

**PORTFOLIO COMMITTEE :**

**PLANNING & DEVELOPMENT**

**Acting Chairperson :**

**Cllr R Nutt**

**Committee Members :**

**Cllr S Fourie, Ald R de Coning,  
Cllrs M Sihlahla and V Bandeza**

# PLANNING & DEVELOPMENT PORTFOLIO COMMITTEE

9 April 2025

## I N D E X

ITEM  
NO

PAGE  
NUMBER

OPENING AND WELCOME

APPLICATIONS FOR LEAVE OF ABSENCE

STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE  
CHAIRPERSON

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(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**1.  
TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS  
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: JANUARY 2025 –  
MARCH 2025**

**R Kuchar  
10 March 2025**

**Divisional Manager: Town & Spatial Planning**

**(028) 3138900**

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**1. Executive Summary**

To report on applications disposed of by the Authorised Official and Municipal Planning Tribunal in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 1 January 2025 – 10 March 2025.

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

Planning & Development  
Town and Spatial Planning

**3. Compliance with Strategic Priorities**

The encouragement of structured community participation in the matters of the municipality  
Promotion of tourism, economic and social development

**4. Delegated Authority**

Executive Mayor

**5. Legal Requirements**

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

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

**Background**

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

**7. Financial Implications**

None

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**8. Staff Implications**

None

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

None

**10. Annexures**

None

**RECOMMENDATION:**

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 1 January 2025 – 10 March 2025:

- |     |   |                  |
|-----|---|------------------|
| 1.  | Erf 987, 57 Marais Street, Franskraal                                       | 7 January 2025   |
| 2.  | Remainder Erf 5504, Kleinmond And Erf 4711, 30 Lower Beach Road, Kleinmond  | 7 January 2025   |
| 3.  | Erf 4781, 21 Thirteenth Avenue, Kleinmond                                   | 7 January 2025   |
| 4.  | Erf 7677, 16 Harbour Road, Hermanus and Erf 9823, 61 Marine Drive, Hermanus | 7 January 2025   |
| 5.  | Erf 6357, 60 Boekenhout Avenue, Kleinmond                                   | 7 January 2025   |
| 6.  | Erf 148, 2 Geelbek Street Van Dyksbaai (Kleinbaai)                          | 15 January 2025  |
| 7.  | Erf 7190, 57 Rocklands Road, Westcliff, Hermanus                            | 17 January 2025  |
| 8.  | Erf 9867, 28 Mcfarlane Street, Eastcliff, Hermanus                          | 6 February 2025  |
| 9.  | Portion 2 Of The Farm Botrivier No. 474, Division Of Caledon                | 6 February 2025  |
| 10. | Erf 544, 15 Du Toit Street, Van Dyksbaai, Kleinbaai                         | 6 February 2025  |
| 11. | Erf 11166, Westcliff, Hermanus  | 7 February 2025  |
| 12. | Erf 3343, 5 Park Lane, Onrustrivier, Hermanus                               | 7 February 2025  |
| 13. | Erf 11118, 77 Blue Crane Street, Hemel & Aarde Estate, Hermanus             | 10 February 2025 |
| 14. | Erf 5408, 6 Broadwith Road, Betty's Bay                                     | 11 February 2025 |
| 15. | Erf 4854, 20 Ninth Avenue, Kleinmond  | 11 February 2025 |
| 16. | Erf 260, 132 Jan van Riebeeck Crescent, Sandbaai, Hermanus                  | 11 February 2025 |
| 17. | Erf 12872, 314 Main Road, Eastcliff, Hermanus                               | 11 February 2025 |
| 18. | Remainder of Erf 4829, 79 11 <sup>th</sup> Avenue, Kleinmond                | 14 February 2025 |
| 19. | Erf 4296, 57 Main Road, Kleinmond   | 14 February 2025 |
| 20. | Erf 2102, 19 Green Mountain Close, Sandbaai, Hermanus                       | 14 February 2025 |
| 21. | Erf 5092, 1 Fonteinhout Avenue, Kleinmond                                   | 14 February 2025 |

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- |     |   |                  |
|-----|---|------------------|
| 22. | Erf 6302, 19 Fir Close, Eastcliff, Hermanus   | 14 February 2025 |
| 23. | Erf 3770, 252 Ninth Street and Erf 3772, 254 Ninth Street, Voëlklip, Hermanus   | 14 February 2025 |
| 24. | Portion 1 of the Farm Hermanus River No. 542 and Remainder Portion 3 (Portion of Portion 2) of the Farm Hermanus River No. 542, A Division of Caledon (Arabella Country Estate Phase 2) | 17 February 2025 |
| 25. | Erf 1640, 36 Ceasar Road, Pringle Bay   | 25 February 2025 |
| 26. | Erf 1712, 3 Hess se Gang, Vermont, Hermanus   | 25 February 2025 |
| 27. | Erf 1890, 12 Terravert Close, Vermont   | 25 February 2025 |
| 28. | Erf 1095, 23 Bitou Street, Vermont, Hermanus  | 25 February 2025 |
| 29. | Erf 2176, 7 Francolin Close, Vermont, Hermanus  | 25 February 2025 |

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 30 January and 27 February 2025:

- |    |  |                  |
|----|--|------------------|
| 1. | Erf 1029, Pringle Bay                                  | 30 January 2025  |
| 2. | Erf 3199, 4 Pearl Drive, Betty's Bay                   | 27 February 2025 |
| 3. | Remainder of Erf 2989, 205 Clarence Drive, Betty's Bay | 27 February 2025 |

**RESPONSIBLE OFFICIAL :**

**L TAYLOR**

**TARGET DATE FOR IMPLEMENTATION :**

**22 APRIL 2025**



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**1. ERF 987, 57 MARAIS STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF NJ VAN DER MERWE**

**987 GFK (4410/2023)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**12 December 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 06 June 2023 from Messrs PlanActive Town & Regional Planners on behalf of NJ van der Merwe applicable to Erf 987, Franskraal in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, to encroach the prescribed height restriction from 8m to 8,45m, to accommodate the height of the existing dwelling; and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, in order to rectify the height encroachment.

**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 987, Franskraal for a departure to relax the height restriction from 8m to 8,45m to accommodate the existing roof; **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 site plan numbered *0261/17* dated *20 January 2023* as submitted with the application;
  - (b) that building plans be submitted to the Building Control Department for approval within 60 days of the effective date of the decision, and that all conditions of the Building Control be complied with;
  - (c) that all the conditions in the Services Report, be complied with;
  - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

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- (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
2. that an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 987, Franskraal to accommodate the existing roof, **be imposed**, and that an administration penalty fee of **R 89 113,20**, be payable within **ninety (90)** days of the effective date of the decision.
  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 conditions of approval.

**REASONS FOR RESOLUTION**

- ❖ No objections received from affected property owners.
- ❖ Does not jeopardize character of area.
- ❖ The application has followed due procedure.
- ❖ The applicant intentionally deviated from the approved plans, causing the encroachment.
- ❖ No substantive evidence regarding the reasons for the height encroachment was provided.



<b>PIA<sup>n</sup> Active</b> Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED		Property Description: <b>ERF 987          FRANSKRAAL</b>	Plan Description: <b>LOCALITY MAP</b>	Scale: <b>NTS</b> Drawing Nr.: <b>FRANS987L.dwg</b> Date: <b>06/03/23</b>



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: ERF 987, FRANSKRAAL**

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

**Conditions:**

1. that the existing water connection to- and sewer conservancy tank to Erf 987 shall be used to service Erf 987;
2. that the owner is to install a connection point from the sewer conservancy tank, to which the municipal tankers can connect to;
3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
4. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
5. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
6. that any additional and / or extended vehicle entrances will be for the developer's account;
7. that stormwater be allowed to discharge through Erf 987, Franskraal, unobstructed.

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

  
**DATE**

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**2. REMAINDER ERF 5504, KLEINMOND AND ERF 4711, 30 LOWER BEACH ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, SUBDIVISION, CONSOLIDATION AND CLOSURE OF A PUBLIC PLACE: FUTURE PLAN TOWN & REGIONAL PLANNERS ON BEHALF OF OVERSTRAND MUNICIPALITY AND THE EILEEN THORN FAMILY TRUST**

**4711 & 5504 KKM (4484/2023)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**9 December 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 18 September 2023 from Future Plan Town & Regional Planners on behalf Overstrand Municipality and The Eileen Thorn Family Trust on Remainder Erf 5504 and Erf 4711, Kleinmond in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **subdivision** of Remainder Erf 5504, Kleinmond in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 into two (2) portions, namely a Remainder and a Portion A ( $\pm 65\text{m}^2$ );
- ❖ **rezoning** in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 of subdivided Portion A from Open Space Zone 2: Public Open Space to Residential Zone I: Single Residential (SR1);
- ❖ **consolidation** in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 of subdivided Portion A ( $\pm 65\text{m}^2$ ) with Erf 4711, Kleinmond to create a single residential property of  $\pm 660\text{m}^2$  in extent, and
- ❖ **closure of public place** in terms of Section 16(2)(n) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to accommodate the closure of a public place (subdivided Portion A ( $\pm 65\text{m}^2$ )).

**RESOLUTION**

1. that the application in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the subdivision of Remainder Erf 5504, Kleinmond into two (2) portions, namely a Remainder and a Portion A ( $\pm 65\text{m}^2$ ), **be approved**, in terms of Section 61 of the By-Law;

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2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the rezoning of subdivided Portion A from Open Space Zone 2: Public Open Space to Residential Zone I: Single Residential (SR1), **be approved**, in terms of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the consolidation of subdivided Portion A ( $\pm 65\text{m}^2$ ) with Erf 4711, Kleinmond to create a single residential property of  $\pm 660\text{m}^2$  in extent, **be approved**, in terms of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(n) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the closure of public place to accommodate the closure of a public place (subdivided Portion A ( $\pm 65\text{m}^2$ )), **be approved**, in terms of Section 61 of the By-Law;
5. that the approvals in Points 1 to 4 above be subject to the following conditions:
  - (a) that this approval is only for the development as indicated on the plan numbers ERF4711KM V1 (S1-S2) dated 24 August 2023, as submitted with the application;
  - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
  - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
  - (d) that all the conditions in the 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.
6. that the amended title deed be submitted to the office for record purposes.


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

**REASONS FOR RESOLUTION**

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




**FUTURE PLAN**  
TOWN AND REGIONAL PLANNING

<b>Project Title</b>	Erf 4711, Kleinmond
<b>Client Name</b>	Eileen Thorne Family Trust
<b>Street Address</b>	30 Lower Beach Road, Kleinmond, 7195
<b>Property Particulars</b>	
Erf Numbers	4711
Area	Kleinmond
Extent	595m <sup>2</sup>

Locality Plan





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REZONING, SUBDIVISION, CONSOLIDATION &  
CLOSURE OF A PUBLIC PLACE REMAINDER ERF 5504 & ERF 4711,  
KLEINMOND (4484/2023))**

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

**Conditions:**

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

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

*12/06/2024*  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
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**3. ERF 4781, 21 THIRTEENTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: FUTURE PLAN TOWN AND REGIONAL PLANNERS ON BEHALF OF M MOLLENTZE**

**4781 KKM (4558/2023)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**9 December 2024**

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**EXECUTIVE SUMMARY**

Application has been received on 19 December 2024 from Future Plan Town & Regional Planners on behalf of M Mollentze in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the subdivision of Erf 4781, Kleinmond into 2 portions, namely Portion A ( $\pm 1467.975\text{m}^2$ ) and a Remainder ( $\pm 1218.391\text{m}^2$ ).

**RESOLUTION**

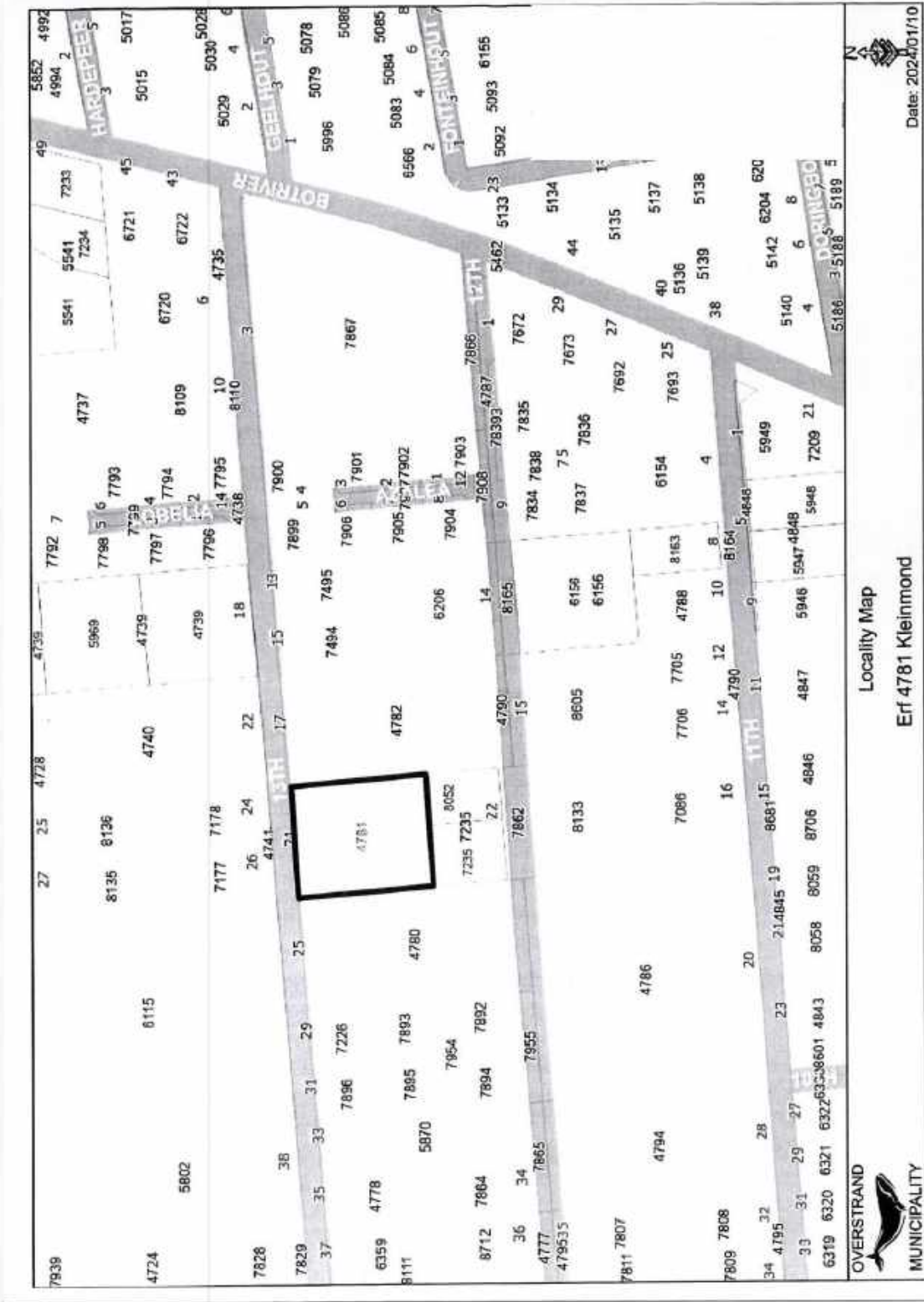
1. that the application in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the subdivision of Erf 4781, Kleinmond into two (2) portions, namely Portion A ( $\pm 1467.975\text{m}^2$ ) and a Remainder ( $\pm 1218.391\text{m}^2$ ), **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
  - (a) that this approval is only for the subdivision as indicated on Plan number ERF 4781 KLM 2023 dated 12 February 2024, as submitted with the application;
  - (b) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building Control- and the Fire Departments be complied with at that stage;
  - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
  - (e) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

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**REASONS FOR RESOLUTION**

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



Date: 2024/01/10

Locality Map  
Erf 4781 Kleinmond





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION: ERF 4781, KLEINMOND (4558/2023)**

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 (2023/2024) is as follows:

**Freehold erven:**

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

Note:

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

2. that any part of the existing water and sewer services on Erf 4781 that crosses the common boundary of Portion A and the Remainder of Erf 4781 shall be disconnected and sealed off;
3. that both the Remainder and Portion A of Erf 4781 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 4781 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, Kleinmond, unobstructed.

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

  
**DATE**

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- 4. ERF 7677, 16 HARBOUR ROAD, HERMANUS AND ERF 9823, 61 MARINE DRIVE, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, REZONING, CONSOLIDATION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF CHARLIE'S TAPAS CC AND THE HERMANUS ESPLANADE DEV CO (PTY) LTD**

**7677 HNC & 9823 HWC (4563/2024)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**13 December 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 17 January 2024 from Plan Active Town & Regional Planners on behalf Charlie's Tapas CC & The Hermanus Esplanade Dev Co (Pty) Ltd on Erven 7677 and 9823, Hermanus in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Subdivision** in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the subdivision of Erf 9823, Hermanus into two (2) portions, namely Portion A ( $\pm 3\text{m}^2$  in extent) and the Remainder ( $\pm 2908\text{m}^2$  in extent).
- ❖ **Rezoning** in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the rezoning of the above Portion A from General Residential Zone 3: Flats (Bulk Zone 1) to Business Zone 1: General Business (Bulk Zone 1).
- ❖ **Consolidation** in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the consolidation of the above Portion A with Erf 7677, Hermanus.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law for the relaxation of the western lateral building line and the rear building line of Erf 7677, Hermanus from 3m to 0m to accommodate an existing staff room.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the existing illegal staff room.

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**RESOLUTION**

1. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the subdivision of Erf 9823, Hermanus into two (2) portions, namely Portion A ( $\pm 3\text{m}^2$  in extent) and the Remainder ( $\pm 2908\text{m}^2$  in extent), **be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the rezoning of the above Portion A from General Residential Zone 3: Flats (Bulk Zone 1) to Business Zone 1: General Business (Bulk Zone 1), **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. 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 the above Portion A with Erf 7677, Hermanus, **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(b) of the By-Law for a departure to relax the western lateral building line and the rear building line of Erf 7677, Hermanus from 3m to 0m to accommodate an existing staff room, **be approved**, in terms of the provisions of Section 61 of the By-Law;
5. that the approvals in Points 1-4 above be subject to the following conditions:
  - (a) that the approval be limited to the building/structures as per plan number *erven 7677 and 9823 s.drw* dated *January 2024*, submitted with this application read in conjunction with the approval;
  - (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 amended title deed be submitted for record purposes to the Municipality;
  - (d) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
  - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;

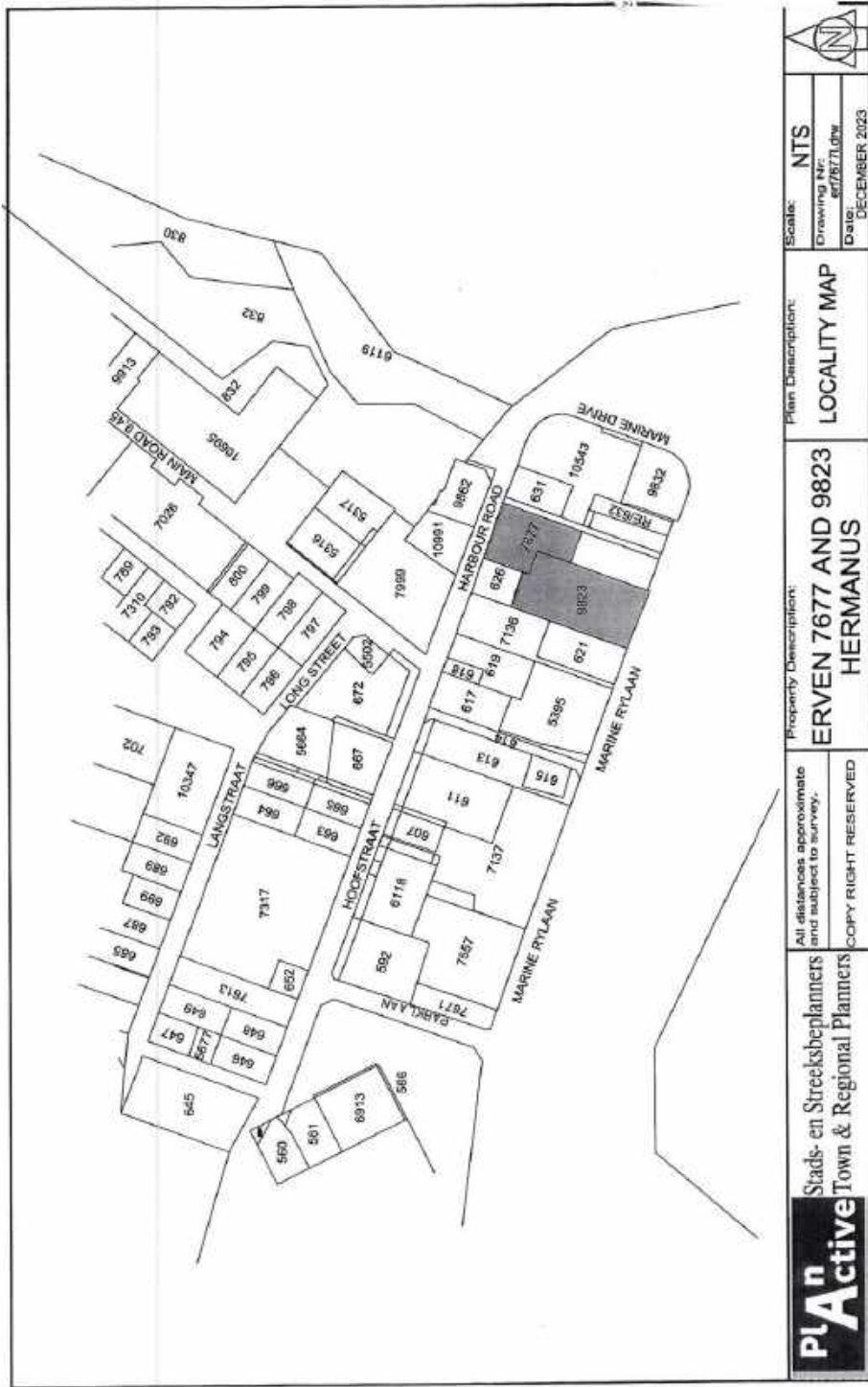
**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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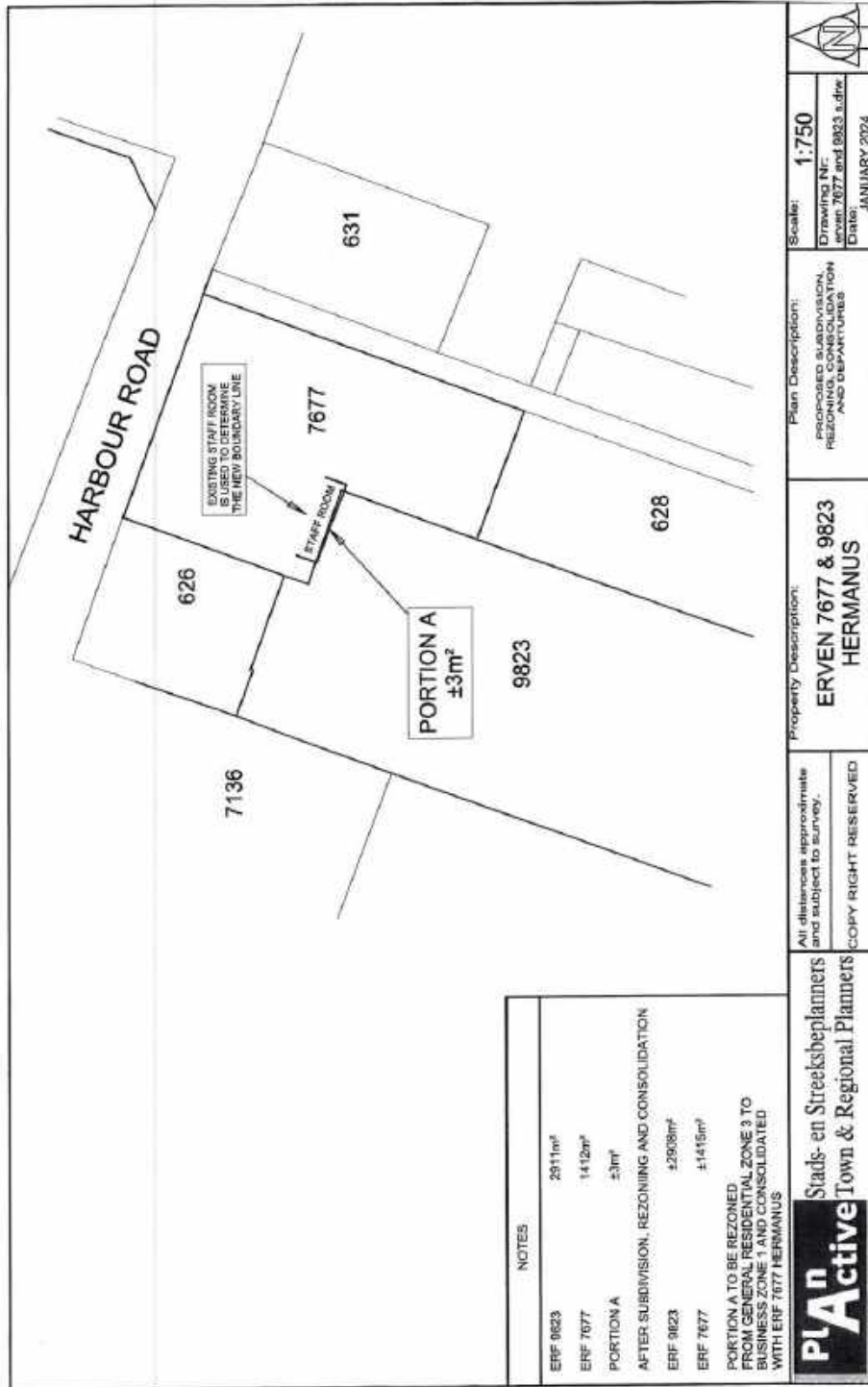
- (f) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
  - (g) that all the conditions in the Services Report, be complied with.
6. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erven 7677 & 9823, Hermanus to accommodate the existing illegal staff room as stipulated above, **be imposed**, and that an administration penalty fee of **R34 442-75**, be payable within ninety (90) days of the final decision.
7. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

**REASONS FOR RESOLUTION**

- ❖ Rectification of an existing situation beneficial to both property owners.
- ❖ Building plans to be updated and submitted for approval.
- ❖ Both parties are part of the application and is in an agreement of the rectification.
- ❖ The proposed development will have minimal impact on the character of the area.



	Property Description: <b>ERVEN 7677 AND 9823                  HERMANUS</b>	Plan Description: <b>LOCALITY MAP</b>	Scale: <b>NTS</b> Drawing No: <b>87/27/10W</b> Date: <b>DECEMBER 2023</b>	



NOTES	
ERF 9823	2911m <sup>2</sup>
ERF 7677	1412m <sup>2</sup>
PORTION A	±3m <sup>2</sup>
AFTER SUBDIVISION, REZONING AND CONSOLIDATION	
ERF 9823	±2908m <sup>2</sup>
ERF 7677	±1415m <sup>2</sup>
PORTION A TO BE REZONED FROM GENERAL RESIDENTIAL ZONE 3 TO BUSINESS ZONE 1 AND CONSOLIDATED WITH ERF 7677 HERMANUS	

<b>PLAN</b> Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: ERVEN 7677 & 9823 HERMANUS	Plan Description: PROPOSED SUBDIVISION, REZONING, CONSOLIDATION AND DEPARTURES	Scale: 1:750 Drawing No: 8823 & dr. Date: JANUARY 2024

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION, REZONING, CONSOLIDATION, DEPARTURE  
& DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 7677 & ERF  
9823, WESTCLIFF (4563/2024)**

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

**Conditions:**

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

  
RICARDO ANDREW  
PRINCIPAL TECHNOLOGIST:  
DEVELOPMENT CONTROL

17/09/2024  
DATE  
19

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**5. ERF 6357, 60 BOEKENHOUT AVENUE, KLEINMOND, OVERSTRAND  
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND  
DETERMINATION OF AN ADMINISTRATIVE PENALTY: SCHOONRAAD  
ARCHITECTS ON BEHALF OF R & R MALAN**

**6357 KKM (4799/2024)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**20 December 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 22 August 2024 from Schoonraad Architects on behalf of R & R Malan on Erf 6357, Kleinmond in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the street building line from 4m to 3,44m, to accommodate an existing double storey house.
- ❖ **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 transgressing the street building line.

**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 6357, Kleinmond for a departure to relax the street building line from 4m to 3,44m, to accommodate an existing double storey house, **be approved**, in terms of Section 61 of the By-Law; subject to the following conditions:
  - (a) that this approval is only for the development as indicated on the plan number A1 dated 22 August 2024 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;

**AGENDA of the  
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(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

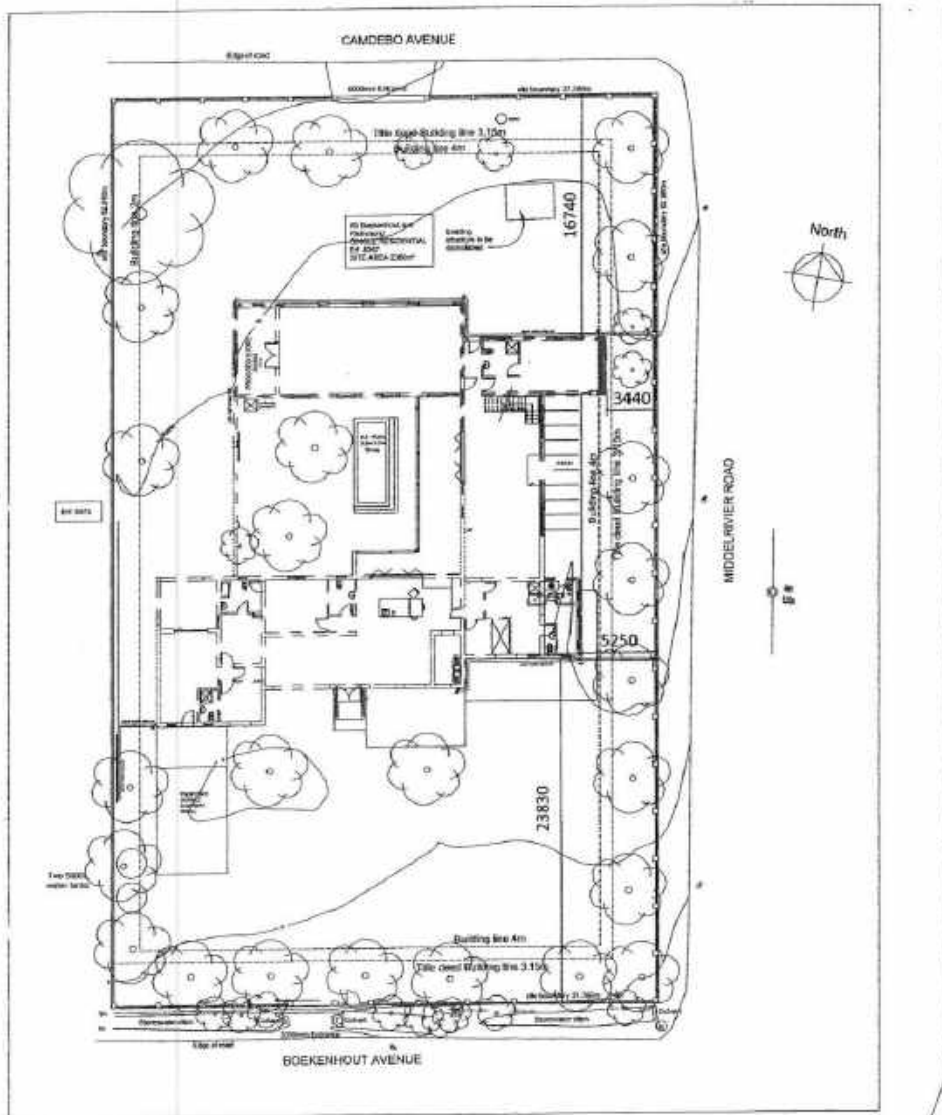
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- (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the determination of 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 6357, Kleinmond to accommodate the unauthorised structures as stipulated above, **be imposed**, and that an administration penalty fee of **R2296,67** be payable within thirty (30) days of the decision.
  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 conditions of approval.

