728 Northcliff Hermanus for a departure to exceed the permissible coverage from 75% to 90% in order to accommodate the timber decks within the proposed development, **be approved** in terms of the provision of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the development be restricted to residential and office use purposes, & that no retail use be permitted;
 - (b) that the structure remains within the 8,5m height restriction;
 - (c) that this approval is only for the development as indicated on drawing numbers council 20.A01, A02, A03 and B01 dated 24 May 2023 as submitted with the application;
 - (d) that a coverage certificate be submitted by a professional land surveyor with the building plan;
 - (e) that the sidewalk be landscaped for walkability for pedestrians and bollards be placed to eliminate any vehicle parking at developers own cost and that the latter be dealt with in conjunction with the Operational Department;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

- (f) that the property remains accessible from 08h00 to 17h00;
 - (g) 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;
 - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (i) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (j) that the development must comply with the provisions of SANS-A:2016, 10400-T:2020 and the By-Law relating Community Fire Safety - that building plans must be submitted with a separate detailed Fire Protection Plan, and
 - (k) that all the conditions in the Services Report and e-mail dated 7 March 2023 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 proposed development with the exception of coverage will adhere to all the development parameters in terms of its zoning.
- ❖ The additional 15% coverage consists of permeable wooden decks and not solid structures that may impact on the character of the area.
- ❖ The wooden decks face inwards of the development and thus not affecting the adjacent landowners.
- ❖ The applicant did design the development as per interpretation of the Building Section and Town Planner and only at the final stages was informed differently, thus making the development financially not viable if deviation of coverage not been approved.
- ❖ The wooden decks allow for accessibility between units and enhance the liveability of the development.



PLAN
Active

Stads- en Streeksbeplanners
Town & Regional Planners

All distances approximate
and subject to survey.
COPY RIGHT RESERVED

Property Description:
**ERF 728
HERMANUS**

Plan Description:
LOCALITY MAP

Scale: **NTS**
Drawing No: **187728.dwg**
Date: **Mai 2022**



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 728, NORTHCLIFF**

Stormwater (SW) :	Refer to Conditions
Electricity :	Refer to Conditions
Water :	According master plan and GLS Report
Sewer :	According to master plan and GLS Report
Roads and traffic :	Refer to Conditions

Conditions:

1. That all service conditions as per the initial application dated in 07 November 2016 and remains applicable.
2. 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.

2.1 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.

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

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

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

Freehold erven:

Water	R 26 036.00 x 3.236000=	R 84 252.50
Sewerage	R 17 555.00 x 3.236000=	R 56 807.98
Roads	R 7 872.00 x 28.869230=	R 227 258.58
Stormwater	R 9 082.00 x 1.231999=	R 11 189.01
Solid Waste	R 1 574.00 x 1.31 =	R <u>2 061.94</u>
TOTAL (inclusive of VAT)	=	R 381 570.01

Note:

- 2.3 The above figures are estimates
- 2.4 The above figures do not include investigation and connection fees
- 2.5 That Overstrand Municipality's Electrical Department be contacted regarding the bulk electricity cost.

3. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
 - 3.1 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;
 - 3.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
 - 3.3 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;
4. 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;
5. 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:
 - 5.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;
 - 5.2 the developer to submit an acceptable public liability insurance policy to the Council and to pay the premium in advance for the period as set out above before any work concerned may commence;
 - 5.3 the insurance to be to an amount which shall not be less than that required by the SAACE;
 - 5.4 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;
6. 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:
 - 6.1 way-leaves must be obtained from the Operational Manager;

- 6.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
7. 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:
 - 7.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 7.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 7.3 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;
8. 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;
9. 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;
10. 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;
11. 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
12. 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;
13. 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 – 2010, of 12 months, and

14. 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;
15. that the Home Owners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;
16. that the developer provide bulk water meters at approved positions as well as individual meters at each consumption point;
17. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be proved with the following:
 - a. properly ventilated;
 - b. a cement floor;
 - c. a tap and running water, as well as a drainage point which is connected to the sewer network;
 - d. at a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
18. that the refuse collection area be constructed in accordance with the requirements of Section 17.4 (Refuse Rooms) of the Overstrand Municipality Land Use Scheme 2020;
19. 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;
20. that the above stormwater management plan include the following:
 - 20.1. pre-development run-off from the catchment area;
 - 20.2. post-development run-off from catchment area;
 - 20.3. existing stormwater reticulation system and the capacity thereof;
 - 20.4. connection of internal stormwater reticulation system;
 - 20.5. overland escape routes;
21. that the connection to the stormwater reticulation system be provided according to the stormwater management plan, by the developer at his cost and approved by Overstrand Municipality ;
22. that the developer apply for a temporary water connection on the prescribed application form at Overstrand Municipality's Finance Department, before commencement of construction;

23. that the developer apply 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 Operational Manager, Hermanus;
24. 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;
25. 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;
26. that a minimum of 6,0 m stacking distance be provided or that alternatively no access gate be to installed;
27. that all vegetation planted in Paterson Street must be lower than 600mm in order to improve pedestrian safety;
28. that the position of the access gate must be adjacent to Erf 727;
29. that the access to the property remain open to prevent the development obstruction traffic to and from the Hermanus Primary School;
30. that no on-street parking will be allowed;
31. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.

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

13/12/2022
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

**8. ERF 12313, 233 ELEVENTH STREET, VOËLKLIP, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE:
MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF
OF THE BERGRANT TRUST**

12313 HVK (4345/2023)

P Roux

(028) 313 8900

Hermanus Administration

26 June 2023

EXECUTIVE SUMMARY

An application has been received on 3 March 2023 from Messrs PlanActive Town and Regional Planners on behalf of the owners of Erf 12313, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to encroach the prescribed height restriction applicable to boundary walls from 2.1m to ± 3.7 m.

RESOLUTION

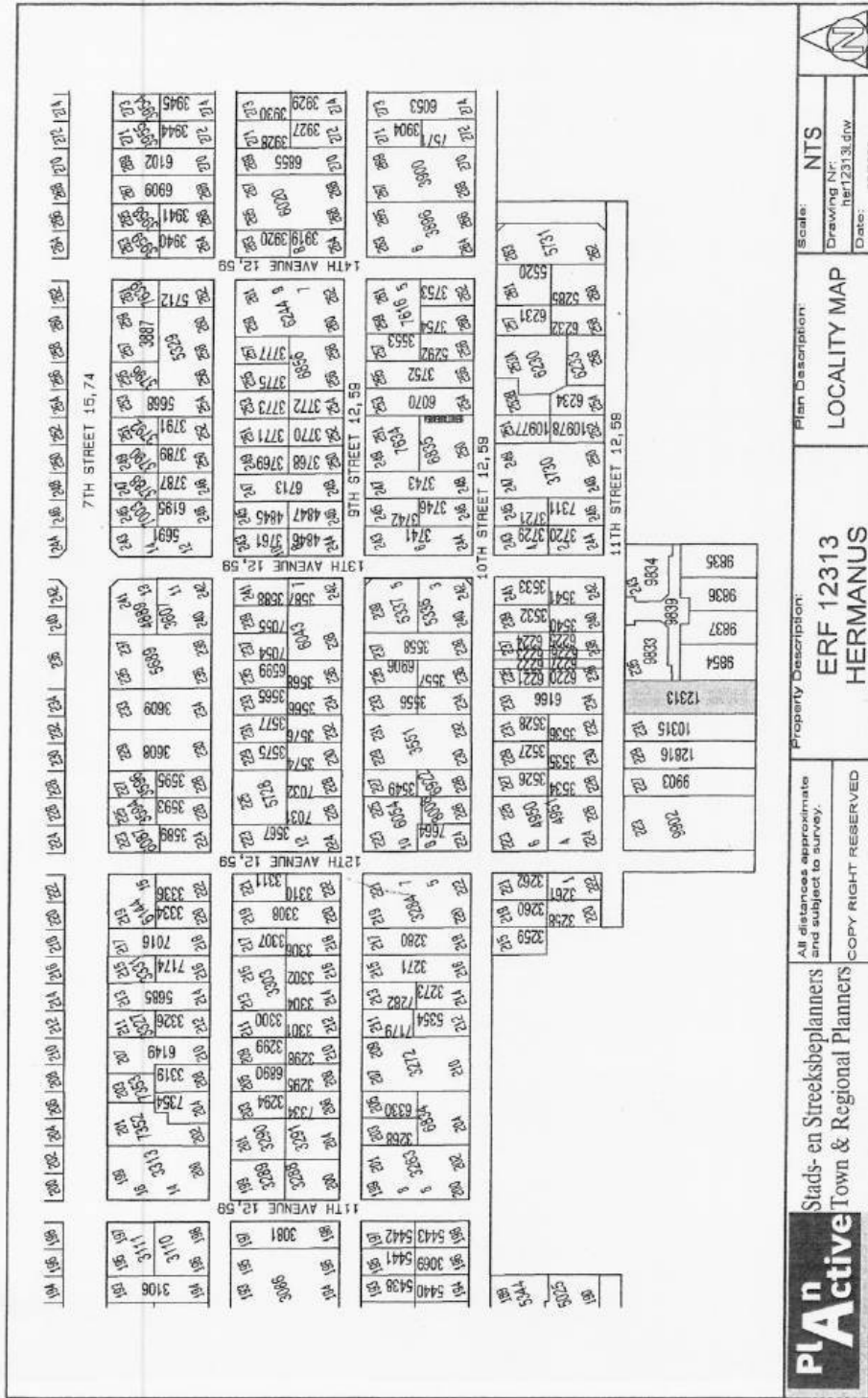
1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 12313, Hermanus to encroach the prescribed height restriction applicable to boundary walls from 2.1m to ± 3.7 m from the existing ground level, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the development as indicated on *Plan No. 3.2 B*, 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 all the conditions in the Services Report, be complied with;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.

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

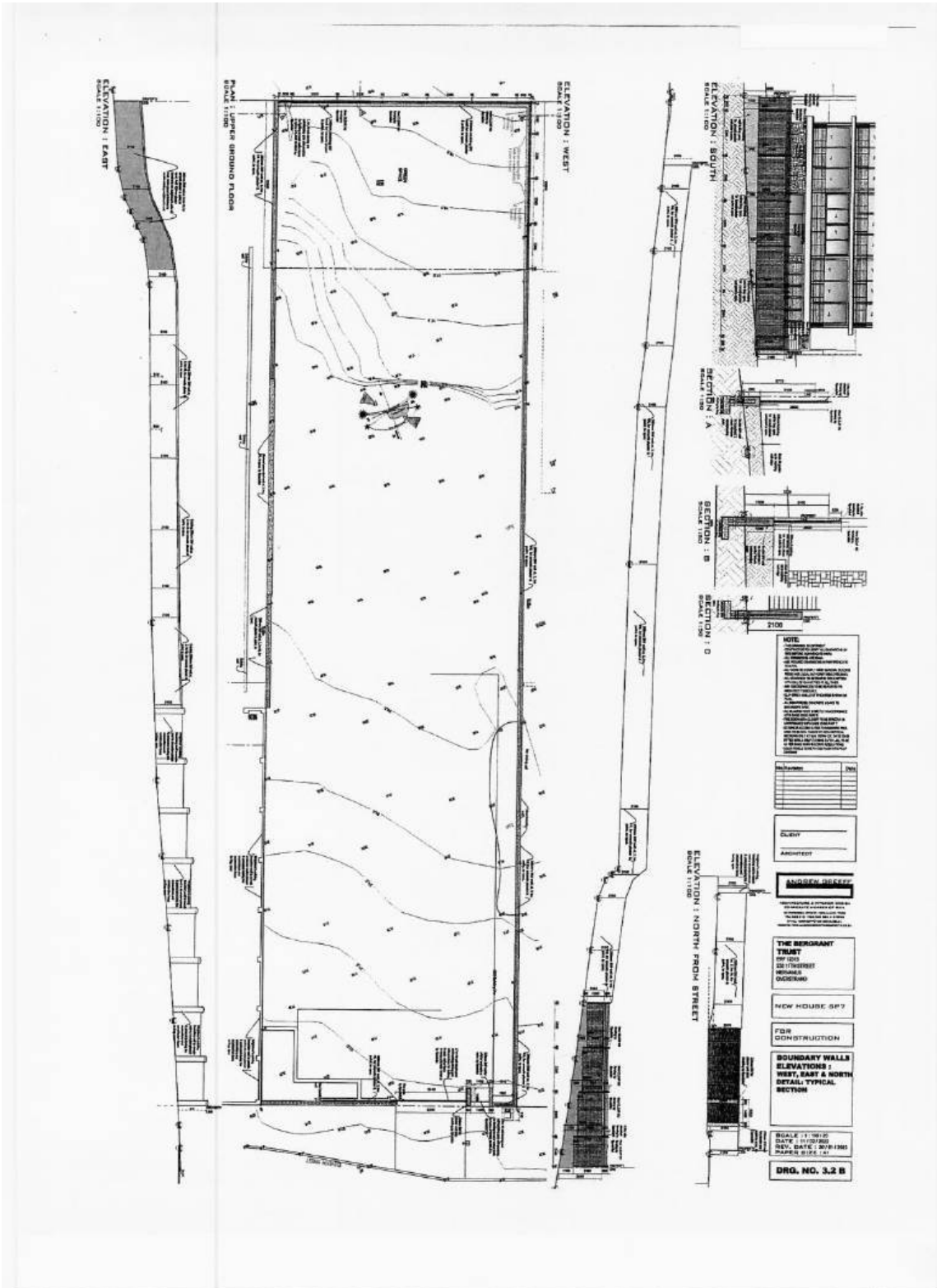
**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

