

**PORTFOLIO COMMITTEE :**

**PLANNING & DEVELOPMENT**

**Chairperson :**

**Ald E Gillion**

**Committee Members :**

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

# PLANNING & DEVELOPMENT PORTFOLIO COMMITTEE

4 June 2025

## I N D E X

ITEM  
NO

PAGE  
NUMBER

OPENING AND WELCOME

APPLICATIONS FOR LEAVE OF ABSENCE

STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE  
CHAIRPERSON

- |    |  |     |
|----|--|-----|
| 1. | TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS CONSIDERED IN TERMS OF DELEGATED AUTHORITY: MARCH 2025 – MAY 2025.  | 1   |
| 2. | A PORTION OF PORTION 18 OF FARM NO 644 (STANFORD): DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A DIRECT LEASE AGREEMENT WITH FOOD FOUR THOUGHT COMMUNITY PROJECTS NPC | 143 |
| 3. | A PORTION OF REMAINDER FARM NO. 562 CALEDON REGIONAL DISTRICT (ADJOINING A GRAVEL ROAD): RENEWAL OF LEASE OF MUNICIPAL PROPERTY TO THE WESTERN CAPE NATURE CONSERVATION BOARD T/A CAPE NATURE  | 153 |
| 4. | ERF 3454 HAWSTON: DEVIATION FROM PARAGRAPHS 20.1(b) AND 26 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FURTHER LEASE AGREEMENT WITH THE DEPARTMENT OF INFRASTRUCTURE AT A FIXED ESCALATION RATE | 160 |
| 5. | ERF 4030 BETTY'S BAY: LEASE OF MUNICIPAL PROPERTY TO BETTY'S BAY RATEPAYERS' ASSOCIATION   | 169 |
| 6. | VARIOUS ARCHAIC ENCROACHMENTS ON MUNICIPAL PROPERTIES  | 196 |

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

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

**R. Kuchar  
10 May 2025**

**Divisional Manager: Town & Spatial Planning**

**(028) 313 8900**

---

**1. Executive Summary**

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

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

Planning & Development  
Town and Spatial Planning

**3. Compliance with Strategic Priorities**

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

**4. Delegated Authority**

Executive Mayor

**5. Legal Requirements**

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

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

**Background**

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

**7. Financial Implications**

None

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**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 10 March 2025 – 10 May 2025:**

- |     |  |               |
|-----|--|---------------|
| 1.  | Erf 7276, 403 Main Road , Eastcliff, Hermanus                              | 10 March 2025 |
| 2.  | Erf 65, 65 Tern Street, Romansbaai Beach and Fynbos Estate, Birkenhead     | 10 March 2025 |
| 3.  | Erf 2094, Pearly Beach (Resort)  | 24 March 2025 |
| 4.  | Erf 4454, 31 Ixia Road, Betty's Bay  | 24 March 2025 |
| 5.  | Erf 5560, 96 Westcliff Drive, Westcliff, Hermanus                          | 27 March 2025 |
| 6.  | Erf 1597, 32 Vergesig Street, Pearly Beach                                 | 27 March 2025 |
| 7.  | Erf 5811, 83 Fernkloof Drive, Hermanus Heights, Hermanus                   | 1 April 2025  |
| 8.  | Erf 4805, 11 Mossel River Street, Eastcliff, Hermanus                      | 1 April 2025  |
| 9.  | Erf 7498, 153 Sixth Street and Erf (unregistered) 7499, Voëlklip, Hermanus | 1 April 2025  |
| 10. | Erf 5986, 6 Fynbos Street, Hermanus Heights, Hermanus                      | 1 April 2025  |
| 11. | Erf 120, 31 Cliff Street and Erf 129, 58 Cliff Street, De Kelders          | 1 April 2025  |
| 12. | Erf 4429, 55 Chanteclair Avenue, Onrustrivier, Hermanus                    | 14 April 2025 |
| 13. | Erf 2704, 37 Hofmeyer Street, Onrustrivier, Hermanus                       | 14 April 2025 |
| 14. | Erf 4401, 52 Fourth Avenue, Kleinmond                                      | 24 April 2025 |
| 15. | Erf 340, 14 Fynbos Crescent, Sandbaai, Hermanus                            | 29 April 2025 |
| 16. | Erf 3349, 208 Seventh Street, Voëlklip, Hermanus                           | 6 May 2025    |
| 17. | Erf 535, 58 Stirling Street, De Kelders                                    | 6 May 2025    |
| 18. | Erf 6152, 12 Third Street, Voëlklip, Hermanus                              | 6 May 2025    |
| 19. | Remainder Erf 2450, 108 Eighth Street, Voëlklip, Hermanus                  | 6 May 2025    |

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

20. Erf 3946, 276 Eighth Street, Voëlklip, Hermanus 6 May 2025

**that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 13 March, 1 April and 29 April 2025:**

- |    |   |               |
|----|---|---------------|
| 1. | Erf 1313, , Eastcliff Hermanus  | 13 March 2025 |
| 2. | Erven 2350 & 2352, Auvergne Residential Estate, Vermont                         | 1 April 2025  |
| 3. | Erf 189, 26 Bezuidenhout Street and Erf 3118, 7 Queen Victoria Street, Stanford | 1 April 2025  |
| 4. | Erf 4586, 25 Harmony Avenue, Hermanus   | 29 April 2025 |

**RESPONSIBLE OFFICIAL :**

**L TAYLOR**

**TARGET DATE FOR IMPLEMENTATION :**

**2 JULY 2025**



**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**1. ERF 7276, 403 MAIN ROAD, EASTCLIFF, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED  
CONDITION AND CONSENT USE: MESSRS INTERACTIVE TOWN- &  
REGIONAL PLANNERS ON BEHALF OF DORMELL PROP 160 (PTY) LTD**

**7276 HEC (4108/2022)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**09 July 2024**

---

**EXECUTIVE SUMMARY**

An application has been received on 01 April 2022 (final version received on 30 May 2023) from Messrs Interactive Town- and Regional Planners in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 7276, Hermanus for the following:

- **removal of a restrictive title deed condition** in terms of Section 16(2)(f) of the By-Law of condition 1 D.(c) and 2 D the second (b) as contained in Title Deed T8930/2002 to operate a guesthouse on the property; and
- **consent use** in terms of Section 16(2)(o) of the By-Law to accommodate a guesthouse 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 (By-Law) on Erf 7276, Hermanus for the **removal of the restrictive conditions** 1 D.(c) and 2 D the second (b), as contained in Title Deed No. T8930/2002, **be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(o) of the By-Law on Erf 7276 for a **consent use** to accommodate a guesthouse on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in 1. and 2. above be subject to the following conditions:
  - (a) that this approval is only for the removal of restriction and the consent use as applied for;
  - (b) that the approval be limited to the building/structures as per Plan Revision 3 as submitted with the application;

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

- (c) that no sliding gate be developed which cordons off the left side (southern) parking area and that the northern garden be removed in order to allow for the standard 5m x 2.5m parking bay;
  - (d) no guests will be allowed to park on the off-street parking;
  - (e) that a maximum of three (3) guest bedrooms can be rented on a guest house basis from the main dwelling and that no self-catering or flats will be permitted from the guest rooms, the second dwelling unit may be utilised as a self-catering unit;
  - (f) that proof be submitted in compliance of the approval dated 23 August 2016 with photographic evidence that the rear braai area was altered as per the approved building plan;
  - (g) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
  - (h) that no kitchen facilities and/or prep bowls be allowed in the guest rooms;
  - (i) 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;
  - (j) that all the conditions in the Services Report, and Waste Management, be complied with;
  - (k) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (l) 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.

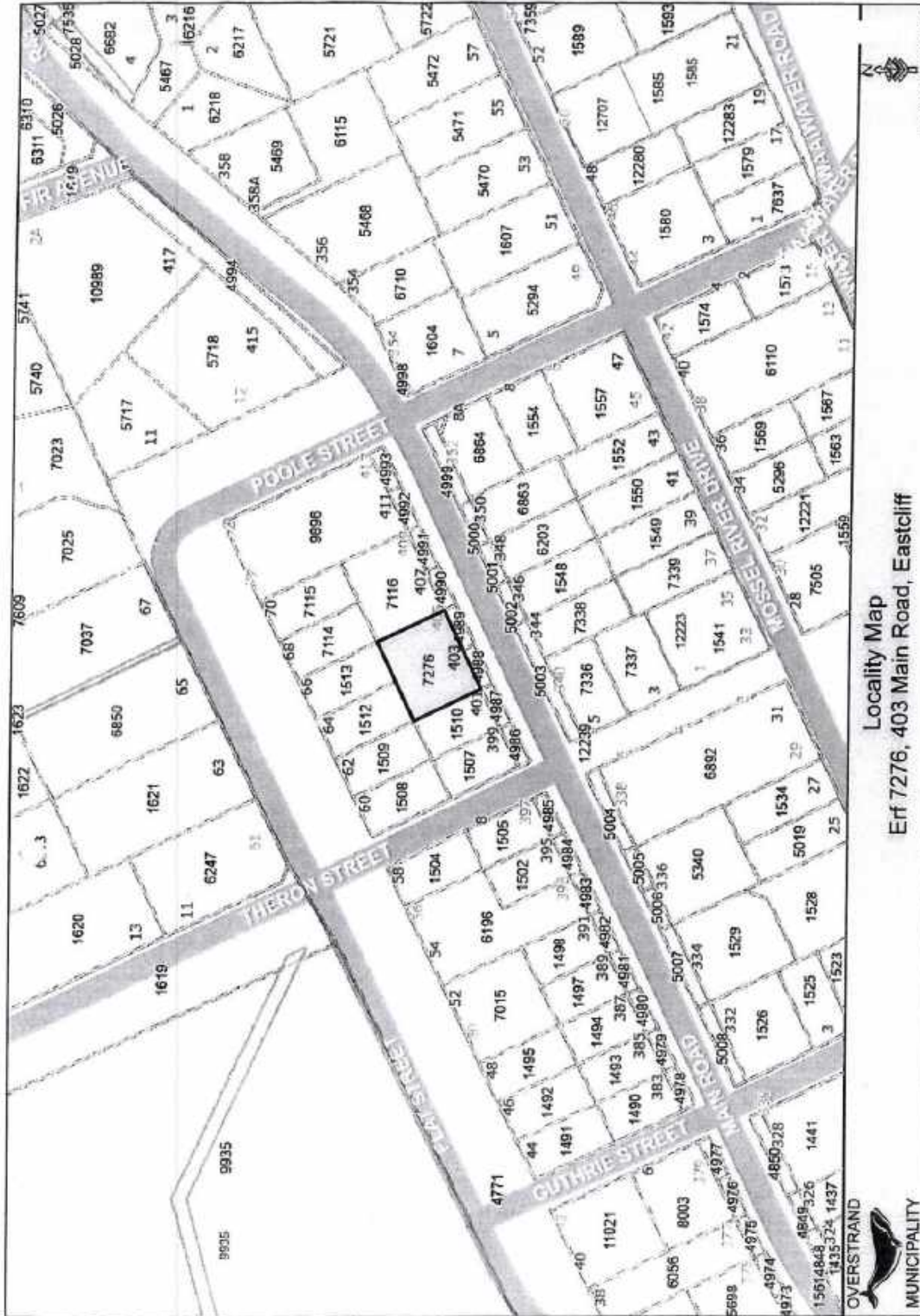
**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ No internal objections were received.
- ❖ Ample and practical parking for the guesthouse can be provided on the property.

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

- ❖ The established use and management of the property does not have a negative effect on the character of the area.
- ❖ The accommodation establishment will be beneficial for optimization of the erf.
- ❖ It will promote the tourism industry, thus in line with the forward planning documentation of the Municipality.
- ❖ Is not regarded as being undesirable from a town planning point of view.
- ❖ The removal of the title deed condition will not negatively affect the character of the area.



Locality Map  
Erf 7276, 403 Main Road, Eastcliff



Date: 2022/04/06



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS &  
CONSENT USE: ERF 7276, EASTCLIFF (4108/2022)**

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

**Conditions:**

1. that 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 any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
4. that the developer 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 no reservation of on-street parking be allowed;
8. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
9. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.

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

  
**DATE**

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**2. ERF 65, 65 TERN STREET, ROMANSBAAI BEACH AND FYNBOS ESTATE, BIRKENHEAD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS INTERACTIVE TOWN- & REGIONAL PLANNERS ON BEHALF OF PURE SEA (PTY) LTD**

**65 GBH (4500/2023)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**6 February 2025**

---

**EXECUTIVE SUMMARY**

An application has been received on 12 October 2023 from Messrs Interactive Town- and Regional Planners in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 65, Romansbaai Beach and Fynbos Estate, Birkenhead, for the following:

- **consent use** in terms of Section 16(2)(o) of the By-Law to accommodate a four-bedroom guesthouse; and
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to accommodate the existing guesthouse.

**RESOLUTION**

1. that the application 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 Erf 65, Birkenhead, to accommodate a four-bedroom guest house on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the application for the determination of an administrative penalty in terms of Section 16.2.(q) of the By-law for the illegal land uses on Erf 65, Birkenhead, was considered and that the applicant/landowners **not be exempted** from the payment of an administrative penalty in terms of the provisions of Section 90 of the By-Law;
3. that the approval in 1. above be subject to the following conditions:
  - (a) that this approval is only for the consent use as applied for;
  - (b) that the approval be limited to the building/structures as per Drawing No. 2415 dated 24.06.2024 as submitted with the application;

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

- (c) and that an administrative penalty of **R102 082,09** for the unauthorised land use be payable within ninety (90) days from the date of this decision, being ;R67 834,07 for the guest house and R34 248,02 for the unauthorised second dwelling;
  - (d) that building plans be submitted to the Building Control Department for approval within 60 days from the effective date of the decision demonstrating compliance with the Overstrand Land Use Scheme to make, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
  - (e) that the ground and lower ground levels be made interleading in accordance with approved building plans within 180 days of the effective date of the decision;
  - (f) that a maximum of four (4) bedrooms be let to transient guests;
  - (g) that no kitchen facilities and/or prep bowls be allowed in the guest rooms;
  - (h) that the general development parameters for guest houses under Single Residential 1 zoning be applicable to the subject property;
  - (i) 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;
  - (j) that all the conditions in the Services Report, be complied with;
  - (k) that the Overstrand Municipality retains the right to enforce any relevant legislation, as well as law and order on the premises, on the landowner/s;
  - (l) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (m) 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 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**REASONS FOR RESOLUTION**

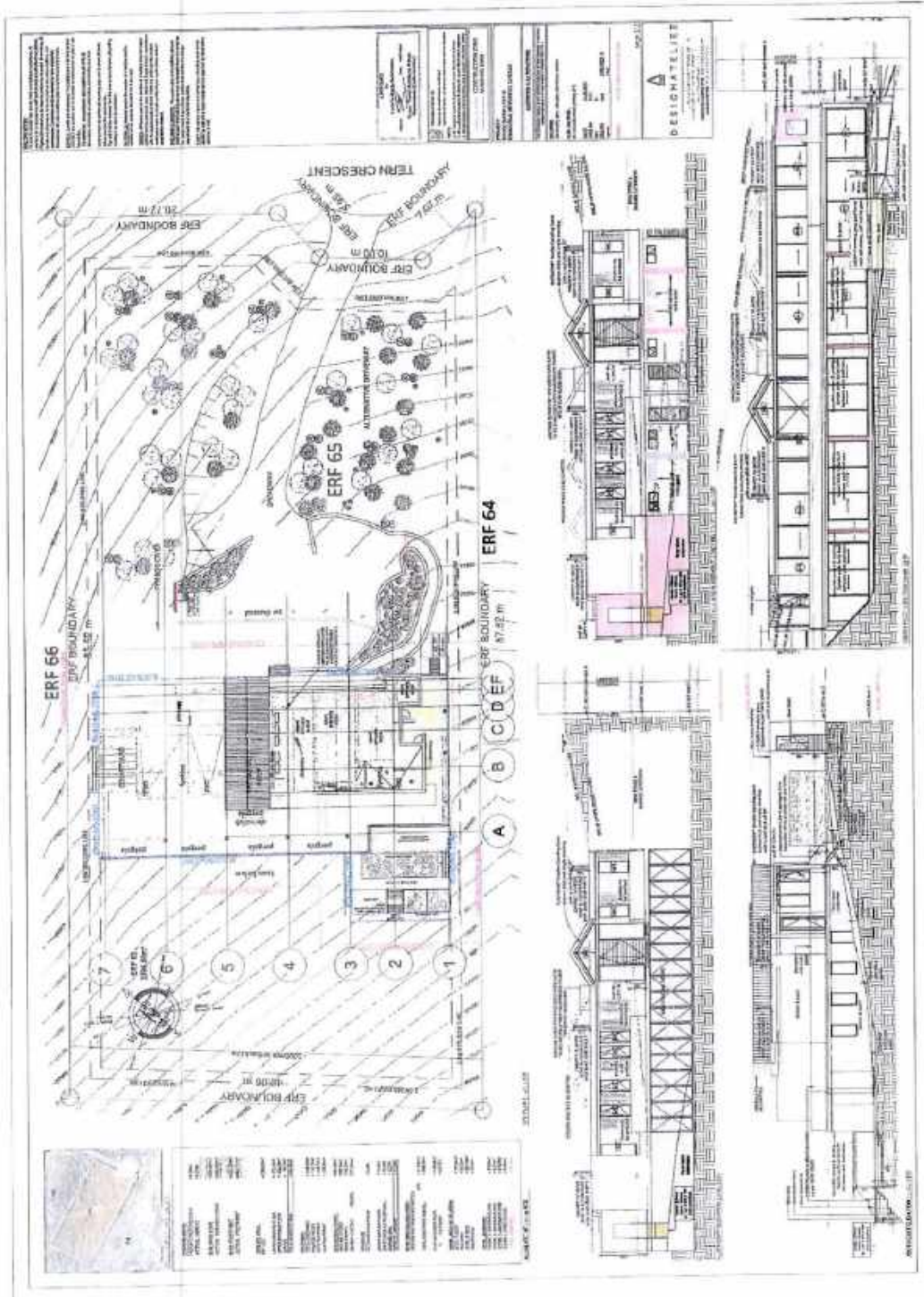
- ❖ The application has followed due procedure.
- ❖ No objections were received.
- ❖ Ample and practical parking for the guesthouse is provided on the property.
- ❖ The guest house does not have a negative effect on the character of the area.
- ❖ The guest house promotes the tourism industry and create jobs, thus in line with the SDF.
- ❖ Is not regarded as being undesirable from a town planning point of view.



OVERSTRAND  
MUNICIPALITY

ERF 65, TERN STREET, ROMANSBAAI BEACH & FYNBOS ESTATE, BIRKENHEAD

Date: 2023/10/16



NO.	DESCRIPTION	UNIT	AMOUNT
1	CONCRETE	m <sup>2</sup>	1500
2	BRICK	m <sup>2</sup>	2000
3	GLASS	m <sup>2</sup>	1000
4	ROOFING	m <sup>2</sup>	1200
5	PAINT	m <sup>2</sup>	800
6	LANDSCAPING	m <sup>2</sup>	1000
7	UTILITIES	m <sup>2</sup>	500
8	MECHANICAL	m <sup>2</sup>	300
9	ELECTRICAL	m <sup>2</sup>	200
10	PLUMBING	m <sup>2</sup>	150
11	INTERIORS	m <sup>2</sup>	1000
12	EXTERIORS	m <sup>2</sup>	500
13	LANDSCAPING	m <sup>2</sup>	1000
14	UTILITIES	m <sup>2</sup>	500
15	MECHANICAL	m <sup>2</sup>	300
16	ELECTRICAL	m <sup>2</sup>	200
17	PLUMBING	m <sup>2</sup>	150
18	INTERIORS	m <sup>2</sup>	1000
19	EXTERIORS	m <sup>2</sup>	500
20	LANDSCAPING	m <sup>2</sup>	1000
21	UTILITIES	m <sup>2</sup>	500
22	MECHANICAL	m <sup>2</sup>	300
23	ELECTRICAL	m <sup>2</sup>	200
24	PLUMBING	m <sup>2</sup>	150
25	INTERIORS	m <sup>2</sup>	1000
26	EXTERIORS	m <sup>2</sup>	500
27	LANDSCAPING	m <sup>2</sup>	1000
28	UTILITIES	m <sup>2</sup>	500
29	MECHANICAL	m <sup>2</sup>	300
30	ELECTRICAL	m <sup>2</sup>	200
31	PLUMBING	m <sup>2</sup>	150
32	INTERIORS	m <sup>2</sup>	1000
33	EXTERIORS	m <sup>2</sup>	500
34	LANDSCAPING	m <sup>2</sup>	1000
35	UTILITIES	m <sup>2</sup>	500
36	MECHANICAL	m <sup>2</sup>	300
37	ELECTRICAL	m <sup>2</sup>	200
38	PLUMBING	m <sup>2</sup>	150
39	INTERIORS	m <sup>2</sup>	1000
40	EXTERIORS	m <sup>2</sup>	500
41	LANDSCAPING	m <sup>2</sup>	1000
42	UTILITIES	m <sup>2</sup>	500
43	MECHANICAL	m <sup>2</sup>	300
44	ELECTRICAL	m <sup>2</sup>	200
45	PLUMBING	m <sup>2</sup>	150
46	INTERIORS	m <sup>2</sup>	1000
47	EXTERIORS	m <sup>2</sup>	500
48	LANDSCAPING	m <sup>2</sup>	1000
49	UTILITIES	m <sup>2</sup>	500
50	MECHANICAL	m <sup>2</sup>	300
51	ELECTRICAL	m <sup>2</sup>	200
52	PLUMBING	m <sup>2</sup>	150
53	INTERIORS	m <sup>2</sup>	1000
54	EXTERIORS	m <sup>2</sup>	500
55	LANDSCAPING	m <sup>2</sup>	1000
56	UTILITIES	m <sup>2</sup>	500
57	MECHANICAL	m <sup>2</sup>	300
58	ELECTRICAL	m <sup>2</sup>	200
59	PLUMBING	m <sup>2</sup>	150
60	INTERIORS	m <sup>2</sup>	1000
61	EXTERIORS	m <sup>2</sup>	500
62	LANDSCAPING	m <sup>2</sup>	1000
63	UTILITIES	m <sup>2</sup>	500
64	MECHANICAL	m <sup>2</sup>	300
65	ELECTRICAL	m <sup>2</sup>	200
66	PLUMBING	m <sup>2</sup>	150
67	INTERIORS	m <sup>2</sup>	1000
68	EXTERIORS	m <sup>2</sup>	500
69	LANDSCAPING	m <sup>2</sup>	1000
70	UTILITIES	m <sup>2</sup>	500
71	MECHANICAL	m <sup>2</sup>	300
72	ELECTRICAL	m <sup>2</sup>	200
73	PLUMBING	m <sup>2</sup>	150
74	INTERIORS	m <sup>2</sup>	1000
75	EXTERIORS	m <sup>2</sup>	500
76	LANDSCAPING	m <sup>2</sup>	1000
77	UTILITIES	m <sup>2</sup>	500
78	MECHANICAL	m <sup>2</sup>	300
79	ELECTRICAL	m <sup>2</sup>	200
80	PLUMBING	m <sup>2</sup>	150
81	INTERIORS	m <sup>2</sup>	1000
82	EXTERIORS	m <sup>2</sup>	500
83	LANDSCAPING	m <sup>2</sup>	1000
84	UTILITIES	m <sup>2</sup>	500
85	MECHANICAL	m <sup>2</sup>	300
86	ELECTRICAL	m <sup>2</sup>	200
87	PLUMBING	m <sup>2</sup>	150
88	INTERIORS	m <sup>2</sup>	1000
89	EXTERIORS	m <sup>2</sup>	500
90	LANDSCAPING	m <sup>2</sup>	1000
91	UTILITIES	m <sup>2</sup>	500
92	MECHANICAL	m <sup>2</sup>	300
93	ELECTRICAL	m <sup>2</sup>	200
94	PLUMBING	m <sup>2</sup>	150
95	INTERIORS	m <sup>2</sup>	1000
96	EXTERIORS	m <sup>2</sup>	500
97	LANDSCAPING	m <sup>2</sup>	1000
98	UTILITIES	m <sup>2</sup>	500
99	MECHANICAL	m <sup>2</sup>	300
100	ELECTRICAL	m <sup>2</sup>	200
101	PLUMBING	m <sup>2</sup>	150
102	INTERIORS	m <sup>2</sup>	1000
103	EXTERIORS	m <sup>2</sup>	500
104	LANDSCAPING	m <sup>2</sup>	1000
105	UTILITIES	m <sup>2</sup>	500
106	MECHANICAL	m <sup>2</sup>	300
107	ELECTRICAL	m <sup>2</sup>	200
108	PLUMBING	m <sup>2</sup>	150
109	INTERIORS	m <sup>2</sup>	1000
110	EXTERIORS	m <sup>2</sup>	500
111	LANDSCAPING	m <sup>2</sup>	1000
112	UTILITIES	m <sup>2</sup>	500
113	MECHANICAL	m <sup>2</sup>	300
114	ELECTRICAL	m <sup>2</sup>	200
115	PLUMBING	m <sup>2</sup>	150
116	INTERIORS	m <sup>2</sup>	1000
117	EXTERIORS	m <sup>2</sup>	500
118	LANDSCAPING	m <sup>2</sup>	1000
119	UTILITIES	m <sup>2</sup>	500
120	MECHANICAL	m <sup>2</sup>	300
121	ELECTRICAL	m <sup>2</sup>	200
122	PLUMBING	m <sup>2</sup>	150
123	INTERIORS	m <sup>2</sup>	1000
124	EXTERIORS	m <sup>2</sup>	500
125	LANDSCAPING	m <sup>2</sup>	1000
126	UTILITIES	m <sup>2</sup>	500
127	MECHANICAL	m <sup>2</sup>	300
128	ELECTRICAL	m <sup>2</sup>	200
129	PLUMBING	m <sup>2</sup>	150
130	INTERIORS	m <sup>2</sup>	1000
131	EXTERIORS	m <sup>2</sup>	500
132	LANDSCAPING	m <sup>2</sup>	1000
133	UTILITIES	m <sup>2</sup>	500
134	MECHANICAL	m <sup>2</sup>	300
135	ELECTRICAL	m <sup>2</sup>	200
136	PLUMBING	m <sup>2</sup>	150
137	INTERIORS	m <sup>2</sup>	1000
138	EXTERIORS	m <sup>2</sup>	500
139	LANDSCAPING	m <sup>2</sup>	1000
140	UTILITIES	m <sup>2</sup>	500
141	MECHANICAL	m <sup>2</sup>	300
142	ELECTRICAL	m <sup>2</sup>	200
143	PLUMBING	m <sup>2</sup>	150
144	INTERIORS	m <sup>2</sup>	1000
145	EXTERIORS	m <sup>2</sup>	500
146	LANDSCAPING	m <sup>2</sup>	1000
147	UTILITIES	m <sup>2</sup>	500
148	MECHANICAL	m <sup>2</sup>	300
149	ELECTRICAL	m <sup>2</sup>	200
150	PLUMBING	m <sup>2</sup>	150

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

3. **ERF 2094, PEARLY BEACH (PEARLY BEACH HOLIDAY RESORT), OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE, DEPARTURE, AMENDMENT OF APPROVED SITE DEVELOPMENT PLAN AND AMENDMENT OF CONDITIONS OF AN EXISTING APPROVAL: MESSRS WARREN PETERSON PLANNING ON BEHALF OF PSP EIENDOMME CC**

**2094 GPB (4519/2023)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**27 February 2025**

---

**EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 14 November 2023 from Messrs Warren Peterson Planning on behalf of PSP Eiendomme CC, applicable to Erf 2094, Pearly Beach (Pearly Beach) Holiday Resort for the following:

- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law, to accommodate a 15m transmission tower on the property;
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law, to relax the height restriction from 12m to 15m, to accommodate the transmission tower on the property, and
- ❖ **Amendment of the Site Development Plan and conditions of an existing approval** in terms of Section 16(2)(l) of the By-Law, to accommodate the transmission tower on the property.

