

PORTFOLIO COMMITTEE :

PLANNING & DEVELOPMENT

Chairperson :

Ald E Gillion

Committee Members :

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

PLANNING & DEVELOPMENT PORTFOLIO COMMITTEE

18 November 2025

I N D E X

ITEM
NO

PAGE
NUMBER

OPENING AND WELCOME

APPLICATIONS FOR LEAVE OF ABSENCE

STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE
CHAIRPERSON

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8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION:

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period September – October 2025:

- | | | |
|-----|--|-------------------|
| 1. | Erf 7529, Whale Rock Estate, Westcliff, Hermanus | 19 September 2025 |
| 2. | Erf 4245, 19 Seventeenth Avenue, Voëlkop, Hermanus | 19 September 2025 |
| 3. | Remainder of Erf 1253, Fairways Avenue, Eastcliff, Hermanus | 26 September 2025 |
| 4. | Erf 160, 11 Myrtle Street, Sandbaai, Hermanus | 30 September 2025 |
| 5. | Erf 3270, 1 Radyn Street, Onrustvler, Hermanus | 30 September 2025 |
| 6. | Remainder Erf 243, Hermanus & Erf 6667, 7 Balfour Street, Westcliff, Hermanus | 9 October 2025 |
| 7. | Erf 11033, 21 Marine Drive, Westcliff, Hermanus | 9 October 2025 |
| 8. | Erf 3832, 4 Jacobus Geldenhuys Street, Onrustvler, Hermanus | 15 October 2025 |
| 9. | Portion 2 (a portion of portion 1) of the farm No. 586, Hemel-en-Aarde Valley | 17 October 2025 |
| 10. | Erf 2124, 59 Fifth Street, Voëlkop, Hermanus | 20 October 2025 |
| 11. | Portion 75 (a portion of portion 4) of the farm Hermanus River No.542, Arabella Country Estate | 20 October 2025 |

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 30 September 2025:

- | | | |
|----|--|-------------------|
| 1. | Erf 518, 24 Stream Road, Pringle Bay | 30 September 2025 |
| 2. | Erf 5568, 4 Agapanthus Road, Betty's Bay | 30 September 2025 |
| 3. | Erf 5629 (Ptn of Erf 4576), 1 Poplyria Road, Betty's Bay | 30 September 2025 |

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4. Portion 156 of the Farm Baardscheerders Bosch No. 213 30 September 2025
5. Farm 905, Restless River, Hemel-en-Aarde Valley 30 September 2025

RESPONSIBLE OFFICIAL :

L TAYLOR

TARGET DATE FOR IMPLEMENTATION :

17 DECEMBER 2025

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025**

(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)

**1. ERF 7529, WHALE ROCK, WESTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND PHASED
DEVELOPMENT: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS
ON BEHALF OF TOBAGO BAY**

7529 HWC (4909/2025)

B Minnaar

(028) 313 8900

Hermanus Administration

05 September 2025

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 05 February 2025 from PlanActive Town & Regional Planners on behalf of Tobago Bay applicable to Erf 7529, Westcliff, Hermanus for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - relaxation of the northern perimeter building line from 3m to 0.595m to accommodate eighteen (18) proposed new carports and twelve (12) garages for phase 1, and
 - relaxation of the southern perimeter building line from 3m to 0m to accommodate eight (8) new carports and one (1) shade port for phase 2.

- ❖ **Phase development** in terms of Section 16(2)(k) of the By-Law to develop the carport and garages on Erf 7529, Hermanus in two phases as follows:
 - Phase 1 (part 1):
 - 38 carport parking bays;
 - 12 garages, and
 - 1 new open parking bay.
 - Phase 2 (part 2):
 - 8 carport parking bays, and
 - 2 new parking bays for unit no. 56 (1 shade port and 1 open parking bay).

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 7529, Westcliff, Hermanus for the following:

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- (a) relaxation of the northern perimeter building line from 3m to 0.595m to accommodate eighteen (18) proposed new carports and twelve (12) garages for phase 1, and
- (b) relaxation of the southern perimeter building line from 3m to 0m to accommodate eight (8) new carports and one (1) shade port for phase 2,

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

- 2. that the application for a phase development in terms of Section 16(2)(k) of the By-Law to develop the carport and garages on Erf 7529, Hermanus in two phases **not be approved** in terms of the provisions of Section 61 of the By-Law;
- 3. that the decision in paragraphs 1. and 2. above be subject to the following conditions:
 - (a) that this approval is for the departures of the building line encroachments as indicated on Plan No 10501/A0/SDP01 and Plan No 10501/A0/01 dated 12.12.2024 that was submitted with the application;
 - (b) that the phasing of the approved departure stipulated in decision paragraph 1. above be dealt with at building plan submission phase;
 - (c) 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;
 - (d) that all the conditions in the Services Report must be complied with;
 - (e) that all the conditions imposed by Eskom be complied with;
 - (f) that a revised SDP be submitted for Whale Rock Estate (Erf 7529, Westcliff) to the satisfaction of the Divisional Manager: Town & Spatial Planning;
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme, and
 - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

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4. 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

Reason for recommendation of points 1

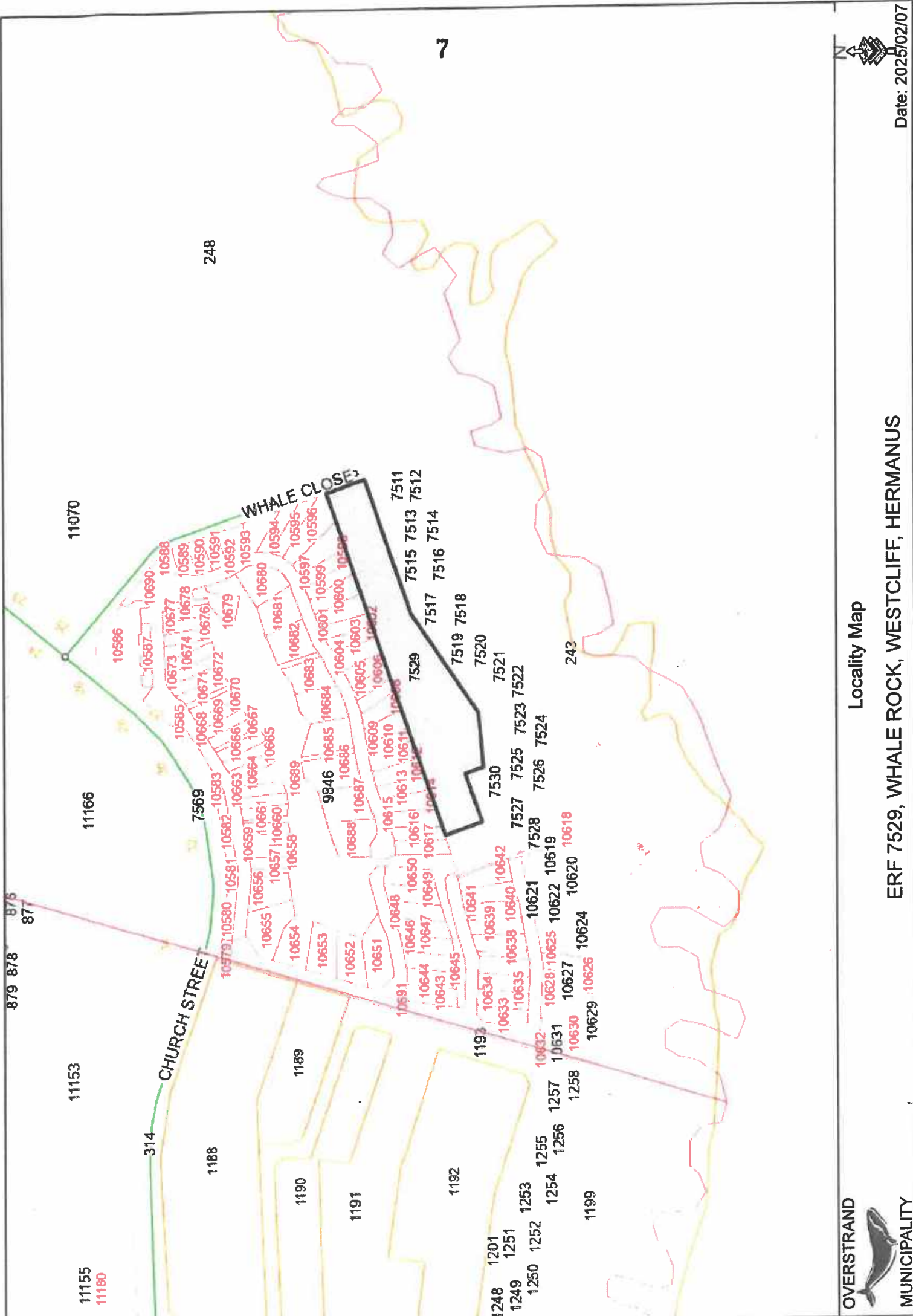
- ❖ The replacement of the shade-ports with carports and garages will provide a more solid look to the estate in relation to the residential buildings.
- ❖ The carport and garages allow for additional protection of moto-vehicles.
- ❖ The proposed carports and garages will have a minimal impact on views.
- ❖ The application was brought forward to the HOA MHOA at an AGM dated 27 June 2023 which the trustees were authorised to proceed with the project.
- ❖ The application has followed due procedure.
- ❖ No objections or complaints were received during or before the public participation process.
- ❖ The application is supported by the Engineering Department.
- ❖ The application is supported by the Environmental Management Services.

Reason for recommendation of point 2

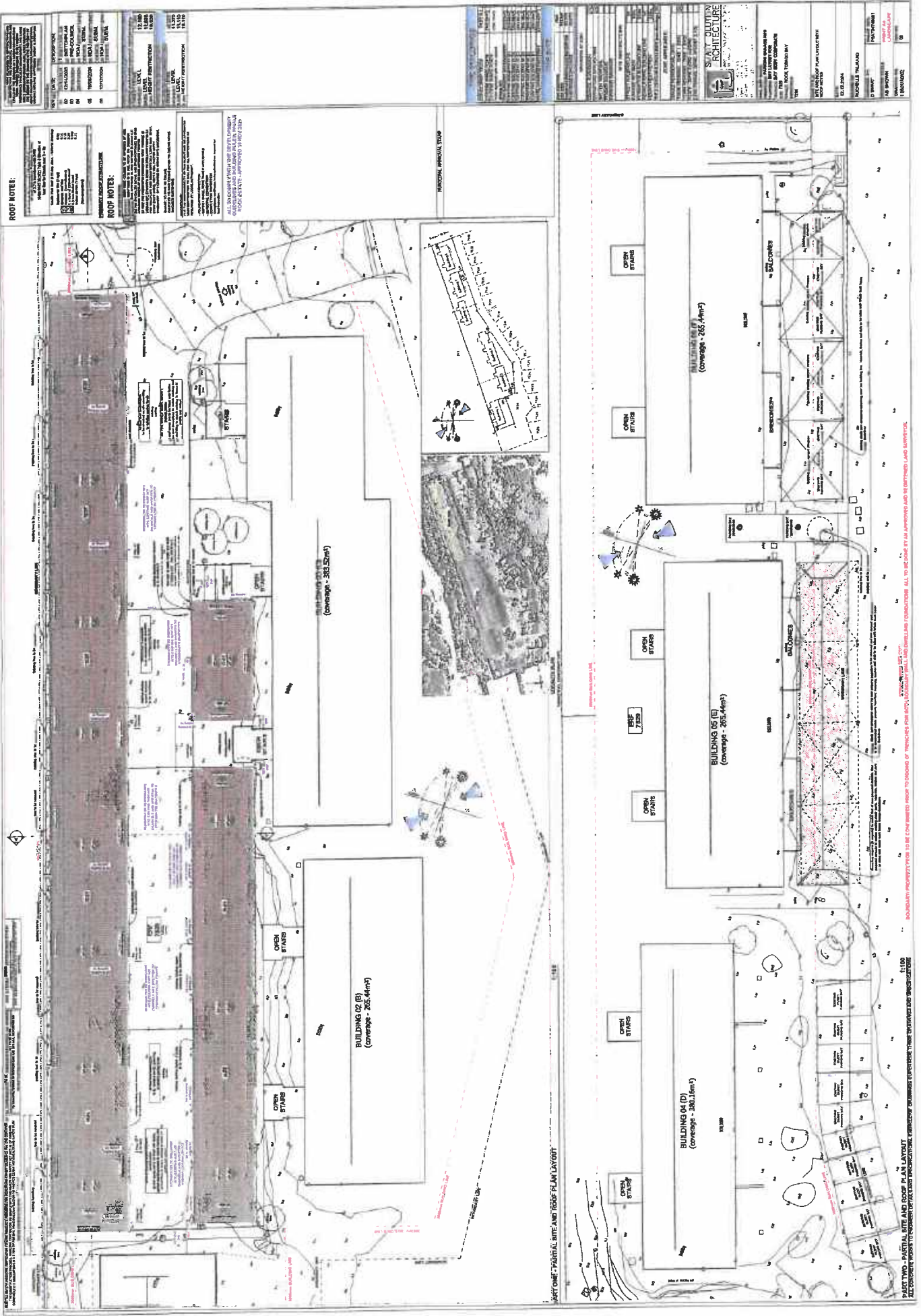
- ❖ The phasing of the parking structures can be dealt with at building plan submission phase.
- ❖ The permanent departure approval may be acted on within a period not exceeding 10 years.
- ❖ The phasing of a development is not considered in relation to the development / replacement of parking structures.

Reason for recommendation of point 2:

- ❖ Due to there being no record of an SDP found for Whale Rock Estate (Erf 7529, Westcliff) it is requested that an SDP be submitted to the satisfaction of the Divisional Manager: Town & Spatial Planning Department.



7



**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE & PHASED DEVELOPMENT: ERF 7529,
WESTCLIFF (4909/2025)**

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**

23/06/2025
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025
(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

**2. ERF 4245, 19 SEVENTEENTH AVENUE, VOËLKLIP, HERMANUS:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION
AND DEPARTURE: UMSIZA PLANNING ON BEHALF OF MAG WURBACH**

4245 HVK (4962/2025)

P Roux

(028) 313 8900

Hermanus Administration

01 September 2025

EXECUTIVE SUMMARY

An application has been received on 15 April 2025 in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) from Messrs Umsiza Planners on behalf of the owner of Erf 4245, Voëlkliip, Hermanus, for the following:

- ❖ **Removal of restrictive title deed condition** in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition C(ii) as contained in the Title Deed T51108/2016 of the property to accommodate the proposed development.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law for the following:
 - relax the western lateral building line from 2m to 1.3m to accommodate a portion of the braai;
 - relax the street building line from 4m to 0.747m to accommodate the proposed garage;
 - relax the street building line from 3m to 0m to accommodate the proposed carport, and
 - relax the street building line from 4m to 0m to accommodate the proposed carport.

RESOLUTION

1. that the comments be noted;
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 4245, Voëlkliip, Hermanus for the **removal of restrictive title deed condition C(ii)** as contained in the Title Deed T51108/2016 of the property to accommodate the proposed development, **be approved** in terms of the provisions of Section 61 of the By-Law;

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3. that the application for **departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 4245, Voëlklip, Hermanus in order to:
 - relax the western lateral building line from 2m to 1.3m to accommodate a portion of the braai;

be approved in terms of the provisions of Section 61 of the By-Law,
4. 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 4245, Voëlklip, Hermanus in order to:
 - relax the street building line from 3m to 0m to accommodate the proposed carport, and
 - relax the street building line from 4m to 0m to accommodate the proposed carport,

not 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 Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 4245, Voëlklip, Hermanus in order to relax the street building line from 4m to 0.747m to accommodate the proposed garage, **be partially approved** in terms of the provisions of Section 61 of the By-Law;
6. that the approvals in paragraphs 2. and 3. above are subject to the following conditions:
 - (a) that only the braai area be developed as per the proposed SDP as submitted with the application and that the proposed garage (with the first-floor planter) be setback to 3m from the boundary of Seventeenth Avenue.
 - (b) that the revised building plans be submitted in line with the recommendation to the Building Control Department for approval and that all conditions of the Building and Fire Departments be complied with;
 - (c) that all the conditions in the Services Report be complied with;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

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- (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with
7. 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

Reason for the recommendation under points 2-3

- ❖ The proposed braai area will not have a detrimental impact on the neighbouring property as the proposed encroachment is considered minor and the use will not be permanent in nature.
- ❖ The removal of the title deed condition is desirable as similar applications have been supported in the past and is also considered desirable as it will allow the property owner to develop the property in line with the character of the area and municipal by-law.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ No objection was received.

Reason for the recommendation under point 4

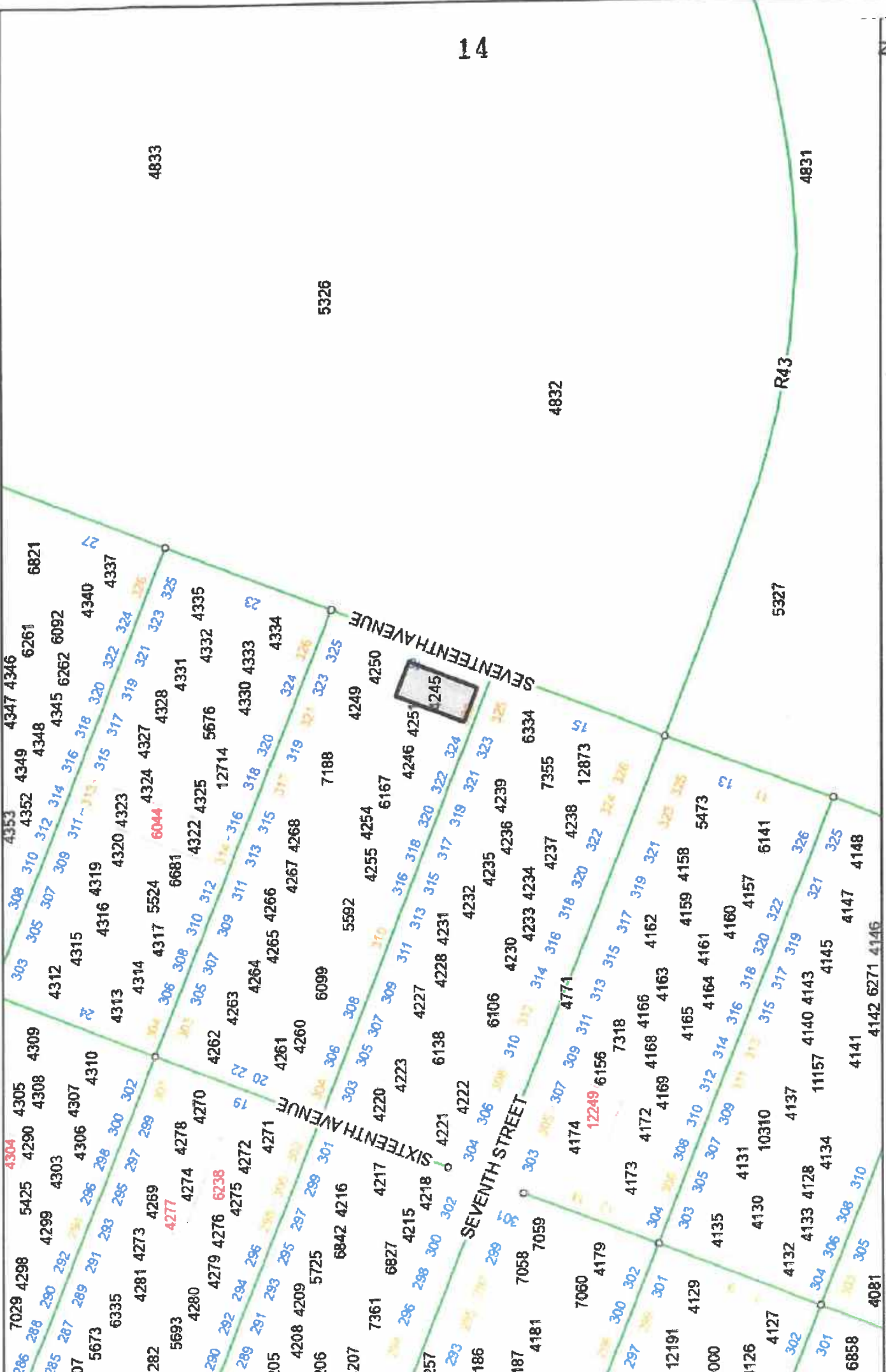
- ❖ The streetscape of Both Sixth Street and Seventeenth Avenue will be affected.
- ❖ The height of the structure is taller than what the regulations allow for, this deviation was not motivated or discussed.
- ❖ The examples provided only have an impact on one street boundary, while this proposal will have an impact on two street boundaries.
- ❖ The minimum parking required is two parking bays which will be served by the proposed double garage, the proposed carport is therefore considered to be a luxury and not a necessity to the functioning of the property.
- ❖ The carport could be easily accommodated next to the dwelling on the eastern side of the property however due to the design and the property owner's requirement for a braai area, application is made to encroach two street boundaries.
- ❖ There are no geographical site limitations which require the carport to be situated on the street boundaries.

Reason for the recommendation under point 5

- ❖ There are no site limitations which warrants the proposed placement of the garage near the street boundary.

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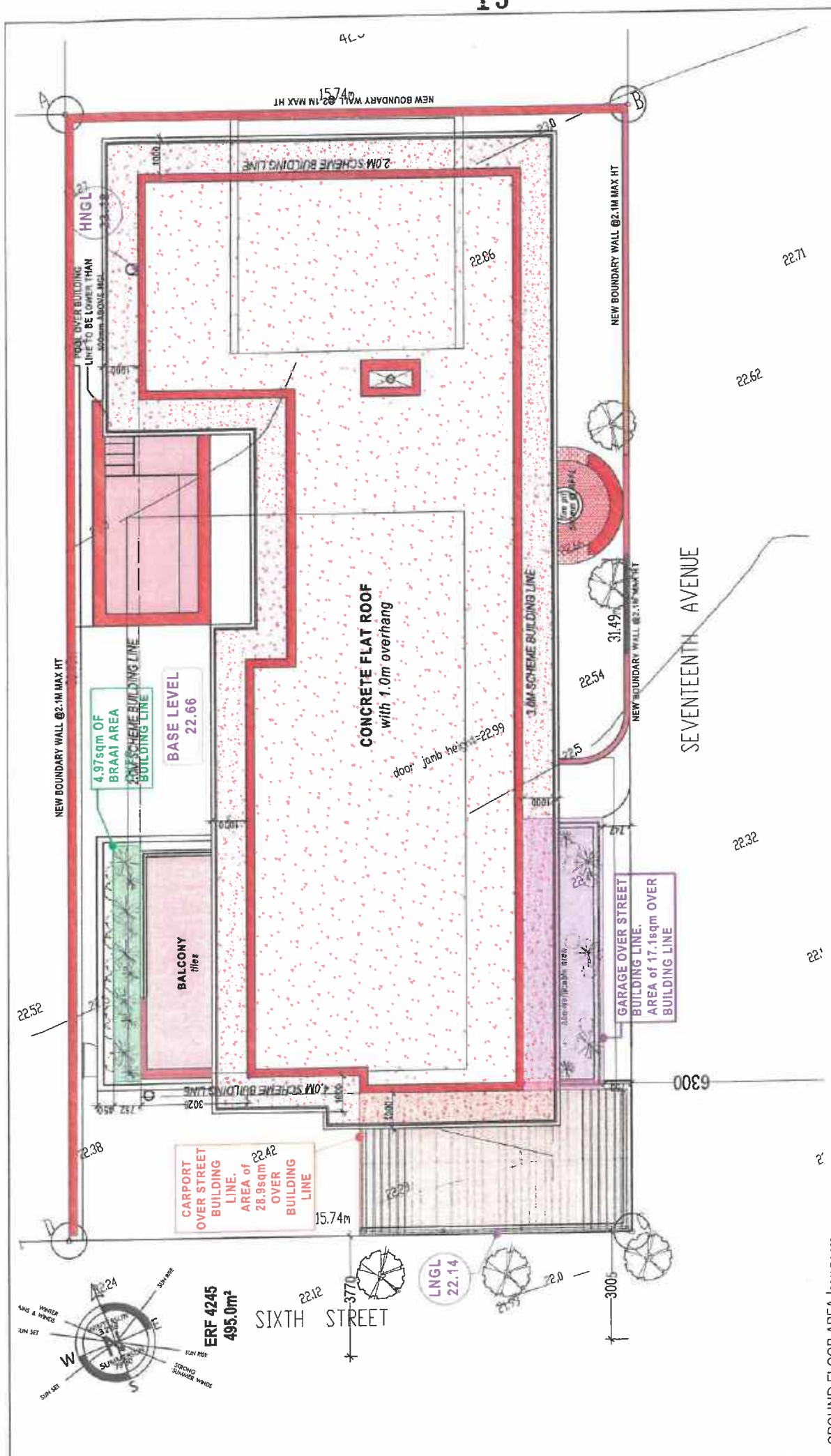
- ❖ There are There are no geographical site limitations which require the carport to be situated near the street boundary. The proposal is made purely from a design perspective and to accommodate features behind the garage.
- ❖ The whole site will be redeveloped and therefore the scullery and laundry can be accommodated elsewhere in the design of the dwelling which allows for the garage to be setback to the façade of the dwelling.
- ❖ no similar garages on Seventeenth Avenue, the properties are developed with garages which are setback 3m or greater from the street boundary and therefore the proposed garage near the street boundary is not in line with the character of the area.
- ❖ It is proposed that the garage be setback to at least 3m from the boundary to be in line with the placement of the existing dwelling and property development line on Seventeenth Avenue instead of the 4m building line requirement of the Land Use Scheme for garages.



Locality Map

ERF 4245, 19 SEVENTEENTH AVENUE, VOËLKLIP, HERMANUS





PG 1

DESIGNATELJEE

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FOR INFORMATION

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DRAWING
 site plan layout
 scale: see labels
 do not scale when printing (A3)

DATE: 14.04.2025
 DWG NO: 2508
 REV: 01

DRAWN: jb
 CHECKED: jb
 date:

PROJECT: HOUSE WURBACH

ERF 4245
 SEVENTEENTH AVENUE
 VOELKLIP | HERMANUS | 7200
 ZONING: SR1
ADDITIONS/ALTERATIONS
OWNER: M WURBACH

GROUND FLOOR AREA | SCALE 1:100

SURFACE AREA		COVERAGE	
ERF SIZE	= 495.0m ²	ALLOWABLE COVERAGE (50%)	= 247.5m ²
ALLOWABLE COVERAGE (50%)	= 247.5m ²	GROUND FLOOR AREA	= 49.47%
GROUND FLOOR AREA	= 244.5m ²	FIRST FLOOR AREA (N/A)	= 41.96%
FIRST FLOOR AREA	= 207.7m ²	TOTAL COVERAGE AREA	= 49.47%
TOTAL SURFACE AREA	= 452.6m²		

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR REMOVAL OF RESTRICTIONS & DEPARTURE: ERF 4245,
VOELKLIP (4962/2025)**

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**

06/06/2025
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025
(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

**3. REMAINDER 1253, FAIRWAYS AVENUE, EASTCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR AMENDMENT OF AN
EXISTING APPROVAL: MESSRS WRAP PROJECT OFFICE ON BEHALF OF
OVERSTRAND MUNICIPALITY**

1253 HEC (5035/2025)

P Roux

(028) 313 8900

Hermanus Administration

08 September 2025

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 09 July 2025 from Messrs WRAP Project Office on behalf of the owner of the country market applicable to Erf 1253, Eastcliff, Hermanus for the following:

- ❖ **Amendment of conditions of an existing approval** in terms of Section 16(2)(h) of the By-Law to amend condition 4.(i) of the resolution made by the Municipal Planning Tribunal dated 31 October 2024.

RESOLUTION

1. that the application for the **amendment of condition of an existing approval**, in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 1253, Eastcliff, Hermanus, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the condition 4. (i) of decision dated 31 October 2024 and letter dated 14 November 2024 be amended to;

4. (i) that the relocation of the Country Market be commenced with and completed within 180 days of the date of approval by the Authorised Official for the amendment of the condition of approval.
 - (b) that the remainder of the conditions on as stated in the decision dated 31 October 2024 and appeal decision letter dated 12 March 2025 remain applicable and must be complied with;
 - (c) that all the conditions in the Services Report be complied with;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

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

REASONS FOR RESOLUTION

- ❖ The proposal will not change the existing approvals in any material manner.
- ❖ The proposed amendment provides clarity to all parties involved and allows the sublease signing process to be concluded without the fear of becoming noncompliance with the land use approval.
- ❖ The remainder of the conditions remain intact.

1. Locality Plan Remainder of Erf 1253 - Hermanus



Hermanus Sport Club Lease Area

Plan prepared by: Thian Jansen

Tel: 028 313 1411

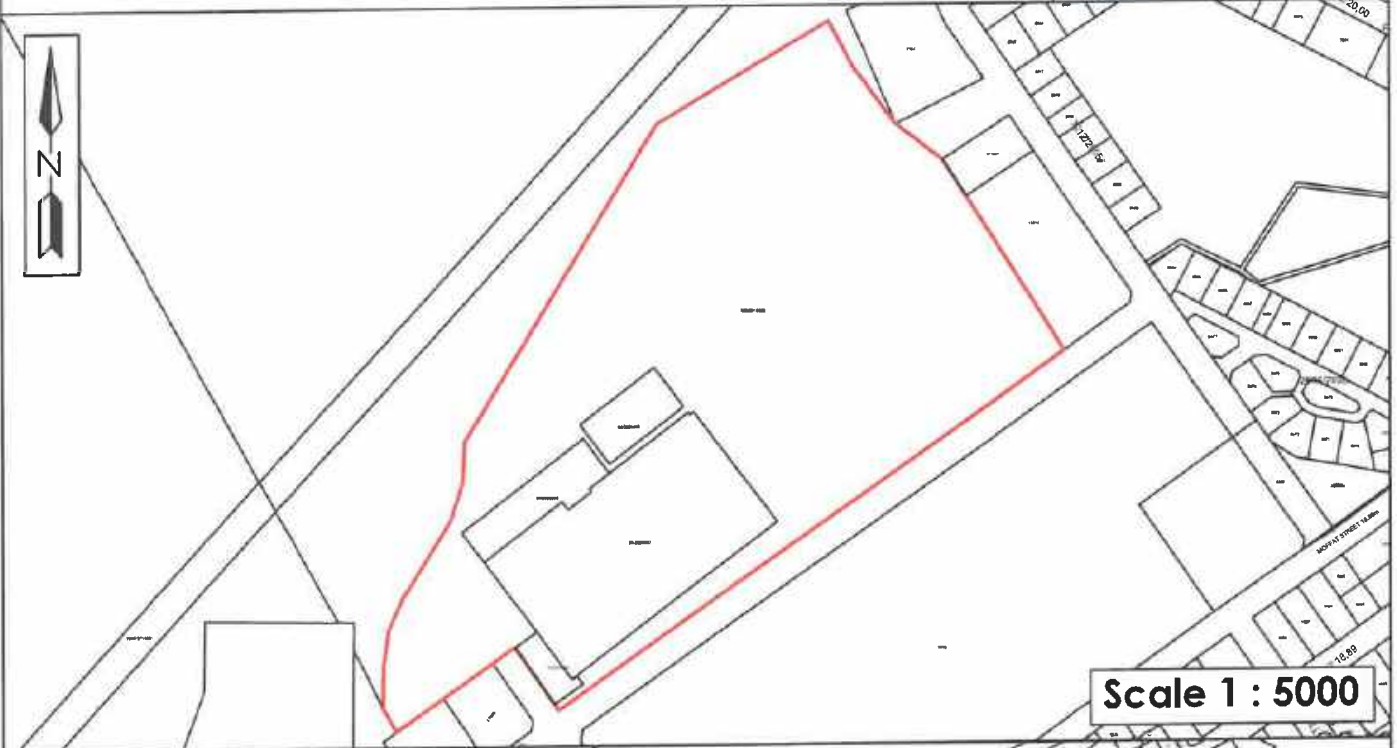
Email: admin@wrapgroup.co.za

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

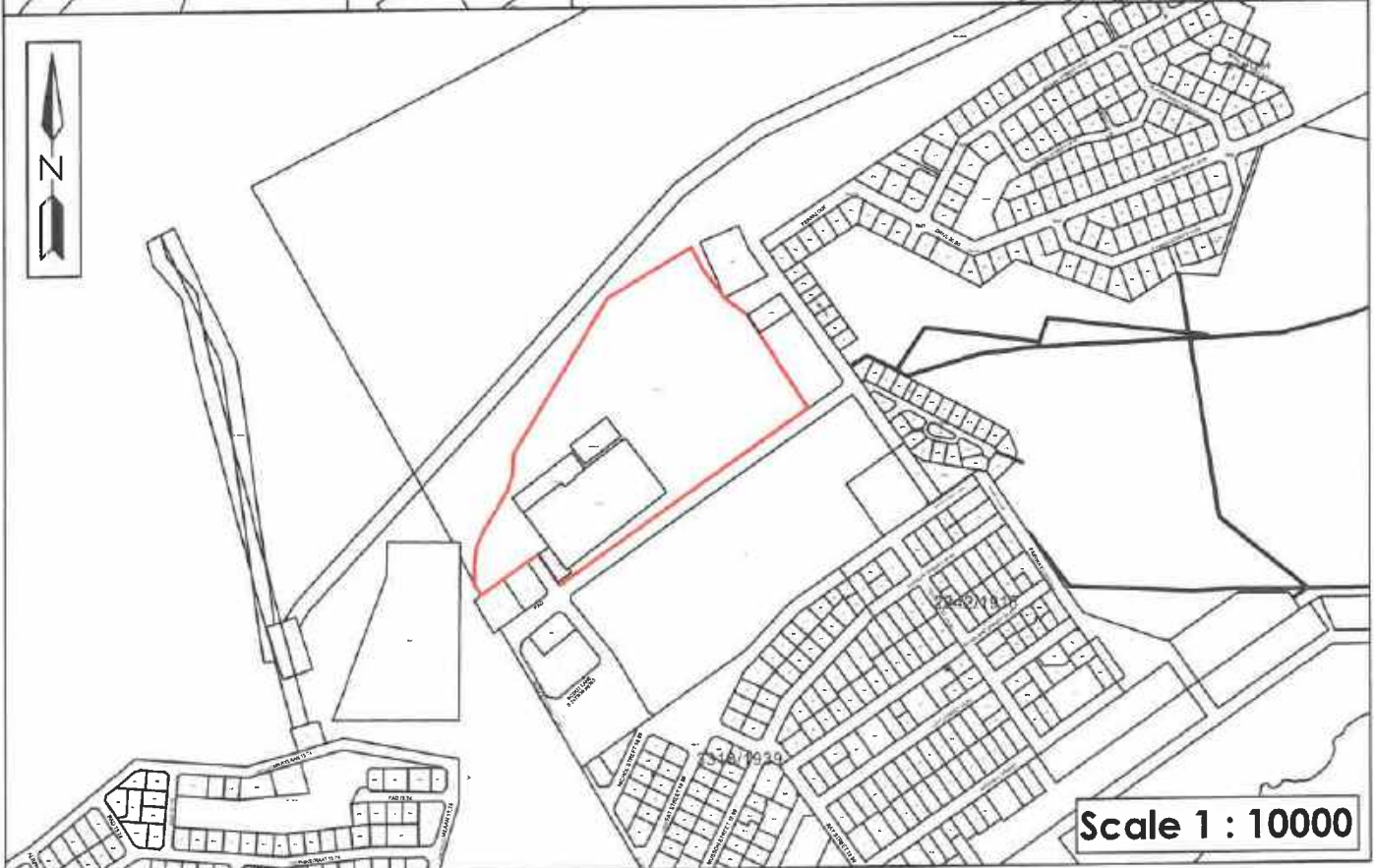


Project Office

Town Planning & Project Management



Scale 1 : 5000



Scale 1 : 10000

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR AMENDMENT OF AN EXISTING APPROVAL: REMAINDER
ERF 1253, EASTCLIFF (5035/2025)**

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



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**

22/08/2025
DATE

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18 November 2025
(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

4. ERF 160, 11 MYRTLE STREET, SANDBAAI, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS FUTURE PLAN TOWN AND REGIONAL PLANNING ON BEHALF OF J.A.T RUST

160 HSB (4658/2024)

B Minnaar

(028) 313 8900

Hermanus Administration

08 September 2025

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 09 May 2024 from Messrs Future Plan Town and Regional Planning on behalf of J.A.T. Rust on Erf 160, Sandbaai for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the eastern lateral building line from 2m to 1.86m to accommodate the existing additions to the property, and
 - relax the rear building line from 2m to 1.33m to accommodate the existing additions on the property.

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

RESOLUTION

1. that the comments be noted.

2. that the application for **departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 160, Sandbaai to relax the eastern lateral building line from 2m to 1.86m and to relax the rear building line from 2m to 1.33m to accommodate the existing additions on the property, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:

3. that the approval in Paragraph 1. above be subject to the following conditions:
 - (a) that the approval is only for the development indicated on Plan number *160SAN(2022-05)-01/A3-REV B*, pages 1-9, dated 13 May 2022, as submitted with the application;

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025**

(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)

- (b) 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;
 - (c) that all the conditions in the Services Report be complied with;
 - (d) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation.
3. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 160, Sandbaai, for the unauthorised building work, **be imposed**, and that an administrative penalty fee of **R5 389.69** be payable within sixty (60) days of this decision;
 4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The additions and proposal conform to the residential character of the surrounding area.
- ❖ There will be no impact on services.
- ❖ The proposal will have minimal impact on the surrounding property owners.
- ❖ None of the internal departments have objected to the proposed application.
- ❖ None of the neighbours have objected to the proposed application.
- ❖ The administrative penalty levied (being 5%) is due to the deviation from the approved building plan.



FUTURE PLAN
TOWN AND REGIONAL PLANNING

Project Title

Erf 160, Sandbaai

Client Name

JAT Rust

Street Address

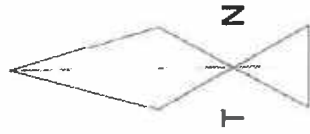
11 Myrtle Street, Sandbaai,
7200

Property Particulars

Erf Numbers 160

Area Sandbaai

Extent 762m²

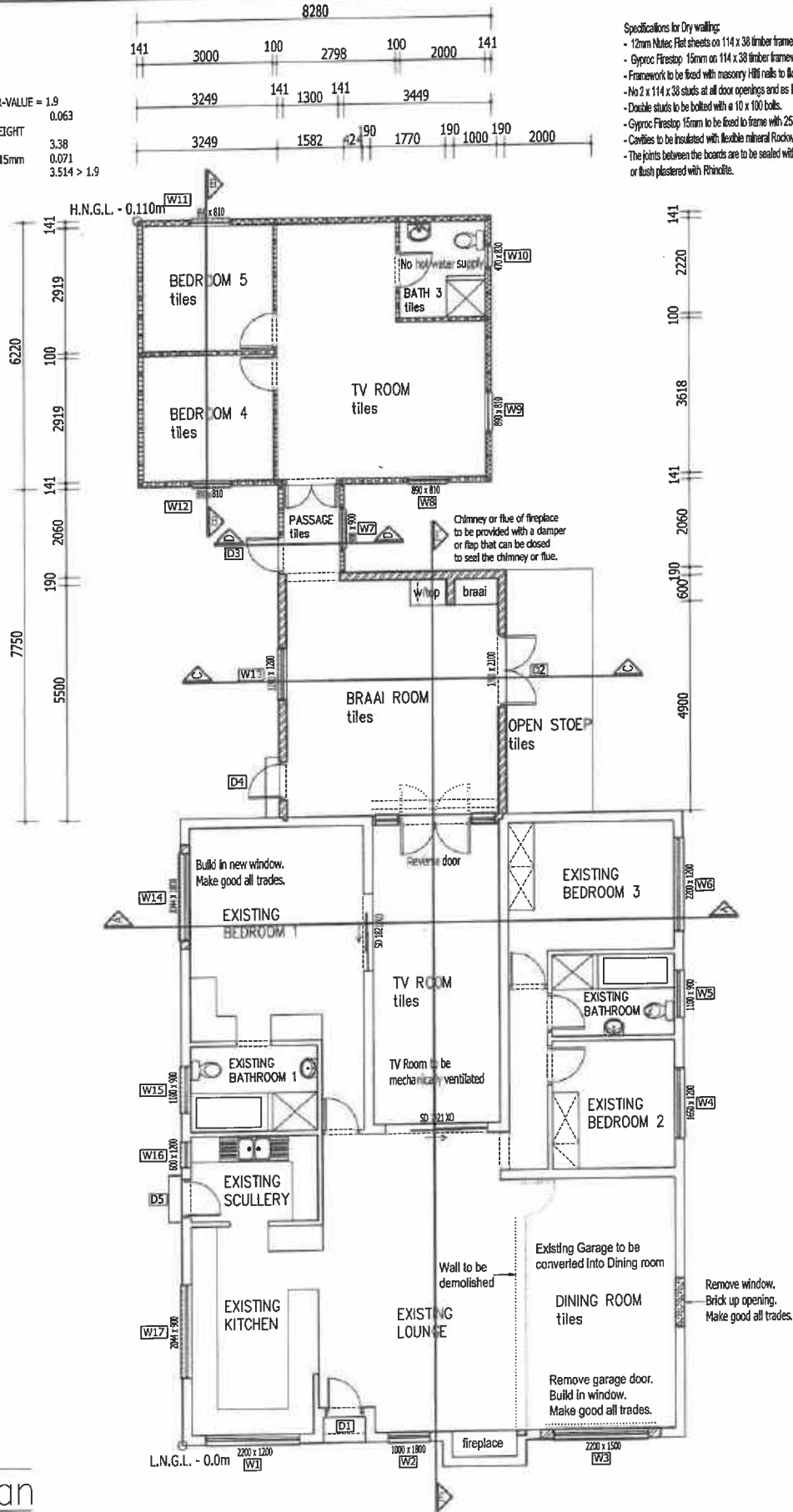


Locality Plan



NON-MASONRY WALLS: Min. R-VALUE = 1.9
 12mm NUTEC FLAT SHEETS 0.063
 NON-COMBUSTIBLE LIGHT WEIGHT 'AEROLITE' - 135mm 3.38
 GYPROC FIRE STOP BOARD - 15mm 0.071
 TOTAL 3.514 > 1.9

- Specifications for Dry walling:
- 12mm Nutec Flat sheets on 114 x 38 timber framework externally.
 - Gyproc Firestop 15mm on 114 x 38 timber framework internally.
 - Framework to be fixed with masonry Hill nails to floor at 400 centres.
 - No 2 x 114 x 38 studs at all door openings and as links.
 - Double studs to be bolted with a 10 x 100 bolts.
 - Gyproc Firestop 15mm to be fixed to frame with 25mm drywall screws at 220mm max. centres.
 - Cavities to be insulated with flexible mineral Rockwool.
 - The joints between the boards are to be sealed with Rhinogide or flush plastered with Rhinocid.



Floor Plan
 Scale 1:100

PROJECT

ADDITION ON
 ERF 160
 MYRTLE STREET
 SANDBAAI

CLIENT

J.A.T. RUST

DRAWING

FLOOR PLAN
 DRAWING
 COUNCIL SUBMISSION

SCALE	DRAWN
1:100	CFG
CHECKED	DATE
CFG	13 February 2025
DRAWING No.	
1665M(2025-02)-02/03-RV C	

C. Geldenhuys
 CRAG ARCHITECTURAL DESIGN

P.O. BOX 517
 CALEDON
 7230

C.GELDENHUYS - 082 836 8631
 SACAP - PAD : 20718



**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 160, SANDBAAI (4658/2024)**


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

Conditions:

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



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025
(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

5. ERF 3270, 1 RADYN STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND ADMINISTRATIVE PENALTY: MB PLAN TOWN PLANNING ON BEHALF OF HC ALANT

3270 HON (4854/2024)

H Olivier

(028) 313 8900

Hermanus Administration

6 August 2025

EXECUTIVE SUMMARY

An application has been received on 29 October 2024 from MB Plan Town Planning on behalf of HC Alant on Erf 3270, Onrustrivier in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to relax the western street building line from 4m to 0,26m, 1m and 1,950m to accommodate the existing garage, braai room with covered patio and carport respectively.
- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to relax the northern street building line from 4m to 1,5m to accommodate the existing covered walkway and laundry.
- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to relax the eastern lateral building line from 2m to 1,28m to accommodate the covered walkway, scullery, tropical garden (with water tanks), bedroom and on-suite bathroom.
- ❖ **Determination of Administrative Penalty** in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorized building work.

RESOLUTION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3270, Onrustrivier for the following departures:
 - ❖ to relax the western street building line from 4m to 0,26m, 1m and 1,950m to accommodate the existing garage, braai room with covered patio and carport respectively;
 - ❖ to relax the northern street building line from 4m to 1,5m to accommodate the existing covered walkway and laundry, and

**AGENDA of the
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- ❖ to relax the eastern lateral building line from 2m to 1,28m to accommodate the covered walkway, scullery, tropical garden (with water tanks), bedroom and on-suite bathroom;

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

- (a) that this approval is only for the development as indicated on the Drawing numbers erf 3270 Onrus A.01.1 to A.01.4 dated 25 November 2024 and 2 December 2024, as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control and the Fire Departments be complied with at that stage;
 - (c) that all the conditions in the Services Report be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation,
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that all the conditions of Telkom and Eskom be complied with.
2. that the determination of an administrative penalty in terms of Section 90. (4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 3270, Onrustvriër to accommodate the unauthorised building work as stipulated above, **be imposed**, and that an administration penalty fee of **R7195,00**, be payable within sixty (60) days of the decision.
 3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

POINT 1

- ❖ All relevant municipal divisions support the application.
- ❖ No objections were received from surrounding property owners.
- ❖ The structures are existing structures with no additions impacting the character of the area.
- ❖ Some of the structures are historic (garage) and almost existing for 40 years.

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- ❖ The application is in line with the Planning Principles as it would be in line with the principle of densifications and an efficient way to resolve the illegal situation.

POINT 2

- ❖ Most of the illegal building work was constructed prior to the existing property owner purchasing the property. Buildings and structures date back to 2002 and older, and therefore only a 1% administrative penalty fee be imposed on the historic structures/buildings.
- ❖ The existing property owner also did some illegal building work of 19,2m² in extend and therefore a 5% penalty fee is imposed on such building work.

Local Context

Scale: 1 : 2000



Town Planning

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

Subject Property

PROJECT:
**Erf 3270 Onrus,
 Hermanus**

PROJECT TITLE:
**Locality Plan
 Local Context**

APPROVED BY:	1 Radyn Street, Onrus	CREATED BY:	
DRAWN BY:		DATE:	2024/10/07
SCALE:	SCALE: As indicated	REVISION:	Rev 1

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Town Planning

Melissa Buys 071 347 4844
mb.plan@yahoo.com

Erf 3270 Onrus, Hermanus
1 Radyn Street, Onrus

Scale: 1:100

Date: 3 December 2024



WONDERMARE DESIGNS

Steven van der Merwe 0741027897

Monday, November 25, 2024

D2456 PArchDraught

steven.van.der.merwe@gmail.com

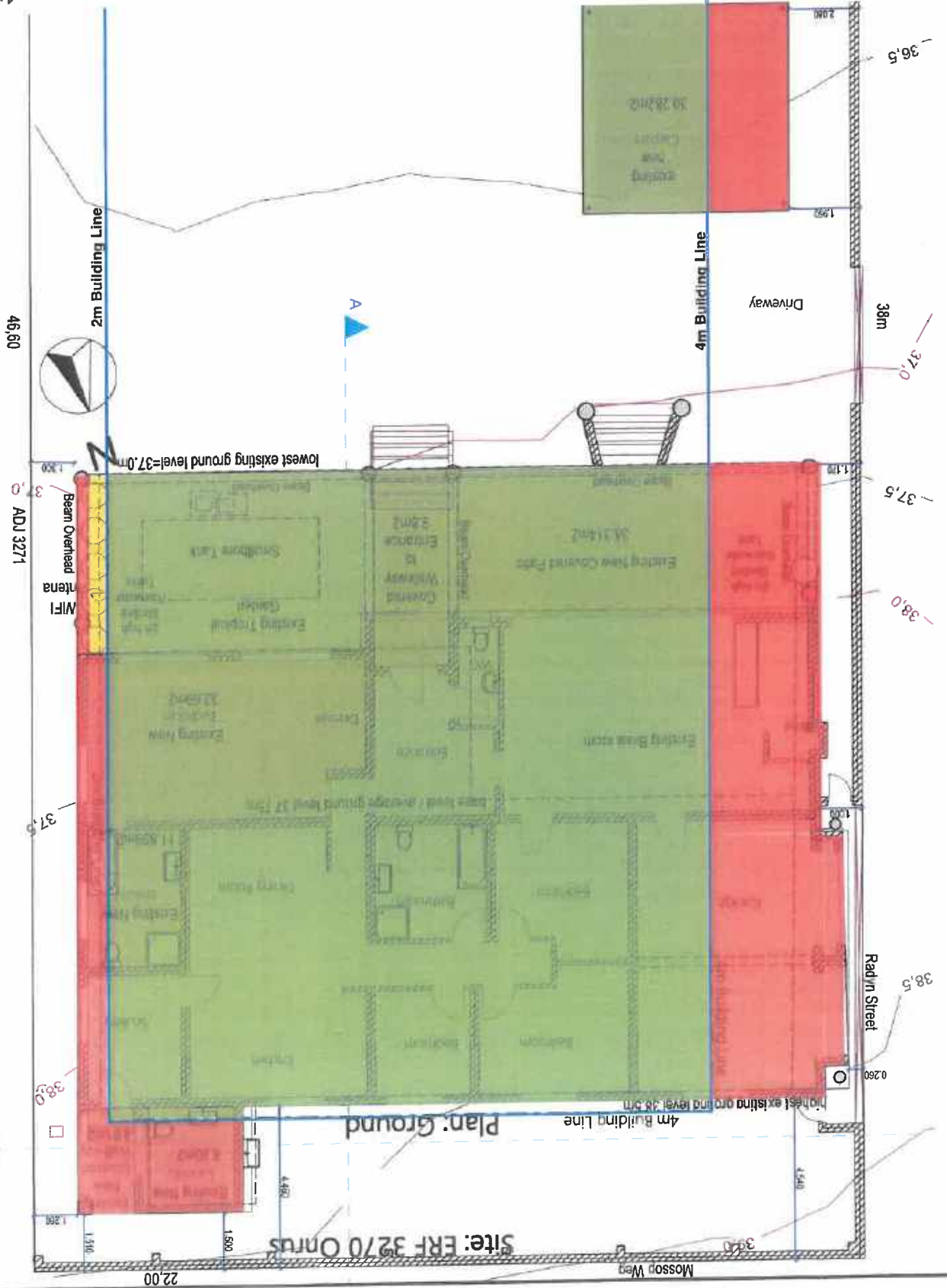
- Structures Not Exceeding Building Line
- Structures Exceeding Building Line
- Slab & Water Tanks Exceeding Building Line but not Requiring Departure
- Building Lines

Departure Plan by MBPLAN
Base Plan by Wondermare
Designs

INDENTITY:
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1:100

Ground



22.00

Mossop W

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 3270, ONRUS RIVER (4854/2024)**

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

Conditions:

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



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025**

(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)

- 6. REMAINDER ERF 243, HERMANUS AND ERF 6667, 7 BALFOUR STREET, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, REZONING, CONSOLIDATION, DEPARTURE, THE DETERMINATION OF AN ADMINISTRATIVE PENALTY, AND THE TRANSFER OF A PORTION OF REMAINDER ERF 243 HERMANUS: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF VON ZEUNER PROPERTIES (PTY) LTD**

243 & 6667 HWC (3873/2021)

B Minnaar

(028) 313 8900

Hermanus Administration

14 August 2025

EXECUTIVE SUMMARY

An application has been received on 20 April 2021 from Messrs PlanActive Town- and Regional Planners on behalf of Von Zeuner Properties (Pty) Ltd applicable to Remainder Erf 243 and Erf 6667, Westcliff, Hermanus for the following:

- ❖ **Subdivision** in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of Remainder Erf 243 in two (2) portions, namely Portion A (±378m²) and the Remainder (extent unknown).
- ❖ **Rezoning** in terms of Section 16(2)(a) of the By-Law of the above Portion A from Transport Zone 2: Public Road and Parking (TR2 A) to Business Zone 3: Local Business (B3), as well as the rezoning of Erf 6667, Hermanus from Residential Zone I: Single Residential (SR1) to Business Zone 3: Local Business (B3).
- ❖ **Consolidation** in terms of Section 16(2)(e) of the By-Law of the above Portion A and Erf 6667, Hermanus to accommodate medical consulting rooms and associated uses on the consolidated property.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law (applicable to the above consolidated property) for the:
 - relaxation of the northern lateral building line from 3m to 2m to accommodate the existing building and additions thereto; and
 - relaxation of the eastern lateral building line from 3m to ±2.117m to accommodate an uncovered stoep with stairs, as well as the relaxation of

**AGENDA of the
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(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

the height restriction thereof from 1m \pm 2.283m (including 1m high balustrade) and \pm 2.548m (including 1m high balustrade).

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

RESOLUTION

1. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the **subdivision** of a portion of Remainder Erf 243 in two (2) portions, namely Portion A (\pm 378m²) and the Remainder (extent unknown), **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(a) of the By-Law for **rezoning** of the above Portion A from Transport Zone 2: Public Road and Parking (TR2 A) to Business Zone 3: Local Business (B3), as well as the rezoning of Erf 6667, Hermanus from Residential Zone I: Single Residential (SR1) to Business Zone 3: Local Business (B3), **be approved** in terms of the provision of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(e) of the By-Law for **consolidation** of the above Portion A and Erf 6667, Hermanus to accommodate medical consulting rooms and associated uses on the consolidated property;
4. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for departure in order to:
 - relaxation of the northern lateral building line from 3m to 2m to accommodate the existing building and additions thereto;
 - relaxation of the eastern lateral building line from 3m to \pm 2.117m to accommodate an uncovered stoep with stairs, as well as the relaxation of the height restriction thereof from 1m \pm 2.283m (including 1m high balustrade) and \pm 2.548m (including 1m high balustrade),

be approved in terms of the provisions of Section 61 of the By-Law;
5. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the unauthorised land use, **not be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;

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6. that the approvals in paragraphs 1. to 5. above be subject to the following conditions:
- (a) that the approvals are for the subdivision, closure of a public place, rezoning, consolidation and departures as indicated on the following plans:
 - (i) Subdivision & Consolidation Plan No. *herm6667s&c.drw* dated *February 2024*; and
 - (ii) Site Plan No. *100D* dated *07/02/2024* as submitted with this application;
 - (b) that an administrative penalty of **R68 898.68** (being calculated utilising the current municipal land use value) be payable within ninety (90) days of the decision;
 - (c) that building plans be submitted to the Building Department and all comments from the Building and Fire Departments be complied with at that stage;
 - (d) that all the conditions in the Telkom, the Engineering Services Department and Property Administration Department be complied with;
 - (e) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (f) that the display of signage be subject to compliance with the Municipal By-Law on Signage;
 - (g) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (h) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
7. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

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(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

REASONS FOR RESOLUTION

- The application has followed due process.
- The application is in line with policy documents.
- The location of the property to accommodate a medical practice (consulting rooms) is desirable from a town planning perspective since it is located opposite both the Medi-Clinic and the Provincial Hospital.
- The consolidation of the two erven will enable the business to accommodate the required number of parking bays as well as ease manoeuvrability and accessibility.
- The design of the property is in keeping with the residential character of the area.
- The use of the property will not generate additional disturbances/nuisance to the surrounding residential neighbourhood.
- The site is located in an area that is earmarked as a mixed-use area which is in line with our forward planning documents.
- Consistent with planning principles in terms of LUPA and SPLUMA.





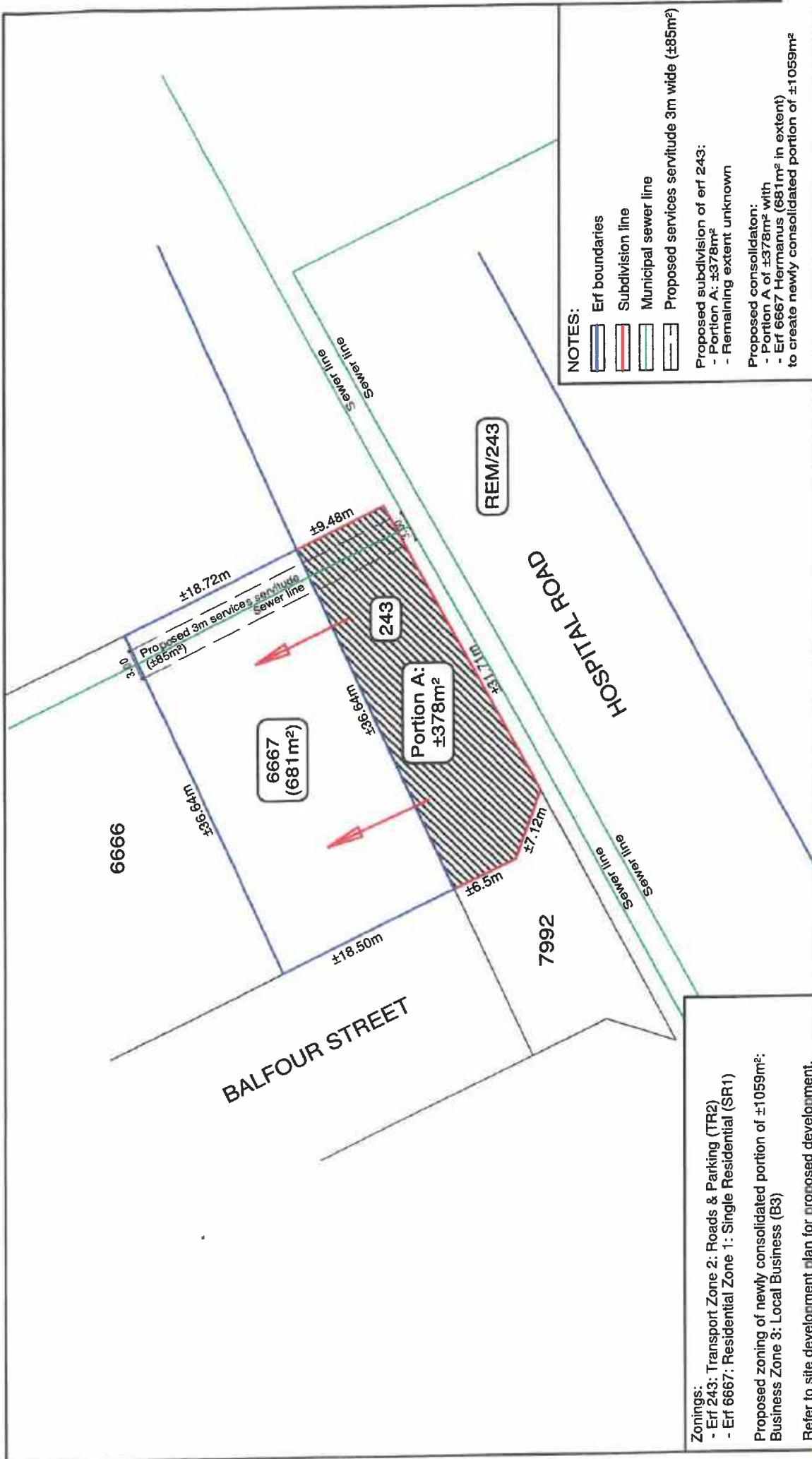
PIA n Active
Town & Regional Planners

Property Description:
**ERVEN 243 & 6667
HERMANUS**

Scale: NTS
Drawing Nr: 160086/1.dwg
Date: JUNE 2023

All distances approximate and subject to survey.

COPY RIGHT RESERVED



NOTES:

- Erf boundaries
- Subdivision line
- Municipal sewer line
- Proposed services servitude 3m wide (±85m²)

Proposed subdivision of erf 243:

- Portion A: ±378m²
- Remaining extent unknown

Proposed consolidation:

- Portion A of ±378m² with
- Erf 6667 Hermanus (681m² in extent)
- to create newly consolidated portion of ±1059m²

<p>PLAN Stads- en Streeksbeplanners Town & Regional Planners</p>	<p>Property Description: ERVEN 243 & 6667 HERMANUS</p>	<p>Plan Description: SUBDIVISION & CONSOLIDATION PLAN</p>	<p>Scale: 1:500 Drawing Nr: herm6667s&c.drw Date: FEBRUARY 2024</p>
	<p>All distances approximate and subject to survey. COPY RIGHT RESERVED</p>		

Zonings:

- Erf 243: Transport Zone 2: Roads & Parking (TR2)
- Erf 6667: Residential Zone 1: Single Residential (SR1)

Proposed zoning of newly consolidated portion of ±1059m²:

- Business Zone 3: Local Business (B3)

Refer to site development plan for proposed development.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION, REZONING, CONSOLIDATION,
DEPARTURE, DETERMINATION OF AN ADMINISTRATIVE PENALTY & THE
TRANSFER OF A PORTION OF REMAINDER ERF 243: REMAINDER ERF 243 &
ERF 6667, WESTCLIFF (3873/2021)**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

Water	R 27 598.00 x 0.02 =	R 551.96
Sewerage	R 19 725.00 x 0.02 =	R 394.50
Stormwater	R 10 205.00 x 2.042=	R 20 838.61
Roads	R 8 845.00 x 6.192308=	R 54 770.96
Solid Waste	R 1 769.00 x 1.6475014=	R 2 914.43
TOTAL (inclusive of VAT)	=	R 70 407.46

Note:

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

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

P.P. 
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

02/09/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025**

(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)

7. ERF 11033, 21 MARINE DRIVE, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE, AMENDMENT OF THE SITE DEVELOPMENT PLAN AND THE DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF ZELPY 1776 (PTY) LTD

11033 HWC (4943/2025)

B Minnaar

(028) 313 8900

Hermanus Administration

08 September 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 27 March 2025 from Messrs PlanActive Town- and Regional Planners on behalf of Zelpy 1776 (Pty) Ltd applicable to Erf 11033, Westcliff, Hermanus for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the north-eastern lateral building line from 4m to 1.59m and 1.91m to accommodate the change of land use from health spa to a staff quarter and the modification made to the windows;
 - relax the north-eastern lateral building line from 4.5m to 1.59m to accommodate the existing wooden deck on the first floor, and
 - relax the 4,5m building line to accommodate the proposed roof over the ±15m² wooden deck.
- ❖ **Amendment of the site development plan** in terms of Section 16(2)(l) of the By-Law.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to accommodate the existing additions on the property.

RESOLUTION

1. that the application for **departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 11033, Westcliff, Hermanus in order to:
 - (a) relax the north-eastern lateral building line from 4m to 1.59m and 1.91m to accommodate the change of land use from health spa to a staff quarter and the modification made to the windows;
 - (b) relax the north-eastern lateral building line from 4.5m to 1.59m to accommodate the existing wooden deck on the first floor, and

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025
(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

- (c) relax the 4,5m building line to accommodate the proposed roof over the ±15m² wooden deck,

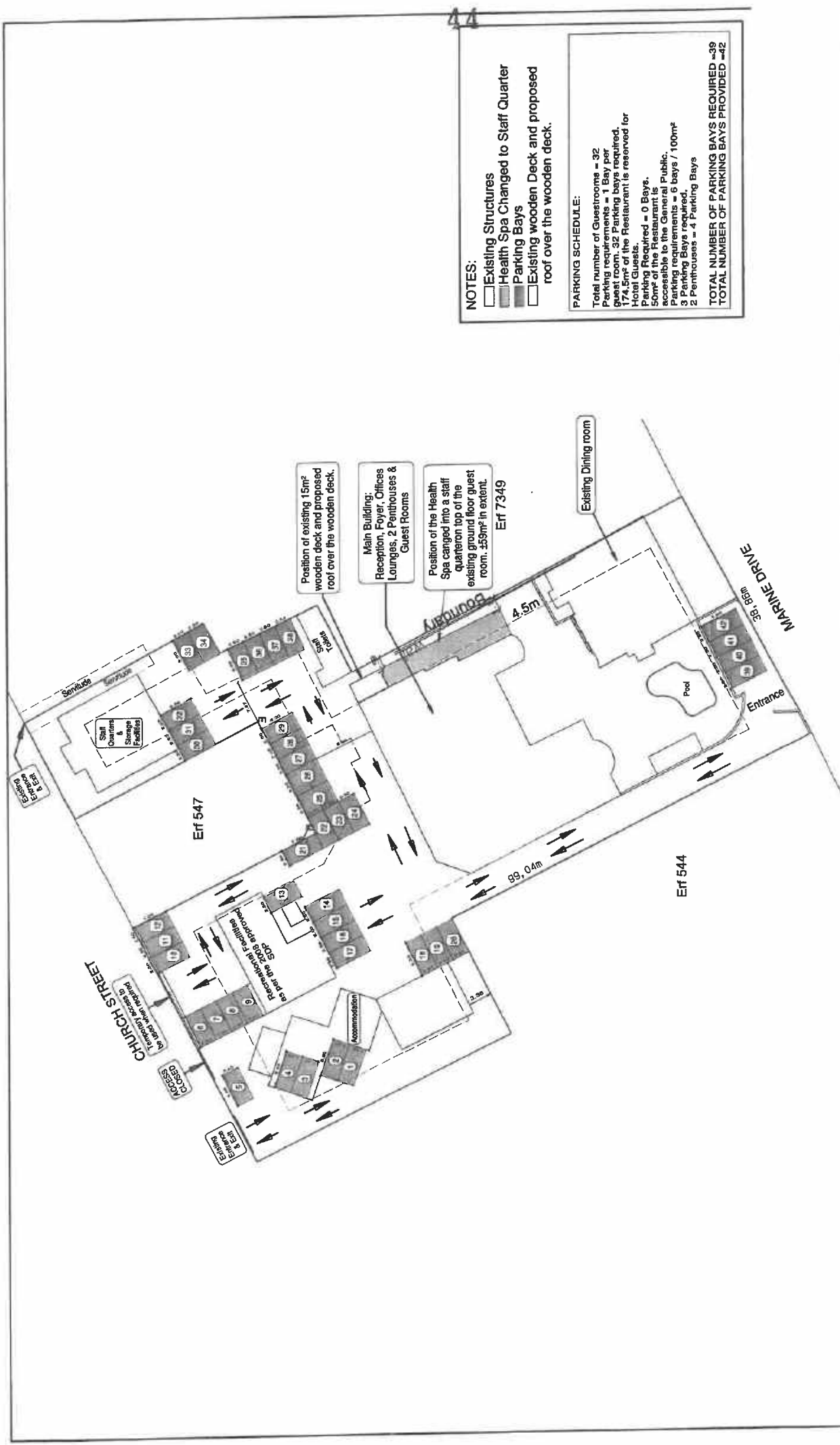
be approved, in terms of Section 61 of the By-Law;

2. that the application for **amendment of the approved site development plan** in terms of Section 16.(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), **be approved**, in terms of Section 61 of the By-Law;
3. that the decisions in Paragraphs 1. and 2. above be subject to the following conditions:
 - (a) that the approval is only for the development indicated on the following Plans, as submitted with the application:
 - (i) Site Development Plan number: *her11033sdpMarch2025.drw*, dated 03/2025, and
 - (ii) Plan number: C02 & C03, dated 19/11/2024.
 - (b) that the use of the new staff quarters to be limited to the staff of the hotel;
 - (c) 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;
 - (d) that all the conditions in the Services Report **be complied** with;
 - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation.
4. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 11033, Westcliff Hermanus, for the unauthorised building work and the unauthorised land use, **be imposed**, and that an administrative penalty fee of **R10 155.68** be payable within sixty (60) days of this decision;
5. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

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REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The additions and proposal conform to the character of the surrounding area.
- ❖ There will be no impact on services.
- ❖ The proposal will have minimal impact on the surrounding property owners due to its distance from the structures located on the adjacent properties.
- ❖ None of the internal departments have objected to the proposed application.
- ❖ None of the neighbours have objected to the proposed application.
- ❖ The administrative penalty levied (being 5%) is due to the deviation from the approved Site Development Plan.



NOTES:

- Existing Structures
- Health Spa Changed to Staff Quarter
- Parking Bays
- Existing wooden Deck and proposed roof over the wooden deck.

PARKING SCHEDULE:

Total number of Guestrooms = 32
 Parking requirements = 1 Bay per guest room. 32 Parking bays required.
 174.5m² of the Restaurant is reserved for Hotel Guests.
 Parking Required = 0 Bays.
 50m² of the Restaurant is accessible to the General Public.
 Parking requirements = 6 bays / 100m²
 2 Pantries = 2 Parking Bays
 2 Entrances = 4 Parking Bays
TOTAL NUMBER OF PARKING BAYS REQUIRED = 39
TOTAL NUMBER OF PARKING BAYS PROVIDED = 42

	Scale: 1:500
	Drawing Nr: her11033 Date: 03/2025
Stads- en Streeksbeplanners Town & Regional Planners	Property Description on: ERF 11033 HERMANUS
PLAN Active	All distances approximate and subject to survey. COPYRIGHT RESERVED
Plan Description: SDP & Parking Layout	

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE, AMENDMENT OF SITE DEVELOPMENT
PLAN & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 11033,
WESTCLIFF (4943/2025)**

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**

17/05/2025
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025
(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

**8. ERF 3832, 4 JACOBUS GELDENHUYS STREET, ONRUSTRIVIER,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: CF &
HW POOL**

3832 HON (4964/2025)

H Olivier

(028) 313 8900

Hermanus Administration

12 September 2025

EXECUTIVE SUMMARY

An application was received on 17 April 2025 from CF & HW Pool on Erf 3832, Onrustrivier in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 and the Driehoek Regulations for the following departures:

- ❖ to relax the north-western lateral building line from 2m to 0m to accommodate the proposed double garage, and
- ❖ to relax the south-eastern lateral building line from 2m to 1.32m to accommodate the proposed boat garage/storeroom.

RESOLUTION

1. that the comments / objections be noted.
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 and the Driehoek regulations Erf 3832, Onrustrivier for the following departures:
 - ❖ to relax the north-western lateral building line from 2m to 0m to accommodate the proposed double garage, and
 - ❖ to relax the south-eastern lateral building line from 2m to 1.32m to accommodate the proposed boat garage/ storeroom;

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

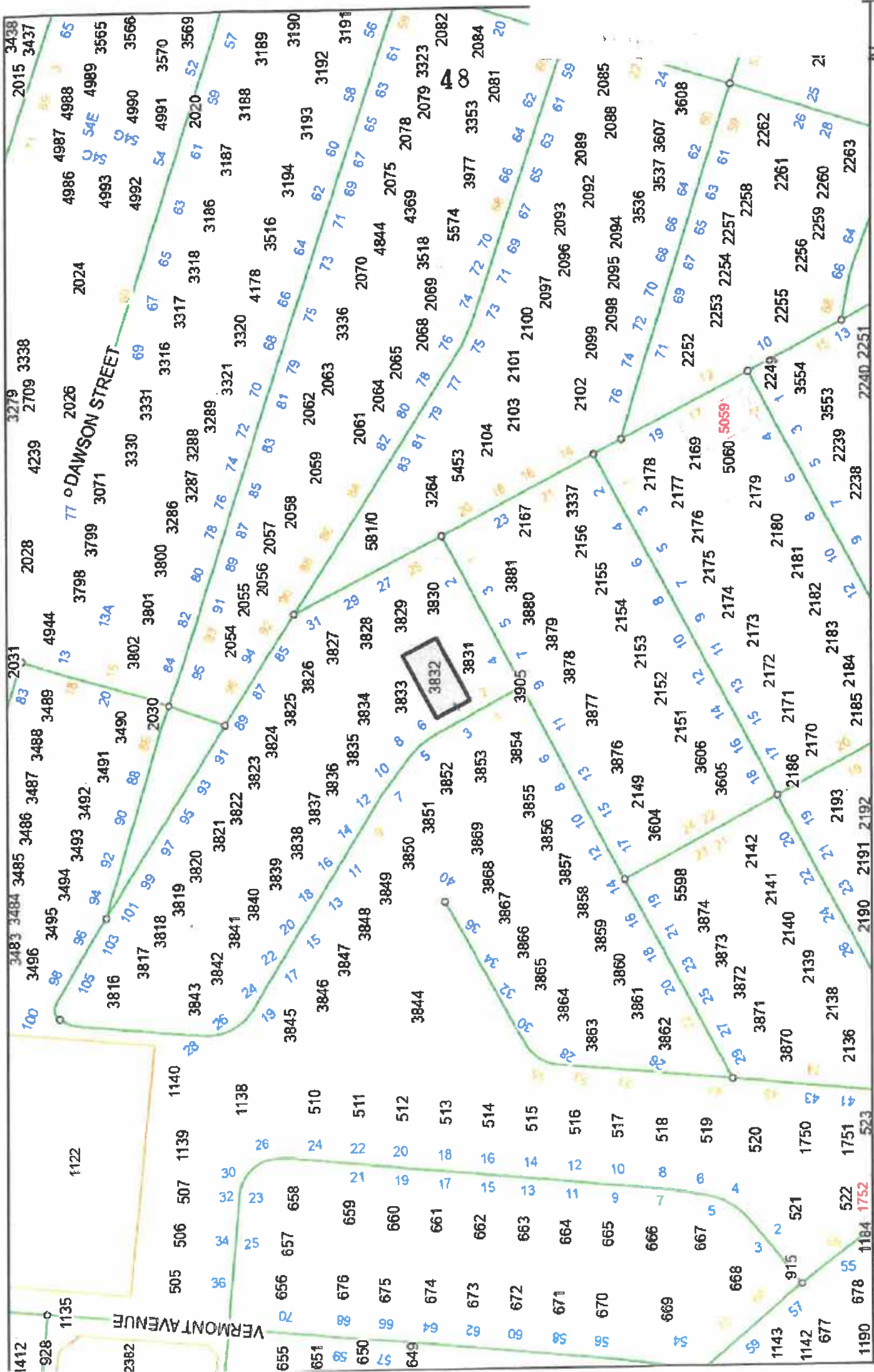
- (a) that this approval is only for the departure of building lines and is not an approval in terms of any other legislation;
- (b) that the approval for the departure is only for the development over for the building lines as indicated on plans;
- (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building and the Fire Departments be complied with at that stage;

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- (d) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Land Scheme be complied with; and
 - (g) that all the conditions in the Services Report and Telkom be complied with.
3. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 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.
- ❖ The objections regarding impact on property value, privacy, impact on sunlight and mountain views is not supported, and does not proof the application not to be desirable.
- ❖ The limitations in this area in terms of the Driehoek Regulations, which limits dwellings to single storey and 5,5m in height, and the relatively small size (512m²) of the property create the situation that plot owners in this area construct garages over building lines, and this can clearly be seen in this area.
- ❖ The application is in line with the character of this area.
- ❖ No new municipal services will be required.
- ❖ It is the opinion that the application will not have a negative impact on the character of the surrounding area or surrounding neighbours and is desirable.



Locality Map

ERF 3832, 4 JACOBUS GELDENHUYS STREET, ONRUSTRIVIER



**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE: ERF 3832, ONRUS RIVER (4968/2025)**

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**

05/06/2025
DATE

9. **PORTION 2 (A PORTION OF PORTION 1) OF THE FARM NO. 586, HEMEL EN AARDE VALLEY, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE, DEPARTURES, AMENDMENT OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL, AMENDMENT OF THE EXISTING APPROVED SITE DEVELOPMENT PLAN AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF THE TRUSTEES AT THE TIME OF VREDE BOERDERY TRUST**

RCAL 2/586 (4835/2024)

H Olivier

(028) 313 8900

Hermanus Administration

23 September 2025

EXECUTIVE SUMMARY

An application was received on 10 October 2024 from Interactive Town and Regional Planners on behalf of The Trustees at the time of Vrede Boerdery Trust on Portion 2 (a Portion of Portion 1) of the Farm No. 586, Hemel-en-Aarde Valley in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Consent use** in terms of Section 16(2)(o) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, for intensive animal farming to allow for the existing snail tunnels on the property.
- ❖ **Departure** in terms of Section 16(2)(b) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to exceed the maximum allowable floor space from 5000m² to 6810m² to accommodate the existing structures, including the greenhouse snail farm tunnels and shade netted areas of 1751m² on the property.
- ❖ **Departure** in terms of Section 16(2)(b) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, to relax the southern building line to 3,94m to accommodate the existing guard house, dispatch building and office building.
- ❖ **Departure** in terms of Section 16(2)(b) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, to relax the northern building line from 30m to 7m to accommodate the existing storage and tool sheds and snail farming tunnels.
- ❖ **Amendment of the existing approved site development plan** in terms of Section 16(2)(l) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the existing structures on the property and the larger agricultural industry footprint.

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- ❖ **Amendment of conditions in respect of an existing approval** in terms of Section 16(2)(h) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the amendment of condition 1(a) in approval letter dated 11 March 2015 to accommodate the expansion of the footprint of the existing agricultural industry.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorised land uses and building line encroachments on the property.

RESOLUTION

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 2 (a Portion of Portion 1) of the Farm No. 586, Hemel-en-Aarde Valley for a **departure** to relax the southern building line from 30m to 3,94m to accommodate the existing dispatch building and office building, **be approved**, in terms of the provisions of Section 61;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 2 (a Portion of Portion 1) of the Farm No. 586, Hemel-en-Aarde Valley for a **departure** to relax the northern building line from 30m to 7m to accommodate the existing storage and tool sheds and tunnels, **be approved**, in terms of the provisions of Section 61;
3. that the application in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 2 (a Portion of Portion 1) of the Farm No. 586, Hemel-en-Aarde Valley for the **amendment of the existing approved site development plan** to accommodate the existing structures on the property and the larger agricultural Industry footprint, **be approved**, in terms of the provisions of Section 61;
4. that the application in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 2 (a Portion of Portion 1) of the Farm No. 586, Hemel-en-Aarde Valley for the **Amendment of conditions in respect of an existing approval** to accommodate the expansion of the existing agricultural industry as indicated on Site Development Plan **be approved**, in terms of the provisions of Section 61;
5. that the approvals in Points 1 – 4 above, be subject to the following conditions:

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- (a) that this approval is only to accommodate the buildings/structures on Site Development Plan attached as Annexure C, subject to thereto that the guard house (structure 32) and kitchenette/office building (structure 25) that was removed be excluding from the Site Development Plan.
 - (b) that building plans 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;
 - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (d) that there be compliance with all relevant Health and Fire Regulations;
 - (e) that all the conditions in the Services Report be complied with;
6. That the following comments be noted:
- ❖ BOCMA;
 - ❖ Cape Nature;
 - ❖ Heritage Western Cape;
 - ❖ Western Cape Government: DEADP(Planning);
 - ❖ Western Cape Government: Infrastructure (Road Planning) -;
 - ❖ Eskom;
 - ❖ Western Cape Government: DEADP (Environmental) - and
 - ❖ Western Cape Government: Agriculture.
7. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 2 (a Portion of Portion 1) of the Farm No. 586, Hemel-en-Aarde Valley for the unauthorised buildings/structures, **be imposed**, and that an administrative penalty fee of **R11 133-00**, be payable within sixty (60) days of the final decision.
8. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

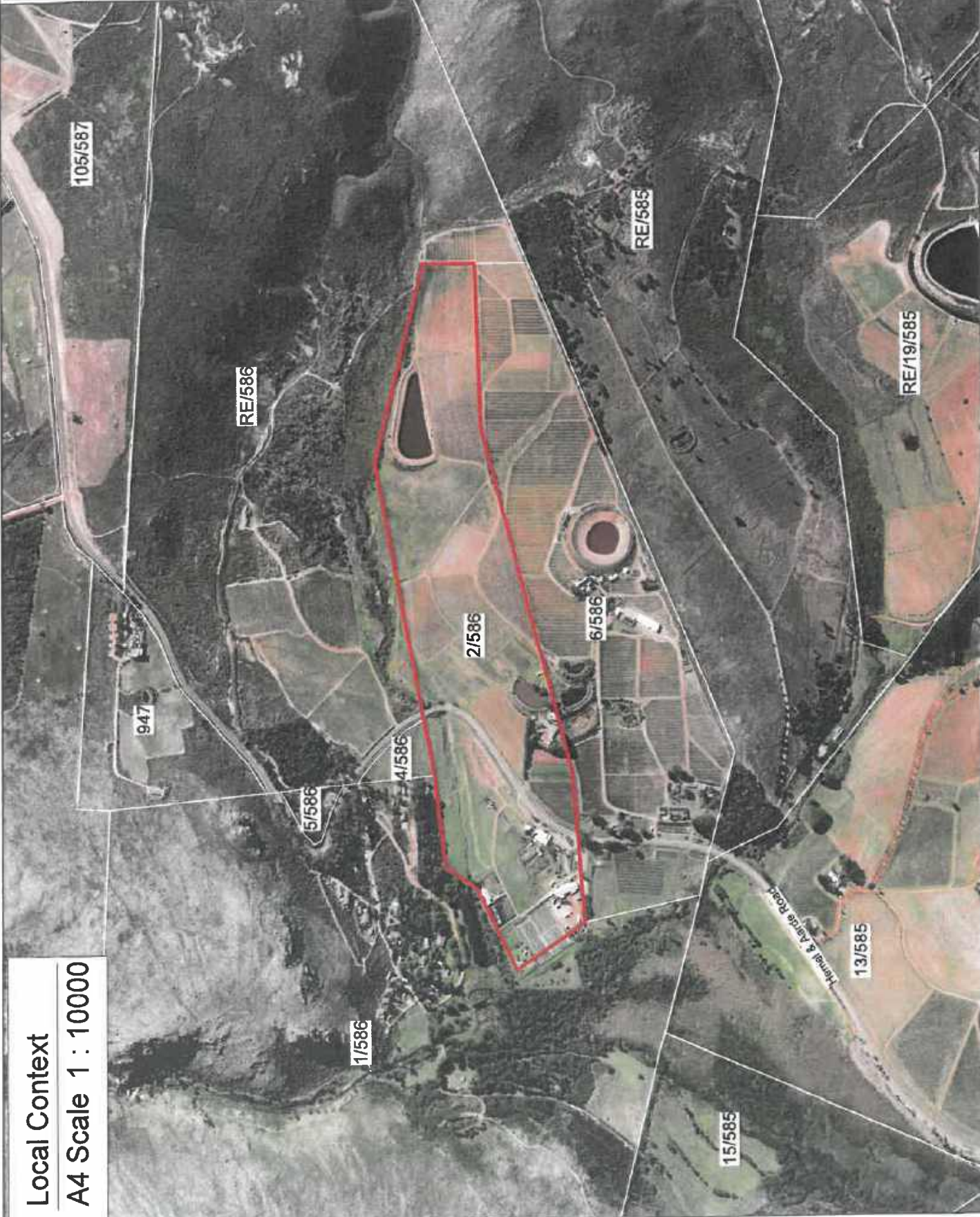
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REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No objections were received from the public participation process.
- ❖ None of the internal departments have objected to the application.
- ❖ No new municipal services will be required.
- ❖ No external state departments objected to the application.
- ❖ The application is in line with SPLUMA principles.
- ❖ No impact on the environment.
- ❖ It is in line with the aims of the Overstrand SDF to promote agricultural productivity.
- ❖ The application is to legalize existing buildings/structures and will not have a negative effect on the character of the area or impact the surrounding area, as this is an existing situation.

Local Context

A4 Scale 1 : 10000



PROJECT

Portion 2 of Farm 586
Hemel & Aarde Valley

TITLE

Locality Plan
Local Context



Application Area

55



PROBENITY
THIS DRAWING IS A TECHNICAL DRAWING AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE CLIENT.
NO LIABILITY OF ANY KIND IS ACCEPTED FOR ANY DAMAGE OR LOSS OF ANY KIND OR CONSEQUENT DAMAGES IN CONNECTION WITH THE USE OF THIS DRAWING FOR ANY PURPOSE OTHER THAN THE PURPOSES OF A PROJECT WITH THE PROPER WRITTEN APPROVAL OF THE CLIENT.

CLIENT

DRAWN BY	CHECKED BY	DATE
JM	AW	20/06/2015

SCALE (AS SHOWN)	PROJECT NUMBER
A4 (indicated)	001

DRAWING NUMBER:
1/01

InterActive Town & Regional Planning

Avon Way, Weymouth, Dorset DT98 3JH
Tel: 01328 850000
Fax: 01328 850001
Call: 0800 048 0480
Email: info@interactiveplanning.com



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE, DEPARTURES, AMENDMENT OF
CONDITIONS IN RESPECT OF AN EXISTING APPROVAL, AMENDMENT
OF THE EXISTING APPROVED SITE DEVELOPMENT PLAN &
DETERMINATION OF AN ADMINISTRATIVE PENALTY: PORTION 2 (A
PORTION OF PORTION 1) OF FARM NO. 586, HEMEL EN AARDE
VALLEY, CALEDON DIVISION (4835/2024)**

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

Conditions:

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
2. that no water and sewer services from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (Water and Sanitation, Health, Bocma etc.) for the use of any other water resources and the extraction thereof;
3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Senior Engineer: Water Infrastructure & Quality (Tel: 028 313 5046), Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval;
5. that the developer complies to all the conditions set by Department Of Water Affairs & Bocma;
6. that, as there is currently no municipal sewer network in the vicinity, of Farm 708 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services (Hermanus), and to which the sewer services on the development must connect to;
7. that the Municipality does not have the capacity to service the proposed development with regards to removal of sewerage from the property. The owner is therefore responsible for removal of

sewerage from the property, and thereof at a licensed municipal sewerage treatment facility;

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



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

14/04/2025
DATE

**AGENDA of the
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18 November 2025**

(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)

10.ERF 2124, 59 FIFTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF COLDMAN FAMILY INVESTMENTS (PTY) LTD

2124 HVK (4865/2024)

P Roux

30 September 2025

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 14 November 2025 from the Messrs Plan Active Town and Regional Planners on behalf of the property owners of Erf 2124, Voëlklip, Hermanus for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, to:
 - relax the eastern lateral building line from 2.0m to 1.263m, to accommodate the new windows and the existing enclosed balcony; and
 - relax the western lateral building line from 2.0m to 1.144m, to accommodate the new windows and the existing (approved) garage that was converted into an entertainment room and a storage room; and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, for the determination of an administrative penalty.

RESOLUTION

1. 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 2124, Hermanus, in order to:
 - relax the eastern lateral building line from 2.0m to 1.263m, to accommodate the new windows and the existing enclosed balcony; and
 - relax the western lateral building line from 2.0m to 1.144m, to accommodate the new windows and the existing (approved) garage that was converted into an entertainment room and a storage room,

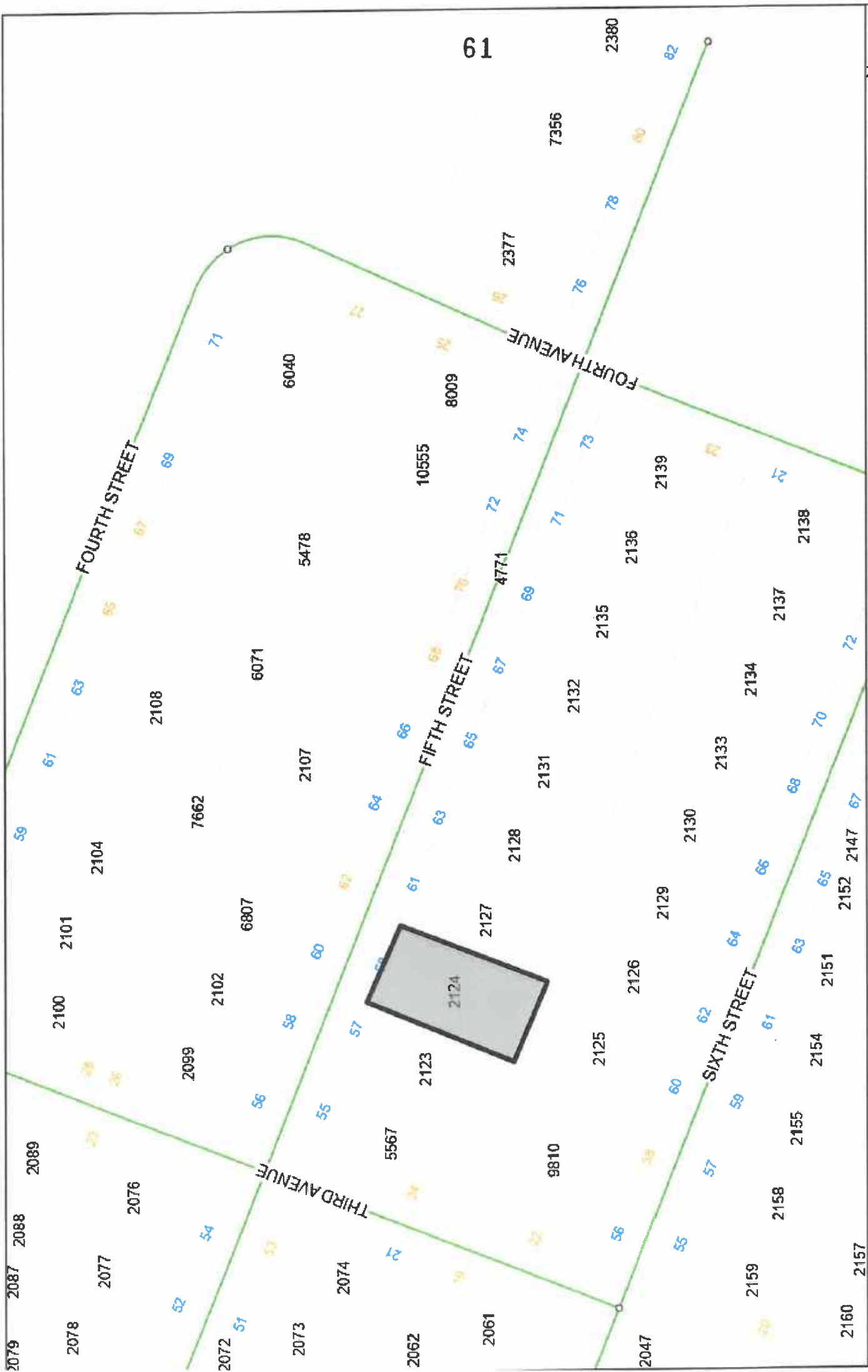
be approved in terms of the provisions of Section 61 of the By-Law;

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2. that the **determination of an administrative penalty** in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 2124, Hermanus to accommodate the existing as built structure on the property, **not be exempt** from the payment of an administrative penalty;
3. that the recommendation under paragraph 1. above is subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan No / 0430/A1/01 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 Departments be complied with at that stage;
 - (c) that an administrative penalty of **R8 878.21** be payable within sixty (60) days of the decision;
 - (d) that all the conditions in the Services Report be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with
4. that the applicant 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 building work was continued to renovate the existing house based on approved building plans. The application only entails the departures as requested from the applicant. In total the extent of the departures is of a very small size in comparison to the size of the renovated structure.
- ❖ The windows on the eastern side of the dwelling were replaced as part of the renovation; however the location and number of windows remain unchanged.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.



**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 2124, VOELKLIP (4865/2024)**

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

Conditions:

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



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**

28/01/2025
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025
(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

11. PORTION 75 (A PORTION OF PORTION 4) OF THE FARM HERMANUS RIVER NO. 542, ARABELLA COUNTRY ESTATE, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: CJ HARTZENBERG

**H van der Stoep (028) 313 8900
RCAL 75/542 (4991/2025)
14 October 2025**

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 28 May 2025 from CJ Hartzenberg on Portion 75 (a Portion of Portion 4) of the Farm No. 542, Arabella Country Estate in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- **Departure** in terms of Section 16(2)(b) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 in order to exceed permissible height restriction from 7,5m to 7,68m in terms of the Arabella Country Estate Guidelines to accommodate the existing roof of the double storey dwelling.
- **Determination of an Administrative Penalty** in terms of Section 16(2)(q) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorised height encroachment as mentioned above.

RESOLUTION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 75 of the Farm No. 542, Arabella Country Estate, Kleinmond for a departure in order to exceed the permissible height restriction from 7,5m to 7,680m in terms of the Arabella Country Estate Architectural Guidelines to accommodate the existing roof of the double storey, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan number 330024 (plan 1 of 1) dated 3 February 2025 as submitted with the application;
 - (b) that no further departures over the permissible height restriction be approved;

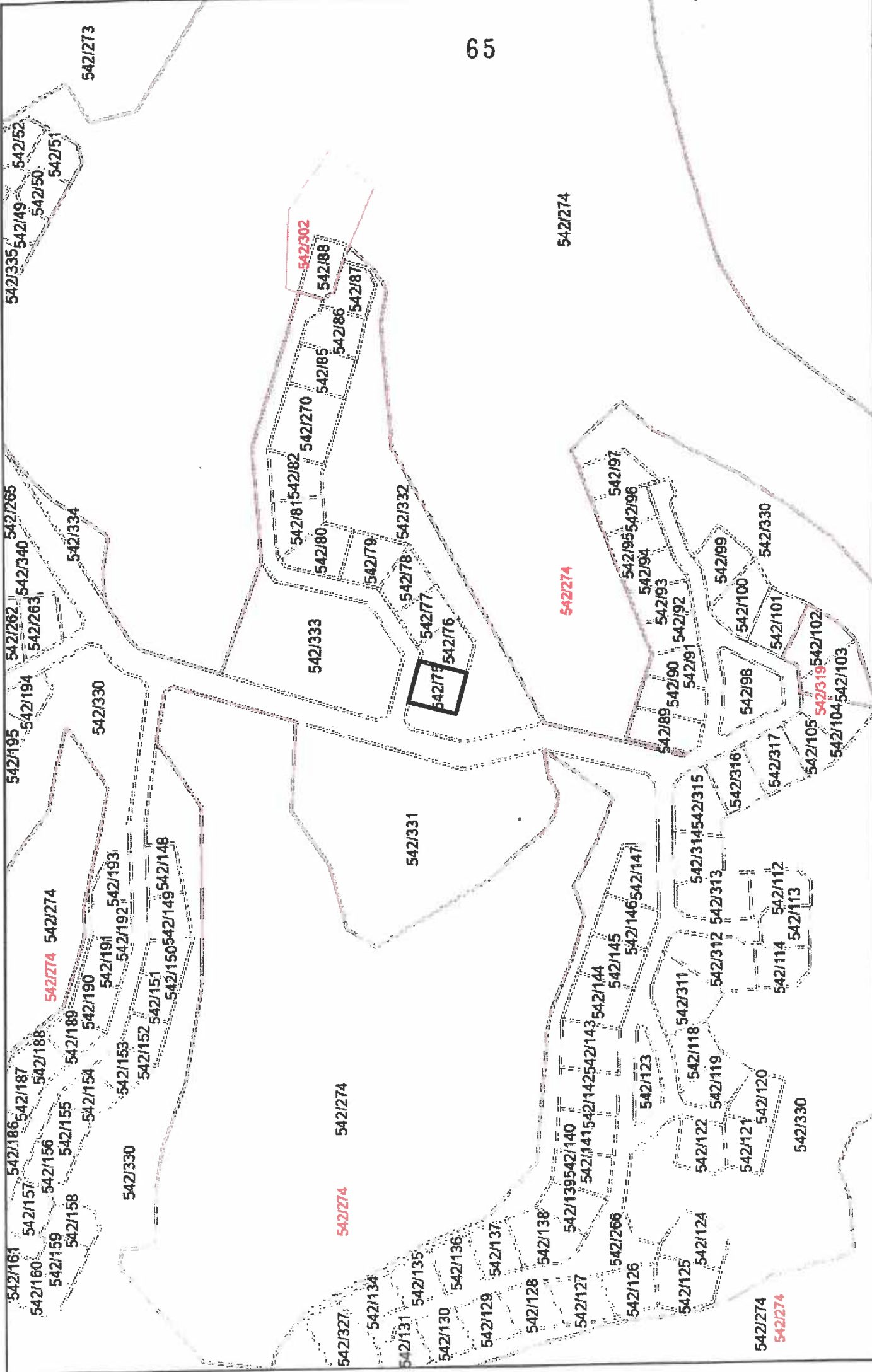
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18 November 2025**

(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)

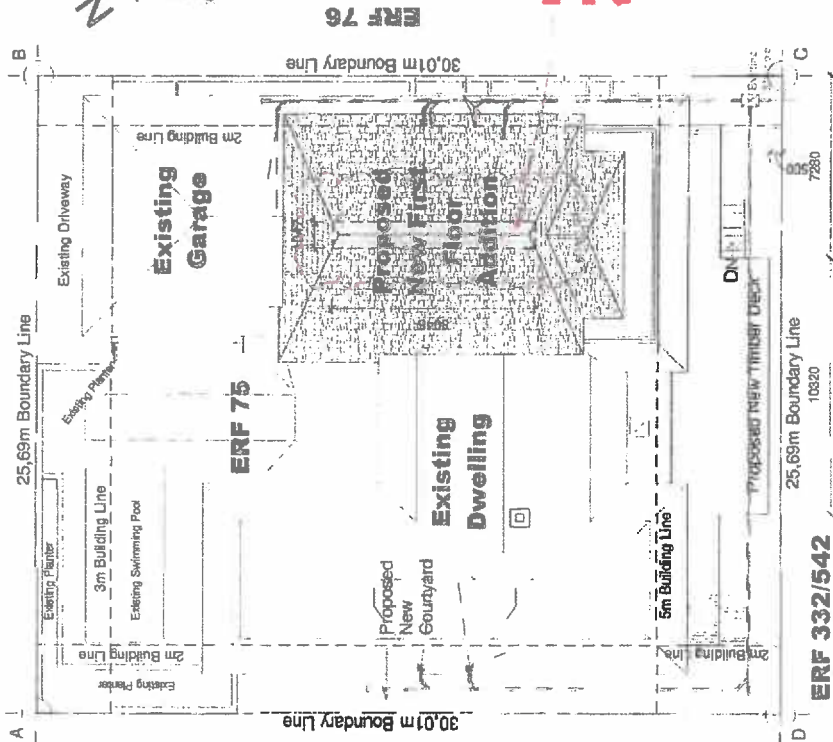
- (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control and the Fire Departments be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, 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 Portion 75 (a Portion of Portion 4) of the Farm No. 542, Arabella Country Estate, for the unauthorised height encroachment as mentioned above was considered and that an administrative penalty, **not be imposed**.
 3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The existing roof has no impact on surrounding owners.
- ❖ The Arabella Country Estate Homeowner's Association and the adjacent property owner consented to the application.
- ❖ Existing dwelling remains in harmony with the character of the area.
- ❖ The applicant will be exempt from paying an administrative penalty due to the extent of the height encroachment only being 180mm, the minimal impact on the character of the area and surrounding properties, and the consent from both the Arabella Country Estate HOA and the adjacent neighbours.



65



Indicated portion of roof 180mm higher than approved



J P van Wyk
14 May 2025

architecture - design



SCALE	As indicated	DRAWN	AJM	SIZE
DATE	03-02-2025	CHECKED	LBS	A3
DRAWING	33024 02 203	REV		0

PURPOSE OF ISSUE:	For Information
DRAWING:	Sheplan & Locality Plan
PROJECT NUMBER:	33024

CLIENT: Mr & Mrs Hertzberg
PROJECT: House Hertzberg

PLOTTED: 2025/02/20 09:08:14
V:\041420000 - 76 Arabella Country Estate\Building Height Department\276
Architect: J.P. van Wyk, J. van der Merwe, M. van der Merwe

27 MAY 2025

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025
(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

MUNICIPAL PLANNING TRIBUNAL

1. **ERF 518, 24 STREAM ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: J DOUGLAS ON BEHALF OF HJ KILIAN - THE EXECUTOR OF LATE ESTATE EK SNYMAN**

518 KPRB (4635/2024)

H van der Stoep

13 June 2025

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 12 April 2024 from J Douglas on behalf of HJ Killian – The Executor of Late Estate EK Snyman - on Erf 518, Pringle Bay for the following:

- ❖ **Removal of Restrictive Title Deed Condition** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed condition A.(d) as contained in Title Deed T13250/1982 of the property to accommodate the existing laundry room on the property.

The restrictive title deed condition read as follows:

"A. As synde ten gunste van die geregistreerde eienaar van enige erf in die dorp en onderhewig aan wysiging of regstelling deur die Administrateur kragtens die bepalings van Artikel 18(3) van Ordonnansie 33 van 1934.

(d) That no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 1,57 to the lateral boundary common to any adjoining erf."

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the southern lateral building line from 2m to 1,22m and 1,77m respectively to accommodate the existing laundry room and garage on the property.
- ❖ **Determination of an Administrative Penalty** in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorised land use as mentioned above.

RESOLUTION

1. that the objections be noted.

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025**

(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)

2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 518, Pringle Bay for the removal of restrictive title deed condition A.(d) as contained in Title Deed T13250/1982 of the property on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 518 Pringle Bay for a departure to relax the southern lateral building line from 2m to 1,22m and 1,77m respectively to accommodate the existing laundry room and garage on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the above approvals in Points 2 and 3 be subject to the following conditions:
 - (a) that this approval is not an approval in terms of any other legislation;
 - (b) that this approval is only for the development as indicated on plan number RCBA-630 dated 27 March 2024, as submitted with the application;
 - (c) that a building plan be submitted indicating the transgression on the lateral building line of 1,22m (laundry) and 1,77m (garage);
 - (d) that a 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;
 - (e) that the amended title deed be submitted for record purposes to the Municipality;
 - (f) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (h) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (i) that all the conditions in the Services Report be complied with.

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025
(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

5. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 518, Pringle Bay for the unauthorized building line encroachments as stipulated above, **be imposed**, and that an administrative penalty fee of **R7756,98** be payable within sixty (60) days of this decision.
6. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

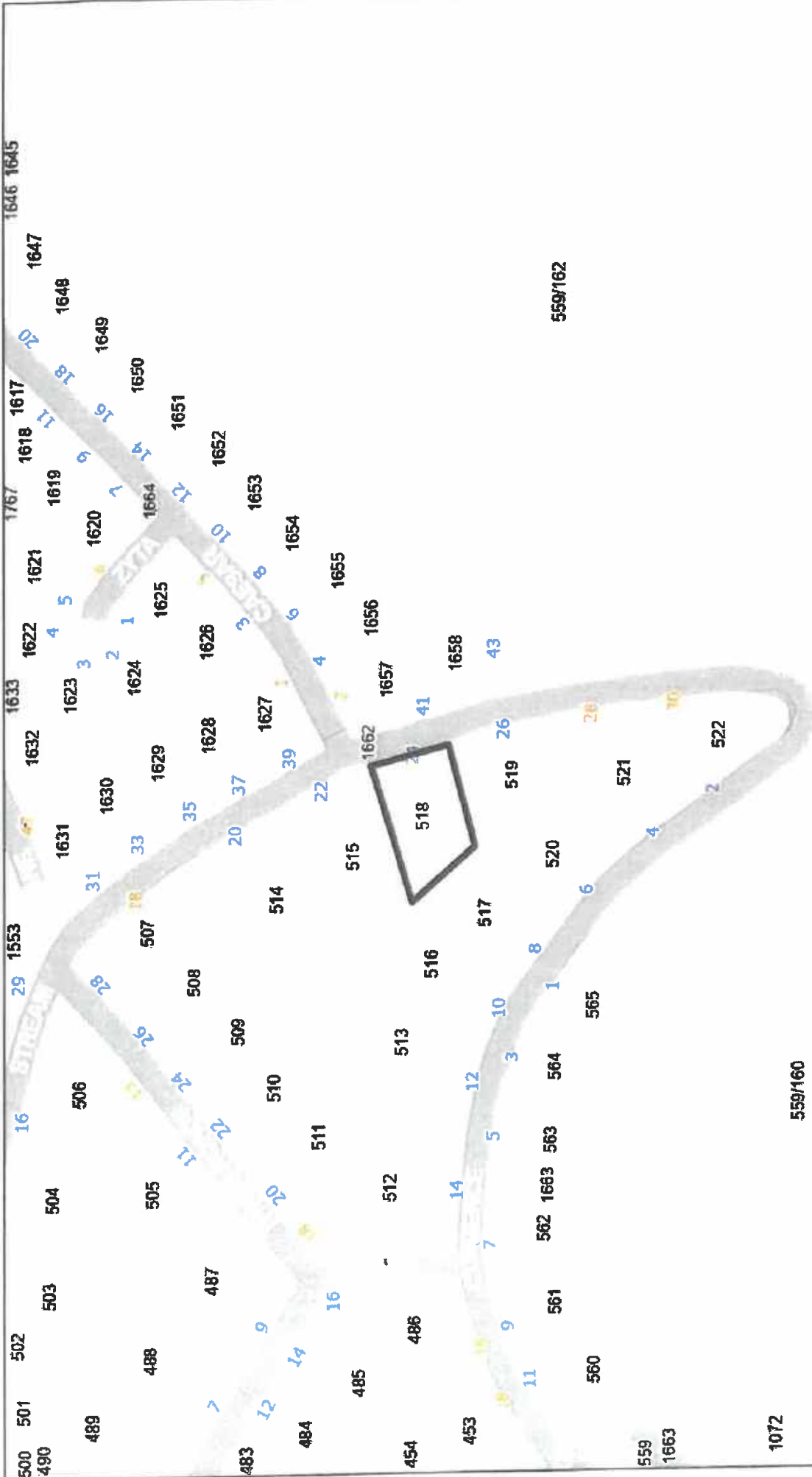
REASONS FOR RESOLUTION

POINT 2

- ❖ The title deed condition building line restrictions are more restrictive in terms of the street building lines, but more lenient in terms of the lateral building lines.
- ❖ The difference between the building line of the title deed condition and the transgression are approximately 0,35m in total and thus would have very little impact on the character of Pringle Bay Proper
- ❖ The removal of restrictive condition A(d) will ensure that better protection of privacy, built structures and uses through an official process of public participation.
- ❖ The lateral building lines of 1,57m of the title deed is more lenient than the 2m of the Land Use Scheme. Thus, should only the Title Deed be applicable the impact of an 8m high building on the 1,57m building line will be much more detrimental to adjacent owners than a single storey laundry. The Land Use Scheme building line (2m) ensures privacy and view corridors *vis a vie* the Title Deed building line of 1,57m.
- ❖ The demolition of the structure of 7,43sq and relocation of the laundry is not viable since it is connected to the water and discharge infrastructure on the erf. A relocation of the laundry will entail structural changes which has financial implications for the owner and change the existing character of the area.
- ❖ All the other conditions remain in place.

POINT 3

- ❖ The 0,78m (laundry) and 0,23m (garage) difference between the Land Use Scheme and transgression will have little impact on the street view and character of the immediate surroundings.



OVERSTRAND
MUNICIPALITY

Locality Map
Erf 518 Pringle Bay

Date: 2024/04/15

CONTRACT NO. 21(1) 19/1179

NOTES:

1. The client has provided all necessary information for the preparation of this plan.
2. The client is responsible for ensuring that all necessary permissions and approvals are obtained from the relevant authorities.
3. The client is responsible for ensuring that all necessary information is provided to the relevant authorities.
4. The client is responsible for ensuring that all necessary information is provided to the relevant authorities.
5. The client is responsible for ensuring that all necessary information is provided to the relevant authorities.
6. The client is responsible for ensuring that all necessary information is provided to the relevant authorities.
7. The client is responsible for ensuring that all necessary information is provided to the relevant authorities.
8. The client is responsible for ensuring that all necessary information is provided to the relevant authorities.
9. The client is responsible for ensuring that all necessary information is provided to the relevant authorities.
10. The client is responsible for ensuring that all necessary information is provided to the relevant authorities.

PROJECT INFORMATION:

Client: EKSWAN
 Project Name: EK 318 PRINGLE BAY
 Date: 2024/07/17
 Drawn: KAWA
 Checked: RCB
 Scale: 1:100

PROJECT LOCATION:

Block: 1
 Section: 1
 Sub-section: 1

PROJECT DESCRIPTION:

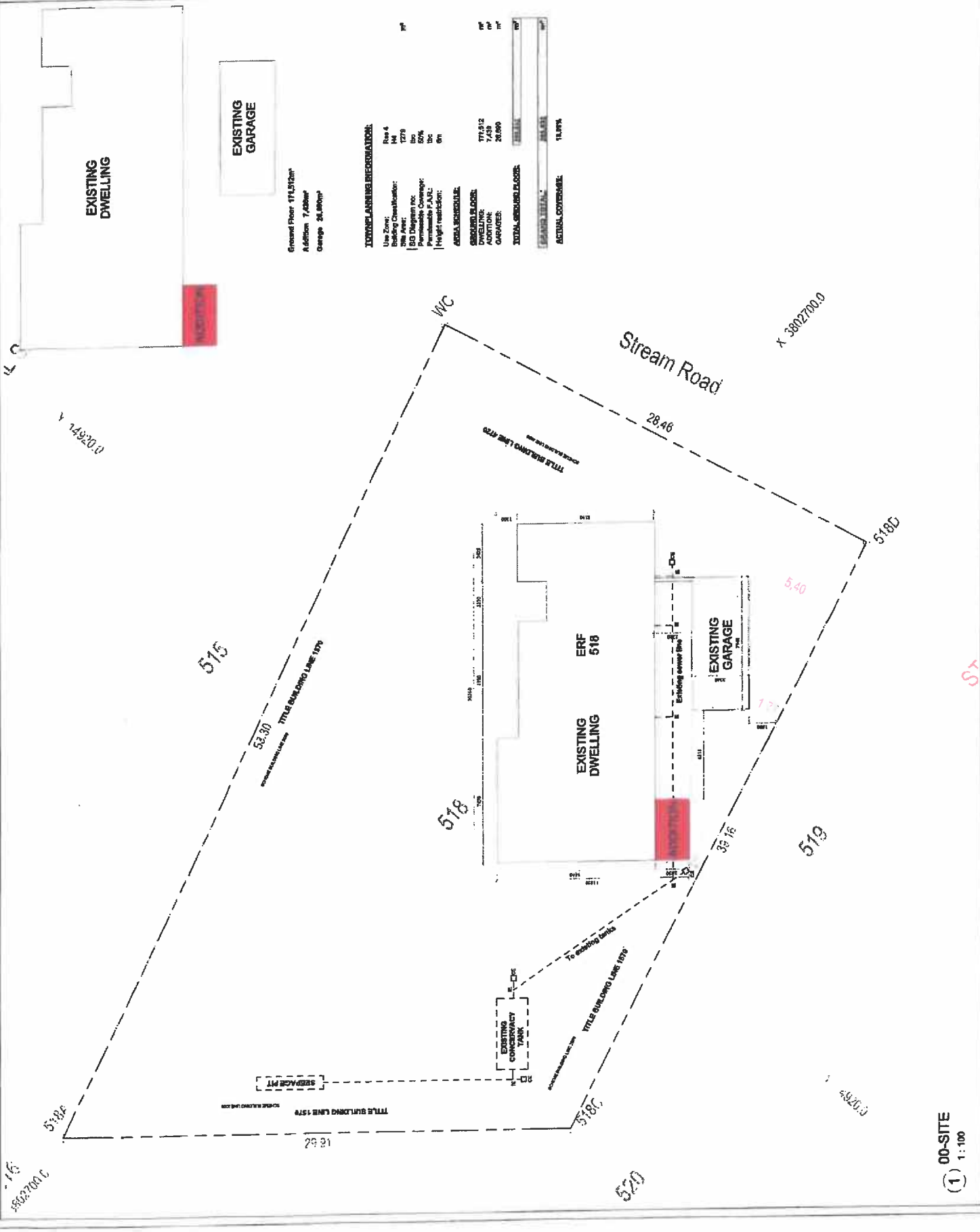
Project Name: EK 318 PRINGLE BAY
 Project Address: EK 318 PRINGLE BAY
 Project City: KAWA
 Project Country: RCB
 Project State: Shown

PROJECT CONTACT:

Project Name: EK 318 PRINGLE BAY
 Project Address: EK 318 PRINGLE BAY
 Project City: KAWA
 Project Country: RCB
 Project State: Shown

PROJECT CONTACT:

Project Name: EK 318 PRINGLE BAY
 Project Address: EK 318 PRINGLE BAY
 Project City: KAWA
 Project Country: RCB
 Project State: Shown



**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 518, PRINGLE BAY (4635/2024)**

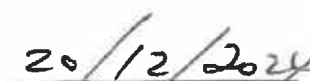
Electricity	:	Eskom Area
Water	:	Refer to conditions
Sewer	:	Refer to conditions
Stormwater	:	Refer to conditions
Roads and traffic	:	Refer to conditions

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



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025
(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

2. ERF 5568, 4 AGAPANTHUS ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, SUBDIVISION AND DEPARTURE: PLATINUM TOWN & REGIONAL PLANNERS CC ON BEHALF OF DA & DP CLARKE

5568 KBB (4907/2025)

H van der Stoep

(028) 313 8900

Hermanus Administration

1 September 2025

EXECUTIVE SUMMARY

An application was received on 4 February 2025 from Platinum Town & Regional Planners CC on behalf of DA & DP Clarke on Erf 5568, Betty's Bay 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.7 and C.7 as contained in Title Deed T30376/2006 of the property.

The restrictive title deed conditions B.7 and C.7 read as follows:

"B.7. No building or structure or any portion thereof except boundary walls fences shall except with the consent of the Administrator be erected nearer than 5m to the street line which forms a boundary of this erf, nor within 3m of the rear or 3m of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority–

C.7. No building or structure or any portion thereof except boundary walls fences shall except with the consent of the Administrator be erected nearer than 5m to the street line which forms a boundary of this erf, nor within 3m of the rear or 3m of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority–"

- **Subdivision** in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 5568, Betty's Bay into three (3) portions, namely Portion 1 ($\pm 757\text{m}^2$), Portion 2 ($\pm 723\text{m}^2$) and a Remainder ($\pm 970\text{m}^2$).
- **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the rear building lines of Portion 1, Portion 2 and the Remainder from 2m to 1m respectively.

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025
(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

RESOLUTION

1. that the objection be noted.
2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5568, Betty's Bay for the removal of restrictive title deed condition B.7 and C.7 as contained in Title Deed T30376/2006 of 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)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 5568, Betty's Bay into three (3) portions, namely Portion 1 ($\pm 757\text{m}^2$), Portion 2 ($\pm 723\text{m}^2$) and a Remainder ($\pm 970\text{m}^2$), **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5568, Betty's Bay for a departure to relax the rear building lines of Portion 1, Portion 2 and the Remainder from 2m to 1m respectively, **be partially approved, to exclude Portion 2**, in terms of the provisions of Section 61 of the By-law;
5. that the above approvals in Points 2-4 be subject to the following conditions:
 - (a) that the approval of the departure of the western boundary building line from 2m to 1m be restricted to the approved buildings on the Remainder of Erf 5568 and proposed Portion 1 only;
 - (b) that the departure for the requested 1m building line will only be applicable to the existing structures as per approved building plan, Plan no 5442/ 2000;
 - (c) that this approval is only for the subdivision as indicated on plan number /01 dated January 2025, as submitted with the application;
 - (d) that the lean-to located on the Remainder of Erf 5568 as indicated on plan dated January 2025, **be demolished**, within 60-days of the final decision;
 - (e) that all other illegal structures on the property/ies, **be demolished**, within 60-days of the final decision;
 - (f) that the approved structures as per building plan no. 5442/2000 **not** be converted into habitable space (extension of a dwelling on the 1m building line);

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025**

(Also the agenda for the Mayoral Committee Meeting : 23 November 2025)

- (g) that revised building plans be submitted to reflect Points (a) – (f) above to the Building Department for approval, and that all conditions of the Building Control and the Fire Departments be complied with at that stage;
 - (h) that the amended title deed be submitted for record purposes to the Municipality;
 - (i) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (j) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (k) that all the conditions in the Services Report be complied with.
6. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

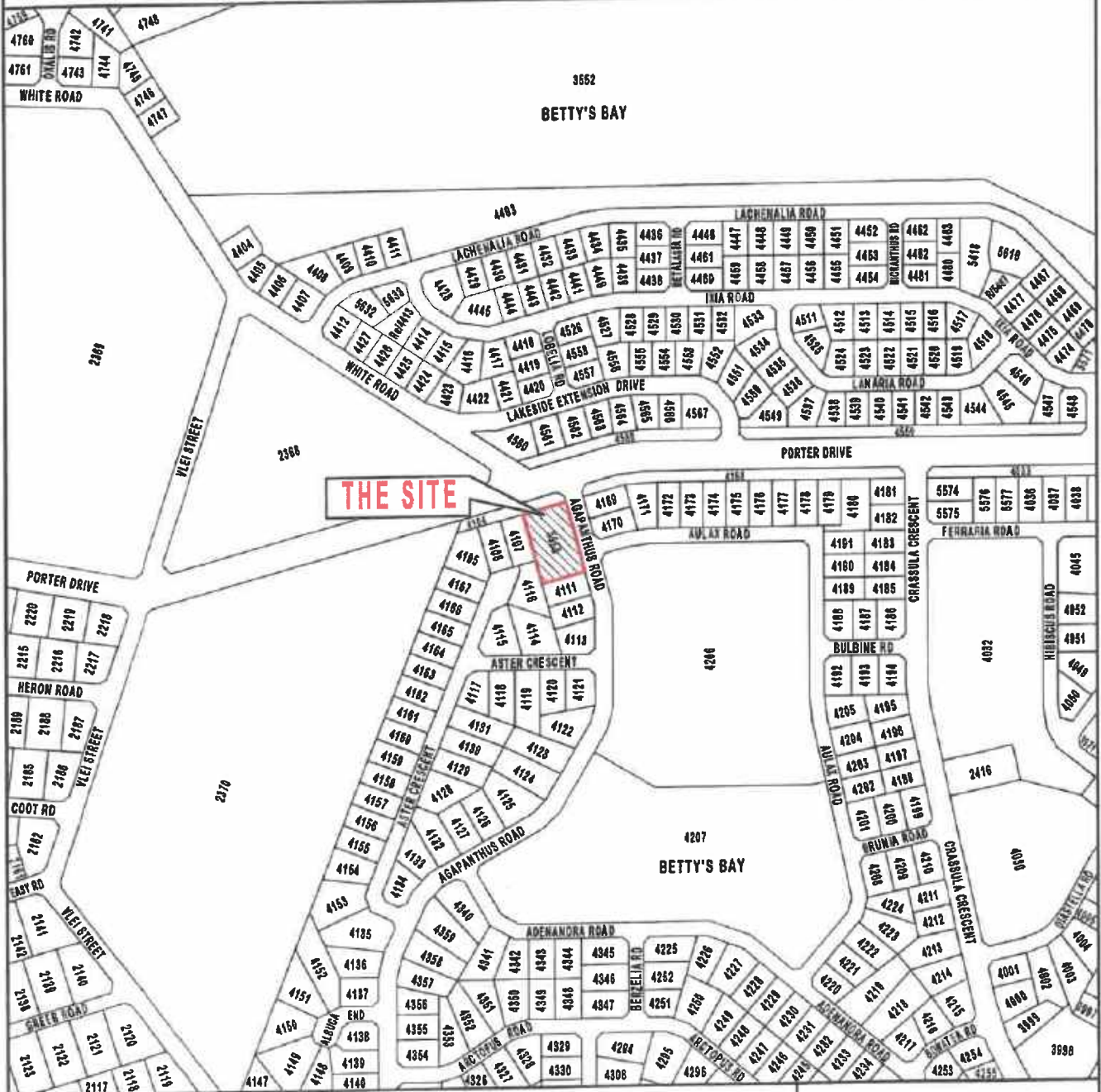
- ❖ The title deed condition building line restrictions are more restrictive in terms of the street and rear building lines, but more lenient in terms of the lateral building lines.
- ❖ The difference between the street building line of the title deed conditions and the Land Use Scheme are approximately 1m in total and thus would have very little impact on the residential character or street view of the area.
- ❖ The lateral building lines of 3m of the Title Deed is more lenient in terms of outbuildings than the 2m of the Land Use Scheme.
- ❖ The departure of the western building line from 2m to 1m is restricted to the approved structures as per plan 5442/2000 pertaining to the Remainder and proposed Portion 1 of Erf 5568. These structures were constructed with the neighbour's consent in 2000.
- ❖ The departure of the western building line relating to proposed Portion 2 of Erf 5568 is not supported since no reason was discussed in the motivation. There is thus no reason for the development on the 1m rear building line of the vacant erf and has to comply with the development parameters of the Land Use Scheme.
- ❖ The removal of the conditions is to address building lines. All the other conditions remain in place.

LOCALITY MAP

ERF 5568, BETTY'S BAY



SCALE: 1 : 5 000



REFERENCE



THE APPLICATION

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



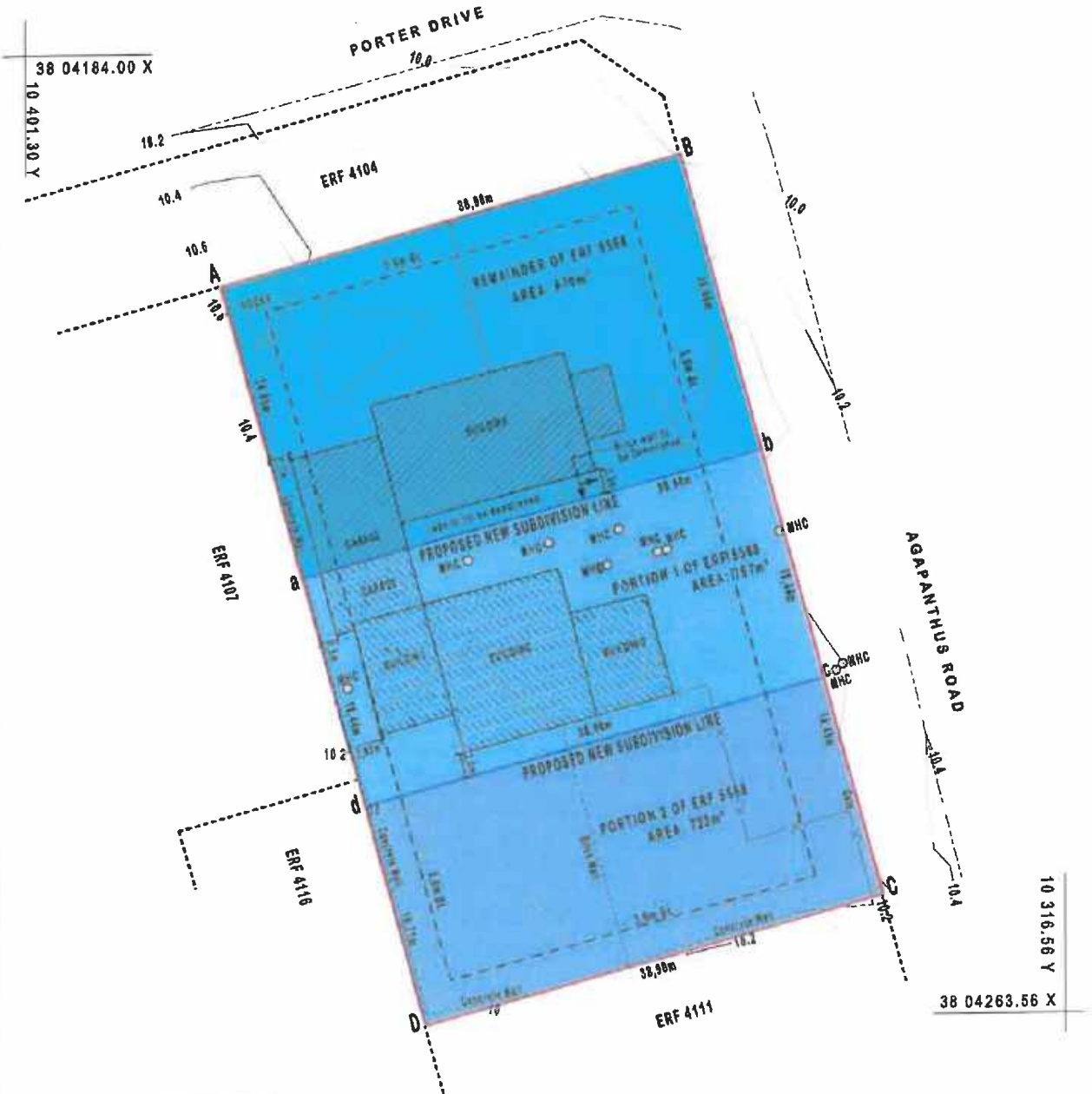
Pretoria Office:
61 Woodlands Avenue,
PECANWOOD
Cell : 083 226 1316
Email : dehaas@telkomsa.net

**SKETCH PLAN:
PROPOSED SUBDIVISION AND
REZONING OF**

ERF 5568,
BETTY'S BAY
LOCAL AUTHORITY: OVERSTRAND MUNICIPALITY.



SCALE: 1 : 350



NOTE FOR ZONING:
PORTION 1, 2 AND REMAINDER:
RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL

GENERAL NOTES:

- ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY.
- GEODETIC DATUM PLANE : WGS 84° (LO 11°)
- CONTOURS : Gerhard Swart (Land Surveyor)
- CONTOUR INTERVAL : 0,20m
- PROPERTY AREA : 2 450m²
- OWNER : D.A. CLARKE
- DEED OF TRANSFER : T30378/2005
- DENOTES THE PROPOSED SUBDIVISION LINES.

PROPOSED SUBDIVISION AREAS:

Proposed Portion 1 (Fig: a-b-c-d-a)	757m ²
Proposed Portion 2 (Fig: d-c-C-D-d)	728m ²
Proposed Remainder B (Fig: A-B-b-a-A)	970m ²
TOTAL AREA OF ERF 4888	2 450m²

PLAN NUMBER: 701		Applicant	
REF: BETTY'S BAY 5568/01		Signature	
DATE	AMENDMENTS		
JAN 2005	SUBMISSION		

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

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



**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,
SUBDIVISION & DEPARTURE: ERF 5568, BETTY'S BAY (4907/2025)**

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 (**2024/2025**) is as follows:

Freehold erven:

Water	R 27 598.00 x 2	=	R 55 196.00
Sewerage	R 19 725.00 x 2	=	R 39 450.00
Roads	R 8 845.00 x 2	=	R 17 690.00
Stormwater	R 10 205.00 x 2	=	R 20 410.00
Solid Waste	R 1 769.00 x 2	=	R 3 538.00
TOTAL (inclusive of VAT)		=	R136 284.00

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 5568 shall be used to service the proposed Portion A, B and the Remainder of Erf 5568;

3. that any part of the existing water and sewer services on Erf 5568 that crosses the common boundary of Portion A, B and the Remainder of Erf 5568 shall be disconnected and sealed off;
4. that both the Remainder and Portion A, B of Erf 5568 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, B and Remainder of Erf 5568 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 the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
7. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Division: Civil Engineering Services;
8. that any additional and / or extended vehicle entrances will be for the owner's account;
9. that no reservation of on-street parking be allowed;
10. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
11. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.



RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

29/05/2025
DATE

3. ERF 5629 (A PORTION OF ERF 4576), 1 PODALYRIA ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND AMENDMENT OF CONDITION IN RESPECT OF AN EXISTING APPROVAL: WRAP PROJECT OFFICE ON BEHALF OF JD & CJ SMIT

5629 KBB (4417/2023)

H van der Stoep
26 August 2025

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 22 June 2025 from WRAP Project Office on behalf of JD & CJ Smith on Erf 5629 (a portion of Erf 4576), Betty's Bay for the following:

- ❖ **Removal of Restrictive Title Deed Conditions** in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions B.7.(a)(i) and B.7.(a)(ii) as contained in Title Deed No. T27446/2021 of the property to accommodate a proposed new dwelling.

The restrictive title deed conditions read as follows:

"B. ONDERHEWIG VERDER aan die volgende voorwaardes vervat in Transportakte Nr. T33675/1977 opgelê deur die Administrateur van die Provinsie Kaap die Goeie Hoop ingevolge Ordonnansie Nr. 33 van 1934 by die goedkeuring van BETTYSBAAI DORP UITBREIDING NR. 6, welke voorwaardes as volg lees:-

7. Except with the prior consent of the Administrator –

(a) no building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 8m to the street line which forms a boundary of this erf, nor within 5m of any other boundary common to any adjoining erf, provided that with the consent of the local authority:-

(i) an outbuilding not exceeding 3m in height measured from the floor to the wall-plate may be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 12m measured from the rear boundary of the site; provided that in the case of a corner erf, the distance of 12m shall be measured from the point furthest from the streets abutting the erf.

(ii) an outbuilding in terms of sub-paragraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such boundary."

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025
(Also the agenda for the Mayoral Committee Meeting : 20 November 2025)**

- **Amendment of condition in respect of an existing approval** in terms of Section 16(2)(h) of the By-Law, to allow the owners to position the proposed new dwelling in a previously approved “no-go” environmental zone.

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 5629 Betty’s Bay for the removal of restrictive title deed conditions B.7.(a)(i) and B.7.(a)(ii) as contained in Title Deed No. T27446/2021 of the property to accommodate a proposed new dwelling, **be partially approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
 - (a) that Condition 7(a) contained in Title Deed No. T27446/2021, **be amended** to read as follows:”
 7. *Except with the prior consent of the Administrator-*
 - (a) *no building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 5m to the street line which forms a boundary of this erf:-*
 - (b) that Conditions 7.(a)(i) and(ii) contained in Title Deed No. T27446/2021, **be removed** it is adequately dealt with by the Overstrand Land Use Scheme;
 - (c) that this approval is not an approval in terms of any other legislation;
 - (d) that a 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;
 - (e) that the amended title deed be submitted for record purposes to the Municipality;
 - (f) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (h) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025**

(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)

- (i) that all the conditions in the Services Report be complied with.
3. that the application in terms of Section 16.(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5629 Betty's Bay for the amendment of conditions (1.)(a) and (b) in respect of an existing approval dated 18 November 2020 to allow the owners to position the proposed new dwelling in a previously approved "no-go" environmental zone, **not be approved**, in terms of the provisions of Section 61 of the By-Law, and that the disturbed area be rehabilitated in conjunction with the Botanist, Mr Helme and the Municipal Environmental Section.
 4. 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 - 3

- ❖ The amendment of the title deed street building line to 5m street building line will be in line with the surrounding smaller erven.
- ❖ The Title Deed lateral building lines are less restrictive pertaining outbuilding structures than the Land Use Scheme, therefore the impact of outbuildings is better regulated in terms of the Land Use Scheme.
- ❖ The amendment of the conditions is not in line with the reasoning and motivation of the approved subdivision in creating three erven.
- ❖ The relaxation of the Title Deed lateral building lines to the Overstrand Land Use scheme will enable the applicant more manoeuvrability in locating the proposed dwelling in an optimal position outside the no go areas and 10m buffer as proposed in the 2006 Botanical Report.
- ❖ The disturbed no go area has been vacant since 2020 and has according to the ROD partially reestablished itself. It is thus possible that the Red Data specie seeds may still be in the ground and reestablished itself if given the time.
- ❖ The erf is big enough for the applicant to relocate the building to a more appropriate location on the erf.
- ❖ Although the ROD was issued to legalize the disturbance of the no-go area, the aspect of Duty of Care was not addressed and the Botanist indicating the re-establishment of the disturbed area is possible. Taking into consideration that the plant was identified as near threatened.

1. Locality Plan Erf 5629 - Betty's Bay

Plan prepared by: Thian Jansen

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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



Project Office
Town Planning & Project Management



Scale 1 : 500

4.1 Site Plan
 Erf 5629 - Betty's Bay

Property Extent - 2284m²

Proposed Dwelling House - 250m²

Coverage - 10,95%

Plan prepared by: Thien Jansen

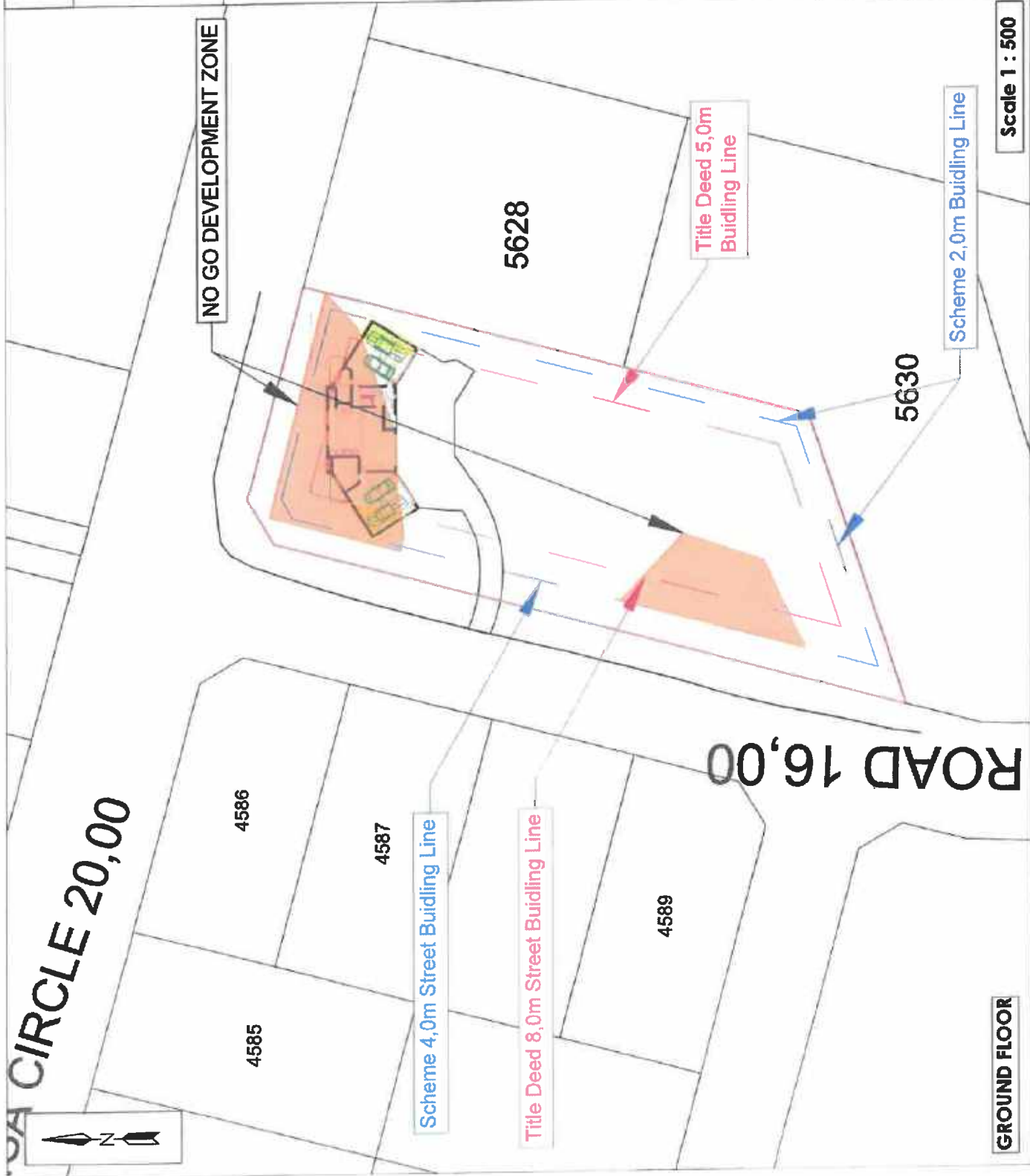
All distances are approximate and subject to a survey

Tel: 028 313 1411

Email: adm@wvrapgroup.co.za

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

Project Office
 Town Planning & Project Management



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS & AMENDMENT OF CONDITION IN RESPECT OF AN
EXISTING APPROVAL: ERF 5629, BETTY'S BAY (4417/2023)**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025
(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

**4. PORTION 156 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213,
DIVISION BREDASDORP, OVERSTRAND MUNICIPALITY: APPLICATION
FOR CONSENT USE: MESSRS TOWN AND COUNTRY CREATIVE LAND
SOLUTIONS ON BEHALF OF CM RILLEMA**

Ptn 156/213 GRBRE (4680/2024)

SW van der Merwe

(028) 313 8900

Hermanus Administration

04 September 2025

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) was received on 28 May 2024 from Messrs Town and Country Creative Land Solutions for the following:

- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law to accommodate agri-industry (winery) on the property.

RESOLUTION

1. that the application in terms of Section 16(2)(o) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Portion 156 of the Farm Baardscheerders Bosch No. 213, Bredasdorp Division for **consent use** (agri-industry) to conduct a boutique winery, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that the consent use for agri-industry be limited to the building / structures indicated on the Site Development Plan Drawing No. *BRE/3152* dated *MAY 2024* submitted with the application;
 - (b) that a parking layout be submitted for approval by the Authorised Official demonstrating on-site parking provision in accordance with the provisions of the applicable scheme regulations;
 - (c) that building plans be submitted to the Building Department for approval and that all conditions of the Building and the Fire Departments at that stage, be complied with;
 - (d) that all the conditions imposed by Eskom and Breede-Gouritz Catchment Management Agency be complied with;
 - (e) that the conditions in the Services Report be complied with;

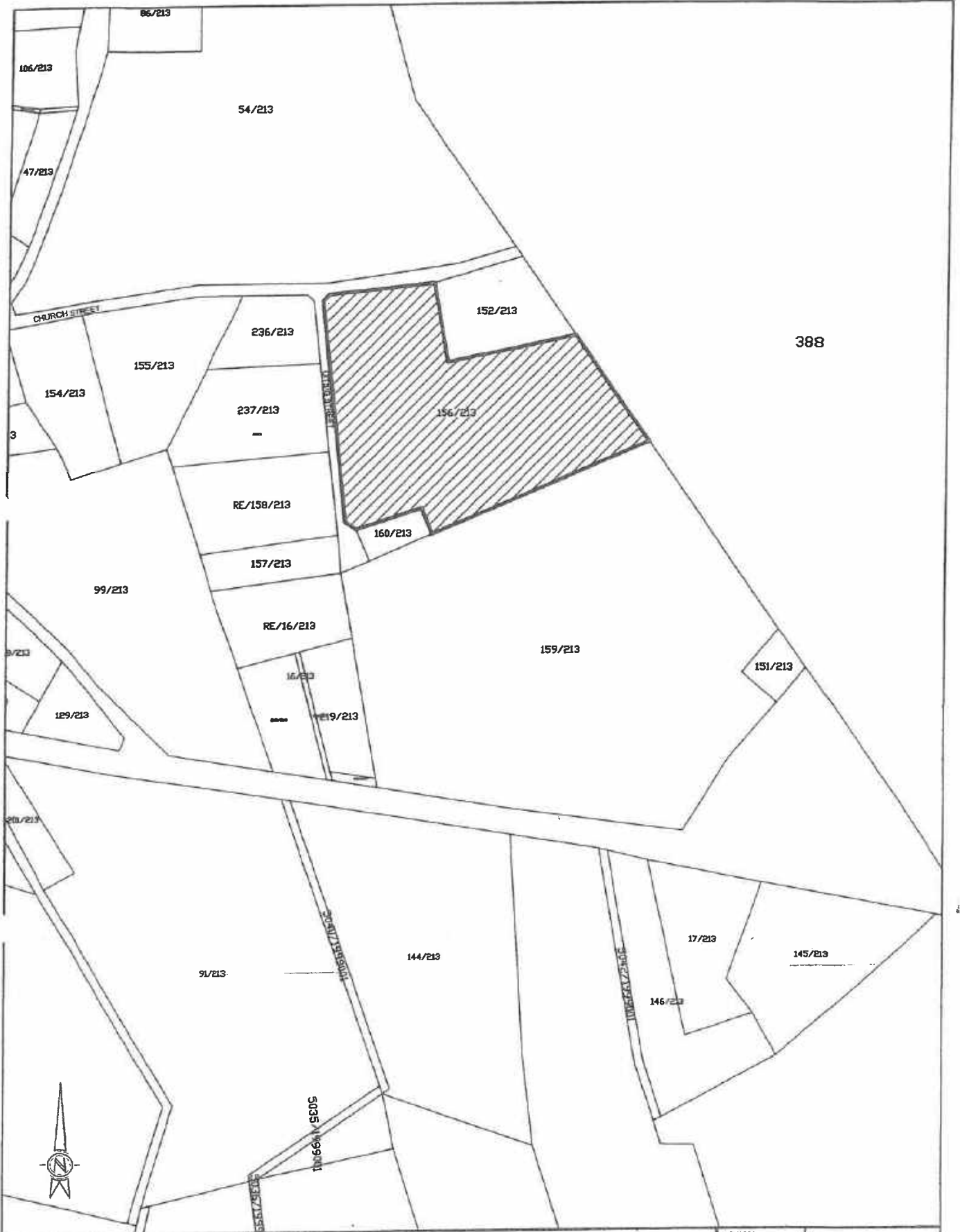
**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025**

(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)

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


REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The proposal will not adversely impact vested rights or surrounding property owners.
- ❖ The proposal will not adversely impact the character of the rural landscape.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA
- ❖ Proposal is consistent with the SDF and rural guidelines
 - ❖ The proposal contributes to tourism, economic development and employment at a scale that is compatible with the character of the area.

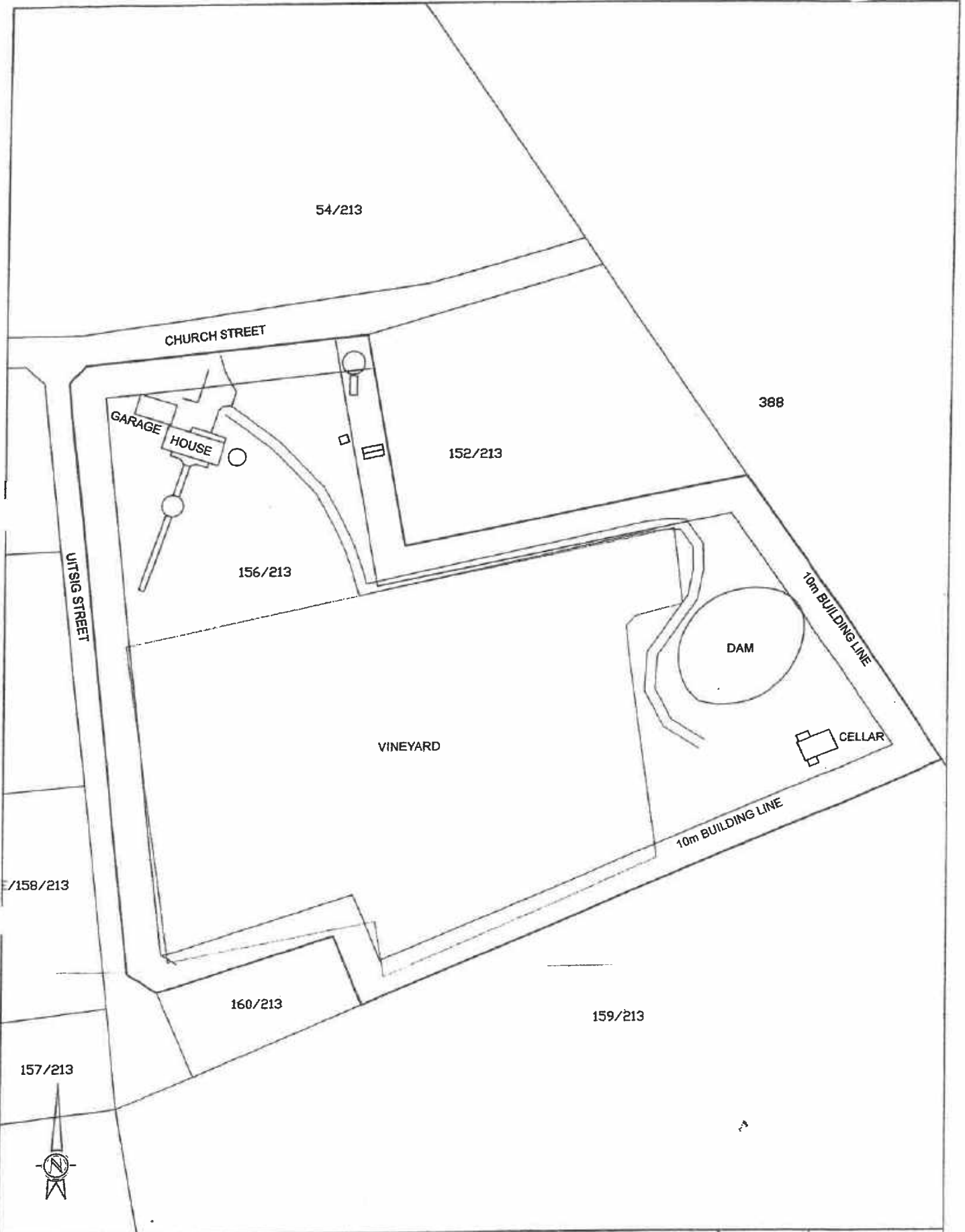


Town & Country
 Creative Land Solutions
 P.O. Box 1085
 Bredasdorp
 7280
 Tel. 028 424 1545
 Fax. 028 425 2085
 E-mail: towncountry@vodamail.co.za

PROJECT
 LOCALITY PLAN: PORTION 156 OF FARM 213,
 BREDASDORP DIVISION
 OVERSTRAND MUNICIPALITY


 **Town & Country**
 Creative Land Solutions
 Land Surveyors • Town Planners

DRAWN LT	CHECKED LT
SCALE 1: 2 500	DATE MAY 2024
DWG No.	REVISION
Notes:	



Town & Country
 Creative Land Solutions
 P.O. Box 1085
 Bredasdorp
 7280
 Tel. 028 424 1545
 Fax. 028 425 2085
 E-mail: towncountry@vodamail.co.za

PROJECT
SITE PLAN: PORTION 156 OF FARM 213,
BREDASDORP DIVISION
OVERSTRAND MUNICIPALITY

 **Town & Country**
 Creative Land Solutions

Land Surveyors • Town Planners

DRAWN LT	CHECKED LT
SCALE 1:1500	DATE MAY 2024
DWG No. BRE/3152	REVISION
Notes: ALL AREAS AND DISTANCES SUBJECT TO SURVEY	

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: PORTION 156 OF THE FARM
BAAARSCHEERDERS BOSCH NO. 213, BREDASDORP DIVISION
(4680/2024)**

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

Conditions:

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
2. that no water and sewer services from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (Water and Sanitation, Health, Bocma etc.) for the use of any other water resources and the extraction thereof;
3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Senior Engineer: Water Infrastructure & Quality (Tel: 028 313 5046), Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval;
5. that the developer complies to all the conditions set by Department Of Water Affairs & Bocma;
6. that, as there is currently no municipal sewer network in the vicinity, of Farm 708 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services (Hermanus), and to which the sewer services on the development must connect to;
7. that the Municipality does not have the capacity to service the proposed development with regards to removal of sewerage from the property. The owner is therefore responsible for removal of sewerage from the property, and thereof at a licensed municipal sewerage treatment facility;

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



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

26/09/2024

DATE

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025**

(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)

5. FARM 905, RESTLESS RIVER, HEMEL-EN-AARDE VALLEY, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE, CONSENT USE, AMENDMENT OF CONDITIONS IN RESPECT OF EXISTING APPROVAL, AMENDMENT OF APPROVED SITE DEVELOPMENT PLAN AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF HERMANUS ABERDEEN 44 PTY LTD

RCAL Farm 905 (4418/2023)

H Olivier

(028) 313 8900

Hermanus Administration

7 July 2025

EXECUTIVE SUMMARY

An application was received on 26 June 2023 from WRAP Project Office on behalf of Hermanus Aberdeen 44 (Pty) Ltd on Farm 905 Restless River, Hemel-en-Aarde Valley in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Consent use** in terms of Section 16(2)(o) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate an additional dwelling unit; utilize the additional dwelling unit for tourist accommodation; convert the existing main dwelling into a guesthouse; and permit a tourist facility to operate a restaurant and wine-tasting facility.
- ❖ **Departure** in terms of Section 16(2)(b) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the northern lateral building line from 30m to 23.3m and the western lateral building line from 30m to 16,5m to accommodate the staff room and bathroom, and to relax the eastern lateral building line from 30m to 0.8m; 1.6m and 10.4m respectively to accommodate a storage area, an extension to the existing storage room and a proposed pool house.
- ❖ **Amendment of the existing approved site development plan** in terms of Section 16(2)(l) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate proposed new buildings as well as the expansion of existing buildings on the property.
- ❖ **Amendment of conditions in respect of an existing approval** in terms of Section 16(2)(h) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the expansion of the existing agricultural industry from 391m² to 910m² and the existing tourist facility from 33m² to 660m².

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025
(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorised construction of the staff room.

RESOLUTION

1. that the objection be noted.
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Farm 905 Restless River, Hemel-en-Aarde Valley for a **consent use** to accommodate an additional dwelling, tourist accommodation to convert the existing main dwelling into a guest house and use the additional dwelling for tourist accommodation, and a tourist facility to operate a restaurant and wine tasting facility, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(b) of the of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a **departure** to relax the northern lateral building line from 30m to 23.3m and the western lateral building line from 30m to 16,5m to accommodate the staff room and bathroom, and to relax the eastern lateral building line from 30m to 0.8m;1.6m and 10.4m respectively to accommodate a storage area, an extension to the existing storage room and a proposed pool house, **be approved**, in terms of the provisions of Section 61;
4. that the application in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Farm 905 Restless River, Hemel-en-Aarde Valley for the **amendment of the site development plan** to accommodate the proposed new buildings as well as the expansion of the existing buildings, **be approved**, in terms of the provisions of Section 61;
5. that the application in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Farm 905 Restless River, Hemel-en-Aarde Valley for the **amendment of conditions** in respect of an existing approval to accommodate the expansion of the existing agricultural industry from 391m² to 910m² and the existing tourist facility from 33m² to 660m², **be approved**, in terms of the provisions of Section 61;
6. that the approvals in Points 1 – 5 above, be subject to the following conditions:

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025
(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

- (a) that a **revised** Site Development Plan be submitted, with the amendments that the tourist facility (restaurant and wine tasting) with parking and the additional dwelling unit be re-located to the farmhouse precinct, to the satisfaction of the Senior Manage: Town and Spatial Planning;
 - (b) that the tourist accommodation be limited to the four (4) guestrooms and proposed dwelling unit;
 - (c) that building plans 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;
 - (d) that the owner/manager must reside on the property to oversee the tourist accommodation;
 - (e) that adequate provision be made to manage the behaviour of patrons (both inside and outside the buildings) and protection of surrounding properties;
 - (f) 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;
 - (g) that the site must have a dedicated waste storage area as per part of the National Building Regulations (SANS 10400), and all refuse must then be removed from the property to a registered dump site;
 - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (i) that there be compliance with all relevant Health and Fire Regulations;
 - (j) that all the conditions in the Services Report be complied with, and
 - (k) that all the conditions of Department of Agriculture Western Cape be complied with.
7. that the following comments be noted:
- BOCMA;
 - Cape Nature
 - Western Cape Government: EADP (Planning);
 - Eskom;
 - Western Cape Government: EADP (Environmental);
 - Telkom and

**AGENDA of the
Portfolio Committee : Planning & Development
18 November 2025
(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

- Western Cape Government: Infrastructure (Road Planning).
8. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Farm 905 Restless River, Hemel-en-Aarde Valley for the unauthorised encroachments over the building lines of the staff room and bathroom was considered and that an administrative penalty **be imposed of R32 202,00** payable within sixty (60) days of the final decision.
 9. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

POINT 1 - 6

- ❖ The application has followed due procedure
- ❖ The objection that the placement of the staff room and bathroom would impact residents in CochYBundhu and the safety of residents are not supported, as the impact would not be much more than if there is compliance with the 30m building line, a mere 6,7m further away from the boundary with CochYBundhu.
- ❖ None of the internal departments have objected to the application.
- ❖ No new Municipal services will be required.
- ❖ No external State Departments objected to the application.
- ❖ The Western Cape Government: Agriculture and Western Cape Government: EADP (Planning) recommendation that the additional dwelling unit and the restaurant and wine tasting facility with parking be relocated to the farmhouse precinct is supported. Their requirements are to comply with the Western Cape Land Use Planning Guidelines, 2019, for Rural Areas, which provides certain criteria to ensure non-agricultural activities do not have a negative impact on agricultural activities or production.
- ❖ The recommendation by the Western Cape Government: Agriculture and Western Cape Government: EADP (Planning) that the additional dwelling unit be limited to 175m² in line with the Western Cape Land Use Planning Guidelines, 2019, is not supported, as the Overstrand Municipality Amendment Land Use Scheme, 2020 allows for an additional dwelling of a size of 250m² on farms.
- ❖ The application is in line with SPLUMA principles, and the additional land uses would ensure the land is used more efficiently and provide it with spatial resilience as additional income can be generated should the production of the farm take an economic downturn.

**AGENDA of the
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18 November 2025
(Also the agenda for the Mayoral Committee Meeting : 28 November 2025)**

- ❖ The Western Cape Government: EADP (Environmental), Cape Nature and the Municipal Environmental Division support the application, and therefore it is the opinion that the application will not have a negative environmental impact.
- ❖ The Municipal Engineering Department, BOCMA, Eskom and Western Cape Government: Infrastructure (Road Planning) supports the application, and therefore there is no concerns regarding services and accessibility.
- ❖ The application is in line with the aims of the Overstrand SDF, which promotes tourism.
- ❖ It is not foreseen that the application will have a negative effect on the character of the area or on surrounding property owners.

POINT 8

6. The existing property owner is responsible for placing the staff room and bathroom over building lines; therefore, an Administrative Penalty Fee is imposed.

1. Locality Plan Farm 905, Caledon

 Subject property

Plan prepared by: Thian Jansen

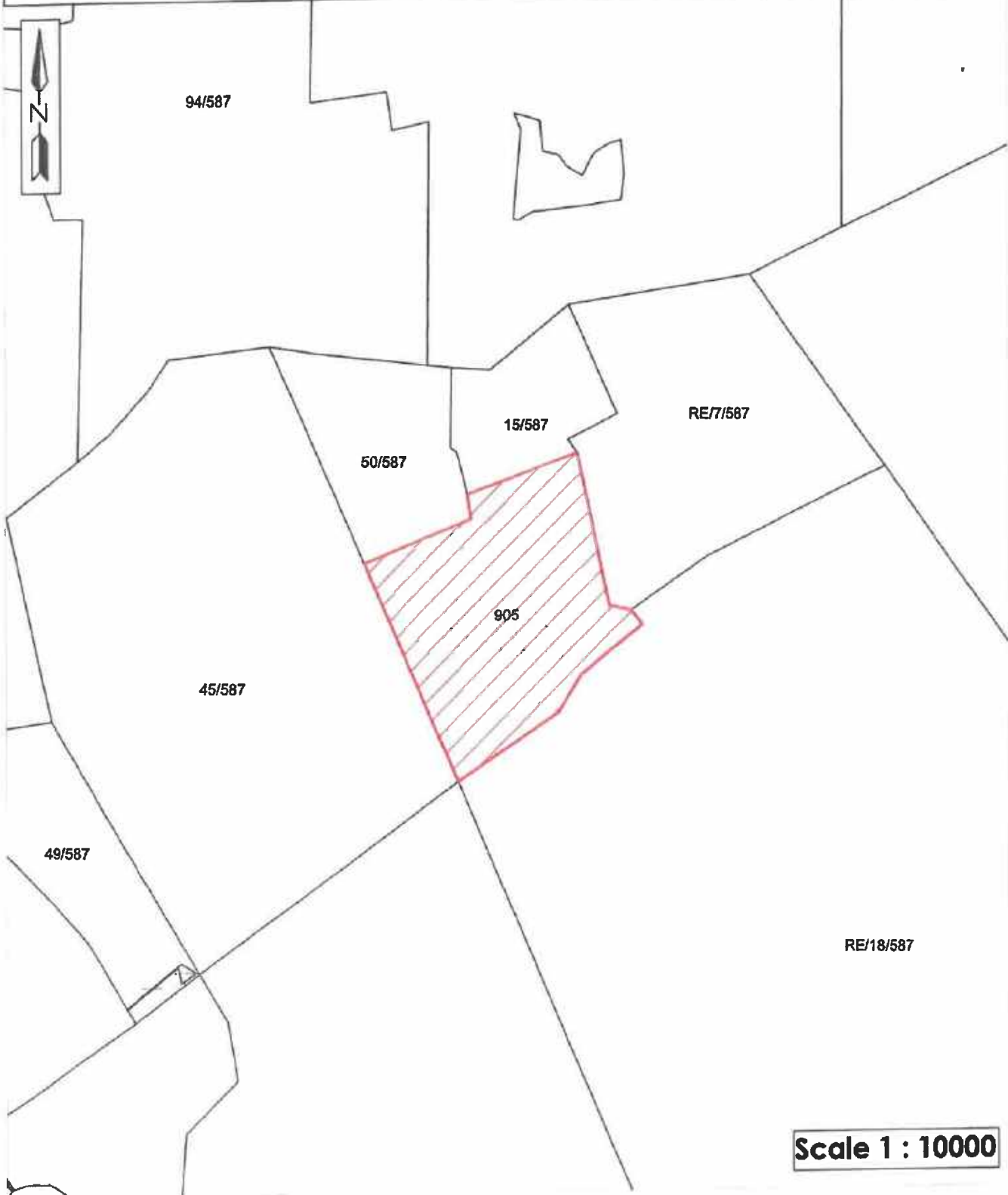
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Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200



Project Office
Team, Fostering & Project Management



RE/18/587

Scale 1 : 10000

4.1 Proposed Site Development Plan

Farm 905, Caledon

Existing Structures	
Manor House	439m ²
Garage	113m ²
Winery	444m ²
Workshop	208m ²
Total	1204m ²
Proposed Structures & Additions	
Proposed Dry Goods store	240m ²
Proposed Staff Dayroom	30m ²
Proposed Tractor Store	200m ²
Additional Dwelling	250m ²
Winery Addition	320m ²
Proposed Restaurant and Tasting Venue	660m ²
Pool House	120m ²
Lean-to Equipment Storage	90m ²
Storage Addition	56m ²
total	1966m ²
Total Floor Space	3170m ²

Plan number: 23/41/003/4.1

Date - 06/10/2023

Plan prepared by: Thlan Jansen

Based on plans provided by Douglas Carr

All distances are approximate and subject to a survey

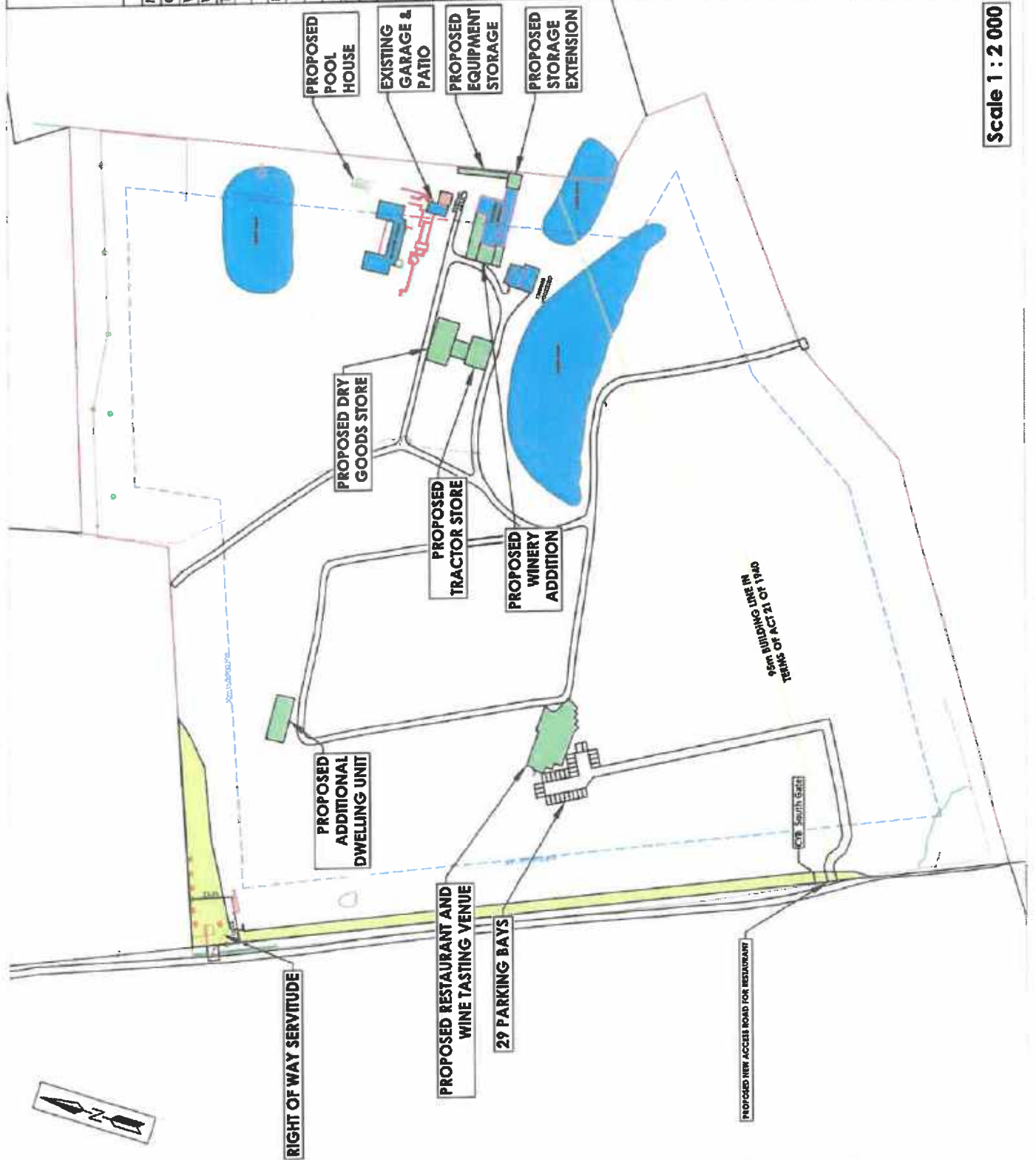
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Corner of Koyal and Dikele Uys
Street Hermanus, 7200



Project Office
Town Planning & Project Management



Scale 1 : 2 000

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR:
APPLICATION FOR DEPARTURE, CONSENT USE, AMENDMENT OF
CONDITIONS IN RESPECT OF EXISTING APPROVAL, AMENDMENT OF
APPROVED SITE DEVELOPMENT PLAN & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: FARM 905, RESTLESS RIVER, DIVISION
OF CALEDON (4418/2023)**

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

Conditions:

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
2. that no water from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (Water and Sanitation, Health, BGCMA etc.) for the use of any other water resources and the extraction thereof;
3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Senior Engineer: Water Infrastructure & Quality (Tel: 028 313 8972), Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and Department of Water & Sanitation for approval;
5. that the developer complies to all the conditions set by Department Of Water & Sanitation and BGCMA;
6. that, as there is currently no municipal sewer network in the vicinity, Farm 905 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Division: Engineering Services(Hermanus), and to which the sewer services on the development must connect to;
7. that the Municipality does not have the capacity to service the proposed development with regards to removal of sewerage from the property. The owner is therefore responsible for removal of sewerage from the property, and thereof at a licensed municipal sewerage treatment facility;

8. that alternatively, sewer treatment facilities that are approved by the Department of Water & Sanitation may be provided for disposal of sewer from the developments. Written proof of such approval is to be submitted to the Municipality;
9. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 140400 – P: 2010: Drainage;
10. that stormwater discharged from higher lying properties and generated in the catchment area of Farm 905 be allowed to drain freely through the property;
11. that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or-waste disposal facility.
12. that on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Division: Engineering Services;
13. that access can be obtained via the existing access routes(s) to Farm 905, that any additional and / or extended vehicle entrances will be for the owner's account. The Provincial Engineer must however provide comment in this regard.



RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL

04/02/2025
DATE