REASON FOR THE RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No objections were received from the public.
- ❖ It is in line with policy documents.
- ❖ The proposed departures have no impact on the adjacent properties.
- ❖ The existing structures will be unobtrusive and will be compatible with the existing built environment including the character of the dwelling.



	Stads-en Sreeksbeplanners Town & Regional Planners	Property Description: ERF 12313 HERMANUS	Plan Description: LOCALITY MAP	Scale: NTS
	All distances approximate and subject to survey.		Drawing Nr: her12313.dwg	
				Date: 02/2023
COPY RIGHT RESERVED				



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 12313, VOELKLIP**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 - P: 2010: Drainage*;
4. that the developer / applicant install a new sewer suction point in the public street / road reserve;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
7. that stormwater be allowed to discharge through Erf 12313, Voelklip, unobstructed;
8. that no on-street parking be allowed.

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

10/05/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

**9. ERF 477 AND REMAINDER ERF 65, CHURCH STREET, HAWSTON,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR EXTENSION OF
PERIOD OF VALIDITY OF APPROVAL: VAN DYK SAAYMAN ATTORNEYS
ON BEHALF OF LB WILLIAMS AND AJ, DD, JC BURGESS**

477 & 65 HHW (4395/2023)

H Olivier

(028) 313 8900

Hermanus Administration

30 June 2023

EXECUTIVE SUMMARY

An application has been received on 18 May 2023 from Messrs van Dyk Saayman Attorneys on behalf of LB Williams and AJ, DD & JC Burgess on Erf 477 and Remainder Erf 65, Hawston for an application in terms of Section 16(2)(i) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to grant an approval for the extension of the period of the validity of the approval of a development on the abovementioned property for a further one (1) year.

RESOLUTION

1. that the application in terms of Section 47 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of an application in terms of Section 16(2)(i) on Erf 477 and Remainder Erf 65, Hawston to extend the approval for the extension period of a development on these erven, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that approval is granted for an extension of time of an additional period of one (1) year, which will expire on 28 May 2024, and
 - (b) that all Council's conditions in the original approval and extension of time approvals, 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.
- ❖ Internal departments have already commented on the final clearance for the development.
- ❖ It is in line with policy documents.
- ❖ The development will be the same as the original approval and this approval will ensure the subdivision does not lapse.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

**10.ERF 4286, ONRUST MANOR CHANTECLAIR DRIVE, ONRUSTRIVIER,
OVERSTRAND MUNICIPAL AREA: AMENDMENT OF SITE DEVELOPMENT
PLAN: WRAP PROJECT OFFICE ON BEHALF OF ONRUS MANOR BODY
CORPORATE**

4286 HON (4352/2023)

H Olivier

(028) 313 8900

Hermanus Administration

29 June 2023

EXECUTIVE SUMMARY

An application was received on 13 March 2023 from Messrs WRAP on behalf of the Onrus Manor Body Corporate on Erf 4286, Onrustrivier in terms of Section 16(2)(l) of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 for the amendment of the Approved Site Development Plan to allow minor extensions and alterations to the main building in the retirement village.

RESOLUTION

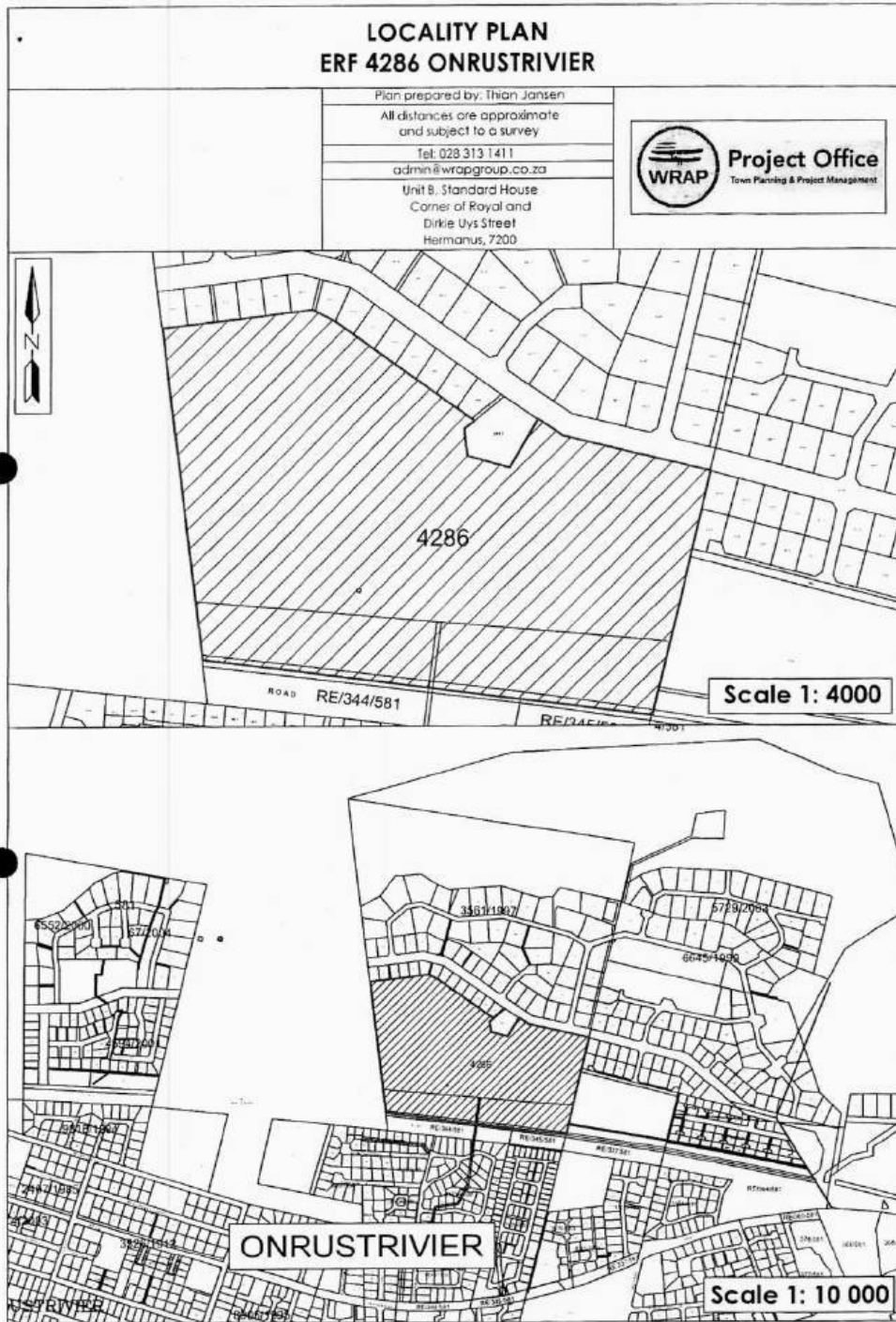
1. that the application in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4286, Onrustrivier for the Amendment of the Approved Site Development Plan to allow minor extensions and alterations to the main building in the retirement village, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the alterations/extensions on the property be in line with the Site Development Plans 23.30/001 and dated 3/03/2023;
 - (b) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that all the conditions in the Services Report be complied with, and
 - (f) that all the conditions imposed by Telkom be complied with.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

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

REASONS FOR RESOLUTION

- ❖ No new municipal services will be required.
- ❖ The application will improve the quality of life of residents at Onrus Manor.
- ❖ The municipal and state departments support the application.
- ❖ The alterations and additions are minor work as only 58m² additions will be made within an existing courtyard whilst other work is internal alterations.
- ❖ The application is in line with SPLUMA and LUPA principles as the existing facilities will be improved in an efficient manner.
- ❖ The application will have no impact on the character of the area or the surrounding property owners.
- ❖ The application is desirable.




**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF AN APPROVED SITE DEVELOPMENT
PLAN: ERF 4286, ONRUS RIVER (4352/2023)**

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

Conditions

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of *SANS 10400 – P:2010*: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erf 4286, Onrus River, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

11.ERF 11015, 16 MARINE DRIVE, WESTCLIFF, HERMANUS : APPLICATION FOR CONSENT USE (GUESTHOUSE), OVERSTRAND MUNICIPAL AREA : FC KOTZE ON BEHALF OF FORTUSTAR (PTY) LTD

569 HWC (4261/2022)

(HZ Boshoff)

S van der Merwe

(028) 313 8900

Hermanus Administration

4 July 2023

EXECUTIVE SUMMARY

An application for consent use has been received on 6 October 2022 from FC Kotze on behalf of Fortustar (PTY) Ltd in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to accommodate and conduct a five (5) bedroom guesthouse on Erf 569 (unregistered Erf 11015), Hermanus.

RESOLUTION

1. that the application for consent use for a guesthouse in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 11015, Hermanus to accommodate and operate a five (5) bedroom guesthouse from the property, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions;
 - (a) that the facility be utilized as a guest house only and that a maximum of five (5) bedrooms on the property may be used for paying transient guests;
 - (b) that municipal services must be paid at commercial tariffs, which tariffs are automatically adjusted in terms of the annual budget;
 - (c) that the owner/manager must reside permanently on the property and be responsible for the proper management of the guesthouse;
 - (d) that a maximum of ten (10) paying transient guests may be allowed on the property at any given time;
 - (e) that the guestrooms may not be converted to self-catering units or be used as separate dwelling units, and no cooking facilities are allowed in the guestrooms;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

- (f) that a R918 Certificate of Acceptability must be obtained from the Overberg District Municipality prior to the operation of the guesthouse;
- (g) that the establishment must comply with Health and Safety Legislation;
- (h) that, subject to obtaining a liquor licence, alcoholic beverages may only be sold to resident guests for consumption with meals on site - meals may only be provided to bona fide guests on the property;
- (i) that home occupation or a place of entertainment is not permitted on the property being utilised for guesthouse purposes;
- (j) that no more than three (3) staff members may be employed in support of the establishment at any given time;
- (k) that no advertising may be displayed on the property without the written approval of the Municipality;
- (l) that no activities constituting a source of public nuisance or a disturbance from loud music and other sources are allowed after 22:00, and that the guesthouse must be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area – the residential character must therefore be maintained;
- (m) that on-site parking be provided as per the parking layout indicated on plan no. CK-C5-100 dated 2021-02-09 that was submitted with the application, for seven (7) cars, which parking bays must be properly demarcated and be provided with a hard surface to the satisfaction of the Municipality – no on-street parking for transient guests are allowed whatsoever;
- (n) that the conditions of Engineering Services be complied with;
- (o) that the installed solar system must be registered at Overstrand Electrical Department;
- (p) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

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

REASONS FOR RECOMMENDATION

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



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 569 (UNREGISTERED ERF 11015),
WESTCLIFF (4261/2022)**

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 569 (Unregistered Erf 11015), Westcliff, unobstructed;
7. that no on-street parking be allowed.

