



JOINT PORTFOLIO COMMITTEE MEETING

- **Planning & Development**

- **Infrastructure Services**

- **Community Services**

- **Municipal Public Safety**

- **Corporate Services**

A G E N D A / I-AJENDA

DATE / DATUM / UMHLA : 19 AUGUST / AUGUSTUS / AGASTI 2025
VENUE / PLEK / INDAWO : BANQUETING HALL / BANKETSAAL
CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU
HERMANUS
TIME / TYD / IXESHA : 09:00

MUNISIPALITEIT OVERSTRAND MUNICIPALITY

Office of the Municipal
Manager
Municipal Offices
HERMANUS

05 August 2025

NOTICE TO ALL ALDERMEN / COUNCILLORS

NOTICE IS HEREBY GIVEN that an **ORDINARY MEETING** of the **JOINT PORTFOLIO COMMITTEE** will be held in the **Banqueting Hall, Civic Centre, HERMANUS**, on **TUESDAY, 19 AUGUST 2025 AT 09:00**, to consider the items set out in the attached agenda.

DR D O'NEILL
MUNICIPAL MANAGER

05 Augustus 2025

KENNISGEWING AAN ALLE RAADSHERE / RAADSLEDE

KENNIS WORD HIERMEE GEGEE dat 'n **GEWONE VERGADERING** van die **GESAMENTLIKE PORTEFEULJEKOMITEE** gehou sal word in die **Banketsaal, Burgersentrum, HERMANUS**, op **DINSDAG, 19 AUGUSTUS 2025 OM 09:00**, vir oorweging van die items op die meegaande agenda.

DR D O'NEILL
MUNISIPALE BESTUURDER

05 Agasti 2025

ISAZISO ESIYA KUBO BONKE OOCEBAKHULU NOOCEBA

OKU KUKWAZISA ukuba **INTLANGANISO YESIQHELO YEKOMITI ZAMASEBE AHLANGENEYO** ebhunga iza kuba se **Banqueting Hall**, kwiZiko **LoLUNTU, EHERMANUS, NGOLWESIBINI**, umhla, we **19 AGASTI 2025 ngeye-09:00** ukuqwalasela imicimbi ekule ajenda iqhotyoshelwe apha.

DR D O'NEILL
UMPHATHI KAMASIPALA

AGENDA/...

PORTFOLIO COMMITTEE :

PLANNING & DEVELOPMENT

Chairperson :

Ald E Gillion

Committee Members :

**Ald K Brice, Cllrs C Resandt,
M Sihlahla and R Dees**

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

OPENING

APPLICATIONS FOR LEAVE OF ABSENCE

**STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE
CHAIRPERSON**

PLANNING & DEVELOPMENT PORTFOLIO COMMITTEE

19 August 2025

I N D E X

ITEM
NO

PAGE
NUMBER

OPENING AND WELCOME

APPLICATIONS FOR LEAVE OF ABSENCE

STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE
CHAIRPERSON

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**AGENDA of the
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19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

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 11 May 2025 – 11 July 2025:

- | | | |
|-----|--|--------------|
| 1. | Erf 11, 13 Kusweg and Erf 117, 8 Kusweg, Van Dyksbaai | 12 May 2025 |
| 2. | Erf 2095, 14 Duiker Crescent, Sandbaai, Hermanus | 27 May 2025 |
| 3. | Erf 2384, 97 Tenth Street, Voëlklip, Hermanus | 27 May 2025 |
| 4. | Erf 1467, 23 Kiewiet Avenue, Eastcliff, Hermanus | 27 May 2025 |
| 5. | Erf 1659, 24 Arc Street and Erf 1660, 26 Arc Street, Eastcliff, Hermanus | 27 May 2025 |
| 6. | Erf 999, 28 Musson Street, Eastcliff, Hermanus | 27 May 2025 |
| 7. | Erf 2621, 130 Eithth Street, Voëlklip, Hermanus | 27 May 2025 |
| 8. | Erf 5095, 29 Old Main Road, Onrustrivier, Hermanus | 28 May 2025 |
| 9. | Erf 11028, 4 Jose Burman Street, Eastcliff, Hermanus | 28 May 2025 |
| 10. | Erf 3670, 172 Second Avenue, Kleinmond | 28 May 2025 |
| 11. | Portion of Remainder Erf 3048 and Erf 3196, 1 Pearl Drive, Betty's Bay | 28 May 2025 |
| 12. | Erf 1288, 33 Edward Road, and Erf 1289, 31 Edward Road, Pringle Bay | 28 May 2025 |
| 13. | Erf 825, 133 Main Road, De Kelders, Gansbaai | 29 May 2025 |
| 14. | Erf 1017, 89 Main Road, Sandbaai, Hermanus | 30 May 2025 |
| 15. | Erf 3494, 94 Chiappini Street, Onrustrivier, Hermanus | 2 June 2025 |
| 16. | Erf 868, 6 Moore Street, Stanford | 2 June 2025 |
| 17. | Erf 6150, 42 Tenth Street, Voëlklip, Hermanus | 2 June 2025 |
| 18. | Erf 5781, 18 8 th Avenue, Kleinmond | 9 June 2025 |
| 19. | Erf 523, Stormvoël Crescent, Vermont, Hermanus | 9 June 2025 |
| 20. | Erf 6416, 99 Sonneblom Street, Mount Pleasant, Hermanus | 9 June 2025 |
| 21. | Portion 124 of the farm Baardscheeders bosch 213 | 12 June 2025 |
| 22. | Erf 6302, 15 Fir Close, Eastcliff, Hermanus | 17 June 2025 |

**AGENDA of the
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19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

23.	Erf 1284, 27 Kleine Street, Stanford	30 June 2025
24.	Erf 5959, 19 Fernkloof Drive, Hermanus Heights, Hermanus	30 June 2025
25.	Erf 3749, Second Avenue, Kleinmond	30 June 2025
26.	Erf 5079, 3 Geelhout Avenue, Kleinmond	30 June 2025
27.	Erf 651, 5 Bosbok Street, Van Dyksbaai, Kleinbaai	1 July 2025
28.	Portion 23 (ptn of ptn 12) of the Farm No 708, Franschekraal	7 July 2025
29.	Erf 559, 49 Ridge Way and a portion of Erf 1916, Pearly Beach	9 July 2025
30.	Erf 765, 89 Piet Retief Crescent, Sandbaai	10 July 2025
31.	Erf 4740, 22 13 th Avenue, Kleinmond	11 July 2025

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 29 May & 26 June 2025:

1.	Erf 210, Gansbaai	29 May 2025
2.	Erf 197, 23 Myrtel Street, Sandbaai, Hermanus	29 May 2025
3.	Erf 249, 52 Crest Road, Pearly Beach	29 May 2025
4.	Erf 1771, 28 Daneel Street, Stanford	26 June 2025
5.	Erf 1944, 24 Puren Way, Pearly Beach	26 June 2025
6.	Erf 434. 15 Peak Road, Pringle Bay	26 June 2025
7.	Erf 1177, 56 Fulmar Street, Vermont, Hermanus	26 June 2025
8.	Erf 1446, Lynx Road, Vermont, Hermanus	26 June 2025

RESPONSIBLE OFFICIAL :

LIANA TAYLOR

TARGET DATE FOR IMPLEMENTATION :

16 September 2025

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

1. ERF 11, 13 KUSWEG AND ERF 117, 8 KUSWEG, VAN DYKSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DELETION OF CONDITIONS OF APPROVAL: MESSRS PLAN ACTIVE ON BEHALF OF CONKEV TRUST

11 & 117 GKB (4819/2024)

SW van der Merwe

(028) 313 8900

Hermanus Administration

16 April 2025

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 25 September 2024 from Messrs Plan Active on behalf of Conkev Trust, applicable to Erf 11 and Erf 117, Van Dyksbaai (Kleinbaai) for the following:

- ❖ **deletion of conditions of an existing approval** in terms of Section 16(2)(h) of the By-Law.

RESOLUTION

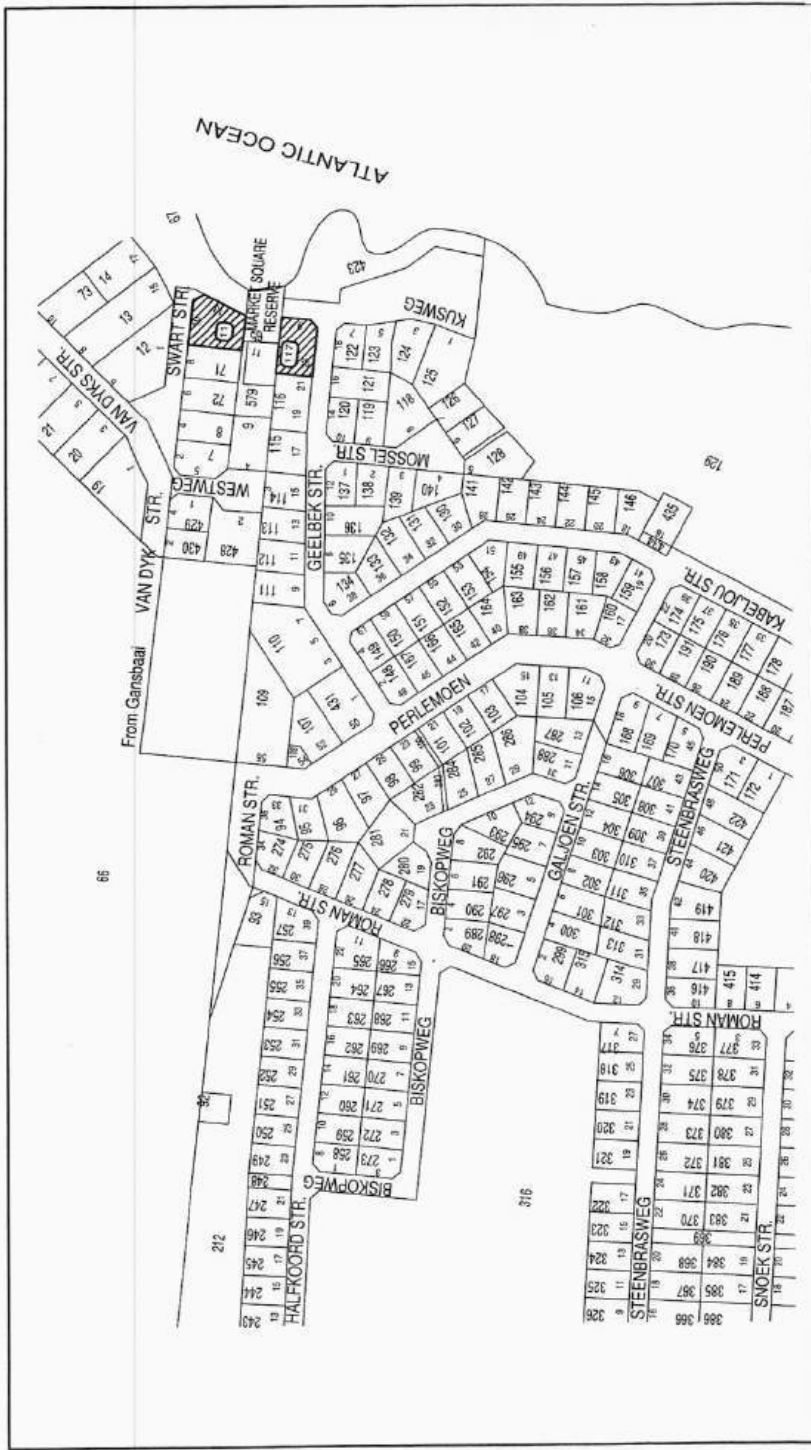
1. that the application for deletion of conditions 2., 4., 5.(a), 5.(b), 5.(c), 5.(d) and 5.(f) of the Mayoral Committee Resolution dated 31 March 2010 in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 117, Van Dyksbaai and Erf 11, Van Dyksbaai, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions;
 - (a) that the conditions of rezoning approval dated 7 December 2006 be adhered to;
 - (b) that the deck be demolished prior to the transfer of the erf into the new owners name and proof to be submitted to the planning department;
 - (c) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation; and

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19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

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

REASONS FOR RESOLUTION

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



Scale: NTS
 Drawing Nr: vandk117L.drw
 Date: September 2024

Plan Description:
LOCALITY MAP

Property Description:
**ERVEN 11 & 17
 VAN DYKSBAAL**

All distances approximate
 and subject to survey.

PLAN Stads- en Streeksbeplanners
Active Town & Regional Planners
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DELETION OF CONDITIONS OF APPROVAL,
REMAINDER ERF 11 & ERF 117, VAN DYKSBAAI (KLEINBAAI)
(4819/2024)**

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


RICARDO ANDRÉW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

07/11/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

**2. ERF 2095, 14 DUIKER CRESCENT, SANDBAAI, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS MICHAEL
ARCHITECTURE ON BEHALF OF THE VAN DEIJL TRUST**

2095 HSB (4642/2024)

B Minnaar

(028) 313 8900

Hermanus Administration

9 April 2025

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 22 April 2024 from Messrs Michael Architecture on behalf of The Van Deijl Trust applicable to Erf 2095, Sandbaai for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the:
 - eastern lateral building line from 2m to 1.5m to accommodate for an ensuite bathroom and additions to outside roofed braai area respectively,
 - western lateral building line from 2m to 1.5m to accommodate additions to the existing staff quarters,
 - western lateral building line from 2m to 0m to accommodate an unroofed outside shower area,
 - maximum combined length of the garages adjacent to the rear boundary from 6.5m to 11.935m; and
 - permissible height restriction of the existing boundary and screen walls from 2.1m to 2.34m above the existing ground floor level.

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

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

RESOLUTION

1. that the application for **departure** in terms of Section 16(2)(b) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 2095, Sandbaai in order to:
 - relax the eastern lateral building line from 2m to 1.5m to accommodate for an en-suite bathroom and additions to outside roofed braai area respectively,
 - relax the western lateral building line from 2m to 1.5m to accommodate additions to the existing staff quarters,
 - relax the western lateral building line from 2m to 0m to accommodate an unroofed outside shower area,
 - relax the maximum combined length of the garages adjacent to the rear boundary from 6.5m to 11.935m; and
 - relax the maximum height of the existing boundary and screen walls from 2.1m to 2.34m above the existing ground floor level,

be approved in terms of the provisions of Section 61 of the By-Law;
2. that the decision in paragraph 1. above be subject to the following conditions:
 - (a) that this approval is for the subdivision and building line encroachments as indicated on Plan No *A.08.1.1* dated *July 2024* that was submitted with the application;
 - (b) that no further extensions of the staff quarters will be considered unless the property owner submits an application for removal of title deed restrictions to remove condition B.B.(c) contained in Title Deed T.65791/2001;
 - (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 all the conditions in the Services Report and Telkom must be complied with;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme; and
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

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Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

3. that an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 2095, Sandbaai to accommodate the unauthorised building work, **be imposed**, and that an administrative penalty fee of **R17 016-58** be payable within ninety (90) days of this decision; and
4. that the applicant be notified of its respective appeal rights in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above approvals.

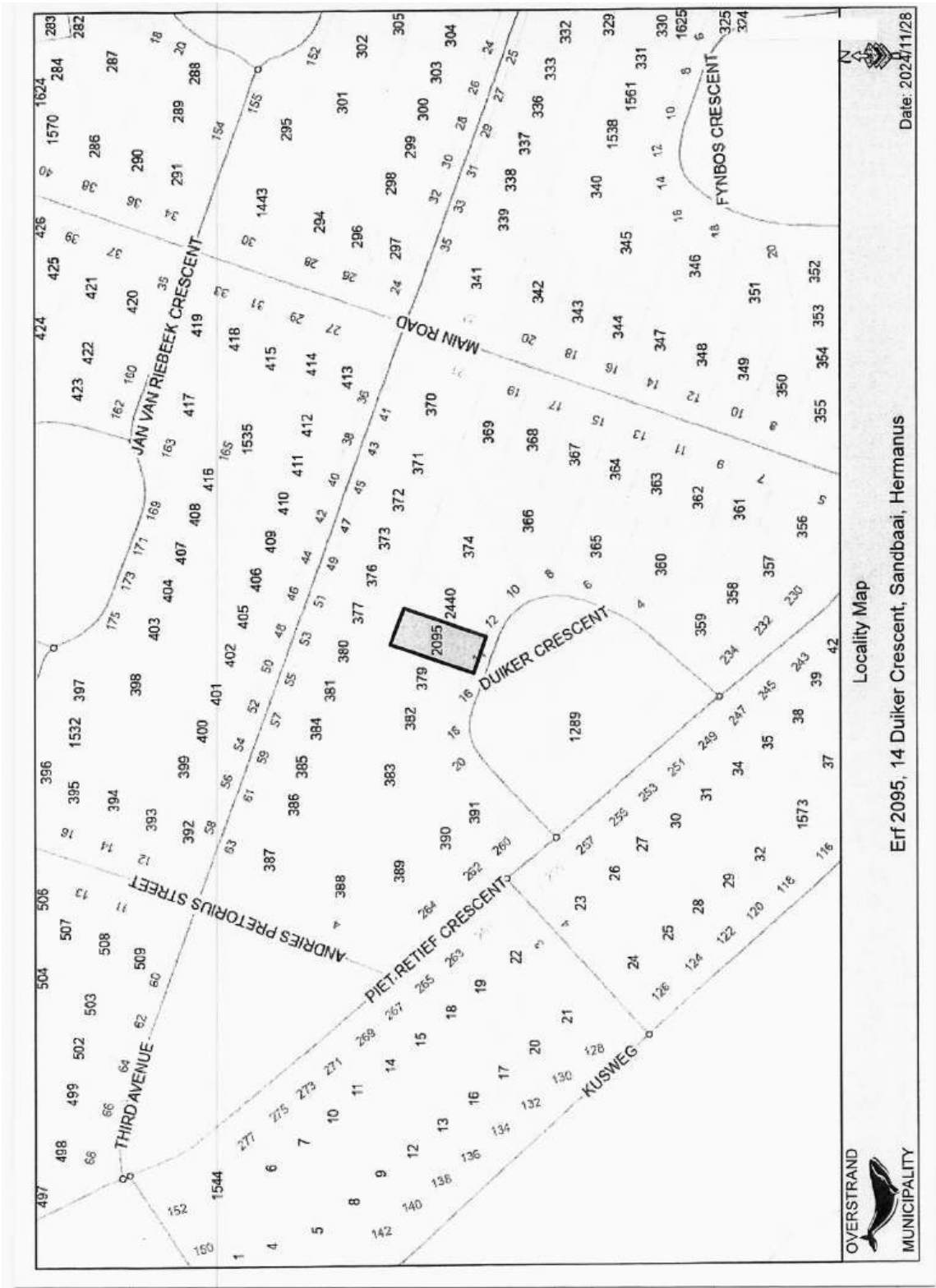
REASONS FOR RESOLUTION

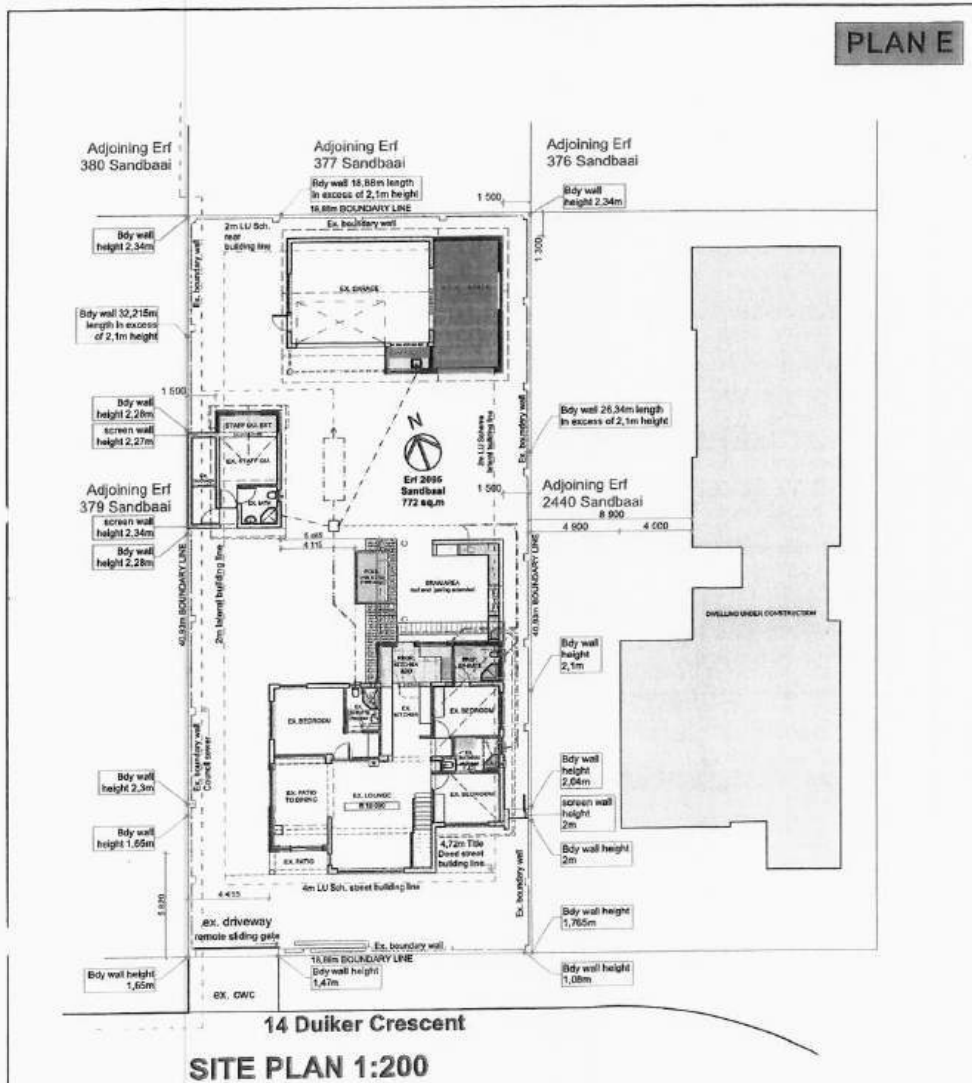
Reason for recommendation of points 1

- ❖ The additions / alterations are built in line with the existing building footprint which ensures uniformity.
- ❖ The streetscape is not impacted on.
- ❖ The additions / alterations are of a normal residential character and are subsequently in line with the forward planning documents.
- ❖ The staff quarters are indicated on both approved building plans dated 31 March 1969 and 13 March 1998.
- ❖ All structures are more than 1m from the property boundary which will not negatively impact on the surrounding ambience levels that may be generated from normal residential activities.
- ❖ The boundary wall height ensures privacy to both the subject property owner and the adjacent property owners (Erven 379, 377 and 2440 Sandbaai).
- ❖ The application has followed due procedure.
- ❖ No objections or complaints were received during or before the public participation process.
- ❖ It is supported by the Engineering Department.

Reason for recommendation of point 3

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





PROJECT: Erf 2095 14 Duiker Crescent, Sandbaai, Hermanus Proposed alterations and adds to dwelling	
CLIENT: Lietbrecht van Deijl <i>M. van Rensburg</i> 25 July 2024	
SCALE: 1:200	July 2024
PROJECT NO. Lvd 2095	
DRAWING No A.08.1.1	REVISION 1

DRAWING: Site Plan
COUNCIL PLAN



MICHAEL ARCHITECTURE
Email: march3d@gmail.com
Tel: 083685273

Architect/Technologist: MP van Rensburg
SACAP REG NO. T1431 *M. van Rensburg* 25 July 2024

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 2095, SANDBAAI (4642/2024)**

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

Conditions:

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



RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL



DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

3. ERF 2384, 97 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF THE VOËLKLIP INVESTMENT TRUST

2384 HVK (4689/2024)

P Roux

(028) 313 8900

Hermanus Administration

09 April 2025

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 05 June 2024 from Messrs WRAP Project Office on behalf of the property owner on Erf 2384, Voëlkliip for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, to:
 - relax the western lateral building line from 2m to 0.96m, to accommodate an existing addition of the dwelling;
 - relax the maximum height restriction from 8m to 8.27m, to accommodate the gable walls to be extended, and
 - relax the maximum height restriction from 8m to 9.1m, to accommodate a chimney.

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

RESOLUTION

1. the comment be noted;

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 2384, Hermanus, in order to allow the following:
 - relax the western lateral building line from 2m to 0.96m, to accommodate an existing addition of the dwelling;
 - relax the maximum height restriction from 8m to 8.27m, to accommodate the gable walls to be extended, and
 - relax the maximum height restriction from 8m to 9.1m, to accommodate a chimney.

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

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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 applicable to Erf 2384, Hermanus to accommodate the existing as built structure on the property, **not be exempt** from the payment of an administrative penalty;
4. that the recommendation under paragraphs 2. and 3. above is subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan No 5.1 to 5.3 and 2217/ 0517 / A1 / 01 and / 0517 / A1 / 02 dated 24.05.2024;
 - (b) that building plans be submitted to the Building Control Department and that all conditions of the Building- and Fire Department be complied with at that stage;
 - (c) that an administrative penalty of **R26 916.24** 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 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.

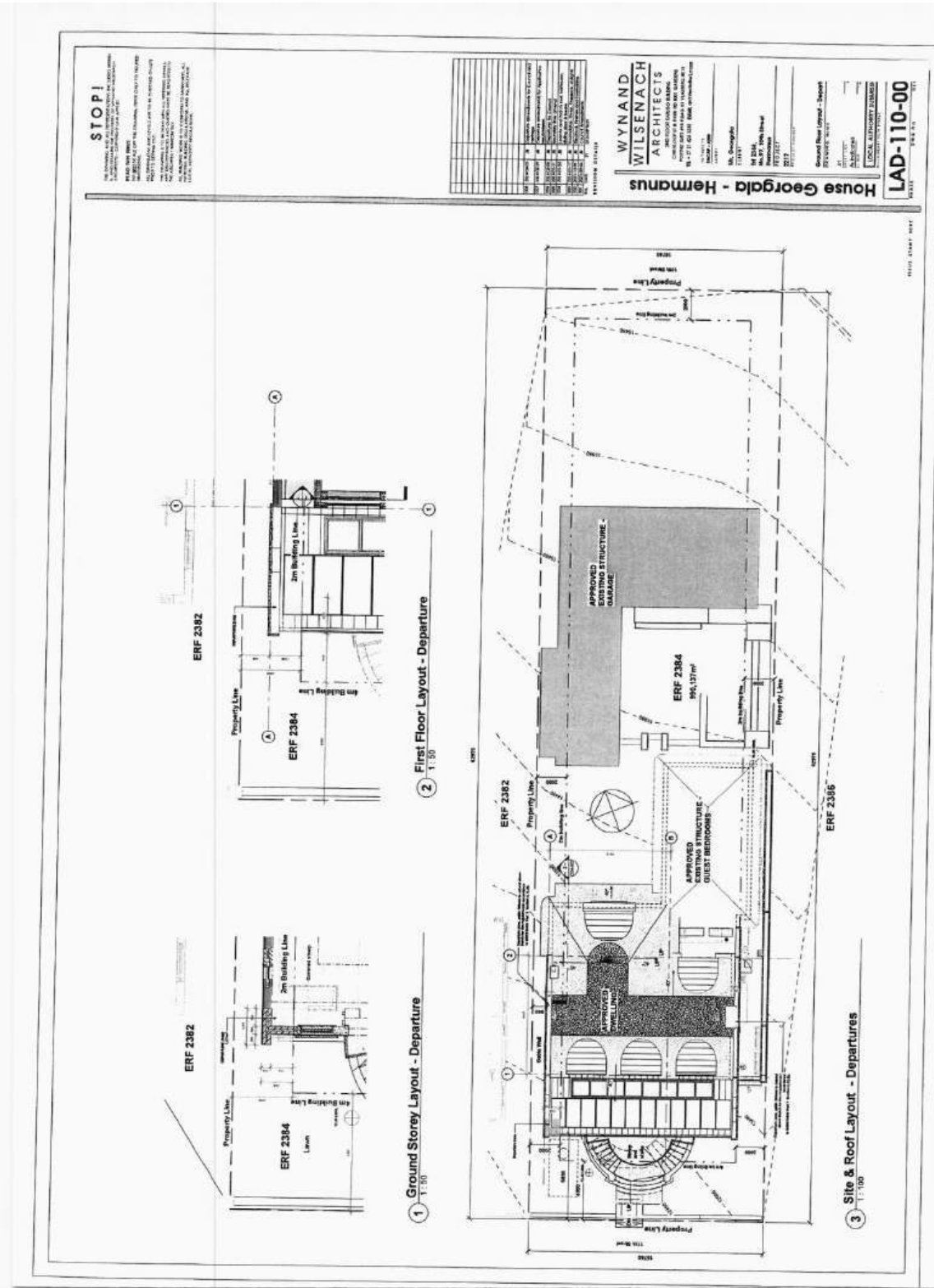
REASONS FOR RESOLUTION

- ❖ The building work was continued to renovate the existing house based on approved building plans. The application only entails the departures as requested from the applicant. In total the extent of the departures is of a very small size in comparison to the size of the renovated structure.
- ❖ The large administrative fee is imposed due to the work done in excess of the approved building plan and due to the fact that the departure requirement was communicated to the architect during the building plan phase.
- ❖ Sea views are obtained from a southern direction and the encroachments are all developed on a northern to southern direction.

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- ❖ The windows on the western side of the wall are replaced as part of the renovation of the dwelling and does not form part of the land use application.
- ❖ The higher gables will ensure that fire safety requirements are met, which will lessen the risk to the neighbouring structures.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 2384, VOELKLIP (4689/2024)**

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

Conditions:

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


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

09/09/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

**4. ERF 1467, 23 KIEWIET AVENUE, EASTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS
INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF MA WEDER**

1467 HEC (4697/2024)

P Roux

(028) 313 8900

Hermanus Administration

16 May 2025

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 21 June 2024 from Interactive Town & Regional Planners on behalf of the owners of Erf 1467, Eastcliff, Hermanus to relax the street building line from 4m to 0m and the western lateral building line from 2m to 1.6m respectively in order to accommodate the proposed carport.

RESOLUTION

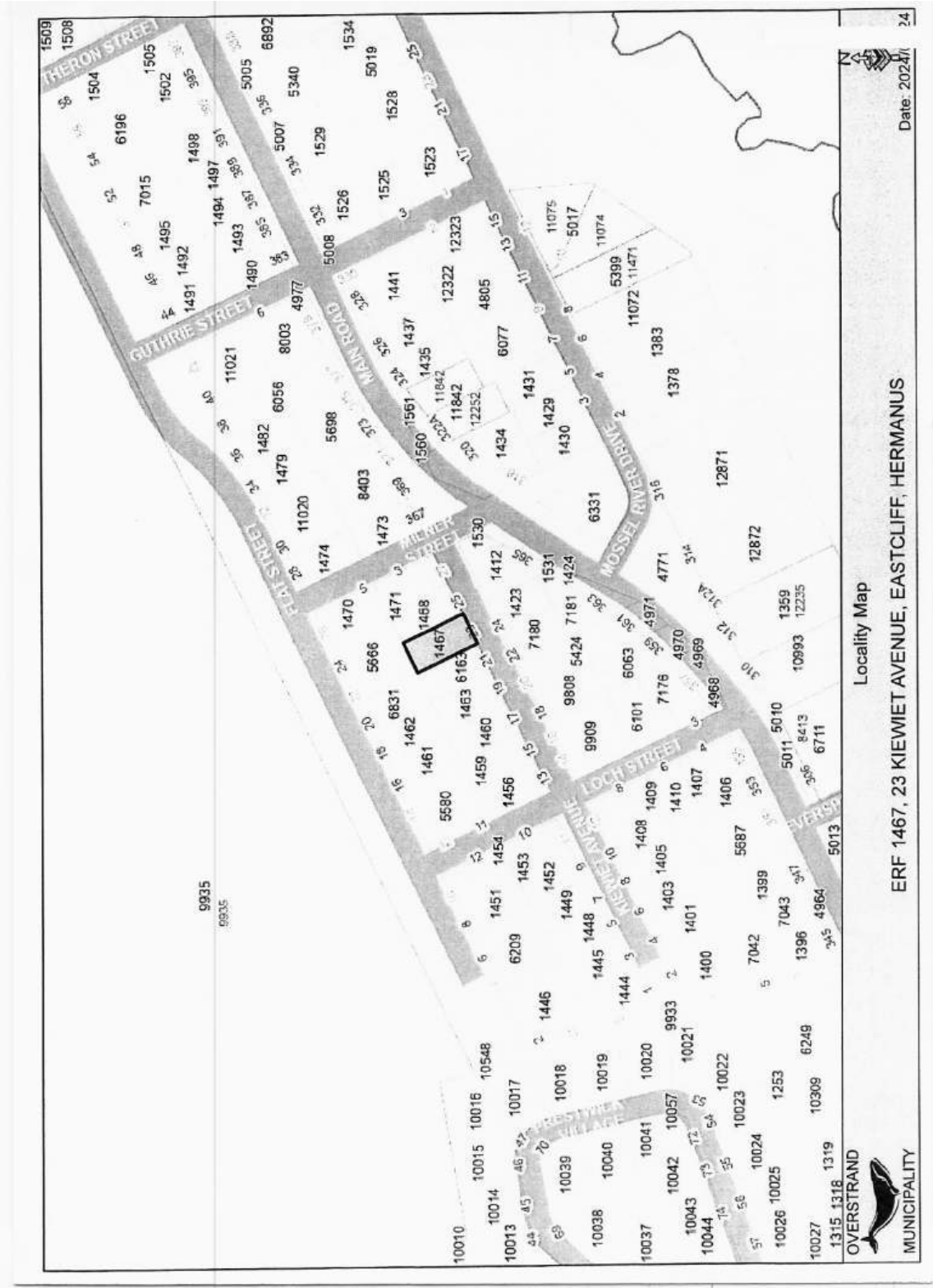
1. that the comment be noted;
2. that the application in terms of Section 16(2)(b) of the Overstrand Amendment By-Law on Municipal Land Use Planning (By-law) on Erf 1467, Eastcliff, Hermanus to relax the street building line from 4m to 0m and the western lateral building line from 2m to 1.6m respectively in order to accommodate the proposed carport, **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 carport as indicated on Site Development Plan No 2413 as submitted with the application;
 - (b) that the roof sheeting on the rear pergola should be removed or an application to address the structural changes must be submitted to the municipality within 60 days from the date of the decision;
 - (c) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;
 - (d) that all the conditions from Services Report (attached as Annexures F), be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

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- (f) 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

- ❖ The main characteristic of the residential suburb will be maintained.
- ❖ The proposed encroachments are considered non-invasive.
- ❖ The application has followed due process.
- ❖ The proposal is compliant with the spatial policies of the SDF.
- ❖ The proposal is consistent with the spatial principles as set out in SPLUMA and LUPA.



Locality Map

ERF 1467, 23 KIEWIET AVENUE, EASTCLIFF, HERMANUS



Date: 2024/11/24

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE: ERF 1467, EASTCLIFF (4697/2024)**

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

Conditions:

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


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

27/01/2025
DATE

**AGENDA of the
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5. ERF 1659, 24 ARC STREET, EASTCLIFF, HERMANUS AND ERF 1660, 26 ARC STREET, EASTCLIFF, HERMANUS OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSOLIDATION: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF W.K. INVESTMENTS PTY LTD

1659 & 1660 HEC (4801/2024)

P Roux

(028) 313 8900

Hermanus Administration

15 May 2025

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 26 August 2024 from Messrs PlanActive Town- and Regional Planners on behalf of the property owners for the following for following:

- ❖ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions 1. D. (b) (page 3 and as referenced on page 6, paragraph. 2. D.) and 1. E. (3) and (5) (page 4 and as referenced on page 5, paragraph 2. E.) as contained in Title Deed T27264/1965, and
- ❖ **Consolidation** in terms of Section 16(2)(e) of the By-Law to accommodate the consolidation of Erf 1659, Hermanus (3881m²) with Erf 1660, Hermanus (4369m²) to create a consolidated portion of approximately 8250m².

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 for the removal of restrictive title deed conditions 1. D. (b) (page 3 and as referenced on page 6, paragraph. 2. D.) and 1. E. (3) and (5) (page 4 and as referenced on page 5, paragraph 2. E.) as contained in Title Deed T27264/1965 **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(e) of the By-Law to accommodate the consolidation of Erf 1659, Hermanus (3881m²) with Erf 1660, Hermanus (4369m²) to create a consolidated portion of approximately 8250m², **be approved** in terms of the provisions of Section 61 of the By-Law;

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3. that the recommendation under paragraphs 1., and 2. is subject to the following conditions:
 - (a) that the approval is only for the consolidation as indicated on drawing number *herm1660.drw* dated *July 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;
 - (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

- ❖ No additional services required.
- ❖ Does not jeopardize the character of the area.
- ❖ 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.



Notes:
 Zoning: SR1
 Proposed consolidation:
 - Erf 1659 of 4369m² with
 - Erf 1660 of 4369m²
 to create a newly consolidated erf of 48250m².
 - Scheme regulations building lines
 - Title deed building lines
 - Existing structures
 Coverage: 8.8% (725.41m²)

PIA Active Town & Regional Planners
 Stads- en Streekskieders
 Town & Regional Planners

Property Description:
 ERVEN 1659 &
 1660 HERMANUS

Plan Description:
 CONSOLIDATION
 PLAN

Scale: 1:1000
 Drawn: [Name]
 Date: July 2004

All references, names, symbols and subject to survey.
 COPY RIGHT RESERVED

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR CONSOLIDATION & REMOVAL OF RESTRICTIVE
TITLE DEED CONDITIONS: ERVEN 1659 & 1660, EASTCLIFF (4683/2024)**

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

Conditions:

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

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


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

27/01/2025
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
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6. ERF 999, 28 MUSSON STREET, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND DEPARTURE: MESSRS PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF GA NAUDE

999 HEC (4841/2024)

P Roux

(028) 313 8900

Hermanus Administration

07 May 2025

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 16 October 2024 from PlanActive Town & Regional Planners on behalf of the owners of Erf 999, Eastcliff, Hermanus for the following:

- ❖ **Removal of restrictive title deed condition** in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition B.A. (d) as contained in title deed T.53013/2024 of the property to accommodate a proposed garage and covered entrance, and
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the western lateral building line from 2m to 0m to accommodate the proposed garage.

RESOLUTION

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 999, Hermanus, for the **removal of restrictive title deed condition** B.A. (d) as contained in title deed T.53013/2024 of the property to accommodate a proposed garage and covered pedestrian entrance, **be approved** in terms of the provisions of Section 61 of the By-Law, and;
2. that the application in terms of Section 16(2)(d) of the By-Law on Erf 999, Hermanus for **departure** to accommodate the relaxation of the south-western lateral building line from 2m to 0m to accommodate the proposed garage, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the recommendation under paragraphs 1., and 2. is subject to the following conditions:

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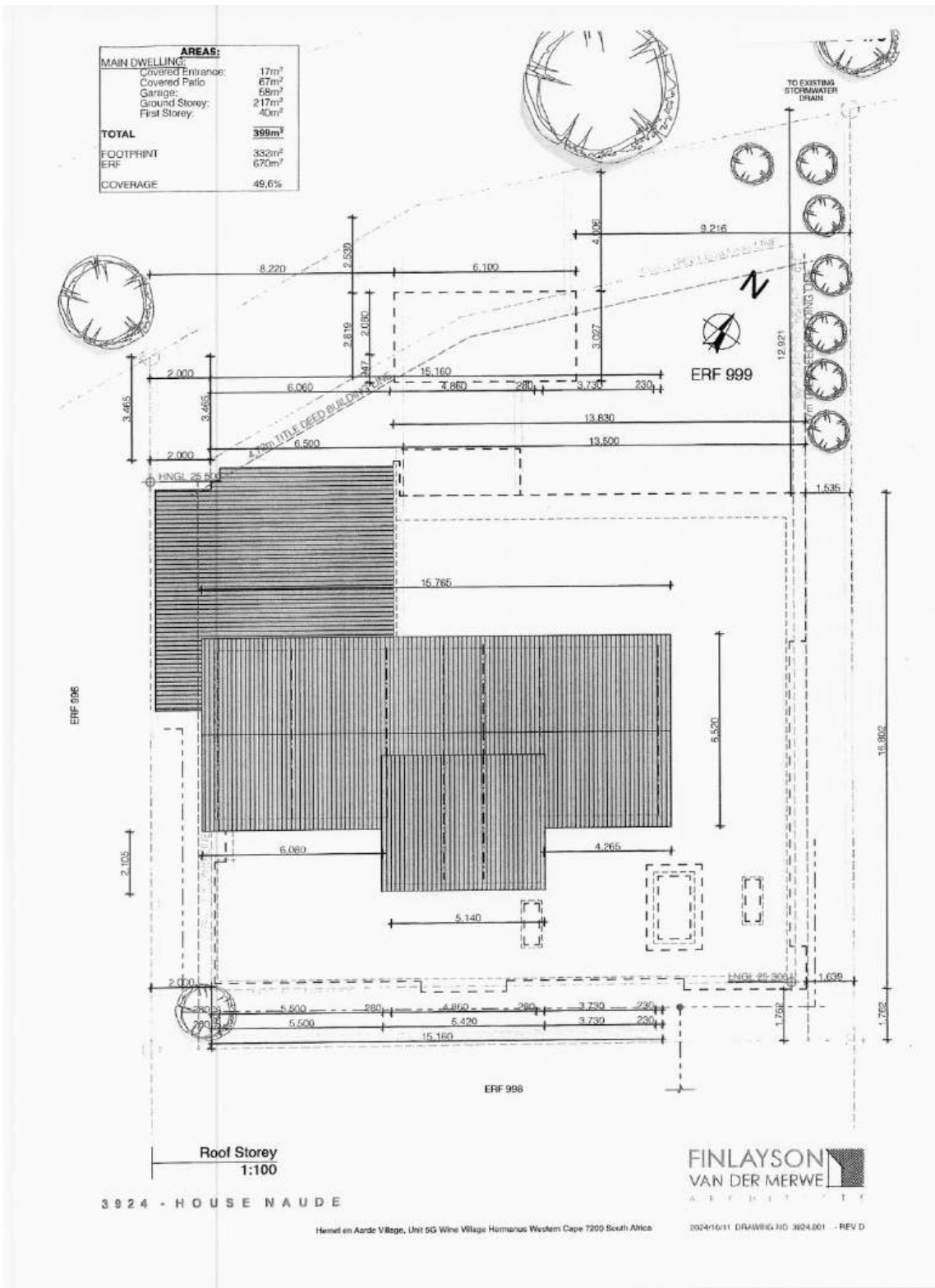
- (a) that the approvals are for the development as indicated on Site Development Plan No 3924 dated 11/10/2024 as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;
 - (c) that all the conditions contained 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 main characteristic of the suburb are still maintained by the proposed alteration on Erf 999. The proposed encroachments are therefore considered non-invasive.
- The proposal will not have a detrimental impact on the character of the surrounding area.
- No objections were received.
- The application has followed due process.
- The proposal is compliant with the spatial policies of the SDF.
- The proposal is consistent with the spatial principles as set out in SPLUMA and LUPA.



<p>PLAn Stads- en Streeksbeplanners Town & Regional Planners</p>	<p>All distances approximate and subject to survey. COPY RIGHT RESERVED</p>	<p>Property Description: ERF 999 HERMANUS</p>	<p>Plan Description: LOCALITY MAP</p>	<p>Scale: NTS Drawing Nr: hermg99l_dfw Date: October 2024</p>
		<p>Atlantic Ocean</p>		



**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION &
DEPARTURE: ERF 999, EASTCLIFF (4841/2024)**

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

Conditions:

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



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**


DATE

**AGENDA of the
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7. ERF 2621, 130 EIGHTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS MÖLLER ARGITEKTE ON BEHALF OF THE TRUSTEES FOR THE TIME BEING OF CROUS FAMILIE TRUST

2621 HVK (4844/2024)

P Roux

(028) 313 8900

Hermanus Administration

20 May 2025

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 21 October 2024 from Messrs Möller Architects on behalf of the owners of Erf 2621, Voëlklip, Hermanus for the following:

- **departure** in terms of Section 16(2)(b) of the By-Law, to relax the southern street building line from 4m to 0m and the eastern lateral building line from 2m to 0m, to accommodate the existing carport; and
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to accommodate the existing carport.

RESOLUTION

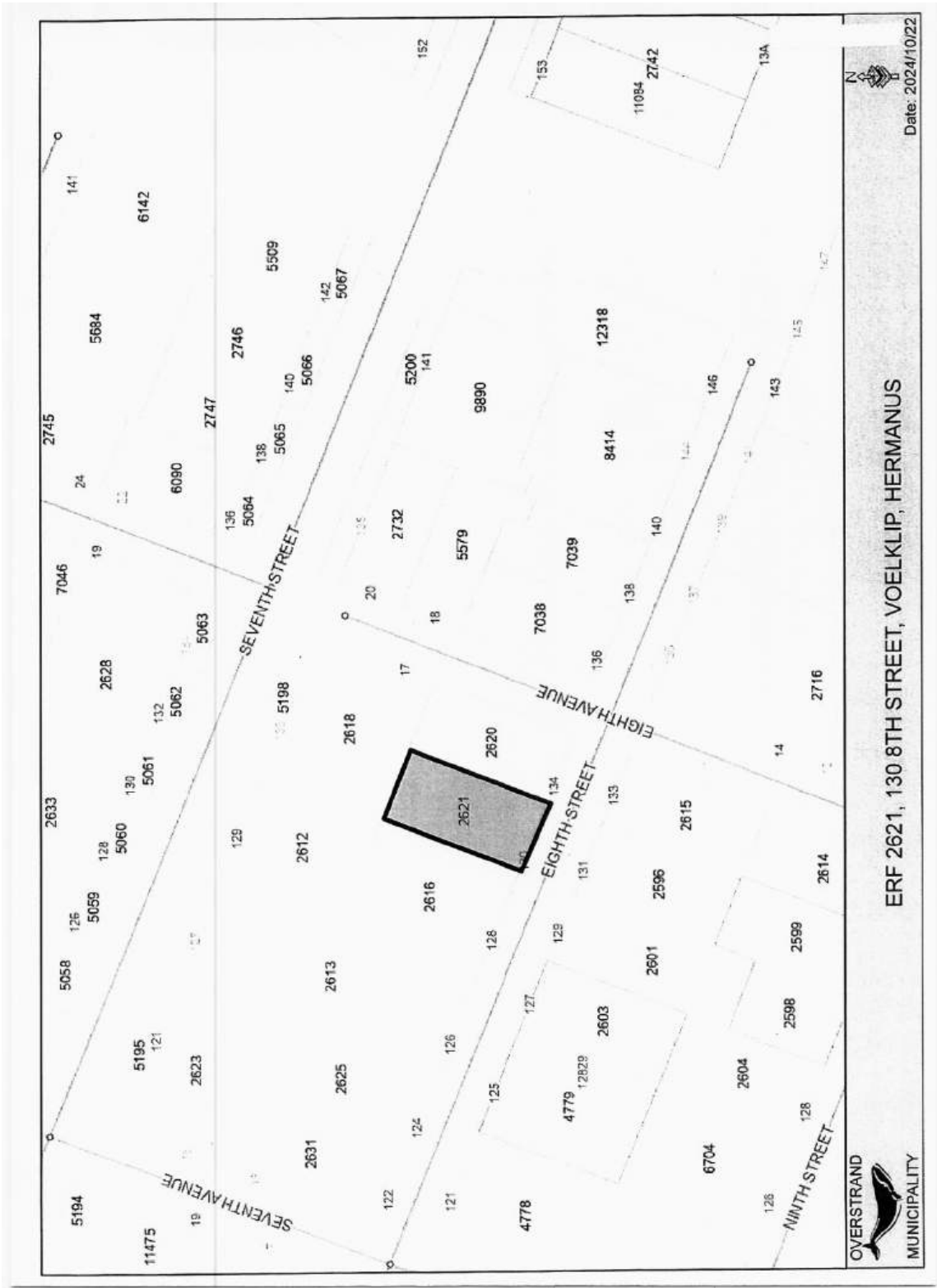
1. that the application for **departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 2621, Hermanus, to relax the southern street building line from 4m to 0m and the eastern lateral building line from 2m to 0m, to accommodate the existing carport, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the determination of an administrative penalty in terms of Section 90.(4) of the By-Law on Erf 2621, Hermanus for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
3. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan No 2024/10/10/01 dated 2024/11/21;

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- (b) that building plans be submitted to the Building Control Department and that all conditions of the Building- and Fire Department be complied with at that stage;
 - (c) that an administrative penalty of **R9 930,85** 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
4. that the applicant notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

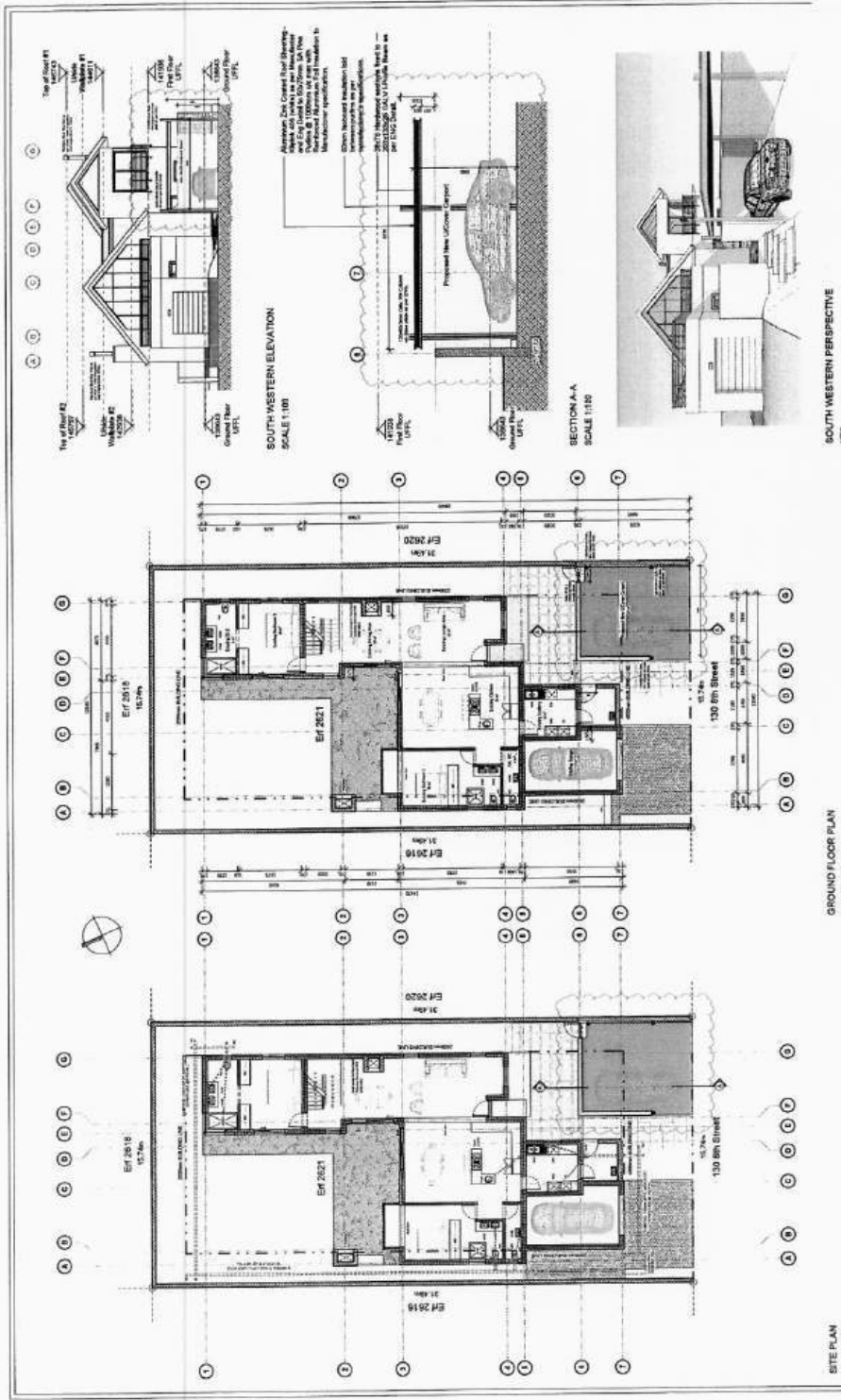
REASONS FOR RESOLUTION

- ❖ The proposed structure will not have a negative impact on the character of the area or the streetscape.
- ❖ The applicant addressed the concerns of the objector, and no deck will be constructed, only a carport as motivated.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The construction of a new covered carport was begun without first seeking municipal approval.



ERF 2621, 130 8TH STREET, VOELKLIP, HERMANIJS

Date: 2024/10/22



GENERAL NOTES:

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SERVICES FROM THE LOCAL AUTHORITIES.
4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SERVICES FROM THE LOCAL AUTHORITIES.
5. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SERVICES FROM THE LOCAL AUTHORITIES.

PROJECT INFORMATION:

PROJECT NAME: **HUIS CROUS**

PROJECT DESCRIPTION: **Proposed Carpet for 2021 Year-Ship**

CLIENT: **HUIS CROUS**

DATE: **2024 / 10 / 01**

PROJECT NO: **2024 / 10 / 01**

DESIGNER: **DAVIDS LINDS**

COVERED PLANS

GROUND FLOOR PLAN

SITE PLAN, GROUND FLOOR PLAN, ELEVATION & SECTION

130 8th Street

130 8th Street

130 8th Street

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 2621, VOELKLIP (4844/2023)**

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

Conditions:

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


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL


DATE

**AGENDA of the
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8. ERF 5095, 29 OLD MAIN ROAD, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE ON BEHALF OF D PROWSE

5095 HON (4895/2024)

H Olivier

(028) 313 8900

Hermanus Administration

22 May 2025

EXECUTIVE SUMMARY

An application has been received on 18 December 2024 from Engelbrecht and Scorgie Architectural Office on behalf of D Prowse on Erf 5095, Onrustrivier 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 for the following:
 - relaxation of the street building line from 4m to 2.4m to accommodate a portion of the covered entrance stoep, and
 - relaxation of the western lateral building line from 2m to 1.5m to accommodate a portion of the existing outdoor toilet facilities.
- ❖ **Determination of Administrative Penalty** in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorized building work.

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 5095, Onrustrivier for the following departures:
 - relaxation of the street building line from 4m to 2.4m to accommodate a portion of the covered entrance stoep, and
 - relaxation of the western lateral building line from 2m to 1.5m to accommodate a portion of the existing outdoor toilet facilities;

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

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- (a) that this approval is only for the development as indicated on the plan number J1276_MUN_02 dated 18 October 2024, as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – 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.
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 5095, Onrustvriër to accommodate the unauthorised building work as stipulated above, **be imposed**, and that an administration penalty fee of **R5 759-00**, be payable within thirty (30) days of the decision.
 3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

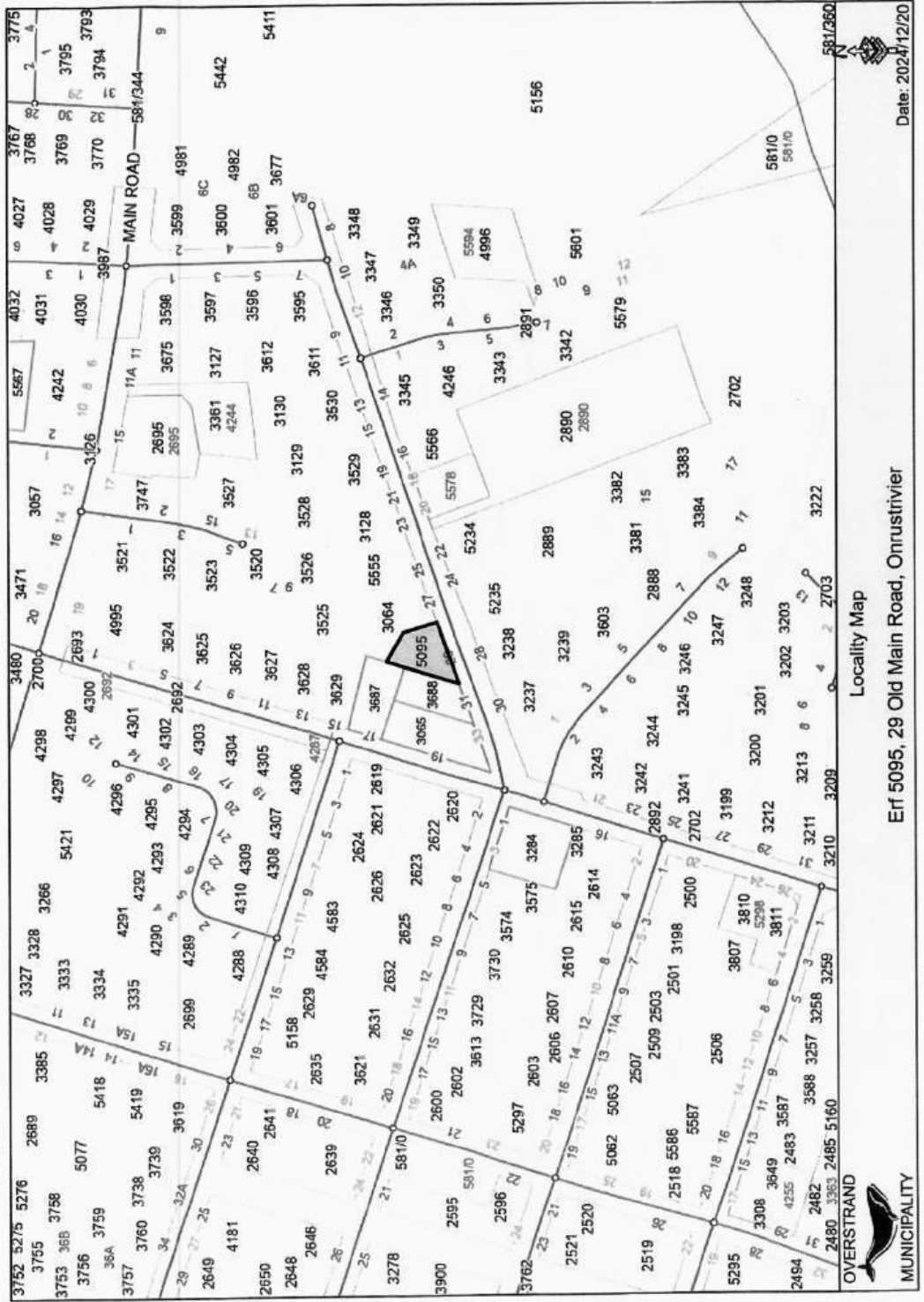
REASONS FOR RESOLUTION

POINT 1

- ❖ All relevant municipal divisions support the application.
- ❖ No objections were received from surrounding property owners.
- ❖ The structures are existing with no additions impacting the character of the area.
- ❖ The application is in line with the Planning Principles as it would be in line with the principle of densifications and an efficient way to resolve the illegal situation.

POINT 2

- ❖ The property owner did not create the illegal building work, but each property purchaser should ensure that all buildings/ structures on the property they buy is legal.



Locality Map
Erf 5095, 29 Old Main Road, Onrustrivier

Date: 2024/12/20

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 5095, ONRUS RIVER (4895/2024)**

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

Conditions:

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


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

14/04/2025
DATE

**AGENDA of the
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**10.ERF 11028, 4 JOSE BURMAN STREET, EASTCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE:
MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF
CHURCH OF ENGLAND IN SOUTH AFRICA**

11028 HEC (4623/2024)

P Roux

(028) 313 8900

Hermanus Administration

23 April 2025

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 28 March 2024 (application regarded as complete on 19 June 2024) from Messrs PlanActive Town- and Regional Planners on behalf of the owners of Erf 11028, Eastcliff, Hermanus for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the north-eastern lateral building line from 5m to 2.87m to accommodate new church building additions;
 - relax the north-eastern lateral building line from 5m to 3.1m to accommodate new church building additions (kitchen);
 - relax the north-western rear building line from 5m to 2.36m to accommodate new church building additions, and
 - relax the north-western rear building line from 5m to 2.85m to accommodate new church building additions (office).

- ❖ **Alternative parking provision** in terms of Section 17.1.2(c) of the Overstrand Municipality Land Use Scheme Regulations, 2020.

RESOLUTION

1. that the comment be noted;

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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 11028, Hermanus, for **departure** to:
 - relax the north-eastern lateral building line from 5m to 2.87m to accommodate new church building additions;
 - relax the north-eastern lateral building line from 5m to 3.1m to accommodate new church building additions (kitchen);
 - relax the north-western rear building line from 5m to 2.36m to accommodate new church building additions, and
 - relax the north-western rear building line from 5m to 2.85m to accommodate new church building additions (office),

be approved in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 17.1.2(c) of the Overstrand Municipality Land Use Scheme Regulations, 2020, applicable to Erf 11028, Hermanus for the buyout of 4 parking bays, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the recommendation under paragraphs 2. and 3. above is subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan No *CC 2023/2 - 1* dated *14 September 2023*;
 - (b) that building plans be submitted to the Building Control Department and that all conditions of the Building- and Fire Department be complied with at that stage;
 - (c) that the property owner pays the amount of **R90 031.44** in leu of the provision of parking on the property;
 - (d) that the property owner pays the amount of **R108 536.64** for the construction of the four parking bays as determined by the Overstrand Municipality's Engineering Department;
 - (e) that the parking on the reserve of Jose Burman Street be removed;
 - (f) that all the conditions in the Services Report be complied with;
 - (g) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

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- (h) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with
5. that the applicant and person who commented be notified of their appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- ❖ The subject property is situated next to the HSC and both the eastern and western side of the property is situated next to parking areas for the facilities of the HSC. The proposed relaxation will therefore not have a negative impact on adjoining property owners, nor will it impact on privacy rights.
- ❖ The proposed building will also be situated at the back of the property and behind the existing church building and therefore the street scape and viewing distances will not be affected.
- ❖ The proposal will also create a new parking layout which will introduce a more favourable accessible parking area for the church. The current parking layout is not desirable due to some of the parking bays receiving direct access off Jose Burman Street and some parking bays are situated on the road reserve.
- ❖ The parking bays on the road reserve will be removed.
- ❖ The nearest building is situated approximately 20m away from the proposed extensions and additions.
- ❖ The deviation of the parking ratio will not lead to a traffic impact.
- ❖ The payment amount should not be reduced as the design/layout of the proposed additions can change to allow for the required parking spaces. Further council will have to bear the cost of the provided parking elsewhere.




PLAn Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: ERF 11028 HERMANUS	Plan Description: LOCALITY MAP	Scale: NTS
		Drawing Nr: Hermanus 11028L.dwg	Date: 03/2024	

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 11028, EASTCLIFF (4623/2024)**

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

Conditions:

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



RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL



DATE

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11.ERF 3670, 172 SECOND AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: J DOUGLAS ON BEHALF OF EC VAN WILGEN

3670 KKM (4684/2024)

H van der Stoep

(028) 313 8900

Hermanus Administration

27 February 2025

EXECUTIVE SUMMARY

An application has been received on 17 September 2024 from J Douglas on behalf of EC van Wilgen on Erf 3670, Kleinmond in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following relaxations:
 - to relax the eastern lateral building line from 2m to 0,52m to accommodate a proposed new garage;
 - to relax the western lateral building line from 2m to 0,215m to accommodate the existing covered braai area;
 - to relax the eastern lateral building and the rear building line from 2m to 0m respectively to accommodate the change of use from the existing garage into a storage room, and
 - to exceed the 9m restriction of a building on one specific boundary in terms of Section 16.1.1.(c)(iii) of the Overstrand Municipality Land Use Scheme 2020 to accommodate the proposed new garage and converted storage room.
- **Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the unauthorised land uses 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 3670, Kleinmond for the following departures:
 - ❖ to relax the eastern lateral building line from 2m to 0,52m to accommodate a proposed new garage;
 - ❖ to relax the western lateral building line from 2m to 0,215m to accommodate the existing covered braai area;

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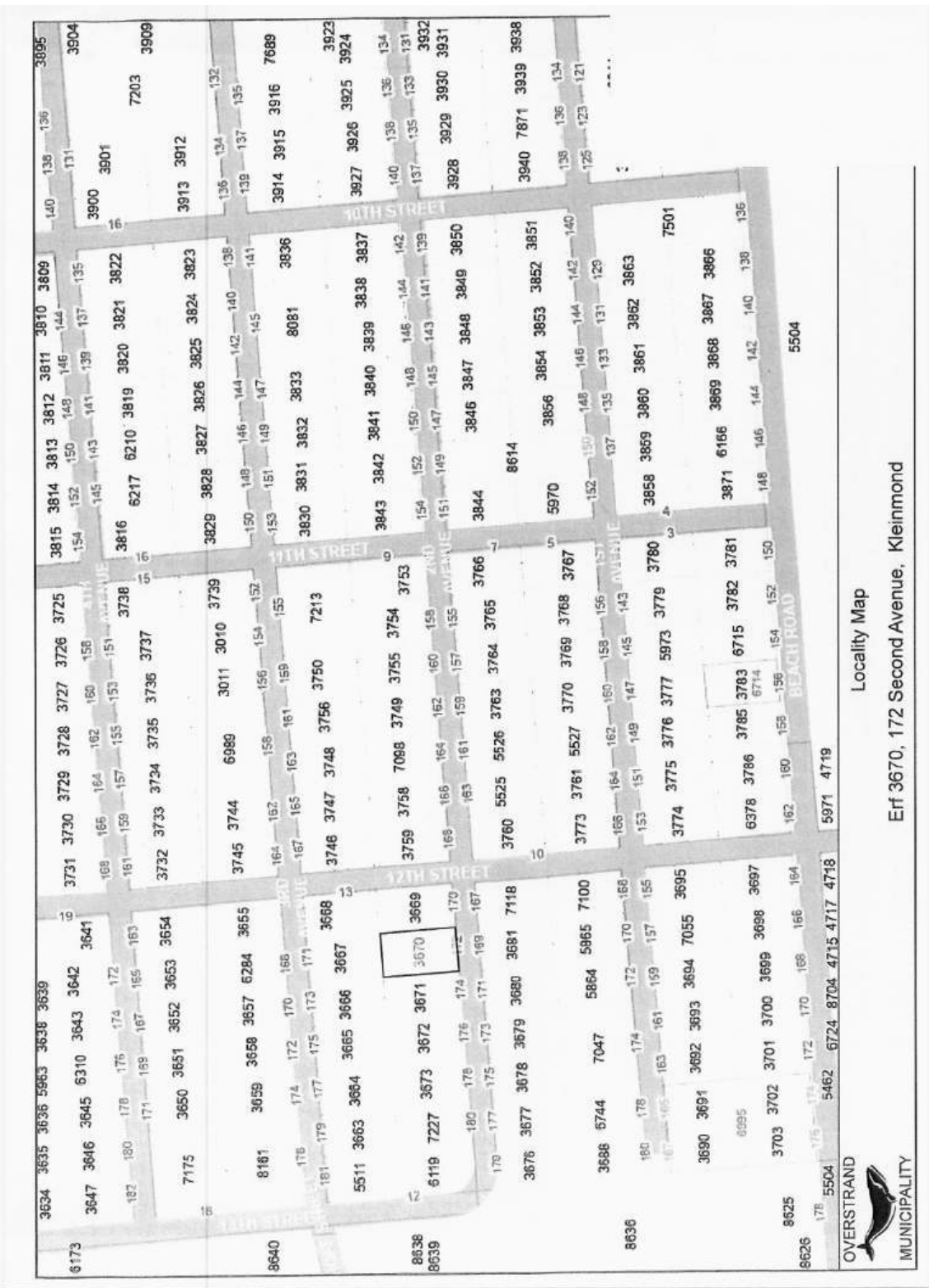
- ❖ to relax the eastern lateral building and the rear building line from 2m to 0m respectively to accommodate the change of use from the existing garage into a storage room, and
- ❖ to exceed the 9m restriction of a building on one specific boundary in terms of Section 16.1.1.(c)(iii) of the Overstrand Municipality Land Use Scheme 2020 to accommodate the proposed new garage and converted storage room;

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

- (a) that this approval is only for the development as indicated on the plan number 1 dated 2 August 2024, as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control be complied with;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (d) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with.
2. that the 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 3670, Kleinmond for the unauthorised land uses as mentioned above, was considered and that an administrative penalty **be imposed of R9 782,19**, and it be paid within sixty days (60) of this approval.
 3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

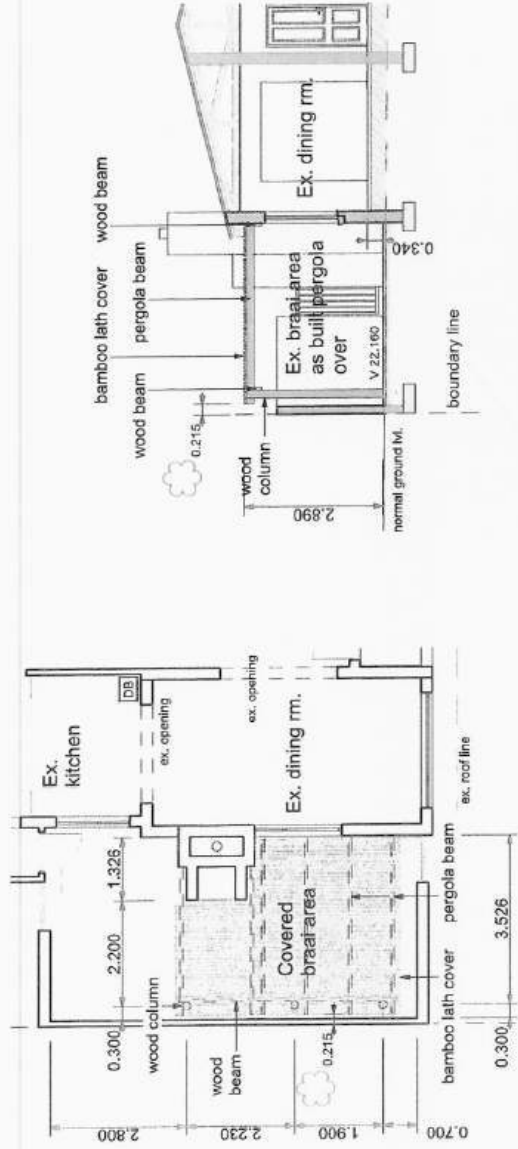
REASONS FOR RESOLUTION

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



Locality Map

Erf 3670, 172 Second Avenue, Kleinmond



FLOOR PLAN

1 : 100

SECTION

1 : 100

Plan No. 1, 02 AUG 2024

PROPOSED EXTENSION EXISTING RESIDENCE ERF 3670 KLEINMOND FOR ESTELLE VAN WILGEN

**AGENDA of the
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12. PORTION OF REMAINDER ERF 3048 BETTY'S BAY AND ERF 3196, 1 PEARL DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, PARTIAL CLOSURE OF A PUBLIC PLACE, REZONING, CONSOLIDATION AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF OVERSTRAND MUNICIPALITY AND LR McCANN

3048 & 3196 KBB (4730/2024)

**H van der Stoep
13 March 2025**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 31 July 2024 from Plan Active Town & Regional Planners on behalf of Overstrand Municipality & LR McCann in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Subdivision** of Remainder Erf 3048 Betty's Bay in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to create a subdivided portion of approximately 155m² in extent;
- ❖ **Partial closure of a public place (Transport Zone 2B)** in terms of Section 16(2)(n) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the closure of a public place (subdivided portion of ±155m²);
- ❖ **Rezoning** in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 of the subdivided portion (±155m²) from Transport Zone 2: Road and Parking (TR2) to Residential Zone I: Single Residential (SR1);
- ❖ **Consolidation** in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 of the subdivided portion (±155m²) with Erf 3196, Betty's Bay to create a single residential property of ±1779m² in extent; and

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 building line encroachments on the property.

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RESOLUTION

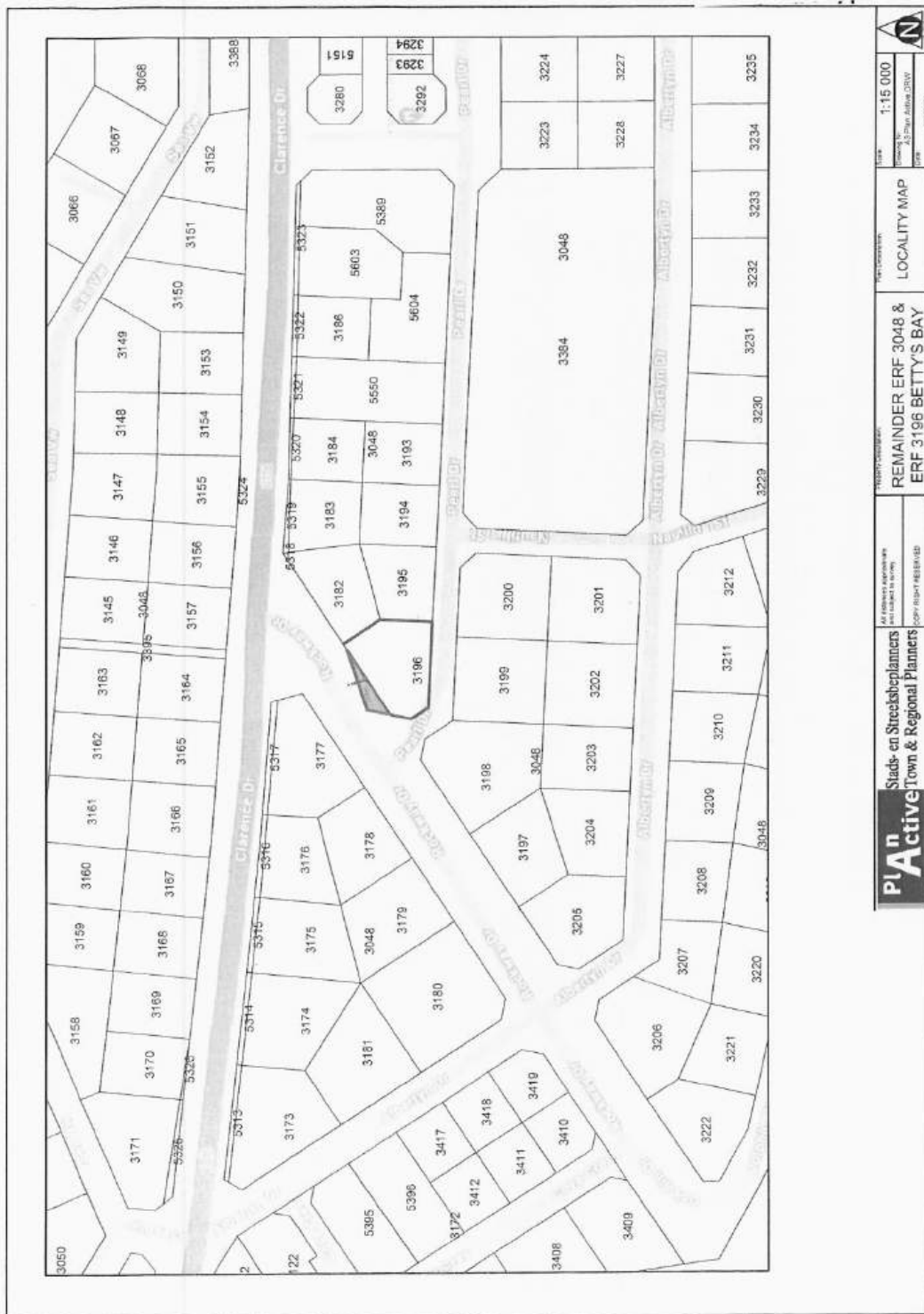
1. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the subdivision of Remainder Erf 3048 Betty's Bay in order to create a subdivided portion of approximately 155m² in extent, **be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(n) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the partial closure of a public place, Transport Zone 2-TR2 B (*corner of Rockway Drive and Pearl Drive*) to accommodate the closure of the subdivided portion of ±155m², **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the rezoning of the subdivided portion (±155m²) from Transport Zone 2: Road and Parking (TR2) to Residential Zone I: Single Residential (SR1), **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the consolidation of the subdivided portion (±155m²) with Erf 3196, Betty's Bay to create a single residential property of ± 1779m² in extent, **be approved**, in terms of the provisions of Section 61 of the By-Law;
5. that the above approvals in Points 1 to 4 be subject to the following conditions:
 - (a) that this approval is not an approval in terms of any other legislation;
 - (b) that a **revised** building plan be submitted complying with points 1-4;
 - (c) that a **revised** building plan be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (d) that the 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 Use Scheme be complied with, and
 - (g) that all the conditions in the Services Report be complied with.
6. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 3196, Betty's Bay for the unauthorized building line encroachments as stipulated above, **not be imposed**.
7. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ To rectify and legalize an existing dwelling.
- ❖ Will have little impact on the area.
- ❖ The road reserve 30m is extensive for a residential neighbourhood.
- ❖ Internal departments indicated that the proposed portion of 155m² is non-viable and not in need for municipal services.
- ❖ The applicant did obtain an in principle approval for the alienation and purchase of municipal property, dated 28 June 2023.



PIAn Stads en Streetsplanners
Town & Regional Planners

REMAINDER ERF 3048 & ERF 3196 BETTY'S BAY

Scale: 1:15 000
Drawing No: AS/Plan/Active/2016/001
Date: 05/04/2016

All elements are copyright and subject to survey. COPYRIGHT RESERVED

North Arrow



NOTES:

- Existing Erf Boundary
- Proposed Subdivision Line
- Proposed portion of Remainder Erf 3048 Betty's Bay to be consolidated with Erf 3196 Betty's Bay

PLAⁿ Active Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPYRIGHT RESERVED	Property Description: REMAINDER ERF 3048 & ERF 3196 BETTY'S BAY	Plan Description: SUBDIVISION & CONSOLIDATION	Scale: 1:400 Drawing No: Betty3196.dwg Date: 31 Jul 2024	

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION, PARTIAL CLOSURE OF A PUBLIC
PLACE, REZONING, CONSOLIDATION & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: A PORTION OF REMAINDER ERF 3048 &
ERF 3196, BETTY'S BAY (4730/2024)**

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

Conditions:

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


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL


DATE

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13.ERF 1288, 33 EDWARD ROAD, PRINGLE BAY AND ERF 1289, 31 EDWARD ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, CONSOLIDATION, DEPARTURE, RELAXATION OF TITLE DEED AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF HJ GERSBACH AND WD & EMA SLATER

1288 & 1289 KPRB (4795/2024)

H van der Stoep

(028) 313 8900

Hermanus Administration

21 May 2025

EXECUTIVE SUMMARY

An application has been received on 20 August 2024 from Plan Active Town & Regional Planners on behalf of HJ Gersbach and WD & EMA Slater on Erven 1288 and 1289, Pringle Bay in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Subdivision** in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 1288, Pringle Bay to create a subdivided portion of ±72m² in extent.
- ❖ **Consolidation** in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to consolidate the newly subdivided portion (±72m²) with Erf 1289, Pringle Bay to accommodate the proposed boundary adjustment.
- ❖ **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 applicable to Erf 1289, Pringle Bay from 2m to 1m to accommodate the existing dwelling, and to relax the western lateral building line from 2m to 0m to accommodate an existing shade port.
- ❖ **Relaxation of Title Deed** Clause III.6.(b) of Title Deed No. T47968/10 applicable to Erf 1289, Pringle Bay to relax the eastern lateral building line from 1,5m to 1m to accommodate the existing dwelling, and to relax the western lateral building line from 1,5m to 0m to accommodate an existing shade port.
- ❖ **Determination of an Administrative Penalty** in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorised building line encroachments as mentioned above.

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RESOLUTION

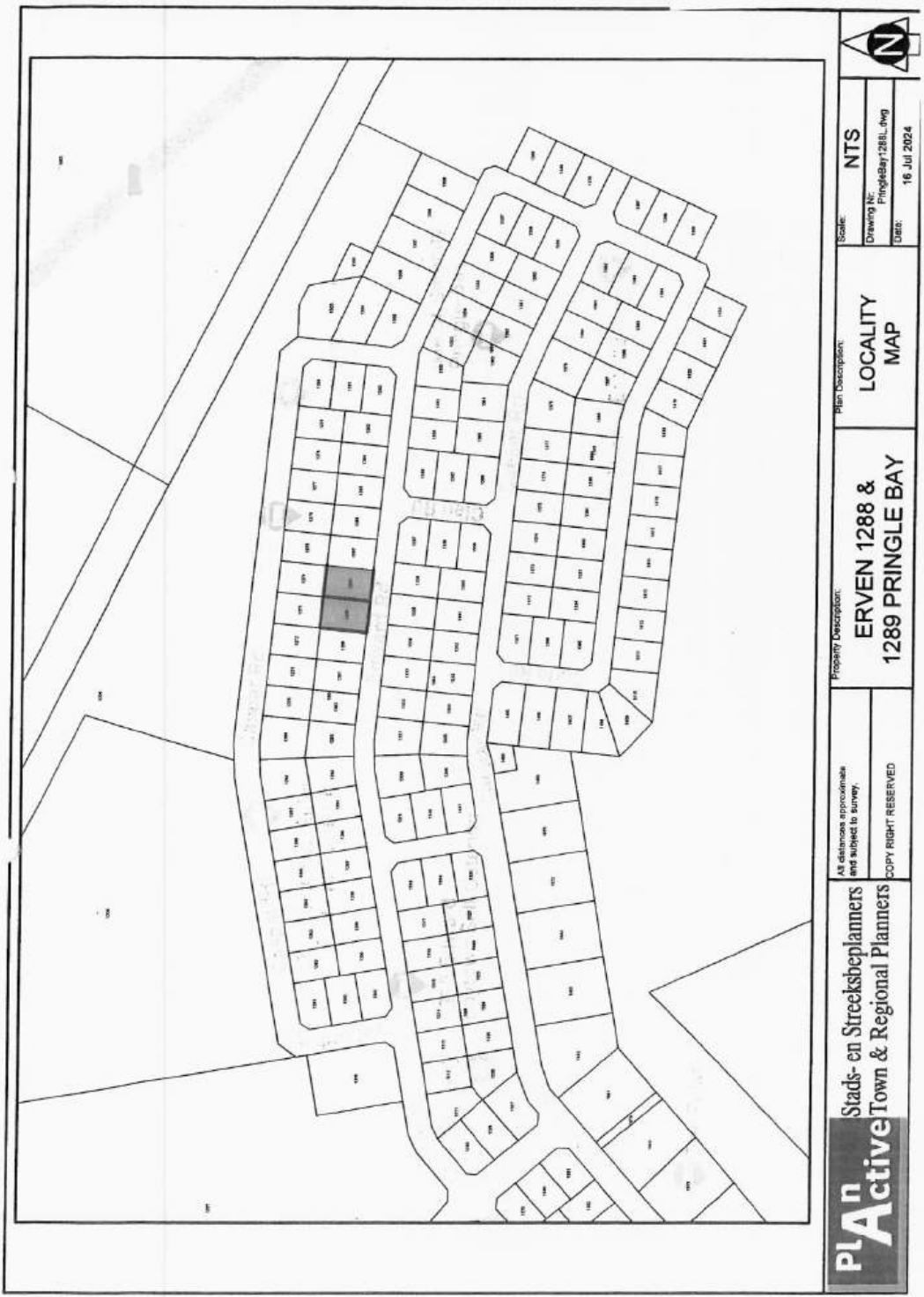
1. that the objection be noted.
2. that the application in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the relaxation of restrictive title deed Condition III.6.(b) as contained in Title Deed No. T47968/10 applicable to Erf 1289, Pringle Bay to relax the eastern lateral building line from 1,5m to 1m to accommodate the existing dwelling, and to relax the western lateral building line from 1,5m to 0m to accommodate an existing shade port, **be approved** in terms of Section 61 of the By-Law;
3. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1289, Pringle Bay for a departure to relax the eastern lateral building line from 2m to 1m to accommodate the existing dwelling, and to relax the western lateral building line from 2m to 0m to accommodate an existing shade port, **be approved**, in terms of Section 61 of the By-Law;
4. that the application in terms of Section 16.(2)(d) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 1288, Pringle Bay to create a subdivided portion of $\pm 72\text{m}^2$ in extent, **be approved**, in terms of Section 61 of the By-Law;
5. that the application in terms of Section 16.(2)(e) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 to consolidate the newly subdivided portion ($\pm 72\text{m}^2$) with Erf 1289, Pringle Bay to accommodate the proposed boundary adjustment, **be approved**, in terms of Section 61 of the By-Law;
6. that the above approvals in Points 2 - 5 be subject to the following conditions:
 - (a) that this approval is only for the development as indicated on plan number PringleBay1288 dated 25 June 2024, as submitted with the application;
 - (b) that no further transgression over the building lines will be allowed, except that is sanctioned by the Overstrand Zoning Scheme and Title Deed T22315/22;

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- (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building 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.
7. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 1289, Pringle Bay for the unauthorised building line encroachments as mentioned above was considered and that an administrative penalty of **R7 493,61, be imposed** which penalty must be paid within thirty (30) days from the final date of the decision of the application.
8. that the applicant and objector be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ It will not impact on the rights of surrounding property owners or the character of the existing surrounding built environment and has been in existence since 2006.
- ❖ The building line encroachment is not regarded as being undesirable from a town planning point of view since both the title deed and the land use scheme makes provision for such departures.
- ❖ The proposed developments are supported by the adjacent owners, and consents were provided in this regard.
- ❖ The administrative penalty for the dwelling transgressing the 2m building line has been limited to 3% due to the immediate action taken by the transgressor to rectify the situation.



PLAⁿ Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: ERVEN 1288 & 1289 PRINGLE BAY	Plan Description: LOCALITY MAP	Scale: NTS
				Drawing Nr: PringleBay1288L.dwg
				Date: 16 Jul 2024



NOTES:

- Existing Erf Boundaries
- Proposed Subdivision Line
- Portion of Erf 1288 to be consolidated with Erf 1289

Remaining Extent Erf 1288 = ±528m²
 New size of Erf 1289 after consolidation = ±672m²

21 AUG 2024

PLAⁿ Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: ERVEN 1288 & 1289 PRINGLE BAY	Plan Description: SUBDIVISION & CONSOLIDATION	Scale: 1:400	
	Drawing No: PringleBay/1288.dwg		Date: 25 Jun 2024		

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14.ERF 825, 133 MAIN ROAD, DE KELDERS: APPLICATION FOR CONSENT USE, DEPARTURE, AMENDMENT OF THE SITE DEVELOPMENT PLAN AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: JJK WHITEMAN ON BEHALF OF WALKERVIEW APARTMENTS BODY CORPORATE

825 GDK (4863/2024)

P Roux

(028) 313 8900

Hermanus Administration

30 April 2025

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 02 September 2024 from JJK Whiteman on behalf of Walkerview Apartments Body Corporate on Erf 825, De Kelders for the following:

- **Consent use** in terms of Section 16(2)(o) of the By-Law, in order to allow and accommodate the flats on the ground floor.
- **Departure** in terms of Section 16(2)(b) of the By-Law, in order to accommodate the departure from the required 17.5 parking spaces to 17 provided parking spaces.
- **Amendment of the Site Development Plan** in terms of Section 16(2)(l) of the By-Law, in order to accommodate the necessary proposed changes to the current site development plan.
- **Determination of an Administrative Penalty** in terms of Section 16(2)(q) of the By-Law, in order to address any possible contravention and legalise the flats on the ground floor.

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RESOLUTION

1. that the application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 825, De Kelders for the following:
 - **consent use** in terms of Section 16(2)(o) of the By-Law, in order to allow and accommodate the flats on the ground floor, and
 - **amendment of the site development plan** in terms of Section 16(2)(l) of the By-Law, in order to accommodate the necessary proposed changes to the current site development plan,

be approved in terms of the provisions of Section 61 of the By-Law;
2. that the application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) application to Erf 825, De Kelders for the following:
 - **Departure** in terms of Section 16(2)(b) of the By-Law, in order to accommodate the departure from the required 17.5 parking spaces to 17 provided parking spaces,

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 applicable to Erf 825, De Kelders, Gansbaai to accommodate the existing uses on the property, **not be exempt** from the payment of an administrative penalty;
4. that the recommendation under paragraphs above is subject to the following conditions:
 - (a) that the land uses are only to be approved as indicated on Drawing *03/JW/19 pages 1 to 4* dated *03 February 2022*;
 - (b) that building plans be revised to indicate that parking bay 9 on Erf 825 will be removed and that the two parking bays as per the approved 2006 plan be indicated;

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- (c) that the illegal structures attached to the building on Erf 825 and which encroach upon municipal property be removed within **sixty (60) days** from the date of approval and proof be submitted to the municipality for record keeping;
 - (d) that revised building plans be submitted to the Building Control Department within **sixty (60) days** from the date of approval and that all conditions of the Building- and Fire Department be complied with at that stage;
 - (d) that conditions 3 (b), (c) and (d) be implemented prior to the issuing of any clearance certificates;
 - (e) that an administrative penalty of **R85 062,60** be payable within **one-hundred and twenty (120) days** of the decision;
 - (f) that all the conditions in the Services Report be complied with;
 - (g) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (h) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with
5. that the applicant 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

Reasons for the decision

- ❖ No objections were received against the application.
- ❖ The retention of the uses will not have a negative impact on the adjacent property owners or the character of the area.
- ❖ The layout and design of the property is not conducive for the promotion of commercial uses such as offices.
- ❖ The application for the departure of the parking requirements did not consider the 2006 building plan and therefore there are ample parking bays available for the retention of the land uses.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.

Reasons for the value of the administrative penalty.

- ❖ Alterations were made to the dwelling without municipal approval.

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- ❖ Alterations continued after a letter of non-compliance was sent and during the national lockdown period of 2020.
- ❖ The required information was only provided in 2024 and the uses continued even though a letter of non-compliance was sent.



Erf 825 De Kelders

Date: 2020/06/10

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE, DEPARTURE, AMENDMENT OF
SITE DEVELOPMENT & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 825, DE KELDERS (4832/2024)**

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

Conditions:

1. that the existing water connection to- and sewer conservancy tank on Erf 825 shall be used to service Erf 825;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
4. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
5. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
6. that any additional and / or extended vehicle entrances will be for the developer's account;
7. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
8. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

05/12/2024
DATE

**AGENDA of the
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19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

**15.ERF 1017, 89 MAIN ROAD, SANDBAAI: OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR THE AMENDMENT OF CONDITIONS OF AN EXISTING
APPROVAL, AMENDMENT OF THE SITE DEVELOPMENT PLAN, CONSENT
USES AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS
PLAN ACTIVE ON BEHALF OF WJ VAN SCHALKWYK & CJ BIERMAN**

1017, HSB

4143/2022

(H Boshoff)

H van der Stoep

(028) 313 8900

Hermanus Administration

28 March 2025

EXECUTIVE SUMMARY

To consider an application received on 26 September 2023 (complete application -latest correspondence received 29 January 2025) from Messrs Plan Active on behalf of WJ van Schalkwyk & CJ Bierman, the owners of Erf 1017, Sandbaai (the property), for the following:

- ❖ application in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for **the amendment of conditions in respect of an existing approval** to accommodate transmission apparatus, two internet shops, and a flat on the property;
- ❖ application in terms of Section 16(2)(l) of the By-Law for the **amendment of the approved Site Development Plan** to accommodate transmission apparatus, two internet shops, and a flat on the property;
- ❖ application in terms of Section 16(2)(o) of the By-Law for **consent uses** to accommodate transmission apparatus, as well as a flat at ground floor level on the property; and an
- ❖ application in terms of Section 16(2)(q) of the By-Law **for the determination of an administrative penalty.**

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 1017, Sandbaai (the property) for **the amendment of conditions in respect of an existing approval** of the Mayoral Committee dated 13 July 2016, to accommodate transmission apparatus, two internet shops, and a flat on the property, **be approved** in terms of the provisions of Section 61 of the By-Law, and that the conditions be amended as follows:

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- that condition (c) of the original conditions of approval be replaced with the following condition:

“(c) that the two internet shops may not be utilized for the selling of any physical goods relating to internet services or otherwise and that the internet shops solely be utilised as a service to the public that directly relates to the service provide’s internet services.”

- that Condition 3.(b) in the original approval be amended to read as follows:

“(b) that the development be restricted to Drawing No. Sand1017b.drw dated APRIL 2022, that was submitted with the application;”

2. that the application in terms of Section 16(2)(o) of the By-Law for **consent uses** to accommodate a flat on ground floor level, as well as transmission apparatuses on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for the determination of an administrative penalty in terms of Section 16.2.(q) of the By-law for the illegal land uses on Erf 1017, Sandbaai, was considered and that the applicant/landowners **not be exempted** from the payment of an administrative penalty in terms of the provisions of Section 90 of the By-Law and that an administrative penalty calculated at **10%** of the total land value of the 167m² unauthorised portions of land uses, and a penalty fee of **R16,700.00** be imposed, and that the penalty fee be paid **within 60 (sixty) days** from the date from the final approval of this application;
4. that the above decisions be subject to the following conditions:
 - (a) that the development on the property be restricted to Drawing No. Sand1017b.drw dated APRIL 2022, that was submitted with the application;
 - (b) that the transmission apparatuses be restricted to the current number and types (four small dishes and a larger monopole type mast) and that no additional dishes or transmitters be allowed on the tower type apparatus to avoid any possible visual impacts in the future;
 - (c) that the transmission apparatuses be maintained at all times to ensure that it does not detract from the character of the area;

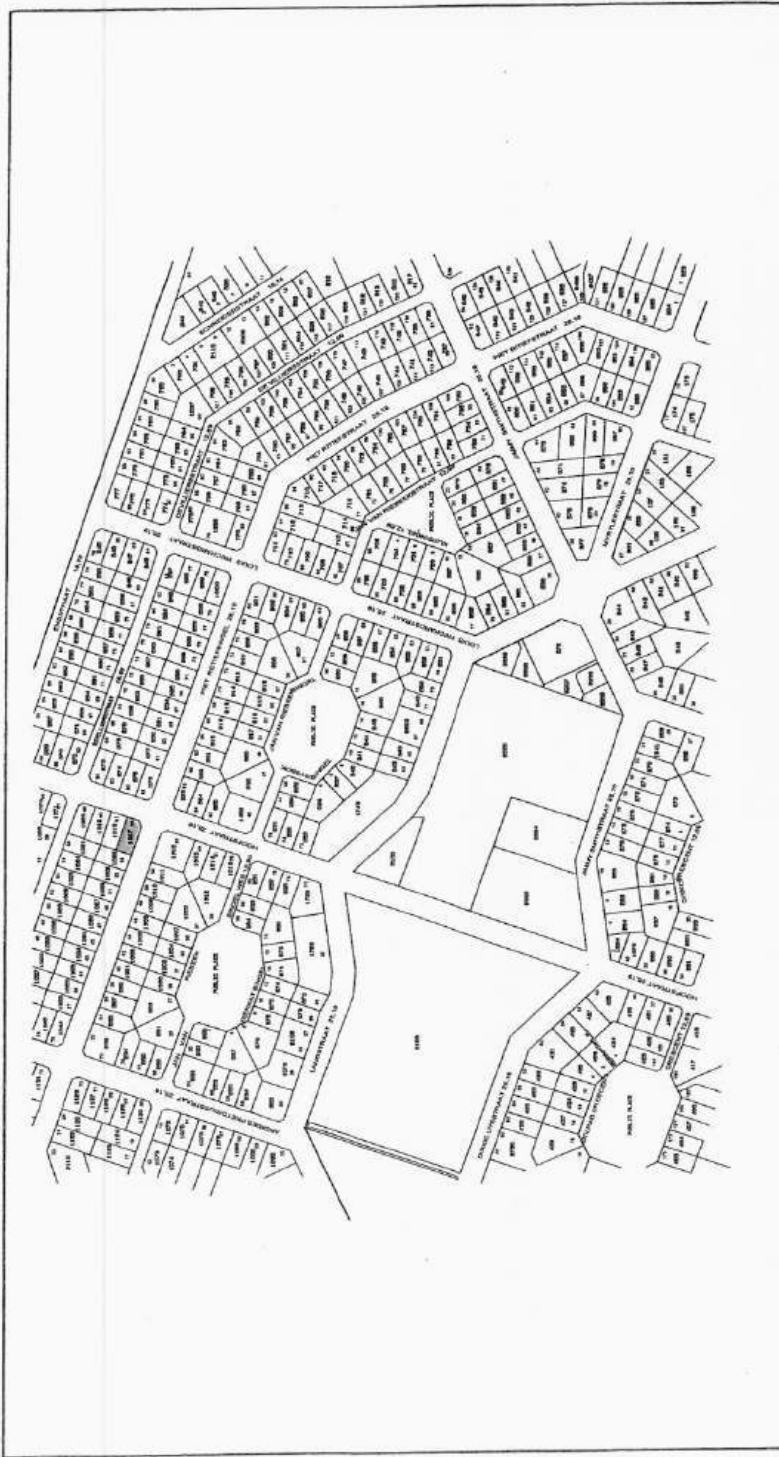
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- (d) that the colour of the transmission apparatuses must be of such a nature that it blends in with the surrounding environment;
 - (e) that the two internet shops may not be utilized for the selling of any physical goods relating to internet services or otherwise and that the internet shops solely be utilised as a service to the public that directly relates to the service provide's internet services;
 - (f) that no advertising signs shall be displayed on the property without the written approval of the municipality, and such signage must be in line with the Overstrand Signage By-Law;
 - (g) that building plans be submitted to the Building Department for consideration and approval within sixty (60) days from the final approval of the application and that any requirements by internal departments at the time must be adhered to;
 - (h) that the conditions of Openserve (Telkom) and Engineering Services must be adhered to;
 - (i) that no signage, banners, or flags may be fixed to the transmission apparatuses;
 - (j) that no floodlighting may be fixed to the rooftop transmission apparatuses;
 - (k) that the transmission apparatuses must be operated in such a manner that it is not detrimental to the peacefulness and amenity of the surrounding area;
 - (l) that the EMF of the transmission apparatuses must always be compliant with ICNIRP standards as endorsed by the South African Department of Health;
 - (m) that the municipality be indemnified against any claim which may be instated as a result of the above approvals; and
 - (n) that this approval does not absolve the applicant from compliance with any other relevant legislation; 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 conditional approvals.

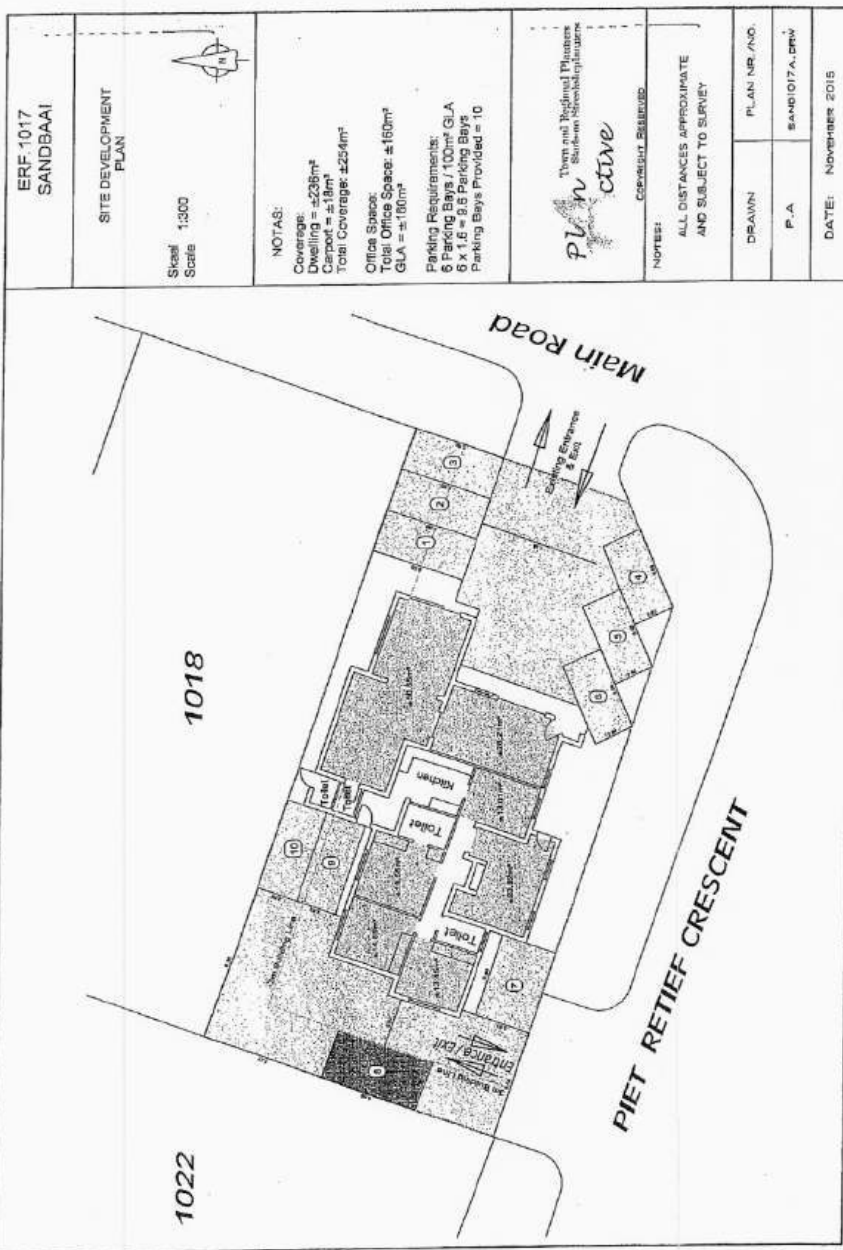
**AGENDA of the
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REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection and no external objections were received.
- ❖ The property is zoned for business purposes and is situated in the approved economic corridor/node of Sandbaai and is therefore not out of character with the surrounding area.
- ❖ The transmission apparatuses will contribute to economic development, promotion of tourism and will ensure improved access to telecommunication services and emergency services.
- ❖ The transmission apparatuses do not have an unacceptable visual impact.
- ❖ The payment of an administrative penalty is due to the fact that the owners illegally deviated from the conditions of the original approvals and also ignored a notice of non-compliance to cease the unauthorised land uses.



PLAN Active	Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: ERF 1017 SANDBAAI	Plan Description: LOCALITY MAP	Scale: NTS Drawing Nr: grf 1017_sambal.dwg Date: APRIL 2022



ERF 1017
SANDBAAI

SITE DEVELOPMENT
PLAN

Scale
1:300



NOTAS:

Coverage:
Dwelling = ±236m²
Carpet = ±18m²
Total Coverage = ±254m²

Office Space:
Total Office Space = ±160m²
GLA = ±160m²

Parking Requirements:
6 Parking Bays / 100m² GLA
6 x 1.6 = 9.6 Parking Bays
Parking Bays Provided = 10

PLAN
THIN AND THICK LINE
SURFACE REPRESENTATION
LINE
CONVEYANCE

NOTES:
ALL DISTANCES APPROXIMATE
AND SUBJECT TO SURVEY

DRAWN	PLAN NO AND
P.A.	SANDI017A.DRW

DATE: NOVEMBER 2015

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF EXISTING SITE DEVELOPMENT PLAN,
CONSENT USE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF
1017, SANDBAAI (4143/2022)**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

Water	R 27 598.16 x 0.60 =	R 16 558.90
Sewerage	R 18 608.30 x 0.60 =	R 11 164.98
Roads	R 8 344.32 x 1 =	R 8 344.32
Solid Waste	R 1 668.44 x 1 =	<u>R 1 668.44</u>
TOTAL (inclusive of VAT)	=	R 37 736.64

Note:

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

2. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
4. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
5. that any commercial food preparation facilities (e.g. restaurant/guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
6. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that no reservation of on-street parking be allowed;
9. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
10. 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
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

**16.ERF 3494, 94 CHIAPPINI STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
ADMINISTRATIVE PENALTY: KYLE WENTZEL ARCHITECTS ON BEHALF
OF WC PUNT**

3494 HON (4856/2024)

H Olivier

(028) 313 8900

Hermanus Administration

22 April 2025

EXECUTIVE SUMMARY

An application has been received on 1 November 2024 from Kyle Wentzel Architects on behalf of WC Punt on Erf 3494, Onrustrivier 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 4m to 2,55m to accommodate the two existing shade ports;
- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to relax the western side building line from 2m to 0,8m to accommodate the existing kitchen, a section of the existing shade port and an existing change of use of a single garage to a bedroom.
- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to relax the eastern side building line from 2m to 1m to accommodate the existing shade port.

Determination of Administrative Penalty in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorized building work.

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RESOLUTION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3494, Onrustrivier for the following departures:
 - to relax the street building line from 4m to 2,55m to accommodate the two existing shade ports;
 - to relax the western side building line from 2m to 0,8m to accommodate the existing kitchen, a section of the existing shade port and an existing change of use of a single garage to a bedroom, and
 - to relax the eastern side building line from 2m to 1m to accommodate the existing shade port on the property,

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

 - (a) that this approval is only for the development as indicated on the plan number 142 dated 18 September 2024 as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – 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.
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 3494, Onrustrivier to accommodate the unauthorised building work as stipulated above, **be imposed**, and that an administration penalty fee of **R14675,00** be payable within sixty (60) days from the final date of the decision of the application.

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3. that the applicant be notified of 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

POINT 1

- ❖ All relevant municipal divisions support the application.
- ❖ No objections were received from surrounding property owners
- ❖ The structures are existing structures with no additions impacting the character of the area.
- ❖ The application is in line with the Planning Principles as it would be in line with the principle of densifications and an efficient way to resolve the illegal situation.

POINT 2

- ❖ The property owner did not create the illegal building work, but each property purchaser should ensure that all buildings/ structures on the property they buy are legal.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 3494, ONRUS RIVER (4856/2024)**

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

Conditions:

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


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

17.ERF 868, 6 MOORE STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS LISA ALCOCK ARCHITECTS ON BEHALF OF NK ALCOCK

868 Stanford (4832/2024)

P Roux

(028) 313 8900

Hermanus Administration

15 May 2025

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 07 October 2024 from Messrs Lisa Alcock Architects on behalf of the owner of Erf 868, Stanford, for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law in order to:
 - relax the street building line (Moore Street) from 3m to 1.5m, to accommodate a proposed carport, and
 - relax the street building line (Queen Victoria Street) from 4m to 1.5m to accommodate a proposed pergola, and from 4m to 3.1m, to accommodate the existing external staircase and balcony.

- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law in order to legalize the existing staircase and balcony.

RESOLUTION

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 868, Stanford, for the following:
 - to relax the street building line (Moore Street) from 3m to 1.5m, to accommodate a proposed carport, and
 - to relax the street building line (Queen Victoria Street) from 4m to 1.5m to accommodate a proposed pergola, and from 4m to 3.1m, to accommodate the existing external staircase and balcony,

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

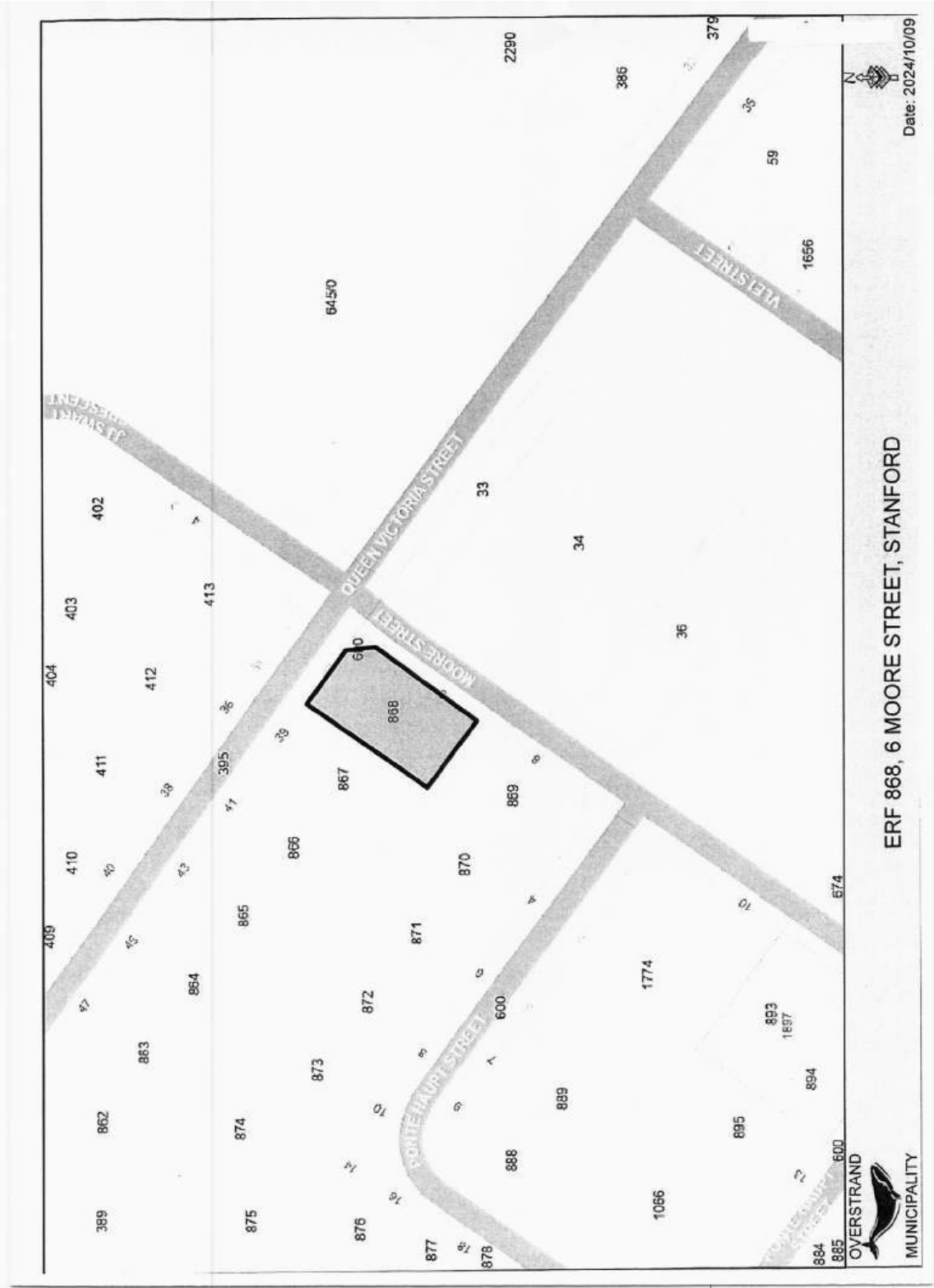
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2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 868, Stanford to accommodate the existing as built structure on the property, **not be exempt** from the payment of an administrative penalty;
 - (a) that the approvals are for the development proposal as indicated on Site Development Plan No 2023/09, as submitted with the application;
 - (b) that an administrative penalty of **R169.70** be payable within thirty (30) days of the decision;
 - (c) that building plans be submitted to the Building Control Department and that all conditions of the Building- and Fire Department be complied with at that stage;
 - (d) that all the conditions in the Services Report be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with

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

REASONS FOR RESOLUTION

- ❖ The proposed structure will not have a negative impact on the character of the area or the streetscape.
- ❖ The proposals are in line with the character of the area.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ No objection was received.



ERF 868, 6 MOORE STREET, STANFORD



Date: 2024/10/09

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE, ERF 868, STANFORD (4832/2024)**

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


 RICARDO ANDREW
 PRINCIPAL TECHNOLOGIST:
 DEVELOPMENT CONTROL


 DATE

**AGENDA of the
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18. ERF 6150, 42 TENTH AVENUE, VOËLKLIP, HERMANUS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF G SCHOONWINKEL & PROP TRUST

6150 HVK (4848/2024)

P Roux

13 May 2025

(028) 313 8900

Hermanus Administration

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 October 2024 from Messrs Interactive Town & Regional Planners on behalf of the owners of Erf 6150, Voëlklip, Hermanus for the following:

- ❖ **Removal of a restrictive title deed condition** in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition D.(iii). as contained in Title Deed T38231/2024 and T4595/1993 of the property in order to accommodate additions to the existing dwelling, and
- ❖ **Departure** in terms of Section 16(2)(d) of the By-Law to relax the western street building line from 4m to 3.1m, to accommodate proposed amendments to the existing dwelling.

RESOLUTION

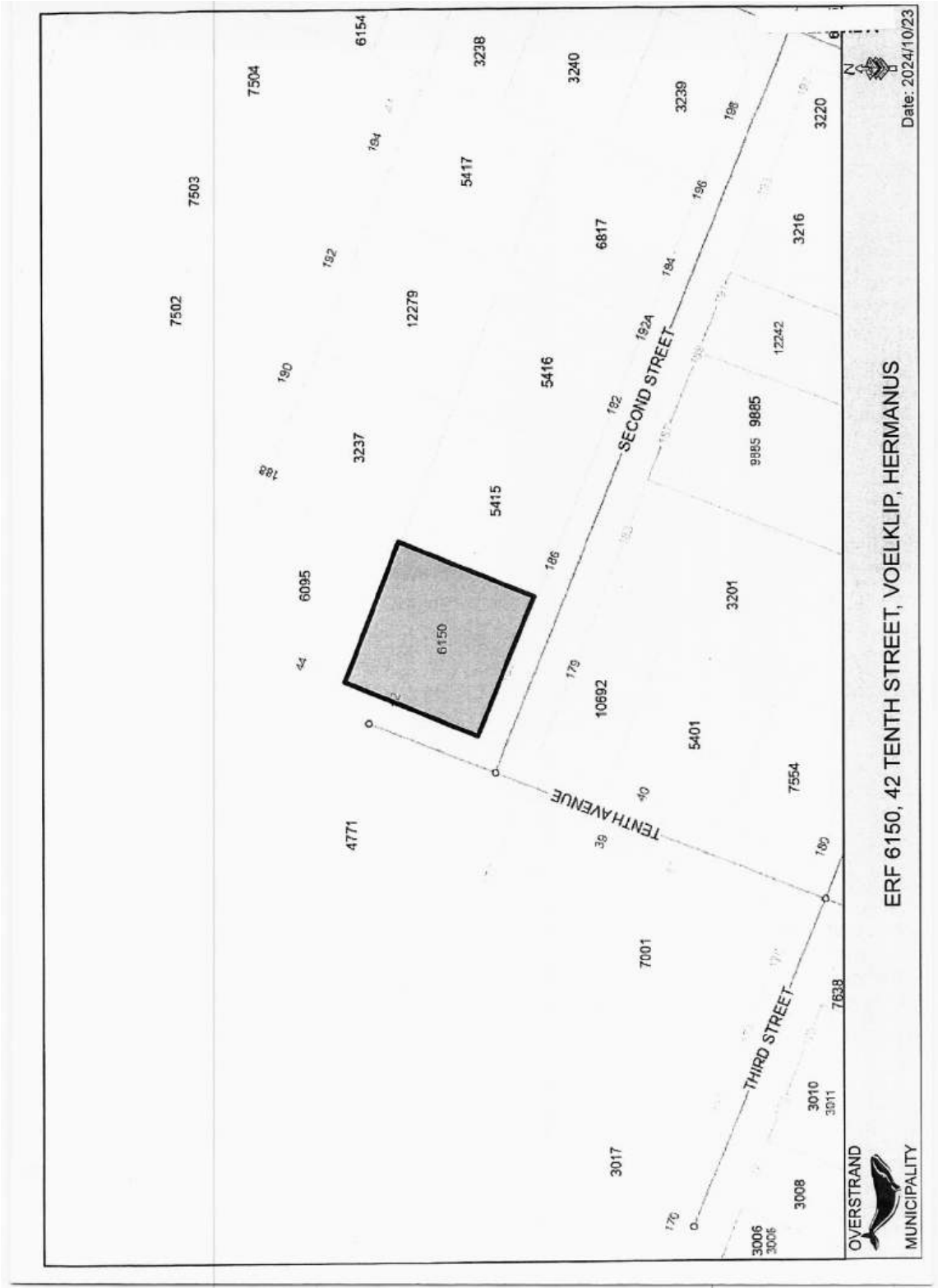
1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning (By-Law) for the **removal of restrictive title deed condition** D. iii in Title Deeds T38231/2024 and T4595/1993 in order to accommodate additions to the existing dwelling, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(d) of the By-Law to accommodate the relaxation of the western street building line from 4m to 3.1m for the proposed alterations and additions, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the recommendation under paragraphs 1., and 2. is subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan No *101-02* as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;

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- (c) that all the conditions contained 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


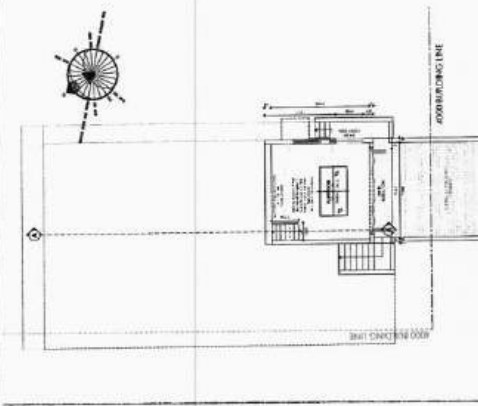
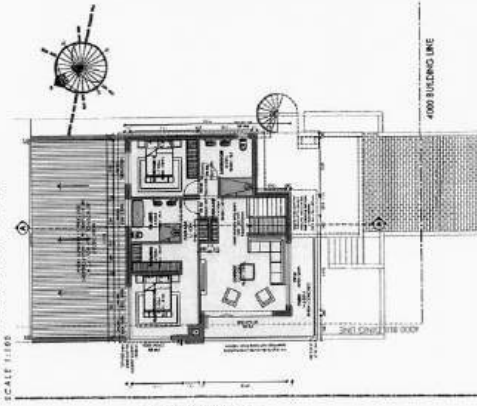
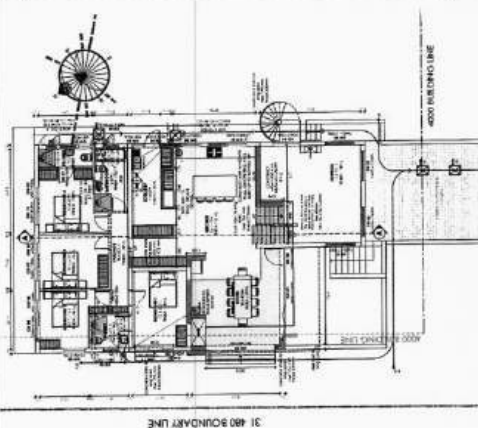
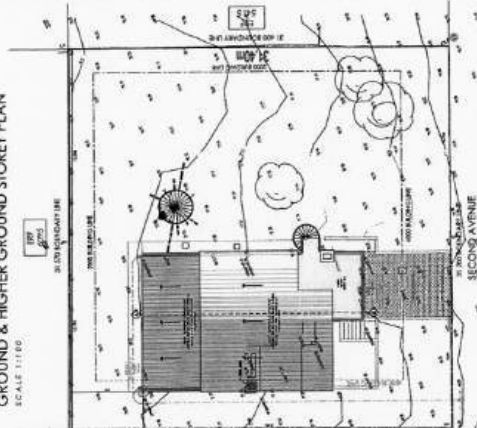
- ❖ The main characteristic of the Residential Zone 1 suburb is maintained by the proposed alteration. The proposed encroachments are therefore considered non-invasive.
- ❖ The location of the site and the position of the dwelling on it is of such a nature that it will not have a negative impact on the privacy and views of the adjacent property owners.
- ❖ No objections were received.
- ❖ The application has followed due process.
- ❖ The proposal is compliant with the spatial policies of the SDF.
- ❖ The proposal is consistent with the spatial principles as set out in SPLUMA and LUPA.



ERF 6150, 42 TENTH STREET, VOELKLIP, HERMANUS



Date: 2024/10/23

<p>PERMITS REQUIRED</p> <table border="1"> <tr><td>Site Plan</td><td>10/12/24</td></tr> <tr><td>Building</td><td>10/12/24</td></tr> <tr><td>Mechanical</td><td>10/12/24</td></tr> <tr><td>Electrical</td><td>10/12/24</td></tr> <tr><td>Plumbing</td><td>10/12/24</td></tr> <tr><td>Fire Alarm</td><td>10/12/24</td></tr> <tr><td>Other</td><td>10/12/24</td></tr> </table>	Site Plan	10/12/24	Building	10/12/24	Mechanical	10/12/24	Electrical	10/12/24	Plumbing	10/12/24	Fire Alarm	10/12/24	Other	10/12/24	<p>REVISIONS</p> <table border="1"> <tr><th>No.</th><th>Description</th><th>Date</th></tr> <tr><td>1</td><td>Issue for Review</td><td>10/12/24</td></tr> <tr><td>2</td><td>Issue for Review</td><td>10/12/24</td></tr> <tr><td>3</td><td>Issue for Review</td><td>10/12/24</td></tr> <tr><td>4</td><td>Issue for Review</td><td>10/12/24</td></tr> <tr><td>5</td><td>Issue for Review</td><td>10/12/24</td></tr> <tr><td>6</td><td>Issue for Review</td><td>10/12/24</td></tr> <tr><td>7</td><td>Issue for 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**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS &
DEPARTURE: ERF 6150, VOELKLIP (4848/2024)**

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

Conditions:

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


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

27/01/2025
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

19.ERF 5781, 18 EIGHTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MB PLAN ON BEHALF OF T & BV SMITH

5781 KKM (4648/2024)

H van der Stoep

(028) 313 8900

Hermanus Administration

28 February 2025

EXECUTIVE SUMMARY

An application has been received on 26 April 2024 from MB Plan on behalf of T & BV Smith on Erf 5781, Kleinmond for the following:

- ❖ **Removal of Restrictive Title Deed Condition** in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Planning, 2020 for the removal of restrictive title deed conditions C.8, D.(b) and D.(d). as contained in Title Deed T16978/2018 of the property to accommodate existing structures.

The restrictive title deed conditions read as follows:

*“C. **SUBJECT FURTHER** to and with the benefit of the following conditions contained in the Special Conditions of Sale, marked Annexure “E” on Deed of Transfer No T1295/1933 imposed in favour of Kleinmond Syndicate Limited:*

8. All buildings to be erected on the land herein sold shall stand back at least 3,15 metres from the line of the street or avenue on which the Lot or Lots herein mentioned may front.

*D. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No T1295/1933, imposed by the Administrator:*

(b) That not more than one dwelling be erected on the above lot and that not more than two-thirds of the area of the above lot be built upon.

(d) That all buildings to be erected on this Lot shall stand back not less than 3,15 metres from the line of any street or avenue on which the lot may abut. Such space may be used as gardens but shall not be built upon. That all outbuildings shall stand back not less than 9,45 metres from any street or 6,30 metres from any avenue on which the lot may front.”

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Planning, 2020 for the following:

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- to relax the northern lateral building line from 2m to 0,94m to accommodate the existing second dwelling and existing covered patio, and
 - to relax the western street building line from 4m to 2,99m to accommodate the existing second dwelling, existing covered patio, existing braai and existing storeroom.
- ❖ **Determination of an Administrative Penalty** in terms of Section 16(2)(q) of the Overstrand Municipal By-law on Municipal Planning, 2020 for unauthorized land uses on the property.

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 5781, Kleinmond for the removal of restrictive title deed conditions C.8, D.(b) and D.(d). as contained in Title Deed T16978/2018 of the property to accommodate existing structures, **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 5781, Kleinmond for the following departures:
 - to relax the northern lateral building line from 2m to 0,94m to accommodate the existing second dwelling and existing covered patio, and
 - to relax the western street building line from 4m to 2,99m to accommodate the existing second dwelling, existing covered patio, existing braai and existing storeroom;

be approved, in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in Points 1-2 above be subject to the following conditions:
 - (a) that the approval be limited to the building/structures as per Plan A.01.1, A.01.2 and A.01.3 – A.01.6 submitted with this application read in conjunction with the approval;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;

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- (c) that the amended title deed be submitted for record purposes to the Municipality;
 - (d) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (g) that all the conditions in the Services Report be complied with.
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 5781, Kleinmond to accommodate the unauthorised transgressions as stipulated above, **be imposed**, and that an administration penalty fee of **R23 797,27**, be payable within ninety (90) days of the final 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.

REASONS FOR RESOLUTION

POINT 1

- ❖ The application is to legalize an existing structure over the title deed building lines.
- ❖ The removal will have no detrimental effect on the character of the area.
- ❖ The adjacent neighbours did consent to the application.

POINT 2

- ❖ The proposed development will have minimal impact on the character of the area.
- ❖ The land uses are in line with normal residential uses
- ❖ None of the residents objected to the application.
- ❖ The structures were present form 2009 and are part of the built fabric in the area.

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POINT 4

- ❖ The applicant did address the transgressions as was requested.
- ❖ The structures, with the exception of the western patio, which is in line with the dwelling, are part of the urban fabric since 2005.
- ❖ The footprint of the dwelling and outbuilding has been built in 2005, with the exception of the extension of the outbuilding, which the adjacent owner did not object to.
- ❖ The existing owner did make amendments to buildings over building lines and should also have ensured that all buildings were in line with approved building plans when the property was purchased.

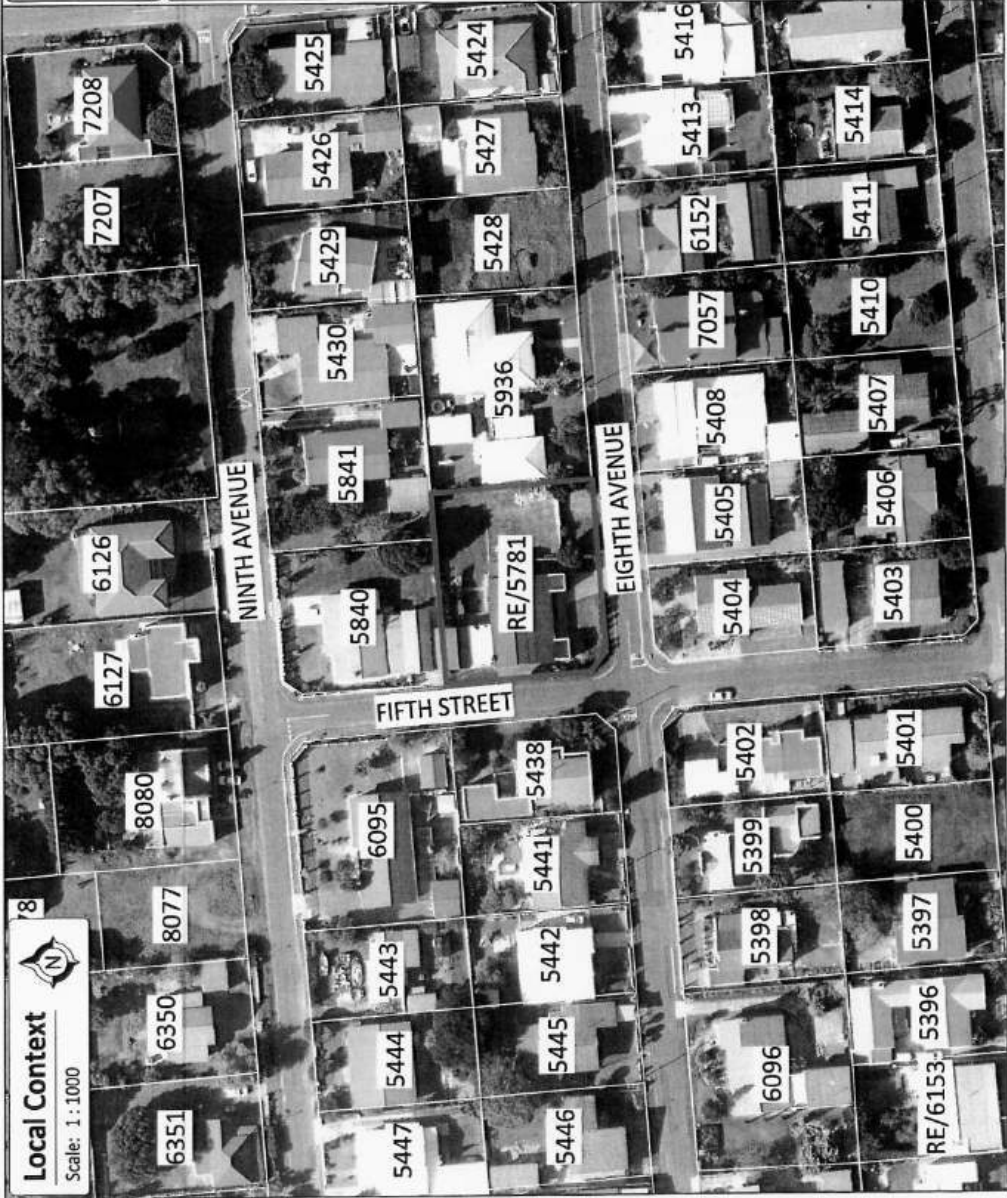
MBPLAN
Town Planning

Melissa Buys
Email: mb.plan@yahoo.com
Contact number: 071 347 4844

Subject Property

Local Context

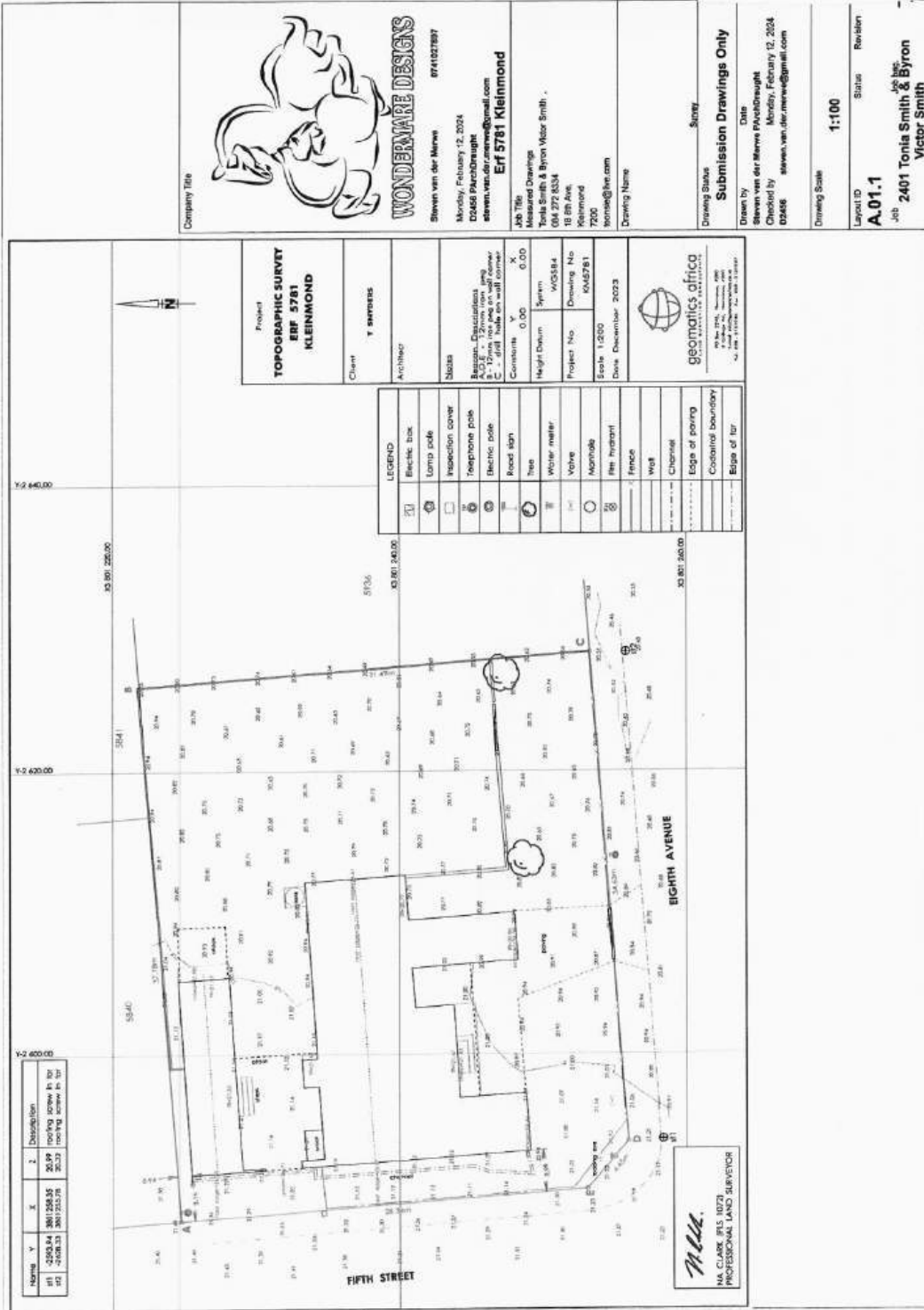
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PROJECT:	Erf 5781 Kleinmond
PREPARED BY:	Locality Plan Local Context
DATE:	2024/01/11
SCALE:	As indicated
PROJECT NO.:	2024/01/11

BYRN & TONIS SMITH
18 Eight Street
SCALE: As indicated
2024/01/11

MBPLAN is not liable for the accuracy of the information contained in this document. The user of this document is advised to verify the information contained herein with the relevant authorities.

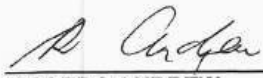


**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 5781, KLEINMOND (4648/2024)**

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


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL


DATE

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**20.ERF 523, 62 STORMVOËL CRESCENT, VERMONT, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE
DEED CONDITIONS AND CONSENT USE: INTERACTIVE TOWN &
REGIONAL PLANNING ON BEHALF OF M DE FEIJTER & JHC DE FEIJTER-
SCALE**

523 HVM (4694/2024)

H Olivier

(028) 313 8900

Hermanus Administration

14 April 2025

EXECUTIVE SUMMARY

An application has been received on 14 June 2024 from Interactive Town & Regional Planning on behalf of M De Feijter and JHC De Feijter-Scale in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 523, Vermont for the following:

- **Removal of Restrictive Title Deed Conditions** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed conditions E.(b), E.(c) and E.(d) as contained in Title Deed T43776/2023 of the property in order to accommodate the proposed development and land use on the property.

The restrictive title deed conditions read as follows:

“E. SUBJECT FURTHER to the following conditions in favour of the TRANSFEROR COMPANY (SOUTHWESTERN DISTRICTS LAND AND FINANCE CORPORATION LIMITED) and their successors in title of the Remainder of the erf held by Deed of Transfer No 7023 dated 21 August 1935, which conditions as referred to in Deed of Transfer No. 16156 dated 30 September 1949, reading:

- (b) NO building shall be erected on the said property unless plans (including one showing siting of proposed buildings) and specifications have been previously submitted and are approved by the Transferor Company in writing in addition to the requirements of any Local Authority in control over the area of the Township;*
- (c) NO canteen, hotel, restaurant, shop, factory, industry or place of business whatsoever shall be opened or conducted on the said property except with the consent in writing of the Transferor Company;*
- (d) UNLESS the permission of the Transferor Company in writing to be obtained under condition (c) above, the said property shall be used for residential purposes only and only one dwelling together with such outbuildings as are ordinarily required for domestic purposes, shall be erected on any one lot, and in particular, subject to any permission granted as aforesaid, no structure of the type commonly known as "flats" shall be erected on the said property;”*

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- **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 guesthouse on the property with three (3) guest rooms in the main dwelling and a two (2) bedroom self-catering unit from the second dwelling.

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 523, Vermont for the removal of restrictive title deed conditions E.(b), E.(c) and E.(d) as contained in Title Deed T43776/2023 which limit the property to 1 dwelling unit and limited residential use, **be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16. (2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate a guest house on the property with three (3) guest rooms in the main dwelling and a two (2) bedroom self-catering unit from the second dwelling, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in Points 1 and 2 above be subject to the following conditions:
 - (a) that this approval is only for the consent use as indicated on Plan numbers 101 and 102 dated 04/02/2025, submitted with the application;
 - (b) that no door may be fitted between the dining room on the ground floor and the staircase lobby;
 - (c) that this approval is only for the removal of restriction and consent use and not an approval in terms of any other legislation;
 - (d) that building plans be submitted for all new buildings to the Building Control Department for approval, and that all conditions of the Building Control and Fire Departments be complied with at that stage;
 - (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 Land Use Scheme be complied with;
 - (g) that all the conditions in the Services Report be complied with;
 - (h) that all the conditions by Telkom be complied with;
 - (i) that the owner/manager must reside on the property to oversee the guest house,
 - (j) that no more than three (3) staff members be employed in support of the establishment at any given time;
 - (k) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building);
 - (l) that no activities constituting a source of public nuisance shall be carried out;
 - (m) that no disturbance from loud music and other sources are allowed after 22:00;
 - (n) that no cooking facilities or prep bowls may be provided in the guest rooms;
 - (o) that the Overstrand Municipality retains the right to enforce any relevant legislation and / or By-Laws;
 - (p) that commercial rates and tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (q) that no advertising sign shall be displayed without the written approval of the Municipality other than a single, un-illuminated sign or notice affixed to the building or boundary wall or fence, and such sign must be in line with the Overstrand Signage By-law at any given time, and;
 - (r) that a Health certificate be obtained from the Health Department of the Overberg District Municipality and a Fire Prevention Certificate from the Municipal Fire Department.
4. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

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REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The existing municipal services can accommodate the additional dwelling, and the application is supported by the Engineering Services Branch.
- ❖ The consent use for a guest house is in line with the Overstrand Municipal Land Use Scheme.
- ❖ The application is in line with the Spatial Development Framework as it promotes tourism in the area which contributes towards the Economy of the Overstrand area.
- ❖ The restrictive conditions prohibit the property to be developed to its full potential, as the Land Use Scheme allows for second dwellings as a primary right.
- ❖ There is adequate parking for guests.
- ❖ It is not foreseen that the application will have a negative impact on the character of the area.
- ❖ No objections were received from the public or State/Municipal Branches/Departments.
- ❖ The application is in line with the General Principles of LUPA and SPLUMA, as the densification of areas within the urban edge will ensure valuable agricultural and environmentally sensitive land is not developed and create sustainable development. The development is also efficient as existing services will be utilized, and the land will be utilized to its maximum potential.
- ❖ The application is desirable.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS &
CONSENT USE: ERF 523, VERMONT (4694/2024)**

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

Conditions:

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


 RICARDO ANDREW
 PRINCIPAL TECHNOLOGIST:
 DEVELOPMENT CONTROL


 DATE

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**21.ERF 6416, 99 SONNEBLOM STREET, MOUNT PLEASANT, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR CONSENT USE: A & C VLOTMAN**

6416 HMP (4800/2024)

B Minnaar

(028) 313 8900

Hermanus Administration

23 May 2025

EXECUTIVE SUMMARY

The application was received on 21 August 2024 from A & C Vlotman, the property owners of Erf 6146 Mount Pleasant in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, for a consent use in order to operate an aftercare facility (*Destiny Aftercare*) to accommodate twenty (20) children.

RESOLUTION

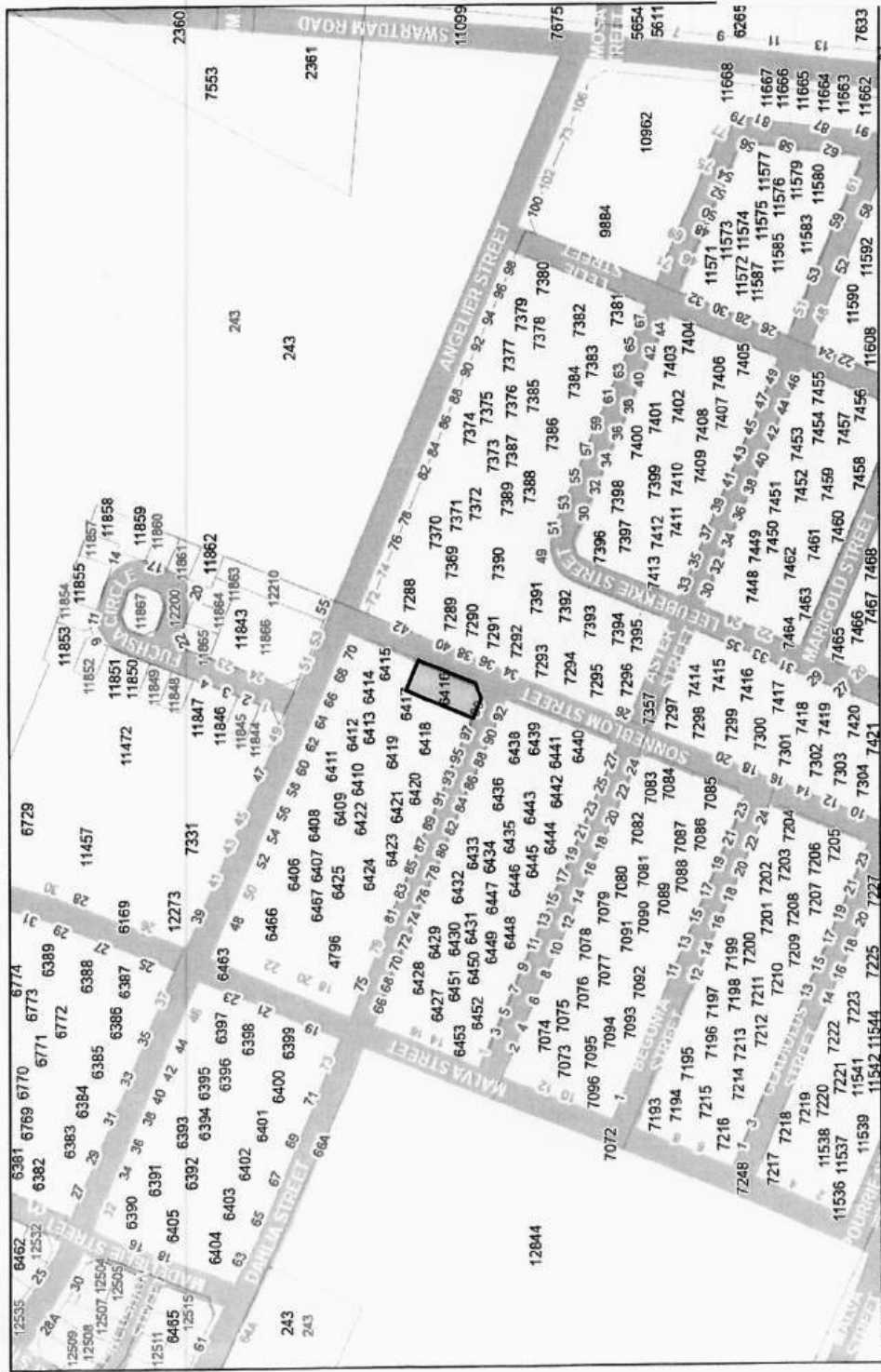
1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 6416 Mount Pleasant for a consent use in order to operate a daycare (aftercare) facility to accommodate twenty (20) children, **be approved**, in terms of the 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 site plan with Drawing Number 2024/08/39, dated 14 August 2024;
 - (b) that the daycare (aftercare) facility be restricted to twenty (20) children;
 - (c) that this approval complies with Section 16.10.5 of the Overstrand Municipality Land Use Scheme 2020;
 - (d) 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;
 - (e) that the rights to operate a daycare (aftercare) facility is not transferable;
 - (f) that no activities be held over weekends;
 - (g) that the Overstrand Municipality retains the right to enforce any relevant legislation and/or By-Laws;

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- (h) that the drop-off-and-go be on the eastern side of the street, direct in front of the daycare (aftercare) facility;
 - (i) that the alterations to the building conform to the residential character of the area concerned;
 - (j) that commercial rates and tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (k) that a Health certificate be obtained from the Health Department of the Overberg District Municipality and a Fire Prevention Certificate from the Municipal Fire Department;
 - (l) that this approval is subject to compliance with the Department of Social Development legislation;
 - (m) that all conditions in the Services Report be complied with, and
 - (n) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The proposal is in line with the Land Use Scheme.
- ❖ That this proposal will provide a service to the community of Mount Pleasant.
- ❖ The proposal will have a positive impact on the economy of the area.
- ❖ There will be no negative impact on the character of the area or the surrounding neighbours.
- ❖ No objections were received from neighbouring properties.



Locality Map

ERF 6416, 99 SONNEBLOM STREET, MOUNT PLEASANT, HERMANUS


Date: 2024/09/26

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR CONSENT USE: ERF 6416, MOUNT PLEASANT (4800/2024)**

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

Conditions:

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


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL


DATE

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**22. PORTION 124 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213,
BREDASDORP DIVISION: APPLICATION FOR DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS
PLANACTIVE TOWN AND REGIONAL PLANNING ON BEHALF OF JF AND A
MILES**

Ptn 124/213 GRBRE (4820/2024)

SW van der Merwe (028) 313 8900

Hermanus Administration

27 February 2025

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 26 September 2024 from Messrs PlanActive Town and Regional Planners on behalf of JF and A Miles for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the eastern lateral building line from 4m to 2,37m and 3,106m respectively to accommodate the existing dwelling (portion of stoep, bedroom and bathroom); and
 - relax the southern rear building line from 4m to 2,106m and 2,330m to accommodate the existing dwelling (a portion of the kitchen and en-suite bedroom).
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to legalise the existing dwelling encroachment and wendy house.

RESOLUTION

1. that the application in terms of Section 16(2)(b) of the Overstrand Amendment By-Law on Municipal Land Use Planning for **departure** applicable to Portion 124 of the Farm Baardscheerders Bosch No. 213, Bredasdorp Division for the following:
 - to relax the eastern lateral- and rear building line from 4m to 2,37m and 3,106m respectively to accommodate the existing dwelling (portion of stoep, bedroom and bathroom); and
 - to relax the southern rear building line from 4m to 2,106m and 2,330m to accommodate the existing dwelling (a portion of the kitchen and en-suite bedroom),

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

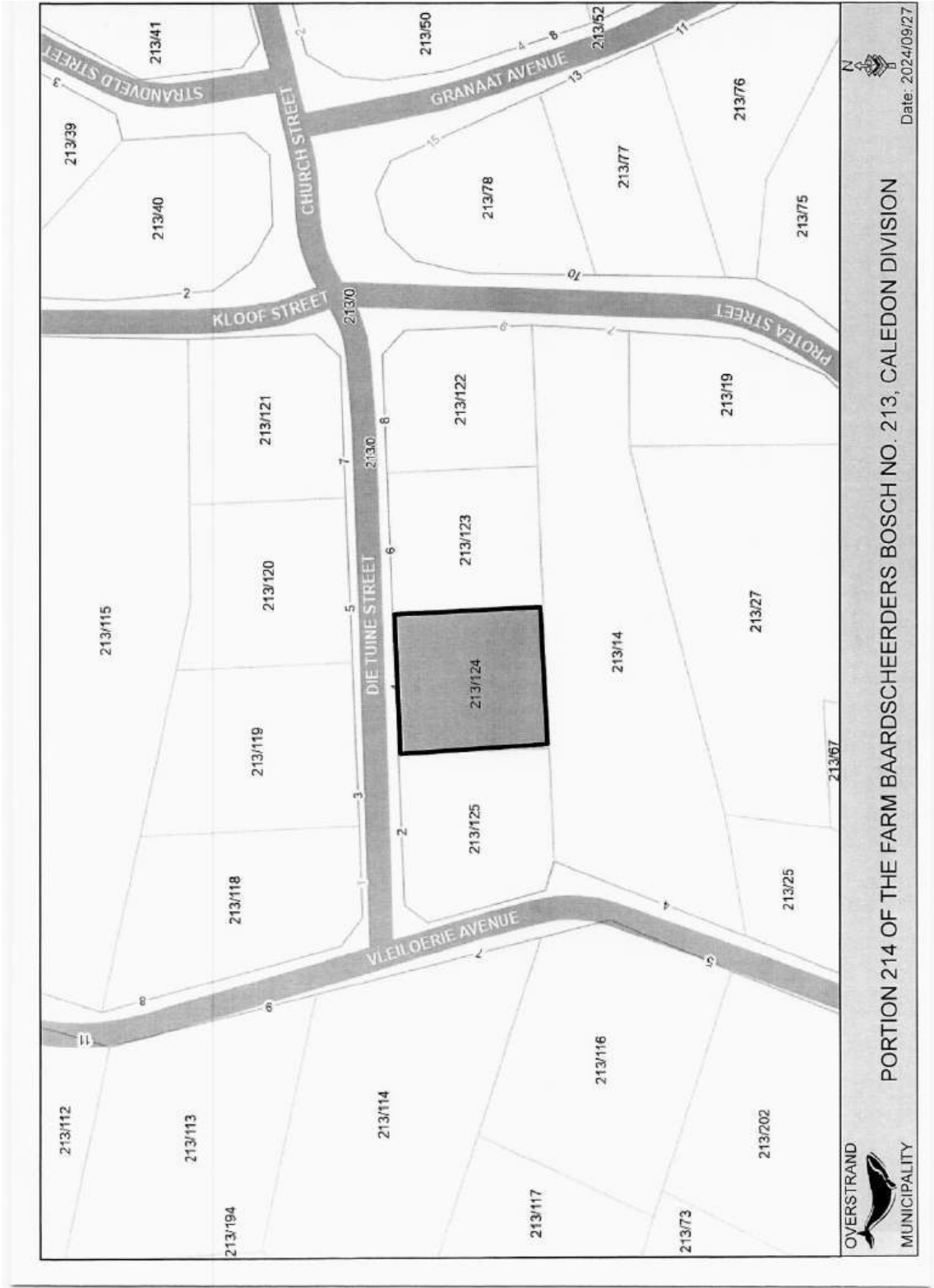
2. that an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Portion 124 of the Farm Baardscheeders Bosch No. 213, Bredasdorp Division to accommodate the unauthorised building work, **be imposed**, and that an administrative penalty fee of **R19 442,88** be payable within sixty (60) days of this decision; and
3. that the approvals in paragraph 1. above be subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the Site Development Plan Drawing No. *213/124_MILES_a3/01-2024-DEP*, *213/124_MILES_a3/02-2024-DEP* and *213/124_MILES_a3/03-2024-DEP* dated *August 2024* submitted with the application;
 - (b) that the administrative penalty be payable within 60 days from the effective date of the decision;
 - (c) that building plans be submitted to the Building Department for approval and that all conditions of the Building- and the Fire Departments at that stage, be complied with;
 - (d) that all the conditions imposed by Eskom be complied with;
 - (e) that the conditions in the Services Report be complied with;
 - (f) that the existing wendy house be relocated to the position indicated on the SDP within 60 days of the decision;
 - (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;
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 decision.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No objections were received

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- ❖ The proposal will not adversely impact vested rights or surrounding property owners
- ❖ The proposal will not adversely impact the character of the rural landscape.



**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: PORTION 124 OF THE FARM 213,
BAARDSCHEERDERS BOSCH, DIVISION BREDASDORP (4820/2024)**

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

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 only the existing water connection will be available to the development, should any larger capacity be required, the upgrading will be for the owner's cost.
3. that, as there is currently no municipal sewer network in the vicinity, Portion 124 of Farm 213 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Division: Engineering Services(Hermanus), and to which the sewer services on the development must connect to;
4. 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;
5. that any commercial food preparation facilities (eg. restaurant / guesthouse etc.) must be provided with a grease trap which must comply with the specifications and standards of the Division: Civil Engineering Services.
6. that stormwater discharged from higher lying properties and generated in the catchment area of Portion 124 of Farm 213 be allowed to drain freely through the property;
7. that on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Division: Engineering Services;


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL


DATE

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**23.ERF 6302, 15 FIR CLOSE, EASTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN
ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF JP NEL**

6302 HVK (4995/2024)

P Roux

(028) 313 8900

Hermanus Administration

09 June 2025

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 29 May 2025 from Messrs PlanActive Town & Regional Planners on behalf of the owners of Erf 6302, Eastcliff, Hermanus for the following:

- ❖ **Departure** in terms of Section 16(2)(d) of the By-Law to accommodate the relaxation of the south-western lateral building line from 1m to 0m for the existing alterations.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to accommodate the existing as built structure on the property.

RESOLUTION

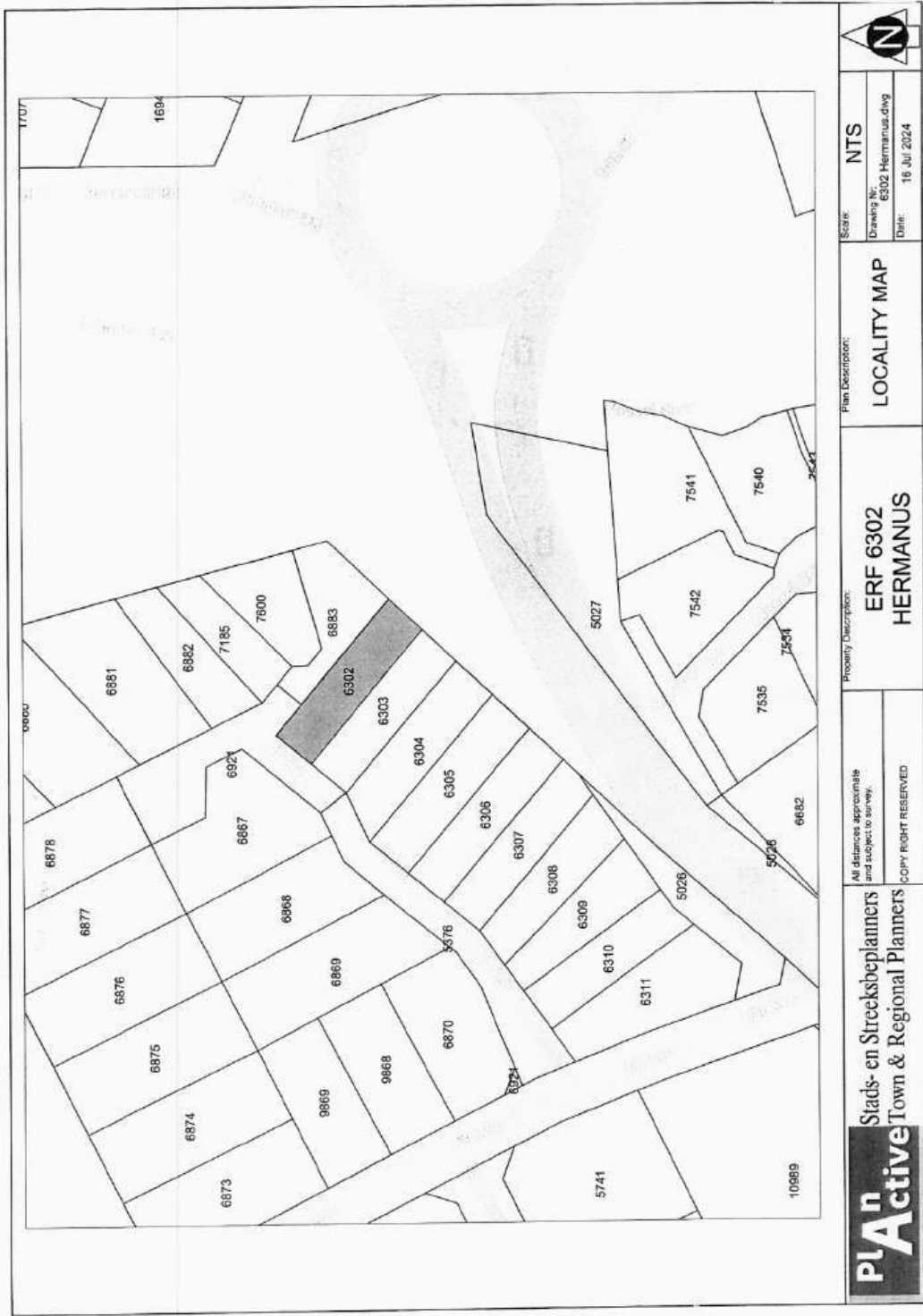
1. that the application for **departure** in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 6302, Eastcliff, Hermanus, to accommodate the relaxation of the south-western lateral building line from 1m to 0m for the retention of the existing carport, balcony and stoep, **be approved** in terms of the provisions of Section 61 of the By-Law; and
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 6302, Eastcliff, Hermanus to accommodate the existing as built structure on the property, **not be exempt** from the payment of an administrative penalty;
3. that the recommendation under paragraphs 1., and 2. is subject to the following conditions:

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- (a) that the approvals are for the development as indicated on Site Development Plan No 213-01 dated 2025-05-13, as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;
 - (c) that an administrative penalty of **R1 370,25** be payable within thirty (30) days of the decision;
 - (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 his appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- ❖ The main characteristic of the General Residential Zone 1 erven along Fir Close are still maintained by the proposed retention of existing structures on Erf 6302.
- ❖ The encroachment is considered minuscule and does not cause a noteworthy impact on the character of the area and privacy of the adjacent property owner.
- ❖ The proposal will not have a detrimental impact on the character of the surrounding area.
- ❖ The application has followed due process.
- ❖ The proposal is compliant with the spatial policies of the SDF.
- ❖ The proposal is consistent with the spatial principles as set out in SPLUMA and LUPA.



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Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

24.ERF 1284, 27 KLEINE STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF JN SMITH

1284 STAN (4708/2024)

P Roux

(028) 313 8900

Hermanus Administration

18 June 2025

EXECUTIVE SUMMARY

An application has been received on 25 June 2024 from Messrs WRAP Project Office on behalf of the owners of Erf 1284, Stanford 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 accommodate a recreational facility with 2 (two) indoor padel courts on the property.

RESOLUTION

1. that the late comment be noted;
2. that the application for consent use in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 1284, Stanford, to accommodate a recreational facility with 2 (two) indoor padel courts on the property, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that the approval is only valid for a period of five (5) years from the date of the approval;
 - (b) that a revised site layout and parking plan be submitted indicating which indicates that all parking and manoeuvring spaces are proposed on the site;
 - (c) that the in door padel courts and recreational use be limited to the area as indicated on *SDP 24.77* and that no other building be used for such a use, or support of such a use, on the property;
 - (d) that building plans be submitted to the Building Control Office and all comments from the Fire Department be complied with at that stage;

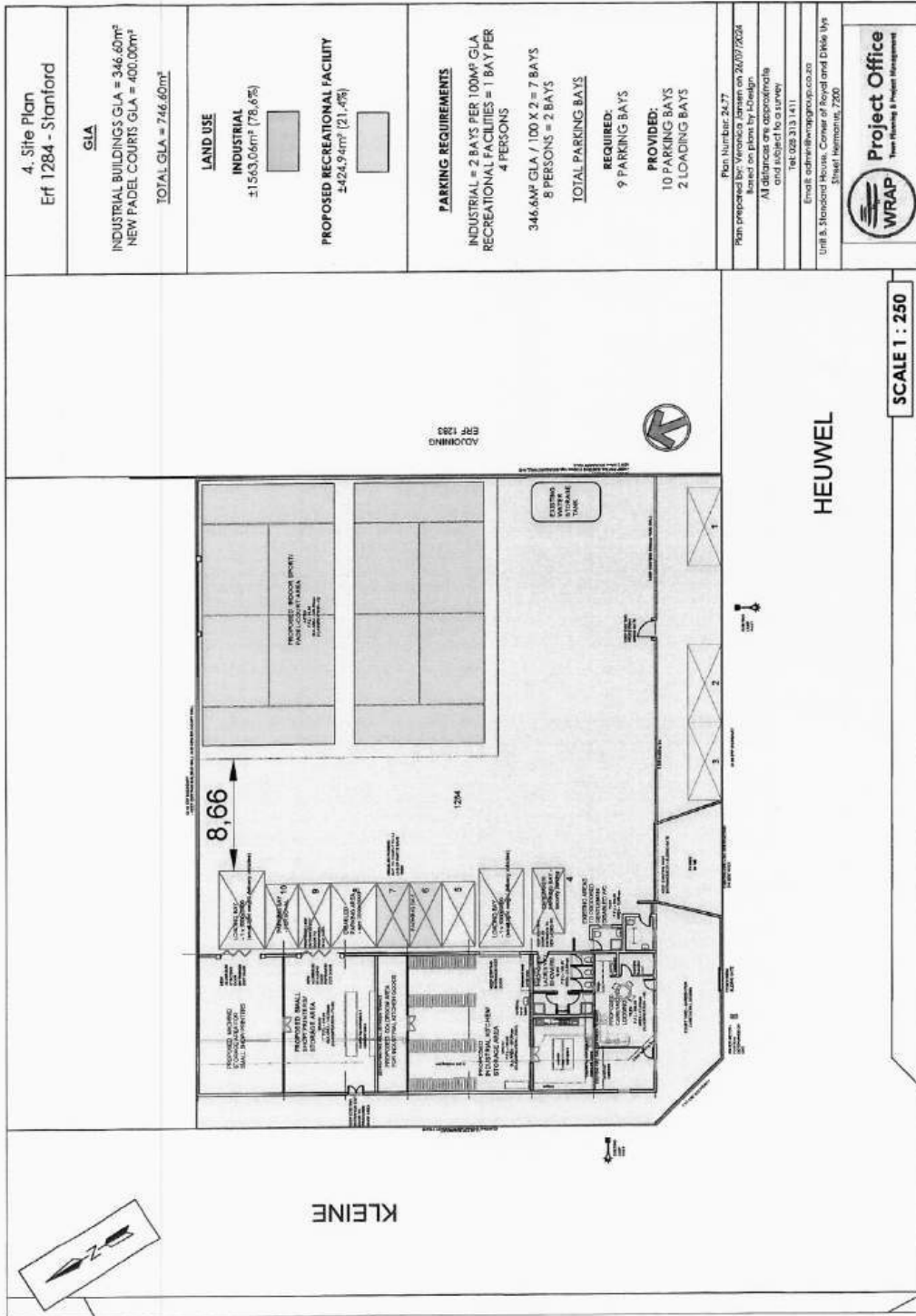
**AGENDA of the
Portfolio Committee : Planning & Development
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(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

- (e) that hard surface parking bays be developed on the property as soon as the building plans are approved;
 - (f) that all the conditions in the Services Report be complied with;
 - (g) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (h) 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

- ❖ The proposed use is unique to Stanford and there is currently no alternative sites in Stanford to accommodate the proposed use.
- ❖ The municipality may in future seek to develop similar uses in more suitable areas in the long term.
- ❖ The structure which will house the padel courts can easily be altered to accommodate industrial activities in the future.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The outward appearance of the proposed structure are considered to be in line with the character of the area.





4. Site Plan
Erf 1284 - Standort

GIA
INDUSTRIAL BUILDINGS GIA = 346,60m²
NEW FADEL COURTS GIA = 400,00m²
TOTAL GIA = 746,60m²

LAND USE
INDUSTRIAL
±1563,06m² (78,6%)
PROPOSED RECREATIONAL FACILITY
±424,94m² (21,4%)

PARKING REQUIREMENTS
INDUSTRIAL = 2 BAYS PER 100M² GIA
RECREATIONAL FACILITIES = 1 BAY PER 4 PERSONS
346,60M² GIA / 100 X 2 = 7 BAYS
8 PERSONS = 2 BAYS
TOTAL PARKING BAYS
REQUIRED:
9 PARKING BAYS
PROVIDED:
10 PARKING BAYS
2 LOADING BAYS

Plan Number: 26-77
Plan prepared by: Veronica Jansen on 26/07/2008
All data on plan by: Gouda
Gouda Architectuur & Interieur
and subject to survey.
Tel: 020-3131411

Erf 1284 - Erf 1285
Until 8. Standard Value, Corner of Erf 1284 and Dike 1/2
Sheet: Heemstede, ZB8



SCALE 1 : 250

HEUWEL

KLEINE

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE, ERF 1284, STANFORD (4708/2024)**

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


 RICARDO ANDREW
 PRINCIPAL TECHNOLOGIST:
 DEVELOPMENT CONTROL


 DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

**25.ERF 5959, 19 FERNKLOOF DRIVE, HERMANUS HEIGHTS, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE:
MESSRS INTERACTIVE TOWN AND REGIONAL PLANNING ON BEHALF OF
L & EM VAN DER MERWE**

5959 HHH (4811/2024)

P Roux

(028) 313 8900

Hermanus Administration

23 June 2025

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 09 September 2024 from Messrs Interactive Town and Regional Planning on behalf of the owners of Erf 5959, Hermanus Heights, Hermanus for the following:

Departure in terms of Section 16(2)(b) of the By-Law in order to:

- ❖ relax the eastern lateral building line from 2m to 0m and the street building line from 4m to 0m respectively to accommodate the conversion of the existing carport into a garage.

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 5959, Hermanus Heights, Hermanus to relax the eastern lateral building line from 2m to 0m to extend the existing carport northward by 1,605m, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the proposed building plan be revised to conform to the definition of a carport and is open on two sides;
 - (b) that the revised 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 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

**AGENDA of the
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- (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with
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 5959, Hermanus Heights, Hermanus to relax the eastern lateral building line from 2m to 0m and the street building line from 4m to 0m respectively in order to accommodate the conversion of the existing carport into a garage, **not be approved**, in terms of the provisions of Section 61 of the By-Law;
 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.

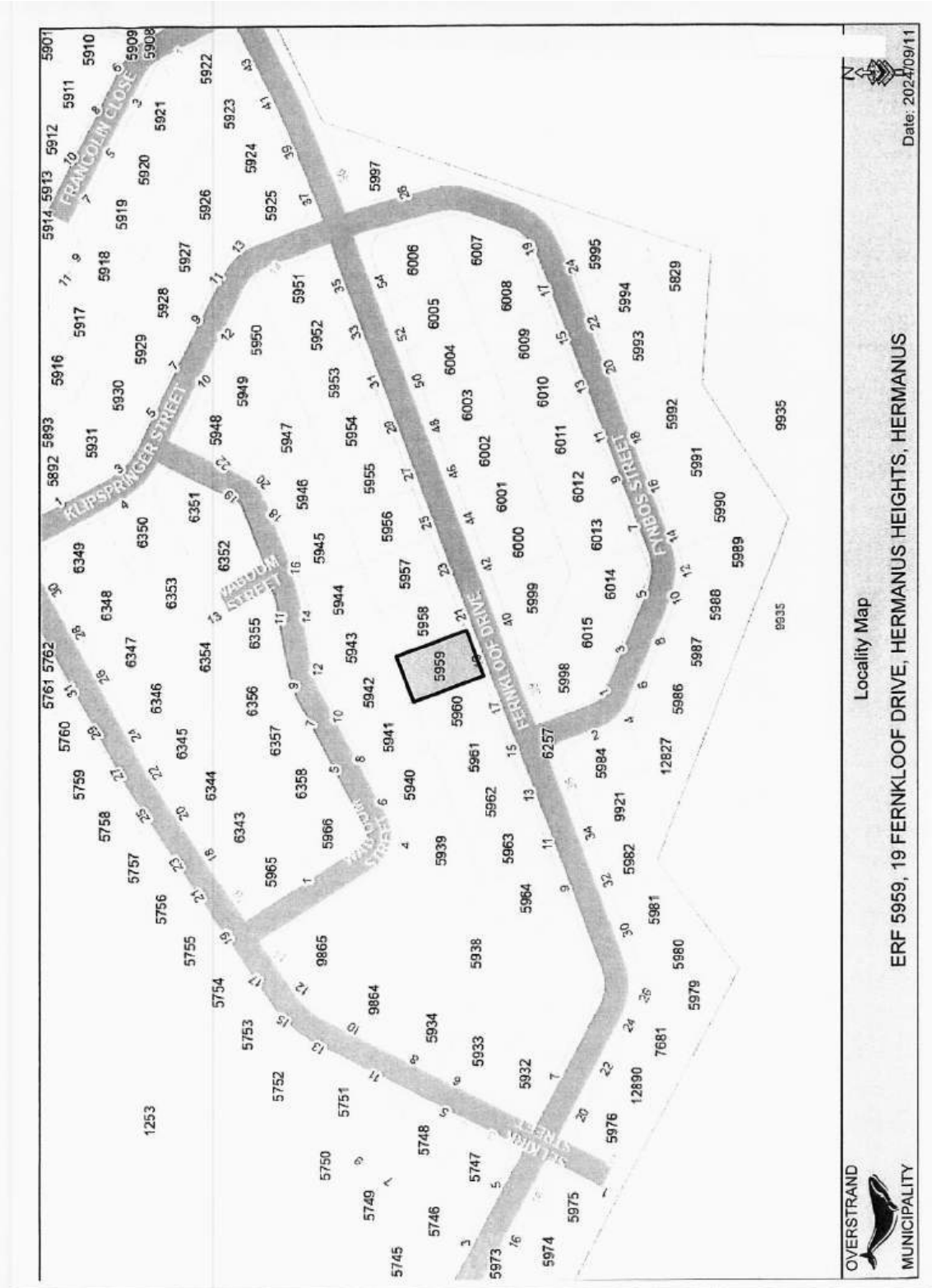
REASONS FOR RESOLUTION

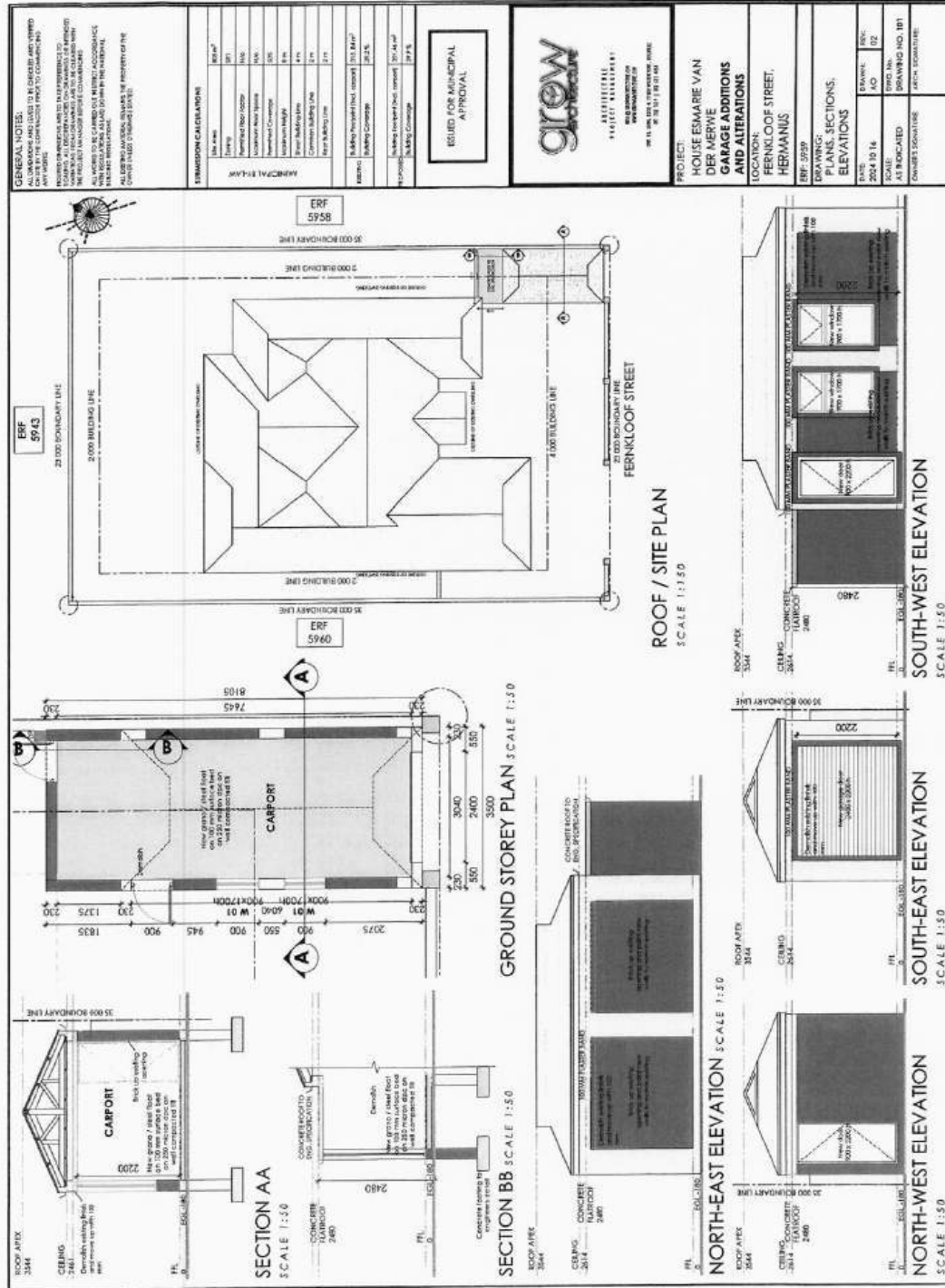
Reasons for approval for point 1

- ❖ The extension of the carport will be to the rear of the existing structure and will therefore be obscured from the view of the street.
- ❖ With the amendment of the proposed building plan the structure will conform with the definition of a carport and the structure will comply with the principles of the land use scheme.
- ❖ Only one adjacent property owner is affected by the proposal and who has not objected to the proposal.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The property was developed contrary to the approved building plans.

Reasons for non-approval under point 2

- ❖ The property is developed with a double garage and has ample additional parking on site. No substantial reason is provided for the garage on the street boundary, except due to the placement of the existing carport.
- ❖ There are no site limitations which warrants the proposed placement of the garage.
- ❖ There are no similar garages on Fernkloof Drive. The surrounding erven are developed with garages which are setback 4m or greater from the street boundary, the proposed garage is therefore not in line with the character of the area.






**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE: ERF 5959, HERMANUS HEIGHTS (4811/2024)**

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

Conditions:

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


 RICARDO ANDREW
 PRINCIPAL TECHNOLOGIST:
 DEVELOPMENT CONTROL

28/01/2025
 DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

**26.ERF 3749 162 SECOND AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL
AREA: APPLICATION FOR DEPARTURE: BOUAH DESIGN ON BEHALF OF
E SMITH**

3749 KM (4717/2024)

**H van der Stoep
4 June 2025**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 9 July 2024 from Bouah Design on behalf E Smith on Erf 3749, Kleinmond in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for a departure to relax the 2m lateral building line to 0,3m to accommodate an existing wendy house for storage purposes.

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 3749, Kleinmond for a departure to relax the 2m lateral building line to 0,3m to accommodate an existing wendy house for storage purposes, **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 SMI/000.1-7 & 11 dated 7 May 2024 as submitted with the application;
 - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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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 3749, Kleinmond to accommodate the illegal wendy house, **be imposed**, and that an administrative penalty fee of **R564,23** be payable within 30-days of the final decision.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

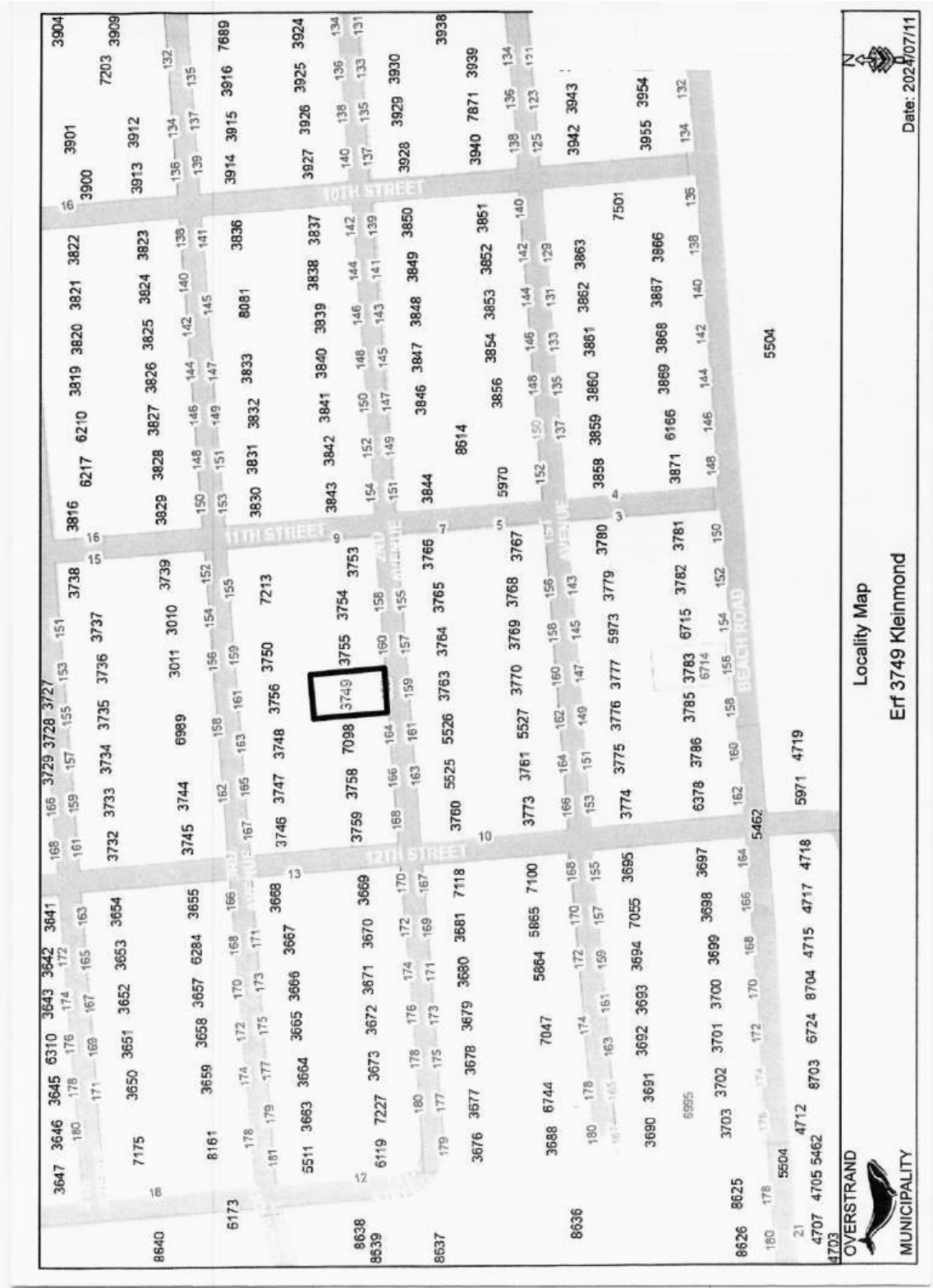
REASONS FOR RESOLUTION

POINT 1

- ❖ No objection was received.
- ❖ The proposal does not jeopardize character of area.
- ❖ Better utilization of the property.
- ❖ The application has followed due procedure.
- ❖ No additional services are required.
- ❖ The application is in line with the planning principles.

POINT 2

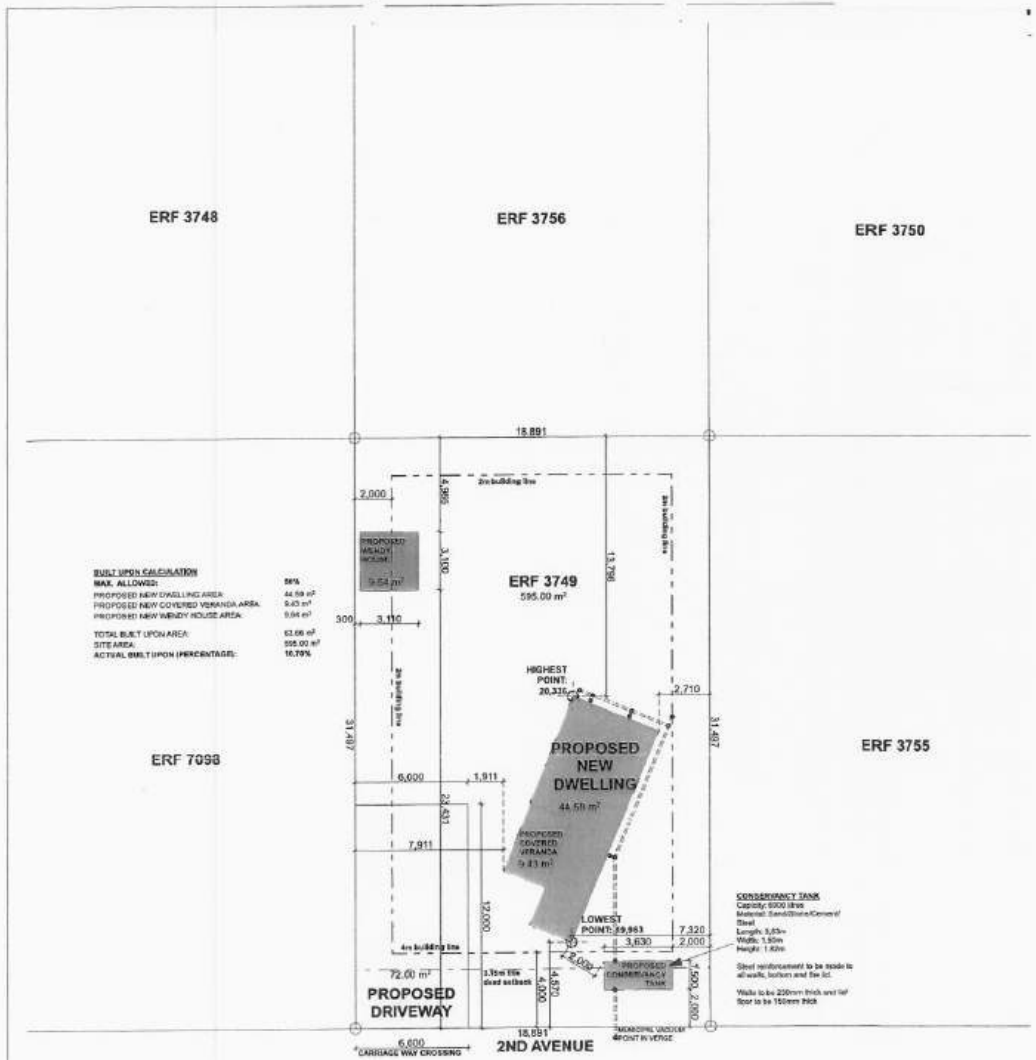
- ❖ During 2009 any storage area less than 10m² was not subject to a building plan process.
- ❖ During 2024 a building plan was submitted for a dwelling, which also indicated the wendy house over the building line.
- ❖ The applicant was informed of the planning legislation which does require a departure from the building line, and she has responded immediately.



Locality Map
Erf 3749 Kleinmond



Date: 2023/07/11



BUILT UPON CALCULATION
 MAX. ALLOWED: 58%
 PROPOSED NEW DWELLING AREA: 44.50 m²
 PROPOSED NEW COVERED VERANDA AREA: 9.43 m²
 PROPOSED NEW VERANDY HOUSE AREA: 9.64 m²
 TOTAL BUILT UPON AREA: 63.57 m²
 SITE AREA: 395.00 m²
 ACTUAL BUILT UPON PERCENTAGE: 16.10%

CONSERVANCY TANK
 Capacity: 5000 litres
 Material: Sandstone/Concrete of Equal
 Length: 3.65m
 Width: 1.50m
 Height: 1.40m
 Steel reinforcement to be added to all walls, bottom and floor.
 Walls to be 230mm brick and floor to be 150mm PCC.

SITE PLAN Scale 1:200

[Handwritten signatures]



GENERAL NOTES: Contractor and Engineer to verify all levels and dimensions on site and check same against Designer's drawings before commencing work. All dimensions are given in millimeters unless otherwise stated. All relevant details, levels, dimensions, setting out positions are to be checked prior to any work commencing, details take precedence over working drawings, any discrepancies are to be brought to the attention of the Designer. Drawings are to read in conjunction with Engineer's drawings. Contractor to keep full set of drawings on site. The Designer accepts no responsibility for errors resulting from misinterpretation of the drawings. It is forbidden to reproduce or distribute any portion of this document without the written consent of BOUAH DESIGN, which owns the copyright.

Rev.	Description	Date

bouah design
 ARCHITECTURAL SERVICES 21 WARRIEWAY EGGEMONG NSW
 ☎ 025 478 9145 ☎ 0434 84 37342 post@bouahdesign.com.au

PRELIMINARY Erf 3749, Kleinmond
PROPOSED NEW DWELLING
SITE PLAN

CLIENT(S): MS ELIZABETH SMITH			
DATE	SCALE	PAPER	REV
SM11000.1	1:200	A3	E
DATE	SCALE	PAPER	REV
08	08	08	03/2024

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

27.ERF 5079, 3 GEELHOUT AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND ADMINISTRATIVE PENALTY: GA & TL BUYS

5079 KKM (4637/2024)

**H van der Stoep
2 June 2025**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 16 April 2024 from GA & TL Buys on Erf 5079, Kleinmond in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to relax the eastern lateral building line from 2m to 1,5m to legalize the change of use of the existing covered patio to an enclosed sun patio and to relax the western lateral building line from 2m to 0,2m to accommodate an existing shade net carport.
- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to exceed the 9m restriction of a building line on one specific boundary to accommodate the existing shade net carport.
- ❖ **Determination of Administrative Penalty** in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorized land use.

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 5079, Kleinmond for the following departures:
 - ❖ to relax the eastern lateral building line from 2m to 1,5m to legalize the change of use of the existing covered patio to an enclosed sun patio and to relax the western lateral building line from 2m to 0,2m to accommodate an existing shade net carport;
 - ❖ to exceed the 9m restriction of a building line on one specific boundary to accommodate the existing shade net carport on the property;

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

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19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

- (a) that this approval is only for the development as indicated on the plan numbers 231106 dated 30 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.
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 5079, Kleinmond to accommodate the unauthorised building work and land use as stipulated above, **be imposed**, and that an administration penalty fee of **R130,53**, be payable within thirty (30) days of the decision.
 3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

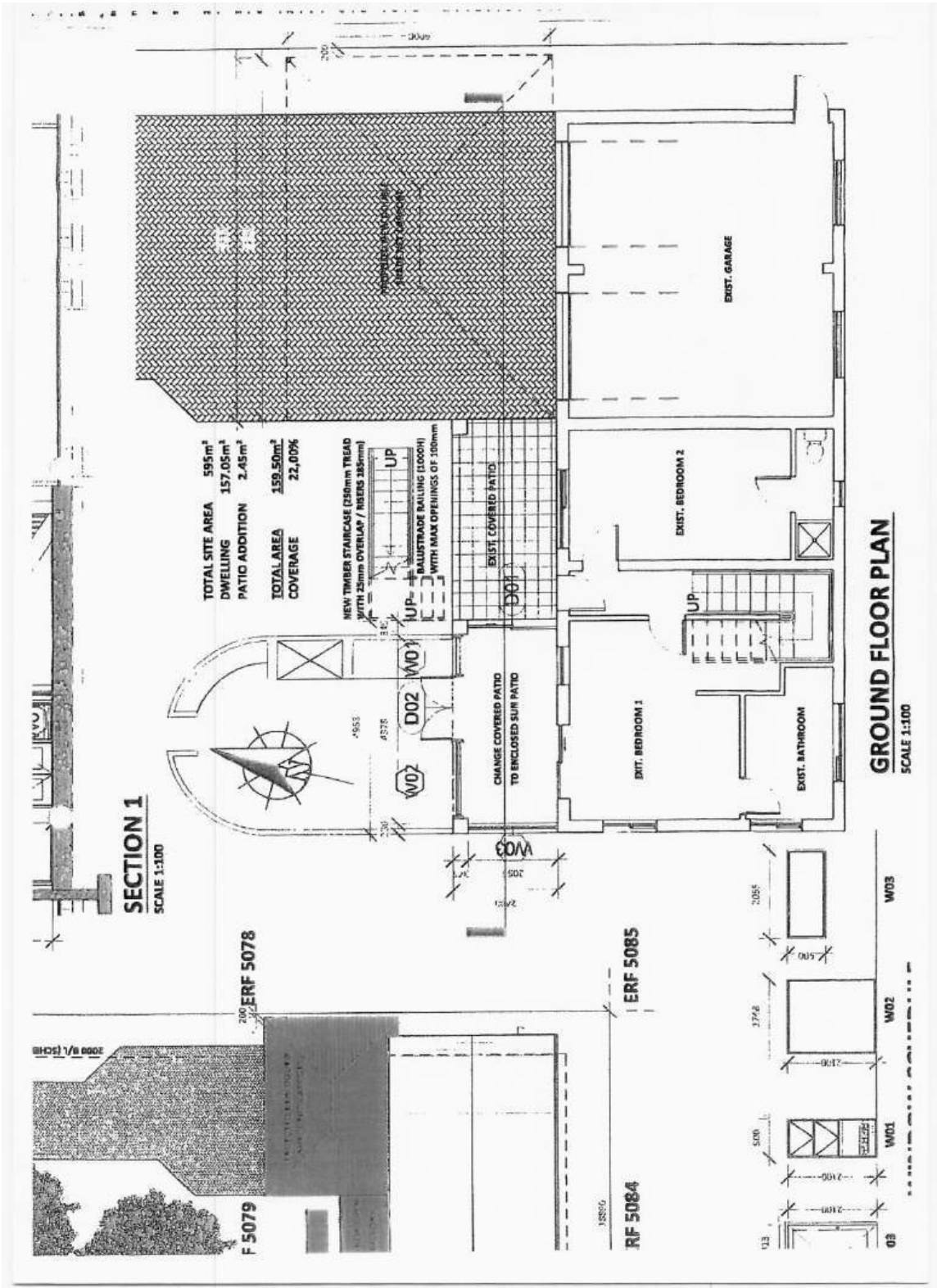
REASONS FOR RESOLUTION

POINT 1

- ❖ All relevant municipal divisions support the application.
- ❖ No objections were received from surrounding property owners.
- ❖ The structures are existing structures with no additions impacting the character of the area.
- ❖ The application is in line with the Planning Principles as it would be in line with the principles of densification as an efficient way to resolve the illegal problem

POINT 2

- ❖ The existing landowner is responsible for the illegal building work and land use on the property and therefore an administrative penalty fee is imposed on the subject property.



**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

**28.ERF 651, 5 BOSBOK STREET, VAN DYKSBAAI (KLEINBAAI),
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: L & M
CRAFFORD**

651 GKB (4916/2025)

**SW van der Merwe
18 June 2025**

(028) 313 8900

Hermanus Administration

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 17 February 2025 from L & M Crafford applicable to Erf 651, Kleinbaai 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 as well as the encroachment of the 3.5m height restriction to accommodate the proposed garage.

RESOLUTION

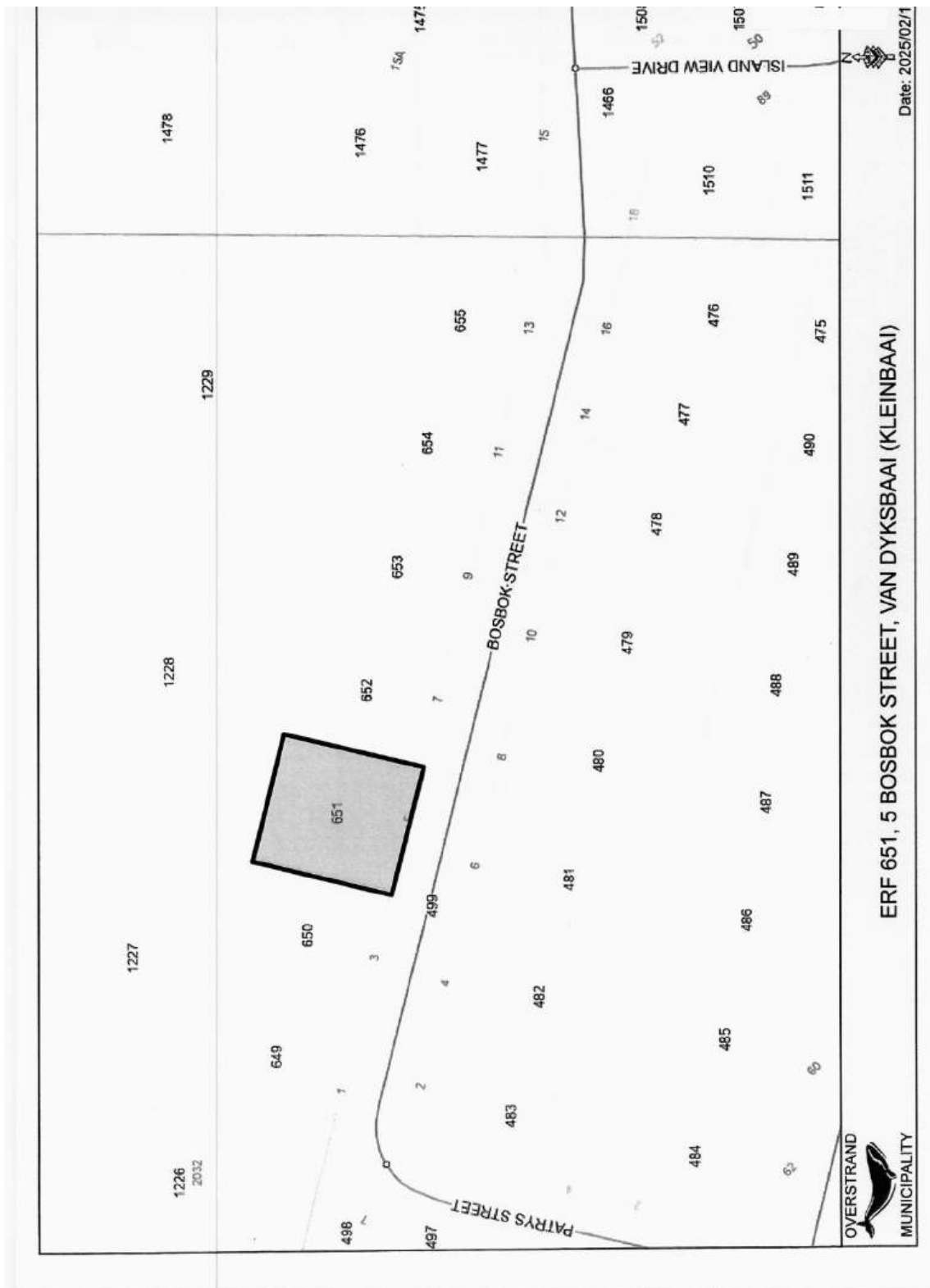
1. that the application for departure in Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 651, Van Dyksbaai in order to relax the eastern lateral building line from 2m to 0m and the encroachment of the 3.5m height restriction to accommodate the proposed extension of the garage, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the departure application as indicated on the site plan numbered *05/LC/25* dated *06 February 2025* as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department, be complied with at that stage;
 - (c) that 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;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

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

REASONS FOR RESOLUTION

- ❖ No objections from surround property owners.
- ❖ No change in character of the locality and streetscape.
- ❖ Better utilization of the property.
- ❖ Complies with relevant planning policies.



ERF 651, 5 BOSBOK STREET, VAN DYKSBAAI (KLEINBAAI)

COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR APPLICATION FOR DEPARTURE: ERF 651, VAN DYKSBAAI (4916/2025)

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

Conditions:

1. that the existing water connection to- and sewer conservancy tank on Erf 651 shall be used to service Erf 651;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Gansbaai for written approval;
5. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
6. that any additional and / or extended vehicle entrances will be for the developer's account;
7. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;

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



RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL



DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

29. PORTION 23 (PORTION OF PORTION 12) OF THE FARM NO. 708, FRANSCHÉ KRAAL, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: MESSRS FUTURE PLAN TOWN AND REGIONAL PLANNERS ON BEHALF OF TRAUTMAN FAMILY TRUST

Ptn 23 of Farm 708 RCAL (3696/2021)

SW van der Merwe

(028) 313 8900

Hermanus Administration

26 June 2025

EXECUTIVE SUMMARY

An application has been received on 09 July 2021 from Messrs Future Plan Town and Regional Planners in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Portion 23 (Portion of Portion 12) of the Farm No. 708, Fransche Kraal, Division Caledon for the following:

- **consent use** in terms of Section 16(2)(o) of the By-Law to accommodate tourist facility (venue) on the property.

RESOLUTION

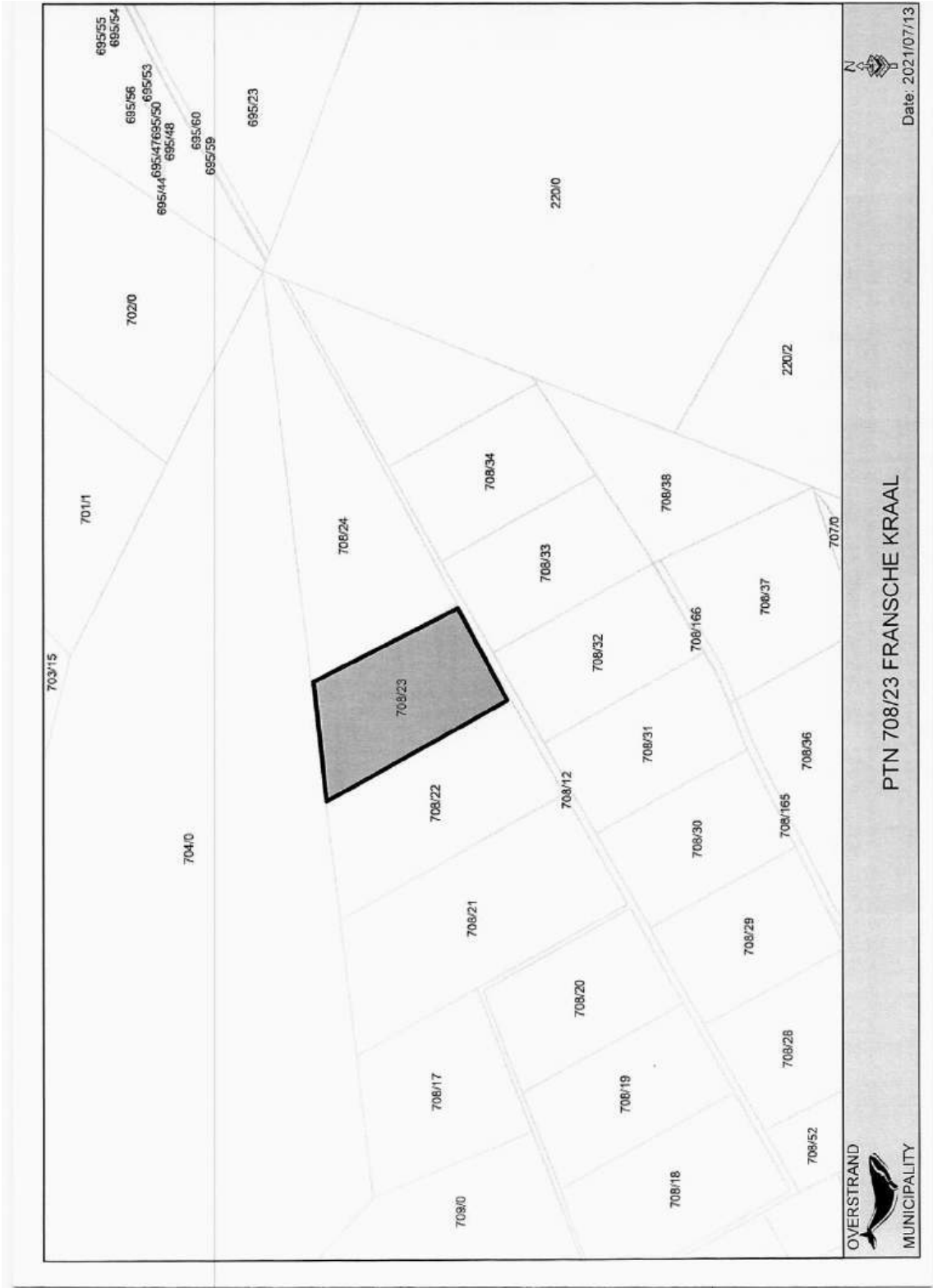
1. that the application in terms of Section 16(2)(o) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Portion 23 (Portion of Portion 12) of the Farm No. 708, Franchekraal, Division Caledon for a **consent use** to establish a tourist facility (venue) on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the approval 1. above be subject to the following conditions:
 - (a) that the approval be limited to the building/structures as per the Site Development Plan, Drawing No. *FA708/23CAM v3s1* dated *APRIL 2023* as submitted with the application and the revised parking layout Project No. *FA708/23CAM V3S2* dated *APRIL 2023*;
 - (g) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (c) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;

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- (d) that all the conditions from Waste Management, Health and Engineering Services be complied with;
 - (e) that all the conditions from be adhered to;
 - (f) the consent use is valid for a period of ten years from the decision date;
 - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (h) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above decision.

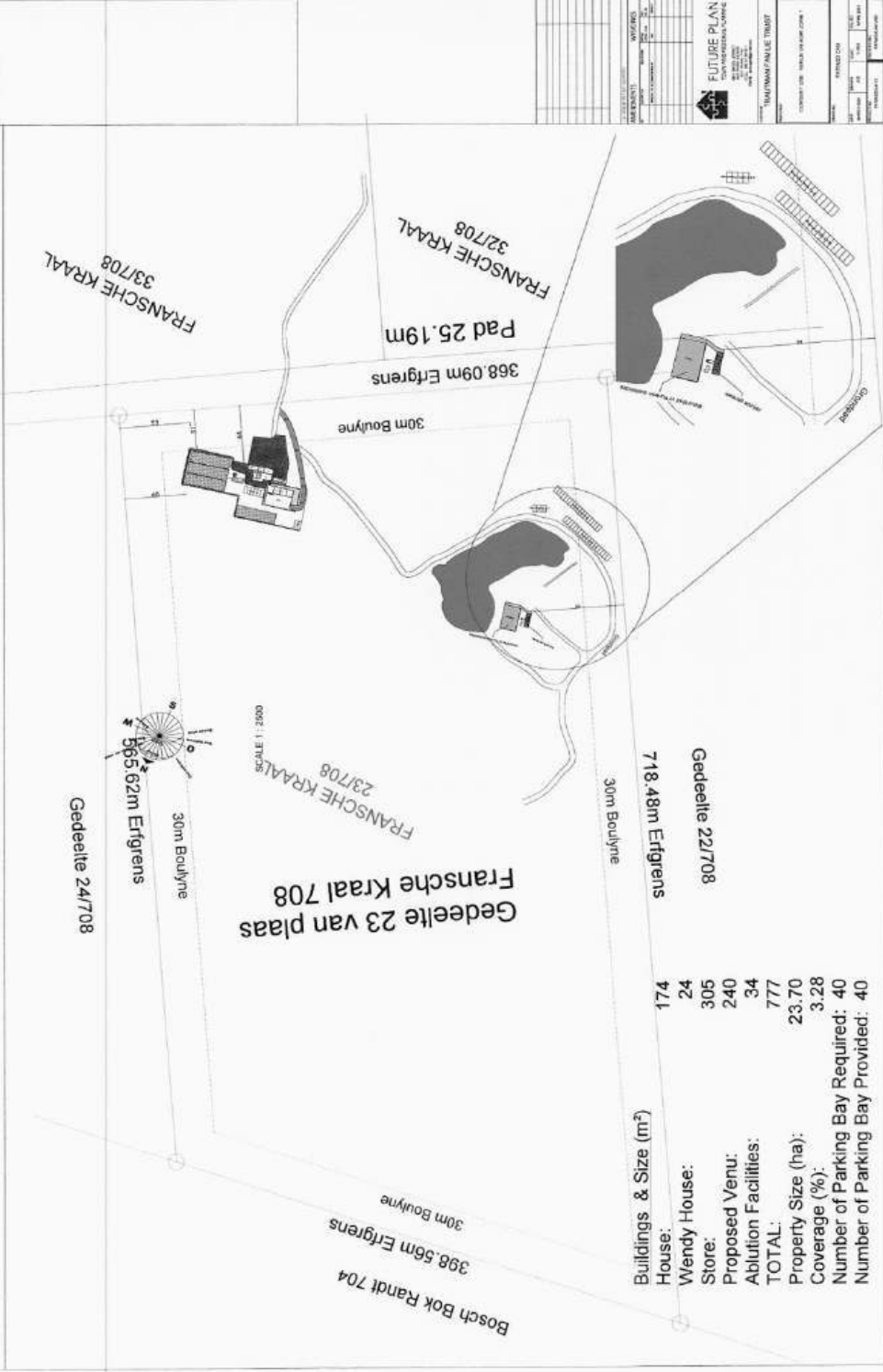
REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No internal objections were received.
- ❖ Ample and practical parking can be provided on the property.
- ❖ Proposal consistent with the SDF and Western Cape Rural Development Guidelines
- ❖ The proposal will contribute to the rural economy and tourism industry at a scale that is considered compatible with the rural landscape



PROPOSED CONSENT USE APPLICATION OF
 VENUE ON PORTION 23 OF FARM FRANSCHKE KRAAL NUMBER 708, OVERSTRAND MUNICIPALITY

GENERAL NOTES:
 1. ALL DIMENSIONS ARE COORDINATE
 2. THE PROPOSED CONSENT USE APPLICATION IS
 3. THE PROPOSED CONSENT USE APPLICATION IS
 4. THE PROPOSED CONSENT USE APPLICATION IS



Buildings & Size (m ²)	Area (m ²)
House:	174
Wendy House:	24
Store:	305
Proposed Venue:	240
Ablution Facilities:	34
TOTAL:	777
Property Size (ha):	23.70
Coverage (%):	3.28
Number of Parking Bay Required:	40
Number of Parking Bay Provided:	40

FUTURE PLAN
 CITY OF OVERSTRAND
 MUNICIPALITY

DATE: 15/08/2023
 DRAWN BY: [Name]
 CHECKED BY: [Name]

SCALE: 1:2000

PROJECT NO: [Number]

CLIENT: [Name]

LOCATION: [Address]

STATUS: [Status]

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: PTN 23 (PORTION OF PORTION 12)
OF THE FARM 708, FRANSCHÉ KRAAL**

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 and sewer services from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (Water and Sanitation, Health, Bocma etc.) for the use of any other water resources and the extraction thereof;
3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Senior Engineer: 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, of Farm 708 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 be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services



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

13/09/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

30.ERF 559, 49 RIDGE WAY AND A PORTION OF ERF 1916, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, CLOSURE OF A PORTION OF PUBLIC ROAD, REZONING, AMENDMENT OF CONDITIONS OF AN EXISTING APPROVAL CONDITIONS AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF M SWANEPOEL AND OVERSTRAND MUNIICIPALITY

559 & 1916 GPB (4692/2024)

**SW van der Merwe
07 July 2025**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 12 June 2024 from Messrs PlanActive Town- and Regional Planners on behalf of M Swanepoel and Overstrand Municipality in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), for the following:

- ❖ **Subdivision** of Erf 1916, Pearly Beach in terms of Section 16(2)(d) of the By-Law in two (2) portions namely, a Remainder and Portion A approximately 206m² in extent;
- ❖ **Closure of a portion of public road** of Portion A of Erf 1916 in terms of Section 16(2)(n) of the By-Law;
- ❖ **Rezoning** of Portion A in terms of Section 16(2)(a) of the By-Law from Transport Zone 2: Public Road (TR2) to Residential Zone 1: Single Residential (SR1);
- ❖ **Consolidation** of Portion A with Erf 559, Pearly Beach in terms of Section 16(2)(o) to create a consolidated erf of 1118m²;
- ❖ **Deletion** of conditions 2(a) and 2(f) of an existing approval in terms of Section 16(2)(h) of the By-Law;
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-law to accommodate the existing structures on Portion A.

**AGENDA of the
Portfolio Committee : Planning & Development
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(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

RESOLUTION

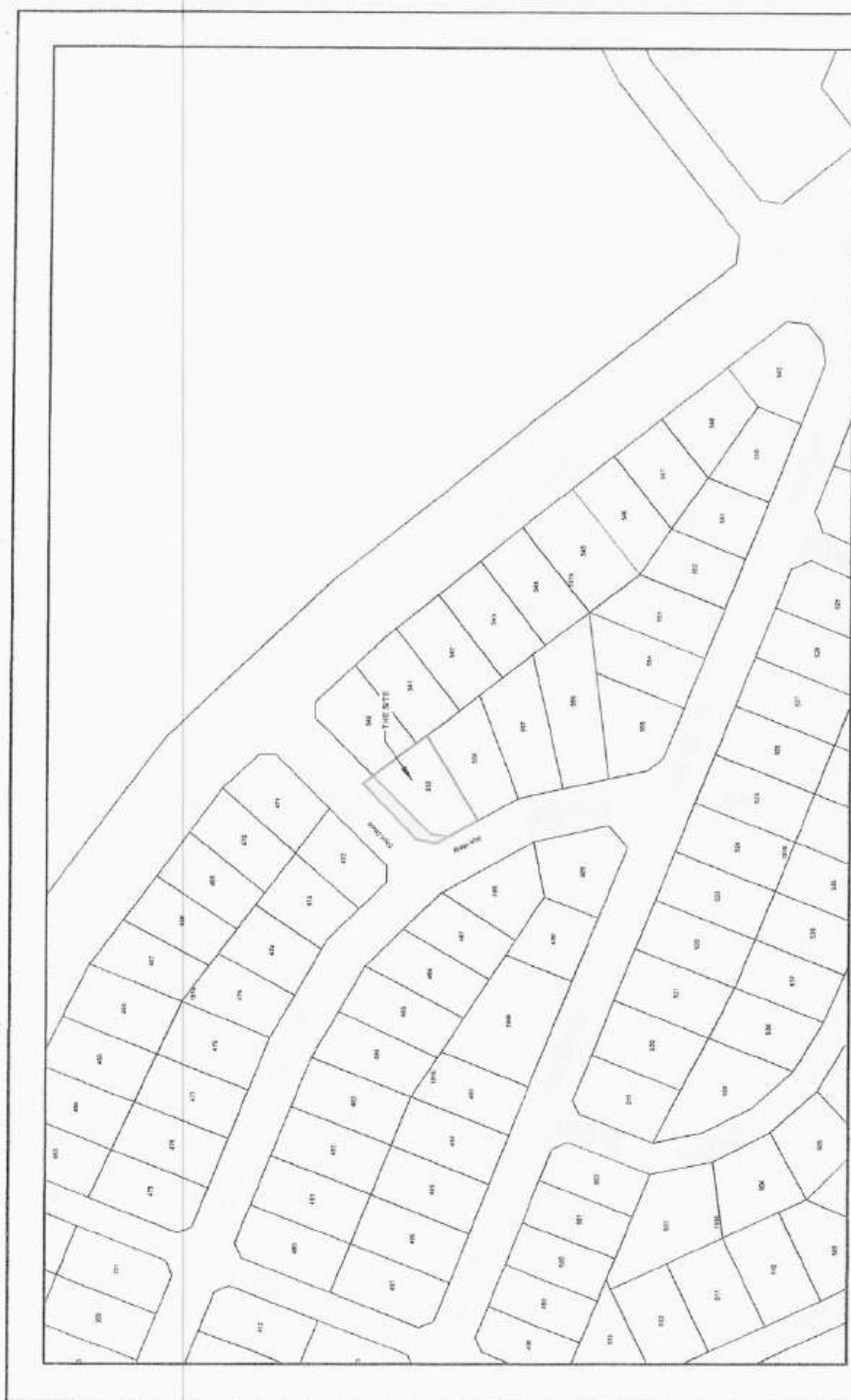
1. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for **subdivision** of Erf 1916, Pearly Beach in two (2) portions namely, a Remainder and Portion A approximately 206m² in extent, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for **closure of public road**, Portion A of Erf 1916, Pearly Beach in terms of Section 16(2)(n) of the By-Law, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for **rezoning** of Portion A in terms of Section 16(2)(a) of the By-Law from Transport Zone2: Public Road (TR2) to Residential Zone 1: Single Residential (SR1), **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application for **consolidation** of Portion A with Erf 559, Pearly Beach in terms of Section 16(2)(o) of the By-Law to create a consolidated erf of approximately 1118m² in extent, **be approved** in terms of the provisions of Section 61;
5. that the application for **deletion** of conditions 2(a) and 2(f) of an existing approval dated 25 October 2016, **be approved** in terms of the provisions of Section 61 of the By-Law;
6. that the decisions in paragraphs 1. to 5. above be subject to the following conditions:
 - (a) that this approval is for the subdivision and consolidation as indicated on the plan submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that the consolidation of Portion A with Erf 559, Pearly Beach be registered simultaneously with the registration of the subdivision of Erf 1916, Pearly Beach;
 - (d) that save for the existing braai area, no structures of any kind (excluding a boundary wall or fence) may be erected on the said portion of Remainder Erf 1916, Pearly beach, which condition must be registered against the title deed of the consolidated property;

**AGENDA of the
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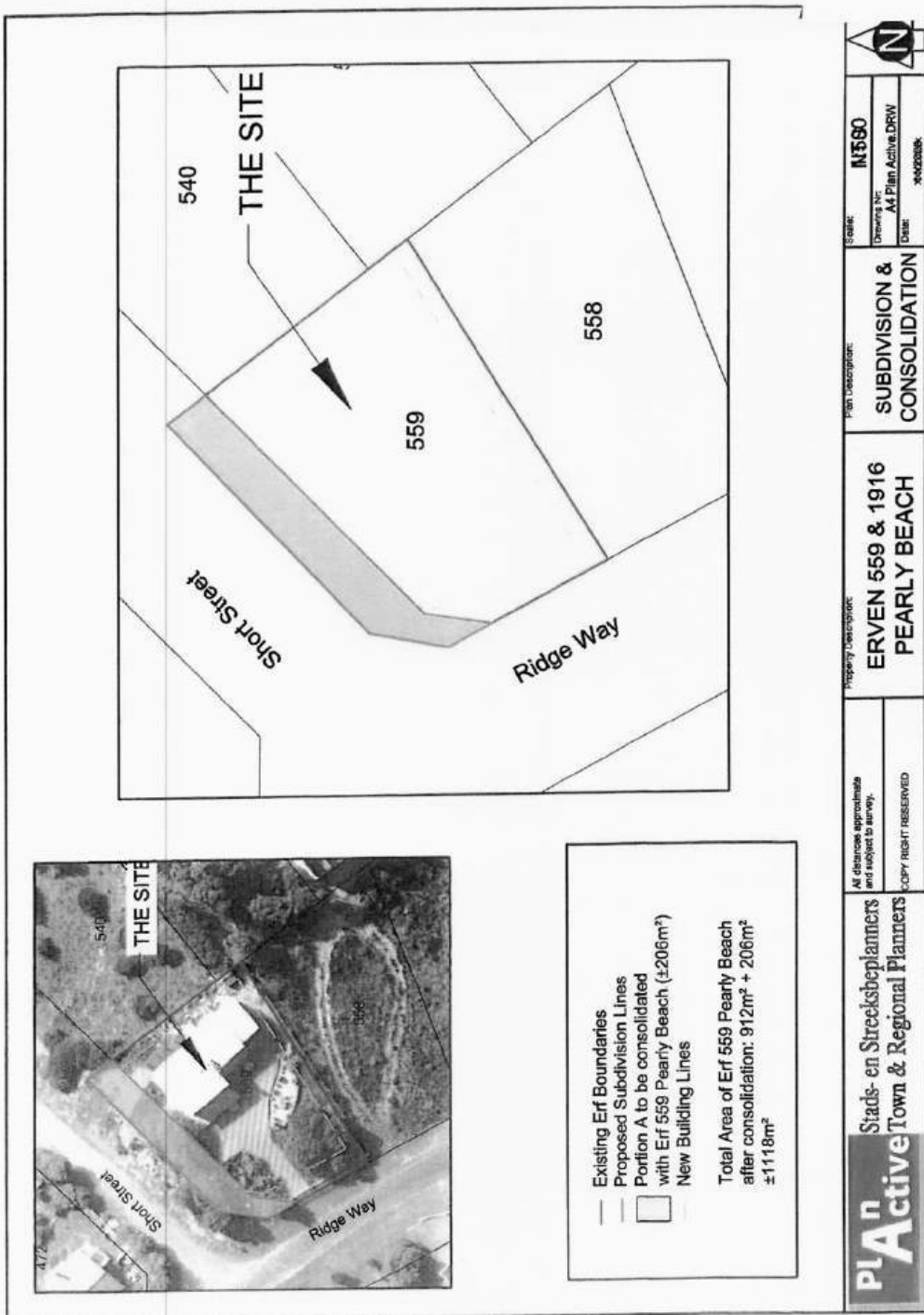
- (e) that all the conditions in the Services Report must be complied with;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
7. that an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the unauthorized encroachments on Portion A, **be imposed**, and that an administrative penalty fee of **R5 358,03** be payable within sixty (60) days of this decision; and
8. that the applicant be notified of their appeal rights in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above approvals.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No objections were received during the public participation process.
- ❖ The proposal will not negatively impact the character of the area, traffic flow or vested rights of adjoining property owners.
- ❖ The onus is on the property owner to ensure that that the existing development have approved building plans and is situated within the property boundary and that it complies with all relevant legislation, including the By-Law.



PLAN Active	Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPYRIGHT RESERVED	Property Description: ERVEN 559 & 1916 PEARLY BEACH	Plan Description: LOCALITY MAP	Scale: NTS Drawing No: A4 Plan Active DRW Date: 11/02/23	
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PLAⁿ ActiveTown & Regional Planners Stads- en Sirecsbeplanners	All drawings approved and subject to survey.	Property Description: ERVEN 559 & 1916 PEARLY BEACH	Plan Description: SUBDIVISION & CONSOLIDATION	Scale: 1:500	
	COPY RIGHT RESERVED	Drawing No: AT Plan Active.DRW	Date: 2022/08/08		

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION, CLOSURE OF A PORTION OF A
PUBLIC ROAD, REZONING, CONSOLIDATION, DELETION OF
CONDITIONS IN RESPECT OF AN EXISTING APPROVAL &
DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 559 & A
PORTION OF REMAINDER ERF 1916, PEARLY BEACH, OVERSTRAND
MUNICIPAL AREA (4692/2024)**

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

Conditions:

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

10. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
11. that stormwater reticulation and connection(s) to the municipal system be provided at the owner's cost, if required ;


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

17/10/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

**31.ERF 765, 89 PIET RETIEF CRESCENT, SANDBAAI, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT
OFFICE ON BEHALF OF J BREUGEM**

765 HSB (4577/2024)

B Minnaar

(028) 313 8900

Hermanus Administration

09 May 2025

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 13 February 2024 from Messrs WRAP Project Office on behalf of J Breugem, the owner of Erf 765, Sandbaai for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the western lateral building line from 2m to 0.38m to accommodate an existing storeroom.
 - relax the western lateral building line from 2m to 1.16m and 1.33m to accommodate an existing wendy house.

- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to accommodate the existing storeroom and wendy house.

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 on Erf 765, Sandbaai to relax the western lateral building line from 2m to 0.38m to accommodate an existing storeroom, **be approved** in terms of the provisions of Section 61 of the By-Law;

2. that the application for **departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 765, Sandbaai to relax the western lateral building line from 2m to 1.16m and 1.33m to accommodate an existing wendy house, **not be approved**;

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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 applicable to Erf 765, Sandbaai to accommodate the unauthorised building work over the applicable building lines, **not be exempted** from the payment of an administrative penalty;
4. that the recommendation under paragraphs 1. and 4. is subject to the following conditions:
 - (a) that this approval is only for the departures as indicated on the site plan no. 4.1 and 4.2 as submitted with the application;
 - (b) that the shower in the full bathroom (adjacent to the braai room extension) be removed and the amendment thereof be indicated on the building plans submitted to the Building Control Department;
 - (c) that the storage room over the 2m building line, not be converted into a bedroom;
 - (d) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control be complied with;
 - (e) that all the conditions from Telkom (OpenServe) and the Services Report 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
 - (h) that an administrative penalty of **R8 941,70** for the unauthorised building line encroachments, be payable within sixty (60) days of the date of this decision;
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.

**AGENDA of the
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19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

REASONS FOR RESOLUTION

- ❖ The additions made by the previous and current property owner are normal residential structures which do not jeopardise the character of the area.
- ❖ The wendy house be relocated inward of the property since there is ample space for the structure on the property without encroaching building lines.
- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ None of the neighbouring property owners have objected.
- ❖ No additional services are required.
- ❖ The administrative penalty of only 5% be imposed due to the normal residential nature of the unauthorised additions and that no notice of non-compliance has been served on the property owner for the unauthorised structures.





4.1 Site Plan
Erf 765 - Sandbaai

Erf 765 - Sandbaai
Extent = 696m²

Existing Dwelling incl Wendy
= 249,55m²
Coverage =
249,55m² / 35,85%

Plan prepared by: Han Jansen
All drawings are unapproved
and subject to a survey
Tel: 020 313 1411

Email: admin@wrap.co.za
Unit 8, Stonehill House, Corner of Esayal and Dille Ops
Street, Johannesburg, 2201



Scale 1 : 250

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 765, SANDBAAI (4577/2024)**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

12/06/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

**32.ERF 4740, 22 THIRTEENTH AVENUE, KLEINMOND, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, REZONING AND
DEPARTURE: FUTURE PLAN TOWN AND REGIONAL PLANNERS ON
BEHALF OF OVERBERG BUILDERS (PTY) LTD**

4740 KKM (4821/2024)

H van der Stoep

(028) 313 8900

Hermanus Administration

25 June 2025

EXECUTIVE SUMMARY

An application was received on 26 September 2024 from Future Plan Town and Regional Planners on behalf of Overberg Builders (Pty) Ltd on Erf 4740, Kleinmond in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Subdivision** in terms of Section 16(2)(d) of the By-Law to subdivide Erf 4740, Kleinmond into a subdivisinal area to create six (6) portions including the registration of a new servitude or lease agreement that is not exempted in terms of Section 26:
 - Portion 1 (±2492,579m²);
 - Portions 2 - 3 (±387,34m² each);
 - Portions 4 - 5 (±408,17m² each);
 - Portion 6 (±377,401m²), and
 - Registration of a 5.5m wide right-of-way servitude.
 - Portion 7 (±180m²);
- ❖ **Rezoning** in terms of Section 16(2)(a) of the By-Law to rezone Erf 4740, Kleinmond from Residential Zone 1: Single Residential (SR1) to Subdivisinal Area (SA) to create the following rezoned portions:
 - Portion 1: Residential Zone 1: Single Residential (SR1);
 - Portions 2 - 5: General Residential Zone 1: Town Housing (GR1), and
 - Portion 6: Transport Zone 2: Road and Parking (TR2A).- Private Road
 - Portion 7: Transport Zone 2: Road and Parking (TR2B) – Public Road
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the northern lateral building lines applicable to Portions 2 & 3 from 3m to 2m respectively to accommodate the proposed new townhouses.

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

RESOLUTION

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the **rezoning** of Erf 4740, Kleinmond from Residential Zone 1: Single Residential (SR1) to Subdivisional Area (SA) to create the following rezoned portions:

- ❖ Portion 1: Residential Zone 1: Single Residential (SR1);
- ❖ Portions 2 - 5: General Residential Zone 1: Town Housing (GR1);
- ❖ Portion 6: Transport Zone 2: Road and Parking (TR2A), and
- ❖ Portion 7: Transport Zone 2: Road and Parking (TR2B);

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

2. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the **subdivision** of Erf 4740, Kleinmond into a subdivisional area to create seven (7) portions including the registration of a new servitude or lease agreement that is not exempted in terms of Section 26:

- ❖ Portion 1 (±2492,579m²);
- ❖ Portions 2 - 3 (±387,34m² each);
- ❖ Portions 4 - 5 (±408,17m² each);
- ❖ Portion 6 (±377,401m²);
- ❖ Portion 7 (±180m²), and
- ❖ Registration of a 5.5m wide right-of-way servitude over Portion 6;

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 for a **departure** to relax the northern lateral building lines applicable to Portions 2 & 3 from 3m to 2m respectively to accommodate the proposed new townhouses, **be approved**, in terms of the provisions of Section 61 of the By-Law;

4. that the approvals in Points 1 – 3 be subject to the following conditions:

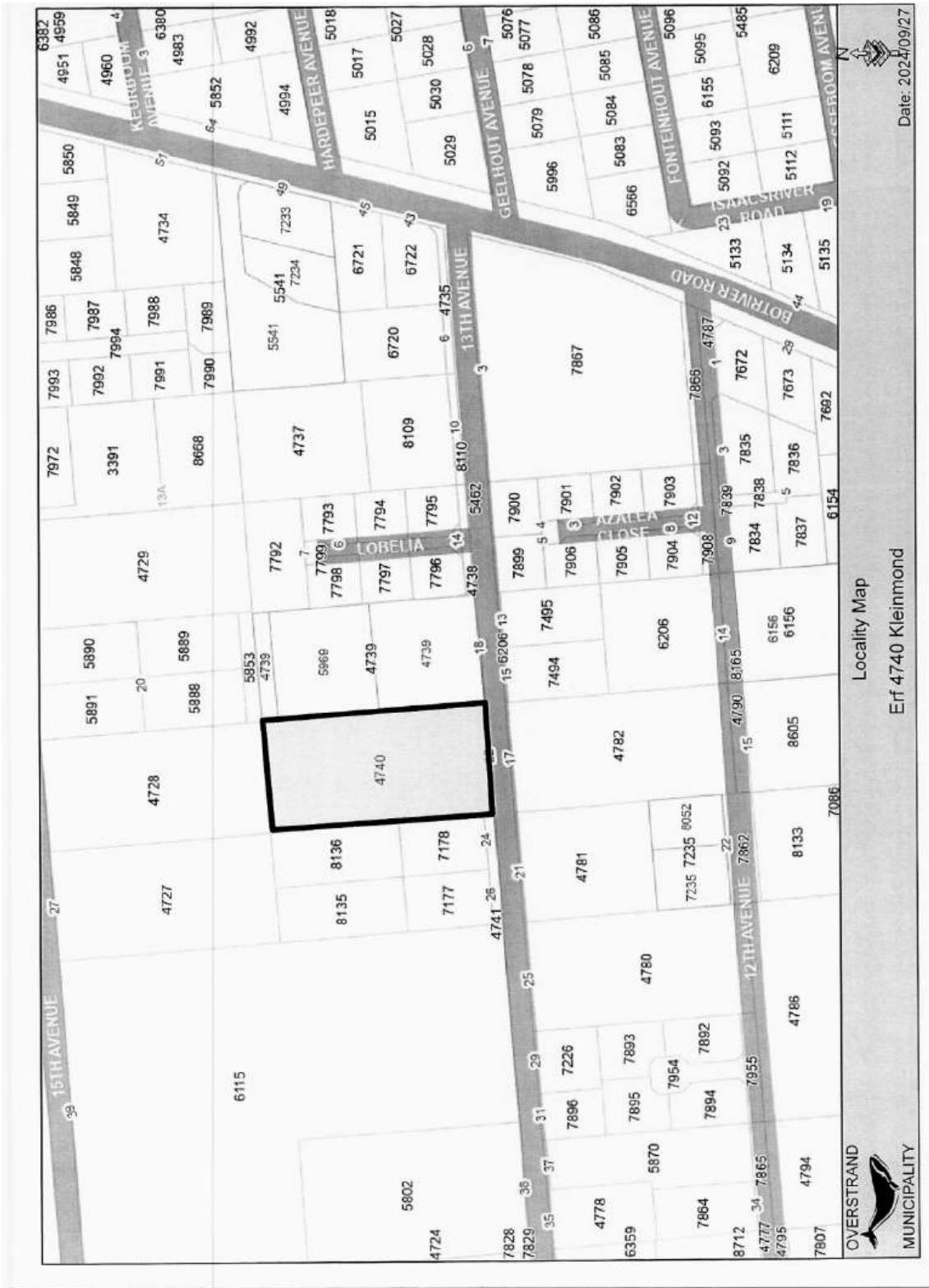
- (a) that this approval is applicable to Plan No HP-J-Y24-01, dated 1 September 2024, Revision 8 submitted with the application;
- (b) that an amended subdivision plan be submitted reflecting the approval;

**AGENDA of the
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(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

- (c) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building Control- and the Fire Departments be complied with at that stage;
 - (d) that the Architectural Design Guidelines in line with Land Use Scheme parameters, be submitted for the development to address the style of the houses that will be constructed, to the satisfaction of the Building Control department;
 - (e) that a Homeowners Association be established with compulsory membership for all property owners within the development;
 - (f) that the Constitution of the Homeowners Association be submitted for approval by the Municipality (which reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
 - the approval of building plans by an “estate architect” prior to submission thereof the Municipality, and
 - that the Constitution clarifies at what stage the responsibility would be transferred from the developer to the Homeowners Association to deal with approval of plans.
 - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (h) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (i) that all the conditions in the Services Report be complied with.
5. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

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



Locality Map
Erf 4740 Kleinmond



OVERSTRAND
MUNICIPALITY

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR SUBDIVISION, REZONING & DEPARTURE: ERF 4740,
KLEINMOND (4821/2024)**

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

Conditions:

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

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

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

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

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

The contribution according to the current policy (2024/2025) is as follows:

Freehold erven:

Water	R 27 598.00	x 4	=	R 110 392.00
Sewerage	R 19 725.00	x 4	=	R 78 900.00
Roads	R 8 845.00	x 4	=	R 35 380.00
Stormwater	R 10 205.00	x 4	=	R 40 820.00
Solid Waste	R 1 769.00	x 4	=	<u>R 7 076.00</u>
TOTAL (inclusive of VAT)				<u>R 272 568.00</u>

Note:

- 1.1 The above figures are estimates
1.2 That the Overstrand Electricity Department be contacted for the electricity bulk services levy amount

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 Chief Engineer: Infrastructure Services 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 Chief Engineer: Infrastructure Services 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
 - 4.5 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 Chief Engineer: Infrastructure Services, 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 Chief Engineer: Infrastructure Services:
 - 5.1 way-leaves must be obtained from the Principal Technologist;
 - 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.;
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 Chief Engineer: Infrastructure Services, prepared by an ECSA registered professional engineer/technologist, be submitted to the Chief Engineer: Infrastructure Services 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 Chief Engineer: Infrastructure Services 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 Chief Engineer: Infrastructure Services;
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 Chief Engineer: Infrastructure Services 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 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 Engineer: Infrastructure Services for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Engineer: Infrastructure Services;
13. that the above stormwater management plan include the following:
 - 13.1 pre-development run-off from the catchment area;
 - 13.2 post-development run-off from catchment area;
 - 13.3 existing stormwater reticulation system and the capacity thereof;
 - 13.4 connection of internal stormwater reticulation system;
 - 13.5 overland escape routes
14. that the connection to the existing stormwater reticulation system be provided according to the stormwater management plan, by the developer at his cost and approved by Chief Engineer: Infrastructure Services;

15. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for works of Civil Engineering Construction – 2004, of 12 months, and
16. 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;
17. that the Home Owners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;
18. that the developer provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
19. 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. is 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 Chief Engineer: Infrastructure Services;
20. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Chief Engineer: Infrastructure Services;
21. that the electricity reticulation and supply be provided according to the master plan by the developer;
22. 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 and the upgrades required(if any) in accordance with the Master Plan;
27. that the developer apply for a temporary water connection at Overstrand Municipality's Finance Department, before commencement of construction;
28. 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 Principal Technologist, Kleinmond;
29. that the connection to the main water line only be done by the Operational Department, after payment of the connection fee, by the developer;

5

30. that stacking distance of 6m be provided, measured from the edge of the closest lane or shoulder/cycle lane to the front of an access gate;
31. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer;
32. the developer is subjected to an investigation to determine the availability of electrical supply, there's no indication on the application of how much kVA needed. Overstrand Municipality's Kleinmond Electrical Department should be contacted regarding this matter.



RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

24/04/2025
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

MUNICIPAL PLANNING TRIBUNAL

- 1. ERF 210 GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, DEPARTURE AND APPROVAL OF A MINING SITE DEVELOPMENT PLAN: MESSRS SETPLAN ON BEHALF OF DYNAVEST THIRTEEN PTY LTD**

210 GGB (3848)

SW van der Merwe

(028) 313 8900

Hermanus Administration

19 February 2025

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) was received from Messrs Setplan on behalf of Sizisa Ukhanyo Trading 410 CC, trading as Gansbaai Sand en Klip applicable to a portion of Erf 210, Gansbaai for the following:

- ❖ **Subdivision** in terms of Section 16(2)(d) of the By-Law of the Remainder of Erf 210, Gansbaai into two portions, namely Portion A approximatley 20,7291ha and a Remainder.
- ❖ **Rezoning** of Portion A in terms of Section 16(2)(a) of the By-Law from Undetermined Zone (U) and Rural Zone 1 to Agricultural Zone 1 (AGRI 1).
- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law applicable to Portion A for mining.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-law applicable to Portion A along the northern bounary of the mining right area from 30m to 9m to accommodate excavations.
- ❖ **Approval of a post mining Site Devlepoment Plan** in terms of Section 16(2)(g) of the By-Law.

RESOLUTION

1. that that the objections be noted;

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

2. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for **subdivision** of the Remainder of Erf 210, Gansbaai into two portions, namely Portion A approximately 7.3801ha and Remainder approximately 714.3413ha, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(a) of the By-Law for **rezoning** of Portion A from Undetermined Zone to Agricultural Zone 1, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(o) of the By-Law for **consent use** (mining) applicable to Portion A, **be approved** in terms of the provisions of Section 61 of the By-Law
5. that the application in terms of Section 16(2)(b) of the By-Law for **departure** applicable to Portion A along the northern boundary of the mining right area to accommodate excavations; **be approved** in terms of the provisions of Section 61 of the By-Law;
6. that the application in terms of Section 16(2)(g) of the By-Law for the approval of a post mining Site Development Plan, **be approved** in terms of the provisions of Section 61 of the By-Law;
7. that the recommendations in paragraphs 2. to 6. above be subject to the following conditions:
 - (a) that mining on the subject property be subject to a valid mine right;
 - (b) that the provisions of the Environmental Management Plan at all times be complied with;
 - (c) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (d) that mining be restricted to the area of 20,7291ha and coordinates indicated on *Diagrams 1 and 2* as submitted with the application;
 - (e) that rehabilitation of the mining area be conducted in accordance with the EMP to the satisfaction of the Overstrand Municipality;
 - (f) that all the conditions in the Services Report, District Health and Environmental Services be complied with;

**AGENDA of the
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(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

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

REASONS FOR RESOLUTION

- ❖ The application followed due process.
- ❖ The proposal is consistent with the SDF.
- ❖ The proposal is consistent with the Planning Principles in terms of LUPA and SPLUMA.
- ❖ The proposal is supported by relevant government departments.
- ❖ The applicant is in possession of the required mine right approval in terms of the MPRDA.
- ❖ The associated impacts of the proposed mining activity could be sufficiently mitigated in terms of the EMP incorporated in the approval conditions.



GANSBAAI: LOCATION MAP

○ The Site

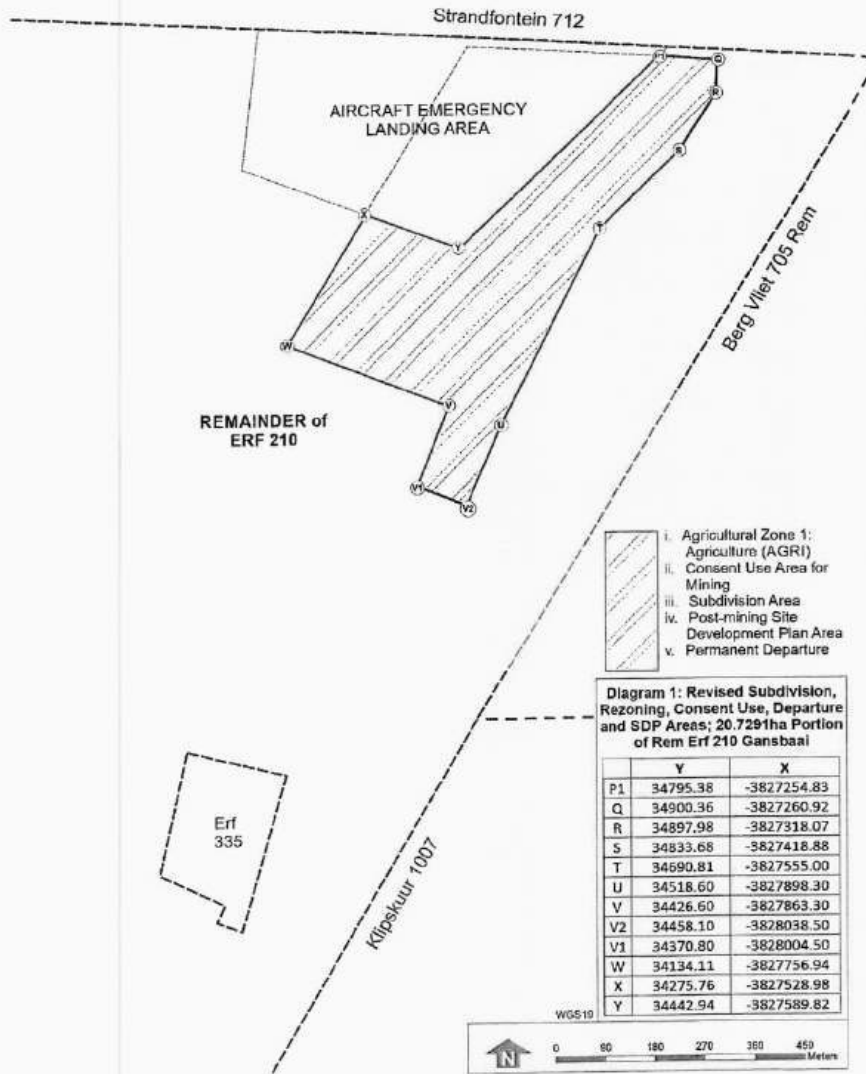


Diagram 1: Revised Subdivision, Rezoning, Consent Use, Departure and SDP: 20.7291ha Portion of Rem Erf 210 Gansbaai

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE,
DEPARTURE & PERMISSION FOR A POST-MINING SITE DEVELOPMENT
PLAN: REMAINDER ERF 210, GANSBAAI, 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 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;
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, Overstrand Municipality (Tel 021 313 8972);
4. that all relevant sections and regulations of the National Water Act (1998) regarding water use must be adhered to. This includes the registration of all water uses as defined in Section 21 of the Water Act (1998);
5. that waste water disposal be done in a safe and healthy manner and that all legislation / regulations in this regard must be adhered to;
6. that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or –waste disposal facility;

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

10-05-2022
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

2. ERF 197, 23 MYRTEL STREET, SANDBAAI: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS MB PLAN TOWN PLANNING ON BEHALF OF HERMANUS CHILD AND FAMILY SERVICES

197 HSB (4286/2022)

B Minnaar

(028) 313 8900

Hermanus Administration

9 April 2025

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 07 November 2022 from MB Plan Town Planning on behalf of Hermanus Child and Family Services applicable to Erf 197, Sandbaai for the following:

- **removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law of condition B.2.(a) & B.2.(c) contained in Title Deed T1949/2022, to utilize the property as an institution as well as to accommodate more than one dwelling unit.
- **consent use** in terms of Section 16(2)(o) of the By-Law to utilize the property as an institution (home for indigent children).
- **departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the southern lateral building from 2m to 0m to accommodate the existing garage/storage space; and
 - relax the total floor area of the second dwelling from 120m² to 170m².
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to for the existing building and land use contravention.

RESOLUTION

1. that the objection be noted;

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

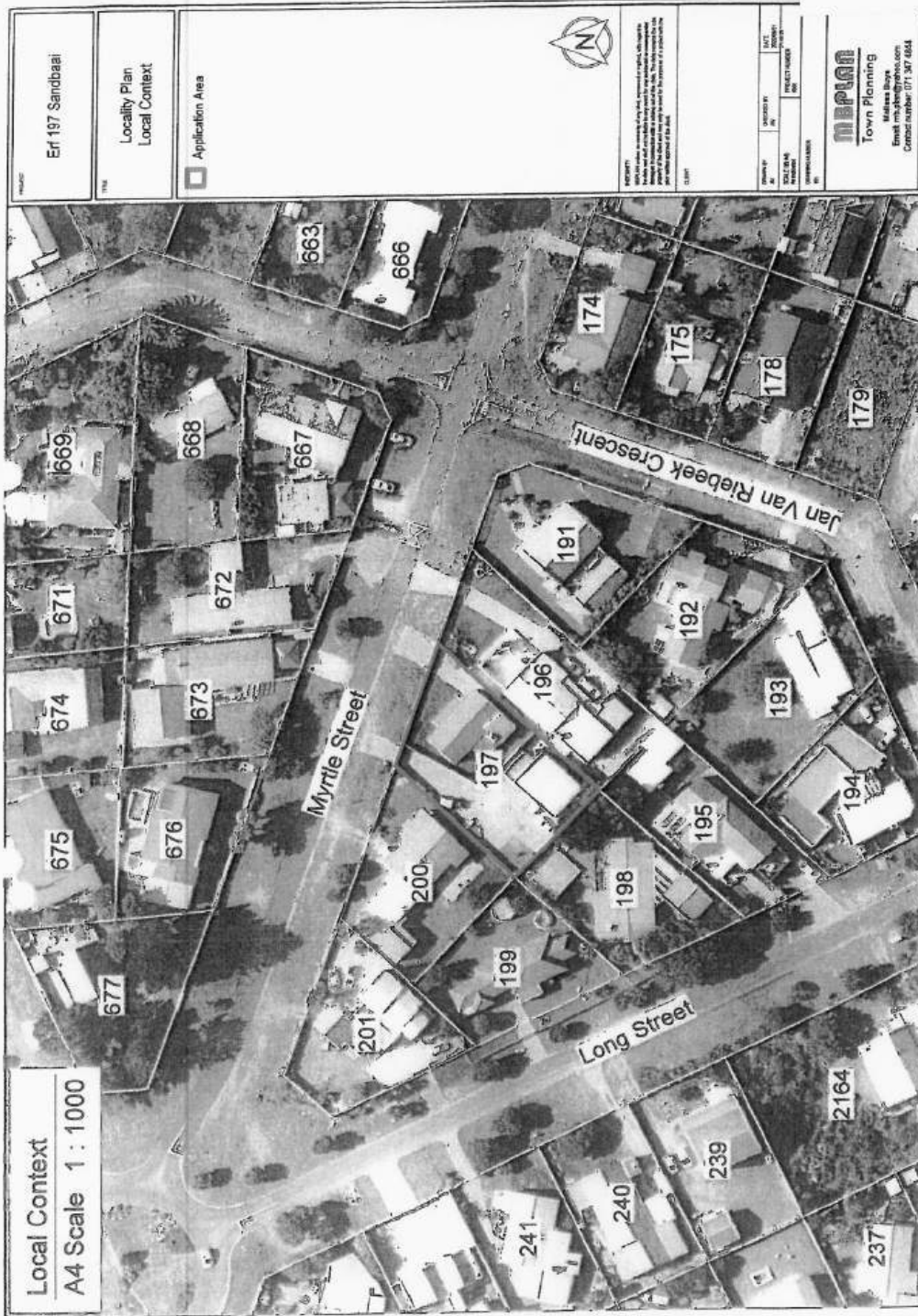
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the **removal of restrictive title conditions** B.2.(a) & B.2.(c) as contained in Title Deed T1949/2022 applicable to Erf 197, Sandbaai, in order to accommodate a second dwelling unit as well as an institutional facility (homes for indigent children) on the subject property, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for **consent use** applicable to Erf 197, Sandbaai, in order to accommodate an institutional facility (homes for indigent children) on the subject property, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the **departure** of the southern lateral building from 2m to 0m to accommodate the existing garage/storage space; and the **departure** of the total floor area of the second dwelling from 120m² to 170m²; **be approved** in terms of the provisions of Section 61 of the By-Law;
5. 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 and unauthorised land uses on the subject property, **be imposed**, and that an administrative penalty fee of **R10 358.65** be payable within ninety (90) days of this decision; and
6. that the decisions in paragraphs 2. to 4. above be subject to the following conditions:
 - (a) that the approval is only for the development as indicated on Plan no. 2022_22_WD_001_REV dated 2022/09/19, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department, be complied with at that stage;
 - (c) that the number of children be restricted to six (6) per dwelling and one (1) carer per dwelling;
 - (d) that the carers in each building reside on the premises permanently in relation to this planning approval;

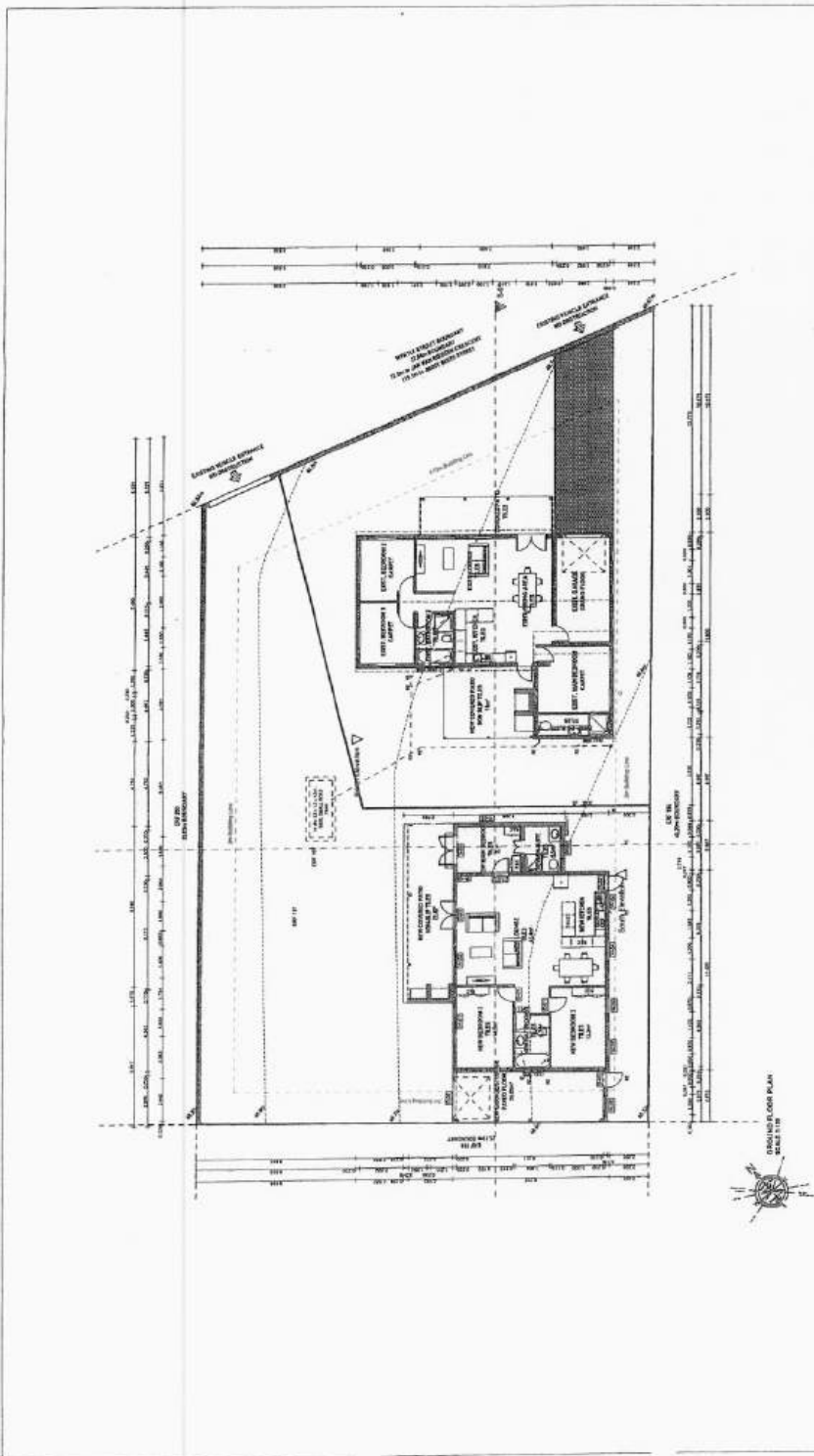
**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

- (e) that the property owner comply with the Department of Social Development legislation;
 - (f) that all the conditions in the Engineering Services Report and Telkom be complied with;
 - (g) that the rates of the property be amended accordingly in terms of the latest rates policy;
 - (h) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with, and
 - (i) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
7. that the applicant and person who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The objection has been adequately responded to.
- ❖ The actual use of the institutional facilities remains for residential purposes and is in line with the residential character of the Sandbaai area.
- ❖ If for any reason that the institutional facilities are no longer in operation, the two dwelling units can immediately and without alterations be utilised for normal residential buildings for housing a single family in each dwelling unit.
- ❖ There is sufficient parking on the property since only one car is utilised by the institution and in the event that the children need to be transported to and from the institution, then transport services are utilised.
- ❖ Adequate services are provided on-site, therefore no additional services are required.
- ❖ The Overstrand Zoning Scheme Regulations have sufficient control measures when it comes to land use and building line parameters.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.
- ❖ 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.
- ❖ That the administrative penalty is imposed; the onus remains on the property owner to ensure their property has the necessary development rights.





PROJ. NO. 1000000000
DATE: 10/10/2010
SCALE: 1/8" = 1'-0"
PROJECT: AS-BUILT DRAWING OF 22 HOLLOWAY DRIVE
CLIENT: HOLLOWAY DRIVE
DESIGNER: DAVE L
DATE: 10/10/2010
PROJECT: AS-BUILT DRAWING OF 22 HOLLOWAY DRIVE
CLIENT: HOLLOWAY DRIVE
DESIGNER: DAVE L
DATE: 10/10/2010

IF IN DOUBT ASK DONT ASK ME

NO.	DESCRIPTION	AREA	PERCENTAGE
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,
CONSENT USE, DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 197, SANDBAAI**

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

3. ERF 249, 52 CREST ROAD, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE CONDITIONS: J DOUGLAS ON BEHALF A AND MV SMIT

249 GPB (4804/2024)

SW van der Merwe

(028) 313 8900

Hermanus Administration

04 April 2025

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 30 August 2024 from J Douglas on behalf of A and MV Smit, owners of Erf 249, Pearly Beach for the following:

- **removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law for removal of conditions B.4(b) and B.4(d) contained in Title Deed T30507/2016.

RESOLUTION

1. that the objections / comments be noted;
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), for the **removal of restrictive title deed conditions** C.4(b) and B.4(d) as contained in title deed T30507/2016 applicable to Erf 249, Pearly Beach, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions;
 - (a) 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;
 - (b) that all the conditions in the Services Report be complied with;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme, and
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

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(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

3. 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 conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The development is consistent with the applicable strategic policy documents.
- ❖ The development is consistent with the planning principles.
- ❖ The development does not detract from the character of the surrounding area.
- ❖ The development does not unacceptably detract from the vested rights of adjoining property owners



**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS: ERF 249, PEARLY BEACH (4804/2024)**

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

Conditions:

1. that the existing water connection to- and sewer conservancy tank on Erf 249 shall be used to service Erf 249;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Gansbaai for written approval;
5. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
6. that any additional and / or extended vehicle entrances will be for the developer's account;
7. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;

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


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

21/02/2025
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

4. ERF 1771, 28 DANEEL STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND AMENDMENT OF THE SITE DEVELOPMENT PLAN: MESSRS WRAP PROJECT OFFICE ON BEHALF OF STANFORD GROCER (PTY) LTD

1771 (4584/2024)

P Roux

(028) 313 8900

Hermanus Administration

27 May 2025

EXECUTIVE SUMMARY

The application has been received on 29 January 2024 on Erf 1771, Stanford 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 accommodate a bottle store on the premises; and
- ❖ **amendment of the site development plan** in terms of Section 16(2)(l) of the By-Law, to accommodate a bottle store and new shop on the property.

RESOLUTION

1. that the objections be noted;
2. that the application for **consent use** in terms of Section 16(2)(o) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 1771, Stanford, to accommodate a bottle store on the premises, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for **amendment of the site development plan** in terms of Section 16(2)(l) of the By-Law, to accommodate a bottle store and new shop on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the recommendation under paragraphs 2. to 5. is subject to the following conditions:
 - (a) that application is approval as indicated on the revised Site Development Plan Option D, dated 19/05/2025;
 - (b) that parking bay 28 and 29 be removed from the revised Site Development Plan and that bollards are placed on Queen Victoria Street to limit the access and egress point;

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

- (c) that a stormwater management plan be submitted indicating the channelling of the storm water correctly;
 - (d) 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;
 - (e) that all the conditions in the Services Report to be adhered to;
 - (f) that all the conditions in the from the Overberg District Health Department be adhered to;
 - (g) that the selling of liquor on the property will be subject to the owner obtaining the necessary Liquor License;
 - (h) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (i) that only signage that complies with the Municipal By-Law on Signage (and the Signage Policy applicable) may be displayed on the premises;
 - (j) that all other development parameters as prescribed in the relevant Zoning Scheme;
 - (k) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
5. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- ❖ Queen Victoria is situated on the main road into Stanford and carries the majority of traffic. The proposed development of the parking and the accessibility of the site from Queen Victoria Street must be carefully considered. This is due to the new and enlarged commercial facilities which will generate more trips and have a greater impact on the use of the road.
- ❖ Comments received are noted which highlights the concerns and issues currently faced with the parking, the comments were taken into consideration, and the applicant revised the layout of the proposed development.

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(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

- ❖ The proposed shops and coffee shop will not be developed which decreases the required amount of parking bays and the number of trips generated.
- ❖ The demolition of the existing dwelling house and carport located on the north-western portion of the property, will allow for adequate vehicular manoeuvrability.
- ❖ Reducing the access/egress points along Queen Victoria Street will reduce the traffic impact at the main entrance of the Stanford area.
- ❖ Due to the history of the site and fact that the property is located within the Stanford Heritage Protection Overlay Zone, it is considered that a parking ratio 5 bays per 100m² be imposed.
- ❖ The subject property is situated within the commercial corridor of Stanford and therefore it is in line with the Overstrand Municipality's SDF and spatial policies.
- ❖ The property is optimally located for the proposed use.
- ❖ The renovation of the building will allow for the property to be updated in order to provide a better visual aspect for visitors and the local community.
- ❖ The change in the parking layout will provide additional relief to the current parking and traffic issues.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE & AMENDMENT OF THE SITE
DEVELOPMENT PLAN: ERF 1771, STANFORD**

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

Conditions:

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

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

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

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

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

The contribution according to the current policy (2024/2025) is as follows:

Freehold erven:

Water	R 27 598.00 x 1.0276799=	R 28 361.91
Sewerage	R 19 725.00 x 1.027680=	R 20 270.99
Roads	R 8 845.00 x 7.246461=	R 64 094.95
TOTAL (inclusive of VAT)	=	<u>R112 727.85</u>

Please note that the above figures:

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

2. that the existing water connection to- and sewer conservancy tank on Erf 1771 shall be used to service Erf 1771;
3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
4. that any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
5. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
6. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
7. that any additional and / or extended vehicle entrances will be for the developer's account;
8. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
9. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

06-08-2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

5. ERF 1944, 24 PUREN WAY, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: MESSRS DAVID HELLIG AND ABRAHAMSE ON BEHALF OF EAM BUHR

1944 GPB (4839/2024)

**SW van der Merwe
2 June 2025**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application, in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) was received on 16 October 2024 from Messrs David Hellig and Abrahamse on behalf of EAM Buhr for the **subdivision** of Erven 1944, Pearly Beach into two portions, namely Portion A approximately 806m² in extent and a Remainder approximately 951m² in extent.

RESOLUTION

1. that the comment be noted;
2. that the application for **subdivision** of Erf 1944, Pearly Beach in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) into two portions, namely Portion A approximately 806m² in extent and a Remainder approximately 951m² 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 subdivision as indicated on *Subdivision Plan dated September 2024, File no. CN29/89* as submitted with the application;
 - (b) that all the conditions in the Services Report be complied with; and
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation;
3. that the applicant / objector 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 proposal is consistent with the SDF.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.
- ❖ The proposal will reinstate the former erf layout.
- ❖ The title deed does not contain restrictive conditions that prohibits subdivision.
- ❖ The character of the area will not be adversely impacted.
- ❖ The proposal will not be to the detriment of vested rights of adjoining properties.

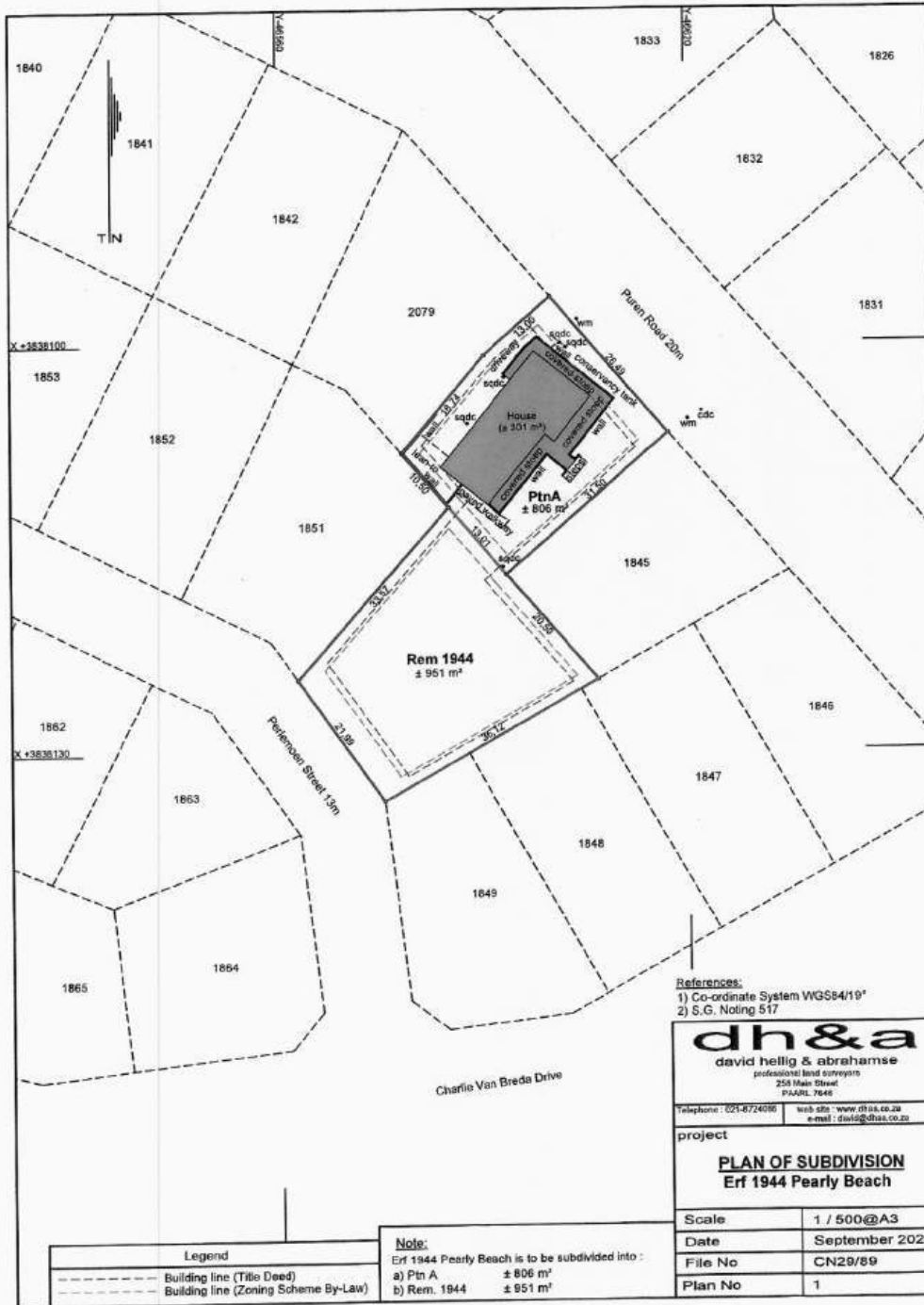


Ref: 1) Certificate of Map WGS 84/19°
 2) S. C. Moore 317
 3) Certificate of Maps DS 3419 DA16
 Photography date : 2022

dn&a
 david hellig & abrahamse
 professional land surveyors
 258 Main Street
 PAOLI, OH 43084

telephone : 614-372-0198 web site : www.dnand.com
 e-mail : dnand@aol.com e-mail : dnand@dnand.com

project	LOCALITY PLAN		
	Ert 1944 Pearty Beach		
Scale	1 / 2000@A3		
Date	September 2024		
File No	CN29/89		
Plan No	2		



References:
 1) Co-ordinate System WGS84/19°
 2) S.G. Noting 517

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 professional land surveyors
 255 Main Street
 PAARL 7648

Telephone : 021-8724080 web site : www.dh&a.co.za
 e-mail : david@dh&a.co.za

project
PLAN OF SUBDIVISION
Erf 1944 Pearly Beach

Scale	1 / 500@A3
Date	September 2024
File No	CN29/59
Plan No	1

Legend	
-----	Building line (Title Deed)
-----	Building line (Zoning Scheme By-Law)

Note:
 Erf 1944 Pearly Beach is to be subdivided into :
 a) Ptn A ± 806 m²
 b) Rem. 1944 ± 951 m²

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR SUBDIVISION: ERF 1944, PEARLY BEACH (4839/2024)**

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

Conditions:

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

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

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

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

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

The contribution according to the current policy (2024/2025) is as follows:

Freehold erven:

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

Please note that the above figures:

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

2. that the existing water connection to Erf 1944 shall be used to service the proposed Portion A or the Remainder of Erf 1944;

2

3. that any part of the existing water and sewer services on Erf 1944 that crosses the common boundary of Portion A and the Remainder of Erf 1944 shall be disconnected and sealed off;
4. that both the Remainder and Portion A of must be serviced with individual and separate water connections which must comply with the standards of the Division: Civil Engineering Services;
5. that the proposed Portion A and Remainder of Erf 1944 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Division: Civil Engineering Services, and to which the sewer services of the individual erven must connect to;
6. that only a standard 60 Amp single phase electricity connection will be available per erf;
7. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
8. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Division: Civil Engineering Services;
9. that any additional and / or extended vehicle entrances will be for the owner's account;
10. that no reservation of on-street parking be allowed.
11. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
12. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

05/12/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

6. ERF 434, 15 PEAK ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF DE TERBLANCHE & SE HOMAN

434 KPRB (4497/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

28 ay 2025

EXECUTIVE SUMMARY

An application has been received on 6 October 2023 from Plan Active Town & Regional Planners on behalf of DE Terblanche & SE Homan on Erf 434, Pringle Bay for the following:

- ❖ **Departure** in terms of Section 16(2)(b), read with Section 17.1.2.(c) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the provision of alternative and additional parking bays within the road reserve in order to deviate from the requirement to accommodate parking on site i.e. nine (9) off-site parking bays.
- ❖ **Determination of an Administrative Penalty** in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorised land use of a parking bay within the road reserve.

RESOLUTION

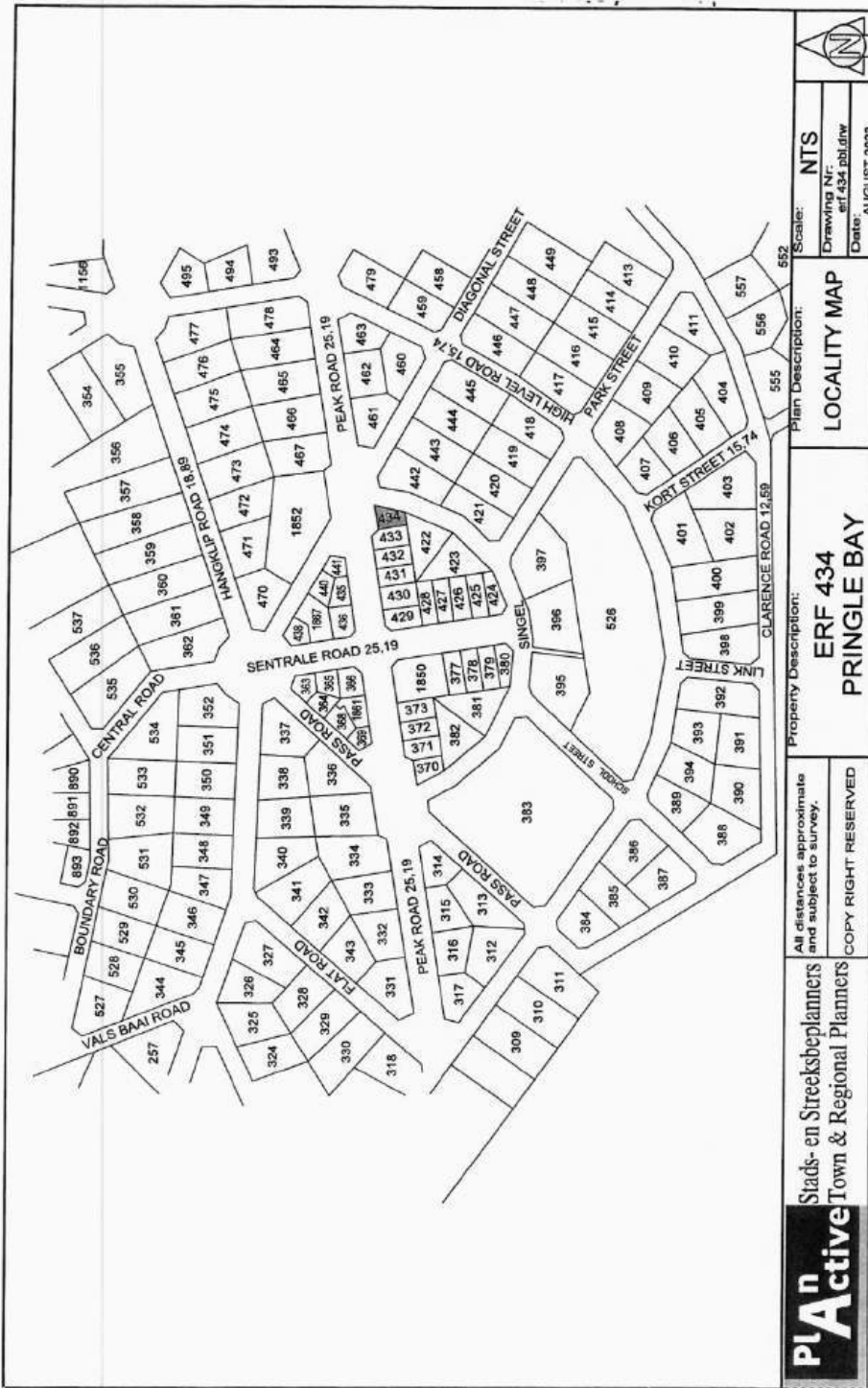
1. Comments / Objections noted;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 read with Section 17.1.2.(c) of the Overstrand Municipality Land Use Scheme, 2020 on Erf 434, Pringle Bay for a departure for the provision of alternative and additional parking bays within the road reserve in order to deviate from the requirement to accommodate parking on site i.e. nine (9) off-site parking bays, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that an amount of **R13 336,00**, be payable for the shortfall of seven (7) parking bays within sixty (60) 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 nine (9) outstanding parking bays;

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- (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
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
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 applicable to Erf 434, Pringle Bay for the unauthorised land use of a parking bay within the road reserve, **not be imposed**.
 4. that the applicant and persons who commented 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 six parking bays on-site. The parking created within the road reserve along the eastern portion of the property results in a more accessible and practical parking layout.
- ❖ The Overstrand Municipality Land Use Scheme makes provision for alternative parking provision for which have been applied.
- ❖ 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.
- ❖ The request for a payment schedule over a year (365 days) not be supported. The business is operating and the parking bays were illegally constructed and that the recommended payment period be reduced to sixty (60) days.
- ❖ The administrative penalty is not applicable due to the cost incur for the buy out of the already built parking bays. The construction was done by the applicant in accordance with the Master Plan and thus is in line with the rest of the CBD parking arrangement.



PLA n Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey.		Property Description: ERF 434 PRINGLE BAY	Plan Description: LOCALITY MAP	Scale: NTS
	COPY RIGHT RESERVED		Drawing Nr: erf.434.pbl.dwg Date: AUGUST 2023		

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF
ADMINISTRATIVE PENALTY, ERF 434, PRINGLE BAY (4497/2023)**

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
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

7. ERF 1177, 56 FULMAR STREET, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING AND DEPARTURE: FUTURE PLAN TOWN AND REGIONAL PLANNERS ON BEHALF OF IS FORTUIN

1177 HVM (4568/2024)

H Olivier

(028) 313 8900

Hermanus Administration

23 April 2025

EXECUTIVE SUMMARY

An application was received on 29 January 2024 from Future Plan Town and Regional Planners on behalf of IS Fortuin on Erf 1177, Vermont in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the following:

- ❖ **Rezoning** of the property in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 from Resort Zone: Holiday Resorts (RZ) to Residential Zone I: Single Residential (SR1), and
- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to relax the lateral building line from 2m to 0m to accommodate the placement of the proposed garage.

RESOLUTION

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the rezoning of Erf 1177, Vermont from Resort Zone: Holiday Resorts (RZ) to Residential Zone I: Single Residential (SR1), **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the mitigation measures as indicated in the Aquatic Biodiversity Risk Assessment dated November 2023 prepared by Delta Ecology (Environmental Specialist), be complied with;
 - (b) that the approval of the Western Cape Government Environmental Affairs and Development Planning: Environmental Branch be obtained prior to any construction taking place;
 - (c) that the approval relates to the proposal as indicated on Plan No. VERM 1177/2024 dated 13/01/2024, excluding the encroachment of the garage over the building line;

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- (d) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (e) that all conditions in the Services Report be complied with;
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (g) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with.
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Erf 1177, Vermont for a departure to relax the lateral building line from 2m to 0m to accommodate the placement of the proposed garage, **not be approved**, in terms of the provisions of Section 61 of the By-Law.
 3. that the following comments be noted:
 - ❖ Western Cape Government Environmental Affairs and Development Planning: Environmental Branch (Annexure G);
 - ❖ Cape Nature (Annexure H);
 - ❖ BOCMA (Annexure I);
 - ❖ Telkom (Annexure J), and
 - ❖ Municipal Environmental Services (Annexure L).
 4. that the applicant and objectors 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 decisions.

REASONS FOR RESOLUTION

POINT 1

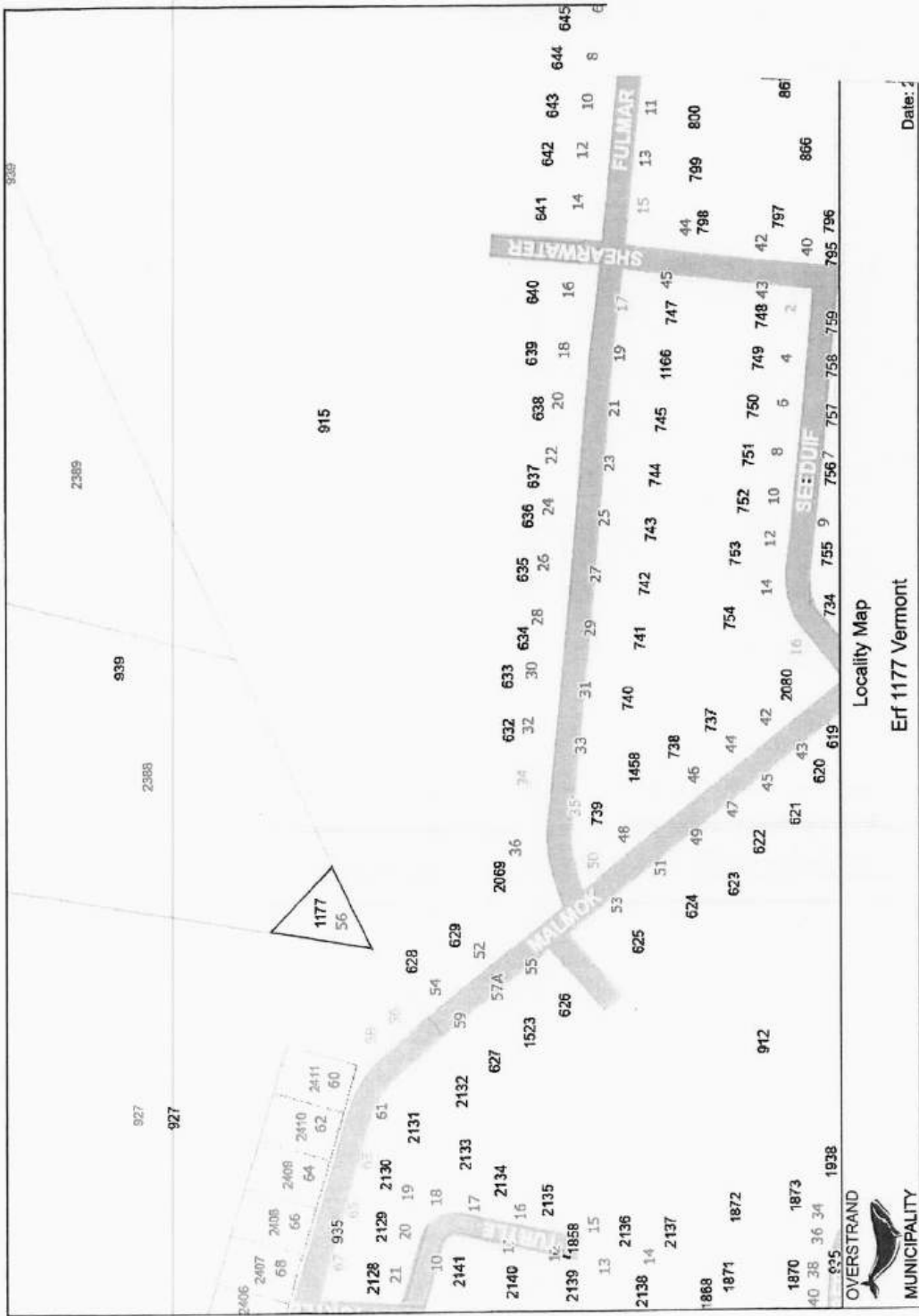
- ❖ All relevant municipal departments and external departments/institutions support the application.
- ❖ The erf is an existing property and has resort development rights and therefore has the right to be serviced and the right to obtain access over the servitude over Erf 915.
- ❖ Concerns/objections raised about the impact on the Vermont pan, the environment and on surrounding neighbours have been addressed, and the above-mentioned conditions and mitigation measures have been stipulated to limit impact.

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- ❖ There are other developed residential properties on the edge of the Vermont Pan, and it is therefore not foreseen that the development would have a negative impact on the character the area.
- ❖ The application will have no Heritage impact.
- ❖ The application is in line with the general principles of SPLUMA and LUPA as this development will be spatially sustainable as it will create another housing opportunity and will not lead to urban sprawl.
- ❖ The Overstrand Municipality Spatial Development Framework, 2020 identifies this area as a sensitive development area, which means it can be developed in line with the measures as stipulated in the EMOZ to manage development.
- ❖ The applicant submitted an Aquatic Biodiversity Risk assessment in support of the application (with mitigating measures) and BOCMA supports the application

POINT 2

- ❖ The proposed encroachment could impact some views to the lagoon from Erf 628, Vermont.
- ❖ A double garage can be constructed up to the ground floor of the dwelling, or a separate single garage, without traversing the building line, which would also provide more space for manoeuvrability on the erf for vehicles to leave the property in first gear.
- ❖ It is a privilege to construct structures over building lines, and the property owner has other options to construct a garage within building lines.



OVERSTRAND
MUNICIPALITY

Locality Map
Erf 1177 Vermont

Date: 2

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING & DEPARTURE: ERF 1177, VERMONT
(4568/2024)**

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 a servitude be registered in the favour of Erf 1177 Vermont over Erf 927 and/or Erf 628 at the owner's cost;
2. that the proposed servitude be utilised to provide road access and accommodate municipal engineering link services between Erf 1177 Vermont and Malmok Crescent at the owner's cost;
3. that Erf 1177 Vermont be provided with a suction point for the sewer conservancy tank in Malmok Crescent. The proposed suction point must be accessible to municipal sewer trucks;
4. that Erf 1177 Vermont connect to the municipal water network in Malmok Crescent, utilising the proposed servitude.
5. that the cost of all municipal engineering link services will be for the owner's account.
6. That all solid waste be placed in the road reserve of Malmok Crescent on collection day, for removal.
7. that the developer investigates 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, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Hermanus Engineering Services for written approval;
9. that any additional and / or extended vehicle entrances will be for the owner's account;
10. that no reservation of on-street parking be allowed;

2

11. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
12. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

07/08/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

8. ERF 1446, SIFFIE CRESCENT, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, SUBDIVISION, ALLOCATION OF STREET NAMES AND ESTABLISHMENT OF A HOMEOWNER'S ASSOCIATION: WRAP PROJECT OFFICE ON BEHALF OF JP VAN GEMERT TESTAMENTARY TRUST

1446 HVM (4552/2023)

H Olivier

(028) 313 8900

Hermanus Administration

5 May 2025

EXECUTIVE SUMMARY

An application has been received on 11 December 2023 from WRAP Project Office Consultancy on behalf of JP van Gemert Testamentary Trust on Erf 1446, Vermont in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the following:

- ❖ **Rezoning** in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 from Residential Zone 1: Single Residential (SR1) to Subdivisional Area (SA);
- ❖ **Subdivision** in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 into:
 - 19 Residential Zone 1: Single Residential (SR1) erven,
 - 14 General Residential Zone 1: Town Housing (GR1) erven,
 - 1 Open Space Zone 2: Public Open Space (OS2) erf, and
 - 1 Transport Zone 2: Road and Parking (TR2) erf,
- ❖ **Allocation of street names** (Francolin Close and Janfrederik Close as proposed) in terms of Section 96 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020; and
- ❖ **Establishment of a Homeowners Association** in terms of Section 31 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020.

RESOLUTION

1. that the objections 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 for the **rezoning** of Erf 1446, Vermont from Residential Zone 1: Single Residential (SR1) to Subdivisional Area (SA), **be approved**, in terms of the provisions of Section 61 of the By-Law;

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3. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the **subdivision** of the Subdivisional Area (SA) into the following:

- ❖ 19 Residential Zone 1: Single Residential (SR1) erven,
- ❖ 14 General Residential Zone 1: Town Housing (GR1) erven,
- ❖ 1 Open Space Zone 2: Public Open Space (OS2) erf, and
- ❖ 1 Transport Zone 2: Road and Parking (TR2) erf,

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

4. that the approvals in Points 2 – 3 be subject to the following conditions:
- (a) that approval is for the development as indicated on Plan numbers 23.129 (001)- Plan 5.1;5.2 and Plan 6 dated 5 December 2023;
 - (b) that a minimum of two (2) parking bays be provided on each erf, to municipal standards and satisfaction;
 - (c) that the approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (d) that the Architectural Design Guidelines in line with Land Use Scheme parameters, be submitted for the development to address the style of the houses that will be constructed, to the satisfaction of the Building Control department;
 - (e) that all conditions in the Services Report be complied with;
 - (f) that all the conditions of Telkom be complied with;
 - (g) that all the conditions imposed by Western Cape Government: EADP (Environment) - ROD be complied with;
 - (h) that a Homeowners Association be established with compulsory membership for all property owners within the development;

**AGENDA of the
Portfolio Committee : Planning & Development
19 August 2025
(Also the agenda for the Mayoral Committee Meeting : 26 August 2025)**

- (i) that the Constitution of the Homeowners Association be submitted for approval by the Municipality (which reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
 - the approval of building plans by an “estate architect” prior to submission thereof the Municipality, and
 - that the Constitution clarifies at what stage the responsibility would be transferred from the developer to the Homeowners Association to deal with approval of plans.

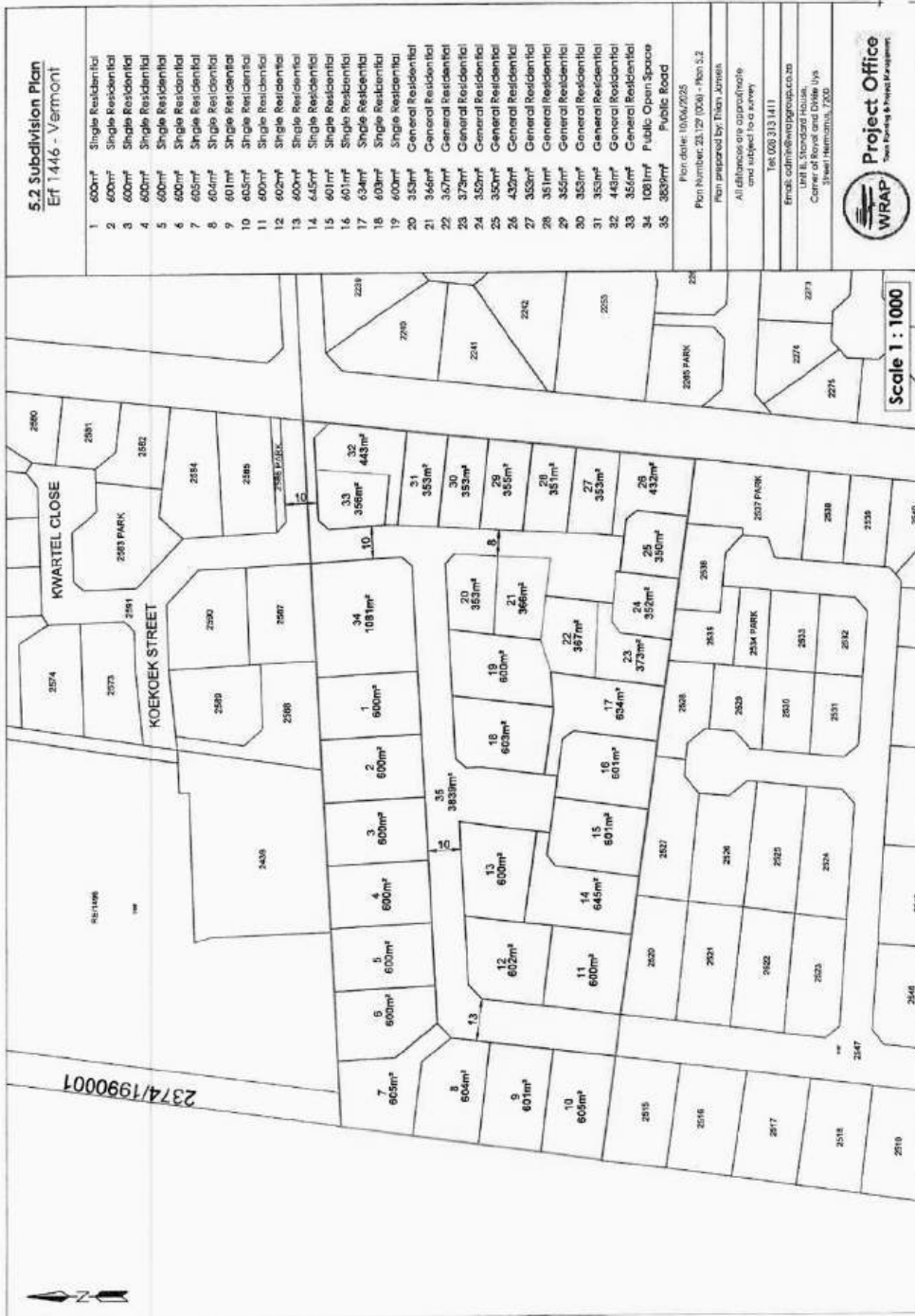
- 5. that the application in terms of Section 96 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the allocation of a street name (Francolin Close and Janfrederik Close) to the new streets in the development, **be approved** in terms of the provisions of Section 61 of the By-Law, and

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

REASONS FOR RESOLUTION

- ❖ The objections received regarding impact on road infrastructure and traffic was addressed by the applicant and the Municipal Engineering Services Branch supports the application.
- ❖ The street names are in keeping with the surrounding street names.
- ❖ All relevant state and municipal departments support the application.
- ❖ The application will have low impact on the surrounding area.
- ❖ The Municipal SDF, 2020 earmarks the area for Urban Development.
- ❖ The Overstrand Municipality Growth Management Strategy, 2010 earmarks this area for status quo, and this development is in line with surrounding developments.
- ❖ The application is in line with the General Principles in that it would not lead to urban sprawl and existing surrounding services will be utilised more efficiently.
- ❖ The application will not have a negative impact on the character of the area.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, SUBDIVISION, THE ALLOCATION OF STREET
NAMES & ESTABLISHMENT OF OWNER'S ASSOCIATION: ERF 1446,
VERMONT (4552/2023)**

Stormwater (SW) :	According to the master plan by the developer
Electricity :	Eskom supply area
Water :	According to GLS Report / SLA
Sewer :	According to GLS Report / SLA
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 (2024/2025) is as follows:

Freehold erven:

Water	R 27 598.00 x 29.2 =	R 805 861.60
Sewerage	R 19 725.00 x 29.2 =	R 575 970.00
Stormwater	R 10 205.00 x 3.49=	R 35 615.45
Solid Waste	R 1 769.00 x 32 =	R 56 608.00
Road	R 8 845.00 x 32 =	<u>R 283 040.00</u>
TOTAL (inclusive of VAT)	=	R1 757 095.05

Note:

- 1.1 The above figures are estimates

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 CESA
 - 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), SANS 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 CESA 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 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;
15. that the above stormwater management plan include the following:
 - 15.1. pre-development run-off from the catchment area;
 - 15.2. post-development run-off from catchment area;
 - 15.3. existing stormwater reticulation system and the capacity thereof;
 - 15.4. connection of internal stormwater reticulation system; overland escape routes;
16. that the connection to the stormwater reticulation system be provided according to the stormwater management plan, by the developer and approved by Overstrand Municipality;
17. that the water reticulation system of the development be connected to the existing 100mm diameter water pipe in Little Swift Close as by messers GLS report;
18. that the sewer reticulation system of the development be connected to the existing municipal systems by link services a section of OHS 11.12 and OHS 11.13 b as by messers GLS report;
19. that no off-street parking will be allowed;
20. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.



RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

30/07/2024
DATE