

PORTFOLIO COMMITTEE :

INVESTMENT & INFRASTRUCTURE

Chairperson :

Cllr C Lerm

Committee Members :

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

INVESTMENT & INFRASTRUCTURE PORTFOLIO COMMITTEE

2 August 2023

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ITEM
NO

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NUMBER

OPENING AND WELCOME

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CONFIRMATION OF MINUTES

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**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

**1.
TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: MAY 2023 – JULY 2023**

**R Kuchar
28 June 2023**

Senior Manager: Town & Spatial Planning

(028) 313 8900

1. Executive Summary

To report on applications disposed of by the Authorised Official and Municipal Planning Tribunal in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 4 May 2023 – 4 July 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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(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

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 – 4 May 2023 – 4 July 2023:

1.	Erf 3729, 4 Thirteenth Street, Voëlklip, Hermanus	04 May 2023
2.	Erf 7174, 216 Eighth Street, Voëlklip, Hermanus	04 May 2023
3.	Erf 5479, 70 Mountain Drive, Northcliff, Hermanus	04 May 2023
4.	Erf 5581, 66 Mountain Drive, Northcliff, Hermanus	04 May 2023
5.	Erf 3551, (A Portion of Erf 1142), Corner of School and Willsby Streets, Hawston	04 May 2023
6.	Erf 142, 59 Marais Street, Franskraal, Gansbaai	08 May 2023
7.	Erf 2112, Buiten Street, Stanford	09 May 2023
8.	Erf 931, 13 Luyt Street, Eastcliff, Hermanus	15 May 2023
9.	Erf 5907, 47 Fernkloof Drive, Hermanus Heights, Hermanus	18 May 2023
10.	Erf 5655, 20 Musson Street, Eastcliff, Hermanus	18 May 2023
11.	Erf 102, 35 Barnard Street, Gansbaai	19 May 2023
12.	Erf 532, 45 Schneider Street, Franskraal, Gansbaai	30 May 2023
13.	Erf 1813, 147 Charlie Van Breda Street, Pearly Beach	1 June 2023
14.	Erf 1072, 14 Jan Van Riebeeck Crescent, Sandbaai, Hermanus	1 June 2023
15.	Erf 2087, 49 Fourth Street, Voëlklip, Hermanus	5 June 2023
16.	Erf 1824, 27 Fourth Street, Voëlklip, Hermanus	5 June 2023
17.	Erf 3488, 273 Third Street, Voëlklip, Hermanus	5 June 2023
18.	Erf 209, 86 Marais Street, Franskraal, Gansbaai	9 June 2023
19.	Erf 240, Harbour Road, Hawston, Hermanus	13 June 2023
20.	Erf 6148, 115 Second Avenue, Kleinmond	13 June 2023
21.	Erf 4999, 27 Berghof Drive, Berghof, Onrustrivier, Hermanus	13 June 2023
22.	Erf 5996, 1 Geelhout Avenue, Kleinmond	13 June 2023
23.	Erf 3966, 267 Sixth Street, Voëlklip, Hermanus	13 June 2023
24.	Erf 4646, 23 Strand Street, Kleinmond	13 June 2023
25.	Erf 12717, Voëlklip, Hermanus	13 June 2023
26.	Erf 1577, 14 Tiptol Crescent, Vermont, Hermanus	22 June 2023
27.	Erf 8340, 5 Kuyasa Street, Kleinmond	22 June 2023

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2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- | | | |
|-----|--|--------------|
| 28. | Erf 1540, 5 Lang Street, Sandbaai, Hermanus | 22 June 2023 |
| 29. | Erf 4245, 19 C/O Sixth Street And Seventh Avenue, Voëlklip, Hermanus | 23 June 2023 |
| 30. | Erf 1156 and 1157, 12 Valey Street, Stanford | 23 June 2023 |
| 31. | Erf 3181, 34 Tenth Avenue, Voëlklip, Hermanus | 23 June 2023 |
| 32. | Erven 1368, 1373 & 12232, 316 (312a) Main Road, Eastcliff, Hermanus | 23 June 2023 |
| 33. | Erf 1859, Seemeeu Close, Gansbaai | 23 June 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 4 May 2023 and 29 June 2023:

- | | | |
|----|--|--------------|
| 1. | Erf 2861, Whale Coast mall, Bergsig Street, Sandbaai, Hermanus | 4 May 2023 |
| 2. | Erf 7182, 39 Marine Drive, Westcliff, Hermanus | 29 June 2023 |
| 3. | Erf 5328, Robin Avenue, Northcliff, Hermanus | 29 June 2023 |
| 4. | Erven 8959 & 9079, Zwelihle, Hermanus | 29 June 2023 |
| 5. | Erf 271, 45 Kusweg, Gansbaai | 29 June 2023 |
| 6. | Remainder of Farm Klipfonteyn 711 | 29 June 2023 |
| 7. | Erf 1828, 21 Boundary Road, Pringle Bay, Kleinmond | 29 June 2023 |

RESPONSIBLE OFFICIAL :

L TAYLOR

TARGET DATE FOR IMPLEMENTATION :

20 July 2023

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

**1.
TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: MAY 2023 – JULY 2023**

**R Kuchar
28 June 2023**

Senior Manager: Town & Spatial Planning

(028) 313 8900

**THIS MATTER SERVED BEFORE THE INVESTMENT & INFRASTRUCTURE
PORTFOLIO COMMITTEE ON 2 AUGUST 2023, WHICH COMMITTEE SUPPORTED
THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

L TAYLOR

TARGET DATE FOR IMPLEMENTATION :

20 JULY 2023

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- 1. ERF 3729, 4 THIRTEENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING (ITRP) ON BEHALF OF MIRROVEST CORPORATION (PTY) LTD**

3729 HVK (3842/2021)

P Roux

(028) 313 8900

Hermanus Administration

14 April 2023

EXECUTIVE SUMMARY

An application has been received on 28 September 2021 (amended application received on 15 July 2022) from Messrs Interactive Town & Regional Planning (ITRP) on behalf of the owner of Erf 3729, Hermanus, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- **Departure** in terms of Section 16(2)(b) of the By-Law for the following:
 - to relax the western street building line from 4m to 1.96m, to accommodate the replacement of two (2) doors and one (1) window; opening in the wall between the bathroom and bedroom;
 - to relax the eastern lateral building line from 2m to 1.48m, to accommodate the bricking up of three (3) windows and one (1) door; replace one (1) window with a taller window; two (2) new doors; replace one (1) window; internal stairs moved to new location; new wall between kitchen and scullery; part of previous garage change to a storage area; games room and bedroom converted to a kitchen; bathroom converted to a scullery, and
 - to relax the southern lateral building line from 2m to 0m, to accommodate the replacement of one (1) door; replace one (1) door with a taller door; outhouse converted into a bedroom; storage room converted into a bedroom.
- **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to accommodate the existing above-mentioned changes.

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RESOLUTION

1. that the application for 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 3729, Hermanus for the following:
 - relaxation of the western street building line from 4m to 1.96m, to accommodate the following changes: replacement of two (2) doors and one (1) window; opening in the wall between the bathroom and bedroom;
 - relaxation of the eastern lateral building line from 2m to 1.48m, to accommodate the following changes: bricking up of three (3) windows and one (1) door; replace one (1) window with a taller window; two (2) new doors; replace one (1) window; internal stairs moved to new location; new wall between kitchen and scullery; part of previous garage change to a storage area; games room and bedroom converted to a kitchen; bathroom converted to a scullery, and
 - relaxation of the southern lateral building line from 2m to 0m, to accommodate the following changes: replace one (1) door; replace one (1) door with a taller door;

be approved in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 3729, Hermanus to relax the southern lateral building line from 2m to 0m, to accommodate the conversion of the outhouse into a bedroom and storage room to a bedroom, **not be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 3729, Hermanus for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
4. that the recommendation under paragraphs 1.; 2. and 3. be subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan *Sheet number 1000PL - Hermanus*, as submitted with the application;
 - (b) that bedroom (bedroom 1) and guest bedroom on ground floor be converted back to an outhouse and storage room;

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(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- (c) that building plans be submitted to the building control office within sixty (60) days of the decision, and all comments from the Fire Department be complied with at that stage;
 - (d) that an administrative penalty of R16 403,86 (including VAT) (being 5% of the Overstrand Municipal Budget as determined by the municipality) be payable within thirty (30) days of the decision;
 - (e) that all the conditions in the Services Report and comment from Fire Services, be complied with;
 - (f) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (g) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
5. that the applicant and person who commented be notified of their appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

Reason for resolution for paragraph 1 and 3

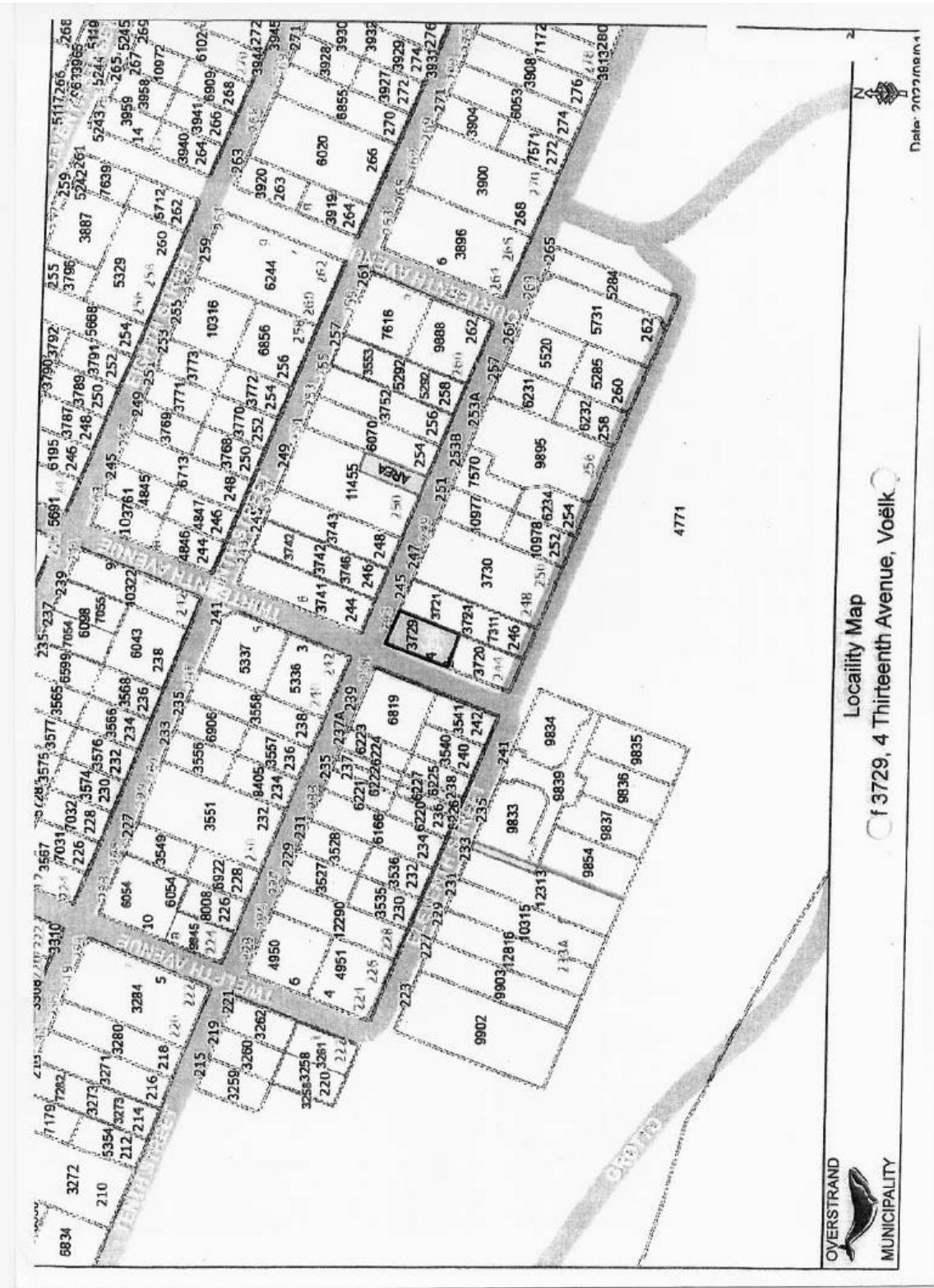
- ❖ The change in window and door schedules are considered minor alterations to a dwelling, the existing boundary wall will retain the privacy and the rights of the adjoining property owners.
- ❖ No objection was received from the adjacent property owner regarding the proposed changes to windows schedules.
- ❖ The new staircase and storage area are internal changes which should not have a negative effect on the adjacent property owner. The retention of the existing structures will have a minimal impact on the adjacent property owners.
- ❖ Changes are proposed to alter the existing habitable spaces (as approved on previous building plans) to another type of habitable space.
- ❖ The application has followed due procedure.

Reason resolution for paragraph 2.

- ❖ The habitable space is likely to have a negative impact on the character of the area and is likely to infringe on the vested rights of surrounding property owners.
- ❖ Various complaints are received regarding the close proximity of habitable spaces on adjoining properties.

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- ❖ The property falls within a low density tranquil residential area oppose to a high-density residential area where such applications would be regarded as more in line with the character of such a built environment.
- ❖ The creation of a habitable space on the boundary could lead to the perception that it is acceptable to construct habitable portions of dwellings on property boundaries, which could ultimately lead to an increase in such applications and thereby having a negative impact on the character of the residential areas in the Overstrand area.



OVERSTRAND
MUNICIPALITY

Locality Map
of 3729, 4 Thirteenth Avenue, Voëlk

Date: 2022 June 1

STAMP BLOCK

SIGNATURE BLOCK

CLIENT	ARCHITECT	ENGINEER
DATE	DATE	DATE
SCALE	SCALE	SCALE

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMIT	11/11/11	JL	MS
2	ISSUED FOR CONSTRUCTION	11/11/11	JL	MS
3	ISSUED FOR AS-BUILT	11/11/11	JL	MS

SCHEDULE OF FEES

Professional Fee: \$10,000.00

Permit Fee: \$1,000.00

Other Fees: \$500.00

Total Fees: \$11,500.00

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CANADIAN NATIONAL STANDARDS (CNS) AND THE CANADIAN CODE OF BEST PRACTICES (CCBP).
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ENGINEER.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
5. ALL UTILITIES SHALL BE LOCATED AND MARKED PRIOR TO ANY EXCAVATION WORK.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
9. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
11. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE SPECIFICATIONS AND DRAWINGS.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE ADJACENT PROPERTY OWNERS.
13. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
14. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
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20. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
21. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
22. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
23. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE SPECIFICATIONS AND DRAWINGS.
24. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE ADJACENT PROPERTY OWNERS.
25. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

DRAINAGE

- 1. ALL DRAINAGE SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CANADIAN NATIONAL STANDARDS (CNS) AND THE CANADIAN CODE OF BEST PRACTICES (CCBP).
- 2. ALL DRAINAGE SHALL BE DESIGNED TO DRAIN TO THE STREET OR TO A DRAINAGE BASIN.
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drawing info

drawing number	374
revision	000001
sheet	C
total sheets	E

Issued for

COUNCIL SUBMISSION

revisions

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	11/11/11
2	ISSUED FOR CONSTRUCTION	11/11/11
3	ISSUED FOR AS-BUILT	11/11/11

drawing title

SITE PLAN & WATER RETENTION

project details

Project Name: [Name]

Client: [Name]

Address: [Address]

City: [City]

Province: [Province]

Country: [Country]

general notes

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CANADIAN NATIONAL STANDARDS (CNS) AND THE CANADIAN CODE OF BEST PRACTICES (CCBP).

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ENGINEER.

4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

5. ALL UTILITIES SHALL BE LOCATED AND MARKED PRIOR TO ANY EXCAVATION WORK.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.

7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

8. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.

9. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.

11. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE SPECIFICATIONS AND DRAWINGS.

12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE ADJACENT PROPERTY OWNERS.

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25. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 3729, VOELKLIP**

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 3729, Voelklip, unobstructed;
7. that no on-street parking be allowed.

p.p. R. Crogew
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

07/09/2022
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

2. ERF 7174, 216 EIGHTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS SMART SOLUTION ARCHITECTURE & ARCHITECTURAL CONSULTANTS ON BEHALF OF AJ JONKER

7174 HVK (4184/2022)

P Roux

(028) 313 8900

Hermanus Administration

18 April 2023

EXECUTIVE SUMMARY

An application has been received on 20 June 2022 from Messrs Smart Solution Architecture & Architectural Consultants on behalf of the owner of Erf 7174, Voëlklip, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law:
 - to relax the eastern lateral building line from 2m to 1.256m, for the enclosure and extension of the first-floor balcony in order to accommodate a braai-room; and
 - to relax the western lateral building line from 2m to 1.130m and to 1.666m to accommodate the placement of the existing dwelling.
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, in order to accommodate the existing outbuilding, garage & storage.

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 7174, Hermanus for the following:
 - relaxation of the eastern lateral building line from 2m to 1.256m, for the enclosure and extension of the first-floor balcony in order to accommodate a braai-room, and
 - relaxation of the western lateral building line from 2m to 1.130m and to 1.666m to accommodate the placement of the existing dwelling;

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

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2 August 2023
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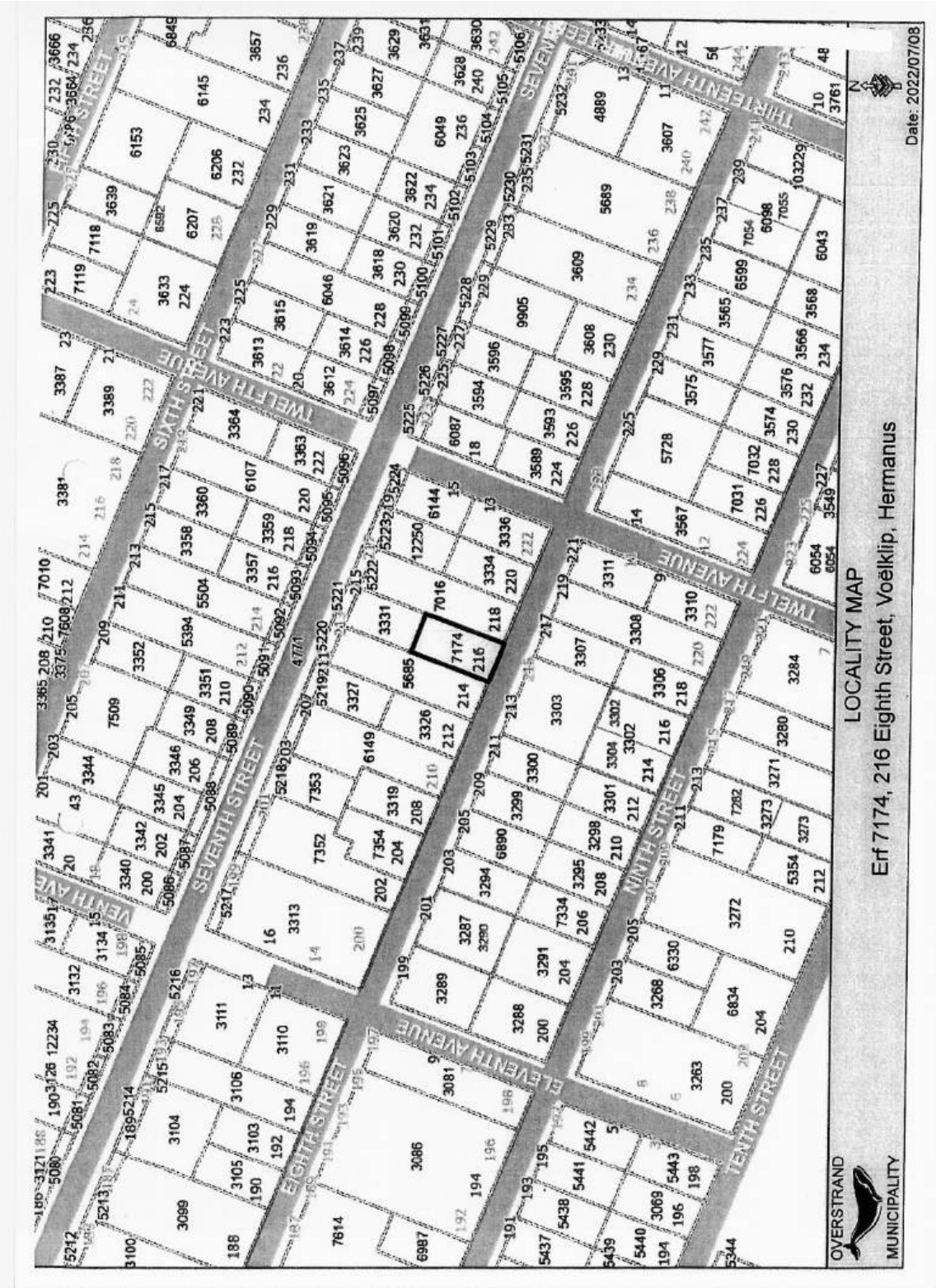
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 7174, Hermanus for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
3. that the recommendation under paragraphs 1 and 2 is subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan Erf 7174 Hermanus – *drawing no I 0441/A2/ (01-12)*, as submitted with the application;
 - (b) that an administrative penalty of R1 695,36 (including VAT) (being 5% of the Overstrand Municipal Budget as determined by the municipality) be payable within thirty (30) days of the decision;
 - (c) that building plans be submitted to the building control office within sixty (60) days of the decision, and all comments from the Fire Department be complied with at that stage;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
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.

REASONS FOR RESOLUTION

- ❖ The retention of the existing structures on its existing placement will not have a negative impact on the adjacent property owners or the character of the area.
- ❖ The proposed departures have no impact on the adjacent property owners' rights.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.

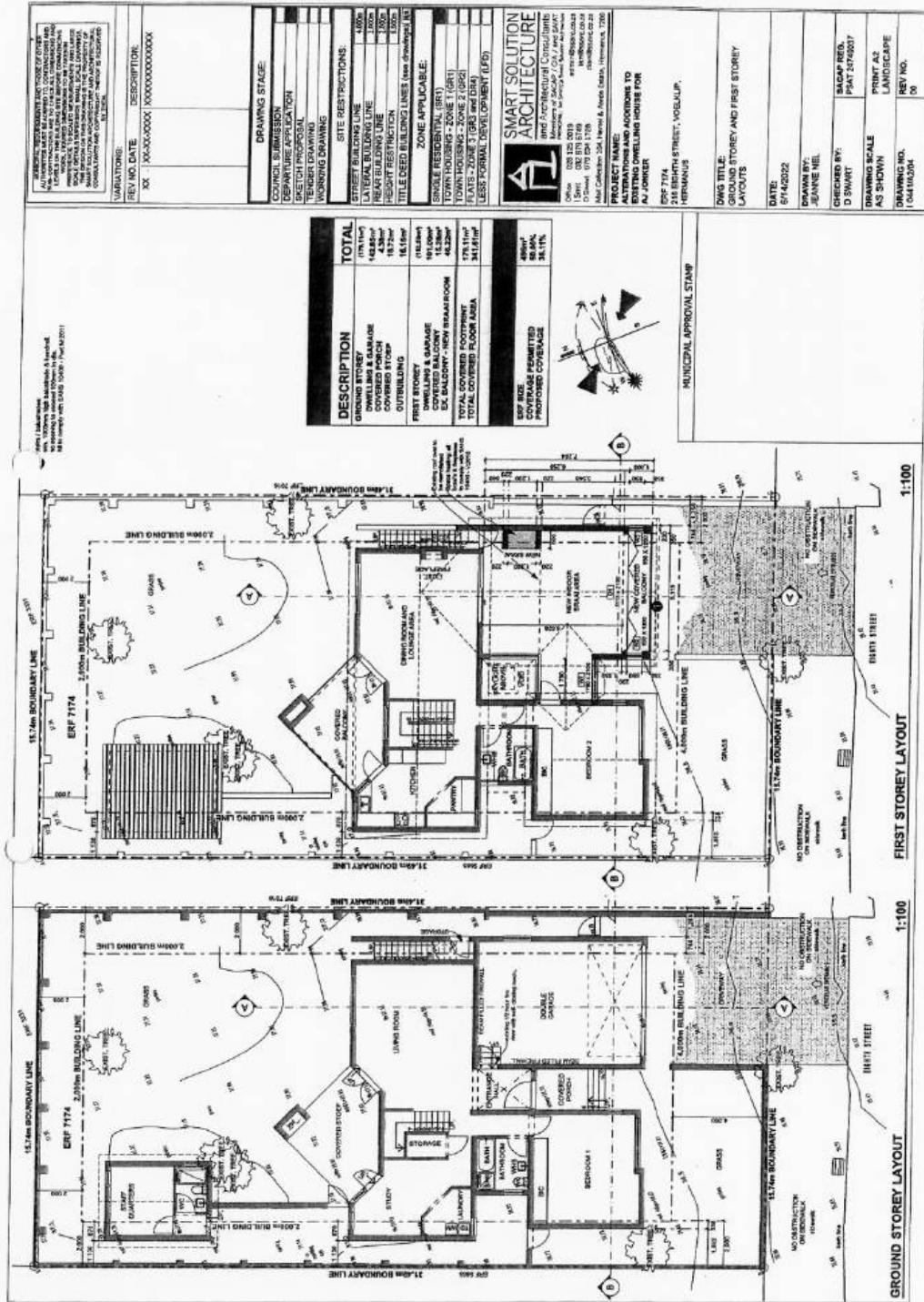
**AGENDA of the
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(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- ❖ The structures proposed are further considered to be in line with the character of the area.



LOCALITY MAP
Erf 7174, 216 Eighth Street, Voelklip, Hermanus

Date: 2022/07/08



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 7174, VOELKLIP**

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 7174, Voelklip, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

**3. ERF 5479, 70 MOUNTAIN DRIVE, NORTHCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF
RESTRICTIVE TITLE DEED CONDITIONS: WRAP PROJECT OFFICE ON
BEHALF OF D. VAN SCHOUWEN**

5479 HNC (4201/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

20 April 2023

EXECUTIVE SUMMARY

An application has been received on 26 July 2022 from WRAP Project Office on behalf of D van Schouwen on Erf 5479, Hermanus for the Removal of Restrictive Title Deed Condition in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions B.(2), B.(4) & D. as contained in Title Deed T17273/2011 of the property to accommodate the addition of another garage and the change of use of an existing maid's room into a second dwelling.

The restrictive title deed conditions read as follows:

"B. SUBJECT as to that portion marked AefD and eBCfe on said Diagram No 2743/73 to the following conditions contained in Deed of Transfer No T1961/1945, imposed by the Administrator of the Province of the Western Cape when approving Hermanus Township (Extension No. 4):-

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

- 1. That only one dwelling with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.*
- 4. That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 2,36 metres of the lateral boundary common to any adjoining erf."*

D. By Deed of Transfer No T17268/1973 dated 4 July 1973, Erf 4760 Hermanus, situated in the Overstrand Municipality, Division Caledon, Province of the Western Cape, in extent 775 (seven hundred and seventy five) square metres and Erf 4761 Hermanus, situated in the Overstrand Municipality, Division Caledon, Province of the Western Cape, in extent 750 (Seven Hundred and Fifty) square metres is transferred subject to the following conditions in favour of

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*ERF 5479 Hermanus, situated in the Overstrand Municipality, Division Caledon, Province of the Western Cape
In Extent: 1782 (One Thousand Seven Hundred and Eighty Two) square meters
Held by Certificate of Consolidated Title No T17267/1973*

Namely that the said erven 4760 and 4761 Hermanus may not be separately sold and when consolidated may not be subdivided without the consent of the owner of the said Erf 5479 and only one dwelling shall be erected on the consolidated erf, as will more fully appear from the said Deed of Transfer.”

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 5479, Hermanus for the removal of restrictive title deed conditions B.(2), B.(4) & D. as contained in Title Deed T17273/2011 of the property to accommodate the addition of another garage and the change of use of an existing maid’s room into a second dwelling, **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the garage and second dwelling be limited to the building as per Plan Number 5479.2 dated 14 July 2022, submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (c) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

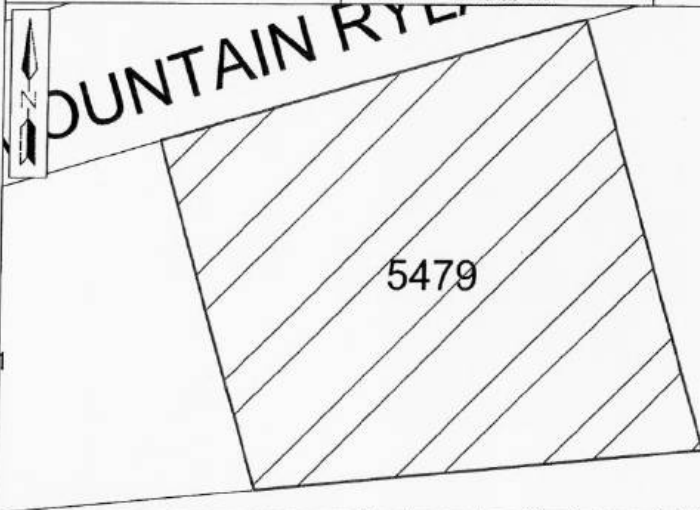
**AGENDA of the
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REASONS FOR RESOLUTION

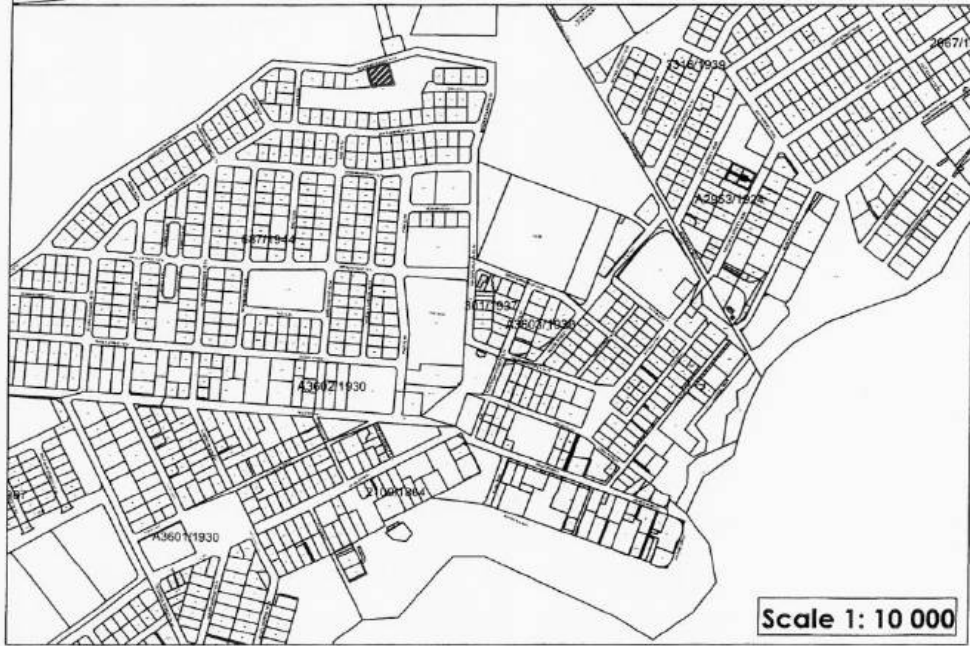
- ❖ The application has followed due procedure.
- ❖ It is in line with the aims of the Overstrand SDF.
- ❖ No objections were received from neighbours.

LOCALITY PLAN ERF 5479 HERMANUS

Plan prepared by: Thian 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
Dikke Lys Street
Hermanus, 7200



Scale 1: 500



Scale 1: 10 000

Site Development Plan
Erf 5479 - Hermanus

Existing shadeport to be demolished to accommodate new garage extension

Date : 2022/07/14

Plan prepared by: Theron Jansen
Based on plans prepared by: Architech Studio

All distances are approximate
and subject to a survey

Tel: 028 313 1411

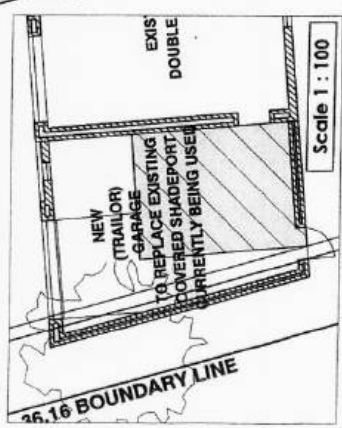
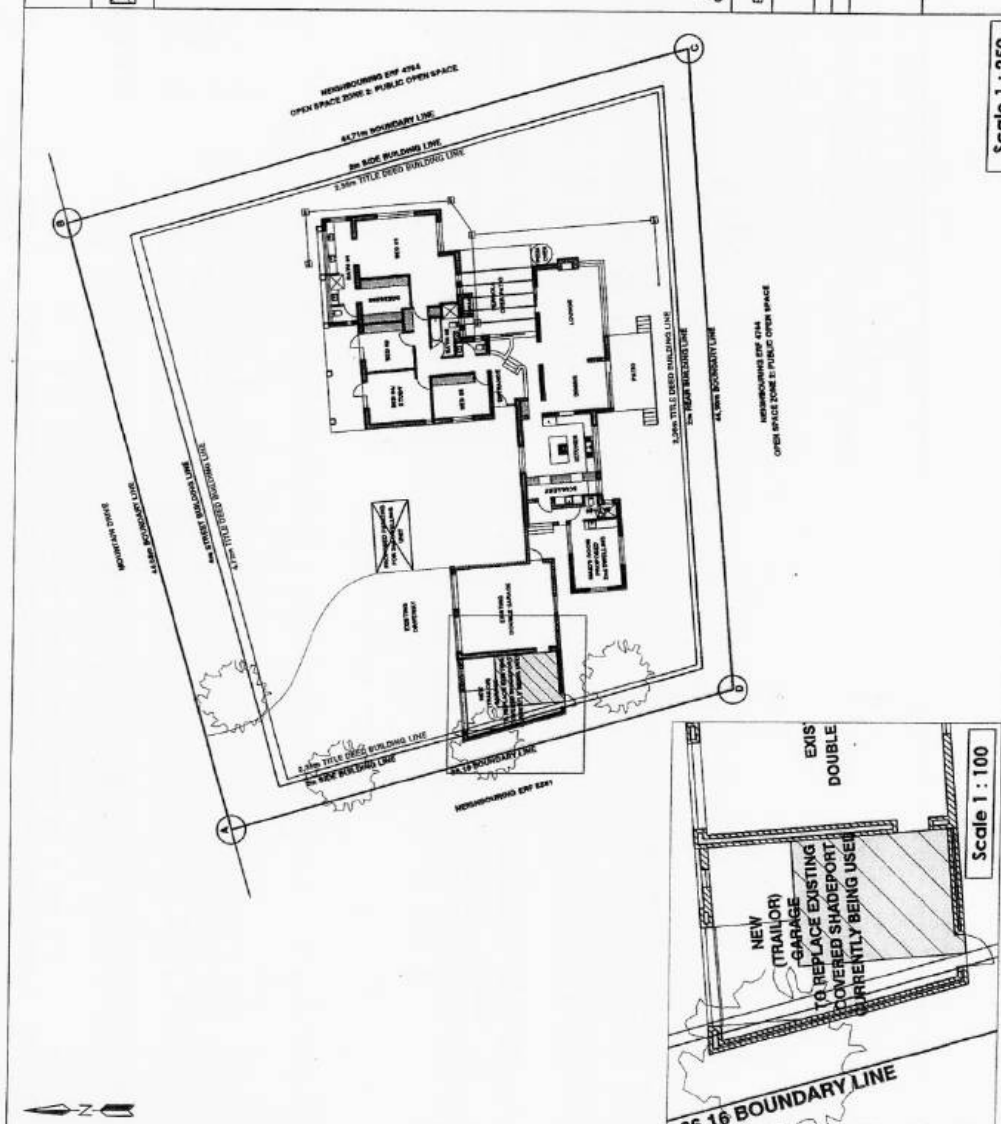
admin@wrapgroup.co.za

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



Project Office
Theron Jansen & Theron Jansen

Scale 1 : 250



TP

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION:
ERF 5479, NORTHCLIFF (4201/2022)**

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 on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through Erf 5479, Northcliff, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

4. ERF 5581, 66 MOUNTAIN DRIVE, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL & AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF D. & S.C. VAN SCHOUWEN

5581 HNC (4202/2022)

H van der Stoep
5 April 2023

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 26 July 2022 from Wrap Office Projects on behalf of D & SC van Schouwen on Erf 5581, Hermanus for the following:

- ❖ **Removal & Amendment of Restrictive Title Deed Condition** in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the **removal** of restrictive title deed conditions B.(2) and the **amendment** of restrictive title deed condition B.(1) as contained in Title Deed T47444/2019 of the property to:
 - to accommodate the main dwelling unit as a guesthouse, and
 - to accommodate a second dwelling unit that is used as the guesthouse manager's quarters.

The restrictive title deed conditions read as follows:

*“B. **SUBJECT FURTHER** to the following conditions which refer to each component in Diagram Number 3022/73 and mentioned in Deed of Transfer Number T1961/1945, imposed by the Administrator of the Cape of Good Hope with the approval of Hermanus Township Extension no 4, namely:*

As being in favour of the registered owner of any erf in the township and subject to amendment or alteration by the Administrator under the Provisions of Section 18(3) of Ordinance No 33/1934:

1. *That this erf be used for residential purposes only.*
2. *That only one dwelling with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.”*

- ❖ **Consent Use** in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the use of the main dwelling as a guesthouse & second dwelling as a manager's quarters.

**AGENDA of the
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2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- ❖ **Determination of Administrative Penalty** in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the determination of an administrative penalty for the illegal use on the property (guesthouse) without permission.

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 5581, Hermanus for the **amendment** of restrictive title deed condition B.1., as contained in Title Deed T47444/2019 of the property to accommodate the main dwelling unit as a guesthouse, and to accommodate a second dwelling unit that is used as the guesthouse manager's quarters, **be approved**, in terms of the provisions of Section 61 of the By-Law to read as follows;

*“That this erf be used for residential **and guesthouse** purposes only.”*

2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5581, Hermanus for the **removal** of restrictive title deed condition B.2., as contained in Title Deed T47444/2019 of the property to accommodate the main dwelling unit as a guesthouse, and to accommodate a second dwelling unit that is used as the guesthouse manager's quarters, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. 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 5581, Hermanus for a consent use to accommodate the use of the main dwelling as a guesthouse & second dwelling as a manager's quarters, **be approved** in terms of the provisions of Section 61,
4. that the approvals in Points 1 -3 above be subject to the following conditions:
 - (a) that the guesthouse and second dwelling be limited to the building as per SDP dated 24 August 2022;
 - (b) that only one un-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (c) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;

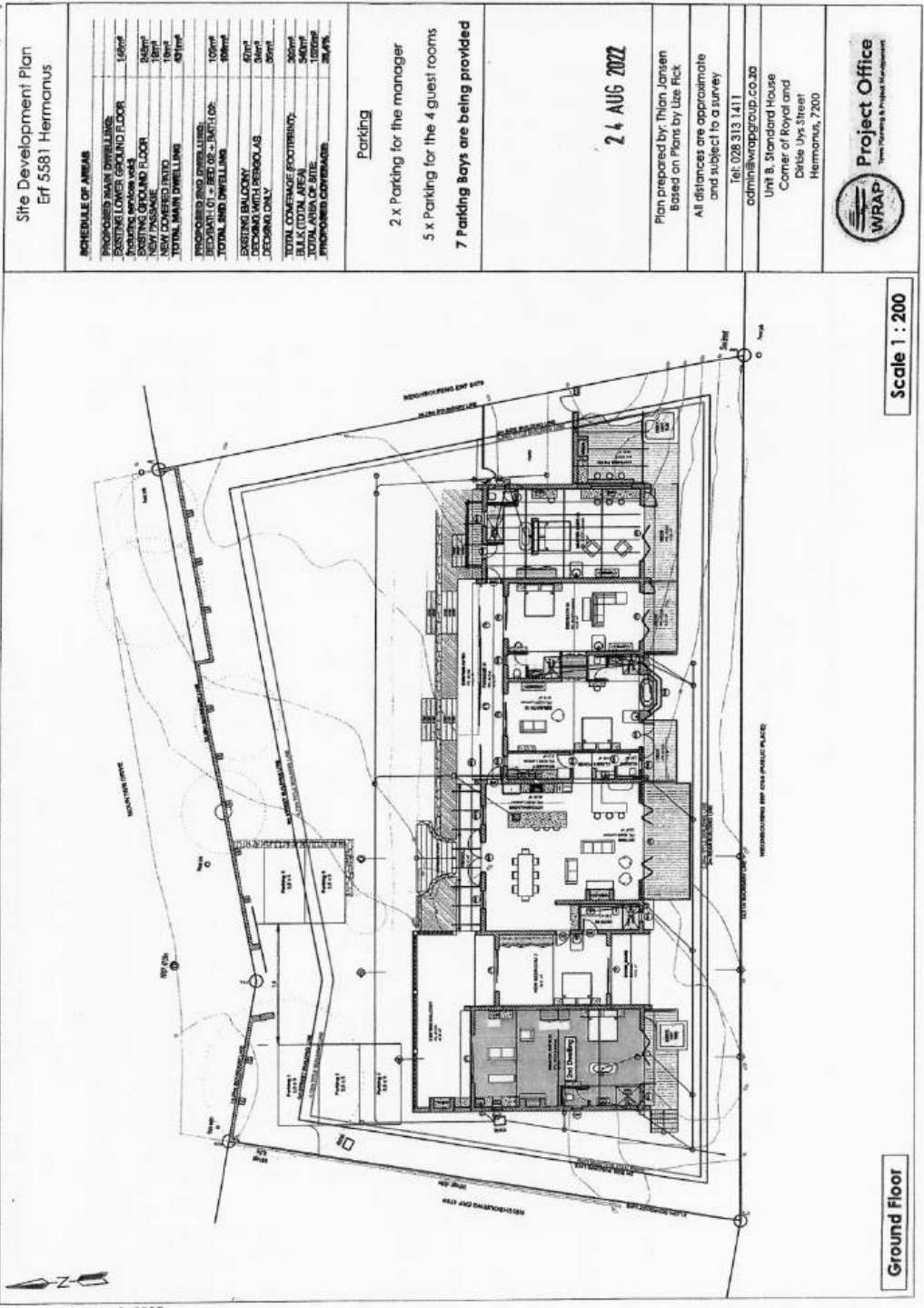
**AGENDA of the
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(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- (d) that a Health Certificate be obtained from the Health Department of the Overberg District Municipality and a Fire Prevention Certificate from the Municipal Fire Department;
 - (e) 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;
 - (f) 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;
 - (g) that no accumulation of refuse may occur on the premises;
 - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (i) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (j) that all the conditions in the Services Report, be complied with.
5. that the determination of an administrative penalty in terms of Section 90(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the illegal use on the property (guesthouse) without permission was considered and that **no administrative penalty be imposed.**
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 decision.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ It is in line with the aims of the Overstrand SDF.
- ❖ No objections were received from neighbours.
- ❖ There are no grounds to levy an administrative penalty.





TP: 24 AUG 2022

Site Development Plan
Erf 5581 Hermanus

SCHEDULE OF AREAS

PROPOSED MAIN DWELLINGS	164m ²
EXISTING LOWER GROUND FLOOR	164m ²
EXISTING SERVICE WARE	24m ²
EXISTING GROUND FLOOR	188m ²
NEW COVERED WARE	188m ²
TOTAL MAIN DWELLING	401m ²
PROPOSED AND EXISTING	
DECKING WITH PERGOLAS	106m ²
TOTAL AND DWELLINGS	507m ²
EXISTING BALCONY	47m ²
DECKING WITH PERGOLAS	36m ²
DECKING ONLY	50m ²
TOTAL COVERAGE FOOTPRINT	360m ²
BULK (TOTAL AREA)	540m ²
AREA OF SITE	1000m ²
PROPOSED COVERAGE	360m ²

Parking

2 x Parking for the manager

5 x Parking for the 4 guest rooms

7 Parking Bays are being provided

24 AUG 2022

Plan prepared by: Thion Jansen
Based on Plans by Uze Pick

All distances are approximate
and subject to a survey

Tel: 028 313 1411
admin@wrapgroup.co.za
Unit B, Standard House
Corner of Royal and
Dixie Uys Street
Hermanus, 7200



Scale 1 : 200

Ground Floor

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,
CONSENT USE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF
5581, NOTHCLIFF (4202/2022)**

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 on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through Erf 5581, Northcliff, unobstructed;

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

21/09/2022
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- 5. ERF 3551 (A PORTION OF ERF 1142), CORNER OF SCHOOL AND WILLSBY STREETS, HAWSTON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: D GELDERBLOM ON BEHALF OF OVERSTRAND ASSOCIATION FOR PERSONS WITH DISABILITIES.**

3551 HHW (4295/2022)

H Olivier

(028) 313 8900

Hermanus Administration

13 April 2023

EXECUTIVE SUMMARY

An application was received on 17 November 2022 from D Gelderblom on behalf of Overstrand Association for Persons with Disabilities on Erf 3551, Hawston in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to relax the lateral and rear building lines from 5,0m to 2,0m respectively, to accommodate a proposed new outbuilding.

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 3551, Hawston for a departure to relax the lateral and rear building lines from 5,0m to 2,0m respectively, to accommodate a proposed new outbuilding, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval only relates to a building line relaxation as indicated on Plan Number 2019/12/73 dated Dec 2018;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Departments be complied with at that stage;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that all conditions imposed by Telkom, 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.

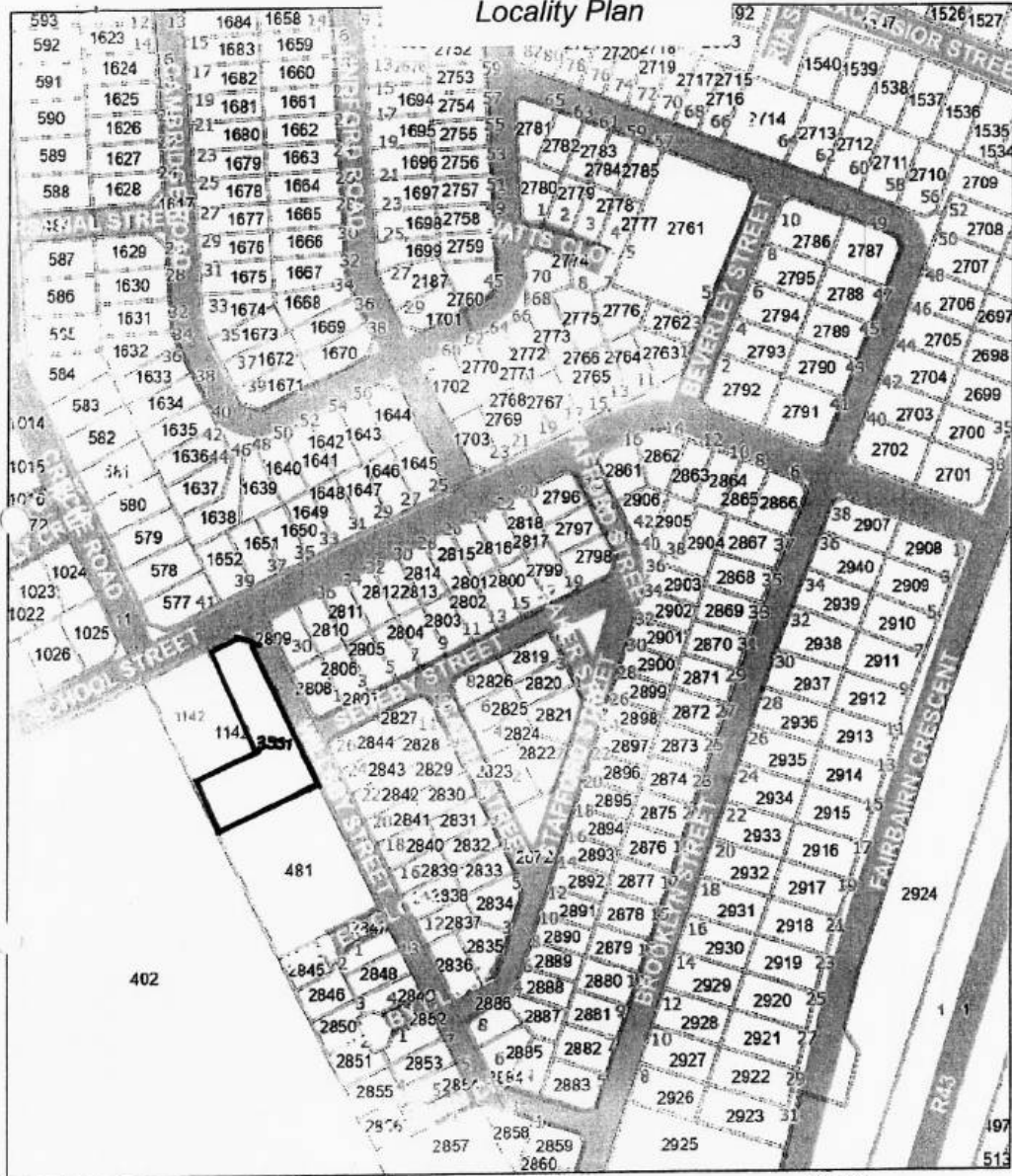
**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

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 regards to the above-mentioned approval.

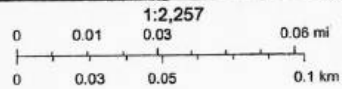
REASONS FOR RESOLUTION

- ❖ All municipal departments support the application.
- ❖ The structures will not impact the privacy of surrounding property owners.
- ❖ The application will not impact on the character of the area, view lines or the street scape.
- ❖ No objections were received against the application.
- ❖ A community facility will be improved to the benefit of the community.
- ❖ The application is in line with the Planning Principles of Efficiency and Sustainability as land will be optimally used.

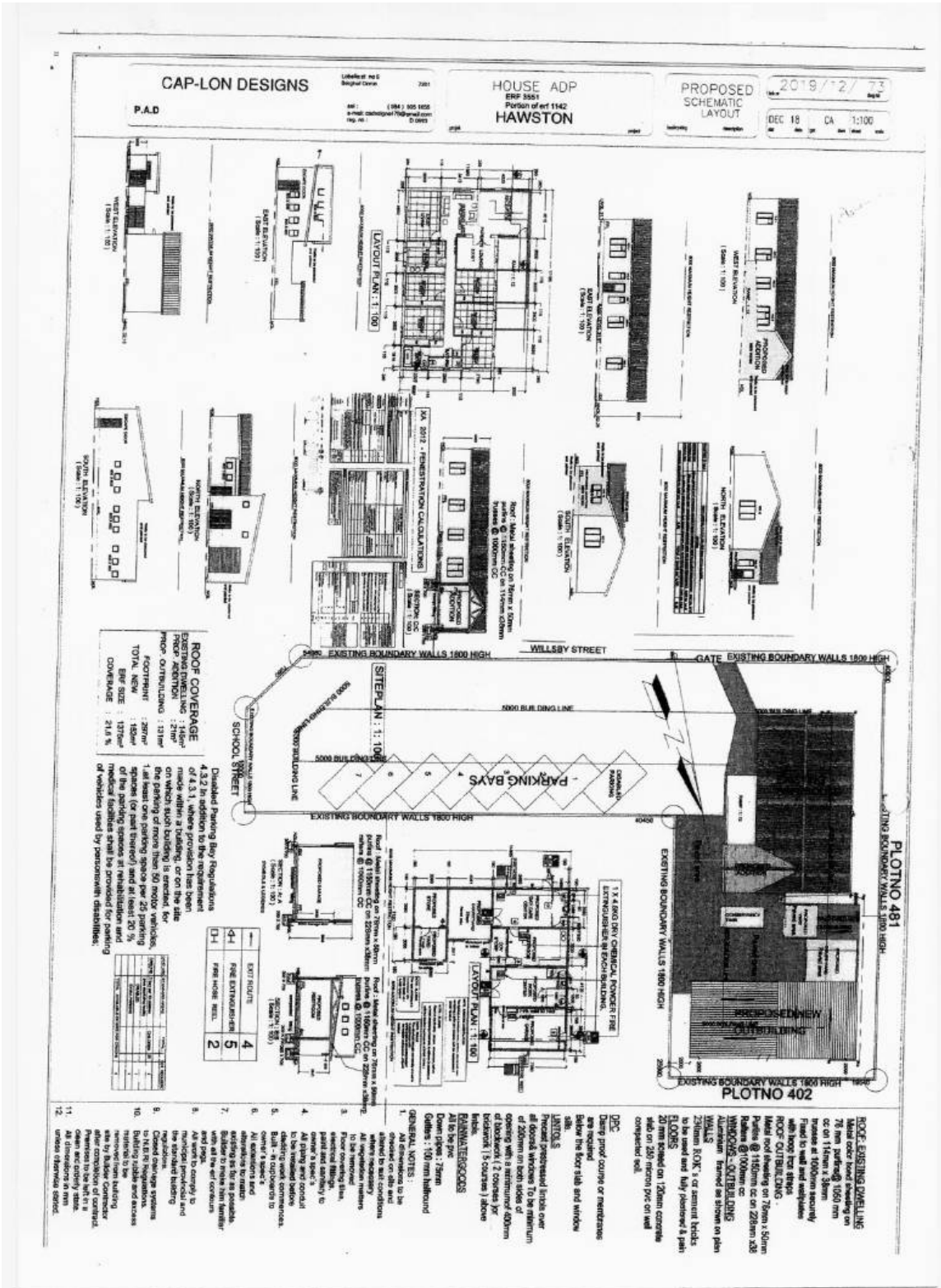
Erf 3551 Hawston Locality Plan



11/8/2022, 5:12:04 PM



- Municipalities
- Districts
- Overstrand
- Property Standard
- SG Approvals
- Roads
- Primary



CAP-LON DESIGNS
P.A.D

Labelled as B
Original Date: 2001

HOUSE ADP
ERF 5551
Portion of erf 1142
HAWSTON

PROPOSED SCHEMATIC LAYOUT

2018/12/73
DEC 18 CA 1:100

ROOF COVERAGE

ROOF AREA: 144m²
TOTAL AREA: 1320m²
ROOF COVERAGE: 11%
TOTAL ROOF COVERAGE: 11.4%

4	EXT. FINISHES
5	PAVE EXTENSION
2	PAVE ROOF SILL

1. All dimensions to be checked on site and where necessary, where inspection reveals to be incorrect, the contractor shall be responsible for rectification.
2. All work to be done in accordance with the specifications and drawings.
3. All work to be done in accordance with the specifications and drawings.
4. All work to be done in accordance with the specifications and drawings.
5. All work to be done in accordance with the specifications and drawings.
6. All work to be done in accordance with the specifications and drawings.
7. All work to be done in accordance with the specifications and drawings.
8. All work to be done in accordance with the specifications and drawings.
9. All work to be done in accordance with the specifications and drawings.
10. All work to be done in accordance with the specifications and drawings.
11. All work to be done in accordance with the specifications and drawings.
12. All work to be done in accordance with the specifications and drawings.

ROOF EXISTING DWELLING
Metal roof sheeting on 75mm x 50mm rafters @ 1000mm cc. Framed to wall and underpinned with long iron struts.
ROOF CUTTING
Metal roof sheeting on 75mm x 50mm rafters @ 1000mm cc. Framed to wall and underpinned with long iron struts.
WALLS
250mm brickwork on 120mm concrete walls to be used and fully rendered & painted on 250 micron pvc on wall compound wall.

FLOORS
20 mm screed on 120mm concrete walls to be used and fully rendered & painted on 250 micron pvc on wall compound wall.

GENERAL NOTES:
1. All dimensions to be checked on site and where necessary, where inspection reveals to be incorrect, the contractor shall be responsible for rectification.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 3551 (A PORTION OF ERF 1142),
HAWSTON (4295/2022)**

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 3551 (A Portion of Erf 1142), Hawston, unobstructed;
7. that no on-street parking be allowed.

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

02/02/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

6. ERF 142, 59 MARAIS STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: J VAN STADEN ON BEHALF OF LS DU PLESSIS

142 GFK (4284)

**SW van der Merwe
4 May 2023**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 3 November 2022 from J van Staden in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 142, Franskraal for departure in terms of Section 16(2)(b) of the By-Law to encroach the lateral building line from 2m to 1,57m to accommodate a proposed garage.

RESOLUTION

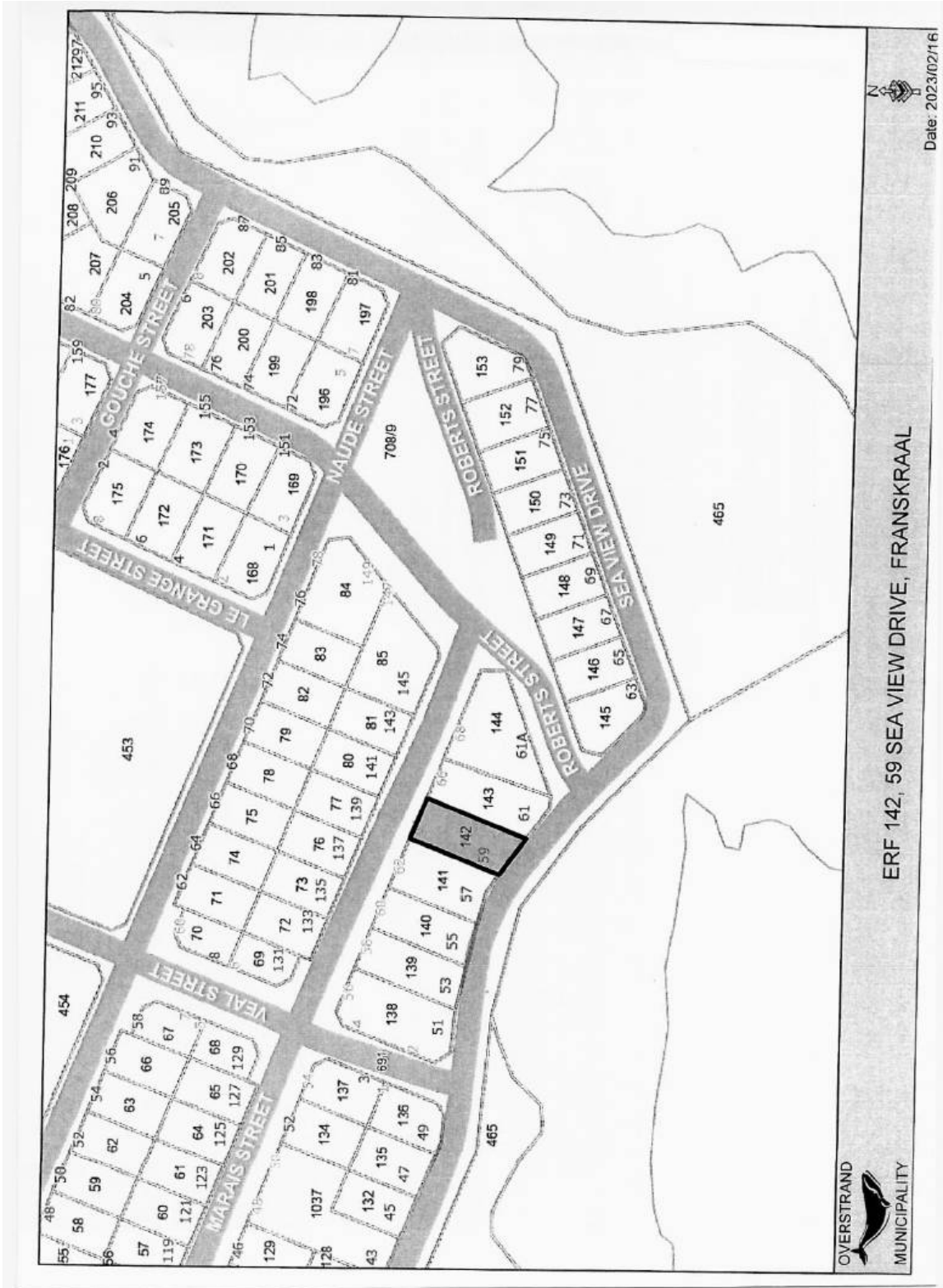
1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to encroach the lateral building line from 2m to 1,57m to accommodate a proposed garage, **be approved** subject to the following conditions:
 - (a) 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;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that the existing and proposed garage may only be utilised as an outbuilding for the garaging of vehicles and general storage purposes;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

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

REASONS FOR RESOLUTION

- ❖ The application followed due procedure.
- ❖ Surrounding owners provided written consent.
- ❖ The proposed development will not adversely impact vested rights of adjoining property owners or the character of the area.



ERF 142, 59 SEA VIEW DRIVE, FRANSKRAAL



Date: 2023/02/16

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR: DEPARTURE: ERF 142, FRANSKRAAL**

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

D.P. R. Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

15/03/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

7. ERF 2112, BUITEN STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF ODVEST 50 (PTY) LTD

2112 SSN (4273/2022)

P Roux

(028) 313 8900

Hermanus Administration

24 April 2023

EXECUTIVE SUMMARY

An application has been received on 20 October 2022 from Messrs WRAP Project Office on behalf of the owner of Erf 2112, Stanford in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to relax the permissible size restriction applicable to second dwellings from 120m² to 129.63m².
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, in order to accommodate the existing structure.

RESOLUTION

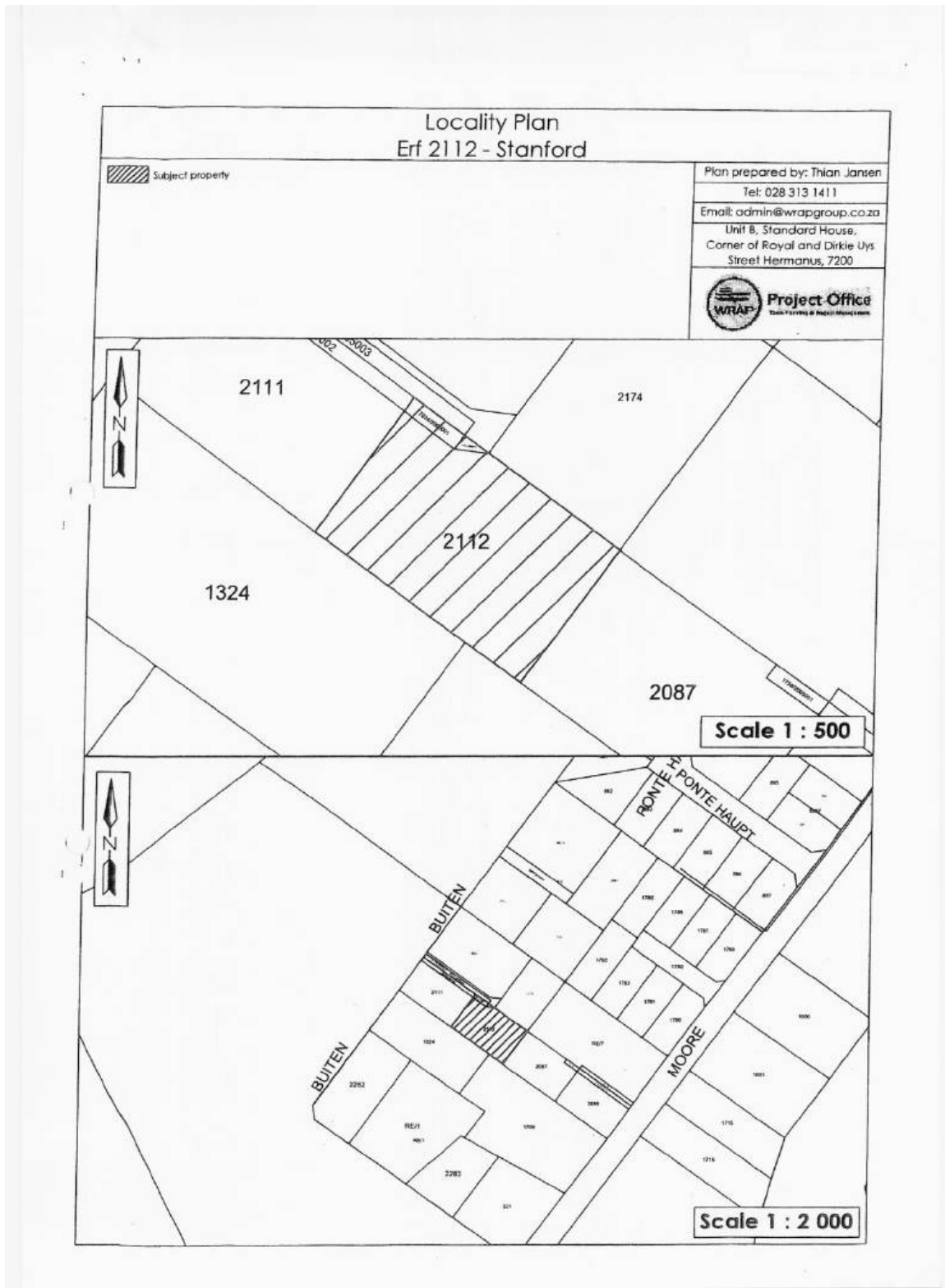
1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 2112, Stanford to relax the permissible size restriction applicable to second dwellings from 120m² to 129.63m², **be approved** in terms of the provisions of Section 61 of the By-Law
2. that the determination of an administrative penalty in terms of Section 90.(4) of By-Law applicable to Erf 2112, Stanford for the unauthorised building work, **not be exempt** from the payment of an administrative penalty;
3. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Floor Plan *Erf 2112 - Stanford*;
 - (b) that the loft area can only be used for storage purposes and not for the accommodation of people;

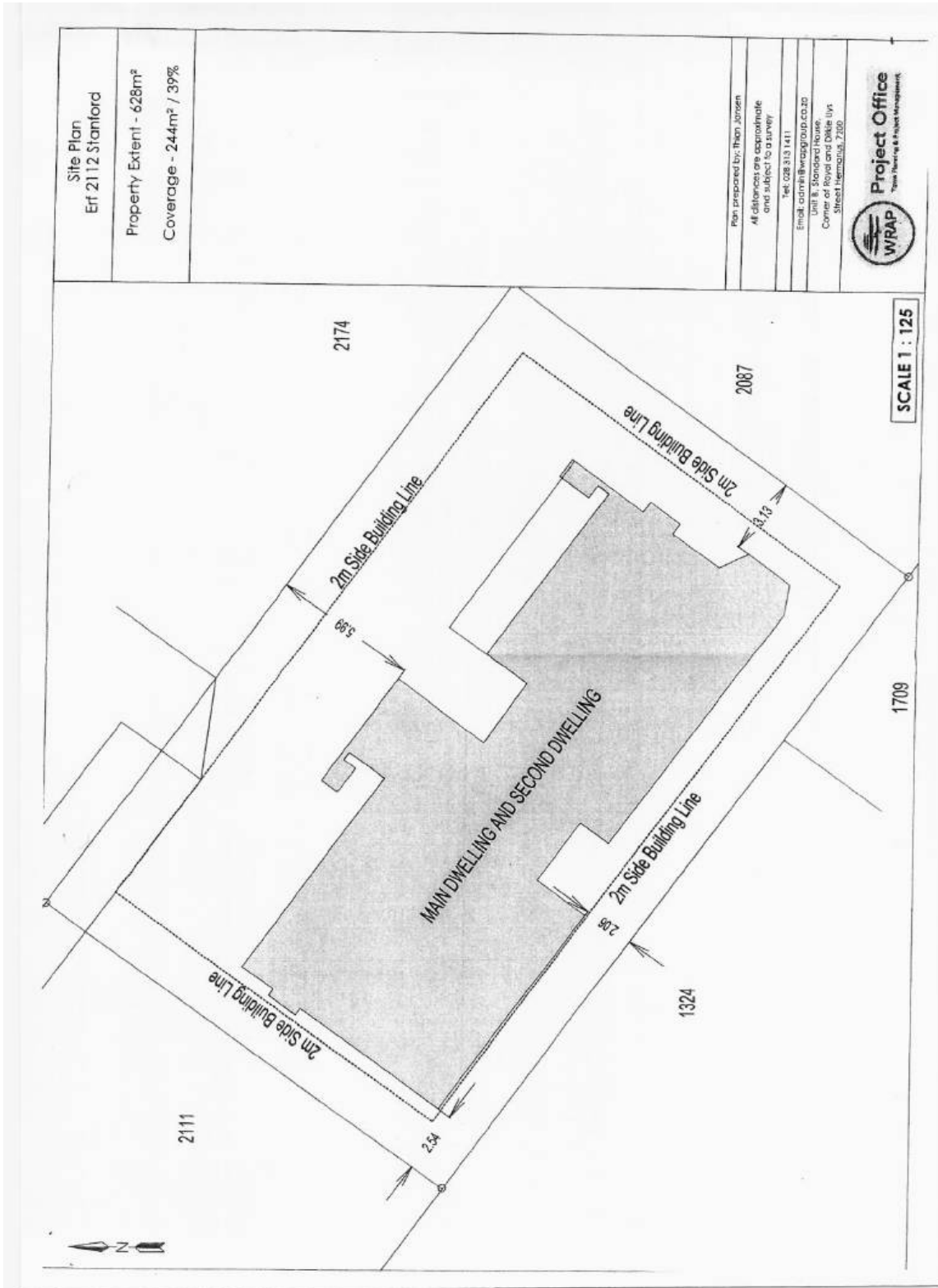
**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- (c) that an administrative penalty of R8 679,94 (including VAT) (being 5% of the Overstrand Municipal Budget, as determined by the municipality) be payable within thirty (30) days of the decision;
 - (d) that building plans be submitted to the building control office within sixty (60) days of the decision, and all comments from the Fire Department be complied with at that stage;
 - (e) that all the conditions in the Services Report, be complied with;
 - (f) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (g) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
4. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The retention of the existing loft will have no impact on the adjacent property owners.
- ❖ The application has followed due procedure.
- ❖ It is in line with policy documents.
- ❖ The comment received does not state that the author objects to the proposed application.
- ❖ The structures proposed are further considered to be in line with the character of the area.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 2112, STANFORD (4273/2022)**

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 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 on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
5. that any additional and / or extended vehicle entrances will be for the developer's account;
6. that stormwater be allowed to discharge through Erf 2112, Stanford, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

8. ERF 931, 13 LUYT STREET, EASTCLIFF, HERMANUS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS HOLLOWAY AND DAVEL ARCHITECTS ON BEHALF OF I STEVENS AND A JORDAAN

931 HEC (3900/2021)

P Roux

(028) 313 8900

Hermanus Administration

13 March 2023

EXECUTIVE SUMMARY

An application was received on 9 November 2021 (application complete on 17 May 2022) from Messrs Holloway and Davel Architects on behalf of I Stevens and A Jordaan in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 931, Eastcliff, Hermanus, for the following:

Removal of restrictive title deed conditions in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition: B.(b) and (d) as contained in Title Deed No: T37716/2018 to accommodate the as built structures and second dwelling.

Departure in terms of Section 16(2)(b) of the By-Law in order to:

- relax the eastern street building line from 4m to 3.72m to accommodate the foyer entrance;
- relax the southern building line from 2m to 0m to accommodate the illegal carport;
- relax the northern and western lateral building line from 2m to 0m to accommodate the illegal garage;
- to relax the western lateral building line to accommodate the conversion of the existing storeroom into a second dwelling smaller than 120 m²;
- to relax the northern lateral building line from 2m to 1.1m to accommodate the new carport.

Determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law, in order to legalise the existing and new additional structures on the property.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

RESOLUTION

1. that the application, applicable to Erf 931, Eastcliff, Hermanus, 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: B.(b) and (d) as contained in Title Deed No: T37716/2018, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application, applicable to Erf 931, Eastcliff, Hermanus, in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:
 - relax the eastern street building line from 4m to 3.72m to accommodate the foyer entrance;
 - relax the southern building line from 2m to 0m to accommodate the illegal carport;
 - relax the northern and western lateral building line from 2m to 0m to accommodate the illegal garage, and
 - to relax the northern lateral building line from 2m to 1.1m to accommodate the new carport;

be 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 *18-2021, Revision 1* dated *02/02/2022*;
 - (b) that the site development plan and building plan be revised to indicate that second dwelling will be altered back to a domestic quarter and storage room as per the approved building plan and that the garage will be used for the storage of motor vehicles only;
 - (c) that an administrative penalty of R1 695,36 (including VAT) (being 5% of the value of the property as determined by the Municipality) be payable within thirty (30) days of the decision;
 - (d) 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;

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2 August 2023
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- (e) that the dividing wall which separates the back of the property and the front of the property be removed;
 - (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
 - (h) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
5. that the application, applicable to Erf 931, Eastcliff, 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 building line from 2m to 0m to accommodate the conversion of the domestic's room and store room into a second dwelling **not be approved** in terms of the provisions of Section 61 of the By-Law;
 6. 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 UNDER POINTS 1-4

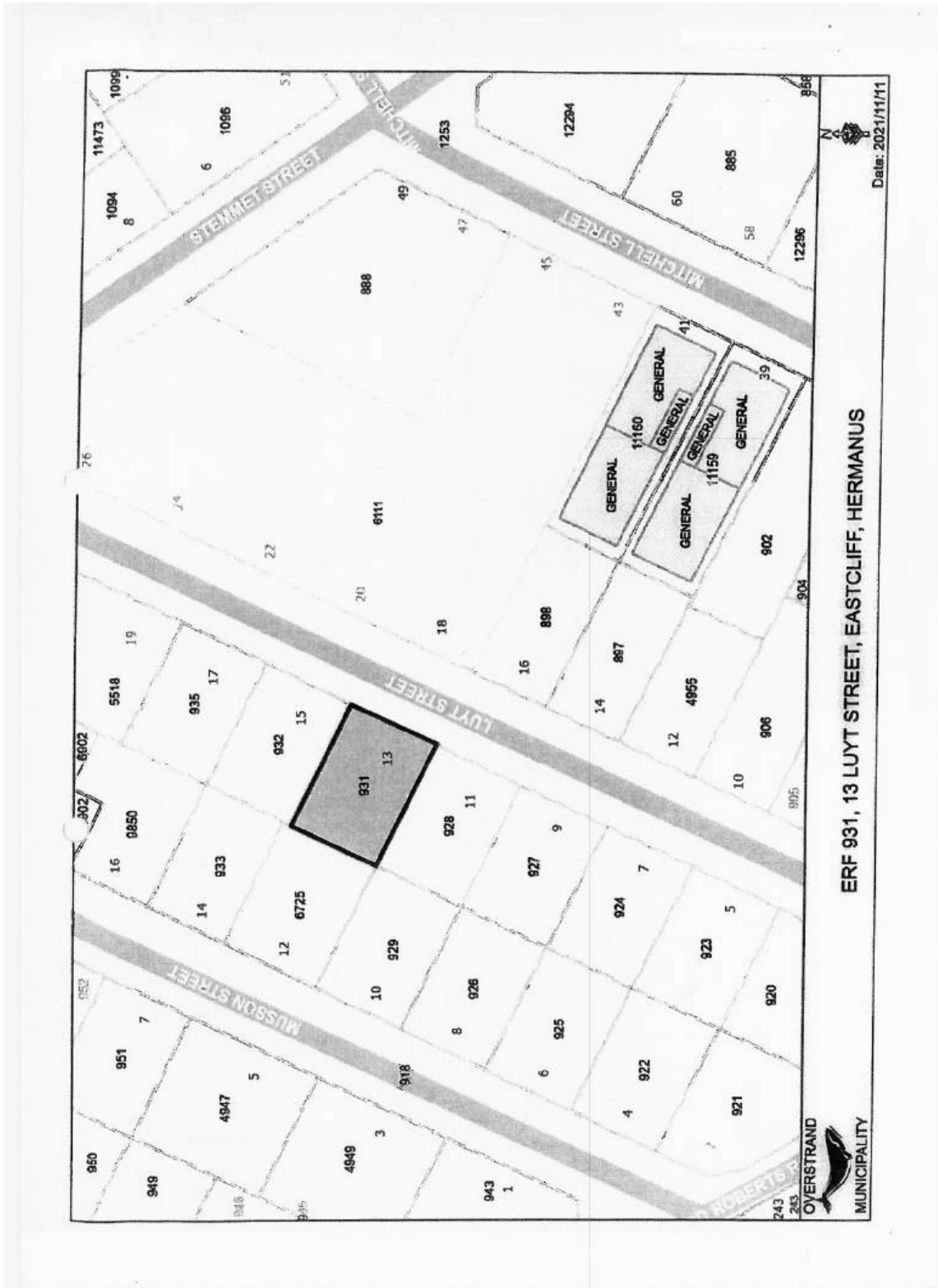
- ❖ The application has followed due procedure.
- ❖ No objections were received from the public.
- ❖ The proposed departures have no impact on the adjacent properties.
- ❖ The size and scope of the structures are considered to be non-intrusive and in line with the character of the area.
- ❖ Alterations were made to the property without the required approval from the Municipality.

REASON FOR THE RESOLUTION UNDER POINTS 5

- ❖ The habitable space is likely to have a negative impact on the character of the area and is likely to infringe on the vested rights of surrounding property owners.
- ❖ Various complaints are received regarding the close proximity of habitable spaces on adjoining properties.
- ❖ The property falls within a low density tranquil residential area oppose to a high-density residential area where such applications would be regarded as more in line with the character of such a built environment.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- ❖ The property owner effectively subdivided the property, by means of a dividing wall, and uses the property as two separate erven without following the subdivision route. The property is developed such a manner which is in contrast with the spatial characteristics of the Eastcliff, Hermanus Township (Extension No 1) residential block.
- ❖ The creation of a habitable space on the boundary could lead to the perception that it is acceptable to construct habitable portions of dwellings on property boundaries, which could ultimately lead to an increase in such applications and thereby having a negative impact on the character of the residential areas in the Overstrand area.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,
DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF
931, EASTCLIFF**

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 on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through Erf 931, Eastcliff, unobstructed;

D.P. R. Andrews
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

19/10/2022
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

9. ERF 5907, 47 FERNKLOOF DRIVE, HERANUS HEIGHTS, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF WA & L VON ZEUNER

5907 HHH (4277/2022)

P Roux

(028) 313 8900

Hermanus Administration

14 April 2023

EXECUTIVE SUMMARY

An application has been received on 1 November 2022 from Messrs WRAP Project Office on behalf of the owner of Erf 5907, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to relax:
 - the rear building line from 2m to 1.04m to accommodate the existing wendy;
 - the north-eastern lateral building line from 2m to 0.53m, to accommodate the existing wendy, and
 - the north-western lateral building line from 2m to 0m to accommodate the change of use (to convert the existing garage into storage).
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, in order to accommodate the existing outbuilding, garage & storage.

RESOLUTION

1. that the comment be noted;
2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 5907, Hermanus for the following relaxations:
 - rear building line from 2m to 1.04m to accommodate the existing wendy house;
 - north-eastern lateral building line from 2m to 0.53m, to accommodate the existing wendy, and
 - north-western lateral building line from 2m to 0m to accommodate the change of use (to convert the existing garage into storage),

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2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

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

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 recommendations above (points 2 and 3) be subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan Erf 5907 - Hermanus;
 - (b) that the storeroom can only be used for storage purposes and not for the accommodation of people;
 - (c) that an administrative penalty of R10 370,54, including VAT (being 20% of the valuation cost as determined by the municipality) be payable within thirty (30) days of the decision;
 - (d) that building plans be submitted to the building control office within sixty (60) days of the decision, and all comments from the Fire Department be complied with at that stage;
 - (e) that all the conditions in the Services Report, be complied with;
 - (f) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (g) that all other applicable development parameters as prescribed in the relevant Land Use 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 regarding the above conditions of approval.

REASONS FOR RESOLUTION

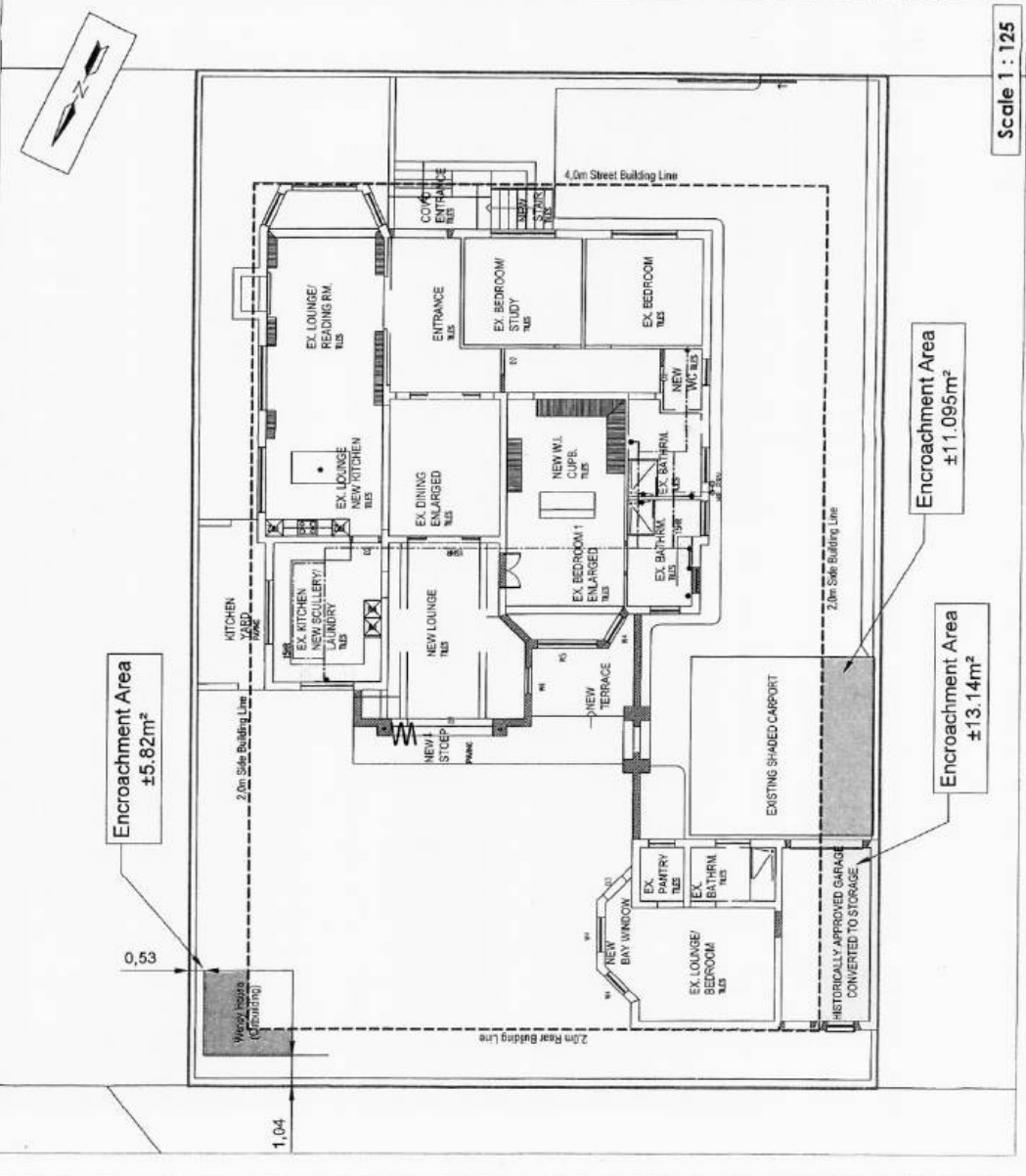
- ❖ The retention of the existing structures will have a minimal impact on the adjacent property owners.
- ❖ The application has followed due procedure.
- ❖ It is in line with policy documents.
- ❖ The comment received does not state that the author objects to the proposed application.

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Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- ❖ The structures proposed are further considered to be in line with the character of the area.
- ❖ The application will retain the carport as approved in 2019.
- ❖ The current property owner was fully aware of the decision in 2019 which did not approve a study/office within the existing garage, however the current property owner did not revert the structure back to a garage, this is evident from the motivation submitted and a site inspection.



<p>Site Development Plan Erf 5907 - Hermanus</p> <p>Schedule of Areas</p> <p>Site Area - 823m²</p> <p>Existing House - 216,9m²</p> <p>Existing Outbuilding - 55m²</p> <p>Open Stoep - 14m²</p> <p>Existing Wendy House - 9m²</p> <p>Existing Shade port - 38m²</p> <p>Coverage - 38,75%</p>	<p>Not prepared by: Ron Johnson Based on plans by Luke Architects All distances are approximate and subject to a survey</p> <p>Engr: odinn@wgap.co.za Unit 8, Stangaru House, Corner of Royal and Driks Lys Street, Hermanus, 7200</p> <p>Project Office Town Planning & Project Management</p> <p>WRAP</p>
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Scale 1 : 125

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 5907, HERMANUS HEIGHTS (4277/2022)**

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 5907, 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
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

10.ERF 5655, 20 MUSSON STREET, EASTCLIFF, HERMANUS: APPLICATION OF REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS INTERACTIVE TOWN- AND REGIONAL PLANNING ON BEHALF OF RAYMOND RAATS FAMILIE TRUST

5655 HEC (4045/2022)

P Roux

(028) 313 8900

Hermanus Administration

15 March 2023

EXECUTIVE SUMMARY

Application has been received on 3 February 2022 from Messrs Interactive Town- and Regional Planning on behalf of Raymond Raats Family Trust in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 5655, Eastcliff, Hermanus for the following:

- **removal of restrictive title deed condition** terms of 16(2)(f) of the By-Law for the removal of restrictive title deed condition: B.(A)(d) as contained in Title Deed No: T42503/2020;
- **departure** in terms of Section 16.(2)(b) of the By-Law to relax the street building line from 4m to 0.5m to allow for an existing carport;
- **departure** in terms of Section 16.(2)(b) of the By-Law to relax the street building line from 4m to 0m to allow for an existing covered entrance;
- **departure** in terms of Section 16.(2)(b) of the By-Law to relax the street building line from 4m to 0m to allow for an existing pergola;
- **departure** in terms of Section 16.(2)(b) of the By-Law to relax the north-eastern side building line from 2m to 0m to allow for an existing pergola;
- **departure** in terms of Section 16.(2)(b) of the By-Law to relax the south-western side building line from 2m to 0m to allow for an existing carport; and
- **departure** in terms of Section 16.(2)(b) of the By-Law to relax the coverage from 50% to 53.65%.
- **determination of an administrative penalty** in terms of Section 16.(2)(q) of the By-Law to legalise the erected carport, covered entrance and pergolas that exceeds the building lines and allowed coverage.

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Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

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 B.(A)(d) contained in Title Deed T42503/2020, applicable to Erf 5655, Hermanus, **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 for the following:
 - **departure** in terms of Section 16.(2)(b) of the By-Law to relax the street building line from 4m to 0.5m to allow for an existing carport;
 - **departure** in terms of Section 16.(2)(b) of the By-Law to relax the street building line from 4m to 0m to allow for an existing covered entrance;
 - **departure** in terms of Section 16.(2)(b) of the By-Law to relax the street building line from 4m to 0m to allow for an existing pergola;
 - **departure** in terms of Section 16.(2)(b) of the By-Law to relax the north-eastern side building line from 2m to 0m to allow for an existing pergola; and
 - **departure** in terms of Section 16.(2)(b) of the By-Law to relax the south-western side building line from 2m to 0m to allow for an existing carport,

be approved in terms of the provisions of Section 61 of the By-Law;
3. 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), **not be exempted** from the payment of an administrative penalty;
4. that the recommendation in paragraphs 1 to 3. above be subject to the following conditions:
 - (a) that the approval is only for the departures which include the pergolas and the pedestrian access entrance as indicated on *DWG no 2034 Rev 04*;
 - (b) that building plans be submitted to the Building Department for approval and that all conditions of the Building- and the Fire Department, be complied with at that stage;

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2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- (c) that an administrative penalty of R2 127,10(including VAT) (being 5% of the Overstrand Municipal Budget as determined by the municipality) be payable within thirty (30) days of the decision;
 - (d) that the building plans submitted to the building department indicate how compliance with the 50% coverage will be complied with and be implemented on site;
 - (e) that all the conditions in the Services Report and Telkom, be complied with;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with, and
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
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

Reasons for approval under points 1-3

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The Overstrand Land Use Scheme Regulations have sufficient control measures when it comes to building line controls.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.
- ❖ The property owner will at its cost have to remove sections (up to 19m²) of the carport in order to be compliant with the 50% coverage

Reason for decision under points 5

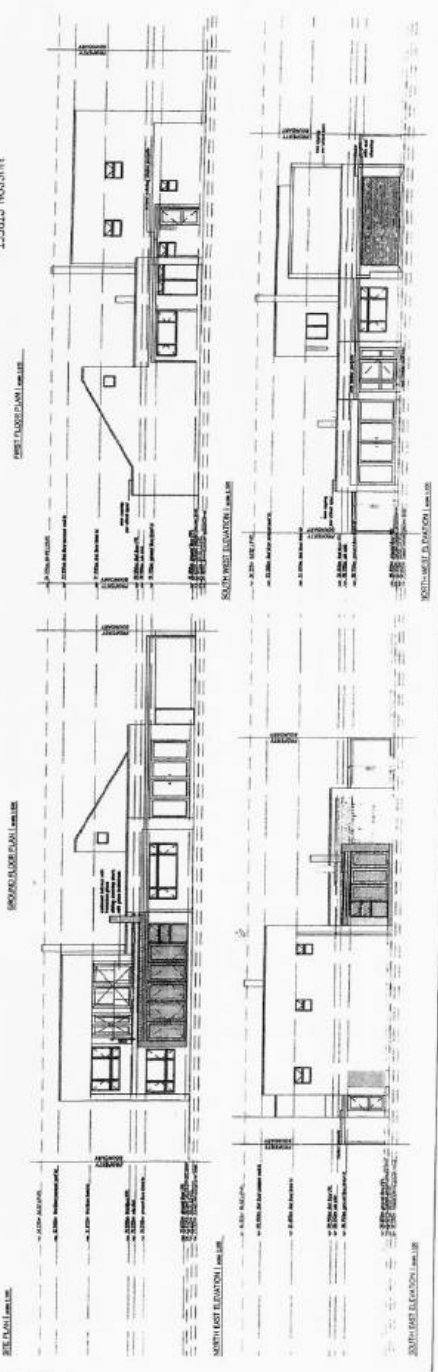
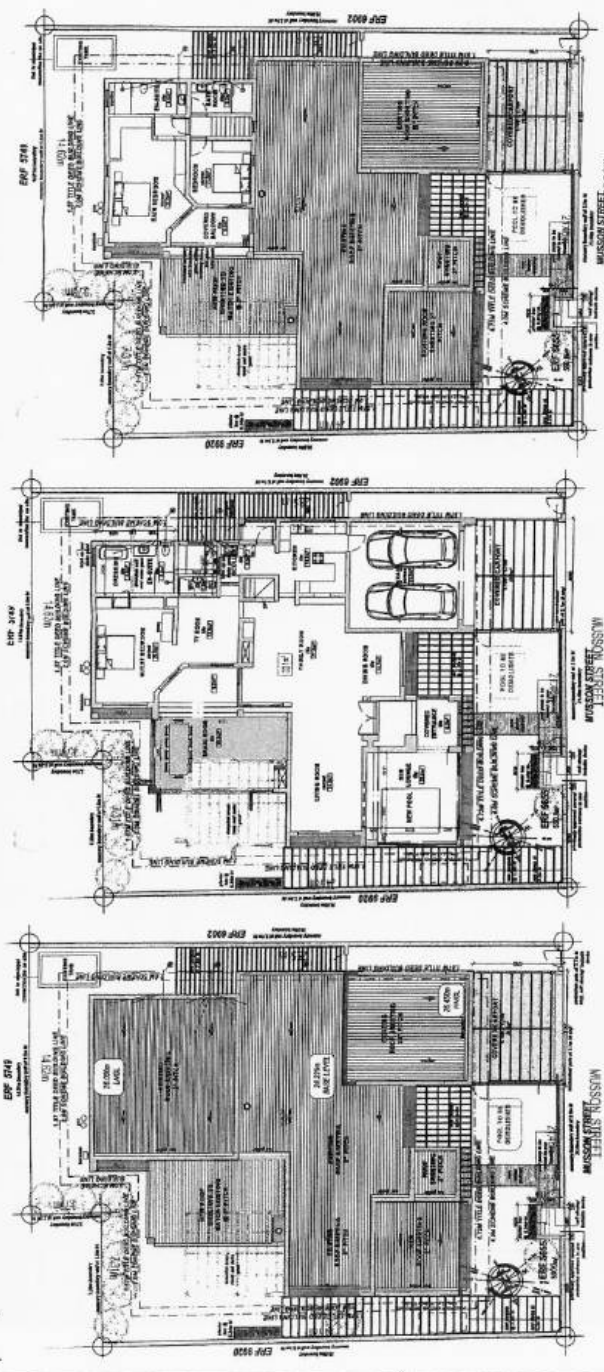
- ❖ The title deed condition “B (A)(c) *that no more than half of the area of this erf be built upon.*” was not addressed.
- ❖ Should each property in Hermanus (Eastcliff) deviate from the coverage then the low-density residential character will be lost.
- ❖ Allowing the deviation of the coverage regulations will create a precedent that each property owner can first build a structure in contradiction to the land use parameters and then afterward apply to deviate from the 50% coverage.

DATE: 10/15/2014

PROJECT: 10000 N. 10TH AVENUE, DENVER, CO
OWNER: [REDACTED]
ARCHITECT: [REDACTED]
SCALE: AS SHOWN
DATE: 10/15/2014

PROJECT: 10000 N. 10TH AVENUE, DENVER, CO
OWNER: [REDACTED]
ARCHITECT: [REDACTED]
SCALE: AS SHOWN
DATE: 10/15/2014

DESIGNATEL
ARCHITECTS
10000 N. 10TH AVENUE, DENVER, CO
TEL: 303.733.1111
WWW.DESIGNATELARCHITECTS.COM



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,
DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF
5655, EASTCLIFF (4045/2022)**

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 on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through Erf 5655, Eastcliff, unobstructed;


**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

**11.ERF 102, 35 BARNARD STREET, GANSBAAI: APPLICATION FOR
REZONING AND DETERMINATION OF AN ADMINISTRATIVE PENALTY:
MESSRS TOWN & COUNTRY CREATIVE LAND SOLUTIONS ON BEHALF
OF VILLET OVERSTRAND (PTY) LTD**

102 GGB (4041/2022)

SW van der Merwe

(028) 313 8900

Hermanus Administration

24 February 2023

EXECUTIVE SUMMARY

An application has been received on 27 January 2022 from Town & Country Creative Land Solutions on behalf of Villet Overstrand (Pty) Ltd in terms of Section 16.(2)(a) & Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- **rezoning** of Erf 102, Gansbaai from Residential Zone 1: Single Residential (SR1) to Business Zone 3: Local Business (B3) to accommodate an existing office space, and
- **determination of an administrative penalty** to accommodate the unauthorised land use.

RESOLUTION

1. that the application in terms of Section 16.(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the rezoning of Erf 102, Gansbaai from Residential Zone 1 (SR1): Single Residential to Business Zone 3: Local Business (B3) to utilise the property for office space, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the applicant **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 paragraphs 1. to 2. above be subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan number 2722 dated *JAN 2022*;
 - (b) that this approval is subject to the submission of a Site Development Plan that complies with the requirements;

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- (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (d) that the offices be restricted to normal business hours between 08h00 and 17h00 on weekdays and 8h00 to 13h00 on Saturdays;
 - (e) that 12 parking bays be provided and the location of the parking bays be restricted to the rear of the property & that the access to the property be obtained via the existing entrance on Barnard Street;
 - (f) that all the conditions in Telkom’s comment, be complied with;
 - (g) that all the conditions in the Services Report, be complied with;
 - (h) that an administrative penalty of R24250.00 + VAT (5% of the municipal valuation + VAT) be payable within **thirty (30) days** of the decision;
 - (i) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (j) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
4. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RECOMMENDATION

- ❖ The proposed development is in line with the SDF and the OGMS.
- ❖ The surrounding owners as well as the internal departments did not object.
- ❖ The rezoning will have no negative impact on the surrounding area as it is not a noise generating activity.
- ❖ The proposed development to retain the existing entrance on Barnard Street with parking situated to the rear of the property.




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

PROJECT
LOCALITY PLAN: ERF 102 GANSBAAI
OVERSTRAND MUNICIPALITY

DRAWN LT	CHECKED LT
SCALE NTS:	DATE JAN 2022
DWG No.	REVISION
Notes:	



Town & Country Creative Land Solutions P.O. Box 1085 Bredasdorp 7280 Tel. 028 424 1545 Fax. 028 425 2085 E-mail: towncountry@vodamail.co.za	PROJECT SITE PLAN: ERF 102 GANSBAAI OVERSTRAND MUNISIPALITEIT	DRAWN LT	CHECKED LT
		SCALE 1:250	DATE JAN 2022
		DWG No. 2722	REVISION
	Note: ALL AREAS AND DISTANCES SUBJECT TO SURVEY		

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR: REZONING & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 102, GANSBAAI**

Electricity : In order
Water : In order
Sewer : In order
Stormwater : 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 0.2 =	R 4 983.00
Sewerage	R 16 799.12 x 0.2 =	R 3 359.82
Stormwater	R 8 691.28 x 1.296=	R 11 263.90
Roads	R 7 532.72 x 7.461537=	R 56 205.67
Solid Waste	R 1 505.92 x 1.429996=	<u>R 2 153.46</u>
TOTAL (inclusive of VAT)	=	R 77 965.86

Note:

- 1.3 The above figures are estimates**

2. that only the existing water connection and sewer connections to Erf 102 shall be used to service Erf 102;
3. 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;
4. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
5. that any additional and / or extended vehicle entrances will be for the developer's account;
6. that stormwater be allowed to discharge through Erf 102, Gansbaai, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

**12.ERF 532, 45 SCHNEIDER STREET, FRANSKRAAL, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR TITLE RELAXATION AND
DEPARTURE: MESSRS JLR ASSOCIATES ON BEHALF OF FLOORS
STRAUS FAMILY TRUST**

532 GFK (4279/2022)

SW van der Merwe

(028) 313 8900

Hermanus Administration

9 May 2023

EXECUTIVE SUMMARY

An application has been received on 2 November 2023 from Messrs JLR Associates on behalf of the Floors Straus Family Trust 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 eastern lateral building line from 2m to 0m to accommodate a proposed boathouse.

Application is also made for title relaxation pertaining to condition C.14 of Title Deed T60035/09 to permit the encroachment of the lateral building line in terms of the title deed from 1,57m to 0m to accommodate a proposed boathouse.

RESOLUTION

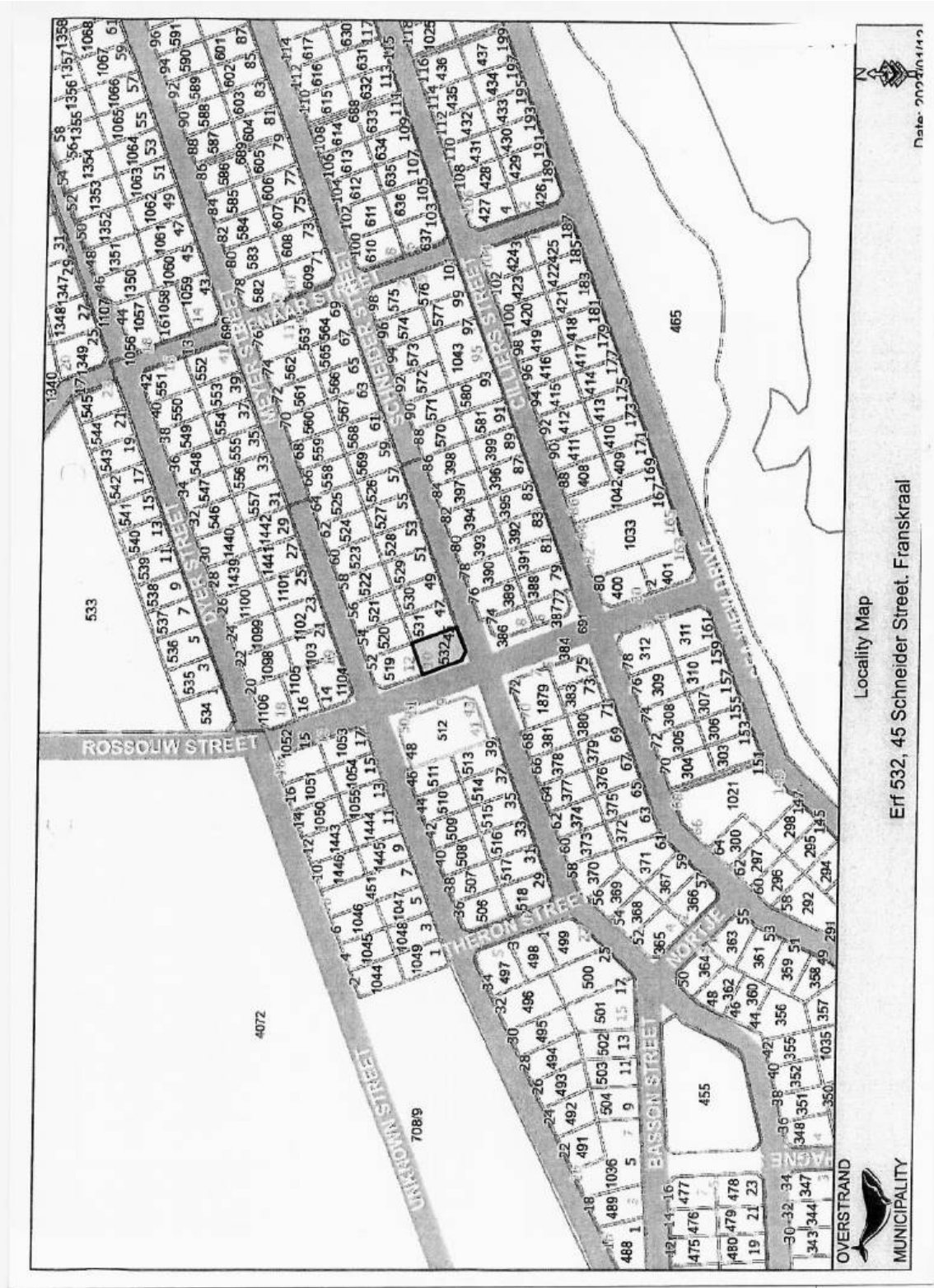
1. that the application for relaxation of a restrictive title deed condition in terms of the provisions of Condition C.14 contained in Title Deed T60035/09 to permit the encroachment of the eastern lateral title deed building line from 1,57m to 0m to accommodate a proposed boathouse, **be approved**;
2. 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) to encroach the eastern lateral building line from 2m to 0m in order to accommodate a proposed boathouse, **be approved**
3. that the approvals 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;
 - (c) that all the conditions in the Services Report, be complied with;

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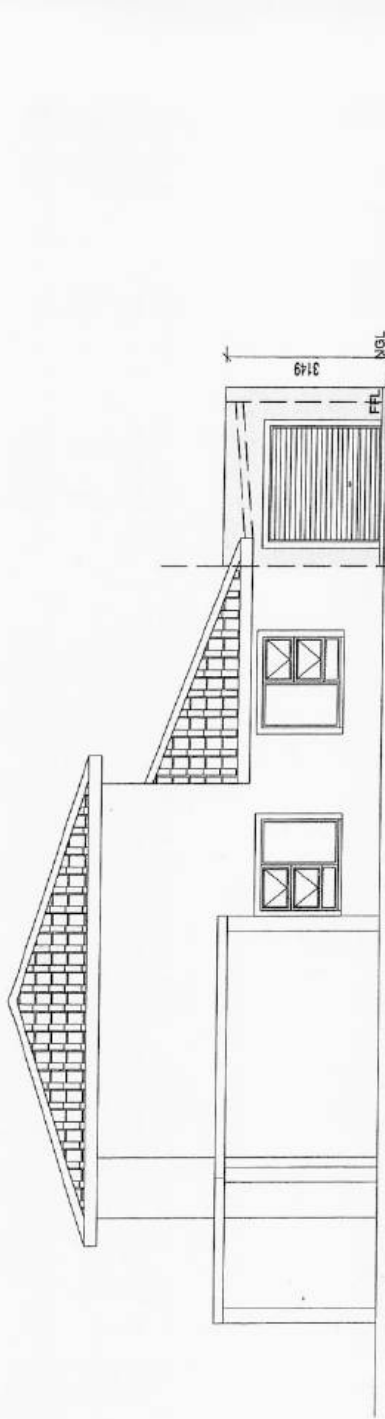
- (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
4. that the applicant be notified of its right of appeal in terms of Section 78 of the By-law, 2020 with regard to the decision in paragraphs 2.

REASONS FOR RESOLUTION

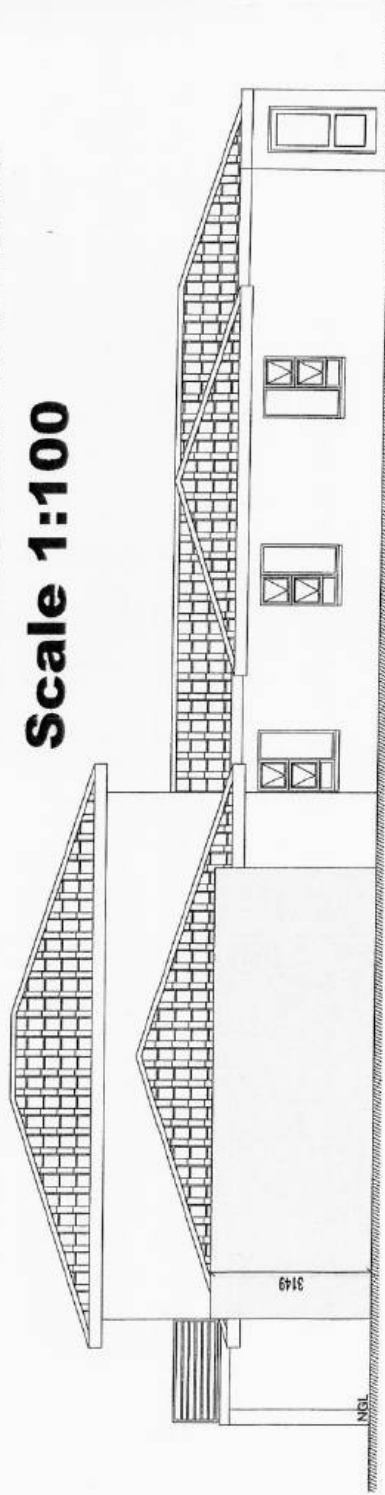
- ❖ The application followed due procedure.
- ❖ Surrounding owners provided written consent.
- ❖ The proposal will not detract from the character of the area.
- ❖ The proposal will not adversely impact upon vested rights of adjoining properties.



Locality Map
 Erf 532, 45 Schneider Street, Franskraal



SOUTH ELEVATION
Scale 1:100



EAST ELEVATION
Scale 1:100

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR: DEPARTURE: ERF 532, FRANSKRAAL (4279/2022)**

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

**13.ERF 1813, 147 CHARLIE VAN BREDA STREET, PEARLY BEACH,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR RELAXATION OF A
RESTRICTIVE TITLE DEED CONDITION AND DEPARTURE: SP VAN DER
MERWE**

1813 GPB

SW van der Merwe

(028) 313 8900

Hermanus Administration

26 May 2023

EXECUTIVE SUMMARY

An application has been received on 2 November 2022 from SP van der Merwe for title relaxation pertaining to condition C.5(d) of Title Deed T18520/2021 to permit the encroachment of the 5m street- and 3m rear building lines to accommodate a proposed stoep and braai.

RESOLUTION

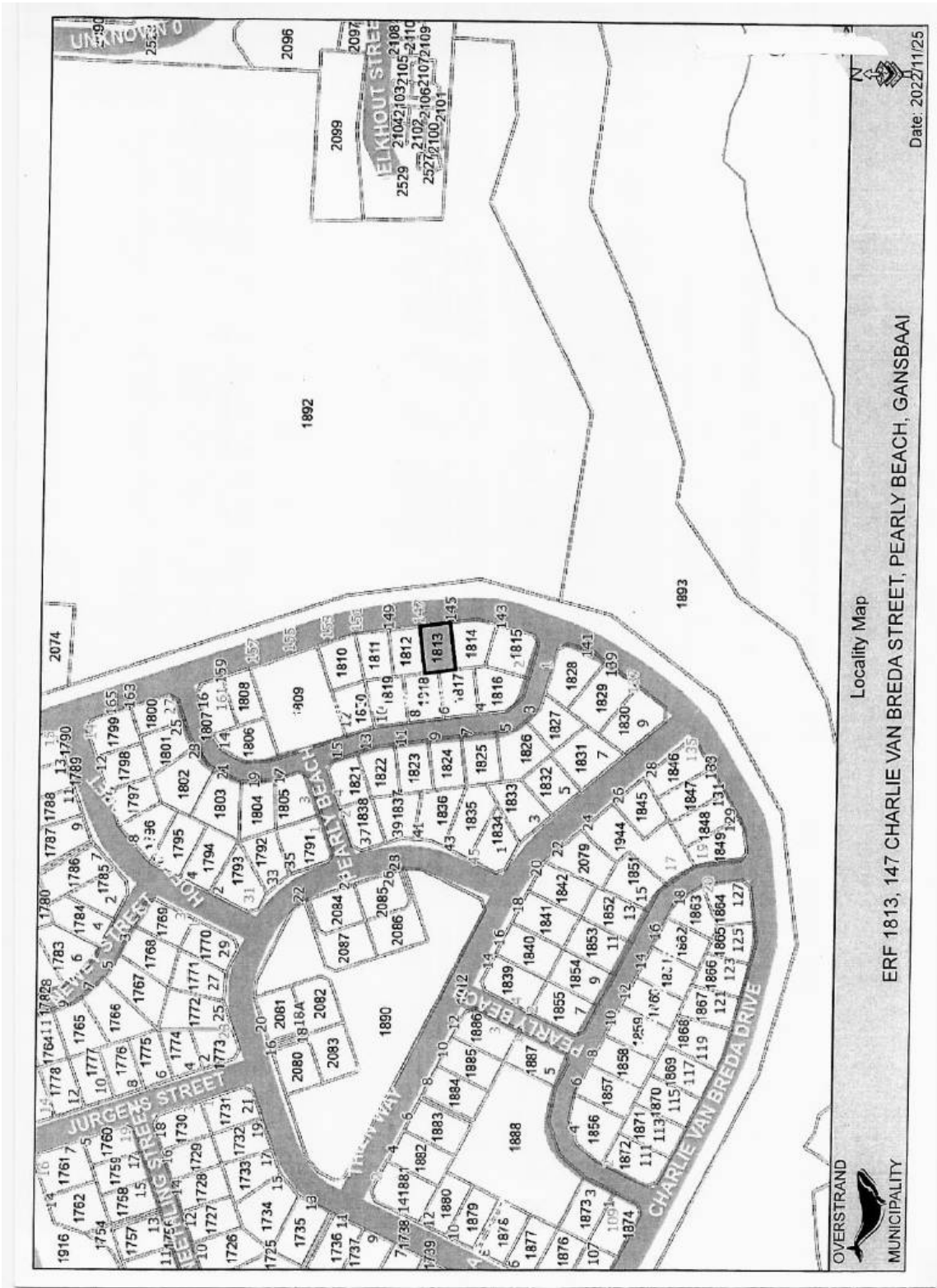
1. that the application for relaxation of a restrictive title deed condition in terms of the provisions of Condition C.5(d) contained in Title Deed T18520/2021 to permit the encroachment of the 5m street building line to 4m and the 3m rear building line to 2m to accommodate a proposed balcony, staircase and braai, **be approved** 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;
 - (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;

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

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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.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR: DEPARTURE & RELAXATION OF THE TITLE DEED:
ERF 1813, PEARLY BEACH (4280/2022)**

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 1813, Pearly Beach, unobstructed;
6. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

**14.ERF 1072, 14 JAN VAN RIEBEEK CRESCENT, SANDBAAI, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP
PROJECT OFFICE ON BEHALF OF MME LOUW**

1072 HSB (4223/2022)

(H Boshoff)

H van der Stoep

(028) 313 8900

Hermanus Administration

12 May 2023

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), has been received on 24 August 2022 (amended on 19 April 2023) from Messrs WRAP Project Office on behalf of the owner of Erf 1072, Sandbaai for the following:

- **departure** in terms of Section 16(2)(b) of the By-Law to relax the southern lateral building line from 2m to 1m, to accommodate an existing family room and covered braai, and
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law.

RESOLUTION

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 on Erf 8283, Kleinmond for a departure to relax the eastern lateral building line from 1m to 0m to accommodate a proposed new single garage with storage under, and also to relax the western lateral building line from 1m to 0,290m to accommodate the proposed new addition to the existing dwelling house, be approved in terms of the provisions of Section 6 of the By-Law subject to the following conditions:
2. that the applicant/landowner **not be exempted** of the payment of an administrative penalty in terms of the provisions of Section 90 of the By-Law for the illegal building works;
3. that the approvals in 1. above be subject to the following conditions:
 - (a) that the structure must be demolished one meter (1m) along the common boundary and be restricted to the dimensions as indicated on the layout plan that was submitted with the application;

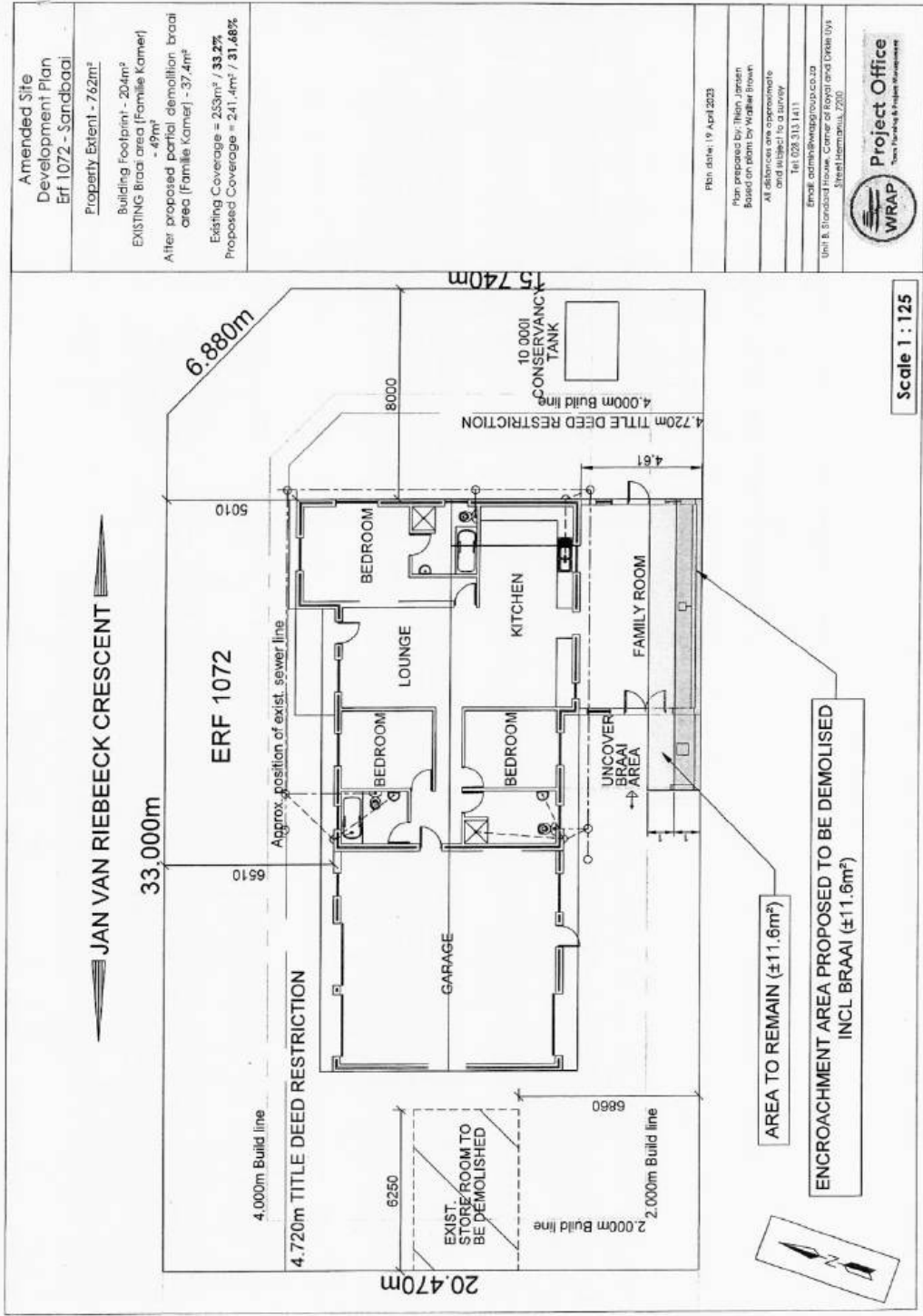
**AGENDA of the
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(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- (b) that building plans (in line with the aforementioned revision) must be submitted to the Building Department within thirty (30) days of the final approval and that all comments from the Building- and Fire Departments be complied with at that stage;
 - (c) that an administrative penalty of R6 273.14 (VAT incl.) (being 3% of the current building costs as per the approved municipal tariffs) must be payable within thirty (30) days of the final decision;
 - (d) that the wendy house structure at the western boundary of the property must be demolished with immediate effect;
 - (e) that the conditions of Engineering Services, must be complied with;
 - (f) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (g) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- ❖ The application followed due procedure.
- ❖ Neighbours consented to the proposal.
- ❖ Structures are built according to the National Building Regulations, thus ensuring safety and compliance with legislation.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 1072, SANDBAAI (4223/2022)**

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 1072, Sandbaai, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

**15.ERF 2087, 49 FOURTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: JAMES THOMAS
SMITH**

2087 HVK (4237/2022)

P Roux

(028) 313 8900

Hermanus Administration

15 May 2023

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 24 August 2022 (final version 30 November 2022) from James Thomas Smith on behalf of the owner of Erf 2087, Voëlkliip, Hermanus for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, to relax the western lateral building line from 2m to 1.134m in order to accommodate the existing dwelling; and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, in order to accommodate the existing structure.

RESOLUTION

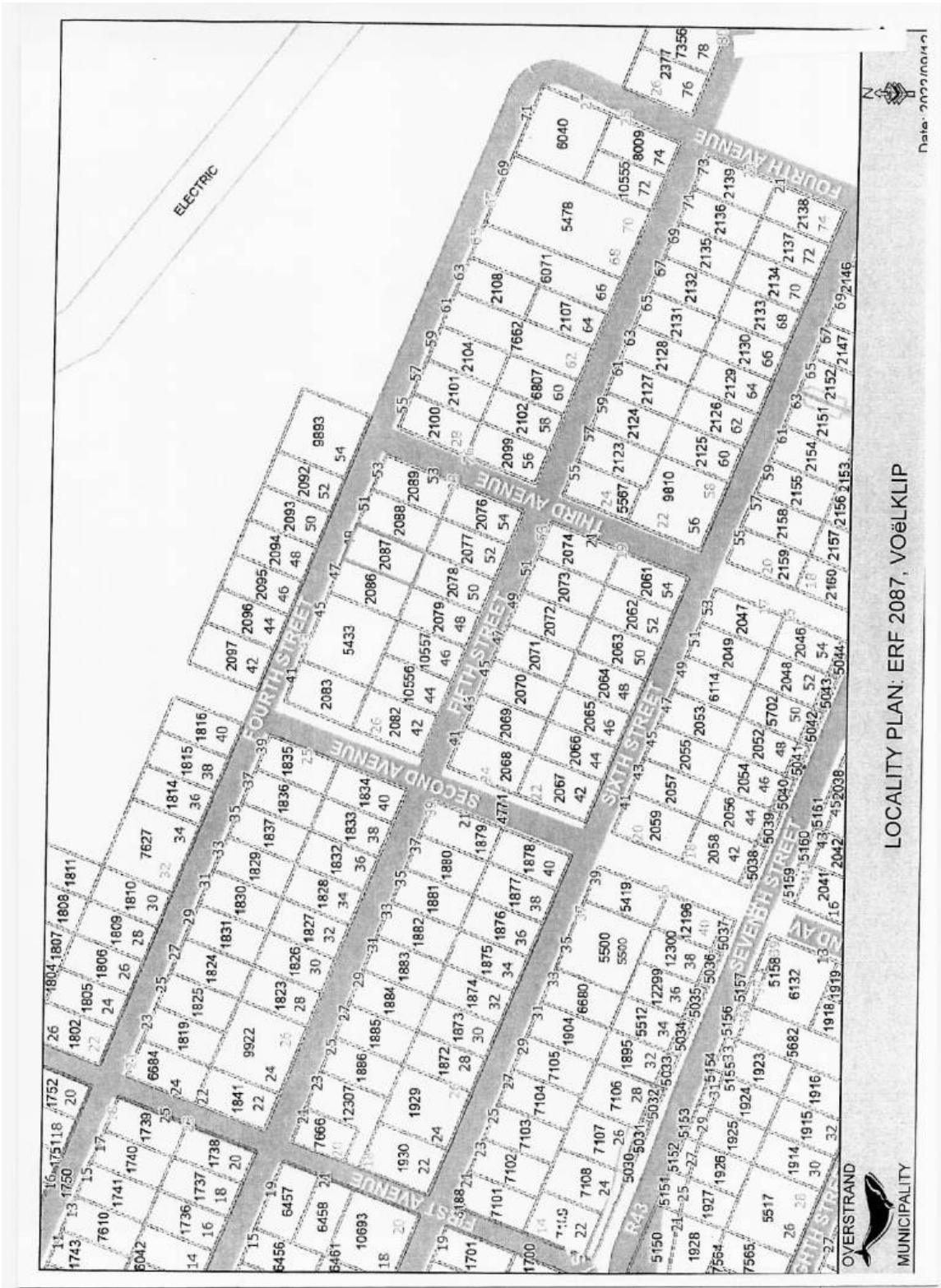
1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 2087, Hermanus in order to accommodate the existing dwelling, **be approved** in terms of the provisions of Section 61 of the By-Law
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2087, Hermanus for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
3. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan *Erf 2087 Hermanus*, as submitted with the application;

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- (b) that an administrative penalty of R5 073,48 (including VAT) (being 5% of the Overstrand Municipal Budget as determined by the municipality) be payable within thirty (30) days of the decision;
 - (c) that building plans be submitted to the building control office, and all comments from the Fire Department be complied with at that stage;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASON FOR THE RESOLUTION

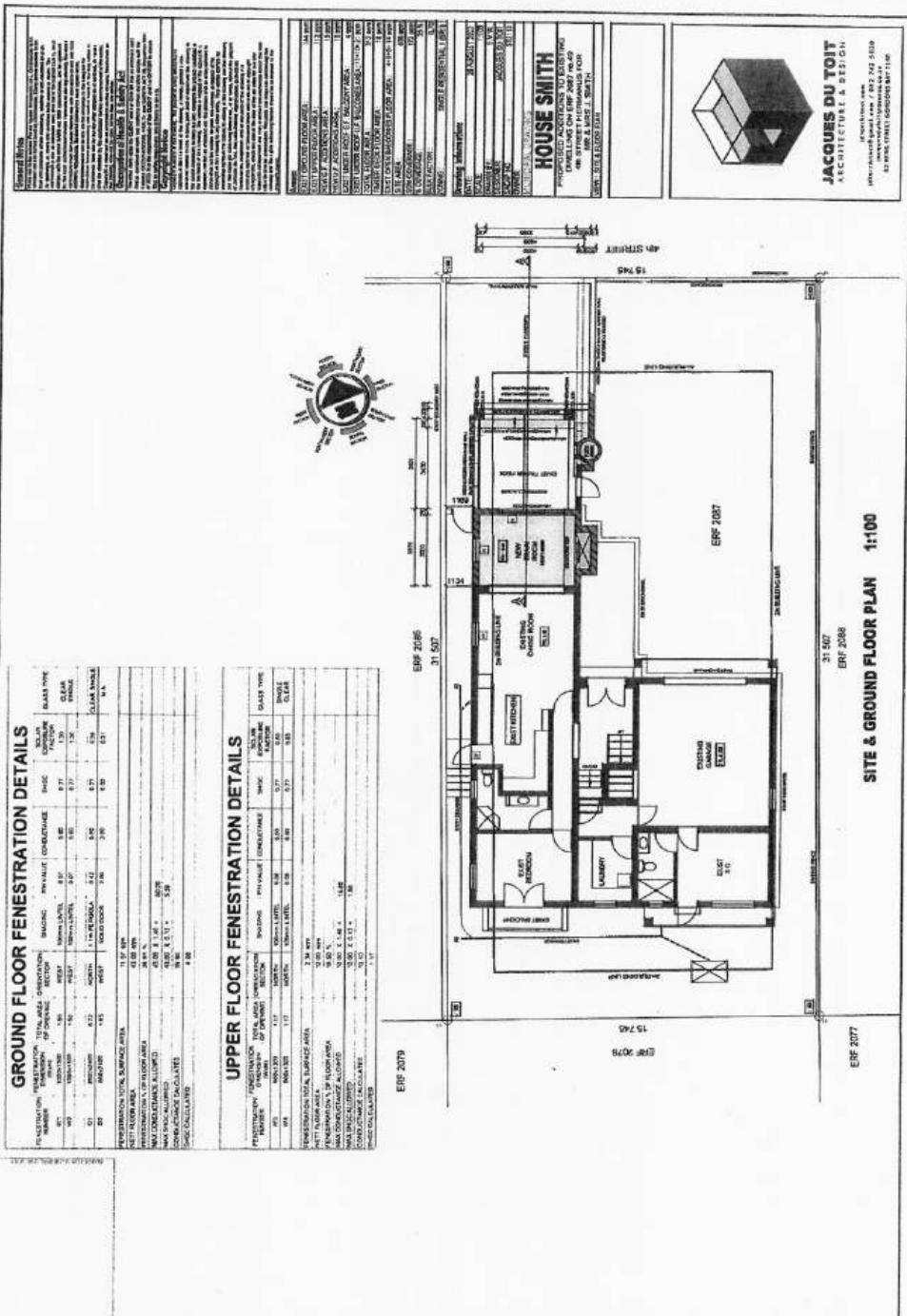
- ❖ The retention of the existing structures on its existing placement will not have a negative impact on the adjacent property owners or the character of the area.
- ❖ The proposed departures have no impact on the adjacent property owners' rights.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The structures proposed are further considered to be in line with the character of the area.



LOCALITY PLAN: ERF 2087, VOëKLIP

OVERSTRAND MUNICIPALITY

Date: 2022/06/02



GROUND FLOOR FENESTRATION DETAILS

FENESTRATION NUMBER	DESCRIPTION	TYPE	LOCATION	FINISH	HEIGHT	WIDTH	PERIMETER	GLASS TYPE	GLASS TYPE
01	FRONT DOOR	DOOR	FRONT PORCH	WOOD	8'0"	3'0"	18'0"	CLAR	CLAR
02	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
03	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
04	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
05	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
06	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
07	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
08	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
09	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
10	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
11	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
12	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
13	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
14	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
15	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
16	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
17	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
18	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
19	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
20	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR

UPPER FLOOR FENESTRATION DETAILS

FENESTRATION NUMBER	DESCRIPTION	TYPE	LOCATION	FINISH	HEIGHT	WIDTH	PERIMETER	GLASS TYPE	GLASS TYPE
21	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
22	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
23	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
24	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
25	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
26	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
27	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
28	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
29	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
30	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
31	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
32	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
33	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
34	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
35	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
36	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
37	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
38	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
39	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR
40	FRONT WINDOW	WINDOW	FRONT PORCH	WOOD	4'0"	6'0"	24'0"	CLAR	CLAR

JACQUES DU TOIT
ARCHITECTURAL & DESIGN

1000 17th Street, Suite 100
Denver, CO 80202
Tel: 303.733.1111
www.jacquesdutoit.com

HOUSE SMITH
PROPERTY AND ARCHITECTURE CONSULTING
1000 17th Street, Suite 100
Denver, CO 80202
Tel: 303.733.1111
www.house-smith.com

General Notes

1. All work shall be in accordance with the City of Denver Building Code and all applicable codes and regulations.
2. The owner is responsible for obtaining all necessary permits and approvals from the City of Denver.
3. The contractor shall be responsible for obtaining all necessary permits and approvals from the City of Denver.
4. The contractor shall be responsible for obtaining all necessary permits and approvals from the City of Denver.
5. The contractor shall be responsible for obtaining all necessary permits and approvals from the City of Denver.
6. The contractor shall be responsible for obtaining all necessary permits and approvals from the City of Denver.
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8. The contractor shall be responsible for obtaining all necessary permits and approvals from the City of Denver.
9. The contractor shall be responsible for obtaining all necessary permits and approvals from the City of Denver.
10. The contractor shall be responsible for obtaining all necessary permits and approvals from the City of Denver.

Contractor Information

NAME: _____
ADDRESS: _____
CITY: _____
STATE: _____
ZIP: _____
PHONE: _____
FAX: _____
EMAIL: _____

Architect Information

NAME: HOUSE SMITH
ADDRESS: 1000 17th Street, Suite 100
CITY: DENVER, CO
STATE: CO
ZIP: 80202
PHONE: 303.733.1111
FAX: 303.733.1111
EMAIL: www.house-smith.com

Project Information

PROJECT NAME: HOUSE SMITH
PROJECT ADDRESS: 1000 17th Street, Suite 100
CITY: DENVER, CO
STATE: CO
ZIP: 80202
PHONE: 303.733.1111
FAX: 303.733.1111
EMAIL: www.house-smith.com

Revision History

NO.	DATE	DESCRIPTION
1	11/11/11	ISSUED FOR PERMITS
2	11/11/11	ISSUED FOR PERMITS
3	11/11/11	ISSUED FOR PERMITS
4	11/11/11	ISSUED FOR PERMITS
5	11/11/11	ISSUED FOR PERMITS
6	11/11/11	ISSUED FOR PERMITS
7	11/11/11	ISSUED FOR PERMITS
8	11/11/11	ISSUED FOR PERMITS
9	11/11/11	ISSUED FOR PERMITS
10	11/11/11	ISSUED FOR PERMITS

SITE & GROUND FLOOR PLAN 1:100

31.507
ERF 2036

ERF 2077

ERF 2078

ERF 2079

ERF 2086

ERF 2087

ERF 2088

ERF 2089

ERF 2090

ERF 2091

ERF 2092

ERF 2093

ERF 2094

ERF 2095

ERF 2096

ERF 2097

ERF 2098

ERF 2099

ERF 2100

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 2087, VOELKLIP (4237/2022)**

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 2087, Voelklip, unobstructed;
7. that no on-street parking be allowed.

p.p. R. Coetzer
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

19/02/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

**16.ERF 1824, 27 FOURTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: AGP BROWN**

2824 HVK (4335/2023)

P Roux

(028) 313 8900

Hermanus Administration

12 May 2023

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 17 June 2022 (final version 07 February 2023) from Mr Brown the owner of Erf 1824, Voëlklip, Hermanus for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to relax the street building line from 4m to 0m and the western lateral building line from 2m to 0m, in order to accommodate the existing carport, and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, in order to accommodate the existing structure.

RESOLUTION

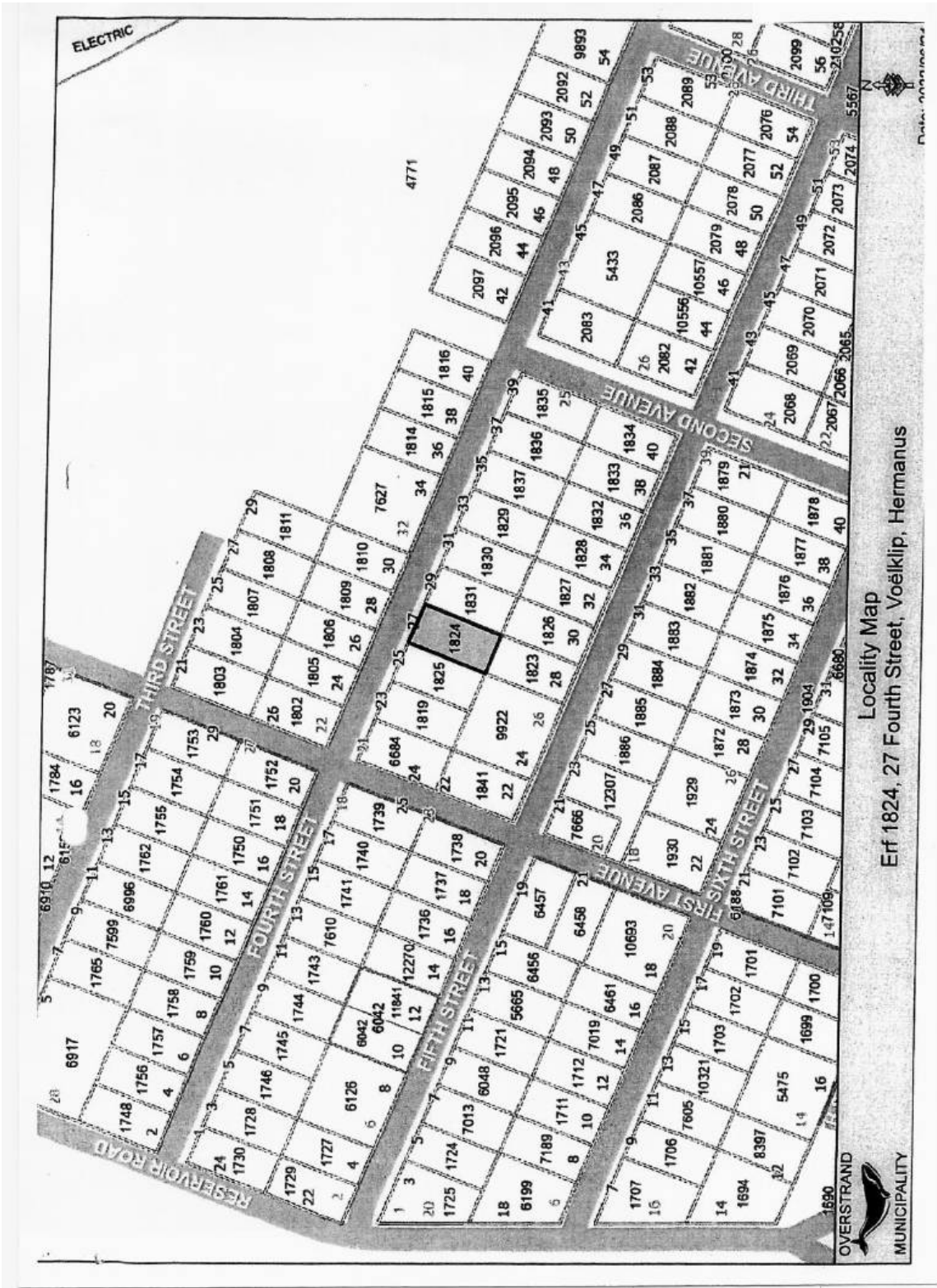
1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 1824, Hermanus to relax the street building line from 4m to 0m and the western lateral building line from 2m to 0m, in order to accommodate the existing carport, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1824, Hermanus for the unauthorised building work over building lines on the property, **be exempt** from the payment of an administrative penalty;
3. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan *Erf 1824 Hermanus – dated 24/02/2022*, as submitted with the application;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

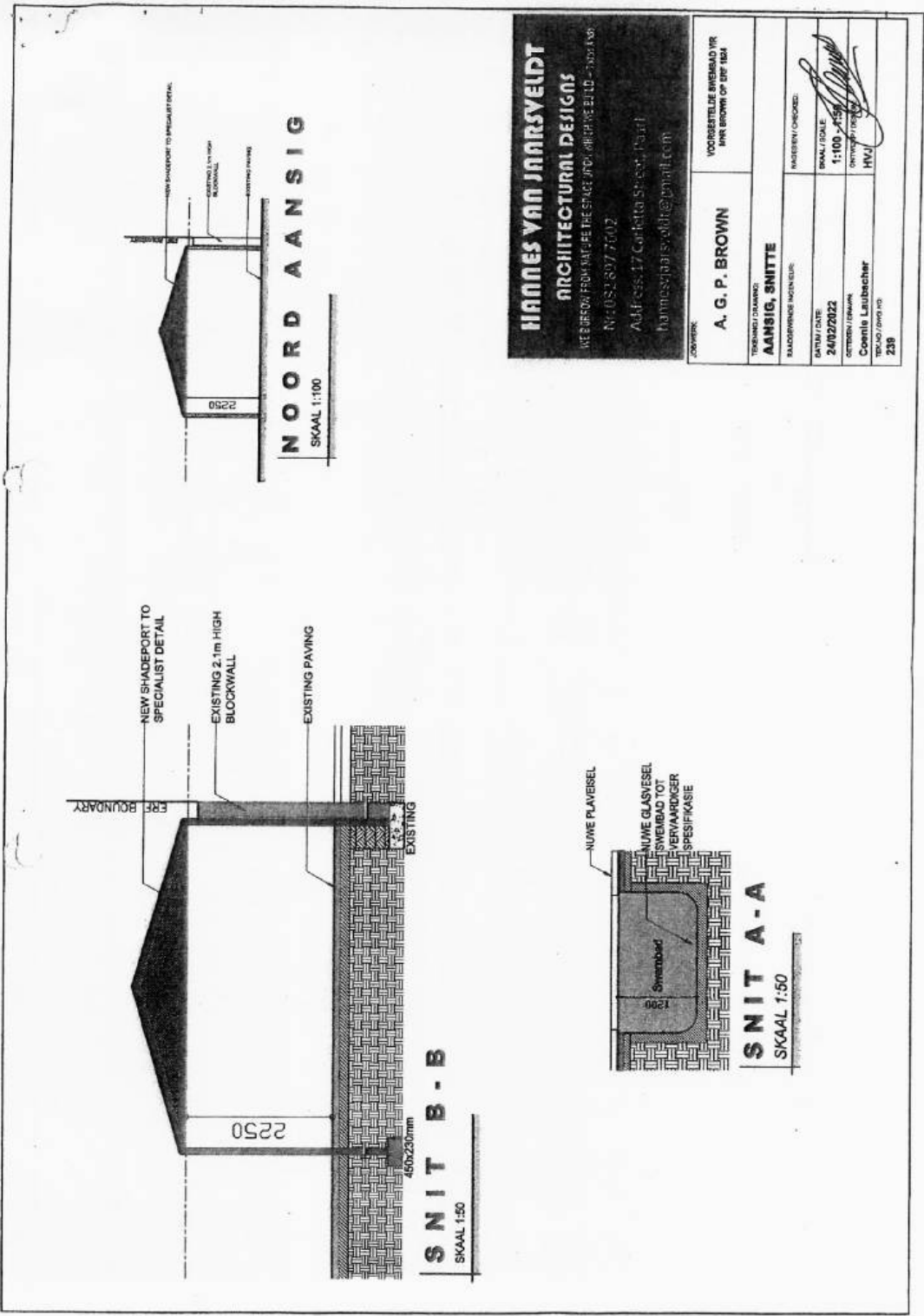
- (b) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that this approval does not absolve the landowners from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

REASONS FOR RESOLUTION

- ❖ The existing structures will be unobtrusive and will be compatible with the existing built environment including the character of the dwelling.
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ The proposal is compliant with the spatial policies contained in the SDF.
- ❖ The proposal is constant with the spatial principles as set out in SPLUMA and LUPA.
- ❖ No objection was received from the adjacent property owners.



Locality Map
Erf 1824, 27 Fourth Street, Voëlklip, Hermanus



HANNES VAN JAARSVELDT
ARCHITECTURAL DESIGNS
 WE 2 BISSON FROM HAY, BE THE SPACE STUDIO, WILHELMUS BLDG - 7525 ASB
 No: 052 897 7502
 Address: 17 Carleton Street, Durban
 hannes@jaarsveldt.co.za

LOWWORK	VOCESITE DE SWEMBAD VIR MR BROWN OP DIE TBA
A. G. P. BROWN	
TEKENEER/ DRAWING	
AANSIG, SNITTE	
BALOUERINGS INHOUD:	INHOUD/ CONTENT:
DATA/ DATE	SKAAL/ SCALE
24/02/2022	1:100 - 1:50
ONTWERP/ DESIGN	ONTWERP/ DESIGN
Conita Leibacher	HVJ
TEKENEER/ DRAWING	238

SNIT B - B
 SKAAL 1:50

SNIT A - A
 SKAAL 1:50

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 1824, VOELKLIP**

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 1824, Voelklip, unobstructed;
7. that no on-street parking be allowed.

p.p. R. Carsten
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

06/03/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

**17.ERF 3488, 273 THIRD STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP
PROJECT OFFICE ON BEHALF OF HJ GROENEWALD**

3488 HVK (4341/2023)

P Roux

(028) 313 8900

Hermanus Administration

18 May 2023

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 13 February 2023 from Messrs WRAP Project Office on behalf of the owner of Erf 3488, Voëlklip, Hermanus for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, to relax the western lateral building line from 2m to 1.288m - 1.326m in order to accommodate the existing main bedroom, and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, in order to accommodate the existing structure.

RESOLUTION

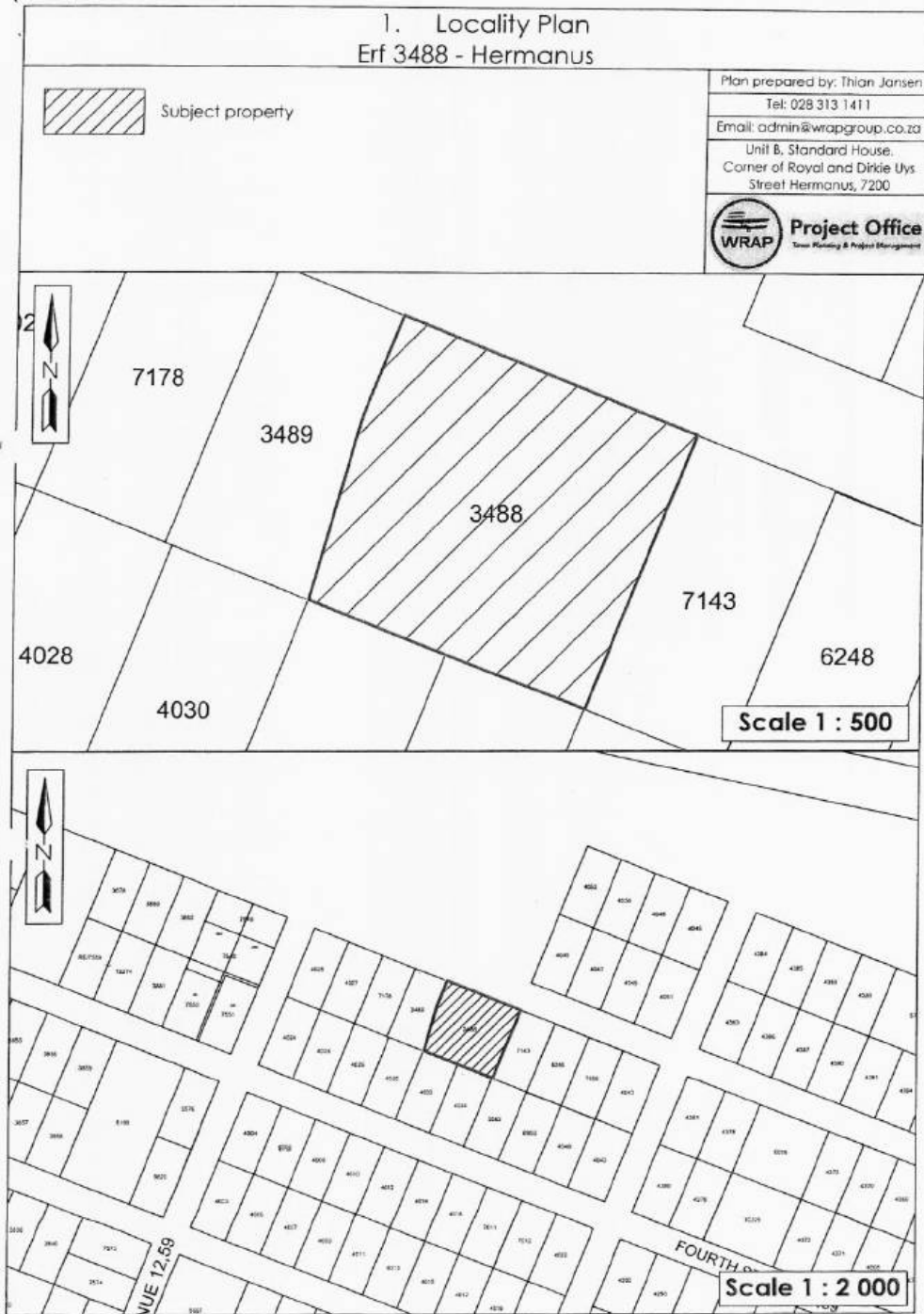
1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 3488, Hermanus to relax the western lateral building line from 2m to 1.288m - 1.326m in order to accommodate the existing main bedroom, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3488, Hermanus for the unauthorised building work over building lines on the property, **be exempt** from the payment of an administrative penalty;
3. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan *Erf 3488 Hermanus DWG no 263-01*, as submitted with the application;

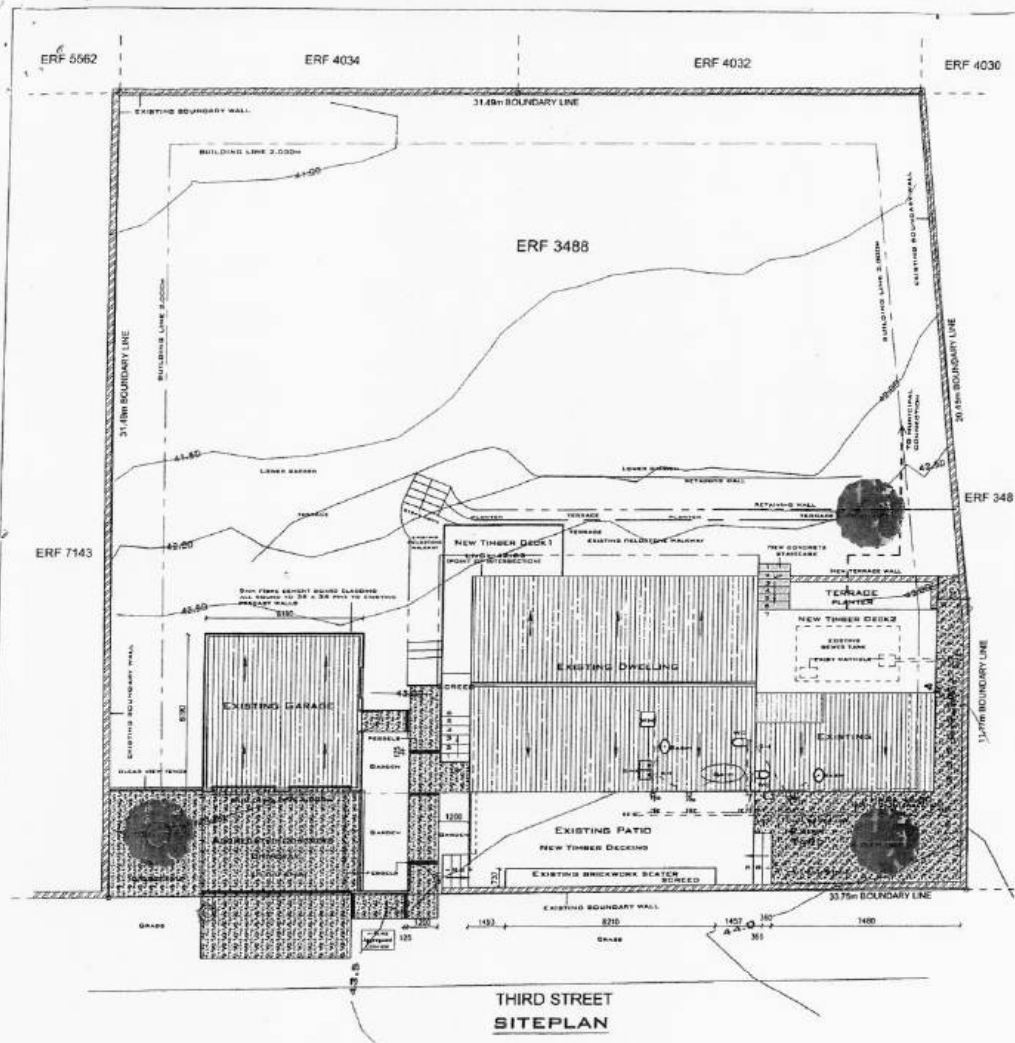
**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- (b) that building plans be submitted to the building control office, and all comments from the Fire Department be complied with at that stage;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
6. 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 renovation of the existing structures on its existing placement will not have a negative impact on the adjacent property owners or the character of the area.
- ❖ The proposed departures have no impact on the adjacent property owners' rights.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The structures proposed are further considered to be in line with the character of the area.





THIRD STREET
SITEPLAN

Project: HOUSE Groenewald
 Erf 3488 Voelklip Zoning: HERMANUS
 Date: January 2023
 Window & Door Fenestration

Energy zone:	2
Zone for Conductance:	1,4
Net ground storey area inside house excluding walls:	107,87
Total Area	145,644
	42,13%

Element	GLAZING ELEMENTS				SHADING				GLAZING PERFORMANCES				SCCP	
	Orientation	W	H	Area	Latitude	Multiplier	(P) Length	(H) Height	H x M + P	SHGC shading	SHGC no-shading	U-Value		Glazing Type
W1	SW	1,2	2,1	2,52	34,4	0,54	0,77	2,50	1,75		0,72	6,2	D/Clear	YES
W2	SW	1,2	2,1	2,52	34,4	0,54	0,77	2,50	1,75		0,72	6,2	D/Clear	YES
W3	SW	1,2	2,1	2,52	34,4	0,54	0,45	2,10	2,52		0,72	6,2	D/Clear	YES
W4	NE	1,1	2,1	2,31	34,4	0,54	0,45	2,50	3,00		0,72	6,2	D/Clear	YES
W5	NE	1,1	2,1	2,31	34,4	0,54	0,45	2,50	3,00		0,72	6,2	D/Clear	YES
W6	NE	1,1	2,1	2,31	34,4	0,54	0,45	2,50	3,00		0,72	6,2	D/Clear	YES
W7	NE	1,8	2,1	3,78	34,4	0,54	0,45	2,50	3,00		0,72	6,2	D/Clear	YES
W8	NE	1,8	2,1	3,78	34,4	0,54	0,45	2,50	3,00		0,72	6,2	D/Clear	YES
W9	SE	2,14	2,1	4,494	34,4	0,54	0,15	2,10	7,56		0,72	6,2	D/Clear	YES
D1	SW	3	2,1	6,3	34,4	0,54	0,10	2,50	13,50		0,72	6,2	D/Clear	YES
D2	SW	1,8	2,1	3,78	34,4	0,54	0,10	2,10	11,34		0,72	6,2	D/Clear	YES
D3	NE	3	2,1	6,3	34,4	0,54	0,72	2,50	1,88		0,72	6,2	D/Clear	YES
D4	SE	1,2	2,1	2,52	34,4	0,54	0,10	2,10	11,34		0,72	6,2	D/Clear	YES

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 3488, VOELKLIP**

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 3488, Voelklip, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

18.ERF 209, 86 MARAIS STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF WEDGWOOD TRUST

209 GFK

SW van der Merwe

(028) 313 8900

Hermanus Administration

5 May 2023

EXECUTIVE SUMMARY

An application has been received on 10 November 2022 from Messrs WRAP Project Office on behalf of Wedgwood Trust applicable to Erf 209, Franskraal 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(20)(d) as contained in the Title Deed T29769/2012 to accommodate the existing dwelling;
- ❖ **departure** in terms of Section 16(2)(b) of the above-mentioned By-Law to relax the eastern lateral building from 2m to 1,57m to accommodate proposed additions; 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 dwelling.

RESOLUTION

1. that the application, applicable to Erf 209, Franskraal, 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.20(d) as contained in Title Deed No: 29769/2012, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application, applicable to Erf 209, Franskraal, in terms of Section 16(2)(b) of the By-Law for the relaxation of the eastern lateral building line from 2m to 1,57m, **be approved** in terms of the provisions of Section 61 of the By-Law;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

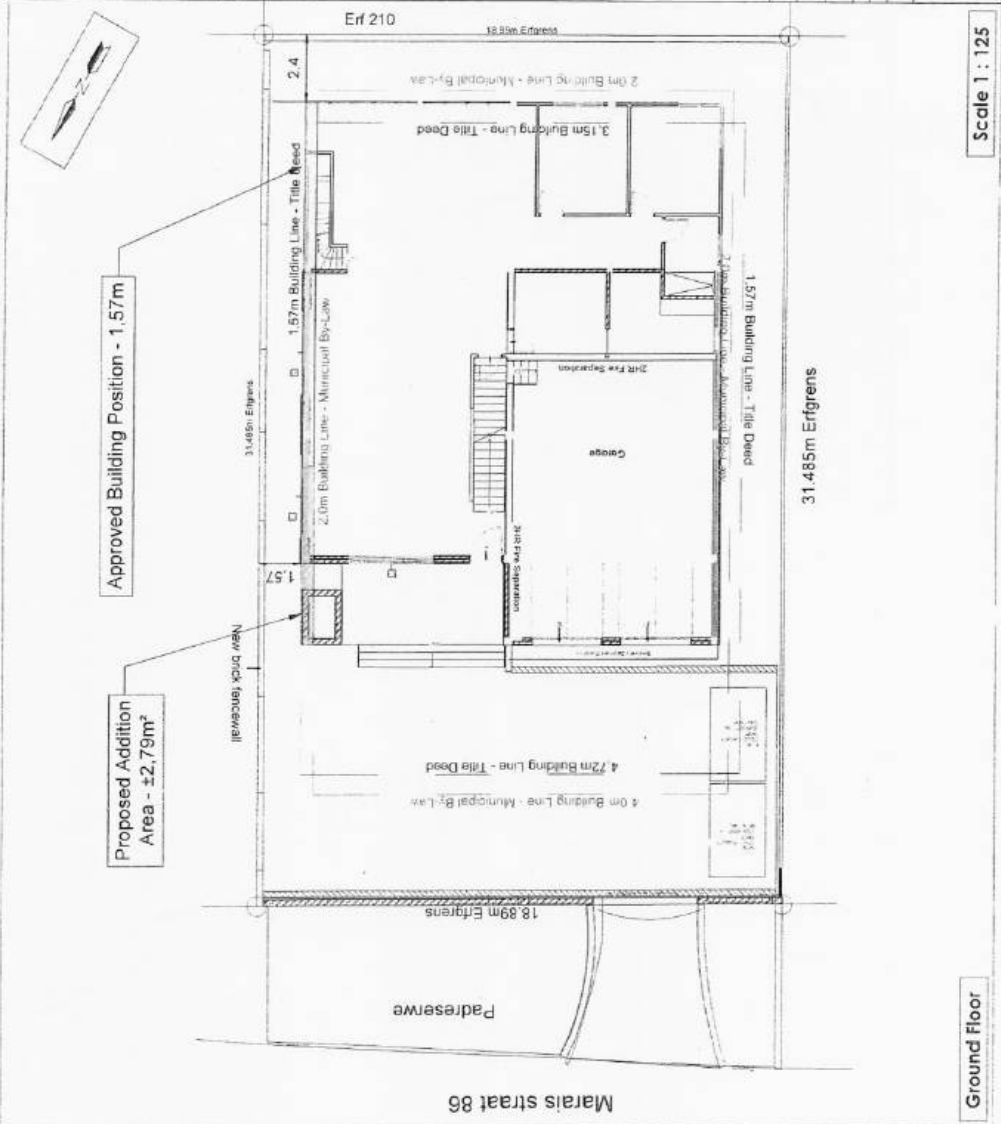
3. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the unauthorised build work encroach the title deed building line, **not be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
4. that the approvals in paragraphs 1., 2. and 3. above be subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Site Development Plan 22.125/002 as submitted with the application;
 - (b) that an administrative penalty of R20 009.14 (including VAT) (being 5% of the construction cost as determined by the municipality) be payable within thirty (30) days of the decision;
 - (c) that building plans be submitted to the Building Department and all comments from the Building- and Fire Departments be complied with at that stage;
 - (d) that all the conditions of Telkom and Engineering Services, be complied with;
 - (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with
 - (f) 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.
- ❖ Character of the area will not be negatively impacted upon.
- ❖ Vested rights of adjoining properties will not be affected.
- ❖ Consistent with planning principles in terms of LUPA and SPLUMA.



<p>Site Development Plan Erf 209 - Franskraal (22.125/002)</p>	<p>Area Calculations Site Area - 595m² Proposed Coverage - 38.15%</p>
<p>2022/12/01</p> <p>Plan prepared by: Thom Aarssen All distances are approximate and subject to a survey. Tel: 021 833 7411 Email: admin@wrap.co.za Unit 6, Bantaba House, Corner of Boven en J. Dicks, Bldg. 3 Westdene, 7950</p>	
<p>Project Office WRAP Town Planning & Project Management</p>	



Marais straat 86

Padreserwe

18.89m Erftrans

31.485m Erftrans

18.89m Erftrans

Scale 1 : 125

Ground Floor

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 209, FRANSKRAAL**

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


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

19.ERF 240, HARBOUR ROAD, HAWSTON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: JZE ARCHITECTS ON BEHALF OF MJ HENDRICKS

240 HHW (4216/2022)

H Olivier

(028) 313 8900

Hermanus Administration

17 May 2023

EXECUTIVE SUMMARY

An application was received on 16 August 2022 from JZE Architects on behalf of MJ Hendricks on Erf 240, Hawston in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to relax the eastern and western lateral building lines from 2,0m to 1,57m respectively, to accommodate proposed alterations, use change and additions to the existing dwelling and outbuilding on the property.

RESOLUTION

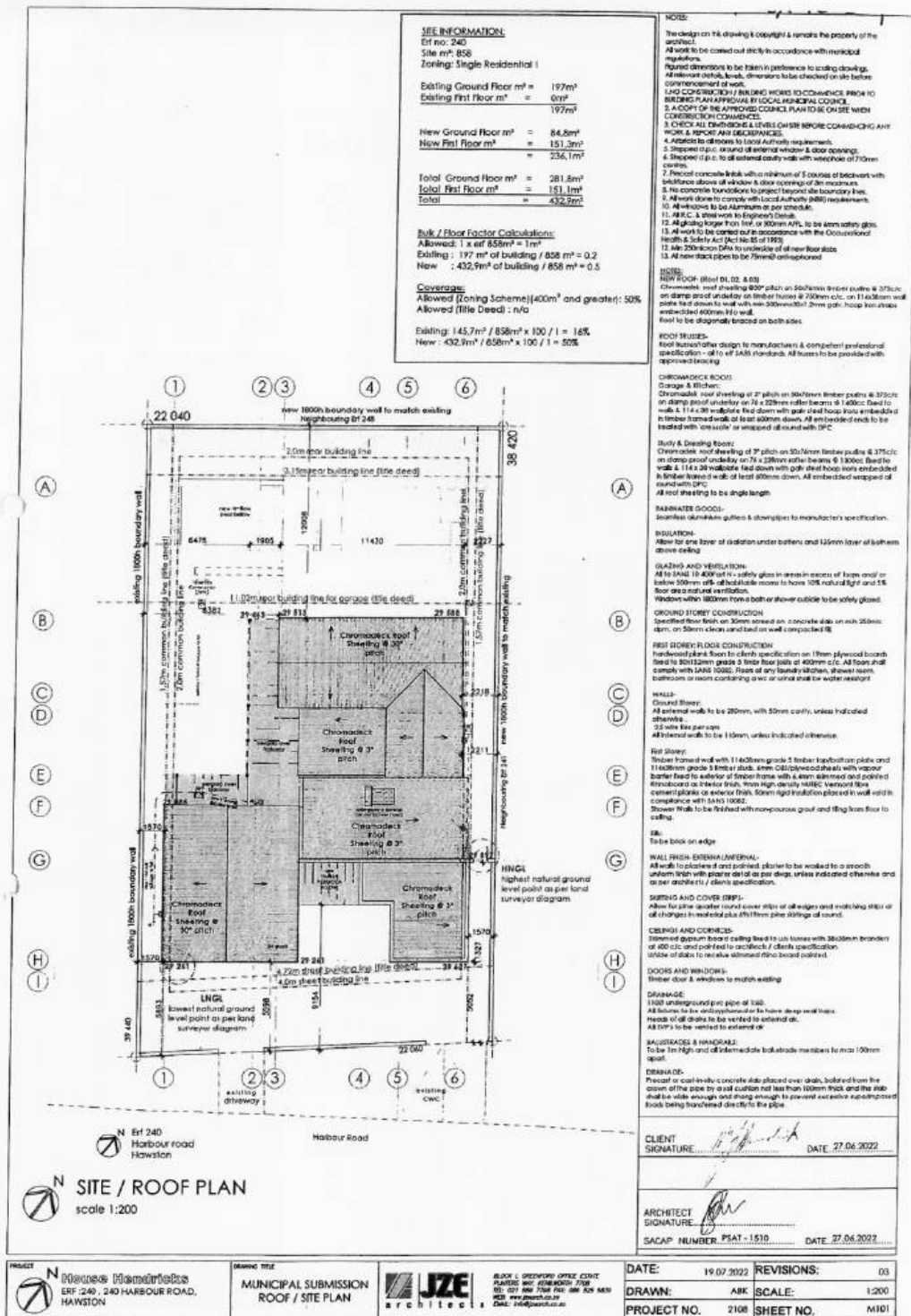
1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 240, Hawston for a departure to relax the eastern and western lateral building lines from 2m to 1,57m to accommodate proposed alterations, use change and additions to the existing dwelling and outbuilding, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval only relates to a building line relaxation as indicated on Plan Number 2108 REV 03 (M101 to M109) dated 19 July 2022 submitted with this application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Departments be complied with at that stage;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that all conditions imposed by Telkom, be complied with;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

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- (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the 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 regards to the above-mentioned approval.

REASONS FOR RESOLUTION

- ❖ All municipal departments support the application.
- ❖ The structures will not impact the privacy of surrounding property owners.
- ❖ The application will not impact on the character of the area, view lines or the street scape.
- ❖ No objections were received against the application.
- ❖ The application is in line with the Planning Principles and is considered desirable.



N Erf 240
Harbour road
Hawston

SITE / ROOF PLAN
scale 1:200

<p>PROJECT N Erf 240 Harbour road HAWSTON</p>	<p>DRAWING TITLE MUNICIPAL SUBMISSION ROOF / SITE PLAN</p>	<p>JZE architects</p>	<p>BLK 1 OFFICE OFFICE UNIT PLANNED 100% RESIDENTIAL ZONE 101-107 New Year Drive, 625 SAS NOR. PRETORIA 0001 Date: 2016/04/01</p>	<p>DATE: 19.07.2022</p>	<p>REVISIONS: 03</p>
				<p>DRAWN: ARK</p>	<p>SCALE: 1:200</p>
<p>PROJECT NO.: 2108</p>				<p>SHEET NO.: M101</p>	

2.7 JAN 2023

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARURE: ERF 240, HAWSTON (4216/2022)**

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 Senior Operational Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erf 240, Hawston, unobstructed;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

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**20.ERF 6148, 115 SECOND AVENUE, KLEINMOND, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MALCOLM POVEY
ARCHITECTURAL DESIGNS ON BEHALF OF WRW & S SAUNDERS**

6148 KKM (4219/2022)

**H van der Stoep
8 May 2023**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 17 August 2022 from Malcolm Povey Architectural Designs on behalf of WRW & S Saunders on Erf 6148, 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 street building line from 4m to 3,15m and the lateral building line from 2m to 0m to accommodate the proposed garage and relaxation of the 9m development restriction over building lines.

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 6148, Kleinmond for a departure in order to relax the street building line from 4m to 3,15m, to only allow the relaxation of the street building line from 4m to 3,15m to accommodate the proposed carport, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 6148, Kleinmond for a departure to relax the lateral building line from 2m to 0m to accommodate the proposed garage, carport and the 9m restriction of buildings transgressing the building lines, **be approved**, in terms of Section 61 of the By-Law,
3. that the approvals in Points 1 and 2 above, be subject to the following conditions:
 - (a) that this approval is for the relaxations as indicated on plan WS June 22-100 and 101 dated June 2022 submitted with the application; except to only allow the relaxation of the street building line from 4m to 3,15m to accommodate the proposed garage;
 - (b) that no further departures over the building lines be approved;

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

REASONS FOR RESOLUTION

- ❖ The proposed garage will enhance the safety of the vehicles.
- ❖ The surrounding owners did not object.
- ❖ The application will have no impact on the surrounding area.
- ❖ The applicant has limited options to erect a garage on the property, without negatively impact on the existing dwelling.
- ❖ The relaxation of the street building line to 2m will have a definite impact on the street scape of Fifth Avenue.
- ❖ The proposed garage extensive length has not been fully motivated in terms of need.

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**21.ERF 4999, 27 BERGHOF DRIVE, BERGHOF, ONRUSRIVIER,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE:
PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF GH
KAYAT**

4999 HVM (4999/2023)

H Olivier

(028) 313 8900

Hermanus Administration

24 May 2023

EXECUTIVE SUMMARY

An application was received on 9 February 2023 from Plan Active on behalf of GH Kayat on Erf 4999, Onrust River in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to exceed the permissible amount of privately owned motor vehicles on a residential property.

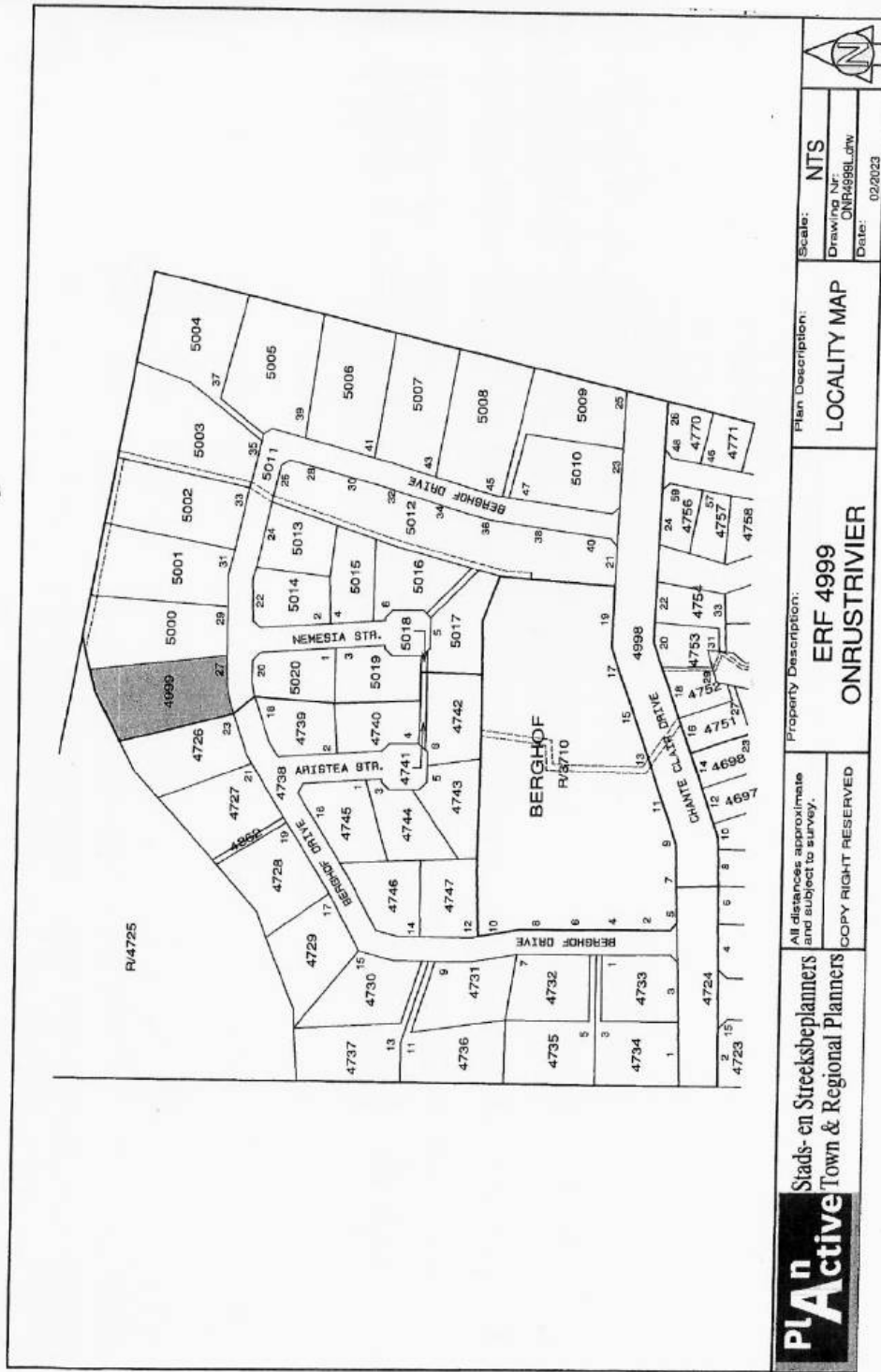
RESOLUTION

1. that the application in terms of Section 16(2)(b) of the of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure in terms of Section 16.8.2(b) of the Land Use Scheme to exceed the permissible amount of privately owned motor vehicles on a residential property, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the necessary 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;
 - (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 decision.

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REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No objections were received from surrounding neighbours or Municipal Branches.
- ❖ The HOA support the application.
- ❖ The new garaging for the vehicles is neat and subservient to the main dwelling and will not impact the character of Berghof Estate negatively.
- ❖ The application is regarded as being desirable from a town planning point of view.



PLAN Active
Stads- en Streeksbeplanners
Town & Regional Planners

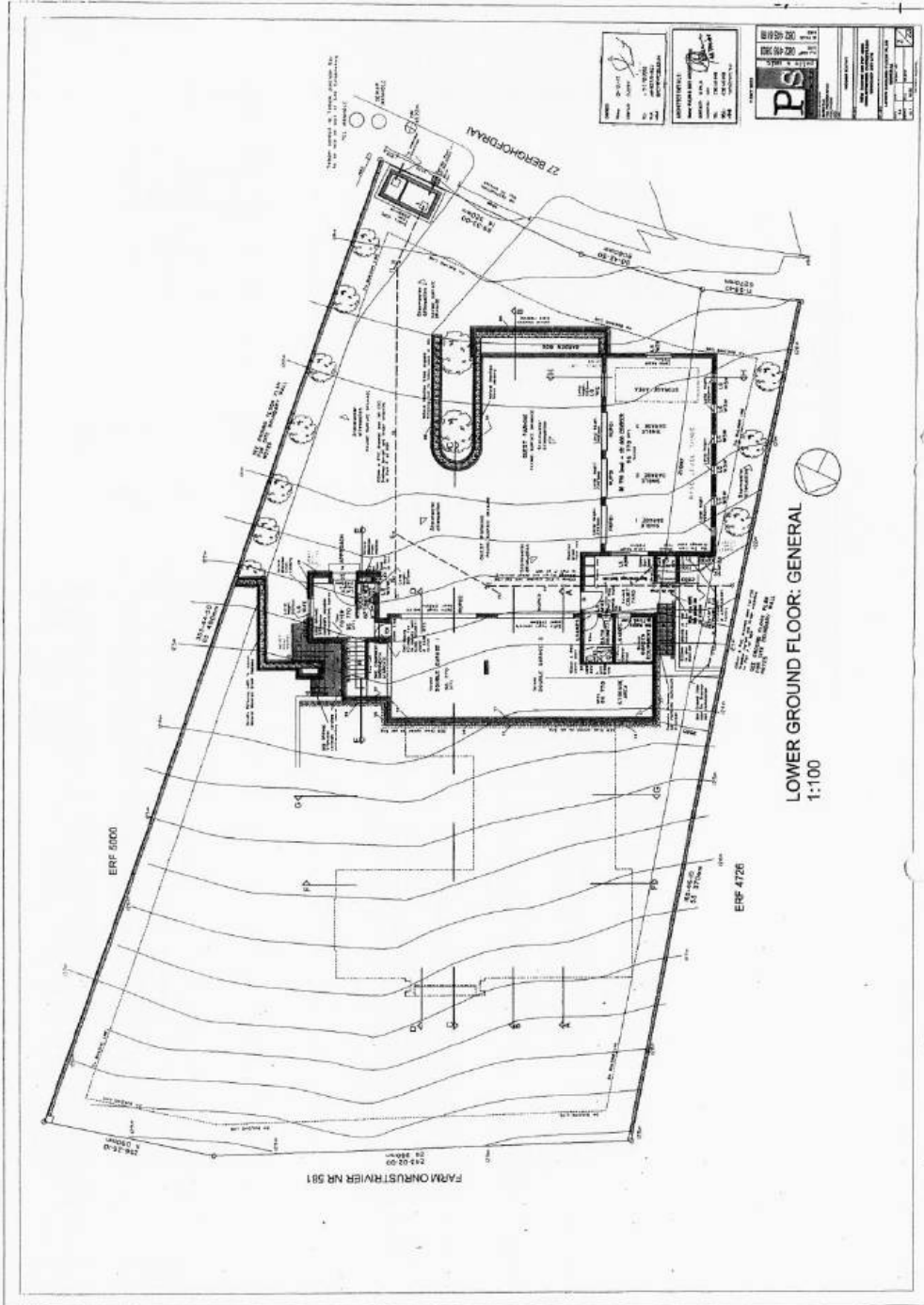
All distances approximate
and subject to survey.
COPY RIGHT RESERVED

Property Description:
**ERF 4999
ONRUSTRIVIER**

Plan Description:
LOCALITY MAP

Scale: **NTS**
Drawing No: **ONR4999Ldw**
Date: **02/2023**





LOWER GROUND FLOOR: GENERAL
1:100

	PS	PROJECT NO. 123456789	DATE 2023-10-27
ARCHITECT	PROJECT MANAGER	CLIENT	LOCATION
SCALE	DATE	DATE	DATE
DATE	DATE	DATE	DATE

Copies of 13

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 4999, ONRUS RIVER (4344/2023)**

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 4999, Onrus River, 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

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**22.ERF 5996, 1 GEELHOUT AVENUE, KLEINMOND, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: EJ VAN DER
HEEVER ON BEHALF OF LIBUSANA TRUST**

5996 KKM (4144/2022)

**H van der Stoep
25 May 2023**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 18 May 2022 from EJ van der Heever on behalf of Libusana Trust on Erf 5996, Kleinmond in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for a departure to exceed the maximum height of a boundary wall from 2,1m to approximately 2,6m for privacy and security purposes.

RESOLUTION

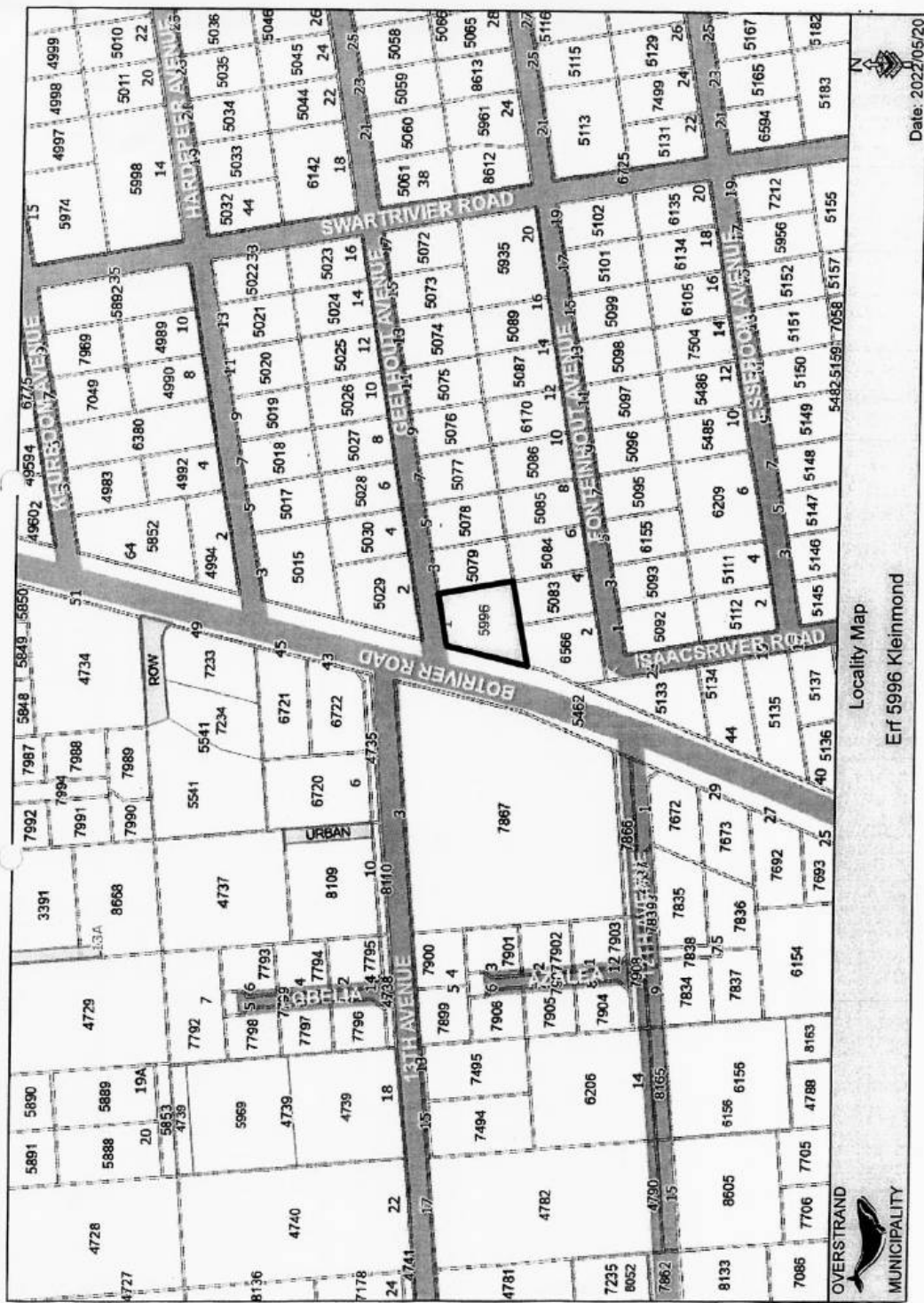
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5996, Kleinmond for a departure to exceed the maximum height of a boundary wall from 2,1m to approximately 2,6m for privacy and security purposes, **be partially approved**, in terms of Section 61 of the By-Law, subject to the following conditions
 - (a) that this approval is only for a screen wall/fence of 2,6m for a length of 12m;
 - (b) that the material for the screen wall/fence to be erected be agreed upon by both the applicant and Mr Buys (*objector - Erf 5079*);
 - (c) that the present wooden structure be removed within sixty (60) days of the approval;
 - (d) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (e) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

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

REASONS FOR RECOMMENDATION

- ❖ The erf has approved building plans.
- ❖ The surrounding owner objected to the material used for the screen wall and not the height.
- ❖ This will ensure privacy for both the applicant and the objector.



Locality Map
Erf 5996 Kleinmond



Date: 2022/05/20

ALGEMENE SPESIFIKASIES
 ALLE BOUWERK VOLGENS DIE
 NATIONALE BOUREGULASIES.
 ALLE RIJOLWERK VOLGENS
 MUNISIPALE VOORSKRIFTE.

VLOERNOTA :
 30mm vlaklaag
 100mm beton
 250 mikron GUNPLAS
 goed gekompakteerde grond

MURE :
 280 spoumure

buite & binne gepleister & geveerl

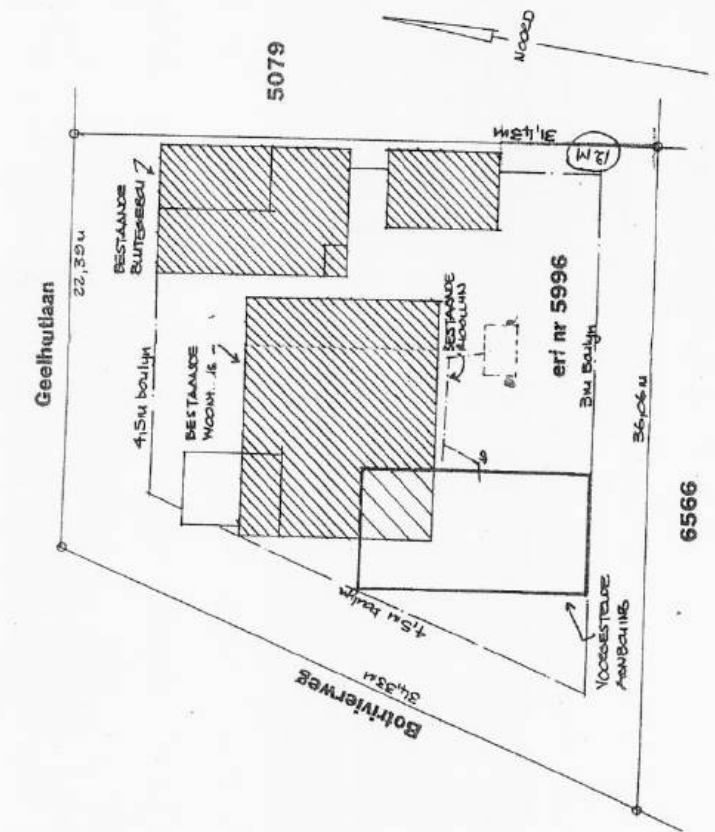
VENSTERS :
 houtraamvensters volgens keuse
 van eienaar

DAKNOTA :

Veselsementdakplaat om
 aan te pas by bestaande
 76 x 50 daklattie 900hoh
 230 x 70 dakbalkke &
 drabalkke 1100 hoh
 RHINOBOARD plafonne
 afgepleister
 38 x 38 plafonlattie
 fassies, geute & afvoer-
 pype om aan te pas by
 bestaande

TRAPPE :
 2100 minimum vrykophoogte
 maksimum 200 stygstuk
 minimum 250 trapstuk
 BALUSTRADE :
 minimum 1000 hoog
 openinge kleiner as 100 mm

BETONVLOER :
 Alle strukturele betonwerk
 volgens ingenieur spesifikasies



TERREINPLAN
 Skaal 1 : 200

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**23.ERF 3966, 267 SIXTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS SMART
SOLUTION ARCHITECTURE & ARCHITECTURAL CONSULTANTS ON
BEHALF OF HJ & L DU TOIT**

3966 HVK (4148/2022)

P Roux

(028) 313 8900

Hermanus Administration

05 June 2023

1. EXECUTIVE SUMMARY

An application has been received on 19 May 2022 from Messrs Smart Solution Architecture & Architectural Consultants on behalf of the owner of Erf 3966, Voëlklip, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ relaxation of the western lateral boundary line from 2m to 1.52m to accommodate the change of use (conversion of care takers room and bathroom into a kitchenette area);
- ❖ relaxation of the eastern lateral building line from 2m to 1.422m to accommodate a carport and supporting columns on ground floor, and
- ❖ relaxation of the eastern lateral building line from 2m to 1.356m to accommodate the sunroom, open balcony and planter box on first floor.

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 3966, Hermanus for the following:
 - relaxation of the western lateral boundary line from 2m to 1.52m to accommodate the change of use (conversion of care takers room and bathroom into a kitchenette area);
 - relaxation of the eastern lateral building line from 2m to 1.422m to accommodate a carport and supporting columns on ground floor, and
 - relaxation of the eastern lateral building line from 2m to 1.356m to accommodate the sunroom, open balcony and planter box on first floor;

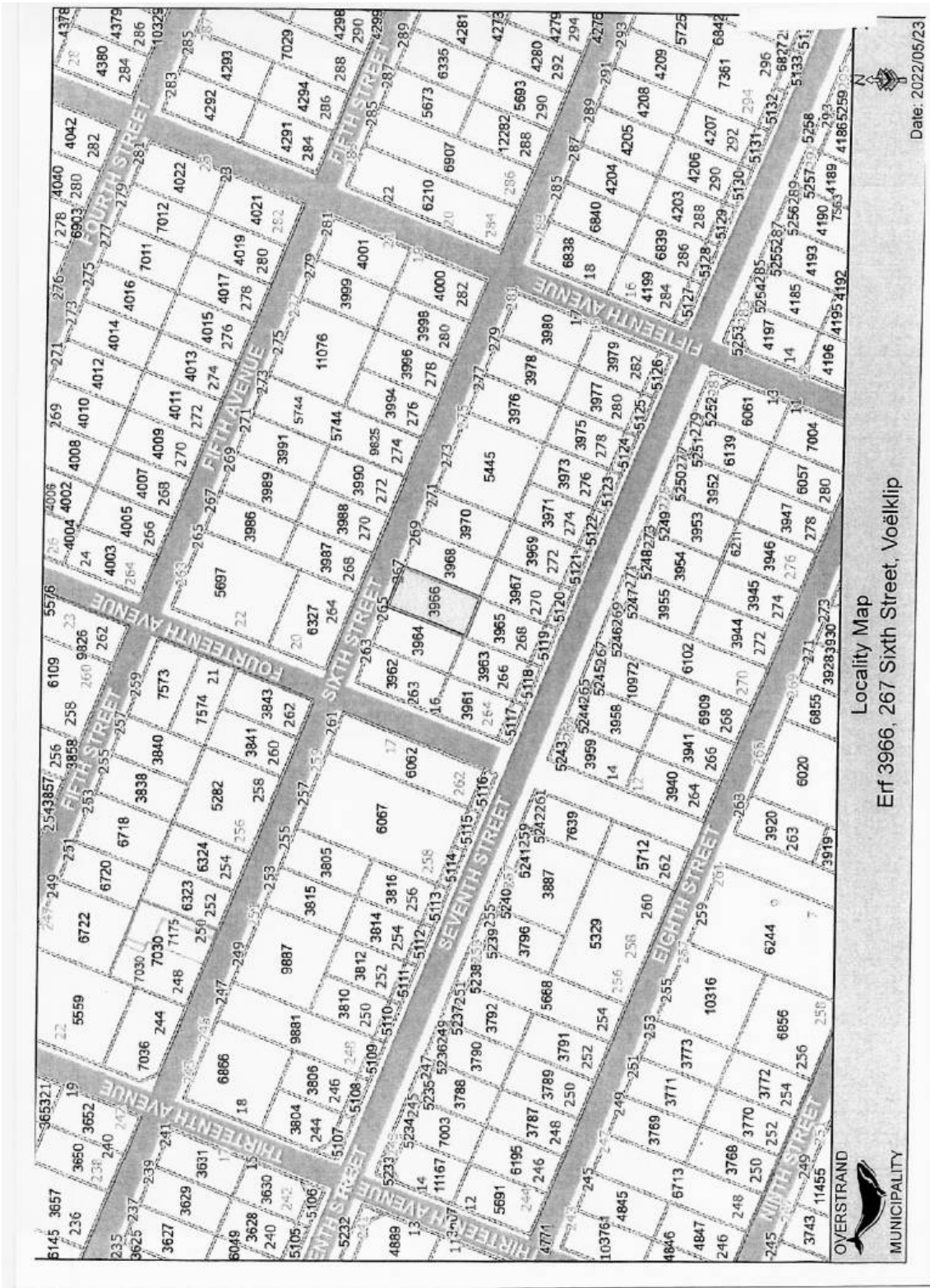
be approved in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

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- (a) that the approvals are for the development as indicated on Site Development Plan Erf 3966 Hermanus – *drawing no I 0432/A3 (01-8;*
 - (b) that building plans be submitted to the building control office, and all comments from the Fire Department be complied with at that stage;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
2. that the applicant 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 proposal will have no negative impact on the adjacent property owners or the character of the area.
- ❖ The conversion of the staff bedroom into a kitchenette is considered to be in line with the land use scheme parameters.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The structures proposed are further considered to be in line with the character of the area.



Locality Map
Erf 3966, 267 Sixth Street, Voëlkip



OVERSTRAND
MUNICIPALITY

Date: 2022/05/23

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 3966, VOELKLIP**

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 3966, Voelklip, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

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24.ERF 4646, 23 STRAND STREET, KLEINMOND: APPLICATION FOR DEPARTURE: INTERACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF CS MALHERBE

4646 KKM (4317/2023)

**H van der Stoep
8 June 2023**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 5 January 2023 from Inter Active Town & Regional Planners on behalf of CS Malherbe on Erf 4646, 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 1,6m and the rear building line from 2m to 1,8m to accommodate the proposed additions and amendments to the existing dwelling house on the property.

RESOLUTION

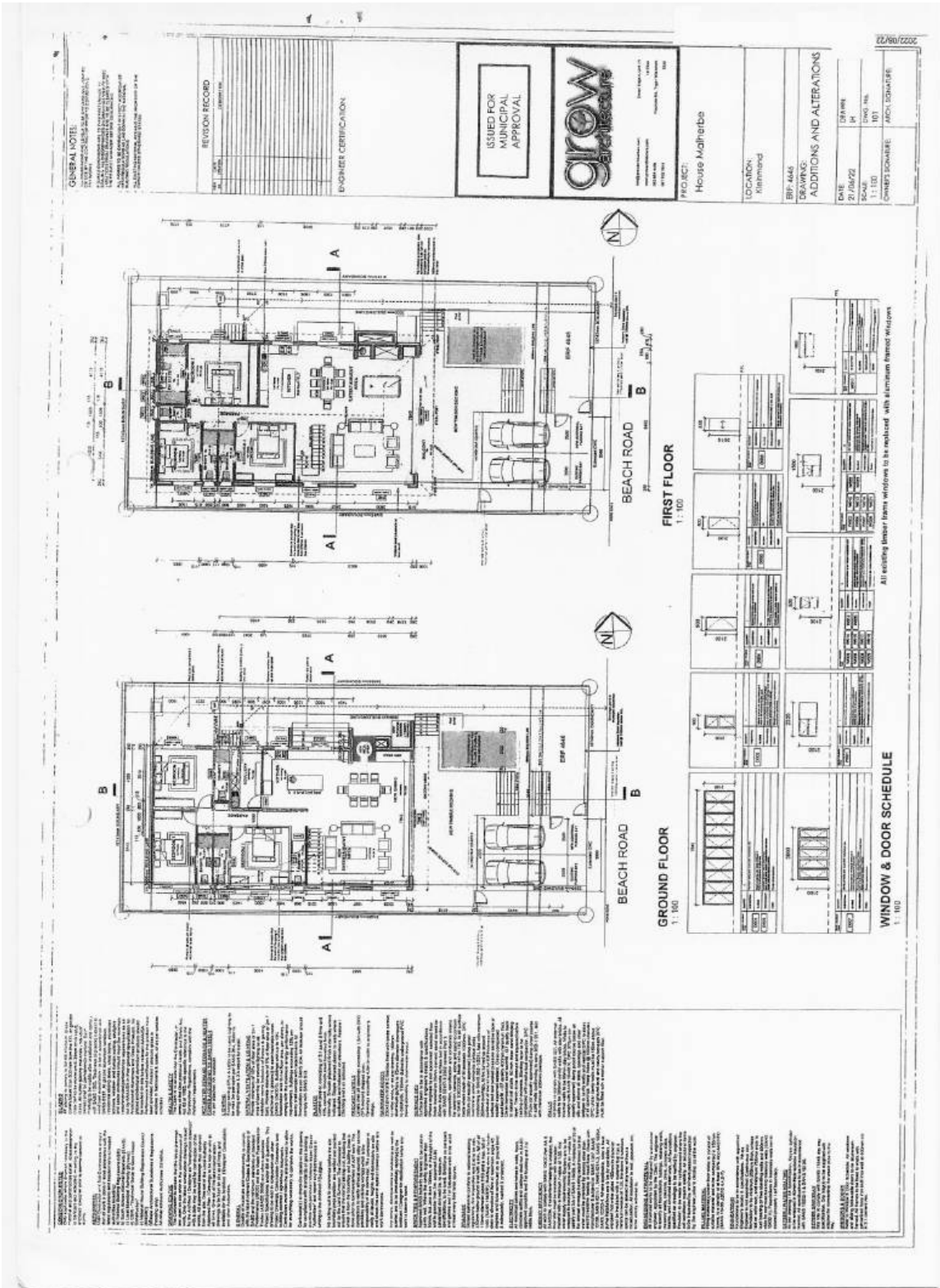
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4646, Kleinmond for a departure in order to relax the southern lateral building line from 2m to 1,6m and the rear building line from 2m to 1,8m to accommodate the proposed additions and amendments to the existing dwelling house on the property, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions
 - (a) that buildings to be submitted be in line with plans numbers 101 and 102 dated 21/06/2022;
 - (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;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and

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- (f) 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 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

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



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 4646, KLEINMOND (4317/2023)**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that 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 4646 Kleinmond, unobstructed.

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

20/03/2023
DATE

**AGENDA of the
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25. ERVEN 12717 AND 12820, C/O TWELFTH STREET AND TENTH AVENUE, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSOLIDATION: MESSRS CK RUMBOLL & PARTNERS ON BEHALF OF THE TRUSTEES FOR THE TIME BEING OF THE TBI – Y2C

12717 & 12820 HVK

P Roux

(028) 313 8900

Hermanus Administration

5 June 2023

EXECUTIVE SUMMARY

An application has been received on 28 March 2023 from Messrs CK Rumboll on behalf of the trustees for the Time Being of the TMI – Y2 in terms of Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the consolidation of Erven 12717 and 12820 Voëlklip, Hermanus in order to create one erf approximately 991m² in extent.

RESOLUTION

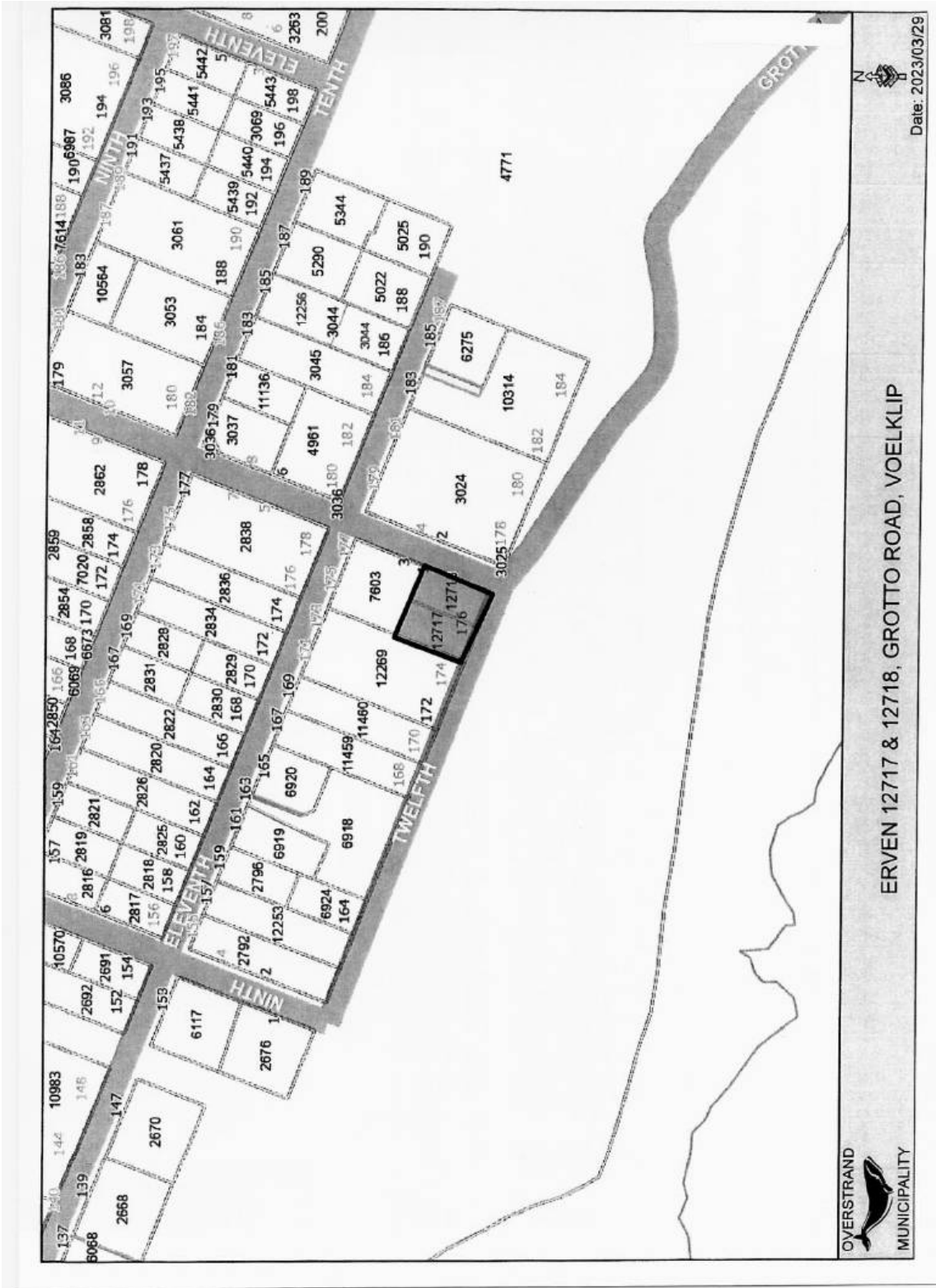
1. that the application in terms Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 12717 & 12820, Voëlklip, Hermanus for the consolidation of the erven to create an erf of approximately 991m² in extent, **be approved** in terms of the provisions of Section 61 of the By-Law;
 - (a) that the approval is only for the consolidation as indicated on *Consolidation Plan No HER/13001/JL/EM, Hermanus dated March 2022*;
 - (b) that building plans be submitted for any new work done and that the Building Department and Fire Department's comments be complied with at that stage;
 - (c) that the conditions in the Services Report, be complied with;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.

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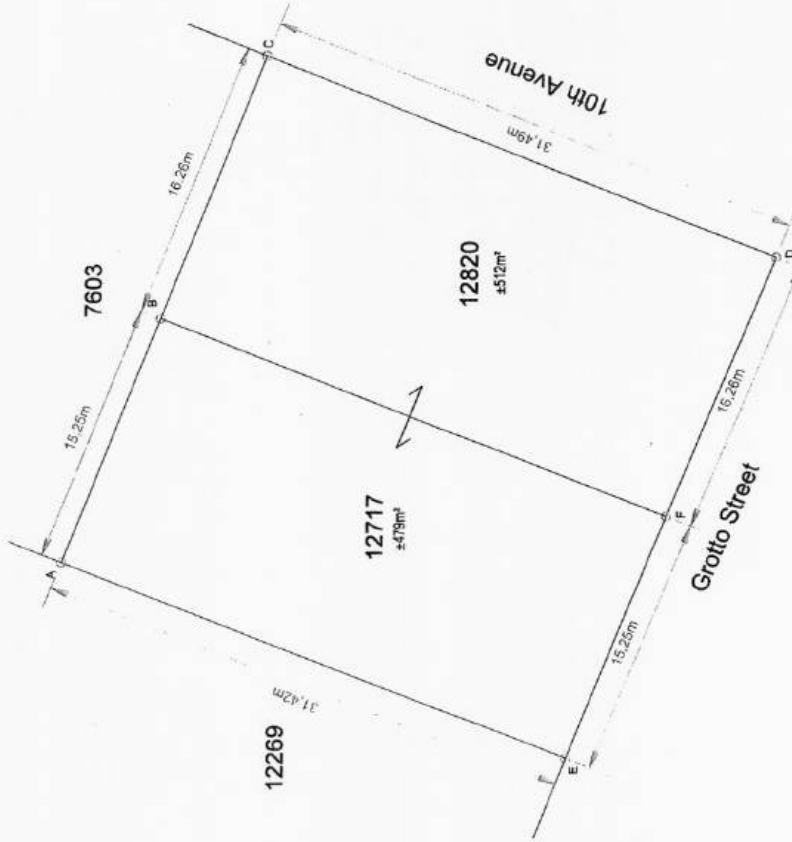
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- ❖ The development is not considered to unacceptably detract from the character of the area and vested rights of adjoining property owners.
- ❖ The proposed consolidation 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 application followed due process.
- ❖ The proposal is consistent with the SDF.





CONSOLIDATION PLAN - ERVEN 12717 AND 12720, HERMANUS



NOTES:

Figure A B F E represents Erf 12717 Hermanus which measures ±479m².
 Figure B C D F represents Erf 12820 Hermanus which measures ±512m².
 Proposed Erf 12717 (±479m²) to be consolidated with Erf 12820 (±512m²) to create a new Erf of ±991m² in extent.

LEGEND:

Consolidation: 
 Erf boundary: 

Drawing by: Elvree Mein

ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING

C. F. FIMPELL & VENKTE
 SURVEYORS & ENGINEERS
 PROFESSIONAL SURVEYORS
 17 FARMER STREET, AMALUSURRY
 TEL: 022 - 423945
 Fax: 022 - 423946
 Email: cf@fimpell.co.za

DATE: FEB 2023
 AUTHORITY: ONSDERSKED MUNICIPALITY

DRAWN BY: HERMANNUS
 SCALE: 1:1000

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION: ERVEN 12717 & 12718, VOELKLIP**

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

Conditions:

1. that the existing sewer connection(s) be used to service the proposed consolidated development;
2. that the water connections to the erven must be consolidated to one connection and that one water meter be allowed/ registered ;
3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
4. that the electricity connections to the erven must be consolidated to one connection and that one electricity meter be allowed/ registered;
5. that electrical submetering for second/additional dwelling(s) remains the responsibility of the developer/owner.
6. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
7. that, should any upgrading and / or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Operational Manager: Hermanus for written approval;
8. that any additional and / or extended vehicle entrances will be for the owner's account;
9. that stormwater be allowed to discharge through Erven 12717 & 12718, Voelklip, unobstructed;
10. that no on-street parking be allowed.

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

16/05/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

26.ERF 1577, 14 TIPTOL CRESCENT, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: MBPLAN TOWN PLANNING ON BEHALF OF GM & VA MC MANUS

1577 HVM (4325/2023)

H Olivier

(028) 313 8900

Hermanus Administration

4 May 2023

EXECUTIVE SUMMARY

An application was received on 20 January 2023 from Messrs MBPlan Town Planning on behalf of GM & MC Manus on Erf 1577, Vermont for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, to exceed the permissible coverage from 50% to 56,54% in order to accommodate the existing dwelling on the property.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the existing covered entrance and existing 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 1577, Vermont for a departure to exceed the permissible coverage from 50% to 56,54% in order to accommodate the existing dwelling on the property, **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 Plans Number A.01.2 to A.01.7 dated 29/11/2022;
 - (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 Telkom, 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 applicable to Erf 1577, Vermont for the unauthorized structures which encroach the permissible coverage, **be imposed**, and that an administrative penalty fee of R8526,42 be payable within thirty (30) days of the decision.
 3. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

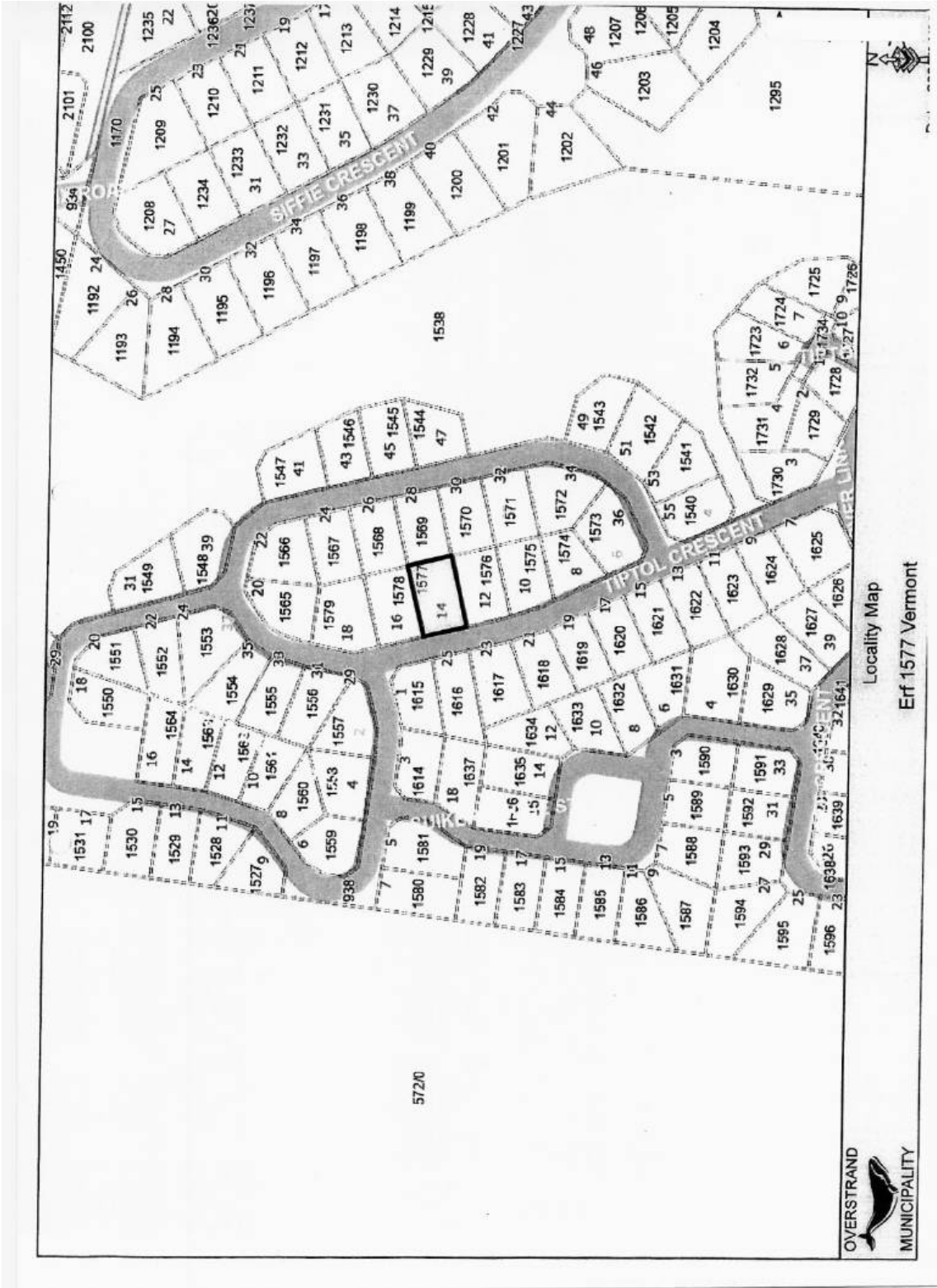
REASONS FOR RESOLUTION

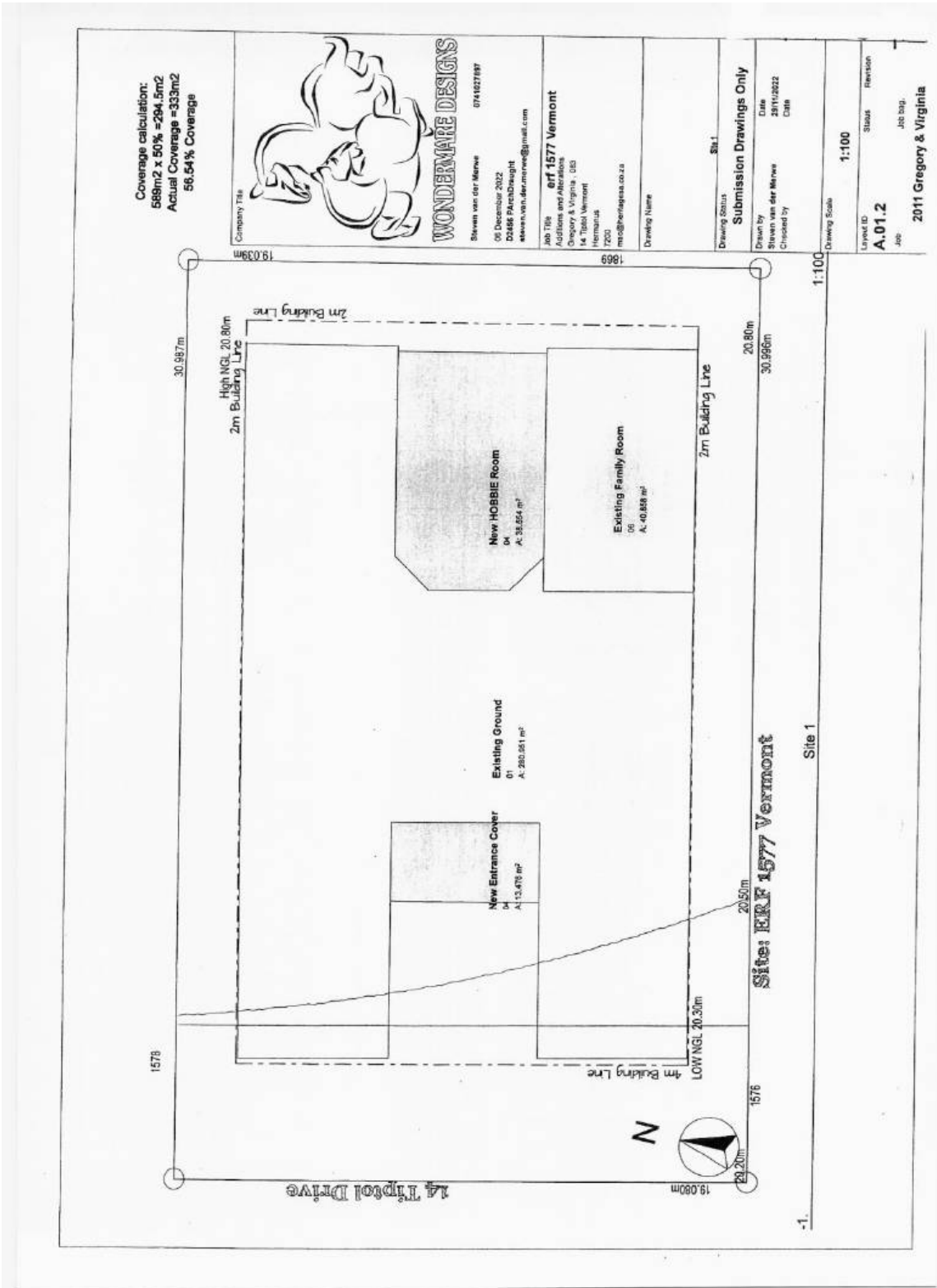
POINT 1

- ❖ The application has followed due procedure.
- ❖ No objections were received from surrounding neighbours or Municipal Branches.
- ❖ It is in line with policy documents.
- ❖ The position of the extensions is such that it does not impact the street façade or make the building so bulky that it impacts the character of the surrounding area.
- ❖ The application is regarded as being desirable from a town planning point of view.

POINT 2

- ❖ This encroachment of coverage is considered a major encroachment and usually not supported but is only considered in a positive light in this case due to the placement of the extension having a minimal impact on the surrounding area.
- ❖ Although the original property owner constructed the illegal extensions, the existing property owner could have requested copies of approved building plans prior to purchasing the property.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 1577, VERMONT (4325/2023)**

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 1577, 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

21/02/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

27.ERF 8340, 5 KUYASA STREET, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE & DEPARTURE: COMPROP DESIGNS ON BEHALF OF VK ABRAHAMS

8340 KKM (4127/2022)

BC Minnaar

(028) 313 8900

Hermanus Administration

8 June 2023

EXECUTIVE SUMMARY

An application has been received on 28 April 2022 from Comprop Designs on behalf of VK Abrahams for the following:

- ❖ **Consent use** in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to utilize a portion of the existing dwelling on Erf 8340, Kleinmond as a house shop.
- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 8340, Kleinmond to relax the 2m street building line and the 1m lateral building line to 0,5m respectively to accommodate the house shop.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 in order to accommodate the existing structure encroaching the street building line.

RESOLUTION

1. that the application for consent use in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to utilize a portion of the existing dwelling on Erf 8340, Kleinmond as a house shop, **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 Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the street building line from 1m to 0,5m to accommodate the existing structure (house shop), **be approved** in terms of the provisions of Section 61 of the By-Law
3. that the approvals in points 1 and 2 above be subject to the following conditions:
 - (a) that the house shop be restricted to 13,9m² as indicated on the site plan submitted with the application;

**AGENDA of the
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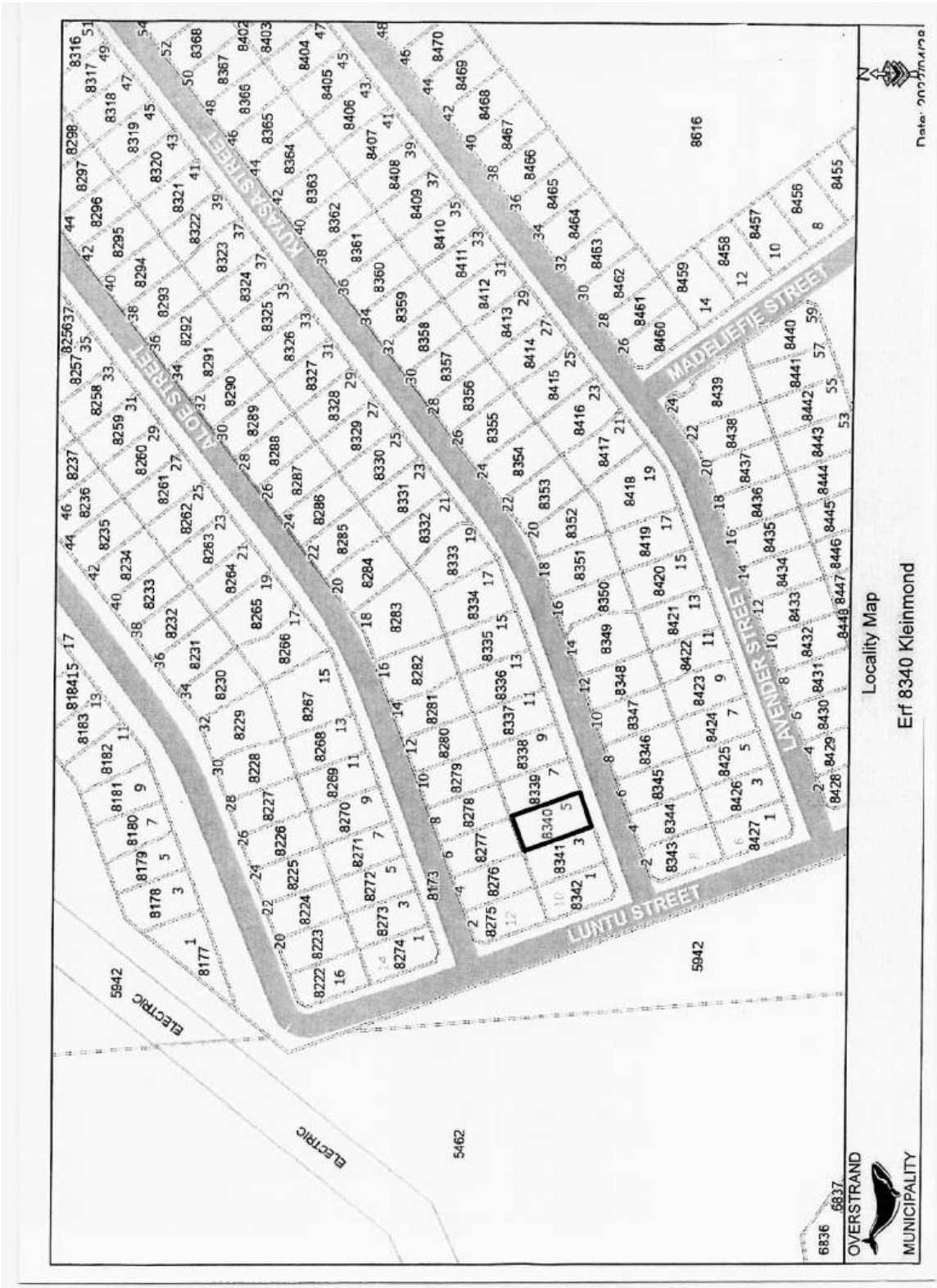
- (b) that the parking requirement for the house shop be waived;
- (c) that building plans be submitted to the Building Department of the Municipality in accordance with the Site Plan submitted with the application, and that any requirements by the Fire- and Building Departments at that stage be complied with;
- (d) that no more than one (1) vehicle, not exceeding 3500kg gross weight, may be utilized to make deliveries at the house shop at any one time;
- (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 no products, goods or supplies connected to the house shop may be stored on the property outside the building;
- (h) that only one un-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
- (i) that the business hours of the house shop are restricted to 06h00 to 21h00 from Monday to Fridays and from 06h00 to 21h00 on Saturdays which does not include public holidays or Sundays, or such trading hours as permitted by the municipality;
- (j) that no more than three (3) persons, including the occupant(s) of the dwelling unit, are permitted to be engaged in retail activities on the property, other than with the consent of the Municipality;
- (k) that the operator of the house shop shall reside permanently on the premises;
- (l) 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;
- (m) that permission to operate the house shop is granted to the applicant only and is not transferrable;

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- (n) that no sub-letting is permitted;
 - (o) 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;
 - (p) 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;
 - (q) that application is made for a Business Licence at the Overstrand Municipality, prior to operating the house shop;
 - (r) that no accumulation of refuse may occur on the premises;
 - (s) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (t) that all conditions imposed in the Services Report be adhered and be complied with.
4. that the determination of an administrative penalty in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 8340, Kleinmond to accommodate the existing structure (house shop) encroaching the 1m street building line to 0,5m that calculates to 3,069m² was considered and that an administrative penalty of R261,26 excluding VAT (being 5% of the building costs for the unauthorised building work), **be applicable** in terms of Section 90.(4) of the By-Law which penalty must be paid within thirty (30) days from the final date of the decision of the application; and
5. that the applicant be notified of its right of appeal in terms Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

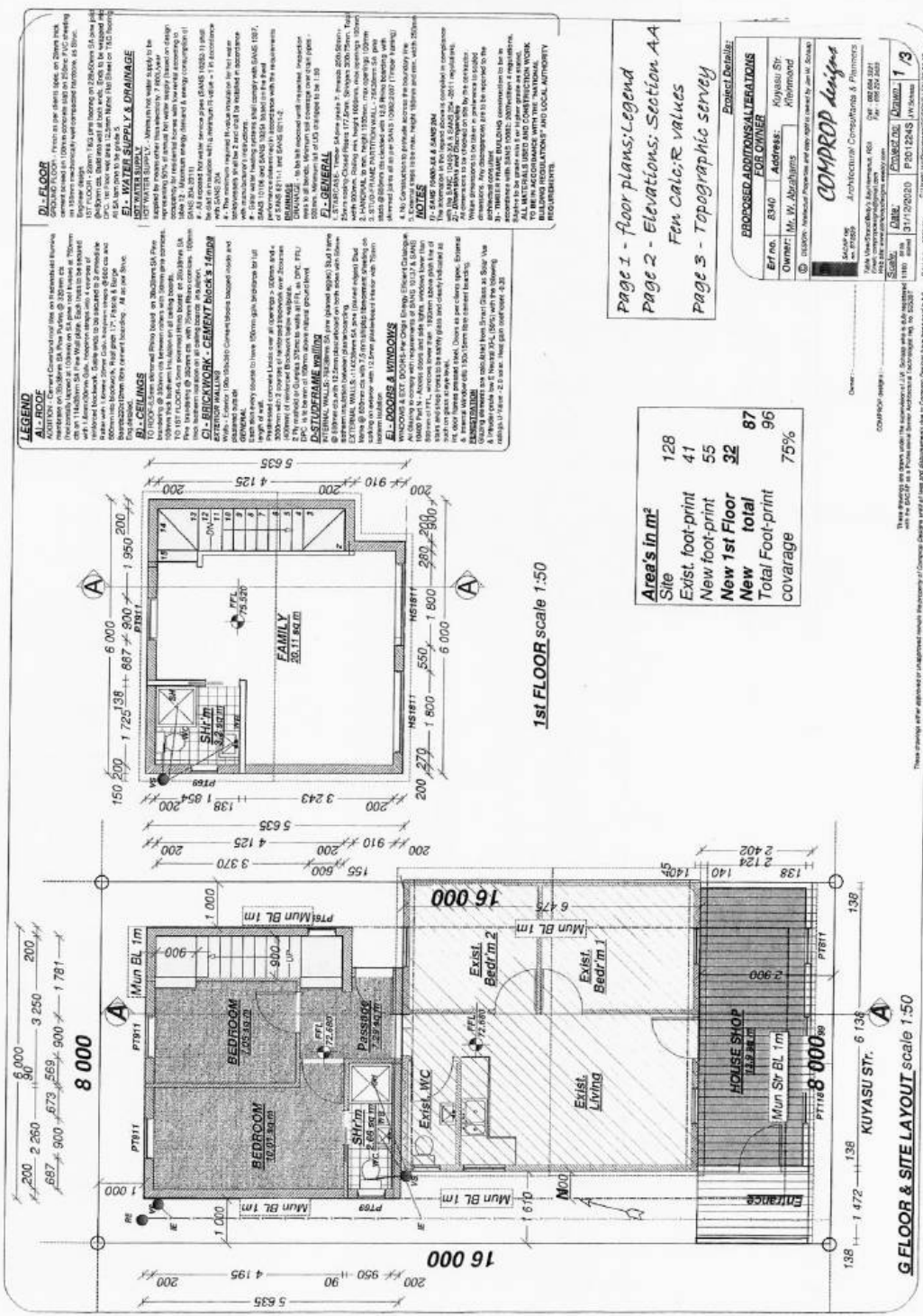
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have objected to the application.
- ❖ No new municipal services will be needed.
- ❖ No objections were received from neighbours.
- ❖ It will not impact on surrounding neighbours or the character of the area and is desirable.



North Arrow
Date: 2017/01/20

Locality Map
Erf 8340 Kleinmond





LEGEND
AI - ROOF
 CONSTRUCTION: Concrete slabs on steel joists on 150mm x 150mm steel joists spaced at 600mm c/c. All roof areas to be waterproofed with 2mm thick waterproofing membrane.
DI - FLOOR
 CONSTRUCTION: 100mm concrete slab on 200mm x 200mm steel joists spaced at 600mm c/c. All floor areas to be waterproofed with 2mm thick waterproofing membrane.
E1 - WATER SUPPLY & DRAINAGE
 CONSTRUCTION: 100mm concrete slab on 200mm x 200mm steel joists spaced at 600mm c/c. All water supply and drainage pipes to be installed in concrete slabs.
E2 - CEILINGS
 CONSTRUCTION: 100mm concrete slab on 200mm x 200mm steel joists spaced at 600mm c/c. All ceiling areas to be waterproofed with 2mm thick waterproofing membrane.
E3 - BRICKWORK - CEMENT BLOCK & 1/2 BRICK
 CONSTRUCTION: 100mm concrete slab on 200mm x 200mm steel joists spaced at 600mm c/c. All brickwork to be constructed with cement blocks and 1/2 bricks.
E4 - DOORS & WINDOWS
 CONSTRUCTION: 100mm concrete slab on 200mm x 200mm steel joists spaced at 600mm c/c. All doors and windows to be constructed with 100mm concrete slabs.

Page 1 - Floor plans: Legend
 Page 2 - Elevations: Section A-A
 Page 3 - Topographic survey
 For Calc: R values

Area's in m ²	
Site	128
Exist. foot-print	41
New foot-print	55
New 1st Floor	32
New total	87
Total Foot-print coverage	96
	75%

PROPOSED ADDITIONS ALTERATIONS
FOR OWNER
 Owner: Mr. W. Abubakar
 Address: Kuyasu St, Alimosho
 City: Lagos, Nigeria
 Project Details:
 Project Name: PROPOSED ADDITIONS ALTERATIONS
 Architect: COMPROP Design
 Architectural Consulting & Planners
 100, Oshodi Expressway, Lagos, Nigeria
 Tel: +234 9 254 2221
 Fax: +234 9 254 2222
 Email: info@compropdesign.com
 Scale: 1/3
 Date: 21/11/2020
 Project No: P/2012/AS
 Rev: 01

This drawing is the property of COMPROP Design and shall not be used for any other project without the written consent of COMPROP Design.
 All dimensions are in meters unless otherwise stated.
 The site is shown as a reference only and shall not be used for any other project without the written consent of COMPROP Design.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE & DEPARTURE: ERF 8340, KLEINMOND
(4127/2022)**

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 developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer 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 8340 Kleinmond, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

28.ERF 1540, 5 LANG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: WILLIE STEYN LAND USE PLANNER ON BEHALF OF SA SMOOK

1540 HSB (4232/2022)

(H Boshoff)

H van der Stoep

(028) 313 8900

Hermanus Administration

13 June 2023

EXECUTIVE SUMMARY

An 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), applicable to Erf 1540, Sandbaai, was received on 29 April 2022 from Messrs Willie Steyn Land Use Planner on behalf of SA Smook, to subdivide the property in two portions namely, Portion A approximately 658m² in extent and a Remainder approximately 725m² in extent.

RESOLUTION

1. that the comments received be noted;
2. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the subdivision of Erf 1540, Sandbaai in two portions, namely Portion A approximately 658m² in extent and a Remainder approximately 725m² in extent, **be approved** in terms of Section 61 of the By-Law;
3. that the approval in 1 above be subject to the following conditions:
 - (a) that the conditions of Engineering Services and Telkom, be complied with;
 - (b) that all the development parameters as prescribed in the relevant Land Use Scheme, must be complied with when the properties are to be developed; and
 - (c) that the approval in 1 above does not absolve the applicant/owner from compliance with any other relevant legislation
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval, and

**AGENDA of the
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2 August 2023
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5. that the commenters be informed that they do not have an appeal right in terms of Section 78 of the By-Law with regard to the above conditional approval due to non-compliance with the provisions of Section 52 of the By-Law.

REASONS FOR RESOLUTION

- ❖ The application contains sufficient merit to be considered favourably.
- ❖ One additional erf will be created that would not impact on the character of the area.
- ❖ The proposal is not out of the ordinary for the area.
- ❖ Sensible densification within the urban edge of the Overstrand Municipality is encouraged.
- ❖ The subdivision is in line with the strategic documents of the Overstrand Municipality.
- ❖ The approval will not impact on the rights of the surrounding property owners.
- ❖ All services for the subdivided portions are available and are sufficient to accommodate the proposal.
- ❖ The proposal is regarded as being desirable from a town planning perspective.



Surveyor General WC Department of Rural Development and Agricultural Infrastructure
 Department of Rural Development and Agricultural Infrastructure



WILLIE STEYN
 Tchn. Pin (B/8074/1998)
LAND USE PLANNER
 082 757 2448

**ERF 1540 SANDBAAI
 LOCATION**

Ref. S11
 Date 15/3/2022

Base Info
 CFM
 Scale
 NTS



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION: ERF 1540, SANDBAAI**

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>
TOTAL (inclusive of VAT)		=	R 97 048.99

Note:

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

2

2. that any part of the existing water and sewer services on Erf 1540 that crosses the common boundary of Portion A and the Remainder of Erf 1540 shall be disconnected and sealed off;
3. that both the Remainder and Portion A of Erf 1540 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 1540 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, Sandbaai, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES

21/07/2022
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

**29.ERF 4245, 19 C/O SIXTH STREET AND SEVENTH AVENUE, VOËLKLIP,
HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR
DEPARTURE: MESSRS UMSIZA PLANNING ON BEHALF OF MAG
WURBACH**

4245 HVK (4271/2022)

P Roux

(028) 313 8900

Hermanus Administration

29 May 2023

EXECUTIVE SUMMARY

An application has been received on 24 October 2022, amended application received 6 February 2023, from Messrs Umsiza Planning on behalf of the owner of Erf 4245, Voëlklip, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Departure** in terms of Section 16(2)(b):-
 - relaxation of the street building line (17th Avenue) from 4m to ± 0.5 to accommodate a garage on ground floor and two bedrooms on first floor;
 - relaxation of the street building line (6th Street) from 4m to 3m to accommodate a shower;
 - relaxation of the lateral building line from 2m to 0m to accommodate a lounge and extended garage;
 - encroachment of the permissible coverage from 50% to 50.97%, and
 - relaxation of the street building line (17th Avenue) from 3m to 0.15m to accommodate the new pergola and braai.

- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, in order to accommodate the existing structure.

RESOLUTION

1. that the comment be noted;

2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 4245, Hermanus in order to:
 - relax the street building line (17th Avenue) from 4m to ± 0.5 to accommodate a garage on ground floor and two bedrooms on first floor;
 - encroach the permissible coverage from 50% to 50.97%; and

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- relax the lateral building line from 2m to 0m to accommodate a lounge and extended garage;

not 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 Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 4245, Hermanus in order to:
 - relax the street building line (6th Street) from 4m to 3m to accommodate a shower, and
 - relax the street building line (17th Avenue) from 3m to 0.15m to accommodate the new pergola and braai;

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

4. that the recommendation under paragraph 3. is subject to the following conditions:
 - (a) that a revised site development plan be submitted indicating compliance with the approval for only the proposed shower, pergola and braai;
 - (b) that the revised site development plan and building plans be submitted to the Building Control Office, and all comments from the Fire Department be complied with at that stage;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
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

Reasons for approval

- ❖ The proposed structures are small in scale and will not create additional bulk on the streetscape.

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2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- ❖ The location of the proposed structures will be optimally placed in order to not have a negative influence on the adjacent property owners.
- ❖ The concerns of the person who commented cannot be addressed by the Municipality and must be directly discussed with the property owner.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.

Reasons for non- approval

Proposed pyjama lounge and bedrooms on first storey

- ❖ The opinion is held that the placement of the proposed pyjama lounge and bedrooms on first storey is only due to a design perspective and that there are no site-specific reasons to develop the structures as indicated.
- ❖ The design of the pyjama lounge and bedrooms are done in such a manner that it could be utilised separately from the main dwelling and as a second dwelling, considering this an additional parking bay is required which is indicated on site however, the size of the additional parking bay does not comply with the parking size parameters of the Municipality.
- ❖ The addition of the first floor bedrooms over the 4m street building line creates additional bulk on the street scape which is in contrast to the character of the area
- ❖ The habitable space is likely to have a negative impact on the character of the area and is likely to infringe on the vested rights of surrounding property owners.
- ❖ Various complaints were received regarding the close proximity of habitable spaces on adjoining properties within residential areas, the property falls within a low density and tranquil residential area oppose to a high-density residential area where such applications would be regarded as more in line with the character of such a built environment.
- ❖ The creation of a habitable space on the boundary could lead to the perception that it is acceptable to construct habitable portions of dwellings on property boundaries, which could ultimately lead to an increase in such applications and thereby having a negative impact on the character of the residential areas in the Overstrand area.
- ❖ The examples provided by the applicant was investigated and it was found that the most structures over the relevant building lines had prior approval from the Municipality, however the rules and regulations since 1935 have implemented a relative distance from the street boundary which needs to be maintained by structures. The examples are the exception and not the norm.

Proposed extension of garage

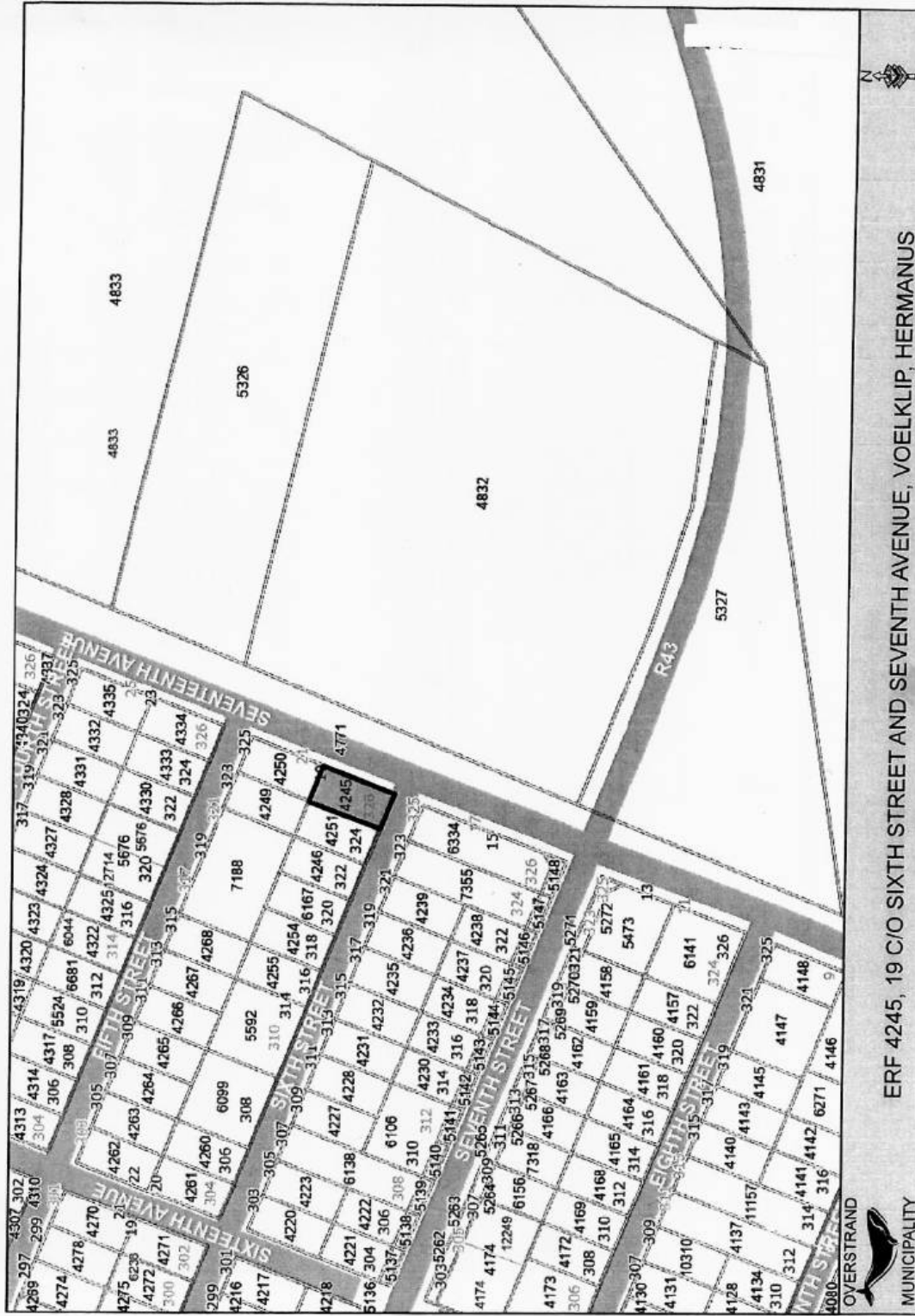
- ❖ The subject property is similar in size and location to the majority of erven located in Voëlklip therefore there are no site-specific circumstances for the site, the proposed extension is merely desired from a design perspective.

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- ❖ The application is considered flawed as it does not directly address the fact that the proposed new bedrooms will also be located over the 4m street building line. The motivation also contradicts itself by stating that the height of the structure will be compliant with the 4,5m height requirement of structures over the street building line and then stating that the height will be 7,073m at the pitch of the roof.
- ❖ The land use scheme specifically refers a garage should not exceed 4,5m over the street building line, however according to the site development plan the bedrooms will be situated above the garage at a height of 7,073m, thus the bulk (and height) of the garage will be much more than motivated and not compliant with the 4,5m height as per the land use scheme parameters.
- ❖ The examples provided by the applicant was investigated and it was found that the most structures over the relevant building lines had prior approval from the Municipality, however the rules and regulations since 1935 have implemented a relative distance from the street boundary which needs to be maintained by structures. The examples are the exception and not the norm.
- ❖ The bulk of the structure over the street building line is in stark contrast to the street and single residential suburb in which the property is situated.

Proposed deviation from coverage

- ❖ The opinion is held that the structures as indicated on the site development plan is compliant with the 50% coverage as the 1m roof overhang/eaves must be excluded from the calculation of coverage. There is therefore no need to depart from the permitted coverage.



ERF 4245, 19 C/O SIXTH STREET AND SEVENTH AVENUE, VOELKLIP, HERMANIUS



OVERSTRAND
MUNICIPALITY

Date: 2023/02/14

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 4245, VOELKLIP**

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 4245, Voelklip, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

30. ERVEN 1156 AND 1157, 12 VALEY STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION AND APPROVAL OF SITE DEVELOPMENT PLAN: MESSRS WRAP PROJECT OFFICE ON BEHALF OF OVERBURG STORAGE CC

1156 & 1157 SSS

P Roux

(028) 313 8900

Hermanus Administration

14 June 2023

EXECUTIVE SUMMARY

An application was received on 7 December 2022 in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) from Messrs WRAP Project Office on behalf of Overberg Storage CC, the owners of Erven 1156 and 1157, Stanford for the following:

- **consolidation** in terms of Section 16(2)(e) of the By-Law to consolidate Erven 1156 and 1157, Stanford in order to create one erf of approximately 2578m² in extent, and
- **approval of a site development plan** in terms of Section 16(2)(g) of the By-Law to accommodate 80 self-storage units.

RESOLUTION

1. that the comment be noted;
2. that the application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 1156 and 1157, for the following:
 - ❖ consolidation in terms of Section 16(2)(e) of the By-Law to consolidate Erven 1156 and 1157, Stanford in order to create one erf of approximately 2578m² in extent, and
 - ❖ approval of a site development plan in terms of Section 16(2)(g) of the By-Law to accommodate 80 self-storage units;

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

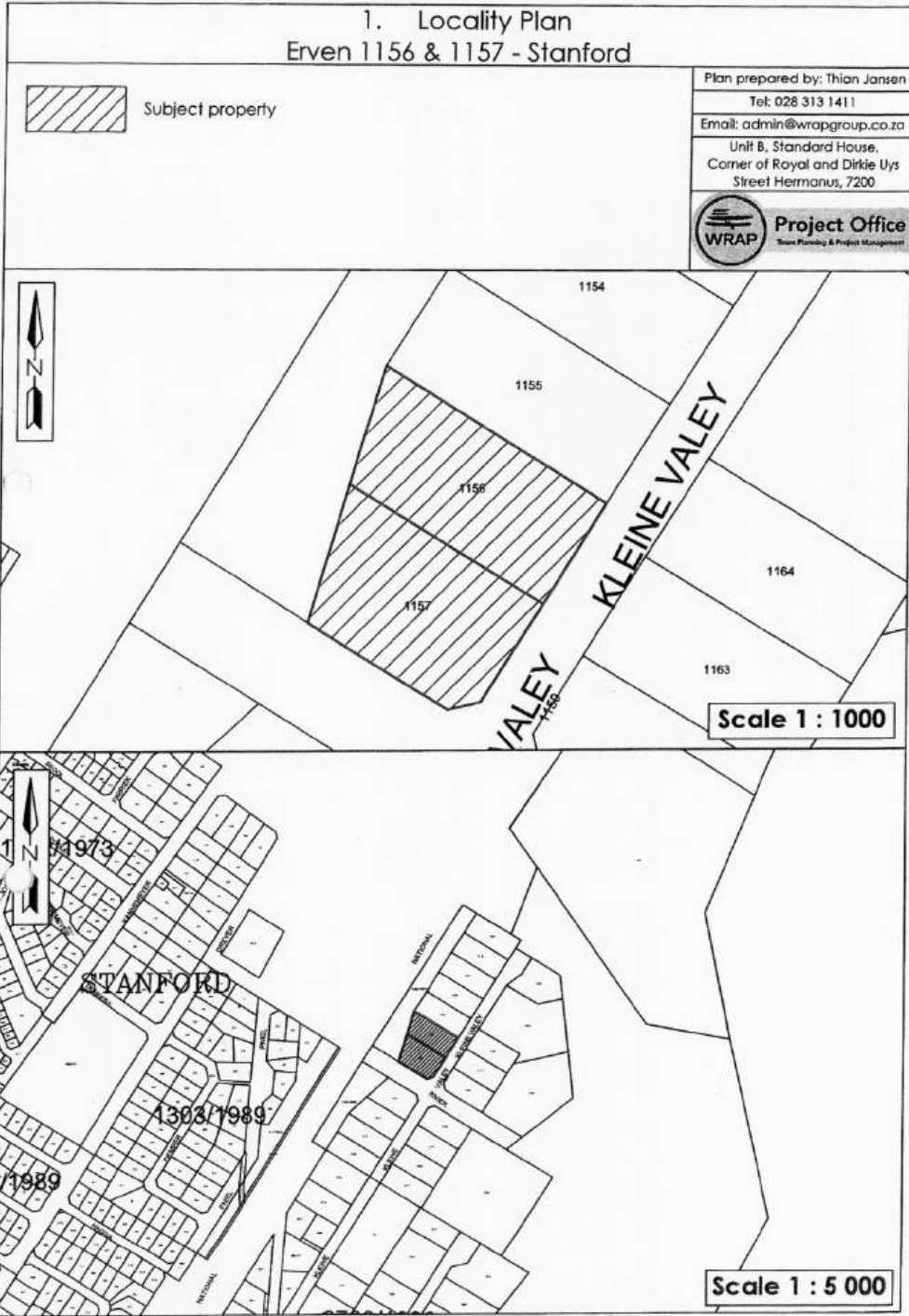
- (a) that the approval is only for the consolidation of the erven and development of self-storage units as per the Consolidation Plan as submitted with the application and the amended Site Development Plan number 22/162 (002) dated 2023/03/08;

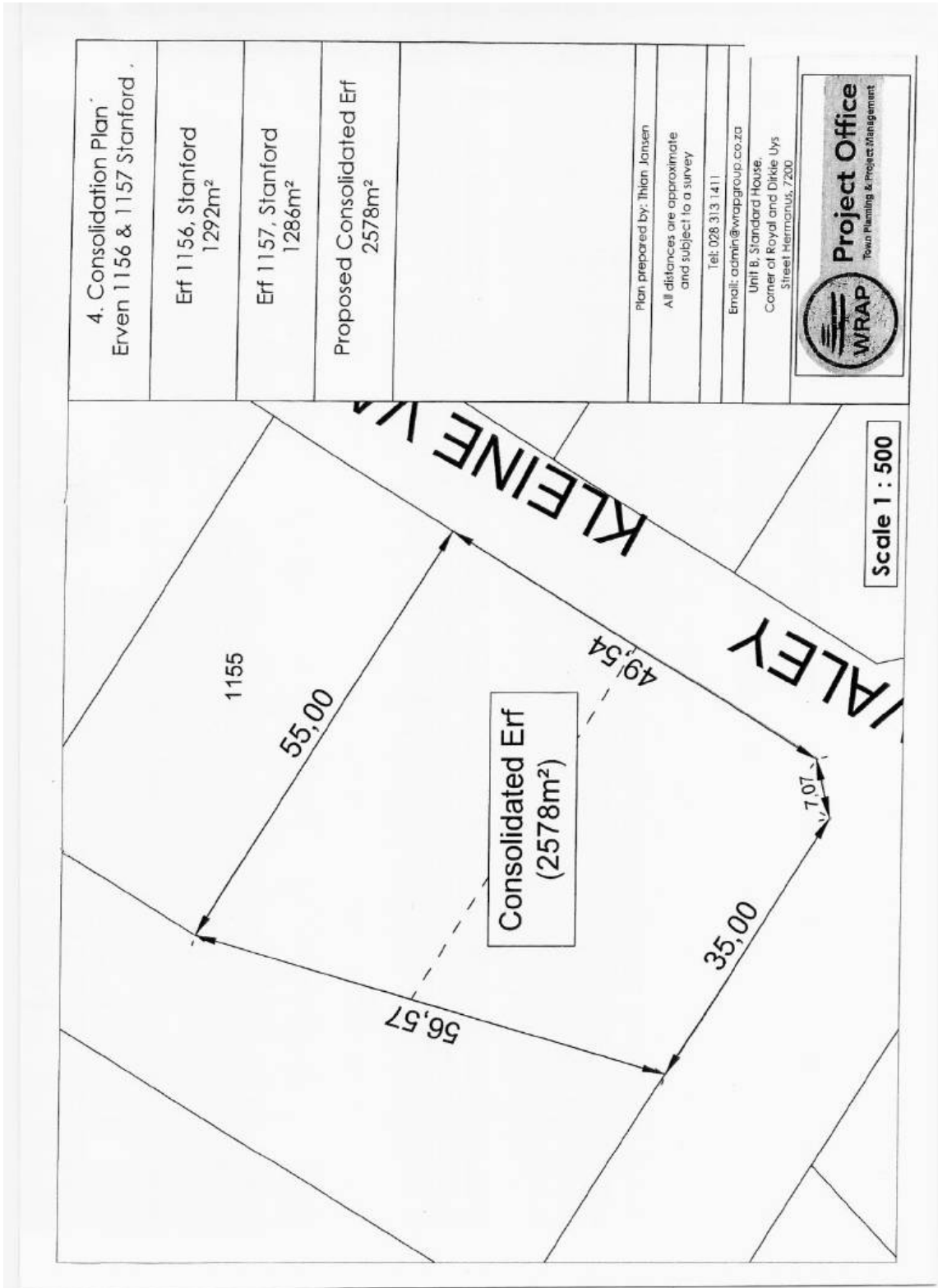
**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- (b) that signage placement and boundary development be done in compliance with the Heritage Protection Overlay Zone regulation;
 - (c) that building plans be submitted to the Building Department and that all comment from the relevant 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 landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
3. that the applicant and person who commented be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- ❖ The development is not considered to unacceptably detract from the character of the area and vested rights of adjoining property owners.
- ❖ The proposed consolidation 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 properties are situated next to the Scenic Route of Regional Scenic Significance as per the HPOZ Plan 10 for Stanford and therefore the parameters such as the type of boundary wall and the placement of advertisement boards must be adhered to
- ❖ The application followed due process.
- ❖ The proposal is consistent with the SDF.





4. Consolidation Plan Erven 1156 & 1157 Stanford .
Erf 1156, Stanford 1292m ²
Erf 1157, Stanford 1286m ²
Proposed Consolidated Erf 2578m ²
Plan prepared by: Ihtan Jansen
All distances are approximate and subject to a survey
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit B, Standard House, Corner of Royal and Dikke Lys Street Hermanus, 7200



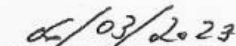
**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION: ERF 1156 & ERF 1157, STANFORD
(4305/2022)**

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

Conditions:

1. that, should water- and sewer services be required to the development, a new water connection be applied for to service the consolidated erf (Erf 1156 & Erf 1157) as per standards and requirements of the Department: Operational Services.
2. that only one standard water connection and meter will be available to the consolidated erf.
3. that the proposed development on the consolidated erf (Erf 1156 & Erf 1157) is provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the development must connect to; Only one sewer connection point will be allowed for the consolidated erf.
4. that only one standard electricity connection, supply line and meter will be available to the consolidated erf. The electricity connection to the second property will thus be forfeited once the consolidation has been done. Should a larger capacity be required, the upgrading will be at the owner's cost;
5. that should additional services connections be required the owner will be responsible for the payment of bulk services levies;
6. that stormwater be allowed to discharge through Erf 1156 & Erf 1157, Stanford, unobstructed;
7. that no on-street parking will be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

**31.ERF 3181, 34 TENTH AVENUE, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: MESSRS PLAN
ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF L ARNOT**

3181 HVK (4306/2022)

P Roux

(028) 313 8900

Hermanus Administration

9 June 2023

EXECUTIVE SUMMARY

An application has been received on 8 December 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 3181, Hermanus into two (2) portions, namely Portion A approximately 878m² in extent and Portion B approximately 1107m² 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 3181, Voëlklip, Hermanus into two (2) portions namely Portion A approximately 878m² in extent and Portion B approximately 1107m² 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 *erf 3181 Hermanus .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
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

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 Active Stads- en Sireksbeplanners
Town & Regional Planners

Addressed, approved
and subject to survey.

COPYRIGHT RESERVED

Property Information:
ERF 3181
VOELKLP

Plan Information:
LOCALITY MAP

Scale: **NTS**
Drawing by: **NTS**
Checked by: **NTS**
Date: **JUL 2021**

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION: ERF 3181, VOELKIP (4306/2022)**

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>
TOTAL (inclusive of VAT)		=	R 97 048.99

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 3181 that crosses the common boundary of Portion A and the Remainder of Erf 3181 shall be disconnected and sealed off;
3. that both the Remainder and Portion A of Erf 3181 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 3181 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, Voelklip, unobstructed.

p.p. R. Croft
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

10/02/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

32. ERVEN 1368, 1373 & 12232, 316 (312A) MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION & CONSOLIDATION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF A LOUBSER & JOHALK TRUST

Erven 1368, 1373 & 12232 HEC (4350/2023)

P Roux

(028) 313 8900

Hermanus Administration

12 June 2023

EXECUTIVE SUMMARY

An application has been received on 03 March 2023 from Messrs WRAP Project Office on behalf of the property owners of Erven 1368, 1373 & 12232, for the following:

- ❖ **subdivision** in terms of Section 16(2)(d) to subdivide Erf 1368, Hermanus (1983m² in extent) into two (2) portions namely, Portion A approximately 991.5m² in extent and Remainder Erf 1368, Hermanus approximately 991.5m² in extent, and
- ❖ **consolidation** in terms of Section 16(2)(e) of Erf 1373, Hermanus with Portion A to create a portion of approximately 2974.5m² in extent and to consolidate Erf 12232, Hermanus (991m² in extent) with Remainder Erf 1368, Hermanus to create a portion of approximately 1982.5m² in extent.

RESOLUTION

1. that the application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 1368, 1373 & 12232, for the following:
 - subdivision in terms of Section 16(2)(d) to subdivide Erf 1368, Hermanus (1983m²) in extent into two (2) portions namely, Portion A approximately 991.5m² in extent and Remainder Erf 1368, Hermanus approximately 991.5m² in extent, and
 - consolidation in terms of Section 16(2)(e) of Erf 1373, Hermanus (1983m² in extent) with Portion A to create a portion of approximately 2974.5m² in extent and to consolidate Erf 12232, Hermanus (991m² in extent) with Remainder Erf 1368, Hermanus to create a portion of approximately 1982.5m² in extent;

be approved in terms of the provisions of Section 61, subject to the following conditions:

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Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- (a) that the approval is only for the subdivision as indicated on *Subdivision- and Consolidation Plans No 23/05 (001) dated 23/02/2023* as submitted with the application;
 - (b) that building plans be submitted for any new work done and that the Building Department and Fire Department's comment be complied with at that stage;
 - (c) that the conditions in the Services Report, be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
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 and consolidation are 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.





**Proposed Subdivision
of Erf 1368 Hermanus**

Erf 1368 – Hermanus
Extent - 1983m²

Proposed Subdivision
Remainder of Erf 1368 Hermanus
±991,5m²

Portion A
±991,5m²

Plan prepared by: Thom Janse
Date: 23/02/2023
Plan Number: 23/02 (001)
All dimensions are approximate
and subject to a survey.
Tel: (028) 3131411
Email: admin@wrapp.co.za
Unit 3, Standard House,
Corner of Royal and Drive 1/3,
Street Hermanus, 7200



Scale 1 : 500

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION SUBDIVISION & CONSOLIDATION: ERVEN 1368, 1373 & 12232,
EASTCLIFF (4350/2023)**

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
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that stormwater be allowed to discharge through Erven 1368, 1373 & 12232, Eastcliff, unobstructed;
7. that no on-street parking be allowed.

p.p. R Andfer
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

16/05/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

33.ERF 1859, 4 SEEMEEU CLOSE, GANSBAAI: APPLICATION FOR CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS TOWN & COUNTRY CREATIVE LAND SOLUTIONS ON BEHALF OF FROM A TO Z TRADING 5 CC

1859 GGB (4109/2022)

SW van der Merwe

(028) 313 8900

Hermanus Administration

7 June 2023

EXECUTIVE SUMMARY

An application has been received on 5 April 2022 from Messrs Town & Country Creative Land Solutions on behalf of From A to Z Trading 5 CC Ltd in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- **consent use** in terms of Section 16.(2)(o) of the By-Law, to accommodate a hardware shop (business premises); and
- **determination of an administrative penalty** in terms of Section 16.(2)(q) of the By-Law, to accommodate the existing hardware shop.

RESOLUTION

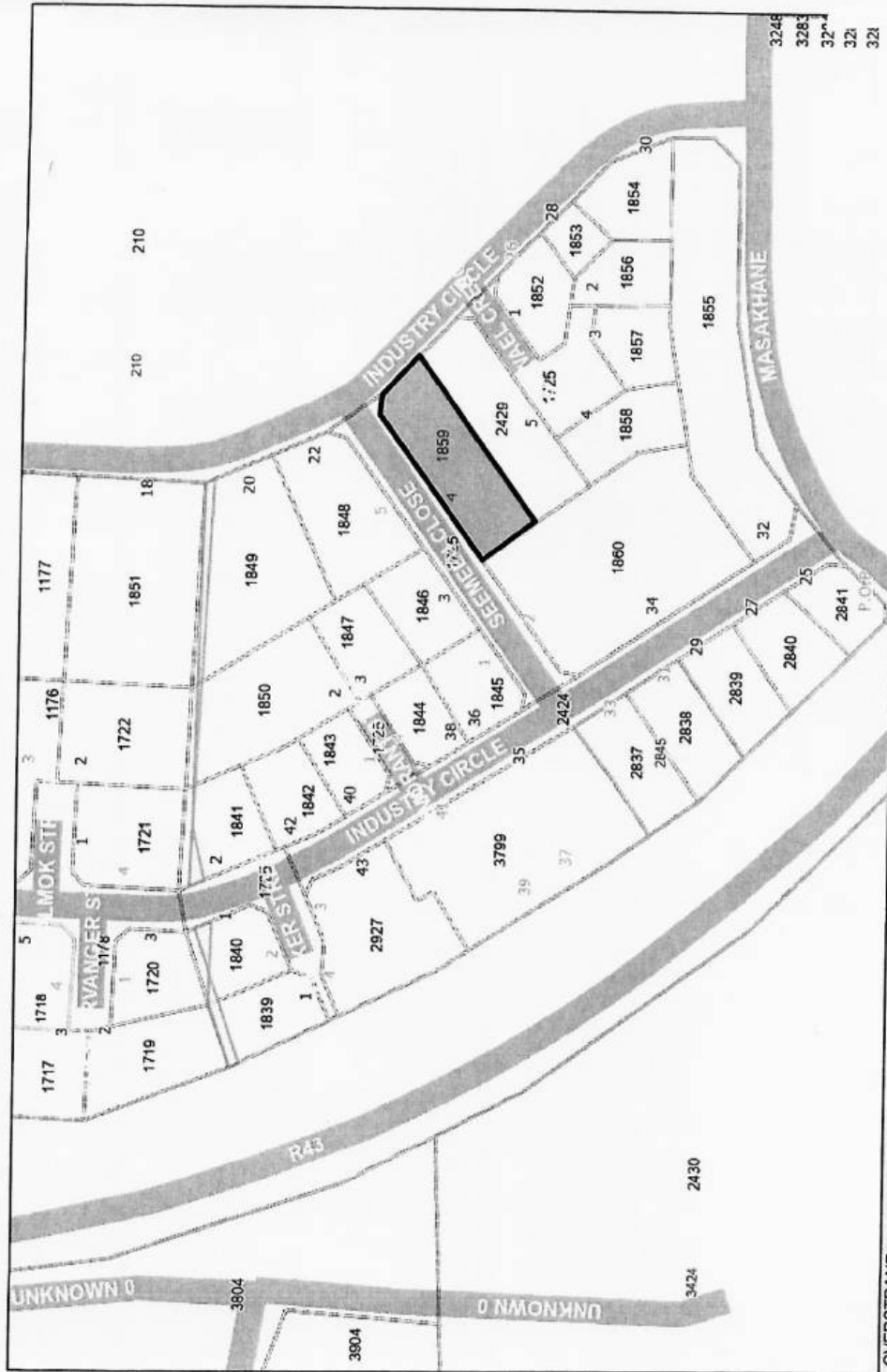
1. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 1859, Gansbaai to accommodate the existing warehouse shop, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the applicant **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 paragraphs 1. to 2. above be subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan number *04/BG/21* dated *30 March 2022*, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that the consent use be limited to the existing building (shop) as per the site development plan;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- (d) that the access gate along the northern side of the property remain open during operating hours;
 - (e) that all the conditions in Telkom's comment, be complied with;
 - (f) that all the conditions in the Services Report, be complied with;
 - (g) that an administrative penalty of R6 724.50.95 + VAT (5% of the municipal land value of the shop) + VAT be payable within **thirty (30) days** of the decision;
 - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (i) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
4. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The proposed development is in line with the SDF and the OGMS.
- ❖ The surrounding owners as well as the internal departments did not object.
- ❖ The Overstrand Municipality Land Use Scheme, 2020 makes provision for a consent use for a business premises on an industrial zoned site.
- ❖ The proposed development to retain the existing entrance on Barnard Street with parking situated to the rear of the property.
- ❖ The character of the surrounding area will not be negatively impacted as there is a similar mix of uses within the Gansbaai Industrial Park.
- ❖ To date, the unauthorised use of the property has not stopped, hence the 5% penalty.



ERF 1859, 4 SEEMEEU CLOSE, GANSBAAI INDUSTRIAL

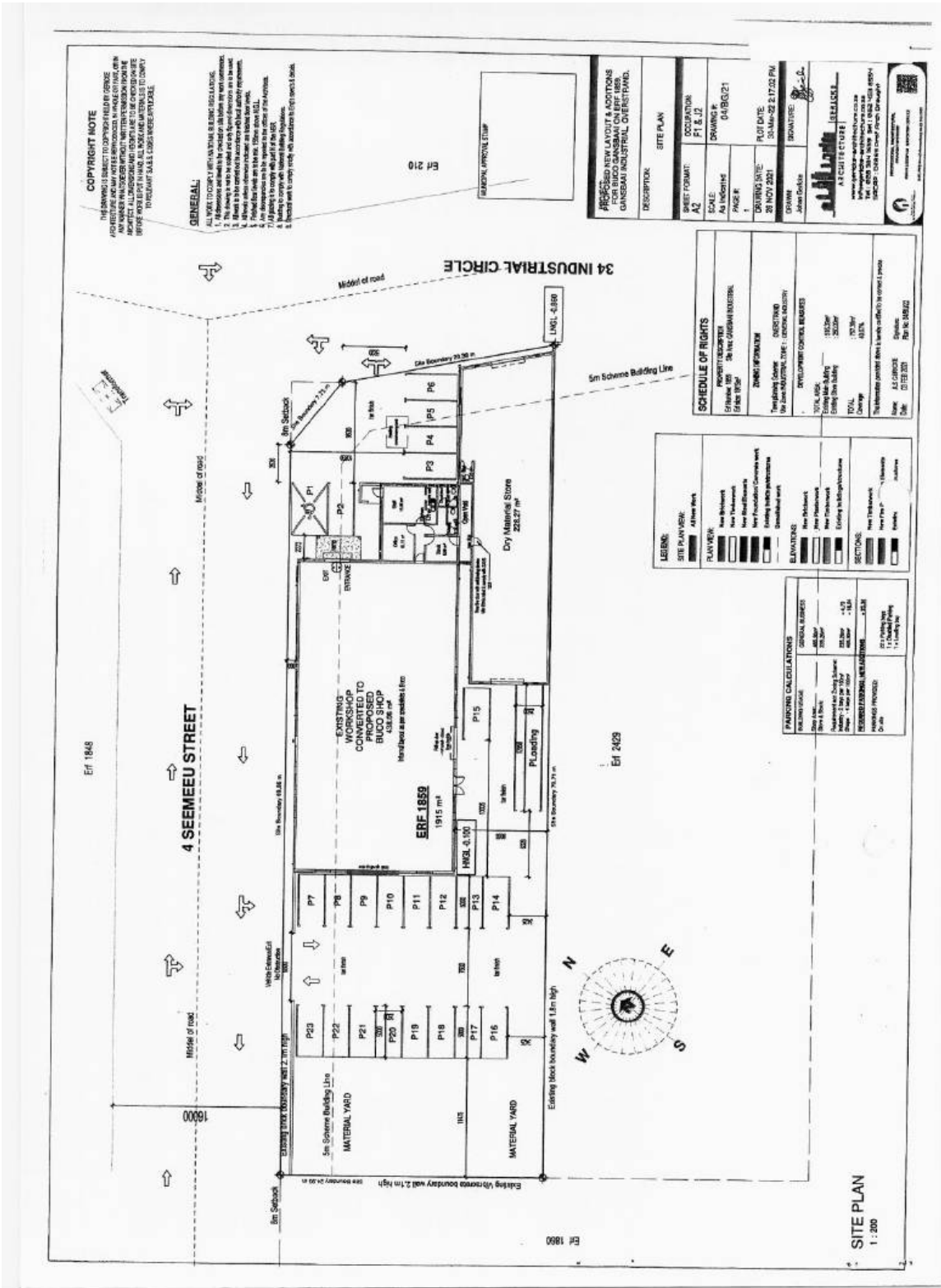


OVERSTRAND

MUNICIPALITY

Date: 2022/05/21

3248
328
32
32
321



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 1859, GANSBAAI INDUSTRIAL (4109/2022)**

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:

Roads	R 7 872.00 x 3.706662=	R 29 178.84
Solid Waste	R 1 574.00 x 1.524=	<u>R 2 398.78</u>
TOTAL (inclusive of VAT)	=	R 31 577.62

Note:

- 1.3 **The above figures are estimates**
- 1.4 **The above figures do not include connection fees**
2. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;

2

3. 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;
4. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
5. that any additional and / or extended vehicle entrances will be for the developer's account;
6. that stormwater be allowed to discharge through Erf 1859, Gansbaai Industrial, unobstructed;
7. that no on-street parking be allowed.

D.P. R. Cohen
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

12-10-2022
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

MUNICIPAL PLANNING TRIBUNAL

1. **ERF 2861, WHALE COAST MALL, BERGSIG STREET, SANDBAAI:
APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS WARREN
PETTERSON PLANNING ON BEHALF OF WHALE COAST VILLAGE MALL
PROPRIETARY LIMITED, THE SANDBAAI DEVELOPMENT TRUST AND
HCI-PROPC07 PROPRIETARY LIMITED**

2861 HSB (2930)

H van der Stoep

17 April 2023

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 7 February 2022 from Messrs Warren Petterson Planning Town and Regional Planning Consultants (WPP) on behalf of Whale Coast Village Mall Proprietary Limited, The Sandbaai Development Trust and HCI-PROPC07 Proprietary Limited applicable to Erf 2861, Sandbaai for the following:

- ❖ **consent use (transmission tower)** in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to accommodate a cellular communication base station at the rear/southern side against the mall building that will consists of a 20m high monopole/tree type transmission tower, 12 antennas and microwave dishes attached to the tower, and an equipment container at ground floor level with space for four service providers;
- ❖ **departure** in terms of Section 16(2)(b) of the above By-Law to exceed the 14m height restriction applicable to the property with 6m to accommodate the 20m high mast of the cellular communication base station; and the
- ❖ **amendment of the existing Site Development Plan (SDP)** in terms of Section 16(2)(l) of the By-Law to accommodate the cellular communication base station on the property.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

RESOLUTION

1. that the comments/objections be noted;
2. that the application for consent use (transmission tower) in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 2861, Sandbaai, to accommodate a cellular communication base station at the rear/southern side against the mall building (position being "Option B") consisting of a 20m high tree type transmission tower, 12 antennas and microwave dishes attached to the tower, and an equipment container at ground floor level with space for four service providers, **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 exceed the 14m height restriction applicable to the property with 6m to accommodate the 20m high mast of the cellular communication base station, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application for the amendment of the existing Site Development Plan (SDP) in terms of Section 16(2)(l) of the By-Law to accommodate the cellular communication base station on Erf 2861, Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the above approvals be subject to the following conditions:
 - (a) that a tree type tower must be constructed;
 - (b) that the colour of the tower and all of its components must blend in with the direct surroundings, and any additional antennas or dishes shall require the prior written approval of the Municipality;
 - (c) that building plans must be submitted to the Building Department for approval;
 - (d) the transmission apparatus must comply with applicable health and safety standards;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme must be complied with; and

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- (f) that the above approvals do not absolve the owner/applicant from compliance with any other relevant legislation;
6. that the applicant and persons who commented be notified of their respective appeal rights with the above conditional approvals in terms of Section 78 of the By-Law, and the applicant with regard to the above conditions of approval.

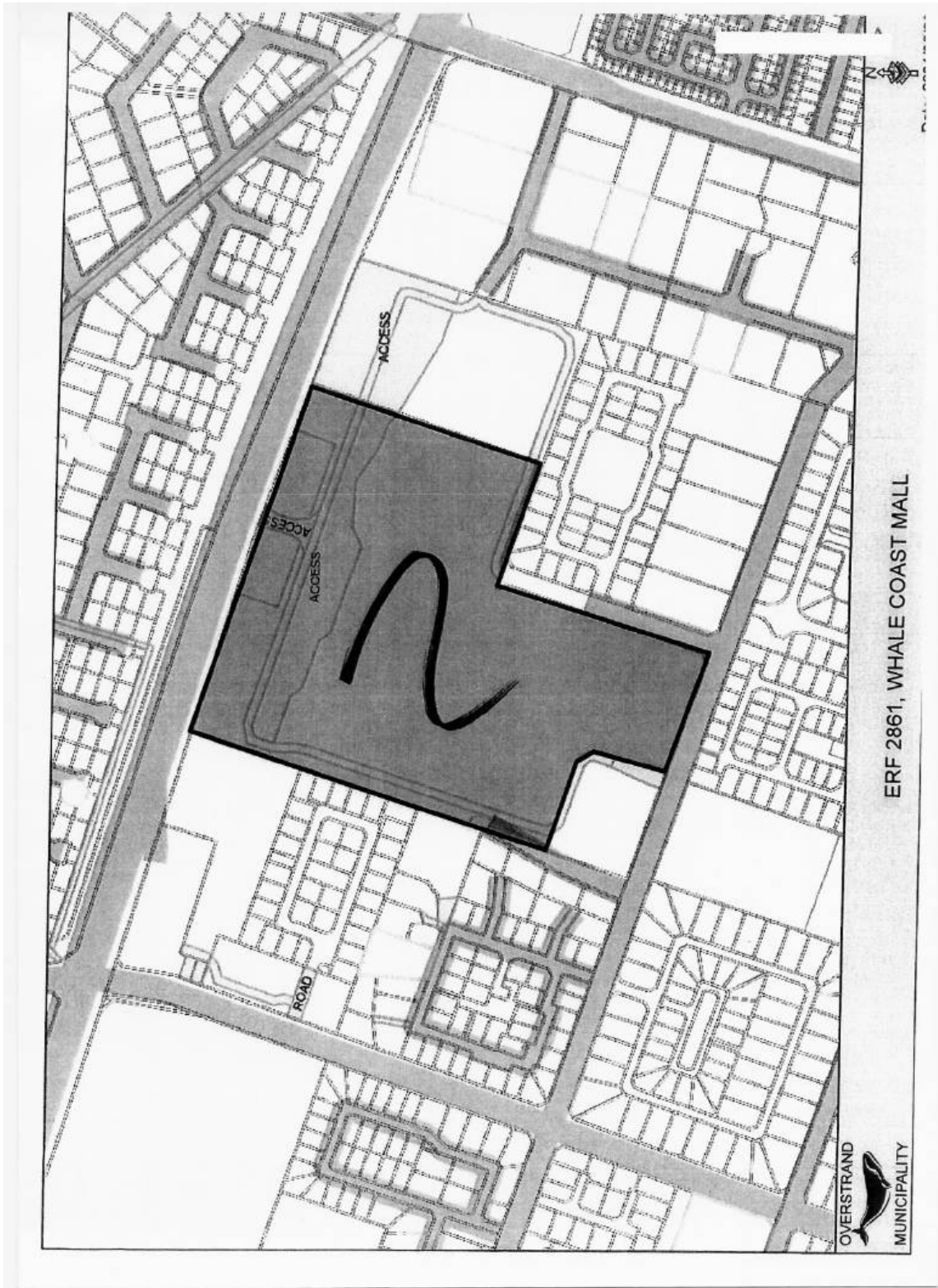
REASONS FOR RESOLUTION

- ❖ The application is in line with policy and strategic documents.
- ❖ The position of the tower against the mall building will reduce the visual impact of the structure in relation to the previous proposal to place it in isolation at the south-western corner of the property close to group house developments. The applicant addressed the specific concern of the MPT with the previous application of why the tower was not proposed closer or against the mall building, and further demonstrates that the tower against the mall building is the most preferred position with minimal negative visual impacts.
- ❖ The owners of the mall recently obtained Town Planning approval to extend the mall at the rear side, being phase 2 of the mall development. The extension will be constructed against the existing mall at the rear southern side thereof and together with the preferred location of the tower close to the new extension at the rear of the building will significantly reduce any possible intrusive visual impacts on the surrounding area and property owners.
- ❖ The position of the tower is situated approximately 220m away from the previous proposed position that was close to the various group house developments, which is a much more desirable location.
- ❖ Considering the fact that the total length of the mall building is approximately 400m and that the tower will only occupy a very small percentage of the overall horizontal length of the mall building, the comments that the tower will have an intrusive visual impact, is regarded as exaggerated.
- ❖ A tree type design tower will be constructed that will blend in against the backdrop of the mountain and the antennas and dishes will hardly be visible since the tree type tower will camouflage these components to a very high extent in relation to a monopole type tower with highly visible antennas and dishes resulting in it being much more visually intrusive. The colour of the tower and all of its components must blend in with the direct surroundings and that any additional antennas or dishes shall require the prior approval of the Municipality (a condition of approval).
- ❖ The tower will be 5m lower than the 25m high tower that was proposed in the previous application that was refused by the MPT, which will result in

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a significant lesser overall impact on the surrounding area and property owners.

- ❖ Negative visual impacts, if any, from the R43 will be minimal since the location of the tower is situated approximately 200m from the R43.
- ❖ No substantiated proof could be provided by the commenters/objectors that the electromagnetic emissions of the tower will be harmful to the health of the people in the area.
- ❖ No substantiated proof could be provided by the commenters that the tower will negatively impact on the values of on their properties.
- ❖ The tower will not result in the disfigurement and overall unsightliness of the surrounding area.
- ❖ The growing number of permanent residents (as per the IDP) requires that more telecommunication infrastructure is required.



ERF 2861, WHALE COAST MALL



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE, DEPARTURE & AMENDMENT OF SITE
DEVELOPMENT PLAN: ERF 2861, WHALE COAST VILLAGE MALL, SANDBAAI**

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 any proposed building or alterations / additions to the existing structure, requires a Building Plan Application compliant with all applicable law;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that stormwater be allowed to discharge through Erf 2861, Sandbaai, unobstructed;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that no on-street parking be allowed.

p.p. R. Oudse
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

08/05/2022
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

2. ERF 7182, 39 MARINE DRIVE, HERMANUS, WESTCLIFF, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING AND DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF SUNNY SEAS PROPERTIES PTY (LTD)

7182 HWC

4119/2022

(H Boshoff)

H van der Stoep

(028) 313 8900

Hermanus Administration

12 June 2023

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), has been received on 19 April 2022 from Messrs WRAP Project Office on behalf of Sunny Seas Properties Pty (Ltd), the owner of Erf 7182, Hermanus for the following:

- **rezoning** of the property in terms of Section 16(2)(a) of the By-Law from General Residential Zone 1: Town Housing to General Residential Zone 3: Flats (Bulk Zone 1) to accommodate a four (4) story flat development consisting of a total of twenty-one (21) luxury apartments with amenities, and
- **departure** in terms of Section 16(2)(b) of the By-Law to:
 - ❖ relax the minimum required erf size for densification from 3000m² to 1677m²;
 - ❖ relax the eastern lateral building line from 4.5m to 2m to accommodate the proposed apartment block;
 - ❖ relax the eastern lateral building line from 4.5m to 0m, as well as the rear building line from 3m to 0m accommodate a refuse room; and to
 - ❖ relax the size restriction applicable to refuse rooms within building lines in terms of Chapter 16.1.1(a)(x) and 17.4.4 of the Overstrand Municipality Land Use Scheme, 2020, from 5m² to 17.5m².

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
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(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

RESOLUTION

1. that the comments received, be noted;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the rezoning of Erf 7182, Hermanus (the property) from General Residential Zone 1: Town Housing to General Residential Zone 3: Flats (Bulk Zone 1) to accommodate a four (4) story flat development consisting of a total of twenty-one (21) luxury apartments with amenities, **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 requirement for the minimum erf size for densification from 3000m² to 1677m² to accommodate the development on the property in 2 above, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application for departure in terms of Section 16(2)(b) of the By-Law to relax the eastern lateral building line of the property from 4.5m to 2m to accommodate the development in 2 above, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the approvals in 2., 3., and 4. above, be subject to the following conditions:
 - (a) the development, parking layout, and refuse room must be in accordance with the applicable layout plans that was submitted with the application;
 - (b) the development be restricted to a total of 21 flat units with amenities;
 - (c) that the refuse room must comply with the requirements of Chapter 17.4.3 of the applicable Zoning Scheme, and the refuse bins must be put on the sidewalk on refuse collection days as the Municipality does not enter private properties to collect refuse – the refuse bins must be removed from the sidewalk immediately after the refuse has been collected by the Municipality;
 - (d) that building plans must be submitted to the Building Department for consideration and approval, and any requirements by the Building- and Fire Departments at that stage, must be complied with;

**AGENDA of the
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- (e) that the relevant conditions of Telkom, Department of Environmental Affairs and Development Planning Directorate: Development Management, Region 1, Department of Environmental Affairs and Development Planning: Biodiversity and Coastal Management, Engineering Services, and the GLS Report, must be complied with;
 - (f) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (g) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
6. 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 conditional approvals; and
 7. that the commenters be informed that they do not have an appeal right in terms of Section 78 of the By-Law with regard to the above conditional approvals due to non-compliance with the provisions of Section 52 of the By-Law.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The development will not detract from the character of the immediate surrounding area or the coastal scene and is not out of the ordinary for the surrounding area.
- ❖ The coastal view lines of surrounding property owners will be minimally obscured.
- ❖ The development will enhance the ambiance of the immediate area since it will fill the gap in Marine Drive resulting in all the properties in that section of Marine Drive being developed.
- ❖ The building line encroachment will not have a mentionable negative impact, if any, on the immediate and wider surrounding developed environment.
- ❖ The development is an upmarket development.
- ❖ Only two comments were received from commenters that do not reside in close proximity of the development.
- ❖ It is in line with policy documents.
- ❖ Is not regarded as being undesirable from a town planning point of view.



Figure 01 - Urban context

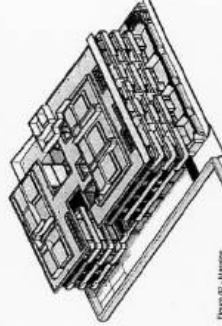


Figure 02 - Massing

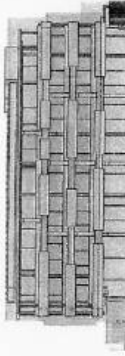


Figure 03 - Vertical Composition



Figure 04 - Natural Context

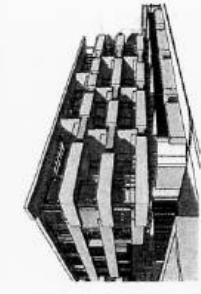


Figure 05 - Urban Reference

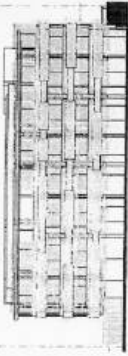


Figure 06 - Vertical & Horizontal elements

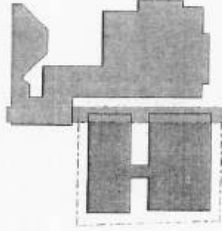


Figure 07 - View Context

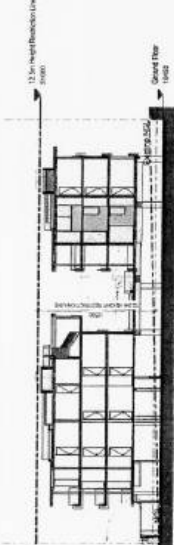


Figure 08 - Section



Figure 09 - Streetscape



Figure 10 - Boundary Wall section

39 Marine Drive is currently a vacant site, intended for development as a block of twenty one townhouses. The site is zoned as GR1, and an application is in progress to rezone it to GR2 Bulk Zone 1. A recent Heritage Report was commissioned by the new owners from Remond Scour Architects and was carried out by Katie Smith. While the report focused on the heritage value of the property, it also included a preliminary conceptual response to inform the design proposal for the property. This site is situated in a residential area with a mix of building styles, and on the west, both buildings having some historic significance and some Heritage value.

General architectural character and response to context

A contemporary design is proposed, which responds both to the urban context of the property, as well as its position on the urban edge next to the sea. The angular, more naturalistic composition of the facade is a response to the irregular character of the rocky coastline (Fig. 01). The building is broken up into two volumes, one on the street and the other at the rear of the property, connected by a walkway and containing green common areas (Fig. 02). The building has been articulated vertically into a tripartite composition: an open base, two levels of balconies, and an open top story with a light roof canopy. This reduces the mass of the building perceptually and introduces a light feeling character to the architecture (Fig. 03). Deep balconies are introduced to the sea-facing facades which create deep voids, which further mitigate the mass of the building (Fig. 04). A central courtyard is provided to provide context: the flat sea and the long low mountains behind (Fig. 05). Nevertheless, due to the general vertical protruding in the surrounding mostly residential light, the balconies are broken up into discontinuous elements and the division walls observed in a somewhat naturalised way is seen by the architect as responding to the spirit of both the urban and natural surroundings of the building (Fig. 06).

Massing & Accommodation

The site is to be excavated back from street level so that the entire ground floor is at street level. This excavates the site level approximately 1.5m below the level at the back boundary and allows for a larger building footprint (Fig. 07). The perimeter retaining walls are to be made of stone. We propose underpinning them in certain more visible areas and removing them in areas. The ground floor is primarily allocated to parking, with four apartments located towards the rear of the site. The second and third floors are a parking area as there are not visible from the street. The first, second and third floors are to be used for residential purposes, with a mix of studio, one and two bedrooms, and pools for the third floor units. The northeast corner and the center of the site contain communal social areas. The utilisation of the roof for garages has required that the building as a whole be dropped in height to the building on street to 1.5m below the permitted height, a significant contribution to the scale of the streetscape (Fig. 07). The building is designed to be a significant contribution to the streetscape. On the east boundary, adjacent to Grabbaluan Hill, the building has been placed 2.0m in line of 4.5m from the boundary. Since the church buildings project beyond the site boundary at the back boundary of the property, the proposed distance of 2.0m from the boundary is a significant contribution to the streetscape. The building is to be placed between the Grabbaluan Hill and the proposed new building. The building and been 1.5m at the third story on the east boundary.

The Streetscape

The boundary wall is proposed to be semi-permeable, with a stone base to match existing stonework in the immediate neighborhood and a light stone on top with a vertical emphasis. The boundary wall itself is thickened to contain a planter, which is intended to contain creeps that will grow up the palisade fence and soften the street edge (Fig. 09). The boundary wall is set back periodically, for planting beds to be located on the street, at intervals of 2.0m from the boundary of the site. This will punctuate the stone wall with greenery. As mentioned, the boundary wall is to be semi-permeable, with a stone wall with greenery broken up into three horizontal bands. It has deep balconies which create shadowed voids and a less further volumetric view provided by the protruding balcony elements and vertical division walls, which have been utilized as architectural features (Fig. 10).

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING & DEPARTURE: ERF 7182, WESTCLIFF
(4119/2022)**

Water	:	Refer to Conditions & GLS Report
Sewer	:	Refer to Conditions & GLS Report
Roadsand Traffic	:	Refer to Conditions
Stormwater	:	Upgrading according to Stormwater Management Plan
Electricity	:	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).
- 1.3** 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 11.8	= R 307 224.80
Sewerage	R 17 555.00 x 11.8	= R 207 149.00
Roads	R 7 872.00 x 20.00	= R 157 440.00
Stormwater	R 9 082.00 x 0.559	= R 5 076.84
Solid Waste	R 1 574.00 x 20.00	= R 31 480.00
TOTAL (inclusive of VAT)		= R 708 370.64

Note:

- 1.4** The above figures are estimates
- 1.5** That Overstrand Municipality's Electrical Department be contacted regarding the bulk electricity cost.

2

2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
 - 2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided;
 - 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
 - 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property:
 - 4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;
 - 4.2 the insurance to be to an amount which shall not be less than that required by the SAACE;
 - 4.3 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;
5. that a plan of all the existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:
 - 5.1 way-leaves must be obtained from the Operational Manager;
 - 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;

3

6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
9. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
11. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE and which insurance shall be valid for the relevant contract and maintenance period;
12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for Works of Civil Engineering Construction - 2004, of 12 months, and

4

13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
14. that a service agreement may be required by the Director: Infrastructure and Planning prior to the approval of any service plans;
15. that the developer provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
16. that each subdivided erf be provided with individual water and sewer connections which comply with the standards of the Department: Operational Services (Hermanus).
17. that the water and sewer bulk and link services will be prioritized in according the Overstrand Master Plans, the relevant GLS Consultants capacity report (dated 1 February 2022) and the subsequent follow-up email (dated 5 August 2022). The construction will occur according to the agreed service level agreement and only to an amount equal to or less than the total bulk levy amount payable;
18. that the Home Owners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;
19. that only the 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 owner's cost;
20. that the street lighting be provided and conform to municipal standards;
21. that the developer appoints a consulting electrical engineer to determine the electricity demand for the development and pay a fee to Overstrand Municipality to determine the capacity in the existing electricity network;
22. that the electricity reticulation and supply be provided according to the master plan, by the developer and that transfer can only proceed once electricity is available;
23. that any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;

5

24. 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*;
25. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be provided with the following:
 - a) properly ventilated,
 - b) a cement floor,
 - c) a tap and running water, as well as a drainage point which is connected to the sewer network,
 - d) in a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
26. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Director: Infrastructure and Planning;
27. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
28. that the connection to the stormwater reticulation system be provided according to the stormwater management plan by, the developer;
30. that the a minimum of 12m stacking distance be provided between the entrance gate and the road reserve;
31. 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;
32. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.


DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

3. ERF 5328, 19 ROBIN LANE, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS & DEPARTURE: WRAP PROJECT OFFICE ON BEHALF OF L. ERASMUS

5328 HNC (4145/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

17 May 2023

EXECUTIVE SUMMARY

An application has been received on 11 May 2022 from WRAP Project Office on behalf of L Erasmus on Erf 5328, Hermanus 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 with reference to Clause B.(b) and B.(d) of Title Deed T85601/1999 applicable to Erf 5328, Northcliff, Hermanus to accommodate the proposed second dwelling and garage.

The restrictive title deed conditions read as follows:

- B. SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No. T11039/1969 imposed by the Administrator when approving of the establishment of Hermanus Township, Extension No. 4, namely: -

“That words and expressions used in these conditions shall have the meanings assigned to them in the Regulations published under Provincial No. 401 dated 17th October 1935.”

AS being in favour of the registered owner of any Erf in the Township and subject to amendment or alteration by the Administrator under the provisions of Section 18(3) of Ordinance No. 33 of 1934:

- (b) That only one dwelling together with such outbuildings as are ordinarily required to be used therewith be erected on this erf.*
- (d) That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 2,36 metres of the lateral boundary common to any adjoining erf.”*

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the southern lateral building line from 2m to 0m to accommodate the proposed garage.

RESOLUTION

1. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5328, Hermanus for the removal of restrictive title deed conditions B.(b) and B.(d) of Title Deed T85601/1999 to accommodate the proposed second dwelling and garage, **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the amended title deed be submitted for record purposes to the Municipality;
 - (b) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that all the conditions in the Services Report, be complied with.
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5328, Hermanus for a departure to relax the southern lateral building line from 2m to 0m to accommodate the proposed garage, **not be approved**, in terms of the provisions of Section 61 of the By-Law.
3. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

POINT 1: APPROVAL

- ❖ The application has followed due procedure.
- ❖ It is in line with the aims of the Overstrand SDF.
- ❖ The removal of the restrictive conditions to be in line with the Land Use Scheme is supported.


**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

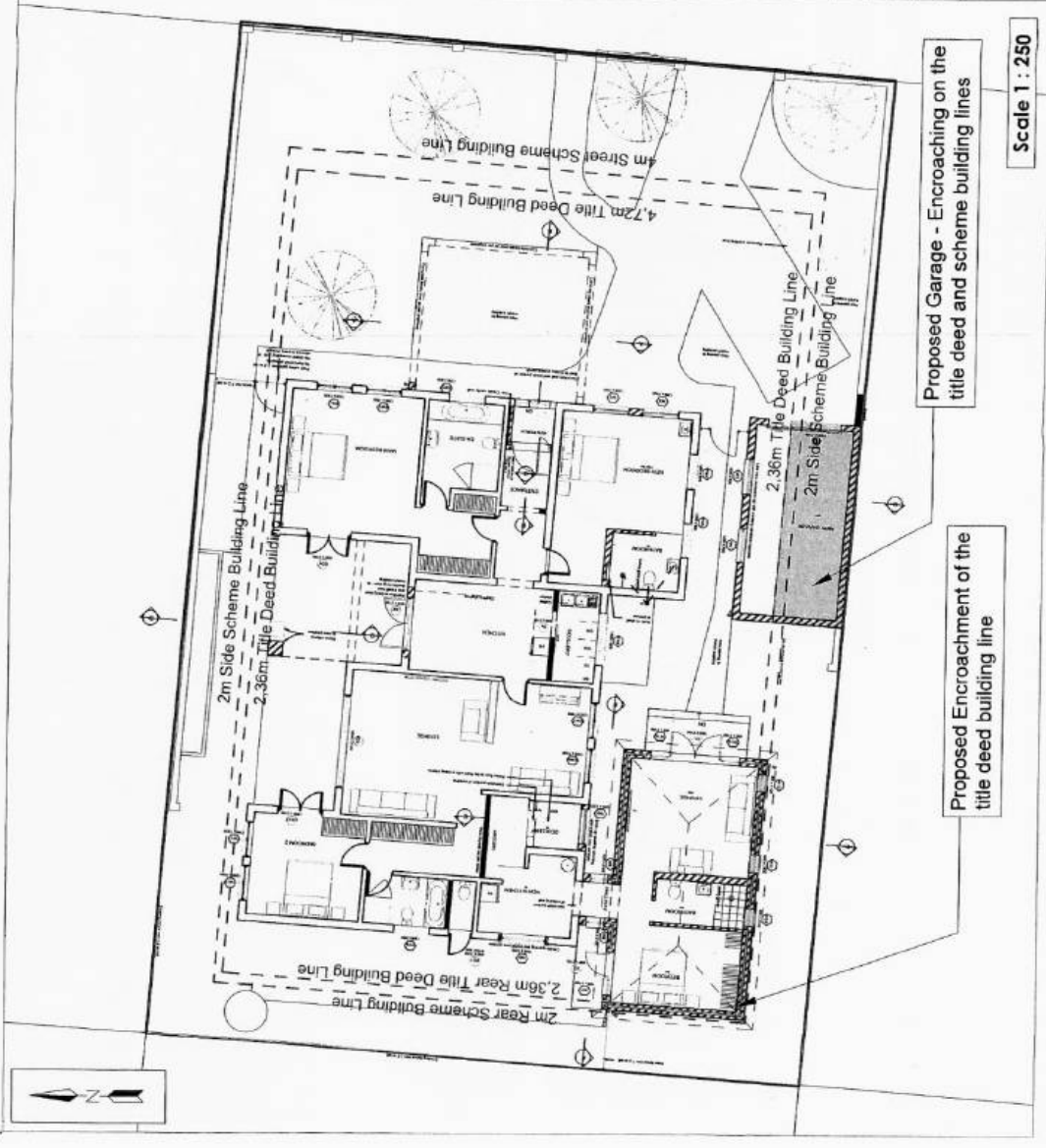
- ❖ A second dwelling is a primary right in terms of the land use scheme.

POINT 2: NON-APPROVAL

- ❖ The height of the garage is excessive and was not motivated to substantiate the height of 3,12m.
- ❖ The garage will have an impact on the liveability of the adjacent erf (objector).
- ❖ The assumption that the objector has sufficient space to move the washing line, without taking into consideration or verifying why the washing line is located at the specific locality.
- ❖ The financial implication and discomfort should the washing line be moved to a different locality.
- ❖ The garage can be placed at a different locality that will lessen the impact on the adjacent neighbour (objector).
- ❖ The placement of the garage on the 0m lateral building line is to make provision for a second dwelling as proposed.



Site Development Plan Erf 5328 - Hermanus	
Proposed Second Dwelling Unit Area - 45,05m ²	Existing Dwelling House Area - 203,36m ²
Coverage Site Area - 764,75m ² Existing Dwelling House - 203,36m ² Proposed New Additions - 112,76m ² Total Coverage - 316,12m² / 41,34%	
Plan prepared by: Thom Louren Based on plans drawn by: Engenbrecht & Scroggie All distances are approximate and subject to a survey Tel: 028 313 1411 Email: admin@wvrap.co.za Unit B, Stoneford House, Corner of Ruyter and Oude Vry Streets Hermanus, 7205	
 Project Office Town Planning & Project Management	



Proposed Garage - Encroaching on the title deed and scheme building lines

Proposed Encroachment of the title deed building line

Scale 1 : 250

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS &
DEPARTURE: ERF 5328, NOTHCLIFF (4145/2022)**

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 on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through Erf 5328, Northcliff, unobstructed;

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

21/09/2022
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

4. ERVEN 8959 & 9079, ZWELIHLE, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, CLOSURE OF A PUBLIC PLACE, REZONING, CONSOLIDATION & CONSENT USE: OVERSTRAND MUNICIPALITY

8959 & 9079 HZW (4242/2022)

B Minnaar

(028) 313 8900

Hermanus Administration

30 May 2023

EXECUTIVE SUMMARY

An application has been received on 21 June 2022 on behalf of Overstrand Municipality on Erven 8959 & 9079, Zwelihle, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the following:

- ❖ **subdivision** in terms of Section 16.(2)(d) of the By-Law to subdivide the Erf 9079, Zwelihle (11751m²) into two (2) portions namely: Portion A (±2353m²) and the Remainder (±9398m²);
- ❖ **closure of a public place** in terms of Section 16.(2)(n) of the By-Law for the closure of Portion A;
- ❖ **rezoning** in terms of Section 16.(2)(a) of the By-Law for the rezoning of Portion A from Open Space Zone 2: Public Open Space to Business Zone 3: Local Business;
- ❖ **consolidation** in terms of Section 16.(2)(e) of the By-Law for the consolidation of Portion A (±2353m²) with Erf 8959, Zwelihle (2707m²) to create a Newly Consolidated Erf, Zwelihle (±5060m²)- with the consolidation, a new erf number will be awarded;
- ❖ **consent use** in terms of Section 16.(2)(o) of the By-Law to accommodate a public library on the first floor of the proposed development on the Newly Consolidated Erf, Zwelihle (±5060m²); and
- ❖ **consent use** in terms of Section 16.(2)(o) of the By-Law for the submission of a Site Development Plan for the Remainder, Zwelihle (±9398m²) for the purposes of recreational facilities and associated community facilities as seen fit by the Overstrand Municipality applicable to this zone.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

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 the Erf 9079, Zwelihle (11751m²) into two (2) portions namely: Portion A (±2353m²) and the Remainder (±9398m²); **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(n) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 of Portion A for the closure of a public place, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. 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 Portion A from Open Space Zone 2: Public Open Space to Business Zone 3: Local Business, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(e) of the Overstrand Municipality Amended By-law on Municipal Land Use Planning, 2020 to consolidate Portion A (±2353m²) with Erf 8959, Zwelihle (2707m²) to create a consolidated erf (±5060m²), **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amended By-law on Municipal Land Use Planning, 2020 for consent use on the Newly Consolidated Erf, Zwelihle (±5060m²) to accommodate a public library on the first floor, **be approved** in terms of the provisions of Section 61 of the By-Law,
6. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amended By-law on Municipal Land Use Planning, 2020 for consent use for the submission of a Site Development Plan for the Remainder Erf 9079, Zwelihle (±9398m²) to accommodate the recreational facilities and associated community facilities as seen fit by the Overstrand Municipality applicable to this zone, **be approved** in terms of the provisions of Section 61 of the By-Law,
7. that the approvals in Points 1 to 6 above be subject to the following conditions:
 - (a) that an amended Site Development Plan be submitted for the newly consolidated erf (±5060m²) with a parking layout plan to comply with the Overstrand Municipality Land Use Scheme, 2020;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

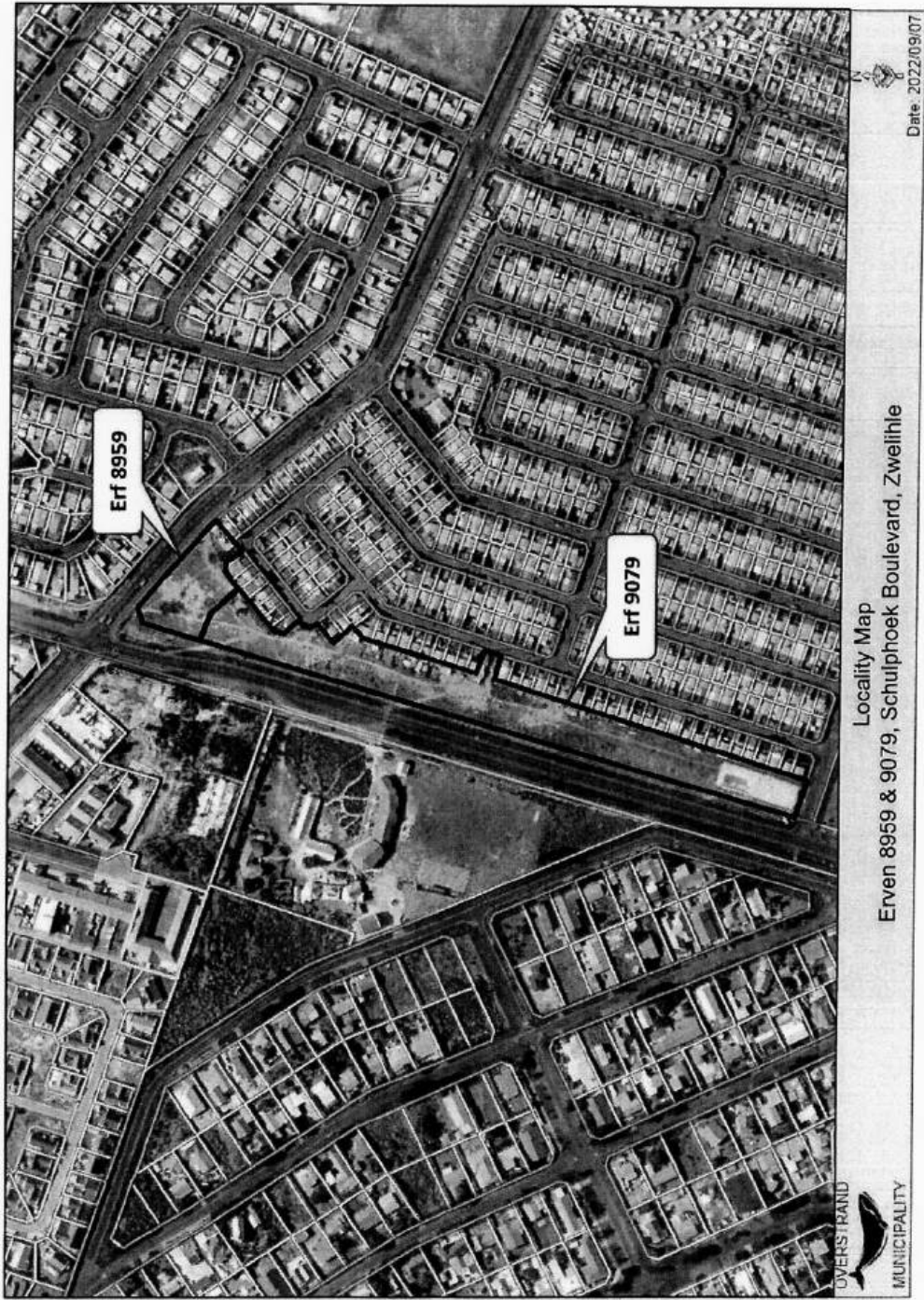
- (b) that the amended Site Development Plan design take into consideration and incorporate the planned circle at the intersection of Schulphoek Boulevard & Mbeki Road;
 - (c) that all the conditions of approval imposed by the Electrical Department be complied with;
 - (d) that all the conditions of approval imposed by the Engineering Services Department be complied with;
 - (e) that all the conditions of approval imposed by the Environmental Management Services be complied with;
 - (f) that all the conditions of approval imposed by Local Heritage Committee be complied with;
 - (g) that the submission and approval of a building plan for the development compiles with all relevant building and fire regulations, and
 - (h) that this approval does not absolve the applicant/owner from compliance with any other relevant legislation.
8. 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

- ❖ No objections were received from the public or municipal or State Departments within the public participation process.
- ❖ The area is already earmarked for the proposed development land uses in terms of the Overstrand Municipality Spatial Development Framework, 2020.
- ❖ The proposal is only for the land use rights for both erven, the development of the erven is at the cost of the developer with regards to the Erf 8959, Zwelihle.
- ❖ The Architectural Guidelines and Landscape Plan for the development have already been approved, and the landowner also acted on the EIA approval.
- ❖ This application will assist with the increase in opportunities and improvement in quality of life for the area of Zwelihle and the immediate surrounding area.
- ❖ The development will be in line with the SDF, 2020, which earmarked this area as vacant Business area & Open Space area.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- ❖ The development will be in line with the Overstrand Municipality growth Management Strategy, 2020, which earmarked this area as vacant Business area & Open Space area.
- ❖ The application is in line with the SPLUMA and LUPA Planning Principles.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION, CLOSURE OF A PUBLIC PLACE,
REZONING, CONSOLIDATION & CONSENT USE: ERVEN 8959 & 9079,
ZWELIHLE (4242/2022)**

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 Senior Operational Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erven 8959 & 9079, Zwelihle, unobstructed;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

02/03/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

**5. ERF 271, 45 KUSWEG, GANSBAAI, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, DEPARTURE AND DETERMINATION OF AN
ADMINISTRATIVE PENALTY: MESSRS ME PLANNERS ON BEHALF OF M
NEL**

271 GFK (3727/2021)

SW van der Merwe

(028) 313 8900

Hermanus Administration

2 June 2023

EXECUTIVE SUMMARY

An application has been received from Messrs ME Planners on behalf of M Nel in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 271, Gansbaai for the following:

- ❖ **removal of restrictive title condition** in terms of Section 16(2)(f) of the By-Law, namely condition C.1(c) contained in Title Deed T79622/2016, to accommodate the encroachment of the maximum permissible coverage from 50% to 60,95%;
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law for the following encroachments:
 - relaxation of the 2m northern lateral building line varying between 1,1659m and 0m at ground floor to accommodate the existing garage and storeroom;
 - relaxation of the 2m northern lateral building line at first floor level varying between 1,568m to 0,255m and 1,475m to 1,167m to accommodate a balcony and a portion of the existing dwelling as well as a proposed planter;
 - relaxation of the 2m southern lateral building line varying between 1,994m and 1,294m at first floor to accommodate the existing dwelling;
 - relaxation of the street building line from 4m to 0m to accommodate the existing balcony, deck and planter;
 - encroachment of the maximum permitted coverage from 50% to 57,35% to accommodate the existing dwelling, and
 - to increase the coverage, from 57,35% to 60,95% to accommodate proposed additions;
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to accommodate the existing building.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

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) for removal of restrictive title condition C.1(c) contained in Title Deed T79622/2016, to accommodate the encroachment of the maximum permissible coverage, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. application for departure in terms of Section 16(2)(b) of the By-Law for the following encroachments:
 - departure of the 2m northern lateral building line varying between 1,1659m and 0m at ground floor to accommodate the existing garage and storeroom;
 - departure of the 2m northern lateral building line at first floor level varying between 1,568m to 0,255m and 1,475m to 1,167m to accommodate a balcony and a portion of the existing dwelling as well as a proposed planter;
 - departure of the 2m southern lateral building line varying between 1,994m and 1,294m at first floor to accommodate the existing dwelling,

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 allow the encroachment of the maximum permitted coverage from 50% to 57,35% and 60,95% to accommodate the existing dwelling and proposed coverage encroachments **be partially approved** in terms of the provisions of Section 61 of the By-law to **51,29% only**;
4. that the application for departure in terms of Section 16(2)(b) of the By-Law for departure of the street building line from 4m to 0m to accommodate the existing balcony, deck and planter, **not be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the application in terms of Section 16(2)(q) of the By-Law for determination of an administrative penalty **be exempted** from the payment of an administrative penalty in terms of the provision of Section 990(4) of the By-Law;
6. that the decisions in paragraphs 2. and 3. above be subject to the following conditions:
 - (a) that building plans be submitted for the upgrading and renovation of the property indicating site coverage not to exceed 51,29m²;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
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(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- (b) that the applicant at his cost demolish the balcony up to the 4m street building line to the satisfaction of the municipality;
 - (c) that the applicant at his cost demolish all encroachments of the existing building / structures beyond the property boundary and made good to the satisfaction of the municipality;
 - (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 all the conditions in the Services Report, be complied with.
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
7. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above 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 property was acquired by the applicant from a deceased estate as was not responsible for any of the encroachments.
- ❖ The proposal will improve the aesthetic appearance of the property and character of the area as a whole.

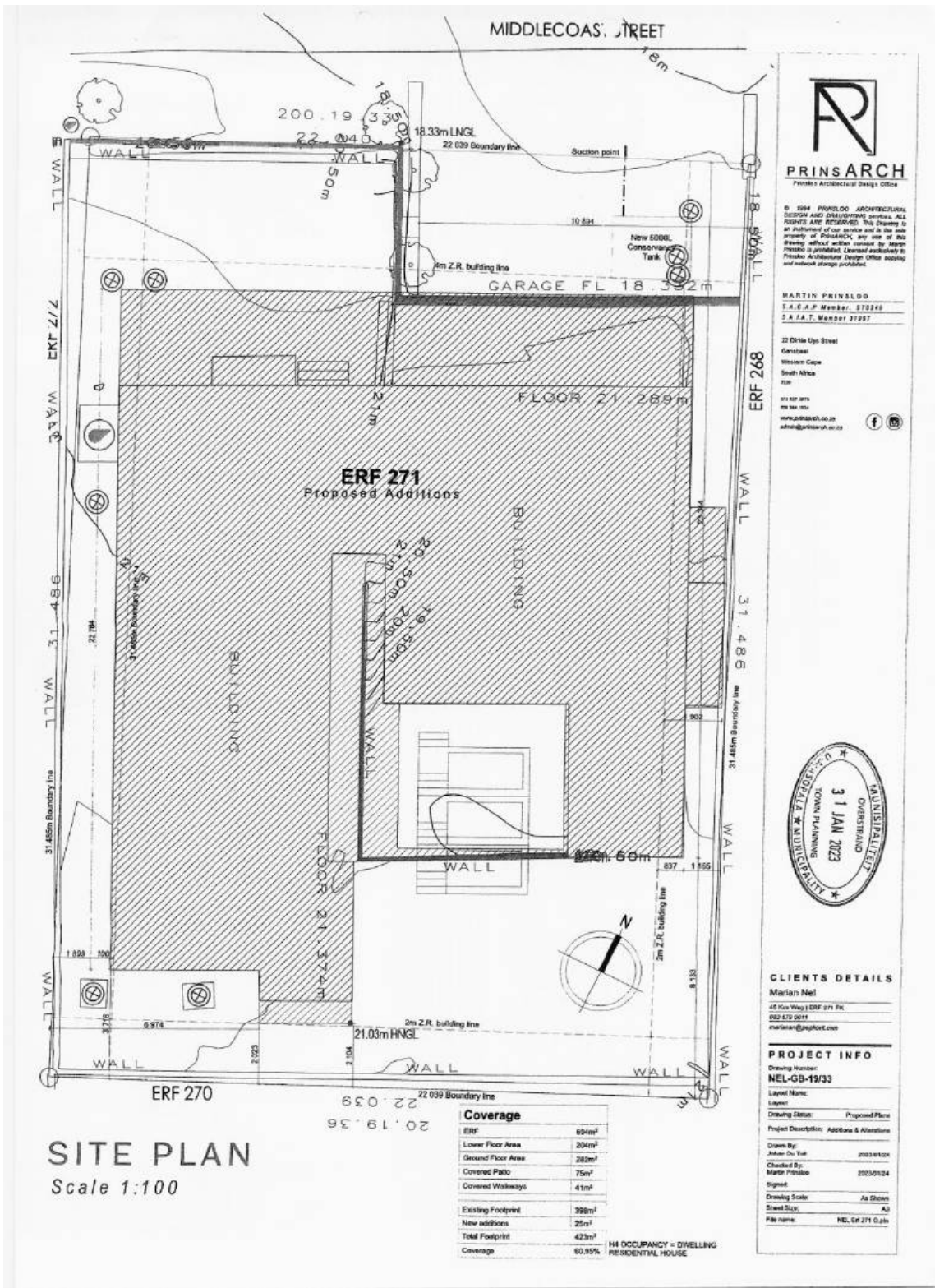
Reasons for partial approval

- ❖ Rights vest with building plan approval, thus the approved balcony, although adding coverage cannot be refused.
- ❖ The applicant bought the property unaware of the existing encroachments.

**AGENDA of the
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(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

Reasons for non-approval

- ❖ The proposed coverage encroachments are excessive and to the detriment of the character of the area and appears overly prominent in the street scape.
- ❖ The coverage encroachments are not in line with the character and morphology of development in the area.
- ❖ The motivation and building plans do not clearly indicate and describe the coverage encroachments.



SITE PLAN
Scale 1:100

Coverage	
ERF	604m ²
Lower Floor Area	204m ²
Ground Floor Area	282m ²
Covered P&B	75m ²
Covered Walkways	41m ²
Existing Footprint	398m ²
New additions	25m ²
Total Footprint	423m ²
Coverage	60.95%

H4 OCCUPANCY = DWELLING
RESIDENTIAL HOUSE

PRINSARCH
Prinsloo Architectural Design Office

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MARTIN PRINSLOO
S.A.C.A.P. Member: 570240
S.A.I.A.T. Member: 21987

22 Dikie Ops Street
Garddal
Western Cape
South Africa
7610

011 837 3615
011 837 1011
www.prinsloo.co.za
info@prinsloo.co.za



CLIENTS DETAILS
Marian Nel
45 Kooi Way | ERF 271 FN
082 672 0611
marian@papfoc.com

PROJECT INFO
Drawing Number: NEL-GB-19/33
Layout Name:
Layout:
Drawing Status: Proposed Plans
Project Description: Addition & Alteration

Drawn By: Johan Du Toit 2023/01/04
Checked By: Martin Prinsloo 2023/01/04
Signed:
Drawing Scale: As Shown
Sheet Size: A3
File name: NEL_GB_271_0.dwg

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR: REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 271, 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 should arrange with Gansbaai Electrical Department staff to determine the location of electrical services before any excavations are done for the removal of the retaining wall. Please note that the municipality have existing electrical services in the road reserve in front of the property.
4. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
5. that any additional and / or extended vehicle entrances will be for the developer's account;
6. that stormwater be allowed to discharge through Erf 271, Gansbaai, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

6. REMAINDER OF FARM KLIPFONTEYN 711, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR AMENDMENT OF A SITE DEVELOPMENT PLAN, AMENDMENT OF CONDITIONS OF APPROVAL, CONSENT USE AND DEPARTURE: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF IRVIN AND JOHNSON LTD

Rem 711 GRCAL (3330/2019)

SW van der Merwe

(028) 313 8900

Hermanus Administration

29 May 2023

EXECUTIVE SUMMARY

An application was received from Plan Active on behalf of Irvin & Johnson Ltd (I&J) on Remainder of Farm Klipfontein No. 711, Division Caledon in terms of the Overstrand Municipal Land Use Planning By-Law, 2015 (By-Law) for the following:

- ❖ **amendment of a site development plan** in terms of Section 16(2)(l) of the By-Law to accommodate the existing abalone farm as well as proposed expansion;
- ❖ **amendment of conditions of an existing approval** in terms of Section 16(2)(h) of the By-Law;
- ❖ **consent use** in terms of Section 16(2)(o) of the By-Law to accommodate agricultural industry (processing of abalone) and renewable energy infrastructure;
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to exceed the maximum permitted floor space from 5000m² to 21294,50m²;
- ❖ **departure** in terms of Section 16(2)(b) of the parking ratio from 331 on-site parking bays to 236 on-site parking bays, and
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law for building line relaxation as follows:
 - eastern lateral building line from 30m to 15m to accommodate a substation and security building;
 - southern lateral building line from 30m to 5,8m to accommodate a security building and filling higher than 1m, and
 - western lateral building line from 30m to 13m to accommodate a lapa.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

RESOLUTION

1. that the objections/comment be noted;
2. that the application in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Remainder of Farm Klipfonteyn No. 711, Division Caledon for amendment of the Site Development Plan to accommodate the existing abalone farm and proposed expansion, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(l) of the By-Law applicable to Remainder of Farm Klipfonteyn No. 711, Division Caledon for amendment of Conditions of an existing Approval, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(o) of the By-Law applicable to the Remainder of Farm Klipfonteyn No. 711, Division Caledon for consent use to accommodate agricultural industry (processing of abalone) and renewable energy infrastructure, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the application in terms of Section 16(2)(b) of the By-Law applicable to Remainder of Farm Klipfonteyn No. 711, Division Caledon for departure to exceed the maximum permitted floor space from 5000m² to 21294,50m² and the parking ratio from 331 on-site parking bays to 236 on-site parking bays, **be approved** in terms of the provisions of Section 61 of the By-Law;
6. that the application in terms of Section 16(2)(b) of the By-Law applicable to Remainder of Farm Klipfonteyn No. 711, Division Caledon for departure to encroach the following building lines:
 - eastern lateral building line from 30m to 15m to accommodate a substation and security building;
 - southern lateral building line from 30m to 5,8m to accommodate a security building and filling higher than 1m, and
 - western lateral building line from 30m to 13m to accommodate a lapa;**be approved** in terms of the provisions of Section 61 of the By-Law;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

7. that the approvals in paragraphs 2. to 6. above be subject to the following:
- (a) that a detailed Site Development Plan be submitted for municipal approval prior to commencement of the development to the satisfaction of the municipality (amongst others the SDP shall demonstrate compliance with the mitigation measures and the relevant setback's as per the EA);
 - (b) that the development be limited to the buildings, structures and uses indicated on the approved SDP as per paragraph (a) above;
 - (c) that the remainder of the subject property be managed as a conservation area in accordance with the provisions of the EA;
 - (d) that the development be implemented strictly in accordance with the provisions of the EA;
 - (e) that the height of all buildings be restricted to 8,5m (eaves level) and 10,5m (top of the roof / gable) from base level;
 - (f) that the height of the feed manufacture and storage building may not exceed 8,5m;
 - (g) 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;
 - (h) that building- and/or engineering plans be submitted to the Building Department for approval, and that all conditions of the Building- and Fire Departments be complied with at that stage;
 - (i) that all the conditions of Department of Transport and Public Works, Telkom, Breede-Gouritz Catchment Management Agency, Heritage Western Cape, and Cape Nature, be complied with;
 - (j) that all the conditions from Fire Services, Waste Management, District Health and Engineering Services, be complied with;
 - (k) that condition 2 of the approval of the Overberg District Municipality dated 7 October 1991 be amended to read as follows:

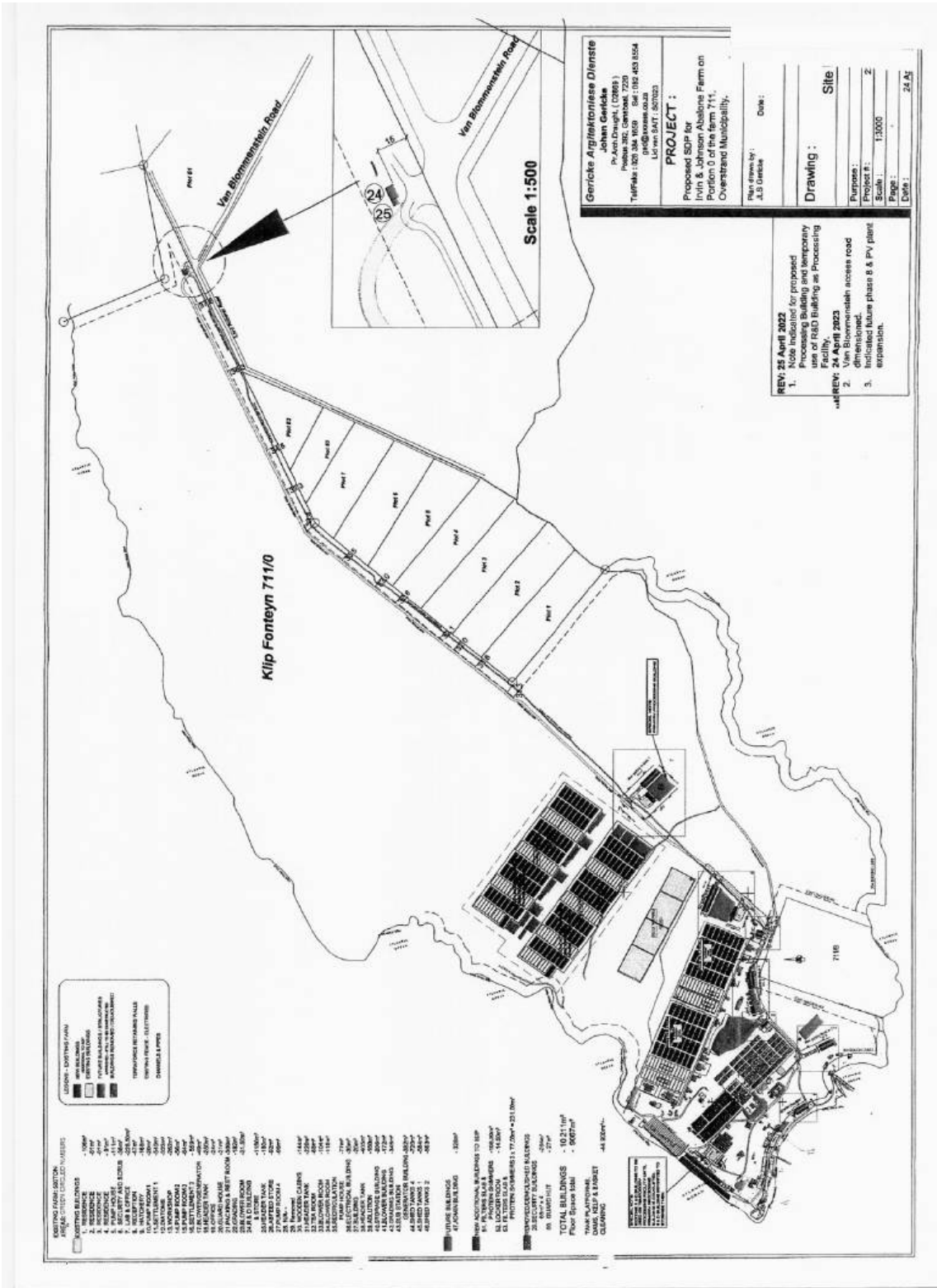
"only skeleton staff be housed on site and that only 2 + 3bedroom houses for management staff and four security huts / labourers cottages be permitted;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

- (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.
8. that the applicant/persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

REASONS FOR RECOMMENDATION

- ❖ Environmental Authorisation was granted.
- ❖ The proposed development complies with the applicable policy and forward planning documents.
- ❖ The proposed development is consistent with the planning principles in terms of LUPA and SPLUMA.
- ❖ The proposed development contributes to sustainable development and investment in the area whilst also providing additional employment opportunities.
- ❖ The remainder of the property will be managed as a Nature Reserve.
- ❖ The development via the implementation of mitigation measures will not unacceptably detract from the rural character of the area, heritage resources or the natural environment.
- ❖ The development will not adversely impact vested rights of adjoining property owners, subject to implementation of mitigation measures.
- ❖ The site layout was amended to ensure the development footprint avoids archaeological areas of significance.
- ❖ The development will generate renewable energy (with the possibility to feed excess power into the grid).



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF THE SITE DEVELOPMENT PLAN
AND CONDITIONS OF APPROVAL, CONSENT USE & DEPARTURE:
REMAINDER OF FARM KLIPFONTEIN NO 711, DIVISION CALEDON**

Water	:	According to GLS & KLS Eng. Services Reports
Sewer	:	According to GLS & KLS Eng. Services Reports
Roads and traffic	:	According to TIA
Stormwater (SW)	:	According to the master plan by the Developer
Electricity	:	According to the master plan by the Developer

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:

Water	R 26 036.00 x 48.91000 =	R 1 273 420.76
Sewerage	R 17 555.00 x 48.91000 =	R 858 615.05
Stormwater	R 9 082.00 x 313.2 =	R 2 844 482.40
Roads	R 7 782.00 x 244.206734=	R 1 900 416.80
Solid Waste	R 1 574.00 x 177.48000 =	<u>R 279 353.52</u>
TOTAL (inclusive of VAT)	=	<u>R 7 156 288.53</u>

Note:

- 1.3 The above figures are estimates
2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;
 - 2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided:
 - 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
 - 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property;
 - 4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;
 - 4.2 the developer to submit an acceptable public liability insurance policy to the Council and to pay the premium in advance for the period as set out above before any work concerned may commence;
 - 4.3 the insurance to be to an amount which shall not be less than that required by the SAACE;

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- 4.4 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;
5. that a plan of all existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:
 - 5.1 way-leaves must be obtained from the Operational Manager;
 - 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
9. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;

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

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18. that the developer shall be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;
19. that the developer provides bulk meters for water and electricity at approved positions;
20. that the solid waste removal services be provided according to the Engineering Services report and in line with the current bylaws and other legislation, at the developer cost;
21. that no biological waste will be transported or delivered to the Municipal transfer station or waste disposal facilities;
22. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be proved with the following:
 - a. properly ventilated;
 - b. a cement floor;
 - c. a tap and running water, as well as a drainage point which is connected to the sewer network;
 - d. is a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
23. that the electricity reticulation and supply be provided according to the master plan by the developer;
24. that the developer appoint a consulting electrical engineer to determine the electricity demand for the development and pay a fee to Overstrand Municipality to determine the capacity in the existing electricity network;
25. that the electricity reticulation system be upgraded according to the Electrical Master Plan at the Developer's cost;
26. that the developer will be responsible for the payment of electricity bulk contributions and that the bulk contribution be determine during the compilation of the services agreement;
27. that the water network and connections be provided according to the GLS capacity report and the Engineering Services report at the developer cost;

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28. that following wastewater removal options, as detailed in the KLS Engineering services report be considered in addition to the normal municipal sewer tank service for the proposed development: (i) package plant (modular wastewater treatment plant/s) (ii) future municipal full waterborne sewer connection (in accordance with GLS masterplan) (iii) an approved private sewer tank service;
29. that the final wastewater removal option be selected and incorporated into a municipal service level agreement before any phase(s) of the proposed site development commences.
30. That Overstrand Municipality reserve the right not to provide any additional sewer tanker services in order to accommodate any construction/development phase (s) of the proposed development.
31. That the developer shall obtain all the required authorisations and approvals for the safe storage, treatment and release/disposal of wastewater in line with the relevant Overstrand bylaws and provincial and national legislation at his/her own cost.
32. that the required fire hydrants be provided as per National Building Regulation SABS 0400 TT35.4;
33. that access be provided in line with the Traffic Impact assessment and that it will be the responsibility of the Developer to obtain approval and to implement the upgrading of the existing roads in order to accommodate the additional traffic;
34. that any damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.

p.p. R. A. O'Brien
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

22/09/2022
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
2 August 2023
(Also the agenda for the Mayoral Committee Meeting : 16 August 2023)**

**7. ERF 1828, 21 BOUNDARY ROAD, PRINGLE BAY: APPLICATION FOR
REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND
SUBDIVISION: DIESEL & MUNNS INC. ON BEHALF OF BC & C
ANDERSON**

1828 KPRB (3717/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

1 June 2023

EXECUTIVE SUMMARY

The above application received on 21 June 2021 from Diesel & Munns Inc. on behalf of BC & C Anderson applicable to Erf 1828, Pringle Bay served before the Municipal Planning Tribunal (MPT) on 4 May 2023. It was resolved that the item be referred back following further legal clarity on the need for the removal of restrictions application. See Annexure I.

As per the above Resolution, the item was referred to the Legal Services Department for further clarity. Comments were received from Mr Jacques Wilkinson (Legal Advisor) and are attached as Annexure J.

The application received from Diesel & Munns Inc. on behalf of BC & C Anderson applicable to Erf 1828, Pringle Bay is as follows:

- ❖ **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 with reference to Clauses 1.V.(4)(a), 1.V.(4)(b), 1.V.(4)(c), 1.V.(4)(d), 1.V.(4)(e), and 1.V.(4)(f). of Title Deed T14369/2020.

The restrictive title conditions read as follows:

“V. SUBJECT to the conditions contained in Deed of Transfer T11452/1957, imposed by the Administrator when approving of the subdivision of a portion of the township in terms of the terms of Ordinance 33 of 1934:

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

(a) It shall not be subdivided

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- (b) It shall be used for residential purposes only*
- (c) Only one dwelling together with such outbuildings are ordinarily required to be used therewith shall be erected thereon.*
- (d) Not more than half the area thereof shall be built upon.*
- (e) No building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres of the street line which forms a boundary of this erf, nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf, provided that, with the consent of the Local Authority, an outbuilding exceeding 3,05 metres in height measured from the floor.*
- (f) Pending the establishment of a local authority for this township, the sewage of this erf shall not be disposed of otherwise than by means of properly constructed septic tank, otherwise to a properly constructed vacuum tank serving one or more erven. If any such tank is situated on this erf the owner shall without compensation remove the septic or vacuum tank after three month's written notice served upon him by such local authority.*

- ❖ **Subdivision** in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 1828, Pringle Bay into 2 portions, namely Portion A ($\pm 2369\text{m}^2$) and a Remainder ($\pm 2336\text{m}^2$).

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 1828, Pringle Bay for the removal of restrictive title conditions 1.V.(4)(b), 1.V.(4)(c), 1.V.(4)(d), 1.V.(4)(e) and 1.V.(4)(f) of Title Deed T14369/2020, **not be approved**, in terms of the provisions of Section 61 of the By-Law.
2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1828, Pringle Bay for the removal of restrictive title conditions 1.V.(4)(a) of Title Deed T14369/2020 to accommodate the proposed application, **not be approved**, in terms of the provisions of Section 61 of the By-Law.
3. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 1828, Pringle Bay into two (2) portions, namely Portion A ($\pm 2369\text{m}^2$) and a Remainder ($\pm 2336\text{m}^2$) with a 16m wide servitude (registered in favour of Remainder Erf 1828 to allow for access), **be approved** in terms of Section 61 of the By-Law;

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that the approval of Points 2 & 3 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. C6129/Sub2 dated June 2021 as submitted with the application;
 - (b) that a land surveyor be appointed to proof that the driveway does not transgress onto Erf 540, and submitted to the Municipality before the SG diagram be approved;
 - (c) that subject to the outcome of Point (b) above, the driveway of Remainder Erf 1828 be relocated, if necessary, to not traverse the newly created Portion 1 boundary;
 - (d) that any future development of Portion 1 be subject to compliance with Environmental Authorisation;
 - (e) that none of the buildings or structures may be utilized for any usage on Portion 1 until such time it has been registered and a building plan has been approved and built according to plan;
 - (f) the applicant is required to submit a building plan that correctly indicates the layout and new developments taking place on Portion 1;
 - (g) that the conditions in the Services Report, be complied with;
 - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (i) 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.

14. REASONS FOR RECOMMENDATION

POINT 1 and 2

- ❖ The application for a blanket approval is not justified.
- ❖ The proposed application is only for the subdivision of the property into two (2) portions and does not propose any building and or structure on the proposed new additional residential erf.

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- ❖ The applicant does not propose anything that would warrant the need for the removal of conditions 1.V.(4)(a) 1.V.(4)(b), 1.V.(4)(c), 1.V.(4)(d), 1.V.(4)(e) and 1.V.(4)(f)
- ❖ Removal of Condition 1.V(4)(a) is not required, since it makes reference to the original erven 538 and 539 (renumbered in 1973) and the condition of subdivision applicable should the erven be consolidated was not transferred to the consolidated Title Deed. The subdivision condition is also not applicable to reconfiguration of erven, but relates to the original configuration of the erven before consolidation.

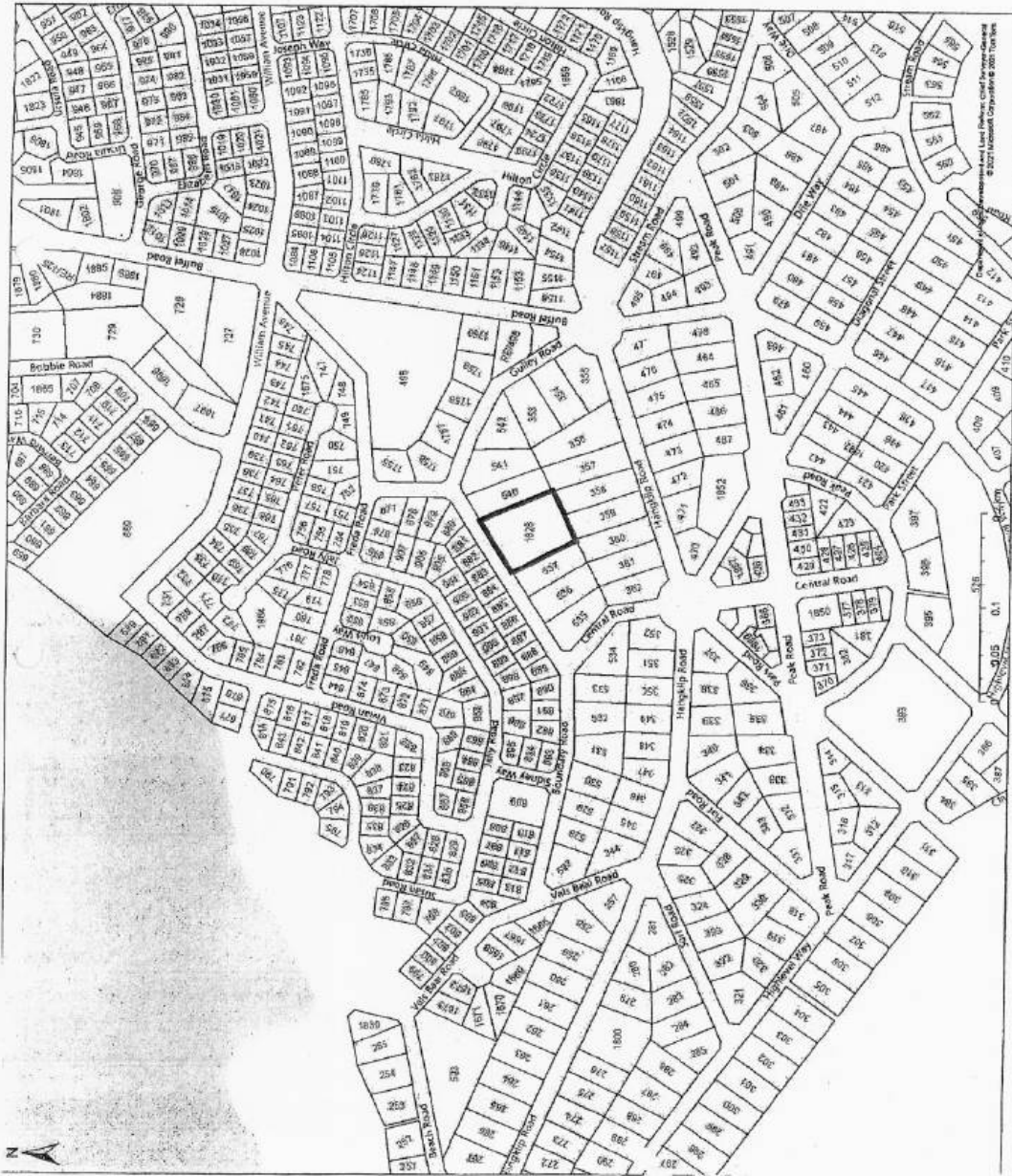
POINT 3

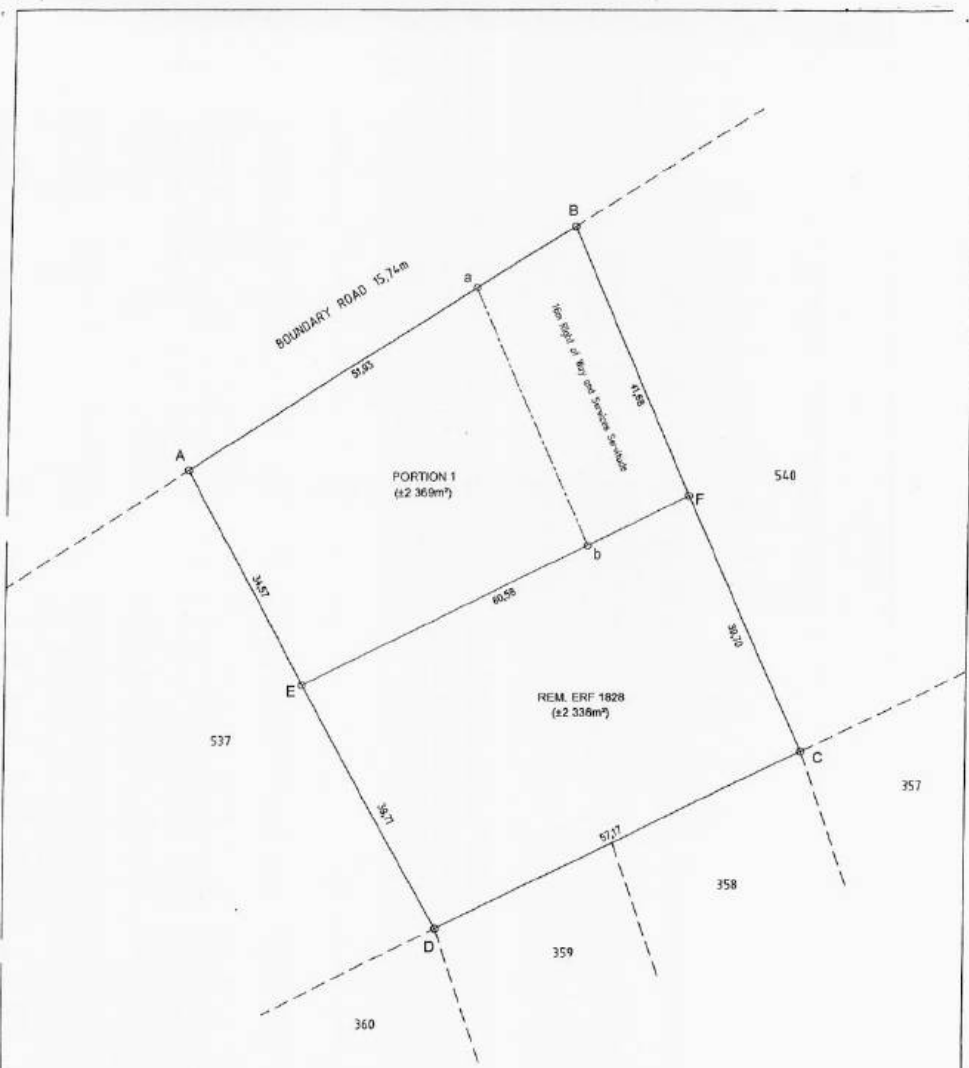
- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners.
- ❖ The proposed application fits in with the character of the surrounding area and is desirable.
- ❖ The proposed development will not negatively impact the surrounding property owners.
- ❖ The proposed subdivision will revert to the original approval of Pringle Bay Extension 3 in terms of density with no additional erven be created.
- ❖ Although the configuration is different, no densification takes place since it is in line with the original extent of erven in the area.

ERF 1828 PRINGLE BAY:
LOCALITY PLAN

- Legend
- Erf
 - ▣ The Property

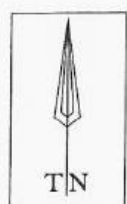
Scale: 1:4 514
Date created: April 7, 2021





LEGEND:

ABCD	—	ERF 1828 PRINGLE BAY
EFCD	—	REMAINDER ERF 1828
ABFE	—	PROPOSED PORTION 1



**SUBDIVISION PLAN OF
ERF 1828 PRINGLE BAY**

Overstrand Municipality
Administrative District of Caledon
Province Western Cape.

- NOTES:**
- 1) ALL AREAS AND DIMENSIONS ARE APPROXIMATE
 - 2) COMPILATION SHEET: AH-48C/A43 (359)
 - 3) ZONING: RESIDENTIAL ZONE 1
 - 4) BFLW INDICATES A 15m WIDE SERVICES AND RIGHT OF WAY SERVITUDE AS SHOWN

SCALE 1/750
DATE: JUNE 2021
PLAN NO: C6129/Sub2

DIESEL & MUNNS Inc.
PROFESSIONAL LAND SURVEYORS : TOWN AND REGIONAL PLANNERS
PROFESSIONELE LANDMETERS : STAD- EN STRUKTURBEPLANNERS
SECTIONAL TITLE CONSULTANTS : ENGINEERING AND TOPOGRAPHICAL SURVEYORS
DEELTITEL KONSULTANTE : INGENIEURS EN TOPOGRAFIESE OPMETERS

20 ST. JAMES STREET/STRAAT - P. O. BOX/POSBUS 425 - SOMERSET WEST 7129
TEL. : (021) 852-3900/852-3750

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS &
SUBDIVISION: ERF 1828, 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 1	=	R 24 915.00
Sewerage	R 16 799.12 x 1	=	R 16 799.12
Roads	R 7 532.72 x 1	=	R 7 532.72
Stormwater	R 8 691.28 x 1	=	R 8 691.28
Solid Waste	R 1 505.92 x 1	=	<u>R 1 505.92</u>
TOTAL (inclusive of VAT)		=	R 59 444.04

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;

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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

17/09/2021
DATE