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

16/05/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

**12.ERF 904, 33 MITCHELL STREET, EASTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: MESSRS PLAN
ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF U & NA
BECKMANN AND HOWARTH**

904 HEC (4358/2023)

P Roux

(028) 313 8900

Hermanus Administration

26 June 2023

EXECUTIVE SUMMARY

An application was received on 17 March 2023 from Messrs Plan Active Town and Regional Planners in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), for the subdivision of Erf 904, Hermanus approximately 1784m² in extent into two (2) portions namely, Portion A and Portion B, both approximately 892m² in extent.

RESOLUTION

1. that the application for subdivision in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of Erf 904, Hermanus into two (2) portions namely, Portion A and Portion B, both measuring approximately 892m² in extent, **be approved** in terms of the provisions of Section 61, subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on Subdivision Plan dated March 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 the conditions in the Services Report be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

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

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The proposed subdivision in line with the applicable municipal and provincial planning policy and will make more efficient use of brownfield land within the urban edge.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners.
- ❖ The proposed application fits in with the character of the surrounding area and is desirable.



PIAⁿ Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: ERF 904 HERMANUS	Plan Description: LOCALITY MAP	Scale: NTS Drawing Nr: local.dwg Date: SEPTEMBER 2022
				



NOTES	
SUBJECT PROPERTY (1784m ²)	
PROPOSED SUBDIVISION LINE	
PROPOSED BUILDING LINES	
PORTION A	±892m ²
PORTION B	±892m ²

	Property Description: ERF 904 HERMANUS	Plan Description: SUBDIVISION PLAN	Scale: 1:500 Drawing Nr.: SUBDIVISION PLAN.dwg Date: MARCH 2023
	All distances approximate and subject to survey. COPY RIGHT RESERVED		

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION: ERF 904, EASTCLIFF (4358/2023)**

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 (2022/2023) is as follows:


Freehold erven:

Water	R 26 036.00 x 1	=	R 26 036.00
Sewerage	R 17 555.00 x 1	=	R 17 555.00
Roads	R 7 872.00 x 1	=	R 7 872.00
Stormwater	R 9 082.00 x 1	=	R 9 082.00
Solid Waste	R 1 574.00 x 1	=	R 1 574.00
Electricity	R 34 929.99 x 1	=	<u>R 34 929.99</u>
TOTAL (inclusive of VAT)		=	R 97 048.99

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 904 that crosses the common boundary of Portion A and the Remainder of Erf 904 shall be disconnected and sealed off;
3. that both the Remainder and Portion A of Erf 904 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 904 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, Eastcliff, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

**13.ERF 7031, 226 NINTH STREET AND ERF 7032, 228 NINTH STREET
VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED
CONSOLIDATION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF E
NEL**

7031 & 7032 HVK (4365/2023)

P Roux

(028) 313 8900

Hermanus Administration

26 June 2023

EXECUTIVE SUMMARY

An application has been received on 4 April 2023 from Messrs WRAP Project Office on behalf of the property owner in terms of Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the consolidation of Erven 7031 and 7032 Voëlklip, Hermanus in order to create one erf approximately 992m² in extent.

RESOLUTION

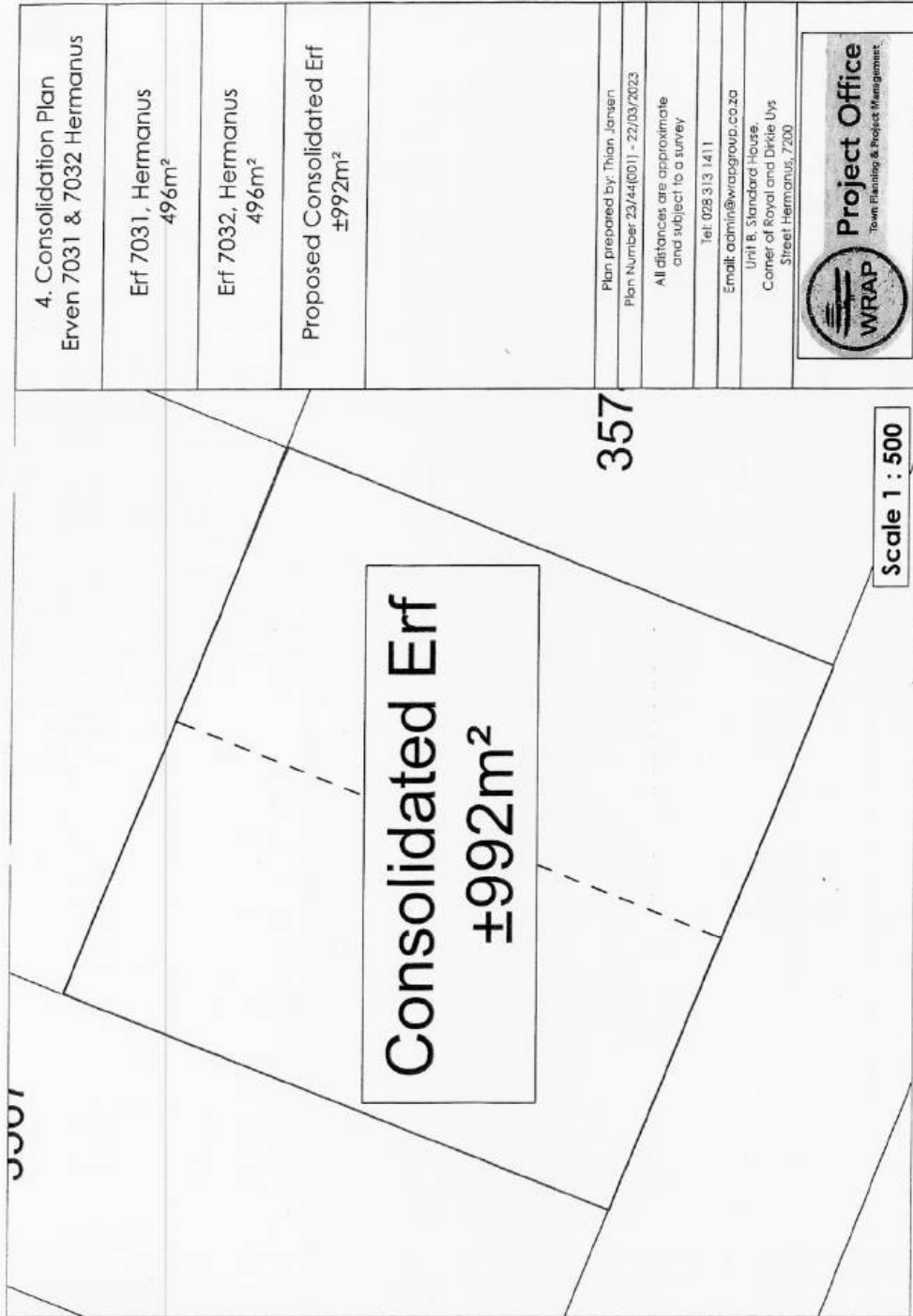
1. that the application in terms Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 7031 & 7032, Voëlklip, Hermanus for the consolidation of the erven to create an erf of approximately 991m² in extent, **be approved** in terms of the provisions of Section 61 of the By-Law;
 - (a) that the approval is only for the consolidation as indicated on *Consolidation Plan No 23/44(001), Hermanus* dated 22/03/2023 as submitted with the application;
 - (b) that building plans be submitted for any new work done and that the Building Department and Fire Department's comments be complied with at that stage;
 - (c) that the conditions in the Services Report, be complied with;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
2. that the applicant 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
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

REASONS FOR RESOLUTION

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





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION: ERVEN 7031 & 7032, 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 stormwater be allowed to discharge through Erven 7031 & 7032, Voelklip, unobstructed;
10. that no on-street parking be allowed.


 DENNIS HENDRIKS
 SENIOR MANAGER: ENGINEERING SERVICES

16/05/2023
 DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

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

9823 HWC (4307/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

7 July 2023

EXECUTIVE SUMMARY

An application has been received on 13 December 2022 from Burmeister Architects on behalf of The Hermanus Esplanade Dev Co (Pty) Ltd on Erf 9823, Hermanus 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 be read with Section 17.1.2.(c) of the Overstrand Municipality Land Use Scheme, 2020 in order to deviate from the requirement to accommodate parking on site.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the deviation of a site development plan.

RESOLUTION

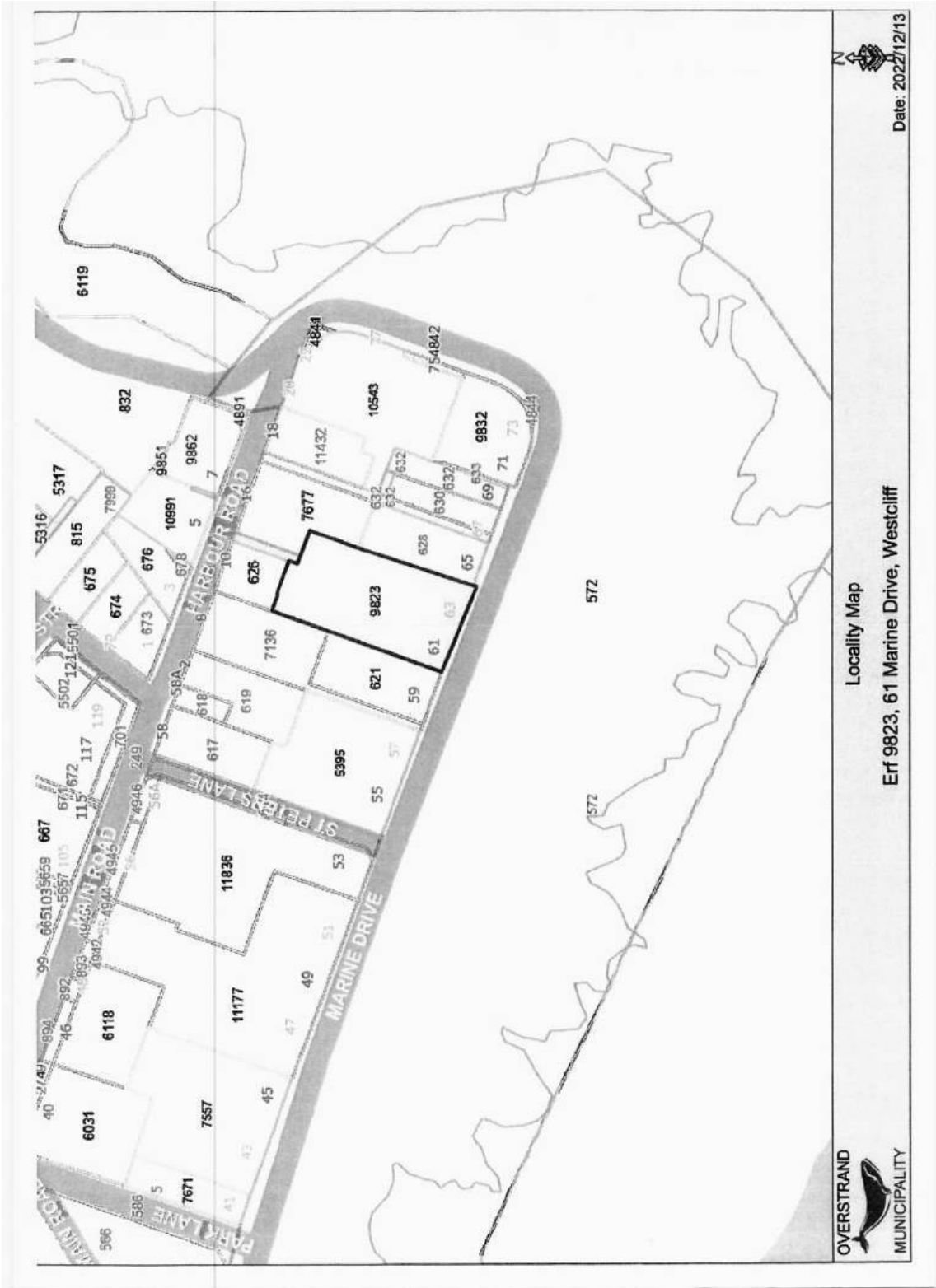
1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 read with Section 17.1.2.(c) of the Overstrand Municipality Land Use Scheme, 2020 on Erf 9823, Hermanus for a departure in order relax the parking bay requirements from 86 to 77, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that an amount of R1 737 000,00, excluding VAT, be payable for the shortfall of nine (9) parking bays within thirty (30) days from the final date of the decision of the application or by way of agreement at clearance of the remaining flats;
 - (b) that the single residential parameters be retained on the property and that all other development parameters as prescribed in the relevant Land Use Scheme must be complied with;
 - (c) that the conditions in the Engineering Report, be adhered to;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

- (d) 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;
 - (e) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the determination of an administrative penalty in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 9823, Hermanus for the deviation of a site development plan was considered and that an administrative penalty not be applicable.
 3. 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 decisions.

REASONS FOR RESOLUTION

- ❖ An administrative penalty is not applicable since Phase 2 of the project has not commenced. The applicant has not exercised its rights for phase 2 depending on the outcome of the application.
- ❖ The phase 2 construction has not commenced and or been issued with a Section 30(2) certificate to enable transfer of proposed units.
- ❖ The applicant immediately complied with the request to put phase 2 on hold until the parking issue has been resolved.
- ❖ The valuation amount for the nine (9) bays is determined as per the Overstrand Municipality Land Use Scheme, 2020 can be used for the development and upgrade of public parking areas in the CBD, which is elderly friendly.
- ❖ Comparisons of parking bays with rental and sectional title schemes do not portray the value of the application erf, which is included in the purchase price. The comparative method is not a true reflection of the value of the property.
- ❖ The comparison method did not take into account construction costs of 2023 and therefore does not reflect the real value of a parking bay in terms of this method.
- ❖ The applicant changed the original scheme that has led to the parking departure without taking due cognisance of the requirements of the Overstrand Municipality Land Use Scheme, 2020.
- ❖ The amount determined by using method 1 is the true reflection of the value of a parking bay inclusive of construction cost in 2023.



Locality Map
Erf 9823, 61 Marine Drive, Westcliff

Date: 2022/12/13

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE, ERF 9823, WESTCLIFF (4307/2022))**

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. The leasing or selling of public parking bays in Harbour Road , Marine Drive and St Peters Street is not supported;
7. that the calculation of the construction cost of parking bays (part of the motivation report) be re-calculated in consultation with the Engineering Services Department ;
8. that stormwater reticulation and connection(s) to the municipal system be provided according to the approved stormwater management plan ;

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

01/06/2023
 DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

**15.ERF 7795, 2 LOBELIA, THIRTEENTH AVENUE, KLEINMOND,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE:
FUTURE PLAN TOWN & REGIONAL PLANNING ON BEHALF OF P
NIEMAND**

7795 KKM (4293/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

17 July 2023

EXECUTIVE SUMMARY

An application has been received on 16 November 2022 from Future Plan Town & Regional Planners on Erf 7795, 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 street building line from 3m to 1,5m to accommodate the extension of a pergola.

RESOLUTION

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 2087, Hermanus in order to accommodate the existing dwelling, **be approved** in terms of the provisions of Section 61 of the By-Law
 - (a) that this approval is only for the development as indicated on the plan number KM7795/22 dated 12 September 2022 as submitted with the application;
 - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

REASON FOR THE RESOLUTION

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

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

**16. ERVEN 260, 284, AND REMAINDER ERF 295, WESTCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR ZONING
DETERMINATION AND CONSOLIDATION: MESSRS PLAN ACTIVE TOWN-
AND REGIONAL PLANNERS ON BEHALF OF MKA ESSER**

260, 284 & 295 HWC (4254/2022)

(H Boshoff)

SW van der Merwe

(028) 313 8900

Hermanus Administration

10 July 2023

EXECUTIVE SUMMARY

An application has been received on 4 October 2022 from Messrs PlanActive Town- and Regional Planners on behalf of MKA Esser applicable to Erven 260, 284, and Remainder Erf 295, Hermanus (Westcliff) for the following:

- ❖ **zoning determination** of Erven 260 and 284, Hermanus in terms of Section 16(2)(m) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law); and the
- ❖ **consolidation** in terms of Section 16(2)(e) of the By-Law of Erf 239, Hermanus with the above Erven 260 and 284, Hermanus with Remainder Erf 295, Hermanus.

RESOLUTION

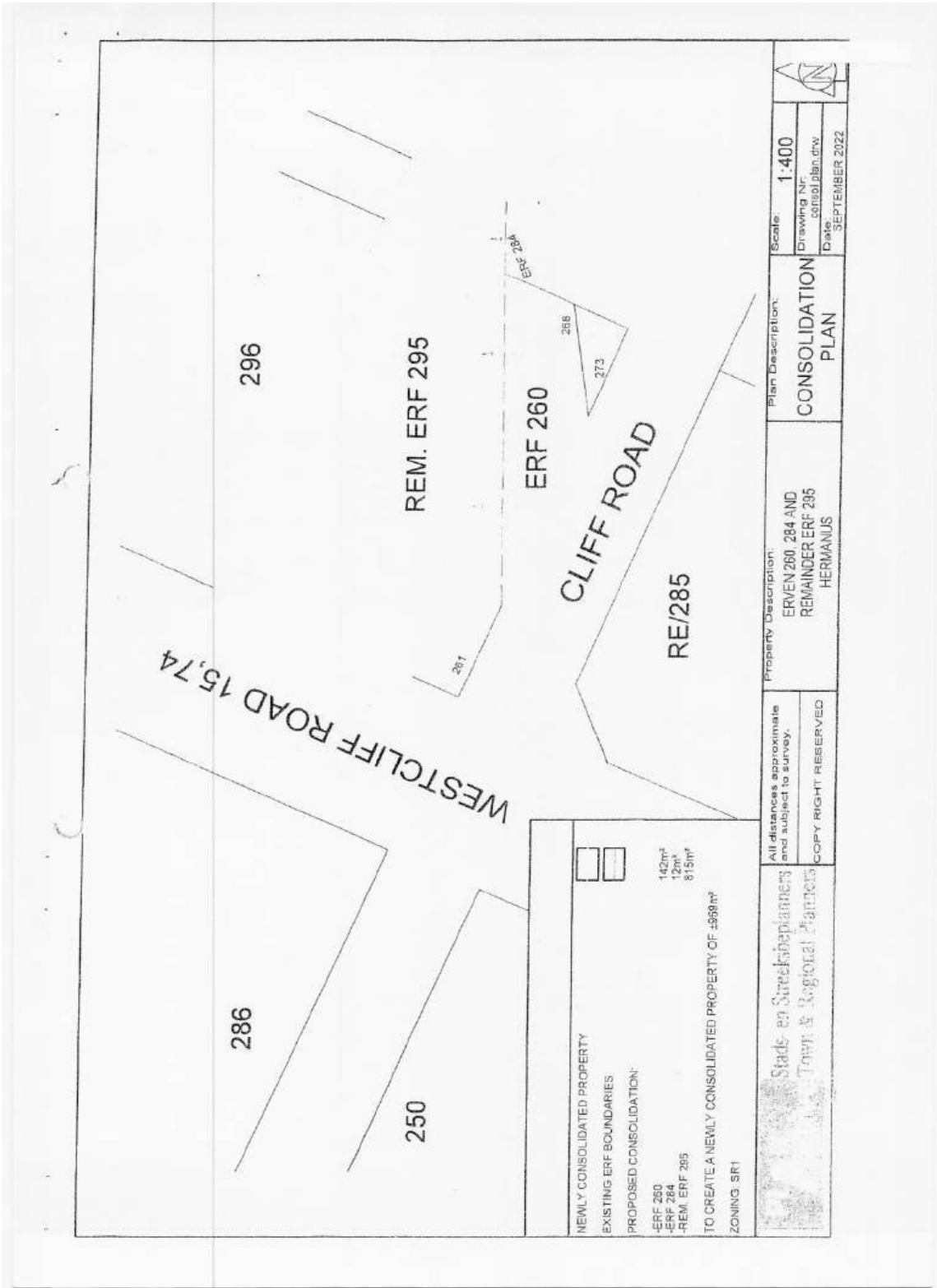
1. that the application in terms of Section 16(2)(m) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for a zoning determination of Erven 260 and 284, Hermanus, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that, in terms of the approval in 1. above, the zoning status of Erven 260, and 284, Hermanus be determined as Residential Zone 1: Single Residential; and
3. that the application in terms of Section 16(2)(e) of the By-Law for the consolidation of Erf 260, 284, and Remainder Erf 295, Hermanus, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the relevant conditions of Engineering Services, be complied with;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

- (b) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (c) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No internal or external objections were received.
- ❖ The application is not out of the ordinary with the character of the surrounding developed environment.
- ❖ It is in line with strategic documents.
- ❖ The application is not regarded as being undesirable from a town planning point of view.



NEWLY CONSOLIDATED PROPERTY

EXISTING ERF BOUNDARIES

PROPOSED CONSOLIDATION:

ERF 260 142m²
 ERF 264 12m²
 REM. ERF 295 815m²

TO CREATE A NEWLY CONSOLIDATED PROPERTY OF 5989m²

ZONING: SR1

State of South Africa Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: ERVEN 260, 284 AND REMAINDER ERF 295 HERMANUS	Plan Description: CONSOLIDATION PLAN	Scale: 1:400 Drawing No: Date: CONSOLIDATION.dwg SEPTEMBER 2022

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION: ERVEN 260, 295 & 197,
WESTCLIFF (4254/2022)**

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

Conditions:

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

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

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

21/05/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

**17.ERF 12816, 229 ELEVENTH STREET, VOËLKLIP, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP
PROJECT OFFICE ON BEHALF OF WL GREEFF**

12816 HVK (4199/2022)

P Roux

(028) 313 8900

Hermanus Administration

23 June 2023

EXECUTIVE SUMMARY

An application has been received on 26 June 2022 (final version 20 September 2022) from Messrs WRAP Project Office on behalf of the owner of Erf 12816, Voëlkliip, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

Departures in terms of Section 16 (2)(b) to:

- ❖ relax the north-western lateral building line from 2m to 0m to accommodate the proposed covered braai area and storage area;
- ❖ relax the permissible height restriction from 2.1m to 3.5m to accommodate the proposed boundary wall;
- ❖ relax the north-western lateral building line from 2m to 0m to accommodate the proposed garage extension;
- ❖ relax the permissible height restriction from 3.5m to 4.2m to accommodate the proposed garage parapet;
- ❖ relax the north-western lateral building line from 2m to 1,3m to accommodate the proposed braai on ground floor;
- ❖ relax the north-western lateral building line from 2m to 1m to accommodate the proposed fireplace on ground floor;
- ❖ relax the north-western lateral building line from 2m to 1.3m to accommodate the proposed braai flue on first floor;
- ❖ relax the north-western lateral building line from 2m to 1m to accommodate the proposed fireplace flue on first floor;
- ❖ relax the north-eastern lateral building line from 2m to 0m to accommodate a proposed screen wall;
- ❖ relax the permissible height restriction from 2.1m to 3.18m to accommodate the proposed parapet extension;
- ❖ relax the north-eastern lateral building line to 2m to 1.585m to accommodate a proposed courtyard wall on ground floor;
- ❖ relax the permissible height restriction from 2.1m to 3.18m to accommodate the proposed courtyard wall on ground floor;
- ❖ relax the north-western lateral building line from 2m to 1.265m to accommodate a lower ground storey;
- ❖ relax the north-eastern lateral building line from 2m to 1.585m to accommodate a lower ground storey;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

- ❖ relax the north-eastern lateral building line from 2m to 1.585m to accommodate the proposed screen wall on ground floor;
- ❖ relax the north-western lateral building from 2m to 1.7m to accommodate the proposed balcony on ground floor;
- ❖ relax the north-western lateral building from 2m to 1,68m to accommodate the dining are, patio, formal lounge and informal lounge on the ground floor;
- ❖ relax the north-eastern lateral building from 2m to 1,585m to accommodate the kitchen, pantry, scullery, laundry and guest bathroom on the ground floor.

Determination of an administrative penalty *in terms of Section 16(2)(b) 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 12816, Hermanus in order to:
 - ❖ relax the north-western lateral building line from 2m to 0m to accommodate the proposed covered braai area and storage area;
 - ❖ relax the permissible height restriction from 2.1m to 3.5m to accommodate the proposed boundary wall;
 - ❖ relax the north-western lateral building line from 2m to 0m to accommodate the proposed garage extension;
 - ❖ relax the permissible height restriction from 3.5m to 4.2m to accommodate the proposed garage parapet;
 - ❖ relax the north-western lateral building line from 2m to 1,3m to accommodate the proposed braai on ground floor;
 - ❖ relax the north-western lateral building line from 2m to 1m to accommodate the proposed fireplace on ground floor;
 - ❖ relax the north-western lateral building line from 2m to 1.3m to accommodate the proposed braai flue on first floor;
 - ❖ relax the north-western lateral building line from 2m to 1m to accommodate the proposed fireplace flue on first floor;
 - ❖ relax the north-eastern lateral building line from 2m to 0m to accommodate a proposed screen wall;
 - ❖ relax the permissible height restriction from 2.1m to 3.18m to accommodate the proposed parapet extension;
 - ❖ relax the north-eastern lateral building line to 2m to 1.585m to accommodate a proposed courtyard wall on ground floor;
 - ❖ relax the permissible height restriction from 2.1m to 3.18m to accommodate the proposed courtyard wall on ground floor;
 - ❖ relax the north-western lateral building line from 2m to 1.265m to accommodate a lower ground storey;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

- ❖ relax the north-eastern lateral building line from 2m to 1.585m to accommodate a lower ground storey;
- ❖ relax the north-eastern lateral building line from 2m to 1.585m to accommodate the proposed screen wall on ground floor;
- ❖ relax the north-western lateral building from 2m to 1.7m to accommodate the proposed balcony on ground floor;
- ❖ relax the north-western lateral building from 2m to 1,68m to accommodate the dining are, patio, formal lounge and informal lounge on the ground floor; and
- ❖ relax the north-eastern lateral building from 2m to 1,585m to accommodate the kitchen, pantry, scullery, laundry and guest bathroom on the ground floor;

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

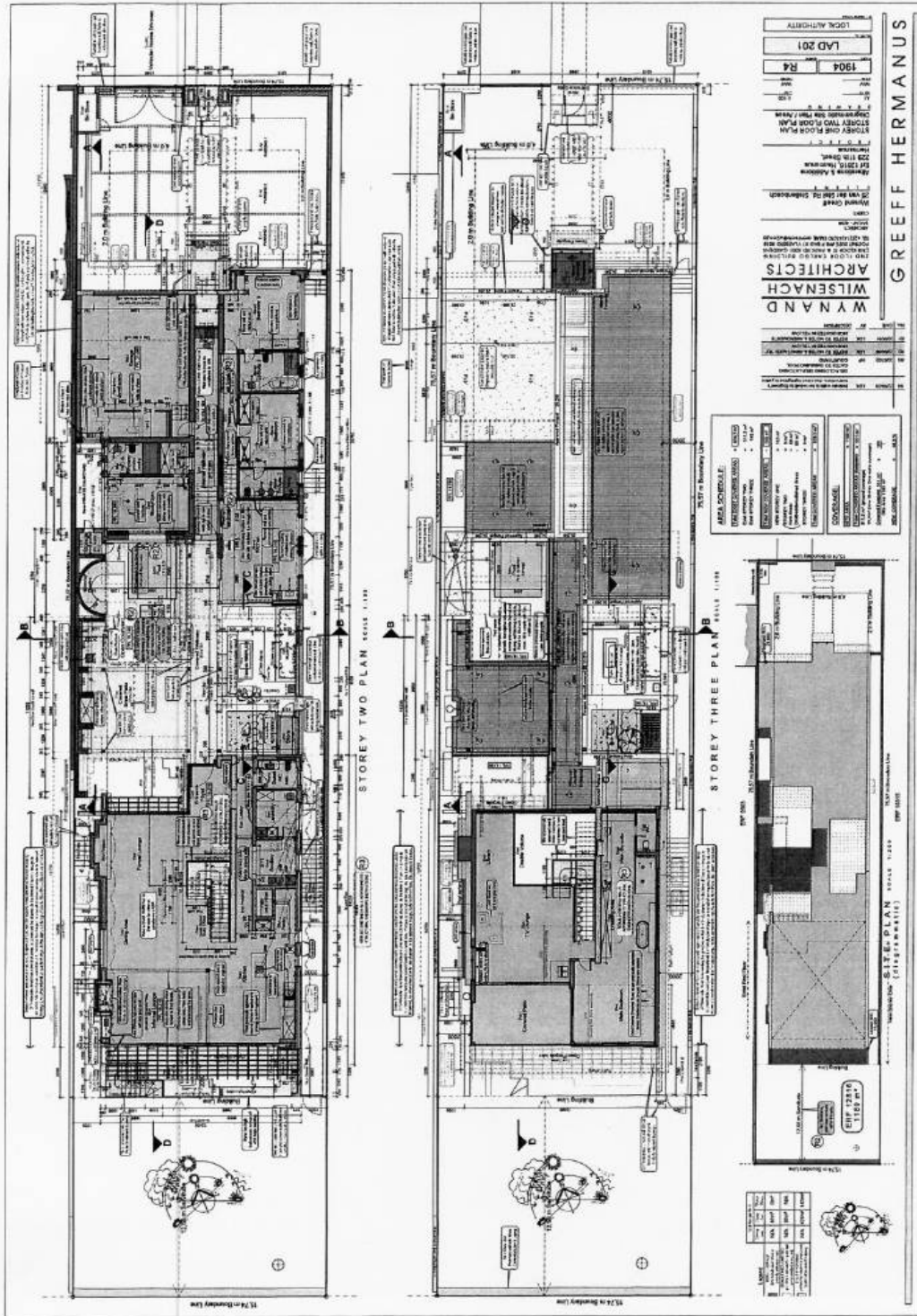
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 12816, Hermanus for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an 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 *drawing no. LAD5_221020-LAD201, LAD5_221020-LAD202 and LAD5_221020-LAD203* received on 25 October 2022;
 - (b) that the roof structure over the proposed braai area over north-western lateral building line be set back to 1m from the boundary wall and that updated building plans be submitted to the building control office within sixty (60) days of the decision;
 - (c) that an administrative penalty of R60 006,77 (including VAT) (being 20% of the Overstrand Municipal Budget as determined by the municipality) be payable within thirty (30) days of the decision;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

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 proposed departures have no impact on the adjacent property owners' rights.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The structures proposed are further considered to be in line with the character of the area.
- ❖ The consultants working on the project is well-informed that no building work can be done on site prior to approval from the Municipality. The owner ceased all building work however the foundations, portions of the services and load bearing walls have already been constructed. The work done on site contravenes the land use parameters.



WYNAND WILSENACH ARCHITECTS
 229 11th Street
 Cape Town
 Telephone: 021 422 1111
 Fax: 021 422 1112
 E-mail: wilsenach@wilsenach.co.za

GREIFF HERMANUS

STOREY ONE FLOOR PLAN
 STOREY TWO FLOOR PLAN
 STOREY THREE FLOOR PLAN
 1904 R4
 LAD 201
 LOCAL AUTHORITY

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 12816, VOELKLIP (4199/2022)**

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 12816, Voelklip, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

14/12/2022
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

**18.ERF 997, 1 MC FARLANE STREET, EASTCLIFF, HERMANUS:
APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE
DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN
ADMINISTRATIVE PENALTY: MESSRS INTERACTIVE TOWN- &
REGIONAL PLANNERS ON BEHALF OF A VERMEULEN**

997 HEC (4314/2022)

P Roux

(028) 313 8900

Hermanus Administration

20 July 2023

EXECUTIVE SUMMARY

An application has been received on 22 December 2022 (final version 24 February 2023) from Messrs Interactive Town- and Regional Planners applicable to Erf 997, Eastcliff, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

Removal of a Restrictive Title Deed Condition

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions B.1.(a), (b) and (d) as contained in Title Deed T38941/2022 of the property to accommodate the proposed application:

Departure

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

- ❖ relax the north-western lateral building line from 2m to 1m to accommodate the existing storage room;
- ❖ relax the north-eastern lateral building line from 2m to 1.1m to accommodate the existing storage room;
- ❖ relax the south-eastern street building line from 4m to 3.6m to accommodate a window that has been bricked up; and
- ❖ relax the south-eastern street building line from 4m to 0m to accommodate the existing carport.

Determination of Administrative Penalty

Application in terms of Section 16(2)(q) of the By-Law for the determination of an administrative penalty for the illegal additions on the property.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

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) for the removal of restrictive title deed conditions B.1.(a), (b) & (d) as contained in Title Deed T38941/2022 applicable to Erf 997, Hermanus, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:
 - ❖ relaxation of the north-western lateral building line from 2m to 1m to accommodate the existing storage room;
 - ❖ relaxation of the north-eastern lateral building line from 2m to 1.1m to accommodate the existing storage room;
 - ❖ relaxation of the south-eastern street building line from 4m to 3.6m to accommodate a window that has been bricked up; and
 - ❖ relaxation of the south-eastern street building line from 4m to 0m to accommodate the existing carport,

be approved in terms of the provisions of Section 61 of the By-Law;
3. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the unauthorised building work as stipulated above, **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 point 1, 2 and 3 above be subject to the following conditions:
 - (a) that this approval is subject to the submission of an amended Site Development Plan indicating four parking bays of 5mx2,5m in extent each with sufficient entrance and egress to the satisfaction of the Town- and Spatial Planning Department;
 - (b) that an administrative penalty of R2 853,56 (including VAT) (being 1% of the value of the property as determined by the municipality) be payable within thirty (30) days of the decision;
 - (c) that building plans (in line with the aforementioned revision) be submitted to the Building Department and all comments from the Building- and Fire Departments be complied with at that stage;
 - (d) that all the conditions of Engineering Services, be complied with;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

- (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
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 procedure.
- ❖ No objections were received from the public.
- ❖ The proposed departures and use of the property will have no impact on the adjacent properties.
- ❖ The size and scope of the structures are considered to be non-intrusive and in line with the character of the area.
- ❖ Alterations were made to the property without the required approval from the Municipality.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,
DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF
997, EASTCLIFF (4314/2022)**

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 997, Eastcliff, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

MUNICIPAL PLANNING TRIBUNAL

1. **ERF 4419, 9 MAIN ROAD, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR TEMPORARY DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF HJ FOURIE**

4419 HNC (4151/2022)

**H van der Stoep
8 May 2023**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 5 May 2023 from Plan Active Town & Regional Planning on behalf of Dr HJ Fourie on Erf 4419, Hermanus for the following:

- ❖ **Temporary Departure** in terms of Section 16.(2)(c) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to allow for the continuous operation of the existing dental practice on the property.
- ❖ **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 above unauthorised land use.