**REASONS FOR RESOLUTION**

- ❖ No change in character of the locality and property.
- ❖ No objections from internal departments.
- ❖ No malintent from the owner as it was only realized on request for an occupation certificate.
- ❖ Comply with the title deed street building line.





Erf 6357 Kleinmond  
Site plan 1:250



Plan A1  
22 AUG 2024

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**6. ERF 148, 2 GEELBEK STREET VAN DYKSBAAI (KLEINBAAI),  
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: N  
HOON ON BEHALF OF MJ BEUKES WHITE SHARK GUEST HOUSE**

**148 GKB (4598/2024)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**30 December 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 27 May 2024 from N Hoon on behalf of MJ Beukes in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 148 van Dyksbaai, for the following:

- **consent use** in terms of Section 16(2)(o) of the By-Law to accommodate a five-bedroom guesthouse on the property, and
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-law to accommodate a guest house.

**RESOLUTION**

1. that the application in terms of Section 16(2)(o) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 148, Van Dyksbaai for consent use to accommodate a five-bedroom guesthouse, **be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the application for determination of an administrative penalty in terms of Section 16.2.(q) of the By-Law pertaining to the unauthorised guest house **not be exempted** from the payment of an administrative penalty in terms of the provisions of Section 90 of the By-Law;
3. That the decisions in paragraphs 1 and 2 above be subject to the following conditions:
  - (a) that this approval is limited to a guest house only;
  - (b) that the approval be limited to the building/structures as per Plan No. *02/RB/24* dated *04 March 2024* as submitted with the application;
  - (c) that a maximum of five (5) bedrooms be let to guests/tourists which is applicable to the main dwelling;

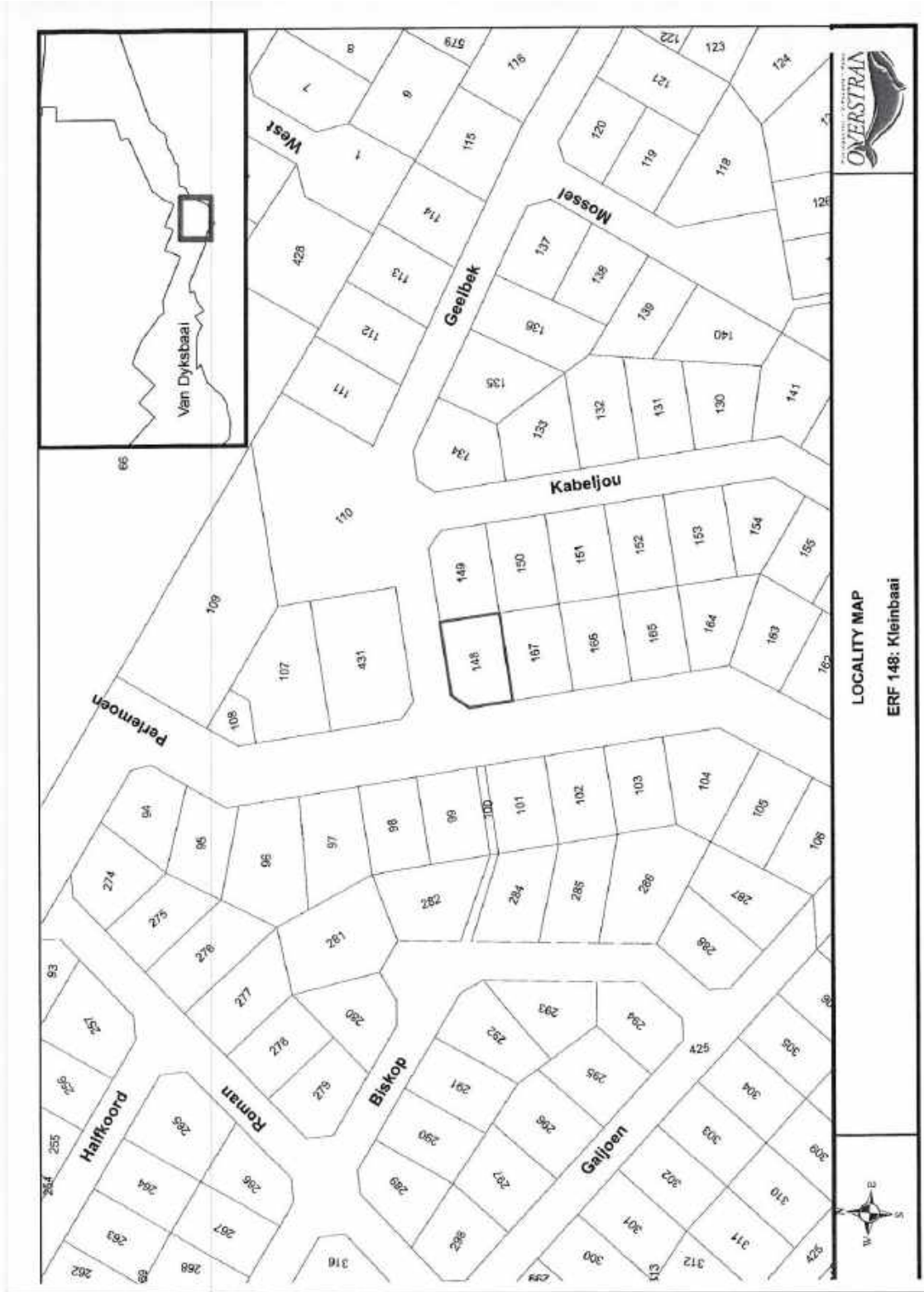
**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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- (d) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
  - (e) that no kitchen facilities and/or prep bowls be allowed in the guest rooms;
  - (f) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (g) that all the conditions imposed by OpenServe (Telkom), District Health and the Engineering Department, be complied with;
  - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (i) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
4. that an administrative penalty of **R57 469,60**, be payable within ninety (90) days of the effective date of the decision, and
  5. 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 decision.

**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ No internal objections were received.
- ❖ Ample and practical parking for the guesthouse can be provided on the property.
- ❖ The established use and management of the property does not have a negative effect on the character of the area.
- ❖ The accommodation establishment will be beneficial for optimization of the erf.
- ❖ It will promote the tourism industry, thus in line with the forward planning documentation of the municipality.
- ❖ 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 148, VAN DYKSBAAI**

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 water connection to- and sewer conservancy tank on Erf 148 shall be used to service Erf 148;
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 any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
4. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
5. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
6. that any additional and / or extended vehicle entrances will be for the developer's account;
7. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
8. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.

  
RICARDO ANDREW  
PRINCIPAL TECHNOLOGIST:  
DEVELOPMENT CONTROL

11/07/2024  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**7. ERF 7190, 57 ROCKLANDS ROAD, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF MHR GLAS**

**7190 HWC (4678/2024)**

**B Minnaar**

**(028) 313 8900**

**Hermanus Administration**

**7 January 2025**

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**EXECUTIVE SUMMARY**

An application has been received on 28 May 2024 from Messrs PlanActive Town- and Regional Planners on behalf of MHR Glas in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 7190, Westcliff, for the following:

❖ **Subdivision**

Application in terms of Section 16(2)(d) of the By-Law for the subdivision of the property in two (2) portions, namely:

- Portion A approximately 655m<sup>2</sup> in extent; and
- Remainder Erf 7190 Westcliff approximately 694m<sup>2</sup> in extent.

❖ **Departure**

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

- relaxation of the street building line from 4m to 0.18m to accommodate the as-built braai area with a total height of ±1.53m;
- relaxation of the street building line from 4m to 3.18m to accommodate the as-built braai with a total height of ±3.4m;
- relaxation of the north-eastern lateral building line from 2m to 1.2m to accommodate the as-built braai area;
- relaxation of the north-eastern lateral building line from 2m to 1.13m to accommodate the as-built braai; and
- relaxation of the south-western lateral building line of Remainder Erf 7190 from 2m to 0m to accommodate the as-built carport after subdivision.

❖ **Determination of an administrative penalty**

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

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**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 7190, Hermanus into two (2) portions namely, Portion A ( $\pm 655\text{m}^2$ ), and Remainder Erf 7190, Hermanus ( $\pm 694\text{m}$ ), **be approved** in terms of the provisions of Section 61; and
2. that the application for **departure** in terms of Section 16(2)(b) of the By-Law for Erf 7190, Hermanus for the following:
  - relaxation of the street building line from 4m to 0.18m to accommodate the as-built braai area with a total height of  $\pm 1.53\text{m}$ ;
  - relaxation of the street building line from 4m to 3.18m to accommodate the as-built braai with a total height of  $\pm 3.4\text{m}$ ;
  - relaxation of the north-eastern lateral building line from 2m to 1.2m to accommodate the as-built braai area;
  - relaxation of the north-eastern lateral building line from 2m to 1.13m to accommodate the as-built braai; and
  - relaxation of the south-western lateral building line of Remainder Erf 7190, Hermanus from 2m to 0m to accommodate the as-built carport after subdivision.

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

3. that the decision in paragraphs 1 and 2 above be subject to the following conditions:
  - (a) that this approval is for the subdivision and building line encroachments as indicated on Plan No *herm7190s.drw* dated *April 2024* that was submitted with the application;
  - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (c) that the above-mentioned building plans to be submitted reflect the conversion demolition of the carport on the proposed Portion A;
  - (d) that the demolition mentioned in condition 4.(c) above be completed within sixty (60) days from the date of this decision;
  - (e) that all the conditions in the Services Report, must be complied with;

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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- (f) that all other development parameters as prescribed in the relevant Zoning Scheme; and
  - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
4. that an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 7190, Hermanus to accommodate the unauthorised building work, **be imposed**, and that an administrative penalty fee of **R2 936-69** be payable within thirty (30) days of this decision; and
  5. that the applicant and the commenters be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above approvals.

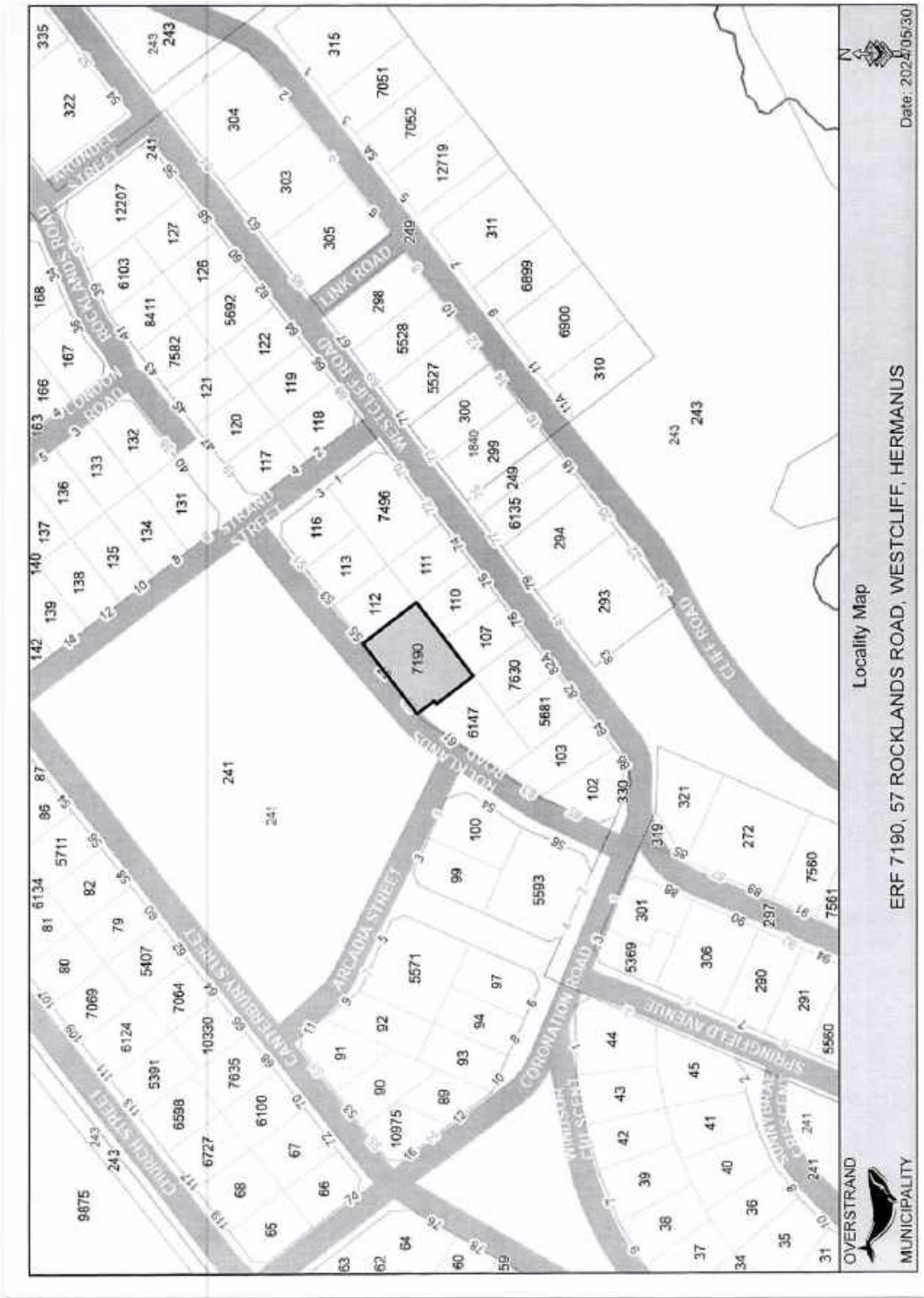
## **REASONS FOR RESOLUTION**

### **Reason for recommendation of points 1-3**

- ❖ The application has followed due procedure.
- ❖ No objections were received during the public participation process.
- ❖ The proposed subdivision will allow the proposed erven sizes to be aligned with the erven sizes in the immediate surrounding area.
- ❖ It is supported by the Engineering Department.
- ❖ The carport on Portion A, a portion of Erf 7190, Hermanus be demolished.

### **Reason for recommendation of point 4**

- ❖ All structures already exist on the property and no further building work is proposed.
- ❖ The encroachments are minor in nature being less and are of a normal residential nature which improves the liveability and privacy of the property.
- ❖ The onus is on the property owner to ensure that all structures on their property have approved building plans, comply with the Overstrand Municipality Land Use Scheme, 2020 as well as all relevant legislation. Therefore, an administrative penalty of 5% is imposed.



OVERSTRAND  
MUNICIPALITY

Locality Map

ERF 7190, 57 ROCKLANDS ROAD, WESTCLIFF, HERMANUS

Date: 2024/05/30

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:  
APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY,  
SUBDIVISION & DEPARTURE: ERF 7190, WESTCLIFF (4678/2024)**

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 (2024/2025) is as follows:

**Freehold erven:**

Water	R 27 598.00 x 1	=	R 27 598.00
Sewerage	R 19 725.00 x 1	=	R 19 725.00
Roads	R 8 845.00 x 1	=	R 8 845.00
Stormwater	R 10 205.00 x 1	=	R 10 205.00
Solid Waste	R 1 769.00 x 1	=	R 1 769.00
Electricity	R 39 247.00 x 1	=	<u>R 39 247.00</u>
<b>TOTAL (inclusive of VAT)</b>		=	<b>R107 389.00</b>

**Please note that the above figures:**

- a) are estimates
- b) do not include investigation and connection fees
- c) are subject to annual tariff adjustments

2. that the existing water connection to Erf 7190 shall be used to service the proposed Portion A or the Remainder of Erf 7190;

2

3. that any part of the existing water and sewer services on Erf 7190 that crosses the common boundary of Portion A and the Remainder of Erf 7190 shall be disconnected and sealed off;
4. that both the Remainder and Portion A of must be serviced with individual and separate water connections which must comply with the standards of the Division: Civil Engineering Services;
5. that the proposed Portion A and Remainder of Erf 7190 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Division: Civil Engineering Services, and to which the sewer services of the individual erven must connect to;
6. that only a standard 60 Amp single phase electricity connection will be available per erf;
7. 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;
8. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Division: Civil Engineering Services;
9. that any additional and / or extended vehicle entrances will be for the owner's account;
10. that no reservation of on-street parking be allowed.
11. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
12. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.

  
RICARDO ANDREW

24/10/2024  
DATE

PRINCIPAL TECHNOLOGIST: DEVELOPMENT CONTROL

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**8. ERF 9867, 28 MCFARLANE STREET, EASTCLIFF, HERMANUS,  
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE &  
DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP  
PROJECT OFFICE ON BEHALF OF DWH & EC CHAPMAN**

**9867 HVK (4626/2024)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**02 December 2024**

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**EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 02 April 2024 from Messrs WRAP Project Office on behalf of the owners of Erf 9867, Eastcliff, Hermanus for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law in order to:
  - relax the south-western lateral building line from 2m to 0.27m to accommodate the existing cloakroom, pantry and scullery/laundry, and
  - relaxation of the north-eastern lateral building line from 2m to 1.43m to allow the repositioning of the existing bedroom wall;
  
- ❖ **determination of an administrative penalty** in terms of Section 90 of the By-Law, in order to accommodate the existing structure.

**RESOLUTION**

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 9867, Hermanus to:
  - relax the south-western side building line from 2m to 0.27m to accommodate the existing cloakroom, pantry and scullery/laundry, and
  - relax the north-eastern side building line from 2m to 1.43m to allow the repositioning of the existing bedroom wall;

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

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 9867, Hermanus for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
3. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:
  - (a) that the approvals are for the development as indicated on Site Development Plan No *200,500,210* and *300* as submitted with the application;
  - (b) that an administrative penalty of **R47 866.71**, be payable within **sixty (60) days** of the decision;
  - (c) that the first floor balustrade which extends over the northeastern lateral building line be set back to 2m building line and that photographic evidence be provided to the Town and Spatial Planning Department for record keeping;
  - (d) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;
  - (e) that all the conditions in the Services Report, be complied with;
  - (f) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
  - (g) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with;
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**REASONS FOR RESOLUTION**

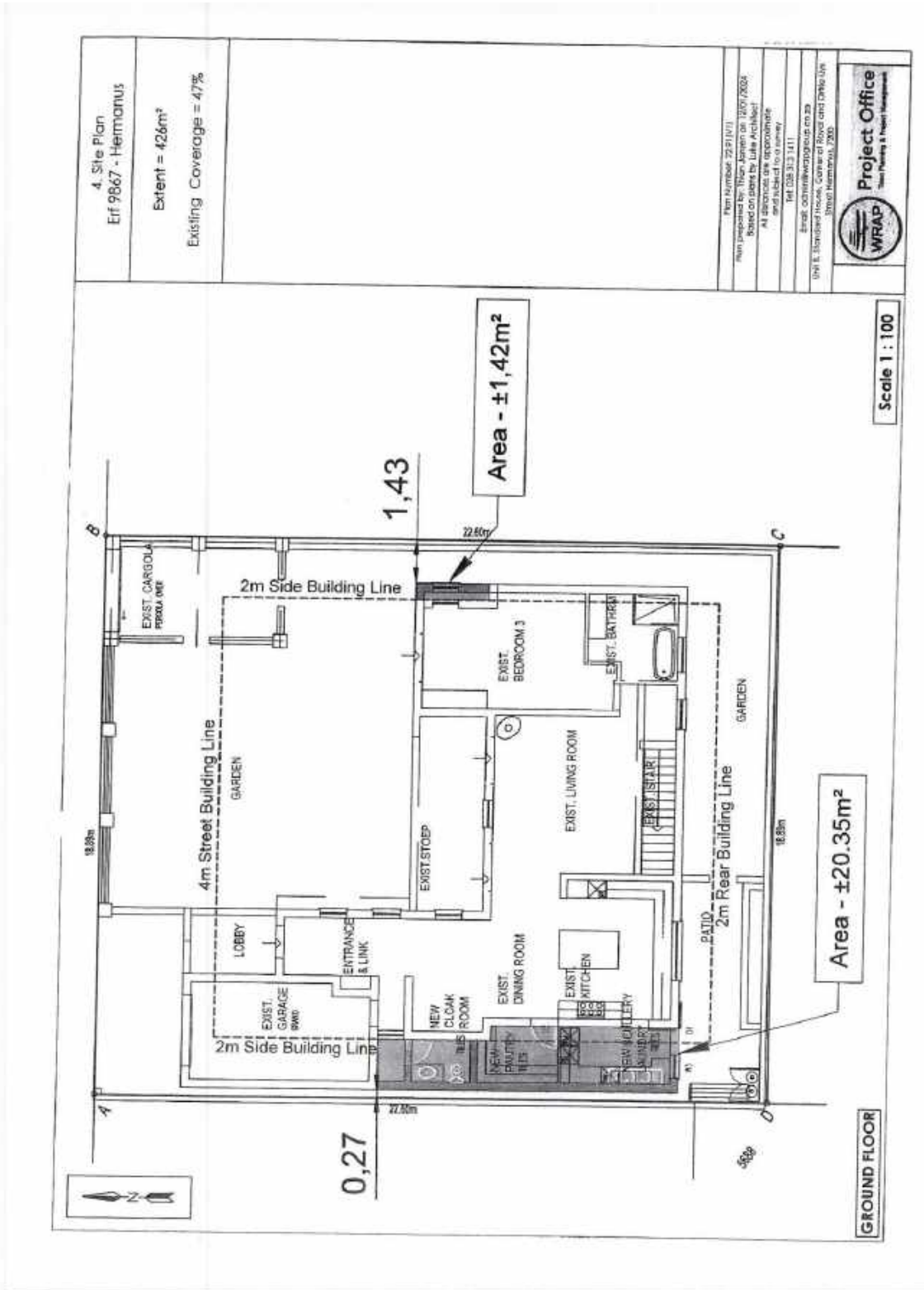
- ❖ The retention of the existing structures on its existing placement will not have a negative impact on the adjacent property owners or the character of the area due to site specific conditions.
- ❖ The application has followed due procedure.
- ❖ No objections were received.
- ❖ The proposal is in line with the relevant policy documents.

**AGENDA of the  
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(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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- ❖ The structures proposed are further considered to be in line with the character of the area.
- ❖ Building work was completed without the required approval from the municipality.
- ❖ The professional person (architect/draftsman or builder) should have advised the client regarding the building and land use regulations.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 9867, EASTCLIFF (4626/2024)**

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

**Conditions:**

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

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

  
**DATE**

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**9. PORTION 2 OF THE FARM BOTRIVIER NO. 474, DIVISION OF CALEDON,  
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE:  
FUTURE PLAN TOWN & REGIONAL PLANNERS ON BEHALF OF RHP  
REUVERS**

**RCAL 2/474 (4681/2024)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**18 December 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 27 May 2024 from Future Plan Town & Regional Planners on behalf of RHP Reuvers on Portion 2 of the Farm Botrivier No 474, Division of Caledon in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a consent use to accommodate a shooting range for training purposes on the property.

**RESOLUTION**

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 2 of the Farm No 474, Division Caledon for a consent use to accommodate a place of instruction (shooting range for training purposes) on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the development restricted as per plan number F474P2 MAY 2024, dated 7 June 2024, submitted with the application;
  - (b) that the shooting range be approved by SAPS and such approval be submitted to the Municipality for record purposes;
  - (c) that the rear (target) berm be sandbagged and the berms be a minimum of 6m in height;
  - (d) that no septic tanks may be installed;
  - (e) that the waste control on site be as per letter received from J Ackermann on 10 September 2024;
  - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.


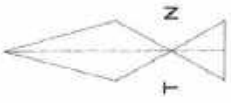
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- 2 that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

**REASONS FOR RESOLUTION**

- ❖ The application is in line with planning documentation and do not trigger of the overlay zones.
- ❖ There is no such other facility available for specialised training in the Overstrand.
- ❖ No objections from Departments.
- ❖ Objection from neighbouring farm has been rescinded.

 <b>FUTURE PLAN</b> TOWN AND REGIONAL PLANNING	<b>Project Title</b>
	Portion 2 of Farm 474, Caledon
<b>Client Name</b>	Russel Henwood Peter Reuvers
<b>Street Address</b>	R43 Hermanus Road, Botrivier, 7185
<b>Property Particulars</b>	
Farm Number	2/474
Area	Botrivier
Extent	116ha
	

<b>Locality Plan</b>	



**AGENDA of the  
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(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**10.ERF 544, 15 DU TOIT STREET, VAN DYKSBAAI (KLEINBAAI),  
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION:  
MESSRS TOWN AND COUNTRY CREATIVE LAND SOLUTIONS ON BEHALF  
OF CP MARAIS**

**544 GKB (4815/2024)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**16 January 2025**

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**EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received for the following:

- **subdivision** in terms of Section 16(2)(d) of the By-Law, for the subdivision of Erf 544, van Dyksbaai into (2) two portions, namely Portion A approximately 550m<sup>2</sup> in extent and a Remainder approximately 660m<sup>2</sup> 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 544, Van Dyksbaai into two (2) portions, namely Portion A approximately 550m<sup>2</sup> in extent and a Remainder approximately 660m<sup>2</sup> in extent, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
  - (a) that this approval is only for the subdivision as indicated on Drawing No. *VAN/3196* dated *AUG 2024*, as submitted with the application
  - (b) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building Control- and the Fire Departments be complied with at that stage;
  - (c) that the property owner obtain a permit from the competent authority prior to commencement of development on the subdivided portion should removal of milkwood trees be necessary;
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;

**AGENDA of the  
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- (e) that all the conditions in the Services Report be complied with; and
  - (f) that this approval does not absolve the landowners from compliance with any other relevant legislation;
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.


**REASONS FOR RESOLUTION**

- ❖ The subdivision will create an additional erf and will not contribute to urban sprawl.
- ❖ The proposal will not negatively impact the character of the area or vested rights of adjoining properties.
- ❖ The proposal is consistent with the SDF.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.



<p><b>Town &amp; Country</b> Creative Land Solutions P.O. Box 1085 Bredasdorp 7280 Tel. 028 424 1545 Fax. 028 426 2065 E-mail: towncountry@vodamail.co.za</p>	PROJECT	DRAWN	CHECKED
	LOCALITY PLAN: ERF 544 VAN DYKSBAAI	LT	LT
	OVERSTRAND MUNICIPALITY	SCALE	DATE
		NTS	AUG 2024
	DRAWN BY	REVISION	
		<small>NOTE: ALL AREAS ARE SUBJECT TO CHANGE</small>	



<b>Town &amp; Country</b> Creative Land Solutions P.O. Box 1085 Bredasdorp 7280 Tel. 028 424 1545 Fax. 028 425 2085 E-mail: towncountry@vodamail.co.za	PROJECT PROPOSED SUBDIVISION: ERF 544 VAN DYKSBAAI OVERSTRAND MUNICIPALITY	DRAWN LT	CHECKED LT
		SCALE 1: 400	DATE AUG 2024
		DWG No. VAN/3195	REVISION 6
	Note: All areas and distances subject to survey		

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:  
APPLICATION FOR SUBDIVISION: ERF 544, VAN DYKSBAAI(KLEINBAAI)  
(4815/2024)**

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

**Conditions:**

- 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 (2024/2025) is as follows:

**Freehold erven:**

Water	R 27 598.00 x 1	=	R 27 598.00
Sewerage	R 19 725.00 x 1	=	R 19 725.00
Roads	R 8 845.00 x 1	=	R 8 845.00
Stormwater	R 10 205.00 x 1	=	R 10 205.00
Solid Waste	R 1 769.00 x 1	=	R 1 769.00
Electricity	R 39 247.00 x 1	=	<u>R 39 247.00</u>
<b>TOTAL (inclusive of VAT)</b>		=	<b>R107 389.00</b>

Please note that the above figures:

- are estimates
- do not include investigation and connection fees
- are subject to annual tariff adjustments

- that the existing water connection to Erf 544 shall be used to service the proposed Portion A or the Remainder of Erf 544;

2

3. that any part of the existing water and sewer services on Erf 544 that crosses the common boundary of Portion A and the Remainder of Erf 544 shall be disconnected and sealed off;
4. that both the Remainder and Portion A of must be serviced with individual and separate water connections which must comply with the standards of the Division: Civil Engineering Services;
5. that the proposed Portion A and Remainder of Erf 544 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Division: Civil Engineering Services, and to which the sewer services of the individual erven must connect to;
6. that only a standard 60 Amp single phase electricity connection will be available per erf;
7. 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;
8. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Division: Civil Engineering Services;
9. that any additional and / or extended vehicle entrances will be for the owner's account;
10. that no reservation of on-street parking be allowed.
11. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
12. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.

  
**RICARDO ANDREW**  
**PRINCIPAL TECHNOLOGIST:**  
**DEVELOPMENT CONTROL**

  
**DATE**

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**11.ERF 11166, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR AMENDMENT OF APPROVED SITE DEVELOPMENT  
PLAN: MESSRS WRAP PROJECT OFFICE ON BEHALF OF ABAGOLD  
LIMITED**

**11166 HWC (4834/2024)**

**B Minnaar**

**(028) 313 8900**

**Hermanus Administration**

**14 January 2025**

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**EXECUTIVE SUMMARY**

An application has been received on 10 October 2024 from Messrs WRAP Project Office on behalf of Abagold Limited in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 11166, Hermanus for the amendment of the approved Site Development Plan to accommodate two (2) bunds.

