

**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

1. ERF 3593, 4 PROTEA STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: WRAP PROJECT OFFICE ON BEHALF OF AB & M SYMINGTON

3593 HON (5083/2025)

H Olivier

(028) 313 8900

Hermanus Administration

5 December 2025

EXECUTIVE SUMMARY

An application has been received on 5 September 2025 from WRAP Project Office on behalf of AB& M Symington on Erf 3593, Onrustrivier in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following departures:

- ❖ to relax the southern lateral building line from 2m to 1m to accommodate the proposed garage, and
- ❖ to relax the northern lateral building line from 2m to 1,4m to accommodate a building alteration to the dwelling.

RESOLUTION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3593, Onrustrivier in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following departures:

- ❖ to relax the southern lateral building line from 2m to 1m to accommodate the proposed garage, and
- ❖ to relax the northern lateral building line from 2m to 1,4m to accommodate a building alteration to the dwelling;

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

- (a) that this approval is only for the departure of the building lines and is not an approval in terms of any other legislation;
- (b) that the approval for the departure is only for the development over for the building lines as indicated on *plan numbers 2022_21_WD_001_REV dated 21 August 2025* submitted with the application;

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

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The application is supported by all relevant Municipal and State departments/branches.
- ❖ No new municipal services will be required.
- ❖ No surrounding property owners objected against the application.
- ❖ The use change of the carport into a tandem garage will not negatively affect the adjacent neighbour or the character of the area.
- ❖ The fireplace will basically be replaced with a wall which is considered a very minor building work with no impact on neighbours.
- ❖ The application will not have a negative impact on the character of the area or the surrounding neighbours and is desirable.

Plan 1 - Locality Plan Erf 3593 Onrustrivier

Plan prepared by: Thian Jansen

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Office 3, Oakwood, 10 Dirkie
Uys Street Hermanus, 7200



Project Office
Town Planning & Project Management



3718

3717

2952

2953

3581

3593

2947

3594

3123

Scale 1 : 500



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 3593, ONRUS RIVER**

Electricity : See condition 1
Water : In Order
Sewer : In Order
Stormwater : In Order
Roads and traffic : In Order

Conditions:

1. that only the standard 60amp electricity connection will be available and that, should additional capacity be required, an investigation with regard to the capacity required and that available is required at the developers cost;
2. that only the standard water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost,
3. that stormwater be allowed to discharge through Erf 3593, Onrus River, unobstructed;
4. that no off-street parking be allowed.



DENNIS HENDRIKS
MANAGER: PROJECT MANAGEMENT &
DEVELOPMENT CONTROL

28 | 1 | 09
DATE

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2. ERF 1356, 85 DYER STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE, OSCAR SMIDT ON BEHALF OF DU TOIT FAMILY TRUST

1356 GFK (5049/2025)

SW van der Merwe

(028) 313 8900

Hermanus Administration

10 December 2025

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), has been received on 25 July 2025 from Oscar Smidt on behalf of du Toit Family Trust applicable to Erf 1356, Franskraal for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to encroach the western lateral- and rear building line from 2m to 0m to accommodate a proposed double garage.

RESOLUTION

1. that the objection be noted;
2. that 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) on Erf 1356, Franskraal to encroach the western lateral and rear building lines from 2m to 0m to accommodate a proposed garage, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the departure as indicated on Drawing No. 301 dated 18 July 2025 as submitted with the application;
 - (b) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building Control- and the Fire Departments be complied with at that stage;
 - (c) that the conditions in the Services Report be complied with;
 - (d) that all the conditions imposed by OpenServe (Telkom) be adhered to;
 - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

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

REASONS FOR RESOLUTION

Reason for the recommendation under point

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



Locality Map
ERF 1356, FRANSKRAAL




COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR APPLICATION FOR DEPARTURE: ERF 1356, FRANSKRAAL (5049/2025)

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

Conditions:

1. that the existing water connection to- and sewer conservancy tank on Erf 1356 shall be used to service Erf 1356;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Gansbaai for written approval;
5. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
6. that any additional and / or extended vehicle entrances will be for the developer's account;
7. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
8. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.


 RICARDO ANDREW
 PRINCIPAL TECHNOLOGIST:
 DEVELOPMENT CONTROL


 DATE

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**3. ERF 8315, 18 CAPE WILLOW STREET, HEMEL-EN-AARDE ESTATE,
HERMANUS: APPLICATION FOR DEPARTURE: MB PLAN TOWN PLANNING
ON BEHALF OF LRF BLAIN**

8315 HMS (5040/2025)

B Minnaar

(028) 313 8900

Hermanus Administration

28 November 2025

EXECUTIVE SUMMARY

An application has been received on 16 July 2025 from MB Plan Town Planning on behalf of LRF Blain on Erf 8315, Hemel-en-Aarde Estate, Hermanus for a **departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the northern street building line (*Architectural Guidelines and Land Use Scheme*) from 3m and 2m respectively to 1,5m to accommodate an enclosed balcony.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, while the proposed Site Development Plan is attached as Annexure C.

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 8315, Hemel-en-Aarde Estate, Hermanus to relax the northern street building line (*Architectural Guidelines and Land Use Scheme*) from 3m and 2m respectively to 1,5m to accommodate an enclosed balcony, **be approved** in terms of the provisions of Section 61 of the By-Law and be subject to the following conditions;
 - (a) that this approval is only for the departure as indicated on the site development plan with plan no. A.01.1-3 dated 30 June 2024 as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control be complied with;
 - (c) that all the conditions in the Services Report be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

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

REASONS FOR RESOLUTION

- ❖ The proposed structure does not jeopardise the character of the area nor will it negatively impact the streetscape.
- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ No additional services are required.
- ❖ The immediately affected neighbours have no objection to the subject application.
- ❖ The proposal will ensure the subject property is utilised to its fullest potential.
- ❖ The Hemel & Aarde Estate HOA have approved the plans as submitted with the application.



Local Context
Scale 1:2,257

MBPLAN
Town Planning
Melissa Buys
Pr. Pln. A/3040/2021
0713474844
mb.plan@ychoo.com

Subject Property

PROJECT:
Erf 8315 Sandbaai,
Hermanus

DRAWING TITLE:
Locality Plan
Local Context

ADDRESS:
18 Cape Willow Street, Hemel en Aarde
Estate, Sandbaai, Hermanus

DATE:
11 July 2025

SCALE:
Scale as indicated

DISCLAIMER:
MBPLAN provides the data without any guarantee, whether stated or implied and will not be held responsible for any incidental or consequential damages that may occur as a result of the data. This document is intended solely to be used for the purposes indicated and should not be used for any other purposes without written approval from the client.

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE: ERF 8315, HEMEL-EN-AARDE ESTATE
(5040/2025)**


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

Conditions:

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



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**


DATE

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4. ERF 1108, 63 MITCHELL STREET, EASTCLIFF, HERMANUS: APPLICATION FOR DEPARTURE: MESSRS ENGELBRECHT & SCORGIE ON BEHALF OF FG BARRIE

1108 HEC (5038/2025)

P Roux

(028) 313 8900

Hermanus Administration

08 December 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 10 July 2025 from Messrs Engelbrecht and Scorgie on behalf of the owner of Erf 1108, Hermanus, in terms of Section 16(2)(b) of the By-Law in order to:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law in order to:
 - relax the southwestern lateral building line from 2m to 1.2m to accommodate the proposed new garage;
 - to relax the southwestern lateral building line from 2m to 1.4m to accommodate the proposed additions and alterations to the main dwelling, and
 - relax the northeastern lateral building line from 2m to 1.6m to accommodate the usage change of the existing garage into a second dwelling unit.

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 1108, Hermanus (Eastcliff), in order to:
 - relax the southwestern lateral building line from 2m to 1.2m to accommodate the proposed new garage;
 - to relax the southwestern lateral building line from 2m to 1.4m to accommodate the proposed additions and alterations to the main dwelling, and
 - relax the northeastern lateral building line from 2m to 1.6m to accommodate the usage change of the existing garage into a second dwelling unit,

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

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- (a) that the approvals are for the development proposal as indicated on Site Development Plan No *J1321; A1-01 to 04*, as submitted with the application;
 - (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 proposals are considered minimal encroachments which will allow the property owner to utilise the property more optimally.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ No objection was received.

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE: ERF1108, EASTCLIFF (5038/2025)**

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**

22/09/2025
DATE

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**5. ERF 194, 8 QUEEN VICTORIA STREET, STANFORD, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: MESSRS WRAP
PROJECT OFFICE ON BEHALF OF T & BF HAW**

194 STAN (5034/2025)

P Roux

(028) 313 8900

Hermanus Administration

02 December 2025

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law has been received on 08 July 2025 from Messrs WRAP Project Office on behalf of the property owners on Erf 194 Stanford for the following:

- ❖ **Subdivision** in terms of Section 16(2) d) to subdivide the property to into two (2) portions namely, Portion A approximately 1017m² in extent and the Remainder approximately 966m² in extent.

RESOLUTION

1. that the application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 194 Stanford, to **subdivide** the property to create two (2) single residential properties namely, Portion A approximately 1017m² in extent and the Remainder approximately 966m² in extent, **be approved** in terms of the provisions of Section 61, subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on *Subdivision Plan no 25/107*, as submitted with the application;
 - (b) that building plans be submitted for any new work done and that the Building Department and Fire Department's comment be complied with at that stage;
 - (c) that the conditions in the Services Report be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

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REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ 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 PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR SUBDIVISION: ERF 194, STANFORD (5034/2025)**

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 (**2025/2026**) 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 41 600.00 x 1	=	<u>R 41 600.00</u>
TOTAL (inclusive of VAT)		=	R109 742.00

Please note that the above figures:

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

2. that the existing water connection to Erf 194 shall be used to service the proposed Portion A or the Remainder of Erf 194;

3. that any part of the existing water and sewer services on Erf 194 that crosses the common boundary of Portion A and the Remainder of Erf 194 shall be disconnected and sealed off;
4. that both the Remainder and Portion A of Erf 194 must be serviced with individual and separate water connections which must comply with the standards of the Division: Civil Engineering Services;
5. that the proposed Portion A and Remainder of Erf 194 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Division: Civil Engineering Services, and to which the sewer services of the individual erven must connect to;
6. that only a standard 60 Amp single phase electricity connection will be available per erf;
7. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
8. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Division: Civil Engineering Services;
9. that any additional and / or extended vehicle entrances will be for the owner's account;
10. that no reservation of on-street parking be allowed;
11. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
12. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.



RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

15/10/2025
DATE

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6. ERF 6861, 42 NINTH STREET, VOËLKLIP, HERMANUS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, SUBDIVISION AND DEPARTURE: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF PENELOPE STUART TRUST

6861 HVK (5030/2025)

P Roux

(028) 313 8900

Hermanus Administration

27 November 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 June 2025 from Messrs PlanActive Town- and Regional Planners on behalf of the property owners on Erf 6861, Hermanus (the property), namely:

- ❖ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition C. (i) as contained in the Title Deed T14119/2025 to accommodate the proposed new dwelling and chimney breast.
- ❖ **Subdivision** in terms of Section 16(2)(d) of the By-Law to subdivide Erf 6861, Hermanus into two portions namely, Portion A ($\pm 586\text{m}^2$) and Portion B ($\pm 505\text{m}^2$).
- ❖ **Departure** in terms of Section 16(b) of the By-Law to relax the eastern lateral building line from 2m to 0m to accommodate the proposed garage.

RESOLUTION

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), for the **removal of restrictive title deed condition C.(i)** as contained in title deed T14119/2025 applicable to Erf 6861, Hermanus, **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 By-Law to subdivide Erf 6861, Hermanus into two portions namely, Portion A ($\pm 586\text{m}^2$) and Portion B ($\pm 505\text{m}^2$), be approved in terms of the provisions of Section 61 of the By-Law;
3. that the application for **departure** in terms of Section 16(2)(b) of the By-Law applicable to Erf 6861, Hermanus to relax the eastern lateral building

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- line from 2m to 0m to accommodate a proposed garage, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in paragraphs 1., 2. and 3. above be subject to the following conditions
 - (a) that the approval for the subdivision is as indicated on *Subdivision 6861 Hermanus REV3*, as submitted with the application;
 - (b) that the approval for the departure is as indicated on Drawing *2025-04-STU001-01 REV3*;
 - (c) that the structures be demolished as indicated in the application prior to the registration of the properties;
 - (d) that each property be developed with the minimum of two parking bays;
 - (e) 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;
 - (f) that the conditions in the Services Report be complied with;
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (h) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

 5. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality 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 subdivision is to reinstate the subdivision after the property was consolidated.

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- ❖ The garage will be located on a portion of the new property where it will not have a negative impact on the adjacent property.

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR SUBDIVISION, DEPARTURE & REMOVAL OF TITLE DEED
RESTRICTIONS: ERF 6861, VOELKLIP (5030/2025)**

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 (**2025/2026**) 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 41 600.00 x 1	=	<u>R 41 600.00</u>
TOTAL (inclusive of VAT)		=	R109 742.00

Please note that the above figures:

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

2. that the existing water connection to Erf 6861 shall be used to service the proposed Portion A & Portion B;

3. that any part of the existing water and sewer services on Erf 6861 that crosses the common boundary of Portion A and Portion B shall be disconnected and sealed off;
4. that both the Portion A & Portion B of Erf 6861 must be serviced with individual and separate water connections which must comply with the standards of the Division: Civil Engineering Services;
5. that the proposed Portion A and Portion B must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Division: Civil Engineering Services, and to which the sewer services of the individual erven must connect to;
6. that only a standard 60 Amp single phase electricity connection will be available per erf;
7. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
8. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Division: Civil Engineering Services;
9. that any additional and / or extended vehicle entrances will be for the owner's account;
10. that no reservation of on-street parking be allowed;
11. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
12. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.



RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

20/10/2025
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

7. ERF 1429, 52 KANDELAAR STREET, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: J MINNAAR ON BEHALF OF JCJ & EC KOTZE

1429 HVM (5025/2025)

H Olivier

(028) 313 8900

Hermanus Administration

19 December 2025

EXECUTIVE SUMMARY

An application has been received on 30 June 2025 from J Minnaar on behalf of JCJ & EC Kotze in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1429, Vermont for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the street building line from 4m to 1,049m and 1,160m, the western lateral building line from 2m to 0,962m, and the eastern lateral building line from 2m to 0,318m to accommodate the existing garage and entertainment area.
- ❖ **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 garage and entertainment area.

RESOLUTION

1. that the comments be noted.
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1429, Vermont for a departure to relax the street building line from 4m to 1,049m and 1,160m, the western lateral building line from 2m to 0,962m, and the eastern lateral building line from 2m to 0,318m to accommodate the existing garage and entertainment area, **be approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
 - (a) that this approval is only for the departure of building lines and is not an approval in terms of any other legislation;
 - (b) that the approval for the departure is only for the development over for the building lines as indicated on the plans VER 1429/2025 (1-2) dated 8 March 2025, submitted with the application;

**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026**

(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)

- (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 Use Scheme be complied with, and
 - (e) that all the conditions in the Services Report be complied with.
3. that the comments by Telkom be noted.
 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 1429, Vermont for the unauthorized building line encroachments to accommodate the existing garage and entertainment area, **be imposed**, and that an administrative penalty fee of **R14935,00** be payable within thirty (30) days of this decision.
 5. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

REASONS FOR RESOLUTION

POINT 1

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be affected.
- ❖ The garage with entertainment area below is an existing building and has been constructed prior to 2002, and it will not have a greater impact on surrounding neighbours or the character of the area.
- ❖ The development next to Malgas Street was originally planned as a Group Housing development and other properties also have garaging very close to Malgas Street.
- ❖ The objections received was sufficiently addressed by the applicant and is more directed at other concerns regarding services and that the building must not be constructed higher, which is not part of the application.
- ❖ All relevant Municipal Departments/Divisions and Institutions support the application.
- ❖ The application is desirable and is supported.

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Portfolio Committee : Planning & Development
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

POINT 2

- ❖ Each property owner has the responsibility to ensure all building on a property is legal when a property is purchased. The existing landowner purchased the property with the illegal building and now want to rectify the situation. The fact is the existing landowner did not construct the building, therefore only a 1% administrative penalty fee is imposed.

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 1429, VERMONT (5025/2025)**

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
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

8. ERF 2568, 49 VILJOEN STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: A HANGER ON BEHALF OF HANGER FAMILY TRUST

2568 HON (4988/2025)

H Olivier

(028) 313 8900

Hermanus Administration

9 December 2025

EXECUTIVE SUMMARY

An application has been received on 22 May 2025 from A Hanger behalf of Hanger Family Trust in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2568, 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 eastern lateral building line from 2m to 0m to accommodate the illegal use of a portion of an existing garage into a storage area.
- ❖ **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.

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 2568, Onrustrivier for a departure to relax the eastern lateral building line from 2m to 0m to accommodate the use change of a portion of an existing garage into a storage area, **be approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
 - (a) that this approval is only for the departure of building 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 plan attached as 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
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

- (d) that all other development parameters as prescribed in the relevant Land Scheme be complied with, and
 - (e) that all the conditions in the Services Report be complied with.
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 2568, Onrustrivier for the unauthorized use change of a portion of the garage into a storeroom, was considered and that an administrative penalty **of R5367,00 be imposed** and it be paid within sixty days (60) 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 decision.

REASONS FOR RESOLUTION

POINT 1

- ❖ The application has followed due procedure.
- ❖ No municipal services will be affected.
- ❖ That the use change is internal with no impact on neighbours or the character of the area.
- ❖ No objections were received from surrounding neighbours.
- ❖ All relevant Municipal Departments or other institutions support the application.
- ❖ The application is in line the planning principles of sustainability and efficiency as it will promote densification and it will be financially efficient for the storeroom to remain.

POINT 2

- ❖ The existing landowner had an approved building plan for a garage and should have ensured that the contractor does not construct the building in conflict with the approved building plan.

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 2568, ONRUS RIVER (4986/2025)**

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
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

9. ERF 601, 7 MALMOK CRESCENT, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION: FUTURE PLAN TOWN & REGIONAL PLANNERS ON BEHALF OF D VIVIERS

601 HVM (4935/2025)

H Olivier

(028) 313 8900

Hermanus Administration

25 November 2025

EXECUTIVE SUMMARY

An application has been received on 14 March 2025 from Future Plan Town & Regional Planning on behalf of D Viviers in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 601, Vermont for the following:

- ❖ **Removal of Restrictive Title Deed Conditions** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed condition E.(d) as contained in Title Deed T8245/2021 of the property to accommodate a proposed second dwelling on the property.

The restrictive title deed conditions read as follows:

"E. FURTHER SUBJECT to the following conditions contained in Deed of Transfer No. 2109 dated 4th February 1948 in favour of South Western Districts Land and Finance Corporation (Proprietary) Limited (Hereinafter called the Transferor Company) and its successors in title of the remainder of the land held by Deed of Transfer No. 7023 dated 21st August 1935, viz: -

- (d) Unless the permission of the Transferor Company in writing be obtained under condition (c) above, the said property shall be used for residential purposes only and only one dwelling, together with such outbuildings as are ordinarily required for domestic purposes, shall be erected on any one lot, and in particular, subject to any permission granted as aforesaid, no structure of the type commonly known as "flats" shall be erected on the said property."*

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 601, Vermont for the removal of restrictive title deed conditions E.(d) as contained in Title Deed T8245/2021 of the property to accommodate a proposed second dwelling on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

- (a) that this approval is only for the removal of restriction application and is not an approval in terms of any other legislation;
- (b) that this approval is for the development as indicated on Site Plan number E601 VERMONT 2025 S1 dated 5 March 2025, submitted with the application;
- (c) that the second dwelling may only be maximum 120m² in extent;
- (d) that the amended title deed be submitted for record purposes to the Municipality;
- (e) that building plans be submitted for all new buildings to the Building Control Department for approval, and that all conditions of the Building Control and Fire Departments be complied with at that stage;
- (f) that this approval does not absolve the applicant from compliance with any other relevant legislation;
- (g) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
- (h) that all the conditions in the Services Report be complied with.

2. That the following comments be noted:

- Telkom – See Annexure E.
- Eskom – See Annexure F.
- Municipal Environmental Branch – See Annexure G.

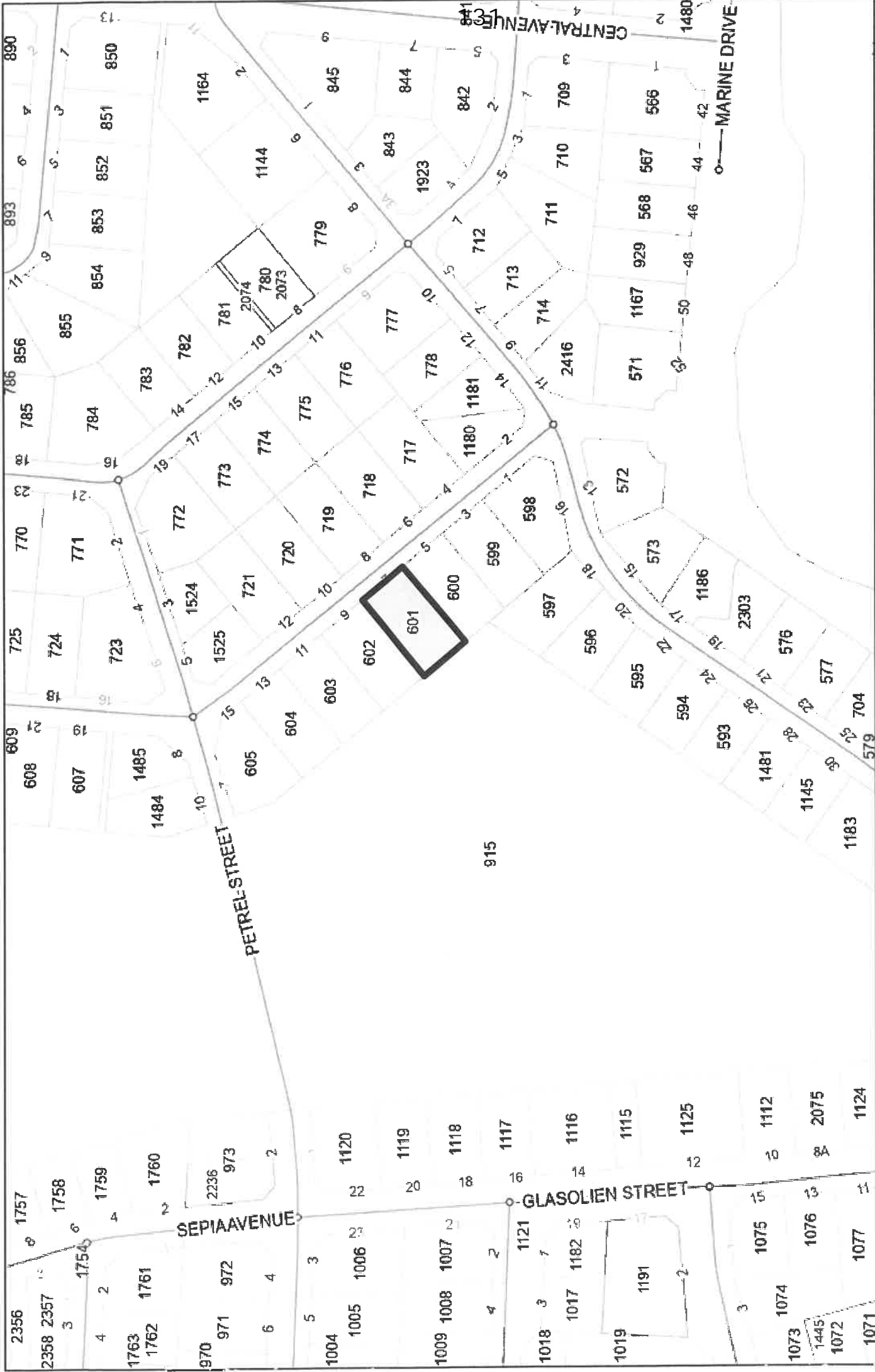
3. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The existing municipal services can accommodate the additional dwelling, and the application is supported by the Engineering Services Branch.
- ❖ The application is in line with the Spatial Development Framework, 2020.
- ❖ The restrictive condition prohibits the property to be developed to its full potential, as the Land Use Scheme allows for second dwellings as a primary right.
- ❖ It is not foreseen that the application will have a negative impact on the character of the area.

**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

- ❖ No objections were received from the public or State/Municipal Departments.
- ❖ The application is in line with the General Principles of LUPA and SPLUMA, as the densification of areas within the urban edge will ensure valuable agricultural and environmentally sensitive land is not developed and create sustainable development. The development is also efficient as existing services will be utilized, and the land will be utilized to its maximum potential.
- ❖ The application is desirable.



Locality Map

Erf 601, 7 Malmok Crescent, Vermont

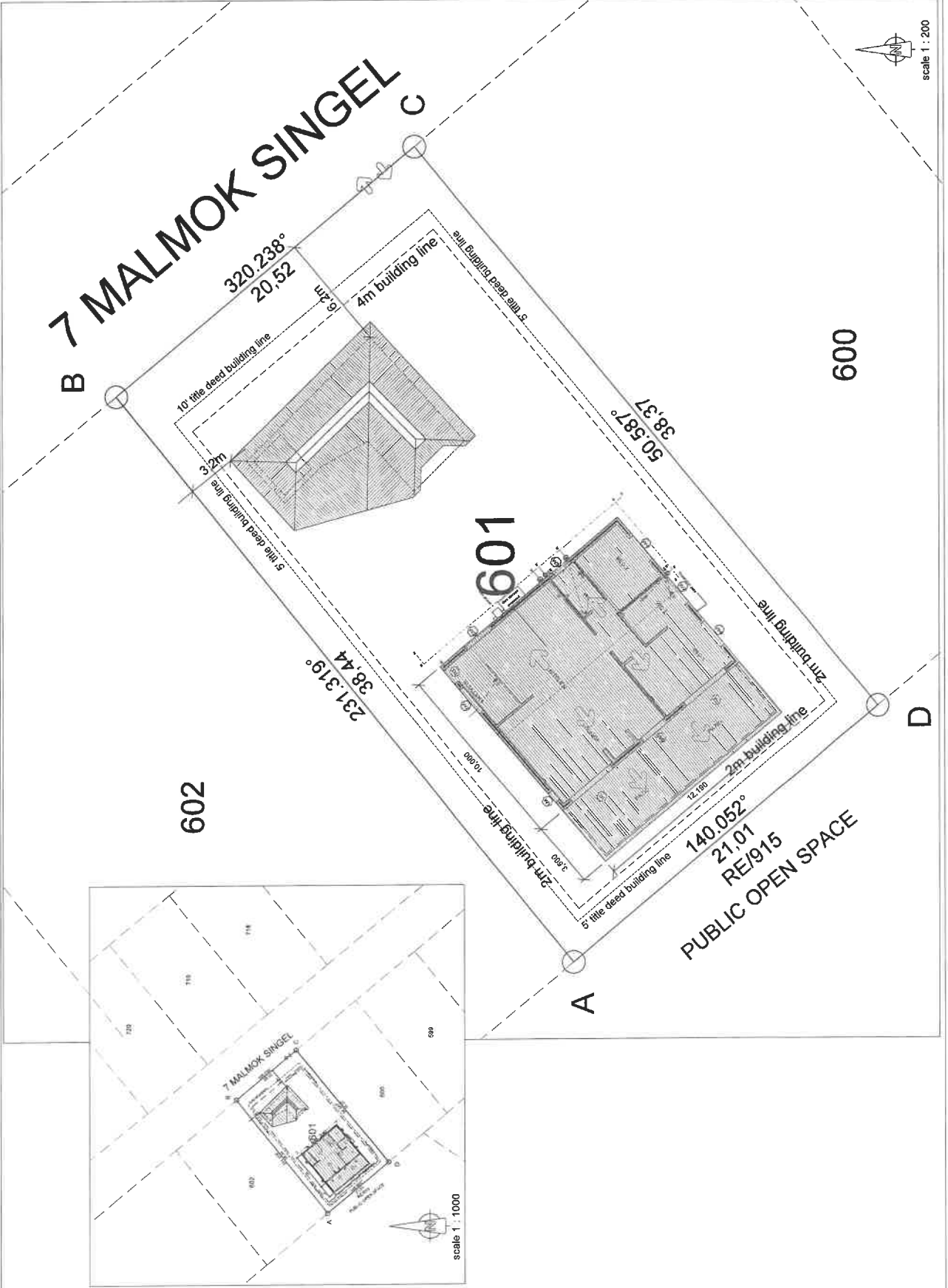


OVERSTRAND MUNICIPALITY



Date: 2025/03/14

SITE DEVELOPMENT PLAN FOR REMOVAL OF TITLE DEED RESTRICTIONS & SECOND DWELLING: ERF 601, VERMONT OVERSTRAND MUNICIPALITY, CALEDON DISTRICT, PROVINCE WESTERN CAPE



GENERAL NOTES:
 ALL DIMENSIONS AND COORDINATES ARE TO BE TAKEN FROM THE PROVISIONAL AND REGISTERED AND SURVEYED. ANY DIFFERENCES MUST BE REPORTED IMMEDIATELY. THE CONSULTANT SHALL BE RESPONSIBLE FOR ALL COPYRIGHTS AND PATENTS.

LEGEND:

[Symbol]	REGULATORY BOUNDARY
[Symbol]	ADJACENT PROPERTIES
[Symbol]	BUILDING LINE
[Symbol]	BOUNDARY SUBJECT PROPERTY
[Symbol]	BOUNDARY ADJACENT
[Symbol]	WATER MAIN
[Symbol]	WATER CONNECTION
[Symbol]	SEWER CONNECTION
[Symbol]	WATER WORKS
[Symbol]	ELECTRICAL LINES
[Symbol]	ROAD
[Symbol]	ROAD RESERVE
[Symbol]	BLUE LINES
[Symbol]	TELEPHONE LINES
[Symbol]	SEWERAGE LINE
[Symbol]	SEWER MAIN
[Symbol]	STRAINS/STAIRS
[Symbol]	TRIPLE JOINTS
[Symbol]	SEWERAGE LATERALS
[Symbol]	STREETS
[Symbol]	PROPERTY MARKERS
[Symbol]	SPOT HEIGHTS
[Symbol]	PERSONAL PAN
[Symbol]	NON-PERSONAL CEMENT LINE
[Symbol]	ELEVATION LINE
[Symbol]	ENCROACHMENT AREA
[Symbol]	ENCROACHMENT PERCENTAGE
[Symbol]	PROPERTY SET
[Symbol]	SETBACK
[Symbol]	OUTBUILDING SIZE
[Symbol]	TOTAL INCLINES
[Symbol]	PERCENTAGE COVERAGE
[Symbol]	PARKING PROVIDED
[Symbol]	LOADING BAYS REQUIRED
[Symbol]	LOADING BAYS PROVIDED
[Symbol]	LOADING BAY
[Symbol]	PERMISSIBLE HEIGHT
[Symbol]	FLOOR AREA
[Symbol]	FLOOR FACTOR
[Symbol]	COVERAGE
[Symbol]	REFUSE AREA/RESERVE YARD
[Symbol]	GAMMA/SCALAR PORTS
[Symbol]	SCREENING

WISCONSIN

FUTURE PLAN
 TOWN AND REGIONAL PLANNING
 101 WEST 10TH STREET
 SUITE 200
 MILWAUKEE, WI 53233
 TEL: 414.224.1111
 FAX: 414.224.1112
 EMAIL: info@wisconsinplanning.com

D VIVIERS

REGISTERED ARCHITECT
 641 VICTORIA AVE
 CAPE TOWN
 8001 VERMONT 228 B

DATE: 10/10/2011

SCALE: 1:200

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION:
ERF 601, VERMONT (4935/2025)**

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

Conditions:

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



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**

26/05/2025
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

**10.ERF 2257, 65 DEMPERS STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: COLIN SHERRIF
ARCHITECTURE ON BEHALF OF A HAVENGA**

2257 HON (4902/2025)

H Olivier

(028) 313 8900

Hermanus Administration

1 December 2025

EXECUTIVE SUMMARY

An application has been received on 21 January 2025 from Colin Sherrif Architecture on behalf of A Havenga in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2257, Onrustrivier for the following departures:

- ❖ To relax the street building line from 4m to 1,89m to accommodate the proposed new garage;
- ❖ To relax the eastern lateral building line from 2m to 1m to accommodate the proposed new garage and extensions to the dwelling, and
- ❖ To relax the western lateral building line from 2m to 1m to accommodate the proposed covered veranda and extensions to the dwelling.

RESOLUTION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2257, Onrustrivier for the following departure:
 - ❖ to relax the street building line from 4m to 1,89m to accommodate the proposed new garage; and
 - ❖ to relax the eastern lateral building line from 2m to 1m to accommodate the proposed new garage;

not be approved, in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2257, Onrustrivier for the following departures:
 - ❖ to relax the eastern lateral building line from 2m to 1m to accommodate extensions to the dwelling; and
 - ❖ to relax the western lateral building line from 2m to 1m to accommodate the covered veranda and extensions to the dwelling;

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

- (a) that this approval is only for the departure of the building lines and is not an approval in terms of any other legislation;
 - (b) that the approval for the departure is only for the development over for the building lines as indicated on plan number A448/24/07 (1-2) dated 20 March 2025, submitted with the application, *excluding the proposed garage*;
 - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with,
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that all the conditions in the Services Report be complied with.
3. that the comments by Telkom be noted.
 4. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decision.

REASONS FOR RESOLUTION

POINT 1

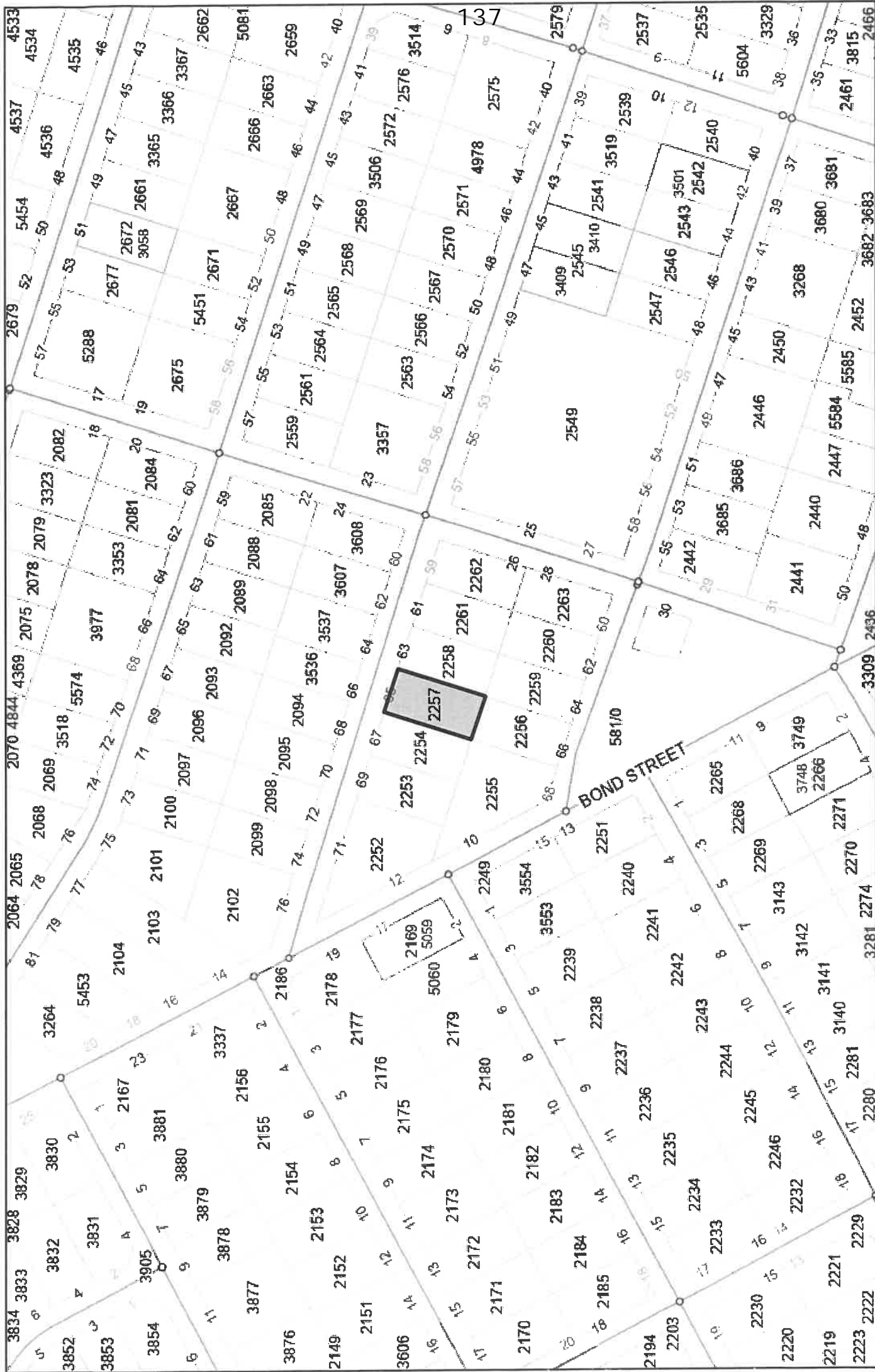
- ❖ There was a garage on the property but in 2013 the garage on the property were changed into habitable space.
- ❖ The proposed placement of the garage, the existing gate and large tree on the municipal pavement will make it impossible to provide a second parking bay on the property, which is a requirement in terms of the land use scheme.

POINT 2

- ❖ The application has followed due procedure.
- ❖ The application is supported by all relevant Municipal and State departments/branches.
- ❖ No new municipal services will be needed.

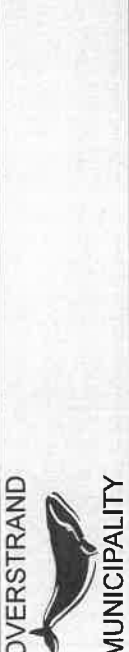
**AGENDA of the
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- ❖ The proposed extensions will be on the same line as the existing dwelling and will not negatively impact neighbours or the character of the area.
- ❖ No objections were received from surrounding neighbours.



Locality Map

ERF 2257, 65 DEMPERS STREET, ONRUSTRIVIER



Date: 2025/01/23

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE: ERF 2257, ONRUS RIVER (4902/2025)**

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**

05-09-2025
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

11.ERF 1846, 3 SEEMEEU CLOSE, GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: JEANÉ DOUGLAS ON BEHALF OF C VELDSMAN

1846 GIP (4690/2024)

Schalk van der Merwe

(028) 313 8900

Hermanus Administration

27 November 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 11 June 2024 from Jeane Douglas on behalf of the owners of Erf 1846, Gansbaai for the following:

- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law, to accommodate a scrap yard and recycling on the property.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to accommodate the unauthorised land use as a scrap yard.

RESOLUTION

1. that the application for consent use in terms of Section 16 (2)(o) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 1846, Gansbaai, to accommodate a scrap yard and recycling facility, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the determination of an administrative penalty in terms of Section 90.(4) of the By-Law to accommodate the existing place of instruction on the property, **not be exempt** from the payment of an administrative penalty;
3. that the approval is subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan, Drawing No. 2412 dated 16 September 2024 as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department, be complied with at that stage;

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- (c) that all the conditions in the Services Report be complied with;
 - (d) that an administrative penalty of **R 9077,05** be payable within sixty (60) 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 be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

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

COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR APPLICATION FOR CONSENT USE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 1849, GANSBAAI (4817/2024)

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 1849 shall be used to service Erf 1849;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Gansbaai for written approval;
5. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
6. that any additional and / or extended vehicle entrances will be for the developer's account;
7. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;

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



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**

14/04/2025
DATE

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12.ERF 526, 3 DOVER STREET, DE KELDERS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR AMENDMENT OF APPROVED SITE DEVELOPMENT PLAN: MESSRS BLUEPRINT SOUTH AFRICA ON BEHALF OF AMBICOR 197 CC

526 GDK (4726/2024)

SW van der Merwe

(028) 313 8900

Hermanus Administration

09 December 2025

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 25 July 2024 from Messrs Blueprint South Africa on behalf of Ambicor 197 applicable to Erf 526, De Kelders for the following:

- ❖ **Amendment of the approved Site Development Plan** in terms of Section 16(2)(l) of the By-Law to accommodate pool tables in an existing outbuilding.

RESOLUTION

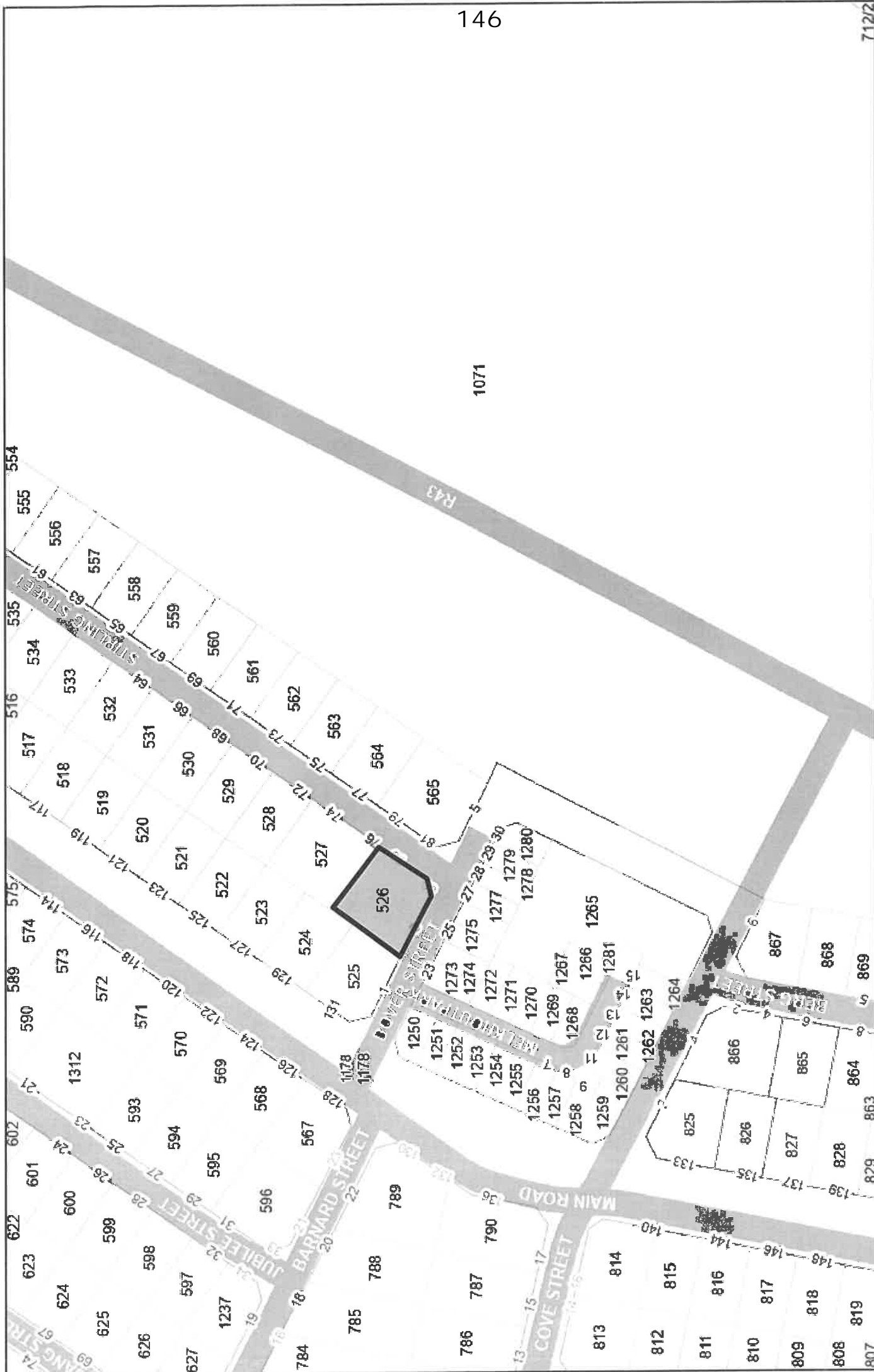
1. that the application for **amendment of the approved Site Development Plan** in terms of Section 16(2)(l) of the By-Law, to accommodate the approved place of entertainment for pool tables in the outbuilding, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that all conditions of the Building and the Fire Departments be complied with at that stage;
 - (b) that prior to implementation of the amended site development be subject thereto that the proposed playroom building be made interleading with the restaurant building and sound attenuation measures be implemented per the applicants response;
 - (c) that the pool room area may not be provided with separate bar facilities;
 - (d) 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;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation; and

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

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ The proposal is not considered to negative impact vested rights
- ❖ Conditions of approval is recommended to mitigate potential impact.



ERF 526, 3 DOVER STREET, DE KELDERS



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF THE APPROVED SITE
DEVELOPMENT PLAN: ERF 526, DE KELDERS (4726/2024)**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
5. that any additional and / or extended vehicle entrances will be for the developer's account;
6. that stormwater be allowed to discharge through Erf 526, Gansbaai, unobstructed.



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**



DATE

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13.ERF 4800, 3, ROMULEA CLOSE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR RELAXATION OF TITLE DEED AND DETERMINATION OF ADMINISTRATIVE PENALTY: J DOUGLAS ON BEHALF OF A & JNW BARKHUIZEN

4800 KBB (4553/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

19 November 2025

EXECUTIVE SUMMARY

An application has been received on 11 December 2023 from J Douglas on behalf of A & JNW Barkhuizen on Erf 4800, Bettys Bay in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Relaxation** of Clause B.7.(a) and B.7.(b) of Title Deed No. T10866/23 to relax the street building line from 5m to 4m to accommodate the use changes of the existing covered stoep into a braai room, the existing patio into a family room and the existing store into a tv room.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to accommodate the unauthorised land uses as stipulated above.

RESOLUTION

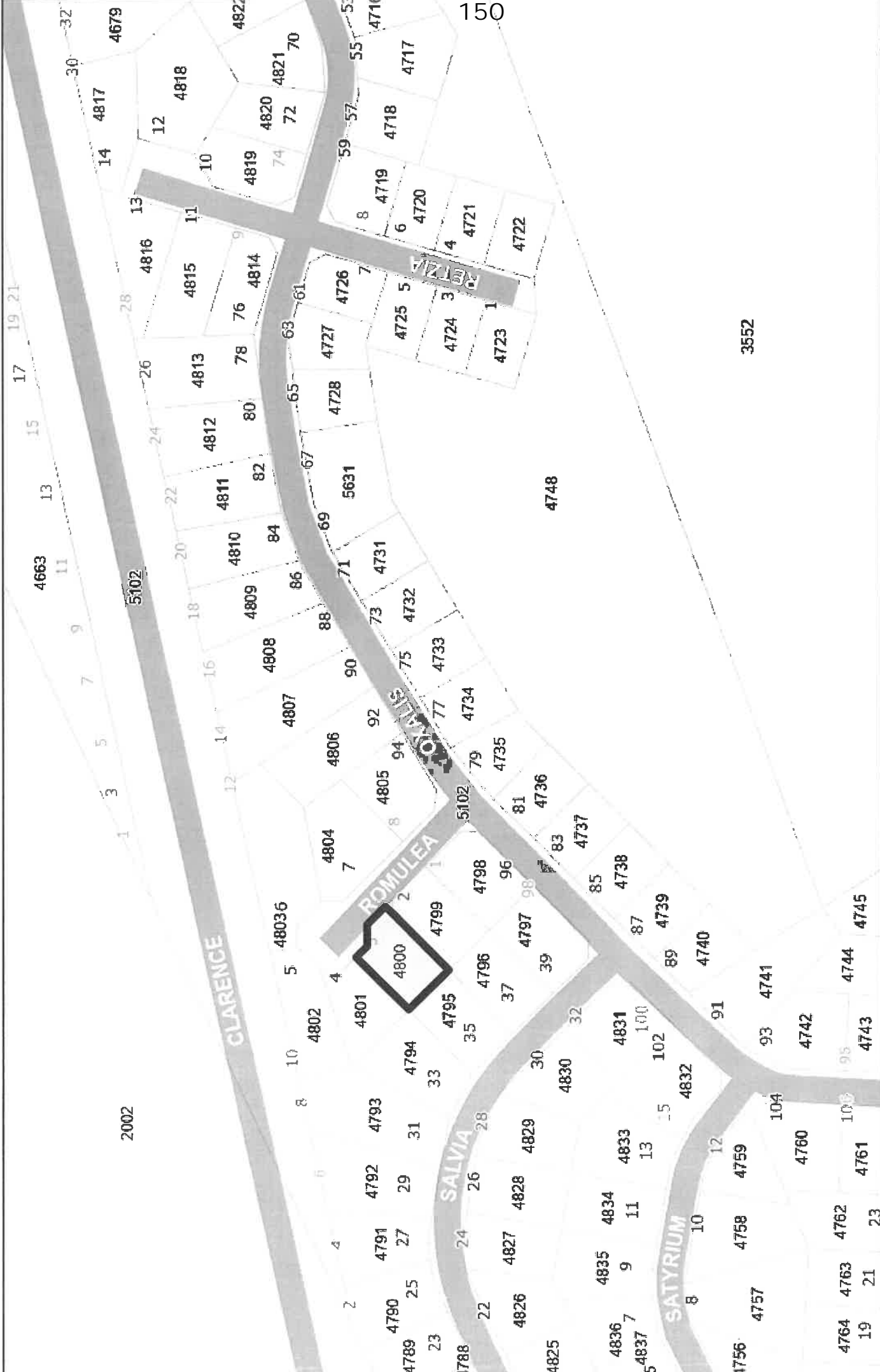
1. that the application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4800, Betty's Bay for the relaxation of restrictive title deed conditions B.7.(a) and B.7.(b) of Title Deed No. T10866/23 to relax the street building line from 5m to 4m to accommodate the use changes of the existing covered stoep into a braai room, the existing patio into a family room and the existing store into a tv room, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the relaxation of a restrictive title deed conditions as indicated on plan number BB4800/2023 dated 14 October 2023 submitted with the application;
 - (b) that building plans be submitted to the Building Control Department and Fire Department for approval, and that all conditions of the Building Control and Fire Department be complied with;
 - (c) that the relaxation is only applicable to the existing dwelling as per application;

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- (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 4800, Betty's Bay for unauthorised building line encroachments as stipulated above, **be imposed**, and that an administration penalty fee of **R4 768-57**, be payable within sixty (60) days of the final decision.

REASONS FOR RESOLUTION

- ❖ Consent letters and signed plans received from affected neighbours.
- ❖ Will not jeopardize the character of area.
- ❖ Better utilization of the property.
- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ No additional services are required.
- ❖ No major building work to be done as structure already exists.
- ❖ The structure will not transgress the Overstrand Land Use Scheme Street building line of 4m.
- ❖ A minimal penalty of 5% imposed due the quick response of the owners to rectify the situation.



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14.ERF 5114, 5 ACCESS ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: DEPARTURE, RELAXATION OF TITLE DEED AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: INNES DESIGN ARCHITECTURE ON BEHALF WF JAMES

5114 KBB (4715/2024)

H van der Stoep

(028) 313 8900

Hermanus Administration

9 December 2025

EXECUTIVE SUMMARY

An application has been received on 8 July 2024 from Innes Design Architecture on behalf of WF James on Erf 5114, Betty's Bay in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Relaxation** of Clause E.(b) of Title Deed No. T142051/2006 to relax the street building line from 5m to 1,523m to legalize existing structures over the building line.
- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to relax the street building line from 4m to 1,523m to legalize existing structures over the building line.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to accommodate the unauthorised building line encroachments on the property.

RESOLUTION

1. that the application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5114, Betty's Bay for the relaxation Clause E.(b) of Title Deed No. T42051/2006 to relax the street building line from 5m to 1,523m to legalize existing structures over the building line, **be approved**, in terms of Section 61 of the By-Law.
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5114, Betty's Bay for a departure to relax the street building line from 4m to 1,523m to legalize existing structures over the building line, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the relaxation of a restrictive title deed condition and departure as indicated on plan number 2024/16 dated July 2024 submitted with the application;

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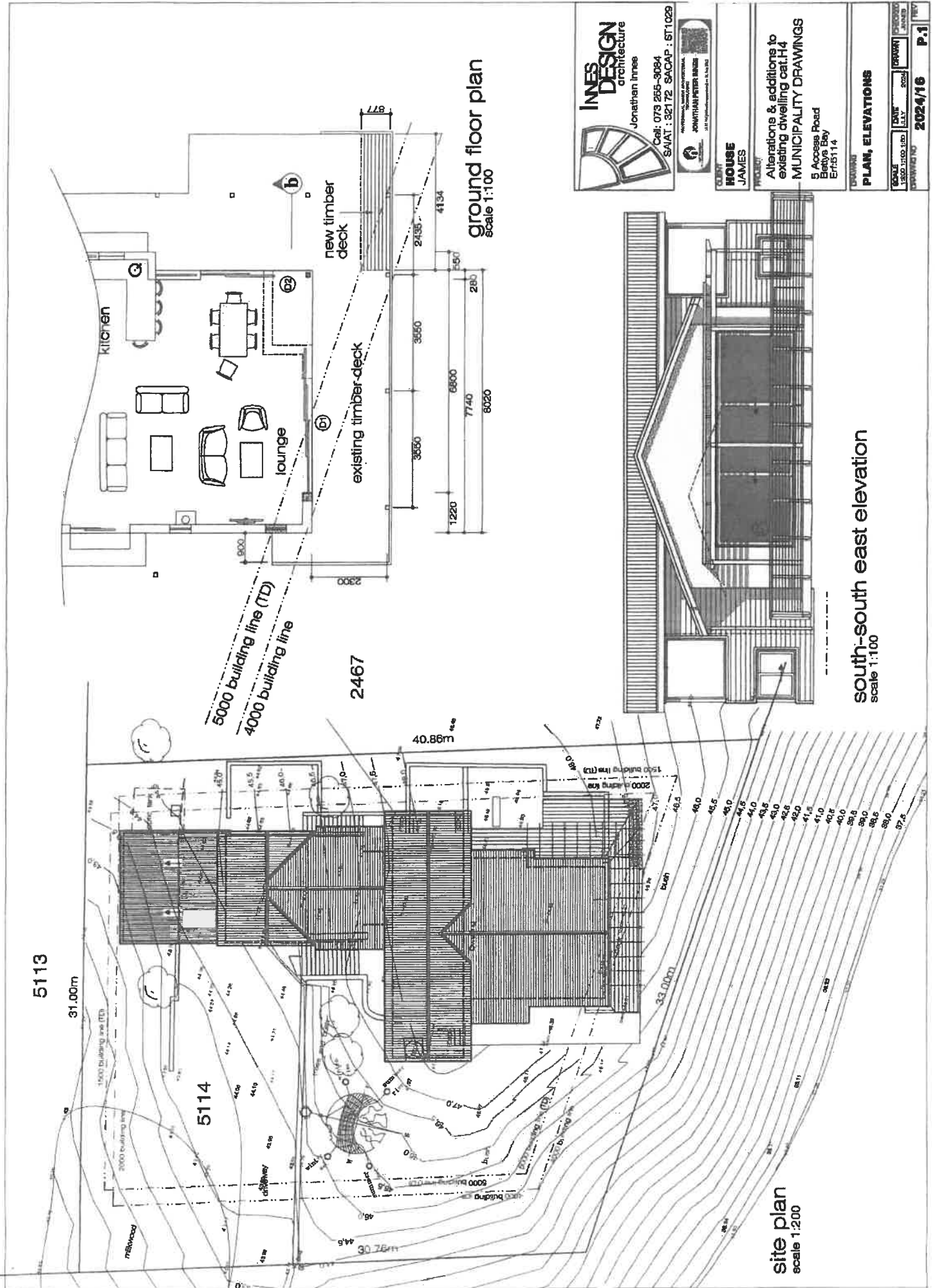
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026

- (b) that building plans be submitted to the Building Control Department and Fire Department for approval, and that all conditions of the Building Control and Fire Department be complied with;
 - (c) that the relaxation is only applicable to the existing dwelling as per application;
 - (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.
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 5114, Betty's Bay to accommodate the unauthorised building line encroachments on the property was considered and that an administrative penalty of **R7969,99 be imposed** which penalty must be paid within thirty (30) days from the final date of the decision of the application.
4. that the applicant be notified of their right of appeal (*against Points 2 & 3*) in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above decision.

REASONS FOR RESOLUTION

POINT 2 - 3

- ❖ Consent letters and signed plans received from affected neighbours.
- ❖ Will not jeopardize the character of area.
- ❖ The deck is elevated and supported by poles minimizing the impact on the environment and street scape.
- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ No additional services are required.
- ❖ No major building work to be done as structure already exists.
- ❖ A minimal penalty of 5% imposed due the quick response of the owners to rectify the situation.



5113

31.00m

5114

30.76m

40.86m

2467

5000 building line (TD)
4000 building line

kitchen

lounge

new timber deck

existing timber-deck

ground floor plan
scale 1:100

south-south east elevation
scale 1:100

IMES DESIGN
architecture
Jonathan Imree
Cell: 073 255-3084
SAIAT : 32172 SACAP : 6T1029

MEMBER, AUSTRALIAN INSTITUTE OF ARCHITECTS
MEMBER, AUSTRALIAN INSTITUTE OF PROFESSIONAL ARCHITECTS
MEMBER, AUSTRALIAN INSTITUTE OF PROFESSIONAL ARCHITECTS

CLIENT
HOUSE
JAMES

PROJECT
Alterations & additions to existing dwelling cat.H4
MUNICIPALITY DRAWINGS
5 Access Road
Bella Vista
Erf:5114

DRAWING NO		DATE		CHECKED		DRAWN		SCALE	
2024/16		JULY 2024		JAMES		JAMES		1:100 1:100 1:100	
P.1		REV		REV		REV		REV	

PLAN, ELEVATIONS

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15.ERF 5410, 13 NERINE CRESCENT, BETTY'S BAY AND ERF 5617, 17 NERINE CRESCENT, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION: FUTURE PLAN TOWN & REGIONAL PLANNERS ON BEHALF OF THE TRUSTEES FOR THE TIME BEING OF KLAASENBOSCH TRUST

5410 & 5617 KPRB (4933/2025)

**H van der Stoep (028) 313 8900
18 November 2025**

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 14 March 2025 from Future Plan Town & Regional Planners on behalf of Klaasenbosch Trust in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the consolidation of Erf 5410, Betty's Bay with Erf 5617, Betty's Bay to create a consolidated property of $\pm 2760\text{m}^2$ in extent.

RESOLUTION

1. that the application in terms of Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the consolidation of Erf 5410, Betty's Bay with Erf 5617, Betty's Bay to create a consolidated property of $\pm 2760\text{m}^2$ in extent, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the consolidation as indicated on Drawing Number E 5617 BB FEBR 2025 dated 25 February 2025, submitted with the application;
 - (b) that the 3m lateral title deed building lines of each erf before consolidation be applicable for any new built structures, except structures as stipulated in the Title Deed;
 - (c) 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;
 - (d) that the conditions in the Services Report be complied with;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

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- (f) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with.
2. that the following comments be noted:
- Western Cape Government: DEADP (Coastal), and
 - Eskom
3. that the applicant and objector be notified of the right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The consolidation of the erven is to the benefit of the property owner but does not negatively affect any surrounding property owners.
- ❖ The character of the area will not be adversely impacted.
- ❖ The impact of the proposed consolidated erf is no more than the present two undeveloped erven in terms of the use namely single residential
- ❖ The 3m lateral building lines between the two proposed consolidated erven be adhered to with regard to new structures to protect the view corridor of the objector.
- ❖ No additional development is proposed and therefore there is no additional impact on the environment.
- ❖ The proposal is consistent with the SDF.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR CONSOLIDATION: ERF 5410 & ERF 5617, BETTY'S
BAY (4933/2025)**

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

Conditions:

1. that the existing sewer connection(s) be used to service the proposed consolidated development;
2. that the water connections to the erven must be consolidated to one connection and that one water meter be allowed/ registered ;
3. that 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 - Kleinmond for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that no reservation of on-street parking be allowed.
7. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
8. that stormwater reticulation and connection(s) to the municipal system be provided at the owner's cost, if required ;



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**

28/05/2025
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026
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**16.ERF 7698, 12 FOURTEENTH STREET, KLEINMOND, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: PLAN ACTIVE TOWN
& REGIONAL PLANNERS ON BEHALF OF HJW & LM RIJKENBERG**

7698 KKM (5022/2025)

H van der Stoep

(028) 313 8900

Hermanus Administration

17 December 2025

EXECUTIVE SUMMARY

Application has been received on 30 June 2025 from Plan Active Town & Regional Planners on behalf of HJW & LM Rijkenberg 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 7698, Kleinmond into 2 portions namely, Portion A ($\pm 2,067\text{m}^2$) and the Remainder ($\pm 2,084\text{m}^2$) and to establish a 1,5m wide servitude over the Remainder in favour of proposed Portion A to ensure access for maintenance and servicing of the infrastructure.

RESOLUTION

1. that the application in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the subdivision of Erf 7698, Kleinmond into 2 portions namely, Portion A ($\pm 2,067\text{m}^2$) and the Remainder ($\pm 2,084\text{m}^2$) and to establish a 1,5m wide servitude over the Remainder in favour of proposed Portion A to ensure access for maintenance and servicing of the infrastructure, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the subdivision as indicated on plan numbers kleinmond7698.dwg dated 20 June 2025 and 28 July 2025, as submitted with the application;
 - (b) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building Control and the Fire Departments be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that all the conditions in the Services Report be complied with.

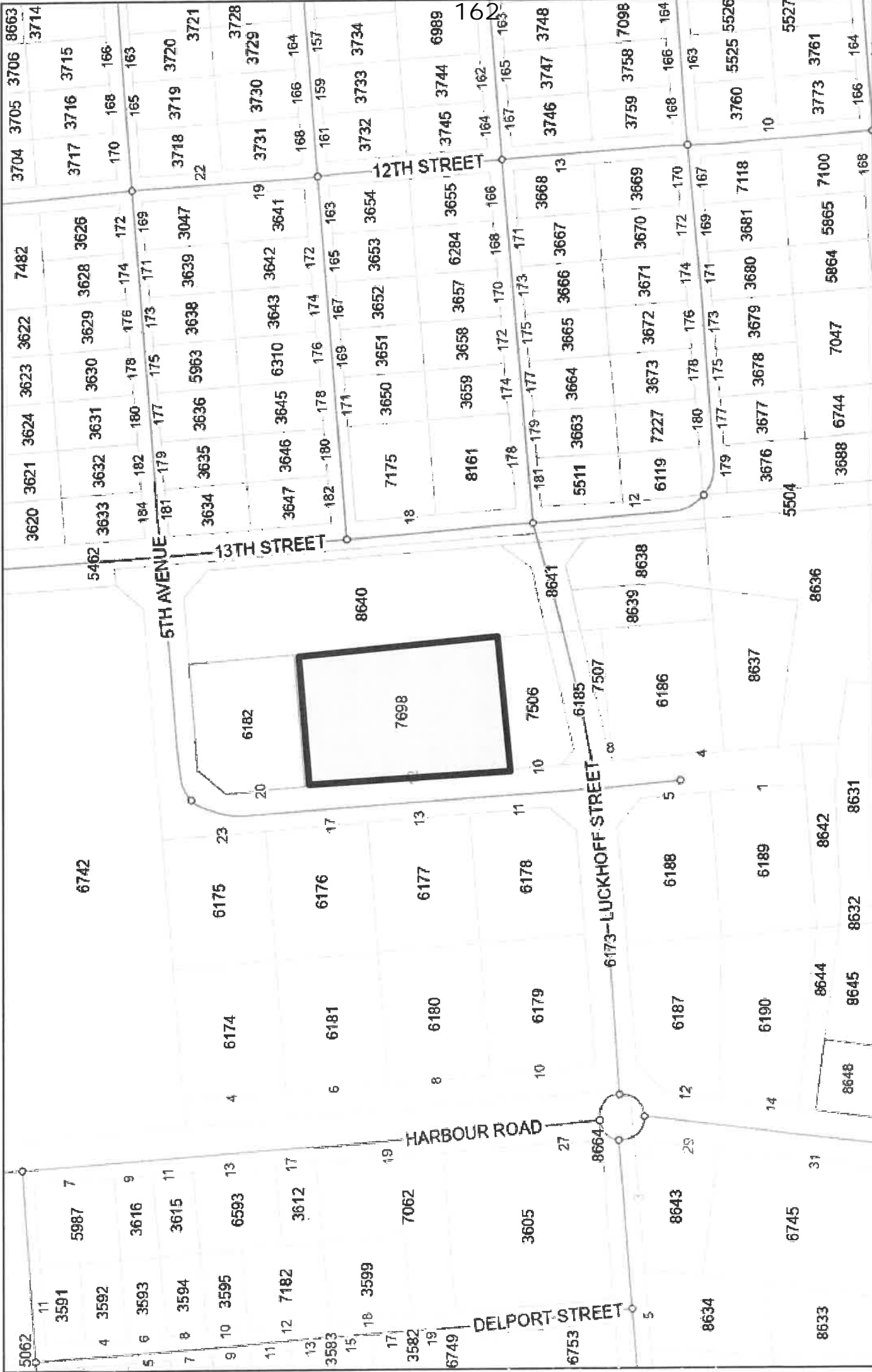
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2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

POINT 1 - 6

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



**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR SUBDIVISION: ERF 7698, KLEINMOND (5022/2025)**

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 (2025/2026) 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 41 600.00 x 1	=	<u>R 41 600.00</u>
TOTAL (inclusive of VAT)		=	R109 742.00

Please note that the above figures:

- a) are estimates
 - b) do not include investigation and connection fees
 - c) are subject to annual tariff adjustments
2. that the existing water connection to Erf 7698 shall be used to service the proposed Portion A or the Remainder of Erf 7698;
 - 3.

4. that any part of the existing water and sewer services on Erf 7698 that crosses the common boundary of Portion A and the Remainder of Erf 7698 shall be disconnected and sealed off;
5. that both the Remainder and Portion A of must be serviced with individual and separate water connections which must comply with the standards of the Division: Civil Engineering Services;
6. that the proposed Portion A and Remainder of Erf 7698 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Division: Civil Engineering Services, and to which the sewer services of the individual erven must connect to;
7. that only a standard 60 Amp single phase electricity connection will be available per erf;
8. 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;
9. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Division: Civil Engineering Services;
10. that any additional and / or extended vehicle entrances will be for the owner's account;
11. that no reservation of on-street parking be allowed;
12. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
13. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.



RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

24/11/2025
DATE

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**17.ERF 5704, 34 DUIKER STREET, NORTHCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE
DEED CONDITIONS: HJ VAN DER STOEP ON BEHALF OF ROELFUS TRUST**

5704 HNC (5024/2025)

B Minnaar

(028) 313 8900

Hermanus Administration

14 January 2026

EXECUTIVE SUMMARY

An application has been received on 01 July 2025 from HJ van der Stoep on behalf of Roelfus Trust in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 12, Sandbaai for the following:

- ❖ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law for the removal of the of restrictive title deed conditions C.(1), C.(2), C.(3) & C.(4) as contained in the Title Deed T.33244/10 to accommodate a second dwelling on the property.

The restrictive conditions contained in Title Deed T.33244/10 to be removed, reads as follow:

Clause C.(1):

“That the above erf be used for residential purposes only.”

Clause C.(2):

“That the above erf not be subdivided without the approval of the Administrator.”

Clause C.(3):

“That not more than one dwelling be erected on the above erf and that no more than one-half of the area of the above erf be built upon.”

Clause C.(4):

“That all buildings to be erected on this property shall stand back not less than 3,15 metres from the line of any street or avenue on which the lot may abut; such space may be used as gardens but shall not be built upon.”

**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

RESOLUTION

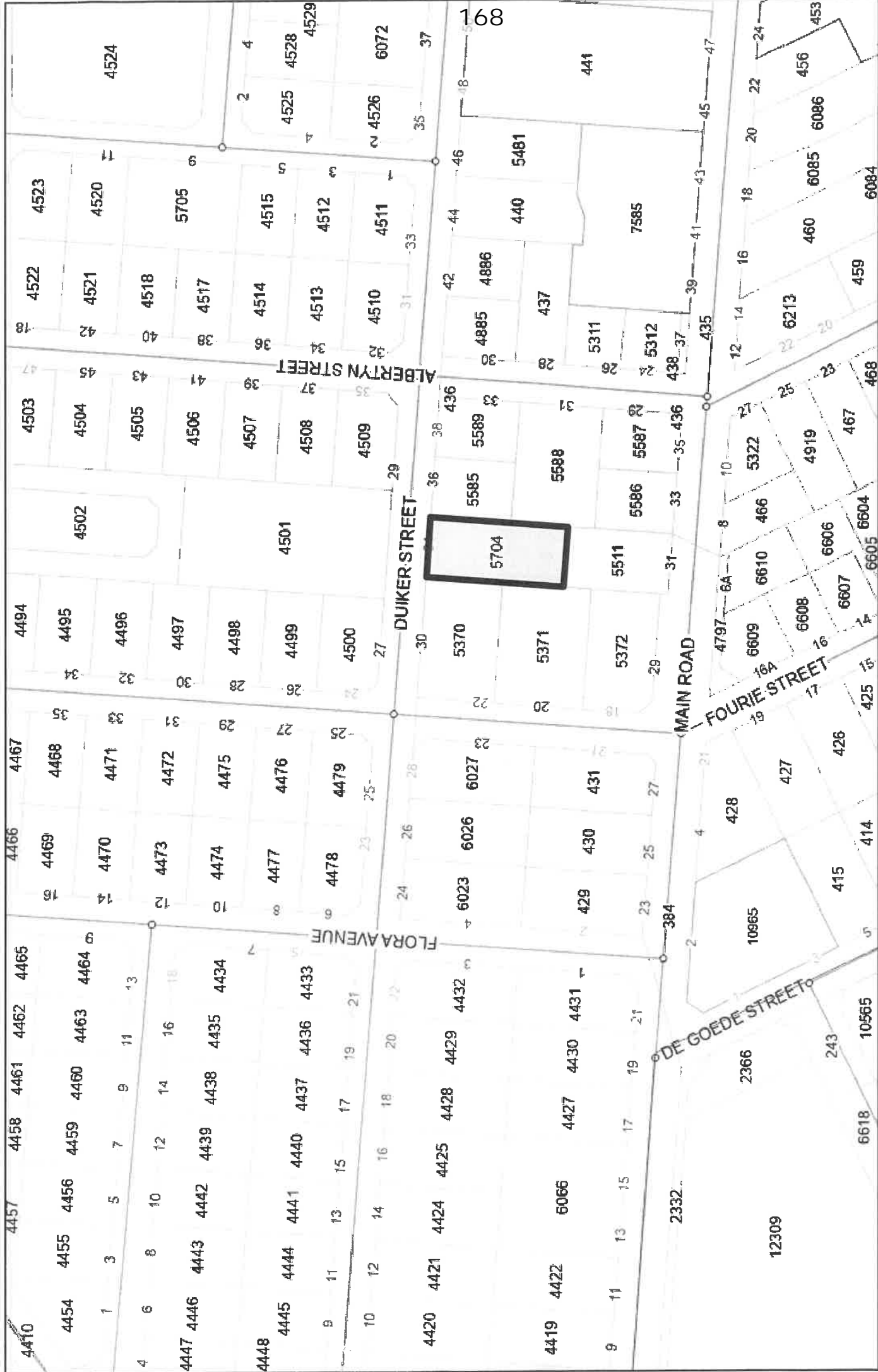
1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the removal of restrictive title deed conditions C.(1), C.(2), C.(3) and C.(4) as contained in the title deed T.33244/10 applicable to Erf 5704, Northcliff, Hermanus to accommodate a second dwelling unit, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the decisions in paragraphs 1 and 2 above be 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 Departments be complied with at that stage;
 - (b) that all the conditions in the Services Report and Telkom must be complied with;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme; and
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
3. that the applicant 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

- ❖ The application has followed due procedure.
- ❖ No objections have been received from the surrounding property owners or affected property owners of Ext.1 Hermanus.
- ❖ The proposal is not out of character of the area and that the proposal visually appears to resemble a normal residential dwelling.
- ❖ The proposal does not negatively impact the streetscape or propose massing.
- ❖ The proposal for removal of restrictive title deed conditions do not negatively impact the surrounding property owners or the affected property owners of Ext.1 Hermanus
- ❖ The proposal is in line with the strategic planning policy documentation.
- ❖ Adequate parking has been provided.
- ❖ The removal of the restrictive title deed conditions will bring the property development rights and land use parameters in line with that of the Overstrand Municipality Land Use Scheme, 2020.

**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

- ❖ It is supported by the Engineering Department.



Locality Map

ERF 5704, 34 DUIKER STREET, NORTHCLIFF, HERMANUS



BUILDING WORK
 All work to comply with SANS 10400 and Building Regulations. All work to be in accordance with local municipal authority regulations. Fitted dimensions to be taken in preference to marked dimensions. All levels and dimensions to be checked on site before building work commences. Contractors shall be deemed to have incorporated themselves with the conditions prior to commencement of work.

LEVELS: Levels and dimensions: The building to be built out and erected in the position and to the levels as indicated on the plan is a site layout plan. The contractor, sub-contractors and suppliers must verify all dimensions and levels on site before commencing any work. Land surveyor to confirm all proposed levels and dimensions on site. The use of a spirit level shall be used from the area to be laid out. All grading to be done by contractor.

FINISHES: All finishes used in the structure of a building shall be treated against termite and wood borer attack and fungal decay in accordance with the requirements of SANS 10400 and shall bear the product certification mark of a body certified by the South African National Accreditation System.

OTHER: Plans in every instance, kitchen, shower room, bathroom or room containing a toilet pan or toilet must comply with SANS 10400. The contractor shall be responsible for the structure away from chimney stacks, which may be supplied with. The builders must comply with the SANS 10400 by law. All reinforced concrete slabs and shafts are to be cast strictly to structural engineer's specifications and details.

SURFACE AREA	= 1 372,0m ²
ERF SIZE	= 1 480,0m ²
EXISTING DWELLING	= 39,0m ²
DRIVE THROUGH AREA	= 28,0m ²
COVERED BRAAI AREA	= 83,0m ²
STORAGE AREA	= 63,0m ²
NEW DOUBLE GARAGE	= 40,8m ²
CARPORT	= 40,8m ²
TOTAL SURFACE AREA	= 481,6m ²

COVERAGE ALLOWABLE - 50%	= 680,0m ²
EXISTING DWELLING	= 40,78%
DRIVE THROUGH AREA	= 2,84%
COVERED BRAAI AREA	= 2,11%
STORAGE AREA	= 6,64%
NEW DOUBLE GARAGE	= 5,03%
CARPORT (0/0)	= 2,95%
TOTAL COVERAGE	= 28,35%

FOR MUNICIPAL APPROVAL PG 01

PROJECT: HOUSE VAN DER STOEP
ERF: 5704
 34 Du Toit street | north of R17200

OWNER: ROBELOU TRUST
ADDITONS/ ALTERATIONS

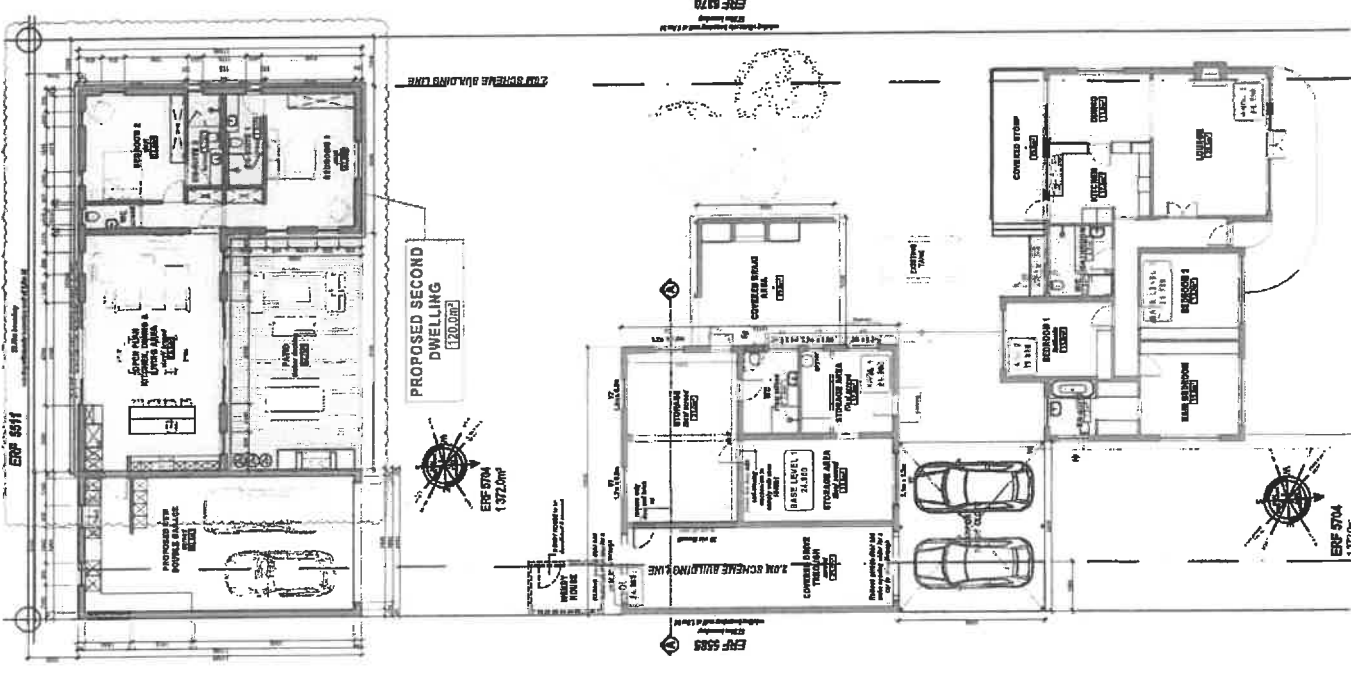
DRAWING
 site plan, floor plan,
 see labels - do not scale when printing (A3)
DATE: 07 July 2025
DRAWN: [Signature]
CHKD: [Signature]
REV: 03

THE DOCUMENT SHOULD NOT BE USED FOR ANY OTHER PURPOSE THAN THAT WHICH IT WAS PREPARED FOR AND WHICH IS COMMISSIONED FOR IT

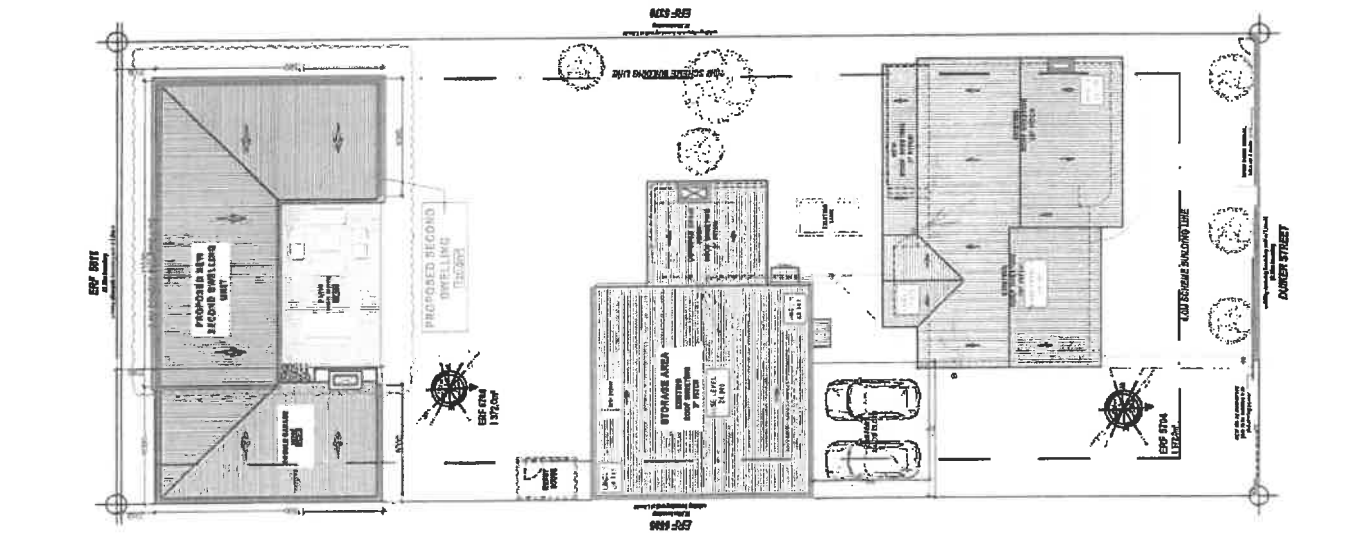
DESIGNATELJEE

(+27) 072 856 6994 | JAMES@DESIGNATELJEE.CO.ZA
 8 STRAIN ROBERTS, SANDHURST, JOHANNESBURG, 7500
 DIRECTOR: JAMES DALE (PAC-250720) (S.A.C.A) (P)
 MANAGER: COSTAS (PAC-17100) (S.A.C.A) (P)

DESIGNATELJEE



FLOOR PLAN LAYOUT | scale 1:200



SITE PLAN LAYOUT | scale 1:250

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS:
ERF 5704, NORTHCLIFF (5024/2025)**

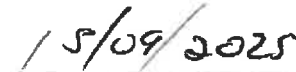
Stormwater (SW) : Refer to conditions
Electricity : Refer to conditions
Water : Refer to conditions
Sewer : Refer to conditions
Roads and traffic : Refer to conditions

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
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

MUNICIPAL PLANNING TRIBUNAL

1. **ERF 146, NO. 2 AND ERF 631, NO. 2A MARK STREET, GANSBAAI: APPLICATION FOR REZONING, CONSOLIDATION, CONSENT USE, DEPARTURE, AMENDMENT OF CONDITIONS OF APPROVAL AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF J & MM STEENKAMP**

146 & 631 GGB (4891/2024)

SW van der Merwe

(028) 313 8900

Hermanus Administration

06 January 2026

EXECUTIVE SUMMARY

An application has been received on 13 December 2024 from Messrs PlanActive Town and Regional Planners on behalf of J & MM Steenkamp in terms of the Overstrand Municipality Amendment By-law on Municipal Land Use Planning, 2020 for the following:

- **Rezoning** in terms of Section 16(2)(a) of the By-law of Erf 146 and Erf 631, Gansbaai from Business Zone 2: General Business and Residential Zone 1: Single Residential to Business Zone 1: General Business.
- **Consolidation** in terms of Section 16(2)(e) of the By-law of Erf 146 and Erf 631, Gansbaai to create a consolidated property of 1918m².
- **Consent use** in terms of Section 16(2)(o) of the By-law, to accommodate a ground floor dwelling unit, two ground floor flats, and a place of entertainment (five gambling machines).
- **Departure** in terms of Section 16(2)(b) of the By-law to encroach the northern rear building line from 3m to 0m to accommodate the existing flats, covered patio, bathroom and recreation area.
- **Amendment of conditions** in respect of existing 2007 and 2023 approvals in terms of Section 16(2)(h) of the By-law.
- **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-law.

**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

RESOLUTION

1. that the objections be noted;
2. that the application for **rezoning** in terms of Section 16(2)(a) of the By-law of Erven 146 and Erf 631, Gansbaai from Business Zone 2: General Business and Residential Zone 1: Single Residential to Business Zone 1: General Business, **be approved** in terms of the provisions of Section 61 of the By-law;
3. that the application for **consolidation** in terms of Section 16(2)(e) of the By-law of Erf 146 and Erf 631, Gansbaai to create one erf of 1918m², **be approved** in terms of the provisions of Section 61 of the By-law;
4. that the application for **consent use** (place of entertainment) in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-law on Municipal Land Use Planning, 2020 to accommodate a place of entertainment (five gambling machines), two ground floor flats and a ground floor dwelling unit on the consolidated property, **be approved** in terms of the provisions of Section 61 of the By-law;
5. that the application for **departure** in terms of Section 16(2)(b) of the By-law to encroach the rear building line from 3m to 0m to accommodate the existing flats, covered patio bathroom and recreation area, **be approved** in terms of the provisions of Section 61 of the By-law;
6. that the application for **amendment** of conditions 1.(a), (b), (c), and (g) of an existing approval dated 28 February 2007 approval and amendment of conditions 5.(a), (b), (d) and (e) of an existing approval dated 28 September 2023 in terms of Section 16(2)(h), **be approved** in terms of the provisions of Section 61 of the By-law;
7. that the **determination of an administrative penalty** in terms of Section 90(4) of the By-Law pertaining to the unauthorised land use **not be exempt** from the payment of an administrative penalty;
8. that the decisions in paragraphs 2. to 7. above be subject to the following conditions:
 - (a) that this approval is only for a restaurant, five (5) gambling machines, dwelling and two (2) ground floor flats as indicated on the Site Development Plan;

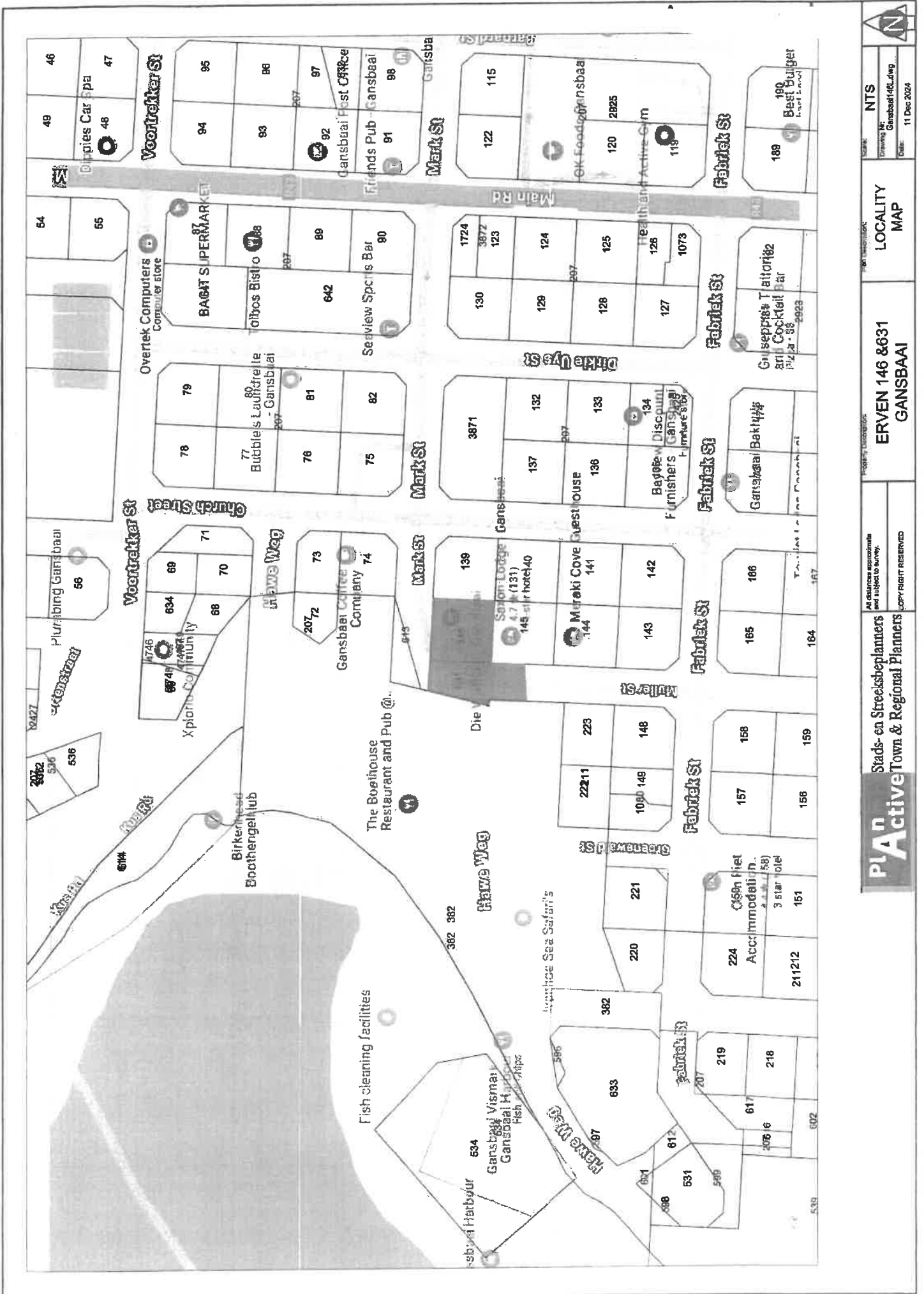
**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

- (b) that the applicant appoints a conveyancing attorney to register the consolidation of Erf 146 and Erf 631 Gansbaai within two months from the effective date of the decision;
 - (c) that the consolidation be effected within six months from the effective date of the decision;
 - (d) that building plans be submitted to the Building Department to accommodate the existing development on the property within 6 months from the effective date of the decision and that all conditions of the Building and the Fire Departments be complied with at that stage;
 - (e) that the consent use approval relating to the place of entertainment (five gambling machines), two ground floor flats and dwelling house be limited to the area indicated on the Site Development Plan;
 - (f) that the consent use for a place of entertainment be limited to five gambling machines only and that live music may not be permitted;
 - (g) that the operation of gambling machines be subject to a valid business license and gambling license;
 - (h) that an administrative penalty of **R10 261,14** be payable within sixty (60) days of the decision;
 - (i) that all the conditions in the Engineering Services Report and District Health be complied with;
 - (j) that should the consolidated property be redevelopment in future; such redevelopment be subject to the submission and approval of a detailed Site Development Plan prior to the submission of building plans;
 - (k) that on-site parking provision be clearly marked out and demarcated as indicated on the approved SDP;
 - (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 Zoning Scheme be complied with;
9. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-law on Land Use Planning, 2020 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

REASONS FOR RESOLUTION

- ❖ Proposal is consistent with the SDF and Overstrand Municipal Growth Management Strategy.
- ❖ Proposal is consistent with the Planning Principles in terms of LUPA and SPLUMA.
- ❖ Application property is situated within the Gansbaai CBD in an area with a mixed character.
- ❖ Proposal comprises mixed commercial and residential land use contributing to a vibrant CBD.
- ❖ Proposal is not considered to have a significant impact upon vested rights, sufficient to warrant refusal of planning permission.
- ❖ Proposal will resolve historic non-compliance of the land use scheme pertaining to on-site parking provision.





PIA n	Stads- en Streeksbeplanners Town & Regional Planners	ERVEN 146 & 631 GANSBAAI	LOCALITY MAP
All drawings are preliminary and subject to survey. COPYRIGHT RESERVED		PROJECT INFORMATION CLIENT: NTS DRAWING NO: Gansbaai Loc. Map DATE: 11 Dec 2024	



Parking Schedule:

Under covered stoep and seating counter: 72m²
 Indoor seating area and passage: 41m²
 Indoor bar area: 38m²
 Office: 7m²
 Kitchen: 32m²
 4 Parking Bays / 100m²
 190m² GLA = 7.6 parking Bays

5 Slot Machines
 1 parking bay for every 5 4 seats:
 1.25 Parking Bays

2 Single bedroom flats
 1.5 Parking bays / flat:
 3 Parking Bays

1 Dwelling
 2 Parking Bays:
 2 Parking Bays

Total Number of parking bays required: 14 Parking Bays
 15 Parking Bays are provided



Scale: 1:250
 Drawing No: Gansbaai146&631.dwg
 Date: 5 Dec 2024

PROPOSED SITE DEVELOPMENT PLAN

Property Description:
ERVEN 146 & 631 GANSBAAI

All distances approximate and subject to survey.
 COPYRIGHT RESERVED

PIAⁿ Active Stads- en Streetsheplanners
 Town & Regional Planners

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR REZONING, CONSOLIDATION, CONSENT USE,
AMENDMENT OF CONDITIONS OF APPROVAL & DETERMINATION OF
AN ADMINISTRATIVE PENALTY: ERF 146 & ERF 631, GANSBAAI
(4891/2024)**

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 -0.232	=-R 6 402.74
Sewerage	R 19 725.00 x -0.232	=-R 4 576.20
Roads	R 8 845.00 x 10.466667	=R92 577.67
Stormwater	R 10 205.00 x 3.754	=R38 309.57
Solid Waste	R 1 769.00 x 4.3294	=R 7 658.71
TOTAL (inclusive of VAT)	=	R 127 567.01

Note:

1.3 The above figures are estimates**1.4 The above figures do not include evaluation/investigation levies and connection fees**

2. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
4. that any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Division: Civil Engineering Services;
5. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
6. that 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 no reservation of on-street parking be allowed;
9. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
10. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**

21/05/2025
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

**2. ERF 3626, 9 VAN BLOMMENSTEIN STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR REZONING AND DEPARTURE:
WRAP PROJECT OFFICE ON BEHALF OF REEFF PROPS (PTY) LTD**

3626 HON (5011/2025)

H Olivier

(028) 313 8900

Hermanus Administration

14 November 2025

EXECUTIVE SUMMARY

An application was received on 8 August 2025 from WRAP Project Office on behalf of REEFF Props (Pty) Ltd on Erf 3626, Onrustrivier in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the following:

- ❖ **Rezoning** of the property in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 from Residential Zone 1: Single Residential (SR1) to Business Zone 3: Local Business (B3) to accommodate a mixed-use development consisting of a business component on the ground floor and two (2) residential flats on the first floor.
- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to relax the following building lines to accommodate the proposed structure:
 - northern lateral building line from 3m to 1,23m to accommodate the proposed encroachments on ground floor level, and to relax the same building line from 3m to 1m to accommodate the proposed encroachments on first floor level, and to allow a door and windows closer than 1,5m from the boundary, and
 - southern lateral building line from 3m to 2,6m to accommodate the proposed encroachments on first floor level.

RESOLUTION

1. that the objections be noted.
2. that the application in terms of Section 16(2)(a) of terms the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the **rezoning** of Erf 3626, Onrustrivier from Residential Zone 1: Single Residential (SR1) to Business Zone 3: Local Business (B3) to accommodate a mixed-use development consisting of a business component on the ground floor and two (2) residential flats on the first floor, **be approved**, in terms of the provisions of Section 61 of the By-Law,

**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

3. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Erf 3626, Onrustrivier for a **departure** to relax the following building lines to accommodate the proposed structure:
 - northern lateral building line from 3m to 1,23m to accommodate the proposed encroachments on ground floor level, and to relax the same building line from 3m to 1m to accommodate the proposed encroachments on first floor level, and to allow a door and windows closer than 1,5m from the boundary, and
 - southern lateral building line from 3m to 2,6m to accommodate the proposed encroachments on first floor level;

be approved, in terms of the provisions of Section 61 of the By-Law.
4. that the approvals in 2 and 3 above be subject to the following conditions:
 - (a) that the approval only relates to the proposal as indicated on undated Plans number 5.1 and 5.2, and undated drawing no. 10, submitted with this application;
 - (b) that commercial rates and taxes, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control, Fire and Waste Management Departments be complied with at that stage;
 - (d) that all 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 Land Use Scheme be complied with.
5. That the following comments be noted:
 - ❖ Telkom and
 - ❖ Western Cape Government: Infrastructure (Road Planning).
6. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above decisions.

**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

REASONS FOR RESOLUTION

POINT 2

- ❖ All relevant municipal departments and external departments/institutions support the application.
- ❖ Concerns/objections raised about the possibility of a bottle store being operated on the erf is not relevant, as a bottle store can only be considered if a consent use application was submitted for such rights. The application does not include an application for a bottle store.
- ❖ The application is in line with the general principles of SPLUMA and LUPA as this development will be spatially sustainable as it will provide for a mixed-use development with economic opportunity and addressing a housing need, which will also help limit urban sprawl,
- ❖ The Overstrand Municipality Spatial Development Framework, 2020 identifies this area for commercial purposes and it is in the Onrustrivier Business Node. The proposal is therefore in line with this policy plan.
- ❖ In terms of the Overstrand Municipality Growth Management Strategy, 2010, a guideline document, this area is identified for Local Economic Opportunity and densification zone for more than 30 residential units per ha. The commercial development with flats is therefore in line with this guideline document.
- ❖ The Rezoning application will not have a negative impact on surrounding property owners or the character of the area

POINT 3

- ❖ The proposed Departures to relax building lines is because 3m lateral building lines will be applicable to the erf due to the residential zoning of the adjacent erven. This limits the development potential significantly.
- ❖ This area is in the business corridor, and the properties to the north and south will in all probability be rezoned in future and be utilized for business purposes.
- ❖ The owners of the residential erven to the north and south did not object against this application.
- ❖ The encroachments are support by al municipal division's institutions.
- ❖ The Departure application will not have a negative impact on surrounding property owners or the character of the area.

Plan 1 - Locality Plan Erf 3626 Onrustvriër

Plan prepared by: Veronica Jansen

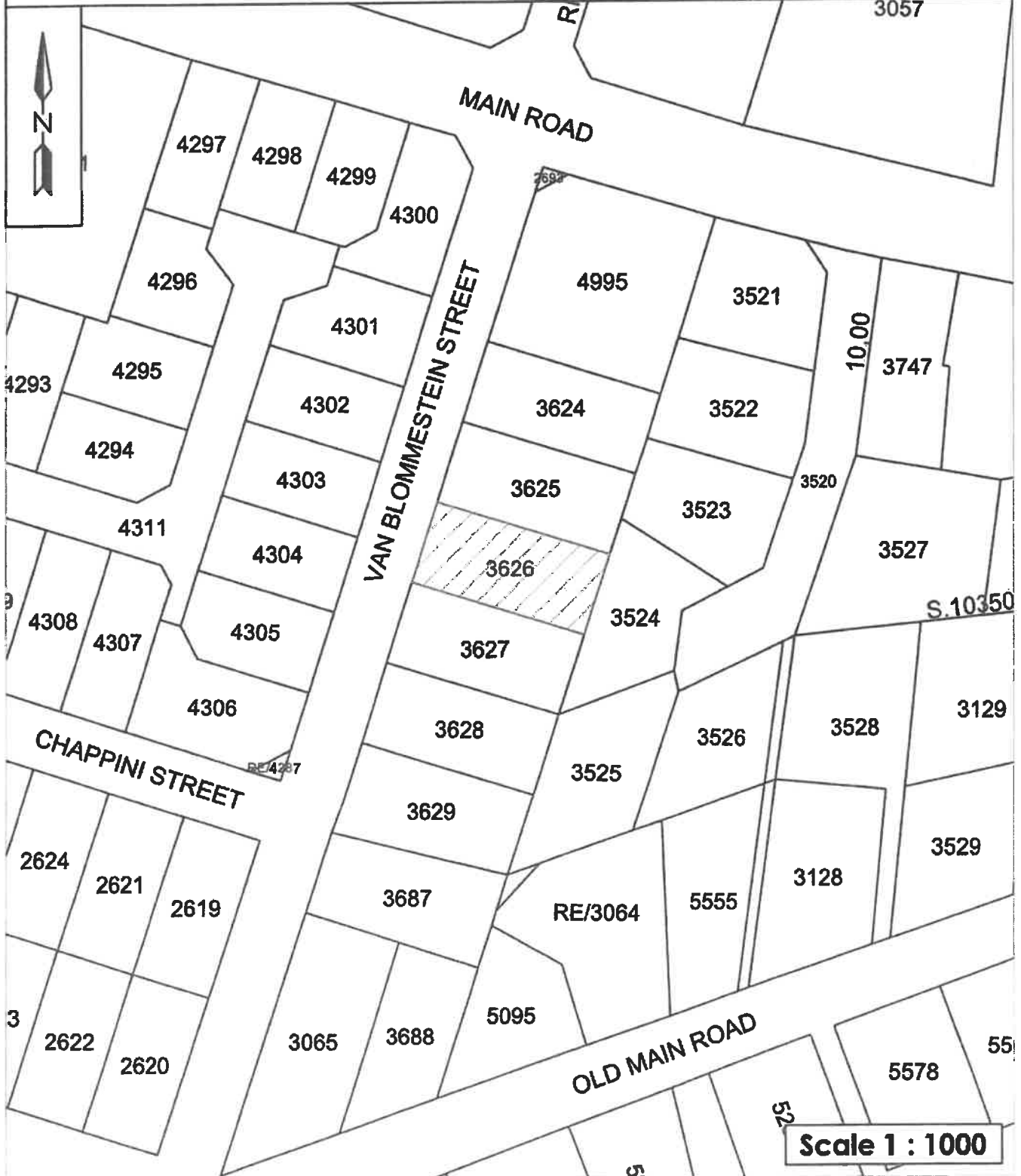
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200



Project Office
Town Planning & Project Management



Scale 1 : 1000

Plan 5.1 - Site Plan (Ground Floor)
Erf 3626 Onrustrivier

Plan prepared by: Veronica Jansen
 Plan No. 25/083 (01)
 based on plans by Vue Architects
 All distances are approximate and
 subject to a survey
 Tel: 028 313 1411
 Email: admin@wrapgroup.co.za
 Unit B, Standard House, Cnr of Royal
 Street & Dirkie Uys Street Hermanus, 7200

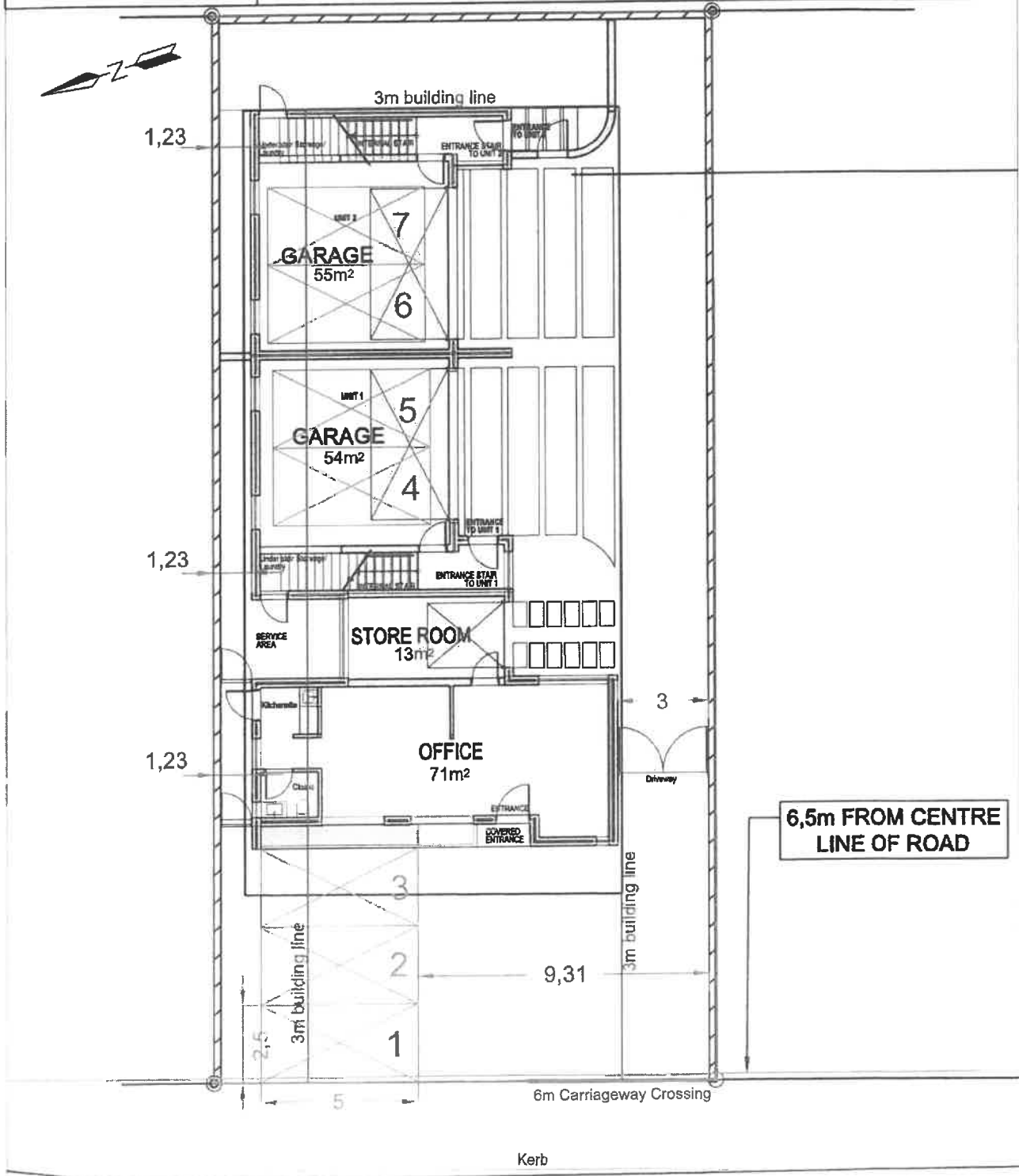
GLA: ±71m²
 3 parking bays required
 2 x 3-bedroom flats
 4 parking bays required
 7 Parking bays required
 7 Parking Bays provided

Permanent Departure from the 3m northern side building line to 1,23m to accommodate the ground floor of the proposed structure.

Permanent departure from the provisions of the land use scheme to allow a door and windows closer than 1,5m away from the boundary.



Project Office
 Town Planning & Project Management



6,5m FROM CENTRE LINE OF ROAD

VAN BLOMMESTEIN STREET

Ground Floor

Scale 1 : 125

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR REZONING & DEPARTURE: ERF 3626, ONRUS RIVER
(5011/2025)**

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

Conditions:

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

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

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

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

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

The contribution according to the current policy (2025/2026) is as follows:

Freehold erven:

Water	R 27 598.00 x 0.884	= R 24 396.63
Sewerage	R 19 725.00 x 0.884	= R 17 436.90
Roads	R 8 845.00 x 3.00256416	= R 26 557.68
Stormwater	R 10 205.00 x 0.644	= R 6 572.02
Solid Waste	R 1 769.00 x 2.37	= <u>R 4 192.53</u>
TOTAL (inclusive of VAT)		= <u>R 79 155.76</u>

Note:

- 1.3 The above figures are estimates**

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 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;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Division: Civil Engineering Services;
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

01/09/25
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026**

(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)

3. **ERF 1494, LYNX ROAD, VERMONT, ERF 1496, LYNX ROAD, VERMONT AND ERF 2572, SIFFIE CRESCENT, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR PHASING OF THE SUBDIVISION PLAN, SUBDIVISION, EXEMPTION OF SUBDIVISION / CONSOLIDATION, REZONING, CONSOLIDATION, DEPARTURE, ALLOCATION OF STREET NAMES AND NUMBERS AND THE ESTABLISHMENT OF A HOMEOWNER'S ASSOCIATION: WRAP PROJECT OFFICE ON BEHALF OF M CARSTENS, FRIKSTIENS (PTY) LTD AND P & PG STEERE**

**1494, 1496 & 2572 HVM (4882/2024)
H Olivier (028) 313 8900
27 November 2025**

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 4 December 2024 from WRAP Project Office on behalf of M Carstens, Frikstiens (Pty) Ltd and P & PG Steere on Erven 1494, 1496 and 2572, Vermont respectively in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Phasing of the Subdivision Plan** in terms of Section 16(2)(k) of the By-Law to develop Erven 1494, 1496 and 2572, Vermont into two (2) phases.

Phase 1

Subdivision in terms of Section 16(2)(d) of the By-Law for the subdivision of **Erf 1494, Vermont** into two (2) portions namely Portion A ($\pm 10\,049\text{m}^2$) and the Remainder ($\pm 1865\text{m}^2$).

Exemption of Subdivision / Consolidation in terms of Section 26(1)(h)(v) of the By-Law to register a service and a right-of-way servitude over the **proposed Portion A (a Portion of Erf 1494, Vermont)** in favour of the Remainder for the provision of access and services during Phase 1 of the project.

Phase 2

Subdivision in terms of Section 16(2)(d) of the By-Law for subdivisions as follows:

- **Erf 2572, Vermont** into two (2) portions namely the Remainder ($\pm 8678\text{m}^2$) and Portion B ($\pm 511\text{m}^2$).
- **Erf 1496, Vermont** into two (2) portions namely the Remainder ($\pm 9489\text{m}^2$) and Portion C ($\pm 511\text{m}^2$).

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Rezoning in terms of Section 16(2)(a) of the By-Law for rezoning as follows:

- **proposed Portion B (a portion of Erf 2572, Vermont)** from Residential Zone 1: Single Residential (SR1) to Transport Zone 1: Transport Usage (TR1).
- **proposed Portion C (a portion of Erf 1496, Vermont)** from Residential Zone 1: Single Residential (SR1) to Transport Zone 1: Transport Usage (TR1).

Rezoning and Subdivision in terms of Section 16(2)(a) and Section 16(2)(d) of the By-Law for the rezoning of **proposed Portion A (a portion of Erf 1494, Vermont)** from Residential Zone 1: Single Residential (SR1) to Subdivisional Area (SA), and the subdivision to create the following:

- Portions 1 – 8:
Residential Zone 1: Single Residential (SR1) erven,
- Portions 9 – 16:
General Residential Zone 1: Town Housing (GR1) erven,
- Portion 17:
Open Space Zone 2: Public Open Space (OS2) erf; and
- Portions 18 - 19:
Transport Zone 2: Road and Parking (TR2) erven.

Consolidation in terms of Section 16(2)(e) of the By-Law to consolidate Portion B (a portion of Erf 2572, Vermont) and Portion C (a portion of Erf 1496, Vermont) with Portion 19 (a portion of Portion A of Erf 1494, Vermont) to create a new road portion (Cork Oak Street) of $\pm 1555\text{m}^2$ in extent.

Departure in terms of Section 16(2)(b) of the By-Law to relax the following building lines to accommodate the proposed new dwelling units:

- Portion 9:
3m rear building line to 1m.
- Portion 10:
3m rear building line to 1m.
- Portion 12:
3m rear building line to 1m.
- Portion 13:
3m lateral building line to 1m.

**AGENDA of the
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17 March 2026**

(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)

Allocation of Street Name and Numbers in terms of Section 96 of the By-Law to allocate street names (*Lilium and Cork Oak Streets*) and numbers.

Establishment of a Homeowner's Association in terms of Section 31 of the By-Law to establish a homeowner's association (*not applicable to the Remainder of Erf 1494 Vermont*).

RESOLUTION

1. that the objections be noted.

Phase 1

2. that the application in terms of Section 16(2)(d) of the By-Law for the subdivision of Erf 1494, Vermont into two (2) portions, namely portion A (approximately 10 049m²) and a Remainder (approximately 1865m²), **be approved** in terms of the provisions of Section 61 of the By-Law.
3. that the application in terms of Section 16(1)(h)(v) of the By-Law for Exemption of Subdivision to register a service and right-of-way servitude over the proposed Portion A (a portion of Erf 1494, Vermont) in favour of the Remainder for the provision of access and services during Phase 1 of the project, **be approved** in terms of the provisions of Section 61 of the By-Law.

Phase 2

4. that the application in terms of Section 16(2)(d) of the By-Law for Subdivision as follows:
 - ❖ Erf 2572 Vermont into 2 portions namely the Remainder (approximately 8678m²) and Portion B (approximately 511m²), and
 - ❖ Erf 1496, Vermont into two portions namely the Remainder (approximately 9498m² and Portion C (approximately 511m²),

be approved in terms of the provisions of Section 61 of the By-Law.
5. that the application in terms of section 16(2)(a) of the By-Law for the rezoning for the following:
 - ❖ Proposed Portion B (A portion of Erf 2572, Vermont) from Residential Zone 1 : Single Residential (SR1) to Transport Zone 1: Transport Usage (TR1), and
 - ❖ Proposed Portion C (a Portion of Erf 1496, Vermont from Residential Zone 1: Single Residential (SR1) to Transport Zone 1: Transport Usage (TR 1);

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

6. that the application in terms of Section 16(2)(a) and Section 16(2)(d) for Rezoning and Subdivision of proposed Portion A (a Portion of Erf 1491, Vermont from Residential Zone 1: Single Residential (SR 1), to Subdivisional Area (SA), and the subdivision to create;
 - ❖ Portions 1 – 8:
Residential Zone 1: Single Residential (SR 1) erven;
 - ❖ Portions 9-16:
General Residential Zone 1: Town Housing (GR 1) erven;
 - ❖ Portion 17:
Open Space Zone 2: Public Open Space (OS2) erf, and
 - ❖ Portions 18-19:
Transport Zone 2 (Road and Parking (TR2) erven;

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

7. that the application in terms of Section 16(2)(e) of the By-Law to Consolidate Portion B, a Portion of Erf 2572, Vermont and Portion C, a Portion of Erf 1494, Vermont with Portion 19, a Portion of Portion A of Erf 1494, Vermont to create a new road portion (Cork Oak Street) of 1555m² in extent, **be approved** in terms of the provisions of Section 61 of the By-Law.
8. that the application in terms of Section 16(2)(d) of the By-Law for departure to relax the following building lines to accommodate the proposed new dwelling units:
 - ❖ Portion 9:
3m rear building line to 1m;
 - ❖ Portion 10:
3m rear building line to 1m;
 - ❖ Portion 12:
3m rear building line to 1m, and
 - ❖ Portion 13:
3m lateral building line to 1m;

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

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9. that the approvals in points 2 - 8 above be subject to the following conditions in terms of Section 61 of the By-Law:
- (a) that approval is for the development and phasing as indicated on Plan numbers 2.130(002) Plan 4, 24.139 (002) Plan 6. 24.130 (003) Plan 8.1, 24.130(003) Plan 8.2, 24.130(001) Plan 9, 24.130 (003) Plan 10 and 24.130 (002) Plan 11 dated 24/04/2025, submitted with this application;
 - (b) that a minimum of 2 (two) parking bays be provided on each erf, to municipal standards and satisfaction;
 - (c) that the approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
 - (e) that the Architectural Design Guidelines in line with Zoning Scheme parameters, incorporating the building line Departures be submitted for Phase 2 of the development to address the style of the houses (Cape Vernacular) that will be constructed, to the satisfaction of the Building Control department;
 - (f) that building plans be submitted for all new buildings to the Building Control Department for approval, and that all conditions of the Building Control and Fire Departments be complied with at that stage;
 - (g) that all conditions in the Services Report be complied with;
 - (h) that a Homeowners Association be established for Phase 2 of the development with compulsory membership for all property owners within the development;
 - (i) that the Constitution of the Homeowners Association for Phase 2 be submitted for approval by the Municipality (which reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
 - the approval of building plans by an “estate architect” prior to submission thereof the Municipality, and
 - that the Constitution clarifies at what stage the responsibility would be transferred from the developer to the Homeowners Association to deal with approval of plans.

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10. that the application in terms of Section 96 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the allocation of a street names (*Lilium and Cork Oak Streets*) and numbers, **be approved** in terms of the provisions of Section 61 of the By-Law;
11. that the application in terms of Section 16(2)(k) of the By-Law for the Phasing of the subdivision (as indicated above), to accommodate a development Erven 1494, 1496 and 2572, Vermont in two phases, **be approved**, in terms of the provisions of Section 61;
12. that the following comments be noted:
 - ❖ Western Cape Government: DEADP (Environmental);
 - ❖ Heritage Western Cape, and
 - ❖ Telkom.
13. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decisions.

REASONS FOR RESOLUTION

- ❖ The objections received regarding impact on road infrastructure and traffic were addressed by the applicant and the municipal engineering branch who support the application.
- ❖ The street names are in keeping with the surrounding street names.
- ❖ All relevant state and municipal departments support the application.
- ❖ The application will not have a negative effect on the surrounding area, and the development is in line with the surrounding type of development,
- ❖ The Municipal SDF, 2020 earmarks the area for Urban Development.
- ❖ The Overstrand Municipality Growth Management Strategy, 2010 earmarks this area as status quo, and the area is development with similar development with single residential erven with group housing pockets, all linked with public roads and public open spaces.
- ❖ The application is in line with the Planning Principles as it will be sustainable as it would help reduce urban sprawl, and efficient as existing infrastructure will be used more efficiently and the Municipality will obtain additional rates and taxes.



**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR PHASING OF THE SUBDIVISION PLAN,
SUBDIVISION, EXEMPTION OF SUBDIVISION / CONSOLIDATION,
REZONING, CONSOLIDATION, DEPARTURE, ALLOCATION OF STREET
NAMES & NUMBERS AND THE ESTABLISHMENT OF A HOMEOWNER'S
ASSOCIATION: ERVEN 1494, 1496 & 2572, VERMONT (4882/2024)**

Water	:	Refer to conditions
Sewer	:	Refer to conditions
Roadsand Traffic	:	Refer to conditions
Stormwater	:	Refer to conditions
Electricity	:	Eskom Area

Conditions:

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

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

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

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

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

The contribution according to the current policy (2025/2026) is as follows:

Freehold erven:

Water	R 27 598.00 x 13.40	= R 369 813.20
Sewerage	R 19 725.00 x 13.40	= R 264 315.00
Roads	R 8 845.00 x 15.00	= R 132 675.00
Stormwater	R 10 205.00 x 16.754	= R 170 974.57
Solid Waste	R 1 769.00 x 15.00	= <u>R 26 535.00</u>
TOTAL (inclusive of VAT)		= <u>R 964 312.77</u>

Note that:

- a) The above figures are estimated amounts.
b) The above figures are subject to annual tariff adjustments.

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2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
 - 2.1 the Chief Engineer: Infrastructure Services may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided;
 - 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
 - 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Chief Engineer: Infrastructure Services to determine the amount of such contribution in terms of a system which is fair and equitable;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property;
5. that a plan of all the existing services be submitted to the Chief Engineer: Infrastructure Services, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Chief Engineer: Infrastructure Services;
 - 5.1 way-leaves must be obtained from the Principal Technologist: Hermanus;
 - 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
6. that the developer must enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;


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7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Chief Engineer: Infrastructure Services, prepared by an ECSA registered professional engineer/technologist, be submitted to the Chief Engineer: Infrastructure Services for his prior approval;
8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
9. the Chief Engineer: Infrastructure Services to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Chief Engineer: Infrastructure Services;
10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
11. such independent professional civil engineer/technologist to furnish the Chief Engineer: Infrastructure Services with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE and which insurance shall be valid for the relevant contract and maintenance period;
12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for Works of Civil Engineering Construction - 2004, of 12 months, and
13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
14. that a service agreement must be required by the Chief Engineer: Infrastructure Services prior to the approval of any service plans;
15. that each single residential erf or unit be provided with individual water and sewer connections which comply with the standards of the Department: Operational Services (Hermanus);
16. that the water reticulation be provided/upgraded according to the report prepared by GLS consulting engineers and/or the Overstrand Sewer Master Plan and Water Master Plan;

17. 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*;
18. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded, be submitted to the Chief Engineer: Infrastructure Services for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Chief Engineer: Infrastructure Services;
19. that the approved stormwater management plan include the following:
 - a) pre-development run-off from the catchment area;
 - b) post-development run-off from catchment area;
 - c) existing stormwater reticulation system and the capacity thereof;
 - d) connection of internal stormwater reticulation system;
 - e) overland escape routes;
20. that the connection to the stormwater reticulation system be provided according to the approved stormwater management plan by, the developer;
21. 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;
22. that any damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer;
23. that all the parking requirements from the 2020 Overstrand Land Use Scheme be complied with.



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**



DATE

**AGENDA of the
Portfolio Committee : Planning & Development
17 March 2026**

(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)

4. ERF 3095, 93 SEAVIEW DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURES AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLATINUM TOWN & REGIONAL PLANNERS CC ON BEHALF OF SONIC COMPUTERS AND WI-FI CC

3095 KBB (4644/2024)

H van der Stoep

(028) 313 8900

Hermanus Administration

17 November 2025

EXECUTIVE SUMMARY

An application was received on 24 April 2024 from Platinum Town & Regional Planners CC on behalf of Sonic Computers and Wi-Fi CC on Erf 3095, Betty's Bay in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Removal of Restrictive Title Deed Conditions** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed conditions B.(2), B.(4), B.(6), C.(i)5.(b), C.(i)5.(d), and C.(ii)(n) as contained in Title Deed T11954/2019 of the property.

The restrictive title deed conditions read as follows:

- B. *SUBJECT TO and/or ENTITLED TO the benefit of the conditions referred to in the following Servitude Endorsements as contained in Certificate of Consolidation Title No T3720/1937, which endorsements are dated and reads as follows:*

(2) *Dated 22nd October, 1948:*

By D/T no. 24234 dated 22.10.1948 certain conditions relating to water supply, type of business may be carried on, prohibition of petrol station on land, slaughter poles, cattle kraals, wood and iron buildings, non-division, manufacture of bricks and tiles, have been imposed, as will more fully appear on reference to the said Deed of Transfer.

(4) *Dated 1st December, 1950:*

By Deed of Transfer no. 18870/1950 dated this day certain conditions relating to water supply, type of business may be carried on, planting of trees,, prohibition of petrol station, slaughter poles, cattle kraals, manufacture of bricks, tiles, etc., non-subdivision, have been imposed against and for the benefit of the remaining extent of the property hereby conveyed measuring 5960/6615 ha. As will more fully appear on reference to said Deed of Transfer.

(6) *Dated 28th August, 1951:*

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(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

By Deed of Transfer no. 14935/1951 certain conditions relating inter alia to: arrangements re water supply; submission of plans for approval; fencing of land for tea garden or room; approval re types of trade to be undertaken; erection of only one building; prohibition against erection of petrol service station, and other certain types of building; slaughter poles, cattle kraals, pigsties, cowsheds, manufacture of bricks, tiles, etc., which conditions are imposed in favour of the owner and successor in title to the remainder measuring 5954,9428 ha. held hereunder as will more fully appear on reference to the said Deed of Transfer.

C. SUBJECT to the following conditions contained in Deed of Transfer T12738/1959, namely:

(i) *"Opgelê deur die Administrateur van die Provinsiale Kaap die Goeie Hoop tydens die goedkeuring van Sunny Seas Dorp in terme van die voorwaardes van Ordonnansie nr. 33 van 1934, soos gewysig:*

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

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

(d) *No building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf not within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf provided that with the consent of the Local Authority an outbuilding not exceeding 3,05 metres in height measured from the floor to the wall plate and no portion of which will be used for human habitation may be erected within the above prescribed rear spar. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf;*

(ii) *Opgelê deur Hangklip Beach Estates Limited as synde van toepassing op alle erwe in Sunny Seas Dorp as synde ten gunste van geregistreerde eienaar van enige erf in die Dorp;*

(n) *No canteen, restaurant, bioscope, shop, factory, industry or any place of business or entertainment whatsoever (with the exception of boarding houses) shall be opened or conducted upon the General Residential erven.*

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(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

- ❖ **Departures** 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 infill area,
 - relax the lateral and rear building lines from 2m to 0m to accommodate the existing dwelling and transmission tower and
 - to exceed the permissible 8m height restriction to accommodate the existing 10m high transmission apparatus on the property.

- ❖ **Determination of an Administrative Penalty** in terms of the provisions 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 unauthorized land uses / building line encroachments on the property.

RESOLUTION

1. that the objections be noted.

2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3095, Betty's Bay for the removal of restrictive title deed condition Conditions C.(i)5.(b) and C.(i)5.(d) as contained in Title Deed T11954/2019 of the property to accommodate the encroachments of the existing structures on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;

3. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3095, Betty's Bay for the removal of restrictive title deed Condition B.(4) and Condition C.(ii)(n) as contained in Title Deed T11954/2019 of the property to accommodate the encroachments of the existing structures on the property, **not be approved**, in terms of the provisions of Section 61 of the By-Law;

4. 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 3095, Betty's Bay for the removal of restrictive title deed Conditions B.(2) and B.(6) as contained in Title Deed T11954/2019 of the property to accommodate the encroachments of the existing structures on the property, **not be approved**, in terms of the provisions of Section 61 of the By-Law; but **be amended** to read as follows:

B.(2)

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Portfolio Committee : Planning & Development
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By D/T no. 24234 dated 22.10.1948 certain conditions relating to water supply, type of business may be carried on, prohibition of petrol station on land, slaughter poles, cattle kraals, non-division, manufacture of bricks and tiles, have been imposed, as will more fully appear on reference to the said Deed of Transfer.

B.(6)

By Deed of Transfer no. 14935/1951 certain conditions relating inter alia to: arrangements re water supply; submission of plans for approval; fencing of land for tea garden or room; approval re types of trade to be undertaken; prohibition against erection of petrol service station, and other certain types of building; slaughter poles, cattle kraals, pigsties, cowsheds, manufacture of bricks, tiles, etc., which conditions are imposed in favour of the owner and successor in title to the remainder measuring 5954,9428 ha. held hereunder as will more fully appear on reference to the said Deed of Transfer.

5. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3095, Betty's Bay for a departure to relax the rear and eastern lateral building line from 2m to 0m to accommodate the transmission tower and dwelling, **be approved**, in terms of the provisions of Section 61 of the By-Law;
6. 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 3095, Betty's Bay for a departure for the filling of an area over the prescribed building line(s), between the building line and the erf boundary, in terms of Section 16.1.1 a) of the Overstrand Municipality Land Use Scheme, 2020, **be approved**, in terms of the provisions of Section 61 of the By-Law;
7. that the above approvals in Points 2 - 6 be subject to the following conditions:
 - (a) that this approval is not an approval in terms of any other legislation;
 - (b) that the departures of the building lines are restricted as per plan 001, dated 24 October 2024, as submitted with the application;
 - (c) that a visual impact study be done to determine solutions to minimize the tower's impact on the environment;
 - (d) that no additional equipment to be added onto the tower;
 - (e) that a **revised** building plan be submitted to the Building Control Department for approval, and that all conditions of the Building Control and the Fire Departments be complied with at that stage; in compliance with the approval;

**AGENDA of the
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17 March 2026
(Also the agenda for the Mayoral Committee Meeting : 25 March 2026)**

- (f) that the amended title deed be submitted for record purposes to the Municipality;
 - (g) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (i) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (j) that all the conditions in the Services Report be complied with.
8. that the following be adhered to and implemented **within six (6) months** of the final date of approval:
- o A structural assessment and confirmation that the landfilled area is stable;
 - o A clearance report that no hazardous material has been used as filling;
 - o Complete beautification of the road and commitment to maintain which includes hiding the septic tank, and
 - o Cleaning up the surrounding area.
9. 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 3095, Betty's Bay for the unauthorized building line encroachments as stipulated above, **be imposed**, and that an administrative penalty fee of **R9 577,67** be payable within thirty (30) days of this decision.
10. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

POINT 2

- ❖ The removal of the conditions as proposed will allow the transmission tower on the property.
- ❖ There is a need for internet connection within Betty's Bay, and the service provider is one of the major suppliers of that service.
- ❖ The removal of the conditions will enable the dwelling on the 0m building line, without major re-construction.

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POINT 3

- ❖ The amendment will enable the transmission tower and associated outbuildings consistent with the development parameters of the Land Use Scheme, such as loose standing garage or storeroom.

POINT 4

- ❖ It is not necessary to remove the “*business*” concept from the Title Deed to accommodate the transmission tower, since this type of business was not in existence in South Africa in the 1940’s and 1950’s and thus cannot be made applicable.

POINT 5

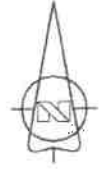
- ❖ The removal of the title deed building lines will assist the owner to accommodate the portion of the dwelling transgressing the building line and transmission tower.
- ❖ The departure of the building line is restricted to the portions of the structures transgressing the building line, as indicated on plan 001, dated 16 October 2024.
- ❖ The filling will alleviate manoeuvrability on site.
- ❖ The conservancy tank above ground level will be disguised to form an integral part of the gardening.

POINT 6

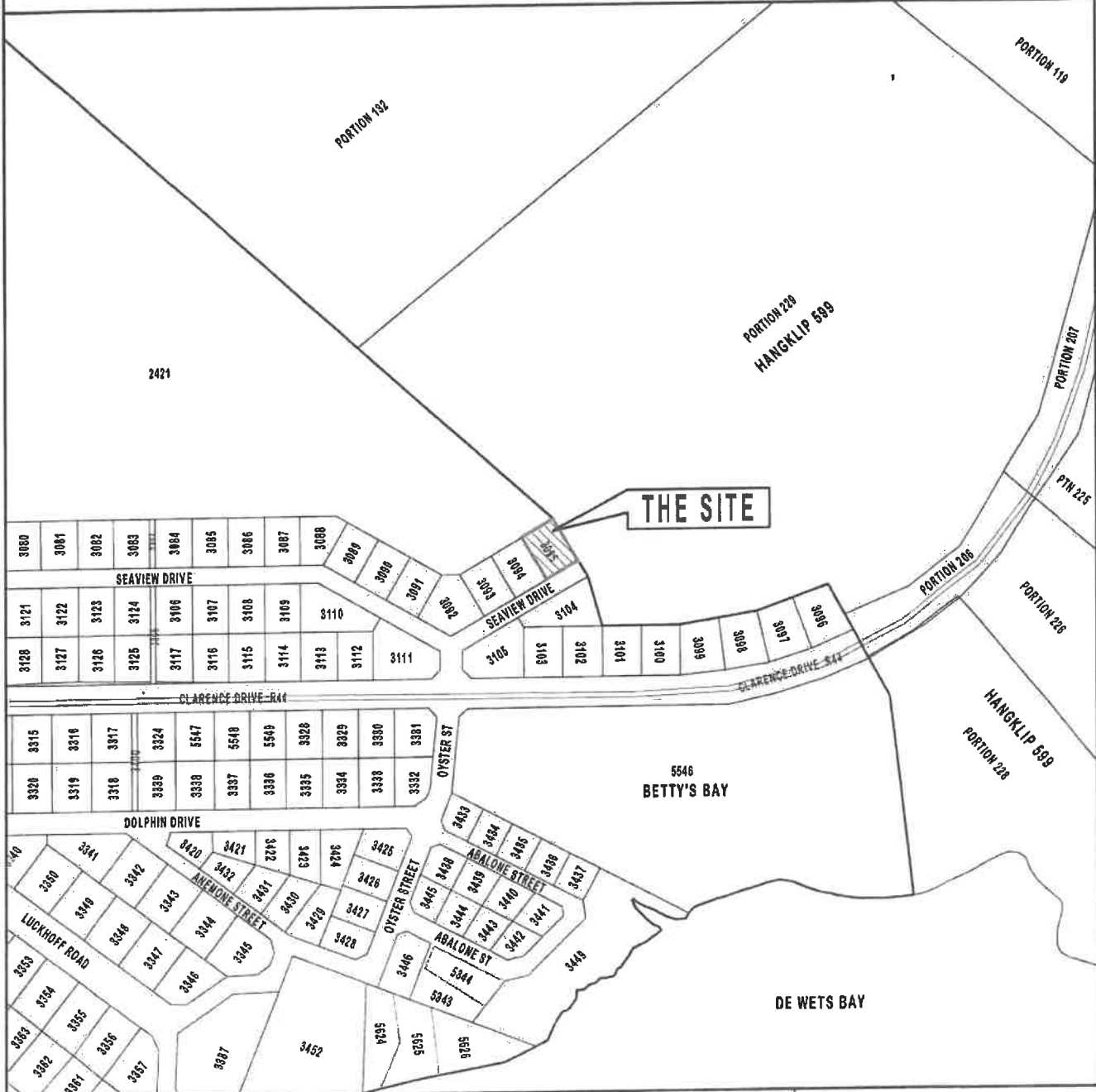
- ❖ The building plan was approved in 2006 and was not built according to plan. The applicant bought the erf in 2019 and only became aware of the transgression after the surveying of the erf. He will have to demolish the portion of the dwelling transgressing the erf boundary and rebuild. This will already have a cost implication for the applicant.
- ❖ The landowner is also the owner of SONIC, and it is unclear when the tower was constructed. The motivation indicated 1990, however no proof was submitted in this regard. It is therefore possible that the property was purchased for the sole purpose of constructing a cell phone tower for more efficient internet connection.
- ❖ The owner has filled the property without the necessary approvals. A notice was issued to submit an application and remove the rubble from the road reserve. The applicant was informed of the illegal filling in September 2023, however only submitted the application in April of 2024.

LOCALITY MAP

ERF 3095, BETTY'S BAY



SCALE: 1 : 5 000



REFERENCE



THE APPLICATION

Overstrand Office:
52 Seaview Drive,
BETTY'S BAY
Cell : 072 184 9621
Email : smund@vodamail.co.za

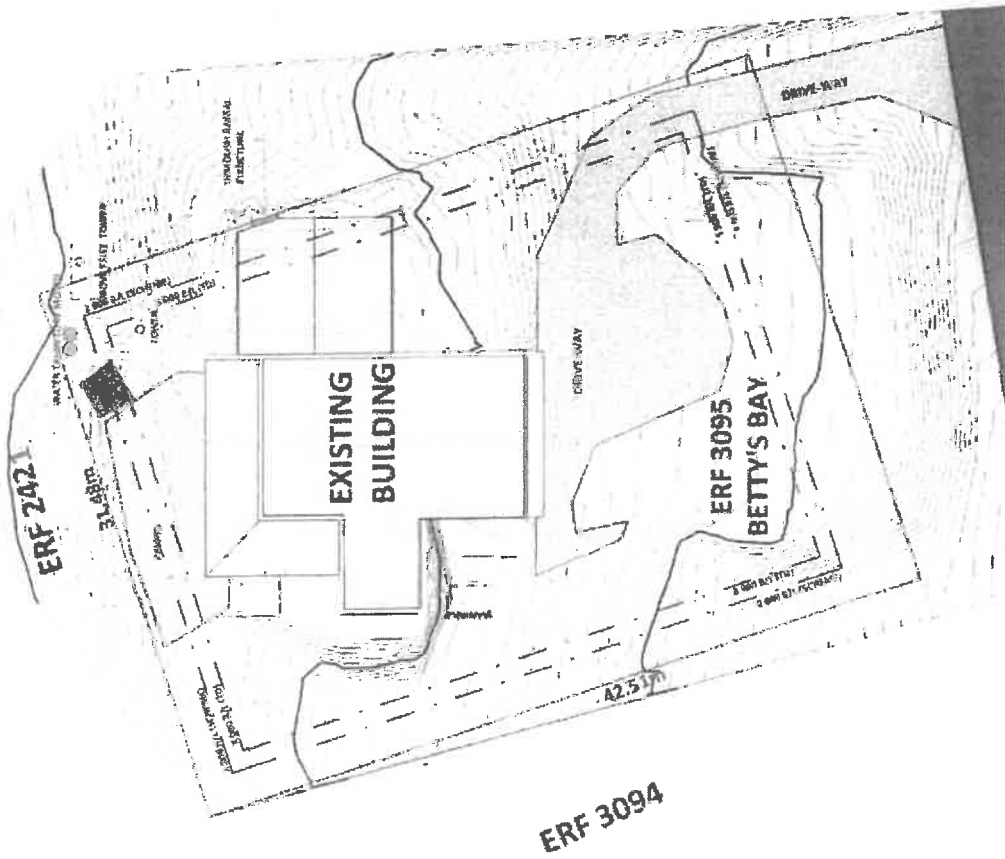


Pretoria Office:
61 Woodlands Avenue,
PECANWOOD
Cell : 083 226 1316
Email : dehaas@telkomsa.net

ANNEXURE E.2

TOTAL SITE AREA
 GROUND FL
 FIRST FL
 BASEMENT FL
 PATIO
 LOCAL AREA
 COVERAGE

1338m²
 297.41m²
 168.17m²
 51.66m²
 18m²
 282.41m²
 21.23%



SONIC
 ERF 3095
 93 SEAVIEW DRIVE
 BETTY'S BAY

S.M. AP Ref. No. PA121/21
 Architectural Drafting Services
 082 410-5564 / (028) 27-3143
 /mailto:ya@archp-dra/fo.co.za

SONIC

PROJECT NUMBER 246803
 DATE 2024/10/16
 DRAWN BY JCS
 CHECKED BY
 DMS SCALE 1:250

001

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 3095, BETTY'S BAY (4644/2024)**

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

Conditions:

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


 RICARDO ANDREW
 PRINCIPAL TECHNOLOGIST:
 DEVELOPMENT CONTROL


 DATE