RESOLUTION

1. that the application in terms of Section 16.(2)(c) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 4419, Hermanus for a temporary departure to allow for the continuous operation of the existing dental practice on the property, **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 number her4419q.drw dated 05/2022, as submitted with the application;
 - (b) permission to operate a dental practise is granted to a particular person/entity, and the approval is not transferrable;
 - (c) that the approval is valid for a period of ten (10) years from date of approval whereafter it will lapse;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

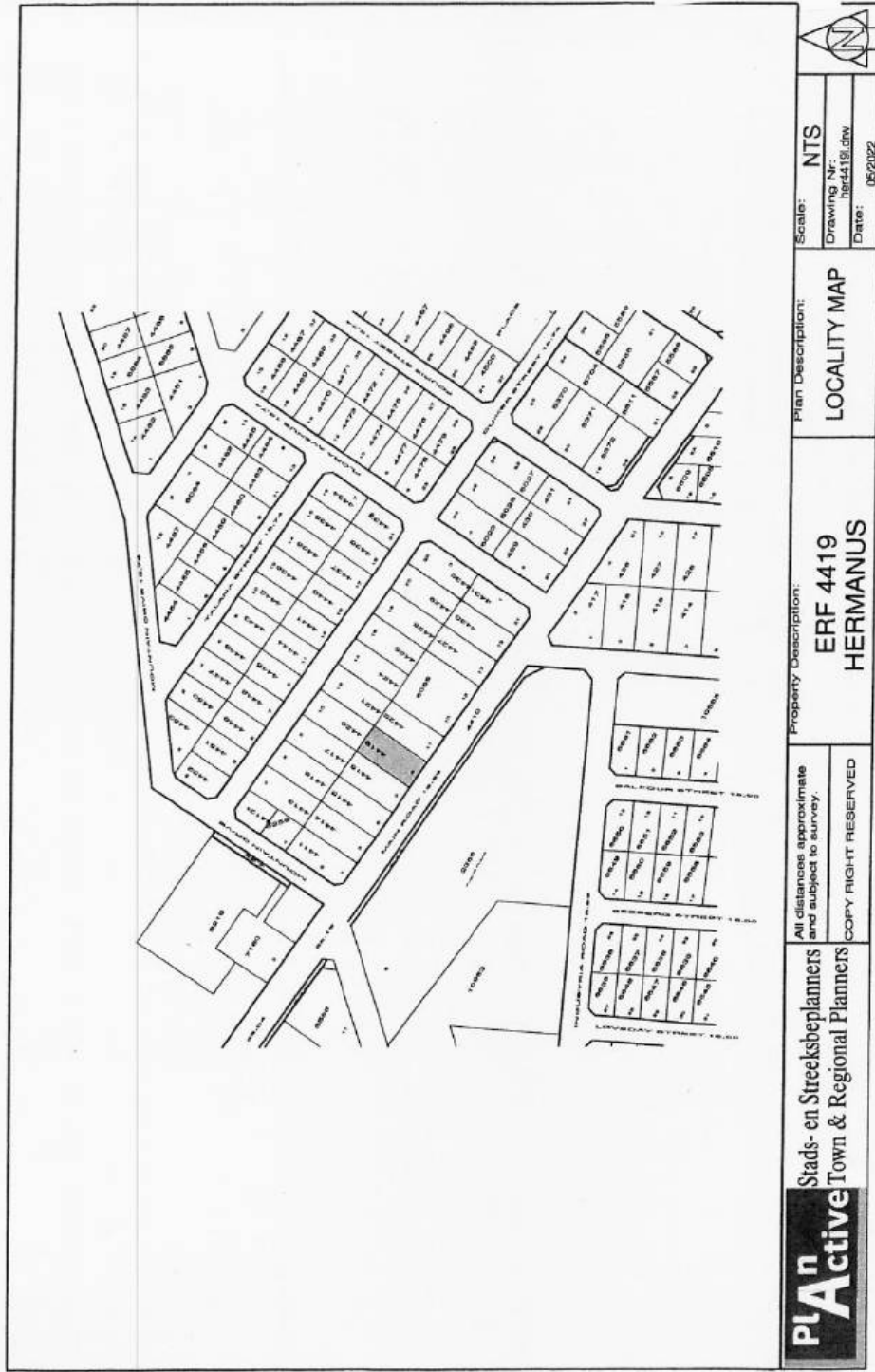
- (d) that the single residential parameters be retained on the property and that no further development as allowed in the Land Use Scheme be applicable;
- (e) that building plans be submitted to the Building Department reflecting the approval for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
- (f) that the development must comply with the provisions of SANS – A:2016, 10400-T:2020 and the By-Law relating to community safety and building plans must be submitted with a separate detailed fire protection plan;
- (g) that the Overstrand Municipality retains the right to enforce any relevant legislation, as well as law and order on the premises, on the landowner/s;
- (h) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
- (i) that all medical waste generated by the practice need to be collected and disposed of by a registered medical waste service provider;
- (j) that no off-street parking be allowed;
- (k) that this approval does not absolve the applicant from compliance with any other relevant legislation;
- (l) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
- (m) that all the conditions in the Services Report, be complied with, and
- (n) that all conditions imposed by Western Cape Government: Transport & Public Works, be complied with.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

2. that the determination of an administrative penalty in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4419, Hermanus for the above unauthorised land use (dental practice) was considered and that an administrative penalty of R98 327,43 excluding VAT (being 6% of the built cost as per the price per m² of the land value + VAT), **be applicable** in terms of Section 90.(4) of the By-Law which penalty must be paid within thirty (30) days from the final date of the decision of the application.
3. 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 decisions.

REASONS FOR RESOLUTION

- ❖ The use of the property as a dental practice has been in existence for years.
- ❖ 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 SDF.
- ❖ No objections were received from neighbours.
- ❖ The proposed application will not negatively impact the surrounding area as it has a well-designed street frontage and fits in with the character of the surrounding area.
- ❖ The temporary departure is restricted to the present owner and is not transferable.
- ❖ The uncertainty relating to the By-Pass Road needs to be taken into consideration in terms of land uses generating unforeseen consequences of traffic flow.
- ❖ The administrative penalty was determined at 1% per year from the first notice (2016) up to the final notice (2021), which has led to the discussion and submission of the application.
- ❖ The reason for not determining the penalty at 10% is due to the fact that the property has been used for a medical related facility since 1997 and the land use is located in an approved dwelling house.





NOTES:

- A. Sterilisation Room (±4.5m²)
- B. Consultation Room (±13.0m²)
- C. Laboratory (±7.0m²)
- D. Toilet Facility (±2.2m²)
- E. Consultation Room (±35.2m²)
- F. Consultation Room (±10.2m²)
- G. Waiting Area (±23.7m²)
- H. Reception (±6.6m²)
- I. Entrance (±2m²)

Parking requirements:

- 1 Parking Bay for the second dwelling
- 4 Parking Bays / 100m² GLA for the Dental Practice

GLA = ±100.2m²

- Parking Bays required for the second dwelling = 1
- Parking Bays required for the Dental Practice = 5
- Total Parking Bays Required = 6
- Parking Bays Provided = 11

	Stads- en Streekskieders Town & Regional Planners	All distances approximate and subject to survey. COPYRIGHT RESERVED	Property Description: ERF 4419 HERMANUS	Plan Description: PROPOSED LAYOUT PLAN	Scale: 1:250 Drawing No: 164216.01 Date: 02/2012

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR TEMPORARY DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 4419, NORTHCLIFF (4151/2022)**

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 all medical waste generated will need to be collected by a registered healthcare risk waste company and disposed of at an approved facility as per the undertaking
5. that on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
6. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through Erf 4419, Northcliff, unobstructed.

p.p. Blacfen
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

09/11/2022
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

- 2. ERF 2820, CORNER OF MAIN ROAD & JIMMY SMITH STREET (SANDBAAI COMMUNITY HALL), SANDBAAI: OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WARREN PETERSON PLANNING ON BEHALF OF OVERSTRAND MUNICIPALITY**

2820 HSB

3766/2021

(H Boshoff)

H van der Stoep

(028) 313 8900

Hermanus Administration

20 July 2023

EXECUTIVE SUMMARY

To consider an application received on 12 March 2021 (revised application 25 March 2022) from Messrs Warren Petterson Planning on behalf of the Overstrand Municipality, the owner of Erf 2820, Sandbaai (the property), for the following:

1. **application for consent use** in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-law) to accommodate a 10m high monopole transmission tower comprising of sector antennas and microwave dishes attached to the mast, as well as an equipment container within an enclosed area of approximately 16m², on the property; and an
2. **application for the determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the illegal usage of a portion of the property for transmission apparatus purposes.

RESOLUTION

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-law), applicable to Erf 2820, Sandbaai, for consent use to accommodate transmission apparatus on the property, consisting of a 10m high monopole transmission tower with sector antennas and microwave dishes attached to the mast, as well as an equipment container within an enclosed area of approximately 16m², **be approved** in terms of the provisions of Section 61 of the By-Law, and:

