

PORTFOLIO COMMITTEE :

PLANNING & DEVELOPMENT

Chairperson :

Cllr C Lerm

Committee Members :

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

PLANNING & DEVELOPMENT PORTFOLIO COMMITTEE

7 August 2024

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**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

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

**R Kuchar
16 July 2024**

Divisional Manager: Town & Spatial Planning

(028) 313 8900

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 6 May 2024 – 6 July 2024.

2. Service Delivery and Budget Implementation Plan - IGNITE

Development and Planning
Town and Spatial Planning

3. Compliance with Strategic Priority

Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background

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

7. Financial Implications

None

8. Staff Implications

None

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(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

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 6 May 2024 – 6 July 2024:

- | | | |
|-----|---|--------------|
| 1. | Portion 2 (Romans Baai) of the Farm Klip Fonteyn, No. 711, Caledon Division, Overstrand Municipal Area | 6 May 2024 |
| 2. | Erf 2189, 70 Ninth Street, Voëlklip | 17 May 2024 |
| 3. | Erf 3540, 240 Eleventh Street, Voëlklip | 17 May 2024 |
| 4. | Erf 2924, 7 Franken Street, Gansbaai | 20 May 2024 |
| 5. | Erf 2386, 5 Una Drive, Betty's Bay | 20 May 2024 |
| 6. | Erf 3283, 6 Arum Street, Onrustrivier | 20 May 2024 |
| 7. | Erf 1496, Lynx Road, Vermont | 21 May 2024 |
| 8. | Erf 415, 12 Du Toit Street, Stanford | 21 May 2024 |
| 9. | Remainder of Erf 2354, 42 Krige Street, Onrustrivier | 21 May 2024 |
| 10. | Erf 11018, 5 Church Street, Westcliff, Hermanus | 22 May 2024 |
| 11. | Erf 356, 29 Arcadia Street, Pearly Beach | 24 May 2024 |
| 12. | Erf 524, 26 Meyer Street, Franskraal | 24 May 2024 |
| 13. | Erf 127, 6 Mossel Street, Van Dyksbaai (Kleinbaai) | 30 May 2024 |
| 14. | Erf 3181, 34 Tenth Avenue, Voëlklip, Hermanus | 30 May 2024 |
| 15. | Erf 571, 10 King Street And Erf 573, 10a King Street, Stanford | 30 May 2024 |
| 16. | Erf 915, 32 Dahlia Street, (Blompark), Gansbaai | 6 June 2024 |
| 17. | Portion 33 (A Portion of Portion 1) of the Farm Wortel Gat No. 723, Caledon Division, Overstrand Municipal Area | 7 June 2024 |
| 18. | Portion 4 of the Farm Oude Bosch No. 637, Division Caledon, Overstrand Municipal Area | 7 June 2024 |
| 19. | Erf 2106, Pearly Beach (Pearly Beach Holiday Resort) | 7 June 2024 |
| 20. | Erf 2397, 110 Eleventh Street and Erf 10566, 109 Tenth Street, Voëlklip, Hermanus | 7 June 2024 |
| 21. | Erf 5234, 46 Camdebo Avenue, Kleinmond | 12 June 2024 |
| 22. | Erf 4929, 39 Church Street, Westcliff, Hermanus | 12 June 2024 |
| 23. | Erf 5228, 20 Protea Street, Onrustrivier | 20 June 2024 |
| 24. | Erf 5057, Kidbrooke Retirement Village, Onrustrivier | 20 June 2024 |
| 25. | Erf 8717, 3 Kort Street, Kleinmond | 21 June 2024 |
| 26. | Erf 1716, 2 Plover Place, Fisante Crescent, Vermont | 21 June 2024 |
| 27. | Erf 810, 165 Main Road, Northcliff, Hermanus | 25 June 2024 |

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(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

- | | | |
|-----|---|--------------|
| 28. | Erf 210, 9 Kabeljou Street, Van Dyksbaai (Kleinbaai) | 25 June 2024 |
| 29. | Erf 464, 25 Ingang Street, De Kelders | 25 June 2024 |
| 30. | Erven 23, 52-55, 202-205, 334, 383 And 532, Gansbaai | 27 June 2024 |
| 31. | Erf 3765, 22 Sherwood Drive, Onrustrivier | 28 June 2024 |
| 32. | Erf 674, 1 Moore Street and Erf 1000, 3 Moore Street,
Stanford | 28 June 2024 |

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 30 May and 27 June 2024:

- | | | |
|----|---|--------------|
| 1. | Erf 3770, 1 Nerine Crescent, Betty's Bay | 30 May 2024 |
| 2. | Erf 363, 6 Central Road, Pringle Bay | 30 May 2024 |
| 3. | Portion 156 of Farm Hangklip No. 559, Division Caledon,
Overstrand Municipal Area | 27 June 2024 |
| 4. | Portion 231 of the Farm Afdaks Rivier No. 575, Benguela
Cove, A Division of Caledon, Overstrand Municipal Area | 27 June 2024 |
| 5. | Erf 876, 16 Frieda Road, Pringle Bay | 27 June 2024 |
| 6. | Erf 2908, 51 Atlantic Drive, Onrustrivier | 27 June 2024 |

RESPONSIBLE OFFICIAL :

L TAYLOR

TARGET DATE FOR IMPLEMENTATION :

4 SEPTEMBER 2024

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

- 1. PORTION 2 (ROMANS BAAI) OF THE FARM KLIP FONTEYN, NO. 711, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR THE AMENDMENT OF THE SITE DEVELOPMENT PLAN, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF TERRASAN FINANCE (PTY) LTD**

Prt 2/Farm 711 (4385/2023)

SW van der Merwe

(028) 313 8900

Hermanus Administration

12 April 2024

EXECUTIVE SUMMARY

An application has been received on 09 May 2023 from Messrs PlanActive Town- and Regional Planners on behalf of Terrasan Finance (PTY) Ltd in terms of the Overstrand Amended By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Portion 2 of Farm for the following:

- ❖ **amendment of the site development plan** in terms of Section 16(2)(l) of the By-Law, to accommodate the As Built structures and the respective uses thereof;
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the western lateral building line from 30m to 27,6m to accommodate the As Built RMU switch house; and
 - relax the permissible floor space from 5000m² to 7694.20m² to accommodate the existing buildings / structures.
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to legalize unauthorized structures and uses thereof.

RESOLUTION

1. that in terms of Section 16(2)(l) of the Overstrand Municipality's By-Law on Municipal Land Use Planning, 2020, the application for the amendment of the Site Development Plan applicable to Portion 2 (Romans Baai) of the Farm Klip Fonteyn No. 711, Caledon Division, **be approved** in terms of the provisions of Section 61 of the By-Law;

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2. that the application for departure in terms of Section 16(2)(b) of By-Law for the following:
 - relaxation of the western lateral building line from 30m to 27,6m to accommodate the existing covered entertainment- and braai area; and
 - relaxation of the total floor space from 5000m² to ± 7694,20m²;

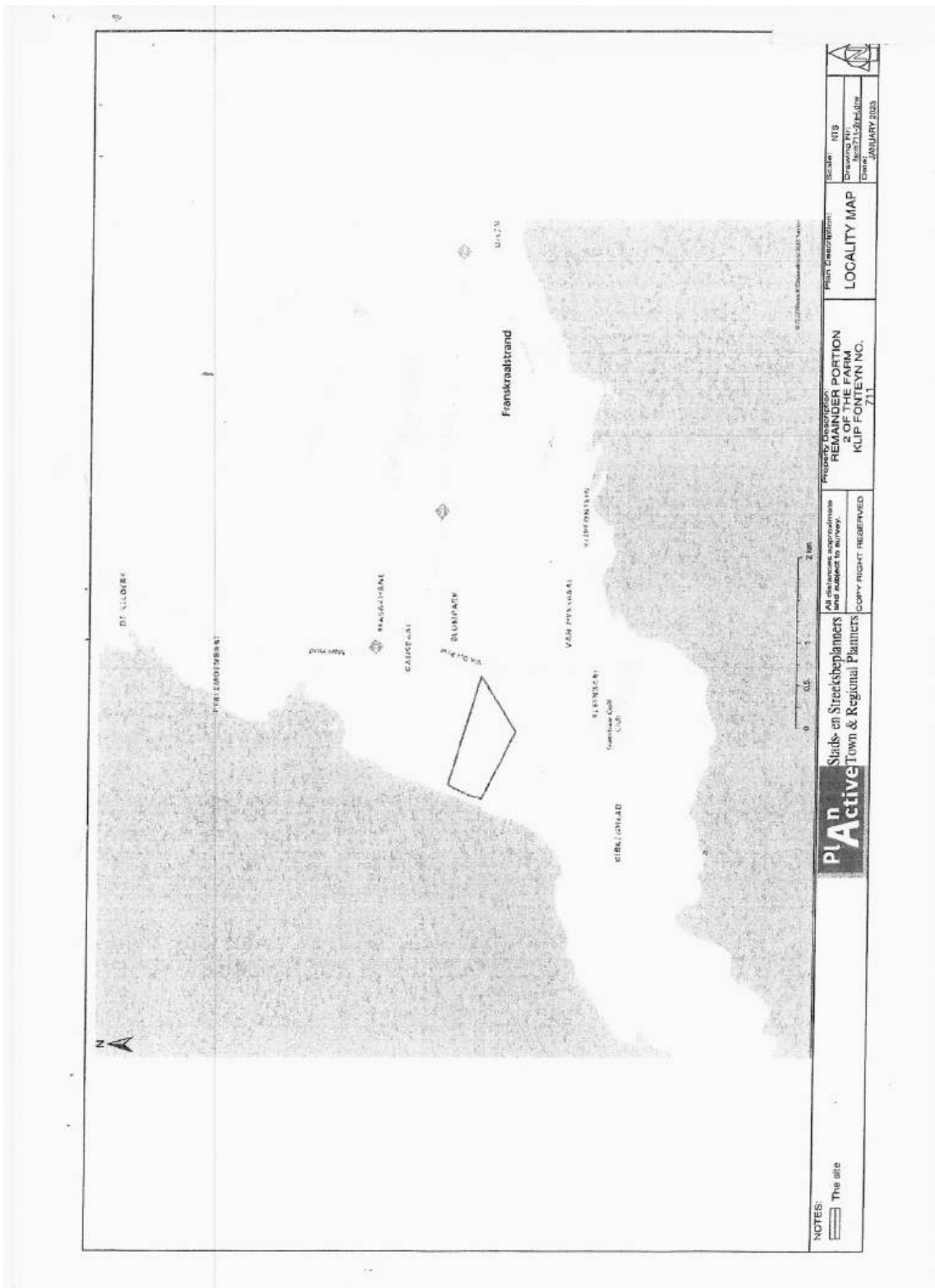
be approved in terms of the provisions of Section 61 of the By-Law;
3. that an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Portion 2 (Romans Baai) of the Farm Klip Fonteyn No. 711, Caledon Division for the unauthorized buildings and structures on the property for the amount of R26 972.70-00 (VAT included), **be imposed**;
4. that the decisions in paragraphs 1. to 3. above be subject to the following conditions:
 - (a) that the approval is only for the buildings and structures indicated in the Site Development Plan dated 14 April 2023;
 - (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 administrative penalty must be paid within thirty (30) days from the final date of the decision;
 - (d) that all the conditions in the Engineering Services Report and District Health, be complied with.
 - (e) that all the conditions from OpenServe, Department of Environmental Affairs and Development Planning, *Coastal Management*, CapeNature, Department of Environmental Affairs and Development Planning *Environmental*, Breede-Gouritz Catchment Management Agency and Environmental Management Services, be complied with.
 - (f) that an administrative penalty of R26 972.70 (including VAT) (being 0,5% of the Overstrand Municipal Budget as determined by the municipality) be payable within thirty (30) days of the decision;

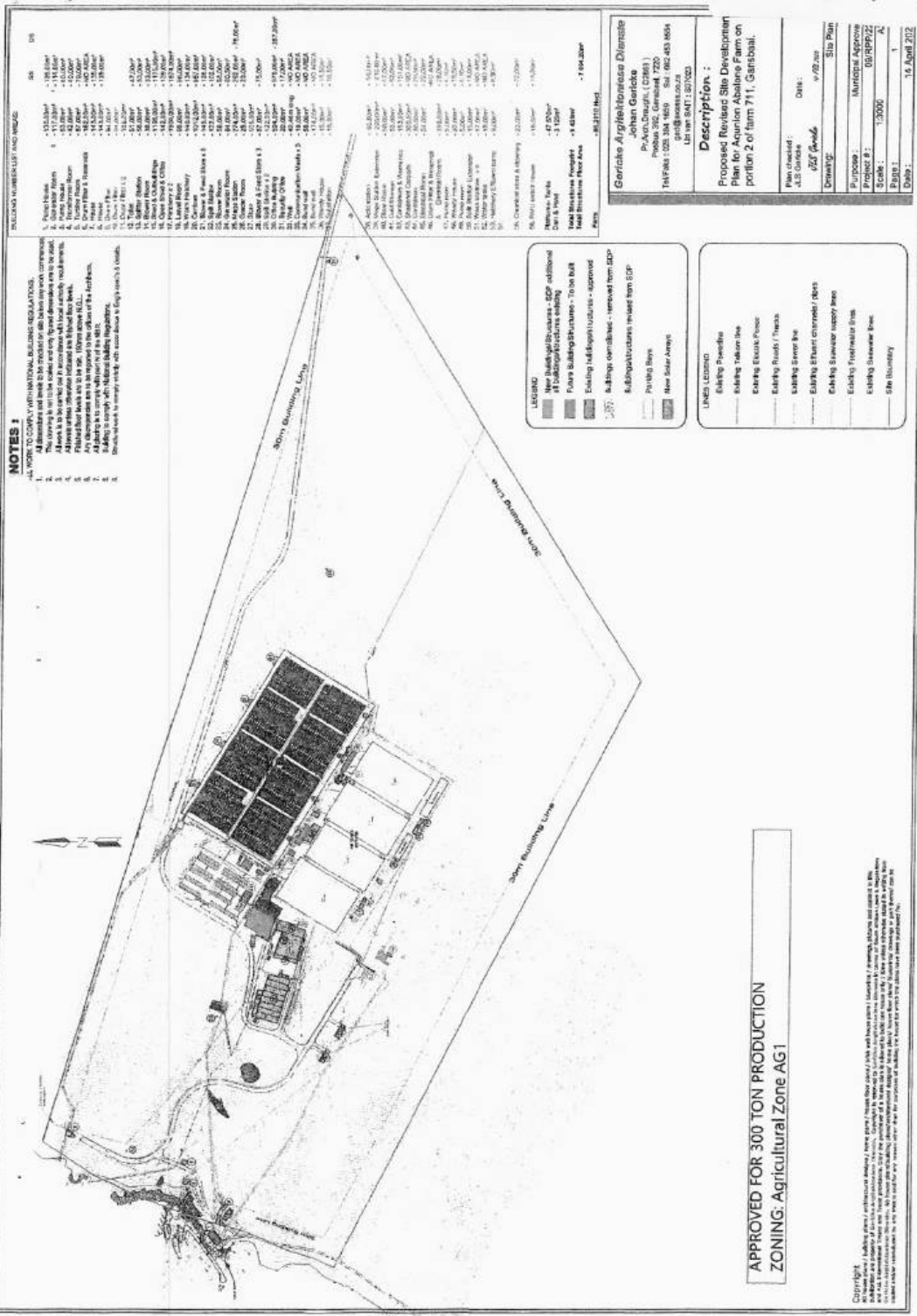
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- (g) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
5. that the applicant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

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.
- ❖ No objections were received from the affected property owners.
- ❖ The proposal is considered in line with the Municipality's SDF.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.





NOTES:
 1. All dimensions are in meters.
 2. This drawing is not to be used for any other purpose than the one intended.
 3. All dimensions are in meters unless otherwise stated.
 4. All dimensions are in meters unless otherwise stated.
 5. All dimensions are in meters unless otherwise stated.
 6. All dimensions are in meters unless otherwise stated.
 7. All dimensions are in meters unless otherwise stated.
 8. All dimensions are in meters unless otherwise stated.

ELEVATIONS

1. 100.00m	11. 100.00m	21. 100.00m	31. 100.00m
2. 100.00m	12. 100.00m	22. 100.00m	32. 100.00m
3. 100.00m	13. 100.00m	23. 100.00m	33. 100.00m
4. 100.00m	14. 100.00m	24. 100.00m	34. 100.00m
5. 100.00m	15. 100.00m	25. 100.00m	35. 100.00m
6. 100.00m	16. 100.00m	26. 100.00m	36. 100.00m
7. 100.00m	17. 100.00m	27. 100.00m	37. 100.00m
8. 100.00m	18. 100.00m	28. 100.00m	38. 100.00m
9. 100.00m	19. 100.00m	29. 100.00m	39. 100.00m
10. 100.00m	20. 100.00m	30. 100.00m	40. 100.00m

Gerriako Architects Denmark
 Johan Gerriako
 Pr. Aaga, Denmark (DNR)
 Tlf: +45 302 42000
 E-mail: jgerriako@gerriako.dk

Description:
 Proposed Retail Site Development
 Plan for a new retail site on
 portion 2 of farm 711, Gårdbølle.

Plan created: J.S. Gerriako Date: 19/02/2012
Drawing: J.S. Gerriako Site Plan

Purpose: Municipal Approval
Project #: 13000 Gårdbølle 22
Scale: 1:500 A2
Page: 1
Date: 19 April 2012

APPROVED FOR 300 TON PRODUCTION ZONING: Agricultural Zone AG1

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COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR APPLICATION FOR AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PORTION 2 (ROMANS BAAI) OF THE FARM KLIP FONTEYN NO 711, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA

Water	:	In Order
Sewer	:	No services available
Roads and traffic	:	In Order
Stormwater (SW)	:	In Order
Electricity	:	In Order

Conditions:

1. that the existing water connection to Portion 2 of Farm 711 shall be used to service Portion 2 of Farm 711;
2. that as there is currently no municipal sewer network in the vicinity of Portion 2 of Farm 711, Portion 2 of Farm 711 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the development must connect to;
3. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
4. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 1400 – P: 2010: Drainage*;
5. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
7. that, the owner is responsible for the collection of all refuse generated on the relevant properties within the development, and disposal thereof at a central waste transfer station on the property;
8. that stormwater be allowed to discharge through Portion 2 of Farm 711, Klip Fonteyn, unobstructed;

- 9. that no on-street parking be allowed.

Dennis Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

13/07/2023
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

2. ERF 2189, 70 NINTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS RED ATLANTIC ARCHITECTURE ON BEHALF OF R SILKE

2189 HVK (4438/2023)

P Roux

(028) 313 8900

Hermanus Administration

14 April 2024

EXECUTIVE SUMMARY

An application has been received on 17 July 2023 from Messrs Red Atlantic Architecture (PTY) LTD on behalf of the owners of Erf 2189, Voëlkliip, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to accommodate a proposed family room and a patio (with pergola), which structures encroach the lateral building line from 2m to 1.02m and 0.155m respectively.

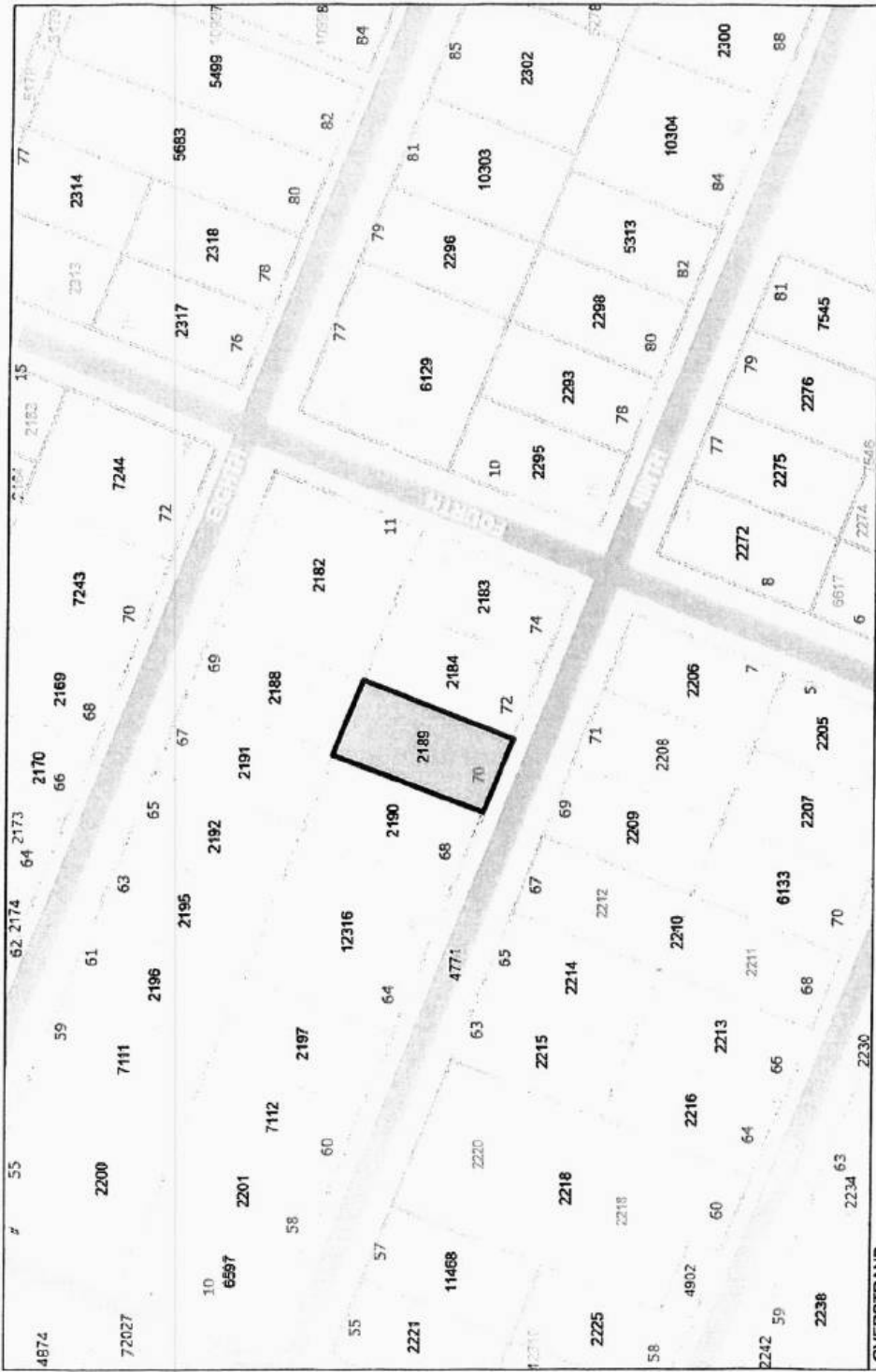
RESOLUTION

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 2189, Voëlkliip, Hermanus to relax the south-western lateral building line from 2m to 1.02m and 0.155m respectively to accommodate a new family room and a patio with a pergola, **be partially approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the pergola's support structure be setback to 1,02m to be in line with the outer wall of the proposed new family room;
 - (b) that building plans be submitted to the Building Control Office, and all comments from the Fire Department be complied with at that stage;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
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.

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REASONS FOR RESOLUTION

- ❖ The proposed departure will not have a negative impact on the adjacent property owners or the character of the area.
- ❖ A letter of support was submitted from the adjacent neighbour.
- ❖ The proposal is in line with the characteristics of the development.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ No objections were received.
- ❖ The pergola is a new structure and the setback as stipulated in the recommendation will enable that the impact on the adjacent property owner is minimised, that fire safety distances are maintained, the same setback line will be retained, while allowing for movement space on the lateral boundary.



OVERSTRAND
MUNICIPALITY

ERF 2189, 70 9TH STREET, VOELKLIP, HERMANUS

Date: 2023/07/24

H4 - Dwelling House

RED ATLANTIC ARCHITECTURE

House Silke

Property description
Erf 21 88, Voelklip,
70 8th Street,
HERMANUS

Project description
Additions & Alterations:
New add. to existing dwelling,
Swimming pool, Pergola, Timber deck &
New Boundary wall

Sheet description
Site and Roof Plan, Floor Plan, Electrical Plan,
Area Plans, Door and Window Schedule

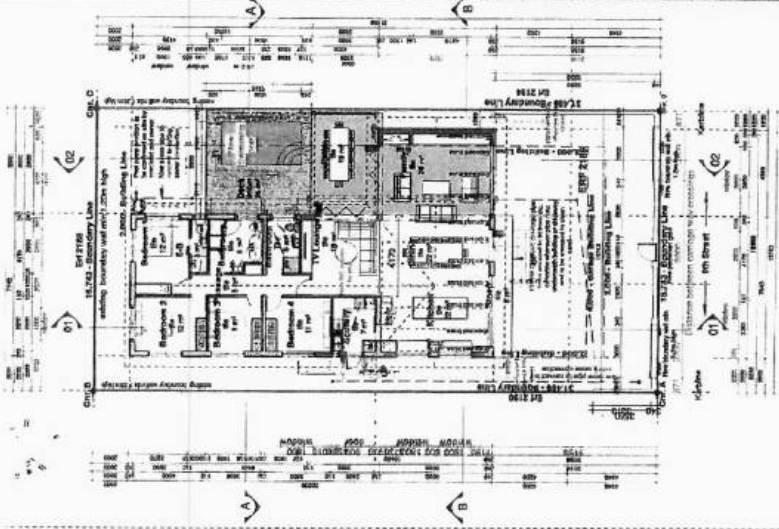
Project status
Project number: 2023-03-02
Sheet of: 01
Project name: H4 - Dwelling House
Designed by: R.V.
Project Date: 2023-03-02
Checked by: R.V.
Issue Date: 2023-09-14
Drawn by: C.H.
Page Size: A1

HCA Approval Stamp

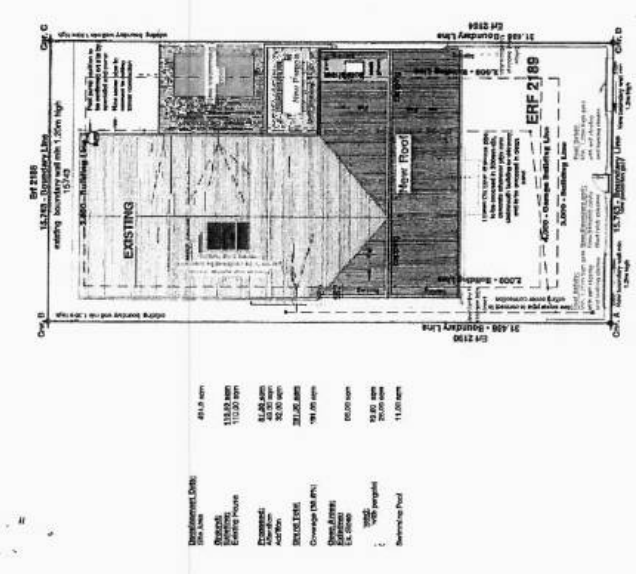
Client Signature: _____
Date: 2023 / 09 / 14

Architect Signature: _____
Date: 2023 / 09 / 14

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Ground Storey Gross Area Floor Plan
Scale 1:200

Ground Storey Net Area Floor Plan
Scale 1:200

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Dimensions (mm)

Overall Length	41.10
Overall Width	113.00
Overall Height	113.00
Overall Area	46.50
Overall Volume	52.50
Overall Weight	20.00
Overall Density	0.38
Overall Mass	7.70
Overall Moment	0.30
Overall Torque	0.10
Overall Power	0.05
Overall Energy	0.02
Overall Entropy	0.01
Overall Information	0.00

Ground Storey Gross Area Floor Plan
Scale 1:200

Ground Storey Net Area Floor Plan
Scale 1:200


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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 2189, VOELKLIP**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

**3. ERF 3540, 240 ELEVENTH STREET, VOËLKLIP, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP
PROJECT OFFICE ON BEHALF OF JA & MJ DE KLERK**

3540 HVK (4528/2023)

P Roux

(028) 313 8900

Hermanus Administration

14 April 2024

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 23 November 2023 from Messrs WRAP Project Office on behalf of the owners of Erf 3540, Voëlklip, Hermanus for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the rear building line from 2m to 0m to accommodate the existing storage area and outbuilding / pool room; and
 - relax the eastern lateral building line from 2m to 0m, to allow the existing outbuilding / pool room and proposed pergola.
- ❖ **determination of an administrative penalty** in terms of Section 90 of the By-Law, to accommodate the existing outbuilding / pool room.

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 3540, Voëlklip to relax the building line as follows:
 - relax the rear building line from 2m to 0m to accommodate the existing storage area and outbuilding / pool room; and

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

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2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 3540, Voëlklip to relax the building line as follows:
 - relax the eastern lateral building line from 2m to 0m, to allow the proposed pergola.

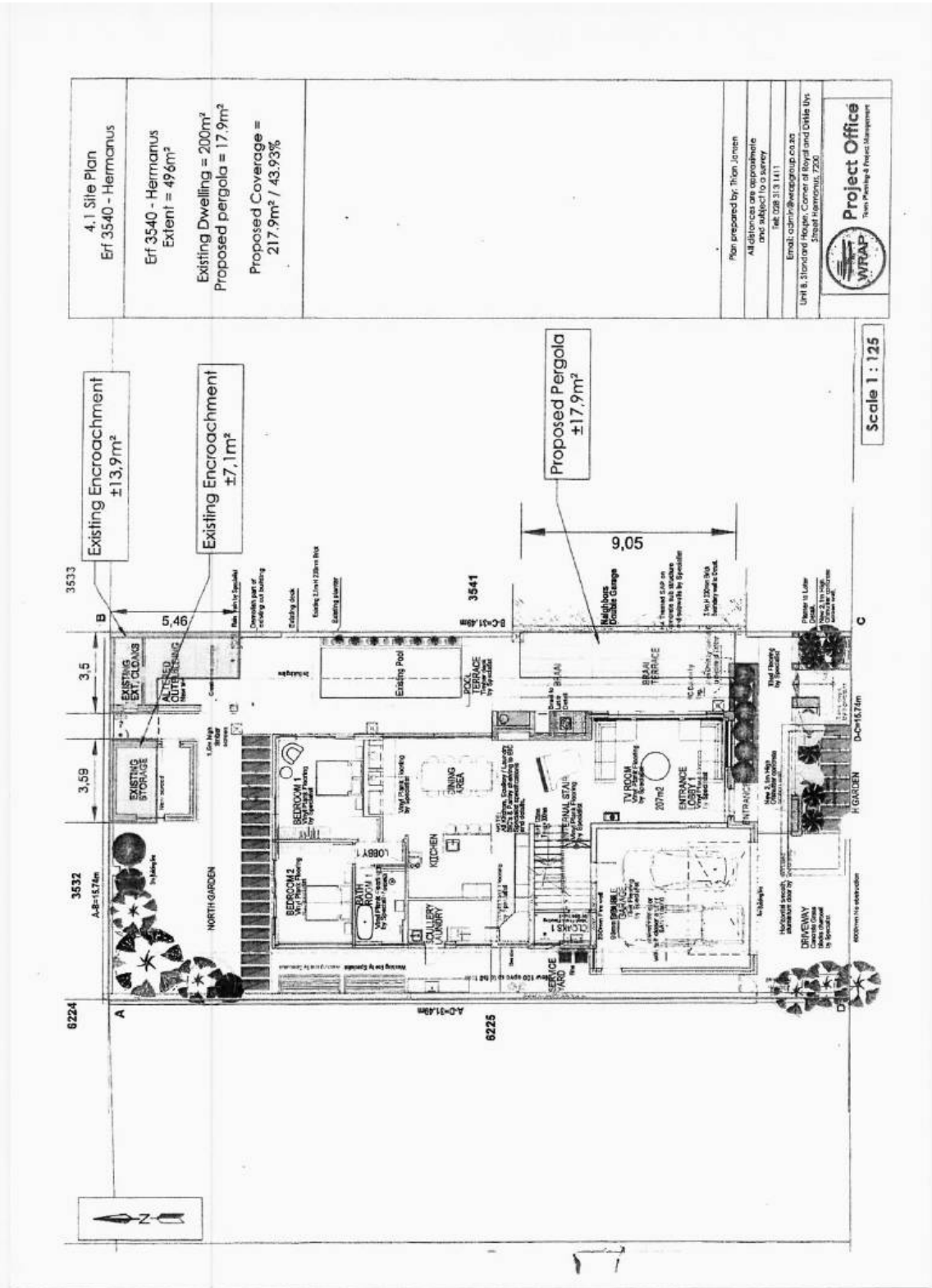
not be approved in terms of the provisions of Section 61 of the By-Law;
3. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3540, Voëlklip for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
4. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:
 - (a) that the proposed pergola's supporting structure be set back to 2m (with an overhang of 1m);
 - (b) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;
 - (c) that an administrative penalty of R40 124,70 (including VAT), be payable within sixty (60) days of the decision;
 - (d) that all the conditions in the Services Report be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with
5. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

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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 was made aware that approval is required for changes over the building.
- ❖ The length of the pergola on the boundary with the retention of the existing structures on the eastern boundary is considered excessive and the cumulative impact of the structures on the boundary is considered high and unwarranted due to the pergola not yet being developed.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 3540, VOELKLIP**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
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4. ERF 2924, 7 FRANKEN STREET, GANSBAAI: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS TOWN & COUNTRY ON BEHALF OF N STEVENS

2924 GGB (4179/2022)

SW Van Der Merwe

(028) 313 8900

Hermanus Administration

27 March 2024

EXECUTIVE SUMMARY

An application has been received on 14 June 2022 from Messrs Town and Country on behalf of Mr N Stevens applicable to Erf 2924, Gansbaai for the following:

- ❖ **removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-law) for the **removal** of restrictive title deed conditions (I) C.4 (b) and (II) C.4 (b) as contained in Title Deed T63185/2003 of the property to accommodate a residential building on the property.

The restrictive title deed conditions read as follows:

“(I) C.4 (b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith.

“(II) C.4 (b) It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith.”

- ❖ **consent use** in terms of Section 16(2)(o) of the By-law to accommodate a residential building on the property, and
- ❖ **determination of administrative penalty** in terms of Section 16(2)(q) of the By-Law.

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RESOLUTION

1. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2924, Gansbaai for the **removal of restrictive title deed condition** (I) C.4 (b) and (II) C.4 (b), as contained in Title Deed T63185/2003 of the property to accommodate a residential building on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law to read as follows;
2. that the application in terms of Section 16.(2)(o) of the By-Law on Erf 2924, Gansbaai for a **consent use** to accommodate a residential building on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the determination of an administrative penalty in terms of Section 90(4) of the By-Law for the unauthorized use on the property (residential building) **not be exempt** from the payment of an administrative penalty;
4. that the approvals in Paragraphs 1. and 2. above be subject to the following conditions:
 - (a) that the residential building be limited to 5 bedrooms as indicated on the Site Development Plan;
 - (b) that building plans be submitted within 60 days of the final decision and that all the conditions of the Fire Department and Building Control Department, be complied with at that stage;
 - (c) that all the conditions in the Services Report, be complied with.
 - (d) that a Health Certificate be obtained from the Health Department of the Overberg District Municipality;
 - (e) 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;
 - (f) that an administrative penalty of R26 181,53 (VAT inclusive) be payable within ninety (90) days of the decision;
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and


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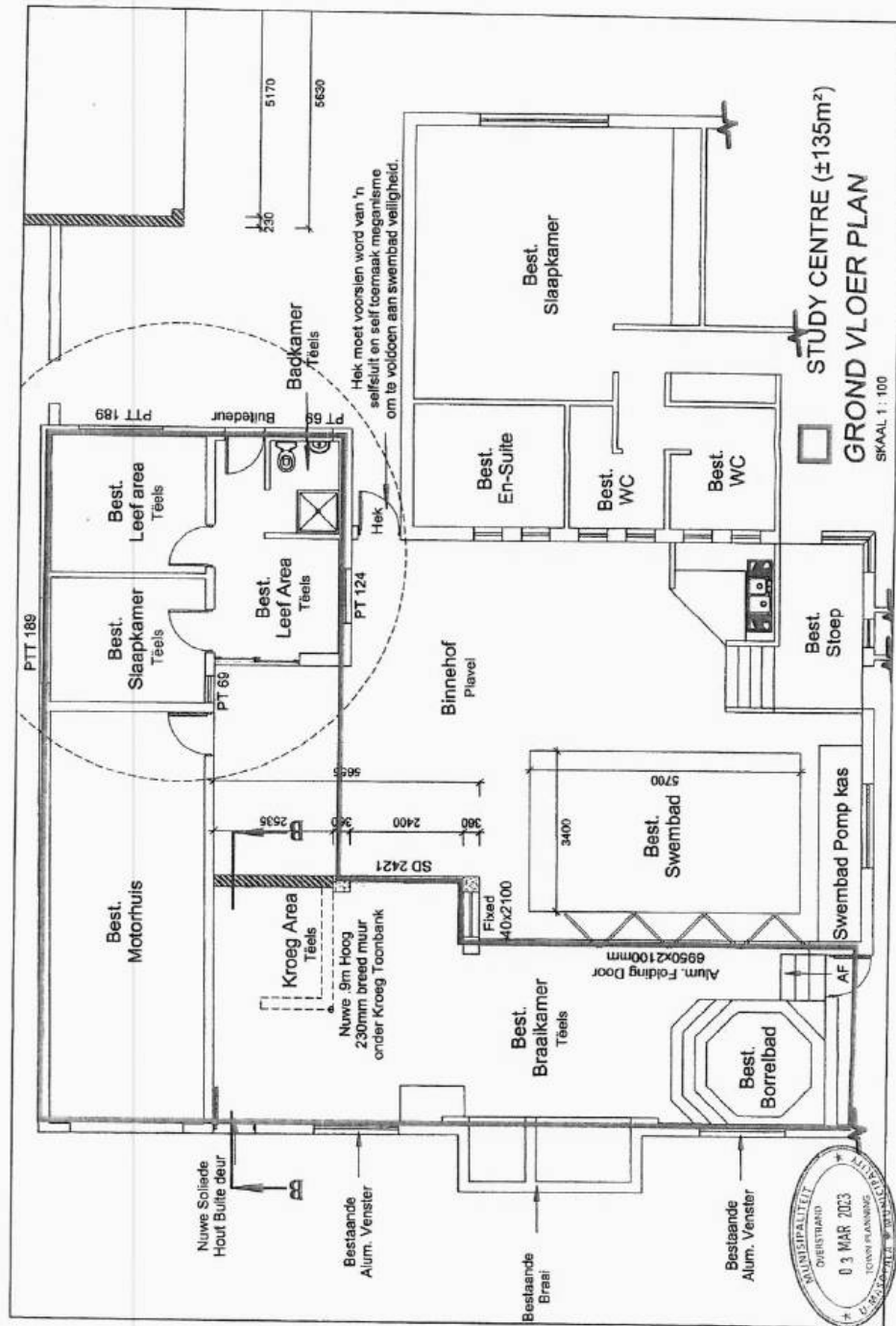
- (h) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
5. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ It is in line with the aims of the Overstrand SDF.
- ❖ No objections were received from neighbours.
- ❖ No additional building work to be done.
- ❖ No negative impact on character of the area.



<p>Town & Country Creative Land Solutions P.O. Box 1085 Bredasdorp 7260</p> <p>Tel. 028 424 1545 Fax. 028 425 2085 E-mail: towncountry@vodamail.co.za</p>	PROJECT	DRAWN	CHECKED
	LOCALITY PLAN: ERF 2924 GANSBAAI OVERSTRAND MUNICIPALITY	LT	LT
		SCALE	DATE
		NTS	APR 2022
	DWG No.	REVISION	
	Locality		
	Notes:		

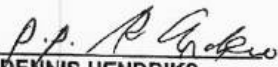


**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR: REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, CONSENT USE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 2924, GANSBAAI**

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 on Erf 2924 shall be used to service Erf 2924;
2. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 2924, Gansbaai, unobstructed;
6. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
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5. ERF 2386, 5 UNA DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND RELAXATION OF TITLE DEED CONDITION: P DU PLESSIS ARCHITECT ON BEHALF OF JC VAN DER WALT

2386 KBB (4357/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

27 March 2024

EXECUTIVE SUMMARY

An application has been received on 17 March 2023 from P du Plessis Architect on behalf of JC Van Der Walt on Erf 2386, Bettys Bay 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 By-Law on Municipal Land Use Planning, 2020 to relax the street building line from 4,0m to 2,0m to accommodate proposed additions to the existing dwelling house, a proposed covered patio and proposed balcony.
- ❖ **Relaxation** of Clause C.5.(b) of Title Deed No. T46461/88 to relax the street building line from 4,72m to 2,0m to accommodate proposed additions to the existing dwelling house, a proposed covered patio and proposed balcony.

RESOLUTION

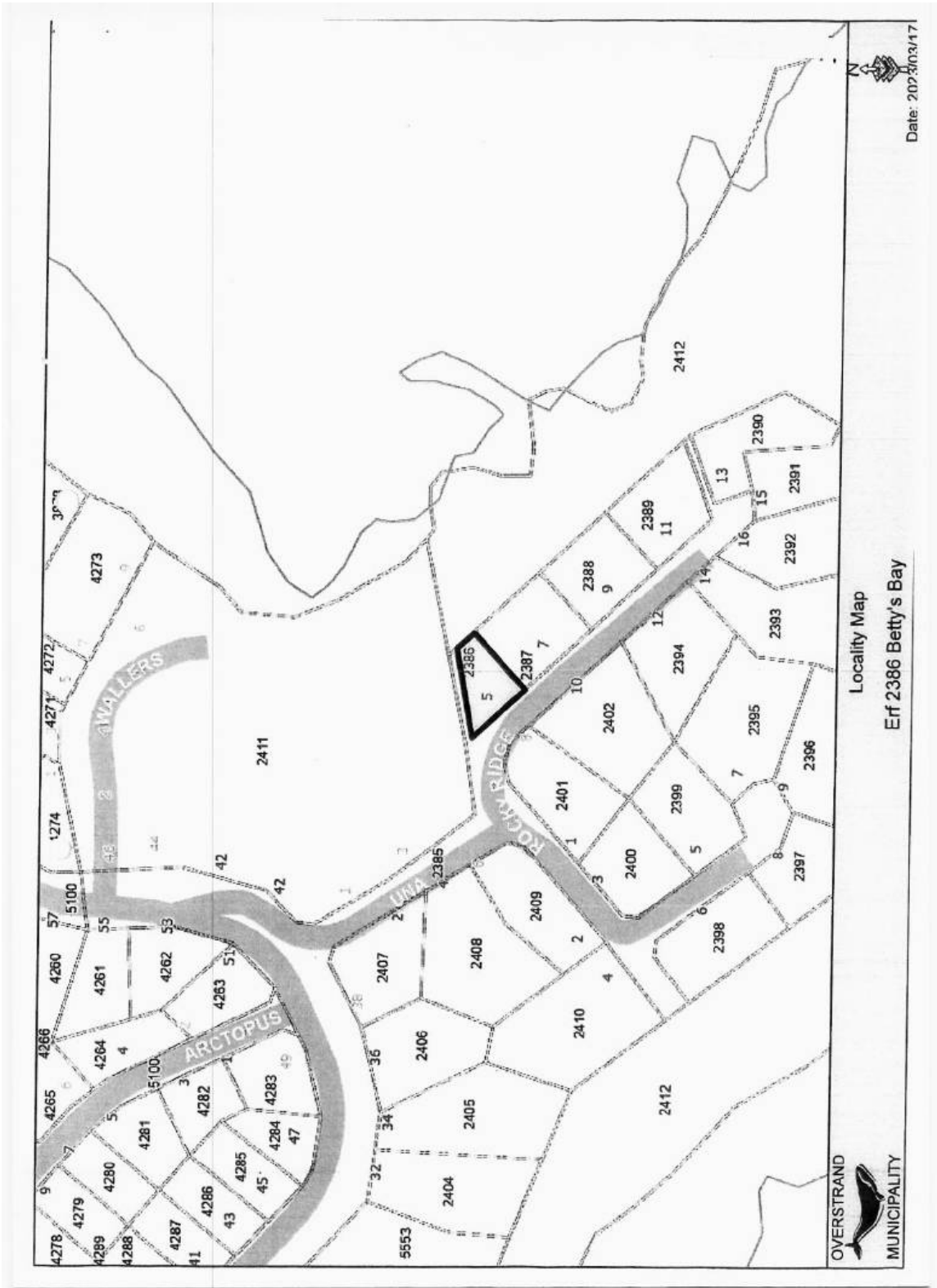
1. that the application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2386, Betty's Bay for the relaxation of restrictive title deed condition Clause C.5.(b) of Title Deed No. T46461/88 to relax the street building line from 4,72m to 2,0m to accommodate proposed additions to the existing dwelling house, a proposed covered patio and proposed balcony, **be approved**, in terms of Section 61 of the By-Law,
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2386, Bettys Bay for a departure to relax the street building line from 4,0m to 2,0m to accommodate proposed additions to the existing dwelling house, a proposed covered patio and proposed balcony, **be approved**, in terms of Section 61 of the By-Law,

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3. that the approvals in Points 1 and 2 above be subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan number 11/22 dated November 2022 and Plan number 11/22/03 dated January 2023 as submitted with the application;
 - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control be complied with;
 - (d) that all the conditions in the Cape Nature Report, be complied with except the last point as the manager of Stoney Point does not reserve the right to instruct the applicant and appointed contractors but can consult with both the applicant and the contractors regarding the proposed development;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ Consent letters and signed plans received.
- ❖ The proposal does not jeopardize character of area.
- ❖ Better utilization of the property.
- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ No additional services are required.
- ❖ The pathway is a footpath and not a street and a more lenient approach is justified.



Locality Map
Erf 2386 Betty's Bay

Date: 2023/03/17

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6. ERF 3283, 6 ARUM STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: AG & MM VEITCH

3283 HON (4499/2023)

H Olivier

(028) 313 8900

Hermanus Administration

26 March 2024

EXECUTIVE SUMMARY

An application has been received on 11 October 2023 from AG & MM Veitch on Erf 3283, Onrustrivier in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to relax the northern lateral building line from 2m to 0,8m to accommodate a proposed change of use from a garage to a pool room and making the outbuilding interleading with the dwelling.

RESOLUTION

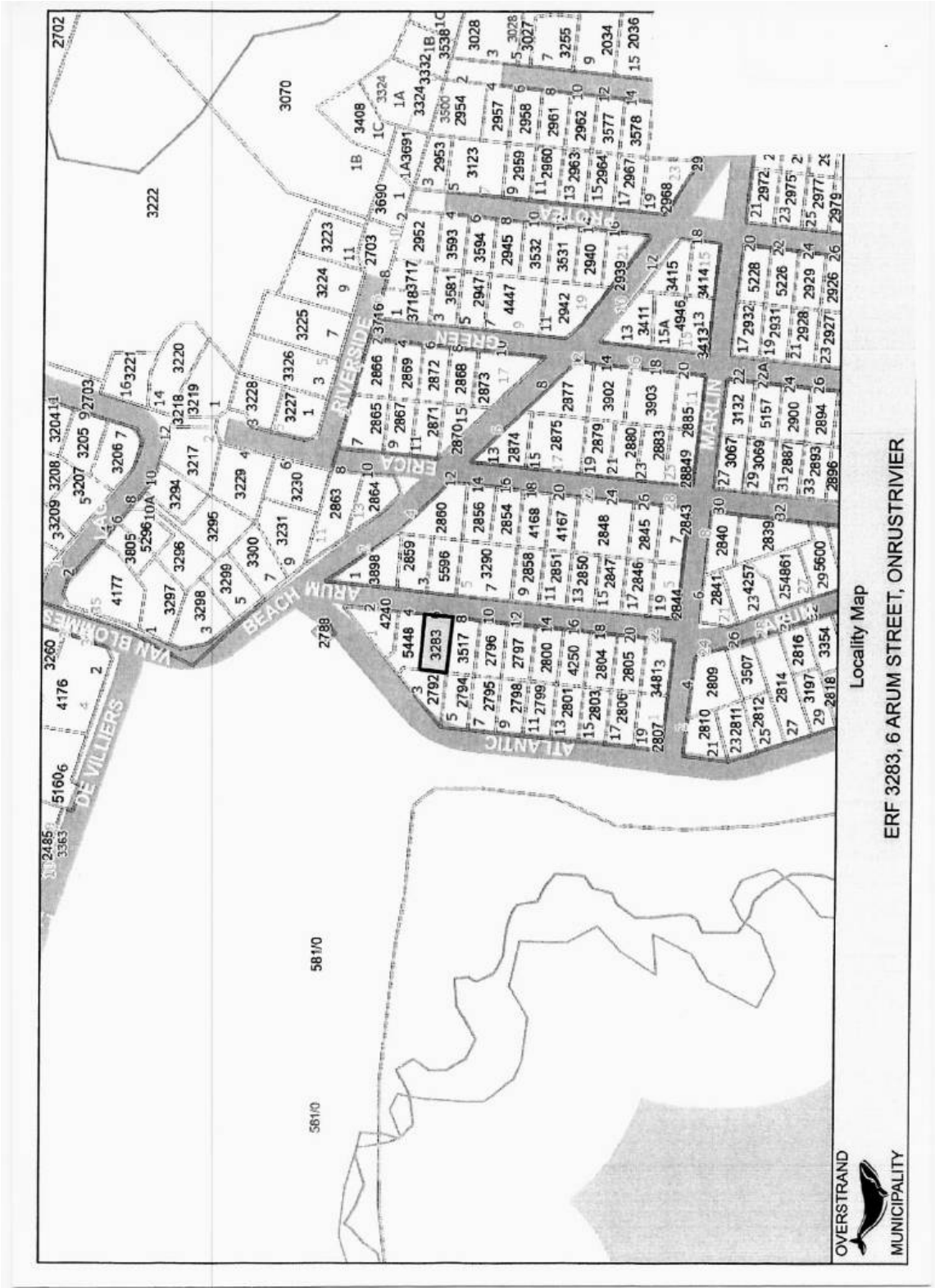
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3283, Onrustrivier for a departure to relax the lateral building line from 2m to 0,8m to accommodate a use change of a garage to a pool room that will be made inter-leading with the dwelling, **be approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
 - (a) that this approval is only for the departure of building lines and is not an approval in terms of any other legislation;
 - (b) that the approval for the departure is only for the development over for the building lines as indicated on plans numbers 2239/301 dated 17 July 2023 and 2239/302 dated 4 July 2023 respectively, 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;

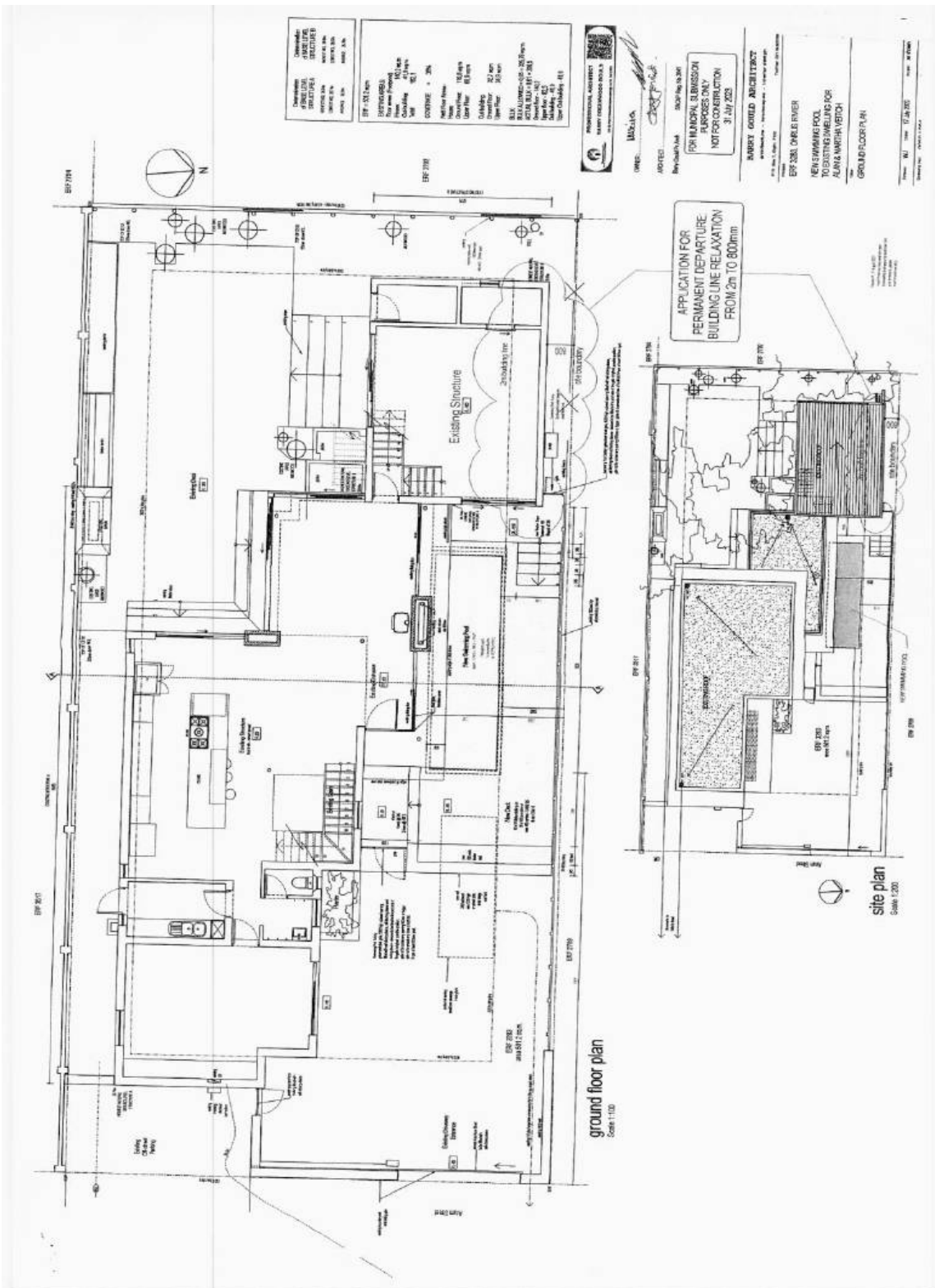
**AGENDA of the
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- (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (g) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of their right 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.
- ❖ No new municipal services will be needed.
- ❖ The proposed use change of the garage to a pool room will have no impact on neighbours or the character of the area as it is internal changes, and no windows are situated within the wall facing the directly adjacent neighbour.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 3283, ONRUS RIVER (4499/2023)**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
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**7. ERF 1496, LYNX ROAD, VERMONT, OVERSTRAND MUNICIPAL AREA:
PROPOSED SUBDIVISION AND EXEMPTION OF SUBDIVISION (RIGHT OF
WAY SERVITUDE): WRAP PROJECT OFFICE ON BEHALF OF WT
SCHMIDT & J SCHMIDT**

1496 HVM (4424/2023)

H Olivier

(028) 313 8900

Hermanus Administration

12 April 2024

EXECUTIVE SUMMARY

An application has been received on 28 June 2023 from WRAP Project Office on behalf of WT Schmidt & J Schmidt in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the following:

- ❖ **subdivision** in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 1496, Vermont into a Portion A ($\pm 10000\text{m}^2$) and a Remainder ($\pm 3086\text{m}^2$).
- ❖ **exemption** of subdivision in terms of Section 26(1)(h)(v) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to register a right-of-way servitude over proposed portion A in favour of the Remainder.

RESOLUTION

1. that the subdivision in terms of Section 16.(2)(d) of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 1496, Vermont into two (2) portions, namely Portion A ($\pm 10000\text{m}^2$) and Portion B ($\pm 3086\text{m}^2$), **be approved** in terms the provisions of Section 61 of the By-law;
2. that the application in terms of Section 26.(1)(h)(v) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the exemption of subdivision to register a right-of-way servitude over Portion A in favour of the Remainder, **be approved**, in terms of the provisions of Section 61,
3. that the above approvals in Points 1. and 2. be subject to the following conditions:
 - (a) that this approval is only for the subdivision as indicated on the Plan dated 27 February 2023, submitted with the application;

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

REASONS FOR RESOLUTION

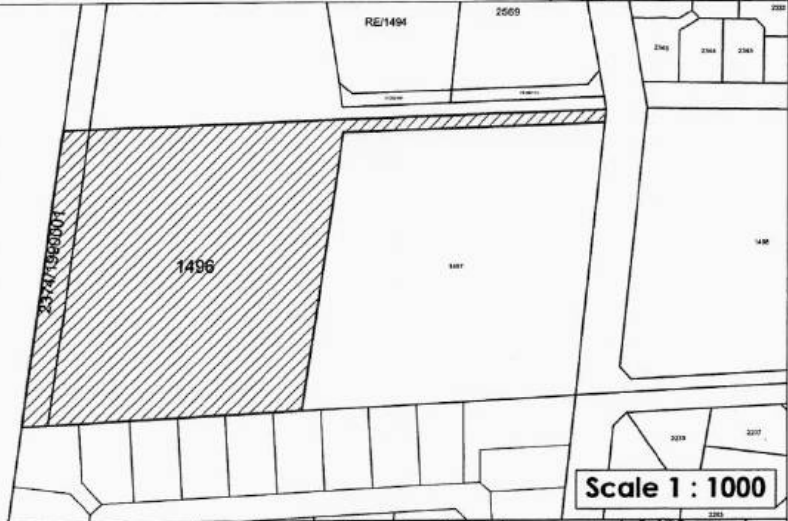
- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ The proposed subdivision is in line with Policy Plans and the densification guidelines.
- ❖ The size of the two (2) new erven is compatible with the sizes of surrounding erven.
- ❖ All relevant state and municipal departments support the application.
- ❖ No objections were received.
- ❖ No negative impact on the character of the area or surrounding property owners and is desirable.

1. Locality Plan Erf 1496 - Vermont



Subject property

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





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION & EXEMPTION OF SUBDIVISION (RIGHT OF
WAY SERVITUDE): ERF 1496, VERMONT (4424/2023)**

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 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	=	<u>R 1 668.44</u>
TOTAL (inclusive of VAT)		=	R 65 846.14

Note that the above figures:

- Are estimates.**
- Do not include investigation and connection fees.**
- Are subject to annual tariff adjustments.**

2. that any part of the existing water and sewer services on Erf 1496 that crosses the common boundary of Portion A and the Remainder of Erf 1496 shall be disconnected and sealed off;
3. that the Remainder and Portion A of Erf 1496 must be serviced with individual and separate water connections, which must comply with the standards of the Department: Operational Services;
4. That the existing, conventional sewer conservancy tank on Erf 1496 be upgraded to a smallbore sewer tank.
5. that the proposed Portion A and Remainder of Erf 1496 must each be serviced with individual and separate smallbore sewer 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;
6. That both smallbore sewer tanks on Remainder and Portion A of Erf 1496 be connected to the existing municipal system, as directed by the Department: Operational Services.
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 servitudes for municipal services be registered at the developer's cost in respect of all existing municipal services concerned crossing private property;
9. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
10. that any additional and / or extended vehicle entrances will be for the owner's account;
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.


DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES


DATE

**AGENDA of the
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7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

8. ERF 415, 12 DU TOIT STREET, STANFORD: APPLICATION FOR REZONING AND DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF RC CHALMERS

415 Stanford (4479/2023)

P Roux

(028) 313 8900

Hermanus Administration

22 April 2024

EXECUTIVE SUMMARY

An application has been received on 12 September 2023 from Messrs WRAP Project Office on behalf of RC Chalmers on Erf 415, Stanford in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Rezoning** in terms of Section 16(2)(a) of the By-Law from Business Zone 3: Local Business (B3) to Single Residential Zone 1 (SR1), to utilize the property for residential purposes.
- ❖ **Departure** in terms of Section 16(2)(b) in order to:
 - relax the western lateral building line from 2m to 0.6m, to accommodate the existing outbuilding;
 - relax the eastern lateral building line from 2m to 1.7m, to accommodate the change of use from restaurant to dwelling unit; and
 - relax the street building line from 4m to 1m, to accommodate the existing outbuilding and change of use from restaurant to dwelling unit.

RESOLUTION

1. that the comments received be noted;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Erf 415, Stanford to rezone the said property from Business Zone 3: Local Business (B3) to Single Residential Zone 1 (SR1), to utilize the property for residential purposes, **be approved** in terms of the provisions of Section 61;

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(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

3. that the application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 415, Stanford for a departure in order to:
 - relax the western lateral building line from 2m to 0.6m, to accommodate the existing outbuilding;
 - relax the eastern lateral building line from 2m to 1.7m, to accommodate the change of use from restaurant to dwelling unit; and
 - relax the street building line from 4m to 1m, to accommodate the existing outbuilding and change of use from restaurant to dwelling unit,

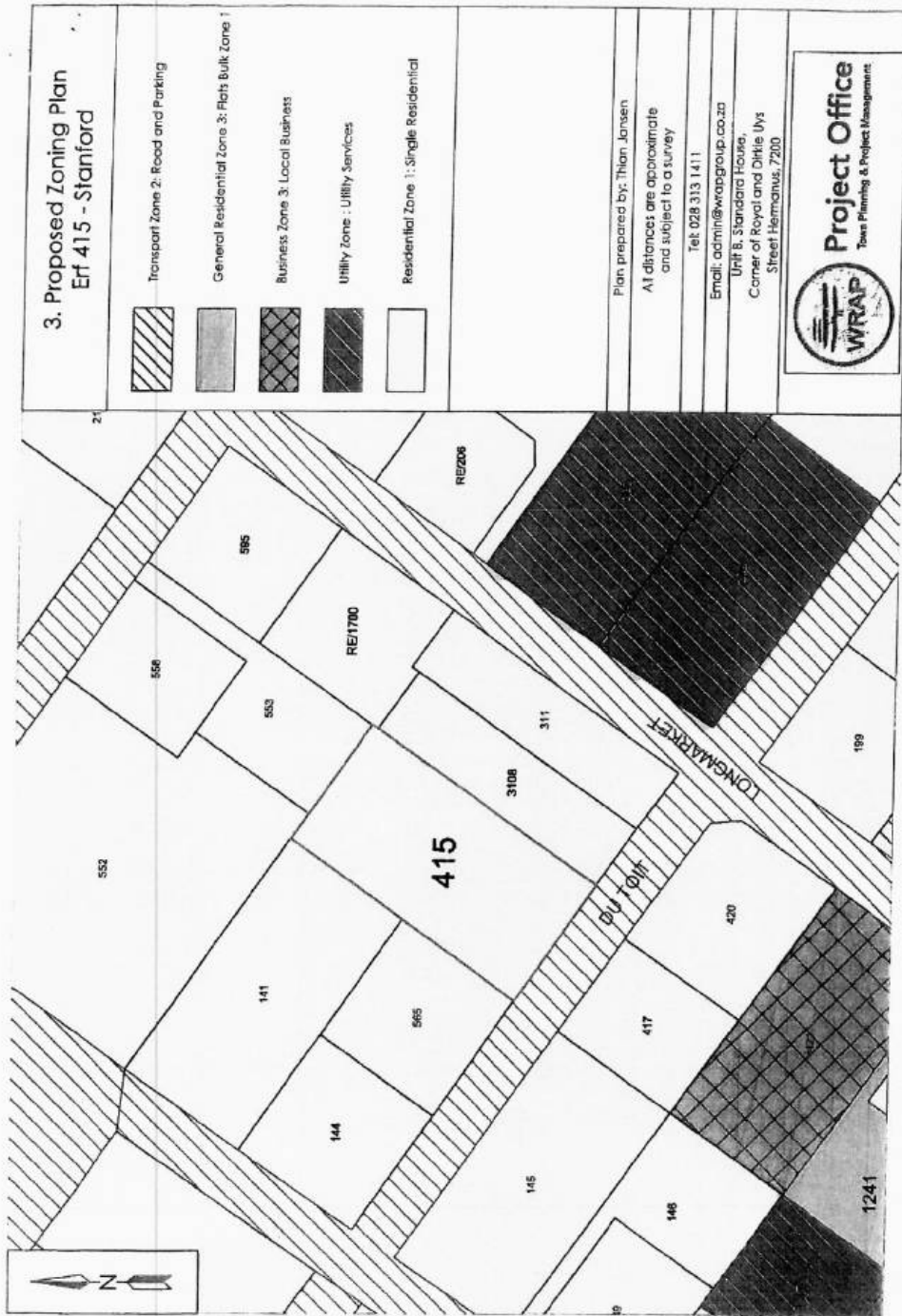
be approved in terms of the provisions of Section 61;
4. that the approvals in Paragraphs 1 and 2 above be subject to the following conditions:
 - (a) that the departure approval only pertain to the proposed Site Development Plan No 5, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (c) that the conditions in the Services Report, be adhered to;
 - (d) that this approval does not absolve the landowner from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
5. that the applicant and persons who commented, within the prescribed timeframe, be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approval.

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REASON FOR THE RESOLUTION

- ❖ Only the internal uses of the restaurant will change, the outward façade of the existing structure will remain the same.
- ❖ The main building was historically approved as a dwelling house and will now revert back to a dwelling house which is in line with the use character of the area.
- ❖ The commercial area as per the Growth Management Strategy is in Queen Victoria Street, and therefore the current use is out of line with the development trends. The proposed rezoning will be more in line with the trends and characteristics of the residential area.
- ❖ No additional structures will be constructed over the building lines and the existing structures will be used in line with the residential zoning
- ❖ The application has followed due procedure.
- ❖ No objections were received from the public.
- ❖ It is in line with policy documents.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING & DEPARTURE, ERF 415, STANFORD**

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

Conditions:

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


 DENNIS HENDRIKS
 SENIOR MANAGER:
 ENGINEERING SERVICES


 DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

9. REMAINDER OF ERF 2354, 42 KRIGE STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE ON BEHALF OF THE TRUSTEES FOR THE TIME BEING OF AD DU PLESSIS FAMILY TRUST

2354 HON (4520/2023)

H Olivier

(028) 313 8900

Hermanus Administration

8 April 2024

EXECUTIVE SUMMARY

An application was received on 10 November 2023 from Engelbrecht and Scorgie Architectural Office on behalf of The Trustees for the time being of AD du Plessis Family Trust on Erf 2354, Onrustrivier in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to relax the eastern building line from 2m to 1.4m to accommodate alterations and extensions to the existing dwelling on both ground floor and first floor levels.

RESOLUTION

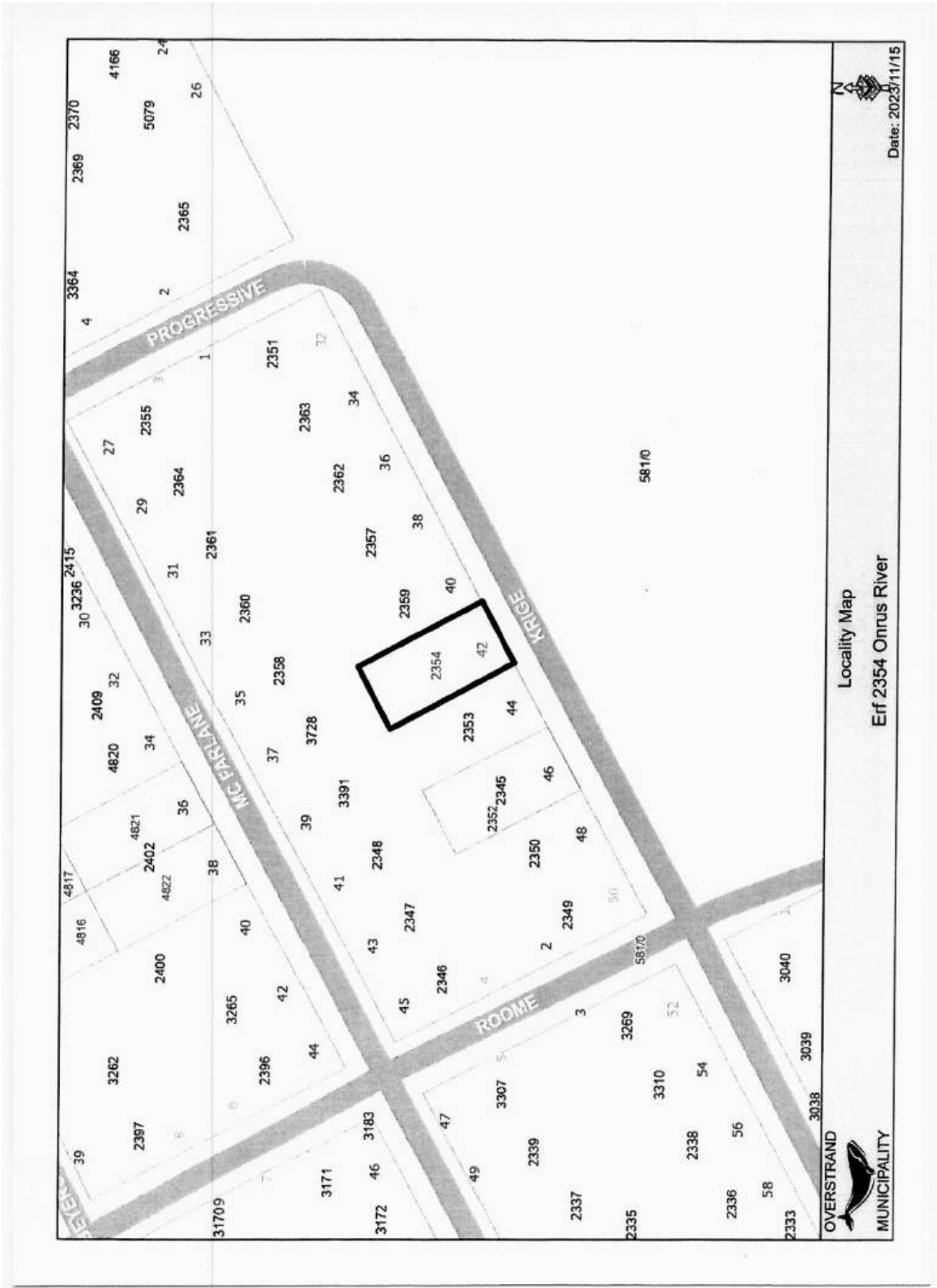
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Remainder of Erf 2354, Onrustrivier for a departure to relax the lateral building line from 2m to 1,4m to accommodate alterations and extensions to the existing dwelling on both ground floor and first floor levels, **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 J1238, A1-01 to A1-05 dated 19 July 2023, submitted with the application;
 - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (d) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;

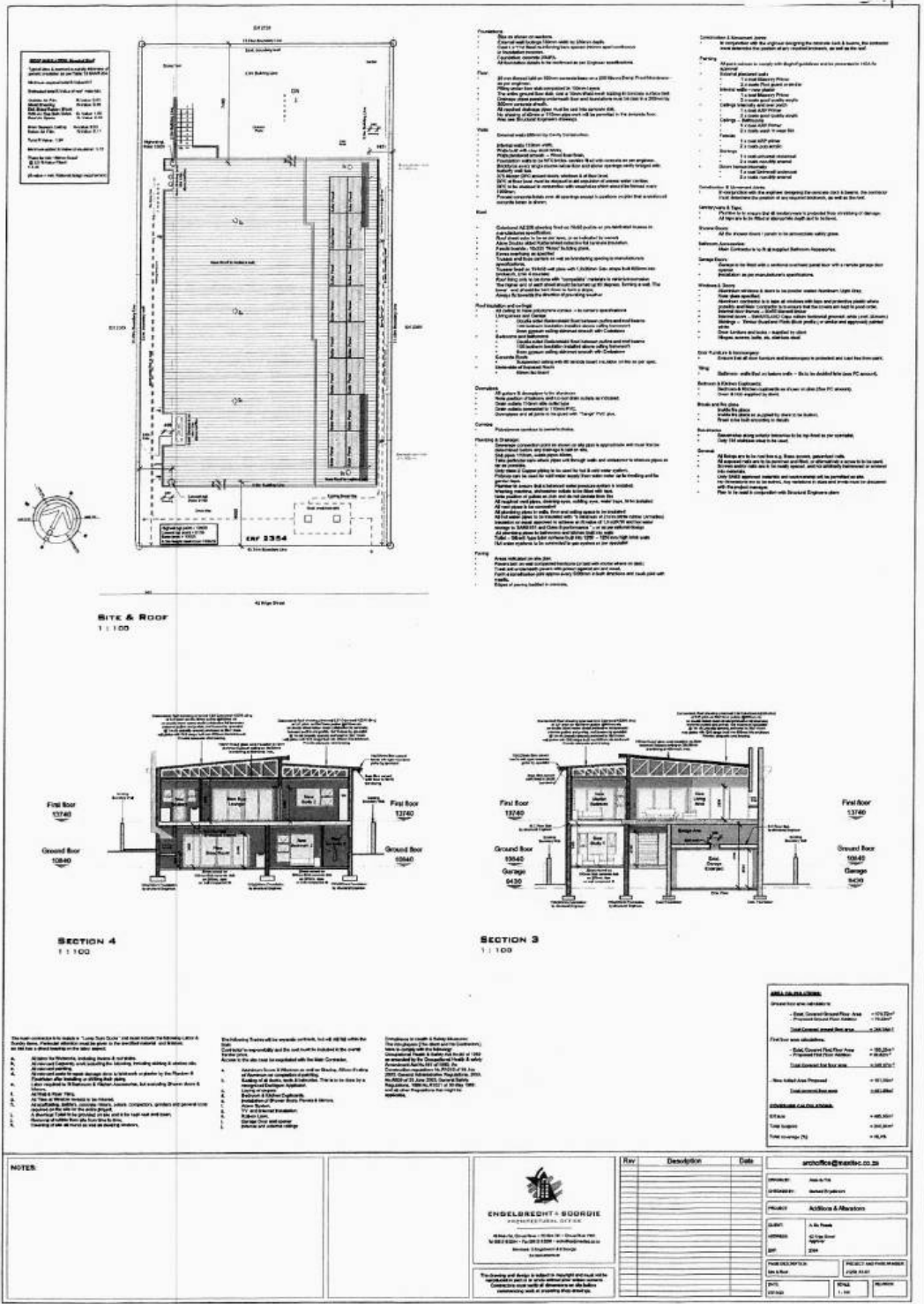
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- (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Land Scheme be complied with;
 - (g) that all the conditions in the Services Report, be complied with; and
 - (h) that all the conditions by Telkom 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.
- ❖ No new municipal services will be needed.
- ❖ The proposed extensions and alterations are in line with the existing double storey building and no views of surrounding property owners will be impacted.
- ❖ 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.

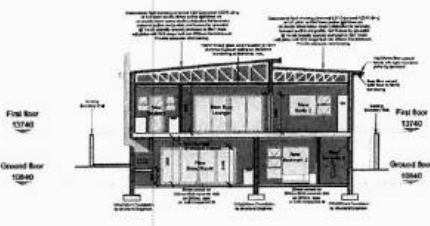




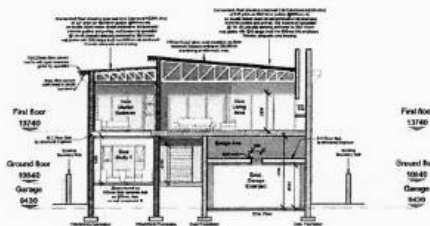
NOTES

1. All work shall be in accordance with the Ontario Building Code (OBC) and the National Building Code of Canada (NBC).
2. All materials shall be of good quality and shall be approved by the Engineer.
3. All work shall be completed in accordance with the approved drawings.
4. The Contractor shall be responsible for obtaining all necessary permits and approvals.
5. The Contractor shall maintain access to all adjacent properties at all times.
6. The Contractor shall be responsible for the safety of all workers and the public.
7. The Contractor shall be responsible for the protection of all existing utilities.
8. The Contractor shall be responsible for the disposal of all waste materials.
9. The Contractor shall be responsible for the cleanup of the site.
10. The Contractor shall be responsible for the completion of the project within the approved schedule.

SITE & ROOF
1 : 100



SECTION 4
1 : 100



SECTION 3
1 : 100

AREAS UNDER CONSIDERATION

Area	Description	Area (sq. ft.)
1	First Floor	1,100.00
2	Second Floor	1,100.00
3	Garage	1,100.00
4	Roof	1,100.00
5	Basement	1,100.00
6	Site	1,100.00
7	Other	1,100.00
8	Subtotal	6,600.00
9	Grand Total	6,600.00

NOTES

ENGELBRECHT & SOODIE
PROFESSIONAL ENGINEERS

1000 St. George Street, Suite 1000, Toronto, Ontario M5E 1A5
Tel: (416) 593-8888
Fax: (416) 593-8889
www.engelbrecht-soodie.com

Rev	Description	Date
1	Issue for Review	2024-10-27
2	Issue for Construction	2024-11-15

arch@eng-soodie.com

PROJECT NO. 24-001

DATE: 2024-10-27

SCALE: 1:100


SHEET NO. 52 OF 52

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: REMAINDER OF ERF 2354, ONRUS RIVER
(4520/2023)**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

**10.ERF 11018, 5 CHURCH STREET, WESTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR THE AMENDMENT OF A
CONDITION OF APPROVAL AND THE AMENDMENT OF THE APPROVED
SITE DEVELOPMENT PLAN: MESSRS PJ LE ROUX TOWN PLANNERS ON
BEHALF OF LOXITRIM PTY LTD**

11018 HWC (4426/2023)

H Boshoff

(028) 313 8900

Hermanus Administration

22 April 2024

EXECUTIVE SUMMARY

An application, applicable to Erf 11018, Hermanus has been received on 6 October 2023 from Messrs PJ Le Roux Town Planners on behalf of Loxitrim (Pty) Ltd for the following:

- ❖ **amendment of the approved site development plan** in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), to reduce the number of approved townhouses for the development of Erf 11018, Hermanus from thirteen (13) townhouses to seven (7) townhouses; and the
- ❖ **amendment of a condition of approval** in terms of Section 16(2)(h) of the By-Law to accommodate the amended of the site development plan.