**RESOLUTION**

1. that the application for the amendment of an approved Site Development Plan in terms in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 11166, Westcliff, Hermanus to accommodate an expanded bund area, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the decision in paragraph 1 above be subject to the following conditions:
  - (a) that this approval is for the amendment of the approved Site Development Plan as indicated on Plan No *SAF-2024-01* page dated *3 September 2024* that was submitted with the application;
  - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (c) that all the conditions in the Services Report, must be complied with;
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme; and
  - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

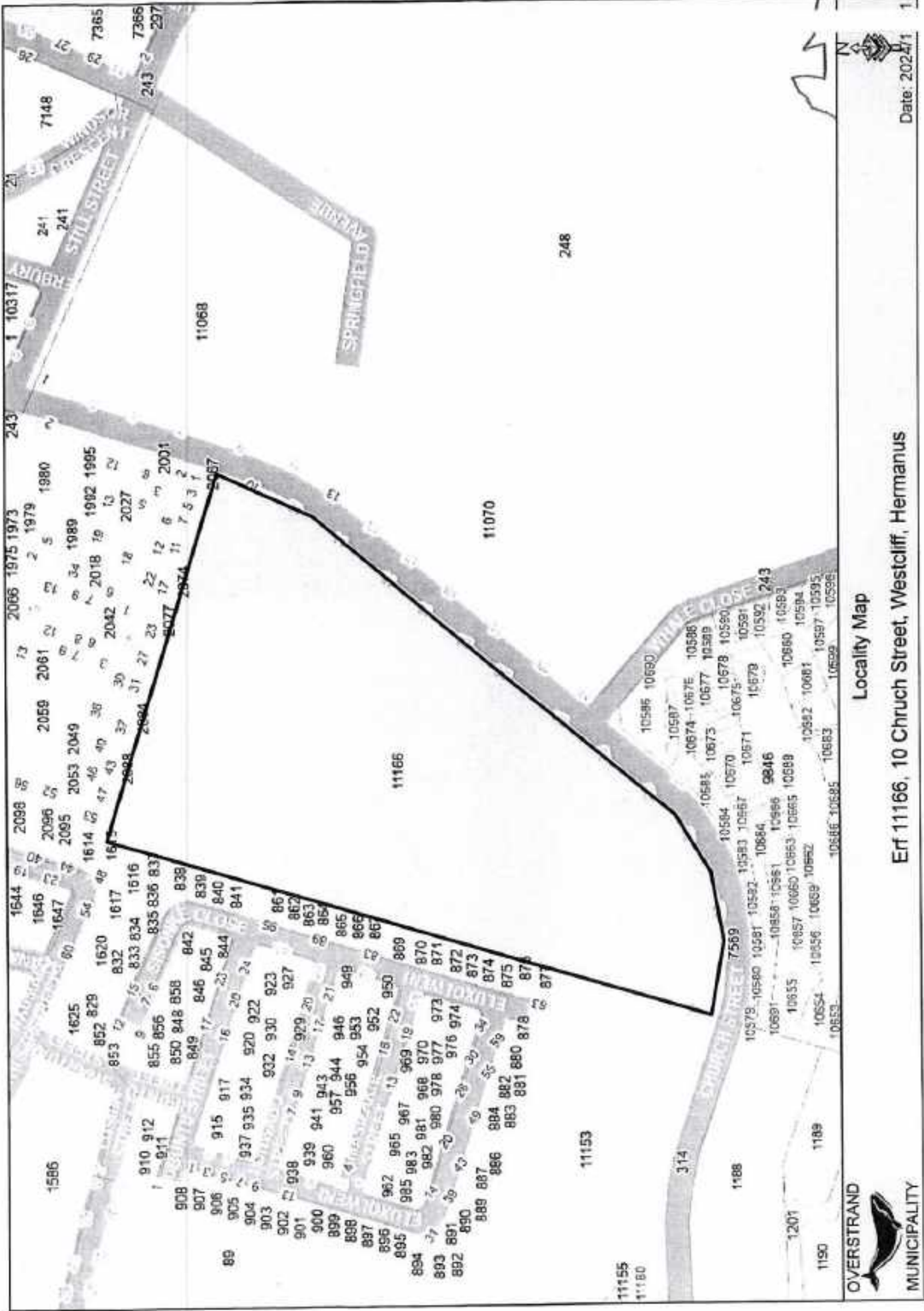
**AGENDA of the  
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3. that the applicant be notified of its respective appeal rights in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above approvals.

**REASONS FOR RESOLUTION**

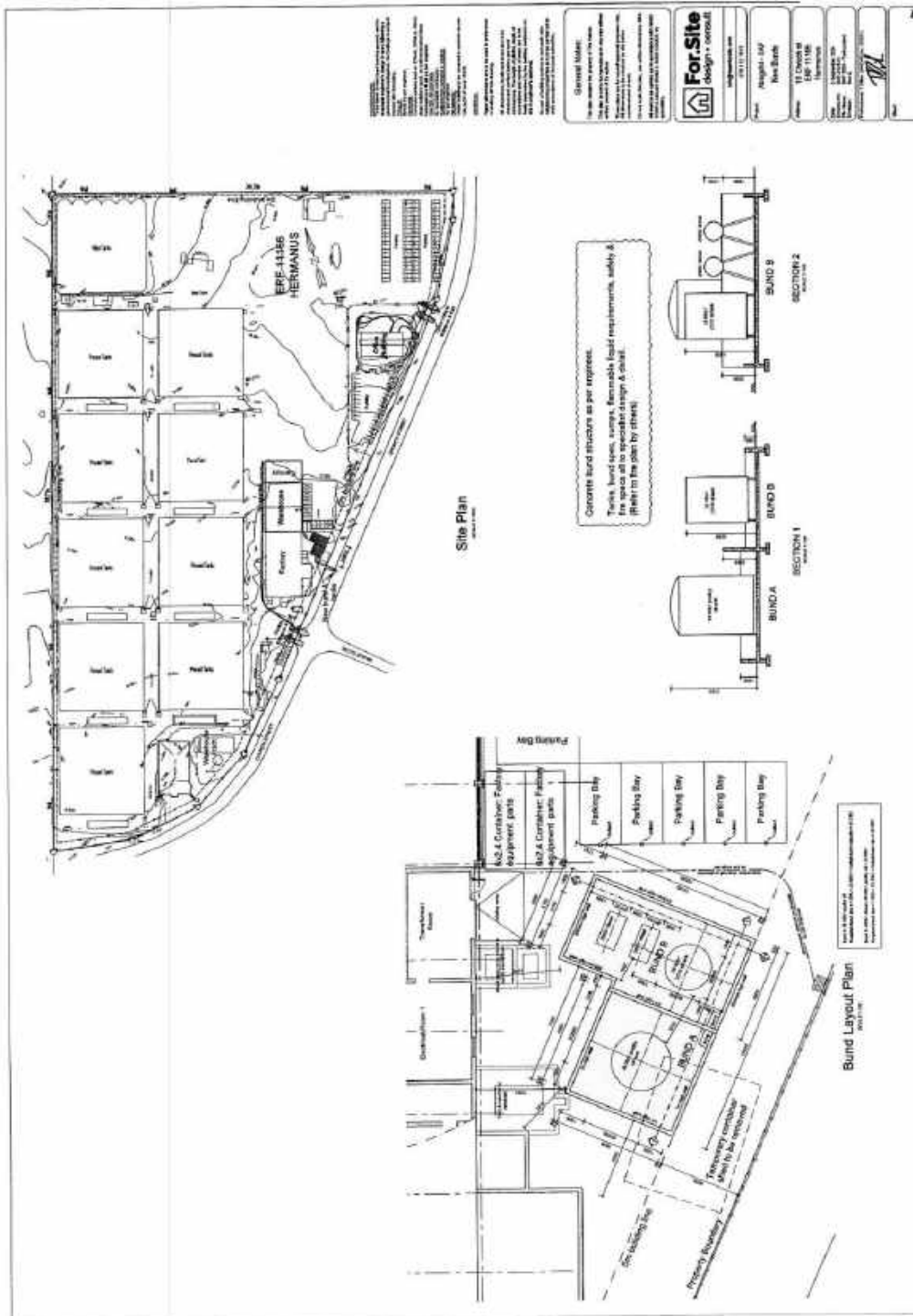
- ❖ The application has followed due procedure.
- ❖ The proposal ensures increased efficiency for the business activity and of the site itself.
- ❖ None of the internal departments have objected to the application.
- ❖ The proposal is in line with the Overstrand Forward Planning Documents and Policies.



**OVERSTRAND**  
MUNICIPALITY

**Locality Map**  
ER 11166, 10 Church Street, Westcliff, Hermanus

Date: 2024/11



**General Notes:**  
 1. The owner is responsible for obtaining all necessary permits and approvals from the relevant authorities.  
 2. The design is based on the information provided by the client. The client is responsible for the accuracy and completeness of the information.  
 3. The design is subject to change without notice.  
 4. The design is for general information only and does not constitute a contract.  
 5. The design is not to be used for any other purpose without the written consent of the designer.  
 6. The design is not to be used for any other purpose without the written consent of the designer.  
 7. The design is not to be used for any other purpose without the written consent of the designer.  
 8. The design is not to be used for any other purpose without the written consent of the designer.  
 9. The design is not to be used for any other purpose without the written consent of the designer.  
 10. The design is not to be used for any other purpose without the written consent of the designer.

**ForSite**  
 design • consult  
 08 9411 1111  
 www.forsite.com.au

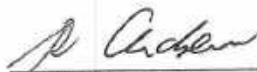
Project: EPP-11366  
 Title: Bunds  
 Date: 18/05/2018  
 Drawn: [Signature]  
 Checked: [Signature]  
 Approved: [Signature]

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:  
APPLICATION FOR AMENDMENT OF AN APPROVED SITE DEVELOPMENT  
PLAN: ERF 11166, WESTCLIFF (4834/2024)**

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

**Conditions:**

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



**RICARDO ANDREW  
PRINCIPAL TECHNOLOGIST:  
DEVELOPMENT CONTROL**

09/12/2024  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**12.ERF 3343, 5 PARK LANE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF THE JOAN VAN DER POEL FAMILY TRUST**

**3343 HON (4710/2024)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**13 December 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 27 June 2024 from Plan Active Town & Regional Planners on behalf of The Joan Van Der Poel Family Trust in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3343, 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 for the following:
  - Relaxation the northern lateral building line from 2m to 1.9m to accommodate a portion of an existing bedroom;
  - Relaxation of the northern lateral building line from 2m to 0.87m to accommodate a portion of a braai that is part of the covered stoep;
  - Relaxation of the northern lateral building line from 2m to 1,55m to accommodate two portions of an existing lounge;
  - Relaxation of the eastern street building line from 4m to 3,2m and 3,29m to accommodate portions of an existing lounge;
  - Relaxation of the eastern street building line from 4m to 0.44m to accommodate a portion of a balcony and stoep, and
  - Relaxation of the southern lateral building line from 2m to 1,43m to accommodate a portion of an existing garage.
  
- ❖ **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-mentioned unauthorized building line encroachments to accommodate the existing as-built strictures on the property.

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**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 3343, Onrustrivier for the following departures:
  - ❖ Relaxation the northern lateral building line from 2m to 1.9m to accommodate a portion of an existing bedroom;
  - ❖ Relaxation of the northern lateral building line from 2m to 0.87m to accommodate a portion of a braai that is part of the covered stoep;
  - ❖ Relaxation of the northern lateral building line from 2m to 1,55m to accommodate two portions of an existing lounge;
  - ❖ Relaxation of the eastern street building line from 4m to 3,2m and 3,29m to accommodate portions of an existing lounge, and
  - ❖ Relaxation of the southern lateral building line from 2m to 1,43m to accommodate a portion of an existing garage;

**be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3343, Onrustrivier for a departure to relax the Relaxation of the eastern street building line from 4m to 0.44m to accommodate a portion of a balcony and stoep, **be partially approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following condition:
  - (a) that the balcony railing **be set back to 2m** from the street boundary.
3. that the approvals in 1 and 2 above be 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 departures of building lines and is not an approval in terms of any other legislation;
  - (b) that the approval for the departures is only for the development over for the building lines as indicated on the plan dated 16/04/2024, submitted with the application, and an **amended plan** be submitted showing the set back of the balcony railing in line with condition 2.(a) above, to the satisfaction of the Senior Manager: Town & Spatial planning;

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- (c) that building plans be submitted to the Building Department for all illegal building work on the property approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
  - (d) that all other development parameters as prescribed in the relevant Land Scheme be complied with, and
  - (e) that all the conditions in the Services Report and by Telkom, be complied with.
4. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, be applicable to Erf 3343, Onrustvriër, for the unauthorized encroachments over the building lines on the property, and that an administrative penalty of **R10 493-00, be imposed** which penalty must be paid within sixty (60) days from the final date of the decision of the application.
  5. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

## **REASONS FOR RESOLUTION**

### **POINT 1**

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ The objection received is considered a conditional approval and the stoep and balcony over the street building line and it will not be enclosed to have any greater impact on the objectors' views.
- ❖ The encroachments over the other building lines are an existing situation and considered minor encroachments with no real impact on neighbours or the character of the area.
- ❖ All relevant Municipal/State Departments or other institutions support the application.
- ❖ The application is desirable.

### **POINT 2**

- ❖ The covered stoep and balcony was not approved in the format it was constructed in 2001.

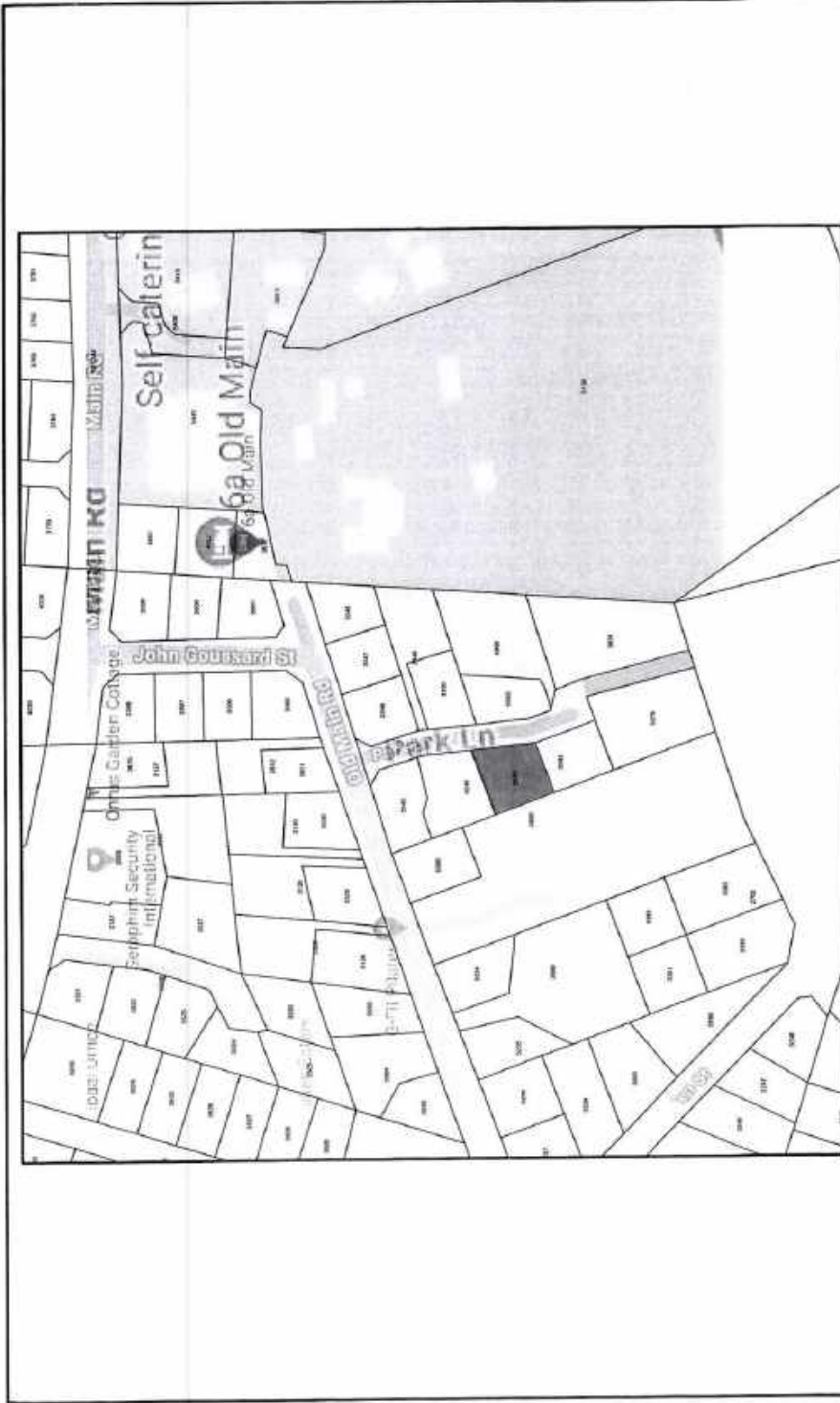
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- ❖ The close position of the edge of the balcony (0,44m) from the street boundary can impact the street ambiance and can also impact views of neighbours if furniture or umbrellas is places in such area on the balcony.
- ❖ The set back of the balcony railing to two meters from the street boundary will mitigate the impact.

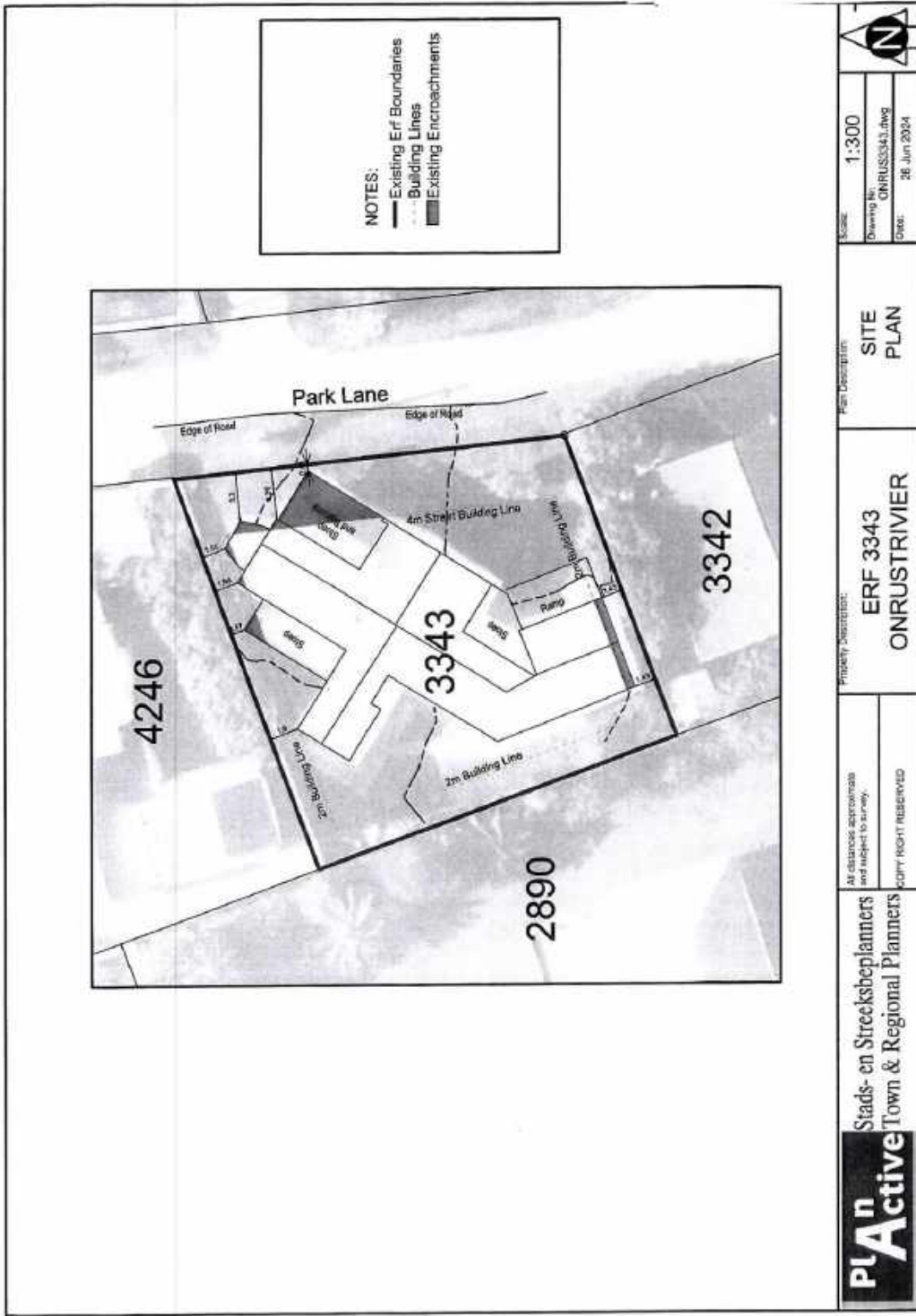
**POINT 3**

- ❖ The existing landowner did not construct the illegal structures, but each property owner must ensure that his/her property has approved building plans when purchasing a property, to ensure compliance with such building plan.
- ❖ The previous owner also did not construct a balcony and covered stoep area in line with an approved building plan.



<b>PLA n</b> Active	Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: <b>ERF 3343</b> <b>ONRUSTRIVIER</b>	Plan Description: <b>LOCALITY</b> <b>MAP</b>	Scale: <b>NTS</b>
					Drawing M: <b>Locality Map</b>
				Date: <b>26 Jun 2024</b>	





**NOTES:**  
 — Existing Erf Boundaries  
 - - - Building Lines  
 ■ Existing Encroachments

<b>PLAN</b> Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPYRIGHT RESERVED	Property Description: <b>ERF 3343</b> <b>ONRUSTRIEVER</b>	Plan Description: <b>SITE PLAN</b>	SCALE: <b>1:300</b> Drawing No: <b>ONRUST3343.dwg</b> Date: <b>26 Jun 2024</b>

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 3343, ONRUS RIVER (4710/2024)**

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

**Conditions:**

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

  
RICARDO ANDREW  
PRINCIPAL TECHNOLOGIST:  
DEVELOPMENT CONTROL

  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**13.ERF 11118, 77 BLUE CRANE STREET, HEMEL & AARDE ESTATE,  
HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR  
DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY:  
SMART SOLUTION ARCHITECTURE ON BEHALF OF VITALITRY SA (PTY)  
LTD**

**11118 HMS (4534/2023)**

**B Minnaar**

**(028) 313 8900**

**Hermanus Administration**

**21 January 2025**

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**EXECUTIVE SUMMARY**

An application has been received on 29 November 2023 from Smart Solution Architecture on behalf of SA VITALITRY (PTY) LTD on Erf 11118, Hemel & Aarde Estate 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:
  - relaxation of the north-western lateral building line from 1m to  $\pm 0.457$ m, to accommodate an existing outside timber staircase;
  - relaxation of the north-western lateral building line from 1m to 0m to accommodate an existing braai structure, and an existing combined covered braai area and covered porch;
  - relaxation of the rear building line from 3m to 0m to accommodate the existing covered porch;
  - relaxation of the maximum allowable height of filling within a building line, measured from natural ground level, from 1m to  $\pm 2.383$ m to accommodate the existing filling within the north-western lateral building line;
  - relaxation of the south-eastern lateral building line from 1m to 0m, as well as the maximum allowable height of a structure within a building line from 1m to  $\pm 1.2$ m to accommodate an existing planter box,
  - relaxation of the rear building line from 3m to 0m, as well as the maximum allowable height of a structure within a building line from 1m to  $\pm 1.2$ m to accommodate the existing planter box; and the
  - relaxation of the south-eastern lateral building line from 1.2m to 1m in order to accommodate the existing building footprint.
  
- ❖ **determination of an administrative penalty** in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the unauthorized structures.

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**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 11118, Hemel & Aarde Estate, Hermanus for the following departures:
  - relaxation of the north-western lateral building line from 1m to  $\pm 0.457$ m, to accommodate an existing outside timber staircase;
  - relaxation of the north-western lateral building line from 1m to 0m to accommodate an existing braai structure, and an existing combined covered braai area and covered porch;
  - relaxation of the rear building line from 3m to 0m to accommodate the existing covered porch;
  - relaxation of the maximum allowable height of filling within a building line, measured from natural ground level, from 1m to  $\pm 2.383$ m to accommodate the existing filling within the north-western lateral building line;
  - relaxation of the south-eastern lateral building line from 1m to 0m, as well as the maximum allowable height of a structure within a building line from 1m to  $\pm 1.2$ m to accommodate an existing planter box,
  - relaxation of the rear building line from 3m to 0m, as well as the maximum allowable height of a structure within a building line from 1m to  $\pm 1.2$ m to accommodate the existing planter box; and the
  - relaxation of the south-eastern lateral building line from 1.2m to 1m in order to accommodate the existing building footprint.

**be approved** in terms of the provisions of Section 61 of the By-Law and be subject to the following conditions;

- (a) that this approval is only for the departure as indicated on the site development plan with plan no. I0498/A1/05 dated 11 October 2023 as submitted with the application;
- (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control be complied with;
- (c) that all the conditions in the Services Report and Telkom Report, be complied with;
- (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;

**AGENDA of the  
Portfolio Committee : Planning & Development  
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- (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
2. that the applicant for 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 11118, Hemel & Aarde Estate, Hermanus to accommodate the unauthorised building work, was considered and that an administrative penalty fee of **R10 573-35**, be imposed, which penalty must be paid within ninety (90) days of the decision.
  3. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

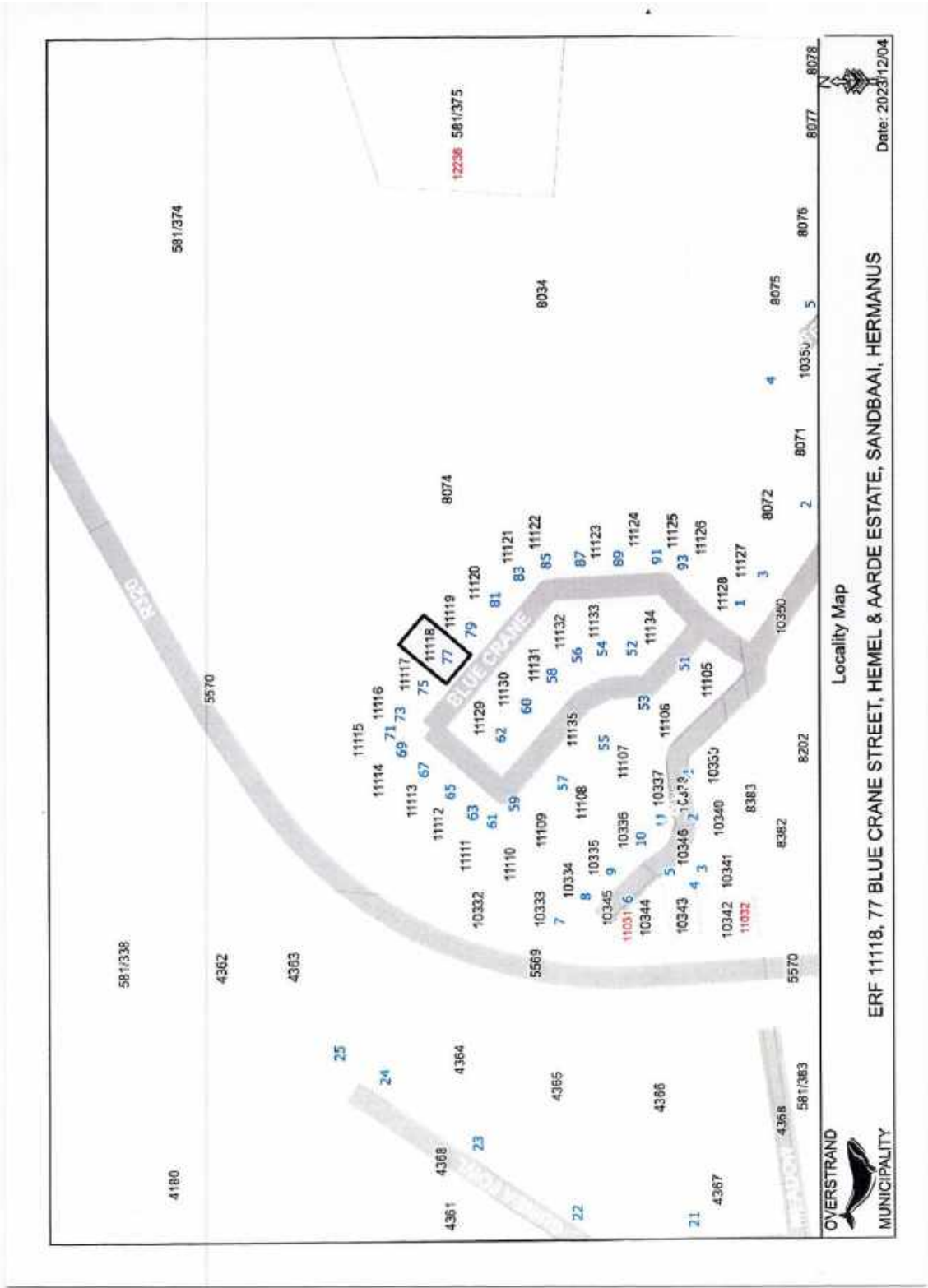
**REASONS FOR RESOLUTION**

**POINT 1:**

- ❖ The application has followed due procedure.
- ❖ No objections or negative comments have been received.
- ❖ No additional services are required.
- ❖ The additions that already exist and does not negatively impact the character of the area or will it negatively impact the streetscape.
- ❖ The proposed staircase will improve accessibility of the property (free movement) and will increase safety with regards to the fire safety.
- ❖ The planter box will not negatively impact the surrounding neighbours as it is only a garden feature situated out of site of the public.
- ❖ The change in the building footprint has existed since 2016 and has not negatively impacted on the surrounding property owners.

**POINT 2:**

- ❖ All structures already exist on the property and no building work is proposed.
- ❖ That an administrative penalty fee of 5% be imposed due to the onus being placed on the property owner to ensure that all structures and approvals required by the municipality be in place.



Date: 2023/12/04

ERF 11118, 77 BLUE CRANE STREET, HEMEL & AARDE ESTATE, SANDBAAL, HERMANUS



**SECTION A-A**  
1:100

**SECTION B-B**  
1:100

**SECTION C-C**  
1:100

**WEST ELEVATION**  
1:100

**SOUTH EAST ELEVATION**  
1:100

**FLOOR PLAN AND ROOF PLAN LAYOUT**  
1:100

**TIMBER STAIR SPEC.**  
ALL STAIRS TO BE MADE OF TIMBER  
TO BE SUPPLIED BY THE CONTRACTOR  
TO BE FINISHED TO MATCH THE  
FLOORING IN THE ADJACENT ROOMS  
TO BE INSTALLED TO THE  
SATISFACTION OF THE ARCHITECT  
TO BE FINISHED TO THE  
SATISFACTION OF THE ARCHITECT  
TO BE FINISHED TO THE  
SATISFACTION OF THE ARCHITECT

**GENERAL NOTES:**  
1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS AND CONDITIONS OF CONTRACT.  
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.  
3. ALL MATERIALS TO BE USED SHALL BE OF THE QUALITY AND QUANTITY SPECIFIED.  
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.  
5. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.  
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF ALL WORKERS AND THE PUBLIC.  
7. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.  
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.  
9. ALL WORK SHALL BE COMPLETED TO THE SATISFACTION OF THE ARCHITECT.  
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL DEBRIS AND WASTE.  
11. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.  
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF ALL WORKERS AND THE PUBLIC.  
13. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.  
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.  
15. ALL WORK SHALL BE COMPLETED TO THE SATISFACTION OF THE ARCHITECT.  
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL DEBRIS AND WASTE.

PROJECT NAME	RESIDENTIAL PROJECT
PROJECT ADDRESS	1234 MAIN ST, AUSTIN, TX 78701
ARCHITECT	SMITH ARCHITECTS, LLP
DATE	15/09/2023
SCALE	AS SHOWN
DRAWN BY	J. SMITH
CHECKED BY	M. JONES
DATE PLOTTED	15/09/2023
SCALE	AS SHOWN

**SMITH ARCHITECTS, LLP**  
ARCHITECTS

**APPROVED**  
SMITH ARCHITECTS, LLP

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 11118, HEMEL & AARDE ESTATE (4534/2023)**

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

**Conditions:**

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

  
\_\_\_\_\_  
**RICARDO ANDREW**  
**PRINCIPAL TECHNOLOGIST:**  
**DEVELOPMENT CONTROL**

  
\_\_\_\_\_  
**DATE**

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**14. ERF 5408, 6 BROADWITH ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: JM YOUNG-PUGH ON BEHALF OF JA SMITHEMAN & JM YOUNG-PUGH**

**5408 KBB (4652/2024)**

**H van der Stoep  
13 January 2025**

**(028) 313 8900**

**Hermanus Administration**

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**EXECUTIVE SUMMARY**

Application has been received on 3 May 2024 from JM Young-Pugh on behalf of JA Smitheman & JM Young-Pugh in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the subdivision of Erf 5408, Betty's Bay into 3 portions, namely Portion A ( $\pm 1360\text{m}^2$ ), Portion B ( $\pm 1360\text{m}^2$ ) and a Remainder ( $\pm 3119\text{m}^2$ ).