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

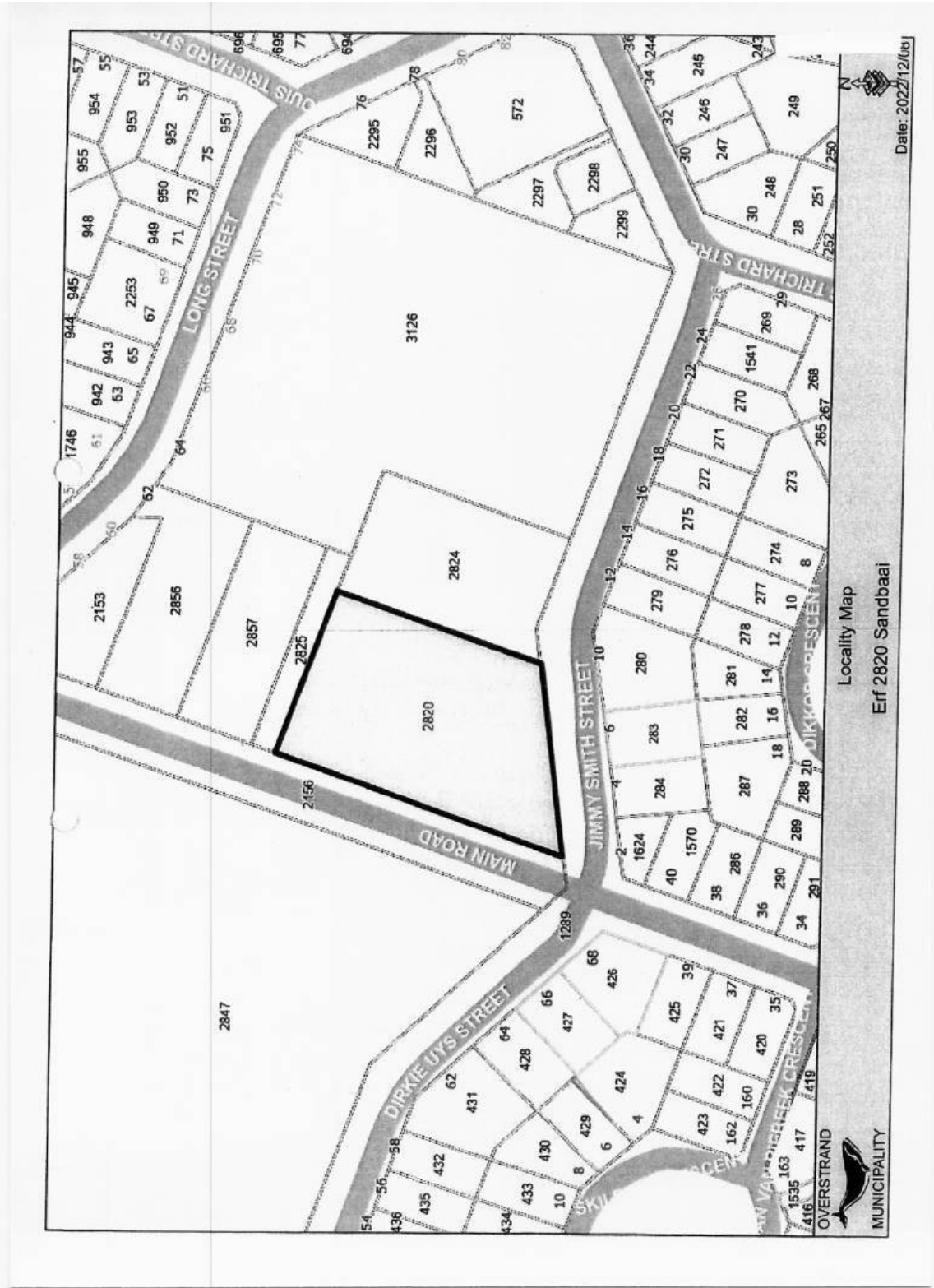
2. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the illegal land use and an illegal structure for an area of 5m² was considered and that **an administrative penalty be payable** in terms of the provisions of Section 90 of the By-Law, and that the penalty be set at 5 percent (5%) of the maximum allowable penalty which amounts to R3998.65;
3. that the decisions in paragraphs 1 and 2 above be subject to the following conditions:
 - (a) that the administrative penalty in 2 above, must be paid within 30 days from the final decision of the application;
 - (b) that the transmission tower and associated infrastructure must be placed at the eastern rear side of the main building to avoid any possible intrusive visual impacts;
 - (c) that the tower must be a monopole design and may not exceed a height of 10m or any other applicable development parameters;
 - (d) that the colour of the tower and all fixtures must be of such a nature that is blends in with the surrounding environment;
 - (e) that co-location on the tower for other service providers must be provided;
 - (f) that building plans be submitted to the Building Department for consideration and approval and that any requirements by internal departments at the time must be adhered to;
 - (g) that no signage, banners, or flags may be fixed to the mast;
 - (h) that no floodlighting may be fixed to the mast - other light fittings if required, may only be permitted below a 3m height.
 - (i) that the Senior Manager: Town- and Spatial Planning must be notified prior to other operators being permitted on the transmission tower and be provided with the relevant details of the proposed installations;
 - (j) that all the relevant conditions of Engineering Services, be complied with;

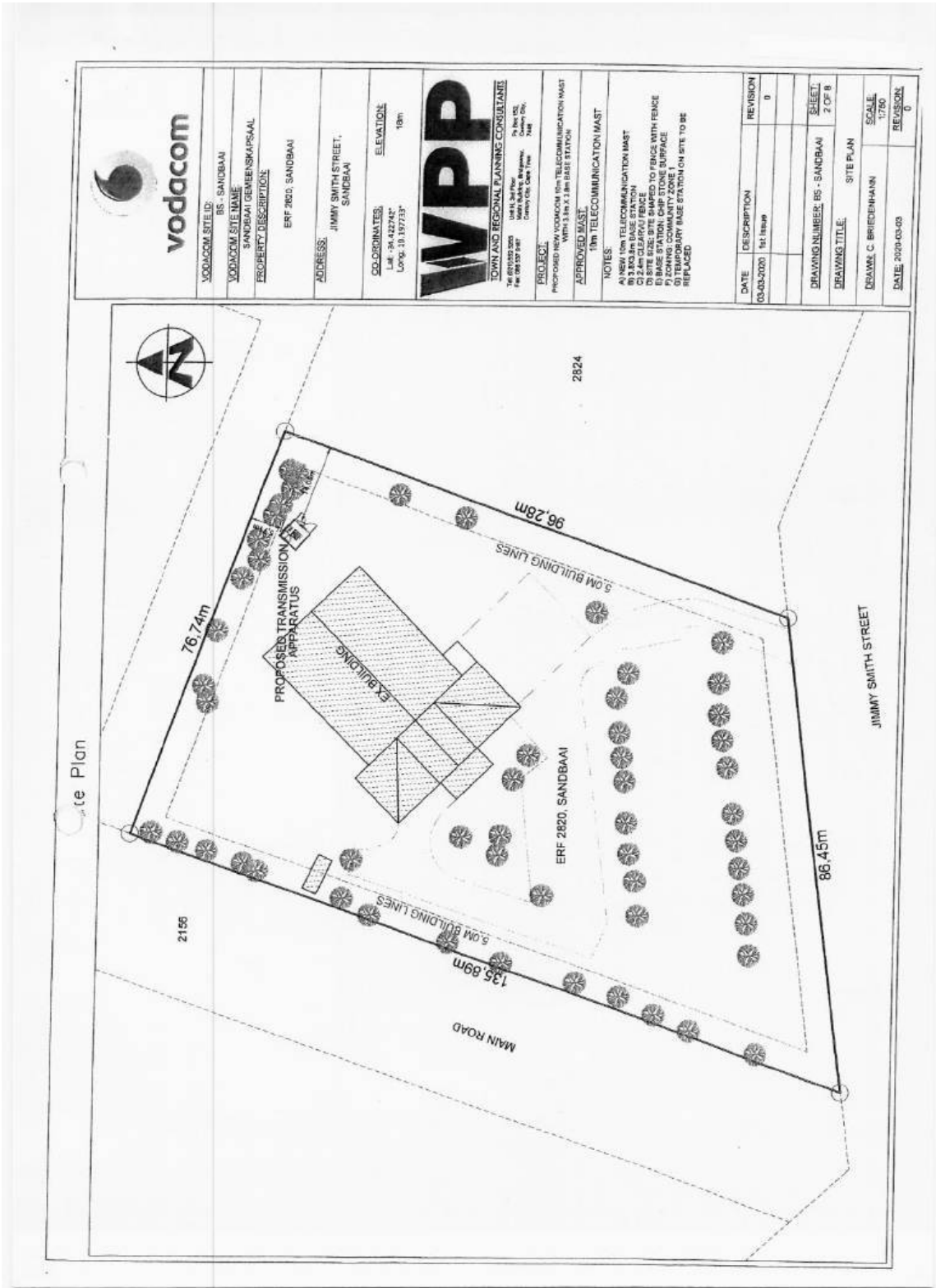
**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

- (k) that the transmission apparatus must operated in such a manner that it is not detrimental to the peacefulness and amenity of the surrounding area;
 - (l) that the EMF of the transmission tower must always be compliant with ICNIRP standards as endorsed by the South African Department of Health;
 - (m) that the Municipality be indemnified against any claim which may be instated as a result of the above approval; and
 - (n) that this approval does not absolve the applicant from compliance with any other relevant legislation.
4. that the applicant and the commenters 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 conditional approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ Numerous such enterprises have been approved in similar nodes throughout the Overstrand Municipality's area of jurisdiction.
- ❖ The transmission apparatus is not out of character of the surrounding area.
- ❖ The proposed transmission tower will contribute to economic development, promotion of tourism and will ensure improved access to telecommunication services and emergency services.
- ❖ The proposal will not have an unacceptable visual impact.





vodacom

VODACOM SITE ID: BS - SANDBAAI
 VODACOM SITE NAME: SANDBAAI GEMENSKAPSAAL
 PROPERTY DESCRIPTION: ERF 2820, SANDBAAI
 ADDRESS: JIMMY SMITH STREET, SANDBAAI
 COORDINATES: Lat: -34.422748° Long: 18.187733°
 ELEVATION: 18m



TOWN AND REGIONAL PLANNING CONSULTANTS
 Tel: 011 810 5000 Fax: 011 810 5001
 14th Floor, 14th Avenue, Sandton, Johannesburg, 2146
 (Corner of 14th Avenue & 1st Street)

PROJECT: PROPOSED NEW VODACOM 10m TELECOMMUNICATION MAST WITH 3.3m X 3.8m BASE STATION
 APPROVED MAST: 10m TELECOMMUNICATION MAST

NOTES:
 A) NEW 10m TELECOMMUNICATION MAST
 B) 3.3m X 3.8m BASE STATION
 C) 2.0m X 2.0m FENCE WITH 1.2m HIGH
 D) SITE SIZE: SITE SHAPED TO FENCE WITH FENCE
 E) BASE STATION: CHIP STONE SURFACE
 F) 10m TELECOMMUNICATION MAST
 G) TEMPORARY BASE STATION ON SITE TO BE REPLACED

DATE	DESCRIPTION	REVISION
03-03-2020	1st Issue	0

DRAWING NUMBER: BS - SANDBAAI
 SHEET: 2 OF 8
 DRAWING TITLE: SITE PLAN
 DRAWN BY: C. BRIEDENHANN
 SCALE: 1:750
 DATE: 2020-03-03
 REVISION: 0

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 2820, SANDBAAI (3766/2022)**

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 2820, Sandbaai, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

**3. PORTION 23 OF THE FARM UYLENKRAAL NO. 695 (STRANDSKLOOF),
DIVISION BREDASDORP: APPLICATION FOR REZONING, CONSENT USE,
AMENDMENT OF A SITE DEVELOPMENT PLAN AND DETERMINATION OF
AN ADMINISTRATIVE PENALTY: MESSRS ATLAS TOWN PLANNING ON
BEHALF OF LH & IH FOURIE**

Farm 695/23(3966/2022)

SW van der Merwe

(028) 313 8900

Hermanus Administration

15 Auguts 2023

EXECUTIVE SUMMARY

An application was received in terms of the Overstrand Municipality Amendment By-law on Municipal Land Use Planning, 2020 (By-law) from Messrs Atlas Town Planning on behalf of LH & IH Fourie applicable to Portion 23 of the Farm Uylenkraal No. 695 (Strandskloof), Division Bredasdorp for the following:

- ❖ **rezoning** in terms of Section 16(2)(a) of the By-law of a portion (14ha) of the remainder from Agriculture Zone 1 to Resort Zone to accommodate the expansion of the resort;
- ❖ **amendment of a Site Development Plan (SDP) / conditions of an existing approval** in terms of Section 16(2)(h) of the By-law to accommodate expansion of the resort;
- ❖ **consent use** in terms of Section 16(2)(h) of the By-law to accommodate 10 holiday housing units; and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(2) of the By-law to accommodate the unauthorised expansion of the resort.

RESOLUTION

1. that the objection be noted;
2. that the application in terms of Section 16(2)(a) of the By-law for rezoning of a portion (14ha) of the remainder from Agriculture Zone 1 to Resort Zone to accommodate the expansion of the resort, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(h) of the By-law for amendment of a site development plan / conditions of an existing approval to accommodate the expansion of the resort, **be approved** in terms of the provisions of Section 61 of the By-Law;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

4. that the application in terms of Section 16(2)(o) of the By-Law for consent use to accommodate 10 holiday housing units, **not be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the unauthorised land use and building work as stipulated, **not be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-law
6. that the decisions in paragraphs 2, 3 and 5 above be subject to the following:
 - (a) that a detailed Site Development Plan be submitted for municipal approval within in 30 days of the final approval indicating the area, coordinates and extent of all existing and proposed land uses, buildings and structures and on-site parking provision in accordance with the Overstrand Land Use Scheme;
 - (b) that condition 2.(a) of the resolution of the Mayoral Committee dated 26 November 2008 be amended to read as follows:

that the resort be limited to the buildings, structures and land uses indicated on the Site Development Plan referred to in paragraph (a) above;
 - (c) that building plans be submitted to the Building Control Department for approval, within 90 days of the final decision and that all conditions of the Building- and Fire Departments be complied with at that stage;
 - (d) that in accordance with Section 90(4) of the By-law an administrative penalty of R259 800.00 + R38970.00 (VAT) be payable within thirty (30) days of the decision;
 - (e) that the development be implemented strictly in accordance with the provisions of the EA;
 - (f) that the screening between caravan/camping stands be restricted to natural hedges only;
 - (g) that the caravan/camping stands shall not be provided with any permanent/impermeable surfaces (such as concrete or pavers);
 - (h) that a soak-away sewage system would not be permitted;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

- (i) that the necessary approvals from Department of Water Affairs and Forestry is obtained, prior to the development of any hiking trails on the premises;
 - (j) that no form of off road tracks, 4 x 4 routes, quad biking and motorcycling tracks be permitted on the property;
 - (k) that commercial rates and service tariffs as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (l) that all the conditions of Eskom, Department of Transport and Public Works, Breede-Gouritz Catchment Management Agency, Heritage Western Cape, and CapeNature, be complied with
 - (m) that all the conditions from Fire Services, Engineering Services and District Health and, be complied with
 - (n) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (o) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
 - (p) that the use of the chalets indicated on the approved Site Development Plan, including chalets P15 to P24, be restricted to Holiday Accommodation in accordance with the Overstrand Land Use Scheme, 2020.
7. 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, 2015 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

Reasons for approval

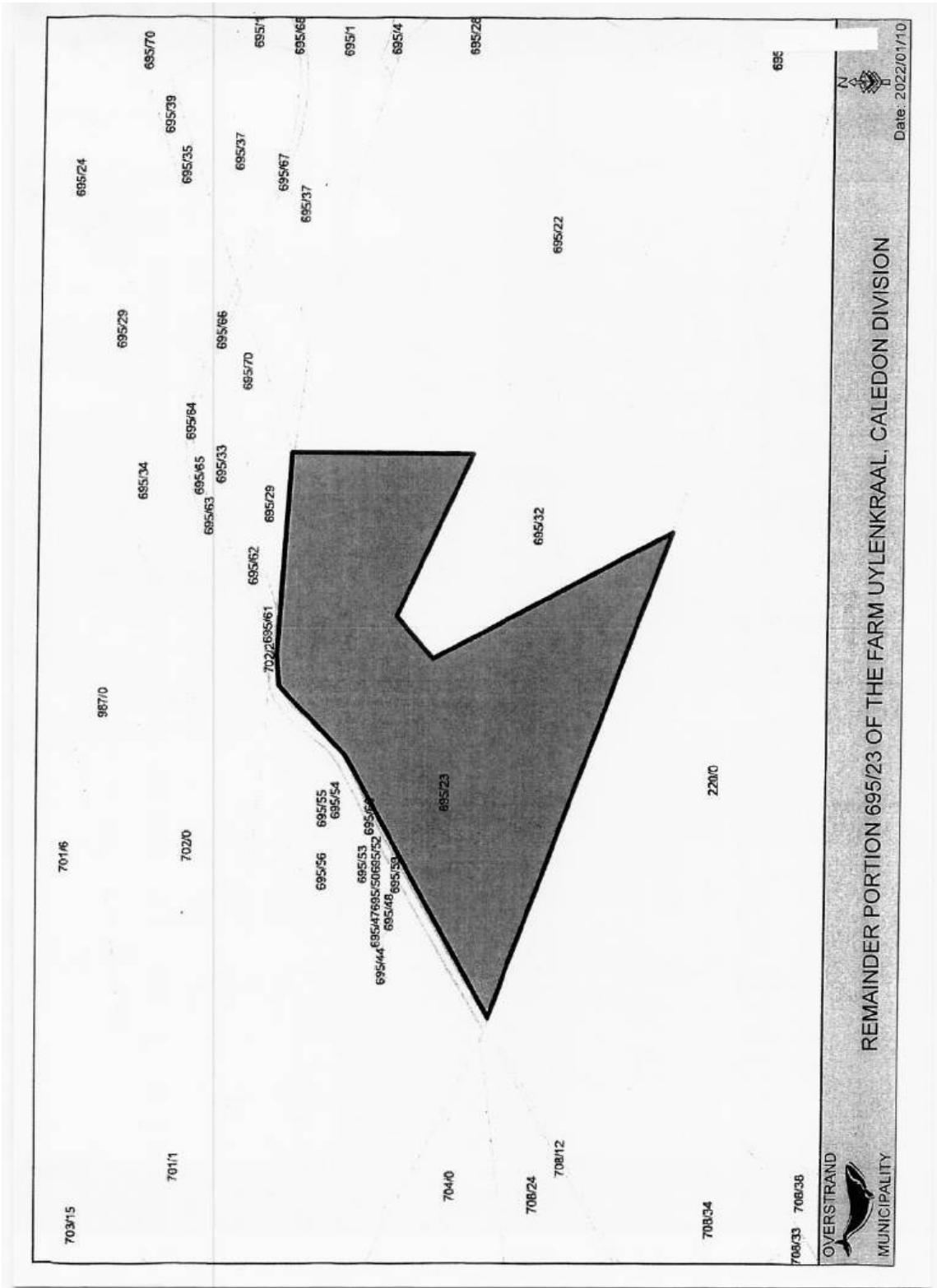
- ❖ Environmental Authorisation was granted.
- ❖ The proposed development complies with the applicable policy and forward planning documents.
- ❖ The proposed development is consistent with the planning principles in terms of LUPA and SPLUMA.
- ❖ The proposed development contributes to sustainable development and investment in the area whilst also providing additional employment opportunities.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 October 2023
(Also the agenda for the Mayoral Committee Meeting : 11 October 2023)**

- ❖ The development promotes tourism and economic development.
- ❖ The development via the implementation of mitigation measures will not unacceptably detract from the rural character of the area, heritage resources or the natural environment.
- ❖ The development will not adversely impact vested rights of adjoining property owners, subject to implementation of mitigation measures.
- ❖ The site layout was amended to ensure the development footprint avoids archaeological areas of significance.
- ❖ The unauthorised land use and buildings were developed without formal approval in terms of the By-Law and the National Building Regulations.
- ❖ The unauthorised buildings and land uses contravene the 2009 Planning approval and approved SDP.

Reasons for non-approval

- ❖ Alienation by means of sectional title division and fragmentation of ownership is not desirable due to the location of the property outside the urban edge, thereby not consistent with the SDF.
- ❖ Alienation and subdivision are not consistent with the Western Cape Rural Land Use Guidelines, 2019.



REMAINDER PORTION 695/23 OF THE FARM UYLENKRAAL, CALEDON DIVISION



708/33 708/38

708/34

708/12

708/24

704/0

701/1

702/0

701/6

703/15

220/0

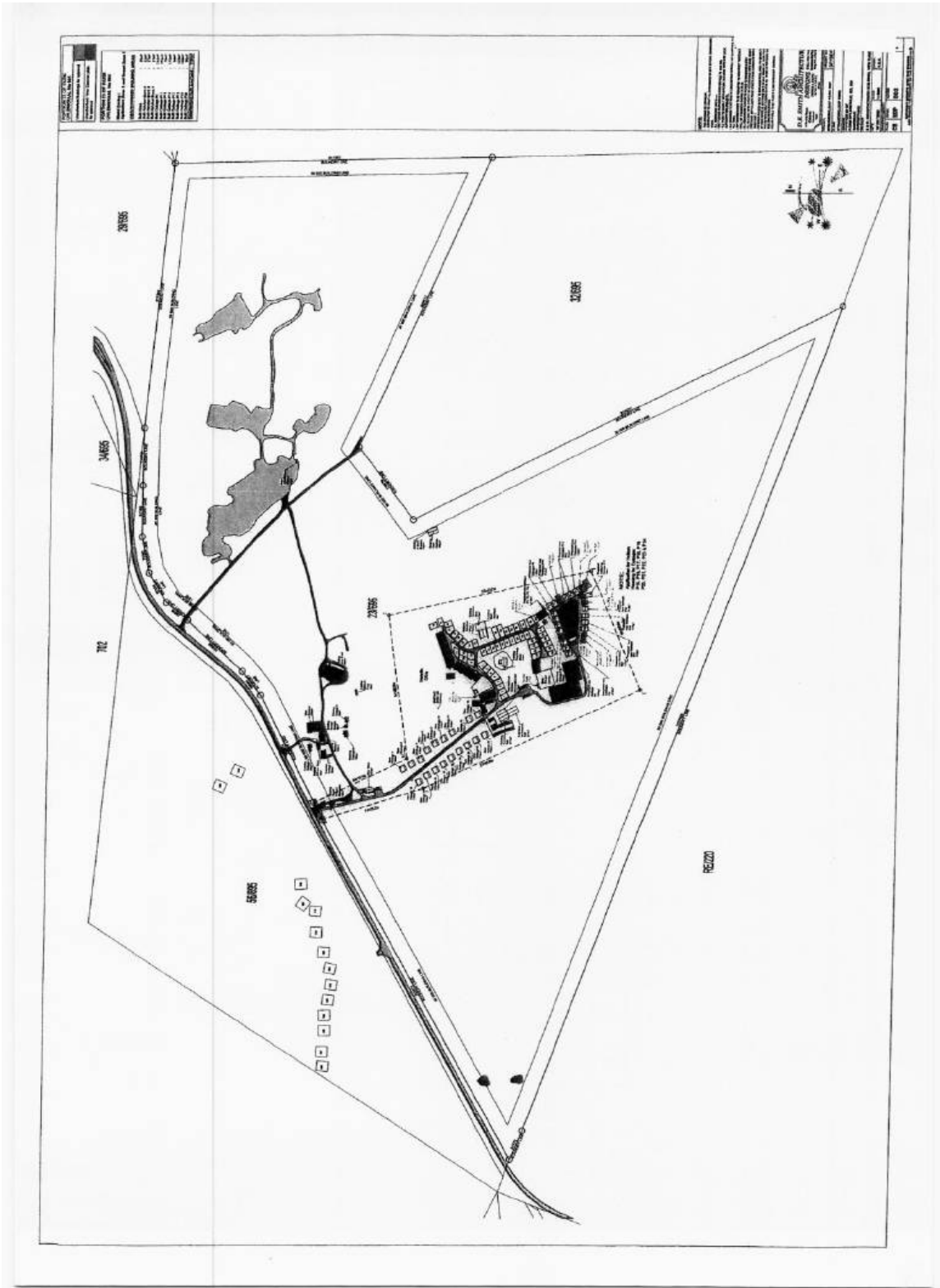
695/32

695/22

695



Date: 2022/01/10



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF CONDITIONS OF APPROVAL,
APPROVED SITE DEVELOPMENT PLAN, REZONING, CONSENT USE &
DETERMINATION OF AN ADMINISTRATIVE PENALTY: REMAINDER
PORTION 23 OF THE FARM NO. 695, UYLEN KRAAL, 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, as no municipal network is available in the vicinity of the consolidated farm, and no municipal water services will be rendered to the consolidated farm, the developer is responsible for the provision of any water supply and / or –services to the development on the Portion 23 of Farm 695;
2. that the proposed development on Portion 23 of Farm 695 be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the development must connect to;
3. that, the owner is responsible for all sewerage generated on the property, and disposal thereof at a licensed municipal sewerage treatment facility;
4. that, alternatively, sewer treatment facilities that are approved by the Department of Water Affairs may be provided for disposal of sewer from the developments, and written proof of such approval be submitted to the Municipality;
5. the sewer conservancy tanks must be accessible to the municipal sewer tankers from one of the adjacent public roads, with parking areas for the sewer tankers provided with permanent surfaces and to the layout and specification of the Department: Operational Services;
6. that the developer investigates and determines the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
6. 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;

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

21/07/2022
DATE