

PORTFOLIO COMMITTEE :

PLANNING & DEVELOPMENT

Chairperson :

Cllr C Lerm

Committee Members :

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

PLANNING & DEVELOPMENT PORTFOLIO COMMITTEE

4 February 2025

I N D E X

ITEM
NO

PAGE
NUMBER

OPENING AND WELCOME

APPLICATIONS FOR LEAVE OF ABSENCE

CONFIRMATION OF MINUTES

STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE
CHAIRPERSON

- | | | |
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CONSIDERED IN TERMS OF DELEGATED AUTHORITY: SEPTEMBER 2024 –
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**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**1.
PLANNING & DEVELOPMENT REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: SEPTEMBER 2024 –
DECEMBER 2024**

**R Kuchar Divisional Manager: Town & Spatial Planning
31 December 2024**

(028) 3138900

1. Executive Summary

To report on applications disposed of by the Authorised Official and Municipal Planning Tribunal in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 2 September 2024 – 31 December 2024.

2. Service Delivery and Budget Implementation Plan - IGNITE

Planning & Development
Town and Spatial Planning

3. Compliance with Strategic Priorities

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

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background

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

7. Financial Implications

None

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8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION:

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 2 September 2024 – 31 December 2024:

- | | | |
|-----|--|-------------------|
| 1. | Erf 4230, 4 De Chatillon Crescent, Onrustrivier, Hermanus | 2 September 2024 |
| 2. | Erf 4683, 29 Dolphin Street, Northcliff, Hermanus | 3 September 2024 |
| 3. | Erf 10527, 10528, 10529, 10530 & 10531, Church Street, Westcliff, Hermanus | 5 September 2024 |
| 4. | Erf 1885 & 1886, Franskraalstrand | 12 September 2024 |
| 5. | Erf 2914, 57 Atlantic Drive, Onrustrivier | 13 September 2024 |
| 6. | Erf 3845, 19 Jacobus Geldenhuys Street, Onrustrivier, Hermanus | 16 September 2024 |
| 7. | Erf 9935, Fernkloof Drive, Eastcliff, Hermanus | 16 September 2024 |
| 8. | Erf 4887, 4 Fourth Avenue, Voëlklip, Hermanus | 26 September 2024 |
| 9. | Erf 3294, 203 Eighth Street, Voëlklip, Hermanus | 26 September 2024 |
| 10. | Erf 6680, 33 Sixth Street, Voëlklip, Hermanus | 26 September 2024 |
| 11. | Erf 875, 14 Ponte Haupt Street, Stanford | 26 September 2024 |
| 12. | Erf 2821, 4 Duinegans Street, Gansbaai | 26 September 2024 |
| 13. | Erf 411, 13 De Goede Street, Westcliff, Hermanus | 30 September 2024 |
| 14. | Erf 1016, 85 Main Road, Sandbaai, Hermanus | 30 September 2024 |
| 15. | Erf 6711, 306 Main Road, Eastcliff, Hermanus | 7 October 2024 |
| 16. | Erf 4949, 3 Musson Street, Eastcliff, Hermanus | 7 October 2024 |
| 17. | Erf 854, 9 Ganet Road, Vermont, Hermanus | 10 October 2024 |
| 18. | Erf 615, 33 Malmok Crescent, Vermont, Hermanus | 11 October 2024 |
| 19. | Remainder ptn 12 of the Farm 672 Sondagskloof | 23 October 2024 |
| 20. | Portion 20 of Farm Kleyn Hagel Kraal No. 321, Caledon Division | 23 October 2024 |
| 21. | Portion 3 of the Farm Hemel en Aarde No. 587, Caledon Division | 25 October 2024 |
| 22. | Erf 768, 88 De Villiers Street, Sandbaai, Hermanus | 25 October 2024 |

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23.	Erf 8173, 22 Sandpiper Street, Hemel & Aarde Estate, Hermanus	25 October 2024
24.	Remainder Erf 2834 and unregistered Erf 2837, Sandbaai (De Zandt Village), Hermanus	25 October 2024
25.	Erf 2438, 11 Albatros Street, Gansbaai	11 October 2024
26.	Erf 7359, 25 Kwaiwater Road, Eastcliff, Hermanus	5 November 2024
27.	Erf 5747, 5 Fernkloof Drive, Hermanus Heights, Hermanus	11 November 2024
28.	Erf 1781, 1 Amber Avenue, Vermont, Hermanus	12 November 2024
29.	Erf 737, 44 Malmok Crescent, Vermont, Hermanus	12 November 2024
30.	Erf 3005, 83 Atlantic Drive, Onrustrivier, Hermanus	12 November 2024
31.	Erf 7018, 101 Third Avenue, Kleinmond	12 November 2024
32.	Erf 3463, Flagship Street, Erf 3533, R43 Provincial Road and Remainder Erf 3464, 3 Pennant Street, Flagship Business Park, Hawston, Hermanus	12 November 2024
33.	Erf 506, Pringle Bay	13 November 2024
34.	Erf 6063, 359 Main Road, Eastcliff, Hermanus	22 November 2024
35.	Erf 1245, 3 Riverside Lane, Stanford	22 November 2024
36.	Erf 7189, 8 Sixth Street, Voëlklip, Hermanus	22 November 2024
37.	Portion 34 of Farm Rocklands No. 633, Caledon Division	25 November 2024
38.	Erf 1368, 4 Compacta Street, Stanford	25 November 2024
39.	Erf 1821, 21 Hemel-en-See Lane, Vermont, Hermanus	3 December 2024
40.	Erf 2963, 13 Protea Street, Onrustrivier, Hermanus	3 December 2024
41.	Erf 897, 16 Ganet Road, Vermont, Hermanus	3 December 2024
42.	Erf 3133, 30 Dempers Street, Onrustrivier, Hermanus	4 December 2024
43.	Erf 486, 14 De Wet Street, Gansbaai	6 December 2024
44.	Erf 12816, 229 Eleventh Street, Voëlklip, Hermanus	10 December 2024
45.	Erf 5493, 208 Main Road, Eastcliff, Hermanus	10 December 2024
46.	Erf 1278, 19 Kleine Street, Stanford	11 December 2024
47.	Erf 4040, 8 Ferraria Road, Betty's Bay	12 December 2024
48.	Portion 1 of the Farm No. 985, Caledon Division	12 December 2024
49.	Portion 165 of the Farm Baardskeerderbos No. 213, Bredasdorp Division	30 December 2024

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 4 October, 31 October and 28 November 2024:

1.	Erf 576, 42 Flying Dutchman Way, Fisherhaven	4 October 2024
2.	Erf 121, 51 The Crescent, Fisherhaven	4 October 2024
3.	Erf 775, 13 Shearwater Crescent, Vermont	4 October 2024
4.	Erf 9807, 183 Main Road, Eastcliff, Hermanus	4 October 2024

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5.	Erf 878, 48 Mitchell Street, Eastcliff, Hermanus	4 October 2024
6.	Erf 896, 191 Main Road, Eastcliff, Hermanus	4 October 2024
7.	Erf 1169, 5 Dirkie Uys Street, Sandbaai, Hermanus	4 October 2024
8.	Erf 214, 129 Jan van Riebeeck Crescent, Sandbaai	4 October 2024
9.	Erf 37, 47 Marine Drive, Birkenhead	4 October 2024
10.	Erf 38, 49 Marine Drive, Birkenhead	31 October 2024
11.	Erf 6119, Marine Drive, Northcliff, Hermanus	31 October 2024
12.	Erf 124, 20 Service Road, Fisherhaven	31 October 2024
13.	Erf 23, 4 Cowrie Street, Sandbaai, Hermanus	31 October 2024
14.	Erf 425, Corner of Jingi Street and Mfundo Street, Zwelihle	31 October 2024
15.	Remainder of Erf 4173, 10 Village Lane, Hemel & Aarde Village	31 October 2024
16.	Remainder of Erf 1253, Fairways Avenue, Eastcliff	31 October 2024
17.	Portion 74 of Farm 213, Baardskeedersbos	28 November 2024
18.	Erf 726, 72 Buffels Road, Pringle Bay	28 November 2024
19.	Erf 7182, 39 Marine Drive, Westcliff	28 November 2024
20.	Erf 338, 4 Hotel Crescent, Rooiels	28 November 2024

RESPONSIBLE OFFICIAL : L TAYLOR

TARGET DATE FOR IMPLEMENTATION : 25 FEBRUARY 2025

TARGET DATE TO INFORM APPLICANT : N/A

TARGET DATE TO INFORM OBJECTOR : N/A

**AGENDA of the
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4 February 2025
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1.

**PLANNING & DEVELOPMENT REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: SEPTEMBER 2024 –
DECEMBER 2024**

**R Kuchar Divisional Manager: Town & Spatial Planning
31 December 2024**

(028) 313 8900

**THIS MATTER SERVED BEFORE THE PLANNING & DEVELOPMENT PORTFOLIO
COMMITTEE ON 4 FEBRUARY 2025, WHICH COMMITTEE SUPPORTED THE
RECOMMENDATION**

RESPONSIBLE OFFICIAL :

L TAYLOR

TARGET DATE FOR IMPLEMENTATION :

25 FEBRUARY 2025

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

**AGENDA of the
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1. ERF 4230, 4 DE CHATILLON CRESCENT, ONRUSRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE ON BEHALF OF T ESTERHUYSE

4230 HON (4587/2024)

H Olivier

(028) 313 8900

Hermanus Administration

26 June 2024

EXECUTIVE SUMMARY

An application has been received on 27 March 2024 from Engelbrecht & Scorgie Architectural Office on behalf of T Esterhuysen on Erf 4230, Onrustrivier for the following:

- Departure in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the northern lateral building line from 2m to 0m to accommodate the existing as built braai structure, and the relaxation of the western rear building line from 2m to 1,83m to accommodate a portion of the existing dwelling that encroaches the subject building line.
- 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 above-mentioned encroachments over building lines on the property.

RESOLUTION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4230, Onrustrivier for a departure to relax the northern lateral building line from 2m to 0m to accommodate the existing as built braai structure, and the relaxation of the western rear building line from 2m to 1,83m to accommodate a portion of the existing dwelling that encroaches the subject building line, **be approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
 - (a) that this approval is only for the departure of building lines and is not an approval in terms of any other legislation;
 - (b) that the approval for the departure is only for the development over for the building lines as indicated on plan number J1259-01 dated 8 December 2023, submitted with the application;

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- (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (f) that all the conditions in the Services Report, be complied with;
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 4230, Onrustrivier for the unauthorized encroachments of the portion of the dwelling and built braai over building lines on the property was considered and that an administrative penalty of **R5 253**, be imposed which penalty must be paid within thirty (30) days from the final date of the decision of the application.
 3. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

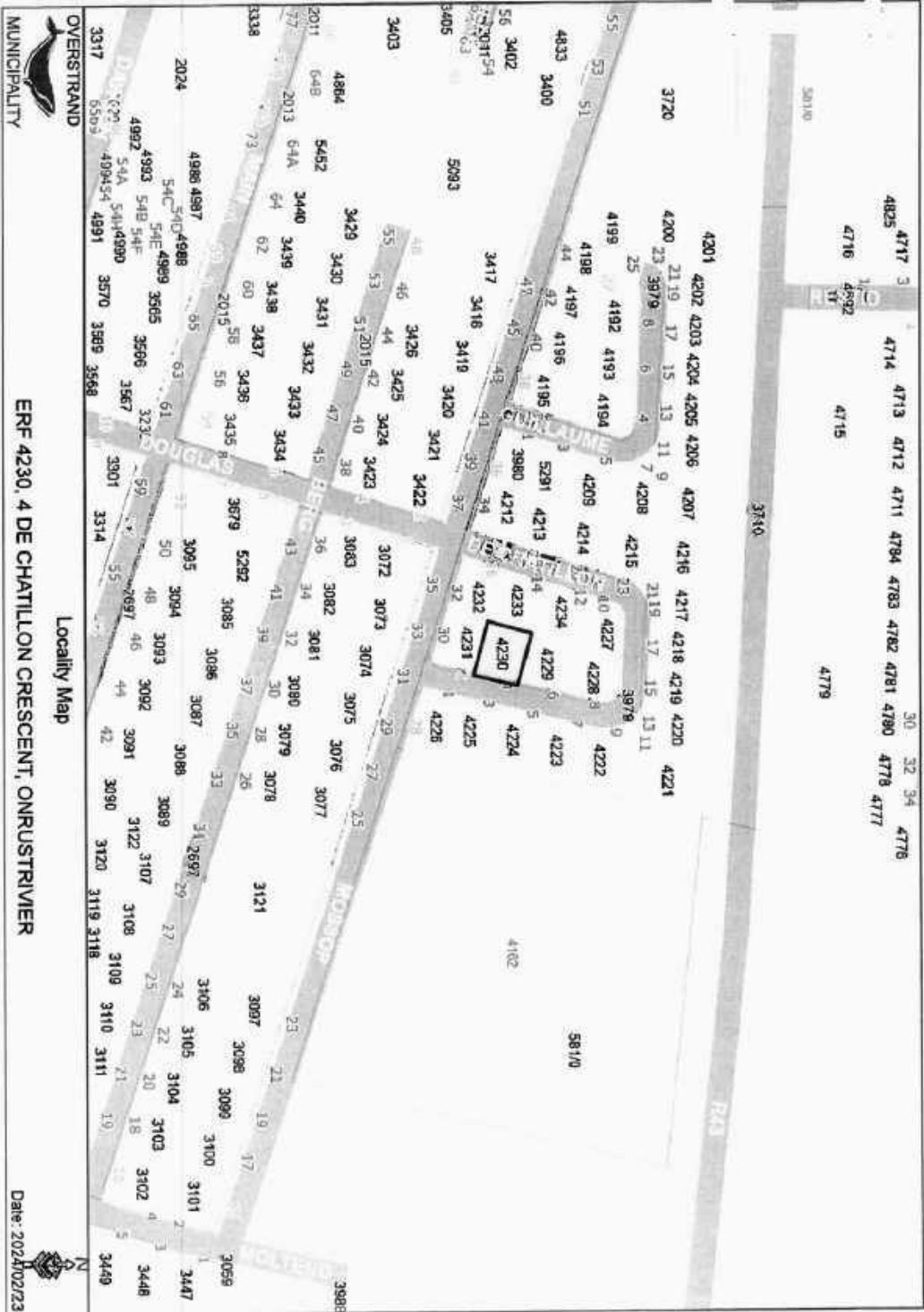
REASONS FOR RESOLUTION

POINT 1

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ No objections were received from surrounding neighbours or Municipal Departments.
- ❖ Only a small portion of the dwelling and a built braai structure encroaches building lines, which is a minor encroachment.
- ❖ The structures are existing and do not have a negative impact on neighbours and or have changed the character of the area, and is desirable.

POINT 2

- ❖ The existing property owner did not construct the illegal work, but each property owner should when purchasing a property ensure that all structures on the property are legal. It is minor structures and therefore a reduced administration fee is imposed.



NOTES

- 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 2. THE ARCHITECT ASSUMES RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE DESIGN OF THE BUILDING.
- 3. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OF THE STRUCTURE OR THE FOUNDATION.
- 4. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OF THE MECHANICAL, ELECTRICAL AND PLUMBING SYSTEMS.
- 5. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OF THE INTERIOR FINISHES.
- 6. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OF THE EXTERIOR FINISHES.
- 7. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OF THE LANDSCAPE ARCHITECTURE.
- 8. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OF THE TRAFFIC ENGINEERING.
- 9. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OF THE ENVIRONMENTAL ENGINEERING.
- 10. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OF THE HISTORICAL PRESERVATION.
- 11. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OF THE ARCHITECTURAL HISTORY.
- 12. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OF THE ARCHITECTURAL RECORDING.
- 13. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OF THE ARCHITECTURAL MONITORING AND EVALUATION.
- 14. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OF THE ARCHITECTURAL RESEARCH.
- 15. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OF THE ARCHITECTURAL THEORY.
- 16. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OF THE ARCHITECTURAL PRACTICE.
- 17. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OF THE ARCHITECTURAL EDUCATION.
- 18. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OF THE ARCHITECTURAL HISTORY AND THEORY.
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- 50. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OF THE ARCHITECTURAL HISTORY AND THEORY.

SECTION B-B
Scale: 1/8" = 1'-0"

SECTION C-C
Scale: 1/8" = 1'-0"

BRAAJI FACE ELEVATION
Scale: 1/8" = 1'-0"

ERF 4232 **ERF 4233** **ERF 4230** **ERF 4234** **ERF 4229**

ASBESTOS BOUNDARY LINE **38.75m Boundary Line** **38.75m Boundary Line** **38.75m Boundary Line**

SITE AND ROOF PLAN
IS CASTILLON CREEKWAY
Scale: 1/16" = 1'-0"

FLOOR PLAN
IS CASTILLON CREEKWAY
Scale: 1/16" = 1'-0"

BRANDS AND MANUFACTURERS:

ITEM	DESCRIPTION	MANUFACTURER
1	ROOFING	...
2
3
4

REGULATORY & DESIGN:

PROJECT NO.	DATE	SCALE
...

REGULATORY & DESIGN:

PROJECT NO.	DATE	SCALE
...

REGULATORY & DESIGN:

PROJECT NO.	DATE	SCALE
...

REGULATORY & DESIGN:

PROJECT NO.	DATE	SCALE
...

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 4230, ONRUS RIVER (4587/2024)**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

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2. ERF 4683, 29 DOLPHIN STREET, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF DE BRUIN FAMILY TRUST

4683 HNC (4446/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

9 July 2024

EXECUTIVE SUMMARY

An application has been received on 29 July 2023 from WRAP Project Office on behalf of De Bruin Family Trust 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 condition C.4. as contained in Title Deed T57340/2007 of the property to accommodate the proposed new braai and carport.

The restrictive title deed conditions read as follows:

“C. SUBJECT to the following conditions contained in the said Deed of Transfer Number T7714/1945, imposed by the Administrator of the Cape Province in approving of Hermanus Township (Extension No. 4):-

“As being in favour of the registered owner of any erf in the Township and subject to amendment of alteration by the Administrator under the provisions of Section 18(3) of Ordinance No.33/1934:-

- 4. That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 2,20m metres of the lateral boundary common to any adjoining erf.”*

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

- Relaxation of the rear building line from 2m to 0.2m for the new built in braai,
- Relaxation of the rear building line from 2m to 1.06m for the new covered braai area,

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- Relaxation of the rear building line from 2m to 0.426m for the new covered carport, and
 - Relaxation of the north-western building line from 2m to 0.467m for the new covered carport.
- ❖ **Determination of Administrative Penalty** in terms of Section 16(2)(q) of the Overstrand Municipal By-Law on Municipal Planning, 2020 for the determination of an administrative penalty for the illegal additions 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 4683, Hermanus for the removal of restrictive title deed condition C.4. as contained in Title Deed T57340/2007 of the property to accommodate the proposed new braai and carport, **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 4683, Hermanus for a departure to relax the rear building line from 2m to 0,2m and 1,06m, respectively and height of the braai and chimney to 3,354m in height to accommodate the braai-in and braai area on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4683, Hermanus for a departure of the total amount of structures transgressing more than a third or 9m of a boundary length, 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 on Erf 4683, Hermanus for a departure to relax the rear and lateral building line from 2m to 0,426m and 0,467m, respectively to accommodate the carport, be partially approved, in terms of the provisions of Section 61 of the By-Law;
5. that the approvals in Points 2, 3 and 4 above be subject to the following conditions:
 - (a) that the approval be limited to the building/structures as per Plan J1198-01, submitted with this application read in conjunction with the approval, with the exception of the carport

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- (b) that the carport be re-located next to the existing carport;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (d) that the amended title deed be submitted for record purposes to the Municipality;
 - (e) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (g) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (h) that all the conditions in the Services Report, be complied with.
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 4683, Hermanus for the illegal additions on the property as stipulated above, **be imposed**, and that an administration penalty fee of **R9 103,70**, be payable within thirty (30) days of the decision.
7. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

POINT 1: Removal of restrictive conditions

- ❖ 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: Braai area and Braai

- ❖ The proposed development will have minimal impact on the character of the area
- ❖ The land uses are in line with normal residential uses e.g. braai area.

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- ❖ The uses are for the owner's own use, thus limiting any privacy and noise pollution.
- ❖ The braai area does provide a buffer between Erven 4683 and 6128, due to the slope of the area.
- ❖ None of the residents objected to the application. However, the owner of Erf 6128 did indicate that it is only approving the structures as requested and for no other structures.

POINT 3: Carport

- ❖ The partial approval relates to the location of the applied carport, due to manoeuvrability of vehicles to park the trailer.
- ❖ The distance between the wall and the existing carport is insufficient to manoeuvre the trailer.
- ❖ Sufficient space is available on the erf; thus, the location of the proposed carport can easily be accommodated away from the rear boundary.
- ❖ The carport compounds the excessive transgressions over the rear building line which is not related to the internal flow of the dwelling.

POINT 4: Administrative penalty

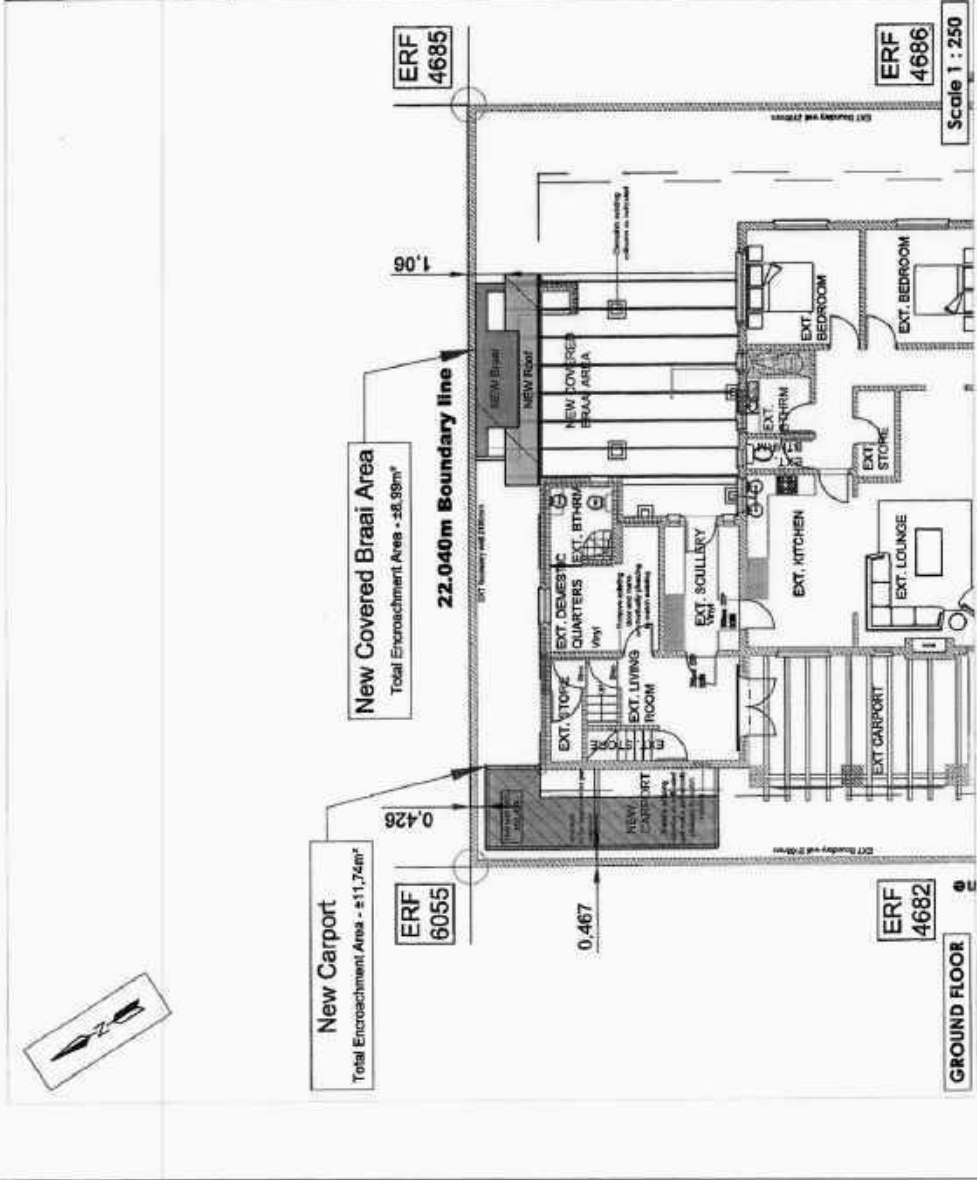
- ❖ The carport can be legalized with neighbour's consent of which the owner did obtain.
- ❖ The braai area and built-in braai are calculated due to its locality and height on the rear boundary



4.2 Site Plan Erf 4683 - Hermanus	Extent - 768m ² Total Building Extent - 328.13m ² Coverage - 16.53%
--------------------------------------	--

Plan prepared by: Mike Jensen
All dimensions approximate
and subject to a survey
To: 028 313 1471
Email: enquiries@wrap.co.za
Unit 8, Harbour House, Corner of Rysd and Daley Lys
Hemel Hempstead, 726

Project Office
New Building & Project Management
WRAP



Scale 1 : 250

GROUND FLOOR

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,
DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF
4683, NORTHCLIFF (4446/2023)**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

- 3. ERVEN 10527, 10528, 10529, 10530 & 10531, CHURCH STREET, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF STELLENHOME (PTY) LTD & MARINERS VILLAGE HOMEOWNER'S ASSOCIATION**

10527, 10528, 10529, 10530 & 10531 HWC (4651/2024)

**B Minnaar (028) 313 8900 Hermanus Administration
23 August 2024**

EXECUTIVE SUMMARY

An application has been received on 03 May 2024 from Messrs Plan Active Town and Regional Planners on behalf of Stellenhome (PTY) LTD & Mariners Village Homeowners' Association applicable to Erven 10527, 10528, 10529, 10530 & 10531, Hermanus in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 (By-Law) for a departure from the prescribed height restriction applicable to boundary wall from 2.1m to 3.3m.

RESOLUTION

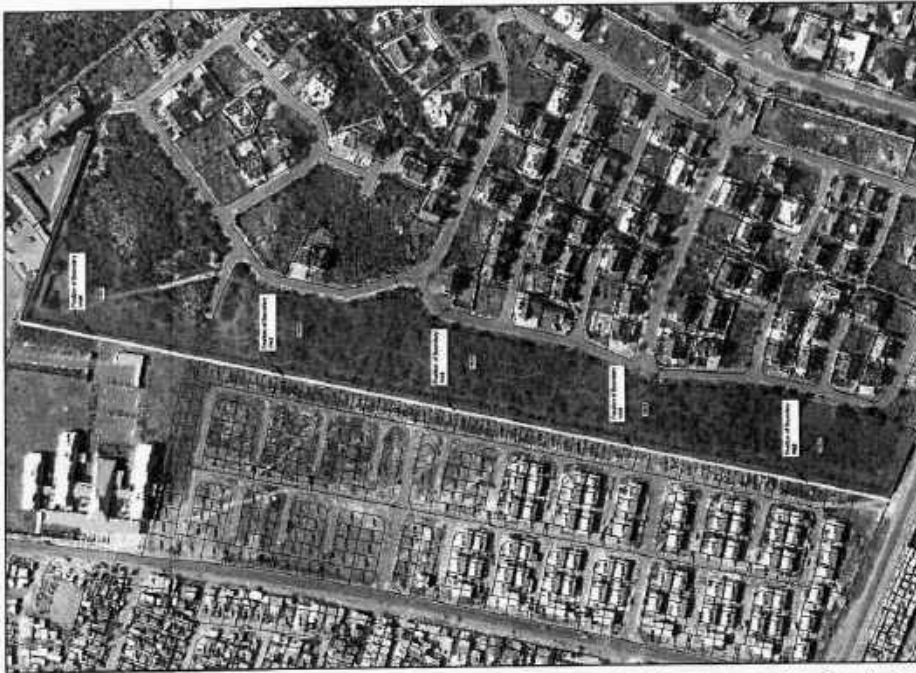
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erven 10527, 10528, 10529, 10530 & 10531, Hermanus for a departure to exceed the boundary wall height restriction from 2.1m to 3.3m, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development of the wall height encroachment as indicated on the site plan *156 A112* dated *08 May 2024* as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control be complied with;
 - (c) that all the conditions in the Engineering Services Report and Telkom be complied with;
 - (d) that this approval does not absolve the applicant from compliance with all other development parameters as prescribed in the relevant Zoning Scheme and any other relevant legislation;

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

REASONS FOR RESOLUTION

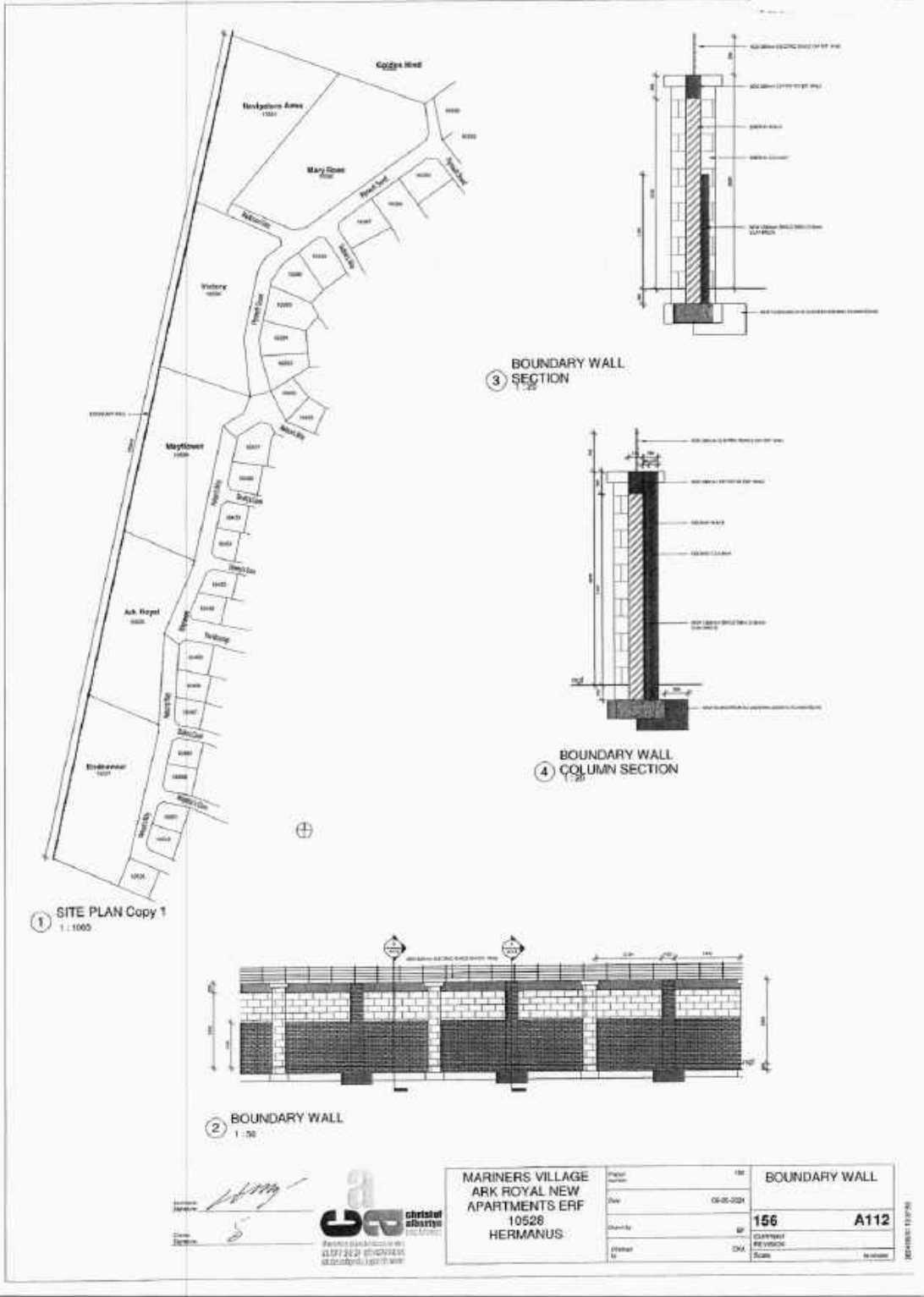
- ❖ Does not jeopardize character of area.
- ❖ No restrictive title deed conditions.
- ❖ Increased safety and privacy.
- ❖ No objections received.
- ❖ No additional services are required.



POSITION OF BOUNDARY WALL IN QUESTION

<p>PLAn Active Town & Regional Planners</p> <p>Studio of Streetsplanners Town & Regional Planners</p>	<p>LOCALITY MAP AND POSITION OF BOUNDARY WALL</p> <p>ERVEN 10527 TO 10531 HERMANUS</p>	<p>SCALE: NTS</p> <p>DATE: 28-04-2014</p>
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LOCALITY MAP



Drawn: *[Signature]*
 Checked: *[Signature]*
 Date: *[Date]*
 Scale:



MARINERS VILLAGE ARK ROYAL NEW APARTMENTS ERF 10528 HERMANUS		Project Number: 156 Date: 09-05-2024 Discipline: EP Drawing No: 0112 Scale:	BOUNDARY WALL 156 A112 DRAWING REVISION Scale:
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09/05/2024 10:27:54

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERVEN 10527 - 10531, MARINERS VILLAGE,
WESTCLIFF (4651/2024)**

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
PRINCIPAL ENGINEER: PROJECT MANAGEMENT
INFRASTRUCTURE SERVICES

05/07/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

4. ERVEN 1885 AND 1886, FRANSKRAALSTRAND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND ALLOCATION OF STREET NAMES: MESSRS WRAP PROJECT OFFICE ON BEHALF OF STARCROW 111 CC AND THE OVERSTRAND MUNICIPALITY

1885 & 1886 GFK (4390/2023)

SW van der Merwe

(028) 313 8900

Hermanus Administration

6 August 2024

EXECUTIVE SUMMARY

An application has been received on 16 May 2023 from Messrs WRAP Project Office on behalf of Starcrow7 111 CC and Overstrand Municipality on Erven 1885 and 1886, Franskraal in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the following:

- ❖ **consolidation** in terms of Section 16(2)(e) of the By-Law, of Erven 1885 and 1886, Franskraal, to create a consolidated property of approximately 30 432m² (3,0432 ha) in extent;
- ❖ **rezoning** in terms of Section 16(2)(a) of the By-Law, to rezone the consolidated property from Undetermined Zone (U) to Subdivisional Area Zone (SA);
- ❖ **subdivision** in terms of Section 16(2)(d) of the By-Law, to subdivide the consolidated property into fifty-seven (57) General Residential Zone 1: Town Housing (GR) erven, four (4) Open Space Zone 3: Private Open Space (OS3) erven and one (1) Transport Zone 2: Private Road and Parking (TR2A) erven; and
- ❖ **allocation of street names** in terms of Section 96 of the By-Law.

RESOLUTION

1. that the application in terms Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the **consolidation** of Erven 1885 & 1886, Franskraal, **be approved** in terms of the provisions of Section 61 of the By-Law;

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2. that the application in terms of Section 16(2)(a) of the By-Law on Erf 1885 and 1886, Franskraal for the **rezoning** of the consolidated property from Undetermined Zone to Subdivisional Area Zone (SA) and the subsequent subdivision in terms of Section 16(2)(d) of the By-Law to create the following:
 - fifty-seven (57) General Residential Zone 1: Town Housing (GR) erven;
 - four (4) Open Space Zone 2: Public Open Space (OS2) erven; and
 - one (1) Transport Zone 2: Private Road and Parking (TR2A) site,

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

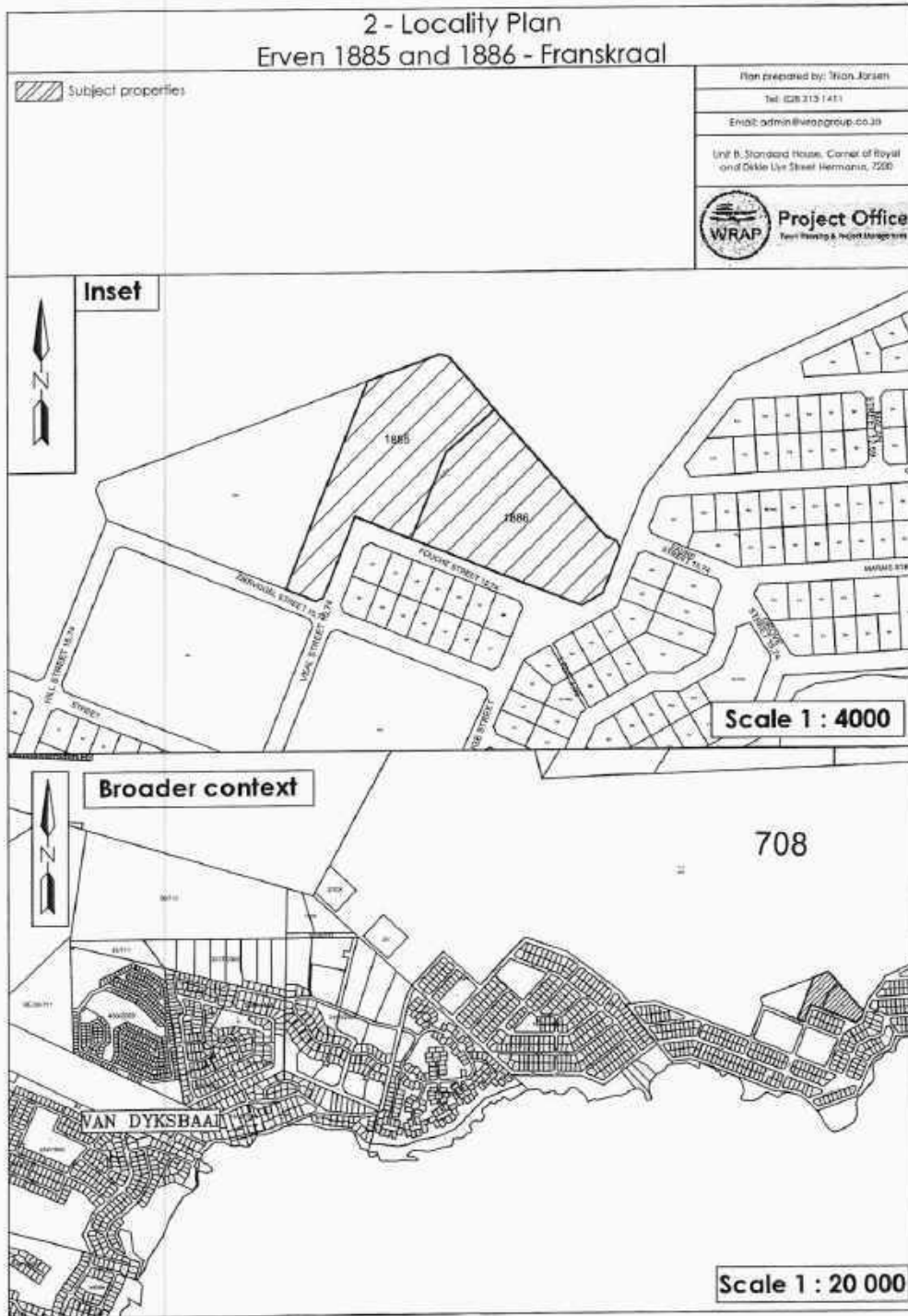
3. that the approvals in paragraphs 1 to 2 above be subject to the following conditions:
 - (a) that the development be in line Consolidation Plan No, 20/69(001) dated 2023/04/13 and Subdivision Plan No. 20/69(002) dated 2023/06/26, as submitted with the application;
 - (b) that the Architectural Design Guidelines in line with the Overstrand Land Use Scheme parameters be submitted for municipal approval, which guidelines shall address the aesthetic appearance of the development;
 - (c) that the development be implemented in accordance with the Environmental Authorisation;
 - (d) that all the conditions imposed in the Services Report be complied with;
 - (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 to the municipality, and
 - that the Constitution clarifies at what stage that the responsibility would be transferred from the developer to the Homeowners' Association to deal with approval of plans, and

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- (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (h) that a street numbering plan be submitted for municipal approval prior to Section 30(2) clearance being granted;
 - (i) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with; and
4. that the application in terms of Section 96 of the By-Law for the allocation of street names (Laxum Close, Aloe Street, Rooikappie Close and Vleirosie Close) to the new streets and numbers in the development as indicated on plan *No. 8 – Street Naming Plan*, **be approved** in terms of the provisions of Section 61 of the By-Law, and
 5. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipal Land Use Planning By-Law, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The proposal is in line with the Overstrand Municipality Spatial Growth Management Strategy, 2010 and the Overstrand SDF, 2020.
- ❖ The proposal complies with the development parameters in terms of the Overstrand Land Use Scheme applicable to General Residential Zone 1: Town Housing.
- ❖ The proposal provides for additional housing opportunities and will not lead to urban sprawl.
- ❖ All relevant municipal departments and external departments/institutions support the application.
- ❖ Environmental Authorisation had been granted.
- ❖ The Operational and Engineering Services Departments support the application.
- ❖ The application is consistent with the planning principles of SPLUMA and LUPA.





5 - Consolidation Plan
Erven 1885 & 1886,
Franskrakal

Consolidated Erf
Area - 3,0432Ha
Consolidation of
Erf 1885
&
Erf 1886

Plan number: 2022/04/03
Plan number: 20/20/2021
Not prepared by: Franck Jordaan
All dimensions are approximate
and subject to survey
Toll 080 013 1411
Drawn: *www.wrap.co.za*
LIFE & ENVIRONMENTAL CONSULTANTS
21 Road Harare, Zimbabwe, 1200



Scale 1 : 1000

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND
ALLOCATION OF STREET NAMES: ERVEN 1885 & 1886,
FRANSKRAALSTRAND**

Water	:	Refer to conditions & GLS report
Sewer	:	Refer to conditions & GLS report
Roads and Traffic	:	Refer to conditions & TIA
Stormwater	:	Refer to conditions
Electricity	:	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).

- 1.3 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 43.6	= R 1 203 279.78
Sewerage	R 18 608.30 x 43.6	= R 811 321.88
Roads	R 8 344.32 x 55	= R 458 937.60
Stormwater	R 9 626.92 x 69.008	= R 664 334.50
Solid Waste	R 1 668.44 x 55	= R 91 764.20
TOTAL (inclusive of VAT)		= R 3 229 637.96

Please note the above figures:

- a) Exclude bulk electricity cost and bulk levies. The Overstrand Municipality's Electrical Department should be contacted regarding the bulk electricity cost.

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- b) Are estimated amounts which exclude evaluation/ investigation levies and connection fees.
 - c) Are only valid for the current financial year and are subject to annual tariff adjustments.
2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
 - 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 insurance to be to an amount which shall not be less than that required by the SAACE;
 - 4.3 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 the existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the

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services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:

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

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12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for Works of Civil Engineering Construction - 2004, of 12 months, and
13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
14. that a service agreement may be required by the Director: Infrastructure and Planning prior to the approval of any service plans;
15. that the developer provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
16. that the water and sewer reticulation be provided/upgraded according to the report prepared by GLS consulting engineers and/or the Overstrand Water Master Plan.
17. that the street lighting be provided and conform to municipal standards;
18. 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;
19. 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*;
20. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be provided 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) in a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
21. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded, 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;

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- 22. 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: Gansbaai for written approval;
- 23. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.

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

12/09/2023
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

5. ERF 2914, 57 ATLANTIC DRIVE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE ON BEHALF OF PL & ED VAN SCHALKWYK

2914 HON (4601/2024)

H Olivier

(028) 313 8900

Hermanus Administration

27 August 2024

EXECUTIVE SUMMARY

An application has been received on 4 March 2024 from Engelbrecht & Scorgie Architectural Office on behalf of PL & ED Van Schalkwyk on Erf 2914, Onrustrivier in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to relax the eastern lateral building line from 2m to 0m to accommodate a proposed double garage.

RESOLUTION

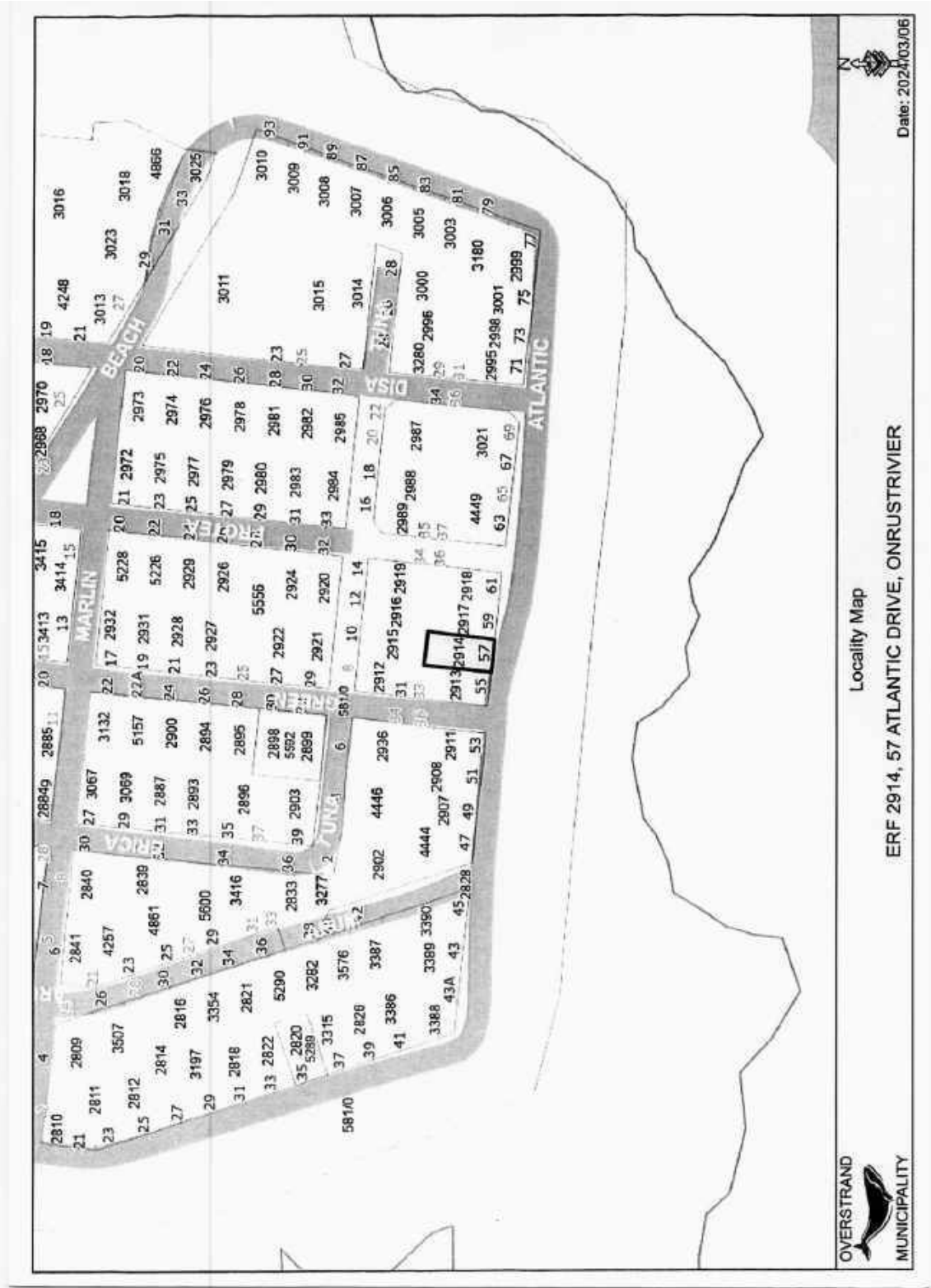
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3255, Kleinmond for a departure to relax the lateral building line from 2m to 1,5m to accommodate the use changes of the existing garage into a living room, and to exceed the 9m restriction of a building on one specific boundary, **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 of building lines and is not an approval in terms of any other legislation;
 - (b) that the approval for the departure is only for the development over for the building lines as indicated on plans numbers 2914_mun_01.1 (1-4) dated 30 January 2024, submitted with the application;
 - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (d) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;

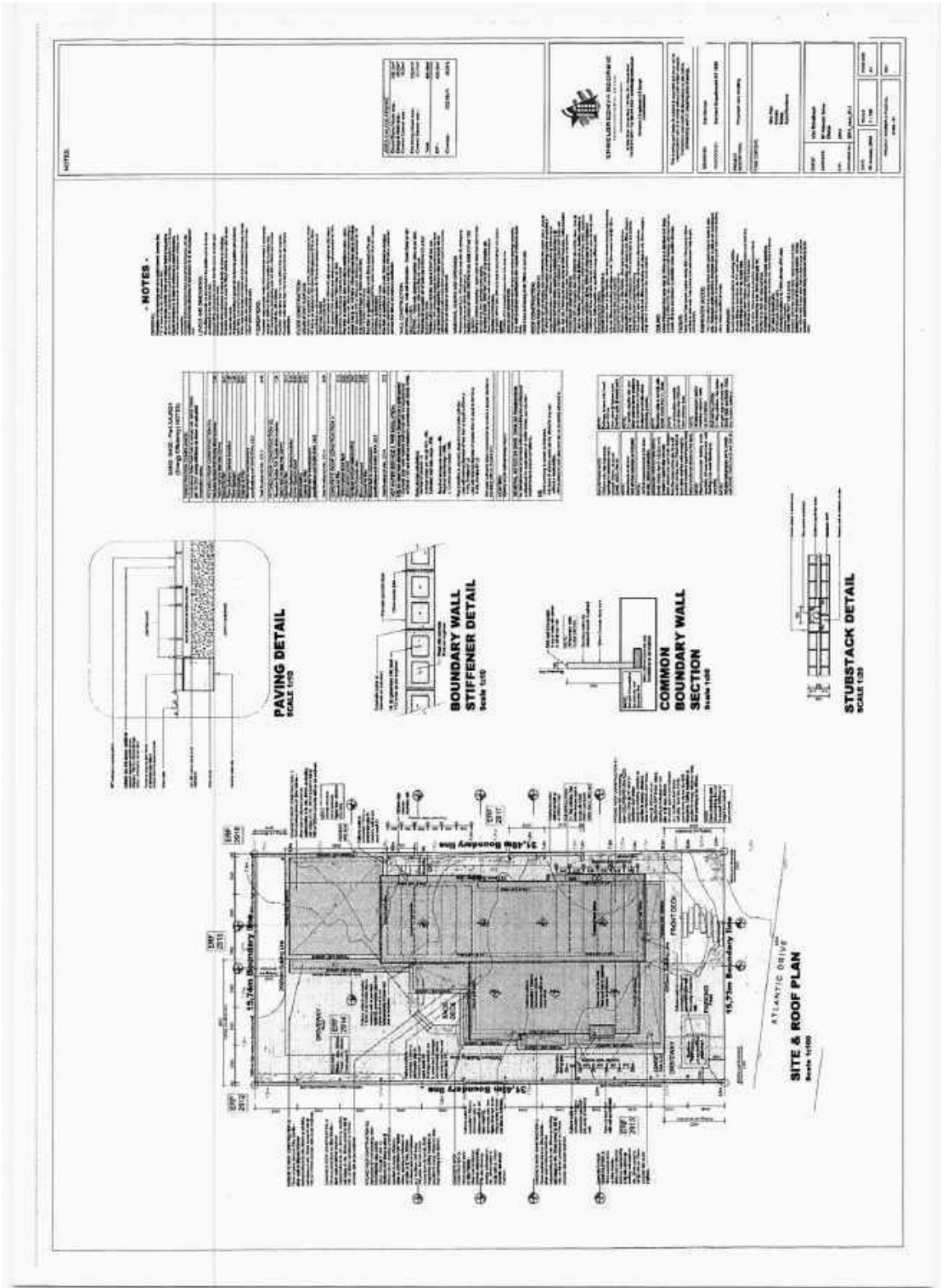
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- (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (g) that all the conditions in the Services Report be complied with;
 - (h) that the conditions imposed by Telkom be complied with, and
 -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

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The application is supported by all relevant Municipal and State departments/branches.
- ❖ No objections were received from surrounding neighbours.
- ❖ No new municipal services will be needed.
- ❖ The proposed departure is required to ensure that the property owner will have manoeuvrability to enter and leave the garage and property.
- ❖ The adjacent neighbours' views and privacy will not be negatively impacted.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 2914, ONRUS RIVER (4601/2024)**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**6. ERF 3845, 19 JACOBUS GELDENHUYS STREET, ONRUSRIVIER,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF ADMINISTRATIVE PENALTY: WENTZEL
ARCHITECTURE ON BEHALF OF SB JOUBERT**

3845 HON (4588/2024)

H Olivier

(028) 313 8900

Hermanus Administration

20 August 2024

EXECUTIVE SUMMARY

An application has been received on 20 February 2024 from Wentzel Architecture on behalf of SB Joubert in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 and the Driehoek Special Zone on Erf 3845, Onrustrivier for the following:

- ❖ **Departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 and the Driehoek Special Zone to relax the western lateral building line from 2m to 0m to accommodate the existing as-built motorcycle garage structure and a portion of the existing covered braai patio.
- ❖ **Determination of Administrative Penalty** in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the above-mentioned structures over building lines.

RESOLUTION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 and the Driehoek Special Zone on Erf 3845, Onrustrivier for a departure to relax the western lateral building line from 2m to 0m to accommodate the existing as-built motorcycle garage structure and a portion of the existing covered braai patio, **be approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
 - (a) that this approval is only for the departure of building lines and is not an approval in terms of any other legislation;
 - (b) that the approval for the departure is only for the development over for the building lines as indicated on plan number 3845 mun 01 dated 14 February 2024, submitted with the application;

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- (c) that building plans be submitted to the Building Department for all other illegal building work on the property approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (d) that all other development parameters as prescribed in the relevant Land Scheme be complied with;
 - (e) that all the conditions in the Services Report be complied with;
 - (f) that the conditions imposed by Telkom be complied with, 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 3845, Onrustrivier for the unauthorized encroachments of the existing motorbike garage and existing covered braai patio over the building lines on the property, was considered and that an administrative penalty of **R1507,50, be imposed** which penalty must be paid within thirty (30) days from the final date of the decision of the application.
 3. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

REASONS FOR RESOLUTION

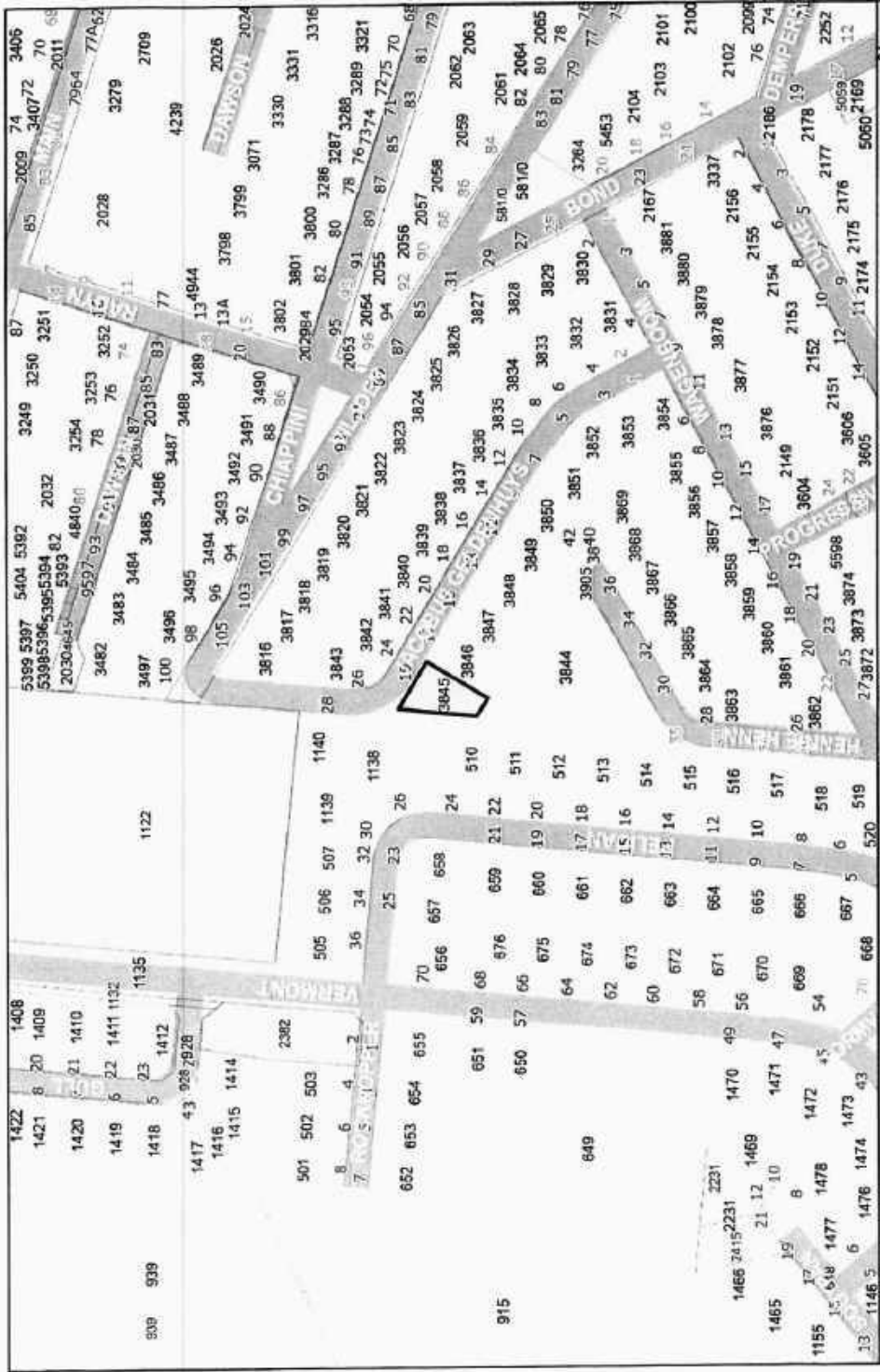
POINT 1

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ No objections were received from adjacent property owners.
- ❖ The motorbike garage and covered patio braai area is existing structures over building lines and would not have an additional impact on surrounding property owners.
- ❖ The encroaching structures are situated next to a 4,5m wide open space alley and there are also existing trees in the alley, limiting the impact of the structures on the boundary line on neighbours and the character of the surrounding area.
- ❖ All relevant Municipal/State Departments or other institutions support the application.
- ❖ The application is desirable.

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POINT 2

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



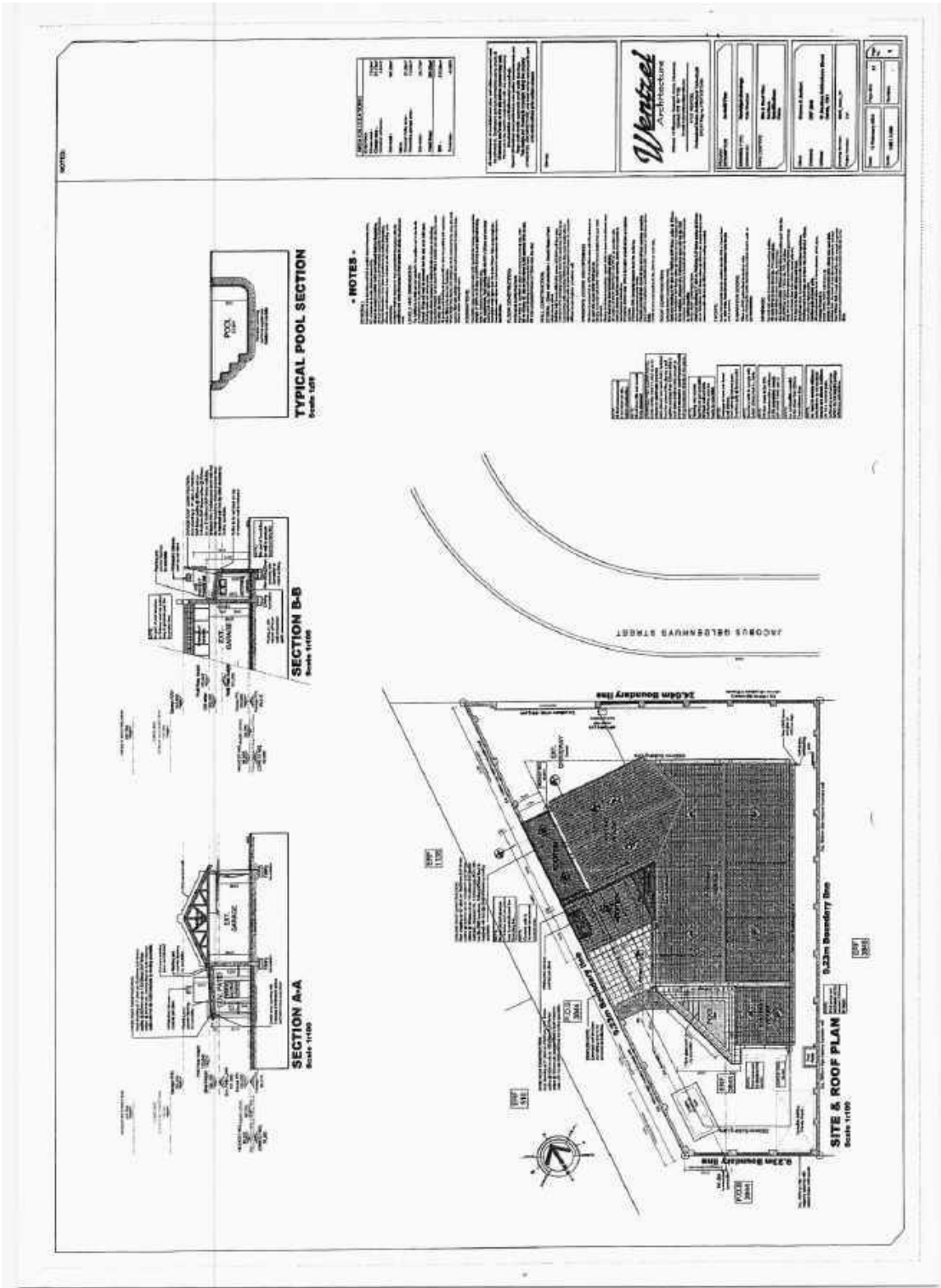
Locality Map

ERF 3845, 19 JACOBUS GELDENHUIJS STREET, ONRUSTRIVIER



OVERSTRAND MUNICIPALITY

Date: 2024/02/23



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 3845, ONRUS RIVER (4588/2024)**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

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7. ERF 9935, FERNKLOOF DRIVE, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR AMENDMENT OF CONDITIONS OF APPROVAL: RONÉL DAVIDOWITZ ON BEHALF OF FERNKLOOF ESTATE MASTER PROPERTY OWNERS' ASSOCIATION

9935 HEC (4612/2024)

P Roux

(028) 313 8900

Hermanus Administration

04 September 2024

EXECUTIVE SUMMARY

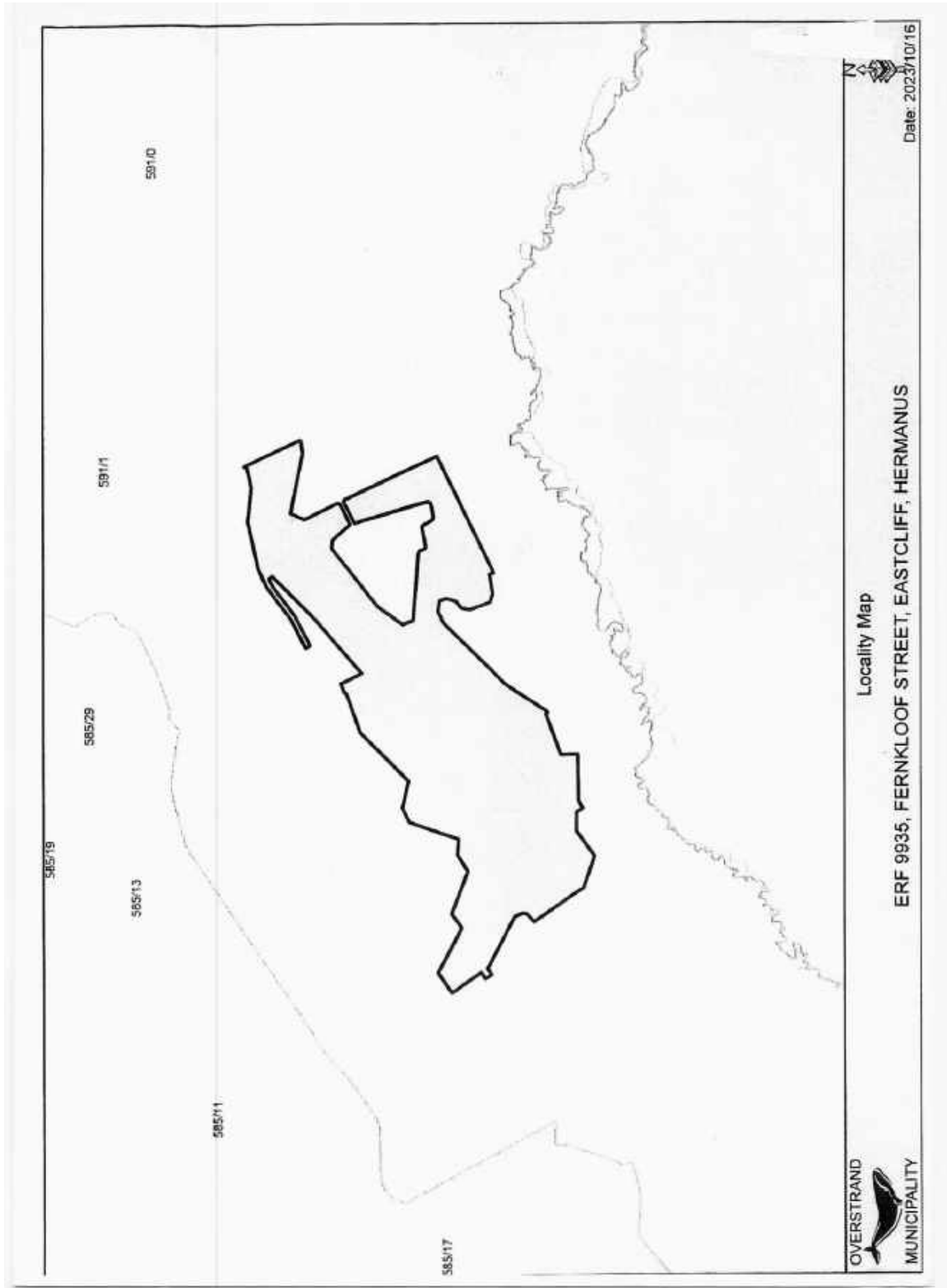
An application was received on 18 May 2024 from Ronel Davidowitz on behalf of the Fernkloof Estate Master Property Owners' Association, in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to amend the Fernkloof Estate Architectural Guidelines.

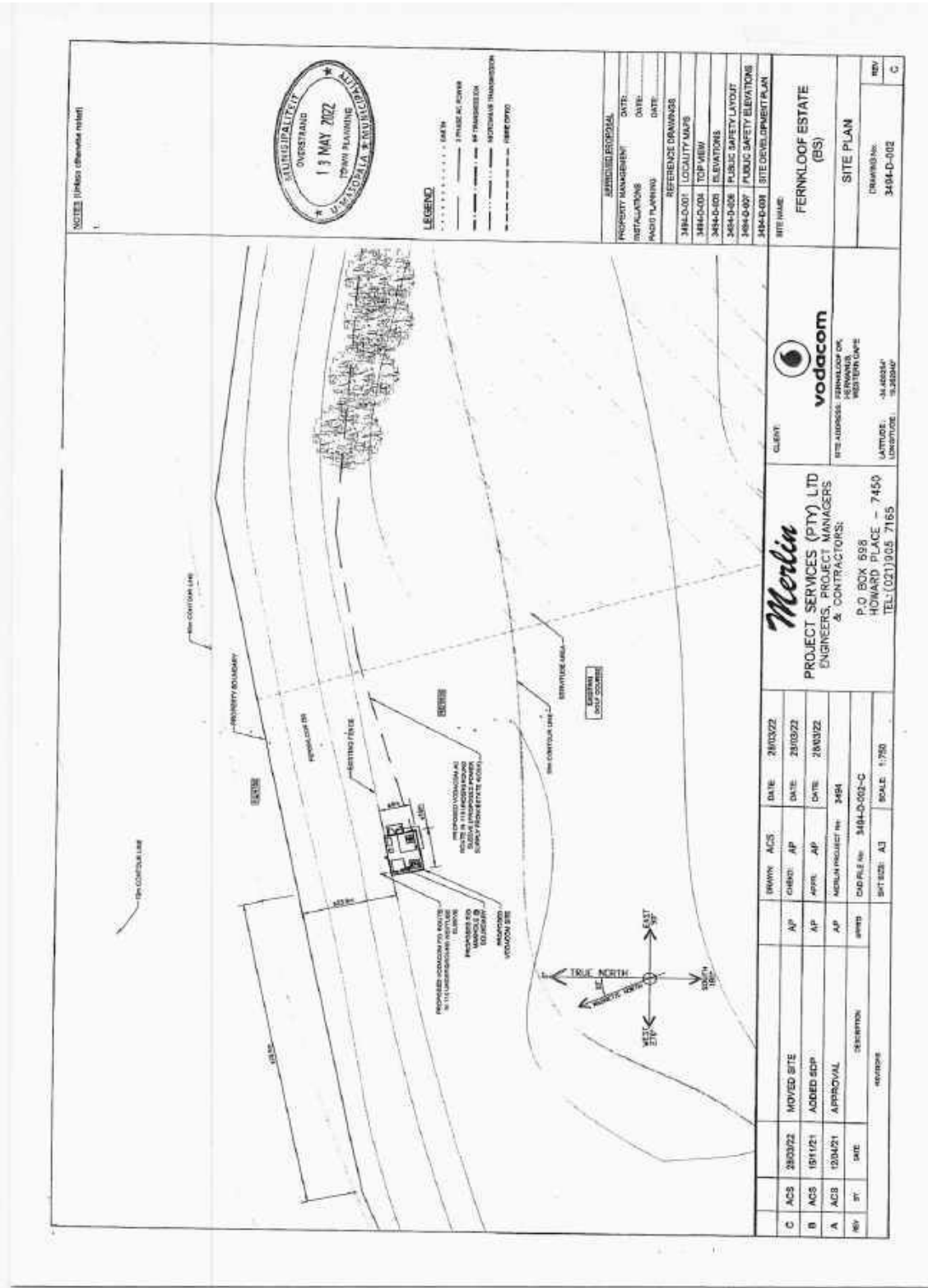
RESOLUTION

1. that the application in terms of Section 16(2)(l) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 9935, Hermanus to amend the Fernkloof Estate Master Property Owners Association Architectural Design Guidelines, **be approved** subject to the following condition:
 - (a) that the Fernkloof Estate Architectural Design Guidelines be compiled into a single document with the proposed amendments as per this application; and
 - (b) that the applicant submit a final version of the Architectural Design Guidelines, which is duly signed by the MPOA, to the Town Planning Department for record keeping;
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, 2015 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No objections were received from Legal Department and the Building Control Department.
- ❖ It is in line with policy documents and the Zoning Scheme.
 - ❖ The approval of the Architectural Design Guidelines would create a user friendly guideline that can be used to ensure the character and aesthetical integrity and style of the development would be protected.





NOTES: (Please refer to sheet 1)



LEGEND

- BOUNDARY
- DRIVE AC CORNER
- BY TRANSFERRED
- MUTUAL TRANSFERRED
- DRIVE DRIVE

APPROVED SPECIAL

PROPERTY MANAGEMENT DATE: _____

REGULATIONS DATE: _____

ROAD PLANNING DATE: _____

REFERENCE DRAWINGS

- 344-D-001 LOCALITY MAPS
- 344-D-002 TOP VIEW
- 344-D-003 ELEVATIONS
- 344-D-004 PUBLIC SAFETY LAYOUT
- 344-D-005 PUBLIC SAFETY ELEVATIONS
- 344-D-006 SITE DEVELOPMENT PLAN

SITE NAME:
FERNKLOOF ESTATE (PIS)

SITE PLAN

DRAWING No: 344-D-002

REV: C

CLIENT:
vodacom

1111 HEDDERBERG ROAD
HEMBAUR
WESTERN CAPE

LATITUDE: -34.48334°
LONGITUDE: 18.38944°

Merlin
PROJECT SERVICES (PTY) LTD
ENGINEERS, PROJECT MANAGERS
& CONTRACTORS

P.O. BOX 508
HOWARD PLACE - 7450
TEL: (021) 905 7165

REV	DATE	DESCRIPTION	BY	CHKD	DATE	SCALE
C	28/03/22	MOVED SITE	AP	AP	28/03/22	1:750
B	15/11/21	ADDED SDP	AP	AP	28/03/22	
A	12/01/21	APPROVAL	AP	AP	24/01	

REV	DATE	DESCRIPTION	BY	CHKD	DATE	SCALE
C	28/03/22	MOVED SITE	AP	AP	28/03/22	1:750
B	15/11/21	ADDED SDP	AP	AP	28/03/22	
A	12/01/21	APPROVAL	AP	AP	24/01	

**AGENDA of the
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8. ERF 4887, 4 FOURTH AVENUE, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS FVS TOWN AND REGIONAL PLANNERS ON BEHALF OF MCR DE VILLIERS

4887 HVK (3903/2021)

P Roux

(028) 313 8900

Hermanus Administration

20 August 2024

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 10 November 2021 (application regarded as complete on 12 September 2022) from Messrs FVS Town- and Regional Planners on behalf of the owners of Erf 4887, Eastcliff, Hermanus for the following:

- ❖ **Removal of restrictive title deed condition** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the removal of restrictive title deed conditions 3.10 and 3.11 as contained in the Title Deed T52603/2003 of the property;
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the street building line from 4m to 2m (Fourth Avenue) to accommodate the extension of the patio roof;
 - relax the street building line from 4m to 0m (Tenth Street) to accommodate the existing carport, and
 - relax the street building line from 4m to 2,15m (Tenth Street) and 4m to 1.8m (Fourth Avenue) to accommodate the conversion of the existing garage into a staff bedroom.
- ❖ **determination of an administrative penalty** in terms of Section 90 of the By-Law, in order to accommodate the existing structures.

RESOLUTION

1. that the comment be noted;

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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, applicable to Erf 4887, Hermanus, for the removal of restrictive title deed conditions 3.10 and 3.11 as contained in Title Deed No: T52603/2003, **be approved** in terms of the provisions of Section 61 of the By-Law;

3. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 4887, Hermanus for the following:
 - relax the street building line from 4m to 2m (Fourth Avenue) to accommodate the extension of the patio roof;
 - relax the street building line from 4m to 0m (Tenth Street) to accommodate the existing carport, and
 - relax the street building line from 4m to 2,15m (Tenth Street) and 4m to 1.8m (Fourth Avenue) to accommodate the conversion of the existing garage into a staff bedroom;

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

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

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 4887, Hermanus for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;

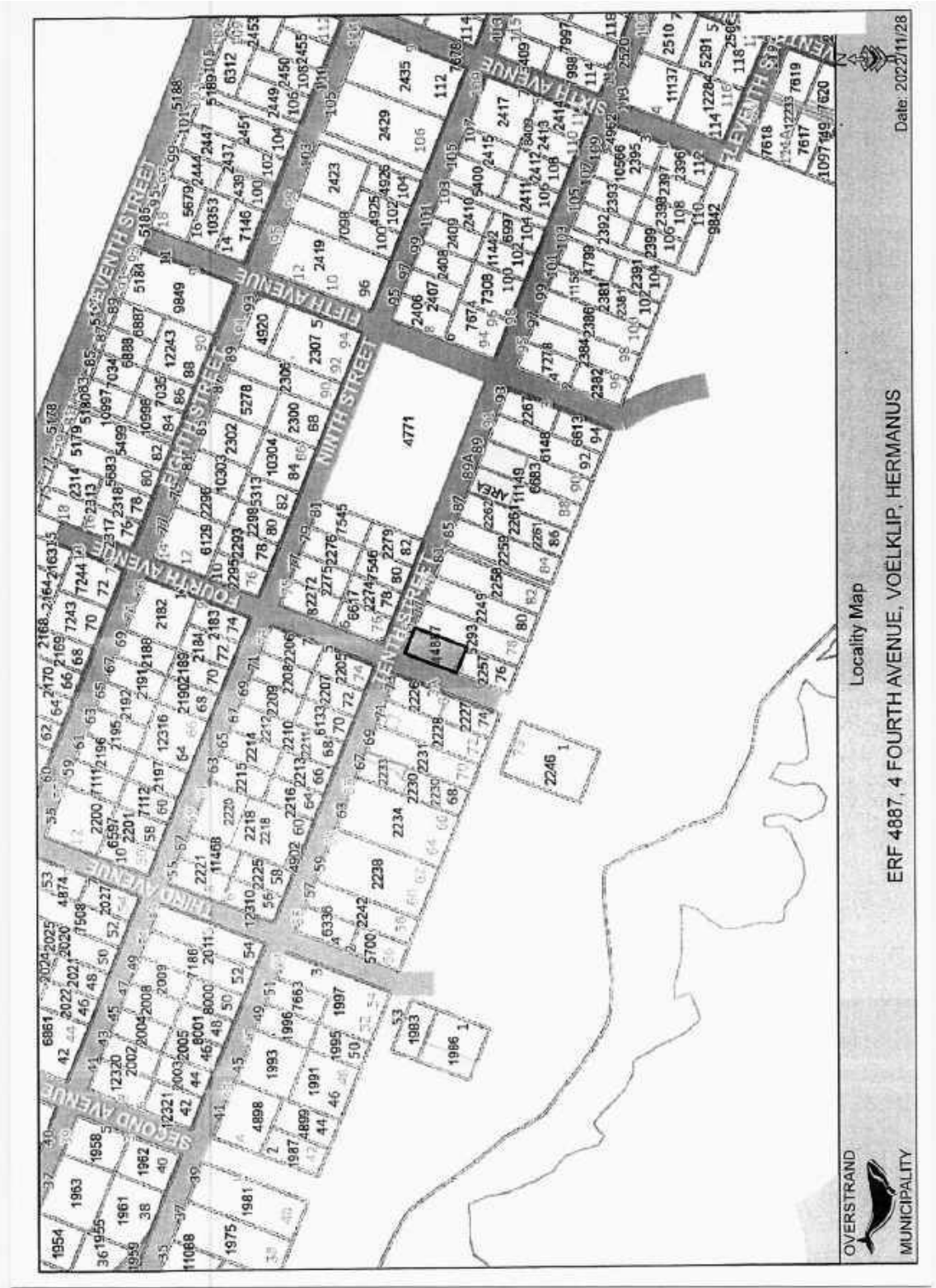
5. that the recommendation under paragraphs above is subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan No 210801 dated 2024-02-28;

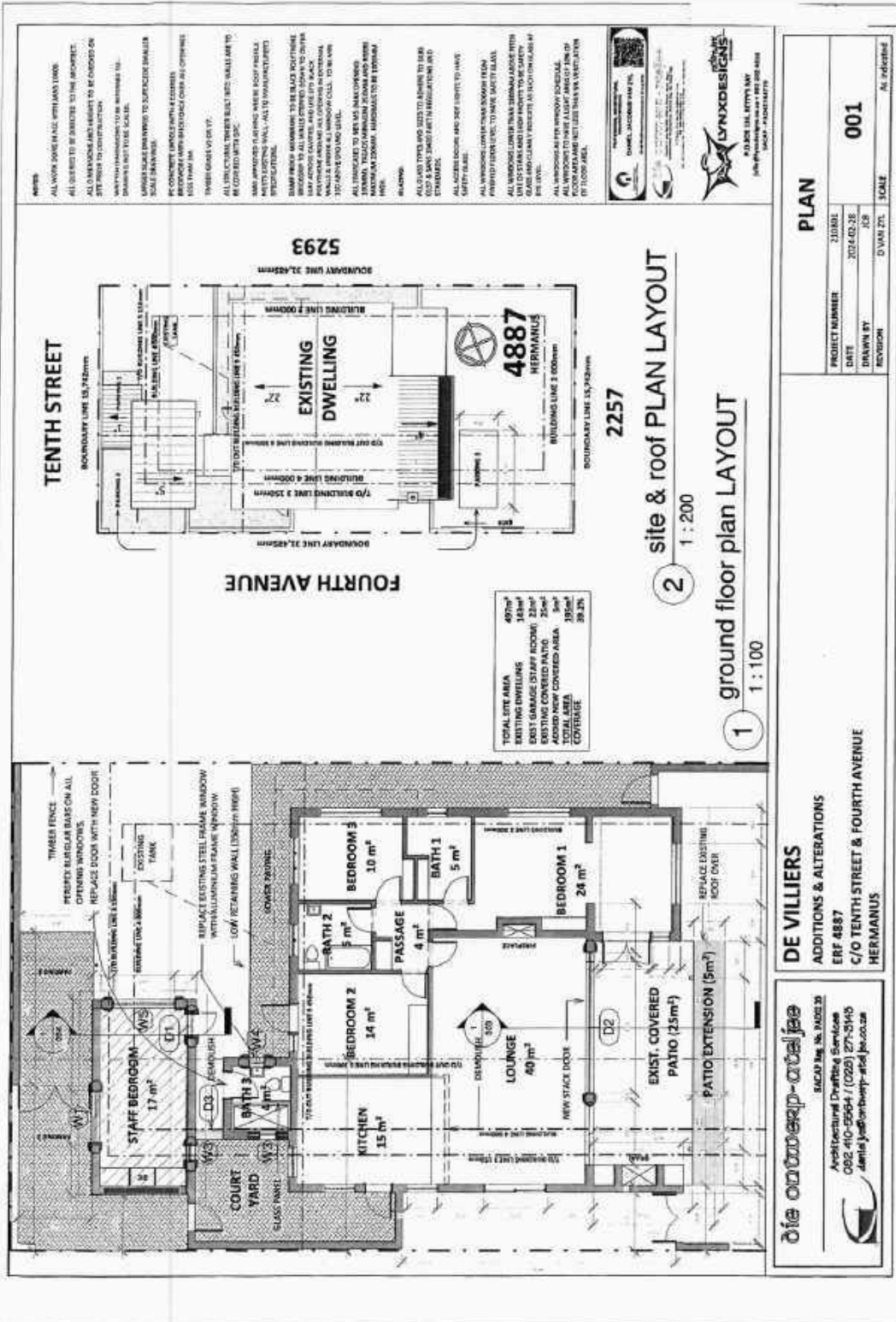
**AGENDA of the
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- (b) that revised building plans be submitted to the Building Control Department indicating the alternative location for parking bay two will be provided and that all conditions of the Building- and Fire Department be complied with at that stage;
 - (c) that an administrative penalty of **R18 447.56** 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
6. 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.

REASON FOR THE RESOLUTION

- ❖ The retention of the structures will not have a negative impact on the adjacent property owners or the character of the area.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ Due to the entrance and size of the area available parking bay two is not usable.
- ❖ Alterations were made to the dwelling without municipal approval.





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PLAN

PROJECT NUMBER	31046
DATE	2014-02-28
DRAWN BY	JCB
REVISION	D VARI 271 SCALE

001

As advised

DE VILLIERS
 ADDITIONS & ALTERATIONS
 ERF 4887
 C/O TENTH STREET & FOURTH AVENUE
 HERMANUS

die oorskep-ovaljoe
 SKOOP Reg. No. PA021 29
 Architectural Drawings & Services
 082 410-8564 / (028) 27-3145
 daniel.jacob@oorskep-ovaljoe.com

SYNXDESIGNS
 43 BUCKLE LANE, HERMANUS
 (028) 273-1170

DATE: 2014-02-28
 DRAWN BY: JCB
 REVISION: D VARI 271
 SCALE: As advised

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION,
DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF
4887, VOELKLIP (3903/2022)**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that stormwater be allowed to discharge through Erf 4887, Voelklip, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
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9. ERF 3294, 203 EIGHTH STREET, VOËLKLIP, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS PIETERHUIZEN PLANNING (PTY) LTD ON BEHALF OF M ROTHMAN

3294 HVK (4115/2022)

P Roux

(028) 313 8900

Hermanus Administration

06 September 2024

EXECUTIVE SUMMARY

An application has been received on 12 April 2022 from Messrs Pieterhuizen Planning (Pty) Ltd on behalf of the owners of Erf 3294, Voëlklip, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

❖ **departure** in terms of Section 16(2)(b) of the By-Law, to:

- relaxation of the northern street building line from 4m to 3.05m to accommodate the proposed alterations to the ground floor section of the dwelling and to accommodate the proposed balcony on the first floor; and
- relaxation of the western lateral building line from 2m to 1.2m to accommodate the first floor lounge area, the existing balcony and the existing changes to the existing ground floor.

❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to accommodate existing structures on the property.

RESOLUTION

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 3294, Hermanus to:

- relaxation of the northern street building line from 4m to 3.05m to accommodate the proposed alterations to the ground floor section of the dwelling and to accommodate the proposed balcony on the first floor; and
- relaxation of the western lateral building line from 2m to 1.2m to accommodate the first floor lounge area, the existing balcony and the existing changes to the existing ground floor,

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

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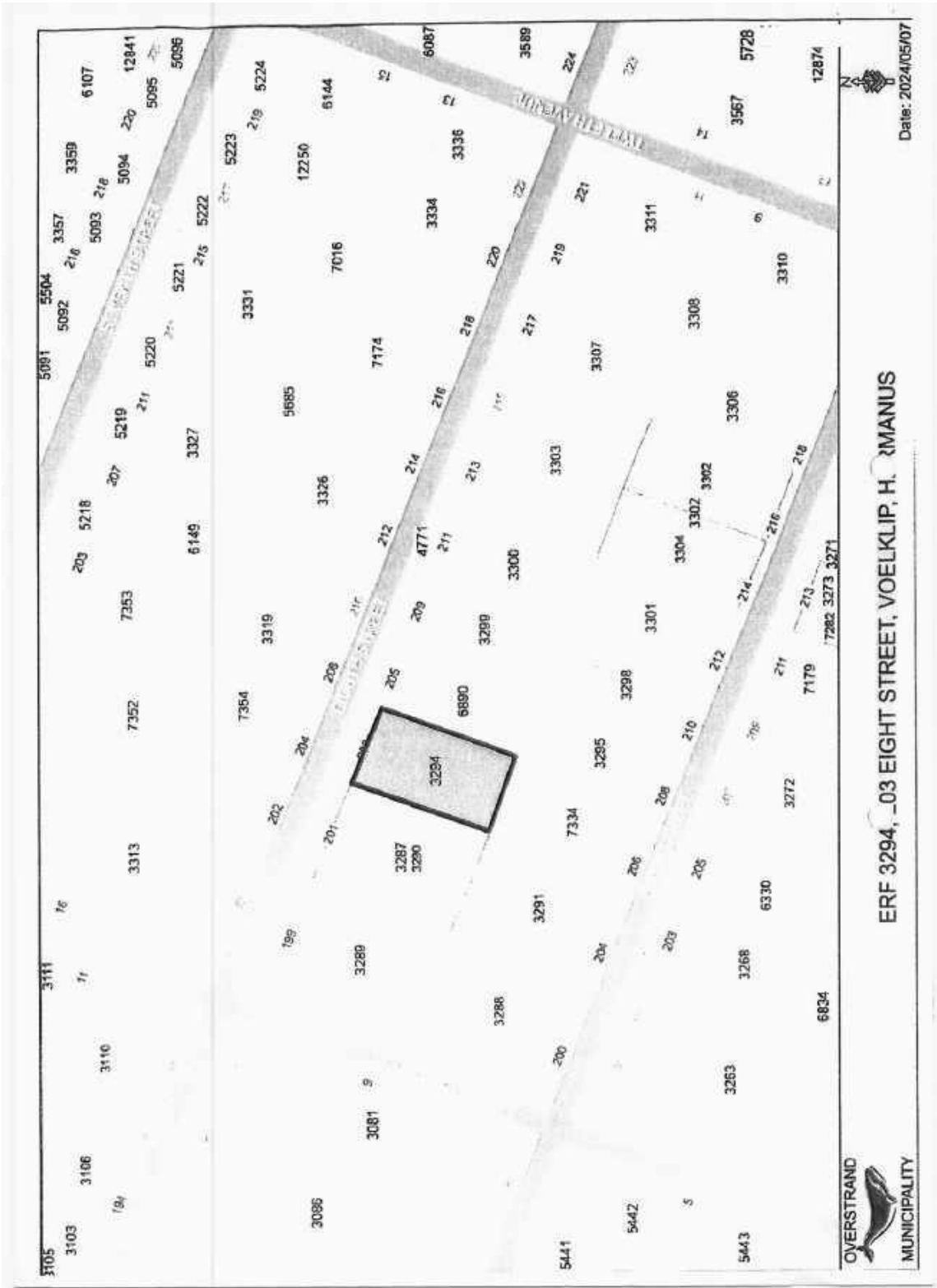
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3294, Hermanus for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an 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. 22/146 (002), as submitted with the application;
 - (b) that an administrative penalty of **R50 700.00** be payable within **sixty (60)** days of the decision;
 - (c) that building plans be submitted to the Building Control Office, and all comments from the Fire Department be complied with at that stage;
 - (d) that a flower box or planter be developed on the portion of the front balcony which encroaches over the western building line
 - (e) that all the conditions in the Services Report be complied with;
 - (f) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (g) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- ❖ The retention of the structure will not have a negative impact on the character of the area.
- ❖ Mitigation measures are imposed in order to prevent privacy related issues.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.

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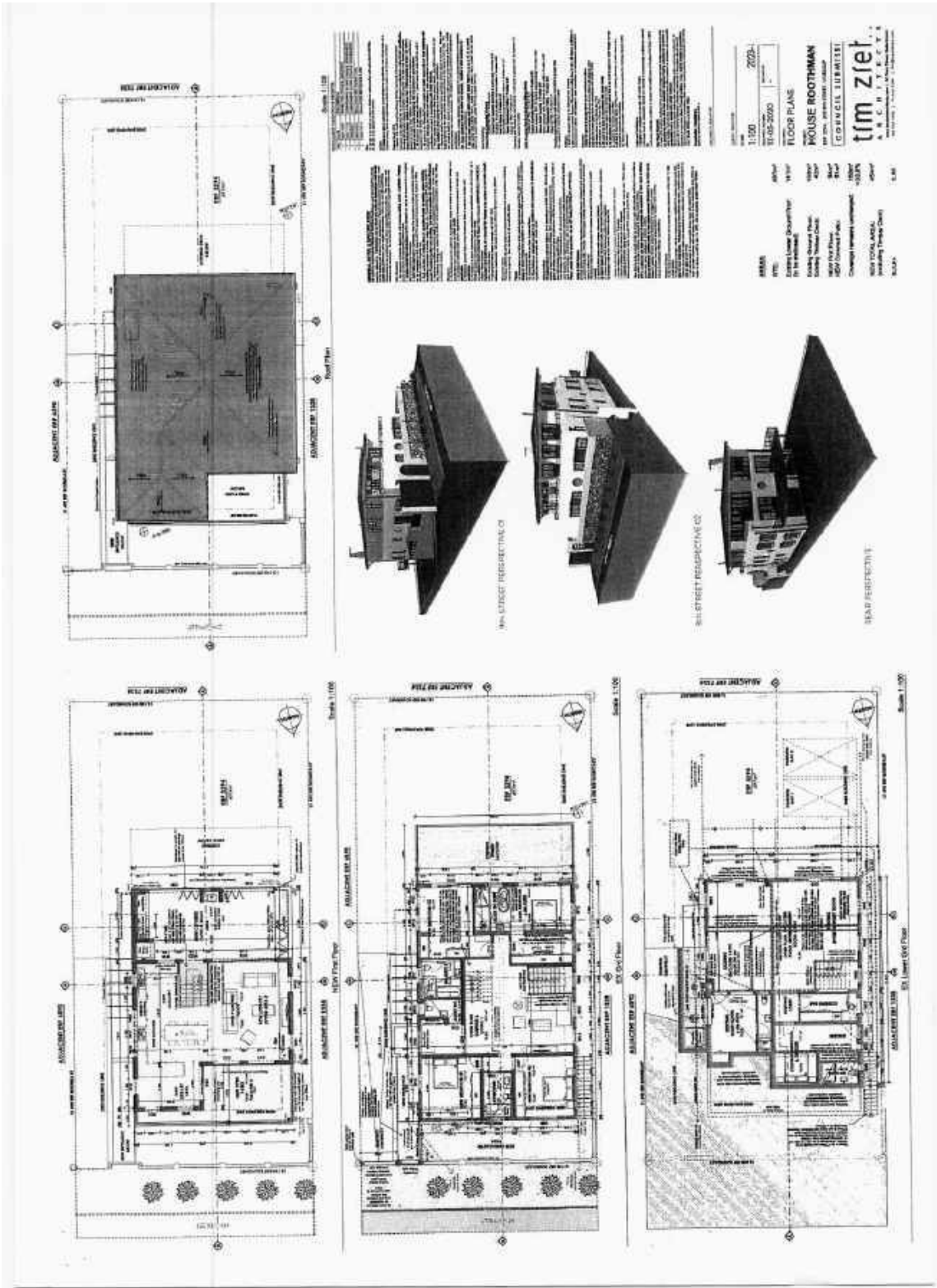
- ❖ The retention of the laundry and braai area are further considered to be in line with the character of the area.
- ❖ The property owner and its professional team should have considered the local rules and regulations prior to the construction of the structures.



ERF 3294, _03 EIGHT STREET, VOELKLIP, H. RIMANUS



Date: 2024/05/07



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 3294, VOELKLIP**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
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**10.ERF 6680, 33 SIXTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN
ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF JS ROOS**

6680 HVK (4439/2023)

P Roux

(028) 313 8900

Hermanus Administration

27 August 2023

EXECUTIVE SUMMARY

An application has been received on 17 July 2023 from Messrs PlanActive Town and Regional Planners on behalf of the owner of Erf 6680, Voëlklip, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following: *(due to objections received during the public participation process a revised application was submitted on 11 January 2024)*

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

- relax the rear building line from 2m to 1.5m, to accommodate a portion of the illegal bedroom on the ground floor;
- relax the lateral building line from 2m to 1.5m, to accommodate portions of the two illegal bedrooms and toilet on the ground floor;
- relax the lateral building line from 2m to 1.76m and the rear building line from 2m to 1.5m, to accommodate a portion of the proposed pergola on the ground floor; and
- relax the lateral building line from 2m to 1.76m, to accommodate a portion of the concrete sun deck on the second floor.

❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, in order to legalize the unauthorised building work on the property.

RESOLUTION

1. the objection be noted;

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2. that the application for **departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 6680, Hermanus for the following:
 - relax the rear building line from 2m to 1.5m, to accommodate a portion of the illegal bedroom on the ground floor;
 - relax the lateral building line from 2m to 1.5m, to accommodate portions of the two illegal bedrooms and toilet on the ground floor;
 - relax the lateral building line from 2m to 1.76m and the rear building line from 2m to 1.5m, to accommodate a portion of the proposed pergola on the ground floor; and
 - relax the lateral building line from 2m to 1.76m, to accommodate a portion of the concrete sun deck on the second floor,

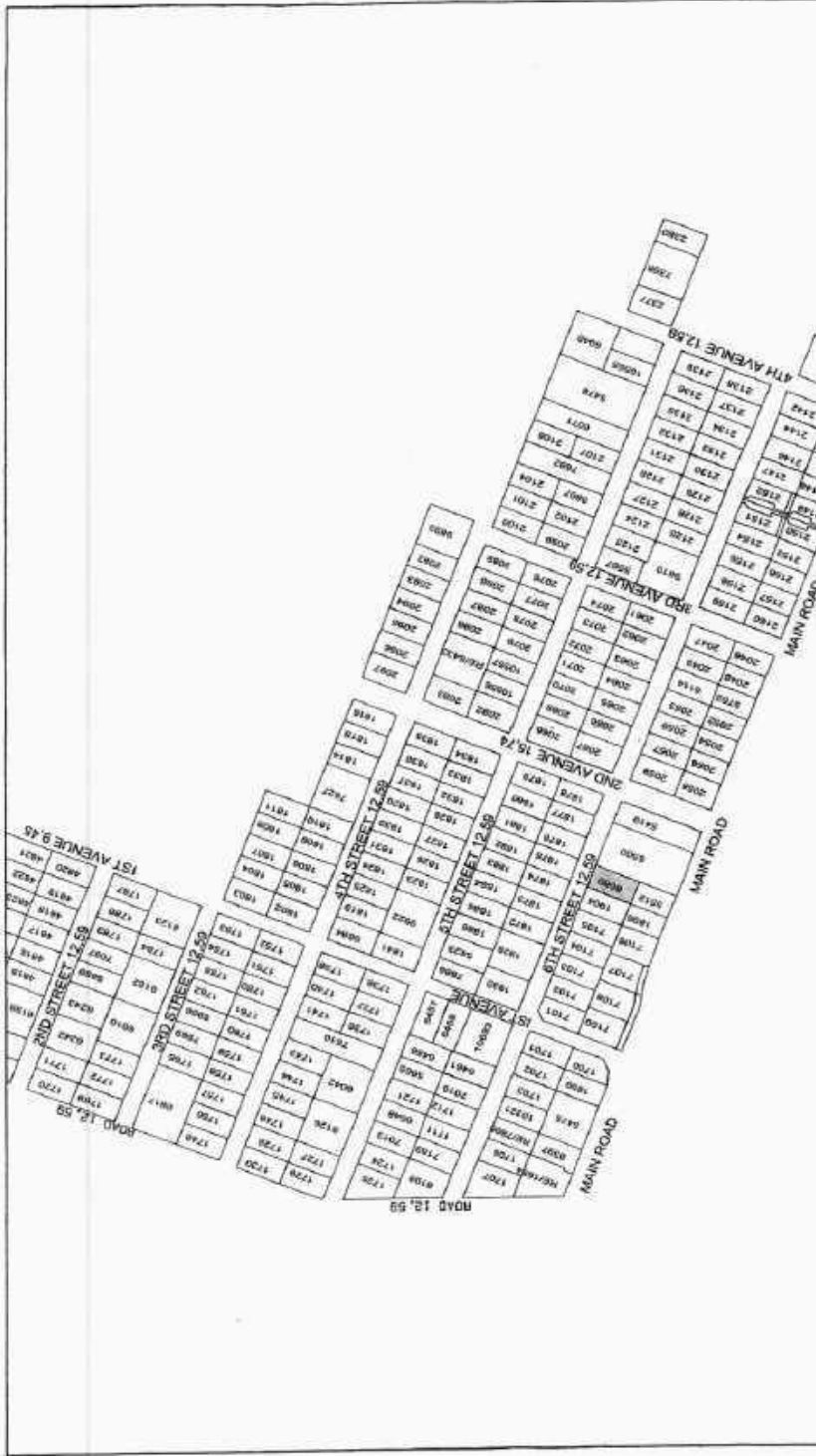
be approved in terms of the provisions of Section 61 of the By-Law
3. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 6680, Hermanus for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
4. that the recommendation under paragraphs 2 and 3 is subject to the following conditions:
 - (a) that the approvals only for the departure's as applied for and that a revised site development be submitted which indicates the proposed pergola;
 - (b) that an administrative penalty of **R51 037.56** be payable within sixty (60) days of the decision;
 - (c) that the tool shed on the western boundary is moved and placed in order to comply with the land use parameters;
 - (d) that building plans be submitted to the building control office within sixty (60) days of the decision, and all comments from the Fire Department be complied with at that stage;

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- (e) that all the conditions in the Services Report be complied with;
 - (f) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (g) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
5. that the applicant and person/s 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 proposed encroachments are considered not to have a negative impact on the character of the area.
- ❖ Due to the position of the dwelling compared to the street scape the proposal will not have an impact on road users and will not be visible from the road.
- ❖ The usable area of the sun deck does not encroach upon the 2m lateral building line.
- ❖ The property owner constructed portions of the dwelling without municipal approval therefore an administrative penalty is applicable – the property owner knew the correct legal process but did not adhere to it.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.



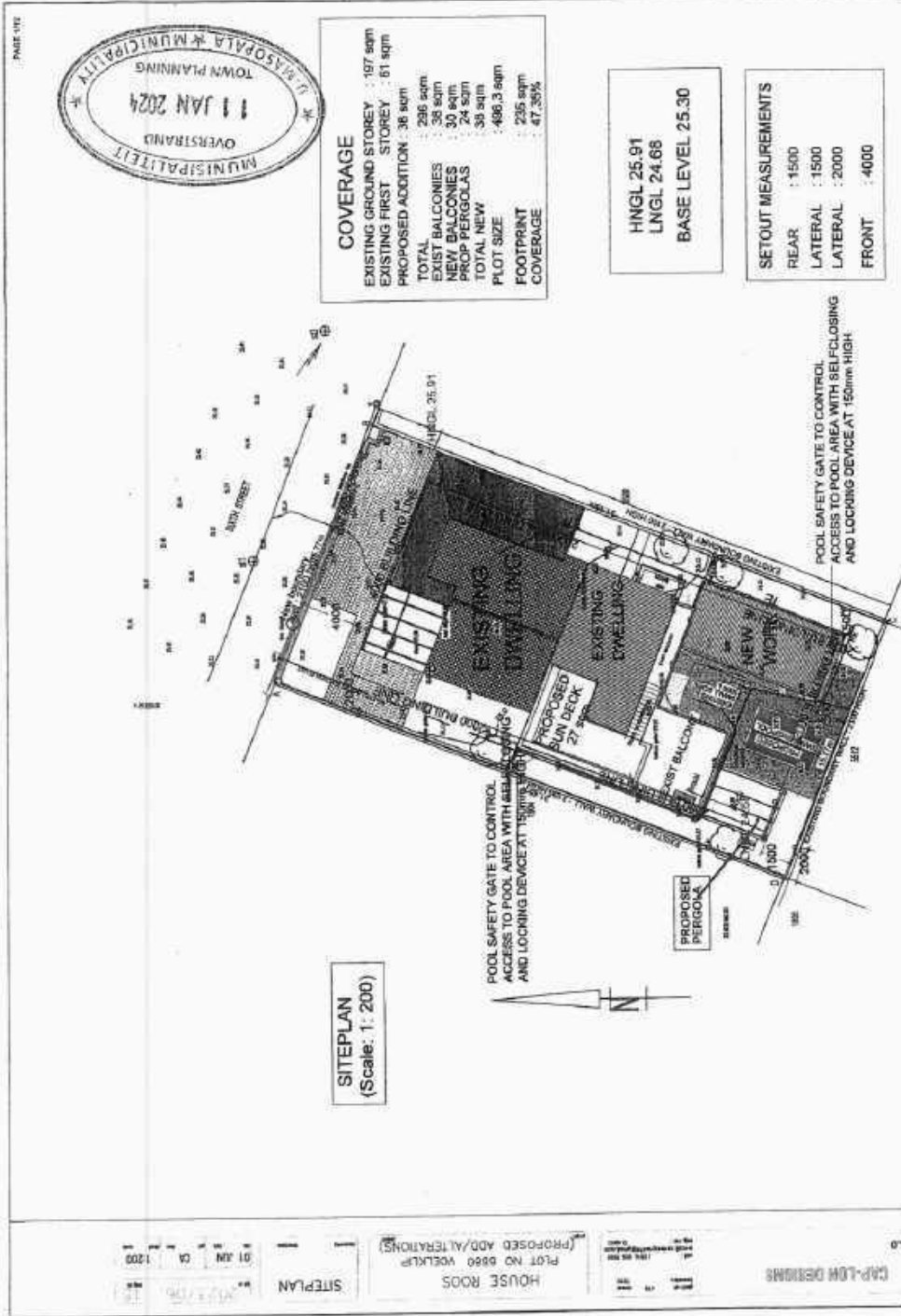
Plan
Stads- en Streeksbeplanners
Active Town & Regional Planners

Property Description:
ERF 6680
VOËLKLIP

Plan Description:
LOCALITY MAP

Scale:
NTS
Drawing in: ERF 6680/HERMIL.dwg
Date: JULY 2023

All distances approximate and subject to survey.
COPY - NOT RESERVED



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 6680, VOELKLIP**

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

Conditions:

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


 DENNIS HENDRIKS
 SENIOR MANAGER:
 ENGINEERING SERVICES


 DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**11.ERF 875, 14 PONTE HAUPT STREET, STANFORD, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: RG & CL ELFERINK**

875 SSS (4624/2024)

P Roux

(028) 313 8900

Hermanus Administration

10 September 2024

EXECUTIVE SUMMARY

An application has been received on 31 January 2024 (final version on 22 May 2024) from RG & CL Elferink on Erf 875, Stanford for a **departure** in terms of Section 16(2)(b) of the Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), to relax the street building line from 4m to 1m and the lateral building lines from 2m to 0m to accommodate a carport.

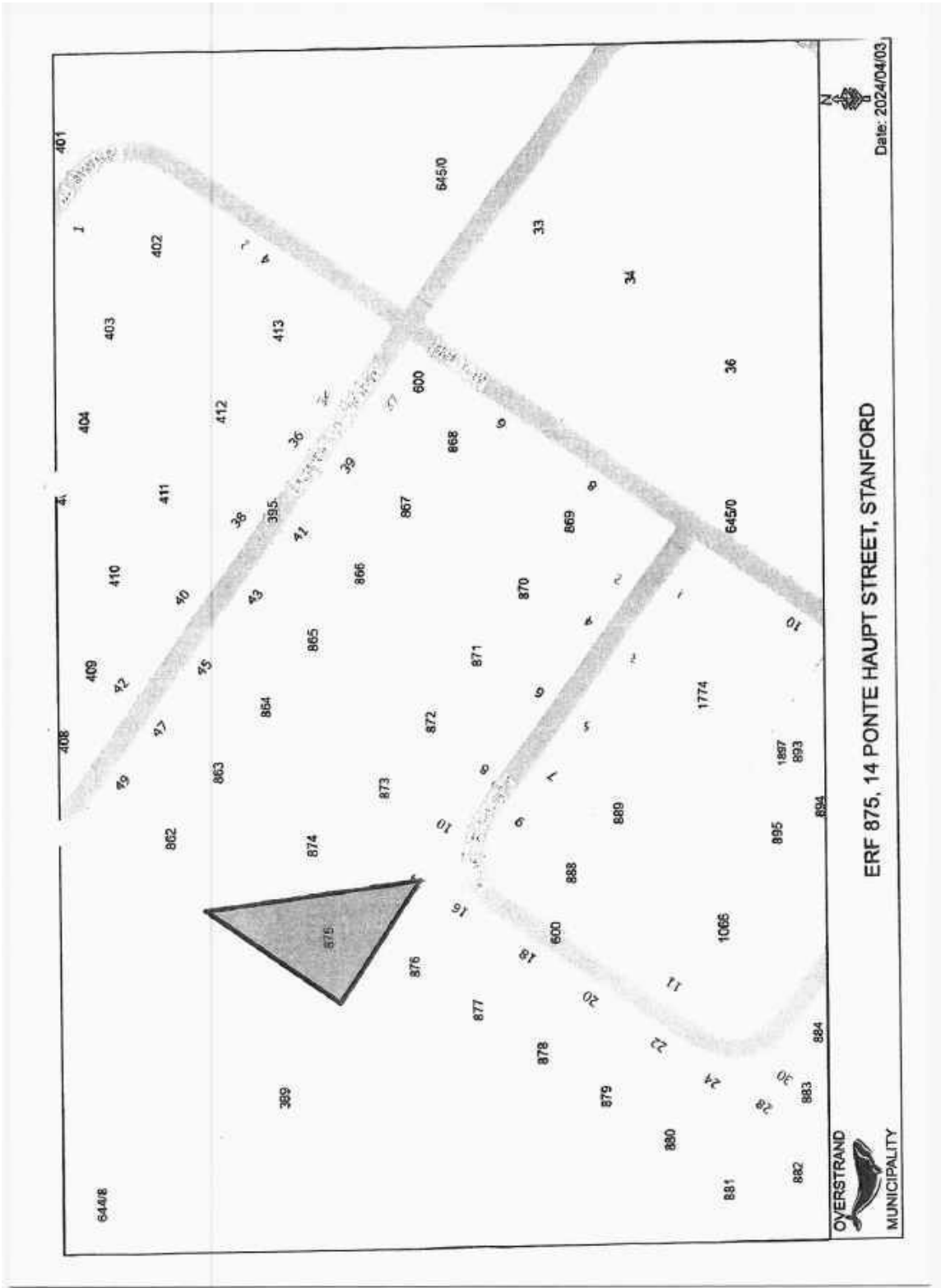
RESOLUTION

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 875, Stanford to relax the street building line from 4m to 1m and the lateral building lines from 2m to 0m to accommodate a carport, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:;
 - (a) that the approvals are for the development as indicated on Site Development Plan No. 1801 dated 09.02.2023 as submitted with the application;
 - (b) that building plans be submitted to the Building Control Office, and all comments from the Fire Department be complied with at that stage;
 - (c) that all the conditions in the Services Report be complied with;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

REASONS FOR RESOLUTION

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



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE, ERF 875, STANFORD**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist : 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
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**12.ERF 2821, 4 DUINEGANS STREET, GANSBAAI, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: WCR & A LOURENS**

2821 GGB (4687/2024)

**S van der Merwe
03 September 2024**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 05 June 2024 from WCR & A Lourens for Erf 2821, Gansbaai in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a **departure** in order to relax the rear building line from 2m to 1.392m to accommodate the proposed study.

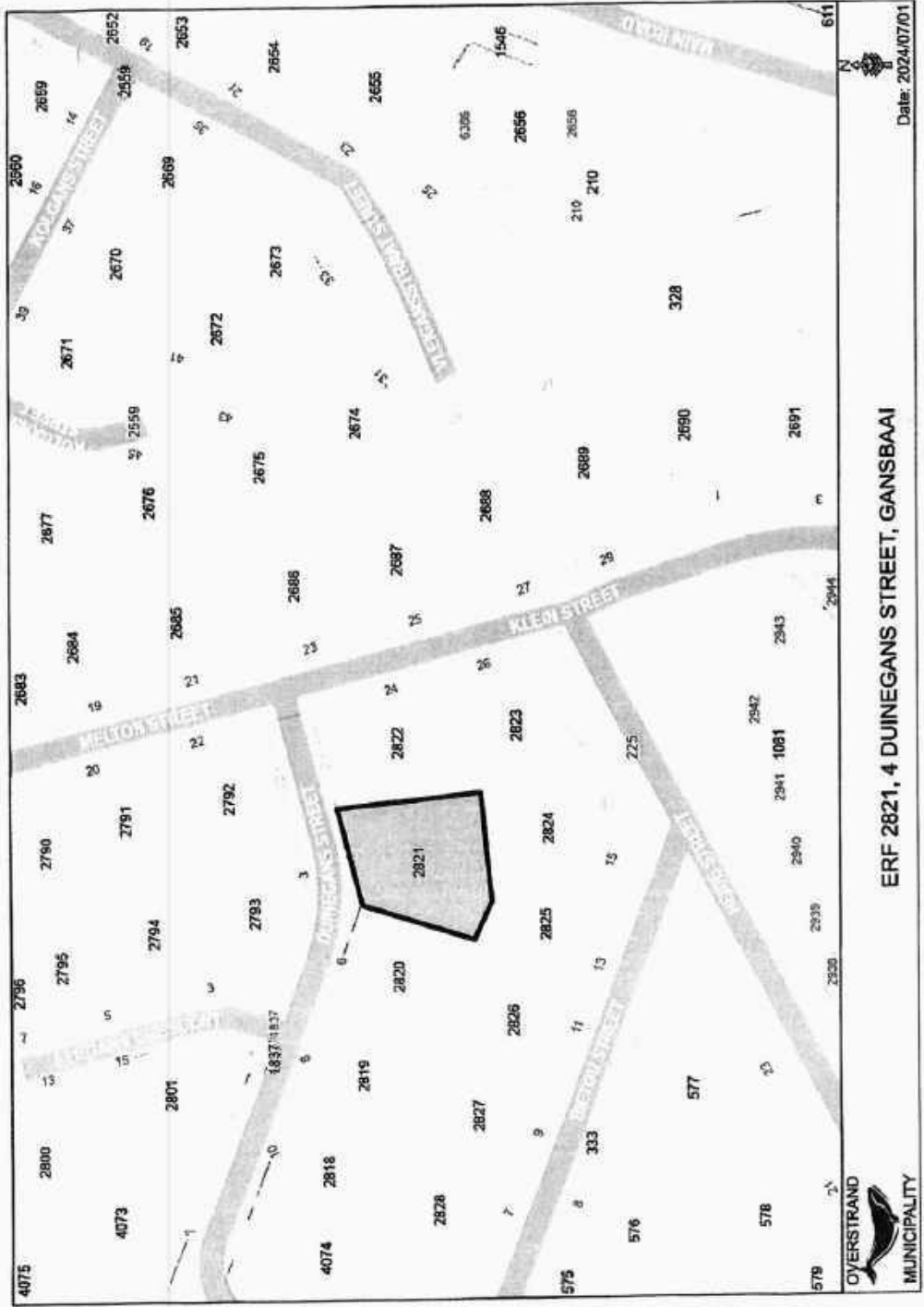
RESOLUTION

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 2821, Gansbaai for a departure to relax the southern rear building line from 2m to 1.392m to accommodate the proposed study, **be approved** in terms of the provisions of Section 61 of the By-Law; and be subject to the following conditions;
 - (a) that this approval is for the relaxations as indicated on plan number *Lour 08/24* dated *15 April 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 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 applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above decision.

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

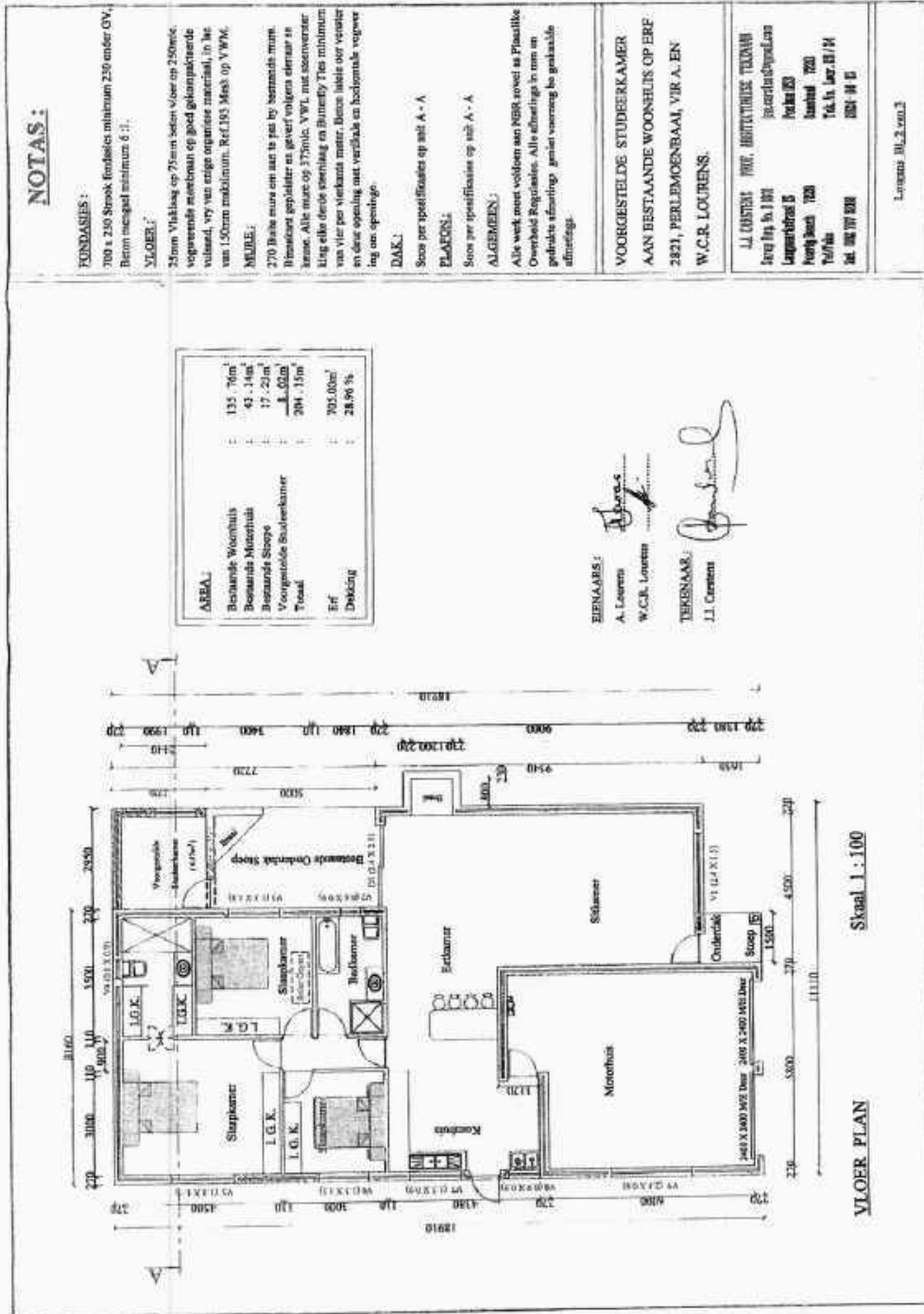
REASONS FOR RESOLUTION

- ❖ The character of the area will remain unaltered.
- ❖ The application will have no impact on the surrounding area.
- ❖ The streetscape will not be jeopardized.
- ❖ None of the relevant departments have any objection.
- ❖ No additional services are required.



ERF 2821, 4 DUINEGANS STREET, GANSBAAI





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 2821, GANSBAAI (4687/2024)**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing 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 the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
5. that any additional and / or extended vehicle entrances will be for the developer's account;
6. that stormwater be allowed to discharge through Erf 2821, Gansbaai, unobstructed.


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**13.ERF 411, 13 DE GOEDE STREET, HERMANUS, WESTCLIFF,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING AND
THE REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION:
INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF CORE
TRUSTE AND LOOTS FAMILY TRUST**

411 HWC (4548/2023)

B Minnaar

(028) 313 8900

Hermanus Administration

6 September 2024

EXECUTIVE SUMMARY

An application has been received on 06 December 2023 from Interactive Town and Regional Planning on behalf of Core Trust and Loots Family Trust on Erf 411, Westcliff, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 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 condition B.(3) as contained in Title Deed T29315/2023 of the property to utilize the property for Business Zone 3: Local Business (B3) purposes.

The restrictive title conditions read as follows:

B.(3) "that not more than one dwelling, including facilities for a creche, be erected on the above erf and that not more than one-half of the area of the above erf be built upon."

- ❖ **Rezoning** in terms of Section 16(2)(a) of the By-Law to utilize the existing building on the property for yoga- and Pilates classes, medical consulting rooms, and a coffee shop at ground floor level, as well as to accommodate a flat at first floor level.

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 411, Westcliff, Hermanus for the removal of restrictive title deed condition B.(3) as contained in Title Deed T29315/2023 of the property to utilizes the property for Business Zone 3: Local Business (B3) purposes, **be approved**, in terms of the provisions of Section 61 of the By-Law.

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the rezoning of Erf 411, Westcliff, Hermanus from Residential Zone 1: Single Residential to Business Zone 3: Local Business to utilise the existing building on the property for yoga- ad Pilates classes, medical consulting rooms, and a coffee shop at ground floor level, as well as to accommodate a flat at first floor level, **be approved**, in terms of the provisions of Section 61 of the By-Law
3. that the approvals in Paragraphs 1 and 2 above be subject to the following conditions:
 - (a) that this approval is only for the removal of restriction and rezoning as per the site plan submitted with the application with plan number 101 dated 2024/06/27, and is not an approval in terms of any other legislation;
 - (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 on-site parking provision be provided in accordance with the approved Site Development Plan;
 - (d) that the display of signage be subject to compliance with the Municipal By-Law on Signage;
 - (e) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (f) that any medical waste will need to be collected by a registered medical waste disposal company for safe disposal and not placed out with the general waste from the property;
 - (g) that all the conditions in the Services Report be complied with;
 - (h) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above decision.

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

REASONS FOR RESOLUTION

- ❖ The proposal for the removal of the restrictive title deed conditions will not negatively impact the surrounding property owners.
- ❖ The existing building with minor additions will be used for the proposed mixed-use development and within the applicable building parameters.
- ❖ No objections have been received during the public participation process from the public or internal departments.
- ❖ The application is in line with the character of the surrounding area.
- ❖ The application is in line with the future planning documents.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING & RELAXATION OF A RESTRICTIVE TITLE
DEED CONDITION: ERF 411, WESTCLIFF (4548/2023)**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

Water	R 27 598.00 x -0.22	=-R 6 071.56
Sewerage	R 19 725.00 x -0.22	=-R 4 339.50
Roads	R 8 845.00 x 4.50	= R 39 802.50
Stormwater	R 10 205.00 x 2.345	= R 23 930.73
Solid Waste	R 1 769.00 x 1.7875	= R 3 162.09
TOTAL (inclusive of VAT)		= R 56 484.26

Note:

- 1.3 The above figures are estimates
1.4 That Overstrand Municipality's Electrical Department be contacted regarding the bulk electricity cost.

2

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, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
7. that stormwater be allowed to discharge through Erf 411, Westcliff, unobstructed;
8. that no on-street parking be allowed.


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

05/06/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**14.ERF 1016, 85 MAIN ROAD, SANDBAAI, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: J THERON**

1016 HSB (4551/2023)

B Minnaar

(028) 313 8900

Hermanus Administration

6 September 2024

EXECUTIVE SUMMARY

An application has been received on 11 December 2023 from J Theron on Erf 1016, Sandbaai in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for a departure in order to relax the western lateral building line from 2m to 0m to accommodate the proposed garage.

RESOLUTION

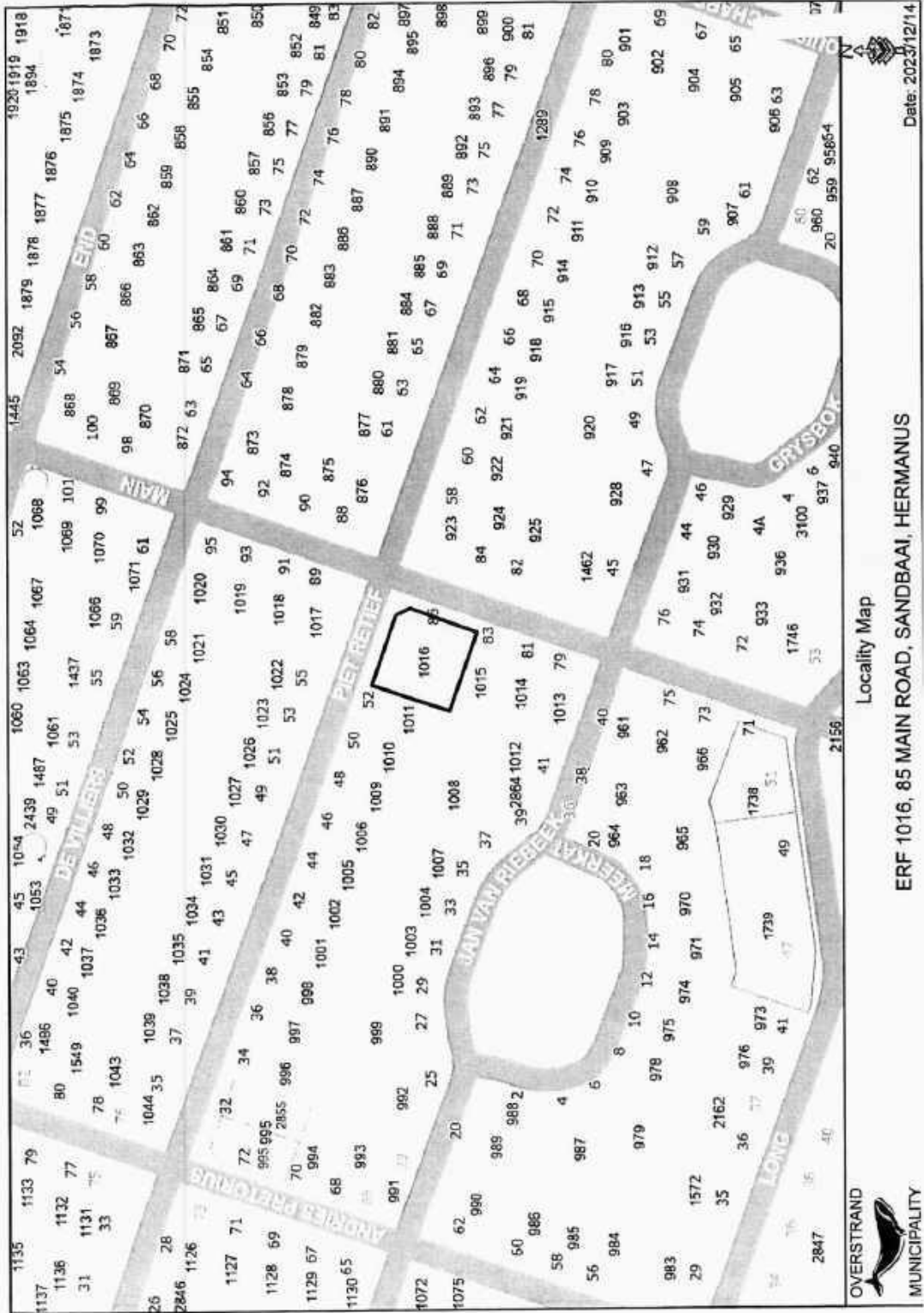
1. that the objections be noted;
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1016, Sandbaai for a **departure** to relax the western lateral building line from 2m to 0m, **be approved** in terms of the provisions of Section 61 of the By-Law; and be subject to the following conditions;
 - (a) that this approval is for the relaxations as indicated on plan number *HSB1016A* dated *10 November 2023* submitted with the application;
 - (b) that the garage be utilised for purposes as per the zoning scheme;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (d) that the conditions in the Services Report be complied with;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

3. that the applicant and persons who commented 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.

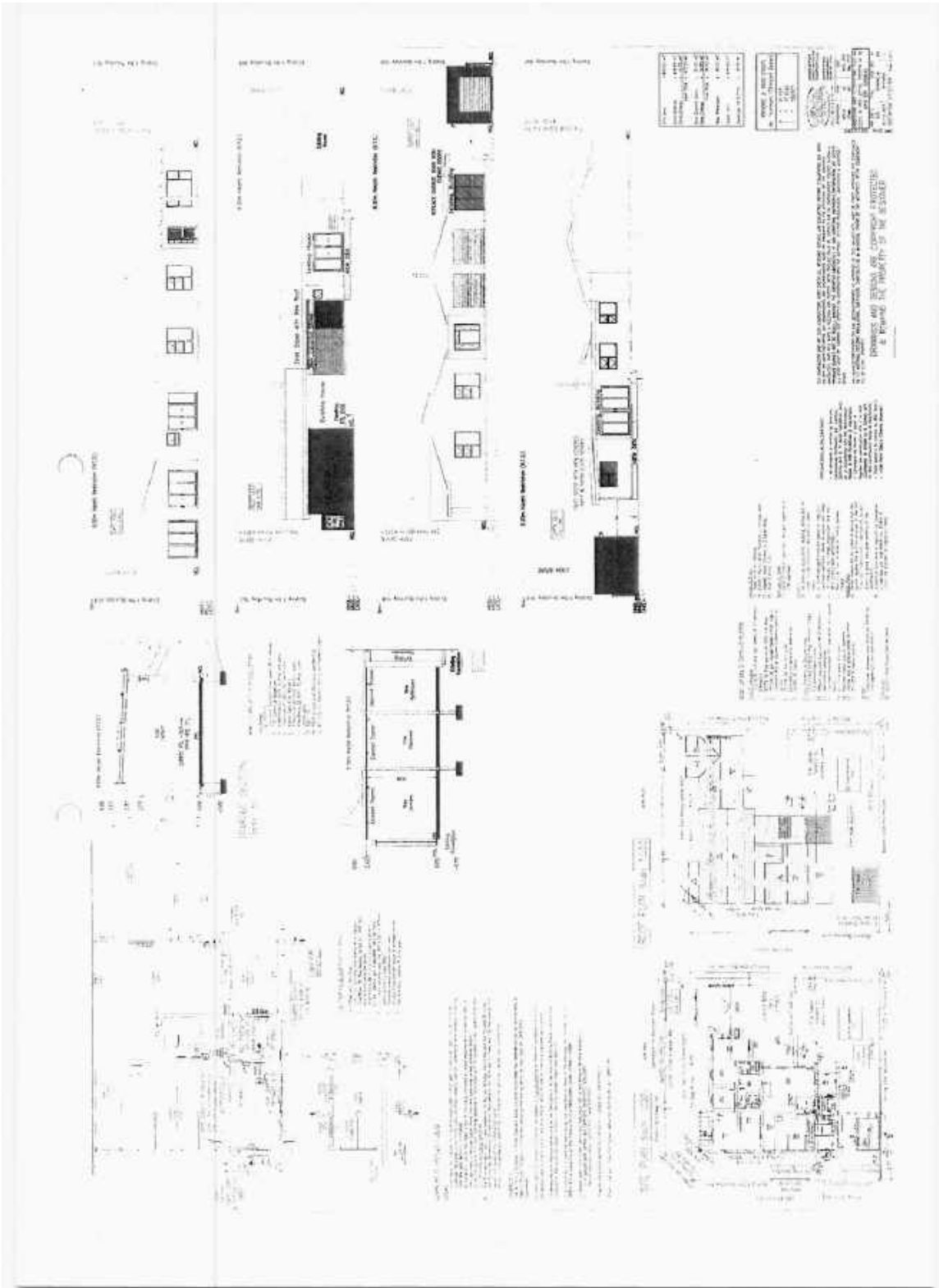
REASON FOR THE RESOLUTION

- ❖ The carport will be removed in order to construct the proposed garage.
- ❖ The proposed garage will enhance the safety of the vehicles.
- ❖ The application will have no negative impact on the surrounding area.
- ❖ The streetscape will not be jeopardized by the proposed garage.
- ❖ None of the relevant departments have any objection.
- ❖ No additional services are required.



Locality Map
 ERF 1016, 85 MAIN ROAD, SANDBAAL, HERMANUS





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 1016, SANDBAAI (4551/2023)**

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

Conditions:

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

Dennis Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

02/05/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

15.ERF 6711, 306 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF PERSAT PROPERTY (PTY) LTD

6711 HEC (4655/2024)

P Roux

(028) 313 8900

Hermanus Administration

10 September 2024

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 06 May 2024 (application regarded as complete on 24 May 2024) from Messrs Plan Active Town & Regional Planners on behalf of the owners of Erf 6711, Eastcliff, Hermanus for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Bylaw for the following:
 - Relaxation of the western street building line from 5m to 0m to accommodate the proposed generator room, storeroom and existing water tanks,
 - Relaxation of the maximum permissible length of an outbuilding (storeroom) from 9m to 12.19m on the western street building line.

- ❖ **determination of an administrative penalty** in terms of Section 90 of the By-Law, in order to accommodate the existing structures.

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 6711, Hermanus for the following:
 - relaxation of the western street building line from 5m to 0m to accommodate the proposed generator room, storeroom and existing water tanks; and
 - relaxation of the maximum permissible length of an outbuilding (storeroom) from 9m to 12.19m on the western street building line,

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

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

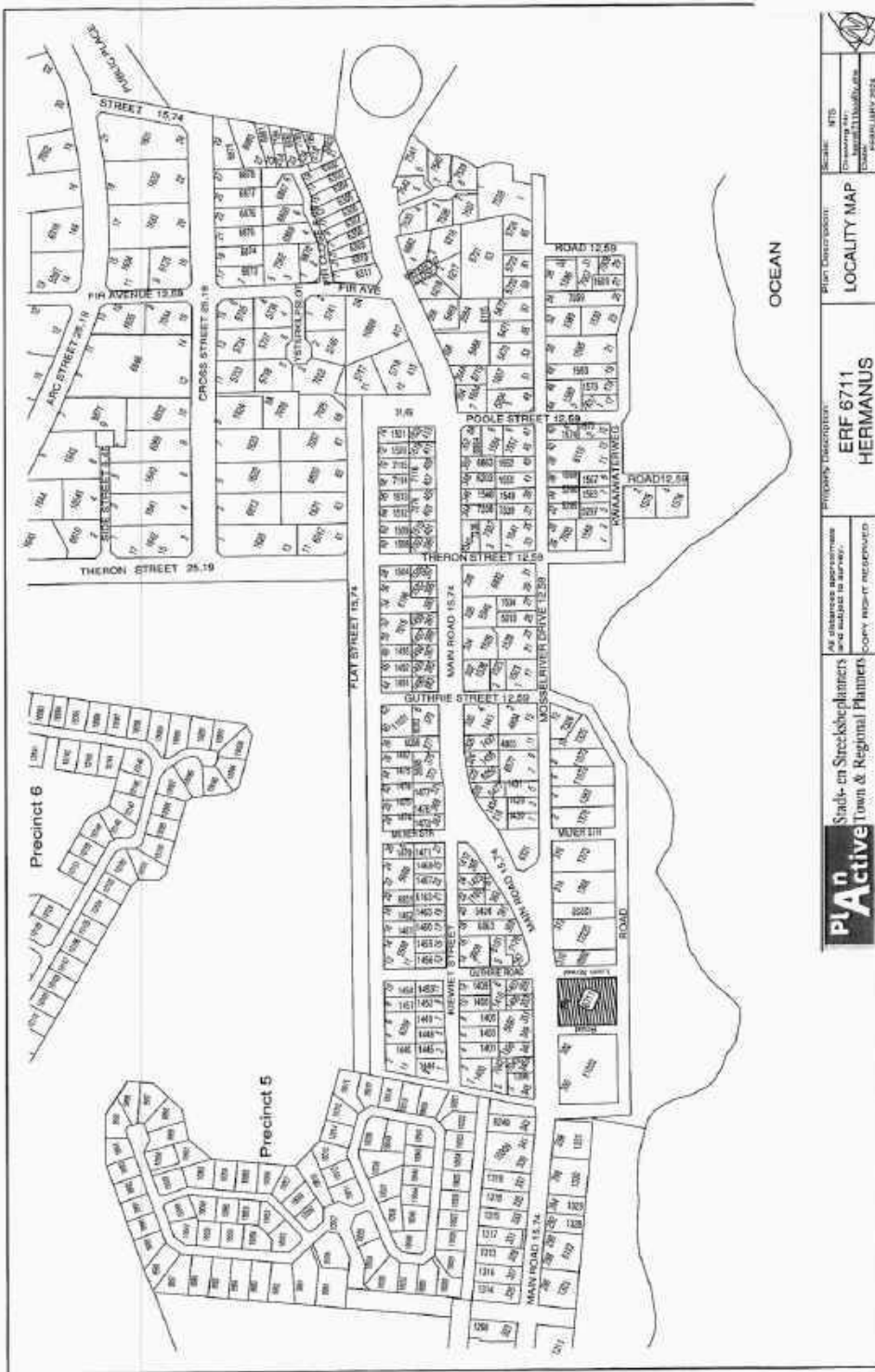
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 6711, Hermanus for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
3. that the recommendation under paragraphs above is subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan No 20 239 dated 2024-01-17;
 - (b) that the roof of the storage area cannot be used as a terrace or be made accessible for general use;
 - (c) that a Noise Assessment be done after construction and any mitigation measures be implemented at that stage;
 - (d) that revised building plans be submitted to the Building Control Department indicating the alternative roof materials and that all conditions of the Building- and Fire Department be complied with at that stage;
 - (e) that an administrative penalty of **R2 801.98** be payable within thirty (30) 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
4. that the applicant 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 retention and development of the structures will not have a negative impact on the adjacent property owners or the character of the area.
- ❖ The proposed structure will be visually obscured from Main Road.

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

- ❖ Construction started without the necessary approvals from the municipality.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ Alterations were made to the dwelling without municipal approval.



PIAⁿ
 Study on Streetclosures
 Town & Regional Planners

All references photographs
 and subject to survey.

PROPERTY DESCRIPTION:
**ERF 6711
 HERMANUS**

PROJECT DESCRIPTION:
LOCALITY MAP

Scale: 4:1
 City of Geraldton
 Drawn by: J. M. M. M.
 Checked by: J. M. M. M.
 Drawn on: 15 JANUARY 2024

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 6711, EASTCLIFF (4655/2024)**

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

Conditions:

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


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**16.ERF 4949, 3 MUSSON STREET, EASTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE
DEED CONDITIONS, DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON
BEHALF OF JJ & MA VAN DER MERWE**

4949 HVK (4619/2024)

P Roux

(028) 313 8900

Hermanus Administration

19 July 2024

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 20 March 2024 from WRAP Project Office on behalf of the owners of Erf 4949, Eastcliff, Hermanus for the 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(b)(A)(b) and 1(b)(A)(d) as contained in Title Deed T17182/2021 of the property.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the south-western building line of the property from 2m to 1.55m to accommodate the existing second dwelling unit.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the determination of an administrative penalty to legalize the existing structure.

RESOLUTION

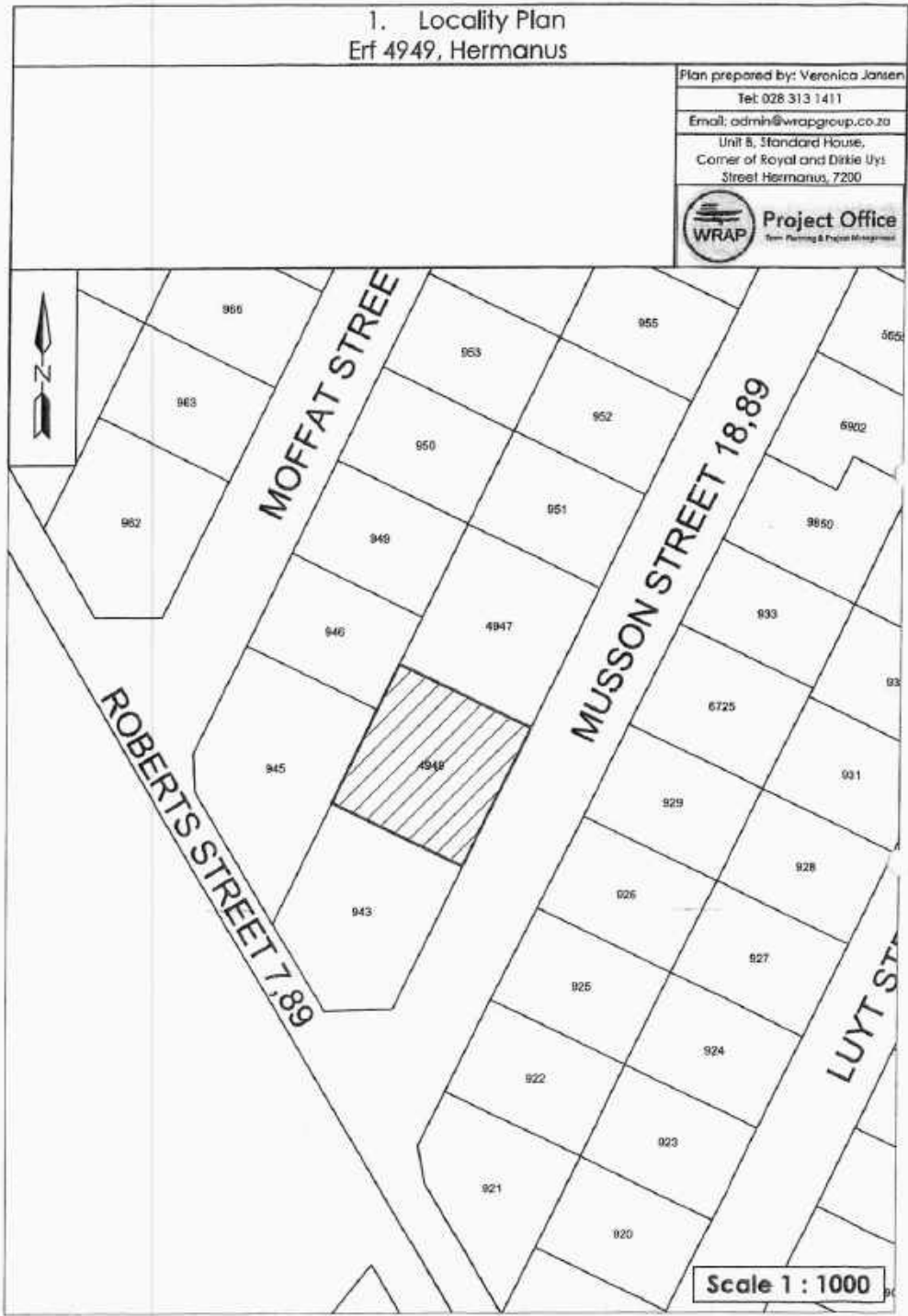
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4230, Onrustvriër for a departure to relax the northern lateral building line from 2m to 0m to accommodate the existing as built braai structure, and the relaxation of the western rear building line from 2m to 1,83m to accommodate a portion of the existing dwelling that encroaches the subject building line, **be approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
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 removal of restrictive title deed conditions 1(b)(A)(b) and 1(b)(A)(d) as contained in Title Deed T17182/2021, **be approved** in terms of the provisions of Section 61 of the By-Law;

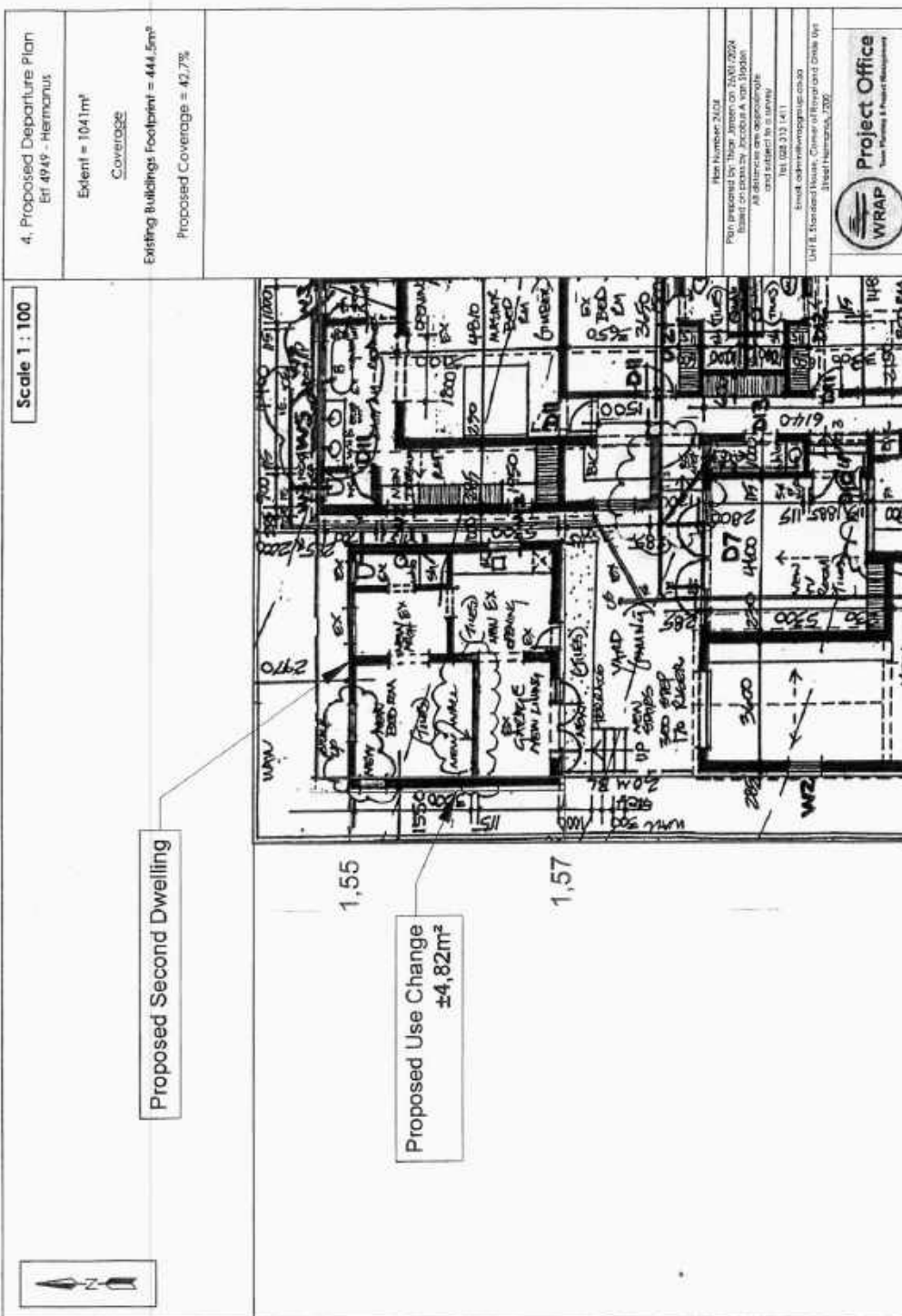
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3. that the application in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the determination of an administrative penalty on Erf 4949, Hermanus for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
4. that the recommendation under paragraphs 1., 2. and 3. is subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan No 24.04 as submitted with the application;
 - (b) that an administrative penalty of **R34 426.51**, be payable within thirty (30) days of the decision;
 - (c) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;
 - (d) that all the conditions from District Health and Services Report be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
5. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- ❖ The retention of the existing structures on its existing placement will not have a negative impact on the adjacent property owners or the character of the area.
- ❖ The conversion of the outbuilding into a second dwelling does not only relate to the applicable building line but was done in contravention of the title deed. The building plans recently submitted and approved by the municipality did not correctly indicate the existing work which was already done on site. And therefore, building work was completed without the required approval from the municipality.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.





4. Proposed Departure Plan
Erf 4949 - Hermanus.

Extent = 1041m²
Coverage

Existing Buildings Footprint = 444,5m²
Proposed Coverage = 42,7%



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION,
DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF
4949, EASTCLIFF (4619/2024)**

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.

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

13/05/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**17.ERF 854, 9 GANET ROAD, VERMONT, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR RELAXATION OF TITLE DEED RESTRICTION,
DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY:
TERRAPLAN ASSOCIATE (CAPE) O.B.O M MYBURG**

854 HVM (4591/2024)

H Olivier

(028) 313 8900

Hermanus Administration

18 July 2024

EXECUTIVE SUMMARY

An application has been received on from Terraplan Associate (Cape) o.b.o M Myburg for Erf 854, Vermont in terms of Section 16. (2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **relaxation** of Clause E.6.(a) of Title Deed No. T37041/2023 to relax the lateral building lines from 1,57m to 1,35m and 1,459m respectively to accommodate the existing dwelling and garage.
- ❖ **departure** in terms of Section(2)(b) to relax the western lateral building line from 2m to 1,35m to accommodate the existing dwelling, and to relax the eastern lateral building line from 2m to 1,459m to accommodate the existing garage, and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) for unauthorised building line encroachments as mentioned above.

RESOLUTION

1. that in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 854, Vermont for the relaxation of Clause E.6.(b) of Title Deed No. T37041/2023 to relax the western and eastern lateral building lines from 1,57m to 1,350m and 1,459 respectively, to accommodate the existing dwelling and garage **be approved** in terms of the provisions of Section 61 of the By-Law.
2. that in terms of Section 2(b) of Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 the departure to relax the western lateral building line from 2m to 1,35m to accommodate the existing dwelling, and to relax the eastern lateral building line from 2m to 1,459m to accommodate the existing garage, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

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- (a) that this approval is only for the relaxation and departure of building lines as indicated on site plan numbered WFG/VM854/3 dated 8 April 2024 as submitted with the application;
 - (b) that all the conditions by Engineering Services, Eskom and Telkom be complied with.
 - (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 Land Use Scheme be complied with.
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 854, Vermont for the unauthorised building work over a Title Deed and Land Use Scheme building lines on the property, **be imposed** and a penalty fee of **R5 985** be paid within 30 (30) days from the date of this decision.
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

REASONS FOR RESOLUTION

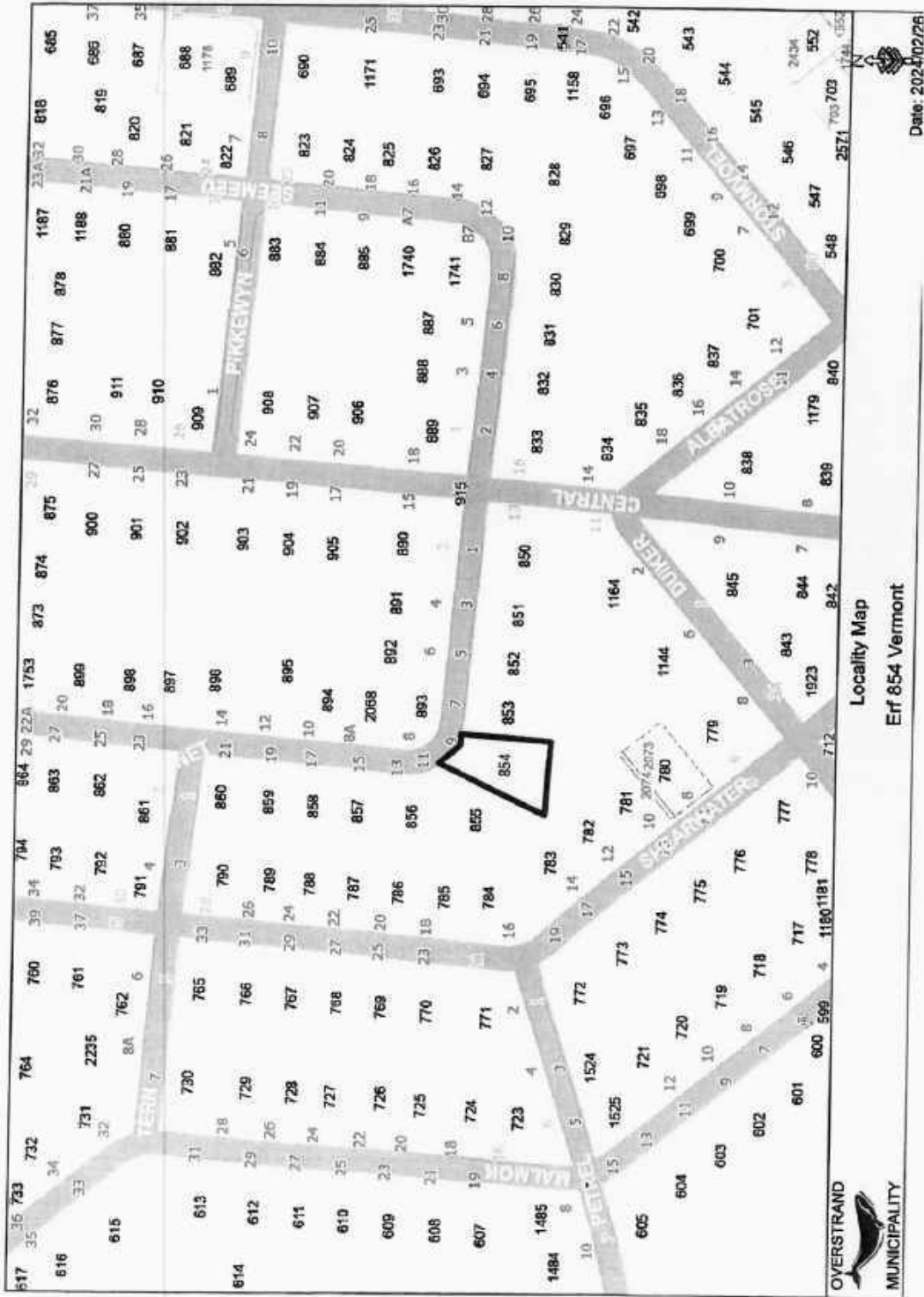
Points 1 and 2

- ❖ Consent letters were received from affected neighbours.
- ❖ Does not jeopardize character of area.
- ❖ No additional building work to be done.
- ❖ Better utilization of the property.
- ❖ The application has followed due procedure.
- ❖ No additional services are required.
- ❖ The building work is historic and was constructed by a previous owner in 1983 and 2001, and it is also minor encroachments.

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Point 3

- ❖ A person purchasing a property must ensure that when purchasing a property all buildings / structures are on an approved building plan.



Locality Map
Erf 854 Vermont





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE, RELAXATION OF TITLE DEED &
DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 854, VERMONT
(4591/2024)**

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

Conditions:

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

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

13/05/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

18.ERF 615, 33 MALMOK CRESCENT, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND SUBDIVISION: WRAP PROJECT OFFICE ON BEHALF OF L SLEGTENHORST

615 HVM (4555/2023)

H Olivier

(028) 313 8900

Hermanus Administration

8 August 2024

EXECUTIVE SUMMARY

An application has been received on 13 December 2023 from WRAP Project Office on behalf of L Slegtenhorst in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 615, 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.(a) and E.(d) as contained in Title Deed T8377/2023 of the property to allow the proposed subdivision of the property.

The restrictive title deed conditions read as follows:

“E. SUBJECT FURTHER to the following conditions contained in Deed of Transfer Number T840/1957 imposed by the Transferor Company therein namely “South Western Districts Land and Finance Corporation Limited” in its favour and its successors in title as owners of the remainder of the property held by Deed of Transfer Number T7023/1935 namely:

- (a) SAVE with the consent of the TRANSFERER COMPANY in writing no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 3,15 metres to the street line which forms a boundary of the said property, and no such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining lot, nor save with the consent aforesaid, may the said property (or any lot, if the property sold comprises more than one lot) be subdivided;*
- (d) UNLESS permission of the TRANSFERER COMPANY in writing be obtained under condition (c) above, the said property shall be used for residential purposes only and only one dwelling together with such outbuildings are as ordinarily required for domestic*

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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."

- ❖ **Subdivision** in terms of Section 16(2)(d) of the By-Law to subdivide Erf 615, Vermont into two (2) portions, namely Portion A ($\pm 610\text{m}^2$) and a Remainder ($\pm 727\text{m}^2$).

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 615, Vermont for the removal of restrictive title deed conditions E.(a) and E.(d) as contained in Title Deed T8377/2023 of the property to allow the proposed subdivision of the property and second 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 Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 615, Vermont into two (2) portions, namely Portion A ($\pm 610\text{m}^2$) and a Remainder ($\pm 727\text{m}^2$), **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 subdivision as indicated on Subdivision Plan numbers 3.1 and 3.2 dated 6/12/2023, submitted with the application;
 - (b) that this approval is only for the removal of restriction and subdivision and not an approval in terms of any other legislation;
 - (c) 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;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with,
 - (f) that all the conditions in the Services Report be complied with, and
 - (g) that all the conditions by Eskom and Telkom be complied with.

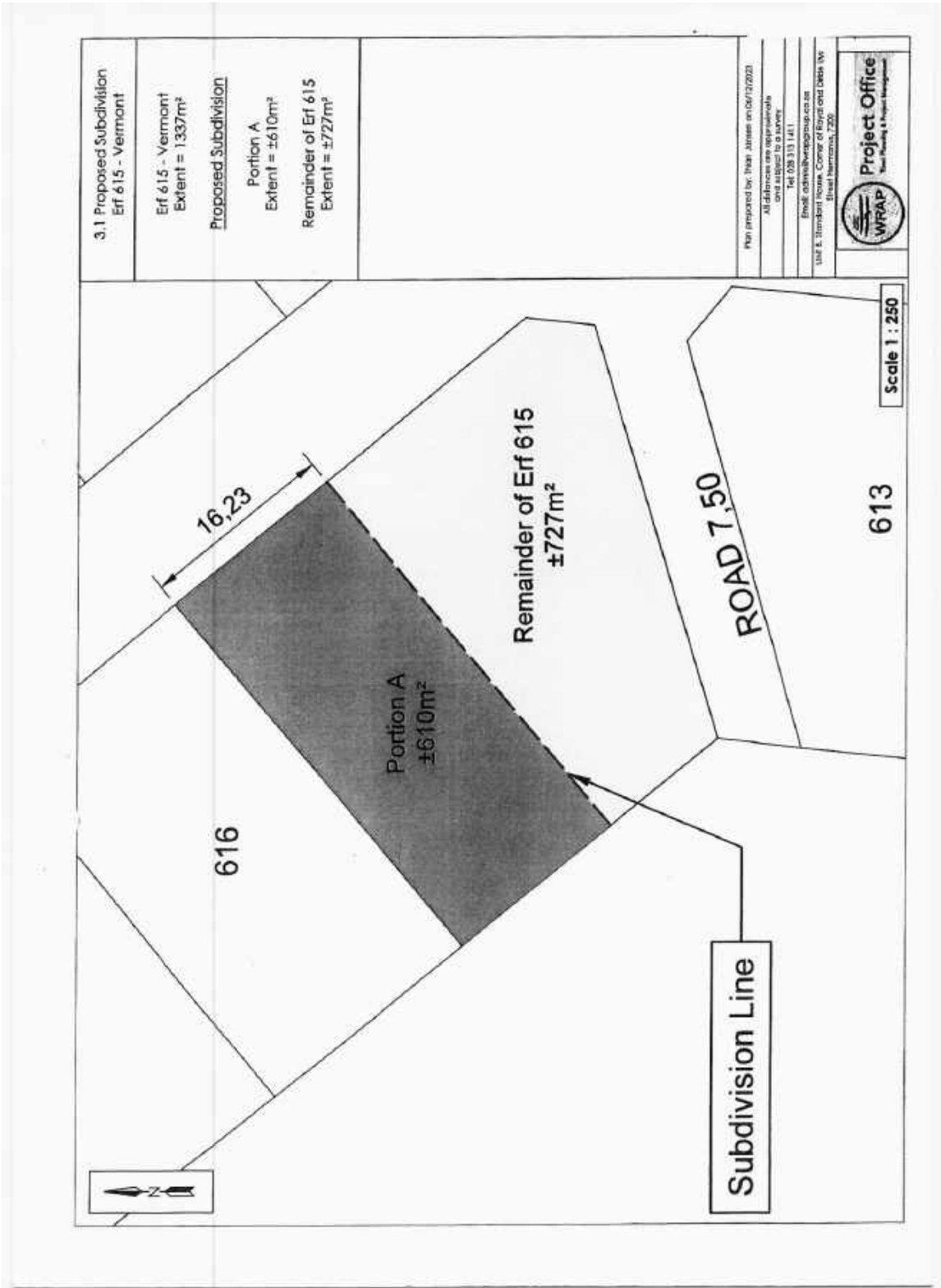
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4. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The existing municipal services can accommodate the additional erf and additional dwellings and the application is supported by the Engineering Branch.
- ❖ The subdivision of the erf is in line with the Overstrand Growth Management Strategy, 2010 which earmark this area as status quo, with erven with sizes between 600m² to 700m² in this area.
- ❖ The size of the new proposed erven will be in line with the sizes of erven in Vermont.
- ❖ The restrictive condition prohibits the property to be developed to its full potential, as the land use scheme allows for second dwellings as a primary right.
- ❖ 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.
- ❖ The application is desirable.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS &
SUBDIVISION: ERF 615, VERMONT (4555/2023)**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

Water	R 27 598.16 x 1	=	R 27 598.16
Sewerage	R 18 608.30 x 1	=	R 18 608.30
Roads	R 8 344.32 x 1	=	R 8 344.32
Stormwater	R 9 626.92 x 1	=	R 9 626.92
Solid Waste	R 1 668.44 x 1	=	<u>R 1 668.44</u>
TOTAL (inclusive of VAT)		=	R 65 846.14

Note:

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

2. that any part of the existing water and sewer services on Erf 615 that crosses the common boundary of Portion A and the Remainder of Erf 615 shall be disconnected and sealed off;
3. that the Remainder and Portion A of Erf 615 must be serviced with individual and separate water connections, which must comply with the standards of the Department: Operational Services;
4. that the proposed Portion A and Remainder of Erf 615 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the individual erven must connect to;
5. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
6. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through the proposed Erven, Vermont, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

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**19.REMAINDER PORTION 12 OF THE FARM SONDAGSKLOOF NO. 672,
CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION
FOR CONSENT USE: MESSRS PLAN ACTIVE TOWN AND REGIONAL
PLANNERS ON BEHALF OF ROB VAN VUUREN FAMILY TRUST**

Rem Ptn 12/ 627 RCAL (4486/2023)

P Roux

(028) 313 8900

Hermanus Administration

14 October 2024

EXECUTIVE SUMMARY

An application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land use Planning, 2020 (By-Law) has been received on 27 September 2023 from Messrs Plan Active Town and Regional Planners on behalf of Rob van Vuuren Family Trust on Portion 12 of the Farm Kleyn Hagel Kraal No. 672, Division Bredasdorp for the following:

- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law to accommodate one additional dwelling on the property.

RESOLUTION

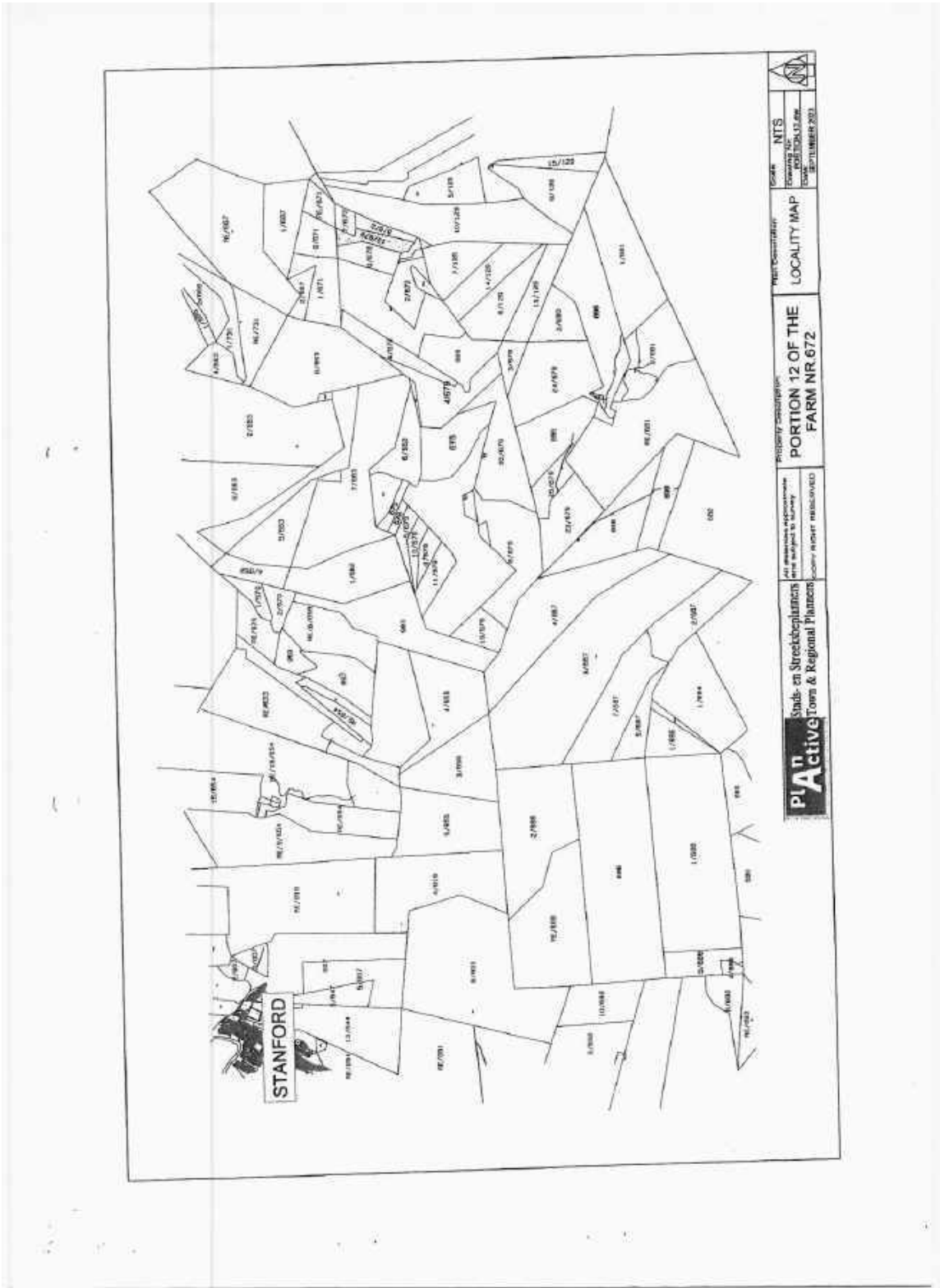
1. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Portion 12 of the Farm Sondagskloof No. 672, Caledon Division for a consent use in order to accommodate an additional dwelling on the property, **be approved** 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 of an additional dwelling as indicated on the site development plan *3122 Rev A* dated *13 October 2022* as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval and that all conditions of the Building- and the Fire Departments at that stage, be complied with;
 - (c) that all conditions as set out in the Services Report and Breede-Olifants Catchment Management Agency be complied with;
 - (d) that no further departures with regard to the building lines will be considered if not in line with the Zoning Scheme;

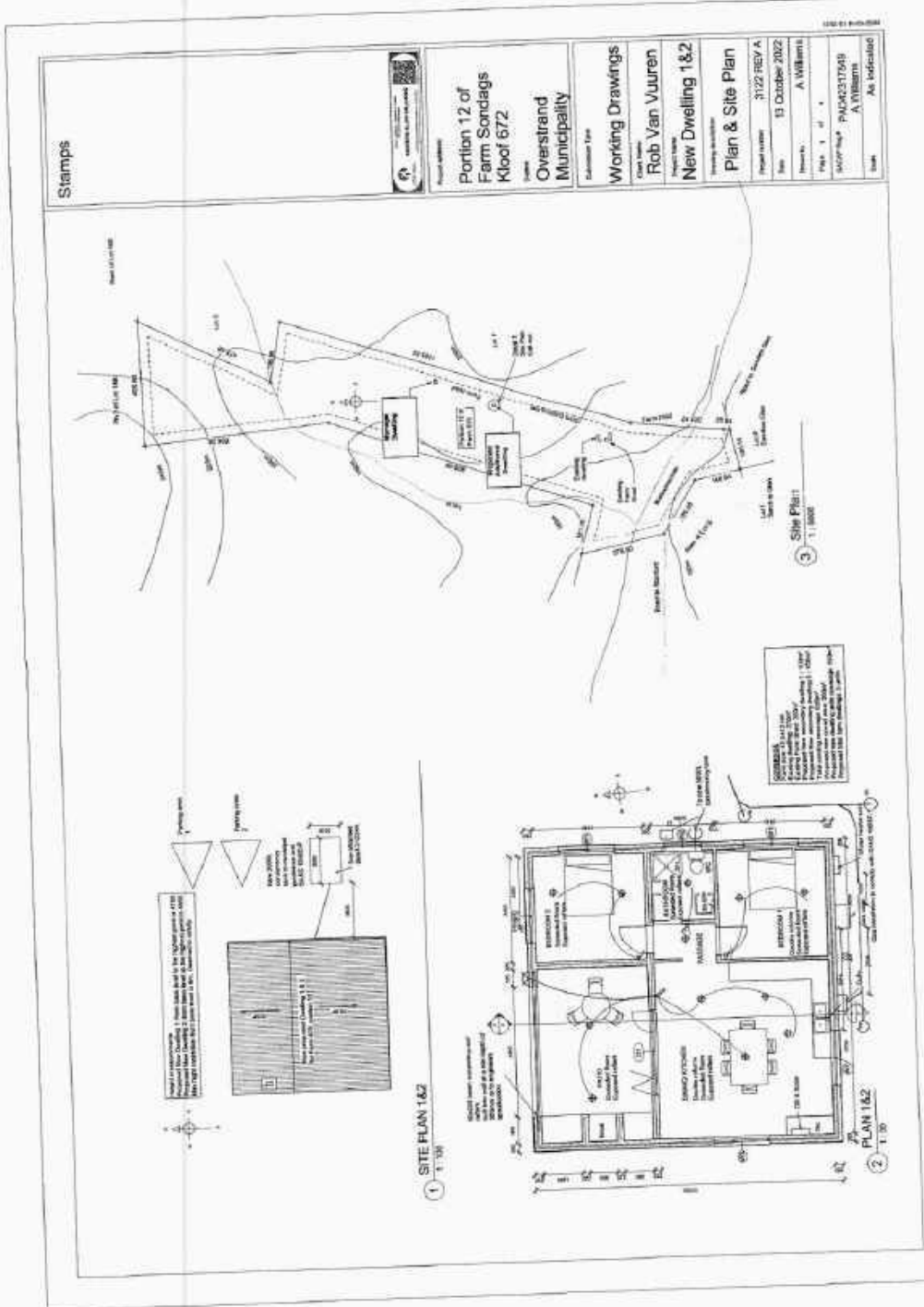
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- (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
2. that the applicant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

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ No additional access roads required.
- ❖ No removal of indigenous vegetation.
- ❖ The proposal is in line with the character of the area while providing for more residential opportunities.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: REMAINDER PORTION 12 OF THE
FARM SONDAGSKLOOF NO. 672, CALEDON DIVISION, OVERSTRAND
MUNICIPAL AREA**

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

Conditions:

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

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

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

28-11-2022
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
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**20. PORTION 20 OF FARM KLEYN HAGEL KRAAL NO. 321, BREDASDORP
DIVISION: APPLICATION FOR CONSENT USE: MESSRS WRAP PROJECT
OFFICE ON BEHALF OF WOLFGANG JOHANN PEVERELLI**

Ptn 20/ 321 GRBRE (3959/2021)

SW van der Merwe

(028) 313 8900

Hermanus Administration

13 September 2024

EXECUTIVE SUMMARY

An application has been received on 13 December 2021 from Messrs WRAP Project Office on behalf of Wolfgang Johann Peverelli on Portion 20 of the Farm Kleyn Hagel Kraal No. 321, Division Bredasdorp for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality Municipal Land Use Planning Amendment By-Law, 2020 for agricultural industry to operate a micro-manufacturing distillery on the property.

RESOLUTION

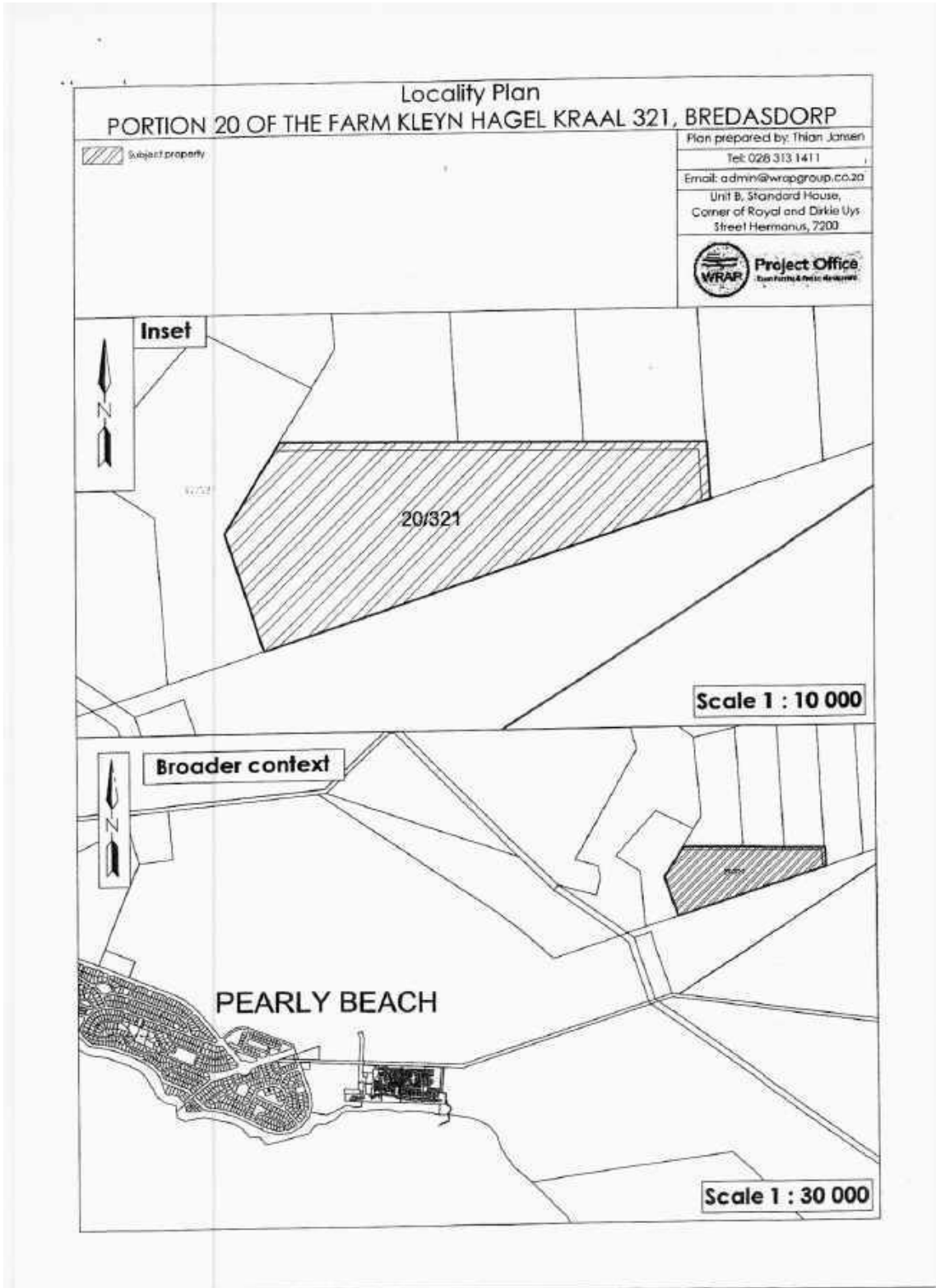
1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Portion 20 of the Farm Kleyn Hagel Kraal No. 321, Bredasdorp Division for a consent use (agricultural industry) to accommodate a micro-manufacturing distillery on the property, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the site development plan as submitted with the application;
 - (b) that the consent use not be transferable;
 - (c) that an environmental management plan be submitted to the Environmental Management and Conservation Department for approval;
 - (d) that a waste management plan be submitted for approval by Waste Management and Engineering Services Departments;
 - (e) that building plans be submitted to the Building Department for approval and that all conditions of the Building Control and the Fire, Rescue and Disaster Management at that stage, be complied with;

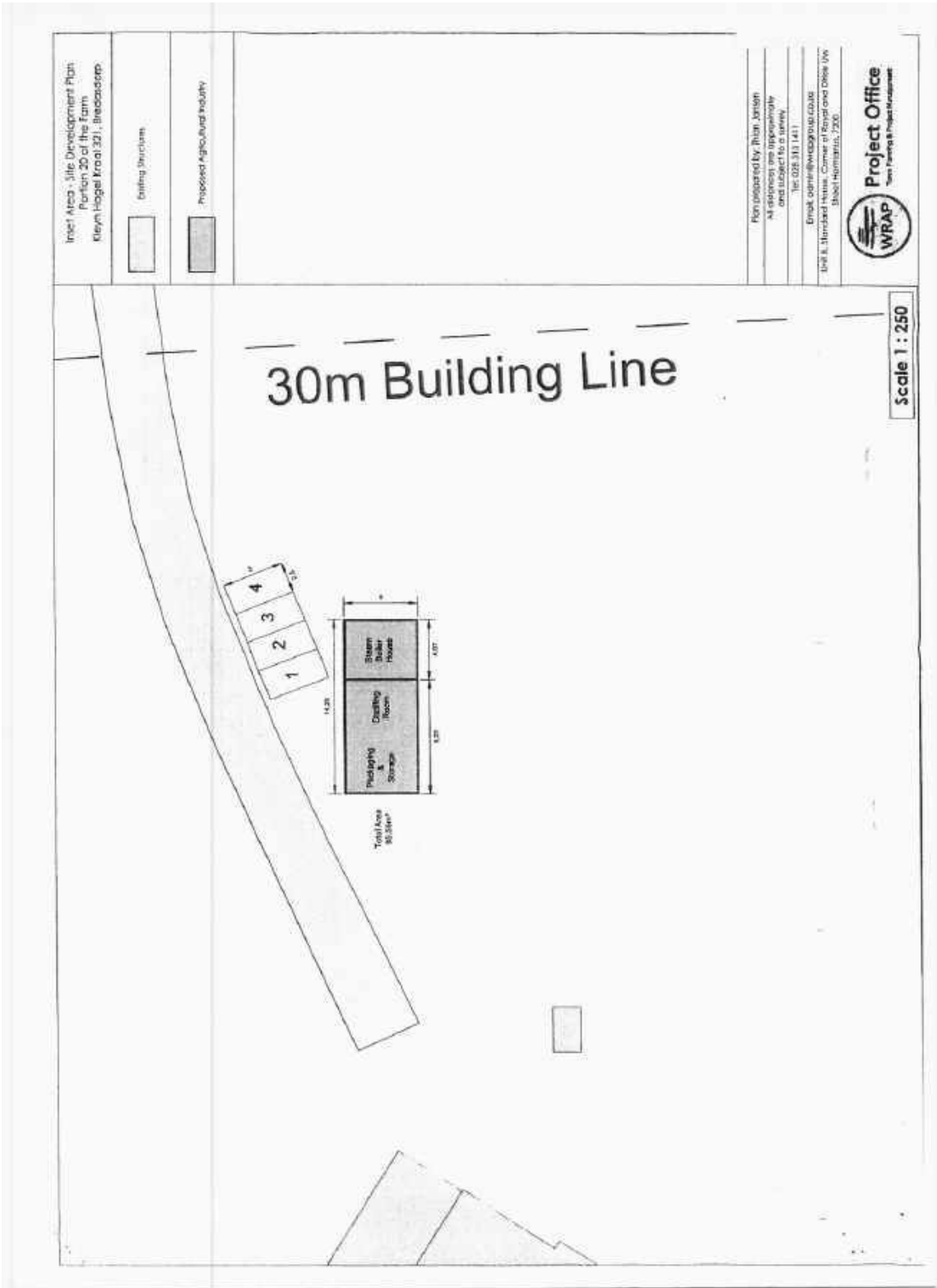
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(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

- (f) that all the conditions from Fire, Rescue and Disaster Management, District Health, Engineering Services and Environmental Management and Conservation, be complied with;
 - (g) that all the conditions imposed by CapeNature, Department of Environmental Affairs and Development Planning: *Environmental*, and Breede-Gouritz Catchment Management Agency CMA be complied with;
 - (h) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (i) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No additional access roads required.
- ❖ No removal of indigenous vegetation.
- ❖ It will attribute to tourism and rural economic development.
- ❖ The development will not detract from the character of the rural landscape.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: PORTION 20 OF FARM 321, KLEYN
HAGEL KRAAL, BREDASDORP DIVISION**

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

Conditions:

1. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that, as no municipal network is available in the vicinity of the consolidated farm, and no municipal water services will be rendered to the consolidated farm, the developer is responsible for the provision of any water supply and / or –services to the development on the farm;
3. that the proposed development on Portion 20 of Farm 321 be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the development must connect to;
4. that the sewer conservancy tanks must be accessible to the municipal sewer tankers from one of the adjacent public roads, with parking areas for the sewer tankers provided with permanent surfaces and to the layout and specification of the Department: Operational Services;
5. 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);
6. 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);
7. that waste water disposal be done in a safe and healthy manner and that all legislation / regulations in this regard must be adhered to;

8. 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. M. Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

13/05/2021
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

21. PORTION 3 OF THE FARM HEMEL EN AARDE NO. 587, A DIVISION OF CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF K&D TRUST

RCAL 3/587 (4064/2022)

H Olivier

(028) 313 8900

Hermanus Administration

2 September 2024

EXECUTIVE SUMMARY

The application was submitted on 14 February 2022 by Plan Active on behalf of K & D Trust on Portion 3 of the Farm Hemel en Aarde No 587, Division Caledon in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, for a consent use for the following:

- ❖ To accommodate **tourist facilities** to accommodate food and beverage stalls, a picnic area, children's play area, hiking, trail running and mountain bike trails (with bicycle wash station and related toilette and shower facilities), and
- ❖ To allow **tourist accommodation** to accommodate four (4) eco cabins.

It is to be noted that the Site Development Plan and an amended motivation was submitted in June 2024, this was to address comments received from external departments in the public participation process.

RESOLUTION

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 3 of the Farm Hemel en Aarde No 587, Division Caledon in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, for a consent use for the following:
 - ❖ to accommodate **tourist facilities** to accommodate food and beverage stalls, a picnic area, children's play area, hiking, trail running and mountain bike trails (with bicycle wash station and related toilette and shower facilities), and
 - ❖ to allow **tourist accommodation** to accommodate four (4) eco cabins.

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

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(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

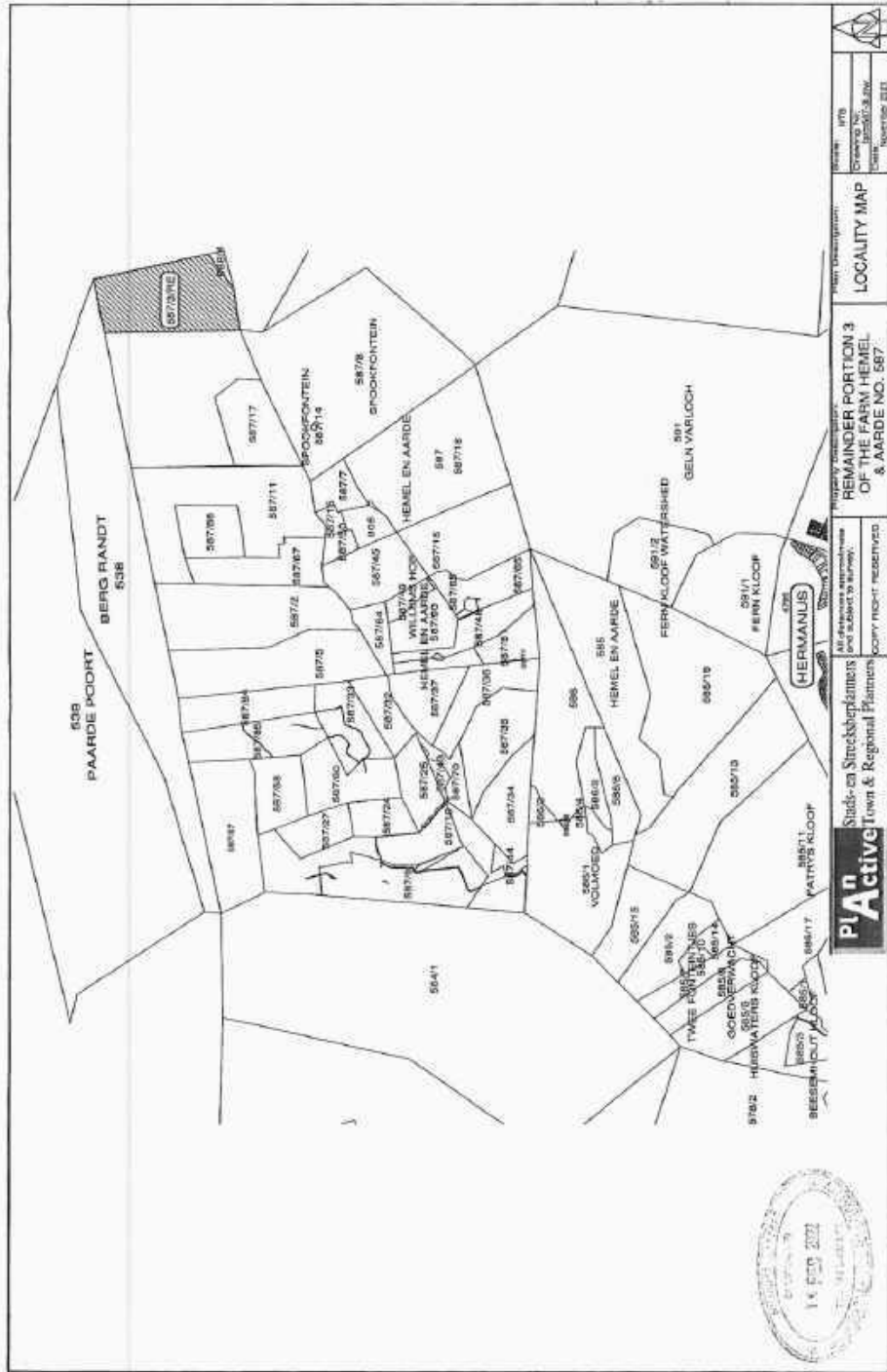
- (a) that development be in line with development as indicated on Site Development 101 dated 11/06/2024, and the amendment of the entrance/egress point off the District Road on the Site Development Plan, to the satisfaction of the Department of Transport and the Division Manager Town and Spatial Planning;
 - (b) that no septic tanks may be installed for the facilities and eco-cabins;
 - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (d) that all conditions in the Services Report be complied with;
 - (e) that the conditions imposed by Heritage Western Cape be complied with;
 - (f) that all the conditions imposed by Eskom be complied with;
 - (g) that all the conditions by the Cape Nature be complied with;
 - (h) that all the conditions by Western Cape Government: Transport & Public Works be complied with;
 - (i) that all the conditions by the BGCMA be complied with, and
 - (j) that all the conditions imposed by Telkom be complied with.
- 2 that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The proposed development for tourist facilities and accommodation is in line with the aims of the Overstrand Municipal Wide SDF, 2020.
- ❖ All relevant municipal departments and external departments/institutions support the application.
- ❖ The application will have no heritage impact or environmental impact.
- ❖ The application is in line with the general principles of SPLUMA and LUPA as an important resource land will be used to its full potential, and having an income from agricultural activities and tourism income will provide the property with resilience should one of the businesses uses take a financial downturn.

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- ❖ The application will have no impact on the agricultural activities on the farm and the application is supported by the Western Cape Government: Agriculture and National Department of Agriculture.
- ❖ The Western Cape Government: Transport and the Municipal Engineering Services Department support the application; therefore, the parking and road infrastructure is sufficient to accommodate the proposed uses.
- ❖ The eco-cabins and tourist facilities will be placed in such a manner that it will mostly be visually blocked by mature wind-break trees, and not be visible from adjacent properties.
- ❖ No objections were received from surrounding property owners.
- ❖ The application will not have a negative impact on surrounding properties or the character of the surrounding area, which is an agricultural area with existing tourist related uses.



FLOOR PLAN

FRONT ELEVATION

BACK ELEVATION

LEFT ELEVATION

RIGHT ELEVATION

SECTION A-A

ISSUED FOR APPROVAL

1000 UNIVERSITY AVENUE
 SUITE 100
 WILSONVILLE, OR 97150
 TEL: 503.535.1234
 FAX: 503.535.1235

PROJECT:
 REFUGEE - TOURIST FACILITIES

LOCATION:
 HEWLETT & AARDE VALLEY

DATE: 08/15/2011 DRAWN BY: JLD SCALE: AS INDICATED TOWNSET DRAWING: ARCH. 2011.08.15	
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SITE PLAN SCALE: 1/8" = 1'-0"

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: REMAINDER PORTION 3 OF THE
FARM HEMEL & AARDE NO. 587, DIVISION CALEDON**

Water	:	No services available
Sewer	:	In order
Roads and traffic	:	In order
Stormwater (SW)	:	No services available
Electricity	:	Eskom area

Conditions:

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

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

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

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

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

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

Freehold erven:

Sewerage (SEW5A)	R 17 555.00 x 4	=R 70 220.00
TOTAL (inclusive of VAT)		<u>R 70 220.00</u>

Note:

1.3 The above figures are estimates

2. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;

3. that no water service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (water affairs, health, etc.) for the use of any other water resources and the extraction thereof;
4. 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 Manager: Engineering Services, Overstrand Municipality;
5. that the developer complies to all the conditions set by Department Of Water Affairs;
6. that the development on Remainder Portion 3 of the proposed property be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operations;
7. that the sewer conservancy tanks must be accessible to the municipal sewer tankers from one of the adjacent public roads, with the parking areas for the sewer tankers, that is provided with a permanent surface according to the layout and specification of the Department: Operations;
8. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
9. that, as no municipal refuse removal services are rendered in the area, the developer 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;
10. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operations;
11. that the existing access off Main Road 269 at ± km 13.22 be permanently closed, the fence reinstated, and the verge restored to a natural state; and
12. that a new Main Farm Access be built opposite the access to Hemelrand Alheit Vineyards at ± km 13.30, be hard-surfaced and according to the specification;



DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

14/7/2022

DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**22.ERF 768, 88 DE VILLIERS STREET, SANDBAAI, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND THE
DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN
ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF TJN BASSON**

768 HSB (4372/2023)

B Minnaar

(028) 313 8900

Hermanus Administration

18 September 2024

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 19 April 2023 from Messrs PlanActive Town & Regional Planners on behalf of TJN Basson, the owner of Erf 768, Sandbaai for the following:

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

- relaxation of the eastern lateral building line from 2m to 1.42m to accommodate a portion of the existing dwelling;
- relaxation of the eastern lateral building line from 2m to 1.16m to accommodate a portion of the existing garage;
- relaxation of the western lateral building line from 2m to ± 0.97 and ± 1.02 m to accommodate two water tanks;
- relaxation of the eastern lateral building line from 2m to ± 1.09 and ± 1.38 m to accommodate an existing built braai and screen wall; and

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

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

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 768, Sandbaai for the following:
 - relaxation of the eastern lateral building line from 2m to 1.42m to accommodate a portion of the existing dwelling;
 - relaxation of the eastern lateral building line from 2m to 1.16m to accommodate a portion of the existing garage;
 - relaxation of the western lateral building line from 2m to ± 0.97 and ± 1.02 m to accommodate two water tanks; and
 - relaxation of the eastern lateral building line from 2m to ± 1.09 and ± 1.38 m to accommodate an existing built braai and screen wall,

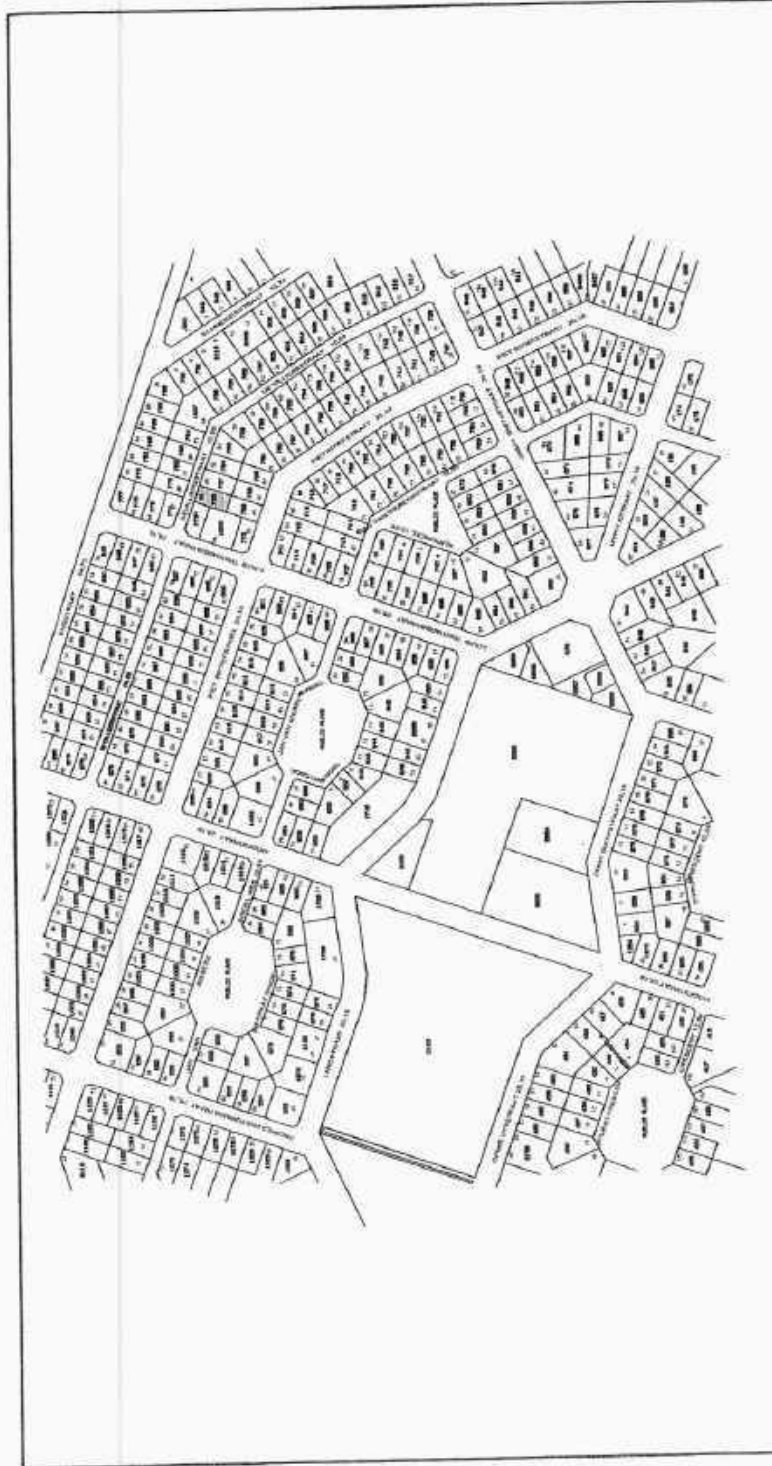
be approved in terms of the provisions of Section 61 of the By-Law;
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 768, Sandbaai to accommodate the unauthorised building work over the applicable building lines, **not be exempted** from the payment of an administrative penalty;
3. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:
 - (a) that this approval is only for the departure as indicated on the site plan dated *10 August 2023* as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control be complied with;
 - (c) that an administrative penalty of **R14 328-97** for the unauthorised building line encroachments, be payable within sixty (60) days of the decision;
 - (d) that all the conditions in the Services Report and Telkom be complied with;

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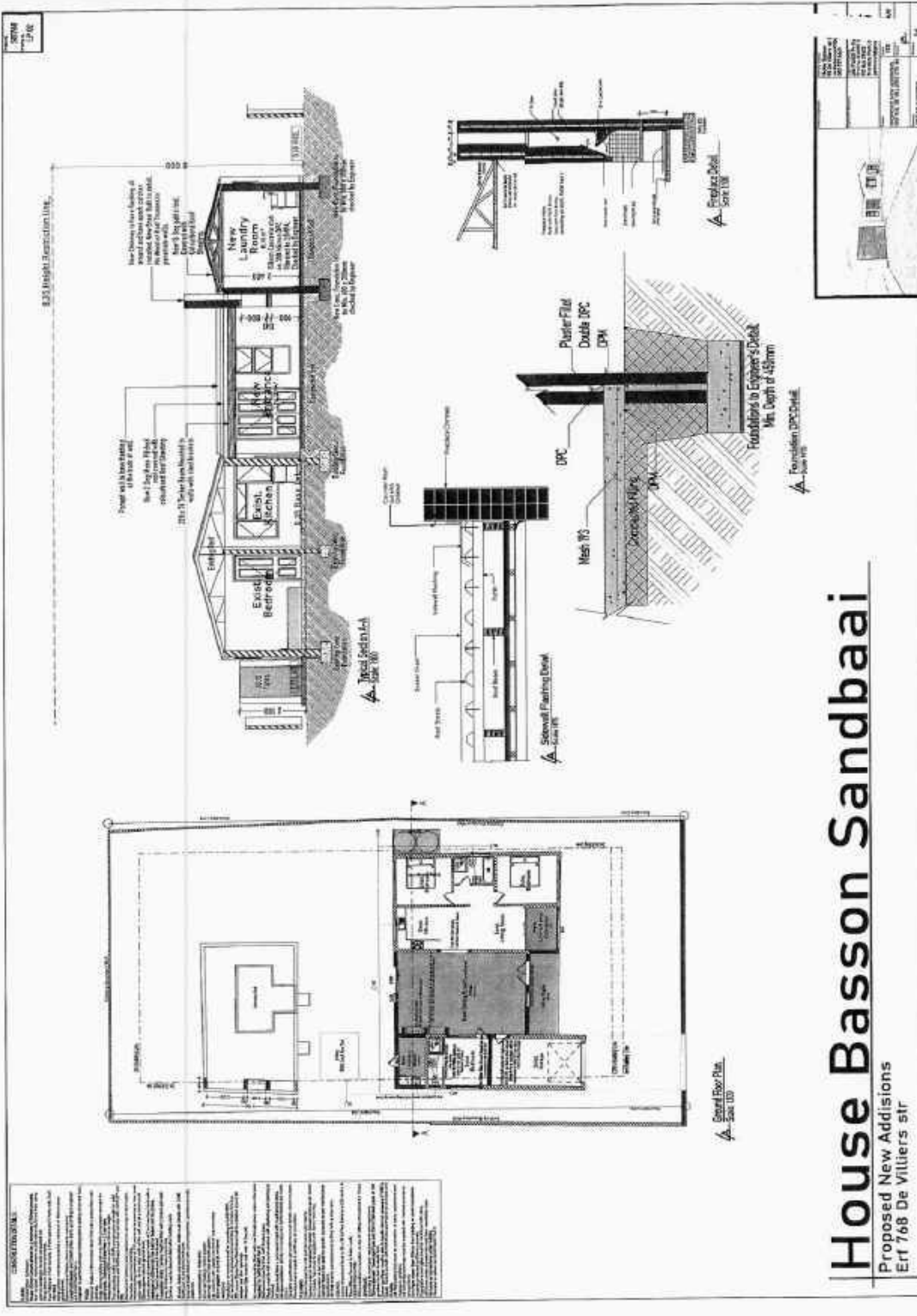
- (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
4. that the applicant be notified of its right of appeal in terms of Section 78 of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

REASONS FOR RESOLUTION

- ❖ The additions made by the previous and current property owner are normal residential structures which do not jeopardise the character of the area.
- ❖ The addition of the screen wall and braai provides privacy to the property owner when utilising the swimming pool.
- ❖ That an administrative penalty of 5% be imposed for additions/alterations being constructed on the property without the necessary municipal approval.
- ❖ 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.



PLAN Active	Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey.	Property Description: ERF 768 SANDBAALI	Plan Description: LOCALITY MAP	Scale: NTS Drawing No: wr.768 sand/drw. Date: APRIL 2023	
		COPY RIGHT RESERVED				



House Basson Sandbaai

Proposed New Additions
 Erf 768 De Villiers str

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 768, SANDBAAL (4372/2023)**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

13/03/2023
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**23.ERF 8173, 22 SANDPIPER STREET, HEMEL & AARDE ESTATE,
HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR
DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY:
SMART SOLUTION ARCHITECTURE ON BEHALF OF J KER & J HUMAN**

8173 HMS (4458/2023)

B Minnaar

(028) 313 8900

Hermanus Administration

19 September 2024

EXECUTIVE SUMMARY

An application has been received on 18 August 2023 from Smart Solution Architecture on behalf of J Ker & J Human on Erf 8173, Hemel & Aarde Estate for the following:

- ❖ **departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:
 - relaxation of the rear building line from 3m to 0m to accommodate the existing braai;
 - relaxation of the northern lateral building line from 2m to 0m to accommodate the existing braai; and
 - relaxation of the southern lateral building line from 2m to 0,90m to accommodate a new timber staircase.

- ❖ **determination of an administrative penalty** in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the existing braai.

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

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 8173, Hemel & Aarde Estate, Hermanus for the following departures:
 - ❖ relaxation of the rear building line from 3m to 0m to accommodate the existing braai;
 - ❖ relaxation of the northern lateral building line from 2m to 0m to accommodate the existing braai;
 - ❖ relaxation of the southern lateral building line from 2m to 0,90m to accommodate a new timber staircase;

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

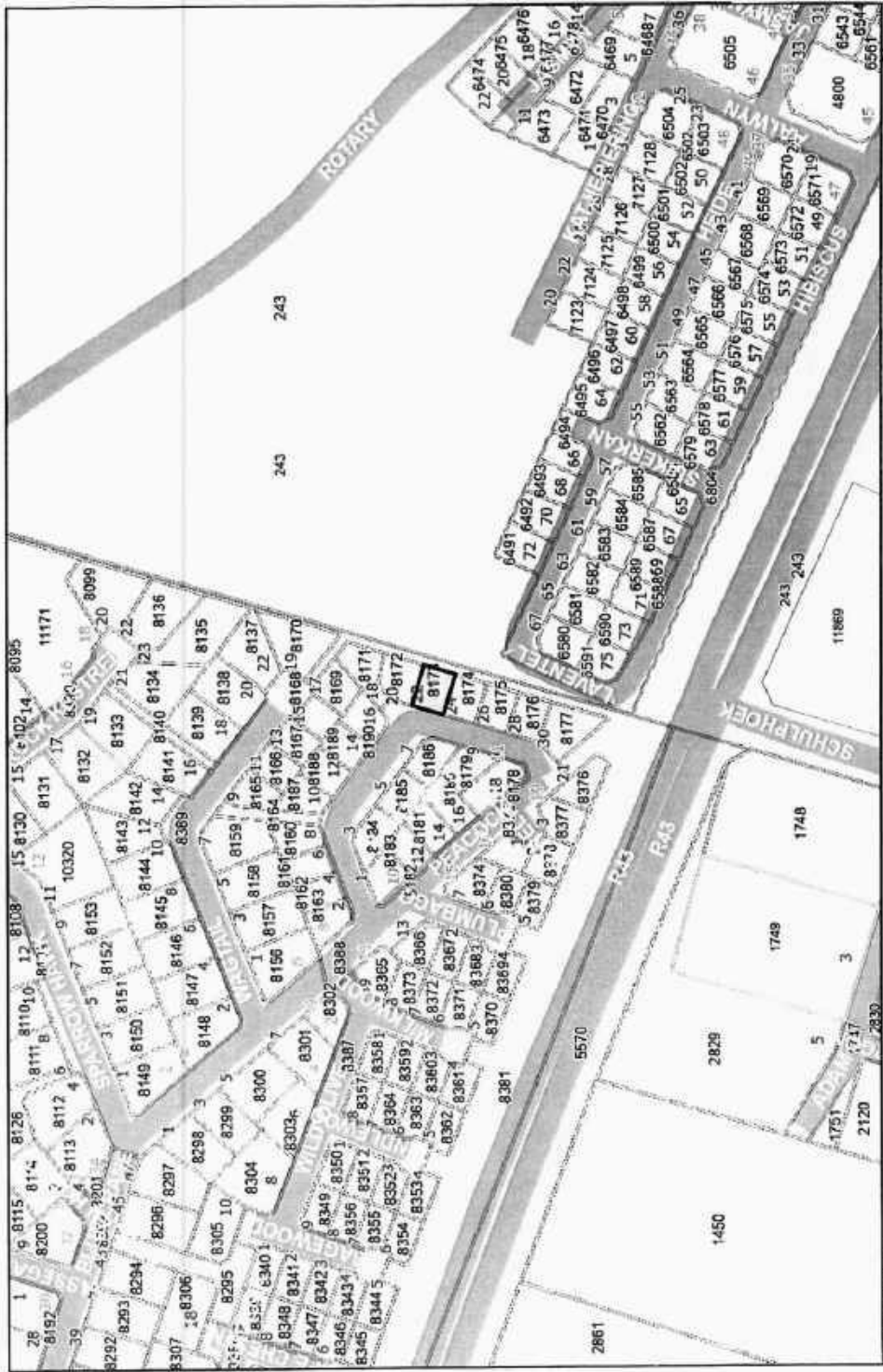
 - (a) that this approval is only for the departure as indicated on the site development plan with plan no. I0479/A1/03-04 and I0479/A3/05-06 dated 16 August 2023 as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control be complied with;
 - (c) that all the conditions in the Services Report be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
2. that the applicant for determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 8173, Hemel & Aarde Estate, Hermanus to accommodate the unauthorised building work (braai) **not be exempted** from payment of an administrative penalty and that an administration penalty fee of **R1 873-40**, be payable within thirty (30) days of the decision.

**AGENDA of the
Portfolio Committee : Planning & Development
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(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

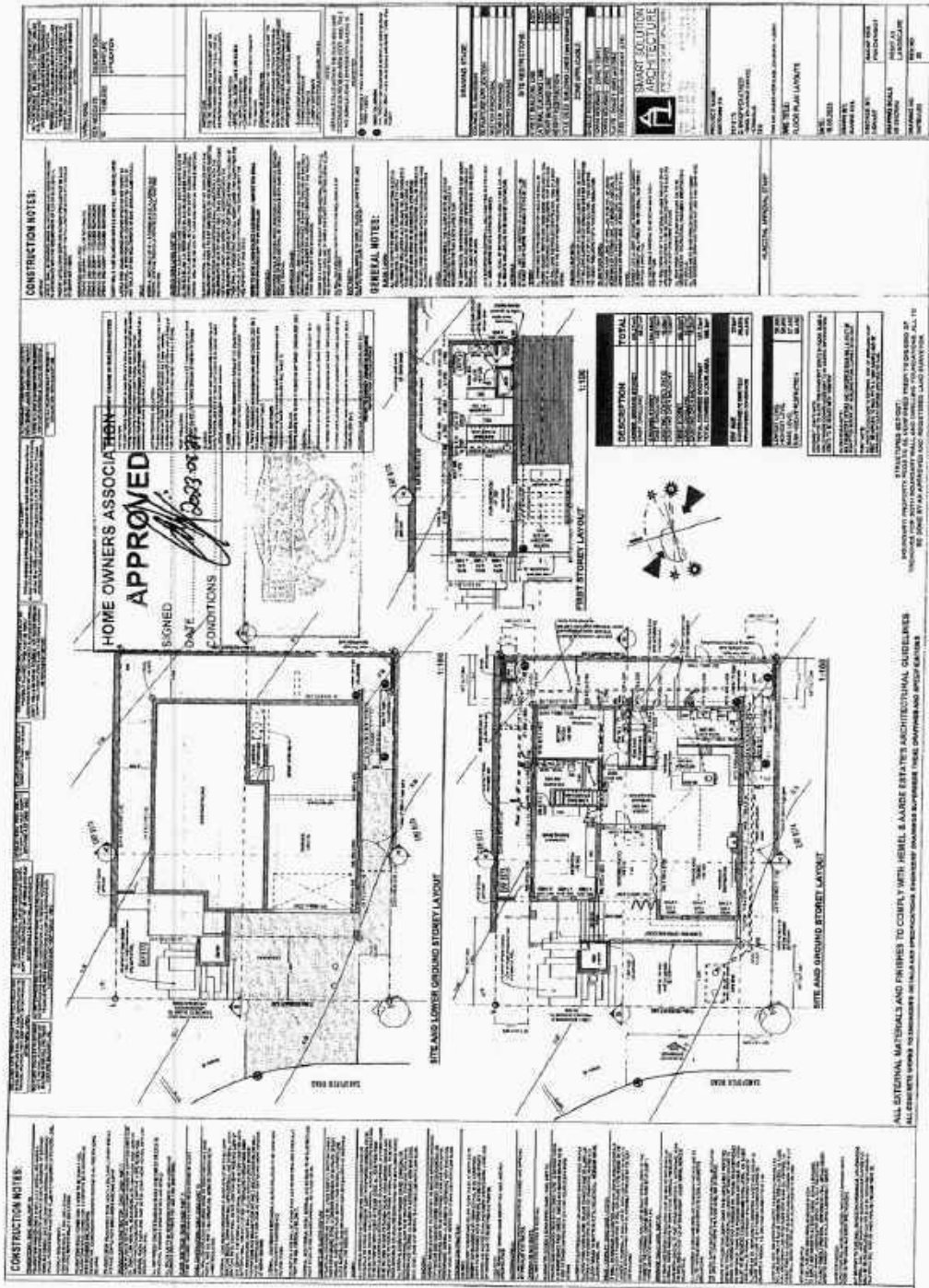
3. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The proposed non-habitable structures do not jeopardise the character of the area or it will negatively impact the streetscape.
- ❖ The proposed staircase will improve accessibility of the property (free movement) and will increase safety with regards to the fire safety.
- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ No additional services are required.
- ❖ The immediately affected neighbours have no objection to the subject application.
- ❖ The objector's main concern is the construction process which has no relevance to the application.
- ❖ That an administrative penalty fee of 5% be imposed due to the onus being placed on the property owner to ensure that all structures and approvals required by the municipality be in place.
- ❖ The Hemel & Aarde Estate HOA have approved the plans as submitted with the application.



OVERSTRAND MUNICIPALITY
Locality Map
ERF 8173, 22 SANDPIPER STREET, HEMEL & AARDE ESTATE, HERMANUS
Date: 2023/08/24



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 8173, HEMEL & AARDE ESTATE (4458/2023)**

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

Conditions:

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

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

21/02/2024
 DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

24.REMAINDER ERF 2834 AND UNREGISTERED ERF 2837, SANDBAAI (DE ZANDT VILLAGE): OVERSTRAND MUNICIPAL AREA: APPLICATION FOR EXTENSION OF THE PERIOD OF VALIDITY OF AN EXISTING APPROVAL: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF PINAROUX INTERNATIONAL HOLDCO (PTY) LTD

2834 HSB (4676/2023)

B Minnaar

(028) 313 8900

Hermanus Administration

30 August 2024

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 23 May 2024 from Messrs InterActive Town and Regional Planning on behalf of Pinaroux International Holdco (Pty) Ltd for the following:

- ❖ **Extension of the validity period of an existing approval** in terms of Section 16(2)(i) of the Overstrand Municipality Amendment By-law on Municipal Land Use Planning, 2020 (By-law).

RESOLUTIONS

1. that the application in terms of Section 16(2)(i) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the **extension of the validity period of an existing approval** applicable to Erf 2834, Sandbaai, **be approved** in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the conditions of the land use approval dated 12 April 2019 remain applicable and the subsequent approved amendments;
 - (b) that the condition of the Environmental Management Services be adhered to;
 - (c) that the approval is valid for a period of 10 years from the original approval date;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation.
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 regarding the above conditions of approval.

**AGENDA of the
Portfolio Committee : Planning & Development
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(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

REASON FOR RESOLUTIONS

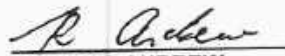
- The application for extension of time is considered desirable due to the unforeseeable delays caused by the COVID-19 pandemic and the financial recovery thereafter.
- The application was submitted prior to the expiry of the planning approval and a valid Power of Attorney was submitted.
- The application has followed due procedure.
- None of the relevant departments have any objection.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOREXTENSION OF VALIDITY OF AN EXISTING APPROVAL:
REMAINDER ERF 2834, SANDBAAI (4676/2024)**

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

Conditions

1. that all the conditions specified as part of the previously approved land use applications for Remainder Erf 2834 remains relevant and valid and should be adhered to.



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**

30/07/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**25.ERF 2438, 11 ALBATROS STREET, GANSBAAI, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS VAN
HEERDEN ARCHITETURE (PTY) LTD ON BEHALF OF JJ & EL NELL**

2438 GGB (4617/2024)

SW van der Merwe

(028) 313 8900

Hermanus Administration

18 October 2024

EXECUTIVE SUMMARY

An application has been received on 20 March 2024 from Van Heerden Architecture (Pty) Ltd on behalf of JJ & EL Nell for Erf 2438, Gansbaai for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the northern lateral building line from 2m to 1.091m and 1.846 respectively to accommodate the proposed stairs, patio and covered balcony.

RESOLUTIONS

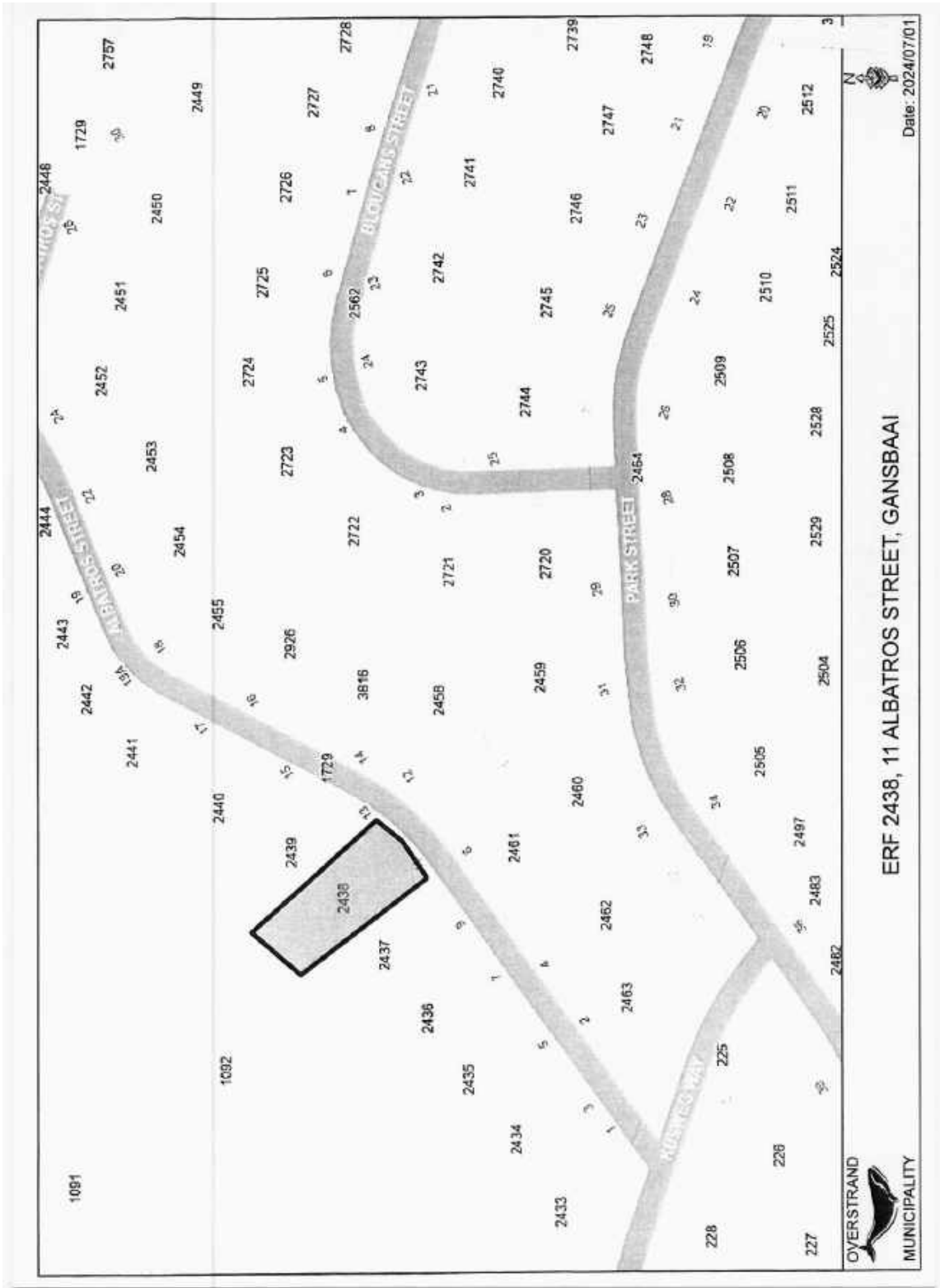
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2438, Gansbaai for a departure in order to relax the northern lateral building lines from 2m to 1.091m and 1.846 respectively to accommodate the proposed stairs, patio and covered balcony, **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 *2023-1316-C01* dated *25 April 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 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;

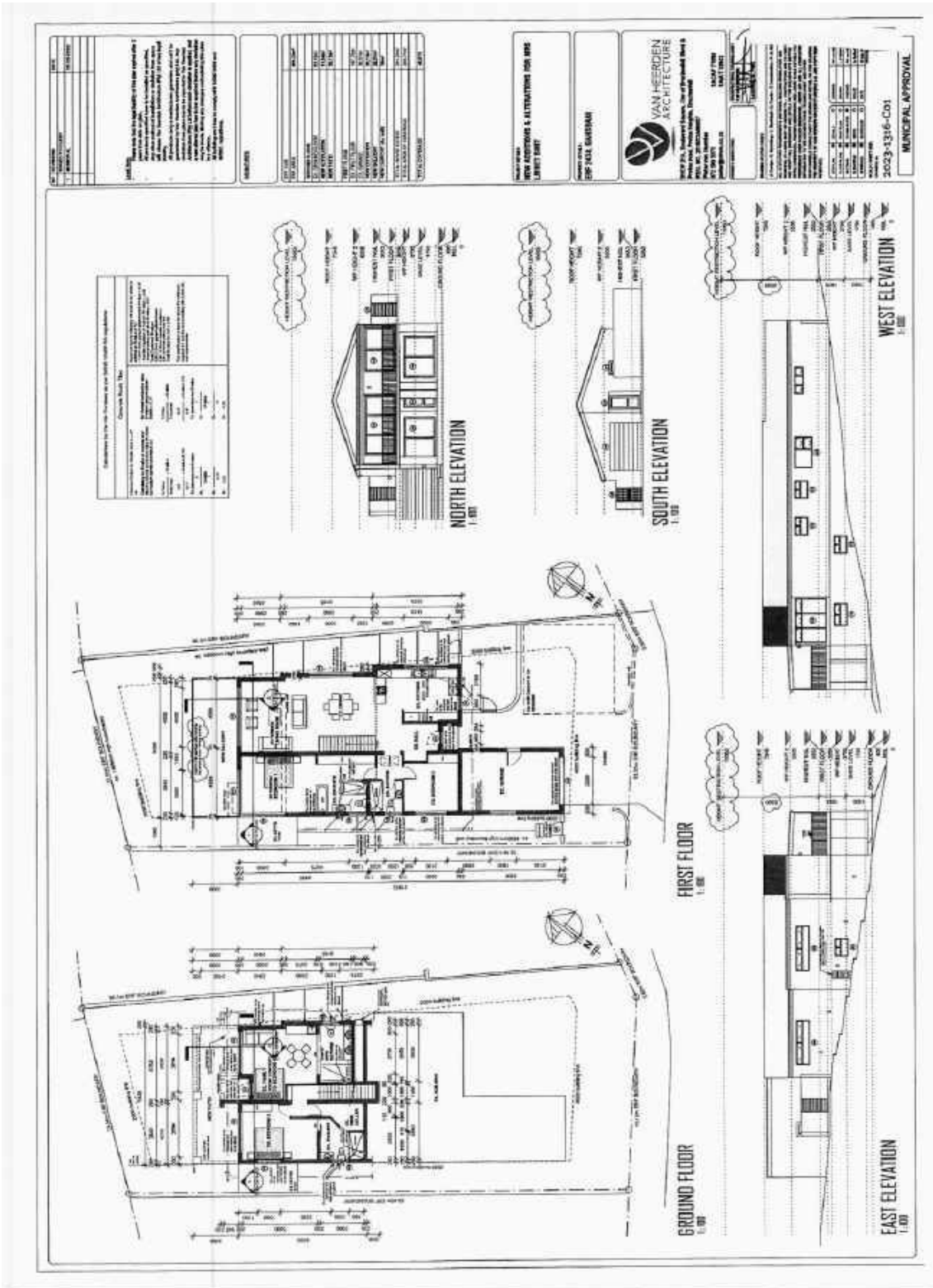
**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

- (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
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.

REASON FOR RESOLUTIONS

- ❖ No objections from surround property owners.
- ❖ Letter of consent provided from surrounding property owners.
- ❖ No change in character of the locality and streetscape.
- ❖ Better utilization of the property.
- ❖ Structures aesthetically blend in with the existing surrounding properties.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 2438, GANSBAAI**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing 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 the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
5. that any additional and / or extended vehicle entrances will be for the developer's account;
6. that stormwater be allowed to discharge through Erf 2438, Gansbaai, unobstructed.


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

17/07/2024
DATE

**AGENDA of the
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4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**26.ERF 7359, 25 KWAAIWATER ROAD, EASTCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE:
MESSRS WYNAND WILSENACH ARCHITECTS ON BEHALF OF S
PRETORIUS & L VAN DER WATT**

7359 HVK (4719/2024)

P Roux

(028) 313 8900

Hermanus Administration

29 October 2024

EXECUTIVE SUMMARY

An application has been received on 15 July 2024 from Messrs Wynand Wilsenach Architects on behalf of S Pretorius and L van der Watt, the owners of Erf 7359, Eastcliff, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) in order to relax the western lateral building line from 2m to 0m, to accommodate a new single storey double garage on the property.

RESOLUTIONS

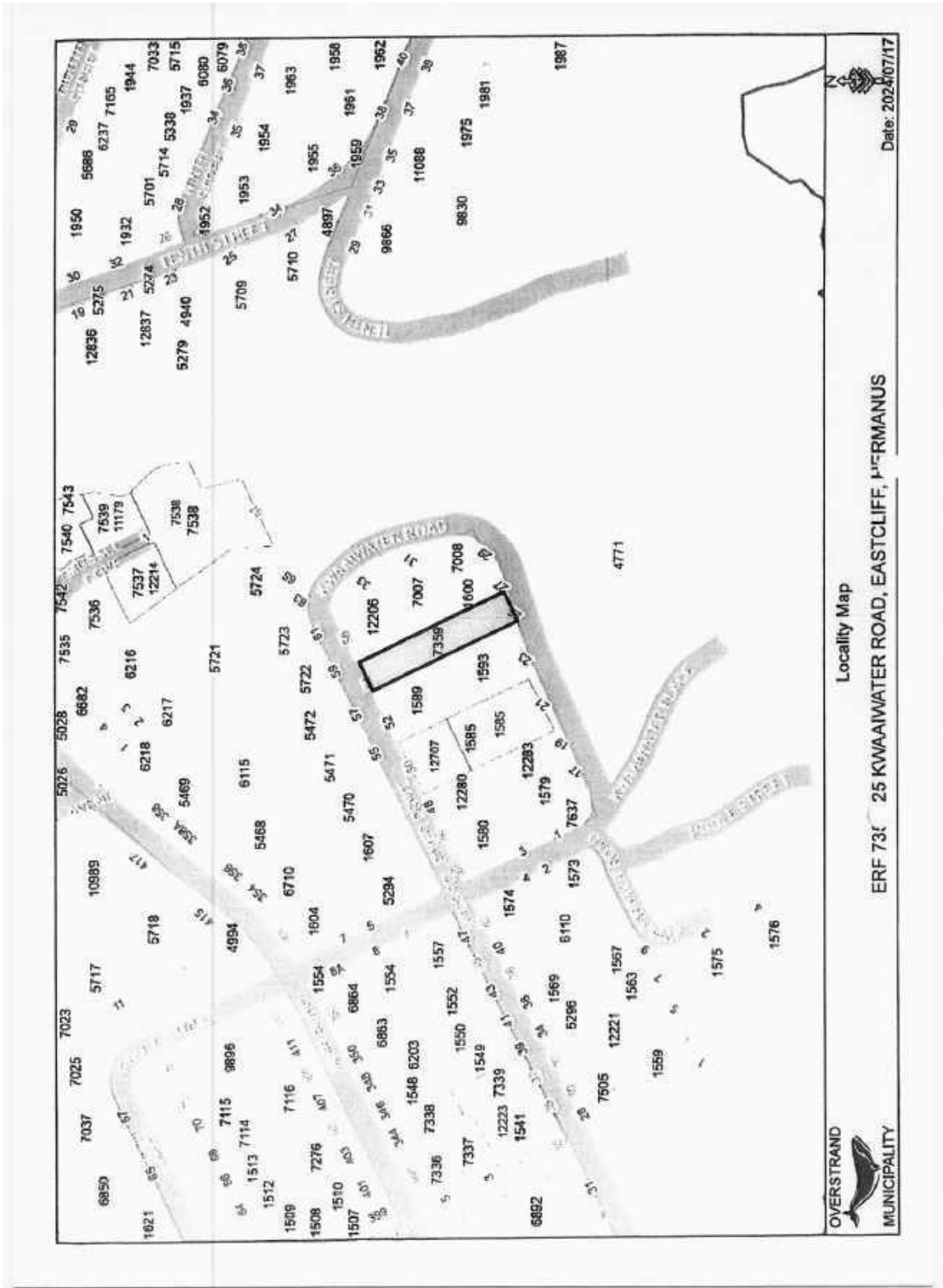
1. that the application for **departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 7359, Hermanus in order to relax the western lateral building line from 2m to 0m, to accommodate the proposed garage, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan No. *LAD-100-1* and *LAD-200-1*, as submitted with the application;
 - (b) that building plans be submitted to the Building Control Office, and all comments from the Fire Department be complied with at that stage;
 - (c) that all the conditions in the Services Report be complied with;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.

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

REASON FOR RESOLUTION

- ❖ The proposed garage is compliant with the residential character.
- ❖ Neighbours consent was provided.
- ❖ The use of the structure will remain unchanged.
- ❖ The garage is compliant with the parameters of the Land Use Management Scheme, 2020 Section 16.
- ❖ The proposal is compliant with the relevant policy documents.



STOPI

TO ALL APPLICANTS: The following information is provided for your reference. It is your responsibility to verify the accuracy of this information. The information is provided as a service to the public and is not a guarantee of accuracy. The information is provided as is and without warranty of any kind, express or implied, including but not limited to the accuracy, completeness, or timeliness of the information. The information is provided for informational purposes only and should not be relied upon for any legal or financial purposes. For more information, please contact the relevant authority.

HOUSE VAN DER WATT

WYNAND WILLENACH ARCHITECTS

101 PLOEGENSTRAAT, SUDBURY, ONTARIO, CANADA

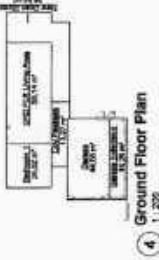
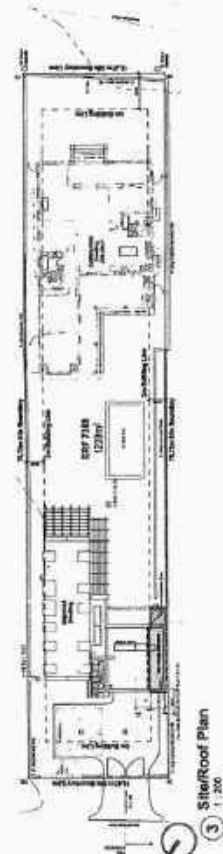
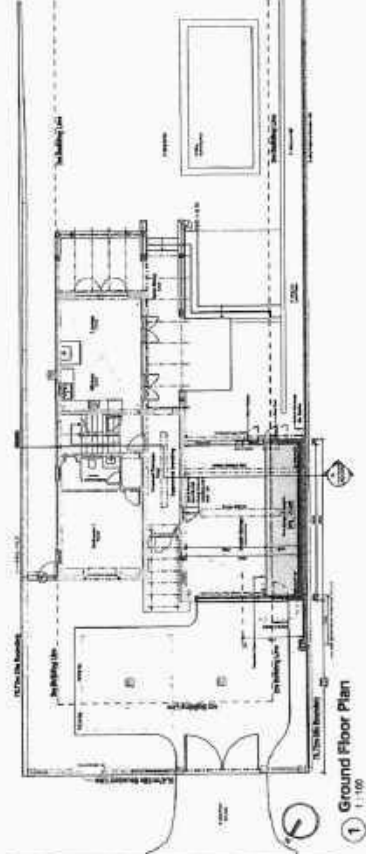
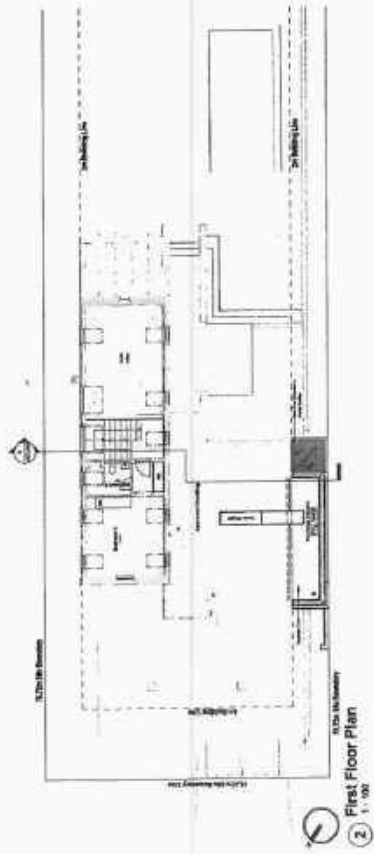
TEL: 905-872-2222 FAX: 905-872-2223

WWW.WYNANDWILLENACH.COM

LAD-100-1

DATE: 11/26/2014

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	11/26/2014
2	REVISED PER COMMENTS	11/26/2014
3	REVISED PER COMMENTS	11/26/2014
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100	REVISED PER COMMENTS	11/26/2014



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 7359, EASTCLIFF (4719/2024)**

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

Conditions:

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


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

27.ERF 5747, 5 FERNKLOOF DRIVE, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF CE BOOYENS

5747 HHH (4657/2024)

P Roux

(028) 313 8900

Hermanus Administration

29 October 2024

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 07 May 2024 from Messrs Interactive Town and Regional Planners on behalf of the owners of Erf 5747, Hermanus Heights, Hermanus for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Bylaw for the relaxation of the southern street building line from 4m to 1.5m to accommodate proposed amendments to the existing kitchen; and
- ❖ **Determination of an administrative penalty** in terms of Section 90 of the By-Law, in order to accommodate the existing kitchen.

RESOLUTION

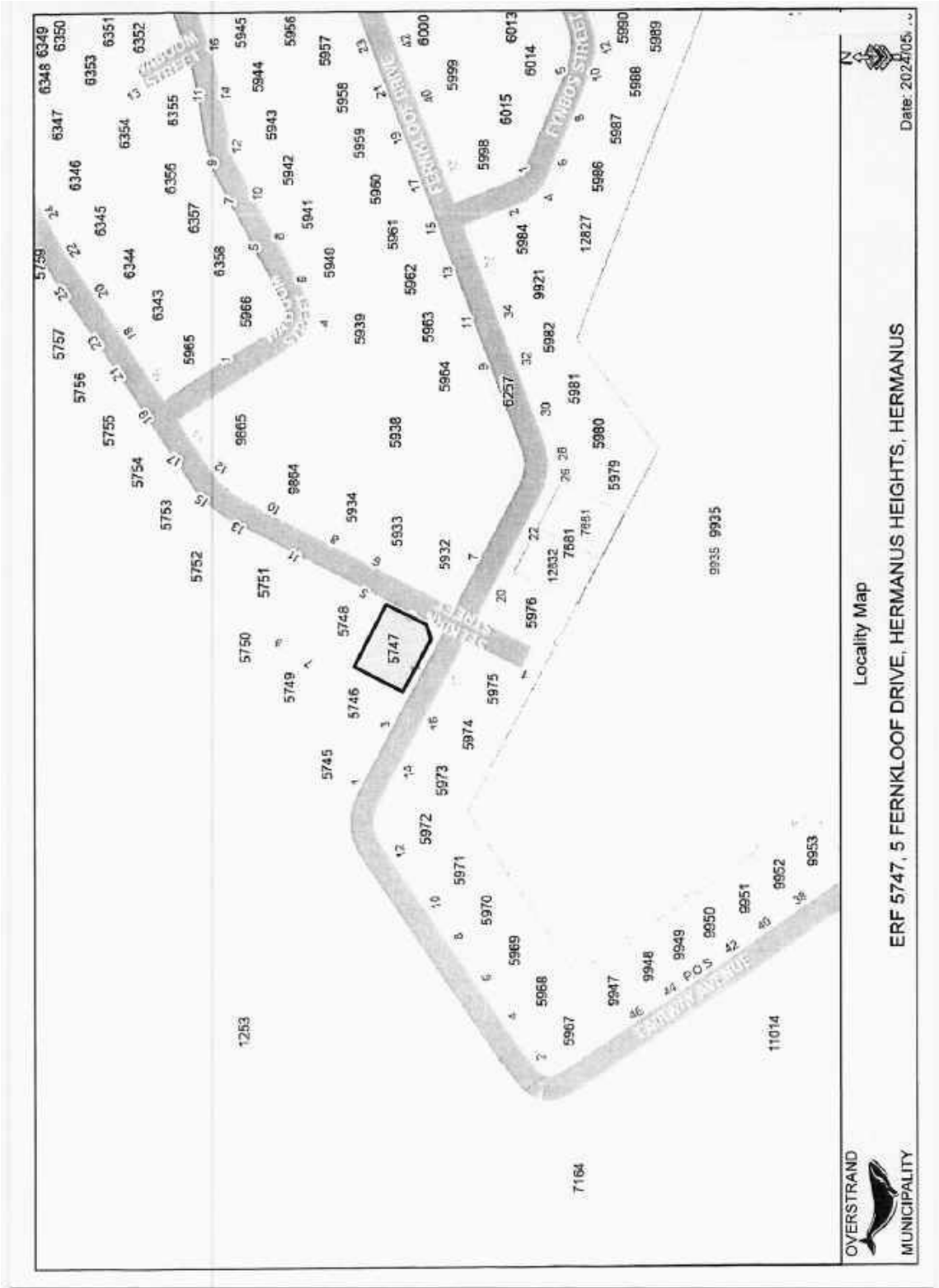
1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 5747, Hermanus Heights for the relaxation of the southern street building line from 4m to 1.5m to accommodate proposed amendments to the existing kitchen, **be approved** in terms of the provisions of Section 61 of the By-Law, and be subject to the following conditions;
 - (a) that the approvals are for the development as indicated on Site Development Plan No 2406 dated 21 February 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 in the Services Report be complied with;
 - (c) that the garden trellis as proposed in the report be developed with planting and the existing window facing the street be bricked up;

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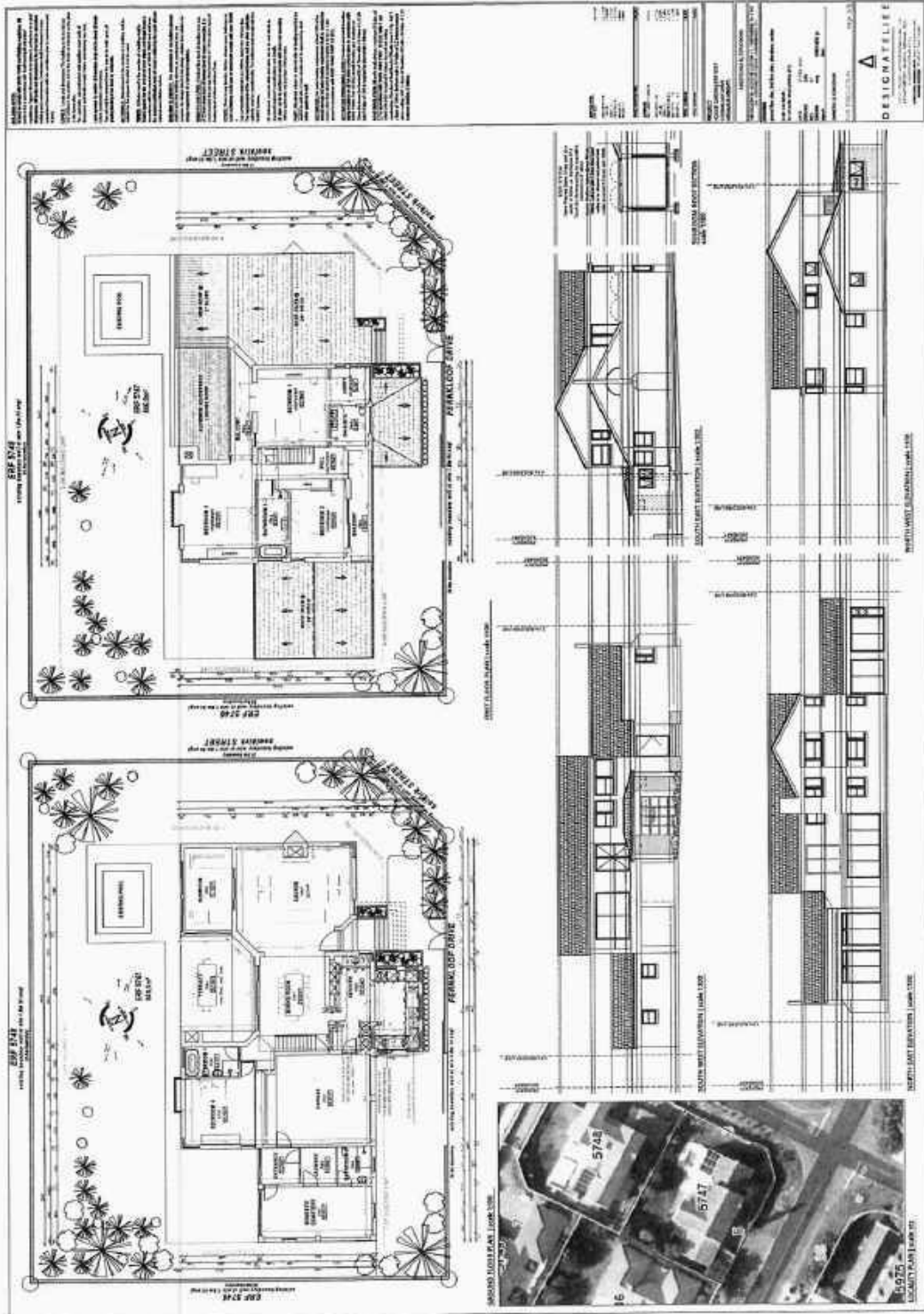
- (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 5747, Hermanus Heights to accommodate the unauthorised kitchen extension as stipulated above, **be imposed**, and that an administration penalty fee of **R13 720.78**, be payable within thirty (30) days of the decision.
 3. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASON FOR RESOLUTION

- ❖ The retention of the structures will not have a negative impact on the adjacent property owners or the character of the area.
- ❖ Surrounding property owners have given consent for the proposal.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.



Locality Map
ERF 5747, 5 FERNKLOOF DRIVE, HERMANUS HEIGHTS, HERMANUS



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 5747, HERMANUS (4657/2024)**

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
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

02/07/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

28.ERF 1781, 1 AMBER AVENUE, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF JD & L RUDDY

1781 HVM (4722/2024)

H Olivier

(028) 313 8900

Hermanus Administration

22 October 2024

EXECUTIVE SUMMARY

An application has been received on 19 July 2024 from Plan Active Town & Regional Planners on behalf of JD & I Ruddy in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 615, Vermont for a subdivision in terms of Section 16(2)(d) to subdivide Erf 1781, Vermont into two portions, namely a Portion A ($\pm 603,5\text{m}^2$) and a Portion B ($\pm 603,5\text{m}^2$).

RESOLUTION

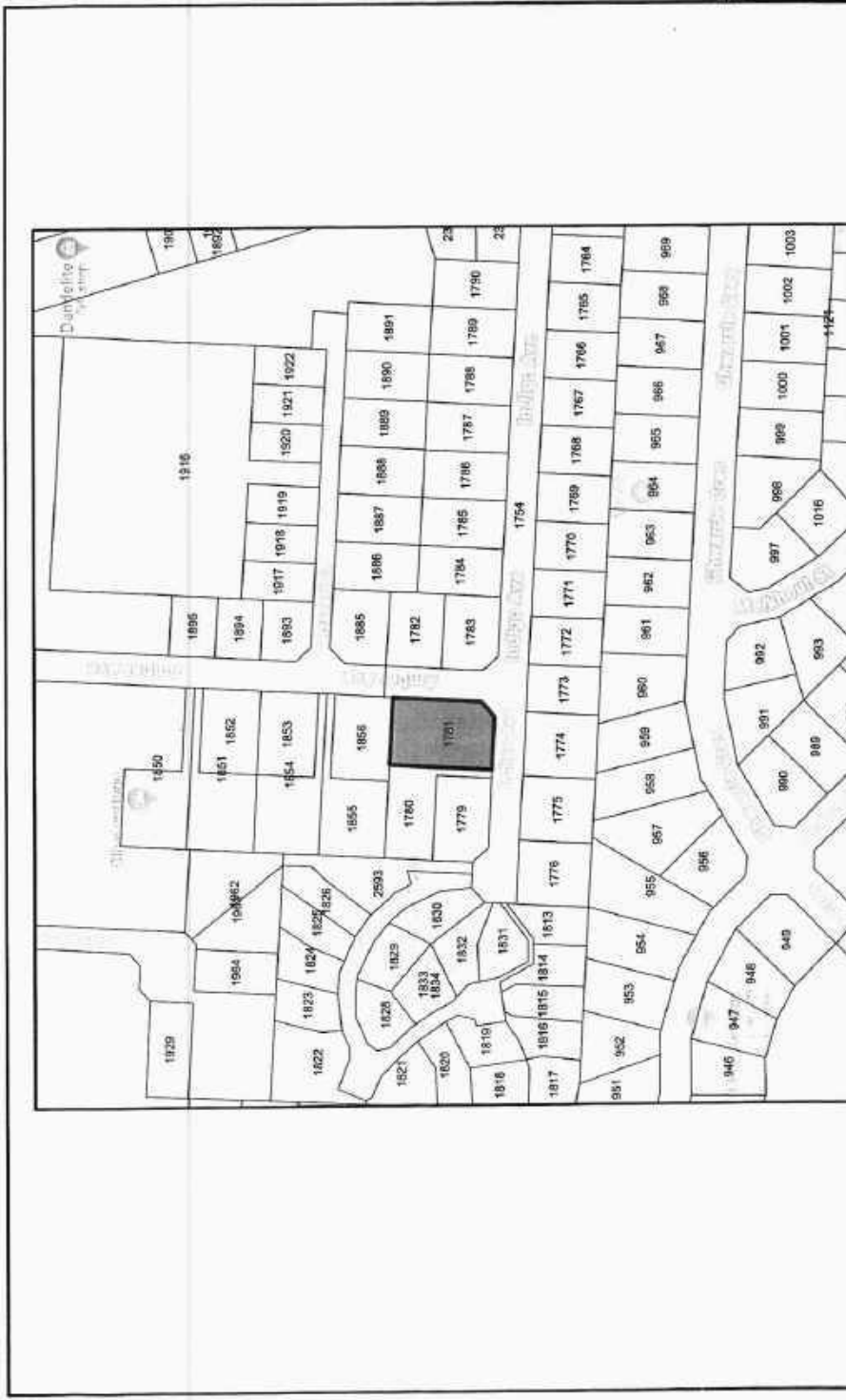
1. that the application in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 1781, Vermont into two (2) portions, namely Portion A ($\pm 603.5\text{m}^2$) and a Remainder ($\pm 603.5\text{m}^2$), **be approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
 - (a) that this approval is only for the subdivision as indicated on Subdivision Plan numbers VERMONT1781.dwg dated 5 July 2024, submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all the conditions in the Services Report be complied with, and
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

REASON FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The existing municipal services can accommodate the additional erf, and the application is supported by the Engineering Branch.
- ❖ The subdivision of the erf is in line with the Overstrand Growth Management Strategy, 2010 which earmark this area as status quo, with erven with sizes between 479m^2 to 810m^2 in this area.

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- ❖ The size of the new proposed erven will be in line with the sizes of erven in Vermont.
- ❖ 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.
- ❖ The application is desirable.



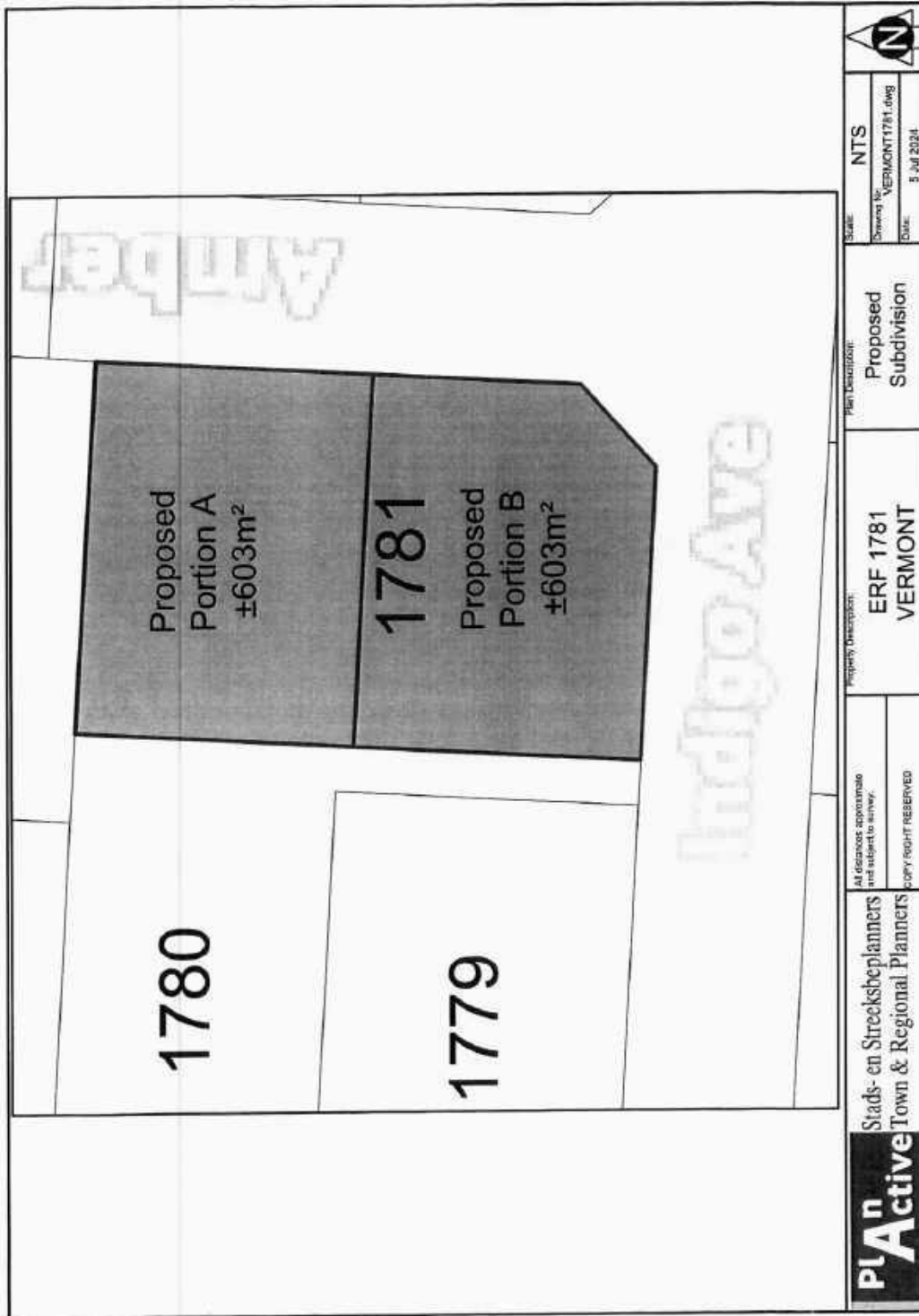
Scale: NTS
 Drawing by: VERMONT1781.dwg
 Date: 5 Jul 2024

Plan Description:
LOCALITY MAP

Property Description:
**ERF 1781
 VERMONT**

All distances approximate
 and subject to survey.
 COPYRIGHT RESERVED

PIAⁿ Active
 Stads- en Streetsbeplanners
 Town & Regional Planners



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION: ERF 1781, VERMONT (4722/2024)**

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

Conditions:

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

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

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

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

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

The contribution according to the current policy (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	=	<u>R 1 769.00</u>
TOTAL (inclusive of VAT)		=	R 68 142.00

Note:

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

2

2. that any part of the existing water and sewer services on Erf 1781 that crosses the common boundary of Portion A and the Remainder of Erf 1781 shall be disconnected and sealed off;
3. that the Remainder and Portion A of Erf 1781 must be serviced with individual and separate water connections, which must comply with the standards of the Department: Operational Services;
4. that the proposed Portion A and Remainder of Erf 1781 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the individual erven must connect to;
5. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
6. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through the proposed Erven, Vermont, unobstructed.



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**

22/08/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

29.ERF 737, 44 MALMOK CRESCENT, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: CJ ROUX ON BEHALF OF ESTATE LATE PJ ROUX

737 HVM (4702/2024)

H Olivier

(028) 313 8900

Hermanus Administration

25 October 2024

EXECUTIVE SUMMARY

An application has been received on 25 June 2024 from CJ Roux on behalf of Estate Late PJ Roux on Erf 737, Vermont, in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to relax the eastern lateral building line from 2m to 1,66m to accommodate a portion of the proposed pergola, and the change of the use of the existing store room to a proposed new on-suite bathroom and the existing entrance porch to a proposed new store room.

RESOLUTION

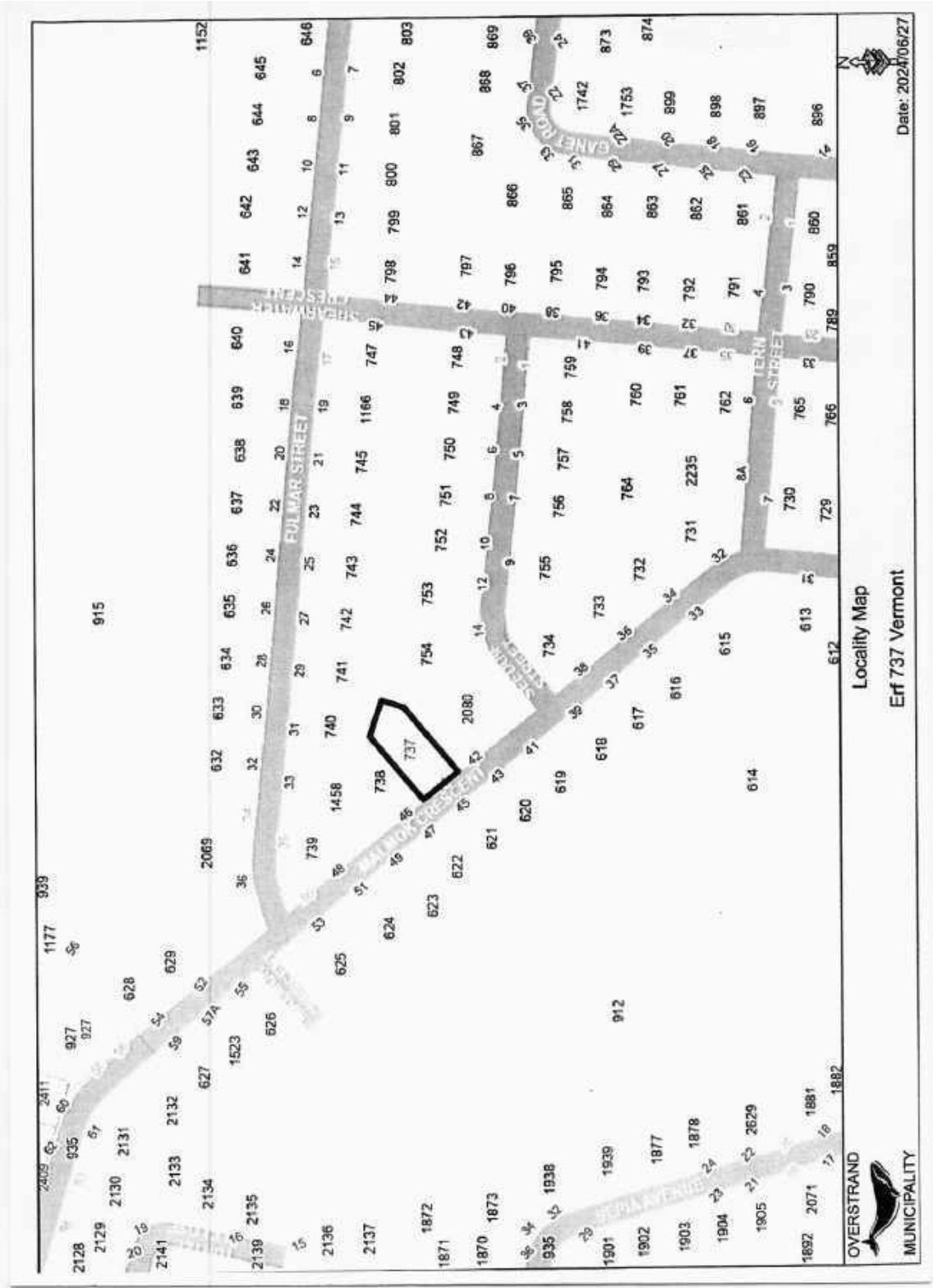
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 737, Vermont for a departure to relax the eastern lateral building line from 2m to 1,66m to accommodate a portion of the proposed pergola, and the change of the use of the existing store room to a proposed new on-suite bathroom and the existing entrance porch to a proposed new store room, **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval for the departure is only for the development over for eastern building line as indicated on plan number I 0390/A1/02 dated 24 May 2024, 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 Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (d) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with,
 - (e) that all the conditions in the Services Report be complied with, and

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- (f) that all the conditions by Telkom and Eskom be complied with.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

REASON FOR RESOLUTION

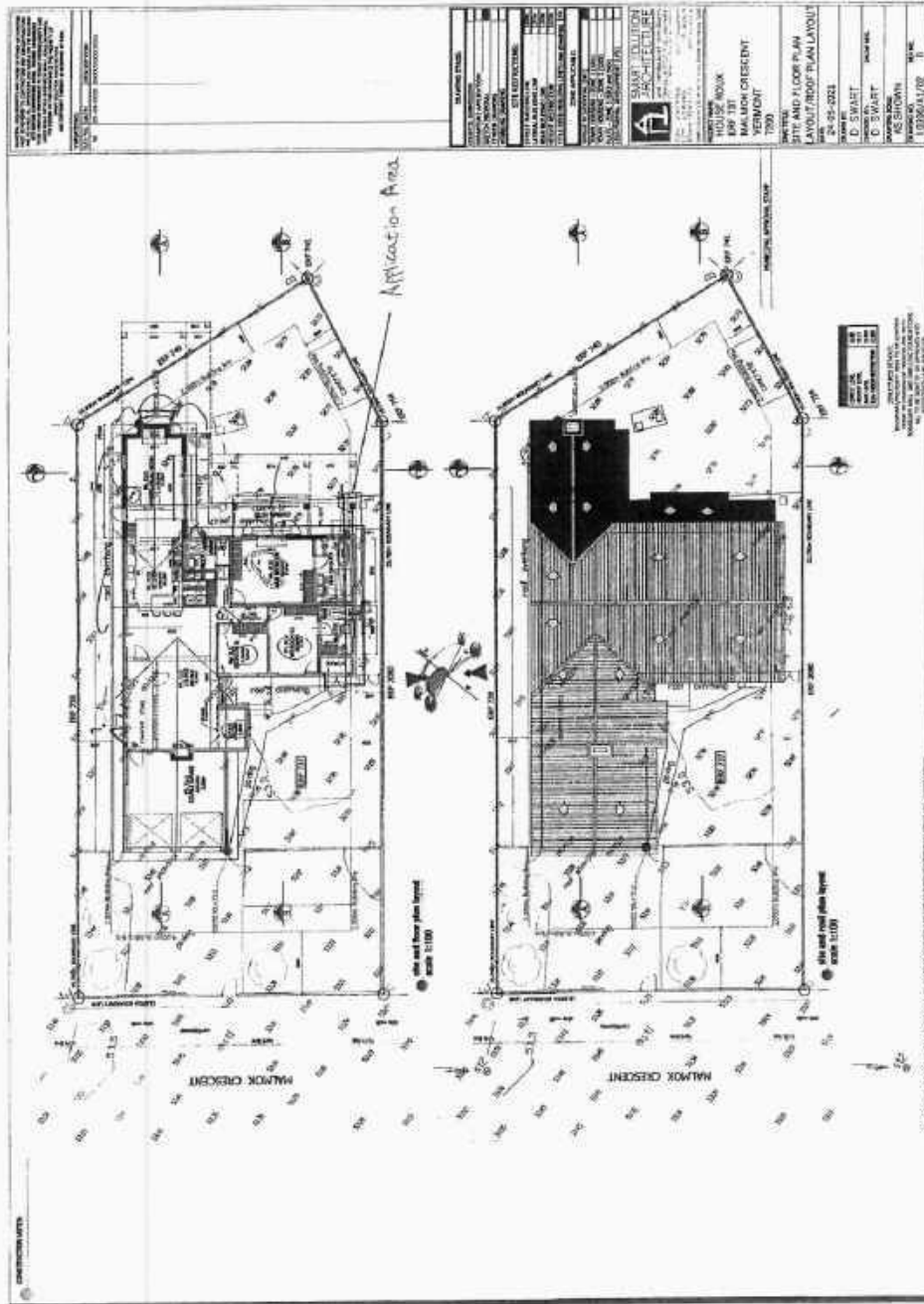
- ❖ The application has followed due procedure.
- ❖ The application is supported by all relevant Municipal and State departments/branches.
- ❖ No objections were received from surrounding neighbours regarding this minor encroachment over the building line.
- ❖ Most of the encroachments is use changes within the footprint of the existing building, with only a small portion of a new pergola over the lateral building line, with no real impact on neighbours or the character of the area.
- ❖ No new municipal services will be needed.
- ❖ The application is desirable.



Locality Map
Erf 737 Vermont



Date: 2024/06/27



PROJECT NAME HOUSE NOOK IN MALMOIR CRESCENT VERMONT 1000	DATE 26-05-2022	PROJECT NO. D. SWARTZ	SCALE AS SHOWN
<p>SARBY EVOLUTION ARCHITECTURE 1000 MAIN STREET VERMONT 1000 TEL: 802-239-1111 WWW.SARBYEVOLUTION.COM</p>			
<p>ALL NOTES AND DIMENSIONS SHALL BE THE SAME, UNLESS INDICATED OTHERWISE IN THE DRAWING OR SPECIFICATIONS</p>			

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 737, VERMONT (4702/2024)**

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

26/07/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
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30.ERF 3005, 83 ATLANTIC DRIVE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: TV3 ARCHITECTS AND TOWN PLANNERS (PTY) LTD ON BEHALF OF AJ MACDONALD & VC HAGOOD

3005 HON (4572/2024)

H Olivier

(028) 313 8900

Hermanus Administration

30 September 2024

EXECUTIVE SUMMARY

An application has been received on 30 January 2024 from TV3 Architects and Planners (Pty) Ltd on behalf of AJ Macdonald and VC Hagood on Erf 3005, Onrustrivier in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the northern lateral building line from 2m to 1,550m to accommodate an existing balcony on first floor level.
- ❖ **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 encroaching structure 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 3005, Onrustrivier for a departure to relax the northern lateral building line from 2m to 1,550m to accommodate an existing balcony on first floor level, **be approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
 - (a) that this approval is only for the departure of the building line and is not an approval in terms of any other legislation;
 - (b) that the approval for the departure is only for the development over the northern building line as indicated on plans numbers 3763/E/200 and 3763/E/301 dated 1 August 2023, submitted with the application;

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- (c) that the wooden screen constructed on the northern portion of the balcony, as indicated on the above-mentioned plan, be permanently placed on the balcony and may not be removed at any stage;
 - (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 this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with,
 - (g) that all the conditions in the Services Report be complied with;
 - (h) that all the conditions by Telkom be complied with, and
 - (i) that all the conditions by Eskom be complied with.
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 3005, Onrustrivier, for the unauthorized existing balcony on first floor, **be imposed**, and that an administrative penalty fee of **R3 847,00** be payable within thirty (30) days of the decision.
3. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

REASON FOR RESOLUTION

Point 1

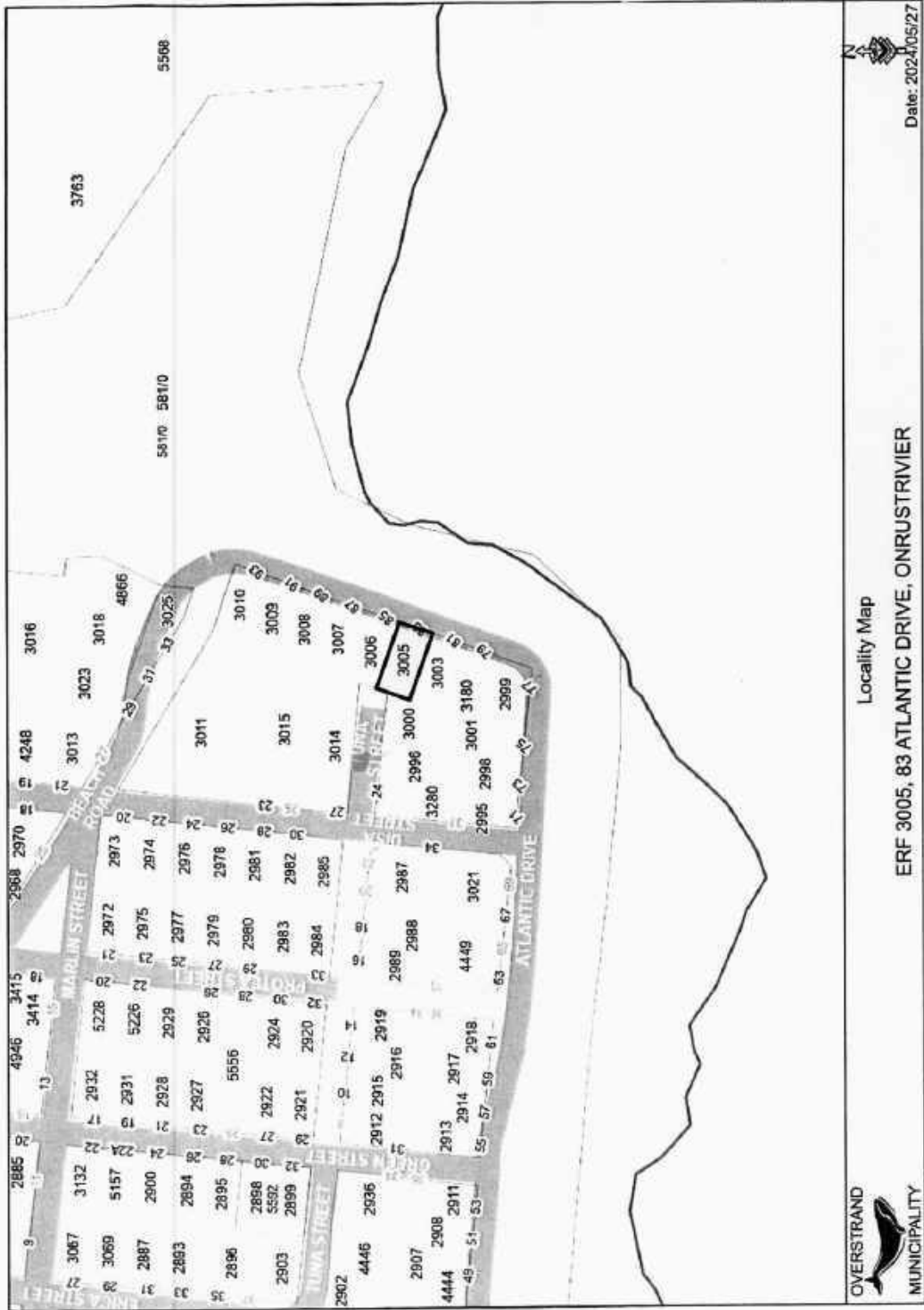
- ❖ The balcony is a minor encroachment with no impact on views of surrounding property owners.
- ❖ The concern from the objector about privacy is addressed as a permanent screen on the balcony will ensure privacy on both properties
- ❖ The application has followed due procedure.
- ❖ The application is supported by all relevant Municipal and State departments/branches.
- ❖ No new municipal services will be needed.

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- ❖ The application will not have a negative impact on the character of the surrounding area or the adjacent neighbour and is desirable.

Point 2

- ❖ The professional team and contractor should have worked with approved stamped plans on the site, and this error would not have been created. An administrative penalty fee is thus imposed as the contractor/professional team should have ensured compliance.



Date: 2024/05/27

Locality Map
ERF 3005, 83 ATLANTIC DRIVE, ONRUSTRIVIER



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 3005, ONRUS RIVER (4572/2024)**

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

17/07/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

31.ERF 7018, 101 THIRD AVENUE KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: L & HO REMONDINI

7018 KKM (4523/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

30 October 2024

EXECUTIVE SUMMARY

An application has been received on 15 November 2023 from L & HO Remondini on Erf 7018, Kleinmond in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the eastern lateral building line from 2m to 1,5m to accommodate the change of an existing patio on first floor into a portion of a bedroom.
- ❖ **Determination of an administrative penalty** in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the unauthorised transgression as stipulated above.

RESOLUTION

1. that the application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 7018, Kleinmond for the relaxation of the eastern lateral building line from 2m to 1,5m to accommodate the change of an existing patio on first floor into a portion of a bedroom, **be approved**, in terms of the provisions of Section 61 of the By-Law, be subject to the following conditions:
 - (a) that the approval is only for the relaxation of the building line as indicated on Plans no. 230302 (001 – 005) dated 13 April 2023;
 - (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;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

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- (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 7018, Kleinmond to accommodate the unauthorised transgression as stipulated above, **be imposed**, and that an administration penalty fee of **R2 957-00**, be payable within thirty (30) days of the decision, and
 3. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

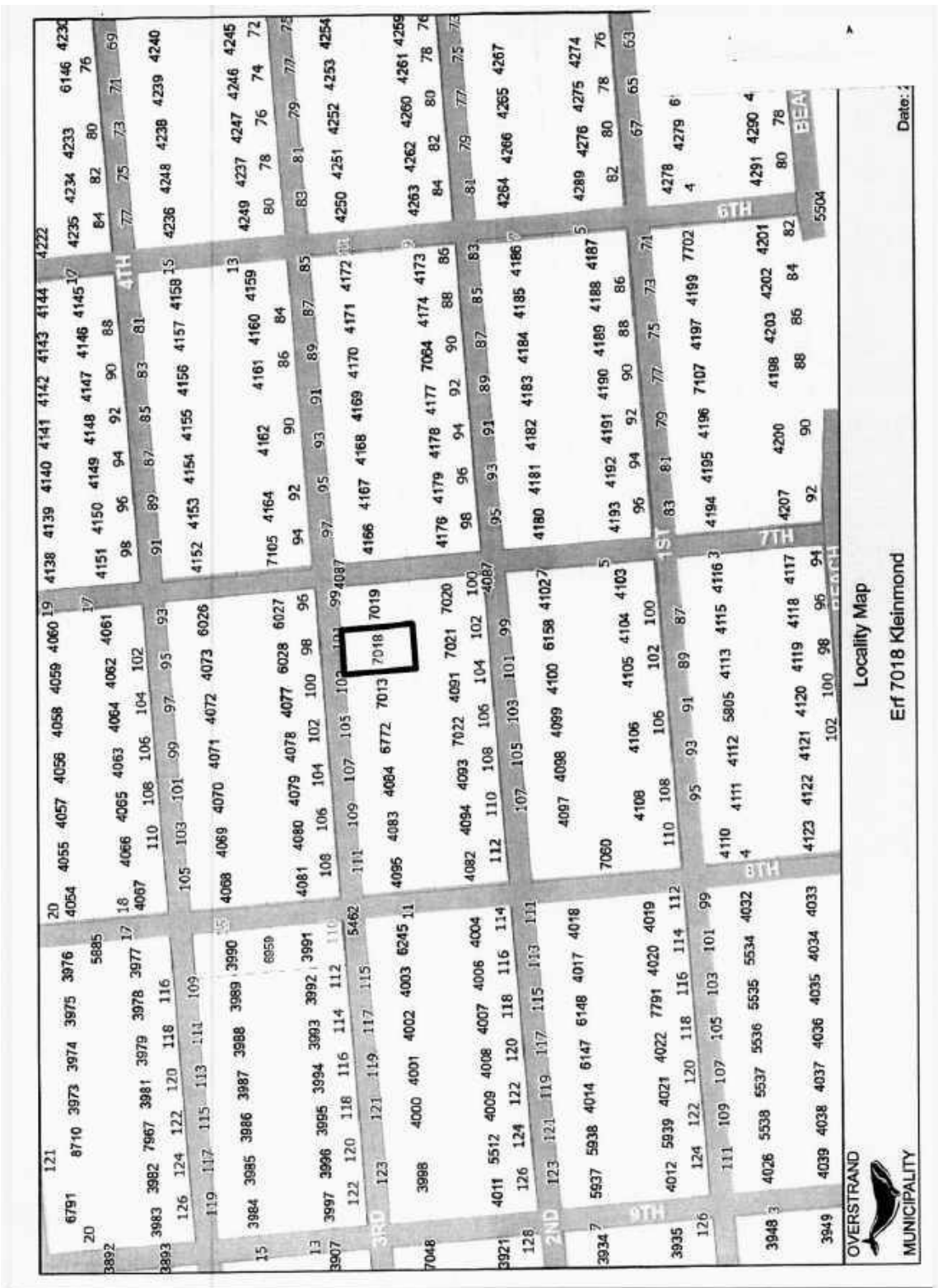
REASON FOR RESOLUTION

POINT 1

- ❖ The adjacent neighbour who is the only property owner who could be impacted by the application provided consent for the application.
- ❖ The extension is on top of an existing patio, and the portion encroaching the building line would not impact on the adjacent neighbour's privacy.
- ❖ This is an existing situation, and should the impact have a negative impact on the adjacent neighbour, a consent letter would not have been provided by the neighbour
- ❖ The application will not have a negative impact on the character of this residential area and is thus desirable.

POINT 2

- ❖ The landowner acknowledged that the building work was done illegally, and indicated they accepted the fact that an administrative penalty fee would be imposed with the consideration of the departure application.



Locality Map
Erf 7018 Kleinmond

Date: _____

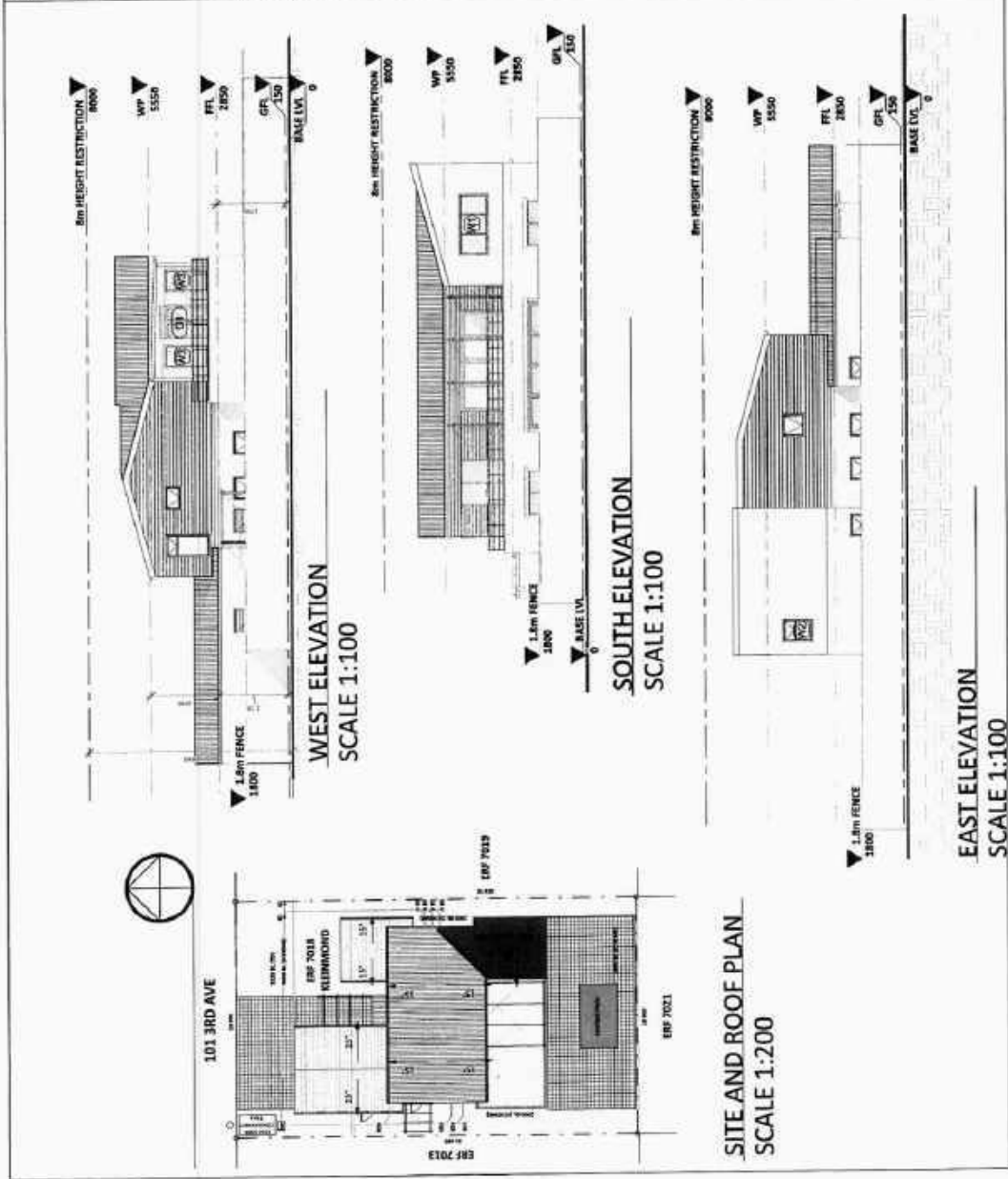
NOTES:

1. All work shall conform to the City of Richmond Building Code and all applicable codes and regulations.
2. The owner shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
3. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
4. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
5. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
6. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
7. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
8. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
9. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
10. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

REMENDINI
 ERF 7018
 301 3RD AVENUE,
 RICHMOND

230302 **001**

DATE: 2023-11-27
 DRAWN BY: JAC
 CHECKED BY: JAC
 PROJECT NUMBER: 230302



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**32.ERF 3463, FLAGSHIP STREET; ERF 3533, R43 PROVINCIAL ROAD AND
REMAINDER ERF 3464, 3 PENNANT STREET, FLAGSHIP BUSINESS
PARK, HAWSTON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR
SUBDIVISION, REZONING, CONSOLIDATION, CONSENT USE AND
EXEMPTION OF SUBDIVISION (REGISTRATION OF RIGHT OF WAY
SERVITUDES): WRAP PROJECT OFFICE ON BEHALF OF AFDAKSRIVIER
EIENDOMS ONTWIKKELING PTY LTD AND HERMANUSPIETERSFONTEIN
BELEGGINGS PTY LTD**

3463, 3464 & 3533 HHW (4496/2023)

H Olivier

(028) 313 8900

Hermanus Administration

2 October 2024

EXECUTIVE SUMMARY

An application has been received on 6 October 2023 from Wrap Project Office on behalf of Afdaksrivier Eiendoms Ontwikkeling Pty Ltd and Hermanuspietersfontein Beleggings Pty Ltd on Erven 3463, 3533 and Remainder Erf 3464, Hawston in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the following:

- ❖ **subdivision** in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 as follows:
 - Erf 3463, Hawston into 2 portions; namely a Portion A ($\pm 1294\text{m}^2$) and a Remainder ($\pm 3582\text{m}^2$); and
 - Remainder Erf 3464, Hawston into 2 portions; namely a Portion B ($\pm 1294\text{m}^2$) and a Remainder ($\pm 15367\text{m}^2$).
- ❖ **rezoning** in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 as follows:
 - subdivided Portion A (a portion of Erf 3463, Hawston) from Business Zone 3: Local Business (B3) to Business Zone 2: General Business Bulk Zone 2 ISIZA (B2); and
 - subdivided Portion B (a portion of Remainder Erf 3464, Hawston) from Business Zone 2: General Business Bulk Zone 2 (B2) to Business Zone 3: Local Business (B3).
- ❖ **consolidation** in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 as follows:
 - subdivided Portion A (a portion of Erf 3463, Hawston) with Remainder Erf 3464, Hawston to create a consolidated portion C of $\pm 16661\text{m}^2$ in extent; and

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- subdivided Portion B (a portion of Remainder Erf 3464, Hawston) with Remainder Erf 3463, Hawston to create a consolidated portion D of ± 4876m² in extent.
- ❖ **consent use** in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to establish a service station and a car wash on consolidated Portion D.
- ❖ **exemption of subdivision** in terms of Section 26(1)(h)(v) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to register right of way servitudes as follows:
 - over the Consolidated Portion C in favour of the Consolidated Portion D (access and egress to service station); and
 - over Erf 3533, Hawston in favour of both the Consolidated portions C & D (proposed new slip road from R43, Provincial Road).

RESOLUTION

1. 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 the following erven:
 - ❖ Erf 3463, Hawston into two portions, namely a Portion A (approximately 1294m²) and a Remainder (approximately 3582m²), and
 - ❖ Remainder Erf 3464, Hawston into 2 portions, namely a Portion B (approximately 1294m²) and a remainder (approximately 15367m²);

be approved in terms of the provisions of Section 61;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 to rezone the following:
 - ❖ subdivided Portion A (a portion of Erf 3463, Hawston (from Business Zone 3: Local Business (B3) to Business Zone 2: General Business Bulk Zone 2 (B2), and
 - ❖ subdivided Portion B (a portion of Remainder Erf 3464, Hawston) from Business Zone 2: General Business (B2) to Business Zone 3: Local Business (B3);

be approved in terms of the provisions of Section 61;

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3. that the application in terms of Section 16(2)(e) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the consolidation of the following:
 - ❖ subdivided Portion A (a portion of Erf 3463, Hawston) with Remainder erf 3464, Hawston to create a consolidated portion C of approximately 16661m² in extent, and
 - ❖ subdivided Portion B a portion of Remainder Erf 3463, Hawston to create a consolidated portion D of approximately 4876m² in extent;

be approved in terms of the provisions of Section 61;
4. that the application in terms of Section 16(2)(o) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for a consent use to establish a service station (and a car wash) on consolidated Portion D, **be approved** in terms of the provisions of Section 61;
5. that the application in terms of Section 16(1)(h)(v) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for **exemption of subdivision** to register a right of way servitude over the Consolidated Portion C in favour of the Consolidated Portion D (access and egress to service station), **be supported**;
6. that the application in terms of Section 16(1)(h)(v) of the By-Law **for exemption of subdivision** to register a right of way servitude over Erf 3533, Hawston in favour of both the Consolidated portions C & D (proposed new slip road from R44, Provincial Road), **not be supported**.
7. that the above approvals in Points 1 to 5 be subject to the following conditions:
 - (a) that the development of the service station be in line with Site Development Plan 21/16 (0003) dated 23/08/2024;
 - (b) that the subdivision and consolidation be in line with plan 21/16 (002) dated 18/04/2024 submitted with this application;
 - (c) that all conditions in the Services Report be complied with;
 - (d) that a refuse area must be provided on-site to the satisfaction of the Manager: Waste Management and must be indicated on the Building Plans when submitted for approval;

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- (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
- (f) that when building plans are submitted to the Building Control Department of the Municipality that any requirements by the Fire- and Building Departments at that stage be complied with.
8. that the following be noted:
- the comments of Telkom;
 - the comments of the Municipal Environmental Branch;
 - the comments of Western Cape Government: Infrastructure (Chief Directorate: Road Planning), and
 - the comments of Heritage Western Cape.
9. 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.

REASON FOR RESOLUTION

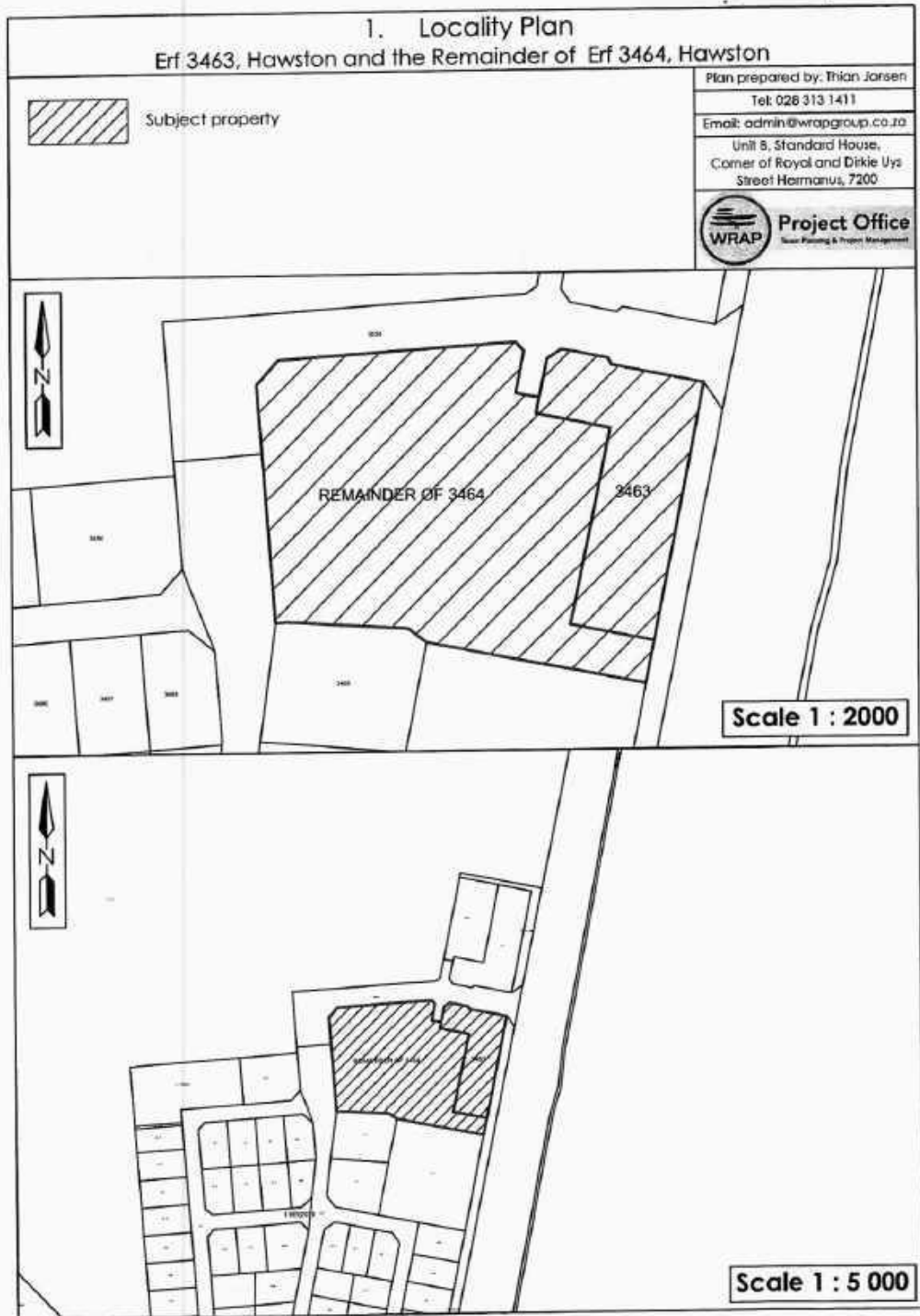
Points 1 to 5

- ❖ The application for subdivision, rezoning and consolidation is only to change the shape of two existing business sites and will not have a major impact on the area.
- ❖ A service station (with carwash) and other proposed primary uses such as a restaurant, shop, café etc. will fit in with the character of the surrounding business area and will provide additional services to this area.
- ❖ No objections were received against the application.
- ❖ All Municipal and State departments and Institutions support the applications.
- ❖ The area is fully serviced, and the road network is sufficient to accommodate the new land use.
- ❖ The application is in line with the SPLUMA and LUPA Planning Principles and will make use of the resource land to its maximum potential and it is also efficient as existing services and road infrastructure will be used.
- ❖ The application is in line with The Overstrand Municipal SDF, 2020, as the area is already earmarked for business purposes.
- ❖ The application will have no negative impact on the character of the surrounding area and is desirable.

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Point 6

The Western Cape Government: Infrastructure (Chief Directorate: Road Planning) do not support a slip lane from the R43 Provincial Road. (*The applicant amended the site development plan and subdivision plan to comply.*)



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION, REZONING, CONSOLIDATION, CONSENT
USE & EXEMPTION OF SUBDIVISION (REGISTRATION OF RIGHT OF WAY
SERVITUDES): ERF 3463, ERF 3533 & REMAINDER ERF 3464, FLAGSHIP
BUSINESS PARK, HAWSTON (4496/2023)**

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

Conditions

1. that all the conditions specified as part of the previously approved land use applications for Portion 6 of Farm 575 remains relevant and valid and should be adhered to;
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 one water connection and one sewer connection shall be used to service the consolidated erf consisting of Portion B of the Remainder Erf 3464 and Remainder Erf 3463;
4. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
5. that the developer investigates and determine the limitations of the site in terms of drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
6. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
7. That no additional access or slipway access be created on the R43 / Trunk Road 28 / 1 without the approval of the relevant road authority. The proposed development must use the existing access to Flagship Business Park;
8. that any additional and / or extended vehicle entrance will be for the owner's account;
9. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be provided in line with the specifications of the Overstrand Land Use Scheme 2020;

10. that the connection to the stormwater reticulation system be provided according to the stormwater management plan by, the developer.


DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES


DATE

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33.ERF 506, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF L PAULUS

506 KPRB (4507/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

14 October 2024

EXECUTIVE SUMMARY

An application has been received on 25 October 2023 from Plan Active Town- & Regional Planners on behalf of L Paulus on Erf 506, Pringle Bay in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the height restriction from 8m to 8,33m, 8,45m and 9,23m, respectively to accommodate the garage and dwelling.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the unauthorised transgression as stipulated above.

RESOLUTION

1. that the comment received be noted;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 506, Pringle Bay for a departure to relax the height restriction from 8m to 8,33m, 8,45m and 9,23m, respectively to accommodate the garage and dwelling, **be approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
 - (a) that the approval be limited to the building/structures as follows:
 - *roof pitch: 8m to 8,33m (63,83m to 64,16m)*
 - *roof pitch: 8m to 8,45m (63,83m to 64,28m)*
 - *roof pitch: 8m to 9,23m (63,83m to 65,060m)*

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- (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;
 - (c) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (f) that all the conditions in the Services Report be complied with.
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 506, Pringle Bay to accommodate the unauthorised transgressions as stipulated above, **be imposed**, and that an administration penalty fee of **R55028,65** be payable within ninety (90) days of the decision, and
 4. 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.

REASON FOR RESOLUTION

POINT 2

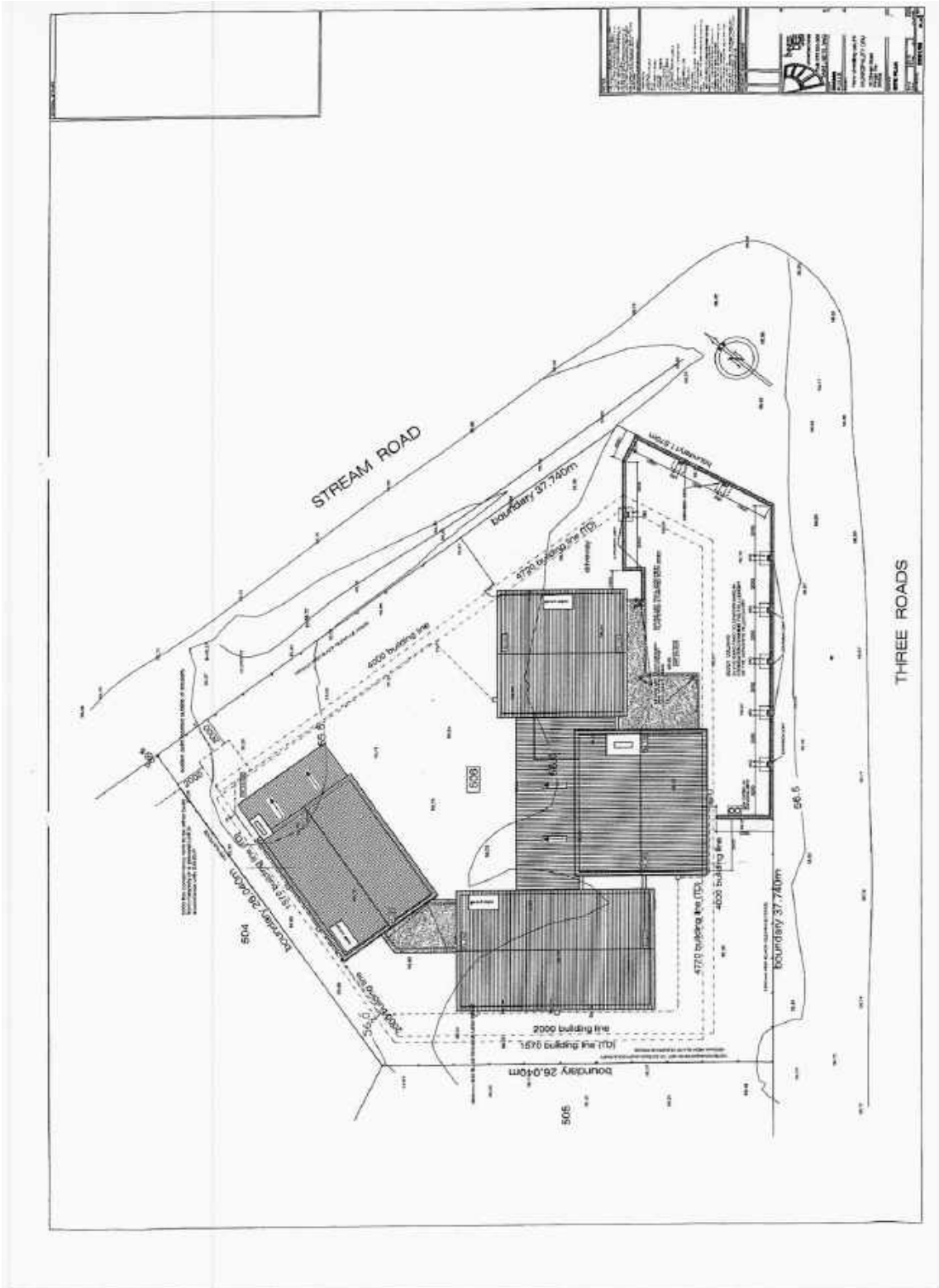
- ❖ The acceptance that the landowner did not transgress the height on purpose.
- ❖ The landowner did appoint the various professionals to ensure compliance of which they defaulted.
- ❖ The structures form a unit and is aesthetically pleasing and of high quality and makes a positive contribution to the surround area.
- ❖ None of the adjacent residents objected to the application.

POINT 3

- ❖ A fraudulent height certificate was submitted.
- ❖ Responsibility remains with the landowner.
- ❖ The transgression is substantial.



PLAN Stads- en Streetskema Town & Regional Planners	Active	All dimensions approximate and subject to survey. COPY RIGHT RESERVED	Property Identification: ERF 506 PRINGLE BAY	Project Description: LOCALITY MAP	Scale: N22 Drawing No: 1000000000 Date: 01/08/2009



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF
ADMINISTRATIVE PENALTY, ERF 506, PRINGLE BAY (4507/2023)**

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.

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

15/03/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**34.REMAINDER ERF 6063, 359 MAIN ROAD, EASTCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN
ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF THE B
ANDERSON TERRY CHILDRENS TRUST**

Rem 6063 HEC (4574/2024)

P Roux

(028) 313 8900

Hermanus Administration

30 October 2024

EXECUTIVE SUMMARY

An application has been received on 06 February 2024 from Messrs PlanActive Town- and Regional Planners on behalf of the owners of Remainder Erf 6063, Eastcliff, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Bylaw for the following:
 - relaxation of the eastern lateral building line from 2m to 1.243m to accommodate the change of use of the existing garage to a bedroom and storeroom;
 - relaxation of the eastern lateral building line from 2m to 1.243m to accommodate the as built games room;
 - relaxation of the western lateral building line from 2m to 1.389m to accommodate the as built en-suite bathroom, and
 - relaxation of the rear building line from 2m to 1.34m to accommodate the as built storeroom.

- ❖ **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
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

RESOLUTION

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Remainder Erf 6063, Hermanus for the following:
 - relaxation of the eastern lateral building line from 2m to 1.243m to accommodate the change of use of the existing garage to a bedroom and storeroom;
 - relaxation of the eastern lateral building line from 2m to 1.243m to accommodate the as built games room;
 - relaxation of the western lateral building line from 2m to 1.389m to accommodate the as built en-suite bathroom, and
 - relaxation of the rear building line from 2m to 1.34m to accommodate the as built storeroom;

be approved in terms of the provisions of Section 61 of the By-Law;
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 6063, Hermanus for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
3. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan, Drawing No. 2022/09/35, as submitted with the application;
 - (b) that an administrative penalty of **R13 472.75** be payable within thirty (30) days of the decision;
 - (c) that building plans be submitted to the Building Control Office within sixty (60) days of the decision, and all comments from the Fire Department be complied with at that stage;
 - (d) that all the conditions in the Services Report be complied with;

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

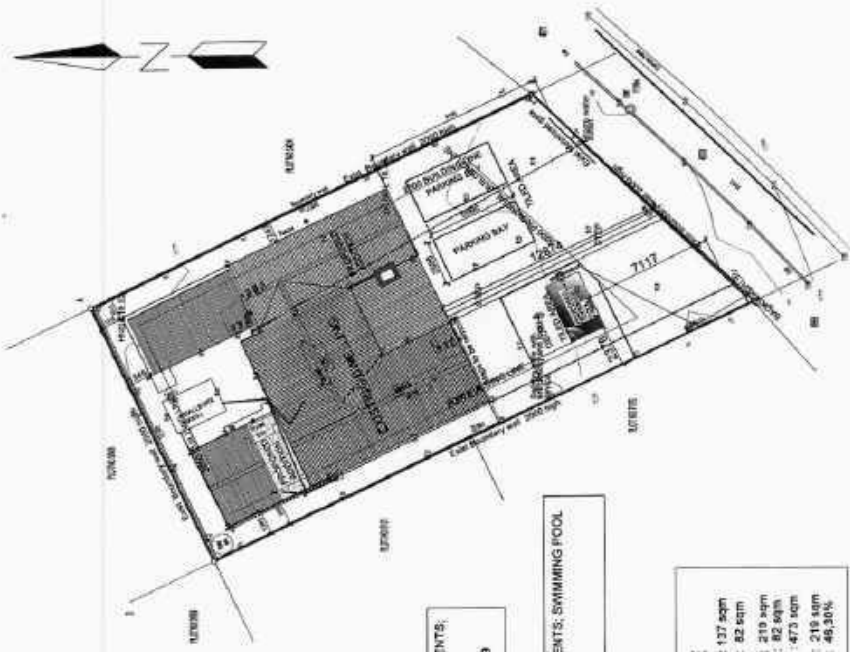
- (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASON FOR RESOLUTION

- ❖ The proposed encroachments are considered not to have a negative impact on the adjacent property owners or the character of the area.
- ❖ Due to the position of the dwelling compared to the street scape the proposal will not have an impact on road users and will not be visible from the road.
- ❖ The existing planting and boundary walls ensure that the privacy of the adjacent property owners is maintained and respected.
- ❖ The property owner constructed portions of the dwelling without municipal approval therefore an administrative penalty is applicable.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.



PAGE 188



SITEPLAN
Scale : 1: 200

SETOUT MEASUREMENTS:
FRONT : 12874
RIGHT : 1346
LATERAL : 1246 / 1389

SETOUT MEASUREMENTS: SWIMMING POOL
FRONT: 7117
LATERAL : 2376

COVERAGE

EXISTING DWELLING :	137 sqm
PROPOSED ADDITION :	82 sqm
TOTAL :	219 sqm
TOTAL NEW :	82 sqm
PLOT SIZE :	473 sqm
FOOTPRINT COVERAGE :	46.30%

DATE: 2022/09/30
SCALE: 1:200
SHEET: CA 1208

SITEPLAN

HOUSE TERRY
PLOT NO 6063
HERMANUS

PAO
CAP-LON DESIGNERS
1001 100 1000
1001 100 1000

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY &
DEPARTURE: REMAINDER ERF 6063, EASTCLIFF (4574/2024)

- 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 connector(s) to the municipal system be provided at the owners cost, if required.


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

08/09/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

35. ERF 1245, 3 RIVERSIDE LANE, STANFORD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF KEVIN ALAN KING

1245 STAN (4556/2024)

P Roux

(028) 313 8900

Hermanus Administration

05 November 2024

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 31 January 2024 from WRAP Project Office on behalf of Kevin Alan King for Erf 1245, Standford for the following:

1. **departure** in terms of Section 16(2)(b) of the By-Law, to relax the northern lateral building line of the property from 1m to 0m to accommodate the change of use of the existing garage; and
2. **determination of an administrative penalty:** in terms of Section 16(2)(q) of the By-Law.

RESOLUTION

1. that the objections be noted;
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1245, Standford for a departure to relax the lateral building lines from 2m to 0m, to accommodate the change of use of the existing garage, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the site plan numbered *2023.1927.01* dated *23 November 2023* as submitted with the application;
 - (b) that the width of the vehicular entrance to the property and the carport be increased to 5m in order to comply with the parking bay standard as per the land use scheme;
 - (c) that building plans be submitted to the Building Control


**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

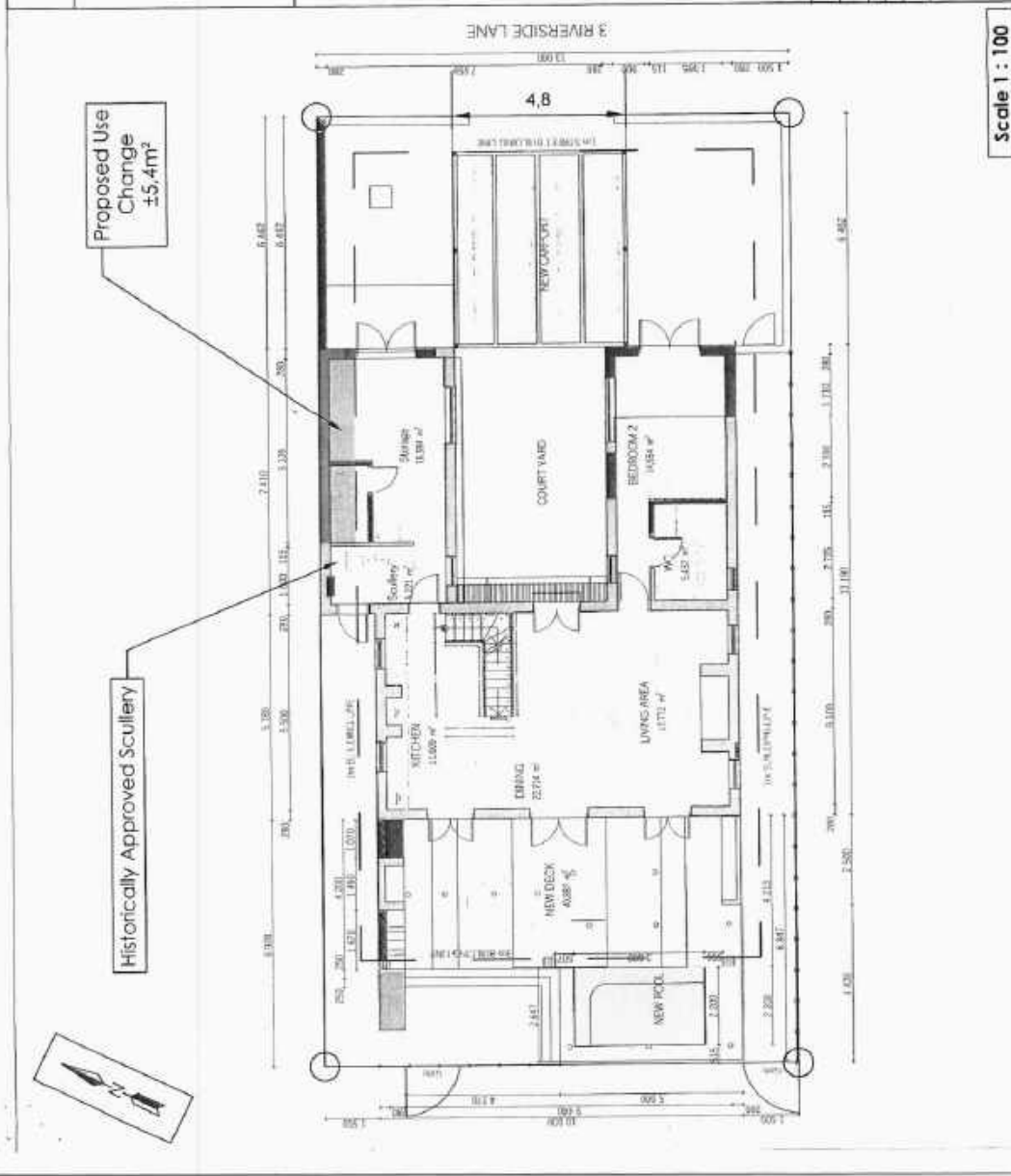
- Department for approval and that all conditions of the Building- and Fire Department be complied with;
- (d) that all the conditions in the Services Report be complied with;
 - (e) that the existing storage space only be used for storage and not be converted to an extra bedroom;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation and
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
3. that 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 1245, Stanford to accommodate the unauthorised building line encroachments as stipulated above, **be imposed, and the payment of R21 873.24** be paid to the municipality within 60 days from the date of being notified of the decision;
 4. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASON FOR RESOLUTION

- ❖ The nature of the application is mainly the internal use of the structure which is limited to a storeroom and does not result in the site of the building being increased within the building lines.
- ❖ A condition has been introduced in order to limit the use of the structure.
- ❖ The property owner can provide sufficient parking on the property without the need for on street parking.
- ❖ The concerns received by the objector's are noted and addressed.
- ❖ The amount of the administrative penalty was considered based on the history of the site and the building work which occurred without municipal approval.
- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ No additional services are required.



<p>4.1 Site Plan Erf 1245 - Stanford</p>	<p>Erf 1245 - Stanford Extent = 345m² Dwelling Floor Area = 215.187m² Total Coverage = 154.59m² / 44.8%</p>	<p>Plan prepared by: Peter Joubert All distances are approximate and subject to a survey. Tel: 029 313 1411 Email: admin@wrap.co.za Law: E. Standard House, Corner of Kyrle and Dicks Sts Street, Johannesburg, 2000</p>	 <p>Project Office Peter Joubert & Associates</p>
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY, ERF 1245, STANFORD**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**36. ERF 7189, 8 SIXTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS
DESIGNMEN (PTY) LTD ON BEHALF OF SE GROBLER**

7189 HVK (4181/2022)

P Roux

(028) 313 8900

Hermanus Administration

11 November 2024

EXECUTIVE SUMMARY

An application has been received on 15 June 2022 (final version 26 October 2022) from Messrs Designmen (Pty) Ltd on behalf of the owners of Erf 7189, Voëlkliip, Hermanus, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) the following:

- ❖ **departure** in terms of Section 16.2(b) of the By-Law to relax the street building line from 4m to 0m and the western lateral building line from 2m to 0m, to accommodate the extension of the existing garage onto the lateral boundary and to extend a carport onto the street boundary.

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 7189, Hermanus in order to relax the street building line from 4m to 0m and the western lateral building line from 2m to 0m, to accommodate the extension of the existing garage onto the lateral boundary and to extend a carport onto the street boundary, **be approved** in terms of the provisions of Section 61 of the By-Law;
 - (a) that the proposed building plan be revised in order to allow for the following:
 - the section of western lateral boundary wall within the 4m street building line be revised in order to allow for an opening of 30 cm between the wall and the roof of the carport,
 - that the western boundary wall is not higher than 2.1m from NGL,
 - that the roof of the carport on the street boundary be limited to 3m from natural ground level and the roof be angled back with 40-degree from the street boundary.

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

- (b) that the revised building plans be submitted to the Building Control Office, and all comments from the Fire Department be complied with at that stage;
 - (c) that all the conditions in the Services Report be complied with;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASON FOR RESOLUTION

- ❖ The proposed structure is compliant with the residential character.
- ❖ No objection was received.
- ❖ The use of the structure will be for the use of a motor vehicle.
- ❖ The conditions as stipulated will limit the impact of the structure while allowing for the carport and garage to be compliant with the parameters of the Land Use Management Scheme, 2020 Section 16.
- ❖ The proposal is compliant with the relevant forward planning documents.

7189 HVK

CONTRACT:
 The undersigned hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief, and that he is not aware of any facts or circumstances which would render the same misleading or incomplete. This certificate is given in full knowledge of the fact that the same is a material part of the record in connection with the application for a zoning change and is subject to the provisions of the zoning ordinance of the Town of ...

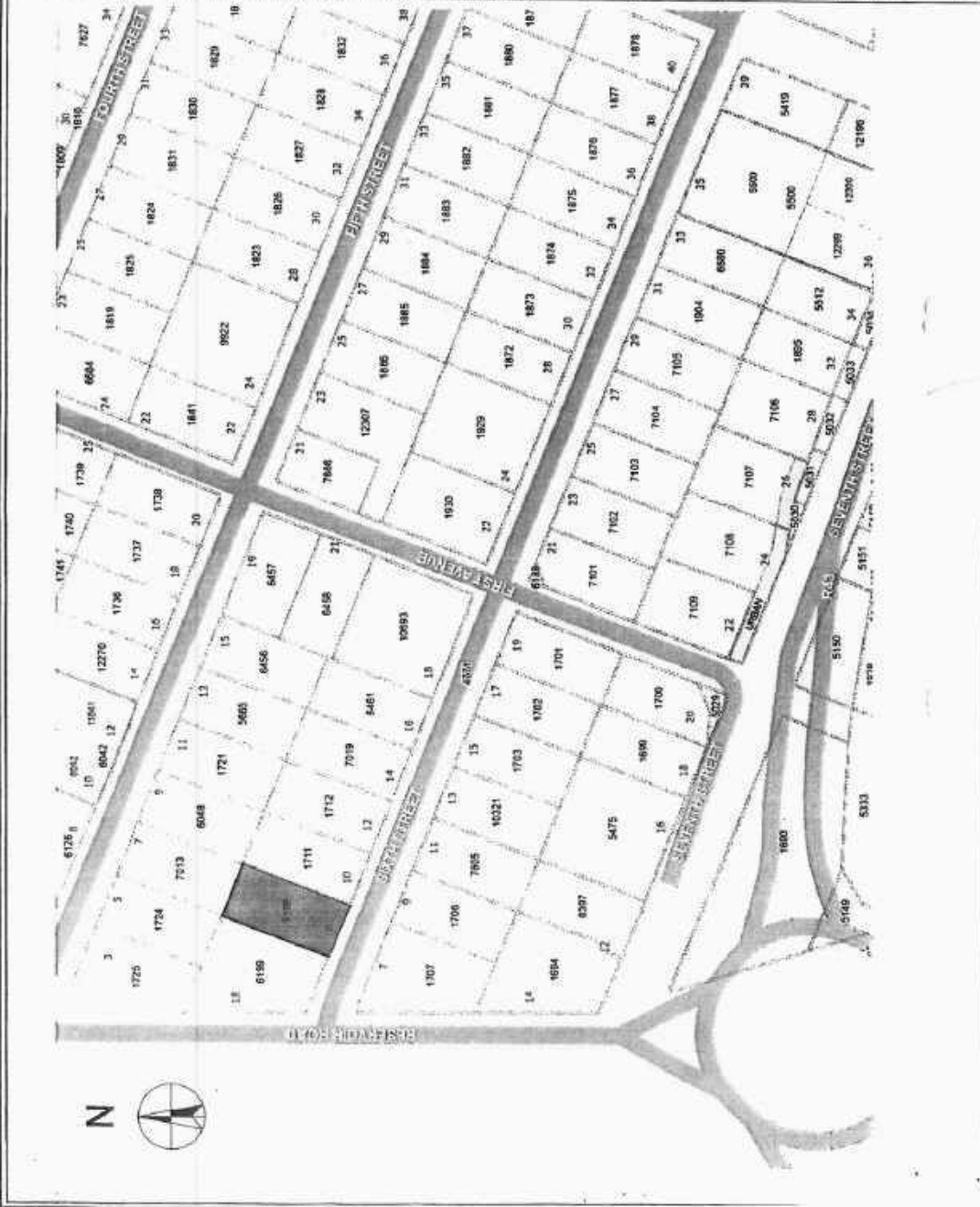
**Drawing For Town-
 Planning Submission**

DATE: 01/14/2022 **DATE:** 01/14/2022

**ADDITIONAL ADDRESS FOR
 NOTICE & SERVICE TEST
 FOR 7189 HVK, VOLETIF, HERMANES**

LOCALITY PLAN

Project Number: 2022-1903
Sheet Number:
Date: 14 JUN 2
Drawn by: [Signature]
Checked by: [Signature]
Design/Map/Plan:
Scale: As Indicated



Comments:
 TO BE USED IN CONJUNCTION WITH THE TOWN OF WINDSOR ZONING BYLAW. THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. THE TOWN ENGINEER'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS DRAWING. THE TOWN ENGINEER'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS DRAWING. THE TOWN ENGINEER'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS DRAWING.

Drawing For Town Planning Submission

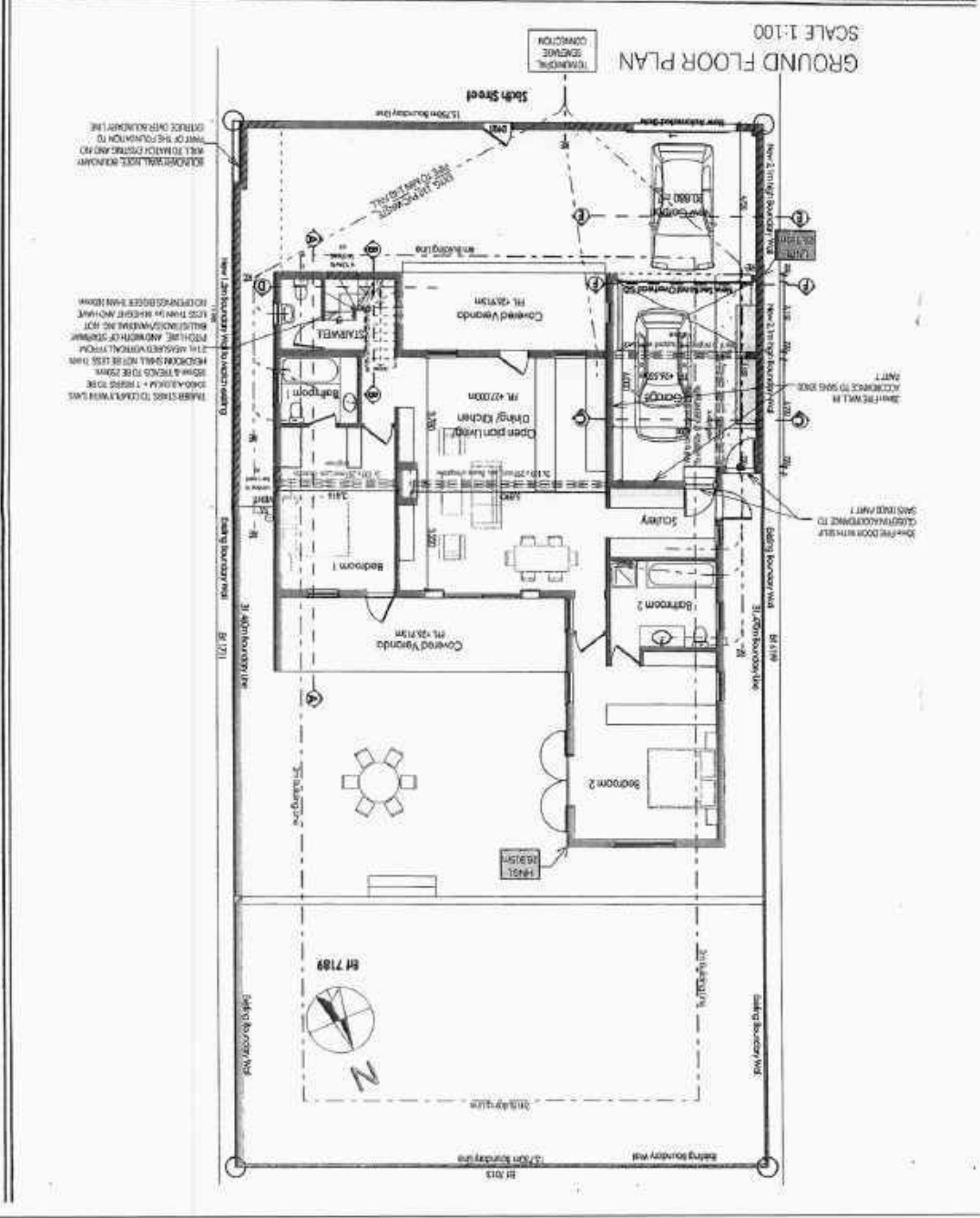
Client: [Signature] **Address:** [Signature]
Date: 05/20/22 **Date:** 05/14/2022

PROJECT NAME: ALBERTA'S ADDRESS FOR WINDSOR & BRIDGE STREET FOR THE 'VILLAGE' PHASE

GROUND FLOOR PLAN
Project Number: 2022-1900
Sheet Number: 14
Date: 14 June 22
Drawn by: [Signature]
Checked by: [Signature]

Design/Drawn by: [Signature]
Scale: 1:100
Sheet: 14 of 14

Notes: As indicated



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 7189, VOELKLIP**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


BATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**37. PORTION 34 OF FARM ROCKLANDS NO. 633, DIVISION CALEDON,
OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE
ARCHITECTURAL GUIDELINES AND PROCESS AND RULES: V LUMBY ON
BEHALF OF LAGOON EDGE ESTATE BODY CORPORATE**

34/633 RCAL (4505/2023)

P Roux

(028) 313 8900

Hermanus Administration

06 November 2024

EXECUTIVE SUMMARY

An application, in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) was received on 23 October 2023 from V Lumby on behalf of Lagoon Edge Estate Body Corporate on Portion 34 of the Farm Rocklands No. 633, Division Caledon for an amendment of the Architectural Guidelines and the Rules and Procedures of the estate.

RESOLUTION

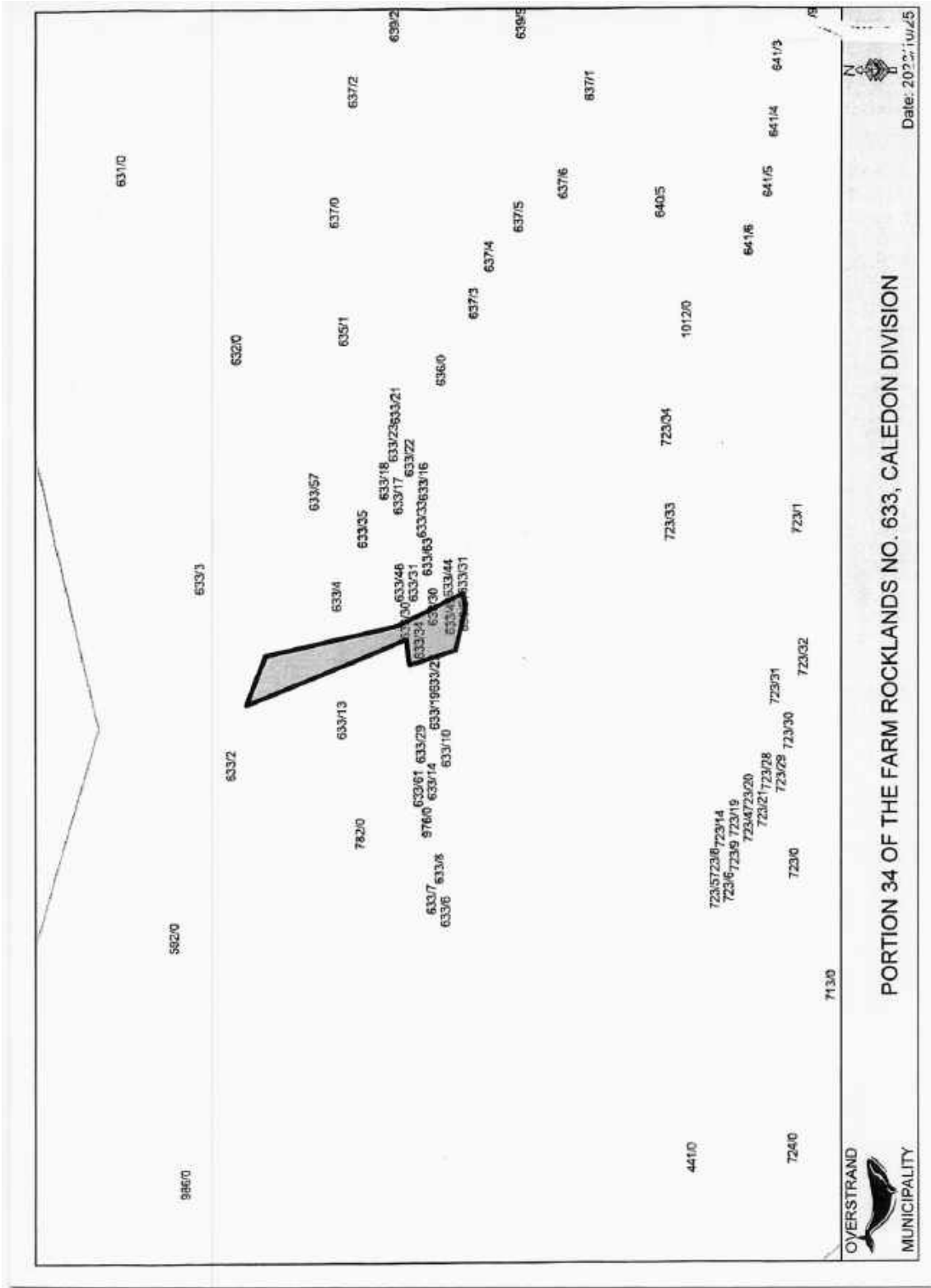
1. that the application in terms of Section 16(2)(l) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Portion 34 of the Farm Rocklands No. 633, Division Caledon for an amendment of the Architectural Guidelines and the Process and Rules, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that this approval only relates to the amended version of the Lagoon Edge Architectural Design Guidelines as received on 12 January 2024;
 - (b) that the applicant submits a final version of the Architectural Design Guidelines which is duly signed by the Body Corporate, to the Town- and Spatial Planning Department and the Building Department for record keeping purposes, and
 - (c) that it be noted the median line, the boundary line with the 1m building line are internal lines as required by the Lagoon Edge Body Corporate and does not relate to the boundary lines and building lines as contained within the Overstrand Municipality Land Use Scheme and therefore it will be the Lagoon Edge Body Corporate sole responsibility to maintain and control extensions permitted on the said lines;

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Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 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, 2015 with regard to the above decision.

REASON FOR RESOLUTION

- The application has followed due procedure.
- No objections were received from the Building Control Department.
- It is in line with policy documents and the Zoning Scheme.
- The approval of the Architectural Design Guidelines would create a user-friendly guideline that can be used to ensure the character and aesthetical integrity, and style of the development would be protected.
- Will result in property owners and internal services being protected against any possible negative impact from proposed house extensions by neighbouring properties.



OVERSTRAND MUNICIPALITY

PORTION 34 OF THE FARM ROCKLANDS NO. 633, CALEDON DIVISION

Date: 2023/11/25

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

38. ERF 1368, 4 COMPACTA STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF CREATIVE SKILLS FACTORY

1368 Stanford (4366/2023)

P Roux

(028) 313 8900

Hermanus Administration

8 November 2024

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 01 March 2024 from Messrs WRAP Project Office on behalf of the owners of Erf 1368, Stanford for the following:

- ❖ **consent use** in terms of Section 16(2)(o) of the By-Law, to allow for a place of instruction;
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, to depart from the required on-site parking parameters; and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, in order to ensure compliance with the By-Law's requirements.

RESOLUTION

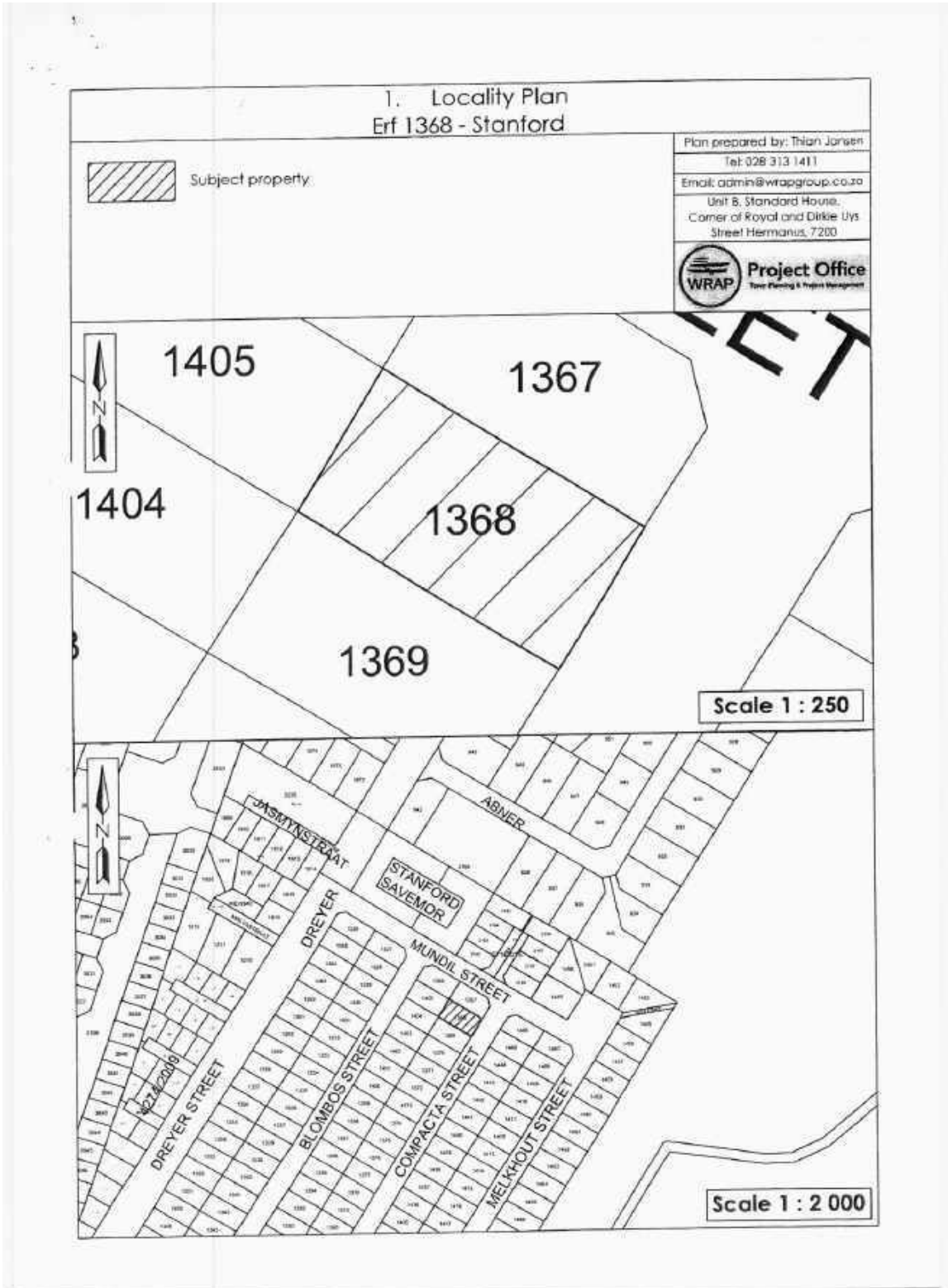
1. that the application for consent use in terms of Section 16 (2)(o) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 1368, Stanford, to accommodate a place of instruction, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for a departure in terms of Section 16(2)(b) of the By-Law, to depart from the required on-site parking parameters, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the determination of an administrative penalty in terms of Section 90.(4) of the By-Law to accommodate the existing place of instruction on the property, **be exempt** from the payment of an administrative penalty;
4. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:

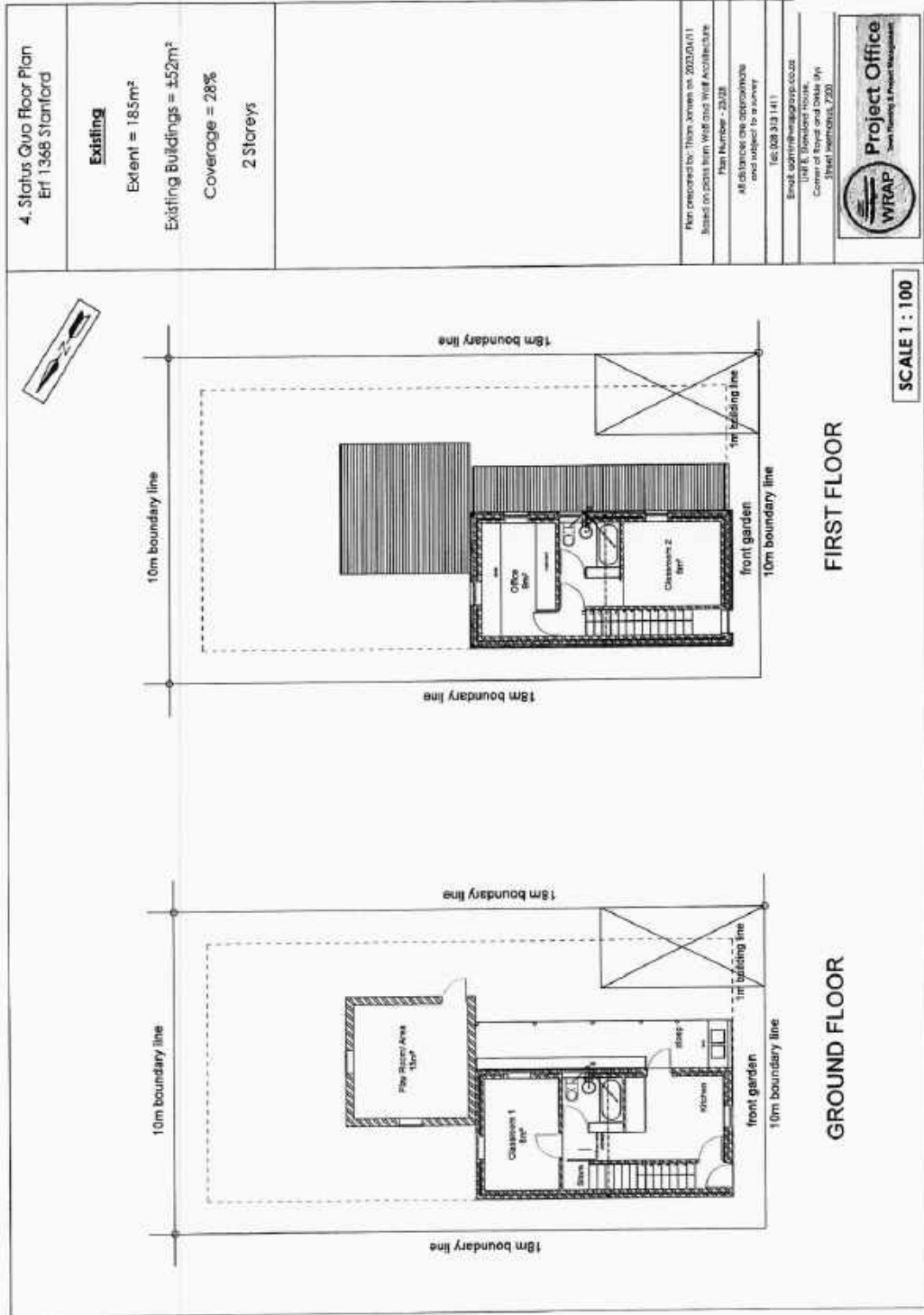
**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

- (a) that the approvals are for the development as indicated on Site Development Plan, Drawing No. 23/28 as submitted with the application;
 - (b) that building plans be submitted to the building control office within sixty (60) days of the decision, and all comments from the Fire Department be complied with at that stage;
 - (c) that all the conditions in the Services Report be complied with;
 - (d) that the conditions in the comment received from District Health be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
5. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASON FOR RESOLUTION

- ❖ The property is located in an area where pedestrian movement is common, and the community uses alternative means of transport such as taxis to travel longer distances.
- ❖ Parents drop and fetch their children on foot and they therefore require a facility which is close by.
- ❖ The site is owned and managed by a NPO who relies on external funding to provide a vital service to the community.
- ❖ There are no similar services currently being rendered in close proximity to this extension of Stanford.
- ❖ By implementing a penalty would cause the municipality to hamper the organization's ability to provide its essential service to the children of the community.
- ❖ The main use of the property is to educate and care for children.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The structures proposed are further considered to be in line with the character of the area.





SCALE 1 : 100

4. Status Quo Floor Plan
Erf 1368 Stanford

Existing

Extent = 185m²

Existing Buildings = ±52m²

Coverage = 28%

2 Storeys

Plan prepared by: Thom Jansen on: 2023/04/11
Based on plans from Wild and Wild Architecture

Plan Number: 23128

All distances are approximate and subject to a survey

Tel: 020 219 1411

Email: admin@wrap.nl

Unit E, Stouwer House,
Corner of Royal and Dekeijper
Street, Rotterdam, 3230



Project Office
Architectural & Project Management

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE, DEPARTURE & DETERMINATION
OF AN ADMINISTRATIVE PENALTY, ERF 1368, STANFORD**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

39. ERF 1821, 21 HEMEL-EN-SEE LANE, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: ENGELBREC GT & SCORGIE ARCHITECTURAL OFFICE ON BEHALF OF NI HICKMAN

1821 HVM (4703/2024)

H Olivier

(028) 313 8900

Hermanus Administration

21 November 2024

EXECUTIVE SUMMARY

An application has been received on 26 June 2024 from Engelbrecht and Scorgie Architectural Office on behalf of NI Hickman in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1821, Vermont for the following:

- ❖ **Departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the street building line from 4m to 3,7m to accommodate the encroachment of a portion of the existing double garage and balcony.
- ❖ **Determination of Administrative Penalty** in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the above-mentioned structures over building lines.

RESOLUTION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1821, Vermont for a departure to relax the street building line from 4m to 3,7m to accommodate a portion of the existing double garage structure and a balcony, **be approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
 - (a) that this approval is only for the departure of building lines and is not an approval in terms of any other legislation;
 - (b) that the approval for the departure is only for the development over for the building lines as indicated on plan number J1206-A1-01 dated 2 May 2024, submitted with the application;
 - (c) that building plans be submitted to the Building Department for all illegal building work on the property approval, and that all conditions of the Building and the Fire Department be complied with at that stage;

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- (d) that all other development parameters as prescribed in the relevant Land Scheme be complied with, and
 - (e) that all the conditions in the Services Report be complied with.
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 1821, Vermont for the unauthorized encroachments of a portion of the existing double garage and balcony over the building lines on the property, was considered and that an administrative penalty of **R286,00, be imposed** which penalty must be paid within thirty (30) days from the final date of the decision of the application.
 3. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

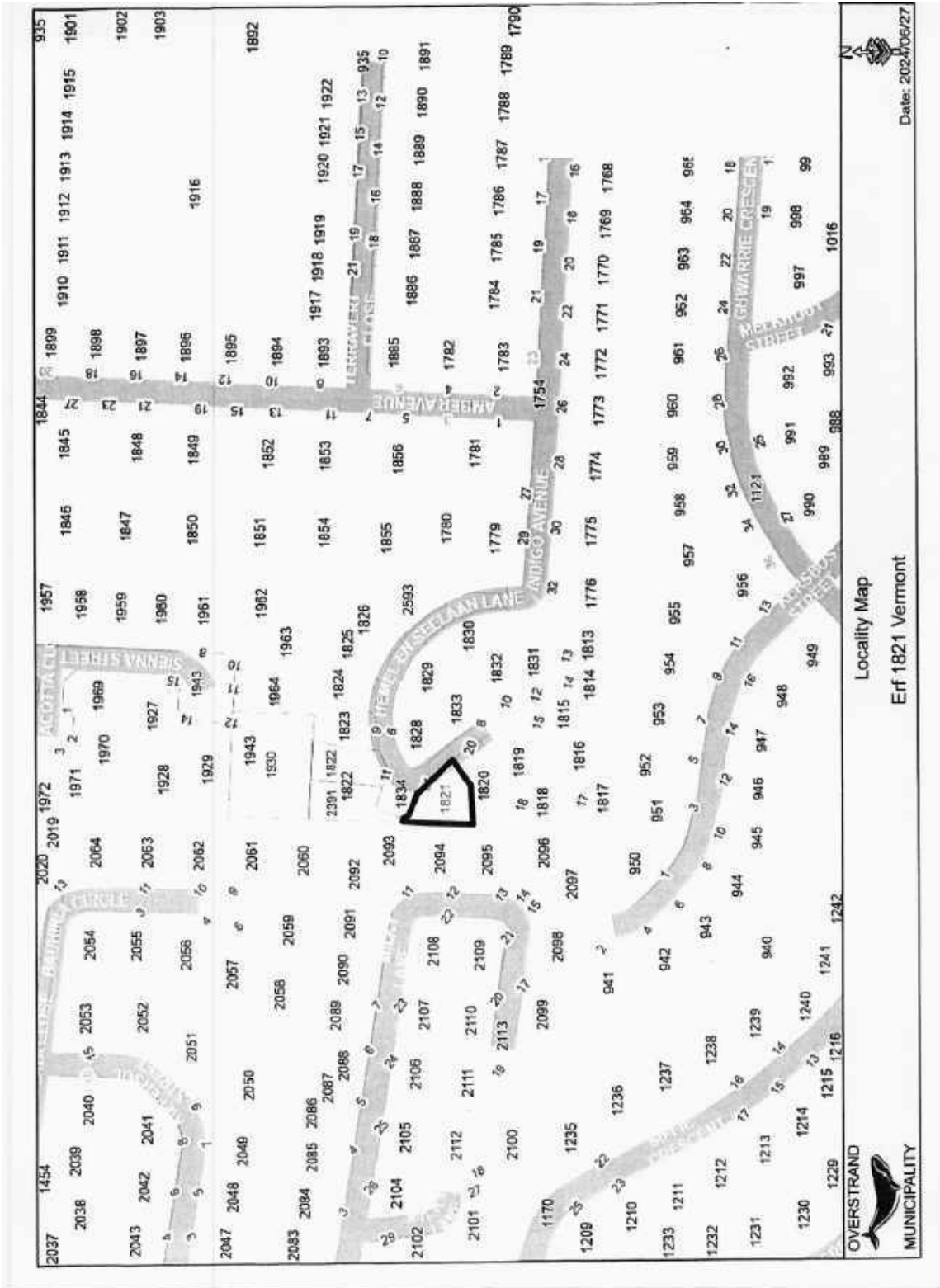
REASON FOR RESOLUTION

POINT 1

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ No objections were received from adjacent property owners.
- ❖ The double garage and balcony are existing structures over the street building line and would not have an additional impact on surrounding property owners.
- ❖ The encroaching structures are only 0.3m over the street building line, and is considered minor encroachments, with no impact on the character of the surrounding area.
- ❖ All relevant Municipal/State Departments or other institutions support the application.
- ❖ The application is desirable.

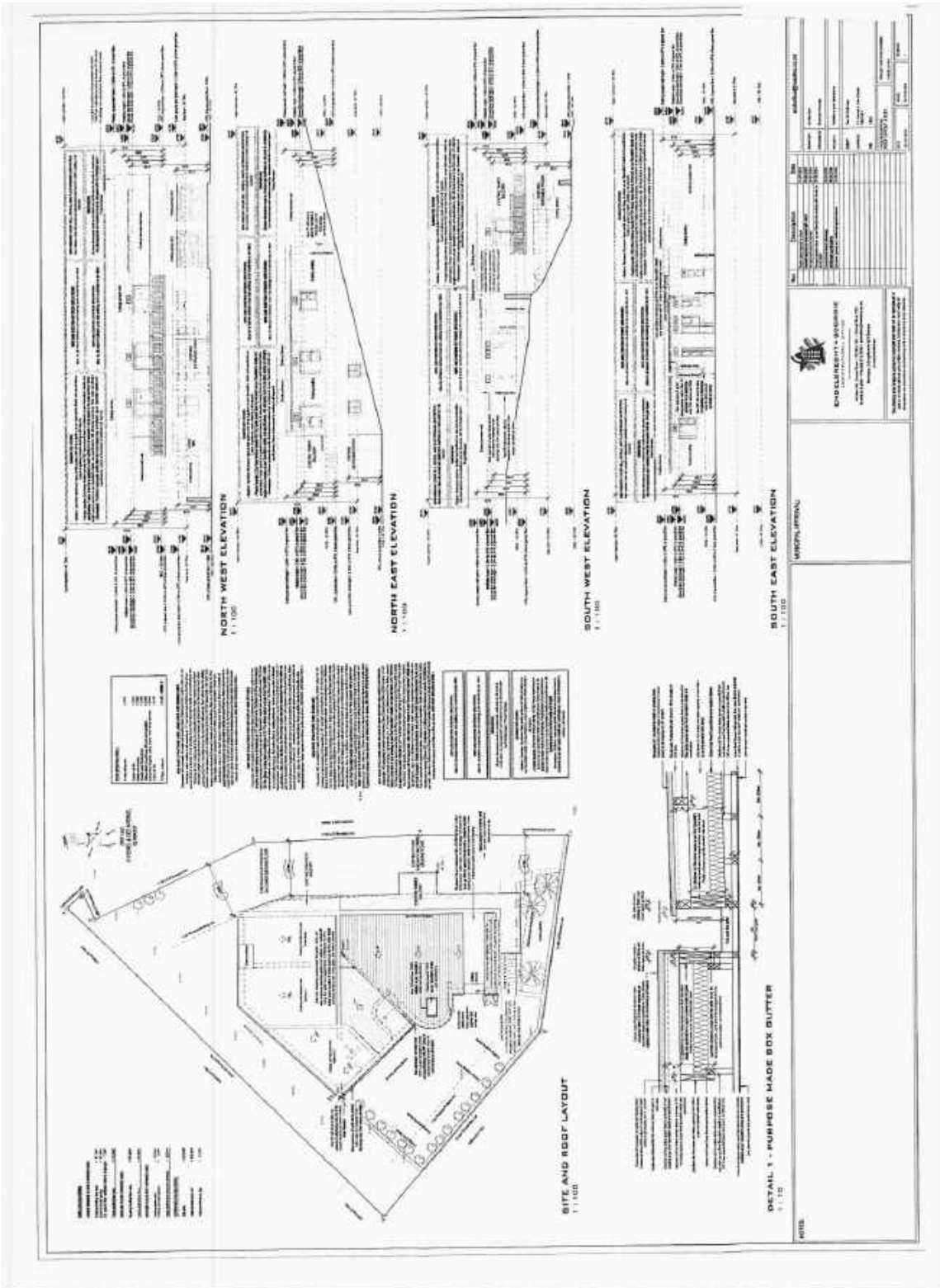
POINT 2

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



Locality Map
Erf 1821 Vermont





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 1821, VERMONT (4703/2024)**

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

09/09/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**40. ERF 2963, 13 PROTEA STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MEYER &
ASSOCIATES, ARCHITECTS, URBAN DESIGNERS ON BEHALF OF
VALOTRADE 1076 CC**

2963 HON (4677/2024)

H Olivier

(028) 313 8900

Hermanus Administration

18 October 2024

EXECUTIVE SUMMARY

An application has been received on 24 May 2024 from Meyer & Associates, Architects, Urban Designers on behalf of Valotrade 1076 CC on Erf 2963, Onrustrivier in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to relax the following building lines:

- ❖ Relaxation of the street building line from 4m to 3m to accommodate the proposed garage.
- ❖ Relaxation of the street building line from 4m to 2.510m to accommodate the proposed staircase.
- ❖ Relaxation of the southern building line from 2m to 1m to accommodate portions of the proposed dwelling.

RESOLUTION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2963, Onrustrivier for a departure to relax the following building lines:

- ❖ relaxation of the street building line from 4m to 3m to accommodate the proposed garage;
- ❖ relaxation of the street building line from 4m to 2.510m to accommodate the proposed staircase,

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 2963, Onrustrivier for a Departure to relax the southern building line from 2m to 1m to accommodate portions of the proposed dwelling, **be partially approved**, in terms of the provisions of Section 61 of the By-law;

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(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

3. that the approvals in point 1 and 2 above be subject to the following conditions:
 - (a) that the approval for the departures is only for the development over the building lines as indicated on plans numbers PS01 L1001 to PS01 1008, submitted with the application; except that the relaxation of the southern lateral building line is only for the dwelling portion (approximately 10m long), and that the covered stoep area with braai and counters must be set back to the 2m building line; and that a revised site plan be submitted to the Senior Manager: Town and Spatial Planning to his satisfaction.
 - (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 this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
 - (e) that all the conditions in the Services Report be complied with;
 - (f) that all the conditions by Eskom be complied with, and
 - (g) that all the conditions by Telkom be complied with.
4. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

REASON FOR RESOLUTION

- ❖ No objections were received from surrounding neighbours.
- ❖ The application has followed due procedure.
- ❖ The application is supported by all relevant Municipal and State departments/branches.
- ❖ No new municipal services will be required.
- ❖ The property owner's intension is to ensure that protected milkwood trees will not have to be removed, which is a positive regarding environmental biodiversity.
- ❖ The relaxation of the street building line will not have a major impact on the street scape, neighbours or the character of the area, as there is thick vegetation in the street and wide road reserves.

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- ❖ The southern building line relaxation is partially supported, as an encroachment of a lateral building line from 2m to 1m for a new built for 20m is a very long distance. The covered stoep can be designed 1m narrower and still be functional, with much less impact on the adjacent neighbour.
- ❖ The application will not have a negative impact on the character of the surrounding area or neighbours.
- ❖ The application is desirable.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 2963, ONRUS RIVER (4677/2024)**

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

20/09/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**41. ERF 897, 16 GANET ROAD, VERMONT, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR DEPARTURE: J MARAIS ON BEHALF OF SJ & NL
KIRSTEN**

897 HVM (4674/2024)

H Olivier

(028) 313 8900

Hermanus Administration

12 November 2024

EXECUTIVE SUMMARY

An application was received on 21 May 2024 from J Marais on behalf of SJ and NL Kisten on Erf 897, Vermont in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to relax the street building line from 3m to 0m to accommodate a proposed new garage, and to relax the same building line from 3m to 2m to accommodate a change of use of the existing garage into a study and bathroom.

RESOLUTION

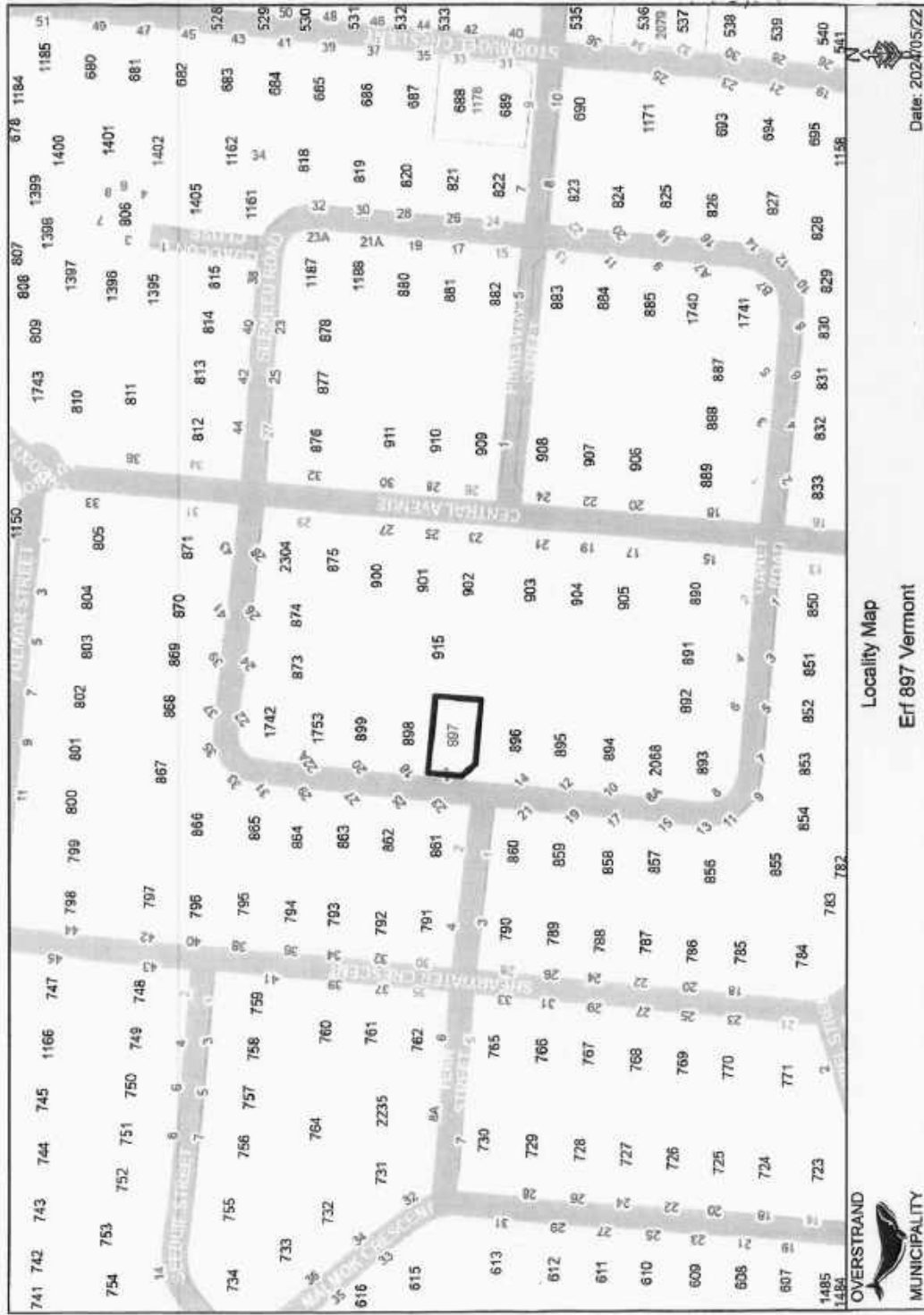
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 897, Vermont for a departure to relax the street building line from 3m to 0m to accommodate a proposed new double garage, and to relax the same building line from 3m to 2m to accommodate a change of use of the existing garage into a study and bathroom, **be approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
 - (a) that this approval is only for the departure of building lines and is not an approval in terms of any other legislation;
 - (b) that the approval for the departure is only for the development over for the building line as indicated on plan number 060-001 dated 1 July 2024 submitted with the application;
 - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (d) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;

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(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

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

REASON FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The application is supported by all relevant Municipal and State Departments/branches.
- ❖ No objections were received from surrounding neighbours.
- ❖ No new municipal services will be needed.
- ❖ The proposed internal use changes and the construction of a double garage on the street boundary will have no impact on the street scape as no formal road have or in all probability will be constructed in the road reserve in future.
- ❖ The changes and extension will have no impact on surrounding neighbours or the character of this area.
- ❖ The proposal is in line with planning principles as land will be used to its maximum potential in an efficient and sustainable way.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 897, VERMONT (4674/2024)**

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

19/09/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**42. ERF 3133, 30 DEMPERS STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF ADMINISTRATIVE PENALTY: ENGELBRECHT &
SCORGIE ARCHITECTURAL OFFICE ON BEHALF OF A FOURIE**

3133 HON (4656/2024)

H Olivier

(028) 313 8900

Hermanus Administration

8 November 2024

EXECUTIVE SUMMARY

An application has been received on 7 May 2024 from Engelbrecht and Scorgie Architectural Office on behalf of A Fourie in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3133, Onrustrivier for the following:

- ❖ **Departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 the following:
 - ❖ to relax the street building line from 4m to 3,5m to legalize a portion of the existing stoep.
 - ❖ to relax the eastern lateral building line from 2m to 0,7m to legalize portions of the existing dwelling, to accommodate new alterations to the existing dwelling, a roof to enclose an existing courtyard and to accommodate a use change of a servant's quarters into a bedroom.
 - ❖ to relax the northern rear building line from 2m to 1m to accommodate a new outside braai and steel staircase.

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

The existing approved shade port which was constructed onto the western erf boundary will also be moved and placed 1,5m closer to the garage. A consent letter was obtained from the adjacent property owner as such structure is allowed in terms of the Land Use Scheme with neighbour's consent.

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

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 3133, Onrustrivier for a departure to relax following:
 - to relax the street building line from 4m to 3,5m to legalize a portion of the existing stoep;
 - to relax the eastern lateral building line from 2m to 0,7m to legalize portions of the existing dwelling, to accommodate new alterations to the existing dwelling, a roof to enclose an existing courtyard and to accommodate a use change of a servant's quarters into a bedroom;
 - to relax the northern rear building line from 2m to 1m to accommodate a new outside braai and steel staircase;

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

 - (a) that this approval is only for the departure of building lines and is not an approval in terms of any other legislation;
 - (b) that the approval for the departure is only for the development over for the building lines as indicated on plans number J1262 (1 to 4) dated June 2024, submitted with the application;
 - (c) that building plans be submitted to the Building Department for all other illegal building work on the property approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (d) that all other development parameters as prescribed in the relevant Land Scheme be complied with;
 - (e) that all the conditions in the Services Report be complied with, and
 - (f) that the conditions imposed by Telkom 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 3133, Onrustrivier for the unauthorized encroachments over the building lines on the property was considered, and that an administrative penalty of **R18663,00, be imposed** which penalty must be paid within ninety (90) days from the final date of the decision of the application.

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

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

REASON FOR RESOLUTION

POINT 1

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ No objections were received from adjacent property owners.
- ❖ Most of the encroachments are historic structures that will have no additional impact on the character of the area or the surrounding neighbours.
- ❖ The roofing and enclosure of the braai patio area, the new proposed braai at the rear of the property and the new proposed staircase that is proposed over the rear building line, will have limited impact on neighbours due to thick vegetation north of the erf, and the existing placement of surrounding dwellings north and east of Erf 3133.
- ❖ All relevant Municipal/State Departments or other institutions support the application.
- ❖ The application is desirable.

POINT 2

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

GENERAL NOTE: ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC) AND THE CALIFORNIA BUILDING CODES (CBC) UNLESS OTHERWISE SPECIFIED.

PERMITS: ALL PERMITS SHALL BE OBTAINED PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL ASSOCIATED FEES.

CONSTRUCTION: ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC) AND THE CALIFORNIA BUILDING CODES (CBC) UNLESS OTHERWISE SPECIFIED.

QUALITY CONTROL: THE CONTRACTOR SHALL MAINTAIN A QUALITY CONTROL PROGRAM THROUGHOUT THE CONSTRUCTION PROCESS. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE AUTHORITY HAVING JURISDICTION.

SAFETY: THE CONTRACTOR SHALL MAINTAIN A SAFE WORKING ENVIRONMENT THROUGHOUT THE CONSTRUCTION PROCESS. ALL SAFETY PRECAUTIONS SHALL BE TAKEN TO PROTECT ALL PERSONNEL AND THE PUBLIC.

ENVIRONMENTAL: THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT THE ENVIRONMENT AND TO MINIMIZE DISTURBANCE TO ADJACENT PROPERTIES.

UTILITIES: ALL UTILITIES SHALL BE IDENTIFIED AND PROTECTED PRIOR TO CONSTRUCTION. ANY NECESSARY REPAIRS OR RELOCATIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.

ADDITIONAL NOTES: SEE SPECIFICATIONS FOR DETAILED REQUIREMENTS AND CONDITIONS OF CONTRACT.



PROJECT NO.	100-1000
DATE	10/10/2024
PROJECT NAME	100-1000
CLIENT	100-1000
DESIGNER	100-1000
SCALE	AS SHOWN
DATE	10/10/2024
PROJECT NO.	100-1000
DATE	10/10/2024
PROJECT NAME	100-1000
CLIENT	100-1000
DESIGNER	100-1000
SCALE	AS SHOWN
DATE	10/10/2024

GENERAL NOTE: ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC) AND THE CALIFORNIA BUILDING CODES (CBC) UNLESS OTHERWISE SPECIFIED.

PERMITS: ALL PERMITS SHALL BE OBTAINED PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL ASSOCIATED FEES.

CONSTRUCTION: ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC) AND THE CALIFORNIA BUILDING CODES (CBC) UNLESS OTHERWISE SPECIFIED.

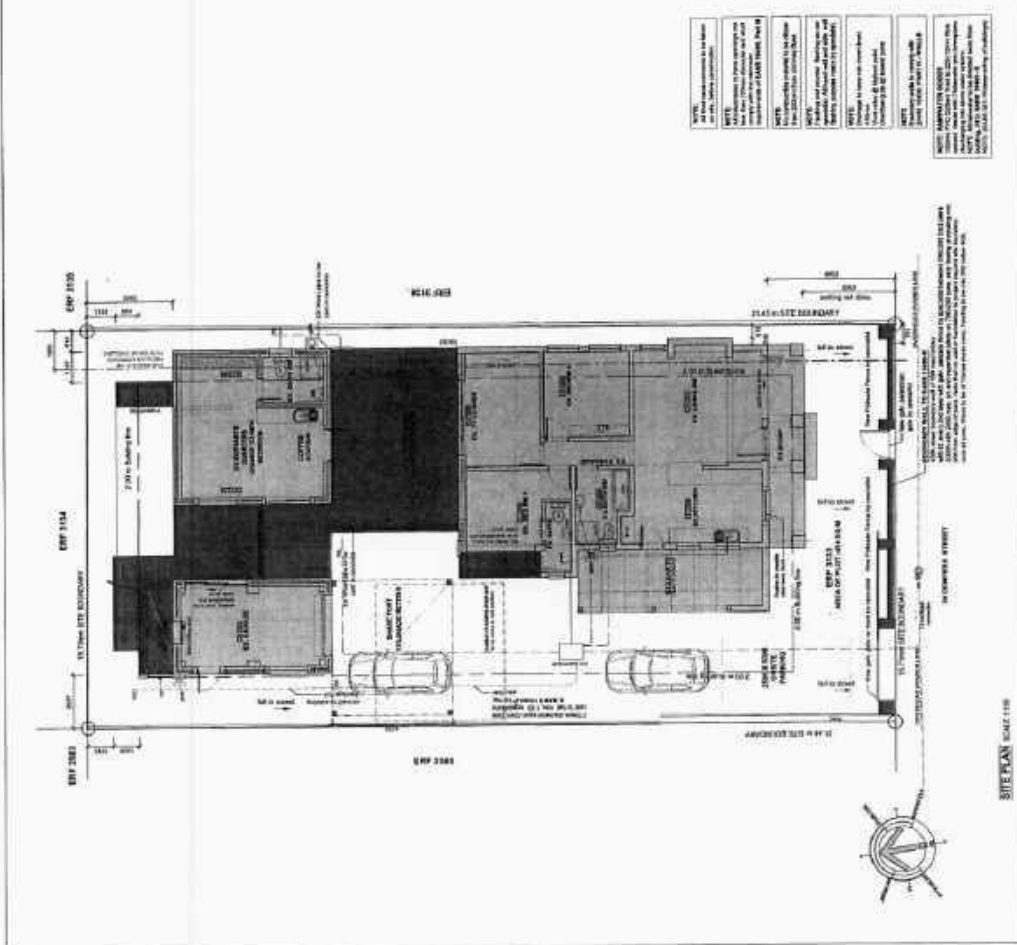
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ENVIRONMENTAL: THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT THE ENVIRONMENT AND TO MINIMIZE DISTURBANCE TO ADJACENT PROPERTIES.

UTILITIES: ALL UTILITIES SHALL BE IDENTIFIED AND PROTECTED PRIOR TO CONSTRUCTION. ANY NECESSARY REPAIRS OR RELOCATIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.

ADDITIONAL NOTES: SEE SPECIFICATIONS FOR DETAILED REQUIREMENTS AND CONDITIONS OF CONTRACT.



SITE PLAN SCALE: 1/8" = 1'-0"

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 3133, ONRUS RIVER (4656/2024)**

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
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

43. ERF 486, 14 DE WET STREET, GANSBAAI, APPLICATION FOR DEPARTURE, AMENDMENT OF AN APPROVED SITE DEVELOPMENT PLAN AND CONDITIONS OF APPROVAL AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS TOWN & COUNTRY ON BEHALF OF GANSRUS (PTY) LTD

486 GGB (4596/2024)

SW van der Merwe

(028) 313 8900

Hermanus Administration

11 November 2024

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Planning, 2020 (By-Law) has been received on 27 February 2024 from Messrs Town & Country on behalf of Gansrus (Pty) Ltd applicable to Erf 486, Gansbaai for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to buy out three parking bays in lieu of on-site parking provision;
- ❖ **amendment of conditions of approval and approved site development plan** in terms Sections 16(2)(h) and 16(2)(l) of the By-Law in order to accommodate a frail care facility and expansion of the old age home, and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to legalize the existing frail care facility and old age home expansion.

RESOLUTION

1. that the application for amendment of conditions of approval and approved site development plan in terms of Sections 16(2)(h) and (l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 486, Gansbaai to accommodate bedroom 6 and a frail care facility, **be approved** in terms of the provisions of Section 61 of the By-Law;

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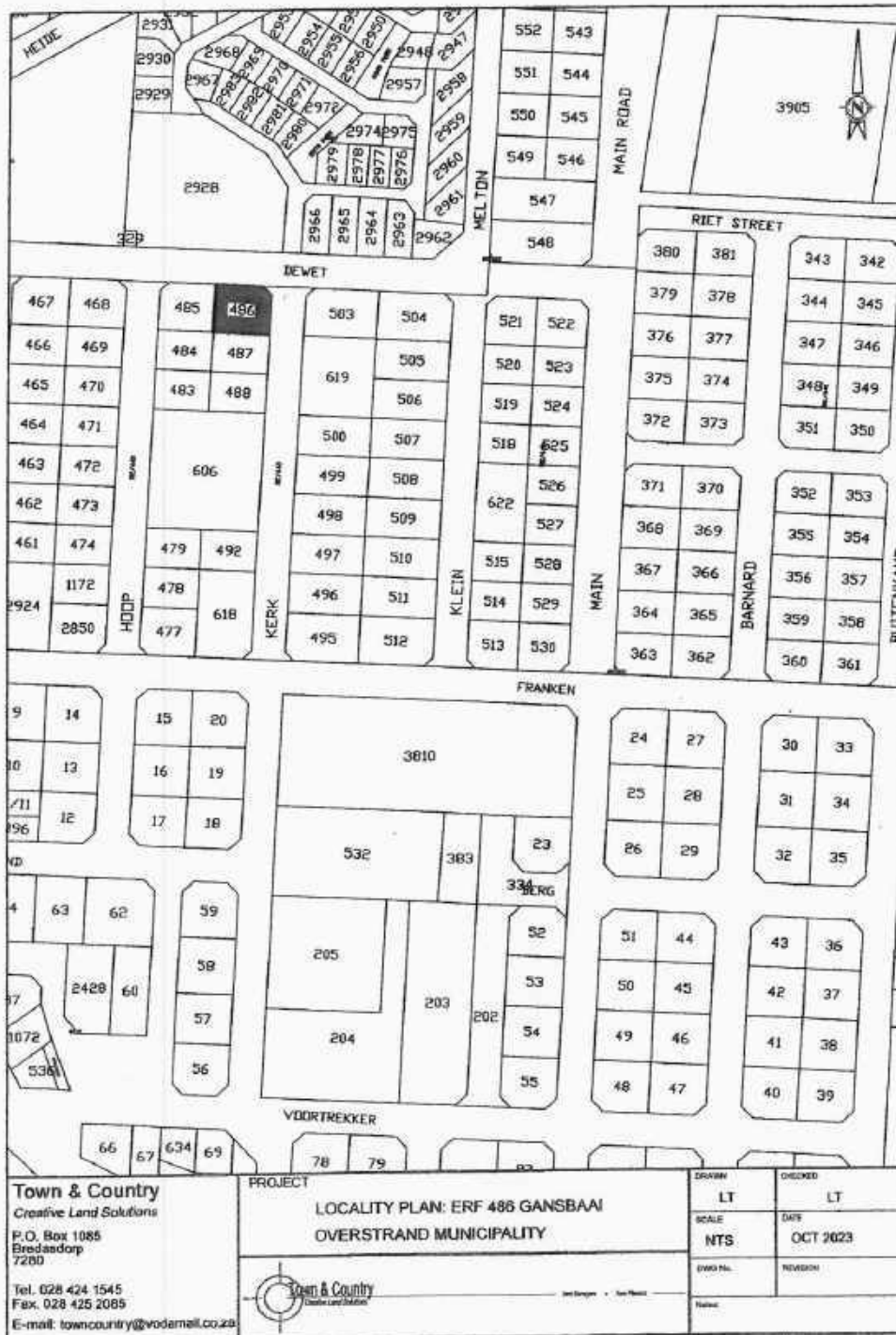
2. that the application for departure in terms of Section 16(2)(b) of By-Law for a payment in lieu of the provision of three on-site parking bays, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the determination of an administrative penalty in terms of Section 16.2.(q) of the By-Law for the unauthorised expansion of the old age home and frail care facility on Erf 486, Gansbaai, was considered and that the landowners **not be exempted** from the payment of an administrative penalty in terms of the provisions of Section 90 of the By-Law, and;
4. that the decisions in paragraphs 1. to 3. above be subject to the following conditions:
 - (a) that the approval is only for the development as indicated on Plan no. *14/MAL/23* dated *12 FEB 2024*, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval within 30 days of the effective date of the decision, and that all conditions of the Building- and the Fire Department, be complied with at that stage
 - (c) that building plan submission in (b) above demonstrates compliance with SANS-A:2016, 10400-T:2020;
 - (d) that all the conditions imposed by Department of Social Development, OpenServe (Telkom), Engineering Services and District Health be complied with;
 - (e) that 7 on-site parking bays be provide in accordance with the parking layout within 30 days of the effective date of the decision.
 - (f) that the applicant be responsible for the payment of the amount of **R129 401,57** in lieu of the provision of three on-site bays within 60 days of the effective date of the decision;
 - (g) that an administrative penalty of **R3866,68**, be payable within thirty (30) days of the effective date of the decision;
 - (h) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (i) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and

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

REASON FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The Overstrand Zoning Scheme Regulations have sufficient control measures when it comes to land use, coverage and building line controls.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.
- ❖ The proposal provides a much need community service in the area.
- ❖ No objections were received from the affected property owners.
- ❖ The proposal is considered in line with the Municipality's SDF.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE, AMENDMENT OF AN APPROVED SITE
DEVELOPMENT PLAN, AMENDMENT OF CONDITIONS OF APPROVAL &
DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 486,
GANSBAAI**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing 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 repositioning of existing electrical services will be for the developer's account;
4. that any relevant commercial food preparation facilities 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 any additional and / or extended vehicle entrances will be for the developer's account;
7. that stormwater be allowed to discharge through Erf 486, Gansbaai, unobstructed;

8. that no on-street parking be allowed.

Dennis Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

30/05/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**44. ERF 12816, 229 ELEVENTH STREET, VOËLKLIP, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE:
MESSRS WRAP PROJECT OFFICE ON BEHALF OF WL GREEFF**

12816 HVK (4729/2024)

P Roux

(028) 313 8900

Hermanus Administration

28 October 2024

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 was received on 31 July 2024 from Messrs WRAP Project Office on behalf of WL Greeff applicable to Erf 12816, Voëlklip for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, to relax the permissible footprint applicable to second dwellings from 120m² to 166m².

RESOLUTION

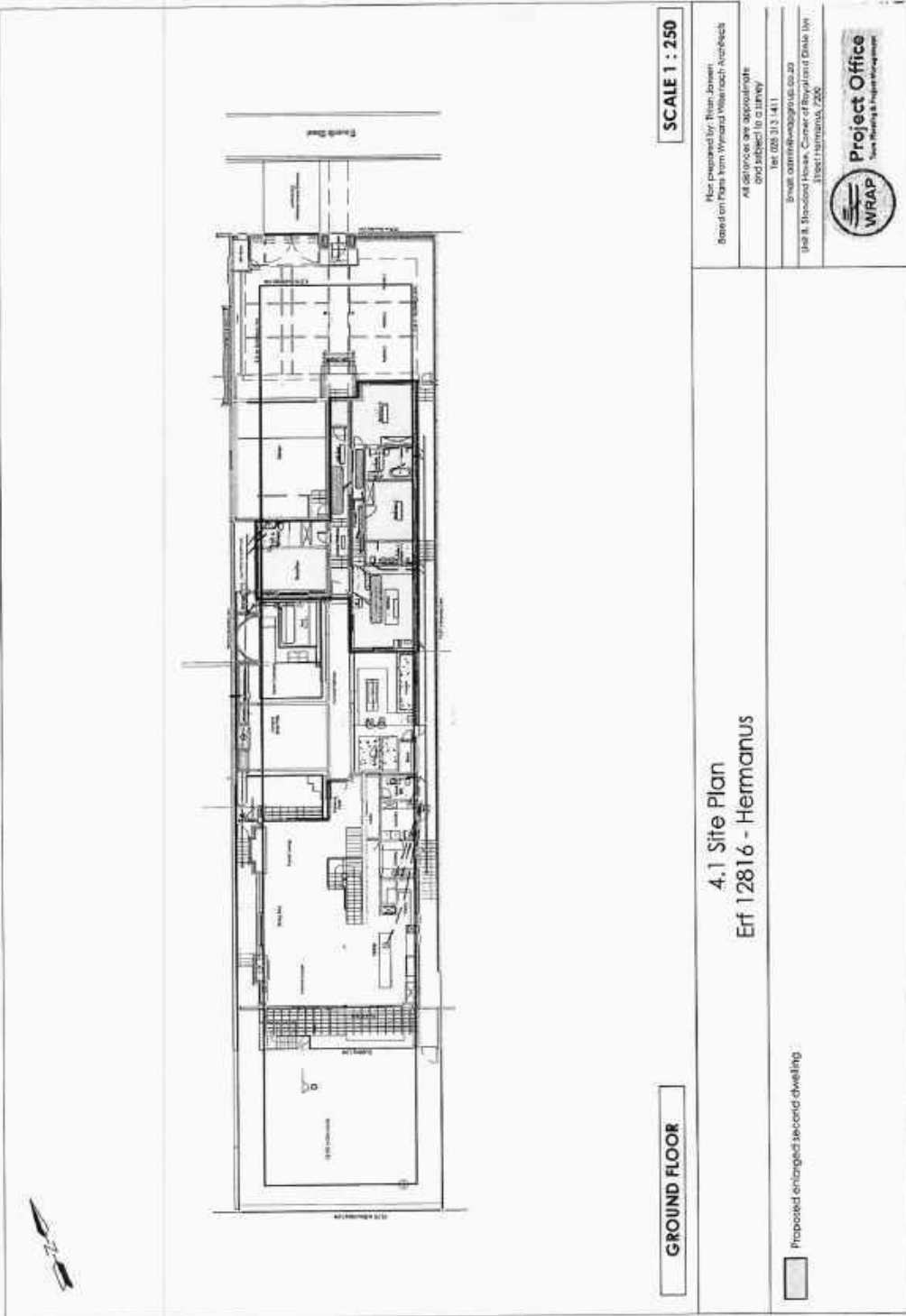
1. that the objection be noted;
2. that the application in terms of Section 16. (2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 12816, Voëlklip, Hermanus for a departure to relax the permissible footprint applicable to second dwellings from 120m² to 166m², **be approved** in terms of the provisions of Section 61 of the By-Law
 - (a) that this approval is only for the development as indicated on the site plan numbered 4.1 & 4.2 as submitted with the application;
 - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control be complied with;
 - (d) that all the conditions in the Services Report be complied with;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;

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

REASON FOR RESOLUTION

- ❖ Does not jeopardize character of area.
- ❖ Better utilization of the property.
- ❖ Only internal changes are proposed to an existing dwelling and outbuildings.
- ❖ The application has followed due procedure.
- ❖ Proposal enhances functionality of the second dwelling.
- ❖ None of the relevant departments have any objection.
- ❖ No additional services are required.
- ❖ The objector did not provide any reason for the objection and thus did not provide a compelling argument as to why the proposed departure will negatively influence them or any other surrounding property owners



GROUND FLOOR

SCALE 1 : 250

**4.1 Site Plan
Erf 12816 - Hermanus**

Plan prepared by: Ryan-Jansen
 based on Plans from Wynand Viljoen Architects
 All services are approximate
 and subject to a survey
 Tel: 028 313 1411
 Email: arnold@wrap.co.za
 12816, Woodstock House, Corner of Blydenburg Drive (R102)
 Street Namibia, 2000

Proposed envisaged second dwelling



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 12816, VOELKLIP (4729/2024)**

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

30/09/2024
 DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

45. ERF 5493, 208 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF WATERKLOOF SUITE 3 (PTY) LTD

5493 HEC (4613/2024)

P Roux

(028) 313 8900

Hermanus Administration

28 November 2024

EXECUTIVE SUMMARY

An application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 18 March 2024 from Messrs PlanActive Town & Regional Planners on behalf of Waterkloof Suite 3 (Pty) Ltd applicable to Erf 5493, Eastcliff, Hermanus for the following:

- ❖ **departure** in terms of Section 16(2) (b) of the By-Law to:
 - ❖ relax the north-western and western lateral building lines from 2m to 0m to accommodate the change of use of the existing garage to a laundry room and gardener's bathroom;
 - ❖ relax the western lateral building line from 2m to 1.155m (nearest point) and 1.18m (furthest point) to accommodate the as-built trafficable (accessible) balconies with glass balustrades; and
 - ❖ relax the eastern lateral building line from 2m to 0m to accommodate the retaining wall, canter lever planter and balustrade;
3. **determination of an administrative penalty:** in terms of Section 16(2)(q) of the By-Law, to legalize the unauthorised building line encroachments.

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RESOLUTION

1. that the application for departure in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 5493, Eastcliff in order to:
 - relax the north-western and western lateral building lines from 2m to 0m to accommodate the change of use of the existing garage to a laundry room and gardener's bathroom;
 - relax the western lateral building line from 2m to 1.155m (nearest point) and 1.18m (furthest point) to accommodate the as-built trafficable (accessible) balconies with glass balustrades; and
 - relax the eastern lateral building line from 2m to 0m to accommodate the retaining wall, canter lever planter and balustrade;

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

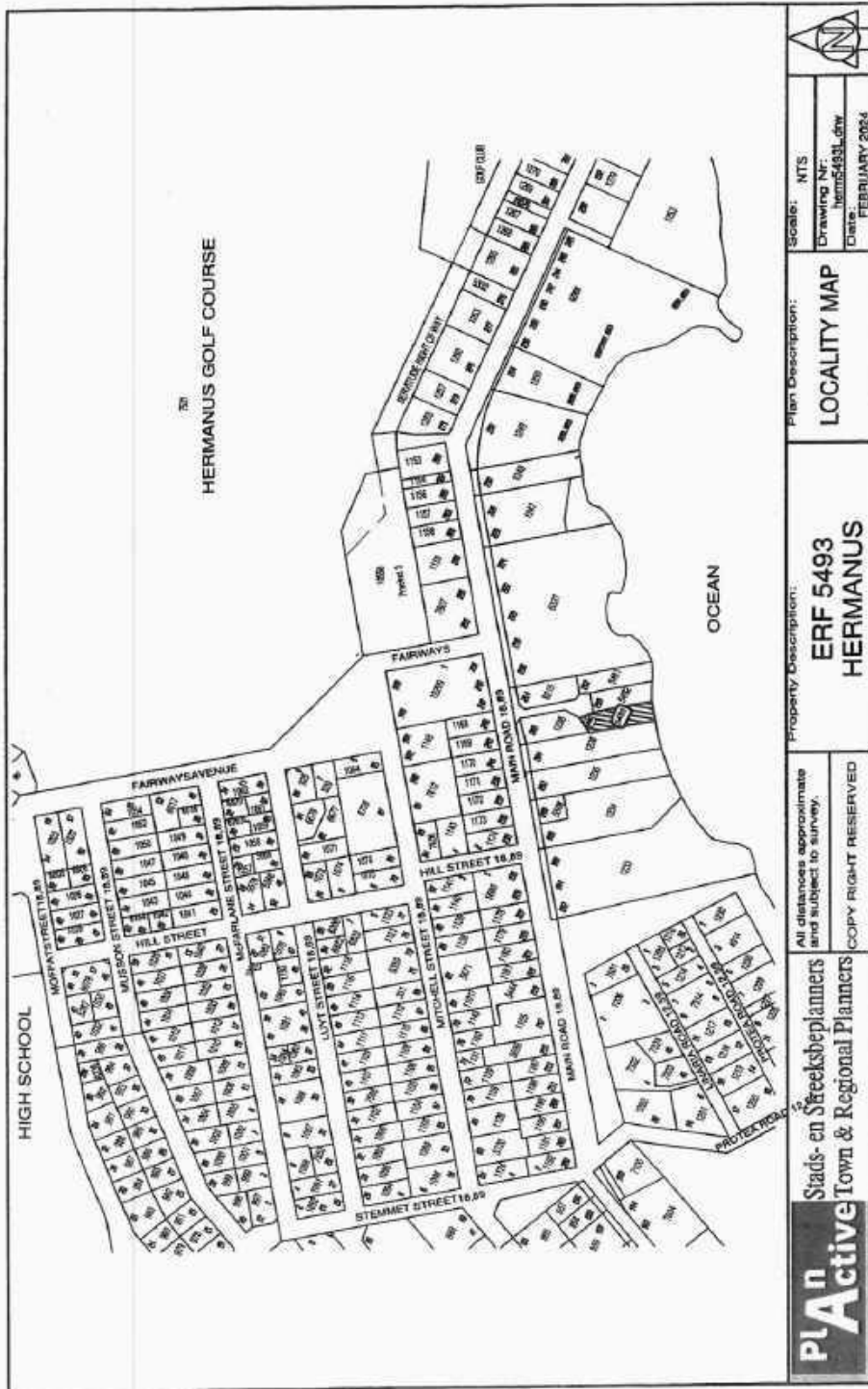
- (a) that this approval is only for the departure as indicated on the site development plan no. 869/00-03 dated *November 2023* as submitted with the application;
- (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
- (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control be complied with;
- (d) that all the conditions in the Services Report be complied with;
- (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
- (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and

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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 5493, Eastcliff to accommodate the unauthorised encroachments as stipulated above, **be imposed**, and that an administration penalty fee of **R 15 696.07**, be payable within **sixty (60)** 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.

REASON FOR RESOLUTION

- ❖ Does not jeopardize character of area.
- ❖ The retention of the structures will not lead to a loss of privacy.
- ❖ Neighbours affected by the proposal provided their approval.
- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ No additional services are required.



PLAN Active Town & Regional Planners	Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey.	Property Description: ERF 5493 HERMANUS	Plan Description: LOCALITY MAP	Scale: NTS Drawing Nr: hems5493.dwg Date: FEBRUARY 2024
	COPY RIGHT RESERVED			OCEAN	

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 5493, EASTCLIFF (4613/2024)**

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**

23/07/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

46. ERF 1278, 19 KLEINE STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, CONSENT USE DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF THE FYNBOS COMMUNITY FOUNDATION

1278 Stanford (4423/2023)

P Roux

(028) 313 8900

Hermanus Administration

27 November 2024

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 26 June 2023 from Messrs WRAP Project Office on behalf of The Fynbos Community Foundation on Erf 1278, Stanford for the following:

- ❖ **subdivision** in terms of Section 16(2)(d) of the By-Law, to subdivide Erf 1278, Stanford into (2) two portions, namely Portion A approximately 1500m² in extent and a Remainder approximately 3500m² in extent;
- ❖ **consent use** in terms of Section 16(2)(o) of the By-Law, to accommodate a place of instruction (school) on the property;
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, to permit the utilising of urban agriculture on Portion A; and
- ❖ **determination of an administrative penalty** in terms of section 16(2)(q) of the By-Law, to legalize previous contraventions.

RESOLUTION

1. that the application for subdivision in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of Erf 1278, Stanford into two (2) portions, namely Portion A approximately 1500m² in extent and a Remainder approximately 3500m² in extent, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for departure in terms of Section 16(2)(b) of the By-Law, to permit the utilising of urban agriculture on Portion A, **be approved** in terms of the provisions of Section 61 of the By-Law;

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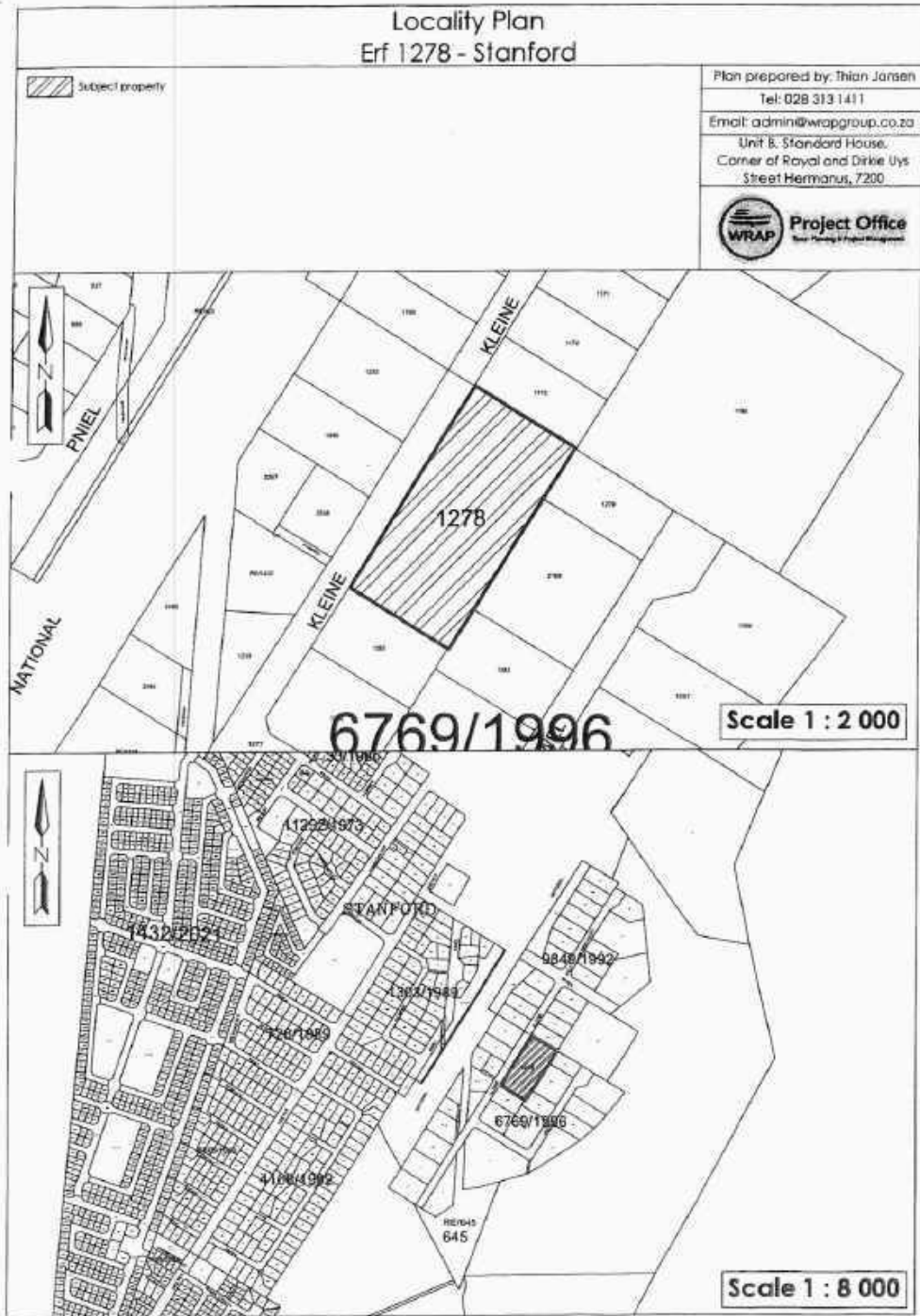
3. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1278, Stanford for the unauthorised use of the property, **not be exempt** from the payment of an administrative penalty;
4. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:
 - (a) the subdivision of the property is approved in terms of the subdivision plan, dated 24/10/2023;
 - (b) that a revised site development plan be submitted indicating where parking will be provided and that ablution facilities will be provided on site for the urban agricultural use, to the satisfaction of the Senior Manager Town and Spatial Planning;
 - (c) that use of the urban agriculture is only valid for five (5) years;
 - (d) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;
 - (e) that an administrative penalty of **R13 000.00**, be payable within **sixty (60) 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 be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASON FOR RESOLUTION

- ❖ The subdivision will allow for additional industrial land.
- ❖ The size of the industrial erven is in line with the characteristics of the Stanford industrial development.
- ❖ The urban agricultural use provides a valued service to the community and aids in the development of knowledge of community.

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- ❖ The urban agricultural structures are relatively temporary and can easily be removed.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The urban agricultural use is ongoing without prior approval from the municipality.
- ❖ It is foreseen that the demand for industrial erven will increase in the next few years therefore the use as requested is only approved for limited time.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION, CONSENT USE, DEPARTURE &
DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 1278, STANFORD**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

Water	R 27 598.16 x 1.992=	R 54 975.53
Sewerage	R 18 608.30 x 1.992=	R 37 067.73
Roads	R 8 344.32 x 9.832307=	R 82 043.92
Stormwater	R 9 626.92 x 10.5 =	R101 082.66
Solid Waste	R 1 668.44 x 5.95 =	<u>R 9 927.22</u>
TOTAL (inclusive of VAT)	=	R285 097.07

Note:

- 1.3 **The above figures are estimates**
1.4 **That Overstrand Municipality's Electrical Department be contacted regarding the bulk electricity cost**
1.5 **The above figures do not include connection fees**
2. that the existing water connection to Erf 1278 shall be used to service the Remainder of Erf 1278;

3. that any part of the existing water and sewer services on Erf 1278 that crosses the common boundary of Portion A and the Remainder of Erf 1278 shall be disconnected and sealed off;
4. that Portion A and Remainder of Erf 1278 must be serviced with individual and separate water connections, which must comply with the standards of the Department: Operational Services;
5. that the proposed Portion A and Remainder of Erf 1278 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of Department: Operation Services, and to which the sewer services of the individual erven must each 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 Department: Operational Services;
9. that any additional and / or extended vehicle entrances will be for the owner's account;
10. that stormwater be allowed to discharge through the proposed Erven, Stanford, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

47. ERF 4040, 8 FERRARIA ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR RELAXATION OF TITLE DEED AND DETERMINATION OF ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF JL BRADSHAW

4040 KBB (4638/2024)

H van der Stoep

(028) 313 8900

Hermanus Administration

27 November 2024

EXECUTIVE SUMMARY

An application has been received on 17 April 2024 from WRAP Project Office on behalf of JL Bradshaw on Erf 4040, Bettys Bay in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following:

- **Relaxation** of Clause B.(7) of Title Deed No. T50160/2023 to relax the lateral building line from 3m to 2m to accommodate the existing dwelling.
- **Determination of an administrative penalty** in terms of Section 16(2)(q) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for unauthorised building line encroachments as mentioned above.

RESOLUTION

1. that the application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4040, Betty's Bay for the relaxation of restrictive title deed condition Clause B.(7) of Title Deed No. T50160/2023 to relax the lateral building line from 3m to 2m to accommodate the existing dwelling, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the relaxation of a restrictive title deed condition as indicated on plan number 4: 24.006 dated April 2024 submitted with the application;
 - (b) that building plans be submitted to the Building Control Department and Fire Department for approval, and that all conditions of the Building Control and Fire Department be complied with;
 - (c) that the relaxation is only applicable to the existing dwelling;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

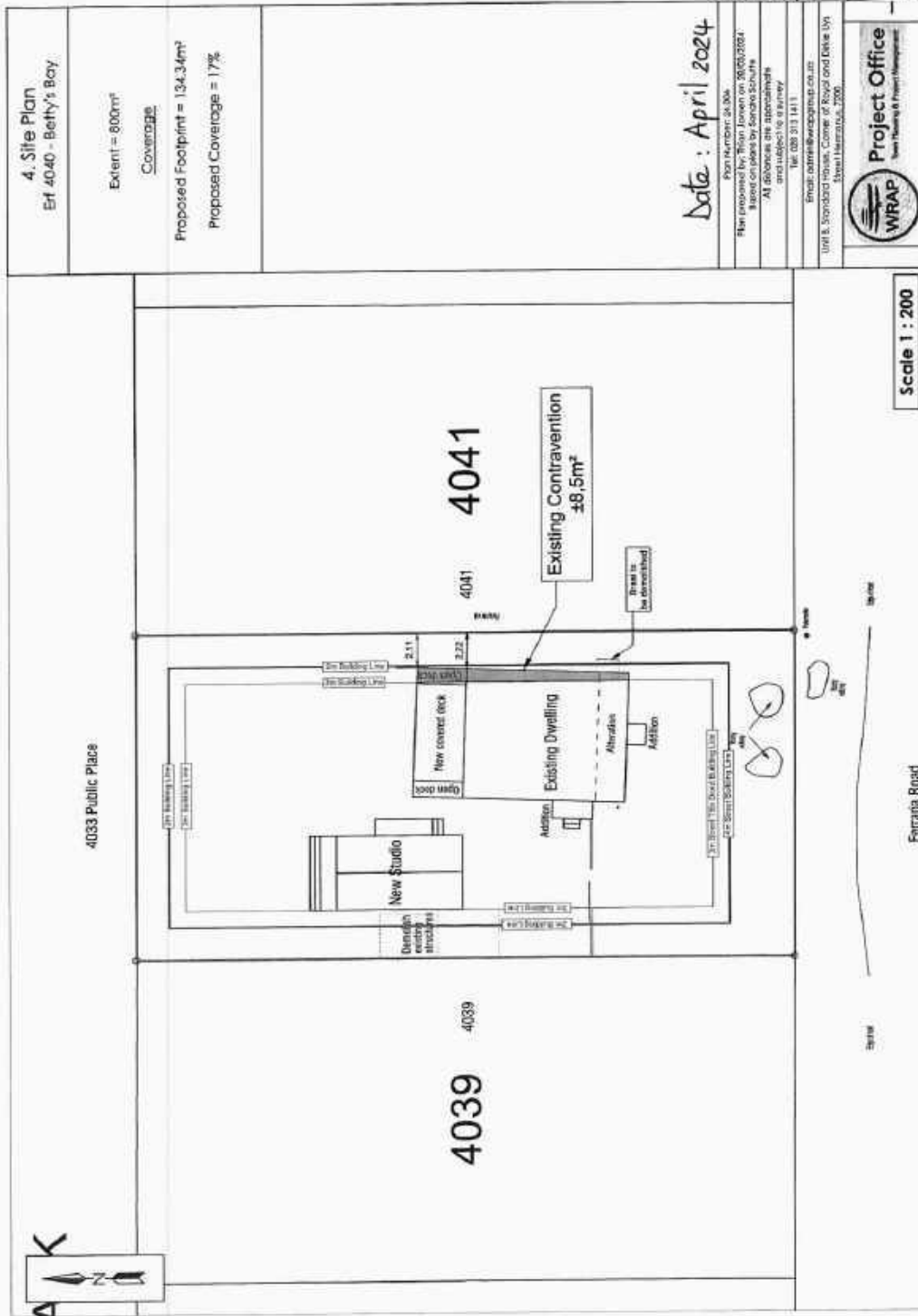
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- (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 4040, Betty's Bay to accommodate the unauthorised encroachments as stipulated above, **be imposed** and that an administration penalty fee of **R8 607,5** be payable within **sixty (60)** days of the decision; .
3. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASON FOR RESOLUTION

- ❖ Consent letters and signed plans received from affected neighbours.
- ❖ Will not jeopardize the character of area.
- ❖ Better utilization of the property.
- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ No additional services are required.
- ❖ No major building work to be done as structure already exists.
- ❖ The transgression of the title deed building line remains the responsibility of the purchaser a penalty determination of 5% is applicable.





4. Site Plan
Erf 4040 - Betty's Bay

Extent = 800m²
Coverage

Proposed Footprint = 134.34m²
Proposed Coverage = 17%

Date: April 2024

Project Number: 2024-001
Client: [Name Redacted]
Site: [Address Redacted]
All drawings are approximate and subject to a survey.

Small: [Email Address]
Large: [Phone Number]



**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

48. PORTION 1 OF THE FARM NO. 985, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF PAUL INGLIS FAMILY TRUST

Prt 1/985 (4384/2023)

P Roux

(028) 313 8900

Hermanus Administration

26 November 2024

EXECUTIVE SUMMARY

An application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 5 June 2023 from Messrs WRAP Project Office on behalf Paul Inglis Family Trust on Portion 1 of Farm 985, Caledon Division for the following:

- **consent use** in terms of Section 16(2)(o) of the By-Law to accommodate a tourist facility (wedding venue), tourist accommodation (five additional dwellings and two gypsy wagons) and a place of instruction on the property.

RESOLUTION

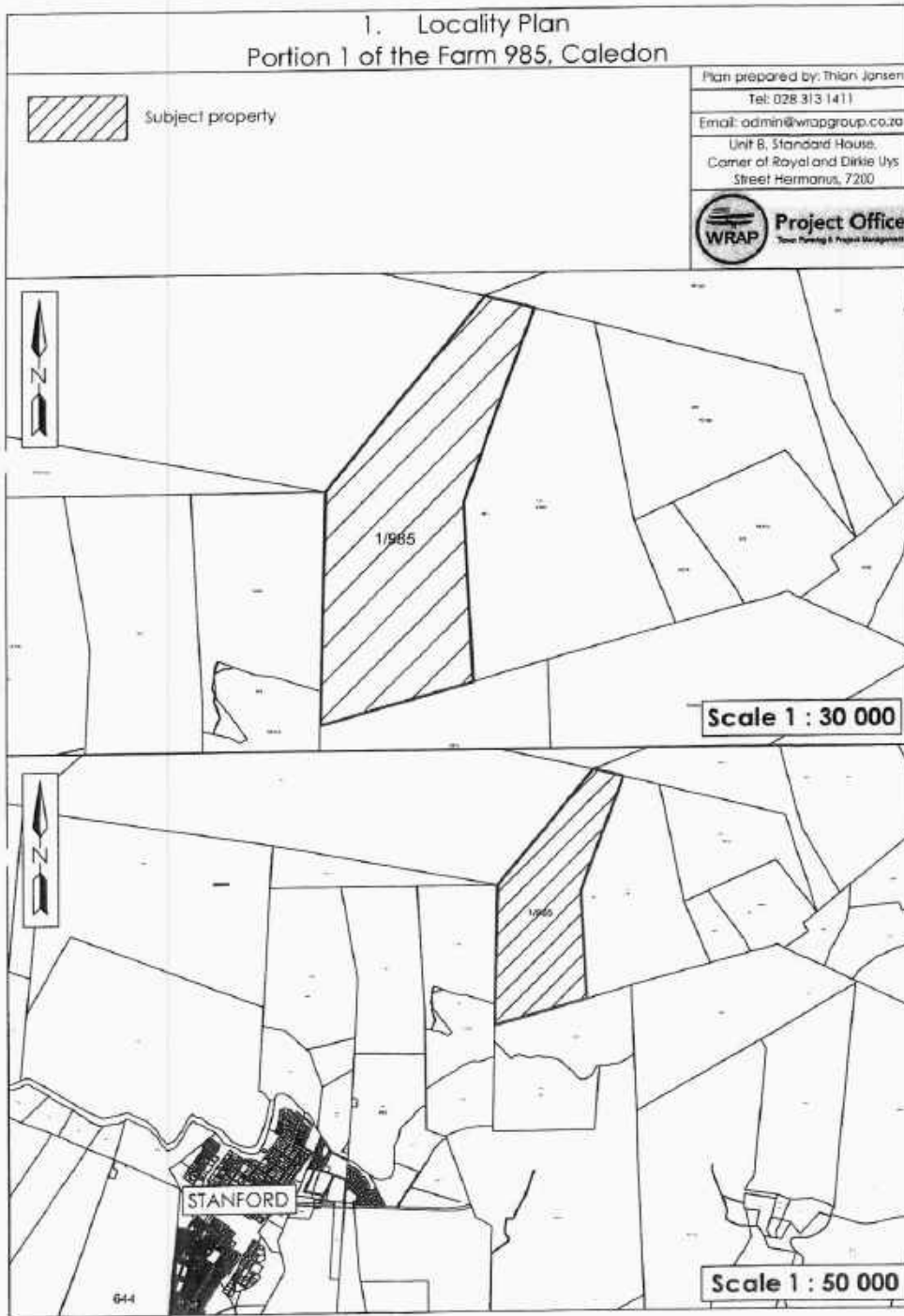
1. that the application in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (the By-Law) on Portion 1 of Farm No. 985, for consent use in terms of Section 16(2)(o) of the By-Law in order to accommodate a tourist facility (wedding venue), tourist accommodation (five additional dwellings and two gypsy wagons) and a place of instruction on the property, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following:
 - (a) that the approvals are for the development as indicated on drawing no 22/171.(001) as submitted with the application;
 - (b) that the conditions stipulated by the Department of Environmental Affairs and Development Planning: *Planning*, District Health, Eskom, Breede-Olifants Catchment Management Agency, Telkom, Department of Environmental Affairs and Development Planning: *Environmental*, Department of Transport and Public Works and CapeNature be complied with;
 - (c) that the conditions stipulated by the Engineering Department be complied with;

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- (d) that the school only accommodate a maximum of 20 preschool children;
 - (e) that only two people can be accommodated at each dwelling unit and that the layout of the buildings be designed to only allow for one bedroom;
 - (f) that the building plans be submitted to the Building Department and comments from the Building Department and Fire department be complied with at that stage;
 - (g) 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;
 - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and
 - (i) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASON FOR RESOLUTION

- ❖ There is good accessibility.
- ❖ The diversification of uses on the property will positively contribute to job creation, economic growth, and sustainability of the farm.
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have objected to the application.
- ❖ No new municipal services will be required.
- ❖ No external state departments objected to the application.
- ❖ The application is in line with SPLUMA principles.
- ❖ No impact on the environment.
- ❖ No objections were received from surrounding property owners.
- ❖ It is in line with the aims of the Overstrand SDF to promote tourism.
- ❖ The application will not have a negative effect on the character of the area or impact on other farming activities
- ❖ The proposed school will be an asset to the area and to the farm workers on the farms. The impact of the school is very limited and will not negatively impact the facilities provided in Stanford, as the property is already used for tourist facilities and tourist accommodation.



Proposed
Site Development Plan
Portion 1 of the Farm 985,
Caledon

- WOOD CHAIRS / POOLS
- CHERRY WALKWAY
- WEDDING VENUE
- PLACE OF INSPIRATION
- COURT/YANTRY TANK
- EXISTING STRUCTURES



5cm Setback in terms of Act 21 of 1940

SCALE 1 : 10 000

Plan prepared by: Han Jansen on 2023/04/17
Plan Number: 22/171 (001)
All distances are approximate
and subject to a survey
Tel: 021 333 3411
Email: han@wrap.co.za
Unit 8, Standard House,
Corner of Royal and Driehoek
Road, Henleton, 7201



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: PORTION 1 OF THE FARM NO. 985,
CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA**

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

Conditions:

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
2. that no water from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (Water and Sanitation, Health, BGCMA etc.) for the use of any other water resources and the extraction thereof;
3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Manager: Water Infrastructure & Quality (Tel: 028 313 8972), Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and Department of Water & Sanitation for approval;
5. that the developer complies to all the conditions set by Department Of Water & Sanitation and BGCMA;
6. that, as there is currently no municipal sewer network in the vicinity, Portion 1 of Farm 985 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services (Hermanus), and to which the sewer services on the development must connect to;
7. that the Municipality does not have the capacity to service the proposed development with regards to removal of sewerage from the property. The owner is therefore responsible for removal of sewerage from the property, and thereof at a licensed municipal sewerage treatment facility;

8. that alternatively, sewer treatment facilities that are approved by the Department of Water & Sanitation may be provided for disposal of sewer from the developments. Written proof of such approval is to be submitted to the Municipality;
9. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 140400 – P: 2010: Drainage;
10. that stormwater discharged from higher lying properties and generated in the catchment area of Portion 1 of Farm 985 be allowed to drain freely through the property;
11. that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or waste disposal facility.
12. that on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services ;
13. that access can be obtained via the existing access(es) to Portion 1 of Farm 985, that any additional and / or extended vehicle entrances will be for the owner's account. The Provincial Engineer must however provide comment in this regard.

D.P. Hendriks
DENNIS HENDRIKS

SENIOR MANAGER: ENGINEERING SERVICES

29/06/2023
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**49. PORTION 165 OF THE FARM BAARDSKEERDERBOS NO. 213,
BREDASDORP DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION
FOR DEPARTURE: JJ NEL & AL RABIE**

Ptn 165/213 GRBRE (4809/2024)

SW van der Merwe (028) 313 8900

Hermanus Administration

24 December 2024

EXECUTIVE SUMMARY

An application has been received on 29 August 2024 from JJ Nell and AL Rabie on Portion 165 of the farm Baardskeerderbos Nr. 213 for a departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the northern lateral building line from 10m to 4m to accommodate a proposed storage shed.

RESOLUTION

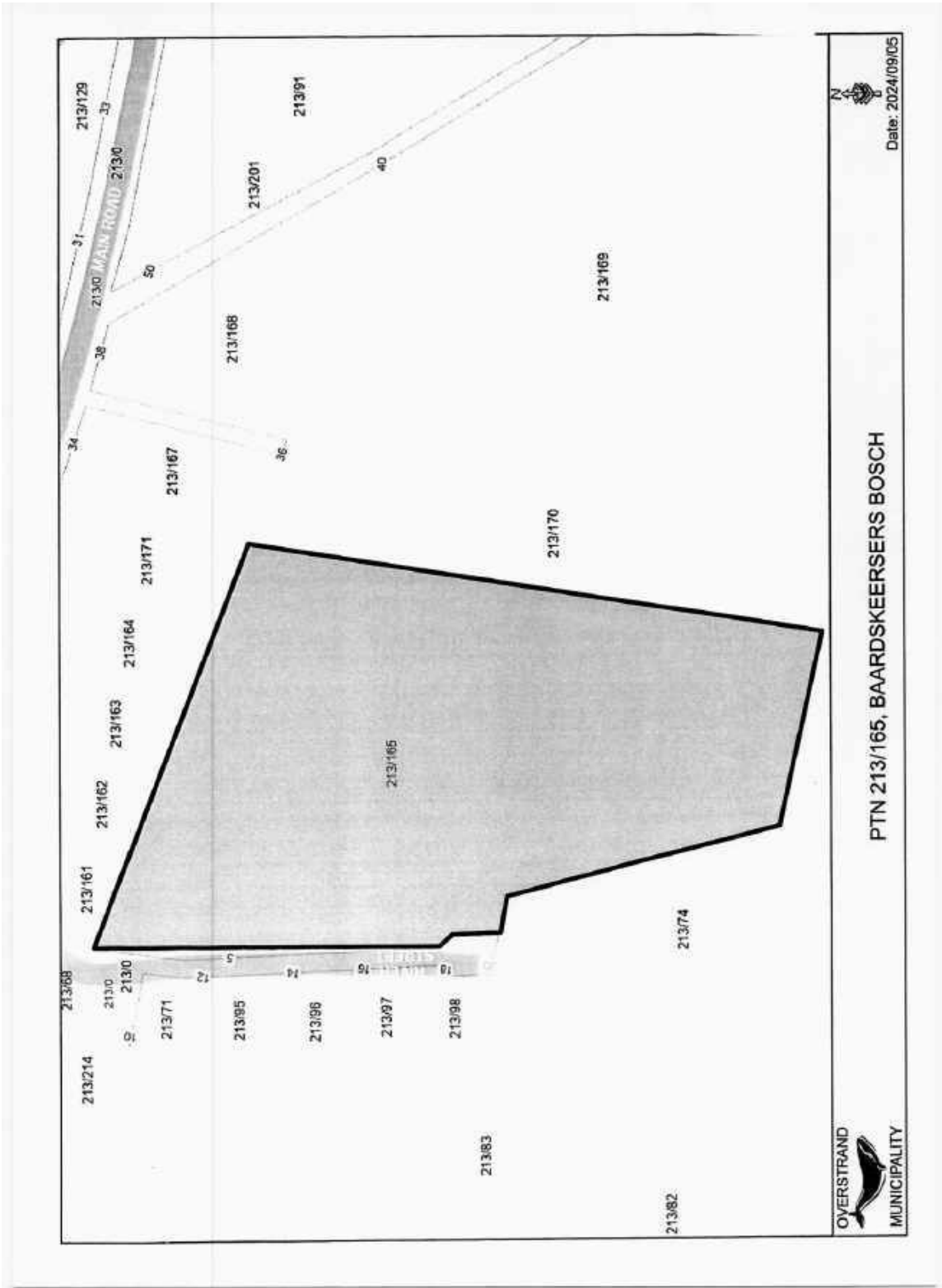
1. that the objections be noted;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 165 of the farm Baardskeerdersbos Nr. 213 for a departure to relax the northern lateral building line from 10m to 4m to accommodate a proposed storage shed, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions;
 - (a) that this approval is only for the development as indicated on plan numbers NEL-BBOS-24/21 (1-2) dated 1 August 2024, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval and that all conditions of the Building- and the Fire Departments at that stage, be complied with;
 - (c) that the conditions in the Services Report be complied with;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

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3. that the applicant and objectors 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.

REASON FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The proposal will not adversely impact vested rights or the character of the rural landscape.
- ❖ The objections are based on generalisations and not property substantiated.



**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE: PORTION 165 OF THE FARM 213,
BAARDSCHEERDERS BOSCH, DIVISION BREDASDORP (4809/2024)**

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 165 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 165 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

02/12/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

MUNICIPAL TRIBUNAL

**1. ERF 576, 42 FLYING DUTCHMAN WAY, FISHERHAVEN, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE
DEED CONDITION: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON
BEHALF OF J SMIT**

576 HFH (4583/2024)

H Olivier

(028) 313 8900

Hermanus Administration

12 August 2024

EXECUTIVE SUMMARY

An application has been received 19 February 2024 from Messrs Plan Active Town- and Regional Planners on behalf of J Smit on Erf 576, Fisherhaven in terms of Section 16(2)(f) of the the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed condition E.4.(b) contained in Title Deed T15942/2023, to accommodate the proposed new development consisting of a primary dwelling with a second dwelling unit on the property.

The restrictive title conditions read as follows:

“E. SUBJECT FURTHER to the following special conditions in said Deed of Transfer Number 17733/1985 newly imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 of 1934 when approving of the establishment of Fisherhaven Township, namely:

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

(b) It shall be used only for the purpose of erecting thereon one dwelling, together with such outbuildings as are ordinarily required to be used therewith;”

RESOLUTION

1. that the objections be noted

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(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Erf 576, Fisherhaven for the removal of restrictive title deed condition E.4(b) as contained in Title Deed T15942/2023, to accommodate a proposed second dwelling, **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 Land Use Scheme, be complied with, and
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

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 Land Use Planning, 2020 with regard to the above conditions of approval.

REASON FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The Overstrand Land Use Scheme Regulations have sufficient control measures when it comes to land use, coverage and building line controls.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.
- ❖ The objections received do not prove the application to be undesirable.
- ❖ Similar applications to allow second dwellings have previously been approved in Fisherhaven
- ❖ 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.





Scale: NTS

 Drawn by:

 Checked by:

 Date:

 Title:

Project Description:

LOCALITY MAP

ERF 576

FISHERHAVEN

PIA n

 Stads- en Streeklanners

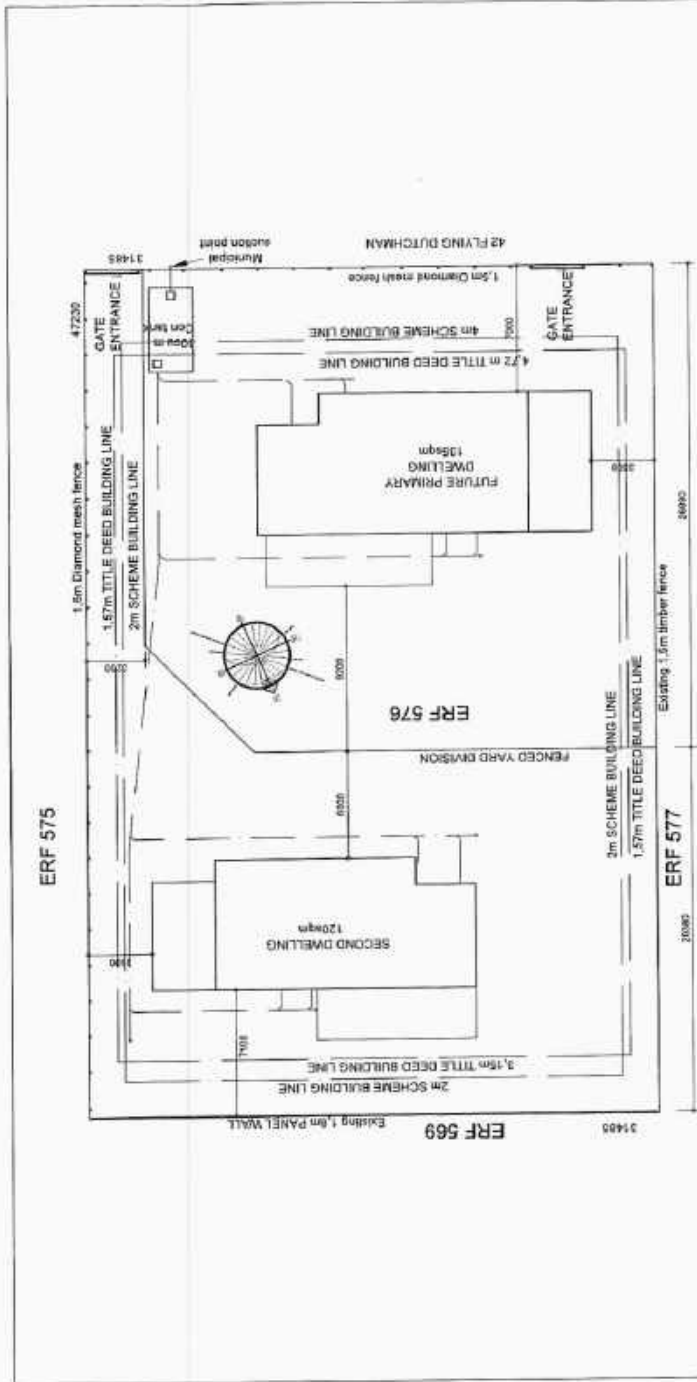
 Town & Regional Planners

 All dimensions, approximates

 are subject to survey.

 COPY RIGHT RESERVED

 JANUARY 2014



Project	SITE DEVELOPMENT PLAN	
	Drawing title	SITE PLAN
Client	HOUSE SMIT	
	ERF 576 42 Flying Dutchman Fisherhaven	
Drawing No.	669-24 C01	
	Project No.	Revision
<p>L A Design Studio ARCHITECTURAL PRACTICE Les Abbott 3454/1400002000 Fr. Ave. T20 Cell 083 232 0188 info@ladesignstudio.co.za www.ladesignstudio.co.za www.ladesignstudio.co.za</p>		

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION:
ERF 576, FISHERHAVEN (4583/2024)**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

2. ERF 121, 51 THE CRESCENT, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND CONSENT USE: INTERACTIVE TOWN AND REGIONAL PLANNING ON BEHALF OF R & BA HAGGARD

121 HFH (4609/2024)

H Olivier

(028) 313 8900

Hermanus Administration

7 August 2024

EXECUTIVE SUMMARY

An application has been received on 14 March 2024 from Interactive Town and Regional Planning on behalf of R & BA Haggard on Erf 121, Fisherhaven in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 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 condition E.4.(c) as contained in Title Deed T28893/2021 of the property to accommodate additions to the existing dwelling on the property.

The restrictive title condition read as follows:

*“E. **SUBJECT FURTHER** to the following special conditions newly imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance No 33 of 1934 when approving the establishment of Fisherhaven Township, as contained in Deed of Transfer No. T36503/1982.*

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

(c) not more than 30% of the area thereof shall be built upon;”

- **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 proposed dwelling unit on the ground floor.

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RESOLUTION

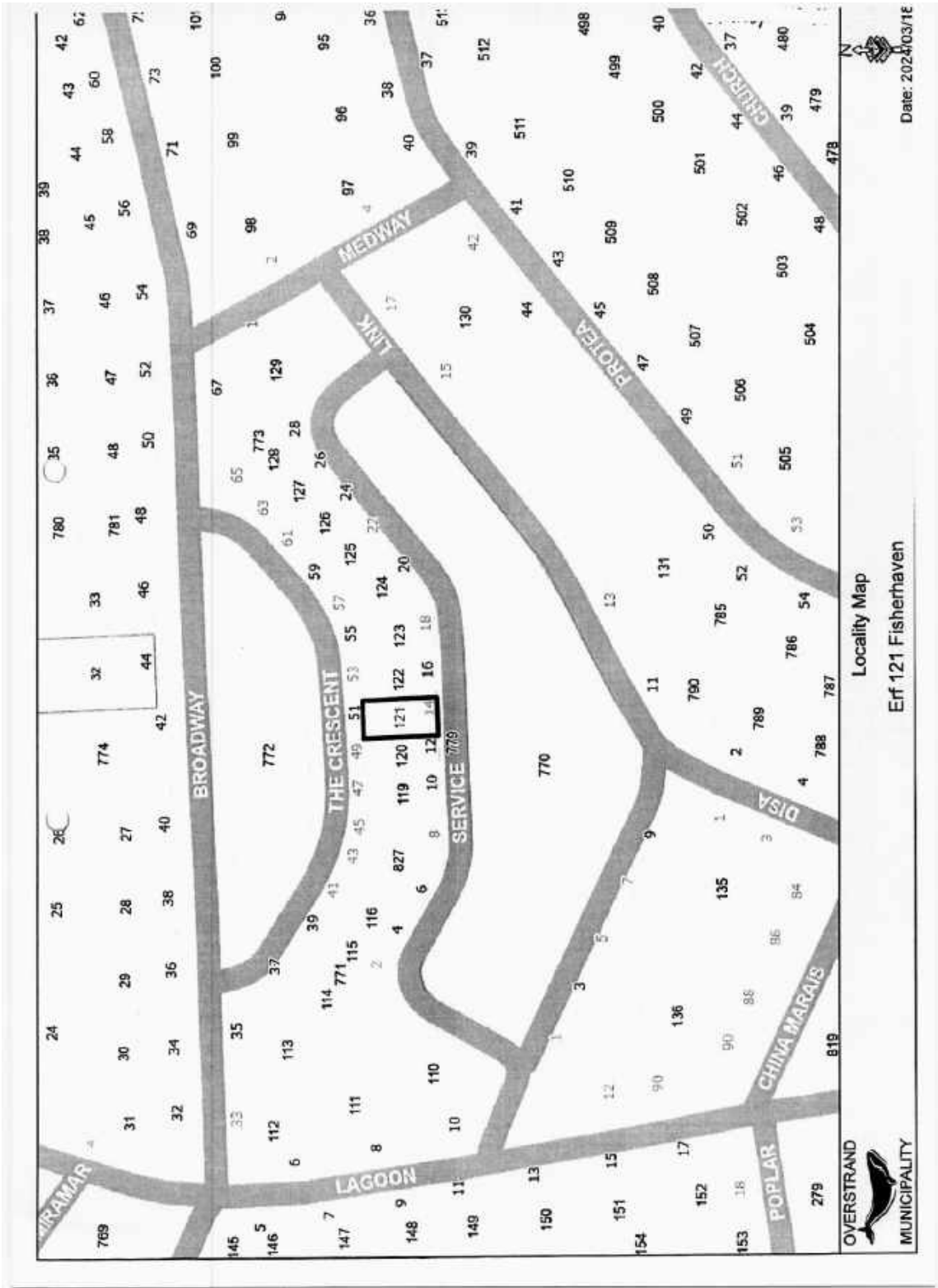
1. that the objections be noted.
2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 121, Fisherhaven for the removal of restrictive title deed condition E.4.(c) as contained in Title Deed T28893/2021 of the property to accommodate additions to the existing dwelling on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 121, Fisherhaven for a consent use to accommodate a proposed dwelling unit on the ground floor level, **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in Points 2 and 3 above be subject to the following conditions:
 - (a) that this approval is only for the removal of restriction and a consent use for a dwelling house on ground floor, and is not an approval in terms of any other legislation;
 - (b) that the approval is only for the development as indicated on plan number LKN 161/2023 – Rev 1 dated 29 November 2023, submitted with the application;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
 - (f) that the conditions of Eskom be complied with, and
 - (g) that all the conditions in the Services Report be complied with.

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

REASON FOR RESOLUTION

- ❖ The application is supported by all relevant Municipal Departments and State or other institutions.
- ❖ The objections received are not relevant as no application was submitted for a bottle store and the property is already situated in an approved business node and therefore the application cannot impact the character of Fisherhaven.
- ❖ No Municipal services are affected.
- ❖ The original dwelling was approved in line with the Title Deed restrictions which allow a dwelling on ground floor, and the application for a consent use to allow the dwelling extensions on ground floor is only to address the conflict with the existing Land Use Scheme regulations for Business Zone 3 erven.
- ❖ The coverage allowed for Business Zone 3 erven in this area is 75%, and an existing dwelling enlarged to a 34% coverage will not have an impact on the character of this area.
- ❖ The application will not have a negative impact on neighbours.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION &
CONSENT USE: ERF 121, FISHERHAVEN (4609/2024)**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

3. ERF 775, 13 SHEARWATER CRESCENT, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE, CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF K PALIC

775 HVM (4473/2023)

H Olivier

(028) 313 8900

Hermanus Administration

5 September 2024

EXECUTIVE SUMMARY

An application has been received on 4 September 2023 from WRAP Project Office on behalf of K Palic on Erf 775, Vermont in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 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.(a), E.(c) and E.(d) as contained in Title Deed T38907/2021 of the property to accommodate building line departures, a guesthouse and a second dwelling on the property.

The restrictive title deed conditions read as follows:

“E. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. T 2109/1948 in favour of “South Westerns Districts Land and Finance Corporation (Proprietary) Limited” (hereafter referred to as the “Transferor Company” and its successors in title of the remaining land held by Deed of Transfer No. T 7023/1935, viz:-

- ❖ *“Save with the consent of the Transferor company in writing no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 3,15 metres to the street line which forms a boundary of the said property, and no such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining lot, nor save with the consent aforesaid, may the said property of any lot of the property sold compromises more than one lot, be subdivided.*
- ❖ *No canteen, hotel, restaurant, shop, factory, industry or any place of business whatsoever shall be opened or conducted on the said property except with the consent in writing of the Transferor Company.*

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- ❖ *Unless the permission of the Transferor Company in writing 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 in particular, subject to any permission granted as aforesaid, no structure or the type commonly known as “flats” shall be erected on the said property.”*
- **Departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the lateral building line from 2m to 1,2m to accommodate the existing steps.
- **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 five (5) bedroom guesthouse.
- **Determination of an Administrative penalty** application in terms of Section 16.(2)(q) of the By-Law for the unauthorized building line encroachments and illegal utilization of the dwelling as two dwellings.

RESOLUTION

1. that the objections be noted;
2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 775, Vermont for the removal of restrictive title deed conditions E.(a), E.(c) and E.(d) as contained in Title Deed T38907/2021 of the property to accommodate building line departures, a guesthouse and a second dwelling on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 775, Vermont for a departure relax the lateral building line from 2m to 1,2m to accommodate the existing steps, **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 Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 775, Vermont for a consent use to accommodate a guest house, **be approved**, in terms of the provisions of Section 61 of the By-Law;

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5. that the approvals in Points 2 to 4 above be subject to the following conditions:
 - (a) that this approval is not an approval in terms of any other legislation;
 - (b) that the approval for the guest house be **limited to 3 guest rooms**, and that a **revised** Site Development Plan be submitted showing which three rooms will be utilized as guest rooms, and also showing a revised parking layout removing parking bays 1, 5 and 6 from the parking plan submitted, and creating one additional parking bay between the outbuilding and the dwelling, to the satisfaction Divisional Manager: Town and Spatial Planning;
 - (c) that the balconies facing south, which is accessible to guest house customers, be screened by placing non-see-through screens next to the balustrades facing south the full height of the balustrades, to the satisfaction of the Divisional Manager: Town & Spatial Planning;
 - (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 other development parameters as prescribed in the relevant Land Use Scheme be complied with;
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (g) that all the conditions in the Services Report be complied with;
 - (h) that the conditions imposed 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 shall be employed in support of the establishment at any given time;

**AGENDA of the
Portfolio Committee : Planning & Development
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(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

- (k) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building) and for security and protection of surrounding properties, patrons, vehicles, etc.;
 - (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 bowl 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.
6. that all the illegal building work (additional kitchen and wendy house) on the property be removed **within 60 days** of this decision.
 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 775, Vermont, for the unauthorized structures/buildings over building lines and the illegal land use of self-catering units, as stipulated above, **be imposed**, and that an administrative penalty fee of **R37 749-00** be payable within sixty (60) days of this decision.
 8. 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.

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REASON FOR RESOLUTION

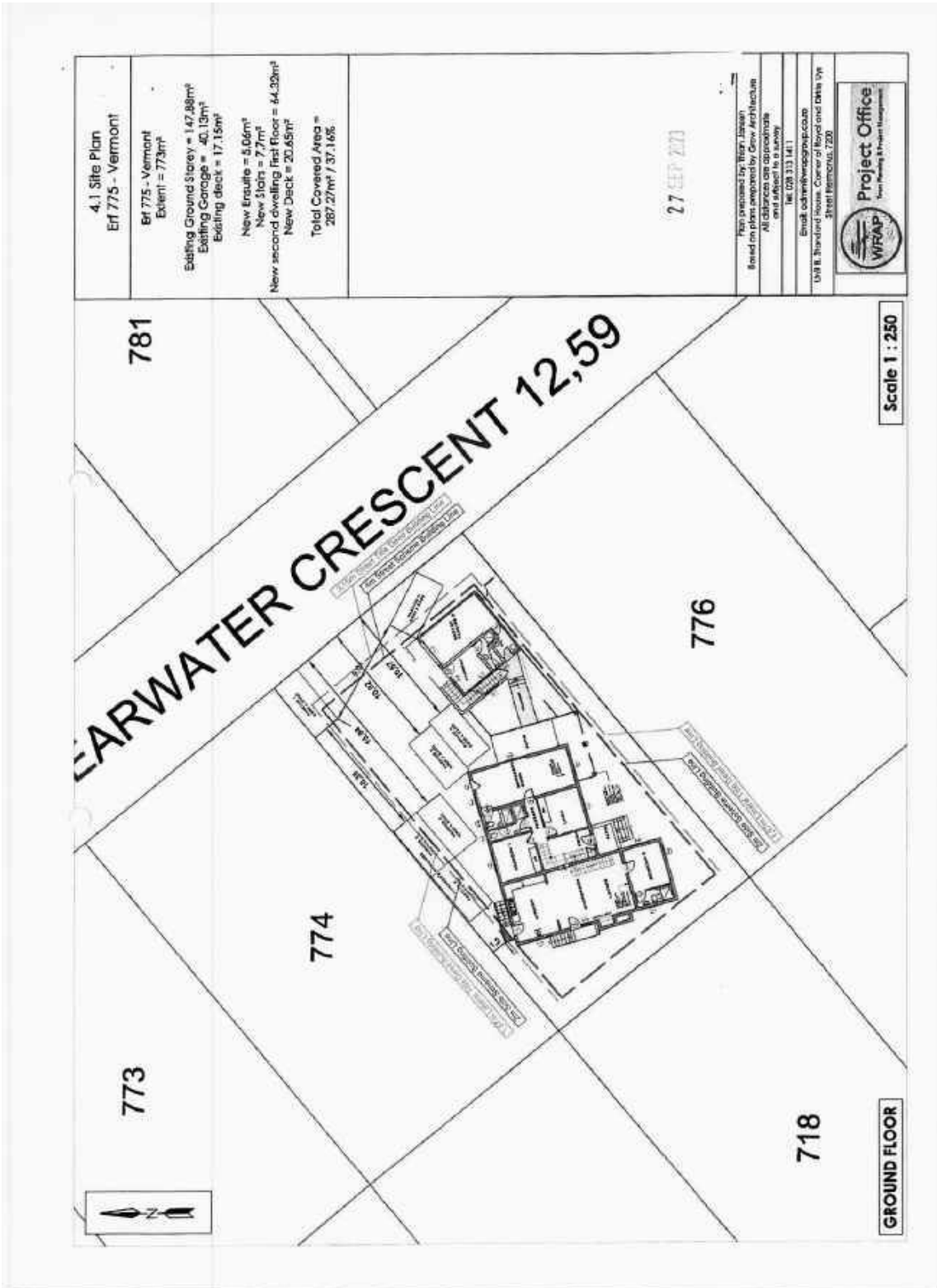
POINTS 2 to 5

- ❖ The encroachment of the staircase over the building line is a minor encroachment and the fact that the staircase is enclosed on three sides and the fact that there is a raised boundary wall next to the staircase; it should have a limited impact on the adjacent neighbours.
- ❖ The conditions in the Title Deed were inserted as no Land Use Scheme was in place when this part of Vermont was originally developed. The new land use scheme stipulates building lines and uses that is compatible with residential uses. The land use scheme also allows for second dwellings as a primary right. The Title Deed restrictions therefore prohibits that properties can be developed in line with the Land Use Scheme and be developed to its full potential. The removal of such conditions is thus supported.
- ❖ The application is supported by all relevant Municipal Departments and State or other institutions.
- ❖ No Municipal services are affected.
- ❖ The objections regarding lack of parking and impact on privacy does have merit. With the amendment of the parking layout to provide for 5 parking bays and the single garage the parking manoeuvrability would be resolved. The reduction of the number of guest rooms to 3 and the placing of screens on the balconies facing south would ensure less of an impact on neighbours' privacy and less impact on the character of the area.
- ❖ Guest Houses are part of the fabric of residential areas, and if they operate within the parameters as stipulated in the Land Use Scheme, should have a minimal impact on the surrounding property owners.

POINT 6

- ❖ It is not clear if the existing landowner constructed the staircase, but every property owner has the responsibility to ensure all buildings / structures on the property are legal.
- ❖ The existing landowner fitted a third kitchen in the dwelling, enclosed areas off and rents it out on the internet as self-catering units. A notice was sent out to the existing landowners, but in terms of the objections and existing advertisements on the internet the units are still illegally being rented out.
- ❖ The penalty fee imposed is reasonable considering the scale of the illegal activities.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION,
DEPARTURE, CONSENT USE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 775,VERMONT (4473/2023)**

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

Conditions:

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

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

29/01/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
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4. ERF 9807, 183 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, SUBDIVISION, RIGHT OF WAY SERVITUDE & DEPARTURE: PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF MCGRATH PROPERTY HOLDINGS (PTY) LTD

9807 HEC (4467/2023)

P Roux

(028) 313 8900

Hermanus Administration

05 August 2024

EXECUTIVE SUMMARY

An application was received on 4 September 2023 from Messrs PlanActive Town and Regional Planners on behalf of McGrath Property Holdings (PTY) LTD on Erf 9807, Eastcliff, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Rezoning** of the property in terms of Section 16(2)(a) of the By-Law from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA).
- ❖ **Subdivision** of the rezoned property in terms of Section 16(2)(d) of the By-Law, to create the following:
 - seven (7) General Residential Zone I: Town Housing (GR1) erven; and
 - one (1) Transport Zone 2: Road and Parking (TR2) erf.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the following:
 - the north-western rear building line from 3m to 2m to retain a section of an existing building;
 - the south-eastern street building line from 5m to 2m to retain a section of an existing building, and
 - the south-western lateral building line from 3m to 2m to retain a section of an existing building.
- ❖ **Exemption** of the registration of a right of way servitude in terms of Section 26(1)(h)(v) of the By-Law for the registration of a right of way servitude over Erf 9807 in favour of Erven 878 and 896, Hermanus.

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RESOLUTION

1. that the objections be noted;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 9807, Hermanus to **rezone** the said property from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA) and the subsequent **subdivision** in terms of Section 16(2)(d) of the By-Law, read with Section 22, of the rezoned property to create the following:
 - ❖ seven (7) General Residential Zone I: Town Housing (GR1) erven; and
 - ❖ one (1) Transport Zone 2: Road and Parking (TR2) portion;

be approved, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 9807, Hermanus for **departure** to relax the following:
 - the north-western rear building line from 3m to 2m, and
 - the south-western lateral building line from 3m to 2m to accommodate the proposed dwellings;

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) on Erf 9807, Hermanus for **departure** to relax the south eastern street building line from 5m to 0m to accommodate existing structure, **not be approved**, in terms of the provisions of Section 61 of the By-Law,
5. that the application in terms of Section 26(1)(h)(v) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the **exemption** of the registration of a right of way servitude over Erf 896, Hermanus in favour of Erven 878 and 9807, Hermanus, **be approved**, in terms of the provisions of Section 61 of the By-Law;
6. that the recommendation under points 2. and 3. and 5. is subject to the following conditions:

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- (a) that Development be in line with Subdivision Plan Drawing No her9807s9.drw dated *June 2013*;
- (b) that the garages on the properties be set back 5m from the internal street boundary;
- (c) that the areas within the building lines be used for the planting of grass, unless otherwise required in terms of a storm water management plan;
- (d) that prior to the submission of building plans, the developer appoints a specialist to study the area and identify which tree the owls are nesting, whether the owls are currently nesting, whether the tree is indigenous and if required apply for the necessary permit for the removal of the owls under the relevant law and such information be provided to the municipality for record keeping;
- (e) that prior to the submission of building plans, a singular Architectural Design Guideline (for the development on erven 878, 896 and 9807) in line with the Zoning Scheme parameters and the departure relaxation as dealt with in Point 3 and 4, be submitted to the Town and Spatial Department;
- (f) that prior to the submission of building plans, a right of way servitude be registered in favour of Erven 878 and 896 on the section of the internal road on Erf 9807;
- (g) that the recommendation of the Site Traffic Assessment by DL Consulting be implemented by the developer;
- (h) that all conditions imposed by Waste Management and Engineering Services be complied with;
- (i) that a Homeowners' Association be established with compulsory membership for all subsequent property owners within the development of erven 878, 896 and 9807;

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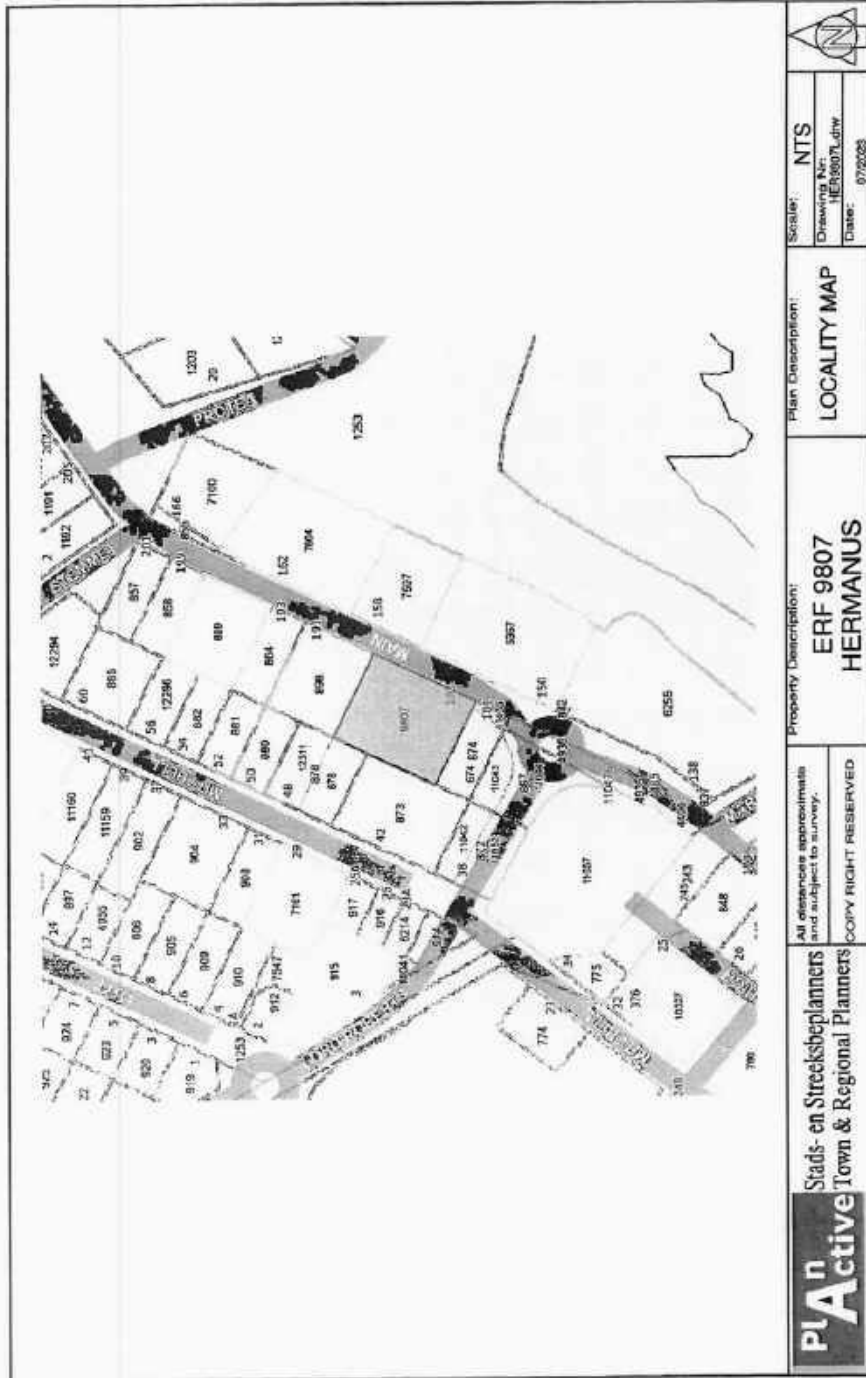
- (j) that the Constitution of the Homeowners' Association be submitted for approval by the municipality (which reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
 - ❖ the approval of building plans by an "estate architect" prior to submission thereof to the Municipality, and
 - ❖ that the Constitution clarifies at what stage that the responsibility would be transferred from the developer to the Homeowners' Association to deal with approval of plans;
 - (k) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with; and
 - (l) that erven 878, 896 and 9807 be notarial tied with regards to services, roads, use of the open space and refuse room;
 - (m) that all services (including roads, water and sewer circulation, refuse room and electrical connection(s)) be completed on erven 878, 896 and 9807 prior to the registration of the first property; and
 - (n) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
7. 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, 2015 with regard to the above decision.

REASON FOR RESOLUTION

- ❖ The application is desirable as it will allow for new dwelling units near the CBD while conforming to the characteristics of the area.
- ❖ The proposal for a development with General Residential Zone I is ideally located to act as a transition between the high-density commercial node of Hermanus CBD to the single low-density areas in the Eastcliff suburb erven and is therefore considered supported in line with the Overstrand Municipality Spatial Growth Management Strategy, 2010 (Guideline document) and Overstrand Municipal Wide SDF, 2020.
- ❖ All relevant municipal departments and external departments/institutions support the application.
- ❖ Concerns/objections raised about the possible impact on the character of the area and property values are unfounded as this proposed development will be in line with the character of surrounding developments, which has a mixture of group housing, single residential and commercial erven.

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- ❖ The 5m building will not be relaxed as the existing structure is deemed to be demolished as per the approved permit and due to the existing structure being located within the road widening area.
- ❖ Concerns/objections raised about the impact of additional traffic in Mitchell Street does not prove the development to be undesirable as per the Site Traffic Assessment Report. The Operational and Engineering Services Departments support the application.
- ❖ Sufficient services are available, while the issues regarding low water pressure is noted, it is not relevant to the application and public should revert their concerns to the Operational Department.
- ❖ The application will have no Heritage impact as a permit was obtained to clear the site.
- ❖ The application is in line with the general principles of SPLUMA and LUPA as this development will be spatially sustainable as it will not lead to urban sprawl or developed on agricultural land or environmentally sensitive areas. In terms of efficiency, it will utilize existing road networks and services.
- ❖ The developer will be responsible for acquiring the services of a specialist to identify the location of the owls and to ensure that they are not nesting at the time of removal of the tree.



PLAn Stads- en Streeksbeplanners Town & Regional Planners	All elevations approximate and subject to survey. COPYRIGHT RESERVED	Property Description: ERF 9807 HERMANUS	Plan Description: LOCALITY MAP	Scale: NTS Drawing No: HE18807.dwg Date: 07/20/2003	

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, SUBDIVISION, RIGHT OF WAY
SERVITUDE & DEPARTURE: ERF 9807, EASTCLIFF (4467/2023)**

Water	:	In order
Sewer	:	In order
Roads and Traffic	:	In order
Stormwater	:	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 4.6	= R 126 950.80
Sewerage	R 19 725.00 x 4.6	= R 90 735.00
Roads	R 8 845.00 x 6.00	= R 53 070.00
Stormwater	R 10 205.00 x 5.244	= R 53 515.02
Solid Waste	R 1 769.00 x 6.00	= R 10 614.00
TOTAL (inclusive of VAT)		= R 334 884.82

Note that:

- The above figures are estimated amounts
- The above figures are subject to annual tariff adjustments.
- Overstrand Municipality's Electrical Department must be contacted regarding the bulk electricity cost.

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

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

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12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for Works of Civil Engineering Construction - 2004, of 12 months, and
13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
14. that a service agreement may be required by the Director: Infrastructure and Planning prior to the approval of any service plans;
15. that the developer provides bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
16. that each residential erf be provided with individual water and sewer connections which comply with the standards of the Department: Operational Services (Hermanus).
17. that the water reticulation be provided/ upgraded according to the report prepared by GLS consulting engineers and/or the Overstrand Water Master Plan.
18. that the Homeowners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;
19. that once the first property is registered in the proposed combined development (consisting of Erven 878, 896 and 9807 Eastcliff), all the roads and open space will be required to be transferred to homeowners' association. The Homeowners' Association will also be responsible for the management of the access gate, guard house and refuse area;
20. that as the proposed refuse room and waste storage for the combined development will be located on it, Erf 878, must be notarial tied to all residential erven in the development.
21. that only the standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
22. that the street lighting be provided and conform to municipal standards;
23. that the developer appoints 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;

24. that the electricity reticulation and supply be provided according to the master plan, by the developer and that transfer can only proceed once electricity is available;
25. 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*;
26. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be provided 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) in a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
27. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Director: Infrastructure and Planning;
28. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded, 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;
29. that the connection to the stormwater reticulation system be provided according to the stormwater master plan by, the developer;
30. that a minimum stacking space/distance of at least 12,0 m be provided for the access point for the access point in the R43 / Main Road. Provision should be made for a dedicated access lane and a visitor's lane;
31. 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;
32. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.
33. that Main Road (R43) shall serve as the single access point for the proposed residential development (consisting of Erven 878, 896 and 9807 Eastcliff) with an egress point in Mitchell Street;

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34. that the parking requirement from the 2020 Overstrand Land Use Scheme be accommodated by the provision of a double garage or a single garage and a car port for every town house.


DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES


DATE

**AGENDA of the
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5. ERF 878, 48 MITCHELL STREET, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, SUBDIVISION, EXEMPTION OF THE REGISTRATION OF A RIGHT OF WAY SERVITUDE & DEPARTURE: MESSRS INTERACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF BASFOUR 2072 (PTY) LTD

878 HEC (4472/2023)

P Roux

(028) 313 8900

Hermanus Administration

05 August 2024

EXECUTIVE SUMMARY

An application was received on 4 September 2023 from Messrs InterActive Town & Regional Planners on behalf of Basfour 2072 (Pty) Ltd on Erf 878, Eastcliff, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Rezoning** of the property in terms of Section 16(2)(a) of the By-Law from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA);
- ❖ **Subdivision** of the rezoned property in terms of Section 16(2)(d) of the By-Law, to create the following:
 - ❖ three (3) General Residential Zone I: Town Housing (GR1) erven;
 - ❖ one (1) Open Space Zone 3: Private Open Space (OS3) erven; and
 - ❖ one (1) Transport Zone 2: Road and Parking (TR2) portion.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the following:
 - the northern perimeter building line from 3m to 2m;
- ❖ **Exemption** of the registration of a right of way servitude in terms of Section 26(1)(h)(v) of the By-Law for the registration of a right of way servitude over Erf 878, Hermanus in favor of Erven 9807 and 896, Hermanus.

RESOLUTION

1. that the objections be noted;

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2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 878, Hermanus to **rezone** the said property from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA) and the subsequent **subdivision** in terms of Section 16(2)(d) of the By-Law, read with Section 22, of the rezoned property to create the following:
 - ❖ three (3) General Residential Zone 1: Town House erven, approximatley 194.6m² to 224.6m² in extent;
 - ❖ one (1) Open Space Zone 3: Private Open Space, approximatley 601.7m² in extent, and
 - ❖ one (1) Transport Zone 2: Private Parking and Road, approximatley 327.5m² in extent;

be approved, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 878, for **departure** to relax the northern perimeter building line from 3m to 2m, **not be approved**;
4. that the application in terms of Section 26(1)(h)(v) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the **exemption** of the registration of a right of way servitude over Erf 878, Hermanus in favour of Erven 9807 and 896, Hermanus, **be approved**, in terms of the provisions of Section 61 of the By-Law;
5. that the recommendation under paragraphs 2. and 4. is subject to the following conditions:
 - (a) that development be in line with Subdivision Plan Drawing No. A101 dated 08/07/2023;
 - (b) that the garages on the properties be set back 5m from the internal street boundary;
 - (c) that the areas within the building lines be used for the planting of grass, unless otherwise required in terms of a storm water management plan;

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- (d) that prior to the submission of building plans, the developer appoints a specialist to study the area and identify which tree the owls are nesting, whether the owls are currently nesting, whether the tree is indigenous and if required apply for the necessary permit for the removal of the owls under the relevant law and such information be provided to the municipality for record keeping;
- (e) that prior to the submission of building plans, a singular Architectural Design Guideline (for the development on erven 878, 896 and 9807) in line with the Zoning Scheme parameters and the departure relaxation as dealt with in Point 3., be submitted to the Town and Spatial Department;
- (f) that prior to the submission of building plans, a right of way servitude be registered in favour of Erven 9807 and 896 on the section of the internal road on Erf 878;
- (g) that the recommendation of the Site Traffic Assessment by DL Consulting be implemented by the developer;
- (h) that all conditions imposed by Waste Management and Engineering Services be complied with;
- (i) that a Homeowners' Association be established with compulsory membership for all subsequent property owners within the development of erven 878, 896 and 9807;
- (j) 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 to the municipality, and
 - ❖ that the Constitution clarifies at what stage that the responsibility would be transferred from the developer to the Homeowners' Association to deal with approval of plans, and
- (k) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
- (l) that erven 878, 896 and 9807 be notarial tied with regards to services, roads, use of the open space and refuse room;

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

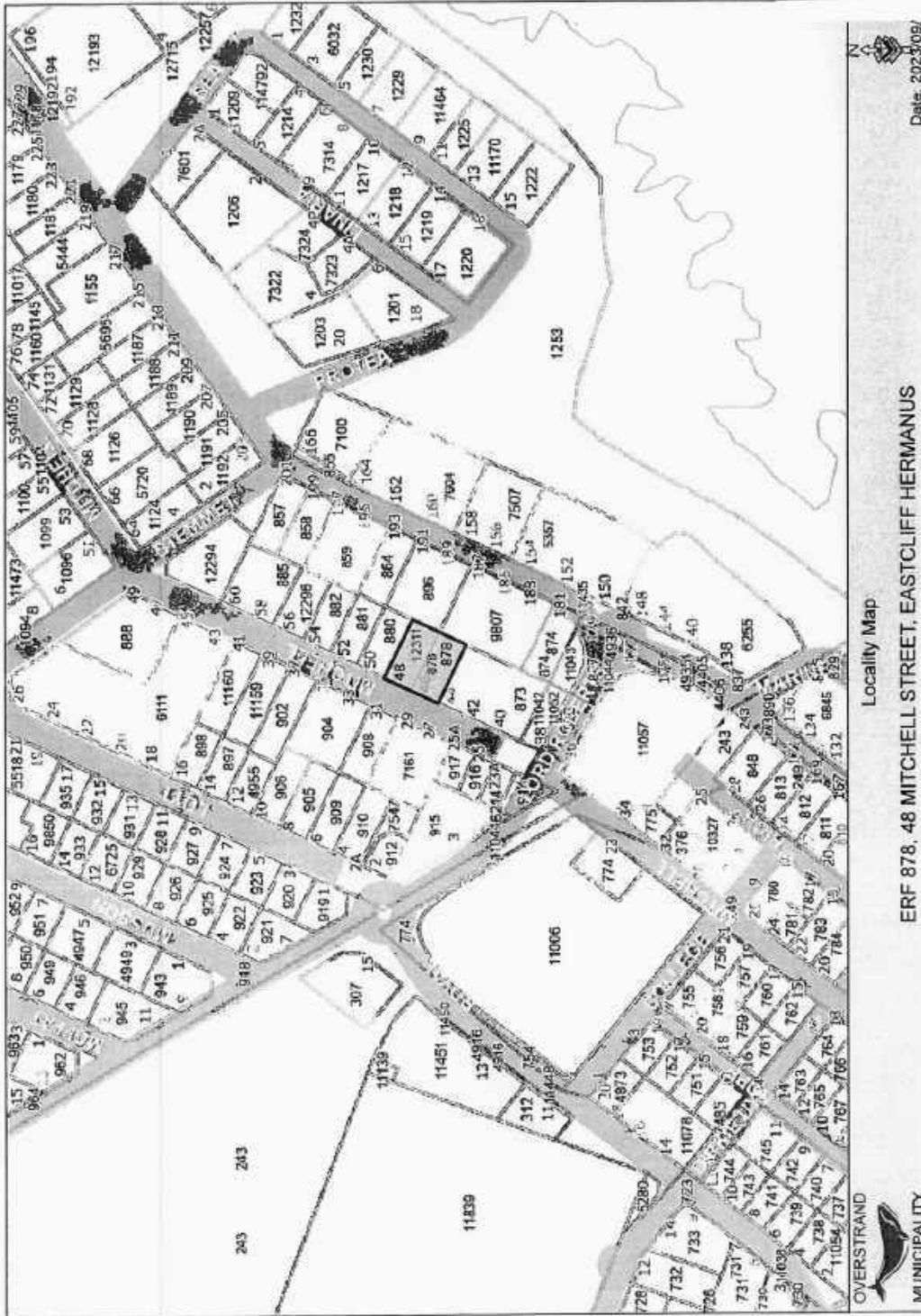
- (m) that all services (including roads, water and sewer circulation, refuse room and electrical connection(s)) be completed on erven 878, 896 and 9807 prior to the registration of the first property; and
 - (n) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
6. 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 conditional approvals.

REASON FOR RESOLUTION

- ❖ The application is desirable as it will allow for new dwelling units near the CBD while conforming to the characteristics of the area.
- ❖ The proposal for a development with General Residential Zone I is ideally located to act as a transition between the high-density commercial node of Hermanus CBD to the single low-density areas in the Eastcliff suburb erven and is therefore considered supported in line with the Overstrand Municipality Spatial Growth Management Strategy, 2010 (Guideline document) and Overstrand Municipal Wide SDF, 2020.
- ❖ All relevant municipal departments and external departments/institutions support the application.
- ❖ Concerns/objections raised about the possible impact on the character of the area and property values are unfounded as this proposed development will be in line with the character of surrounding developments, which has a mixture of group housing, single residential and commercial erven.
- ❖ Concerns/objections raised about the impact of additional traffic in Mitchell Street do not prove the development to be undesirable as per the Site Traffic Assessment Report. The Operational- and Engineering Services Departments support the application.
- ❖ Sufficient services are available, while the issues regarding low water pressure is noted, it is not relevant to the application and public should revert their concerns to the Operational Department.
- ❖ The application will have no Heritage impact as a permit was obtained to clear the site.
- ❖ The application is in line with the general principles of SPLUMA and LUPA as this development will be spatially sustainable as it will not lead to urban sprawl or developed on agricultural land or environmentally sensitive areas. In terms of efficiency, it will utilize existing road networks and services.
- ❖ The developer will be responsible for acquiring the services of a specialist to identify the location of the owls and to ensure that they are not nesting at the time of removal of the tree.

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

- ❖ The proposed relaxation of the common boundary will unduly put pressure on the adjacent property owners and have a negative impact on the adjacent property owners.



Locality Map

ERF 878, 48 MITCHELL STREET, EASTCLIFF HERMANUS



Date: 2023/08/



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, SUBDIVISION, EXEMPTION OF THE
REGISTRATION OF A RIGHT WAY SERVITUDE & DEPARTURE: ERF 878,
EASTCLIFF (4472/2023)**

Water : In order
Sewer : In order
Roadsand Traffic : In order
Stormwater : 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 1.4	= R 38 637.20
Sewerage	R 19 725.00 x 1.4	= R 27 615.00
Roads	R 8 845.00 x 2.00	= R 17 690.00
Stormwater	R 10 205.00 x 2.609666	= R 26 631.64
Solid Waste	R 1 769.00 x 2.00	= R 3 538.00
TOTAL (inclusive of VAT)		= R 114 111.84

Note that:

- a) The above figures are estimated amounts
b) The above figures are subject to annual tariff adjustments.
c) Overstrand Municipality's Electrical Department must be contacted regarding the bulk electricity cost.

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

- 3
- 5.1 way-leaves must be obtained from the Operational Manager;
 - 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
 6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
 7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
 8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
 9. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
 10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
 11. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE and which insurance shall be valid for the relevant contract and maintenance period;

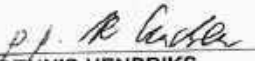
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12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for Works of Civil Engineering Construction - 2004, of 12 months, and
13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
14. that a service agreement may be required by the Director: Infrastructure and Planning prior to the approval of any service plans;
15. that the developer provides bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
16. that each residential erf be provided with individual water and sewer connections which comply with the standards of the Department: Operational Services (Hermanus).
17. that the water reticulation be provided/upgraded according to the report prepared by GLS consulting engineers and/or the Overstrand Water Master Plan.
18. that the Homeowners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;
19. that once the first property is registered in the proposed combined development (consisting of Erven 878, 896 and 9807 Eastcliff), all the roads and open space will be required to be transferred to homeowners' association. The Homeowners' Association will also be responsible for the management of the access gate, guard house and refuse area;
20. that as the proposed refuse room and waste storage for the combined development will be located on it, Erf 878, must be notarial tied to all residential erven in the development.
21. that only the standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
22. that the street lighting be provided and conform to municipal standards;
23. that the developer appoints 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;

24. that the electricity reticulation and supply be provided according to the master plan, by the developer and that transfer can only proceed once electricity is available;
25. 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*;
26. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be provided 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) in a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
27. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Director: Infrastructure and Planning;
28. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded, 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;
29. that the connection to the stormwater reticulation system be provided according to the stormwater master plan by, the developer;
30. that a minimum stacking space/distance of at least 12,0 m be provided for the access point in the R43 / Main Road. Provision should be made for a dedicated access lane and a visitor's lane;
31. 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;
32. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.
33. that Main Road (R43) shall serve as the single access point for the proposed residential development (consisting of Erven 878, 896 and 9807 Eastcliff) with an egress point in Mitchell Street;

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34. that the parking requirement from the 2020 Overstrand Land Use Scheme be accommodated by the provision of a double garage or a single garage and a car port for every town house.


DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

6. ERF 896, 191 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, SUBDIVISION, DEPARTURE AND EXEMPTION OF THE REGISTRATION OF A RIGHT OF WAY SERVITUDE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF Y & P RAMLAKAN

896 HEC (4471/2023)

P Roux

(028) 313 8900

Hermanus Administration

05 August 2024

EXECUTIVE SUMMARY

An application was received on 04 September 2023 from Messrs WRAP Project Office on behalf of Y & P Ramlakan on Erf 896, Eastcliff, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Rezoning** of the property in terms of Section 16(2)(a) of the By-Law from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA).
- ❖ **Subdivision** of the rezoned property in terms of Section 16(2)(d) of the By-Law, to create the following:
 - ❖ six (6) General Residential Zone I: Town Housing (GR1) erven; and
 - ❖ one (1) Transport Zone 2: Road and Parking (TR2) erf.
- **Departure** in terms of Section 16(2)(b) of the By-Law to relax the northern and western perimeter building line from 3m to 2m.
- **Exemption** of the registration of a right of way servitude in terms of Section 26(1)(h)(v) of the By-Law for the registration of a right of way servitude over Erf 896 in favour of Erven 878 & 9807, Hermanus.

RESOLUTION

1. that the objections be noted;

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 896, Hermanus to **rezone** the said property from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA) and the subsequent **subdivision** in terms of Section 16(2)(d) of the By-Law, read with Section 22, of the rezoned property to create the following:
 - six (6) General Residential Zone 1: Town Housing erven, approximately 190m² to 318m² in extent, and
 - one (1) Transport Zone 2: Road and Parking (TR2) approximately 341m² in extent,

be approved, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 896, Hermanus for **departure** to relax northern- and western perimeter building line from 3m to 2m, **not be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 26(1)(h)(v) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the **exemption** of the registration of a right of way servitude over Erf 896, Hermanus in favour of Erven 878 and 9807, Hermanus, **be approved**, in terms of the provisions of Section 61 of the By-Law;
5. that the recommendation under points 2. and 4. is subject to the following conditions:
 - (a) that development be in line with Subdivision Plan Drawing No 22/71(001) dated 06/06/2023;
 - (b) that the garages on the properties be set back 5m from the internal street boundary;
 - (c) that the areas within the building lines be used for the planting of grass, unless otherwise required in terms of a storm water management plan;

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

- (d) that prior to the submission of building plans, the developer appoints a specialist to study the area and identify which tree the owls are nesting, whether the owls are currently nesting, whether the tree is indigenous and if required apply for the necessary permit for the removal of the owls under the relevant law and such information be provided to the municipality for record keeping;
- (e) that prior to the submission of building plans, a singular Architectural Design Guideline (for the development on erven 878, 896 and 9807) in line with the Zoning Scheme parameters and the departure relaxation as dealt with in Point 3., be submitted to the Town and Spatial Department;
- (f) that prior to the submission of building plans, a right of way servitude be registered in favour of Erven 878 and 9807 on the section of the internal road on Erf 896;
- (g) that the recommendation of the Site Traffic Assessment by DL Consulting be implemented by the developer;
- (h) that all conditions imposed by Telkom, Waste Management and Engineering Services be complied with;
- (i) that a Homeowners' Association be established with compulsory membership for all property owners within the development;
- (j) 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 to the municipality, and
 - ❖ that the Constitution clarifies at what stage that the responsibility would be transferred from the developer to the Homeowners' Association to deal with approval of plans, and
- (k) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with; and
- (l) that erven 878, 896 and 9807 be notarial tied with regards to services, roads, use of the open space and refuse room;

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
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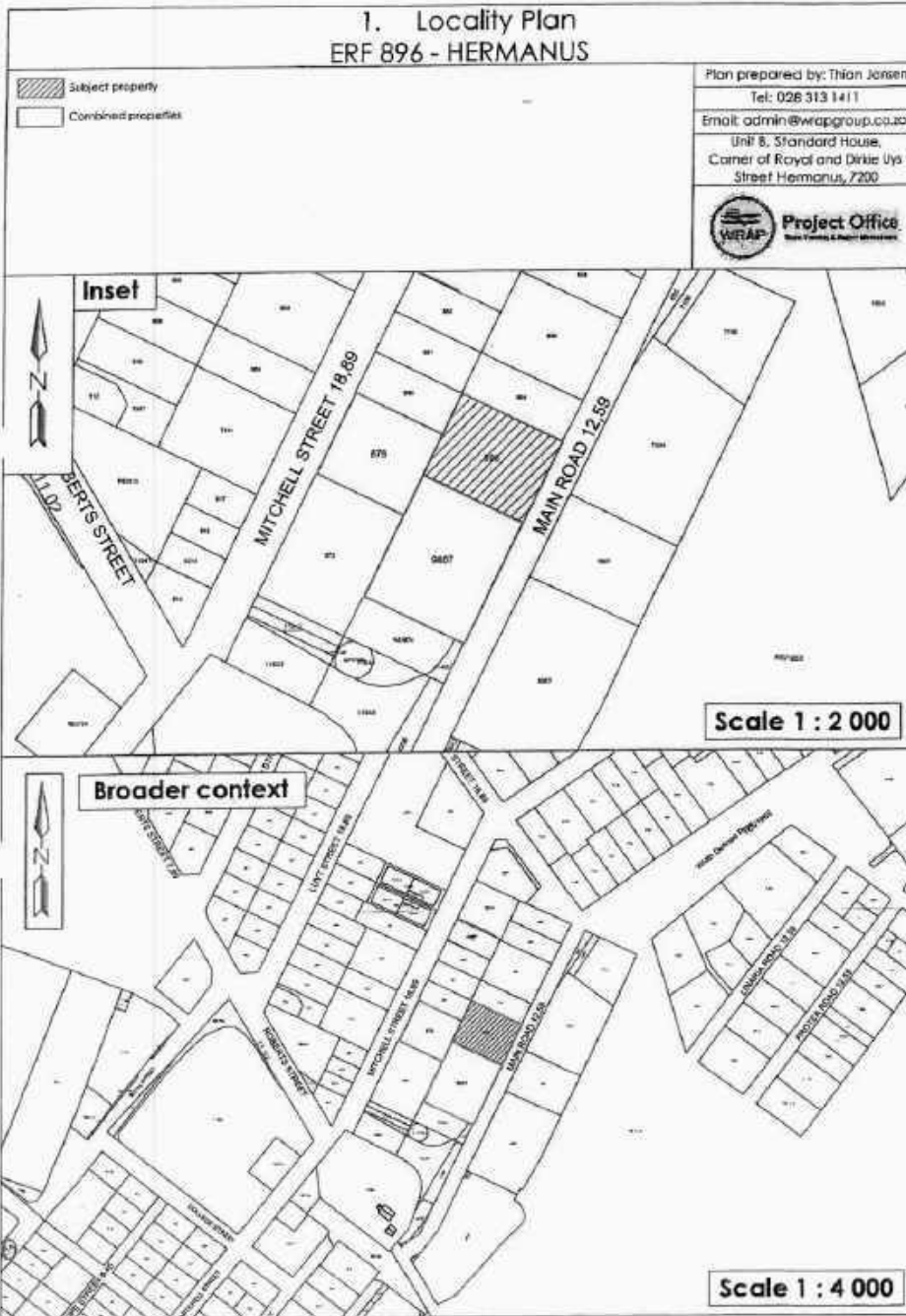
- (m) that all services (including roads, water and sewer circulation, refuse room and electrical connection(s)) be completed on erven 878, 896 and 9807 prior to the registration of the first property; and
 - (n) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
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 with regard to the above conditional approvals.

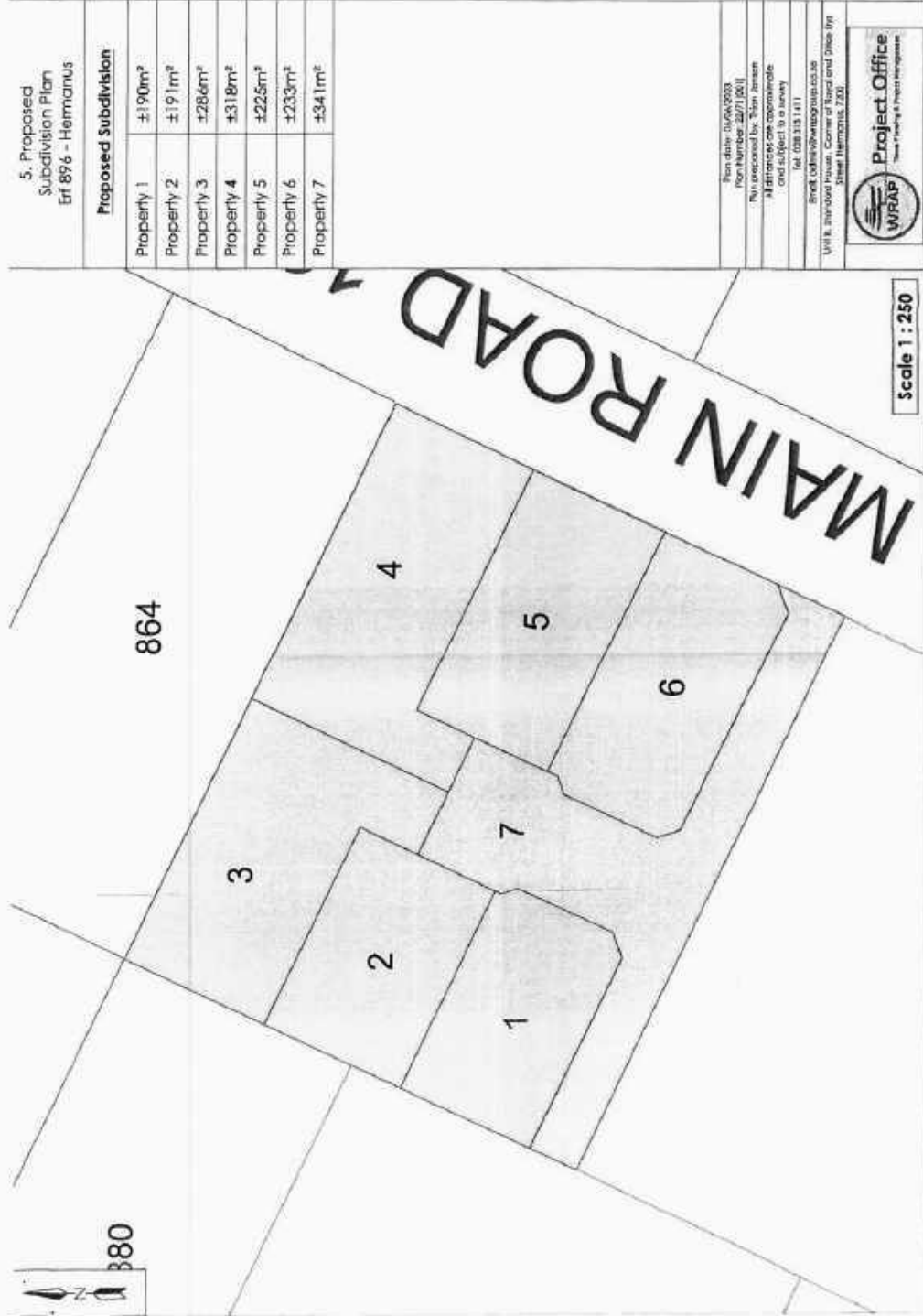
REASON FOR RESOLUTION

- ❖ The application is desirable as it will allow for new dwelling units near the CBD while conforming to the characteristics of the area.
- ❖ The proposal for a development with General Residential Zone I is ideally located to act as a transition between the high-density commercial node of Hermanus CBD to the single low-density areas in the Eastcliff suburb erven and is therefore considered supported in line with the Overstrand Municipality Spatial Growth Management Strategy, 2010 (Guideline document) and Overstrand Municipal Wide SDF, 2020.
- ❖ All relevant municipal departments and external departments/institutions support the application.
- ❖ Concerns/objections raised about the possible impact on the character of the area and property values are unfounded as this proposed development will be in line with the character of surrounding developments, which has a mixture of group housing, single residential and commercial erven.
- ❖ Concerns/objections raised about the impact of additional traffic in Mitchell Street does not prove the development to be undesirable as per the Site Traffic Assessment Report. The Operational and Engineering Services Departments support the application.
- ❖ Sufficient services are available, while the issues regarding low water pressure is noted, it is not relevant to the application and public should revert their concerns to the Operational Department.
- ❖ The application will have no Heritage impact as a permit was obtained to clear the site.
- ❖ The application is in line with the general principles of SPLUMA and LUPA as this development will be spatially sustainable as it will not lead to urban sprawl or developed on agricultural land or environmentally sensitive areas. In terms of efficiency, it will utilize existing road networks and services.
- ❖ The developer will be responsible for acquiring the services of a specialist to identify the location of the owls and to ensure that they are not nesting at the time of removal of the tree.

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

- ❖ The proposed relaxation of the common boundary will unduly put pressure on the adjacent property owners and have a negative impact on the adjacent property owners.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, SUBDIVISION, RIGHT OF WAY
SERVITUDE & DEPARTURE: ERF 896, EASTCLIFF (4471/2023)**

Water	:	In order
Sewer	:	In order
Roads and Traffic	:	In order
Stormwater	:	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 3.8	= R 104 872.40
Sewerage	R 19 725.00 x 3.8	= R 74 955.00
Roads	R 8 845.00 x 5.00	= R 44 225.00
Stormwater	R 10 205.00 x 3.162666	= R 32 275.01
Solid Waste	R 1 769.00 x 5.00	= R 8 845.00
TOTAL (inclusive of VAT)		= R 265 172.41

Note that:

- The above figures are estimated amounts
- The above figures are subject to annual tariff adjustments.
- Overstrand Municipality's Electrical Department must be contacted regarding the bulk electricity cost.

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

- 3
- 5.1 way-leaves must be obtained from the Operational Manager;
 - 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
 6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
 7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
 8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
 9. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
 10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
 11. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE and which insurance shall be valid for the relevant contract and maintenance period;

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12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for Works of Civil Engineering Construction - 2004, of 12 months, and
13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
14. that a service agreement may be required by the Director: Infrastructure and Planning prior to the approval of any service plans;
15. that the developer provides bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
16. that each residential erf be provided with individual water and sewer connections which comply with the standards of the Department: Operational Services (Hermanus).
17. that the water reticulation be provided/upgraded according to the report prepared by GLS consulting engineers and/or the Overstrand Water Master Plan.
18. that the Homeowners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;
19. that once the first property is registered in the proposed combined development (consisting of Erven 878, 896 and 9807 Eastcliff), all the roads and open space will be required to be transferred to homeowners' association. The Homeowners' Association will also be responsible for the management of the access gate, guard house and refuse area;
20. that as the proposed refuse room and waste storage for the combined development will be located on it, Erf 878, must be notarial tied to all residential erven in the development.
21. that only the standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
22. that the street lighting be provided and conform to municipal standards;
23. that the developer appoints 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;

24. that the electricity reticulation and supply be provided according to the master plan, by the developer and that transfer can only proceed once electricity is available;
25. 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*;
26. that an approved refuse collection area/room, to sufficiently accommodate the refuse generated by the development and which is to be provided 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) in a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
27. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Director: Infrastructure and Planning;
28. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded, 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;
29. that the connection to the stormwater reticulation system be provided according to the stormwater master plan by the developer;
30. that a minimum stacking space/distance of at least 12,0 m be provided for the access point for the access point in the R43 / Main Road. Provision should be made for a dedicated access lane and a visitor's lane;
31. 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;
32. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.
33. that Main Road (R43) shall serve as the single access point for the proposed residential development (consisting of Erven 878, 896 and 9807 Eastcliff) with an egress point in Mitchell Street;

6

- 34. that the parking requirement from the 2020 Overstrand Land Use Scheme be accommodated by the provision of a double garage or a single garage and a car port for every town house.

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

20/06/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**7. ERF 1169, 5 DIRKIE UYS STREET, SANDBAAI, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE
DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN
ADMINISTRATIVE PENALTY: MESSRS PLANACTIVE TOWN & REGIONAL
PLANNERS ON BEHALF OF AC PENTREATH**

1169 HSB (4514/2023)

B Minnaar

(028) 313 8900

Hermanus Administration

04 September 2024

EXECUTIVE SUMMARY

An application has been received 03 November 2023 from Messrs PlanActive Town- and Regional Planners on behalf of AC Pentreath in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 1169, Sandbaai for the following:

- ❖ **removal of restrictive title deed condition** in terms of Section 16(2)(f) of the By-Law, namely condition C.(a) and (c) as contained in Title Deed T29623/2023, to accommodate a second dwelling on the subject property;
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to relax the north-western lateral building line from 2m to 1.347m to accommodate the existing cottage; and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to legalize the existing cottage and the associated encroachment of the north-western lateral building line of the property.

The restrictive condition as contained in Title Deed T29623/2023 to be removed, reads as follows:

Clauses C.(a) and (c)

The restrictive title conditions read as follows:

“C. VERDER ONDERHEWIG aan die volgende voorwaardes vervat in gesegde Akte van Transport Nommer T3822/1955 opgelê deur Administrateur wat soos volg lui:

- (a) That the above erf or erven be used for residential purpose only;*
- (c) That not more than one dwelling together with the necessary outbuildings and accessories be erected on any of the above erven*

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and that not more than one-half of the area of any one of the above erven be built upon.”

RESOLUTION

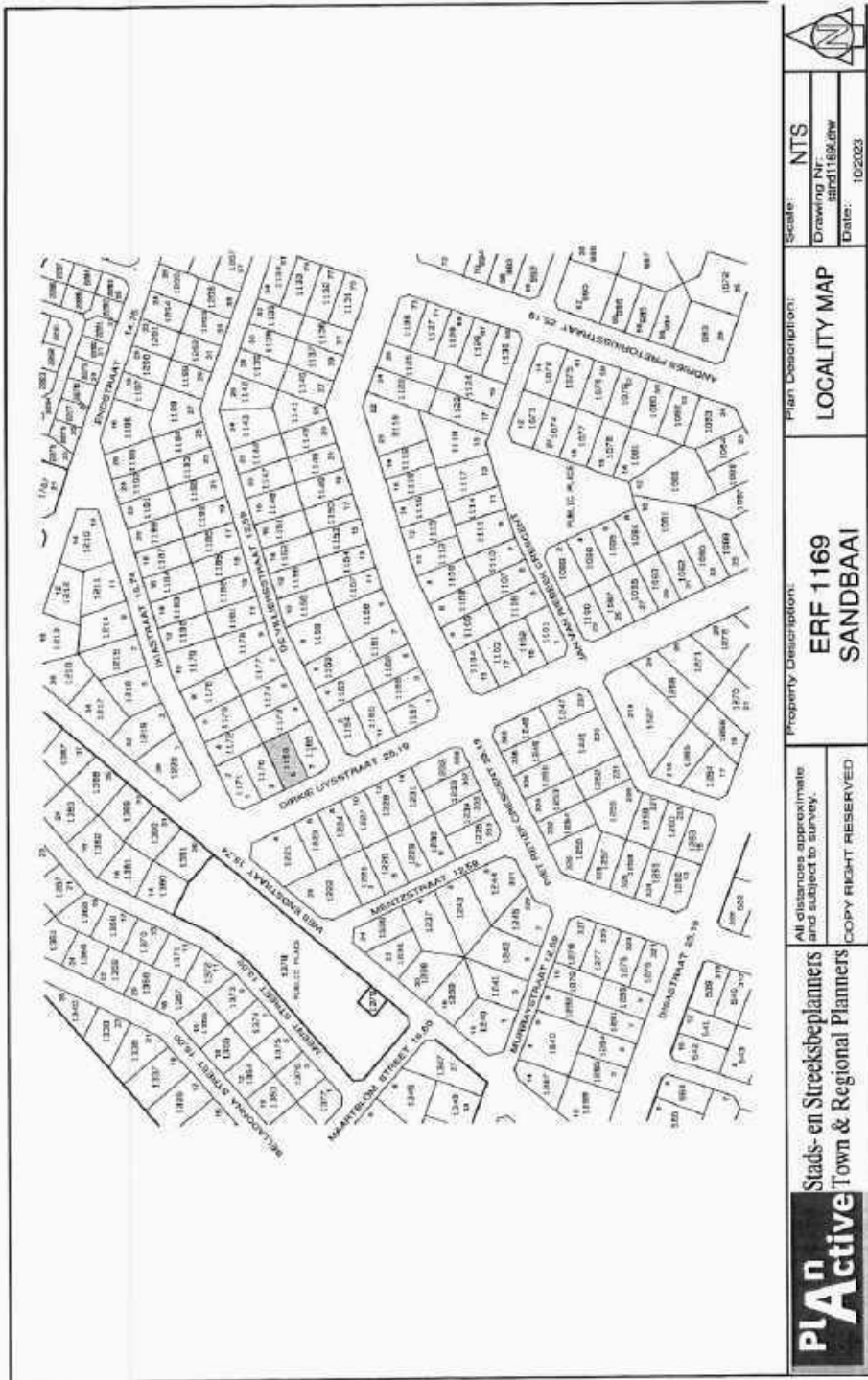
1. that the late objection be noted;
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for **the removal of restrictive title deed conditions C** (a) and (c) as contained in Title Deed No. T29623/2023 of Erf 1169, Sandbaai as contained in Title Deed T29623/2023, to accommodate a second dwelling, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions
3. 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 to relax the north-western lateral building line of Erf 1169, Sandbaai from 2m to 1.347m, to accommodate the second dwelling; **be approved** in terms of the provisions of Section 61 of the By-Law
4. 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, **not be exempt** from the payment of an administrative penalty;
5. that the decisions in paragraphs 2, 3 and 4 above be subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the site plan numbered / 0506/A1/02 dated 13 October 2023 as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department, be complied with at that stage
 - (c) that all the conditions from Telkom be adhered;
 - (d) that all the conditions in the Services Report be complied with;

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- (e) that an **administrative penalty of R18 941.99** (being 5% for the unauthorised building work and the unauthorised land use, calculated utilising the Overstrand Municipal Budget as determined by the municipality and the land value of the property respectively), **be payable within ninety (90) days** of the decision;
 - (f) that all other development parameters as prescribed in the relevant Land Use Scheme, be complied with;
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
6. 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.

REASON FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The late objection be noted; and that all the objection points were adequately responded to.
- ❖ The administrative penalty for the land use contravention not be multiplied by two years due to the property owner not receiving a letter of non-compliance.
- ❖ The Overstrand Land Use Scheme Regulations have sufficient control measures when it comes to second dwellings.
- ❖ 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, as it is efficient to land and infrastructure to its maximum potential.



PLAN Stads- en Streeksbeplanners Active Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description:		Scale: NTS
		ERF 1169 SANDBAAI		Drawing Nr: Sand 1169/2019 Date: 10/2023
		Plan Description:		
		LOCALITY MAP		

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,
DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF
1169, SANDBAAI (4514/2023)**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

8. ERF 214, 129 JAN VAN RIEBEEK CRESCENT, SANDBAAI: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF PD DE KOCK & WD SIMPSON

214 HSB (3962/2021)

B Minnaar

(028) 313 8900

Hermanus Administration

05 September 2024

EXECUTIVE SUMMARY

An application has been received on 29 December 2021 from Messrs PlanActive Town & Regional Planners on behalf of PD de Kock & WD Simpson in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 214, 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) & B.2.(d) contained in Title Deed T44974/2016, to accommodate more than one dwelling unit on the property and to utilise it as a self-catering unit as well as to accommodate the street building line encroachment;

The restrictive conditions as contained in Title Deed T44974/2016 to be removed, read as follows:

Clause B.(2)(a)

“That the above erf or erven be used for residential purpose only.”

Clause B 2.(c)

“That not more than one dwelling together with the necessary outbuildings and accessories be erected on any of the above erven and that not more than one-half of the area of any one of the above erven be built upon.”

Clause B 2.(d)

“that no building shall be erected on the above erf or erven within 15 feet (4.72 metres) of the boundary line the said erf or erven and any street, road or avenue on which such erf or erven abuts; such space may be used as gardens but shall not be built upon.”

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

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- relax the eastern lateral building from 2m to $\pm 1.876\text{m}$ to accommodate the dwelling unit and second dwelling unit;
 - relax the western lateral building line from 2m to $\pm 0.963\text{m}$ to accommodate the outbuilding; and
 - relax the rear building line from 2m to $\pm 0.957\text{m}$ to accommodate the outbuilding;
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to legalize unauthorized building work & unauthorised land use on the property.

RESOLUTION

1. That the objections be noted;
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the **removal of restrictive title conditions** B.2.(a), B.2.(c) & B.2.(d) as contained in Title Deed T44974/2016 applicable to Erf 214, Sandbaai, in order to accommodate a second dwelling unit on the property to be utilized as a self-catering unit, as well as to accommodate the street building line encroachment, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for departure in terms of Section 16(2)(b) of By-Law for the following:
 - relaxation of the eastern lateral building line from 2m to $\pm 1.876\text{m}$ to accommodate the main and second dwelling units;
 - relaxation of the western lateral building line from 2m to $\pm 0.963\text{m}$ to accommodate the outbuilding; and
 - relaxation of the rear building line from 2m to 0.957m to accommodate the outbuilding;

be approved in terms of the provisions of Section 61 of the By-Law;
4. 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, **not be exempt** from the payment of an administrative penalty;
5. that the decisions in paragraphs 2. to 4. above be subject to the following conditions:

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(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

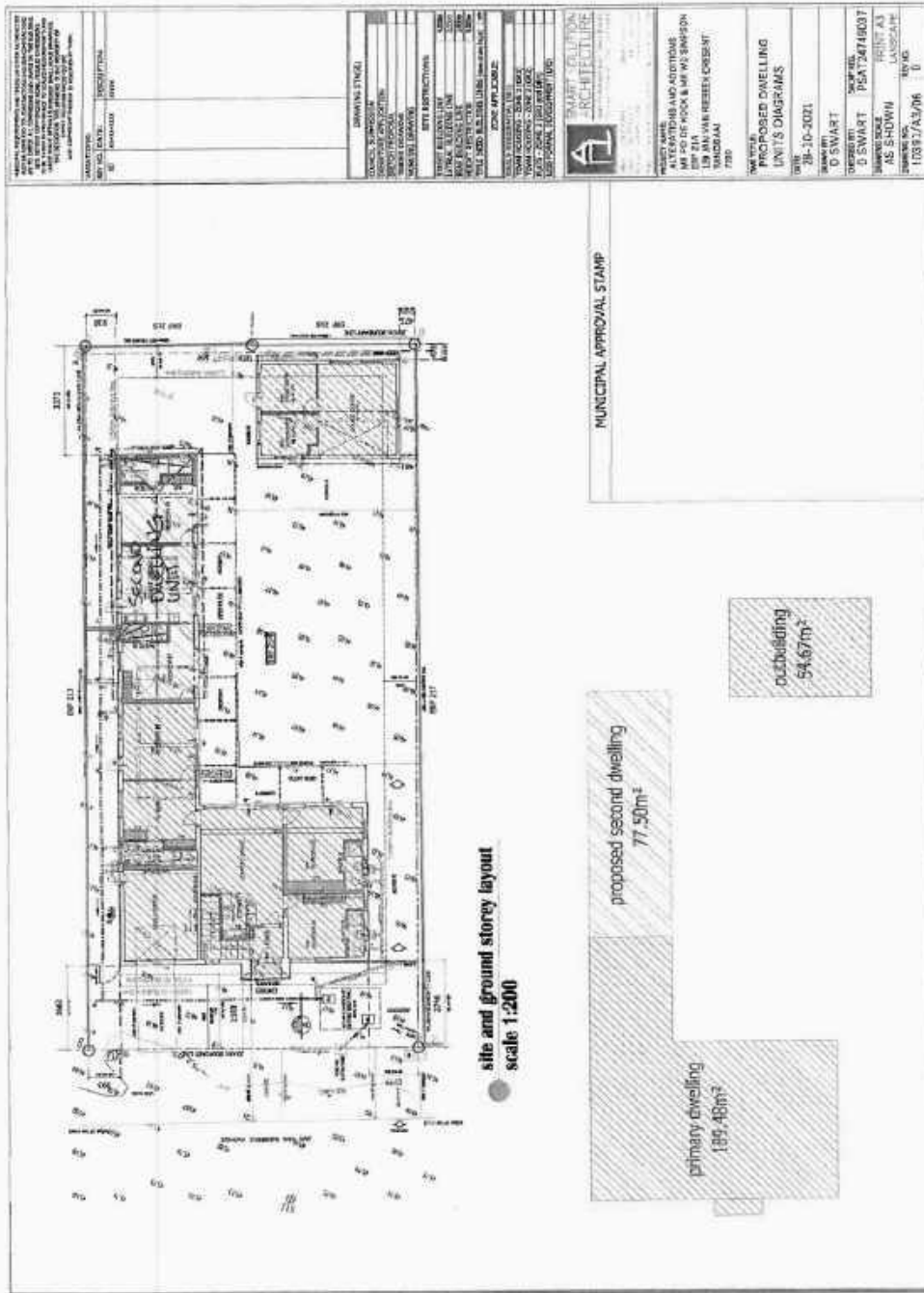
- (a) that the approval is only for the development as indicated on Plan no. / 0391/A3/06 dated 28-10/2021, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department, be complied with at that stage;
 - (c) that all the conditions in the Engineering Services Report and Telkom be complied with;
 - (d) that an **administrative penalty of R145 286,83** (being 5% for the unauthorised building work and 6% for the unauthorised land use, calculated utilising the land value of the property and the Overstrand Municipal Budget as determined by the municipality) **be payable** within ninety (90) days of the decision;
 - (e) that building plans be submitted to the building control department (that reflect this approval) within 30 days of the date of the decision;
 - (f) that the renovations of the buildings on the subject property be done within 6 months of the date 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, and
6. 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.

REASON FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The Overstrand Zoning Scheme Regulations have sufficient control measures when it comes to land use and building line parameters as opposed to the restrictive title deed conditions.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.

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- ❖ The objection received from the property owner of Erf 164 Sandbaai is not substantial or relevant to the intent of the property owner to rectify the contraventions and the proposed development or the impact thereof.
- ❖ That administrative penalty imposed is due to the two (2) additional flats that were constructed after submission of the land use planning application.
- ❖ Due to the excessive administrative penalty being imposed, the number of years that the unauthorised land use was operational was not factored into the calculation.
- ❖ The proposal is considered in line with the Municipality's SDF and is consistent with the planning principles in terms of LUPA and SPLUMA.



site and ground storey layout
scale 1:200

<p>GENERAL NOTES:</p> <p>1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>2. ALL WALLS ARE 200mm THICK UNLESS OTHERWISE SPECIFIED.</p> <p>3. ALL FLOORS ARE TO BE FINISHED TO THE FINISH LEVEL INDICATED.</p> <p>4. ALL ROOFS ARE TO BE FINISHED TO THE FINISH LEVEL INDICATED.</p> <p>5. ALL SERVICES ARE TO BE INSTALLED IN ACCORDANCE WITH THE RELEVANT REGULATIONS.</p> <p>6. ALL MATERIALS ARE TO BE OF THE HIGHEST QUALITY AVAILABLE.</p> <p>7. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE RELEVANT REGULATIONS.</p> <p>8. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE RELEVANT REGULATIONS.</p> <p>9. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE RELEVANT REGULATIONS.</p> <p>10. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE RELEVANT REGULATIONS.</p>	
<p>DATE: 10/11/2011</p> <p>BY: [Signature]</p> <p>CHECKED BY: [Signature]</p> <p>SCALE: 1:200</p>	<p>PROJECT NAME: [Blank]</p> <p>CLIENT: [Blank]</p> <p>ADDRESS: [Blank]</p> <p>CITY: [Blank]</p> <p>STATE: [Blank]</p> <p>POSTAL CODE: [Blank]</p> <p>PHONE: [Blank]</p> <p>FAX: [Blank]</p> <p>EMAIL: [Blank]</p> <p>WEBSITE: [Blank]</p> <p>ARCHITECT: [Blank]</p> <p>REGISTERED ARCHITECT: [Blank]</p> <p>REGISTERED NUMBER: [Blank]</p> <p>REGISTERED ADDRESS: [Blank]</p> <p>REGISTERED STATE: [Blank]</p> <p>REGISTERED POSTAL CODE: [Blank]</p> <p>REGISTERED PHONE: [Blank]</p> <p>REGISTERED FAX: [Blank]</p> <p>REGISTERED EMAIL: [Blank]</p> <p>REGISTERED WEBSITE: [Blank]</p>

<p>PROJECT NAME:</p> <p>ALTECATIONS AND ADDITIONS</p> <p>101-102 DE KOCK & WILSON</p> <p>101-102 VAN DER BEEKH-CORRENT</p> <p>TANCHAAN</p> <p>7200</p>	<p>PROPOSED DWELLING</p> <p>UNITS DIAGRAMS</p> <p>DATE:</p> <p>28-10-2011</p> <p>SCALE:</p> <p>1:200</p> <p>DESIGNED BY:</p> <p>D SWART</p> <p>CHECKED BY:</p> <p>D SWART</p> <p>REGISTERED ARCHITECT:</p> <p>AS SCHOON</p> <p>REGISTERED NUMBER:</p> <p>10387A/5/76</p> <p>REGISTERED ADDRESS:</p> <p>7200</p>
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MUNICIPAL APPROVAL STAMP

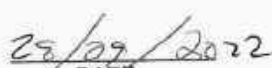
**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,
DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF
214, SANDBAAI (3962/2021)**

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


**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

9. ERF 37, 47 MARINE DRIVE, BIRKENHEAD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE CONDITIONS, REZONING, SUBDIVISION, DEPARTURE AND EXEMPTION OF THE REGISTRATION OF A RIGHT OF WAY SERVITUDE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF BUSHGIRL (PTY) LTD

37 GBH (4124/2022)

SW van der Merwe

(028) 313 8900

Hermanus Administration

12 September 2024

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), has been received on 19 April 2022 from Messrs WRAP Project Office on behalf of Bushgirl (Pty) Ltd, the owner of Erf 37, Birkenhead in terms of the Overstrand Municipality Municipal Land Use Planning Amendment By-law 2020 for the following:

- **removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law for removal of conditions C.(a), C.(b) and C.(c) contained in Title Deed T63771/2021;
- **rezoning** in terms of Section 16(2)(a) of the By-law from Residential Zone 1: Single Residential (SR1) to Subdivisional Area Zone (SA);
- **subdivision** in terms of Section 16(2)(d) of the By-law into five Residential Zone 1: Single Residential (SR1) erven and one Open Space Zone 3: Private Open Space erf, and
- **departure** in terms of Section 16(2)(b) to encroach the lateral building line from 2m to 0m to accommodate a garage between Portion A and Portion B and a covered garden between Portion C and Portion D.

The application also entails registration of a right of way servitude, which is exempted from an application in terms of Section 26 of the By-Law.

RESOLUTION

1. that the objections / comments be noted;

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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(a), C(b) and C(d) as contained in Title Deed T63771/2021 applicable to Erf 37, Birkenhead, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for **rezoning** in terms of Section 16(2)(a) of the By-Law from Residential Zone: Single Residential (SR1) to Subdivisional Area, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application for **subdivision** in terms of Section 16(2)(d) of the By-Law in five (5) Residential Zone 1: Single Residential (SR1) erven of 600m² in extent each and a Remainder Open Space Zone 3: Private Open Space (OS3), **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the application for **departure** in terms of Section 16(2)(b) of the By-Law in order to relax the 2m lateral building line applicable to the Residential Zone 1 erven to 0m, **not be approved** in terms of the provisions of Section 61 of the By-Law,
6. that the approvals in paragraphs 2. to 4. above be subject to the following conditions:
 - (a) that a Homeowners Association (HOA) be established prior to the registration of the first erf;
 - (b) that the constitution of the HOA be submitted for municipal approval, which constitution must provide for the development, upkeep and maintenance of the property in accordance with an approved Environmental Management Plan and Alien Clearing Plan and Architectural Guidelines;
 - (c) that Architectural Guidelines be submitted for municipal approval prior to submission of building plans demonstrating compliance with the development parameters as per the Danger Point Precinct Plan;

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- (d) that a revised site development plan be submitted for municipal approval demonstrating compliance with the Danger Point Precinct Plan, the EMOZ and HPOZ and shall as a minimum indicate the position and coordinates of the five single residential erven, the 20m buffer and 150m setback from Marine Drive as well as the placement of the dwellings on the erven to ensure fragmented/disaggregated building form to the satisfaction of the municipality;
 - (e) that the conditions in the Services Report be complied with
 - (f) That all the conditions from Department of Transport and Public Works be adhered to;
 - (g) 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;
 - (h) that the use of the remainder Open Space Zone 3 portion be limited to conservation use as per the Overstrand Land Use Scheme, 2020 and be maintained in accordance with an approved Environmental Management and Alien Clearing Plan;
 - (i) that an Environmental Management Plan and Alien Clearing plan be submitted for municipal approval prior to commencement of the development that address both construction and operational phases of the development, including rehabilitation;
 - (j) that the total floorspace of the dwellings, garages included may not exceed 250m² per single residential erf;
 - (k) that the dwellings may only be provided with one kitchen; and
 - (l) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
7. that a right of way servitude be registered in favour of the subdivided portions and Erf 38 Birkenhead; and
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 Municipal Land Use Planning, 2020 with regard to the above conditions of approval.

REASON FOR RESOLUTION

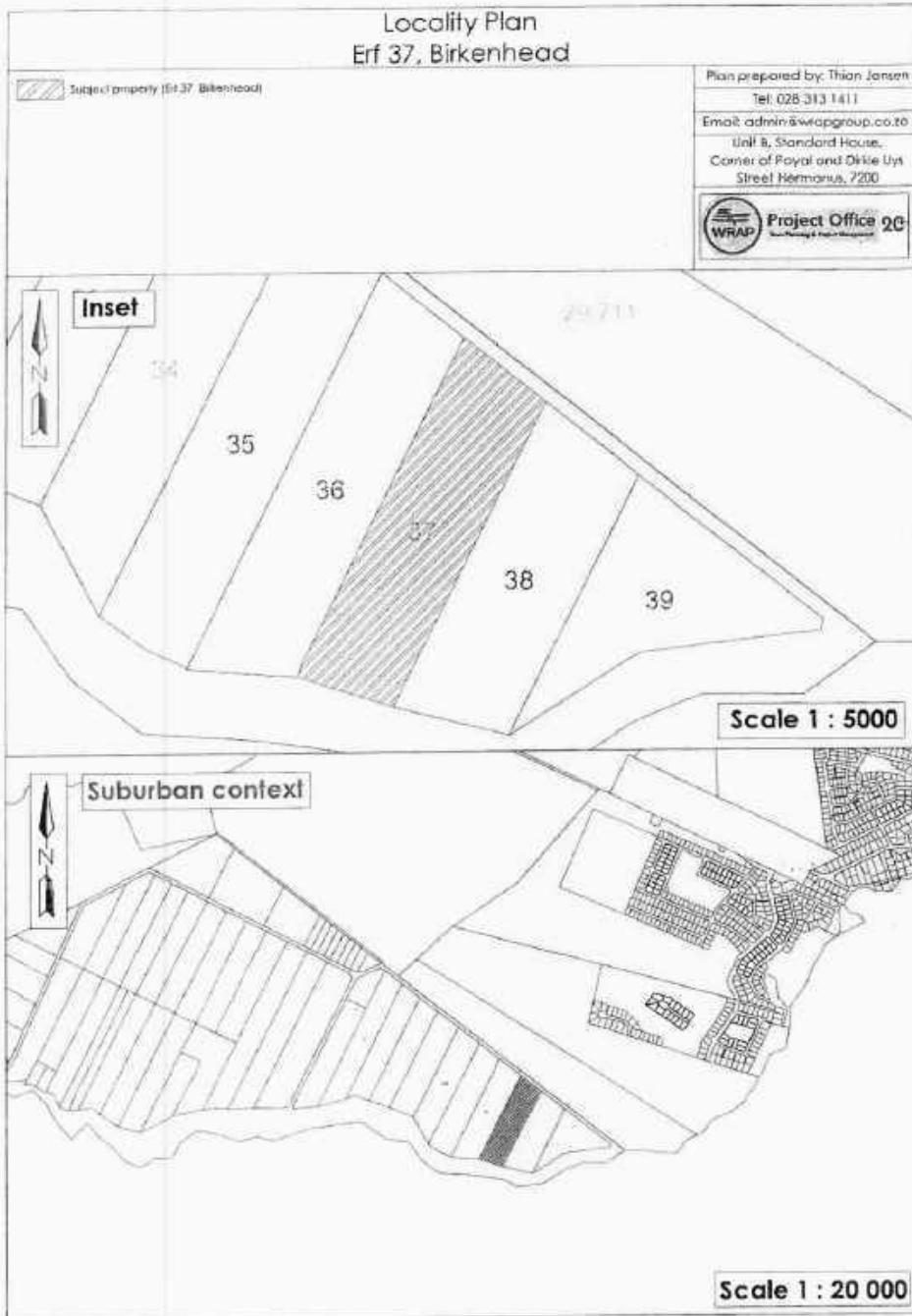
**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
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Reasons for approval

- ❖ 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

Reasons for non-approval

- The building placement and design is not consistent with the Danger Point Precinct Plan, the HPOZ and EMOZ regulations in that the proposal entails large monolithic buildings with a horizontal emphasis opposed to fragmented building form with lesser impact.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, REZONING, SUBDIVISION & DEPARTURE: ERF 37,
BIRKENHEAD**

Water	:	Refer to conditions & GLS report
Sewer	:	Refer to conditions & GLS report
Roads and Traffic	:	Refer to conditions
Stormwater	:	Refer to conditions
Electricity	:	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).

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

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

Freehold erven:

Water	R 26 036.00 x 4	= R 104 144.00
Sewerage	R 17 555.00 x 4	= R 70 220.00
Roads	R 7 872.00 x 4	= R 31 488.00
Solid Waste	R 1 574.00 x 4	= R 6 296.00
TOTAL (inclusive of VAT)		= R 212 148.00

Please note the above figures:

- a) Are estimated amounts which exclude evaluation/ investigation levies and connection fees.

2

- b) Are only valid for the current financial year and are subject to annual tariff adjustments.
- c) Exclude the cost of Electrical Bulk and Link services, Gansbaal Electrical Department should be contacted regarding the cost;
2. that the developer at his cost constructs the Internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
 - 2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided;
 - 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
 - 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
 3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
 4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property:
 - 4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;
 - 4.2 the insurance to be to an amount which shall not be less than that required by the SAACE;
 - 4.3 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 the existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the

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services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;

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

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12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for Works of Civil Engineering Construction - 2004, of 12 months, and
13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
14. that a service agreement may be required by the Director: Infrastructure and Planning prior to the approval of any service plans;
15. that the water and sewer reticulation be provided/upgraded according to the report prepared by GLS consulting engineers and/or the Overstrand Water & Sewer Master Plan.
16. that the developer will be responsible for the provision of water supply services to proposed development on Erf 37. The developer may opt to install water link services (in full or partial) along any the three pipeline routes proposed by the revised GLS capacity report dated 29 March 2023.
17. that the proposed development on Erf 37 must be provided with an internal sewer main line, to which the services of the development must connect to, which goes into a communal tank, which must comply with the relevant legislation.
18. that the developer supply information to the Department: Operational Services, on the size of the communal tank as well as a report showing the proposed amount of sewerage to be generated from the property.
19. that the electricity reticulation and supply be provided according to the master plan and the electrical services report by Lyners Consulting Engineers at the developer's cost. Transfer of the newly created erven can only proceed once electricity is available;
20. 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*;
21. that stormwater be allowed to discharge through Erf 37 Birkenhead unobstructed;

22. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.

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

04/06/2023
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

10. ERF 38, 49 MARINE DRIVE, BIRKENHEAD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE CONDITIONS, REZONING, SUBDIVISION, CONSENT USE, DEPARTURE AND EXEMPTION OF RIGHT OF WAY SERVITUDE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF BUSHGIRL (PTY) LTD

38 GBH (4125/2022)

SW van der Merwe

(028) 313 8900

Hermanus Administration

13 September 2024

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), has been received on 12 April 2022 from Messrs WRAP Project Office on behalf of Bushgirl (Pty) Ltd, the owner of Erf 38, Birkenhead in terms of the Overstrand Municipality Municipal Land Use Planning Amendment By-Law 2020 for the following:

- ❖ **removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law for removal of conditions C.(a), C.(b), C.(c) and C.(e) contained in Title Deed T34160/2021;
- ❖ **rezoning** in terms of Section 16(2)(a) of the By-Law from Residential Zone 1: Single Residential (SR1) to Subdivisional Area Zone (SA);
- ❖ **subdivision** in terms of Section 16(2)(d) of the By-Law to subdivide the property into one General Residential Zone 3, four Residential Zone 1: Single Residential (SR1) erven and one Open Space Zone 3: Private Open Space erf;
- ❖ **consent use** in terms of Section 16(2)(o) of the By-Law to permit a boutique hotel, and
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to encroach the lateral building line from 2m to 0m to accommodate a garage between Portion A and Portion B and a covered garden between Portion C and Portion D.

The application also entails registration of a right of way servitude, which is exempted from an application in terms of Section 26 of the By-Law.

**AGENDA of the
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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.(a), C.(b), C.(c) and C(e) as contained Title Deed T34160/2021 applicable to Erf 38, Birkenhead, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for **rezoning** in terms of Section 16(2)(a) of the By-Law from Residential Zone: Single Residential (SR1) to Subdivisional Area, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application for **subdivision** in terms of Section 16(2)(d) of the By-Law in four (4) Residential Zone 1: Single Residential (SR1) erven (approximately 600m² each), one Residential Zone 1 erf to retain the existing dwelling and one (1) Open Space Zone 3: Private Open Space (OS3) erf (approximately 5848m²), **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the application for **subdivision** in terms of Section 16(2)(d) of the By-Law applicable accommodate a General Residential Zone 3 erf on Portion D **not be approved** in terms of the provisions of Section 61 of the By-Law;
6. that the application for **departure** in terms of Section 16(2)(b) of the By-Law in order to relax the 2m lateral building line applicable to the Residential Zone 1 erven to 0m, **not be approved** in terms of the provisions of Section 61 of the By-Law;
7. that the application for **consent use** in terms of Section 16(2)(o) of the By-Law to accommodate a boutique hotel, **not be approved** in terms of the provisions of Section 61 of the By-Law;
8. that the approvals in paragraphs 2. to 4. above be subject to the following conditions:
 - (a) that the erf size of portion D be limited to an area not exceeding 1500m²;

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- (b) that a Homeowners Association (HOA) be established prior to the transfer of the first erf;
- (c) that the constitution of the HOA be submitted for municipal approval, which constitution must provide for the development, upkeep and maintenance of the property in accordance with an approved Environmental Management Plan and Alien Clearing Plan and Architectural Guidelines;
- (d) that Architectural Guidelines be submitted for municipal approval prior to submission of building plans demonstrating compliance with the development parameters as per the Danger Point Precinct Plan;
- (e) that a revised site development plan be submitted for municipal approval demonstrating compliance with the Danger Point Precinct Plans, the EMOZ and HPOZ and shall as a minimum indicate the position and coordinates of the five single residential erven, the 20m buffer and 150m setback from Marine Drive as well as the placement of the dwellings on the erven to ensure fragmented/disaggregated building form;
- (f) that the conditions in the Services Report be complied with
- (g) 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;
- (h) that the use of the remainder Open Space Zone 3 portion be limited to conservation use as per the Overstrand Land Use Scheme, 2020 and be maintained in accordance with an approved Environmental Management and Alien Clearing Plan;
- (i) that an Environmental Management Plan and Alien Clearing plan be submitted for municipal approval prior to commencement of the development that address both construction and operational phases of the development, including rehabilitation;
- (j) that the total floorspace of the dwellings, garages included may not exceed 250m²;
- (k) that the dwellings may only be provided with one kitchen.

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- (l) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
9. that a right of way servitude be registered in favour of the subdivided portions and Erf 37, Birkenhead; and
10. 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.

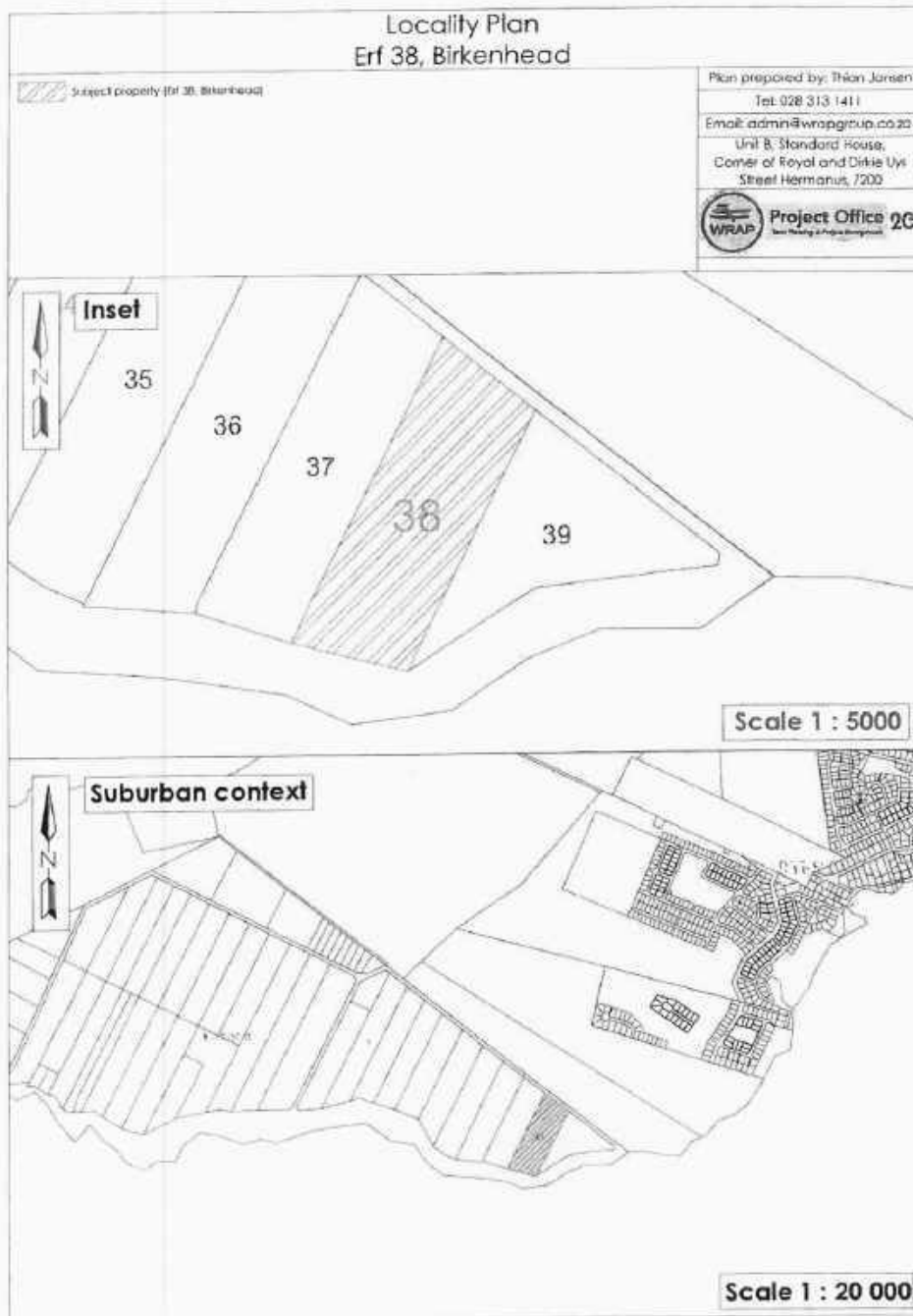
REASON FOR RESOLUTION

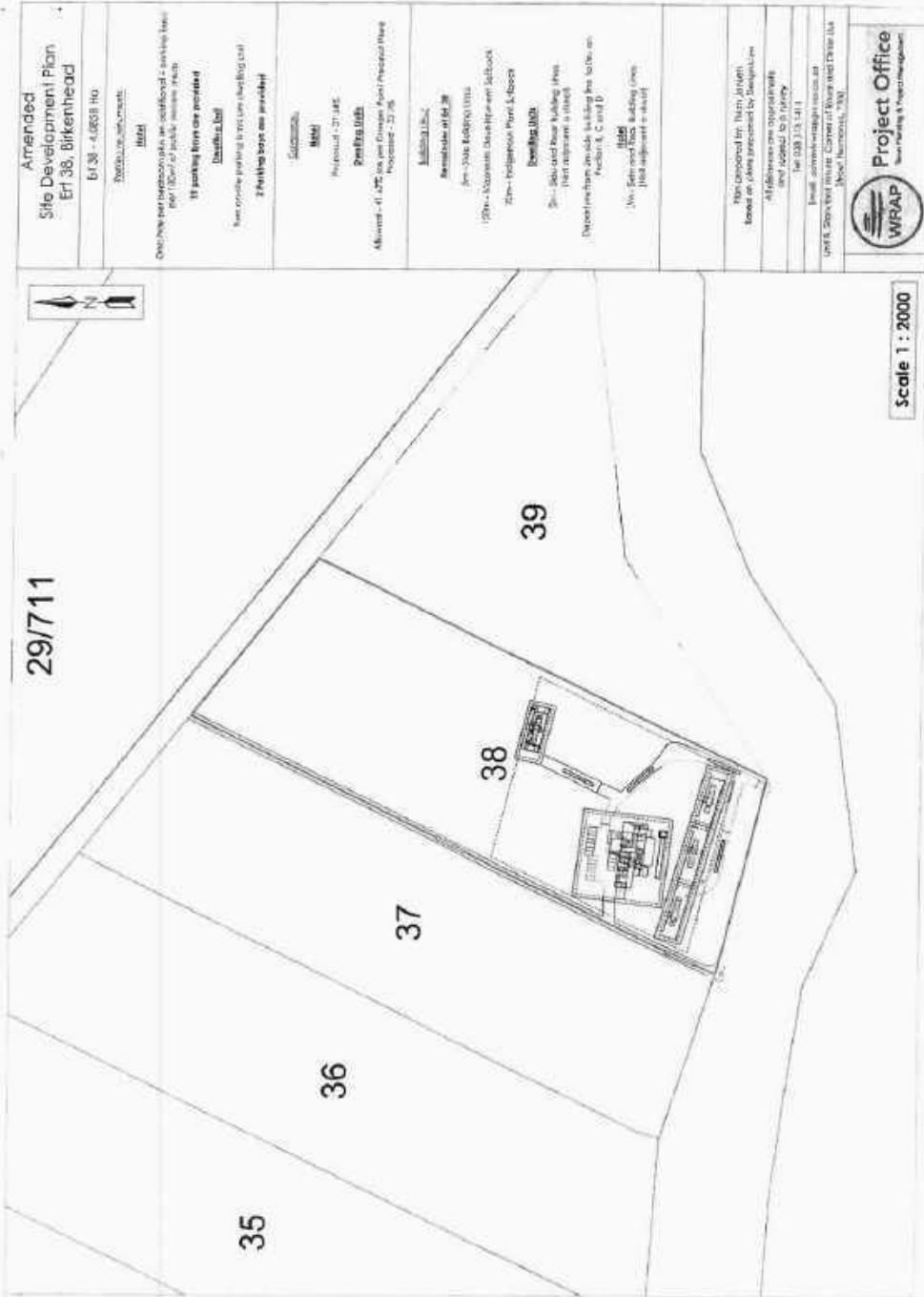
Reasons for approval

- ❖ 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

Reasons for non-approval

- The subject property is not situated in the commercial node.
- The boutique hotel does not comprise residential densification.
- The building placement and design is not consistent with the Danger Point Precinct Plan, the HPOZ and EMOZ regulations in that the proposal entails large monolithic buildings with a horizontal emphasis.
- The rezoning to General Residential Zone and consent use to accommodate a boutique hotel with public facilities is not considered consistent with the SDF, Overstrand Municipal Growth Management Strategy and Danger Point Precinct Plan.
- The applicant did not motivate a deviation from the SDF.





29/711

<p>Amended Site Development Plan ERT 38, Birkenhead ERT 38 - 4/2018 HQ</p>	
<p>DATE OF PREPARATION: 10/10/18</p>	<p>DATE OF APPROVAL: 10/10/18</p>
<p>PREPARED BY: [Name]</p>	
<p>APPROVED BY: [Name]</p>	
<p>PROJECT NO.: [Number]</p>	
<p>PROJECT NAME: [Name]</p>	
<p>PROJECT ADDRESS: [Address]</p>	
<p>PROJECT LOCATION: [Location]</p>	
<p>PROJECT DESCRIPTION: [Description]</p>	
<p>PROJECT STATUS: [Status]</p>	
<p>PROJECT CONTACT: [Contact]</p>	
<p>PROJECT NOTES: [Notes]</p>	

Scale 1 : 2000



Project Office
 Environmental & Planning Consultants

This document is the property of the Council and is not to be used for any other purpose without the written consent of the Council.
 All information contained herein is confidential and is not to be disclosed to any other person without the written consent of the Council.
 Date: 10/10/18

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, REZONING, SUBDIVISION & DEPARTURE: ERF 38,
BIRKENHEAD**

Water	:	Refer to conditions & GLS report
Sewer	:	Refer to conditions & GLS report
Roadsand Traffic	:	Refer to conditions
Stormwater	:	Refer to conditions
Electricity	:	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).

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

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

Freehold erven:

Water	R 26 036.00 x 6.6	= R 171 837.60
Sewerage	R 17 555.00 x 6.6	= R 115 863.00
Roads	R 7 872.00 x 4	= R 31 488.00
Solid Waste	R 1 574.00 x 4	= R 6 296.00
TOTAL (Inclusive of VAT)		= R 325 484.60

Please note the above figures:

- a) Are estimated amounts which exclude evaluation/ investigation levies and connection fees.

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- b) Are only valid for the current financial year and are subject to annual tariff adjustments.
- c) Exclude the cost of Electrical Bulk and Link services, Gansbaai Electrical Department should be contacted regarding the cost;
2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
 - 2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided:
 - 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
 - 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
 3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
 4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property;
 - 4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;
 - 4.2 the insurance to be to an amount which shall not be less than that required by the SAACE;
 - 4.3 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 the existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the

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services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:

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

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12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for Works of Civil Engineering Construction - 2004, of 12 months, and
13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
14. that a service agreement may be required by the Director: Infrastructure and Planning prior to the approval of any service plans;
15. that the water and sewer reticulation be provided/upgraded according to the report prepared by GLS consulting engineers and/or the Overstrand Water & Sewer Master Plan.
16. that the developer will be responsible for the provision of water supply services to proposed development on Erf 38. The developer may opt to install water link services (in full or partial) along any the three pipeline routes proposed by the revised GLS capacity report dated 29 March 2023.
17. that the proposed development on Erf 38 must be provided with an internal sewer main line, to which the services of the development must connect to, which goes into a communal tank, which must comply with the relevant legislation.
18. that the developer supply information to the Department: Operational Services, on the size of the communal tank as well as a report showing the proposed amount of sewerage to be generated from the property.
19. that the electricity reticulation and supply be provided according to the master plan and the electrical services report by Lyners Consulting Engineers at the developer's cost. Transfer of the newly created erven can only proceed once electricity is available;
20. 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*;
21. that stormwater be allowed to discharge through Erf 38 Birkenhead unobstructed;

22. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**11. ERF 6119, MARINE DRIVE, NORTHCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR CONSENT USE: N LLOYD ON
BEHALF OF THE TRUSTEES OF THE OLD HARBOUR MUSEUM**

6119 HNC (4517/2023)

**H van der Stoep
3 October 2024**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 7 November 2023 from Nicolette Lloyd on behalf of The Trustees of the Old Harbour Museum on Erf 6119, Hermanus for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to allow tourist facilities (museum purposes to accommodate a restaurant).

On 29 August 2024, the Municipal Planning Tribunal scrutinized the application, and the matter was referred back to the Legal Department to confirm that the proposed development of the tourist facility (in order to accommodate a restaurant on the subject property) is in compliance with Condition B.(a) stipulated in Title Deed T10445/1983. This item serves to discuss the aforementioned. See Paragraph 12 of this report.

RESOLUTION

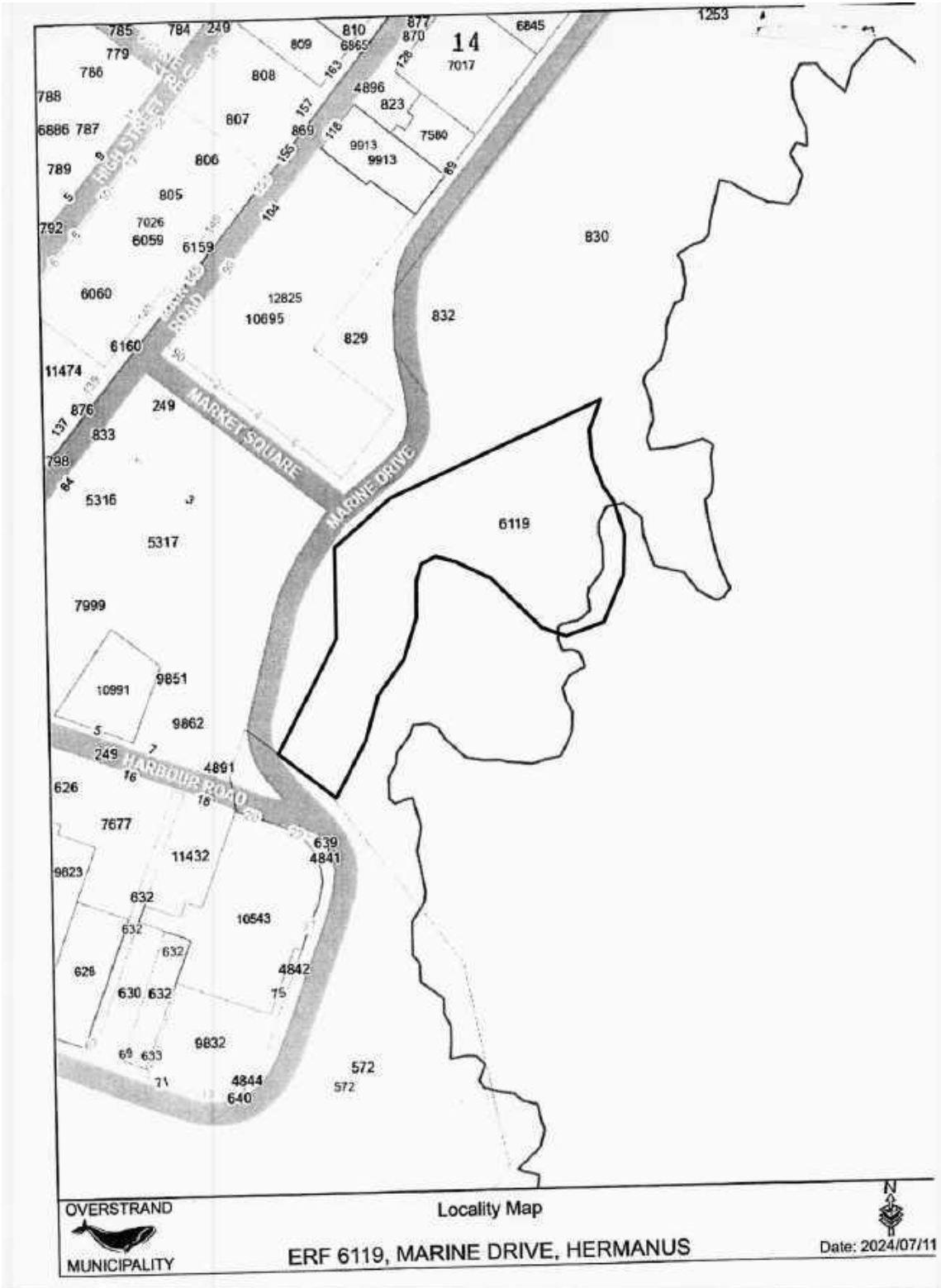
1. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 6119, Hermanus for consent use to allow tourist facilities (museum purposes to accommodate a restaurant), **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions;
 - (a) that the proposed development of a restaurant be limited to the proposal indicated on the plan numbers 823/100, 823/101 and 823/102 dated 26 September 2023, 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 drawings for the statutory approval be submitted to the Local Heritage and Aesthetics Committee;
 - (d) that all the conditions imposed by the Engineering Services Report be complied with;

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(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

- (e) that the disposal of solid waste be conducted as per Waste Management Department comment;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASON FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ No objections were received from the public.
- ❖ It is in line with forward planning documents.
- ❖ Is not regarded as being undesirable from a town planning point of view.
- ❖ Similar activities were developed within the immediate surrounding area that are unscathed by the recent storm surges.
- ❖ The motivation from the applicant in terms of surveyed levels from Geomatics was not disputed by Coastal Management nor did they submit any contrary data or why the risk zones may be incorrectly calculated. The latter specifically drafted to protect people, property and natural environment from inappropriate developments.
- ❖ The concerns of DEA& DP (Coastal Management) have been addressed extensively. The applicant and DEA& DP: Directorate: Development Management: Environmental have clearly indicated that Fick's Pool weather damage cannot be correlated to the Old Harbour proposed application.
- ❖ DEA& DP: Directorate: Development Management: Environmental indicated that the proposed activity does not trigger any listed activities.
- ❖ The Land Surveyor submitted a surveyed diagram indicating the height above sea level which is not similar to Fick's Pool.
- ❖ The deck does not fall in any of the risk zones applicable to the site.
- ❖ The proposed land use is in compliance with the Condition B.(a). held in Title Deed T.10445/1983 as confirmed by the Legal Department.



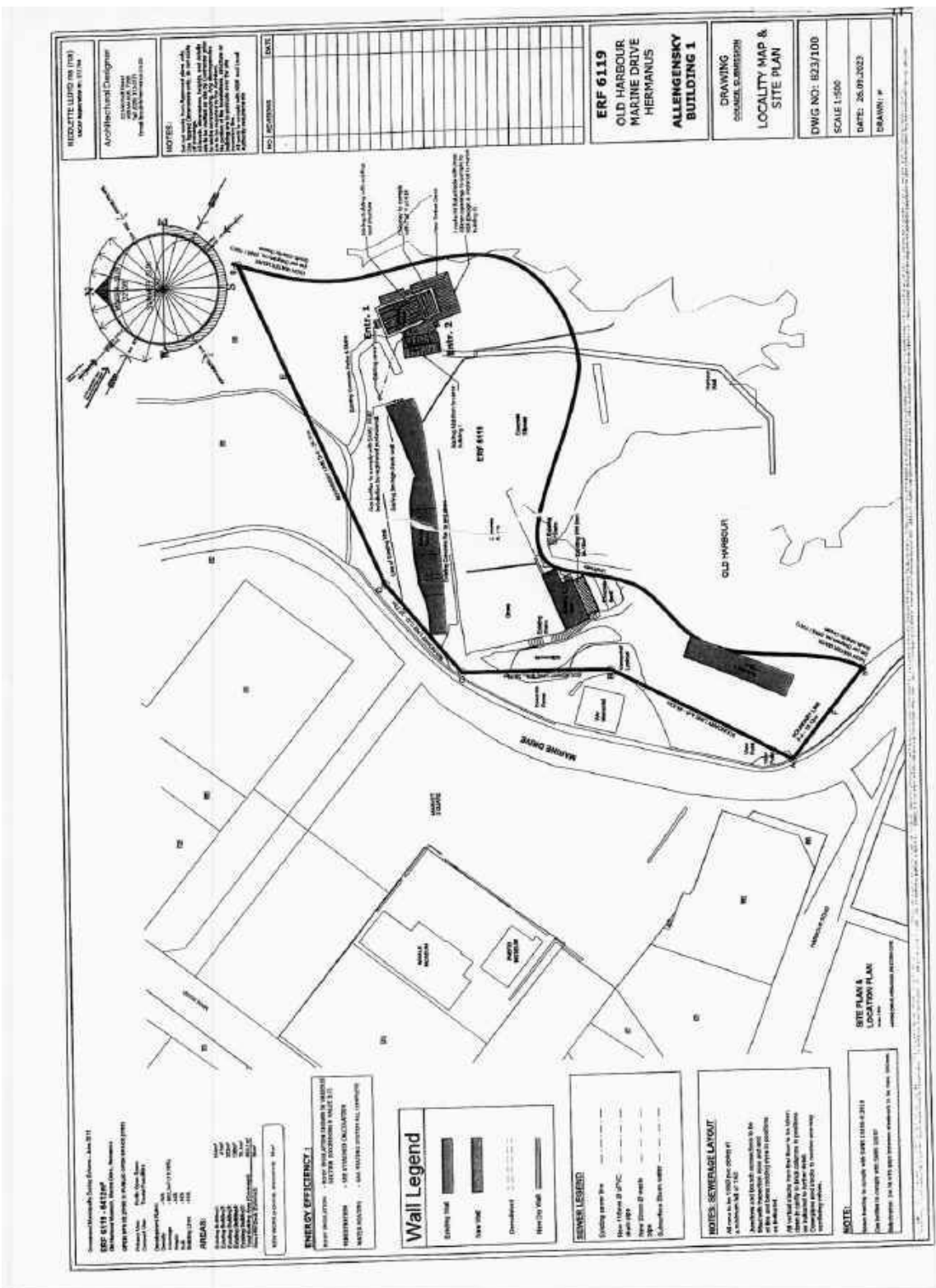
OVERSTRAND

MUNICIPALITY

Locality Map

ERF 6119, MARINE DRIVE, HERMANUS


Date: 2024/07/11



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 6119, HERMANUS (4517/2023)**

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 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 0.416=	R 11 480.83
Sewerage	R 18 608.30 x 0.416=	R 7 741.05
Roads	R 8 344.32 x 2.933333=	R 24 476.67
Solid Waste	R 1 668.44 x 16.03=	<u>R 26 745.09</u>
TOTAL (inclusive of VAT)	=	R 70 443.64

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
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

12. ERF 124, 20 SERVICE ROAD, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION: INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF AD WOOLNOUGH

124 HFH (4566/2024)

H Olivier

(028) 313 8900

Hermanus Administration

6 September 2024

EXECUTIVE SUMMARY

An application has been received on 22 January 2024 from Interactive Town & Regional Planning on behalf of AD Woolnough on Erf 124, Fisherhaven in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 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 D.4.(a), D.4.(b), D.4.(c), D.4.(d) and D.4.(e) as contained in Title Deed T34078/2023 of the property to accommodate the proposed development.

The restrictive title conditions read as follows:

“D. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. T35689/1970 imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 of 1934 when approving of the establishment of Fisherhaven Township, namely:

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

❖ it shall not be subdivided;

❖ it shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;

❖ not more than 30% of the area thereof shall be built upon;

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- ❖ *no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the said street line which forms a boundary of this erf, not within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the Local Authority an outbuilding not exceeding 1,05 metres in height measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf;*
- ❖ *in the event of the provisions of a Town Planning Scheme being made applicable to this erf, which provisions are more restrictive than the provisions contained in the above, then the provisions of such scheme shall apply.”*

RESOLUTION

1. that the objections be noted.
2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 124, Fisherhaven for the removal of restrictive title deed conditions D.4.(a), D.4.(b), D.4.(c), D.4.(d) and D.4.(e) as contained in Title Deed T34078/2023 of the property to accommodate the proposed development, **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that a revised site development plan be submitted with a site access point off The Crescent and a site exit point into Service Road, and a revamped parking layout to provide for a 7m wide road area between the parking bays next to Service Road and the front of the garages, to the satisfaction of the Divisional Manager: Town & Spatial Planning;
 - (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 other development parameters as prescribed in the relevant Land Use Scheme be complied with;
 - (d) that all the conditions in the Services Report be complied with;
 - (e) that the conditions of Eskom be complied with, and

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- (f) that the conditions of Telkom be complied with
3. 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 decision.

REASON FOR RESOLUTION

- ❖ The application is supported by all relevant Municipal and State Departments or other institutions.
- ❖ The Title Deed restrictions conflicts with the zoning of the property and the Township Establishment Conditions for Fisherhaven and limits the erf to not be developed to its full potential for what it was earmarked for.
- ❖ The objections received does not proof that the application is not desirable as the removal of the restrictions will enable the property owner to act on his existing rights in terms of his zoning of Business Zone 3.
- ❖ The Crescent is an existing business node and therefore it cannot be argued that this application will have a negative impact on the character of this area.
- ❖ No municipal services are affected.
- ❖ It is foreseen that the proposed offices and flats will not have a negative impact on neighbours, as its low impact uses.



Local Context
 A4 Scale 1 : 1000

Erf 124 Fishhaven

Locality Plan
 Local Context

Application Fees



APPLICANT'S RESPONSIBILITY: THE APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE LOCAL AUTHORITY AND THE LOCAL AUTHORITY IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN. THE APPLICANT IS ADVISED THAT THIS PLAN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE APPLICANT IS ADVISED THAT THE LOCAL AUTHORITY IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN.

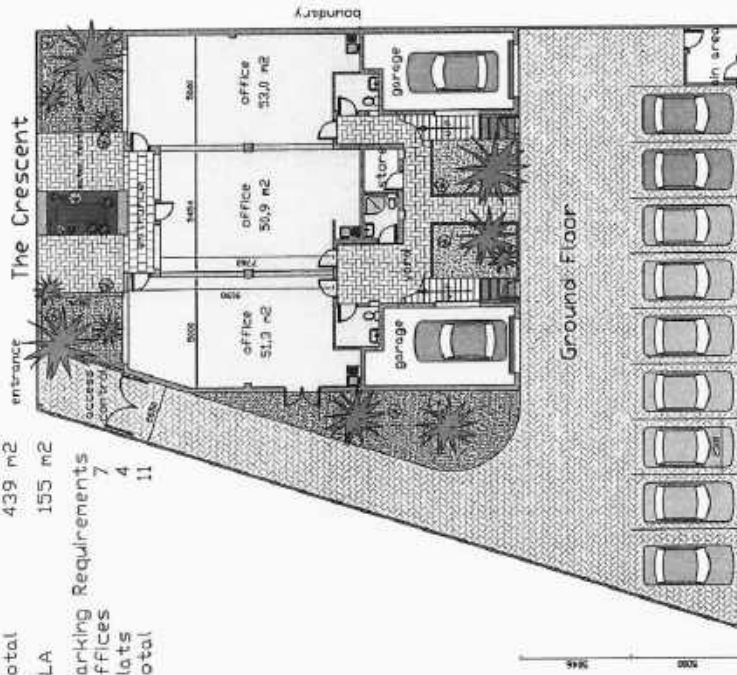
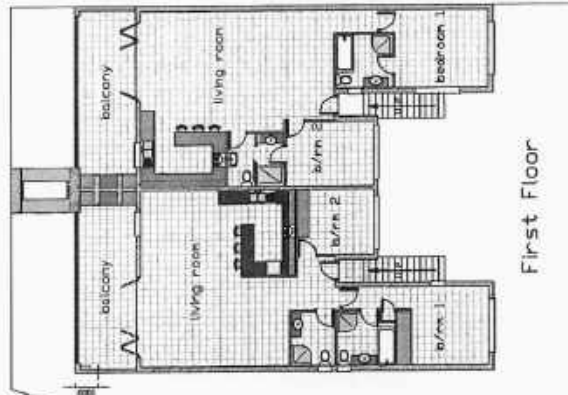
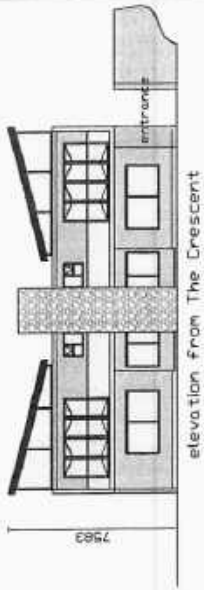
DATE OF ISSUE	15/01/2014
DATE OF REVISION	15/01/2014
DATE OF APPROVAL	15/01/2014
DATE OF CANCELLATION	

InterActive Town & Regional Planning
 10000 10th Street, Suite 100
 Dallas, TX 75243
 Phone: 972.440.1000
 Fax: 972.440.1001

**Proposed Offices & Flats on
20 The Crescent, erf 124 Fisherhaven**

Offices	155 m2
Toilet/store	19 m2
Garages	54 m2
Total g/floor	225 m2
Erf Area	699 m2
Coverage	32%
Flats	214 m2
Total	439 m2
GLA	155 m2

Parking Requirements	
Offices	7
Flats	4
Total	11



LINK Architects
 Tel : 058 015 2987
 Cell : 082 411 3990
 No. 5 Broadway, Fisherho, 5m
 email : elan@linkarchitects.co.za
 Date : 15th August 2023

A3

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS:
ERF 124, FISHERHAVEN (4566/2024)**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
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13. ERF 23, 4 COWRIE STREET, SANDBAAI: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF DIE DU TOIT FAMILIETRUST)

23 HSB (4187/2022)

B Minnaar

(028) 313 8900

Hermanus Administration

25 September 2024

EXECUTIVE SUMMARY

An application has been received from Messrs Interactive Town & Regional Planning on 27 June 2022 (complete application received on 16 January 2023) on behalf of Die Du Toit Familietrust in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 23, Sandbaai (the property) for the following:

- a) **removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law, namely conditions B.(2)(c) and B.(2)(d) as contained in Title Deed T70129/2016 of the property, to accommodate a second dwelling unit on the property and to utilize it as a self-catering unit, as well as to accommodate the street building line encroachment.

The restrictive conditions contained in Title Deed T70129/2016 to be removed, reads as follows:

Clause B.(2)(c)

“That no more than one dwelling together with the necessary outbuildings and accessories be erected on any of the above erven and that not more than one-half of the area of any one of the above erven be built upon.

Clause B.(2)(d)

“That no building shall be erected on the above erf or erven within 4,72 metres of any boundary line between the said erf or erven and any street, road or avenue on which such erf or erven abuts; such space may be used as gardens but shall not be built upon.”

- b) **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the illegal encroachment of the street building line, as well as the illegal second dwelling unit.

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RESOLUTION

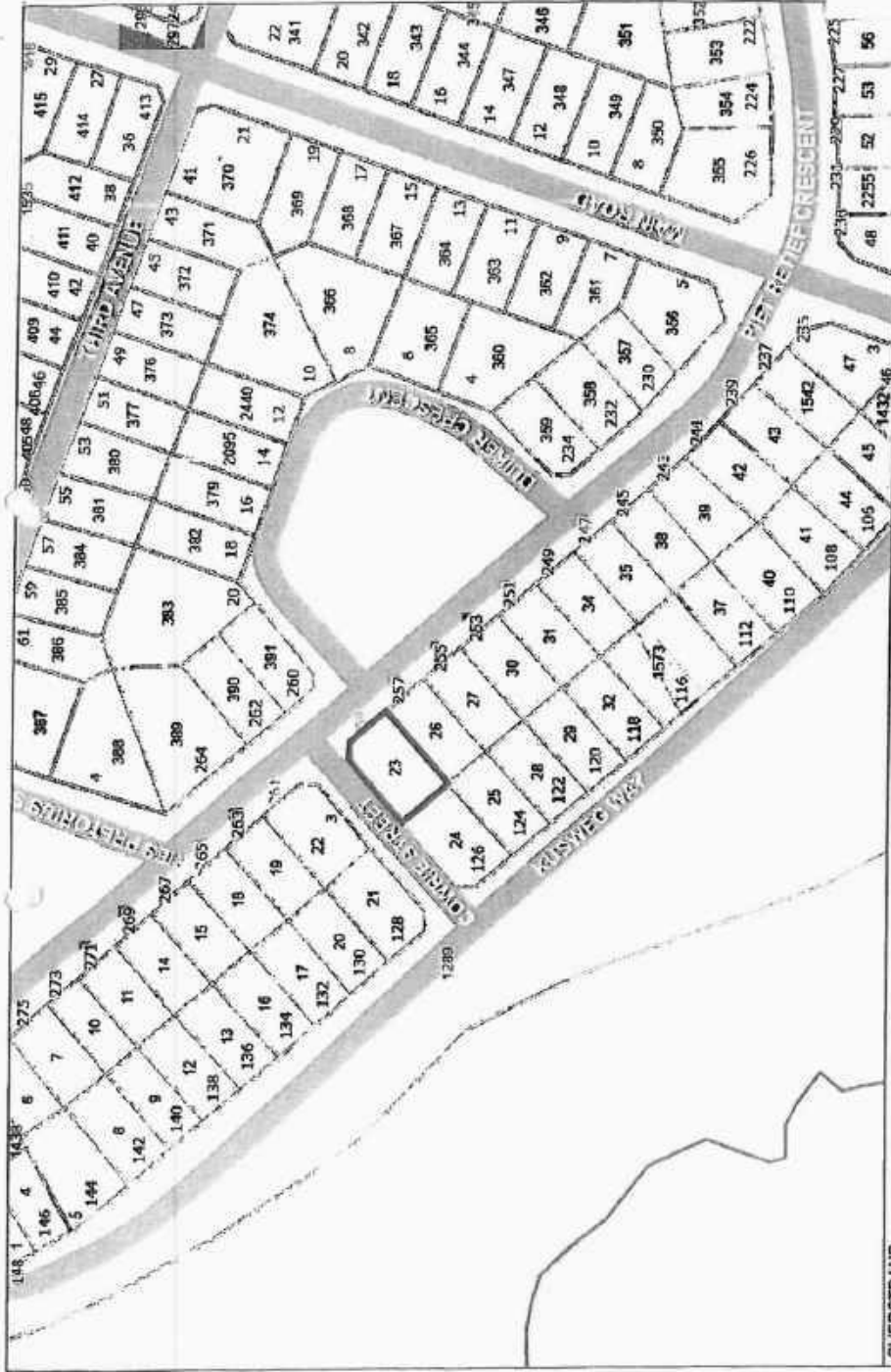
1. that the late objection be noted;
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the removal of restrictive title deed condition B.(2)(c) and B.(2)(d), as contained in Title Deed T70129/2016, applicable to Erf 23, Sandbaai, to accommodate a second dwelling unit on the property and to utilize it for self-catering purposes, as well as to accommodate the street building line encroachment, **be approved** in terms of the provision of Section 61 of the By-Law;
3. that the decision in paragraph 2. above be subject to the following conditions:
 - (a) that this approval is to permit the development of self-catering accommodation on Erf 23, Sandbaai subject to the development parameters in terms of Section 16.10.21 of the Overstrand Municipal Land Use Scheme, 2020;
 - (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 one (1) standard on-site parking shall be provided for the self-catering unit, which parking bay must be clearly demarcated and provided with a hard surface;
 - (d) that all the conditions in the Services Report must be complied with;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with; and
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
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 23, Sandbaai, for the unauthorised land use and unauthorised building work, **be imposed**, and that an administrative penalty fee of **R27 860-90** be payable within ninety (90) days of this decision; and

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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 conditional approvals.

REASON FOR RESOLUTION

- The removal of title deed restrictive conditions will permit the development rights to be aligned with the Overstrand Municipal Land Use Scheme.
- The addition of a second dwelling (used for self-catering accommodation) will allow the property owner to gain financial benefit from the land use right.
- The application followed the correct public participation procedure.
- The objector did not substantiate their reasons for the objection and is therefore considered invalid.
- A 10% administrative penalty be imposed due to the property owner receiving a notice of non-compliance.
- A 5% administrative penalty be imposed for the unauthorised building work over the 4,72m street title deed building line.
- The internal departments did not object to the proposed application.



OVERSTRAND
MUNICIPALITY

Locality Map
Erf 23 Sandbaai

Date: 2022/06/

<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>11/11/11</td> <td>ISSUED FOR PERMITS</td> </tr> <tr> <td>2</td> <td>11/11/11</td> <td>ISSUED FOR PERMITS</td> </tr> <tr> <td>3</td> <td>11/11/11</td> <td>ISSUED FOR PERMITS</td> </tr> <tr> <td>4</td> <td>11/11/11</td> <td>ISSUED FOR PERMITS</td> </tr> <tr> <td>5</td> <td>11/11/11</td> <td>ISSUED FOR PERMITS</td> </tr> <tr> <td>6</td> <td>11/11/11</td> <td>ISSUED FOR PERMITS</td> </tr> <tr> <td>7</td> <td>11/11/11</td> <td>ISSUED FOR PERMITS</td> </tr> <tr> <td>8</td> <td>11/11/11</td> <td>ISSUED FOR PERMITS</td> </tr> <tr> <td>9</td> <td>11/11/11</td> <td>ISSUED FOR PERMITS</td> </tr> <tr> <td>10</td> <td>11/11/11</td> <td>ISSUED FOR PERMITS</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	1	11/11/11	ISSUED FOR PERMITS	2	11/11/11	ISSUED FOR PERMITS	3	11/11/11	ISSUED FOR PERMITS	4	11/11/11	ISSUED FOR PERMITS	5	11/11/11	ISSUED FOR PERMITS	6	11/11/11	ISSUED FOR PERMITS	7	11/11/11	ISSUED FOR PERMITS	8	11/11/11	ISSUED FOR PERMITS	9	11/11/11	ISSUED FOR PERMITS	10	11/11/11	ISSUED FOR PERMITS	<p>GENERAL NOTES</p> <ol style="list-style-type: none"> 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE LOCAL ORDINANCES. 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. 3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITIES. 4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. 5. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION. 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES. 7. ALL FOUNDATION WORK SHALL BE DONE IN ACCORDANCE WITH THE FOUNDATION SPECIFICATIONS. 8. ALL CONCRETE WORK SHALL BE DONE IN ACCORDANCE WITH THE CONCRETE SPECIFICATIONS. 9. ALL STEEL WORK SHALL BE DONE IN ACCORDANCE WITH THE STEEL SPECIFICATIONS. 10. ALL FINISHES SHALL BE DONE IN ACCORDANCE WITH THE FINISH SPECIFICATIONS. 	<p>OWNER</p> <p>ARCHITECT</p> <p>ENGINEER</p> <p>DATE</p>	<p>PROJECT</p> <p>LOCATION</p> <p>SCALE</p>	<p>GROUND STOREY PLAN SCALE: 1/8" = 1'-0"</p>	<p>FIRST STOREY PLAN SCALE: 1/8" = 1'-0"</p>	<p>TYPICAL SHADEPORT SECTION SCALE: 1/8" = 1'-0"</p>	<p>TYPICAL SHADEPORT ELEVATION SCALE: 1/8" = 1'-0"</p>	<p>BOUNDARY WALL SECTION SCALE: 1/8" = 1'-0"</p>	<p>NORTH WEST BOUNDARY WALL ELEVATION SCALE: 1/8" = 1'-0"</p>	<p>NORTH EAST BOUNDARY WALL ELEVATION SCALE: 1/8" = 1'-0"</p>
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS &
DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 23, SANDBAAI
(4187/2022)**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager, Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that stormwater be allowed to discharge through Erf 23, Sandbaai, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
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(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

14. ERF 425, CORNER OF JINGI STREET AND MFUNDO STREET, ZWELIHLE, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR THE EXTENSION OF THE PERIOD OF VALIDITY OF AN EXISTING APPROVAL AND THE AMENDMENT OF CONDITIONS OF EXISTING APPROVALS: WRAP PROJECT OFFICE ON BEHALF OF MC BHALA

425 HZW (4510/2023)

B Minnaar

(028) 313 8900

Hermanus Administration

9 September 2024

EXECUTIVE SUMMARY

An application has been received on 26 October 2023 from WRAP Project Office on behalf of MC Bhala on Erf 425, Zwelihle for the following:

- ❖ **Extension of the period of validity of an existing approval** in terms of Section 16(2)(i) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to extend the temporary departure for a further three (3) years to operate a bottle store from the property; and
- ❖ **Amendment of the conditions of existing approvals** in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, as well as the provisions of SPLUMA, to extend the temporary deviation from the Zwelihle Business Corridors for a further three (3) years to operate a bottle store from the property.

RESOLUTION

1. that the application in terms of Section 16(2)(i) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 425, Zwelihle for the extension of the period of validity of an existing approval to extend the temporary departure for a further three (3) years to operate a bottle store from the property, **be approved**, in terms of the provisions of Section 61 of the By-Law,
2. that the application in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, as well as the provisions of SPLUMA, on Erf 425, Zwelihle for the amendment of the conditions of existing approvals, to extend the temporary deviation from the Zwelihle Business Corridors for a further three (3) years to operate a bottle store from the property; **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:

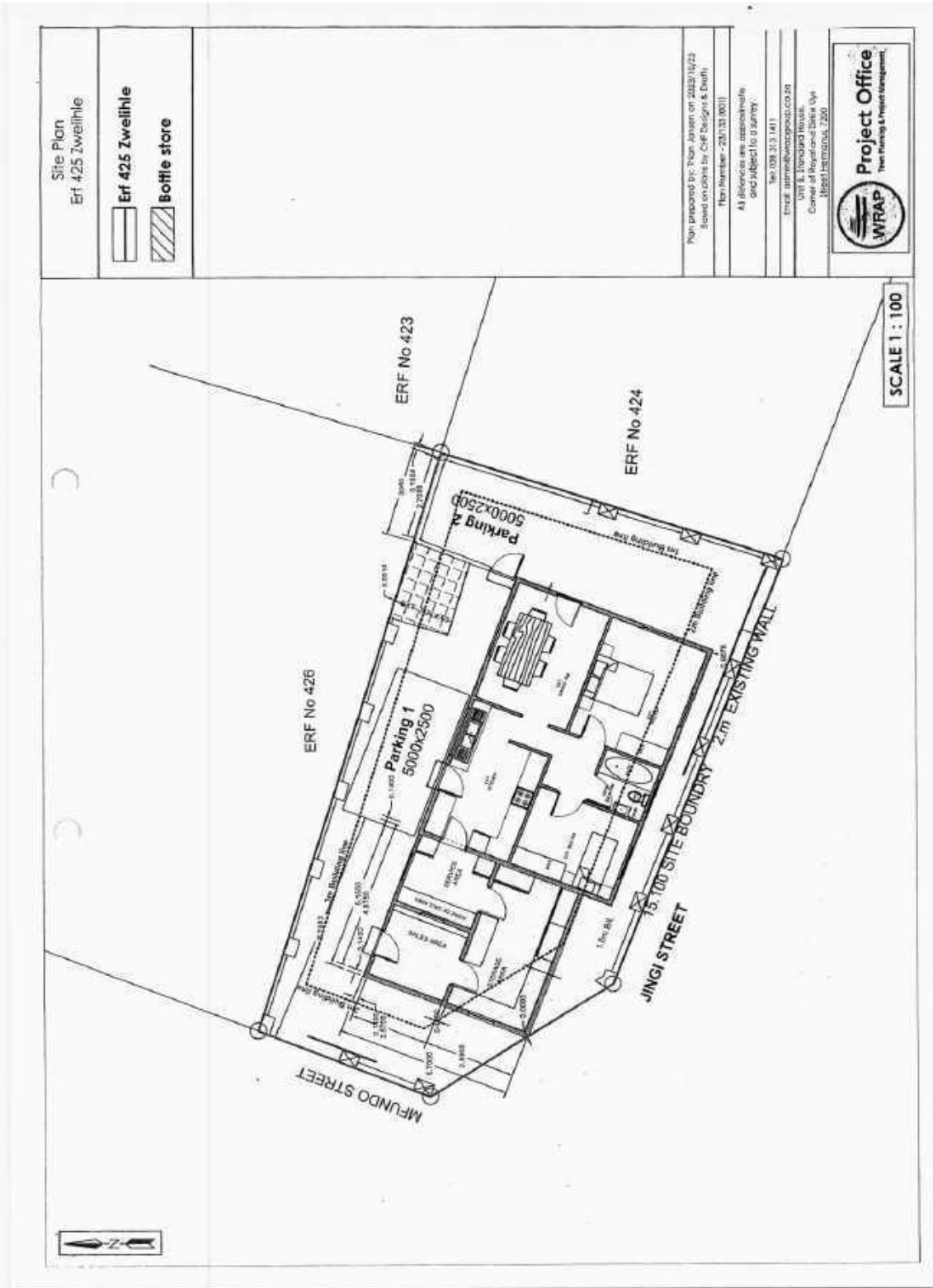
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- (a) that the approval is only for the development as indicated on plan number 23/133 (001) dated 2023/10/23, submitted with the application;
 - (b) that all conditions contained in the previous approval dated 6 September 2021, be complied with;
 - (c) that the owner must at all times be in possession of a valid liquor license;
 - (d) that the property be maintained and kept in a sightly state at all times;
 - (e) that commercial rates and taxes, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (f) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (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.
4. that the applicant be notified of their right of appeal in terms Section 78 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 with regard to the above conditions of approval.

REASON FOR RESOLUTION

- ❖ The existing structures have approved building plans.
- ❖ The surrounding owners did not object.
- ❖ The existing use as a bottle store contributes to the local economy of Zwelihle and is less of a disturbance than the tavern that previously existed on the property.
- ❖ The approval remains a temporary means that grants the owners more time to find a more suitable location for their business.
- ❖ The existing structures contributes to the aesthetic of the area and does not jeopardize the character of the area.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR EXTENSION OF THE PERIOD OF VALIDITY OF AN
APPROVAL & THE AMENDMENT OF CONDITIONS OF EXISTING APPROVAL:
ERF 425, ZWELIHLE (4510/2023)**

Conditions:

1. that all the conditions contained in the previous approval, dated 06 September 2021, are still applicable and must be adhered to.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

15. REMAINDER ERF 4173, 10 VILLAGE LANE, HEMEL EN AARDE VILLAGE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: WRAP PROJECT OFFICE ON BEHALF OF CEM PROP (PTY) LTD

4173 HON (4477/2023)

BC Minnaar

(028) 313 8900

Hermanus Administration

11 October 2024

EXECUTIVE SUMMARY

An application was received on 11 September 2023 from WRAP Project Office on behalf of CEM Prop (Pty) Ltd on Remainder Erf 7143, Onrustrivier in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a consent use to accommodate twelve (12) flats on the property.

RESOLUTION

1. that the objections be noted;
2. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Remainder Erf 4173, Onrustrivier for consent use to accommodate twelve (12) flats on the property, **be partially approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions;
 - (a) that this approval is for the proposed development as indicated on the plan numbers 19/008 (001) dated 2024/10/10, as submitted with the application;
 - (b) that only 6 of the 12 guesthouse units be converted into flats;
 - (c) that the access and egress be relocated to the southern portion of the property along Village Lane;
 - (d) that a revised site plan be submitted that indicates incorporates points 2.(b) and 2.(c) above, to the satisfaction of the relevant departments (Engineering Department, Waste Management Department and Town & Spatial Planning Department;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (f) that a bulk service's levy be payable on each residential unit as

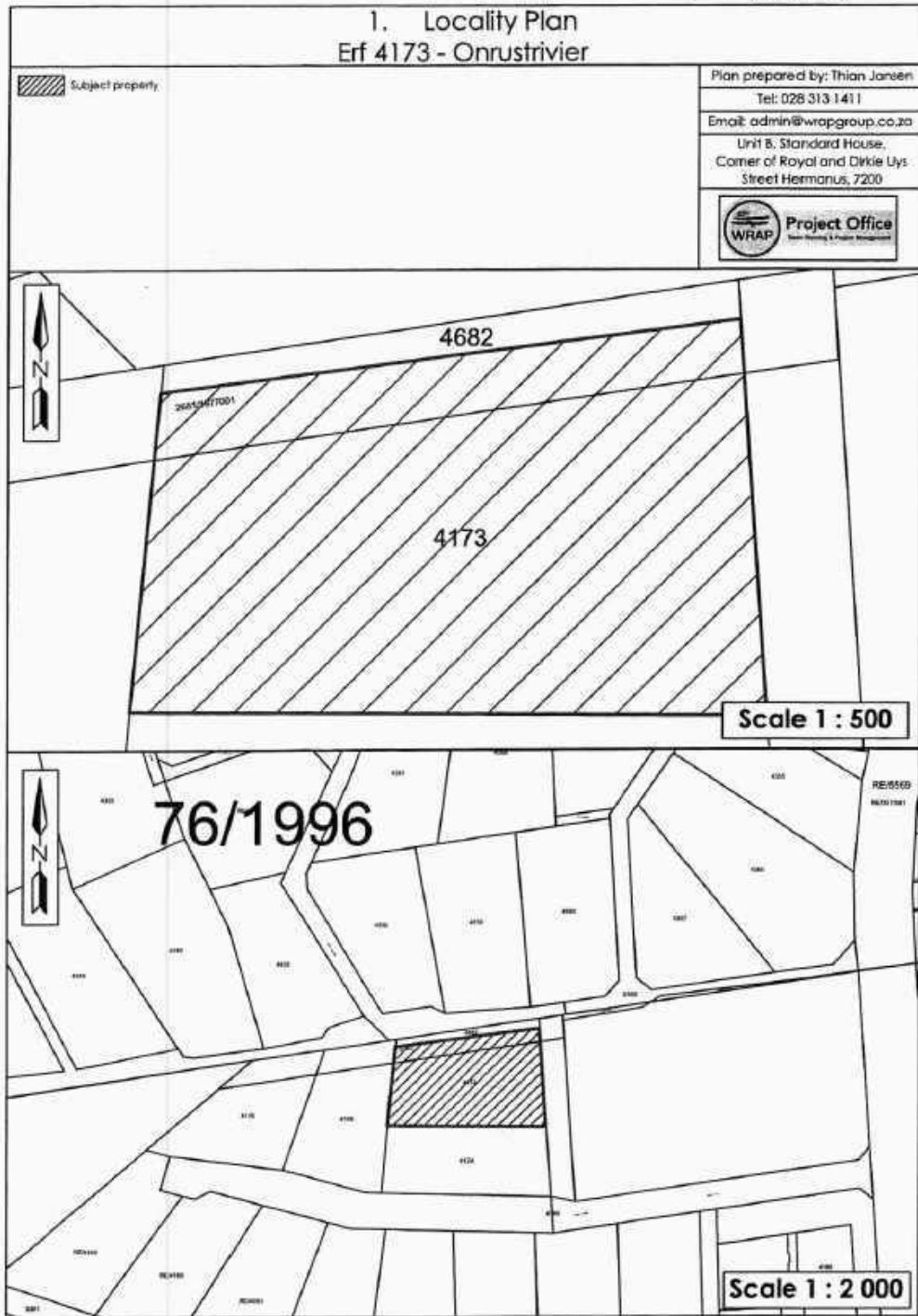
**AGENDA of the
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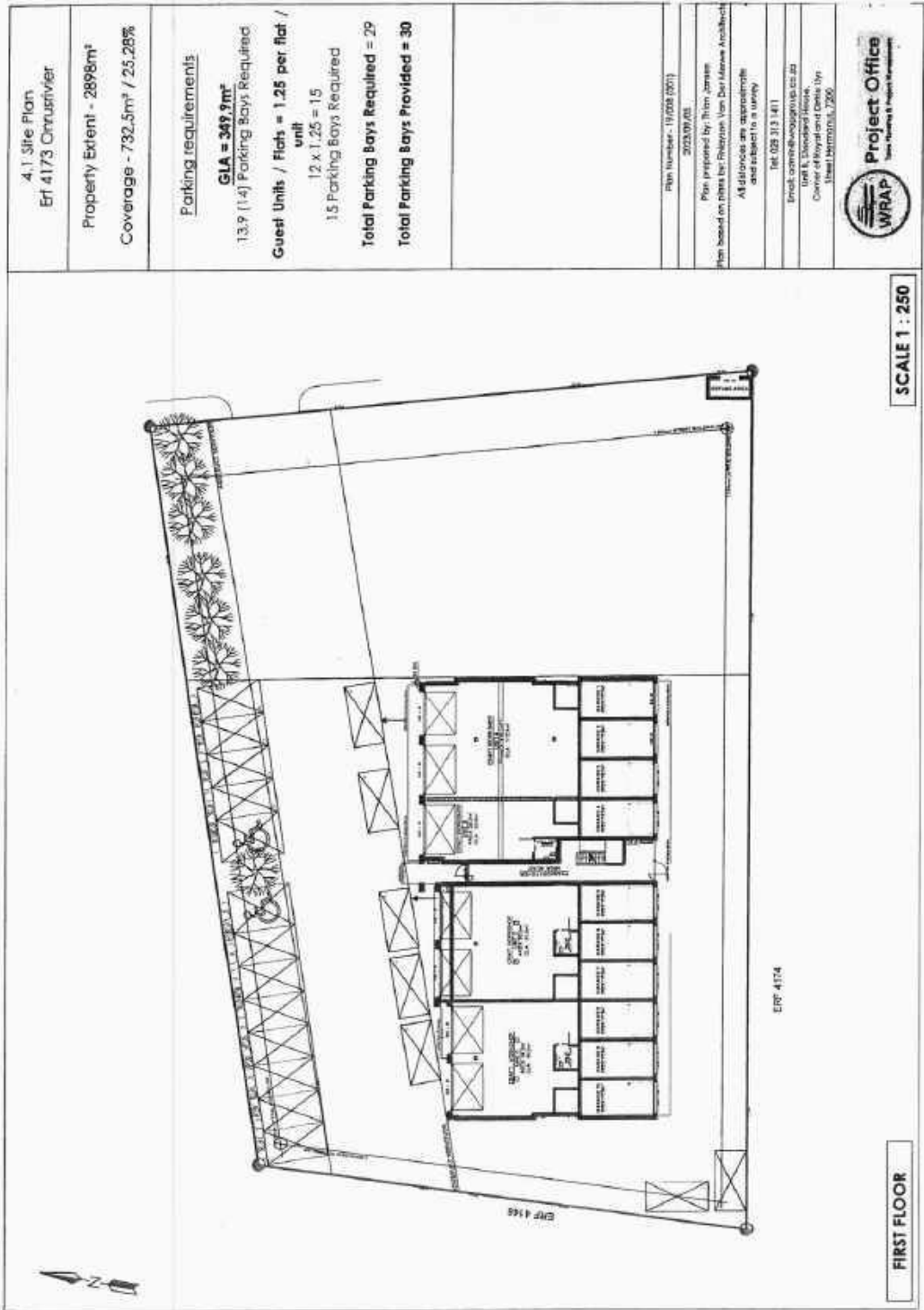
determined by Council;

- (g) that all the conditions imposed by the Engineering Services Report be complied with;
 - (h) that the disposal of solid waste be conducted as per Waste Management Department comment;
 - (i) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (j) that all other development parameters as prescribed in the relevant Zoning Scheme & Hemel-en-Aarde Village Scheme Regulations be complied with.
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 Land Use Planning, 2020 with regard to the above decision.

REASON FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ The objections received from the public were adequately responded to and resolved in terms of the land use rights applicable to the subject property.
- ❖ That only 6 of the 12 guesthouse units be converted into flats due to the densification constraints as well as the limitation for permitted flats in terms of the Hemel-en-Aarde Scheme Regulations.
- ❖ The Hemel-en-Aarde Village caters more to tourism businesses which is evident in terms of the character of the area as well as the applicable Hemel-en-Aarde Village Scheme Regulations.
- ❖ The objections received were mainly concerned with the nuisance/disturbance factor that will impact on the surrounding property as well as access and egress.
- ❖ There is a much greater possibility that the development of a guest house to accommodate transient guest will generate more nuisance/disturbance opposed to the development flats to accommodate a single family.
- ❖ The relocation of the access and egress is mainly to mitigate the issues regarding congestion along Village Lane which would be in favour of both the proposed development as well as the existing Glenfruin Meadows Development.
- ❖ It is in line with policy documents.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: REMAINDER ERF 4173, HEMEL EN
AARDE VILLAGE (4477/2023)**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

Water	R 27 598.16 x 7.2	=	R 198 706.75
Sewerage	R 18 608.30 x 7.2	=	R 133 979.76
Roads	R 8 344.32 x 12	=	R 100 131.84
Solid Waste	R 1 668.44 x 12	=	<u>R 20 021.28</u>
TOTAL (inclusive of VAT)		=	R 452 839.63

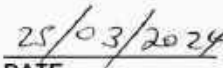
Please note that the above figures:

- Are estimated amounts.
- Exclude investigation levies and connection fees.
- Are only valid for the 2023/2024 financial year and subject to annual tariff adjustments.

2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property;
5. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 5.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 5.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 5.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
6. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
7. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
8. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
9. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and

10. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE and which insurance shall be valid for the relevant contract and maintenance period;
11. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for works of Civil Engineering Construction – 2004, of 12 months, and
12. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
13. that no on-street parking will be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**16. REMAINDER OF ERF 1253, FAIRWAYS AVENUE, EASTCLIFF, HERMANUS:
APPLICATION FOR AMENDMENT OF THE SITE DEVELOPMENT PLAN
(SDP) AND CONDITIONS OF APPROVAL: MESSRS WRAP PROJECT
OFFICE ON BEHALF OF OVERSTRAND MUNICIPALITY**

1253 HEC (4480/2023)

P Roux

(028) 313 8900

Hermanus Administration

11 October 2024

EXECUTIVE SUMMARY

An application has been received on 14 September 2023 (final version received on 05 December 2023) from Messrs WRAP Project Office on behalf of Overstrand Municipality, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to the Remainder of Erf 1253, Hermanus for the following:

- **Amendment of the Site Development Plan** in terms of Section 16(2)(l) of the By-Law to reflect the new position, stall layout and parking layout of the Hermanus Country Market.
- **Amendment of condition of approval** in terms of Section 16(2)(h) of the By-Law to allow for sixty (60) stalls within the new lease area and to allow for extended operating days and to increase the number of tenants to ninety (90).

RESOLUTION

1. that the comments be noted:
2. that the application for amendment of the Site Development Plan in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to the Remainder of Erf 1253, Hermanus to reflect the new position and stall layout of the Hermanus Country Market, **be partially approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(h) of the By-Law for the amendment of conditions of approval to allow for sixty (60) stalls within the new lease area and to allow for extended operating days and to increase the number of tenants to ninety (90), **not be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the recommendation in 2. above be subject to the following

**AGENDA of the
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4 February 2025
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conditions:

- (a) that this approval is only for the relocation of the market to the northern part of the Hermanus Sport Centre's grounds;
- (b) that a final (updated) version of the Site Development Plan be submitted to the Town- and Spatial Planning Department for final clearance approval by the relevant departments and the Hermanus Heritage Committee, prior to the submission of building plans. The final (updated) version must indicate the design and placement of the structures in line with the parameters as stated in this decision;
- (c) that trading must be restricted to the days as set out in the sub-lease agreement which states that trading will be limited to Saturdays, one Sunday a month, public holidays and Wednesday evenings.
- (d) that the development of the Hermanus Country Market be limited to the following parameters:
 - only 60 stalls can be developed;
 - the height of the stalls will be restricted to 5.5m from base level;
 - any lighting used during nighttime markets must be downward facing and emitted away from the nature reserve;
 - strategic fence must be placed on the boundary between Fernkloof and the HCM lease area. The Environmental Management Section must be contacted for specification;
 - the position of the market must be moved 5 metres away from this fence, to ensure a buffer zone between the market stalls and the boundary of the Fernkloof Nature Reserve;
 - ablution facilities be provided;
 - that the covering of areas and the final design of the units first be presented to the Municipality, the HSC and the Hermanus Heritage Committee prior to the submission of building plans, and
 - no music be allowed.
- (e) 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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- (f) that all the conditions in the Services Report, Waste Management, Environment Management Services be complied with;
 - (g) 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;
 - (h) that the relocation of the Country Market be commenced within 90 days from the date of approval and completed within 120 days from the date of approval;
 - (i) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (j) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
5. that the applicant, and the persons who commented, 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.

REASON FOR RESOLUTION

Reasons for partially approval

- ❖ The relocation of the market is in the best interest of the Hermanus Sports Centre and for the continuation, and development thereof.
- ❖ The development parameters as stated in the decision will allow for the continuation of the market while protecting the rights and usability of the facilities surrounding the market.

Reasons for non-approval

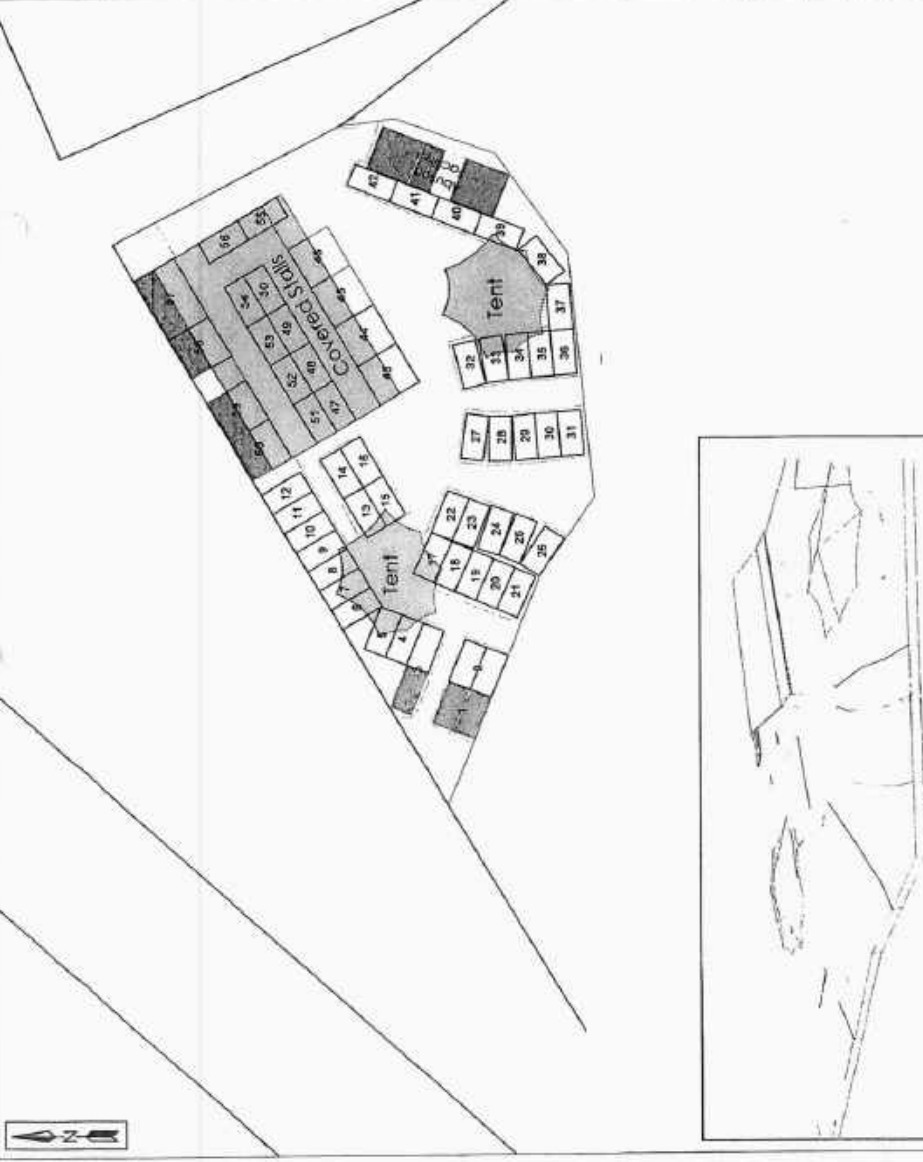
- ❖ The additional traders will require at least 2 parking bays per stall to accommodate the trader, the assistant and the possible customer therefore at minimum 60 parking bays are required and only 30 is indicated on site.
- ❖ Additional parking cannot permanently be secured in terms of the lease agreement between the Hermanus High School and the Hermanus Country Market.
- ❖ The lease agreement does not specify which days are permitted and vaguely refers to "on market days".
- ❖ The Country Market is to be subservient in use, character and operations of the primary functions and uses of the facilities of the Hermanus Sports Centre.

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- ❖ To allow for trading as and when the opportunity arises will open opportunity for the market to operate whenever possible which will lead to daily trading.
- ❖ Should the use and scope of the market not be limited it will definitely become business related (not even linked to sports related) which is not in line with the primary use of the property as well as the intended use in terms of the lease entered into between Overstrand Municipality and the Hermanus Sports Club.
- ❖ No information is provided as to the costs of running such a business in order to consider whether the additional traders and days are beneficial to the market and the sports club.
- ❖ The applicant further failed to state how the proposed additional days will affect the other sub-lessees on the property, the users thereof or any subsequent development of the Sports Complex as stipulated in the main agreement.



5.1 Inset of Proposed Draft
Site Development Plan
Hermanus Country Market
Remainder of Erf 1253, Hermanus



SCALE 1 : 500

Plan number: 2025
 Plan prepared by: Thon James on 2023/11/29
 Based on plans from Eriksson Van Der Werf Architects
 All dimensions are approximate
 and subject to survey

Tel: 028 319 1411
 Email: carnie@wrap.co.za
 DRB B. Stomberg House
 Corner of Royal and Oles Tys
 Street Hermanus, 7600



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF THE SITE DEVELOPMENT PLAN (SDP) &
CONDITIONS OF APPROVAL: REMAINDER ERF 1253, EASTCLIFF (4480/2023)**

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

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

13/03/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**17. PORTION 74 OF THE FARM BAARDSKEERDERBOS NO. 213,
BREDASDORP DIVISION: APPLICATION FOR CONSENT USE, DEPARTURE
AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS
INTERACTIVE TOWN AND REGIONAL PLANNING ON BEHALF OF S
MEINTJIES**

Ptn 74/213 GRBRE (4387/2023)

SW van der Merwe (028) 313 8900

Hermanus Administration

31 Oktober 2024

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 29 May 2023 from Messrs Interactive Town and Regional Planning on behalf of S Meintjies for the following:

- ❖ **consent use** in terms of Section 16(2)(o) of the Overstrand Municipality Municipal Land Use Planning Amendment By-Law, 2020 for place of instruction and tourism accommodation;
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to relax the western lateral building line from 30m to 22m and the eastern lateral building line from 30m to 4m to accommodate existing storage buildings (two sheds) and animal shelter, and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to legalise the existing storage buildings (two sheds) and animal shelter.

RESOLUTION

1. that the 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) on Portion 74 of the Farm Baardskeerderbos No. 213, Division Bredasdorp to accommodate a place of instruction and three accommodation pods, **be approved** in terms of the provisions of Section 61 of the By-Law;

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Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

3. that the application for departure in terms of Section 16(2)(b) of the By-Law to relax the western lateral building line from 30m to 22m and the eastern lateral building line from 30m to 4m to accommodate existing storage buildings (two sheds) and an animal shelter, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in paragraphs 1. and 2. above be subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the site development plan 101 dated 19/10/2021 as submitted with the application;
 - (b) that the consent use is not transferable;
 - (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, Telkom (OpenServe), and Health be complied with.
 - (e) that the conditions in the Services Report be complied with
 - (f) 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;
 - (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;
5. that of an administrative penalty in terms of Section 90(4) of the By-Law to legalise the existing storage buildings (two sheds) and stables be imposed, and that the administrative penalty fee of **R13 756,44** be payable within 60 (sixty) days of this decision, and
6. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

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4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

REASON FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No additional access roads required.
- ❖ No removal of indigenous vegetation.
- ❖ The proposal will contribute the tourism and rural economic development.
- ❖ The proposal will not adversely impact vested rights or the character of the rural landscape or natural environment.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE, DEPARTURE & DETERMINATION
OF AN ADMINISTRATIVE PENALTY: PORTION 74 OF FARM
BAARDSCHEERDERS BOSCH NO 213, BREDASDORP DIVISION
(4329/2023)**

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 the development connects to the municipal water system at his/her own cost. The developer will be responsible for the cost of all link and bulk service pipelines.
3. that if no water Overstrand Municipality is available, the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Manager: Water Infrastructure & Quality (Tel: 028 313 8972), Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and Department of Water & Sanitation for approval;
5. that the developer complies to all the conditions set by Department Of Water & Sanitation and BGCMA;
6. that, as there is currently no municipal sewer network in the vicinity, Portion 74 of Farm 213 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services (Gansbaai), and to which the sewer services on the development must connect to;
7. that alternatively, sewer treatment facilities that are approved by the Department of Water & Sanitation may be provided for disposal of sewer from the developments. Written proof of such approval is to be submitted to the Municipality;

8. 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;
9. that stormwater discharged from higher lying properties and generated in the catchment area of Portion 74 of Farm 213 be allowed to drain freely through the property;
10. that on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services ;
11. that access can be obtained via the existing access routes(s) to Portion 74 of Farm 213, that any additional and / or extended vehicle entrances will be for the owner's account.

Dennis Hendriks
DENNIS HENDRIKS

SENIOR MANAGER: ENGINEERING SERVICES

21/05/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

18. ERF 726, 72 BUFFELS ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND REZONING: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF ENTK FAMILY TRUST

726 KPRB (4602/2024)

H van der Stoep

(028) 313 8900

Hermanus Administration

13 November 2024

EXECUTIVE SUMMARY

An application has been received on 6 March 2024 from Plan Active Town & Regional Planners on behalf of ENTK Family Trust on Erf 726, Pringle Bay 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 726, Pringle Bay into 4 portions, namely Portion A ($\pm 1240\text{m}^2$), Portion B ($\pm 1262\text{m}^2$), Portion C ($\pm 1050\text{m}^2$), and Portion D ($\pm 1285\text{m}^2$), and
- ❖ **rezoning** in terms of Section 16.(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to rezone the newly created Portion D ($\pm 1285\text{m}^2$) from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1).

RESOLUTION

1. that the application in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 726, Pringle Bay into four (4) portions, namely Portion A ($\pm 1240\text{m}^2$), Portion B ($\pm 1262\text{m}^2$), Portion C ($\pm 1050\text{m}^2$), and Portion D ($\pm 1285\text{m}^2$), **be approved** in terms of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to rezone the newly created Portion D ($\pm 1285\text{m}^2$) from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1), **be approved** in terms of Section 61 of the By-Law;
3. that the approval of Points 1. & 2. above in terms of Section 61 of the By-Law be subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on the Subdivisional Plan No. pring726s5.drw dated November 2021 as submitted with the application;
 - (b) that the rezoned portion be ceded to the Municipality with the

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transfer of the first registered erf or within 12-months of the approval;

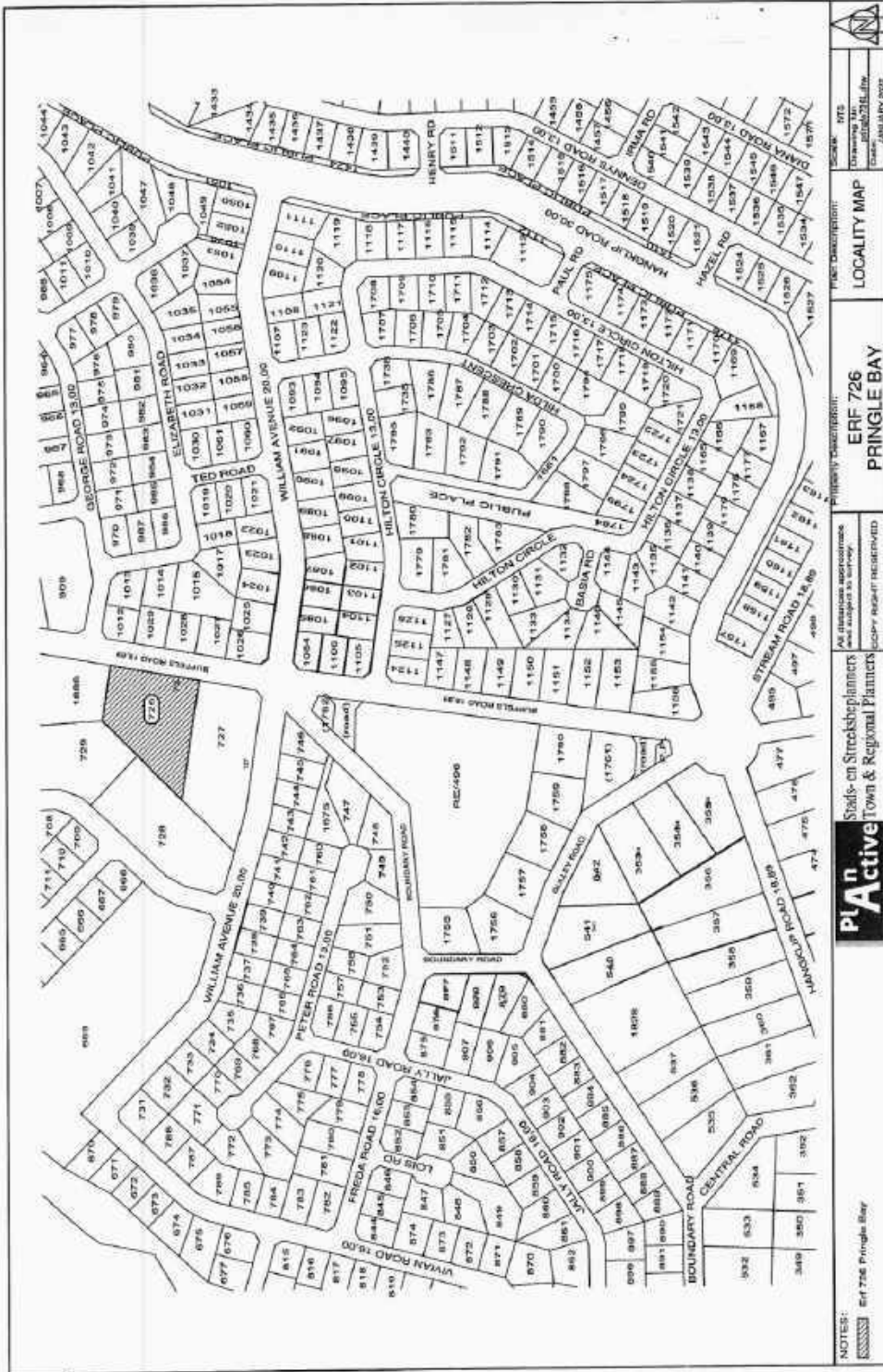
- (c) that with the submission of the building plan, a letter from the Western Cape Government: Environmental Affairs and Development Planning (Environmental) confirming whether any listed activities are applicable be submitted with such building plan;
- (d) that a letter from BOCMA indicating whether a water license approval is required be submitted before building plan approval;
- (e) that only one dwelling with associated outbuildings be allowed;
- (f) that the conditions in the Services Report be complied with;
- (g) that all conditions imposed by Western Cape Government: EADP-Planning be complied with;
- (h) that all conditions imposed by Western Cape Government: EADP-Environmental be complied with;
- (i) that all conditions imposed by Cape Nature be complied with;
- (j) that all conditions imposed by BOCMA be complied with;
- (k) that all conditions imposed by the municipal Environmental Section be complied with;
- (l) that the recommendations of the Specialist Biodiversity Assessment be adhered to;
- (m) 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;
- (n) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
- (o) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with.

**AGENDA of the
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(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

4. that the applicant and objectors 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.

REASON FOR RESOLUTION

- ❖ The property has existing rights.
- ❖ Due diligence of environmental impact has been considered.
- ❖ Ecological corridor will be formally established.
- ❖ Low density development to the benefit of the area.
- ❖ Biodiversity Report conducted for the erf indicates a positive result for the proposed subdivision of the erf with mitigating measures.



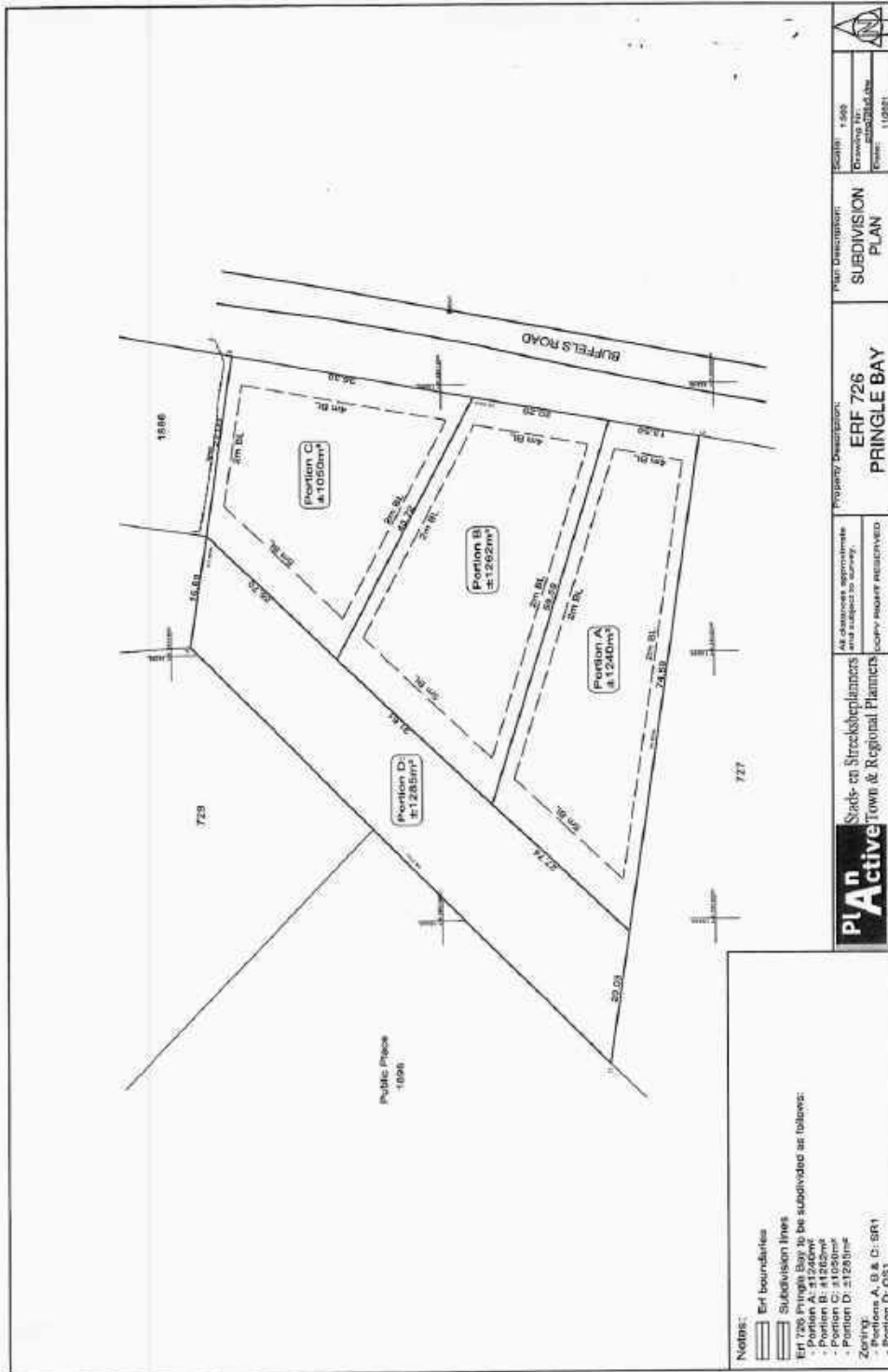
NOTES: [Hatched Box] Erf 726 Pringle Bay

Scale: 1:10000
 Drawing No: 2006/016/Dr.
 Date: 2006/01/10

Project Description: LOCALITY MAP

Property Description: ERF 726 PRINGLE BAY

Prepared by: PUA n Active Town & Regional Planners
 All distances approximate and subject to survey.
 Copy Right Reserved



Notes:

- Erf boundaries
- Subdivision lines
- Erf 726, Pringle Bay, to be subdivided as follows:
 - Portion A: 1240m²
 - Portion B: 1262m²
 - Portion C: 1050m²
 - Portion D: 1285m²
- Zoning: Portions A, B, C: R11
- Portion D: OS1

PLAn Stads- en Streekeplaniers
Town & Regional Planners

Property Description:
ERF 726 PRINGLE BAY

Plan Description:
SUBDIVISION PLAN

Scale: 1:500
Drawing No: 202004420
Date: 11/08/21

All dimensions approximate and subject to survey. COPY RIGHTS RESERVED

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION & REZONING: ERF 726, PRINGLE BAY
(4602/2024)**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

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

Note:

- 1.3 **The above figures are estimates**
1.4 **The above figures do not include evaluation/investigation levies and connection fees**
2. that each property to have their own water connection, the cost of connection and / or any upgrade for any of these services be required, will be at the owner's cost;

3. that each property to have their own conservancy tank to Municipal specification;
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, 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 (Kleinmond) for written approval;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that stormwater be allowed to discharge through the proposed Erven, Pringle Bay, unobstructed;
7. that no on-street parking be allowed.


RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

**19. ERF 7182, 39 MARINE DRIVE, WESTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR CONSENT USE (TOURIST
ACCOMMODATION): MESSRS WRAP PROJECT OFFICE ON BEHALF OF
SUNNY SEAS PROPERTIES (PTY) LTD**

7182 HSB (4603/2024)

H van der Stoep

(028) 313 8900

Hermanus Administration

15 November 2024

EXECUTIVE SUMMARY

An application, applicable to Erf 7182, Hermanus have been received on 7 March 2024 from Messrs WRAP Project Office on behalf of Sunny Seas Properties (Pty) Ltd for a **consent use** in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020 (By-Law) for “tourist accommodation” to allow the future owners of the approved twenty one (21) flat units to be developed on the property, to also utilize their individual flat units as self-catering units for transient tourists.

RESOLUTION

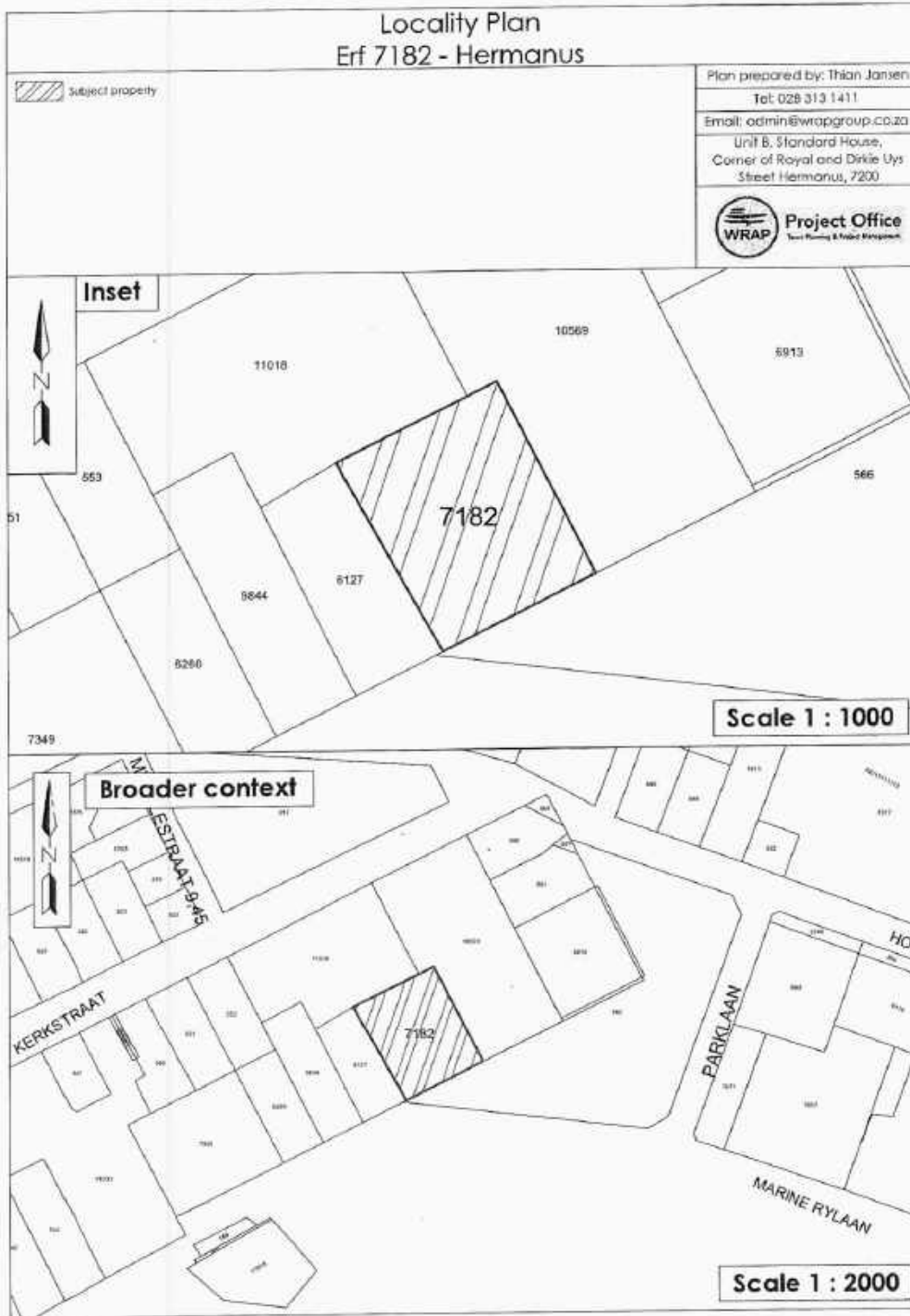
1. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for a consent use for “tourist accommodation” to allow the future owners of the approved twenty-one (21) sectional title flat units to be developed on Erf 7182, Hermanus to also utilize their units as self-catering units for transient tourists, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the above approval be subject to the following conditions:
 - (a) prior to the letting of any unit, it must comply with SANS 10400 A:2016, 10400-T:2020 and the By-law relating to community fire safety, and the necessary certificate of compliance must be obtained from the Fire Department of the municipality;
 - (b) that the accommodation establishments be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (c) that the applicable conditions of Engineering Services must be complied with;

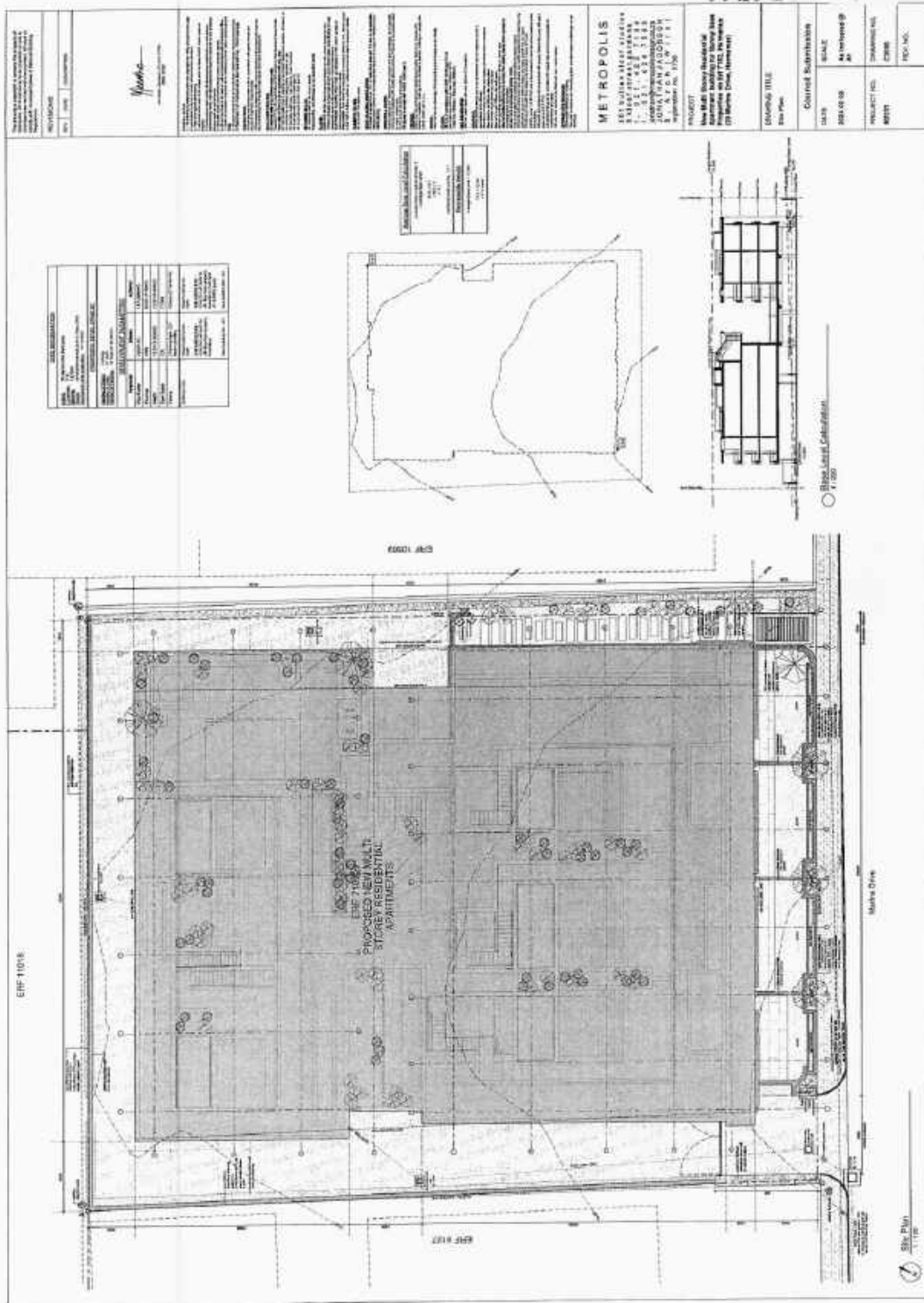
**AGENDA of the
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(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

- (d) that the house/conduct rules must be approved by the body corporate of the development before any short-term rentals may be done;
 - (e) that no on-street parking be allowed whatsoever;
 - (f) that the body corporate be responsible to ensure that all individual self-catering units be properly managed by the owners thereof;
 - (g) that this approval does not absolve the landowner from compliance with any other relevant legislation; and
 - (h) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (i) The consent use be limited to a 2-year period (starting from date of occupation), afterwhich the applicant can apply for a permanent consent use.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the conditions in 2. above.

REASON FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The objection received from the Hermanus Ratepayers Association refers to the previous approval regarding the development of flats. The second objection point refers to the whether the self-catering accommodation should be allowed, it is clear that there is a trend with tourist accommodation located along Marine Drive and therefore the objections should be disregarded.
- ❖ It is in line with policy documents.
- ❖ The accommodation establishments will be beneficial for optimization of the erf.
- ❖ It will promote the tourism industry.
- ❖ Is not regarded as being undesirable from a town planning point of view.
- ❖ The limitation of the consent use is to determine whether parallel parking is viable in high density developments with additional land use rights.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 7182, WESTCLIFF (4603/2024)**

Water	:	Refer to Conditions & GLS Report
Sewer	:	Refer to Conditions & GLS Report
Roads and Traffic	:	Refer to Conditions
Stormwater	:	Upgrading according to Stormwater Management Plan
Electricity	:	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).
- 1.3** 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 11.8	= R 325 656.40
Sewerage	R 19 725.00 x 11.8	= R 232 755.00
Roads	R 8 845.00 x 20.00	= R 176 900.00
Stormwater	R 10 205.00 x 0.559	= R 5 704.59
Solid Waste	R 1 769.00 x 20.00	= R 35 380.00
TOTAL (inclusive of VAT)		= R 776 395.99

Note:

- 1.4 The above figures are estimates
- 1.5 That Overstrand Municipality's Electrical Department be contacted regarding the bulk electricity cost.

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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 insurance to be to an amount which shall not be less than that required by the SAACE;
 - 4.3 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 the 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;

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6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
9. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
11. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE and which insurance shall be valid for the relevant contract and maintenance period;
12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for Works of Civil Engineering Construction - 2004, of 12 months, and

- 4
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 service agreement may be required by the Director: Infrastructure and Planning prior to the approval of any service plans;
 15. that the developer provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
 16. that each subdivided erf be provided with individual water and sewer connections which comply with the standards of the Department: Operational Services (Hermanus).
 17. that the water and sewer bulk and link services will be prioritized in according the Overstrand Master Plans, the relevant GLS Consultants capacity report (dated 1 February 2022) and the subsequent follow-up email (dated 5 August 2022). The construction will occur according to the agreed service level agreement and only to an amount equal to or less than the total bulk levy amount payable;
 18. that the Home Owners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;
 19. that only the standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
 20. that the street lighting be provided and conform to municipal standards;
 21. that the developer appoints 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;
 22. that the electricity reticulation and supply be provided according to the master plan, by the developer and that transfer can only proceed once electricity is available;
 23. 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;

24. 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*;
25. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be provided 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) in a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
26. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Director: Infrastructure and Planning;
27. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded, 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;
28. that the connection to the stormwater reticulation system be provided according to the stormwater management plan by the developer;
29. that the a minimum of 12m stacking distance be provided between the entrance gate and the road reserve;
30. 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;
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.


DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
4 February 2025
(Also the agenda for the Mayoral Committee Meeting : 10 February 2025)**

20. ERF 338, 4 HOTEL CRESCENT, ROOIELS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, DEPARTURES AND DETERMINATION OF ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF HMMM BELEGGINGS TRUST

338 KRE (3898/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

4 November 2024

EXECUTIVE SUMMARY

An application has been received on 22 February 2021 from Plan Active Town & Regional Planners on behalf of HMMM Beleggings Trust for the following:

- ❖ **Departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to exceed the maximum permissible boundary wall height from 2,1m to 2,30m; 3,571m and 3,95m respectively; and also to exceed the maximum permissible height of the existing infill of the open terrace from 1m to ±1,6m.
- ❖ **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 for unauthorised land use as mentioned above.

It was subsequently concluded that the previous application needs to be amended to include the removal of a restrictive title deed condition with reference to Title Deed building lines.

An **amended application** was therefore submitted on 26 June 2023 from Plan Active Town & Regional Planners on behalf of HMMM Beleggings Trust for the following

- ✚ **Removal of Restrictive Title Deed Condition** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 338, Rooiels for the removal of restrictive title deed condition F.(4)(d) as contained in Title Deed No. T73556/2014 of the property to accommodate the encroachments of the existing structures on the property.

The restrictive title deed conditions read as follows:

*“F. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No. T77/1956, imposed by the Administrator of the Province of*

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the Cape of Good Hope when approving of the General Plan of the said Rooi Els Township under the provisions of Ordinance No. 33 of 1934, reading as follows: -

4. *This erf shall be subject to the following further conditions, provided especially that where, in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorize the necessary suspension or relaxation subject to compliance with such conditions as he may impose;*

(d) No buildings or structure except boundary wall and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf within 1,57 metres of any other boundary;”

✚ Departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 in order to:

- Relax the western lateral building line from 2m to 0m to accommodate an existing planter and a suspended concrete slab; both are higher than 1,0m above ground level.
- exceed the maximum permissible height of 2,1m to accommodate the existing boundary wall which is also in contravention with the heritage protection overlay zone regulations.
- exceed the maximum permissible height of the existing infill of the open terrace from 1m to ±1,6m.
- exceed the maximum permissible height of 2,1m to accommodate three existing water tanks.

✚ 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 unauthorized building line encroachments as stipulated above.

RESOLUTION

1. that the objections be noted.

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2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 338, Rooiels for the removal of restrictive title deed condition F.(4)(d) as contained in Title Deed No. T73556/2014 of the property to accommodate the encroachments of the existing structures on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;

3. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 338, Rooiels for the following departures:
 - Relaxation of the western lateral building line from 2m to 0m to accommodate an existing planter and a suspended concrete slab, both are higher than 1,0m above ground level;
 - To exceed the maximum permissible height of the existing infill of the open terrace from 1m to $\pm 1,6$ m, on the rear boundary, and
 - To exceed the maximum permissible height of 2,1m to accommodate the existing boundary wall which is also in contravention with the heritage protection overlay zone regulations.

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 on Erf 338, Rooiels for a departure to exceed the maximum permissible height of 2,1m to accommodate the existing boundary wall, **be partially approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following condition;
 - That the boundary wall be lowered to 1m above the suspended slab level of 44,73m.

5. 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 338, Rooiels to exceed the maximum permissible height of 2,1m to accommodate three (3) existing water tanks, **not be approved**, in terms of the provisions of Section 61 of the By-Law.

6. 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;

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- (b) that a **revised** building plan be submitted showing the decisions in Points 1-5 above; indicating the removal of the vent pipe to the inside of the wall and the two water outlets from the water wise planter channelling the water be moved to the inside of the erf;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (d) that the amended title deed be submitted for record purposes to the Municipality;
 - (e) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (g) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (h) that all the conditions in the Services Report be complied with.
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 338, Rooiels for the unauthorized building line encroachments as stipulated above, **be imposed**, and that an administrative penalty fee of **R64 954,40** be payable within ninety (90) days of this decision.
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.

REASON FOR RESOLUTION

POINTS 2 - 4

- The application followed due process and was distributed to all property owners within Rooi Els.
- The development is in line with the built character of Rooi Els.
- The suspended concrete slab was a mitigating factor due to topography and storm water problems experienced by the low-lying properties.
- It attributes to the sustainability and resilience of the immediate area due to the mitigating storm water features implemented by the applicant.

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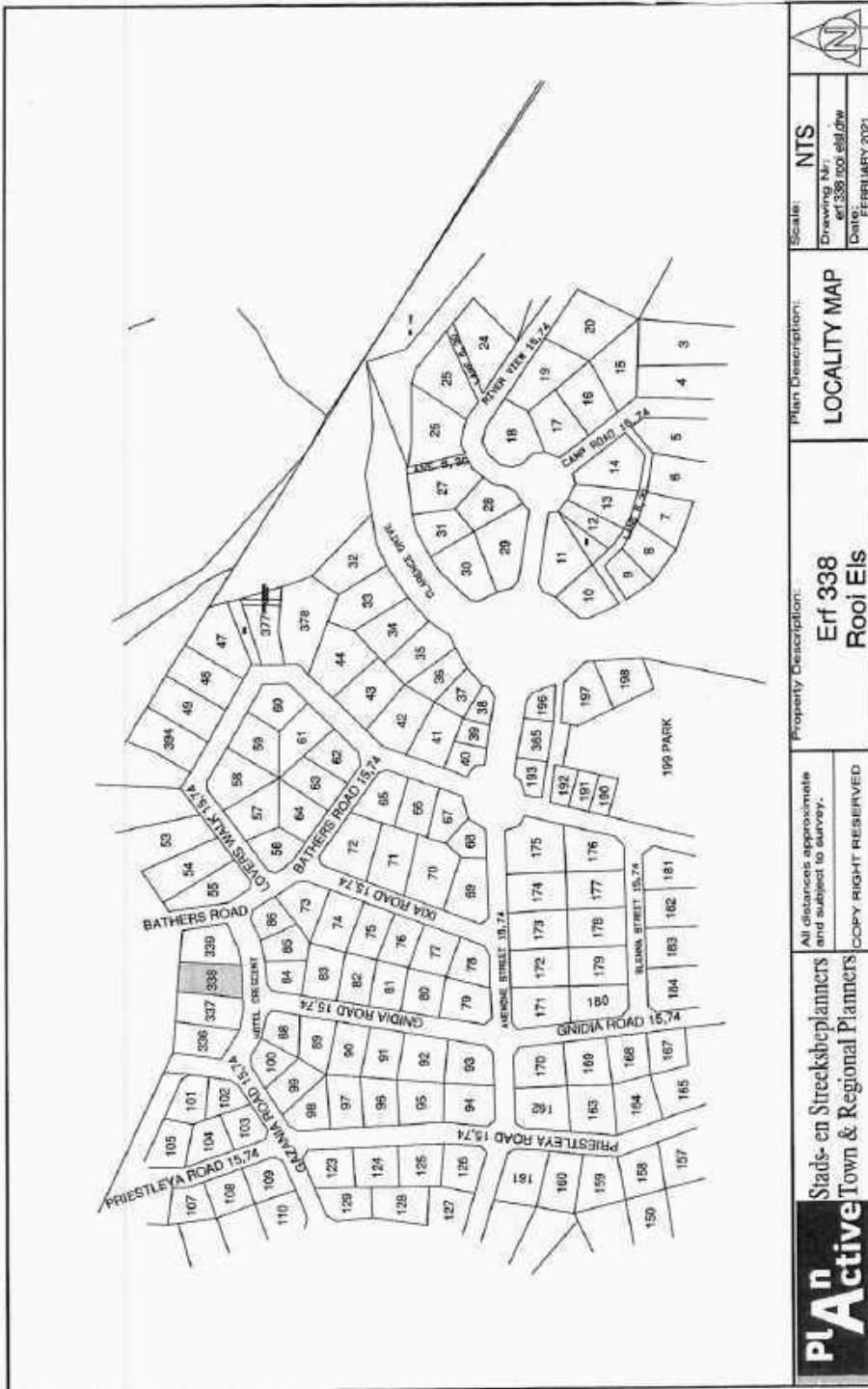
- The cutting of the suspended concrete slab is not a viable option due to the unforeseen consequences such as height difference between the slab and the natural ground level and the fact that it could impact the structural integrity of the slab.
- The lowering of boundary walls will mitigate the impact on neighbours.

POINT 5

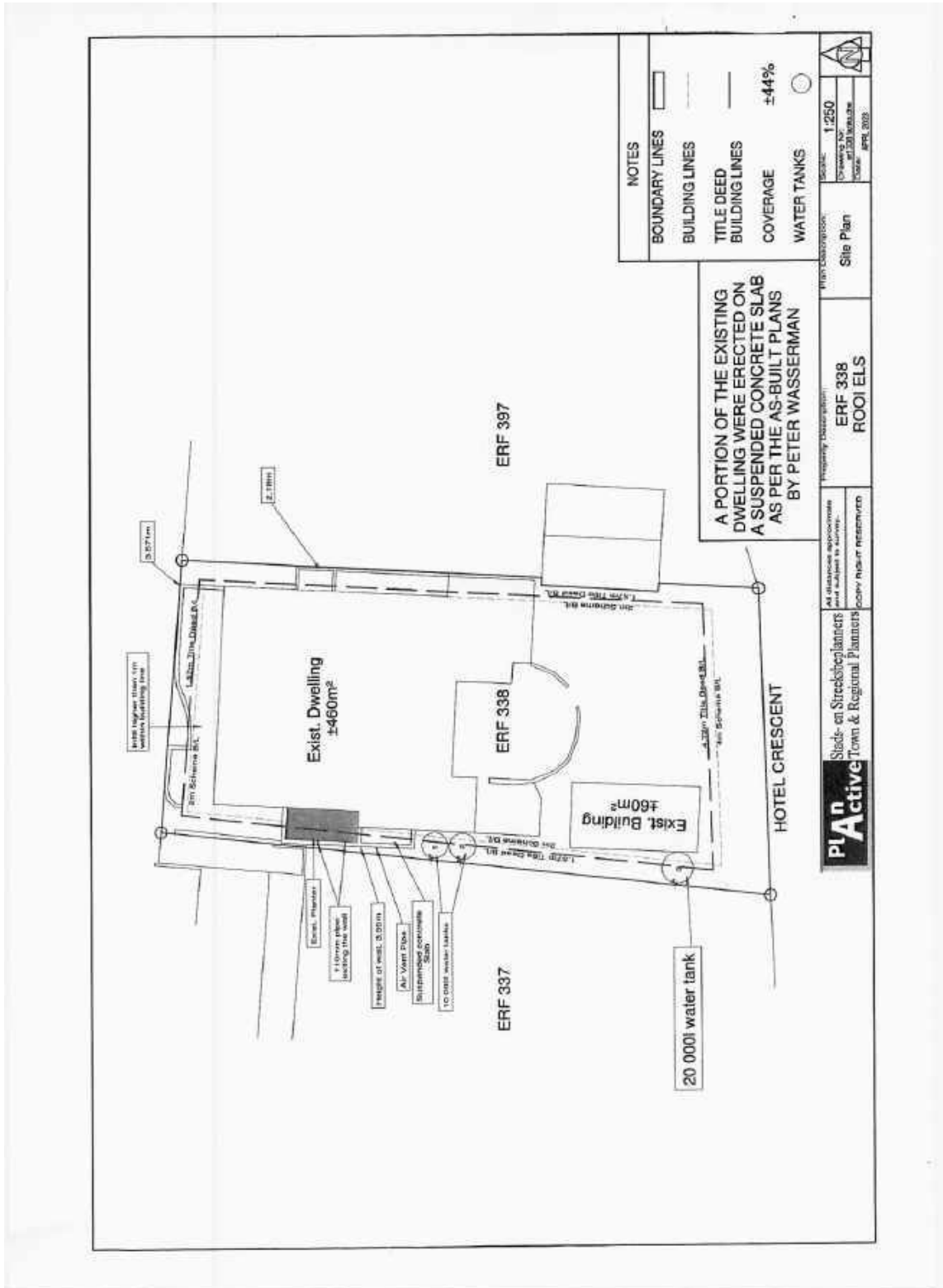
- The water tanks are visual and can be lowered to 2,1m above natural ground level, without impacting the dwelling and or rainwater harvesting.
- There is no reason for the elevated water tanks.

POINT 6

- The professional team responsible for the development has not taken into consideration the impact of the suspended concrete slab, which it should have.
- The architect is a professional person that should have submitted a plan when changes were made during construction.
- This aspect would have been discussed with the owner which remains responsible for any work done on the erf.



PLAn Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: Erf 338 Rooi Els	Plan Description: LOCALITY MAP	Scale: NTS Drawing Nr: erf 338 100 689/dw Date: FEBRUARY 2021
		A north arrow is located in the top right corner of the map area.		



NOTES

BOUNDARY LINES	[Symbol]
BUILDING LINES	[Symbol]
TITLE DEED BUILDING LINES	[Symbol]
COVERAGE	±44%
WATER TANKS	[Symbol]

PLAN Sites-on Streets/planners
Town & Regional Planners

Property: Dutton Estate
ERF 338
ROOFS

Site Plan

Scale: 1:250
Drawing No: 2013/001
Date: APRIL 2013

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, DEPARTURE & DETERMINATION OF ADMINISTRATIVE
PENALTY, ERF 338, ROOIELS (3898/2021)**

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