**RESOLUTION**

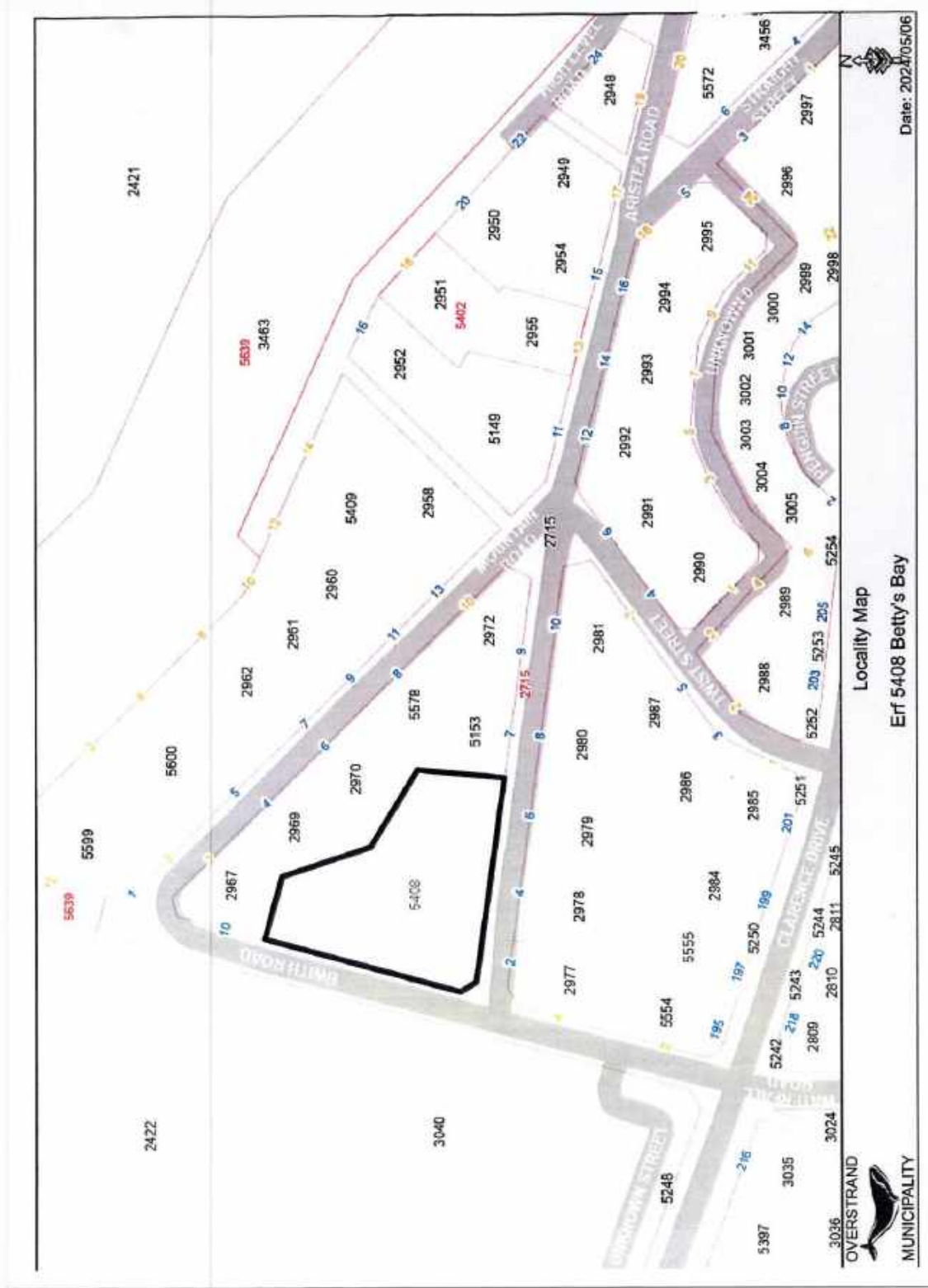
1. that the application in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the subdivision of Erf 5408, Betty's Bay into 3 portions, namely Portion A ( $\pm 1360\text{m}^2$ ), Portion B ( $\pm 1360\text{m}^2$ ) and a Remainder ( $\pm 3119\text{m}^2$ ), **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
  - (a) that this approval is only for the subdivision as indicated on plan number BB5408s dated April 2024, as submitted with the application;
  - (b) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building Control- and the Fire Departments be complied with at that stage;
  - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
  - (e) that all the conditions in the Services Report, be complied with.
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.

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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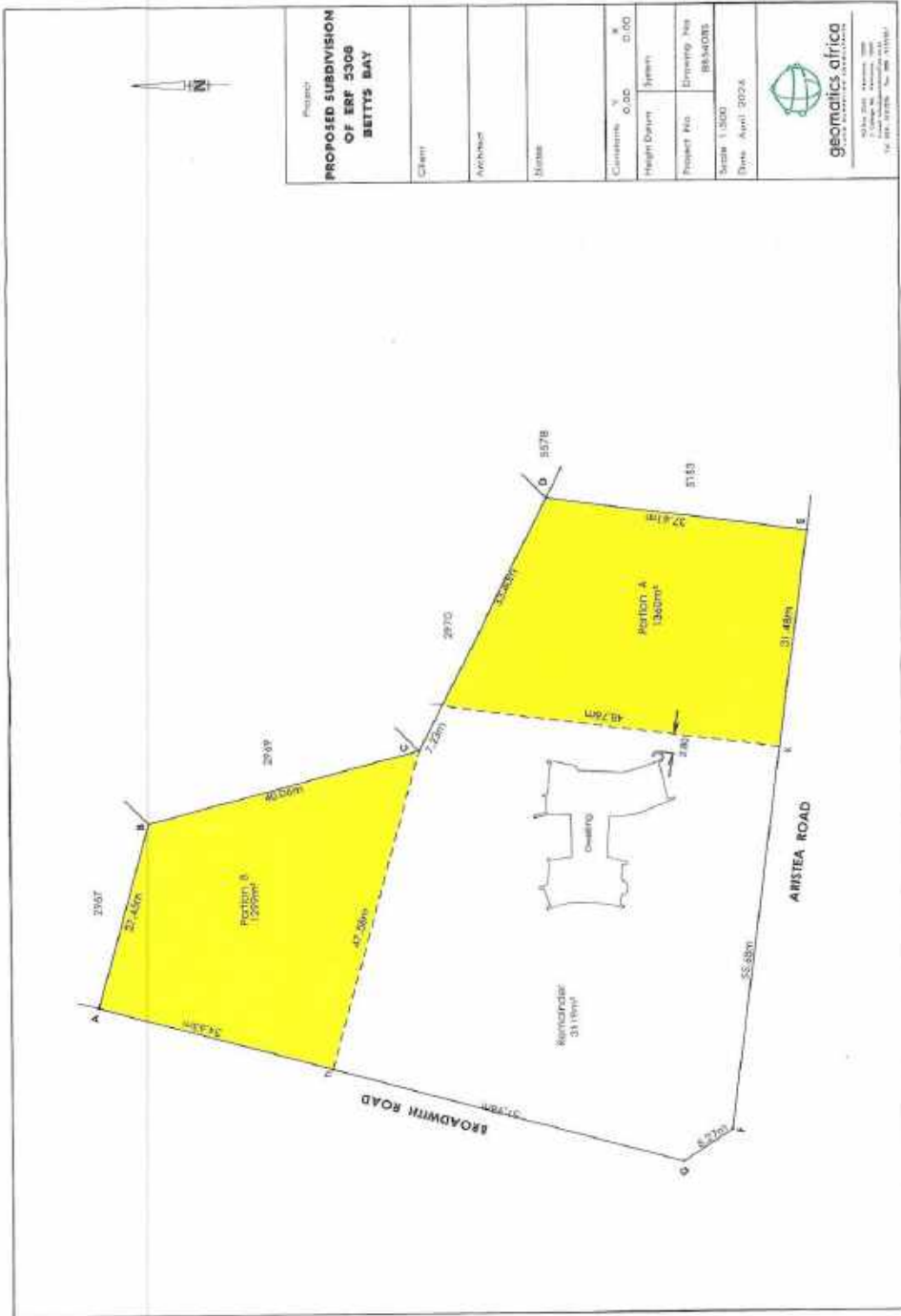
**REASONS FOR RESOLUTION**

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



Locality Map  
Erf 5408 Betty's Bay

Date: 2024/05/06



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION: ERF 5408, BETTY'S BAY (4652/2024)**

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 (2024/2025) is as follows:

**Freehold erven:**

Water	R 27 598.00 x 2	=	R 55 196.00
Sewerage	R 19 725.00 x 2	=	R 39 450.00
Roads	R 8 845.00 x 2	=	R 17 690.00
Stormwater	R 10 205.00 x 2	=	R 20 410.00
Solid Waste	R 1 769.00 x 2	=	R 3 538.00
<b>TOTAL (inclusive of VAT)</b>		=	<b>R136 284.00</b>

Note:

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

2. that any part of the existing water and sewer services on Erf 5408 that crosses the common boundary of Portion A, B and the Remainder of Erf 5408 shall be disconnected and sealed off;
3. that the Remainder and Portion A, B of Erf 5408 must be serviced with individual and separate water connections, which must comply with the standards of the Department: Operational Services;
4. that the proposed Portion A, B and Remainder of Erf 5408 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 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;
6. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through the proposed Erven, Betty's Bay, unobstructed.

  
\_\_\_\_\_  
**RICARDO ANDREW**  
**PRINCIPAL TECHNOLOGIST:**  
**DEVELOPMENT CONTROL**

  
\_\_\_\_\_  
**DATE**

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**15.ERF 4854, 20 NINTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: NAUSHAD OMAR LAND SURVEYOR ON BEHALF OF A & L VAN DER BERG**

**4854 KKM (4667/2024)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**28 January 2025**

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**EXECUTIVE SUMMARY**

Application has been received on 15 May 2024 from Naushad Omar Land Surveyor on behalf of A & L van der Berg in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the subdivision of Erf 4854, Kleinmond into two (2) portions, namely Portion 1 ( $\pm 1016\text{m}^2$ ) and a Remainder ( $\pm 1016\text{m}^2$ ).

**RESOLUTION**

1. that the application in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the subdivision of Erf 4854, Kleinmond into two (2) portions, namely Portion 1 ( $\pm 1016\text{m}^2$ ) and a Remainder ( $\pm 1016\text{m}^2$ ), **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
  - (a) that this approval is only for the subdivision as indicated on Plan dated March 2024, as submitted with the application;
  - (b) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building Control- and the Fire Departments be complied with at that stage;
  - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
  - (e) that all the conditions in the Services Report, be complied with.
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.

**AGENDA of the  
Portfolio Committee : Planning & Development  
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(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**REASONS FOR RESOLUTION**

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



**NOTES:**

1. The figure ABCD is Remainder of Erf 4854 KLEINMOND and is 2032 sqm in extent
2. The figure Aefd is the REMAINDER and is 1016 sqm in extent.
3. The figure EBCF is PORTION 1 and is 1016 sqm in extent.
4. Line ghjk is a the centre line of a sewer servitude 2 metre wide.
5. The site is currently zoned and used for single residential purposes.
6. Address: 20 Ninth Avenue, Kleinmond.

DATE: MARCH 2024

SCALE: 1/750

DRAWN BY: N.O.

SUBDIVISION OF:  
REMAINDER of ERF 4854 KLEINMONDREGISTERED OWNERS:  
ANDRE VAN DER BERG (1/2)  
LAMEESH VAN DER BERG (1/2)  
T38016/2022 DATED 11/08/2022SUBMITTED BY:  
N. OMAR LAND SURVEYOR PLS1166  
4 Finn Road, Zeekoevlei, 7941  
CELL: 072 183 8954

All data approximate and in metres

SG.No. A3909/1928

S.G.SHT Nos. 416/422

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION: ERF 4854, KLEINMOND (4667/2024)**

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 (2024/2025) is as follows:

**Freehold erven:**

Water	R 27 598.00 x 1	=	R 27 598.00
Sewerage	R 19 725.00 x 1	=	R 19 725.00
Roads	R 8 845.00 x 1	=	R 8 845.00
Stormwater	R 10 205.00 x 1	=	R 10 205.00
Solid Waste	R 1 769.00 x 1	=	R 1 469.00
Electricity	R 39 247.00 x 1	=	<u>R 39 247.00</u>
<b>TOTAL (inclusive of VAT)</b>		=	<b>R107 389.00</b>

Note:

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

2

2. that any part of the existing water and sewer services on Erf 4854 that crosses the common boundary of Portion A and the Remainder of Erf 4854 shall be disconnected and sealed off;
3. that both the Remainder and Portion A of Erf 4854 must be serviced with individual and separate water & sewer connections, which must comply with the standards of the Department: Operational Services;
4. that only a standard 60 Amp single phase electricity connection will be available per erf;
5. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
6. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through the proposed Erven, Kleinmond, unobstructed.

  
RICARDO ANDREW  
PRINCIPAL TECHNOLOGIST:  
DEVELOPMENT CONTROL

  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**16.ERF 260, 132 JAN VAN RIEBEEK CRESCENT, SANDBAAI, HERMANUS,  
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE &  
DETERMINATION OF AN ADMINISTRATIVE PENALTY: M.A. GREEFF ON  
BEHALF OF M.S. LLOYD-YEO**

**260 HSB (4675/2024)**

**B Minnaar**

**(028) 313 8900**

**Hermanus Administration**

**16 January 2025**

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**EXECUTIVE SUMMARY**

An application has been received on 14 May 2024 from M.A. Greeff on behalf of M.S. Lloyd-Yeo in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 260, Sandbaai for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the permissible height restriction applicable to boundary walls from 2.1m to 2.92m on the northern lateral building line and from 1.8m to 2.1m on the western street building line.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the determination of an administrative penalty.

**RESOLUTION**

1. that the application for **departure** in terms of Section 16(2)(b) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 260, Sandbaai to relax the permissible height restriction applicable to portions of the boundary wall from 2.1m to 2.92m, as well as from 2.1m to 2.41m on the northern lateral boundary, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the decision in paragraph 1 above be subject to the following conditions:
  - (a) that this approval is for the subdivision and building line encroachments as indicated on Plan No *SB 260 / A.01.2* dated *25/05/2023* that was submitted with the application;
  - (b) that the carport and the wendy house be demolished and that the container be removed within **thirty (30) days** from the date of this decision;

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- (c) that should the property owner wish to retain any of the structures mentioned in decision point 2.(b) above, a new application is to be submitted for consideration to this office;
  - (d) that the building plans reflect the decision point 2.(b) above;
  - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (f) that all the conditions in the Services Report, must be complied with;
  - (g) that all other development parameters as prescribed in the relevant Zoning Scheme; and
  - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
3. that an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 260, Sandbaai to accommodate the unauthorised building work, **be imposed**, and that an administrative penalty fee of **R230-90** be payable within thirty (30) days of this decision; and
4. that the applicant and the commenters be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above approvals.

## **REASONS FOR RESOLUTION**

### **Reason for recommendation of points 1-2**

- ❖ The boundary wall height ensures privacy to both the subject property owner and the adjacent property owner (Erf 257).
- ❖ The application has followed due procedure.
- ❖ No objections or complaints were received during or before the public participation process.
- ❖ It is supported by the Engineering Department.

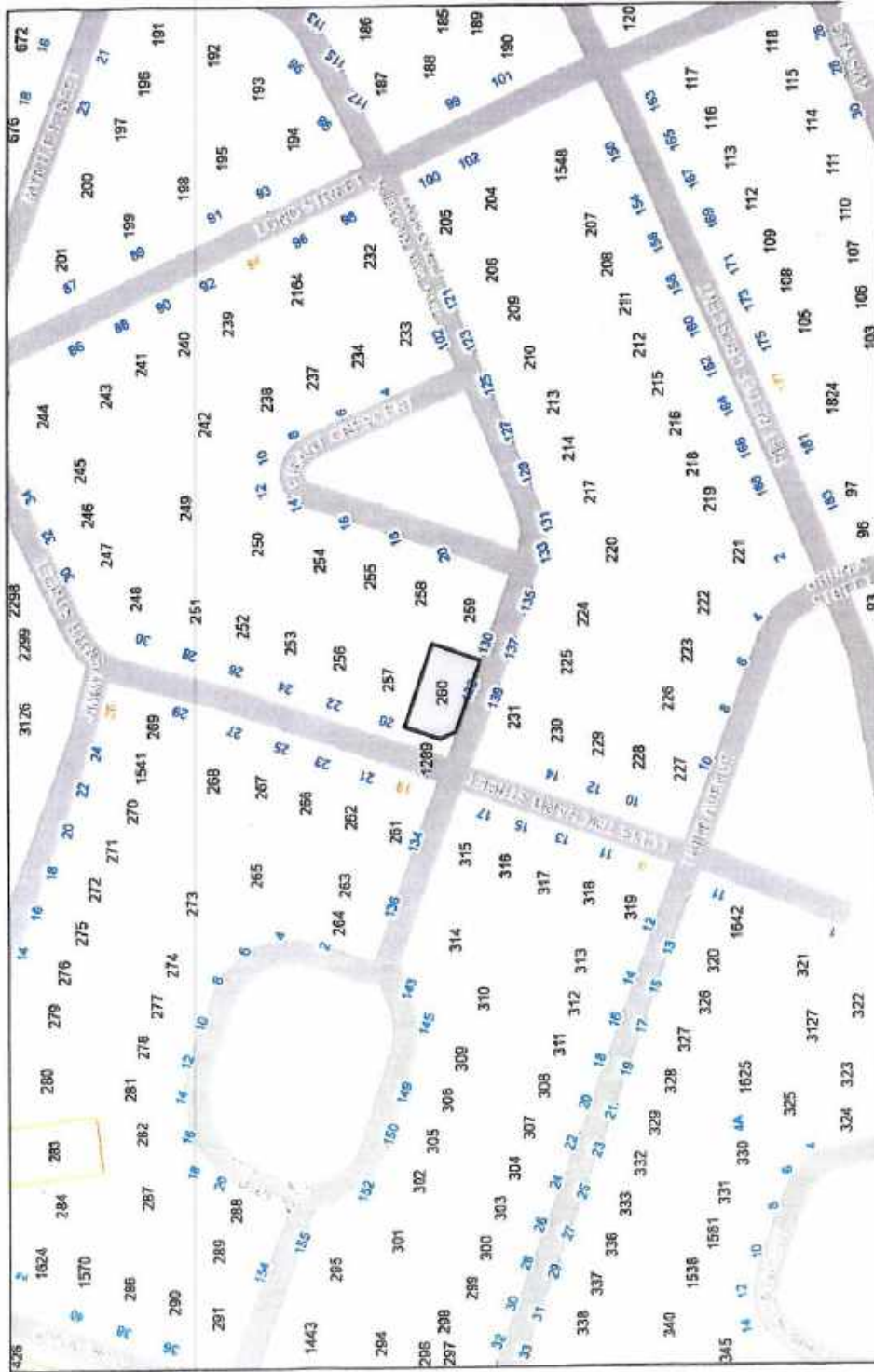
### **Reason for recommendation of point 3:**

- ❖ All structures already exist on the property and no further building work is proposed.

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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- ❖ The carport situated on the northern lateral and western street boundary of the property has not been applied for and must be demolished.
- ❖ The wendy house and container will be demolished as per the applicant's motivation.
- ❖ The encroachments are minor in nature being of a normal residential nature which improves the liveability of the property.
- ❖ The onus is on the property owner to ensure that all structures on their property have approved building plans, comply with the Overstrand Municipality Land Use Scheme, 2020 as well as all relevant legislation.



OVERSTRAND  
MUNICIPALITY

Locality Map

ERF 260, 13 AN VAN RIEBEEK CRESCENT, SANDE V.I. HERMANUS

Date: 2024/05/2

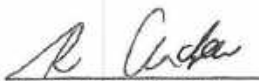


**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 260, SANDBAAI (4675/2024)**

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

**Conditions:**

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

  
RICARDO ANDREW  
PRINCIPAL TECHNOLOGIST:  
DEVELOPMENT CONTROL

  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**17.ERF 12872, 314 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND  
MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION  
OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF  
OF A LOUBSER**

**12872 HVK (4693/2024)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**05 December 2024**

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**EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 13 June 2024 from Messrs WRAP Project Office on behalf of the owner of Erf 12872, Eastcliff, Hermanus for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, in order to:
  - relax the maximum permissible boundary wall height of 2.1m by  $\pm 2.01$ m; and
  - relax the rear building line from 2m to 0m to accommodate filling of more than 1m and;
- ❖ **determination of an administrative penalty** in terms of Section 90 of the By-Law, in order to accommodate the existing structure.

**RESOLUTION**

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 12872, Eastcliff, Hermanus for departure in terms of Section 16(2)(b) of the By-Law, in order to:
  - relax the maximum permissible boundary wall height of 2.1m by  $\pm 2.01$ m, and
  - relax the rear building line from 2m to 0m to accommodate filling of more than 1m;

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

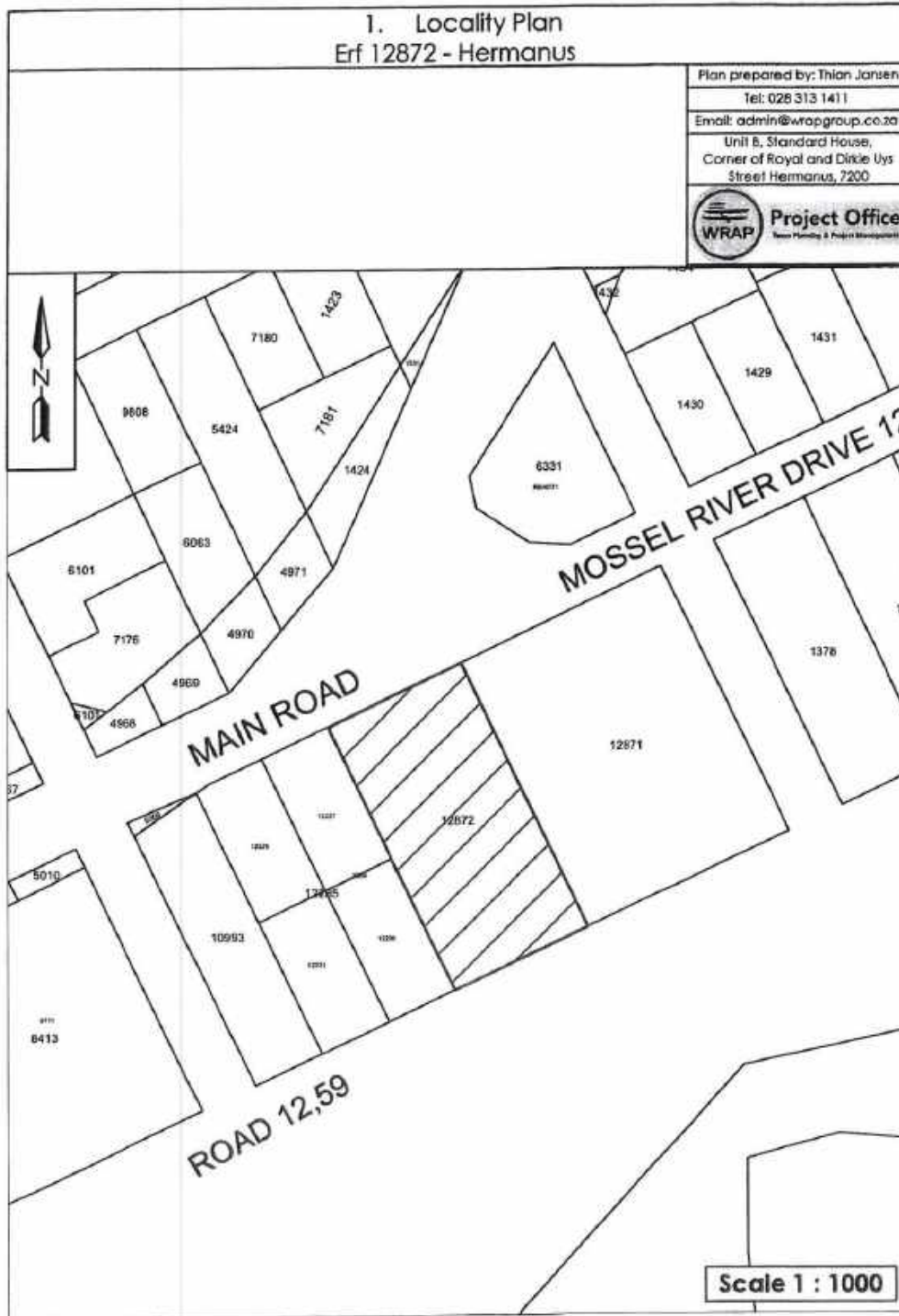
**AGENDA of the  
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9 April 2025  
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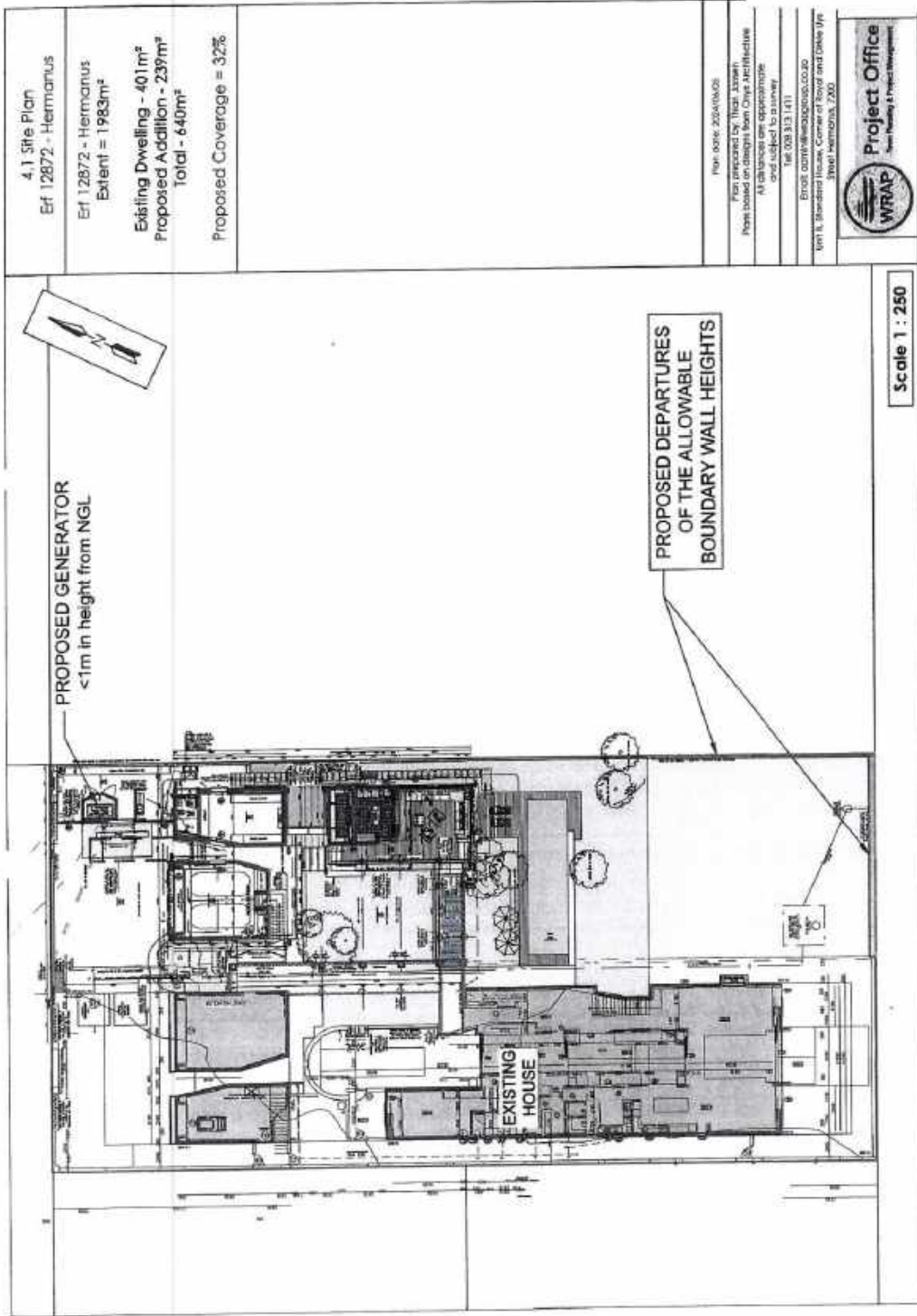
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2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 12872, Hermanus for the unauthorised building on the property, **not be exempt** from the payment of an administrative penalty;
3. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:
  - (a) that the approvals are for the development as indicated on Site Development Plan No 4.2 and 4.1 dated 02 August 2024 as submitted with the application;
  - (b) that an administrative penalty of R3 428.00, be payable within **thirty (30) days** of the decision;
  - (c) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;
  - (d) that all the conditions in the Services Report, be complied with;
  - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
  - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with;
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**REASONS FOR RESOLUTION**

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





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 12872, EASTCLIFF (4693/2024)**

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

**Conditions:**

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

  
**RICARDO ANDREW**  
**PRINCIPAL TECHNOLOGIST:**  
**DEVELOPMENT CONTROL**

  
 DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**18.REMAINDER OF ERF 4829, 79 11TH AVENUE, KLEINMOND, OVERSTRAND  
MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: FUTURE PLAN  
TOWN & REGIONAL PLANNERS ON BEHALF OF MP MAGIELSE**

**4829KKM (4441/2023)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**17 December 2024**

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**EXECUTIVE SUMMARY**

Application has been received on 21 July 2023 from Future Plan Town & Regional Planners on behalf of MP Magielse in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the subdivision of the Remainder of Erf 4829, Kleinmond into a Portion A ( $\pm 962,685\text{m}^2$ ) and a Remainder ( $\pm 711,325\text{m}^2$ ).

**RESOLUTION**

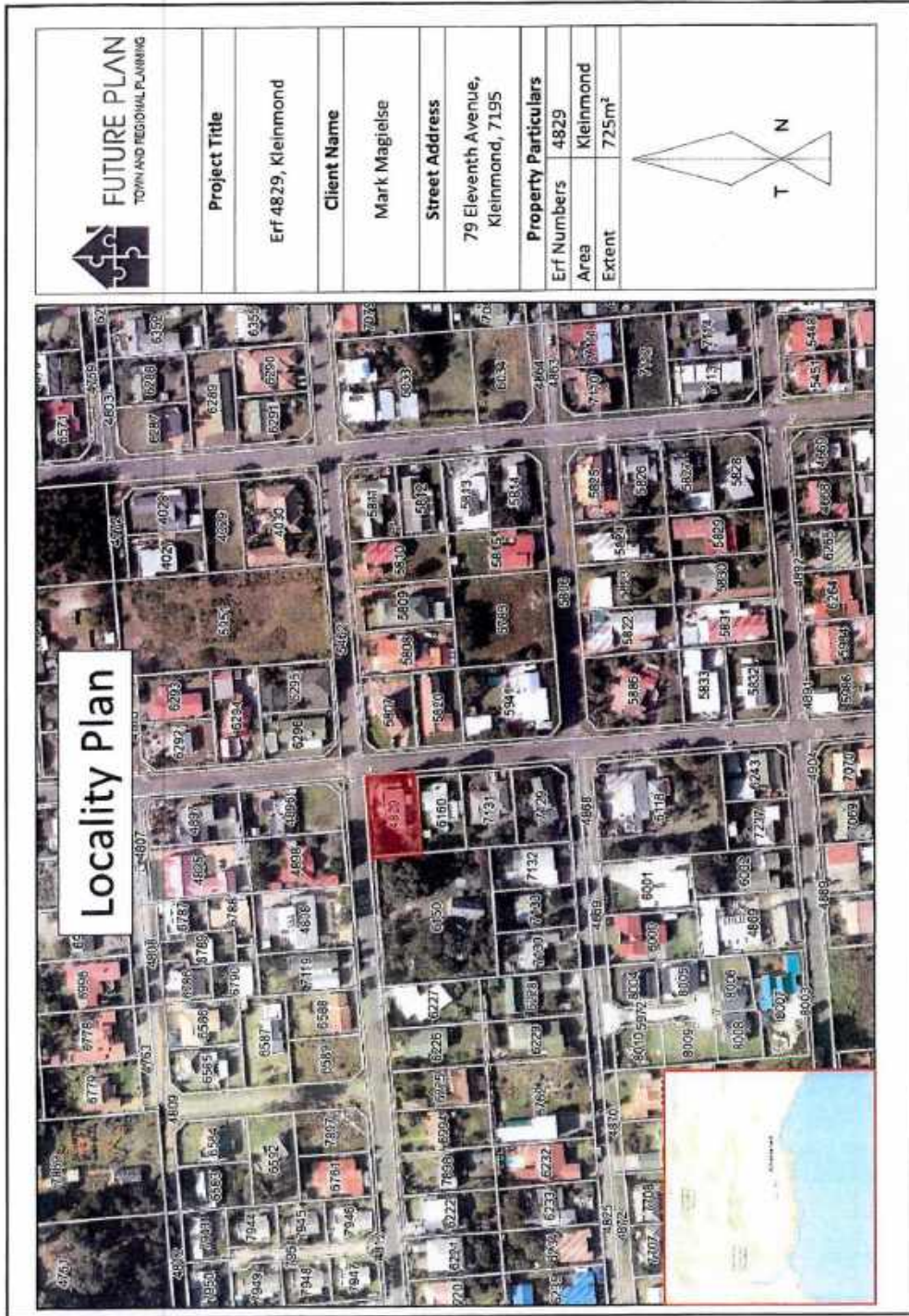
1. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the subdivision of Remainder of Erf 4829, Kleinmond into a Portion A ( $\pm 962,685\text{m}^2$ ) and a Remainder ( $\pm 711,325\text{m}^2$ ), **be approved** in terms of the provisions of Section 61 of the By-law, subject to the following conditions:
  - (a) that this approval is only for the subdivision as indicated on Subdivision Plan number ERF4829JULY2023VS1 dated 17 July 2023, as submitted with the application;
  - (b) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building Control- and the Fire Departments be complied with at that stage;
  - (c) that Portion A be transferred to the Municipality;
  - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
  - (f) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**AGENDA of the  
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9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**REASONS FOR RESOLUTION**

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





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION, ERF 4829, KLEINMOND (4441/2023))**

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

**Conditions:**

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

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**19.ERF 4296, 57 MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR DEPARTURE: FUTURE PLAN TOWN & REGIONAL  
PLANNERS ON BEHALF OF AGENBACH FAMILY TRUST**

**4296 KKM (4485/2023)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**20 December 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 18 September 2023 from Future Plan Town & Regional Planners on behalf of Agenbach Family Trust on Erf 4296, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to relax the western lateral building line from 3m to 1m and to relax the rear building line from 3m to 0,93m to accommodate proposed alterations and additions to the existing building on the property.

**RESOLUTION**

1. that the objection be noted;
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 4296, Kleinmond for a departure to relax the western lateral building line from 3m to 1m and to relax the rear building line from 3m to 0,93m to accommodate proposed alterations and additions to the existing building 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 the plan number D.917.K dated 31 August 2023 as submitted with the application;
  - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control be complied with;
  - (c) that all the conditions in the Services Report, be complied with;
  - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation; and

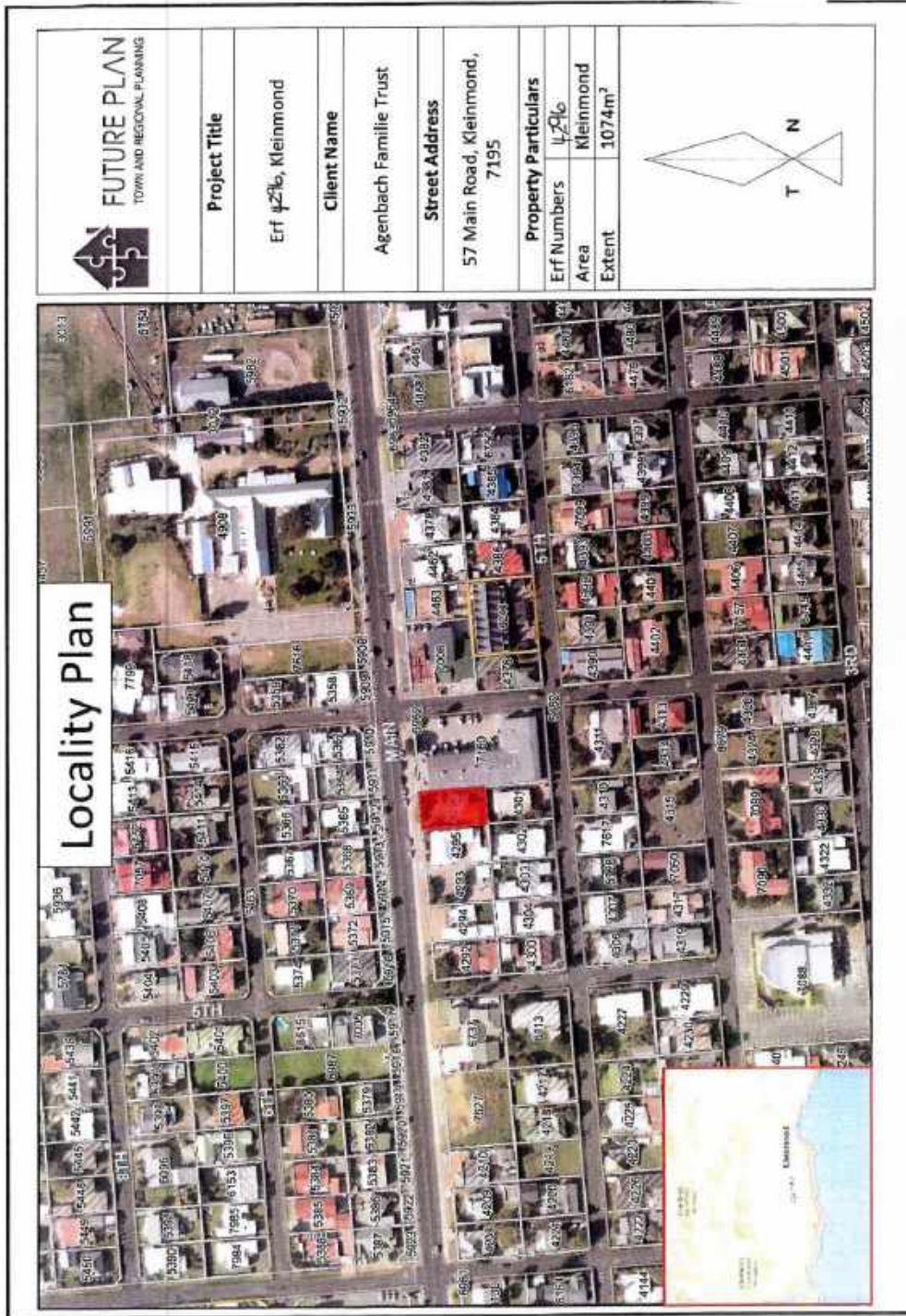
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9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

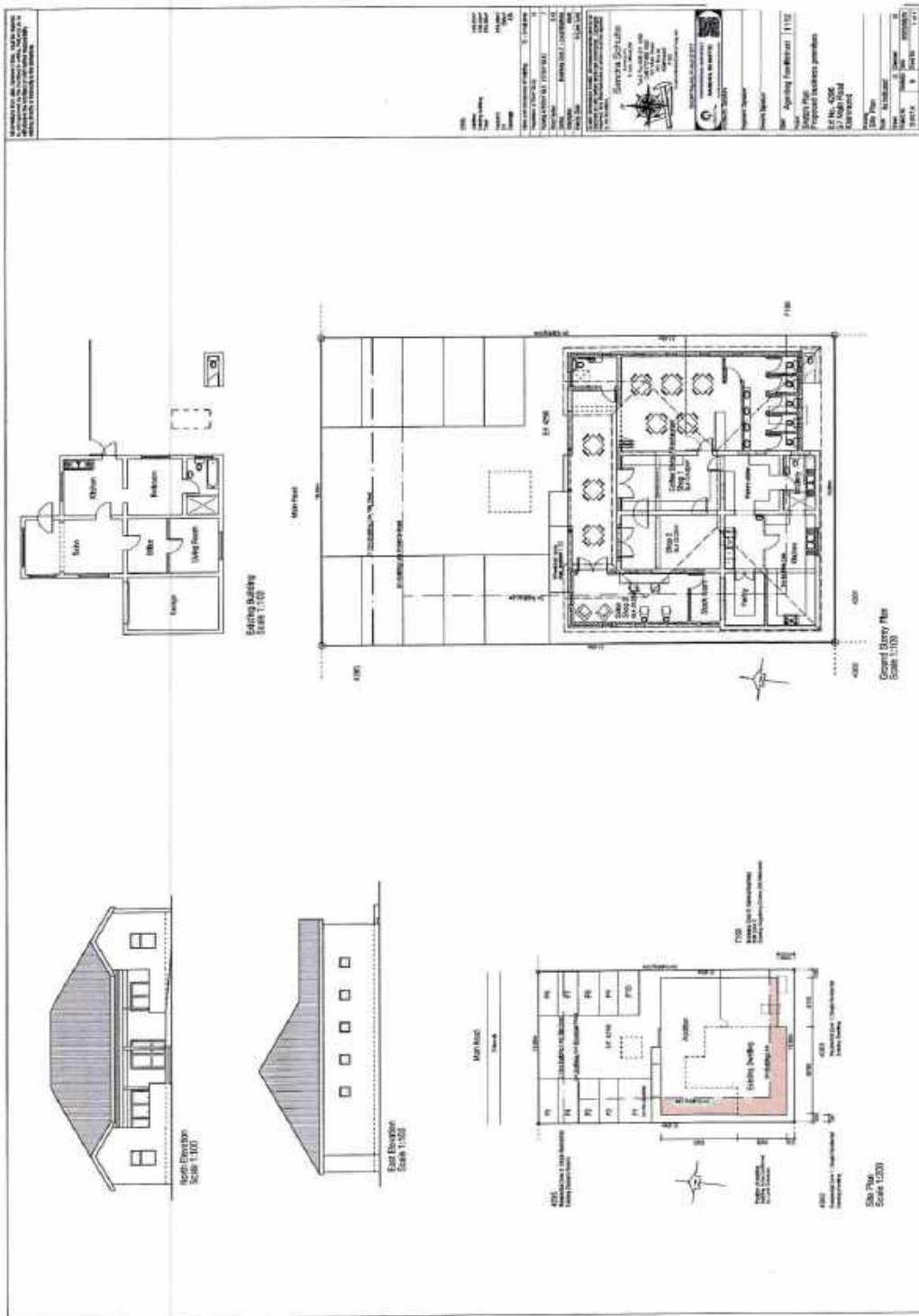
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- (e) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with.
3. that the applicant and objector be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use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

**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be affected.
- ❖ All relevant Municipal/State Departments support the application.
- ❖ The objectors' concern about privacy and views are not supported, as a portion of the building encroaching the rear building line is an existing building. The extension proposed will only traverse the rear building line with 1m, and the area will be used for toilette facilities, with minimum impact on privacy. Impact on views will also be minimal as this portion of the building will have a low roof structure
- ❖ The application will not have a negative impact on surrounding property owners or the character of the area.
- ❖ The proposal is in line with the Planning Principles as the existing building and business property will be utilized more efficiently.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE, ERF 4296, KLEINMOND (4485/2023))**

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

**Conditions:**

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

  
**DENNIS HENDRIKS**  
 SENIOR MANAGER:  
 ENGINEERING SERVICES

  
 DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**20.ERF 2102, 19 GREEN MOUNTAIN CLOSE, SANDBAAI, HERMANUS,  
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND  
DETERMINATION OF AN ADMINISTRATIVE PENALTY: BENKDRAFT ON  
BEHALF OF I SCHIRMER**

**2102 HSB (4640/2024)**

**B Minnaar**

**(028) 313 8900**

**Hermanus Administration**

**9 January 2025**

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**EXECUTIVE SUMMARY**

An application has been received on 19 April 2024 from BENKDRAFT on behalf of I Schirmer in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 2102, Sandbaai for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law in order to:
  - relax the southern lateral building line from 1m to 0m to accommodate the construction of a carport that occupy more than 50% of the internal side boundary;
  - relax the eastern rear building line from 3m to 2m to accommodate the existing wendy house, and
  - relax the maximum height from 2.1m to 2.2m over the eastern rear building line from 3m to 0m to accommodate the existing water tank 2.
  
- ❖ **Determination of an administrative penalty**  
Application in terms of Section 16(2)(q) of the By-Law for the determination of an administrative penalty.

**RESOLUTION**

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 2102, Sandbaai in order to:
  - relax the southern lateral building line from 1m to 0m to accommodate the construction of a carport that occupy more than 50% of the internal side boundary;
  - relax the eastern rear building line from 3m to 2m to accommodate the existing wendy house, and
  - relax the maximum height from 2.1m to 2.2m over the eastern rear building line from 3m to 0m to accommodate the existing water tank 2,

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(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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- be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the decision in paragraph 1. above be subject to the following conditions:
    - (a) that this approval is for the building line encroachments as indicated on Plan No *erf2102\_SCHIRM\_A3/01-2024-DEP pages 1-3* dated *February 2024* that was submitted with the application;
    - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
    - (c) That the above-mentioned building plans reflect a screen-wall to screen the adjacent property (Erf 2069, Sandbaai) from the water tank over the rear building line,
    - (d) that all other development parameters as prescribed in the relevant Zoning Scheme; and
    - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
  3. that an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 2102, Sandbaai to accommodate the unauthorised building work, **be imposed**, and that an administrative penalty fee of **R5 621,22** be payable within sixty (60) days of this decision; and
  4. that the applicant and the commenters be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above approvals.

#### **REASONS FOR RESOLUTION**

##### **Reason for recommendation of points 1-2:**

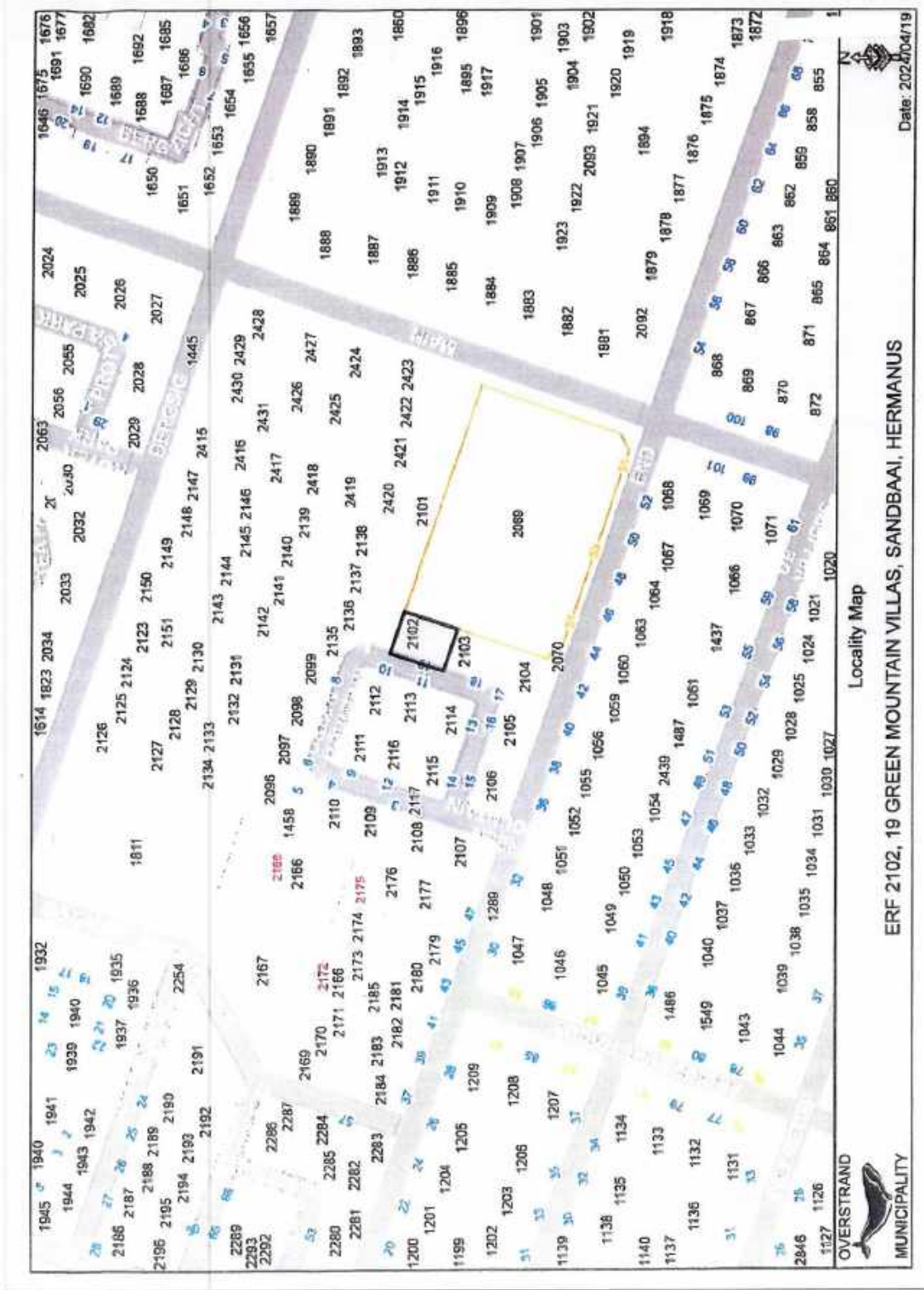
- ❖ The application has followed due procedure.
- ❖ Written consent was submitted.
- ❖ The additions are of a normal residential nature that is situated on residential properties which improve the functionality of the property to the benefit of the property owner.
- ❖ It is supported by the Engineering Department.

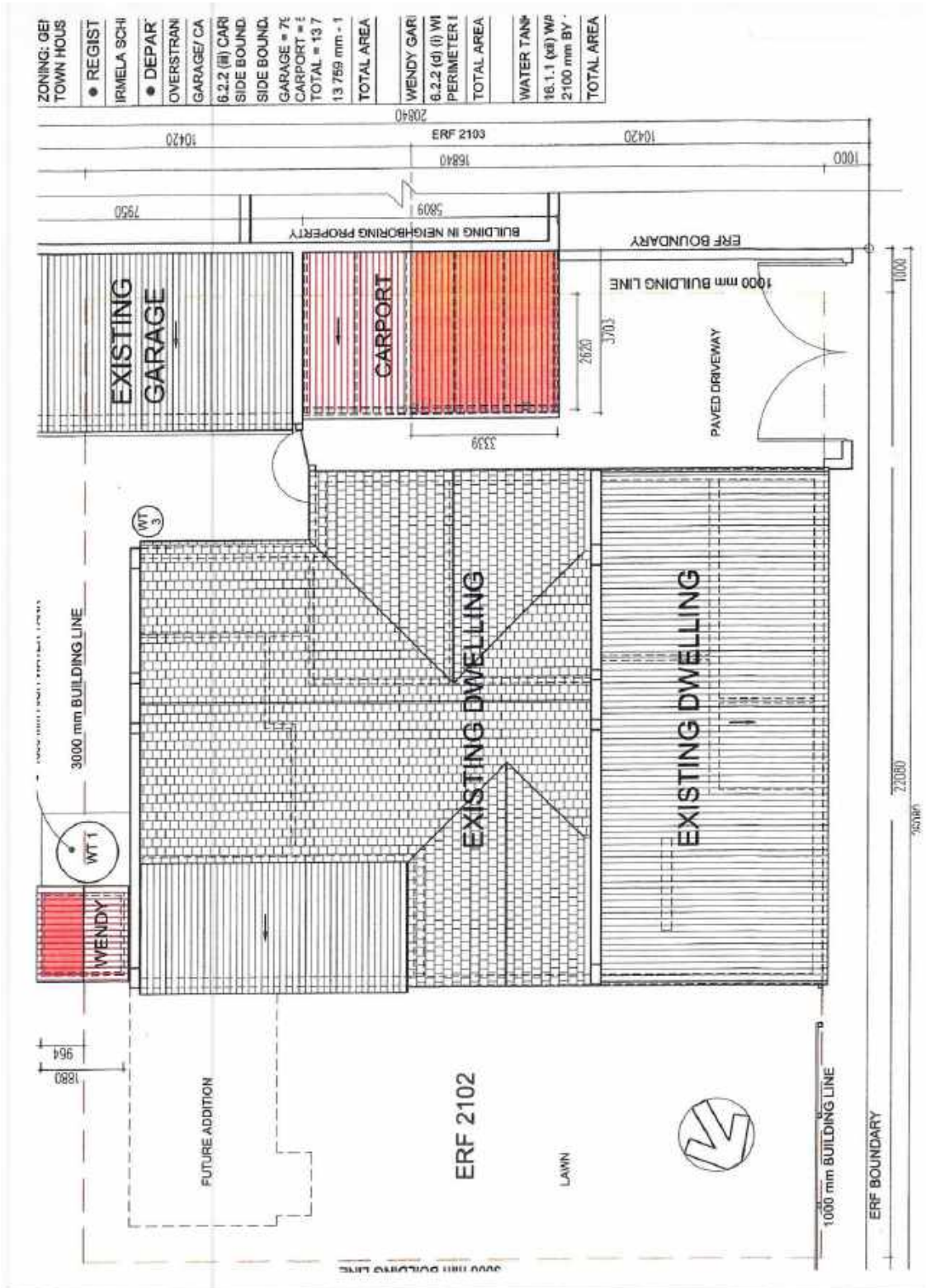
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(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**Reason for recommendation of point 3:**

- ❖ All structures already exist on the property and no further building work is proposed.
- ❖ The encroachments are minor in nature being of a normal residential nature which improves the liveability of the property.
- ❖ The onus is on the property owner to ensure that all structures on their property have approved building plans, comply with the Overstrand Municipality Land Use Scheme, 2020 as well as all relevant legislation. Therefore, an administrative penalty of 5% is imposed.





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(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**21.ERF 5092, 1 FONTEINHOUT AVENUE, KLEINMOND, OVERSTRAND  
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: J DOUGLAS ON  
BEHALF OF CJ VAN DER WESTHUIZEN**

**5092 KKM (4688/2024)**

**H van der Stoep  
6 February 2025**

**(028) 313 8900**

**Hermanus Administration**

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**EXECUTIVE SUMMARY**

An application has been received on 7 June 2024 from J Douglas on behalf of CJ van der Westhuizen on Erf 5092, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to relax the street building line from 4m to 3,416m to accommodate the proposed change of use from the existing covered roofed structure on the first floor into a sewing room.

**RESOLUTION**

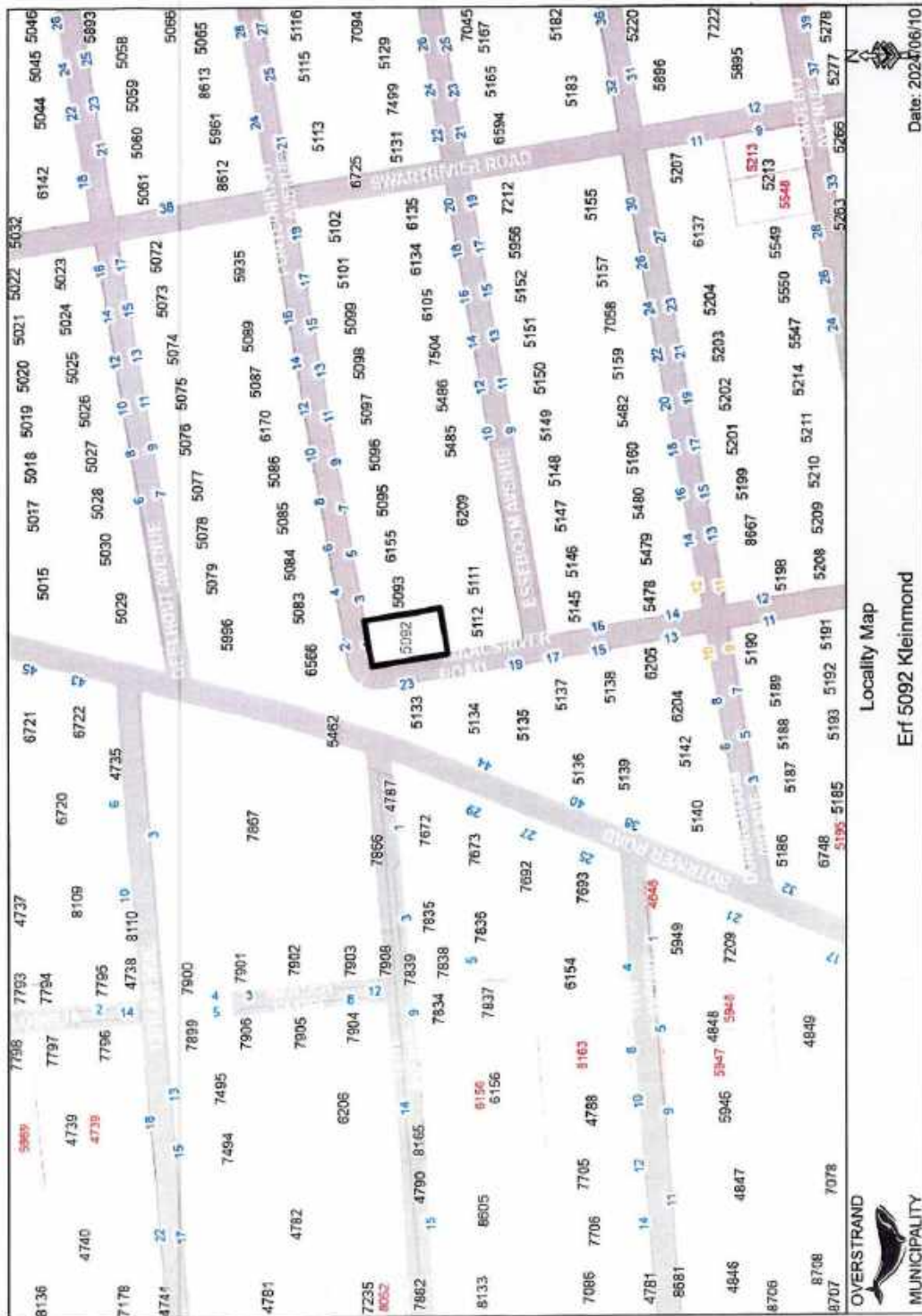
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5092, Kleinmond for a departure to relax the street building line from 4m to 3,416m to accommodate the proposed change of use from the existing covered roofed structure on the first floor into a sewing room, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
  - (a) that this approval is only for the development as indicated on the plan number B.263.K (1-5) dated 26 April 2024 and 6 May 2024, as submitted with the application;
  - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control be complied with;
  - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
  - (d) that all other development parameters as prescribed in the relevant Land Use 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.

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(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be affected.
- ❖ All relevant Municipal/State Departments support the application.
- ❖ The application will not have a negative impact on surrounding property owners or the character of the area.
- ❖ The proposal is in line with the Planning Principles as the existing building and business property will be utilized more efficiently.



OVERSTRAND  
MUNICIPALITY

Locality Map  
Erf 5092 Kleinmond

Date: 2022/06/10

**General Specifications**

Comply with the National Building Regulations and the South African Standard Code of Practice SANS 10400.

Owner works in accordance with the National Building Regulations and Municipal by-laws.

All structural/coverals work is Engineers design and specification.

All changes in level, the design of ramps and otherwise in accordance with the detailed requirements of SANS 10400-6.

Buildings and its operations to be in accordance with SANS 10400-7.

Fire safety to comply with SANS 10400-7 and the Overstrand Fire Safety By-law No. AS4 - 2007.

All materials and fittings used to be SABS approved.

It is the responsibility of the Owner to appoint a Land Surveyor to confirm all boundaries.

It is the responsibility of the Owner to appoint a Health and Safety Agent to comply with the Construction Regulations 2014 and the Occupational Health and Safety Act.

All contracts work to comply with SANS 1001-1:2011 & 1001-2:2011.

Use materials by Suppliers and to comply with SANS 1001-1:2011.

**Scale**  
SANS 1001-1:2011

**Client**  
van der Westhuizen 1903

**Project**  
Building Plans for Municipal Approval  
Documentation of alterations to existing dwelling  
Erf No. 5092  
1 Fonteinrout Ave  
Kleinmond

**Drawn**  
Scale 1:200

**Project no**  
B-263.K

**Revision**  
0

**Checked**  
L.S.

**Date**  
2024/04/26

**Sheet**  
1 of 5

**Site Plan**  
Scale 1:200

**Area**

Sewing shops support 12.18m<sup>2</sup>

Total 198.70m<sup>2</sup>

Erf 5092 509m<sup>2</sup>

Coverage 31.4%

Class of occupancy of building Dwelling house

Population 6

Zoning Residential Zone 1 - Single Residential

Overhead 4 (Low, Low)

Energy Zone 4 (Low, Low)

Engineer's Signature

**Area**

Sewing shops support 12.18m<sup>2</sup>

Total 198.70m<sup>2</sup>

Erf 5092 509m<sup>2</sup>

Coverage 31.4%

Class of occupancy of building Dwelling house

Population 6

Zoning Residential Zone 1 - Single Residential

Overhead 4 (Low, Low)

Energy Zone 4 (Low, Low)

Engineer's Signature

All transactions from this plan, however minor, must be reported to and approved by the Architect in writing. Failure to do so will involve the Architect of ANY further responsibility relating directly or indirectly to the drawings.

Architect's Signature

Owner's Signature

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9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**22.ERF 6302, 19 FIR CLOSE, EASTCLIFF, HERMANUS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND DEPARTURE: MESSRS PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF JP NEL**

**6302 HVK (4720/2024)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**30 January 2025**

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**EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 16 July 2024 from PlanActive Town & Regional Planners on behalf of the owners of Erf 6302, Eastcliff, Hermanus for the following:

- ❖ **Removal of a restrictive title deed condition** in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition C. (g). as contained in Title Deed T50087/2012 of the property in order to accommodate additions to the existing dwelling, which additions encroach the south-western lateral building line.
- ❖ **Departure** in terms of Section 16(2)(d) of the By-Law to accommodate the relaxation of the south-western lateral building line from 1m to 0m for the proposed alterations and additions.