RESOLUTION

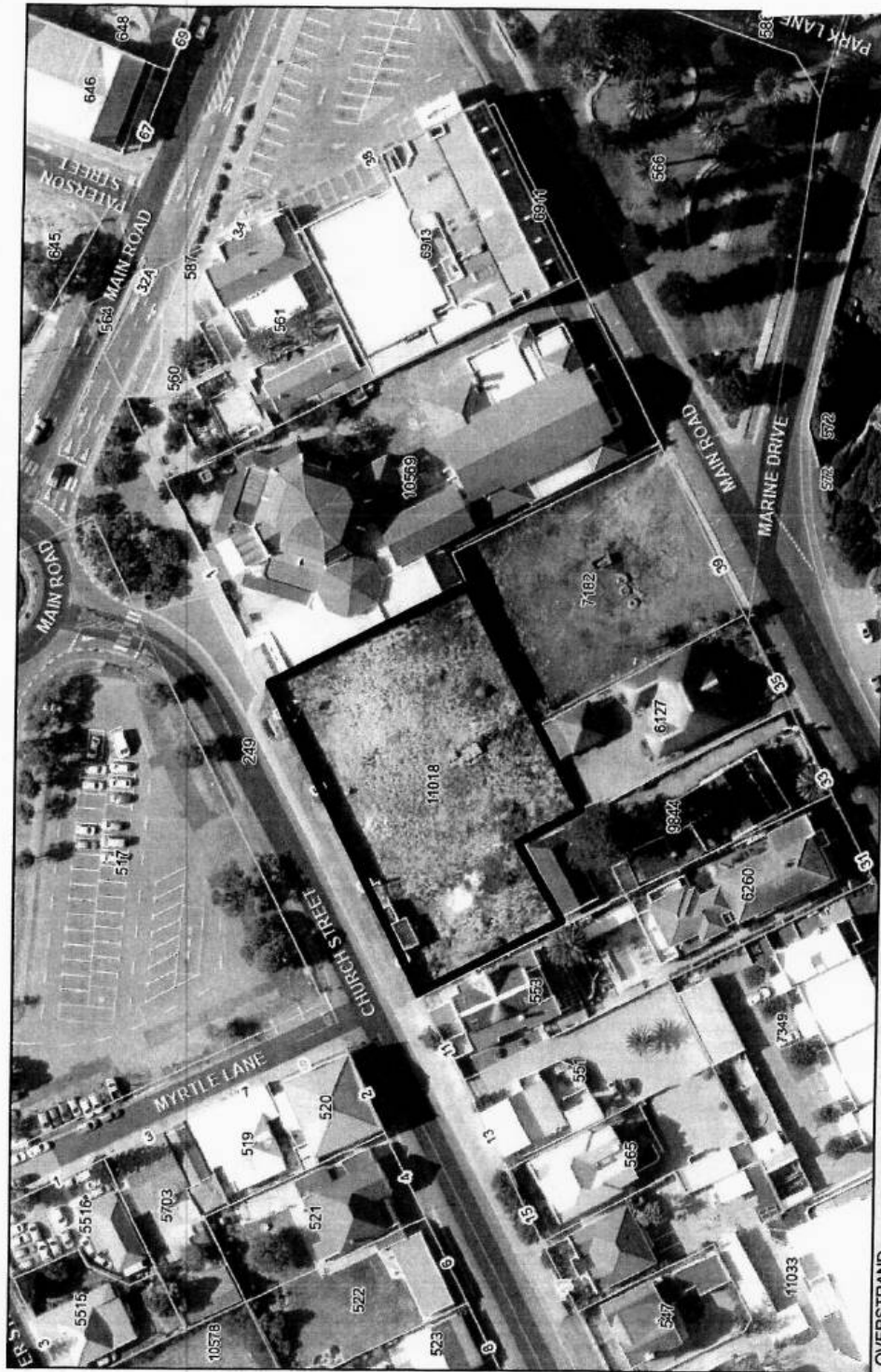
1. that the application in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 11018, Hermanus for the amendmend of condition 2.(a) as per approval dated 18 February 2021 to accommodate the amendmend of the approved site development plan by reducing the number of approved townhouses for the development of the property from thirteen (13) townhouses to seven (7) townhouses, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(l) of the By-law applicable to Erf 11018, Hermanus for the amendment of the approved Site Development Plans 19-063 dated 2019-07-08 by replacing it with Site Development Plans HERMSDP7/3-5 dated 2023:05:05, and 11018_OH / 01 of o1 / 0 dated 2023-06-21, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the above approvals be subject to the following conditions:
 - (a) that the height of all the buildings be restricitied to a maximum height of 8,0m;

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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 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.
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditional approvals.

REASONS FOR RESOLUTION

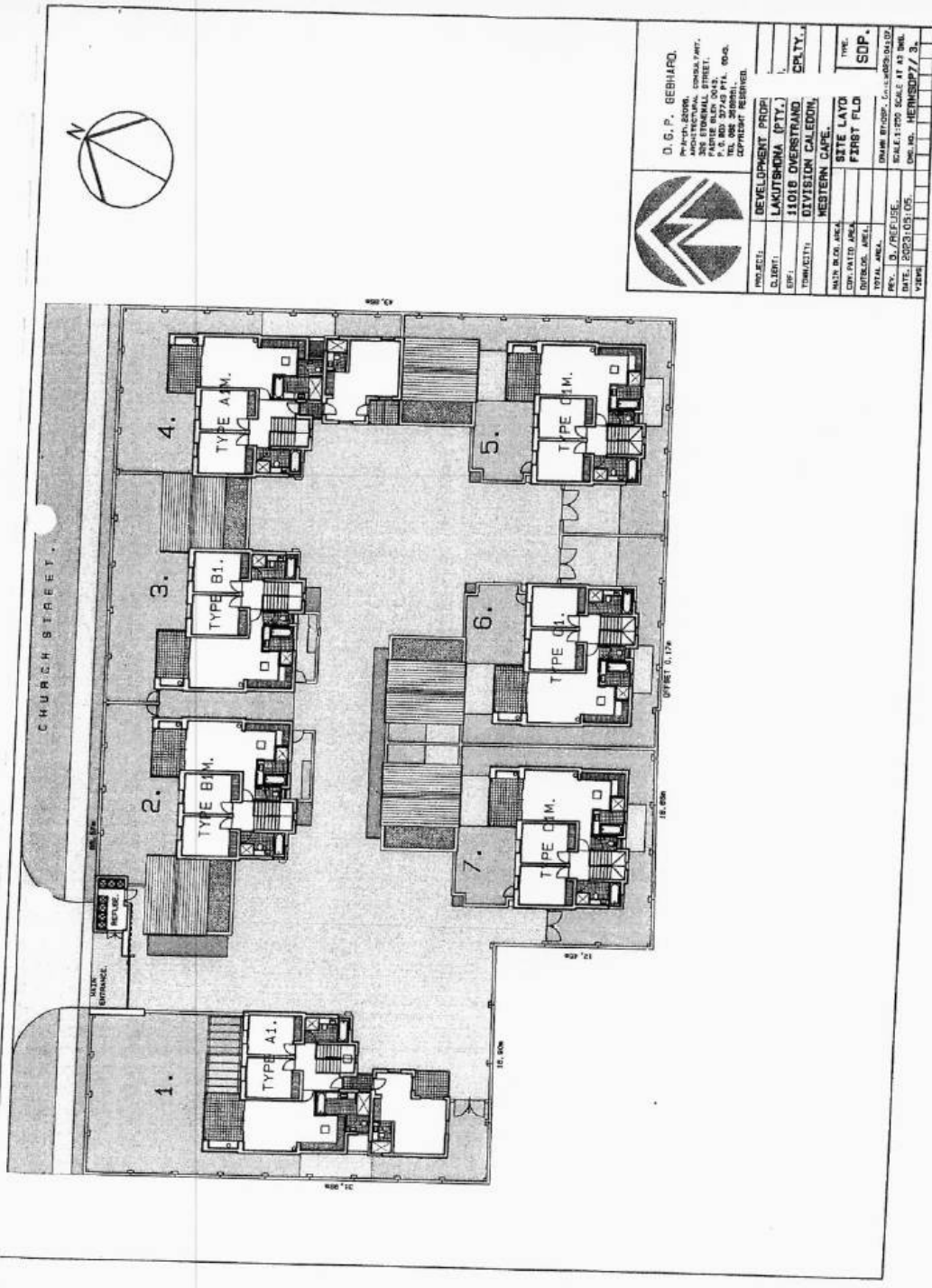
- The proposed development is substantially scaled down, which will have a lesser impact on adjacent land uses.
- No internal or external objections were received.
- The application is in line with the surrounding mixed land uses.
- The applicant did not apply to exceed the height restriction applicable to townhouses from 8m to 8.5m and therefore the 8m height restriction must be retained.



OVERSTRAND
MUNICIPALITY

LOCALITY PLAN: ERF 11018, HERMANUS

Date: 2024/05/14



COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF APPROVED SITE DEVELOPMENT PLAN
& CONDITIONS OF APPROVAL: ERF 11018, WESTCLIFF (4426/2023)

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

Conditions:

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

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

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

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

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

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

Flats up to 2 bedrooms:

Water	R 27 598.16 x 7.20	= R 198 706.75
Sewerage	R 18 608.30 x 7.20	= R 133 979.76
Roads	R 8 344.32 x 12.00	= R 100 131.84
Solid Waste	R 1 668.44 x 12.00	= R 20 021.28
Electricity	R 37 025.00 x 12.00	= R 444 300.00
TOTAL (inclusive of VAT)		= R 897 139.63

Note:

- 1.1 The above figures are estimates and exclude evaluation/ investigation fees and service connection fees.
- 1.2 That Overstrand Municipality's Electrical Department shall be contacted regarding the bulk electricity cost.

2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
 - 2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided:
 - 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
 - 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property;
 - 4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;
 - 4.2 the developer to submit an acceptable public liability insurance policy to the Council and to pay the premium in advance for the period as set out above before any work concerned may commence;
 - 4.3 the insurance to be to an amount which shall not be less than that required by the SAACE;
 - 4.4 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;
5. that a plan of all existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
 - 5.1 way-leaves must be obtained from the Operational Manager;

- 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
- 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
- 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
- 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
9. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
11. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE and which insurance shall be valid for the relevant contract and maintenance period;
12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for works of Civil Engineering Construction – 2010, of 12 months, and

13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
14. that the Home Owners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;
15. that the developer provide bulk water meters at approved positions as well as individual meters at each consumption point;
16. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be proved with the following:
 - a. properly ventilated;
 - b. a cement floor;
 - c. a tap and running water, as well as a drainage point which is connected to the sewer network;
 - d. at a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
17. that the refuse collection area be constructed in accordance with the requirements of the Municipality;
18. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
19. that the above stormwater management plan include the following:
 - 19.1. pre-development run-off from the catchment area;
 - 19.2. post-development run-off from catchment area;
 - 19.3. existing stormwater reticulation system and the capacity thereof;
 - 19.4. connection of internal stormwater reticulation system;
 - 19.5. overland escape routes;
20. that the connection to the stormwater reticulation system be provided according to the stormwater management plan, by the developer at his cost and approved by Overstrand Municipality ;
21. that the developer apply for a temporary water connection on the prescribed application form at Overstrand Municipality's Finance Department, before commencement of construction;

22. that the developer apply for a bulk water connection on the prescribed application form, at Overstrand Municipality's Finance Department and that the installation of the bulk water meter, by the developer, be done under the supervision of the Operational Manager, Hermanus;
23. that the connection to the main water line will only be done by the Operational Department after payment of the connection fee, by the developer;
24. that the developer appoint a consulting electrical engineer to determine the electricity demand for the development and pay a fee to Overstrand Municipality to determine the capacity in the existing electricity network;
25. that any additional cost related to the upgrading of bulk civil services will be for the developer's account;
26. that no on-street parking will be allowed;
27. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer;
28. that the minimum access stacking space for the proposed development shall be 12,0 m (measured in front of the main access gate of proposed development).
29. that no access gate or part of any access gate shall be installed within public road reserves. Gates on a boundary must be completely on the private side thereof.

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

20/11/2023
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

11.ERF 356, 29 ARCADIA STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND RELAXATION OF A RESTRICTIVE TITLE DEED CONDITION: A CHAFEKER ON BEHALF OF RJ & LL BOER

356 GPB (4405/2023)

S van der Merwe

(028) 313 8900

Hermanus Administration

25 April 2024

EXECUTIVE SUMMARY

An application has been received on 01 June 2023 from A Chafeker on behalf of RJ and LL Boer on Erf 356, Pearly Beach 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 By-Law on Municipal Land Use Planning, 2020 to relax the northern- and western lateral building lines from 2,0m to 0m to accommodate a proposed double garage on the property.
- ❖ Application is also made in terms of the provisions of Clause B.4.(d) of Title Deed No. T9845/2022 to relax the northern- and western lateral title deed building lines from 1,57m to 0m to accommodate a proposed double garage on the property.

RESOLUTION

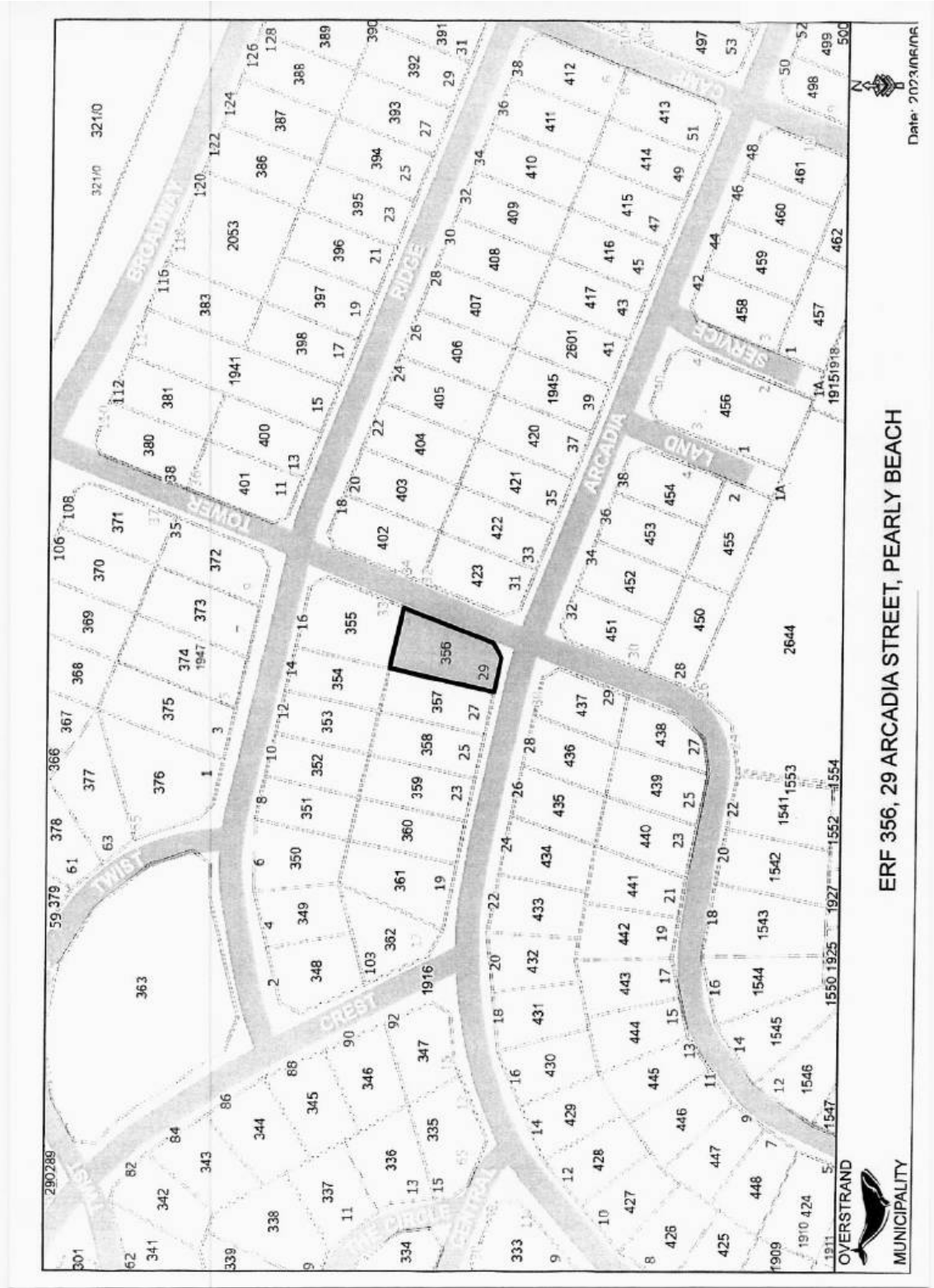
1. that the application in terms of the provisions of the title deed applicable to Erf 356, Pearly for the relaxation of restrictive title deed condition Clause B.4.(d) of Title Deed 9845/2022 to relax the northern- and western lateral title deed building lines from 1,57m to 0m to accommodate a proposed double garage, **be approved**;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 356, Pearly Beach for a departure to relax the northern- and western lateral building lines from 2,0m to 0m to accommodate a proposed double storey dwelling and detached double garage, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in paragraphs 1. and 2. above be subject to the following conditions:

**AGENDA of the
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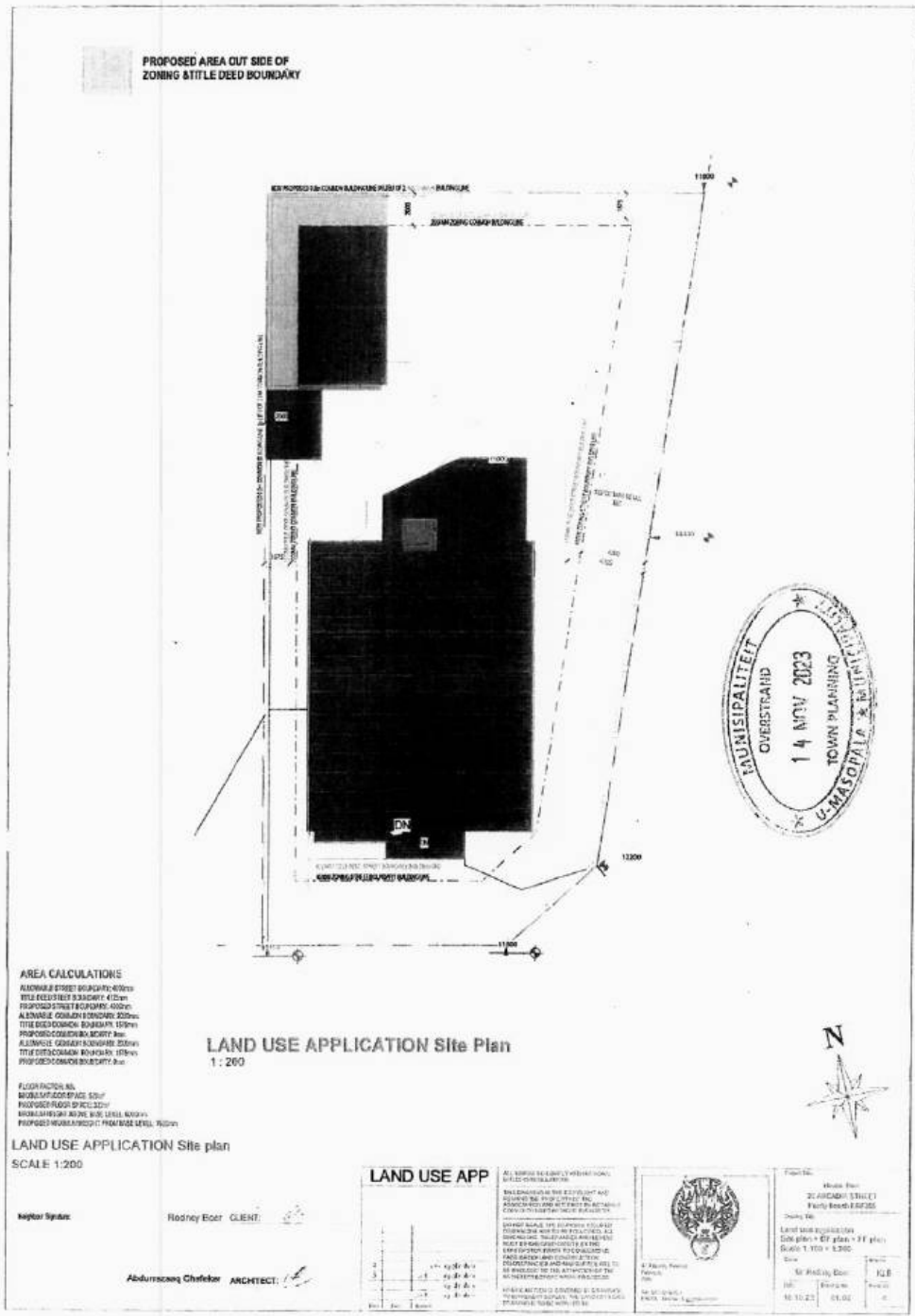
- (a) that this departure approval is only for the development as indicated on the site plan no. 01.02 dated 15 October 2023 as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department and Fire Department for approval, and that all conditions of the Building Control and Fire Department be complied with;
 - (c) that the garage (outbuilding) may only be used for the garaging of motor vehicles and storage purposes and not for habitation purposes;
 - (d) that all the conditions in the Services Report and Telkom, be complied with;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

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



ERF 356, 29 ARCADIA STREET, PEARLY BEACH



PROPOSED AREA OUT SIDE OF ZONING & TITLE DEED BOUNDARY

AREA CALCULATIONS
 ALLOWABLE FLOOR AREA: 4000m²
 PROPOSED FLOOR AREA: 4000m²
 ALLOWABLE COVERAGE: 200%
 TITLE DEED COVERAGE: 200%
 PROPOSED COVERAGE: 200%
 ALLOWABLE COVERAGE: 200%
 TITLE DEED COVERAGE: 200%
 PROPOSED COVERAGE: 200%

LAND USE APPLICATION Site Plan
 1 : 200

FLOOR FACTOR: 0.4
 MINIMUM FLOOR AREA: 400m²
 MINIMUM FLOOR AREA: 400m²
 PROPOSED FLOOR AREA: 4000m²
 PROPOSED FLOOR AREA: 4000m²

LAND USE APPLICATION Site plan
 SCALE 1:200

Author: Rodney Boer CLIENT:
 Architect: Abdurrazzaq Chafekar ARCHITECT:

LAND USE APP

1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4

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 THE INFORMATION CONTAINED HEREIN IS NOT INTENDED TO BE USED AS A BASIS FOR INVESTMENT DECISIONS.



Project: 21 JORDAN STREET
 Party Book: 123456789

Scale: 1:200
 Date: 14 NOV 2023

Author: Rodney Boer
 Date: 14 NOV 2023

Client: Abdurrazzaq Chafekar
 Date: 14 NOV 2023



COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & RELAXATION OF A RESTRICTIVE
TITLE DEED CONDITION: ERF 356, PEARLY BEACH

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 356 shall be used to service Erf 356;
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 356, Pearly Beach, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

05/04/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

12.ERF 524, 26 MEYER STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR THE RELAXATION OF THE TITLE DEED AND DEPARTURE: HJN DE KOCK

524 GFK (4567/2024)

**S van der Merwe
03 May 2024**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 23 January 2024 from HJN de Kock on Erf 524, Franskraal in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to relax the northern street building line from 4m to 2.2m and the western lateral building line from 2m to 0.150m to accommodate a proposed garage on the property.
- ❖ **Relaxation** in terms of the provisions of Clause B.4.(d) of Title Deed No. T20997/2004 to relax the northern street building line from 4.72m to 2m and the western lateral building line from 1.57m to 0.150m to accommodate a proposed garage on the property.

RESOLUTION

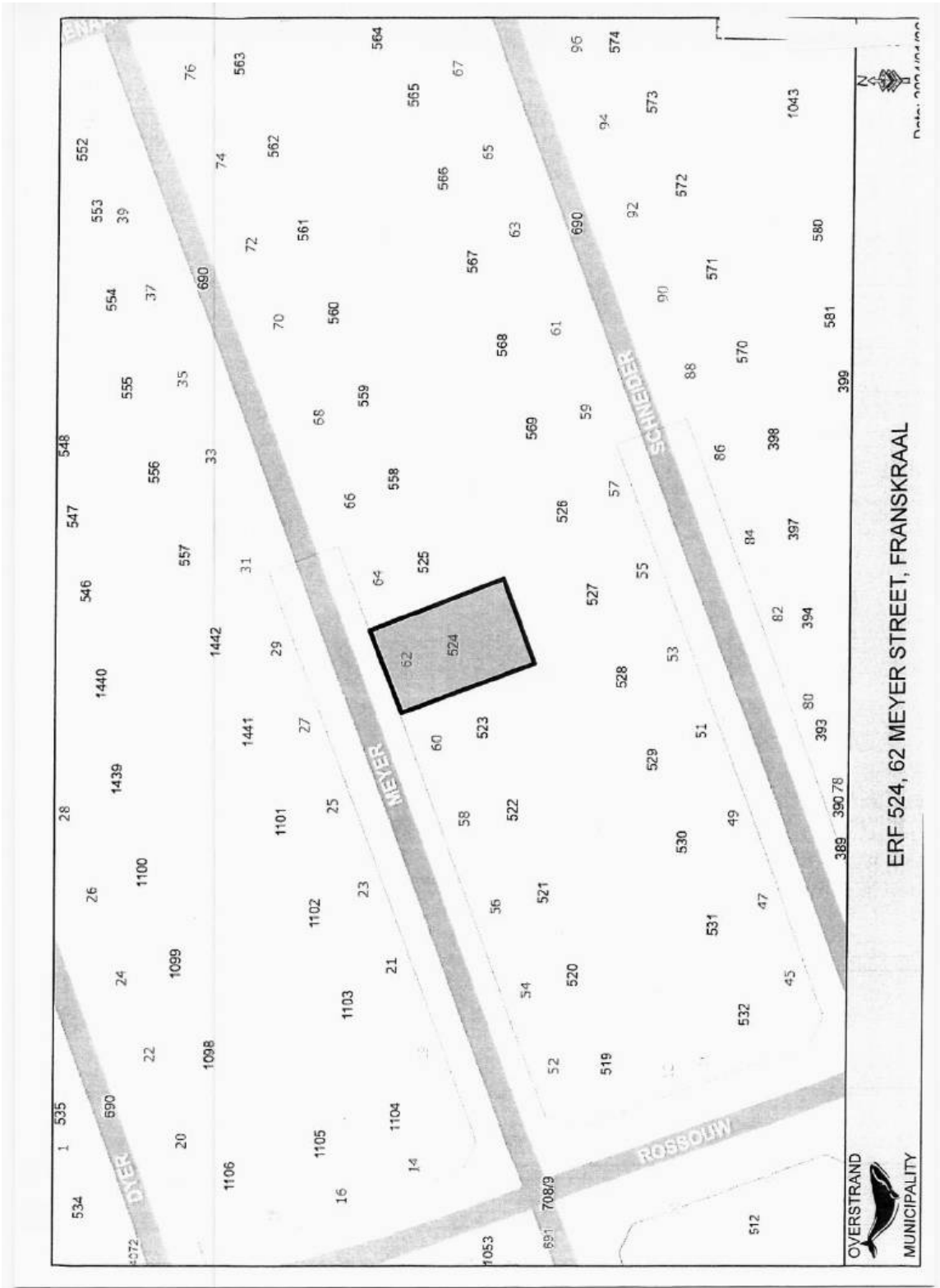
1. that the application in terms of the provisions of the title deed for relaxation of Clause B.4.(d) of Title Deed No. T20997/2004 applicable to Erf 524, Franskraal in order to relax the northern street building line from 4.72m to 2m and the western lateral building line from 1.57m to 0.150m to accommodate a detached garage, **be approved**;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 524, Franskraal for a departure in order to relax the northern street building line from 4m to 2.2m and the western lateral building line from 2m to 0.150m to accommodate a detached garage, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in Points 1 and 2 above be subject to the following conditions:

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

- (a) that this approval is only for the development as indicated on the site plan no. *JJ 01/24* dated *18 January 2024* as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department and Fire Department for approval, and that all conditions of the Building Control and Fire Department be complied with;
 - (c) that all the conditions imposed by Telkom and the Engineering Services Department, be complied with
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ Consent letters and signed plans received from affected neighbours.
- ❖ Will not jeopardize the character of area.
- ❖ Will not adversely affect vested rights of adjoining property owners.
- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ No additional services are required.



PAGE 01 OF 05

STEENWERK - MOTORHUIS
 Buitewerk beslaan met aëresiesoort tegels en
 kassei

DAKKONSTRUKSIE - MOTORHUIS
 IER - L.A. TPA - COLOURADO swaai 70 x 50 mm
 dakleëte 8 800mm x 8 op 228 x 38 mm dakbalkke
 @ 900mm s-s op leëte 228 x 50 mm dakbalkke met
 hekelsisteme en in nuur in gebou met ops om
 (leëte sri a-s)

DEURE
 Four deur met glas

GEUTE
 PVC geuite en afdekte Geuite op 225 x 12
 mm fassa board

ELEKTRIESEITEIT
 Alle elektriese werke deur maatsielist

OPPERVLAKTE
 Voldoening sertifikaat moet voorsien word

Best. Woning: 124,83 m²
 Best. Stoep: 88,06 m²
 Best. Stoep: 83,51 m²
 Nuwe Motorhuis: 54,40 m²

Totaal: 190,74 m²
 "Footprint": 187,23 m²

ERF
 595 m²

DEKING
 31,27 m²

SKAAL IN PLAN
 1:20, 1:50, 1:100, 1:200 TER NO - JJ 0124

ALGEMEEN
 Alle mase en hoogtes moet op terrein
 nagegaan word voor werk mag begin. Masele
 op plan geneet voorsien voor masele pakkasal
 van plan. Voorsien in alle gevalle min
 300mm toe grondleëte. Voorsienig moet
 onseker 100mm in buitewerke bouers
 omgee. 100mm toe leëte van
 muurdeksel. Alle dek. hies en in muur in
 gebou word moet met dek. hies b-
 gedeebte waar dit met die muur kontak maak.

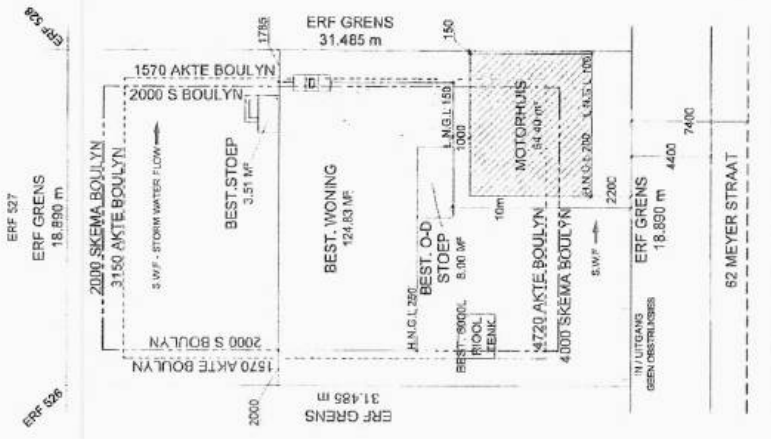
ALLE BOUWERK STRENG VOLGENS
NASIONALE, PROVINSIALE EN
PLAASLIKE BOUREGULASIES.
 JJ van der Nest
ARGITEKTONIESE DIENSTE
 P. R. ARCH-DRAUGHT
 SACAP REG: (D2730)

GETEKEN: JJ van der Nest
 JJ van der Nest

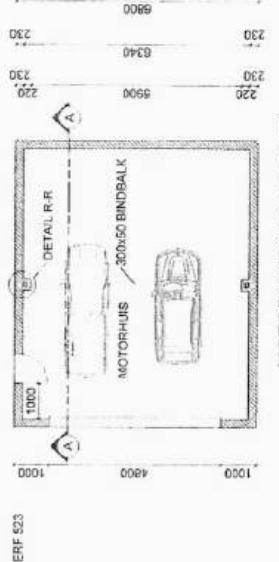
Bloesholster 2
 Kleinfontein 2230
 Tel: 082-466-8580

DATUM: 18.1.2021

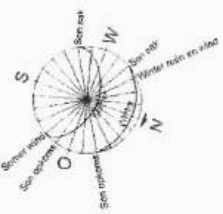
VOORGESTELDE NUWE MOTORHUIS VIR
 H.J. DE KOCK
 OP ERF NO 524, GELEËTE FRANSKRAAL



TERREIN PLAN
 SKAAL 1:200



MOTORHUIS VLOER PLAN
 SKAAL 1:100



Color Index

	Nuwe Steenwerk
	Nuwe Beton
	Nuwe Staal/Alster
	Nuwe Hout
	Nuwe Bestaande
	Bestaande Werk

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COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR RELAXATION OF THE TITLE DEED & DEPARTURE:
ERF 524, 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 524 shall be used to service Erf 524;
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 524, Franskraal, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

**13.ERF 127, 6 MOSSEL STREET, VAN DYKSBAAI (KLEINBAAI),
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR RELAXATION OF
RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: JE LE ROUX**

127 GKB (4488/2023)

S van der Merwe

(028) 313 8900

Hermanus Administration

16 April 2024

EXECUTIVE SUMMARY

An application has been received on 27 September 2023 from JPJ Le Roux on Erf 127, Van Dyksbaai for the following:

- ❖ **Departure and relaxation of a restrictive title deed condition** in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 (By-Law) and Clause C.(g) as contained in Title Deed T19795/2023 to relax the following:
 - the northern street building line from 4m to 3.96m and the title deed building line from 5m to 3.96m, to accommodate the existing garage;
 - the southern rear building line from 2m to 1.62m and the title deed building line from 3m to 1.62m, to legalize the existing dwelling; and
 - the eastern building line from 2m to 1.06m and the title deed building line from 1.5m to 1.06m, to accommodate the existing garage and dwelling unit.

- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the above-mentioned By-Law to accommodate the existing structures.

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

RESOLUTION

1. that the application in terms of the provisions of the title deed, the relaxation of restrictive title deed condition Clause C.(g) of Title Deed No. T19795/2023 applicable to Erf 127, van Dyksbaai:

- relax the northern street building line from 5m to 3.96m, to accommodate the existing garage;
- relax the southern rear building line from 3m to 1.62m, to legalize the existing dwelling; and
- relax the eastern building line from 1.5m to 1.06m, to accommodate the existing garage and dwelling unit;

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

2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 127, Van Dyksbaai (Kleinbaai) for a departure in order to:

- relax the northern street building line from 4m to 3.96m, to accommodate the existing garage;
- relax the southern rear building line from 2m to 1.62m, to legalize the existing dwelling; and
- relax the eastern building line from 2m to 1.06m, to accommodate the existing garage and dwelling unit,

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

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

4. that the application for 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 (By-Law) for the unauthorised building which encroach the title deed and scheme building lines on the property, **not be exempt** from the payment of an administrative penalty;

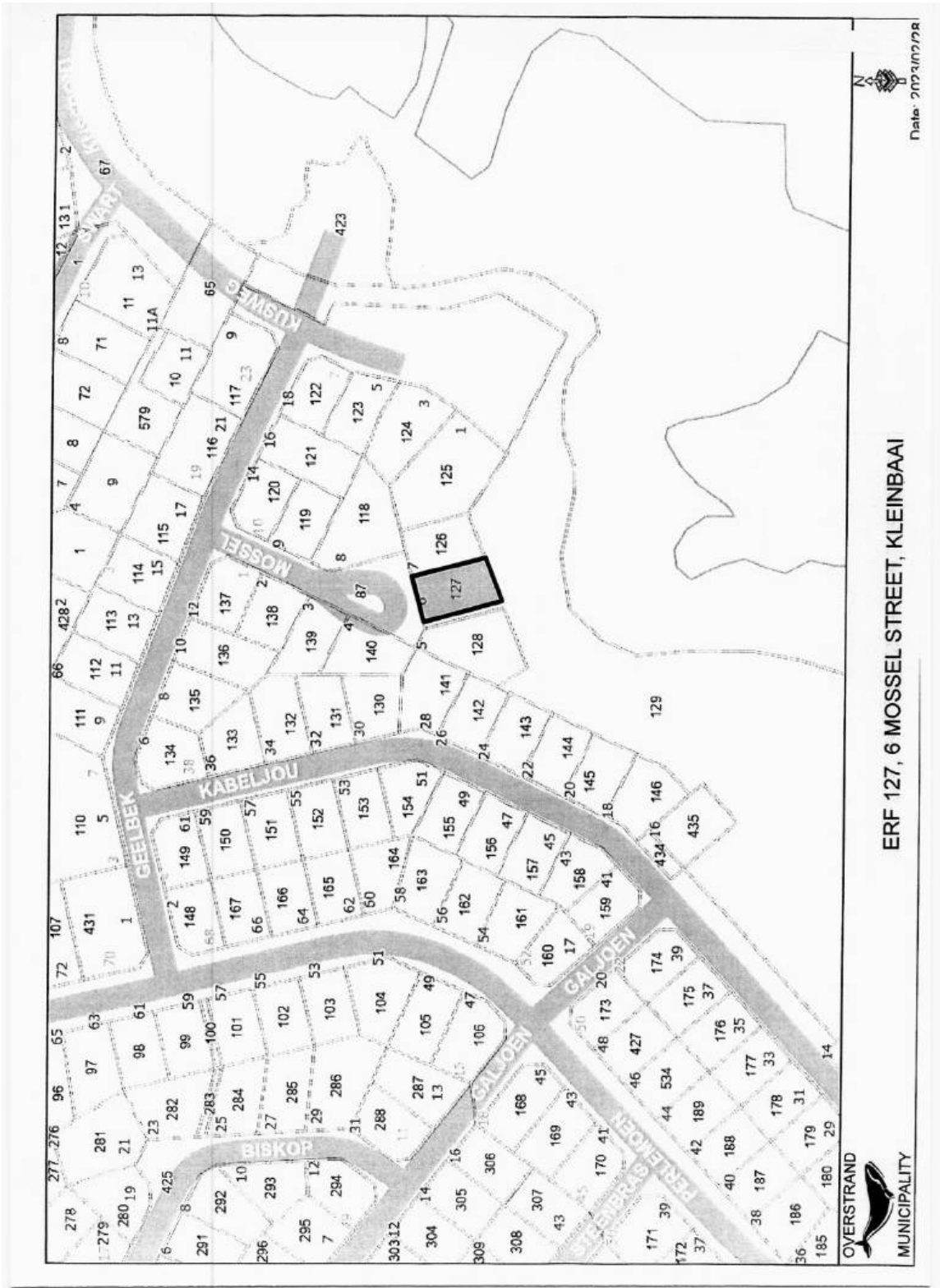
(a) that this approval is only for the departures indicated on the site plan *JJ 65/22* dated *2 December 2022* as submitted with the application;

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

- (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 an administrative penalty of **R 17 578,44** (VAT inclusive) (being 5% of the construction cost as determined by the municipality) be payable within sixty (60) days of the decision;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
5. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

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



ERF 127, 6 MOSSEEL STREET, KLEINBAAI



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE, RELAXATION OF A RESTRICTIVE
TITLE DEED CONDITION & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 127, VAN DYKSBAAI**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 127, Van Dyksbaai, unobstructed;
6. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

**14.ERF 3181, 34 TENTH AVENUE, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: MESSRS PLAN
ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF ON BEHALF
OF LJ ARNOT**

3181 HVK (4493/2023)

P Roux

(028) 313 8900

Hermanus Administration

15 April 2024

EXECUTIVE SUMMARY

An application was received on 06 October 2023 from Messrs PlanActive Town- and Regional Planners on behalf of the owner of Erf 3181, Voëlklip, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), for the following:

- **amendment of conditions of approval** in terms of Section 16(2)(h) of the By-Law; and
- **subdivision** in terms of Section 16(2)(d) of the By-Law, to subdivide Erf 3181, Hermanus, into (4) four equal sized portions, namely Portion A, Portion B, Portion C and Portion D.