**RESOLUTION**

1. that the application for **consent use** (transmission apparatus) in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 2094, Pearly Beach, **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 By-Law, to relax the height restriction from 12m to 15m, to accommodate the transmission tower on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

3. that the application for **amendment of the Site Development Plan and conditions of an existing approval** in terms of Section 16(2)(l) of the By-Law, to accommodate a transmission tower on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the recommendation under paragraphs 1., 2., and 3. is 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 the proposed development be limited to transmission apparatus (lattice mast) as shown on the Site Development Plan, Drawin Number: *STSW213* dated *2024-01-24* attached as Annexure C;
  - (c) that the transmission apparatus must comply with the applicable Health and Safety Legislation;
  - (d) that all the conditions imposed by Telkom, be complied with;
  - (e) 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;
  - (f) that the mitigation measures recommended in the Visual Impact assessment be complied with;
  - (g) that a landscaping plan be submitted for municipal approval demonstrating compliance with the landscaping mitigation measures recommended in the Visual Impact Assessment;
  - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
  - (i) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
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.



**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**



---

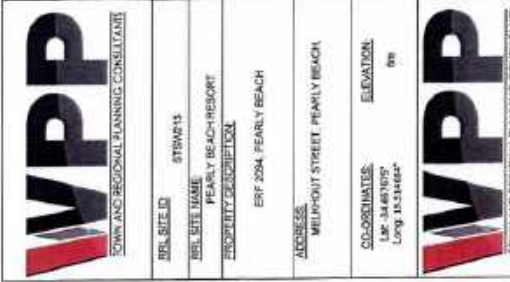
REASONS FOR RESOLUTION

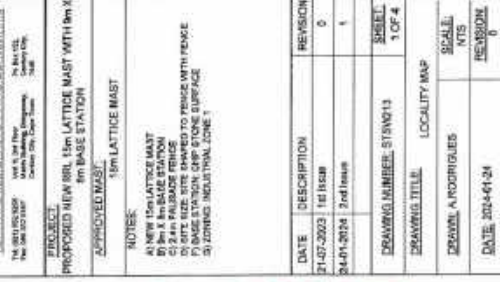
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ No objections were received.
- ❖ It is in line with policy documents.
- ❖ Is not regarded as being undesirable from a town planning point of view.







DATE	DESCRIPTION	REVISION
21-07-2023	1st Issue	0
24-01-2024	2nd Issue	1

DRAWING NUMBER:	ST/20/13	SHEET:	1 OF 4
DRAWING TITLE:	LOCALITY MAP		
DRAWN BY:	A. RODRIGUES	SCALE:	NYS
DATE:	2024-01-24	REVISION:	0

**NOTE:**

- 1) NEW 15m LATTICE MAST
- 2) 15m LATTICE MAST
- 3) 15m LATTICE MAST
- 4) 15m LATTICE MAST
- 5) 15m LATTICE MAST
- 6) 15m LATTICE MAST
- 7) 15m LATTICE MAST
- 8) 15m LATTICE MAST
- 9) 15m LATTICE MAST
- 10) 15m LATTICE MAST
- 11) 15m LATTICE MAST
- 12) 15m LATTICE MAST
- 13) 15m LATTICE MAST
- 14) 15m LATTICE MAST
- 15) 15m LATTICE MAST
- 16) 15m LATTICE MAST
- 17) 15m LATTICE MAST
- 18) 15m LATTICE MAST
- 19) 15m LATTICE MAST
- 20) 15m LATTICE MAST
- 21) 15m LATTICE MAST
- 22) 15m LATTICE MAST
- 23) 15m LATTICE MAST
- 24) 15m LATTICE MAST
- 25) 15m LATTICE MAST
- 26) 15m LATTICE MAST
- 27) 15m LATTICE MAST
- 28) 15m LATTICE MAST
- 29) 15m LATTICE MAST
- 30) 15m LATTICE MAST
- 31) 15m LATTICE MAST
- 32) 15m LATTICE MAST
- 33) 15m LATTICE MAST
- 34) 15m LATTICE MAST
- 35) 15m LATTICE MAST
- 36) 15m LATTICE MAST
- 37) 15m LATTICE MAST
- 38) 15m LATTICE MAST
- 39) 15m LATTICE MAST
- 40) 15m LATTICE MAST
- 41) 15m LATTICE MAST
- 42) 15m LATTICE MAST
- 43) 15m LATTICE MAST
- 44) 15m LATTICE MAST
- 45) 15m LATTICE MAST
- 46) 15m LATTICE MAST
- 47) 15m LATTICE MAST
- 48) 15m LATTICE MAST
- 49) 15m LATTICE MAST
- 50) 15m LATTICE MAST
- 51) 15m LATTICE MAST
- 52) 15m LATTICE MAST
- 53) 15m LATTICE MAST
- 54) 15m LATTICE MAST
- 55) 15m LATTICE MAST
- 56) 15m LATTICE MAST
- 57) 15m LATTICE MAST
- 58) 15m LATTICE MAST
- 59) 15m LATTICE MAST
- 60) 15m LATTICE MAST
- 61) 15m LATTICE MAST
- 62) 15m LATTICE MAST
- 63) 15m LATTICE MAST
- 64) 15m LATTICE MAST
- 65) 15m LATTICE MAST
- 66) 15m LATTICE MAST
- 67) 15m LATTICE MAST
- 68) 15m LATTICE MAST
- 69) 15m LATTICE MAST
- 70) 15m LATTICE MAST
- 71) 15m LATTICE MAST
- 72) 15m LATTICE MAST
- 73) 15m LATTICE MAST
- 74) 15m LATTICE MAST
- 75) 15m LATTICE MAST
- 76) 15m LATTICE MAST
- 77) 15m LATTICE MAST
- 78) 15m LATTICE MAST
- 79) 15m LATTICE MAST
- 80) 15m LATTICE MAST
- 81) 15m LATTICE MAST
- 82) 15m LATTICE MAST
- 83) 15m LATTICE MAST
- 84) 15m LATTICE MAST
- 85) 15m LATTICE MAST
- 86) 15m LATTICE MAST
- 87) 15m LATTICE MAST
- 88) 15m LATTICE MAST
- 89) 15m LATTICE MAST
- 90) 15m LATTICE MAST
- 91) 15m LATTICE MAST
- 92) 15m LATTICE MAST
- 93) 15m LATTICE MAST
- 94) 15m LATTICE MAST
- 95) 15m LATTICE MAST
- 96) 15m LATTICE MAST
- 97) 15m LATTICE MAST
- 98) 15m LATTICE MAST
- 99) 15m LATTICE MAST
- 100) 15m LATTICE MAST

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**4. ERF 4454 31 IXIA ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR DEPARTURE AND RELAXATION OF TITLE DEED: J  
GRIBBLE ON BEHALF OF HJ & LM PAGE**

**4454 KBB (4562/2024)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**17 December 2024**

---

**EXECUTIVE SUMMARY**

An application has been received on 12 January 2024 from J Gribble on behalf HJ & LM Page on Erf 4454, Bettys Bay in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to relax the 2m lateral building line to 0m to accommodate the proposed new store / garage, and to exceed the 9m restriction of a building on one specific boundary to 9,5m to accommodate the extension of the existing outbuilding.
- ❖ **Relaxation** of Clause B.7 of Title Deed No. T70545/97 to relax the 3m lateral building line to 0m to accommodate the proposed new store / 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 4454, Bettys Bay for a departure to relax the 2m lateral building line to 0m to accommodate the proposed new store / garage, and to exceed the 9m restriction of a building on one specific boundary to 9,5 to accommodate the extension of the existing outbuilding, **be approved**, in terms of Section 61 of the By-Law,
2. that in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4454, Betty's Bay for the relaxation of Clause B.7 of Title Deed No. T70545/97 to relax the 3m lateral building line to 0m to accommodate the proposed new store / garage; **be approved** in terms of the provisions of Section 61 of the By-Law
3. that the approvals in Points 1 and 2 above be subject to the following conditions:

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

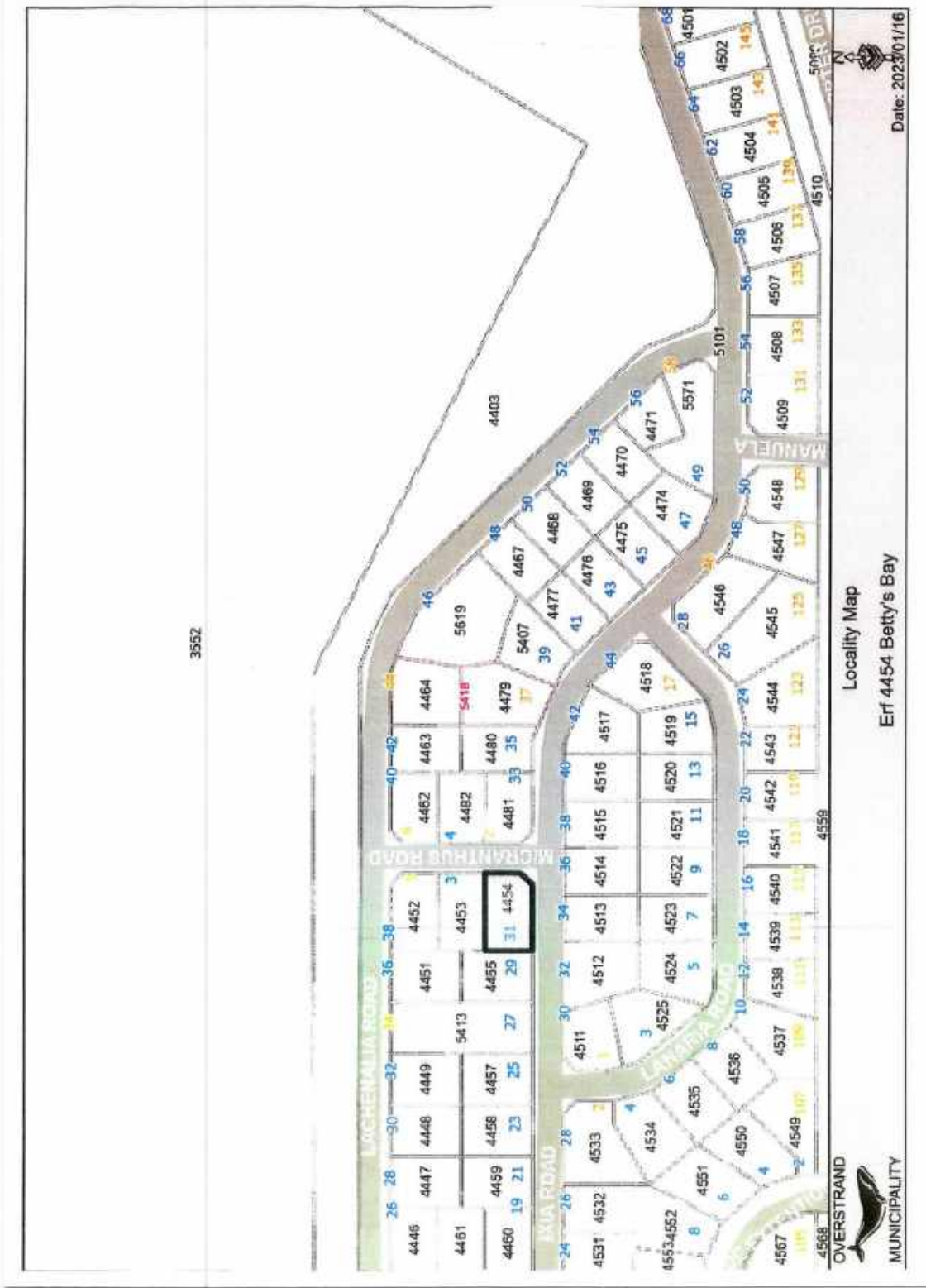
---

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

**REASONS FOR RESOLUTION**

- ❖ Consent letters and signed plans received.
- ❖ The proposal does not jeopardize character of area.
- ❖ Better utilization of the property.
- ❖ The application has followed due procedure.
- ❖ No additional services are required.

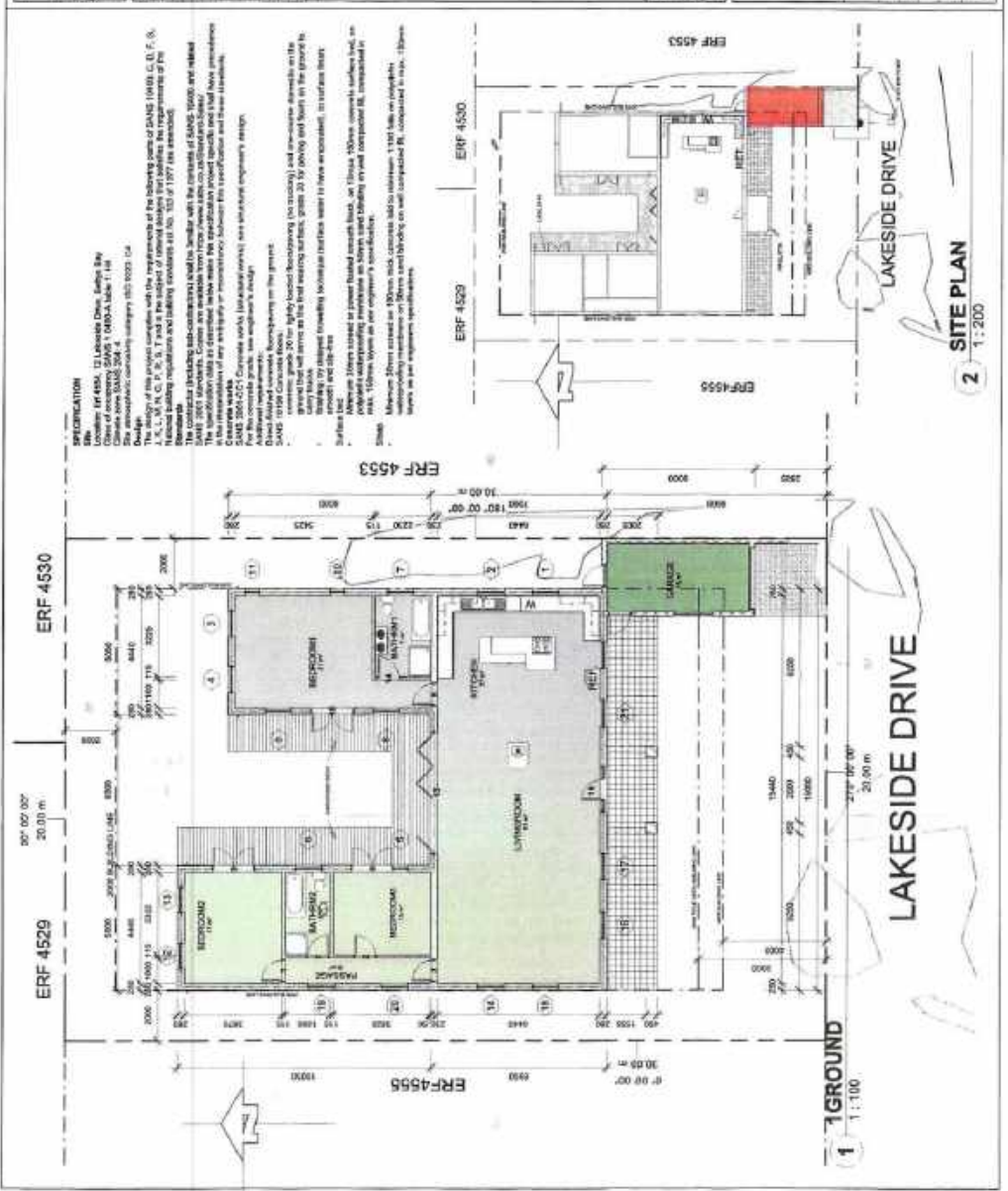
3552



LOCALITY MAP  
Erf 4454 Betty's Bay

Date: 2023/01/16

<p>THE CLIENT'S NAME, ADDRESS AND CONTACT DETAILS ARE TO BE SUPPLIED TO THE LOCAL AUTHORITY AND TO THE LOCAL COUNCIL FOR THE PURPOSES OF THE LOCAL PLANNING APPLICATION.</p> <p>THE CLIENT'S NAME, ADDRESS AND CONTACT DETAILS ARE TO BE SUPPLIED TO THE LOCAL AUTHORITY AND TO THE LOCAL COUNCIL FOR THE PURPOSES OF THE LOCAL PLANNING APPLICATION.</p>	
<p>DATE OF ISSUE: 07/12/2024</p> <p>PROJECT NO: G0003</p>	<p>DATE OF ISSUE: 07/12/2024</p> <p>PROJECT NO: G0003</p>
<p>AREA OF ERF 600m<sup>2</sup></p> <p>AREA OF BUILDING 370m<sup>2</sup></p> <p>COVERAGE 30%</p>	<p>AREA OF ERF 600m<sup>2</sup></p> <p>AREA OF BUILDING 370m<sup>2</sup></p> <p>COVERAGE 30%</p>
<p><b>J H BELDENALTT</b></p> <p>PLANNING CONSULTANTS</p> <p>121, WYLLIEAN ST, BELMORONG, 6703 jhb@jhbplanning.co.za</p>	
<p>NEW GARAGE FOR MR. GARRETH GIBBS</p> <p>ERF 4554</p> <p>121, WYLLIEAN DRIVE, BELMORONG</p>	
<p><b>GROUND STOREY</b></p> <p>DATE: 2024.05.17</p> <p>SCALE: 1:100</p> <p>PROJECT NO: G0003</p> <p>AS INDICATED</p> <p>01</p>	<p><b>GROUND STOREY</b></p> <p>DATE: 2024.05.17</p> <p>SCALE: 1:100</p> <p>PROJECT NO: G0003</p> <p>AS INDICATED</p> <p>01</p>



2 SITE PLAN 1:200

1 GROUND 1:100

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**5. ERF 5560, 96 WESTCLIFF DRIVE, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF DAT PROPERTY MANAGEMENT (PTY) LTD**

**5560 HWC (4579/2024)**

**B Minnaar**

**(028) 313 8900**

**Hermanus Administration**

**25 March 2025**

---

**EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 14 February 2024 from Messrs PlanActive Town- & Regional Planners on behalf of DAT Property Management (PTY) Ltd, the owners of Erf 5560, Westcliff, Hermanus for the following:

- ❖ **consent use** in terms of Section 16(2)(o) of the By-Law to conduct a five (5) bedroom guesthouse from the property.
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to accommodate the existing guesthouse.

**RESOLUTION**

1. that the application 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 Erf 5560, Westcliff, Hermanus, to accommodate the existing guest house with five (5) rooms on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for the determination of an administrative penalty in terms of Section 16.2.(q) of the By-law for the illegal land uses on Erf 5560, Westcliff, Hermanus, was considered and that the applicant/landowners **not be exempted** from the payment of an administrative penalty in terms of the provisions of Section 90 of the By-Law and that an administrative penalty calculated at 5% for the unauthorised land use equating to **R32 308-35, be payable within ninety (90) days from the date of this decision;**
3. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

- (a) that this approval is only for the development as indicated on the site plan, as submitted with the application;
- (b) the manager and/or owner shall reside in the second dwelling (manager's cottage) as indicated on the site plan submitted with this application;
- (c) that a maximum of five (5) bedrooms (10 persons) per property may be used for paying transient guests;
- (d) that guest rooms may not be converted to or used as separate dwelling units;
- (e) that the manager's cottage and the additional bedroom may not be utilised for transient guests (not form part of the available rooms for the guest house and also not to be utilised for self-catering accommodation);
- (f) that the general development parameters for guest houses under Single Residential 1 zoning (with reference to Section 16.10.8 of the Overstrand Municipal Land Use Scheme, 2020) be applicable to the subject property;
- (g) that the carport structure along Springfield Avenue exceeds the street building line and must be removed, and should the owner wish to retain the carport structure, an application for departure must be applied for;
- (h) that meals may also be provided to bona fide guests on the property;
- (i) that subject to obtaining a liquor licence, alcoholic beverages may only be sold to resident guests for consumption with meals on site;
- (j) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
- (k) that the Overstrand Municipality retains the right to enforce any relevant legislation, as well as law and order on the premises, on the landowner/s;
- (l) that building plans be submitted to the Building Department reflecting the approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

- (m) that all conditions imposed by Engineering- and Fire Services and be complied with;
  - (n) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
  - (o) 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.

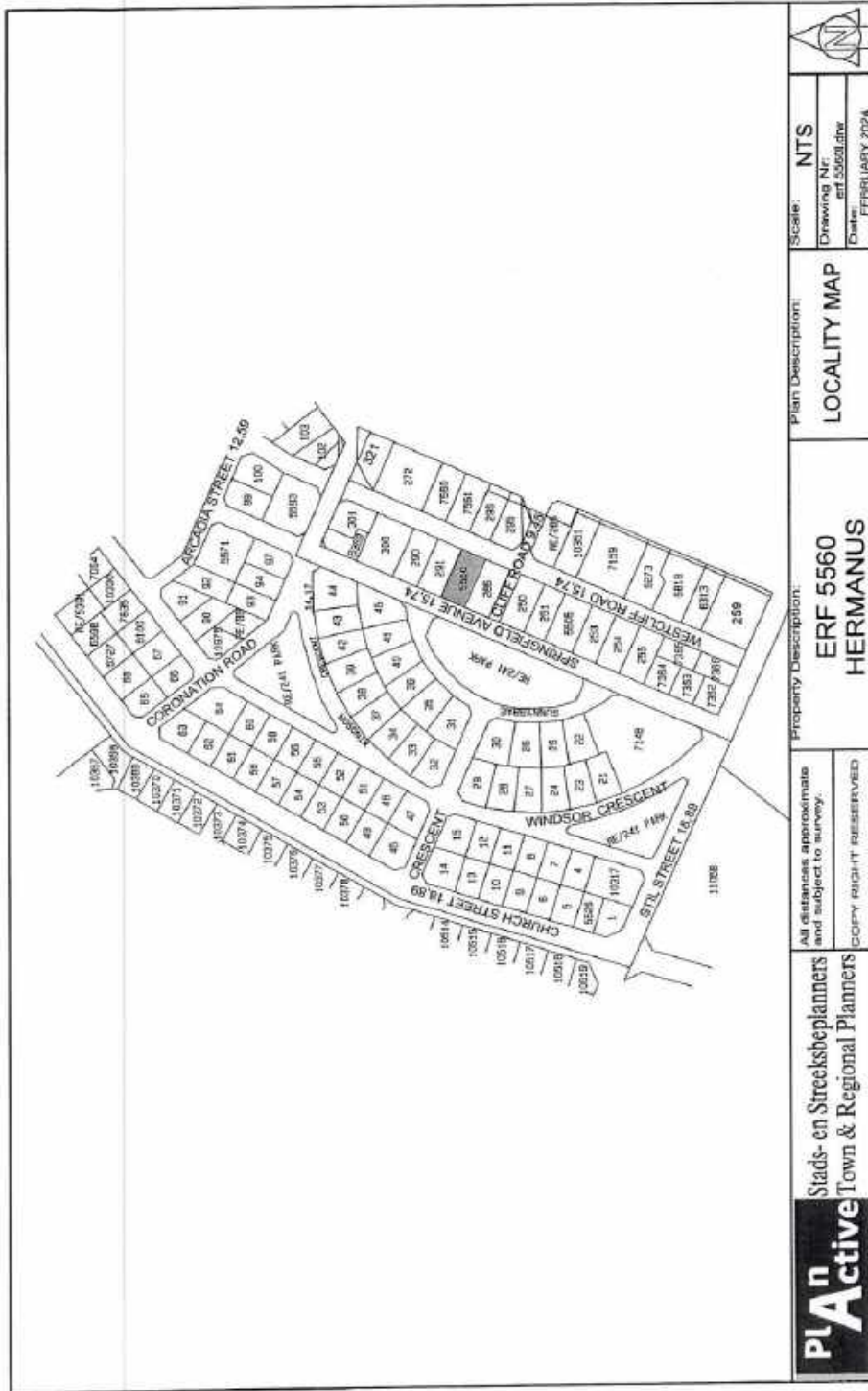
**REASONS FOR RESOLUTION**

**Reasons for recommendation point 1**

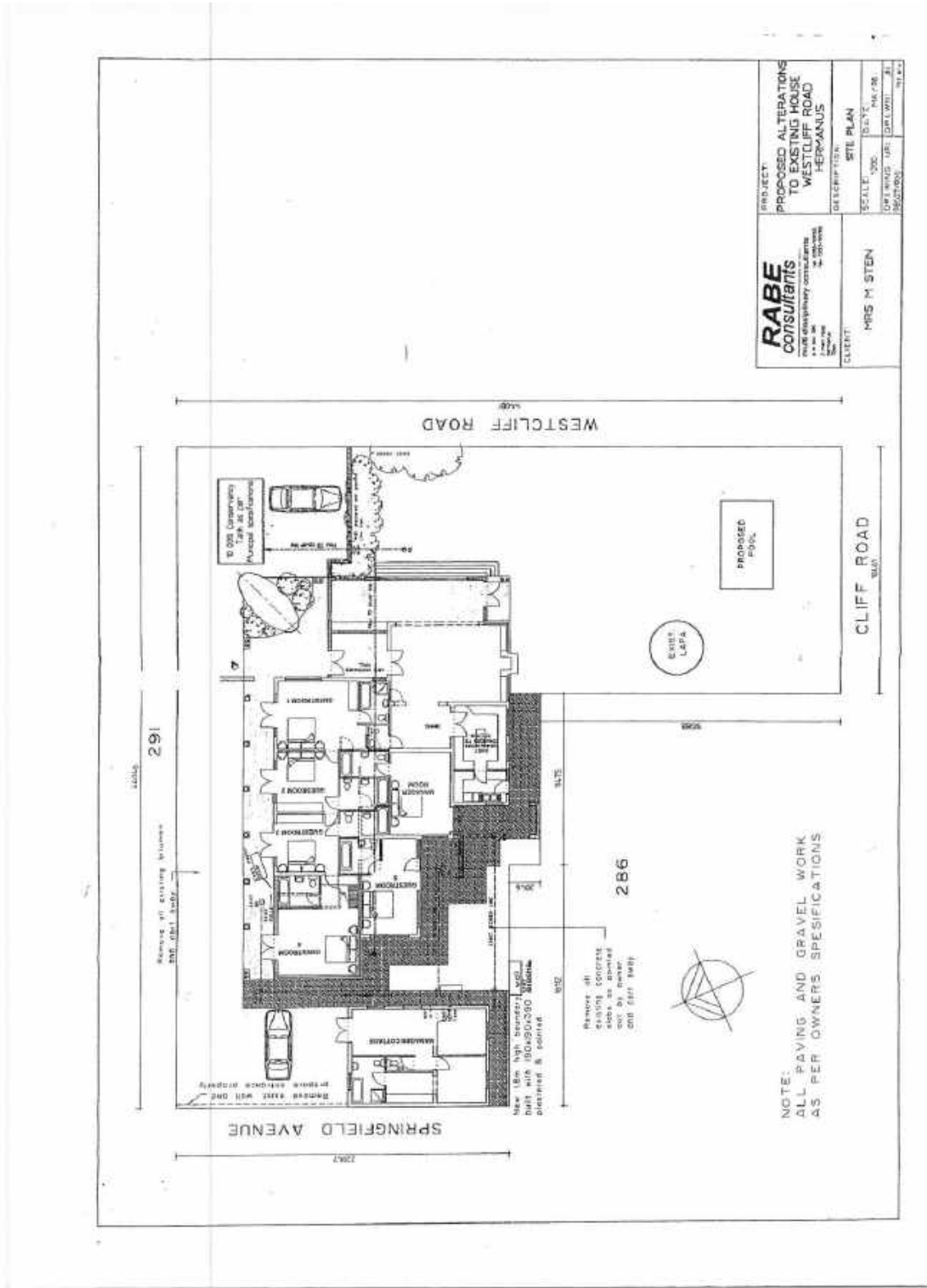
- ❖ The property was granted a departure to accommodate a 5-bedroom guest house in 2011 which lapsed in 2016.
- ❖ The property is already developed to accommodate the 5-bedroom guest house, no changes are proposed.
- ❖ The Westcliff area is known for its guest house developments. Therefore, the proposal will not negatively impact on the character or uses in the surrounding area.
- ❖ The proposal is in line with the future planning documents of the area.

**Reasons for recommendation point 2**

- ❖ The property owner in their own initiative submitted the application once they were made aware of the lapsed approval for a guesthouse (informed after transfer of the property).
- ❖ The 5% administrative penalty is imposed due to the use being unauthorised which remains in operation.
- ❖ The onus remains on the property owner to ensure that their property conforms to the legislation applicable to the property.



	Stads- en Streetsbeplanners Town & Regional Planners	All distances approximate and subject to survey.	Property Description: <b>ERF 5560                  HERMANUS</b>	Plan Description: <b>LOCALITY MAP</b>	Scale: <b>NTS</b> Drawing Nr: <b>erf 5560/1hr</b> Date: <b>FEBRUARY 2024</b>
	COPY RIGHT RESERVED				



<b>RABE</b> <b>consultants</b> <small>ARCHITECTURAL CONSULTANTS</small> <small>1000 WESTCLIFF ROAD</small> <small>HERMANUS</small>	<b>PROJECT:</b> <b>PROPOSED ALTERATIONS</b> <b>TO EXISTING HOUSE</b> <b>WESTCLIFF ROAD</b> <b>HERMANUS</b>	<b>DESCRIPTION:</b> <b>SITE PLAN</b>
	<b>CLIENT:</b> <b>MRS M STEN</b>	<b>SCALE:</b> 1:500 <b>DRAWN:</b> [initials] <b>CHECKED:</b> [initials]

NOTE:  
 ALL PAVING AND GRAVEL WORK  
 AS PER OWNERS SPECIFICATIONS

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY &  
CONSENT USE: ERF 5560, WESTCLIFF (4579/2024)**

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

**Conditions:**

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

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**6. ERF 1597, 32 VERGESIG STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND RELAXATION OF A RESTRICTIVE TITLE DEED CONDITION: MESSRS A ROUX TOWN PLANNING ON BEHALF OF A MARAIS**

**1597 GPB (4673/2024)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**14 March 2025**

---

**EXECUTIVE SUMMARY**

An application has been received on 20 May 2024 from Messrs A Roux Town Planning on behalf of A Marais in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 1597, Pearly Beach for the following

- **consent use** in terms of Section 16(2)(o) of the By-Law to accommodate a five-bedroom guest house; and
- **departure** in terms of Section 16(2)(b) of the By-Law to encroach the street building line from 4m to 3,4m to accommodate a proposed deck.

Application is also made for **relaxation of a restrictive title deed condition** pertaining to condition D.3(b) of Title Deed T78575/2012 to permit the encroachment of the street building line from 5m to 3,4m to accommodate a portion of the building and proposed deck on ground and first floor.

**RESOLUTION**

1. 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 Erf 1597, Pearly Beach, to accommodate a five-bedroom guest house, **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 encroach the 4m street building line up to 3,4m, **be approved**, in terms of the provisions of Section 61 of the By-Law; and
3. that the application for relaxation of a restrictive title deed condition in terms of the provisions of Condition D.3(b) contained in Title Deed T78575/2012 to permit the encroachment of the eastern street building line from 5m to 3,4m, **be approved**;
4. that the approvals in 1. to 3. above be subject to the following conditions:

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

- (a) that this approval is only for the consent use and building line encroachments applied for as indicted on the site development plan Drawing no. 2024-008-01 dated *June 2024*;
  - (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 the patios shall not be enclosed;
  - (d) that a maximum of four (5) bedrooms be let to transient guests;
  - (e) that no kitchen facilities and/or prep bowls be allowed in the guest rooms;
  - (f) that the general development parameters for guest houses under Single Residential 1 zoning (with reference to Section 16.10.8 of the Overstrand Municipal Land Use Scheme, 2020) be applicable to the subject property;
  - (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 all the conditions in the Services Report, be complied with;
  - (i) that the Overstrand Municipality retains the right to enforce any relevant legislation, as well as law and order on the premises, on the landowner/s;
  - (j) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (k) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
5. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above decision.

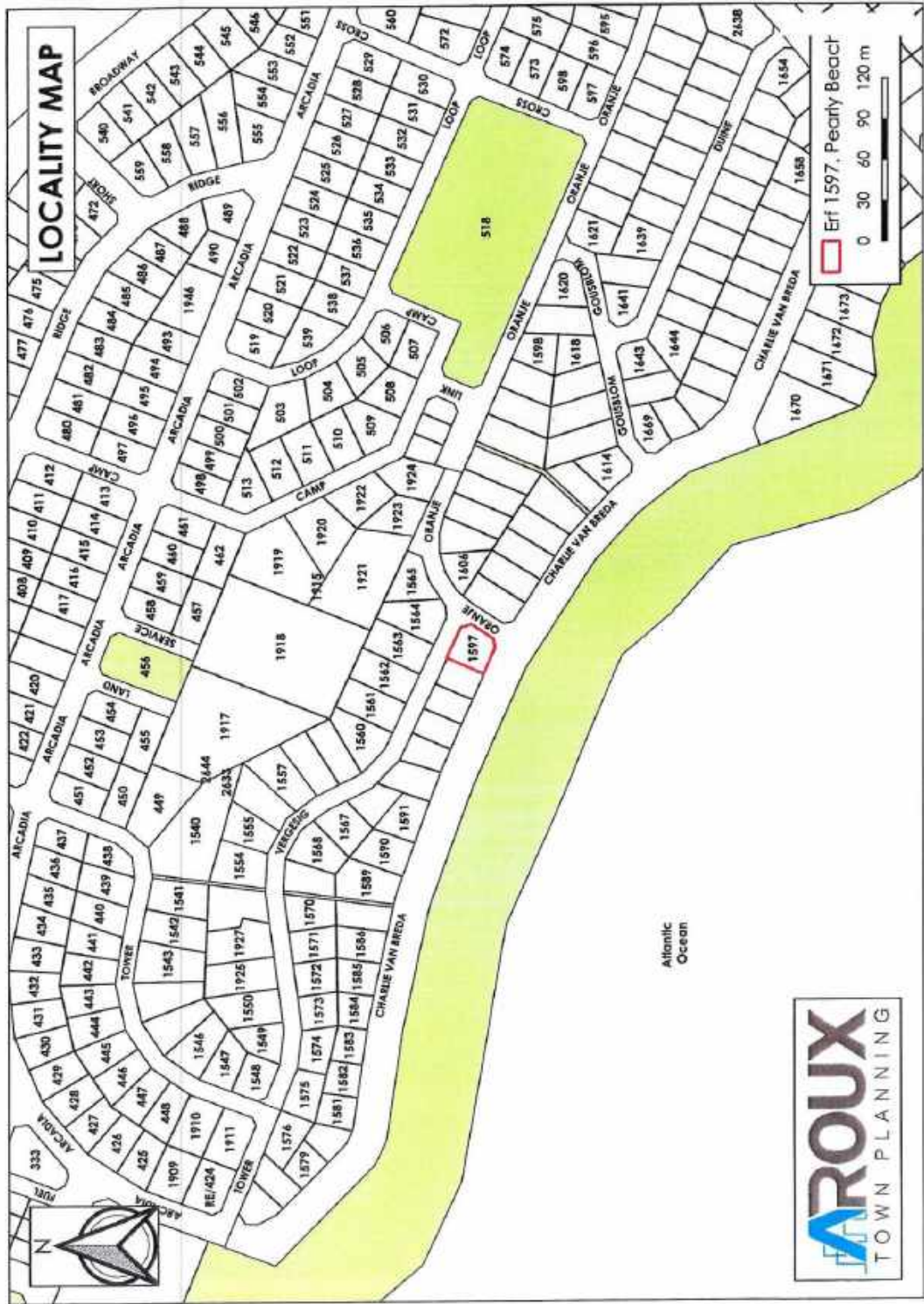
**REASONS FOR RESOLUTION**

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

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

- ❖ Ample and practical parking for the guesthouse is provided on the property.
- ❖ The guest house does and building line encroachments will not have a negative effect on the character of the area or vested rights of adjoining property owners.
- ❖ The proposed building line encroach.
- ❖ The guest house promotes the tourism industry and create jobs, thus in line with the SDF.



# ULRICH BRUWER architecture

Ulrich Bruwer, SACAP Reg No: T11490  
Email: ulrich@ulrichbruwer.co.za  
Cell: 082 859 3707  
PO Box 15100, Paarlans, 7506

AREA CALCULATIONS	
ERF AREA:	800,0m <sup>2</sup>
EXISTING AREAS:	
GROUND STOREY	68,1m <sup>2</sup>
FIRST STOREY	125,9m <sup>2</sup>
ADDITIONS:	
GROUND STOREY - HOUSE	28,8m <sup>2</sup>
GROUND STOREY - 2nd DWELLING	41,3m <sup>2</sup>
FIRST STOREY - HOUSE	67,4m <sup>2</sup>
TOTAL HOUSE	309,5m <sup>2</sup>
GROUND STOREY - COVERED DECKS	42,8m <sup>2</sup>
	372,3m <sup>2</sup>
FIRST STOREY - OPEN DECK/STOEP	56,5m <sup>2</sup>
COVERAGE:	30,8%
	(125,9+67,4+56,5=149,8m <sup>2</sup> )

**PROJECT**  
**PEARLY BEACHFRONT LODGE**  
 PROPOSED GUEST HOUSE  
 ERF 1597, 32, VERGESIG STREET  
 PEARLY BEACH  
 Owner(s): ANNECKE MARAIS

**DESCRIPTION**  
**SITE & ROOF LAYOUT**

SCALE	DATE
1:200	JUNE 24
DRAWING NUMBER	REVISION
2024-008-01	01
REVISIONS	
00	COUNCIL
01	COUNCIL
	2024-06-19
	2024-06-19

**HEIGHT RESTRICTION CALCULATION**  
 Lowest Natural Ground Level of House: 12,26m  
 Highest Natural Ground Level of House: 16,19m  
 Base level: 14,28m  
 + allowable building height: 6,00m  
 Building height restriction: 20,28m

**PARKING REQUIREMENTS**  
 New Dwelling: 2  
 Second Dwelling: 1  
 Street House: 1 (EIT) (not per Guest Rooms)  
 Total parking bays: 6



**CHARLIE VAN BREDA AVENUE**  
**ROOF & SITE LAYOUT**  
 SCALE: 1:200

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR APPLICATION FOR CONSENT USE: ERF 1597, PEARLY BEACH (4673/2024)**

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

**Conditions:**

1. that the existing water connection to- and sewer conservancy tank on Erf 1597 shall be used to service Erf 1597;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
4. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Gansbaai for written approval;
6. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
7. that any additional and / or extended vehicle entrances will be for the developer's account;
8. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;

2

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

  
RICARDO ANDREW  
PRINCIPAL TECHNOLOGIST:  
DEVELOPMENT CONTROL

  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**7. MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS INTERACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF JH BEYERS & DP ROOS**

**5811 HHH  
(3814/2021)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**18 December 2024**

---

**EXECUTIVE SUMMARY**

An application has been received on 18 February 2021 in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) from Messrs Interactive Town & Regional Planners on behalf of the owners of Erf 5811, Hermanus, for the following:

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

- relax the western lateral building line from 2,0m to 0m to accommodate the existing balcony deck, walkway, ramp and balustrade railing;
- relax the height of the boundary wall from 2,1m to 3,03m on the western and southern boundary, and
- relax the height of the filling from 1m to 1,79m to accommodate the existing western and southern lateral filling.

**Determination of an Administrative Penalty** in terms of Section 16(2)(q) of the By-Law, in order to legalize the existing structures.

**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 (By-Law) applicable to Erf 5811, Hermanus Heights for a **departure** in order to:

- relax the height of the boundary wall from 2,1m to 3,03m on the western and southern boundary, and
- relax the height of the filling from 1m to 1,79m to accommodate the existing western and southern lateral filling,

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

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 5811, Hermanus Heights for a departure in order to:
  - relax the western lateral building line from 2,0m to 0m to accommodate the existing balcony deck, walkway, ramp and balustrade railing;

**be partially 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 5811 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. and 2. is subject to the following conditions:
  - (a) that the approval is only for the development as indicated on drawing number *218-09 1.01, 218-09 1.02 and 218-09 101.03* dated *26 July 2021* as submitted with the application;
  - (b) that revised building plans be submitted to the Building Department indicating compliance with the Fire Department's regulations and that the wooden balcony and railing on the western boundary be recessed 1m away from the boundary or further as required by the fire department;
  - (c) that the conditions in the Services Report be complied with;
  - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
  - (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
5. 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 5811, Hermanus to accommodate the unauthorised building line encroachments, as stipulated above, be imposed, and the payment to the amount of **R12 151.80** be paid to the municipality within **sixty (60) days** from the date of being notified of the decision, and

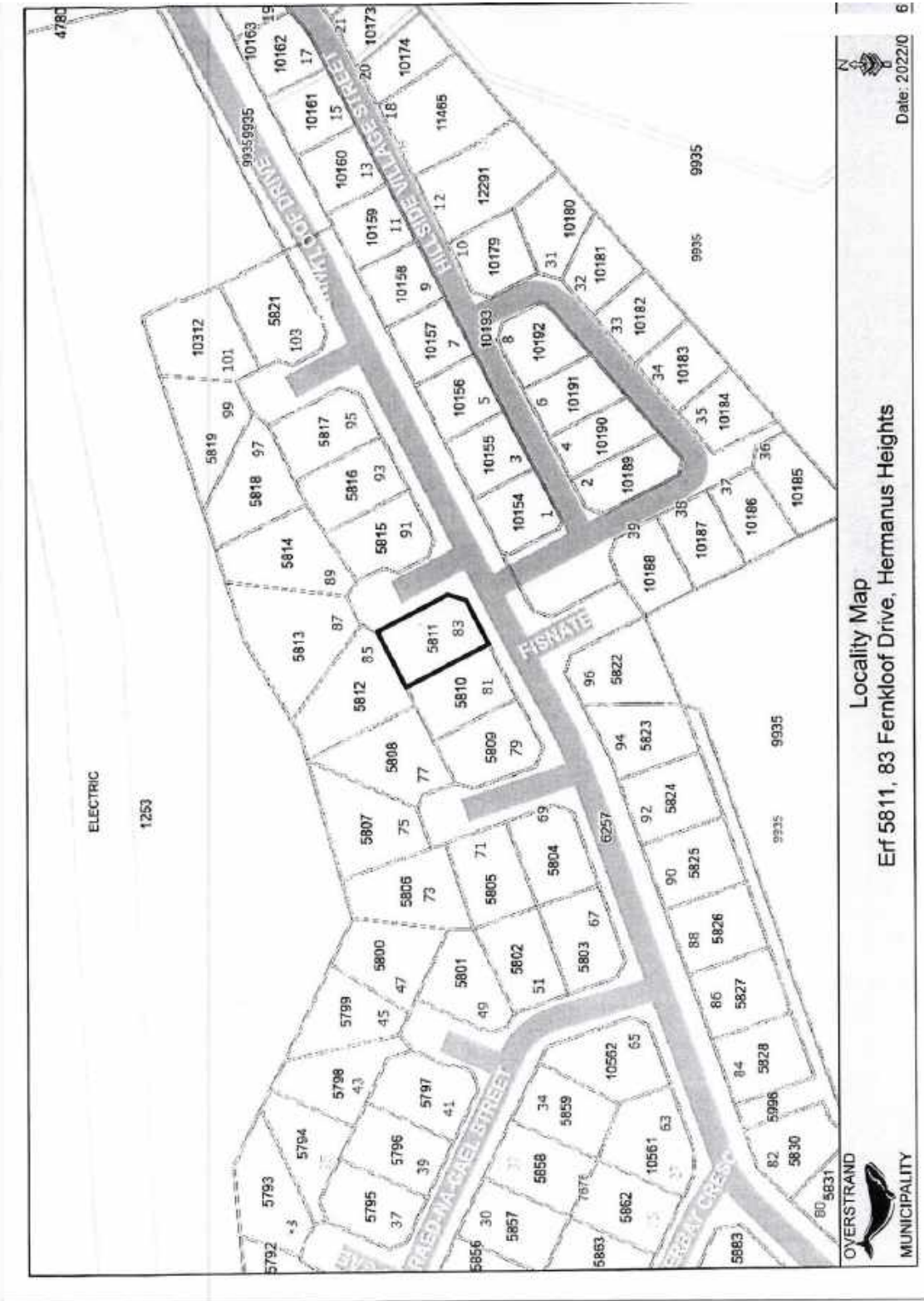
**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

6. 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.
- ❖ It is noted that the Fernkloof Drive has large verges and therefore the existing wall and filling is considered to be none imposing to the street scape.
- ❖ Due to the difference between the two property ground levels, the boundary wall acts as a privacy screen for both adjacent property owners.
- ❖ The existing structures aid the resident which is wheelchair bound to gain access to portions of the dwelling and property.
- ❖ A condition has been introduced in order to recess the existing wooden balcony which will address privacy and fire related concerns and risks.
- ❖ The property owner can provide sufficient parking on the property without the need for on street parking.
- ❖ 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.



Locality Map  
Erf 5811, 83 Fernkloof Drive, Hermanus Heights



Date: 2022/0



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 5811, HERMANUS HEIGHTS**

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 5811, Hermanus Heights, unobstructed;
7. that no on-street parking be allowed.

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

  
**DATE**

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**8. ERF 4805, 11 MOSSEL RIVER DRIVE, EASTCLIFF, HERMANUS:  
APPLICATION FOR DEPARTURE AND DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN- & REGIONAL  
PLANNERS ON BEHALF OF SUNETTE HUYSAMER TRUST**

**4805 HEC (4727/2024)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**17 March 2025**

---

**EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 30 July 2024 from Messrs Plan Active Town- and Regional Planners on behalf of the owner of Erf 4805, Eastcliff, Hermanus for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the western lateral building line from 2m to 1.865m and 1.848m respectively to accommodate a portion of the as built structure.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to accommodate the existing as built structure on the property.

**RESOLUTION**

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 4805, Eastcliff, Hermanus, to relax the western lateral building line from 2m to 1.865m and 1.848m respectively to accommodate a portion of the as built structure, **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 4805, Eastcliff, Hermanus to accommodate the existing as built structure on the property, **not be exempt** from the payment of an administrative penalty;
3. that the recommendation under paragraphs above is subject to the following conditions:
  - (a) that the approvals are for the development as indicated on Site Development Plan No *I 0517 / A1 / 01 and I 0517 / A1 / 02* dated *24.05.2024*;

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

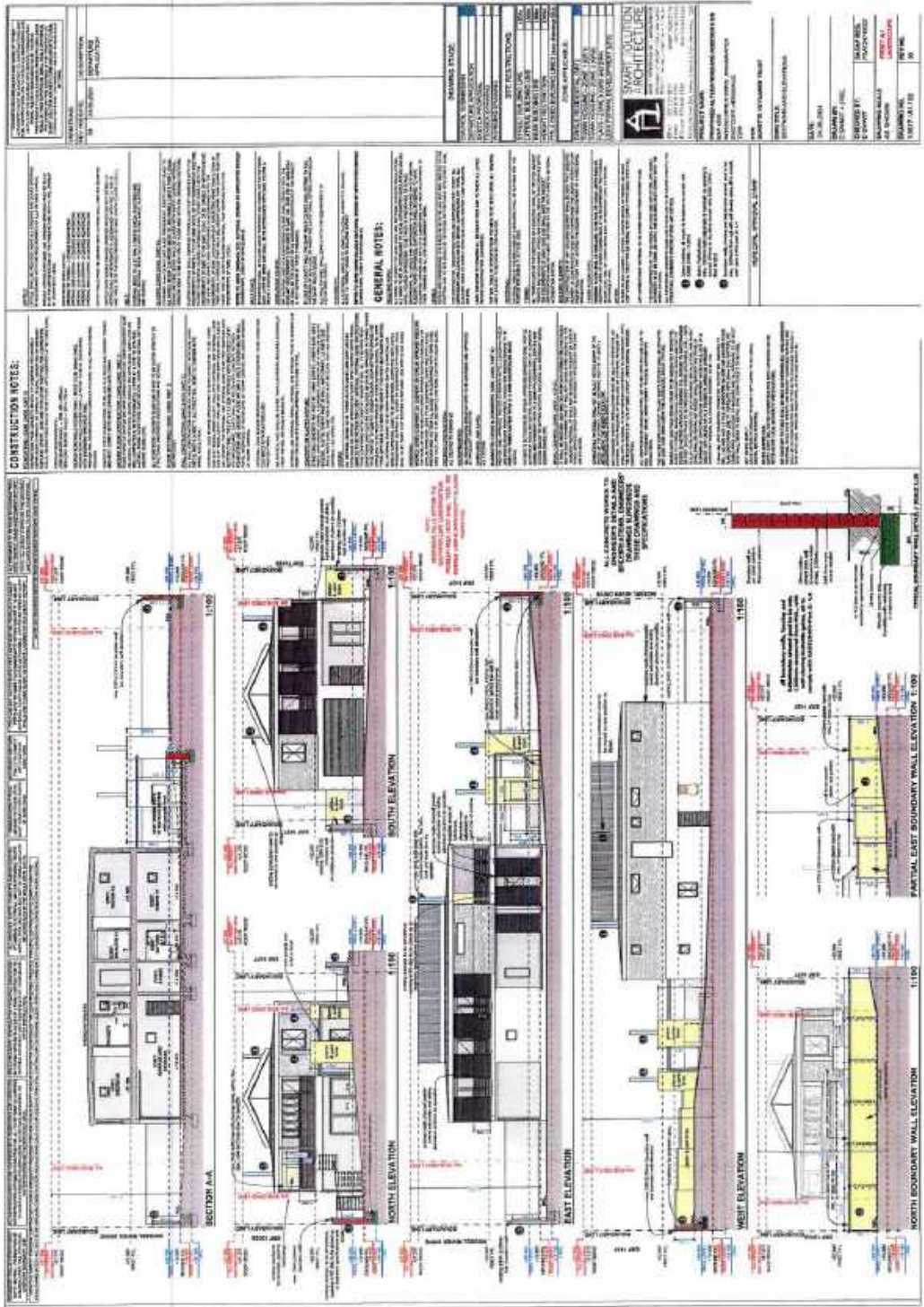
---

- (b) that building plans be submitted to the Building Control Department and that all conditions of the Building- and Fire Department be complied with at that stage;
  - (c) that an administrative penalty of **R2 639.77** be payable within sixty (60) days of the decision;
  - (d) that all the conditions in the Services Report and 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
4. that the applicant notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**REASONS FOR RESOLUTION**

- ❖ The encroachment of the lateral building line is small in nature and less than the width of the outer wall of the building.
- ❖ 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.
- ❖ Alterations were made to the dwelling without municipal approval.





<b>CONSTRUCTION NOTES:</b>	
1. ALL CONCRETE WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.	
2. ALL REINFORCING STEEL TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.	
3. ALL MASONRY WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.	
4. ALL ROOFING WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.	
5. ALL MECHANICAL AND ELECTRICAL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.	
6. ALL PAINTING WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.	
7. ALL FINISHES TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.	
8. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.	
9. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.	
10. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.	

<b>GENERAL NOTES:</b>
1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.
2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.
3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.
4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.
5. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.
6. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.
7. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.
8. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.
9. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.
10. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI AND ASTM SPECIFICATIONS.

<b>PROJECT INFORMATION:</b>
PROJECT NAME: [REDACTED]
CLIENT: [REDACTED]
ARCHITECT: [REDACTED]
DATE: [REDACTED]
SCALE: [REDACTED]
PROJECT NO.: [REDACTED]
DATE: [REDACTED]
SCALE: [REDACTED]
PROJECT NO.: [REDACTED]

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 4805, EASTCLIFF (4727/2024)**

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

21/08/2024  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

- 9. ERF 7498, 153 SIXTH STREET AND ERF (UNREGISTERED) 7499, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DELETION OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF JB GOODCHILD & TRADEFLAIRS 5 (PTY) LTD**

**7498 & 7499 HVK (4818/2024)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**25 March 2025**

---

**EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 18 August 2024 from Messrs PlanActive Town- and Regional Planners on behalf of the owners of Erf 7498 and Erf (Unregistered) 7499, Voëlklip, Hermanus for the following:

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

**RESOLUTION**

1. that the application in terms Section 16.(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 7498 and Erf (Unregistered) 7499 (a portion of Erf 2752), Hermanus for the **removal of an existing condition of approval, be approved** in terms of the provisions of Section 61 of the By-Law;
  - (a) that condition 3.4 be removed from the decision dated 16 August 1999;
  - (b) that building plans be submitted for any new work done and that the Building Department and Fire Department's comments be complied with at that stage;
  - (c) that the property owner of Erf (Unregistered) 7499 (a portion of Erf 2752) applies to the municipality to have the electrical pole and anchor in Sixth Street removed and that the cost be at the property owners account as per the comments from the Electro Technical Services;
  - (d) that the conditions in the Services Report, be complied with;

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 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.
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**REASONS FOR RESOLUTION**

- ❖ The development is not considered to unacceptably detract from the character of the area and vested rights of adjoining property owners.
- ❖ The access point will not have a negative impact on other road users.
- ❖ The application followed due process.
- ❖ The proposal is consistent with the SDF.



	Shade-en Streetsplanners Town & Regional Planners	All distances approximate and subject to survey.	JOHN HUNTER HERRMANN	Property Description: <b>ERVEN 7498 &amp; 7499 HERMANUS</b>	Plan Description: <b>LOCALITY MAP</b>	Scale: NTS
						Drawn by: HERRMANN, J.H.
Date: September 2004						



**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:  
APPLICATION FOR DELETION OF CONDITIONS IN RESPECT OF AN EXISTING  
APPROVAL: ERF 7498 & ERF (UNREGISTERED) 7499, VOELKLIP (4818/2024)**

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: Engineering Services - 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**

19/12/2024  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**10.ERF 5986, 6 FYNBOS STREET, HERMANUS HEIGHTS, HERMANUS,  
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE:  
MESSRS WRAP PROJECT OFFICE ON BEHALF OF JL CALLENDER-EASBY**

**5986 HHH (4827/2024)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**17 March 2025**

---

**EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 30 September 2024 from Messrs WRAP Project Office on behalf of the owner of Erf 5986, Eastcliff, Hermanus for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
  - relax the street building line from 4m to 0m to accommodate a proposed covered carport;
  - relax the western lateral building line from 2m to 1.88m to accommodate a proposed covered carport, and
  - relax the street building line from 4m to 0m to accommodate a proposed covered pedestrian entrance.

**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 5986, Hermanus, in order to:
  - relax the street building line from 4m to 0m to accommodate a proposed covered carport;
  - relax the western lateral building line from 2m to 1.88m to accommodate proposed covered carport, and
  - relax the street building line from 4m to 0m to accommodate a proposed covered pedestrian entrance,

**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 4 dated 2024/08/07;

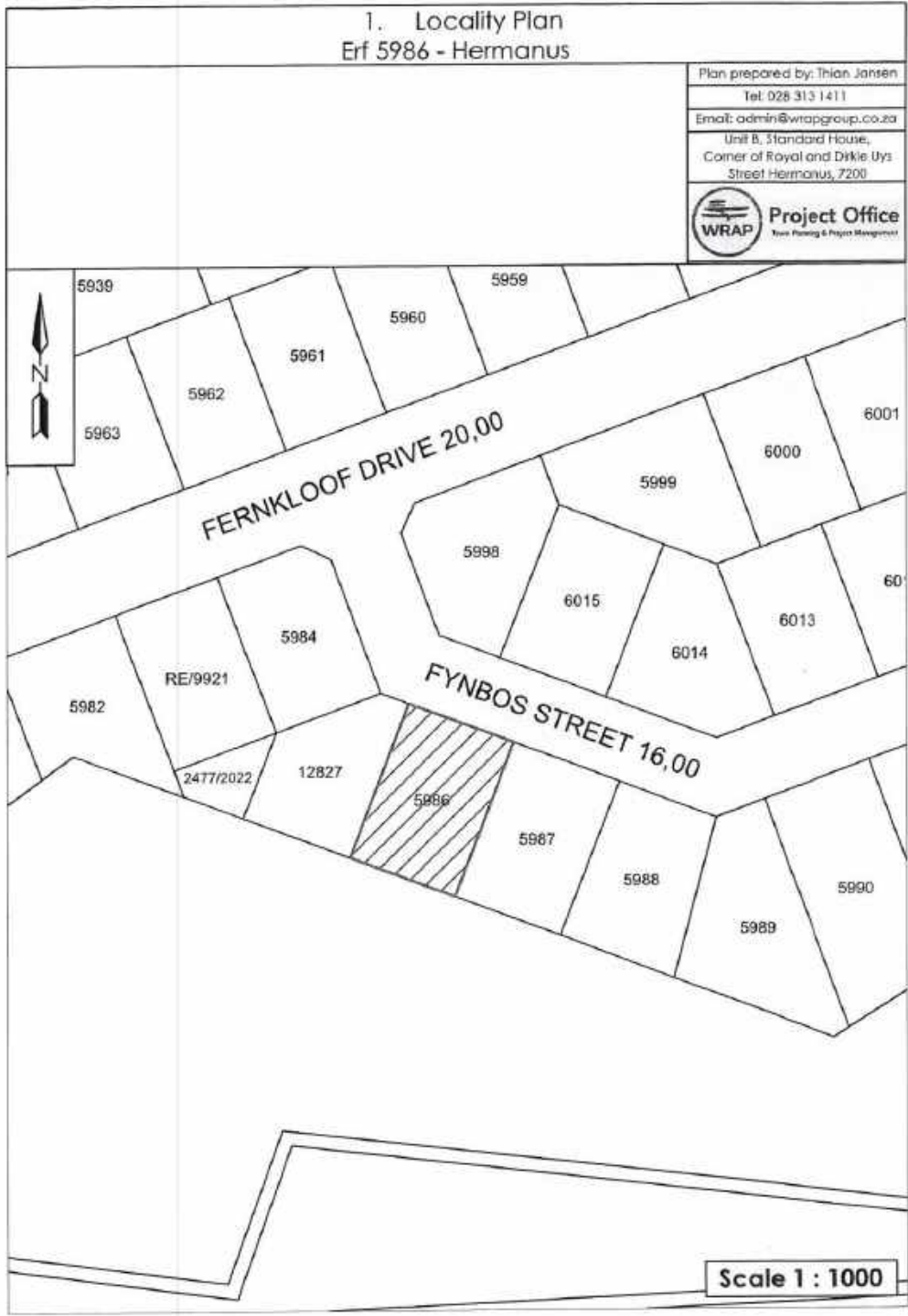
**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

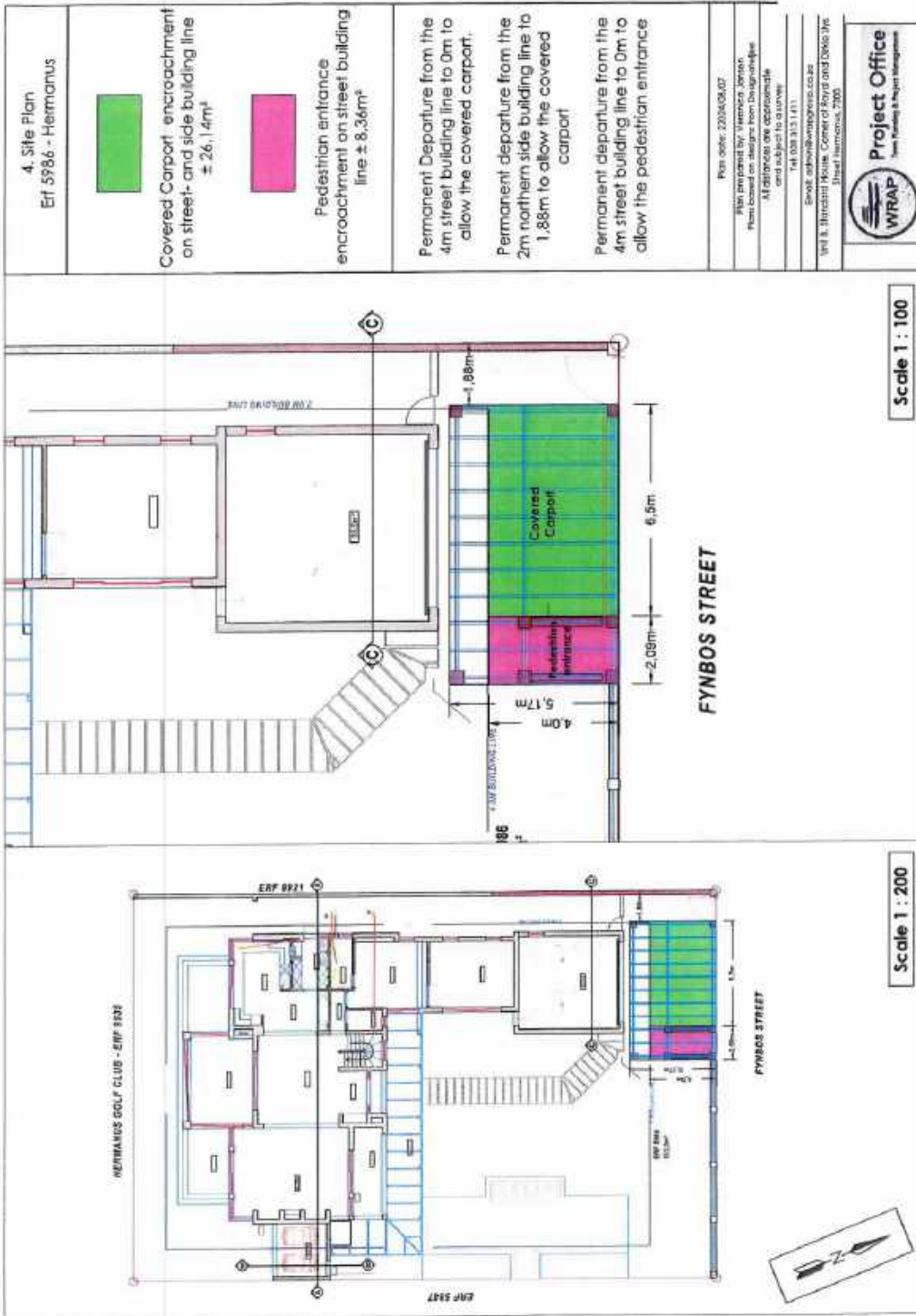
---

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

**REASONS FOR RESOLUTION**

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





4. Site Plan  
Erf 598c - Hermanus



Covered Carport encroachment on street- and side building line ± 26,14m<sup>2</sup>



Pedestrian entrance encroachment on street building line ± 8,36m<sup>2</sup>

Permanent Departure from the 4m street building line to 0m to allow the covered carport.

Permanent departure from the 2m northern side building line to 1,88m to allow the covered carport

Permanent departure from the 4m street building line to 0m to allow the pedestrian entrance

Plan date: 22/04/2027

Site prepared by: Hermanus Jordaan  
Members of staff are from the following companies:  
All drawings are accurate and subject to a survey.

Tel: 028 313 1411

Small: [info@wrap.co.za](mailto:info@wrap.co.za)

Unit 8, Threeston House, Corner of Ruyt and Oude Jys Street, Hermanus, 7200



Scale 1 : 100

Scale 1 : 200

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:  
APPLICATION FOR DEPARTURE: ERF 5986, HERMANUS HEIGHTS (4827/2024)**

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

**Conditions:**

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

  
RICARDO ANDREW  
PRINCIPAL TECHNOLOGIST:  
DEVELOPMENT CONTROL

  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**11.ERF 120, 31 CLIFF STREET AND ERF 129, 58 CLIFF STREET, DE KELDERS,  
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION:  
MESSRS WRAP PROJECT OFFICE ON BEHALF OF CHA STRENGER**

**120 & 129 GDK (4871/2024)**

**SW van der Merwe  
27 March 2025**

**(028) 313 8900**

**Hermanus Administration**

---

**EXECUTIVE SUMMARY**

An application was received on 22 November 2024 from Messrs WRAP Project Office on behalf of CHA Strenger in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the **consolidation** of Erven 120 and 129, De Kelders to create a consolidated erf of approximately 1190m<sup>2</sup> in extent.

**RESOLUTION**

1. that the application for consolidation of Erven 120 and 129, De Kelders in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to create a consolidated property measuring approximately 1190m<sup>2</sup> in extent, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
  - (a) that the dwelling on Erf 129, De Kelders be demolished prior to Section 30(2) clearance being granted;
  - (b) that the approval is only for the consolidation as indicated on drawing number 24/167(001) – 15/11/2024 as submitted with the application;
  - (c) that all 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;
  - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation;
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

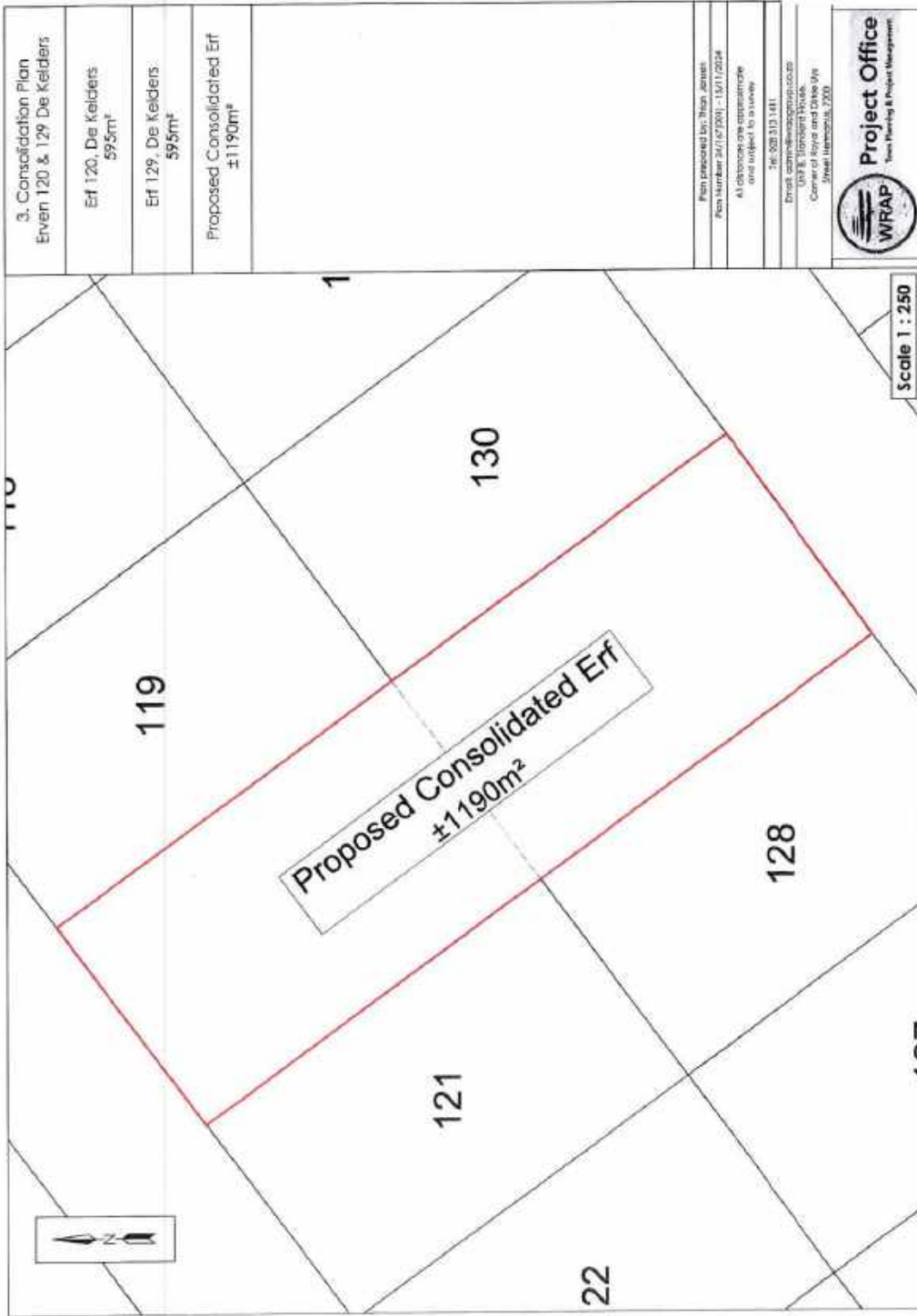
**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**REASONS FOR RESOLUTION**

- ❖ The proposal is consistent with the SDF.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.
- ❖ The character of the area will not be adversely impacted.





**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:  
APPLICATION FOR CONSOLIDATION: ERF 120 & 129, DE KELDERS  
(4871/2024)**

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

**Conditions:**

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

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

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

14/02/2025  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**12.ERF 4429, 55 CHANTECLAIRE AVENUE, ONRUSTRIVIER, OVERSTRAND  
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND  
DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT  
OFFICE ON BEHALF OF NAXICORP PROPERTIES (PTY) LTD**

**4429 HON (4725/2024)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**8 April 2025**

---

**EXECUTIVE SUMMARY**

An application has been received on 26 July 2024 from WRAP Project Office on behalf of Naxicorp Properties (Pty) Ltd on Erf 4429, Onrustrivier in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Departures** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:
  - Relaxation of the eastern side building line from 2m to 0,74m to accommodate the garage extension on the ground floor;
  - Relaxation of the eastern side building line from 2m to 1,04m to accommodate the existing stairs on the ground floor;
  - Relaxation of the eastern side building line from 2m to 0.74m to accommodate the store and staff quarters extension on the lower ground floor;
  - Relaxation of the allowable coverage from 50% to 53,4%, and
  - Relaxation of the maximum allowable boundary wall height from 2,1m to 2,4m, for western boundary wall.
  
- ❖ **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.

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 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 4429, Onrustrivier for the following departures:

- ❖ relaxation of the eastern side building line from 2m to 0,74m to accommodate the garage extension on the ground floor;
- ❖ relaxation of the eastern side building line from 2m to 1,04m to accommodate the existing stairs on the ground floor;
- ❖ relaxation of the eastern side building line from 2m to 0.74m to accommodate the store and staff quarters extension on the lower ground floor;
- ❖ relaxation of the allowable coverage from 50% to 53,4%;
- ❖ relaxation of the maximum allowable boundary wall height from 2,1m to 2,4m, for western boundary wall;

**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, coverage and boundary wall height, 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 numbers 24/61 (001) dated 3 July 2024, submitted with the application;
- (c) that building plans be submitted to the Building Department for all illegal building work on the property approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
- (d) that all other development parameters as prescribed in the relevant Land Scheme be complied with;
- (e) that all the conditions in the Services Report, be complied with, and
- (f) that all the conditions by Telkom be complied with.

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 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 4429, Onrustvriër for the unauthorized encroachments, was considered and that an administrative penalty to the amount of **R52 098,00, be imposed** which penalty must be paid within ninety (90) days from the final date of the decision of the application.
3. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

## **REASONS FOR RESOLUTION**

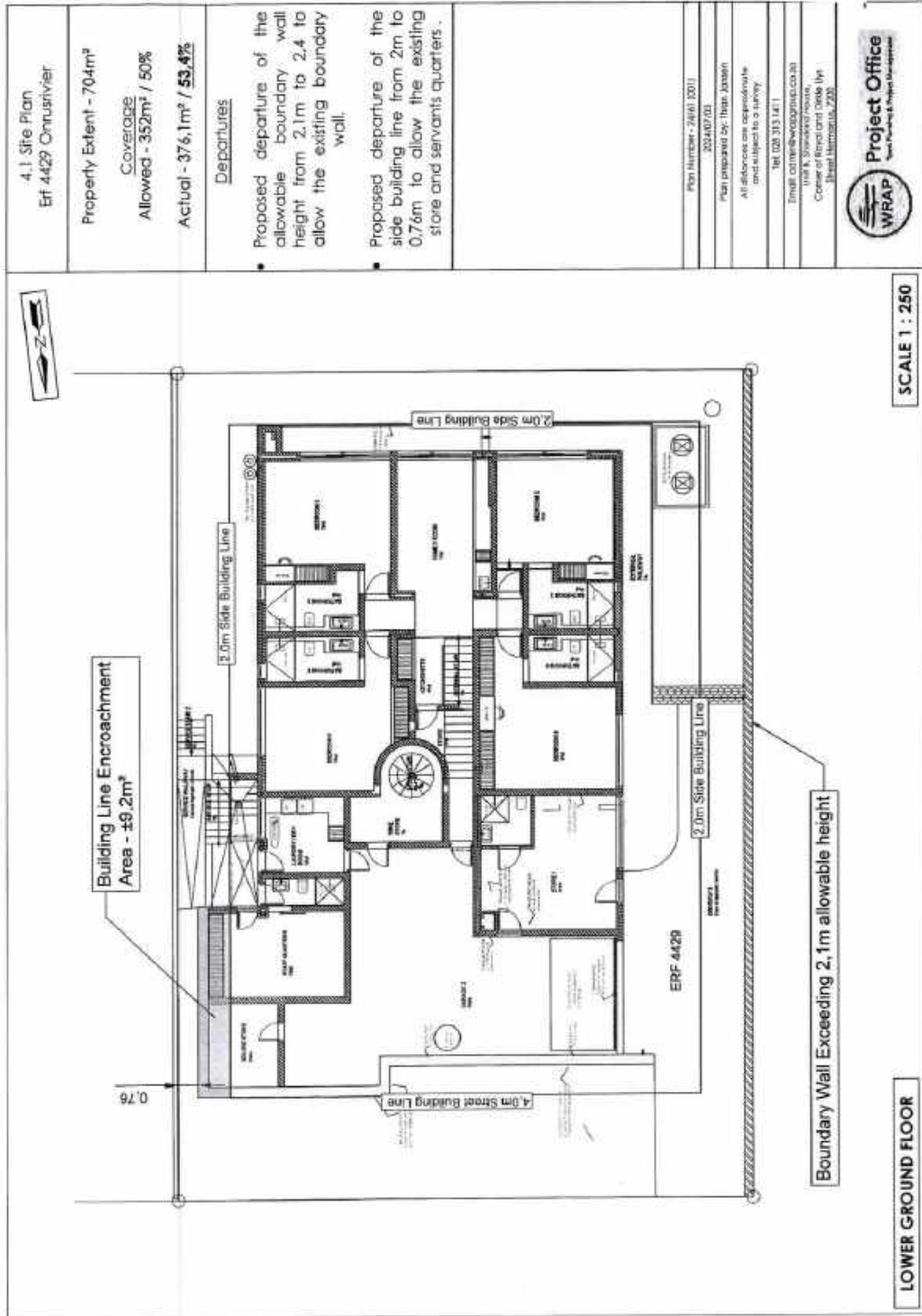
### **POINT 1**

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ No objections were received from adjacent property owners.
- ❖ All relevant Municipal/State Departments or other institutions support the application.
- ❖ The encroachment of the garages, storeroom, staff quarters and stairs over the eastern building line should not have a negative impact on the adjacent property owner's privacy or sunlight.
- ❖ The site has a very steep gradient which created challenges at the construction phase.
- ❖ The raising of the boundary wall with 0,3m to 2,4m on the western boundary have no impact on surrounding neighbours, as the site to the west is vacant municipal land.
- ❖ The encroachment over the 50% coverage was created due to the encroachment over building lines and due to the small alterations to the design on-site. The design is as such that any demolition of portions of the dwelling could impact the structural integrity of the building.
- ❖ The dwelling has already been constructed and the approval of this application would not have a greater impact on the surrounding area or character of the area.
- ❖ The application is desirable.

### **POINT 2**

- ❖ The existing property owner and his professional team were fully aware that they did not construct the dwelling in line with the approved building plan and acknowledged the fact that they made changes to the approved dwelling on-site for both practical and security reasons.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 4429, ONRUS RIVER (4725/2024)**

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 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**13.ERF 2704, 37 HOFMEYER STREET, ONRUSTRIVIER, OVERSTRAND  
MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION  
OF AN ADMINISTRATIVE PENALTY: C HANKINS**

**2704 HON (4813/2024)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**3 March 2025**

---

**EXECUTIVE SUMMARY**

An application has been received on 13 September 2024 from C Hankins in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2704, 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 street building line from 4m to 0m to accommodate the existing carport.
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the above-mentioned unauthorized building line encroachments to accommodate the existing as-built carport 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 2704, Onrustrivier for a departure to relax the street building line from 4m to 0m to accommodate an existing carport, **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 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 for the building lines as indicated on the plans PN29/03 and PN 29/04 dated July 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;

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

- (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 following comments be noted:
- Eskom, and
  - Telkom.
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 2704, Onrustrivier for the unauthorized encroachments over the building line of the carport, was considered and that an administrative penalty **be imposed of R2 824,00**, and it be paid within thirty days (30) of this approval.
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 regarding the above decision.

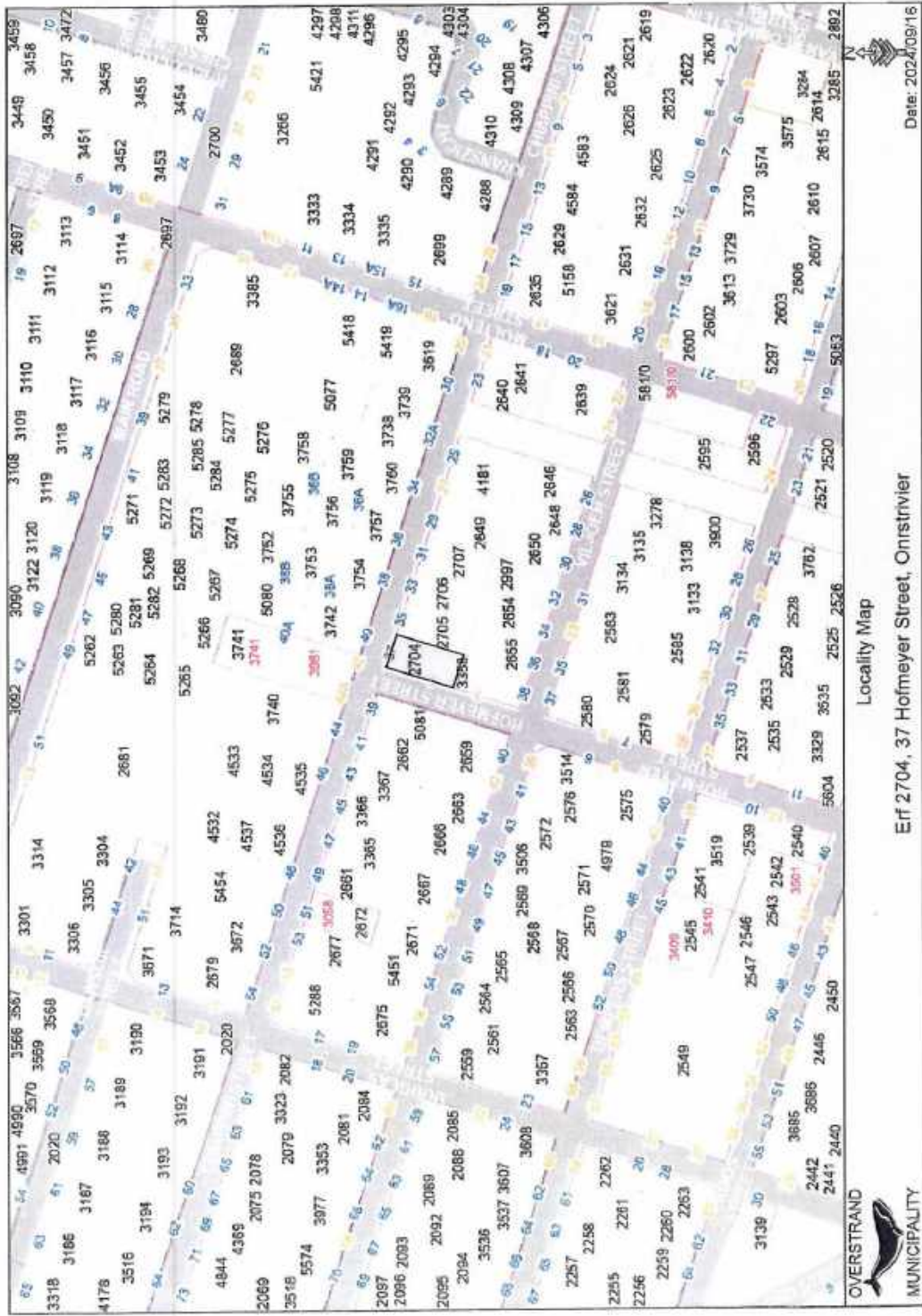
**REASONS FOR RESOLUTION**

**POINT 1 - 2**

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be affected.
- ❖ The existing encroachment of the carport over the street building line is visually blocked by a 2,1m boundary wall and large trees, and have no impact on the street scene or impact any views.
- ❖ The objections received was sufficiently addressed by the applicant and is more directed at other concerns than the desirability of the carport.
- ❖ All relevant Municipal/State Departments or other institutions support the application.
- ❖ The application does not have a negative impact on surrounding property owners or the character of the area.

**POINT 3**

- ❖ The existing landowner is a contractor but still constructed a carport without the necessary building plan approval.

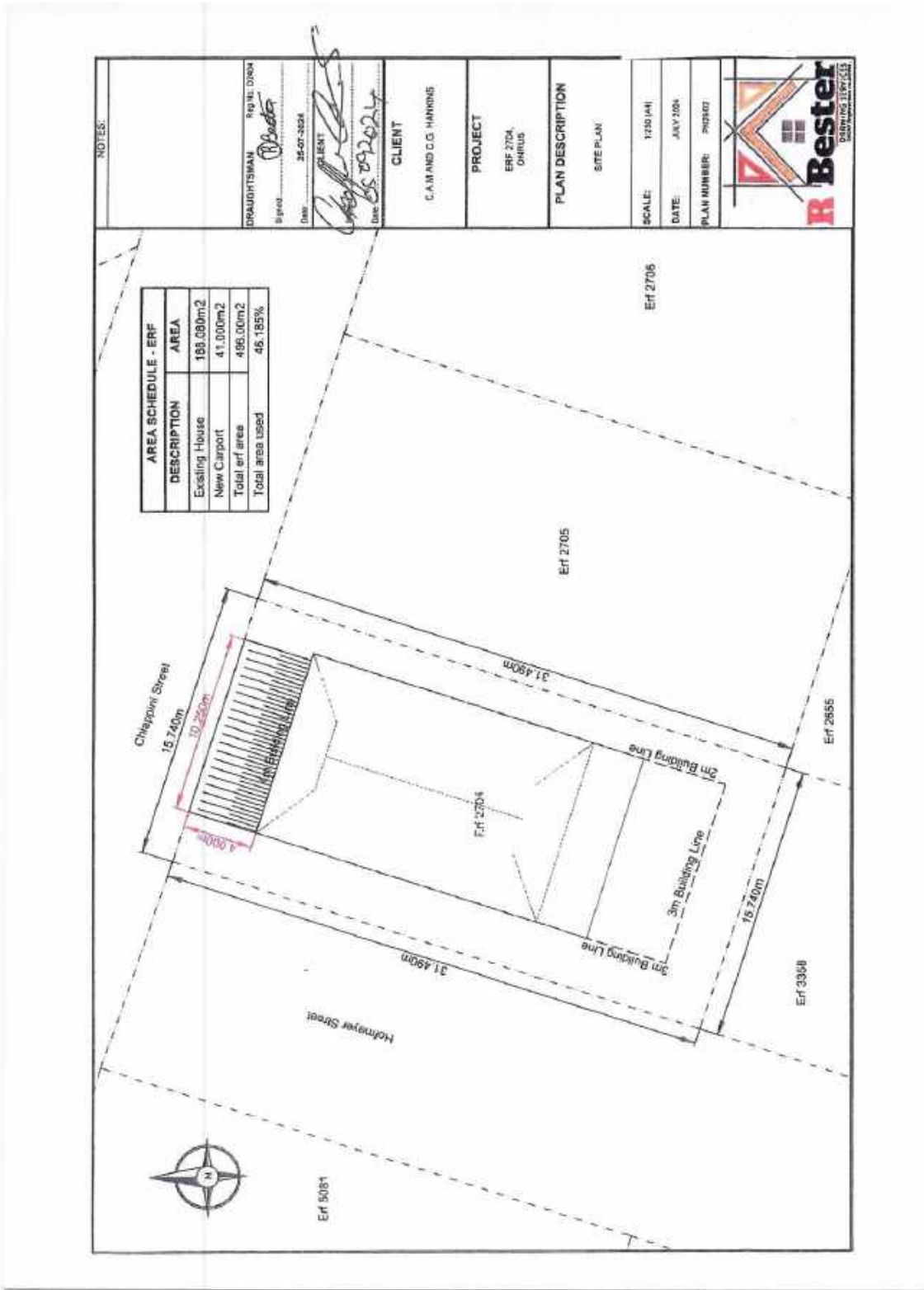


OVERSTRAND  
MUNICIPALITY

Locality Map

Eif 2704, 37 Hofmeyer Street, Onristrivier

Date: 2024/09/18



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 2704, ONRUS RIVER (4813/2024)**

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 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**14.ERF 4401, 52 FOURTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: SCHOONRAAD ARCHITECTS ON BEHALF OF THE TRUSTEES FOR THE TIME BEING OF FERDIE EN ESTELLE COLYN TRUST**

**4401 KKM (4672/2024)**

**H van der Stoep  
25 February 2025**

**(028) 313 8900**

**Hermanus Administration**

---

**EXECUTIVE SUMMARY**

An application has been received on 17 May 2024 from Schoonraad Architects on behalf of The Trustees for the Time Being of Ferdie & Estelle Colyn Trust on Erf 4401, Kleinmond in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the lateral building line from 2m to 0,8m and the rear building line from 2m to 1,8m to accommodate the existing storage shed.
- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to exceed the 9m restriction of a building on one specific boundary to 13,956m.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for unauthorised building line encroachments on the property.

**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 4401, Kleinmond for a departure to relax the lateral and rear building lines from 2m to 0,8m and 1,8m respectively, to accommodate an existing 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 the plan number 100.01 Project Number 2021-184;

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

- (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 this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (d) that all other development parameters as prescribed in the relevant 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 4401, Kleinmond to accommodate the unauthorised structures as stipulated above, **be imposed**, and that an administration penalty fee of **R6 116,40** be payable within thirty (30) days of the decision.
  3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

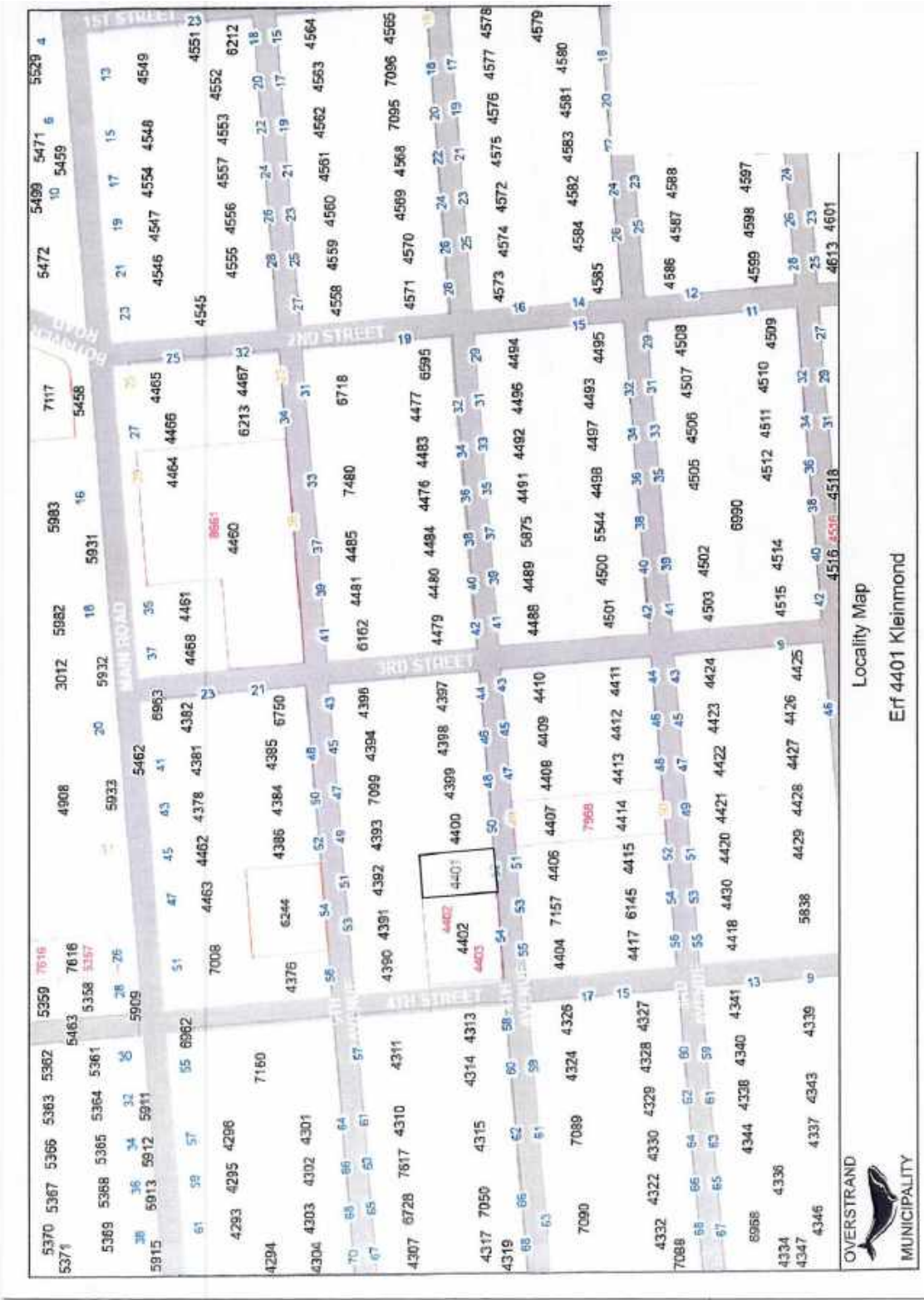
**REASONS FOR RESOLUTION**

POINT 1

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

POINT 2

- ❖ The structure is associated with the residential use
- ❖ The responsibility remains with the owner to ensure compliance with the approved building plan



**General**  
 The architect shall be responsible for the design and construction of the building. The architect shall coordinate with the engineer and other consultants to ensure that the building is designed and constructed in accordance with the applicable codes and standards. The architect shall provide the owner with a complete set of construction documents, including drawings, specifications, and a contract document. The architect shall also provide the owner with a schedule of values and a program of value. The architect shall be responsible for the construction administration, including monitoring the construction progress, reviewing submittals, and certifying payments. The architect shall also be responsible for the final inspection and the preparation of the final report.

**PERMITS**  
 The architect shall be responsible for obtaining all necessary permits for the construction of the building. The architect shall also be responsible for coordinating with the relevant agencies to ensure that the building is designed and constructed in accordance with the applicable codes and standards. The architect shall provide the owner with a complete set of permit documents, including drawings, specifications, and a contract document. The architect shall also provide the owner with a schedule of values and a program of value. The architect shall be responsible for the construction administration, including monitoring the construction progress, reviewing submittals, and certifying payments. The architect shall also be responsible for the final inspection and the preparation of the final report.

**Floors:**  
 The floors shall be constructed in accordance with the applicable codes and standards. The floors shall be finished with a durable material, such as concrete or stone. The floors shall be finished with a durable material, such as concrete or stone. The floors shall be finished with a durable material, such as concrete or stone.

**Walls:**  
 The walls shall be constructed in accordance with the applicable codes and standards. The walls shall be finished with a durable material, such as concrete or stone. The walls shall be finished with a durable material, such as concrete or stone. The walls shall be finished with a durable material, such as concrete or stone.

**Roofs:**  
 The roofs shall be constructed in accordance with the applicable codes and standards. The roofs shall be finished with a durable material, such as concrete or stone. The roofs shall be finished with a durable material, such as concrete or stone. The roofs shall be finished with a durable material, such as concrete or stone.

**Structures:**  
 The structures shall be constructed in accordance with the applicable codes and standards. The structures shall be finished with a durable material, such as concrete or stone. The structures shall be finished with a durable material, such as concrete or stone. The structures shall be finished with a durable material, such as concrete or stone.

**Grading:**  
 The grading shall be constructed in accordance with the applicable codes and standards. The grading shall be finished with a durable material, such as concrete or stone. The grading shall be finished with a durable material, such as concrete or stone. The grading shall be finished with a durable material, such as concrete or stone.

**Drainage:**  
 The drainage shall be constructed in accordance with the applicable codes and standards. The drainage shall be finished with a durable material, such as concrete or stone. The drainage shall be finished with a durable material, such as concrete or stone. The drainage shall be finished with a durable material, such as concrete or stone.

**MECHANICAL:**  
 The mechanical system shall be designed and installed in accordance with the applicable codes and standards. The mechanical system shall be finished with a durable material, such as concrete or stone. The mechanical system shall be finished with a durable material, such as concrete or stone. The mechanical system shall be finished with a durable material, such as concrete or stone.

**ELECTRICAL:**  
 The electrical system shall be designed and installed in accordance with the applicable codes and standards. The electrical system shall be finished with a durable material, such as concrete or stone. The electrical system shall be finished with a durable material, such as concrete or stone. The electrical system shall be finished with a durable material, such as concrete or stone.

**Plumbing:**  
 The plumbing system shall be designed and installed in accordance with the applicable codes and standards. The plumbing system shall be finished with a durable material, such as concrete or stone. The plumbing system shall be finished with a durable material, such as concrete or stone. The plumbing system shall be finished with a durable material, such as concrete or stone.

**Fire Protection:**  
 The fire protection system shall be designed and installed in accordance with the applicable codes and standards. The fire protection system shall be finished with a durable material, such as concrete or stone. The fire protection system shall be finished with a durable material, such as concrete or stone. The fire protection system shall be finished with a durable material, such as concrete or stone.

**Other:**  
 The other systems shall be designed and installed in accordance with the applicable codes and standards. The other systems shall be finished with a durable material, such as concrete or stone. The other systems shall be finished with a durable material, such as concrete or stone. The other systems shall be finished with a durable material, such as concrete or stone.

**Copyright Notice**  
 All rights reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the architect.

**SA**  
 Structural Analysis

**For the use of the client only**  
 This document is for the use of the client only. It is not to be used for any other purpose. The architect shall be responsible for the design and construction of the building. The architect shall coordinate with the engineer and other consultants to ensure that the building is designed and constructed in accordance with the applicable codes and standards. The architect shall provide the owner with a complete set of construction documents, including drawings, specifications, and a contract document. The architect shall also provide the owner with a schedule of values and a program of value. The architect shall be responsible for the construction administration, including monitoring the construction progress, reviewing submittals, and certifying payments. The architect shall also be responsible for the final inspection and the preparation of the final report.

**Project Name:** Avenida to Residence Coyon  
**Project Number:** 2017104  
**Scale:** 1:100  
**Date:** 2017/10/4

**North elevation 1:100**

**West elevation 1:100**

**East elevation Store 1:100**

**South elevation Store 1:100**

**Section A-A 1:100**

**Section B-B 1:100**

**Section C-C 1:100**

**Floor plan 1:100**

**Site plan 1:200**

**Floor plan 1:100**

**MECHANICAL**

Item	Description	Quantity	Unit	Price	Total
1	MECHANICAL SYSTEM	1	UNIT	10000	10000
2	MECHANICAL SYSTEM	1	UNIT	10000	10000
3	MECHANICAL SYSTEM	1	UNIT	10000	10000
4	MECHANICAL SYSTEM	1	UNIT	10000	10000
5	MECHANICAL SYSTEM	1	UNIT	10000	10000
6	MECHANICAL SYSTEM	1	UNIT	10000	10000
7	MECHANICAL SYSTEM	1	UNIT	10000	10000
8	MECHANICAL SYSTEM	1	UNIT	10000	10000
9	MECHANICAL SYSTEM	1	UNIT	10000	10000
10	MECHANICAL SYSTEM	1	UNIT	10000	10000

**ELECTRICAL**

Item	Description	Quantity	Unit	Price	Total
1	ELECTRICAL SYSTEM	1	UNIT	10000	10000
2	ELECTRICAL SYSTEM	1	UNIT	10000	10000
3	ELECTRICAL SYSTEM	1	UNIT	10000	10000
4	ELECTRICAL SYSTEM	1	UNIT	10000	10000
5	ELECTRICAL SYSTEM	1	UNIT	10000	10000
6	ELECTRICAL SYSTEM	1	UNIT	10000	10000
7	ELECTRICAL SYSTEM	1	UNIT	10000	10000
8	ELECTRICAL SYSTEM	1	UNIT	10000	10000
9	ELECTRICAL SYSTEM	1	UNIT	10000	10000
10	ELECTRICAL SYSTEM	1	UNIT	10000	10000

**PLUMBING**

Item	Description	Quantity	Unit	Price	Total
1	PLUMBING SYSTEM	1	UNIT	10000	10000
2	PLUMBING SYSTEM	1	UNIT	10000	10000
3	PLUMBING SYSTEM	1	UNIT	10000	10000
4	PLUMBING SYSTEM	1	UNIT	10000	10000
5	PLUMBING SYSTEM	1	UNIT	10000	10000
6	PLUMBING SYSTEM	1	UNIT	10000	10000
7	PLUMBING SYSTEM	1	UNIT	10000	10000
8	PLUMBING SYSTEM	1	UNIT	10000	10000
9	PLUMBING SYSTEM	1	UNIT	10000	10000
10	PLUMBING SYSTEM	1	UNIT	10000	10000

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**15.ERF 340, 14 FYNBOS CRESCENT, SANDBAAI, HERMANUS, OVERSTRAND  
MUNICIPAL AREA: APPLICATION FOR REMOVAL OF A RESTRICTIVE  
TITLE DEED CONDITION, SUBDIVISION, DEPARTURE AND  
DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS  
PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF J SHAW**

**340 HSB (4557/2023)**

**B Minnaar**

**(028) 313 8900**

**Hermanus Administration**

**29 April 2025**

---

**EXECUTIVE SUMMARY**

An application has been received on 14 December 2023 from Messrs PlanActive Town- and Regional Planners on behalf of J Shaw in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 340, Sandbaai, for the following:

❖ **Removal of restrictive title deed conditions**

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions B.(b)2. and B.(b)4. as contained in Title Deed T65377/2013 to accommodate the proposed subdivision and building line encroachments.

❖ **Subdivision**

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

- Portion A approximately 745m<sup>2</sup> in extent; and
- Remainder portion approximately 801m<sup>2</sup> in extent.

❖ **Departure**

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

- departure of the western lateral building line of the above proposed Remainder portion from 2m to 1.27m and 1.6m to accommodate the existing dwelling unit;
- departure of the western lateral building line of the above proposed Remainder portion from 2m to 0.51m and 0.36m to accommodate the existing combined garage and staff quarters (to be converted into a storeroom); and the
- departure of the eastern lateral building line of the above proposed Portion A from 2m to 1.78m to accommodate the existing covered porch.

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

❖ **Determination of an administrative penalty**

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

**RESOLUTION**

1. that the application 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 condition B.(7)(b).2 and B.(7)(b).4 as contained in Title Deed T65377/2013 of Erf 340, Sandbaai, to enable the proposed subdivision of the property into two portions and to accommodate the building line encroachments, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. 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 340, Sandbaai into two (2) portions namely, Portion A ( $\pm 745\text{m}^2$ ), and Remainder of Erf 340, Sandbaai ( $\pm 801\text{m}$ ), **be approved** in terms of the provisions of Section 61; and
3. that the application for departure in terms of Section 16(2)(b) of the By-Law for Erf 340, Sandbaai for the following:
  - departure of the western lateral building line of the above proposed Remainder portion from 2m to 1.27m and 1.6m to accommodate the existing dwelling unit;
  - departure of the western lateral building line of the above proposed Remainder Erf 340 Sandbaai from 2m to 0.51m and 0.36m to accommodate the existing combined garage and staff quarters (to be converted into storeroom); and
  - departure of the eastern lateral building line of the above proposed Portion A, from 2m to 1.78m to accommodate the existing covered porch.

**be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the decisions in paragraphs 1, 2, and 3 above be subject to the following conditions:
  - (a) that this approval is for the subdivision and building line encroachments as indicated on Plan No *sand340-2.drw* dated *October 2023* that was submitted with the application;
  - (b) that the subdivision be registered prior to the submission of any building plans;

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

- (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 above-mentioned building plans to be submitted reflect the conversion of the staff quarters into a dwelling unit on the proposed Portion A;
  - (e) that the above-mentioned building plans to be submitted and must reflect the conversion of the staff quarters into a storeroom on the Remainder Erf 340 Sandbaai;
  - (f) that the conversion mentioned in condition 4.(d) and 4.(e) above be completed within ninety (90) days from the date of the approved building plan;
  - (g) that all the conditions in the Services Report and Telkom (Open Serve) must be complied with;
  - (h) that all other development parameters as prescribed in the relevant Zoning Scheme; and
  - (i) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
5. 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 340, Sandbaai to accommodate the unauthorised building work and the unauthorised land use, **be imposed**, and that an administrative penalty fee of **R6 751-84** be payable within ninety (90) days of this decision; and
6. that the applicant and the persons who provided comments be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above approvals.

## **REASONS FOR RESOLUTION**

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

- ❖ The application has followed due procedure.
- ❖ No objections were received during the public participation process.

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

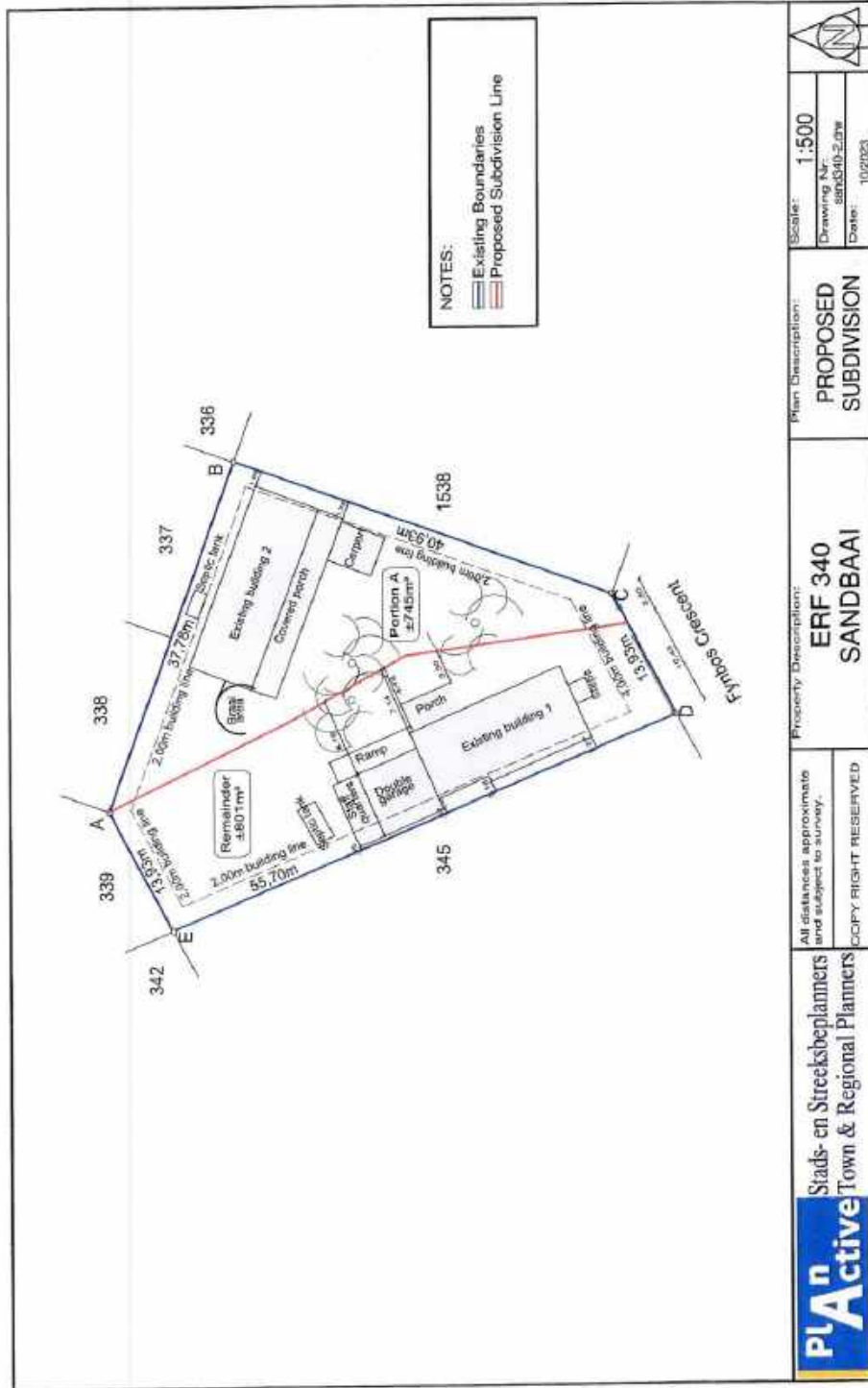
- ❖ The removal of the restrictive conditions will allow the property to be subject to the development parameters applicable to the immediate surrounding erven.
- ❖ The proposed subdivision will allow the proposed erf sizes to be aligned with the erf sizes in the immediate surrounding area.
- ❖ Adequate parking can be accommodated on both properties.
- ❖ The proposal is supported by the Engineering Department.
- ❖ The staff quarters on Remainder Erf 340 Sandbaai to be converted back to a storeroom due to the motivation for the change of use over the building line was not motivated adequately in the application motivation.
- ❖ The staff quarters on Portion A to be converted into a dwelling unit as per the motivation suggests.

**Reason for recommendation of point 4:**

- ❖ All structures already exist on the property and no further building work is proposed apart from the conversion of the staff quarters into a dwelling unit on the proposed portion A and the conversion of the staff quarters into a storeroom on the Remainder Erf 340.
- ❖ The onus is on the property owner to ensure that all structures on their property have approved building plans, comply with the Overstrand Municipality Land Use Scheme, 2020 as well as all relevant legislation. Therefore, an administrative penalty of 5% is imposed.



	<b>Stads- en Streeksbeplanners</b> Town & Regional Planners	All distances approximate and subject to survey.	Property Description: <b>ERF 340</b> <b>SANDBAAI</b>	Plan Description: <b>LOCALITY MAP</b>	Scale: <b>NTS</b> Drawing Nr: <b>sanbbaai.dwg</b> Date: <b>12/2023</b>
	COPY RIGHT RESERVED				



NOTES:  
 Existing Boundaries  
 Proposed Subdivision Line

	Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: <b>ERF 340                  SANDBAAI</b>	Plan Description: <b>PROPOSED                  SUBDIVISION</b>	Scale: <b>1:500</b> Drawing Nr.: sandbaai-2.dwg Date: 10/09/23	

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION,  
SUBDIVISION, DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 340, SANDBAAL (4557/2023)**

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

**Conditions:**

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

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

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

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

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

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

**Freehold erven:**

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

Note:

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

2. that any part of the existing water and sewer services on Erf 340 that crosses the common boundary of Portion A and the Remainder of Erf 340 shall be disconnected and sealed off;
3. that both the Remainder and Portion A of Erf 340 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 340 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the individual erven must connect to;
5. that only a standard 60 Amp single phase electricity connection will be available per erf;
6. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
7. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
8. that any additional and / or extended vehicle entrances will be for the owner's account;
9. that stormwater be allowed to discharge through the proposed Erven, Sandbaai, unobstructed.

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**16.ERF 3349, 208 SEVENTH 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 E VAN  
SCHALKWYK**

**3349 HVK (4483/2023)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**05 April 2025**

---

**EXECUTIVE SUMMARY**

An application has been received on 21 September 2023 from Messrs PlanActive Town- and Regional Planners on behalf of the owner of Erf 3349, 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 relax the eastern lateral building line from 2m to 1,220m, to accommodate the staircase and landing on the upper and first storey level and the balcony of the second dwelling on the first storey level;
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, to deviate from the maximum permissible footprint applicable to second dwellings from 120m<sup>2</sup> to 136.01m<sup>2</sup>, to accommodate the existing second dwelling; and
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, 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 3349, Hermanus in order to:
  - relax the eastern lateral building line from 2m to 1,220m, to accommodate the staircase and landing on the upper and first storey level and the balcony of the second dwelling on the first storey level, and
  - relax the maximum permissible floor area (footprint) applicable to second dwellings from 120m<sup>2</sup> to 136.01m<sup>2</sup>, to accommodate the existing second dwelling;

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

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 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 (By-Law) on Erf 3349, Hermanus for the unauthorised building work, **partially 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. *HER3349/2023* dated *23/07/2023*, as submitted with the application;
  - (b) that an administrative penalty of **R17 962.59**, which is only applicable to the encroachment of the staircase and landing, and the encroachment of the permissible size of a second dwelling, be payable within **sixty (60) 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;
  - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
  - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

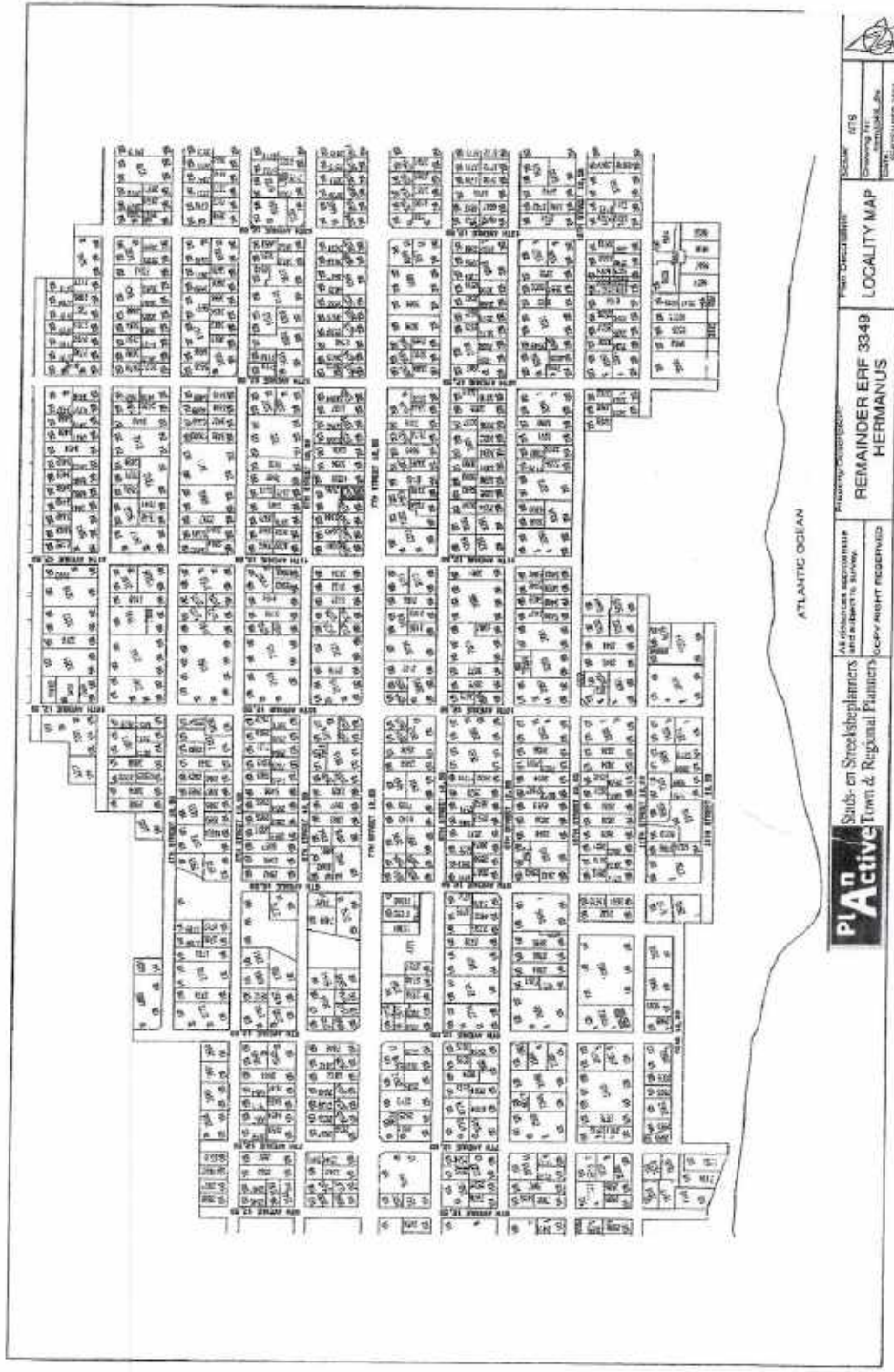
**REASONS FOR RESOLUTION**

- ❖ The proposed encroachments are considered not to have a negative impact on the adjacent property owners or the character of the area.
- ❖ The bulk of the structure is contained in a double storey façade.
- ❖ 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 balcony will have a planter box which will further limit the impact on the adjacent property owners.

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

- ❖ The property owner constructed portions of the dwelling without municipal approval therefore an administrative penalty is applicable – the unique history of the building plans is noted and therefore a reduced fee is imposed.
- ❖ 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.



PLANNING DEPARTMENT  
 11500 N. 10th Street  
 Phoenix, AZ 85020  
 (602) 350-2300

PLANNING DEPARTMENT  
 REMAINDER ERF 3349  
 HERMANUS

PLANNING DEPARTMENT  
 11500 N. 10th Street  
 Phoenix, AZ 85020  
 (602) 350-2300

PLANNING DEPARTMENT  
 11500 N. 10th Street  
 Phoenix, AZ 85020  
 (602) 350-2300

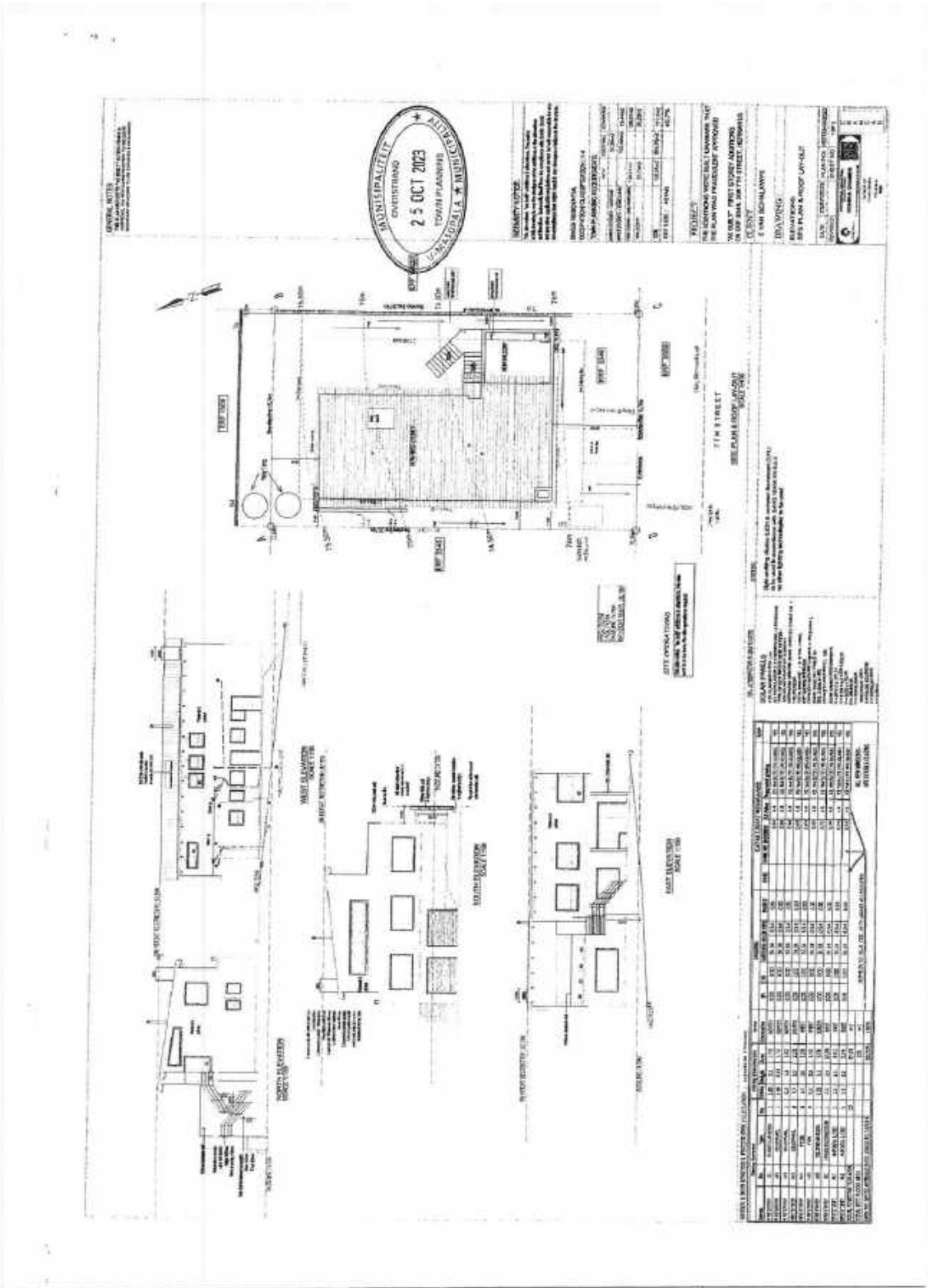
PLANNING DEPARTMENT  
 11500 N. 10th Street  
 Phoenix, AZ 85020  
 (602) 350-2300

PLANNING DEPARTMENT  
 11500 N. 10th Street  
 Phoenix, AZ 85020  
 (602) 350-2300

PLANNING DEPARTMENT  
 11500 N. 10th Street  
 Phoenix, AZ 85020  
 (602) 350-2300

PLANNING DEPARTMENT  
 11500 N. 10th Street  
 Phoenix, AZ 85020  
 (602) 350-2300

PLANNING DEPARTMENT  
 11500 N. 10th Street  
 Phoenix, AZ 85020  
 (602) 350-2300



**REMARKS:**  
1. The architect shall submit to the City Engineer, a copy of the approved plans and specifications for the building, together with a copy of the approved contract documents, for the purpose of recording the same in the City Engineer's office.

**REVISIONS:**

NO.	DATE	DESCRIPTION
1	10/25/23	AS SHOWN

**PROJECT DATA:**  
 PROJECT NO.: 100-10000-0000-0000  
 SHEET NO.: 100-10000-0000-0000  
 DATE: 10/25/23  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

**NOTES:**  
1. THE CONDITIONS SPECIFIED IN THESE PLANS SHALL BE STRICTLY OBSERVED AND NO ALTERATIONS SHALL BE MADE WITHOUT THE WRITTEN APPROVAL OF THE CITY ENGINEER.

**GENERAL NOTES:**  
1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY ENGINEER'S SPECIFICATIONS AND THE NATIONAL BUILDING CODE OF THE PHILIPPINES.

**TABLE 1: SUMMARY OF MATERIALS**

NO.	DESCRIPTION	QUANTITY	UNIT	REMARKS
1	CEMENT	100	MT	
2	SAND	200	MT	
3	GRAVEL	150	MT	
4	BRICK	5000	NO.	
5	ROOFING	100	SQ. M	
6	PAINT	50	LITER	
7	WATER	1000	LITER	
8	ELECTRICITY	100	UNIT	
9	PLUMBING	100	UNIT	
10	MECHANICAL	100	UNIT	

**TABLE 2: SUMMARY OF FINISHES**

NO.	DESCRIPTION	QUANTITY	UNIT	REMARKS
1	CEMENT PLASTER	100	SQ. M	
2	PAINT	50	LITER	
3	WOOD FINISH	100	SQ. M	
4	GLASS	100	SQ. M	
5	ROOFING	100	SQ. M	
6	MECHANICAL	100	UNIT	
7	ELECTRICITY	100	UNIT	
8	PLUMBING	100	UNIT	

**GENERAL NOTES:**  
1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY ENGINEER'S SPECIFICATIONS AND THE NATIONAL BUILDING CODE OF THE PHILIPPINES.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: REMAINDER ERF 3349, 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

25/01/2024  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**17.ERF 535, 58 STIRLING STREET, DE KELDERS: APPLICATION FOR  
REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, CONSENT USE  
AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS  
TOWN & COUNTRY ON BEHALF OF AD & AS BRANDT**

**535 GDK (4600/2024)**

**P Roux**

**15 April 2025**

**(028) 313 8900**

**Hermanus Administration**

---

**EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 01 March 2024 from Messrs Town- and Country Creative Land Solutions on behalf of the owners of Erf 535, De Kelders for the following:

- ❖ **Removal of restrictive title deed condition** in terms of Section 16(2)(f) of the By-Law to remove condition F. (c) as contained in Title Deed 56519/2013, to accommodate a residential building on the property.
- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law, to accommodate a residential building (boarding house with four (4) bedrooms) on the property.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to accommodate the existing residential building 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 (By-Law) for the removal of restrictive title deed condition F.(c), as contained in Title Deed T56519/2013, applicable to Erf 535, De Kelders, to accommodate a residential building on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for consent use in terms of Section 16 (2)(o) of the By-Law, applicable to Erf 535, De Kelders, to accommodate a residential building (boarding house with four [4] bedrooms), **be approved** in terms of the provisions of Section 61 of the By-Law;

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

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 (By-Law) to Erf 535, De Kelders to accommodate the existing residential building 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, Drawing No. *58/TB/24* dated *14 April 2024*, as submitted with the application;
  - (b) that an administrative penalty of **R14 433.22** be payable within **sixty (60)** days of the decision;
  - (c) that no assisted living or frail care facilities be conducted on the property;
  - (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;
  - (e) that parking bay be developed on the property as soon as the building plans are approved;
  - (f) that all the conditions in the Services Report be complied with;
  - (g) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
  - (h) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
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.

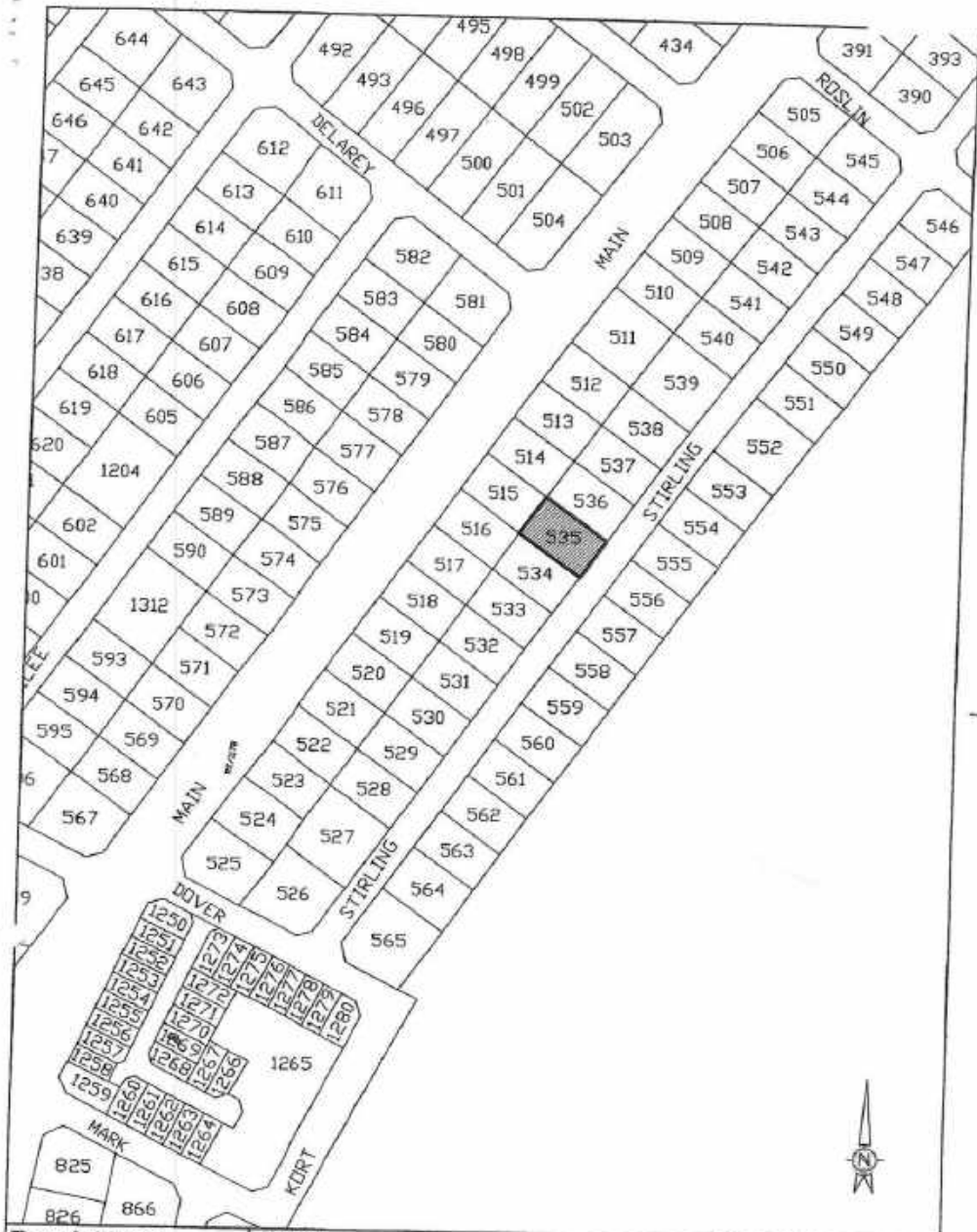
#### REASONS FOR RESOLUTION

- ❖ The 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.

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

- ❖ The use of the property is beneficial to the community and allows for accommodation opportunities which are not available nearby.
- ❖ 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.
- ❖ The structures proposed are further considered to be in line with the character of the area.



<b>Town &amp; Country</b> Creative Land Solutions P.O. Box 1086 Bredasdorp 7280 Tel. 028 424 1545 Fax. 028 425 2085 E-mail: towncountry@vodamail.co.za	PROJECT <b>LOCALITY PLAN: ERF 535 DE KELDERS</b> <b>OVERSTRAND MUNICIPALITY</b>		DRAWN LT	CHECKED LT
			SCALE NTS	DATE FEB 2024
			DRAWN BY Locality	REASON
			Make:	



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED  
CONDITION, CONSENT USE & DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: ERF 535, DE KELDERS (4600/2024)**

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

**Conditions:**

1. that the existing water connection to- and sewer conservancy tank on Erf 535 shall be used to service Erf 535;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
4. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
5. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
6. that any additional and / or extended vehicle entrances will be for the developer's account;
7. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;

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

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

02/09/2024  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**18.ERF 6152, 12 THIRD STREET, VOËLKLIP, HERMANUS, OVERSTRAND  
MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, DEPARTURE AND  
DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP  
PROJECT OFFICE ON BEHALF OF AA VAN WYK**

**6152 HVK (4670/2024)**

**P Roux**

**14 March 2025**

**(028) 313 8900**

**Hermanus Administration**

---

**EXECUTIVE SUMMARY**

An application has been received on 16 May 2024 from Messrs WRAP Project Office on behalf of the property owner on Erf 6152, for the following:

- ❖ **subdivision** in terms of Section 16(2)(d) of the By-Law, to subdivide Erf 6152, Hermanus into 2 (two) portions, namely, Portion A, approximately 495m<sup>2</sup> in extent and the Remainder, approximately 495m<sup>2</sup> in extent; and
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, to relax the eastern lateral building line from 2m to 1.2m, to accommodate the existing dwelling and relax western lateral building line from 2m to 0m, to accommodate the existing carport;
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to accommodate the existing carport.

**RESOLUTION**

1. that the application for **subdivision** in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of Erf 6152, Hermanus into 2 (two) portions, namely, Portion A, approximately 495m<sup>2</sup> in extent and the Remainder, approximately 495m<sup>2</sup> in extent, **be approved** in terms of the provisions of Section 61; and
2. that the application for **departure** in terms of Section 16(2)(b) of the By-Law on Erf 6152, Hermanus, to relax the eastern lateral building line from 2m to 1.2m, to accommodate the existing dwelling and relax western lateral building line from 2m to 0m, to accommodate the existing carport, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the decision in paragraphs 1 and 2 above be subject to the following conditions:

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

- (a) that the approval is only for the subdivision as indicated on *Subdivision Plan dated 13/05/2024*, as submitted with the application, and the departure plan no. 24.67(001) dated 13/05/2024 and building plan no 2259/302 for the ratification of the carport;
  - (b) that the property owner alter the carport and demolish the section of the carport which encroaches the boundary and that new supporting structure be created;
  - (c) that building plans be submitted for any new work done and that the Building Department and Fire Department's comment be complied with at that stage;
  - (d) that the conditions in the Services Report be complied with;
  - (e) that this approval does not absolve the owner/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.
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 6152, Hermanus to accommodate the unauthorised carport, **be imposed**, and that an administration penalty fee of **R16 202.40**, be payable within **sixty (60)** days of the effective date of the decision.
  5. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**REASONS FOR RESOLUTION**

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





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION, DEPARTURE & DETERMINATION OF  
AN ADMINISTRATIVE PENALTY: ERF 6152, VOELKLIP (4670/2024)**

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

**Conditions:**

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

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

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

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

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

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

**Freehold erven:**

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

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, 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 no reservation of on-street parking be allowed.
  8. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
  9. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.

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

*05/09/2024*  
\_\_\_\_\_  
**DATE**

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**19.REMAINDER ERF 2450, 108 EIGHTH STREET, VOËLKLIP, HERMANUS,  
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE:  
MESSRS BRINK STOKES MKHIZE ARCHITECTS ON BEHALF OF K & T  
FAMILIETRUST**

**2450 HVK (4679/2024)**

**P Roux**

**18 March 2025**

**(028) 313 8900**

**Hermanus Administration**

---

**EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 23 May 2024 from Messrs Brink Stokes Mkhize Architects on behalf of the owners of Erf 2450, Voëlkliip, Hermanus for the following:

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

- relax the eastern lateral building line from 2m to 1.2m, to accommodate the extension of the existing garage and the first floor of the second dwelling 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 Remainder Erf 2450, Voëlkliip, Hermanus, to relax the eastern lateral building line from 2m to 1.2m, to accommodate the extension of the existing garage and the first floor of the second 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 the approvals are for the development as indicated on Drawing Number *W101* dated *20/05/2024* submitted with the application;
  - (b) that the building plan indicate where the additional parking bay for the second dwelling will be provided;
  - (c) that the domestic room can only be used as an outbuilding (study, hobby room etc.) and that the building plans be updated to reflect the removal of the basing and kitchen utilities;
  - (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;

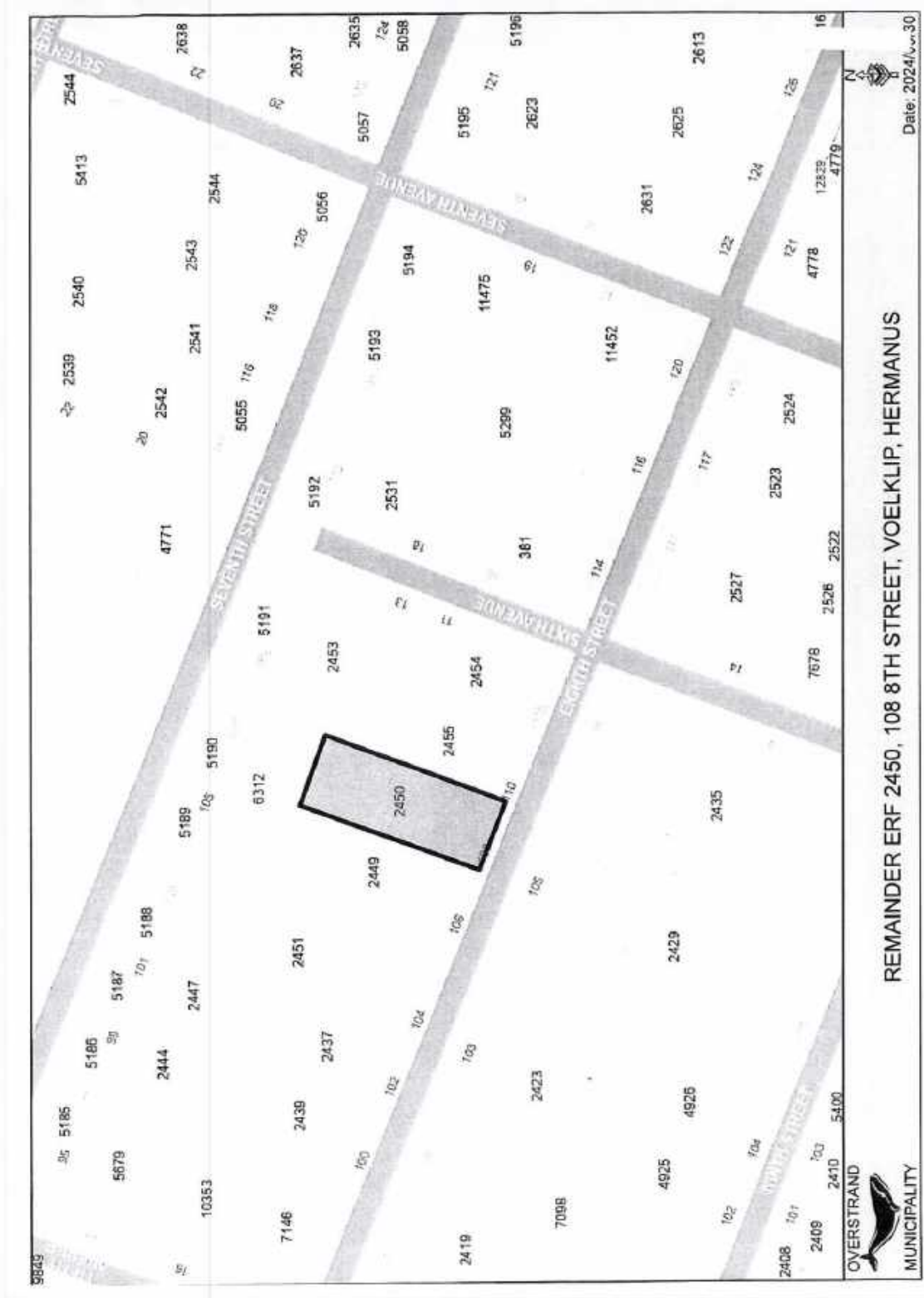
**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

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

**REASONS FOR RESOLUTION**

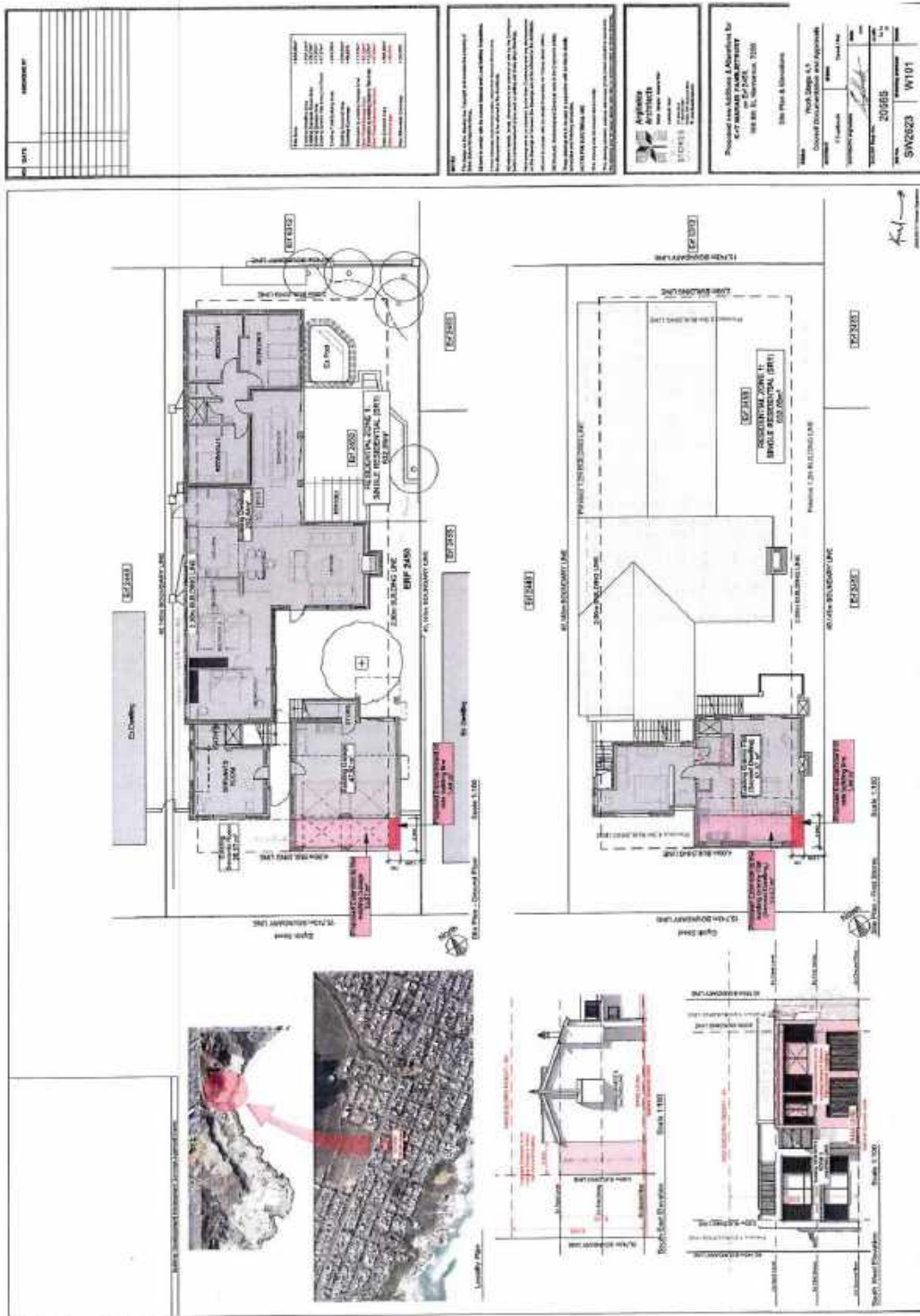
- ❖ The retention of the structures will not have a negative impact on the adjacent property owners or the character of the area.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The property was developed contrary to the approved building plans.



REMAINDER ERF 2450, 108 8TH STREET, VOELKLIP, HERMANUS

Date: 2024/01/30





**Argente Architects**  
 1100 10th Avenue  
 Suite 100  
 Golden, CO 80401  
 Phone: 303.440.1100  
 Fax: 303.440.1101  
 www.argente.com

Professional Seal: Registered Professional Engineer for  
**477 MARSH PARKWAY**  
 GOLDEN, CO 80401  
 License No. 1200

Scale: 1/8" = 1'-0"  
 Project: 202555  
 Drawing: SW2523 W101  
 Date: 2025/05/23

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 2450, VOELKLIP (4679/2024)**

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

**Conditions:**

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

  
RICARDO ANDREW  
PRINCIPAL TECHNOLOGIST:  
DEVELOPMENT CONTROL

  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**20.ERF 3946, 276 EIGHTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND  
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND  
DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS  
INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF D & C  
BEKKER**

**3946 HVK (4847/2024)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**16 April 2025**

---

**EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 21 October 2024 from Messrs Interactive Town and Regional planners on behalf of the owner of Erf 3946, Voëlklip, Hermanus for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, to:
  - relax the street building line from 4m to 3.29m, to accommodate the existing garage; and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to accommodate the existing garage.

**RESOLUTION**

1. that the application for **departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 3946, Hermanus, in order to relax the street building line from 4m to 3.29m to accommodate the existing garage, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the **determination of an administrative penalty** in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3946, 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 *A.01.9*;

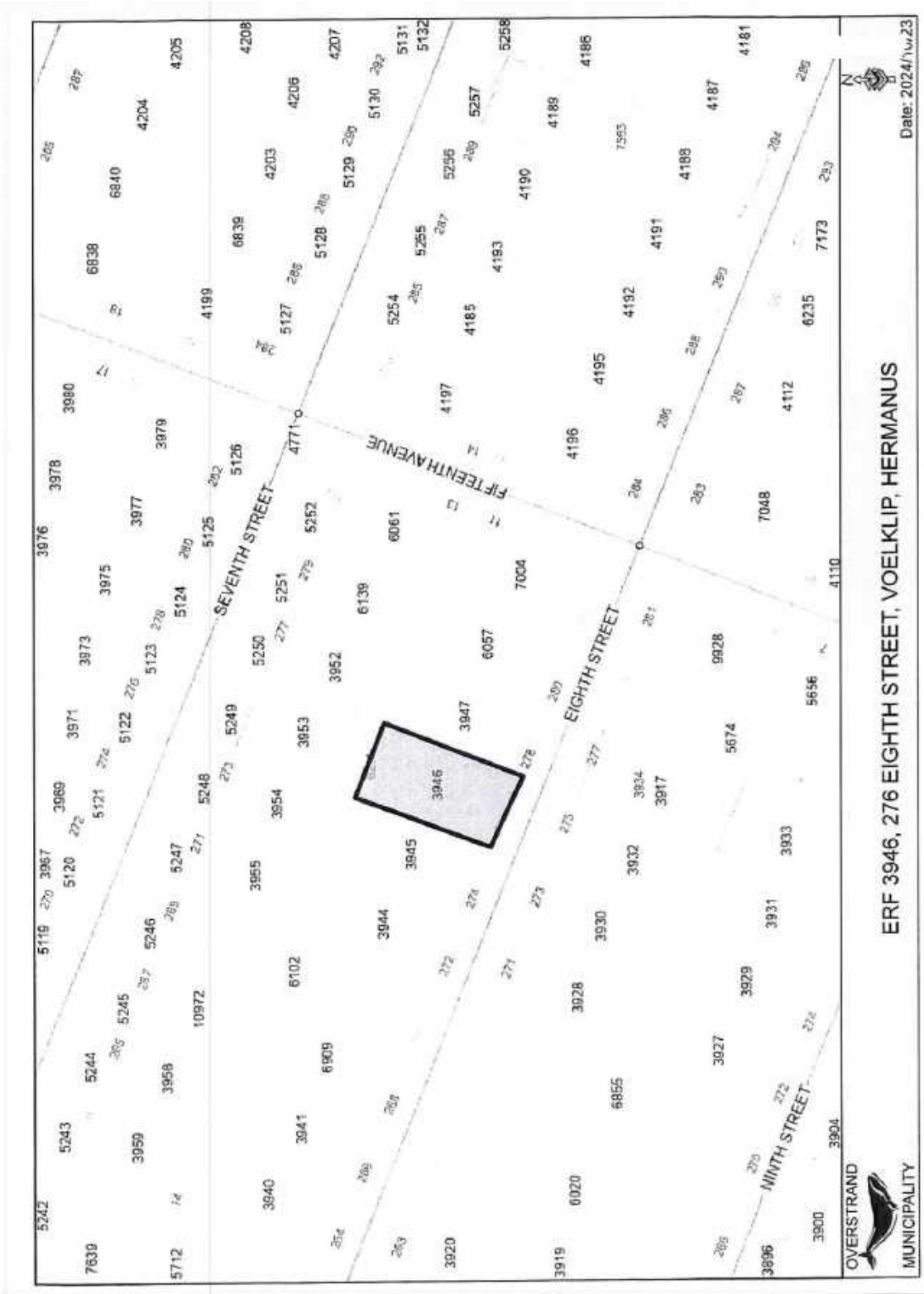
**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

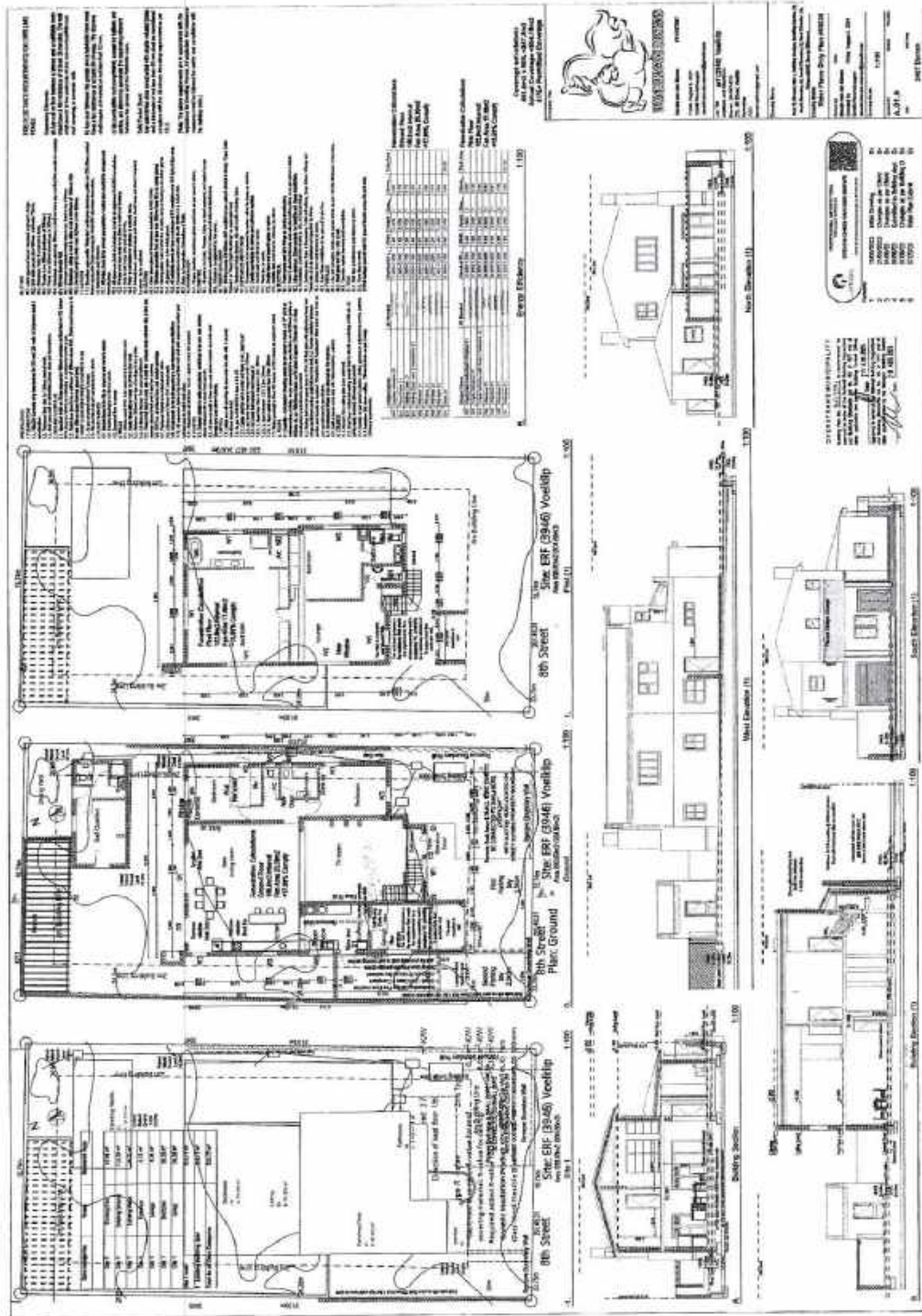
- (b) that building plans be submitted to the Building Control Department and that all conditions of the Building- and Fire Department be complied with at that stage;
  - (c) that all the conditions in the Services Report be complied with;
  - (d) that an administrative penalty of **R4 860,72** be payable within **thirty (30)** days of the decision;
  - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
  - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with
4. that the applicant notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**REASONS FOR RESOLUTION**

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



ERF 3946, 276 EIGHTH STREET, VOELKLIP, HERMANUS



**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 3946, VOELKLIP (4847/2024)**

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

**Conditions:**

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

  
RICARDO ANDREW  
PRINCIPAL TECHNOLOGIST:  
DEVELOPMENT CONTROL

27/01/2025  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**MUNICIPAL PLANNING TRIBUNAL**

**1. ERF 1313, 329 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND  
MUNICIPAL AREA: APPLICATION FOR CONSENT USE: M VENTER**

**1313 HEC (4683/2024)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**24 February 2025**

---

**EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 28 May 2024 (final version received on 20 September 2024) from M Venter, the owner of Erf 1313, Hermanus for **consent use** in terms of Section 16(2)(o) of the By-Law to accommodate a fifth bedroom in the existing guesthouse.

**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 (By-Law) on Erf 1313, Hermanus to accommodate a five (5) bedroom guesthouse on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions;
  - (a) that a maximum of five (5) guest bedrooms be let to guests/tourists which is applicable to the main dwelling, four (4) guest bedrooms on the first floor and one (1) guest bedroom on the ground floor;
  - (b) that parking be implemented as per the amended site plan dated 20 September 2024;
  - (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 no kitchen facilities and/or prep bowls be allowed in the guestrooms;
  - (e) 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;
  - (f) that all the conditions in the Services Report and Health be complied with;

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

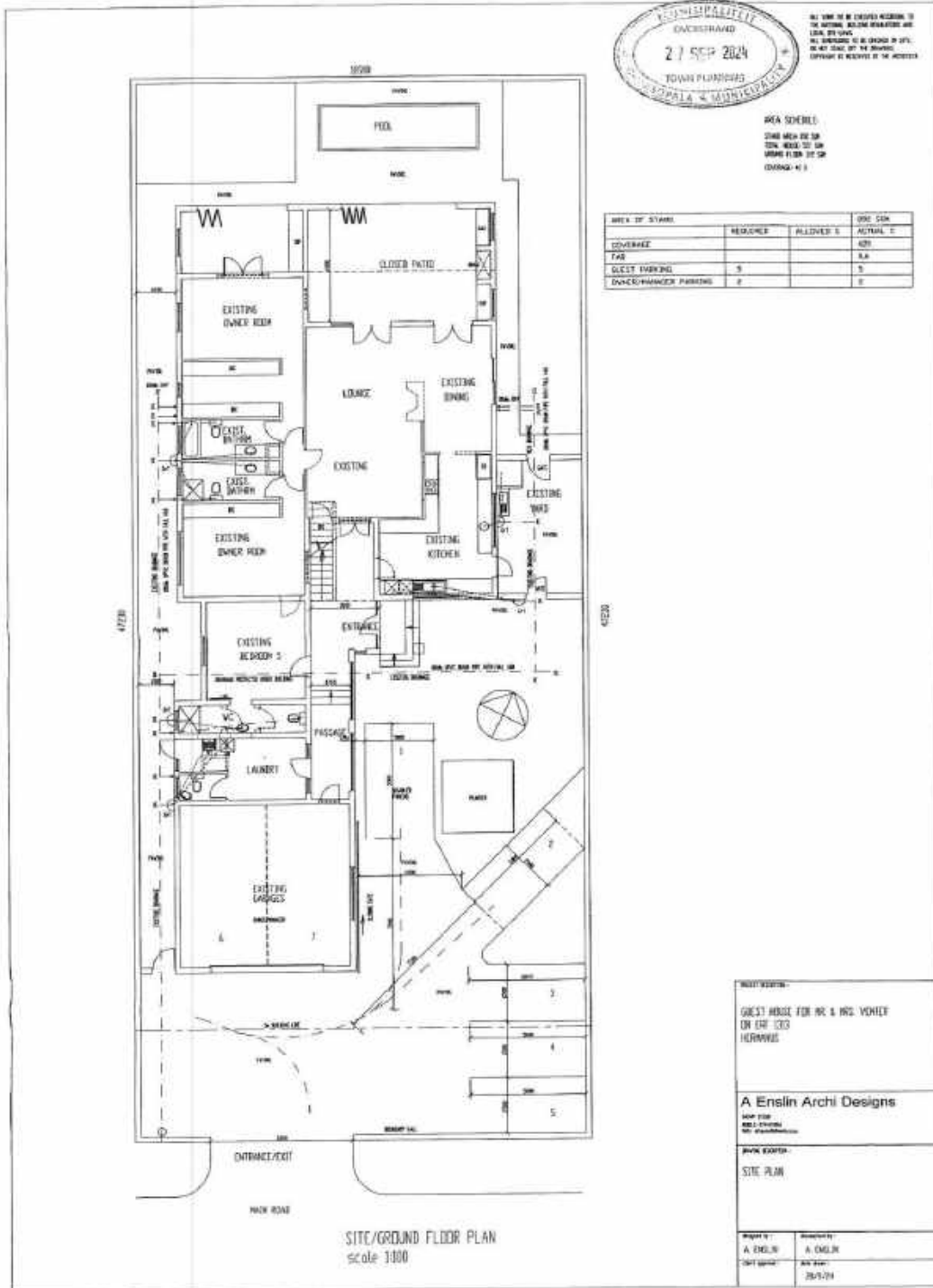
---

- (g) that the general development parameters for guest houses under Single Residential 1 zoning (with reference to Section 16.10.8 of the Overstrand Municipal Land Use Scheme, 2020) be applicable to the subject property;
  - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (i) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
2. 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.

**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ No internal objections were received.
- ❖ Ample and practical parking for the guesthouse can be provided on the property.
- ❖ The established use and management of the property does not have a negative effect on the character of the area.
- ❖ Objections were addressed and the balconies are situated  $\pm 16\text{m}$  away from the objector's property boundary.
- ❖ The dwelling is developed in line with the building line parameters.
- ❖ The proposal will promote the tourism industry, thus in line with the forward planning documentation of the municipality.
- ❖ Is not regarded as being undesirable from a town planning point of view.





AREA SCHEDULE  
 STATE AREA OF USE  
 TOTAL AREA (SQ. METERS)  
 COVERED AREA (SQ. METERS)

AREA OF STAIRS	REQUIRED	ALLOWED (1)	ACTUAL (2)
COVERAGES			0.00
TAS			0.00
GUEST PARKING	0		0
DANCE/HALLWAY PARKING	0		0

NOTES:  
 GUEST ROOM FOR NO. 4 AND VEHICLE ON THE 1ST FLOOR HEREON  
 A Enslin Archi Designs  
 ARCHITECT  
 PARK ROAD  
 SITE PLAN  
 DRAWN BY: A. ENSLIN  
 CHECKED BY: A. CHAI  
 DATE: 28/9/24

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE: ERF 1313, EASTCLIFF (4683/2024)**

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

17/10/2024  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**2. ERVEN 2350 & 2352, AUVERGNE RESIDENTIAL ESTATE, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, REZONING, CLOSURE OF A PUBLIC PLACE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF OVERSTRAND MUNICIPALITY AND THE AUVERGNE HOMEOWNERS' ASSOCIATION**

**2350 & 2352HVM (4123/2022)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**27 February 2025**

---

**EXECUTIVE SUMMARY**

A final amended application was received on 30 April 2024 from Plan Active Town and Regional Planners on behalf of Overstrand Municipality and The Auvergne Homeowners' Association (HOA) on Erven 2350 and 2352, Vermont in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Closure of Public Place** in terms of Section 16.(2)(n) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the closure of a public open space (Erf 2350, Vermont) and a portion of public road (portion of Erf 2352, Vermont) Blue Crane Street and Goshawk Road;
- ❖ **Subdivision** in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 of Erf 2352 into two portions namely a Portion A (approximately 2024m<sup>2</sup>) and a Remainder (approximately 1161m<sup>2</sup>);
- ❖ **Rezoning** in terms of Section 16(2)(a) of the By-Law as follows:
  - Erf 2350, Vermont from Open Space Zone 2: Public Open Space (OS2) to Open Space Zone 3: Private Open Space (OS3) and
  - Portion A, a portion of Erf 2352, Vermont from Transport Zone 2 B: Public Road (TR2 B) to Transport Zone 2 A: Private Road (TR2 A);
- ❖ **Determination of an administrative penalty** application in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 the By-Law for the unauthorized access/security gate constructed in Blue Crane Street road reserve that provides controlled access to Auvergne Residential Estate.

**RESOLUTION**

1. that the objections be noted;

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

2. that the application in terms of Section 16.(2)(n) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the closure of a public place to accommodate the closure of a public open space (Erf 2350, Vermont) and a portion of public road (portion of Erf 2352, Vermont) Blue Crane Street and Goshawk Road, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the subdivision of Erf 2352 into two portions namely a Portion A (approximately 2024m<sup>2</sup>) and a Remainder (approximately 1161m<sup>2</sup>), **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 the rezoning of Erf 2350, Vermont from Open Space Zone 2: Public Open Space to Open Space Zone 3: Private Open Space and Portion A, a portion of Erf 2352, Vermont from Transportation Zone 2B: Public Road (TR2 B) to Transport Zone 2A: Private Road (TR2 A), **be approved**, in terms of the provisions of Section 61 of the By-Law;
5. that the approvals in Points 1 to 3 above be subject to the following conditions:
  - (a) that approval is for the subdivision and rezoning as indicated on Drawing number verm2352s-rev1 dated November 2023;
  - (b) that building plans be submitted for the gate 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 private road portion and private open space be transferred into the name of the Homeowners Association;
  - (d) that the Constitution of the Auvergne Residential Estate be amended to incorporate the private road and private open space;
  - (e) that a refuse area be provided to the satisfaction of the Manager: Waste Management;
  - (f) that all the conditions in the Services Report be complied with;
  - (g) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

- (h) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (i) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with.
6. that the comments received from Telkom be noted.
  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, for the unauthorized access/security gate constructed in Blue Crane Street road reserve (Erf 2352), that provides controlled access to Auvergne Estate, **be imposed**, and that an administrative penalty fee of **R2823,00** be payable within thirty (30) days of this decision.
  8. 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 decisions.

## **REASONS FOR RESOLUTION**

### **POINTS 1 - 4**

- ❖ The application is supported by all relevant Municipal Departments and State or other institutions.
- ❖ The development is already serviced, and no additional services will be required.
- ❖ The objection that was received is not clear and does not prove the application to be undesirable.
- ❖ This is an existing situation from approximately 2015 and will not create any additional traffic impact, impact on surrounding property owners or impact the character of the surrounding area.
- ❖ The road portion and open space will be transferred to the Homeowners Association and will be maintained by them, placing less of a financial strain on the municipality, and is therefore considered efficient.

### **POINT 6**

- ❖ The developer constructed the sliding gate, without submitting any building plans, and cannot debate that the structure is not illegal.
- ❖ The penalty fee imposed is reasonable considering the history of the matter and the scale of the illegal structure.





Notes:  
 Existing access gate at Auvergne Estate.  
 Proposed refuse area indicated to the left of the existing gate in the road reserve.



1. Subdivision of erf 2352:  
 - Portion A: ±2024m²  
 - Remainder: ±1161m²  
 2. Portion A to be rezoned from TR2 B (public road) to TR2 A (private road)

Existing access gate  
 Proposed refuse area: 2,5m x 4,2m ±10,5m²

NOTES:  
 Erf boundaries  
 Subdivision line  
 Land for alienation to Auvergne Home Owners Association

**PLA n** Stads- en Streeksplannings  
 Town & Regional Planning

Property Description:  
**ERVEN 2350 & 2352**  
**VERMONT**

Plan Description:  
**SUBDIVISION & REZONING**

Scale: 1:1000  
 Drawing for: 2023/01/01  
 Date: NOVEMBER 2023

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:  
APPLICATION FOR SUBDIVISION, REZONING, CLOSURE OF A PUBLIC PLACE  
AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERVEN 2350 &  
2352, VERMONT (4123/2022)**

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 should Overstrand Municipality need to install services on Erven 2350 & 2352 in the future, the municipality shall be entitled to do so upon the provision of prior written notice to the developer;
2. that Erven 2350 & 2352 may only be used for the purpose which complies with the primary uses allowed for in terms of the zoning of the properties and more specifically to incorporate the properties into the adjacent development for security purposes and no structures, excluding a boundary wall or fence, may be erected over, on or under the erven and these conditions shall be registered against the title deed of the erven as conditions imposed by Overstrand Municipality;
3. that the maintenance of the erven, which includes the maintenance, repair or replacement of open spaces, services, roads and the infrastructure (such as internal water distribution network, water meters and internal sewer networks), on or under the erven and/or within the closed development, shall be the responsibility of the developer;
4. that access to the erven will be from the corner of Goshawk and Blue Crane Street, Vermont;
5. that the developer shall establish and convert the erven into and part of a closed development. The developer, and its developer(s), must comply with all legislative and Town Planning requirements towards the conversion to a closed development;
6. that the ownership of all municipal assets (open spaces, roads and the entire internal infrastructure i.e water- and sewer networks) within the closed development, shall be transferred to the developer;
7. that the water consumption in respect of the erven and in due course, the closed development will be determined from the consumption registered by a bulk meter for the entire development and the account will be billed to the developer's municipal account. The developer shall be responsible for its own metering and payment by the individual homeowners;

2

8. that the existing sewer network and individual sewer connections to the respective erven will be used to service the relevant erven inside the development;
9. that the developer shall provide the proposed closed development with a central refuse collection facility, which shall comply with the standards of the Department: Operational Services;
10. 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.

  
RICARDO ANDREW  
PRINCIPAL TECHNOLOGIST:  
DEVELOPMENT CONTROL

  
DATE

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**3. ERF 4586, 25 HARMONY AVENUE, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF W & SK LOOTS**

**4586 HNC (4544/2023)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**13 January 2025**

---

**EXECUTIVE SUMMARY**

An application was received on 16 May 2024 from Plan Active Town & Regional Planners on behalf of W & SK Loots on Erf 4586, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Removal of a Restrictive Title Deed Condition** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed condition C.I 2. and C.I.4. of Title deed no. T7972/2018 of the property to:
  - Accommodate the main dwelling position on the 4,5m street building line;
  - Accommodate the existing second dwelling unit (change of use of the approved double garage to a habitable area):
    - a. To allow more than one dwelling unit on the subject property;
    - b. To address the encroachment of the second dwelling unit over the 4,72m title deed street building line (positioned 4,352m from the erf boundary).

The restrictive title deed conditions read as follows:

*“C. SUBJECT FURTHER to the following conditions contained in Deed of Transfer NO T5340 dated 27<sup>th</sup> April 1945:*

- 1. Imposed by the Administrator of the Cape Province when approving the establishment of Hermanus Township Extension No 4 in terms of Ordinance No 33 of 1934 namely:*

*AS being in favour of the registered owner of any erf in the Township and subject to amendment or alteration by the Administrator under the provisions of Section 18(3) of Ordinance No 33 of 1934:*

- 2. That only one dwelling together with such outbuildings as are ordinarily required to be used therewith be erected on this erf.*

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

*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 2,36m metres of the lateral boundary common to any adjoining erf."*

- ❖ **Consent Use** in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for to accommodate a four (4) bedroom guesthouse on the property.
- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for to allow a second access point from Mossie Avenue to accommodate the parking layout for the proposed guesthouse.
- ❖ **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 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 4586, Hermanus for the **removal of restrictive title deed condition C.I 2. and 4. of Title deed no. T7972/2018** of the property to:
  - Accommodate the main dwelling position on the 4,5m street building line;
  - Accommodate the existing second dwelling unit (change of use of the approved double garage to a habitable area):
    - a. To allow more than one dwelling unit on the subject property;
    - b. To address the encroachment of the second dwelling unit over the 4,72m title deed street building line (positioned 4,352m from the erf boundary);

**be approved** in terms of the provisions of Section 61 of the By-Law,
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4586, Hermanus for a **consent use** to accommodate a four (4) bedroom guesthouse on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

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 4586, Hermanus for a **departure** to allow a second access point from Mossie Avenue to accommodate the parking layout for the proposed guesthouse, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in points 1 - 3 above be subject to the following conditions:
  - (a) that this approval is only for the development as indicated on the site plan, as submitted with the application;
  - (b) the manager and/or owner shall reside in the main or second dwelling (excluding outbuildings) on the property;
  - (c) that a maximum of four (4) bedrooms (8 persons) per property may be used for paying transient guests;
  - (d) that guest rooms may not be converted to or used as separate dwelling units;
  - (e) that meals may also be provided to bona fide guests on the property;
  - (f) that the residential character must be retained;
  - (g) 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.;
  - (h) that subject to obtaining a liquor licence, alcoholic beverages may only be sold to resident guests for consumption with meals on site;
  - (i) that home occupation will not be permitted on the same property as a guest house;
  - (j) that a place of entertainment shall not be permitted;
  - (k) 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  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

- (l) 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;
  - (m) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (n) that no activities constituting a source of public nuisance shall be carried out;
  - (o) that no disturbance from loud music and other sources are allowed after 22:00;
  - (p) that the Overstrand Municipality retains the right to enforce any relevant legislation, as well as law and order on the premises, on the landowner/s;
  - (q) that no cooking facilities or prep bowl may be provided in the guest room;
  - (r) that building plans be submitted to the Building Department reflecting the approval for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (s) that all conditions imposed in the Services Report be adhered and be complied with;
  - (t) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
5. 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 4586, Hermanus Bay for the illegal additions on the property as stipulated above, **be imposed**, and that an administrative penalty fee of **R2643,00** be payable within thirty (30) days of the final decision.
6. that the applicant be notified of its right of appeal in terms Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decisions.

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**REASONS FOR RESOLUTION**

- ❖ The application is in line with forward planning documentation.
- ❖ Guest houses on Residential Zone 1: Single residential is allowed and the application does comply with the development parameters.
- ❖ No additional services are required by the application.
- ❖ Parking complies with the land use scheme and Overstrand parking requirements.
- ❖ Internal departments supported the application.
- ❖ The application makes provision for a manager that needs to be on site permanently to manage the facility.
- ❖ The administrative penalty relates to building work and not use, since the property is not being used as a guesthouse at present.



	Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: <b>ERF 4586 HERMANUS</b>	Plan Description: <b>LOCALITY MAP</b>	Scale: NTS Drawing Nr: herm15981.dwg Date: NOVEMBER 2023



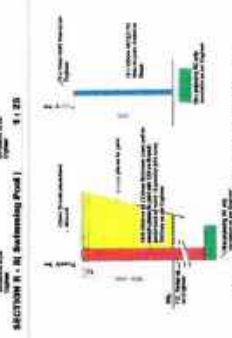
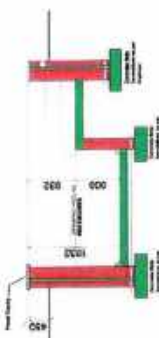
THE DRAWING IS COMPLETE.  
 CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.  
 USE INDICATED DIMENSIONS IN PREFERRED TO FINISH.  
 ALL WORK TO COME WITH LOCAL BUILDING REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS.  
 ALL DIMENSIONS TO BE READ IN CONJUNCTION WITH SPECIFICATION AT ALL TIMES.  
 ANY DISCREPANCIES TO BE REPORTED TO ARCHITECT IMMEDIATELY.  
 ALL DIMENSIONS ARE IN MM.  
 CLAY BRICK WALLS OF THICKNESS 210MM WITH 10MM SPACER FOR POINTING.  
 SLABS & BEAMS TO ENGINEERS SPEC.  
 CLIENT: \_\_\_\_\_  
 ARCHITECT: \_\_\_\_\_

**ADDITIONS AND ALTERATIONS**

GROUND FLOOR PLAN  
 SITE DRAINAGE PLAN  
 ELEVATIONS & POOL BOUNDARY WALL SECTION

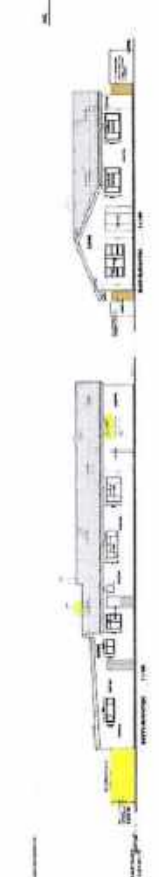
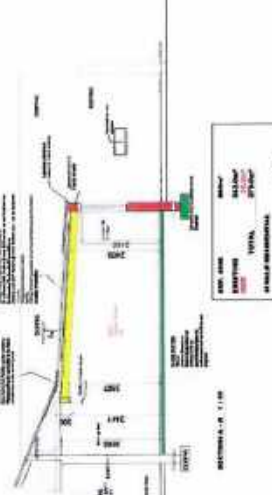
**HOUSE LOOTS**  
 REF: 4538  
 25 HARMONY AVENUE  
 HERMANUS  
 OVERSTRAND

Project: Overstrand  
 Date: 20/04/20  
 Scale: 1:100, 1:50, 1:20  
**DWG. NO. 1.1C**



REINFORCEMENT WALL & CONCRETE SLAB FOR SECTION 1.1B

NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	CONCRETE SLAB	1.00	M <sup>3</sup>	12000	12000
2	REINFORCEMENT	1.00	M <sup>3</sup>	10000	10000
3	FORMWORK	1.00	M <sup>2</sup>	5000	5000
4	BRICK WALL	1.00	M <sup>2</sup>	15000	15000
5	POOL	1.00	M <sup>2</sup>	8000	8000
6	PAVING	1.00	M <sup>2</sup>	3000	3000
7	LANDSCAPING	1.00	M <sup>2</sup>	2000	2000
8	PLUMBING	1.00	M <sup>2</sup>	1000	1000
9	ELECTRICAL	1.00	M <sup>2</sup>	1000	1000
10	PAINTING	1.00	M <sup>2</sup>	1000	1000
11	CEILING	1.00	M <sup>2</sup>	1000	1000
12	FLOORING	1.00	M <sup>2</sup>	1000	1000
13	ROOFING	1.00	M <sup>2</sup>	1000	1000
14	GLAZING	1.00	M <sup>2</sup>	1000	1000
15	MECHANICAL	1.00	M <sup>2</sup>	1000	1000
16	PLUMBING	1.00	M <sup>2</sup>	1000	1000
17	ELECTRICAL	1.00	M <sup>2</sup>	1000	1000
18	PAINTING	1.00	M <sup>2</sup>	1000	1000
19	CEILING	1.00	M <sup>2</sup>	1000	1000
20	FLOORING	1.00	M <sup>2</sup>	1000	1000
21	ROOFING	1.00	M <sup>2</sup>	1000	1000
22	GLAZING	1.00	M <sup>2</sup>	1000	1000
23	MECHANICAL	1.00	M <sup>2</sup>	1000	1000
24	PLUMBING	1.00	M <sup>2</sup>	1000	1000
25	ELECTRICAL	1.00	M <sup>2</sup>	1000	1000
26	PAINTING	1.00	M <sup>2</sup>	1000	1000
27	CEILING	1.00	M <sup>2</sup>	1000	1000
28	FLOORING	1.00	M <sup>2</sup>	1000	1000
29	ROOFING	1.00	M <sup>2</sup>	1000	1000
30	GLAZING	1.00	M <sup>2</sup>	1000	1000



DATE: 20/04/20  
 SCALE: 1:100, 1:50, 1:20  
 DWG. NO. 1.1C

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,  
CONSENT USE, DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 4586, NOTHCLIFF (4544/2023)**

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.

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

  
**DATE**

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

**4. ERF 189, 26 BEZUIDENHOUT STREET AND ERF 3118, 7 QUEEN VICTORIA STREET, STANFORD: APPLICATION FOR SUBDIVISION, REZONING, CONSOLIDATION AND CONSENT USE: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF HA NADEL AND THE BREADMILL CC**

**189 and 3118 STAN (4740/2024)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**10 March 2025**

---

**EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) was received on 07 August 2024 from Messrs PlanActive Town and Regional Planners on behalf of HA Nadel and The Breadmill on Erven 189 and 3118, Stanford in for the following:

- **Subdivision** in terms of Section 16(2)(d) of the By-Law for the subdivision of Erf 189, Stanford into two (2) portions namely, Portion A approximately 845m<sup>2</sup> in extent and a Remainder approximately 1138m<sup>2</sup> in extent.
- **Rezoning** in terms of Section 16(2)(a) of the By-Law to rezone Portion A from Residential Zone 1: Single Residential (SR1) to Business Zone 2: General Business (B2).
- **Consolidation** in terms of Section 16(2)(e) of the By-Law for the consolidation of Portion A with Erf 3118, Stanford, to create one consolidated erf approximately 1516m<sup>2</sup> in extent.
- **Consent use** in terms of Section 16(2)(o) of the By-Law, applicable to the consolidated Erf 3118, Stanford and Portion A, to accommodate residential units (flats) on ground floor.

**RESOLUTION**

1. that the comments be noted;
2. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the **subdivision** of Erf 189, Stanford into two (2) portions namely, Portion A approximately 845m<sup>2</sup> in extent and a Remainder approximately 1138m<sup>2</sup> in extent, **be approved** in terms of the provisions of Section 61 of the By-Law;

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

3. that the application in terms of Section 16(2)(a) of the By-Law for the **rezoning** of Portion A from Residential Zone 1: Single Residential (SR1) to Business Zone 2: General Business (B2), **be approved** in terms of the provisions of Section 61 of the By-Law,
4. that the application in terms of Section 16(2)(e) of the By-Law for the **consolidation** of Portion A with Erf 3118, Stanford, to create one consolidated erf approximately 1516m<sup>2</sup> in extent, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the application for **consent use** in terms of Section 16(2)(o) of the By-Law, applicable to the consolidated Erf 3118, Stanford and Portion A, to accommodate residential units (flats) on ground floor, **be approved** in terms of the provisions of Section 61 of the By-Law;
6. that the recommendation under paragraphs 2. to 5. is subject to the following conditions:
  - (a) that Development be in line with Subdivision Plan Drawing No *ST189* dated *April 2024*;
  - (b) that prior to the submission of building plans a landscape plan be submitted to the satisfaction of the Town- and Spatial Planning Department;
  - (c) that should any indigenous trees be removed they should be replaced by the developer at an appropriate location;
  - (d) that the rear- and lateral perimeter of the property be developed with brick walls at a height of 2.1m;
  - (e) that a Body Corporate be established with compulsory membership for all property owners within the development;
  - (f) that the Body Corporate and property owners be responsible for the placement and removal of refuse bins from the street curb;
  - (g) that parking be developed with hard surface and must be open (accessible) to the public;
  - (h) that all conditions imposed by Engineering Services be complied with;

**AGENDA of the  
Portfolio Committee : Planning & Development  
4 June 2025  
(Also the agenda for the Mayoral Committee Meeting : 11 June 2025)**

---

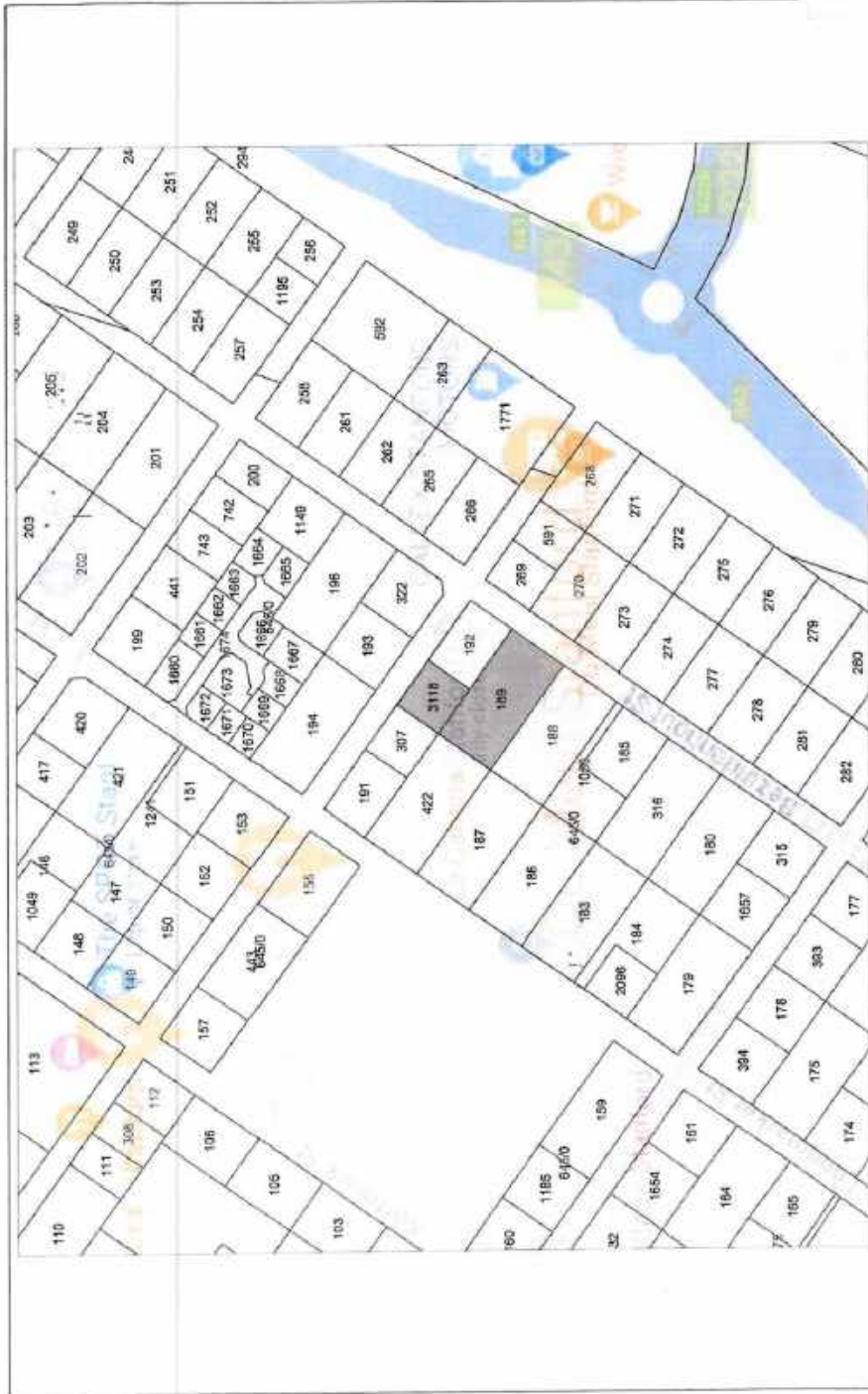
- (i) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;
- (j) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with; and

that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

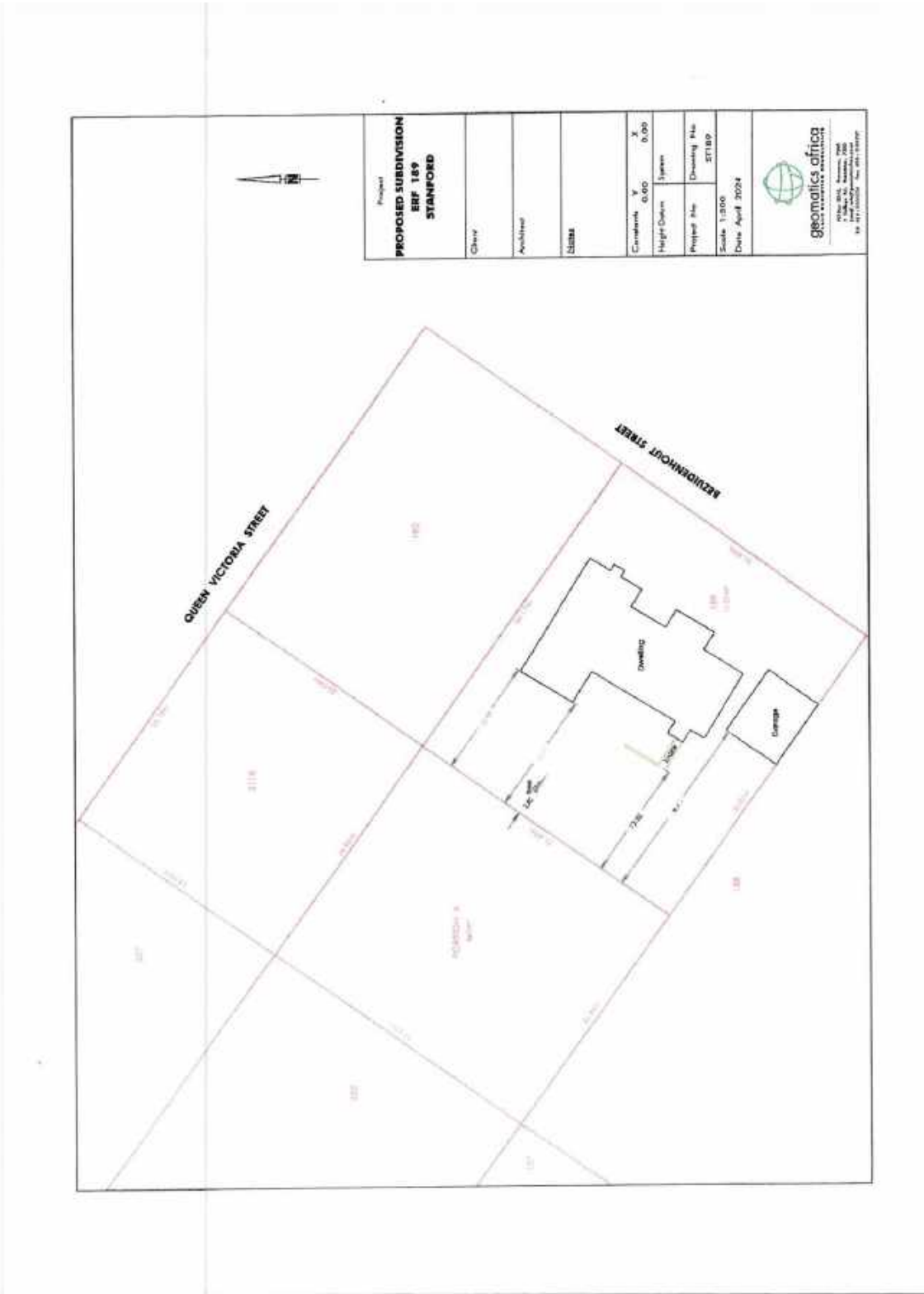
- 7. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 with regard to the above decision.

**REASONS FOR RESOLUTION**

- The majority of the development will be situated on Queen Victoria Street in order to be in line with the historical character of Stanford where stoep areas were developed on the street boundary.
- The lower envelope of the building on Erf 189 is proposed in order to be in line with the surrounding residential character and to minimise privacy concerns.
- Queen Victoria Street is a commercial corridor in Stanford and various businesses and commercial buildings have been developed within the commercial corridor.
- The proposed use is in line with the Municipality's forward planning documents.
- Internal departments have supported the proposed development.



 Stads- en Streetsplanners Town & Regional Planners	All drawings approximate and subject to survey. COPY RIGHT RESERVED	Priority Description:	ERVEN 189 & 3118 STANFORD	File Description:	LOCALITY MAP	Scale:	NTS
						Ontario N: 186 Stanford.dwg Date: 16 Jul 2024	



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION, REZONING, CONSOLIDATION & CONSENT  
USE: ERF 189 & ERF 3118, STANFORD (4740/2024)**

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

**Conditions:**

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

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

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

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

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

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

**Freehold erven:**

Water	R 27 598.00 x 4.2272=	R 116 662.27
Sewerage	R 19 725.00 x 4.2272=	R 83 381.52
Roads	R 8 845.00 x 10.422564=	R 92 187.58
Stormwater	R 10 205.00 x 2.5349995=	R 25 869.67
Solid Waste	R 1 769.00 x 8.7885=	R 15 546.86
<b>TOTAL (inclusive of VAT)</b>	<b>=</b>	<b>R333 647.90</b>

**Note:**

- 1.3 The above figures are estimates**  
**1.4 The above figures do not include connection fees**
2. that the existing water and sewer connection to Erf 189 shall be used to service the Remainder of Erf 189, as well as the existing water- and sewer connection to Erf 3118 be used to service the proposed consolidated Portion A of Erf 189 and Erf 3118;

2

3. that any part of the existing water and sewer lines on Erf 189 that crosses the common boundary of Remainder of Erf 189 and Portion A must be disconnected and sealed off;
4. that only a standard 60 Amp single phase electricity connection will be available per erf, should additional capacity be required, please contact the Electrical Services Department;
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 Division: Civil Engineering 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, Stanford, unobstructed.

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

  
**DATE**