**RESOLUTION**

1. That the application in terms of Section 16(2)(f) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), for the **removal of restrictive title deed condition C. (g).** as contained in Title Deed T50087/2012 applicable to Erf 6302, Voëlklip, Hermanus in order to accommodate additions to the existing dwelling, which additions encroach the south-western lateral building line, **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)(d) of the By-Law for **departure** to accommodate the relaxation of the south-western lateral building line from 1m to 0m for the proposed alterations and additions, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the recommendation under paragraphs 1., and 2. is subject to the following conditions:

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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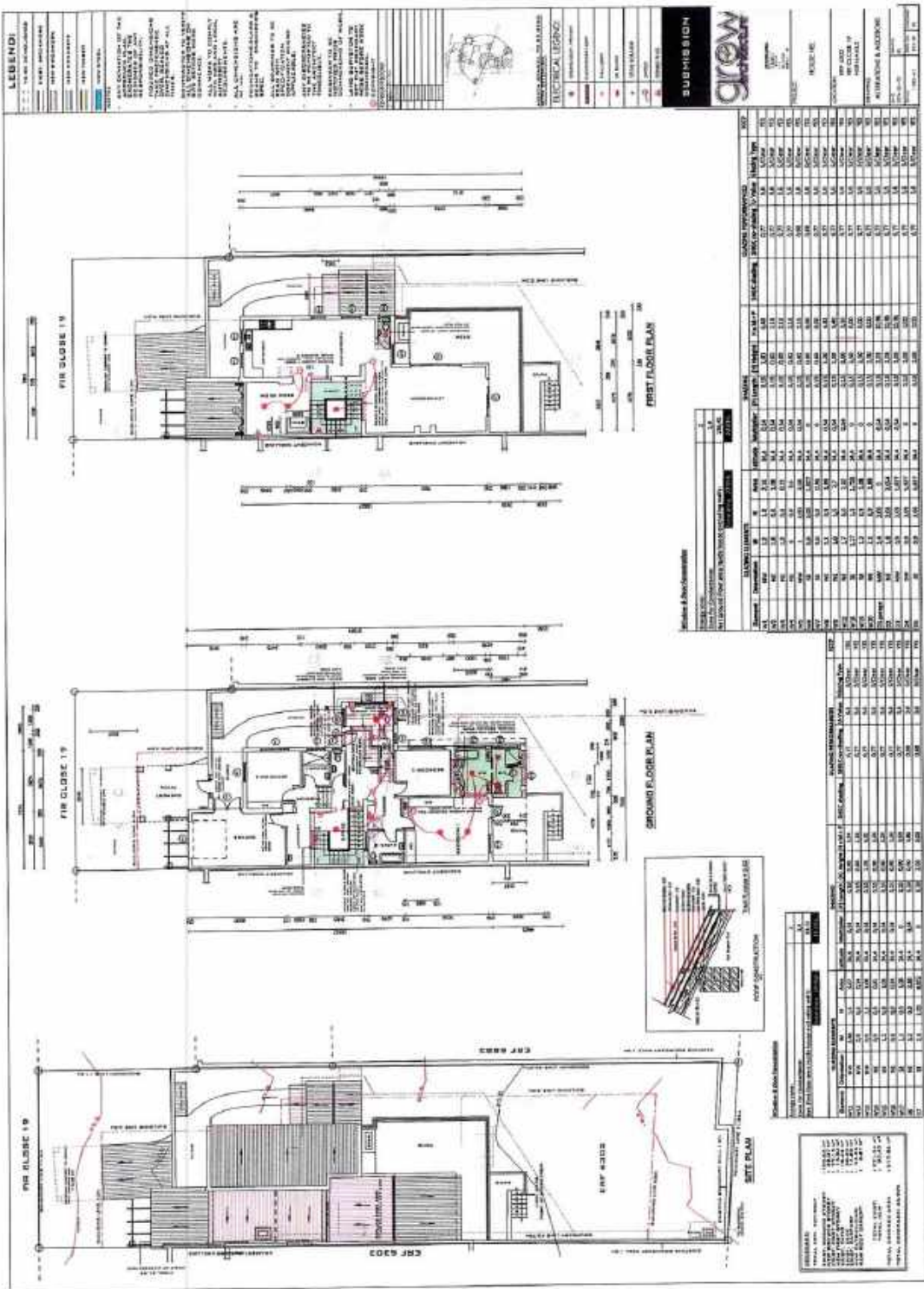
- (a) that the approvals are for the development as indicated on Site Development Plan No 213-02 dated 2024-05-02 as submitted with the application;
  - (b) that the building plans be revised to indicate that all new roofing will be cement tiles as per the existing character of the area;
  - (c) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;
  - (d) that all the conditions contained in the Services Report, be complied with;
  - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
  - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**REASONS FOR RESOLUTION**

- The main characteristic of the General Residential Zone 1 erven along Fir Close are still maintained by the proposed alteration on Erf 6302. The proposed encroachments are therefore considered non-invasive.
- The property forms part of a town housing development which is developed as a harmonious architectural entity, it is therefore imperative to retain the same material for the roofing of the structure and therefore the relevant condition is imposed.
- The proposal will not have a detrimental impact on the character of the surrounding area.
- The objections and concerns there in have been addressed in this report and in the conditions of approval.
- The application has followed due process.
- The proposal is compliant with the spatial policies of the SDF.
- The proposal is consistent with the spatial principles as set out in SPLUMA and LUPA.



	<b>Stads- en Streeksbeplanners Town &amp; Regional Planners</b>	<small>All distances approximate and subject to survey. COPY RIGHT RESERVED</small>	<b>Property Description:</b> <b>ERF 6302 HERMANIUS</b>	<b>Plan Description:</b> <b>LOCALITY MAP</b>	<b>Scale:</b> NTS Drawing No: 6302 Hermanus.dwg Date: 18 Jul 2024



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION &  
DEPARTURE: ERF 6302, EASTCLIFF (4720/2024)**

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

**Conditions:**

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

  
RICARDO ANDREW  
PRINCIPAL TECHNOLOGIST:  
DEVELOPMENT CONTROL

22/10/2024  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**23.ERF 3770, 252 NINTH STREET AND ERF 3772, 254 NINTH STREET,  
VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION  
FOR CONSOLIDATION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF  
AM GOLDING**

**3770 & 3772 HVK (4826/2024)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**14 January 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 26 March 2024 from Messrs WRAP Project Office on behalf of the owners of Even 3770 and 3772, Voëlkliip, Hermanus in terms of Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to consolidate Erf 3770 (495m<sup>2</sup> in extent) and Erf 3772 (495m<sup>2</sup> in extent) to create one erf approximately 990m<sup>2</sup> in extent.

**RESOLUTION**

1. that the application for in terms Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the consolidation of Erven 3770 and 3772, Hermanus to create one erf approximately 990m<sup>2</sup> 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 24/150 (001)* dated *September 2024* as submitted with the application;
  - (b) that building plans be submitted for any new work done and that the Building- 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.

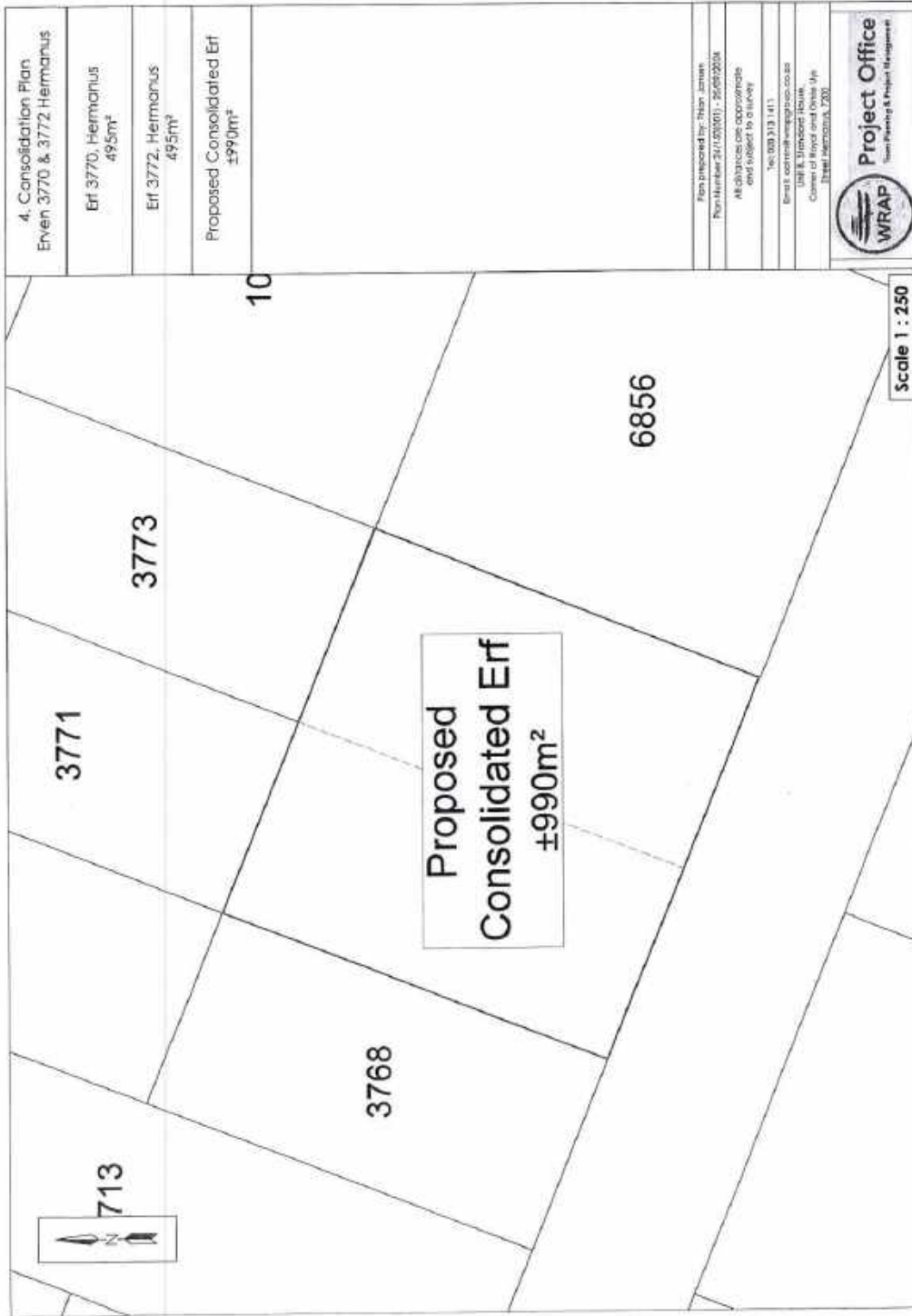
**AGENDA of the  
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(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**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 surrounding property sizes.





**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:  
APPLICATION FOR CONSOLIDATION: ERVEN 3770 & 3772, VOELKLIP  
(4826/2024)**

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

**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 Principal Technologist: Engineering Services - 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.

  
\_\_\_\_\_  
RICARDO ANDREW  
PRINCIPAL TECHNOLOGIST:  
DEVELOPMENT CONTROL

  
\_\_\_\_\_  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**24. PORTION 1 OF THE FARM HERMANUS RIVER NO. 542 AND REMAINDER PORTION 3 (PORTION OF PORTION 2) OF THE FARM HERMANUS RIVER NO. 542, A DIVISION OF CALEDON (ARABELLA COUNTRY ESTATE PHASE 2), OVERSTRAND MUNICIPAL AREA: APPLICATION FOR THE EXTENSION OF THE PERIOD OF VALIDITY OF AN APPROVAL AND AMENDMENT OF APPROVED SUBDIVISION PLAN: DENNIS MOSS PARTNERSHIP ON BEHALF OF HFP PROPERTIES (PTY) LTD**

**Ptns 1 & 3 Farm 542 RCAL (4506/2023)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**10 December 2024**

---

**EXECUTIVE SUMMARY**

An application has been received on 23 October 2023 from Dennis Moss Partnership on behalf of HFP Properties (Pty) Ltd on Portion 1 of the Farm Hermanus River No.542 and Remainder Portion 3 (Portion of Portion 2) of the Farm Hermanus River, Division Caledon in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Extension of the period of validity of an approval** in terms of Section 16(2)(i) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020, to allow the additional time to comply with existing approval conditions, and
- ❖ **Amendment of the approved subdivision plan** in terms of Section 16(2)(k) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020, to accommodate small-scale subdivision diagrams for the proposed development.

**RESOLUTION**

1. that the application in terms of Section 16(2)(i) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 1 and 3 of the Farm Hermanus No.542 and Remainder Portion 3 (Portion of Portion 2) of the farm Hermanus River, Division Caledon farm, for the application for extension of the period of validity of an approval to allow the additional time of 5 years to comply with existing approval conditions, **be approved**, in terms of Section 61 of the By-Law.

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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2. that the application in terms of Section 16(2)(k) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 1 and 3 of the Farm Hermanus No.542 and Remainder Portion 3 (Portion of Portion 2) of the farm Hermanus River, Division Caledon farm, for the amendment of the approved subdivision plan to accommodate small-scale subdivision diagrams (8 phases) for the proposed development, **be approved**, in terms of Section 61 of the By-Law.
3. that the approvals in points 1 and 2 above be subject to the following conditions:
  - (a) that all the conditions of approval in the original planning approval dated 3 March 2014 and further extension of time approval dated 31 October 2019, be complied with;
  - (b) that the approval of the subdivision in eight (8) portions (phases) be in line with plan G3228/P002 dated 26 September 2022;
  - (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 Land Use Scheme be complied with;
  - (e) that conditions in the Services Report, be complied with;
  - (f) that Western Cape Government: DEADP: Environmental branches conditions of approval, be complied with;
  - (g) that conditions of approval by BOCMA, be complied with, and
  - (h) that Western Cape Government: Department of Infrastructure: Department of Road Planning conditions of approval, be complied with.

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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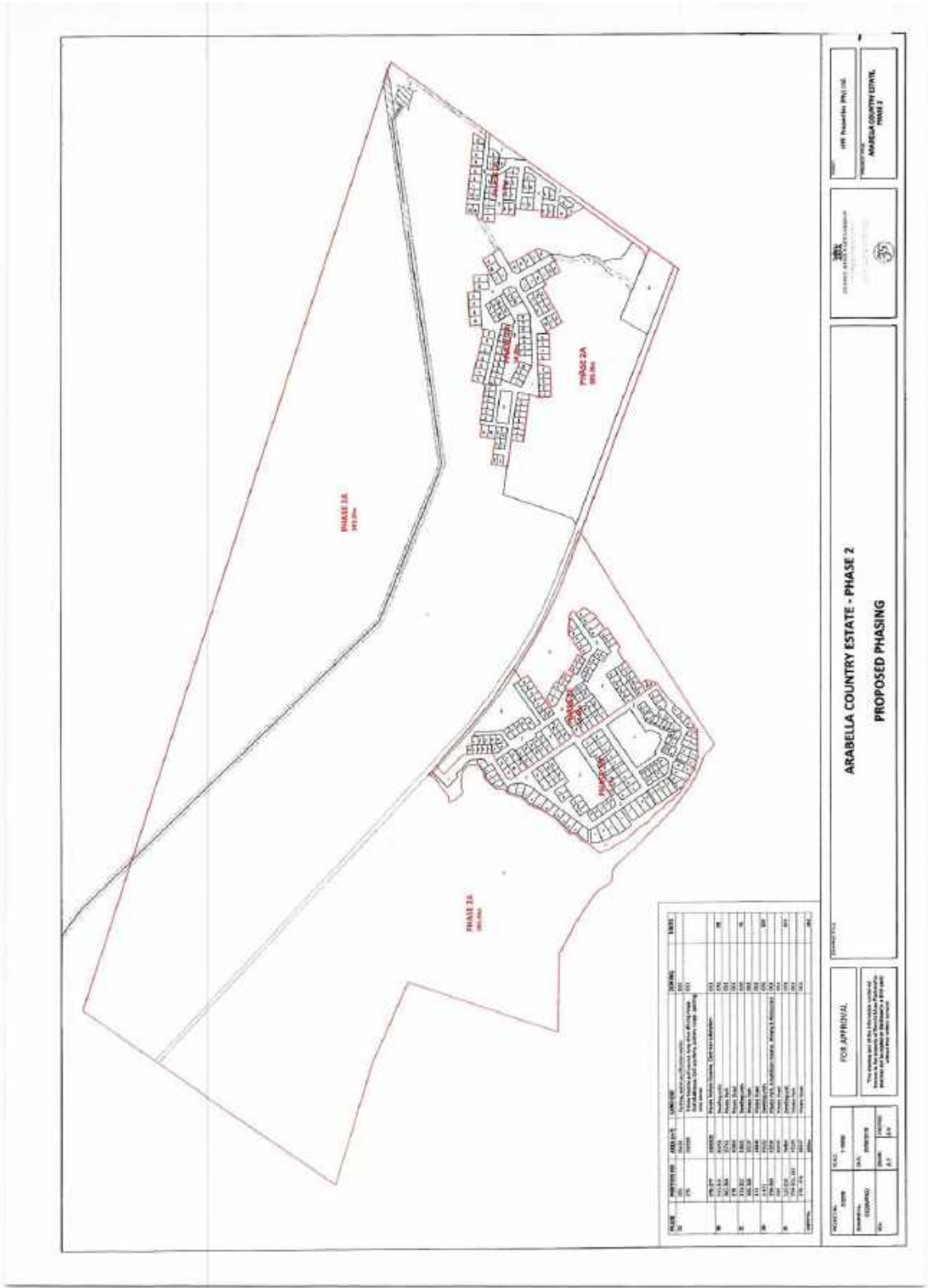
4. that the following comments be noted:
  - Western Cape Government: Department Agriculture Western Cape;
  - Western Cape Government: DEADP: Development Management;
  - Telkom;
  - Cape Nature, and
  - Western Cape Government: DEADP: Biodiversity and Coastal Management.
5. that the applicant be notified 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**

- ❖ No objection from surrounding owners or property owners in Arabella.
- ❖ All relevant State/Municipal Departments and other institutions support the application.
- ❖ The approval will only allow the developer to complete an existing approved development and will allow it to be developed in phases. No additional development rights are approved.
- ❖ There will thus be no additional impact on the natural environment or sensitive agricultural land.
- ❖ The extension of time and phasing of the development will ensure that a development which would have a major positive impact on tourism and the economy of the area, will be ensured of its development rights not lapsing.



<table border="1"> <tr> <td>DATE</td> <td>17/06/2023</td> </tr> <tr> <td>BY</td> <td>J. JOHNSON</td> </tr> <tr> <td>FOR</td> <td>DISCUSSION</td> </tr> <tr> <td colspan="2"> <p>This property and the information contained herein is for discussion purposes only and must not be used as a basis for any investment or other financial or legal decisions without the advice of a professional adviser.</p> </td> </tr> </table>	DATE	17/06/2023	BY	J. JOHNSON	FOR	DISCUSSION	<p>This property and the information contained herein is for discussion purposes only and must not be used as a basis for any investment or other financial or legal decisions without the advice of a professional adviser.</p>		<b>FOR DISCUSSION</b>	<table border="1"> <tr> <td>DATE</td> <td>17/06/2023</td> </tr> <tr> <td>BY</td> <td>J. JOHNSON</td> </tr> <tr> <td>FOR</td> <td>DISCUSSION</td> </tr> <tr> <td colspan="2"> <p>This property and the information contained herein is for discussion purposes only and must not be used as a basis for any investment or other financial or legal decisions without the advice of a professional adviser.</p> </td> </tr> </table>	DATE	17/06/2023	BY	J. JOHNSON	FOR	DISCUSSION	<p>This property and the information contained herein is for discussion purposes only and must not be used as a basis for any investment or other financial or legal decisions without the advice of a professional adviser.</p>	
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<p><b>DENNIS M. O'SULLIVAN PARTNERSHIP</b>                  Chartered Financial Planners                  10000 Lakeshore Blvd., Suite 1000, Dallas, TX 75243                  Phone: (214) 635-4444   Fax: (214) 635-4445                  Email: info@dennisosullivan.com</p>		<table border="1"> <tr> <td>DATE</td> <td>17/06/2023</td> </tr> <tr> <td>BY</td> <td>J. JOHNSON</td> </tr> <tr> <td>FOR</td> <td>DISCUSSION</td> </tr> <tr> <td colspan="2"> <p>This property and the information contained herein is for discussion purposes only and must not be used as a basis for any investment or other financial or legal decisions without the advice of a professional adviser.</p> </td> </tr> </table>	DATE	17/06/2023	BY	J. JOHNSON	FOR	DISCUSSION	<p>This property and the information contained herein is for discussion purposes only and must not be used as a basis for any investment or other financial or legal decisions without the advice of a professional adviser.</p>									
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**FOR APPROVAL**

Scale: 1:1000

DATE: 15/05/2024

PROJECT: ARABELLA COUNTRY ESTATE - PHASE 2

PROPOSED PHASING

PREPARED BY: [Name]

CHECKED BY: [Name]

DATE: 15/05/2024

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR THE EXTENSION OF THE PERIOD OF VALIDITY OF AN  
APPROVAL & AMENDMENT OF APPROVED SUBDIVISION PLAN: PORTION 1  
OF THE FARM HERMANUS NO. 542 & REMAINDER OF PORTION 3 (PORTION  
OF PORTION 2) OF THE FARM HERMANUS RIVER NO 542, A DIVISION OF THE  
CALEDON (ARABELLA COUNTRY ESTATE PHASE 2 (4506 / 2023))

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

**Conditions**

1. that all the conditions that were previously approved remain valid and applicable.



RICARDO ANDREW  
PRINCIPAL TECHNOLOGIST:  
DEVELOPMENT CONTROL

17/07/2024  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**25.ERF 1640, 36 CAESAR ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: LYNXDESIGNS ON BEHALF OF LP LONGMORE**

**1640 KPRB (4547/2023)**

**H van der Stoep  
28 January 2025**

**(028) 313 8900**

**Hermanus Administration**

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**EXECUTIVE SUMMARY**

An application was received on 6 December 2025 from Lynxdesign on behalf of LP Longmore on Erf 1640, Pringle Bay in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a

- ❖ **departure** in order to relax the lateral building line from 2m to 1,5m to accommodate the existing dwelling.
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to accommodate the existing guesthouse.

**RESOLUTION**

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1640, Pringle Bay for a departure in order to relax the lateral building line from 2m to 1,5m to accommodate the existing dwelling, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
2. that the application for the determination of an administrative penalty in terms of Section 16.2.(q) of the By-law for the transgression on Erf 1640, Pringle Bay, was considered and that the applicant/landowners **not be exempted** from the payment of an administrative penalty in terms of the provisions of Section 90 of the By-Law and that an administrative penalty calculated at 5% for the unauthorised transgression equating to **R2 308,84**, be payable within thirty (30) days from the date of this decision;

that the recommendation under paragraphs 1. and 2. is subject to the following conditions:

- (a) that the approval is only for the development indicated on Plan number 2022-001 008 dated 7 November 2023, as submitted with the application;

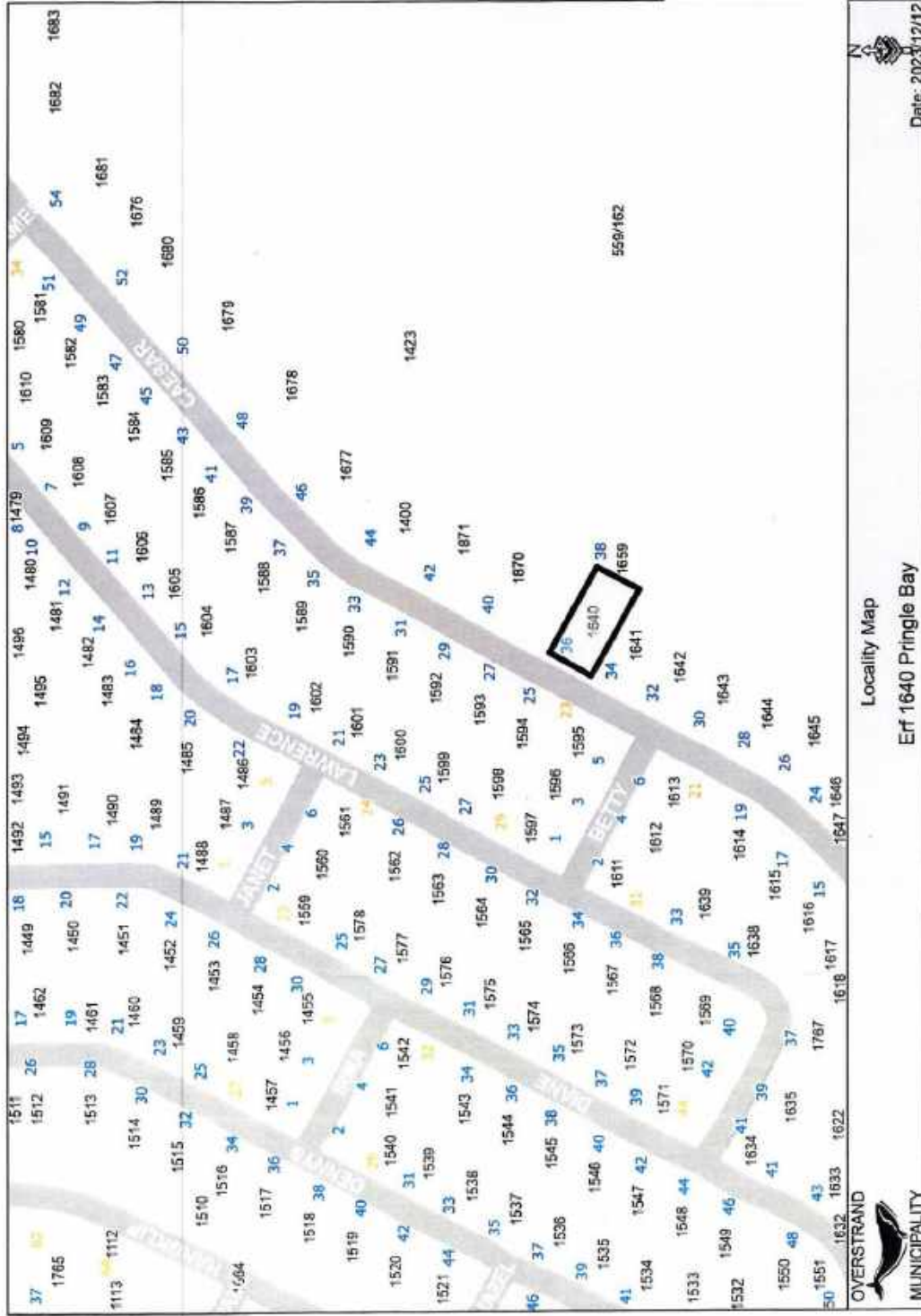
**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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- (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
  - (c) that all the conditions in the Services Report, be complied with;
  - (d) that all the conditions imposed by Eskom, be complied with;
  - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with, and
  - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ The proposed application fits in with the character of the surrounding area and is desirable.
- ❖ There will be no impact on services.
- ❖ The proposal will have no negative impact on the environment.
- ❖ Consent letters were received from surrounding property owners.
- ❖ The administrative penalty levied is due to the illegal building work over the land use scheme building line.



Date: 2023/12/12

Locality Map  
Erf 1640 Pringle Bay





**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**26.ERF 1712, 3 HESS SE GANG, VERMONT, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR DEPARTURE AND DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: J DOUGLAS ON BEHALF OF S DE CANDIA**

**1712 HVM (4695/2024)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**17 December 2024**

---

**EXECUTIVE SUMMARY**

An application has been received on 19 June 2024 from J Douglas on behalf of S De Candia in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1712, Vermont 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 rear building line from 3m to 2m to accommodate the proposed extension of the existing sunroom and to relax the same building line from 3m to 2,4m to legalize the existing braai area on first floor level, and
- ❖ **departure** from the Hess Se Gang Architectural Guidelines to accommodate the alterations to the existing dwelling.
- ❖ **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 above-mentioned unauthorized building line encroachments to accommodate the existing as-built strictures on the property.

**RESOLUTION**

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1712, Vermont for a departure to relax the following:
  - ❖ relaxation the rear building line from 3m to 2m to accommodate the proposed extension of the existing sunroom and to relax the same building line from 3m to 2,4m to legalize the existing braai area on first floor level, and
  - ❖ departure from the Hess Se Gang Architectural Guidelines to accommodate the alterations to the existing dwelling;

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

  - (a) that this approval is only for the departures of building lines and is not an approval in terms of any other legislation;

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Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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- (b) that the approval for the departures is only for the development over for the building lines and to depart from the Hess-se-Gang Architectural Design Guidelines as indicated on the plan VER1712/2024 dated 15 April 2024, submitted with the application;
  - (c) that building plans be submitted to the Building Department for all illegal building work on the property approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
  - (d) that all other development parameters as prescribed in the relevant Land Scheme be complied with, and
  - (e) that all the conditions in the Services Report, 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 1712, Vermont for the unauthorized encroachments over the building line of the braai wall and small portion of a work top, was considered and that an administrative penalty **be imposed** to the amount of **R506,35**.
  3. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

## **REASONS FOR RESOLUTION**

### **POINT 1**

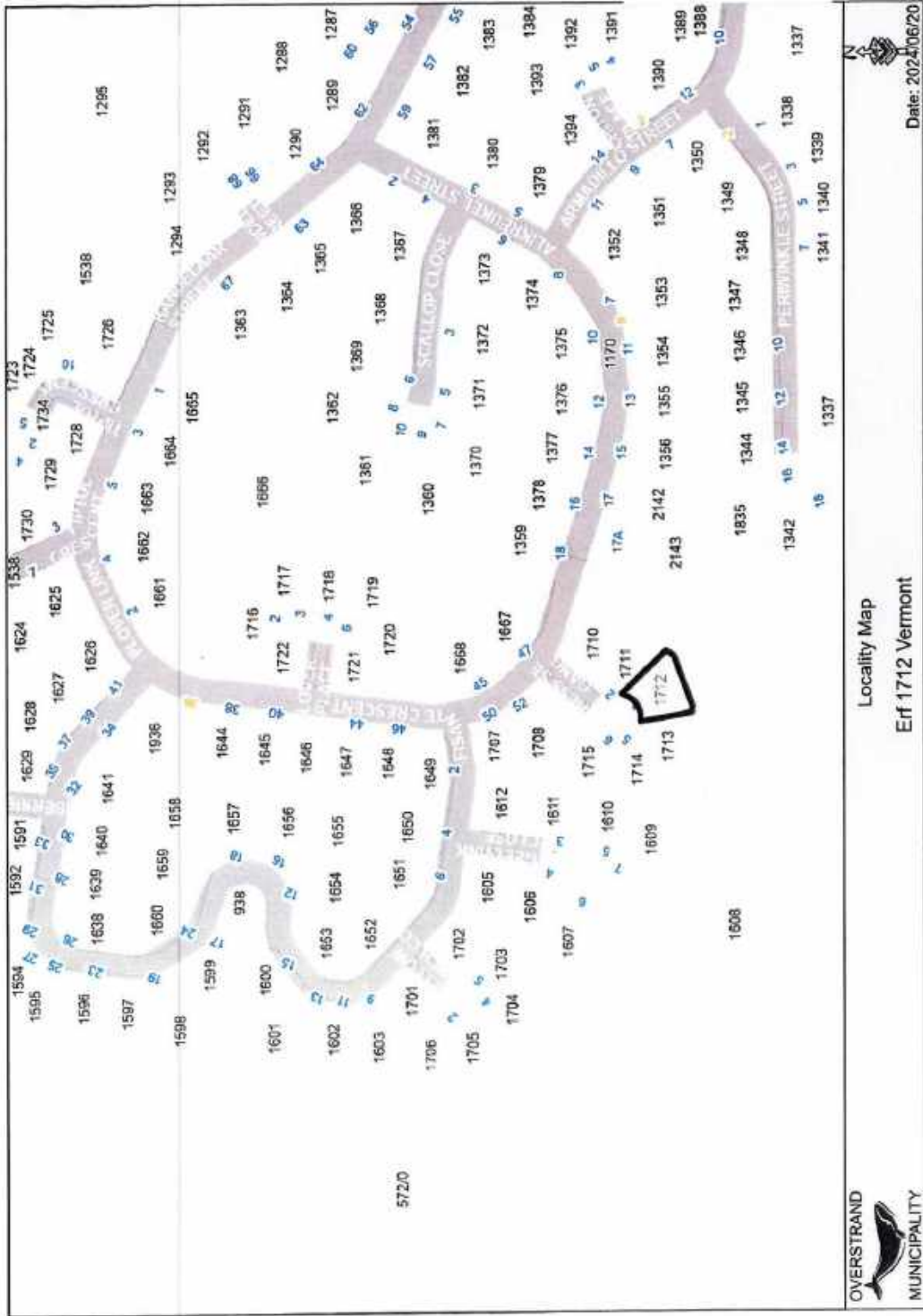
- ❖ The application has followed due procedure.
- ❖ No new municipal services will be affected.
- ❖ The existing encroachment of the braai structure over the other building line and the new proposed sunroom over the rear building line are considered minor encroachments with no real impact on neighbours or the character of the area.
- ❖ The departure from the Hess-se-Gang Architectural Design Guidelines can be supported as most dwellings in the development is not fully in line with the guidelines, and no objections were received from owners within the development against the application.
- ❖ All relevant Municipal/State Departments or other institutions support the application.
- ❖ The application will not have a negative impact on surrounding property owners or the character of the area.

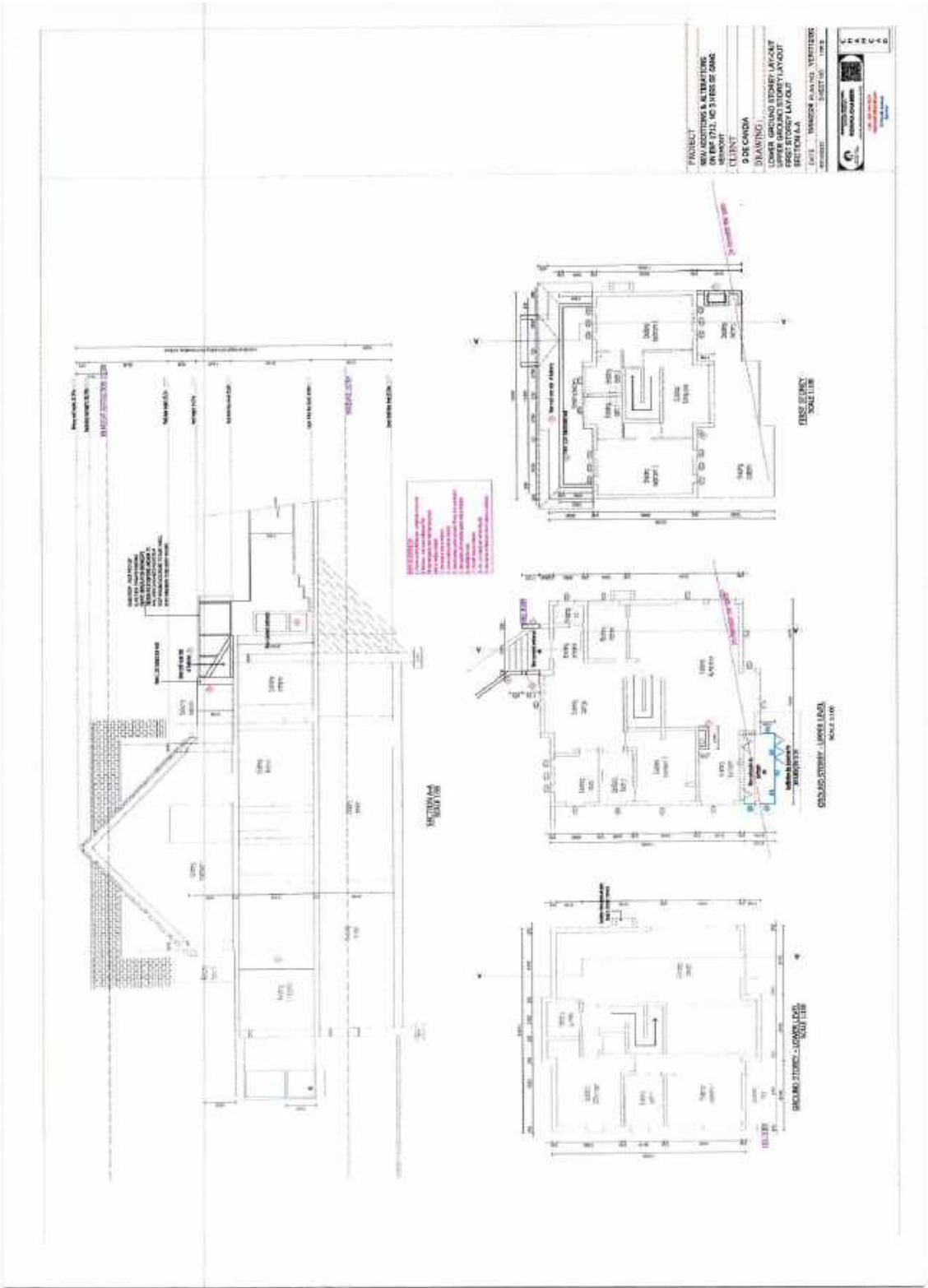
**AGENDA of the  
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**POINT 2**

- ❖ The existing landowner should have ensured all structures on the property were legal when purchasing the property.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 1712, VERMONT (4695/2024)**

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

**Conditions:**

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

  
RICARDO ANDREW  
PRINCIPAL TECHNOLOGIST:  
DEVELOPMENT CONTROL

  
DATE

**AGENDA of the  
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9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**27.ERF 1890, 12 TERRAVERT CLOSE, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACIVE TOWN & REGIONAL PLANNERS ON BEHALF OF KA & VM JACKSON**

**1890 HVM (4798/2024)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**9 December 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 21 August 2024 from Plan Active Town & Regional Planners on behalf of KA & VM Jackson in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1890, Vermont 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:
  - Relaxation of the eastern lateral building line from 2m to 1,2m and 1,5m to accommodate the existing tandem garage and 1m high brick balustrade of the existing balcony above the existing garage, and garden shed respectively.
  - Relaxation of the western lateral building line from 2m to 1m and 1,8m respectively to accommodate the existing fireplace with chimney and existing dwelling.
  - Relaxation of the rear building line from 2m to 1,2m to accommodate the existing garden shed.
  
- ❖ **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 unauthorized building line encroachments to accommodate the existing as-built strictures on the property.

**AGENDA of the  
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**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 1890, Vermont for the following departures:
  - ❖ Relaxation of the eastern lateral building line from 2m to 1,2m and 1,5m to accommodate the existing tandem garage and 1m high brick balustrade of the existing balcony above the existing garage, and garden shed respectively;
  - ❖ Relaxation of the western lateral building line from 2m to 1m and 1,8m respectively to accommodate the existing fireplace with chimney and existing dwelling;
  - ❖ Relaxation of the rear building line from 2m to 1,2m to accommodate the existing garden shed;

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

  - (a) that this approval is only for the departure of building lines and is not an approval in terms of any other legislation;
  - (b) that the approval for the departure is only for the development over for the building lines as indicated on plan number 671-24 C02 dated 31/01/2024, submitted with the application;
  - (c) that building plans be submitted to the Building Department for all illegal building work on the property for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
  - (d) that all other development parameters as prescribed in the relevant Land Scheme be complied with, and
  - (e) that all the conditions in the Services Report, 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 1890, Vermont for the unauthorized encroachments over the building lines on the property, was considered and that an administrative penalty of **R16 767,00, be imposed** which penalty must be paid within sixty (60) days from the final date of the decision of the application.

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

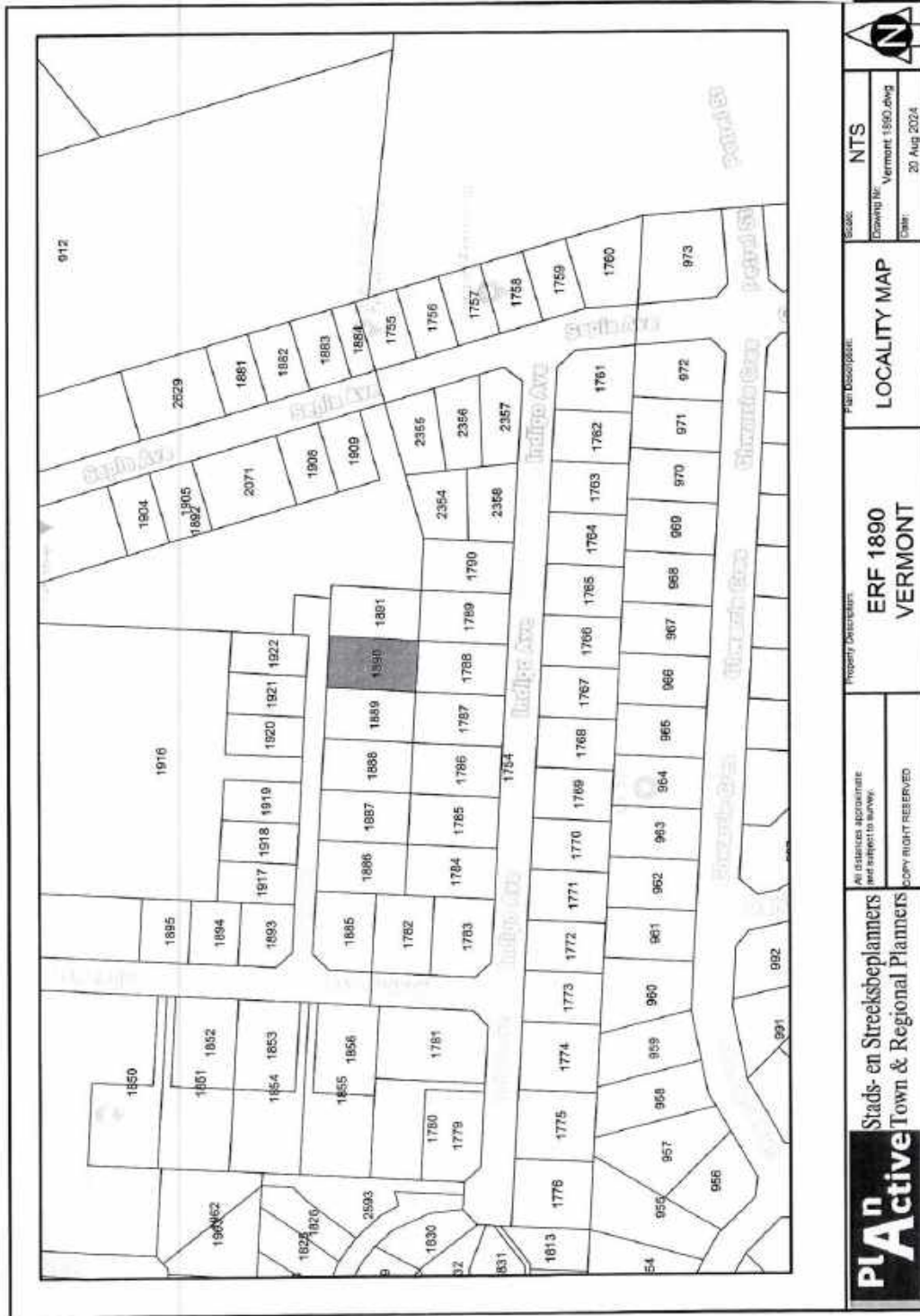
**REASONS FOR RESOLUTIONS**

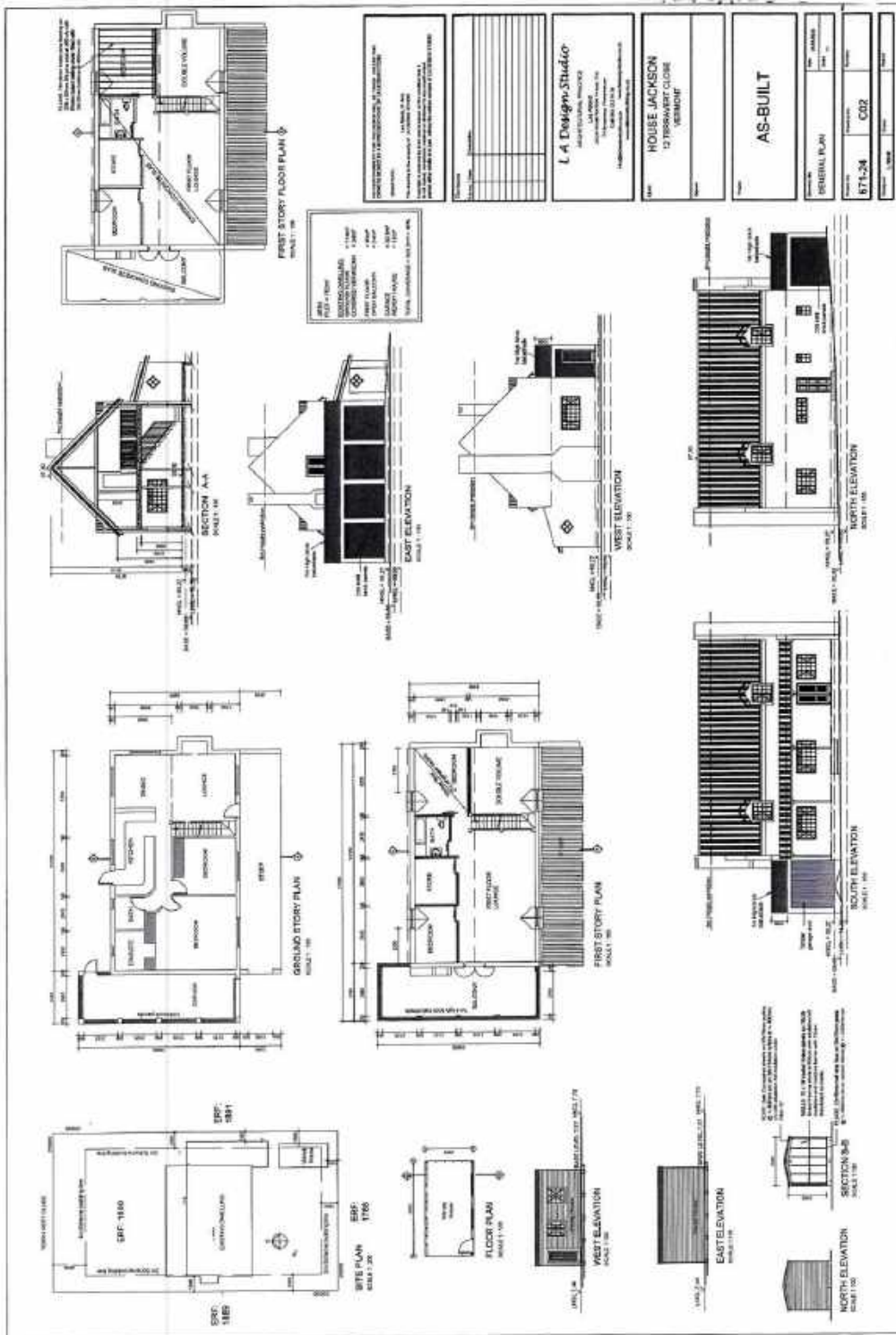
**POINT 1**

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ No objections were received from adjacent property owners.
- ❖ The double garage, balcony balustrade, shed and portion of the dwelling and chimney are existing structures over the building lines and would not have an additional impact on surrounding property owners.
- ❖ The encroaching structures do not impact the privacy and views of surrounding property owners, and therefore has no impact on the character of the surrounding area.
- ❖ All relevant Municipal/State Departments or other institutions support the application.
- ❖ The application is desirable.

**POINT 2**

- ❖ The existing landowner did not construct the illegal structures, but each property owner must ensure that his/her property has approved building plans when purchasing a property, to ensure compliance with such building plan.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 1890, VERMONT (4798/2024)**

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

**Conditions:**

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

  
**RICARDO ANDREW**  
**PRINCIPAL TECHNOLOGIST:**  
**DEVELOPMENT CONTROL**

  
**DATE**

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**28.ERF 1095, 23 BITOU STREET, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: M VERHAVE**

**1095 HVM (4812/2024)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**20 December 2024**

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**EXECUTIVE SUMMARY**

An application has been received on 11 September 2024 from M Verhave in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1095, Vermont 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 exceed the maximum height of a boundary wall from 2,1m to an approximate maximum of 2,3m to accommodate the existing boundary walls on the south-western and north-eastern boundaries.
- ❖ **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 unauthorised land use to accommodate the existing boundary wall.

**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 1095, Vermont for a departure to exceed the maximum height of a boundary wall from 2,1m to an approximate maximum of 2,3m to accommodate the existing boundary walls on the south-western and north-eastern boundaries, **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 a departure to relax the maximum height for boundary walls and not an approval in terms of any other legislation;
  - (b) that the approval for the departure is only for the portions of the boundary walls.

**AGENDA of the  
Portfolio Committee : Planning & Development  
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- (c) that building plans be submitted to the Building Department for all illegal building work on the property for approval, and that all conditions of the Building and the Fire Department be complied with at that stage, and
  - (d) that all other development parameters as prescribed in the relevant Land 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 1095, Vermont for the unauthorized raising of the boundary walls was considered, and that an administrative penalty of **R689,00 be imposed.**
  3. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

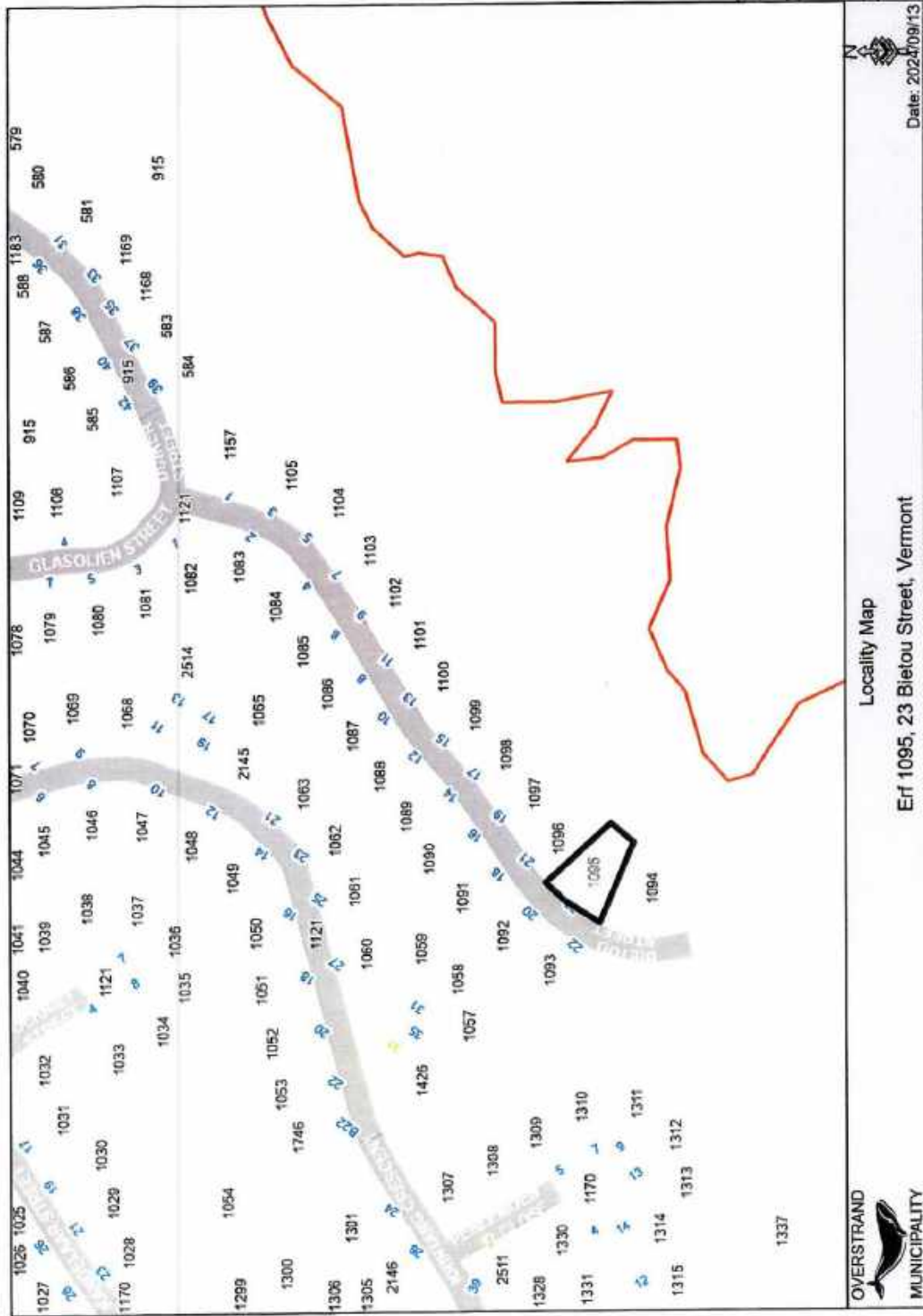
## **REASONS FOR RESOLUTION**

### **POINT 1**

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be affected.
- ❖ No objections were received from neighbours.
- ❖ All relevant Municipal/State Departments support the application.
- ❖ The raised walls will not impact views or be imposing structures to neighbours.
- ❖ The application will not have a negative impact on surrounding property owners or the character of the area.

### **POINT 2**

- ❖ The existing landowner did construct the raised walls without the necessary approval.
- ❖ The encroachment is of a small scale therefore a low administrative penalty fee is imposed.



Locality Map  
Erf 1095, 23 Bietou Street, Vermont

Date: 2022/09/13

**NOTE :**  
 THE DRAWING CONTRACTOR SHALL VERIFY THE ACCURACY OF THE INFORMATION PROVIDED AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

**DATE:** \_\_\_\_\_  
**ARCHITECT:** \_\_\_\_\_

**ANDREW BREEFE ARCHITECTS**  
 110-115 FIVE BROADWAY  
 10006 NEW YORK, NY 10003  
 TEL: (212) 693-1888  
 FAX: (212) 693-1889  
 WWW: WWW.ABARCHITECTS.COM

**HOUSE PRESTON**  
 8270 164<sup>TH</sup> STREET  
 WENHART  
 REMAINS  
 OVERSTAND

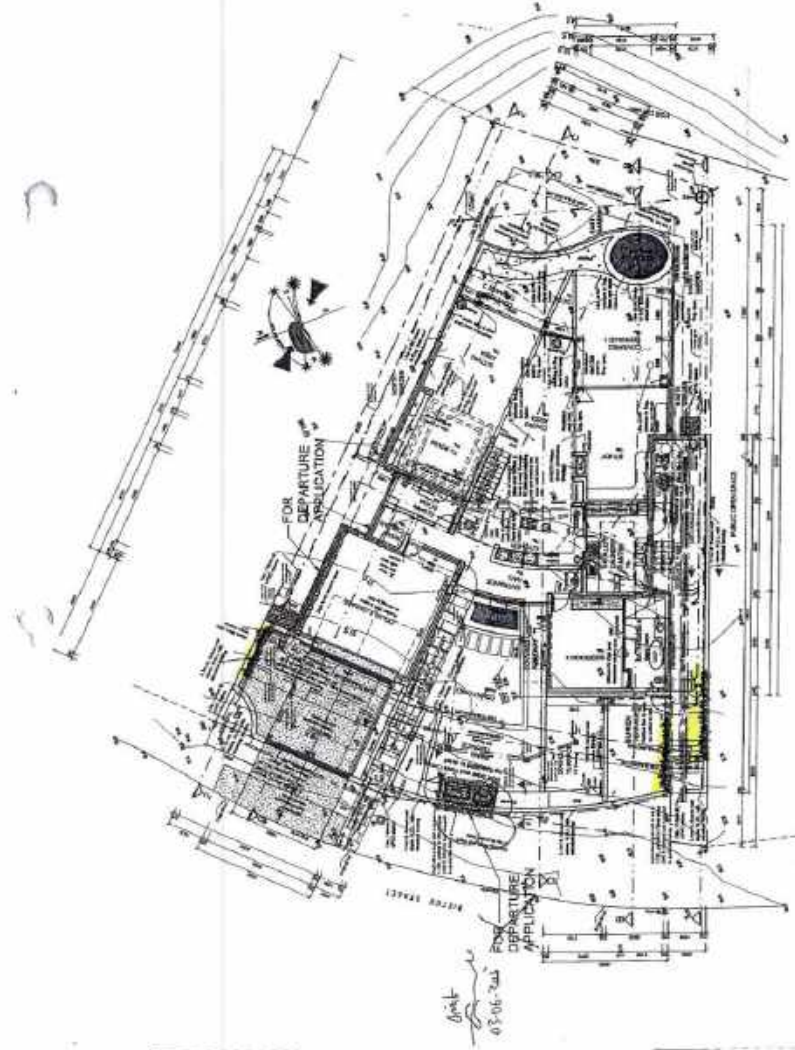
**NEW HOUSE**

**FOR DEPARTURE APPLICATION SPT**

**PLAN :**  
 Ground Floor

**SCALE:** 1/8" = 1'-0"  
 DATE: 2014  
 PAPER SIZE: A

**DRG. NO. 1.2**



**PLAN : GROUND FLOOR**  
 SCALE: 1/8" = 1'-0"

**AGENDA of the  
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(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**29.ERF 2176, 7 FRANCOLIN CLOSE, VERMONT, OVERSTRAND MUNICIPAL  
AREA: APPLICATION FOR DEPARTURE: SJ COETZEE**

**2176 HVM (4816/2024)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**24 January 2025**

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**EXECUTIVE SUMMARY**

An application was received on 18 September 2024 from SJ Coetzee on Erf 2176, Vermont in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to relax the 4m eastern street building line in terms of the Francolin Heights Architectural Guideline and the 3m eastern street building line in terms of the land Use Scheme to 2,495m, to accommodate the change of the existing open stoep to a braai room.

**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 of Erf 2176, Vermont for a departure to relax the 4m eastern street building line in terms of the Francolin Heights Architectural Guideline and the 3m eastern street building line in terms of the land Use Scheme to 2,495m, to accommodate the change of the existing open stoep to a braai room, **be approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
  - (a) that this approval is only for the departure of building lines and is not an approval in terms of any other legislation;
  - (b) that the approval for the departure is only for the development over for the building line as indicated on plans numbers 1880/100 to 1880/103 dated July 2024, submitted with the application;
  - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
  - (d) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
  - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;

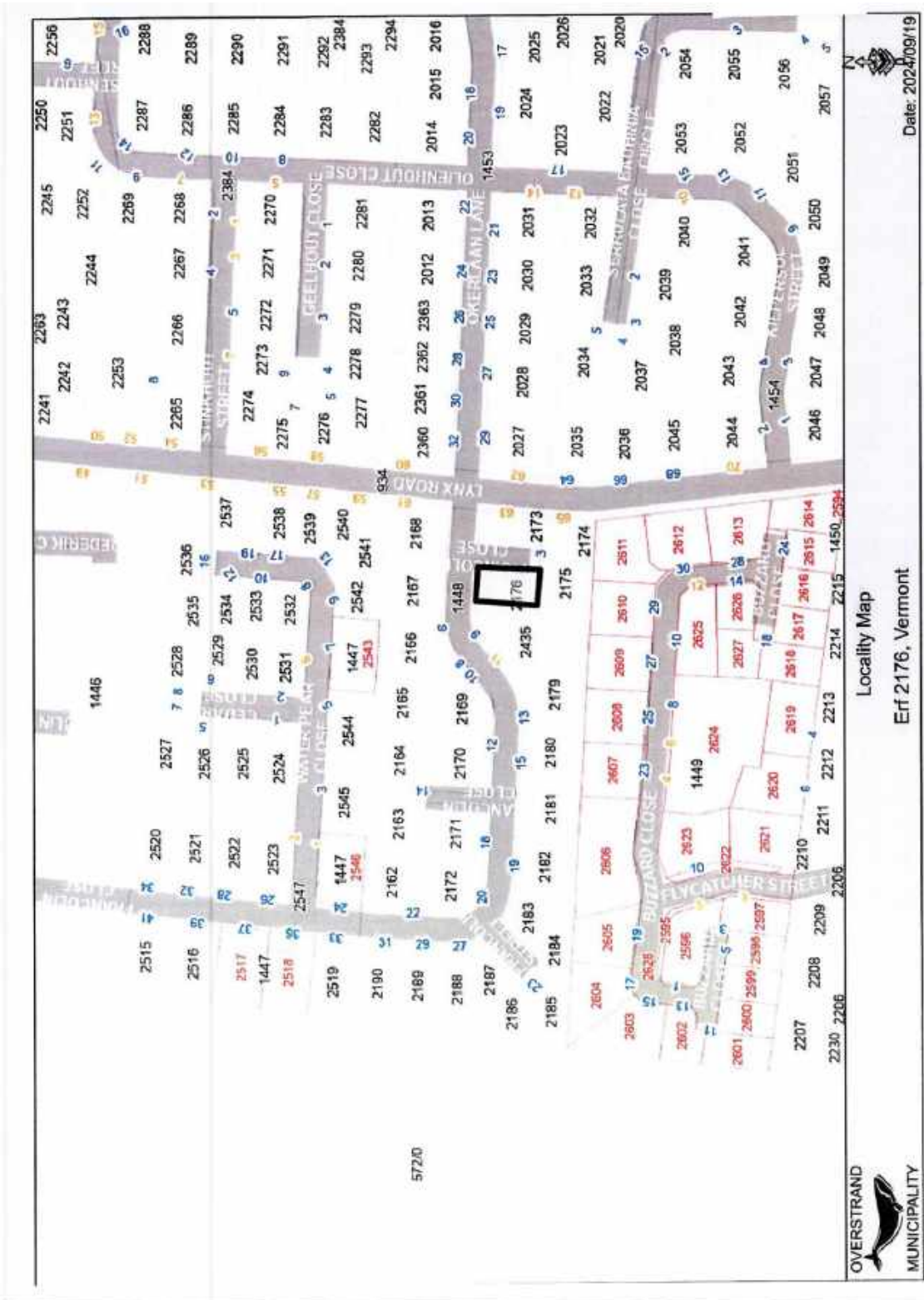
**AGENDA of the  
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(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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- (f) that all other development parameters as prescribed in the relevant Land Scheme be complied with; and
  - (g) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ The application is supported by all relevant Municipal and State Departments/branches.
- ❖ No objections were received from surrounding neighbours.
- ❖ The Estate Architect support the building alterations
- ❖ No new municipal services will be needed.
- ❖ The proposed extensions and alterations are in line with the existing building and no views of surrounding property owners will be impacted.
- ❖ Similar relaxations have been approved for other Town Housing erven in the cul-de-sac, including Erf 2176, due to the small size of the erven and the street building line being very restrictive.
- ❖ The privacy of surrounding property owners will not be impacted, and the application will not have a negative impact on the character of the surrounding area, therefore the application is desirable.



**NOTES:**

ALL WORK TO BE COMPLETED IN ACCORDANCE WITH LOCAL AND STATE REQUIREMENTS FOR PERMITS AND INSPECTIONS. ALL PERMITS SHALL BE OBTAINED PRIOR TO COMMENCEMENT OF WORK.

ALL CHANGES ARE TO BE CHECKED BY THE CONTRACTOR AND APPROVED BY THE ARCHITECT. ANY CHANGES TO THE CONTRACT SHALL BE APPROVED BY THE ARCHITECT AND THE OWNER.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS. THE ARCHITECT SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY INFORMATION AND DOCUMENTATION.

DATE: 09/18/2024

PROJECT: 7 FRANKLIN CLOSE

OWNER: MR. & MRS. COETZEE

ARCHITECT: **hdv ARCHITECTS**  
 100 Main St., Suite 100, Colchester, VT 05445  
 Phone: (802) 253-3800  
 Fax: (802) 253-3805  
 Email: info@hdv.com

PROJECT NO.: 2024-001

DATE: 09/18/2024

SCALE: AS SHOWN

PROJECT: 7 FRANKLIN CLOSE

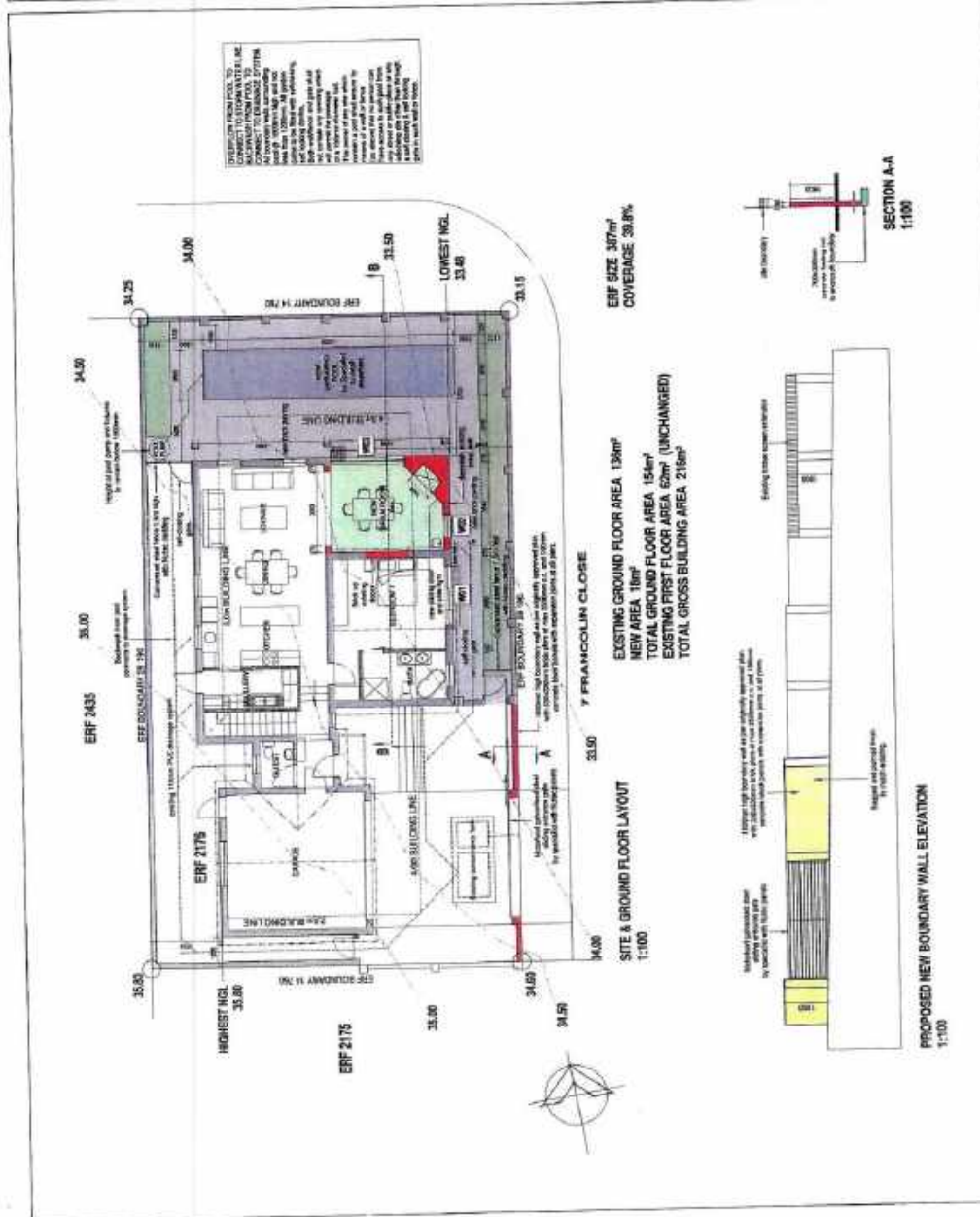
OWNER: MR. & MRS. COETZEE

ARCHITECT: **hdv ARCHITECTS**

PROJECT NO.: 2024-001

DATE: 09/18/2024

SCALE: AS SHOWN



18 SEP 2024

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 2176, VERMONT (4816/2024)**

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

**Conditions:**

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

  
RICARDO ANDREW  
PRINCIPAL TECHNOLOGIST:  
DEVELOPMENT CONTROL

  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**MUNICIPAL PLANNING TRIBUNAL**

**1. ERF 1029, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE, RELAXATION OF THE TITLE DEED STREET BUILDING LINE AND DETERMINATION OF ADMINISTRATIVE PENALTY: FVS TOWN AND REGIONAL PLANNERS ON BEHALF OF W & R VALENTE**

**1029 KPRB (4112/2022)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**11 November 2024**

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**EXECUTIVE SUMMARY**

An application was received on 11 April 2022 from FVS Town and Regional Planners on behalf of W & R Valente on Erf 1029, Pringle Bay in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 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 lateral building line from 2m to 0m to accommodate an existing carport;
  - to relax the lateral building line from 2m to 0m to permit a change of use from garage to staff quarters, and
  - to relax the rear building line from 2m to 0,5m to permit a change of use from garage to staff quarters.
  
- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to exceed the 9m length or third restriction of buildings over the building lines to a total length of 11,34m to accommodate a carport and staff quarters.
  
- ❖ **Relaxation** of Clause 6.(b)(i) of Title Deed No. T51882/2021 to relax the following building lines:
  - to relax the lateral building line from 1,5m to 0m to accommodate an existing carport, and
  - to relax the lateral building line from 1,5m to 0m to permit a change of use from garage to staff quarters.

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(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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- ❖ **Determination of an administrative penalty** in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the unauthorised transgressions as stipulated above.

**RESOLUTION**

1. that the objection be noted.
2. that the application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1029, Pringle Bay for the relaxation of restrictive title deed condition Clause 6.(b)(i) of Title Deed No. T51882/2021 to relax the following building lines:
  - to relax the lateral building line from 1,5m to 0m to accommodate an existing carport;
  - to relax the lateral building line from 1,5m to 0m to permit a change of use from garage to staff quarters;

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

3. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure on Erf 1029, Pringle Bay for the following:
  - to relax the lateral building line from 2m to 0m to accommodate an existing carport;

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

4. 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 1029, Pringle Bay for a departure to exceed the 9m length or third restriction of buildings over the building lines to a total length of 11,34m to accommodate a carport and staff quarters, **be approved**, in terms of Section 61 of the By-Law.

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5. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure on Erf 1029, Pringle Bay for the following:
  - to relax the rear building line from 2m to 0,5m to permit a change of use from garage to staff quarters;

**not be approved** in terms of Section 61 of the By-Law
6. that the approvals in Points 2 - 4 above be subject to the following conditions:
  - (a) that the carport be lowered to the 3,5m height restrictions as per the Land Use Scheme;
  - (b) that the staff quarters be changed to a garage or a store room
  - (c) that the approval for the departure is only for the development over for the building lines as indicated on plans numbers 2022/30 (1-3) dated November 2022, submitted with the application;
  - (d) that **revised** building plans indicating Condition (a) and (b) 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;
  - (e) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
  - (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with, and
  - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation.
7. 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 1029, Pringle Bay to accommodate the unauthorised transgressions as stipulated above, **be imposed**, and that an administration penalty fee of **R7 372,13** be payable within ninety (90) days of the final decision.

**AGENDA of the  
Portfolio Committee : Planning & Development  
9 April 2025  
(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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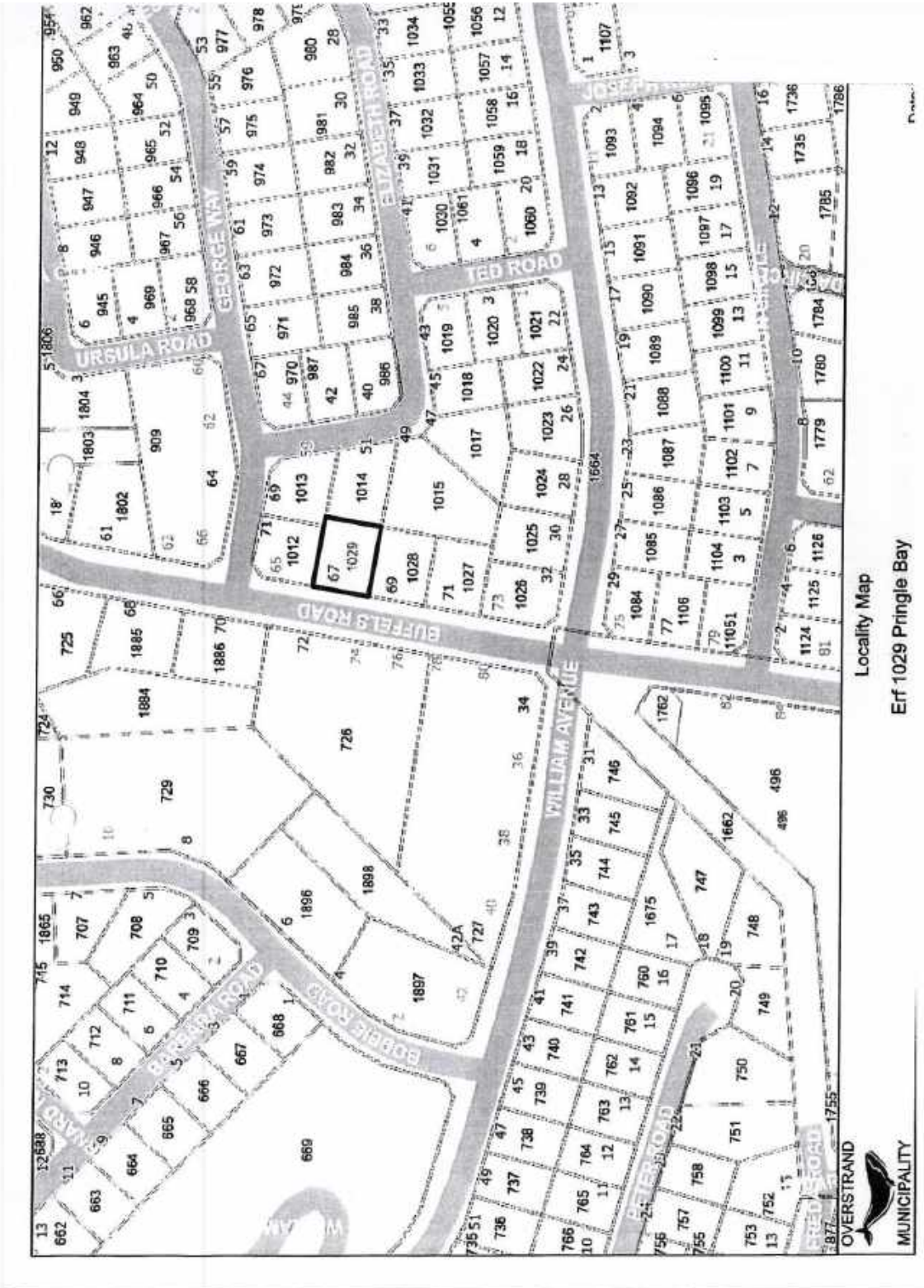
8. that the applicant be notified of its right of appeal (*against Paragraphs 2 – 6 above*) in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decision.

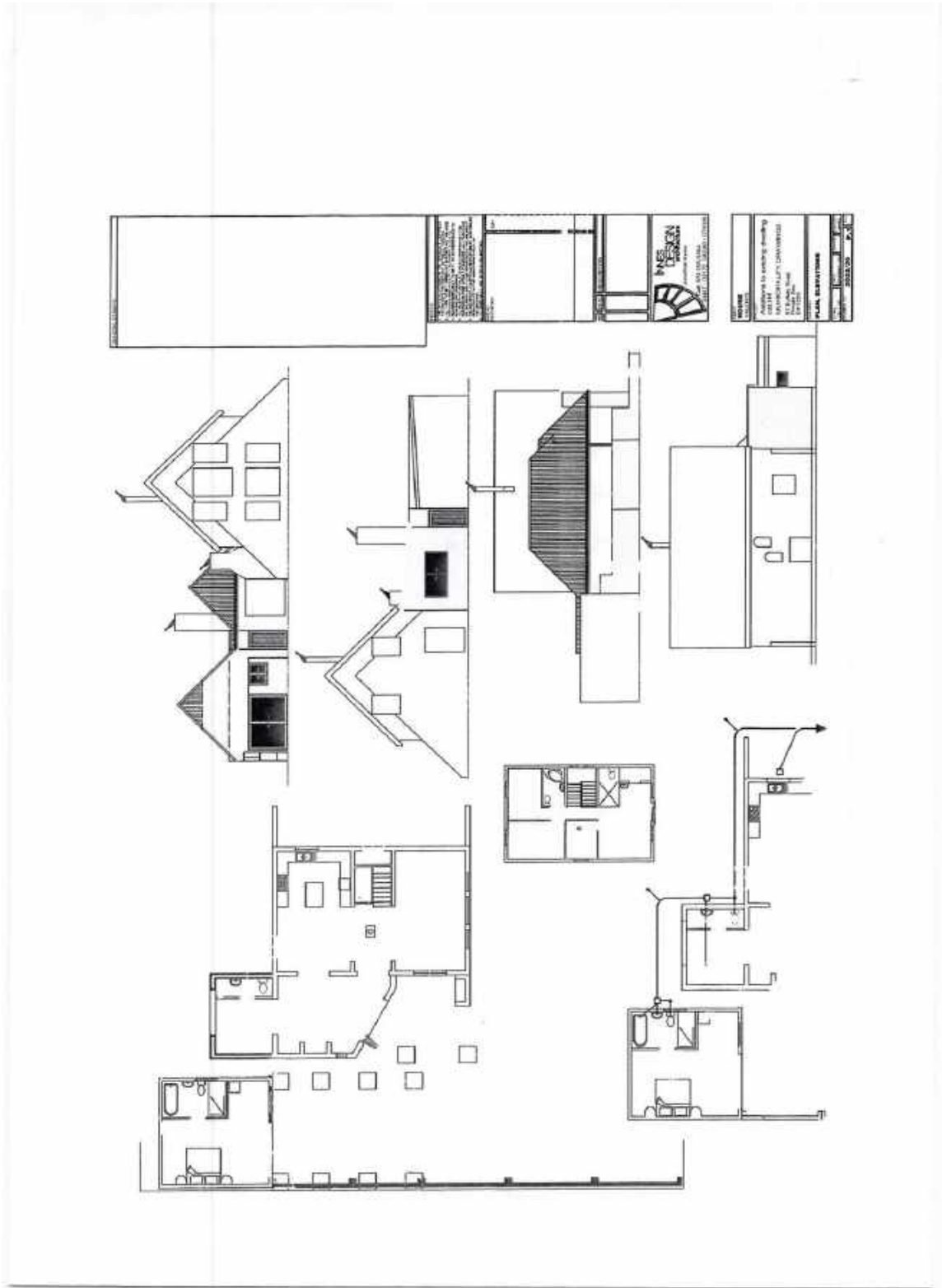
**REASONS FOR RESOLUTION**

- The proposed application fits in with the character of the surrounding area and is desirable in terms of use, not height.
- There will be no impact on services.
- The proposal will have no negative impact on the environment.
- Garages or carports are allowed on the 0m lateral and rear building lines with neighbour's consent of which the owner obtained.
- The 5% penalty takes into consideration that the owners immediately appoint a consultant to address the illegal structure and use.

Reasons for non-approval:

- The height restriction of 3,5m restriction of the carport is due to the fact that the application did not address the need for a carport with a height of 6,010m.
- The application did not address the height restriction for housing of vehicles as per the Title Deed and the Land Use Scheme.
- The request to waive the administrative penalty cannot be accommodated, since the buyer remains responsible for any structures on the property and accepted liability in this regard.
- The buyers also replaced the roof of the illegal structure in 2022, which they knew were not on an approved building plan.
- The staff quarter is in close proximity of the neighbouring erven, which can create privacy issues.





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(Also the agenda for the Mayoral Committee Meeting : 16 April 2025)**

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**2. ERF 3199, 4 PEARL DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF NA ERASMUS**

**3199 KBB (4731/2024)**

**H van der Stoep  
3 February 2025**

**(028) 313 8900**

**Hermanus Administration**

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**EXECUTIVE SUMMARY**

An application has been received on 1 August 2024 from Plan Active Town & Regional Planners on behalf of NA Erasmus on Erf 3199, Betty's Bay for the following:

- ❖ **Removal of Restrictive Title Deed Condition** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed condition C.(i)(5)(d) as contained in Title Deed T6358/2021 of the property to accommodate the proposed development that encroaches the street building line.

The restrictive title deed condition read as follows:

*"C. To the following conditions contained in the said Deed of Transfer Number 17598/68:-*

*(i) Imposed by the Administrator of the Province of the Cape of Good Hope when approving of the establishment of Sunny Seas Township in terms of the provisions of Ordinance No. 33 of 1934, as amended:*

*(5) This erf shall be subject to the following further conditions provided especially that where, in the opinion of the Administrator after consultation with the Township Boards and the Local Authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:*

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*(d) No building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf nor within 3,15 metres of the rear or 1,57 metres in height measured from the floor to the wall plate and no portion erected within the above prescribed rear space. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf;"*

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the street building line from 4m to 2,09m (north-western corner) and 2,12m (north-eastern corner) respectively to accommodate the existing foundation of proposed development on the property.
- ❖ **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 unauthorised building line encroachments as mentioned above.

## **RESOLUTION**

1. that the objections be noted.
2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3199 Betty's Bay for the removal of restrictive title deed condition C.(i)(5)(d) as contained in Title Deed T6358/2021 of the property to accommodate the encroachments of the existing structures on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3199 Betty's Bay for a departure of the title deed street building line from 4,72m to 4m to accommodate the As Built dwelling's foundation and ground floor level and the proposed construction of the first-floor level and roof on the same building line, **be approved**, in terms of the provisions of Section 61 of the By-law;

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4. 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 3199 Betty's Bay for the following departures to accommodate the as-built dwelling's foundation and ground floor level and the proposed construction of the first-floor level and roof on the same building line as follows:
  - Title Deed street building line from 4,72m to 2,09m and 2,12m respectively;
  - Land Use Scheme street building line from 4m to 2,09m and 2,12m respectively;

**not be approved**, in terms of the provisions of Section 61 of the By-Law.
5. that the above approvals in Points 2 and 3 be subject to the following conditions:
  - (a) that this approval is not an approval in terms of any other legislation;
  - (b) that a **revised** building plan be submitted indicating the dwelling on the 4m street building line;
  - (c) that a **revised** building plan 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 amended title deed be submitted for record purposes to the Municipality;
  - (e) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
  - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (g) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
  - (h) that all the conditions in the Services Report, be complied with.

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6. 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 3199, Betty's Bay for the unauthorized building line encroachments as stipulated above, **be imposed**, and that an administrative penalty fee of **R14 835,32** be payable within sixty (60) days of this decision.
7. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

## **REASONS FOR RESOLUTION**

### POINT 2

- ❖ The title deed condition building line restrictions are more restrictive in terms of the street and rear building lines, but more lenient in terms of the lateral building lines.
- ❖ The difference between the building lines of the title deed conditions and the land use scheme are approximately 1m in total and thus would have very little impact on the overall allowable development of the erf.
- ❖ The street line difference of 0,72m versus 4m will have little impact on the street view or character of the immediate surroundings.
- ❖ The lateral building lines of 1,57m of the title deed is more lenient than the 2m of the land use scheme, whilst the rear building line of 3,15m of the title deed is more restrictive than the land use scheme.
- ❖ Thus, to enable developments of residential erven to be more uniform in terms of development parameters, the discrepancies between the title deed restrictions and the land use scheme are even out with the removal of the one condition that deals with the building lines. All the other conditions remain in place.

### POINT 3

- ❖ The 0,72m difference between the Title deed and the land use scheme will have little impact on the street view and character of the immediate surroundings.

### POINT 4

- ❖ The application to legalize the existing transgression of the ground floor and the proposed first floor on 2,09m and 2,12m respectively, will definitely have an impact on the street view and character of the area.
- ❖ No other building is located so close to the street boundary.

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- ❖ The proposed dwelling so close to the street, double storey will impact in terms of noise and light pollution
- ❖ The contractor was notified of the transgression and proceeded with the building, ignoring the approved building plan.
- ❖ The financial implications can be recovered from the contractor by the owner.



**Plan Active**  
Scale - on Streets/planners  
Town & Regional Planners

All dimensions approximate  
and subject to survey.  
COPY RIGHT RESERVED

Property Description:  
**ERF 3199  
BETTYS BAY**

Plan Description:  
**LOCALITY MAP**

Drawn by:  
MICHAEL JAY

Date:  
JUN 2006



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED  
CONDITIONS, DEPARTURE & DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: ERF 3199, BETTY'S BAY (4731/2024)**

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

  
 RICARDO ANDREW  
 PRINCIPAL TECHNOLOGIST:  
 DEVELOPMENT CONTROL

20/10/2024  
 DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
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**3. REMAINDER OF ERF 2989, 205 CLARENCE DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: WRAP PROJECT OFFICE ON BEHALF OF THE HUB BETTYS BAY (PTY) LTD**

**2989 KBB (4193/2022)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**22 January 2025**

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**EXECUTIVE SUMMARY**

An application was received on 5 July 2022 from WRAP Project Office on behalf of The Hub Bettys Bay (Pty) Ltd on Remainder of Erf 2989, Betty's Bay in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a consent use to allow a bottle store on the property.

**RESOLUTION**

1. that the objections be noted.
2. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Remainder of Erf 2989, Betty's Bay for a consent use to allow a bottle store on the property, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
  - (a) that the bottle store be limited to Shop 4 within the existing building as indicated on Plan number 2989 dated 2022, as submitted with the application;
  - (b) that this approval is not an approval in terms of any other legislation;
  - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
  - (d) that a Health Certificate be obtained from the Health Department of the Overberg District Municipality and a Fire Prevention Certificate from the Municipal Fire Department;
  - (e) that only one un-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;

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- (f) 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;
  - (g) that no accumulation of refuse may occur on the premises;
  - (h) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
  - (i) that approval for a liquor licence be obtained from the Western Cape Liquor Authority;
  - (j) that the bottle store or the first storey deck may not have tasting events;
  - (k) that the bottle store operating hours be limited as per the Overstrand By-Law Liquor Trading Hours from Monday to Saturday. Sundays are restricted to 08h00 - 13h00;
  - (l) that no delivery vehicles for “The Hub” may utilise Clarence Drive as a loading area;
  - (m) that all the conditions in the Services Report be complied with;
  - (n) that all the conditions imposed by Western Cape Government: Transport and Public Works (Road Planning), be complied with;
  - (o) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (p) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with.
3. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

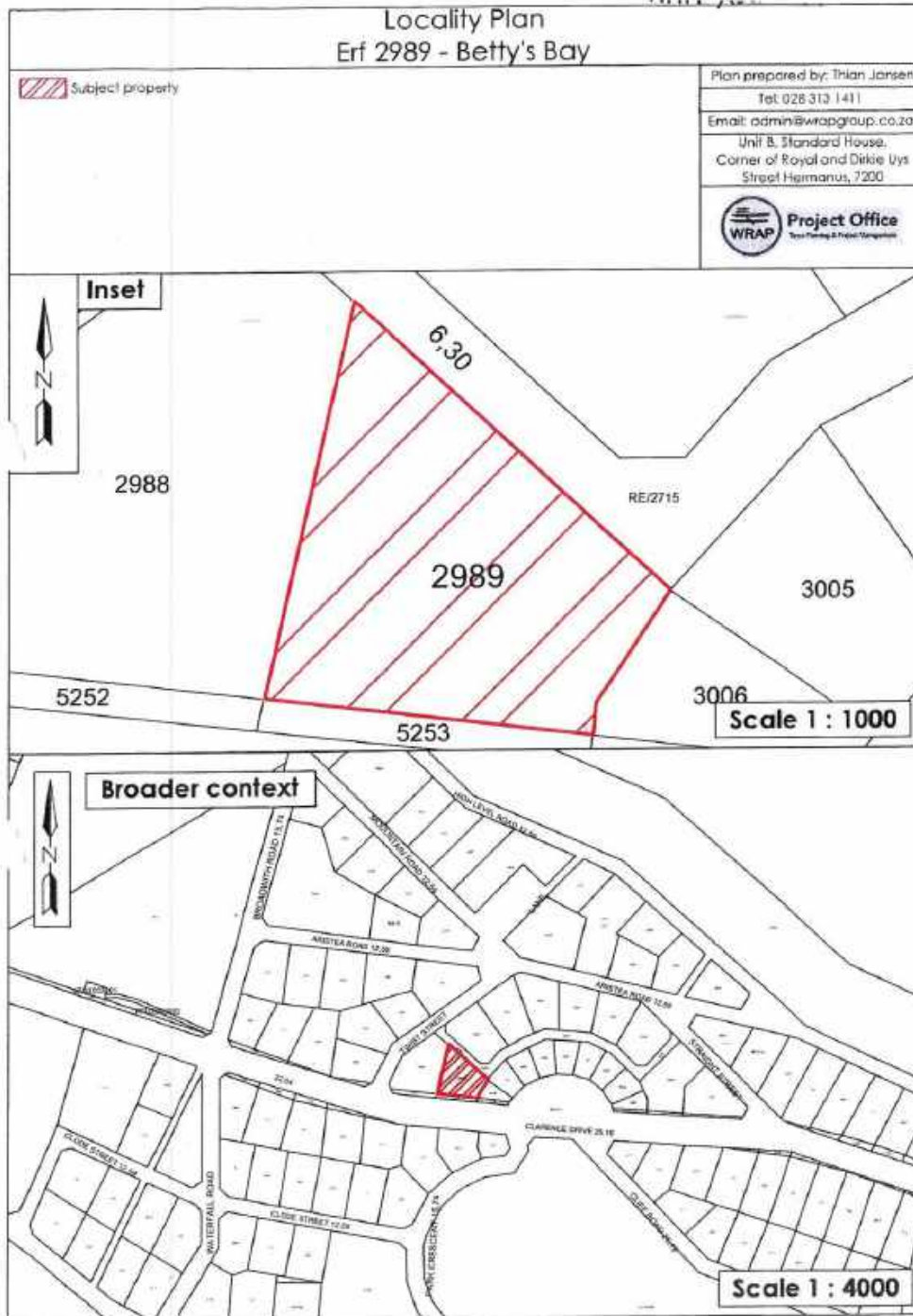
**REASONS FOR RESOLUTION**

- ❖ The bottle store is located in an existing business node.
- ❖ The bottle store will be located in an existing building.
- ❖ The building has an approved building plan and complies with the development parameters as per the Overstrand Municipality Land Use Scheme.
- ❖ The refuse area was approved by the Municipality.

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- ❖ The use of parking bays on Clarence Drive is not the responsibility of the applicant.
- ❖ Betty's Bay proper falls under the category of a Settlement SPC which has existing land use rights in terms of the Kogelberg Biosphere Framework.
- ❖ The proposed bottle store is located adjacent Clarence Drive, which in itself is a noise polluter.



Site Development Plan  
Erf 2989 - Betty's Bay

**Development Parameters**

- 14 Parking Bays
- Coverage - 34%
- FAR - 0.34
- 2620m<sup>2</sup> - GLA

**Proposed Off - Consumption**  
**(41.8m<sup>2</sup>)**



Plan 2989 dated 2022

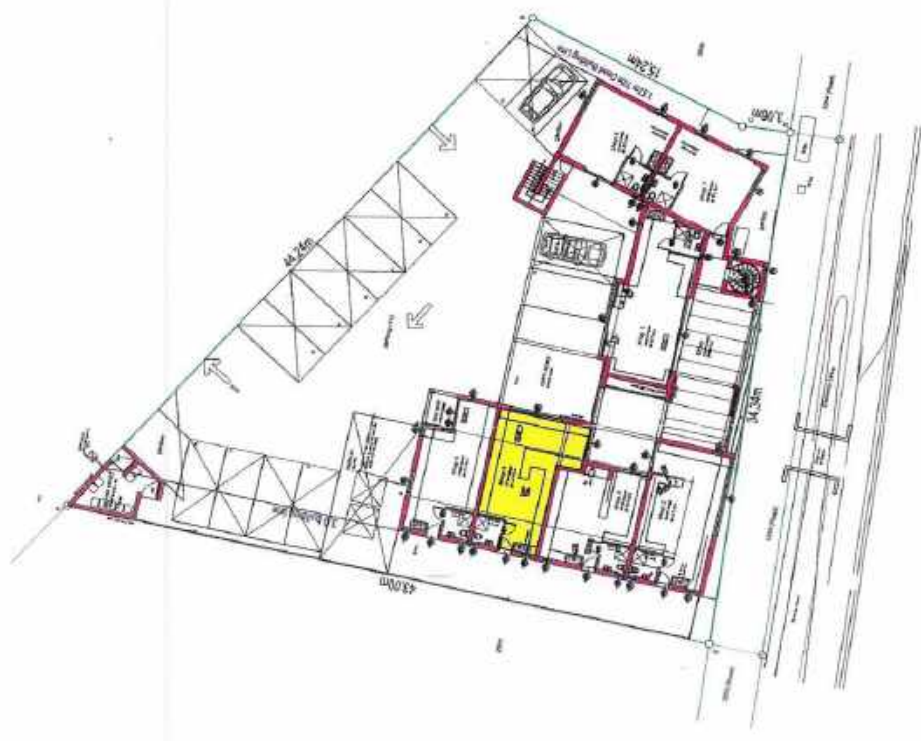
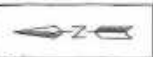
Plan enclosed by: Alan Janusz  
based on Plans on File  
All dimensions are approximate  
and subject to a survey

Site: 108 313 141  
Email: alan@wrap.co.za  
11111, Standard House, Corner of Road and DME 101  
Johannesburg, Gauteng, 2000



**Project Office**  
Team: Planning & Project Management

SCALE 1:250



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE: ERF 2989, BETTY'S BAY (4193/2022)**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that the developer investigates and determine the limitations of the site in terms of drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
3. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
4. that any additional and / or extended vehicle entrance will be for the owner's account;
5. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
6. that stormwater be allowed to discharge through Erf 2989 Betty's Bay, unobstructed.

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

  
**DATE**