RESOLUTION

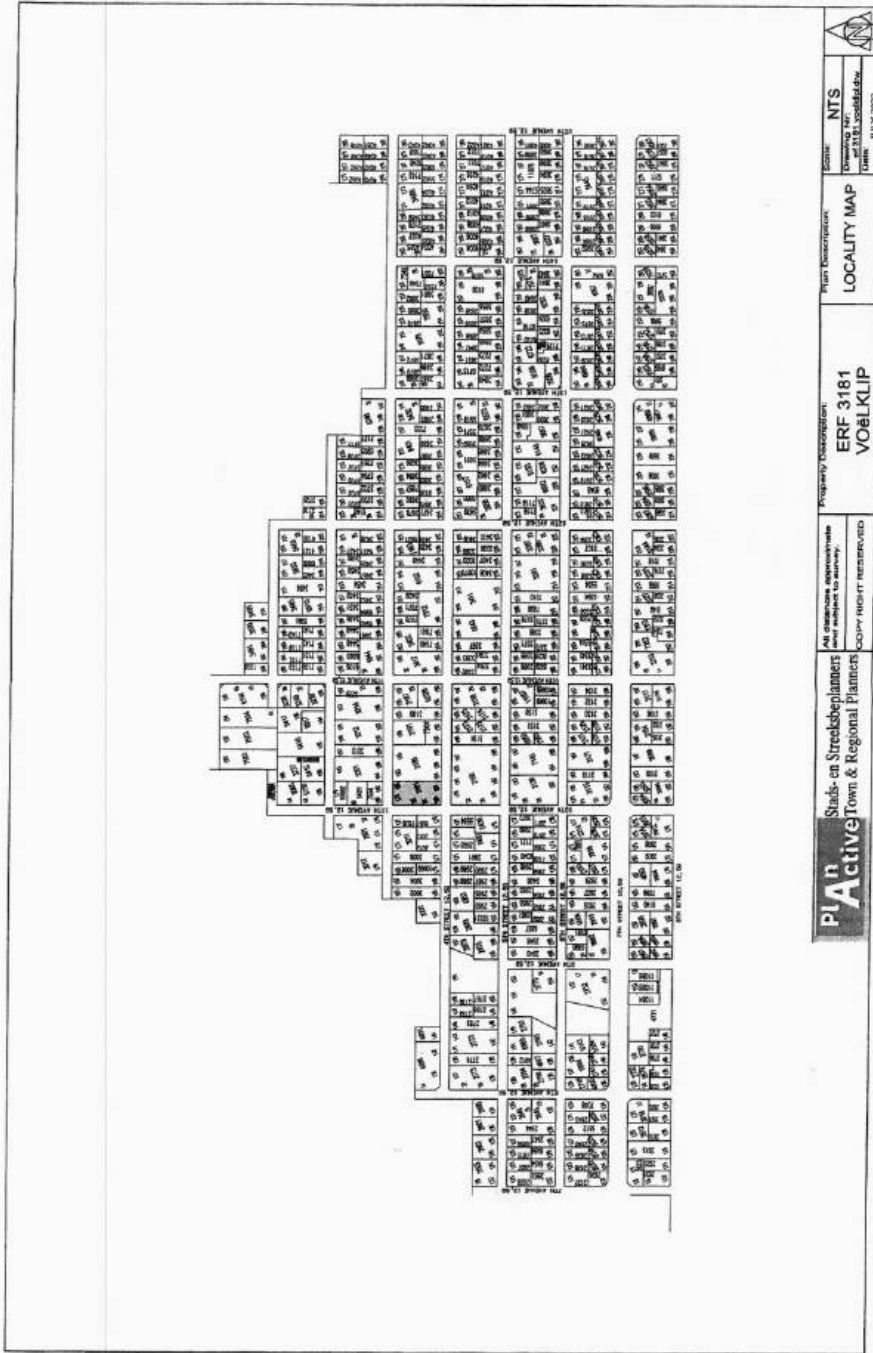
1. that the application for subdivision in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of Erf 3181, Voëlklip into four (4) portions namely, Portion A, B C and D, all measuring approximately 496m² in extent, **be approved** in terms of the provisions of Section 61;
2. that the application for the amendment of conditions of approval in terms of Section 16(2)(h) of the By-Law in order to allow the development of for four erven, **be approved** in terms of the provisions of Section 61, subject to the following conditions:
3. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:
 - (a) that the subdivision as indicated on subdivision plan for Erf 3181 as stipulated in the decision letter dated 26 June 2023 is amended and replaced with the subdivision as indicated on *Subdivision Plan erf3181hermanuss.drw dated July 2023* as per this approval;

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

- (b) that building plans be submitted for any new work done and that the building department and fire department's comment be complied with at that stage;
 - (c) that the additional properties only be utilized for residential purposes;
 - (d) that the comment from Property Administration be noted;
 - (e) that the conditions in the Services Report, be complied with;
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASON FOR THE RESOLUTION

- ❖ The application has followed due procedure and was motivated correctly.
- ❖ None of the relevant departments have any objection.
- ❖ The proposed subdivision in line with the applicable municipal and provincial planning policy and will make more efficient use of brownfield land within the urban edge.
- ❖ The proposed application fits in with the character of the surrounding area and relates to the average property size in the residential/development unit.
- ❖ The proposed subdivision also relates to the original erf allotments as per the General Plan M.56a.



PIA n
 Strads-on Streetsplanners
 Town & Regional Planners

All drawings approved
 and subject to survey.
 © PYP HIGH-RI. RESERVED

Property Description:
ERF 3181
VOELKLIP

Plan Description:
LOCALITY MAP

Scale:
 NTS
 Drawing No.
 1011-001/01/02
 Date:
 JULY 2022

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF CONDITIONS OF APPROVAL &
SUBDIVISION: ERF 3181, VOELKLIP

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

Conditions:

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

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

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

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

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

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

Freehold erven:

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

Note:

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

2

2. that any part of the existing water and sewer services on Erf 3181 that crosses the common boundaries of Portion A, B, C and D shall be disconnected and sealed off;
3. that Portions A, B, C of Erf 3181 must be serviced with individual and separate water connections, which must comply with the standards of the Department: Operational Services;
4. that the proposed Portions A, B, C and D must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the individual erven must connect to;
5. that only a standard 60 Amp single phase electricity connection will be available per erf;
6. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
7. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
8. that any additional and / or extended vehicle entrances will be for the owner's account;
9. that stormwater be allowed to discharge through the proposed Erven, Voelklip, unobstructed.

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

13/03/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

**15.ERF 571, 10 KING STREET AND ERF 573, 10A KING STREET, STANFORD,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION:
MESSRS WRAP PROJECT OFFICE ON BEHALF OF CARTAMORA (PTY)
LTD**

571 & 573 STAN (4589/2024)

P Roux

(028) 313 8900

Hermanus Administration

2 May 2024

EXECUTIVE SUMMARY

An application was received on 23 February 2024 in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) from Messrs WRAP Project Office on behalf of Cartamora (PTY) LTD of Erven 571 and 573, Stanford for the consolidation of the erven to create one erf of approximately ±2692m² in extent.

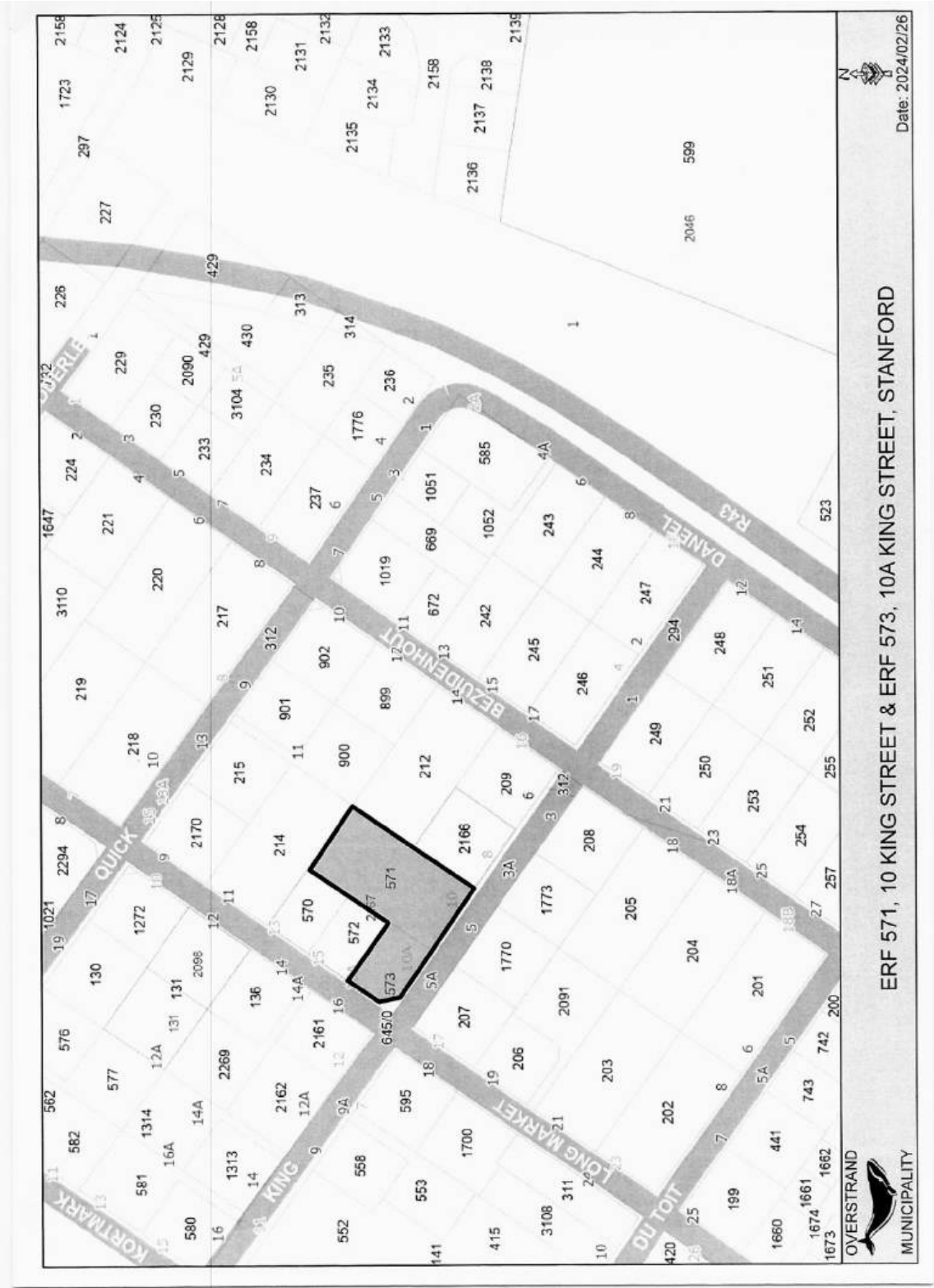
RESOLUTION

1. that the application for consolidation in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 571 and 573, Stanford, to consolidate the subject properties to create an erf of approximately 2692m² in extent, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the consolidation as indicated on drawing number 19/108(001) dated 26/10/2023;
 - (b) that building plans be submitted for any new work done and that the Building Department and Fire Department's comments be complied with at that stage;
 - (c) that the conditions in the Services Report, be complied with;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The proposal is considered to be in line with the character of the area.
- ❖ No objections from internal departments or surrounding property owners.



ERF 571, 10 KING STREET & ERF 573, 10A KING STREET, STANFORD



Date: 2024/02/26

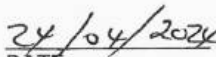
**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION: ERF 571 & ERF 573, STANFORD**

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

Conditions:

1. that, should water- and sewer services be required to the development, a new water connection be applied for to service the consolidated erf (Erf 571 & Erf 573) as per standards and requirements of the Department: Operational Services.
2. that only one standard water connection and meter will be available to the consolidated erf.
3. that the proposed development on the consolidated erf (Erf 571 & Erf 573) is provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the development must connect to; Only one sewer connection point will be allowed for the consolidated erf.
4. that only one standard electricity connection, supply line and meter will be available to the consolidated erf. The electricity connection to the second property will thus be forfeited once the consolidation has been done. Should a larger capacity be required, the upgrading will be at the owner's cost;
5. that should additional services connections be required the owner will be responsible for the payment of bulk services levies;
6. that stormwater be allowed to discharge through Erf 571 & Erf 573, Stanford, unobstructed;
7. that no on-street parking will be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

**16.ERF 915, 32 DAHLIA STREET, GANSBAAI (BLOMPARK), GANSBAAI,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: C NIEMAND**

915 GPB (4541/2023)

SW van der Merwe

(028) 313 8900

Hermanus Administration

22 April 2024

EXECUTIVE SUMMARY

An application has been received on 06 December 2023 from C Niemand in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 915, Gansbaai (Blompark) for the following:

- **Departure** in terms of Section 16(2)(b) of the By-Law to relax the lateral building line from 2m to 0m and the street building line from 4m to 0m to accommodate the conversion of the existing braai room to a garage.
- **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to legalize unauthorized building work on the property.

RESOLUTION

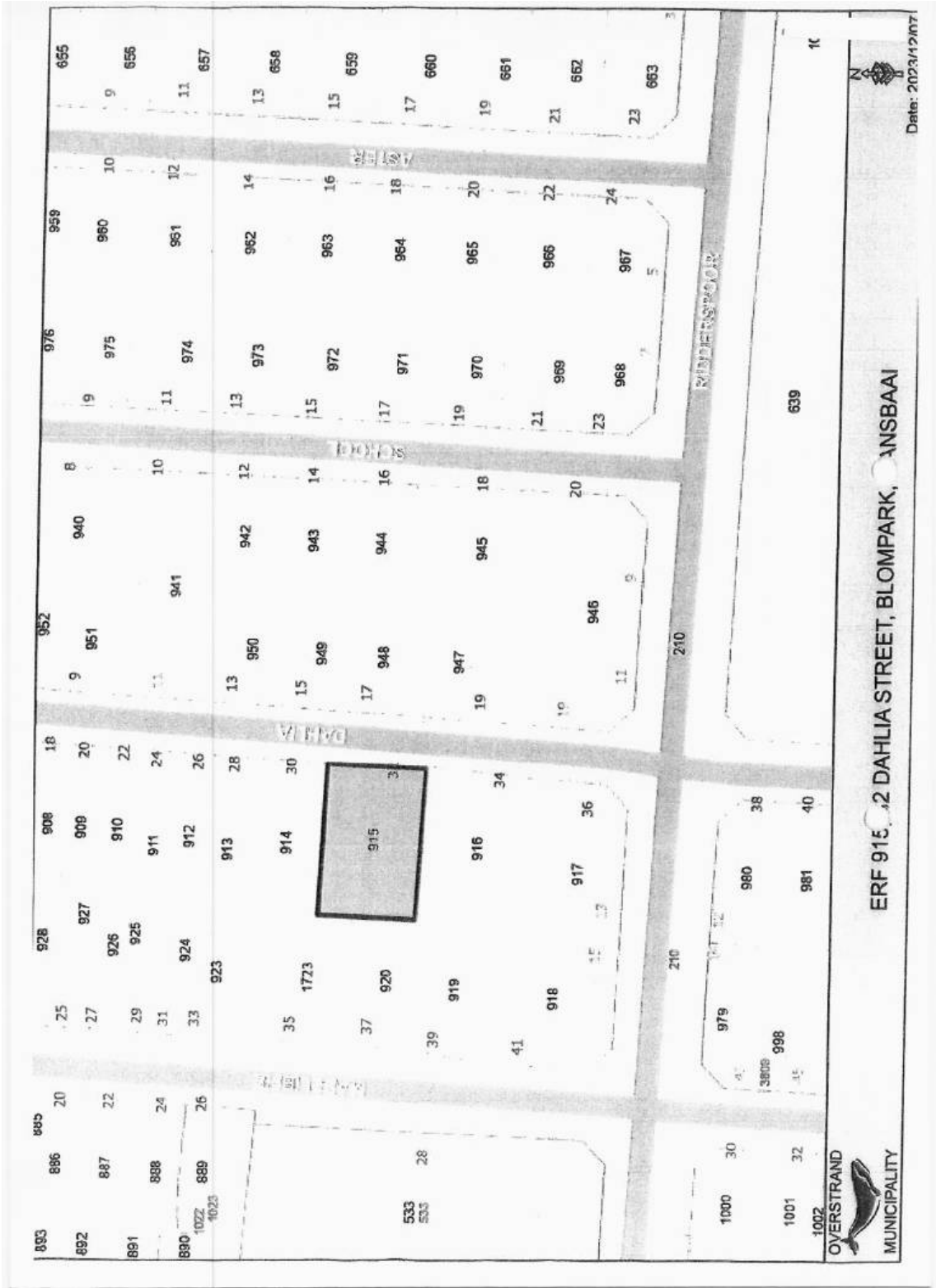
1. that the application in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the relaxation of restrictive title deed Condition 6.(2).(a) of Title Deed No. T32641/2021 applicable to Erf 1879, Pringle Bay to relax the northern and southern lateral building lines from 5m to 2m to accommodate a proposed new dwelling, **be approved** in terms of Section 61 of the By-Law subject to the following conditions:
 2. that the determination of an administrative penalty in terms of Section 90(4) of the By-Law for the unauthorised building work over building lines on the property, **not be exempted** from the payment of an administrative penalty;
 3. that the approval in paragraph 1 above be subject to the following conditions:
 - (a) that the approval is only for the development as indicated on the plans dated *03/11/2023*, as submitted with the application;

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- (b) that building plans be submitted to the Building Department for approval within 30 days, and that all conditions of the Building- and the Fire Department, be complied with at that stage
 - (c) that the braai room be converted into a garage as shown on the SDP dated 03/11/2023 within **90 days** from the final approval of the application;
 - (d) that the garage may not be used for habitable purposes in connection with the main dwelling without the necessary approval from the Municipality;
 - (e) that all the conditions from Telkom, be complied with;
 - (f) that all the conditions in the Engineering Services, be complied with;
 - (g) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (h) that an administrative penalty of **R 6 618,25** (VAT inclusive) (being 1% of the construction cost as determined by the municipality) be payable within sixty (60) days of the decision;
 - (i) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with; and
 - (j) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
4. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.
- ❖ No objections were received from the affected property owners.
- ❖ Consent letters were provided from the surrounding neighbours.
- ❖ The structure does not jeopardize the character of the area.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 915, GANSBAAI**

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 915 shall be used to service Erf 915;
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 915, Gansbaai, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
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17. PORTION 33 (A PORTION OF PORTION 1) OF THE FARM WORTEL GAT NO. 723, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF PERIVOLI PROPERTIES (AFRICA) LTD

Prt 33/723 (3960/2023)

P Roux

(028) 313 8900

Hermanus Administration

16 May 2024

EXECUTIVE SUMMARY

The application has been received on 12 December 2021 on Portion 33 of the Farm Wortel Gat No. 723, Caledon Division in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for a **consent use** to accommodate two additional dwelling units for tourist accommodation purposes on the property.

RESOLUTION

1. that the application in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Portion 33 of the Farm Wortel Gat No. 723, for a **consent use** to accommodate two additional dwelling units for tourist accommodation purposes on the property, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following:
 - (a) that the approval is only for the development of two additional dwelling units as indicated on the Site Development Plan, Drawing No's. *F723P337* dated *Feb 2015, May 2017* and *2106/SK 06* as submitted with the application;
 - (b) that the building plans be submitted to the Building Department and comments from the Building Department and Fire department be complied with at that stage;
 - (c) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (d) that the selling or serving of liquor on the property will be subject to the owner obtaining the necessary Liquor Licence;
 - (e) that all the conditions from Fire Services, Engineering Services and Overstrand Environmental Section, be complied with;

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- (f) that the comments by Department of Environmental Affairs and Development Planning: *Coastal Management*, Breede-Gouritz Catchment Management Agency and CapeNature, be noted, and
 - (g) that commercial rates and taxes, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (i) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with; and
 - (j) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws.
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

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

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: PORTION 33 (A PORTION OF
PORTION 1) OF THE FARM WORTEL GAT NO. 723, CALEDON DIVISION,
OVERSTRAND MUNICIPAL AREA**

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

Conditions:

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
2. that no water service from Overstrand Municipality is available and the developer is responsible for the provision of any water supply and/or services to the development;
3. that the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, BOCMA etc.) for the use of any other water resources and the extraction thereof;
4. that the quality of potable water comply with SANS0241 standards and that relevant proof be submitted to the Manager : Water Infrastructure & Quality, Overstrand Municipality (Tel: 028 313 5046, email: probinson@overstrand.gov.za);
5. that no sewerage service from Overstrand Municipality is available and no municipal sewerage services will rendered to the development;
6. that the owner will be responsible for the removal of sewerage from the proposed development, and the safe disposal thereof at a licensed municipal sewerage treatment facility;
7. that the proposed development must be provided with adequate sewer conservancy tanks, which must comply with the relevant legislation;
8. That any commercial food preparation (eg. restaurant/ guesthouse etc.) must be provided with a grease trap, which must comply with the standards and specifications of the Overstrand Operational Services Department.

9. that, alternatively, the developer will be responsible to obtain the necessary approval, licences and permits from the applicable authorities (water affairs, health, etc.) for the use of any other method of sewage disposal;
10. that the owner is responsible for the removal of all refuse generated on the property and the disposal thereof at a registered municipal waste transfer station or –waste disposal facility;
11. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and the Department of Water Affairs for approval;
12. that the developer complies to all the conditions set by Department Of Water & Environmental Affairs;
13. that on-site parking facilities are provided as per Planning Schedule and to the satisfaction of the Department: Operational Services;
14. that the developer will arrange with Provincial Administration to obtain approval for any new access from the Provincial road.

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

07/04/2023
DATE



**AGENDA of the
Portfolio Committee : Planning & Development
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**18. PORTION 4 OF THE FARM OUDE BOSCH NO. 637, DIVISION CALEDON,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE
AND DEPARTURE: MESSRS WARREN PETTERSON PLANNING ON
BEHALF OF GRANTON PROPERTY TRUST**

Prt 4/637 (4129/2022)

P Roux

16 May 2024

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 25 April 2022 on Portion 4 of the Farm Oude Bosch No. 637, Division Caledon in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- **Consent use** in terms of Section 16(2)(o) of the By-Law, to allow for the construction of 1 (one) additional dwelling units on the property.
- **Departure** in terms of Section 16(2)(b) of the By-Law, to relax the western building line from 30m to 10m to accommodate the location of one of the additional dwellings.

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 (By-Law) on Portion 4 of the Farm No. 637, Division Caledon for a consent use to accommodate one (1) additional dwelling unit on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Portion 4 of the Farm No. 637, Division Caledon for a departure to relax the western building line from 30m to 10m, to accommodate the additional dwelling unit, **be approved** in terms of the provisions of Section 61 of the By-Law;
 - (a) that the approval is only for the development of one (1) additional dwelling unit as indicated on the proposed Site Development Plan, dated *January 2022*, as submitted with the application;

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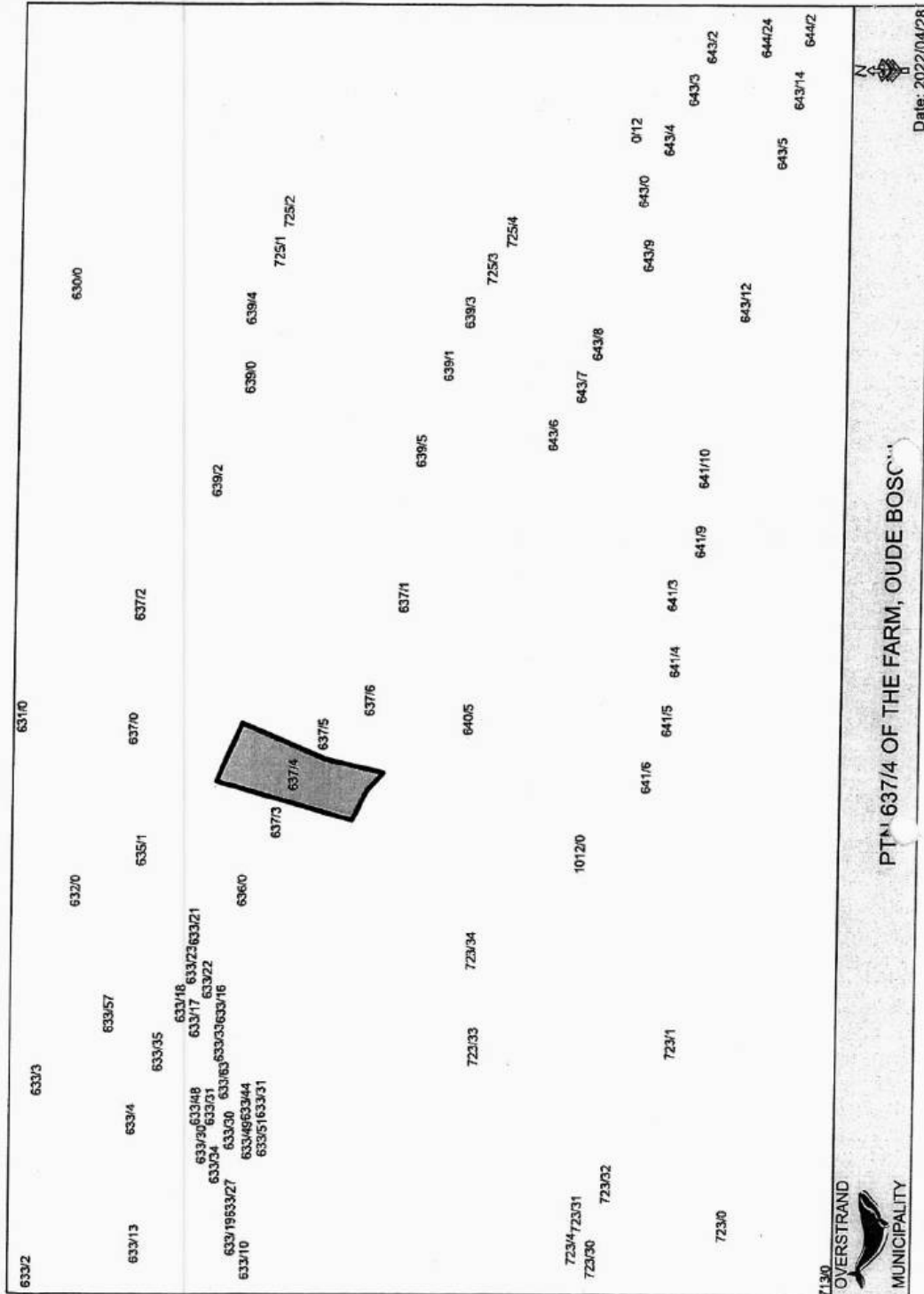
- (b) that the dwelling unit cannot be closer than 10m from the property boundary;
 - (c) that the building plans be submitted to the Building Department and comments from the Building Department and Fire department be complied with at that stage;
 - (d) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (e) that a french drain system is not allowed and alternative systems needs to be shown on building plan as proposed by the Overstrand Environmental Management;
 - (f) that all the conditions from Fire Services, be complied with;
 - (g) that all the conditions in the Services Report, be complied with;
 - (h) that the comments from the Overstrand Environmental Management, Department of Environmental Affairs and Development Planning: *Component, Coastal Management* and *CapeNature*, be noted.
 - (i) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (j) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and
 - (k) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
3. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- ❖ There is good accessibility.
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have objected to the application.
- ❖ No new municipal services will be required.

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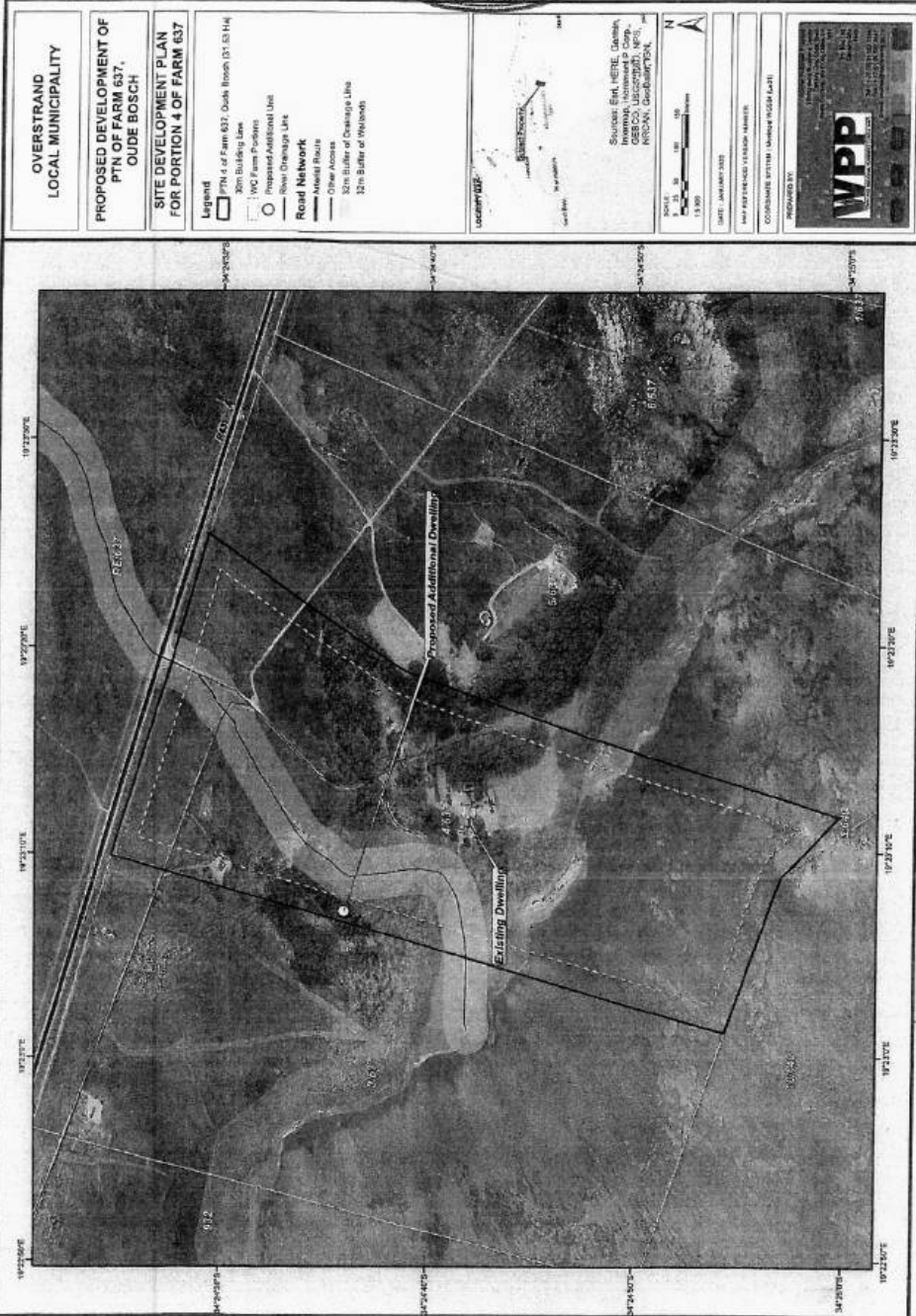
- ❖ No external state departments objected to the application.
- ❖ The application is in line with SPLUMA principles.
- ❖ Impact on the environment and potential flood risks are addressed by the position of the dwelling unit.
- ❖ Due to site constraints the structure needs to be placed within the 30m building line.
- ❖ No objections were received from surrounding property owners.
- ❖ It is in line with the aims of the Overstrand SDF to promote tourism and diversification of rural land.



PTN 637/4 OF THE FARM, OUDE BOSCH

OVERSTRAND MUNICIPALITY

Date: 2022/04/28



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE & DEPARTURE: PORTION 4 OF THE
FARM OUDE BOSCH NO.637,**

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

Conditions:

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
2. that no water from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (Water and Sanitation, Health, Bocma etc.) for the use of any other water resources and the extraction thereof;
3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Manager: Water Infrastructure & Quality (Tel: 028 313 5046), Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval;
5. that the developer complies to all the conditions set by Department Of Water Affairs & Bocma;
6. that, as there is currently no municipal sewer network in the vicinity, Portion 4 of the Farm 637 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services (Hermanus), and to which the sewer services on the development must connect to;
7. that the Municipality does not have the capacity to service the proposed development with regards to removal of sewerage from the property. The owner is therefore responsible for removal of sewerage from the property, and thereof at a licensed municipal sewerage treatment facility;

8. that alternatively, sewer treatment facilities that are approved by the Department of Water Affairs may be provided for disposal of sewer from the developments. Written proof of such approval is to be submitted to the Municipality;
9. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 140400 – P: 2010: Drainage;
10. that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or waste disposal facility;
11. that on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
12. that access can be obtained from the existing access to Ptn 4 of the Farm 637, Oude Bosch.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
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7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

**19.ERF 2106, PEARLY BEACH (PEARLY BEACH HOLIDAY RESORT),
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: M &
MQ PRINS**

2106 GPB (4412/2023)

S van der Merwe

(028) 313 8900

Hermanus Administration

31 May 2024

EXECUTIVE SUMMARY

Application has been received on 09 June 2023 from M & MQ Prins for Erf 2106, Pearly Beach (Pearly Beach Holiday Resort) for **departure** of the Pearly Beach Resort Architectural Guidelines to relax the southern and south-eastern lateral building lines from 1m to 0m and the street building line from 2m to 1.264m, to accommodate a partially enclosed stoep on the property.

RESOLUTION

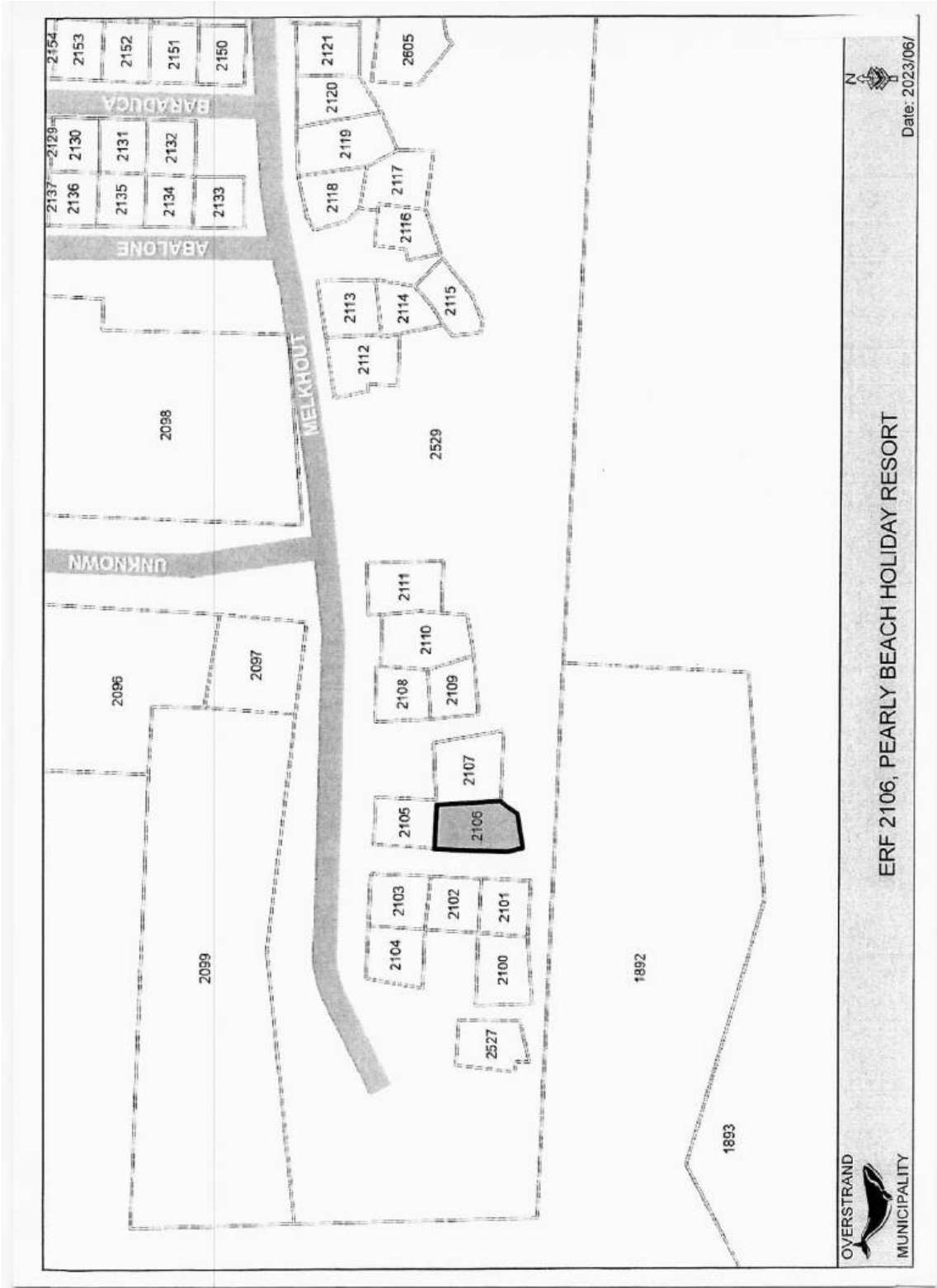
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2106, Pearly Beach (Pearly Beach Holiday Resort) for a **departure** to relax the street building line from 2,0m to 1,264m and the south eastern lateral boundary from 1m to 0m to accommodate a partially covered stoep, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions
 - (a) that this approval is only for the development as indicated on the plan numbers 0255/17 dated 19 October 2022 as submitted with the application;
 - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department, be complied with at that stage;
 - (d) that the sides of the stoep not be covered up in order to create an enclosed structure;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;

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

REASONS FOR RESOLUTION

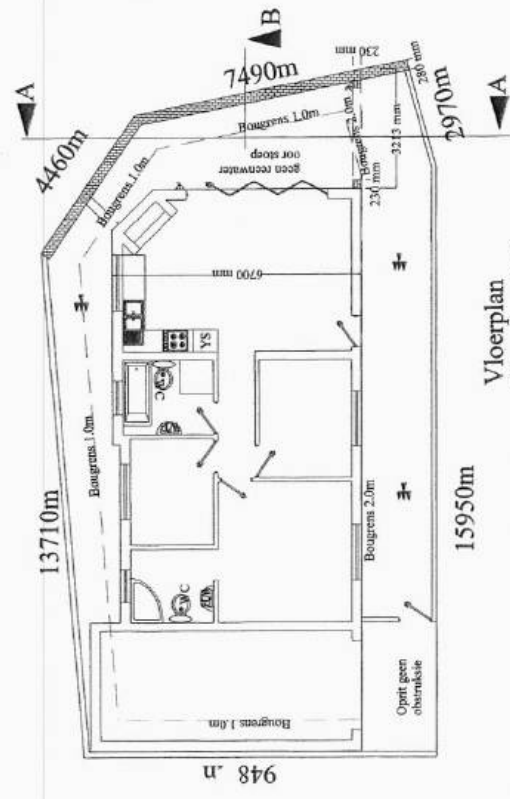
- ❖ The proposed structures will have a minimal impact on the adjacent property owners.
- ❖ No objection from surrounding owners or relevant internal departments.
- ❖ The application followed the required administrative procedures.
- ❖ No change in character of the locality and property.
- ❖ Better utilization of the property.



