

**PORTFOLIO COMMITTEE :
INFRASTRUCTURE & PLANNING**

**This item was considered
during the Portfolio Committee
meeting of 22 June 2021**

Refer to Page 2a

**PORTFOLIO COMMITTEE :
INFRASTRUCTURE & PLANNING**

Chairperson :

Cllr E Gillion

Committee Members :

**Cllrs D Botha, J Orban,
S Tebele & V Pungupungu**

**PORTEFEULJEKOMITEE :
INFRASTRUKTUUR & BEPLANNING**

Voorsitter :

Rdl E Gillion

Komiteelede :

**Rdle D Botha, J Orban,
S Tebele & V Pungupungu**

INFRASTRUCTURE & PLANNING PORTFOLIO COMMITTEE
INFRASTRUKTUUR & BEPLANNING PORTEFEULJEKOMITEE

22 June 2021

I N D E X

	<u>PAGE NO</u>
APPLICATIONS FOR LEAVE OF ABSENCE	
1. TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS CONSIDERED IN TERMS OF DELEGATED AUTHORITY: APRIL 2021 – MAY 2021	1
2. HERMANUS, A PORTION OF REMAINDER ERF 4771 KNOWN AS “DUTCHIES RESTAURANT”: DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO RENEW THE LEASE OF MUNICIPAL PROPERTY TO TASOCLOX (PTY) LTD	66
3. APPLICATION TO PURCHASE: A PORTION OF ERF 1253 HERMANUS ADJACENT TO ERF 6249 HERMANUS (343 MAIN ROAD, EASTCLIFF, HERMANUS) – P LOTZ	80
4. TRANSFER OF A PORTION OF ERF 6804 HERMANUS (ROAD RESERVE) ADJACENT TO ERF 6516 HERMANUS SITUATED AT 2 HEIDE STREET, MOUNT PLEASANT, TO AG & PAM APLON	87
5. PARTIAL AMENDMENT OF MAYORAL COMMITTEE RESOLUTION DATED 28 FEBRUARY 2018 FOR THE LEASE OF A PORTION OF PORTION 18 OF FARM NR 644 CALEDON REGIONAL DISTRICT SITUATED AT “DIE KOP” NEAR STANFORD TO FOOD FOUR THOUGHT COMMUNITY PROJECTS NPO	96
6. TRANSFER OF ERF 1153 HAWSTON (SITUATED ON THE CORNER OF CHURCH STREET AND WOODLANDS ROAD, HAWSTON), 1980M ² IN EXTENT, FOR CHURCH PURPOSES	101
7. ENCROACHMENT ON A PORTION OF MUNICIPAL PROPERTY, A PORTION OF ERF 1199 ZWELIHLE (PUBLIC PLACE, BEACH CLUB): MR HRA LUBBE	109
8. DRAFT INTEGRATED WASTE MANAGEMENT BY-LAW FOR REVIEW AND APPROVAL FOR ADOPTION	116
9. A PORTION OF ERF 4831 AND ERF 5327 HERMANUS (DE MOND): WRITE BACK AND WRITE OFF OF AMOUNTS RAISED AND WAIVER OF RENTAL – “POHL BUSINESS TRUST (T/A POHL PROPERTY DEVELOPMENT GROUP) TRADING AS THE CROWN GRANT (PTY) LTD”	200
10. IN PRINCIPLE APPROVAL FOR THE ALIENATION OF UNREGISTERED ERF 11869 (A PORTION OF REMAINDER ERF 243), HERMANUS (SITUATED ON THE CORNER OF SCHULPHOEK BOULEVARD AND THE R43), OVERSTRAND MUNICIPAL AREA, BY MEANS OF A COMPETITIVE PROCESS	222

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

**1.
TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: APRIL 2021 – MAY 2021**

15/3/11

R Kuchar

21 May 2021

Senior Manager : Town & Spatial Planning

(028) 313 8900

1. Executive Summary

To report on applications disposed of by the Authorised Official and Municipal Planning Tribunal in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 24 April 2021 – 21 May 2021.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background

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

7. Financial Implications

None

8. Staff Implications

None

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

To view, annexures are available at the office of the Senior Manager : Town and Spatial Planning.

RECOMMENDATION:

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 24 April 2021 – 21 May 2021:

- | | | |
|----|---|-------------|
| 1. | Erf 4844, 59 Eleventh Avenue, Kleinmond | 3 May 2021 |
| 2. | Portion 32 (a portion of Portion 18) of the farm Klipfonteyn No 711 | 10 May 2021 |
| 3. | Erf 4687, 5 Strand Street, Kleinmond | 17 May 2021 |
| 4. | Portion 64 of the farm Wolvengat No 297 | 17 May 2021 |
| 5. | Erf 32, 3 Vyfer Street, De Kelders | 20 May 2021 |

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 29 April 2021:

- | | | |
|----|--|---------------|
| 1. | Portion 1 of the farm Kleinrivier NO 646, Division Caledon | 29 April 2021 |
| 2. | Portion 228 of the farm No 575, Benguela Cove | 29 April 2021 |
| 3. | Erf 4413, 4 Lachenalia Road, Betty's Bay | 29 April 2021 |

RESPONSIBLE OFFICIAL : R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION : 14 JULY 2021

TARGET DATE TO INFORM APPLICANT : N/A

TARGET DATE TO INFORM OBJECTOR : N/A

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 24 August 2021)**

**1.
TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: APRIL 2021 – MAY 2021**

15/3/11

R Kuchar

Senior Manager : Town & Spatial Planning

21 May 2021

(028) 313 8900

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 JUNE 2021, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION :

11 SEPTEMBER 2021

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

Spatial Land Use Management Act (SPLUMA) Approvals

- 1. ERF 4844, 59 ELEVENTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS ARCHITECTURAL HOME DESIGN ON BEHALF OF CN LE ROUX**

4844 KKM

**H van der Stoep
8 April 2021**

(028) 313 8900

Hermanus Administration

Executive Summary

An application was received on 26 August 2020 from Messrs Architectural Home Design (P Mattheus) on behalf of CN le Roux on Erf 4844, Kleinmond for a departure in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law, 2020 in order to relax the street building line from 4m to 1,2m to accommodate the replacement of the existing carport with a new carport structure.

RESOLVED :

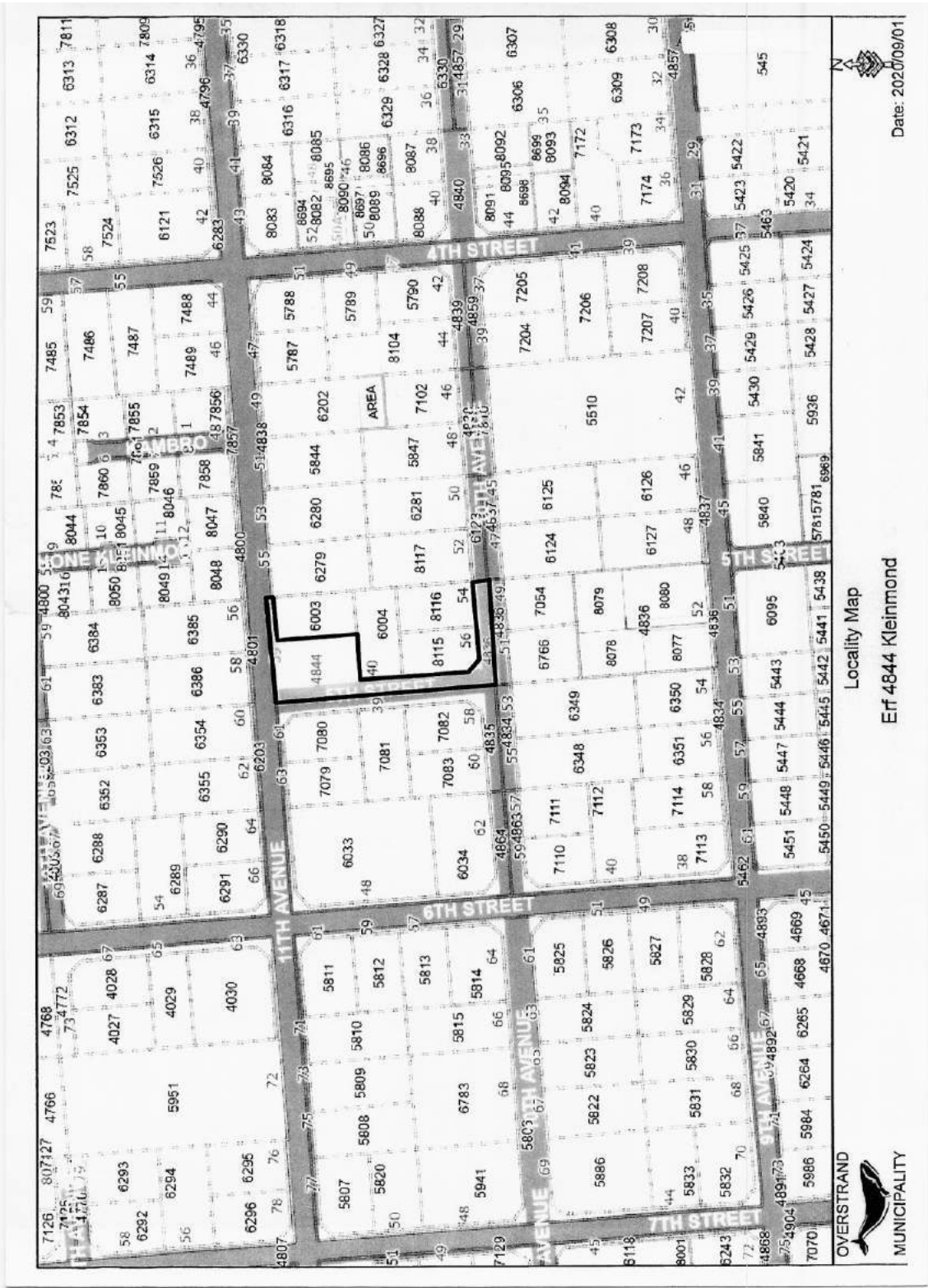
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-law on Municipal Land Use Planning, 2020 in order to relax street building line from 4m to 1,2m to accommodate the replacement of the existing carport with a new carport, **be approved** in terms of the provision of the Section 61 of the Municipal By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the site development plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that all the conditions in the Services Report, be complied with.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

REASONS FOR RECOMMENDATION

- The surrounding owners did not object.
- The departure will have no impact on the surrounding area.
- The proposed structure will blend in the surrounding area and will not negatively impact vested rights of the adjacent properties



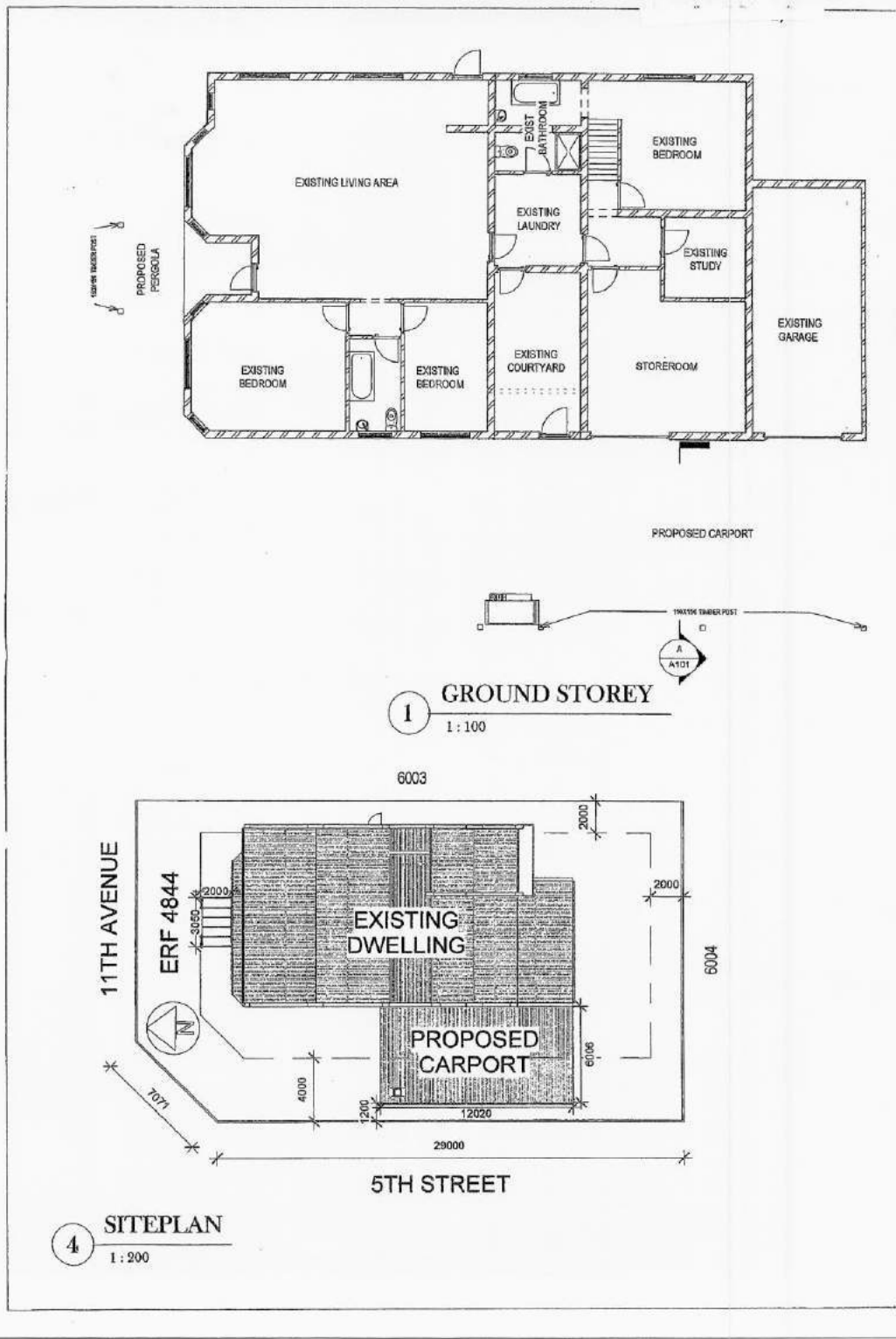
Locality Map

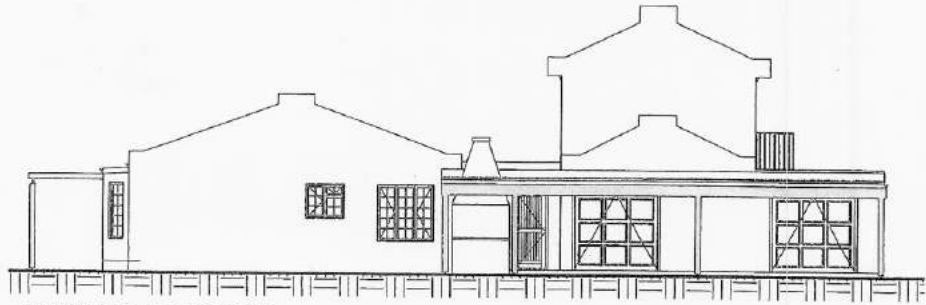
Erf 4844 Kleinmond



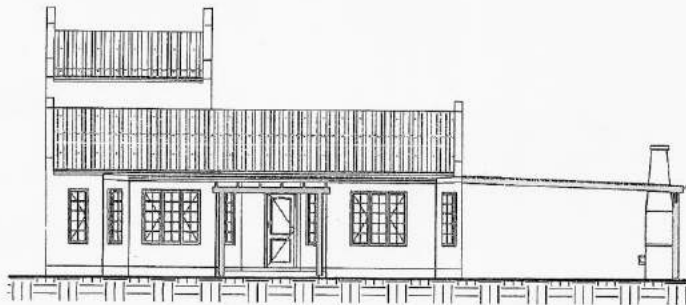
OVERSTRAND MUNICIPALITY

Date: 2020/09/01

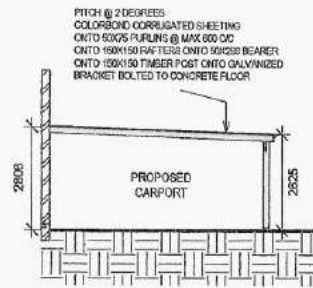




2 WEST ELEVATION
1 : 100



3 NORTH ELEVATION
1 : 100



A SECTION A-A
1 : 100

FITCH @ 2 DEGREES
COLORBOND CORRUGATED SHEETING
ONTO 50X50 PURLINS @ MAX 800 C/C
ONTO 150X150 RAFTERS ONTO 50X250 BEARER
ONTO 150X150 TIMBER POST ONTO GALVANIZED
BRACKET BOLTED TO CONCRETE FLOOR

ERF 4844 648m²
DWELLING 223m²
CARPORT 72m²
TOTAL 295 m²
COVERAGE 45.5%



MS C N LE ROUX
ERF 4844
11TH AVENUE
KLEINMOND

PROPOSED CARPORT

COUNCIL DRAWINGS

Project nr KM4844/2020

Date 13/08/2020

Drawn by PJM

Pro Arch D 20652

A101

Scale As indicated

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 4844, KLEINMOND**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that stormwater be allowed to discharge through Erf 4844, Kleinmond, unobstructed;
4. that no on-street parking be allowed.

p.p. D. Hendriks

DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

02/12/2020

DATE

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

2. PORTION 32 (A PORTION OF PORTION 18) OF THE FARM KLIPFONTEYN NO. 711, CALEDON DIVISION: APPLICATION FOR CONSENT USE: MESSRS WARREN PETTERSON PLANNING ON BEHALF OF OVERSTRAND MUNICIPALITY

711/32 RCAL

**SW van der Merwe
16 March 2021**

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application received from Messrs Warren Petterson Planning on behalf of Overstrand Municipality applicable to Portion 32 of the Farm Klipfonteyn No. 711, Caledon Division for consent use in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-law on Municipal Land Use Planning, 2020 (By-law) for the continued use of an existing 55m transmission tower.

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-law) applicable to Portion 32 of the Farm Klipfonteyn No. 711, Caledon Division, for consent use for the continued use of an existing 55m transmission tower, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the owner of the transmission tower and associated infrastructure must permit co-location on the installation;
 - (b) that the necessary safety measures be implemented to ensure public safety as endorsed by the South African Department of Health;
 - (c) that building- and/or engineering plans be submitted to the Building Department for approval, and that all conditions of the Building- and Fire Departments be complied with at that stage;
 - (d) that commercial rates and service tariffs as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (e) that the material used must be of such a nature that the transmission tower blends in with the existing character of the environment such as

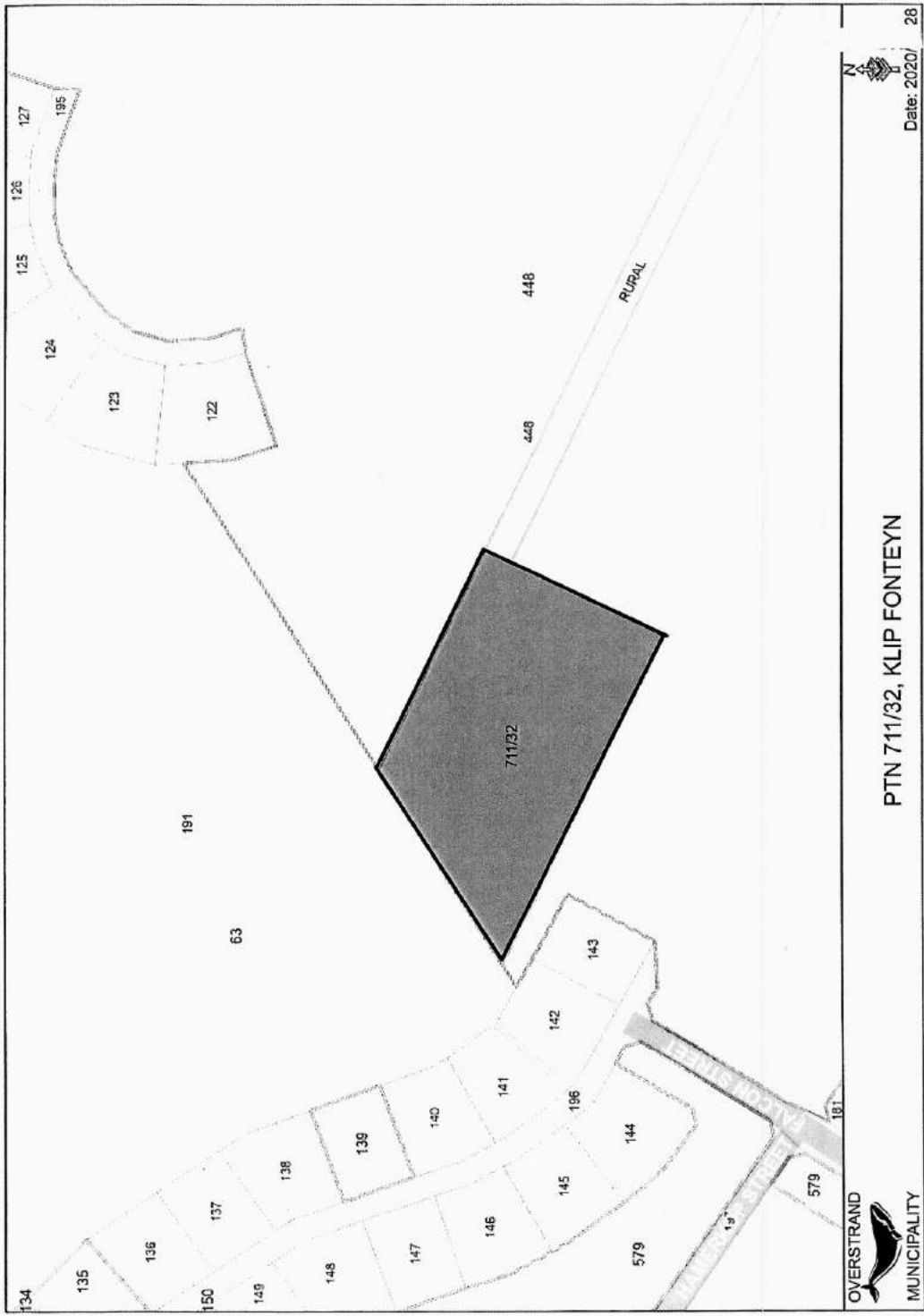
**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

to minimise visual impact;

- (f) that the conditions in the services report, be complied with, and
 - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) regarding the above conditions of approval.

REASONS FOR RECOMMENDATION

- ❖ The application followed due process and no objections were received.
- ❖ The transmission tower is an existing installation.
- ❖ The retention of the transmission tower is necessary to maintain existing levels of service / coverage.
- ❖ Approval of the consent use application will not detract from the character of the area or vested rights of adjoining properties.



PTN 711/32, KLIP FONTEYN



Date: 2020/ 28



vodacom

XC TOWER SITE ID: BS 0753
XC TOWER SITE NAME: GANSBAMI
PROPERTY DESCRIPTION:
 A PORTION OF PORTION 32 (A PORTION OF PORTION 18) OF FARM KLIP FORTYEEN NUMBER 711

ADDRESS:
 OFF LORD ROBERTS STREET ONTO AN EXISTING GRAVEL ROAD (OPPOSITE OVERBERG BOAT CLUB - GANSBAMI)

COORDINATES:
 Lat: -34.609247°
 Long: 18.337888°
ELEVATION: 57m



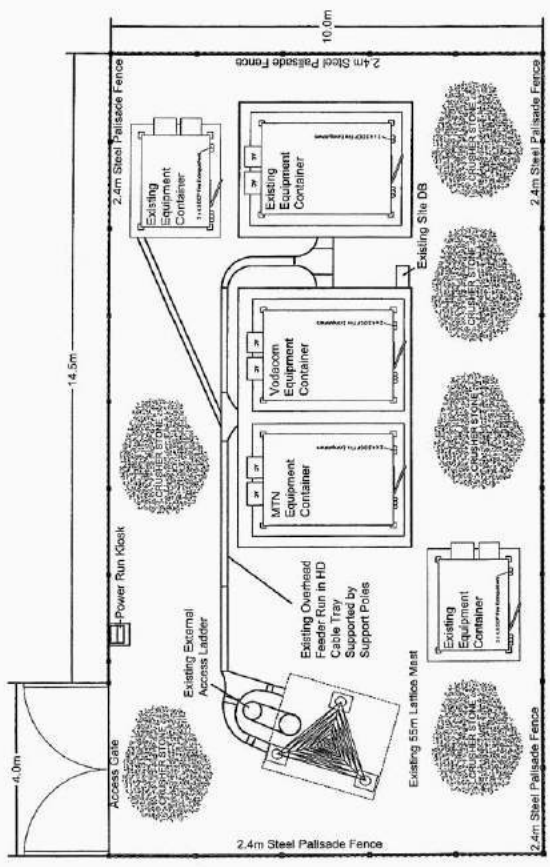
PROJECT:
 EXISTING VODACOM 26m LATICE MAST WITH 15.0m X 10m BASE STATION
APPROVED MAST:
 55m LATICE MAST


NOTES:
 A) EXISTING 26m LATICE MAST
 B) EXISTING EQUIPMENT CONTAINERS
 C) CUSTOM BASE STATION
 D) 2.4m STEEL PALISADE FENCE
 E) 55m LATICE MAST WITH FENCE
 F) BASE STATION CHIP STORE SURFACE

DATE	DESCRIPTION	REVISION
24-08-2020	1st Issue	0
31-03-2021	2nd Issue	1


DRAWING NUMBER: GANSBAMI 1	SHEET: 3 OF 4
DRAWING TITLE: TOP VIEW	
DRAWN: R. CHIPPS	SCALE: NTS
DATE: 2021-03-31	REVISIONS: 1

Top View





31 MAR 2021



VC TOWER SITE ID: BS 0783


VC TOWER SITE NAME: GANSBAAI

PROPERTY DESCRIPTION:
A PORTION OF PORTION 32 (A PORTION OF PORTION 18) OF PARCEL 71 OF FORTY-NINE NUMBER 711

ADDRESS:
OFF LORD ROBERTS STREET ONTO A EXISTING GRAVEL ROAD (OPPOSITE BERG BOAT CLUB - GANSBAAI)

COORDINATES:
Lat: -34.608747°
Long: 19.837888°

ELEVATION:
57m



WPP

LOWLAND REGIONAL PLANNING CONSULTANTS
11th Fl, 4th Ave,
P.O. Box 502,
Pretoria 0001 (SA)
Tel: 011 233 9025
Fax: 011 233 1947
www.wpp.co.za

PROJECT:
EXISTING VODACOM 55m LATTICE MAST WITH 18.5m X 10m BASE STATION

APPROVED MAST:
55m LATTICE MAST

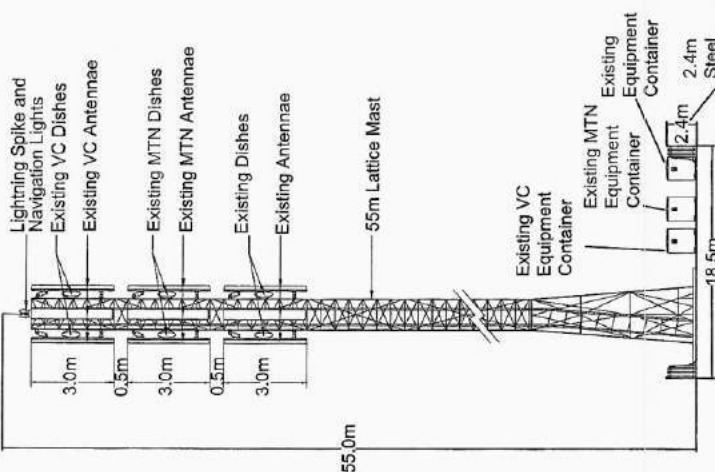
NOTES:
A) EXISTING 55m LATTICE MAST
B) EXISTING VC AND MTN EQUIPMENT CONTAINERS
C) CUSTOM BASE STATION
D) EXISTING 18.5m X 10m BASE STATION
E) SITE SIDE BOUND TO FENCE WITH FENCE
F) BASE STATION: CHP STONE SURFACE

DATE	DESCRIPTION	REVISION
24-08-2020	1st Issue	0
31-03-2021	2nd Issue	1

DRAWING NUMBER:	SHEET:
GANSBAAI 1	4 OF 4

DRAWING TITLE:	ELEVATION
BRANX R. CHIFFIS	3
DATE: 2021-03-31	1:100
	REVISION:
	1

Elevation



NOTE:
Advisory or warning signage including a pictogram may be a requirement for IMI. Such signage shall identify the property and the IMI and shall warn the general public as required. Such signage shall be to the City's satisfaction and may not be larger than 400mm x 500mm.

This application will comply with the COCT, Telecommunication Mast Infrastructure Policy, as approved in April 2015.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: PORTION 32 (A PORTION OF
PORTION 18) OF THE FARM KLIP FONTEYN NO.711, DIVISION
CALEDON**

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

Conditions:

1. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that, as no municipal water- and sewerage will be rendered to Portion 32 of Farm 711, the applicant is responsible for the provision of any water supply and sewerage services to the development of Portion 32 of Farm 711;
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 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;
5. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Manager: Water Infrastructure & Quality , Overstrand Municipality (Tel: 023 313 8972) ;
6. that the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, etc.) for the use of any sewage disposal;
7. that the developer complies to all the conditions set by Department Of Water Affairs & Bocma;
8. that any additional and / or extended vehicle entrances will be for the owner's account;

9. that the developer will arrange with Provincial Administration to obtain approval for any new access from the Provincial road;
10. that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or –waste disposal facility.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

3. ERF 4687, 5 STRAND STREET, KLEINMOND: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE: MESSRS PLAN ACTIVE ON BEHALF OF DIE VAN DEN BERG FAMILY TRUST 100

4687 KKM (3272)

H van der Stoep

(028) 313 8900

Hermanus Administration

6 April 2021

Executive Summary

An application was received on 1 June 2020 from Messrs Plan Active Town & Regional Planners on behalf of Die Van den Berg Family Trust (H van den Berg) on Erf 4687, Kleinmond for the following:

- ❖ Removal of restrictive title conditions with reference to Clauses C.10 and C.11 of Title Deed T25432/2017 applicable to Erf 4687, Kleinmond in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015.

The restrictive conditions read as follows:

“C. SUBJECT TO and with the benefit of the following conditions mentioned in the special conditions of sale marked “A” attached to Deed of Transfer No 8382, dated 6 October 1923, which conditions reads as follows:

10. All buildings to be erected on the land herein sold shall stand back at least 3,15 metres from the line of the street or avenue on which the Lot or Lots herein mentioned may front;

11. That all buildings to be erected on the land herein sold shall stand back at least 9,45 metres from any street or 6,30 metres from any Avenue on which the Lot or Lots herein mentioned may front.”

- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Erf 4687, Kleinmond to relax the following:
 - street building line from 4m to 0m to accommodate a patio with braai and pergola;
 - southern lateral building line from 2m to 0m to accommodate a proposed outbuilding (garage and store room);
 - northern lateral building line from 2m to 1,38m to accommodate the new dwelling house and patio with pergola;
 - to exceed the maximum allowable site coverage from 50% to 52% to accommodate the new dwelling with outbuilding;
 - to exceed the maximum height of an outbuilding from 3,5m to 4,025m; and
 - to exceed the 9m restriction of a building on one specific boundary.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

RESOLVED :

1. that the application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions Clauses C.10 and C.11 as contained in Title Deed T25432/2017 applicable to Erf 4687, Kleinmond, **be approved** in terms of the provisions of Section 61;
2. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the following:
 - street building line from 4m to 0m to accommodate a patio;
 - southern lateral building line from 2m to 0m to accommodate a proposed outbuilding (garage and store room);
 - northern lateral building line from 2m to 1,5m to accommodate the new dwelling house and patio, and
 - to exceed the 9m restriction of a building on one specific boundary

be approved in terms of the provisions of Section 61;
3. that the approvals in Points 1 and 2 above be subject to the following conditions:
 - (a) that no further transgression over the building lines will be allowed, except that is sanctioned by the Overstrand Municipality Land Use Scheme, 2020;
 - (b) that the height of 8m be maintained;
 - (c) that the coverage of 50% be maintained;
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage.
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that a Site Development Plan be submitted and building plan reflecting the approval;
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

- (h) that all the conditions in the Services Report, be complied with.
4. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the following departures, **not be approved**:
- ❖ the relaxation of the street building line from 4m to 0m to accommodate a braai;
 - ❖ the relaxation of the street building line from 4m to 0m to accommodate a pergola;
 - ❖ the relaxation of the height of the outbuilding from 3,5m to 4,024m from the natural ground level, and
 - ❖ the height of the patio wall with balustrades of 2, 205m.
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, 2015 with regard to the above decision.

REASONS FOR RECOMMENDATION

REASONS FOR APPROVAL

- The redevelopment of the erf with regard to the main dwelling will be built on the previous building line of 1,5m applicable to Kleinmond before 2013. The existing dwelling is approved on 1,5m and the proposed double storey will adhere to the 1,5m. The footprint has been established and the surrounding dwellings of double storey is built on the 1,5m. Thus, will the proposed double storey fit in with the direct surrounding-built form.
- The patio on the street building line was approved in the 1970's and the impact on the street view has been established. The footprint and impact on the street front are less than the previous approval and is beneficial to the area.
- The outbuilding for housing vehicles and storeroom on the boundary can be dealt with the departure application as it is non-habitable spaces and should not cause a disturbance.
- The deviation for an outbuilding on the 0m lateral building line is due to the erf width of only 15m, thus forcing the applicant to erect a tandem garage.
- The removal of the restrictive conditions has been transgressed with the approval of previous building plans. The conditions thus have no value due to previous approvals and in order for the applicant to redevelop the erf and address the transgressions of previous building plans, the conditions need to be addressed. The removal will have no impact on the surrounding owners.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

REASONS FOR NON-APPROVAL

- According to the building plan, the braai is located 2m from the street building line. Thus, it is recommended that the braai be located 2m from the street building line.
- According to the building plan, the pergola is 1m from the street building line. Thus, it is recommended that the pergola be located 1m from the street building line.
- The height of the outbuilding for a length of 13, 92m can create a boxed in effect on the neighbouring erf. The outbuilding is a newly constructed building and has to comply with the Overstrand Municipality Land Use Scheme Section 16.1.1.(c)(ii). The applicant opted to extend the dwelling towards the rear and create a garden and a patio in lieu of a garage. Thus, to make use of the parameters of the Land Use Scheme, the outbuilding must comply with the Land Use Scheme.
- The height of the boundary wall is excessive and there is no reason why the wall cannot comply with the Land Use Scheme Regulation of 2,1m height for a boundary wall. No reasoning was discussed in the motivation.



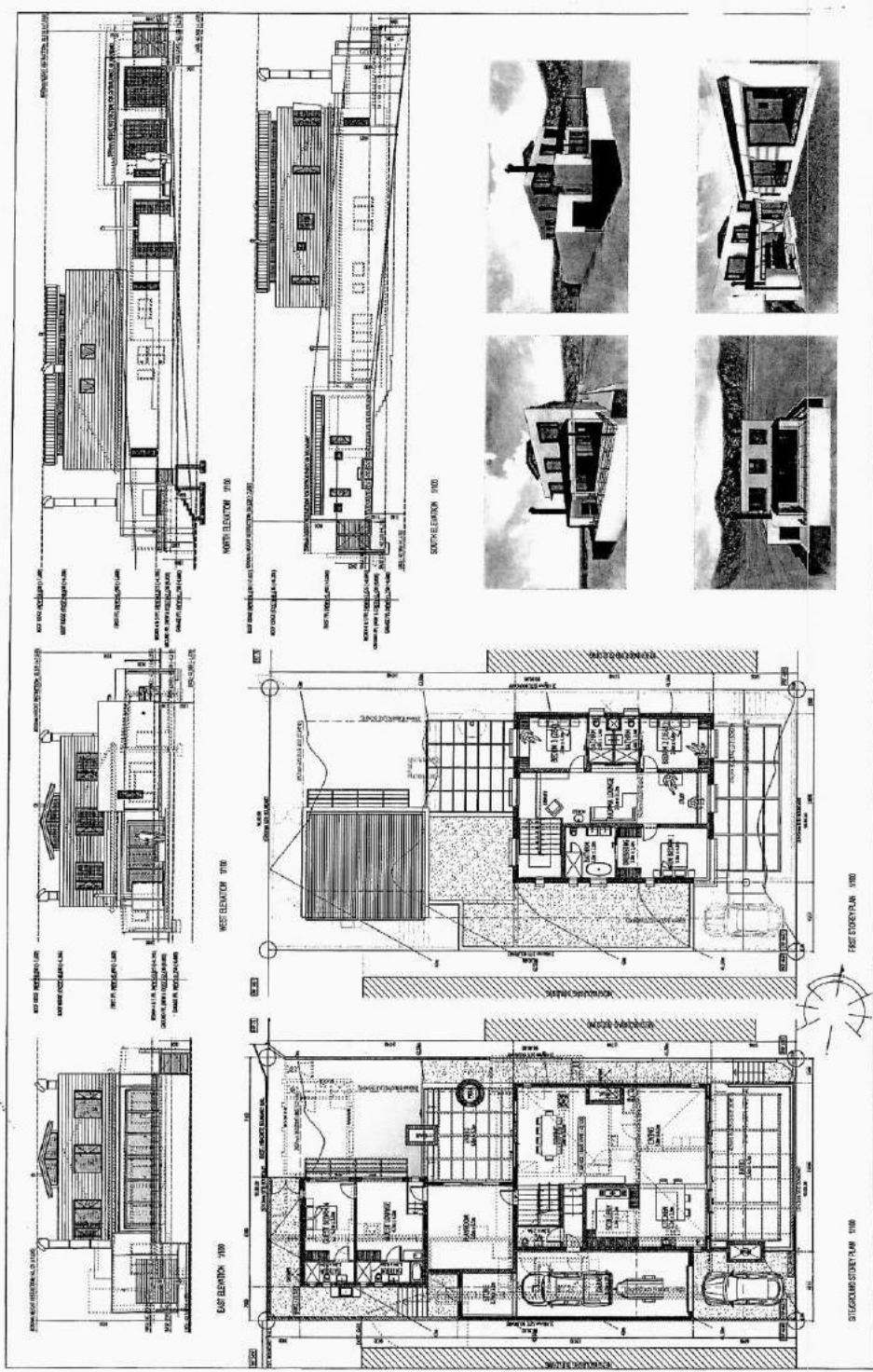
Scale: NTS
 Drawing Nr: kleimnd4687.dwg
 Date: APRIL 2020

Plan Description:
LOCALITY MAP

Property Description:
**ERF 4687
 KLEINMOND**

All distances approximate
 and subject to survey.
COPY RIGHT RESERVED

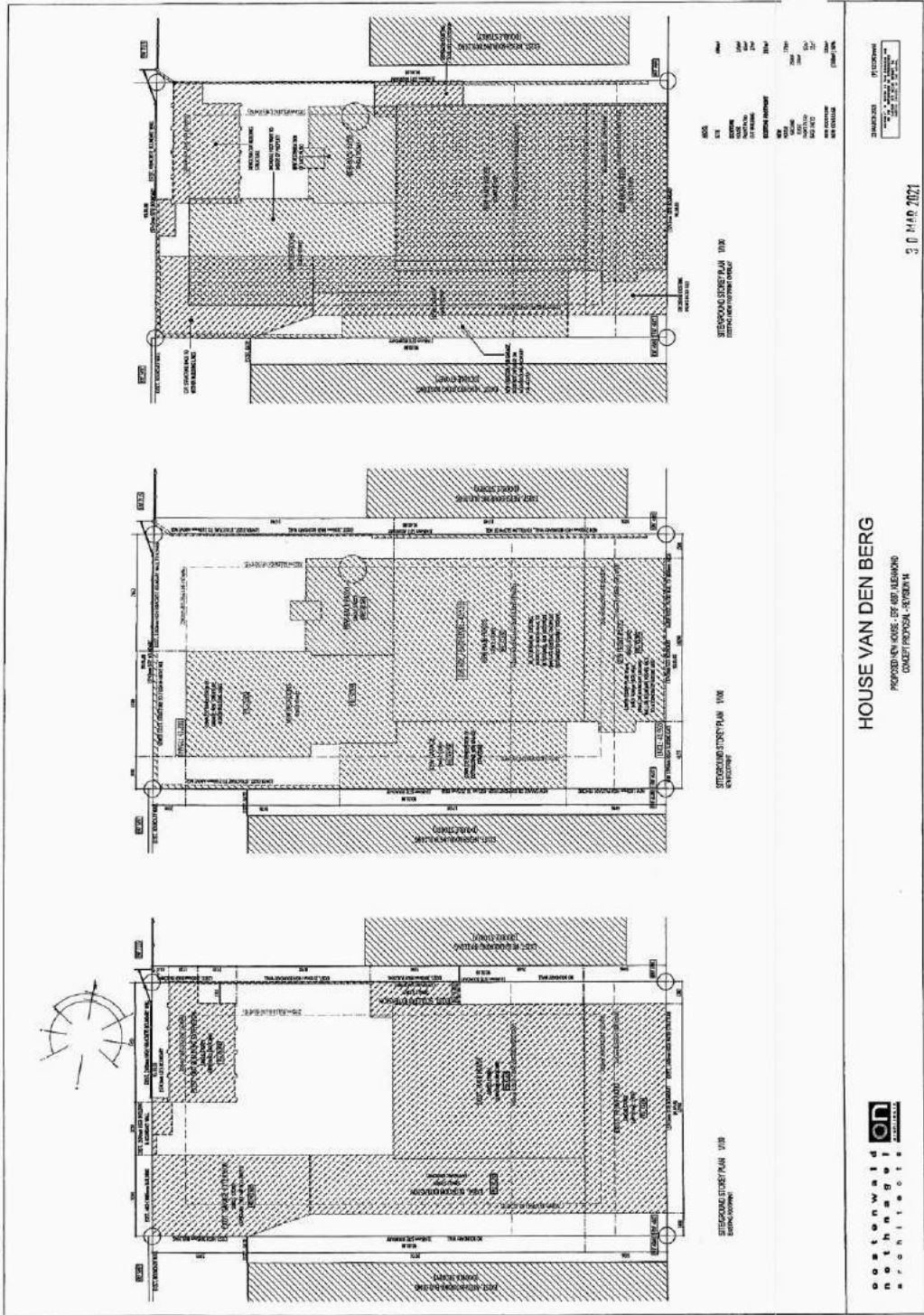
PLAⁿActive
 Stads- en Sireeksbeplanners
 Town & Regional Planners



HOUSE VAN DEN BERG
 PROJECT: HOUSE EFF. 487, DENNOVO
 CONCEPT PROPOSAL - SECTION 11

DOORNWALD ARCHITECTS
 3, D. MAAS 2021

DATE	NO.	SCALE	STATUS
2021.03.15	01	1:50	CONCEPT
2021.03.15	02	1:50	CONCEPT
2021.03.15	03	1:50	CONCEPT
2021.03.15	04	1:50	CONCEPT
2021.03.15	05	1:50	CONCEPT



HOUSE VAN DEN BERG

PROF. DR. IR. H. J. VAN DEN BERG
CONSTRUCTIE - RIJNWIJK

3.0. MAI 2021



Note
 Contours represent natural ground levels, and not actual ground levels.
 Blue Levels represent the levels used to recreate natural ground level contours
 Levels in Red represent actual ground levels

Boundary's are subject to survey.

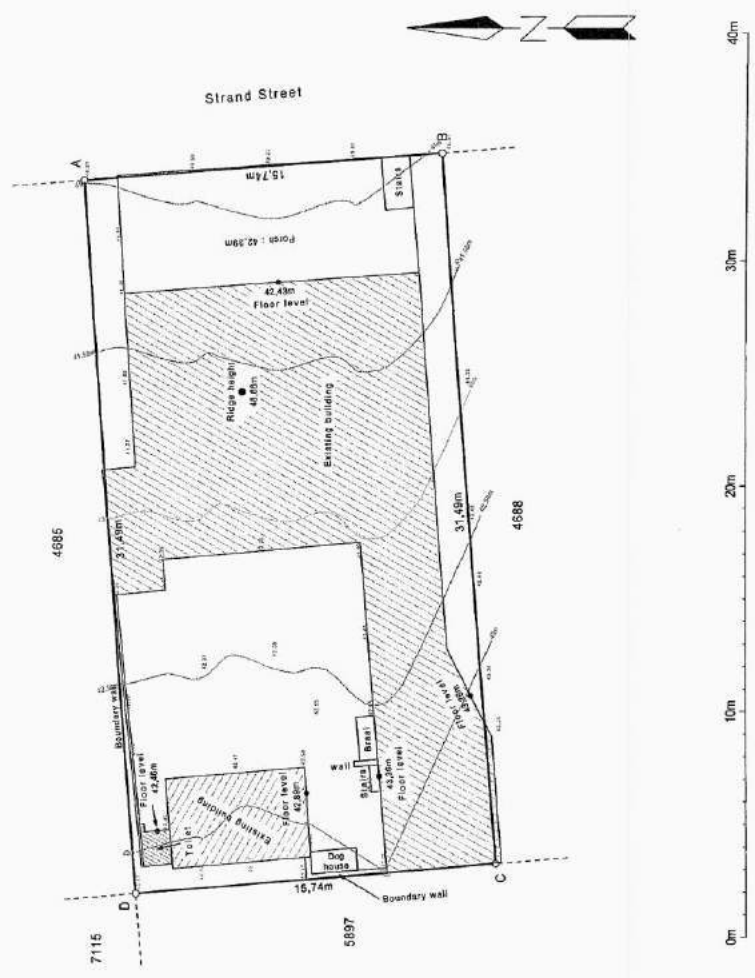
VAN DYK & ASS. inc.
 P.O. Box 2025
 BRAMFOS
 7200
 50th Avenue
 TEL: (021) 310 3977
 FAX: (021) 310 3978
 WWW: www.vandysurvey.co.za

State: **WGS84 / Lo 19**
 Height System: **Local**
 Scale: **1 : 150**
 Date: **January 2021**
 Client: **Hannes v/d Berg**

Project Title:
 Project Title:
**ERF 4687
 KLEINMOND**

Title:
 Title:
**TOPOGRAPHICAL
 SURVEY**

Tabling Number: **V21047**
 Drawing Number: **DJP**
 Drawn by: **1**
 Checked by: **1**
 Date: **21**



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS &
DEPARTURE: ERF 4687, KLEINMOND**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that stormwater be allowed to discharge through Erf 4687, Kleinmond, unobstructed;
4. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

4. PORTION 64 OF THE FARM WOLVENGAT NO. 297, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR THE EXTENTION OF THE VALIDITY OF AN APPROVAL: JML LEUNER

64/297 RBRE

SW van der Merwe

(028) 313 8900

Hermanus Administration

6 May 2021

Executive Summary

An application was received on 30 June 2020 from JML Leuner on Portion 64 of the Farm Wolvengat No. 297, Division Bredasdorp for the extension of the validity period of the existing departure approval in terms of Section 16(2)(i) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015 (By-Law) in order to accommodate the sale of fuel.

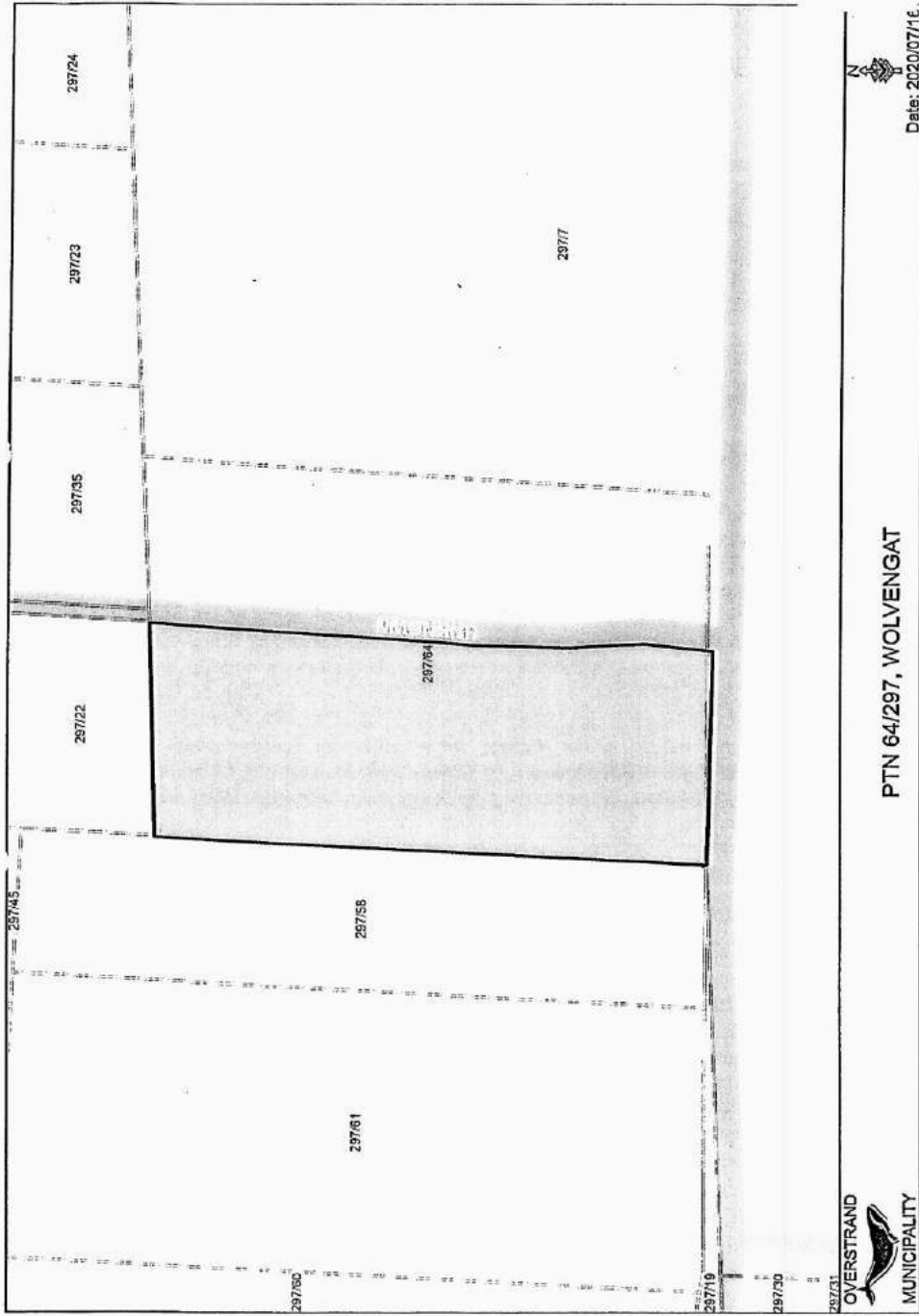
RESOLVED :

1. that the application in terms of Section 16(2)(i) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 for the extension of the validity period of an existing departure approval applicable to Portion 64 of the Farm Wolvengat No. 297, Division Bredasdorp, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the conditions of the land use approval of 29 April 2015 remain applicable;
 - (b) that the approval is valid for a period of five (5) years and lapse on 30 April 2025;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (d) that all the conditions from Telkom, Services Report, Breede-Gouritz Catchment Management Agency, Department of Agriculture and Department of Transport and Public Works, 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, 2015 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

REASONS FOR RECOMMENDATION

- ❖ The application was submitted prior to the expiry date of the validity period.
- ❖ The application followed due process.
- ❖ There is no material change in the prevailing circumstances following approval of the departure application.

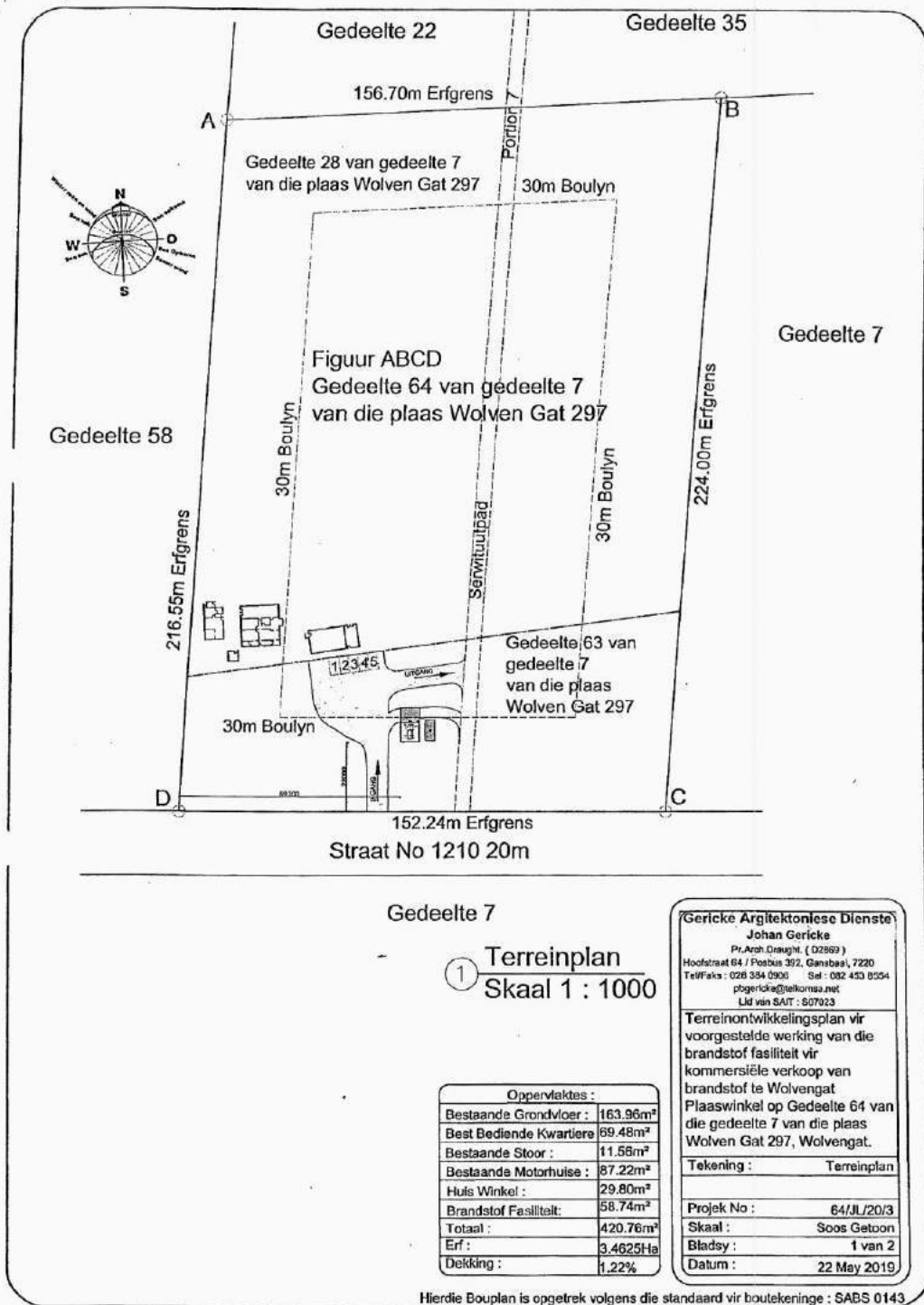


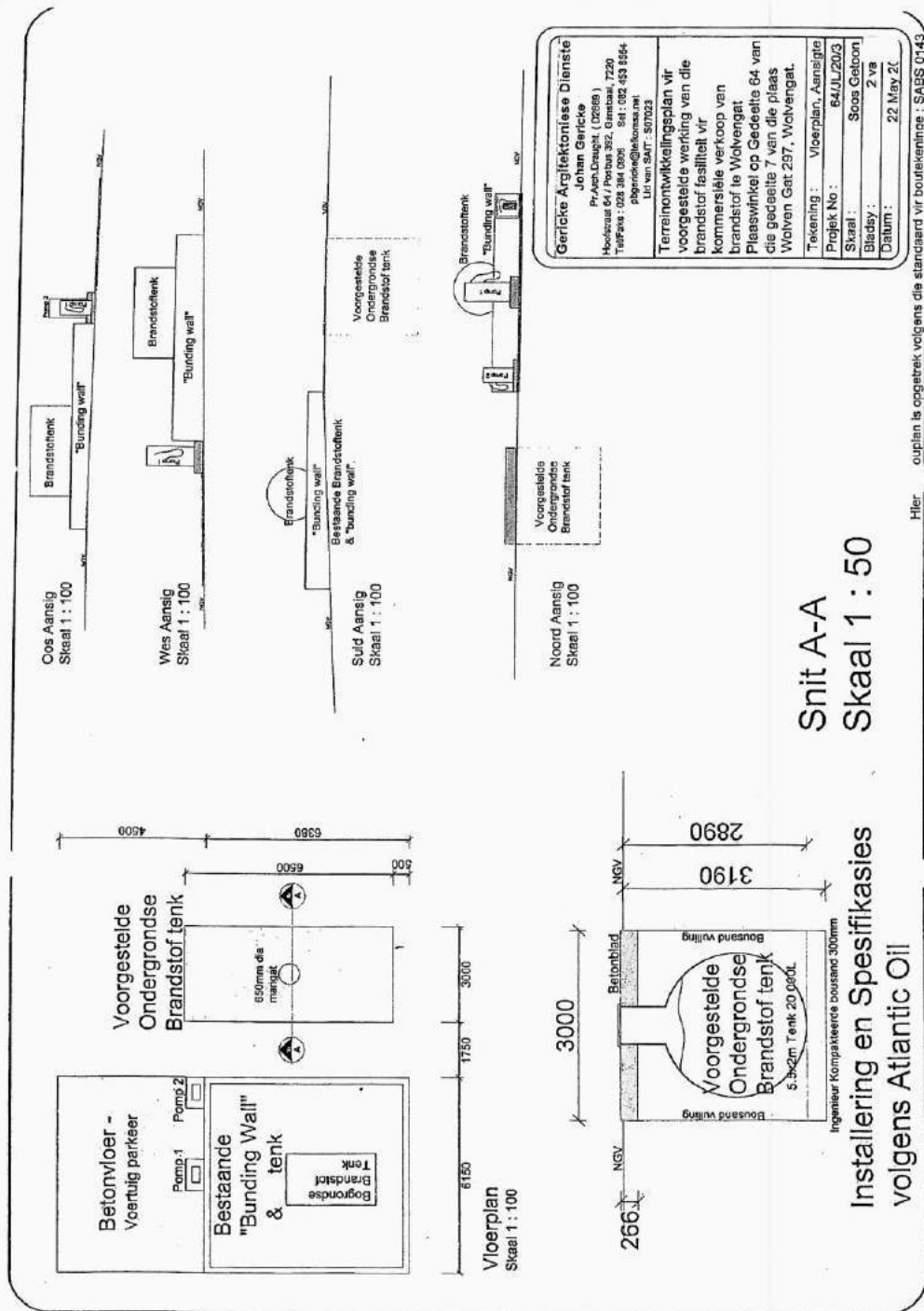
OVERSTRAND
MUNICIPALITY

PTN 64/297, WOLVENGAT



Date: 2020/07/16





Installering en Spesifikasies
volgens Atlantic Oil

Snit A-A
Skaal 1 : 50

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR EXTENSION OF PERIOD OF VALIDITY OF
APPROVAL: PORTION 64 OF FARM 297 WOLVENGAT**

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 same conditions as set out by the Director: Infrastructure and Planning in his letter dated 20 April 2015 with regards to the original application be applied to the extension of the validity of the approval.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

5. ERF 32, 3 VYFER STREET, DE KELDERS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: MESSRS ME PLANNERS ON BEHALF OF IC ROCHER

32 GDK

P Roux

30 April 2021

(028) 313 8900

Hermanus Administration

Executive Summary

An application was received in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on 17 February 2020 from Messrs ME Planners on behalf of IC Rocher applicable on Erf 32, De Kelders in order to subdivide the aforementioned property into two (2) portions, namely Portion A ($\pm 504\text{m}^2$ in extent) and Portion B ($\pm 528\text{m}^2$ in extent).

RESOLVED :

1. that the application received from Messrs ME Planners on behalf of IC Rocher applicable to Erf 32, De Kelders in order to subdivide the property into two (2) portions, namely Portion A ($\pm 504\text{m}^2$ in extent) and Portion B ($\pm 528\text{m}^2$ in extent), **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on *Subdivision Plan No.2* as submitted with the application;
 - (b) that the property owner discusses the conditions in the Services Report with the Overstrand Municipality's Engineering Department and that the bulk service levy be paid to the satisfaction of the Overstrand Municipality's Engineering Department prior to registration of the property;
 - (c) that this approval does not absolve the owner/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, 2015 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The proposed subdivision is 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.

01-01-05 12:01 GAMBRAAI MUNICIPALITY

ID#427 28 32



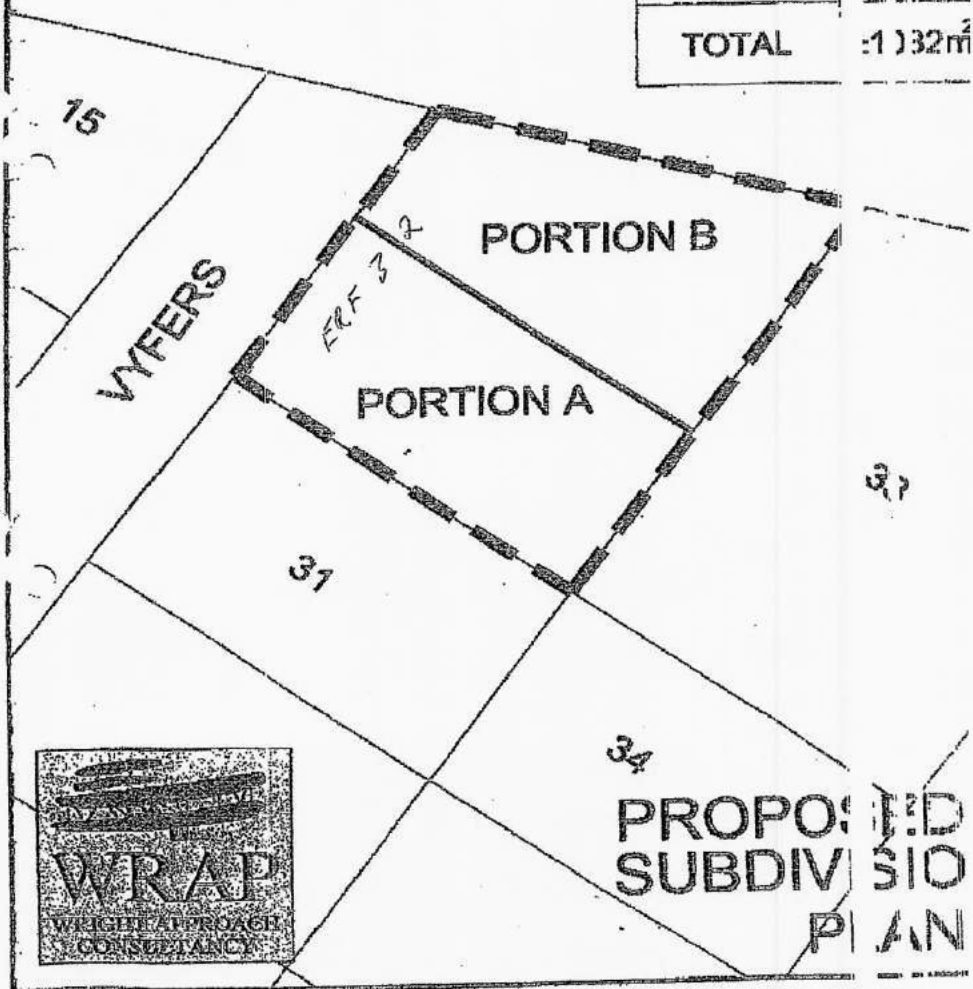
1:400

OVERSTRAAL MUNICIPALITEIT / MUNICIPALITY
 Onderverdeling toegestaan kragens artikel 25 van
 Ordinance 15 van 1985.
 Subdivisie gemaak in terme van Section 25 of Ordinance
 15 of 1985.
 SAUNDS PALL BESTUURDER MUNICIPAL MANAGER
 2014/006
 DATUM DATE

PLANNO: ERF 32

PORTIONS	AREA
PORTION A	1504m ²
PORTION B	1528m ²
TOTAL	3032m²

**PUBLIC
OPEN SPACE**



**PROPOSED
SUBDIVISION
PLAN**

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION: ERF 32, DE KELDERS**

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 (2020/2021) is as follows:

Freehold erven:

Water	R 23 957.00 x 1	=	R 23 957.00
Sewerage	R 16 153.00 x 1	=	R 16 153.00
Roads	R 7 243.00 x 1	=	R 7 243.00
Stormwater	R 8 357.00 x 1	=	R 8 357.00
Solid Waste	R 1 448.00 x 1	=	R 1 448.00
Electricity	R 33 586.00 x 1	=	<u>R 33 586.00</u>
TOTAL (inclusive of VAT)		=	R 90 744.00

Note:

- 1.3 The above figures are estimates**
1.4 The above figures do not include connection fees
2. that the proposed Portion A and Portion B of Erf 32 must be serviced with individual and separate water which must comply with the standards of the Department: Operational Services;

3. that the proposed Portion A and Portion B of Erf 32 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 each connect to;
4. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
5. that only a standard 60 Amp single phase electricity connection will be available per erf;
6. that on-site parking facilities be provided as per the Planning Schedule and to the satisfaction of the Development: 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, De Kelders, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

Municipal Planning Tribunal

1. **PORTION 1 OF THE FARM KLEINRIVIER NO. 646, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE AND CONSENT USE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF BIZ AFRIKA 62 (PTY) LTD**

1/646 RCAL

P Roux

(028) 313 8900

Hermanus Administration

17 February 2021

Executive Summary

An application was received on 27 June 2018 from Messrs WRAP Project Office on behalf of BIZ Afrika 62 (Pty) Ltd on Portion 1 of the Farm Kleinrivier No. 646, Division Caledon for the following:

- departure in terms of Section 16(2)(b) to accommodate a farm store on the property, and
- consent use in terms of Section 16(2)(o) to utilise twelve (12) holiday housing units as permanent residence by the shareholders, tourist facilities (lecture room and gift shop), restaurant and place of assembly (clubhouse).

RESOLVED:

1. that the comments and objections be noted;
2. that the application in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) received from Messrs WRAP Project Office on behalf of BIZ Afrika 62 (Pty) Ltd on Portion 1 of the Farm Kleinrivier No. 646, Division Caledon for the following:
 - departure in terms of Section 16(2)(b); to accommodate a farm store on the property; and
 - consent use in terms of Section 16(2)(o) to utilise twelve (12) holiday housing units as permanent residence by the shareholders; tourist facilities (lecture room and gift shop); restaurant and place of assembly (clubhouse)

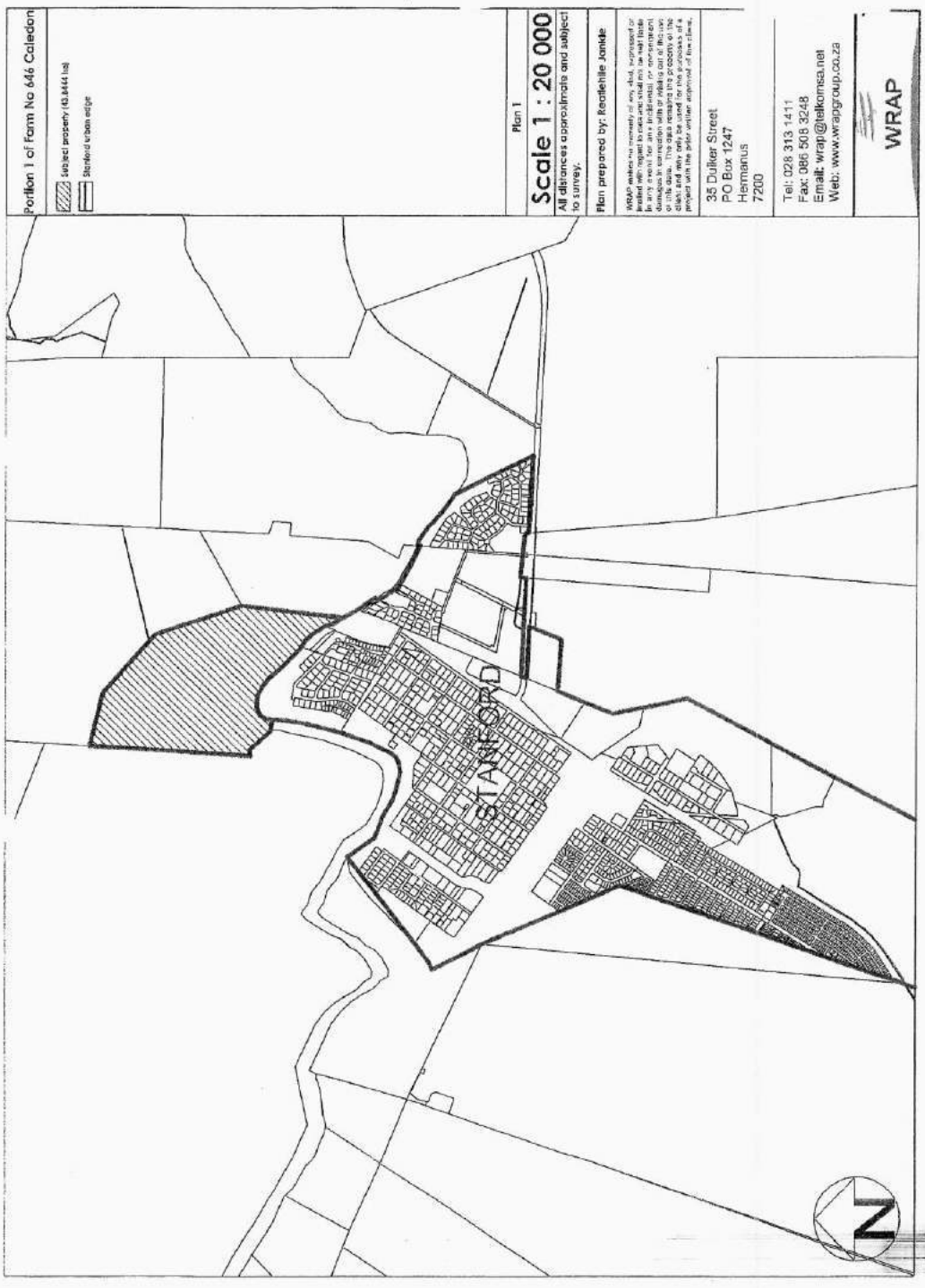
not be approved in terms of the provisions of Section 61 of the By-Law; and

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**



3. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

REASONS FOR RESOLUTION:

- Only minor details are provided regarding the proposed additional tourism uses on the property. From the information provided the scope of the proposals cannot be adequately discussed and evaluated and therefore the objections regarding the proposal are valid and weigh heavily against the proposal.
- Due to the lack of information in the motivation, the insufficient link between the motivation and the SDP and the objections received, the proposals to depart from the Zoning Scheme and apply for additional public and commercial facilities are not supported from a town planning perspective and are considered undesirable.
- Consent use for holiday housing units will not resolve the main issue which is that the property owner wants to utilise the property on a permanent basis and to add additional units. The definition for holiday housing units as contained in the Zoning Scheme specifies that the units must be used for holiday and recreational use.
- Currently the property is not being utilised for holiday and recreational use other than the existing camp site.
- The inclusion of the additional twelve (12) holiday accommodation units is an attempt to bypass the Zoning Scheme parameters which state that *“holiday housing shall not comprise more than 50% or a lesser percentage as determined by the Council of the units provided on the property concerned”*. The applicant fails to provide substantive reasons for the need for the additional twelve (12) holiday accommodation units in the Stanford area other than the reason provided above. This was noted by the objectors.
- The applicant failed to motivate how the resort will function and be developed in line with the Zoning Scheme and land use rights.
- The main purpose of the proposal is based on the principle to legalise a past infringement and to pressurise the Municipality to allow for the establishment of permanent housing units on a property outside of the urban edge. Although the SDF, 2006 promotes tourism in the rural area as stated by the applicant, the SDF also states that non-agricultural development along the Klein Rivier must be restricted and, due to growth pressures, that the urban footprint of Stanford must be contained in a clearly defined urban edge. From the Municipality’s point of view and as communicated by DEA&DP the proposal is considered undesirable.
- The character and building materials used for several outbuildings are not considered to be consistent with the formally constructed dwellings.



Portion 1 of Farm No 646 Caledon

 Subject property (0.3444 ha)
 Standard urban edge

Plan 1

Scale 1 : 20 000

All distances approximate and subject to survey.

Plan prepared by: **Reedelle Joubert**

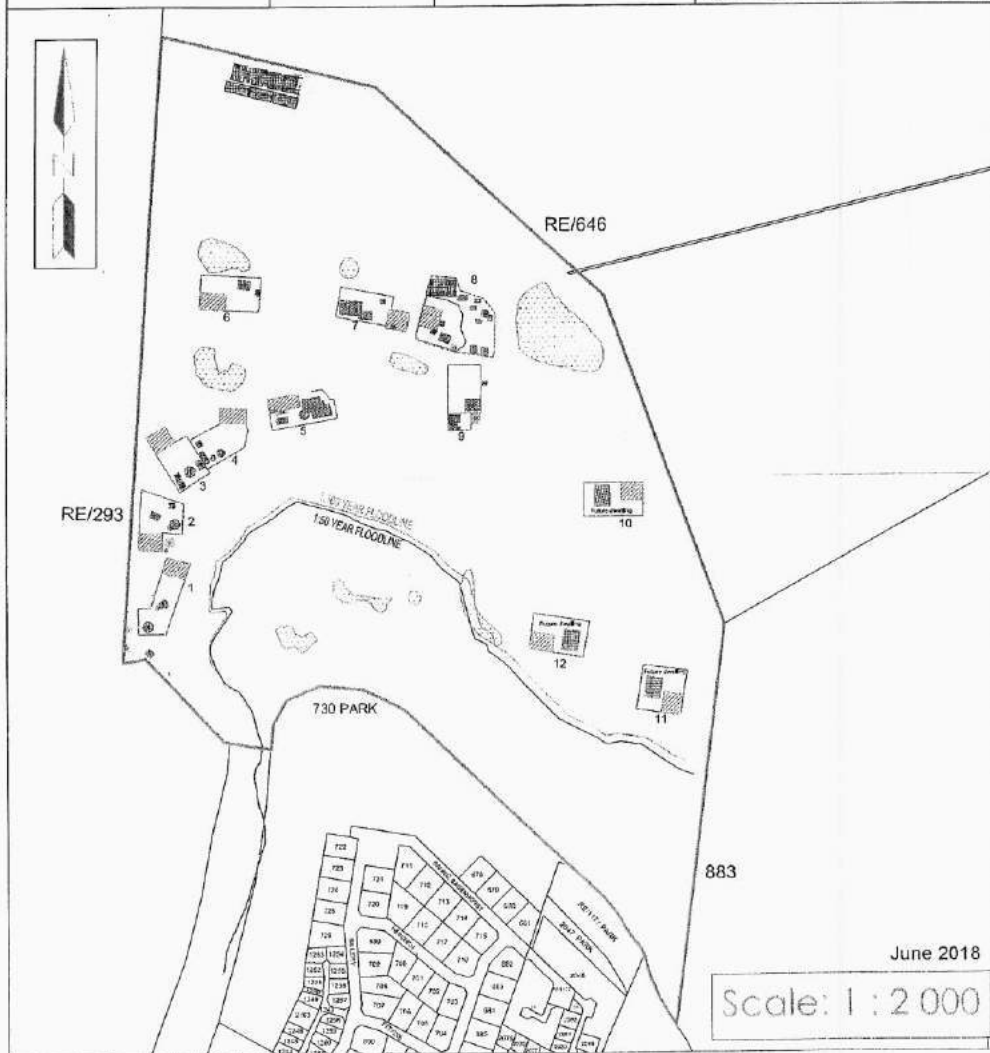
WRAP makes no warranty of any kind, expressed or implied, with regard to the accuracy of the information contained in this plan. The user of this plan shall be responsible for verifying the accuracy of the information with a professional surveyor or other competent authority. The user of this plan shall be responsible for the accuracy of the information contained in this plan. The user of this plan shall be responsible for the accuracy of the information contained in this plan.

35 Dulker Street
 PO Box 1247
 Hemmarus
 7200

Tel: 028 313 1411
 Fax: 086 508 3248
 Email: wrap@telkomsa.net
 Web: www.wrapgroup.co.za



SDP of Portion 1 of Farm Kleinrivier 646 Caledon			All distances a subject to surv...
<ul style="list-style-type: none"> 2000m² Precinct areas Subject report (43,844 ha) Road Reserve 500m² for proposed holiday accommodation units Approved structures to remain Not approved structures to remain Structures to be demolished Proposed buildings / parking area 	<ul style="list-style-type: none"> Title site delineation Title site Camp site kitchen Cafe Entertainment area Playroom Accommodation Ablution block Dam 	<ul style="list-style-type: none"> 20 bays Parking provided for the title site Parking calculation for: one place of assembly, restaurant and farm store / gift shop 18 bays Farm store / gift shop 300m² 18 bays Restaurant 300m² 18 bays Place of assembly for 18 people 40.5 bays Required total parking 22 bays Parking provided 	<p>Plan prepared by: Reatlehlle Jankie</p> <p>35 Duiker Street PO Box 1247 Hermanus 7200</p> <p>Tel: 028 313 1411 Fax: 086 508 3248 Email: wrap@telkomsa.net Web: www.wrapgroup.co.za</p>



INFORMATION TABLE

Anton Boshoff			
Structures to be surveyed	Land use approval	Building plan approval	Conclusion
AB 1. Rondawel	Yes	Yes	The dwelling conforms to the definition of dwelling unit and will be used for holiday housing.
AB 2. Outbuilding	No	No	The structure will be renovated to conform to building regulations.
AB 6. Outbuilding	No	No	The structure will be renovated to comply with building regulations.
Structures not to be surveyed	Land use approval	Building plan approval	Conclusion
AB 3. Covered workshop	No	No	The structure will be demolished.
AB 4. Outbuilding	No	No	The structure will be demolished.
AB 5. Outbuilding	No	No	The structure will be demolished.
AB 7. Outbuilding	No	No	The structure will be demolished.
AB 8. Outbuilding	No	No	The structure will be demolished.
AB 9. Rondawel	Yes	Yes	The structure burnt down and the ruin will be removed.
AB 10. Wendy house	Yes	No	The structure burnt down and the ruin will be removed.
Precinct area The precinct area is 2499,7m ²			

Quentin Green			
Structures to be surveyed	Land use approval	Building plan approval	Conclusion
QG1. Wendy house	Yes	No	The structure is intereading with the rondawel.
QG 2. Rondawel	Yes	Yes	The rondawel will be used as a primary dwelling.
QG 3. Outbuilding	Yes	Yes	The structure will be kept as a garage.
QG 4. Outbuilding	No	No	The structure will become an outbuilding but building plan approvals will have to be obtained.
QG 5. Future dwelling unit	No	No	The place is vacant and will be used in the future as a second dwelling unit.
Structures not to be surveyed	Land use approval	Building plan approval	Conclusion
All structures in the precinct will be surveyed.			
Precinct area The second dwelling cannot be built in proximity of the existing buildings as there are no space available. There was a suggestion to split the 2500m ² precinct into two portions. One portion being the site with existing buildings and the other portion being down the road to the north and to the left of the road. The second dwelling will then be built on this portion. The precinct area as indicated on is 1447m ² . The second precinct area is 1010m ² .			

Val Crocker			
Structures to be surveyed	Land use approval	Building plan approval	Conclusion
VC 1. Rondawel	Yes	Yes	Rondawel conforms to dwelling unit definition.
VC 2. Extension of rondawel	Yes	No	The extension of the rondawel will be made intereading with the existing rondawel and will therefore be one dwelling
VC 3. Car port	Yes	No	The structure will be converted into a carport.
VC 4. Outbuilding	Yes	No	The structure will be maintained as an outbuilding
Structures not to be surveyed	Land use approval	Building plan approval	Conclusion
VC 5. Outbuilding	No	No	This building will not comply with the building regulations and will have to be demolished.
Precinct area The precinct area is 2498,4m ² .			

Terry Danks			
Structures to be surveyed	Land use approval	Building plan approval	Conclusion
TD 1. Rondawel	Yes	Yes	Rondawel conforms to dwelling unit definition. However, it appears that additional building work has taken place that is not indicated on any approved building plan.
TD 2. Rondawel	Yes	Yes	The rondawel conforms to the dwelling unit definition. The two rondawels are interleading and can be regarded as one dwelling.
TD 3. Flat	No	No	The flat will be extended closer to the rondawel and made interleading with the rondawel to make it one dwelling.
TD 4. Outbuilding	Yes	No	The structure will remain as an outbuilding.
Structures not to be surveyed	Land use approval	Building plan approval	Conclusion
All structures in the precinct will be surveyed.	NA	NA	
Precinct area The precinct area is 2498.4m ² .			

Jocelyn Webster			
Structures to be surveyed	Land use approval	Building plan approval	Conclusion
JW 1. Wendy house	No	No	The building is presently used as staff quarters and will be converted into an outbuilding.
JW 2. Main dwelling	Yes	Yes	The building will be used as the main dwelling (holiday housing).
Structures not to be surveyed	Land use approval	Building plan approval	Conclusion
JW 3. Wendy house	No	No	The structure will be used in the interim as holiday accommodation but will be demolished as soon as a new second dwelling is built for holiday accommodation.
JW 4. Wendy house	No	No	The structure is used as a wendy house and will have to be demolished.
Precinct area The precinct area is 2500.4m ² .			

Craig Templar			
Structures to be surveyed	Land use approval	Building plan approval	Conclusion
CT 2. Dwelling house	No	Yes	The structure will function as a main dwelling.
CT 3. Outbuilding	Yes	No	The structure can be used for storage purposes.
CT 4. Outbuilding	No	Yes	The structure can also be used for storage purposes.
Structures not to be surveyed	Land use approval	Building plan approval	Conclusion
CT 1. Caravan and wooden structure	No	No	The structure will be demolished.
Precinct area The precinct area is 2496.9m ² .			

Aidan Butler			
Existing structures	Land use approval	Building plan approval	Conclusion
AIB 1. Main house	No	Yes	This house will be used as the main dwelling.
AIB 2. Outbuilding	Yes	No	The structure can be regarded as an outbuilding and building plans will have to be submitted.
Precinct area The precinct area is 2495m ² .			

INFORMATION TABLE

Elmarie Boshoff			
Structures to be surveyed	Land use approval	Building plan approval	Conclusion
EB 1. Main dwelling	No	Yes	The structure will be used as a main dwelling.
EB 2. Garage	Yes	No	Will function as an outbuilding.
EB 3. Staff quarters	No	No	The structure will be the second dwelling unit.
EB 4. Outbuilding	No	No	The structure will function as a storage place.
EB 5. Lean to	No	No	The lean to will function as a car port.
Structures not to be surveyed	Land use approval	Building plan approval	Conclusion
All structures on the structures on the subject property will be surveyed.	NA	NA	
Precinct area The exclusive use area is 2496,9m ² .			

Nick Lauer			
Structures to be surveyed	Land use approval	Building plan approval	Conclusion
NL 1: Dwelling	Yes	Yes	The subject house will be converted to a second dwelling that will be used for holiday accommodation.
NL 3: Garage	Yes	Yes	The structure is part of the garage.
NL 4: Storage	No	No	The structure is part of the storage.
NL 6: Solar panels	No	No	The sketch plans of these will be submitted to the Municipality.
Structures not to be surveyed	Land use approval	Building plan approval	Conclusion
NL 2: Outbuilding	No	No	The structure will temporarily be used for accommodation until the holiday housing has been constructed.
NL 5: Wood dryer	No	No	The structure does not relate to the zoning of the subject property and will be relocated.
Precinct The precinct area is 2491,6 m ² .			

TRATH L
(1 row)

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF SITE DEVELOPMENT PLAN &
CONSENT USE: PTN 1 OF THE FARM NO 646, DIVISION CALEDON
(4069)**

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 ESCOM for the provision of electricity and that he complies with all conditions as may be set by ESCOM;
2. that no water service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, BOCMA etc.) for the use of any other water resources and the extraction thereof;
3. that the quality of potable water comply with SANS0241 standards and that relevant proof be submitted to the Senior Manager: Engineering Services, 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 proposed development on Ptn 1 of Farm 646 is provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the development must connect to;
6. 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;
7. that on-site parking facility are provided as per the Planning Schedule;
8. that, as no municipal sewerage removal services are rendered in the area, the owner is responsible for removal of all sewerage generated on the property, and disposal thereof at a licensed municipal sewerage treatment facility.

26 FEB 2019

FILE NO:	Ptn 1/646
SCAN NO:	
COLLABORATOR NO:	

9. that, as no municipal refuse removal services are rendered in the area, the developer is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or waste disposal facility.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

**2. PORTION 228 OF THE FARM NO 575, BENGUELA COVE, HERMANUS:
PROPOSED AMENDMENT OF THE SITE DEVELOPMENT PLAN AND
CONSENT USE: MESSRS WRAP ON BEHALF OF BENGUELA COVE
INVESTMENTS (PTY) LTD**

HBENG 228/575

H Olivier

(028) 313 8900

Hermanus Administration

12 March 2021

EXECUTIVE SUMMARY

An application was received on 20 February 2019 from Messrs WRAP on behalf of Benguela Cove Investments (Pty) Ltd on Portion 228 of the Farm No. 575, Benguela Cove in terms of the Overstrand Municipality By-Law on Land Use Planning, 2015 for the following:

- Amendment of the Site Development Plan in terms of Section 2.(l) for the proposed development of a lodge on Portion 228 of Farm 575, consisting of forty (40) units to be used as tourist accommodation, a boat house, open space for parks and recreation, spa/health bar (restaurant) and pond.
- Consent use in terms of Section 16(2)(o) of the abovementioned By-Law, for forty (40) lodge units to be used as tourist accommodation.

RESOLVED:

1. that the application for a consent use in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 for forty (40) self-catering lodge units to be used for tourist accommodation, **not be approved** in terms of the provisions of Section 61;
2. that the application for the amendment of the Site Development Plan in terms of Section 16(2)(l) of the By-Law for the proposed development of a lodge on Portion 228 of Farm 575, consisting of forty (40) units to be used for tourist accommodation, a boat house, open space for parks and recreation, spa/health bar (restaurant) and pond, **not be approved**, in terms of the provisions of Section 61, and
3. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

REASONS FOR THE RESOLUTION:

- ❖ Considering historical documents, it was always the intention to develop a larger hotel type building on the site similar to Arabella, and to create an upmarket development where persons not owning property in Benguela Cove Estate (BCE), can be accommodated overnight.
- ❖ Thirteen (13) letters of objection were received, with valid objections.
- ❖ The proposal will allow for the development of the whole site with forty (40) units and restaurant/spa. This will entail the construction of internal roads and large parking areas. Considering the character of the area surrounding the site, being larger dwellings constructed on a limited footprint on large plots, with large portions of agricultural land, private open space and nature areas, the proposed built form is not in line with the character of the surrounding area.
- ❖ The development of a hotel with interleading rooms and amenities will be contained in a smaller footprint and mirror the surrounding development with large open spaces around them. Existing residential erven next to the property have a density of approximately 5 units/ha, and other residential pockets as low as 2,6 units/ha, whilst the proposed tourist accommodation self-catering units will have a density of 14 dwelling units/ha. The proposal will have the appearance of a dense residential development, which will not fit in with the surrounding properties in the BCE.
- ❖ Whilst hotels do not typically have braai facilities, private braai facilities are usually the norm with self-catering units. The impact of forty (40) self-catering units utilizing such facilities simultaneously could create significant smoke and noise which would impact negatively on surrounding residents.
- ❖ Guests to self-catering facilities could bring their boats, which would usually not be the case in hotel developments. If the boat yard and slipway are utilized by additional guests, this could create a lot of pressure on the slipway and boat yard, which have limited capacity. This will ultimately create additional noise and nuisance at the boat yard/slipway and will impact on the privacy of surrounding property owners.
- ❖ A hotel development with interleading rooms and amenities within a more confined area, allows for the easier monitoring of the movement and behaviour of guests. With self-catering units, control over the movement and behaviour of guests will be very difficult, and this would create greater security risks in the BCE.

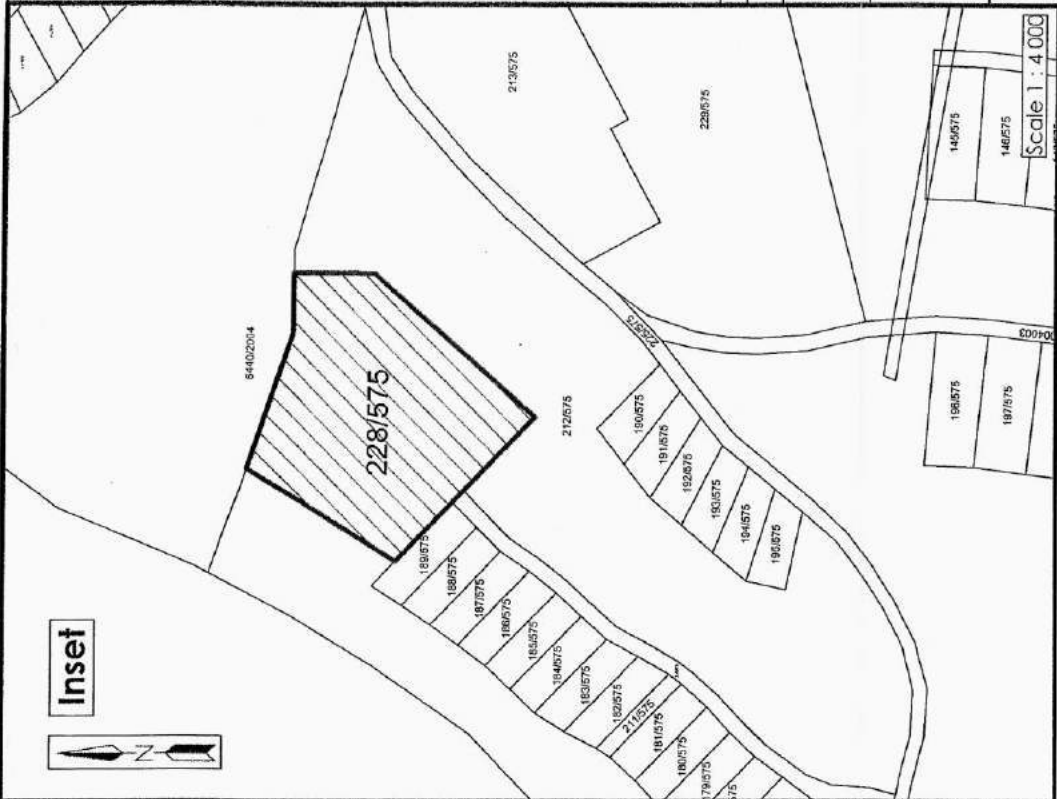
Plan 1
Locality Plan of
Portion 228 of Farm
Aldaks Rivier 575
Caledon

Portion 228 of Farm Aldaks Rivier 575 (2,7863 ha)

Plan prepared by: Rectifiable Janzé
 All distances approximate and subject to survey.

35 Duiker Street
 Pobox 1247
 Hermanus
 7200

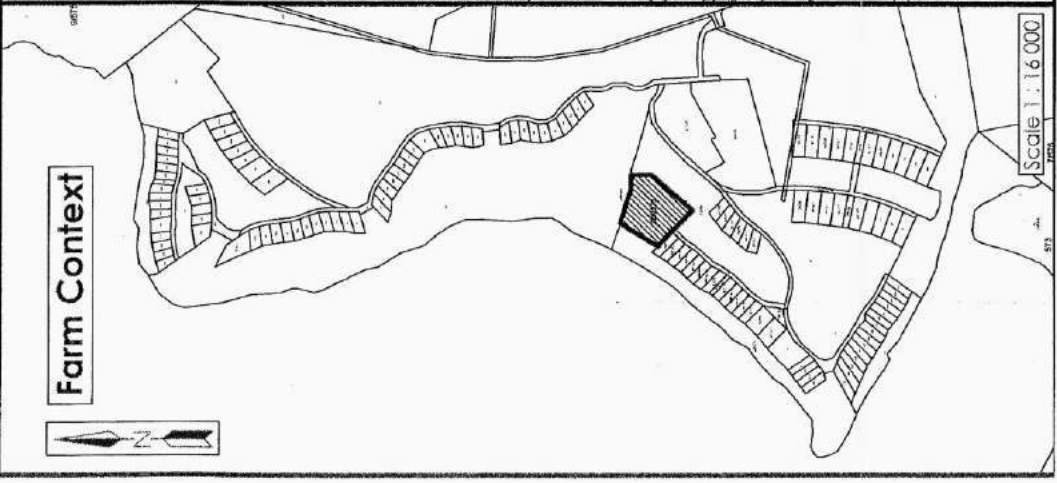
Tel: 028 313 1411
 Fax: 086 508 3248
 Email: wrap@telkomsa.net
 Web: www.wrapgroup.co.za



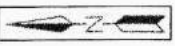
Inset



Scale 1 : 4 000



Farm Context



Scale 1 : 16 000

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF THE SITE DEVELOPMENT PLAN &
CONSENT USE, PORTION 228 OF THE FARM NO 575, BENGUELA COVE
(2958/2019)**

Stormwater (SW)	:	According to the master plan by the Developer
Electricity	:	Eskom
Water	:	According to the master plan by the Developer
Sewer	:	According to the master plan by the Developer
Roads and traffic	:	In order

Conditions:

1. that the applicant must comply with all statutory requirements that may be applicable to the undertaking of the proposed development.
2. that only the existing municipal services and service connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the development, the provision of services to the development or the use of servitude areas or municipal property:
5. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 5.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 5.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 5.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available

6. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
 - 6.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided;
 - 6.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
 - 6.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
7. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
8. that a plan of all existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
 - 8.1 way-leaves must be obtained from the Operational Manager;
 - 8.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
9. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
10. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
11. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;

12. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
13. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE and which insurance shall be valid for the relevant contract and maintenance period;
14. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for works of Civil Engineering Construction – 2004, of 12 months, and
15. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
16. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
17. that the above stormwater management plan include the following:
 - 17.1. pre-development run-off from the catchment area;
 - 17.2. post-development run-off from catchment area;
 - 17.3. existing stormwater reticulation system and the capacity thereof;
 - 17.4. connection of internal stormwater reticulation system;
 - 17.5. overland escape routes;


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

3. **ERF 4413, 4 LACHENALIA ROAD, BETTY'S BAY: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING, SUBDIVISION AND DEVIATION FROM THE OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY, 2010: MESSRS WRAP ON BEHALF OF BS MCLEOD**

4413 KBB

**H van der Stoep
2 March 2021**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 20 January 2020 from Messrs WRAP on behalf of BS Mcleod on Erf 4413, Betty's Bay for the following:

- Removal of Restrictive Title Deed Conditions in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions B.6, B.7.(a), B.7.(b), B.7.(d), B.8, B.8.(a), B.8.(b), B.8.(c), B.9 and B.10 as contained in Title Deed T5778/2020 to permit the proposed application.

The restrictive title deed conditions read as follows:

"B.6. This erf shall be used solely for the purpose of erecting thereon a building comprising shops and business premises with the right to include residential accommodation above the ground floor or such other buildings as the Administrator may, from time to time after reference to the Townships Board and the Local Authority approve, provided that if the erf is included within the area of a Town Planning Scheme, the local Authority may permit such other uses as are permitted by the scheme, subject to the conditions and restrictions stipulated by the scheme.

B.7.(a) No building or structure or any portion thereof above the ground floor, may be entered within 5 meters or half the height of the building, whichever is the greater, from the lateral or rear boundary of the erf, provided that that portion of the lateral boundary which is situated within 13m of a street boundary, shall be exempt from this requirement.

B.7.(b) Not more than 80% of the area of this erf shall be built upon, provided that any floor used wholly or in part for residential purposes shall not have a total floor area of more than half the area of the erf.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

- B.7.(d) The design and external appearance of the façade of any building erected on this erf shall conform to such canopy and cornice lines as the local authority may prescribe and the materials used in the facing thereof shall be in conformity with standards laid down by the local authority.*
- B.8. No residential accommodation shall be provided on this erf, unless provision shall simultaneously be made, to the satisfaction of the local authority, for parking bays to accommodate not less than one motor-car for every flat or in the case of other residential accommodation for every two bedrooms contained in the building, provided that.*
- B.8.(a) If situated under the building the said parking area shall not be enclosed for more than 50% of its perimeter.*
- B.8.(b) The said parking area and the access and exit thereto shall be located, hardened and surfaced to the satisfaction of the local authority.*
- B.8.(c) If in erecting his buildings the owner provides lock-up garages on the erf, the required parking area may be reduced by one parking bay for each garage up to a maximum of 75% of the original area required in terms of the foregoing.*
- B.9. On consolidation of this erf or any portion thereof with any abutting erf which is subject to the same conditions as herein set forth these conditions shall apply to the consolidated holding as if it was one erf.*
- B.10. In the event of this erf being subdivided each subdivided portion, other than any portion deducted for road or similar purposes, shall be subject to the conditions herein set forth as if it were the original erf.”*
- Rezoning in terms of Section 16(2)(a) of the By-Law to rezone the property from Business Zone 3: Local Business to Residential Zone 1: Single Residential.
 - Subdivision in terms of Section 16(2)(d) of the By-Law to subdivide the property into 3 portions, namely Portion A ($\pm 602\text{m}^2$), Portion B ($\pm 793\text{m}^2$) and the Remainder ($\pm 818\text{m}^2$).
 - Deviation from Overstrand Municipal Growth Management Strategy, 2010 in terms of Section 10 to deviate from the density prescript of 5,1 dwelling units per hectare to permit the proposed maximum density of 27,1 dwellings units per hectare (additional dwelling units included).

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

RESOLVED:

1. that the application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions B.6, B.7.(a), B.7.(b), B.7.(d), B.8, B.8.(a), B.8.(b), B.8.(c), B.9 and B.10 as contained in Title Deed T5778/2020 to permit the proposed application, be approved in terms of the provisions of Section 61;
2. that the application in terms of Section 16(2)(a) of the By-Law to rezone Erf 4413, Betty's Bay from Business Zone 3: Local Business to Residential Zone 1: Single Residential, **be approved** in terms of the provisions of Section 61;
3. that the application in terms of Section 16(2)(d) of the By-Law to subdivide Erf 4413, Betty's Bay into three (3) portions, namely: Portion A ($\pm 602\text{m}^2$), Portion B ($\pm 793\text{m}^2$) and the Remainder ($\pm 818\text{m}^2$), **be approved** in terms of the provisions of Section 61;
4. that the approvals in Points 1., 2. and 3. be subject to the following conditions:
 - (a) that subdivision be in line with Drawing No.19/117 dated December 2019 submitted with this application;
 - (b) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
 - (d) that all the conditions in the Services Report be complied with.
5. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

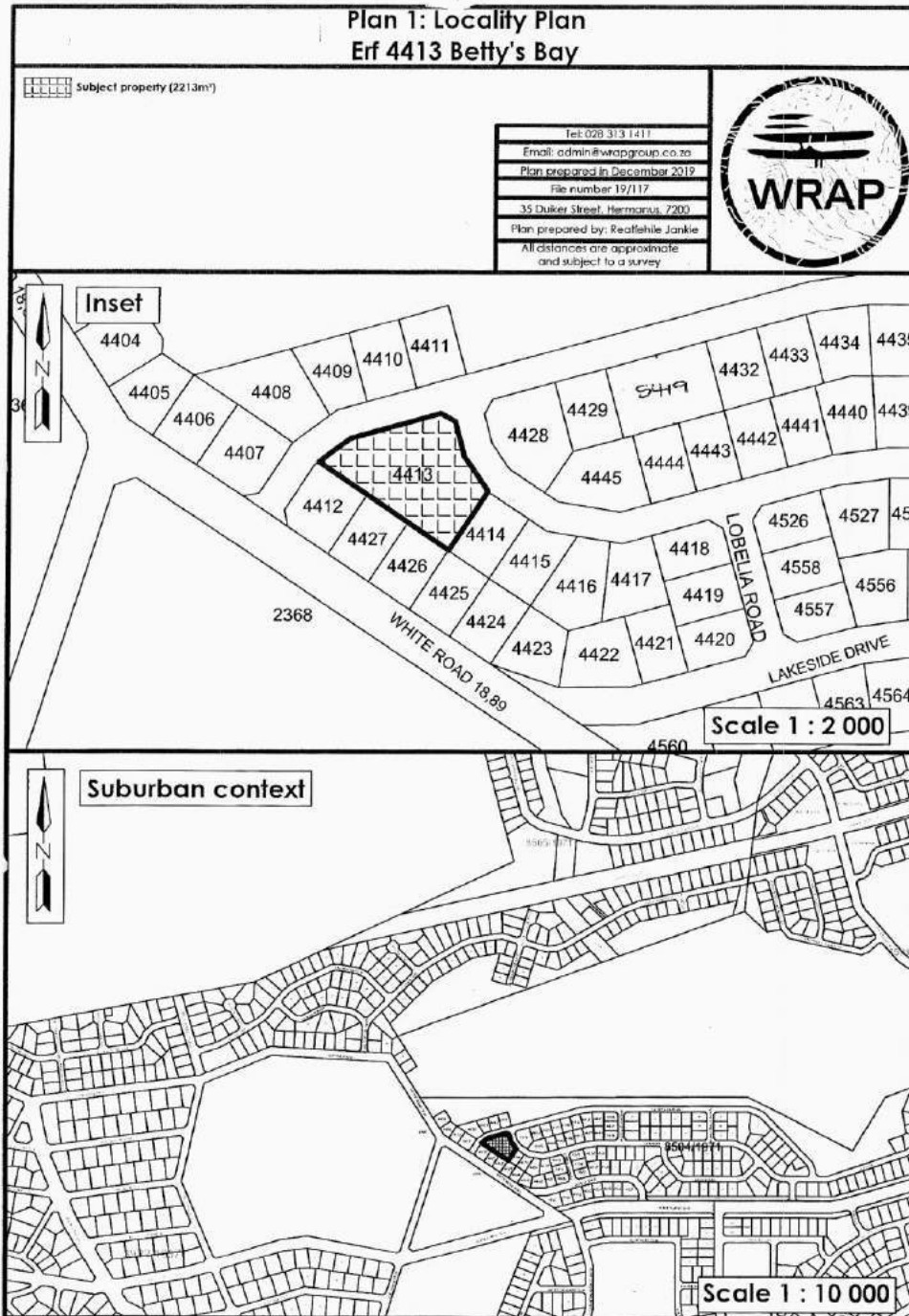
RECOMMENDATION TO COUNCIL :

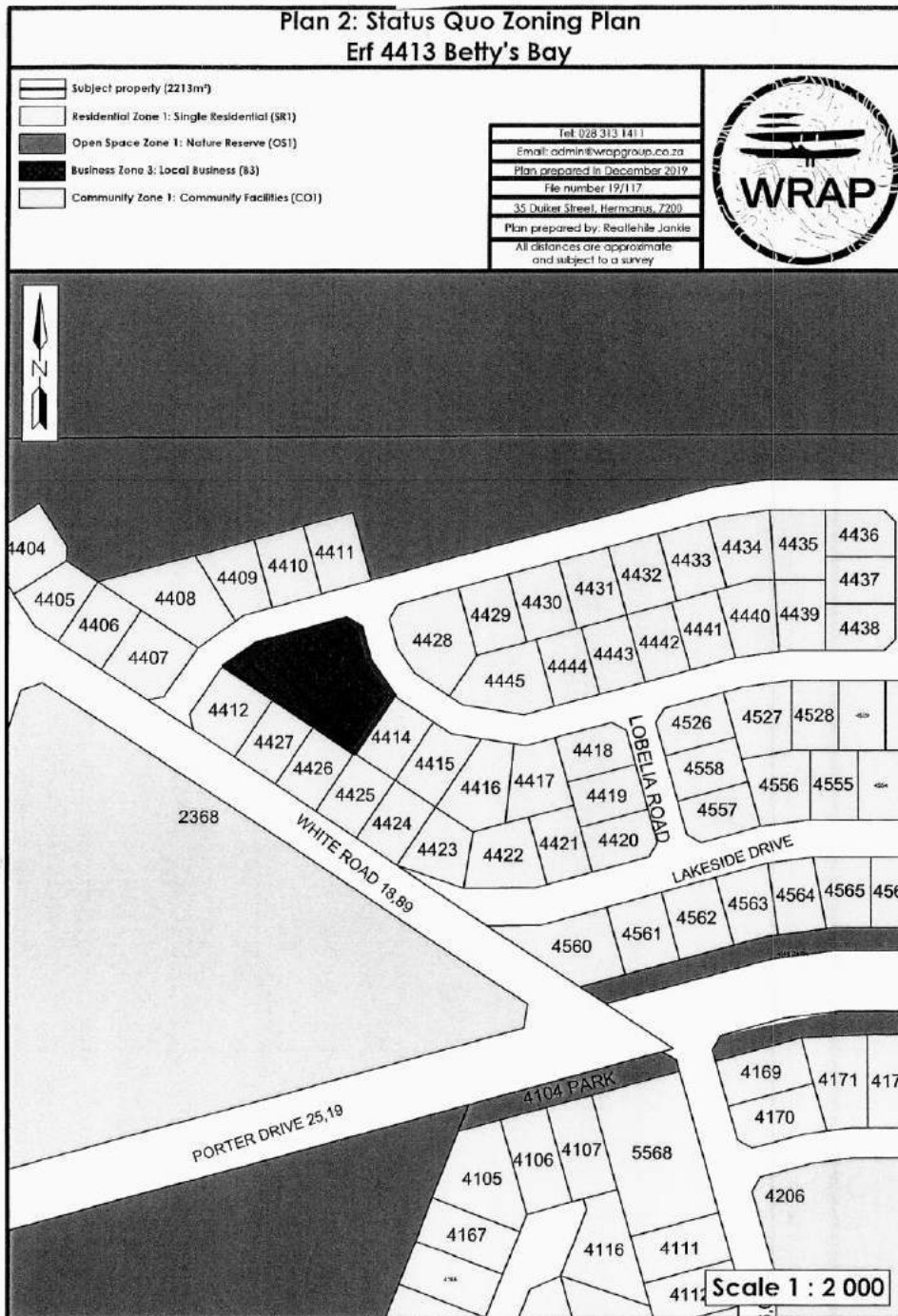
that the application to deviate from the Overstrand Municipal Growth Management Strategy, 2010 in terms of Section 10 to deviate from the density prescript of 5,1 dwelling units/ha to permit the proposed maximum density of 27,1 dwellings units/ha (additional dwelling units included), **be approved** in terms of the provisions of Sections 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015.

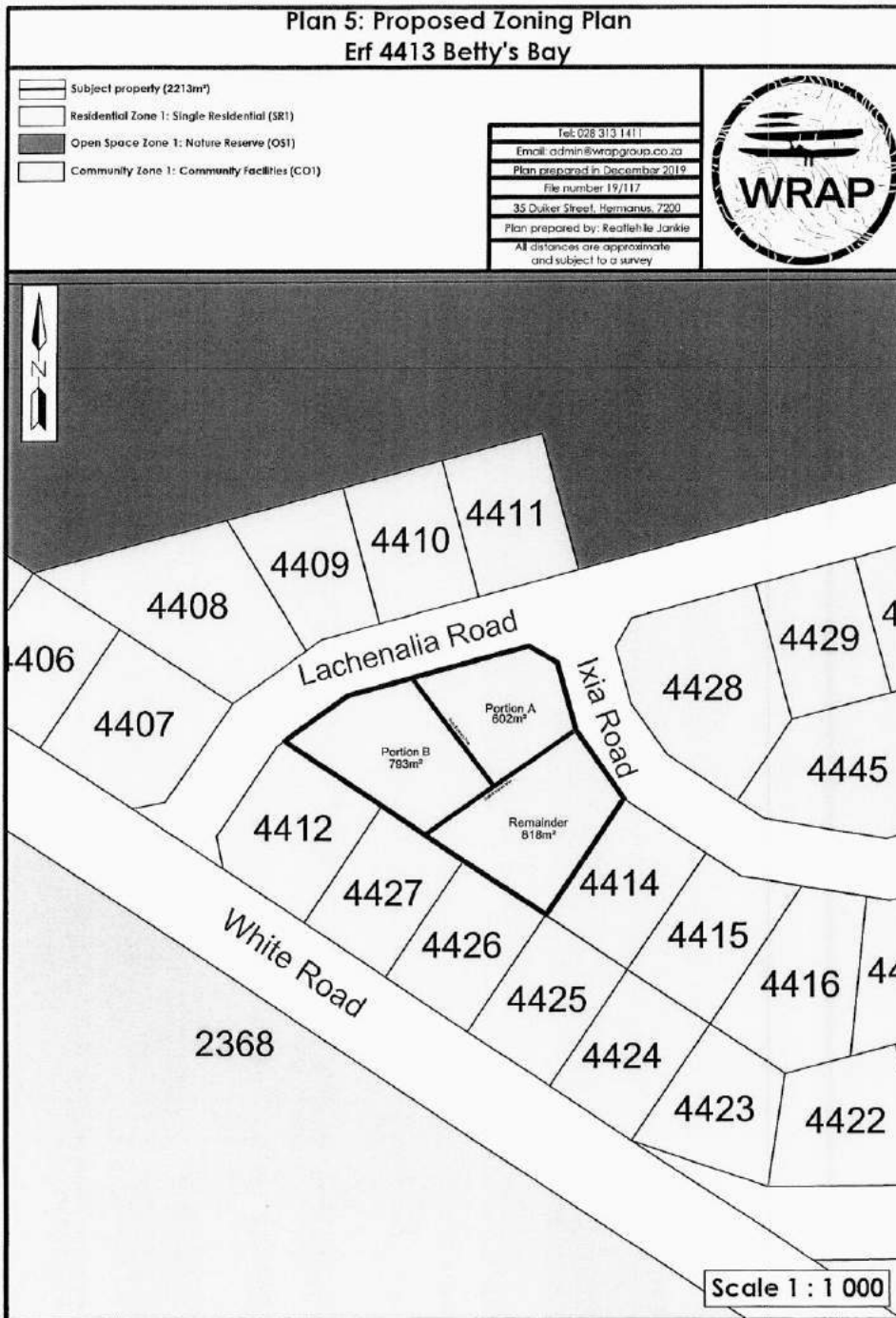
**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 June 2021
(Also the agenda for the Mayoral Committee Meeting : 30 June 2021)**

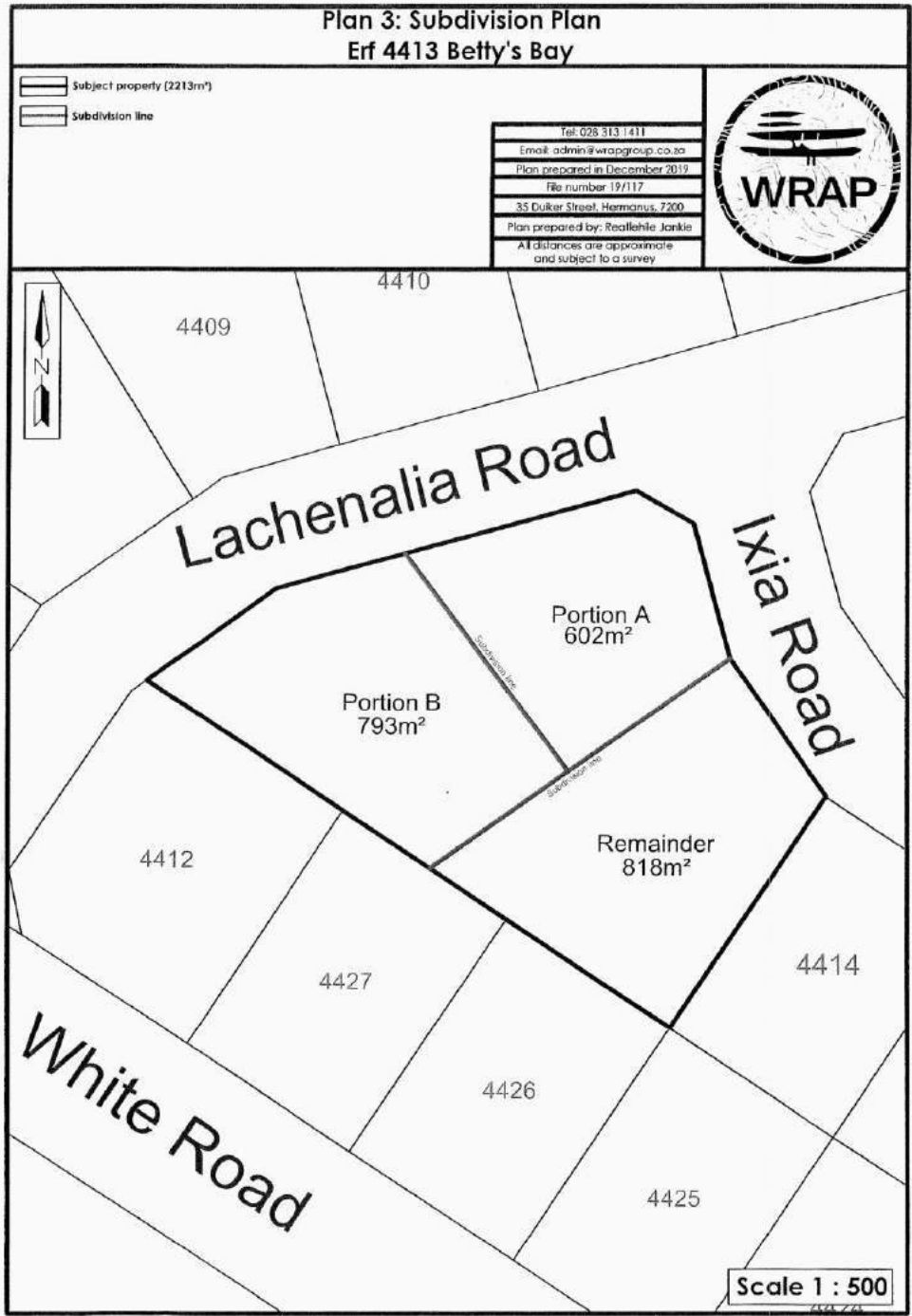
REASONS FOR THE RESOLUTION:

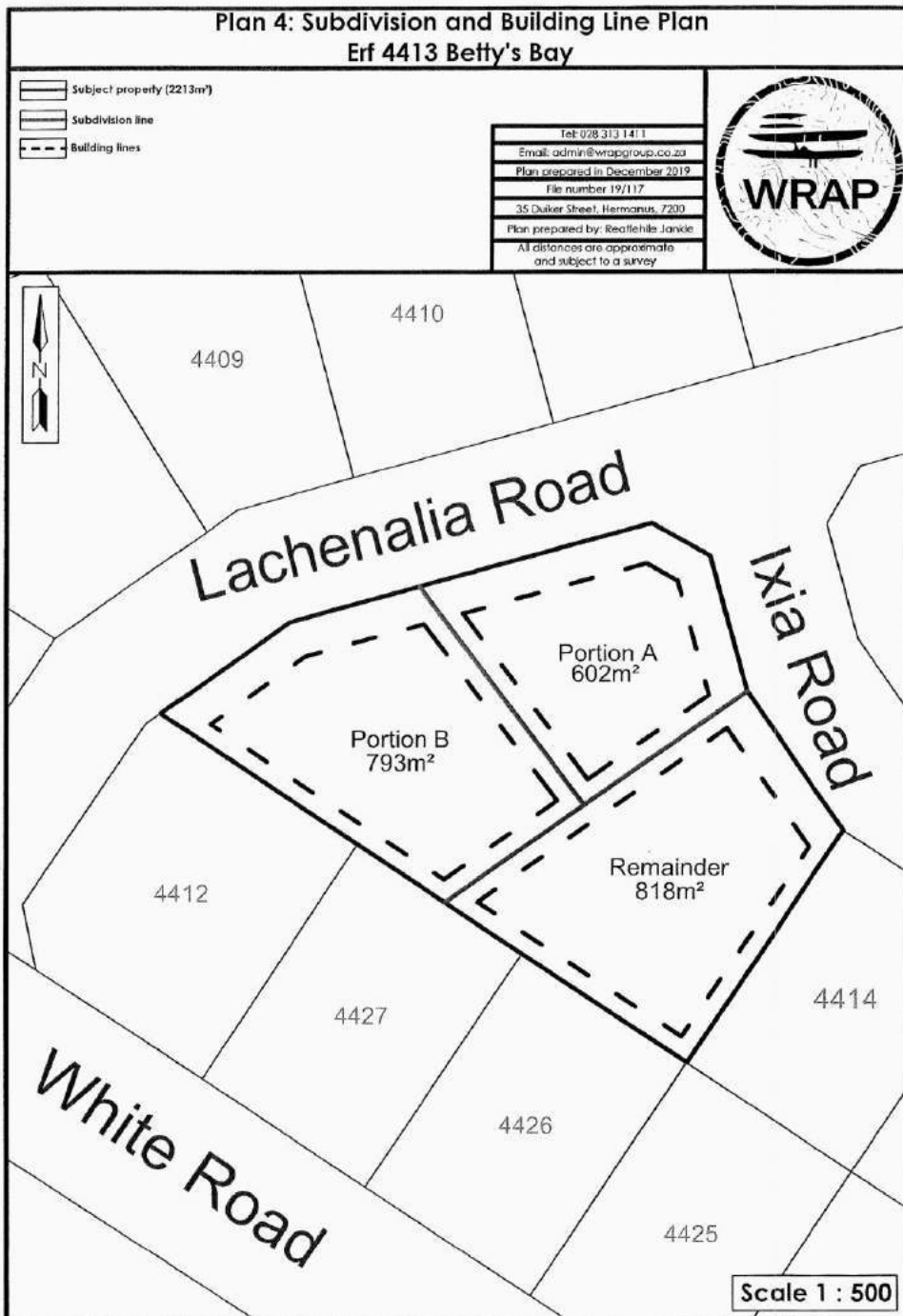
- ❖ The objections were noted.
- ❖ The proposed erf sizes are in line with the surrounding erf sizes.
- ❖ The rezoning of the business erf to single residential is more in line with the character of the area than a business erf.
- ❖ The present Title Deed conditions relating to the business erf are more lenient in some instances than the development parameters contained in the Overstrand Zoning Scheme for Residential Zone 1.
- ❖ The present nett density for Betty's Bay Extension 5 is calculated at 15,3du/ha, which is the same as the application erf. The figure will double should second dwellings be included. The latter will also be applicable to the existing developed erven should a second dwelling be added.











**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,
REZONING, SUBDIVISION & DEVIATION FROM THE OVERSTRAND
MUNICIPAL GROWTH MANAGEMENT STRATEGY, 2010: ERF 4413, BETTY'S
BAY**

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 (2020/2021) is as follows:

Freehold erven:


Water	R 23 957.00 x 2	=	R 47 914.00
Sewerage	R 16 153.00 x 2	=	R 32 306.00
Roads	R 7 243.00 x 2	=	R 14 486.00
Stormwater	R 8 357.00 x 2	=	R 16 714.00
Solid Waste	R 1 448.00 x 2	=	<u>R 2 896.00</u>
TOTAL (inclusive of VAT)		=	R 114 316.00

Note:

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

2

2. that each property should have their own water connection and conservancy tanks as per Municipal specification;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the owner's account;
5. that stormwater be allowed to discharge through the proposed Erven, Betty's Bay, unobstructed;
6. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE