

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

6 February 2023

INDEX

	<u>PAGE NUMBER</u>
APPLICATIONS FOR LEAVE OF ABSENCE	
1. TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS CONSIDERED IN TERMS OF DELEGATED AUTHORITY: AUGUST 2022 – DECEMBER 2022	1
2. A PORTION OF ERF 280 DE KELDERS (SITUATED IN EILAND STREET, DE KELDERS): DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FURTHER LEASE AGREEMENT WITH VODACOM (PTY) LTD	321
3. A PORTION OF ERF 453 FRANSKRAALSTRAND (PUBLIC OPEN SPACE) (CORNER OF VEAL AND ZIERVOGEL STREET): LEASE OF MUNICIPAL PROPERTY TO FRANSKRAAL NEIGHBOURHOOD WATCH	331
4. ERF 2037 GANSBAAI SITUATED AT 22 CHRIS HANI CRESCENT, MASAKHANE, GANSBAAI: DEVIATION FROM PARAGRAPH 20.1(b) OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FURTHER LEASE AGREEMENT WITH TAKALANE BABY CARE	340
5. RECISSION OF COUNCIL RESOLUTION DATED 24 MAY 1995 FOR THE AUTOMATIC RENEWAL FOR PERIODS OF SIX MONTHS - LEASES FOR SEMI-PERMANENT STANDS ON A PORTION OF ERF 207 GANSBAAI (GANSBAAI CARAVAN PARK)	350
6. APPLICATION TO PURCHASE: A PORTION OF REMAINDER ERF 1253 HERMANUS, ADJACENT TO ERF 1300 HERMANUS (262 MAIN ROAD, EASTCLIFF) (COMMONAGE) – DM & L KIRSCH	366
7. IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF REMAINDER ERF 243 HERMANUS, ADJACENT TO ERF 6667 HERMANUS, SITUATED ON THE CORNER OF BALFOUR STREET AND HOSPITAL ROAD, WESTCLIFF, HERMANUS, TO VON ZEUNER PROPERTIES (PROPRIETARY) LIMITED	374

	<u>PAGE NUMBER</u>
8. A PORTION OF REMAINDER ERF 249 HERMANUS: RENEWAL OF LEASE OF MUNICIPAL PROPERTY TO LIANE FLORENCE FREW (CURRENTLY DAL-ITALIA DELI & COFFEE SHOP) SITUATED AT 13 ABERDEEN STREET, HERMANUS)	385
9. A PORTION OF REMAINDER ERF 1253 HERMANUS (OPEN SPACE SITUATED IN EASTCLIFF): DEVIATION FROM PARAGRAPH 18 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A FURTHER LEASE AGREEMENT WITH VODACOM (PTY) LTD	394
10. A PORTION OF ERF 10572, A CLOSED PORTION OF GOLF STREET, HERMANUS: SERVITUDE RIGHT OF WAY IN FAVOUR OF THE OWNERS OF ERF 1272 HERMANUS, THE EDC HOUSE TRUST	403
11. ERF 490 ZWELIHLE SITUATED AT 32 LOBA STREET, ZWELIHLE: RENEWAL OF LEASE TO MASIZAKHE EDUCARE CENTRE	410
12. ERVEN 127, 129 AND A PORTION OF ERF 823 ZWELIHLE (SITUATED AT 46 LUSIBA STREET, ZWELIHLE): RENEWAL OF LEASE TO LUKHANYO PRIMARY SCHOOL	418
13. APPLICATION TO PURCHASE: A PORTION OF REMAINDER ERF 243 HERMANUS (A SERVICES AREA BETWEEN PRILLEWITZ STREET AND SWARTDAM ROAD, HERMANUS)	426
14. ZWELIHLE: EXCHANGE TRANSFERS: ERVEN 584 AND 244 ZWELIHLE, ERVEN 794 AND 798 ZWELIHLE AND REQUEST FOR THE DEBT ON THE ACCOUNTS OF THE ERVEN TO BE WRITTEN OFF	432
15. A PORTION OF REMAINDER ERF 3011 ONRUSTRIVIER, ADJACENT TO ERF 3010 ONRUSTRIVIER (SITUATED IN BEACH ROAD): LEASE OF MUNICIPAL PROPERTY TO HOLTZHAUSEN, JA	450
16. APPLICATION TO PURCHASE: A PORTION OF PORTION 3 OF THE FARM NO 566 CALEDON REGIONAL DISTRICT, ADJACENT TO ERF 191 HAWSTON (191 MARINE DRIVE, HAWSTON) – B & AC GARDINER	458
17. HAWSTON: IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 230 HAWSTON (SITUATED IN LINCOLN CLOSE, HAWSTON), 634m ² IN EXTENT, BY MEANS OF A COMPETITIVE PROCESS	466
18. IN PRINCIPLE APPROVAL FOR THE ALIENATION OF REMAINDER ERF 4324 KLEINMOND (SITUATED AT 59 FOURTH AVENUE, KLEINMOND), 564M ² IN EXTENT, BY MEANS OF A COMPETITIVE PROCESS	474
19. KLEINMOND: IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 6559 KLEINMOND (SITUATED ON THE CORNER OF HEIDE STREET AND PROTEA AVENUE, PROTEADORP), 575M ² IN EXTENT, BY MEANS OF A COMPETITIVE PROCESS	481

- | | | |
|-----|--|------------|
| 20. | KLEINMOND: IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 3300 KLEINMOND (SITUATED AT 45 JS MARAIS STREET, KLEINMOND), 595m² IN EXTENT, AND ERF 3724 KLEINMOND (SITUATED AT 52 PALMIET ROAD, KLEINMOND), 595m² IN EXTENT BY MEANS OF A COMPETITIVE PROCESS | 492 |
| 21. | ERF 2649 BETTY'S BAY: DEVIATION FROM PARAGRAPH 26 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO ENTER INTO A LEASE AGREEMENT WITH THE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS AT A FIXED ESCALATION RATE | 500 |

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

**1.
TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: AUGUST 2022 –
DECEMBER 2022**

**R Kuchar Senior Manager: Town & Spatial Planning (028) 313 8900
3 January 2023**

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 1 August 2022 – 1 December 2022.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town and Spatial Planning

3. Compliance with Strategic Priority

Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background

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

7. Financial Implications

None

8. Staff Implications

None

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 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 1 August 2022 – 1 December 2022:

1.	Erf 1292, 25 Edward Road, Pringle Bay	2 August 2022
2.	Erf 204, 33 Park Road, Fisherhaven, Hermanus	10 August 2022
3.	Portion Of Erf 2715 & Erf 3463 , Betty's Bay	16 August 2022
4.	Erf 4022, 281 Fourth Street, Voëlklip, Hermanus	16 August 2022
5.	ERF 1739, Sectional Title Unit 9, Watsonia Park Development, 49 Long Street Sandbaai, Hermanus	18 August 2022
6.	ERF 4294, 286 Fifth Street, Voëlklip, Hermanus	18 August 2022
7.	Farm No. 764, Weltevrede, Stanford	18 August 2022
8.	Erf 9921, 34 Fernkloof Drive, Hermanus Heights, Hermanus	19 August 2022
9.	Erf 648, 55 Main Road, Northcliff, Hermanus	23 August 2022
10.	Erf 1169, Christine Crescent, Franskraal	23 August 2022
11.	Erf 3529, 19 Old Main Road, Onrustrivier, Hermanus	29 August 2022
12.	Erf 4913 (A Portion Of Erf 341) And Remainder Erf 341, 5 Rocklands Road And Westcliff Road 24, Westcliff, Hermanus	30 August 2022
13.	Erf 1827, 1 Hemel-En-See Avenue And Erf 1962, 9 Sienna Street, Vermont, Hermanus	12 September 2022
14.	Erf 527, 3 Marine Drive, Westcliff	12 September 2022
15.	Erf 4779 & 2603, 127 Eight Street, Voëlklip, Hermanus	16 September 2022
16.	Erf 1773, 2 Jurgens Street, Pearly Beach, Gansbaai	16 September 2022
17.	Erf 4894, 29 7th Street, Kleinmond	16 September 2022
18.	Erf 4577, 7 Magnolia Street, Northcliff, Hermanus	22 September 2022
19.	Erf 4324, 59 Fourth Avenue, Kleinmond	22 September 2022
20.	Erf 7314, 8 Protea Road, Eastcliff, Hermanus	27 September 2022
21.	Erf 3114, 23 Df Strauss Street, Kleinmond	28 September 2022
22.	Erf 4310, 61 5th Avenue, Kleinmond	28 September 2022
23.	Erf 987, 30 Moffat Street, Eastcliff, Hermanus	29 September 2022
24.	Erf 9902, 223 Eleventh Street, Voëlklip, Hermanus	29 September 2022

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

25.	Erf 4773, 53 13th Avenue, Kleinmond	29 September 2022
26.	Erf 11166, 10 Church Street, Westcliff, Hermanus	10 October 2022
27.	Erf 3109, 68 Seaview Drive, Betty's Bay	10 October 2022
28.	Erf 4951, 70 Botriver Road, Kleinmond	10 October 2022
29.	Portion 18 Of The Farm No. 679, Paapjes Valley	10 October 2022
30.	Erf 3676, 36 Myrica Road, Betty's Bay	10 October 2022
31.	Erf 1746, Corner Of Main Road And Long Street, Sandbaai	10 October 2022
32.	Erf 688, 12 Barbara Road, Pringle Bay	13 October 2022
33.	Erf 6868, 27 Nerina Street, Extension 6, Kleinmond	13 October 2022
34.	Erf 1450, 1 Little Swift Close, Vermont	24 October 2022
35.	Erf 8183, 1 Sandpiper Street Hemel-En-Aarde Estate, Hermanus	24 October 2022
36.	Erf 5959, 13 Melkhout Avenue, Kleinmond	24 October 2022
37.	Erf 5092, 11 Serruria Circle, Betty's Bay	24 October 2022
38.	Erf 4001, 101 Diastella Road, Betty's Bay	24 October 2022
39.	Erf 317, 16 Roella Street, Rooi Els	24 October 2022
40.	Erf 5196, 2 Cambedo Avenue, Kleinmond	24 October 2022
41.	Erf 9823, 61 Marine Drive, Hermanus	24 October 2022
42.	Erf 6584, 95 Twelfth Avenue, Kleinmond	28 October 2022
43.	Erf 3627, 237 Sixth Street, Voëlklip, Hermanus	1 November 2022
44.	Erf 311, 13 Roella Street, Rooi Els	3 November 2022
45.	Erf 1879, 22 Sepia Avenue, Vermont And Erf 1880, 20 Sepia Avenue, Vermont	3 November 2022
46.	Erf 4683, 5 Second Avenue, Kleinmond	7 November 2022
47.	Erf 6199, 18 Reservoir Street, Voëlklip, Hermanus	24 November 2022
48.	Erf 5433, 45 Fourth Street, Voëlklip, Hermanus	25 November 2022
49.	Erf 142, 26 Kabeljou Street, Van Dyksbaai (Kleinbaai)	28 November 2022
50.	Portion 31 Of The Farm Klipfonteyn No 711, Caledon Division	29 November 2022
51.	Erf 2297, Galjoen Street, Pearly Beach (Pearly Beach Resort)	29 November 2022
52.	Portion 158 Of The Farm Baardskeedersbos No. 213, Bredasdorp Division	30 November 2022

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 27 October 2021, 30 November 2021, 12 November 2021 and 15 December 2021:

1.	Erf 1449, Lynx Road, Vermont	1 September 2022
2.	Erf 3266, 21 Main Road, Onrustrivier	1 September 2022
3.	Erf 6114, 49 6th Street, Voëlklip, Hermanus	1 September 2022
4.	Erf 210 Gansbaai	13 October 2022
5.	Erf 2099, Melkhout Street, Pearly Beach	13 October 2022

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- | | | |
|----|--|------------------|
| 6. | Erf 4156, 5 Village Lane, Hemel & Aarde Village,
Onrustrivier | 13 October 2022 |
| 7. | Erf 668, 56 China Marais Avenue, Fisherhaven | 10 November 2022 |
| 8. | Erf 5559, 243 Fifth Street, Voëklip, Hermanus | 10 November 2022 |

RESPONSIBLE OFFICIAL :

L SMUTS

TARGET DATE FOR IMPLEMENTATION:

7 MARCH 2023

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting : 14 February 2023)**

**1.
TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: AUGUST 2022 –
DECEMBER 2022**

**R Kuchar Senior Manager: Town & Spatial Planning (028) 313 8900
3 January 2023**

**THIS MATTER SERVED BEFORE THE INVESTMENT & INFRASTRUCTURE
PORTFOLIO COMMITTEE ON 6 FEBRUARY 2023, WHICH COMMITTEE
SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL : L SMUTS

TARGET DATE FOR IMPLEMENTATION : 7 MARCH 2023

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

Spatial Land Use Management Act (SPLUMA) Approvals

- 1. ERF 1292, 25 EDWARD ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS ADD CONTRACTS ON BEHALF OF J & J NIEUWOUDT**

1292 KPRB (3868/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

24 May 2022

Executive Summary

An application was received on 19 October 2021 from Messrs ADD Contracts on behalf of J & J Nieuwoudt on Erf 1292, Pringle Bay 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 building line from 2m to 0m for a proposed new double garage.

RESOLVED:

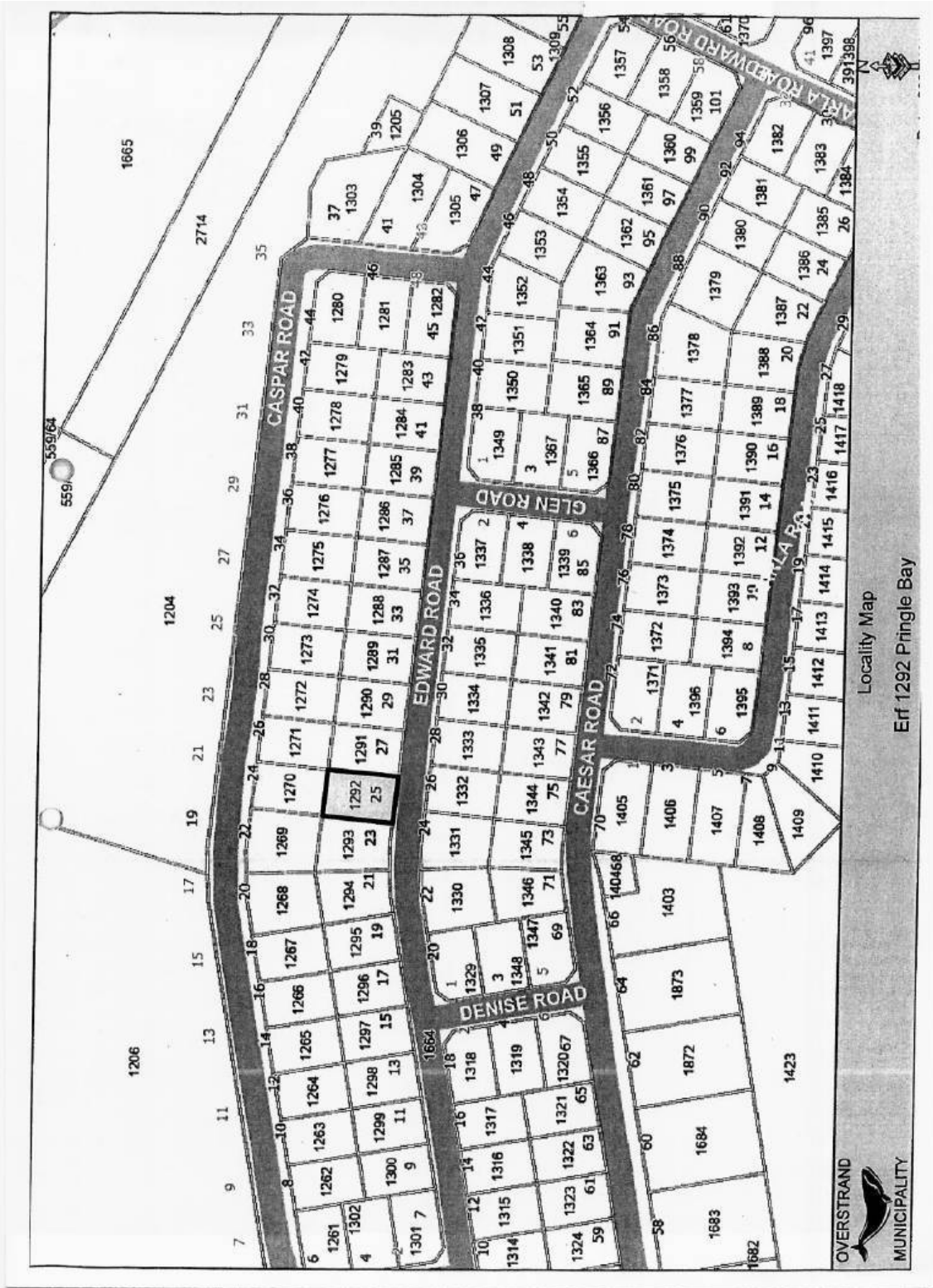
1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1292, Pringle Bay for a departure for the relaxation of the western lateral building line from 2m to 0m to accommodate the extension of the existing double garage, be approved, in terms of Section 61 of the By-Law subject to the following conditions:
 - (a) that the approval is only for the development indicated on Plan numbers JC5994/101 to JC5994/109 dated November 2020, as submitted with the application;
 - (b) that the proposed deck above the double garage complies with the 2m lateral building line;
 - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (d) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 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 regarding the above conditions of approval.

REASONS FOR RESOLUTION

- The application has followed due procedure.
- No objections were received.
- The proposed application fits in with the character of the surrounding area and is desirable.
- There will be no impact on services.
- The proposal will have no negative impact on the environment.
- No objections were received from surrounding property owners.

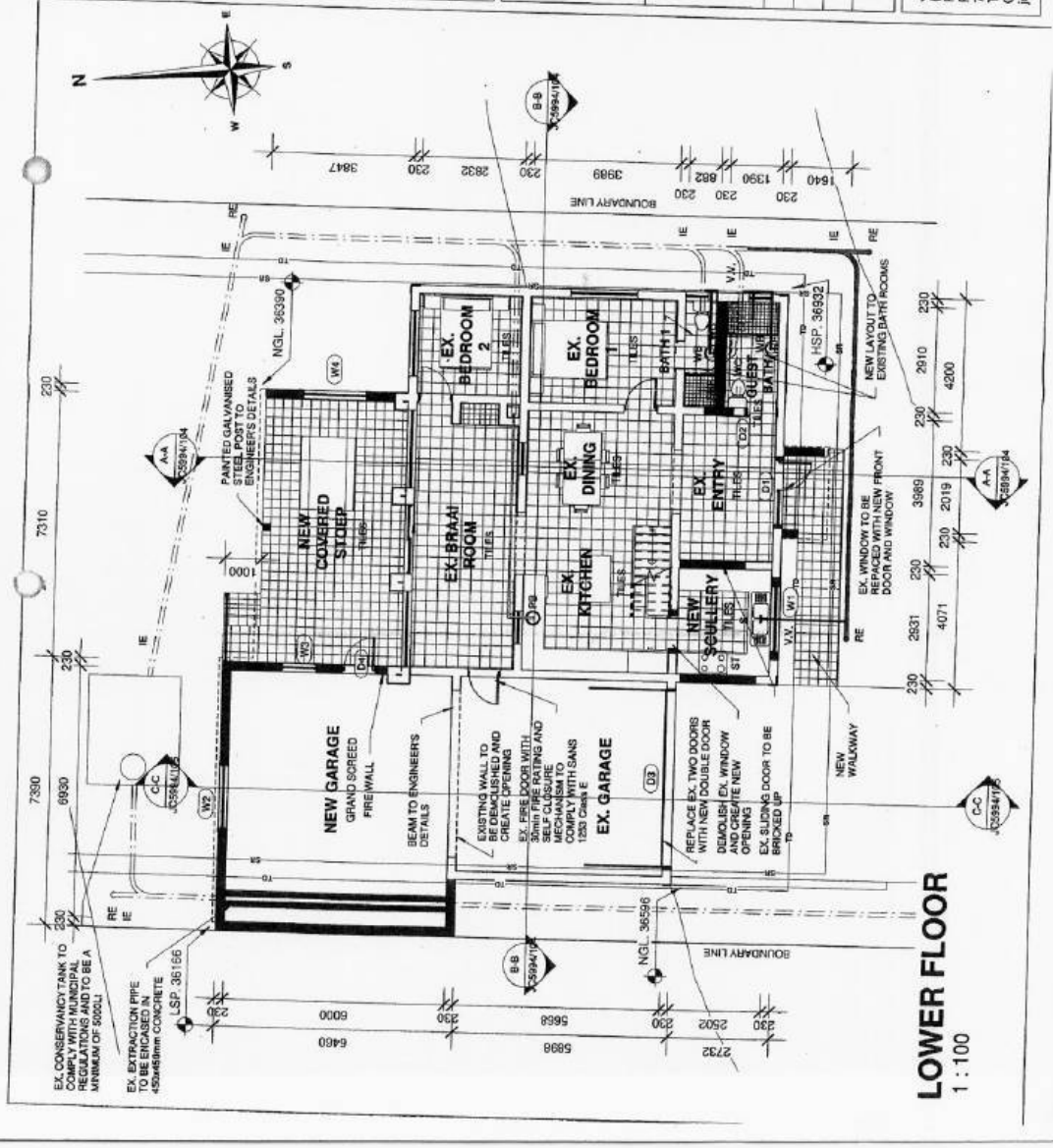
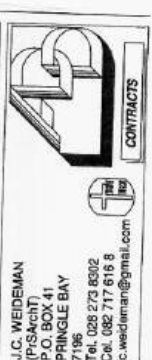


NOTES: (Read together with drawing No. JC5994/102, 103, 104, 105, 106, 107, 108 and 109.)
 These drawings are copyright of the Architectural Technologist. Do not scale, refer only to the dimensions and levels to be checked on site prior to setting out. Any discrepancies to be reported to the Architectural Technologist immediately.
 All work to be done in accordance with the National Building Regulations. All D.P.'s vertical and horizontal to conform to SANS 1000 with regards to quality and positioning.
 Levels to be minimum of 10% of floor area and 5% open-space for ventilators.
 All glazing to comply with part N of the National Building Regulations and SANS 1000 Part N - access doors and sashes to have safety glass lower than 500mm above finished floor level, windows lower than 1800mm above pitch line or stairs to have safety glass.
 Dimensions to centres, heads minimum 250mm and doors maximum 200mm and minimum 210mm clear dimensions measured vertically from pitch line.
 (Notes continued on Drawing No. JC5994/102)

Owner :
 Architectural Designer :
 Reg No. ST1302
 Project :
HOUSE NIEUWOUDT
 PROPOSED ALTERATIONS AND ADDITIONS ON ERF 1292 EDWARD ROAD PRINGLE BAY FOR Mr. & Mrs. NIEUWOUDT
 Drawing Title
COUNCIL DRAWINGS: LOWER FLOOR PLAN

Date MAY 2021
 Drawn by JW
 Scale 1 : 100
 Project number **JC5994/101**

J.C. WEIDEMAN (PISARCH) P.O. BOX 41 PRINGLE BAY 7196
 Tel. 028 273 8302
 Cel. 082 717 616 8
 j.c.weideman@gmail.com



**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

2. **ERF 204, 33 PARK ROAD, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF S SHANAHAN**

204 HFH (3920/2021)

H Olivier

(028) 313 8900

Hermanus Administration

13 June 2022

Executive Summary

An application has been received on 2 December 2021 from Messrs WRAP on behalf of S Shanahan in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 204, Fisherhaven for the following:

- ❖ **Removal of Restrictive Title Deed Conditions** in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed conditions D.4.(b), D.4.(c) and D.4.(d), as contained in Title Deed T49199/2011 of the property to accommodate a second dwelling unit, building line relaxations and increased coverage.

The restrictive title conditions read as follows:

“D. FURTHER SUBJECT to the following special conditions in said Deed of Transfer Number 17672/1970 newly imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 of 1934 when approving of the establishment of Fisherhaven Township, namely:

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

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

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

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

(d) 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, nor within 3,15 metres of the lateral boundary common to any adjoining erf, provided with the consent of the Local Authority, any outbuildings not exceeding 3,05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven, this condition shall apply to the consolidated area as one erf.”

❖ **Departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the following:

- ✚ northern lateral building line from 2m to 1,9m to accommodate a water tank;
- ✚ southern lateral building line from 2m to 1,0m to accommodate a wendy house;
- ✚ rear building line from 2m to 1,15m and 1,25m respectively to accommodate three (3) water tanks, and to relax the same rear building line from 2m to 1,0m to accommodate a wendy house.

❖ **Determination of Administrative Penalty** in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorized encroachments on the property.

RESOLVED :

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 204, Fisherhaven for the removal of restrictive title deed conditions D.4.(b), D.4.(c) and D.4.(d) as contained in Title Deed T49199/2011 of the property to accommodate a second dwelling unit, building line relaxations and increased coverage, 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 applicable to Erf 204, Fisherhaven to relax the following:
 - ✚ northern lateral building line from 2m to 1,9m to accommodate a water tank;
 - ✚ southern lateral building line from 2m to 1,0m to accommodate a wendy house;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- ✚ rear building line from 2m to 1,15m and 1,25m respectively to accommodate three (3) water tanks, and to relax the same rear building line from 2m to 1,0m to accommodate a wendy house

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 204, Fisherhaven for the unauthorized structures over building lines as stipulated above, be applicable, and that an administrative penalty fee of R2190-00 (being 1% of built cost for 14.6m² encroachments) be payable within thirty (30) days of the decision;
4. that the recommendations in Points 1 to 3 above be subject to the following conditions:
 - (a) that this approval is only for the removal of restriction and departure of building lines and is not an approval in terms of any other legislation;
 - (b) that the approval for the departure is only for the development over for the building lines as indicated on plan undated 492-18, submitted with the application;
 - (c) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (f) that all the conditions in the Services Report, be complied with, and
 - (g) that the conditions imposed by Eskom, be complied with.
5. that the application for the determination of an administrative penalty in terms of Section 16.(2)(q) of the By-Law for the illegal building line encroachment of the covered pergola that calculates 6.74m²; was considered and that an administrative penalty fee of R2325.30 (being 2% building costs for the 6.74m² encroachment of the Fish Eagle Street building line), 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.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

REASONS FOR RESOLUTION

POINTS 1 and 2

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ The proposed construction of a second dwelling is in line with Policy Plans which promote densification.
- ❖ The proposed second dwelling of smaller than 120m² will be in line with the primary rights in terms of the Residential Zone I zone in terms of the Zoning Scheme.
- ❖ The restrictive conditions prohibit the property to be developed to its full potential, and the removal of the restrictive conditions is thus supported.
- ❖ The restrictions regarding coverage in the Title Deeds for Fisherhaven have been relaxed with previous applications and considering that Erf 204 is one of the smaller erven in Fisherhaven, the removal of such restriction will not have a negative impact on the character of this area.
- ❖ The Title Deed restrictions regarding building lines and departures for building lines to accommodate the water tanks and Wendy house can be supported, as the structures are considered minor structures. Future management of building lines can be done in terms of the Land Use Scheme.
- ❖ No objections were received from neighbours; therefore, the impact on neighbours' privacy and rights will be minimal.
- ❖ The application is desirable.

POINT 3

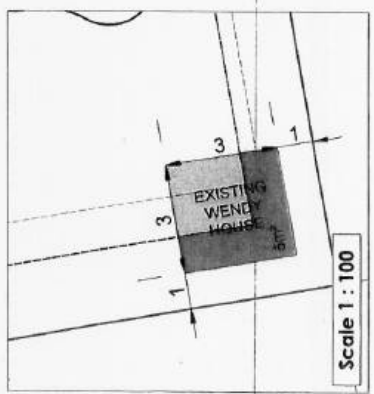
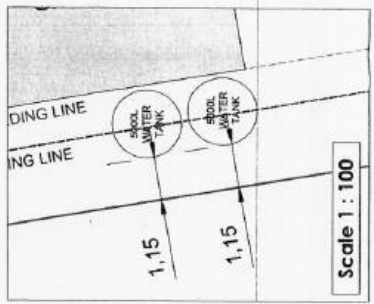
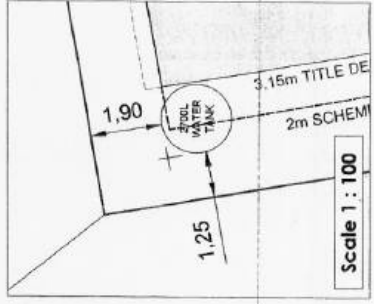
- ❖ The water tanks and Wendy house was illegally constructed by the existing land over building lines and without building plans.
- ❖ The property owners motivated that he/she was not aware of the fact that building plans had to be submitted for water tanks and Wendy houses. It is however every landowner's responsibility to consult with the municipality prior to doing any construction on a property, and therefore not sufficient reason to exempt the landowner from paying an administrative penalty.



<p>Site Development Plan Erf 204 - Fisherhaven</p>
<p>Existing Wendy House Dimensions - 3m x 3m Area - 9m²</p>
<p>Existing Dwelling Unit Area - 149.4m²</p>
<p>Proposed Primary Dwelling Unit Area - 190.9m²</p>
<p>Coverage Site Area - 873m² Wendy House - 9m² Existing Dwelling Unit - 149.4m² Proposed Primary Dwelling Unit - 190.9m²</p>
<p>Total Coverage - 349.3m²/40.1%</p>

Plan prepared by: Nien Janzen
Based on plan drawn by: LA. DEKKER S11.010
All distances are approximate
and subject to a survey

Tel: 028 313 1411
Email: c@nswrap.co.za
Unit 8, Stansburg Road, Corner of Royal and Drive Uye
Sheep Heidraus, 2500



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,
DEPARTURE & DETERMINATION OF ADMINISTRATIVE PENALTY: ERF 204,
FISHERHAVEN**

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

Conditions

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 10400 – P:2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erf 204, Fisherhaven, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

3. **PORTION OF ERF 2715 & ERF 3463 , BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, SUBDIVISION, CONSOLIDATION AND CLOSURE OF PUBLIC ROAD: MESSRS FRIEDLAENDER, BURGER AND VOLKMANN ON BEHALF OF THE MICHAEL DALL FAMILY TRUST, THE PETER DALL FAMILY TRUST, PH LE ROUX & M LE ROUX**

2715 & 3463 KBB (3776/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

10 July 2022

Executive Summary

An application was received on 21 August 2021 from Messrs Friedlaender, Burger and Volkmann, on Portion Erf 2715 & Erf 3463, Betty's Bay in terms of Section 16(2)(n), 16(2)(d), 16(2)(a) and 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- Closure of public place, in extent of approximately 3462m², portion of High level and Broadwith Roads, and
- Subdivision of Portion A, and
- Rezoning of Portion A from Transport Zone to Rural Zone 2: Conservation Usage, and
- Consolidation of Portion A with Erf 3463, Betty's Bay

RESOLVED :

1. that the application of a Portion of Erf 2715 and Erf 3463, Betty's Bay in terms of Section 16(2)(n), 16(2)(d), 16(2)(a) and 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- Closure of public place, in extent of approximately 3462m², portion of High Level and Broadwith Roads, and
- Subdivision of Portion A, and
- Rezoning of Portion A from Transport Zone to Rural Zone 2: Conservation Usage, and
- Consolidation of Portion A with Erf 3463, Betty's Bay,

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

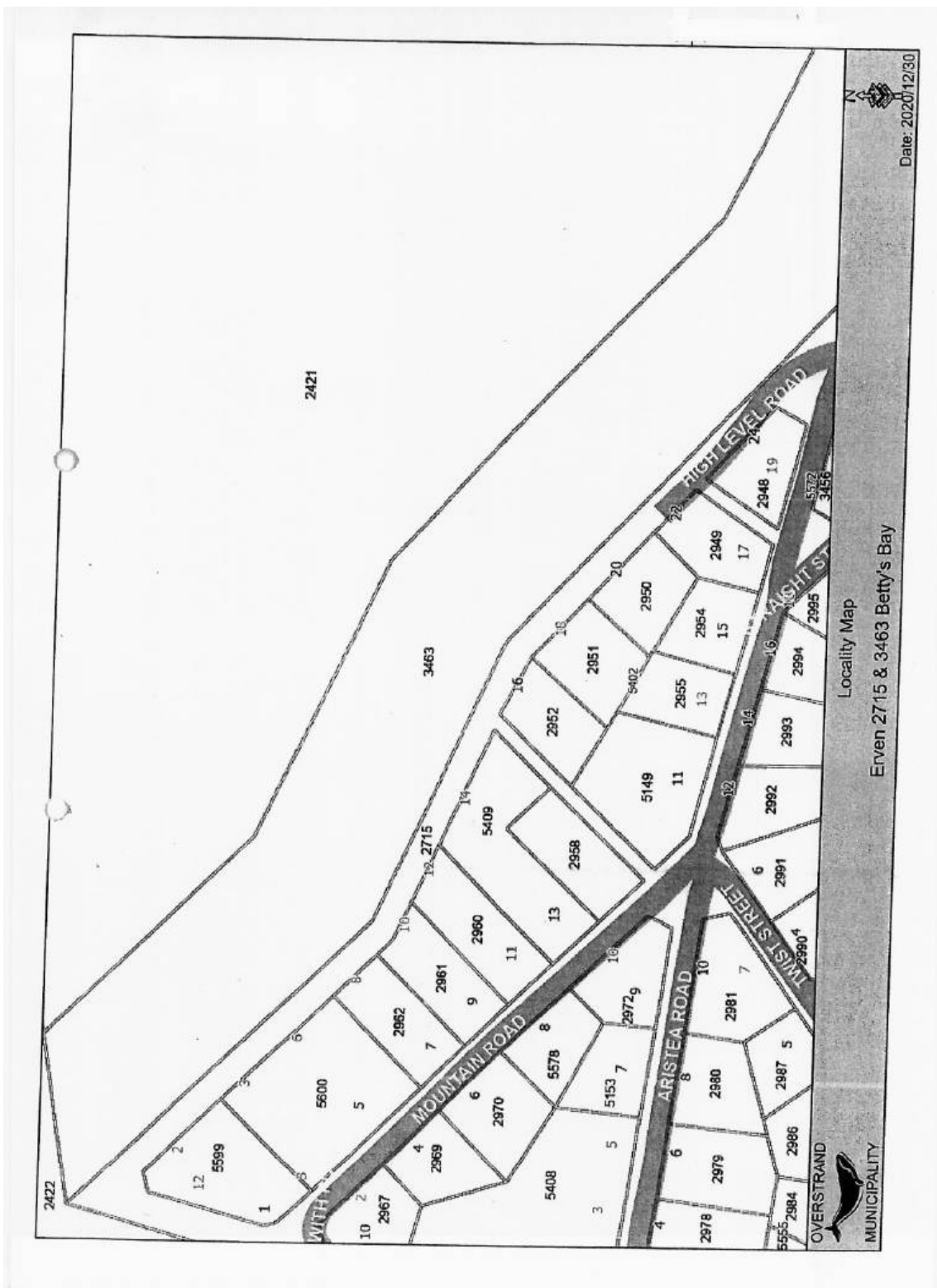
- (a) that this approval is only for the development as indicated on plans submitted with the application;
- (b) that the conditions of Engineering Services, be complied with;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

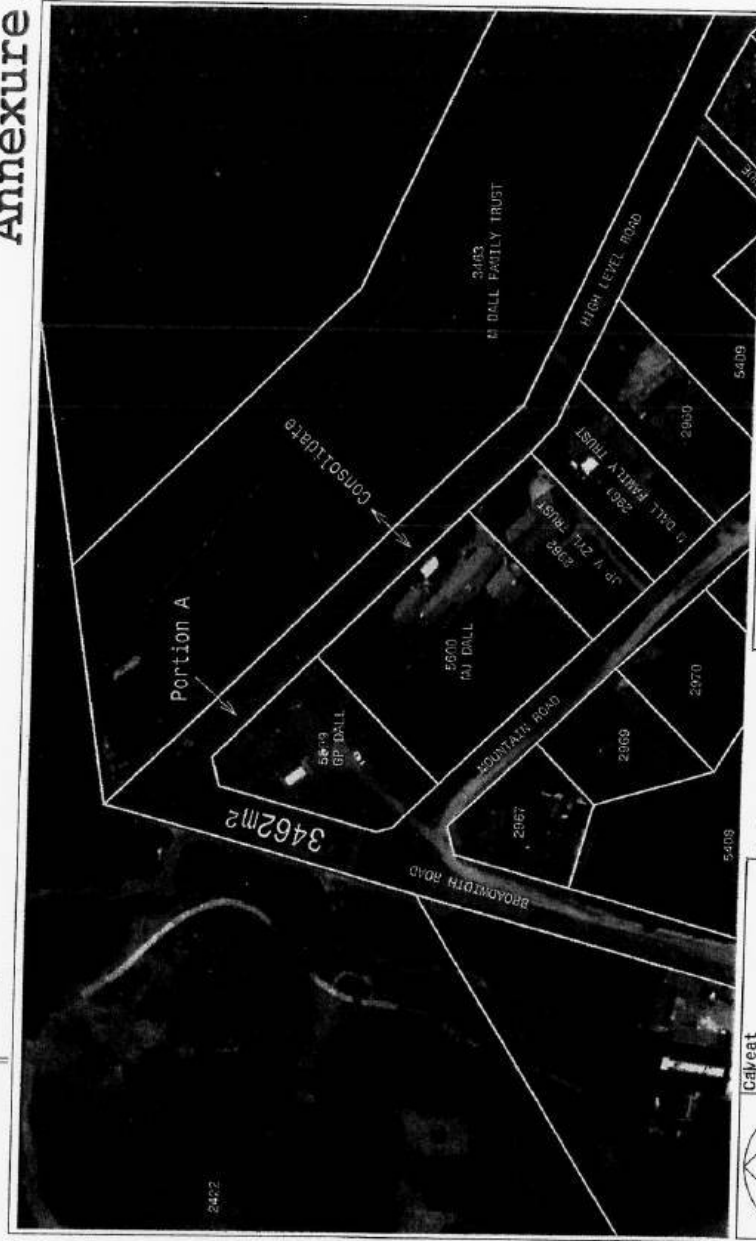
- (c) that the conditions of DEA&DP: Environmental letter dated 3/1/2022, Condition 6 be complied with,;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The surrounding owners did not object.
- ❖ There is no development envisaged and thus no impact on the natural environment.
- ❖ Attribute to the natural environment



Annexure B



<p>Caution</p> <p>1. Any areas and dimensions are provisional and will be finalised at time of subdivision survey.</p> <p>2. All levels are to be confirmed prior to construction.</p>	<p>Scale 1:1500 EA4</p> <p>Date: August 2020</p> <p>System: WG 19</p> <p>Contours: N/A</p>	<p>PROPOSED ROAD CLOSURE, RE-ZONING AND CONSOLIDATION WITH ERF 3463 OF PORTION OF BROADWIDTH AND HIGH LEVEL ROAD BETTY'S BAY</p> <p>Ref: BB3463</p> <p>Dwg: PROP_CLOSURE-REV5</p>
---	--	--

TN

fby

friedlaender, burger & volkmann
PROFESSIONAL ENGINEERS, ARCHITECTS, LANDSCAPE ARCHITECTS, PLANNERS & INTERIORS DESIGNERS
 20 NEW SOUTH BRITAIN, SYDNEY, NSW 1570
 Tel: (02) 9551 9999 Fax: (02) 9551 9998

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CLOSURE OF A PUBLIC PLACE, SUBDIVISION, REZONING
& CONSOLIDATION: PORTION OF ERF 2715 & ERF 3463, BETTY'S BAY**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
3. that stormwater be allowed to discharge through Ptn of Erf 2715 & Erf 3463, Betty's Bay, unobstructed;
4. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

25/03/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

**4. ERF 4022, 281 FOURTH STREET, VOËLKLIP, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE:
MESSRS EVOLVE ARCHITECTS ON BEHALF OF WP & TA REED**

4022 HVK (3818)

P Roux

(028) 313 8900

Hermanus Administration

24 June 2022

Executive Summary

An application has been received on 27 January 2022 from Messrs Evolve Architects on behalf of WP & TA Reed, Hermanus (Voëlklip) for a departure 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:

- to relax the northern street building line from 4m to 3m to construct a garage;
- to relax the eastern street building line from 4m to 2m to construct a staircase, and
- to relax the eastern street building line from 4m to 3.25m for the development of (a passage and bedroom on the ground floor) and (three (3) bedroom, bathroom & dressing area on the first floor).

RESOLVED :

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 4022, Hermanus (Voëlklip) for the following:

- to relax the northern street building line from 4m to 3m to construct a garage;
- to relax the eastern street building line from 4m to 2m to construct a staircase, and
- to relax the eastern street building line from 4m to 3.25m for the development of (a passage and bedroom on the ground floor) and (three (3) bedroom, bathroom & dressing area on the first floor).

not be approved in terms of the provisions of Section 61 of the By-Law, due to the reasons provided below.

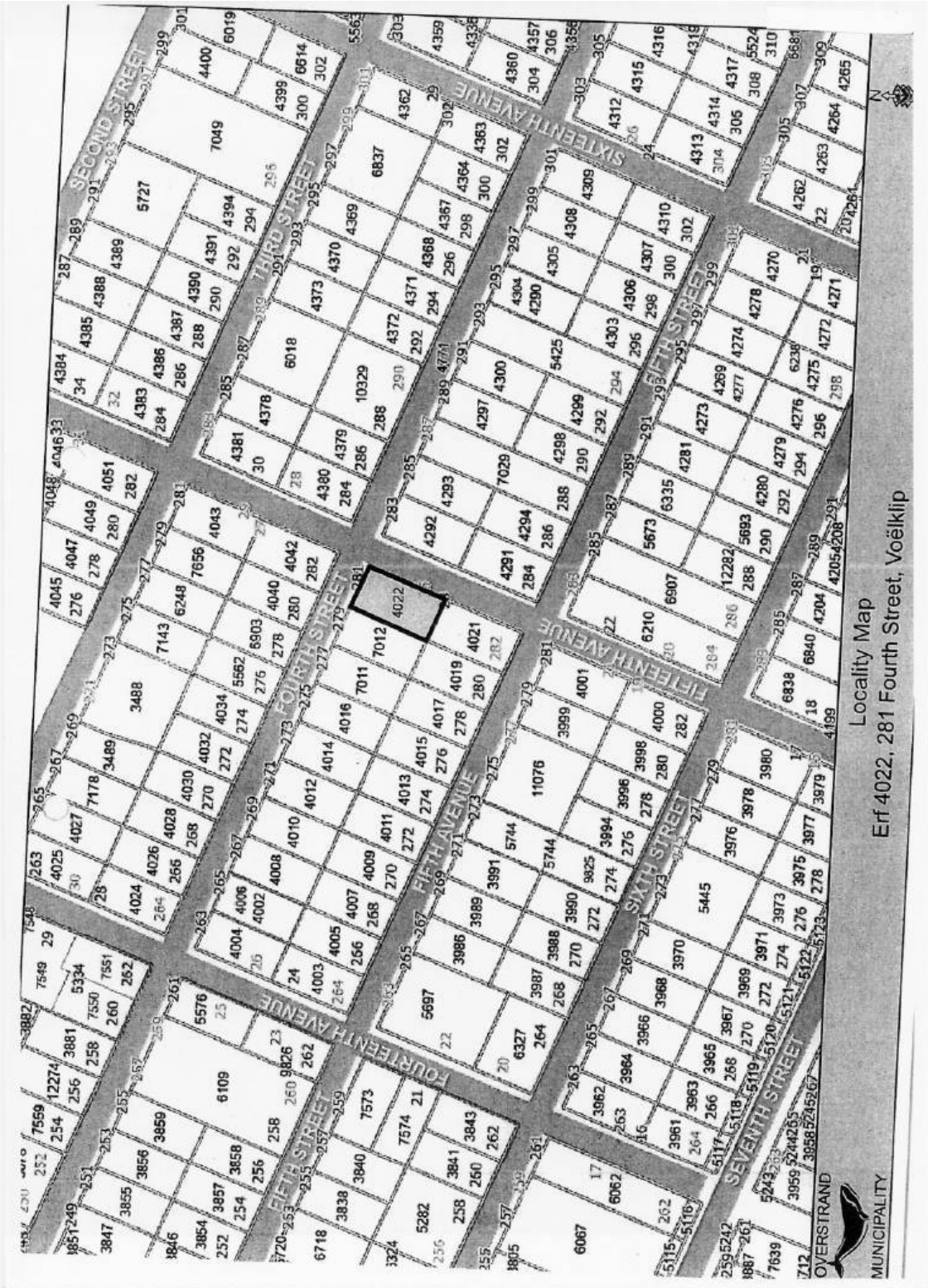
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

REASONS FOR RESOLUTION

Reasons for the non-approval

- ❖ The character of the area is constructed in such a manner that the majority of the buildings respect the 4m and 3m street building lines.
- ❖ Only minor structures are allowed to encroach the street building line in terms of general encroachments over building lines, the proposed structure (stair well) will be a double storey structure which does add additional bulk on the street façade.
- ❖ There are no site-specific conditions which will prohibit the staircase from being placed and designed in compliance with the building line parameters.
- ❖ The applicant failed to motivate the need for the specific placement of the garage and what the site-specific constraints are for the placement of the garage. The site is not adversely sloped nor are there existing structures on the site which prohibit the placement of the garage. Therefore, the only reason for the encroachment is due to the design of the dwelling.
- ❖ The pergola and trafficable first floor slab on top of the garage exceeds the 4m northern street building line, this structure was not motivated for and was not part of the application. The pergola causes the garage to be higher than 4,5m.
- ❖ The street building line for 15th Avenue is 3m and not 4m therefore it is not required by the applicant to apply for the development of the rooms and passage over the 4m building line.



- NOTES**
- 1. ALL WORK TO COMPLY WITH NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE LOCAL REGULATIONS AND ALL APPLICABLE STANDARDS.
 - 2. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.
 - 3. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.
 - 4. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.
 - 5. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.
 - 6. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.
 - 7. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.
 - 8. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.
 - 9. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.
 - 10. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.

- SPECIFICATIONS**
- 1. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.
 - 2. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.
 - 3. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.
 - 4. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.
 - 5. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.
 - 6. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.
 - 7. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.
 - 8. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.
 - 9. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.
 - 10. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE REFERENCED TO THE DRAWINGS AND ALL APPLICABLE STANDARDS.

- DATA SHEET**
- | | | | |
|-----|-------------|----------|------|
| NO. | DESCRIPTION | QUANTITY | UNIT |
| 1 | ... | ... | ... |
| 2 | ... | ... | ... |
| 3 | ... | ... | ... |
| 4 | ... | ... | ... |
| 5 | ... | ... | ... |
| 6 | ... | ... | ... |
| 7 | ... | ... | ... |
| 8 | ... | ... | ... |
| 9 | ... | ... | ... |
| 10 | ... | ... | ... |

FOR COUNCIL SUBMISSION

HOUSE: House Readlin
 ADDRESS: Voolag, Herneburg, W.C. SA
 SHEET: Site Plan
 DRAWING: Roof Plan

NO. 00059 02 AT 001



DATE: 11/11/11
 DRAWN: [Name]
 CHECKED: [Name]
 APPROVED: [Name]

DATA SHEET

NO.	DESCRIPTION	QUANTITY	UNIT
1	...	...	...
2	...	...	...
3	...	...	...
4	...	...	...
5	...	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...

SPECIFICATIONS

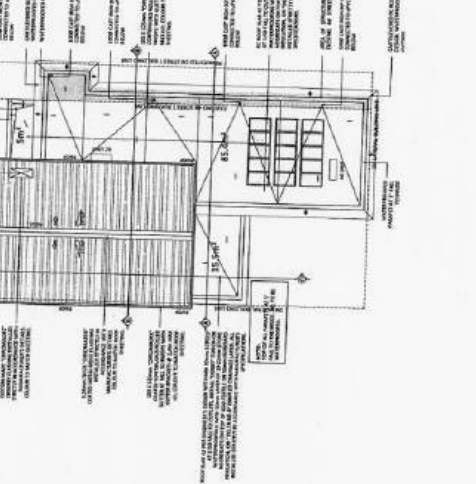
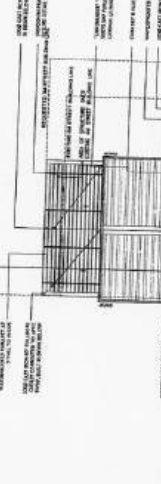
NO.	DESCRIPTION	QUANTITY	UNIT
1	...	...	...
2	...	...	...
3	...	...	...
4	...	...	...
5	...	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...

FOR COUNCIL SUBMISSION

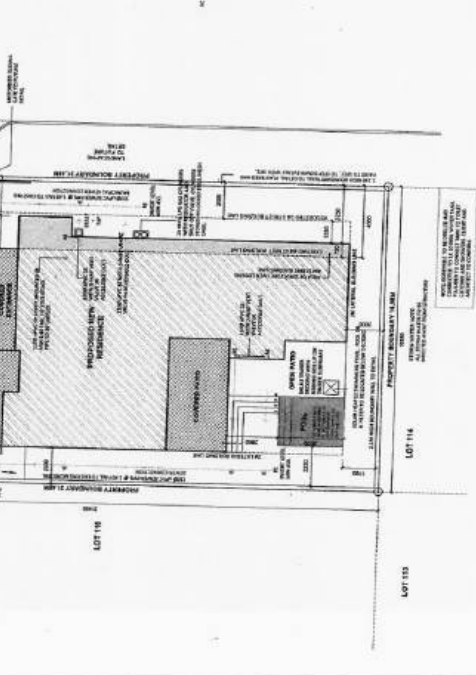
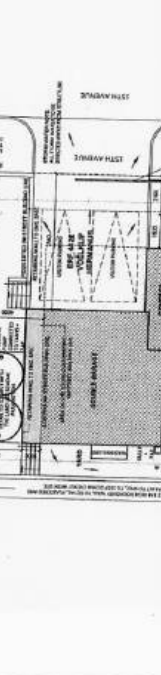
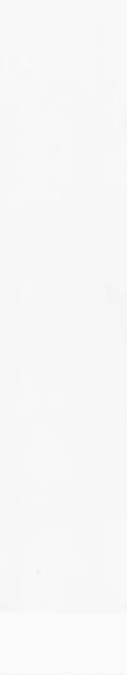
HOUSE: House Readlin
 ADDRESS: Voolag, Herneburg, W.C. SA
 SHEET: Site Plan
 DRAWING: Roof Plan

NO. 00059 02 AT 001

DATE: 11/11/11
 DRAWN: [Name]
 CHECKED: [Name]
 APPROVED: [Name]



ROOF PLAN



SITE PLAN

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 4022, 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 4022, Voelklip, unobstructed;
7. that no on-street parking be allowed.

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

25/03/2022
 DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

**5. ERF 1739, SECTIONAL TITLE UNIT 9, WATSONIA PARK DEVELOPMENT,
49 LONG STREET SANDBAAI, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR DEPARTURE AND THE DETERMINATION OF AN
ADMINISTRATIVE PENALTY: WNJ LOUW**

1739 HSB (3806/2021)

(H Boshoff)

H van der Stoep

(028) 313 8900

Hermanus Administration

6 May 2022

Executive Summary

An application was received on 9 April 2021 from WNJ Louw the owner of Sectional Title Unit 9 of the Watsonia Park development on Erf 1739, Sandbaai, 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 of Erf 1739, Sandbaai (Sectional Title Unit 9) from 3m to 0m to accommodate a braai with a veranda; and
- the determination of an Administrative Penalty in terms of Section 16(2)(q) of the By-Law.

RESOLVED:

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 1739, Sandbaai (Sectional Title Unit 9), to relax the rear building line from 3m to 0m to accommodate the braai with veranda, be approved in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the encroachments, except for the chimney, be restricted to the dimensions as indicated on layout plan No. 201 dated 19/11/2020 that was submitted with the application;
 - (b) that the chimney of the braai be raised with 1m (one) and that building plans for the structures be submitted to the Building Control Department within 30 days from the date of the above decisions and that any requirements of the Building- and Fire Departments at the time, be complied with;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (c) that the administrative penalty in paragraph 2. below of R6 145.14 (VAT included) being 30% of the built cost as per the building contractor's quotation be payable within thirty (30) days from the final date of the departure approval;
 - (d) that the conditions of Engineering Services and Telkom, be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the determination of an administrative penalty in terms of Section 90(4) of the By-Law for the unauthorized structures over the rear building line as stipulated above, be applicable and that an administrative penalty fee of R6 145.14 (including VAT) (being 30% of building costs for the 9m² encroachment), be payable;
3. that the applicant and the commenter be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

Reasons for the approval in 1. above

- ❖ The application has followed due procedure.
- ❖ No internal objections were received.
- ❖ The Watsonia Body Corporate supports the application.
- ❖ It is in line with policy documents.
- ❖ The structures are aesthetically pleasing.
- ❖ The structures are not out of the ordinary for the greater area nor will it impact on the surrounding built environment.
- ❖ Open braais and build braais occur on most properties, and various over building lines throughout the Overstrand Municipal area and wood burning smoke emitted by any fireplace or braai can cause some discomfort to some neighbouring property owners and therefore the applicant's built braai cannot be singled out.
- ❖ The commenter did not provide substantiated proof that the wood burning smoke fills its dwelling through one window at the upper level.
- ❖ The applicant must raise the chimney with 1m making it higher than the window of the dwelling where wood burning smoke enters the commenter's dwelling resulting in a much lower impact on the commenter, if at all.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- ❖ The application is not regarded as being undesirable from a town planning point of view.

Reasons for making the administrative penalty in paragraph 2. above applicable

- ❖ The structures under discussion were knowingly constructed illegally by the applicant after it was informed twice by the Building Inspector of the area to stop building work and to apply for the necessary approvals, but it still proceeded to finish the construction of the structures.
- ❖ The applicant states in its motivation for the administration penalty, that when it was issued with a notice by the Building Inspection for the area during October 2020 to stop all building work, the structures were already completed when the notice were served, which is a false statement that was confirmed by the Building Inspector.
- ❖ The applicant states in its motivation that it constructed the structures without any knowledge that it needs approval from the Municipality, which is a false statement since it was ordered to cease building work and was served with a notice to cease building work, but knowingly proceeded in finalizing the building works that was confirmed by the Building Inspector.



PLAⁿ Active
 Stads- en Streeksbeplanners
 Town & Regional Planners

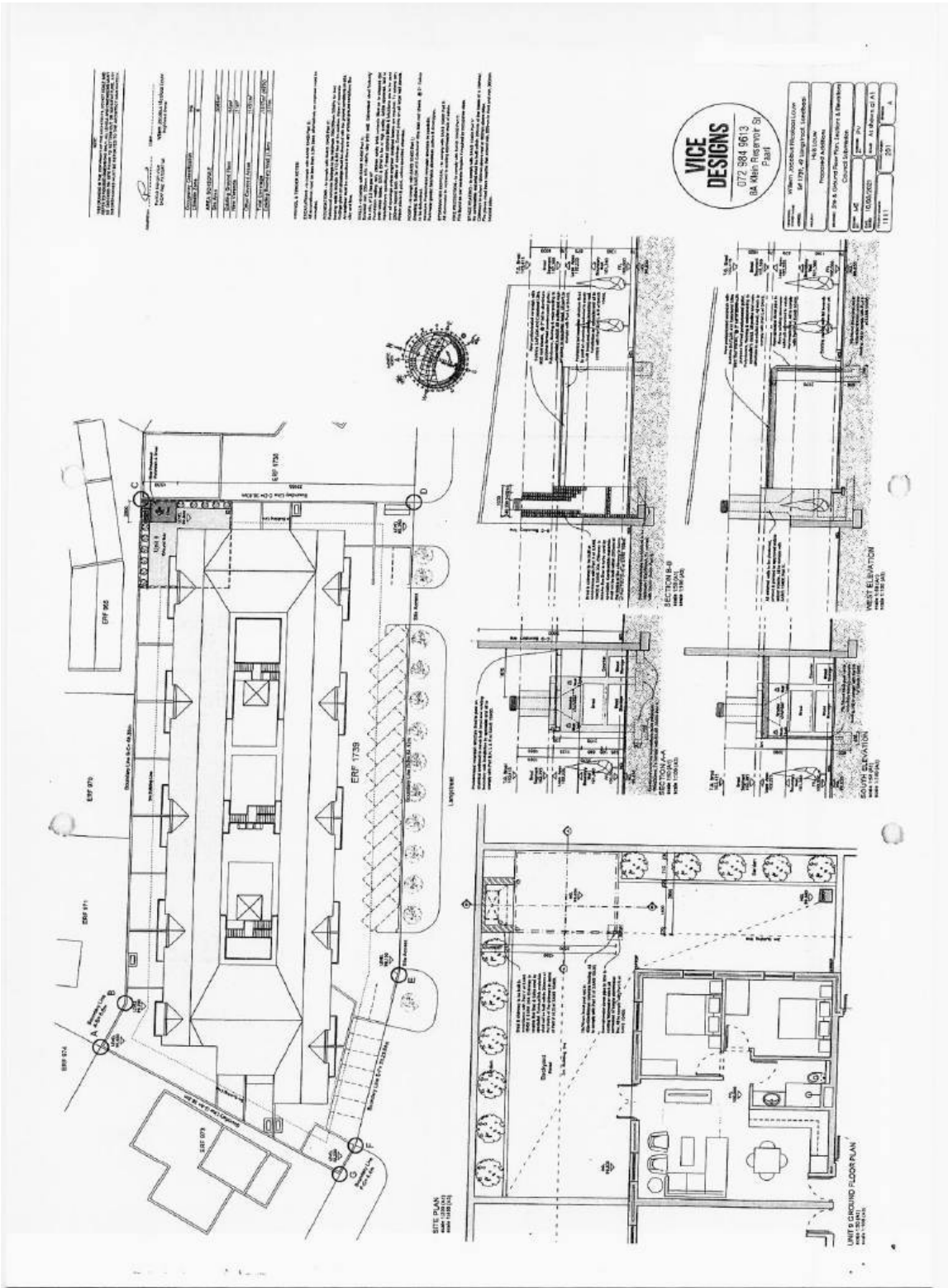
All distances approximate
 and subject to survey.
 COPY RIGHT RESERVED

Property Description:
**ERF 1739
 SANDBAAI**

Plan Description:
LOCALITY MAP

Scale: **NTS**
 Drawing Nr: **1739sandb1.dwg**
 Date: **MARCH 2021**





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 1739, 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, 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 1739, Sandbaai, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- 6. ERF 4294, 286 FIFTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY AND DEPARTURE: MESSRS INTERACTIVE TOWN AND REGIONAL PLANNING ON BEHALF OF THE TRUSTEES FOR THE TIME BEING OF M & N FAMILIE TRUST**

4294 HVK (3902/2021)

P Roux

(028) 313 8900

Hermanus Administration

2 August 2022

Executive Summary

An application has been received on 9 November 2021 from Messrs Interactive Town and Regional Planning on behalf of The Trustees for the time Being of M & N Familie Trust the owner of Erf 4294, Hermanus (Voëlklip) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- relaxation of the western lateral building line from 2m to 1.2m to accommodate existing structures, which include a wall and window in the bedroom on the ground floor and existing internal wall between the dining room and family area and balcony on the first floor;
- relaxation of the eastern lateral building line from 2m to 1.2m to accommodate existing structures, which include a bricked-up window for the office on ground floor, existing stoep and braai walls and a bricked-up window for the living area on the first floor, and
- to encroach the permissible 50% coverage from 50% to 51% to accommodate the existing dwelling on the property.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

RESOLVED :

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), for the following:

- relaxation of the western lateral building line from 2m to 1.2m to accommodate existing structures, which include a wall and window in the bedroom on the ground floor and existing internal wall between the dining room and family area and balcony on the first floor;
- relaxation of the eastern lateral building line from 2m to 1.2m to accommodate existing structures, which include a bricked-up window for the office on ground floor, existing stoep and braai walls and a bricked up window for the living area on the first floor, and
- to encroach the permissible 50% coverage from 50% to 51% to accommodate the existing dwelling on the property;

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

2. 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, be partially exempted from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;

3. that the recommendations in 1. and 2. above be subject to the following conditions:

- (a) that the approvals are for the development as indicated on Drawing No 2139 dated 23 June 2021;
- (b) that an administrative penalty of R 7 200.00 (excluding VAT) (being 10% of the built cost) be payable within thirty (30) days of the decision;
- (c) that building plans be submitted to the Building Control Office within (60) days of the decision, and all comments from the Fire Department and Building Control Office be complied with at that stage;
- (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
- (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

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.

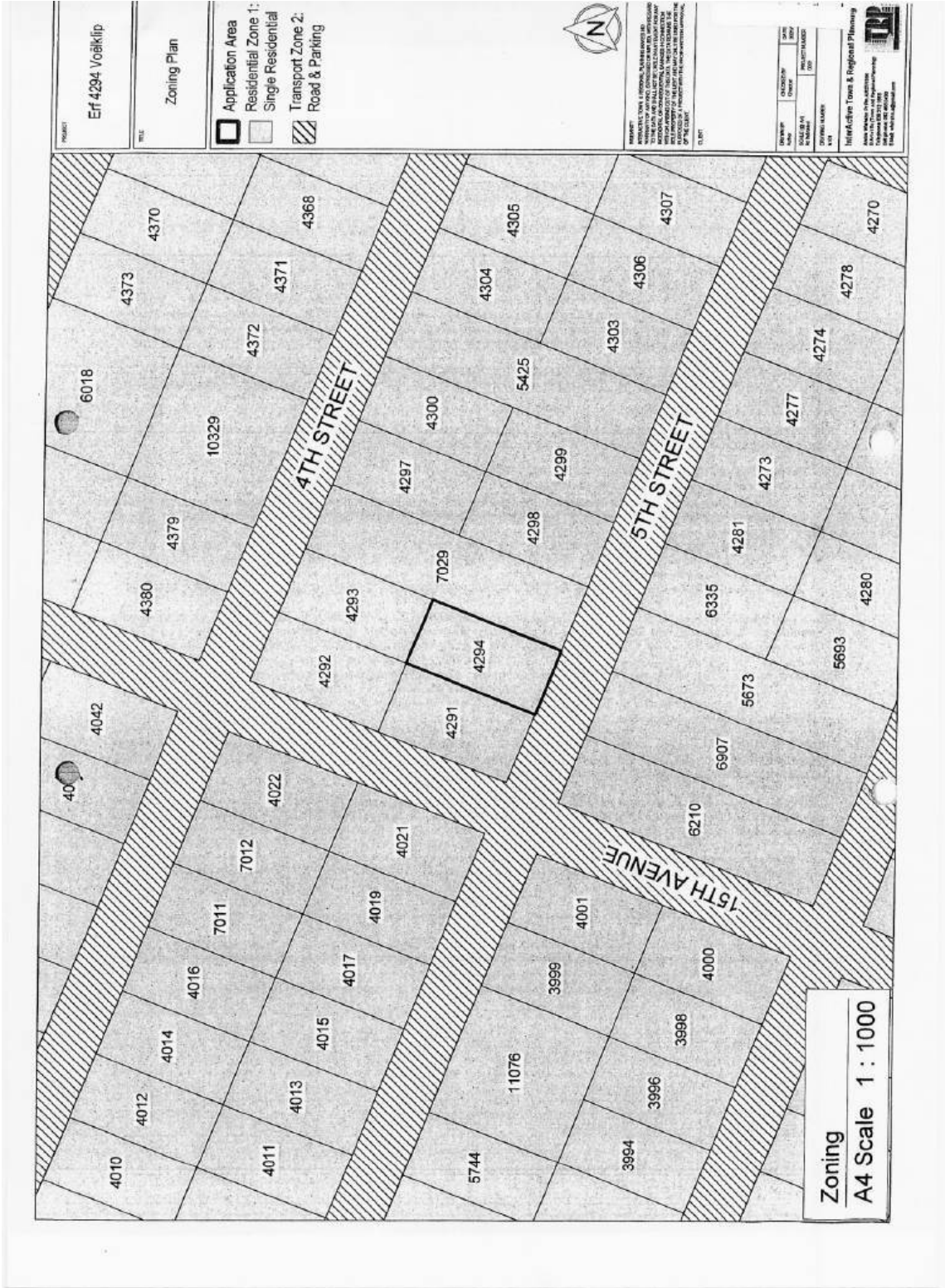
REASONS FOR RESOLUTION

Reasons for the decisions in 1.

- ❖ Alterations made to the dwelling are in line with the character of the area and is in place for more than 30 years.
- ❖ The existing stoep and braai is screened from the adjacent property owners, the stoep area was always intended as it was shown on the original plan and the only portions added was the braai and screen wall.
- ❖ The bedroom on the ground is screened by a wall and planting and therefore does not have an impact on the neighbouring property owner.
- ❖ The balcony was constructed when the dwelling was constructed and is therefore considered to be part of the character of the dwelling; further the adjacent (affected) property owner has viewed the plans and provided her consent.
- ❖ The internal alterations and change in window schedule will have no additional impact on the surrounding property owners.
- ❖ 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.

Reasons for recommendation point 2.

- ❖ Only the encroachment of the 50% is fined as most of the structures over the building lines do not have a negative effect on the adjoining property owners and are of a lesser extent.
- ❖ The 50% coverage is exceeded due to the retention of the balcony; the size footprint extending over the 50% coverage is more than the size of the balcony which encroaches over the building line therefore only the footprint in excess of the 50% will be used.



FOR LOCAL MUNICIPAL AUTHORITY

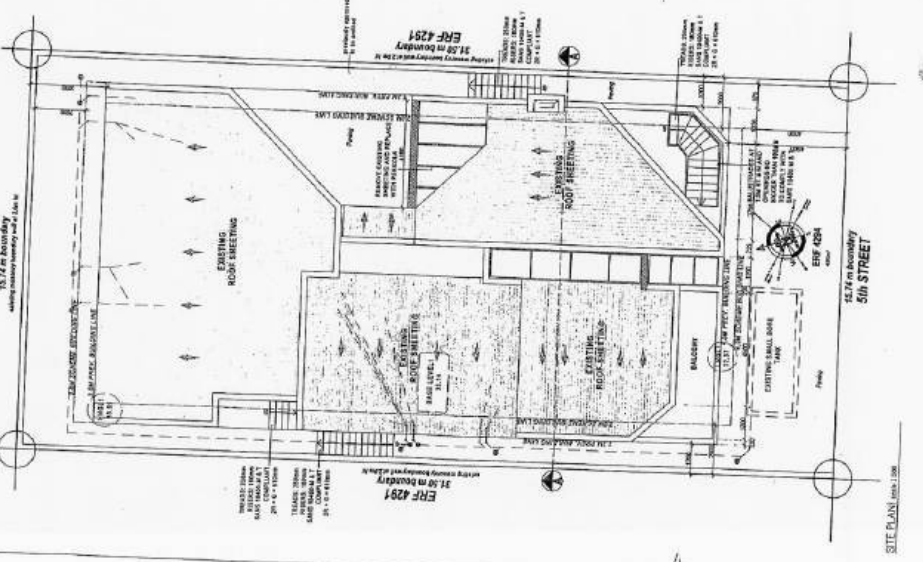
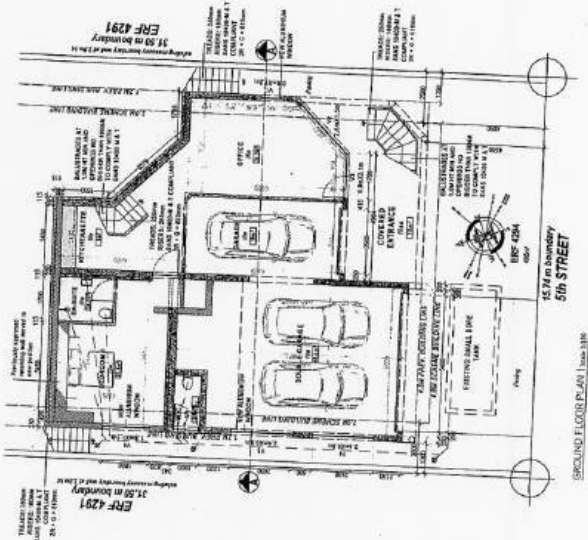
REVISIONS:

DATE: 11/11/2011
 BY: [Signature]
 DESCRIPTION: [Description]

FOR MUNICIPAL APPROVAL

PROJECT: [Project Name]
 DESIGNER: [Designer Name]
 ADDRESS: [Address]
 DATE: [Date]
 DRAWING # [Number]
 SHEET # [Number]

DESIGNER: [Name]
DATE: [Date]
DRAWING #: [Number]
SHEET #: [Number]



DESIGNER'S SEAL

[Signature]

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY &
DEPARTURE: ERF 4294, 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 4294, Voelklip, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

17/03/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

7. FARM NO. 764, WELTEVREDE, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF STANFORD HILLS ESTATE (PTY) LTD

FARM 764 RCAL (3925/2021)

P ROUX

(028) 313 8900

HERMANUS ADMINISTRATION

21 JULY 2022

EXECUTIVE SUMMARY

An application was received on 9 December 2021 from Messrs plan active town and regional planners on behalf of Stanford hills estate (Pty) Ltd, on farm no. 764 for consent use in terms of section 16(2)(o) in order to accommodate two (2) additional self-catering units on the property and to reinstate two (2) self-catering units in existing structures.

RESOLVED :

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 applicable to farm no. 764, division Caledon, in order to accommodate two (2) additional self-catering units on the property and to reinstate two (2) self-catering units in existing structures, be approved, in terms of the provisions of section 61 of the by-law, subject to the following conditions
 - (a) That this approval is only for the development as indicated on the building plan no. Rev a – 21/13/01 and rev a – 21/13/02;
 - (b) That should alterations be made to the existing building or new building construction proposed, then building plans must 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 of Eskom, Department of Environmental Affairs and Development Planning: Directorates, Planning and Environmental, Department of Transport and Public Works, Department of Agriculture, Cape Nature and Breede-Gouritz Catchment Management Agency, be complied with;
 - (d) That all the conditions contained in the Engineering Services Report, be adhered to;
 - (e) That this approval does not absolve the applicant from compliance with any other relevant legislation;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (f) That all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
2. That the applicant be notified of his/her 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

- ❖ There is good accessibility and sufficient parking provisions.
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have objected to the application.
- ❖ No new municipal services will be required.
- ❖ No external state departments objected to the application.
- ❖ The application is in line with SPLUMA principles.
- ❖ No impact on the environment.
- ❖ No objections were received from surrounding property owners.
- ❖ It is in line with the aims of the Overstrand SDF to promote tourism.
- ❖ The proposed uses and structures will be compatible with the existing Land Use rights enjoyed by the property owner.
- ❖ The subject property is consisting with the natural beauty which attracts tourist to the area.

NOTES

1. ALL DIMENSIONS UNLESS OTHERWISE STATED ARE IN METERS.
2. THE ARCHITECT HAS CONDUCTED VISUAL SURVEYS AND HAS NOT CONDUCTED A STRUCTURAL SURVEY. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE DIMENSIONS OR THE STRUCTURAL INTEGRITY OF THE EXISTING BUILDING.
3. THE ARCHITECT HAS CONDUCTED VISUAL SURVEYS AND HAS NOT CONDUCTED A STRUCTURAL SURVEY. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE DIMENSIONS OR THE STRUCTURAL INTEGRITY OF THE EXISTING BUILDING.
4. THE ARCHITECT HAS CONDUCTED VISUAL SURVEYS AND HAS NOT CONDUCTED A STRUCTURAL SURVEY. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE DIMENSIONS OR THE STRUCTURAL INTEGRITY OF THE EXISTING BUILDING.
5. THE ARCHITECT HAS CONDUCTED VISUAL SURVEYS AND HAS NOT CONDUCTED A STRUCTURAL SURVEY. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE DIMENSIONS OR THE STRUCTURAL INTEGRITY OF THE EXISTING BUILDING.
6. THE ARCHITECT HAS CONDUCTED VISUAL SURVEYS AND HAS NOT CONDUCTED A STRUCTURAL SURVEY. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE DIMENSIONS OR THE STRUCTURAL INTEGRITY OF THE EXISTING BUILDING.
7. THE ARCHITECT HAS CONDUCTED VISUAL SURVEYS AND HAS NOT CONDUCTED A STRUCTURAL SURVEY. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE DIMENSIONS OR THE STRUCTURAL INTEGRITY OF THE EXISTING BUILDING.
8. THE ARCHITECT HAS CONDUCTED VISUAL SURVEYS AND HAS NOT CONDUCTED A STRUCTURAL SURVEY. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE DIMENSIONS OR THE STRUCTURAL INTEGRITY OF THE EXISTING BUILDING.
9. THE ARCHITECT HAS CONDUCTED VISUAL SURVEYS AND HAS NOT CONDUCTED A STRUCTURAL SURVEY. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE DIMENSIONS OR THE STRUCTURAL INTEGRITY OF THE EXISTING BUILDING.
10. THE ARCHITECT HAS CONDUCTED VISUAL SURVEYS AND HAS NOT CONDUCTED A STRUCTURAL SURVEY. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE DIMENSIONS OR THE STRUCTURAL INTEGRITY OF THE EXISTING BUILDING.

CLIENT: NEW 2 SELF-CATERING UNITS AT FARM 104, STAMFORD HILLS FOR STAMFORD HILLS (PTY) LTD

DESIGNED BY: WOODING PRININGS COUNCIL SUBSIDIARY

SCALE: 1:500

DATE: 14 JAN 2022

DRAWN BY: A. VAN DER MERWE

REV. A - 21/1/2021

REGISTERED ARCHITECT: CLARENCE ARCHITECTURE

PROFESSIONAL REGISTRATION NUMBER: PR 48971/2008

REGISTERED TOWN PLANNING CONSULTANT: MUNICIPALITEIT OVERSTRAND

14 JAN 2022

TOWN PLANNING

U-MASOPALA MUNICIPALITY

WEST ELEVATION
DRAWN 1:100

EAST ELEVATION
DRAWN 1:100

SECTION A-A
DRAWN 1:100

SECTION B-B
DRAWN 1:100

SOUTH ELEVATION
DRAWN 1:100

WEST ELEVATION
DRAWN 1:100

FLOOR PLAN
DRAWN 1:100

RESTRICTION CALCULATOR

RESTRICTION CALCULATOR

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: FARM 764, WELTEVREDE,
STANFORD (3393)**

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

Conditions:

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
2. that no water service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (water affairs, health, etc.) for the use of any other water resources and the extraction thereof;
3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Senior Manager: Engineering Services, Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval;
5. that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or –waste disposal facility;
6. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
7. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
8. that, as no municipal refuse removal services are rendered in the area, the developer is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or-waste disposal facility;

9. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operations;
10. that the developer arrange with Provincial Administration to obtain approval for any new access from the Provincial road.

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

05/04/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

8. ERF 9921, 34 FERNKLOOF DRIVE, HERMANUS HEIGHTS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION & REGISTRATION OF A SERVITUDE AREA: MESSRS PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF ROYALSTRAAT 3 EIENDOMME CC

9921 HVK

P Roux

(028) 313 8900

Hermanus Administration

20 July 2022

Executive Summary

An application was received on 25 April 2022 from Messrs PlanActive on behalf of the property owner on Erf 9921, Hermanus in terms of Section 16(2)(d) in order to subdivide Erf 9921 Hermanus Heights into two (2) portions namely, Portion A approximately 926m² in extent with a 'no build' restriction servitude area approximately 200m² extent, with a height restriction of 2m for shrubs and trees over a portion of Portion A, and a Remainder approximately 821m² in extent.

RESOLVED :

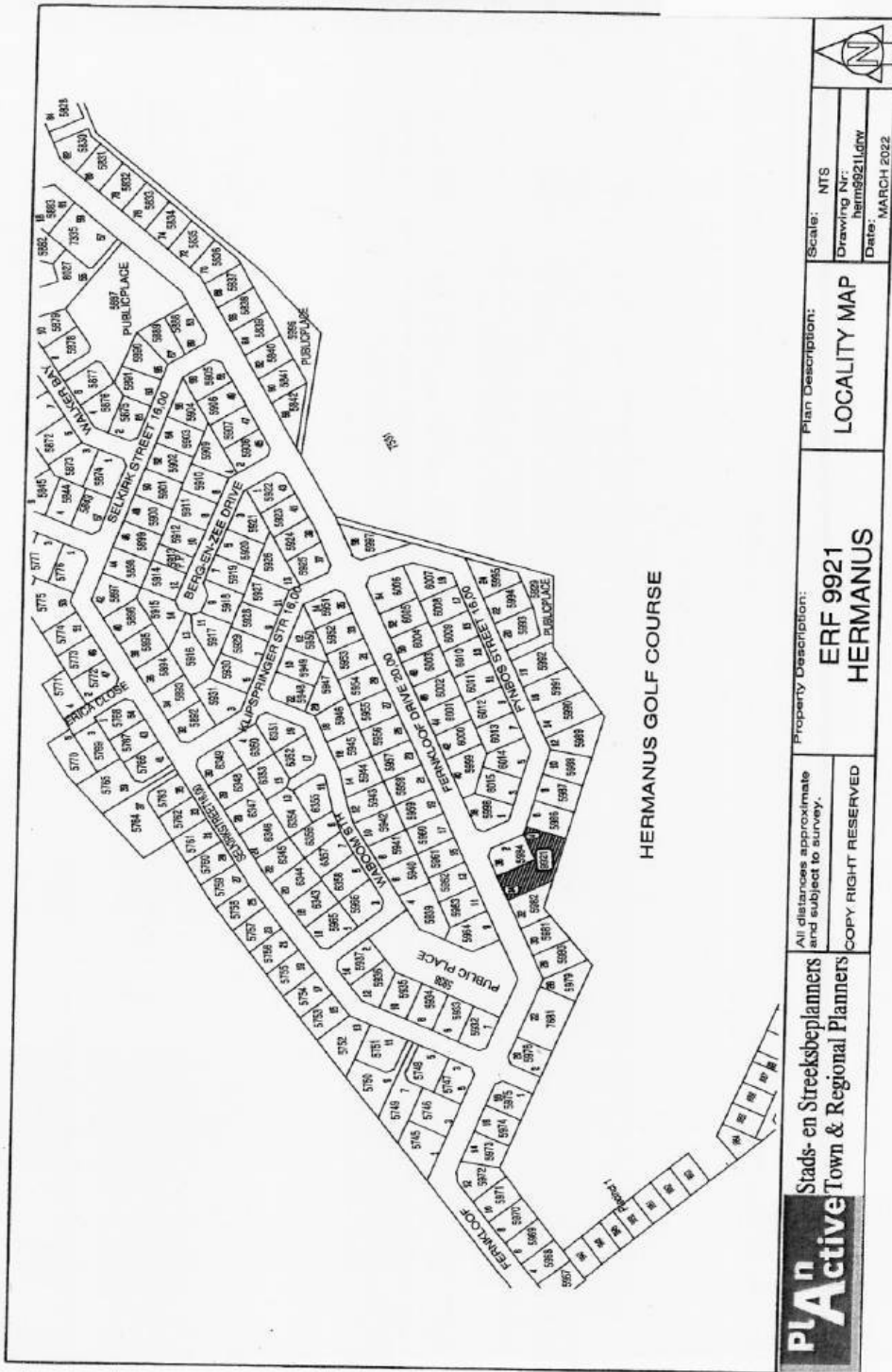
1. that the subdivision in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of Erf 9921, Hermanus into two portions, namely Portion A approximately 926m² with a 'no build' restriction servitude area approximately 200m² with a height restriction of 2m for shrubs and trees over a portion of Portion A and a Remainder approximately 821m², 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 No herm9921s.drw dated February 2022* as submitted with the application;
 - (b) that building plans be submitted for any new work done and that the building department and fire department's comment be complied with at that stage;
 - (c) that the conditions in the Services Report, be complied with;
 - (d) that 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.

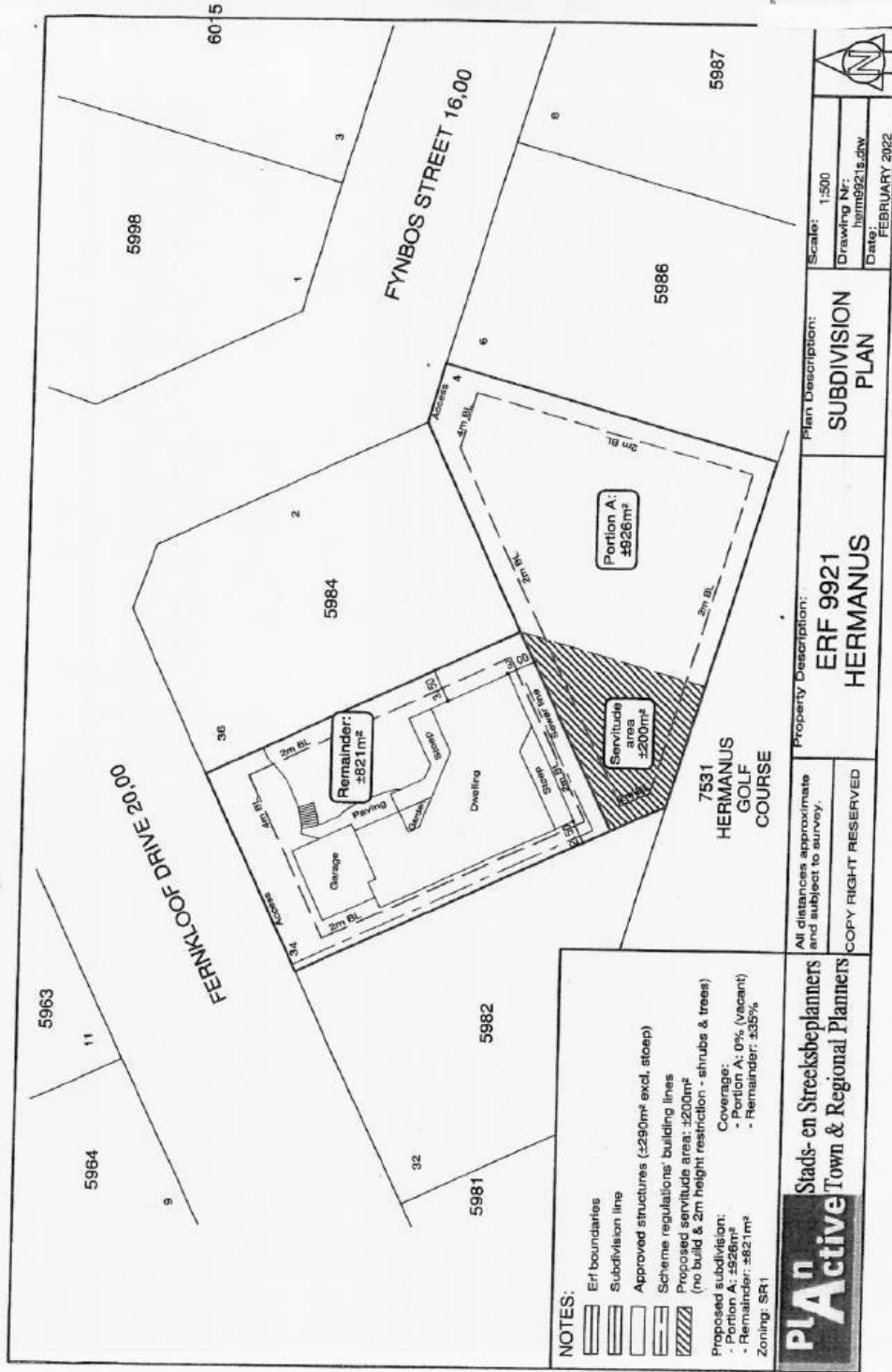
**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

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 regard to the above conditions of approval.

REASONS FOR RESOLUTION

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





- NOTES:**
- Erf boundaries
 - Subdivision line
 - Approved structures (±290m² excl. stoep)
 - Scheme regulations' building lines
 - Proposed servitude area: ±200m² (no build & 2m height restriction - shrubs & trees)
- Proposed subdivision:**
- Portion A: ±926m²
 - Remainder: ±821m²
- Zoning: SR1

PLAⁿ Active
Stads- en Streeksbeplanners
Town & Regional Planners

All distances approximate and subject to survey.
 COPY RIGHT RESERVED

Property Description:
ERF 9921
HERMANUS

Plan Description:
SUBDIVISION
PLAN

Scale: 1:500
 Drawing Nr: herms9921s.dwg
 Date: FEBRUARY 2022

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION & REGISTRATION OF A SERVITUDE AREA:
ERF 9921, HERMANUS HEIGHTS**

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 (**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	=	R 1 505.92
Electricity	R 33 264.34 x 1	=	<u>R 33 264.34</u>
TOTAL (inclusive of VAT)		=	R 92 708.38

Note:

- 1.3 The above figures are estimates**
- 1.4 The above figures do not include evaluation/investigation levies and connection fees**
2. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;

3. that only a standard 60 Amp single phase electricity connection will be available per erf;
4. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
5. that servitudes for municipal services be registered at the developer's cost in respect of all existing municipal services concerned crossing private property;
6. that on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
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 Area 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 the proposed Erven, Hermanus Heights, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

17/05/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

**9. ERF 648, 55 MAIN ROAD, NORTHCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR A CONSENT USE: RM NAGEL**

445 HNC

H van der Stoep

(028) 313 8900

Hermanus Administration

22 Augustus 2022

Executive Summary

An application has been received on 24 November 2022 from RM Nagel for a consent use in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the establishment of a dwelling unit on the ground floor.

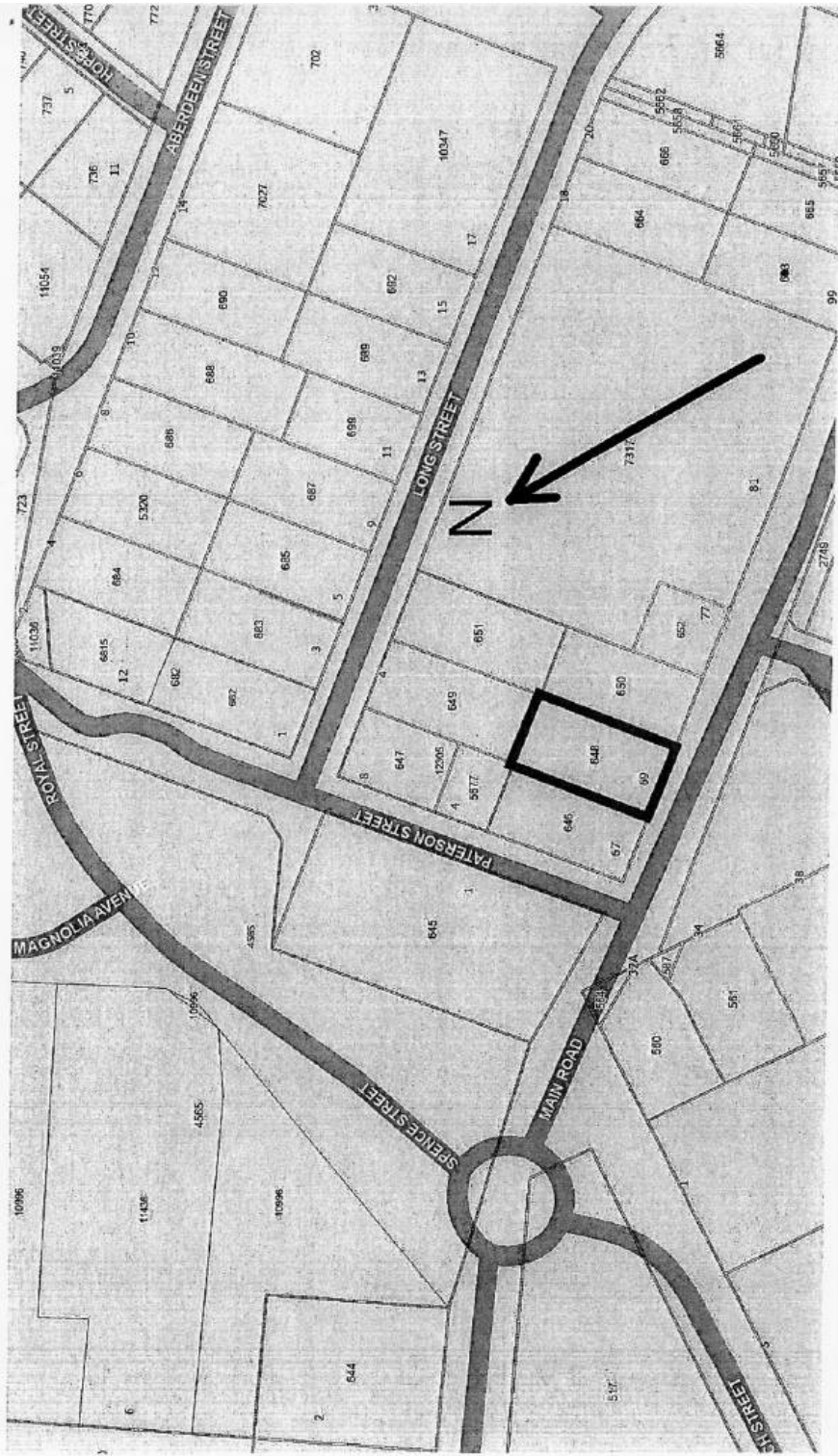
RESOLVED :

1. that the application for departure in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to permit the utilisation of the existing office building for the purposes of a residential unit on Erf 648, Northcliff, Hermanus, be approved in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that no off-street parking be allowed;
 - (b) that the conditions in the Engineering Report, be adhered to;
 - (c) that building plans be submitted to the Building Department of the Overstrand Municipality, and that any requirements by the Fire- and Building Departments at that stage be complied with;
 - (d) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
 - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

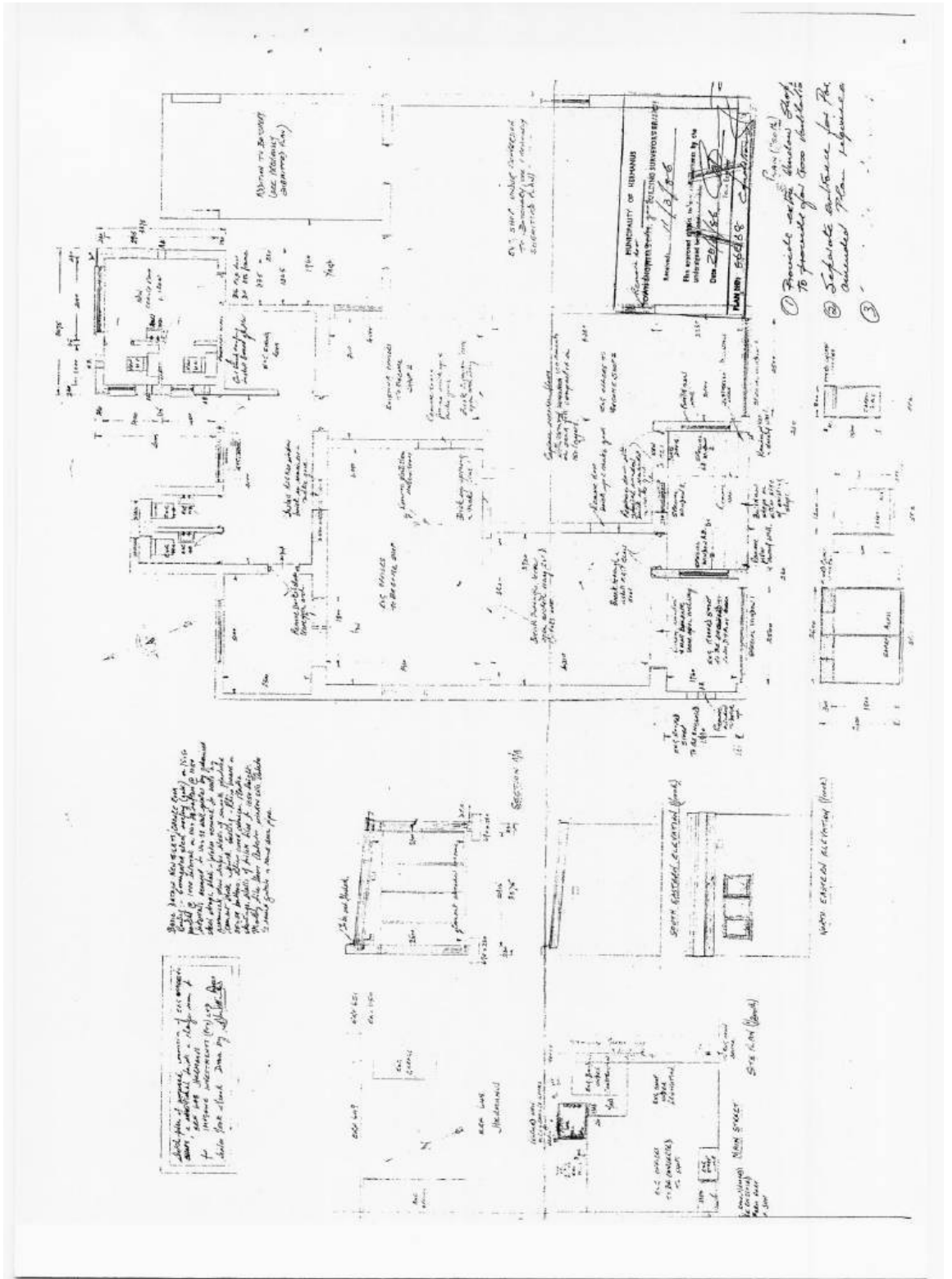
REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have objected to the application.
- ❖ It is in line with the aims of the Overstrand SDF.
- ❖ No objections were received from neighbours.



SCALE: NTS

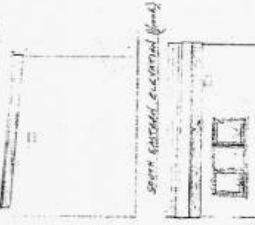
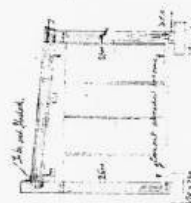
Erf 648 Hermanus - Locality Plan



- ① Provide with the window roof to provide the same double
- ② Separate entrance for the
- ③

Some notes regarding the plan (see drawing) on the right side of the plan. The notes are: "REMOVE WALL, REMOVE DOOR, REMOVE WINDOW, REMOVE PART OF WALL, REMOVE PART OF DOOR, REMOVE PART OF WINDOW, REMOVE PART OF FLOOR, REMOVE PART OF CEILING, REMOVE PART OF ROOF".

REMOVE WALL, REMOVE DOOR, REMOVE WINDOW, REMOVE PART OF WALL, REMOVE PART OF DOOR, REMOVE PART OF WINDOW, REMOVE PART OF FLOOR, REMOVE PART OF CEILING, REMOVE PART OF ROOF.




**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 648, NORTHCLIFF**

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 648, Northcliff, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

10. ERF 1169, CHRISTINE CRESCENT, FRANSKRAAL: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: JW VAN RENSBURG

1169 GFK (4006/2022)

SW van der Merwe

(028) 313 8900

Hermanus Administration

4 August 2022

Executive Summary

An application was received from JW van Rensburg in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 1169, Franskraal for the following:

- departure in terms of Section 16(2)(b) of the By-Law to relax the southern rear and eastern lateral building line from 2m to 0m to accommodate an existing braai;
- departure in terms of Section 16(2)(b) of the By-Law to relax the southern rear and western lateral building line from 2m to 0,22m to accommodate a proposed garage, and
- application for determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law in respect of the existing braai.

RESOLVED :

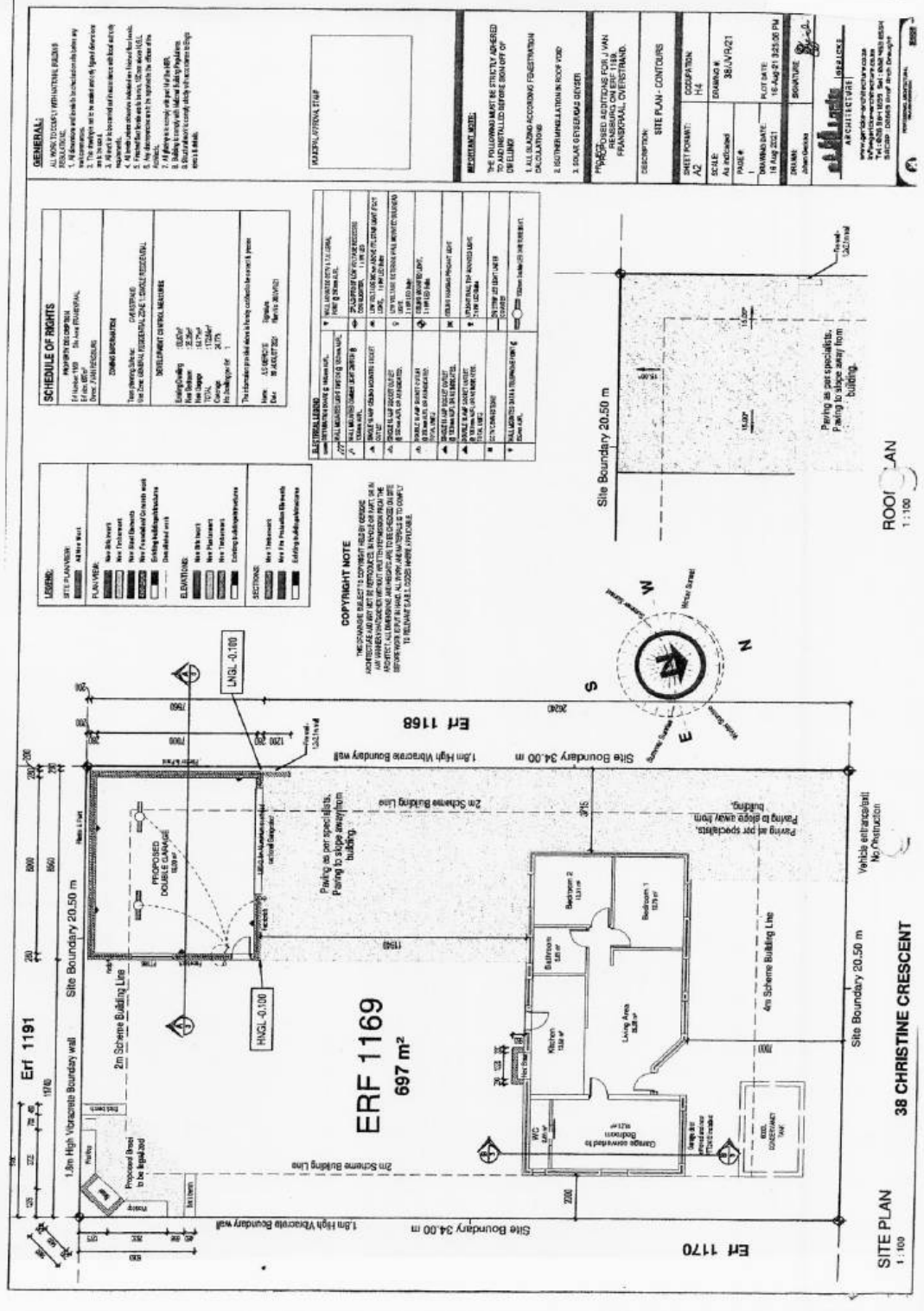
1. that the application for departure in terms of Section 16(2)(b) of the By-Law applicable to Erf 1169, Franskraal to relax the southern rear and western lateral building line from 2m to 0,2m to accommodate a proposed double garage, be approved in terms of the provisions of Section 61 of the By-law;
2. that the application for departure in terms of Section 16(2)(b) of the By-Law applicable to Erf 1169, Franskraal to relax the southern rear and eastern lateral building line from 2m to 0m to accommodate an existing braai, be approved in terms of the provisions of Section 61 of the By-Law;
3. that an administrative penalty in terms of Section 16(2)(q) of the By-law for the unauthorised braai for 10% of the built cost as per municipal tariff list be imposed in terms of Section 90(4) of the By-Law;
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 indicated on the ground floor of the Site Development Plan;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (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 all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (e) that an administrative penalty of R3208,50 (VAT inclusive) (10% of the building costs) be payable within thirty (30) days of the decision;
 - (f) that a fire arrestor be fitted to the braai place within 30 days of the approval of building plans;
 - (g) that this approval does not absolve the owner/applicant 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 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 conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the relevant internal municipal 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 development will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.
- ❖ The development is consistent with the planning principles in terms of LUPA and SPLUMA.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR: DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 1169, 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 1169, Franskraal, unobstructed;
6. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

20/06/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

11. ERF 3529, 19 OLD MAIN ROAD, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF JAKUES JEANE FERREIRA

3529 HON (4078/2022)

H Olivier

(028) 313 8900

Hermanus Administration

11 August 2022

Executive Summary

An application was received on 3 March 2022 from Messrs WRAP on behalf of JJ Ferreira in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 3529, Onrustrivier for the following:

- ❖ **Removal of Restrictive Title Deed Condition** in terms of Section 16(2)(f) of the By-Law for the removal of restrictive Title Deed Condition Clause D. as contained in Title Deed T30959/2021 of the property to remove a height restriction.

The restrictive title conditions read as follows:

“D. FURTHER SUBJECT to the following special condition in the Deed of Transfer Number T 25289/1988 by the Transfer upon the sale of the within property, namely:

The property hereby sold shall be subject to the condition that only one single- storey dwelling and outbuilding shall be erected thereon,”

Which condition shall be in favour of the Remainder Erf 3129, Onrustrivier, held by the transferor under Deed of Transfer No. T5549/1987 and/or her Successors-in-title.”

RESOLVED :

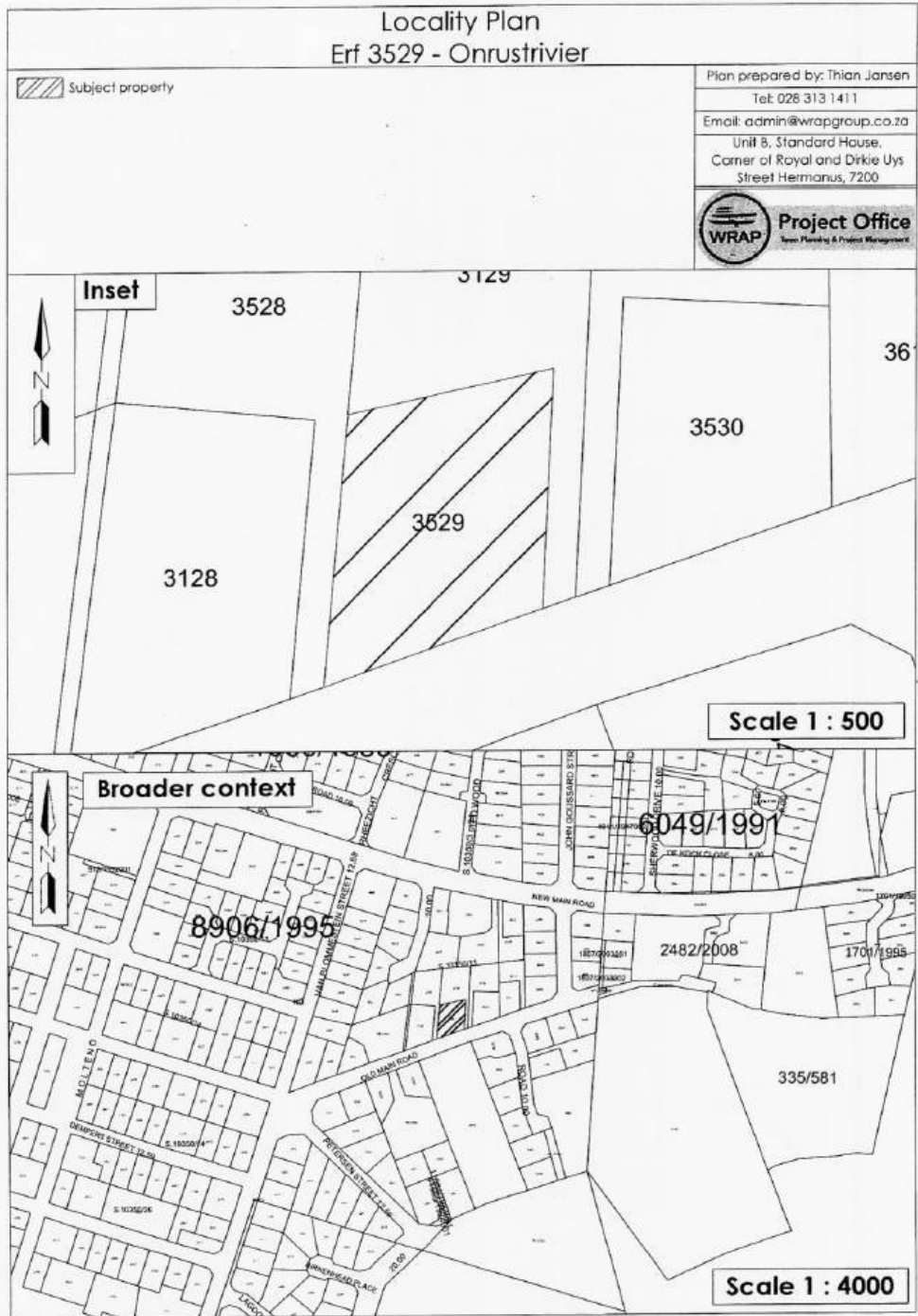
1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3529, Onrustrivier for the removal of restrictive title deed condition D as contained in Title Deed T30959/2021 of the property to accommodate a second storey dwelling, be approved in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the removal of the restriction in the Title Deed and is not an approval in terms of any other legislation;

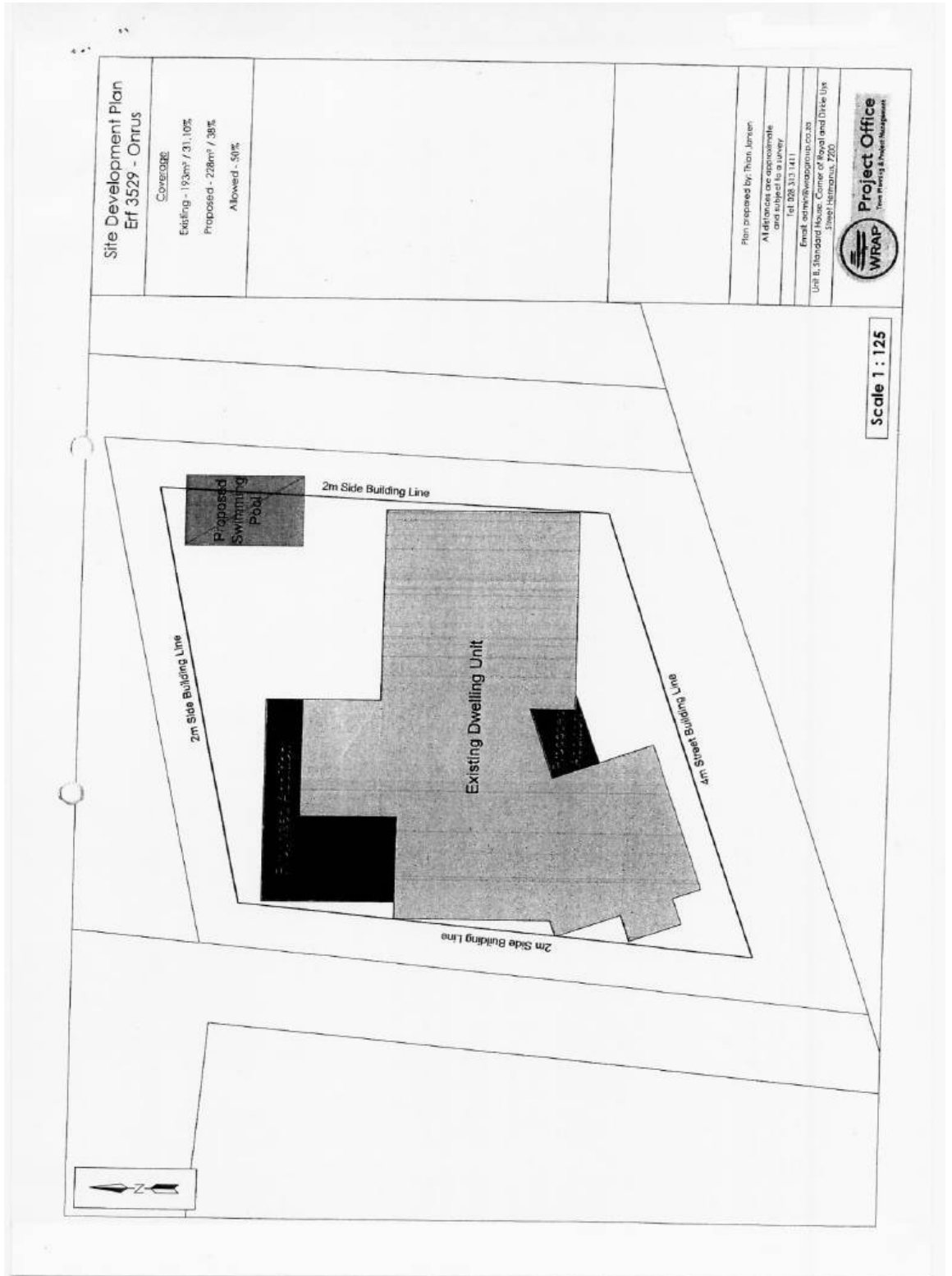
**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

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

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ The proposed construction of a second storey is in line with Policy Plans which promote densification.
- ❖ The proposed second storey can be allowed in terms of the primary rights in terms of the Residential Zone I zone in terms of the Land Use Scheme.
- ❖ The restrictive conditions prohibit the property to be developed to its full potential, and the removal of the restrictive conditions is thus supported.
- ❖ No objections were received from neighbours; therefore, the impact on neighbours' privacy and rights will be minimal.
- ❖ The owner of Erf 3129, Onrustrivier in whose favour the height servitude over Erf 3529 is registered, consented to the removal of such restriction.
- ❖ The application is desirable.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS:
ERF 3529, ONRUS RIVER**

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

Conditions

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 10400 – P:2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erf 3529, 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.

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

19/05/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

12. **ERF 4913 (A PORTION OF ERF 341) AND REMAINDER ERF 341, 5 ROCKLANDS ROAD AND WESTCLIFF ROAD 24, HERMANUS, WESTCLIFF: OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CLOSURE OF A PORTION OF PUBLIC ROAD, REZONING, CONSOLIDATION: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF THE OVERSTRAND MUNICIPALITY & JC DAVIS**

4913 & 341 HWC (3909/2021)

(H Boshoff)

S van der Merwe

(028) 313 8900

Hermanus Administration

19 Augustus 2022

Executive Summary

An application in terms of the provisions of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 25 November 2021 from Messrs PlanActive Town- and Regional Planners on behalf of the Overstrand Municipality and JC Davis, applicable to Erf 4913 (a portion of Erf 341), Hermanus and Remainder Erf 341 for the following:

- (a) closure of portion of road Erf 4913 (a portion of Erf 341), Hermanus in terms of Section 16(2)(n) of the By-Law;
- (b) rezoning of Erf 4913 (a portion of Erf 341), Hermanus from Transport Zone 2: Road and Parking (TR2) to Residential Zone 1: Single Residential (SR1) in terms of Section 16(2)(a) of the By-Law; and the
- (c) consolidation of Erf 4913 (a portion of Erf 341), Hermanus with Remainder Erf 341, Hermanus in terms of Section 16(2)(e) of the By-Law.

RESOLVED :

1. that the application in terms of Section 16(2)(n) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the closure of portion of road Erf 4913 (a portion of Erf 341), Hermanus, be approved in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(a) of the By-Law for the rezoning of the Erf 4913 (a portion of Erf 341 from Transport Zone 2: Road and Parking (TR 2B) to Residential Zone 1: Single Residential (SR1), be approved in terms of the provisions of Section 61 of the By-Law;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

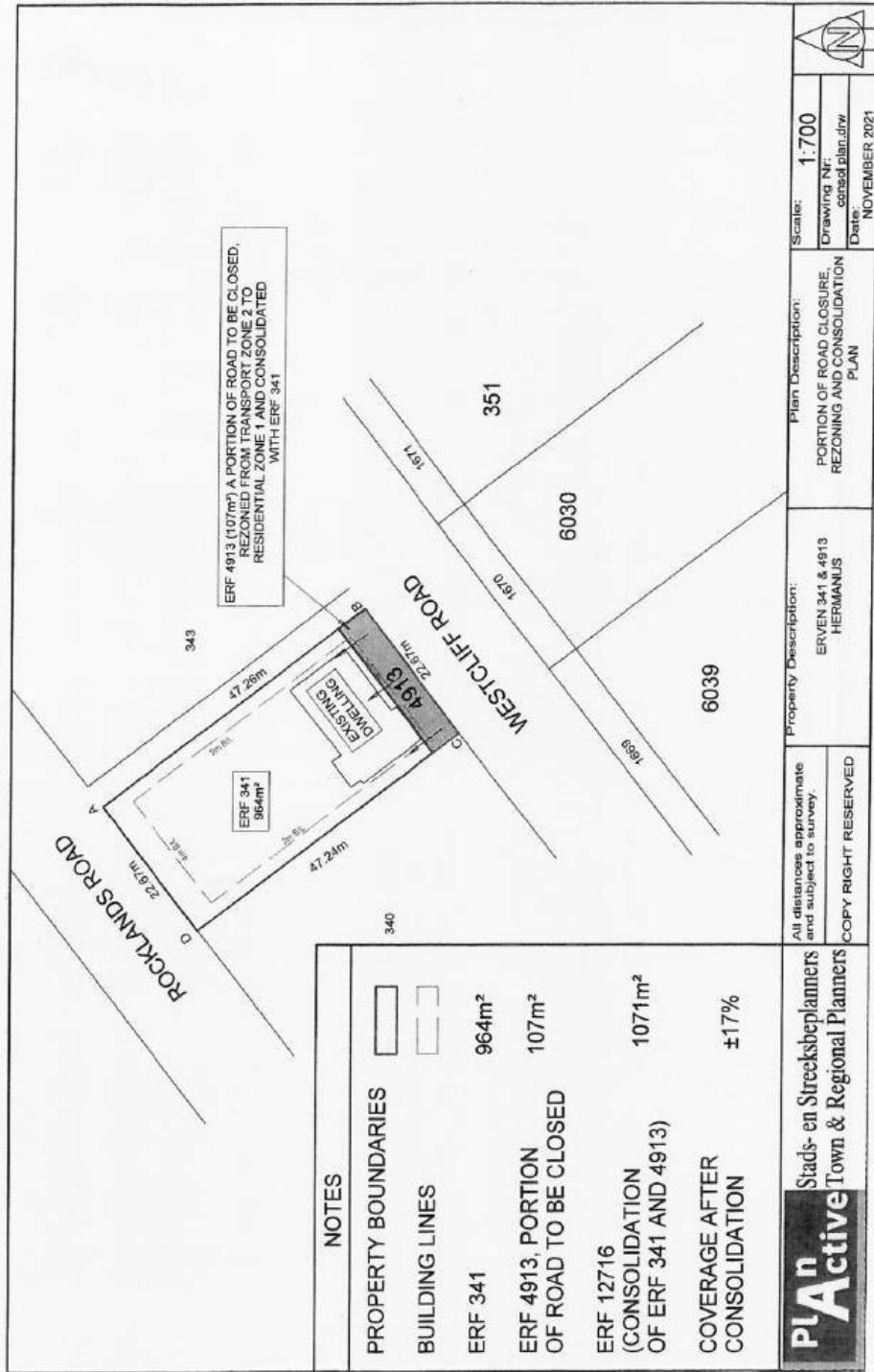
3. that the application in terms of Section 16(2)(e) of the By-Law the for the consolidation of Erf 4913 (a portion of Erf 341), Hermanus with Remainder Erf 341, Hermanus, be approved in terms of the provisions of Section 61 of the By-Law;
4. that the above approvals be subject to the following conditions:
 - (a) that the conditions of Engineering Services must be complied with;
 - (b) that all applicable development parameters as prescribed in the relevant Zoning Scheme be must complied with; and
 - (c) that the landowners must comply with any other applicable legislation;
5. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 regarding the above conditions of the approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objections.
- ❖ No external objections were received.
- ❖ It is in line with policy documents.
- ❖ The application is not regarded as being undesirable from a town planning point of view.



PLAN Stads- en Streetskiedplanners Town & Regional Planners	All dimensions approximate and subject to survey. COPY RIGHT RESERVED	Project Description: ERVEN 341 & 4913 HERMANUS	Plan Description: LOCALITY MAP	Scale: NTS
				Drawing No: _____ Date: _____ NOVEMBER 2021



NOTES

PROPERTY BOUNDARIES	
BUILDING LINES	
ERF 341	964m ²
ERF 4913, PORTION OF ROAD TO BE CLOSED	107m ²
ERF 12716 (CONSOLIDATION OF ERF 341 AND 4913)	1071m ²
COVERAGE AFTER CONSOLIDATION	±17%

	Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey.	Property Description: ERVEN 341 & 4913 HERMANUS	Plan Description: PORTION OF ROAD CLOSURE, REZONING AND CONSOLIDATION PLAN	Scale: 1:700 Drawing No: consal plan.dwg Date: NOVEMBER 2021
	COPY RIGHT RESERVED				

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CLOSURE OF A PORTION OF A PUBLIC ROAD, REZONING,
CONSOLIDATION & THE TRANSFER OF THE PORTION OF ROAD: ERVEN 4913
(A PORTION OF ERF 341) & REMAINDER ERF 341, WESTCLIFF**

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 Erven 4913 & Remainder Erf 341, Westcliff, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

02/03/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- 13. ERF 1827, 1 HEMEL-EN-SEE AVENUE AND ERF 1962, 9 SIENNA STREET, VERMONT, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION AND CONSOLIDATION: WRAP PROJECT OFFICE ON BEHALF OF KGV & VM HAWKINS & STEWART AND GRANDSELECT FOUR (PTY) LTD**

1827 & 1962 HVM (4056/2022)

H Olivier

(028) 313 8900

Hermanus Administration

24 August 2022

Executive Summary

Applications were received on 8 February 2022 from WRAP Project Office on behalf of KGV & VM Hawkins & Stewart and Grandselect Four (Pty) Ltd in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, for the following:

- ❖ Subdivision in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 1962, Vermont into a Portion A (approximately 395m²) and a Remainder (approximately 881m²), and
- ❖ Consolidation in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to consolidate the newly created Portion A (approximately 395m²) with Erf 1827, Vermont to create a newly consolidated property of approximately 848m² in extent.

RESOLVED :

1. that the subdivision in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 1962, Vermont into a Portion A (approximately 395m²) and a Remainder (approximately 881m²) be approved in terms the provisions of Section 61 of the By-law;
2. that the consolidation in terms of Section 16(2)(e) of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 to consolidate the newly created Portion A (approximately 395m²) with Erf 1827, Vermont to create a newly consolidated property of approximately 848m² in extent, be approved in terms the provisions of Section 61 of the By-law.
3. that the above approvals in Points 1. and 2. be subject to the following conditions:
 - (a) that this approval is only for the subdivision and consolidation as indicated on V196252 dated May 2021, submitted with the application by the applicant;

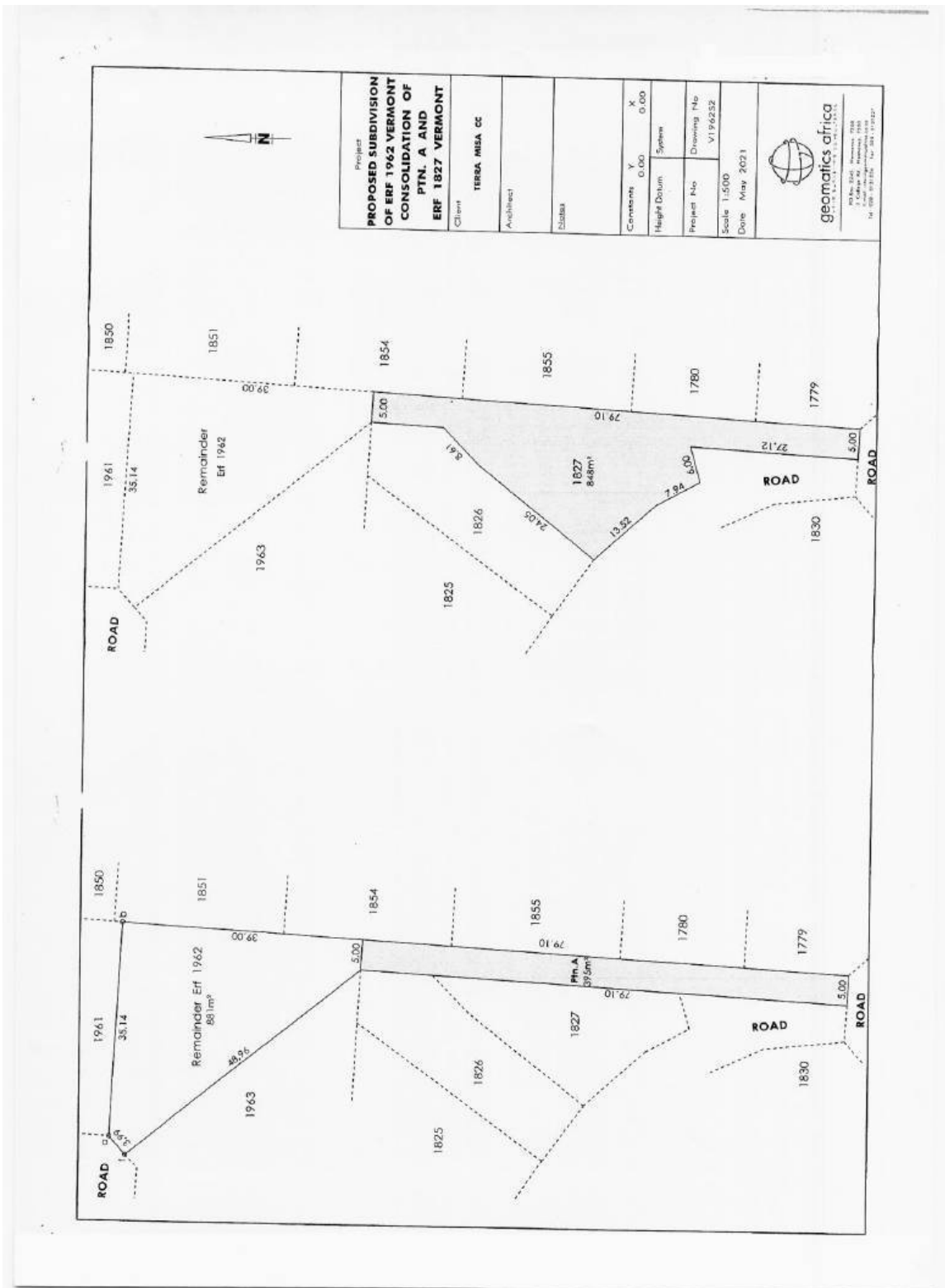
**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (b) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that all the conditions in the Services Report, be complied with;
 - (f) that the conditions imposed by Telkom, be complied with, and
 - (g) that the conditions imposed by Eskom, 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 regarding the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ The proposed subdivision and consolidation are in line with Policy Plans.
- ❖ The size of the two amended erven is compatible with the sizes of surrounding erven.
- ❖ All relevant state and municipal departments support the application.
- ❖ No valid objections were received from surrounding property owners and the one objection received is considered a late objection.
- ❖ No negative impact on the character of the area and is desirable.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION & CONSOLIDATION: ERVEN 1827 & 1962,
VERMONT**

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

Conditions

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that 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 Erven 1827 & 1962, Vermont, unobstructed;
6. that a servitude (approximately 5m wide and 68m long) be registered for municipal services on the pan handle portion of Erf 1962 Vermont at the developer's cost. This is required in order to access the sewer manholes and associated infrastructure.
7. that any additional and / or extended vehicles entrances will be for the owner's account;
8. that no on-street parking be allowed.

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

19/07/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- 14. ERF 527, 3 MARINE DRIVE, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS SMART SOLUTION ARCHITECTURE ON BEHALF OF HOFMEYER GESINSTRUST IT417/1997 (C)**

527 HWC

H Boshoff

(028) 313 8900

Hermanus Administration

19 July 2022

Executive Summary

An application was received on 26 July 2021 (5th revised motivation received on 1 September 2022) from Messrs Smart Solution Architecture on behalf of the Hofmeyer Gesinstrust for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning (By-Law), 2020, applicable to Erf 527, Hermanus to:

- relax the street building line from 4m to $\pm 3.357\text{m}$ and $\pm 3.506\text{m}$ to accommodate the full enclosure of the existing semi-enclosed covered patio;
- relax the western lateral building line from 2m to $\pm 1.198\text{m}$ to accommodate the the full enclosure of the semi-enclosed patio, as well as an existing braai that forms part of the patio;
- relax the western lateral building line from 2m to $\pm 0.384\text{m}$ accommodate the existing caretaker's room; and
- an application for the determination of an Administrative Penalty in terms of Section 16(2)(q) of the By-Law.

RESOLVED:

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 (By-Law), 2020, applicable to Erf 527, Hermanus to:
 - ✚ relax the street building line from 4m to $\pm 3.357\text{m}$ and $\pm 3.506\text{m}$ to accommodate the full enclosure of the existing semi-enclosed covered patio;
 - ✚ relax the western lateral building line from 2m to $\pm 1.198\text{m}$ to accommodate the full enclosure of the semi-enclosed patio, as well as an existing braai that forms part of the patio, and to

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- ✚ relax the western lateral building line from 2m to $\pm 0.384\text{m}$ to accommodate the existing caretaker's room;

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

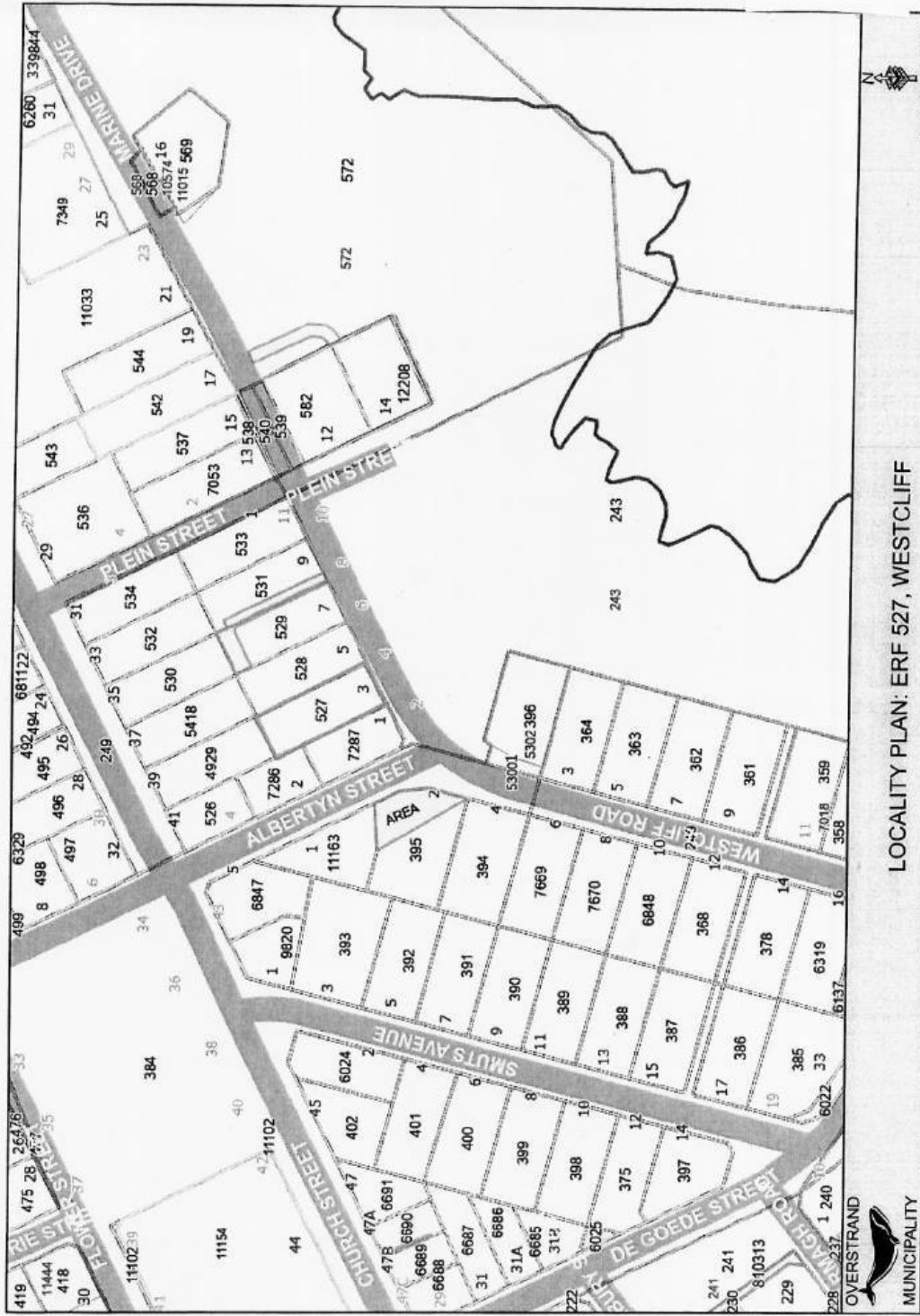
- (a) that the above approvals are for the development with the dimensions indicated on DRAWING NUMBERS / 0372/A1/03 - 05 Rev No. 3 dated 30-08-2022 that was submitted with the application;
 - (b) that building plans be submitted to the Building Department for evaluation and approval, and that all conditions of the Building- and Fire Department at that stage, be complied with;
 - (c) that the caretaker's accommodation may not be utilised as a second dwelling unit without the approval of the Municipality;
 - (d) that the relevant conditions of Engineering Services be complied with;
 - (e) that the relevant requirements of the Environmental Officer must be complied with;
 - (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation;
2. that the determination of an administrative penalty in terms of Section 90(4) of the By-Law for the unauthorized structures over the western lateral building line and the street building line as stipulated above, not be applicable, and;
 3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above conditional approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The existing structures, as well as the additions do not impact negatively on the rights of surrounding landowners or the character of the surrounding built environment.
- ❖ The full enclosure of the semi-enclosed patio will have no negative impact on the streetscape of the property but will rather enhance it.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- ❖ No internal or external objections were received.
- ❖ The application is regarded as being desirable from a town planning point of view.
- ❖ From the documentation on record, it is evident that the current landowners are not responsible for any of the planning law contraventions.
- ❖ At the time when the braai was added to the patio the Hermanus Town Planning Scheme applied that had more lenient lateral building lines (i.e., 1.2m and 1.5m) that applied to the property in lieu of the current more restrictive 2m lateral building lines.



LOCALITY PLAN: ERF 527, WESTCLIFF

Date: 2021/11/18



PROFESSIONAL SEAL
REGISTERED ARCHITECT
STATE OF CALIFORNIA
NO. 10372/AJ/03

PROJECT NAME: HOUSING PHASE
CONTRACT NO.: 22-07-2021
PROJECT ADDRESS: 10372/AJ/03
OWNER: HOUSING PHASE
DATE: 22-07-2021
SCALE: AS SHOWN
PROJECT NO.: 10372/AJ/03

ARCHITECT: SMART SOLUTION ARCHITECTURE
ADDRESS: 10372/AJ/03
PHONE: 951-261-1111
WEBSITE: www.smartsolutionarch.com

PROJECT DESCRIPTION: HOUSING PHASE
PROJECT NO.: 10372/AJ/03
DATE: 22-07-2021
SCALE: AS SHOWN
PROJECT NO.: 10372/AJ/03

REVISIONS:
 1. 22-07-2021: INITIAL APPROVAL STAMP

GENERAL NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE (CBC) AND ALL APPLICABLE ORDINANCES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 5. THE CONTRACTOR SHALL MAINTAIN THE SITE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
 7. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 9. THE CONTRACTOR SHALL MAINTAIN THE SITE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.

EXISTING AND PROPOSED LAYOUT:
 The site plan shows existing levels and existing buildings. It includes a north arrow, a scale bar (1" = 10'-0"), and various annotations for existing and proposed structures. Key features include:

- EXISTING BUILDING (hatched area)
- PROPOSED BUILDING (solid area)
- EXISTING DRIVE (dashed line)
- PROPOSED DRIVE (solid line)
- EXISTING AND PROPOSED LANDSCAPE (indicated by hatching and notes)
- EXISTING AND PROPOSED UTILITIES (indicated by dashed and solid lines)

PHOTOGRAPHS:
 A series of eight photographs showing the site and surrounding context:
 1. Aerial view of the site showing the proposed building footprint.
 2. Street view of the existing building.
 3. Street view of the existing building from a different angle.
 4. Street view of the existing building showing the driveway.
 5. Street view of the existing building showing the front facade.
 6. Street view of the existing building showing the side facade.
 7. Street view of the existing building showing the rear facade.
 8. Street view of the existing building showing the front facade from a different angle.

ADDITIONAL VIEWS:
 - **Street View of existing dwelling:** A photograph showing the existing building from the street level.
 - **SE (Sunset) (copy):** A photograph showing the site from the southeast during sunset.
 - **Aerial View (Sunset map):** An aerial photograph showing the site and surrounding area during sunset.

APPROVAL STAMP:
 A rectangular stamp with the text "INITIAL APPROVAL STAMP" and a signature line.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: REMAINDER ERF 527, WESTCLIFF**

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 Remainder Erf 527, Westcliff, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

23/11/2021
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

15. ERVEN 4779 & 2603, 125 & 127 EIGHTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION: MESSRS CK RUMBOLL AND PARTNERS ON BEHALF OF ME ANDRAG

**4779 & 2603 HVK
4140/2022**

P Roux

(028) 313 8900

Hermanus Administration

31 August 2022

Executive Summary

An application has been received on 16 May 2022 from Messrs CK Rumboll and Partners on behalf of ME Andrag in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 4779 and 2603, Voëlklip, Hermanus for the consolidation of the erven to create an erf of approximately 1242m² in extent.

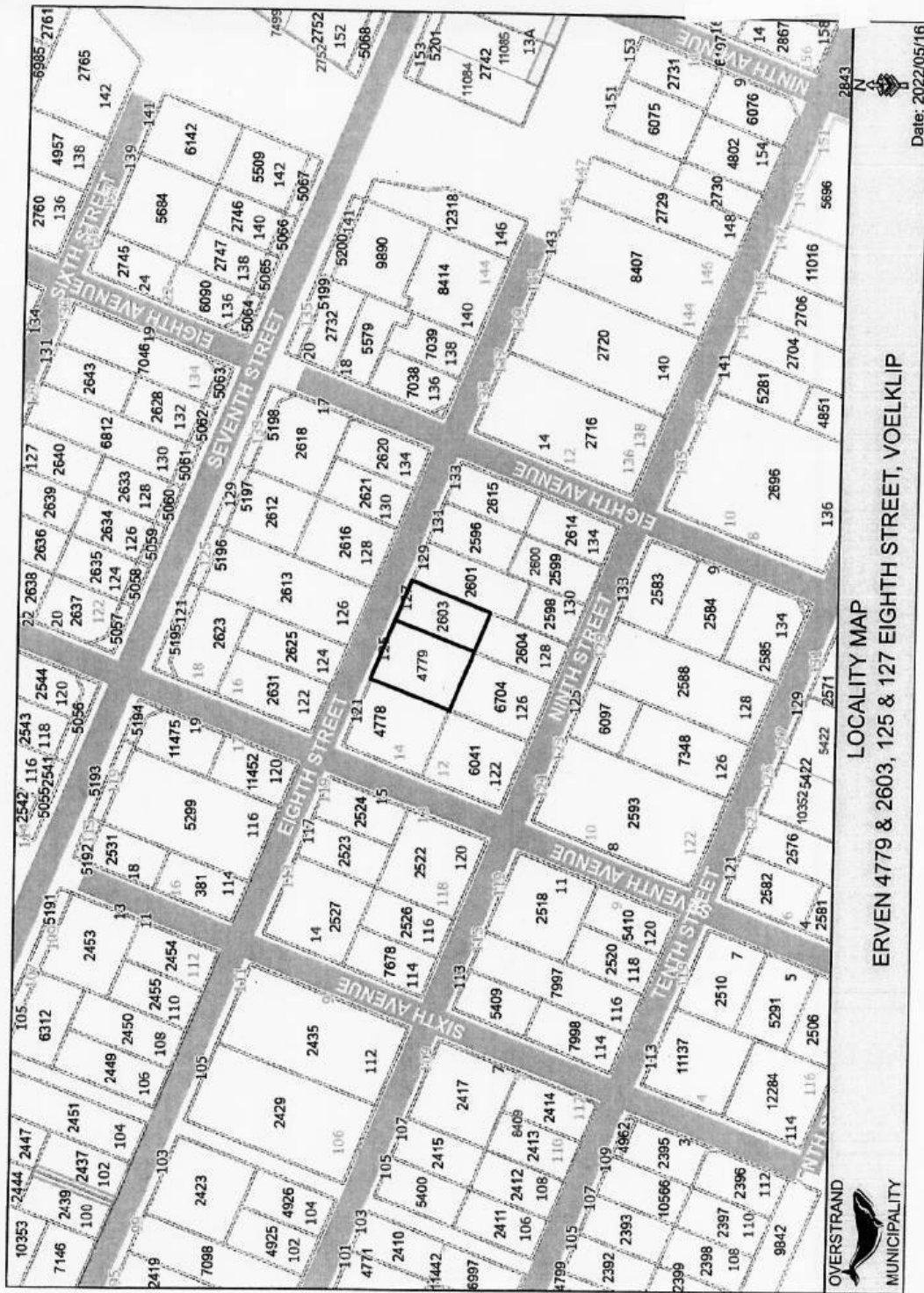
RESOLVED:

1. that the application in terms Section 2(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 4779 & 2603, Voëlklip, Hermanus for the consolidation of the erven to create an erf of approximately 1242m² 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 Erven 4779 & 2603, Hermanus* dated March 2022 as submitted with the application;
 - (b) that building plans be submitted for any new work done and that the building department and fire department's 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.
2. that the applicant/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.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

REASONS FOR RESOLUTION

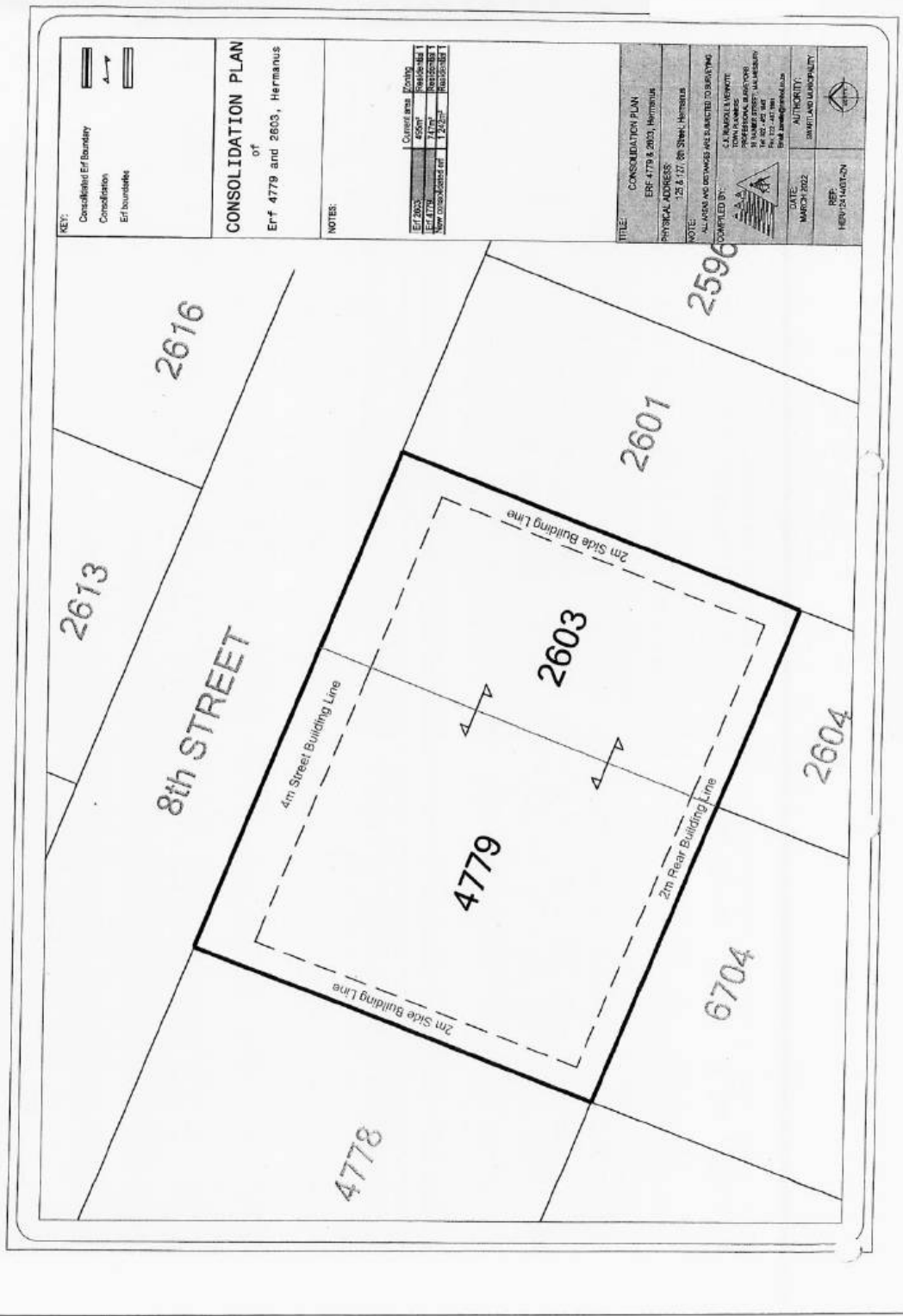
- The development is not considered to unacceptably detract from the character of the area, vested rights of adjoining property owners in terms of loss of privacy, overlooking, loss of views or sun / daylight.
- The proposed consolidation is in line with the applicable municipal and provincial planning 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.
- The applicant is in possession of occupation certificates.



LOCALITY MAP
ERVEN 4779 & 2603, 125 & 127 EIGHTH STREET, VOELKLIP

Date: 2022/05/16





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION: ERWE 4779 & 2603, 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 connections will be available for the development, 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 should additional services connections be required the owner will be responsible for the payment of bulk services levies;
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 Erven 4779 & 2603, Voelklip, unobstructed;
7. that no on-street parking will be allowed.

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

07/06/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

**16. ERF 1773, 2 JURGENS STREET, PEARLY BEACH, GANSBAAI,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND
TITLE RELAXATION: F & S JOUBERT**

1773 GPB (1773)

**SW van der Merwe
29 August 2022**

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application received on 18 May 2022 from F & S Joubert 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 1773, Pearly Beach to relax the street building line from 4m to 3.1m. to accommodate a proposed garage.

Application is also made for title relaxation in terms of the provisions of clause 6(a) of Title Deed No. T18579/2017 to permit the encroachment of the street building line in terms of the title deed building line from 5m to 3.1m to accommodate a proposed garage.

RESOLVED:

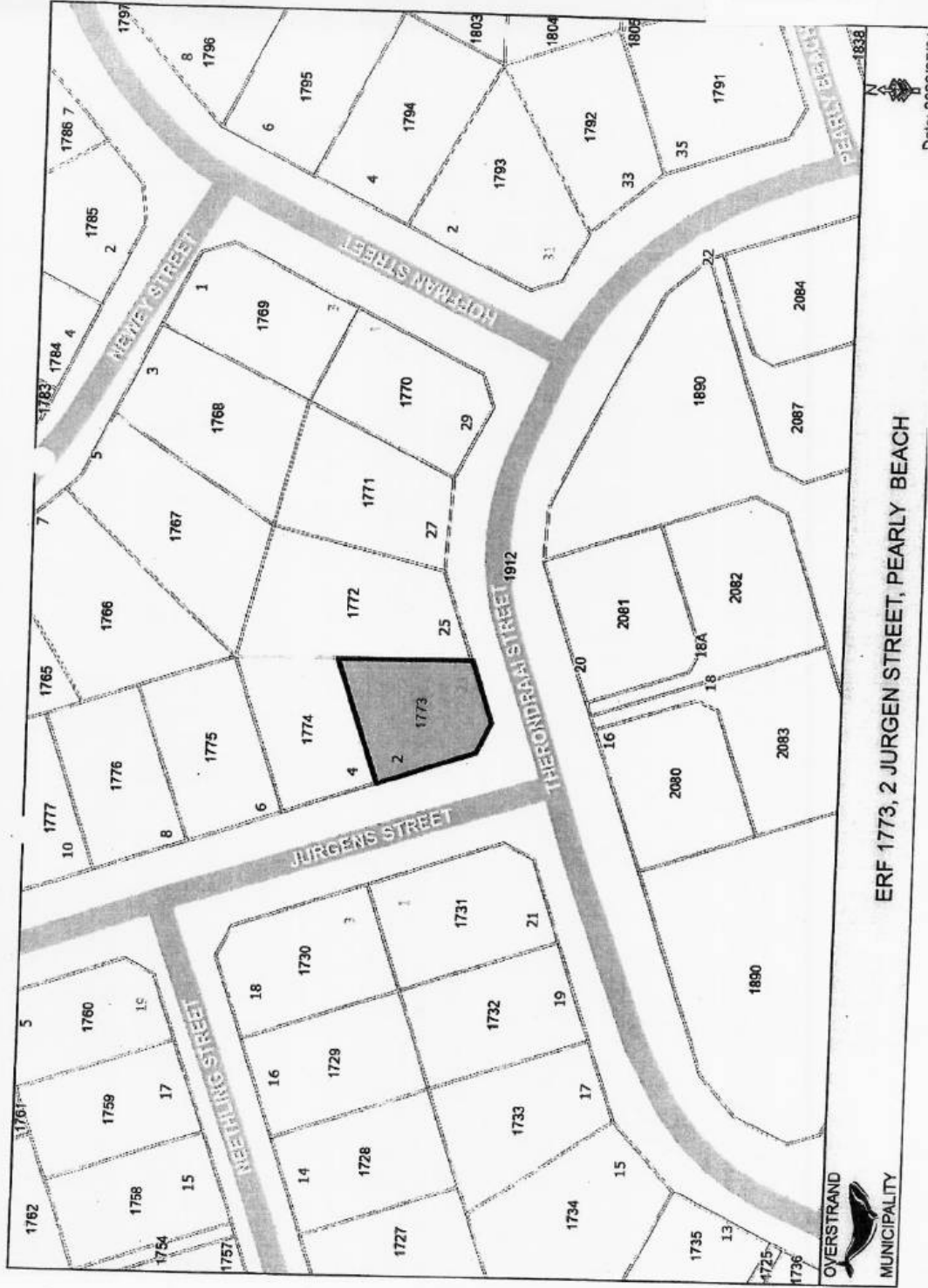
1. that the application for title relaxation in terms of the provisions of clause 6(a) of Title Deed No. T18579/2017 to permit the encroachment of the title deed street building line from 5m to 3.1m to accommodate the proposed double garage, **be approved.**
2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to relax the street scheme building line from 4m to 3.1m to accommodate the proposed double garage, be approved in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the relaxation of the street building lines as indicated on the Site Development Plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage
 - (c) that the conditions in the Services Report (attached as Annexure E), be complied with;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
3. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners.
- ❖ The proposed application fits in with the character of the surrounding area and is desirable.



ERF 1773, 2 JURGEN STREET, PEARLY BEACH



OVERSTRAND

MUNICIPALITY



NOTAS:

FONDASIES:
700 - 230 Steenk fondasies minimum 230 onder GV vir 230 mm. Beton sterkte min. 20MPa sterkte.

VLOER:
85mm Beton vloer op 250 micron vogwerende membraan op goed gekompakteerde vulgrond, vry van enige organiese materiaal, in lae van 150mm maks. Red. 1% weidheid mesh versterking in beton.

MURE:
230 Stereom muur buite en pleister en verf binne op 375 micron VVC met steenversterking elke derde verdieping. Beton laeite oor alle openinge met min. 250mm ras op muur aan beide kante. Dagma minstens 6 : 1 neigings.

DAK:
Sten spesifikaasies op Skit A - A.

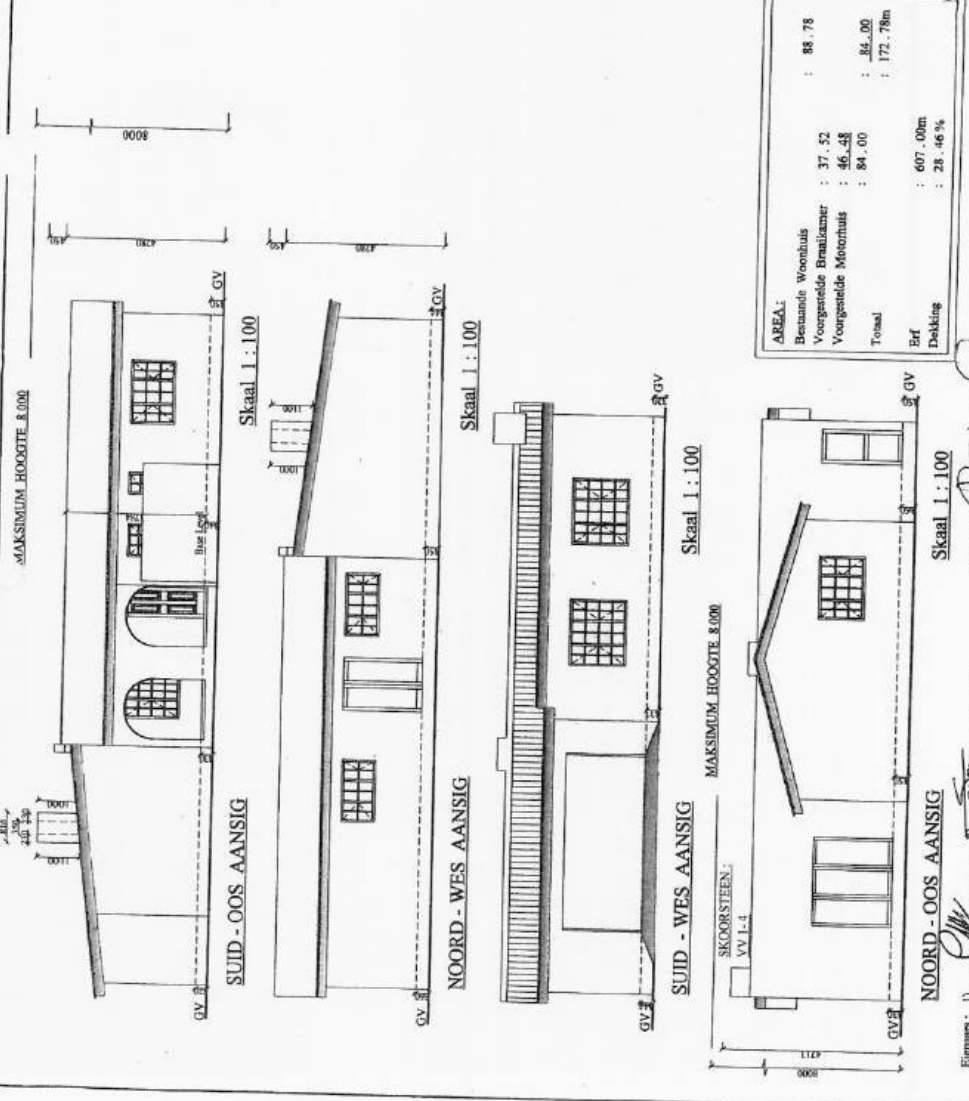
PLAERON:
Sten Spesifikaasies op Skit B - B.

ALGEMEEN:
Alle werk om te voldoen aan NBR, sowel as Plaaslike Owerheid Regulasies en ook aan te pas by bestaande bouwerk. Alle afmetings is in mm en getuie voorrang bo geskaalde afmetings.

VOORGESTELDE AANBOUING AAN BESTAANDE WOONHUIS OP ERF 1773, PEARLY BEACH, VIR F. EN S. JOUBERT.

J.J. CHRISTENS - HOOF-ARCHITECTURALE TEKENING
Simpweg 16, 1801 Johannesburg
Lampskandelaar 16
Pearly Beach 7201
7800
Tel. No. 011 801 72
011 801 707 5201
011 801 707 01

Seibert_BI_1 van 5



Ingeleent:

Tekenaar

Eieners: D. ...

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR: DEPARTURE & RELAXATION OF THE TITLE DEED:
ERF 1773, PEARLY BEACH**

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 1773, Pearly Beach, unobstructed;
6. that no on-street parking be allowed.

Dennis Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

06/07/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

17. ERF 4894, 29 7TH STREET, KLEINMOND: APPLICATION FOR DEPARTURE: FVS TOWN & REGIONAL PLANNERS ON BEHALF OF PINKSTER PROTESTANTE KERK t/a CHRIST GEN CHURCH

4894 KKM (3951/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

30 August 2022

Executive Summary

An application has been received on 14 December 2021 from FVS Town and Regional Planners on behalf of Pinkster Protestante Kerk t/a Christ Gen Church on Erf 4894, 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 5m to 3,15m to accommodate proposed additions and alterations to the existing church building.

RESOLVED:

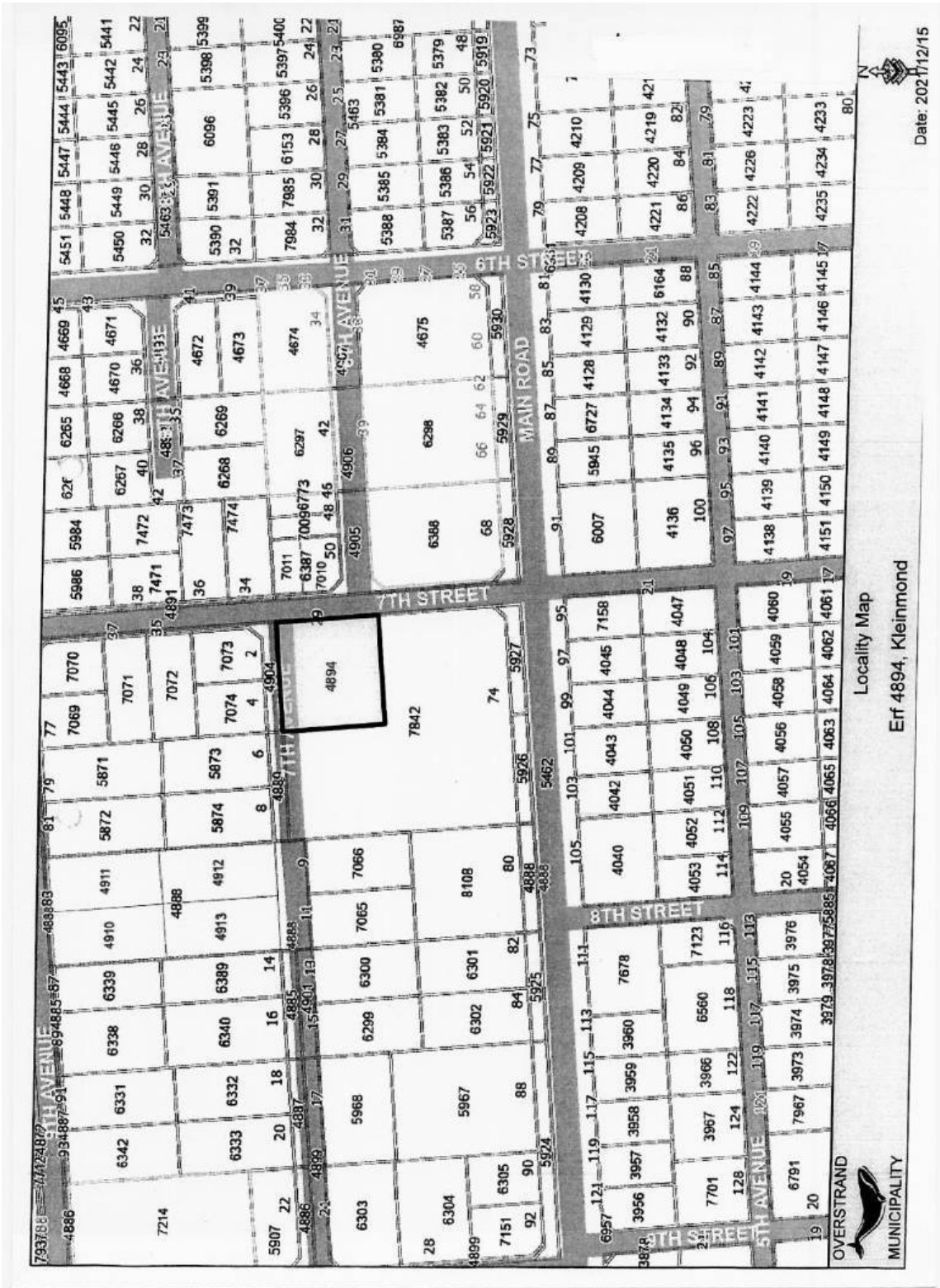
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4894, Kleinmond for a departure in order to relax the street building line from 5m to 3,15m to accommodate proposed additions and alterations to the existing church building, **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 21-63 (1-3), dated 28 November 2021;
 - (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
 - (f) that all the conditions in the Services Report, be complied with.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

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

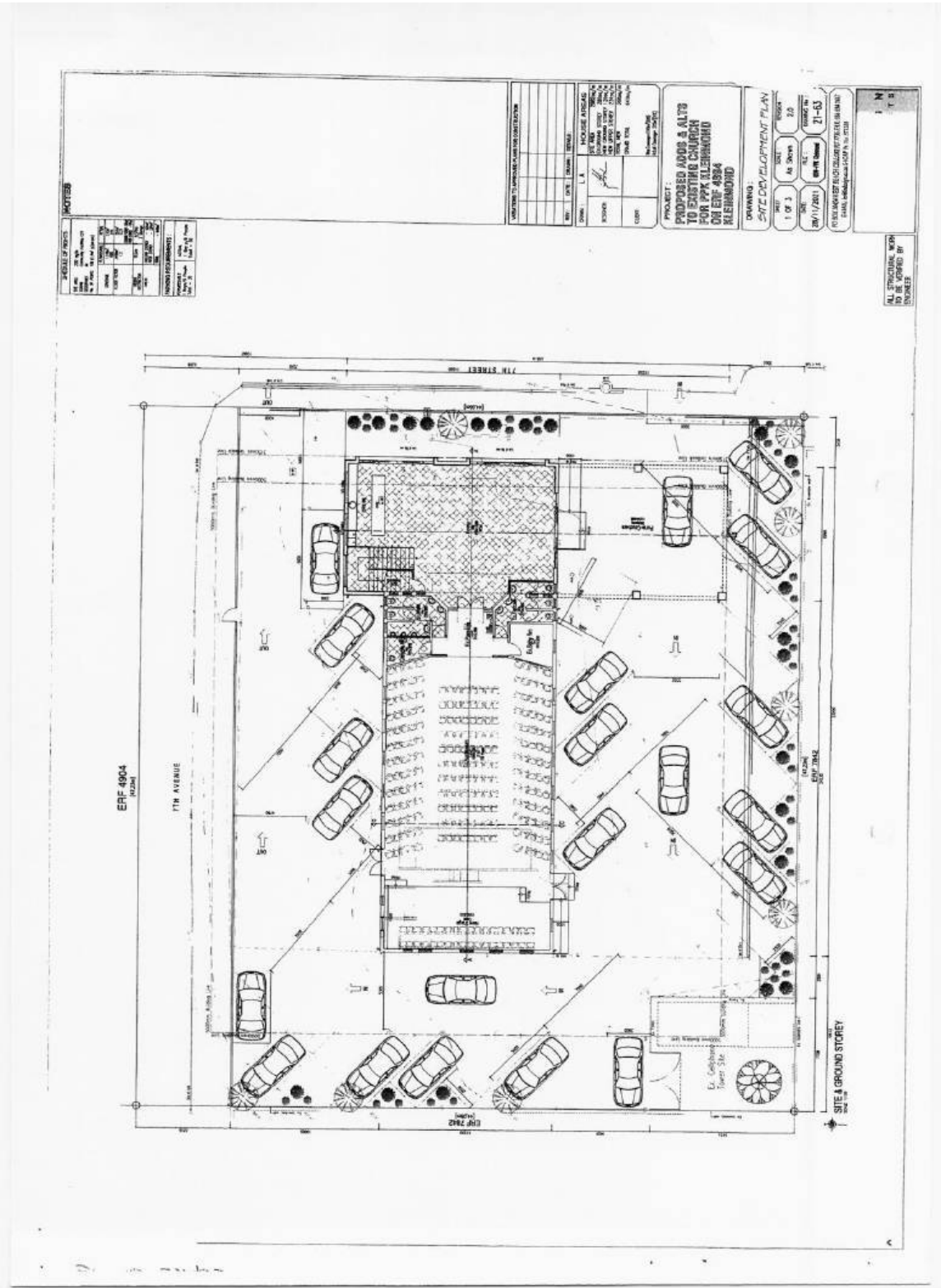
- ❖ The structure has approved building plans.
- ❖ The surrounding owners did not object.
- ❖ The application will have no impact on the surrounding area.



Locality Map
Erf 4894, Kleinmond



Date: 2021/12/15



NOTES

1. SCALE OF PLAN: 1:100

2. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.

3. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT.

4. THE ARCHITECT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE CLIENT.

5. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE CLIENT BY OTHER PROFESSIONALS.

6. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE CLIENT BY THE CLIENT.

7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE CLIENT BY THE CLIENT.

8. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE CLIENT BY THE CLIENT.

9. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE CLIENT BY THE CLIENT.

10. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE CLIENT BY THE CLIENT.

HOUSE AREAS

NO.	TYPE	AREA	REMARKS
1	HOUSE	100.00	100.00
2	HOUSE	100.00	100.00
3	HOUSE	100.00	100.00
4	HOUSE	100.00	100.00
5	HOUSE	100.00	100.00
6	HOUSE	100.00	100.00
7	HOUSE	100.00	100.00
8	HOUSE	100.00	100.00
9	HOUSE	100.00	100.00
10	HOUSE	100.00	100.00

PROJECT:
PROPOSED HOUSE & ALTS
TO EXISTING CHURCH
FOR PPK ELSBAND
ON ERF 4904
HELSINGBORG

CLIENT:
 PPK ELSBAND

DATE:
 2011/2011

DRAWING:
SITE DEVELOPMENT PLAN

SCALE:
 1:100

DATE:
 2011/2011

PROJECT NO.:
 21-03

CLIENT:
 PPK ELSBAND

ARCHITECT:
 PPK ELSBAND

ADDRESS:
 PPK ELSBAND

PHONE:
 PPK ELSBAND

FAX:
 PPK ELSBAND

EMAIL:
 PPK ELSBAND

WEBSITE:
 PPK ELSBAND

PROJECT:
PROPOSED HOUSE & ALTS
TO EXISTING CHURCH
FOR PPK ELSBAND
ON ERF 4904
HELSINGBORG

CLIENT:
 PPK ELSBAND

DATE:
 2011/2011

DRAWING:
SITE DEVELOPMENT PLAN

SCALE:
 1:100

DATE:
 2011/2011

PROJECT NO.:
 21-03

CLIENT:
 PPK ELSBAND

ARCHITECT:
 PPK ELSBAND

ADDRESS:
 PPK ELSBAND

PHONE:
 PPK ELSBAND

FAX:
 PPK ELSBAND

EMAIL:
 PPK ELSBAND

WEBSITE:
 PPK ELSBAND

SCALE:
 1:100

DATE:
 2011/2011

PROJECT NO.:
 21-03

CLIENT:
 PPK ELSBAND

ARCHITECT:
 PPK ELSBAND

ADDRESS:
 PPK ELSBAND

PHONE:
 PPK ELSBAND

FAX:
 PPK ELSBAND

EMAIL:
 PPK ELSBAND

WEBSITE:
 PPK ELSBAND

ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 4894, KLEINMOND**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that 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 4894 Kleinmond, unobstructed.

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

03/05/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

**18. ERF 4577, 7 MAGNOLIA STREET, NORTHCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE:
FIRST PLAN TOWN & REGIONAL PLANNING ON BEHALF OF
INVESTMENTS 1266 CC**

4577 HNC (3963/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

31 August 2022

Executive Summary

An application has been received on 19 March 2021 from Messrs First Plan Town & Regional Planning on behalf of Investments 1266 CC on Erf 4577, Hermanus in terms of Sections 16(2)(c) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for temporary departure for the continuous use of the ground floor being utilised for offices and the first floor as a residential apartment for a period of ten (10) years.

RESOLVED:

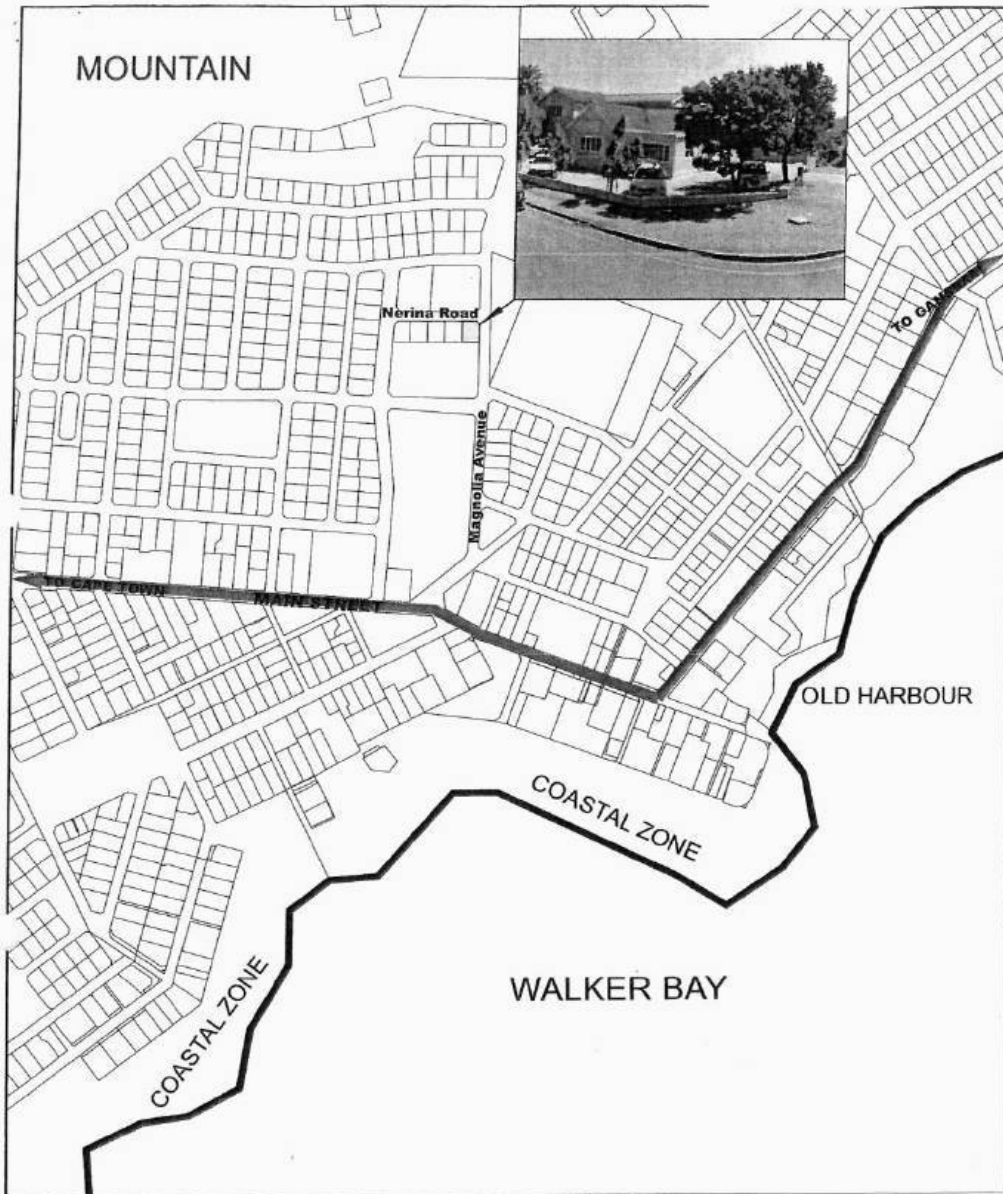
1. that the application in terms of Section 16.(2)(c) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4577, Northcliff, Hermanus for a temporary departure for the continuous use of the ground floor being utilised for offices and the first floor as a residential apartment for a period of ten (10) years, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the departure be restricted to the existing building and land uses - no extension of the structure is allowed;
 - (b) that no off-street parking be allowed;
 - (c) that the approval is valid for a period of ten (10) years from date of approval;
 - (d) that no commercial activity is allowed on the property and the approval be restricted to residential and office use only;
 - (e) that permission to operate an office is granted to a particular person/entity and is not transferrable;
 - (f) that the conditions in the Engineering Report, be adhered to; except the parking layout on site;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**




- (g) 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;
 - (h) 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;
 - (i) that building plans be submitted to the Building Department of the Overstrand Municipality, and that any requirements by the Fire- and Building Departments at that stage be complied with;
 - (j) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (k) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

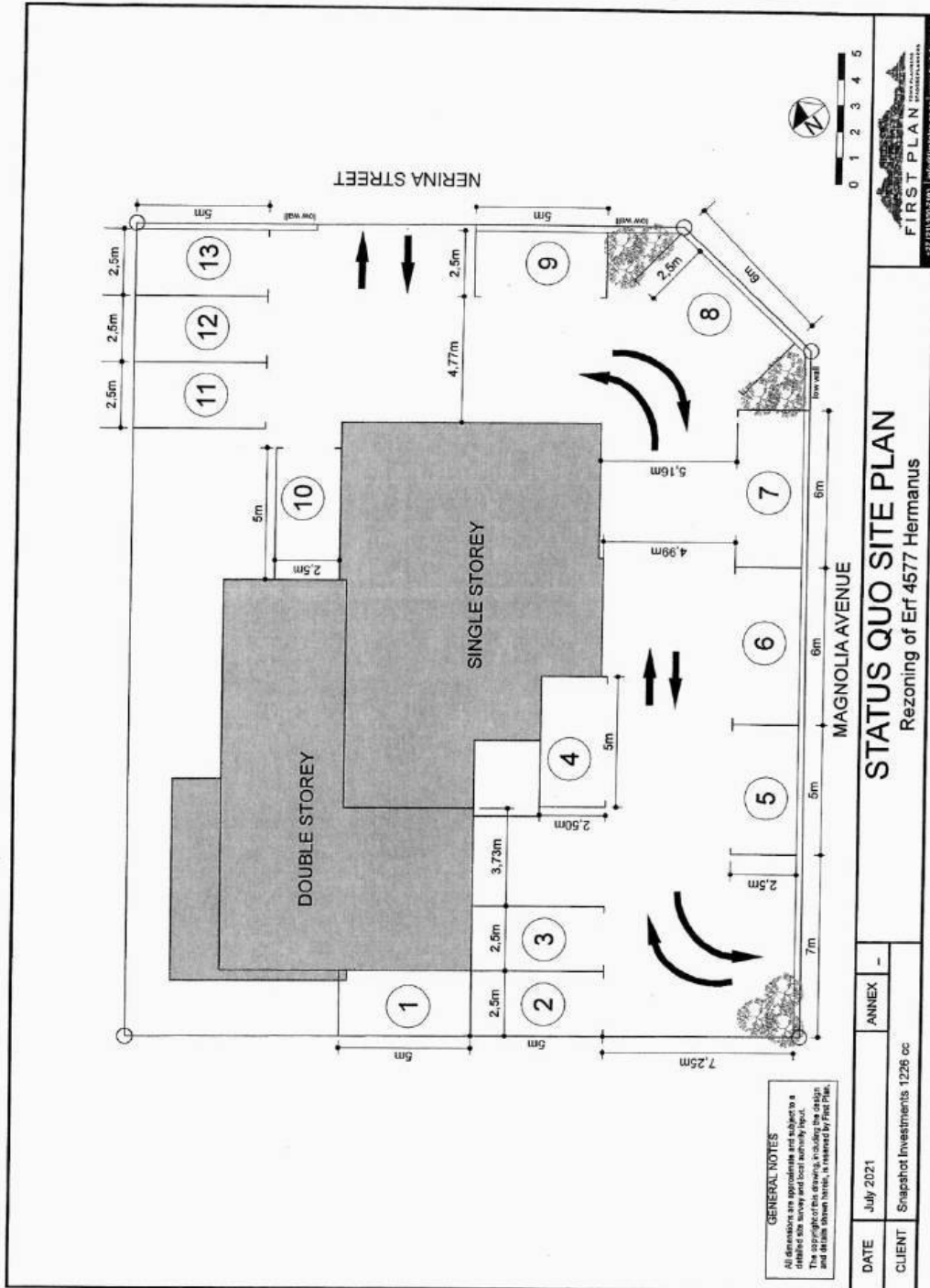
REASONS FOR RESOLUTION

- ❖ The use of the property as a dental practice has been in existence for years.
- ❖ The application has followed due procedure.
- ❖ It is in line with the aims of the Overstrand SDF.
- ❖ No objections were received from neighbours.
- ❖ The proposed application will not negatively impact the surrounding area as it has a well-designed street frontage and fits in with the character of the surrounding area.



LOCALITY PLAN
Rezoning of Erf 4577 Hermanus

 THE SITE								
DATE	July 2020	ANNEX	4	 NOT TO SCALE	FIRST PLAN TOWN AND REGIONAL PLANNERS 8 Esserfont Crescent, Platwood, 7530 PO Box 15050, Pietermaritzburg, 7506 E-mail: glendon.roos@firstplan.co.za Tel: 021 930 7183 Fax: 021 930 7210			
CLIENT	Snapshot Investments 1226 cc							



**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

19. ERF 4324, 59 FOURTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND REZONING: OVERSTRAND MUNICIPALITY

4324 KKM

**H van der Stoep
30 August 2022**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been lodged on 3 March 2021 by Overstrand Municipality (municipal project) on Erf 4324, Kleinmond for the following:

- ❖ **subdivision** of Erf 4324, Kleinmond in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 into two (2) portions, namely Portion A ($\pm 31\text{m}^2$) and a Remainder ($\pm 564\text{m}^2$).
- ❖ **rezoning** of the Remainder portion ($\pm 564\text{m}^2$) in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 from Authority Zone: Authority Use (AU) to Residential Zone 1: Single Residential (SR1).

RESOLVED

1. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 4324, Kleinmond into two (2) portions, namely Portion A ($\pm 31\text{m}^2$) and a Remainder ($\pm 564\text{m}^2$), **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to rezone the Remainder ($\pm 564\text{m}^2$) from Authority Zone: Authority Use (AU) to Residential Zone 1: Single Residential (SR1), **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the above approvals in Points 1. and 2. be subject to the following conditions:
 - (a) that the subdivision be as per Diagram surveyed in May 2017 as submitted with the application;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

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

REASONS FOR RESOLUTION

- ❖ The change use will have no impact on the surrounding area, since it is in line with the surrounding uses.
- ❖ The Municipality does not require the remainder of the erf for municipal services and the sale thereof is to the benefit of Municipality.



10-11-2017
 Shadde

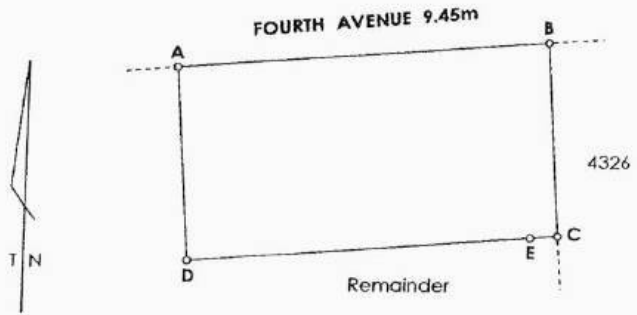
SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES Y System: WG 25° X		S.G. No. 2554/2017
		± 0.00	± 0.00	
AB	7.64	265 32 10	A	-2 719.92 +3 801 555.73
BC	4.00	355 32 10	B	-2 727.54 +3 801 555.13
CD	7.64	85 32 10	C	-2 727.85 +3 801 559.13
DA	4.00	175 32 10	D	-2 720.23 +3 801 559.72
INDICATORY	DATA			
CE	0.55	85 32 10	E	-2 727.30 +3 801 559.17
		BLOMHUIS(134) Δ		+3 106.95 +3 802 845.10
		STEEN8 (62) Δ		+5 512.90 +3 800 003.33

Approved
Shadde

for
 SURVEYOR-
 GENERAL

10.11.2017

Description of Beacons
 A,D,E - 12mm iron peg
 B - wall corner
 C - not beaconed



Scale 1:100

The figure **A B C D** represents 31 square metres of land being **ERF 8679 (A PORTION OF ERF 4324) KLEINMOND**.
 Situate in Overstrand Municipality
 Administrative District of Caledon
 Province of Western Cape
 Surveyed in May 2017 by me

NA Clark
NA Clark
 Professional Land Surveyor
 Registration Number PLS 1072

EXEMPT FROM PROVISIONS OF ACT
 20 OF 1975
 SECTION 1(a)

Exempt i.t.o Section 29(1)(f) of
 Municipal Bylaw of Act 3/2014
 Ref: 4324/KKM
 Date: 26-10-2017

This diagram is annexed to	The original diagram is	File : S/9250/66
No.	S.G. No. 8231/1967	S.R. : 1457/2017
d.d. :	Transfer 1968. .10510	G.P. 4282/1906(K.44)
i.f.o.:		Comp. AI-3AC/X21(422)
Registrar of Deeds		LPI C0130014

ERF 8679 KLEINMOND

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION & REZONING: ERF 4324, KLEINMOND**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that 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 4324 Kleinmond, unobstructed.

D.P. A. Caden
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

04/05/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

20. ERF 7314, 8 PROTEA ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF SEGDE HAVEN LIMITED

Erf 7314 HVK

4068/2022

P Roux

(028) 313 8900

Hermanus Administration

19 August 2022

EXECUTIVE SUMMARY

An application was received on 9 May 2022 from Messrs WRAP Project Office on behalf of Segde Haven Limited in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-law) applicable to Erf 7314, Eastcliff, Hermanus for the following:

- ❖ Departure in terms of Section 16(2)(b) of the By-Law for the following:
 - relaxation of the northern lateral building line from 2m to 1.332m to accommodate the existing bathroom;
 - relaxation of the northern side building line from 2m to 1.332m to accommodate the proposed use change (pool room to bedroom), and
 - relaxation from the western street building line from 4m to 2.005m & southern 2m lateral building line from 2m to 0.187m to accommodate the proposed use change (lounge to storage room, and bedroom to bathroom).
- ❖ Determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law, to legalize the existing walls and roof / structures on the property.

RESOLVED

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 7314, Hermanus (Eastcliff) for the following:
 - relaxation of the northern lateral building line from 2m to 1.332m to accommodate the existing bathroom;
 - relaxation of the northern side building line from 2m to 1.332m to accommodate the proposed use change (pool room to bedroom), and

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- relaxation from the western street building line from 4m to 2.005m & southern 2m lateral building line from 2m to 0.187m to accommodate the proposed use change (lounge to storage room, and bedroom to bathroom).

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

2. 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;
3. that the approvals in 1. above be subject to the following conditions:
 - (a) that this approval is only for the structure as indicated on Site Development Plan *Erf 7314- Hermanus*, as submitted with the application;
 - (b) that an administrative penalty of R6 070,03 (excluding VAT) (being 10% of the built cost and 10% of the land value as determined in the municipal budget) 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 Engineering Services, be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
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

Reasons for point 1.

- The proposed departures are for land use changes in existing structures.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- The swop of the existing second dwelling to the pool room (recreational use) is a logical change and the proposed changes will be less intrusive on neighbours.
- The existing structures will be unobtrusive and will be compatible with the existing built environment including the character of the dwelling.
- From the inspection done on the property it is noted the pool room (recreational use) is being used as a second dwelling.
- The proposed bathroom which will encroach the southwestern 2m lateral building line will have no negative impact on the adjacent property owners or the character of the area.
- 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.

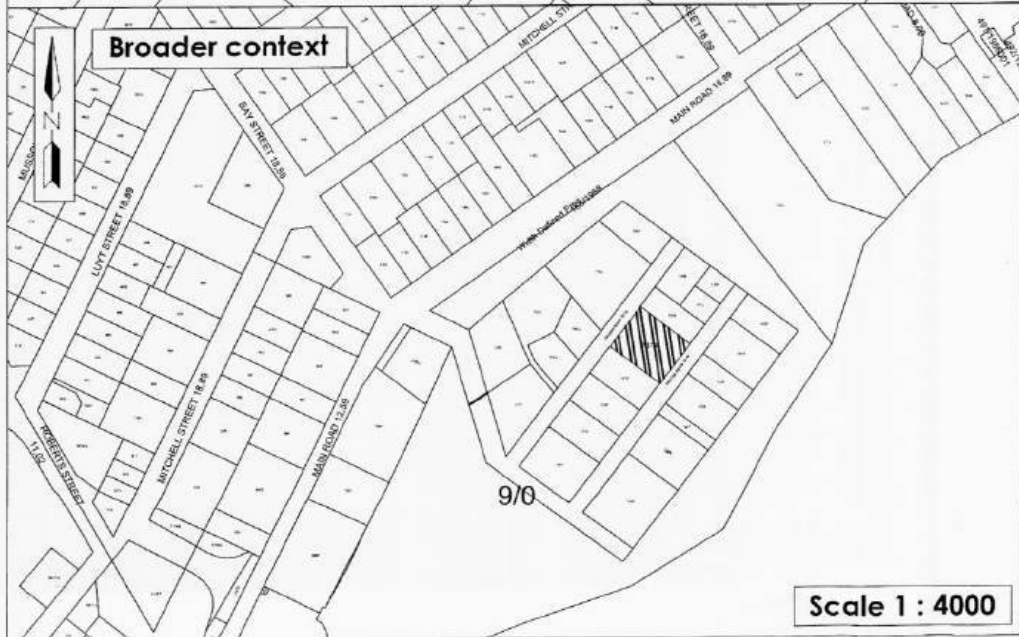
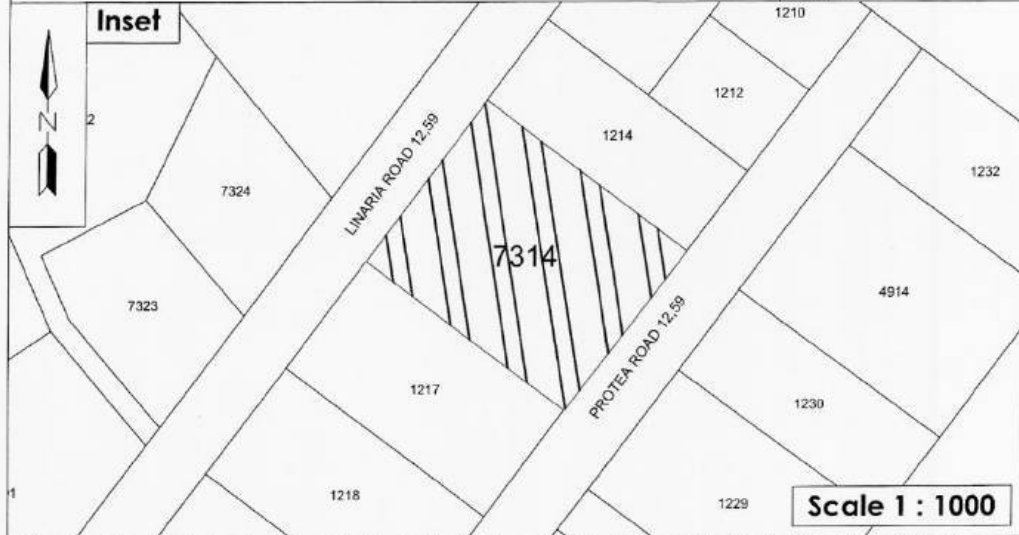
Reasons for point 2.

- The property owner made alterations to the outbuilding without first seeking approval and gaining approval from the municipality.
- The change of use applied for (i.e. changing the pool room into a second dwelling) was already made on site.

Locality Plan Erf 7314 - Hermanus

 Subject property

Plan prepared by: Thian Jansen
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200

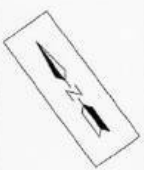


Site Development Plan
Erf 7314- Hermanus

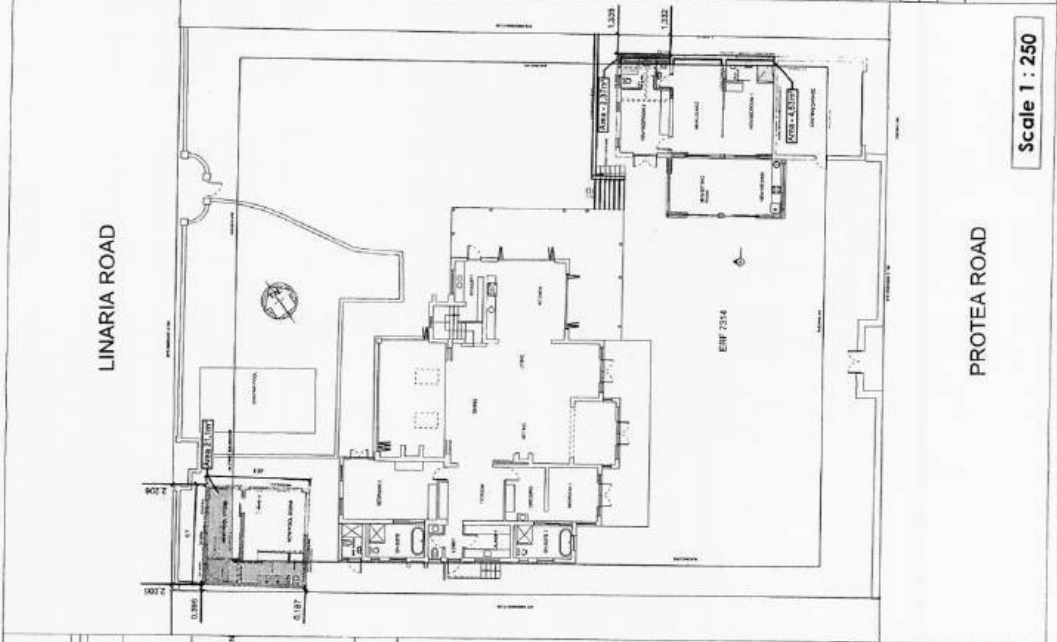
Existing unapproved encroachment (2,72m²)
 These two bathrooms were constructed in 2021, encroaching on the building line.

Existing approved encroachment (4,63m²)
 The area's use is proposed to be changed, currently this space is used as a pool storage area and it is proposed to be converted into a second dwelling.

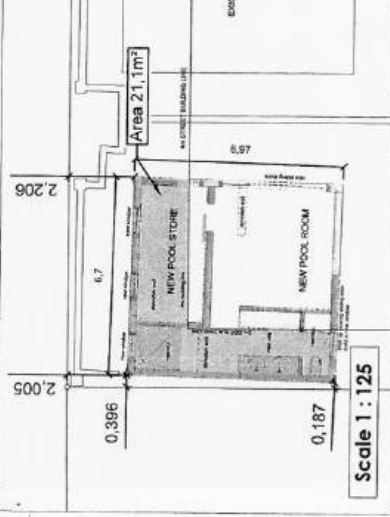
Existing approved encroachment (21,1m²)
 This area's use is proposed to change, it is currently being used as a second dwelling, it is proposed to be converted into a pool storage area, pool room and bathroom.



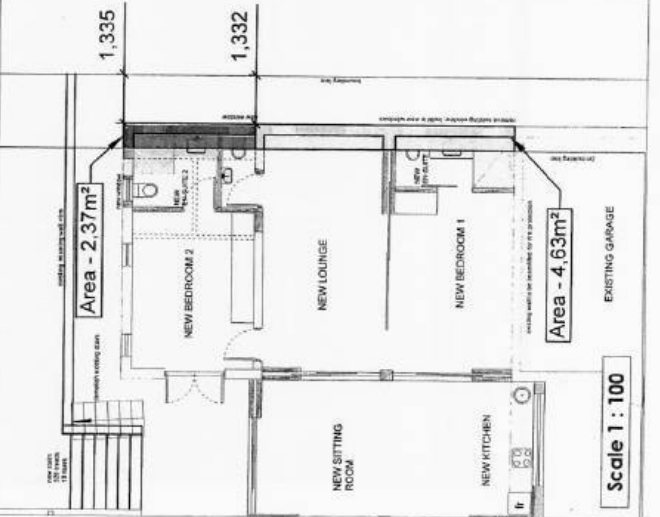
Plan prepared by: Niran Jansen
 All distances are approximate and subject to a survey.
 Tel: 028 315 1411
 Email: admin@wrap.co.za
 Uff 8, Starboard House, Corner of Royal and Dikke Lys Street, Hermanus, 7200.



Scale 1 : 250



Scale 1 : 125



Scale 1 : 100

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 7314, 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, 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 7314, Eastcliff, unobstructed;
7. that no on-street parking be allowed.

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

19/05/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

21. ERF 3114, 23 DF STRAUSS STREET, KLEINMOND: APPLICATION FOR DEPARTURE: FVS TOWN AND REGIONAL PLANNERS ON BEHALF OF AP & DR GOUWS

3114 KKM (4048/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

6 September 2022

EXECUTIVE SUMMARY

An application has been received on 28 January 2022 from FVS Town and Regional Planners on behalf of AP & DR Gouws on Erf 4951, Kleinmond in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following departures:

- ❖ to relax the western lateral building line from 2m to 0m to accommodate a double garage,
- ❖ to relax the eastern lateral building line from 2m to 0,5m to accommodate a carport,
- ❖ to relax the 9m or third of structures transgressing the western lateral building line.

RESOLVED

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2020 on Erf 3114, Kleinmond for the following departures:

- ❖ to relax the western lateral building line from 2m to 0m to accommodate a double garage;
- ❖ to relax the eastern lateral building line from 2m to 0,5m to accommodate a carport;
- ❖ to relax the 9m or third of structures transgressing the western lateral building line;

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

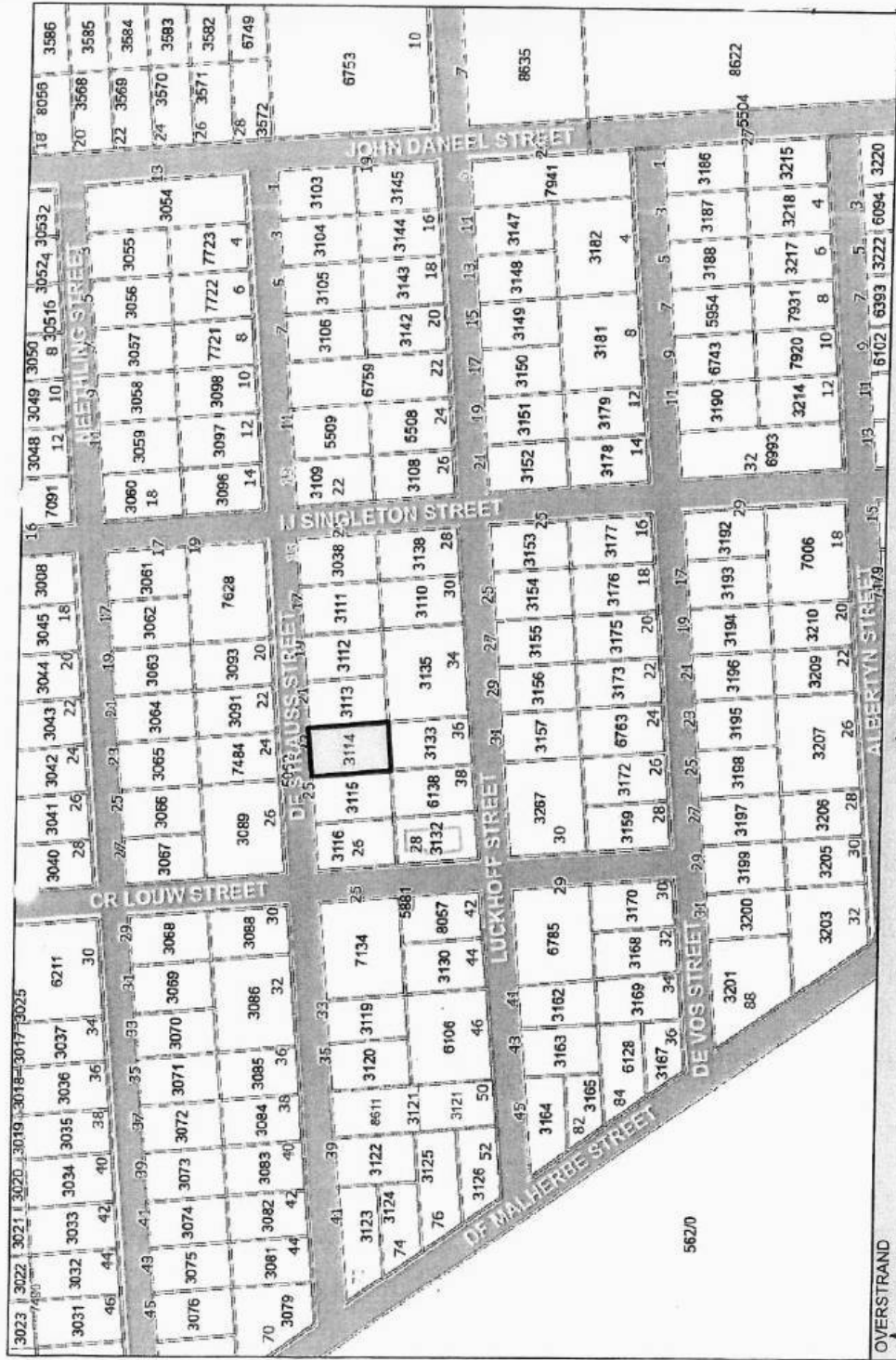
- (a) that this approval is only for the development as indicated on the plan number 2021-025 dated 9 March 2022 as submitted with the application;
- (b) that no further transgression over the building lines will be allowed, except that is sanctioned by the Overstrand Zoning Scheme;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (c) that only one (1) commercial vehicle be housed on the property as per the Land Use Scheme;
 - (d) 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;
 - (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, and
 - (g) 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, 2015 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application followed due procedure and no objections were received from the public.
- ❖ The buildings on the property have approved building plans.
- ❖ The garages are for own use.



OVERSTRAND

 MUNICIPALITY

Locality Map
 Erf 3114 Kleinmond

Date: 2022/02/08


562/0

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 3114, KLEINMOND**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that 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 3114 Kleinmond, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

22. ERF 4310, 61 5th AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: GJ FAUL ON BEHALF OF FAUL TRUST & FAUL GJ

4013 KKM (4080/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

4 September 2022

EXECUTIVE SUMMARY

An application has been received on 7 March 2022 from GJ Faul on behalf of Faul Trust & Faul GJ on Erf 4013, 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 lateral building line from 2m to 1,5m and to exceed the 9m restriction of a building on one specific boundary to 13,595m to accommodate the extension of the existing garage.

RESOLVED

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 4310, Kleinmond for a departure in order to relax the lateral building line from 2m to 1,5m and to exceed the 9m restriction of a building on one specific boundary to 13,595m to accommodate the extension of the existing garage, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions
 - (a) that amended building plans be submitted to reflect the above approval;
 - (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 Department for approval, and that all conditions of the Building Control- and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

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.



Date: 2022/06/19

Locality Map
Erf 4310 Kleinmond



DOOR SCHEDULE

NO.	DESCRIPTION	QTY
1	4311	1
2	4312	1
3	4313	1
4	4314	1
5	4315	1
6	4316	1
7	4317	1
8	4318	1
9	4319	1
10	4320	1
11	4321	1
12	4322	1
13	4323	1
14	4324	1
15	4325	1
16	4326	1
17	4327	1
18	4328	1
19	4329	1
20	4330	1
21	4331	1
22	4332	1
23	4333	1
24	4334	1
25	4335	1
26	4336	1
27	4337	1
28	4338	1
29	4339	1
30	4340	1
31	4341	1
32	4342	1
33	4343	1
34	4344	1
35	4345	1
36	4346	1
37	4347	1
38	4348	1
39	4349	1
40	4350	1
41	4351	1
42	4352	1
43	4353	1
44	4354	1
45	4355	1
46	4356	1
47	4357	1
48	4358	1
49	4359	1
50	4360	1
51	4361	1
52	4362	1
53	4363	1
54	4364	1
55	4365	1
56	4366	1
57	4367	1
58	4368	1
59	4369	1
60	4370	1
61	4371	1
62	4372	1
63	4373	1
64	4374	1
65	4375	1
66	4376	1
67	4377	1
68	4378	1
69	4379	1
70	4380	1
71	4381	1
72	4382	1
73	4383	1
74	4384	1
75	4385	1
76	4386	1
77	4387	1
78	4388	1
79	4389	1
80	4390	1
81	4391	1
82	4392	1
83	4393	1
84	4394	1
85	4395	1
86	4396	1
87	4397	1
88	4398	1
89	4399	1
90	4400	1

(copies of A)

WL Timber

W1 Timber

D1 Timber

REVISIONS

NO.	DATE	DESCRIPTION

FC HOLIM

ADDITIONS AND ALTERATIONS TO EXISTING DWELLING UNIT 4311 FOR MR. G. FAUL

SITE PLAN, FLOOR PLANS, SERVICE PLANS

F1

BUCHANAN, R.

4311

5th Avenue

SITE PLAN
11.00

4312

5th Avenue

GROUND OR PLAN
11.00

4313

5th Avenue

FIRST FLOOR PLAN
11.00

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

23. ERF 987, 30 MOFFAT STREET, EASTCLIFF, HERMANUS: APPLICATION OF REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: INTERACTIVE TOWN AND REGIONAL PLANNING ON BEHALF OF PM HEYNS

ERF 987 HEC

P Roux

(028) 313 8900

Hermanus Administration

5 September 2022

EXECUTIVE SUMMARY

An application was received on 24 February 2022 (application complete on 23 May 2022) from Messrs InterActive Town- and Regional Planners on behalf of PM Heyns in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 (By-Law) that the following applications have been received applicable to Erf 987, 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.(A)(d) as contained in Title Deed No: T48386/2017.

Departures

In terms of Section 16(2)(b) of the By-Law for the relaxation of the south-eastern lateral building line from 2m to 0m and the rear building line from 2m to 0m, in order to allow for the conversion of the garage into a hobby room and storage room.

Determination of an administrative penalty

In terms of Section 16(2)(q) of the By-Law, in order to legalise the existing 33.9m² converted hobby room and storage room exceeding the title deed and zoning scheme rear building lines.

RESOLVED

1. that the application, applicable to Erf 987, 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.(A)(d) as contained in Title Deed No: T48386/2017, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application, applicable to Erf 987, 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 relaxation of the south-eastern lateral building line from 2m to 0m and the rear building line from 2m to 0m, in order to allow for the conversion of the garage into a

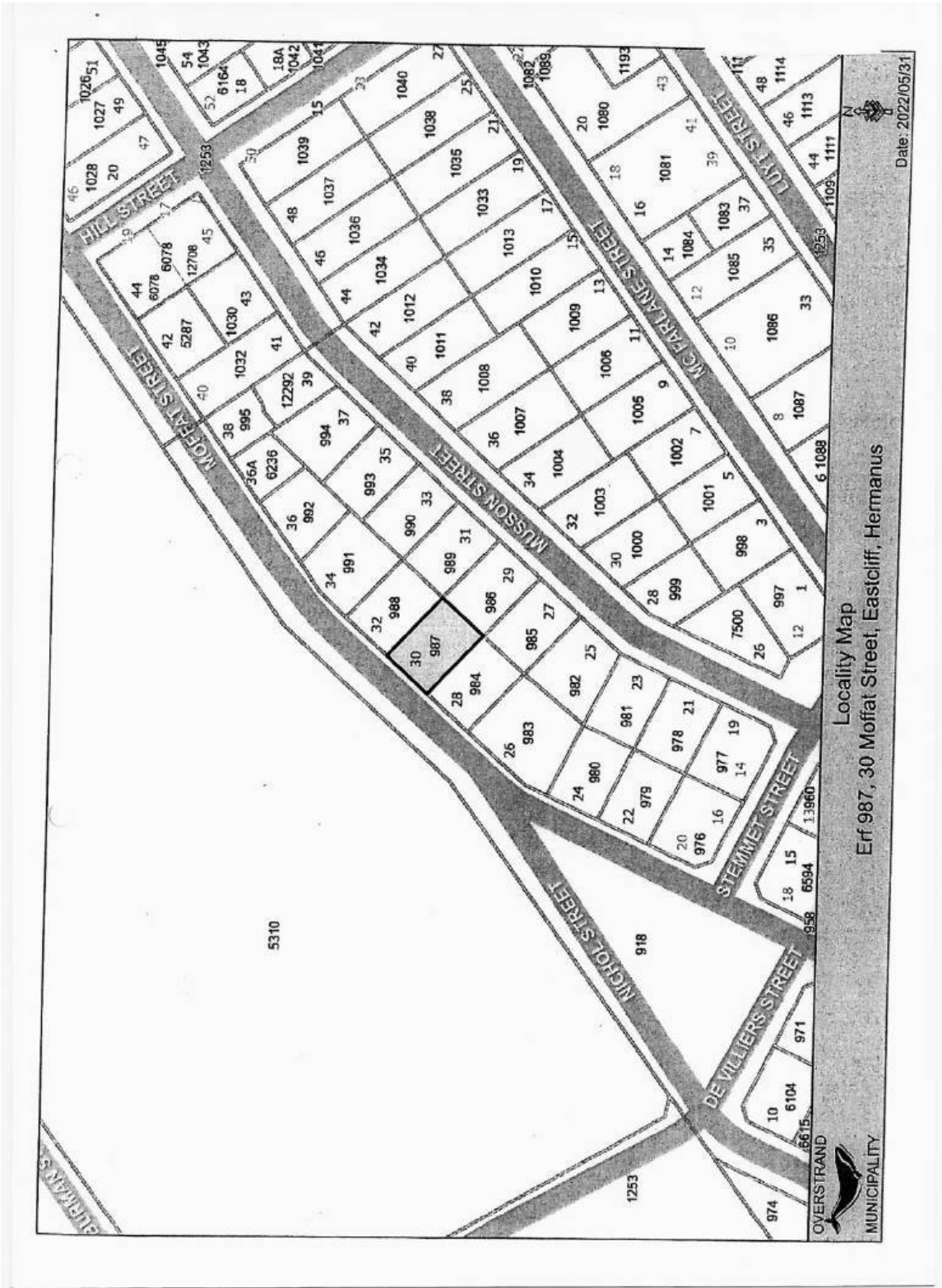
**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- hobby room and storage room, **be partially approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the unauthorised land use activities stipulated above, **not be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
 4. that the approvals in point 1, 2 and 3 above be subject to the following conditions:
 - (a) that this approval is only for the structure as indicated on Drawing Number *100I, Revision B* dated *18/02/2022*, submitted with the application;
 - (b) that the Site Development Plan and building plan be revised to indicate that the kitchenette and pergola (in front of the outbuilding) is removed, and that the hobby room is only utilised for storage purposes, and that photographic evidence is submitted to the Department: Town and Spatial Planning for record keeping;
 - (c) that building plans (in line with the aforementioned revision) be submitted to the Building Department and all comments from the Building- and Fire Departments be complied with at that stage;
 - (d) that the outbuilding can only be used for storage purposes and a hobby room for the creation of art;
 - (e) that an administrative penalty of R3 745.45, excluding VAT (being 5% of the valuation cost as submitted by the applicant) be payable within thirty (30) days of the decision;
 - (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 applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

REASONS FOR RESOLUTION

- The application has followed due procedure.
- No objections were received from the public.
- It is in line with policy documents.
- The proposed departures have no impact on the adjacent properties.
- The creation of a hobby room on the property boundary is not supported from a town planning perspective.
- The proposed hobby room is used for the creation of art and will have a no impact on the adjacent property owners.
- The pergola is to be removed as the structure did not form part of the application and was therefore not motivated nor discussed by the applicant.
- The kitchenette is to be removed in order to assure that the outbuilding is not used as a second dwelling which is still restricted in terms of the title deed.



GENERAL NOTE
 ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE LOCAL COUNCIL REGULATIONS.
 ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE LOCAL COUNCIL REGULATIONS.
 ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE LOCAL COUNCIL REGULATIONS.
 ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE LOCAL COUNCIL REGULATIONS.

PROJECT INFORMATION
 Project Name: HOUSE HEYNS
 Address: 1001 MOPPA STREET, HERRMANSBURG, 7600
 Date: 15/11/2022

AREAS
 Total Covered: 220.00 m²
 Total Floor: 220.00 m²
 Total Area: 220.00 m²

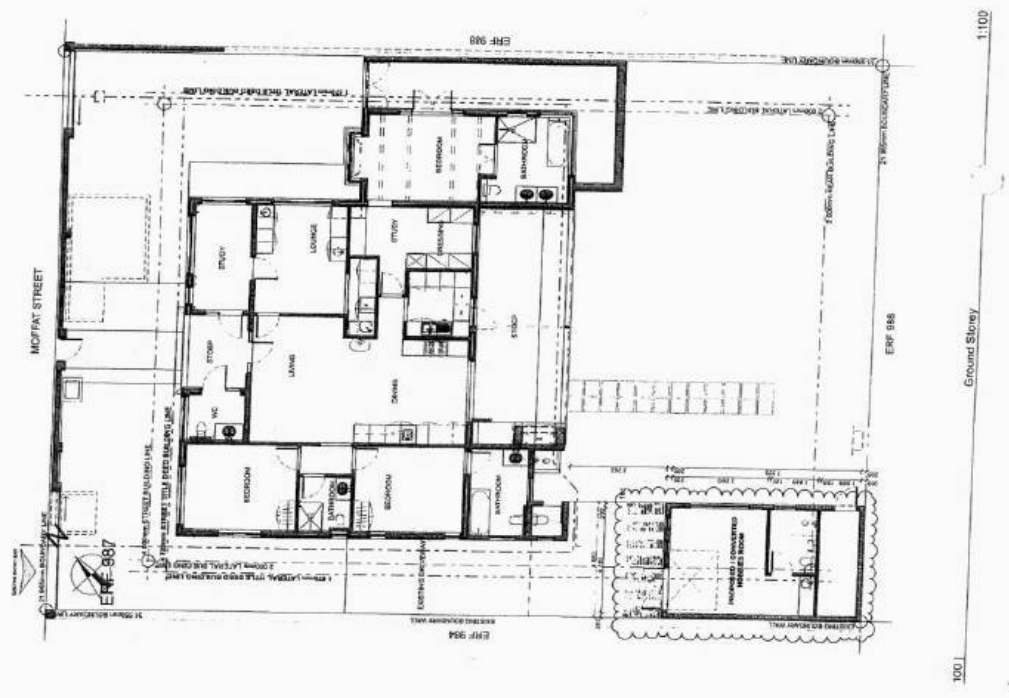
FINLAYSON VAN DER MERWE ARCHITECTS
 1001 MOPPA STREET, HERRMANSBURG, 7600
 CONTACT: 060 410 1111

HOUSE HEYNS
 1001 MOPPA STREET, HERRMANSBURG, 7600

GROUND STOREY

SUBMISSION DRAWING
 Drawing No: 1001
 Scale: 1:100
 Date: 15/11/2022
 As shown @ 00

CS B



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF TITLE DEED RESTRICTIVE CONDITIONS,
DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF
987, 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, 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 987, Eastcliff, unobstructed;
7. that no on-street parking be allowed.

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

20/06/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

24. ERF 9902, 223 ELEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSERS WRAP PROJECT OFFICE ON BEHALF OF THE ESTATE LATE BRIAN EDWARD THORPE

9902 HVK

3887/2021

P Roux

(028) 313 8900

Hermanus Administration

11 August 2022

EXECUTIVE SUMMARY

An application was received on 1 February 2022 from Messrs WRAP Project Office on behalf of the Estate Late of Brain Edward Thorpe in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 9902, Voëlkliip, Hermanus for the following:

- departure in terms of Section 16(2)(b) of the By-Law for the following:
 - ❖ relaxation of the permissible boundary wall height of 2.1m to approximately 3.612m to accommodate the existing walls;
 - ❖ relaxation of the permissible building height restriction from 8.0m to 8.1877m to accommodate the existing roof.
- determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law, to legalize the existing walls and roof / structures on the property.

RESOLVED

1. that the objections 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 9902, Hermanus (Voëlkliip) for the following:
 - relaxation of the permissible boundary wall height of 2.1m to approximately 3.612m to accommodate the existing walls, and
 - relaxation of the permissible building height restriction from 8m to 8.1877m to accommodate the existing roof.

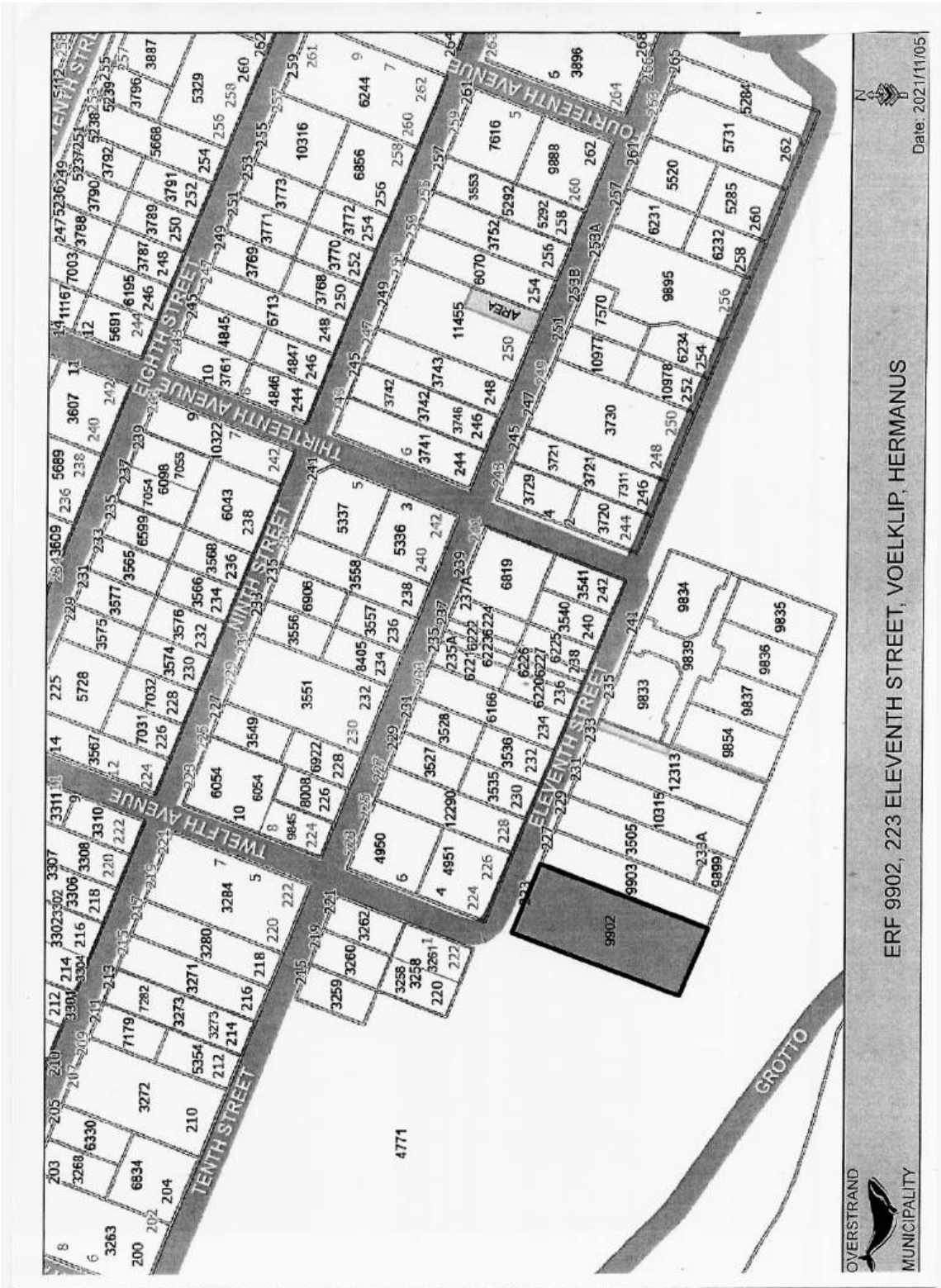
be approved in terms of the provisions of Section 61 of the By-Law;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 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 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 1. above be subject to the following conditions:
 - (a) that this approval is only for the structure as indicated on Drawing Number *2144* dated 26 October 2021, submitted with the application;
 - (b) that an administrative penalty of R2 181,18 (being 10% of the built cost) 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 Engineering Services, be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
5. that the applicant and persons 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 application has followed due procedure.
- No objections were received from the public.
- It is in line with policy documents.
- The proposed departures have no impact on the adjacent properties.
- The existing structures will be unobtrusive and will be compatible with the existing built environment including the character of the dwelling.
- This section of the roof is built in line with the existing roof height and therefore will not block views nor does it create a negative impact on privacy or sunlight.
- The objections are noted; however the scope of the application does not merit the removal of the roof.



ERF 9902, 223 ELEVENTH STREET, VOELKLIP, HERMANUS



Site Development Plan
Erf 9902 Hermanus

Scheme Building Line



Plan based on plans from Designatelle

Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

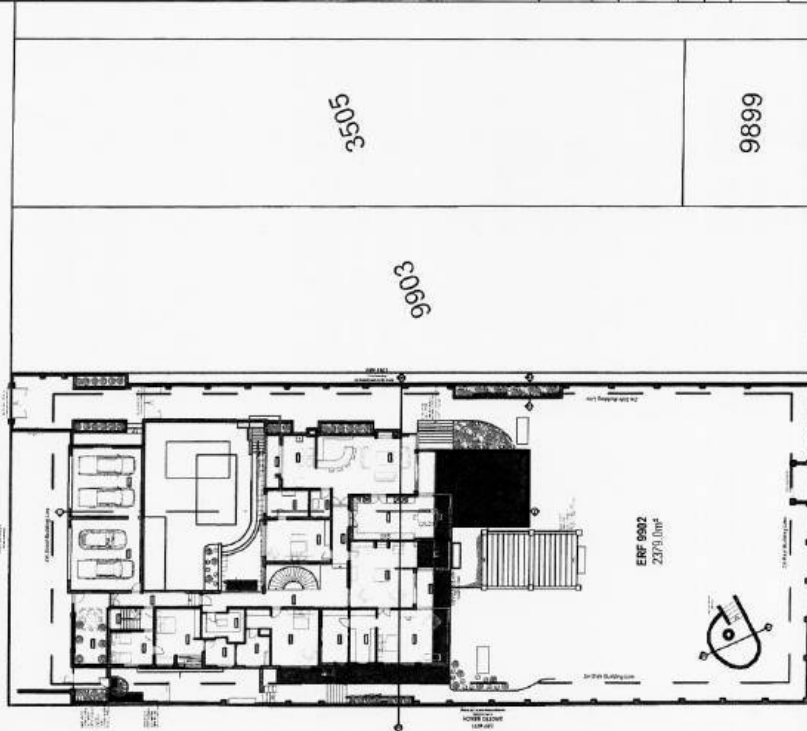
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit 8, Standard House,
Corner of Royal and Dirkie Lys
Street Hermanus, 7200



Project Office
Town Planning & Project Management



9899

9896

ERF 9892
2379,0m²

Scale 1 : 500



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 9902, 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 9902, Voelklip, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

22/03/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- 25. ERF 4773, 53 13th AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR EXTENSION OF THE PERIOD OF VALIDITY OF AN APPROVAL: STBB ATTORNEYS ON BEHALF OF WOLFCORN PROP (PTY) LTD**

4773 KKM (4054/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

4 September 2022

EXECUTIVE SUMMARY

An application has been received on 7 February 2022 from STTB Attorneys on behalf of Wolfcorn Prop (Pty) Ltd on Erf 4773, Kleinmond in terms of Section 16(2)(i) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the extension of time to execute the approval dated 24 May 2017.

RESOLVED

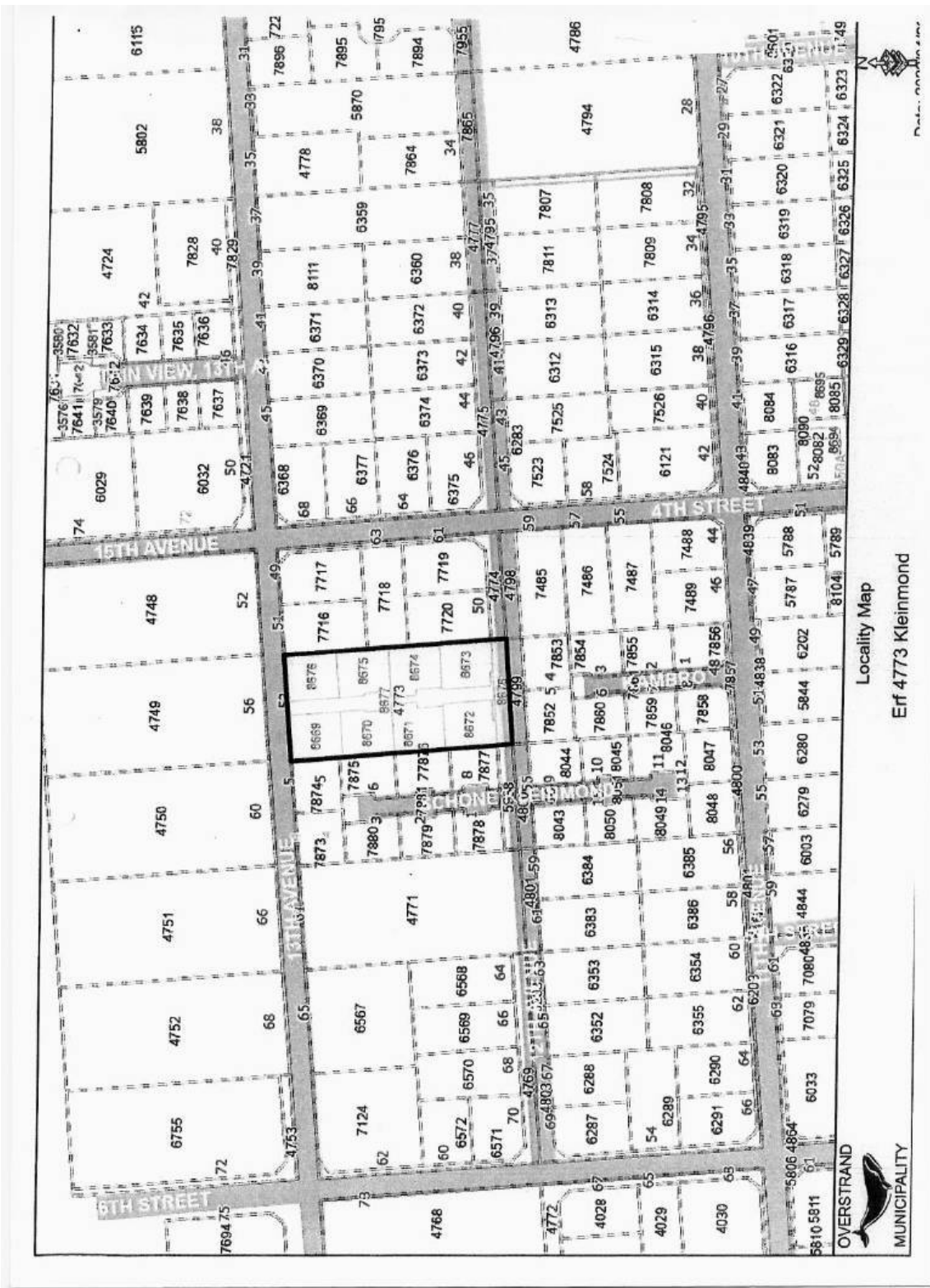
1. that the application in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 in terms of Section 16.2)(i) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for extension of the period of validity of an approval (dated 24 May 2017) on Erf 4773, Kleinmond, **be approved**, in terms of Section 61 of the By-Law;
 - (a) that the extension of time will lapse on 31 August 2032;
 - (b) that the decision and conditions of approval in the decision letter dated 24 May 2017 remains in place;
 - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that all the conditions in the Services Report, be complied with.

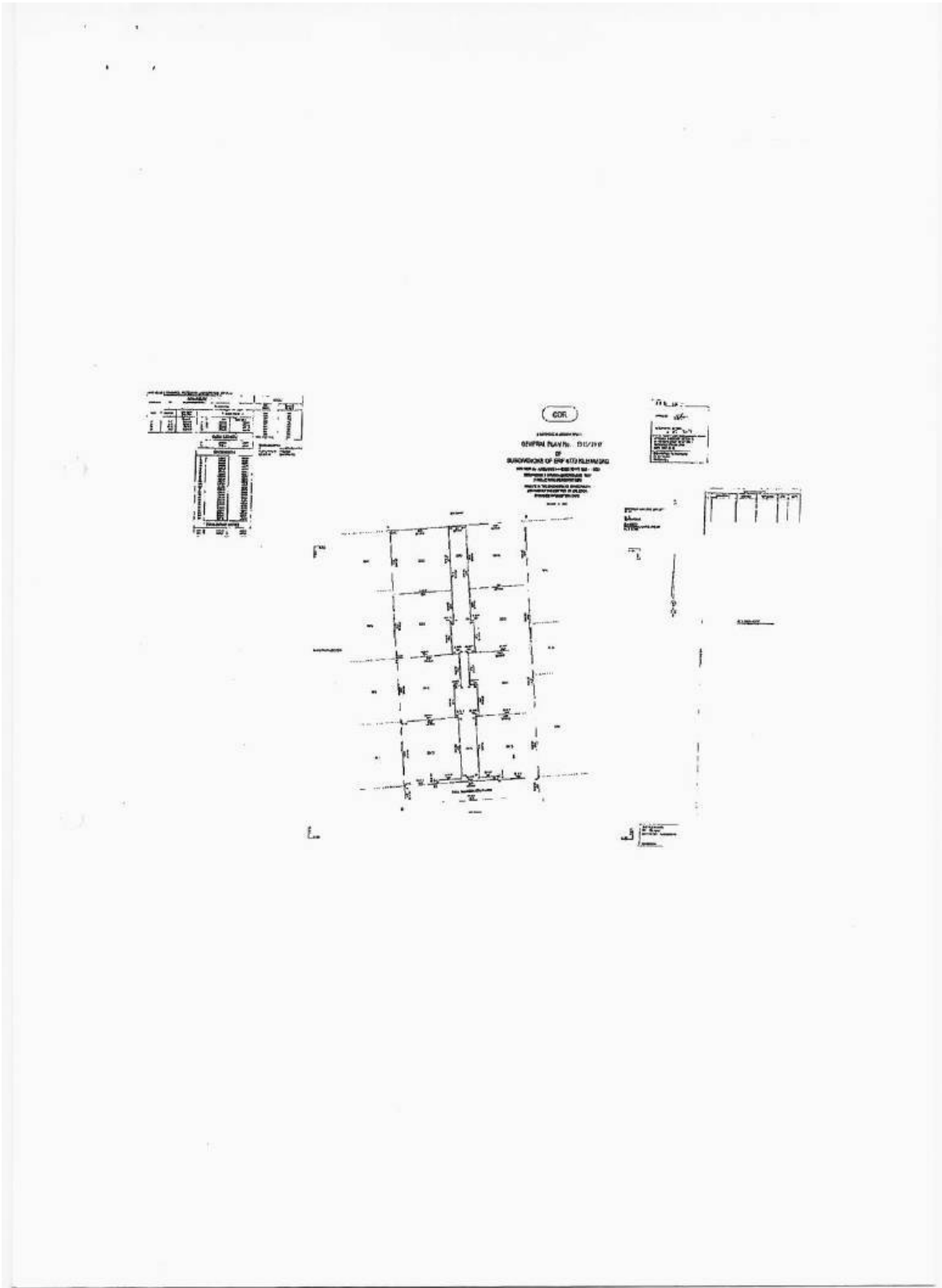
**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

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 application is to ensure that the rights will not lapse and thus all the approvals remain in place and no additional rights were requested.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR EXTENSION OF THE PERIOD OF VALIDITY OF AN
APPROVAL: ERF 4773, KLEINMOND**

Conditions:

1. that all the conditions contained in the previous approval, dated 24 May 2017, are still applicable and must be adhered to.

D. P. N. Arden
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

12.05.2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

**26. ERF 11166, 10 CHURCH STREET, WESTCLIFF, HERMANUS:
APPLICATION FOR APPROVAL OF THE SITE DEVELOPMENT PLAN:
MESSRS WRAP PROJECT OFFICE ON BEHALF OF ABAGOLD (PTY) LTD**

11166 HWC (3768)

(H Boshoff)

SW van der Merwe

(028) 313 8900

Hermanus Administration

9 September 2022

EXECUTIVE SUMMARY

An application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 11166, Hermanus, has been received on 23 August 2022 (revised application) from Messrs WRAP Project Office on behalf of Abagold (Pty) Ltd for the approval of a Site Development Plan for the existing aquafarm development on the property, as well as for the expansion of the existing development of the aquafarm.

RESOLVED

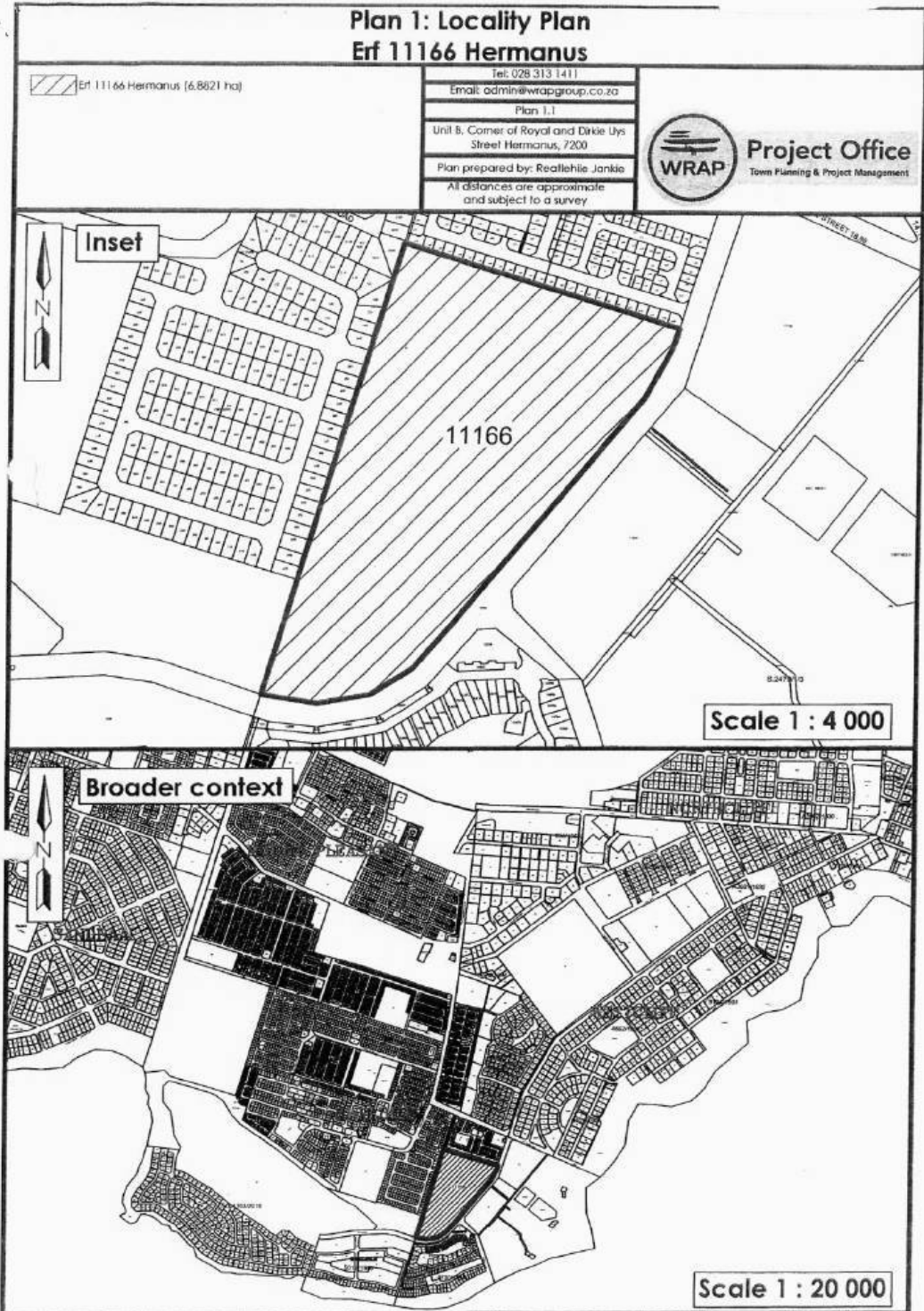
1. that the application in terms of in terms of Section 16(2)(g) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, applicable to Erf 11166, Hermanus for the approval of a Site Development Plan (SDP) for the existing aquafarm development on the property, as well as for the expansion of the existing development of the aquafarm, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the above approvals be subject to the following conditions in terms of Section 61(b) of the By-Law:
 - (a) that the Electrical Department must be contacted for wayleaves before any roadworks commences at the access points of the property;
 - (b) that detailed building plans must be submitted to the Building Department and that all the requirements of the Building Department and Fire Services must be complied with;
 - (c) that the SDP be restricted to development as indicated on Plan 3.1 / August 2022 that was submitted with the application and that the said plan be the SDP for the property;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (d) that all the applicable conditions of the previous approval pertaining to the rezoning of the property must still 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;
3. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 regarding the above conditions of approval.

REASONS FOR RESOLUTION'

- ❖ The existing development and the nature and scale of the proposed expansions necessitate an approved SDP for the property.
- ❖ The existing development and the expansion thereof comply with all the development parameters as set out in the Overstrand Land Use Scheme.
- ❖ The property is not designated as environmentally sensitive in terms of the EMOZ.
- ❖ The property is not designated as heritage sensitive in terms of the HPOZ.
- ❖ All services are existing, and no new services are required.
- ❖ No planning principles as set out in SPLUMA are affected negatively.
- ❖ The approval and implementation of the SDP will attract more job opportunities.
- ❖ The impact on traffic will not increase as a result of the additional access point.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF THE SITE DEVELOPMENT PLAN FOR
THE PROPERTY: ERF 11166, WESTCLIFF**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Operational Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erf 11166, Westcliff, 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.

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

02/02/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

27. ERF 3109, 68 SEAVIEW DRIVE, BETTY'S BAY: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: FVS TOWN AND REGIONAL PLANNERS ON BEHALF OF ELEPHANT ROCK INVESTMENT TRUST

3109 KBB (3797/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

1 September 2022

EXECUTIVE SUMMARY

An application has been received on 14 September 2021 from FVS Town and Regional Planners on behalf of Elephant Rock Investment Trust on Erf 3109, Betty's Bay for the following:

- ❖ **Removal of Restrictive Title Deed Condition** in terms of Section 16.(2)(f) of the By-Law for the removal of restrictive title deed condition C.I.5.(d), as contained in Title Deed T14153/1995 of the property to accommodate the existing dwelling.

The restrictive title deed condition reads as follows:

*"E. **SUBJECT FURTHER** to the following conditions:*

1. Imposed by the Administrator of the Province of the Cape of Good Hope as contained in Deed of Transfer No. T39977/1973 when approving of the establishment of SUNNY SEAS TOWNSHIP in terms of the provisions of Ordinance No. 33 of 1934, as amended:-

5. 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:-

(d) 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, 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, and outbuilding not exceeding 3,05 metres in height measured from the floor to the wall plate and no portion of which

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven, this condition shall apply to the consolidated area as one erf;"

- ❖ **Departure** in terms of Section 16.(2)(b) of the By-Law to relax street building line from 4m to 3,786m to accommodate the existing dwelling.
- ❖ **Determination of Administrative Penalty** in terms of Section 16.(2)(q) of the By-Law for the unauthorized encroachments of the existing dwelling on the property.

RESOLVED

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 3109, Betty's Bay for the removal of restrictive title deed condition C.1.5.(d), as contained in Title Deed T14153/1995 of the property to accommodate the existing dwelling, **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 3109, Betty's Bay for a departure in order to relax street building line from 4m to 3,786m to accommodate the existing dwelling, **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 this approval is only for the development as indicated on plan number A101 BB3109/21 dated 10 November 2021 submitted with the application;
 - (b) that no further departures over the building lines be approved; except as stipulated in 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 Fire Departments be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

4. that the determination of an administrative penalty in terms of Section 90(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorized encroachments of the existing dwelling on the property was considered and that **no administrative penalty be imposed.**
5. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

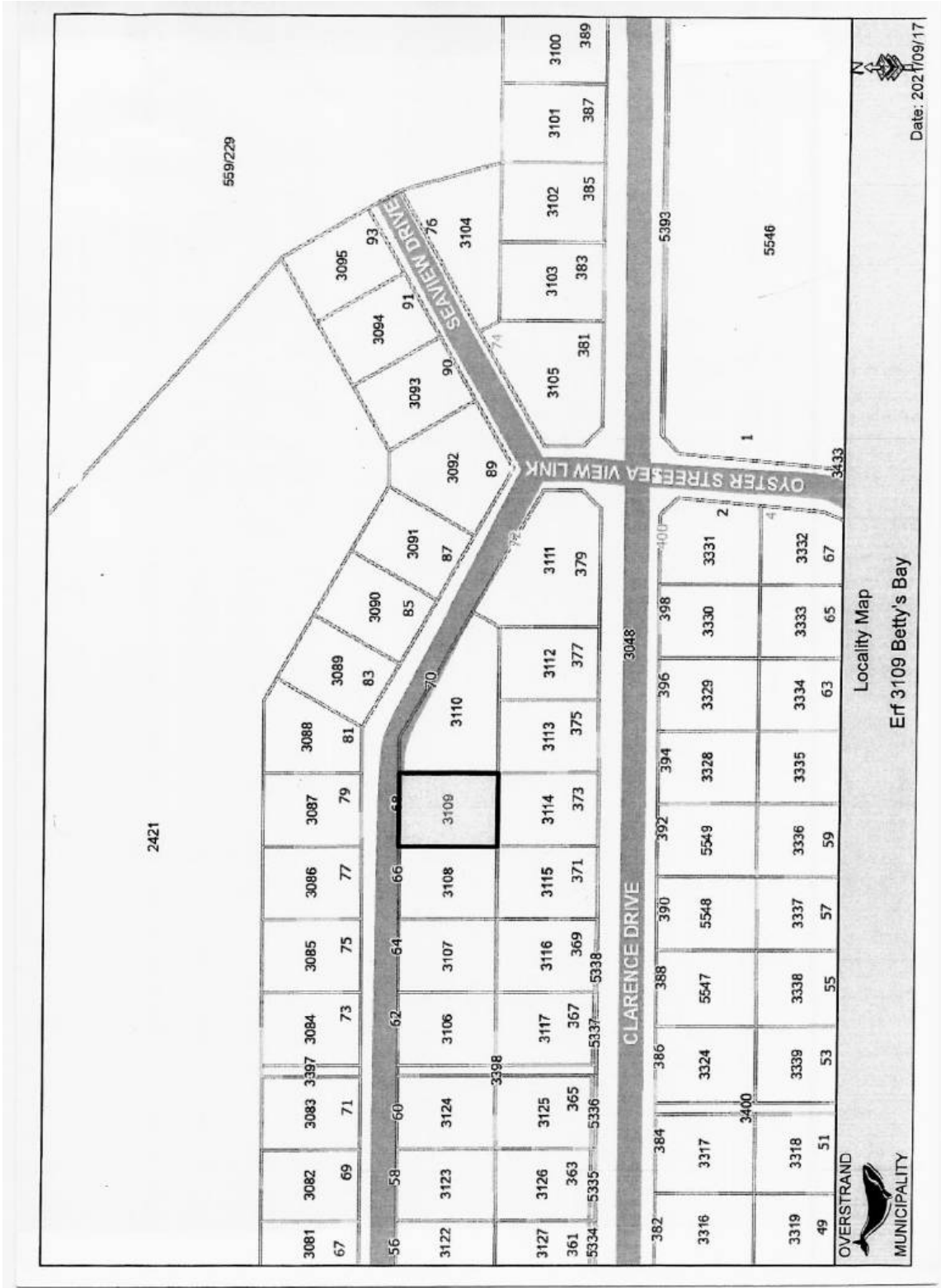
REASONS FOR RESOLUTION

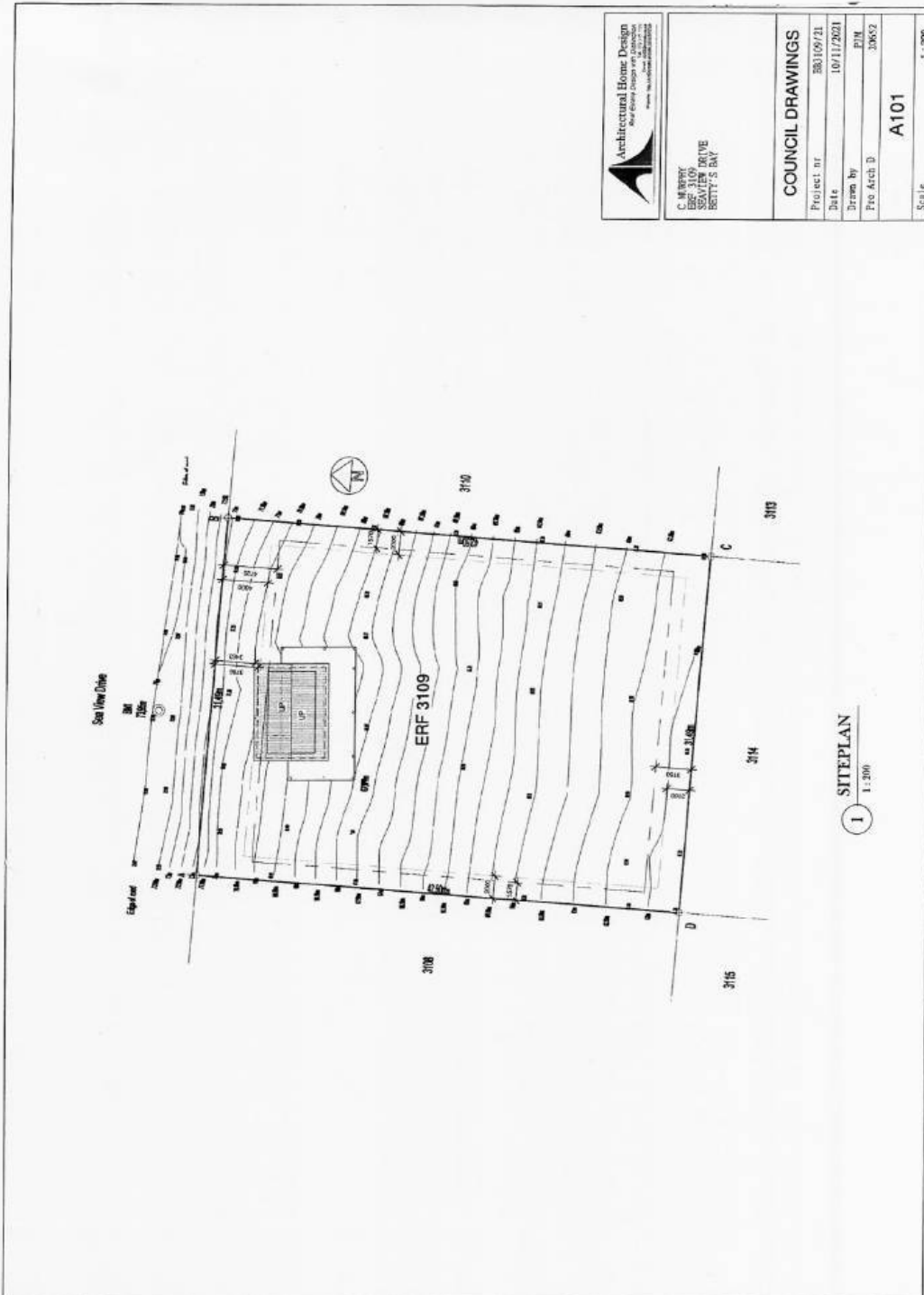
POINTS 1 AND 2

- ❖ The surrounding owners did not object.
- ❖ The legalizing of the existing dwelling will have no impact on the surrounding area.
- ❖ The remainder of the erf will not be disturbed, and the natural vegetation remains in place and environmental value to the area.
- ❖ The Title Deed does make provision for cases deemed expedient.

POINT 4

- ❖ The proposed structure has already been constructed in 1997 with building plan submission approval. It was uncovered that a land use application was required for the unauthorised building work. The owners then submitted a land use application to be compliant with Overstrand Municipal planning laws.
- ❖ The owner sought to rectify the unauthorised activity immediately when the illegality was identified.
- ❖ The surrounding owners did not object during the planning process.
- ❖ The proposed structure is of a minor nature as it has an extent of only $\pm 4,5\text{m}^2$ and is considered to be a normal residential structure.





**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

28. ERF 4951, 70 BOTRIVER ROAD, KLEINMOND: APPLICATION FOR DEPARTURE: S SCHUTTE ON BEHALF OF DJJ & MMD VAN ZYL

4951 KKM (4063/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

1 September 2022

EXECUTIVE SUMMARY

An application has been received on 14 February 2022 from S Schutte Architects on behalf of DJJ & MMD Van Zyl on Erf 4951, Kleinmond in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure in order to relax the lateral building line from 2m to 1,46m to accommodate a built braai.

RESOLVED

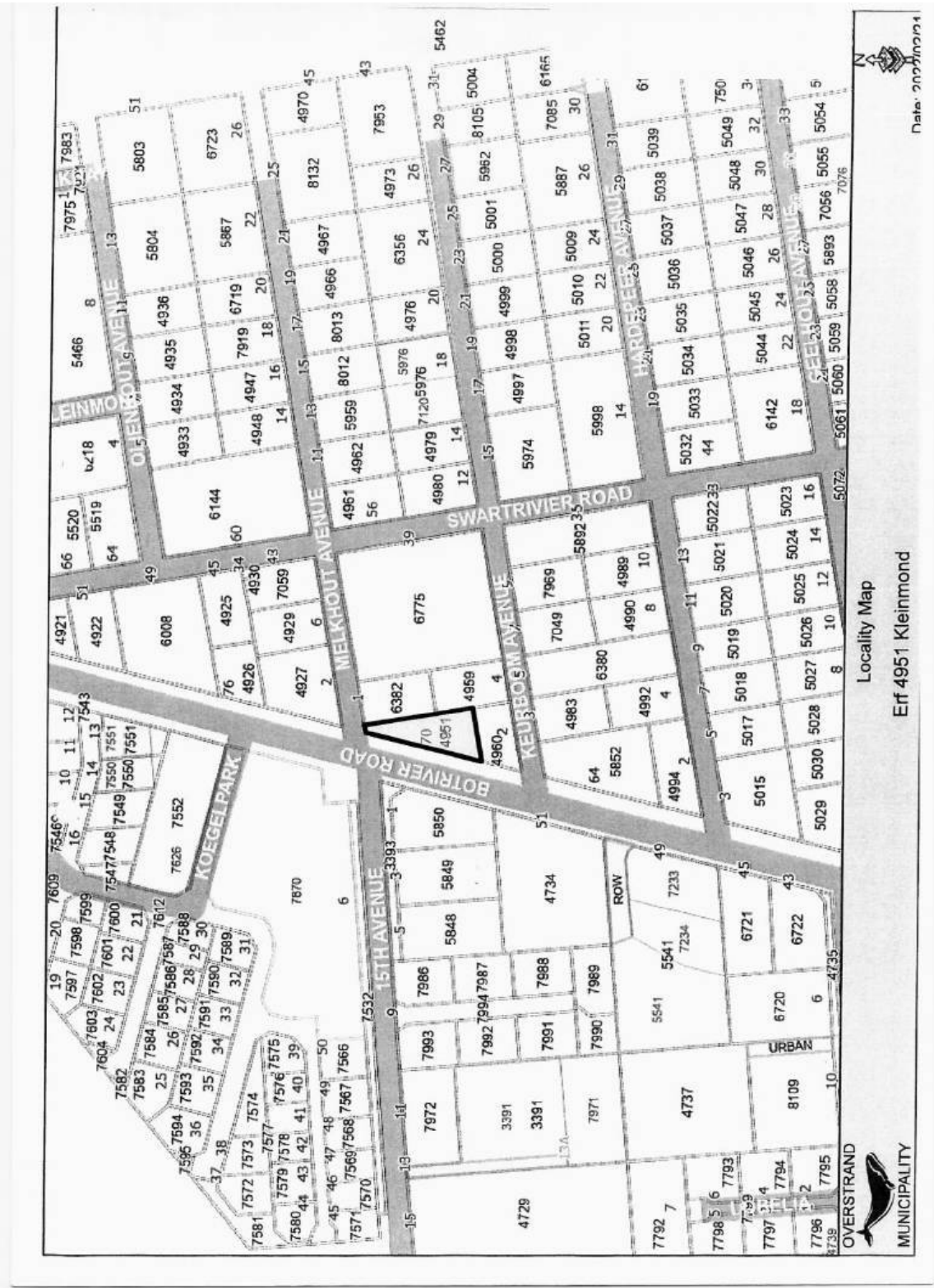
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2020 on Erf 4951, Kleinmond for a departure in order to relax the lateral building line from 2m to 1,46m to accommodate a built braai, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan number E.191.K (1-4), dated 13 January 2022 as submitted with the application,
 - (b) that no further transgression over the building lines will be allowed, except that is sanctioned by the Overstrand Zoning 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 Departments be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (f) that all the conditions in the Services Report, be complied with, and

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (g) that all the conditions imposed by Telkom, 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 4951, Kleinmond for the unauthorized building work was considered and that **no administrative penalty be imposed.**
 3. that the applicant and objector 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 decision.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The proposed application fits in with the character of the surrounding area and is desirable.
- ❖ The 40mm transgression of the chimney breast is minor and will have no bearing on the allegations of the objector and an administrative penalty on 2m² is nonsensical. The administrative cost will be more than the penalty itself.



Locality Map
Erf 4951 Kleinmond



Date: 2022/02/24

General Specifications

All building work in accordance with the National Building Regulations and the South African Standard Code of Practice SANS 10400.

Slower work in accordance with the National Building Regulations and Municipal by-laws.

All structural concrete work to Engineer's design and specification.

All changes in level, the design of ramps and driveways in accordance with the detailed requirements of SANS 10401-D.

Builders, boiler and site operators to be in accordance with SANS 10400-F.

Fire safety to comply with SANS 10400-T and the Overstrand Fire Safety By-law PN 6454 - 2007.

All materials and fittings used to be SABS approved. It is the responsibility of the Owner to appoint a Land Surveyor to confirm erf boundaries.

It is the responsibility of the Owner to appoint a Health and Safety Agent to comply with the Construction Regulations 2014 and the Occupational Health and Safety Act.

All concrete work to comply with SANS 2001-CCT & CC2.

Gas installation plan to be submitted by installer if required.

Areas:
No new covered area

Footprint: 159.52m²
Floor: 646m²
Coverage: 25%

Class of occupancy of building: H4 Dwelling House

Occupancy: 4

Population: Residential Zone 1 - Single Residential

Zoning: 4 (Low/Low)

Orientation: West

Energy Zone: 4 (Low/Low)

Engineer's Signature:

General Notes:

All deviations from plan, however minor, must be recorded to and approved by the Architect in writing. Failure to do so will absolve the Architect of ANY further responsibility falling directly or indirectly to the Owner.

Owner's Signature: _____

Architect's Signature: _____

Site Plan
Scale 1:250



Sandra Schutte
 B.Arch, M.Arch, CA
 121 Main Road
 PO Box 82
 Kleinmond
 7195
 dschutte@telkomsa.net

Client: van Zyl
Project: Building Plans for Municipal Approval
Documentation of existing pergola and braai
Erf No. 4951
70 Bot River Road
Kleinmond

Scale: 1:250

Project No: SACAP Reg. No. Pr Act 21077
Client: van Zyl
Project: Building Plans for Municipal Approval
Documentation of existing pergola and braai
Erf No. 4951
70 Bot River Road
Kleinmond

Scale: 1:250

Project No: E-191.K
Revision: 0
Revision Date: 2022/01/13
Sheet No: 1 of 4

General Specifications

All building work in accordance with the National Building Regulations and the South African Standard Code of Practice SANS 10400.

Slower work in accordance with the National Building Regulations and Municipal by-laws.

All structural concrete work to Engineer's design and specification.

All changes in level, the design of ramps and driveways in accordance with the detailed requirements of SANS 10401-D.

Builders, boiler and site operators to be in accordance with SANS 10400-F.

Fire safety to comply with SANS 10400-T and the Overstrand Fire Safety By-law PN 6454 - 2007.

All materials and fittings used to be SABS approved. It is the responsibility of the Owner to appoint a Land Surveyor to confirm erf boundaries.

It is the responsibility of the Owner to appoint a Health and Safety Agent to comply with the Construction Regulations 2014 and the Occupational Health and Safety Act.

All concrete work to comply with SANS 2001-CCT & CC2.

Gas installation plan to be submitted by installer if required.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 4951, KLEINMOND**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that 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 4951 Kleinmond, unobstructed.

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

11/05/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

29. PORTION 18 OF THE FARM NO. 679, PAAPJES VALLEY, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR THE AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN: MESSRS WRAP PROJECT OFFICE ON BEHALF OF H & N GREVER

679/18 RCAL (4096/2022)

P Roux

(028) 313 8900

Hermanus Administration

05 September 2022

EXECUTIVE SUMMARY

To consider an application received on 15 March 2022 from Messrs WRAP Project Office on behalf of H & N Grever, the owners of the Portion 18 of the Farm No. 679, Paapjes Valley, that an application has been received for the amendment of the approved site development plan in terms of Section 16 (2)(l) of the By-law, in order to convert an existing structure on the property into the main dwelling.

RESOLVED

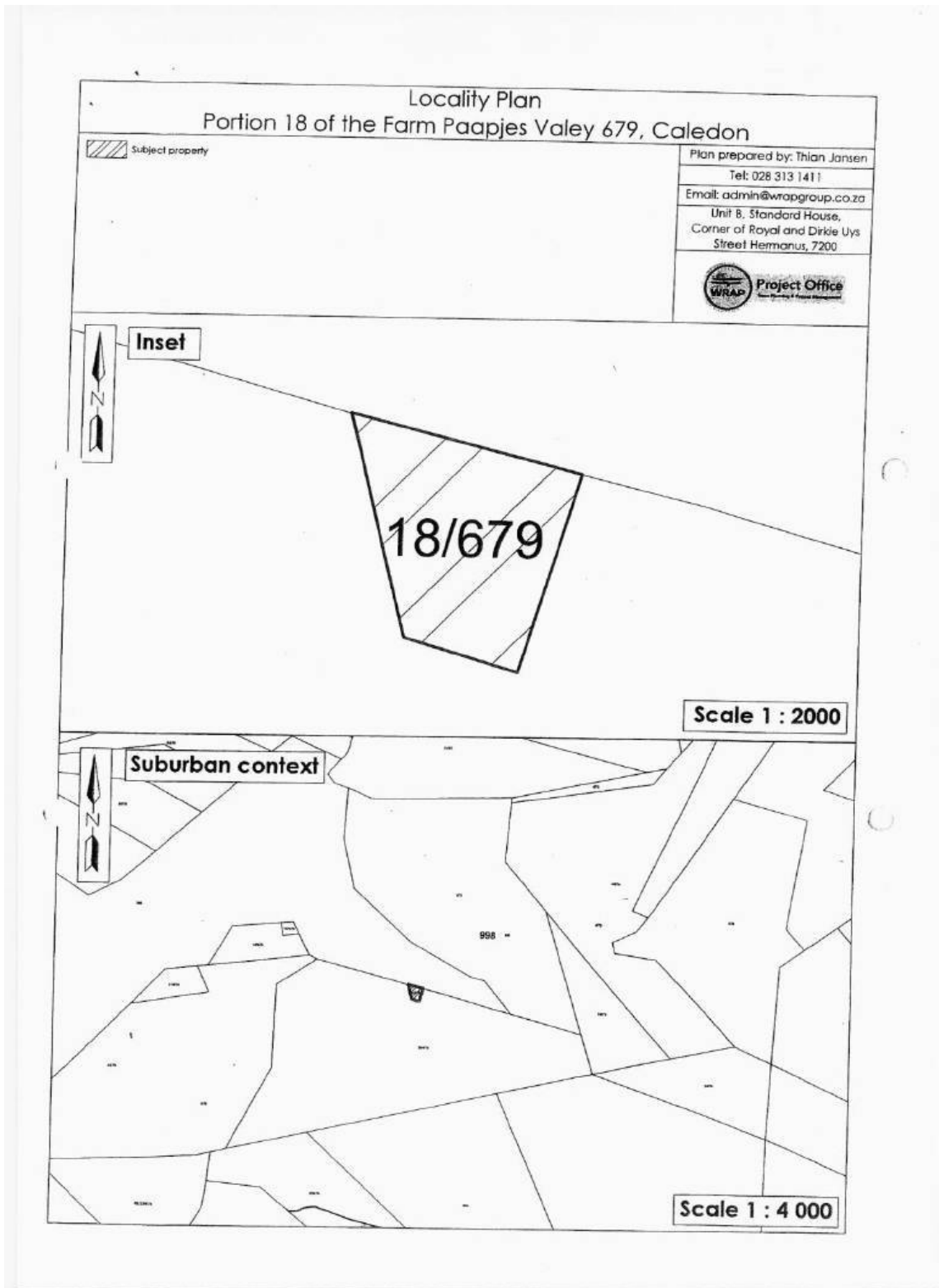
1. that the comment be noted;
2. that the application for amendment of the approved Site Development Plan in terms of Section 16(2)(l) of the Overstrand Municipal Land Use Planning Amendment By-law, 2020 applicable to Portion 18 of the Farm No. 679, Paapjes Valley, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that the approval for the amendment of the Site Development is only applicable to the buildings and structures as per the attached SDP (converting the existing structure to a main dwelling and removing the previously approved main dwelling);
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department, be complied with;
 - (c) that all the conditions in the Services Report and District Health and Fire Department, be complied with;
 - (d) that the original conditions of approval dated 9 March 2012 be adhered to;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

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

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The proposed amendment will be of a minor scale which will not have a negative impact on the vested rights of the adjoining property owners.
- ❖ None of the internal departments have objected to the application.
- ❖ It is in line with the aims of the Overstrand SDF.



AMENDED
Site Development Plan
Portion 18 of the Farm Paapjes
Valley 679, Caledon

Plan prepared by: Ithan Jansen

All distances are approximate
and subject to a survey

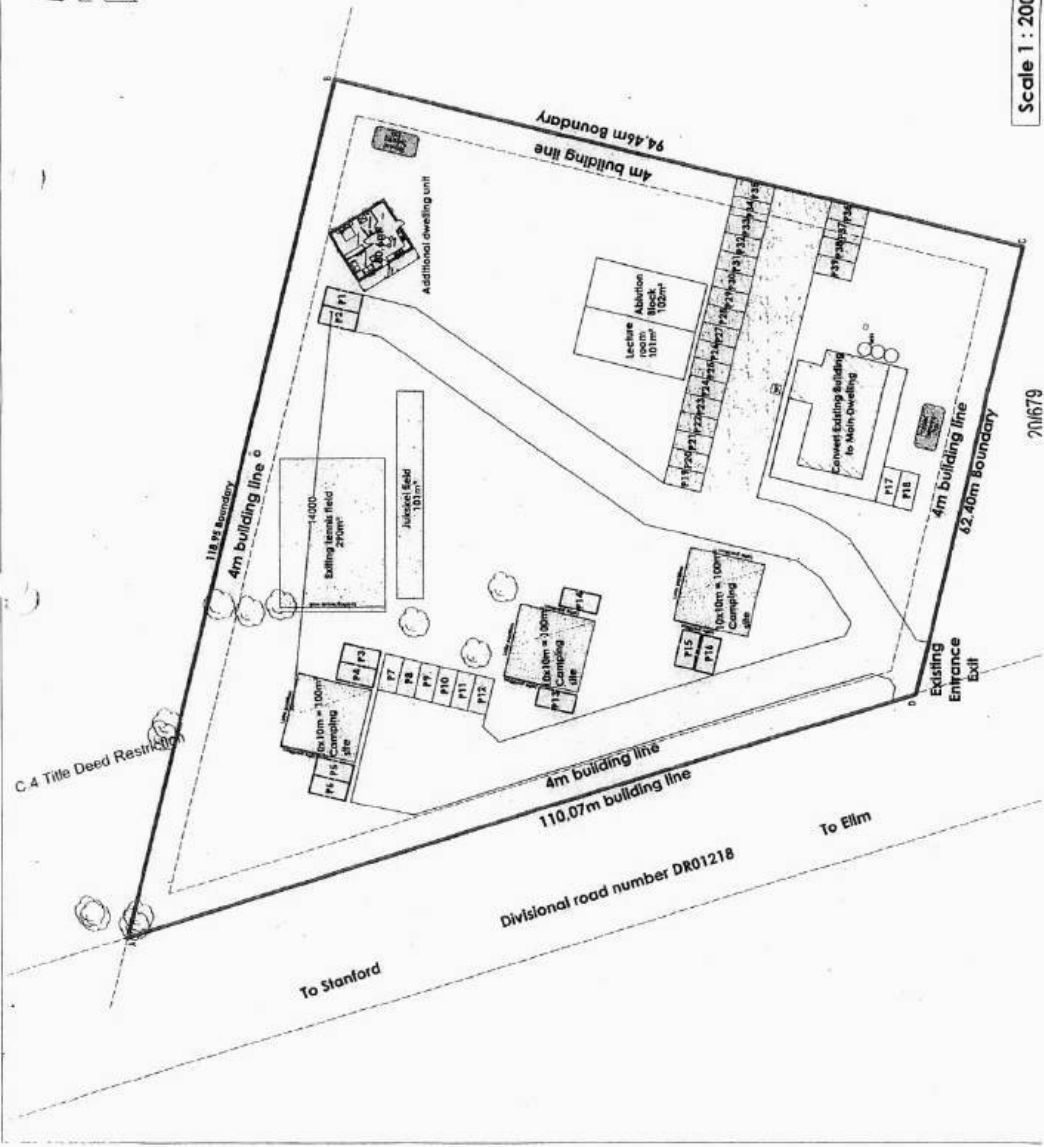
Tel: 028 313 1411

Email: admin@wvsgroup.co.za

Unit 8, Stanford House, Corner of Royal and Diale Us
Street, Heemstade, 7200.



Project Office
Team Working & Project Management



Scale 1 : 2000

20/679

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF THE APPROVED SITE
DEVELOPMENT PLAN: PORTION 18 OF THE FARM PAAPJES VALLEY
NO. 679, CALEDON DIVISION**

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

Conditions:

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
2. that no water service from Overstrand Municipality is available and the developer is responsible for the provision of any water supply and/or services to the development;
3. that the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, BOCMA etc.) for the use of any other water resources and the extraction thereof;
4. that the quality of potable water comply with SANS0241 standards and that relevant proof be submitted to the Manager: Water Infrastructure & Quality, Overstrand Municipality (Tel: 028 313 5046, email: probinson@overstrand.gov.za);
5. that no sewerage service from Overstrand Municipality is available and no municipal sewerage services will be rendered to the development;
6. that the owner will be responsible for the removal of sewerage from the proposed development, and the safe disposal thereof at a licensed municipal sewerage treatment facility;
7. that the proposed development must be provided with adequate sewer conservancy tanks, which must comply with the relevant legislation;
8. that, alternatively, the developer will be responsible to obtain the necessary approval, licences and permits from the applicable authorities (water affairs, health, etc.) for the use of any other method of sewage disposal;

9. that the owner is responsible for the removal of all refuse generated on the property and the disposal thereof at a registered municipal waste transfer station or –waste disposal facility;
10. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and the Department of Water Affairs for approval;
11. that the developer complies to all the conditions set by Department Of Water & Environmental Affairs;
12. that on-site parking facilities are provided as per Planning Schedule and to the satisfaction of the Department: Operational Services;
13. that the developer will arrange with Provincial Administration to obtain approval for any new access from the Provincial road.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

04/07/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

30. ERF 3676, 36 MYRICA ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR A RELAXATION OF TITLE DEED CONDITION: COMPROP DESIGNS ON BEHALF OF JT NEL

3676 KBB (4130/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

21 September 2022

EXECUTIVE SUMMARY

An application has been received on 26 April 2022 from Comprop Designs on behalf of JT Nel on Erf 3676, Betty's Bay in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the relaxation of Condition 7 of Title Deed No. T14518/2020 to relax the lateral building line from 3m to 2m to accommodate the extension of the existing house.

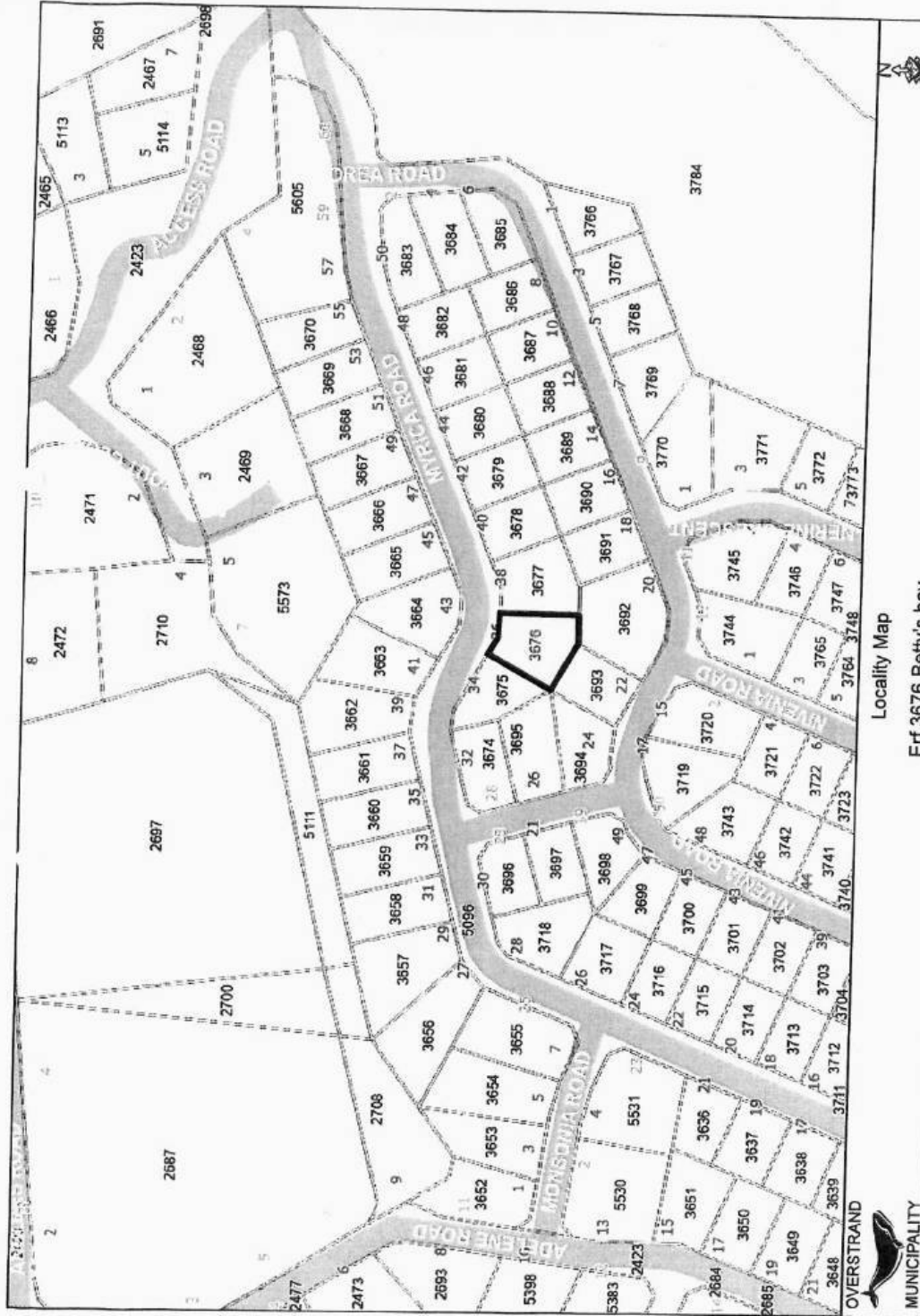
RESOLVED

1. that the application in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the relaxation of Condition 7 of Title Deed No. T14518/2020 to relax the lateral building line from 3m to 2m to accommodate the extension of the existing house, **be approved** in terms of Section 61 of the By-Law;
 - (a) that this approval is only for the development as indicated on plan number P20123N dated 20 April 2022, submitted with the application;
 - (b) that no further departures over the building lines be approved; except as stipulated in 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 Departments be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

REASONS FOR RESOLUTION

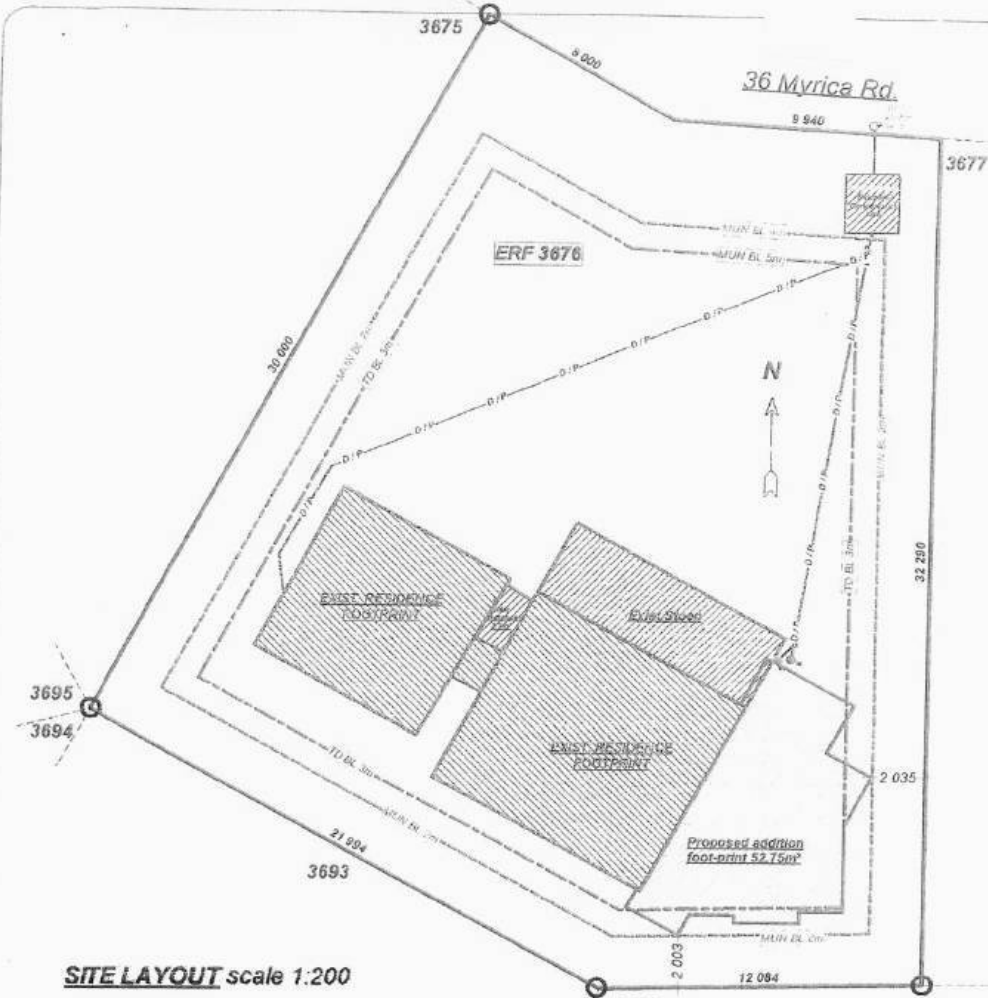
- ❖ The surrounding owners did not object.
- ❖ The extension of the dwelling will have no impact on the surrounding area.
- ❖ The application is in line with similar applications approved in the area.



Locality Map
Erf 3676 Betty's bay



Date: 2022/04/29



SITE LAYOUT scale 1:200

We the under signed having been shown the proposed submission plans for the addition at erf 3676BB hereby consent to the encroachment of the 3m Title Deed building line up to the 2m building line as per the Overstrand Municipal Zoning Scheme as shown above.

<u>Erf</u>	<u>Date</u>	<u>S igned as owner</u>
3677
3692

Project no.
P20123N
Scale:
1:200
Date:
2022/04/20
Drawn:
Jan W. Schaap

PROPOSED REVISED SITE-LAYOUT FOR ADDITION FOR OWNER - MR. J.T. Nel

© DESIGN - Intellectual Properties and copy right is owned by Jan W. Schaap

COMPROP designs
SACAP reg: S2539T
Architectural Consultants & Planners

P.O. Box 210, Betty's Bay, Cel: 082 684 3221
Email: compropdesigns@gmail.com

These drawings either approved or unapproved remain the property of Comprop Designs until all fees and disbursements due to Comprop Designs have been paid in full.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 3676, BETTY'S BAY**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigates and determine the limitations of the site in terms of drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
7. that stormwater be allowed to discharge through Erf 3676, Betty's Bay, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES

16/09/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- 31. ERF 1746, CORNER OF MAIN ROAD AND LONG STREET, SANDBAAI: APPLICATION FOR THE DELETION OF A CONDITION OF APPROVAL AND SUBSEQUENT AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN: MESSRS PLANACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF “SOBREY EIENDOMS BELEGGINGS BK” (PADDAKOOR PRE-PRIMARY SCHOOL)**

**1746 (3894) HSB
H van der Stoep
26 September 2022**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application, applicable to Erf 1746, Sandbaai has been received on 4 November 2021 from Messrs PlanActive Town and Regional Planners on behalf of “Sobrey Eiendoms Belegging BK” in terms of Sections 16(2)(h) and 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ✚ amendment of condition 3(a) in respect of the approval of the Authorised Official on 22 January 2019 for the approval of the amendment of the Site Development Plan (SDP) to allow for additions to the pre-primary school (Paddakoor Pre-Primary School) on the above property, which condition restricts the development of the pre-primary school on the property to Plan No *SANDB1746SDP.DRW* dated *April 2018*; and
- ✚ the subsequent amendment of the above approved Site Development Plan to accommodate two additional classrooms for the pre-primary school on the property.

RESOLVED

1. that the applicable to Erf 1746, Sandbaai in terms of Sections 16(2)(h) and 16(2)(l) of the Overstrand Municipality Amendment By-Law (By-Law) on Municipal Land Use Planning, 2020 for the following to:
 - ✚ amendment of condition 3(a) in respect of the approval of the Authorised Official on 22 January 2019 for the approval of the amendment of the Site Development Plan (SDP) to allow for additions to the pre-primary school (Paddakoor Pre-Primary School) on the above property, which condition restricts the development of the pre-primary school on the property to Plan No *SANDB1746SDP.DRW* dated *April 2018*; and

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- ✚ the subsequent amendment of the above approved Site Development Plan to accommodate two additional classrooms for the pre-primary school on the property;

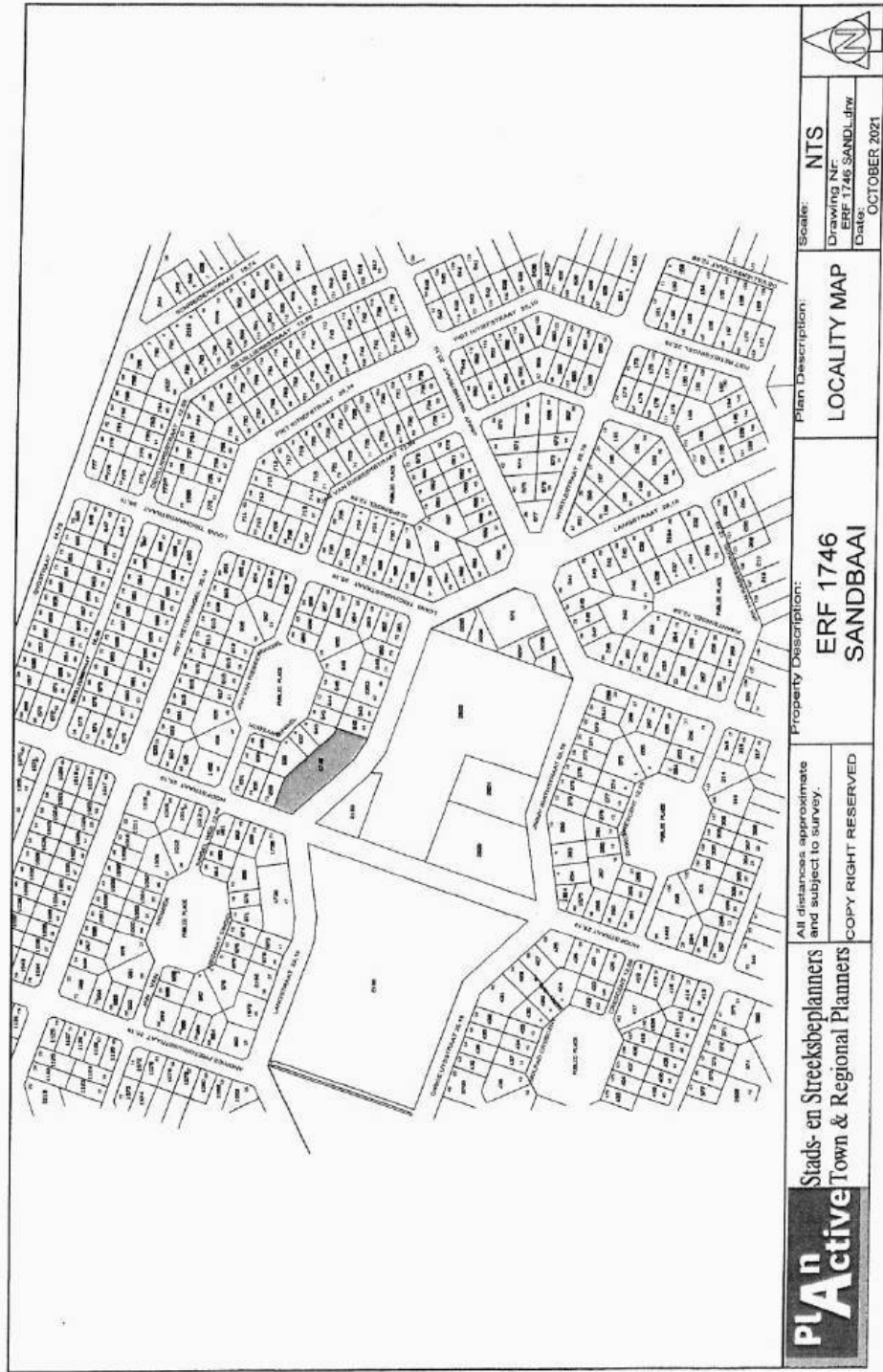
not be approved in terms of the provisions of Section 61 of the By-Law;

2. that condition 3(a) in respect of the approval of the Authorised Official on 22 January 2019 for the approval of the amendment of the Site Development Plan (SDP) to allow for additions to the pre-primary school (Paddakoor Pre-Primary School) on the above property **be permanently deleted** in terms of Section 61(b) of the By-Law:
3. that the recommendations above be subject to the following conditions:
 - (a) that building plans for the two additional classrooms be submitted to the Building Department and that all the requirements of the Building Department and Fire Services at that stage, must be complied with;
 - (b) that all the other applicable conditions as set out Authorised Official's decision on 22 January 2019, must still be complied with;
 - (c) that the proper construction of the parking area as per condition 3.(b) of the Authorised Official's decision on 22 January 2019, must be commenced with immediately and be completed to the satisfaction of the Area Manager: Hermanus;
 - (d) that the above decisions do not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with; and
 - (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
 - (g) that the school complies with all Early Childhood Development requirements;
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.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ The proposed classrooms do not impact negatively on the rights of surrounding landowners or the character of the surrounding built environment.
- ❖ All services already exist on the property and no additional services are required.
- ❖ It is unfair towards the landowner to submit a planning application every time there is an addition to the school or the property itself whilst other property owners with similar business properties only need to submit building plans.
- ❖ At building plan stage any additions is evaluated against the development parameters as set out in the Overstrand Land Use Scheme to which it must comply with.
- ❖ It is regarded as being desirable from a town planning perspective.



PLA'n Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description:	ERF 1746 SANDBAAI
		Plan Description:	LOCALITY MAP
		Scale:	NTS
		Drawing Nr:	ERF 1746 SANDL.dwg
		Date:	OCTOBER 2021

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF A CONDITION IN RESPECT OF AN
EXISTING APPROVAL & THE AMENDMENT OF THE APPROVED SITE
DEVELOPMENT PLAN (PADDAKOOR PRE-PRIMARY SCHOOL): ERF 1746,
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, 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 1746, Sandbaai, unobstructed;
7. that no on-street parking be allowed.


**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

04-03-2021
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

32. ERF 688, 12 BARBARA ROAD, PRINGLE BAY: APPLICATION FOR DEPARTURE AND RELAXATION OF TITLE DEED: N DOOGE

688 KPRB (4100/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

6 September 2022

EXECUTIVE SUMMARY

An application was received on 30 March 2022 from N Dooge on Erf 688, Pringle Bay in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure in order to relax the street building line from 4,0m to 3,715m to accommodate an external staircase.

The application also entails the relaxation of Clause III.f.(2) of Title Deed No. T57755/2012 to relax the street building line from 5m to 3,715m to accommodate an external staircase.

RESOLVED

1. that the application in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the relaxation of restrictive title deed Condition III.f.(2) of Title Deed No. T57755/2012 applicable to Erf 688, Pringle Bay to relax the street building line from 5m to 3,715m to accommodate an external staircase, **be approved** in terms of Section 61 of the By-Law.
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 688, Pringle Bay for a departure in order to relax the street building line from 4,0m to 3,715m to accommodate an external staircase, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the development indicated on Plan number 2022/01 P.1 dated January 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 all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with, and

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

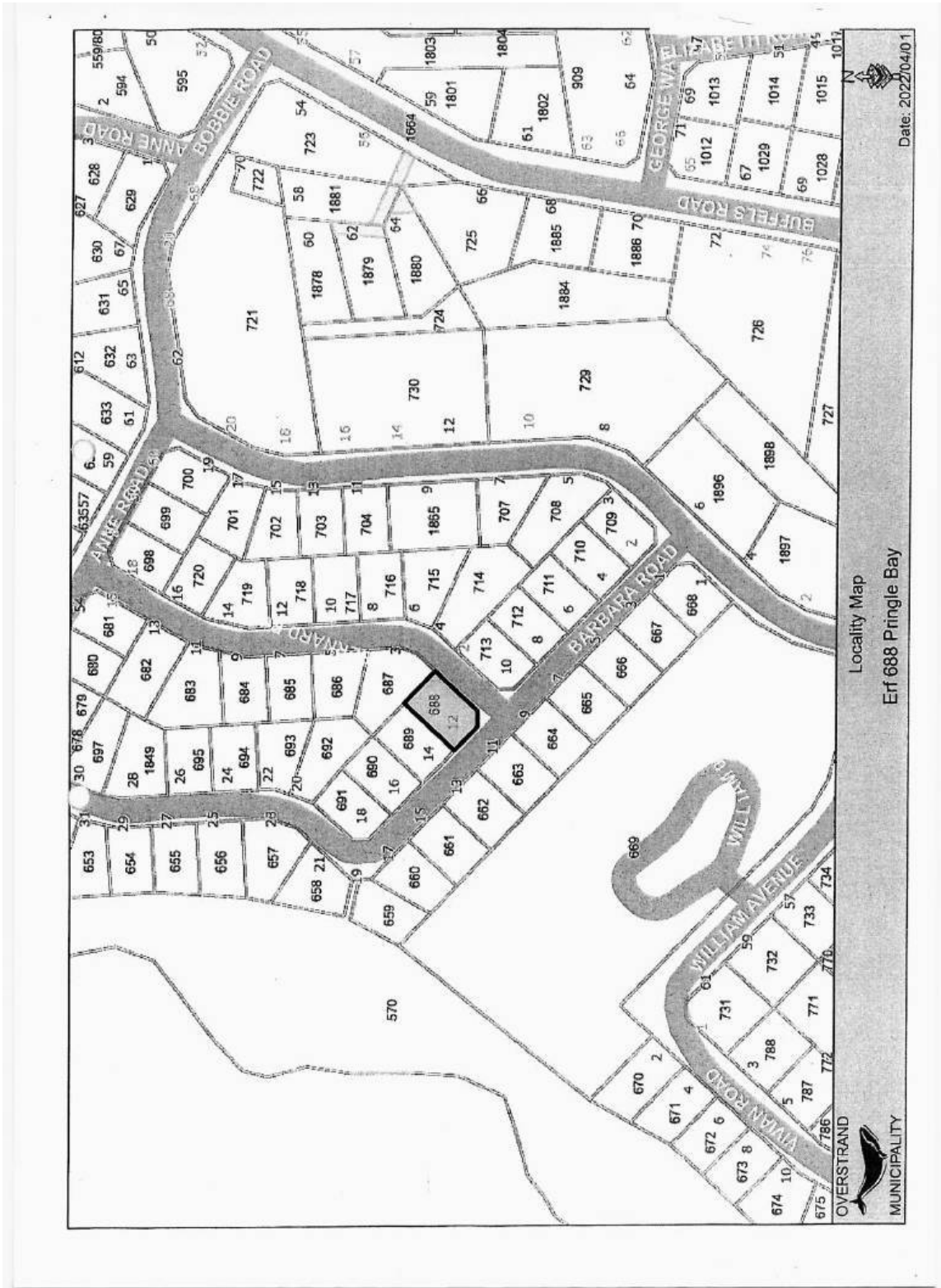
- (d) that this approval does not absolve the applicant from compliance with any other relevant legislation.
3. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 688, Pringle Bay for the unauthorized building work was considered and that **no administrative penalty be imposed.**
4. that the applicant be notified of its right of appeal (*against Paragraph 2. above*) in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

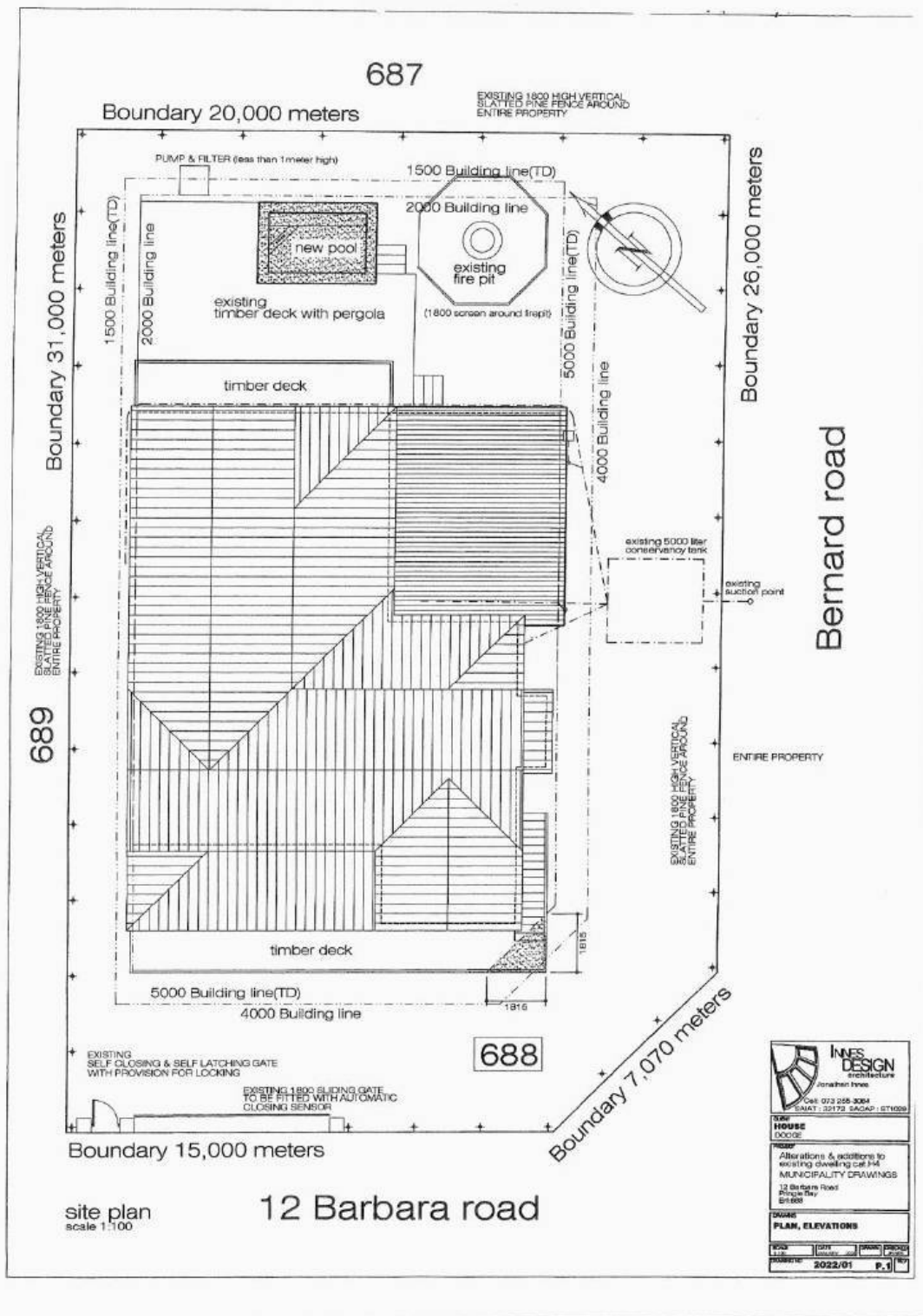
REASONS FOR RESOLUTION

- The application has followed due procedure.
- The proposed application fits in with the character of the surrounding area and is desirable.
- There will be no impact on services.
- The proposal will have no negative impact on the environment.
- Consent letters were received from surrounding property owners.

REASONS NOT TO IMPOSE AN ADMINISTRATIVE PENALTY

- The two stairs are less than 1m, which is considered acceptable in terms of the Land Use Scheme in evaluating structures over the building line.
- There is no impediment on pedestrian or vehicle flow.
- The penalty is having in effect be addressed by this application in terms of financial contribution.
- The obtaining of 2 quotations and determine the average is not deemed viable in terms of time and productivity.





INNES DESIGN
architecture

Call: 022 258 3004
Email: 20173 SAGAP@INNESDESIGN.CO.NZ

TYPE:
HOUSE
DOCGE

REASON:
Alterations & additions to existing dwelling cat H4
MUNICIPALITY DRAWINGS
12 Barbara Road
Plympton Bay
811000

DRAWN:
PLAN, ELEVATIONS

NO.	DATE	REVISION	BY	CHECKED
1	2022/01			

PROJECT: 2022/01 P.1

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

**33. ERF 6868, 27 NERINA STREET, EXTENSION 6, KLEINMOND,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE:
SANDRA SCHUTTE ARCHITECTS ON BEHALF OF C & JJ THEUNISSEN**

6868 KKM (4173/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

26 September 2022

EXECUTIVE SUMMARY

An application has been received on 8 June 2022 from Sandra Schutte Architects on behalf of C & JJ Theunissen on Erf 6868, Kleinmond in terms of the Overstrand Municipality 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 north-eastern lateral building line from 1m to 0,875m and 0,926m respectively to accommodate the existing garage, living room and bedroom 1 on ground floor level and the proposed new balcony, study and bedroom 4 on first floor level.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the 9m or third of structures transgressing the north-eastern lateral building line.
- ❖ **Determination of Administrative Penalty** in terms of Section 16.(2)(q) of the By-Law for the unauthorized encroachments of the existing dwelling on the property.

RESOLVED

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2020 on Erf 6868, Kleinmond for the following departures:

- ❖ to relax the north-eastern lateral building line from 1m to 0,875m and 0,926m respectively to accommodate the existing garage, living room and bedroom 1 on ground floor level and the proposed new balcony, study and bedroom 4 on first floor level;
- ❖ to relax the 9m or third of structures transgressing the north-eastern lateral building line;

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

- (a) that this approval is only for the development as indicated on the plan numbers D.214.K (1-7) dated 23 March 2022, as submitted with the application;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (b) that no further transgression over the building lines will be allowed, except that is sanctioned by the Overstrand Zoning 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
 - (f) that all the conditions in the Services Report, be complied with.
2. that the determination of an administrative penalty in terms of Section 90(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorized encroachments of the existing dwelling on the property was considered and that **no administrative penalty be imposed.**
 3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

POINT 1

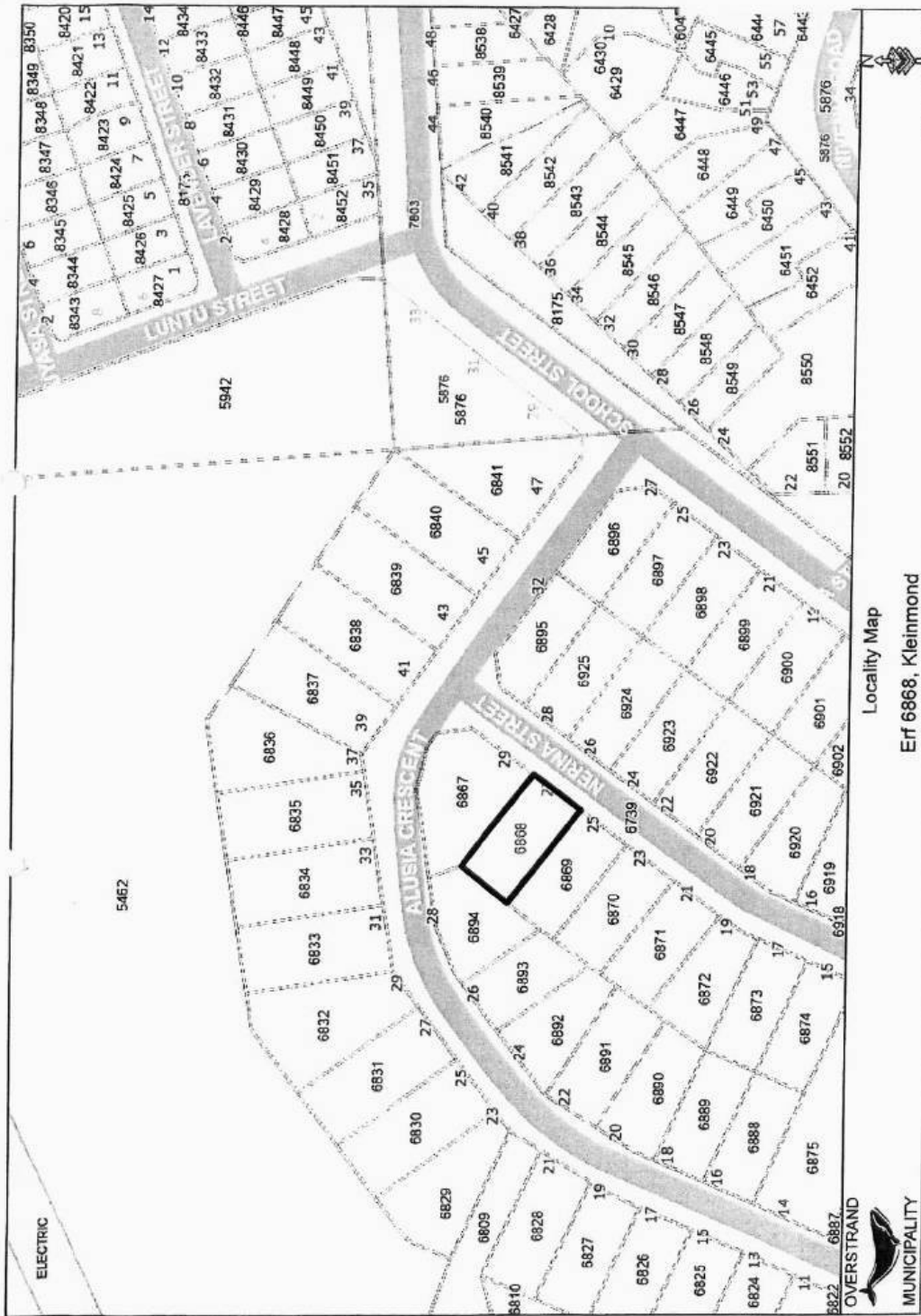
- ❖ The application followed due procedure and the affected neighbours consented to the application.
- ❖ The building on the property has approved building plans.
- ❖ It is the only option for the owner to extend his house due to the limited size of his property.

POINT 2

- ❖ The dwelling was built in 2007 and the transgression of 0,2m is of such a nature that the administrative cost of the Municipality will be more than the penalty amount.
- ❖ The dwelling was built 15 years ago and no additions in this time in terms of illegal extension of the existing house were constructed.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- ❖ The establishment of Kleinmond Extension 6 did have little regard to the housing of vehicles and thus most of the dwellings are encroaching on one lateral or street building line to accommodate vehicles on the property.



Locality Map
Erf 6868, Kleinmond

General Specifications:
 All building work in accordance with the National Building Regulations and the South African Standard Code of Practice SANS 10400.
 Sewer work in accordance with the National Building Regulations and Municipal by-laws.
 All structural concrete work to Engineer's design and specification.
 All changes in level, the design of ramps and driveways in accordance with the detailed requirements of SANS 10400-3.
 Builders toilet and site operations to be in accordance with SANS 10400-4.
 Fire safety to comply with SANS 10400-7 and the Overstrand Fire Safety By-Law PN 6454 - 2007.
 All materials and fittings used to be SABS approved.
 It is the responsibility of the Owner to appoint a Land Surveyor to confirm erf boundaries.
 It is the responsibility of the Owner to appoint a Health and Safety Agent to comply with the Construction Regulations 2014 and the Occupational Health and Safety Act.
 All concrete work to comply with SANS 2001-CC1 & CC2.
 Gas installation plan to be submitted by installer if required.
SANS 10400-3A:2021 Ed 2
 Contractor to take note of all notes listed below and included on drawings to ensure that the resulting building complies with the requirements as stipulated in the SANS 10400-3A:2021 Ed 2 document.
 Contractor will be responsible to prove its compliance by means of photographic or physical evidence that will be evaluated by the Architect before practical completion and the issuing of the Occupancy Certificate.
Floors
 Basement floor to be water resistant in accordance with SANS 2001-CC1-CC2.
 Slab foundations in accordance with SANS 10400-6/J/T
 SANS 10400-6/J/T
 SANS 10082
 38 x 218 hollow core 450bc.
 22mm T & G S&P flooring
 No under floor heating system installed.

Client: Theunisissen **1805**

Project: Building Plans for Municipal Approval
Proposed addition and alterations to existing dwelling
Erf No. 6868
27 Nerina Street
Kleinmond

Drawn: Site Plan
Scale: 1:200

Drawn: LS Checked: SS
Project No: Revision: Date: 2022/03/23
D.214.K 0 Sheet No: 1 of 7

Site Plan
Scale 1:200

All deviations from plans, however minor, must be notified to and approved by the Architect in writing. Failure to do so will absolve the Architect of ANY further responsibility regarding directly or indirectly to the deviations.

Architect's Signature _____
 Owners Signature _____

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 6868, KLEINMOND**

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

Conditions:

1. that 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 6868 Kleinmond, unobstructed.

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

01/08/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

34. ERF 1450, 1 LITTLE SWIFT CLOSE, VERMONT, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION: WRAP PROJECT OFFICE ON BEHALF OF FVD ALLOU

1450 HVM (4176/2022)

H Olivier

(028) 313 8900

Hermanus Administration

26 September 2022

EXECUTIVE SUMMARY

Application has been received on 8 June 2022 from WRAP Project Office on behalf of FVD Allou in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the subdivision of Erf 1450, Vermont into a Portion A ($\pm 600\text{m}^2$) and a Remainder ($\pm 5488\text{m}^2$).

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, while the proposed Subdivision Plan is attached as Annexure C.

RESOLVED

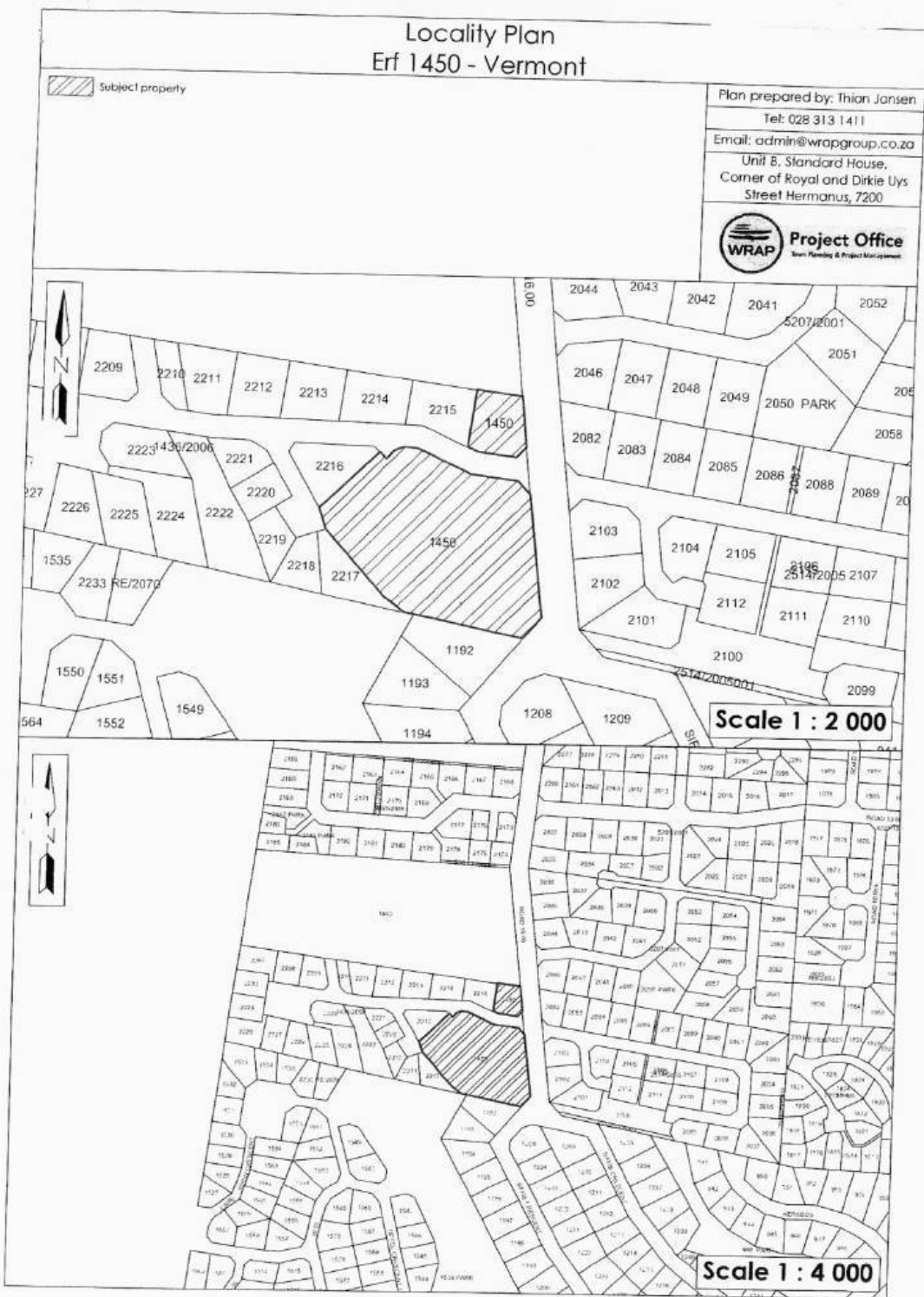
1. that the subdivision in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 1450, Vermont into two (2) portions, namely Portion A ($\pm 600\text{m}^2$) and the Remainder ($\pm 5488\text{m}^2$), **be approved** in terms the provisions of Section 61 of the By-law, subject to the following conditions:
 - (a) that this approval is only for the subdivision as indicated on Plan Version 1 dated 3 June 2022, submitted with the application;
 - (b) that building plans be submitted for all new buildings to the Building Control Department for approval, and that all conditions of the Building Control and Fire Departments be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
 - (e) that all the conditions in the Services Report, be complied with;

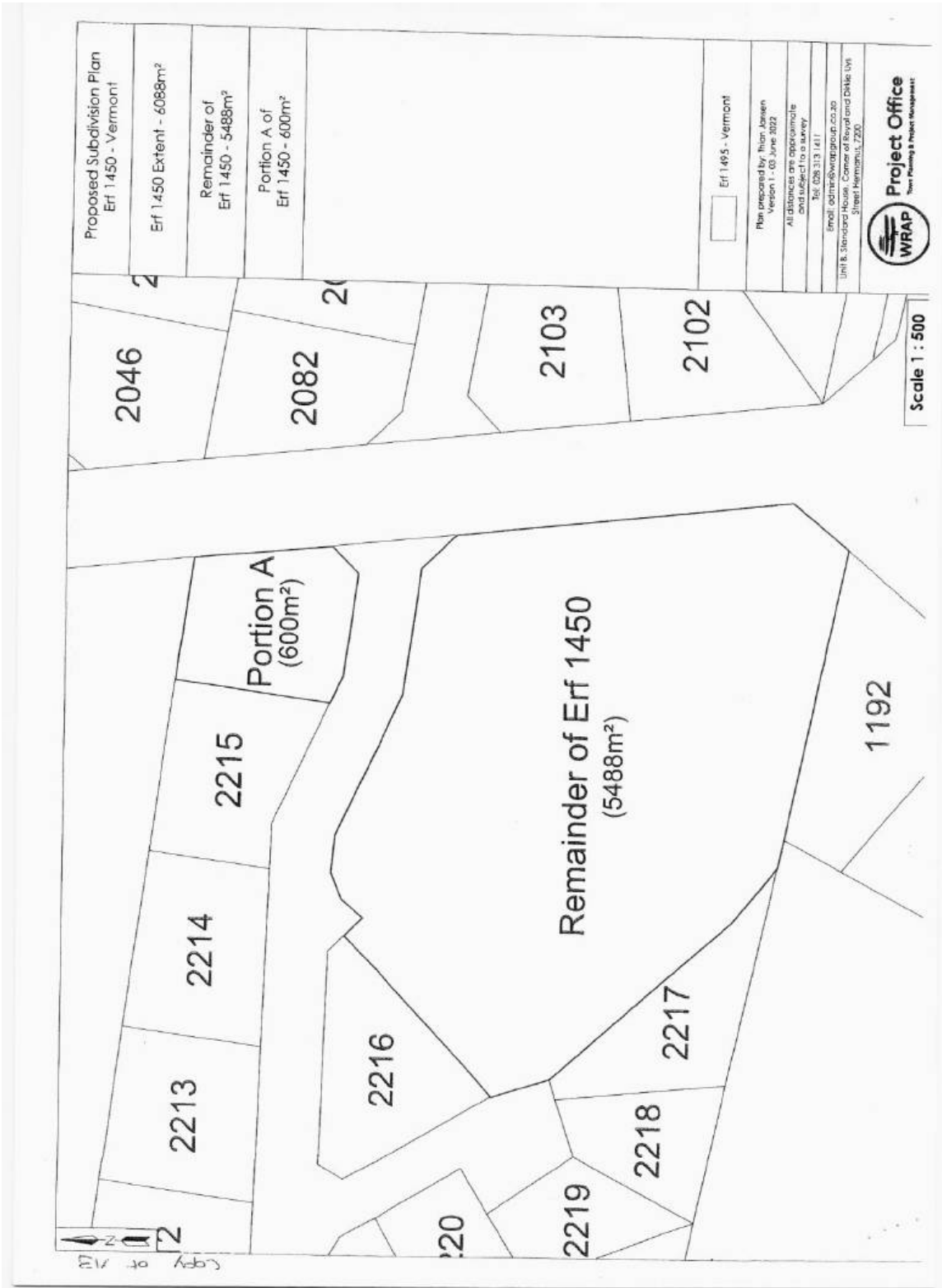
**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (f) that the conditions imposed by Telkom, be complied with, and
 - (g) that the conditions imposed by Eskom, 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 conditions of approval.

REASONS FOR RESOLUTION

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





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION: ERF 1450, VERMONT**

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

Conditions:

1. That 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
TOTAL (inclusive of VAT)		=	R 62 119.00

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 must be services with individual and separate water and sewer connections which must comply with the standards of the Department. Operational Services;

3. that the developer investigates 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 both the Remainder of Erf 1450 and Portion A will only obtain vehicular access to and from Little Swift Close. The Remainder's secondary driveway access in Lynx Avenue should be closed,
6. that stormwater be allowed to discharge through the proposed even unobstructed;
7. that no on-street parking be allowed.

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

12/08/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

35. ERF 8183, 1 SANDPIPER STREET HEMEL-EN-AARDE ESTATE, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: RM & GM LOUW

8183 HMS (3680/2021)

H Van Der Stoep (H Boshoff) (028) 313 8900

Hermanus Administration

6 October 2022

EXECUTIVE SUMMARY

An application has been received on 2 December 2021 from RM & GM Louw the owners of Erf 8183, Hermanus, Hemel & Aarde Estate, for the following:

- ✚ **Departure** 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 northern street building line from 4m to ± 0.53 m to accommodate a covered pergola; and the
- ✚ **Determination of an administrative penalty** in terms of Section 16.(2)(q) of the By-Law for the above illegal building line encroachment that calculates 12m².

RESOLVED

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on to Erf 8183, Hermanus (Hemel & Aarde Estate), for a departure to relax the northern street building line from 4m to ± 0.53 m to accommodate the covered pergola, **be approved** in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
 - (a) that the approvals are only for the dimensions of the structure as indicated on Drawing Nos LOUW 01 – LOUW 03 dated November 2021 which was submitted with the application;
 - (b) that the necessary building plans be submitted to the Building Department for approval and that all conditions of the Building Department and the Fire Department at that stage, be complied with;
 - (c) that the conditions of Engineering Services, be complied with;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (d) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the determination of an administrative penalty in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the illegal building line encroachment of the covered pergola that calculates 12m²; was considered and that an administrative penalty of R4 140-00 (being 2% of the building costs for the 12m² encroachment of the covered pergola), **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
 3. that the applicants be notified of their appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 with regard to the above decisions.

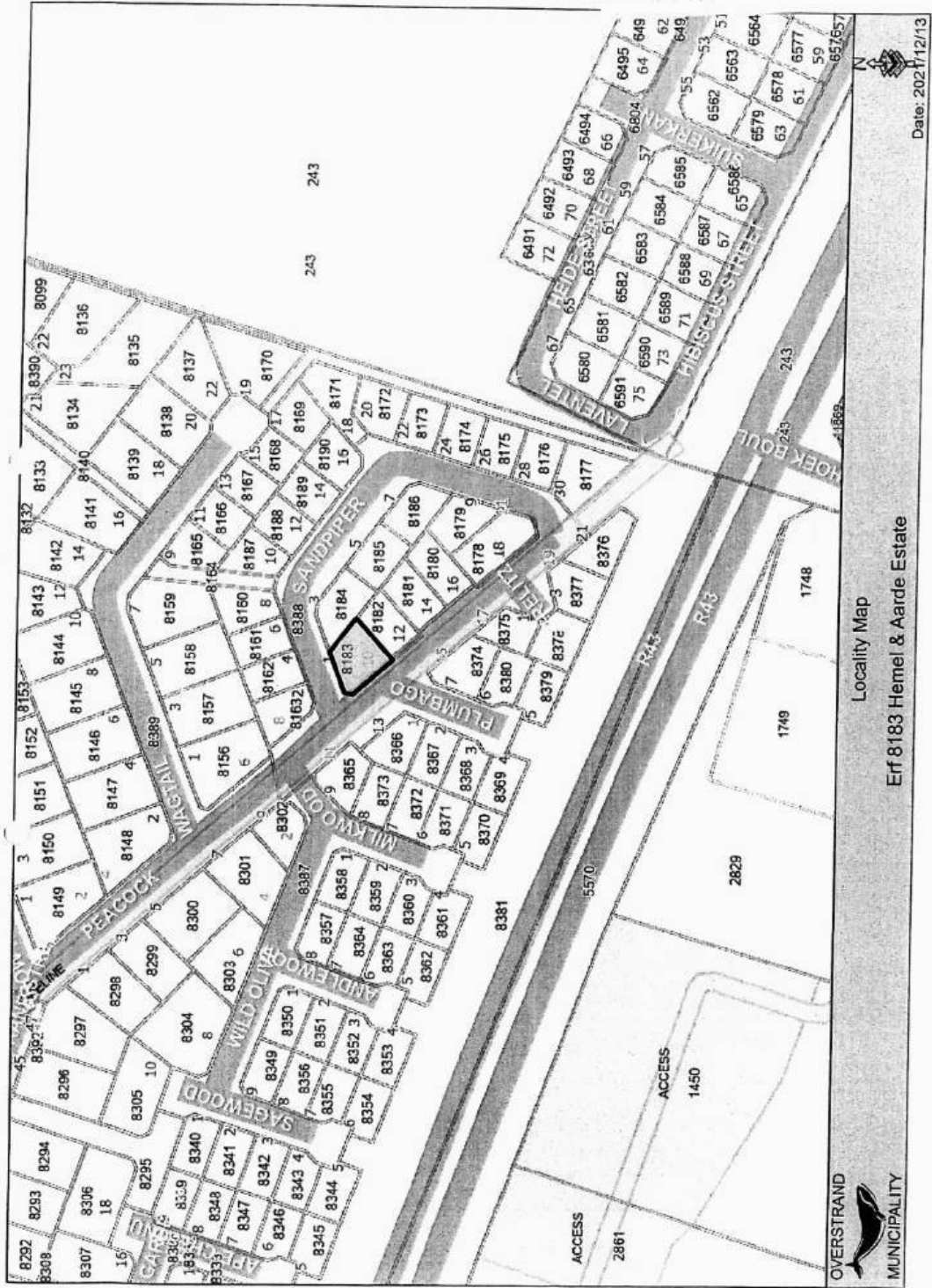
REASONS FOR RESOLUTION

POINT 1

- ❖ The application has followed due procedure.
- ❖ It is in line with policy documents.
- ❖ The structure is aesthetically pleasing.
- ❖ It will not impact on the streetscapes of the property or the views of motorists.
- ❖ Is not regarded as being undesirable from a town planning point of view.

POINT 2

- ❖ The pergola was illegally constructed over the street building line without the required Municipal approvals.
- ❖ The penalty also serves as a deterrent for owners within the Hemel & Aarde Estate development regarding possible contraventions within the Estate development in future.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE THE DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 8183, HEMEL & AARDE ESTATE**

Stormwater (SW) : In order
Electricity : Escom
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 8183, Hemel & Aarde Estate, 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.

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

14/01/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

**36. ERF 5959, 13 MELKHOUT AVENUE, KLEINMOND, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: FVS TOWN AND
REGIONAL PLANNERS ON BEHALF OF D LANGENHOVEN & T MEIRING**

5959 KKM (3795/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

6 October 2022

EXECUTIVE SUMMARY

An application has been received on 14 September 2021 from FVS Town and Regional Planners on behalf of D Langenhoven & T Meiring on Erf 5959, Kleinmond in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following departures:

- ❖ To relax the western lateral building line from 2m to 0m in order to accommodate the new carport (exceeding the 9m restriction), and
- ❖ To relax the eastern lateral building line from 2m to 1,88m in order to accommodate the new en-suite in the main bedroom and the main bedroom extension.

RESOLVED

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2020 on Erf 5959, Kleinmond for the following departures:
 - ❖ to relax the western lateral building line from 2m to 0m in order to accommodate the new carport (exceeding the 9m restriction), and
 - ❖ to relax the eastern lateral building line from 2m to 1,88m in order to accommodate the new en-suite in the main bedroom and the main bedroom extension,

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

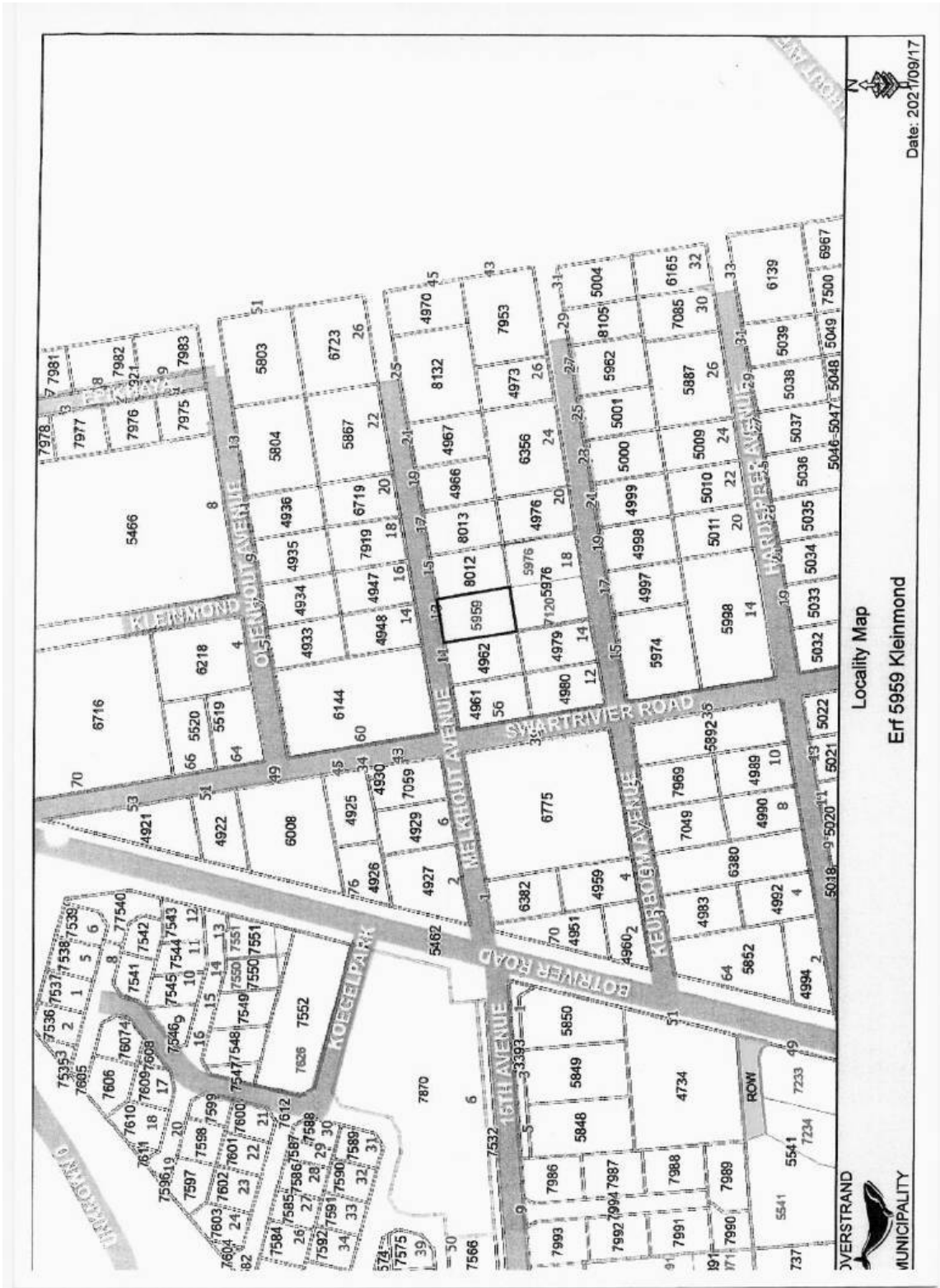
- (a) that this approval is only for the development as indicated on plan numbers A3P Rev 2 (1, 2 & 3) dated 26 August 2021 submitted with the application;
- (b) that no further departures over the building lines be approved; except as stipulated in the Land Use Scheme;

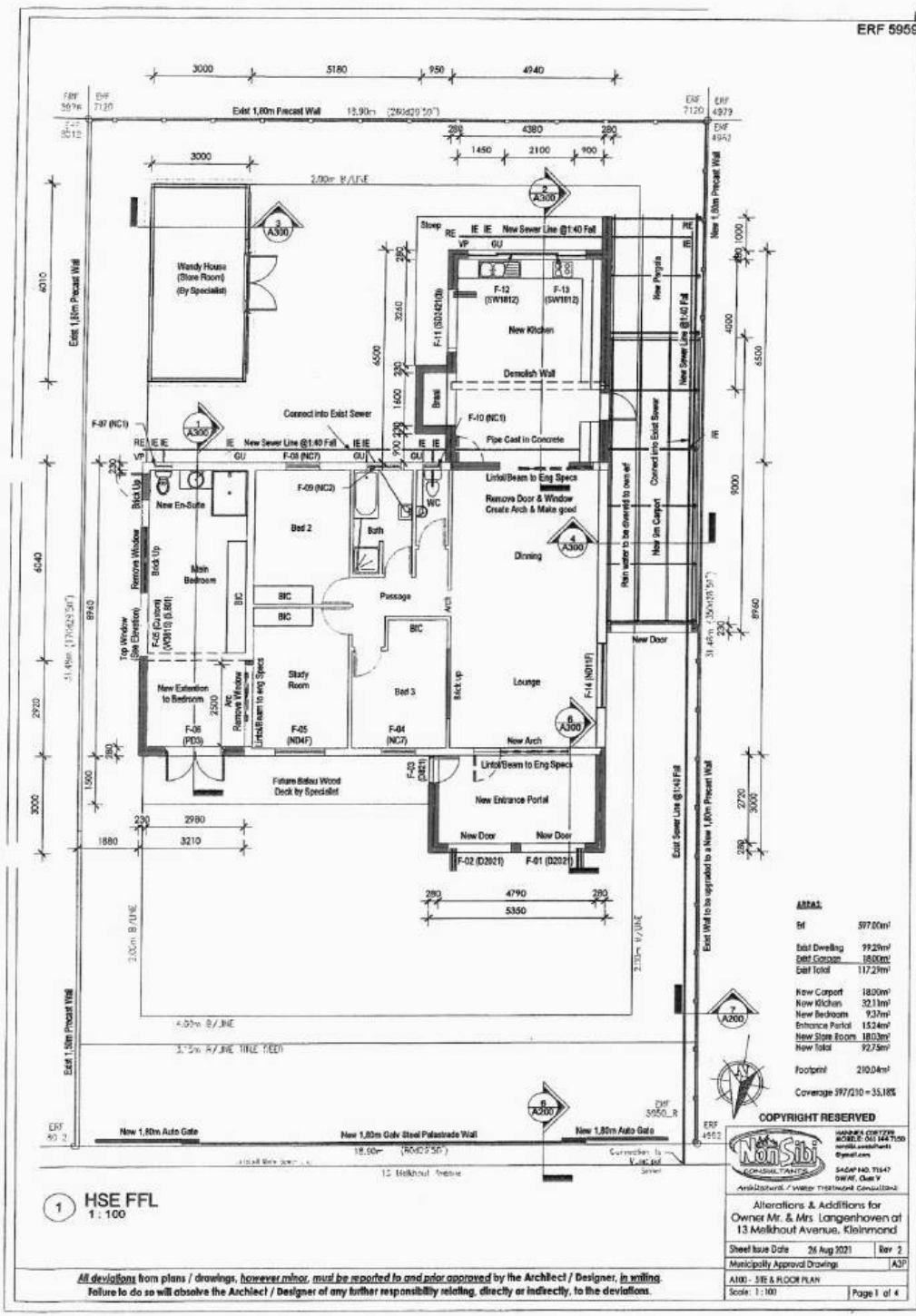
**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) 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;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that this approval is subject to the compliance with the conditions of the Services Report.
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 surrounding property owners did not object.
- ❖ The additions and alterations proposed are of a normal residential nature which fit in within the residential nature of Kleinmond.
- ❖ That the approval is subject to the conditions stipulated within the services report.





ERF 5959

AREAS

Bt	597.00m ²
Est. Dwelling	99.29m ²
Est. Carport	18.00m ²
Est. Total	117.29m ²
New Carport	18.00m ²
New Kitchen	32.11m ²
New Bedroom	9.37m ²
Entrance Portal	15.24m ²
New Slave Room	18.00m ²
New Total	92.78m ²
Footprint	210.04m ²
Coverage 997/210	= 35.18%



COPYRIGHT RESERVED



Alterations & Additions for
 Owner Mr. & Mrs. Langenhoven of
 13 Melkshout Avenue, Kleinmond

Sheet Issue Date 26 Aug 2021 Rev 2
 Municipality Approval Drawing A3P

A100 - SITE & FLOOR PLAN
 Scale: 1:100 Page 1 of 4

1 HSE FFL
 1:100

All deviations from plans / drawings, however minor, must be reported to and prior approved by the Architect / Designer, in writing. Failure to do so will absolve the Architect / Designer of any further responsibility relating, directly or indirectly, to the deviations.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 5959, KLEINMOND**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that 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 5959 Kleinmond, unobstructed.

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

22/03/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

37. ERF 5092, 11 SERRURIA CIRCLE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE, RELAXATION OF TITLE DEED & DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF H JACOBS

5092 KBB (3876/2021)

**H van der Stoep
4 October 2022**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 20 October 2021 from WRAP Project Office on behalf of H Jacobs in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the lateral building line from 2,0m to 1,0m and the rear building line from 2,0m to 0,792m respectively, to accommodate an existing wendy house for storage purposes.
- ❖ Determination of an **administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorised building encroachment over the northern lateral building line.

The application also entails the **relaxation** of Clause B.6.(b) of Title Deed No. T49307/2021 to relax the northern lateral building line from 3m to 2,4m to accommodate additions to the existing dwelling house.

RESOLVED

1. that the application in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the relaxation of restrictive title deed Condition B.(6)(b) as contained in Title Deed No. T49307/2021 applicable to Erf 5092, Betty's Bay to relax the northern lateral building line from 3m to 2,4m to accommodate additions to the existing dwelling house.
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5092, Betty's Bay for the departure to relax the lateral building line from 2,0m to 1,0m and the rear building line from 2,0m to 0,792m respectively, to accommodate an existing wendy house for storage purposes a toilet/bathroom, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (a) that this approval is only for the development as indicated on plan number AS-BUILT PLANS (ADDITIONS) ERF 5092 BETTY'S BAY dated October 2021 submitted with the application;
 - (b) that the outbuilding be used for two (2) purposes – that one section be used for storage and the other side as an outside bathroom;
 - (c) that no windows or doors face the adjacent properties and that the outbuilding not be converted into a habitable space;
 - (d) that no further departures over the building lines be approved; except as stipulated in the Land Use Scheme;
 - (d) 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;
 - (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.
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 for the unauthorised building work to accommodate the existing additions to the dwelling house and the existing outbuilding was considered and that **no administrative penalty be imposed.**
 4. that the applicant be notified of its right of appeal (against Paragraph 2. above) in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

POINT 1

- ❖ The addition is of a normal residential nature and will not negatively impact the surrounding character of the area.
- ❖ The orientation of the dwelling and the shape of the erf is of such a nature that the extensions (addition) can only be constructed in that direction.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- ❖ The proposed addition will have no negative impact the surrounding affected neighbours.

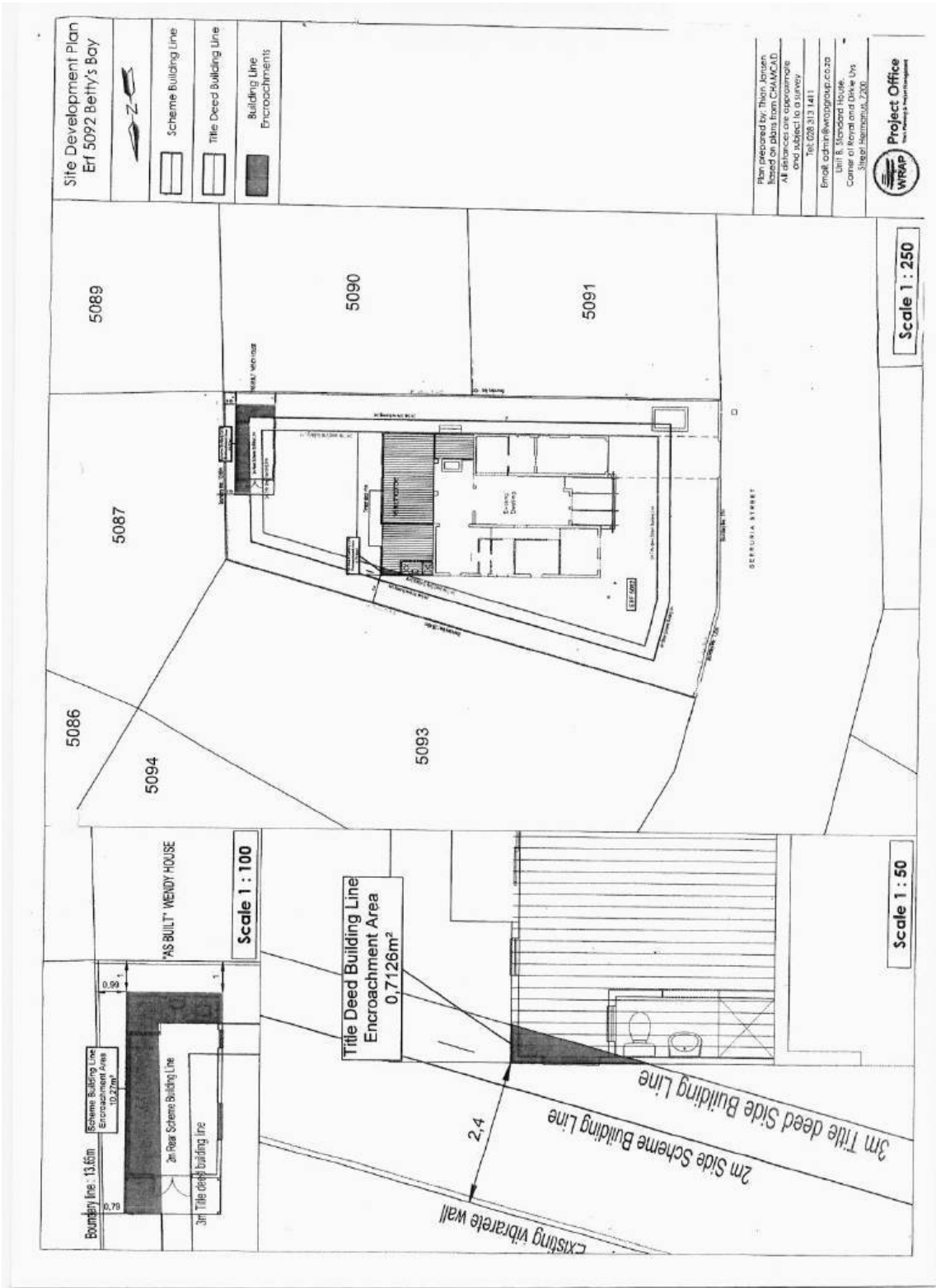
POINT 2

- ❖ The affected surrounding owners did not object.
- ❖ The outbuilding is not habitable structure that would cause nuisance to the surrounding affected neighbours.
- ❖ There are no windows or doors facing the boundary wall and is therefore online with the scheme regulations.

POINT 3

- ❖ All the affected surrounding neighbours gave their consent.
- ❖ The additions were constructed and completed by the previous owner.
- ❖ The additions were already constructed when the current owner purchased the property in October 2021.
- ❖ The additions are of a normal residential use and the both the title deed as well as the scheme regulations make provision for such departures.





**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

38. ERF 4001, 101 DIASTELLA ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR RELAXATION OF TITLE DEED RESTRICTION & DETERMINATION OF AN ADMINISTRATIVE PENALTY: STUART VAN DER HORST ON BEHALF OF LP & B ERASMUS

4001 KBB (3892/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

4 October 2022

EXECUTIVE SUMMARY

An application has been received on 3 November 2021 from Stuart van der Horst on behalf of LP & B Erasmus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Relaxation** of the restrictive title deed condition E.(7) of Title Deed No. T30517 in terms of Section 16.(2)(b) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the lateral building line from 3m to 2m to accommodate the existing structure (which includes the bedroom, bathroom and laundry room) situated on the ground floor, and
- ❖ 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 to accommodate the existing unauthorised building (bedroom, bathroom and laundry room situated on the ground floor).

RESOLVED

1. that the application in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the relaxation of restrictive title deed Condition E.(7) as contained in Title Deed No. T30517/2020 applicable to Erf 4001 Betty's Bay to relax the southern lateral building line from 3m to 2m to accommodate the existing dwelling (bedroom, bathroom and laundry room on the ground floor), **be approved** in terms 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 4001, Betty's Bay for the unauthorised building work over the 3m title deed building line to accommodate the existing dwelling house (bedroom, bathroom and laundry room on the ground floor) on the ground floor, was considered and that **no administrative penalty be imposed**, and be subject to the following conditions:

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (a) that this approval is only for the development as indicated on plan number 2020–039 (0001, 0002 & 0003) dated 23 February 2021 submitted with the application;
 - (b) that no further departures over the building lines be approved; except as stipulated in 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 Departments be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant be notified of its right of appeal (*against Point 2*) 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.

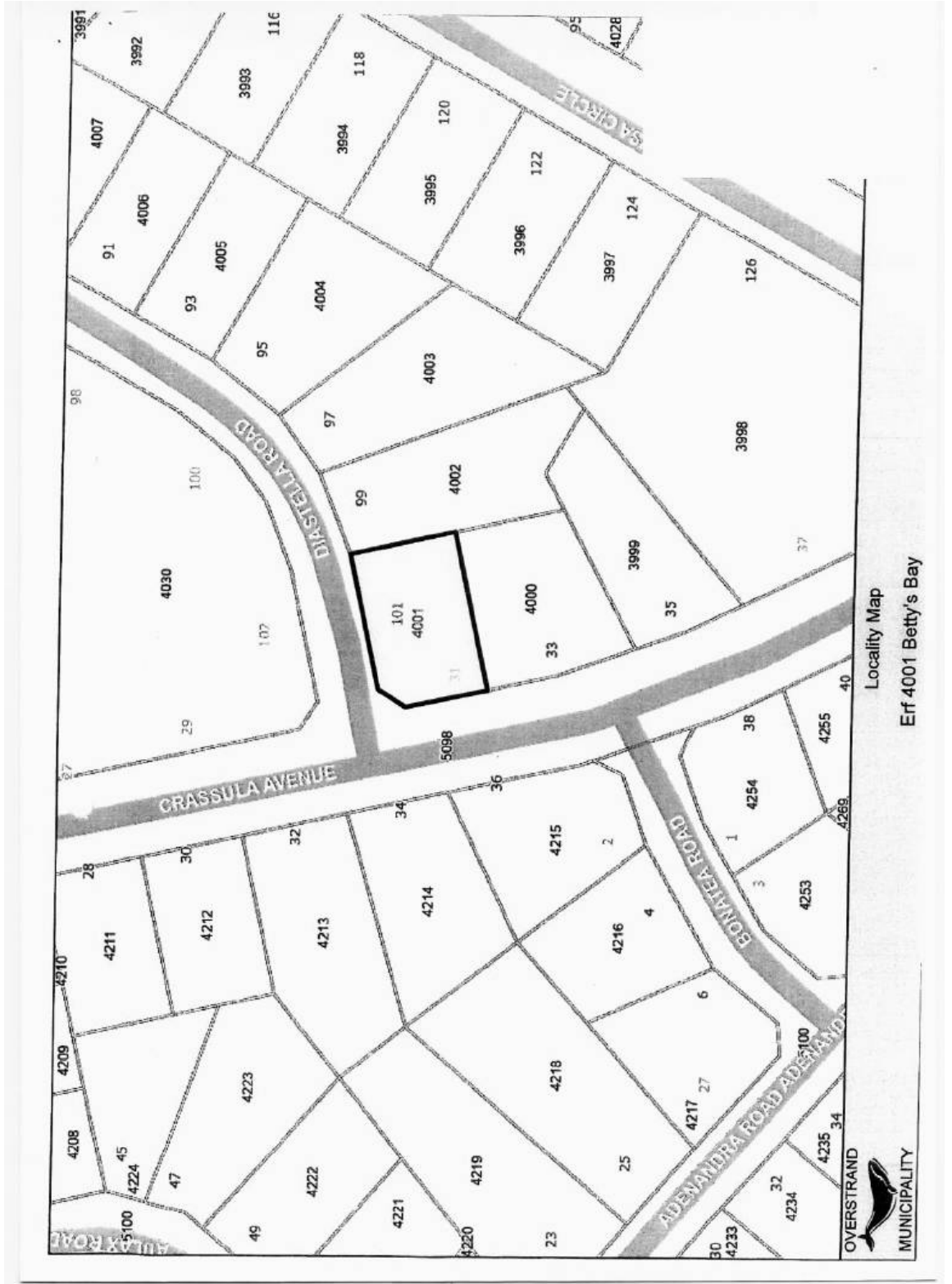
REASONS FOR RESOLUTION

POINT 1

- ❖ The existing building work (bathroom, bedroom, and laundry room) is of a normal residential nature and is therefore compatible with the residential erf.
- ❖ The existing infringement has three (3) windows and a door located along the property boundary; however, it is still within the Overstrand Municipality Land Use Planning Scheme regulations.

POINT 2

- ❖ The current owner was unaware of the infringement when purchasing the property.
- ❖ The unauthorised land use has existed for approximately ±19 years.
- ❖ The owner sought to immediately correct the infringement.
- ❖ The affected property owner (Erf 4000) provided their consent for the unauthorised building work.



Locality Map
Erf 4001 Betty's Bay



PROPOSED ALTERATIONS & ADDITIONS
HOUSE ERASMUS
ERF 4001
ONE CRASSULA DIATELLA RD
BETTY'S BAY
OVERBERG
CAPE TOWN

DRAWN & DESIGNED BY:
Stuart van der Horst
 Professional Architectural Design Technologist
 SACAP reg. # T-1456
 Reg. Energy Efficiency Designer
 Cell: 083 340 8847
 E-mail: sturb.633@gmail.com

DATE: 19/05/2011
SCALE: 1:200
DRAWN BY: ET/ST/ST/ST

SITE PLAN -001

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

39. ERF 317, 16 ROELLA STREET, ROOI ELS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND RELAXATION OF THE STREET BUILDING LINE: BIRU ARCHITECTS ON BEHALF OF AS POTGIETER

317 KRE (4120/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

6 September 2022

EXECUTIVE SUMMARY

An application was received on 21 April 2022 from BIRU Architects on behalf of AS Potgieter on Erf 317, Rooiels in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure in order to relax the street building line from 4m to 0m to accommodate a proposed new garage.

The application also entails the relaxation of Clause F.4.(d) of Title Deed No. T29779/2020 to relax the street building line from 4,72m to 0m to accommodate a proposed new garage.

RESOLVED

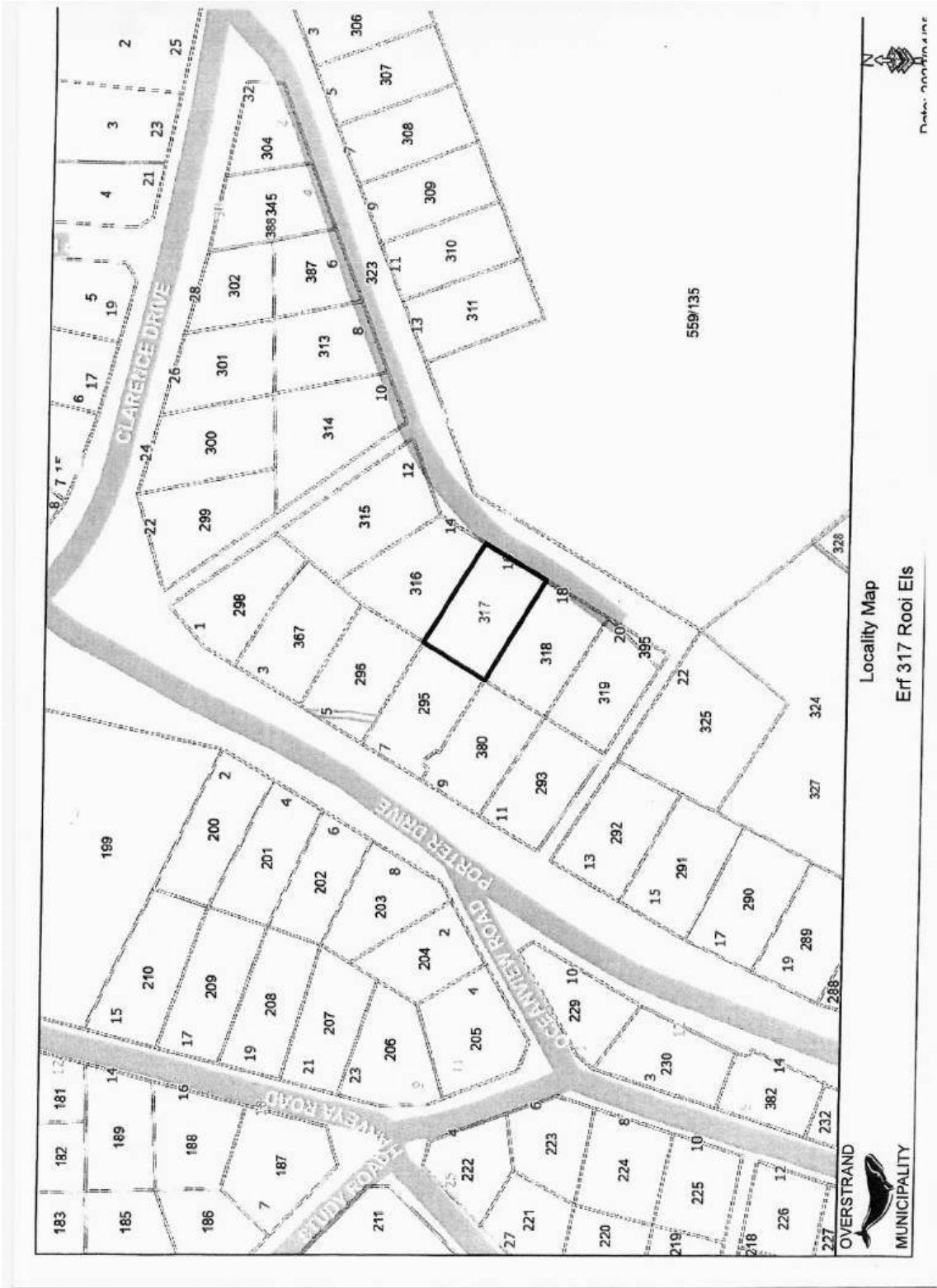
1. that the application in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the relaxation of restrictive title deed Condition F.4.(d) of Title Deed No. T29779/2020 applicable to Erf 317, Rooiels to relax the street building line from 4,72m to 0m to accommodate a proposed new garage, **be approved** in terms of Section 61 of the By-Law.
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 on Erf 317, Rooiels for a departure in order to relax the street building line from 4m to 0m to accommodate a proposed new garage, **be approved**, in terms of Section 61 of the By-Law subject to the following conditions:
 - (a) that the approval is only for the development indicated on plan number W_101 dated 13 July 2022, as submitted with the application;
 - (b) that the garage door be a **roll-up door** and not a tip up door;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (d) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that the conditions of Engineering Services, be adhered to.
3. that the applicant be notified of its right of appeal (*against Paragraph 2. above*) in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- The application has followed due procedure.
- No objections were received.
- The proposed application fits in with the character of the surrounding area and is desirable.
- There will be no impact on services.
- The proposal will have no negative impact on the environment.
- No objections were received from surrounding property owners.



Locality Map
Erf 317 Rooi Els



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 317, ROOI ELS**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigates and determine the limitations of the site in terms of drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
7. that stormwater be allowed to discharge through Erf 317, Rooi Els, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

40. ERF 5196, 2CAMBEDO AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND RELAXATION OF TITLE DEED RESTRICTION: JH & C ROODT

5196 KKM (4236/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

6 October 2022

EXECUTIVE SUMMARY

An application has been received on 31 Augustus 2022 from JH & C Roodt, Kleinmond in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following departures:

- ❖ to relax the street building line from 4m to 3,11m to accommodate the change of an entrance roof, and
- ❖ to relax the street building line from 4m to 3,11m to accommodate the change of an existing window into a bay window.

The application also entails the relaxation of Clause C.9 of Title Deed No. T46778/2021 to relax the southern street building line from 3,15m to 3,11m to accommodate new dwelling.

RESOLVED

1. that the application in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the relaxation of restrictive title deed Condition C.9 of Title Deed No. T46778/2021 applicable to Erf 5196, Kleinmond to relax the southern street building line from 3,15m to 3,11m to accommodate new dwelling, **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 Municipal By-Law on Municipal Land Use Planning, 2020 on Erf 5196, Kleinmond for the following departures :
 - ❖ to relax the street building line from 4m to 3,11m to accommodate the change of an entrance roof, and
 - ❖ to relax the street building line from 4m to 3,11m to accommodate the change of an existing window into a bay window;

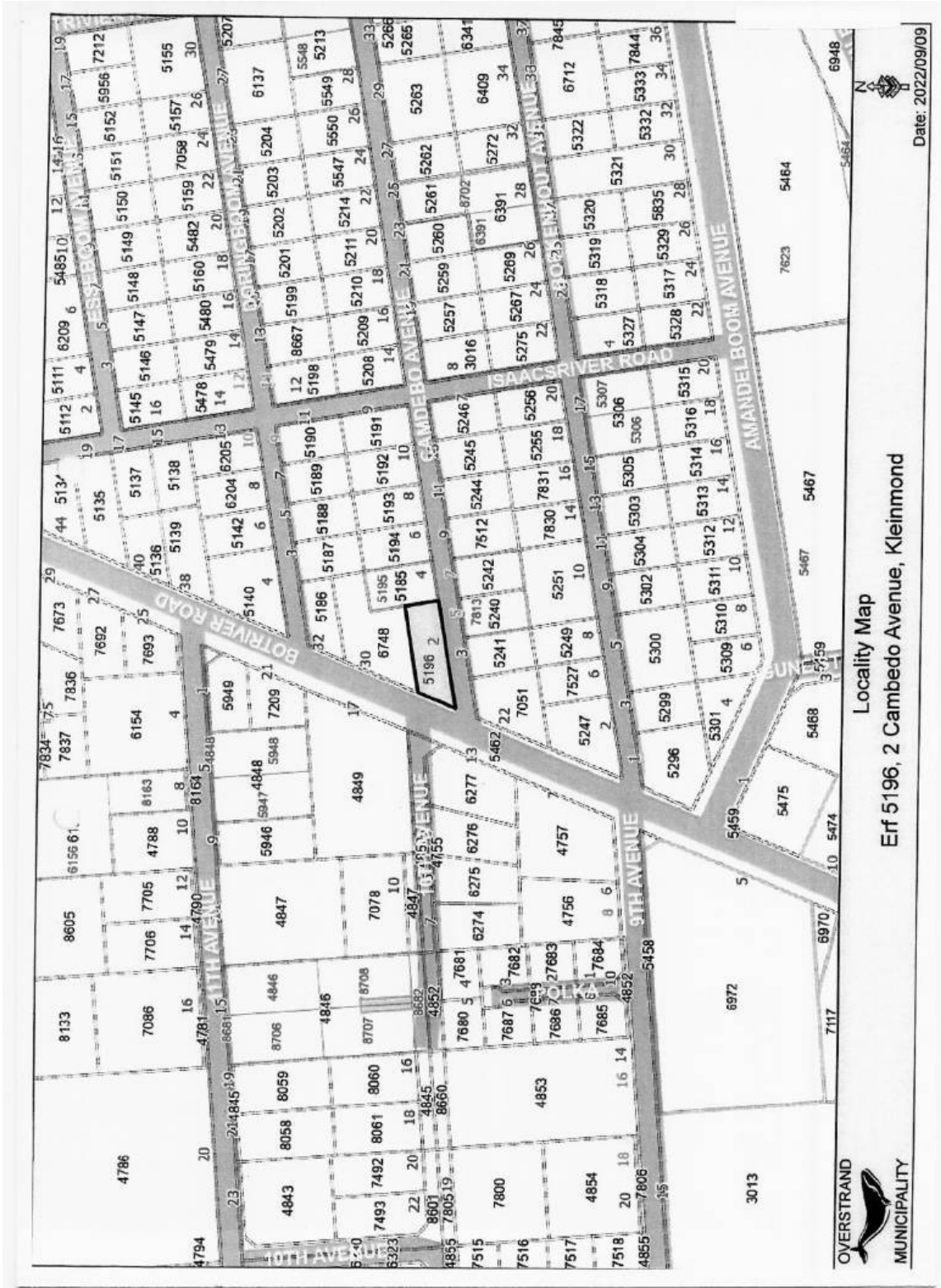
be approved in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (a) that this approval is only for the development as indicated on the plan numbers 100, 101 and 102 dated 29 October 2021 as submitted with the application,
 - (b) that no further transgression over the building lines will be allowed, except that is sanctioned by the Overstrand Zoning Scheme;
 - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, 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 (*against Paragraph 2. above*) 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 proposed renovations are located within the existing footprint of the building.
- ❖ The renovations will attribute to a more active street scape.
- ❖ The renovations will add value to the property and surrounding properties.



**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

41. **ERF 9823, 61 MARINE DRIVE, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF SITE DEVELOPMENT PLAN AND DEPARTURE: BURMEISTER ARCHITECTS ON BEHALF OF THE HERMANUS ESPLANADE DEVELOPMENT COMPANY (PTY) LTD**

9823 HWC (4249/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

10 October 2022

EXECUTIVE SUMMARY

An application was received on 20 September 2022 from Burmeister Architects on behalf of The Hermanus Esplanade Development Company (Pty) Ltd for the following:

- ❖ **Amendment of the site development plan** in terms of Section 16.(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relocate the refuse room from the boundary on Erf 7677 to the boundary of Erf 626, and
- ❖ **Departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the relaxation of the rear and lateral building lines from 3m and 4,5m respectively to 0m to accommodate a room to house the fire pump and two (2) water tanks on the western side (lateral and rear boundary) of the erf and a refuse room and reception on the rear boundary.

RESOLVED

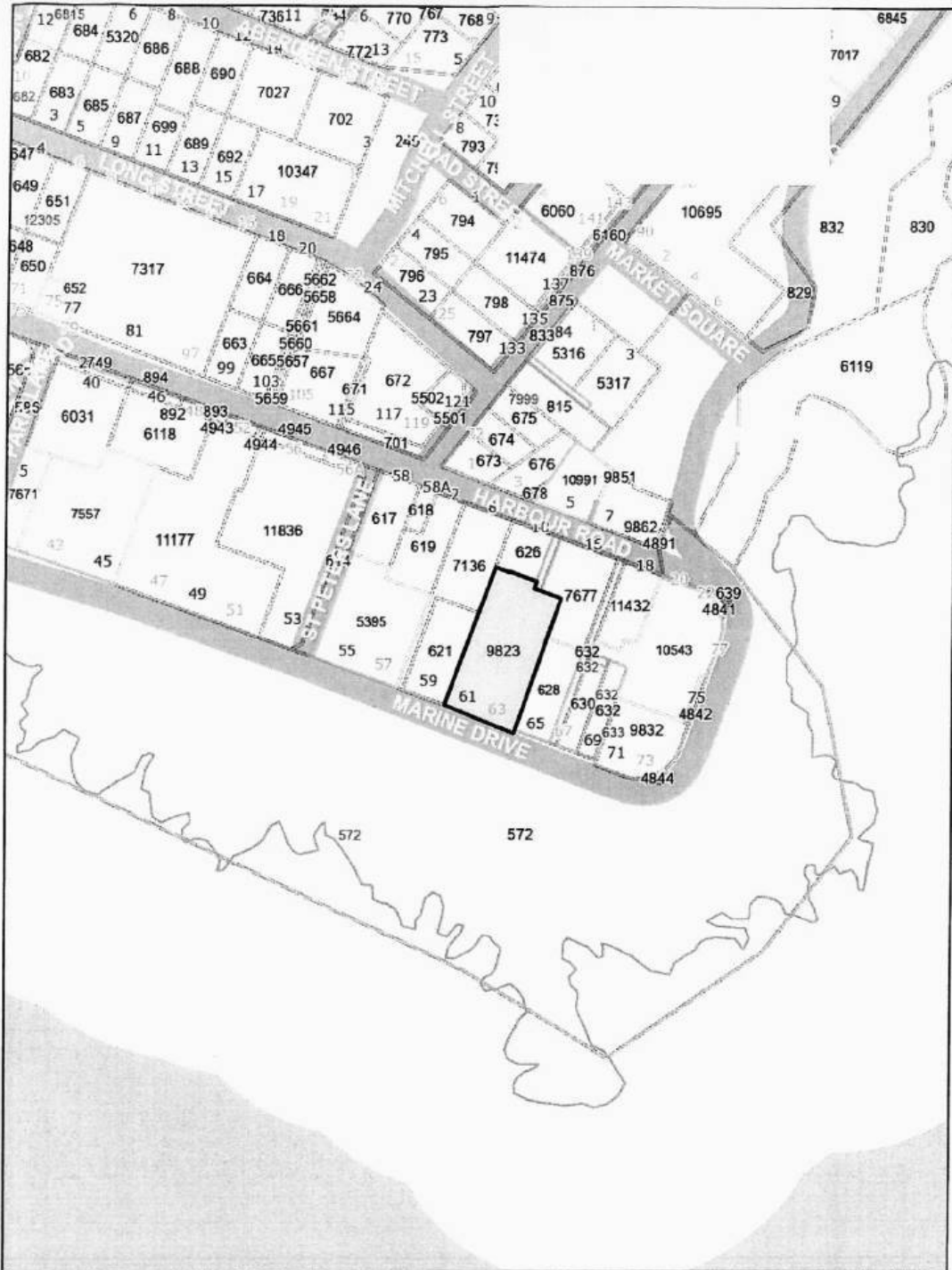
1. that the application in terms of Section 16.(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 9823, Hermanus for the amendment of the site development plan to relocate the refuse room from the boundary on Erf 7677 to the boundary of Erf 626, **be approved** 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 9823, Hermanus for a departure to relax the rear and lateral building lines from 3m and 4,5m respectively to 0m to accommodate a room to house the fire pump and two (2) water tanks on the western side (lateral and rear boundary) of the erf and a refuse room and reception on the rear boundary, **be approved** in terms of the provisions of Section 61 of the By-Law, in terms of the following conditions:

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

3. that the approvals in Points 1 and 2 above be subject to the following conditions:
 - (a) that this approval is only for the development as indicated on plan numbers 200/877 (01, 02, 03, 04 and 05) dated 1 September 2022 submitted with the application;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (d) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control– and Fire Departments be complied with at that stage.
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ It is in line with policy documents.
- ❖ The configuration of the amended site plan is more safety and fire prevention friendly.
- ❖ The departures as proposed were consented by the adjacent landowners.




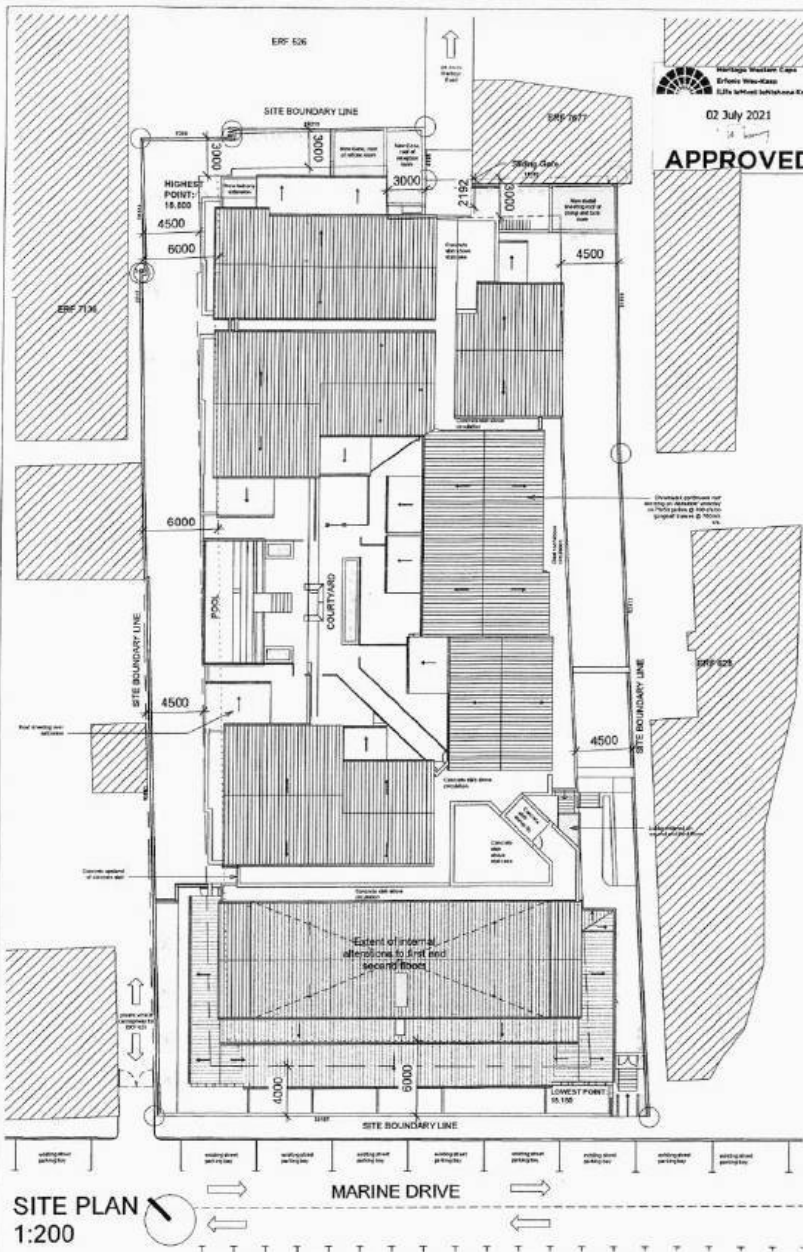
OVERSTRAND

MUNICIPALITY

Locality Map

Erf 9823, 61 Marine Drive, Westcliff, Hermanus


Date: 2022/09/22



Heritage Weather Case
 02 July 2021
APPROVED

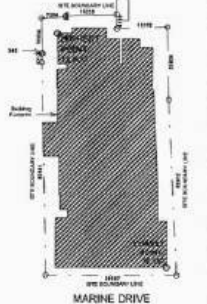
SITE INFO	
ERF NUMBER	624 and 642
ERF ZONE	7500 (max consolidation of areas is recommended)
ERF ZONE	BU Zone 1 (GFA)
MAX WF	4 stories or 12.5m from BASE LEVEL
WF ACHIEVED	12.5m (26.765)
BASE LEVEL	RL 292
SETBACKS (ALREADY APPROVED)	1.5m setback from centre of Marine Drive (the setback does not apply due to the existing existing walls) 4.5m common boundary setback on east and west boundary (note that setbacks to setbacks do not set boundary) 3m common boundary setback on south boundary
ERF SIZE	2611sqm
FLOOR FACTOR	2
TOT. ALLOWABLE FLOOR SPACE	5222sqm
TOT. FLOOR SPACE ACHIEVED	4300sqm

TOTAL FLOOR SPACE					
FLOOR	Ground	First	Second	Third	TOTAL
Tot. Allow.	0	16	34	12	44
Tot. Built	0	21	21	10	52
Tot. Inv. Area	0	1529	1522	964	3444
Other Areas	0	336	216	227	779
TOTAL	0	1865	1738	1171	4774

NOTE: "Other Areas" includes the following: carport, stairs, refuse store, security storage, lift, lift lobby, lift shaft and lift enclosure.

PARKING REQUIREMENTS	
PLS REQUIRED	1.5 parking per 100 sqm 2 parking per 100 sqm for 2nd floor area
TOT. PROPOSED SPACES	36 (30 on ground level, 6 on 2nd floor)
TOT. PROPOSED SPACES	44 (36 on ground level, 8 on 2nd floor)
PLS Required	30 x 1.5 PLS = 45 14 x 2 PLS = 28
TOT. PLS	73 (36 on ground level, 37 on 2nd floor)
Proposed PLS	73 Parking Spaces
Proposed parking complies with parking requirements, AS PER PREVIOUS APPROVED PLAN	

BASE LEVEL CALCULATION:
 BASE LEVEL: 12.5m above 100-year ARI
 BASE LEVEL CALCULATION:
 Proposed RL 292
 Lowest RL 292
 RL = Proposed (12.5m) + (100 - 10) x 0.0017
 RL = 292.17
 RL = 292.17
 RL = 292.17



J. B. Burmeister architects
 29 Second Avenue Claremont 7708
 Tel 021-6713403 Cell 014 677 6177

NOTES
 ALL BUILDING WORKING TO COMPLY WITH THE NATIONAL AND LOCAL REGULATIONS.
 CONTRACTOR IS TO VERIFY WITH THE ARCHITECTS ANY DISCREPANCIES IN THEIR DRAWINGS AND ON-SITE CONDITIONS.
 FOUNDATION DETAILS TO BE CONFIRMED WITH THE LOCAL COUNCIL.
 DESIGN AND DETAILS OF THIS BUILDING ARE THE SOLE COPYRIGHT BURMEISTER ARCHITECTS.
 SHOULD THIS PROJECT NOT BE UNDER THE SUPERVISION OF THE ARCHITECTS (STAGES A AND B) RESPONSIBILITY WILL BE ACCEPTED FOR UNFORESEEN PROBLEMS CAUSED BY UNUSUAL CONDITIONS, DETAIL, CONSTRUCTION METHOD, AND QUALITY WORKMANSHIP.

PLANS SHEET - This sheet contains the site plan which is intended to be used as a guide only. It is not intended to be used as a basis for construction. The architect is not responsible for any errors or omissions in this sheet. The contractor is to verify all dimensions and conditions on-site. The architect is not responsible for any errors or omissions in this sheet. The contractor is to verify all dimensions and conditions on-site.

*SJC
 2/1/21
 No official
 2/1/21*

Hermanus Esplanade
 Erf 624 & 642, Marine Drive, Hermanus
 SA Council Reg no. 3698
 SA INST. no. 4770

Project number: 2009077
 Date: 1 DECEMBER 2022
 Drawn by: J.C. LB
 Drawing Description: FOR CONSTRUCTION
 Scale: A2 @ 1:200

Site Plan 01

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

42. ERF 6584, 95 TWELFTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: JAN BLIGNAUT ON BEHALF OF A VAN WYK

6584 KKM (4226/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

28 September 2022

EXECUTIVE SUMMARY

An application has been received on 24 August 2022 from JH Blignaut on behalf of A van Wyk on Erf 6548, Kleinmond in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following departures :

- ❖ to relax the western lateral building line from 2m to 1,6m to accommodate a pergola;
- ❖ to relax the boundary height of 2,1m to 2,460m, and
- ❖ to relax the 9m or third of structures transgressing the western lateral building line.

RESOLVED

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2020 on Erf 6584, Kleinmond for the following departures:

- ❖ to relax the western lateral building line from 2m to 1,6m to accommodate a pergola;
- ❖ to relax the boundary height of 2,1m to 2,460m, and
- ❖ to relax the 9m or third of structures transgressing the western lateral building line

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

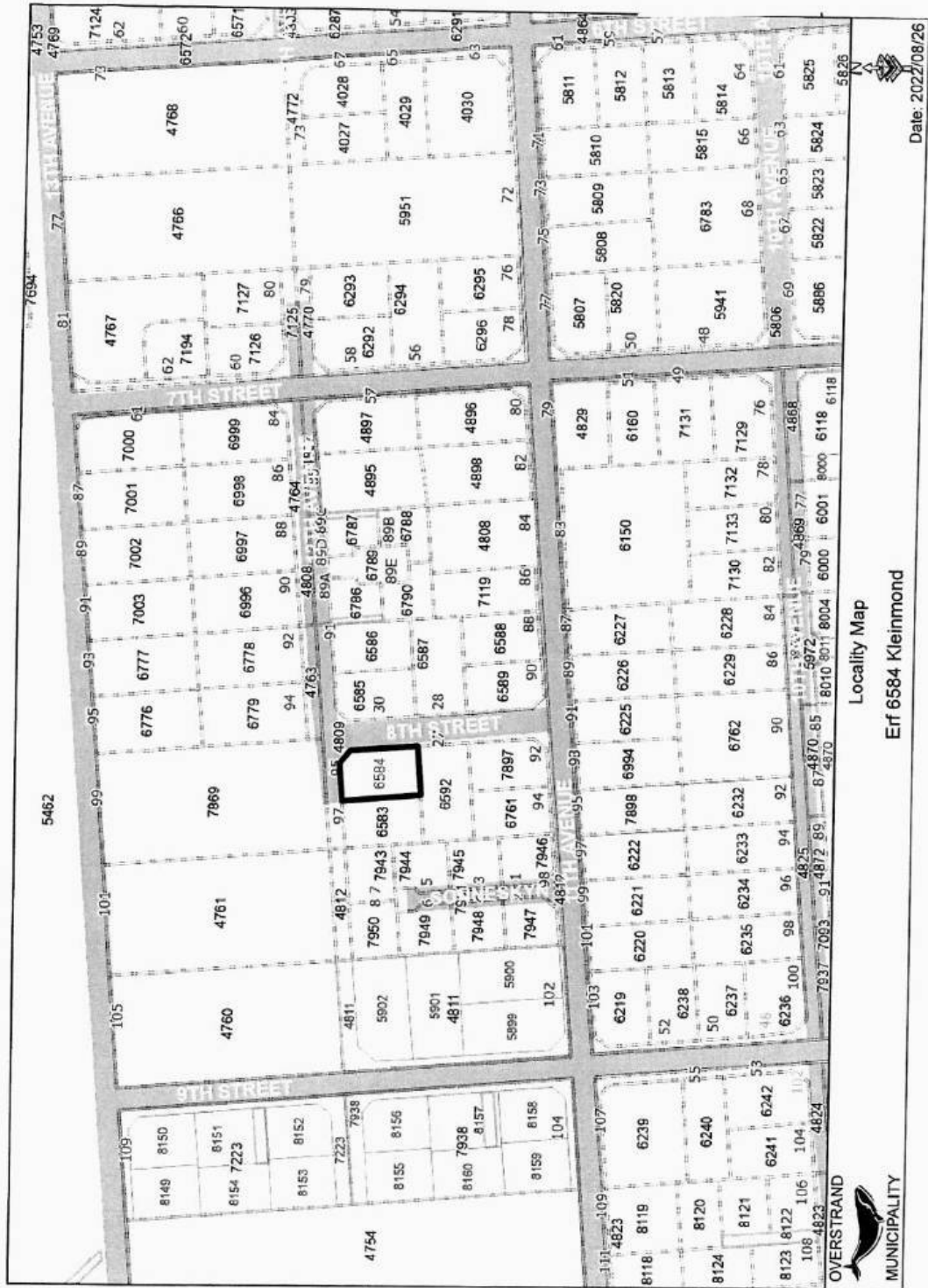
- (a) that this approval is only for the development as indicated on the plan numbers B6020 (05, 06 & 07) dated 22 August 2022 as submitted with the application;
- (b) that no further transgression over the building lines will be allowed, except that is sanctioned by the Overstrand Zoning Scheme;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (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
 - (f) that all the conditions in the Services Report, be complied with.
2. that the determination of an administrative penalty in terms of Section 90(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorised encroachments of the existing dwelling on the property was considered and that **no administrative penalty be imposed.**
 3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application followed due procedure and no objections were received from the public.
- ❖ The buildings on the property have approved building plans.
- ❖ The neighbour has consented to the application.
- ❖ The structures were erected by the previous owner in 1997.
- ❖ The structures are not to the detriment of the adjacent owner of the character of the area.
- ❖ The structures can be accommodated through an application in terms of the Overstrand land Use Scheme.

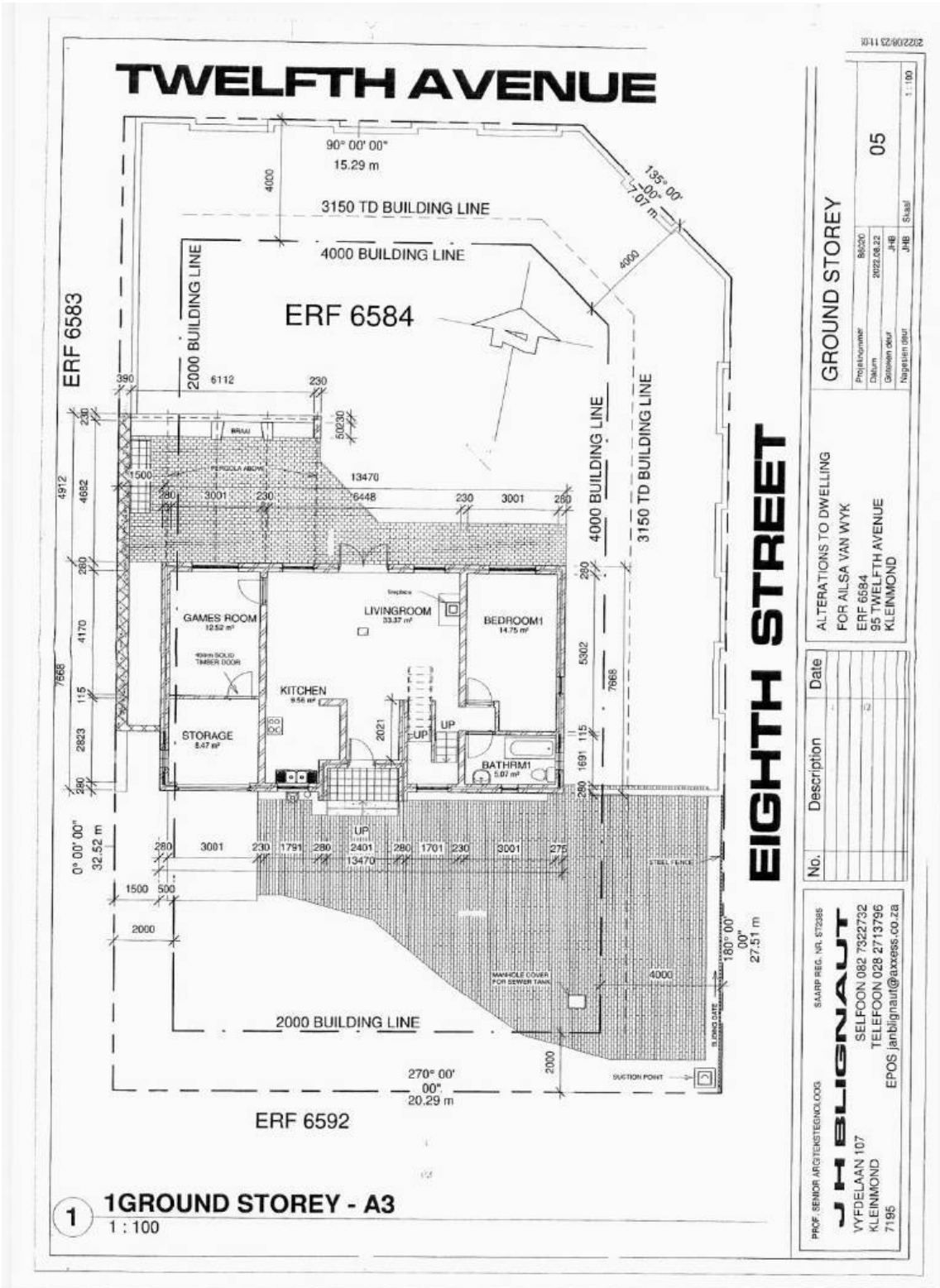


Locality Map

Erf 6584 Kleinmond



Date: 2022/08/26



1 1 GROUND STOREY - A3
1 : 100

2022/09/23 11:01

GROUND STOREY	
Projektnummer: 86/20 Datum: 2022.08.22 Getrekte deur: JHB Nagmaakt deur: JHB	05 1 : 100

**ALTERATIONS TO DWELLING
FOR AILSA VAN WYK
ERF 6584
95 TWELFTH AVENUE
KLEINMOND**

No.	Description	Date

SAAMP REG. NR. 672586
J H BLIGNAUT
 VYDELAAN 107
 KLEINMOND
 7195
 EPOSt janblignaut@axxess.co.za
 TEL: 082 7322732
 TELEFOON 028 2713796

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

43. ERF 3627, 237 SIXTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS TV3 ARCHITECTS, TOWN PLANNERS & URBAN DESIGNERS ON BEHALF OF BJ LUDDITT

ERF 3627 HVK

P Roux

(028) 313 8900

Hermanus Administration

14 September 2022

EXECUTIVE SUMMARY

An application was received on 28 April 2022 from Messrs TV3 Architects, Town Planners & Urban Designers on behalf of BJ Ludditt in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-law) applicable to Erf 3627, Voëlklip, Hermanus for the following:

- ❖ departure in terms of Section 16(2)(b) for the relaxation of the eastern lateral building line from 2m to 1.2m in order to accommodate the existing dwelling on the property; and
- ❖ determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law.

RESOLVED

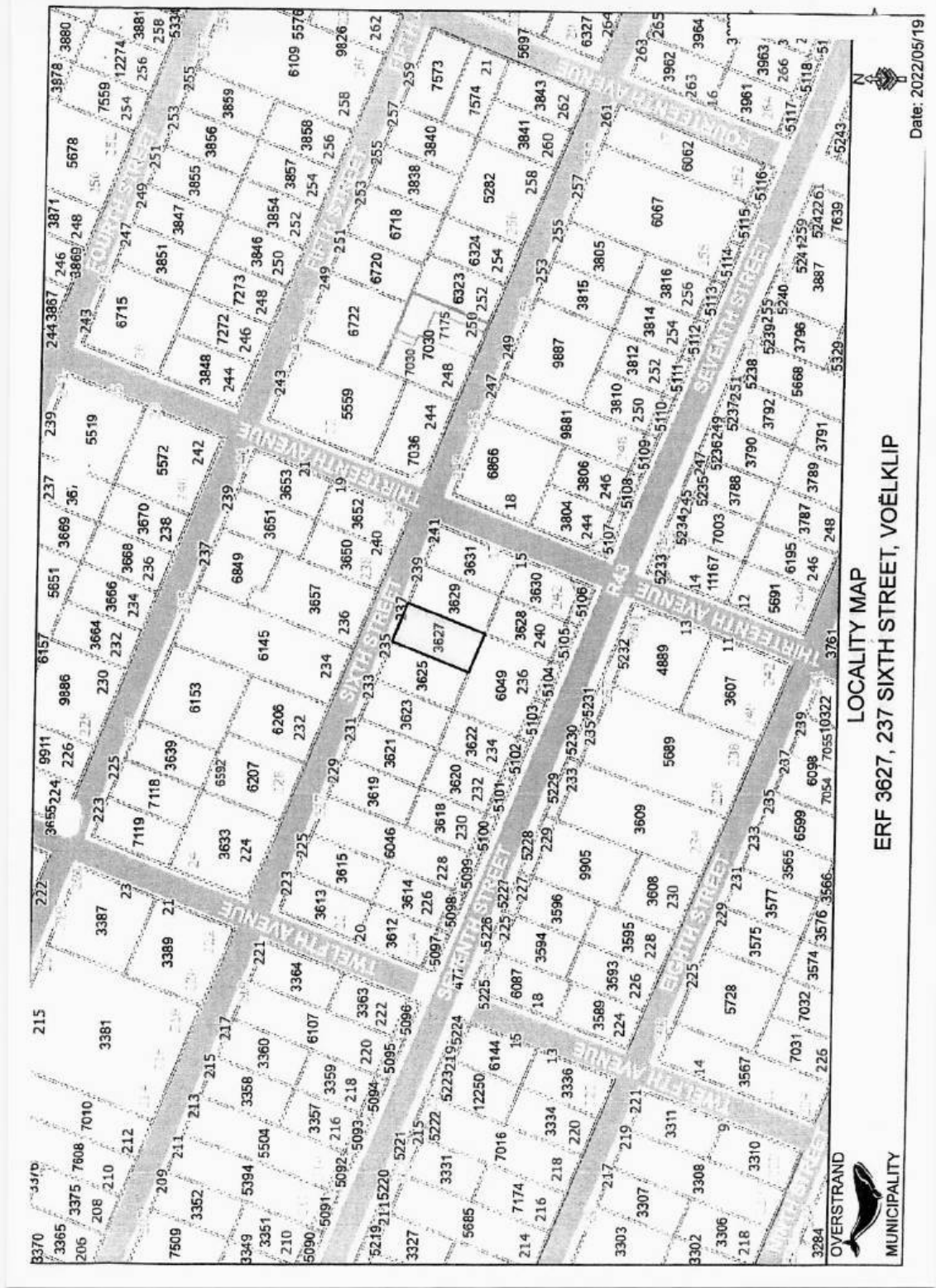
1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 3627, Hermanus (Voëlklip) in order to relax the eastern lateral building line from 2m to 1.2m to accommodate the existing dwelling on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. 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;
3. that the recommendations above be subject to the following conditions:
 - (a) that this approval is only for the structures as indicated on Drawing Number *LDT SC 100* dated *Dec 2021*, submitted with the application;
 - (b) that building plans be submitted to the building department and all comments from the building and fire department be complied with at that stage;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

- (c) that an administrative penalty of R634,33 (being 10% of the built cost) be payable within thirty (30) days of the decision;
 - (d) that all the conditions of Fire Department and Engineering Services, be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- The application has followed due procedure.
- No objections were received from the public.
- It is in line with policy documents.
- The existing structures will be unobtrusive and will be compatible with the existing built environment including the character of the dwelling.
- The as built structures do not block views nor does it create a negative impact on sunlight.
- The encroachments do not overlook any privacy features of the adjacent property as it looks onto a blank wall of the dwelling constructed on the adjacent property.
- The property owner willingly applied to legalise the current situation on the property whilst not being the person directly responsible for the encroachments, further should a rider plan been submitted in 1990 the as built structure could have been approved.



FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"

SECOND FLOOR PLAN
SCALE 1/8" = 1'-0"

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. PROTECT ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
7. REFER TO THE SPECIFICATIONS FOR DETAILED REQUIREMENTS FOR MATERIALS AND FINISHES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
9. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
10. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.

PROJECT INFORMATION:

PROJECT: **ADDITIONS & ALTERATIONS**

OWNER: **BARBARA LUDIG**

DESIGNER: **STEFAN PERMANN**

DATE: **2023/09/05**

SCALE: **1/8" = 1'-0"**

PROJECT NO.: **101-SC-100**

DATE: **2023/09/05**

PROJECT NO.: **101-SC-100**

ETERNITY SERVICES

ETERNITY SERVICES LTD.
101-101 STREET
VANCOUVER, BC V6P 1G1
TEL: (604) 271-1111
WWW.ETERNITYSERVICES.COM

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 3627, 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 3627, Voelklip, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

44. ERF 311, 13 ROELLA STREET, ROOI ELS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: AHD ARCHITECTS ON BEHALF OF AJ & A WHITEMAN

311 KRE (4221/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

29 September 2022

EXECUTIVE SUMMARY

An application was received on 22 August 2022 from ADH Architects on behalf of AJ & A Whiteman on Erf 311, Rooi Els in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure from Section 16.8.2.(b) of the Land Use Scheme to accommodate more than five (5) privately owned vehicles.

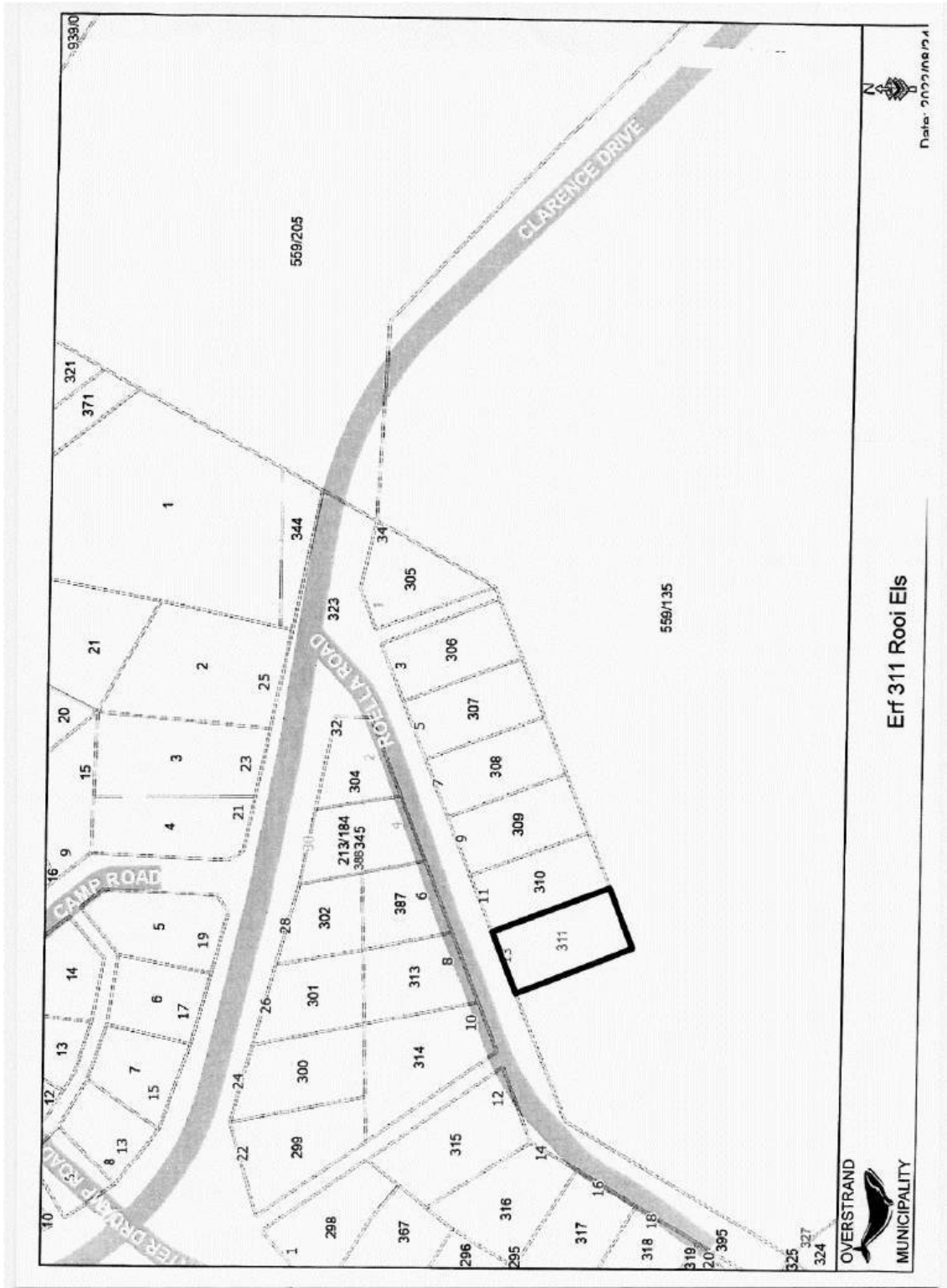
RESOLVED

1. that the application in terms of Section 16 (b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 311, Rooiels for a departure from Section 16.8.2.(b) of the Land Use Scheme to accommodate more than five (5) privately owned vehicles, **be approved** in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the development indicated on plan number RE311/22 (A101, A106 and A107) dated 25 April 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 all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that this approval does not absolve the 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, 2020 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 February 2023
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

REASONS FOR RESOLUTION

- The application has followed due procedure.
- No objections were received.
- The proposed application fits in with the character of the surrounding area and is desirable.
- There will be no impact on services.
- The proposal will have no negative impact on the environment.
- Supporting consent letters were received from surrounding property owners.



Erf 311 Rooi Els



Date: 2023/08/14

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022**

(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)

45. **ERF 1879, 22 SEPIA AVENUE, VERMONT AND ERF 1880, 20 SEPIA AVENUE, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATION PENALTY: PLAN ACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF Y JORDAAN**

1879 & 1880 HVM (4180/2022)

H Olivier

(028) 313 8900

Hermanus Administration

21 September 2022

EXECUTIVE SUMMARY

An application has been received on 10 June 2022 from Plan Active Town & Regional Planning on behalf of Y Jordaan on Erven 1879 and 1880, Vermont in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Consolidation** in terms of Section 16.(2)(e) of the By-Law to consolidate Erf 1879 Vermont ($\pm 477\text{m}^2$) with Erf 1880, Vermont ($\pm 477\text{m}^2$) to create a newly consolidated property of $\pm 954\text{m}^2$ in extent;
- ❖ **Departure** in terms of Section 16.(2)(b) to relax the street building line from 4m to 3,157m to accommodate an existing single garage, and
- ❖ Determination of an **administrative penalty** in terms of Section 16.(2)(q) of the By-Law for the unauthorised street building line encroachment.

RESOLVED

- (a) that this approval is only for the consolidation as indicated on Drawing Number verm1880c.drw dated May 2022, submitted with the application.
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 applicable to Erf 1879 and 1880, Vermont to relax the street building line from 4m to 3,157m to accommodate a portion of the existing garage, **be approved**, in terms of the provisions of Section 61 of the By-Law.
3. that the approvals in 1. and 2. above, be subject to the following conditions:
 - (a) that the for departure is only relaxation of a building line and is not an approval in terms of any other legislation;

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

- (b) that the approval for the departure and consolidation must be in line with plan J1074-02 dated 27 May 2022;
 - (c) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (f) that all the conditions in the Services Report be complied with;
 - (g) that the conditions imposed by Telkom, be complied with,
 - (h) that the conditions imposed by Eskom, be complied with, and
 - (i) that the conditions imposed by the Overstrand Municipal Environmental Management Services Department be complied with.
4. that the determination of an administrative penalty in terms of Section 90(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erven 1879 and 1880, Vermont for the unauthorised building work was considered and that **no administrative penalty be imposed.**
5. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ No objections were received from neighbours; therefore, the impact on neighbours' privacy and rights will be minimal.
- ❖ The encroachment of the garage is an existing encroachment with the garage constructed as far back as 2002, with no additional impact on neighbours.
- ❖ The garage encroachment over the street building line is only 0,843m, and will still be approximately 6,4m from the road kerb. It is minor

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

encroachment with no impact on neighbours or the street scape, and it will also comply with the land use scheme minimum requirement that there be at least 5m from the road kerb to the garage frontage.

- ❖ The application will not have a negative impact on surrounding neighbours or on the character of the area and is desirable.
- ❖ The existing property owner was not involved in creating the garage encroachment and should not be held responsible, and therefore should not be levied an administration penalty fee.
- ❖ The consolidation will create an erf which is still compatible with surrounding erf sizes. It will also provide much needed off street parking for the existing dwelling on Erf 1879.
- ❖ The application is in line with the general principles of LUPA and SPLUMA and is desirable.

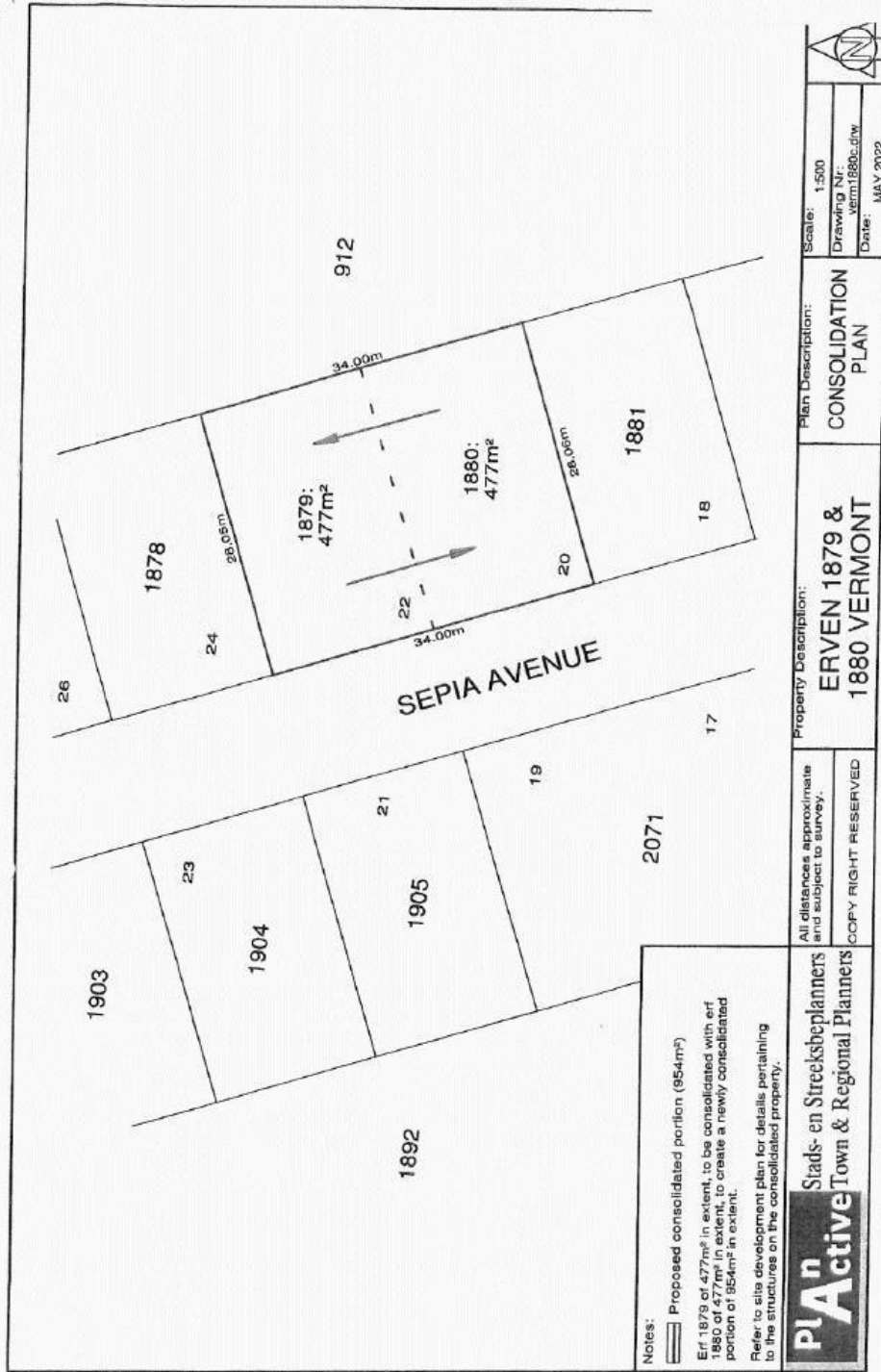


Scale: NTS
 Date: MAY 2022

Property Observation:
ERVEN 1879 & 1880 VERMONT

Stads-en Streetsplanners
P!n Active
 Town & Regional Planners

All information approximate
 and subject to survey.
 Copy Right Reserved



Notes:

▨ Proposed consolidated portion (954m²)

▨ Erf 1879 of 477m² in extent, to be consolidated with erf 1880 of 477m² in extent, to create a newly consolidated portion of 954m² in extent.

Refer to site development plan for details pertaining to the structures on the consolidated property.

PIAⁿ Active
 Stads- en Streeksbeplanners
 Town & Regional Planners

All distances approximate and subject to survey.
 COPY RIGHT RESERVED

Property Description:
ERVEN 1879 & 1880 VERMONT

Plan Description:
CONSOLIDATION PLAN



Scale: 1:500
 Drawing Nr: verm1880c.dwg
 Date: MAY 2022

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION, DEPARTURE & DETERMINATION OF
AN ADMINISTRATIVE PENALTY: ERVEN 1879 & 1880, VERMONT**

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

Conditions

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 10400 - P:2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through the proposed Erven, 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.

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

30/06/2020
DATE

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

46. ERF 4683, 5 SECOND AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: DJ & BA DU TOIT

4683 KKM (4200/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

10 October 2022

EXECUTIVE SUMMARY

An application has been received on 25 July 2022 from DJ & BA du Toit on Erf 4683, Kleinmond in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for a departure to relax the western lateral building line from 2m to 1.5m, to accommodate the change of use of a portion of the garage into a laundry room.

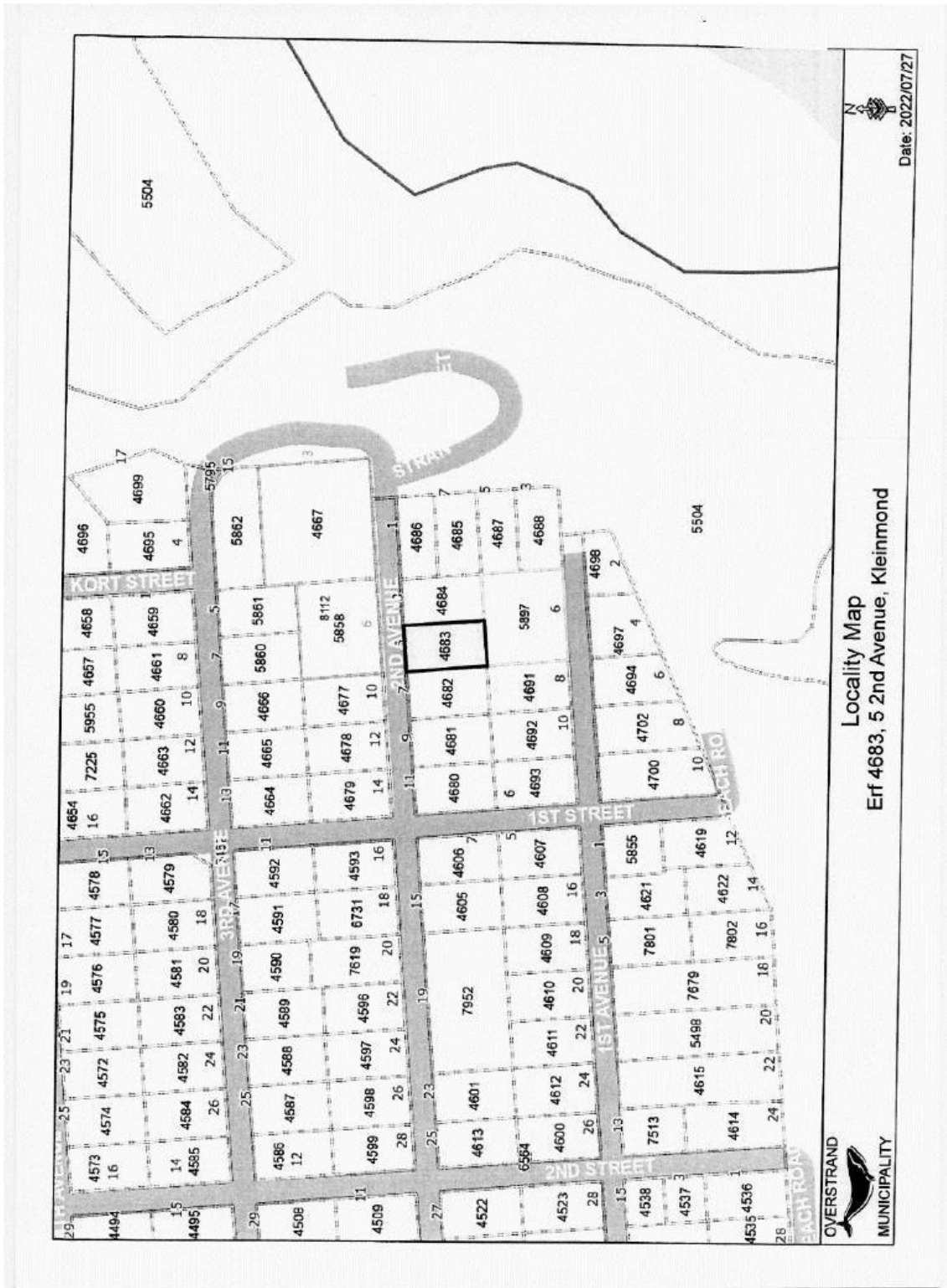
RESOLVED

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 4683, Kleinmond for a departure to relax the western lateral building line from 2m to 1.5m, to accommodate the change of use of a portion of the garage into a laundry room, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions
 - (a) that amended building plans be submitted to reflect the above approval;
 - (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 Department for approval, and that all conditions of the Building Control- and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

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.



Locality Map
Erf 4683, 5 2nd Avenue, Kleinmond



Date: 2022/07/27

Notes

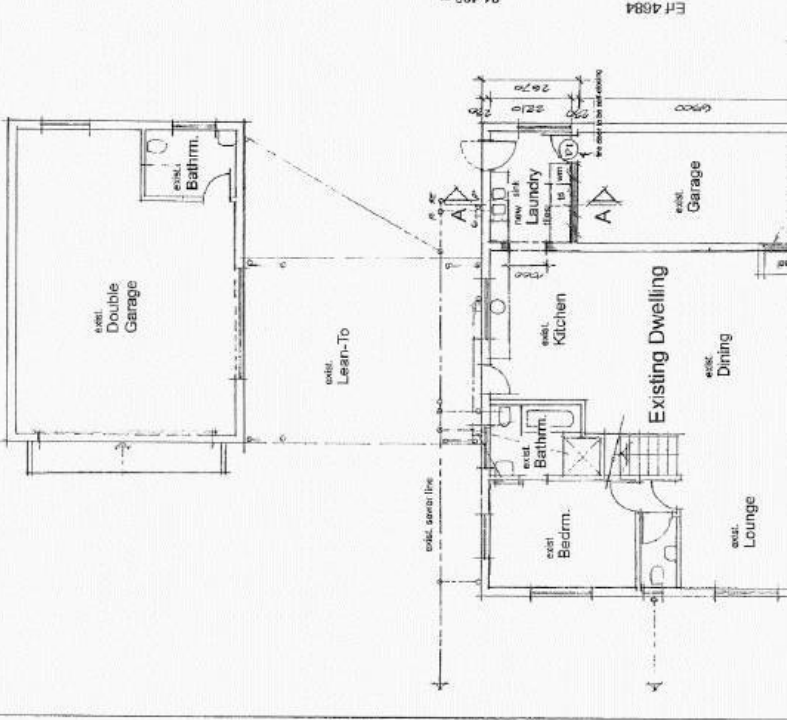
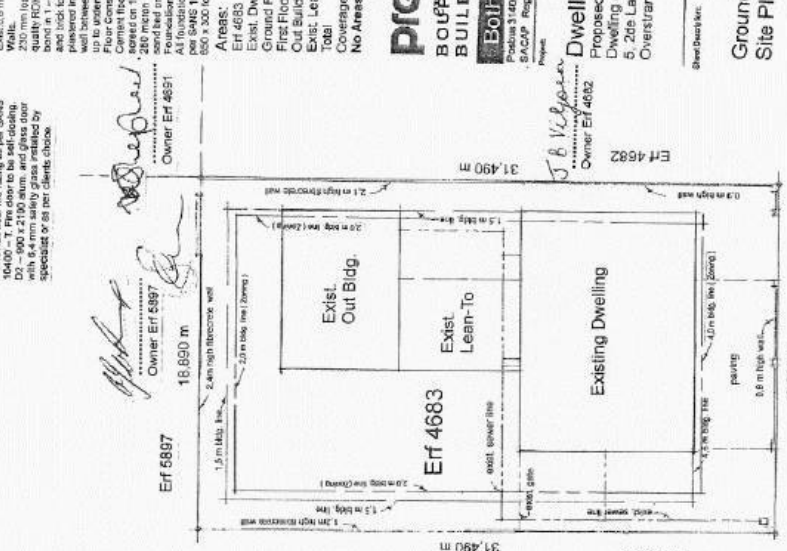
Roof Construction:
 Exst. 0.6 mm bitum. white roof finishing
 20mm (1) layer bitum. with 10mm (1) layer
 quality ROCK clay tiles over 10mm (1) layer
 band n 1 - 5 cement mortar with walls ties
 and rock laces to every 3 courses and
 wall between Garage and 200 mm fire
 up to underside of existing concrete slab.
Roof Construction:
 Exst. finish on 25 mm cement
 screed on 100 mm compacted earth fill.
 280 micron DPC membrane on 80 mm
 compacted earth fill.
 All foundations and parapets walls to
 per SABS 10400. Part K and Part L to SABS
 550 x 300 for new wall see Section A-A.

Areas:

Erf 4683 594.64 sq m
 Exst. Dwelling 120.30 sq m
 Ground Floor 120.30 sq m
 First Floor 120.30 sq m
 Out Building 54.45 sq m
 Exst. Lean-To 32.50 sq m
 Total 327.55 sq m
 Coverage 34.8 %
 No Areas Added to Existing

Doors:

D1 - 813 x 2032 x 40 mm solid door with
 anti-lift floor fitting as per SANS
 10400. To be fitted in the existing
 D2 - 900 x 2100 mm solid door with
 with 8 mm safety glass installed by
 Specialist or as per clients choice.



pretplan
 BOUWERKUNNE
 BUILDING PLANS
 Botha Pretorius
 Prinsloo 3140, Melrose Park, 0017
 SACAP Reg. No. ST1950, 071 452 9098

Dwelling Du Toit
 Proposed Alterations to Exst.
 Dwelling on Erf 4683
 5, 2de Laan, Kleinmond,
 Overstrand

Project Number	Scale	1:100
PP12/22	Date	May 2022
1	Drawn by	botha

Owner Erf 4682
 J. B. V. V. V.
 Owner Erf 4683
 B. de Wit
 Owner Erf 4684
 SACAP ST1950

Site Plan 2 De Laan
 1:200
 Ground Floor Plan
 1:100

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022**

(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)

**47. ERF 6199, 18 RESERVOIR STREET, VOËLKLIP, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE:
MESSRS ALAB ARCHITECTS ON BEHALF OF JANINE ELLIS**

6199 HVK

4178/2022

P Roux

(028) 313 8900

Hermanus Administration

25 October 2022

EXECUTIVE SUMMARY

An application has been received on 10 June 2022 from Messrs ALAB Architects on behalf of J Ellis, on Erf 6199, Hermanus (Voëlklip) in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the street building line from 4m to 2.1m in order to accommodate a covered veranda.

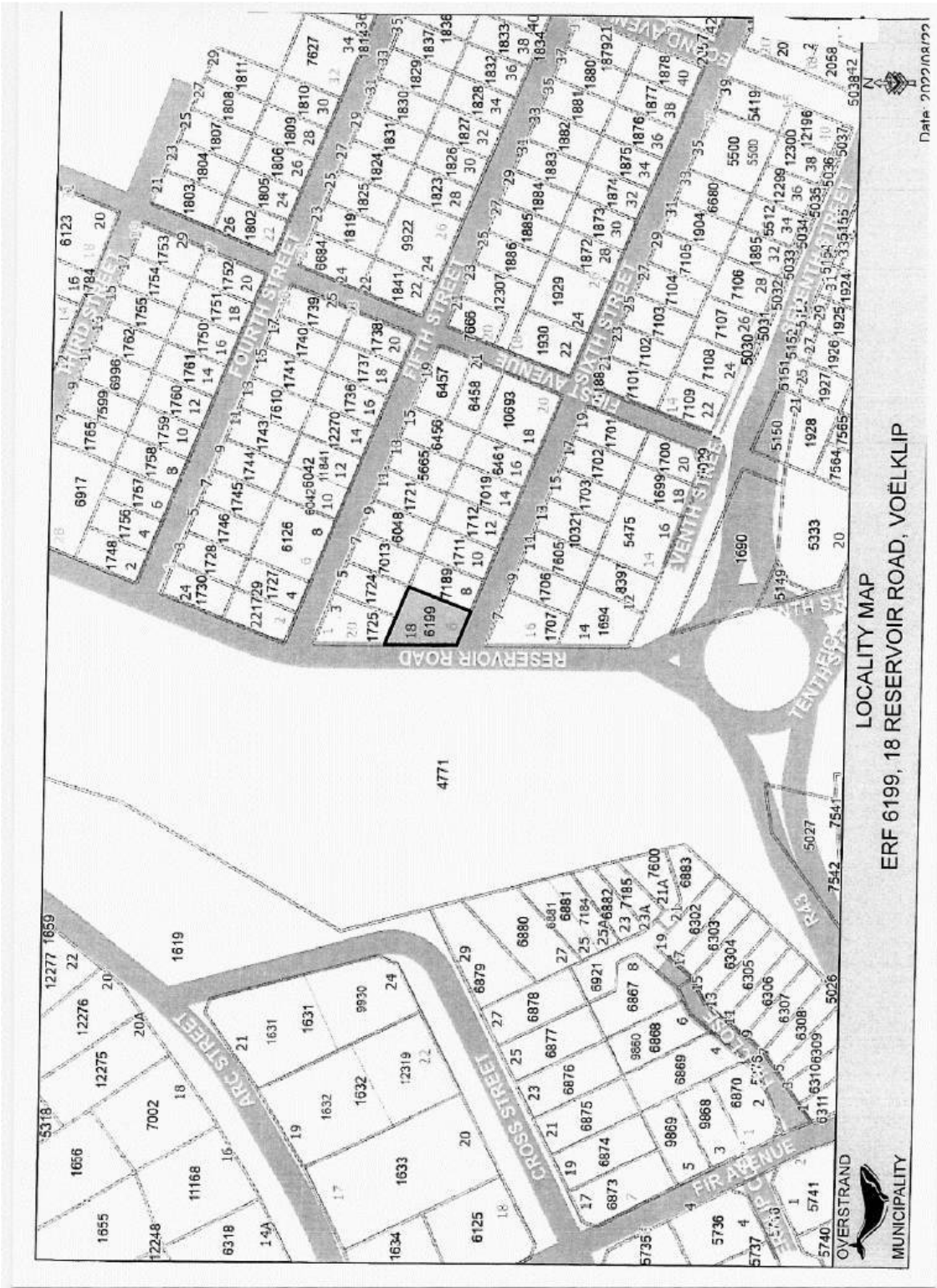
RESOLVED

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 6199, Hermanus (Voëlklip) to relax the street building line from 4m to 2.1m in order to accommodate a covered veranda, **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 structures as indicated on Drawing Number 001/1/01, 001/2/01 & 001/3/01, as submitted with the application;
 - (b) that building plans be submitted to the building department and all comments from the Building- and Fire Departments be complied with at that stage;
 - (c) that all the conditions in the Engineering 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 Zoning Scheme be complied with.
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

REASONS FOR RESOLUTION

- The application has followed due procedure.
- No objections were received from the public.
- The proposed structure will be unobtrusive and will be compatible with the existing built environment including the character of the dwelling.
- The proposed structure will not block street views nor does it create a negative impact on the street scape.



Date: 2022/08/22

LOCALITY MAP
ERF 6199, 18 RESERVOIR ROAD, VOËLKIP



OVERSTRAND MUNICIPALITY

GENERAL NOTES
 1. THIS DRAWING IS TO BE USED FOR THE SUBMISSION OF A DEVELOPMENT APPLICATION TO THE LOCAL COUNCIL.
 2. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 3. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 4. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 5. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 6. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 7. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 8. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 9. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 10. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.

SERIES CROSS REFERENCES
 SERIES 1 PLANS
 SERIES 2 PLANS
 SERIES 3 PLANS
 SERIES 4 PLANS
 SERIES 5 PLANS
 SERIES 6 PLANS
 SERIES 7 PLANS
 SERIES 8 PLANS
 SERIES 9 PLANS
 SERIES 10 PLANS

DISCLAIMER
 APPROVED FOR THE PURPOSES OF THE LOCAL COUNCIL.
 THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.

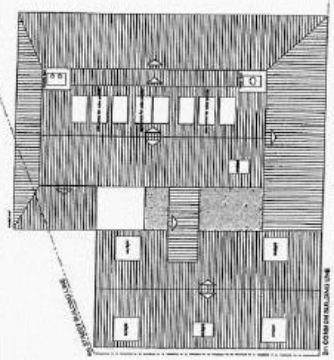
NOTATIONS
 1. THIS DRAWING IS TO BE USED FOR THE SUBMISSION OF A DEVELOPMENT APPLICATION TO THE LOCAL COUNCIL.
 2. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 3. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 4. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 5. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 6. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 7. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 8. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 9. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 10. THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.

NO.	DESCRIPTION
1	THIS DRAWING IS TO BE USED FOR THE SUBMISSION OF A DEVELOPMENT APPLICATION TO THE LOCAL COUNCIL.
2	THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
3	THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
4	THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
5	THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
6	THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
7	THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
8	THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
9	THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
10	THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.

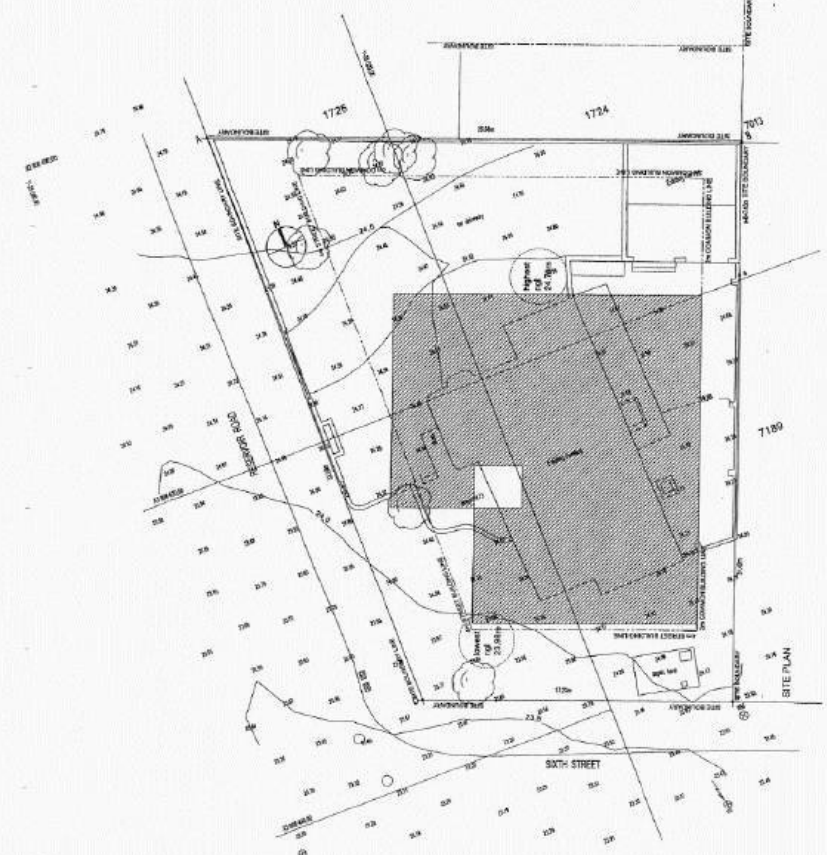
THIS DRAWING IS TO BE USED FOR THE SUBMISSION OF A DEVELOPMENT APPLICATION TO THE LOCAL COUNCIL.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.
 THE LOCAL COUNCIL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.

DRAWING TITLE
 SITE PLAN
PROJECT TITLE
 100, W. HERRING ROAD
PROJECT ADDRESS
 100, W. HERRING ROAD
CURRENT ISSUE DATE
 20/01/2011
SCALE
 1:100 (A1)
DRAWING NO.
 0001/1/01
CURRENT REV.
 N

ERF NO:
 6199
ZONING:
 SR1
SITE AREA
 737m²
ALLOWED COVERAGE (%)
 50
ACTUAL COVERAGE (m²)
 368.5m²
ACTUAL COVERAGE (%)
 280m²
ALLOWED HEIGHT
 8m
ACTUAL HEIGHT
 8m



ROOF PLAN



SITE PLAN

This copyright of this drawing belongs to the
 ARCHITECT/ENGINEER/DRAWER

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 6199, 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 6199, Voelklip, unobstructed;
7. that no on-street parking be allowed.

P.P. R. Andew
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

13/07/2022
DATE

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022**

(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)

48. ERF 5433, 45 FOURTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS ALET BARNARD ARCHITECTS ON BEHALF OF HH & M LUTTIG

4102/2022

P Roux

(028) 313 8900

Hermanus Administration

1 November 2022

EXECUTIVE SUMMARY

An application has been received on 4 April 2022 from Messrs Alet Barnard Architects on behalf of HH & M Luttig in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 5433, 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 1.03m, to accommodate a pergola;
- relax the eastern lateral building line from 2m to 0m, to accommodate a storeroom;
- relax the western lateral building line from 2m to 1.2m, to accommodate the extension of the garage and to change the use (from garage to flatlet), and
- relax the permissible boundary wall height from 2.1m to 3.516m.

Determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law, to accommodate the existing single garage.

RESOLVED

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 5433, Hermanus (Voëlklip) in order to:

- relax the street building line from 4m to 1.03m, to accommodate a pergola;
- relax the eastern lateral building line from 2m to 0m, to accommodate a storeroom;
- relax the western lateral building line from 2m to 1.2m, to accommodate the extension of the garage and to change the use (from garage to flatlet), and
- relax the permissible boundary wall height from 2.1m to 3.516m.

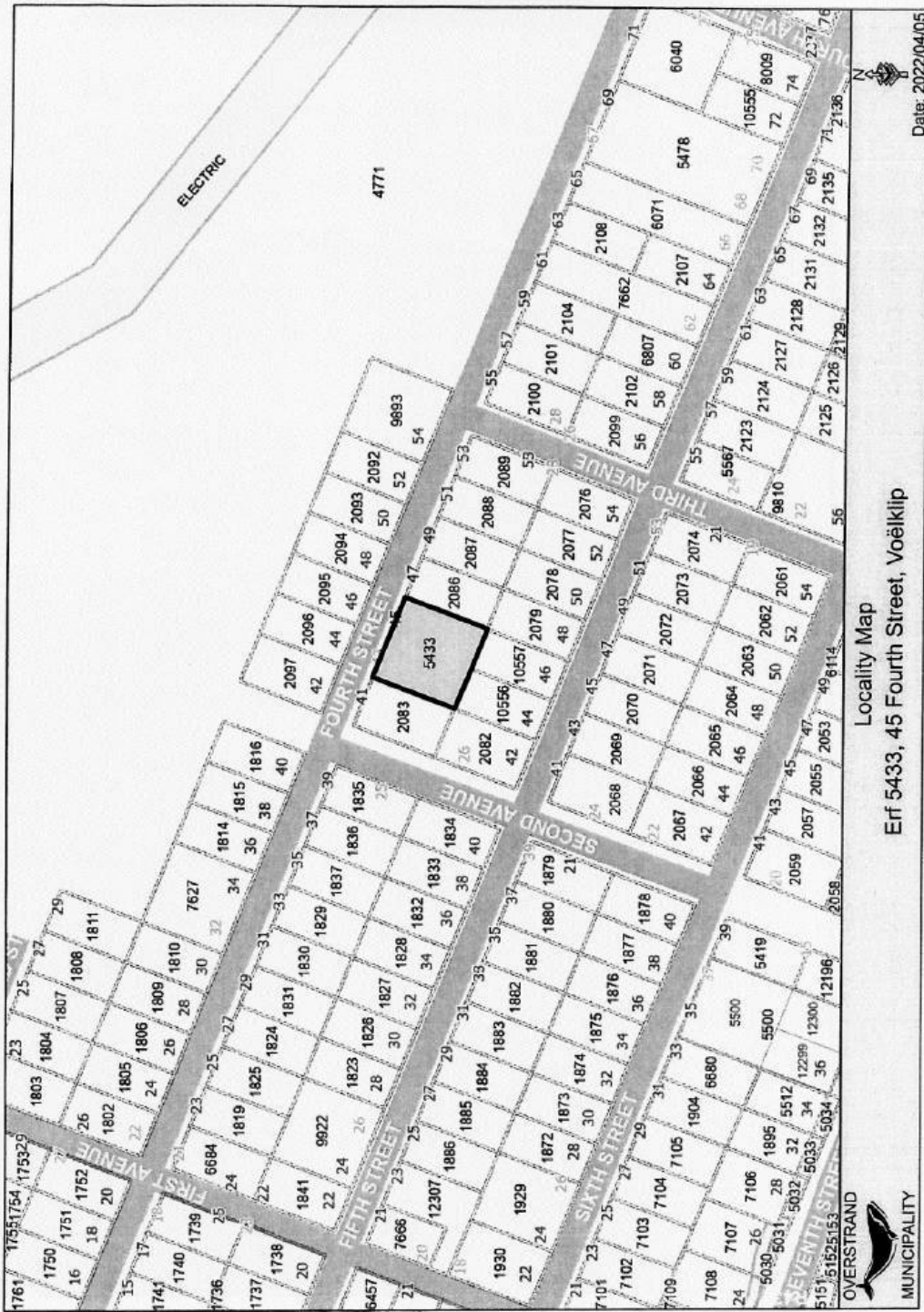
be approved in terms of the provisions of Section 61 of the By-Law;

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

2. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-law for the construction of an illegal garage over the building line, **be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
3. that the approvals in 1. above be subject to the following conditions:
 - (a) that this approval is only for the structure as indicated on Drawing Number *133.100* dated *10 February 2022*, submitted with the application;
 - (b) that three parking bays indicated on the Site Development Plan to the satisfaction of the Senior Manager: Town and Spatial Planning;
 - (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 Engineering Services, be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

- The application has followed due procedure.
- No objections were received from the public.
- It is in line with policy documents.
- The proposed departures have no impact on the adjacent properties.
- The existing structures will be unobtrusive and will be compatible with the existing built environment including the character of the dwelling.
- The garage which was illegally constructed will be demolished at the cost of the property owner.



Date: 2022/04/05

Locality Map
Erf 5433, 45 Fourth Street, Voelklip



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 5433, 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 5433, Voelklip, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022**

(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)

49. **ERF 142, 26 KABELJOU STREET, VAN DYKSBAAI (KLEINBAAI), OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE, RELAXATION OF A RESTRICTIVE TITLE DEED CONDITION AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: ME VAN HEERDEN**

ERF 142 GKB

**SW van der Merwe
28 October 2022**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 15 February 2022 from ME van Heerden in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 142 Kleinbaai, for the following:

- **departure** in terms of Section 16(2)(b) of the By-Law for the encroachment of the street building line from 4m to 2,75m, the northern lateral building line from 2m to 0,4m to accommodate an existing carport and canopy respectively and encroachment of the southern lateral building line from 2m to 1,37m to accommodate the existing house and second dwelling; and
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, in order to legalise the existing carport, canopy, the existing dwelling and second dwelling unit as built.

Application is also made for title relaxation in terms of the provision of paragraph C(g) of Title Deed T23629/1977 in order to encroach the 5m street and 1,5m northern and southern lateral building lines in terms of the title deed to 2,75m, 0,4m and 1,37m respectively.

RESOLVED

1. that the application in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the relaxation of restrictive title deed Condition C(g) of Title Deed No. T23629/1977 applicable to Erf 142, Van Dyksbaai to relax the 5m street- and 1,5m northern and southern lateral building lines to 2,75m, 0,4m and 1,37m respectively, **be approved** in terms of Section 61 of the By-Law.
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 on Erf 142, Van Dyksbaai for a departure in order to relax the street building line from 4m to 2,75m and the northern lateral building line from 2m to 0,4m to

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

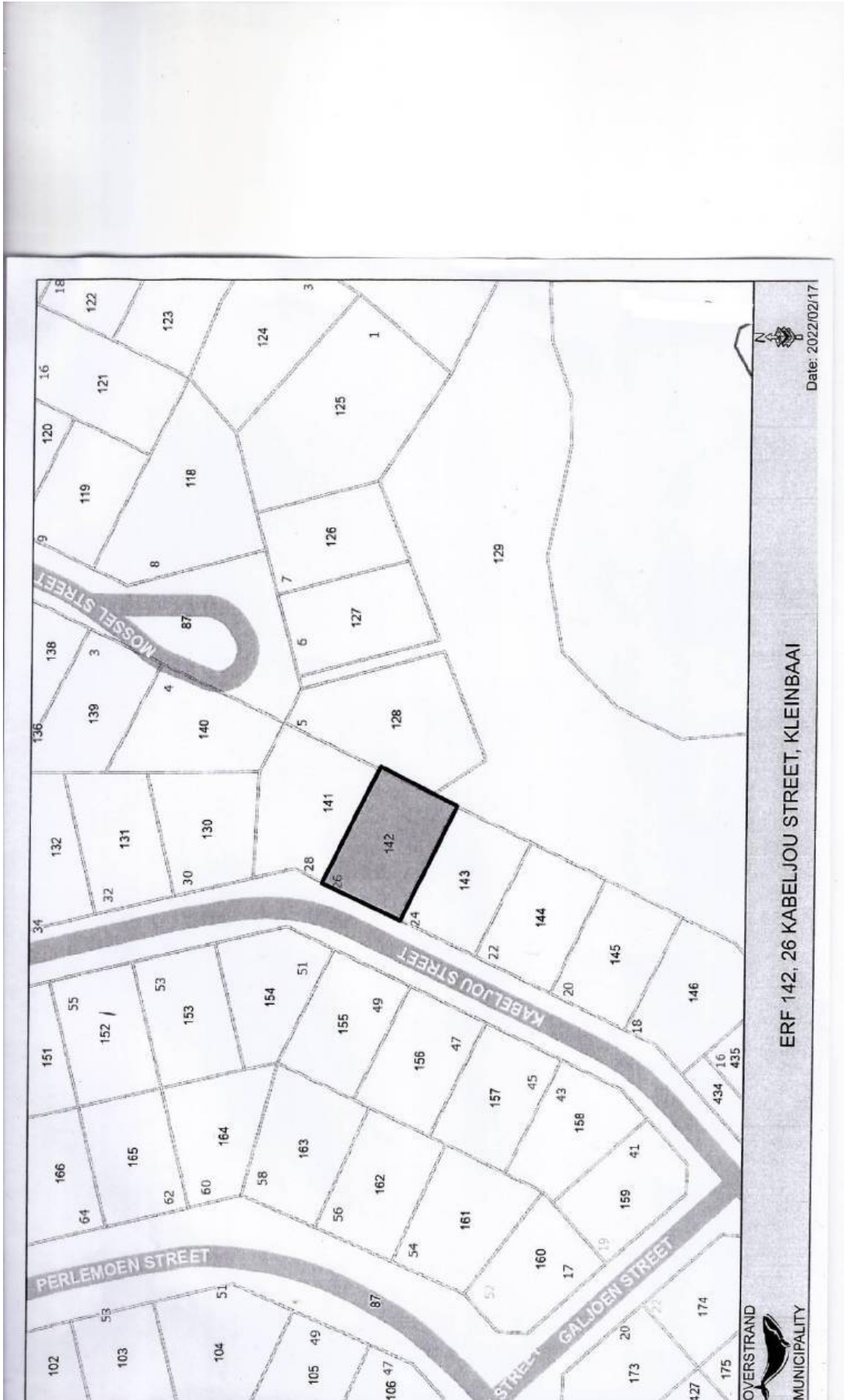
accommodate an existing carport and canopy respectively and to relax the southern lateral building line from 2m to 1,37m to accommodate the existing house and second dwelling, **be approved**, in terms of Section 61 of the By-Law;

3. that the application for the determination of an administrative penalty in terms of Section 16.(2)(q) of the By-Law for the unauthorised carport and canopy **be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
4. that the application for determination of an administrative penalty in terms of Section 16.(2)(q) of the By-Law to legalise the lateral building line encroachment of the existing house and second dwelling not be exempted from payment of the administrative penalty, **be imposed**;
5. that the approvals in point 1. and 2. above be subject to the following conditions:
 - (a) that this approval is only for the structure as indicated on Plan No. *JJ48/21* dated *15 November 2021*, submitted with the application;
 - (b) that building plans be submitted to the Building Department and all comments from the Building- and Fire Departments be complied with at that stage;
 - (c) that an administrative penalty of R11031.91 (VAT inclusive) be payable within thirty (30) days of the decision;
 - (d) that all the conditions of Telkom and Engineering Services, be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
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.

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

REASONS FOR RESOLUTION

- The application has followed due procedure.
- No objections from internal departments were received.
- It is in line with policy documents.
- The proposal is supported by adjoining property owners that provided written consent.
- The departures have no mentionable impact on the adjacent properties.
- The departures existed for a number of years (canopy and carport prior to 2010 and the main dwelling dating back to 1981 & 1983).
- The application is regarded as being desirable from a town planning point of view as the proposal is of a normal residential type of use.



PAGE 01 OF 07

STEENWERK
Baksteen geproef en goet
DAKKONSTRUKSIE
Bij 6 dakplate op 1140,35 mm daklappes deur tersalle
BETONDEK
Vogling detail
VENSTERS EN DEURE
Vir Aluminium
20mm Isopore
RIJOLWERK
Vogling muningspe variëtes en regulasies op basis 10400P

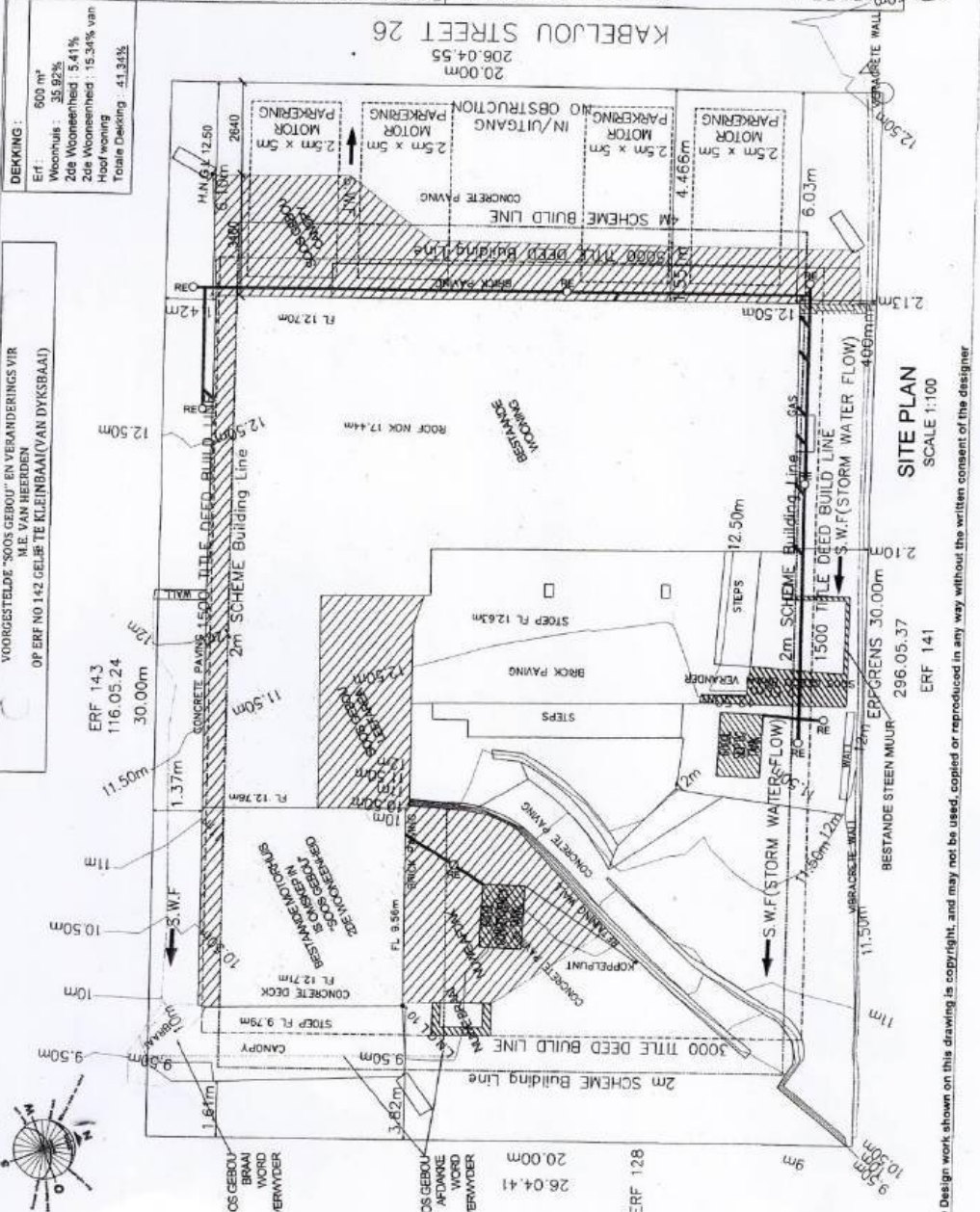
OPPERVLAKTE
Woonhuis: 141,63 m²
2de Woonseenheid: 32,50 m²
"Soos gebou"/sambouings: 17,23 m²
Baton dek: 32,50 m²
"Soos gebou" afdek: 34,68 m²
Nuwe afdek: 22,00 m²

Totaal: 246,04 m²
SKAAL: 1:10, 1:20, 1:50, 1:100, 1:150
REC no D2720

ALGEMEEN
Alle maties en hoogtes moet op terrein nagegaan word voor werk mag begin. Wites op plan getuiet toelating voor maties gasstel voor plan. Voorwite in alle gevalle min 30mm bo grondvlak.
Voorwite moet onder alle openinge in betonwerk met 100mm betonweringe bohoue hoopel 500mm dikke konsol in betonwerk.
Beton lusse oor alle openinge.
Min 4 lye stene met "Brick face" tussen alle bo stene.
Alle dak houte wat in muur in gebou wem moet met die goete word by getelste waar dit is.
ALLE BOUWERK STROUWALIG VOLGENS NATIONALE PRODUKASIE EN PLAASLIKE ROUREGULASIE.
J.J. van der Nest
ARGITEKTONIESE DIENSTE
P.R. ARCH DRAUGHT
SACAP Reg. (D2720)

GETEKEN: J.J. van der Nest
Bloubaek 11
Kleinbaai 7220
Se: 082-484-8880
DATUM: 10.05.2022

ERF NO. 142
KABELOU STREET 26
20,00m
206,0455



DEKING:
Erf: 600 m²
Woonhuis: 39,92%
2de Woonseenheid: 5,41%
Hood woning: 15,34% van
Totale Dekking: 41,34%

VOORGESTELDE "SOOS GEBOU" EN VERANDERINGS VIR M.B. VAN HEEBEN OP ERF NO 142 GELEË TE KLEINBAAI (VAN DYKSBAAL)

ERF 143
116.05.24
30.00m

ERF 128
26.04.41
20.00m

ERF 141
296.05.37

SITE PLAN
SCALE 1:100

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

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR: DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 142, KLEINBAAI**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 142, Kleinbaai, unobstructed;
6. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee: Infrastructure & Planning**

6 February 2022

(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)

- 50. PORTION 31 OF THE FARM KLIPFONTEYN NO 711, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR AMENDMENT OF THE APPROVED SUBDIVISION PLAN AND PHASING: MESSRS ATLAS TOWN PLANNING ON BEHALF OF KLEINBAAI EIENDOMME (EDMS) BPK**

Ptn 31 of Farm 711 RCAL

4195/2022

SW van der Merwe

(028) 313 8900

Hermanus Administration

22 November 2022

EXECUTIVE SUMMARY

An application has been received on 15 July 2022 from Messrs Atlas Town and Regional Planners in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Portion 31 of the Farm Klipfonteyn No. 711 for the following:

- **phasing the development** in five (5) phases in terms of Section 16.(2)(k) of the By-Law, and
- **amendment of the approved subdivision plan** in terms of Section 16.(2)(k) of the By-Law.

RESOLVED

1. that the application for phasing the development in five (5) phases and amendment of the subdivision plan in terms of Section 16.(2)(k) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 31 of the Farm Klipfonteyn No. 711, Division Caledon, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the amended subdivision plan attached as Annexure C.
 - (b) that the conditions as per the land use approval of 2015 and the Environmental Authorisation of 2015 remain applicable;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

Zoning Scheme be complied with;

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

REASONS FOR RESOLUTION

- ❖ The application complies with the planning principles and is found desirable.



PLAN:
LOCALITY

DATE:
JUNE 2022

CLIENT:
KLEINBAAI PROPERTIES (PTY) LTD

**AMENDMENT OF SUBDIVISION
PLAN & PHASING - PORTION
31 OF FARM 711, CALEDON
(KLEINBAAI)**

N.T.S.



AMENDMENT OF SUBDIVISION
PLAN & PHASING - PORTION 31 OF
FARM 711, CALEDON (KLEINBAAI)

PHASING PLAN



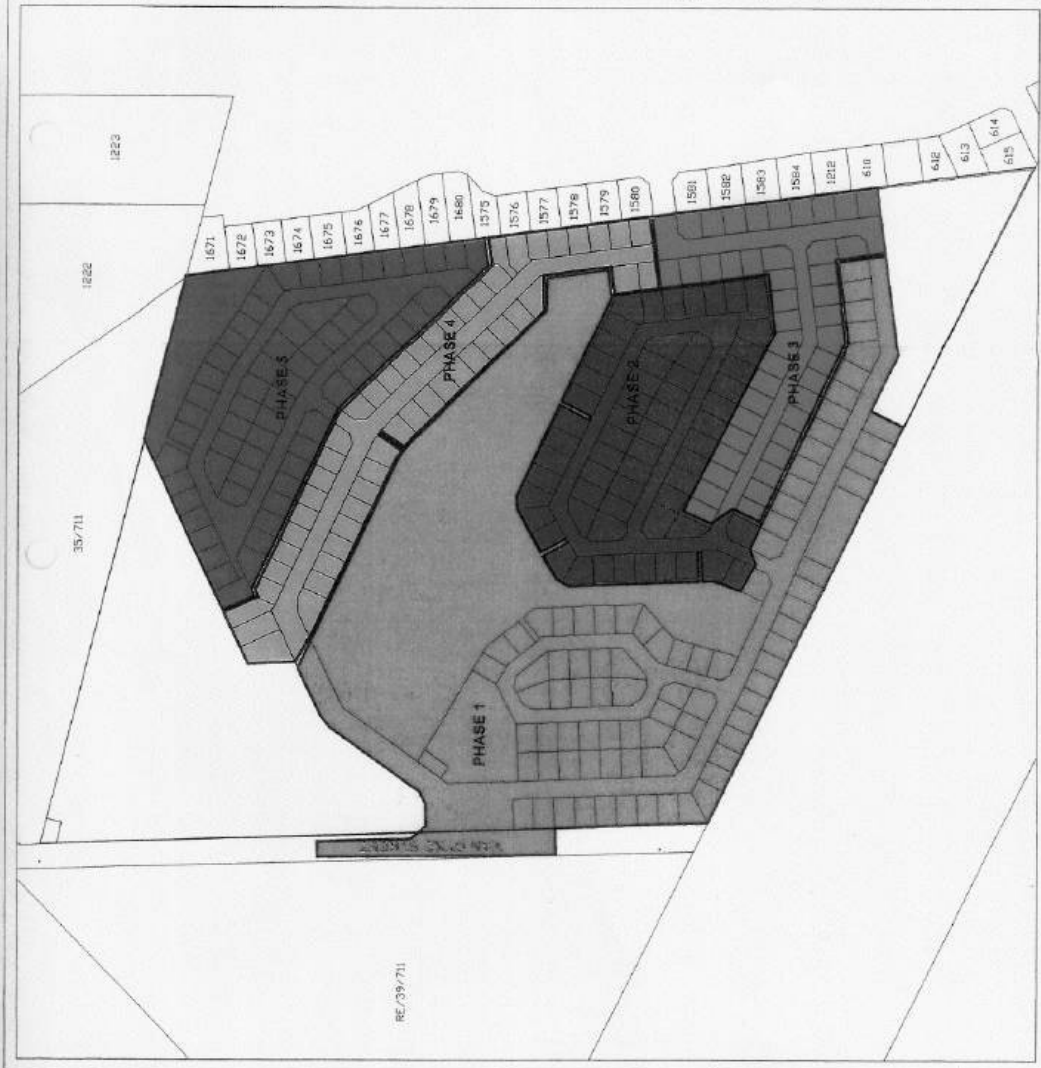
SCALE 1:2600 @
A3



PLAN NO:
ERF711KLIIPONTYENPHASINGJUN2022/1

DATE:
JUNE 2022

CLIENT:
KLEINBAAI PROPERTIES (PTY) LTD



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT OF THE APPROVED SUBDIVISION
PLAN AND PHASING: PORTION 31 OF FARM NO. 711, KLIPFONTEYN,
DIVISION OF CALEDON**

Water	:	According to GLS Report
Sewer	:	According to Engineering Service Report
Roads and traffic	:	According to the TIA report
Stormwater (SW)	:	According to the master plan by the Developer
Electricity	:	According to the master plan

Conditions:

1. that the same conditions as set out by the Director: Infrastructure and Planning in his letter dated 10 March 2015 with regards to the original application be applied.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

51. ERF 2297, GALJOEN STREET, PEARLY BEACH (PEARLY BEACH RESORT), OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS WAYNE MICHAEL DESIGN ON BEHALF OF D AND CR STOFFBERG

2297 GBP (4207)

SW van der Merwe

(028) 313 8900

Hermanus Administration

18 November 2022

EXECUTIVE SUMMARY

An application has been received on 25 July 2022 from Messrs Wayne Michael Design on behalf of D and CR Stoffberg applicable to Erf 2297, Pearly Beach (Pearly Beach Resort) for departure of the Pearly Beach Resort Architectural Guidelines to encroach the lateral building line from 1m to 0,217m to accommodate a steep enclosure.

RESOLVED

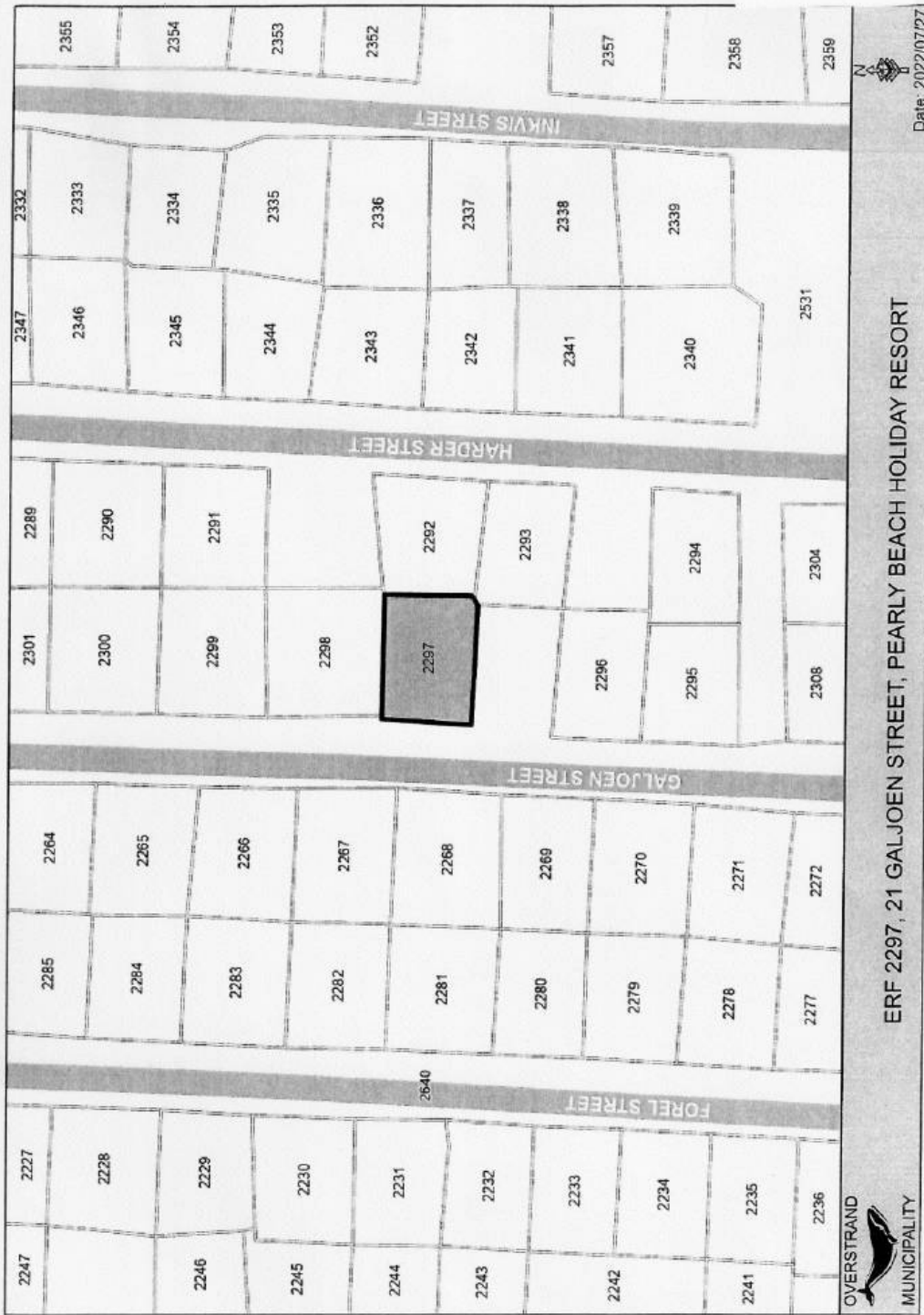
1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 2297, Pearly Beach for departure of the Pearly Beach Resort Architectural Guidelines to encroach the lateral building line from 1m to 0,217m to accommodate a steep enclosure, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval only be applicable for the encroachment indicated on the Site Plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (c) that all the conditions contained in the Services Report, be complied with;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with, and
 - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

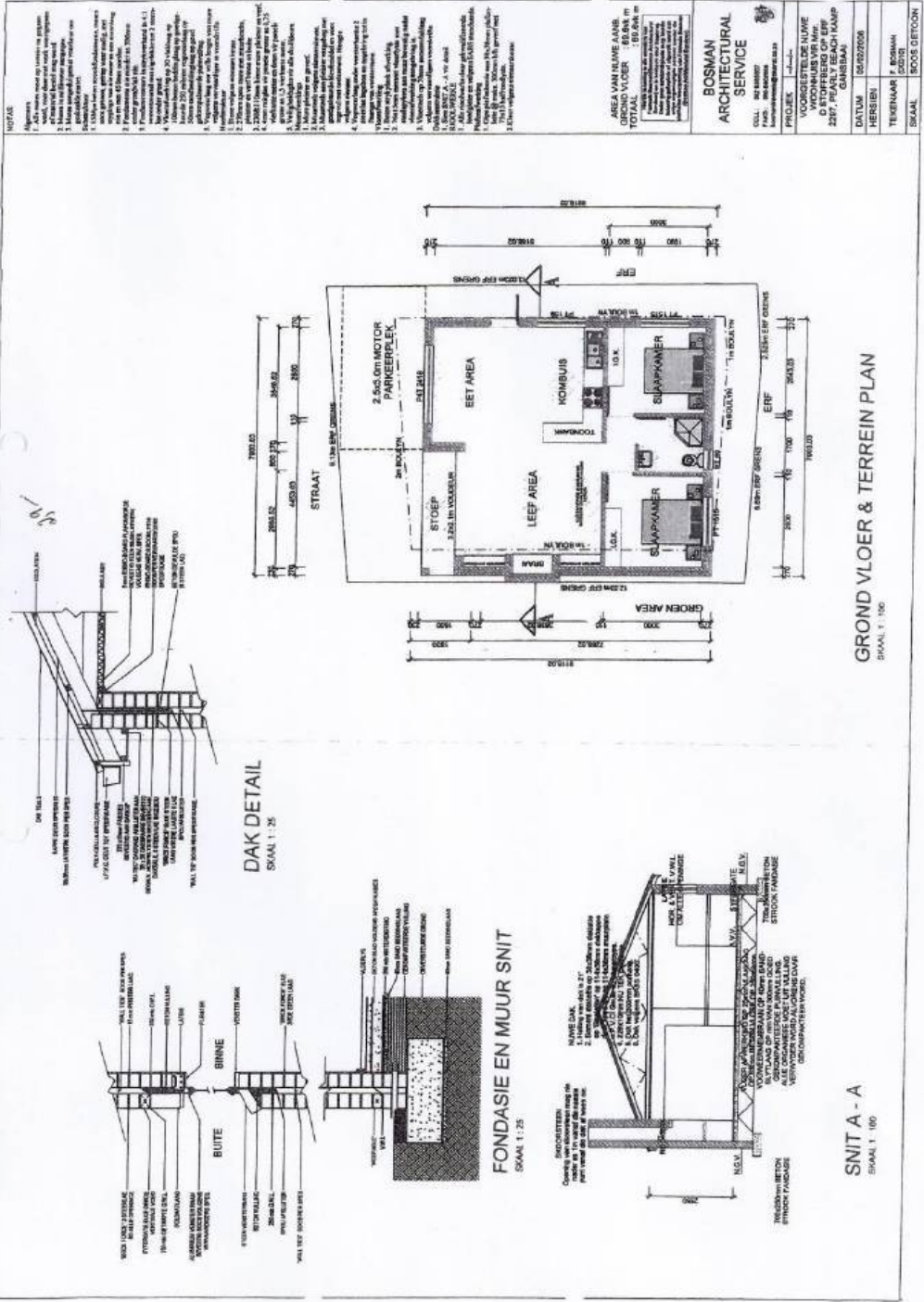
**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

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, 2015 with regard to the above conditions of approval applicable only to Point 2. above.

REASONS FOR RESOLUTION

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





- NOTAS**
1. Alle afmetingen in meters.
 2. Alle afmetingen in meters.
 3. Alle afmetingen in meters.
 4. Alle afmetingen in meters.
 5. Alle afmetingen in meters.
 6. Alle afmetingen in meters.
 7. Alle afmetingen in meters.
 8. Alle afmetingen in meters.
 9. Alle afmetingen in meters.
 10. Alle afmetingen in meters.

AREA VAN NINE JAAR
TOTAAL
VOORSTELDE NUIWE
297, REARLY BEACH KAMP
GEBOUW

BOSMAN ARCHITECTURAL SERVICE

VOORSTELDE NUIWE 297, REARLY BEACH KAMP GEBOUW

DATE: 15/02/2008

TEKENAAR: F. BOSMAN

SKAAL: BOOE GETOON

GROND VLOER & TERREIN PLAN
 SKAAL 1:100

SNIT A - A
 SKAAL 1:100

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 2297, PEARLY BEACH (4207/2022)**

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

Conditions

1. that the Department Engineering Services has No Comment.

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

12-10-2022
DATE

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022**

(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)

52. **PORTION 158 OF THE FARM BAARDSKEERDEBOS NO. 213, BREDASDORP DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE AND DEPARTURE: MESSRS INTERACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF ROBFAIR INVESTMENT NO 237CC**

**Prt 158 of 213 RBRE
3958/2021**

**SW van der Merwe
2 November 2022**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 10 December 2021 from Messrs Interactive Town and Regional Planners on behalf of Robfair Investment No 237CC in terms of the Overstrand Municipality Amendment By-Law, 2020 on Portion 158 of the Farm Baardskeerdersbos, Division Bredasdorp for the following:

- **Rezoning** in terms of Section 16.(2)(a) of the By-Law from Agricultural Zone 1: Agriculture (AR1) to Rural Zone 1: Agricultural Smallholding (R1).
- **Subdivision** in terms of Section 16.(2)(d) of the By-Law into three portions, namely Portion A ($\pm 4025\text{m}^2$), Portion B ($\pm 8050\text{m}^2$) and Portion C ($\pm 8050\text{m}^2$).
- **Consent use** in terms of Section 16.(2)(o) of the By-Law to accommodate a second dwelling unit on Portions A, B and C; and
- **Departure** in terms of Section 16(2)(b) of the By-Law to relax the street and common building lines from 10m to 5m.

RESOLVED

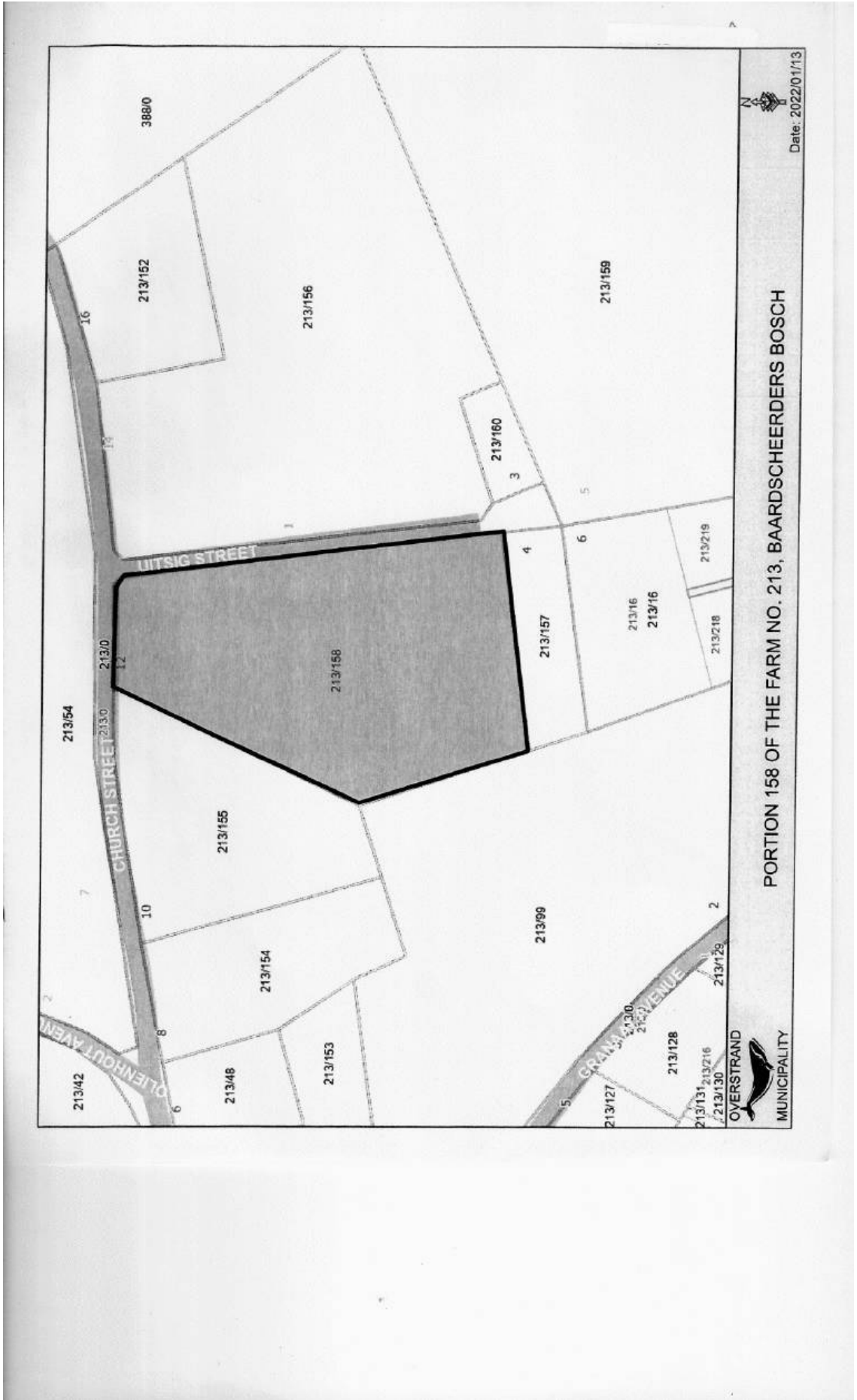
1. that the application in terms of Section 16.(2)(a) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the rezoning of Portion 158 of the Farm Baardskeerdersbos No. 213, Division Bredasdorp from Agricultural Zone 1 to Rural Zone 1, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(o) of the By-Law for consent use to accommodate a second dwelling on each of the subdivided portions, **be approved** in terms of the provisions of Section 61 of the By-law
3. that the application in terms of Section 16.(2)(b) of the By-Law for departure to relax the applicable building lines from 10m to 5m, **be approved** in terms of the provisions of Section 61 of the By-Law;

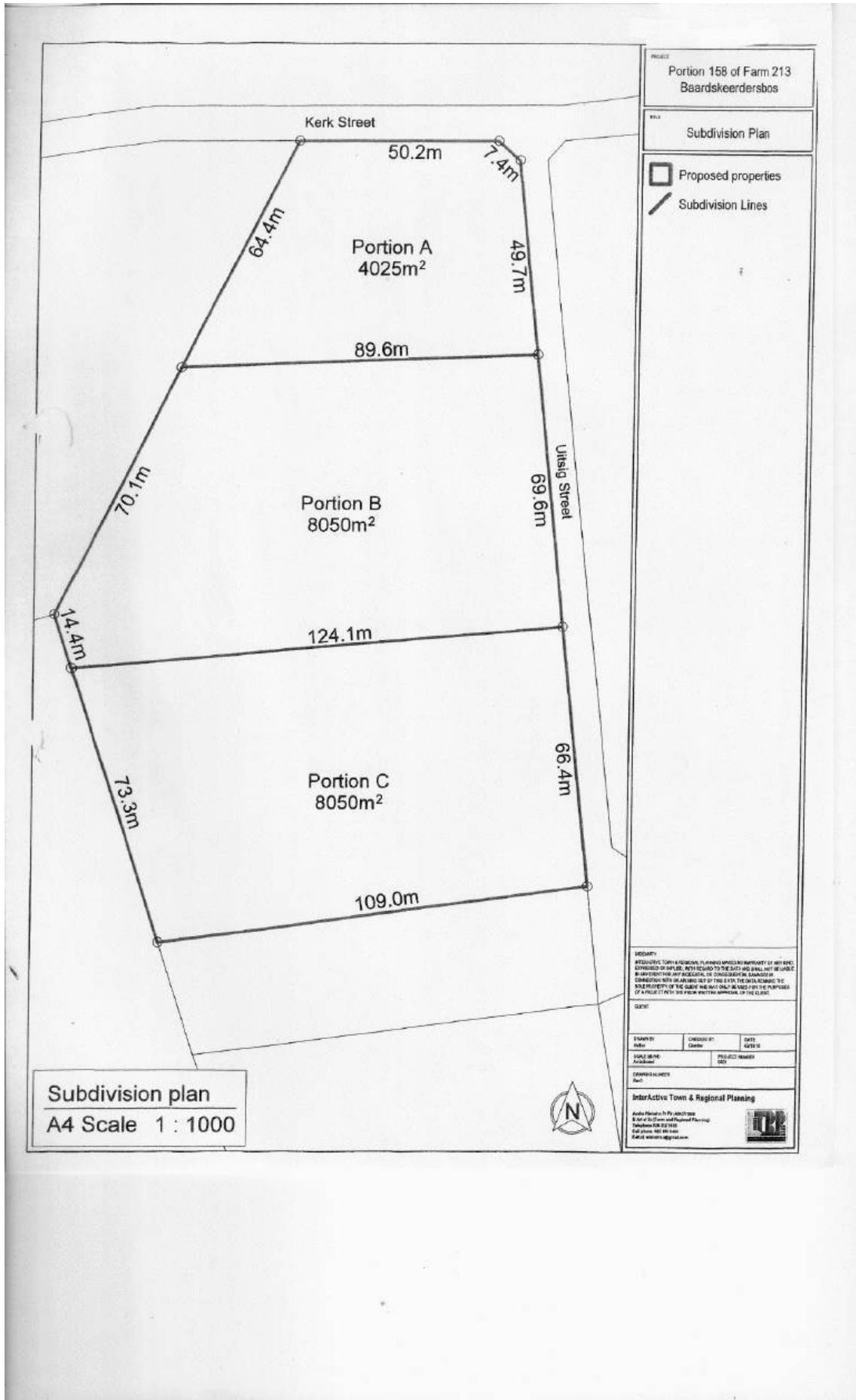
**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

4. that the recommendation in paragraphs 1. to 3. above be subject to the following conditions:
 - (a) that this approval is only for the subdivision as indicated on Drawing Number: 0001, submitted with the application;
 - (a) that the requirements by Telkom, Eskom and Department of Environmental Affairs and Development Planning (*Component: Development Planning*) and Department of Agriculture, be complied with
 - (b) that all the conditions in the Services Report, be complied with;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with, and
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
5. 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.
- ❖ The applicant is consistent with the SDF and Baardskeerdersbos precinct plan.
- ❖ The proposal will not detract from the character of the area or vested rights of adjoining property owners.
- ❖ No objections were received.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE & DEPARTURE:
PORTION 158 OF THE FARM 213, BAARDSCHEERDERS BOSCH, DIVISION
BREDASDORP**

Stormwater (SW) : In order
Electricity : Eskom
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:

Sewerage	R 16 799.12 x 2	=	<u>R 33 598.24</u>
TOTAL (inclusive of VAT)		=	R 33 598.24

Note:

- 1.3 **The above figures are estimates**
- 1.4 **The above figures do not include evaluation/investigation levies and connection fees**
2. that the proposed Portion A, Portion B and Portion C of Portion 158 of Farm 213 each be serviced with individual and separate water connections to the municipal system, which must comply with the standards of the Department: Operational Services;

3. that the proposed Portion A, Portion B and Portion C of Portion 158 of Farm 213 each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the individual erven must each connect to;
4. that the sewer conservancy tanks must be accessible to the municipal sewer tankers from one of the adjacent public roads, with parking areas for the sewer tankers provided with permanent surfaces and to the layout and specification of the Department: Operational Services;
5. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
6. that on site parking facilities be provided as per the Planning Schedule, and to the satisfaction of Department: Operational Services;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through Ptn 158 of farm 213, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

MUNICIPAL PLANNING TRIBUNAL

1. **ERF 1449, LYNX ROAD, VERMONT: APPLICATION FOR REZONING, SUBDIVISION, DEPARTURES, RIGHT OF WAY SERVITUDES, PHASING OF A DEVELOPMENT AND THE ALLOCATION OF STREET NAMES AND NUMBERS: MESSRS PLAN ACTIVE ON BEHALF OF L LEWIS**

1449 HVM

H Olivier

(028) 313 8900

Hermanus Administration

1 August 2022

EXECUTIVE SUMMARY

An application was received on 23 October 2020 from Messrs Plan Active on behalf of L Lewis on Erf 1449, Vermont in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the following:

- Rezoning of the property in terms of Section 16(2)(a) of the By-Law from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA); and
- Subdivision of the rezoned property in terms of Section 16(2)(d) of the By-Law, to create the following:
 - Seventeen (17) Residential Zone I: Single Residential (SR1) erven;
 - Thirteen (13) General Residential Zone I: Town Housing (GR1) erven;
 - Three (3) Open Space Zone 2: Public Open Space (OS2) erven; and
 - One (1) Transport Zone 2: Road and Parking (TR2) portion.
- Departure in terms of Section 16(2)(b) of the By-Law to relax the following:
 - Street building line applicable to Erf 26 from 4m to 2,1m to accommodate an existing outbuilding, and 4m to 0,71m to accommodate a portion of the existing stoep;
 - Street building line next to Lynx Road from 4m to 3m applicable to Erven 15 to 17;
 - Street building line from 3m to 2m applicable to Erven 2 to 7 and 18 to 24;
 - Common building lines from 3m to 0m applicable to Erven 1, 2, 7 and 8 to construct garaging;
 - Common building lines from 3m to 2m applicable to Erven 7 and 8, 17, 18, and 22 to 25

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

- Subdivision in terms of Section 16(2)(d) to create the following:
 - 5m right of way servitude over Erven 28 and 29 in favour of Erven 27 to 29.
 - 0,5m wide servitude between the newly created right of way servitude and the existing southern boundary of Erf 1449, Vermont to accommodate a proposed unlined stormwater channel.
- Phasing of the development in terms of Section 16(2)(k) of the By-Law to phase the development in five (5) phases.
- Allocation of street names and numbers in terms of Section 96 of the By-Law, in order to allocate street names (Flycatcher Street and Buzzard Close) and numbers to the new streets in the development.

RESOLVED

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 1449, Vermont to rezone the said property from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA) and the subsequent subdivision in terms of Section 16(2)(d) of the By-Law, read with Section 22, of the rezoned property to create the following:
 - Seventeen (17) Residential Zone I: Single Residential (SR1) erven;
 - Thirteen (13) General Residential Zone I: Town Housing (GR1) erven;
 - Three (3) Open Space Zone 2: Public Open Space (OS2) erven; and
 - One (1) Transport Zone 2: Road and Parking (TR2) site.

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

- (a) that Development be in line with Site Development *vern1449naec* dated October 2018;
- (b) that a minimum of 2 (two) parking bays be provided on each erf, to municipal standards and satisfaction;
- (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

- (d) that the Architectural Design Guidelines in line with the Zoning Scheme parameters and the departure relaxation as dealt with in Point 2. below, be submitted for the development to address the style of the houses in line with the surrounding Cape Vernacular style that will be constructed, in consultation with the Building Control department;
 - (e) that all the conditions imposed by Telkom, be complied with;
 - (f) that all the conditions imposed by Eskom, be complied with;
 - (g) that all conditions in the Services Report, be complied with;
 - (h) that the original conditions imposed by Heritage Western Cape (attached as Annexure H), be complied with;
 - (i) that the conditions of the DEA&DP: Western Cape, be complied with;
 - (j) that a Homeowners' Association be established with compulsory membership for all property owners within the development;
 - (k) that the Constitution of the Homeowners' Association be submitted for approval by the Municipality (which reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
 - the approval of building plans by an "estate architect" prior to submission thereof to the Municipality, and
 - that the Constitution clarifies at what stage that the responsibility would be transferred from the developer to the Homeowners' Association to deal with approval of plans, and
 - (l) that the owner submits an operational plan to be approved by the Area Manager before construction commences.
2. that the application for departure in terms of Section 16(2)(b) of the By-Law on Erf 1449, Vermont to relax the following building lines for General Residential Zone I and Residential Zone 1 erven to be created, **be approved** in terms of the provisions of Section 61 of the By-Law, as follows:

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

- Street building line applicable to Erf 26 from 4m to 2,1m to accommodate an existing outbuilding, and 4m to 0,71m to accommodate a portion of the existing stoep;
 - Street building line next to Lynx Road from 4m to 3m applicable to Erven 15 to 17;
 - Street building line from 3m to 2m applicable to Erven 2 to 7 and 18 to 24;
 - Common building lines from 3m to 0m applicable to Erven 1, 2, 7 and 8 to construct garaging;
 - Common building lines from 3m to 2m applicable to erven 7 and 8, 17, 18 and 22 to 25;
3. that the application for subdivision in terms of Section 16(2)(d) of the By-Law to create the following,:
- 5m Right of Way Servitude over Erven 28 and 29 in favour of Erven 27 to 29.
 - 0,5m wide servitude between the newly created Right of Way Servitude and the existing southern boundary of Erf 1449, Vermont to accommodate a proposed unlined stormwater channel.
- be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(k) of the By-Law for the phasing of the developments in 5 phases, as depicted on plan *verm1449ph2* dated October 2018, **be approved**, in terms of the provisions of Section 61 of the By-Law;
5. that the application in terms of Section 96 of the By-Law for the allocation of street names (Flycatcher Street and Buzzard Close) and numbers to the new streets in the development as indicated on plan *verm1449sn2* dated October 2018, **be approved** in terms of the provisions of Section 61 of the By-Law, and
6. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

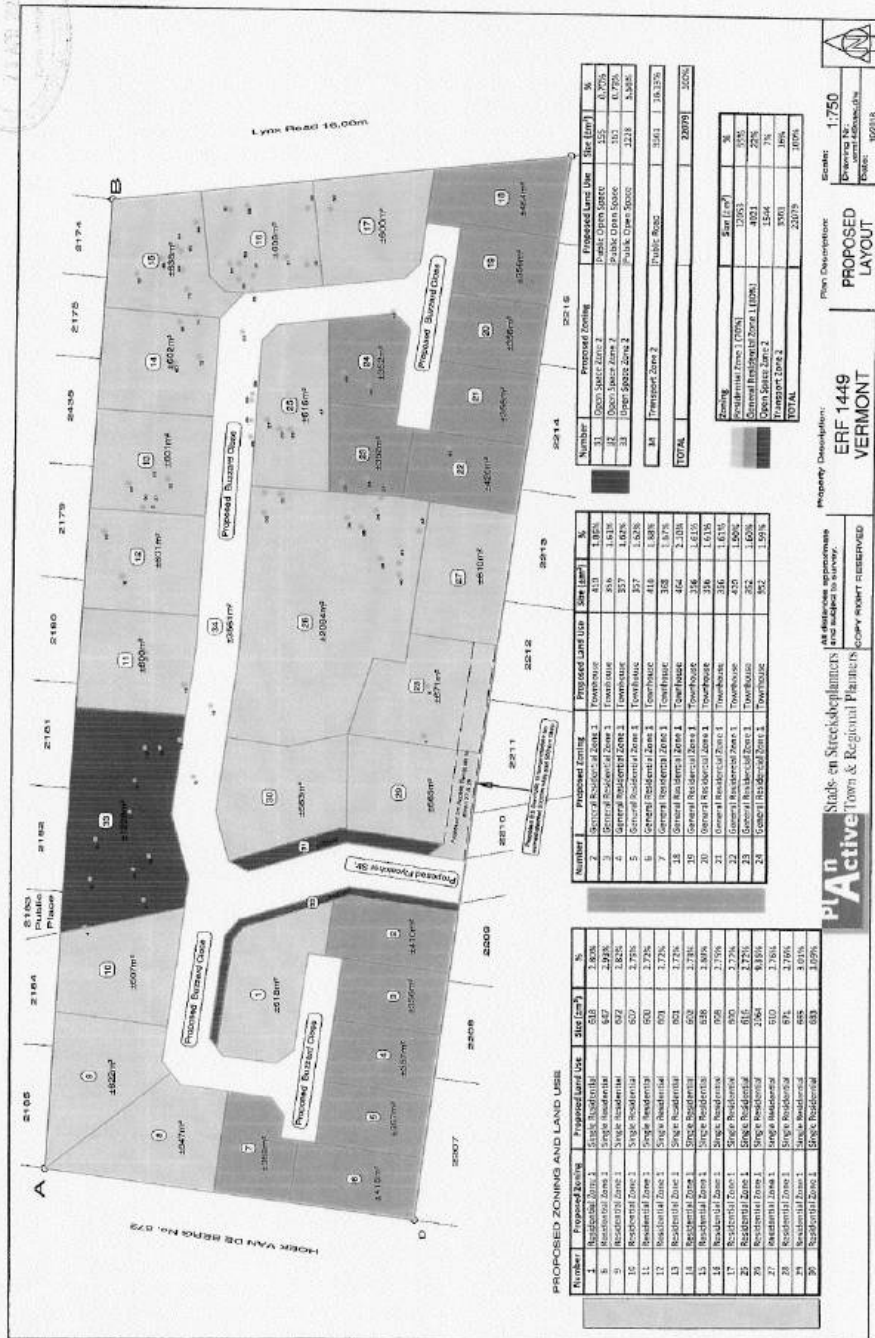
REASONS FOR RESOLUTION

- ❖ The proposal for a development with a mix of Residential Zone I and General Residential Zone I erven is in line with the Overstrand

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

Municipality Spatial Growth Management Strategy, 2010 (Guideline document) and Overstrand Municipal Wide SDF, 2020.

- ❖ All relevant municipal departments and external departments/institutions support the application.
- ❖ The necessary environmental approval was obtained from the Western Cape Government: Environmental Affairs and Development Planning, and there are no environmental concerns.
- ❖ Concerns/objections raised about the possible impact on the character of the area and property values are unfounded as this proposed development will be in line with the character of surrounding developments, which most also have a mixture of Group Housing and Single Residential erven.
- ❖ Concerns/objections raised about the impact of additional traffic in Little Swift Close does not prove the development to be undesirable, as the road was planned in such a manner that it would provide access to future development in the north. Hence the reason the road stopped dead on the border with Erf 1449. The Operational and Engineering Services Departments support the application.
- ❖ The application will have no Heritage impact.
- ❖ The application is in line with the general principles of SPLUMA and LUPA as this development will be spatially sustainable as it will not lead to urban sprawl or developed on agricultural land or environmentally sensitive areas. In terms of efficiency, it will utilize existing road networks and services.
- ❖ In terms of the character of Vermont, developments consist of a mixture of Residential Zone I and General Residential Zone I erven, with Public Roads, to avoid creating a “gated complex” character. Challenges have been experienced regarding building line limitations, in respect of, especially, group housing erven in such developments, and for that reason the departure application for building line relaxations is supported.
- ❖ The relaxations only relate to relaxation to the new “internal road” within the development, the internal lateral building lines next to internal Residential Zone I erven, and the external road (Lynx Road), and not any adjacent residential developments. There will be no real impact on the adjacent residential developments.



PROPOSED ZONINGS AND LAND USE

Number	Proposed Zoning	Proposed Land Use	Site (sq ft)	%
1	Residential Zone 1	Single Residential	481	2.83%
2	Residential Zone 2	Single Residential	613	3.41%
3	Residential Zone 1	Single Residential	627	3.42%
4	Residential Zone 1	Single Residential	657	3.74%
5	Residential Zone 2	Single Residential	657	3.74%
6	Residential Zone 1	Single Residential	657	3.74%
7	Residential Zone 1	Single Residential	657	3.74%
8	Residential Zone 1	Single Residential	657	3.74%
9	Residential Zone 1	Single Residential	657	3.74%
10	Residential Zone 1	Single Residential	657	3.74%
11	Residential Zone 1	Single Residential	657	3.74%
12	Residential Zone 1	Single Residential	657	3.74%
13	Residential Zone 1	Single Residential	657	3.74%
14	Residential Zone 1	Single Residential	657	3.74%
15	Residential Zone 1	Single Residential	657	3.74%
16	Residential Zone 1	Single Residential	657	3.74%
17	Residential Zone 1	Single Residential	657	3.74%
18	Residential Zone 1	Single Residential	657	3.74%
19	Residential Zone 1	Single Residential	657	3.74%
20	Residential Zone 1	Single Residential	657	3.74%
21	Residential Zone 1	Single Residential	657	3.74%
22	Residential Zone 1	Single Residential	657	3.74%
23	Residential Zone 1	Single Residential	657	3.74%
24	Residential Zone 1	Single Residential	657	3.74%
25	Residential Zone 1	Single Residential	657	3.74%
26	Residential Zone 1	Single Residential	657	3.74%
27	Residential Zone 1	Single Residential	657	3.74%
28	Residential Zone 1	Single Residential	657	3.74%
29	Residential Zone 1	Single Residential	657	3.74%
30	Residential Zone 1	Single Residential	657	3.74%
31	Residential Zone 1	Single Residential	657	3.74%
32	Residential Zone 1	Single Residential	657	3.74%
33	Residential Zone 1	Single Residential	657	3.74%
34	Residential Zone 1	Single Residential	657	3.74%

Number	Proposed Zoning	Proposed Land Use	Site (sq ft)	%
31	Open Space Zone 2	Open Space	1,155	6.27%
32	Open Space Zone 2	Open Space	1,155	6.27%
33	Open Space Zone 2	Open Space	1,155	6.27%
34	Open Space Zone 2	Open Space	1,155	6.27%
TOTAL			23,091	100%

Number	Proposed Zoning	Proposed Land Use	Site (sq ft)	%
31	Open Space Zone 2	Open Space	1,155	6.27%
32	Open Space Zone 2	Open Space	1,155	6.27%
33	Open Space Zone 2	Open Space	1,155	6.27%
34	Open Space Zone 2	Open Space	1,155	6.27%
TOTAL			23,091	100%

Zoning	Area (sq ft)	%
Residential Zone 1 (70%)	12,053	52%
Residential Zone 2 (10%)	4,017	17%
Open Space Zone 2 (20%)	7,031	31%
TOTAL	23,091	100%

PLAN Active Stable, en Streetscape and under to survey.
VERMONT Town & Regional Planning
Scale: 1:750
Drawn: [Name]
Checked: [Name]
Date: 10/01/18
Project Description: PROPOSED LAYOUT
Property Description: ERF 1449 VERMONT
Scale: 1:750
Drawn: [Name]
Checked: [Name]
Date: 10/01/18

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, SUBDIVISION, DEPARTURES, RIGHT OF WAY
SERVITUDES, PHASING OF A DEVELOPMENT AND THE ALLOCATION OF
STREET NAMES & NUMBERS: ERF 1449, VERMONT**

Stormwater (SW) :	According to the master plan by the developer
Electricity :	Eskom supply area
Water :	According to GLS Report / SLA
Sewer :	According to GLS Report / SLA
Roads and traffic :	Refer to Conditions

Conditions:

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

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

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

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

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

The contribution according to the current policy (2021/2022) is as follows:

Freehold erven:

Water	R 24 915.00 x 26.4 =	R 657 756.00
Sewerage	R 16 799.12 x 26.4 =	R 443 496.77
Stormwater	R 8 691.28 x 3.280666=	R 28 513.19
Solid Waste	R 1 505.92 x 29 =	R 43 671.68
Road	R 7 532.72 x 29 =	<u>R 218 448.88</u>
TOTAL (inclusive of VAT)	=	R1 391 886.52

Note:

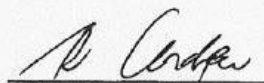
- 1.1 The above figures are estimates

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 CESA
 - 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), SANS 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 CESA 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 – 2010, of 12 months, and

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 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;
15. that the above stormwater management plan include the following:
 - 15.1. pre-development run-off from the catchment area;
 - 15.2. post-development run-off from catchment area;
 - 15.3. existing stormwater reticulation system and the capacity thereof;
 - 15.4. connection of internal stormwater reticulation system; overland escape routes;
16. that the connection to the stormwater reticulation system be provided according to the stormwater management plan, by the developer and approved by Overstrand Municipality;
17. that the water reticulation system of the development be connected to the existing 100mm diameter water pipe in Little Swift Close as by messers GLS report;
18. that the sewer reticulation system of the development be connected to the existing municipal systems by link services items 1, 2 & OHS11.13 as by messers GLS report;
19. that no off-street parking will be allowed;
20. 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

25/03/2022
DATE

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

2. ERF 3266, 21 MAIN ROAD, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE AND DEPARTURE: MESSRS WARREN PETTERSON PLANNING CONSULTANTS ON BEHALF OF TELKOM SA (LTD)

3266 HON (3755/2021)

H Olivier

(028) 313 8900

Hermanus Administration

29 June 2022

EXECUTIVE SUMMARY

An application was received on 3 September 2021 from Messrs Warren Petterson Planning on behalf of Telkom SA (Ltd), applicable to Erf 3266, Onrustrivier for the following:

- ❖ application in terms of Section 16(2)(o) for a consent use to erect a transmission tower on the above property.
- ❖ application in terms of Section 16(2)(b) for a departure to exceed the applicable 8,5m height restriction to accommodate the proposed 25m high transmission tower, and
- ❖ application in terms of Section 16(2)(b) for a departure to encroach the 3m rear building line up to 0m to accommodate the transmission apparatus.

RESOLVED

1. that the objections be noted;
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law), for a consent use to erect a transmission tower on Erf 3266, Onrustrivier, **be approved** in terms of the provisions of Section 61 of the By-Law,
3. that the application in terms of Section 16(2)(b) of the By-Law for a departure to exceed the applicable 8,5m height restriction on Erf 3266, Onrustrivier, **be partially approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following condition:
 - (a) that the relaxation is to only construct a transmission tower of maximum 15m in height.

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

4. that application in terms of Section 16(2)(b) of the By-Law for a departure to encroach the 3m rear building line up to 0m on Erf 3266, to accommodate the transmission apparatus, **be approved**, in terms of the provisions of Section 61 of the By-Law;
5. that the approvals in 2 to 4 above be subject to the following conditions:
 - (a) that a tree mast be erected as recommended in the Visual Impact Assessment, and that the Municipal Environmental Branch will have to support the specific tree type for the tree mast;
 - (b) that the transmission apparatus be restricted to the development indicated on Plan 05185-P1 and that an amended elevation plan showing the 15m height tree mast be submitted;
 - (c) that should the transmission tower becomes defunct, the structures be removed to an approved landfill site;
 - (d) that all the conditions in the Service Report, be complied with;
 - (e) that the conditions in the letter from Telkom, be complied with;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
6. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

Points 2 and 4

- ❖ The objections relating to health and safety concerns and environmental impact has duly been addressed and does not prove the application not to be desirable, whilst the concerns relating to impact on property value, visual impact and location of the site (alternative better sites) have been addressed by applying mitigation measures to only allow a 15m high tree mast on the property.

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

- ❖ Erf 3266, Onrustrivier is zoned Business Zone 3 and utilized by Telkom for telecommunication infrastructure, and the utilization of this site for a transmission tower will be in line with existing uses and will utilize existing infrastructure.
- ❖ With an increased demand for coverage more communication infrastructure will be placed closer to residential areas as their radius for coverage gets smaller. Erf 3266 is one of the few sites in Hermanus area which are zoned and can be utilized for such use, mitigating measures such as to construct a lower mast of 15m in height in line with surrounding tree heights, and camouflaging the mast as a tree, the major concern of visual impact can sufficiently be mitigated.
- ❖ The relaxation of the 3m rear building line to accommodate the transmission apparatus will have no impact on surrounding property owners, as there is still a vacant business site to the rear, and all residential sites will still be more than 13m from the transmission tower service yard.

Point 3

- ❖ The concerns of the objectors are valid with regards to the visual impact of a 25m transmission tower so close to residential units.
- ❖ The Visual Impact Assessment indicated that a 25m transmission tower will have a high visual impact over a short distance from the site up to 150m, and moderate up to 400m.
- ❖ The proposal to construct a tree mast, as recommended in the Visual Impact Assessment, would mitigate the visual impact to a certain extent, but considering that existing surrounding trees is only approximately 15m in height, a 25m high structure or even a 20m high structure will still be visually imposing in this area.
- ❖ A tree mast of 15m in height will be in line with the height of adjacent trees in the area and will blend in more with the surrounding area.

104

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE & DEPARTURE: ERF 3266, ONRUS RIVER**

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

Conditions

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 10400 – P:2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erf 3266, 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.

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

07/03/2022
DATE

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

3. ERF 6114, 49 6th STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: DLC TOWNPLAN ON BEHALF OF ZONDAGH FAMILY TRUST

6114 HVK

P Roux

19 May 2022

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 29 April 2021 (revised application received on 30 August 2021) from DLC Townplan on behalf of the owner of Erf 6114, Voëlklip, Hermanus, Zondagh Family Trust, 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) to relax the western lateral building line from 2.0m to 0.0m to accommodate the change of use of an existing outbuilding (from garage to hobby/entertainment area and toilet) and pergola; and to relax the street building line from 4.0m to 0.0m to accommodate the pergola attached to the outbuilding, and
- determination of administrative penalty in terms of Section 16(2)(q) for the unauthorised land use on the property.

RESOLVED

1. that the objection 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 6114, Hermanus (Voëlklip) to relax the western lateral building line from 2.0m to 0m to accommodate the change of use of an existing outbuilding (from garage to hobby/entertainment), **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 6114, Hermanus (Voëlklip) to relax the western lateral building line from 2.0m to 0m to accommodate the change of use of an existing outbuilding (from garage to bathroom), **be approved** in terms of the provisions of Section

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

61 of the By-Law;

- 4 that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 6114, Hermanus (Voëlklip) to relax the western lateral building line from 2.0m to 0m and to relax the street building line from 4.0m to 0m to accommodate the pergola attached to the outbuilding, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-law for the unauthorised land use activities stipulated above, **not be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
- 6.1 that the recommendations in points 2. above be subject to the following condition:
 - (a) that the Site Development Plan and building plan be revised to indicate that the hobby/recreational room is altered back to a garage;
- 6.2 that the recommendations above (points 3,4 and 5) be subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Drawing No WD-100-GEN, as submitted with the application;
 - (b) that an administrative penalty of R 2 923.22, excluding VAT (being 10% of the valuation cost as determined by the municipality) be payable within thirty (30) days of the decision;
 - (c) that the storeroom can only be used for storage purposes and not for the accommodation of people;
 - (d) that building plans be submitted to the building control office within (60) days of the decision, and all comments from the fire department be complied with at that stage;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

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

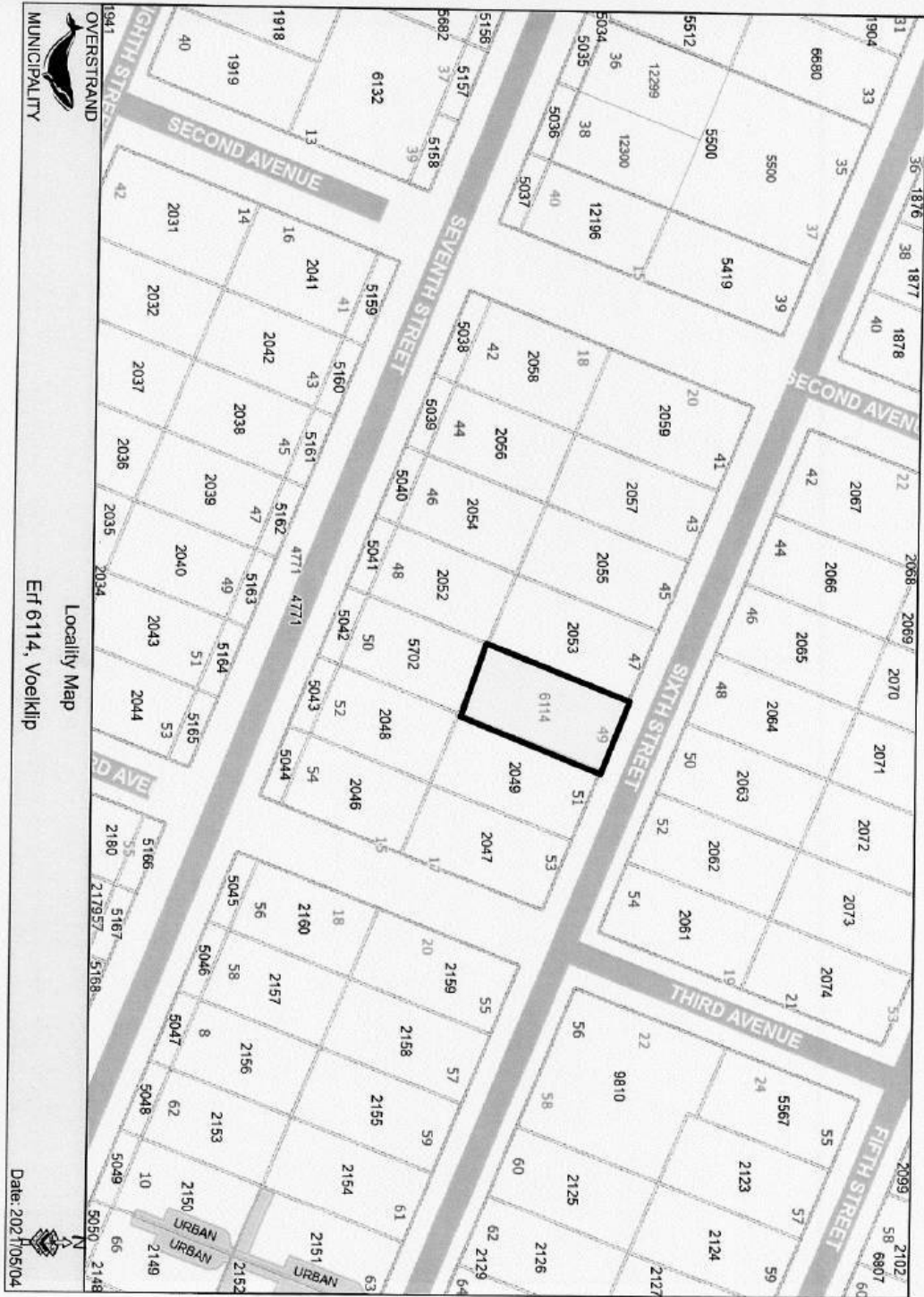
REASONS FOR RESOLUTION

Reasons for the decisions in points 2, 3, 4.

- ❖ The proposed retention of the hobby / recreational room has a negative impact on the neighbouring property owner and its vested rights. Considering this, the retention of the hobby / recreational room is considered to be in transgression of the definition of and outbuilding in the Land Use Management Scheme, 2020 which states the following: *“recreational activities such as a pool room, braai room, Lapa and gazebo and the practising of hobbies (which may not cause a **nuisance and/or disturbance and/or noise** and/or damage to a neighbouring property or properties or premises).”*
- ❖ The character of the area is a low-density residential suburb 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.
- ❖ From the inspection done on the property the outbuilding is furnished as a living room.
- ❖ The pergola will have a minimal impact on the adjacent property owners.
- ❖ The location where the pergola is situated will have limited impact.
- ❖ The proposed bathroom will have no negative impact on the adjacent property owners or the character of the area.
- ❖ The application has followed due procedure.
- ❖ The proposal is compliant with the spatial policies contained in the SDF.
- ❖ The proposal is consistent with the spatial principles as set out in SPLUMA and LUPA.

Reasons for recommendation point 5.

- ❖ The property owner made alterations to the outbuilding without first seeking approval and gaining approval from the Municipality.
- ❖ The property owner knowingly contravened the parameters of the applicable land use scheme.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 6114, 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 6114, Voelklip, unobstructed;
7. that no on-street parking be allowed.

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

05/11/2021
DATE

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

4. ERF 210 GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, REZONING AND CONSENT USE (MINING) AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF SIZISA UKHANYO TRADING 410 CC AND OVERSTRAND MUNICIPALITY

210 GGB (3700/2021)

**SW van der Merwe
21 September 2022**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received from Messrs WRAP Project Office (WRAP) applicable to Erf 210, Gansbaai on behalf of Sizisa Ukhanyo Trading 410 CC, trading as Gansbaai Sand en Klip with Power of Attorney from Overstrand Municipality for the following:

- ✚ subdivision in terms of Section 16(2)(d) of the By-Law of the Remainder of Erf 210, Gansbaai into two portions, namely Portion A approximately 7.3801ha and Remainder approximately 714.3413ha in extent;
- ✚ rezoning of the subdivided Portion A in terms of Section 16(2)(a) of the By-Law from Undetermined Zone (U) to Agricultural Zone 1 (AGRI 1);
- ✚ consent use in terms of Section 16(2)(o) of the By-Law applicable to Portion A for mining; and
- ✚ determination of an administrative penalty in terms of Section 16(2)(p) of the Bylaw.

RESOLVED

1. that the application in terms of Section 16(2)(d) of the By-Law for subdivision of the Remainder of Erf 210, Gansbaai into two portions, namely: Portion A approximately 7.3801ha and Remainder approximately 714.3413ha, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(a) of the By-Law for rezoning of Portion A from Undetermined Zone to Agricultural Zone 1, **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 By-Law for consent use (mining) applicable to Portion A, **be approved** in terms of the provisions of Section 61 of the By-Law; and

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

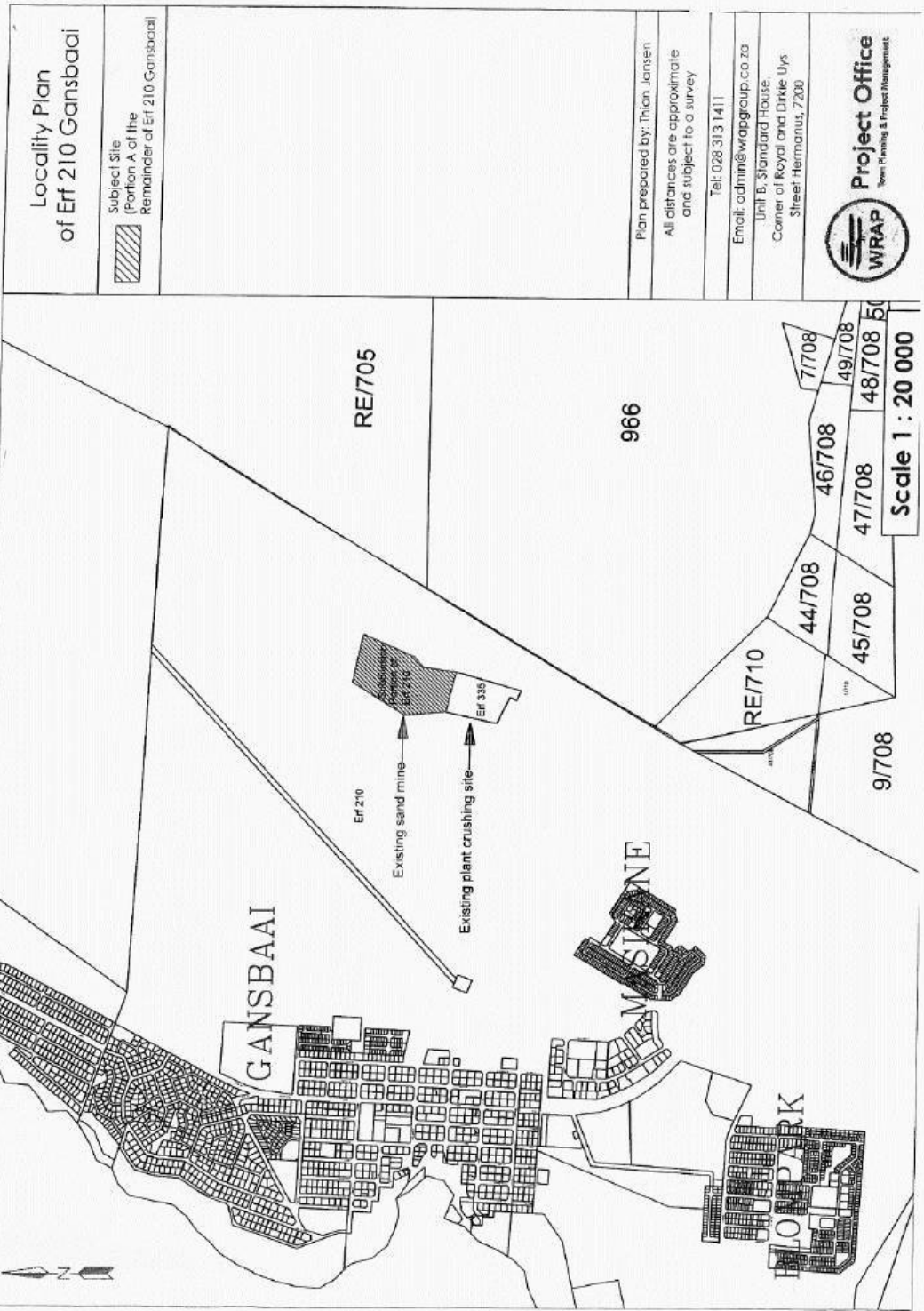
4. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-law for the unauthorised land use activities stipulated above, **be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
5. that the recommendations in paragraphs 1. to 3. above be subject to the following conditions:
 - (a) that mining on the subject property be subject to a valid mine right;
 - (b) that the provisions of the Environmental Management Plan at all times be complied with;
 - (c) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (d) that mining be restricted to the area of 7.3801ha and coordinates indicated on the Surveyor's Mining Plan dated February 2015 as submitted with the application;
 - (e) that rehabilitation of the mining area be conducted in accordance with the EMP to the satisfaction of the Overstrand Municipality;
 - (f) that all the conditions in the Services Report and District Health, be complied with;
 - (g) that all the conditions imposed by Eskom, Open Serve, Department of Environmental Affairs and Development Planning, *Component: Environmental*, Breede-Gouritz Catchment Management Agency, CapeNature, Heritage Western Cape and Department of Agriculture, Land Reform and Rural Development be complied with
 - (h) that this approval does not absolve the applicant from compliance with any other applicable legislation
 - (i) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
6. that the applicant and objectors be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The application followed due process.
- ❖ The proposal is consistent with the SDF.
- ❖ The proposal is consistent with the Planning Principles in terms of LUPA and SPLUMA.
- ❖ The proposal is supported by relevant government departments.
- ❖ The associated impacts of the proposed mining activity could be sufficiently mitigated in terms of the EMP incorporated in the approval conditions.



Subdivision Plan of Erf 210 Gansbaai

Co-ordinates

Name	Y	X
A	-33961	3838470
B	-31945	3828272
C	-34059	3838044
D	-34259	3838109
E	-34200	3838309
F	-34154	3828371
G	-34135	3828512

Central Meridian: 19 degrees E
Projection: WGS19

Extent
A, B, C, D, E, F, G, to A, measures 7,3801ha

Plan prepared by: Thlan Jansen

All distances are approximate
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

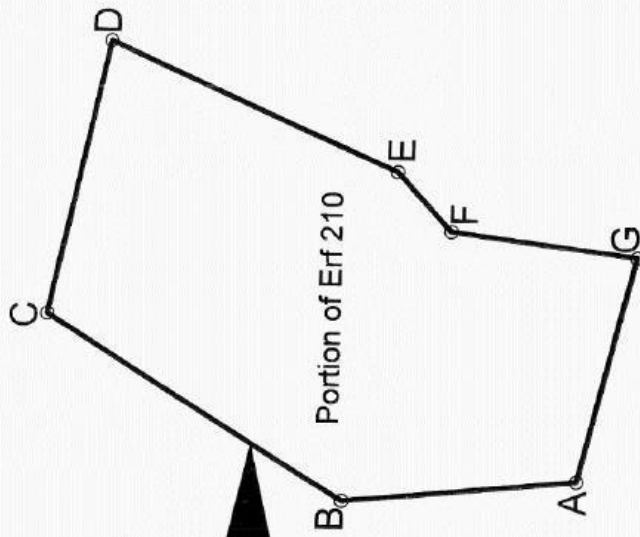
Unit 8, Standard House,

Corner of Royal and Dirkie Uys

Street Hermanus, 7200



Project Office
Town Planning & Project Management



Subject site

Erf 210

Portion of Erf 210

Scale 1 : 4 000

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE &
DETERMINATION OF AN ADMINISTRATIVE PENALTY: REMAINDER
ERF 210, GANSBAAI, CALEDON DIVISION**

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

Conditions:

1. that the developer arrange with ESCOM for the provision of electricity and that he complies with all conditions as may be set by ESCOM;
2. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Manager: Water Infrastructure & Quality, Overstrand Municipality (Tel 021 313 8972) ;
3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Senior Manager: Engineering Services, Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval;
5. that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or –waste disposal facility;
6. that the developer complies to all the conditions set by Department Of Water Affairs & Bocma.

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

07/10/2021
DATE

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

5. **ERF 2099, MELKHOUT STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, AMENDMENT OF A CONDITION OF APPROVAL, AMENDMENT OF AN APPROVED SITE DEVELOPMENT PLAN AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF PSP EIENDOMME CC**

Erf 2099 GPB (3648/2021)

SW van der Merwe

(028) 313 8900

Hermanus Administration

20 September 2022

EXECUTIVE SUMMARY

To consider an application received on 14 April 2021 from Messrs Plan Active Town and Regional Planners on behalf of PSP Eiendomme CC, the owner of Erf 2099 Pearly Beach, in terms of the provisions of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ rezoning of portions of Erf 2099 Pearly Beach from Open Space Zone 3 to Resort Zone 1 in terms of Section 16(2)(a) of the By-Law in order to establish five resort zone portions (holiday accommodation) of 110m² each;
- ❖ amendment of a condition of approval and approved Site Development Plan in terms of Section 16(2)(h) and 16(2)(l) of the By-Law, and
- ❖ determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law to accommodate existing unauthorised additions.

RESOLVED

1. that the objections and comment be noted;
2. that the application for rezoning of portions of Erf 2099 Pearly Beach from Open Space Zone 3 to Resort Zone 1 in terms of Section 16(2)(a) of the By-Law in order to establish five enlarged resort zone portions (holiday accommodation) of 110m² each, **be approved** in terms of Section 61 of the By-Law;
3. that the application for amendment of a condition of approval and approved Site Development Plan in terms of Section 16(2)(h) and 16(2)(l) of the By-Law, **be approved** in terms of Section 61 of the By-Law;
4. that an administrative penalty in terms of Section 90(4) of the By-Law be imposed for 20% of the built cost in accordance with the municipal tariff

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

list for the amount of R42 210,20 (VAT inclusive);

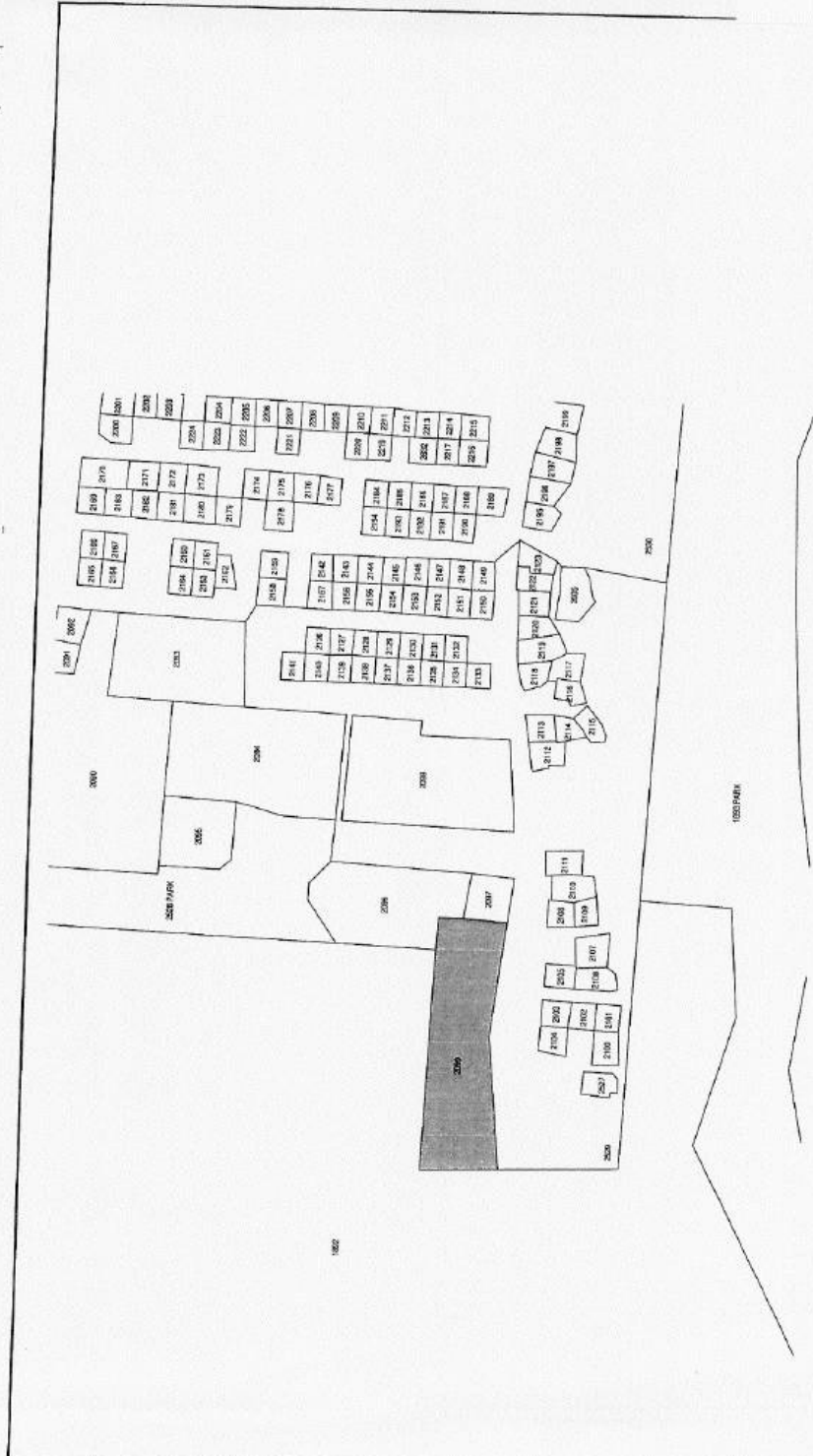
5. that the approvals in terms of paragraphs 2. to 4. above be subject to the following conditions:
 - (a) that a detailed Site Development Plan in accordance with municipal requirements be submitted for municipal approval duly endorsed by the Pearly Beach Homeowners Association indicating amongst others the total extent of the 110m² resort zone area with coordinates in accordance with municipal requirements in respect of Erf 2099, Pearly Beach;
 - (b) that chalets on the resort zone portions may only be utilised for holiday accommodation purposes in accordance with the Municipal Land Use Scheme;
 - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department at that stage, be complied with;
 - (d) that the development of Erf 2099, Pearly Beach be subject to compliance with the Pearly Beach Resort Development rules except the maximum permitted coverage as defined within the development rules;
 - (e) that the maximum coverage of the chalets be restricted to 70% of each of the 110m² resort zone portions;
 - (f) that all the conditions in the Services Report, be complied with;
 - (g) that the administrative penalty in paragraph 3 above be payable within 30 days of the decision date;
 - (h) that this approval does not absolve the 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.
6. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law Amendment on Land Use Planning, 2020 with regard to the above

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

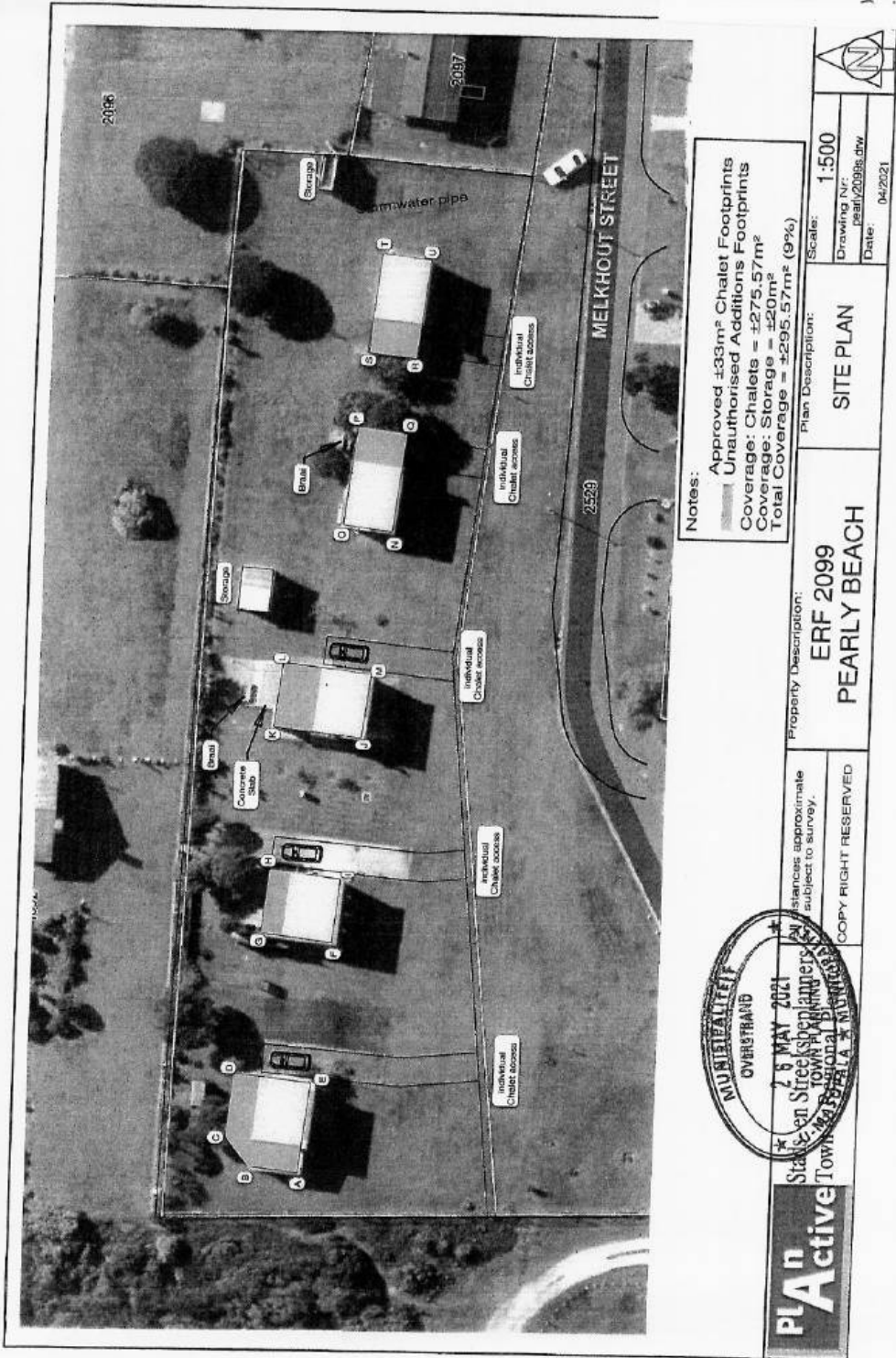
conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application will not adversely impact upon vested rights of the Pearly Beach Resort HOA or adjoining property owners.
- ❖ The development will not detract from the character of the area, comprising 300+ resort units (holiday housing).
- ❖ None of the internal departments have objected to the application.
- ❖ Objections could be mitigated with conditions of approval
- ❖ Application gives effect to an order of the Western Cape High Court.



PIAⁿ Active Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED		Property Description: ERF 2099 PEARLY BEACH	Plan Description: LOCALITY MAP	Scale: NTS Drawing Nr: Pearly2099a.dwg Date: 04/2021

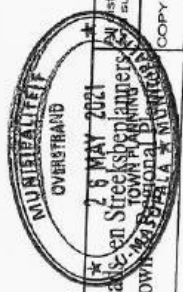


Notes:
 Approved ±33m² Chalet Footprints
 Unauthorised Additions Footprints
 Coverage: Chalets = ±275,57m²
 Coverage: Storage = ±20m²
 Total Coverage = ±295,57m² (9%)

Property Description:
ERF 2099
PEARLY BEACH

Scale: **1:500**
 Drawing Nr: **pearly/2099s.dwg**
 Date: **04/2021**

Plan Description:
SITE PLAN



PLAN
Active

Distances approximate
 subject to survey.
 COPYRIGHT RESERVED

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, AMENDMENT OF A CONDITION OF
APPROVAL & APPROVED SITE DEVELOPMENT PLAN & DETERMINATION OF
ADMINISTRATIVE PENALTY: ERF 2099, PEARLY BEACH**

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

Conditions

1. that the Department Engineering Services has No Comment.

Dennis Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

29.06.2021
DATE

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

6. ERF 4156, 5 VILLAGE LANE, HEMEL & AARDE VILLAGE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF HERMANUS MICROBREWERY (PTY) LTD

4156 HON (330/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

15 August 2022

EXECUTIVE SUMMARY

An application was received on 29 October 2021 from Messrs Interactive Town & Regional Planning on behalf of Hermanus Microbrewery (Pty) Ltd, applicable to Erf 4156, Onrustrivier for the following:

- temporary departure in terms of Section 16(2)(c) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to allow for live music on the property (“place of entertainment”).

RESOLVED

1. that the application for departure in terms of Section 16(2)(c) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 4156, Onrustrivier (“The Brewery”) to utilize the property for live music (“place of entertainment”), **not be approved** in terms of Section 61 of the By-Law; and
2. that the applicant and the commenters be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decision.

REASONS FOR RESOLUTION

- ❖ The Noise Impact Assessment (NIA) indicates that the maximum allowable noise levels during night-time will be exceeded with 3dBA.
- ❖ The Hemel & Aarde Village Homeowners’ Association opposes the application and an internal legal opinion from Legal Services advised not to make positive decisions in cases like these since it would be an illegal administrative act by the Municipality that will probably trigger the Promotion of Administrative Justice Act (PAJA) that could lead to unwarranted high financial legal costs for the Municipality.

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**


- ❖ In terms of paragraph 5.1.1 of the approved Design Manual of Hemel & Aarde Village, site uses such as noise activities are not permitted on any erven. A positive decision can therefore not be made against the contents of the Design Manual since it is a formally approved document that has legal status.
- ❖ In terms of the formally approved Scheme Regulations of the Village (paragraph 5.b) all land uses must be referred to the HOA for its approval. The HOA does not support the application and therefore the application can also not be supported by the Municipality.
- ❖ The fact remains that the internal road is too narrow to even accommodate the traffic of the existing developments it serves.
- ❖ Should the application be successful it would attract even more motorists to the venue that will subsequently worsen the current problems experienced by the landowners since motorists will be forced to park on adjacent properties and the narrow road reserve is undesirable and unasked for.
- ❖ The vacant property (Erf 4155) adjacent to the subject property has recently been sold and the new owner already indicated that it wants to develop the property to its full extent that will result in even more motorists using the road that will intensify the current problems experienced with the road.
- ❖ The Hemel & Aarde Village development was approved as a Special Zone and its Scheme Regulations was approved with specific uses to encourage the tourism trade and uses which are related to the tourism trade that include amongst others, restaurants, guesthouses, guestrooms, winery, souvenir shops, antique shops, arts and craft shops, and art galleries and the development is therefore regarded as a unique tourism hub for the area.
- ❖ The application for departure to allow for live and amplified music is regarded as undesirable from a town planning perspective since it would be out of character and the spirit within which the Hemel & Aarde Village tourism hub development was approved.
- ❖ Numerous comments/objections were received from surrounding landowners.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 4156, HEMEL & AARDE VILLAGE**

Stormwater (SW) : In order
Electricity : Escom
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 4156, Hemel & Aarde Village, 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

30-11-2021
DATE

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

7. ERF 668, 56 CHINA MARAIS AVENUE, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: MESSRS WRAP PROJECT OFFICE ON BEHALF OF WG & J THELANDER

668 HFH (4155/2022)

H Olivier

(028) 313 8900

Hermanus Administration

12 September 2022

EXECUTIVE SUMMARY

An application has been received on 25 May 2022 from Messrs WRAP on behalf of WG and J Thelander in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 668, Fisherhaven for the following:

- ❖ **Removal of Restrictive Title Deed Conditions** in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed conditions E.4.(b), E.4.(c) and E.4.(d) as contained in Title Deed T61942/2021 of the property to accommodate a second dwelling unit.

The restrictive title conditions read as follows:

*“E. **SUBJECT FURTHER** to the following special conditions in said Deed of Transfer Number 11236/1974 imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance Nr. 33 of 1934 when approving of the establishment of Fisherhaven Township, namely:*

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

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

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

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

(d) no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 15 feet to the street line which forms a boundary of this erf, nor within 10 feet of the rear or 5 feet of the lateral boundary common to any adjoining erf, provided with the consent of the local authority and outbuildings not exceeding 10 feet in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf."

RESOLVED

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 668, Fisherhaven for the removal of restrictive title conditions E.4.(c) and E.4.(d) as contained in Title Deed T61942/2021 of the property in order to remove conditions relating to building lines and coverage, **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 668, Fisherhaven for the removal of restrictive title condition E.4.(b) as contained in Title Deed T61942/2021 of the property in order to enable the construction of a second dwelling unit, **be approved**, in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that this approval is only for the removal of restriction and is not an approval in terms of any other legislation;
 - (b) that building plans be submitted for all new buildings to the Building Control Department for approval, and that all conditions of the Building Control and Fire Departments be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
 - (e) that all the conditions in the Services Report, be complied with, and

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

- (f) that the conditions imposed by Telkom, 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 regarding the above decision.

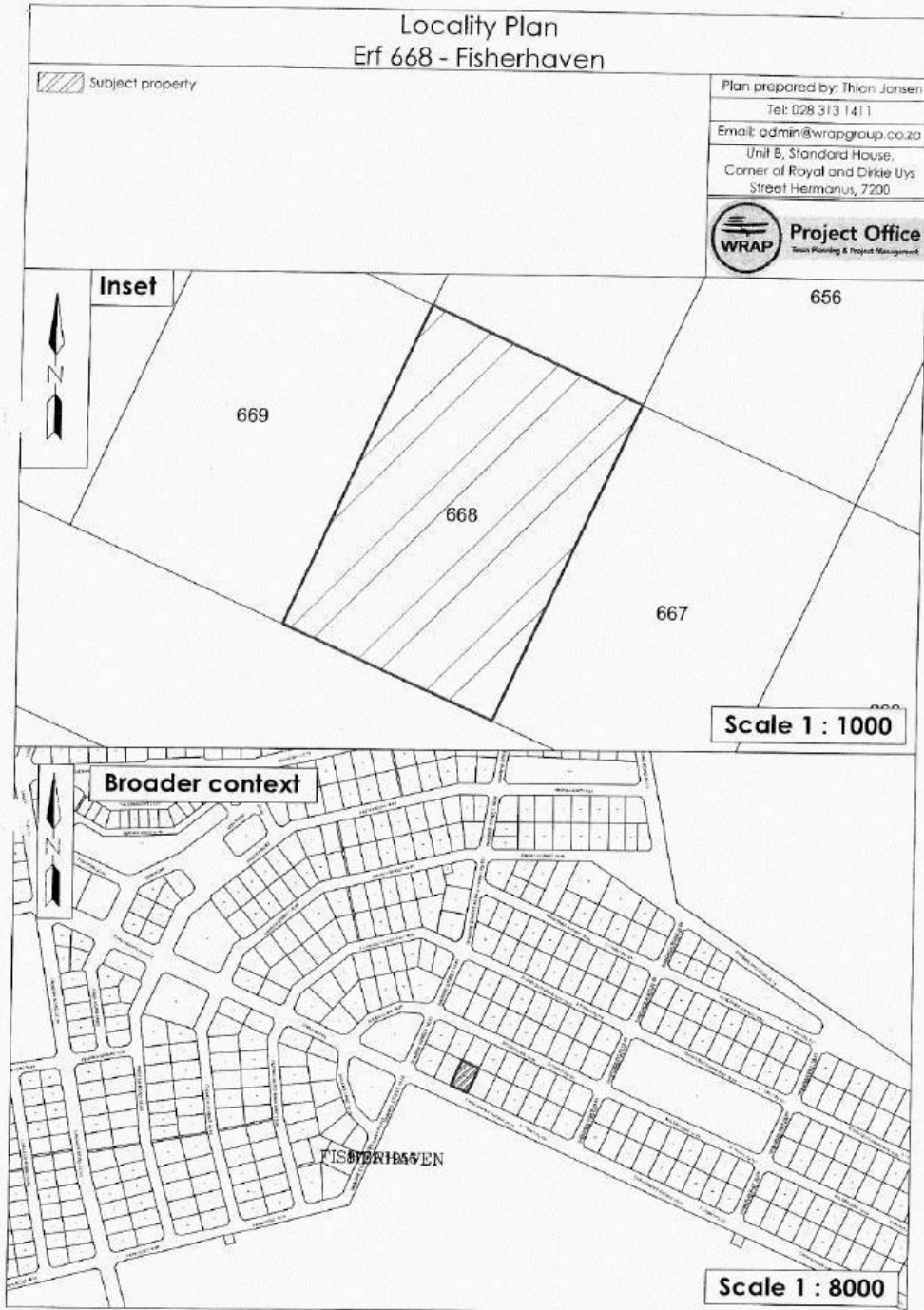
REASON FOR RESOLUTIONS

POINT 1

- ❖ The application do not involve any new building work over the Title Deed building lines or the 30% coverage limitation and do not require the removal of such building lines for the proposed second dwelling.
- ❖ To evaluate the impact of the removal of Title Deed Restrictions a detailed motivation and proposal must be provided for the decision maker to measure the impact of the removal of such restrictions. The applicant only motivated that the reason to remove these restrictions were to allow future development in line with the Overstrand Municipality Land Use Scheme, with no detailed proposal or motivation to properly measure the impact.

POINT 2

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ The proposed construction of a second dwelling is in line with Policy Plans which promote densification.
- ❖ The proposed second dwelling of smaller than 120m² will be in line with the primary rights in terms of the Residential Zone I zone in terms of the Land Use Scheme.
- ❖ The restrictive condition prohibits the property to be developed to its full potential, and the removal of the restrictive conditions is thus supported.
- ❖ No negative impact on the character of the area.
- ❖ No objections were received from neighbours; therefore, the impact on neighbours' privacy and rights will be minimal.
- ❖ The application is desirable.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS:
ERF 668, FISHERHAVEN**

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

Conditions

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 10400 – P:2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erf 668, Fisherhaven, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.

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

30/06/2022
DATE

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

8. ERF 5559, 243 FIFTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF THE KIEPERSOL BELEGGINGSTRUST

5559 HVK

P Roux

(028) 313 8900

Hermanus Administration

9 September 2022

EXECUTIVE SUMMARY

An application was received on 20 January 2021 from Messrs Interactive Town and Regional Planning on behalf of the Kiepersol Beleggingstrust for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 (By-law) applicable to Erf 5559, Voëlklip, Hermanus for the relaxation of the height restriction from 8m to 8,7m to accommodate an existing roof ridge.

Application is also made for the determination of an administrative penalty in terms of Chapter IV, 16(2)(q) & Section 90 of the Overstrand Amendment By-law on Municipal Land-use Planning, 2020.

RESOLVED

1. that the 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 5559, Hermanus (Voëlklip), for the relaxation of the 8m height restriction to accommodate an 8,7m roof, **not be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the Building Control Office be informed of the decision;
3. that the necessary building plans, in line with the above, be submitted to the Building Department for consideration within 60 days from the date of the final decision and that structure be rectified within 6 months;
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 decision.

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
6 February 2022
(Also the agenda for the Mayoral Committee Meeting: 14 February 2022)**

REASONS FOR RESOLUTION

- Around 71m² of the roof encroaches the restricted 8m height limit, which is considered as an extensive encroachment, not in line with the character of the area and is undesirable.
- The dwelling is constructed over the width of the property which causes a large amount of the dwelling to be over the 8m height restriction.
- The architect made misrepresentation on the original building plans (including the rider plan) with regards to the base level and 8m height restriction, and the architect did not account for the changes in the height.
- The 8m height encroachment could have been prevented with careful planning from the building contractor and the architect.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 5559, 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 5559, Voelklip, unobstructed;
7. that no on-street parking be allowed.

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

28.05.2021
DATE