

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**13.  
TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS  
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: DECEMBER 2022 –  
MARCH 2023**

**R Kuchar  
17 March 2023**

**Senior Manager: Town & Spatial Planning**

**(028) 313 8900**

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**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 2 December 2022 – 2 March 2023.

**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

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**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 2 December 2022 – 2 March 2023:

1.	Erf 2608, 167 Clarence Drive, Betty's Bay	09 December 2022
2.	Erf 2505, 34 Park Street, Gansbaai (Perlemoenbaai)	13 December 2022
3.	Erf 7681, 22 Fernkloof Drive, Hermanus Heights	13 December 2022
4.	Erf 2081, 46 Sepia Kandelaar Street, Vermont	19 December 2022
5.	Erf 270, 83 Park Street, Gansbaai	23 December 2022
6.	Erf 395, 23 Ridge Way, Pearly Beach	23 December 2022
7.	Erf 553, 75 Arcadia Street, Pearly Beach	23 December 2022
8.	Erf 632, 42 Barnard Street, Gansbaai	23 December 2022
9.	Erf 2656, 25 Vleigans Street, Perlemoenbaai, Gansbaai (Subdivision)	23 December 2022
10.	Farm 975, Stanford	23 December 2022
11.	Erf 2656, 25 Vleigans Street, Perlemoenbaai, Gansbaai (Departure)	23 December 2022
12.	Remainder Of The Farm Buffeljachts No. 357, Bredasdorp	23 December 2022
13.	Erf 7179, 19 Albertyn Street, Kleinmond	23 December 2022
14.	Erf 2300, 27 Galjoen Street, Pearly Beach (Pearly Beach Resort)	16 January 2023
15.	Erf 5989, 12 Fynbos Street, Hermanus Heights, Hermanus	20 January 2023
16.	Erf 575, 40 Flying Dutchman Way, Fisherhaven	23 January 2023
17.	Erf 1009, 43 Tom Street, Franskraal	06 February 2023
18.	Erf 72, 6 Swart Street, Van Dyksbaai	06 February 2023
19.	Erf 729, 28 Malmok Crescent, Vermont	13 February 2023
20.	Erf 2861, Whale Coast Village Mall, Sandbaai	15 February 2023
21.	Erf 10570, 153 Tenth Street, Voëlklip, Hermanus	15 February 2023
22.	Erf 7461, 3 Rooiels Close, Kleinmond	15 February 2023
23.	Erf 3460, Angler Road, Betty's Bay	15 February 2023
24.	Erf 279, 7 Middelkus Road, Gansbaai	15 February 2023
25.	Erf 2870, 164 9th Street, Voëlklip, Hermanus	21 February 2023

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26. Erf 1201, 6 Linaria Road, Eastcliff, Hermanus 24 February 2023

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 23 February 2023:

1. Erf 425, Pringle Bay 23 February 2023

2. Erf 726, 72 Buffels Road, Pringle Bay 23 February 2023

**RESPONSIBLE OFFICIAL :**

**L TAYLOR**

**TARGET DATE FOR IMPLEMENTATION :**

**26 APRIL 2023**

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1. **ERF 2608, 167 CLARENCE DRIVE, BETTY'S BAY: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND CONSENT USE: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF CG & S SCOTT**

**2608 KBB (4117/2022)**

**H van der Stoep  
30 November 2022**

**(028) 313 8900**

**Hermanus Administration**

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**EXECUTIVE SUMMARY**

An application has been received on 21 April 2022 from Plan Active Town & Regional Planners on behalf of CG & S Scott in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Removal of Restrictive Title Deed Condition** in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition D.I.(a) as contained in Title Deed T49344/2021 of the property to accommodate a proposed guesthouse.

*The restrictive title deed conditions read as follows:*

*“D. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer Number 9151 dated 17 June 1946, namely:*

- I. Being in favour of the registered owner of any erf in the township and subject to amendments and changes by the Administrator under the provisions of Section 18(3) of Ordinance No. 33 of 1934:*

*“(a) That this erf be used for residential purposes only but no building other than one dwelling, designed for use by a single family together with such outbuildings as are ordinarily required to be used therewith, may be erected thereon.”*

- ❖ **Consent Use** in terms of Section 16(2)(o) of the By-Law to accommodate a five (5) bedroom guesthouse on the property.

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**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 2608, Betty's Bay for the removal of restrictive title deed condition D.I.(a) as contained in Title Deed T49344/2021 of the property to accommodate a proposed guesthouse, **be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(o) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2608, Betty's Bay to accommodate a five (5) bedroom guesthouse on the property, **be approved**, in terms of Section 61 of the By-Law;
3. that the approval of Points 1. and 2. above in terms of Section 61 of the By-Law be subject to the following conditions:
  - (a) that this approval is restricted to a five (5) bedroom guesthouse only;
  - (b) that the guesthouse be limited to Plan Numbers 004-SP (Rev-D) and 010-F (Rev D) dated 20 January 2022;
  - (c) that a parking layout plan be submitted for approval;
  - (d) that a Fire Protection Plan be submitted to the Building Control Department;
  - (e) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building) and for security and protection of surrounding properties, patrons, vehicles, etc.;
  - (f) that the house shop may not be used for the purposes of noxious trade, risk activity, sale of alcoholic beverages, place of entertainment or gambling purposes;
  - (g) that only one un-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
  - (h) that a Certificate of Acceptability be obtained from the Health Department of the Overberg District Municipality and a Fire Prevention Certificate from the Municipal Fire Department;

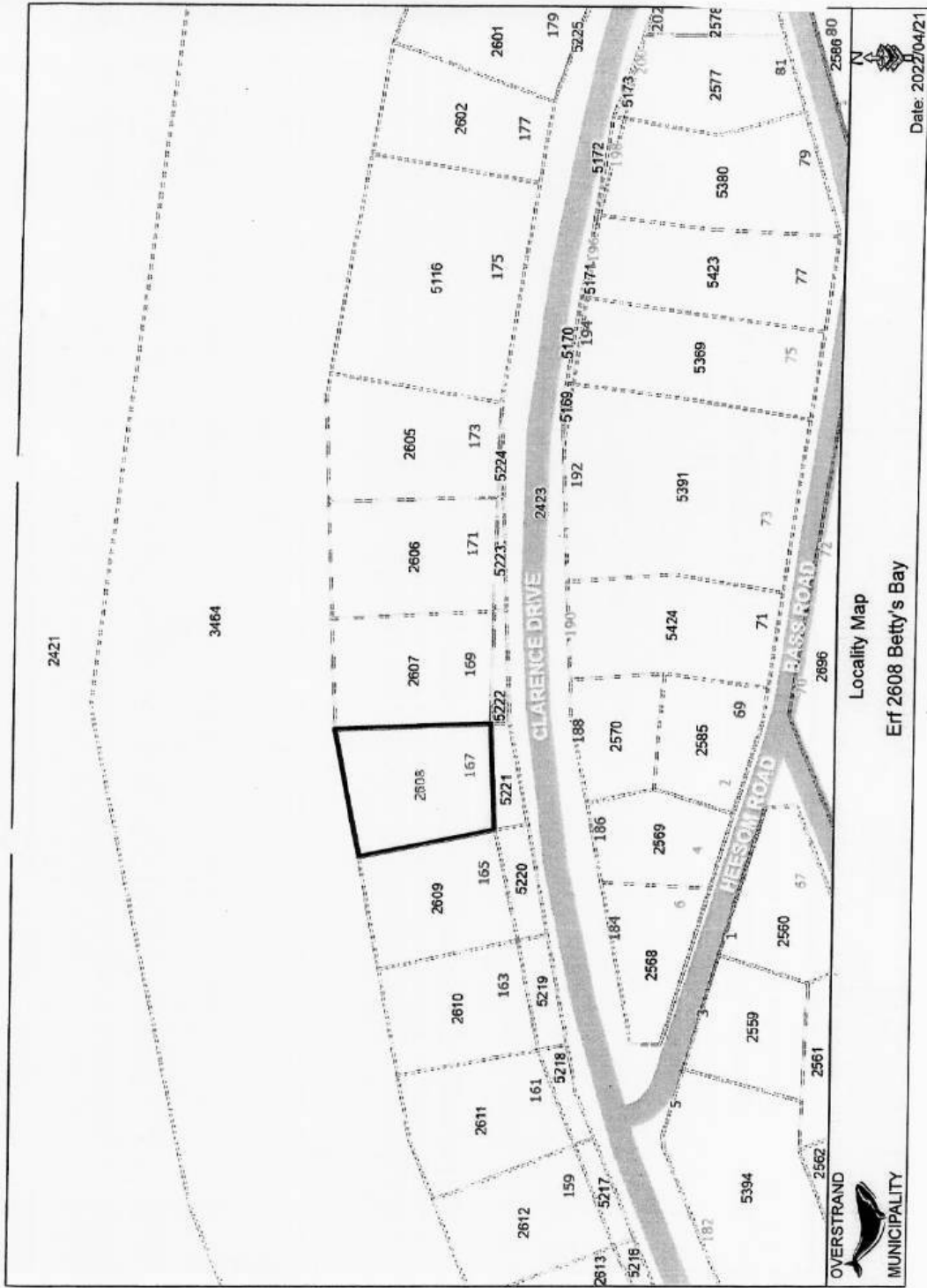
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- (i) that the Overstrand Municipality retains the right to enforce any relevant legislation, as well as law and order on the premises, on the landowner/s;
  - (j) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (k) that application is made for a Business Licence at the Overstrand Municipality, prior to operating the guesthouse;
  - (l) that no accumulation of refuse may occur on the premises;
  - (m) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Departments be complied with at that stage;
  - (n) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (o) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
  - (p) that all the conditions in the Services Report, be complied with.
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**REASONS FOR RESOLUTION**

- ❖ The use is of a normal residential nature and will not negatively impact the surrounding character of the area.
- ❖ The proposed addition will have no negative impact the surrounding affected neighbours.
- ❖ The consent use will have no effect on the natural environment
- ❖ The affected surrounding owners did not object.



OVERSTRAND  
MUNICIPALITY

Locality Map  
Erf 2608 Betty's Bay

Date: 2022/04/21



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION &  
CONSENT USE: ERF 2608, BETTY'S BAY**

Stormwater (SW) : In order  
Electricity : Eskom Area  
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 should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigates and determine the limitations of the site in terms of drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that, 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 Manager: Operational Services (Kleinmond) for written approval;
7. that stormwater be allowed to discharge through Erf 2608, Betty's Bay, unobstructed.

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

*18/07/2022*  
**DATE**

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**2. ERF 2505, 34 PARK STREET, GANSBAAI (PERLEMOENBAAI),  
OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE AND  
DETERMINATION OF AN ADMINISTRATIVE PENALTY: J VORSTER**

**2505 GGB**

**SW van der Merwe  
1 December 2022**

**(028) 313 8900**

**Hermanus Administration**

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**EXECUTIVE SUMMARY**

An application has been received on 25 February 2021 (complete application received on 17 June 2021) from J Vorster in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 2505, Gansbaai (Perlemoenbaai) for the following:

- ❖ departure in terms of Section 16(2)(b) of the By-Law to relax the street building line from 4m to 3m and the lateral building line from 2m to 1,05m to accommodate a carport and staircase, and
- ❖ determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law to accommodate a carport and staircase.

**RESOLUTION**

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 on Erf 2505, Gansbaai for a departure in order to relax the street building line from 4m to 3m and the lateral building line from 2m to 1,05m to accommodate a carport and staircase, **be approved**, in terms of Section 61 of the By-Law;
2. that an administrative penalty in terms of Section 16.(2)(q) of the By-Law for the unauthorised staircase, **not be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
3. that the decisions in terms of paragraph 1. above be subject to the following:
  - (a) that this approval is only for the structures as indicated on Drawing No. *GB01-2505-M-B-01* dated *13 January 2022*, submitted with the application;
  - (b) that an administrative penalty of R4 461.45 (VAT inclusive) be payable within thirty (30) days of the decision;

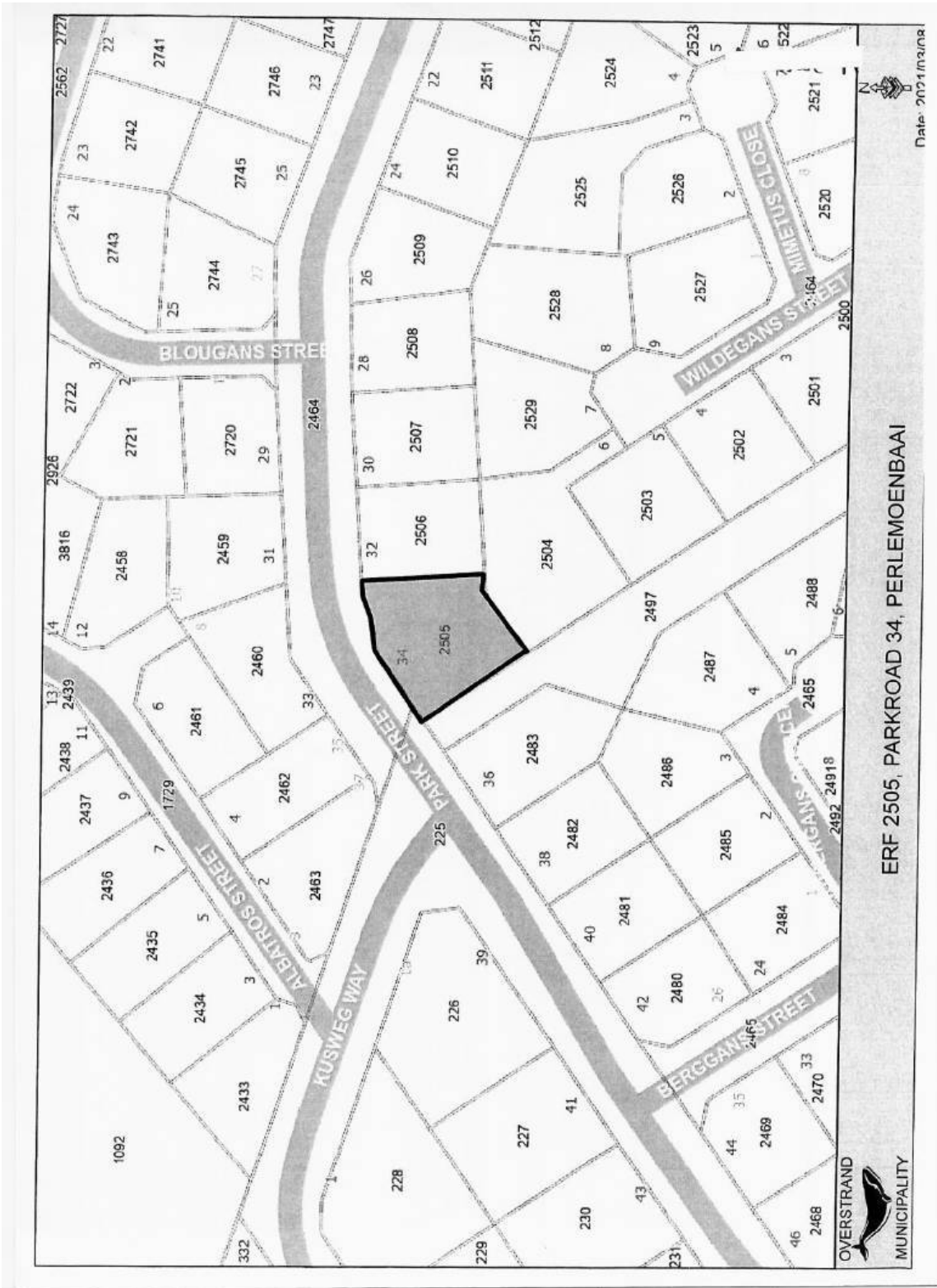
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- (c) that building plans be submitted to the Building Department to the extent necessary and that all comments from the Building- and Fire Departments be complied with at that stage;
  - (d) that the conditions in the Services Report, be complied with;
  - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
  - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the 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 municipal departments have any objection.
- ❖ The proposal will not negatively impact on vested rights of adjoining property owners.
- ❖ The proposal will not negatively impact upon the character of the area and is desirable.



ERF 2505, PARKROAD 34, PERLEMOENBAAI



Date: 2021/03/01

3D STREET VIEWS  
East 100 South

3D STREET VIEWS  
East 100 South

3D STREET VIEWS  
East 100 South

**ROOF PLAN**  
scale 1/200

**SITE PLAN**  
scale 1/200

**GROUND FLOOR PLAN**  
scale 1/100

**LOWER FLOOR PLAN**  
scale 1/100

**ARCHITECTS**  
**P2 GROUP**  
J. WINTER  
PROPOSED NEW WORKINGS AND ALTERATIONS FOR EAST PARK, PARK STREET, OVERSTRAND MUNICIPALITY.  
PLANS & NOTES

NO.	REV.	DATE	DESCRIPTION
1			

1:1000  
1:500  
1:200  
1:100  
1:50  
1:20  
1:10  
1:5  
1:2  
1:1

**3D STREET VIEWS (East 100 South)**

3D STREET VIEWS  
East 100 South

**3D STREET VIEWS (East 100 South)**

3D STREET VIEWS  
East 100 South

**3D STREET VIEWS (East 100 South)**

3D STREET VIEWS  
East 100 South

**3D STREET VIEWS (East 100 South)**

3D STREET VIEWS  
East 100 South

**SOUTH WEST ELEVATION**  
scale 1/100

**NORTH WEST ELEVATION**  
scale 1/100

**PROPERTY INFORMATION**

PROPERTY ADDRESS	100 PARK STREET, OVERSTRAND
OWNER	OVERSTRAND MUNICIPALITY
PROJECT NAME	PROPOSED NEW WORKINGS AND ALTERATIONS FOR EAST PARK, PARK STREET, OVERSTRAND MUNICIPALITY
DATE	17 JAN 2022

**MUNICIPALITEIT OVERSTRAND**  
**17 JAN 2022**  
**TOWN PLANNING**  
**R. MASOPALA**

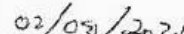
**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 2505, GANSBAAI**

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 2505, Gansbaai, unobstructed;
6. that no on-street parking be allowed.

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

  
**DATE**

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**3. ERF 7681, 22 FERNKLOOF DRIVE, HERMANUS HEIGHTS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: WRAP PROJECT OFFICE ON BEHALF OF JONATHAN RAYNER TACON**

**7681 HHH**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**24 November 2022**

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**EXECUTIVE SUMMARY**

An application was received on 10 August 2022 from Messrs WRAP Project Office on behalf of the property owner on Erf 7681, Hermanus in terms of Section 16(2)(d) in order to subdivide Erf 7861, Hermanus Heights into two (2) portions namely, Portion A approximately 756m<sup>2</sup> and a Remainder Erf 7681 approximately 828m<sup>2</sup> in extent.

**RESOLUTION**

1. that the subdivision in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of Erf 7681, Hermanus into two portions, namely Portion A approximately 756m<sup>2</sup> and a Remainder Erf 7681 approximately 828m<sup>2</sup> 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 dated 19 July 2022 – Version 2* as submitted with the application;
  - (b) that building plans be submitted for any new work done and that the building department and fire department's comment be complied with at that stage;
  - (c) that the conditions in the Services Report, be complied with;
  - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

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**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ None of the 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.

# LOCALITY PLAN ERF 7681 HERMANUS

Plan prepared by: Thion Jansen

All distances are approximate  
and subject to a survey

Tel: 028 313 1411

admin@wrapgroup.co.za

Unit 8, Standard House

Corner of Royal and

Dikie Uys Street

Hermanus, 7200



**Project Office**

Town Planning & Project Management



974

5975

5976

7681

5979

5980

5981

**Scale 1: 1000**

FERNKLOOF

RM3

72-122-05

**Scale 1: 2000**



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION: ERF 7681, HERMANUS HEIGHTS  
(4209/2022)**

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 (2022/2023) is as follows:

**Freehold erven:**

Water	R 26 036.00 x 1	=	R 26 036.00
Sewerage	R 17 555.00 x 1	=	R 17 555.00
Roads	R 7 872.00 x 1	=	R 7 872.00
Stormwater	R 9 082.00 x 1	=	R 9 082.00
Solid Waste	R 1 574.00 x 1	=	R 1 574.00
Electricity	R 34 929.99 x 1	=	<u>R 34 929.99</u>
<b>TOTAL (inclusive of VAT)</b>		<b>=</b>	<b>R 97 048.99</b>

Note:

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

2. that any part of the existing water and sewer services on Erf 7681 that crosses the common boundary of Portion A and the Remainder of Erf 7681 shall be disconnected and sealed off;
3. that both the Remainder and Portion A of Erf 7681 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 7681 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the individual erven must connect to;
5. that only a standard 60 Amp single phase electricity connection will be available per erf;
6. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
7. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
8. that any additional and / or extended vehicle entrances will be for the owner's account;
9. that stormwater be allowed to discharge through the proposed Erven, Hermanus Heights, unobstructed.

*p.p. R. Hendriks*  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

*12/10-2022*  
DATE

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**4. ERF 2081, 46 SEPIA KANDELAAR STREET, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: INTERACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF I HILDEBRANDT**

**2081 HVM (4218/2022)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**12 December 2022**

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**EXECUTIVE SUMMARY**

An application was received on 17 August 2022 from Messrs Interactive Town and regional Planners on behalf of I Hildebrandt on Erf 2081, Vermont in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following departures :

- ❖ to relax the western lateral building line from 2m to 0m to accommodate an en-suite bathroom, and
- ❖ to relax the eastern lateral building line from 2m to 1m to accommodate an outside toilet.

**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 2081, Vermont for a departure to relax the western lateral building line from 2m to 0m to accommodate an en-suite bathroom, and also to relax the eastern lateral building line from 2m to 1m to accommodate an outside toilet, **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 structure as indicated on Plan Number 254/01 dated 10 June 2022, submitted with the application;
  - (b) that the necessary building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control– and the Fire Departments be complied with at that stage;
  - (c) that the conditions of Engineering Services, be complied with;
  - (d) that all the conditions imposed by Eskom, be complied with;

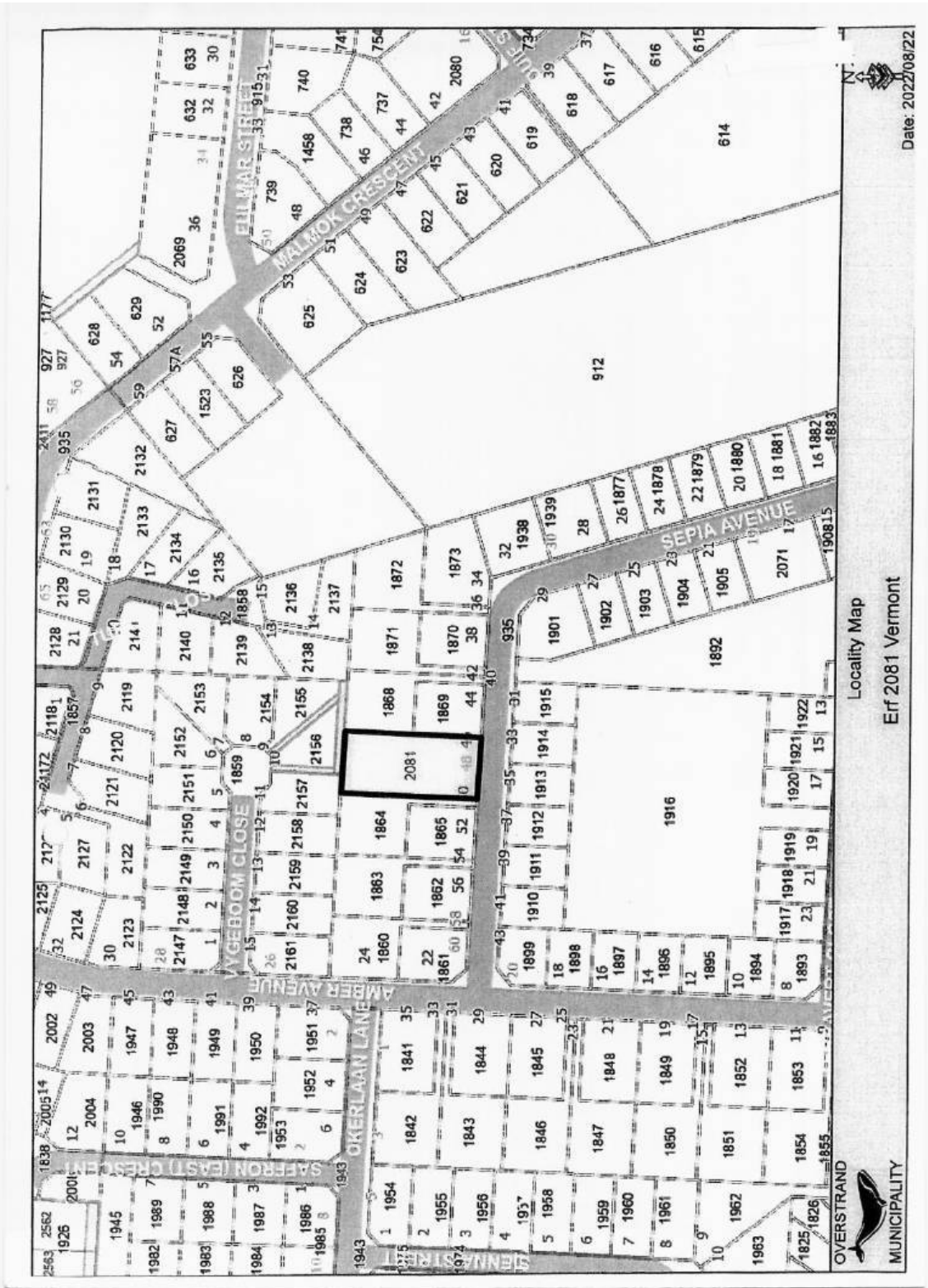
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- (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
  - (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2081, Vermont for the unauthorised building work over building lines on the property, was considered and that **no administrative penalty be imposed.**
  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**

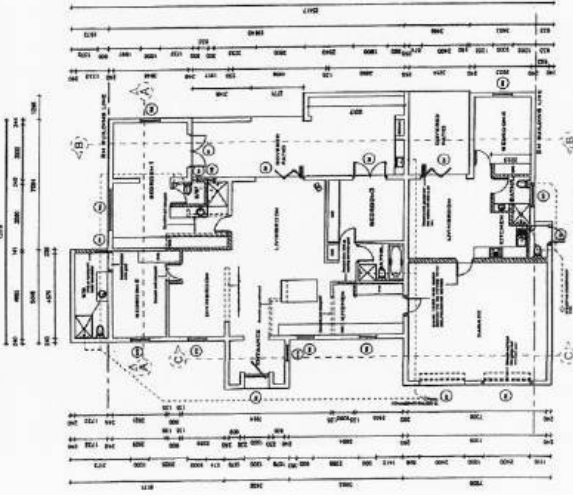
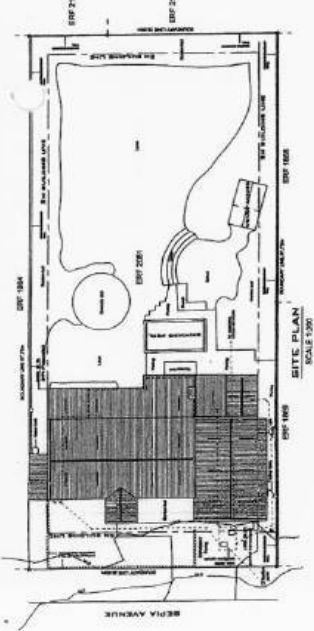
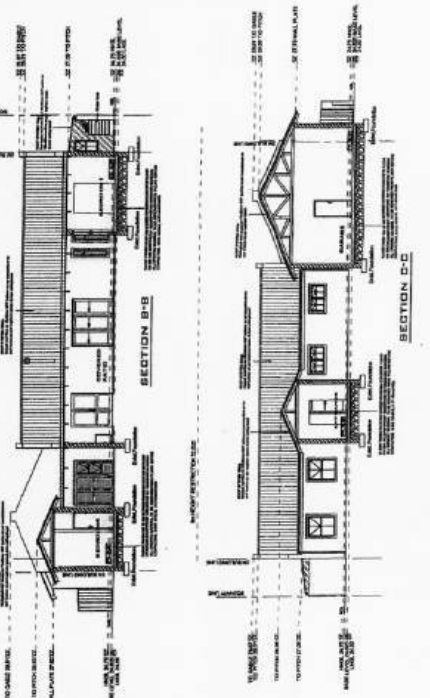
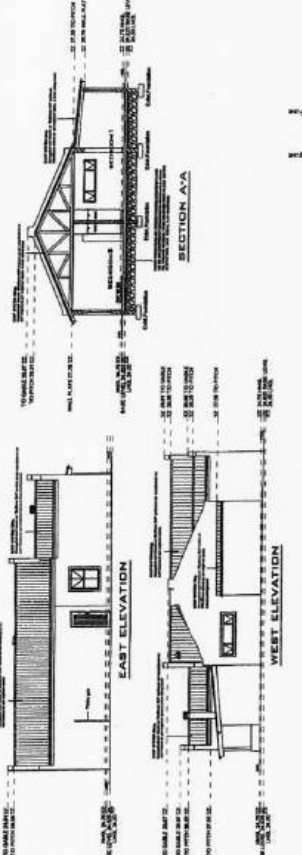
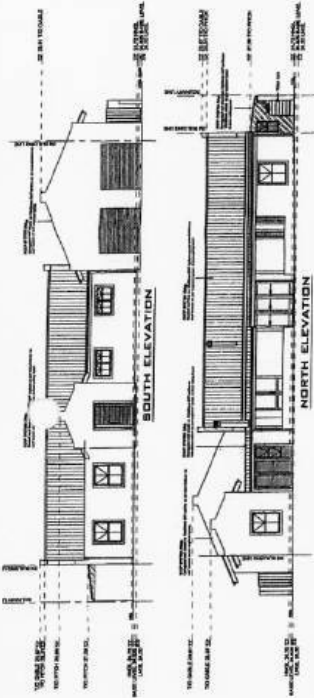
- ❖ The application has followed due procedure.
- ❖ No objections were received.
- ❖ It is in line with policy documents.
- ❖ The encroachments are alterations that were made within the footprint of existing structures that was constructed over building lines.
- ❖ The application will not have an impact on surrounding neighbours or the character of the area.
- ❖ The illegal encroachment over the lateral building line is an historic encroachment and was not created by the existing property owners, therefore the new owner should not be held responsible for such encroachments.
- ❖ The application is regarded as being desirable from a town planning point of view.



NO. & DESCRIPTION	DATE
1. ASSET, BRANDBLANK	
2. NEW ELEVATIONS	
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100. NEW ELEVATIONS	



PROJECT:	HOUSE REDESIGN
LOCATION:	1011 201 ST SURREY, BC V4A 4L7
DATE:	2014.08.19
SCALE:	AS SHOWN
DATE:	2014.08.19
SCALE:	AS SHOWN



TOTAL AREA:	1,100 SQ. FT.
EXISTING AREA:	1,100 SQ. FT.
NEW AREA:	0 SQ. FT.
TOTAL AREA:	1,100 SQ. FT.
TOTAL COVERED AREA:	1,100 SQ. FT.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 2081, VERMONT (4218/2022)**

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

**Conditions**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
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, 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 stormwater be allowed to discharge through Erf 2081, Vermont, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.

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

  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**5. ERF 270, 83 PARK STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS FVS TOWN- AND REGIONAL PLANNERS ON BEHALF OF G & M BARNARD**

**270 GGB (4083)**

**SW van der Merwe  
2 December 2022**

**(028) 313 8900**

**Hermanus Administration**

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**EXECUTIVE SUMMARY**

An application has been received 9 March 2022 from Messrs FVS Town- and Regional Planners on behalf of G & M Barnard in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 270, Gansbaai for the following:

- ❖ application in terms of Section 16(2)(f) of the By-Law for removal of restrictive title condition C(d) contained in Title Deed T20142/2009 to accommodate the existing garage;
- ❖ application for departure in terms of Section 16(2)(b) of the By-Law to relax the lateral building line from 2m to 0m to accommodate the existing garage; and
- ❖ application for determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law to accommodate the existing garage.

**RESOLUTION**

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) applicable to Erf 270, Gansbaai for removal of restrictive title deed condition C(d) as contained in Title Deed T20142/2009, to accommodate the existing garage, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for departure in terms of Section 16(2)(b) of the By-Law applicable to Erf 270, Gansbaai to encroach the lateral building line from 2m to 0m to accommodate the existing garage, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the applicant **not be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
4. that the decisions in paragraphs 1. to 2. above be subject to the following conditions:

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

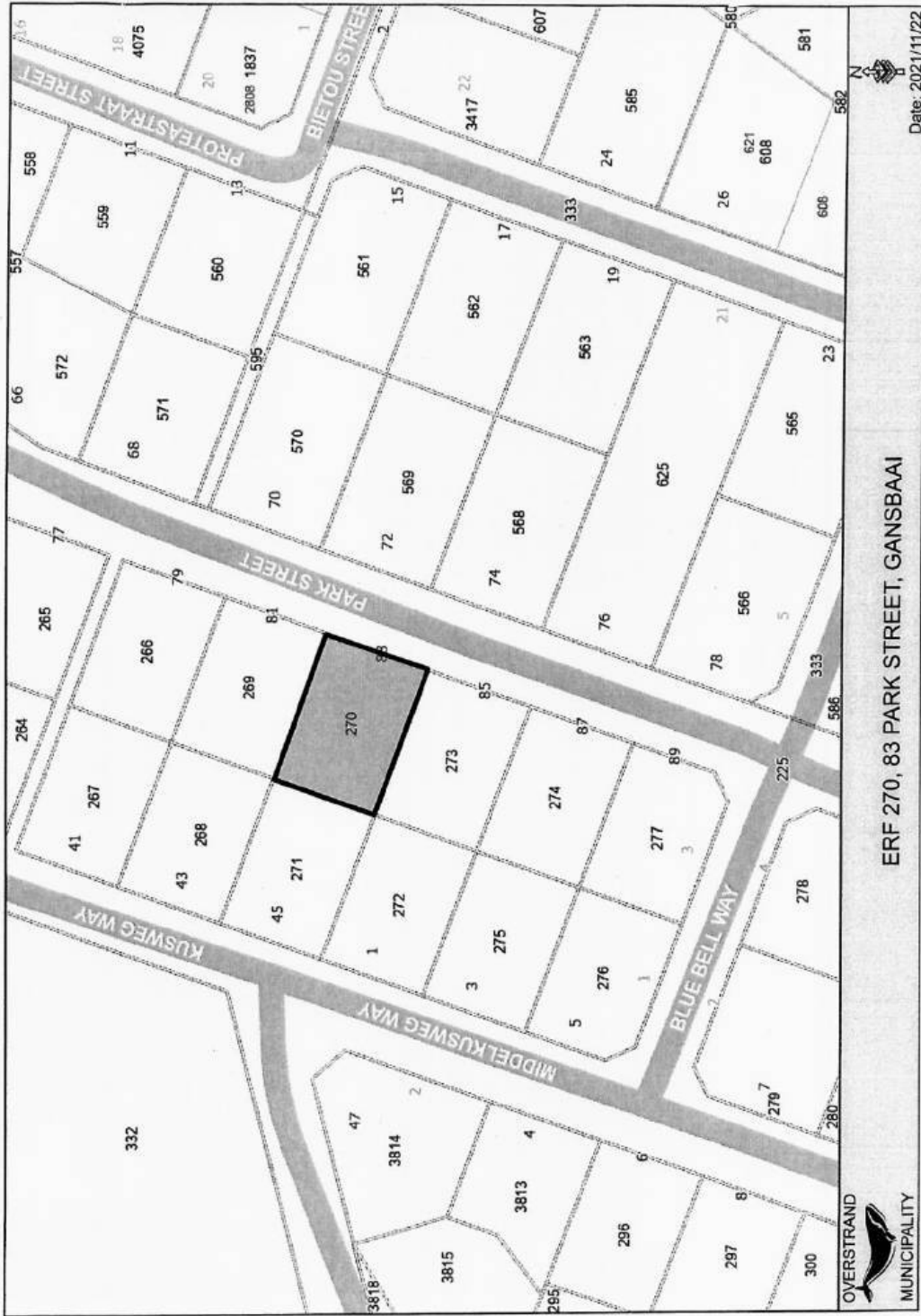
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- (a) that the development be implemented strictly in accordance with the Site Development Plan;
  - (b) that an administrative penalty of R6579,78 (VAT inclusive) be payable within thirty (30) days of the decision
  - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department, be complied with at that stage
  - (d) that all the conditions in the Services Report, be complied with.
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
  - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
5. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

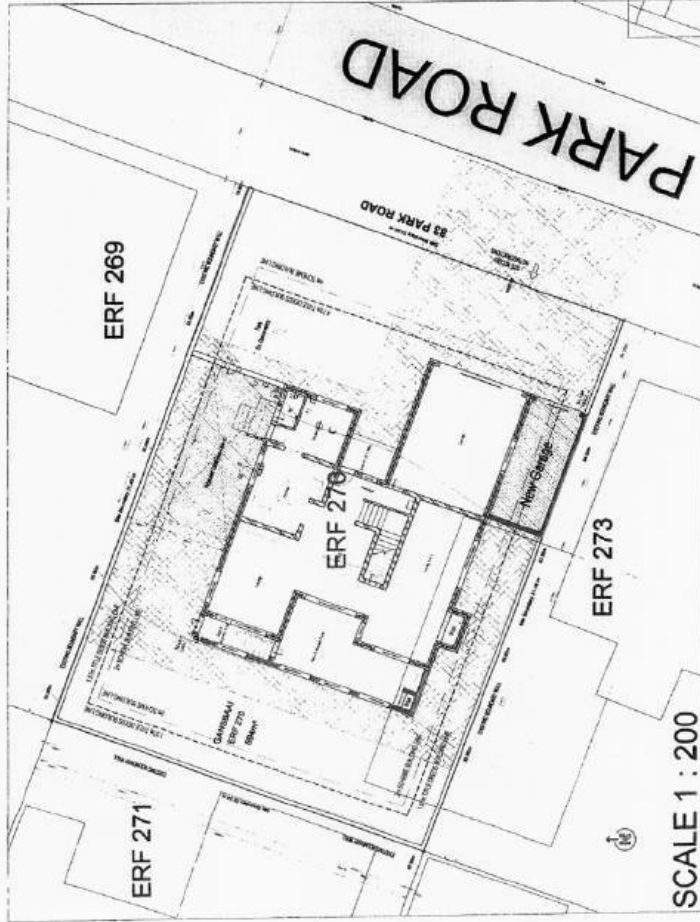
**REASONS FOR RESOLUTION**

Reasons for approval

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The Overstrand Zoning Scheme Regulations have sufficient control measures when it comes to land use, coverage and building line controls.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.
- ❖ The applicant bought the property unaware of the existing encroachments.
- ❖ The proposal is considered in line with the Municipality's SDF.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.



SITE DEVELOPMENT PLAN FOR ERF 270, 83 PARK ROAD, GANSBAAI, OVERSTRAND MUNICIPALITY



SCALE 1 : 200

SCALE 1 : 125

SCALE 1 : 125



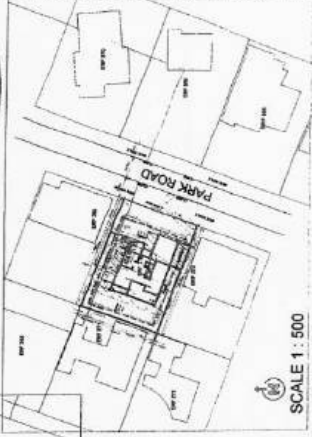
273 NEW PROPOSED GARAGE



269 NEW PROPOSED LEAN-TO



LOCATION OF ERF 270, 83 PARK ROAD GANSBAAI, OVERSTRAND MUNICIPALITY



SCALE 1 : 500

PROJECT:	ERF 270, 83 PARK ROAD, GANSBAAI, OVERSTRAND MUNICIPALITY
CLIENT:	MR. & MRS. J. VAN DER MERWE
DATE:	04 MAY 2022
SCALE:	1:500
PROJECT NO.:	2022/001
PROJECT NAME:	ERF 270, 83 PARK ROAD, GANSBAAI, OVERSTRAND MUNICIPALITY
PROJECT ADDRESS:	83 PARK ROAD, GANSBAAI, OVERSTRAND MUNICIPALITY
PROJECT CONTACT:	MR. J. VAN DER MERWE, 082 300 1234
PROJECT STATUS:	APPROVED
PROJECT VALUE:	R 1 000 000
PROJECT TYPE:	RESIDENTIAL
PROJECT AREA:	1 500 m <sup>2</sup>
PROJECT PERMIT:	100/2022/001
PROJECT APPROVAL:	04 MAY 2022
PROJECT OFFICIAL:	MR. J. VAN DER MERWE
PROJECT SIGNATURE:	[Signature]
PROJECT SEAL:	[Seal]

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR: REMOVAL OF RESTRICTIVE TITLE DEED  
CONDITIONS, DEPARTURE & DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: ERF 270, GANSBAAI (4083/2022)**

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 270, Gansbaai, unobstructed;
6. that no on-street parking be allowed.

*p.p. R. Hendriks*  
 DENNIS HENDRIKS  
 SENIOR MANAGER:  
 ENGINEERING SERVICES

*21/07/2022*  
 DATE

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**6. ERF 395, 23 RIDGE WAY, PEARLY BEACH: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLANACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF JJ NELL**

**395 GPB**

**File Ref.: 4192/2022**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**19 December 2022**

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**EXECUTIVE SUMMARY**

Application has been received on 1 July 2022 from Messrs PlanActive Town- and Regional Planners on behalf of JJ Nel in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 395, Pearly Beach for the following:

- **removal of restrictive title deed condition** terms of Section 16.(2)(f) of the By-Law in order to remove restrictive condition C.4(d) contained in Title Deed T12839/2016;
- **departure** in terms of Section 16.(2)(b) of the By-Law to relax the eastern lateral building line from 2m to 0m to accommodate an existing shade port;
- **departure** in terms of Section 16.(2)(b) of the By-Law to relax the western lateral building line from 2m to 1,097m and 1,325m respectively to accommodate existing structures as part of the main dwelling, and
- **determination of an administrative penalty** in terms of Section 16.(2)(q) of the By-Law to legalise the existing second dwelling as part of the main dwelling and shade port.

**RESOLUTION**

1. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the removal of restrictive title conditions C.4(d) contained in Title Deed T12839/2016, applicable to Erf 395, Pearly Beach, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for departure in terms of Section 16.(2)(b) of the By-Law to relax the eastern lateral building line from 2m to 0m to accommodate a shade port, **be approved** in terms of the provisions of Section 61 of the By-law
3. that the application for departure in terms of Section 16.(2)(b) of the By-Law to relax the western lateral building line from 2m to 1,097m and 1,325m **be approved** in terms of the provisions of Section 61 of the By-Law;

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

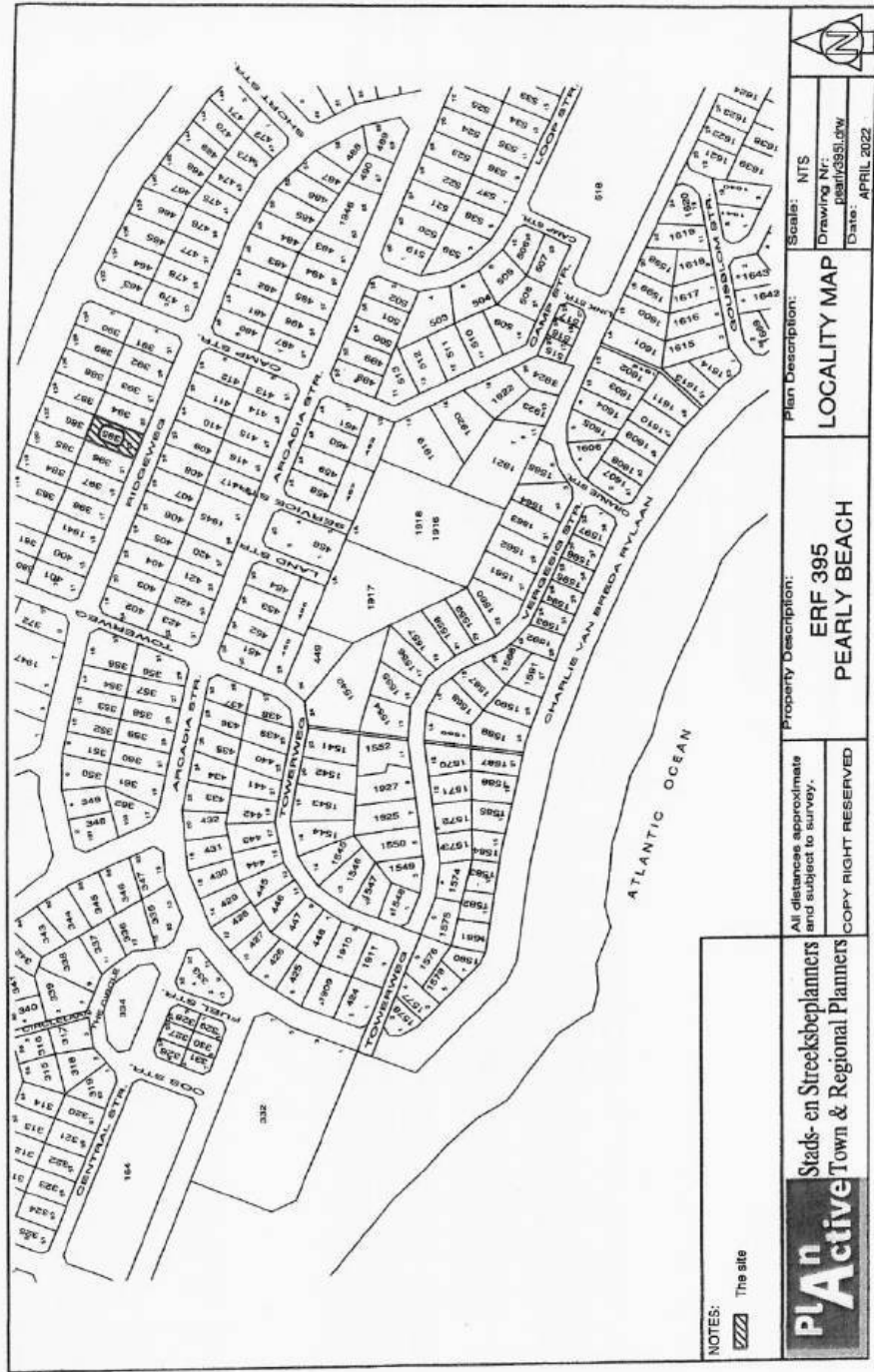
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4. that the application for determination of an administrative penalty in terms of Section 16.(2)(q) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), **no be exempted** from the payment of an administrative penalty;
5. that the recommendation in paragraphs 1 to 4. above be subject to the following conditions:
  - (a) that the approval is only for the departures indicated on the ground floor of the Site Development Plan;
  - (b) that an administrative penalty of R3848,66 (VAT inclusive) be payable within thirty (30) days of the decision;
  - (c) that building plans be submitted to the Building Department for approval within 60 days of the final approval and that all conditions of the Building- and the Fire Department, be complied with at that stage;
  - (d) that all the conditions in the Services Report, be complied with;
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with, and
  - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
6. 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**

### Reasons for approval

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The Overstrand Zoning Scheme Regulations have sufficient control measures when it comes to land use, coverage and building line controls.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.



NOTES:  
 The site

**Plan**  
**Active**  
 Stads- en Streeksbeplanners  
 Town & Regional Planners

All distances approximate  
 and subject to survey.  
 COPY RIGHT RESERVED

Property Description:  
**ERF 395**  
**PEARLY BEACH**

Plan Description:  
**LOCALITY MAP**

Scale: NTS  
 Drawing Nr: pearly95b.dwg  
 Date: APRIL 2022





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR: REMOVAL OF RESTRICTIVE TITLE DEED  
CONDITIONS, DEPARTURE & DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: ERF 395, PEARLY BEACH (4192/2022)**

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 395, Pearly Beach, unobstructed;
6. that no on-street parking be allowed.

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

10-12-2022  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**7. ERF 553, 75 ARCADIA STREET, PEARLY BEACH: APPLICATION FOR DEPARTURE: BC & AS HUTCHINSON**

**553 GPB (4099/2022)**

**SW van der Merwe  
19 December 2022**

**(028) 313 8900**

**Hermanus Administration**

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**EXECUTIVE SUMMARY**

An application has been received on 24 March 2022 from BS and AS Hutchinson in terms of Section 16(2)(b) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 553, Pearly Beach for departure to relax the western lateral building line from 2m to 1,57m to accommodate the conversion of the existing garage into habitable space.

**RESOLUTION**

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 553, Pearly Beach to relax the western lateral building line from 2m to 1,57m to accommodate the conversion of the garage into habitable space, **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 structure as indicated on Plan No. *JJ54/21* dated *30 May 2022*, submitted with the application;
  - (b) that the converted garage may not be utilised as a second dwelling unit, nor provided with a kitchen or cooking facilities;
  - (c) that building plans be submitted to the Building Department for approval and that all conditions of the Building- and the Fire Department, be complied with at that stage;
  - (d) that all the conditions of Telkom, be complied with;
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with, and
  - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and

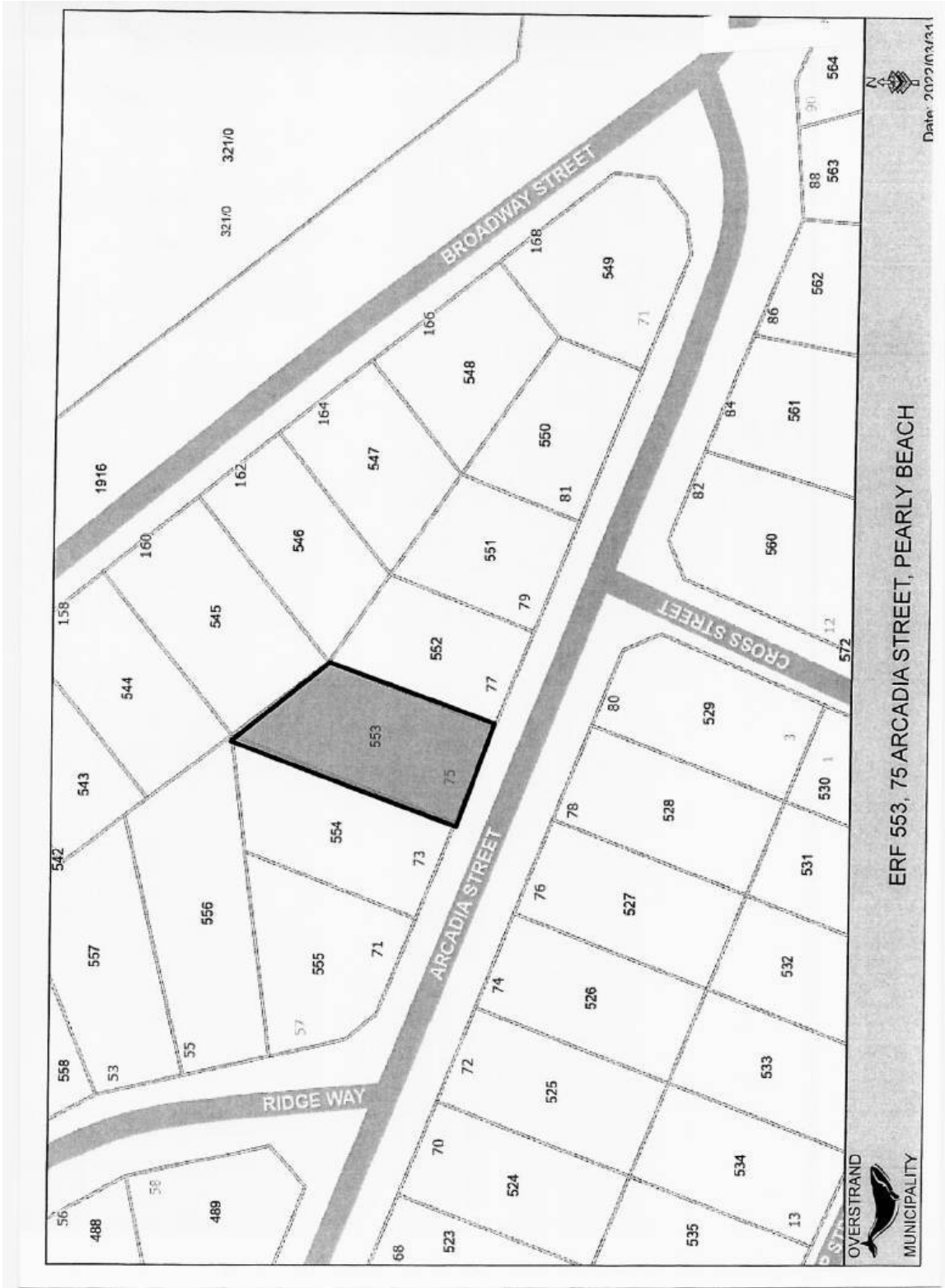
**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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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**

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The Overstrand Zoning Scheme Regulations have sufficient control measures when it comes to land use, coverage and building lines.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.



**STEENWERK**  
Binne muur bakstien gestreël en gewêrf  
Vloer en emmers tseus

**VENSTERS EN DEURE**  
Alu raam  
Alu deure

**PLAFONNIE**  
Zak

**RIOLWERK**  
Vloerplaat, galle, verbesies en  
regulasies en Sane 1000.P

**GEUTE**  
PVC geuite en afslippe. Geuite 90 225 x  
12 mm fassa boord

**ELEKTREISEITEIT**  
Alle elektriese werke deur spesialisist.  
Verleentingsertifikaat moet voorsien word

**OPPERVLAKTE**  
Grond vloer: 193.94 m<sup>2</sup>  
Eerste vloer: 97.02 m<sup>2</sup>  
Stoep/Motormuis: 109.20 m<sup>2</sup>  
Nuwe Vloeroppervlakte: 55.02 m<sup>2</sup>  
Hout dek onderdak: 28.94 m<sup>2</sup>

Totaal: 485.12 m<sup>2</sup>  
SKAAL: 1:10, 1:20, 1:50, 1:100, 1:200  
REG no D2736

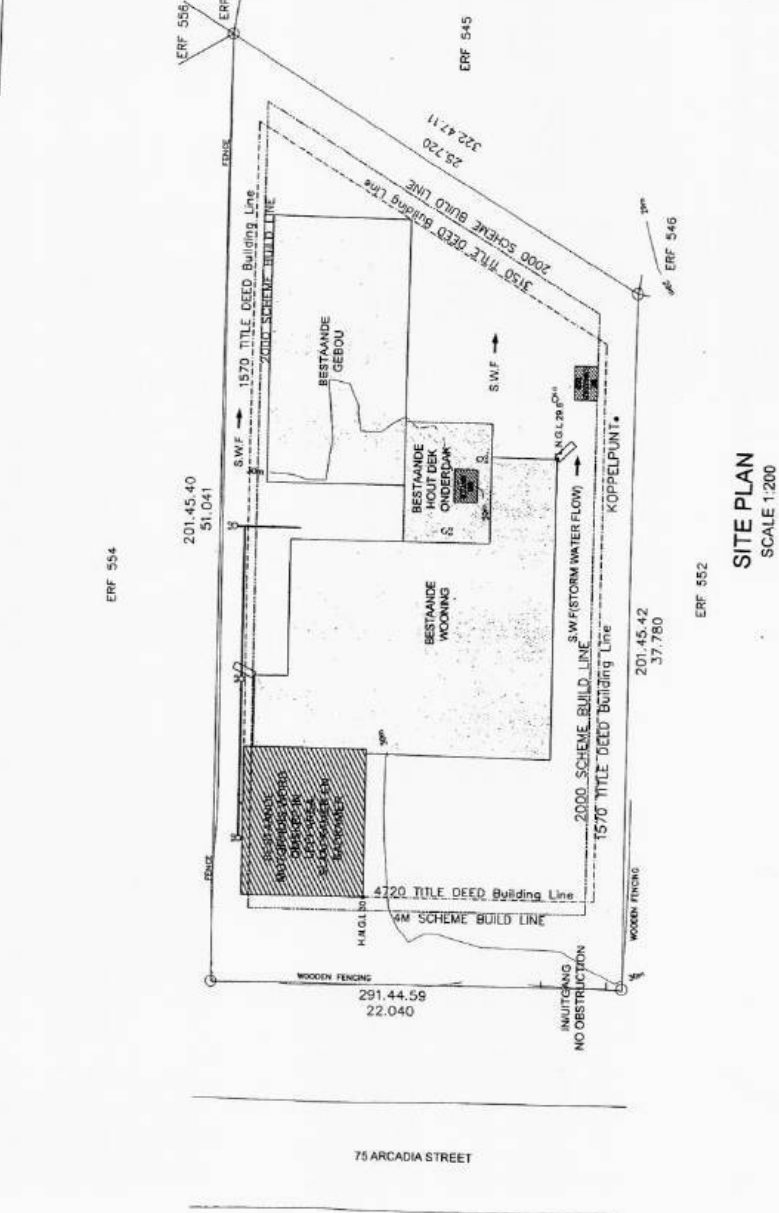
**ALGEMEEN**  
Alle matas en hoogtes moet op terrein  
nagaan word voor werk mag begin. Matas  
op plan geel voorkom voor matas geel  
vasar plan. Verwyslik in alle gevalle mat.  
300mm bo grondvlak.  
Voorligting moet onder alle oopligtinge in  
buitemure voorsien word  
Nagop bereiding met gegaweseste bouers  
Nagop 100mm capp gemassel in steenwerk.  
Behou 100mm capp gemassel in steenwerk.  
Min 4 liter seer met "Blok face" tussen stene  
bo aëra.  
Alle dak hoogte wat in tuil in getru word  
moet met dpe geëls word by getreë waar  
dit met die muur kontak maak.

ALLE BOUWERK STRENG VOLGENS  
NATIONALE, PROVINSIALE EN  
PLAASLIKE INOULREGULASIES.  
J.J van der West  
ARGENTONIESE DIENSTE  
P. KARKOR DRAUGHT  
SACAP REG: 102709

GETEKEN  
J.J van der West  
Blasboektraad  
Mekinhak 1370  
Sf: 082-486-8889  
DATUM: 2015  
TEK NO: JJ 54/21

VOORGESTELDE BESTAANDE MOTORHUIS WORD OMSKEP IN LEEFAREA, SLEAPKAMER EN  
BADKAMER WAT INTERTOEGANGSIK IS VANA F HOOFWONING VIR  
B.C & AS HULLCHINSON  
OP ERF NO 553 GELBB TE PEARLY BEACH

**Dekking**  
Erf: 976 m<sup>2</sup>  
Dekking: 39.64%



**SITE PLAN**  
SCALE 1:200

Design work shown on this drawing is copyright, and may not be used, copied or repr. d in any way without the written consent of the designer

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**8. ERF 632, 42 BARNARD STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: J MARITZ**

**632 GGB**

**File Ref: 4162/2022**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**20 December 2022**

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**EXECUTIVE SUMMARY**

An application has been received from J Maritz in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 632, Gansbaai for the following:

- **departure** in terms of Section 16(2)(b) of the By-Law for the encroachment of the street building line from 4m to 0,670m and the lateral building line from 2m to 1,62m to accommodate the existing sitting room;
- **departure** in terms of Section 16(2)(b) of the By-Law for the encroachment of the lateral building line from 2m to 0,45m to accommodate an existing outbuilding (garage and wc), and
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, in order to legalise the encroachment of portions of the dwelling and the outbuilding as built.

**RESOLUTION**

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for departure in order to encroach the street building line from 4m to 0,67m and the southern lateral building line from 2m to 1,62m to accommodate the existing dwelling, **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 By-Law for departure to encroach the lateral building line from 2m to 0,45m to accommodate the existing outbuilding (garage and wc), **be approved** in terms of Section 61 of the By-Law;
3. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the unauthorised building work over the street and lateral building lines **be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;;
4. that the approvals in point 1 to 3 above be subject to the following conditions:

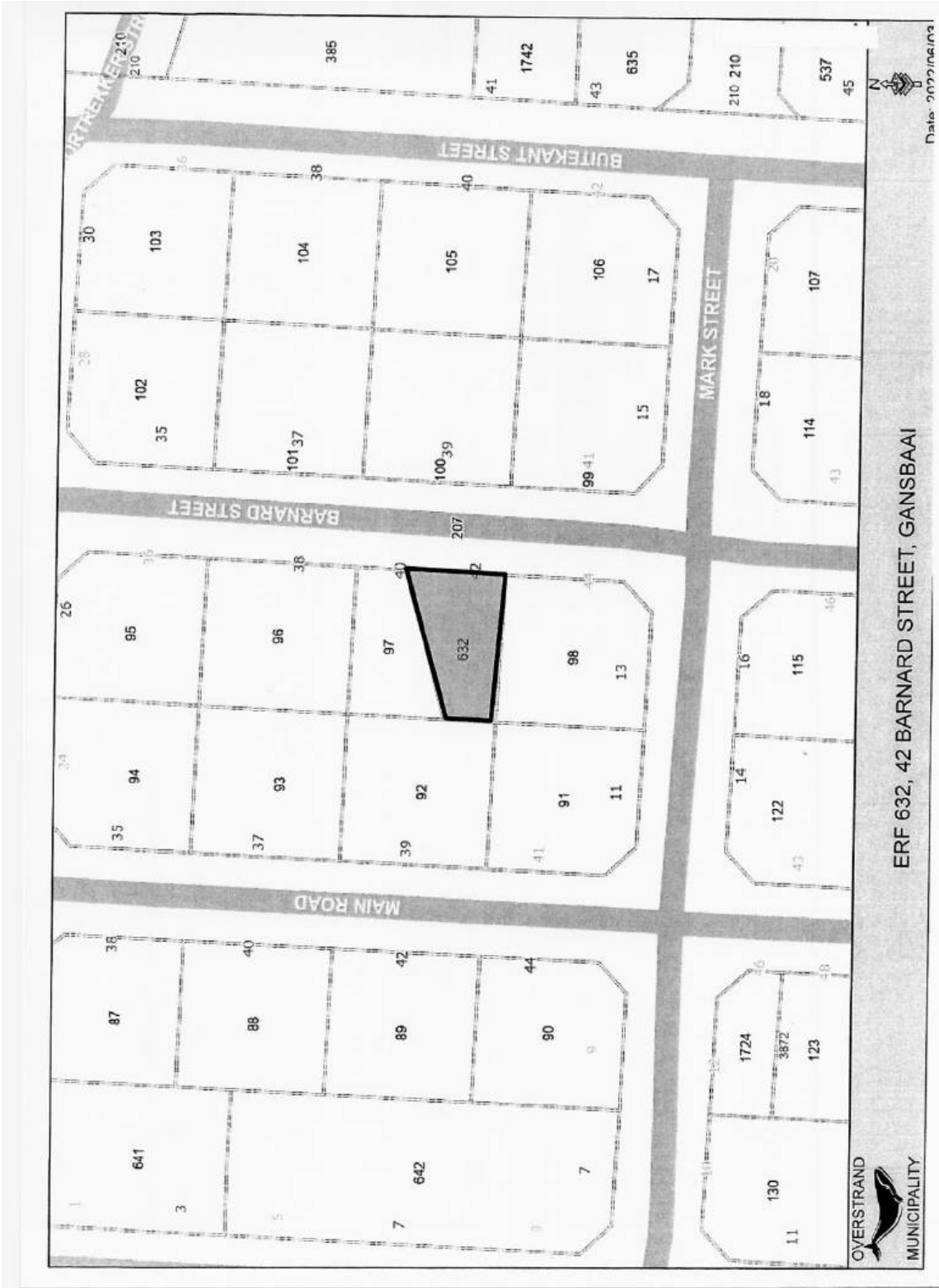
**AGENDA of the  
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5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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- (a) that this approval is only for the encroachments indicated on the *Site Development Plan No. 0151/17* dated 13/05/2022, submitted with the application;
  - (b) that building plans be submitted to the Building Department and all comments from the Building- and Fire Departments be complied with at that stage within 30 days from the final approval of the application;
  - (c) that the demolition of the portion of the garage extending beyond the 2m rear building line as well as the wall of the braai be completed within 180 days from the final approval of the application;
  - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
  - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
5. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**REASON FOR THE RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ No objections from internal departments were received.
- ❖ It is in line with policy documents.
- ❖ No objections were received.
- ❖ The proposal will not adversely impact on the adjacent properties.
- ❖ The departures existed for a number of years dating back prior to 1995.
- ❖ The application is regarded as being desirable from a town planning point of view.



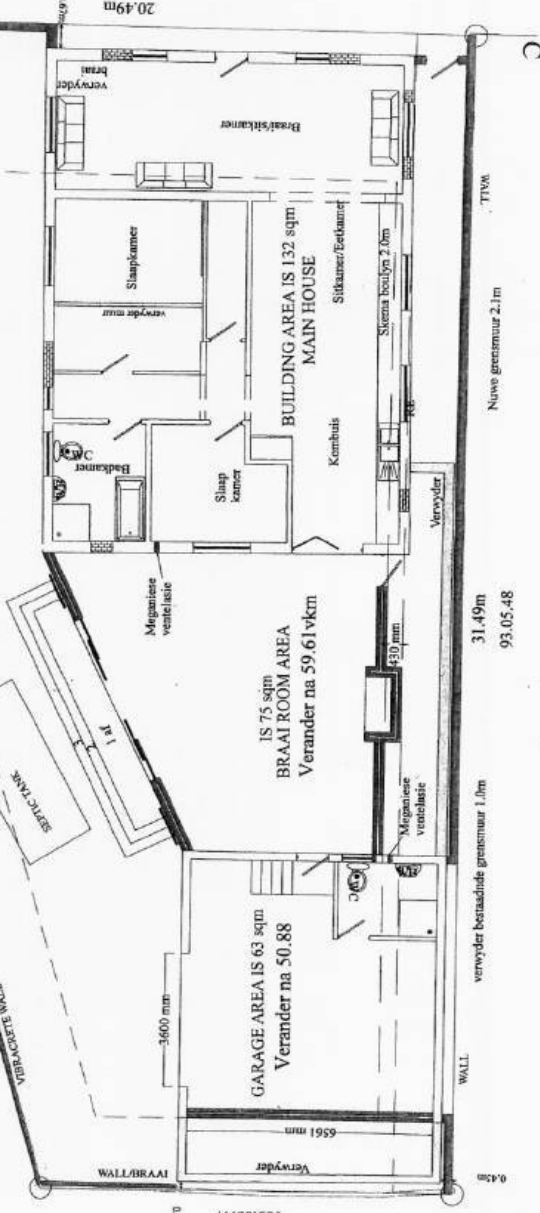
NOTA:  
 Alle regulasies van plaaslike owerhede moet nagekom word.  
 Kontrakteur is verantwoordelik om alle munisipale bouregulasie na te kom en versaan.  
 Maats getiet voorkeur en moet getoon word voor bouwerk begin.  
 Alle bouwerk tussen bou grense.  
 Alle afmetings moet met tekenaar getoon word.  
 Alle bouwerk streng volgens en SANS 10400 voor skrifte.  
 Ingenieurs spesifikeses getiet voorkeur.  
 Terrain moet skoon gebou word gedurende bouwerk.  
 Water en elektrisiteitsaansluiting moet gedoen word voor bouwerk mag begin.

Erf 496  
 Woning 242.50  
 Dekking 48.88%

Verwyder struktuur  
 Nuwe steen werk



BARNARD STREET (18.89m)



Vloerplan  
 SI 11 - 100

Bestande geboue 270 vkm  
 Veranderinge - 27.5 vkm  
 Totale dekking 242.50 vkm  
 48.88 %

Telefonia nr: 015117  
 Tekening: Veranderinge (A3)  
 Terrain plan  
 Blad: 2 van 7  
 Datum: 13/05/2022

Beskrywing:  
 Voorgestelde Veranderinge w  
 Erf 632  
 42 Barnard  
 Gansbaai  
 Oosstrand Munisipaliteit

Plan geteken deur:  
 Jacobus A van Staden  
 3 Swesagons  
 Perlemoenbaai  
 Gansbaai  
 Reg nr: D1661  
 E-mail: jagg@netcom  
 Tel: 082 929 7144

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: ERF 632, 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 632, Gansbaai, unobstructed;
6. that no on-street parking be allowed.

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

  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**9. ERF 2656, 25 VLEIGANS STREET, PERLEMOENBAAI, GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF E GOOSEN**

**2656 GGB**

**File Ref: 4161/2022**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**19 December 2022**

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**EXECUTIVE SUMMARY**

Application has been received on 27 May 2022 from Messrs PlanActive Town- and Regional Planners on behalf of E Goosen in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the subdivision of Erf 2656, Gansbaai (Perlemoenbaai) into two (2) portions, namely a Remainder approximately 518m<sup>2</sup> in extent and Portion A approximately 518m<sup>2</sup> 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 2656, Gansbaai into two portions, namely Portion A approximately 518m<sup>2</sup> and a Remainder approximately 518m<sup>2</sup> 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 *2656 gansbaaisubdivision.drw* dated *05/2022* 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 the conditions imposed by Telkom and Department of Transport and Public Works, be complied with;
  - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
  - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

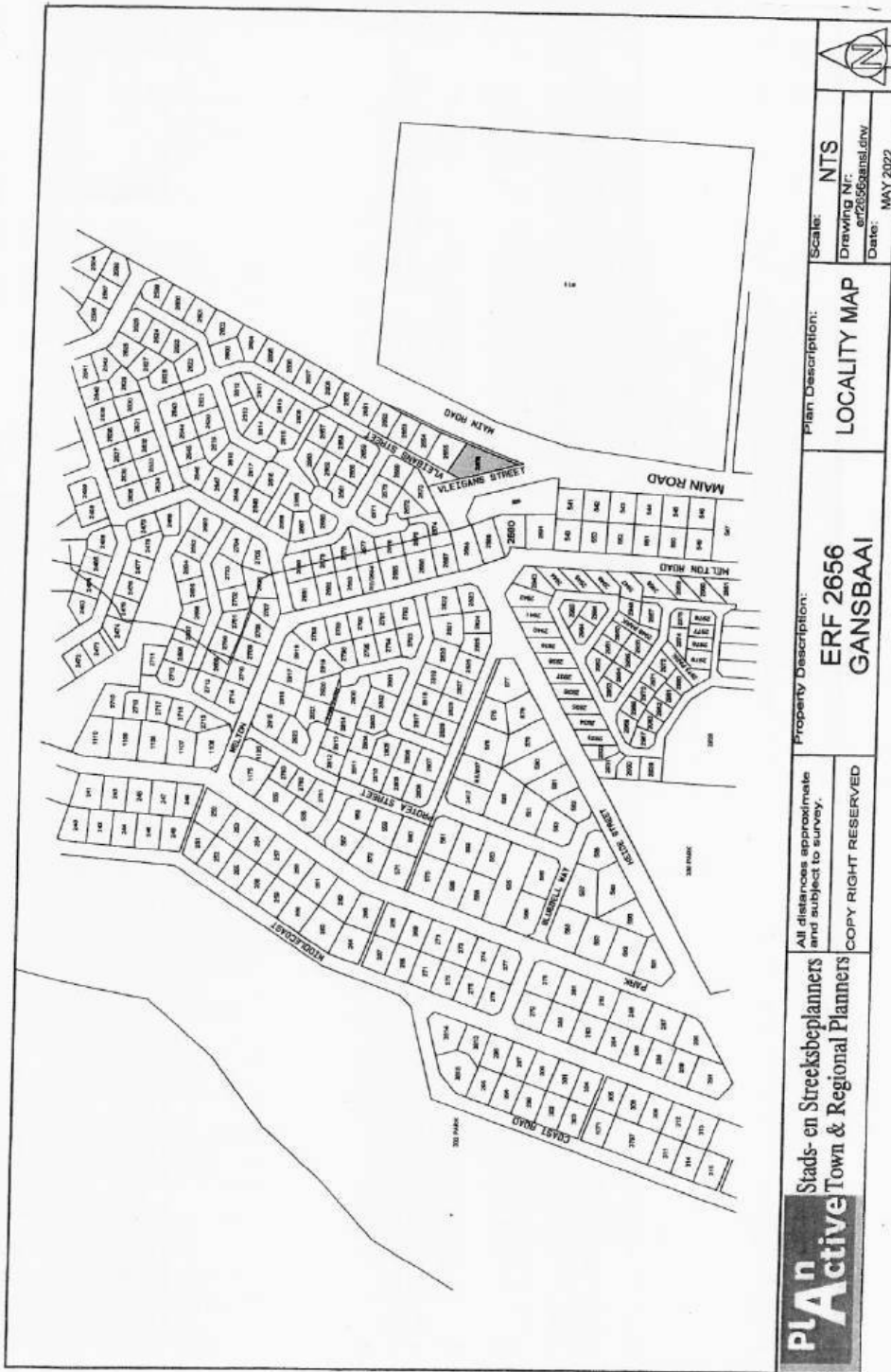
**AGENDA of the  
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5 April 2023  
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2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ None of the 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.



**PIAn**  
Active  
Stads- en Streeksbeplanners  
Town & Regional Planners

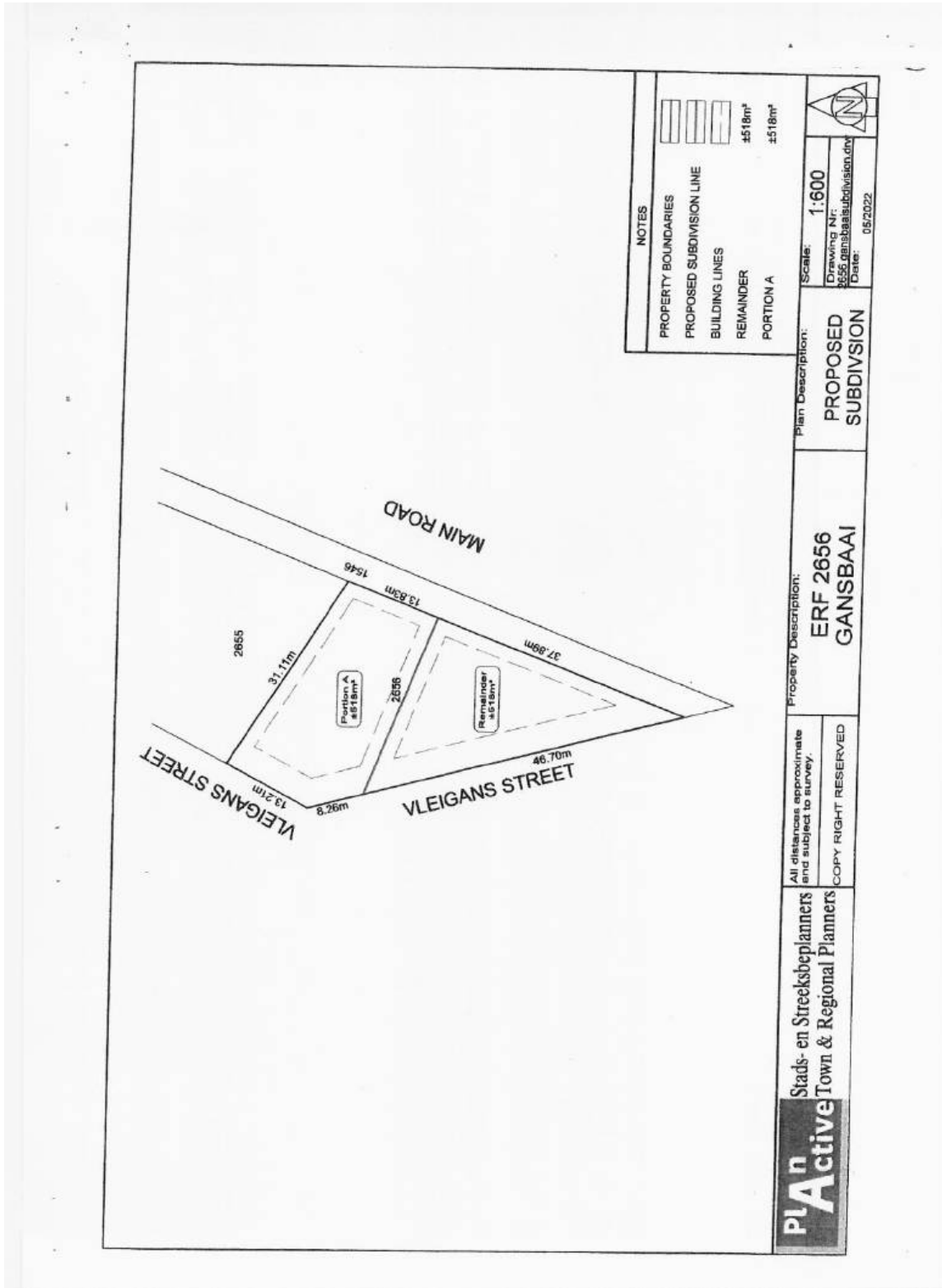
All distances approximate  
and subject to survey.  
COPY RIGHT RESERVED

Property Description:  
**ERF 2656  
GANSBAAI**

Plan Description:  
**LOCALITY MAP**

Scale: **NTS**  
Drawing Nr: **erf2656gansbai.dwg**  
Date: **MAY 2022**





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION: ERF 2656, GANSBAAI**

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 (2022/2023) is as follows:

**Freehold erven:**

Water	R 26 036.00 x 1	=	R 26 036.00
Sewerage	R 17 555.00 x 1	=	R 17 555.00
Roads	R 7 872.00 x 1	=	R 7 872.00
Stormwater	R 9 082.00 x 1	=	R 9 082.00
Solid Waste	R 1 574.00 x 1	=	R 1 574.00
Electricity	R 34 929.99 x 1	=	<u>R 34 929.99</u>
<b>TOTAL (inclusive of VAT)</b>		<b>=</b>	<b>R 97 048.99</b>

Note:

- 1.3 The above figures are estimates**  
**1.4 The above figures do not include connection fees**
2. that the existing water connection to Erf 2656 shall be used to service the proposed Remainder of Erf 2656;

3. that any part of the existing water and sewer services on Erf 2656 that crosses the common boundary of Portion A and the Remainder of Erf 2656 shall be disconnected and sealed off;
4. that Portion A of Erf 2656 must be serviced with individual and separate water connection, which must comply with the standards of the Department: Operational Services;
5. that the proposed Portion A and Remainder of Erf 2656 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;
6. that only a standard 60 Amp single phase electricity connection will be available per erf;
7. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
8. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
9. that any additional and / or extended vehicle entrances will be for the owner's account;
10. that stormwater be allowed to discharge through the proposed Erven, Gansbaai, unobstructed.

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

*21/07/2022*  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**10. REMAINDER FARM NO. 975, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: MESSRS TOWN AND COUNTRY CREATIVE LAND SOLUTIONS ON BEHALF OF SAURWEIN WINES (PTY) LTD**

**Remainder Farm 975 (4087/2022)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**12 December 2022**

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**EXECUTIVE SUMMARY**

An application was received on 24 February 2022 from Messrs Town and Country Creative Land Solutions on behalf Saurwein Wines (PTY) Ltd in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 (By-Law) for consent use in terms of Section 16(2)(o) of the By-Law in order to allow for a boutique winery and tasting facility on the property.

**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 (By-Law) applicable to Farm No. 975, Division Caledon in order to accommodate a boutique winery and tasting facility on the property, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the approvals are for the development as indicated on drawing no *CAL/2724.2* as submitted with the application;
  - (b) that this approval is only for a boutique winery and tasting facility on the subject property;
  - (c) that all the conditions imposed by, Engineering Services, CapeNature, and Breede-Gouritz Catchment Management Area, be complied with;
  - (d) that prior to the submission of building plans the concerns from CapeNature, and Breede-Gouritz Catchment Management Area, be addressed and submitted to the Town- and Spatial Planning Department;
  - (e) that building plans be submitted to the Building Department for approval;

**AGENDA of the  
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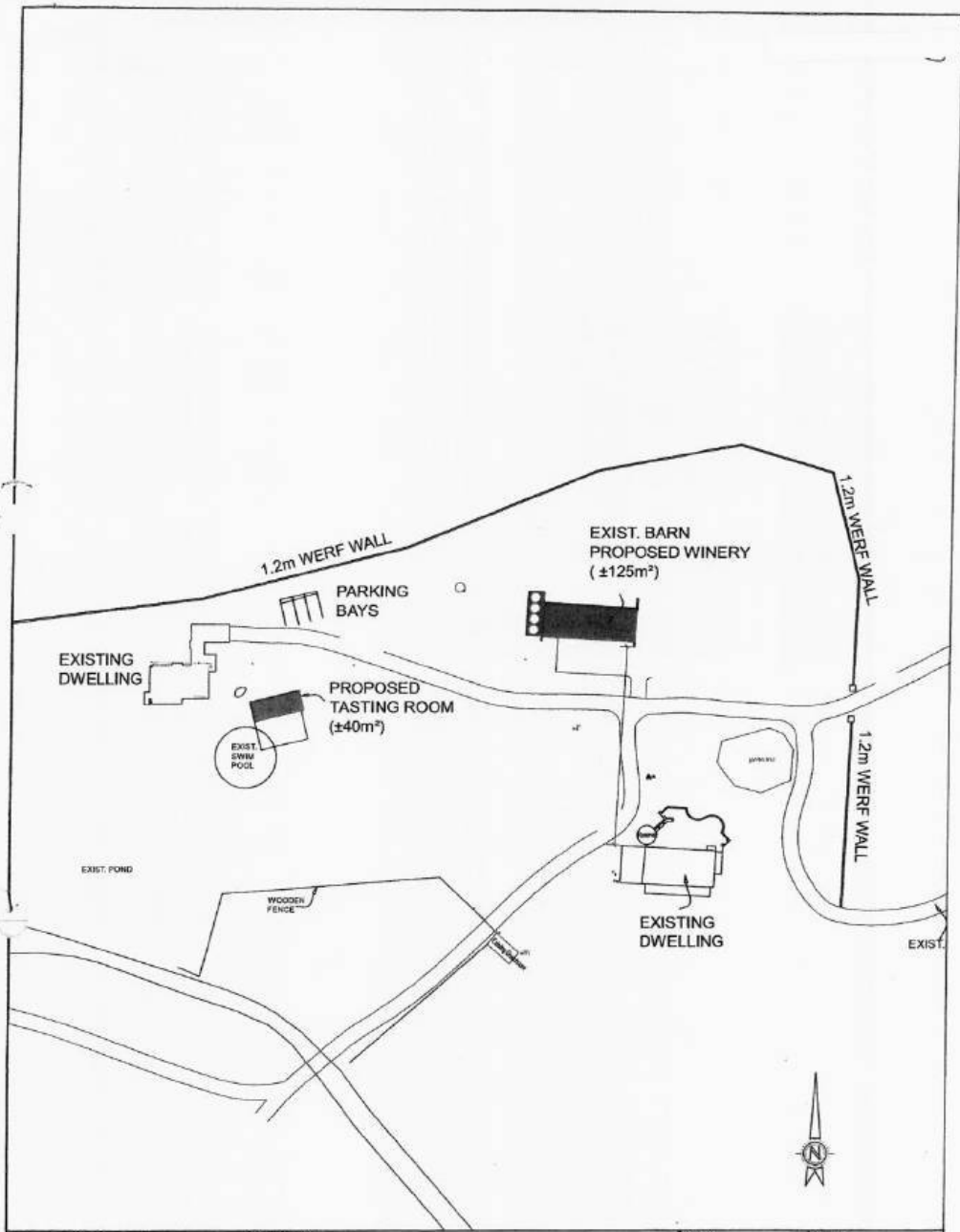
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- (f) that the additional and existing uses comply with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
  - (g) that applicable rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (h) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
  - (i) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

**REASONS FOR RESOLUTION**

- ❖ The proposed uses will have a minimal impact on the surrounding area.
- ❖ The diversification of uses on the property will positively contribute to job creation, economic growth, and sustainability of the farm.
- ❖ The objection received has been sufficiently addressed.
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ Local and provincial departments have provided supporting comments for the proposed application.
- ❖ The proposal is compliant with the spatial policies contained in the SDF.
- ❖ The proposal is consistent with the spatial principles as set out in SPLUMA and LUPA.





<b>Town &amp; Country</b> <i>Creative Land Solutions</i> P.O. Box 1085 Bredasdorp 7280 Tel. 028 424 1545 Fax. 028 425 2085 E-mail: towncountry@vodamail.co.za © Copyright 2022 Town & Country	<b>PROJECT</b> FARMYARD SITE PLAN: FARM 975 CALEDON RD OVERSTRAND MUNICIPALITY	DRAWN LT	CHECKED LT
		SCALE 1: 1 000	DATE JAN 2022
		DWO No. CAL/2724.2	REVISION
	Notes: All areas and distances are subject to final survey		

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE: REMAINDER OF FARM 975,  
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 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, Remainder of Farm 975 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services on the development must connect to;
7. that the Municipality does not have the capacity to service the proposed development with regards to removal of sewerage from the property. The owner is therefore responsible for removal of sewerage from the property, and thereof at a licensed municipal sewerage treatment facility;

8. that alternatively, sewer treatment facilities that are approved by the Department of Water Affairs may be provided for disposal of sewer from the developments. Written proof of such approval is to be submitted to the Municipality;
9. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 140400 – P: 2010: Drainage;
10. that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or waste disposal facility;
11. that on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
12. that access can be obtained from the existing access to Remainder of Farm 975.

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

20. 07. 2022  
DATE

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**11. ERF 2656, 25 VLEIGANS STREET, PERLEMOENBAAI, GANSBAAI,  
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: EM  
GOOSEN**

**2656 GGB**

**File Ref: 4227/2022**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**19 December 2022**

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**EXECUTIVE SUMMARY**

An application has been received on 24 August 2022 from EM Goosen in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 2656, Gansbaai for departure to relax the street building line from 4m to 2m to accommodate a proposed living room and conversion of the garage into a habitable room.

**RESOLUTION**

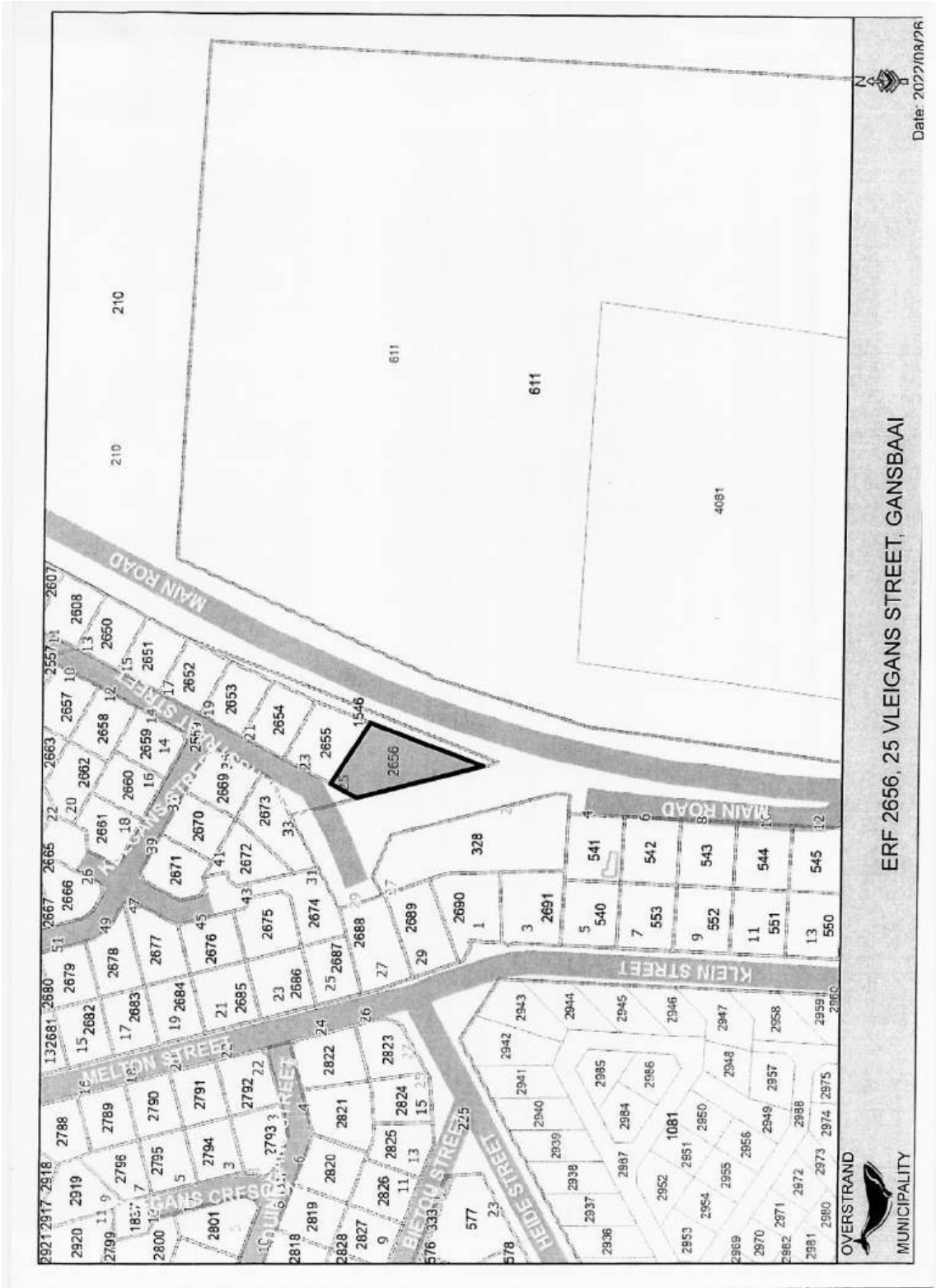
1. that the application for departure in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to encroach the street building line from 4m to 2m to accommodate a proposed living room and conversion of the existing garage into habitable accommodation, **be approved** in terms of the provisions of Section 61, subject to the following conditions:
  - (a) that the approval is only for the departure indicated on Site Development Plan *No. JJ 32/22* dated *15 August 2022* 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 imposed by Department of Transport and Public Works Telkom, be complied with;
  - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**AGENDA of the  
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(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**14. REASONS FOR RECOMMENDATION**

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners.
- ❖ The proposed application fits in with the character of the surrounding area and is desirable.



ERF 2656, 25 VLEIGANS STREET, GANSBAAI

Date: 2022/08/26





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR: DEPARTURE: ERF 2656, GANSBAAI (4227/2022)**

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 2656, Gansbaai, unobstructed;
6. that no on-street parking be allowed.

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

  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**12. REMAINDER OF THE FARM BUFFELJACHTS NO. 357, BREDASDORP, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR AMENDMENT OF AN APPROVED SITE DEVELOPMENT PLAN: S FOURIE ON BEHALF OF VIKING FISHING COMPANY (PTY) LTD**

**Farm 357 RBRE**

**File Ref: 4133/2022**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**21 December 2022**

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**EXECUTIVE SUMMARY**

Application has been received on 3 May 2022 in terms of Section 16.(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Remainder of the Farm Buffeljachts No. 357, Division Bredasdorp for the amendment of the approved Site Development Plan (SDP) to accommodate amendment to the packing building.

**RESOLUTION**

1. that the application for amendment of the approved Site Development Plan in terms of Section 16.(2)(l) of the Overstrand Municipal Land Use Planning Amendment By-law, 2020 applicable to the Remainder of Farm Buffeljachts No. 357, Division Bredasdorp, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
  - (a) that the development occurs in accordance with the Site Development Plan, Drawing No. *GB2357/BAF/21* dated *12 Jan 2022* 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;
  - (c) that the original conditions of approval dated 9 March 2012 be adhered to;
  - (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.

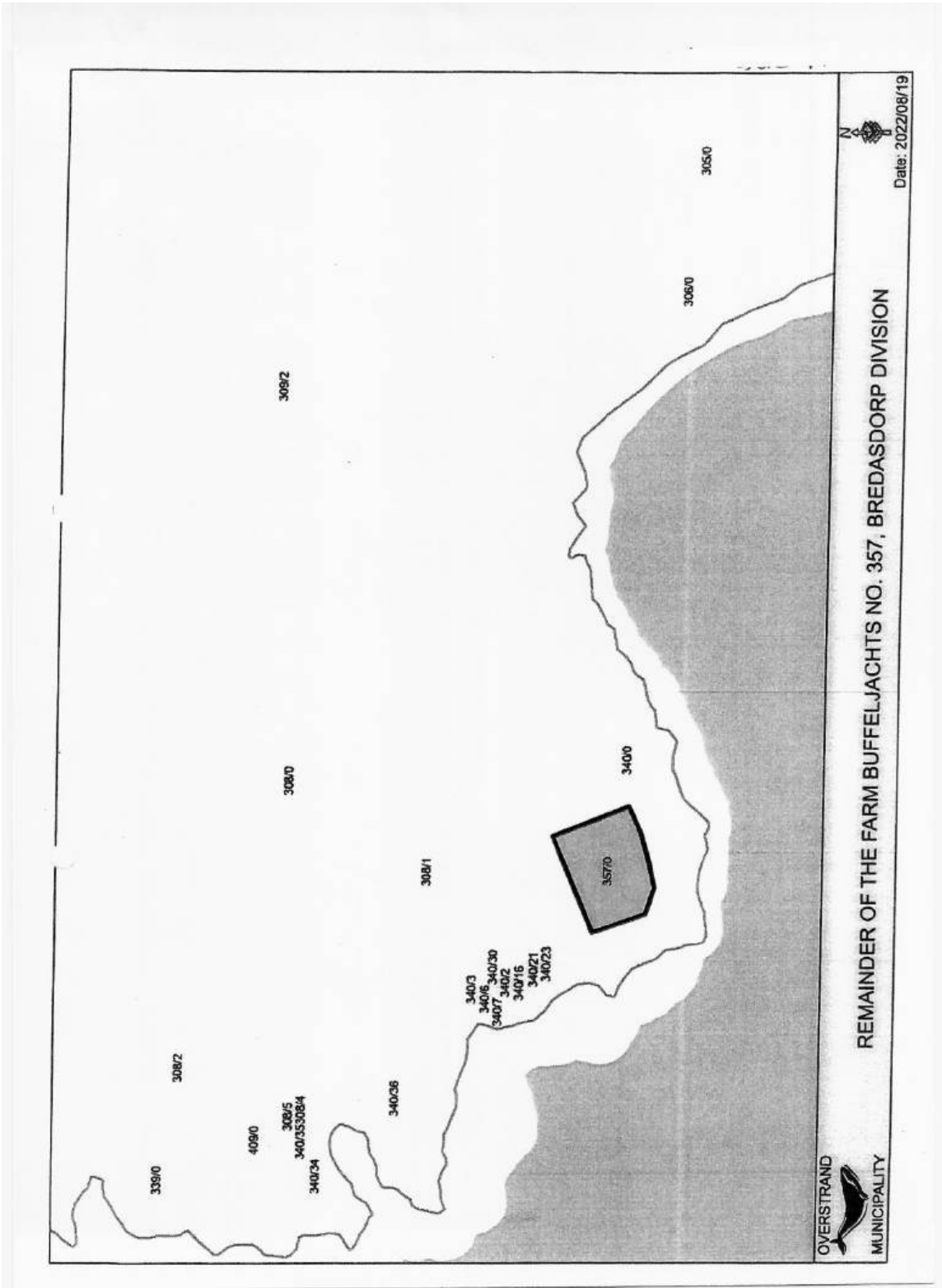
**AGENDA of the  
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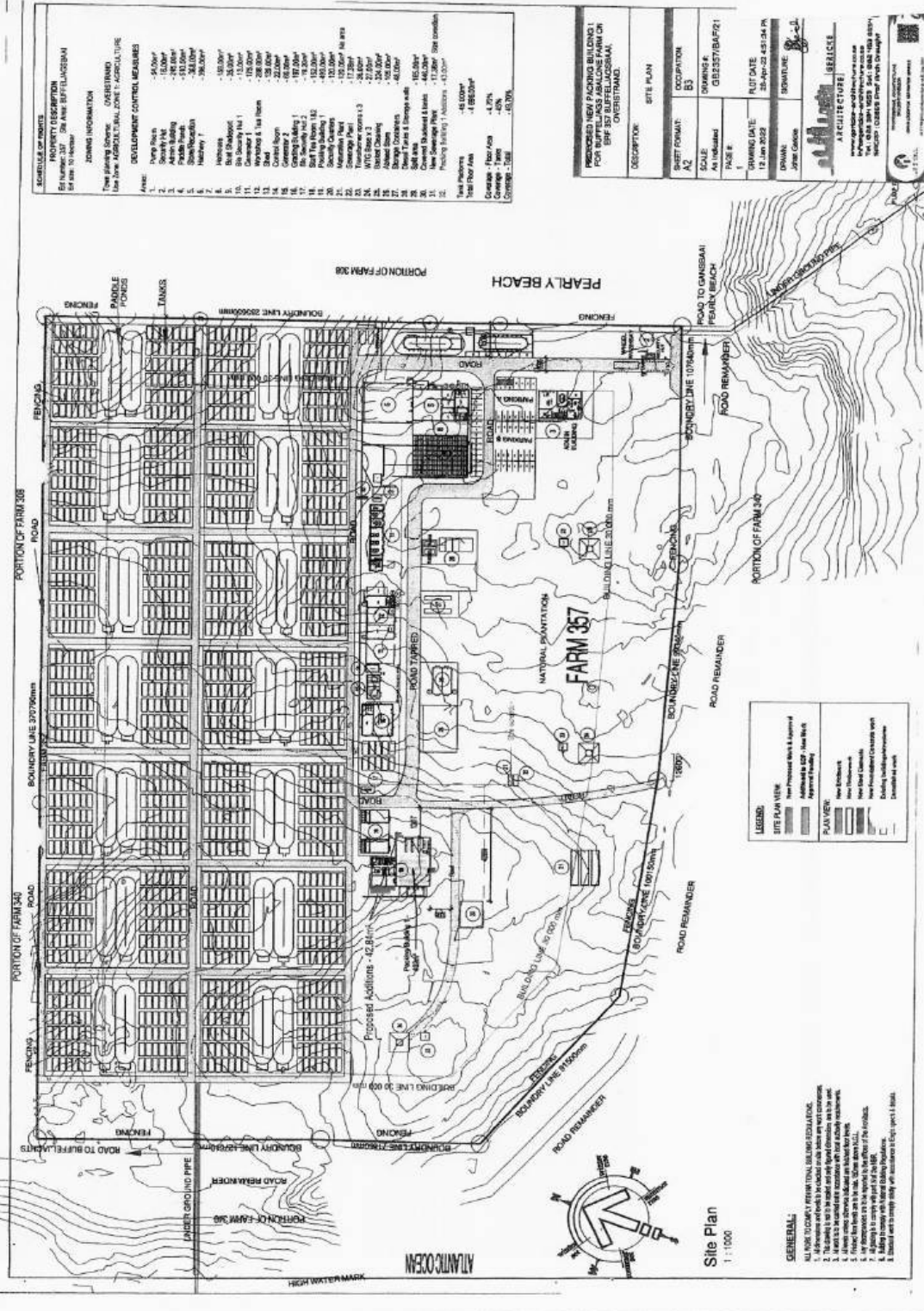
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have objected to the application.
- ❖ It is in line with the aims of the Overstrand SDF.
- ❖ The application will not have a negative effect on the natural environment or vested right of adjoining properties.



REMAINDER OF THE FARM BUFFELJACHTS NO. 357, BREDASDORP DIVISION



**SCHEDULE OF HEIGHTS**

PROPERTY DESCRIPTION: 26 NEW SUPPLEMENTAL USE PERMITS TO EXIST

**EXISTING DEVELOPMENT**

EXISTING HEIGHTS:

- 1. 15.00m
- 2. 15.00m
- 3. 15.00m
- 4. 15.00m
- 5. 15.00m
- 6. 15.00m
- 7. 15.00m
- 8. 15.00m
- 9. 15.00m
- 10. 15.00m
- 11. 15.00m
- 12. 15.00m
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- 25. 15.00m
- 26. 15.00m
- 27. 15.00m
- 28. 15.00m
- 29. 15.00m
- 30. 15.00m
- 31. 15.00m
- 32. 15.00m

**DEVELOPMENT CONTROL MEASURES**

PROPOSED HEIGHTS:

- 1. 15.00m
- 2. 15.00m
- 3. 15.00m
- 4. 15.00m
- 5. 15.00m
- 6. 15.00m
- 7. 15.00m
- 8. 15.00m
- 9. 15.00m
- 10. 15.00m
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- 25. 15.00m
- 26. 15.00m
- 27. 15.00m
- 28. 15.00m
- 29. 15.00m
- 30. 15.00m
- 31. 15.00m
- 32. 15.00m

**PROPOSED NEW PACKING BUILDING 1 FOR THE SUPPLEMENTAL USE PERMITS TO EXIST ON SITE 367 (PEARLY BEACH)**

**DESCRIPTION: SITE PLAN**

**DEVELOPMENT CONTROL MEASURES**

PROPOSED HEIGHTS:

- 1. 15.00m
- 2. 15.00m
- 3. 15.00m
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**GENERAL NOTES:**

1. ALL WORK TO COMPLY WITH NATIONAL BUILDING REGULATIONS.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LOCAL COUNCIL'S DEVELOPMENT CONTROL MEASURES.
3. ALL UTILITIES TO BE DELETED AND RELOCATED TO THE PROPOSED LAYOUT.
4. ALL UTILITIES TO BE DELETED AND RELOCATED TO THE PROPOSED LAYOUT.
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7. ALL UTILITIES TO BE DELETED AND RELOCATED TO THE PROPOSED LAYOUT.
8. ALL UTILITIES TO BE DELETED AND RELOCATED TO THE PROPOSED LAYOUT.

**LEGEND:**

**SITE PLAN VIEW:**

- 1. Proposed Building Footprint
- 2. Proposed Building Footprint
- 3. Proposed Building Footprint
- 4. Proposed Building Footprint
- 5. Proposed Building Footprint
- 6. Proposed Building Footprint
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- 31. Proposed Building Footprint
- 32. Proposed Building Footprint

**PLAN VIEW:**

- 1. New Footprint
- 2. New Footprint
- 3. New Footprint
- 4. New Footprint
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- 30. New Footprint
- 31. New Footprint
- 32. New Footprint

**GENERAL:**

1. ALL WORK TO COMPLY WITH NATIONAL BUILDING REGULATIONS.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LOCAL COUNCIL'S DEVELOPMENT CONTROL MEASURES.
3. ALL UTILITIES TO BE DELETED AND RELOCATED TO THE PROPOSED LAYOUT.
4. ALL UTILITIES TO BE DELETED AND RELOCATED TO THE PROPOSED LAYOUT.
5. ALL UTILITIES TO BE DELETED AND RELOCATED TO THE PROPOSED LAYOUT.
6. ALL UTILITIES TO BE DELETED AND RELOCATED TO THE PROPOSED LAYOUT.
7. ALL UTILITIES TO BE DELETED AND RELOCATED TO THE PROPOSED LAYOUT.
8. ALL UTILITIES TO BE DELETED AND RELOCATED TO THE PROPOSED LAYOUT.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR AMENDMENT OF APPROVED SITE DEVELOPMENT  
PLAN: REMAINDER OF THE FARM BUFFELJACHTS NO.357, DIVISION  
BREDASDORP**

Water	:	No service available
Sewer	:	In order
Roads and traffic	:	No service available
Stormwater	:	No service available
Electricity	:	Eskom

**Conditions:**

1. that, as no municipal water network available in the vicinity of Farm 357, and no municipal water services will be rendered to Farm 357, the owner is responsible for the provision of any water supply and / or -services to the development on Farm 357;
2. that the proposed development on Farm 357 be 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;
3. that the sewer conservancy tanks must be accessible to the municipal sewer tankers from on of the adjacent public roads, with parking areas for the sewer tankers provided with permanent surfaces and to the layout and specification of the Department: Operational services;
4. that, alternatively, sewer treatment facilities that are approved by the Department of Water Affairs may be provided for disposal of sewer from the developments, and written proof of such approval be submitted to the Municipality;
5. that the developer investigate and determine the limits of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
6. 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;
7. that the developer will be responsible for the provision and maintenance of all internal and external services required;
8. that the developer complies to all the conditions set by Department Of Water & Environmental Affairs;

9. that no electricity will be available from Overstrand Municipality and the developer is responsible to obtain approval from Eskom for any use of electricity;
10. that no stormwater service is available from Overstrand Municipality;
11. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
12. that the developer will arrange with Provincial Administration to obtain approval for any new access from the Provincial road.

  
DENNIS HENDRIKS  
SENIOR MANAGER:

  
DATE

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**13. ERF 7179, 19 ALBERTYN STREET, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: WRAP PROJECT OFFICE ON BEHALF OF RE APPELO**

**7179 KKM (4146/2022)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**30 November 2022**

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**EXECUTIVE SUMMARY**

Application has been received on 17 May 2022 from WRAP Project Office on behalf of RE Appelo in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the subdivision of Erf 7179, Kleinmond into a Portion A ( $\pm 605\text{m}^2$ ) and a Remainder ( $\pm 1477\text{m}^2$ ).

**RESOLUTION**

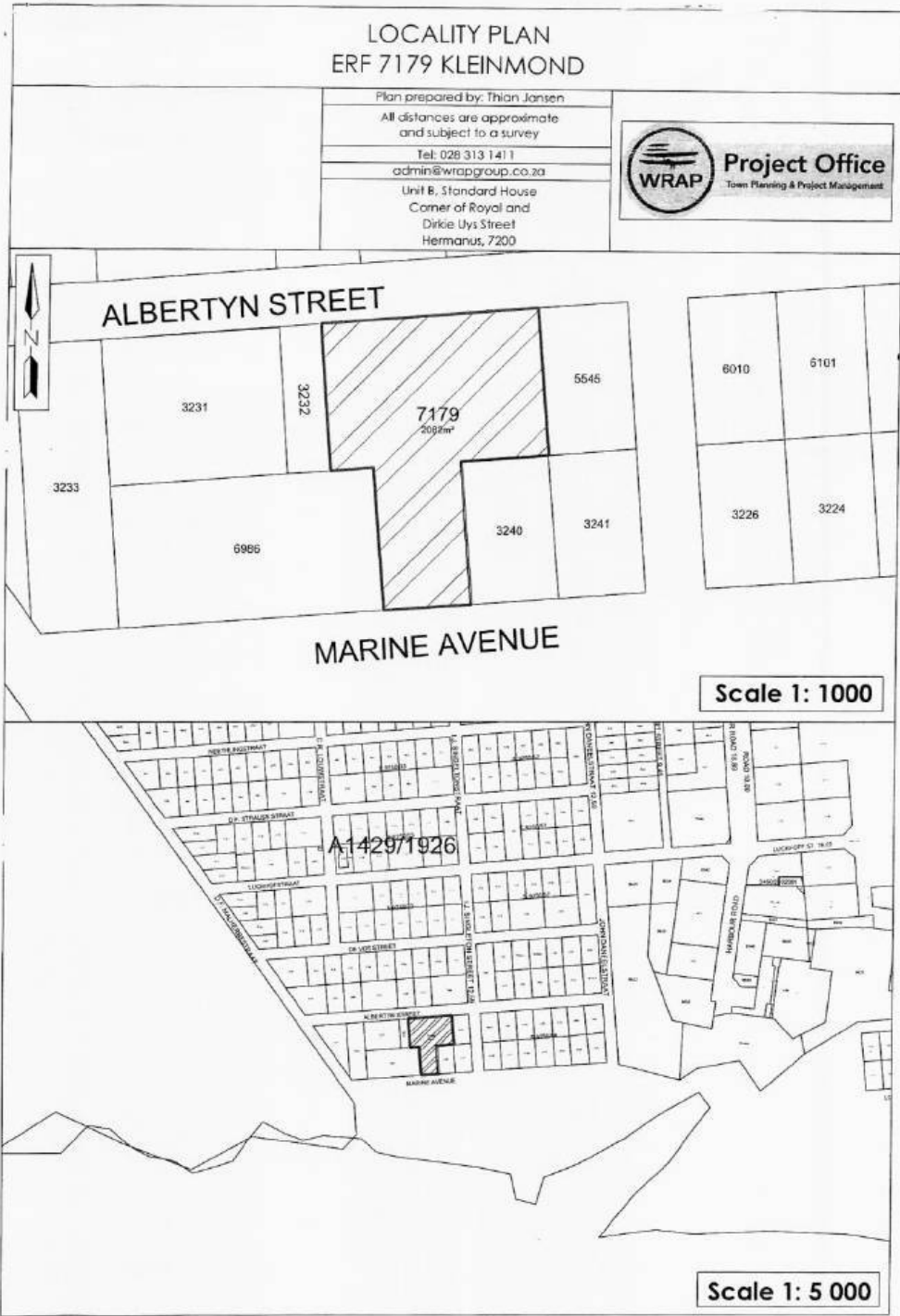
1. that the subdivision in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 7179, Kleinmond into a Portion A ( $\pm 605\text{m}^2$ ) and a Remainder ( $\pm 1477\text{m}^2$ ), **be approved** in terms the provisions of Section 61 of the By-law, subject to the following conditions:
  - (a) that this approval is only for the subdivision as indicated on Plan Number 22/28 (001) dated 6 December 2022, submitted with the application;
  - (b) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building Control- and the Fire Departments be complied with at that stage;
  - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
  - (e) that all the conditions in the Services Report, be complied with.
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.

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ The proposed subdivision is in line with Policy Plans.
- ❖ The size of the two (2) new erven is compatible with the sizes of surrounding erven.
- ❖ All relevant state and municipal departments support the application.
- ❖ No objections were received
- ❖ No negative impact on the character of the area and is desirable.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION: ERF 7179, KLEINMOND**

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 (2022/2023) is as follows:

**Freehold erven:**

Water	R 26 036.00 x 1	=	R 26 036.00
Sewerage	R 17 555.00 x 1	=	R 17 555.00
Roads	R 7 872.00 x 1	=	R 7 872.00
Stormwater	R 9 082.00 x 1	=	R 9 082.00
Solid Waste	R 1 574.00 x 1	=	R 1 574.00
Electricity	R 34 929.99 x 1	=	R 34 929.99
<b>TOTAL (inclusive of VAT)</b>		<b>=</b>	<b>R 97 048.99</b>

Note:

- 1.3 The above figures are estimates**  
**1.4 The above figures do not include evaluation/investigation levies and connection fees**
2. that each property to have their own water connection, the cost of connection and / or any upgrade for any of these services be required, will be at the owner's cost;

2

3. that each property to have their own conservancy tank with accessible suction point to Municipal specification.
4. that only a standard 60 Amp single phase electricity connection will be available per erf;
5. 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*;
6. that each property to have their own access. The cost of construction of access to the properties for the account of the owner/developer;
7. that stormwater be allowed to discharge through the proposed Erven, Kleinmond, unobstructed;
8. that no on-street parking be allowed.

  
DENNIS HENDRIKS  
SENIOR MANAGER: ENGINEERING SERVICES

11/08/2022  
DATE

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**14. ERF 2300, 27 GALJOEN STREET, PEARLY BEACH (PEARLY BEACH RESORT), OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: C FOUCHE ON BEHALF OF C & M FOUCHE**

**2300 GBP (4234)**

**File Ref.: 4234**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**23 December 2022**

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**EXECUTIVE SUMMARY**

Application has been received on 8 August 2022 from C Fouche on behalf of C & M Fouche applicable to Erf 2300, Pearly Beach (Pearly Beach Resort) for departure of the Pearly Beach Resort Architectural Guidelines to encroach the street building line from 2m to 1,628m and the lateral building line from 1m to 0m to accommodate the proposed conversion of a carport into a garage.

**RESOLUTION**

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 2300, Pearly Beach for departure of the Pearly Beach Resort Architectural Guidelines to encroach the street building line from 2m to 1,628m and the lateral building line from 1m to 0m to accommodate a proposed garage, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the approval only be applicable for the encroachment indicated on the Site 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 all the conditions contained in the Services Report, be complied with;
  - (d) that the use of the outbuilding be limited to garage of a motorvehicle and storage purposes only;
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with, and

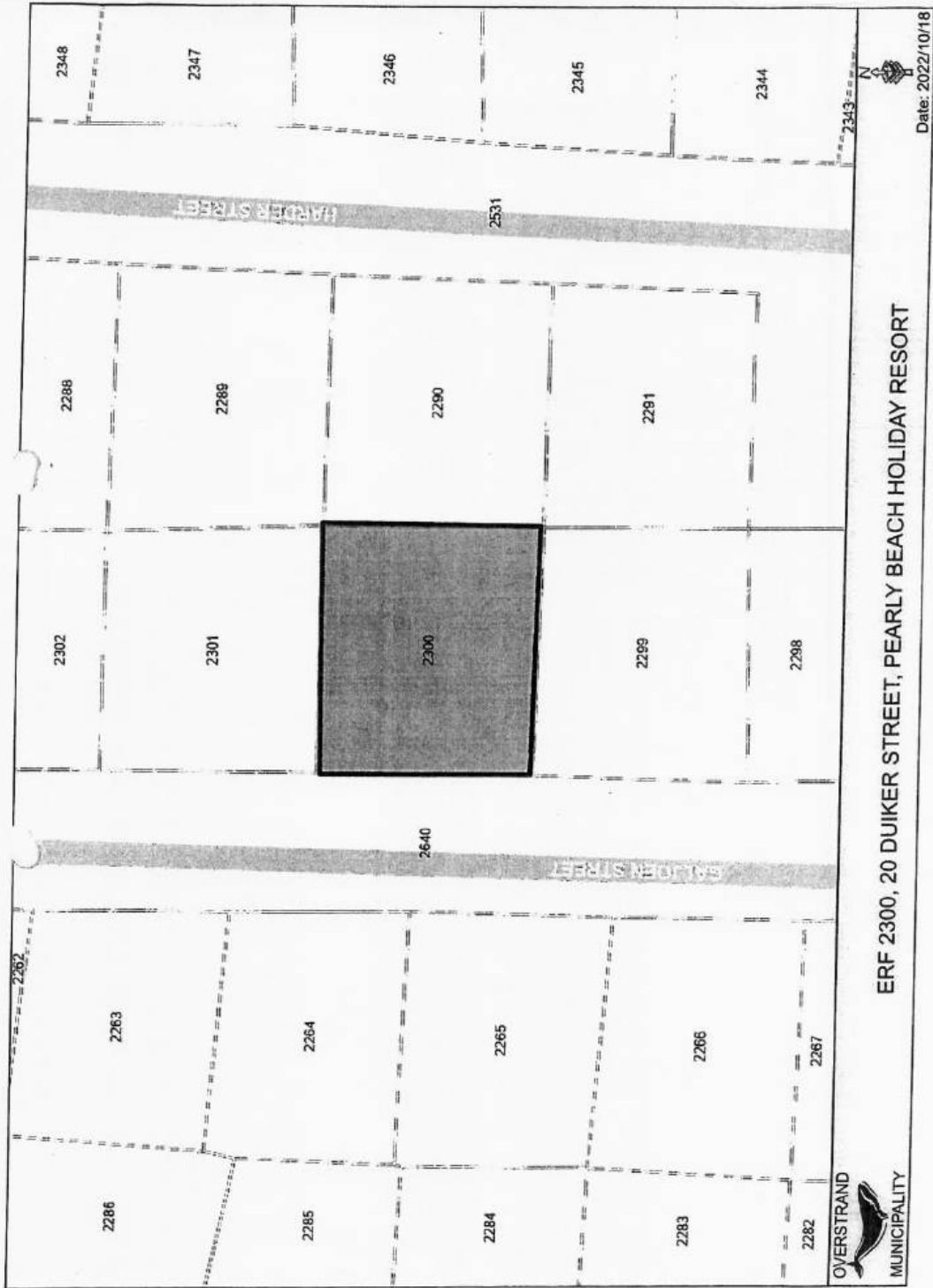
**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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- (f) that this approval does not absolve the owner/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 By-Law on Land Use Planning, 2015 with regard to the above conditions of approval applicable only to Point 2. above.

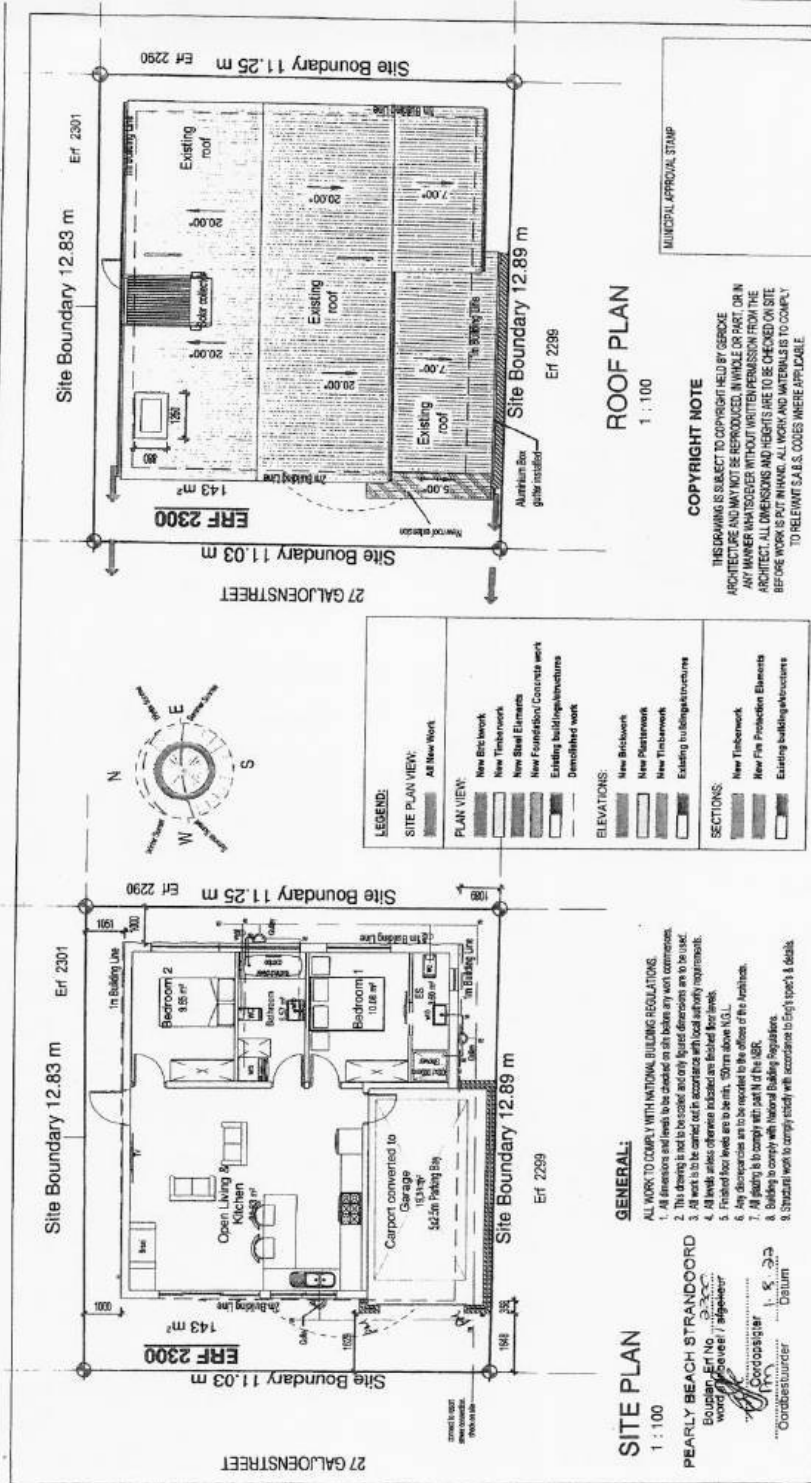
**REASONS FOR RESOLUTION**

- The application has followed due procedure.
- None of the internal departments have any objection.
- No objections have been received.
- The development does not impact negatively on the character of the area or adversely impact on the vested rights of surrounding property owners.



ERF 2300, 20 DUIKER STREET, PEARLY BEACH HOLIDAY RESORT





**SITE PLAN**  
1 : 100

PEARLY BEACH STRANDCOORD  
 Bouplan-Erf No. 2300  
 word: 01/01/2022 / 11/01/2022  
 Coordination: Datum

**GENERAL:**

1. ALL WORK TO COMPLY WITH NATIONAL BUILDING REGULATIONS
2. This drawing is not to be scaled or only scaled dimensions are to be used
3. All work to be carried out in accordance with local authority requirements.
4. All levels unless otherwise indicated are finished floor levels.
5. Finished floor levels are to be min. 100mm above M.G.L.
6. Any discrepancies are to be reported to the office of the Architects.
7. All drawing is to comply with part M of the NBR.
8. Building to comply with National Building Regulations.
9. Structural work to comply strictly with accordance to Eng's report's & details.

**ROOF PLAN**  
1 : 100

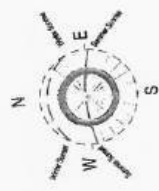
**COPYRIGHT NOTE**

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**LEGEND:**

<b>SITE PLAN VIEW:</b>	All New Work
<b>PLAN VIEW:</b>	New Brickwork
	New Timberwork
	New Steel Elements
	New Foundation/Concrete work
	Existing building/structures
	Demolished work
<b>ELEVATIONS:</b>	New Brickwork
	New Plasterwork
	New Timberwork
	Existing building/structures
<b>SECTIONS:</b>	New Timberwork
	New Fire Protection Elements
	Existing building/structures



<p><b>REVISIONS</b></p> <table border="1"> <tr> <th>No.</th> <th>Date</th> <th>Description</th> <th>By</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	No.	Date	Description	By					<p><b>PROJECT:</b> PROPOSED GARAGE FOR C.F. FOUICHE ON ERF 2300, PEARLY BEACH RESORT, OVERSTRAND.</p>	<p><b>SCALE:</b> As indicated</p> <p><b>DRAWING #:</b> G27/CF/22</p> <p><b>PAGE #:</b> 1</p> <p><b>DRAWING DATE:</b> 27 May 2022</p> <p><b>PLOT DATE:</b> 01-Jun-22 5:34:24 PM</p>	<p><b>ARCHITECTURE:</b> GERACHE ARCHITECTURE www.gerache-architecture.co.za info@gerache-architecture.co.za Tel: 082 381 1659 Fax: 082 159 8554 SACAP - 08669 Prof. Arch. D-wright</p>
	No.	Date	Description	By							
<p><b>NEIGHBOURS CONSENT</b> ERF 4 445/230 OWNER: _____ DATE: _____ SIGNATURE: _____</p>	<p><b>DESCRIPTION:</b> SITE PLAN &amp; ROOF PLAN</p>	<p><b>DRAWN:</b> Joan Gerache</p> <p><b>SIGNATURE:</b> <i>Joan Gerache</i></p>	<p><b>MUNICIPAL APPROVAL STAMP</b></p>								
<p><b>IMPORTANT NOTE:</b> THE FOLLOWING MUST BE STRICTLY ADHERED TO AND INSTALLED BEFORE SIGN OFF OF DWELLING!</p> <ol style="list-style-type: none"> <li>1. ALL GLAZING ACCORDING FENESTRATION CALCULATIONS</li> <li>2. ISOTHERM INSULATION IN ROOF VOID</li> <li>3. SOLAR GEYSER/GAS GENSER</li> </ol>	<p><b>OCCUPATION:</b> H4</p> <p><b>SHEET FORMAT:</b> A3</p>	<p><b>GERACHE ARCHITECTURE</b> www.gerache-architecture.co.za info@gerache-architecture.co.za Tel: 082 381 1659 Fax: 082 159 8554 SACAP - 08669 Prof. Arch. D-wright</p>									

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 2300, PEARLY BEACH (HOLIDAY  
RESORT)**

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

**Conditions**

1. that the Department Engineering Services has No Comment.

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

  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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15. **ERF 5989, 12 FYNBOS STREET, HERMANUS HEIGHTS, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF WJ AND MR VANDERHOEVEN**

**5989 HHH**

**4198/2022**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**21 December 2022**

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**EXECUTIVE SUMMARY**

An application has been received on 25 July 2022 from Messrs WRAP Project Office on behalf of WJ and MR Vanderhoeven for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
  - relax the south-western lateral building line from 2m to 0m, to accommodate the existing outbuilding;
  - relax the rear building line from 2m to 0m, to accommodate the existing outbuilding; and
  - relax the eastern lateral building line from 2m to 1.22m, to accommodate the existing thatched roof structure;
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to accommodate the existing outbuilding and thatched roof structures over the building lines.

**RESOLUTION**

1. that the application for departure in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 5989, Hermanus for the following:
  - to relax the south-western lateral building line from 2m to 0m, to accommodate the existing outbuilding;
  - to relax the rear building line from 2m to 0m, to accommodate the existing outbuilding; and
  - to relax the eastern lateral building line from 2m to 1.22m, to accommodate the existing thatched roof structure;

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

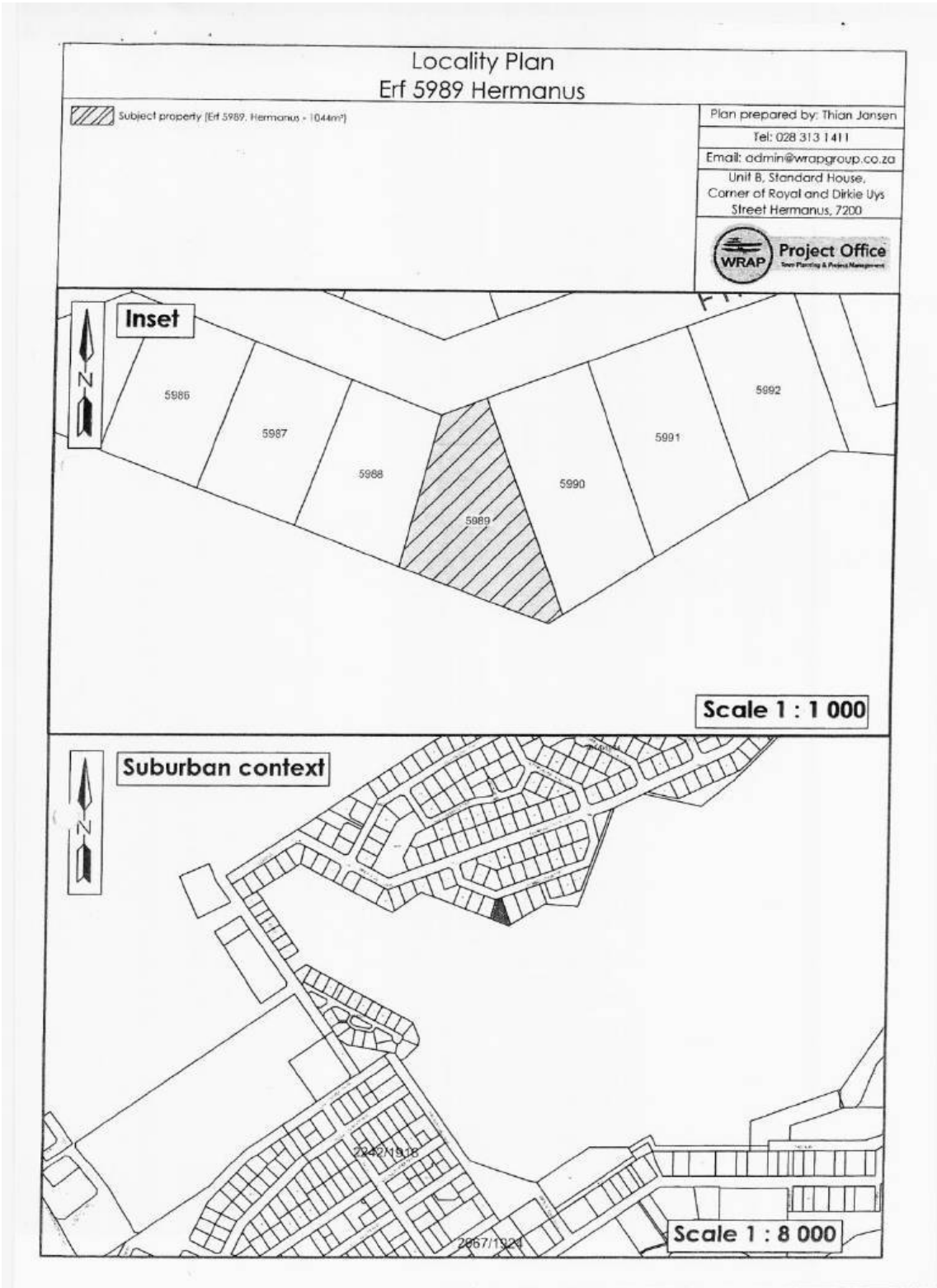
**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**


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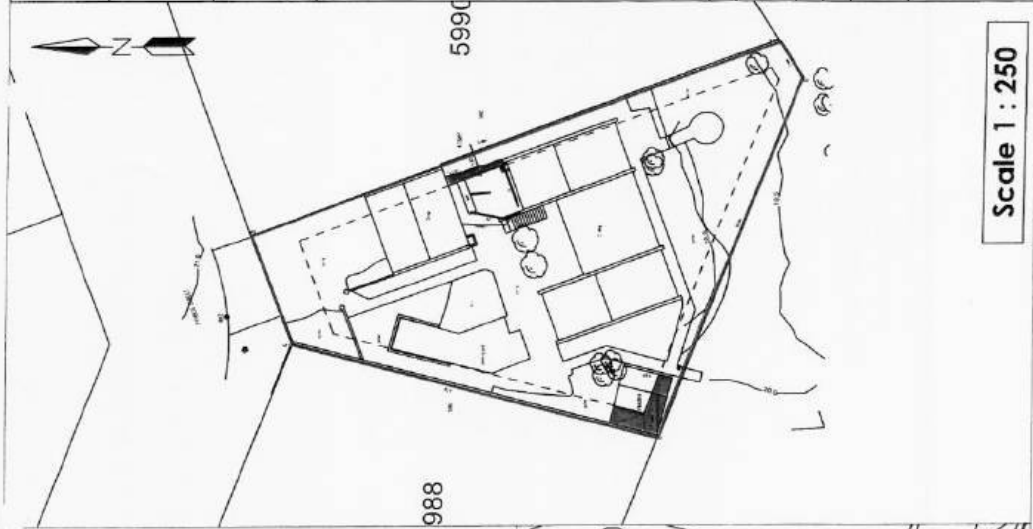
- (a) that this approval is only for the structure as indicated on the Site Development Plan, submitted with the application;
  - (b) that building plans be submitted to the Building Department and all comments from the Building- and Fire Departments be complied with at that stage;
  - (c) that all the conditions of Engineering Services be complied with;
  - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
  - (e) that all other applicable development parameters as prescribed in the relevant 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 on Erf 5989, Hermanus for the unauthorised building work over building lines on the property, was considered and that no administrative penalty be imposed;
  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.

**REASON FOR THE RESOLUTION**

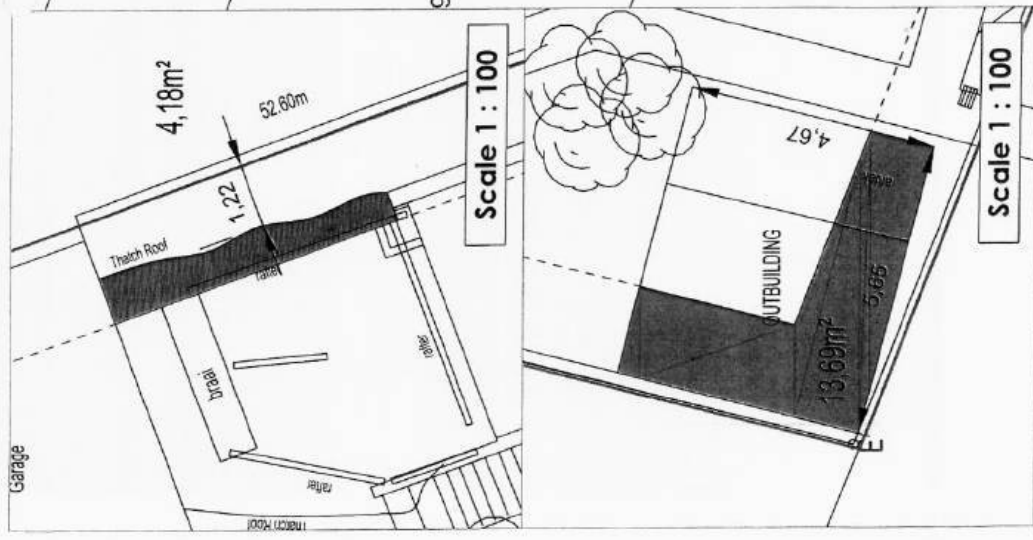
- ❖ The application has followed due procedure.
- ❖ No objections were received from the public.
- ❖ It is in line with policy documents.
- ❖ The proposed departures have no impact on the adjacent properties.



Site Development Plan Erf 5989 Hermanus
Outbuilding total encroachment area (±13,69m <sup>2</sup> )
Thatch roof total encroachment area (±4,18m <sup>2</sup> )
Plan prepared by: Thian Jansen
All distances are approximate and subject to a survey
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit 8, Standard House, Corner of Royal and Dirkie Oys Street Hermanus, 7200
 <b>Project Office</b> Town Planning & Project Management



Scale 1 : 250



Scale 1 : 100

Scale 1 : 100

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 5989, HERMANUS HEIGHTS**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that stormwater be allowed to discharge through Erf 5989, Hermanus Heights, unobstructed;
7. that no on-street parking be allowed.

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

  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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16. **ERF 575, 40 FLYING DUTCHMAN WAY, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF M.R. & A. WILLIAMS AND Z. MAGMOED**

**575 HFH (4205/2022)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**12 December 2022**

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**EXECUTIVE SUMMARY**

An application has been received on 3 August 2022 from Messrs Plan Active on behalf of Messrs. M.R. & A. Williams and Z. Magmoed in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 575, 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.(b) and E.4.(c) as contained in Title Deed T23302/2022 of the property to accommodate a second dwelling unit and to allow additional coverage.

The restrictive title conditions read as follows:

*“E. **SUBJECT FURTHER** to the following special conditions contained in Deed of Transfer No. T18227/1973 imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 of 1934 when approving of the establishment of Fisherhaven Township, 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:*

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

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

**AGENDA of the  
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**RESOLUTION**

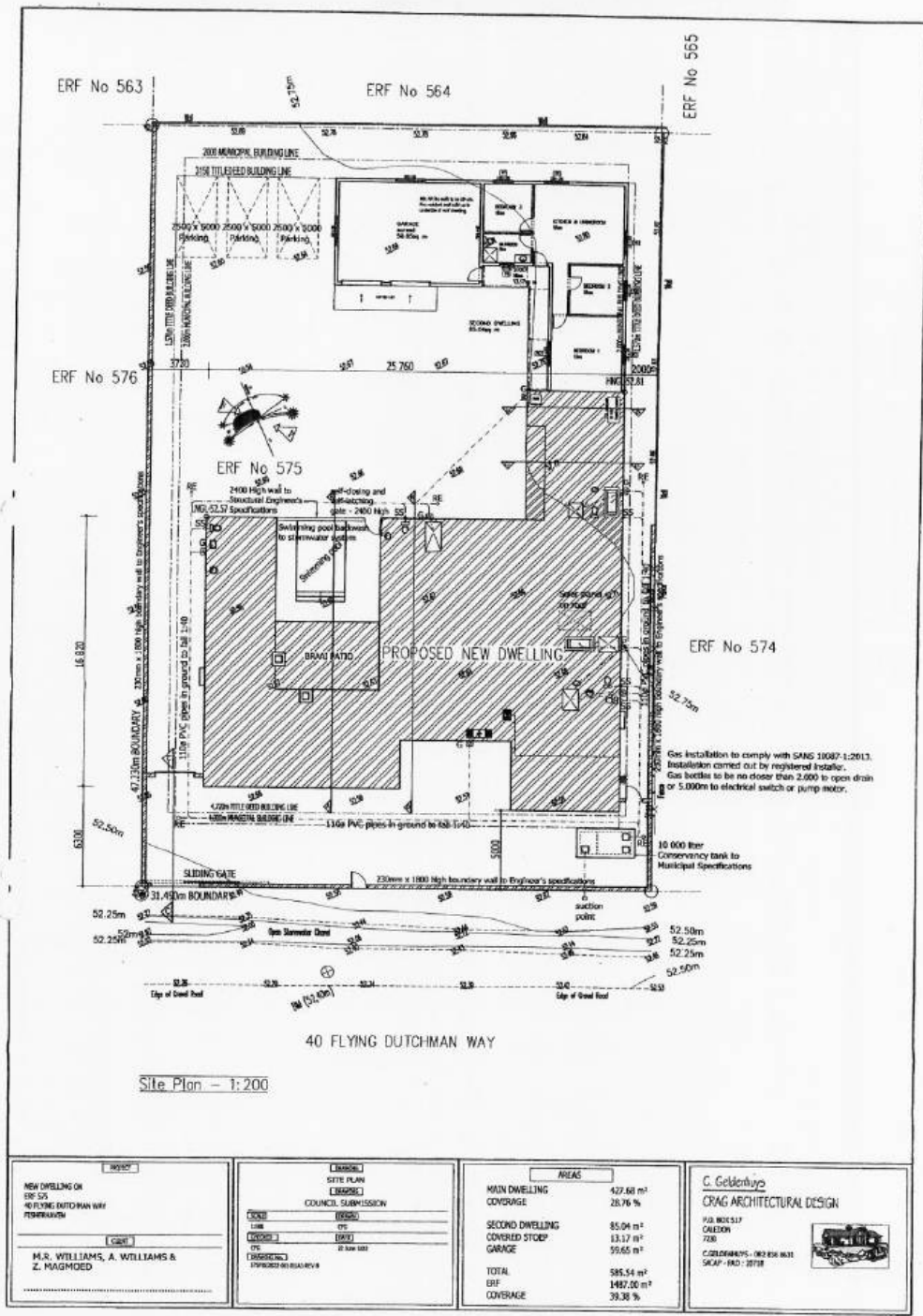
1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 575, Fisherhaven for the removal of restrictive title deed conditions E.4.(b) and E.4.(c) as contained in Title Deed T23302/2022 of the property in order to enable the construction of a second dwelling unit and to remove the restriction only allowing 30% coverage, **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 removal of title deed restrictions and is not an approval in terms of any other legislation;
  - (b) that building plans be submitted for all new buildings 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 Land Use Scheme be complied with, and
  - (e) that all the conditions in the Services Report, 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 regarding the above conditions of approval.

**REASONS FOR RESOLUTION**


- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ The proposed construction of a second dwelling is in line with Policy Plans which promote densification.
- ❖ A second dwelling of smaller than 120m<sup>2</sup> will be in line with the primary rights in terms of the Residential Zone I zone in terms of the Land Use Scheme.
- ❖ The restrictive condition prohibits the property to be developed to its full potential, and the removal of the restrictive conditions is thus supported.
- ❖ No negative impact on the character of the area.
- ❖ No objections were received from neighbours; therefore, the impact on neighbours' privacy and rights will be minimal.
- ❖ The application is desirable.



**PLAN** **Active** **Stads- en Streetsplanners**  
 Town & Regional Planners  
 All delineations, measurements and subjects to survey.  
 PROPERTY DESCRIPTION: **ERF 575 FISHERHAVEN**  
 Title Description: **LOCALITY MAP**  
 ESRI: **NTS**  
 Drawing No: **272-2310-000-000**  
 Date: **MAY 2022**



Site Plan - 1:200

<p><b>PROJECT</b></p> <p>NEW DWELLING ON ERF 574 40 FLYING DUTCHMAN WAY TRENKLEBURGH</p> <p><b>CLIENT</b></p> <p>M.R. WILLIAMS, A. WILLIAMS &amp; Z. MAGMOED</p>	<p><b>CONTROL</b></p> <p>SITE PLAN [MAPS]</p> <p>COUNCIL SUBMISSION</p> <p><b>DATE</b>      <b>ISSUED</b></p> <p>1/08      05</p> <p><b>DESIGNER</b>      <b>ENGINEER</b></p> <p>CV      [SIGNED]</p> <p>20 JUL 2012</p> <p>FORWARDED BY: [SIGNED]</p>	<p><b>AREAS</b></p> <p>MAIN DWELLING      427.66 m<sup>2</sup></p> <p>COVERIDGE      26.76 %</p> <p>SECOND DWELLING      85.04 m<sup>2</sup></p> <p>COVERED STOEOP      13.17 m<sup>2</sup></p> <p>GARAGE      55.65 m<sup>2</sup></p> <p>TOTAL      585.54 m<sup>2</sup></p> <p>ERF      1487.00 m<sup>2</sup></p> <p>COVERIDGE      39.38 %</p>	<p><b>C. Geldenhuys</b></p> <p><b>CRAG ARCHITECTURAL DESIGN</b></p> <p>P.O. BOX 517 GLENDALE 726</p> <p>CELL: 082 984 8631 SKOP - 010 - 2078</p> 
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS:  
ERF 575, FISHERHAVEN (4205/2022)**

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

**Conditions**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
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, 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 stormwater be allowed to discharge through Erf 575, Fisherhaven, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.

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

  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
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**17. ERF 1009, 43 TOM STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR RELAXATION OF A RESTRICTIVE TITLE DEED CONDITION AND DEPARTURE: MESSRS JLR ASSOCIATES ON BEHALF OF JG AND ME JORDAAN**

**1009 GFK**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**2 February 2023**

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**EXECUTIVE SUMMARY**

An application has been received on 23 May 2022 from Messrs JLR Associates on behalf of JG and ME Jordaan in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 1009, Franskraal for departure in terms of Section 16.(2)(b) of the By-Law to encroach the street building line from 4m to 3,72m and the lateral building line from 2m to 1,256m to accommodate additions to the existing dwelling.

Application is also made for title relaxation pertaining to condition C.5(d) of Title Deed T35385/11 to permit the encroachment of the 4,72m street building line to 3,72m as well as the 1,57m lateral building line to 1,256m to accommodate additions to the existing dwelling.

**RESOLUTION**

1. that the application for relaxation of a restrictive title deed condition in terms of the provisions of Condition C.5(d) contained in Title Deed T35385/11 to permit the encroachment of the street building line from 4,72m to 3,72m and the lateral building line 2m to 1,256m to accommodate additions to the existing dwelling, **be approved**;
2. that the application for departure in terms of Section 16.(2)(b) of the By-Law to encroach the street building line from 4m to 3,72m and the lateral building line from 2m to 1,256m in order to accommodate additions to the existing dwelling, **be approved**
3. that the approval in paragraphs 1. and 2. above be subject to the following conditions:
  - (a) that the approval is only for the relaxation of the building lines indicated on the Site Development Plan;
  - (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;

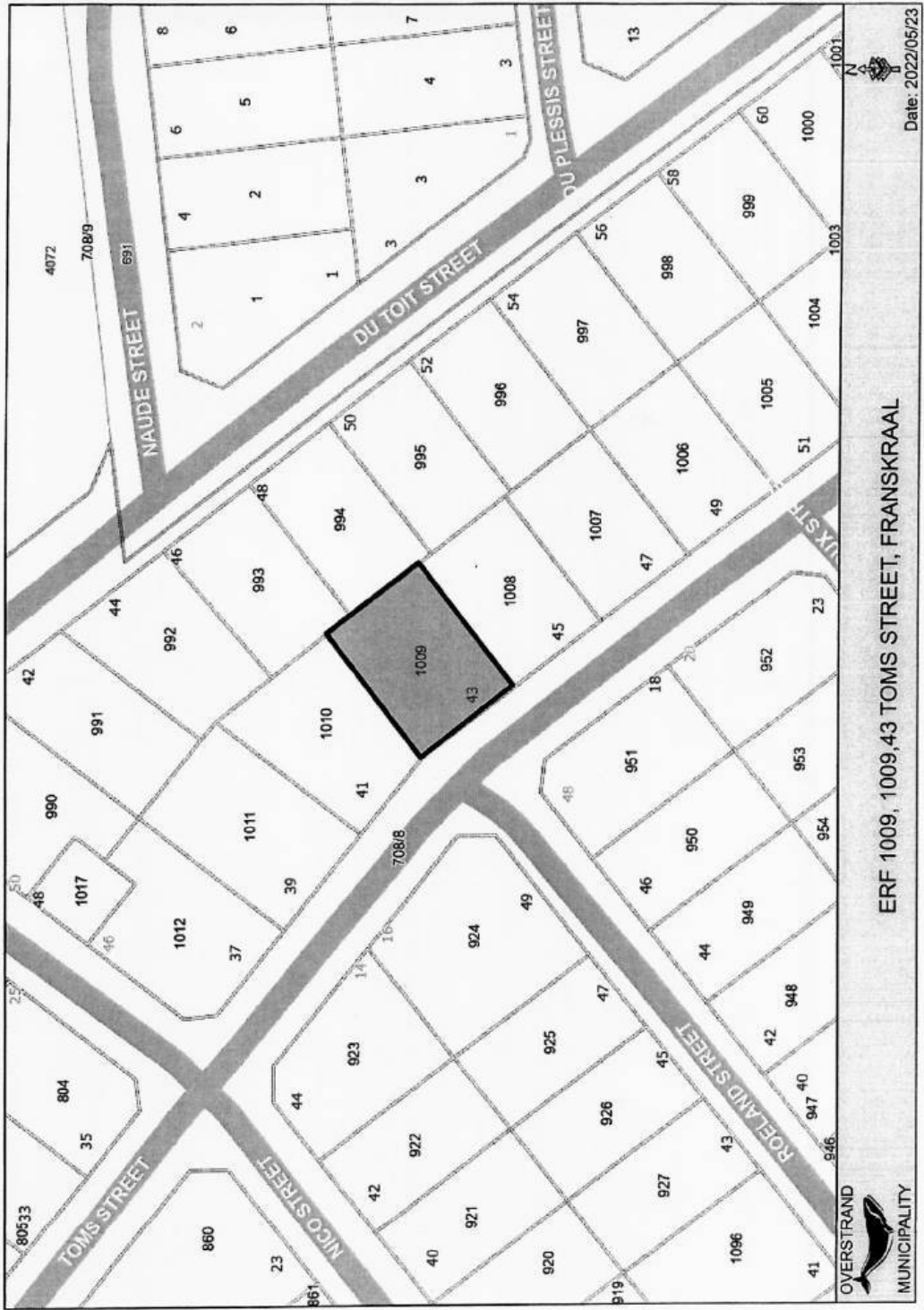
**AGENDA of the  
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5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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- (c) that all the conditions in the Services Report, be complied with;
  - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decisions.

**REASONS FOR RESOLUTION**

- ❖ The application followed due procedure.
- ❖ Surrounding owners provided written consent.
- ❖ The proposal will not detract from the character of the area
- ❖ The proposal will not adversely impact upon vested rights of adjoining properties



ERF 1009, 1009.43 TOMS STREET, FRANSKRAAL



OVERSTRAND MUNICIPALITY

Date: 2022/05/23



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR: DEPARTURE: ERF 1009, FRANSKRAAL (4149/2022)**

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 1009, Franskraal, unobstructed;
6. that no on-street parking be allowed.

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

*22/11/2022*  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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- 18. ERF 72, 6 SWART STREET, VAN DYKSBAAI, OVERSTRAND MUNICIPAL AREA: PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING, CONSENT USE AND DEPARTURE: MNRE PLANACTIVE ON BEHALF OF HOLIDAY ACCOMMODATION SERVICES OVERBERG (PTY) LTD**

**72 GKB**

**File Ref.: 4044/2021**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**13 December 2022**

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**EXECUTIVE SUMMARY**

An application has been received from Messrs PlanActive Town- and Regional Planners on behalf of Holiday Accommodation Services Overberg (Pty) Ltd in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **removal of restrictive title conditions** in terms of Section 16.(2) of the By-Law for removal of restrictive title conditions B(a), B(b)(i) and B(b)(ii) contained in Title Deed T8081/2019;

The restrictive title conditions read as follows:

*“B. ONDERHEWIG VERDER aan die volgende spesiale voorwaardes genoem in gesegde Transportakte Nr 11861/1962 opgelê deur die Administrateur van die Provinsie Kaap die Goeie Hoop kragtens Artikel 18 van Ordonnansie Nr 33 van 1934 ten opsigte van die hele erf 11 van Dyksbaai Dorp, waarvan die eiendom hierdie getranspoteer deel vorm, toe hy die stigting van Van Dyksbaai Dorp goedgekeur het:-*

- a) *Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Administrateur van tyd tot tyd, na oorleg met die Dorpekommissie en die plaaslike owerheid, goedkeur, met dien verstande dat, indien die erf in die gebied van ‘n dorpsaanlegskema ingesluit is, die plaaslike owerheid enige ander geboue wat deur die skema toegelaat word, kan toelaat, onderworpe aan die voorwaardes en beperkings wat in die skema bepaal word.*
- b) *Geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur, nader as 4,72 meters van die straatlyn wat ‘n grens van hierdie erf uitmaak, asook nie binne 3,15 meters van die*

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*agtergrens of 1,57 meters van die sygrens gemeen daaraan en aan 'n aangrensende erf opgeirg word nie met dien verstande dat met die toestemming van die plaaslike owerheid-*

- i. 'n buitegebou wat uitsluitend vir die stalling van motorvoertuie gebruik word en hoogstens 3,05m meters hoog is, gemeet van die grondvloer van die buitegebou tot by die muurplaat daarvan, binne sodanige sy- en agterruimtes opgerig mag word en enige ander buitegebou van dieselfde hoogte binne die agterruimte en syruimte opgerig mag word van 'n afstand van 11,02 meters gemeet van die agtergrens van die erf, met dien verstande dat in geval van 'n hoekerf die afstand van 11,02 meters gemeet moet word van die punt wat die verste is van die strate wat aan die erf grens;*
- ii. 'n buitgegebou ingevolge, subparagraaf (1), alleenlik nader aan 'n sygrens of agtergrens van 'n perseel as die hierbo voorgeskrewe afstande opgerig mag word indien geen vensters of deure in enige muur wat op sodanig grens front, aangebring word nie."*

- ❖ **rezoning** in terms of Section 16.(2)(a) of the By-Law from Residential Zone 1: Single Residential (SR1) to General Residential Zone 3 (GR4 - Bulk Zone 2) (residential building);
- ❖ **consent use** (tourist accommodation) in terms of Section 16.(2)(o) of the By-Law in order to establish a six (6) bedroom guest house, and
- ❖ **departure** in terms of Section 16.(2)(b) of the By-law to relax the rear building line from 3m to 1,5m, the eastern lateral building line from 4,5m to 1,57m and the western lateral building line from 4,5m to 1,36mm to accommodate the proposed guest house.

## **RESOLUTION**

1. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the removal of restrictive title deed conditions B.(a), (b)(i) and (b)(ii) contained in Title Deed T8081/2019 applicable to Erf 72, Van Dyksbaai in order to develop a guest house on the property, **be approved**;
2. that the application in terms of Section 16.(2)(a) of the By-Law for the rezoning of Erf 72, Van Dyksbaai from Residential Zone 1: Single Residential (SR1) to General Residential Zone 3 : GR4 (Bulk Zone 2) in order to develop a residential building, **be approved**;

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3. that the application in terms of Section 16.(2)(o) of the By-Law for consent use (tourism accommodation) in order to establish a six (6) bedroom guest house on Erf 72, Van Dyksbaai, **be approved**;
4. that the application in terms of Section 16.(2)(b) of the By-Law to encroach the eastern- and western lateral building line from 4,5m to 1,57m and 1,36m respectively to accommodate the existing and proposed additions to the residential building, **be approved**;
5. that the application in terms of Section 16.(2)(b) of the By-Law to encroach the rear building line from 3m to 1,5m to accommodate a proposed first floor balcony, **not be approved**
6. that the approvals in paragraphs 1 to 4. above be subject to the following conditions:
  - (a) that the development be restricted to a residential building with consent use for tourist accommodation (guest house) with no self-catering;
  - (b) that coverage of the proposed development be restricted to 50%;
  - (c) that the proposed development be subject to a height restriction of 8m;
  - (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 the guest house be limited to a maximum of six (6) bedrooms;
  - (f) that the owner/manager resides on the premises and be responsible for the proper management of the guest house;
  - (g) that the display of signage shall comply with the Municipal By-Law Relating to Outdoor Advertising and Signage;
  - (h) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
  - (i) that the selling or serving of liquor be subject to a valid liquor license;
  - (j) that applicable rates and service tariffs, as determined by the

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- annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
- (k) that the guest house complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
  - (l) that on-site parking provision be made in accordance with the parking layout submitted with the application;
  - (m) that the guest house be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
  - (n) that all the conditions in the Services Report, be complied with;
  - (o) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (p) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
7. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 with regard to the decision.

#### **REASONS FOR RESOLUTION**

- ❖ The application is consistent with applicable forward planning and policy documents.
- ❖ The application is consistent with the planning principles.
- ❖ The proposed development will not adversely impact upon the character of the area, or amenity of adjoining properties.
- ❖ The proposal will contribute to the promotion of tourism, economic development, including employment opportunities.

#### Reasons for non-approval

- ❖ The proposed first floor balcony 1,5m from the rear property boundary is not desirable and likely to impact upon vested rights of adjoining properties



**PIA n** Active  
Stads- en Streetsplanners  
Town & Regional Planners

All distances approximate  
and subject to survey.  
Copy right reserved

Project Description:  
**ERF 72  
KLEINBAK**

Plan Description:  
**LOCALITY MAP**

Scale:  
**NTS**  
Drawing No.  
**WT 22** Municipal Use  
Date:  
**NOVEMBER 2021**

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**GENERAL:**

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- THE DRAWING IS TO BE USED AS A GUIDE ONLY AND DOES NOT REPRESENT A CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
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**LEGEND:**

- New Brickwork
- New Timberwork
- New Steel
- New Foundation/Concrete
- New Soil Pipe
- New Waste Pipe
- New Stormwater Line

**SCHEDULE OF RIGHTS**

Erft Number:	72
Lower GI Floor Area:	795.00m <sup>2</sup>
Ground Floor Area:	945.00m <sup>2</sup>
First Floor Area:	316.90m <sup>2</sup>
Deck Floor Area:	57.50m <sup>2</sup>
<b>TOTAL NEW AREA:</b>	<b>754.90m<sup>2</sup></b>
Coverage:	43.44%

**PROJECT:** Erf 72 - Mombasa (Mr P Bouwer)

**DESCRIPTION:** Site Plan - Erf 72 - Mombasa

**SCALE:** As indicated


**DRAWING DATE:** 2018/10/17

**DRAWN:** AK

**REVISED:** PB/000/00

**CHECKED:** AK

**PLLOT DATE:** 2022/04/05 14:31:24

**Client:**  Gertie G. Oonste  
TOWN PLANNING  
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

**INDIVIDUAL GUEST ROOM SCHEDULE**

Erft Number:	72
Stand Area:	795.00m <sup>2</sup>
Guest Room 1 (Family Room)	44.20m <sup>2</sup>
Managers/ Owners Suite	22.70m <sup>2</sup>
Guest Room 2 (Family Room)	54.50m <sup>2</sup>
Guest Room 3 (Family Room)	51.10m <sup>2</sup>
Guest Room 4 (Family Room)	48.80m <sup>2</sup>
Guest Room 5 (Family Room)	48.80m <sup>2</sup>
Guest Room 6 (Family Room)	29.00m <sup>2</sup>
<b>Total Area (All Guest Rooms):</b>	<b>245.80m<sup>2</sup></b>

**TOTAL GUEST ROOMS:** 7 Rooms (1 Managers/ Owners Suite, 2 Guest Rooms & 4 Family Rooms)

**PARKING SCHEDULE**

Erft Number:	72
Stand Area:	795.00m <sup>2</sup>
Guest Room 1 (Family Room)	1
Managers/ Owners Suite	2 (One for Owner & one for Manager)
Guest Room 2 (Family Room)	1
Guest Room 3 (Family Room)	1
Guest Room 4 (Family Room)	1
Guest Room 5 (Family Room)	1
Guest Room 6 (Family Room)	1
Paragrapic Parking	1
<b>Total Parking Bays</b>	<b>8 Provided</b>

**AREA SCHEDULE**

Footpath/ Driveway	+ 28.00m <sup>2</sup>
Erft Area	+ 238.50m <sup>2</sup>
Low Driveway	+ 44.00m <sup>2</sup>
Driveway	+ 342.80m <sup>2</sup>
DNM	+ 177.00m <sup>2</sup>
<b>Total (includes all paths) / 100.00m<sup>2</sup></b>	<b>730.30m<sup>2</sup></b>

Approved by: [Signature]

Date: 06 APR 2022

TOWN PLANNING

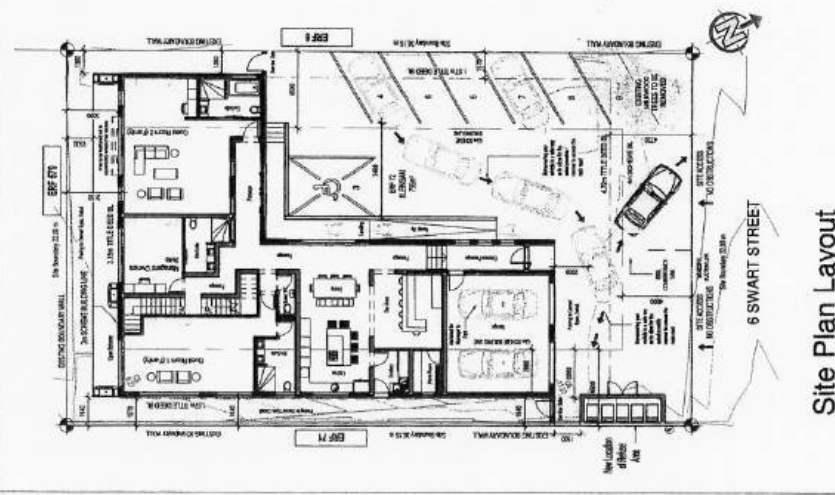
U-MASOPALA MUNICIPALITY

OVERSTRAND

MUNICIPALITEIT

General Residential Zone 3 (B&L Zone 2 (B&L))

**ZONING OF ERF 72**



Site Plan Layout  
1 : 200

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**GENERAL:**

1. All works shall conform to the applicable building codes and standards.
2. The contractor shall be responsible for obtaining all necessary permits and approvals.
3. All materials and workmanship shall be subject to inspection and approval by the engineer/architect.
4. The drawing is not to be used for any other project without the written consent of the engineer/architect.
5. All work shall be completed within the specified time frame.
6. The contractor shall be responsible for the safety of all workers and the public.
7. All drawings are to be made on A1 size paper.
8. All drawings are to be made on one side of the paper.
9. All drawings are to be made on a grid.
10. All drawings are to be made on a scale.

**LEGEND:**

- New Brickwork
- New Timberwork
- New Steel
- New Foundation/Concrete
- New Soil Pipe
- New Waste Pipe
- New Stormwater Pipe

No.	Date	Description	By

**PROJECT:** Erf 72 - Kleinhals (M. P. Bouwer)

**DESCRIPTION:** New Refuse Area Layout

**SCALE:** DRAWING #

1 : 50 PB/000/06

**DRAWING DATE:** 2019/10/17

**DRAWN:** AK

**CHECKED:** JG

**PLAUT DATE:** 2022/04/05 14:31:25

**REVISION #:**

**PROJECT #:**

**CLIENT:**

**DATE:**

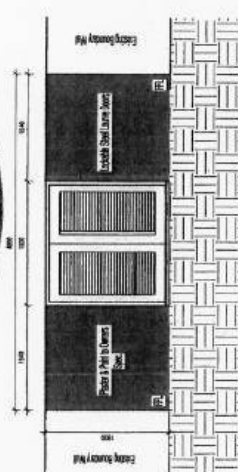
**BY:**

**PROJECT #:**

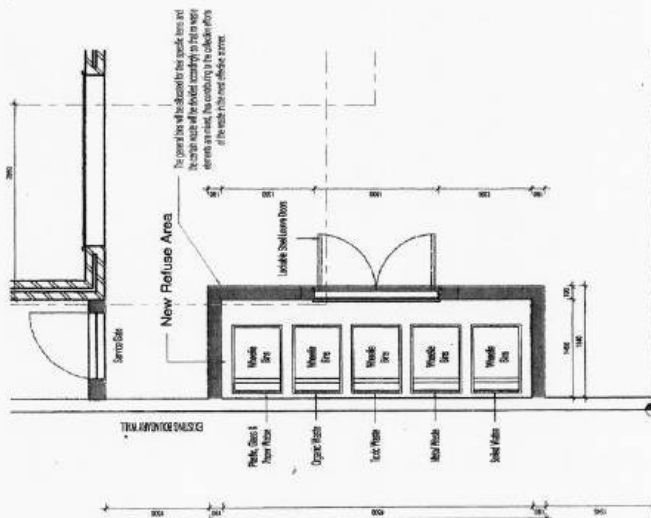
**CLIENT:**

**DATE:**

**BY:**



**Refuse Area - Gate Elevation**  
1 : 50



**Refuse Area Layout**  
1 : 50

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR: REZONING, CONSENT USE, DEPARTURE &  
REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: ERF 72,  
KLEINBAAI**

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 72, Kleinbaai, unobstructed;
6. that no on-street parking be allowed.

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

  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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- 19. ERF 729, 28 MALMOK CRESCENT, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: SMART SOLUTION ARCHITECTURE ON BEHALF OF M PRETORIUS FOR THE EXECUTORS OF LATE ESTATE SEK ETSEBETH**

**729 HVM (4239/2022)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**22 December 2022**

---

**EXECUTIVE SUMMARY**

An application was received on 2 September 2022 from Messrs Smart Solutions Architecture on behalf of M Pretorius for the executors of SEK Etsebeth on Erf 729, Vermont in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following departures :

- ❖ to relax the street building line from 4m to 3.831m to legalize the encroachment of the existing sitting room addition;
- ❖ to relax the northern lateral building line from 2m to 1,699m to legalize the encroachment of the existing dining room;
- ❖ to relax the northern lateral building line from 2m to 1,692m to legalize the encroachment of the scullery, and
- ❖ to relax the northern lateral building line from 2m to 1.699m to legalize the existing outbuilding.

Application is also made in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the determination of administrative penalty for the unauthorised building work over building lines on the property.

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**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 729, Vermont for the following departures:
  - ❖ to relax the street building line from 4m to 3.831m to legalize the encroachment of the existing sitting room addition;
  - ❖ to relax the northern lateral building line from 2m to 1,699m to legalize the encroachment of the existing dining room;
  - ❖ to relax the northern lateral building line from 2m to 1,692m to legalize the encroachment of the scullery, and
  - ❖ to relax the northern lateral building line from 2m to 1.699m to legalize the existing outbuilding

**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 structure as indicated on Plan Number 0437/A1/04 dated 7 December 2022, submitted with the application;
  - (b) that the necessary building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control– and the Fire Departments be complied with at that stage;
  - (c) that the conditions of Engineering Services, be complied with;
  - (d) that all the conditions imposed by Eskom and Telkom, 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 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 on Erf 729, Vermont for the unauthorised building work over building lines on the property, was considered and that **no administrative penalty be imposed.**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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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**

- ❖ The application has followed due procedure.
- ❖ No objections were received.
- ❖ It is in line with policy documents.
- ❖ The encroachments were mostly done with the original placement of the buildings between 20 to 37 years ago.
- ❖ The application will not have an impact on surrounding neighbours or the character of the area.
- ❖ The illegal encroachment over the lateral building line is an historic encroachment and was not created by the existing property owners, therefore the new owner should not be held responsible for such encroachments.
- ❖ The application is regarded as being desirable from a town planning point of view.

**MUNICIPAL REQUIREMENTS AND THOSE OF OTHER AUTHORITIES MUST BE ADHERED TO. CONTRACTORS AND SUBCONTRACTORS ARE RESPONSIBLE TO CHECK ALL DIMENSIONS AND LEVELS ON THE BUILDING. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LEVELS TO BE TAKEN IN PREFERENCE TO SCALED MEASUREMENTS AND LARGE SCALE DETAILS. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LEVELS TO BE TAKEN IN PREFERENCE TO SCALED MEASUREMENTS AND LARGE SCALE DETAILS. THIS DRAWING IS THE PROPERTY OF SMART SOLUTIONS ARCHITECTURE AND ARCHITECTURAL CONSULTANTS AND COPYRIGHT THEREOF IS RESERVED BY THEM.**

REVISION NO.	DATE	DESCRIPTION
01	XX-XX-XXXX	XXXXXXXXXXXXXXXXXX

COUNCIL SUBMISSION	DRAWING STAGE
DEPARTURE APPLICATION	
PERMITS DRAWING	
WORKING DRAWING	

STREET BUILDING LINE	SITE RESTRICTIONS
INTERNAL BUILDING LINE	
HEIGHT RESTRICTION	
TITLE USED BUILDING LINES (see comments)	

SINGLE RESIDENTIAL (SR1)	ZONE APPLICABLE:
TWO-FAMILY HOUSING (ZF2)	
PLANS ZONE 3 (C3) (SEE PLAN)	
LESS FORMAL DEVELOPMENT (LFD)	

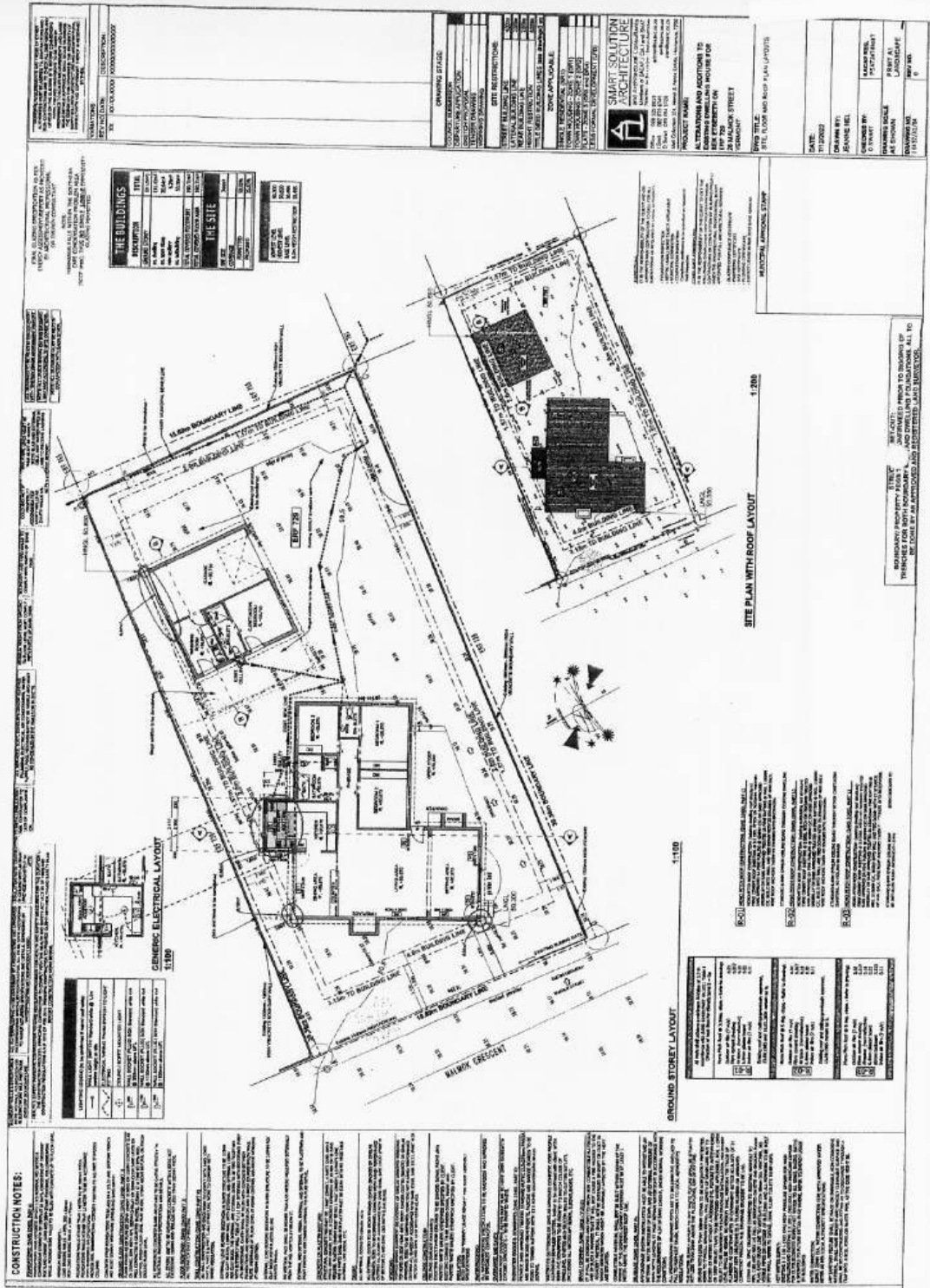
**SMART SOLUTIONS ARCHITECTURE**  
 and Architectural Consultants  
 Office: 028.125.0019 admin@smartarch.com  
 I Smit: 082.879.6749 dsmit@smartarch.com  
 D Smit: 079.694.1728 dsmit@smartarch.com  
 Mail Collection 104, Havel & Arund Estates, Herndon, VA 22060

**PROJECT NAME:**  
 ALTERATIONS AND ADDITIONS TO EXISTING DWELLING HOUSE FOR BEK ERIBETH ON  
 87F 726.28 MALMOCK STREET, VERMONT  
 LOCALITY MAP

**DATE:** 2023/07/12  
**DESIGNED BY:** JEANNE MEL  
**CHECKED BY:** D SHAWN  
**DRAWING SCALE:** AS SHOWN  
**DRAWING NO.:** 104ST/1A1/02  
**REV. NO.:** 0



**LOCALITY MAP**



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 729, VERMONT (4239/2022)**

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

**Conditions**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
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, 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 stormwater be allowed to discharge through Erf 729, Vermont, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.

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

  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**20. ERF 2861, SANDBAAL, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF SITE DEVELOPMENT PLAN: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF WHALE COAST VILLAGE MALL (PTY) LTD**

**Erf 2861 HSB**

**4291/2022**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**12 December 2022**

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**EXECUTIVE SUMMARY**

An application was received on 14 November 2022 from Messrs Plan Active on behalf of the Whale Coast Village Mall (Pty) Ltd in terms of Section 16(2)(l) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020 for the amendment of the approved Site Development Plan.

**RESOLUTION**

1. that the application in terms of Section 16(2)(l) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020 for the amendment of the Site Development Plan, **be approved** in terms of the provisions of Section 61 of the By-Law; in terms of the following conditions:
  - (a) that the approval only relates to the plans submitted with the application: Project no *145, 02.200, E, Lower Ground SDP*, dated *11/11/2022*, and *Upper Ground Floor Plan*, dated *24/03/2020*;
  - (b) that the conditions as per approval date May 2015 remains applicable;
  - (c) that before submission of building plans, the applicant provides the Departments of Town Planning and Building Control with written proof from the Engineering Department that all the requirements with regard to services and financial contributions have been met;
  - (d) that no temporary permits be issued with regard to building plans and or construction be issued if condition (c) has not been met.
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;

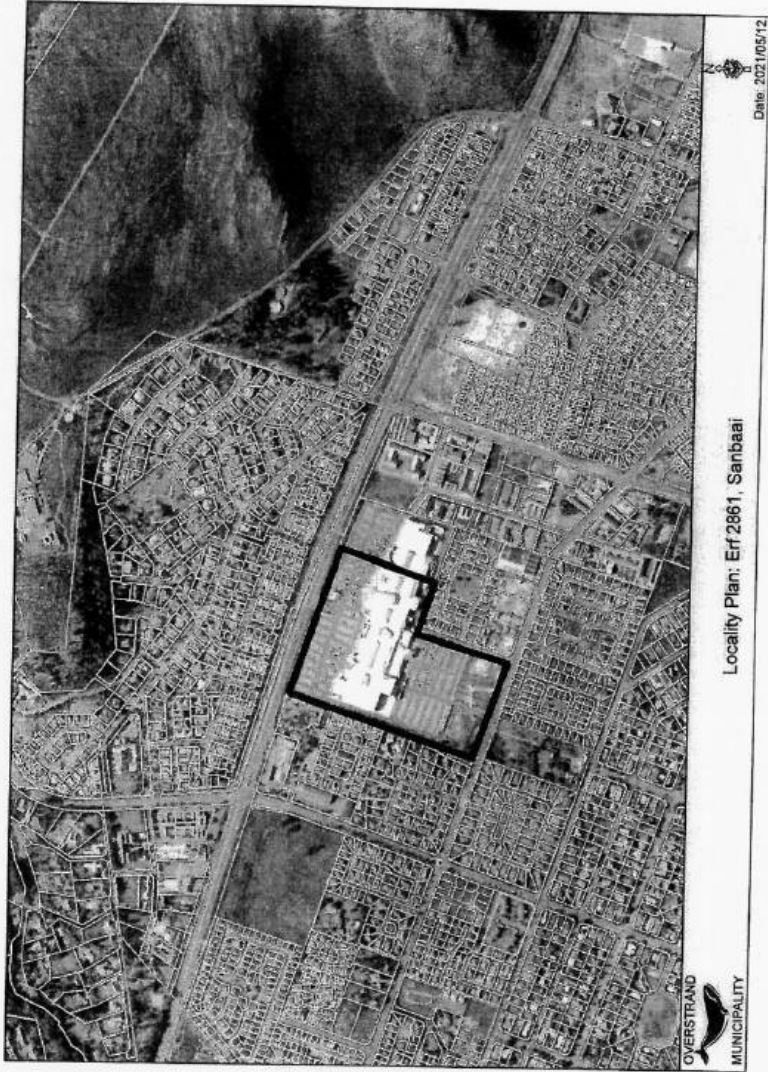
**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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- (g) that the Developer ensure that the required parking bays as per initial town planning approval be constructed at the request of the Municipality or the need arise and or be implemented within an agreed period between the Municipality and Developer;
  - (h) that condition (g) be added as an addendum to the Engineering Services Agreement, and
  - (i) that any further extension of the approved site development plan be subject to the provision of the required parking requirements as per the initial town planning approval.
2. that the outstanding parking be constructed when warranted or requested by Council;
  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.

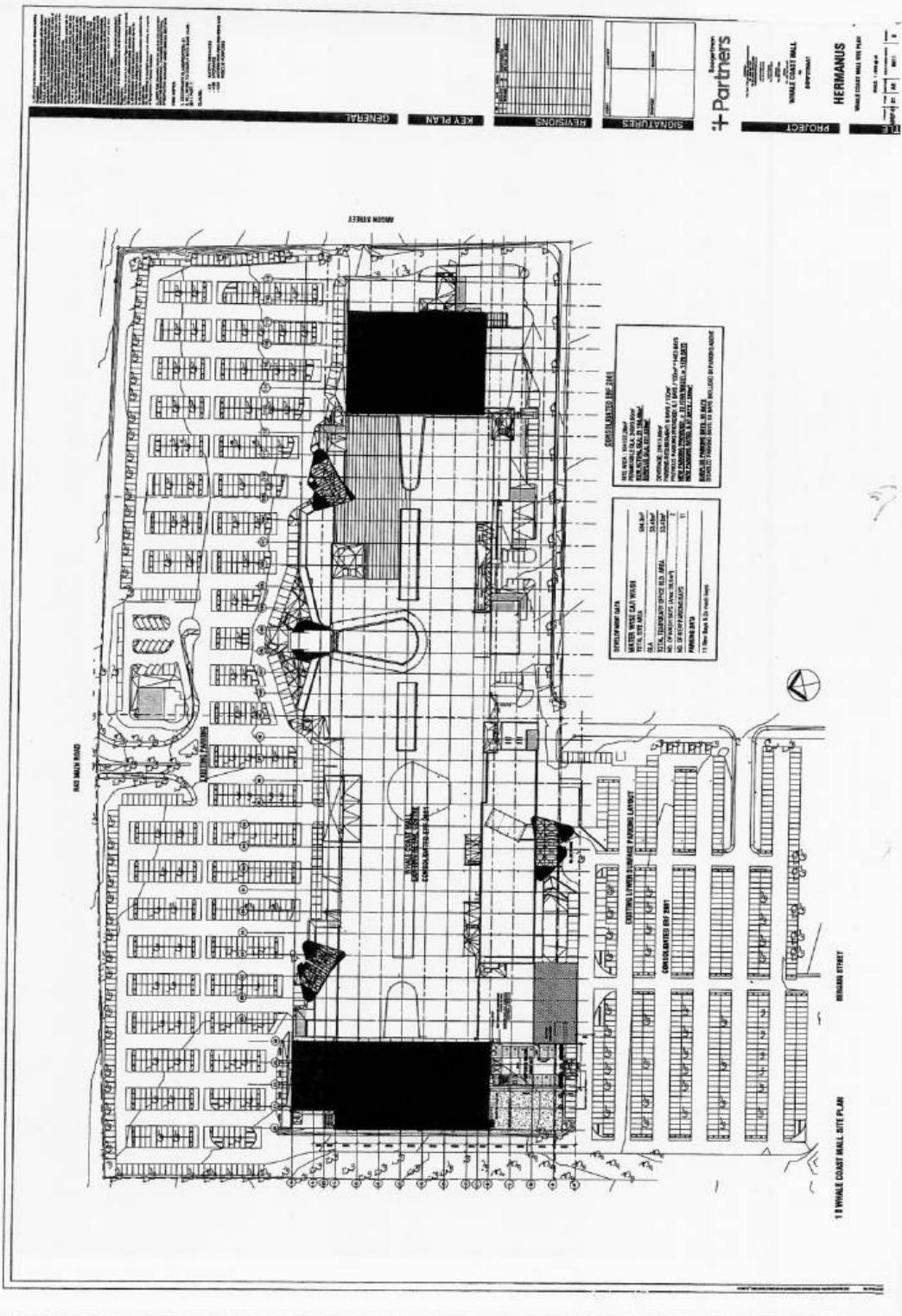
**REASONS FOR RESOLUTION**

- ❖ The application is an extension of an approved approval.
- ❖ It is in line with policy documents.
- ❖ The configuration of the amended site plan is more vehicle and pedestrian friendly.



Locality Plan: Erf 2861, Sanbaai

OVERSTRAND  
MUNICIPALITY



11 WHALE COAST MALL SITE PLAN

**SYNOPSIS DATA**

WATER MAIN CAPACITY	100 GPM
TOTAL SITE AREA	25.00 AC
TOTAL IMPROVEMENTS	100.00 AC
NO. OF PAVEMENT LANE FEET	1000
NO. OF PAVEMENT LANE MILES	0.1875
PERMITS	11

11 New Sites to be built

**COMMENTS FOR THE**

PROVIDING THE DESIGNER WITH THE NECESSARY INFORMATION TO DESIGN THE PROJECT AND TO OBTAIN THE NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AGENCIES. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AGENCIES. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AGENCIES.

**Partners**

**PROJECT**  
 11 WHALE COAST MALL  
 DEPARTMENT

**HERMANUS**  
 11 WHALE COAST MALL SITE PLAN

**REVISIONS**

NO.	DATE	DESCRIPTION

**KEY PLAN** GENERAL

**SIGNATURES**

**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

---

**21. ERF 10570, 153 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS SENSE ARCHITECTS (PTY) LTD ON BEHALF OF FILIGRO (PTY) LTD**

**10570 HVK**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**31 January 2023**

---

**EXECUTIVE SUMMARY**

An application has been received on 7 October 2022 from Messrs Sense Architects (Pty) Ltd on behalf of Filigro (PTY) LTD the owner of Erf 10570, Voëlkliip, Hermanus for a departure to relax the western lateral building line from 2m to 1m, in order to accommodate an access staircase.

**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 10570, Hermanus (Voëlkliip) for the following for departure to relax the western lateral building line from 2m to 1m, in order to accommodate an access staircase, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the encroachments be restricted to the dimensions as indicated on drawing no. *DRG 4075/C/308, 4075/C/305 and 4075/C/210* as submitted with the application;
  - (b) that the conditions of Engineering Services, be complied with;
  - (c) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
  - (d) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

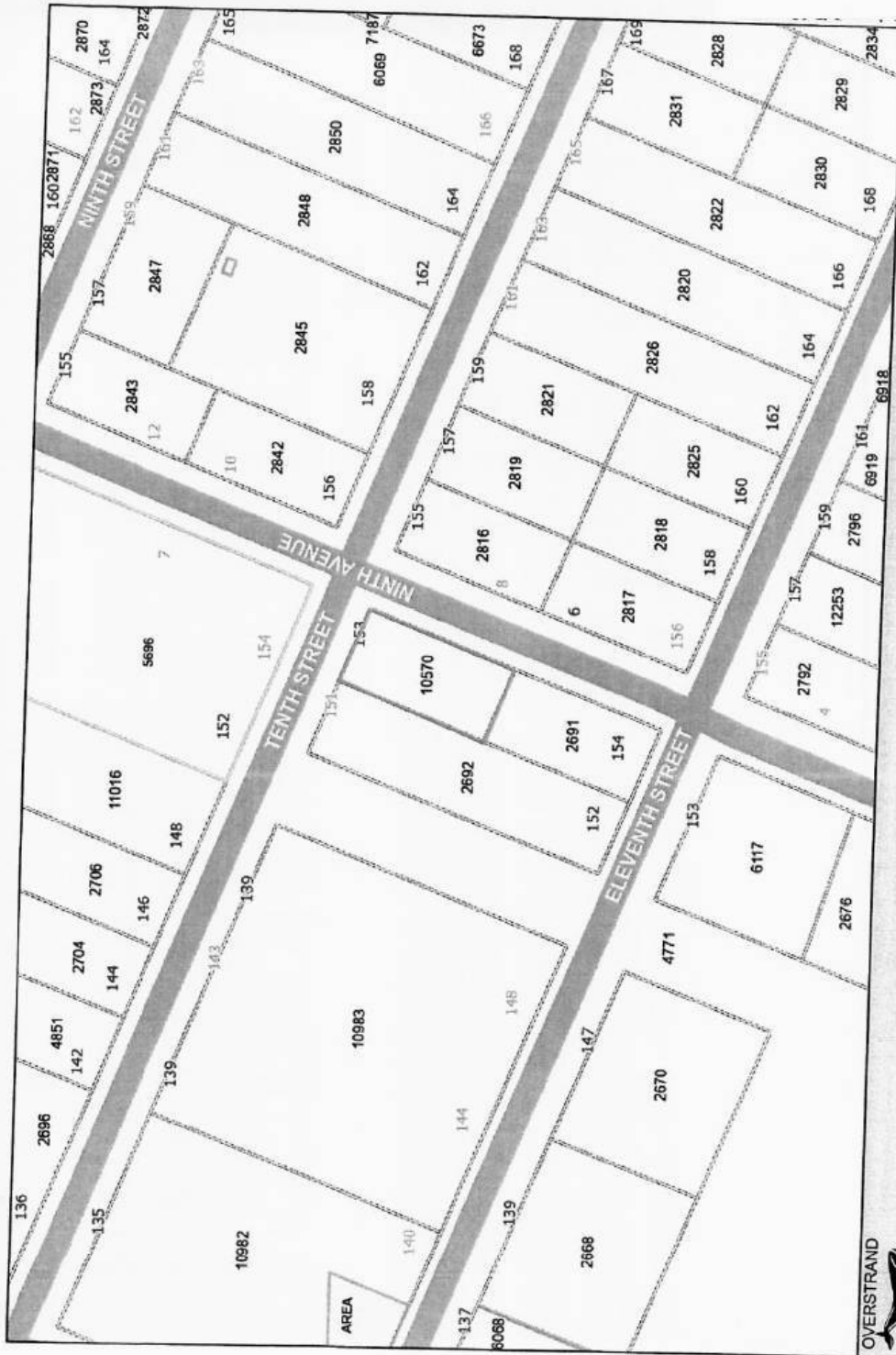
**AGENDA of the  
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**REASONS FOR RESOLUTION**

Reasons for the decision

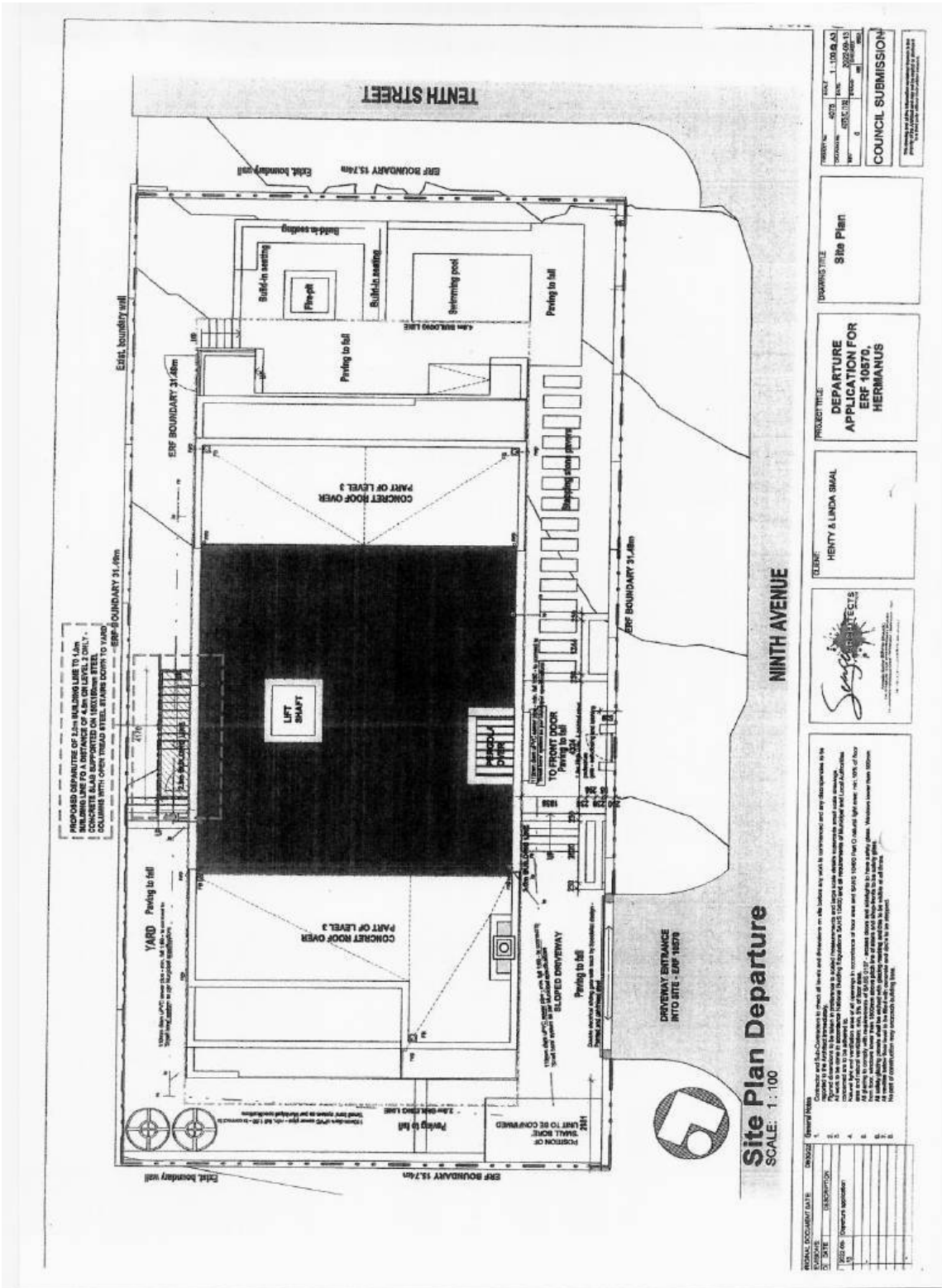
- ❖ The application has followed due procedure.
- ❖ No objections were received from the public.
- ❖ It is in line with policy documents.
- ❖ The proposed departures have no impact on the adjacent property.
- ❖ The staircase will be unobtrusive and will be compatible with the existing built environment including the character of the dwelling.
- ❖ Is not regarded as being undesirable from a town planning point of view.



LOCALITY PLAN: ERF 10570, 153 TENTH STREET, VOËLKLIP



Date: 2022/11/23



PROPOSED DEPARTURE OF 2.5m INCLUDING LINE TO JAN...  
 CONCRETE SLAB SUPPORTED ON 4x4m ON LEVEL ONLY...  
 COLUMNS WITH OPEN TREAD STEEL STAIRS DOWN TO YARD...  
 ERF BOUNDARY 31.48m

PORTION OF...  
 SMALL BOAT...  
 PAVING TO FALL...  
 2018

CONCRETE ROOF OVER...  
 PART OF LEVEL 3

CONCRETE ROOF OVER...  
 PART OF LEVEL 3

LIFT SHAFT

TO FRONT DOOR...  
 PAVING TO FALL

DRIVEWAY ENTRANCE...  
 INTO SITE - ERF 10570

ERF BOUNDARY 31.48m



**Site Plan Departure**  
 SCALE: 1 : 100

NINTH AVENUE

TENTH STREET

ERF BOUNDARY 15.74m

ERF BOUNDARY 31.48m

ERF BOUNDARY 31.48m

ERF BOUNDARY 31.48m

ERF BOUNDARY 31.48m

ERF BOUNDARY 31.48m

ERF BOUNDARY 31.48m

ERF BOUNDARY 31.48m

ERF BOUNDARY 31.48m

ERF BOUNDARY 31.48m

ERF BOUNDARY 31.48m

PROPERTY No.	10570	SCALE	1:100 (A3)
DATE	2022/09/13	PROJECT TITLE	COUNCIL SUBMISSION
DESCRIPTION	ERF 10570	DATE	2022/09/13
NO.	0	SCALE	1:100

PROJECT TITLE  
**Site Plan**

PROJECT TITLE  
**DEPARTURE APPLICATION FOR ERF 10570, HERMANUS**

CLIENT  
 HENRY & LINDA SMAL



DRIVEWAY ENTRANCE INTO SITE - ERF 10570

CONCRETE ROOF OVER PART OF LEVEL 3

LIFT SHAFT

TO FRONT DOOR PAVING TO FALL

DRIVEWAY ENTRANCE INTO SITE - ERF 10570

ERF BOUNDARY 31.48m

ERF BOUNDARY 31.48m

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 10570, VOELKLIP (4258/2022)**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that stormwater be allowed to discharge through Erf 10570, Voelklip, unobstructed;
7. that no on-street parking be allowed.

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

  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
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(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**22. ERF 7461, 3 ROOIELS CLOSE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: B & JM BLOMERUS**

**7461 KKM (4256/2022)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**12 February 2022**

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**EXECUTIVE SUMMARY**

An application has been received on 4 October 2022 from B & JM Blomerus on Erf 7461, Kleinmond 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 relax the southern lateral building line from 2m to 1,5m to accommodate the proposed extension of the existing garage and a proposed new braai room.

**RESOLUTION**

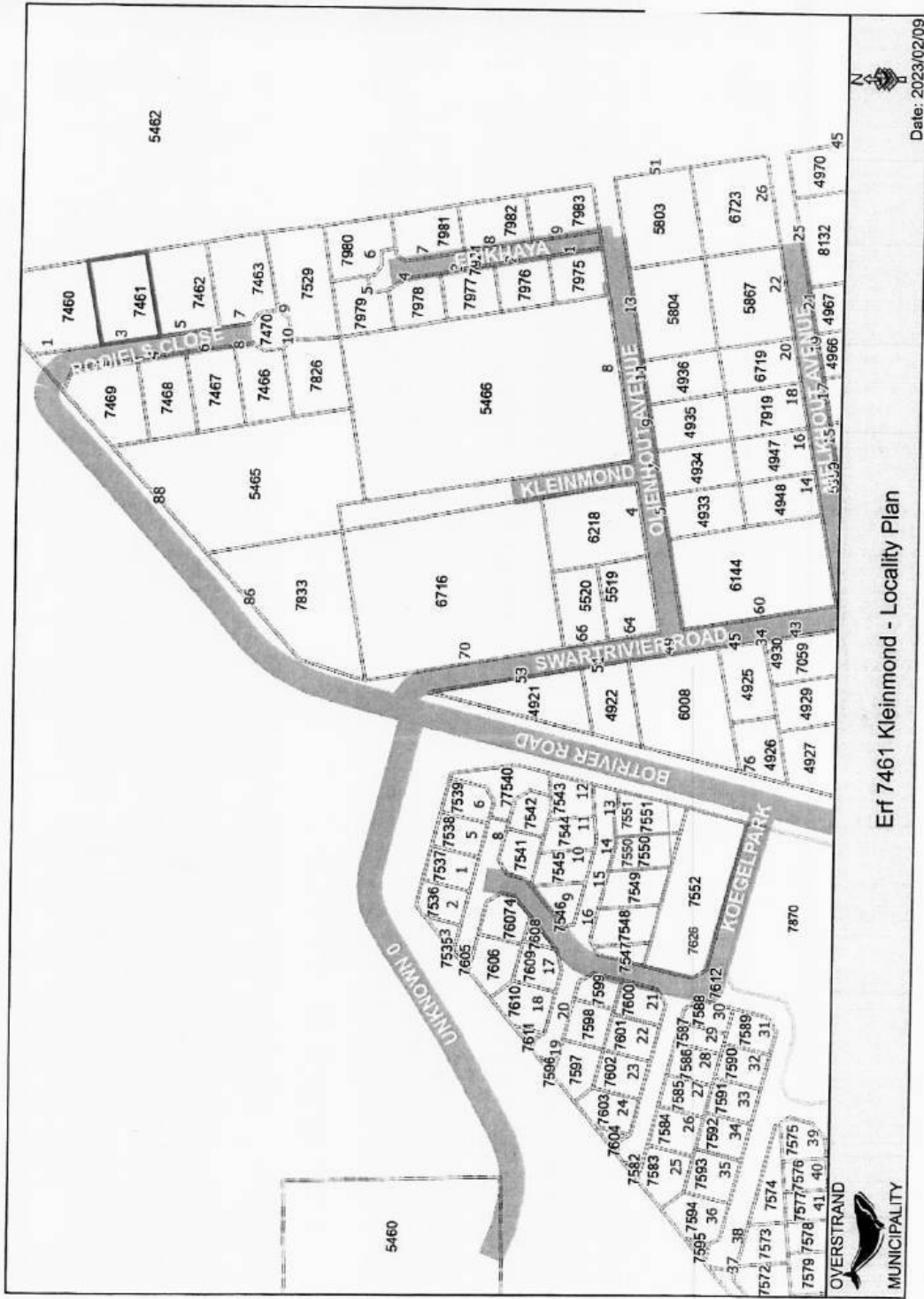
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 7461, Kleinmond for a departure in order to relax the southern lateral building line from 2m to 1,5m to accommodate the proposed extension of the existing garage and a proposed new braai room, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions
  - (a) that this approval is only for the development as indicated on the plan numbers 2022-001 (002 to 006) dated 19 August 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.
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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**14. REASONS FOR RECOMMENDATION**

- ❖ The structure has approved building plans.
- ❖ The surrounding owners did not object.
- ❖ The application will have no impact on the surrounding area.



Erf 7461 Kleinmond - Locality Plan



OVERSTRAND MUNICIPALITY



Date: 2023/02/09



**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**23. ERF 3460, ANGLER ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF A WILLEMSE – EXECUTRIX OF THE ESTATE LATE HC PAUW**

**3460 KBB (4157/2022)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**8 February 2023**

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**EXECUTIVE SUMMARY**

An application has been received on 26 May 2022 from Plan Active Town & Regional Planners on behalf of A Willemse – Executrix of the estate late HC Pauw on Erf 3460, Betty's Bay in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the subdivision of Erf 3460, Betty's Bay into a Portion A ( $\pm 2839\text{m}^2$ ) and a Remainder ( $\pm 3488\text{m}^2$ ).

**RESOLUTION**

1. that the application in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 3460, Betty's Bay into a Portion A ( $\pm 2839\text{m}^2$ ) and a Remainder ( $\pm 3488\text{m}^2$ ), **be approved** in terms of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the approval is only for the subdivision as indicated on the Subdivisional Plan No. bet3460s2.drw dated November 2021 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;
  - (e) that the conditions in the Services Report, be complied with;

that the proposed development on the vacant erf adhere to the Biodiversity Assessment Report recommendations dated 22 September 2021;

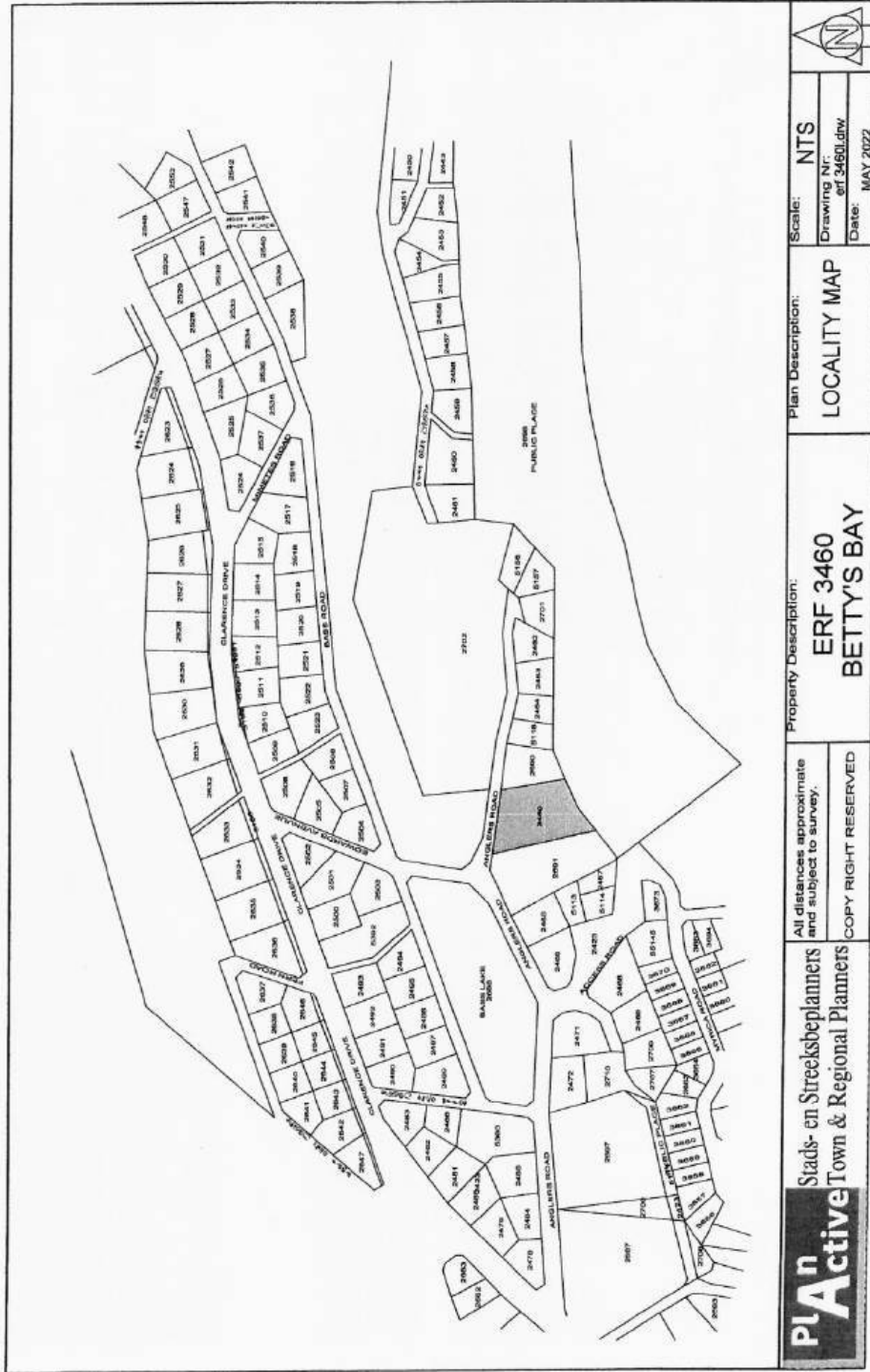
**AGENDA of the  
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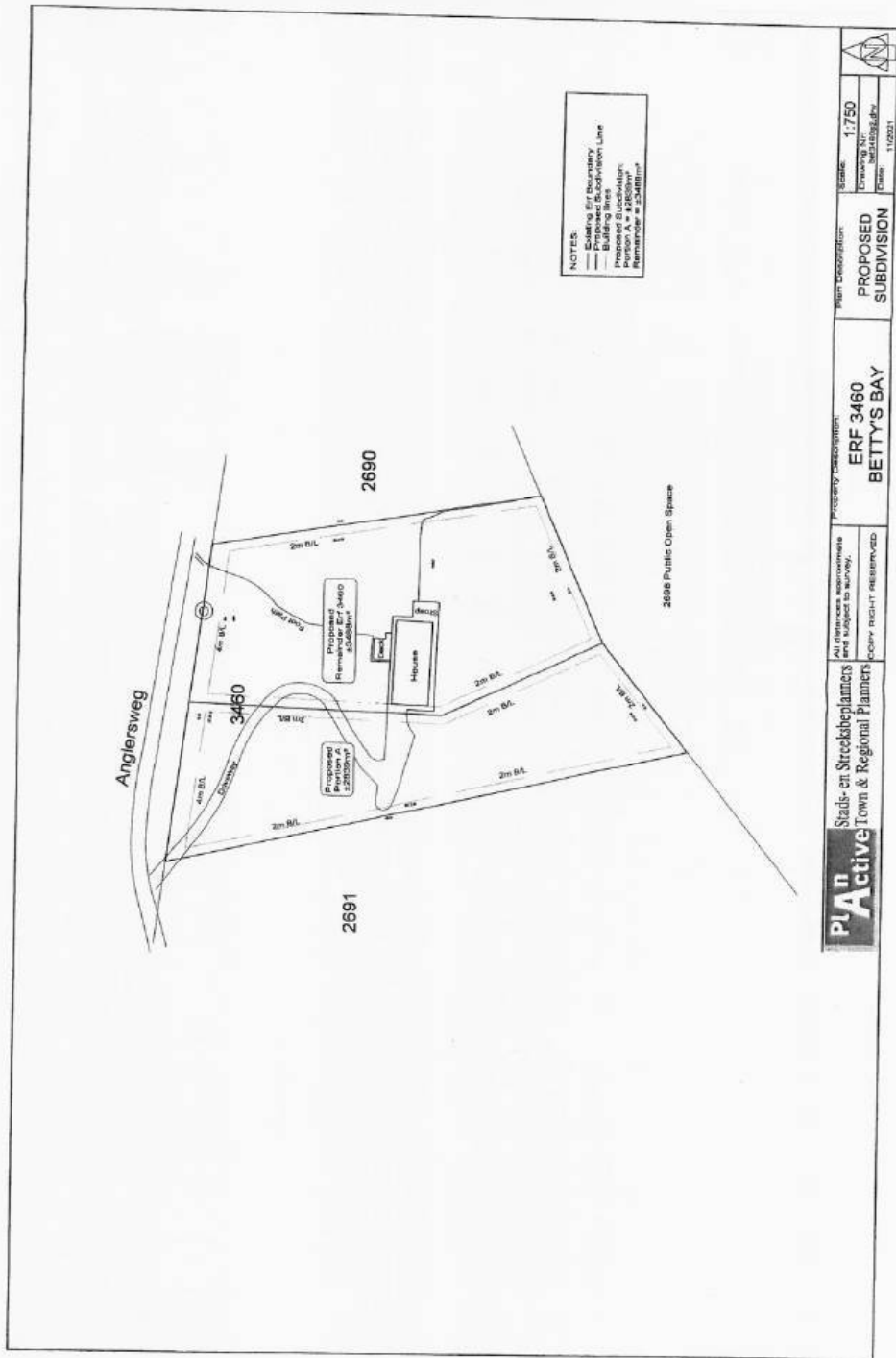
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above decision.

**REASONS FOR RESOLUTION**

- ❖ The subdivision is viewed in a positive light by the Biodiversity Assessment Report.
- ❖ The character of the area remains intact since proposed subdivision is similar area in extent is the surrounding properties.
- ❖ The proposed subdivision of such a large erf will optimally use space for habitation.
- ❖ All affected neighbour supported the applicable departure.



<b>PIA<sup>n</sup> Active</b> Stads- en Sireksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: <b>ERF 3460                  BETTY'S BAY</b>		Plan Description: <b>LOCALITY MAP</b>	Scale: <b>NTS</b>
				Drawing Nr: erf 3460.dwg	Date: MAY 2022



**NOTES**  
 - Existing erf boundary  
 - Building line  
 - Proposed subdivision  
 - Proposed Remnant  
 - Remnant = 23,525m<sup>2</sup>

<b>PLAN</b> State- or Streckbeplanners <b>Active</b> Town & Regional Planners	PROPERTY DESCRIPTION <b>ERF 3460</b> <b>BETTY'S BAY</b>	PLAN DESCRIPTION <b>PROPOSED</b> <b>SUBDIVISION</b>	SCALE 1:750
			DRAWING NO. 102521/01
ALL REFERENCES APPROXIMATE AND SUBJECT TO SURVEY. COPY RIGHT RESERVED		DATE 10/2021	

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION: ERF 3460, BETTY'S BAY**

Stormwater (SW)	:	Refer to Conditions
Electricity	:	Eskom
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 (**2022/2023**) is as follows:

**Freehold erven:**

Water	R 26 036.00 x 1	=	R 26 036.00
Sewerage	R 17 555.00 x 1	=	R 17 555.00
Roads	R 7 872.00 x 1	=	R 7 872.00
Stormwater	R 9 082.00 x 1	=	R 9 082.00
Solid Waste	R 1 574.00 x 1	=	<u>R 1 574.00</u>
<b>TOTAL (inclusive of VAT)</b>		<b>=</b>	<b>R 62 119.00</b>

Note:

- 1.3 **The above figures are estimates**
- 1.4 **The above figures do not include evaluation/investigation levies and connection fees**
2. that each property to have their own water connection, the cost of connection and / or any upgrade for any of these services be required, will be at the owner's cost;

2

3. that each property to have their own conservancy tank with accessible suction point to Municipal specification.
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 each property to have their own access. The cost of construction of access to the properties for the account of the owner/developer;
6. that stormwater be allowed to discharge through the proposed Erven, Betty's Bay, unobstructed;
7. that no on-street parking be allowed.

*D.P. R. Coetzee*  
**DENNIS HENDRIKS**  
**SENIOR MANAGER: ENGINEERING SERVICES**

*13/09/2022*  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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24. **ERF 279, 7 MIDDELKUS ROAD, GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE, REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS ME PLANNERS ON BEHALF OF ML WESSELS**

**279 GGB**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**27 January 2023**

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**EXECUTIVE SUMMARY**

An application has been received on 8 February 2021 from Messrs ME Planners on behalf of ML Wessels applicable to Erf 279, Gansbaai for the following:

- ❖ **Removal of restrictive title deed condition** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the removal of restrictive title deed condition C.2.(d) as contained in the Title Deed T.23493/85 in order to accommodate the existing wendy house (outbuilding);
- ❖ **departure** in terms of Section 16(2)(b) of the above-mentioned By-Law to relax the eastern lateral building from 2m to 0,23m & to relax the southern lateral building line from 2m to 0m in order to accommodate the existing wendy house (outbuilding); and
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the above-mentioned By-Law in order to accommodate the existing wendy house (outbuilding).

**RESOLUTION**

1. that the application, applicable to Erf 279, Gansbaai, in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the removal of restrictive title deed condition C.(2)(d) as contained in Title Deed No: 23493/85, **be approved** in terms of the provisions of Section 61 of the By-Law;

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2. that the application, applicable to Erf 279, Gansbaai, in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the relaxation of the eastern lateral building line from 2m to 0.23m and the southern lateral building line from 2m to 0m, in order to accommodate the existing wendy house (outbuilding) for the utilisation of a wendy house, bathroom & storage room, **be partially approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the unauthorised land use activities stipulated above, **not be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
4. that the approvals in point 1, 2 and 3 above be subject to the following conditions:
  - (a) that this approval is only for the structure as indicated on Drawing Number *03/MW/20, Page Numbers 1 to 8, Drawing dated 02 Nov 2020, Plot dated 11-May-21*, submitted with the application;
  - (b) that if the outbuilding is to be retained, that the Site Development Plan and building plan be revised to indicate that the outbuilding only be utilised for a bathroom and storage purposes as per the Overstrand Municipality Land Use Planning Scheme, 2020, and that photographic evidence is submitted to the Department: Town and Spatial Planning for record keeping;
  - (c) that building plans (in line with the aforementioned revision) be submitted to the Building Department and all comments from the Building- and Fire Departments be complied with at that stage;
  - (d) that the wendy house (outbuilding) only be utilised for a bathroom and storage purposes as per the Overstrand Municipality Land Use Planning Scheme, 2020;
  - (e) that an administrative penalty of R6 215,02, including VAT (being 2% of the valuation cost as per the Overstrand Municipality Tariff List 2022/2023) be payable within thirty (30) days of the decision;

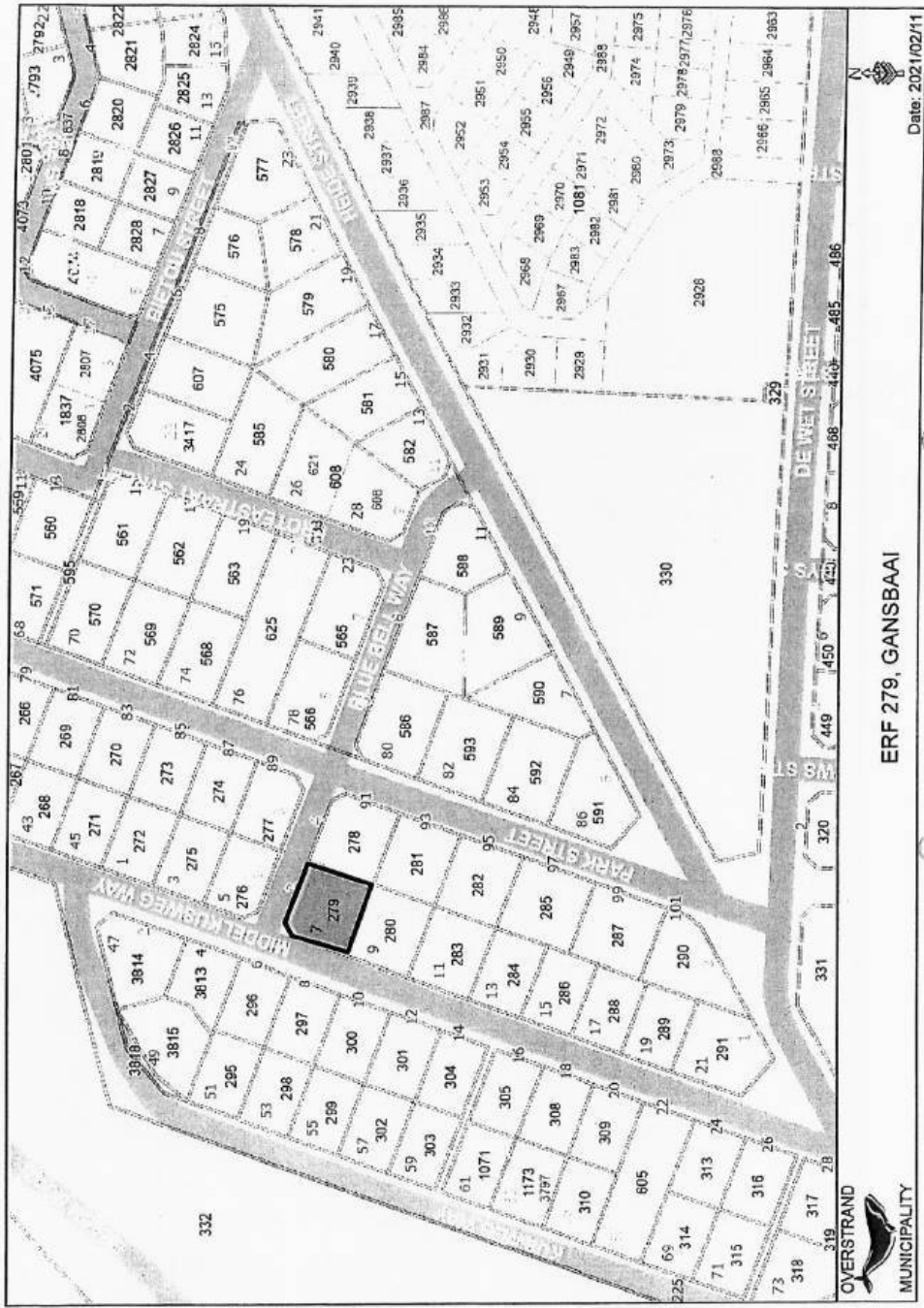
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- (f) that all the conditions of Engineering Services, be complied with;
  - (g) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
5. that the applicant be notified of its appeal right in terms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

**REASONS FOR RESOLUTION**

- ❖ The application has followed due process.
- ❖ The application is in line with policy documents.
- ❖ The removal of the title deed restriction is approved due to the land use scheme regulations making provision for such an application.
- ❖ As per google aerial imagery, the wendy house has existed since 2012. The wendy was then upgraded in 2020. It is evident from the google aerial imagery of 2021 that the wendy house was upgraded.
- ❖ The property owner was issued a notice from the Building Control Department to demolish the unauthorised structure or alternatively submit plans.
- ❖ The town planning office cannot support habitable structures along the property boundary due to the perception that could be created if the application is approved.
- ❖ If the structure is retained, the wendy house (outbuilding) to be utilised for storage purposes and a bathroom only.

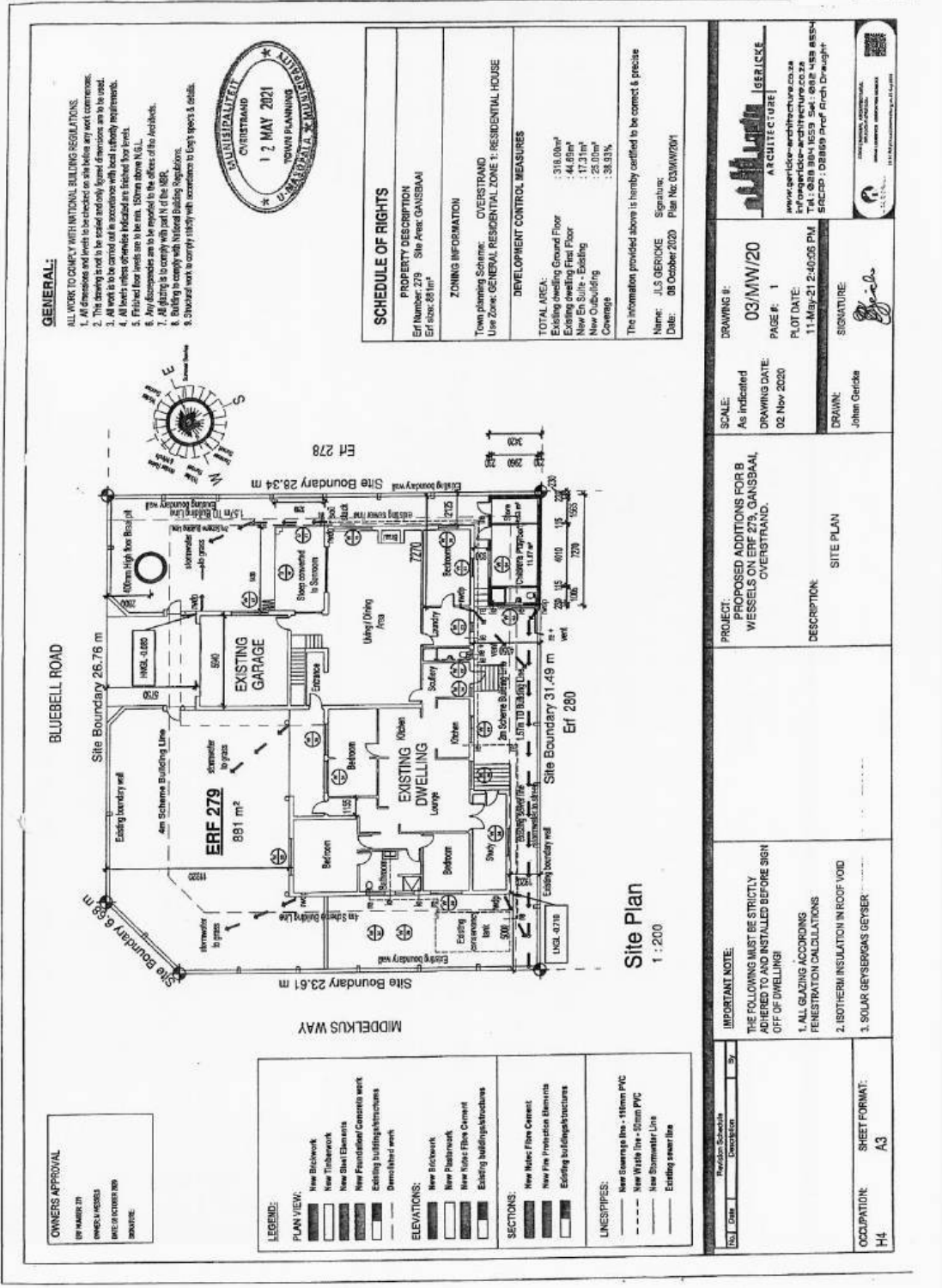


ERF 279, GANSBAAI



OVERSTRAND  
MUNICIPALITY

Date: 2021/02/11



**GENERAL:**  
 ALL WORK TO COMPLY WITH NATIONAL BUILDING REGULATIONS.  
 1. All dimensions and levels to be checked on site before any work commences.  
 2. This drawing is not to be scaled and only formed dimensions are to be used.  
 3. All work is to be carried out in accordance with local authority requirements.  
 4. All levels unless otherwise indicated are finished floor levels.  
 5. Finished floor levels are to be seen. 150mm above N.G.L.  
 6. Any discrepancies are to be reported to the office of the Architect.  
 7. All glazing is to comply with part N of the NBR.  
 8. Building to comply with National Building Regulations.  
 9. Structural work to comply strictly with accordance to design specs & details.



<b>SCHEDULE OF RIGHTS</b>	
PROPERTY DESCRIPTION	ERF Number: 279 Site Area: GANSBAAL
ZONING INFORMATION	
Town planning Scheme:	OVERSTRAND
Use Zone:	GENERAL RESIDENTIAL ZONE 1: RESIDENTIAL HOUSE
DEVELOPMENT CONTROL MEASURES	
TOTAL AREA:	316,00m <sup>2</sup>
Existing dwelling Ground Floor	: 44,69m <sup>2</sup>
Existing dwelling first Floor	: 17,31m <sup>2</sup>
New Dw. Suite - Existing	: 28,00m <sup>2</sup>
New Dw. Suite - Proposed	: 38,97m <sup>2</sup>
Coverage:	: 38,97%
The information provided above is hereby certified to be correct & precise	
Name:	J.L.S. GERICKE
Date:	08 October 2020
Signature:	<i>J.L.S. Gericke</i>
Plan No:	03/MW/201

**GERICKE ARCHITECTURE**  
 www.gericke-architecture.co.za  
 111-113 Main Street, Overstrand  
 T: +27 0834 984 1834  
 F: +27 0834 984 1834  
 SACBO: DBAB9 Prof Arch Draught

DRAWING #: 03/MW/20  
 PAGE #: 1  
 PLOT DATE: 11 May 21 2:40:06 PM  
 SCALE: As indicated  
 DRAWING DATE: 02 Nov 2020  
 DRAWN: Johan Gericke  
 SIGNATURE: *Johan Gericke*

PROJECT: PROPOSED ADDITIONS FOR B WESSELS ON ERF 279, GANSBAAL, OVERSTRAND.  
 DESCRIPTION: SITE PLAN

**IMPORTANT NOTE:**  
 THE FOLLOWING MUST BE STRICTLY ADHERED TO AND INSTALLED BEFORE SIGN OFF OF DWELLING!  
 1. ALL GLAZING ACCORDING FENESTRATION CALCULATIONS  
 2. BOTHERM INSULATION IN ROOF VOID  
 3. SOLAR GEYSERS/GS GEYSER

OCCUPATION: H4  
 SHEET FORMAT: A3

**OWNERS APPROVAL**  
 BY: WESSEL WESSELS  
 DATE: 08 OCTOBER 2020  
 SIGNATURE: *Wessel Wesseles*

**LEGEND:**

<b>PLAN VIEW:</b>	New Brickwork
	New Timberwork
	New Blast Elements
	New Foundation/Concrete work
	Existing building/structures
	Dismantled work
<b>ELEVATIONS:</b>	New Brickwork
	New Plasterwork
	New Water Flow Cement
	Existing building/structures
<b>SECTIONS:</b>	New Water Flow Cement
	New Fire Penetration Elements
	Existing building/structures
<b>LINESPPES:</b>	New Elements in line - 15mm PVC
	New Walls in line - 50mm PVC
	New Stormwater Line
	Existing sewer line

**Site Plan**  
 1 : 200

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEEED  
CONDITIONS & DEPARTURE: ERF 279, 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 279, Gansbaai, unobstructed;
6. that no on-street parking be allowed.

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

29.06.2021  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
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25. **ERF 2870, 164 9TH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS PAUL C BOSHOFF – ARCHITECT IN ASSOCIATION WITH GHOSTFOUNTAIN DESIGN ON BEHALF OF J SOHNGE**

**ERF 2870 HVK**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**13 February 2023**

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**EXECUTIVE SUMMARY**

An application was received on 6 October 2022 from Messrs Ghostfountain Design on behalf of J Sohngé in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 2870, Voëlklip, Hermanus, to relax the western lateral- and rear building lines from 2m to 0m to accommodate the conversion of the existing garage to a laundry and storage room.

**RESOLUTION**

1. that the application, applicable to Erf 2870, Voëlklip, Hermanus, in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to relax the western lateral- and rear building lines from 2m to 0m to accommodate the conversion of the existing garage to a laundry and storage room, **be approved** in terms of the provisions of Section 61 of the By-Law;
  - (a) that this approval is only for the structure as indicated on Drawing Number *VK164/1, no 1 and 2* dated *Mar 2022*, as submitted with the application;
  - (b) that building plans be submitted to the Building Department and all comments from the Building- and Fire Departments be complied with at that stage;
  - (c) that the outbuilding can only be used for storage purposes and a laundry room;
  - (d) that all the conditions of Engineering Services and Fire Services, 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 Zoning Scheme be complied with.

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

**REASON FOR THE RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ No objections were received from the public.
- ❖ It is in line with policy documents.
- ❖ The proposed departures have no impact on the adjacent properties.
- ❖ The proposed alteration of the garage is only internal in nature and will not impact on the outer appearance of the garage.
- ❖ The proposed uses are considered not to have an impact on the character of the area as the proposed use is infrequent and only limited to internal changes.



Notes:  
 This drawing is subject to copyright and may only be used for its explicit intent. No dissemination of copies without express consent of the architect.  
 All dimensions are subject to change and are for guidance only.

Departure application

Revisions:

Client:

Architect:

Project:  
**ALTERATIONS for FAMILY SÖHNGE**  
 on  
**ERF 2870**  
**Voökliip**  
**Overstrand**

Drawing:  
**Locality Plan**  
**Site Development Plan**  
**1st Storey Plan**

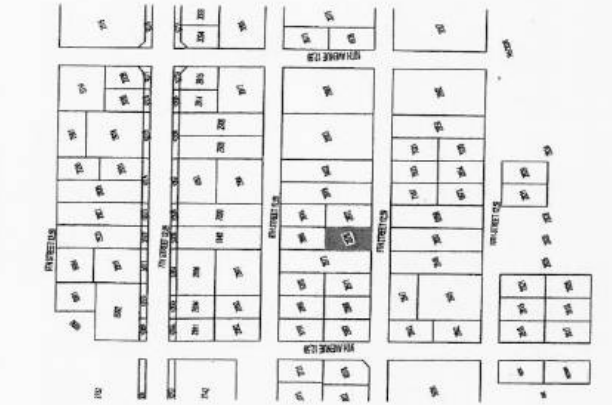
**PAUL C BOSHOFF ARCHITECT**  
 144 KENNEDY BLVD  
 GHOST MOUNTAIN DESIGN  
 081 852 29117

**VK16411**

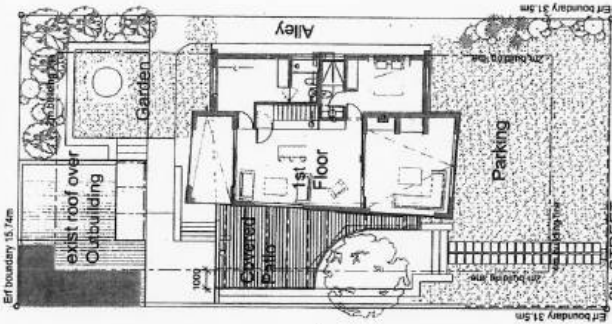
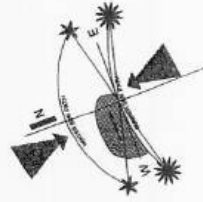
TP 1

May 2022

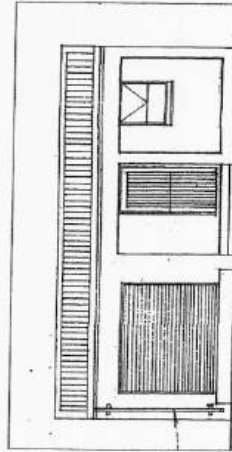
1:50



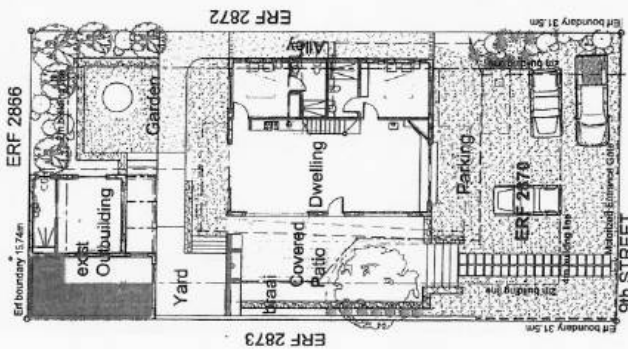
Locality Plan



1st Floor Plan



South Facade elevation exist Garage (NTS)



Site Development Plan

AREA CALCULATIONS	
ERF	496,0m <sup>2</sup>
Existing:	
Ground floor	93,5m <sup>2</sup>
Outbuilding	47,4m <sup>2</sup>
S/total	140,9m <sup>2</sup>
New:	
First floor	74,0m <sup>2</sup>
Total floor area	214,9m <sup>2</sup>
Covered Patio	42,8
Foot Print $47,4 + 29,7 + 110,8 = 187,9m^2$	
Coverage $187,9/466 \times 100 = 37,9\%$	

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 2870, VOELKLIP (4262/2022)**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that stormwater be allowed to discharge through Erf 2870, Voelklip, unobstructed;
7. that no on-street parking be allowed.

*p.p. R Groen*  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

*23/01/2023*  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**26. ERF 1201, 6 LINARIA ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: MESSRS PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF G WILSON**

**1201 HEC**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**26 January 2023**

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**EXECUTIVE SUMMARY**

An application has been received on 23 September 2022 from Messrs PlanActive Town- and Regional Planners in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the subdivision of Erf 1201, Eastcliff, Hermanus into two (2) portions namely Portion A approximately 864m<sup>2</sup> and Portion B approximately 922m<sup>2</sup> in extent.

**RESOLUTION**

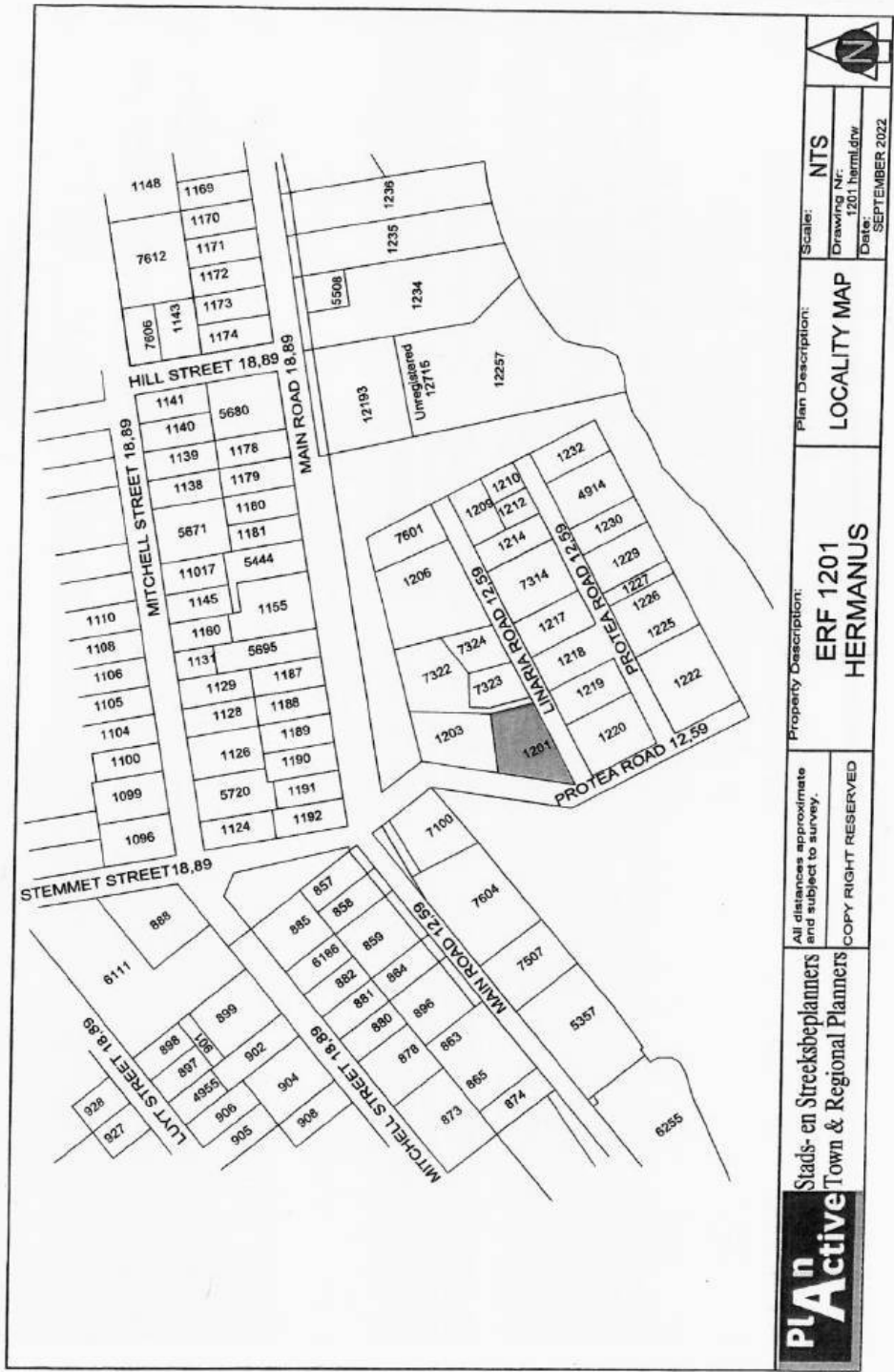
1. that the application for subdivision in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of Erf 1201, Eastcliff, Hermanus into two portions, namely Portion A approximately 864m<sup>2</sup> and Portion B approximately 922m<sup>2</sup> 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 erf 1201 drw*, as submitted with the application;
  - (b) that building plans be submitted for any new work done and that the building department and fire department's comment be complied with at that stage;
  - (c) that the conditions in the Services Report, be complied with;
  - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**AGENDA of the  
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(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**REASONS FOR RESOLUTION**

- ❖ 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.



**PLAn** Stads- en Streeksbeplanners  
Town & Regional Planners

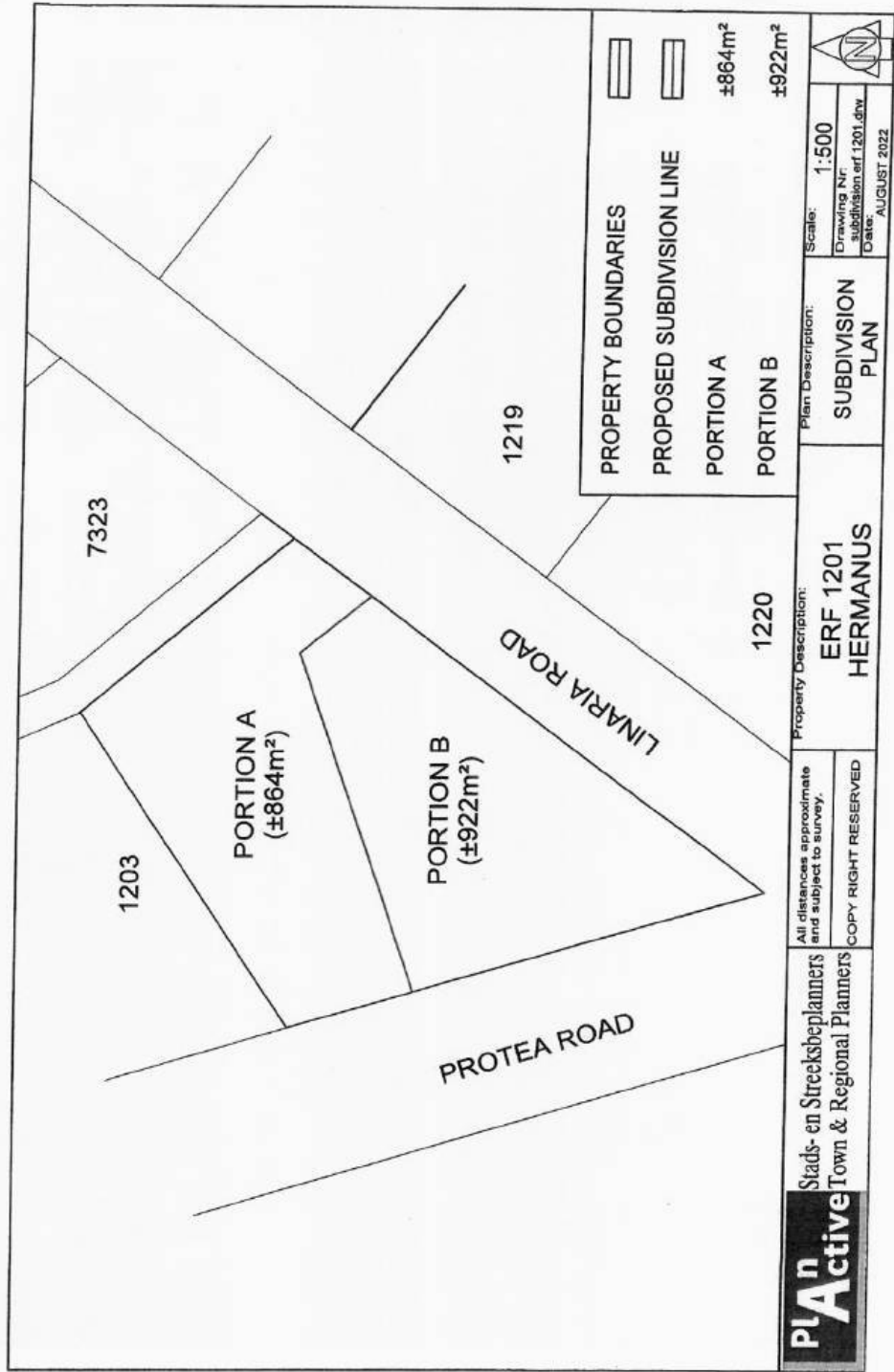
**Property Description:**  
ERF 1201  
HERMANUS

**Plan Description:**  
LOCALITY MAP

**Scale:** NTS  
**Drawing Nr:** 1201.herml.dwg  
**Date:** SEPTEMBER 2022

All distances approximate and subject to survey.  
COPY RIGHT RESERVED

**North Arrow**



**PLAn**  
**Active**

Stads- en Streeksbeplanners  
Town & Regional Planners

All distances approximate  
and subject to survey.  
COPY RIGHT RESERVED

Property Description:  
**ERF 1201  
HERMANUS**

Plan Description:  
**SUBDIVISION  
PLAN**

Scale: 1:500  
Drawing Nr: subdivision erf 1201.dwg  
Date: AUGUST 2022



- PROPERTY BOUNDARIES
- PROPOSED SUBDIVISION LINE
- PORTION A ±864m<sup>2</sup>
- PORTION B ±922m<sup>2</sup>

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION: ERF 1201, EASTCLIFF (4251/2022)**

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 (2022/2023) is as follows:

**Freehold erven:**

Water	R 26 036.00 x 1	=	R 26 036.00
Sewerage	R 17 555.00 x 1	=	R 17 555.00
Roads	R 7 872.00 x 1	=	R 7 872.00
Stormwater	R 9 082.00 x 1	=	R 9 082.00
Solid Waste	R 1 574.00 x 1	=	R 1 574.00
Electricity	R 34 929.99 x 1	=	<u>R 34 929.99</u>
<b>TOTAL (inclusive of VAT)</b>		<b>=</b>	<b>R 97 048.99</b>

Note:

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

2. that any part of the existing water and sewer services on Erf 1201 that crosses the common boundary of Portion A and the Remainder of Erf 1201 shall be disconnected and sealed off;
3. that both the Remainder and Portion A of Erf 1201 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 1201 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the individual erven must connect to;
5. that only a standard 60 Amp single phase electricity connection will be available per erf;
6. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
7. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
8. that any additional and / or extended vehicle entrances will be for the owner's account;
9. that stormwater be allowed to discharge through the proposed Erven, Eastcliff, unobstructed.

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

  
DATE

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**Municipal Planning Tribunal**

**1. ERF 425, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: INTERACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF HM JOAO**

**425 KPRB (4183/2022)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**5 January 2023**

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**EXECUTIVE SUMMARY**

An application has been received on 17 June 2022 from Interactive Town and Regional Planners on behalf of HM Joao on Erf 425, Pringle Bay for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to operate a place of instruction from an existing building on the property.

**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 425, Pringle Bay for a consent use in order to operate a place of instruction from the existing building on the property, **be approved** in terms of the provisions of Section 61, subject to the following conditions:
  - (a) that the place of instruction be limited to a pre-school and accommodate a maximum of twelve (12) children;
  - (b) that the place of instruction be limited to the existing building as per Plan Number A101 dated 7 June 2022;
  - (c) that the following operating hours be applicable as indicated in the motivation - Monday to Friday from 08h00 to 17h00;
  - (d) that the drop-and-go facility be on the western side (in front) of the place of instruction and signage be erected to inform parents of the facility;
  - (e) that the access gates to the property remain open for the duration of dropping off and collecting of children;
  - (f) that only one un-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;

**AGENDA of the  
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5 April 2023  
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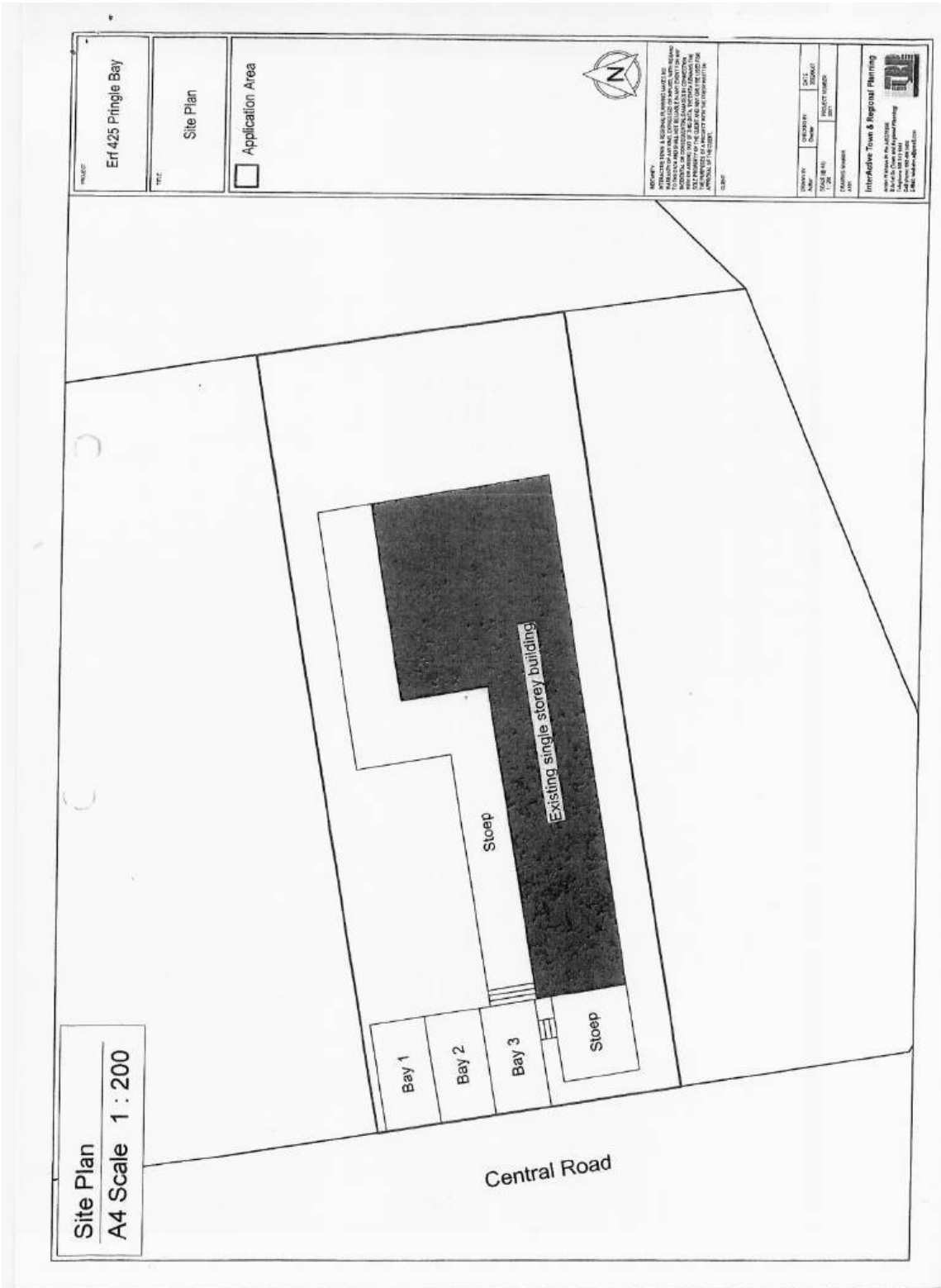
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- (g) that no parking of vehicles be allowed on the adjacent business premises; and that pre-school employees park on-site;
  - (h) that the rights to operate a place of instruction is not transferable;
  - (i) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
  - (j) that a Health Certificate – Child Care be obtained from the Health Department of the Overberg District Municipality and a Fire Prevention Certificate from the Municipal Fire Department;
  - (k) 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;
  - (l) that building plans be submitted to the Municipality showing all building changes, partitioning and correct names of rooms to the satisfaction of the Fire Department and Building Control Department;
  - (m) that a fire protection plan be submitted to the Building Control Department;
  - (n) that no accumulation of refuse may occur on the premises;
  - (o) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (p) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
  - (q) that all the conditions in the Services Report, be complied with.
2. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

#### **REASONS FOR RESOLUTION**

- ❖ The application is in line with forward planning documents.
- ❖ The place of instruction provides a much-needed community facility.
- ❖ Objectors acknowledge the need for a pre-school but have a few provisos, which can be mitigated.





PROJECT  
Er 425 Pringle Bay

TITLE  
Site Plan

Application Area



**DISCLAIMER**  
THIS DOCUMENT IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN APPROVAL OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER MATTER. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER MATTER.

DATE	2024
PROJECT NAME	Er 425 Pringle Bay
PROJECT NUMBER	1001
ARCHITECT	InterHuber Town & Regional Planning

**InterHuber Town & Regional Planning**  
 1001 Main Street  
 Cape Town 7800  
 Tel: +27 (0) 21 461 1111  
 Email: info@interhuber.com

Site Plan  
A4 Scale 1 : 200

Central Road

Bay 1

Bay 2

Bay 3

Stoop

Stoop

Existing single storey building

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION &  
CONSENT USE: ERF 425, PRINGLE BAY**

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 developer's cost;
2. that should any additional municipal services or connections be required, the owner will be responsible for the cost thereof and/or payment of bulk services levies;
3. that the developer investigates and determine the limitations of the site in terms of drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that, 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 Manager: Operational Services (Kleinmond) for written approval;
7. that stormwater be allowed to discharge through Erf 425, Pringle Bay, unobstructed.

*p.p. A. Hendriks*  
**DENNIS HENDRIKS**  
**SENIOR MANAGER: ENGINEERING SERVICES**

*12/08/2022*  
**DATE**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**2. ERF 726, 72 BUFFELS ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND REZONING: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF ENTK FAMILY TRUST**

**726 KPRB (4069/2022)**

**H van der Stoep  
10 January 2023**

**(028) 313 8900**

**Hermanus Administration**

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**EXECUTIVE SUMMARY**

An application has been received on 22 February 2022 from Plan Active Town & Regional Planners on behalf of ENTK Family Trust on Erf 726, Pringle Bay for the following:

- ❖ **subdivision** in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 726, Pringle Bay into 4 portions, namely Portion A ( $\pm 1240\text{m}^2$ ), Portion B ( $\pm 1262\text{m}^2$ ), Portion C ( $\pm 1050\text{m}^2$ ), and Portion D ( $\pm 1285\text{m}^2$ ), and
- ❖ **rezoning** in terms of Section 16.(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to rezone the newly created Portion D ( $\pm 1285\text{m}^2$ ) from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1).

**RESOLUTION**

1. that the application in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 726, Pringle Bay into four (4) portions, namely Portion A ( $\pm 1240\text{m}^2$ ), Portion B ( $\pm 1262\text{m}^2$ ), Portion C ( $\pm 1050\text{m}^2$ ), and Portion D ( $\pm 1285\text{m}^2$ ), **be approved** in terms of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to rezone the newly created Portion D ( $\pm 1285\text{m}^2$ ) from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1), **be approved** in terms of Section 61 of the By-Law;
3. that the approval of Points 1. & 2. above in terms of Section 61 of the By-Law be subject to the following conditions:
  - (a) that the approval is only for the subdivision as indicated on the Subdivisional Plan No. pring726s5.drw dated November 2021 as submitted with the application;

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5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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- (b) that the rezoned portion be ceded to the Municipality with the transfer of the first registered erf or within 12-months of the approval;
  - (c) that with the submission of the building plan, a letter from the Western Cape Government: Environmental Affairs and Development Planning (Environmental) confirming whether any listed activities are applicable be submitted with such building plan;
  - (d) that a letter from BGMCA indicating whether a water license approval is required be submitted before building plan approval;
  - (e) that only one dwelling with associated outbuildings be allowed;
  - (f) that the conditions in the Services Report, be complied with;
  - (g) that all conditions imposed by Western Cape Government: EADP-Planning, be complied with;
  - (h) that all conditions imposed by Western Cape Government: EADP-Environmental, be complied with;
  - (i) that all conditions imposed by Cape Nature, be complied with;
  - (j) that all conditions imposed by Breede-Gouritz Catchment Management Agency, be complied with;
  - (k) that the recommendations of the Specialised Biodiversity Assessment, be adhered to;
  - (l) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
  - (m) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the applicant and objectors be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above decision.

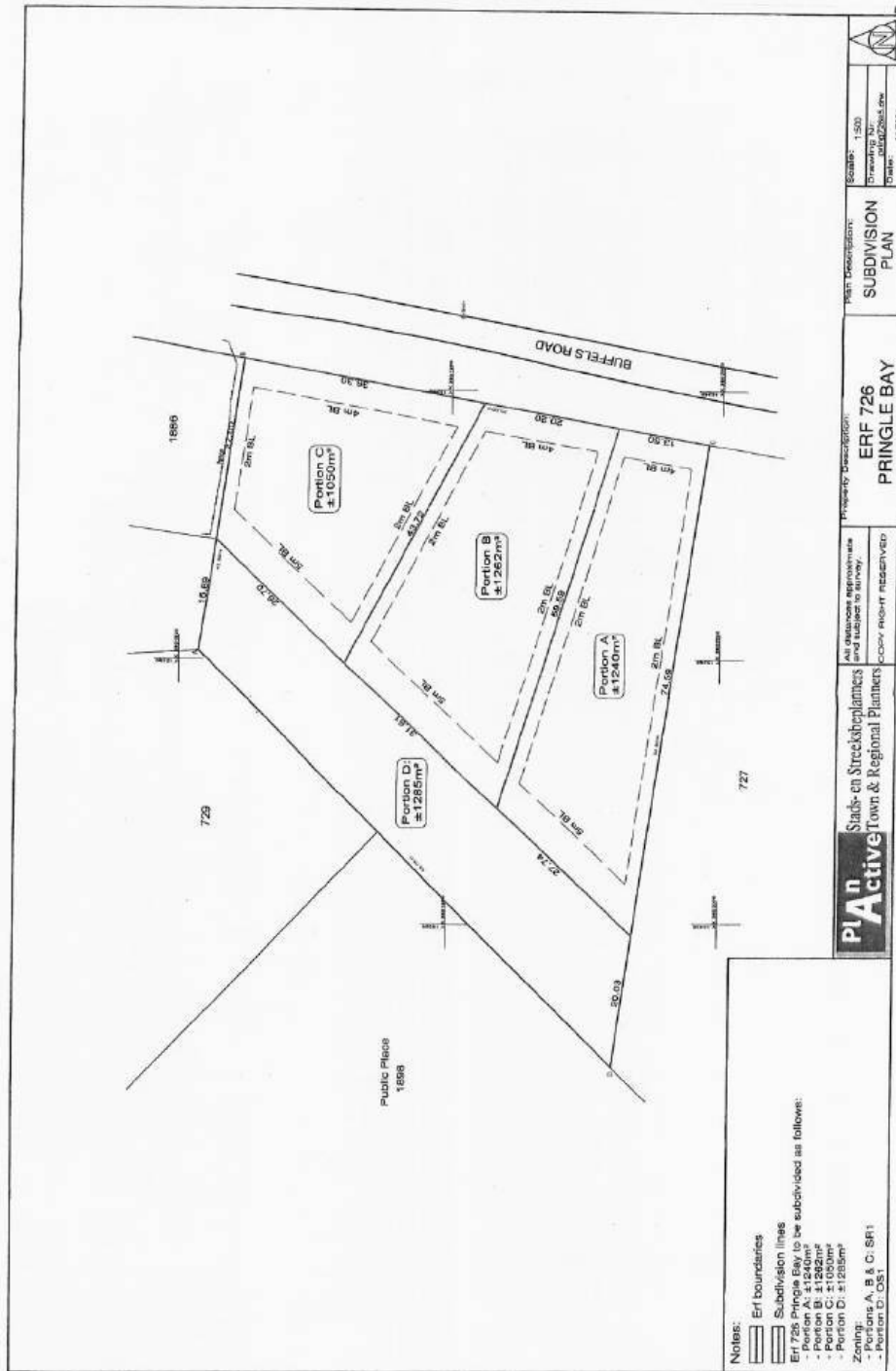
**AGENDA of the  
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5 April 2023  
(Also the agenda for the Mayoral Committee Meeting : 24 April 2023)**

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**REASONS FOR RESOLUTION**

- ❖ The property has existing rights.
- ❖ Due diligence of environmental impact has been considered.
- ❖ Ecological corridor will be formally established.
- ❖ Low density development to the benefit of the area.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION & REZONING: ERF 726, PRINGLE 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 (2021/2022) is as follows:

**Freehold erven:**

Water	R 24 915.00 x 2	=	R 49 830.00
Sewerage	R 16 799.12 x 2	=	R 33 598.24
Roads	R 7 532.72 x 2	=	R 15 065.44
Stormwater	R 8 691.28 x 2	=	R 17 382.56
Solid Waste	R 1 505.92 x 2	=	<u>R 3 011.84</u>
<b>TOTAL (inclusive of VAT)</b>		<b>=</b>	<b>R118 888.08</b>

Note:

- 1.3 **The above figures are estimates**
- 1.4 **The above figures do not include evaluation/investigation levies and connection fees**
2. that each property to have their own water connection, the cost of connection and / or any upgrade for any of these services be required, will be at the owner's cost;

2

3. that each property to have their own conservancy tank to 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, 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 Manager: Operational Services (Kleinmond) for written approval;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that stormwater be allowed to discharge through the proposed Erven, Pringle Bay, unobstructed;
7. that no on-street parking be allowed.

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

  
**DATE**