ERF 2106, PEARLY BEACH HOLIDAY RESORT

Date: 2023/06/

PEARLY BEACH STRANDDOORD
 Bouplan Erf No. 2106
 word gemaak deur / gemaak deur
 die Oordopspiegter
 "Oorbouster"
 2013

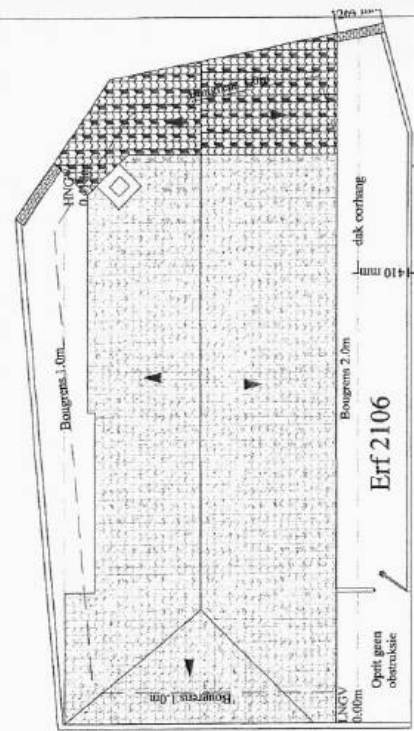


Vloerplan
 Skaal 1 - 100

Erf plan
 Skaal - 1 100

- ▭ Dubbel muurproep
- ▭ Ekkel muurproep
- ▭ Ligskakelaar
- ▭ Plafonlig
- ▭ Buitelig 10 W
- ▭ TV punt
- ▭ DB bord

NOTA: Altes van planlike owerbode moet reguleer word.
 Konstruksie is verantwoordelik van alle owerbode.
 Watter gegreie werke en met konstruksie moet voor bouwerk begin.
 Alle afwykinge moet met bevestiging gemaak word.
 en SANS verduidelik, spesifiek NHBRC.
 Ligpunte spesifiek gemaak word.
 Tien op skoor ghru word gemaak.
 bewerk.
 Watter en dubbel muurproep moet gemaak word van die owerbode.



Erf 2102

Erf 2101

Beskrywing:
 Voorgestelde aanbouing vir
 M & MQ Prins
 Erf 2106
 & MEKROHOUT
 Pearly Beach Oord
 Overstrand Munisipaliteit

Tekening nr: 0555/17
 Tekening: Vloerplan
 Skaal: 1 - 100 (A3)
 Blad: 1 van 3
 Datum: 19/10/2022

Woning 102,38 vkm
 Aanbouing 18,44 vkm
 Totaal 120,83
 Erf 177 vkm
 Dekking 68,26%

Plan gemaak deur:
 Jacobus A van Staar
 3 Saeegeane
 Perlemoenbasi
 Gansbaai
 Reg nr. D1461
 rianvo@regmaak.
 Tel: 062 929 9888



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 2106, PEARLY BEACH (HOLIDAY
RESORT)**

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

Conditions

1. that the Department Engineering Services has No Comment.

Dennis Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

12/09/2023
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

**20.ERF 2397, 110 ELEVENTH STREET AND ERF 10566, 109 TENTH STREET,
VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION
FOR CONSOLIDATION: MESSRS WRAP PROJECT OFFICE ON BEHALF
OF SE VAN DYK & DJ BROODRYK**

2397 & 10566 HVK

P Roux

(028) 313 8900

Hermanus Administration

27 May 2024

EXECUTIVE SUMMARY

An application has been received on 27 February 2024 in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) from Messrs WRAP Project Office on behalf of the owners of Erven 2397 and 10566, Hermanus for the following:

- ❖ **consolidation** in terms of Section 16(2)(e) of the By-Law, to consolidate Erven 2397 and 10566 Hermanus, to create one erf, approximately 991m² in extent.

RESOLUTION

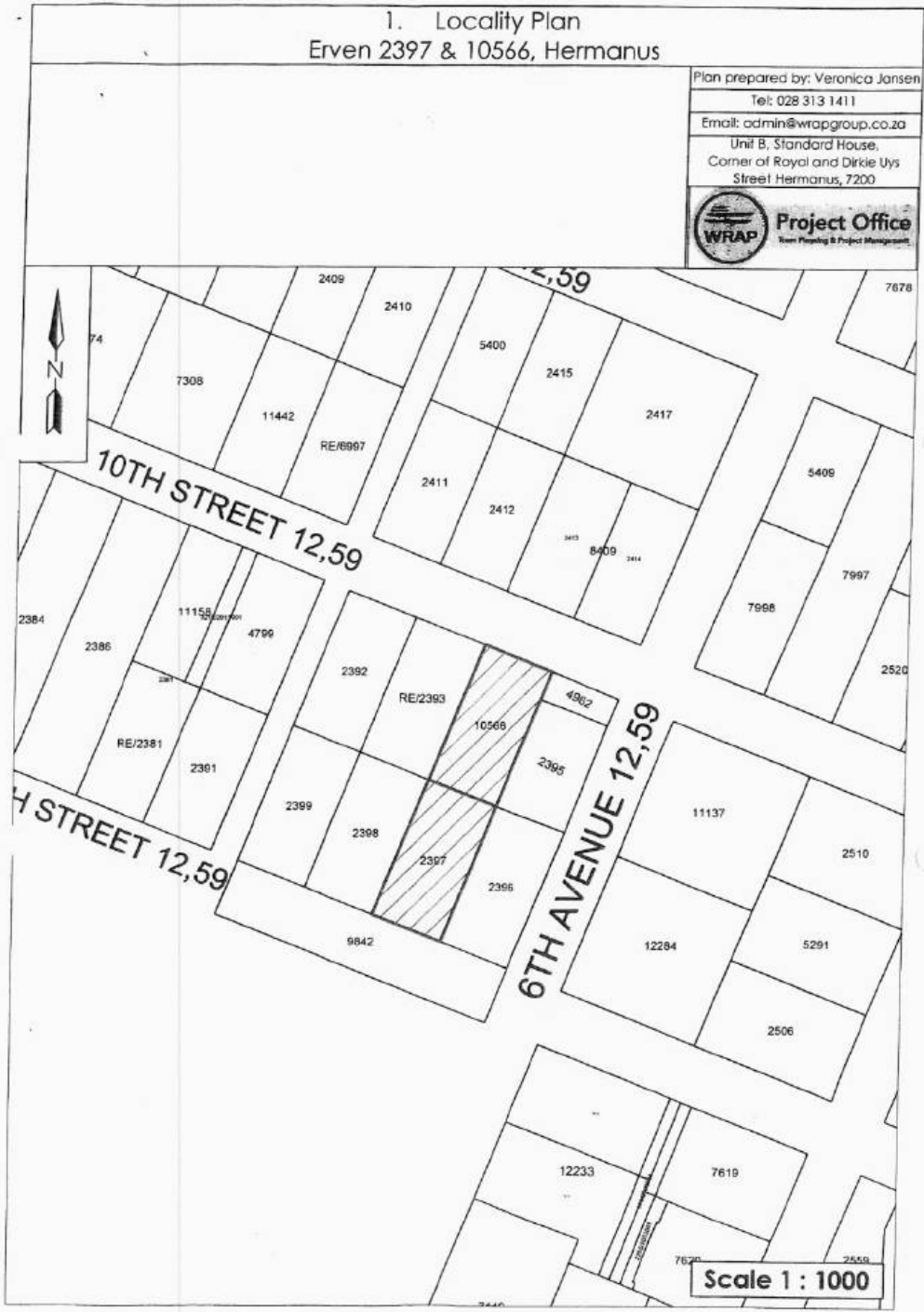
1. that the comment received be noted;
2. that the application for **consolidation** in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 2397 and 10566, Voëlklip, Hermanus to create one erf of approximately 991m² in extent, **be approved** in terms of the provisions of Section 61 of the By-Law;
 - (a) that the approval is only for the consolidation as indicated on drawing number *24.03(001)* dated *21 February 2024* as submitted with the application;
 - (b) that building plans be submitted for any new work done and that the Building Department and Fire Department's comments be complied with at that stage;

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- (c) that the conditions in the Services Report, be complied with;
 - (d) that proof of demolition be submitted prior to the registration of the consolidation;
 - (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 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.
3. that the applicant and person who commented be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.


REASONS FOR RESOLUTION

- ❖ No additional services required.
- ❖ Does not jeopardize the character of the area as Voëlklip is a low-density suburb and planned growth areas are located in other suburbs of Hermanus.
- ❖ The objector does not provide clear indication of how the views will be negatively affected, should no consolidation occur and Erven 2397 and 10556, and be developed separately, and in line with development parameters then the objector would be similarly impacted as both dwellings will be able to develop up to 2m away from the common boundary and at a height of 8m which would block the objector's views the same way as a development on a consolidated property.
- ❖ No objections from internal departments.
- ❖ The land use of the subject property will remain unchanged.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.



4. Consolidation Plan Erven 2397 & 10566 Hermanus
Erf 2397, Hermanus 495m ²
Erf 10566, Hermanus 496m ²
Proposed Consolidated Erf ±991m ²

Plan prepared by: Nejen Janzen
Plan Number: 24.03.001 - 21.02.2024
All dimensions are approximate
and subject to survey
Tel: 08 313 1411
Email: nejen@nejenjanzen.co.za
Unit: 8, Standard House,
Corner of Rovers and Oude Vry
Weg Hermanus, 720



Project Office
Team Planning & Project Management



Scale 1 : 250

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION: ERF 2397 & ERF 10566,
VOELKLIP**

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

Conditions:

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

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

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

08/04/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

**21.ERF 5234, 46 CAMDEBO AVENUE, KLEINMOND, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE
TOWN & REGIONAL PLANNERS ON BEHALF OF KS & M WATTS**

5234 KKM (4413/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

03 March 2024

EXECUTIVE SUMMARY

An application has been received on 19 June 2023 from Messrs Plan Active Town & Regional Planners on behalf of KS & M Watts on Erf 5234, Kleinmond, for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the eastern lateral building line from 2m to 1,5m to accommodate a portion of the existing laundry 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 for unauthorised existing laundry room.

RESOLUTION

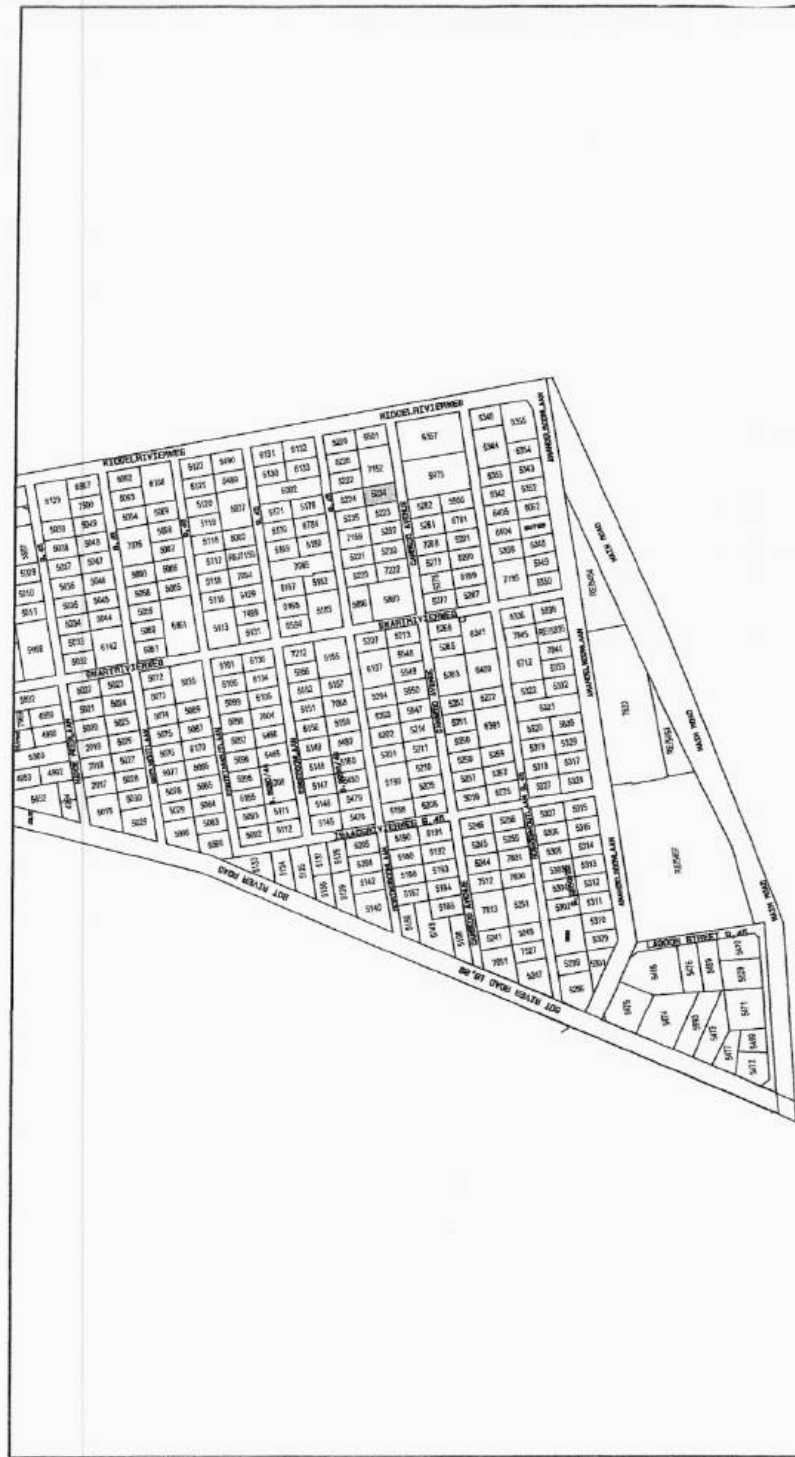
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5234, Kleinmond for a departure to relax the eastern lateral building line from 2m to 1,5m to accommodate a portion of the existing laundry room **be approved**, 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 development as indicated on plan numbers E.250.K (1-5) dated 16 February 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 Department reflecting the approval for approval, and that all conditions of the Building be complied with at that stage;
 - (d) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;

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- (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (g) that all the conditions in the Services Report, be complied with.
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 5234, Kleinmond for the construction of a laundry room without an approved building plan as stipulated above, **be imposed** and that an administration penalty fee of R1 433,03 (*VAT included*), be payable within thirty (30) days of the decision.
 3. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No objections were received from the affected property owners.
- ❖ None of the relevant departments have any objections.
- ❖ Character of the area will not be negatively impacted upon.
- ❖ The application is in line with policy documents.
- ❖ The structure would have complied with the zoning scheme before 2013, since the lateral building line was deemed 1,5m. The majority of existing dwellings in Kleinmond are located on the 1,5m lateral building line and the laundry room will not be out of place.



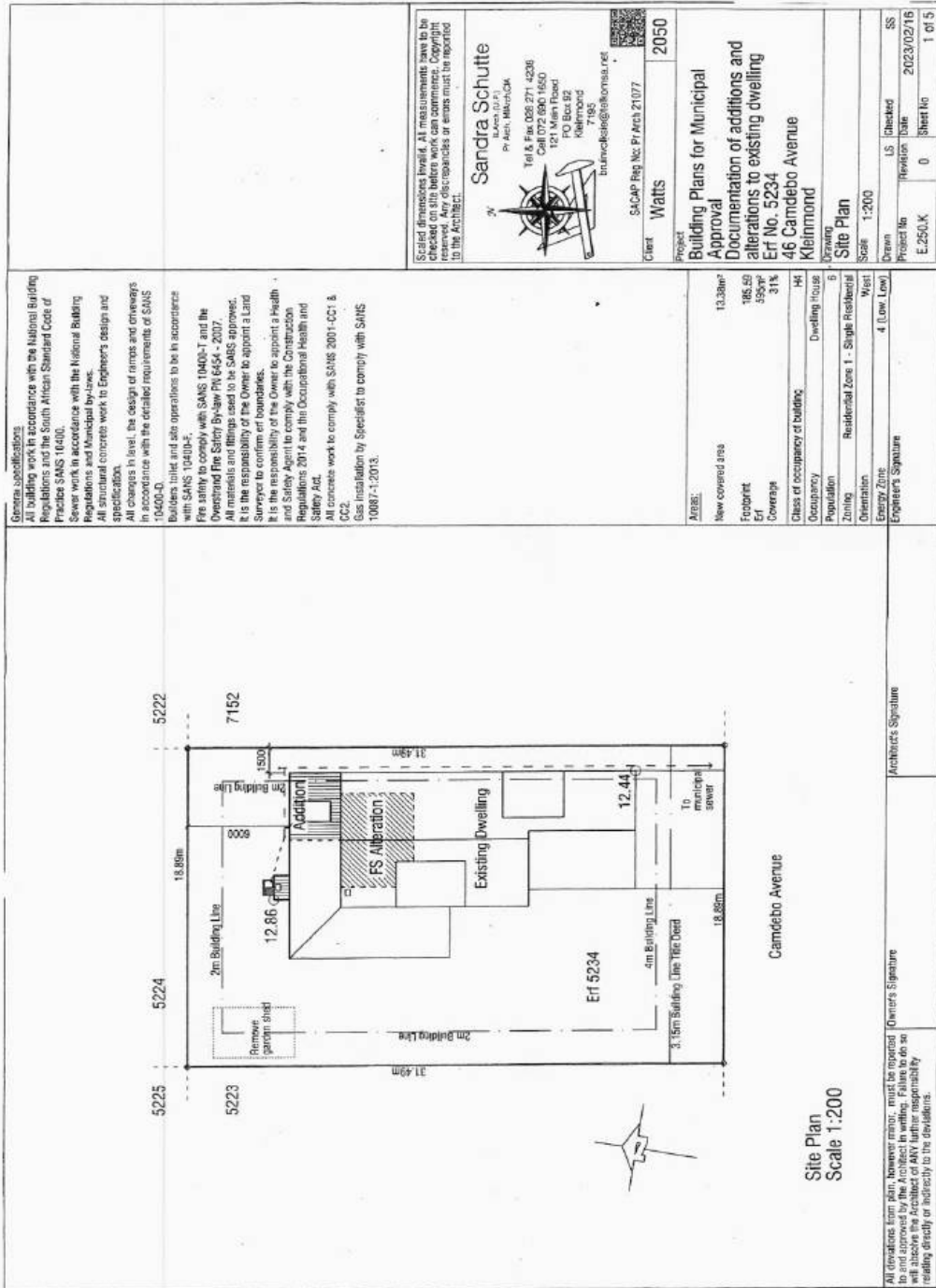
Scale: NTS
 Drawing Nr: erf 5234 kleinmond.dwg
 Date: JUNE 2023

Plan Description:
 LOCALITY MAP

Property Description:
 ERF 5234
 KLEINMOND

All distances approximate
 and subject to survey.
 COPY RIGHT RESERVED

PLA n
 Stads- en Streetsbeplanners
 Town & Regional Planners



Site Plan
Scale 1:200

General specifications
 All building work in accordance with the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and the National Building Regulations and Building Standards Act, 2019 (Act No. 119 of 2019).
 All structural concrete work to be in accordance with the National Building Regulations and Building Standards Act, 2019 (Act No. 119 of 2019) and the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).
 All changes in level, the design of ramps and crossways in accordance with the detailed requirements of SANS 10400-Q.
 Builders build and site operations to be in accordance with SANS 10410-B.
 Fire safety to comply with SANS 10400-T and the Overstrand Fire Safety by-law PN 6454 - 2017.
 All materials and fittings used to be SARS approved.
 It is the responsibility of the Owner to appoint a Land Surveyor to confirm erf boundaries.
 It is the responsibility of the Owner to appoint a Health and Safety Agent to comply with the Construction Regulations 2014 and the Occupational Health and Safety Act.
 All concrete work to comply with SANS 2001-CC1 & CC2.
 Gas installation by Specialist to comply with SANS 10087-1:2013.

Sandra Schutte
 B.Arch, M.Arch (UK)
 Tel & Fax 081 271 4236
 Cell 072 690 1650
 121 Main Road
 PO Box 92
 Harare, Zimbabwe
 7183
 bs@wellsnet.co.za

Client: **Watts**
 SACAP Reg No: Pr Arch 21077

Project: **2050**
Building Plans for Municipal Approval
Documentation of additions and alterations to existing dwelling
Erf No. 5234
46 Camelebo Avenue
Kleinmond

Area:	13.38m ²
New covered area	13.38m ²
Footprint	186.59
Coverage	359%
Class of occupancy of building	H4
Occupancy	Dwelling house
Population	5
Zoning	Residential Zone 1 - Single Residential
Orientation	West
Energy Zone	4 (Low Low)

Drawn	LS	Checked	SS
Project No	E.250.K	Revision Date	2023/02/16
Sheet No	0	Sheet No	1 of 5

All decisions from this plan, however minor, must be reported to and approved by the Architect in writing. Failure to do so will absolve the Architect of ANY further responsibility resulting directly or indirectly to the deviations.

Architect's Signature
 Owner's Signature

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY, ERF 5234, KLEINMOND (4413/2023))**

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

Conditions:

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

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

22/11/2023
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

**22. ERF 4929, 39 CHURCH STREET, WESTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND THE
DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLANACTIVE
TOWN & REGIONAL PLANNERS ON BEHALF OF CYNMAR (PTY) LTD.**

4929 HWC (4190/2022)

(H Boshoff)

H van der Stoep

(028) 313 8900

Hermanus Administration

4 January 2023

EXECUTIVE SUMMARY

An application has been received on 30 June 2022 from PlanActive Town & Regional Planners applicable to Erf 4929, Hermanus (the property), for the following:

- (a) **a temporary departure** in terms of Section 16(2)(c) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to deviate from the provisions of Chapter 16.10.10 (home occupation) of the Overstrand Municipality Land Use Scheme, 2020, to allow for the repair of cell phones, tablets, and related electronic devices, the keeping of a limited supply of device accessories, as well as assisting customers with the setup and support of telecommunication devices from a portion ($\pm 35\text{m}^2$) at the ground floor level of the dwelling unit on the property; and
- (b) **the determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the above illegal land use.

RESOLUTION

1. that the application for departure in terms of Section 16(2)(c) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to deviate from the provisions of Chapter 16.10.10 (home occupation) of the Overstrand Municipality Land Use Scheme, 2020, to allow for the repair of cell phones, tablets, and related electronic devices, the keeping of a limited supply of device accessories, as well as assisting customers with the setup and support of telecommunication devices from a portion ($\pm 35\text{m}^2$) at the ground floor level of the dwelling unit on Erf 4929, Hermanus, **be approved** in terms of the provisions of Section 61 of the By-Law, and

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

2. that the application for the determination of an administrative penalty in terms of Section 16.2.(q) of the By-law for the illegal business within the dwelling unit on Erf 4929, Hermanus, was considered and that the applicant **not be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law and that an administrative penalty of R7 279-25 (including VAT) be payable calculated at 5% of the total land value of the 35m² business (R126 595-70 x 5% plus VAT).
3. that the above approvals be subject to the following conditions:
 - (a) that the administrative penalty of **R7 279-25** (including VAT) must be paid within sixty (60) days from the final approval of the application;
 - (b) that no off-street parking be allowed;
 - (c) that the parking bays as indicated on plan no: her4929b.drw dated 01/2023 be properly demarcated and provided with a hard surface;
 - (d) that an application for the determination of an administrative penalty for the illegal uses of the original approved outbuilding on the property, be submitted within thirty (30) days from the final approval of the application;
 - (e) that commercial rates and service tariffs as determined by the annual budget, must be made applicable for the duration of the temporary departure, which tariffs are automatically adjusted in terms of the annual budget due to a section of the dwelling unit being used for business purposes;
 - (f) that the single residential parameters be retained on the property and that all other development parameters as prescribed in the relevant Land Use Scheme must be complied with;
 - (g) that the permission to operate the business is granted to the particular operator and is not transferrable. Should the property change ownership in future, no sub-letting of the business is permitted;
 - (h) that the business area be restricted to 35m² and may not be expanded;

**AGENDA of the
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7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

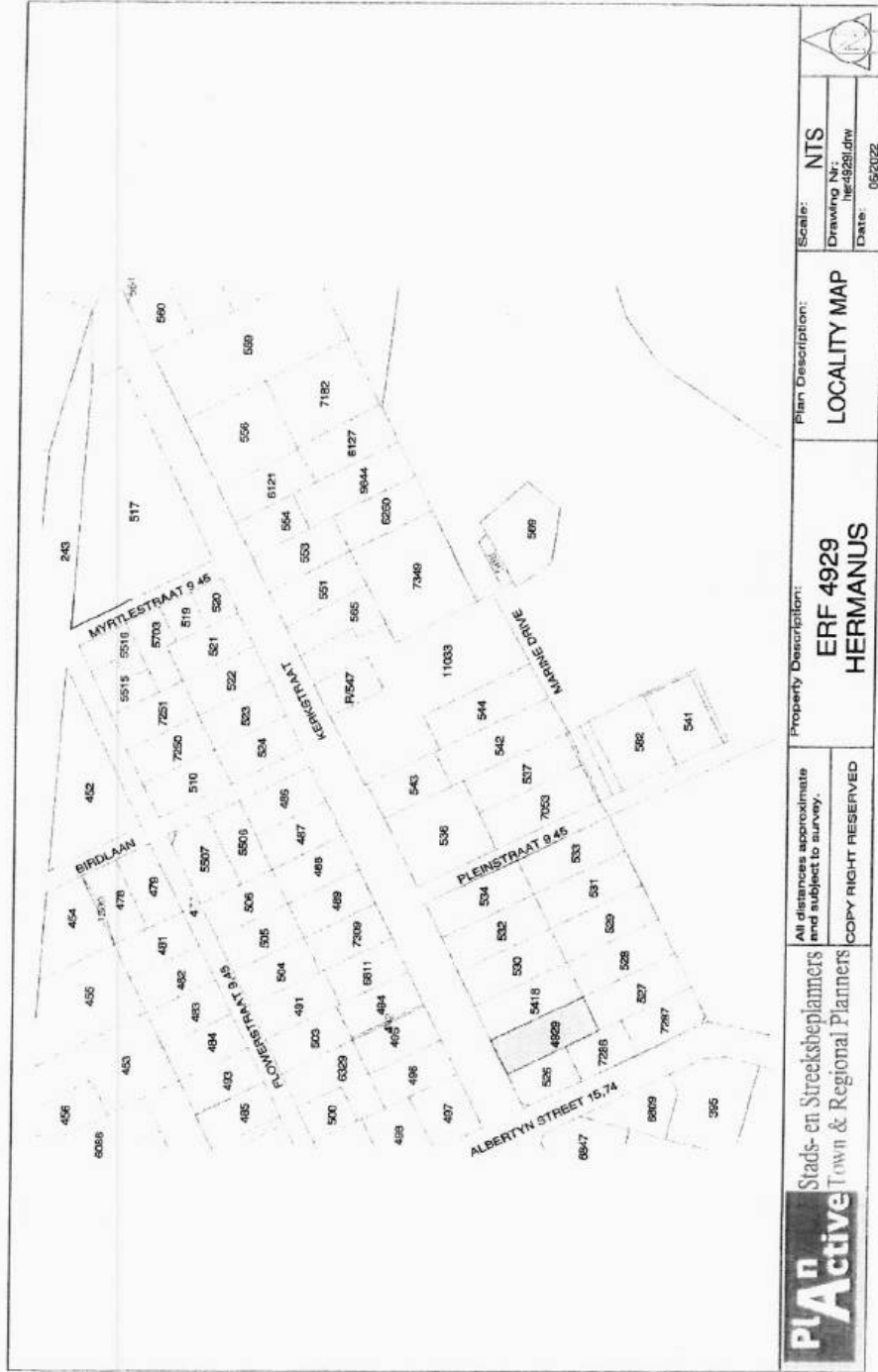
- (i) that the conditions in the Engineering Report, must be adhered to;
 - (j) that the Overstrand Municipality retains the right to enforce any relevant legislation, as well as law and order on the premises, on the tenant or landowner/s;
 - (k) that the proprietor of the business must reside in the dwelling unit;
 - (l) that no more than three (3) persons may be engaged with the business activity on the property;
 - (m) that the business must be conducted completely indoors;
 - (n) that the storage of goods or supplies connected to the business must be inside a building;
 - (o) that the use shall not involve the storage or use of toxic, hazardous, flammable, or explosive substances, other than the types and amounts commonly found in a dwelling;
 - (p) that only one un-illuminated sign of the business shall be permitted, which shall be fixed to the building, or boundary wall or fence and the sign must be approved by the Building Department in terms of the Overstrand By-Law relating to outdoor advertising and signage;
 - (q) that the development must comply with the provisions of SANS – A:2016, 10400-T:2020 and the By-Law Relating To Community Fire Safety and that a fire protection plan must be submitted to the Fire Department for approval; and
 - (r) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
4. that the applicant be notified of its right of appeal in terms Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The use of the portion of the dwelling for business purposes has been in existence for years.

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(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

- ❖ The tenant did not seize the illegal activities when a non-compliance notice was served on the landowner indicating that it is an offence if the activity is not seized prior to obtaining approval therefor that justifies the payment of an administrative penalty.
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have objected to the application and no external objections were received.
- ❖ It is in line with the aims of the Overstrand SDF.
- ❖ The proposed application will not negatively impact on the character of the surrounding area since the property is situated in a mixed land use area.



Stads- en Streekspeelplanners
Town & Regional Planners

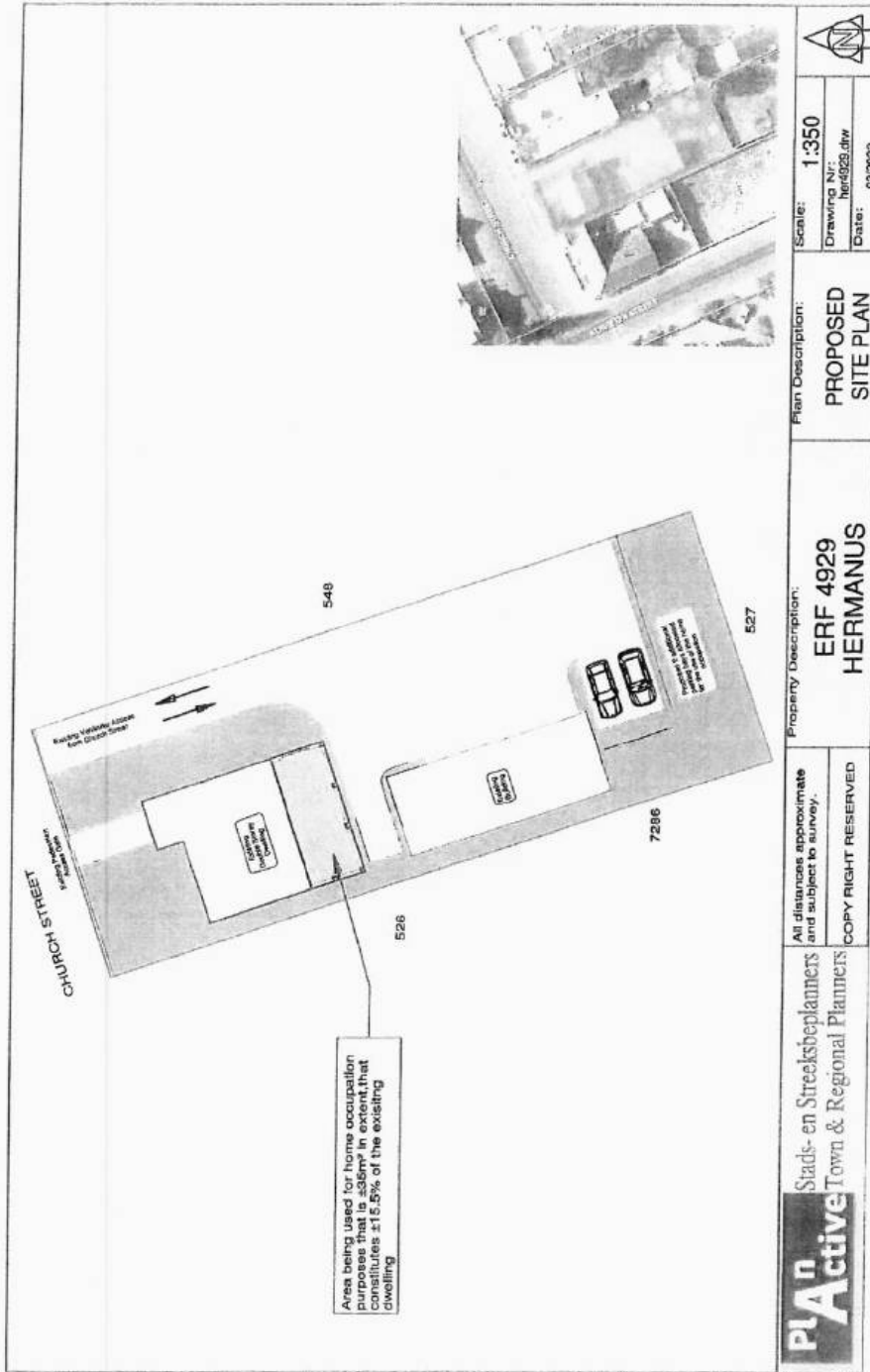
All distances approximate
and subject to survey.
COPY RIGHT RESERVED

Property Description:
**ERF 4929
HERMANUS**

Plan Description:
LOCALITY MAP

Scale: **NTS**
Drawing Nr.: **her4929.dwg**
Date: **06/2022**





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 4929, WESTCLIFF**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that stormwater be allowed to discharge through Erf 4929, Westcliff, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

**23.ERF 5228, 20 PROTEA STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT
OFFICE ON BEHALF OF J & R LIPPOLD**

5228 HON (4532/2023)

H Olivier

(028) 313 8900

Hermanus Administration

2 April 2024

EXECUTIVE SUMMARY

An application has been received on 28 November 2023 from WRAP Project Office on behalf of J & R Lippold in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5228, Onrusrivier 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 3,08m to accommodate 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 unauthorized land use as mentioned above.

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 5228, Onrusrivier for a departure to relax the street building line from 4m to 3,08m to accommodate an existing garage, **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 the building lines as indicated on plans numbers 23114(001) 4.1 to 4.2 dated 15 November 2023, submitted with the application;
 - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (d) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;

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(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

- (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Land Scheme be complied with, and
 - (g) that all the conditions in the Services Report, be complied with.
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 5228, Onrustrivier for the unauthorized encroachment of the garage over the street building line on the property was considered and that an administrative penalty of R4 748-00 (VAT included), be imposed which penalty must be paid within thirty (30) days from the final date of the decision of the application.
 3. that the applicant 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.

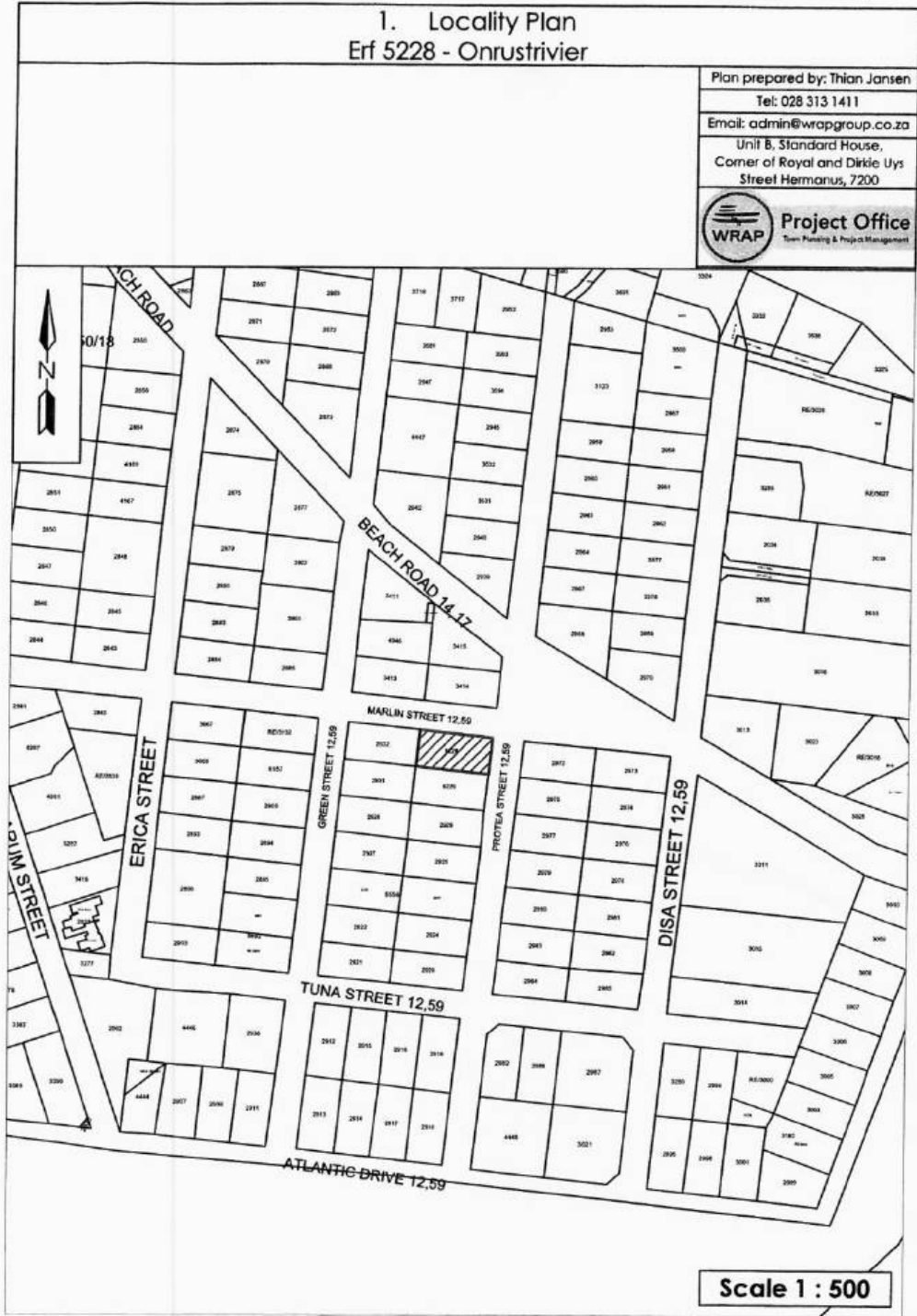
REASONS FOR RESOLUTION

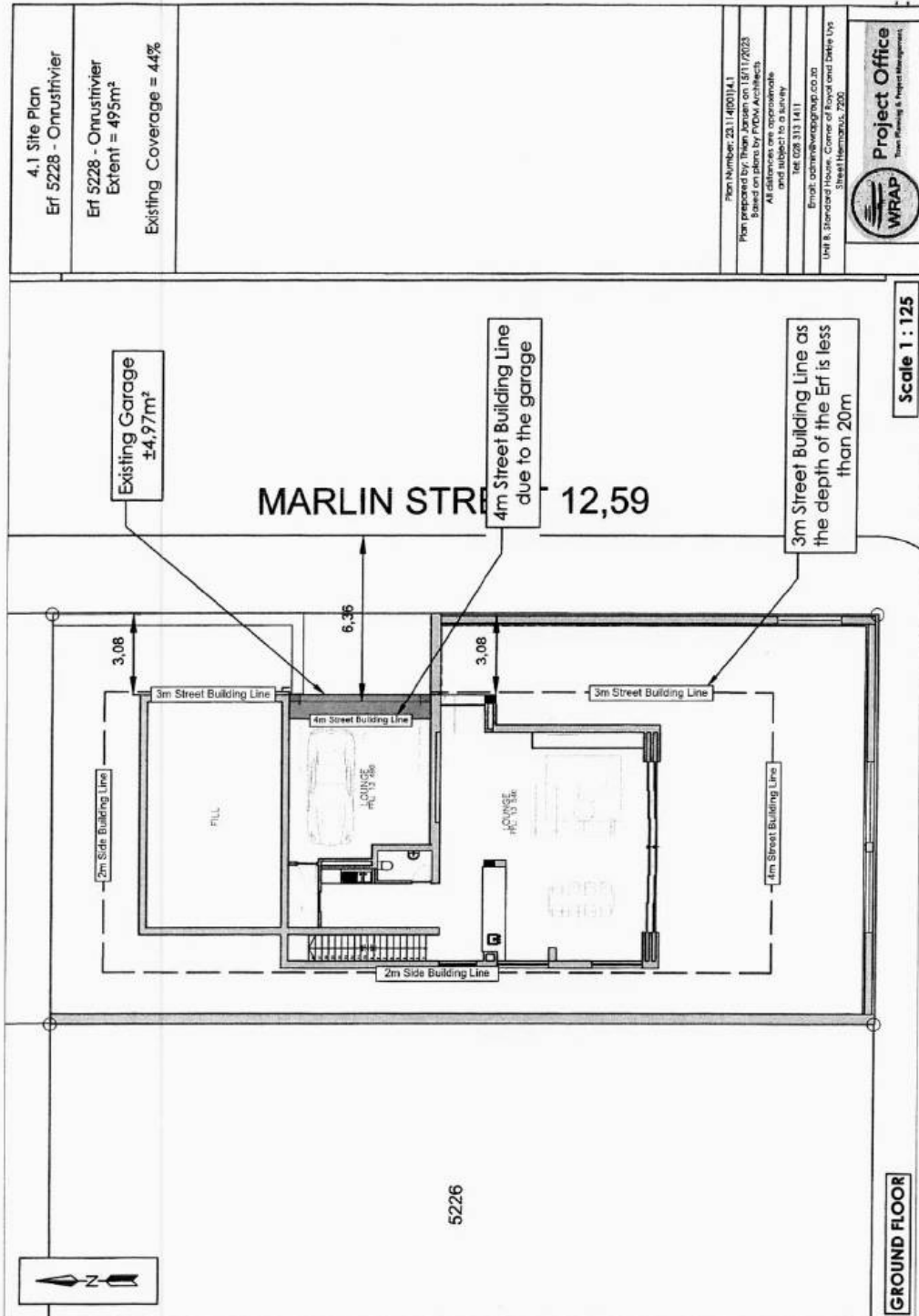
POINT 1

- ❖ The application has followed due procedure.
- ❖ The application is supported by all relevant Municipal and State Departments/branches.
- ❖ No objections were received from surrounding neighbours.
- ❖ No new municipal services will be needed.
- ❖ The proposed legalization of the garage will have no impact on neighbours or the character of the area as it is internal changes.

POINT 2

- ❖ The onus is on each person purchasing a property to ensure that buildings on the property complies with legally approved building plans, and therefore an administrative penalty is imposed for this application.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 5228, ONRUS RIVER (4532/2023)**

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

Conditions:

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

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

25/01/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

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

5057 HON (4560/2024)

H Olivier

(028) 313 8900

Hermanus Administration

17 May 2024

EXECUTIVE SUMMARY

An application was received on 21 December 2023 from Messrs Interactive Town and Regional Planner's on behalf Trustees for the time being the Hudd Trust on Erf 5057, Onrustrivier in terms of Section 16(2)(l) of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 for the amendment of the Site Development Plan to accommodate a solar-system carport installation on the property.

RESOLUTION

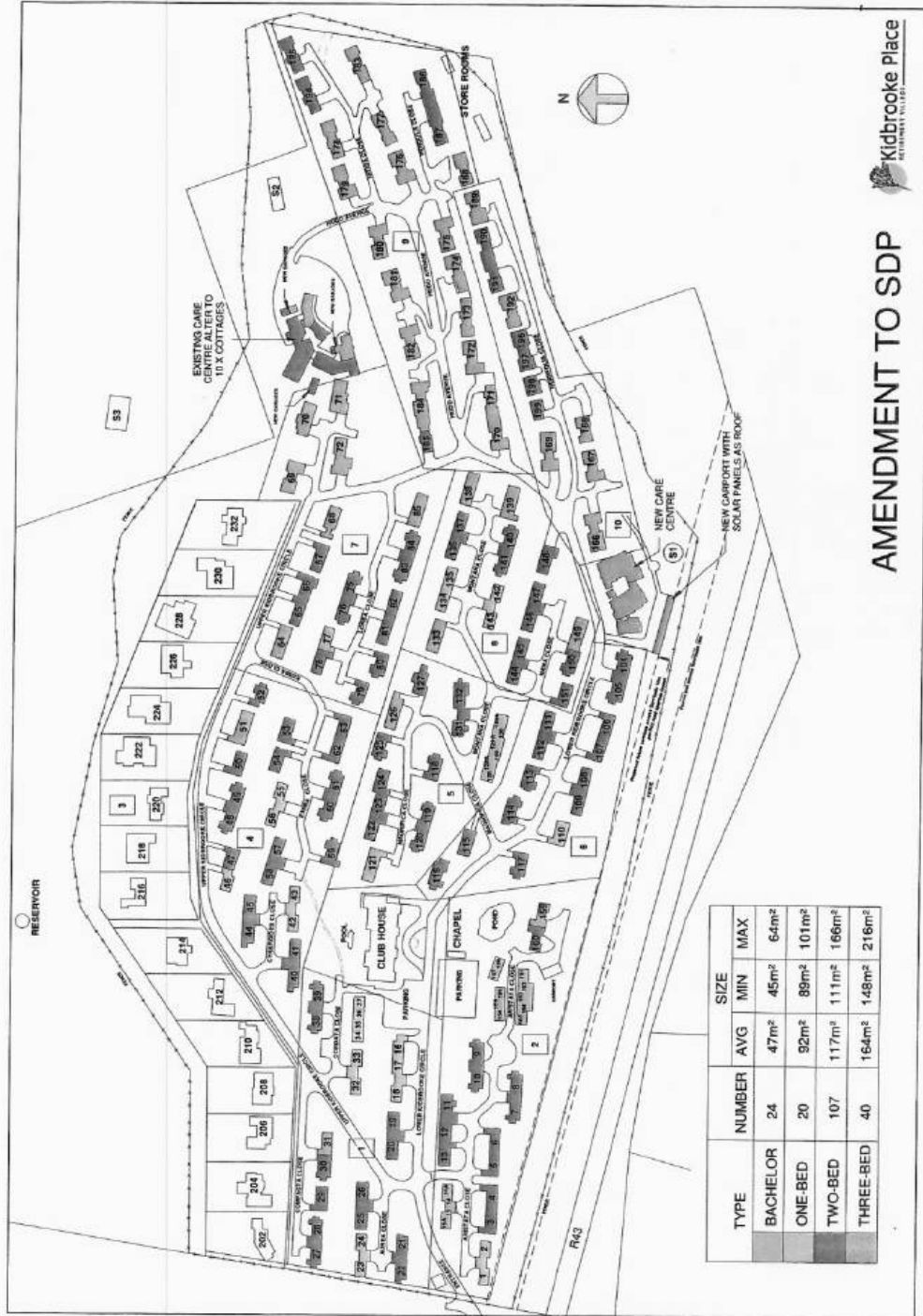
1. that the application in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5057, Onrustrivier for the Amendment of the Approved Site Development Plan to accommodate a solar-system carport installation on the property, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the alterations/extensions on the property be in line with the submitted Site Development Plan and elevation plan;
 - (b) that vegetation be planted south of the carport to mitigate the visual impact and that a Landscape Plan be submitted to the Municipality prior to building plan approval;
 - (c) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (d) that 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;

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7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

- (f) that all the conditions in the Services Report be complied with;
 - (g) that all the conditions imposed by Telkom be complied with;
 - (h) that all the conditions imposed by Eskom be complied with,
and
 - (i) that all the conditions imposed by Western Cape Government:
Transport & Public Works be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ No new municipal services will be required.
- ❖ All relevant municipal and state departments support the application.
- ❖ No objections were received against the application.
- ❖ The solar-system carports will provide clean energy to the care centre that needs constant electricity to operate medical equipment.
- ❖ The carport will also provide much needed protection to vehicles and from rain for staff and visitors.
- ❖ The application is in line with SPLUMA and LUPA principles as clean energy will be provided making Kidbrooke more spatially sustainable and the development to be more spatially resilient to load shedding.
- ❖ The application will have no impact on the character of the area or the surrounding property owners and the proposed mitigation with additional vegetation will limit the visual impact.
- ❖ The application is desirable.



AMENDMENT TO SDP

Kidbrooke Place
RESIDENTIAL DEVELOPMENT

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF THE EXISTING APPROVED SITE
DEVELOPMENT PLAN: ERF 5057, ONRUS RIVER (4560/2024)**

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 Area Manager: Hermanus for written approval;
4. that any additional and / or extended vehicle entrances will be for the owner's account;
5. that no reservation of on-street parking be allowed;
6. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
7. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

25.ERF 8717, 3 KORT STREET, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: JPJ DESIGNS ON BEHALF OF MONT LOUIS INVESTMENTS PTY LTD

8717 KKM (4530/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

11 June 2024

EXECUTIVE SUMMARY

An application has been received on 27 November 2023 from JPJ Designs on behalf of Mount Louis Investments Pty Ltd for Erf 8717, Kleinmond for the following:

- **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the lateral lines from 2m to 0m to accommodate a proposed new garage.
- **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 2m to 1m to accommodate a proposed garage and storage area.
- **Departure** in terms of Section 16(2)(c) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to exceed the 6,5m restriction of a building on the rear building line to accommodate a proposed new garage.

RESOLUTION

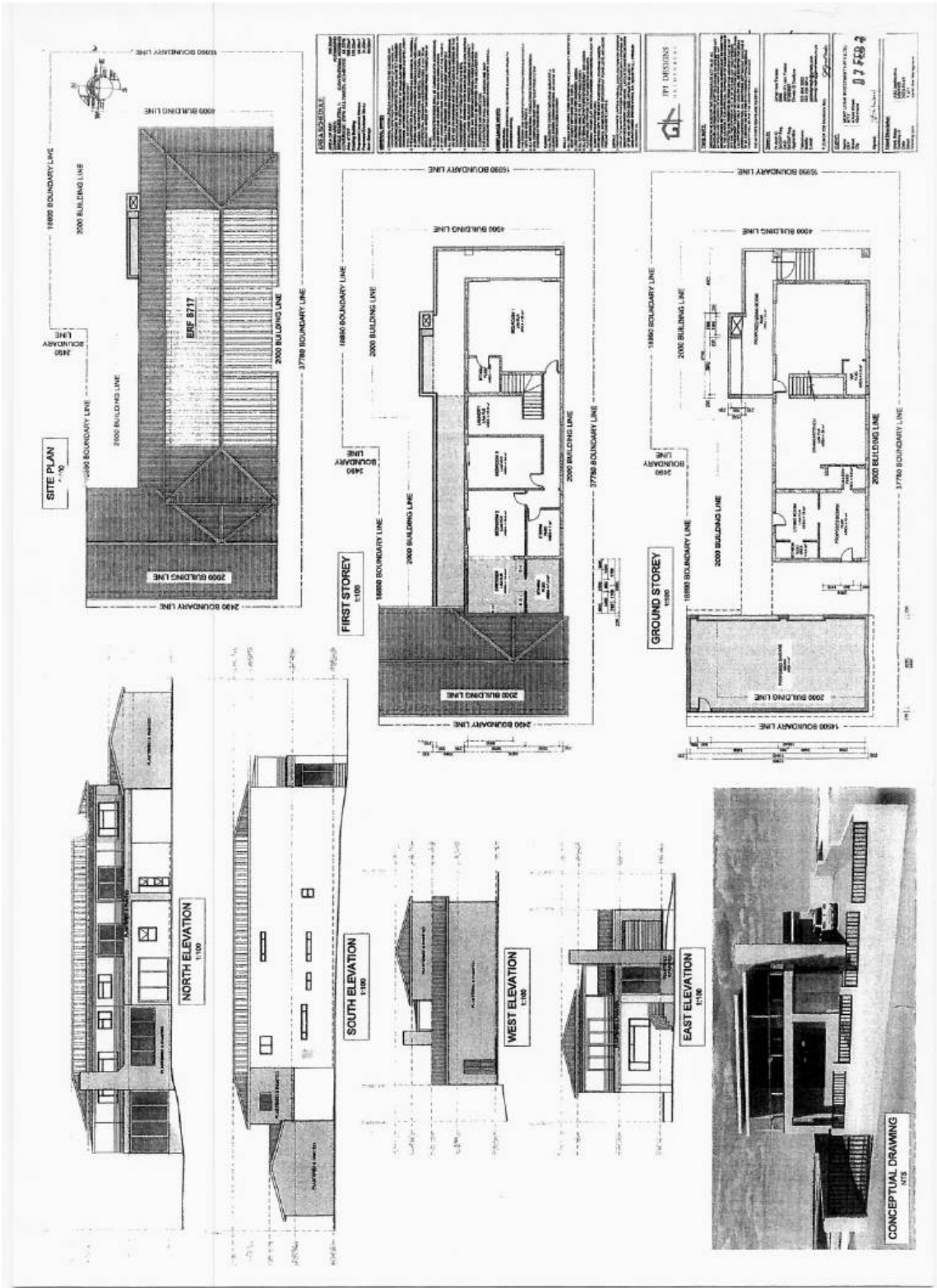
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 8717, Kleinmond for a departure in order to relax the lateral lines from 2m to 0m to accommodate a proposed new garage, **be approved**, in terms of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 8717, Kleinmond for a departure in order to relax the rear building line from 2m to 1m to accommodate a proposed garage and storage area, **be approved**, in terms of Section 61 of the By-Law;

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3. that the application in terms of Section 16.(2)(c) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 8717, Kleinmond to exceed the 6,5m restriction where the lateral/rear boundary of the property is less than 19,5 m in width to accommodate a proposed new garage, **be approved**, in terms of Section 61 of the By-Law;
4. that the approvals in Points 1-3 above be subject to the following conditions:
 - (a) that this approval is only for the departure application as indicated on the plan numbers 260/1123 dated 13 November 2023 as submitted with the application;
 - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department, be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
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 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ No objections from surround property owners
- ❖ No change in character of the locality and property.
- ❖ No objections from internal departments.
- ❖ Better utilization of the property.
- ❖ Structures aesthetically blend in with the existing dwelling.



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**26.ERF 1716, 2 PLOVER PLACE, FISANTE CRESCENT, VERMONT,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: N
ENGELBRECHT**

1716 HVM (4546/2024)

H Olivier

(028) 313 8900

Hermanus Administration

31 May 2024

EXECUTIVE SUMMARY

An application has been received on 6 December 2023 from N Engelbrecht on Erf 1716, 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 lateral building line from 2m to 1m to accommodate a use change of an existing double garage to a second dwelling.

RESOLUTION

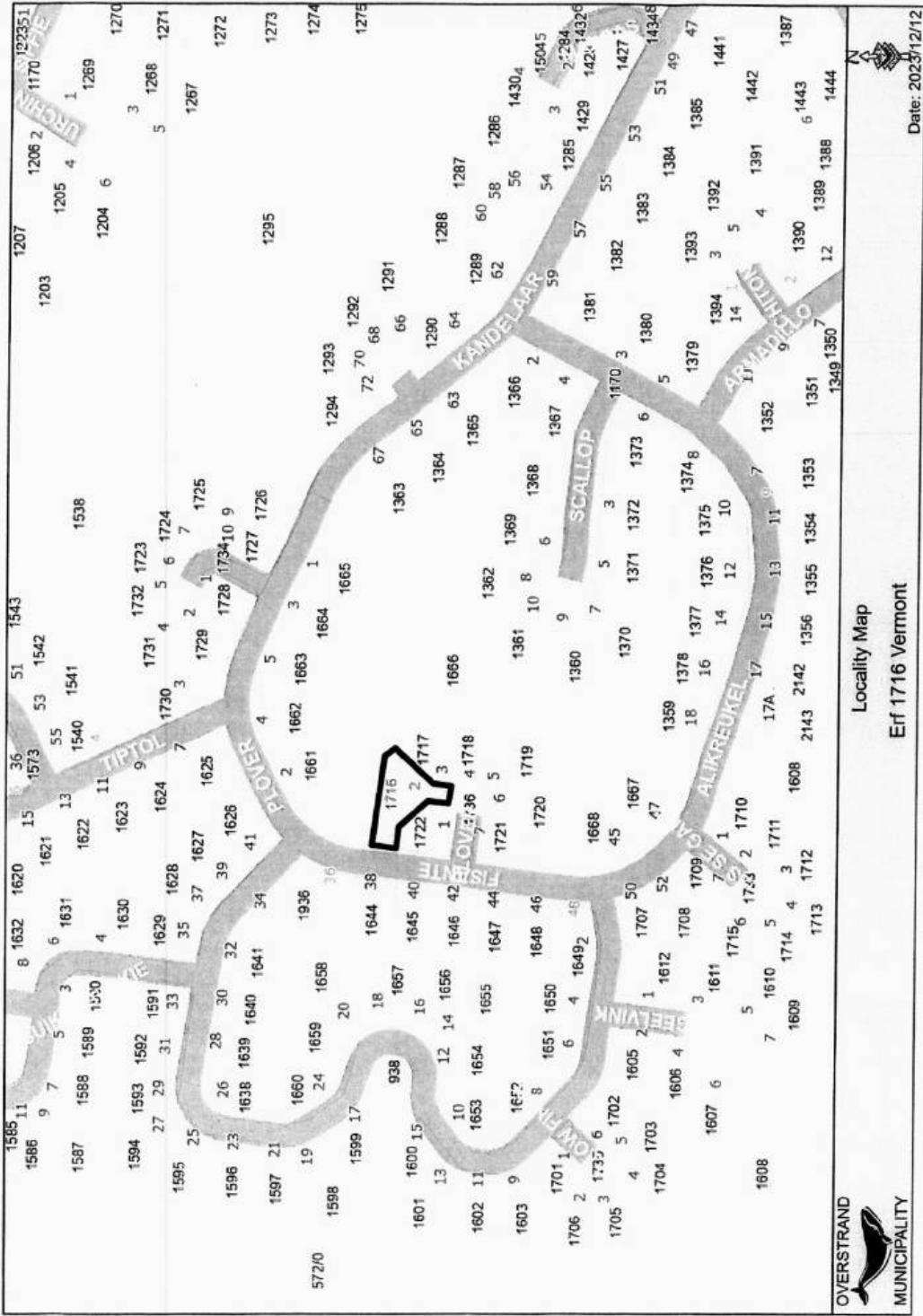
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1716, Vermont for departure to relax the lateral building line from 2m to 1m to accommodate a use change of an existing double garage to a second dwelling, **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 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 the building lines as indicated on plan numbers ENG-T01 Rev C dated 15 February 2024 and Plan ENG- T02 Rev A dated 10 October 2023, submitted with the application;
 - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (d) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;

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

REASONS FOR RESOLUTION

- ❖ 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.
- ❖ No new municipal services will be needed.
- ❖ The use change of the garage into a second dwelling over the building line will not impact the privacy of surrounding property owners and is desirable.
- ❖ The application will in an affordable way provide accommodation for a Health Care worker, making it efficient.
- ❖ The Planning Principles is complied with.



OVERSTRAND

 MUNICIPALITY

Locality Map
 Erf 1716 Vermont

Date: 2023/12/12

WM 1716



Areas:
 Erf 1723
 Main Dwelling: 100m²
 Approved Patio/Deck & Carport: 85m²
 2nd Dwelling: 50m² (for new covered entrance)
 cover: 222m² @ 22.25%

Site Plan
 scale: 1:200

General Notes:

Refer to Site Plan drawing for all Notes & Terms

Date: 15 February 2024
 Drawing No: ENG-TO Rev C
 File Name:
 T Dillon
 (SACAP no.: 00231)
 Client: P 19 FEB 2024
 (Sgt)

Project: House Engelbrecht
 Alterations to Existing
 Council Approval drawing only
 Address: 2 Plover Place
 Erf 1716, Vermont

For.Site
 design + consult
 phone: 028 112 8811
 email: info@forsite.co.za
 www.forsite.co.za

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 1716, VERMONT (4546/2023)**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

**27.ERF 810, 165 MAIN ROAD, NORTHCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR PERMISSION REQUIRED IN
TERMS OF THE LAND USE SCHEME: PLAN ACTIVE TOWN AND
REGIONAL PLANNERS ON BEHALF OF LETCHWE TRUST**

810 HNC (4533/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

25 March 2024

EXECUTIVE SUMMARY

An application has been received on 7 November 2023 from Plan Active Town & Regional Planners on behalf of Letchwe Trust on Erf 810, Hermanus for permission required in terms of Section 16(2)(g) of the Land Use Scheme of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for amendment of a condition in respect of an existing approval for the amendment of Condition 1. (a) of the decision dated 4 August 2023.

RESOLUTION

1. that the application in terms of Section 16(2)(g) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 810, Hermanus for amendment of a condition in respect of an existing approval for the amendment of Condition 1.(a) of the decision dated 4 August 2023, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that Condition 1.(a) be amended to read as follows:

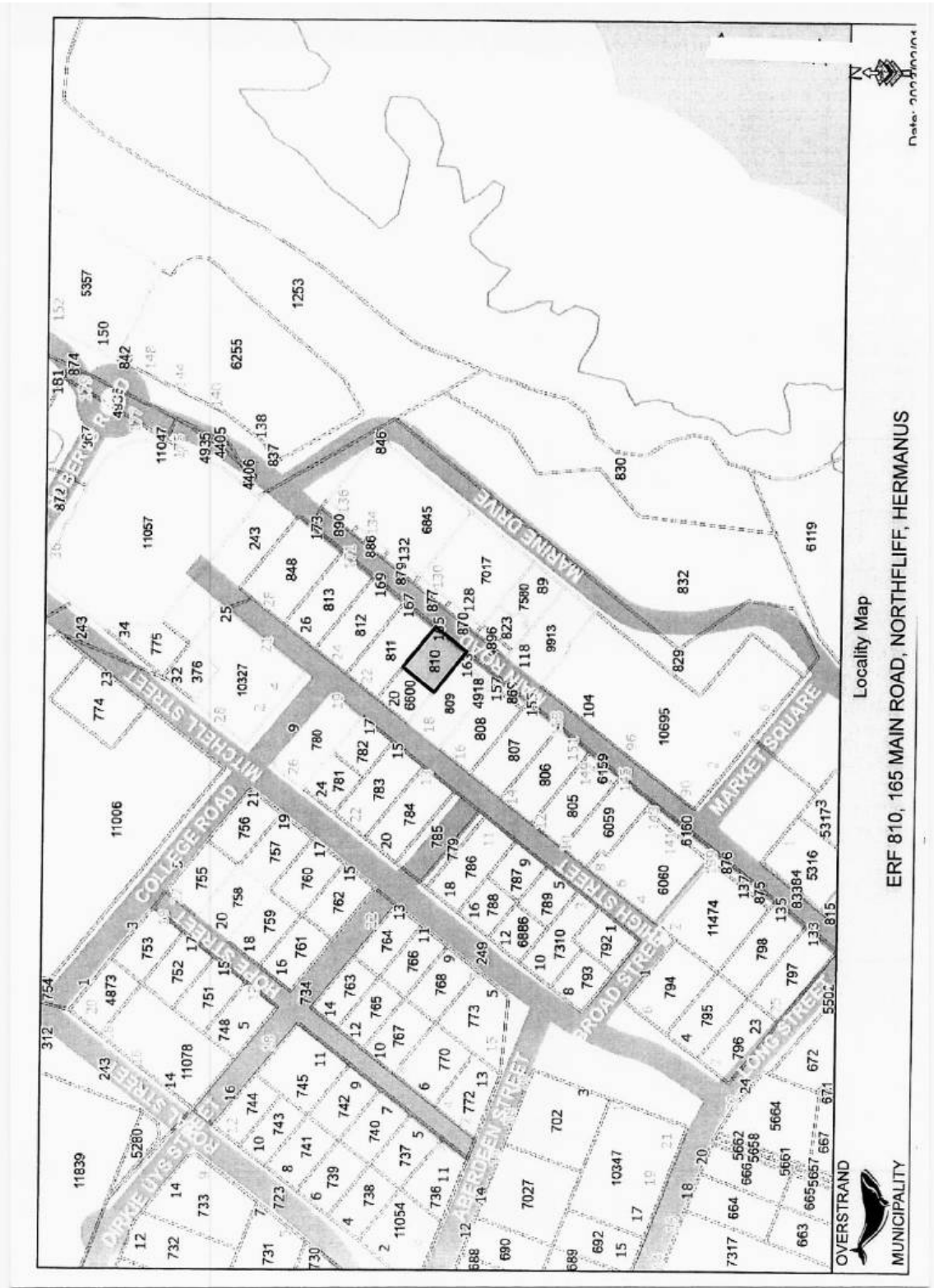
that an amount of R581 00,00 or amended amount and valuation of land as per budget year be payable for the shortfall of eight (8) parking bays prior to the building plan approval for the phase 2 building work to be carried out on Erf 810 Hermanus;
 - (b) That construction commences within two (2) years of the date of approval;
 - (c) that all the other conditions in the approval dated 4 August 2023 be complied with;
 - (d) that the amount payable by the applicant be subject for that specific budget year in which the building plan is approved.

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- (e) that building plans be submitted for all new buildings to the Building Branch for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (f) that this is not an approval in terms of any other legislation;
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The amendment will only affect the payment and no other conditions of approval.
- ❖ The application is desirable.



<p>PROJECT INFORMATION</p> <p>PROJECT NAME: [REDACTED]</p> <p>CLIENT: [REDACTED]</p> <p>ADDRESS: [REDACTED]</p> <p>DATE: [REDACTED]</p>		<p>DESIGNER</p> <p>ARCHITECT: [REDACTED]</p> <p>SCALE: [REDACTED]</p> <p>DATE: [REDACTED]</p>													
<p>REVISIONS</p> <table border="1"> <tr><th>NO.</th><th>DESCRIPTION</th><th>DATE</th></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>		NO.	DESCRIPTION	DATE										<p>SMART SOLUTION ARCHITECTURE</p> <p>100/100 STREET, SUITE 100</p> <p>WILLOWDALE, ONTARIO</p> <p>TEL: (416) 491-1111</p> <p>WWW.SMARTSOLUTIONARCHITECTURE.COM</p>	
NO.	DESCRIPTION	DATE													
<p>CONTRACTOR</p> <p>[REDACTED]</p>		<p>SMART SOLUTION ARCHITECTURE</p> <p>100/100 STREET, SUITE 100</p> <p>WILLOWDALE, ONTARIO</p> <p>TEL: (416) 491-1111</p> <p>WWW.SMARTSOLUTIONARCHITECTURE.COM</p>													

SITE AND GROUND STOREY LAYOUT

FIRST STOREY LAYOUT

SOUTH EAST ELEVATION - STREET FACADE

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR PERMISSION REQUIRED IN TERMS OF LAND USE
SCHEME: ERF 810, NORTHCLIFF (4283/2022)**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that as an alternative to compliance with the off-street parking requirements in terms of the Land Use Scheme 2020, the developer may:
 - a) acquire an area of land sufficient for the permanent parking requirements elsewhere in a position approved by the Municipality; or
 - b) pay the Municipality the amount to the value of the parking to be provided in accordance with the zoning concerned, together with the construction cost, in cases where the provision of parking is precluded in terms of other legislation or site-specific constraints or a contribution is made to an approved Municipal parking fund or project for the provision of parking;
5. that the development comply with schedule 2 of the Overstrand Land Use Scheme, 2020 section 17.4 refuse rooms;
6. that if there is additional waste generated from the expanded operations at the site the applicant will have to arrange for additional waste containers or service collections as required and pay for this at the prescribed published municipal tariffs;
7. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;

2

8. that any additional and / or extended vehicle entrances will be for the owner's account;
9. that stormwater be allowed to discharge through Erf 810, Northcliff, unobstructed;
10. that no on-street parking be allowed.

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

08/03/2023
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

**28.ERF 210, 9 KABELJOU STREET, VAN DYKSBAAI (KLEINBAAI),
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR RELAXATION OF
TITLE DEED, DEPARTURE AND DETERMINATION OF AN
ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON
BEHALF OF LS DE KOCK**

210 GKB (4592/2024)

**S van der Merwe
07 May 2024**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 23 February 2024 from Messrs WRAP Project Office on behalf of LS de Kock for Erf 210, Van Dyksbaai 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 By-Law, to encroach the street building line from 4m to 2.78m, to accommodate the existing deck and to encroach the eastern lateral building line from 2m to 1.5m, to accommodate the proposed garage, bedroom, and deck; and
- ❖ **Determination of an administrative penalty:** in terms of Section 16(2)(q) of the By-Law.

Application is also made in terms of the provisions of the title deed for:

- ❖ **Relaxation of title deed condition C(g)** contained in Title Deed T50908/2021 to encroach the street building line from 5m to 2.78m, to accommodate the existing deck and to encroach the southern rear building line from 3m to 2m, to accommodate the existing dwelling.

RESOLUTION

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 210, Van Dyksbaai (Kleinbaai) for a departure to relax the street building line from 4m to 2.78m, to accommodate the existing deck and to relax the eastern lateral building line from 2m to 1.5m to accommodate the existing dwelling; **be approved** in terms of the provisions of Section 61 of the By-Law;

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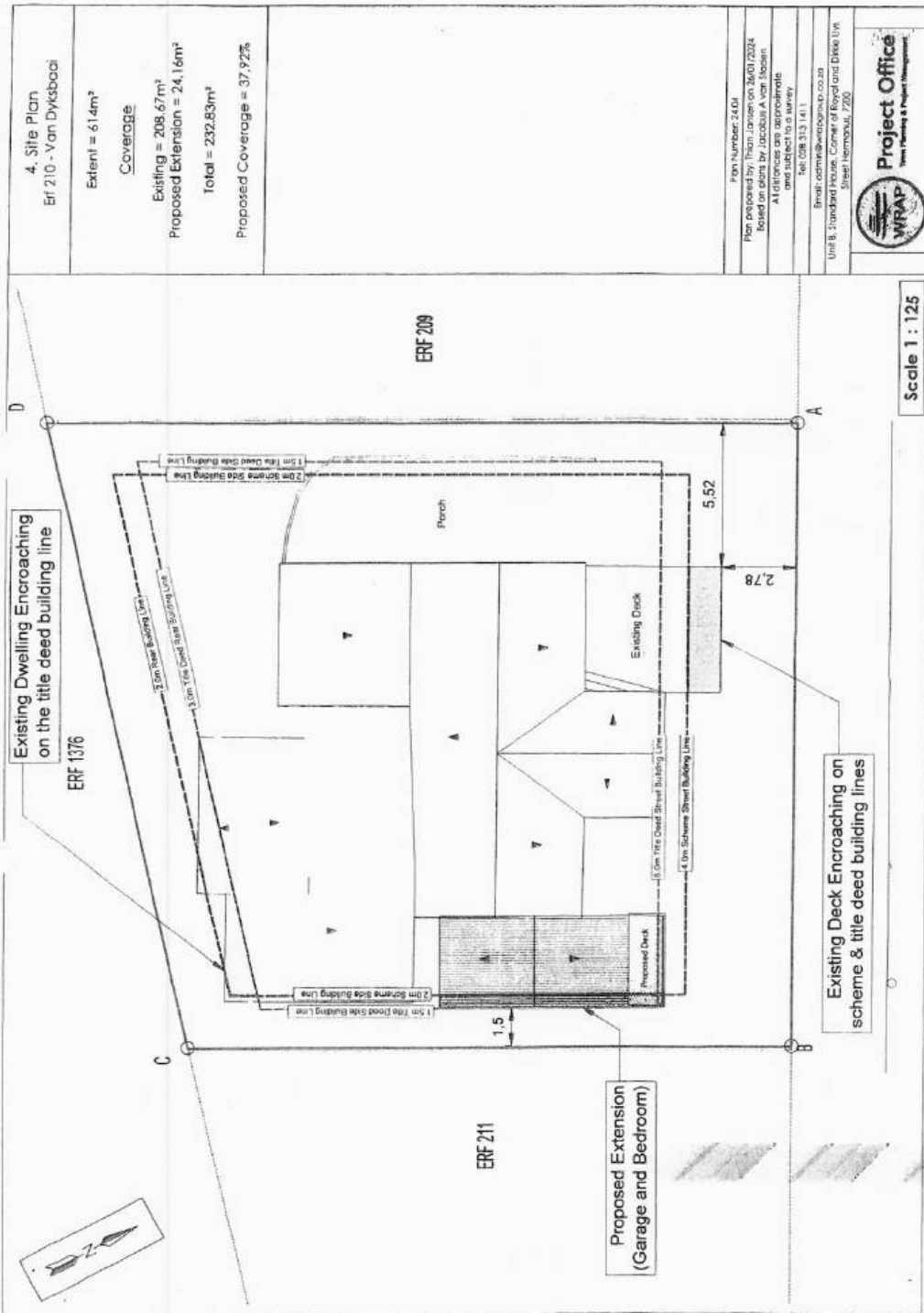
2. that the application for the relaxation of restrictive title condition as contained in Title Deed T50908/2021 namely Clause C(g) to encroach the street building line from 5m to 2.78m, to accommodate the existing deck and to encroach the southern rear building line from 3m to 2m, to accommodate the existing dwelling, **be approved**;
3. that the application for determination of an administrative penalty in terms of Section 16(2)(q) Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 210, Van Dyksbaai (Kleinbaai) for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
4. that the approvals in paragraph 1 to 3 above, be subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the site plan numbered *24.04* dated *26 January 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 be complied with;
 - (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;
 - (f) that an administrative penalty of R6782,85 (VAT excluded) be payable within **sixty (60) days** of the decision; and
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
5. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality 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 : 14 August 2024)**

REASON FOR RESOLUTION

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






**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE, RELAXATION OF THE TITLE DEED &
DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 210, VAN
DYKSBAAI**

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

Conditions:

1. that the existing water connection to- and sewer conservancy tank to Erf 210 shall be used to service Erf 210;
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 210, Van Dyksbaai, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

29.ERF 464, 25 INGANG STREET, DE KELDERS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MG VAN BREDA

464 GDK (4606/2024)

S van der Merwe

(028) 313 8900

Hermanus Administration

18 June 2024

EXECUTIVE SUMMARY

An application has been received on 07 March 2024 from MG van Breda for Erf 464, De Kelders 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 By-Law, to relax the south-western- and north-eastern lateral building lines from 2m to 1.57m, to accommodate a proposed bedroom with en-suite bathroom and existing balcony wall on the property; and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to accommodate the existing balcony wall.

RESOLUTION

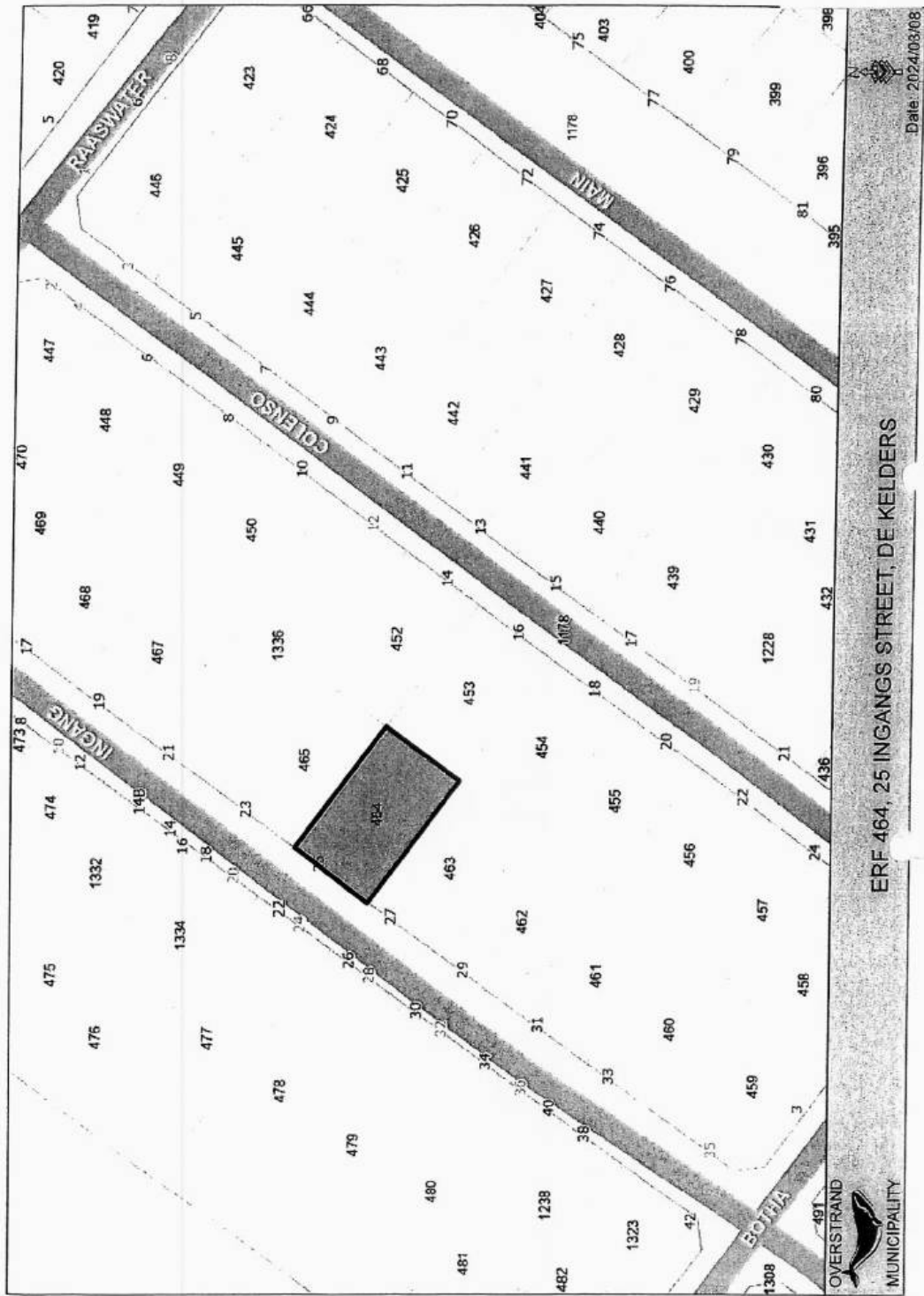
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 464, De Kelders for a departure to relax the south-western and north-eastern lateral building lines from 2m to 1.57m, to accommodate a proposed bedroom with en-suite bathroom and existing balcony wall on the property, **be approved** in terms of the provisions of Section 61 of the By-Law
- 2.. that the determination of an administrative penalty in terms of Section 90. (4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 464, De Kelders for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
3. that the approvals in points 1. and 2. above, be subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the site plan numbered *24.04* dated *26 January 2024* as submitted with the application;

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- (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (c) that an administrative penalty of **R641, 04** (excluding VAT) be payable within **thirty (30)** days of the decision;
 - (d) that building plans be submitted to the Building Department for approval within 30 days, and that all conditions of the Building- and the Fire Department, be complied with at that stage;
 - (e) that all the conditions from Telkom and Engineering Services, be complied with;
 - (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 Zoning Scheme be complied with; and
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ No objections received from affected property owners.
- ❖ Does not jeopardize character of area.
- ❖ Better utilization of the property.
- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ No additional services are required.



COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 464, DE KELDERS

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 464, De Kelders, unobstructed;
6. that no on-street parking be allowed.

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

30/05/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

30. ERVEN 23, 52-55, 202-205, 334, 383 AND 532, GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND CONSOLIDATION: MESSRS HEADLAND TOWN PLANNERS ON BEHALF OF PROVINCIAL GOVERNMENT WESTERN CAPE

23, 52-55, 202-205, 334, 383 & 532 GB (4554/2023)

SW van der Merwe (028) 313 8900 Hermanus Administration

28 May 2024

EXECUTIVE SUMMARY

An application has been received on 14 December 2023 in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) from Messrs Headland Town Planners on behalf of Provincial Government Western Cape applicable to Erven 23, 52-55, 202-205, 334, 383 & 532, Gansbaai for the following:

- ❖ **Subdivision** in terms of Section 16(2)(d) of the By-Law to subdivide Erf 204, Gansbaai into two portions, namely Portion 1 approximately 4533m² in extent and a Remainder approximately 18m² in extent; and
- ❖ **Consolidation** in terms of Section 16(2)(e) of the By-Law for the consolidation of Erven 23, 52-55, 202-203, the newly created Portion 1 and Erven 204, 205, 334, 383 and 532, Gansbaai to create a consolidated property measuring 2,7712ha in extent.

RESOLUTION

1. that the application for **subdivision** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to subdivide Erf 204, Gansbaai into two portions, namely Portion 1 approximately 4533m² in extent and a Remainder approximately 18m², **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for **consolidation** in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 23, 52-55, 202-203, the newly created Portion 1 and Erven 204, 205, 334, 383 and 532, Gansbaai to create a consolidated property measuring 2,7712ha in extent, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in paragraphs 1. and 2. above be subject to the following:

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7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

- (a) that the approval is only for the subdivision and consolidation as indicated on drawing number *GBP.CONSOLE.01* dated 31/10/2023;
 - (b) that the conditions imposed by Telkom (OpenServe), be complied with;
 - (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.
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The proposal is considered to be in line with the character of the area.
- ❖ No objections from internal departments or surrounding property owners.

APPENDIX B

Locality Plan - Gansbaai Primary School



10/9/2023, 9:41:37 PM

- Municipalities
- Property Standard
- Districts
- Overstrand
- Primary
- SG Approvals
- Roads
- Green: Band_2 Image
- Blue: Band_3
- Red: Band_1
- Green: Band_2



East South Africa, Eri, HERE, Garmin, USGS, NSA | Overstrand Environmental Section, Anthony Dirk, Terrain Dry |

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION & CONSOLIDATION: ERVEN 23, 52 –
55, 202 – 205, 334, 383 & 532, GANSBAAI**

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 either Erf 23 or Erf 205 shall be disconnected and blanked off;
2. that the existing sewer connection on Erf 205 shall be used to service the proposed consolidated erf consisting of Erven 23, 52 – 55, 202 – 205, 334, 383 & 532;
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 proposed consolidated erf be provided with a central refuse collection facility, which must comply with the standards of the Department: Operational Services;
6. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
7. that any additional and / or extended vehicle entrances will be for the developer's account;
8. that stormwater be allowed to discharge through the proposed Erven, Gansbaai, unobstructed.

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

24/08/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

**31.ERF 3765, 22 SHERWOOD DRIVE, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF ADMINISTRATIVE PENALTY: J DOUGLAS ON
BEHALF OF VALVAN BELEGGINGS CC**

3765 HON (4512/2023)

H Olivier

(028) 313 8900

Hermanus Administration

16 May 2024

EXECUTIVE SUMMARY

An application has been received on 26 October 2023 from J Douglas on behalf of Valvan Beleggings CC in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3765, Onrustrivier for the following:

- ❖ **Departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the rear building line from 2m to 0m and the southern lateral building line from 2m to 0m to accommodate an existing garage, shade port and covered car parking.
- ❖ **Determination of Administrative Penalty** in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorized encroachments of the garage, shade port and roof covered area over building lines.

RESOLUTION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3765, Onrustrivier for a departure to relax the rear building line from 2m to 0m and the southern lateral building line from 2m to 0m to accommodate an existing garage, shade port and covered parking area, **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 ON3765/2023 sheet 1 and 2 dated 10/10/2023, submitted with the application;

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- (c) that building plans be submitted to the Building Department for all other 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 this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (f) that all the conditions in the Services Report, be complied with;
 - (g) that the conditions imposed by Telkom, be complied with, and
 - (h) that the conditions imposed by Eskom, be complied with.
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 3765, Onrustvriër for the unauthorized encroachments of the existing garage, covered parking area and shade port over building lines on the property was considered and that an administrative penalty of **R25 532, be imposed** which penalty must be paid within ninety (90) days from the final date of the decision of the application.
 3. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

REASONS FOR RESOLUTION

POINT 1

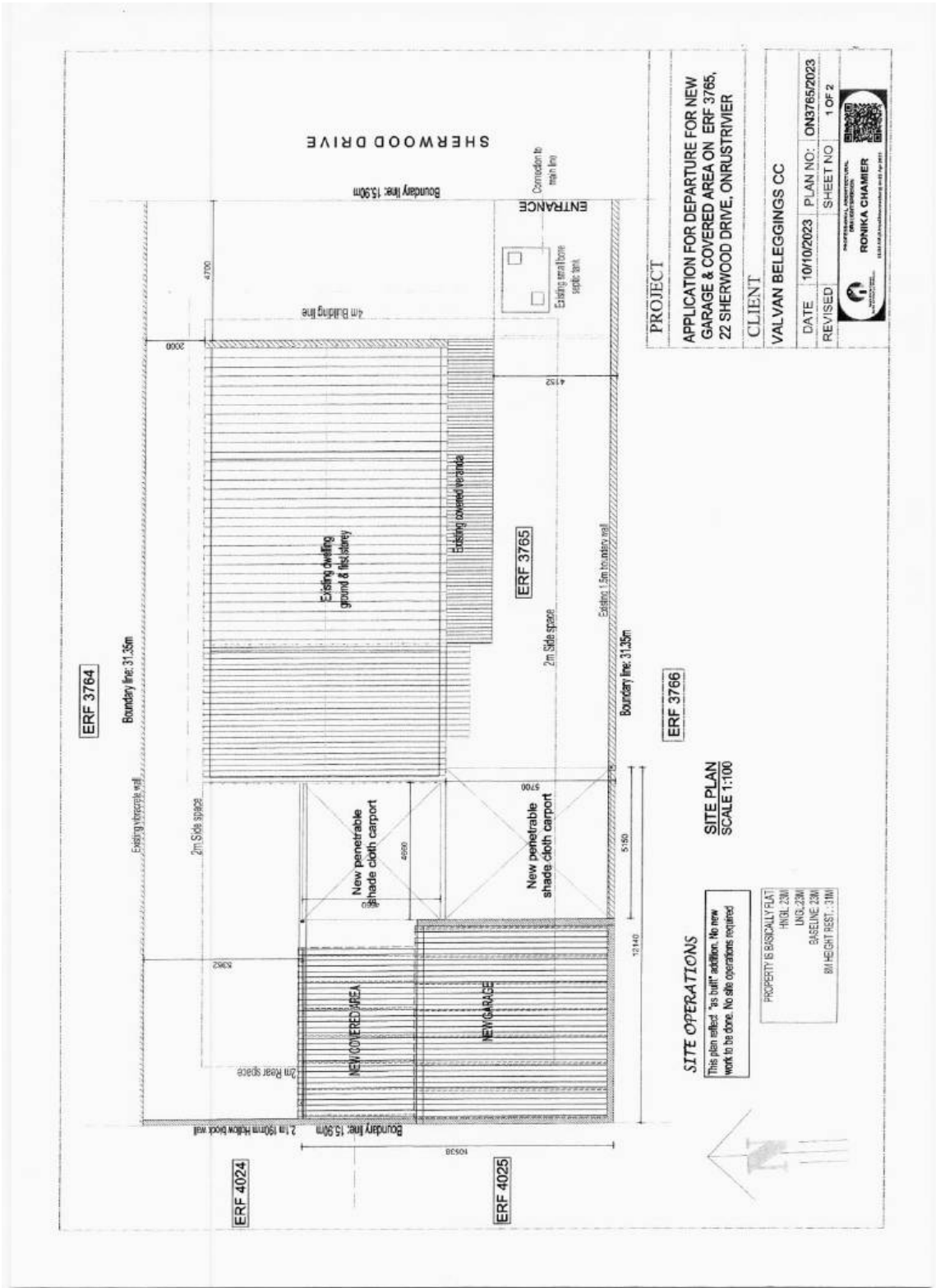
- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ No objections were received from adjacent property owners.
- ❖ The garage, covered parking and shade port is existing structures over the building lines, and it would not have any additional impact on surrounding property owners.
- ❖ Garages can be allowed onto property boundaries with neighbour's consent, if it is less than 3,5m above natural ground level, as it then complies with the land use scheme. This application complies with the requirement.

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- ❖ The shade port and covered parking extend the area that is over the rear and southern lateral building lines, but since it is minor structures, it has less of an impact on neighbours.
- ❖ The raised wall on the rear boundary helps ensure privacy of adjacent neighbours.
- ❖ The garage, shade port and covered parking area provide safe parking for a motor vehicle, and it is more efficient to legalize these structures than to demolish it.
- ❖ All relevant Municipal/State Departments or other institutions support the application.
- ❖ The application does not have a negative impact on neighbours and or have changed the character of the area and is desirable.

POINT 2

- ❖ The existing landowners constructed the garage in 1999, the covered parking area in approximately 2016 and the shade port in approximately 2017 all over building lines.
- ❖ The landowners followed a planning process in 2006 to try to legalize the garage, which was unsuccessful. They however still constructed a shade port and the covered parking area over building lines without applying for a departure or obtained approved building plans. They were aware of the processes to follow, but still constructed illegal structures.
- ❖ The applicant did not provide a report by a quantity surveyor. The fact that the encroachments are for minor structures, being a covered parking area and shade port, and that these structures and the garage is non-habitable, was duly considered in determining the administrative penalty fee.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 3765, ONRUS RIVER (4512/2023)**

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

Conditions:

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

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

28/02/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

**32.ERF 674, 1 MOORE STREET AND ERF 1000, 3 MOORE STREET,
STANFORD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR
CONSOLIDATION: MESSRS PLAN ACTIVE TOWN & REGIONAL
PLANNERS ON BEHALF OF DR WJ & M VERMAAS**

674 & 1000 STAN (4622/2024)

P Roux

(028) 313 8900

Hermanus Administration

03 June 2024

EXECUTIVE SUMMARY

An application has been received on 26 March 2024 from Messrs PlanActive Town & Regional Planners on behalf of the property owner in terms of Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the **consolidation** of Erven 674 and 1000, Stanford to create one erf approximately 6537m² in extent.

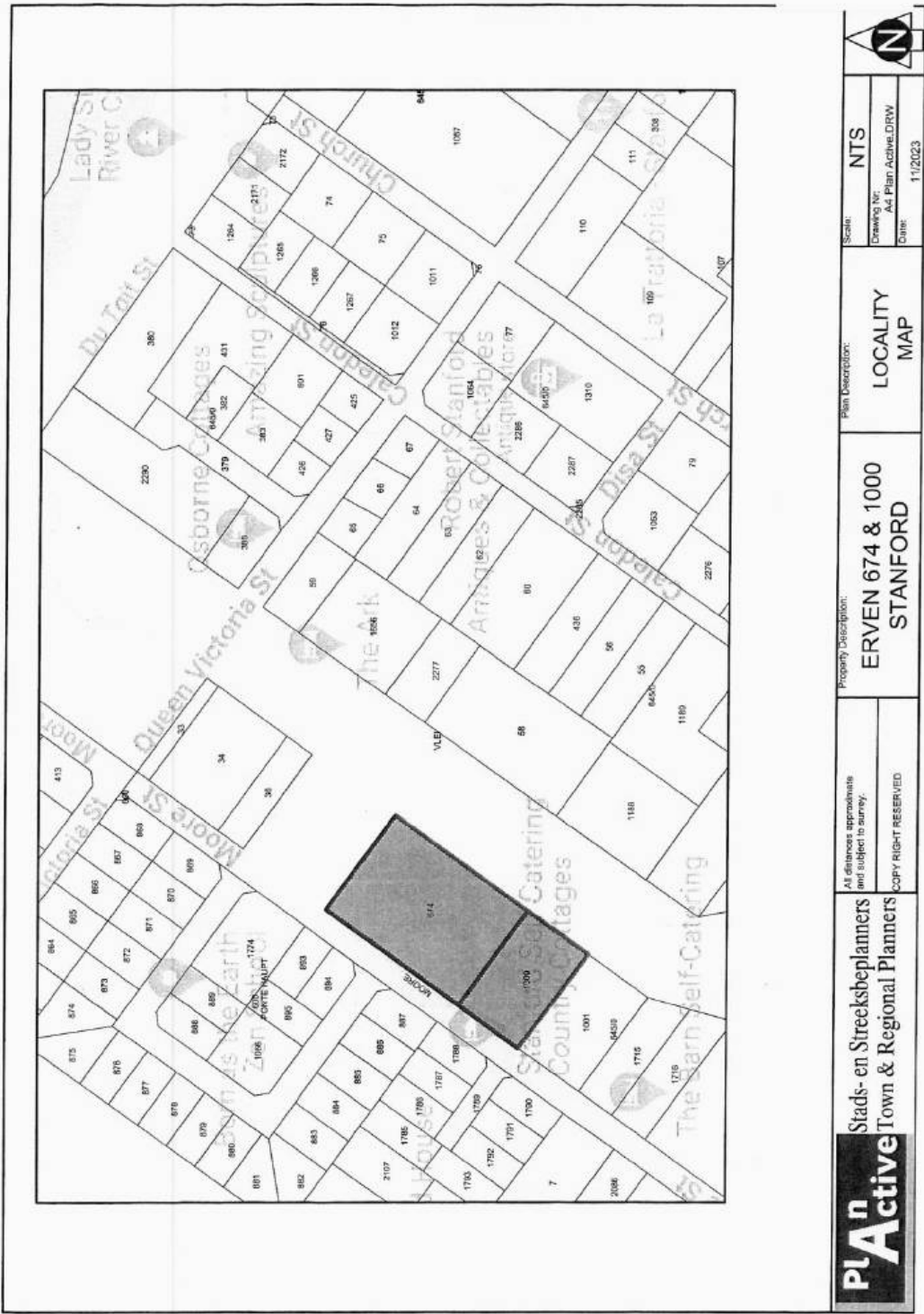
RESOLUTION

1. that the application in terms Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 674 & 1000, Stanford for the consolidation of the erven to create one erf approximately 6537m² 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 674 Stanford.dwg* dated *November 2023* as submitted with the application;
 - (b) that building plans be submitted for any new work done and that the Building Department and Fire Department's comments be complied with at that stage;
 - (c) that the conditions in the Services Report, be complied with;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

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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 SDF.



	Stads- en Streeksbeplanners Town & Regional Planners	At distances approximate and subject to survey. COPYRIGHT RESERVED	Property Description: ERVEN 674 & 1000 STANFORD	Plan Description: LOCALITY MAP	Scale: NTS Drawing Nr: Act Plan Active.DRW Date: 11/2023
	A north arrow is located in the top right corner of the map area.				



PROPOSED CONSOLIDATION:
 Erf 674 Stanford: 4508m²
 Erf 1000 Stanford: 2029m²
 TOTAL SIZE AFTER CONSOLIDATION
 6537m²

PLAN Stads- en Streeksbeplanners
 Town & Regional Planners

All dimensions approximate
 and subject to survey.
 COPY RIGHT RESERVED

Property Description:
**ERVEN 674 & 1000
 STANFORD**

Plan Description:
**PROPOSED
 CONSOLIDATION**

Scale: **1:1000**
 Drawing N°: 674 Stanford.dwg
 Date: 11/2023



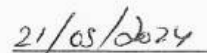
**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION: ERF 674 & ERF 1000, STANFORD**

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

Conditions:

1. that, should water- and sewer services be required to the development, a new water connection be applied for to service the consolidated erf (Erf 674 & Erf 1000) as per standards and requirements of the Department: Operational Services.
2. that only one standard water connection and meter will be available to the consolidated erf.
3. that the proposed development on the consolidated erf (Erf 674 & Erf 1000) is provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the development must connect to; Only one sewer connection point will be allowed for the consolidated erf.
4. that only one standard electricity connection, supply line and meter will be available to the consolidated erf. The electricity connection to the second property will thus be forfeited once the consolidation has been done. Should a larger capacity be required, the upgrading will be at the owner's cost;
5. that should additional services connections be required the owner will be responsible for the payment of bulk services levies;
6. that stormwater be allowed to discharge through Erf 674 & Erf 1000, Stanford, unobstructed;
7. that no on-street parking will be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
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7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

MUNICIPAL TRIBUNAL

- 1. ERF 3770, 1 NERINE CRESCENT, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION: WRAP PROJECT OFFICE ON BEHALF OF AP BOTHA**

3770 KBB (4110/2022)

B Minnaar

(028) 313 8900

Hermanus Administration

3 May 2024

EXECUTIVE SUMMARY

The item previously served before the Municipal Planning Tribunal (MPT) on 25 April 2024 and was **referred back** to the Town Planner for approval. The recommendation by the MPT will be discussed in Section 13 of this report.

An application has been received on 8 April 2022 from WRAP Project Office on behalf of AP Botha in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of a restrictive title condition Clause B.7. as contained in Title Deed T47643/2021 applicable to Erf 3770, Betty's Bay in order to accommodate the proposed new dwelling house on the 2m Scheme building line.

The restrictive title deed condition B.7. read as follows:

"No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5m to the street building line which forms a boundary of this erf, nor within 5m of the rear or 3m of the lateral boundary common to any adjoining erf provided that with the consent of the local authority."

RESOLUTION

1. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3770, Betty's Bay for the removal of restrictive title deed condition B.7. as contained in Title Deed T47643/2021 to accommodate the proposed new dwelling house on the 2m Scheme building line, **not be approved**, in terms of the provisions of Section 61 of the By-Law.
2. that the dwelling house be repositioned further from rear property boundary and applicable building lines (land use scheme and title deed building lines).

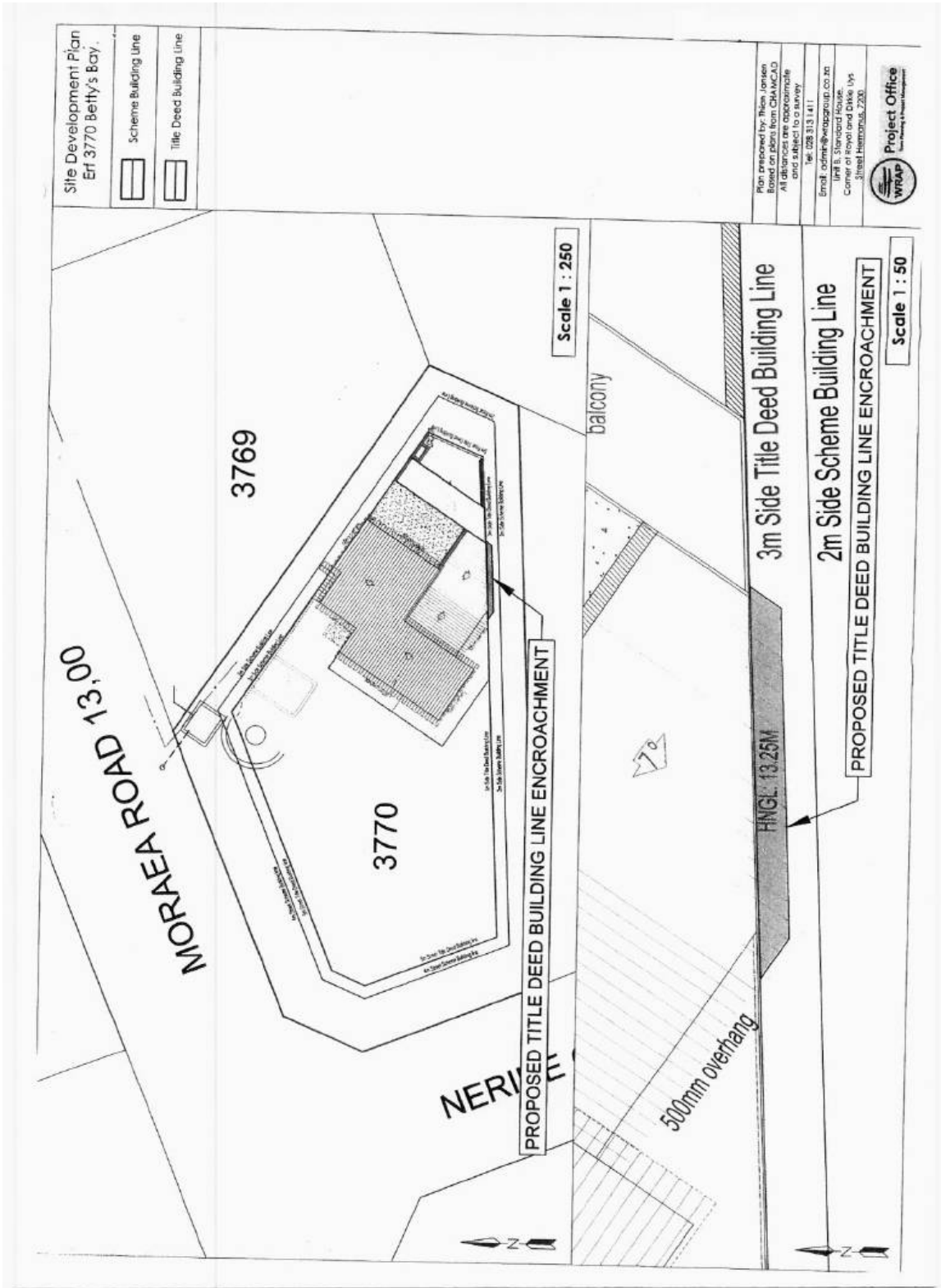
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3. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The subject property is 1117m² in extent allowing more than enough space to position the property away from the mobile dune system as well as away from the applicable building lines (title deed or land use scheme building lines).
- ❖ The encroachments over the applicable title deed restrictive building lines are considered minor encroachments, however the subject property is located in the Urban Low Risk Zone and can therefore not be the only evaluation point.
- ❖ The property is situated within the EMOZ Coastal Protection: Urban Low Risk Zone and within the Littoral Active Zone (LAZ) which is the mobile sand dune system. There are no mitigating measures considered / proposed as stipulated in the regulations for the Urban Low Risk Zone 4.8.1.2.3. (Page 19.).
- ❖ The position of the proposed dwelling is too close to the mobile dunes. The vegetation located within the footprint of the proposed dwelling house is required to be removed before the building process. The vegetation is a natural buffer (mitigating measure) to ensure that the mobile dune system does not negatively impact the property owner. Due to the location of the proposed dwelling, there will be less vegetation to reduce the impact of the of mobile sand dune system. Without mitigating measures in place to reduce the sand dune system, the property owner will be subject to increased disruption. Furthermore, the effects of climate change resulting in hotter and dryer weather may lead to increase erosion thereby having a major impact on the structural integrity of the proposed dwelling house.






**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION:
ERF 3770, BETTY'S BAY (4110/2022)**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigates and determine the limitations of the site in terms of drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
7. that stormwater be allowed to discharge through Erf 3770, Betty's Bay, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
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7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

2. ERF 363, 6 CENTRAL ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: INTERACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF RUDOLPH DE VILLIERS TRUST

363 KPRB (4419/2023)

B Minnaar

(028) 313 8900

Hermanus Administration

12 April 2024

EXECUTIVE SUMMARY

An application has been received on 27 June 2023 from InterActive Town & Regional Planners on behalf of Rudolph de Villiers Trust on Erf 363, Pringle Bay for a departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to be read with Section 17.1.2.(c) of the Overstrand Municipality Land Use Scheme, 2020 in order to deviate from the requirement to accommodate parking on site i.e. from the required nine (9) parking bays to accommodate two (2) on-site parking bays and seven (7) off-site parking bays.

RESOLUTION

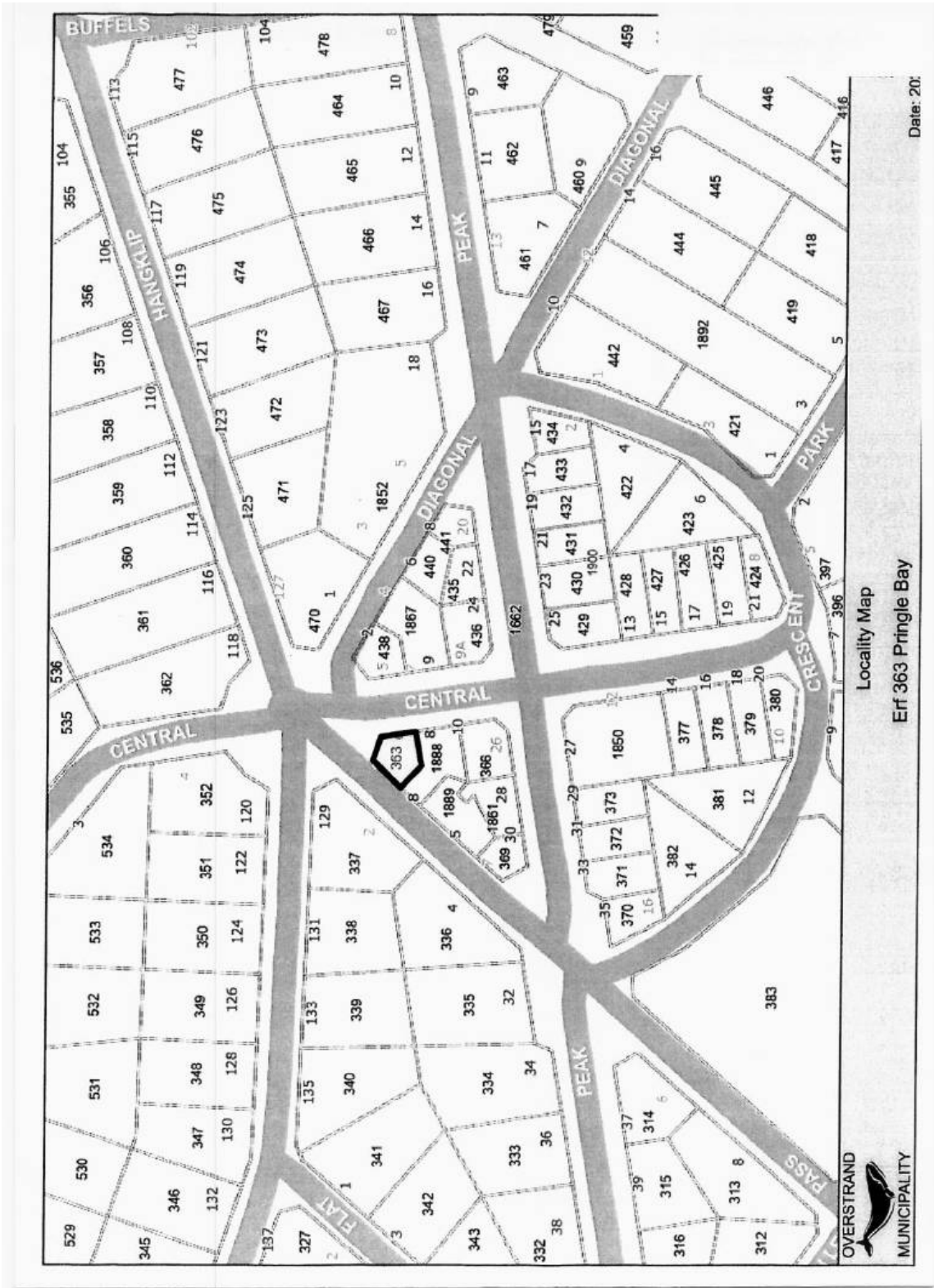
1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 read with Section 17.1.2.(c) of the Overstrand Municipality Land Use Scheme, 2020 on Erf 363, Pringle Bay for a departure in order relax the parking bay requirements from nine (9) to two (2), **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that an amount of *R157,000.00, excluding VAT*, be payable for the shortfall of seven (7) parking bays within ninety (90) days from the final date of the decision;
 - (b) that an off-site parking layout plan be submitted to the Engineering Services Department to their satisfaction for the seven (7) outstanding parking bays;
 - (c) that the conditions in the Engineering Report, be adhered to;
 - (d) that building plans be submitted to the Building Department of the Overstrand Municipality, and that any requirements by the Fire- and Building Departments at that stage be complied with;
 - (e) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and

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- (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant and objector be notified of its right of appeal in terms Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The present building plan was approved with four parking bays on-site. The parking created within the road reserve along the eastern portion of the property results in the non-viability of the current parking layout. Therefore, any proposed parking layout will incur design challenges.
- ❖ The Overstrand Municipality Land Use Scheme makes provision for alternative parking provision which have been applied for.
- ❖ The Mayoral Committee decision letter makes provision for a 50/50 principle relating to on-site and off-site parking. However, the viability of the 50/50 principle cannot be implemented on this site due to the shape site. The parking must rather be moved to a more viable scenario in terms of safety and manoeuvrability.
- ❖ The proposal to provide off-site parking is in line with the Pringle Bay CBD Parking Master Plan.



OVERSTRAND MUNICIPALITY

Locality Map
Erf 363 Pringle Bay

Date: 20:

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE, ERF 363, PRINGLE BAY (4419/2023)**

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 Area Manager: 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.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
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**3. PORTION 156 OF FARM HANGKLIP NO. 559, DIVISION CALEDON,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USES
AND DEPARTURE: WRAP PROJECT OFFICE ON BEHALF OF B TOPHAM**

KHANG 156/559 (4174/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

5 April 2024

EXECUTIVE SUMMARY

An application has been received on 8 June 2022 from WRAP Project Office on behalf of B Topham on Portion 156 of the Farm Hangklip No. 559 for the following:

- ❖ **Consent Use** in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate a second dwelling unit, tourist accommodation, agriculture to permit beekeeping, harvesting of natural resources to permit small-scale flora harvesting, intensive horticulture to permit the cultivation of flora, aquaculture to permit cultivation and breeding of water flora and fauna, and a plant nursery to permit the sale of plants and gardening products.
- ❖ **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 permissible size of a second dwelling unit from 120m² to 250m².

RESOLUTION

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 Portion 156 of the Farm Hangklip No. 559 for a consent use to accommodate a second dwelling unit, agriculture to permit beekeeping, harvesting of natural resources to permit small-scale flora harvesting, intensive horticulture to permit the cultivation of flora, aquaculture to permit cultivation and breeding of water flora and fauna, and a plant nursery for own use, **be approved** in terms of the provisions of Section 61;
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 Portion 156 of the Farm Hangklip No. 559 for a departure to exceed the maximum permissible size of a second dwelling unit from 120m² to 250m², **be approved** in terms of the provisions of Section 61;

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4. that the approvals in Points 2 and 3 above be subject to the following conditions:
- (a) that the consent use be limited as follows:
 - second dwelling - 241m²;
 - plant nursery and Khoi nursery - 50m²;
 - harvesting of natural resources limited for own use;
 - intensive horticulture of indigenous fauna and flora for own use;
 - aquaculture for water plants and koi fish for own use, and
 - agriculture for beekeeping only.
 - (b) that the development footprint be restricted as per ROD approval dated 13 April 2023;
 - (c) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments 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 the EMP be submitted to the Municipality as approved by the Western Cape Government: Department of Environmental Affairs and Planning;
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (g) that the owner is responsible for all sewerage generated on the property, and disposal therefore at a licensed municipal sewerage treatment facility;
 - (h) that the conditions in the Western Cape Government: EADP (Environmental) - EIA ROD be complied with;
 - (i) that the conditions imposed by BGCMA be complied with;
 - (j) that all the conditions imposed by Cape Nature, be complied with, and
 - (k) that all the conditions in the Services Report, be complied with.

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(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

- (l) that all the conditions imposed by the National Department of Water and Sanitation be complied with.
5. that the applicant and objectors be notified of his/her right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decisions.

REASONS FOR RESOLUTION

POINT 1

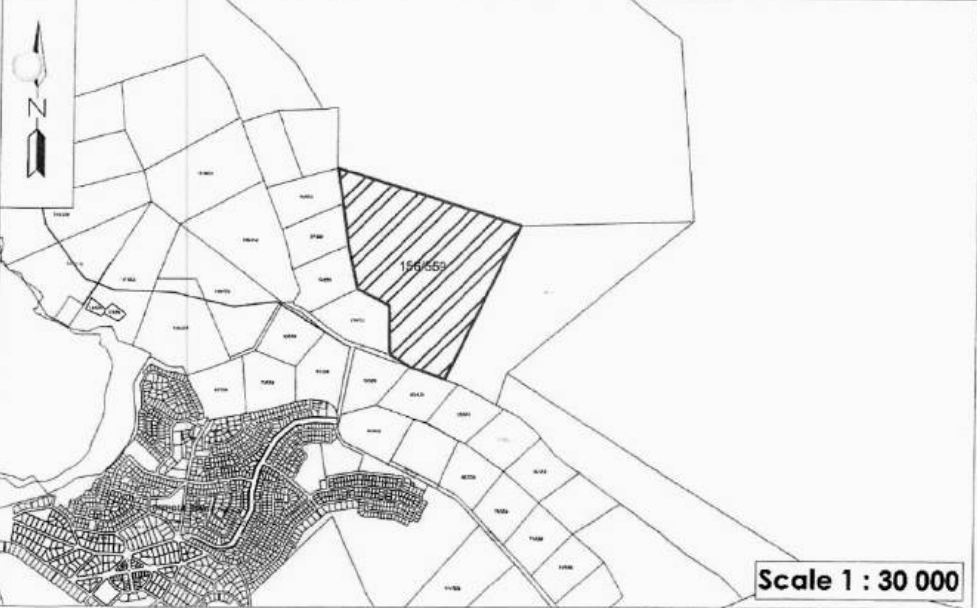
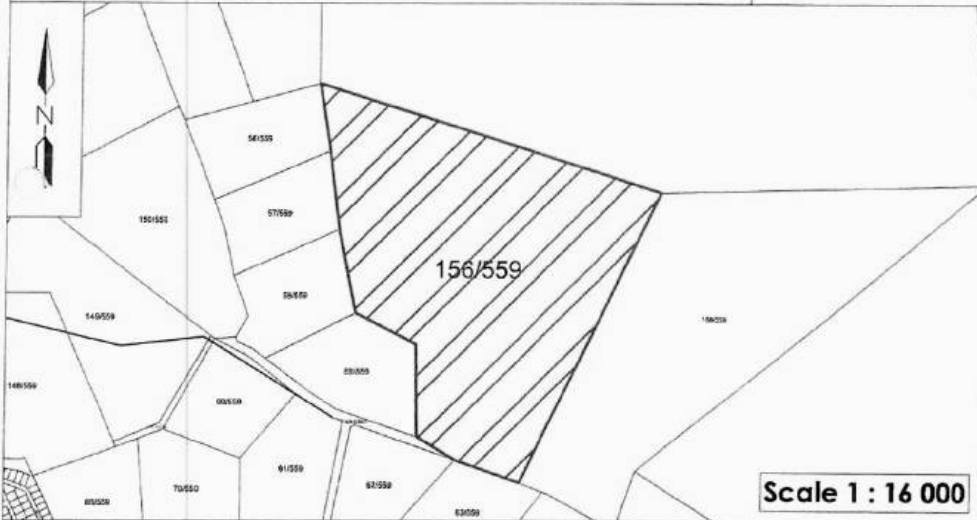
The title deed restricts any business activities on the property and the application did not address this aspect.

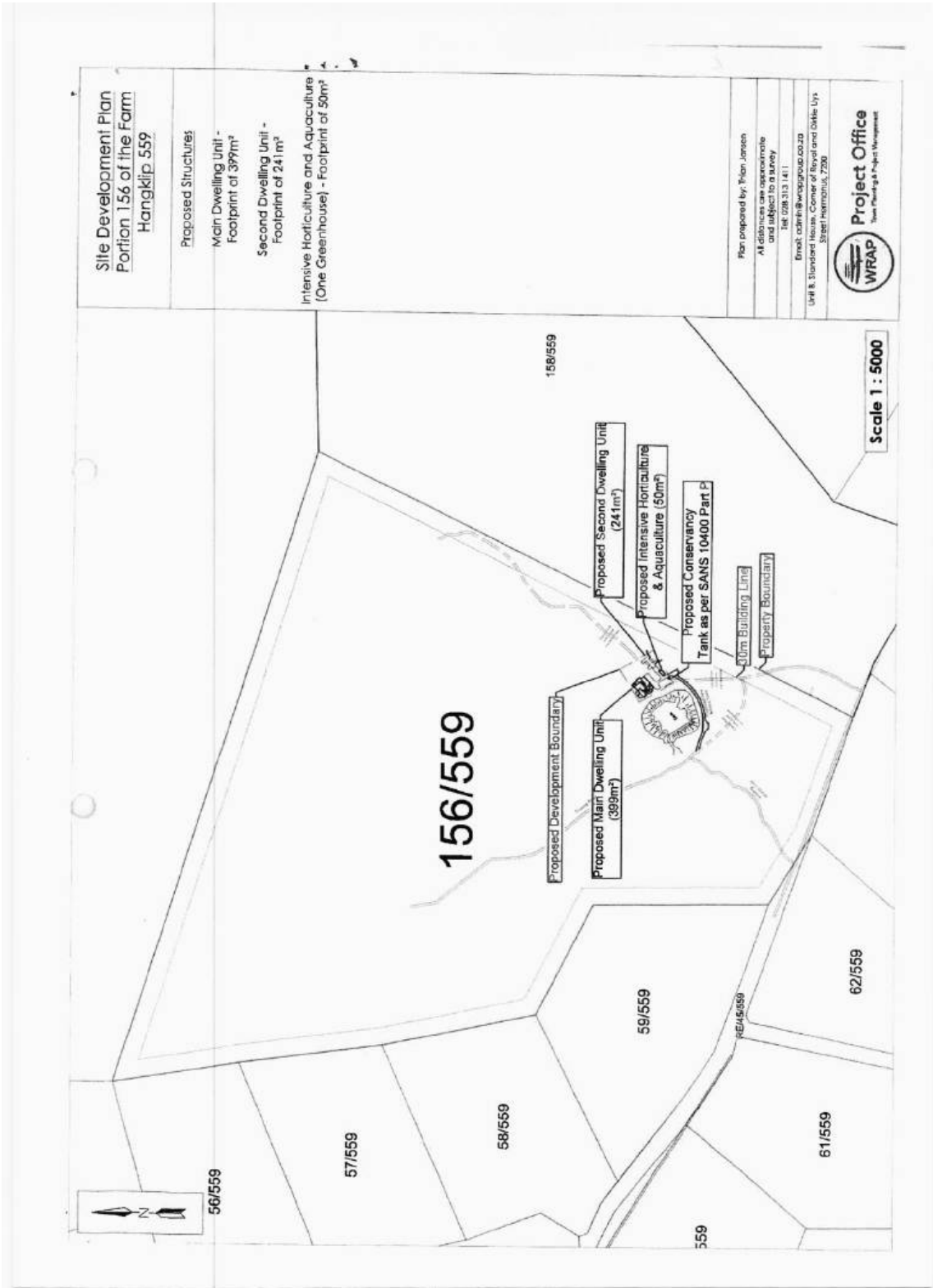
POINT 2 & 3

- The application for the consent uses is in line with the planning documents.
- The applicant was issued with an ROD.
- Cape Nature, the parastatal dealing with Biodiversity, supports the application.
- The activities and footprint are negligible in terms of the extent of the property.
- The activities proposed is for own use and not commercial purposes.
- The Water License was obtained by the applicant for the proposed activities.

Locality Plan Portion 156 of the Farm 559, Caledon

Plan prepared by: Thian Jansen
Tel: 026 313 1411
Email: admin@waggroup.co.za
Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200





**Site Development Plan
Portion 156 of the Farm
Hangklip 559**

Proposed Structures

- Main Dwelling Unit - Footprint of 399m²
- Second Dwelling Unit - Footprint of 241m²

Intensive Horticulture and Aquaculture (One Greenhouse) - Footprint of 50m²

Plan prepared by: Tiaan Jansen
All dimensions are approximate
and subject to survey

Email: ctj@wvrap.co.za
111 Main Corner of Hoop and Oskle Lys
Street, Pretorius, 726



Project Office
Town Planning & Project Management

Scale 1 : 5000

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE & DEPARTURE: PORTION 156 OF FARM
HANGKLIP NO. 559, DIVISION CALEDON (41472022)**

Water	:	No Service Available
Electricity	:	ESKOM to provide conditions
Sewer	:	No Service Available
Roadsand Traffic	:	No Service Available
Stormwater	:	No Service Available

Conditions:

1. that no water service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, etc.) for the use of any water and the distraction thereof;
2. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Manager: Water Infrastructure & Quality, Overstrand Municipality (Tel 021 313 8972);
3. that the developer complies to all the conditions set by Department Of Water Affairs;
4. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
5. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval prior to the land being put to the proposed use;
6. that no Municipal services will be available.

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

15/09/2022
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

4. PORTION 231 OF THE FARM AFDAKS RIVIER NO. 575, BENGUELA COVE, A DIVISION OF CALEDON, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE AND DEPARTURE: HIGHWAVE CONSULTANTS (PTY) LTD ON BEHALF OF BENGUELA COVE INV (PTY) LTD.

231/575 HBENG (4327/2023)

H Olivier

(028) 313 8900

Hermanus Administration

29 April 2024

EXECUTIVE SUMMARY

An application was received on 23 January 2023 from Messrs Highwave Consultants (Pty) Ltd on behalf of Benguela Cove Inv (Pty) Ltd, applicable to Portion 231 of the Farm Afdaksrivier No. 575, Division Caledon for the following:

- ❖ **consent use** in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to erect a transmission apparatus on the above property.
- ❖ **departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to exceed the applicable 12m height restriction to accommodate the proposed 15m high transmission apparatus.

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 Land Use Planning, 2020 on Portion 231 of the Farm Afdaks Rivier No. 575, Division of Caledon for a consent use to erect a transmission apparatus, **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 Land Use Planning, 2020 on Portion 231 of the Farm Afdaks Rivier No 575, Division of Caledon for a departure to exceed the applicable 12m height restriction to accommodate the proposed 15m high transmission apparatus, **be approved**, in terms of the provisions of Section 61 of the By-Law.
4. that the approvals in Points 2 and 3 above be subject to the following conditions:

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

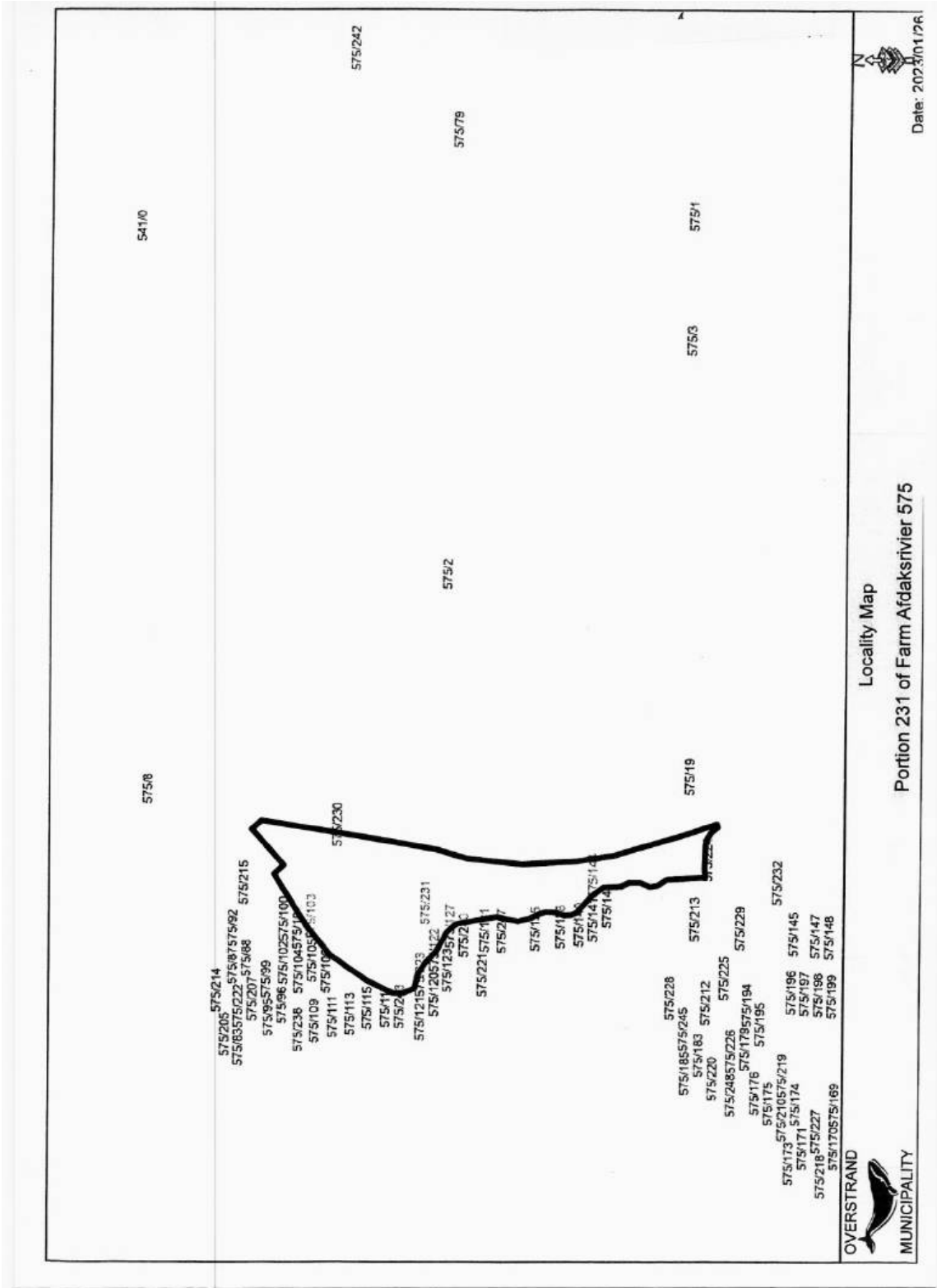
- (a) that a tree mast be erected as recommended in the Visual Impact Assessment, and that the Municipal Environmental Branch will have to support the specific tree type for the tree mast;
 - (b) that the transmission apparatus be restricted to the development indicated on Plan 05185-P1 and that an amended elevation plan showing the 15m height tree mast be submitted;
 - (c) that any lighting at the transmission apparatus must shine directly downward to the ground;
 - (d) that all the conditions in the Service Report, be complied with;
 - (e) that the conditions in the letter from Telkom, be complied with;
 - (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;
 - (h) that the conditions in the letter from Cape Nature, be complied with, and
 - (i) that the conditions in the letter from Western Cape Government: EADP (Environmental), be complied with.
5. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 with regard to the above decision.


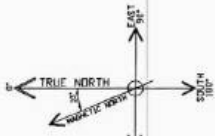

REASONS FOR RESOLUTION

- ❖ A Visual Impact Assessment was done for the proposed transmission apparatus with proposed 15m mast, and it was found that the visual impact would be low.
- ❖ The mitigation measures to put up a tree mast and that all lights must shine towards the ground would ensure limited impact on the surrounding area.
- ❖ The chosen site is zoned for agricultural purposes and is developed with agricultural buildings. There is some existing vegetation on the site where the proposed mast will be placed. The site is a fair distance from existing residences in Benguela Cove and it should thus not impact the character of the area.

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

- ❖ With an increased demand for coverage more communication infrastructure will have to be placed closer to each other as their radius for coverage gets smaller. This site can serve Benguela Cove and users of the R43 Provincial Road.
- ❖ The Department of Health is the responsible institution to consider the health impact of transmission apparatus, and they support the construction of transmission apparatus.
- ❖ The application is supported in terms of an environmental perspective by the Municipal Environmental Branch, BOCMA, Cape Nature and Western Cape Government: EADP (Environmental).
- ❖ The objections relating to health concerns, environmental impact, visual impact and impact on the character of Benguela Cove Estate have duly been addressed and does not prove the application not to be desirable.



<p>APPROVAL BUILDING DEVELOPMENT PERMITS</p>	<p>NOTES</p> <p>1.</p>		<p>APPROVED PROPOSAL PROPERTY OWNER SIGNATURE</p> <p>DATE</p> <p>REFERENCE DRAWINGS</p> <p>3744-D-002 ERF PLAN</p> <p>3744-D-003 TOP VIEW</p> <p>3744-D-004 ELEVATIONS</p> <p>3744-D-005 SITE DEVELOPMENT PLAN</p> <p>SITE NAME BENGUELA COVE</p> <p>LOCALITY MAPS</p> <p>DRAWING NO: 3744-D-001</p> <p>REV A</p>												
			<p>TELCO TOWERS Telco Towers (Pty) Ltd 1000 1000 1000</p> <p>SITE ADDRESS: 027 BENGUELA COVE WINE ESTATE, FERBERHAVEN, WESTERN CAPE LATITUDE: -34.34481° LONGITUDE: 18.134653°</p>												
			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>DRAWN: ACS</td> <td>DATE: 19/05/22</td> </tr> <tr> <td>CHECKED: BJ</td> <td>DATE: 19/05/22</td> </tr> <tr> <td>APPR: BJ</td> <td>DATE: 19/05/22</td> </tr> <tr> <td>MERLIN PROJECT NO: 3744</td> <td></td> </tr> <tr> <td>CAD FILE NO: 3744-D-001-A</td> <td></td> </tr> <tr> <td>SHEET SIZE: A3</td> <td>SCALE: NTS</td> </tr> </table>	DRAWN: ACS	DATE: 19/05/22	CHECKED: BJ	DATE: 19/05/22	APPR: BJ	DATE: 19/05/22	MERLIN PROJECT NO: 3744		CAD FILE NO: 3744-D-001-A		SHEET SIZE: A3	SCALE: NTS
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE & DEPARTURE: PORTION 231 OF
THE FARM AFDAKS RIVIER NO.575, BENGUELA COVE,A DIVISION OF
CALEDON (4327/2023)**

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

Conditions:

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
2. that no water from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (Water and Sanitation, Health, BOCMA etc.) for the use of any other water resources and the extraction thereof;
3. that, as there is currently no municipal sewer network in the vicinity, Portion 231 of Farm 575 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services (Hermanus), and to which the sewer services on the development must connect to;
4. that stormwater discharged from higher lying properties and generated in the catchment area of Portion 231 of Farm 575 be allowed to drain freely through the property;
5. that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or-waste disposal facility.
6. that access can be obtained via the existing access routes(s) to Portion 231 of Farm 575. No additional and / or extended vehicle entrances may be created without approval of the Provincial Roads Engineer.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

5. ERF 876, 16 FRIEDA ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE, RELAXATION OF TITLE DEED AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF DR. JE COETZEE

876 KPRB (4427/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

5 March 2024

EXECUTIVE SUMMARY

An application has been received on 30 June 2023 from Plan Active Town & Regional Planners on behalf of Dr. JE Coetzee on Erf 876, 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 to relax the street building line from 4m to 3,9m to accommodate a portion of the existing covered stoep, and the use change of the existing covered balcony into a braai room.
- ❖ and relax the lateral building line from 2,0m to 1,14m to accommodate a portion of the existing garage.
- ❖ and relax the lateral building line from 2,0m to 1,49m to accommodate a portion of an existing bathroom and outdoor shower.

- ❖ **Relaxation** of Clause B.6.(b) of Title Deed No. T59856/2017 to relax the street building line from 5m to 3,9m to accommodate a portion of the existing covered stoep, and the lateral building line from 1,5m to 1,14m and 1,49m respectively to accommodate a portion of the existing garage, the use change of the existing balcony into a braai room and a portion of an existing bathroom and outdoor shower.

- ❖ **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 land uses as stipulated above.

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

RESOLUTION

1. that the application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 876, Pringle Bay for the relaxation of restrictive title deed condition B.6.(b) of Title Deed No. T59856/2017 to relax the street building line from 5m to 3,9m to accommodate a portion of the existing covered stoep, and the lateral building line from 1,5m to 1,14m and 1,49m respectively to accommodate a portion of the existing garage and the use change of the existing balcony into a braai room and a bathroom and outdoor shower, **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 876, Pringle Bay for a departure to relax the street building line from 4m to 3,9m to accommodate the roofed stoep and enclosed balcony (now braai room) on first floor and relaxation of the lateral building line from 2m to 1,49m and 1,144m respectively to accommodate a bathroom, outdoor shower and garage on the property and the use change of the existing covered balcony into a braai room, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in Points 1 and 2 above be subject to the following conditions:
 - (a) that the approval be limited to the building/structures as indicated on Plan numbers C.708.P (1- 6) dated 23 March 2023, as submitted with this application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (c) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (f) that all the conditions in the Services Report, be complied with.

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

4. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 876, Pringle Bay to accommodate the unauthorised land uses as stipulated above, **be imposed**, and that an administration penalty fee of R2 866,05 (*VAT included*), be payable within thirty (30) days of the decision.
5. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.
6. that the Municipal Planning Tribunal must determine in terms of Section 45(4) of SPLUMA whether the objector is an interested person and be notified of their right to appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020

REASONS FOR RESOLUTION

POINT 1 & 2

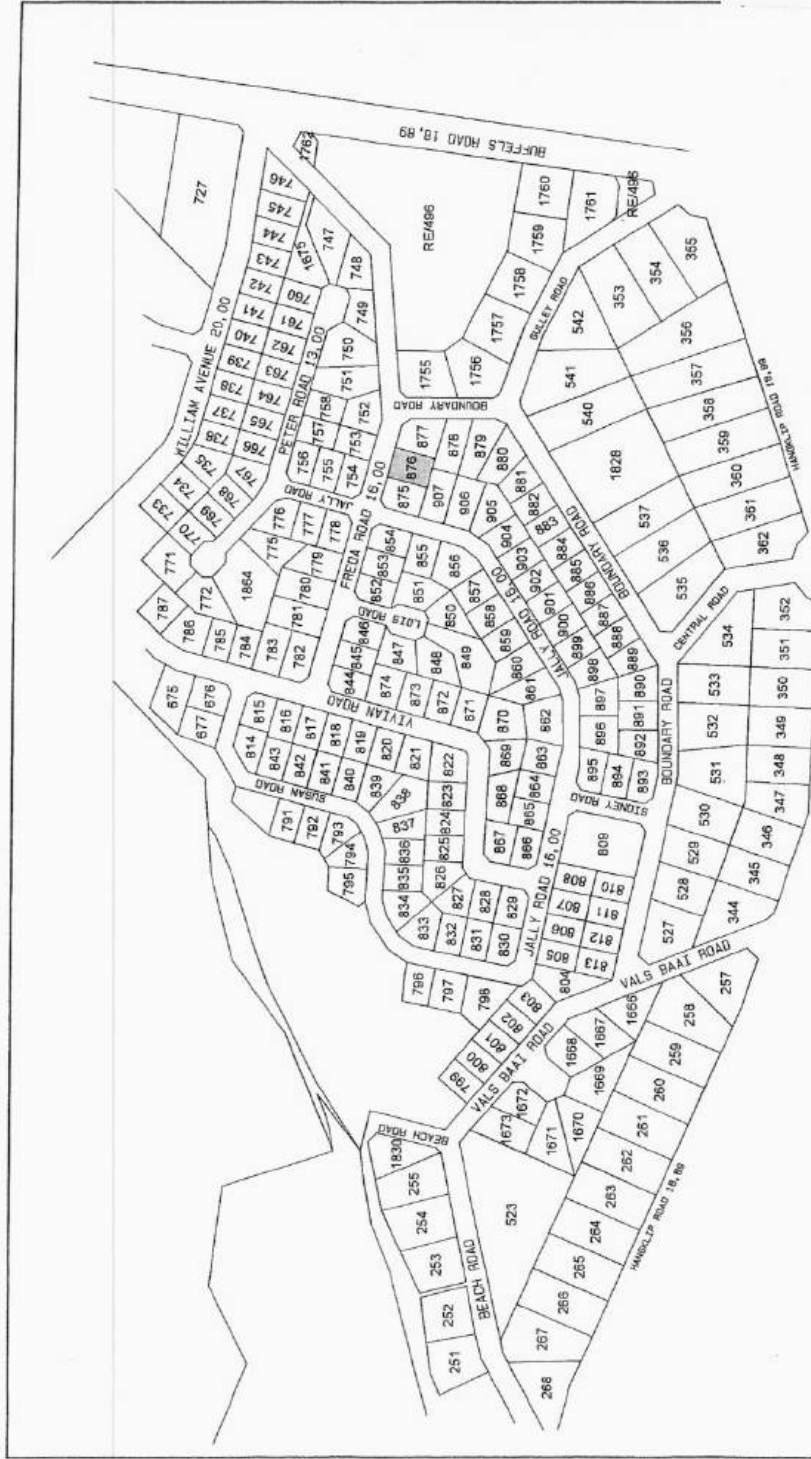
- ❖ The dwelling on the erf has been incorrectly depicted on the approved building plans and the applicant on its own accord lodged the application to rectify the situation.
- ❖ The dwelling, with the exception of the bathroom and outdoor shower has been in existence on the erf since 2006.
- ❖ The building as depicted on the surveyed plan has been part of the spatial character of Pringle Bay since 2006 and as per Google Earth, 2011 and thus can the present application not be deemed out of character of the town Pringle Bay as per the objection.
- ❖ Previous years land surveyors were not involved in the layout of the development on an erf and applications to rectify transgressions is more prevalent than in years gone by.
- ❖ The total transgression over the building lines is 3m² of which 0,5m is over the Title Deed building line. Insignificant transgression, which has no impact on the area.
- ❖ None of the adjacent residents objected to the application.

POINT 4

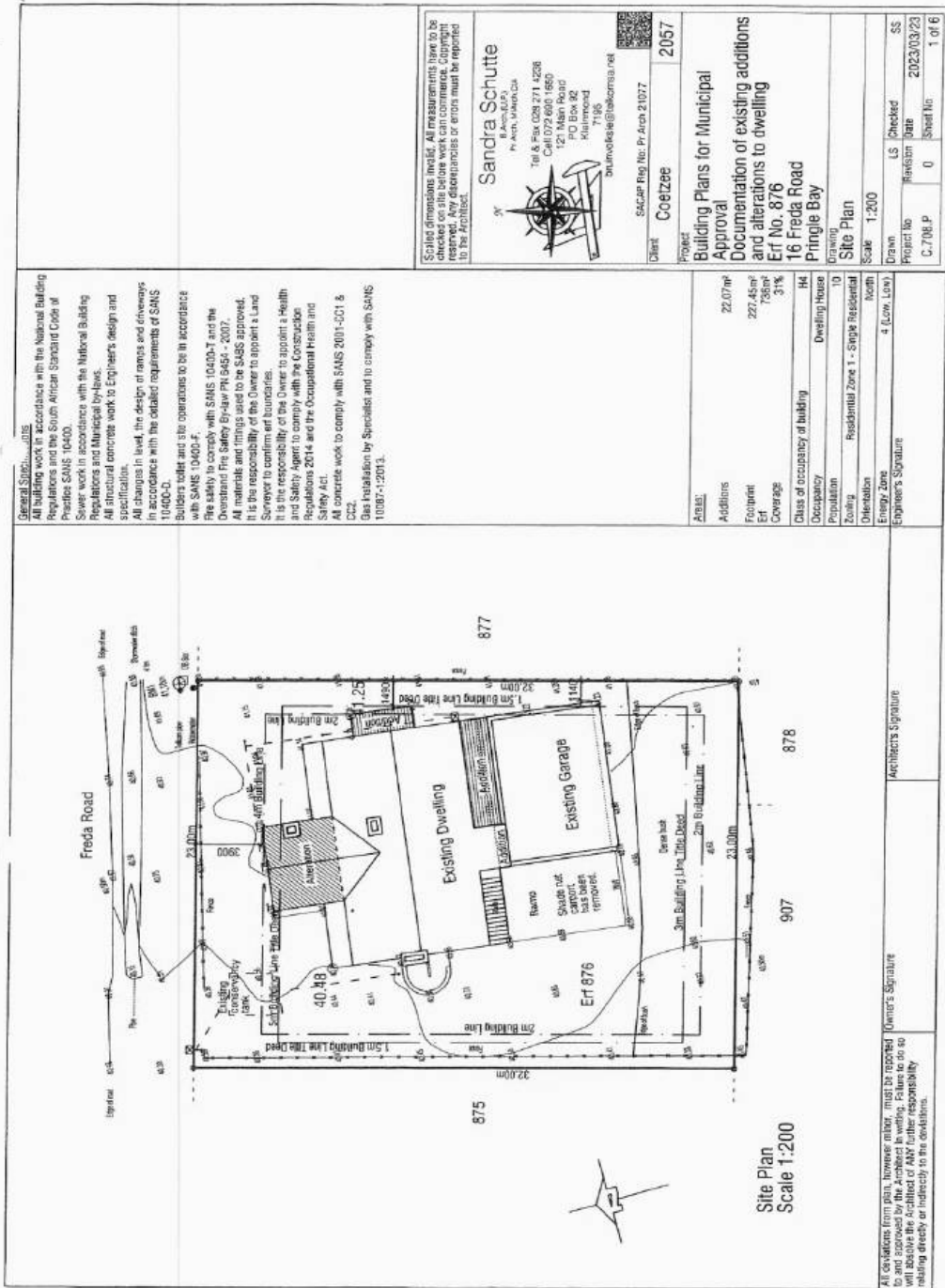
- ❖ The footprint of the stoep remains unchanged and remains habitable. The transgression over the 5m title deed building line is 1,1m and over the 4m land use building line is 0,1m.

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

- ❖ The applicant built the bathroom without building plans. The transgression over the 1,5m Title Deed is 0,01m and over the 2m land use scheme building line is 0,51m.
- ❖ The owner immediately addressed the transgressions once it was found that the building was not built according to plan by the land survey's survey plan conducted to establish the placement of the building on the erf.
- ❖ It should be noted that the garage can be dealt with neighbour's consent and thus is not part of the determination of the administrative penalty. The determination of the penalty is only applicable for the areas transgressing the building lines.
- ❖ The impact of the transgressions is insignificant and has been in existence from 2006.



Plan Active	Stads- en Streeksbeplanners Town & Regional Planners	Property Description: PRINGLE BAY	Plan Description: LOCALITY MAP	Scale: NTS Drawing No: ERF 876 PRINGLE BAY.dwg Date: JUNE 2023
	<small>All distances approximate and subject to survey.</small> COPY RIGHT RESERVED			



General Specifications
 All building work in accordance with the National Building Regulations and the South African Standard Code of Practice SANS 10400.
 Sewer work in accordance with the National Building Regulations and Municipal by-laws.
 All structural concrete work to Engineer's design and specification.
 All changes in level, the design of ramps and driveways in accordance with the detailed requirements of SANS 10400-D.
 Builders shall and site operations to be in accordance with SANS 10400-F.
 The safety to comply with SANS 10400-7 and the Divisional Fire Safety By-law PN 9434 - 2007.
 All materials and fittings used to be SABS approved.
 It is the responsibility of the Owner to appoint a Land Surveyor to complete all boundaries.
 It is the responsibility of the Owner to appoint a Health and Safety Agent to comply with the Occupational Health and Safety Act.
 Regulations 2014 and the Occupational Health and Safety Act.
 All concrete work to comply with SANS 2017-CC1 & CC2.
 Gas Installation by Specialists and to comply with SANS 10087-1:2013.

Scales dimensions in meters. All measurements have to be checked on site before work can commence. Copyright reserved. Any discrepancies or errors must be reported to the Architect.

Sandra Schutte
 B.Arch, UJ, M.Arch, CA
 Tel & Fax: 021 711 4526
 Call 022 690 1650
 121 Main Road
 PO Box 82
 Klaimmond
 7495
 sandraschutte@tiscali.net

Client: SACAP Reg No: Pr Act 21077
 Architect: Coetzee
 Project: 2057
 Project Name: Building Plans for Municipal Approval
 Description: Documentation of existing additions and alterations to dwelling
 Erf No: 876
 Address: 16 Freda Road
 Location: Pringle Bay
 Drawing: Site Plan
 Scale: 1:200
 Drawn: []
 Checked: []
 Project No: C.708-P
 Revision: 0
 Date: 2023/03/23
 Sheet No: 1 of 6

Address	22.07m ²
Footprint	227.45m ²
Erf	758m ²
Coverage	31%
Class of occupancy of building	H4
Occupancy	Dwelling House
Population	10
Zoning	Residential Zone 1 - Single Residential
Orientation	North
Energy Zone	4 (Low, Low)

Engineer's Signature

Site Plan
 Scale 1:200

All deviations from plan, however minor, must be reported to and approved by the Architect in writing. Failure to do so will constitute the Architect or ANY further responsibility relating directly or indirectly to the conditions.

Owner's Signature
 Architect's Signature

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE, RELAXATION OF TITLE DEED &
DETERMINATION OF ADMINISTRATIVE PENALTY, ERF 876, PRINGLE
BAY (4427/2023)**

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 Area Manager: 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.

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

15/11/2023
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

6. ERF 2908, 51 ATLANTIC DRIVE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE ON BEHALF OF LIANRI TRUST

2908 HON (4437/2024)

H Olivier

(028) 313 8900

Hermanus Administration

8 May 2024

EXECUTIVE SUMMARY

An application has been received on 18 July 2023 from Messrs Engelbrecht and Scorgie on behalf of Liandri Trust in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2908, Onrustrivier for the following:

- ❖ **Departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the western lateral building line from 2m to ,96mm to accommodate proposed alterations to the existing dwelling, alterations to the roof, and the use change of a portion of the carport into a part of a dwelling.
- ❖ **Departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to exceed the permissible coverage from 50% to 51,69%, to accommodate the existing dwelling on the property.
- ❖ **Determination of Administrative Penalty** in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorized work as mentioned above.

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 2908, Onrustrivier for a departure to relax the western lateral building line from 2m to 0,96mm to accommodate proposed alterations to the existing dwelling, alterations to the roof, and the use change of a portion of the carport into a part of a dwelling, **be approved**, in terms of the provisions of Section 61 of the By-Law;

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

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 2908, Onrustrivier for a departure to exceed the permissible coverage from 50% to 51,69%, to accommodate the existing dwelling on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that approvals in Points 1 and 2 above be subject to the following conditions:
 - (a) that this approval is only for the departure of building lines and coverage and is not an approval in terms of any other legislation;
 - (b) that the approval for the departure is only for the development over the building lines as indicated on plan number J1174, A1 – 01 to 09 revision 16 dated 29 November 2022, submitted with the application:
 - (c) that building plans be submitted for all new work to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (d) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (g) that all the conditions in the Services Report, be complied with;
 - (h) that the conditions imposed by Telkom, be complied with, and
 - (i) that if any pool piping or any pool structure encroach onto Erf 2911, Onrustrivier, it be removed at construction phase.

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

4. that the determination of an **administrative penalty** in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 2908, Onrustrivier for the unauthorized exceeding of the coverage over the maximum allowable coverage on the property was considered and that an administrative penalty of **R7 086-88** (including VAT), **be imposed** which penalty must be paid within thirty (30) 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

POINTS 1 & 2

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ The main objection point relates to impact on privacy. The fact that the objector's concern is regarding a proposed new first storey portion overlooking his pool area and this portion of the building does not contravene the Land Use Scheme building lines, the objection cannot be considered as it is within the applicant's right to construct the first storey.
- ❖ The point of concern regarding the existing outbuilding onto the eastern boundary is considered a historic approval, and the new pool complies with the Land Use Scheme and is allowed over the building line up to a maximum height of 1m above natural ground level, and no departure process is required for the swimming pool. The owner of Erf 2908 will however have to deal with pool piping if it traverses onto Erf 2911 at construction phase.
- ❖ The building line encroachment over the western building line is mostly internal changes and changing of roofs and windows, and will not have a negative effect on views, surrounding property owners and the character of the surrounding area.
- ❖ The application for departure to exceed the maximum allowable coverage is to maintain the existing footprint of the dwelling, and further extension on first floor will only cover a portion of the existing footprint. It is the opinion that the legalization of this historic encroachment will not negatively impact surrounding property owners, as it is an existing situation.

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

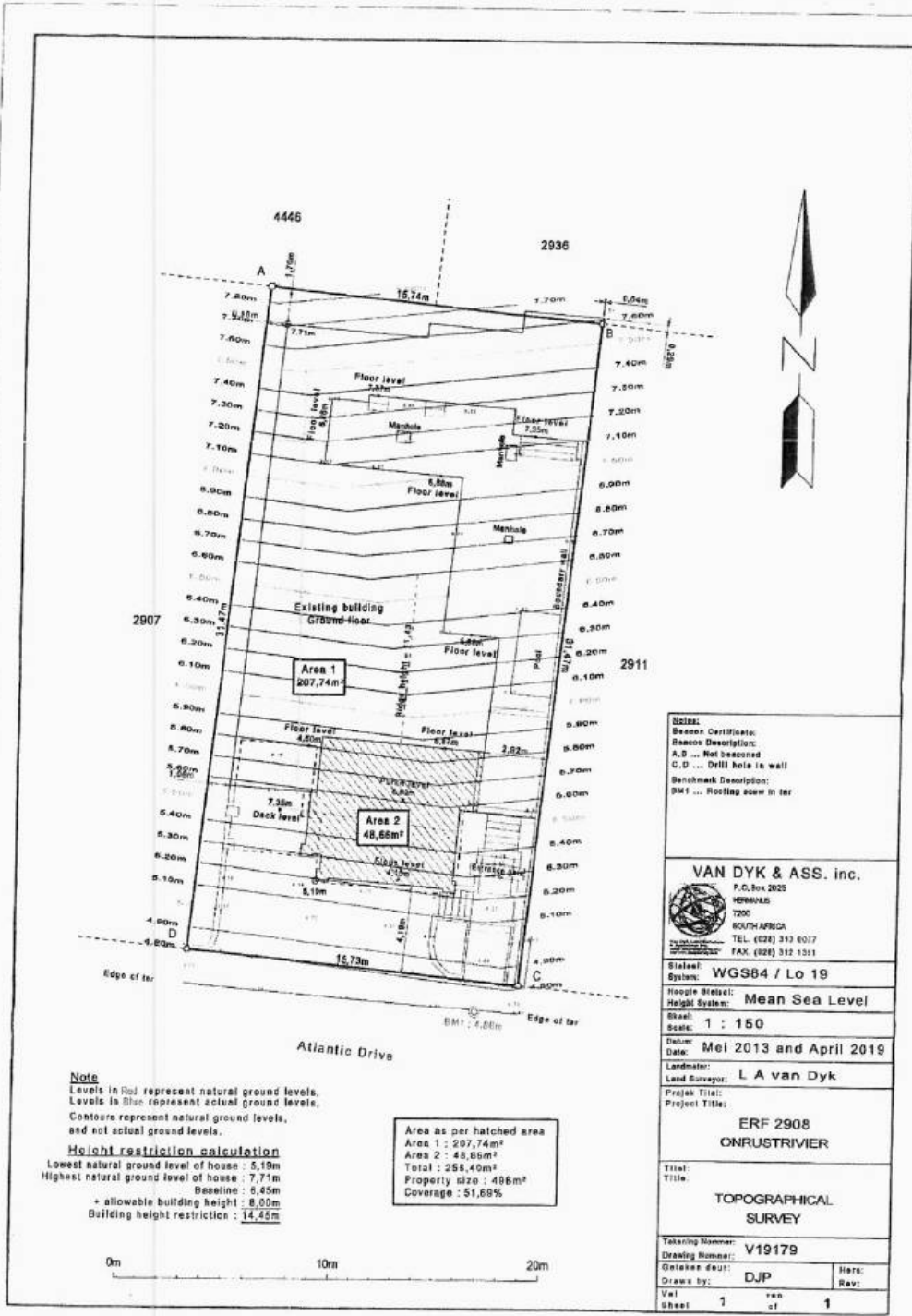
POINT 3

- ❖ The existing landowner did not have part in exceeding of the coverage. However, when purchasing a property new owner should ensure all buildings on their property is legal. A penalty fee is therefore imposed, but of a lower amount since the existing property owner did not create the illegal building work.



Locality Map
Erf 2908 Onrus River

Date: 2023/07/20



Note
 Levels in Red represent natural ground levels.
 Levels in Blue represent actual ground levels.
 Contours represent natural ground levels,
 and not actual ground levels.

Height restriction calculation
 Lowest natural ground level of house : 5.19m
 Highest natural ground level of house : 7.71m
 Baseline : 6.45m
 + allowable building height : 6.00m
 Building height restriction : 14.45m

Area as per hatched area
 Area 1 : 207,74m²
 Area 2 : 48,66m²
 Total : 256,40m²
 Property size : 486m²
 Coverage : 51,68%

Notes: Beacon Certificate: Beacon Description: A,B ... Met beacon C,D ... Drill hole in wall Benchmark Description: BM1 ... Rotting saw in tar	
VAN DYK & ASS. inc. P.O.Box 2025 HERMANUS 7200 SOUTH AFRICA TEL: (028) 312 6017 FAX: (028) 312 1351	
State: System:	WGS84 / Lo 19
Height System: Scale:	Mean Sea Level 1 : 150
Datum: Date:	Mei 2013 and April 2019
Landmate: Land Surveyor:	L A van Dyk
Project Title:	ERF 2908 ONRUSTRIVER
Title:	TOPOGRAPHICAL SURVEY
Drawing Number: Date: Drawn by:	V19179 DJP
Rev:	Rev:
Vol sheet 1	of 1

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 2908, ONRUS RIVER (4437/2023)**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE