



## **PORTFOLIO COMMITTEE MEETING**

### **Investment & Infrastructure**

## **A G E N D A**

**DATE :** 6 JULY 2022  
**VENUE :** BANQUETING HALL, CIVIC  
CENTRE, HERMANUS  
**TIME :** 09:00

# **OVERSTRAND MUNICIPALITY**

Office of the Municipal  
Manager  
Municipal Offices  
HERMANUS

**29 June 2022**

## **NOTICE TO THE MEMBERS OF THE INVESTMENT & INFRASTRUCTURE PORTFOLIO**

**NOTICE IS HEREBY GIVEN** that an **ORDINARY MEETING** of the **INVESTMENT & INFRASTRUCTURE PORTFOLIO COMMITTEE** will be held in the **Banqueting Hall, Civic Centre, HERMANUS**, on **6 JULY 2022 AT 09:00**, to consider the items set out in the attached agenda.

**D O'NEILL  
MUNICIPAL MANAGER**

**AGENDA/...**

**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 July 2022

## I N D E X

	<u>PAGE NUMBER</u>
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**OPENING**

**APPLICATIONS FOR LEAVE OF ABSENCE**

**STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE  
CHAIRPERSON**

**AGENDA of the  
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**1.  
TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS  
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: MAY 2022 – JUNE 2022**

15/3/11

R Kuchar

Senior Manager: Town & Spatial Planning

15 JUNE 2022

(028) 313 8900

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**1. Executive Summary**

To report on applications disposed of by the Authorised Official and Municipal Planning Tribunal in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 15 May 2022 - 15 June 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 and the Municipal Planning Tribunal in terms of delegated authority and in line with SPLUMA.

**7. Financial Implications**

None

**8. Staff Implications**

None

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**9. Comments from other Departments, Divisions and Administrations**

None

**10. Annexures**

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

**RECOMMENDATION:**

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 15 May 2022 – 15 June 2022:

1.	Erf 1527, 9 Cape Robin Cres, Vermont	11 May 2022
2.	Erf 2359, 40 Krige Street, Vermont	11 May 2022
3.	Erf 1127, 6 Albatros Street, Vermont	11 May 2022
4.	Erf 1785, 2 Newey Street, Pearly Beach	11 May 2022
5.	Erf 1000, 60 Du Toit Street, Vermont	11 May 2022
6.	Erf 1886, 12 Puren Way, Pearly Beach	11 May 2022
7.	Erf 2386, 99 10 <sup>th</sup> Street, Voëlklip	16 May 2022
8.	Erf 122, 14 Mark Street, Gansbaai	19 May 2022
9.	Erf 5230, 40 Camdebo Avenue, Kleinmond	19 May 2022
10.	Erf 4836, 52 9 <sup>th</sup> Avenue, Voëlklip	19 May 2022
11.	Erf 3783, 27 Nerine Cres, Betty's Bay	30 May 2022
12.	Farm 563, Ptn8 De Draay Farm, Kleinmond	30 May 2022
13.	Erf 1872, 111 Charlie van Breda Drive, Pearly Beach	1 June 2022
14.	Erf 647, 124 Meyer Street, Franskraal	3 June 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 3 June 2022:

1.	Farm 663 (ptn 7) Paardenberggrivier	10 May 2022
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**RESPONSIBLE OFFICIAL:**

**L SMUTS**

**TARGET DATE FOR IMPLEMENTATION:**

**8 AUGUST 2022**

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Spatial Land Use Management Act (SPLUMA) Approvals

**1. ERF 1527, 9 CAPE ROBIN CRESCENT, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: L STREICHER**

**1527 HVM (3921/2021)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**28 March 2022**

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**EXECUTIVE SUMMARY**

An application has been received on 2 December 2021 from I. Streicher on Erf 1527, Vermont for an application 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 street building line from 4m to 1,044m and 2,956m respectively to accommodate a carport.

**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 for a departure on Erf 1527, Vermont for a departure to relax the street building line from 4m to 1,044m and 2,956m respectively to accommodate a carport, 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 relaxations as indicated on plans VER15272021 dated 10 June 2021 submitted by the applicant;
  - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (c) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with,
  - (d) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with,
  - (e) that the conditions in the Services Report be complied with, and
  - (f) that the conditions imposed by Eskom be complied with.

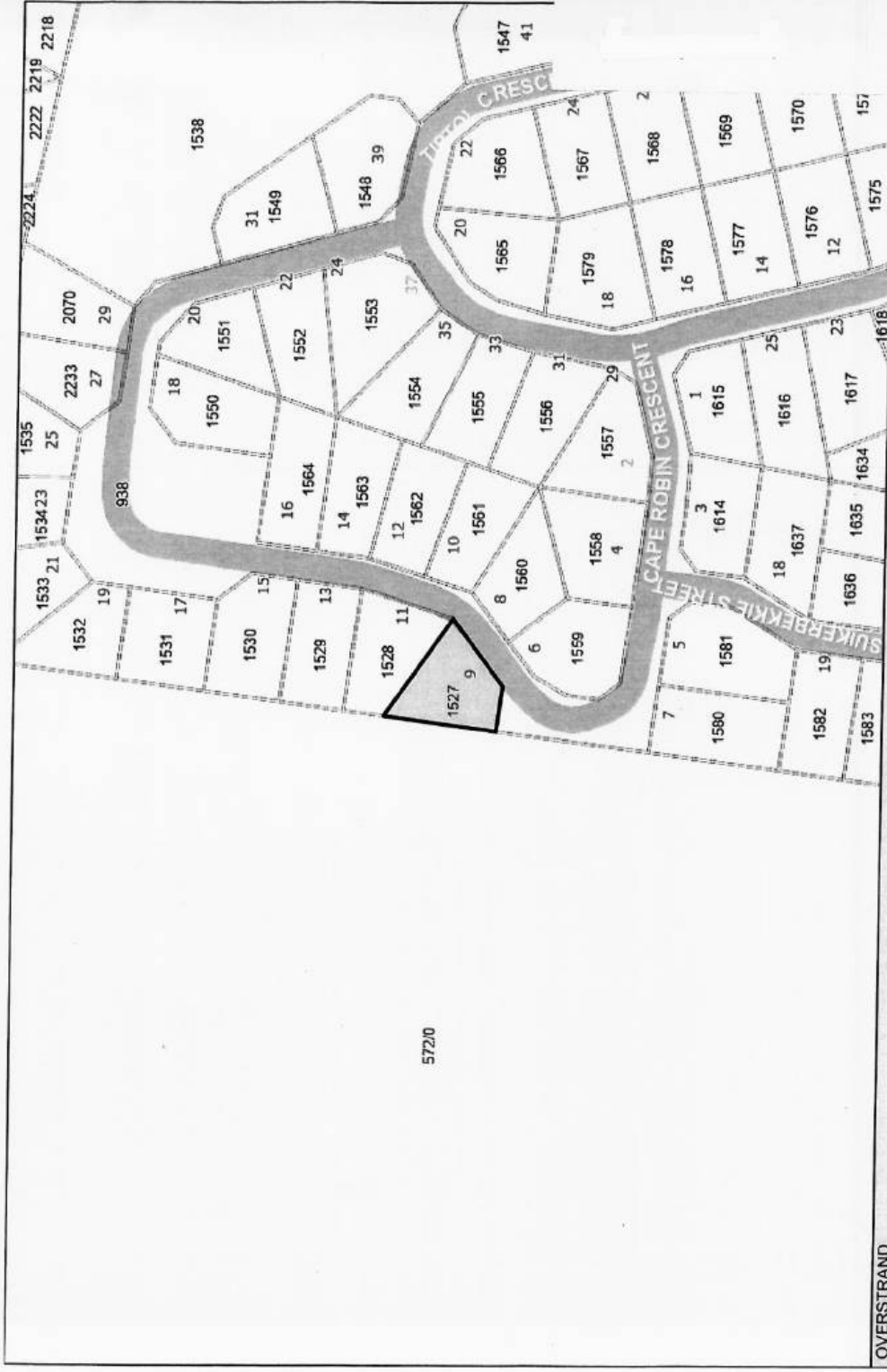
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2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

**REASONS FOR RESOLUTION**

- ❖ The application is supported by all relevant internal departments.
- ❖ No objections were received from surrounding neighbours.
- ❖ The application will improve the use of the carport.
- ❖ The application will not have a negative impact on the character of the surrounding area; will not impact views or the street scape.
- ❖ The application is supported by all other relevant Municipal Branches or State/semi state institutions.
- ❖ The application is considered desirable.



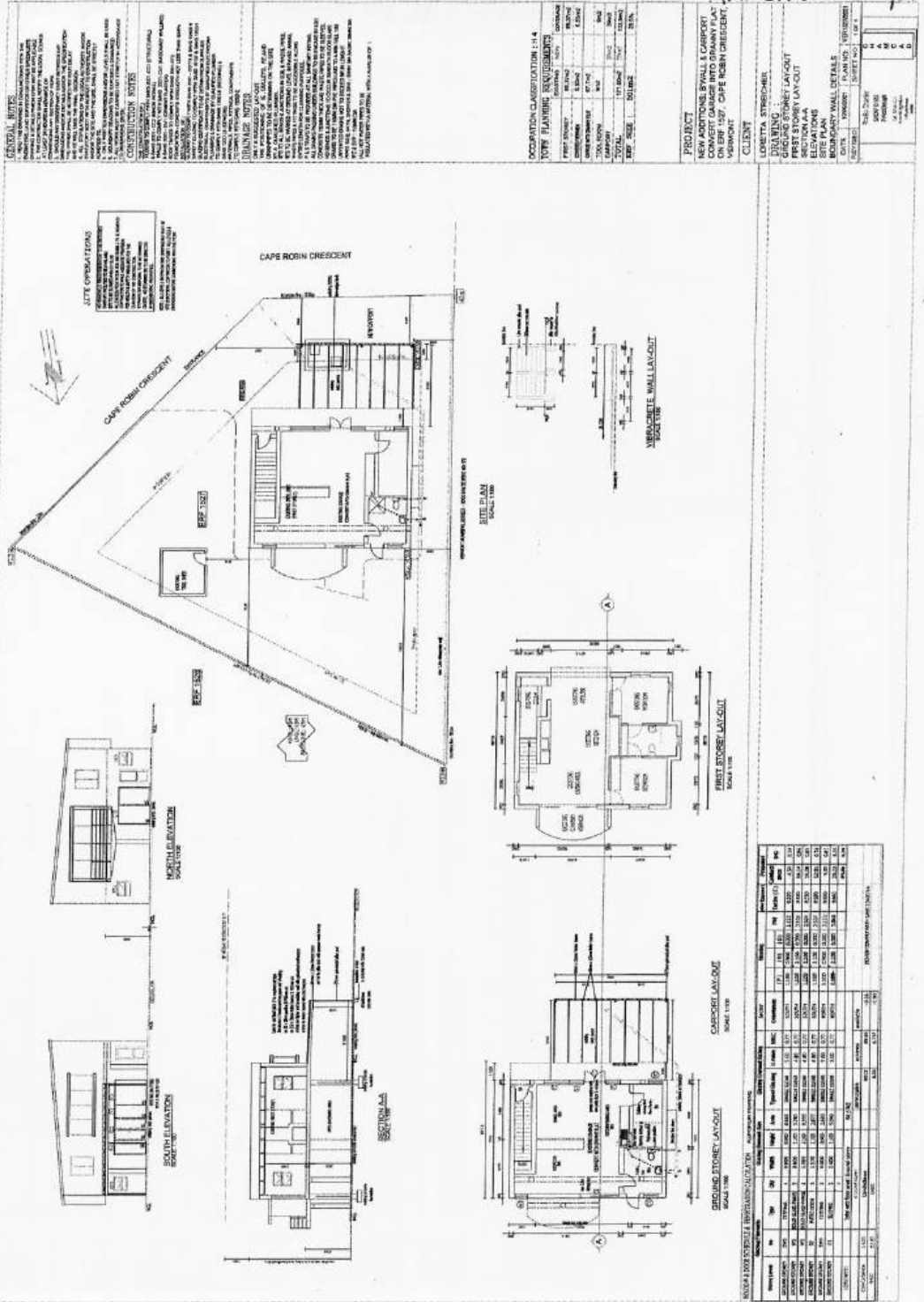
5720



Locality Map  
Erf 1527, 9 Cape Robin Crescent, Vermont



Date: 2022/04/11



**GENERAL NOTES**

1. ALL WORK TO BE ACCORDING TO THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL FIRE BRANCH REGULATIONS.
2. ALL WORK TO BE ACCORDING TO THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL FIRE BRANCH REGULATIONS.
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**CONTRACTOR'S NOTES**

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10. ALL WORK TO BE ACCORDING TO THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL FIRE BRANCH REGULATIONS.

**TYPE PLANNING REQUIREMENTS**

ITEM	REQUIREMENT	COMPLIANCE
1. FLOOR AREA	100 SQM	100 SQM
2. FLOOR AREA	100 SQM	100 SQM
3. FLOOR AREA	100 SQM	100 SQM
4. FLOOR AREA	100 SQM	100 SQM
5. FLOOR AREA	100 SQM	100 SQM
6. FLOOR AREA	100 SQM	100 SQM
7. FLOOR AREA	100 SQM	100 SQM
8. FLOOR AREA	100 SQM	100 SQM
9. FLOOR AREA	100 SQM	100 SQM
10. FLOOR AREA	100 SQM	100 SQM

**PROJECT**  
NEW ADDITIONS BY WALL & GARPORT  
CONVERT GARAGE INTO GRANNY FLAT  
10/20/2017, CAPE ROBIN CRESCENT  
VANDERHOEF

**CLIENT**  
CONCEPT ARCHITECTS  
10/20/2017

**GROUND FLOOR LAYOUT**  
FIRST STORE LAYOUT  
ELEVATIONS  
SITE PLAN  
VERANDAH WALL LAYOUT

**DATE**  
10/20/2017

**SHEET NO.**  
1 OF 1

**GROUND FLOOR LAYOUT**  
SCALE 1:50

NO.	DESCRIPTION	AREA (SQM)	PERCENTAGE
1	LIVING AREA	100.00	100.00%
2	KITCHEN	100.00	100.00%
3	DINING	100.00	100.00%
4	BATHROOM	100.00	100.00%
5	STAIRCASE	100.00	100.00%
6	VERANDAH	100.00	100.00%
7	STORAGE	100.00	100.00%
8	TOILET	100.00	100.00%
9	HALLWAY	100.00	100.00%
10	CL. (CLOSET)	100.00	100.00%
11	CL. (CLOSET)	100.00	100.00%
12	CL. (CLOSET)	100.00	100.00%
13	CL. (CLOSET)	100.00	100.00%
14	CL. (CLOSET)	100.00	100.00%
15	CL. (CLOSET)	100.00	100.00%
16	CL. (CLOSET)	100.00	100.00%
17	CL. (CLOSET)	100.00	100.00%
18	CL. (CLOSET)	100.00	100.00%
19	CL. (CLOSET)	100.00	100.00%
20	CL. (CLOSET)	100.00	100.00%

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 1527, VERMONT**

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 1527, 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.

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

*14/01/2022*  
**DATE**

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**2. ERF 2359, 40 KRIGE STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: CONNECT ARCHITECTS ON BEHALF OF ONRUST TRUST**

**2359 HON (3891/2021)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**28 March 2022**

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**Executive Summary**

An application has been received on 3 November 2022 from Connect Architects on behalf of Onrust Trust on Erf 2359, Onrustrivier in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to exceed the maximum height of a boundary wall from 2,1m to approximately 3,66m for privacy purposes.

**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 2359, Onrustrivier for a departure to exceed the maximum height of a boundary wall from 2,1m to approximately 3,66m for privacy purposes, 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 relaxations as indicated on plans 2020002-KMM-0-DW-A-421-100 dated 25 August 2014 and 2020002-KMM-0-DW-A-422-100 & 2020002-KMM-0-DW-A-423-100 dated 25 March 2014 submitted with the application;
  - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (c) that all other development parameters as prescribed in the relevant Land Use 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 Fire Department be complied with;
  - (e) that the conditions in the Services Report be complied with;

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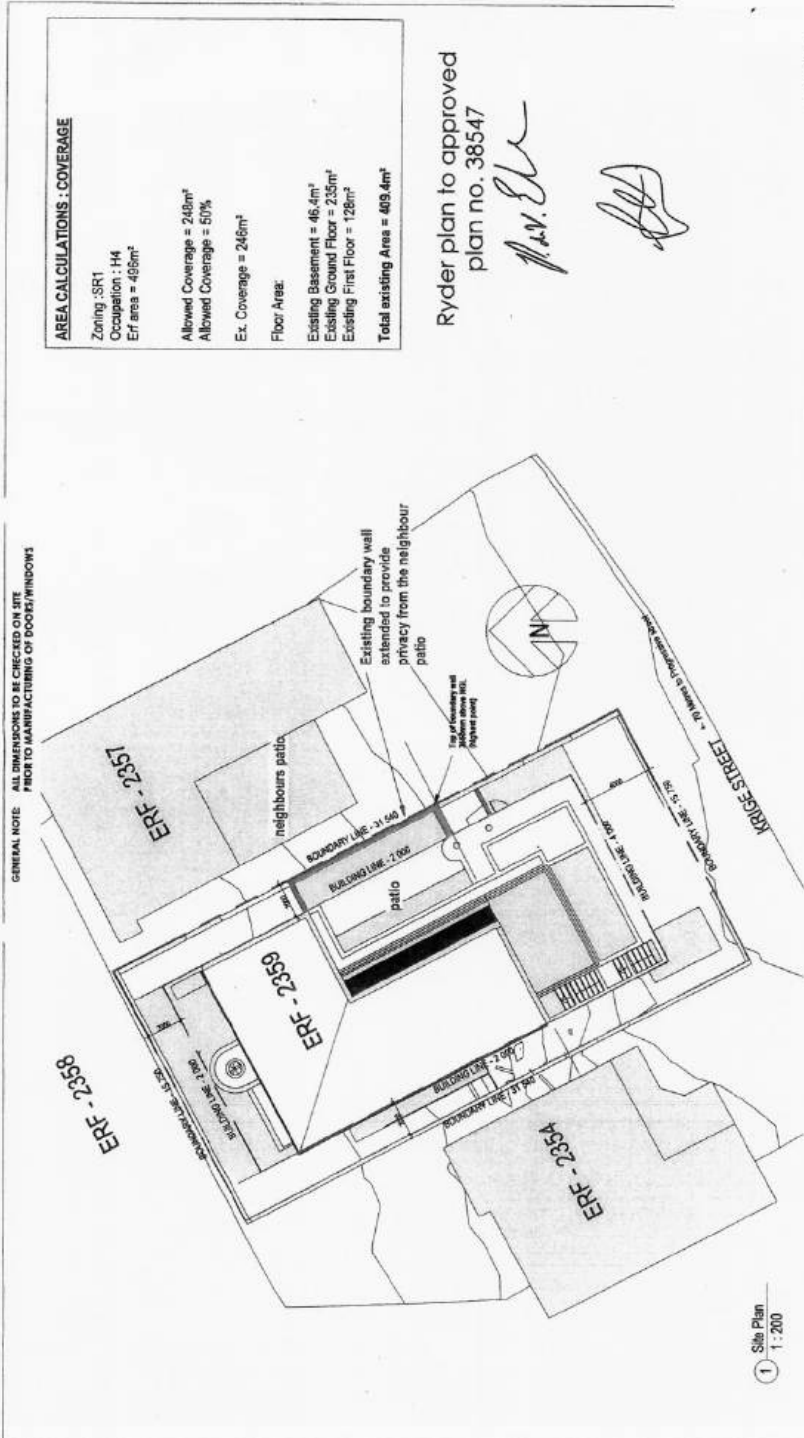
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- (f) that the conditions imposed by Telkom be complied with, and
  - (g) that the conditions imposed by Eskom be complied with.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

**REASONS FOR RESOLUTION**

- ❖ The application is supported by all relevant internal departments.
- ❖ No objections were received from surrounding neighbours.
- ❖ The application will improve not impact the privacy with the adjacent neighbour.
- ❖ The application will not have a negative impact on the character of the surrounding area; will not impact views or the street scape.
- ❖ The application is considered desirable.





Drawing No.: <b>202002 - KMM - Q - DW - A - 421-100</b>	Date: 2014/05/25	Scale: 1:200 @ A3
	Proj. No.: <b>202002</b>	
Drawing: <b>Site Plan</b>		
Issued for: <b>LUMS</b>		

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 2359, ONRUS RIVER**

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 2359, Onrus River, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.

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

  
**DATE**

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**3. ERF 1127, 6 ALBATROSS STREET, VERMONT, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION: WRAP PROJECT OFFICE ON BEHALF OF KLEINPOORT PROPERTIES (PTY) LTD**

**1127 HVM (3893/2021)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**28 March 2022**

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**Executive Summary**

Applications have been received on 5 November 2021 from WRAP Project Office on behalf of Kleinpoort Properties (Pty) Ltd on Erf 1127, Vermont 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 1127, Vermont into a Portion A ( $\pm 748,5\text{m}^2$ ) and a Remainder ( $\pm 1169,5\text{m}^2$ ).

**RESOLVED:**

1. that the subdivision in terms of Section 16(2)(d) of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 (By-Law) of Erf 1127, Vermont into two (2) portions, namely Portion A ( $\pm 748,5\text{m}^2$ ) and the Remainder ( $\pm 1169,5\text{m}^2$ ), 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 the undated Plan, submitted with the application by Messrs WRAP,
  - (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

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- (g) that the conditions imposed by Eskom, be complied with.
3. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ 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.
- ❖ This is a Heritage site, but no heritage application is required from Heritage WC
- ❖ No negative impact on the character of the area and is desirable.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION: ERF 1127, VERMONT**

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

**Conditions:**

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

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

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

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

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

The contribution according to the current policy (**2021/2022**) is as follows:

**Freehold erven:**

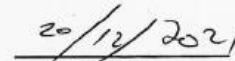
Water	R 24 915.00 x 1	=	R 24 915.00
Sewerage	R 16 799.12 x 1	=	R 16 799.12
Roads	R 7 532.72 x 1	=	R 7 532.72
Stormwater	R 8 691.28 x 1	=	R 8 691.28
Solid Waste	R 1 505.92 x 1	=	R 1 505.92
<b>TOTAL (inclusive of VAT)</b>		<b>=</b>	<b>R 59 444.04</b>

Note:

- 1.3 **The above figures are estimates**
- 1.4 **The above figures do not include evaluation/investigation levies and connection fees**
2. that each property 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 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 the proposed Erven, Vermont, unobstructed;
7. that no on-street parking be allowed.

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

  
**DATE**

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**4. ERF 1785, 2 NEWAY STREET, PEARLY BEACH: APPLICATION FOR DEPARTURE AND RELAXATION OF TITLE DEED RESTRICTIVE CONDITIONS: MR WG & MRS AM MATTHEE**

**1785 GPB (3739/2021)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**28 April 2022**

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**Executive Summary**

An application has been received on 24 August 2021 from Mr WG & Mrs AM Matthee, owners of Erf 1785, Pearly Beach in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for departure to encroach the street building line from 4,0m to 3,5m.

Application is also made for title relaxation pertaining to Clause E.6.(b) of Title Deed No. T27372/2020 to encroach the street title deed building line from 5,0m to 3,5m to accommodate the extension of one (1) of the existing garages.

**RESOLVED :**

1. that the application for relaxation of restrictive title deed condition Clause E.6(b) as contained in Title Deed No. 29603/2020 application to Erf 1785, Pearly Beach to relax the street building line from 5m to 3,5m to accommodate the extension of the existing garage, be approved;
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 1785, Pearly Beach for a departure to encroach the street building line from 4m to 3,5m to accommodate the extension of the existing garage, be approved
3. that the approvals in 1. & 2. above be subject to conditions:
  - (a) that this approval is only for the development as indicated on plan as submitted with the application pertaining the street building line;
  - (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 – and the Fire Department be complied with at that stage;

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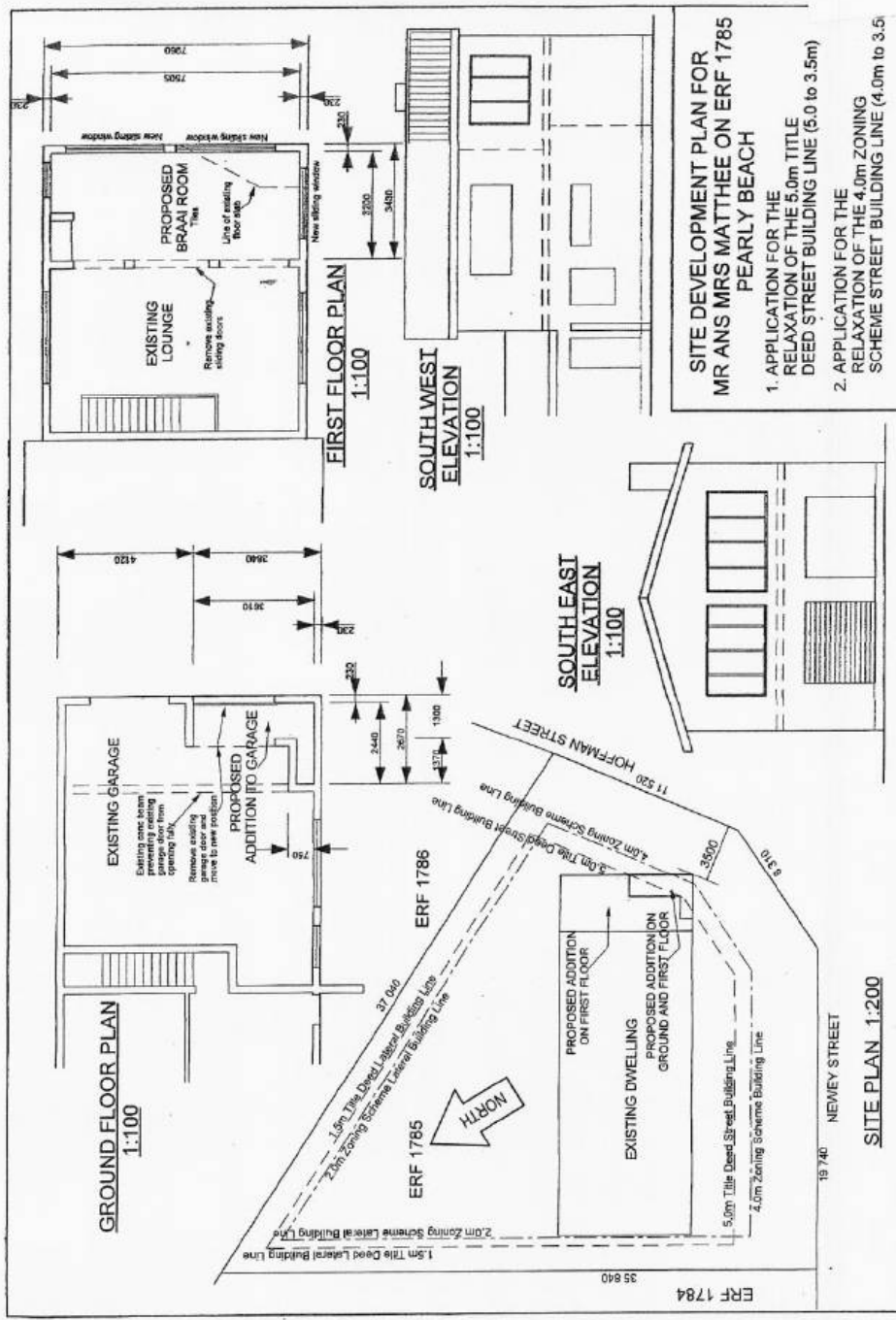
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- (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
4. that the applicant be notified of its right of appeal (against the resolution in Paragraph 2 and 3 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 additions and alterations are of a normal residential neighbourhood.
- ❖ The extension of the one garage to brings both garages in line which enhances the street frontage and allows the design of the garages to be practical and neat.
- ❖ The proposed extension is of a minor nature as only a small portion extends over the applicable building lines.
- ❖ There were no objections received from the internal departments.
- ❖ All affected neighbours gave their consent for the applicable departure.





**SITE DEVELOPMENT PLAN FOR  
MR ANS MRS MATTHEE ON ERF 1785  
PEARLY BEACH**

1. APPLICATION FOR THE  
RELAXATION OF THE 5.0m TITLE  
DEED STREET BUILDING LINE (5.0 to 3.5m)

2. APPLICATION FOR THE  
RELAXATION OF THE 4.0m ZONING  
SCHEME STREET BUILDING LINE (4.0m to 3.5

**SITE PLAN 1:200**

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR: RELAXATION OF TITLE DEED CONDITIONS &  
DEPARTURE: ERF 1785, 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 1785, Pearly Beach, unobstructed;
6. 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 July 2022  
(Also the agenda for the Mayoral Committee Meeting: 25 July 2022)**

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**5. ERF 1000, 60 DU TOIT STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR RELAXATION OF RESTRICTIVE TITLE DEED CONDITION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: SB CANHAM RICHARDS**

**1000 GFK (3760)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**04 May 2022**

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**Executive Summary**

An application has been received on 22 March 2021 from SB Canham Richards in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 1000, Franskraal for the following:

- ❖ application for departure in terms of Section 16(2)(b) of the By-Law to relax the southern lateral building line from 2m to 0,543mm to accommodate the existing carport, and
- ❖ application for determination of an administrative penalty in terms of Section 16(2)(q) of the By-law to accommodate the existing carport.

Application is also made for title relaxation in terms of the provisions of clause C.5 of Title Deed No. T46553/2018 to permit the encroachment of the southern lateral title deed building line from 1,57m to 0,543m to accommodate the existing carport.

**RESOLVED**

1. that the application for title relaxation in terms of the provisions of clause C.5 as contained in Title Deed No. T46553/2018 to permit the encroachment of the southern lateral title deed building line from 1,57m to 0,543m to accommodate the existing carport, be approved;
2. that the application for departure in terms of Section 16(2)(b) of the By-Law to encroach the southern lateral building line from 2m to 0,543mm to accommodate an existing carport, be approved subject to the following conditions;
  - (a) that the approval is only for the relaxation of the lateral building line indicated on the Site Development Plan;

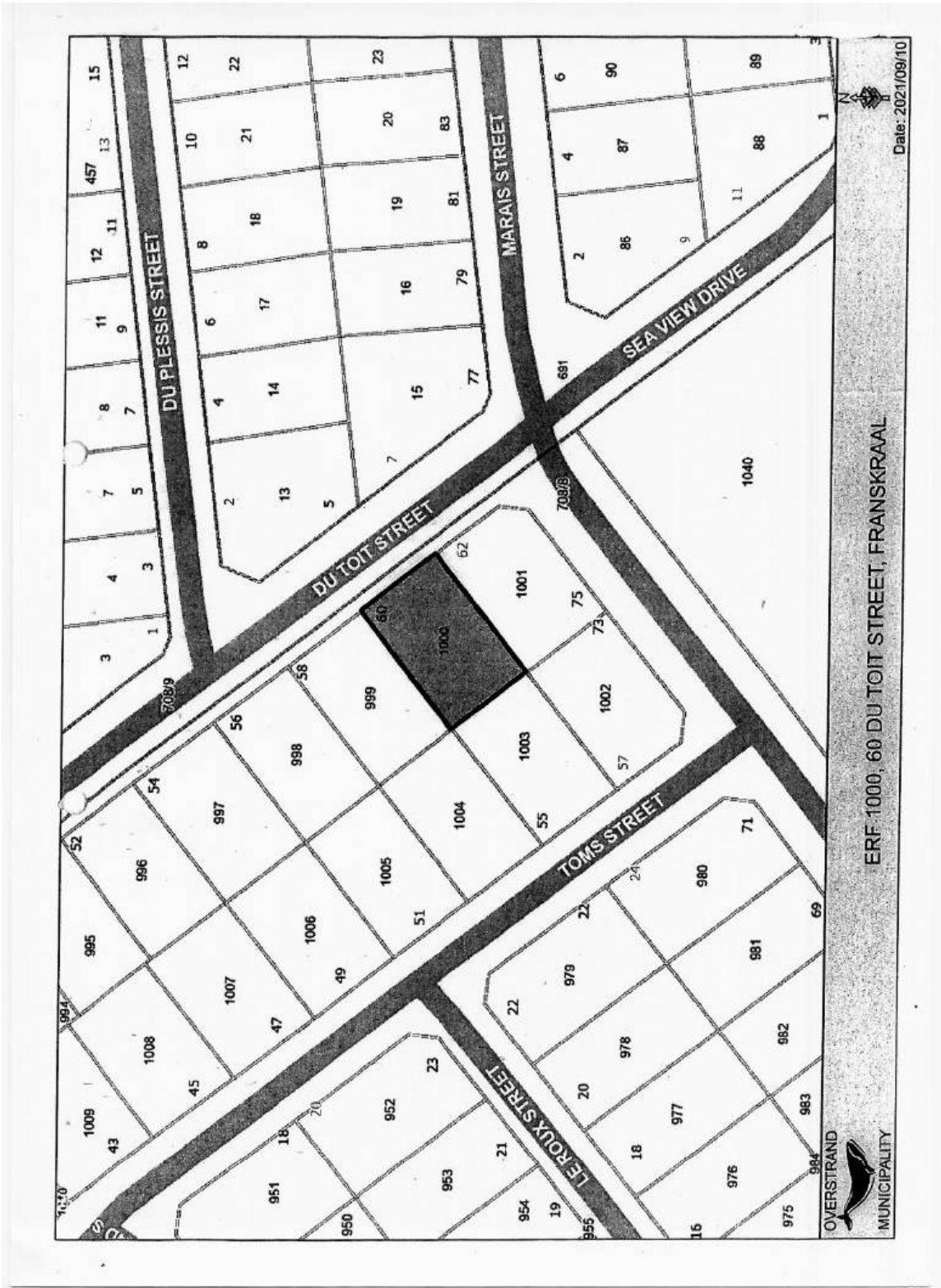
**AGENDA of the  
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- (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (c) that all the conditions in the Services Report, be complied with;
  - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
3. that the applicant be exempted from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
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 regarding the above conditions of approval.

**REASONS FOR RESOLUTION**

- ❖ The carport complies with the Overstrand Land Use Scheme.
- ❖ Surrounding owners provided written consent.
- ❖ The proposed location has the least impact upon adjoining properties.
- ❖ The proposal will not adversely impact vested rights or the character of the area.



ERF 1000, 60 DU TOIT STREET, FRANSKRAAL



Date: 2021/09/10



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR: DEPARTURE & DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: ERF 1000, 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 1000, Franskraal, unobstructed;
6. that no on-street parking be allowed.

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

*05/04/2022*  
**DATE**

**AGENDA of the  
Portfolio Committee: Investment & Infrastructure  
6 July 2022  
(Also the agenda for the Mayoral Committee Meeting: 25 July 2022)**

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**6. ERF 1886, 12 PUREN WAY, PEARLY BEACH: APPLICATION FOR RELAXATION OF TITLE DEED RESTRICTIVE CONDITIONS: MESSRS PLANACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF RB EVANS & ML NAUDE**

**1886 GPB (4084/2021)**

**S van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**26 April 2022**

---

**Executive Summary**

An application has been received on 8 March 2022 from PlanActive Town & Regional Planners on behalf of RB Evans & ML Naude on Erf 1886, Pearly Beach for relaxation of Clause D.6.(b) of Title Deed No. T27372/2019 in order to:

- ❖ relax the north-eastern street title deed building from 5,0m to 4,0m, and
- ❖ relax the south-eastern street title deed building from 5,0m to 4,0m to accommodate the proposed new dwelling.

**RESOLVED :**

1. that the application for relaxation of Clause D.6.(b) of Title Deed No. T27372/2019 to relax the north-eastern street title deed building line from 5,0m to 4,0m to accommodate the open balcony and to relax the south-eastern street title deed building line from 5,0m to 4,0m to accommodate the garage (ground floor) and bedroom (first floor), be approved, in terms of Section 61 of the By-Law;
2. that the approvals in 1. above be subject to conditions:
  - (a) that this approval is only for the development as indicated on plan as submitted with the application pertaining the south-eastern and north-eastern title deed building line restrictions;
  - (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 – and the Fire Department be complied with at that stage;
  - (d) that all the conditions in the Services Report, be complied with;

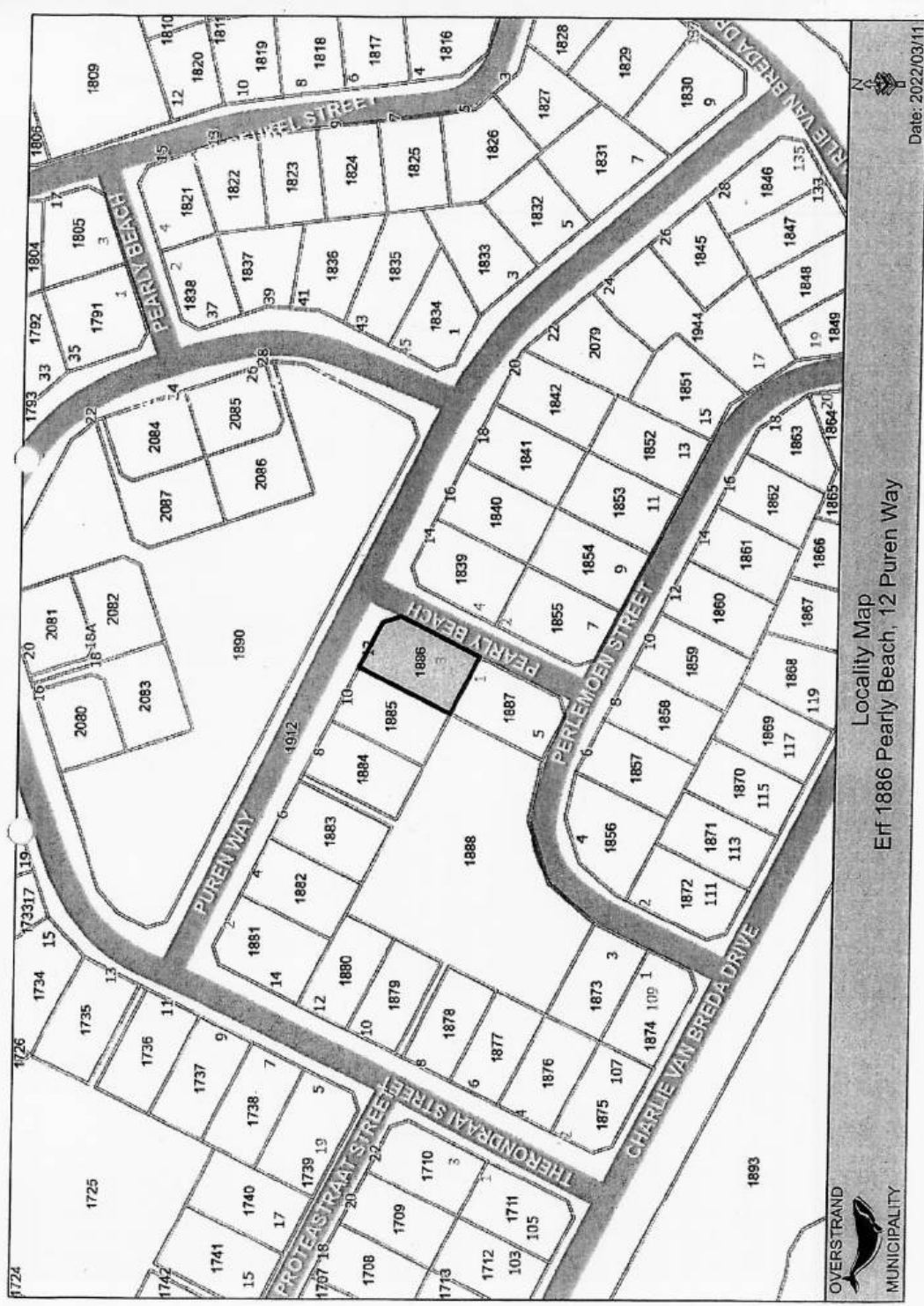
**AGENDA of the  
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- (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**REASONS FOR RESOLUTION**

- ❖ The additions and alterations are of a normal residential neighbourhood.
- ❖ Several other properties in the surrounding area also have more than one storey.
- ❖ The proposed additions and alterations are in line with the character of the surrounding neighbourhood and therefore will not have a negative impact on the character of the area.
- ❖ There were no objections received from the internal departments.
- ❖ All affected neighbours gave their consent for the applicable departure.



Locality Map  
Erf 1886 Pearly Beach, 12 Puren Way

Date: 2022/03/11



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR: RELAXATION OF RESTRICTIVE TITLE DEED  
CONDITIONS: ERF 1886, 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 1886, Pearly Beach, unobstructed;
6. that no on-street parking be allowed.

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

  
**DATE**

**AGENDA of the  
Portfolio Committee: Investment & Infrastructure  
6 July 2022  
(Also the agenda for the Mayoral Committee Meeting: 25 July 2022)**

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**7. ERF 2386, 99 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: A BASSON ON BEHALF OF AFM LOUW TRUST**

**2386 HVK (3701/2021)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**21 April 2022**

---

**Executive Summary**

An application has been received on 13 July 2021 from A Basson on behalf of AFM Louw Trust the owner of Erf 2386, Hermanus (Voëlklip) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- to relax the eastern lateral building line from 2m to 1.2m and 0.36m respectively to accommodate alterations to the main dwelling namely: new bedroom 01, two risers of the stairs at the enlarged stoep - main dwelling (encroach by 0.59m) and a new carport;
- to relax the western lateral building line from 2m to 1.2m to accommodate additions to the second dwelling namely: new braai / deck walls (encroach by 0.8m); the new bedroom 2 (encroach by 0.8m), and
- to relax the northern 4m street building line from 4m to 3.41m and eastern building line from 2 to 0.36m to accommodate a new carport.

**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 2386, Hermanus (Voëlklip) for the following:
  - ❖ to relax the eastern lateral building line from 2m to 1.2m and 0.36m respectively to accommodate alterations to the main dwelling namely: new bedroom 01, two risers of the stairs at the enlarged stoep - main dwelling (encroach by 0.59m);
  - ❖ to relax the western lateral building line from 2m to 1.2m to accommodate additions to the outbuilding namely: new braai / deck walls (encroach by 0.8m), and
  - ❖ to relax the northern 4m street building line from 4m to 3.41m and eastern building line from 2 to 0.36m to accommodate a new carport to accommodate a new carport

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

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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 2213, Hermanus (Voëlklip) for the following:
  - ❖ to relax the western lateral building line from 2m to 1.2m to accommodate additions to the second dwelling namely, the new bedroom 2 (encroach by 0.8m)

**not be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in 1. above be subject to the following conditions:
  - (a) that the encroachments be restricted to the dimensions as indicated on drawing no. 20-19\_TP-02 submitted with the application;
  - (b) that the conditions of Engineering Services be complied with;
  - (c) that the pillars of the new covered patio be compliant with the western 2m lateral building line;
  - (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.
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.

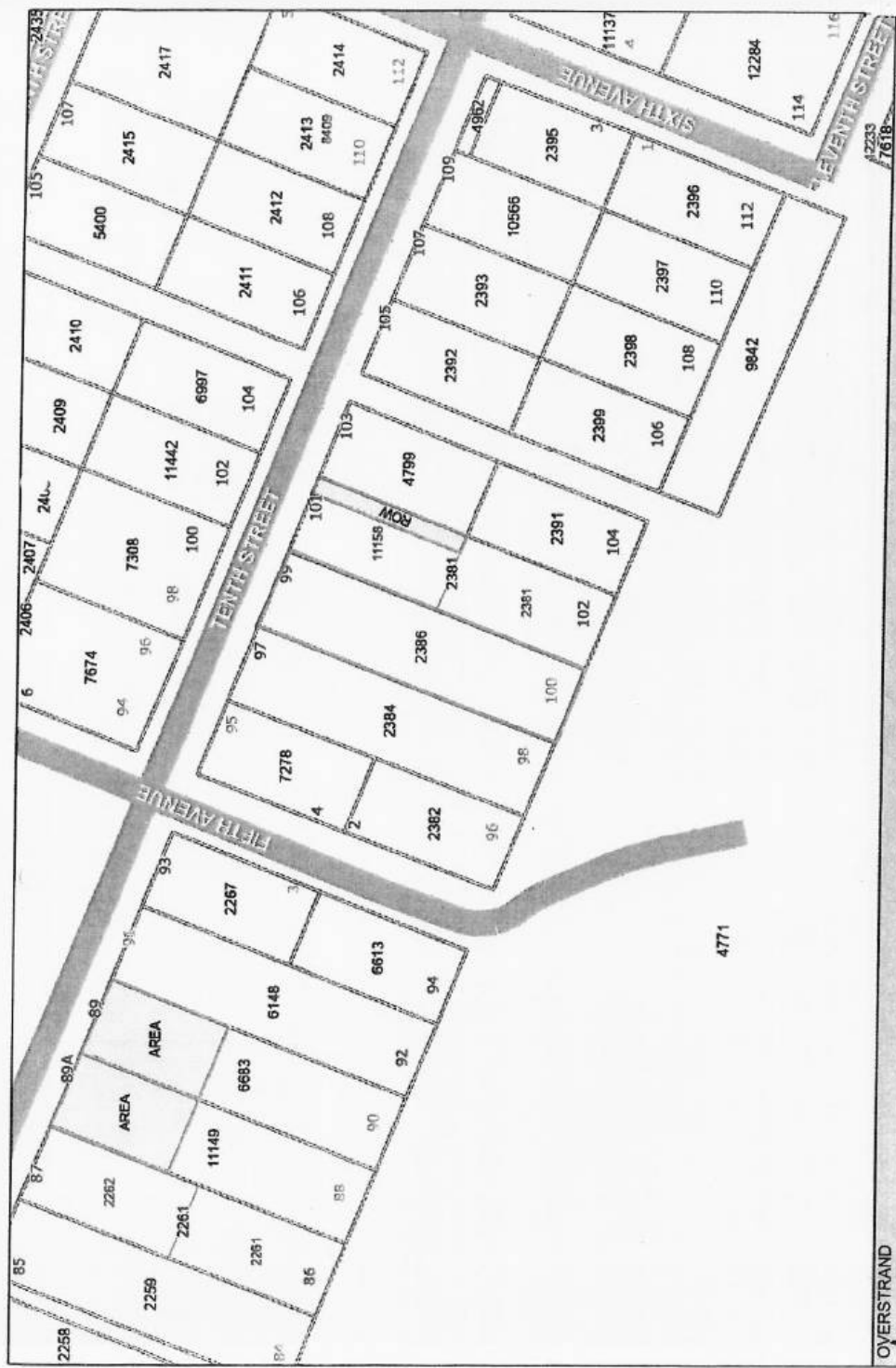
**REASONS FOR RESOLUTION**

- ❖ 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 property.
- ❖ The proposed structures are compatible with the existing built environment including the character of the dwelling.
- ❖ The existing boundary walls mitigate any privacy concerns.

**AGENDA of the  
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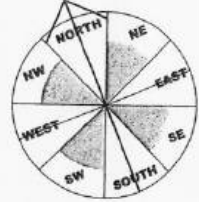
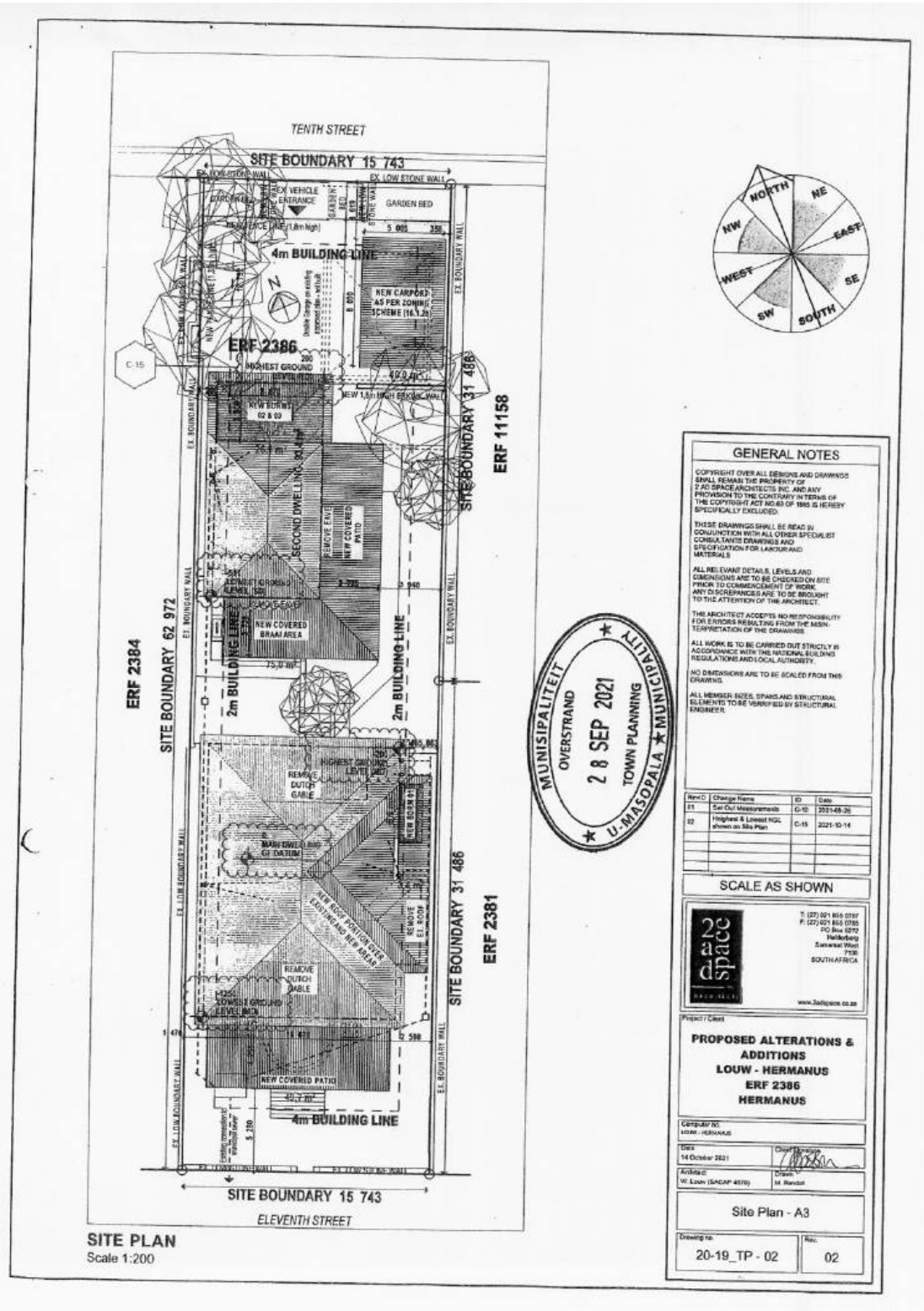
- ❖ The pillar of the proposed new southern covered patio encroaches upon the 2m western lateral building line; the applicant did not address this in the motivation and did not apply for this encroachment.



OVERSTRAND  
MUNICIPALITY

LOCALITY PLAN: ERF 2386 VOËLKLIP

Date: 2022/02/04



**GENERAL NOTES**

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NO DIMENSIONS ARE TO BE SCALED FROM THIS DRAWING.

ALL MEMBER SIZES, SPANS AND STRUCTURAL ELEMENTS TO BE VERIFIED BY STRUCTURAL ENGINEERS.

Rev	Change Items	ID	Date
01	Set Out Measurements	C-15	2021-08-26
02	Height & Lowest NGL shown on Site Plan	C-15	2021-10-14

**SCALE AS SHOWN**

**2 AD SPACE**  
 T: (27) 021 855 0701  
 F: (27) 021 855 0785  
 PO Box 5070  
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 Somerset West  
 7508  
 SOUTH AFRICA  
 www.2adspace.co.za

Project / Client  
**PROPOSED ALTERATIONS & ADDITIONS**  
**LOW - HERMANUS**  
**ERF 2386**  
**HERMANUS**

Contractor No:  
 LOW - HERMANUS

Date:  
 14 October 2021

Project:  
 W: LOW (SACAP 4570) M: Revul

Site Plan - A3

Drawing No: 20-19_TP - 02	Rev: 02
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**SITE PLAN**  
Scale 1:200

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 2386, 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 2386, Voelklip, unobstructed;
7. that no on-street parking be allowed.

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

*10/02/2022*  
**DATE**

**AGENDA of the  
Portfolio Committee: Investment & Infrastructure  
6 July 2022  
(Also the agenda for the Mayoral Committee Meeting: 25 July 2022)**

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**8. ERF 122, 14 MARK STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE (PLACE OF ENTERTAINMENT): MESSRS GRANDSLOTS ON BEHALF OF HOLTCO PROPERTIES**

**122 GGB (3668/2021)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**28 April 2022**

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**Executive Summary**

- ❖ An application has been received on 19 March 2021 from Messrs Grandslots on behalf of HOLTCO Properties, the owners of Erf 122, Gansbaai for consent use in terms of Section 16(2)(o) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to conduct a place of entertainment to operate five (5) gambling machines from the property.

**RESOLVED :**

1. that the application for a consent use (place of entertainment) in terms of Section 16(2)(o) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 122, Gansbaai for the installation of five gambling machines, be approved in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the place of entertainment be restricted to the installation of five gambling machines only;
  - (b) that the permission for a place of entertainment does not permit live music;
  - (c) that the on-site parking bays be provided at a ratio as described by the Overstrand Zoning Scheme Regulations, with permanent surfaces and layout to the satisfaction of the municipality;
  - (d) that the owner and his successors in title prevent the occurrence of any public nuisance, which through an act or omission materially interferes with the comfort, peace and quiet of the surrounding area, and should the owner or his successor in title fail to comply with such condition, they will make themselves liable to further legal action;
  - (e) that all the conditions in the Services Report and Telkom, be complied with;

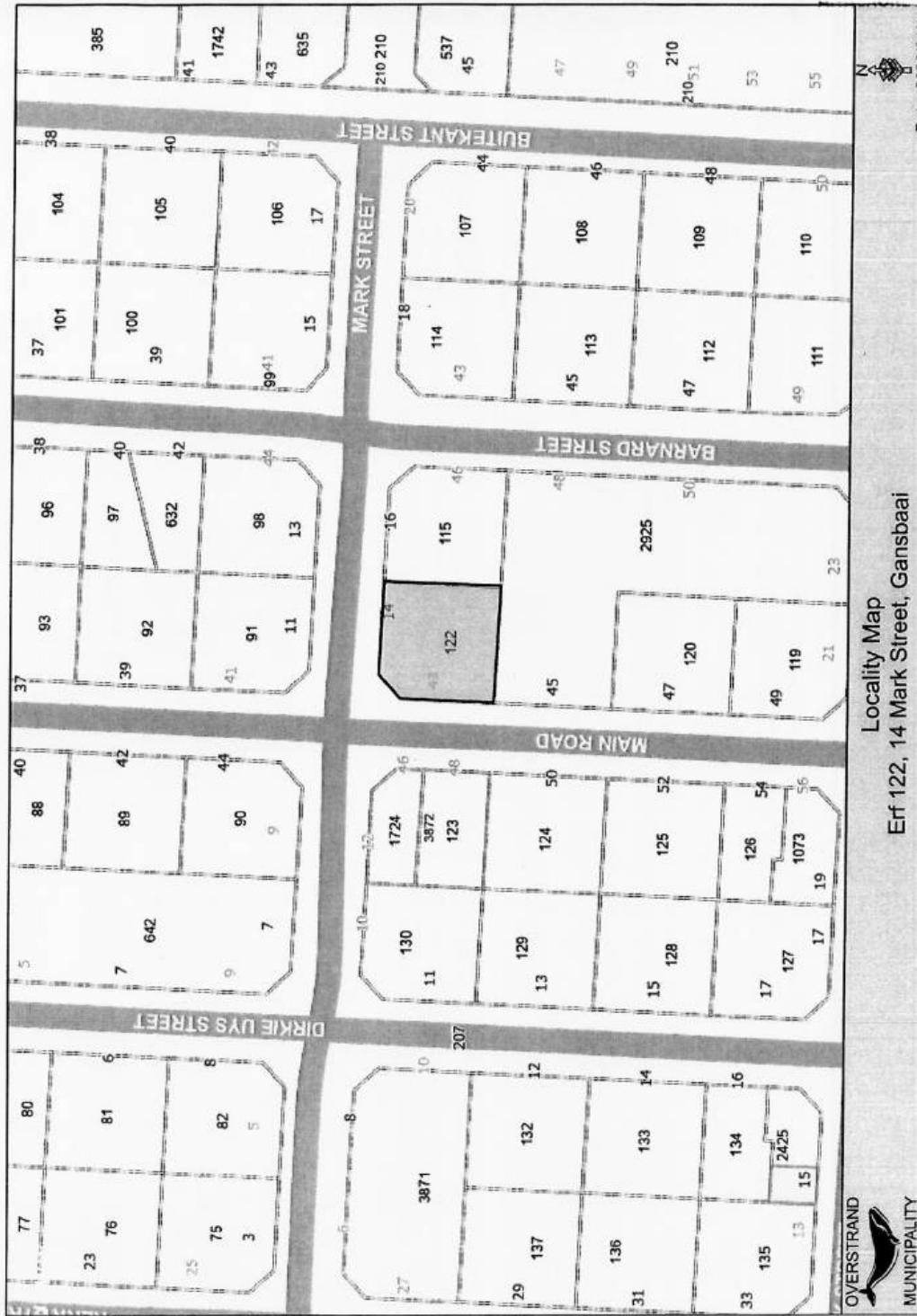
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- (f) that all the conditions contained in the comment from the Department of Health (all relevant health requirements and certification) be complied with;
  - (g) that a valid business licence in terms of the Business Act (Act 71 of 1991) be obtained prior to the operation of the place of entertainment (five gambling machines);
  - (h) that written approval of the Western Cape Gambling and Racing Board be obtained and submitted to the Municipality prior to the commencement of the place of entertainment (five gambling machines);
  - (i) that if a gambling prohibition exist on the liquor licence issued by the Western Cape Liquor Board, it should be removed prior to the commencement of the place of entertainment;
  - (j) that the applicant strictly adhere to the requirements of the Western Cape Gambling and Racing Board pertaining to the behaviour of the patrons (in and outside the premises);
  - (k) that the municipality reserves the right to impose additional conditions with reference to town planning principles pertaining to the conduct on the premises;
  - (l) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
  - (m) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
2. that the applicant and objector be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

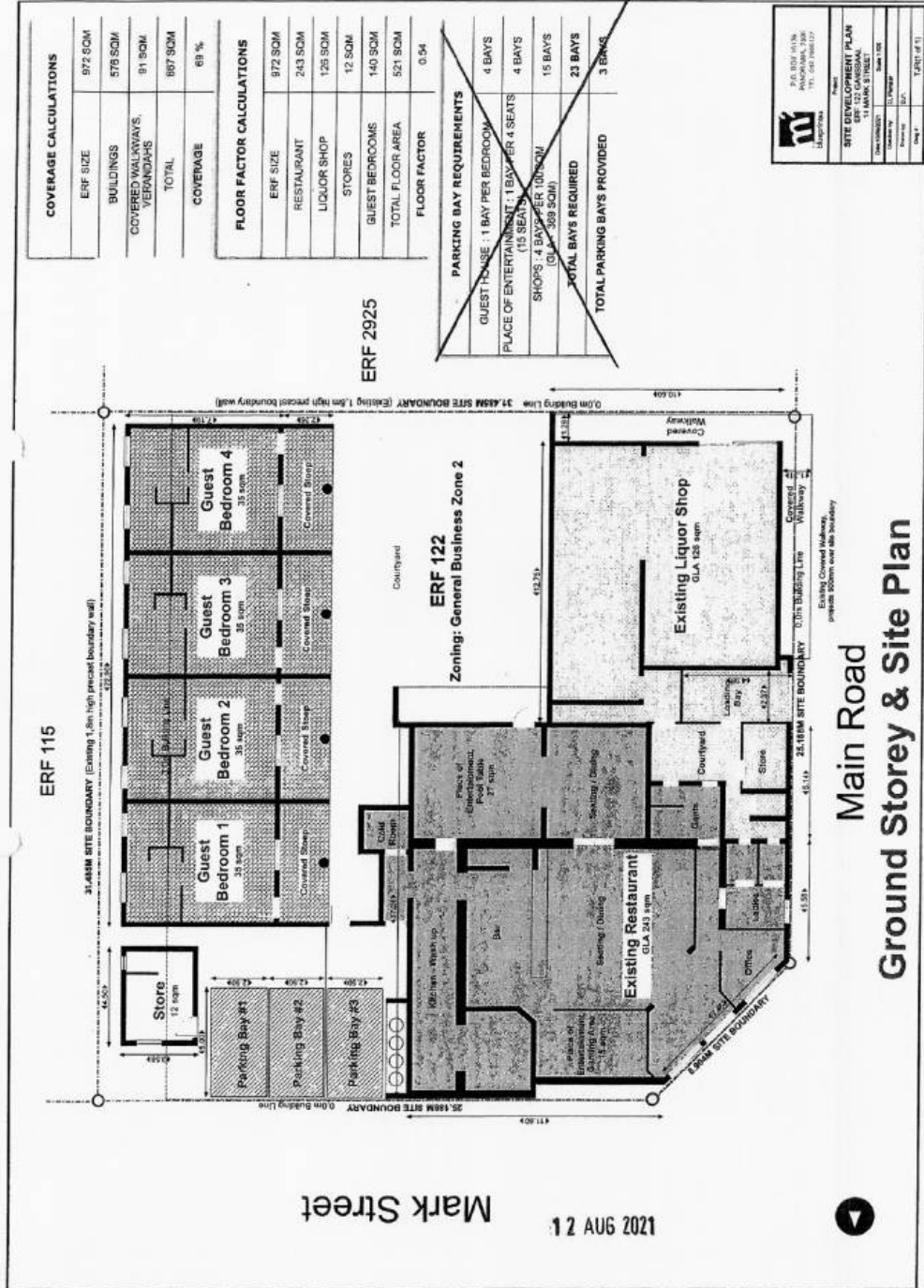
**REASONS FOR RESOLUTION**

- ❖ The proposal is for an existing use which has lapsed.
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ None of the municipal services will be impacted upon.
- ❖ It is in line with policy documents.
- ❖ The development of the erf will be beneficial for optimization of the erf and infrastructure.
- ❖ The character of the area will not be adversely impacted upon.



Locality Map  
Erf 122, 14 Mark Street, Gansbaai

Date: 2022/04/11



**COVERED CALCULATIONS**

ERF SIZE	972 SQM
BUILDINGS	575 SQM
COVERED WALKWAYS, VERANDAHs	91 SQM
TOTAL	867 SQM
COVERAGE	69 %

**FLOOR FACTOR CALCULATIONS**

ERF SIZE	972 SQM
RESTAURANT	243 SQM
LIQUOR SHOP	125 SQM
STORES	12 SQM
GUEST BEDROOMS	140 SQM
TOTAL FLOOR AREA	521 SQM
FLOOR FACTOR	0.54

**PARKING BAY REQUIREMENTS**

GUESTHOUSE : 1 BAY PER BEDROOM	4 BAYS
PLACE OF ENTERTAINMENT : 1 BAY PER 4 SEATS (15 SEATS)	4 BAYS
SHOPS : 4 BAYS PER 100 SQM (GLA 369 SQM)	15 BAYS
<b>TOTAL BAYS REQUIRED</b>	<b>23 BAYS</b>
<b>TOTAL PARKING BAYS PROVIDED</b>	<b>3 BAYS</b>

**11 MARK STREET**

**SITE DEVELOPMENT PLAN**

Scale: 1:500

Drawn: 10/11/2021

Checked: 15/11/2021

By: [Signature]

Date: 11/11/2021

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Mark Street

12 AUG 2021



**Main Road**

**Ground Storey & Site Plan**


ERF 2925

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE: ERF 122, GANSBAAI**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that any commercial food preparation facilities (e.g. restaurant/guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
5. that relocation of- or any additional and / or extended vehicle entrances will be for the owner's account;
6. that stormwater be allowed to discharge through Erf 122, Gansbaai, unobstructed;
7. that no on-street parking be allowed.

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

  
**DATE**

**AGENDA of the  
Portfolio Committee: Investment & Infrastructure  
6 July 2022  
(Also the agenda for the Mayoral Committee Meeting: 25 July 2022)**

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**9. ERF 5230, 40 CAMDEBO AVENUE, KLEINMOND: APPLICATION FOR DEPARTURE & DETERMINATION OF ADMINISTRATIVE PENALTY: J SHAW ON BEHALF OF PI BUCHANAN & BG ANDERSON**

**5230 KKM (3841/2021)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**21 April 2022**

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**Executive Summary**

An application was received on 4 October 2021 from J Shaw on behalf of PI Buchanan & BG Anderson in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5230, Kleinmond for the following:

- **Departure** in terms of Section 16.(2)(b) of the By-Law to relax the eastern lateral building line from 2,0m to 0,5m and the rear building line from 2,0m to 1,27m to accommodate the use change of the existing triple garage into a staff quarter.
- Determination of an **administrative penalty** in terms of Section 16(2)(q) of the By-Law for the unauthorised change of land use from a triple garage to staff quarters.

**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 5230, Kleinmond for a departure to relax the eastern lateral building line from 2,0m to 0,5m and the rear building line from 2,0m to 1,27m to accommodate the use change of the existing triple garage into a staff quarter, be approved, in terms of Section 61 of the By-Law, subject to the following conditions
  - (a) that this approval is only for the development as indicated on plan number 1/1/21 Rev 2.16/9/2021 dated 19 June 2021 as submitted with the application;
  - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
  - (c) that building plans be submitted to the Building 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

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with any other relevant legislation;

- (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
- 2. that the applicant be exempted of an administrative penalty in terms of Section 90.(4) of the By-Law for the unauthorised change of land use from a triple garage to staff quarters.
- 3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**REASONS FOR RESOLUTION**

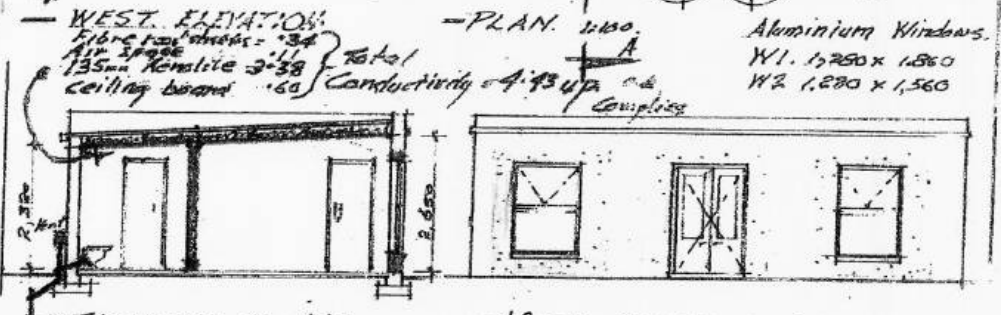
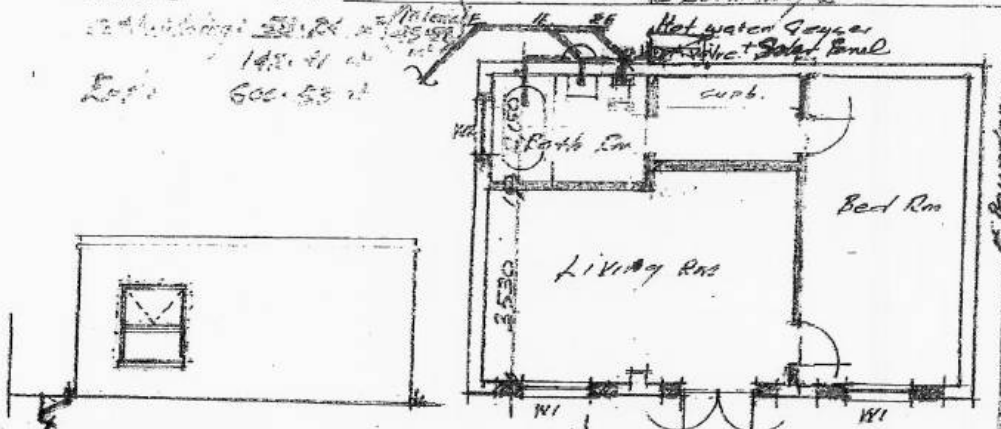
- ❖ The property will not have a negative impact since no openings (doors & windows) are facing the affected neighbours.
- ❖ The unauthorised land use change was carried out before the new owner took possession of the property.
- ❖ The unauthorised land use has been in existence for over 14 years without any complaints or objections.
- ❖ All affected neighbours gave their consent for the departure, as well as the unauthorised land use change.



Coverage: 23.77  
 House: 24.77  
 24 Buildings: 531.24  
 Lot: 600.53

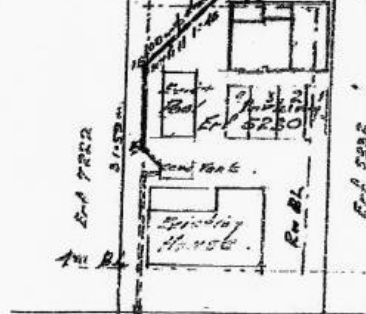
2750 2,600 150 2,700 150 2,900 250

Hot water Geyser  
 Fibre Sol. Panel



Aluminium Windows  
 W1. 1,250 x 1,560  
 W2. 1,280 x 1,560

Conductivity 4.73 up  
 complies



Conductance and Solar Heat Gain Schedule EWF 5230, KLEINMOND

Window Type	U-Value	SHGC	Visible Transmittance	Area (m²)	U-Value (W/m²K)	SHGC	Visible Transmittance
W1	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W2	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W3	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W4	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W5	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W6	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W7	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W8	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W9	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W10	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W11	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W12	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W13	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W14	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W15	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W16	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W17	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W18	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W19	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W20	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W21	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W22	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W23	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W24	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W25	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W26	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W27	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W28	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W29	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W30	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W31	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W32	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W33	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W34	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W35	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W36	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W37	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W38	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W39	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W40	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W41	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W42	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W43	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W44	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W45	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W46	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W47	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W48	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W49	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W50	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W51	1.25	0.75	0.85	1.96	2.44	0.56	1.68
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W56	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W57	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W58	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W59	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W60	1.25	0.75	0.85	1.96	2.44	0.56	1.68
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W63	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W64	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W65	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W66	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W67	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W68	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W69	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W70	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W71	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W72	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W73	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W74	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W75	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W76	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W77	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W78	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W79	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W80	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W81	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W82	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W83	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W84	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W85	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W86	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W87	1.25	0.75	0.85	1.96	2.44	0.56	1.68
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W89	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W90	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W91	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W92	1.25	0.75	0.85	1.96	2.44	0.56	1.68
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W95	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W96	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W97	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W98	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W99	1.25	0.75	0.85	1.96	2.44	0.56	1.68
W100	1.25	0.75	0.85	1.96	2.44	0.56	1.68

Seek 1:500 to Cambridge Ave. & Bul. Station

EXISTING GARAGES converted to NEW STAFF QUARTERS

ON ERF 5230, KLEINMOND for B. GANDERSON & P.I. BUCHANAN

Draw. No: 1/1/21 Date 19/6/2021 J. Shaw 082 770 1704

Rev 2. 16/9/2021

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**10. ERF 4836, 52 NINTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND RIGHT OF WAY SERVITUDE: PLAN ACTIVE ON BEHALF OF FG & JCI BRITS**

**4836 KKM (3829/2021)**

**H van der Stoep  
16 May 2022**

**(028) 313 8900**

**Hermanus Administration**

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**Executive Summary**

Application has been received on 22 September 2021 from Messrs Plan Active Town & Regional Planners on behalf of FG and JCI Brits in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Subdivision** in terms of Section 16.(2)(d) of the By-Law to create four (4) Residential Zone I: Single Residential (SR1) erven and two (2) Transport Zone 2: Road and Parking (TR2) erven.
- ❖ Registration of a **right-of-way servitude** in terms of Section 26.(1)(h)(v) of the By-Law over proposed Erven 8077, 8078 and 8080 in favour of proposed Erven 8078, 8079 and 8080 Kleinmond.

**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 4836, Kleinmond to create four (4) Residential Zone I: Single Residential (SR1) erven and two (2) Transport Zone 2: Road and Parking (TR2) erven, be approved in terms of the provisions of Section 61 of the By-Law;
2. that the application for the registration of a right-of-way servitude in terms of Section 26.(1)(h)(v) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 over proposed Erven 8077, 8078 and 8080 in favour of proposed Erven 8078, 8079 and 8080 Kleinmond, 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 subdivision as indicated on drawing number kleinm4836s2.drw dated 07/2021, submitted with the application;

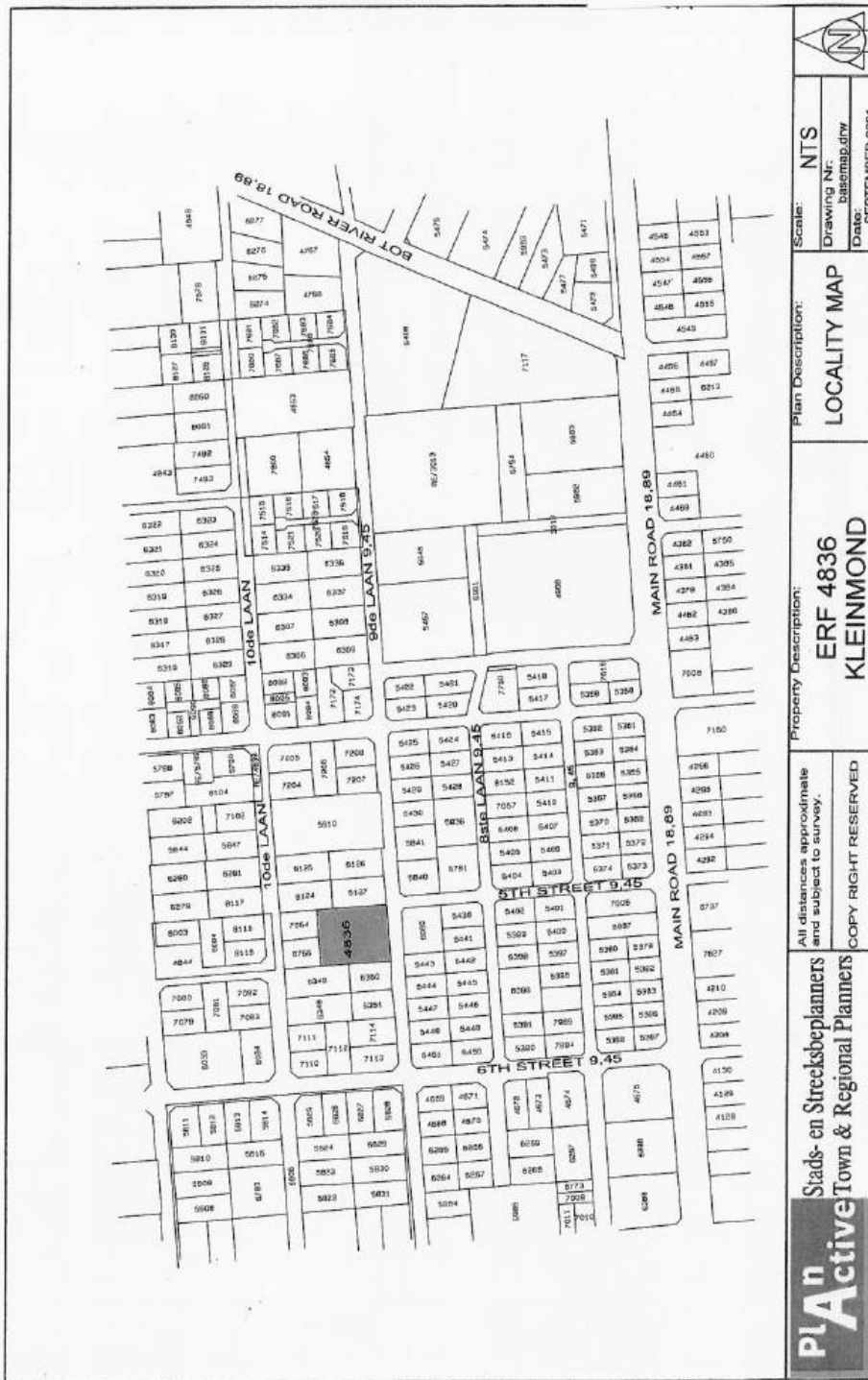
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- (b) that all existing buildings (dwelling and outbuildings) on the property comply with building lines;
  - (c) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building Control- and the Fire Departments be complied with at that stage;
  - (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, and
  - (h) that the portions of road (Portions A & B) be transferred to Overstrand Municipality before any of the single residential erven may be registered.
5. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ The proposed subdivision is in line with Policy Plans.
- ❖ The size of the four (4) 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.



**Plan**  
**Active**

Stads- en Streeksbeplanners  
Town & Regional Planners

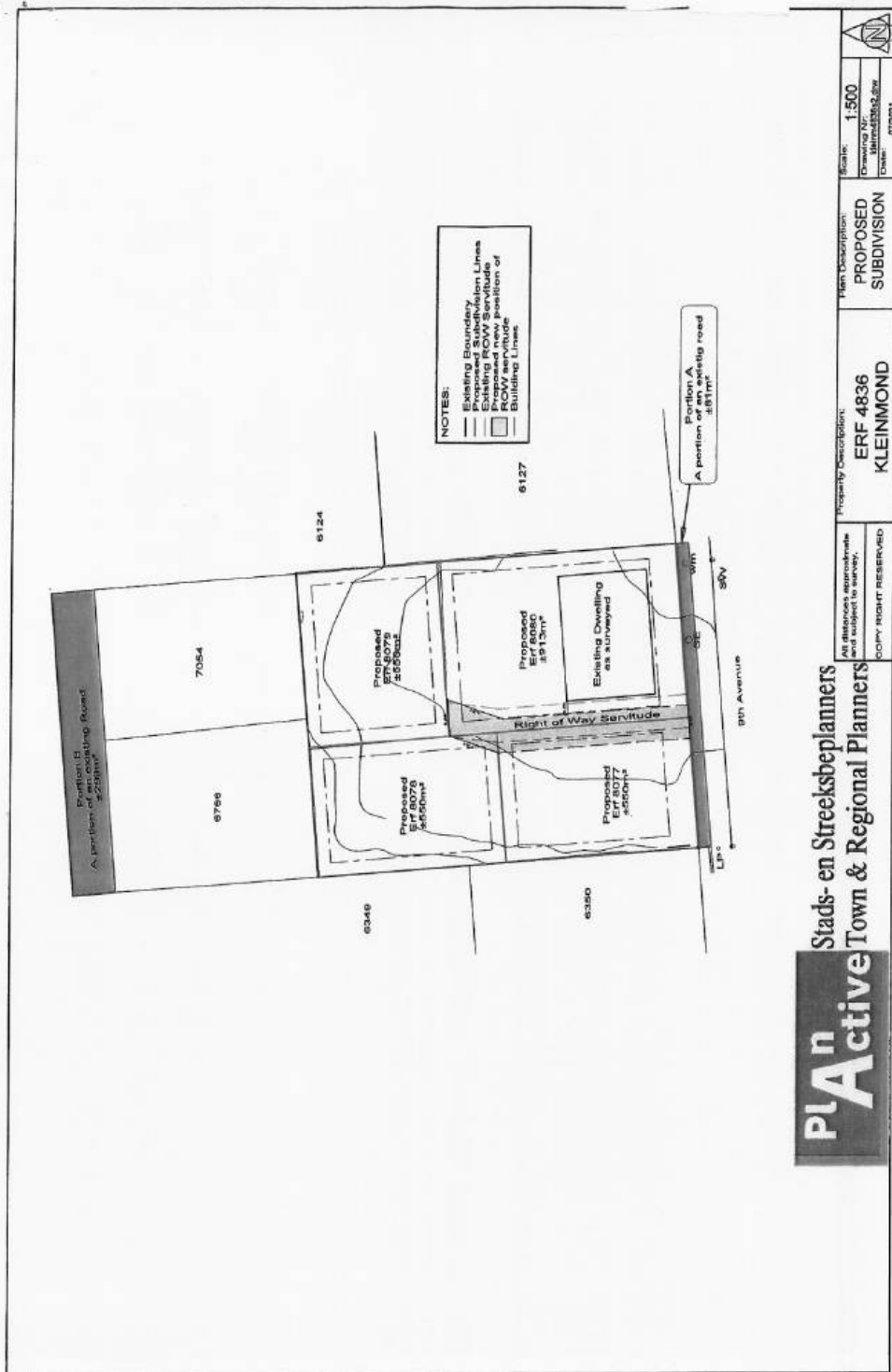
All distances approximate  
and subject to survey.

COPY RIGHT RESERVED

Property Description:  
**ERF 4836**  
**KLEINMOND**

Plan Description:  
**LOCALITY MAP**

Scale: **NTS**  
Drawing Nr: **basemap.dwg**  
Date: **SEPTEMBER 2021**



**PLA<sup>n</sup> Active** Stads- en Streeksbeplanners  
Town & Regional Planners

<p>All distances approximate and subject to survey.</p> <p>COPYRIGHT RESERVED</p>	<p>Property Description:</p> <p><b>ERF 4836</b> <b>KLEINMOND</b></p>	<p>Plan Description:</p> <p><b>PROPOSED SUBDIVISION</b></p>	<p>Scale: 1:500</p> <p>Drawn by: Marné de Vries</p> <p>Date: 07/2021</p>
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION & RIGHT OF WAY SERVITUDE: ERF 4836,  
KLEINMOND**

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 3	=	R 74 745.00
Sewerage	R 16 799.12 x 3	=	R 50 397.36
Stormwater	R 8 691.28 x 3	=	R 26 073.84
Roads	R 7 532.72 x 3	=	R 22 598.16
Electricity	R 33 264.34 x 3	=	R 99 793.02
Solid Waste	R 1 505.92 x 3	=	<u>R 4 517.76</u>
<b>TOTAL (inclusive of VAT)</b>		<b>=</b>	<b>R278 125.14</b>

Note:

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

3. 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;
4. that the developer provides any link and internal municipal civil and electricity supply services that are required to ensure that each individual erf can in future be connected to the municipal networks, to the satisfaction/discretion of the Director: Infrastructure and Planning;
5. That the electrical service cable for all erven be installed by the developer up to the street boundary for connection from the municipality;
6. that only the standard 60 Amp electricity connection will be available to each erf;
7. 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*;
8. 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: Kleinmond for written approval;
9. that, both the existing and the proposed vehicular access to the proposed erven be provided with road infrastructure to allow access to the proposed erven. Such infrastructure must comply with the specifications of the Department: Operational Services (Kleinmond);
10. that any additional and / or extended vehicle entrances will be for the owner's account;
11. that the panhandle or servitude right of way be provided with a permanent surface, and that adequate provision be made for stormwater drainage, to the satisfaction of the Director: Infrastructure and Planning;
12. that stormwater be allowed to discharge through the proposed erven unobstructed;
13. that no on-street parking be allowed.

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

  
DATE

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(Also the agenda for the Mayoral Committee Meeting: 25 July 2022)**

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**11. ERF 3783, 27 NERINE CRESCENT, BETTY'S BAY, OVERSTRAND  
MUNICIPAL AREA: APPLICATION FOR RELAXATION OF TITLE DEED  
RESTRICTION: EMILE VAN DER MERWE TOWN PLANNING  
CONSULTANTS ON BEHALF OF VAN DER WESTHUIZEN FAMILY TRUST**

**3783 KBB (3918/2021)**

**H van der Stoep  
25 April 2022**

**(028) 313 8900**

**Hermanus Administration**

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**Executive Summary**

An application has been received on 30 November 2021 from Emile van der Merwe Town Planning Consultants on behalf of van der Westhuizen Family Trust on Erf 3783, Betty's Bay for the relaxation of Clause B.7 of Title Deed No. T14174/10 to relax the south-western building line from 3m to 2m to accommodate the additions and alterations to the existing dwelling and 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 Clause B.7 of Title Deed No. T14174/10 applicable to Erf 3783 Betty's Bay to relax the south-western building line from 3m to 2m to accommodate the additions and alterations to the existing dwelling and garage, be approved, in terms of Section 61 of the By-Law, subject to the following conditions:
  - (a) that this approval is only for the development as indicated on plan numbers SK01, SK02 and SK03 dated 25 November 2021 as submitted with the application;
  - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
  - (c) that building plans be submitted to the Building 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.

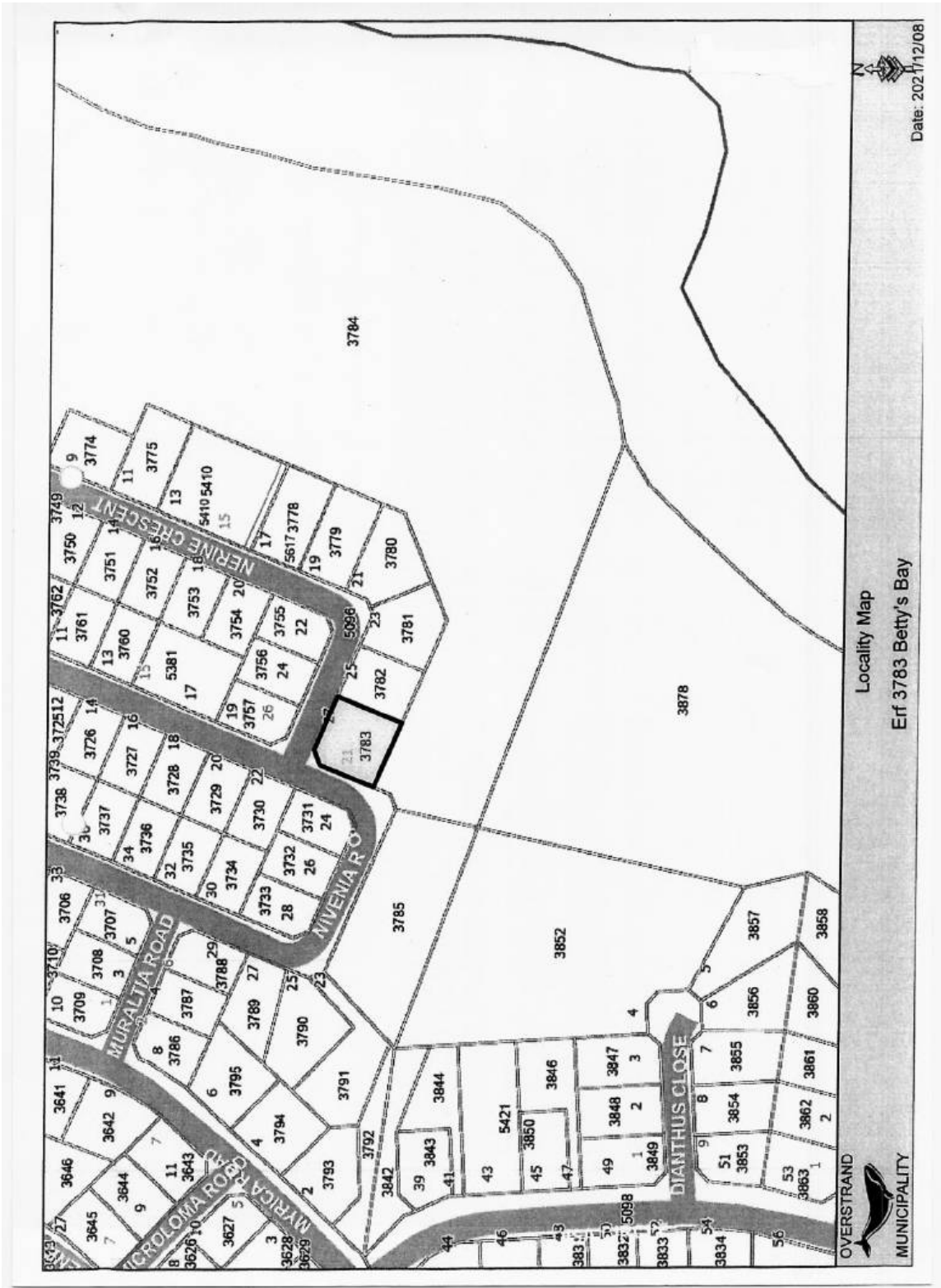
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2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**REASONS FOR RESOLUTION**

- ❖ The additions and alterations are of a normal residential neighbourhood.
- ❖ Several other properties in the surrounding area also have more than one storey.
- ❖ The proposed additions and alterations are in line with the character of the surrounding neighbourhood and therefore will not have a negative impact on the character of the area.
- ❖ There were no objections received from the internal departments.
- ❖ All affected neighbours gave their consent for the applicable departure.



North Arrow  
Date: 2021/12/08

Locality Map  
Erf 3783 Betty's Bay



**ARCHICAD EDUCATION VERSION**  
 This is a demo version of the software. It is not intended for professional use. It may have some limitations and may not be fully functional. It is not recommended for use in any project where the accuracy of the results is critical. It is not recommended for use in any project where the accuracy of the results is critical. It is not recommended for use in any project where the accuracy of the results is critical.

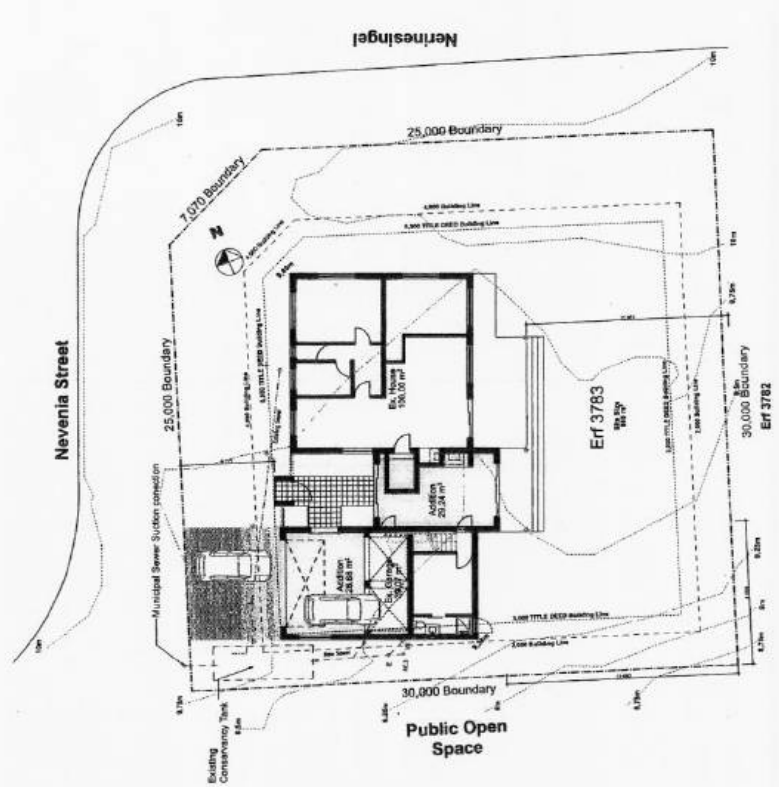
Client: .....  
 ADDRESS: .....  
 Phone: 021 402 1522 - 021 402 1523



**Home Van der Westhuizen**  
 Proposed Additions to Existing House on Erf 3783 - Nevenia & Nerhesingel Streets for Polla Van der Westhuizen

Author	Sheplan
Date	2021/11/25
Name	Polla Van der Westhuizen
Scale	1:150
Client	Home Van der Westhuizen
Project Name	Proposed Additions to Existing House on Erf 3783 - Nevenia & Nerhesingel Streets for Polla Van der Westhuizen
Project Number	2021/11/25
Sheet Number	SK01

Plan Type: Polla Plan C.pdf



1:200

Siteplan

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(Also the agenda for the Mayoral Committee Meeting: 25 July 2022)**

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**12. PORTION 8 OF THE FARM DE DRAAY NO. 563, KLEINMOND, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: WRAP PROJECT OFFICE ON BEHALF OF NJ HOSSACK (APPOINTED EXECUTRIX ESTATE LATE WJC MITCHELL)**

**RCAL 8/ 563 (3791/2021)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**12 May 2022**

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**Executive Summary**

An application has been received on 29 July 2021 from WRAP Project office on behalf of NJ Hossack (Appointed Executrix Estate Late WJC Mitchell) on Portion 8 of the Farm De Draay No. 563, Kleinmond 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 northern building line from 30m to 12,04m, to accommodate the proposed extension of an existing dwelling.

**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 Portion 8 of the Farm De Draay No. 563, Kleinmond to relax the northern building line from 30m to 9,12m, 19,65m, 12,62m, 13,07m, 2,87m and 4,38m and the western building line from 30m to 29,59m to accommodate existing structures, be approved in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that a Site development plan in accordance with the Overstrand Zoning Scheme be submitted for approval within three (3) months of approval to the Town & Spatial Planning Department for approval;
  - (b) that building plans be submitted within three (3) months of approval to the Building Control Department to be approved, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
  - (c) that no further departures with regard to the building lines will be considered if not in line with the Zoning Scheme;
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;

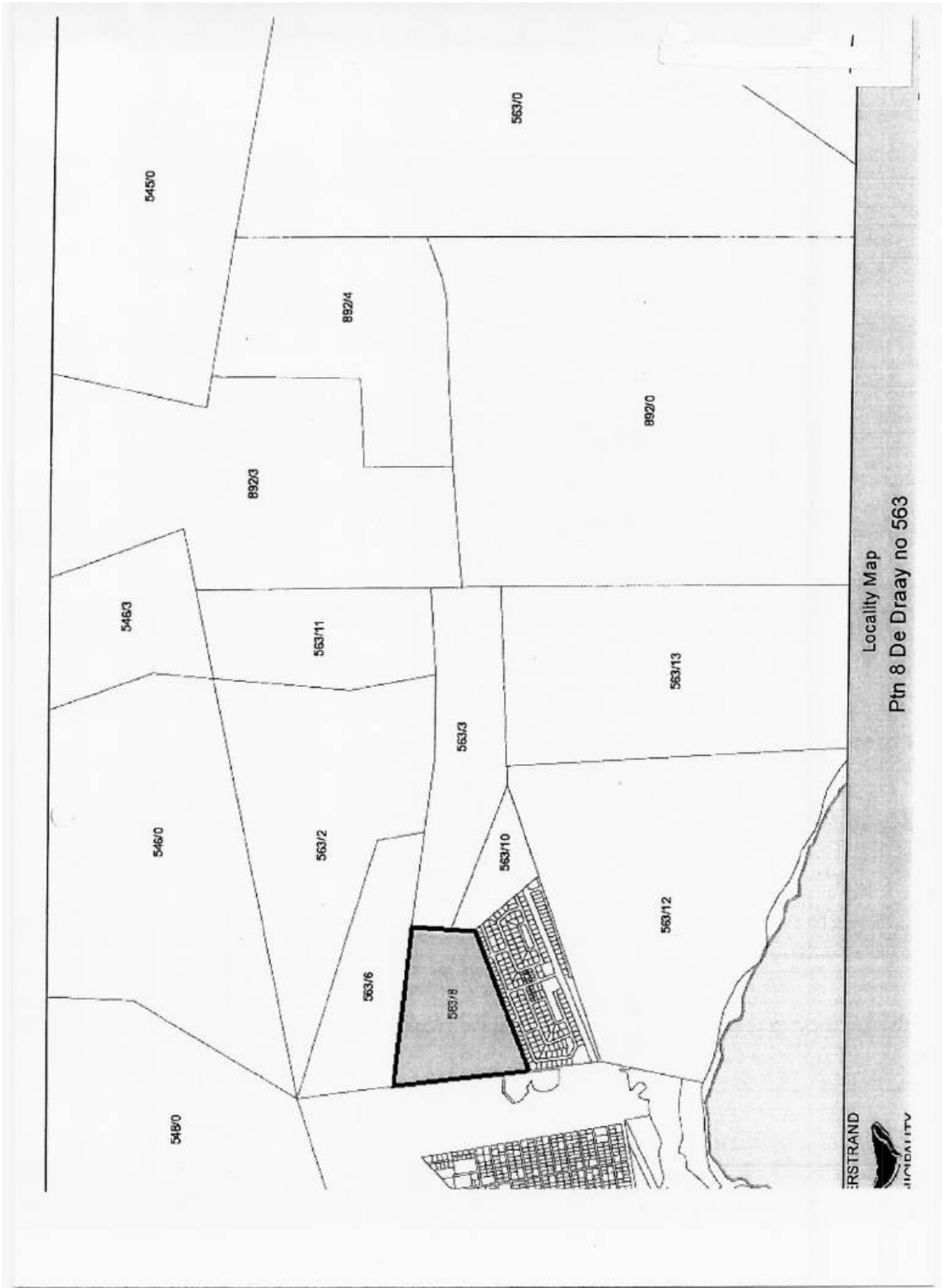
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- (f) that all the conditions in the Services Report, be complied with.
  - (g) that the brickworks be demolished within three (3) months of approval of the application.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ It is in line with policy documents.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: PORTION 8 OF THE FARM DE DRAAY NO.  
563, DIVISION CALEDON**

Water	:	No Service Available
Electricity	:	ESKOM to provide conditions
Sewer	:	No Service Available
Roadsand Traffic	:	No Service Available
Stormwater	:	No Service Available

**Conditions:**

1. that no water service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, etc.) for the use of any water and the distraction thereof;
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 complies to all the conditions set by Department Of Water Affairs;
4. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
5. 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 prior to the land being put to the proposed use;
6. that no Municipal services will be available.

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

*29/09/2021*  
 \_\_\_\_\_  
**DATE**

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- 13. ERF 1872, 111 CHARLIE VAN BREDA DRIVE, PEARLY BEACH:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED  
CONDITIONS, DEPARTURE AND DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN & REGIONAL  
PLANNERS ON BEHALF OF GD VAN ZYL**

**1872 GPB (3688/2021)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**19 May 2022**

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**Executive Summary**

An application has been received on 6 July 2021 from Messrs PlanActive Town- and Regional Planners on behalf of GD van Zyl in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 1872, Pearly Beach for the following:

- ❖ removal in terms of Section 16(2)(f) of the By-Law of restrictive title condition D.6(b) contained in Title Deed T20426/2021, to accommodate the existing building;
- ❖ departure in terms of Section 16(2)(b) of the By-Law for the encroachment of the street building line from 4m to 2,92m (Perlemoen Street) and 3,084m (Charlie van Breda Street) to accommodate an existing timber deck;
- ❖ departure in terms of Section 16(2)(b) of the By-law for the encroachment of the lateral building line from 2m to 1,50m and 0,65m to accommodate an existing braai room, and
- ❖ determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law to accommodate unauthorised additions (timber deck and braai room).

**RESOLVED :**

1. that in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) the application for the removal of restrictive title conditions as contained in Title Deed T20426/2021 applicable to Erf 1872, Pearly Beach, namely Condition 6.(b), 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 Land Use Planning, 2020 (By-Law) applicable to Erf 1872, Pearly Beach for the following:

encroachment of the street building line from 4m to 2,92m (Perlemoen Street) and 3,084m (Charlie van Breda Street) to accommodate an existing timber deck;

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encroachment of the lateral building line from 2m to 1,50m and 0,65m to accommodate an existing braai room;

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

3. that in terms of Section 16(2)(q) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), no administrative penalty is imposed to the Erf 1872, Pearly Beach;
4. that the decisions in paragraphs 1. to 2. above be subject to the following conditions:
  - (a) that the approval is only for the development indicated on the Site Development Plan;
  - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department, be complied with at that stage
  - (c) that building plan submission in (b) above demonstrates compliance with SANS-A:2016, 10400-T:2020
  - (d) that all the conditions in the Services Report, be complied with.
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
  - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
5. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

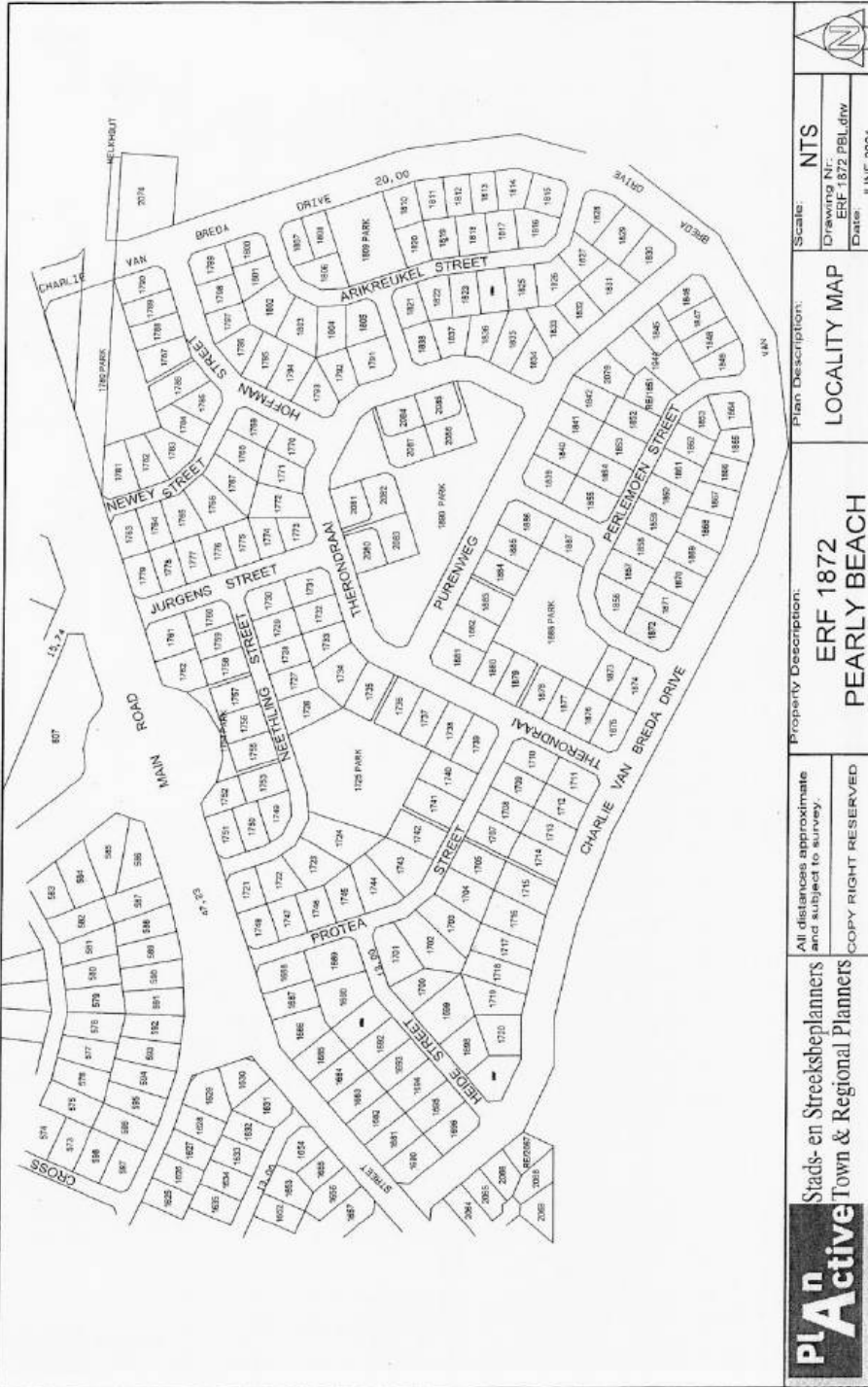
**REASONS FOR RESOLUTION**

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

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- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.



<b>PLAN</b> Active Stads- en Streeksheplanners Town & Regional Planners	Property Description: <b>ERF 1872</b> <b>PEARLY BEACH</b>	Plan Description: <b>LOCALITY MAP</b>	Scale: <b>NTS</b>
	All distances approximate and subject to survey. COPYRIGHT RESERVED	Drawing No: <b>ERF 1872 PBL.dwg</b>	Date: <b>JUNE 2021</b>



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED  
CONDITIONS, DEPARTURE & DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: ERF 1872, 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 metered water connection and sewer conservancy tank on Erf 1872 be used to service the erf with regards to water and sewer services.
2. that the sewer conservancy tank must be accessible to the municipal sewer tankers from one of the adjacent public roads with a sewer tank suction point on the erf boundary;
3. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
4. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
5. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
6. that any additional and / or extended vehicle entrances will be for the developer's account;
7. that stormwater be allowed to discharge through Erf 1872, Pearly Beach, unobstructed.

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

*05/11/2021*  
DATE

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**14. ERF 647, 124 MEYER STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR TITLE RELAXATION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MA KOEN**

**647 GFK (3880)**

**SW van der Merwe  
13 May 2022**

**(028) 313 8900**

**Hermanus Administration**

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**Executive Summary**

An application has been received on 2 March 2022 from MA Koen in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 647, Franskraal for the following:

- ❖ application for departure in terms of Section 16(2)(b) of the By-Law to encroach the street building line from 4m to 3,41m and the eastern lateral- and southern rear building line from 2m to 0m to accommodate an existing stoep and garage;
- ❖ application for departure in terms of Section 16(2)(b) to relax the southern rear building line from 2m to 0,9m and the western lateral building line from 2m to 1,25m to accommodate an existing shade port, and
- ❖ application for determination of an administrative penalty in terms of Section 16(2)(q) of the By-law to accommodate the existing stoep, garage and shade port.

Application is also made for title relaxation in terms of the provisions of clause C.16 of Title Deed No. T1093/2018 to permit the encroachment of the 4,72m street building line, the 1,57m lateral building and 3,315m title deed building lines to accommodate the existing stoep, garage and carport.

**RESOLVED :**

1. that the application in terms of Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the consolidation of Portions 180 & 181 of Farm Afdaks Rivier No. 575, Benguela Cove to create a consolidated erf measuring  $\pm 4010\text{m}^2$  in extent, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
2. that the application for departure in terms of Section 16(2)(b) of the By-law to relax the southern rear building line from 2m to 0,9m and the western lateral building line from 2m to 1,25m to accommodate an existing shade port, be approved subject to the following conditions:
  - (a) that the approval is only for the relaxation of the building lines

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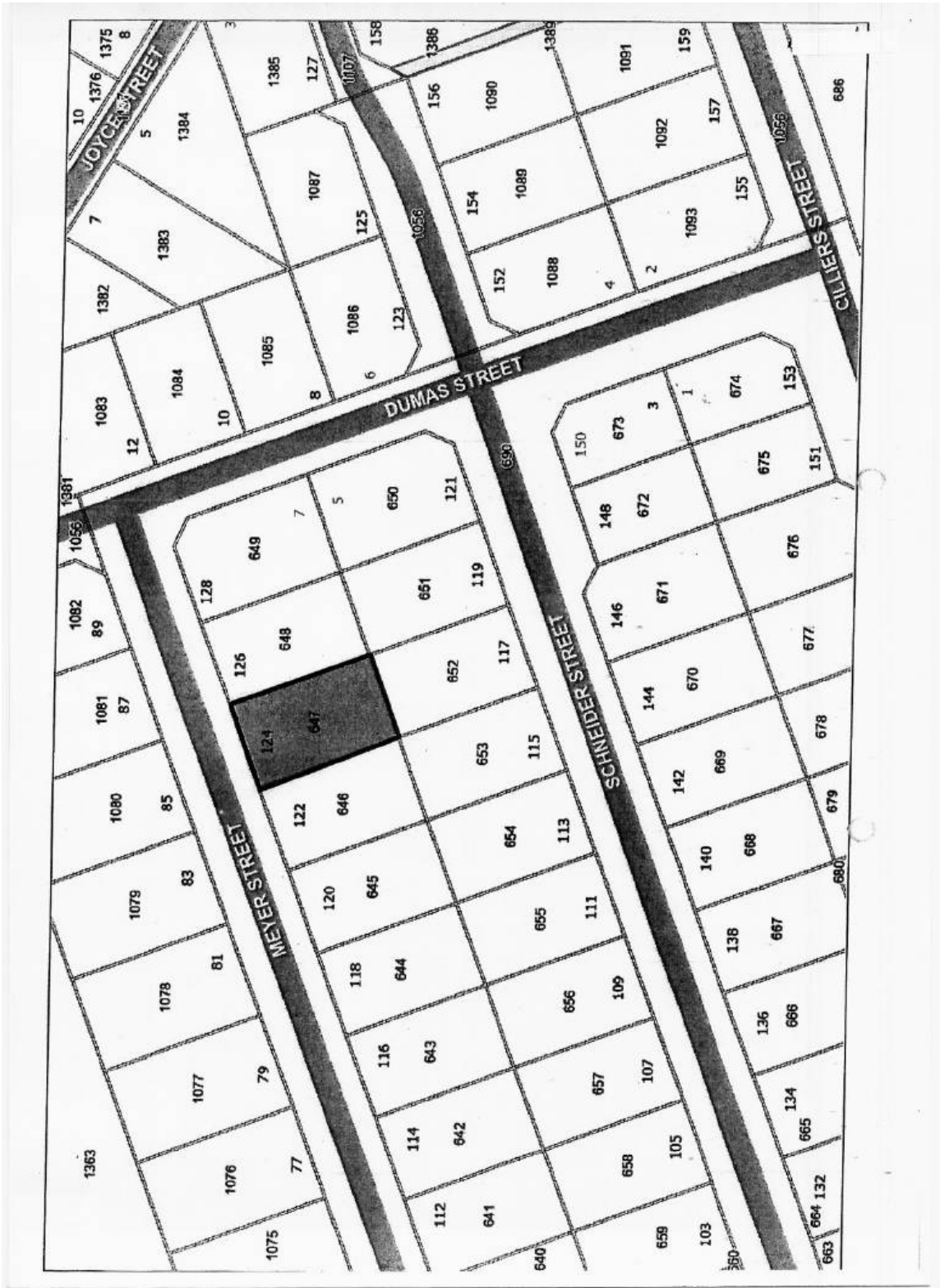
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indicated on the Site Development Plan;

- (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (c) that all the conditions in the Services Report, be complied with;
  - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regards to the above decision.
  4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decisions.

**REASONS FOR RESOLUTION**

- ❖ The carport complies with the Overstrand Land Use Scheme.
- ❖ Surrounding owners provided written consent.
- ❖ The proposed location has the least impact upon adjoining properties.
- ❖ The proposal will not adversely impact vested rights or the character of the area.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR: DEPARTURE & RELAXATION OF THE TITLE DEED  
DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 647,  
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 647, Franskraal, unobstructed;
6. that no on-street parking be allowed.

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

*05/04/2022*  
**DATE**

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Municipal Planning Tribunal

**1. PORTION 7 OF THE FARM PAARDENBERGRIVIER NO. 663, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: MESSRS RODE AND ASSOCIATES (PTY) LTD ON BEHALF OF DEPARTMENT OF TRANSPORT AND PUBLIC WORKS**

**Farm 663/7 RCAL (3582/2020)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**13 April 2022**

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**Executive Summary**

An application was received from Messrs Rode and Associates (Pty) Ltd on behalf of the Department of Transport and Public Works on Portion 7 of the Farm Paardenberggrivier No. 663, Division Caledon for the following consent use in terms of Section 16(2)(o) the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to create a borrow pit of 1,4ha.

**RESOLVED :**

1. An application was received from Messrs Rode and Associates (Pty) Ltd on behalf of the Department of Transport and Public Works on Portion 7 of the Farm Paardenberggrivier No. 663, Division Caledon for the following consent use in terms of Section 16(2)(o) the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to create a borrow pit of 1,4ha.
  - (a) that the borrow pit be restricted to the area and dimensions as indicated on Plan No. C657-OVB-1031;
  - (b) that the mining activity occur in accordance with the provisions of the approved Environmental Management Plan
  - (c) that rehabilitation of the mining area be conducted in accordance with the EMP to the satisfaction of the Overstrand Municipality;
  - (d) that signage complies with the Municipal By-Law on Signage;
  - (e) that all the conditions in the Services Report, be complied with;
  - (f) that all the conditions imposed by Open Serve, Eskom, BGCMA and Western Cape Government: Transport & Public Works be complied with;
  - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation;

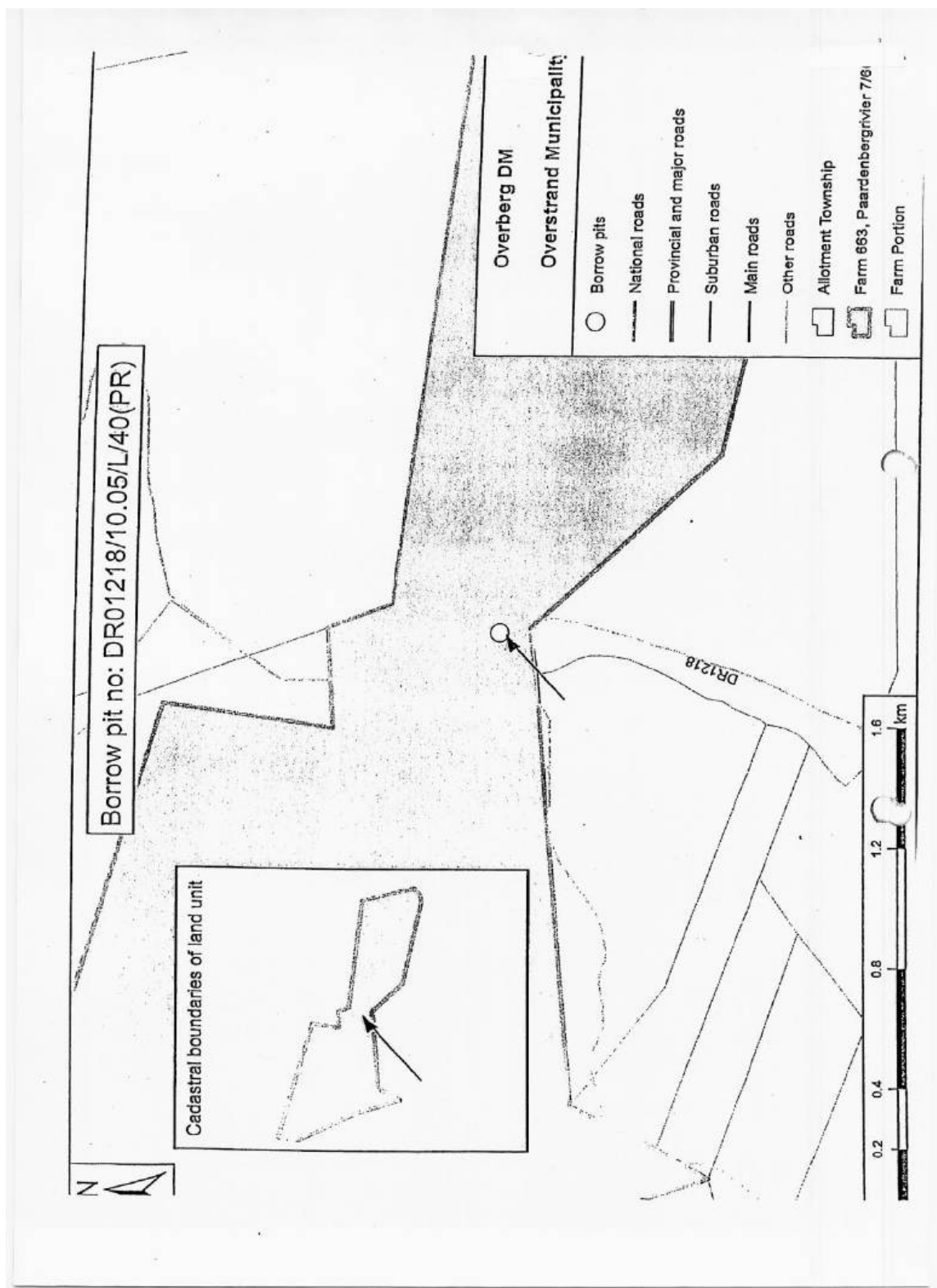
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- (h) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (i) that the borrow pit may only be used to provide material for road maintenance purposes.
2. that the applicant and persons who commented 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 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.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE: PORTION 7 OF FARM 663,  
PAARDENBERGS RIVER**

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

**Conditions:**

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
2. that no water from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (Water and Sanitation, Health, Bocma etc.) for the use of any other water resources and the extraction thereof;
3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Manager: Water Infrastructure & Quality (Tel: 028 313 5046), Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval;
5. that the developer complies to all the conditions set by Department Of Water Affairs & Bocma;
6. that, as there is currently no municipal sewer network in the vicinity, Portion 7 of Farm 66
7. 3 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services (Hermanus), and to which the sewer services on the development must connect to;
8. that the Municipality does not have the capacity to service the proposed development with regards to removal of sewerage from the property. The owner is therefore responsible for removal of sewerage from the property, and thereof at a licensed municipal sewerage treatment facility;

9. that alternatively, sewer treatment facilities that are approved by the Department of Water Affairs may be provided for disposal of sewer from the developments. Written proof of such approval is to be submitted to the Municipality;
10. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 140400 – P: 2010: Drainage;
11. 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;
12. that on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
13. that access can be obtained from the existing access to Ptn 7 of Farm 663.

*p.p. R. Carlsen*  
DENNIS HENDRIKS

SENIOR MANAGER: ENGINEERING SERVICES

*29/10/2020*  
DATE