

PORTFOLIO COMMITTEE :

PLANNING & DEVELOPMENT

Chairperson :

Cllr C Lerm

Committee Members :

**Cllr M Nomatiti, Ald R de Coning,
Cllrs M Sihlahla & V Bandeza**

PLANNING & DEVELOPMENT PORTFOLIO COMMITTEE

1 October 2024

I N D E X

ITEM
NO

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1 October 2024
(Also the agenda for the Mayoral Committee Meeting : 16 October 2024)**

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

None

RECOMMENDATION:

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 2 July 2024 – 3 September 2024:

1.	Erf 4390, Amaryllis Crescent, Betty's Bay	2 July 2024
2.	Erf 4267, 35 Andenandra Road, Betty's Bay	2 July 2024
3.	Erf 5640, 3 Ursinia Avenue, Kleinmond	2 July 2024
4.	Erf 4019, 112 First Avenue, Kleinmond	5 July 2024
5.	Erf 3255, 14 Palmiet Road, Kleinmond	5 July 2024
6.	Erf 8408, 295 Ninth Street And Erf 4096, 296 Tenth Street, Voëlklip	22 July 2024
7.	Erf 6845, 132 Main Road, Northcliff	30 July 2024
8.	Erf 424, 33 Dirkie Uys Street, Gansbaai	31 July 2024
9.	Farm No. 1012, Division Caledon (Mosaic Lagoon Lodge), Overstrand Municipal Area	31 July 2024
10.	Erf 3341, 20 Eleventh Avenue And Erf 3343, 201 Sixth Street, Voëlklip	2 August 2024
11.	Erven 101, 103, 104, 107 & 108, Stanford	8 August 2024
12.	Erf 7, 20 Moore Street, Stanford	8 August 2024
13.	Erf 6199, 18 Reservoir Street, Voëlklip	14 August 2024
14.	Erf 4577, 17 Fourth Avenue, Kleinmond	14 August 2024
15.	Erf 1620, 17 Tiptol Crescent, Vermont	14 August 2024
16.	Erf 4230, 4 De Chatillon Crescent, Onrusttrivier	2 September 2024
17.	Erf 4683, 29 Dolphin Street, Northcliff	3 September 2024

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 1 August and 29 August 2024:

1.	Erf 193, 2 School Street, Fisherhaven	1 August 2024
2.	Erf 6119, Marine Drive, Northcliff	29 August 2024
3.	Erf 5851, 18 Read-Na-Gael, Hermanus Heights	29 August 2024

**AGENDA of the
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(Also the agenda for the Mayoral Committee Meeting : 16 October 2024)**

RESPONSIBLE OFFICIAL :	L TAYLOR
TARGET DATE FOR IMPLEMENTATION :	23 OCTOBER 2024
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

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1 October 2024
(Also the agenda for the Mayoral Committee Meeting : 16 October 2024)**

**1. ERF 4390, AMARYLLIS CRESCENT, BETTY'S BAY, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR RELAXATION OF TITLE DEED:
CHISEL COLLECTIVE (PTY) LTD ON BEHALF OF LE CORDIER**

4390 KBB (4415/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

11 June 2024

EXECUTIVE SUMMARY

An application has been received on 14 June 2023 from Chisel Collective (Pty) Ltd on behalf of LE Cordier for Erf 4390, Bettys Bay in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the relaxation of Clause B.7 of Title Deed No. T67840/2015 to relax the lateral building line from 3,0m to 2,91m to accommodate the use change of the existing single garage and store into a bedroom with on-suite bathroom.

RESOLUTION

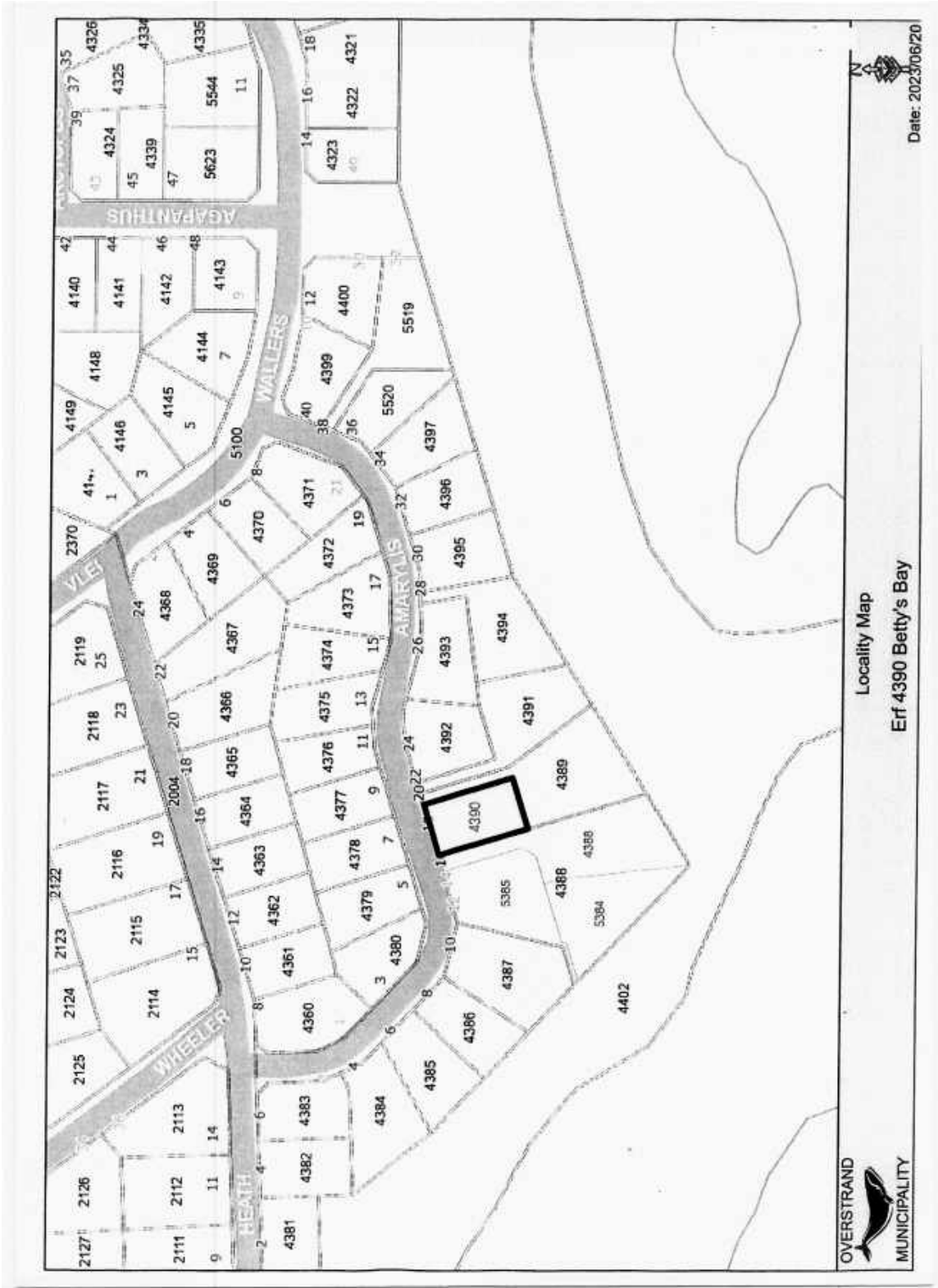
1. that the application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4390, Betty's Bay for the relaxation restrictive title deed condition B.7 of Title Deed No. T67840/2015 to relax the lateral building line from 3,0m to 2,91m to accommodate the use change of the existing single garage and store into a bedroom with en-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 relaxation of a restrictive title deed condition as indicated on the site plan numbers 1000, 1001, 2000, 2001, 3000 and 3001 dated 13 June 2023 as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department and Fire Department for approval, and that all conditions of the Building Control and Fire Department be complied with;
 - (c) that the additional bedroom be utilised for residential purposes only by the residents of the property and not be rented out without the necessary approval;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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

REASONS FOR RESOLUTION

- ❖ Consent letters and signed plans received from affected neighbours.
- ❖ Will not jeopardize the character of area.
- ❖ Better utilization of the property.
- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ No additional services are required.
- ❖ No major building work to be done as structure already exists.
- ❖ The structure will not transgress the Overstrand Land Use Scheme lateral building line of 2m.



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2. ERF 4267, 35 ANDENANDRA ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: SBI PROPERTIES ON BEHALF OF L VOSLOO

4267 KBB (4540/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

12 June 2024

EXECUTIVE SUMMARY

An application has been received on 06 December 2023 from SBI Properties on behalf of L Vosloo on Erf 4267, Bettys Bay in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for a departure in order to exceed the maximum height of the lateral and rear boundary wall from 2,1m to approximately 2,8m and the street boundary wall from 2,1m to 2,29m for security and landscaping purposes.

RESOLUTION

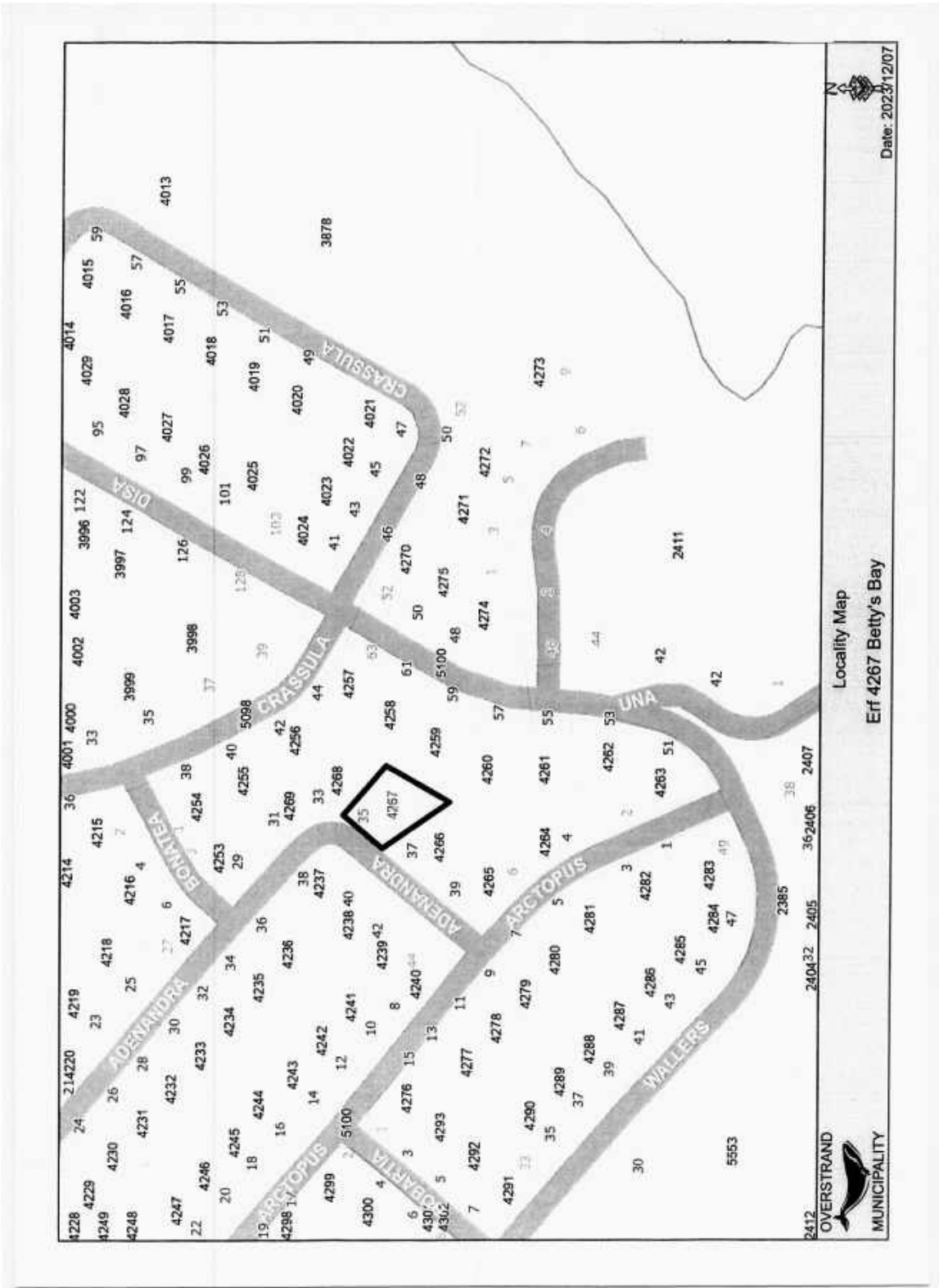
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4267, Bettys Bay for a departure in order to exceed the maximum height of the lateral and rear boundary wall from 2,1m to approximately 2,8m and the street boundary wall from 2,1m to approximately 2,29m for security and landscaping purposes, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions
 - (a) that the proposed boundary wall heights be inclusive of the wall caps and that a revised site plan be submitted;
 - (b) that if the need arises for security fencing that it be included in the proposed boundary wall heights;
 - (c) that this approval is only for the departure as indicated on undated plan number Plan 1.1, as submitted with the application, subject to revision as stated above;
 - (d) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (e) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control be complied with at that stage;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

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

REASONS FOR RESOLUTION

- ❖ No objection from surrounding owners.
- ❖ Consent provided from adjacent property owners.
- ❖ No change in character of the locality and property.
- ❖ Better security for the property.



Date: 2023/12/07

OVERSTRAND
MUNICIPALITY

Locality Map
Erf 4267 Betty's Bay

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3. ERF 5640, 3 URSINIA AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR RELAXATION OF TITLE DEED RESTRICTION AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: J DOUGLAS ON BEHALF OF MC REICHMUTH

5640 KKM (4665/2024)

H van der Stoep

(028) 313 8900

Hermanus Administration

11 June 2024

EXECUTIVE SUMMARY

An application has been received on 16 May 2024 from J Douglas on behalf of MC Reichmuth for Erf 5640, Kleinmond in terms of Section 16. (2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **relaxation** of Clause E.6.(b) of Title Deed No. T25805/2006 to relax the rear building line from 3m to 2,62m to accommodate an existing bay window, and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) for unauthorised building line encroachments as mentioned above.

RESOLUTION

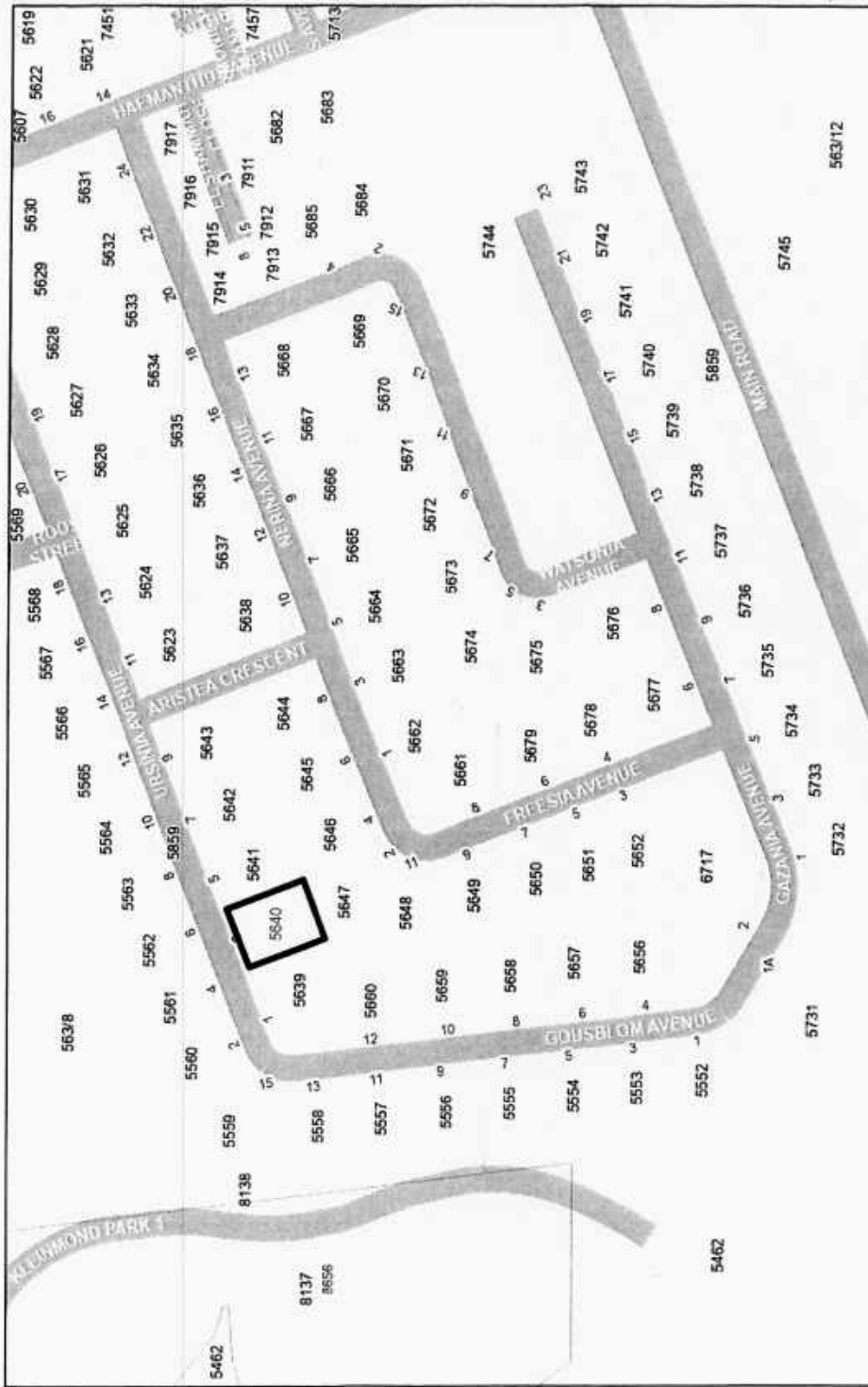
1. that in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5640, Kleinmond for the relaxation of Clause E.6.(b) of Title Deed No. T25805/2006 to relax the rear building line from 3m to 2,62m to accommodate an existing bay window; **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the relaxation of the rear title deed building line as indicated on the site plan numbered C.585.K (1-5) dated 13 March 2024 as submitted with the application;
 - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department, be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

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- (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the determination of an administrative penalty in terms of Section 90. (4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 5640, Kleinmond for the unauthorised building work (bay window) over a title deed building line on the property, **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 conditions of approval.

REASONS FOR RESOLUTION

- ❖ Consent letter and signed plans received from affected neighbours.
- ❖ Does not jeopardize character of area.
- ❖ No additional building work to be done.
- ❖ Better utilization of the property.
- ❖ The application has followed due procedure.
- ❖ No additional services are required.

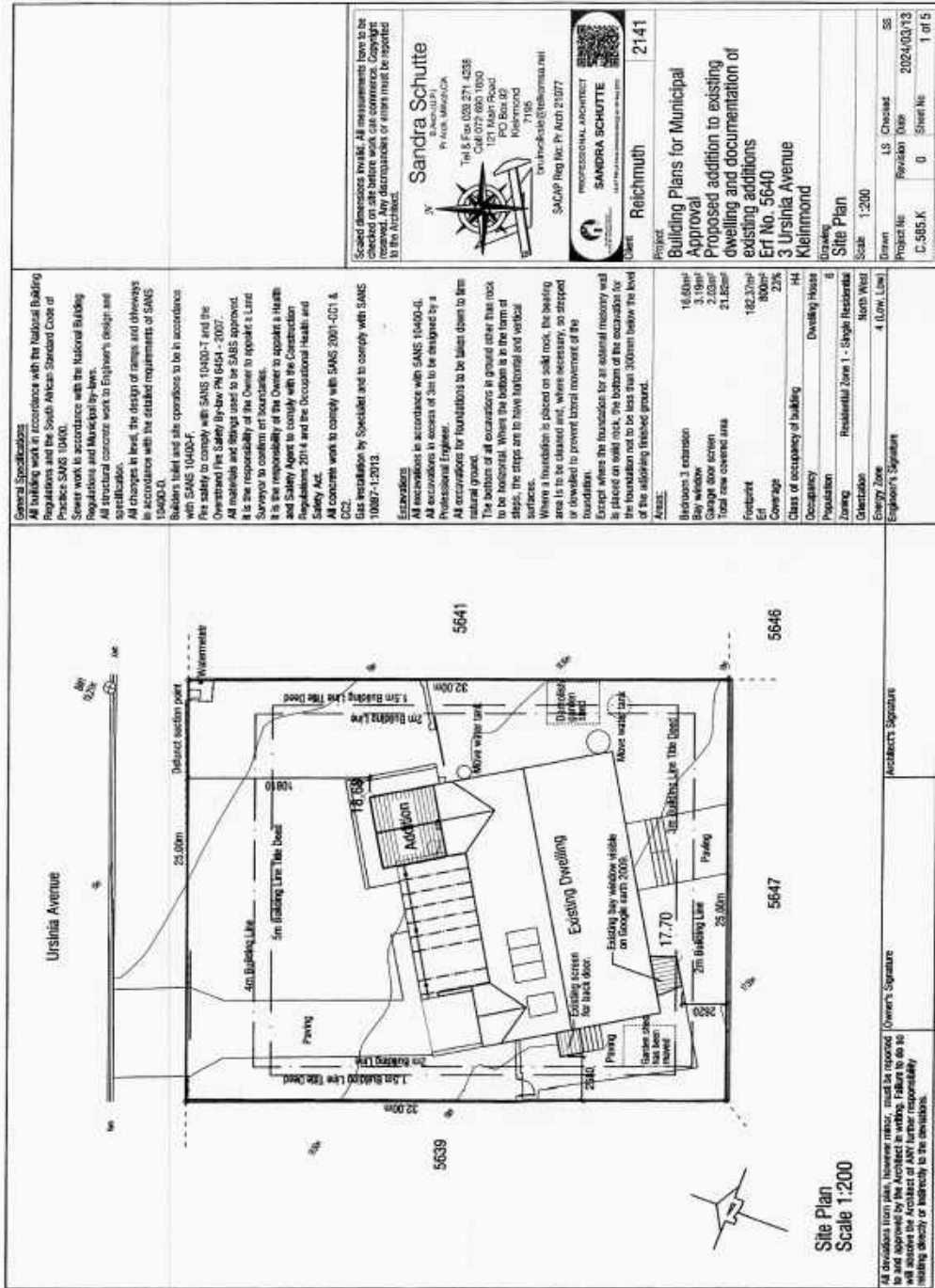


OVERSTRAND MUNICIPALITY



Locality Map
Erf 5640 Kleinmond

Date: 2024/05/16



General Specifications
 All building work in accordance with the National Building Regulations and the South African Standard Code of Practice SANS 10400.
 Sewer work in accordance with the National Building Regulations and Municipality By-Laws.
 All structural concrete work to Engineer's design and in accordance with the detailed requirements of SANS 10400-D.
 All changes in level, the design of ramps and driveways to be in accordance with the detailed requirements of SANS 10400-D.
 Building toilet and site operations to be in accordance with SANS 10400-F.
 Pre safety to comply with SANS 10400-T and the Overstrand Fire Safety By-Law PM 8454 - 2007.
 All materials and fittings used to be SABS approved. It is the responsibility of the Owner to appoint a Land Surveyor to confirm all boundaries.
 It is the responsibility of the Owner to appoint a Health and Safety Agent to comply with the Construction Regulations 2014 and the Occupational Health and Safety Act.
 All concrete work to comply with SANS 2001-CC1 & CC2.
 Gas installation by Specialist and to comply with SANS 10087-1:2013.

Excavations
 All excavations in accordance with SANS 10400-G.
 All excavations in excess of this to be designed by a Professional Engineer.
 All excavations for foundations to be taken down to firm natural ground.
 The bottom of all excavations in ground other than rock to be horizontal. Where the bottom is in the form of steps, the steps are to have horizontal and vertical surfaces.
 Where a foundation is placed on soft rock, the bearing area is to be damped and, where necessary, so stepped or doweled to prevent lateral movement of the foundation.
 Except where the foundation for an external masonry wall is placed on soft rock, the bottom of the excavation for the foundation is to be less than 300mm below the level of the adjoining finished ground.

AREAS
 Bedrooms 3 extension 14,40m²
 Bay window 3,19m²
 Garage door screen 2,03m²
 Total new covered area 21,62m²
 Footprint 182,30m²
 Coverage 800m²
 Coverage 23%

Class of occupancy of building Dwelling Houses
 Population 6
 Zoning Residential Zone 1 - Single Residential
 Orientation North West
 Energy Zone 4 (Low, Low)

Owner's Signature
 Architect's Signature

All deviations from plan, however minor, must be reported to and approved by the Architect in writing. Failure to do so will result in the Architect not being held responsible for any liability directly or indirectly to the developer.

Scaled dimensions provided. All measurements have to be checked on site by the contractor and any discrepancies noted. Any discrepancies or errors must be reported to the Architect.

Sandra Schutte
 JV
 P. 011 461 4614
 Tel: 011 461 4614
 Fax: 011 461 4614
 121 Main Road
 PO Box 82
 Rosemead
 7196
 s.schutte@telkom.net

SA/CP Reg No: P/Arch 21077

REICHMUTH
 2141
 Project
Building Plans for Municipal Approval
 Proposed addition to existing dwelling and documentation of existing additions
 Erf No. 5640
 3 Ursinia Avenue
 Kleinmond

Drawn	LS	Checked	SS
Project No	Revision	Date	2024/03/13
C.585.K	0	Sheet No	1 of 5

**AGENDA of the
Portfolio Committee : Planning & Development
1 October 2024
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4. ERF 4019, 112 FIRST AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND ADMINISTRATIVE PENALTY: E LEIBBRANDT

4019 KKM (4300/2022)

**H van der Stoep
24 April 2024**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 6 December 2022 from E. Leibbrant for Erf 4019, Kleinmond in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the street building line from 4m to 1,694m, and the lateral building lines from 2m to 0m to accommodate an existing carport at the front of the garage.
- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to exceed the 9m length restriction by 1,696m on the western building line to accommodate a carport and netted storage.
- ❖ **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 construction of two carports and netted storage without an approved building plan.

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 4019, Kleinmond for a departure in order to relax the street building line from 4m to 1,694m, and the western and northern lateral building line from 2m to 0m to accommodate netted storage and carports on the north eastern and southwestern corners of the property, **be approved**, in terms of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4019, Kleinmond for a departure in order to exceed the 9m restriction of a building 1,696m on the western boundary, **be approved**, in terms of Section 61 of the By-Law;

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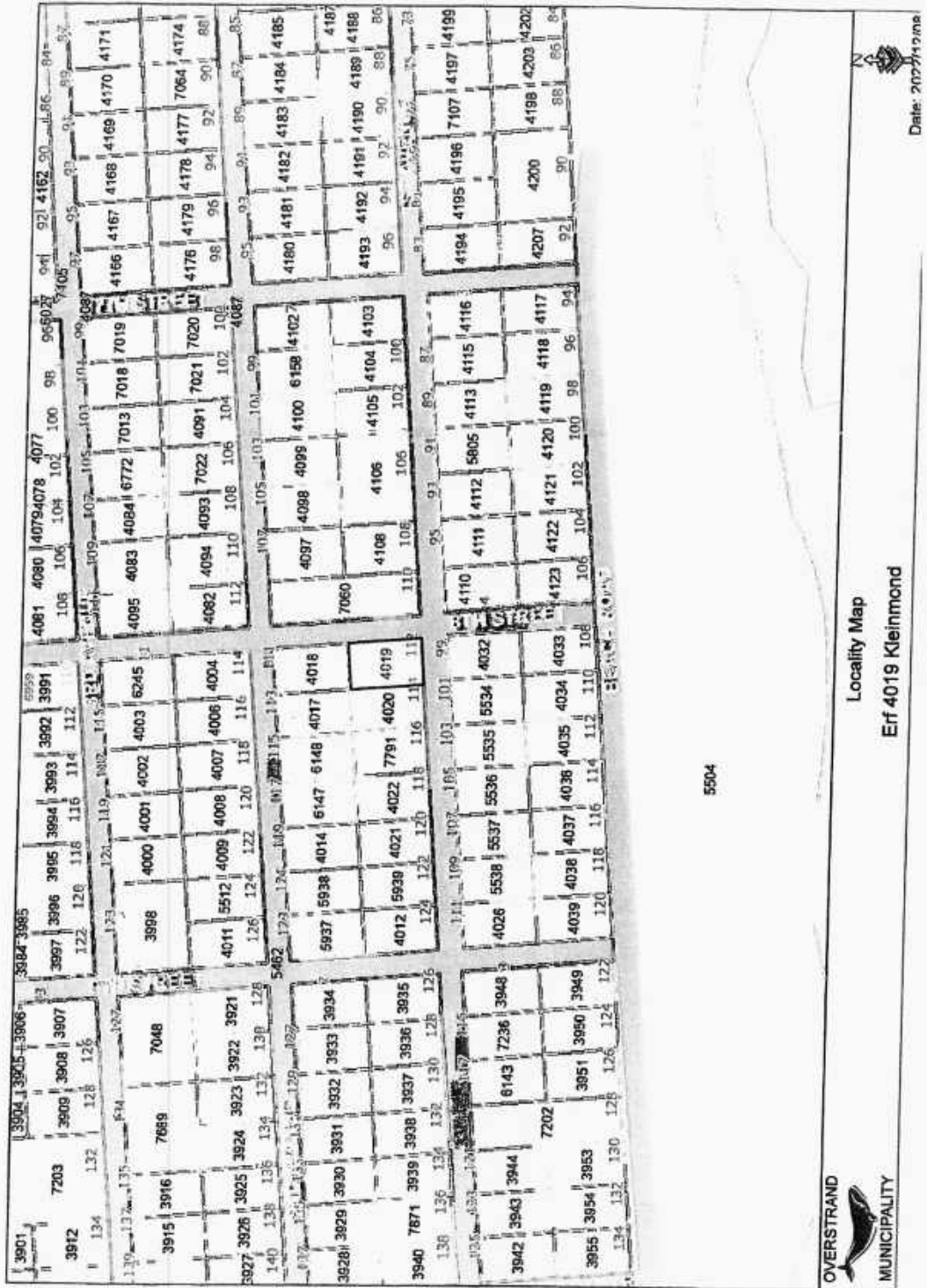
3. that the approvals in Points 1 and 2 above be subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan numbers KM 4019/2 dated 7 November 2022 as submitted with the application;
 - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department, be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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 4019, Kleinmond to accommodate the unauthorised structures as stipulated above, **be imposed**, and that an administration penalty fee of **R 17 502,00**, be payable within thirty (30) days of the 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.

REASONS FOR RESOLUTION

- ❖ Consent letters were provided from adjacent neighbours.
- ❖ No change in character of the locality and property.
- ❖ No objections from internal departments.
- ❖ Better utilization of the property.
- ❖ Structures aesthetically blend in with the existing dwelling.

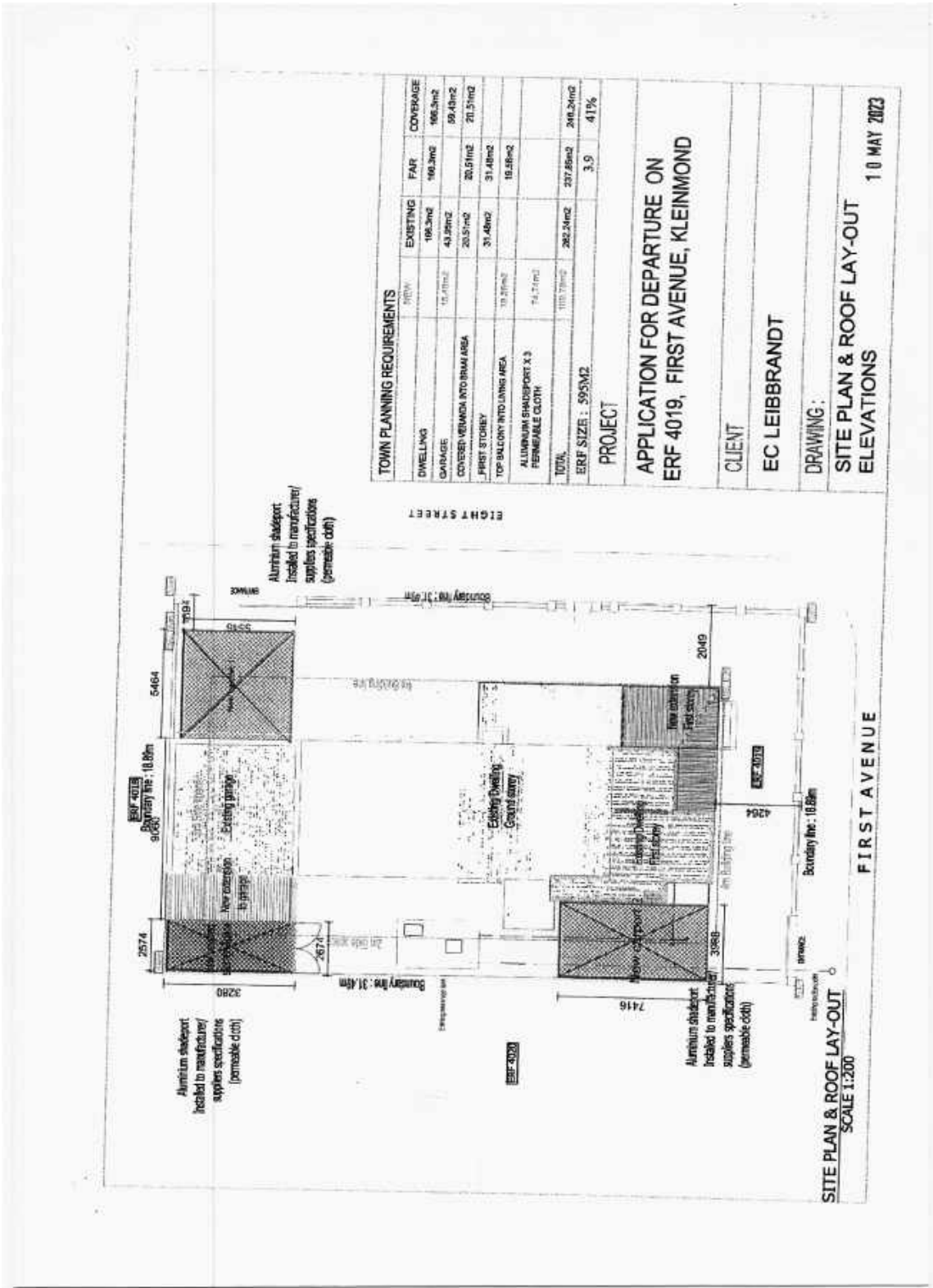


5504



Locality Map
Erf 4019 Kleinmond

Date: 2012/12/08



TOWN PLANNING REQUIREMENTS

DWELLINGS	NEW	EXISTING	FAR	COVERAGE
GARAGE	16.47m ²	166.3m ²	166.3m ²	166.3m ²
COVERED VERANDA INTO IRAMA AREA		43.25m ²	59.43m ²	59.43m ²
FIRST STOREY		20.57m ²	20.57m ²	20.57m ²
TOP BALCONY INTO LIVING AREA	13.27m ²	31.48m ²	31.48m ²	31.48m ²
ALUMINIUM SHADEPORT X 3 PERMEABLE CLOTH	74.77m ²		19.88m ²	
TOTAL	105.74m ²	262.24m ²	237.85m ²	246.24m ²
ERF SIZE : 595M²			3.9	41%

PROJECT
APPLICATION FOR DEPARTURE ON
ERF 4019, FIRST AVENUE, KLEINMOND

CLIENT
EC LEIBBRANDT

DRAWING :
SITE PLAN & ROOF LAY-OUT
ELEVATIONS

10 MAY 2023

SITE PLAN & ROOF LAY-OUT
SCALE 1:200

**AGENDA of the
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1 October 2024
(Also the agenda for the Mayoral Committee Meeting : 16 October 2024)**

5. ERF 3255, 14 PALMIET ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: JH BLIGNAUT ON BEHALF OF WA & PA GARDNER

3255 KKM (4451/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

23 December 2023

EXECUTIVE SUMMARY

An application has been received on 7 August 2023 from JH Blignaut on behalf of WA & PA Gardner on Erf 3255, Kleinmond in terms of Section 16.(2)(b) 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 lateral building line from 2m to 1,5m to accommodate the use changes of the existing garage into a living room, and to exceed the 9m restriction of a building on one specific boundary and
- ❖ **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 use change over the lateral building line on the property.

RESOLUTION

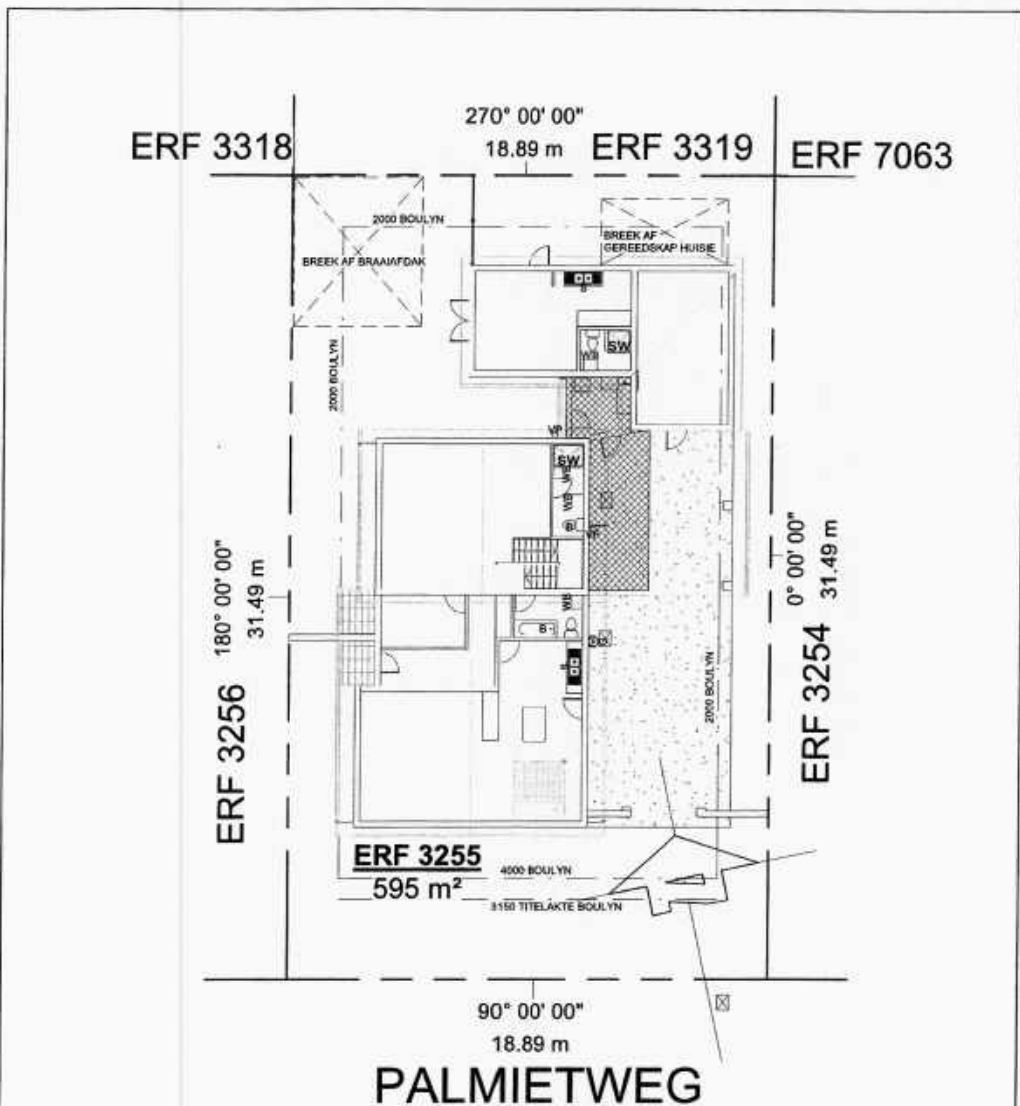
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3255, Kleinmond for a departure to relax the lateral building line from 2m to 1,5m to accommodate the use changes of the existing garage into a living room, and to exceed the 9m restriction of a building on one specific boundary, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions
 - (a) that this approval is only for the development as indicated on the plan numbers F0011 (06, 07, 08 & 09) dated 6 June 2023 as submitted with the application;
 - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;

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- (d) that all the conditions in the Services Report be complied with;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 3255, Kleinmond to accommodate the unauthorised land uses as stipulated above, **be imposed**, and that an administration penalty fee of **R 2 627,00**, be payable within thirty (30) days of the decision.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The erf has approved building plans.
- ❖ The surrounding owners did not object.
- ❖ The application will have no impact on the surrounding area.
- ❖ Illegal structures will be demolished.



1 TERREINPLAN - A3
1 : 200

PROF. SENIOR ARGITEKSTEGENCOEG SAARF REG. NR. ST2385 J H BLIGNAUT VYFDELAAN 107 SELFOON 082 7322732 KLEINMOND TELEFOON 028 2713796 7185 EPOS janblignaut@axxess.co.za	VERANDERINGE AAN WOONHUIS VIR WR & PA GARDENER	TERREINPLAN	
		Projektnommer F0011 Datum 2023.06.06 Geteken deur JHB Nagesien deur JHB	Skaal 1 : 200 06

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE, ERF 3255, KLEINMOND (4451/2023))**

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

Conditions:

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


 DENNIS HENDRIKS
 SENIOR MANAGER:
 ENGINEERING SERVICES


 DATE

**AGENDA of the
Portfolio Committee : Planning & Development
1 October 2024
(Also the agenda for the Mayoral Committee Meeting : 16 October 2024)**

6. ERF 8408, 295 NINTH STREET AND ERF 4096, 296 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND CONSOLIDATION: MESSRS DAVE SAUNDERS PLANNER ON BEHALF OF THE LORD TRUST

8408 & 4069 HVK (4564/2024)

P Roux

(028) 313 8900

Hermanus Administration

15 July 2024

EXECUTIVE SUMMARY

An application has been received on 03 January 2024 from Messrs Dave Saunders Planner on behalf of the Lord Trust in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 8408 and 4096, Voëlklip, Hermanus for the following:

- ❖ **consolidation** in terms of Section 16(2)(e) of the By-Law, to consolidate Erven 8408 and 4096 to create one erf approximately 1982m² in extent; and
- ❖ **subdivision** in terms of Section 16(2)(d) of the By-Law, to subdivide the consolidated erf into three (3) portions namely, Portion A approximately 926m², Portion B approximately 528m² and Portion C approximately 528m² in extent.

RESOLUTION

1. that the application for consolidation in terms of Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of Erven 8404 and 4096, Voëlklip, Hermanus to create a erf of approximately 1982m², **be approved** in terms of the provisions of Section 61;
2. that the application for subdivision in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of the consolidated Erven 8408 and 4096, Voëlklip, Hermanus to subdivide the property into three portions namely Portion A approximately 926m² in extent, Portion B approximately 528m² in extent, and Portion C approximately 528m² in extent, **be approved** in terms of the provisions of Section 61, subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on Subdivision Plan SUB_APP 4096&8404 HERMANUS REV2 dated January 2024 as submitted with the application;

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- (b) that building plans be submitted for any new work done and that the building department and fire department's comment be complied with at that stage;
 - (c) that the conditions in the Services Report be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

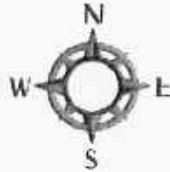
- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The proposed subdivision in line with the applicable municipal and provincial planning policy and will make more efficient use of vacant land within the urban edge.
- ❖ The proposal will not negatively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

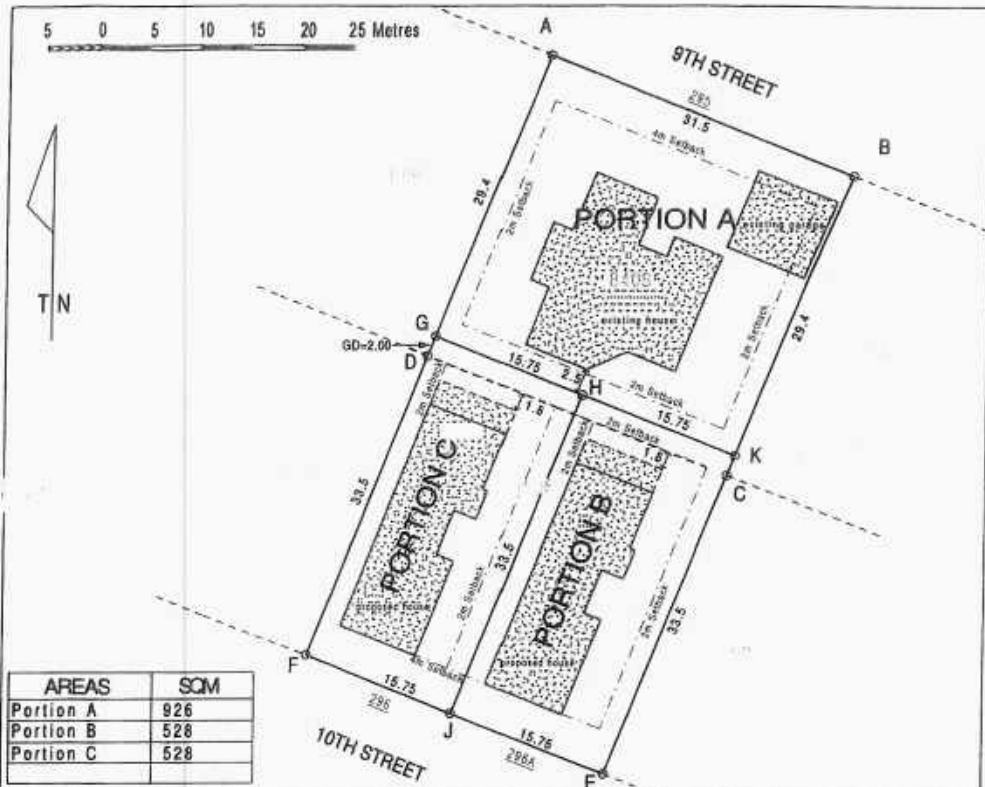
LOCALITY PLAN



☆ The Properties

ERF 8408, NO 295 NINTH STREET
ERF 4096, NO 296 TENTH STREET
VOELKLIP, HERMANUS





AREAS	SQM
Portion A	926
Portion B	528
Portion C	528

ZONING	4096	SR1	DATE : January 2024	SCALE : 1 / 500
	8408	SR1	CHECKED BY : S R OLD	
	Subdivisions	SR1		

- NOTES:
- 1) All dimensions are approximate and scaled
 - 2) The figure ABCD represents Erf 8408 Hermanus
 - 3) The figure DCEF represents Erf 4096 Hermanus
 - 4) The 2 Erven are to be consolidated and then subdivided into 3 portions
 - 5) The figure ABKG represents Portion A
 - 6) The figure HKEJ represents Portion B
 - 7) The figure GHJF represents Portion C

PROPOSED CONSOLIDATION AND SUBDIVISIONS OF ERVEN 4096 & 8408 HERMANUS
 295 9TH STREET & 296 10TH STREET, VOELKLIP

AREA : 4096 = 991 sqm & 8404 = 991 sqm
 TOTAL = 1982 sqm

OWNERS : Lord Trust

PLAN NO. :SUB_APP 4096 & 8408 HERMANUS REV2

DIAGRAM NO's: 42376/1945 & 4976/2000

SG SHT NO: M3814	STEPHEN OLD LAND SURVEYORS
	Tel +27 (0) 21 591 7485 Fax +27 (0) 86 529 2491 survey@cybersmart.co.za www.surveyland.co.za
D T NO :T3601/2004	



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION & SUBDIVISION: ERF 8408 & ERF
4096, VOELKLIP**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

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

Note:

- 1.3 The above figures are estimates**

- 1.4 **The above figures do not include investigation and connection fees**
2. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
 3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
 4. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
 5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
 6. that any additional and / or extended vehicle entrances will be for the owner's account;
 7. that no reservation of on-street parking be allowed.
 8. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
 9. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
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7. ERF 6845, 12 MAIN ROAD, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR AMENDMENT OF THE SITE DEVELOPMENT PLAN: WENTZEL ARCHITECTURE ON BEHALF OF BIRKENHEAD BODY CORPORATE

6845 HNC (4621/2024)

H van der Stoep

(028) 313 8900

Hermanus Administration

7 July 2024

EXECUTIVE SUMMARY

An application was received on 20 March 2024 from Wentzel Architecture on behalf of Birkenhead Body Corporate on Erf 6845, Hermanus in terms of Section 16.(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for permission required in terms of the conditions of approval in order to amend the Site Development Plan and accommodate the change of use of the existing water pump room to groundsman quarters.

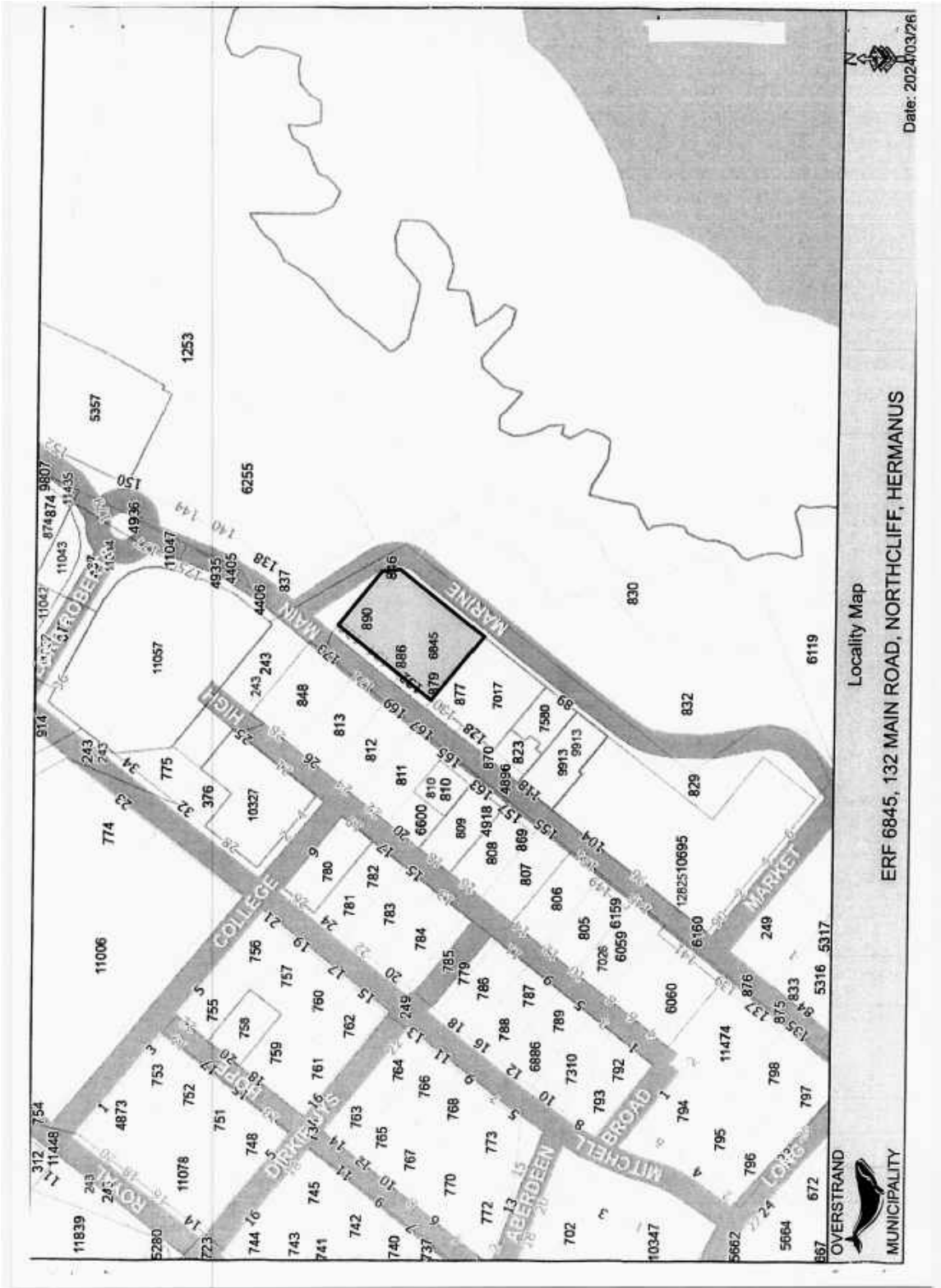
RESOLUTION

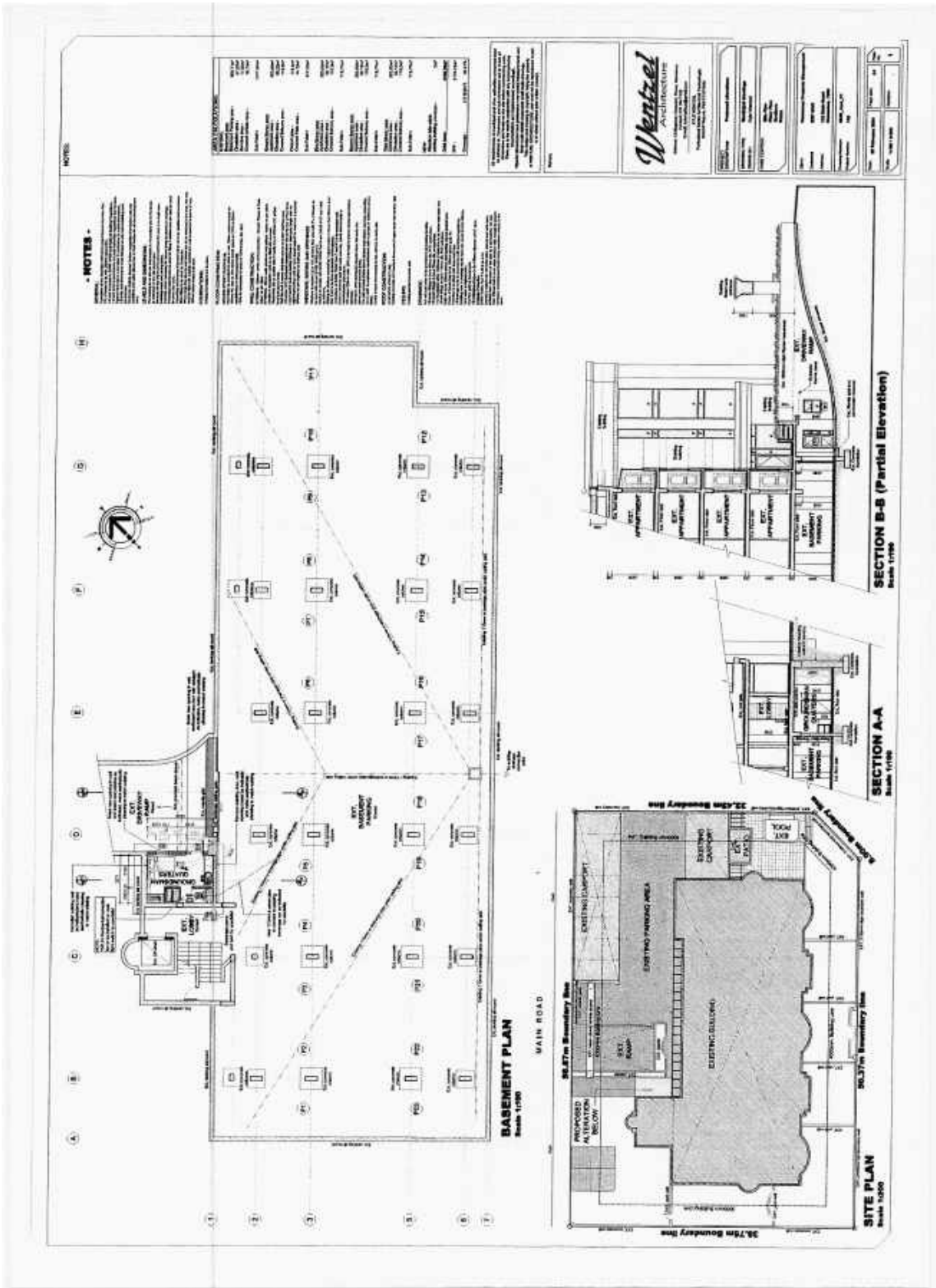
1. that the application in terms of Section 16.(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 6845, Hermanus for a permission required in terms of the conditions of approval in order amend the Site Development Plan to accommodate the change of use of the water pump room to groundsman quarters, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions
 - (a) that this approval is only for the development of the groundsman quarters as indicated on the site plan 6845_mun_01 dated 28 February 2024 as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control be complied with;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

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(Also the agenda for the Mayoral Committee Meeting : 16 October 2024)**

REASONS FOR RESOLUTION

- ❖ Does not jeopardize character of area.
- ❖ No restrictive Title Deed conditions.
- ❖ Better utilization of the property.
- ❖ No additional services are required.





**AGENDA of the
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8. ERF 424, 33 DIRKIE UYS STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND RELAXATION OF THE RESTRICTIVE TITLE DEED CONDITIONS: JJS & A BOSHOFF

424 GGB (4578/2024)

S van der Merwe

(028) 313 8900

Hermanus Administration

19 July 2024

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 has been received on 13 February 2024 from JJS and A Boshoff on Erf 424, Gansbaai for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the northern street building line from 4m to 2m and the eastern lateral building line from 2m to 1m to accommodate a proposed garage on the property.
- ❖ **Relaxation of a restrictive title deed condition**, Clause C.4.(d) as contained in Title Deed No. T21774/2010 to relax the northern street building line from 4.72m to 2m and the lateral building line from 1.57m to 1m to accommodate a proposed garage on the property.

RESOLUTION

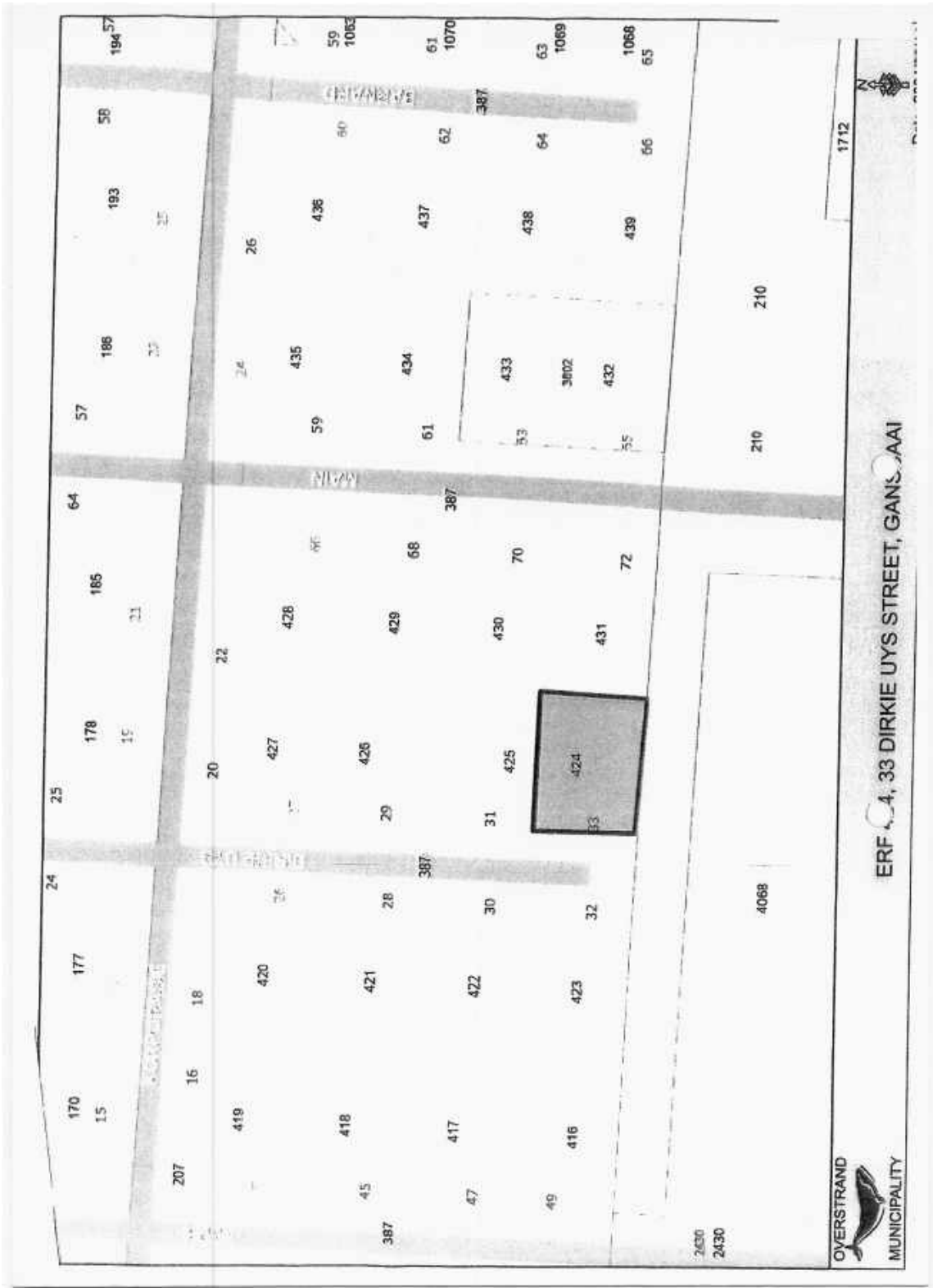
1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 424, Gansbaai for a departure to relax the street building line from 4m to 2m and the lateral building line from 2m to 1m to accommodate a garage, **be approved**, in terms of Section 61 of the By-Law;
2. that the application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 424, Gansbaai for the relaxation of restrictive title deed condition Clause C.4.(d) of Title Deed T21774/2010 to relax the street building line from 4.72m to 2m and the lateral building line from 1.57m to 1m to accommodate a garage, **be approved**, in terms of Section 61 of the By-Law; and
3. that the approvals in Points 1 and 2 above be subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the Site Plan dated *02 February 2024* as submitted with the application;

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- (b) that building plans be submitted to the Building Control Department and Fire Department for approval, and that all conditions of the Building Control and Fire Department be complied with;
 - (c) that all the conditions in the Engineering 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
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 decision in 1. above.

REASON FOR THE RESOLUTION

- ❖ Consent letters and signed plans received from affected neighbours.
- ❖ Will not jeopardize the character of area.
- ❖ Better utilization of the property.
- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ No additional services are required.



NOTE:
 1. ALL DIMENSIONS AND LOCATIONS TO BE CHECKED ON SITE BEFORE CONSTRUCTION.
 2. DIMENSIONS SHOWN ON THIS DRAWING ARE TO FACE UNLESS OTHERWISE NOTED.
 3. THE DIMENSIONS SHOWN ON THIS DRAWING IS APPROXIMATE AND MAY VARY IN ANY WAY WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.
 4. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS SHOWN ON THIS DRAWING.
 5. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS SHOWN ON THIS DRAWING.
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 9. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS SHOWN ON THIS DRAWING.
 10. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS SHOWN ON THIS DRAWING.

PROPOSED NEW GARAGE
 MR. J.J. BOSHOFF &
 MRS. A.S. BOSHOFF
 33 DIRKIE UYS STREET
 GANSBAA

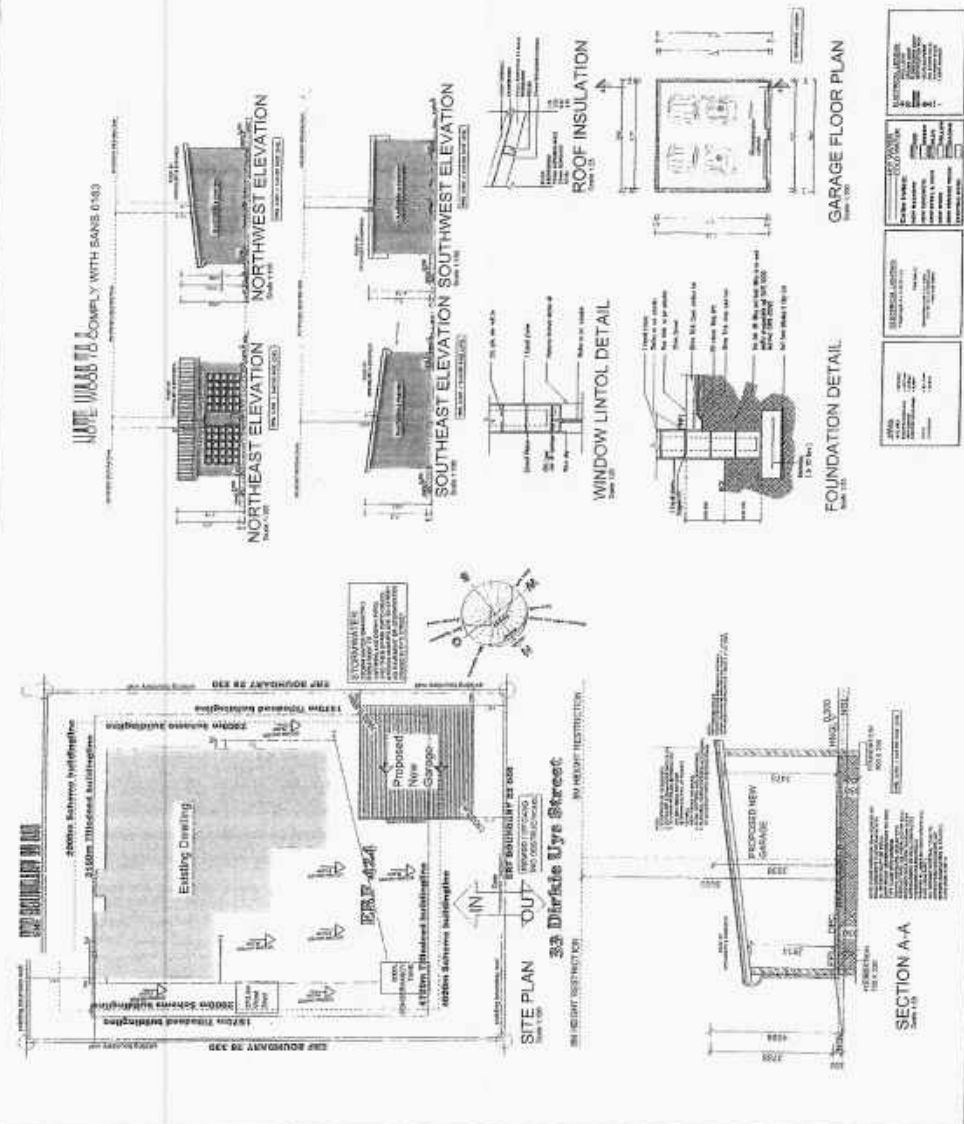
GARAGE FLOOR PLAN
 SECTION A ELEVATIONS
 & DETAILS

SCALE
 AS SHOWN

DATE
 2012/02/20

COMP. PERSON
 J. BOSHOFF

ET HOME DESIGNS
 101 WILSON ROAD
 SANDHURST
 7131
 021 507 1000
 021 507 1001



NO.	REVISIONS	DATE
1	ISSUED FOR PERMIT	2012/02/20
2	ISSUED FOR CONSTRUCTION	2012/02/20

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR RELAXATION OF THE TITLE DEED & DEPARTURE:
ERF 424, GANSBAAI**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 424, Gansbaai, unobstructed;
6. that no on-street parking be allowed.

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

13/06/2024
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
1 October 2024
(Also the agenda for the Mayoral Committee Meeting : 16 October 2024)**

**9. FARM NO. 1012, DIVISION CALEDON (MOSAIC LAGOON LODGE),
OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE
APPROVED SITE DEVELOPMENT PLAN AND DETERMINATION OF AN
ADMINISTRATIVE PENALTY: M DE VILLIERS ON BEHALF OF MOSAIC
LAGOON LODGE (PTY) LTD**

**Farm 1012/0 (3686)
SW van der Merwe
30 May 2024**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 21 June 2021 from M de Villiers on behalf of Mosaic Lagoon Lodge (Pty) Ltd in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Farm 1012, Division Caledon, for the following:

- ❖ **amendment of the approved Site Development Plan** in terms of Section 16(2)(l) of the By-Law to accommodate the existing office / curio shop, carport with gas storage and a storage building; and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to accommodate existing unauthorized buildings and structures.

RESOLUTION

1. that the application in terms of Section 16(2)(l), of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Farm No. 1012, Division Caledon for the amendment of the approved Site Development Plan to accommodate the existing office / curio shop, carport and storage building, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for determination of an administrative penalty for the unauthorised buildings (office / curio shop and store), **not be exempt** from the payment of an administrative penalty;
3. that the application in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for determination of an administrative penalty for the unauthorised building (gas storage), **be exempted** from the payment of an administrative penalty;

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4. that the recommendation in paragraphs 1. to 3. above be subject to the following conditions:
 - (a) that the above approval is only for the buildings and structures indicated on the Site Development Plan, *Drawing # MLL/0/00, MLL/0/06, MLL/0/07, MLL/0/08, MLL/0/09 and MLL/0/10* dated 2021/06/15 as submitted with the application;
 - (b) that the sewage disposal of the unauthorized additions be disposed of by means of a conservancy tank by a private contractor;
 - (c) that the applicant shall provide the municipality with a report by a registered plumber within **thirty (30 days)** following building plan approval confirming sewage disposal occurs by means of a conservancy tank;
 - (d) that the building plans be submitted to the Building Department for approval within **thirty (30) days** from the decision date and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (e) that all the conditions from Fire Services, Engineering Services Report, District Health and Overstrand Environmental Section be complied with;
 - (f) that the conditions from Eskom and OpenServe be complied with;
 - (g) that an administrative penalty of **R 46 917,96** be payable within **ninety (90)** days of the decision date;
 - (h) that the 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;
 - (i) that the facilities comply with the applicable Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Coordinator and the Health Inspector;
 - (j) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with;

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- (k) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws, and
 - (l) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
5. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- The development is beneficial for optimal use of the existing tourism business enterprise.
- The application has followed due procedure.
- None of the internal or external departments have any objection.
- No objections were received from adjacent property owners.
- The proposal is compliant with the spatial policies contained in the SDF.
- The proposal is constant with the spatial principles as set out in SPLUMA and LUPA.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF SITE DEVELOPMENT PLAN AND
DETERMINATION OF ADMINISTRATIVE PENALTY: FARM NO. 1012,
CALEDON DIVISION**

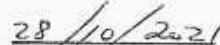
Electricity	:	Eskom area
Stormwater	:	No services available
Water	:	No services available
Sewer	:	No services available
Roads and traffic	:	No services available

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 Manager: 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 1012 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services (Gansbaai), and to which the sewer services on the development must connect to;
7. that sewerage will be removed from the sewer conservancy tanks as per municipality arrangement;
8. that the sewer conservancy tanks must be accessible to the municipality sewer tankers from one of the adjacent public roads, with parking areas for sewer tankers provided with permanent surfaces and to the layout and specification of the Department: Operational Services;

9. 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;
10. 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 of the Department: Operational Services;
11. 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;
12. 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;
13. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
1 October 2024
(Also the agenda for the Mayoral Committee Meeting : 16 October 2024)**

10.ERF 3341, 20 ELEVENTH AVENUE AND ERF 3343, 201 SIXTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS FUTURE PLAN TOWN AND REGIONAL PLANNERS ON BEHALF OF PK & E HAUPT

3341 & 3343 HVK (4383/2023)

P Roux

(028) 313 8900

Hermanus Administration

23 May 2024

EXECUTIVE SUMMARY

An application was received on 09 May 2023 (final version received on 14 November 2023) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) from Messrs Future Plan Town and Regional Planners on behalf of the owners of Erven 3341 and 3343, Voëlklip, Hermanus for the following:

- ❖ **consolidation** in terms of Section 16(2)(e) of the By-Law of Erven 3341 and 3343, Hermanus to create one erf of approximately 990m² in extent;
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the street building line (11th Avenue) from 4m to 0m to accommodate the existing guard house, covered patio and storage room;
 - relax the street building line (6th Street) from 4m to 0m to accommodate the existing guard house;
 - relax the lateral building line from 2m to 0m to accommodate the existing guard house and second dwelling unit with a laundry room; and
 - relax the permissible boundary wall height from 2.4m to 3.2m, and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to legalize existing structures on the property.

RESOLUTION

1. that the application for **consolidation** in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 3341 and 3343, Hermanus to consolidate the subject properties to create an erf of approximately 991m² in extent, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

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1 October 2024
(Also the agenda for the Mayoral Committee Meeting : 16 October 2024)**

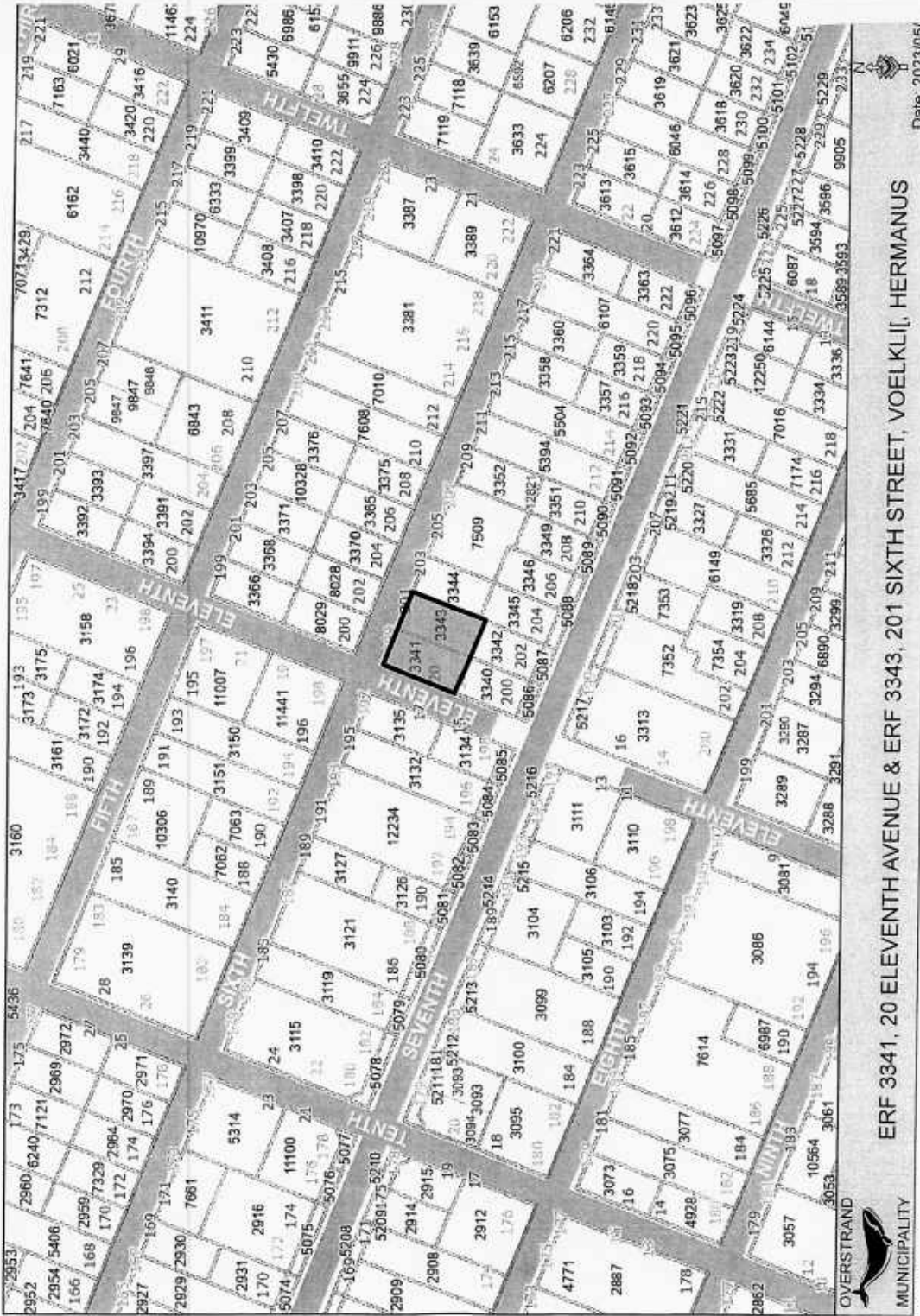
2. that the application for **departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 3341 and 3343, Hermanus to:
- relax the street building line (11th Avenue) from 4m to 0m to accommodate the existing guard house, covered patio and storage room;
 - relax the street building line (6th Street) from 4m to 0m to accommodate the exist guard house;
 - relax the lateral building line from 2m to 0m to accommodate the existing guard house and second dwelling unit with a laundry room, and
 - relax the permissible boundary wall height from 2.4m to 3.2m;
- be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
3. that the **determination of an administrative penalty** in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erven 3341 and 3343, Hermanus for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
- (a) that the approval is only for the consolidation as indicated on drawing no. 3431_3433.APRIL dated 24/04/2023;
 - (b) that an administrative penalty of **R11 744.24** be payable within thirty (30) days of the decision;
 - (c) that building plans be submitted for any new work done and that the Building Department and Fire Department's comments be complied with at that stage;
 - (d) that the conditions in the Services Report be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation;
 - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with, and

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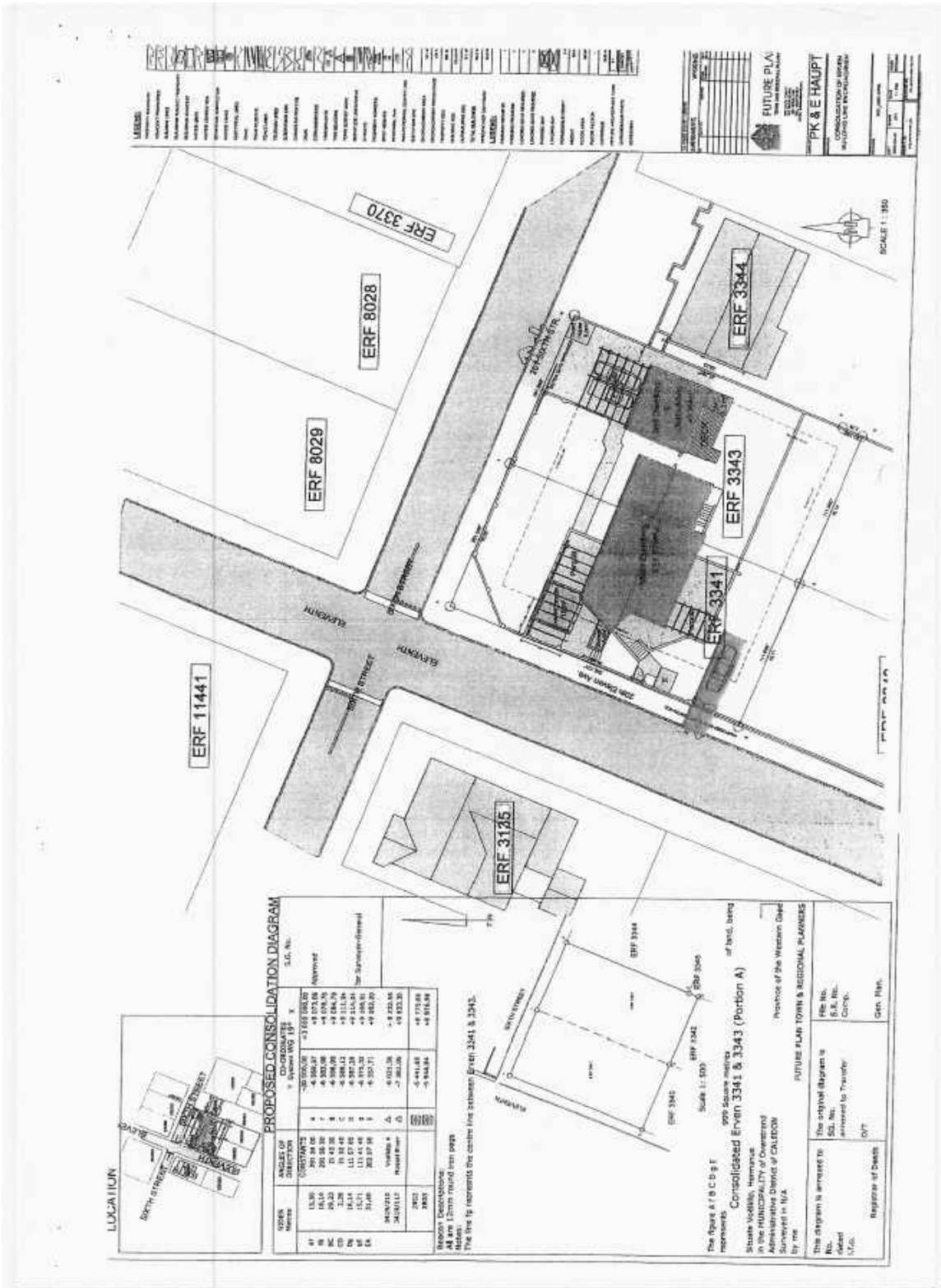
- (g) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws.
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The proposal is considered to be in line with the character of the area.
- ❖ The structures proposed are further considered to be in line with the character of the area.
- ❖ Building work was completed without the required approval from the municipality.



ERF 3341, 20 ELEVENTH AVENUE & ERF 3343, 201 SIXTH STREET, VOELKLIJ, HERMANUS



LEGEND

- Proposed Consolidation Diagram
- Existing Consolidation Diagram
- Proposed Easement
- Proposed Right of Way
- Proposed Road
- Proposed Sewer
- Proposed Water
- Proposed Stormwater
- Proposed Gas
- Proposed Electricity
- Proposed Telecommunications
- Proposed Other

SCALE 1:100

FUTURE PLAN
 CONSULTATION BY THE
 REGISTERED SURVEYOR
 PK & E HAUPT



The figure is a C.B. & F. map of 900 square metres comprising Consolidated Erven 3341 & 3343 (portion A) of land being State-owned, situated in the Municipality of Overstrand, Administrative District of CAPE PROVINCE, Province of the Western Cape, South Africa.

REGISTERED SURVEYOR
 PK & E HAUPT

This diagram is intended to be used for the purpose of consolidation of land.

FILE NO.
S.G. No.
DATE

REGISTERED SURVEYOR
 PK & E HAUPT

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION, DEPARTURE, & DETERMINATION
OF AN ADMINISTRATIVE PENALTY: ERF 3341 & ERF 3343, VOELKLIP**

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

Conditions:

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

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

pp R Andrew
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

12/03/2024
DATE

**AGENDA of the
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(Also the agenda for the Mayoral Committee Meeting : 16 October 2024)**

11. ERVEN 101, 103, 104, 107 & 108, STANFORD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION: MESSRS HEADLAND PLANNERS (PTY) LTD ON BEHALF OF THE PROVINCIAL WESTERN CAPE GOVERNMENT

**101, 103, 104, 107 & 108, Stanford
P Roux (028) 313 8900 Hermanus Administration
17 July 2024**

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) was received on 01 February 2024 from Messrs Headland Town Planners on behalf of the Provincial Department of Transport and Public Works for the following:

- ❖ **Consolidation** in terms of Section 16(2)(e) of the By-Law to consolidate Erf 101 (3 436m² in extent), Erf 103 (1 088m² in extent), Erf 104 (4 047m² in extent), Erf 107 (4 363m² in extent) and Erf 108 (311m² in extent), to create one erf approximately 13 245m² in extent.

RESOLUTION

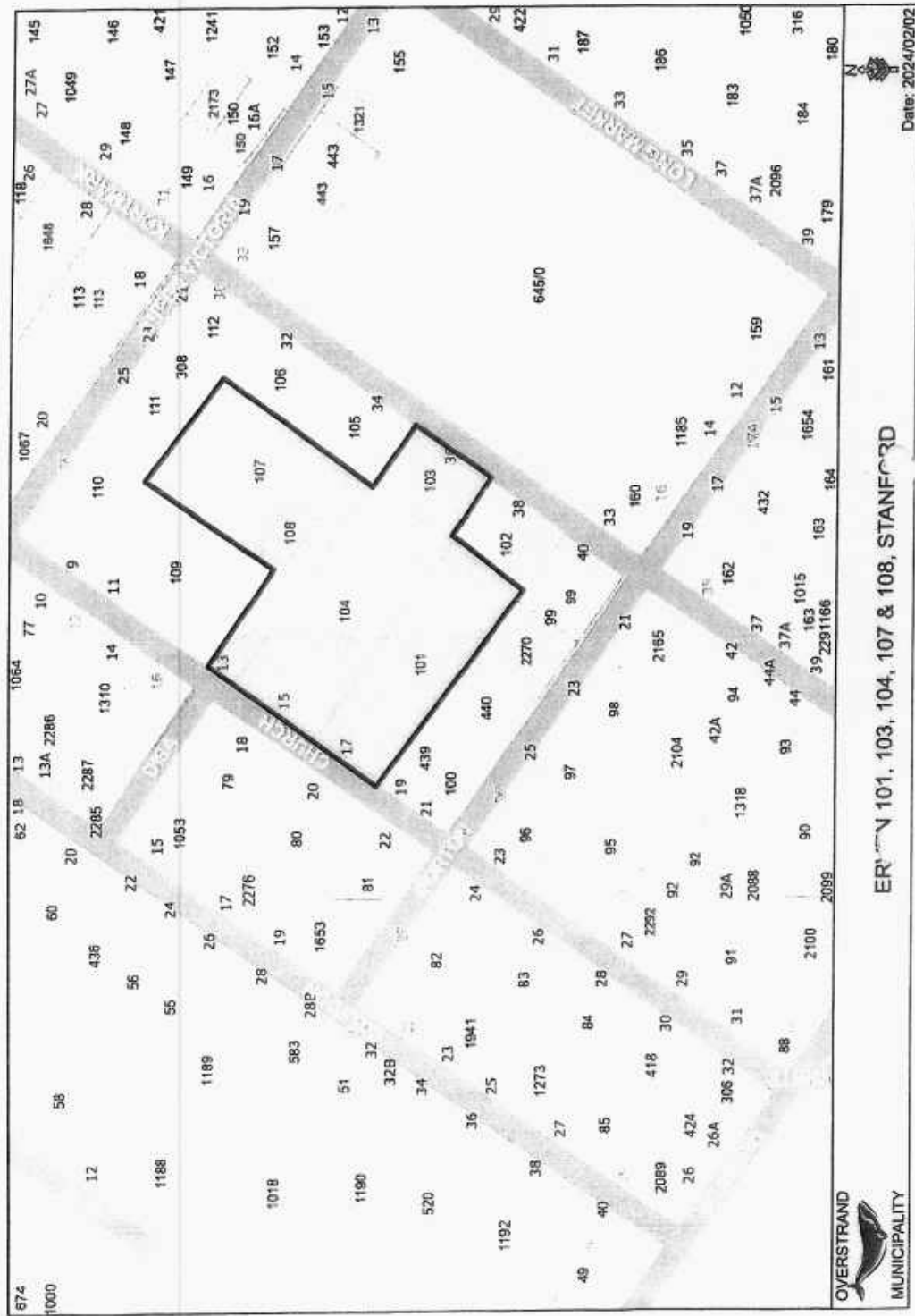
1. that the application for consolidation in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to consolidate Erf 101 (3 436m² in extent), Erf 103 (1 088m² in extent), Erf 104 (4 047m² in extent), Erf 107 (4 363m² in extent) and Erf 108 (311m² in extent), to create one erf approximately 13 245m² in extent, **be approved** in terms of the provisions of Section 61 of the By-Law;
 - (a) that the approval is only for the consolidation as indicated on drawing number *OSP.SDP01* dated *21 February 2024* as submitted with the application;
 - (b) that building plans be submitted for any new work done and that the Building Department and Fire Department's comments be complied with at that stage;
 - (c) that the conditions in the Services Report be complied with;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

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

REASONS FOR RESOLUTION

- ❖ No additional services required.
- ❖ Does not jeopardize the character of the area.
- ❖ No objections from internal departments.
- ❖ The land use of the subject property will remain unchanged.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.




**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION: ERVEN 101, 103, 104, 107 & 108,
STANFORD**

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

Conditions:

1. that the existing water connection to either Erf 101 or Erf 107 shall be disconnected and blanked off;
2. that the existing sewer connection on Erf 101 shall be used to service the proposed consolidated erf consisting of Erven 101, 103, 104, 107 & 108;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that the proposed consolidated erf be provided with a central refuse collection facility, which must comply with the standards of the Department: Operational Services;
5. that only one standard electricity connection, supply line and meter will be available to the consolidated erf. The electricity connection to the second property will thus be forfeited once the consolidation has been done. Should a larger capacity be required, the upgrading will be at the owner's cost;
6. that should additional services connections be required the owner will be responsible for the payment of bulk services levies;
7. that stormwater be allowed to discharge through the proposed Erven, Stanford, unobstructed;
8. that no on-street parking will be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

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**12. ERF 7, 20 MOORE STREET, STANFORD, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR SUBDIVISION: MESSRS PLAN ACTIVE TOWN &
REGIONAL PLANNERS ON BEHALF OF LINUVAX (PTY) LTD**

7 STAN (4599/2024)

P Roux

(028) 313 8900

Hermanus Administration

19 July 2024

EXECUTIVE SUMMARY

An application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land use Planning, 2020 (By-Law) has been received on 27 February 2024 from Messrs PlanActive Town- and Regional Planners on behalf of the property owner of Erf 7, Stanford for the following:

- ❖ **Subdivision** in terms of Section 16(2)(b) of the By-Law to subdivide the property into two (2) single residential properties, namely: Portion A approximately 958m² in extent and a Remainder approximately 958m² in extent.

RESOLUTION

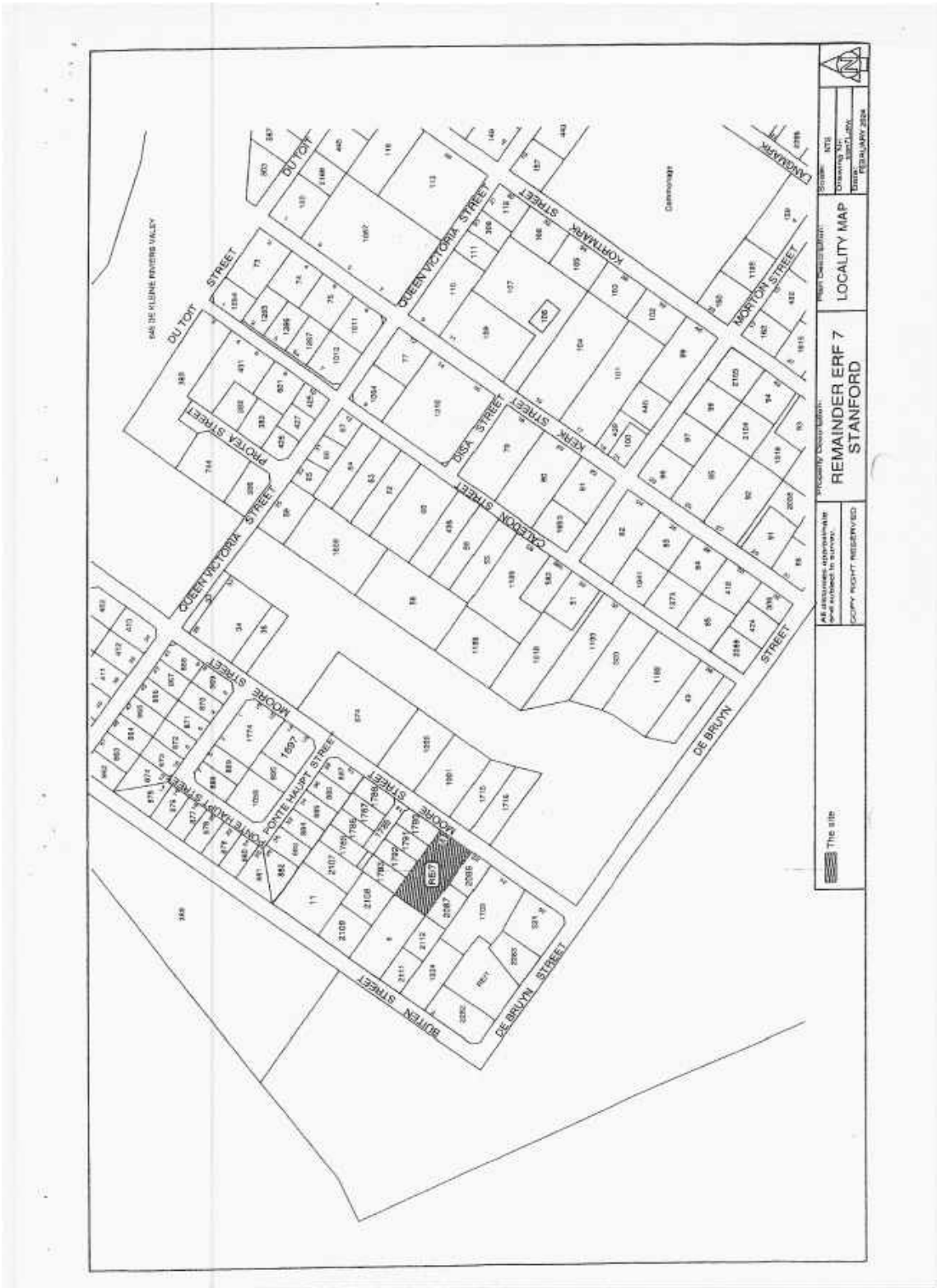
1. that the application for subdivision in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 7, Stanford for the subdivision of the property into two (2) portions, namely, Portion A approximately 958m² in extent and a Remainder approximately 958m² in extent, **be approved** in terms of the provisions of Section 61, subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on Subdivision Plan *Stan7-re-s.drw dated November 2023*, as submitted with the application;
 - (b) that building plans be submitted for any new work done and that the building department and fire department's comment be complied with at that stage;
 - (c) that the conditions in the Services Report be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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

REASONS FOR RESOLUTION

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





Notes:

- Erf boundaries
- Existing servitude right-of-way
- Existing structures (±200m²)
- Subdivision line
- Land use scheme building lines

Zoning: SR1

Proposed subdivision:
 - Portion A: ±8558m²
 - Remainder: ±8568m²

PLAN Active

Stads- en Streeksbeplanners
 Town & Regional Planners

Property Description: REMAINDER ERF 7 STANFORD		Plan Description: SUBDIVISION PLAN	
All distances approximate and subject to survey. COPY RIGHT RESERVED		Scale: 1:500 Drawing Nr: SA07-2023-01 Date: NOVEMBER 2023	

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION: ERF 7, STANFORD (4599/2024)**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

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

Note:

- 1.3 **The above figures are estimates**
- 1.4 **The above figures do not include connection fees**
2. that the existing water and sewer connection to the Remainder of Erf 7 shall be used to service the proposed Remainder of Erf 7;

2

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

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

30/05/2024
DATE

**AGENDA of the
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**13.ERF 6199, 18 RESERVOIR STREET, VOÉLKLIP. HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: J ELLIS**

6199 HVK (4535/2023)

P Roux

(028) 313 8900

Hermanus Administration

17 July 2024

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 29 November 2023 from J Ellis, the owner of Erf 6199, Hermanus for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the permissible height restriction of 8m with 0,25m, to accommodate an existing roof.
- ❖ **Determination of an administrative penalty** in terms of Section 90 of the By-Law to accommodate unauthorised building line encroachments.

RESOLUTION

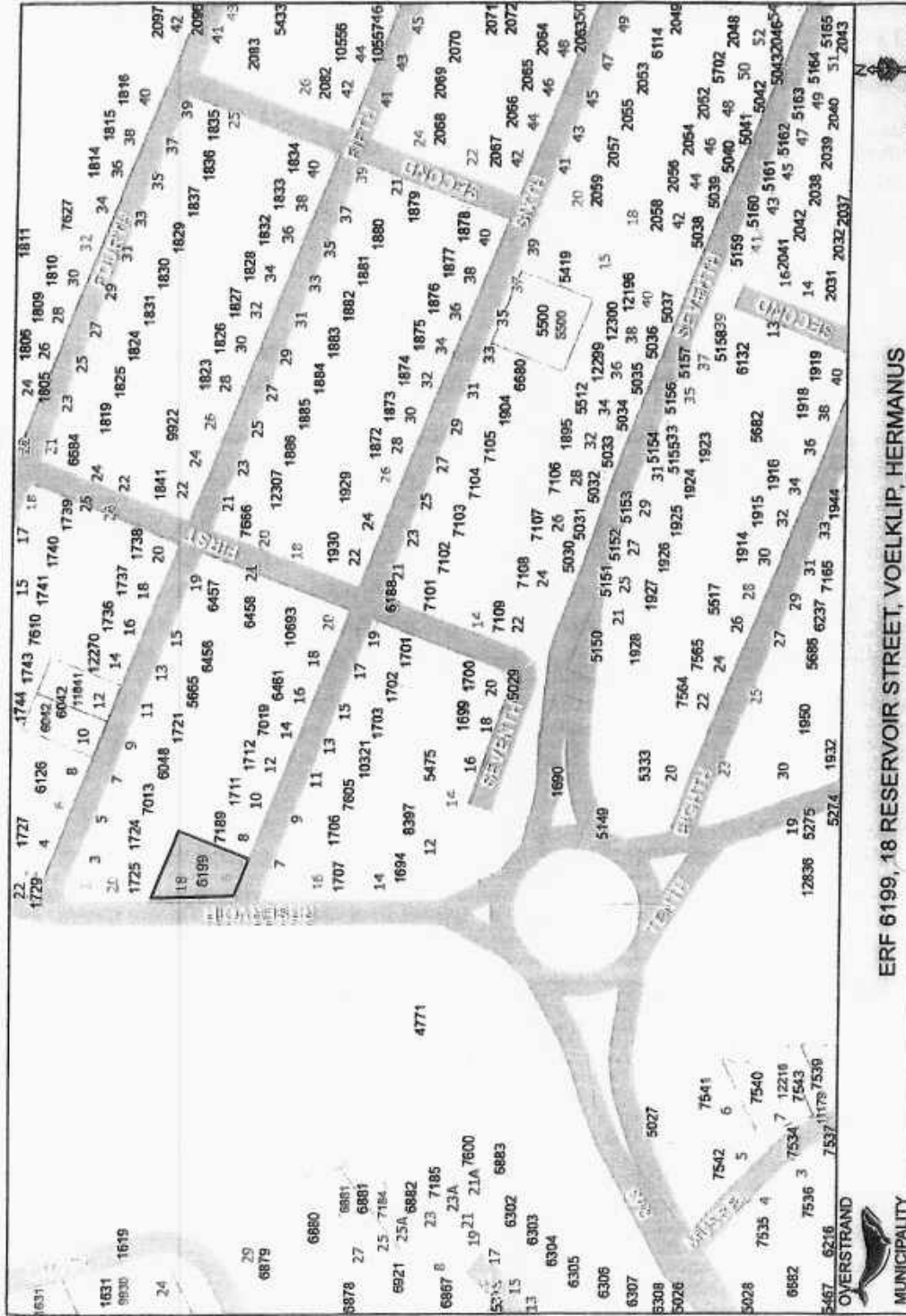
1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 6199, Hermanus to relax the permissible height restriction of 8m with 0,25m, to accommodate an existing roof, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 6199, Hermanus for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
3. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:
 - (a) that the approval is only for the encroachment of the height restrictions as per the height certificate provided by Geomatics Africa dated 21 February 2023 as submitted with the application;

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- (b) that revised building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;
 - (c) that an administrative penalty of R1 451.62 for the encroachment of the existing staircase, be payable within thirty (30) 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

- ❖ Support letters are noted.
- ❖ The retention of the existing main roof will not have a negative impact on the adjacent property owners or the character of the area due to the slope in the typography.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 6199, VOELKLIP**

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

Conditions:

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

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

30/05/2024
 DATE

**AGENDA of the
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**14.ERF 4577, 17 FOURTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL
AREA: APPLICATION FOR DEPARTURE: SS HANSEN**

4577 KKM (4653/2024)

**H van der Stoep
5 June 2024**

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 6 May 2024 by the property owner Mr SS Hansen for a departure in terms of Sections 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the eastern lateral building line from 2m to 1m to accommodate a proposed change of use of the existing covered stoep to a new braai.

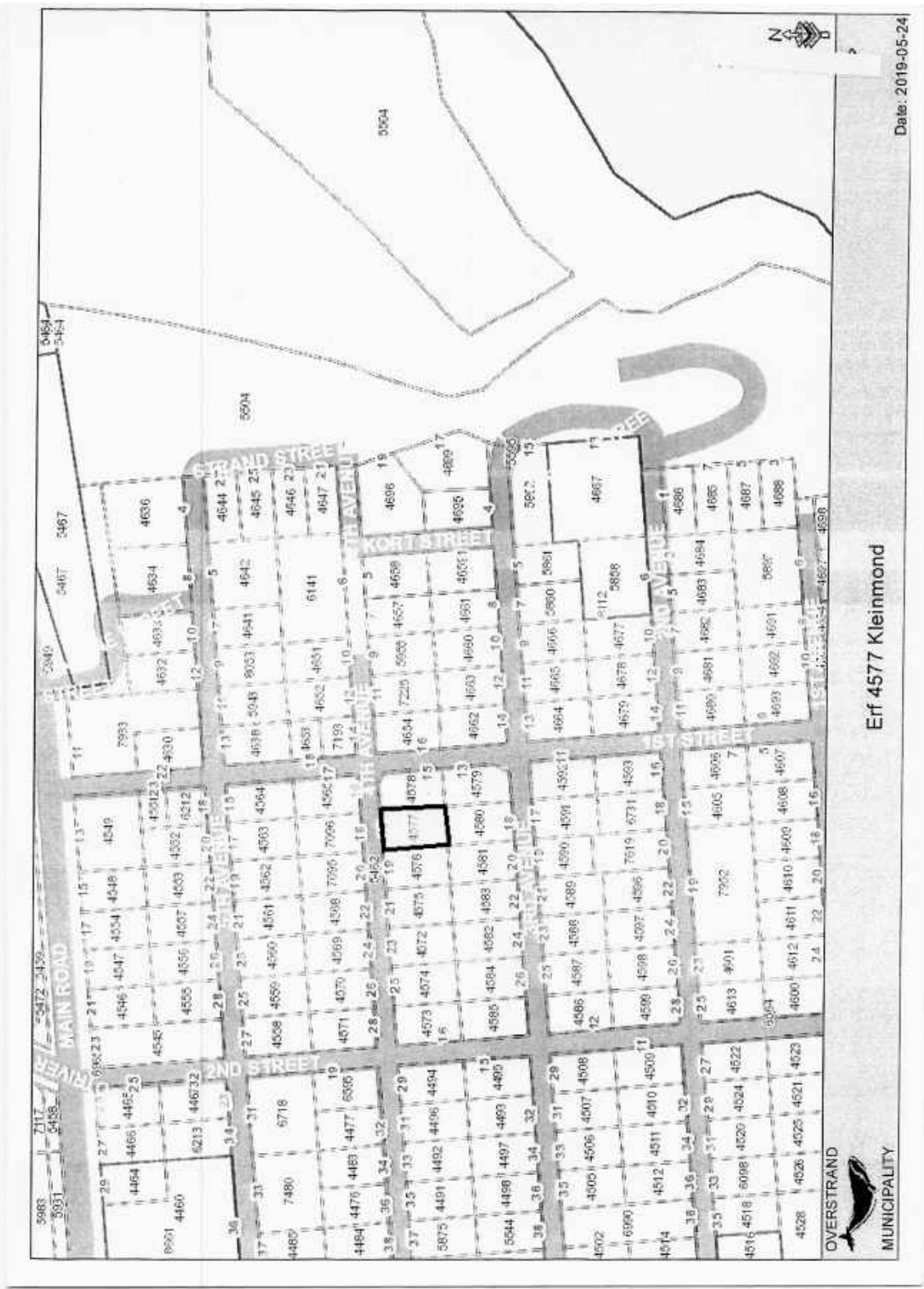
RESOLUTION

1. that the application in terms of Section 16.2.(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 4577, Kleinmond to relax the 2m eastern lateral building line to 1m in order to accommodate the change of use from a covered stoep to a braai room, **be approved** in terms of the provision of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on drawing numbers *KM4577A/2024* dated *6 May 2024* as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control– and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
2. that the applicant and objector be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

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REASON FOR THE RESOLUTION

- ❖ The conversion of the stoep in order to accommodate a braai room will not impact on the coverage and will also not increase the existing building footprint.
- ❖ The proposal to accommodate the braai room over the 2m eastern lateral building line is in line with the existing built footprint and will not alter the character of the existing dwelling house or residential nature.
- ❖ A braai room is a normal residential structure which is of a normal residential nature which is in line with the character of the subject property.



Erf 4577 Kleinmond

Date: 2019-05-24



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15.ERF 1620, 17 TIPTOL CRESCENT, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: CHW ARCHITECTS & INTERIOR ON BEHALF OF MJ & C BASSON

1620 HVN (4582/2024)

H Olivier

(028) 313 8900

Hermanus Administration

25 June 2024

EXECUTIVE SUMMARY

An application has been received on 15 February 2024 from CHW Architects & Interior on behalf of MJ & C Basson on Erf 1620, Vermont in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to relax the south eastern lateral building line from 2m to 1,05m to accommodate a proposed external stair and the north western lateral building line from 2m to 1,43m to accommodate a proposed fireplace.

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 1621, Vermont for a departure to relax the south-eastern lateral building line from 2m to 1,05m to accommodate a proposed external stair, **not be approved**.
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1621, Vermont for a departure to relax the north-western lateral building line from 2m to 1,43m to accommodate a proposed fireplace, **be approved**, in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
 - (a) that this approval is only for the departure of the building line and is not an approval in terms of any other legislation;
 - (b) that the approval for the departure is only for the development over for the north western building line as indicated on plans numbers 1426/MCB/100 dated 26 February 2024, submitted with the application;
 - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;

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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 Zoning Scheme be complied with,
 - (g) that all the conditions in the Services Report be complied with, and
 - (h) that all the conditions by Telkom be complied with.
3. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

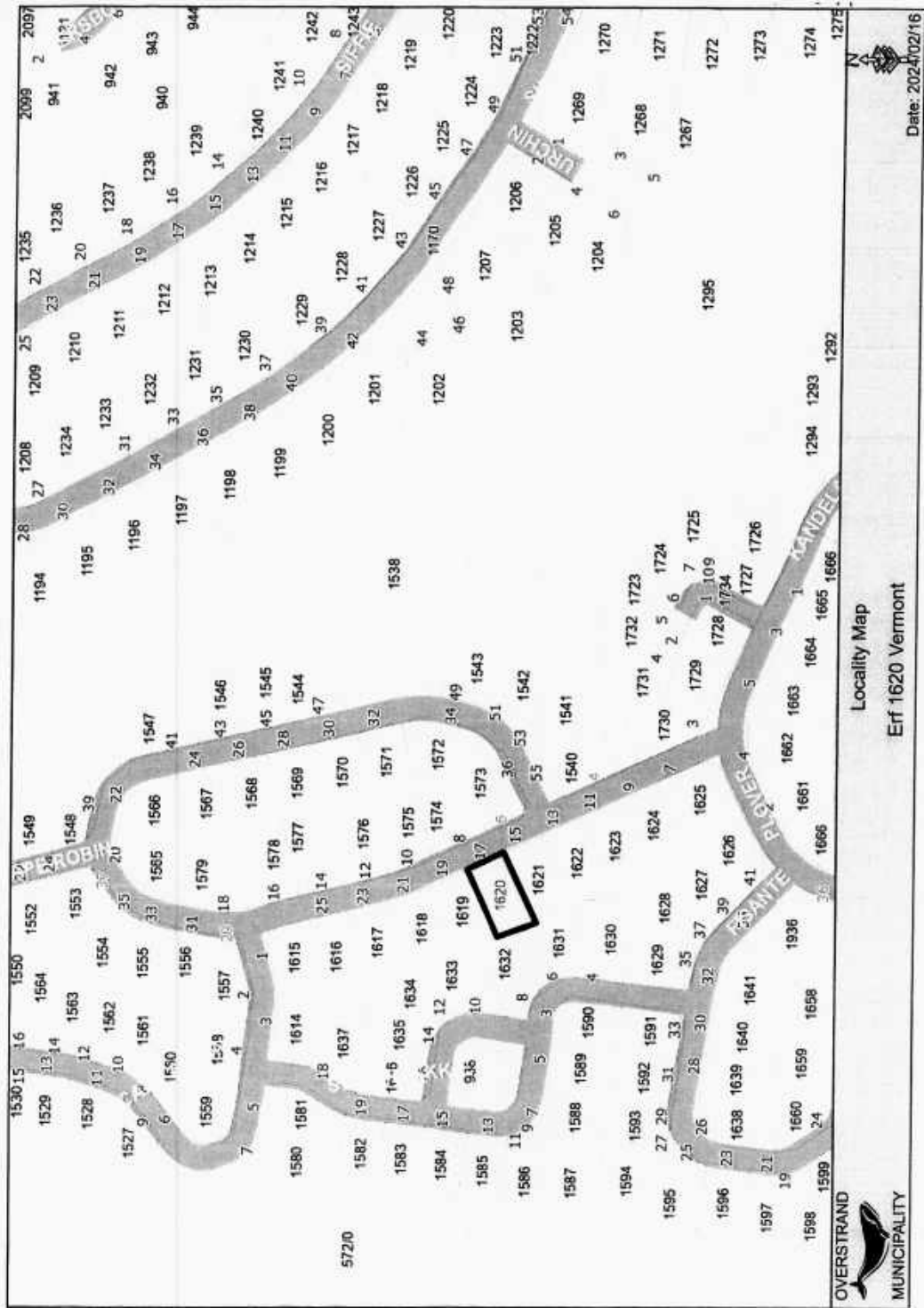
REASONS FOR RESOLUTION

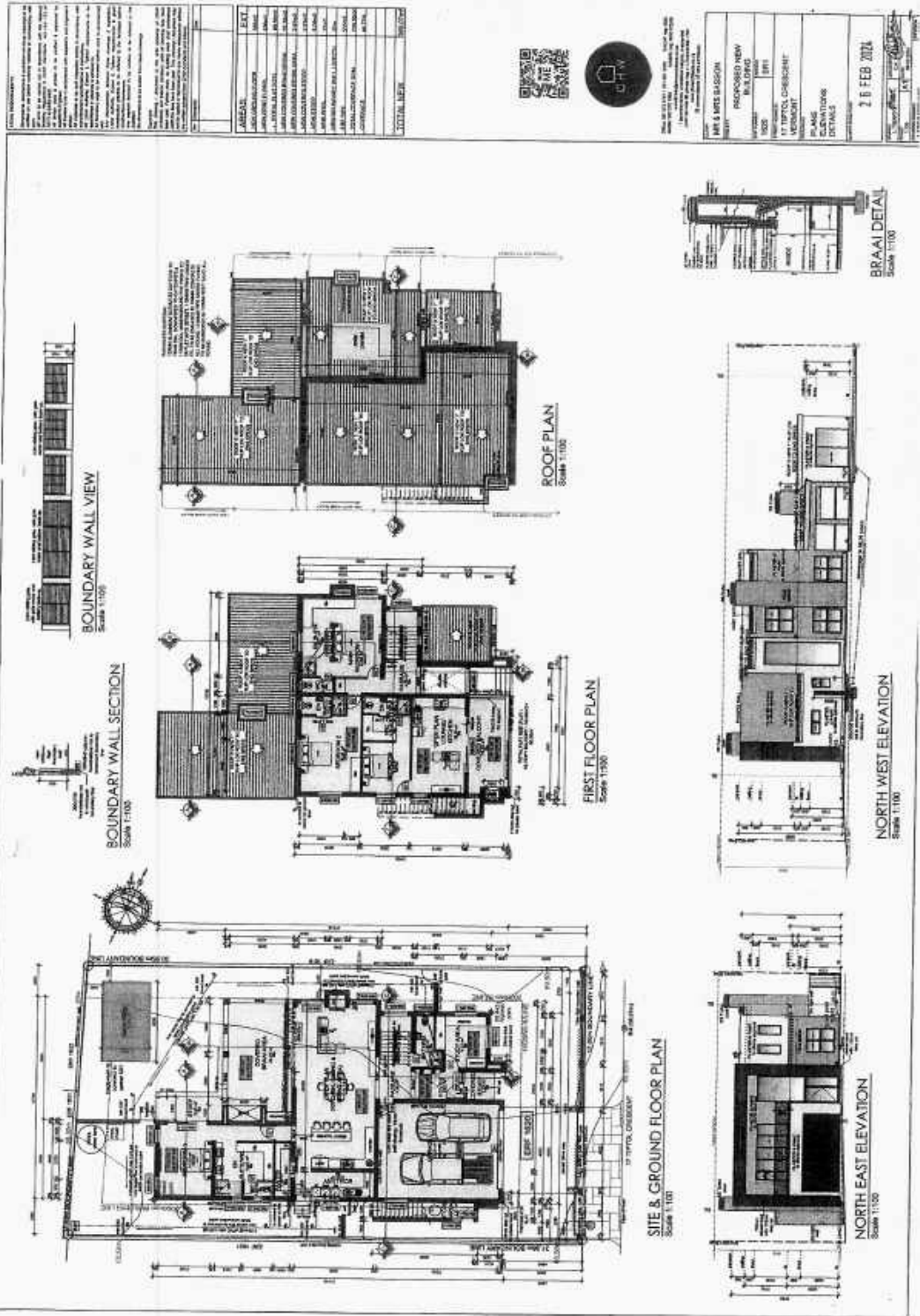
POINT 1

- ❖ The proposed stairs over the south-eastern building line will impact the privacy of the owners of Erf 1621 and is not desirable.
- ❖ Erf 1620 is vacant now and the property owner can design a dwelling with second dwelling which do not traverse building lines.
- ❖ It is a privilege to build over building lines, and should it negatively impact neighbours, it should not be supported.

POINT 2

- ❖ The application has followed due procedure.
- ❖ The application is supported by all relevant Municipal and State departments/branches.
- ❖ The land use scheme allows for braais/fireplaces to encroach 0,5m over lateral building lines. This is a proposed 0,57m encroachment and so minor that it can be supported.
- ❖ No objections were received from surrounding neighbours regarding this minor encroachment over the building line.
- ❖ No new municipal services will be needed.
- ❖ This part of the application will not have a negative impact on the character of the surrounding area or the adjacent neighbour and is desirable.





NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS SPECIFIED OTHERWISE.
2. ALL WORK IS TO BE IN ACCORDANCE WITH THE SANS 10400 SERIES.
3. ALL MATERIALS TO BE APPROVED BY THE ARCHITECT.
4. ALL WORK IS TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
5. ALL WORK IS TO BE COMPLETED WITHIN THE SPECIFIED BUDGET.
6. ALL WORK IS TO BE COMPLETED WITHIN THE SPECIFIED QUALITY STANDARDS.
7. ALL WORK IS TO BE COMPLETED WITHIN THE SPECIFIED SAFETY STANDARDS.
8. ALL WORK IS TO BE COMPLETED WITHIN THE SPECIFIED ENVIRONMENTAL STANDARDS.
9. ALL WORK IS TO BE COMPLETED WITHIN THE SPECIFIED SOCIAL STANDARDS.
10. ALL WORK IS TO BE COMPLETED WITHIN THE SPECIFIED ECONOMIC STANDARDS.

NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	FOUNDATION				
2	WALLS				
3	ROOF				
4	FLOORING				
5	CEILING				
6	DOORS				
7	WINDOWS				
8	STAIRS				
9	MECHANICAL				
10	ELECTRICAL				
11	PLUMBING				
12	PAINTING				
13	LANDSCAPING				
14	CONCRETE				
15	IRONWORK				
16	GLASS				
17	ROOFING				
18	MECHANICAL				
19	ELECTRICAL				
20	PLUMBING				
21	PAINTING				
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 1620, VERMONT (4582/2024)**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
1 October 2024
(Also the agenda for the Mayoral Committee Meeting : 16 October 2024)**

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

4230 HON (4587/2024)

H Olivier

(028) 313 8900

Hermanus Administration

26 June 2024

EXECUTIVE SUMMARY

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

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

RESOLUTION

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

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- (b) that the approval for the departure is only for the development over for the building lines as indicated on plan number J1259-01 dated 8 December 2023, submitted with the application;
 - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (f) that all the conditions in the Services Report be complied with;
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 4230, Onrustvriev for the unauthorized encroachments of the portion of the dwelling and built braai over building lines on the property was considered and that an administrative penalty of **R5253, be imposed** which penalty must be paid within thirty (30) days from the final date of the decision of the application.
 3. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

REASONS FOR RESOLUTION

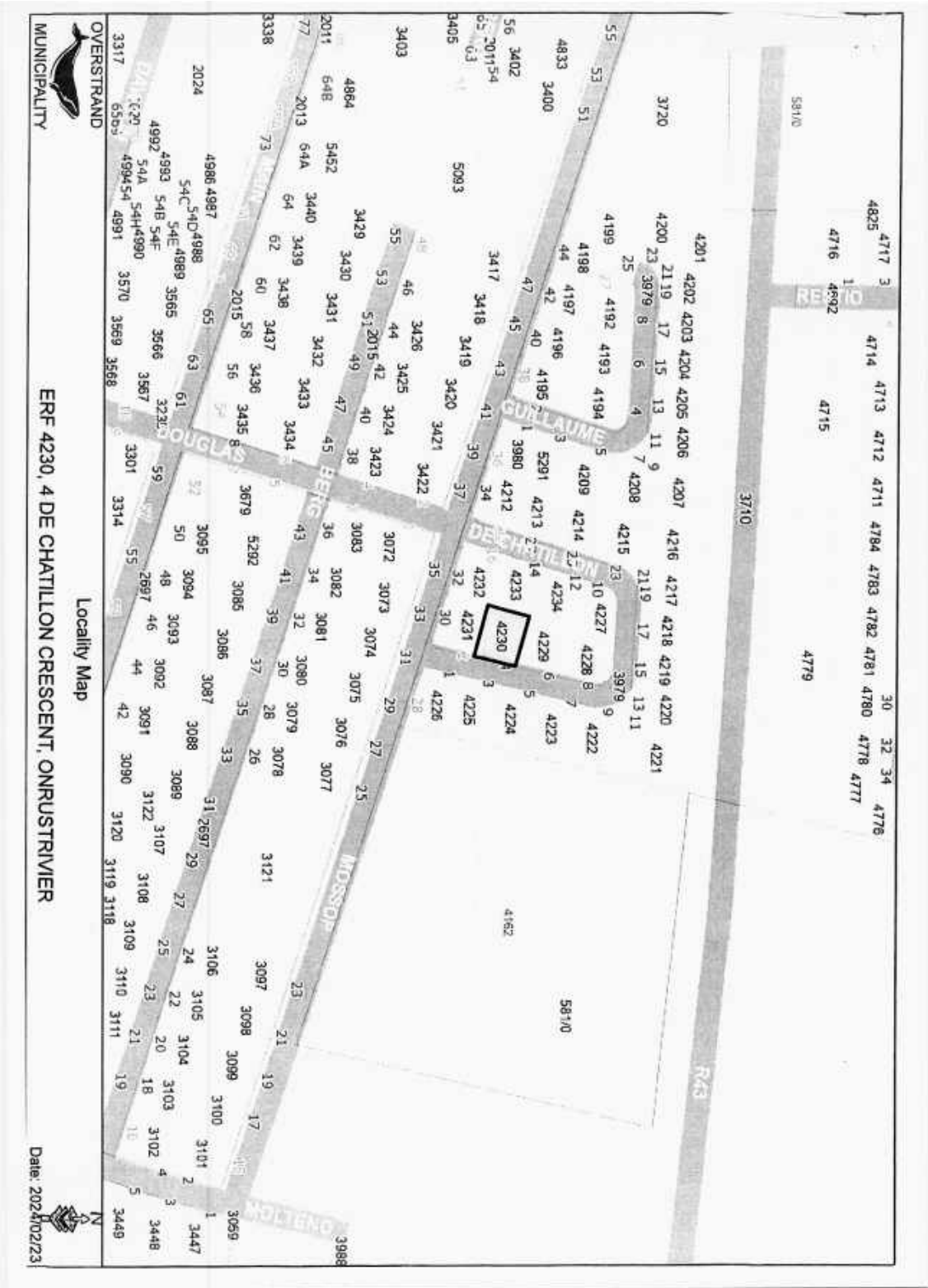
POINT 1

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

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POINT 2

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

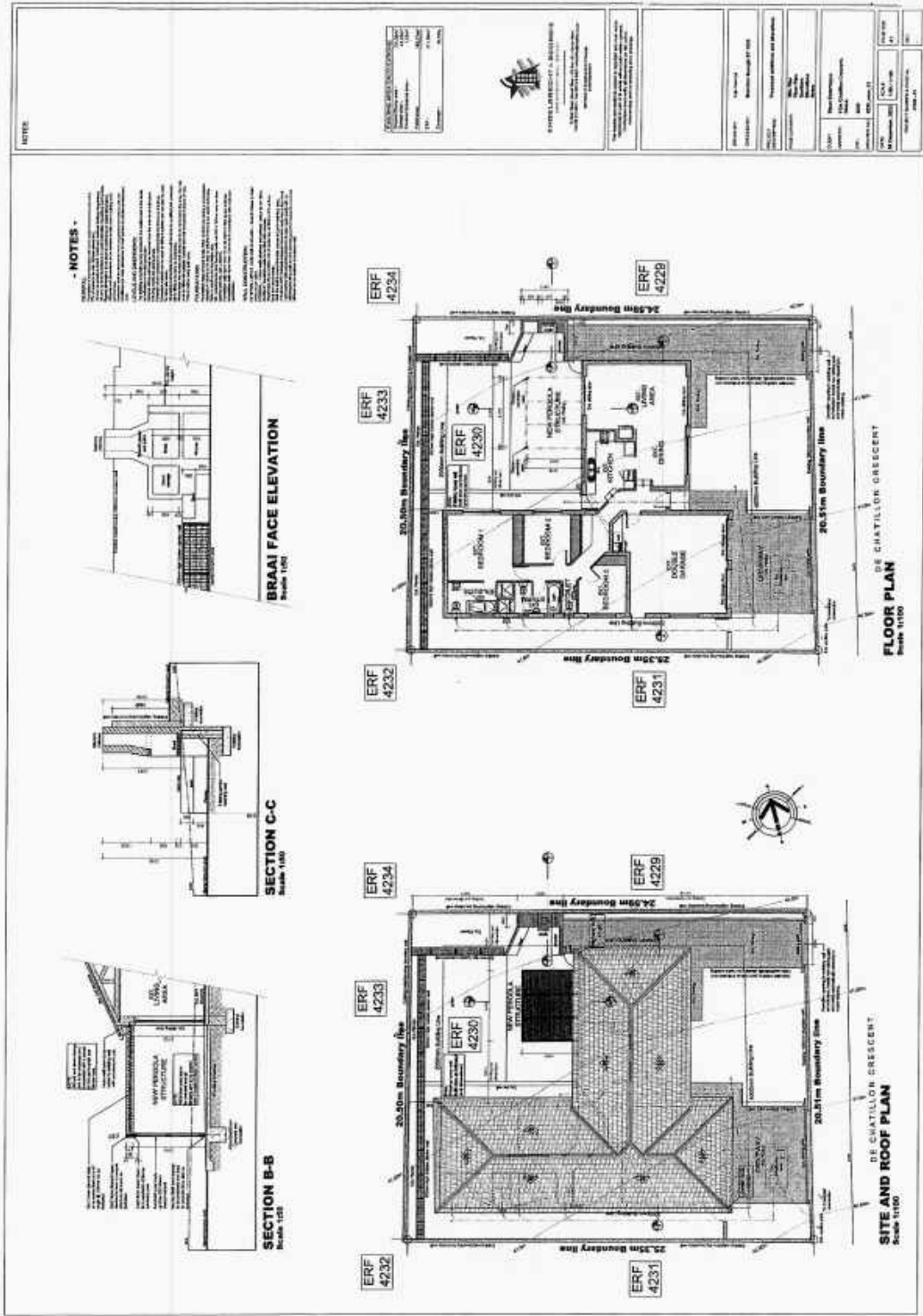


MUNICIPALITY

ERF 4230, 4 DE CHATILLON CRESCENT, ONRUSTRIVER

Locality Map

Date: 2024/02/23



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

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
1 October 2024
(Also the agenda for the Mayoral Committee Meeting : 16 October 2024)**

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

4683 HNC (4446/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

9 July 2024

EXECUTIVE SUMMARY

An application has been received on 29 July 2023 from WRAP Project Office on behalf of De Bruin Family Trust for the following:

- ❖ **Removal of Restrictive Title Deed Condition** in terms of Section 16.(2)(f) of the Overstrand Municipal By-Law on Municipal Planning, 2020 for the removal of restrictive title deed condition C.4. as contained in Title Deed T57340/2007 of the property to accommodate the proposed new braai and carport.

The restrictive title deed conditions read as follows:

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

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

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

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

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

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- Relaxation of the rear building line from 2m to 0.426m for the new covered carport, and
 - Relaxation of the north-western building line from 2m to 0.467m for the new covered carport.
- ❖ **Determination of Administrative Penalty** in terms of Section 16(2)(q) of the Overstrand Municipal By-Law on Municipal Planning, 2020 for the determination of an administrative penalty for the illegal additions on the property.

RESOLUTION

1. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4683, Hermanus for the removal of restrictive title deed condition C.4. as contained in Title Deed T57340/2007 of the property to accommodate the proposed new braai and carport, **be approved**, in terms of the provisions of Section 61 of the By-Law.
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4683, Hermanus for a departure to relax the rear building line from 2m to 0,2m and 1,06m, respectively and height of the braai and chimney to 3,354m in height to accommodate the braai-in and braai area on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4683, Hermanus for a departure of the total amount of structures transgressing more than a third or 9m of a boundary length, **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4683, Hermanus for a departure to relax the rear and lateral building line from 2m to 0,426m and 0,467m, respectively to accommodate the carport, **be partially approved**, in terms of the provisions of Section 61 of the By-Law;
5. that the approvals in Points 2, 3 and 4 above be subject to the following conditions:

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(Also the agenda for the Mayoral Committee Meeting : 16 October 2024)**

- (a) that the approval be limited to the building/structures as per Plan J1198-01, submitted with this application read in conjunction with the approval, with the exception of the carport
 - (b) that the carport be re-located next to the existing carport;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (d) that the amended title deed be submitted for record purposes to the Municipality;
 - (e) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (g) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (h) that all the conditions in the Services Report be complied with.
6. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 4683, Hermanus for the illegal additions on the property as stipulated above, **be imposed**, and that an administration penalty fee of **R9 103,70**, be payable within thirty (30) days of the decision.
7. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

POINT 1: Removal of restrictive conditions

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

POINT 2: Braai area and Braai

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- ❖ The proposed development will have minimal impact on the character of the area
- ❖ The land uses are in line with normal residential uses e.g. braai area.
- ❖ The uses are for the owner's own use, thus limiting any privacy and noise pollution.
- ❖ The braai area does provide a buffer between Erven 4683 and 6128, due to the slope of the area.
- ❖ None of the residents objected to the application. However, the owner of Erf 6128 did indicate that it is only approving the structures as requested and for no other structures.

POINT 3: Carport

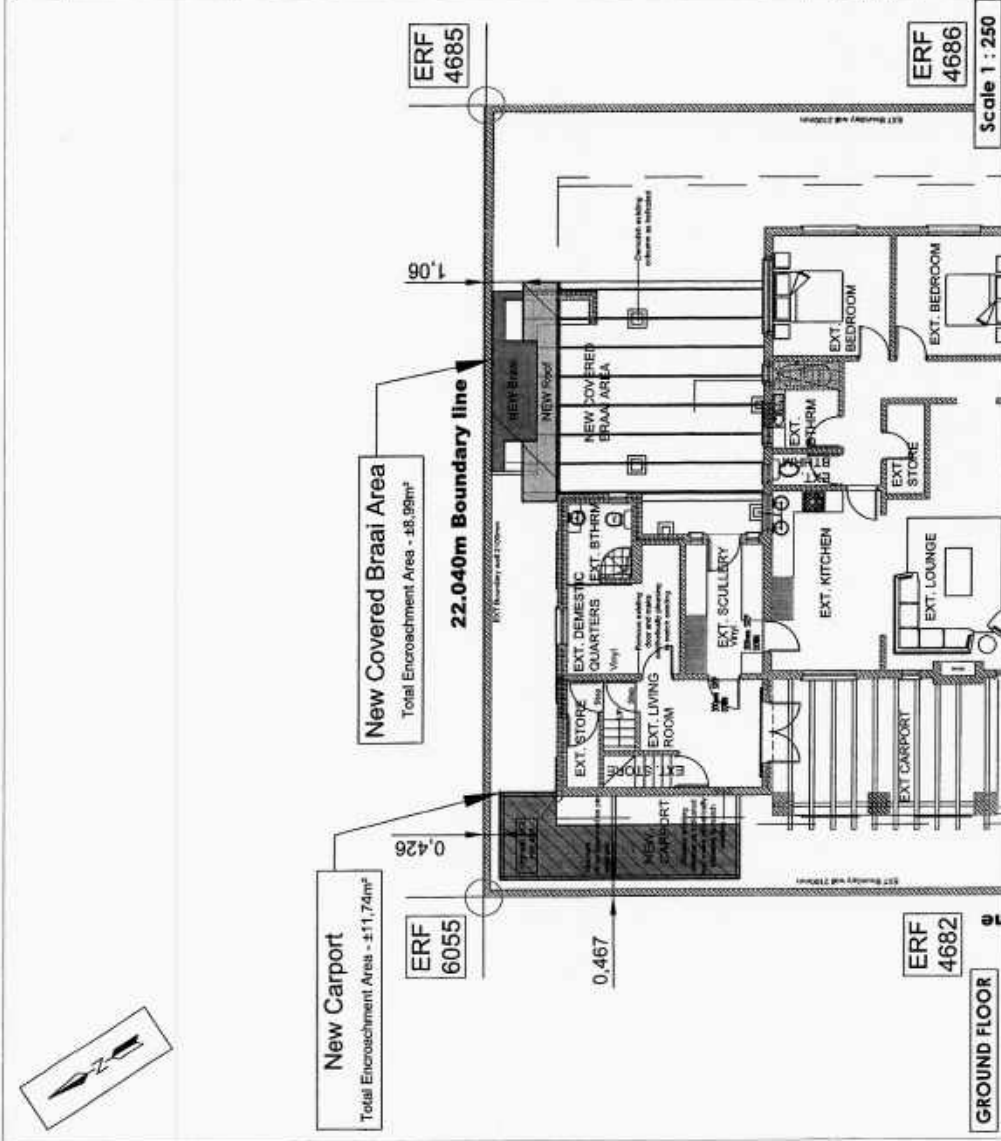
- ❖ The partial approval relates to the location of the applied carport, due to manoeuvrability of vehicles to park the trailer.
- ❖ The distance between the wall and the existing carport is insufficient to manoeuvre the trailer.
- ❖ Sufficient space is available on the erf; thus, the location of the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

POINT 4: Administrative penalty

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



<p>4.2 Site Plan Erf 4683 - Hermanus</p>
<p>Extent - 7.68m² Total Building Extent - 328.13m²</p>
<p>Coverage - 16.53%</p>



Plan prepared by: Thom Jansen
All drawings are approximate
and subject to a survey
and site visit.

WRAP
WRAP
WRAP

Project Office
Urban Planning & Project Management

Unit 8, Standard House, Corner of Boral and Oude Str.
Hermanus, 7200

028 313 1411
028 313 1411
028 313 1411

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

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
1 October 2024
(Also the agenda for the Mayoral Committee Meeting : 16 October 2024)**

MUNICIPAL TRIBUNAL

- 1. ERF 193, 2 SCHOOL STREET, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND SUBDIVISION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF JC & NL WALKER**

193 HFH (4379/2023)

H Olivier

(028) 313 8900

Hermanus Administration

21 June 2024

EXECUTIVE SUMMARY

An application has been received on 3 May 2023 from Messrs WRAP on behalf of JC and NL Walker in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 193, Fisherhaven for the following:

- ❖ **Removal of Restrictive Title Deed Conditions** in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed conditions E.4.(a), E.4.(b), E.4.(c) and E.4.(d) as contained in Title Deed T53094/2021 applicable to Erf 193, Fisherhaven to accommodate the proposed development.

The restrictive title deed conditions read as follows:

*“E. **SUBJECT FURTHER** to the following conditions imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 of 1934 when approving the establishment of Fisherhaven Township, contained in the said Deed of Transfer No. 9841, dated the 3rd May 1972, namely:*

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

(a) it shall not be subdivided;

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

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

(d) no buildings or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres the street line which forms a boundary of this erf nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the Local Authority, an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consideration of any two or more erven, this condition shall apply to the consolidated area as one erf;"

- ❖ **Subdivision** in terms of Section 16(2)(d) of the By-Law to subdivide Erf 193, Fisherhaven into 2 portions, namely: Portion A (approximately 762,5m²) and a Remainder (approximately 762,5m²).

RESOLUTION

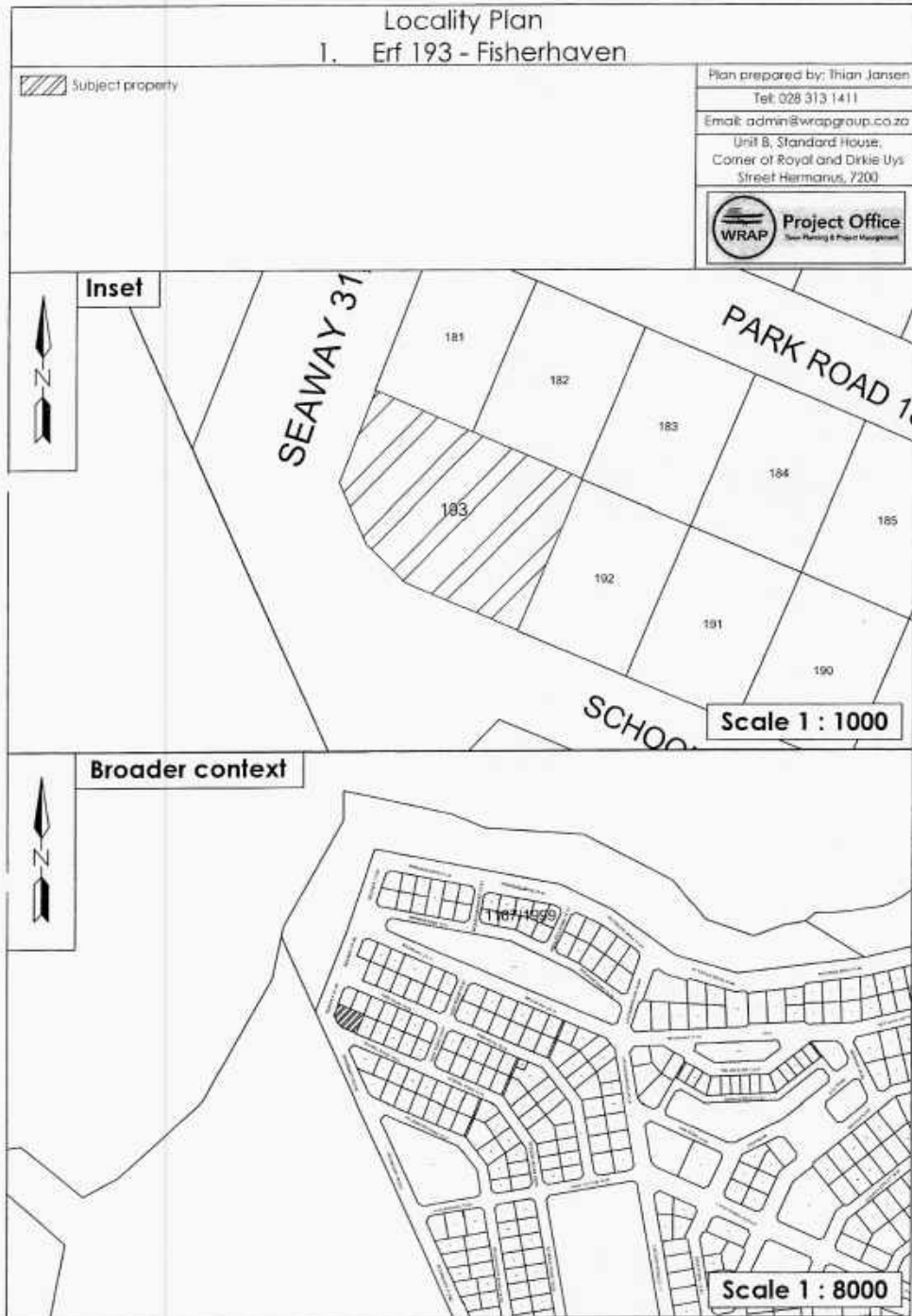
1. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 193, Fisherhaven for the removal of restrictive title conditions E.4.(a), E.4.(b), E.4.(c) and E.4.(d) as contained in Title Deed T53094/2021 of the property in order to remove conditions relating to no subdivision, limitation on second dwellings, building lines and coverage, **be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on to subdivide Erf 193, Fisherhaven into two (2) portions, namely: Portion A (approximately 762,5m²) and a Remainder (approximately 762,5m²), **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in 1 and 2 above is in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the subdivision as indicated on Subdivision Plan number 22/102(001) dated 27 February 2023, submitted with the application;
 - (b) that this approval is only for the removal of restriction and subdivision and not an approval in terms of any other legislation;

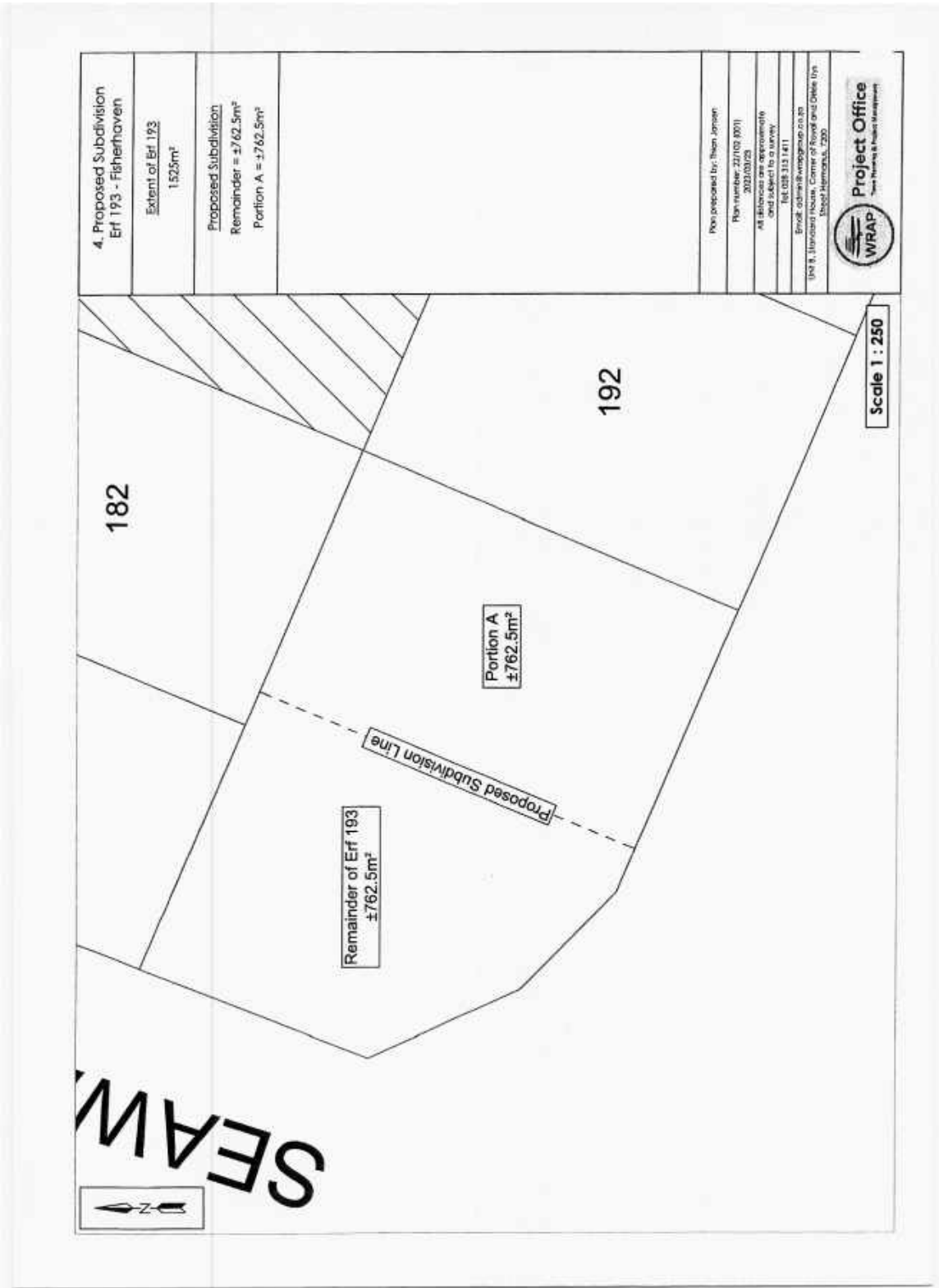
**AGENDA of the
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- (c) that building plans be submitted for all new buildings to the Building Control Department for approval, and that all conditions of the Building Control and Fire Departments be complied with at that stage;
 - (d) that this approval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

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The existing municipal services can accommodate the additional erf and additional dwellings and the application is supported by the Engineering Branch.
- ❖ The subdivision of the erf is in line with the Overstrand Growth Management Strategy, 2010 which earmark this area with a density up to 10 units/ha.
- ❖ The size of the new proposed erven will be in line with the sizes of surrounding properties, and it is not foreseen that the character of the area will be impacted on.
- ❖ The restrictive condition prohibits the property to be developed to its full potential, as the land use scheme allows for second dwellings as a primary right, already stipulates building lines and a 50% coverage.
- ❖ The proposed construction of a second dwelling are in line with the land use scheme, as the second dwelling will be smaller than 120m² in extend.
- ❖ It is not foreseen that the application will have a negative impact on the character of the area.
- ❖ The applicant sufficiently addressed the objections, and the objections do not proof the application not to be desirable.
- ❖ The application is in line with the General Principles of LUPA and SPLUMA, as the densification of areas within the urban edge will ensure valuable agricultural and environmentally sensitive land is not developed and create sustainable development. The development is also efficient as existing services will be utilized.
- ❖ The application is desirable.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION &
SUBDIVISION: ERF 193, FISHERHAVEN (4379/2023)**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

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

Note:

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

2. that any part of the existing water and sewer services on Erf 193 that crosses the common boundary of Portion A and the Remainder of Erf 193 shall be disconnected and sealed off;
3. that the Remainder and Portion A of Erf 193 must be serviced with individual and separate water connections, which must comply with the standards of the Department: Operational Services;
4. that the proposed Portion A and Remainder of Erf 193 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the individual erven must connect to;
5. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
6. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through the proposed Erven, Fisherhaven, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Planning & Development
1 October 2024
(Also the agenda for the Mayoral Committee Meeting : 16 October 2024)**

2. ERF 6119, MARINE DRIVE, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: N LLOYD ON BEHALF OF THE TRUSTEES OF THE OLD HARBOUR MUSEUM

6119 HNC (4517/2023)

H van der Stoep

(028) 313 8900

Hermanus Administration

18 June 2024

EXECUTIVE SUMMARY

An application was received on 7 November 2023 from Nicolette Lloyd on behalf of The Trustees of the Old Harbour Museum on Erf 6119, Hermanus for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to allow tourist facilities (museum purposes to accommodate a restaurant).

RESOLUTION

1. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 6119, Hermanus for consent use to allow tourist facilities (museum purposes to accommodate a restaurant), **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions;
 - (a) that the proposed development of a restaurant be limited to the proposal indicated on the plan numbers 823/100, 823/101 and 823/102 dated 26 September 2023, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that the drawings for the statutory approval be submitted to the Local Heritage and Aesthetics Committee;
 - (d) that all the conditions imposed by the Engineering Services Report, be complied with;
 - (e) that the disposal of solid waste be conducted as per Waste Management Department comment;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation; and

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

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ No objections were received from the public.
- ❖ It is in line with policy documents.
- ❖ Is not regarded as being undesirable from a town planning point of view.
- ❖ Similar activities were developed within the immediate surrounding area that are unscathed by the recent storm surges.
- ❖ The motivation from the applicant in terms of surveyed levels from Geomatics was not disputed by Coastal Management nor did they submit any contrary data or why the risk zones may be incorrectly calculated. The latter specifically drafted to protect people, property and natural environment from inappropriate developments.
- ❖ The concerns of EADP (Coastal Management) have been addressed extensively. The applicant and DEA& DP: Directorate: Development Management: Environmental have clearly indicated that Fick's Pool weather damage cannot be correlated to the Old Harbour proposed application.
- ❖ The Land Surveyor submitted a surveyed diagram indicating the height above sea level which is not similar to Fick's Pool.
- ❖ DEA& DP: Directorate: Development Management: Environmental indicated that the proposed activity does not trigger any listed activities.
- ❖ The deck does not fall in any of the risk zones applicable to the site.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 6119, HERMANUS (4517/2023)**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

Water	R 27 598.16 x 0.416=	R 11 480.83
Sewerage	R 18 608.30 x 0.416=	R 7 741.05
Roads	R 8 344.32 x 2.933333=	R 24 476.67
Solid Waste	R 1 668.44 x 16.03=	<u>R 26 745.09</u>
TOTAL (inclusive of VAT)	=	R 70 443.64

Note:

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

2

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. R. Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

15/03/2021
DATE

**AGENDA of the
Portfolio Committee : Planning & Development
1 October 2024
(Also the agenda for the Mayoral Committee Meeting : 16 October 2024)**

3. ERF 5851, 18 RAED-NA-GAEL, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS SMART SOLUTION ARCHITECTURE ON BEHALF OF GP LOUW

5851 HHH (4543/2023)

P Roux

(028) 313 8900

Hermanus Administration

17 July 2024

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 06 December 2023 from Messrs Smart Solutions Architecture on behalf of GP Louw, the owner of Erf 5851, Hermanus Heights for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the 1m height restriction for any structure over the building line from 1.0m to 2.039m read with Overstrand Municipality Land Use Scheme, 2020 clause 16.1.1 (a);
 - relax the street building line from 4.0m to 3.80m to accommodate the new external stairs;
 - relax the eastern lateral building line from 2.0m to 0.0m to accommodate a new proposed garden loggia, and
 - the height restriction from 8m to 8.15m to accommodate the existing roof.

- ❖ **determination of an administrative penalty** in terms of Section 90 of the By-Law, in order to accommodate unauthorised building line encroachments.

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(Also the agenda for the Mayoral Committee Meeting : 16 October 2024)**

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 5851, Hermanus Heights to:
 - relax the 1m height restriction for any structure over the building line from 1.0m to 2.039m read with Overstrand Municipality Land Use Scheme, 2020 clause 16.1.1 (a);
 - relax the street building line from 4.0m to 3.80m to accommodate the new external stairs;
 - relax the eastern lateral building line from 2.0m to 0.0m to accommodate a new proposed garden loggia, and
 - the height restriction from 8m to 8.15m to accommodate the existing roof.

be approved in terms of the provisions of Section 61 of the By-Law;
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5851, Hermanus Heights for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
3. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:
 - (a) that the approvals are for the development as indicated on *Drawing No. I 0485/A1/04* dated 23/11/2023 as submitted with the application;
 - (b) that the existing external staircase be demolished as discussed in the application;
 - (c) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;
 - (d) that an administrative penalty of **R2 997,09** for the encroachment of the existing staircase, be payable within thirty (30) days of the decision;
 - (e) that existing staircase be replaced with the new staircase as per *Drawing No. I 0485/A1/04*;

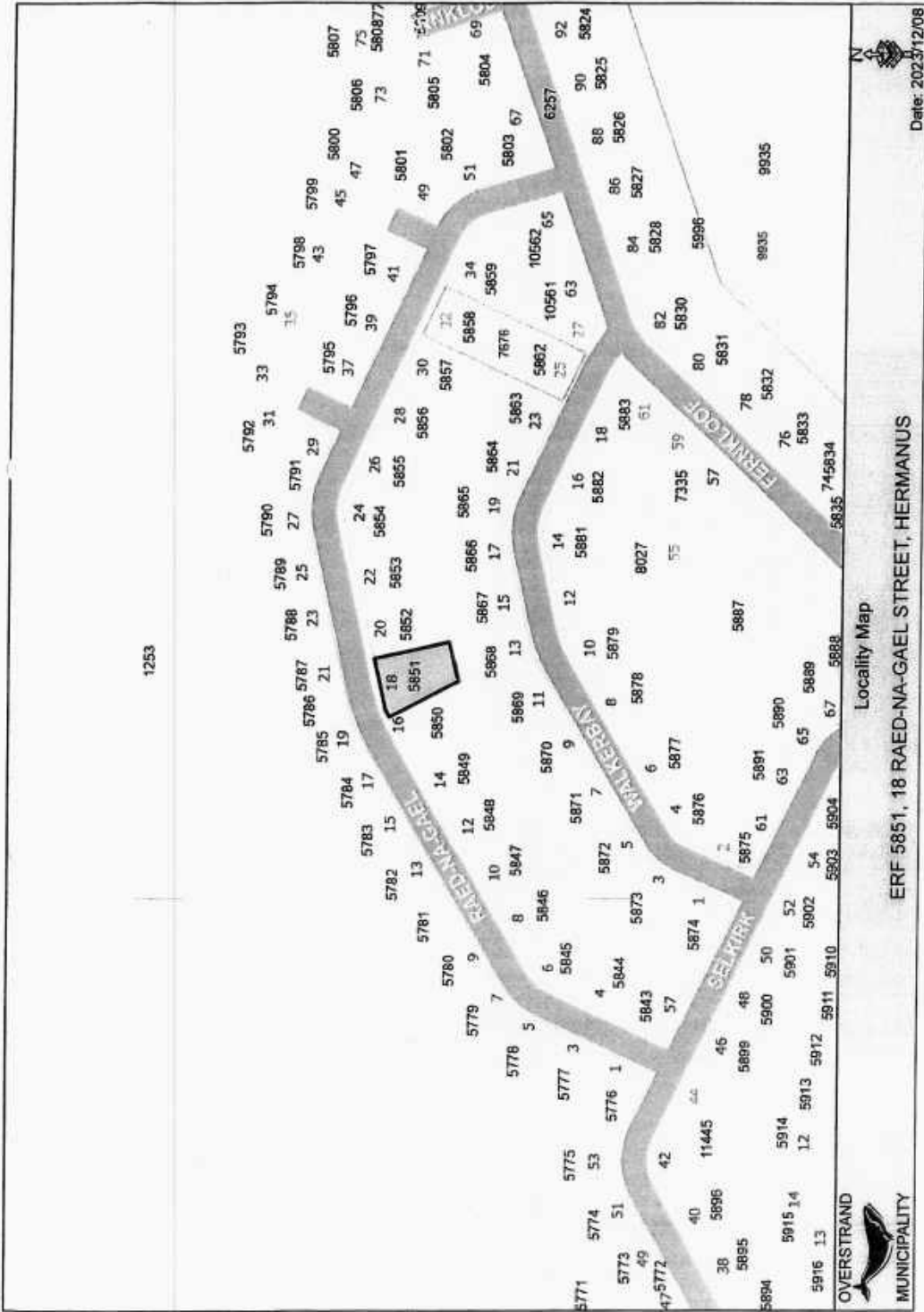
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- (f) that all the conditions in the Services Report be complied with;
 - (g) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (h) that all other applicable development parameters as prescribed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

REASONS FOR RESOLUTION

- The retention of the existing main roof will not have a negative impact on the adjacent property owners or the character of the area as the dwelling was constructed in line with the height restriction as per the previous zoning scheme.
- The loggia and proposed new staircase are considered minor structures which adhere to the character of the area.
- The application has followed due procedure.
- The proposal is in line with the relevant policy documents.
- The structures proposed are not invasive in nature and results in better utilization of space on the subject property.

1253



OVERSTRAND
MUNICIPALITY

Locality Map

ERF 5851, 18 RAED-NA-GAEL STREET, HERMANUS

Date: 2023/12/08

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 5851, HERMANUS (4543/2023)**

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

Conditions:

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE