

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

7 June 2023

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NO

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(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

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

**R Kuchar
22 May 2023**

Senior Manager: Town & Spatial Planning

(028) 3138900

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 3 March 2023 – 3 May 2023.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background

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

7. Financial Implications

None

8. Staff Implications

None

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9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

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

RECOMMENDATION:

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 3 March 2023 – 3 May 2023:

1.	Erf 2630, 8 Short Market Street, Pearly Beach	08 March 2023
2.	Erf 17, 6 Du Plessis Street, Franskraal	09 March 2023
3.	Erf 514, 14 St Joseph Street, Stanford	09 March 2023
4.	Erf 2925, 2 Brooklyn Street, Hawston	23 March 2023
5.	Erf 2830, 260 Clarence Drive, Betty's Bay	28 March 2023
6.	Erf 805, 149 Main Road, Northcliff	03 April 2023
7.	Erf 2537, 11 Hofmeyer Street, Onrustrivier	04 April 2023
8.	Remainder Of Portion 7 (Tweefonteintjies)(A Portion Of Portion 1) Of The Farm Hemel-En-Aarde No 585	04 April 2023
9.	Erf 95 & 96, Spin Street, Pearly Beach	04 April 2023
10.	Portion 57 (A Portion Of Portion 19) Of The Farm Uylen Kraal 695	04 April 2023
11.	Erf 2908, 171 7th Street, Voëlklip, Hermanus	04 April 2023
12.	Erf 815, 82 Main Road, Northcliff	06 April 2023
13.	Erf 7462, 5 Rooiels Close, Kleinmond	12 April 2023
14.	Erf 8283, 18 Aloe Street, Kleinmond	12 April 2023
15.	Erf 8651, Harbour Road, Kleinmond	12 April 2023
16.	Erf 8680, 104 Main Road, Kleinmond	12 April 2023
17.	Remainder Erven 1682, 1684 & 1686, 19 & 21 Tenth Street And Erf 5276, 19b Tenth Street, Voëlklip, Hermanus	14 April 2023
18.	Erf 6334, 15 Seventeenth Avenue, Voëlklip, Hermanus	14 April 2023
19.	Erf 3651, 239 Fifth Street, Voëlklip, Hermanus	14 April 2023
20.	Erf 1794, Stanhaven, Stanford	18 April 2023
21.	Erven 3497 & 3500, Flagship Business Park, Hawston	20 April 2023
22.	Erf 706, 1 Aberdeen Street, Northcliff, Hermanus	26 April 2023
23.	Erf 4224, 75 Fifth Avenue, Kleinmond	26 April 2023
24.	Portion Of Remainder Erf 1 and Erf 412, George Viljoen Street, Hawston	26 April 2023

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that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 30 March 2023:

1. Erven 601 and 602, 7 Commercial Street, Pearly Beach 30 March 2023

RESPONSIBLE OFFICIAL : L TAYLOR

TARGET DATE FOR IMPLEMENTATION : 28 JUNE 2023

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

**R Kuchar
22 May 2023**

Senior Manager: Town & Spatial Planning

(028) 313 8900

**THIS MATTER SERVED BEFORE THE INVESTMENT & INFRASTRUCTURE
PORTFOLIO COMMITTEE ON 7 JUNE 2023, WHICH COMMITTEE SUPPORTED THE
RECOMMENDATION**

RESPONSIBLE OFFICIAL :

L TAYLOR

TARGET DATE FOR IMPLEMENTATION :

28 JUNE 2023

**AGENDA of the
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- 1. ERF 2630, PEARLY BEACH, 8 SHORT MARKET STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING, CONSENT USE AND DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF LN CILLIERS**

2630 GPB

**SW van der Merwe
10 February 2023**

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received from Messrs WRAP Project Office on behalf of LN Cilliers in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **removal of restrictive title conditions** in terms of Section 16(2)(f) of the By-Law for removal of restrictive title conditions 2. C. 4.(b) and 2. C. 4.(d) and 4. (4.3) as contained in Title Deed No. T49822/2018.

The restrictive title conditions read as follows:

“2. C. 4.(b) It shall be used for shop purposes only;

2. C.4.(d) No building or structure or any portion thereof, except boundary walls and fences, verandas and balconies, shall be erected nearer than 2,36 metres to the street line which forms a boundary of this erf.

4. (4.3) Subject to the terms of Endorsement dated 22 April 1955 on Deed of Transfer No. T18934/1952, reading as follows:

“By Notarial Deed No. 184/55 dated 19 November 1954 the following conditions created over the within property in favour of Erf 332, Pearly Beach Township, measuring 1,3423 (one comma three four two three) hectares, held by Deed of Transfer No. 11090/1954, viz:

That henceforth until the expiration of a period of ten years reckoned from the date upon which a liquor licence shall have been granted in respect of the said Dominant Property, no Hotel, Club, Bottle Store, Bar or other place or places for the sale or dealing in or beers, malt liquors, wines, spirits and intoxicating liquors of any kind whatsoever and whether such

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sale or dealing in be by retail or wholesale shall be carried out on the Servient Property.”

- ❖ **consent use** (service station) in terms of Section 16.(2)(o) of the By-Law in order to conduct a car wash from a portion of the property, and
- ❖ **departure** in terms of Section 16.(2)(c) of the By-law to conduct an outdoor market.

RESOLUTION

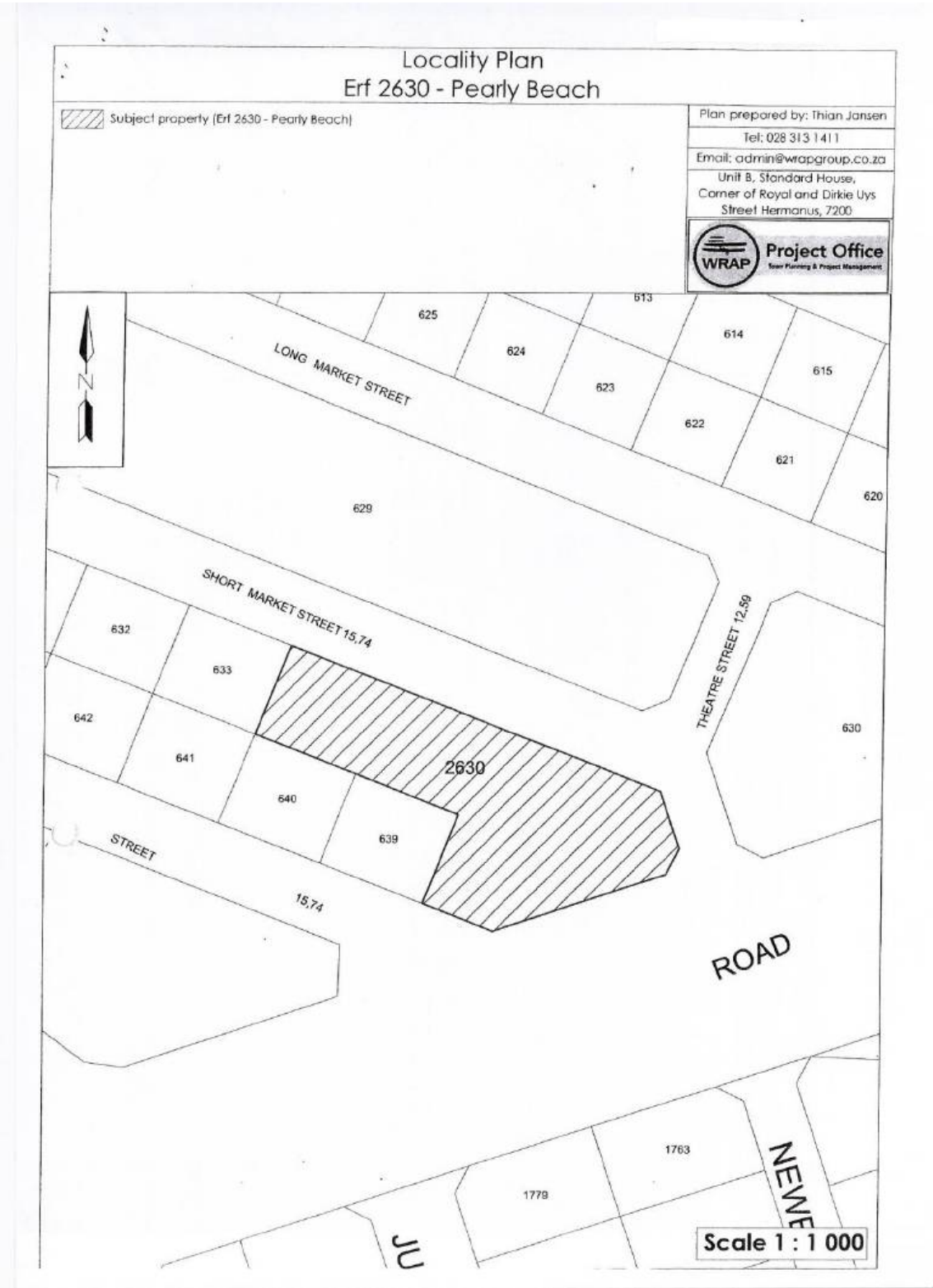
1. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the removal of restrictive title deed conditions 2. C. 4.(b) and 2. C. 4.(d) and 4. (4.3) contained in Title Deed T49822/2018, be approved;
2. that the application in terms of Section 16.(2)(o) of the By-Law for consent use (service station) in order to establish a car wash, **be approved**;
3. that the application in terms of Section 16.(2)(c) of the By-Law to conduct an outdoor market, **be approved**, subject to the following conditions:
 - (a) that the consent use (service station) be limited to a car wash only;
 - (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 approvals are for the development as indicated on the Site Development Plan, as submitted with the application;
 - (d) that the display of signage shall comply with the Municipal By-Law Relating to Outdoor Advertising and Signage;
 - (e) 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;
 - (f) that the conditions of Telkom and Health be adhered to;
 - (g) that all the conditions in the Services Report be complied with;

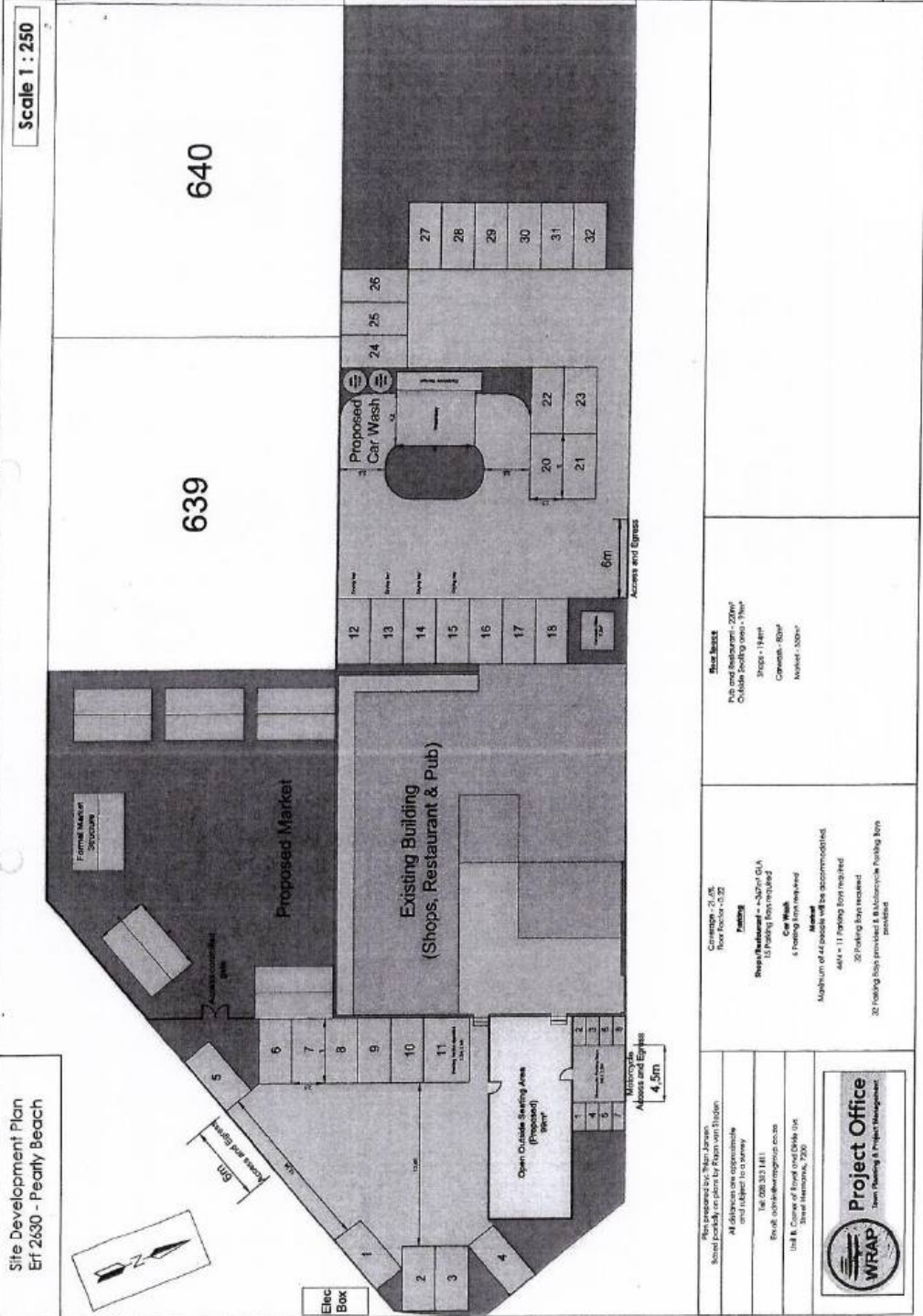
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- (h) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (i) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 with regard to the decision.

REASONS FOR RESOLUTION

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





Site Development Plan
Erf 2430 - Pearly Beach

Scale 1 : 250

640

639

Elec Box



Proposed Market

Existing Building
(Shops, Restaurant & Pub)

Proposed Car Wash

Access and Egress

Motorcycle Approved Entry
4,5m

Plans developed by: Sean Jarman
Signed: [Signature]
All dimensions are approximate
and subject to survey
Tel: 082 312 1111
Email: info@wrapp.co.za
Unit 8, Corner of Bond and Dele Dk
Steel House, 7206



Site Notes
Pub and Restaurant - 200m²
Childs Baking area - 70m²
Shops - 140m²
Carwash - 80m²
Market - 500m²

Coverage: 21,0%
Floor Factor: 0,32
Parking
Shops Restaurant, Pub & C/A
11 Parking Bays required
Car Wash
4 Parking Bays required
Market
Maximum of 44 spaces will be accommodated
4M x 11 Parking Bays required
32 Parking Bays required
32 Parking Bays provided: 8 Motorcycle Parking Bays provided

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR: REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, DEPARTURE, CONSENT USE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 2630, PEARLY BEACH**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

Water	$R\ 24\ 915.00 \times 0.7067999 =$	<u>R 17 609.92</u>
Sewerage	$R\ 16\ 799.12 \times 0.706800 =$	<u>R 11 873.62</u>
Roads	$R\ 7\ 532.72 \times 4.983845 =$	<u>R 37 541.91</u>
TOTAL (inclusive of VAT)	=	R 67 025.45

Note:

- 1.3 The above figures are estimates**

1. that only the existing water connection and sewer conservancy tank to Erf 2630 shall be used to service Erf 2630;
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 any relevant commercial food preparation facilities must be provided with grease trap, which must comply with the standards and specification of the Department: Operational Services;
4. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
5. that any additional and / or extended vehicle entrances will be for the developer's account;
6. that stormwater be allowed to discharge through Erf 2630, Pearly Beach, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

26/04/2022
DATE

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**2. ERF 17, 6 DU PLESSIS STREET, FRANSKRAAL, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: SJ AND FC
STRYDOM**

17 GFK (4246)

SW van der Merwe

(028) 313 8900

Hermanus Administration

23 February 2023

EXECUTIVE SUMMARY

An application has been received on 16 September 2022 from SJ and FC Strydom in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 17 Franskraal for departure in terms of Section 16(2)(b) of the By-Law to encroach the lateral building line from 2m to 1,57m to accommodate a proposed living room above the existing garage.

RESOLUTION

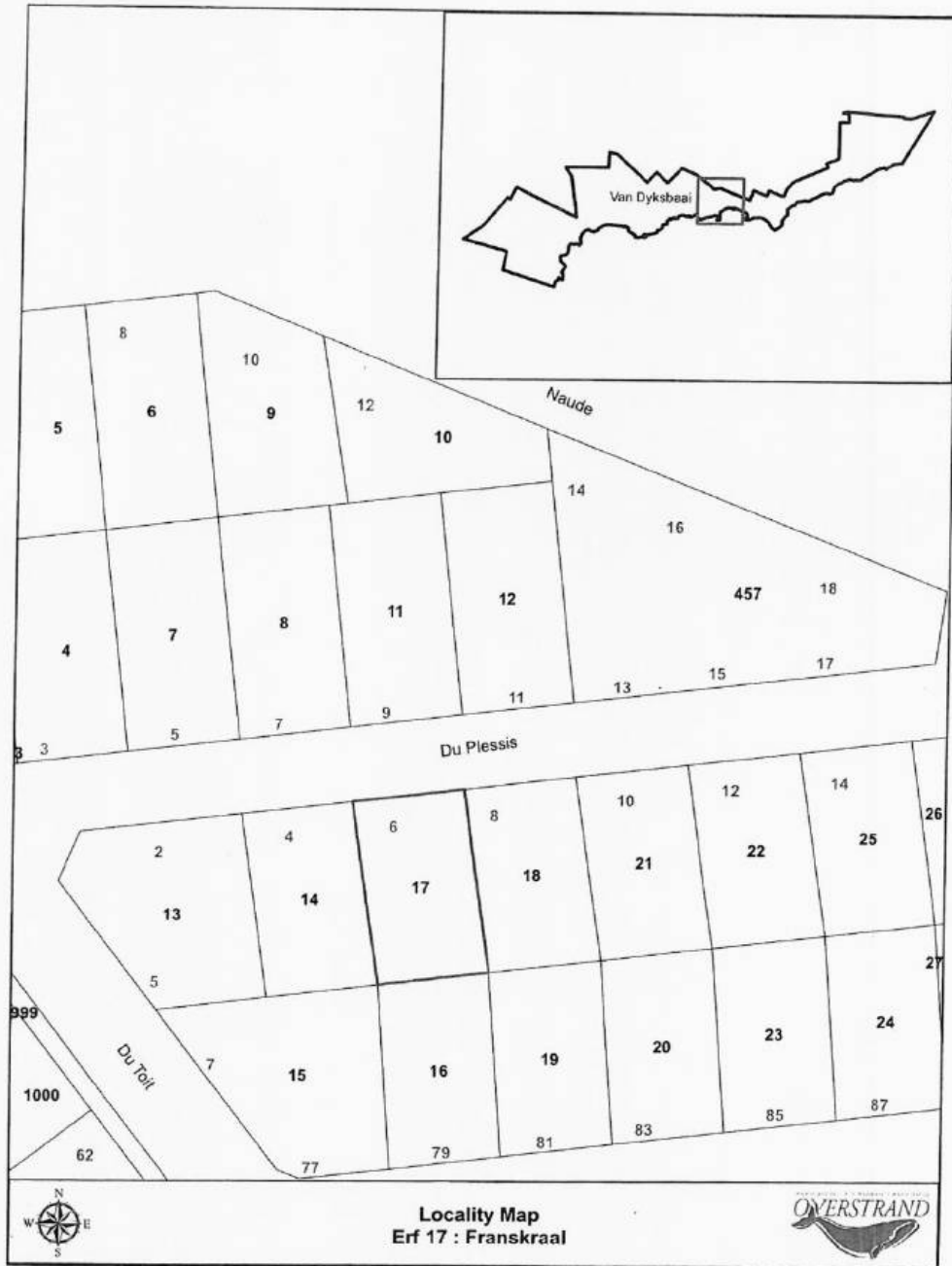
1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to encroach the lateral building line from 2m to 1,57m to accommodate a first floor living room, be approved subject to the following conditions:
 - (a) that the approval is only for the relaxation of the building lines indicated on the Site Development Plan;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that all the conditions in the Services Report be complied with;
 - (d) that the living room addition may not be converted into a second dwelling unit;
 - (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;

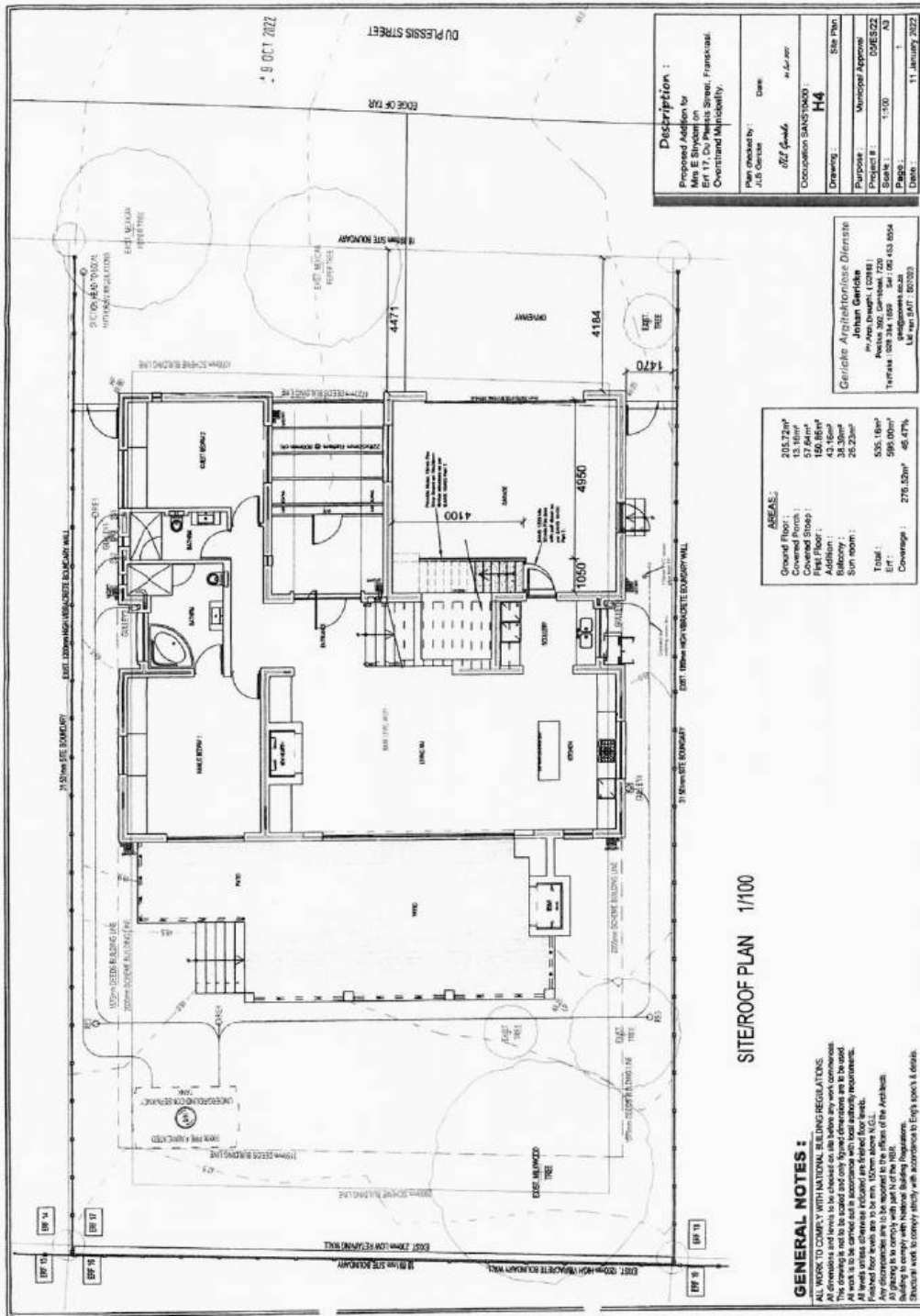
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2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decisions.

REASONS FOR RESOLUTION

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





Description :
 Proposed Addition for
 Min E. Sivindon
 Erf 17, Du Plessis Street, Frankfort,
 Overstrand Municipality.

Plan checked by: J.S. Gertse Date: 11 January 2022
 Drawn by: G.E. Gertse in: 1:100
 Occupation: SAANS1000
 Drawing: H4
 Site Plan
 Purpose: Municipal Approval
 Project #: 1120 DSE22
 Sheet: 1 of 1
 Date: 11 January 2022

Gerda de Alphenhorst-Dienste
 in: Area District: (2018)
 Architect: Gerda de Alphenhorst
 Practice: 302, Cornhill, 7201
 Telephone: 083 346 1058 Fax: 083 453 8594
 Email: gda@gerda.co.za
 Lic. No. SA/T: 80703

AREAS:

Ground Floor	204.72m ²
Covered Porch	15.16m ²
Covered Stoop	57.84m ²
First Floor	150.86m ²
Staircase	28.30m ²
Balcony	25.23m ²
Sum room	1.00m ²
Total:	535.18m²
ERF	595.00m ²
Coverage	276.52m ² 46.47%

SITE/ROOF PLAN 1/100

GENERAL NOTES :

- ALL WORK TO COMPLY WITH NATIONAL BUILDING REGULATIONS.
- The drawings are to be checked for compliance with the National Building Regulations and Building Standards Act, 1977 (Act No. 107 of 1977) and any other applicable laws and regulations.
- All work is to be carried out in accordance with local authority requirements.
- All levels unless otherwise indicated are finished floor levels.
- Any discrepancies are to be reported to the office of the Architect.
- All zoning is to comply with part 4 of the ZONING BY-LAW.
- Structural work to comply with requirements of SANS 10400.
- Structural work to comply with requirements of Ezy's specs & details.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR: DEPARTURE: ERF 17, FRANSKRAAL (4246/2022)**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 17, Franskraal, unobstructed;
6. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

3. ERF 514, 14 ST JOSEPH STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF MK GROOTBOOM

514 Stanford

P Roux

(028) 313 8900

Hermanus Administration

20 January 2023

EXECUTIVE SUMMARY

An application has been received on 14 February 2022 from Messrs WRAP Project Office on behalf of the owner of Erf 514, Stanford, MK Grootboom, 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 in order to:
 - relax the northern lateral building line from 1m to 0m to accommodate the existing carport;
 - relax the southern lateral building line from 1m to 0.38m to accommodate the existing carport;
 - relax the northern building line from 1m to 0.5m to accommodate the existing outbuilding, and
 - relax the permissible height restriction applicable to outbuildings from 3.5m to 4.17m to accommodate the existing outbuilding.
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law.

RESOLUTION

1. that the comment be noted;
2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 514, Stanford for the following:
 - relax the northern lateral building line from 1m to 0m to accommodate the existing carport;
 - relax the southern lateral building line from 1m to 0.38m to accommodate the existing carport;
 - relax the northern building line from 1m to 0.5m to accommodate the existing outbuilding, and
 - relax the permissible height restriction applicable to outbuildings from 3.5m to 4.17m to accommodate the existing outbuilding,

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

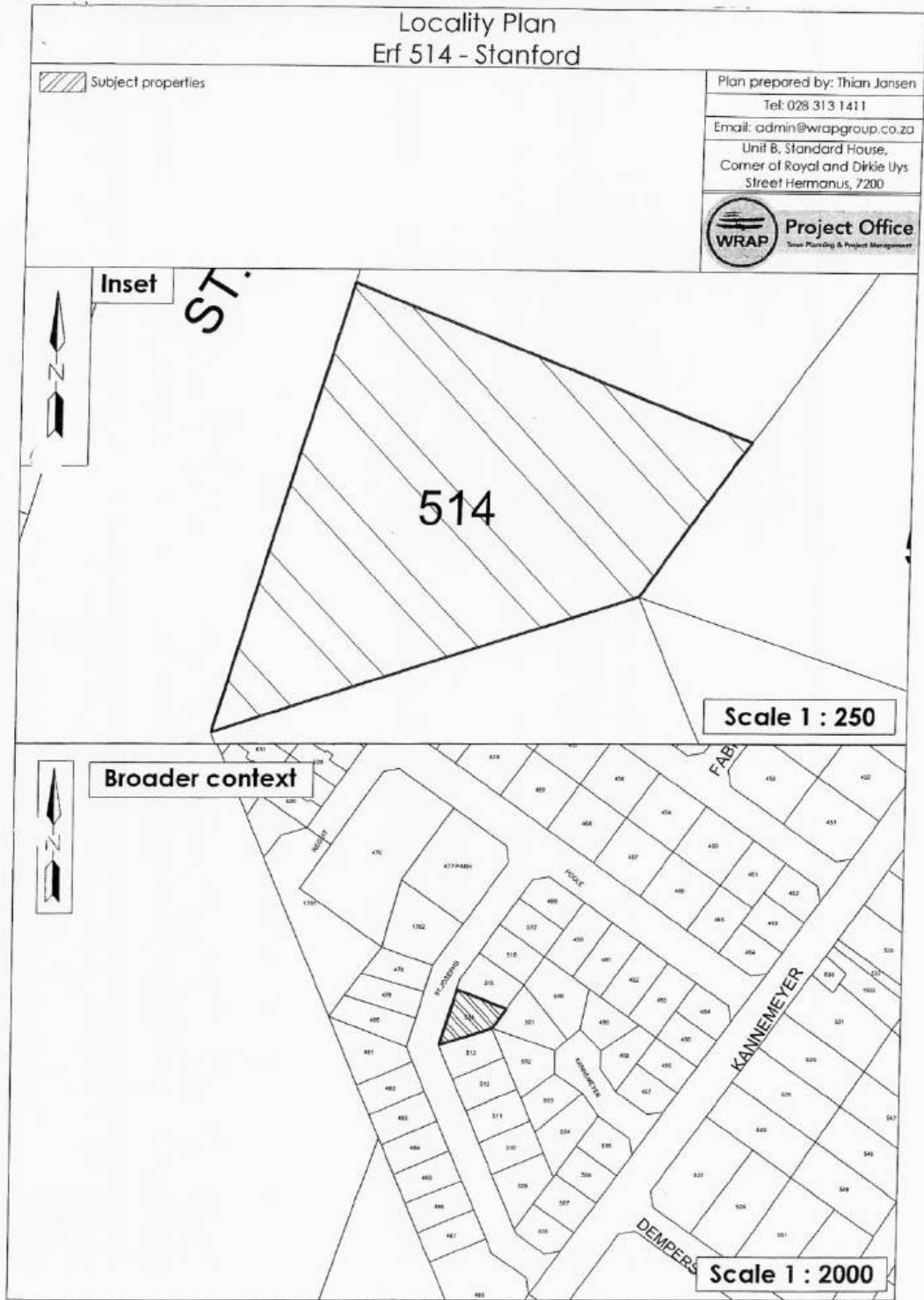
- (a) that the approvals are for the development as indicated on Site Development Plan Erf 514 - Stanford, as submitted with the application;
 - (b) that the storeroom can only be used for storage purposes and not for the accommodation of people;
 - (c) that building plans be submitted to the building control office within sixty (60) days of the decision, and all comments from the Fire Department be complied with at that stage;
 - (d) that all the conditions in the Services Report be complied with;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
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 on Erf 514, Stanford for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
 - (a) that an administrative penalty of R R1 081,58 including VAT (being 10% of the built cost as per the Municipality's budget), be payable within thirty (30) days of the decision;
 4. that the applicant and person who commented be notified of their appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

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

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- ❖ The structures proposed are further considered to be in line with the character of the area.
- ❖ The storage room was constructed without prior authorisation.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 514, STANFORD (4062/2022)**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
5. that any additional and / or extended vehicle entrances will be for the developer's account;
6. that stormwater be allowed to discharge through Erf 514, Stanford, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

21/10/2022
DATE

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7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

4. ERF 2925, 2 BROOKLYN STREET, HAWSTON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: WRAP ON BEHALF OF OZRAN 57 (PTY)(LTD)

2925 HHW (3786/2022)

H Olivier

(028) 313 8900

Hermanus Administration

21 December 2022

EXECUTIVE SUMMARY

An application has been received on 5 March 2021 from WRAP on behalf of Ozran 57 (Pty)(Ltd) for a consent use in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 in order to accommodate a service station on Erf 2925, Hawston.

RESOLUTION

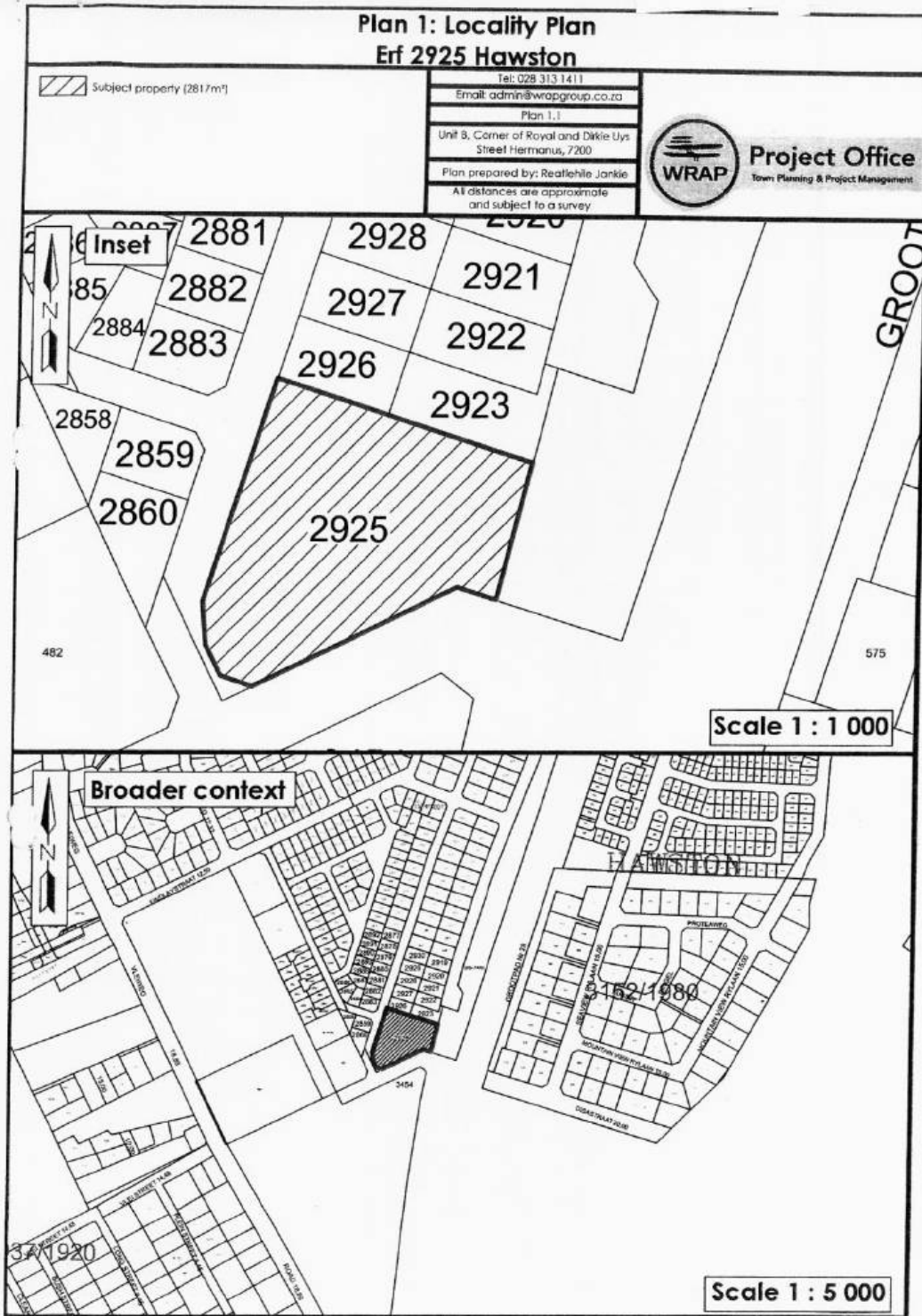
1. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2925, Hawston, for a consent use in order to allow a service station to be developed, be approved in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that an amended Site Development Plan be submitted duly dimensioned, also showing a refuse area to the satisfaction of the Waste Manager, and the loading bays on the southern side of the shop to the satisfaction of the Engineering Services Department;
 - (b) that the property owner at his/her own cost construct a 2,1m boundary wall on the northern boundary of the property next to Erven 2926 and 2923;
 - (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 building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;

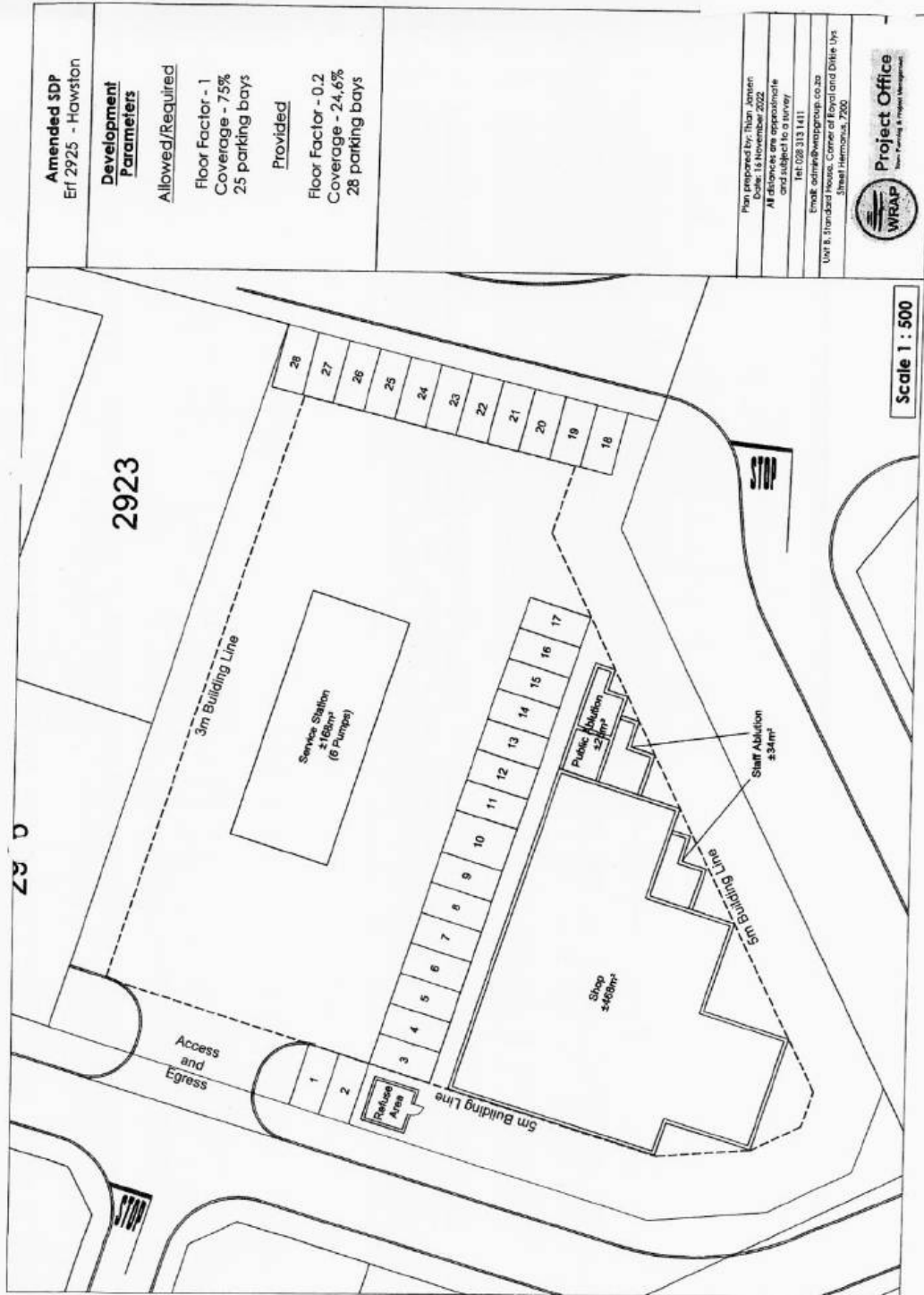
**AGENDA of the
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- (f) that the conditions in the Engineering Report be adhered to;
 - (g) that the conditions imposed by Eskom be adhered to, and
 - (h) that the conditions imposed by Telkom be adhered to.
2. that the applicant be notified of their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

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the internal or external departments have objected to the application.
- ❖ No new municipal services will be needed.
- ❖ It is in line with the aims of the Overstrand SDF.
- ❖ No objections were received from neighbours.
- ❖ The application will make it possible for the business owner to optimally utilize a business site and in the process provide important additional facilities to the community.
- ❖ The property was planned and is already zoned for business purposes, and the new service station will not have a much greater impact on surrounding properties than a commercial development.
- ❖ It will have minimal impact on surrounding neighbours or the character of the area, and with the construction of a 2,1m high boundary wall on the northern boundary of the property, impact on the two adjacent property owners will be mitigated even more.
- ❖ The application is in line with the SDF and will create much needed mixed development, which will lead to economic growth.
- ❖ The application is desirable.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 2925, HAWSTON**

Water	:	Refer to conditions
Sewer	:	Refer to conditions
Roadsand Traffic	:	Refer to conditions
Stormwater	:	Refer to conditions
Electricity	:	Refer to conditions

Conditions:

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

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

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

- 1.2 **Developments with free standing properties** (property that is subdivided and plots to be sold individually).
- 1.3 The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (**2022/2023**) is as follows:

Freehold erven:

Water	R 26 036.00 x 2.544	= R 66 235.58
Sewerage	R 17 555.00 x 2.544	= R 44 659.92
Roads	R 7 872.00 x 17.93846	= R 141 211.56
TOTAL (inclusive of VAT)		= R 252 107.06

Please note the above figures:

- a) Exclude bulk electricity cost and bulk levies. The Overstrand Municipality's Electrical Department should be contacted regarding the bulk electricity cost.
- b) Are estimated amounts which exclude evaluation/ investigation levies and connection fees.

c) Are only valid for the current financial year and are subject to annual tariff adjustments.

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

3

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

4

12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for Works of Civil Engineering Construction - 2004, of 12 months, and
13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
14. that a service agreement may be required by the Director: Infrastructure and Planning prior to the approval of any service plans;
15. that the developer provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
16. that the water and sewer reticulation be provided/upgraded according to the report prepared by GLS consulting engineers and/or the Overstrand Water Master Plan.
17. that only the standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
18. that the street lighting be provided and conform to municipal standards;
19. that the developer appoint a consulting electrical engineer to determine the electricity demand for the development and pay a fee to Overstrand Municipality to determine the capacity in the existing electricity network;
20. that the electricity reticulation and supply be provided according to the master plan, by the developer and that transfer can only proceed once electricity is available;
21. 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;
22. 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*;
23. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be provided with the following:
 - a) properly ventilated,
 - b) a cement floor,

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- c) a tap and running water, as well as a drainage point which is connected to the sewer network,
 - d) in a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
24. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
25. 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;
26. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.

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

17/11/2022
DATE

**AGENDA of the
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7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

5. ERF 2830, 260 CLARENCE DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND RELAXATION OF THE TITLE DEED STREET BUILDING LINE: DOGGED ARCHITECTS ON BEHALF OF HD & M VILJOEN

2830 KBB (4297/2022)

**H van der Stoep
12 March 2023**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 21 November 2022 from Dogged Architects on behalf of HD & M Viljoen on Erf 2830, Betty's 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 street building line, from 4,0m to 0m to accommodate a wooden entrance deck, and also to exceed the maximum height of a section of the boundary wall from 2,1m to approximately 3,0m.

The application also entails the relaxation of Condition B.(A)(d) of Title Deed No. T41346/2021 to relax the street building line from 4,72m to 0m to accommodate a wooden entrance deck.

RESOLUTION

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.(A)(d) of Title Deed No. T41346/2021 to relax the street building line from 4,72m to 0m to accommodate a wooden entrance deck and vehicle access (driveway) **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 Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2830, Betty's Bay for a departure to relax the street building line, from 4m to 0m to accommodate a wooden entrance deck and driveway, and also to exceed the maximum height of a section of the boundary wall from 2,1m to approximately 3,0m, **be approved**, in terms of Section 61 of the By-Law subject to the following conditions:
 - (a) that this approval is only applicable to the following:
 - driveway
 - wooden entrance deck
 - –boundary wall of maximum **3m height** on Clarence Drive.

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- (b) that the approval is only valid as indicated in condition (a)
 - (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, and
 - (f) that all the conditions imposed by the Western Cape Government: Transport & Public Works, 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 decision.

REASONS FOR RESOLUTION

- ❖ The driveway will have no impact on the surrounding area.
- ❖ The application is in line with similar applications approved in the area.
- ❖ The remainder of the erf will not be disturbed, and the natural vegetation remains in place and environmental value to the area.

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7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

6. ERF 805, 149 MAIN ROAD, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: WRAP PROJECT OFFICE ON BEHALF OF RITCARLO INVESTMENTS (PTY) LTD

805 HNC (4248/2022)

**H van der Stoep
27 March 2023**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 13 September 2022 from Messrs WRAP Project Office on Erf 805, Hermanus for a consent use in terms of Sections 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a recreational facility to accommodate a (4-lane) indoor shooting range.

RESOLUTION

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 805, Hermanus for a consent use for a recreational facility to accommodate a (4-lane) indoor shooting range, be approved in terms of the provisions of Section 61, subject to the following conditions:
 - (a) that the recreational facility (shooting range) be limited to the existing building as per Drawing Number 4. Floor Plan dated September 2022;
 - (b) that SAPS confirm compliance to all relevant legislation once the facility has been developed, before any activities commence;
 - (c) that a Noise Impact Assessment be done once the facility is completed to determine the actual noise levels;
 - (d) that before any activities commence **all** related requirements of SAPS and Noise Impact Assessment must be met and proof to the extent be submitted to the Municipality;
 - (e) that only one un-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (f) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;

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- (g) that a Health Certificate be obtained from the Health Department of the Overberg District Municipality and a Fire Prevention Certificate from the Municipal Fire Department;
 - (h) that the development must comply with the provisions of SANS – A:2016, 10400-T:2020 and the By-Law relating to community safety;
 - (i) that building plans be submitted to the Municipality showing all building changes, partitioning and correct names of rooms to the satisfaction of the Fire Department and Building Control Department;
 - (j) that a detailed fire protection plan be submitted to the Building Control Department;
 - (k) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (l) that no accumulation of refuse may occur on the premises;
 - (m) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (n) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (o) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

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



4. Floor Plan of proposal
Erf 805 - Hermanus

P - SEP 2022

Plan prepared by: Thlan Jansen

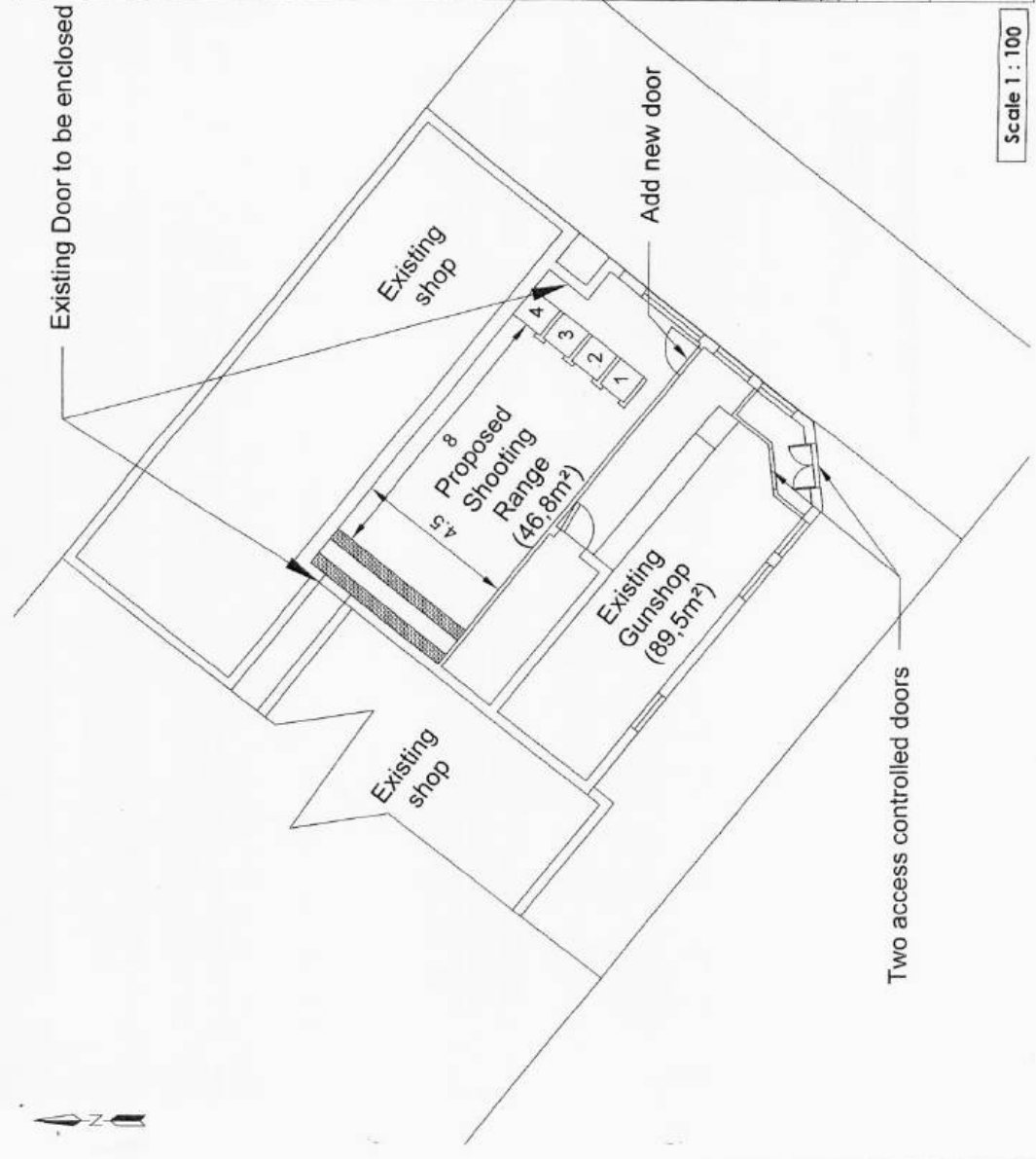
All distances are approximate
and subject to a survey

Tel: 028 313 1411
admin@wrapgroup.co.za

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

Project Office
Turn Planning & Project Management

WRAP



Scale 1 : 100

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 805, NORTHCLIFF (4248/2022)**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through Erf 805, Northcliff, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
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(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

7. ERF 2537, 11 HOFMEYER STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION: PLAN ACTIVE ON BEHALF OF THE ANN TRUST

2537 HVM (4270/2022)

H Olivier

(028) 313 8900

Hermanus Administration

13 March 2023

EXECUTIVE SUMMARY

An application has been received on 25 October 2022 from Plan Active on behalf of The Ann Trust 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 2537, Onrustrivier into a Portion A ($\pm 496\text{m}^2$) and a Portion B ($\pm 495\text{m}^2$).

RESOLUTION

1. that the subdivision in terms of Section 16(2)(d) of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 2537, Onrust River into two (2) portions, namely Portion A ($\pm 496\text{m}^2$) and Portion B ($\pm 495\text{m}^2$), **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 Plan onrus2573 dated October 2022, submitted with the application;
 - (b) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that the outbuilding be demolished prior to the registration of the new erven;
 - (f) that all the conditions in the Services Report, be complied with, and
 - (g) 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 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 and the densification guidelines.
- ❖ 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 or surrounding property owners and is desirable.



NOTES:

-  Erf boundaries (SR1 zoned erf 2537)
-  Subdivision line
-  Land Use Scheme building lines
-  Existing dwelling ±150m² (to be retained)
-  Existing outbuilding (to be demolished)

Proposed subdivision:

- Portion A: ±496m² (coverage ±30%)
- Portion B: ±495m²



All distances approximate and subject to survey.

COPY RIGHT RESERVED

Property Description:

**ERF 2537
ONRUSTRIMIER**

Plan Description:

**SUBDIVISION
PLAN**

Scale: 1:500

Drawing Nr: omnu557a.dwg

Date: OCTOBER 2022



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION: ERF 2537, ONRUS RIVER (4270/2022)**

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 (2022/2023) is as follows:

Freehold erven:

Water	R 26 036.00 x 1	=	R 26 036.00
Sewerage	R 17 555.00 x 1	=	R 17 555.00
Roads	R 7 872.00 x 1	=	R 7 872.00
Stormwater	R 9 082.00 x 1	=	R 9 082.00
Solid Waste	R 1 574.00 x 1	=	<u>R 1 574.00</u>
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;

2

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 stormwater be allowed to discharge through the proposed erven, Onrus River, unobstructed;
6. that no on-street parking be allowed.

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

14/11/2022
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

8. REMAINDER OF PORTION 7 (TWEEFONTEINTJIES) (A PORTION OF PORTION 1) OF THE FARM HEMEL-EN-AARDE NO 585, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE, DEPARTURE, AMENDMENT OF A SITE DEVELOPMENT PLAN AND AMENDMENT OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL: WRAP PROJECT OFFICE ON BEHALF OF TWEEFONTEINTJIES

RCAL 7/585 (4206/2022)

H Olivier

(028) 313 8900

Hermanus Administration

6 March 2023

EXECUTIVE SUMMARY

An application was received on 3 August 2022 from WRAP Project Office on behalf of Tweefonteintjies on Portion 7 of Farm 585, Hemel-en-Aarde Valley in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law, to allow for tourist accommodation.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law, to relax the eastern building line from 30m to 6m, in order to accommodate tourist accommodation pods.
- ❖ **Amendment of Site Development Plan** in terms of Section 16(2)(l) of the By-Law, to accommodate the additional tourist accommodation and the new chapel.
- ❖ **Amendment of conditions in respect of an existing approval** in terms of Section 16(2)(h) of the By-Law, to accommodate the proposed additional tourist accommodation.

RESOLUTION

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (the By-Law) on Portion 7 of Farm 585 Hemel-en-Aarde Valley for a consent use to allow tourist accommodation (6 pods), **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 By-Law for a departure to relax the eastern building line from 30m to 6m, in order to accommodate six (6) tourist accommodation pods, **be approved**, in terms of the provisions of Section 61;

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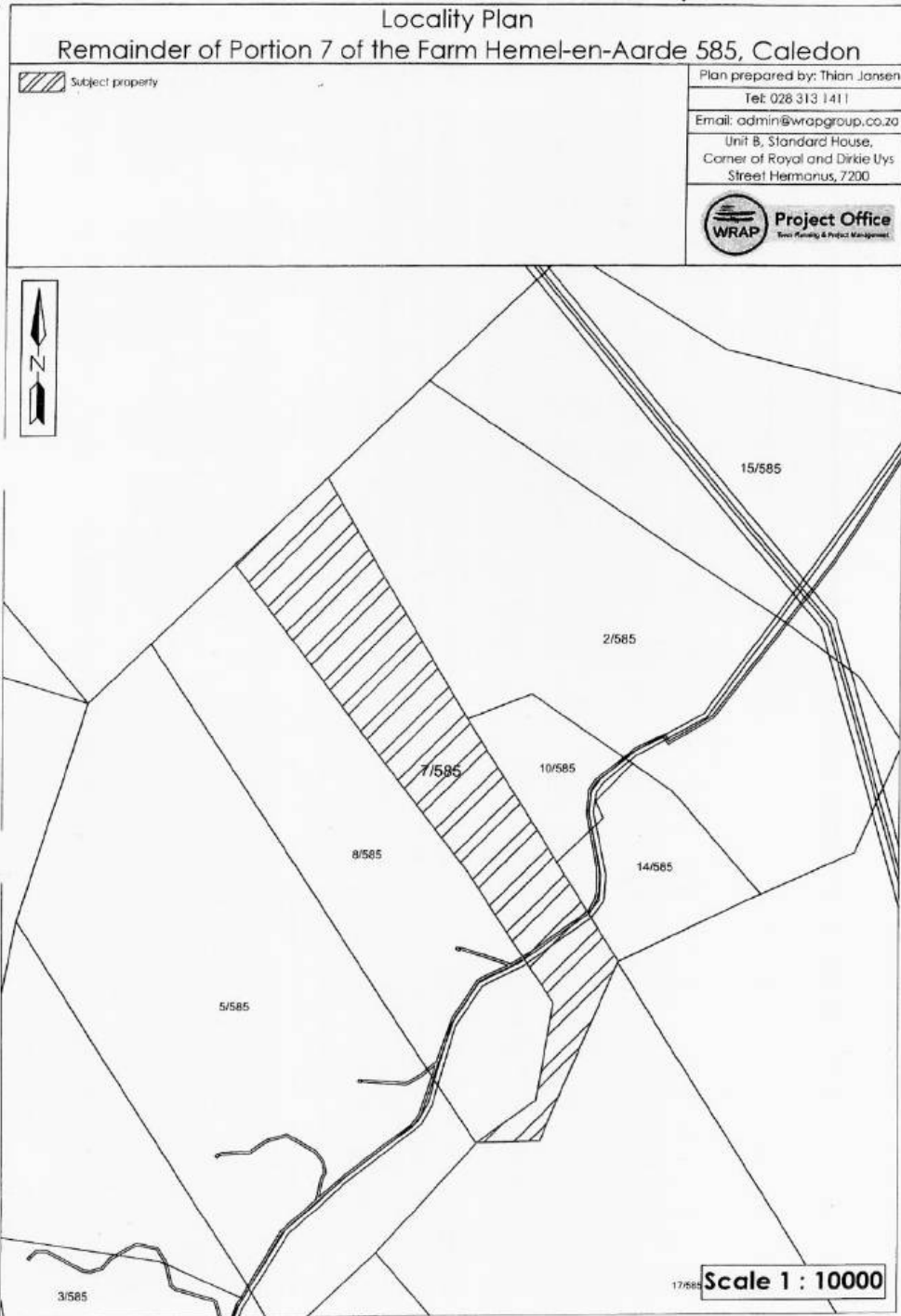
3. that the application in terms of Section 16(2)(l) for the amendment of the site development plan, to accommodate the six (6) additional tourist accommodation pods and the new chapel, **be approved**, in terms of the provisions of Section 61;
4. that the application in terms of Section 16(2)(h) of the By-Law for the amendment of conditions in respect of an existing approval to accommodate the proposed additional tourist accommodation, **be approved**, in terms of the provisions of Section 61;
5. that the approvals in Points 1 – 4 above, be subject to the following conditions:
 - (a) that this approval is only for the new developed as indicated on Amended Site Development Plans dated 1 December 2022, submitted with the application;
 - (b) that in terms of the “Noise Control Regulations” promulgated under the Environmental Conservation Act, 1989 (Act 72 of 1989) the music volumes emanating from the premises at all times be controlled in such a manner that it adds less than 7dB(A) to ambient noise;
 - (c) that the tourist accommodation be limited to the two (2) units and the 6 pods indicated on the site development plan, and two (2) rooms in the main building’s first floor;
 - (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 the owner/manager must reside on the property to oversee the tourist accommodation;
 - (f) that adequate provision be made to manage the behaviour of patrons (both inside and outside the buildings) and protection of surrounding properties;
 - (g) that commercial rates and taxes, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (h) that the site must have a dedicated waste storage area as per part of the National Building Regulations (SANS 10400), and all refuse must then be removed from the property to a registered dump site;

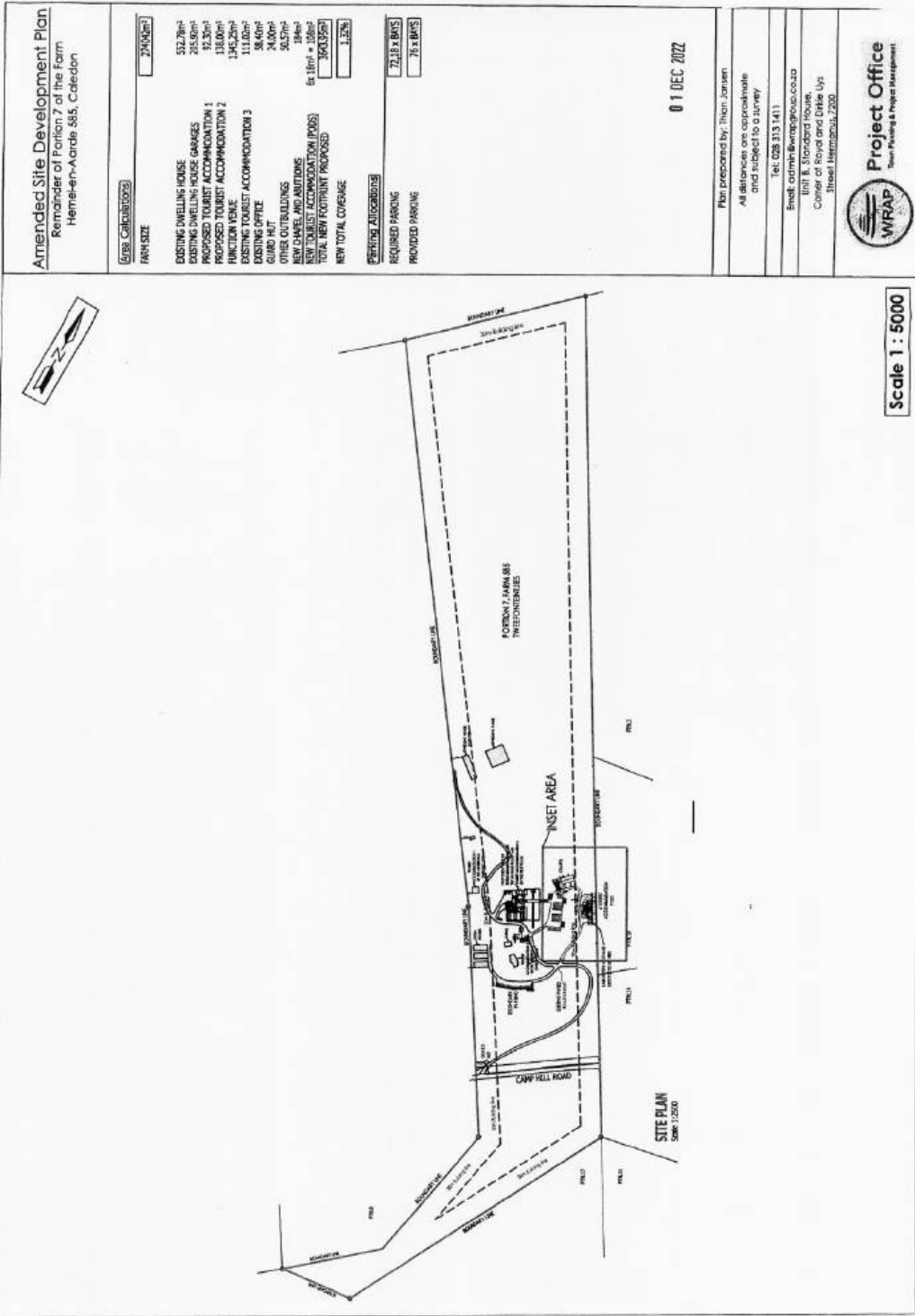
**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

- (i) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (j) that there be compliance with all relevant Health and Fire Regulations;
 - (k) that all the conditions in the Services Report, be complied with;
 - (l) that all the conditions of BGCMA, be complied with;
 - (m) that all the conditions of Eskom be complied with, and
 - (n) that all the conditions imposed by Telkom, be complied with.
6. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASON FOR THE 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 application will not have a negative effect on the character of the area or impact on other farming activities, as the property is already used for tourist facilities and tourist accommodation.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE, DEPARTURE, AMENDMENT OF
SITE DEVELOPMENT PLAN & AMENDMENT OF CONDITIONS IN
RESPECT OF AN EXISTING APPROVAL: REMAINDER OF PORTION 7
(TWEEFONTEIJIES) (PORTION OF PORTION 1) OF THE FARM HEMEL
EN AARDE NO. 585, DIVISION CALEDON (4206/2022)**

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 Control, Overstrand Municipality (Tel: 028 313 5046);
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 no municipal sewerage removal services are rendered in the area, the owner is responsible for removal of all sewerage generated on the property, and disposal thereof at a licenced municipal sewerage treatment facility;
7. 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;

8. 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;
9. that access can be obtain from the Division Road 01239, situated on the Hemel and Aarde Road. The Provincial Engineer must however provide comment in this regard.

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

02/12/2022
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

9. ERF 95 & 96, SPIN STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF S GROENEWALD & JK VIVIERS

95 & 96 GPB (4324/2023)

**SW van der Merwe
27 March 2023**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 20 January 2023 from Messrs WRAP Project Office on behalf of the owner of Erf 95, Pearly Beach, S Groenewald and the owner of Erf 96, Pearly Beach, JK Viviers in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for consolidation in terms of Section 16.(2)(e) of the By-Law to create a newly consolidated property of approximately 1692m² in extent.

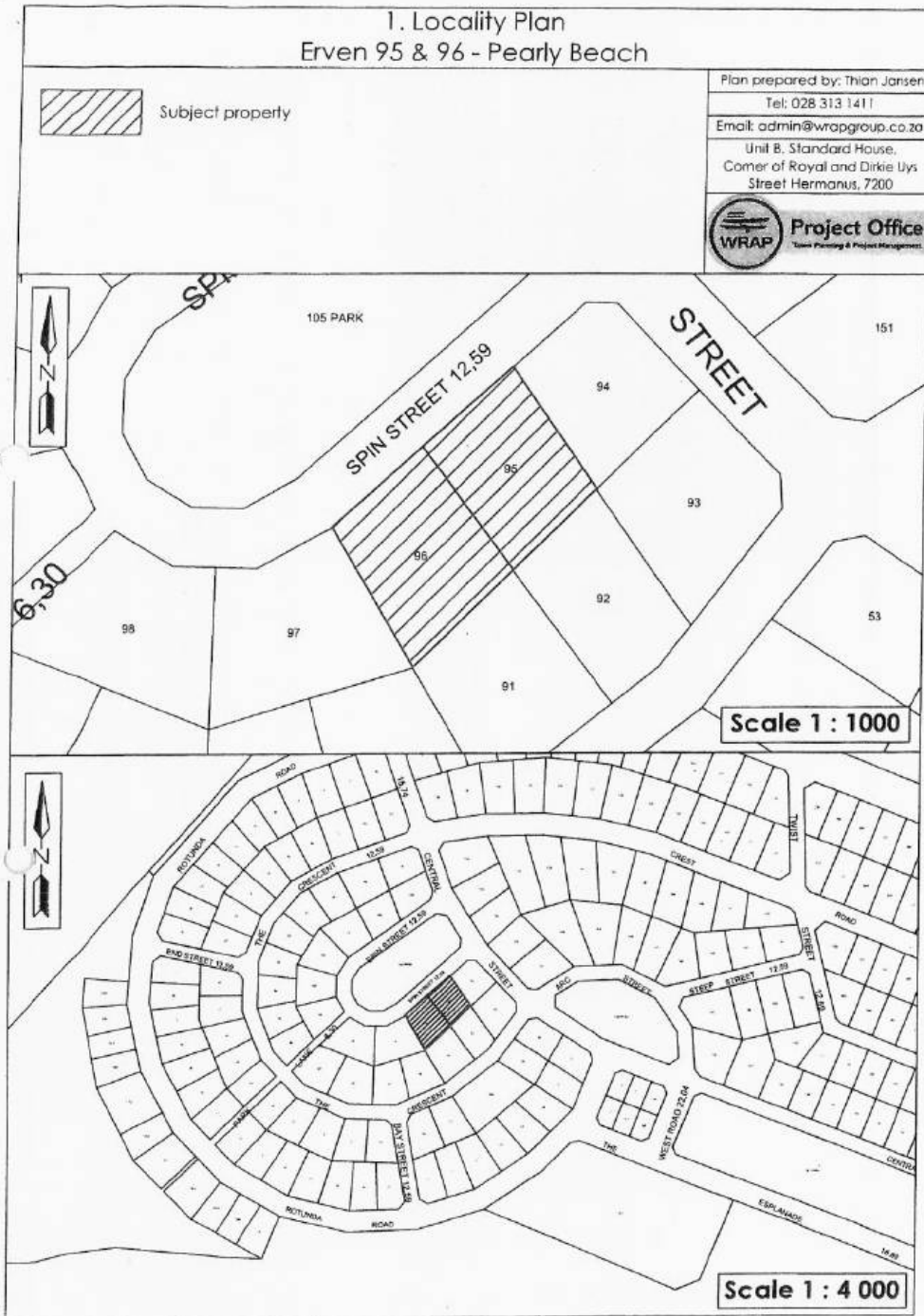
RESOLUTION

1. that the application in terms of Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to consolidate Erven 95 and 96, Pearly Beach to create a newly consolidated property of approximately 1682m² in extent, **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 consolidation as indicated on Consolidation Plan Number 4. submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all the conditions from Telkom, be complied with;
 - (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 the conditions imposed by Telkom, 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.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ No objections were received from neighbours.
- ❖ The application will not have a negative impact on surrounding neighbours or on the character of the area and is desirable.
- ❖ The consolidation will create an erf which is still compatible with surrounding erf sizes.
- ❖ The application is in line with the general principles of LUPA and SPLUMA and is desirable.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION: ERVEN 95 & 96, PEARLY BEACH
(4324/2023)**

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

Conditions:

1. that the existing water connection to Erf 95 shall be used to service the proposed consolidated erf consisting of Erven 95 & 96;
2. that only one standard water connection and meter will be available to the consolidated erf;
3. that the proposed development on the consolidated erf (Erven 95 & 96) is provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the development must connect to; Only one sewer connection point will be allowed for the consolidated erf;
4. that only one standard electricity connection, supply line and meter will be available to the consolidated erf. The electricity connection to the second property will thus be forfeited once the consolidation has been done. Should a larger capacity be required, the upgrading will be at the owner's cost;
5. that should additional services connections be required the owner will be responsible for the payment of bulk services levies;
6. that stormwater be allowed to discharge through Erven 95 & 96, Pearly Beach, unobstructed;
7. that no on-street parking will be allowed.

p.p. M. Coetzee
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

10/03/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

10. PORTION 57 (A PORTION OF PORTION 19) OF THE FARM UYLEN KRAAL 695, CALEDON DIVISION AND THE FARM LOMOND 942, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND CONSOLIDATION: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF LOMOND WINE ESTATES (PTY) LTD

**Ptn 57 of 695 & Farm 942 RCAL (4005/2019)
SW van der Merwe (028) 313 8900
27 March 2023**

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received from Messrs PlanActive Town- and Regional Planners on behalf of Lomond Wine Estates (Pty) Ltd in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2015 for the following:

- a) **subdivision** in terms of Section 16(2)(d) of the By-Law of Portion 57 (a portion of Portion 19) of the Farm Uylen Kraal No. 695, Caledon Division into two portions namely, Portion A (± 69 ha) and Portion B ($\pm 61,59$ ha), and
- b) **consolidation** in terms of Section 16(2)(e) of the By-Law of the above Portion B with the Farm Lomond No. 942, Caledon Division to create a new agricultural land unit of approximately 819,8163 hectares.

RESOLUTION

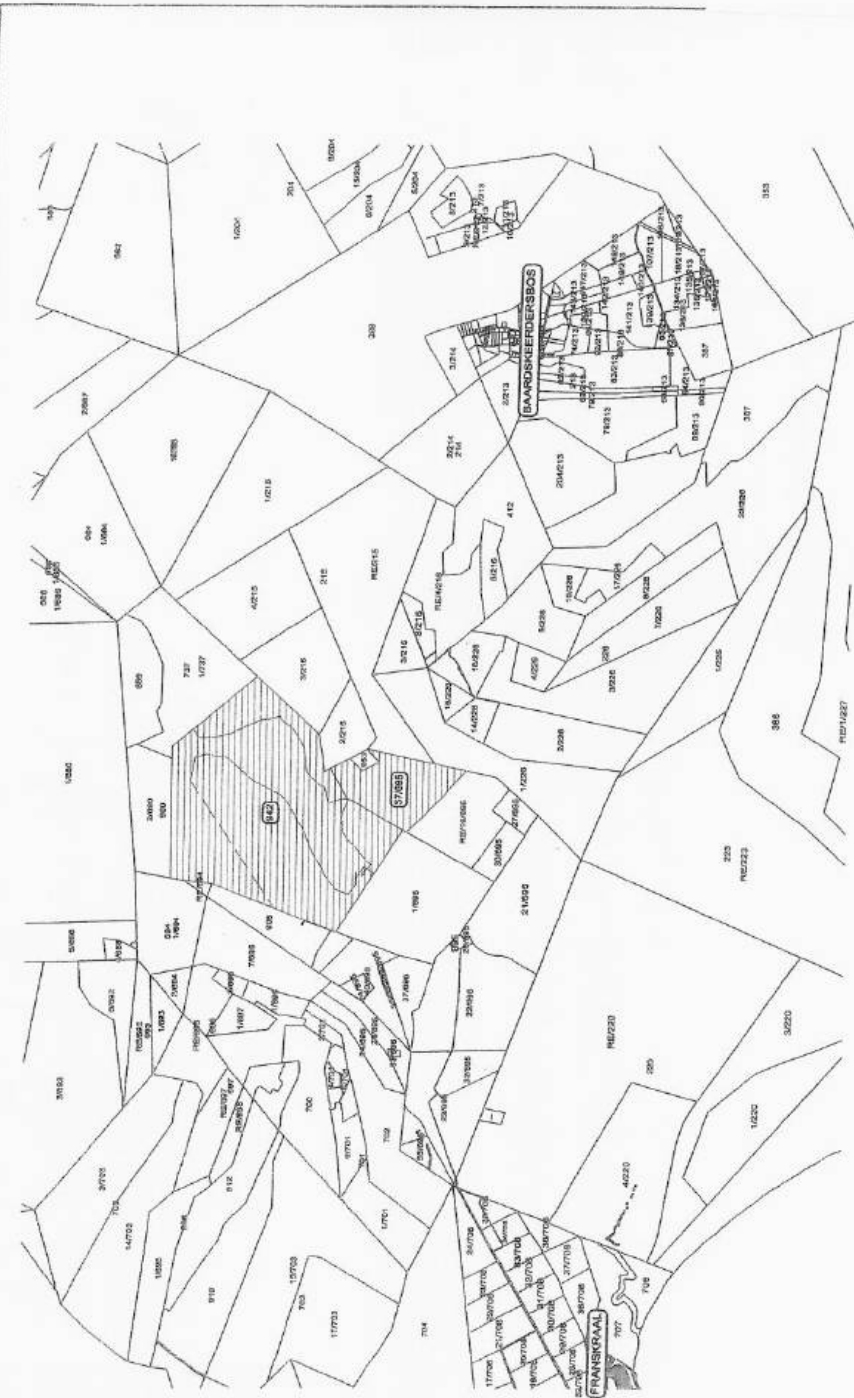
1. that the applications in terms of Section 16.(2)(d) and (e) of the Overstrand Municipal Land Use Planning By-Law, 2015 for the subdivision of Portion 57 (a portion of Portion 19) of the Farm Uylen Kraal No. 695, Caledon Division into two portions namely, Portion A (± 69 ha) and Portion B ($\pm 61,59$ ha), and the subsequent consolidation of Portion B with the Farm Lomond No. 942, Caledon Division to create a consolidated agricultural land unit of approximately 819,8163 hectares, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that the consolidation be registered simultaneous with the registration of the subdivision;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

- (b) that the applicable development parameters in terms of the scheme regulations be adhered to;
 - (c) that all the conditions from Telkom, Department of Transport and Public Works, Department of Environmental Affairs and Development Planning: Region 1, Department of Environmental Affairs and Development Planning: Region 2, CapeNature, Breede-Gouritz Catchment Management Agency, Department of Agriculture and Department of Agriculture, Forestry and Fisheries, be complied with;
 - (d) that all the conditions contained in the Services Report, be complied with;
 - (e) that it is the owner's/applicant's responsibility to register the approved subdivision within five (5) years from the date of approval, and
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation;
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality 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 as set out in SPLUMA and LUPA.
- ❖ No objections were received from internal department or adjoining property owners.
- ❖ The proposal will not result in fragmentation of agricultural land
- ❖ The character of the area will not be affected.
- ❖ The divisional road forms a natural subdivision line.
- ❖ Consolidation will improve the viability of the latter.



PLAN Active Town & Regional Planners

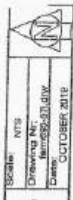
Property Description:
 PORTION 57 OF THE FARM
 UYLEN KRAAL NO. 895
 & FARM LOMOND NO. 942

Plan Description:
 LOCALITY MAP

All dimensions approximate
 and subject to survey.

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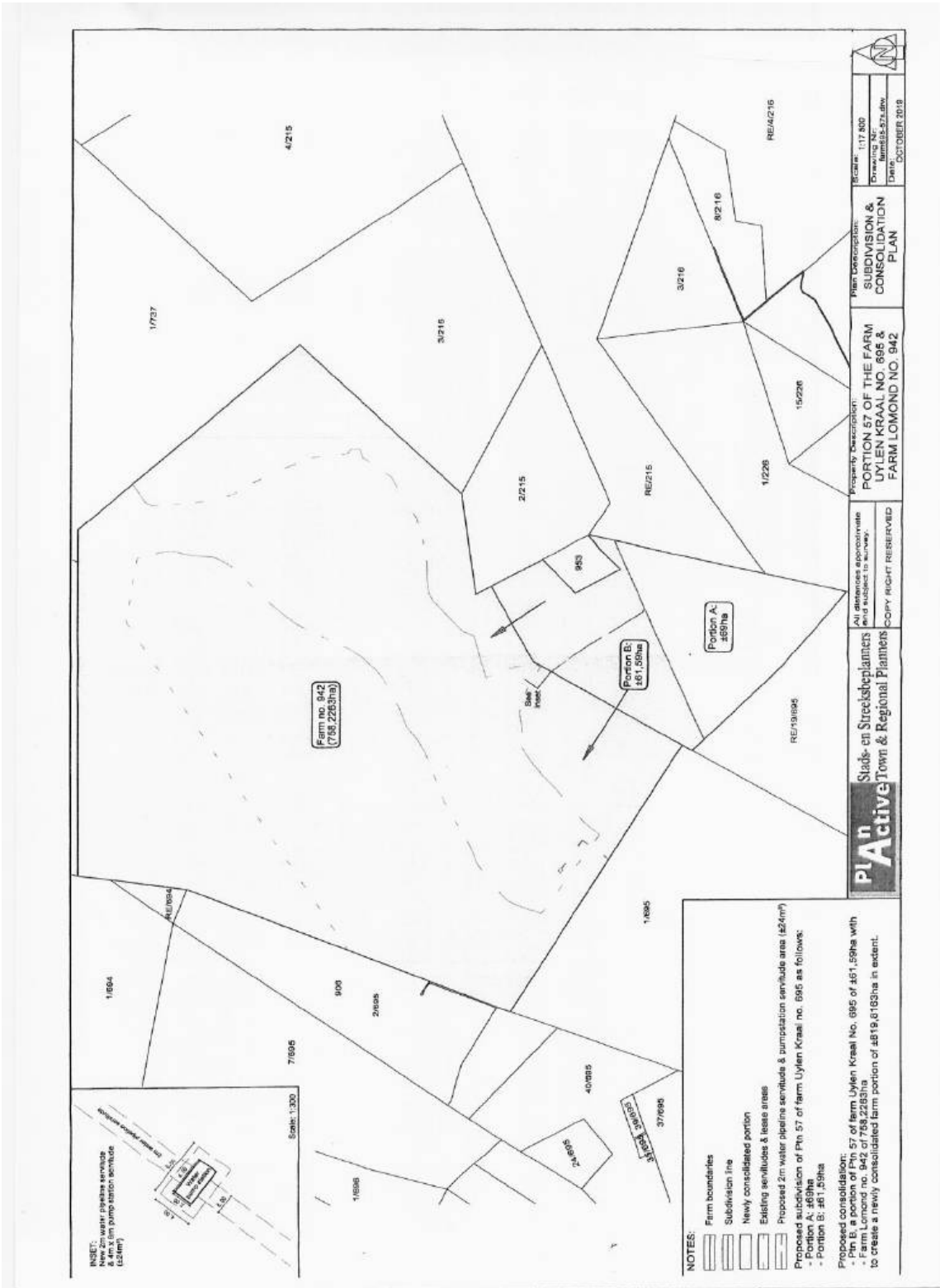


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INSET:
New 2m water pipeline servitude
& 4m x 1m pump station servitude
(224m)

Scale: 1:300

NOTES:

- ▬ Farm boundaries
- ▬ Subdivision line
- ▬ Newly consolidated portion
- ▬ Existing servitudes & lease areas
- ▬ Proposed 2m water pipeline servitude & pumpstation servitude area (224m)

Proposed subdivision of Ptn 57 of farm Lyleen Kraal no. 695 as follows:
 - Portion A: 469ha
 - Portion B: 481,59ha

Proposed consolidation:
 - Ptn B, a portion of Ptn 57 of farm Lyleen Kraal No. 695 of 481,59ha with
 - Farm Lomond no. 942 of 758,228ha
 to create a newly consolidated farm portion of 481,6193ha in extent.

PLAN Slade-en-Sireesheplanners

Subdivision & Consolidation Plan

PORTION 57 OF THE FARM LYLEEN KRAAL NO. 695 & FARM LOMOND NO. 942

Scale: 1:17 AND
Drawing No: 11895/1894/19
Date: OCTOBER 2019

Property Description:
PORTION 57 OF THE FARM LYLEEN KRAAL NO. 695 & FARM LOMOND NO. 942

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and subject to notice.

PLAN Slade-en-Sireesheplanners
Active Town & Regional Planners

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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION & CONSOLIDATION LAND: PORTION
57 (A PORTION OF PORTION 19) OF THE FARM UYLEN KRAAL NO.695
& THE FARM LOMOND NO.942, CALEDON DIVISION (PTN 57/695)**

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

Conditions:

1. that the developer arrange with ESCOM for the provision of electricity and that he complies with all conditions as may be set by ESCOM;
2. that no water and sewer services 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 , Overstrand Municipality;
4. that no sewerage 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 sewage disposal;
5. that the proposed development on Portion 57 of Farm 695 is provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the development must connect to;
6. that disposal of effluent from the site must comply with all relevant legislation, as well as with the *Municipal By-law: Water supply & Sanitation Services (2009)*, and in light of the proposed wine making activities (micro-distillery) on site, with specific reference to *Section 58: Objectionable discharge, Section 72: Application for the disposal of industrial effluent, Section 73: Unauthorised discharge of industrial effluent, Section 76: Conditions for disposal of industrial effluent and Annexure A: Acceptance of industrial effluent for discharge into the sewage disposal system*;

7. that it be noted that the conditions of *Annexure A: Acceptance of industrial effluent for discharge into the sewerage disposal system: Special Limitations* specifically excludes acceptance of, amongst other, any yeast wastes as as molasses (spent or unspent) for disposal into the sewerage disposal system;
8. 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;
9. that the developer complies to all the conditions set by Department Of Water Affairs & Bocma;
10. that, in light of the proposed wine making activities (micro-distillery) on site, the owner is to ensure that all contaminated storm water run-off from any relevant open areas and wash bays are contained and treated in accordance with relevant Environmental legislation, SANS 100400: National Building Regulations (more specifically but not restricted to Section R – Storm water, as well as Section PP11 – Run-off from Washing Areas), and the Municipal By-law: Water Supply & Sanitation Services (2009), more specifically but not restricted to Section 48: Owner to prevent pollution of water and Section 58: Objectionable discharge. All costs in this regard will be for the owners account;
11. that the developer investigates and determines the limitations of the site in terms of sewer drainage, subject to the minimum requirements *SANS 1400 – P: 2010: Drainage*;
12. that on-site parking facilities are provided as per the 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;
14. 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.

p.p. M. Cooper
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

02/07/2020
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

**11.ERF 2908, 171 7th STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: A NAUDÉ ON
BEHALF OF ML NAUDÉ**

2908 HVK

P Roux

28 March 2023

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 7 November 2022 from A Naudé on behalf of ML Naudé in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the subdivision of Erf 2908, Voëlklip, Hermanus into two (2) portions namely Portion A approximately 421m² in extent and a Remainder approximately 496m² in extent.

RESOLUTION

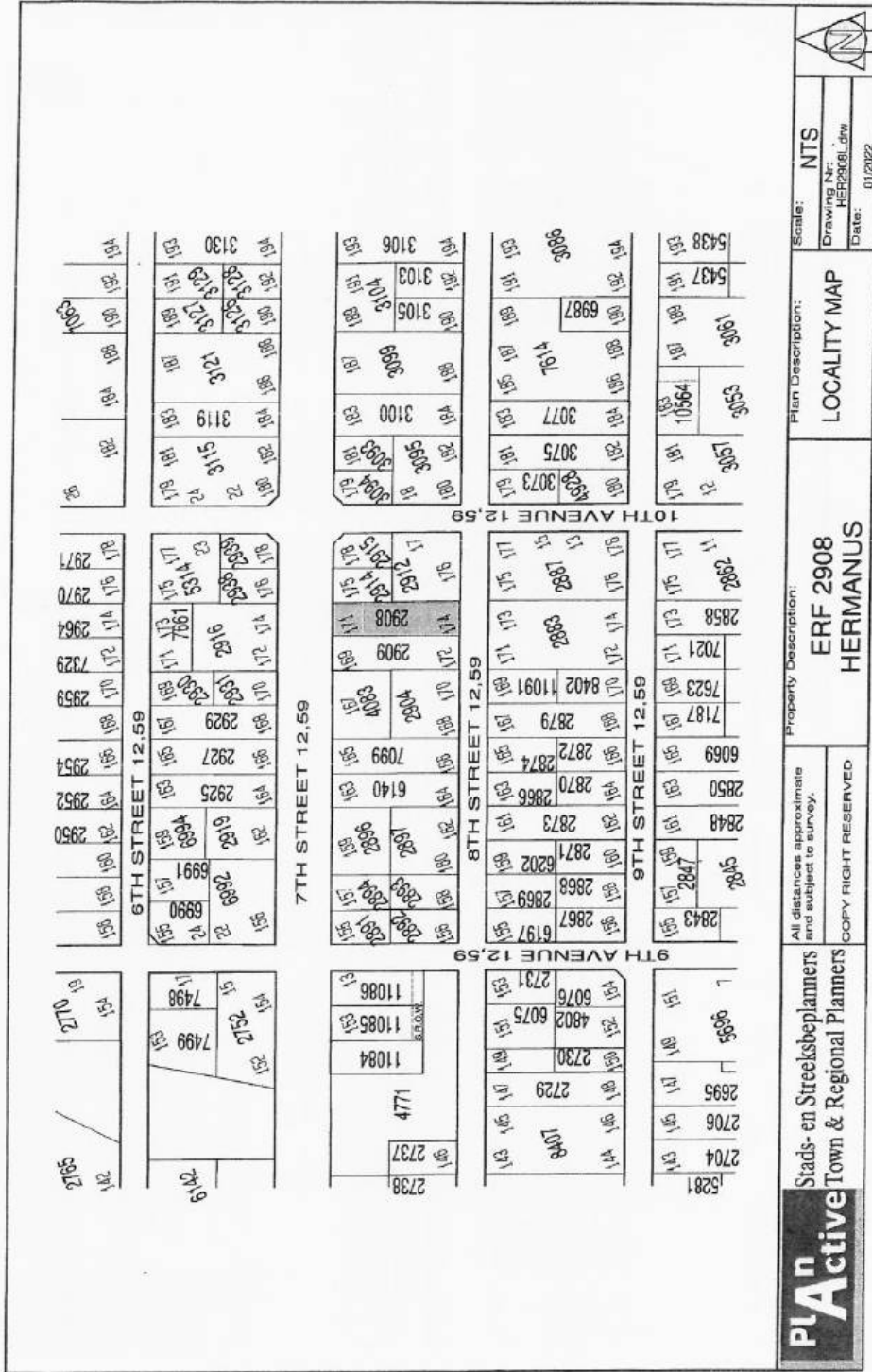
1. that the objection be noted;
2. that the application for subdivision in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of Erf 2908, Eastcliff, Hermanus into two portions, namely Portion A approximately 421m² in extent and a Remainder approximately 496m² in extent, be approved in terms of the provisions of Section 61, subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on Subdivision Plan drawing no her2908.drw, as submitted with the application;
 - (b) that building plans be submitted for any new work done and that the Building Department and Fire Department's comment be complied with at that stage;
 - (c) that the conditions in the Services Report, be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

3. that the applicant and person 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 RECOMMENDATION

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



PLAN
Active

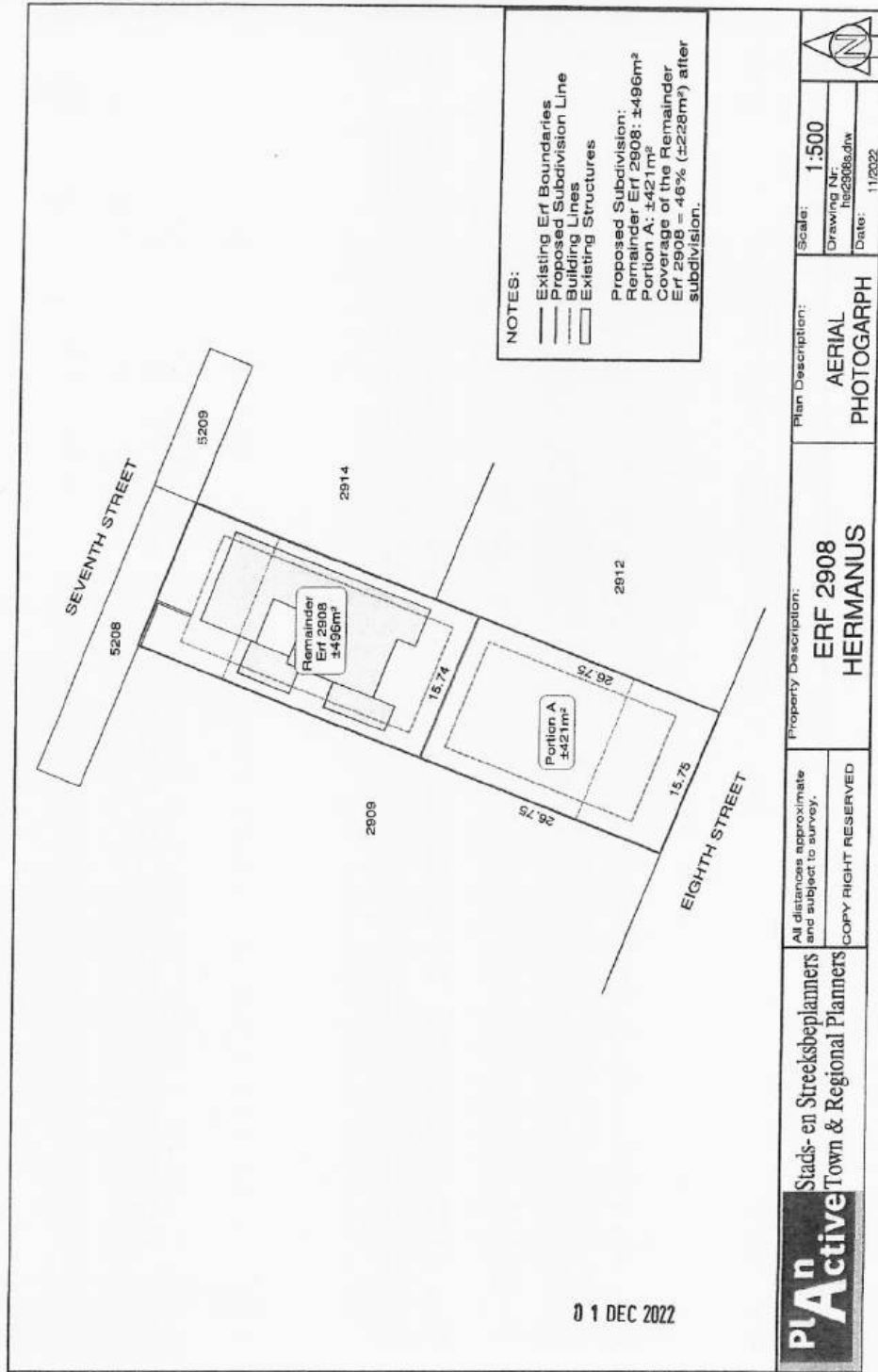
Stads- en Streetsbeplanners
Town & Regional Planners

All distances approximate
and subject to survey.
COPY RIGHT RESERVED

Property Description:
**ERF 2908
HERMANUS**

Plan Description:
LOCALITY MAP

Scale: **NTS**
Drawing Nr: **REP2908.dwg**
Date: **01/2022**



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION: ERF 2908, VOELKIP (4285/2022)**

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

Conditions:

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

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

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

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

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

The contribution according to the current policy (**2022/2023**) is as follows:

Freehold erven:

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

Note:

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

2. that any part of the existing water and sewer services on Erf 2908 that crosses the common boundary of Portion A and the Remainder of Erf 2908 shall be disconnected and sealed off;
3. that both the Remainder and Portion A of Erf 2908 must be serviced with individual and separate water connections, which must comply with the standards of the Department: Operational Services;
4. that the proposed Portion A and Remainder of Erf 2908 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the individual erven must connect to;
5. that only a standard 60 Amp single phase electricity connection will be available per erf;
6. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
7. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
8. that any additional and / or extended vehicle entrances will be for the owner's account;
9. that stormwater be allowed to discharge through the proposed Erven, Voelklip, unobstructed.

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

30/01/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

**12.ERF 815, 82 MAIN ROAD, NORTHCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR CONSENT USE: INTERACTIVE
TOWN & REGIONAL PLANNERS ON BEHALF OF DIE TRUSTEERAAD VAN
DIE OU HAWE MUSEUM HERMANUS**

815 HNC (4093/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

14 March 2023

EXECUTIVE SUMMARY

An application has been received on 16 March 2022 from Interactive Town and Regional Planners on behalf of Die Trusteeraad van Die Ou Hawe Museum on Erf 815, Hermanus for a consent use in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to permit a place of entertainment applicable to “Fisherman’s Cottage” to accommodate live performances.

RESOLUTION

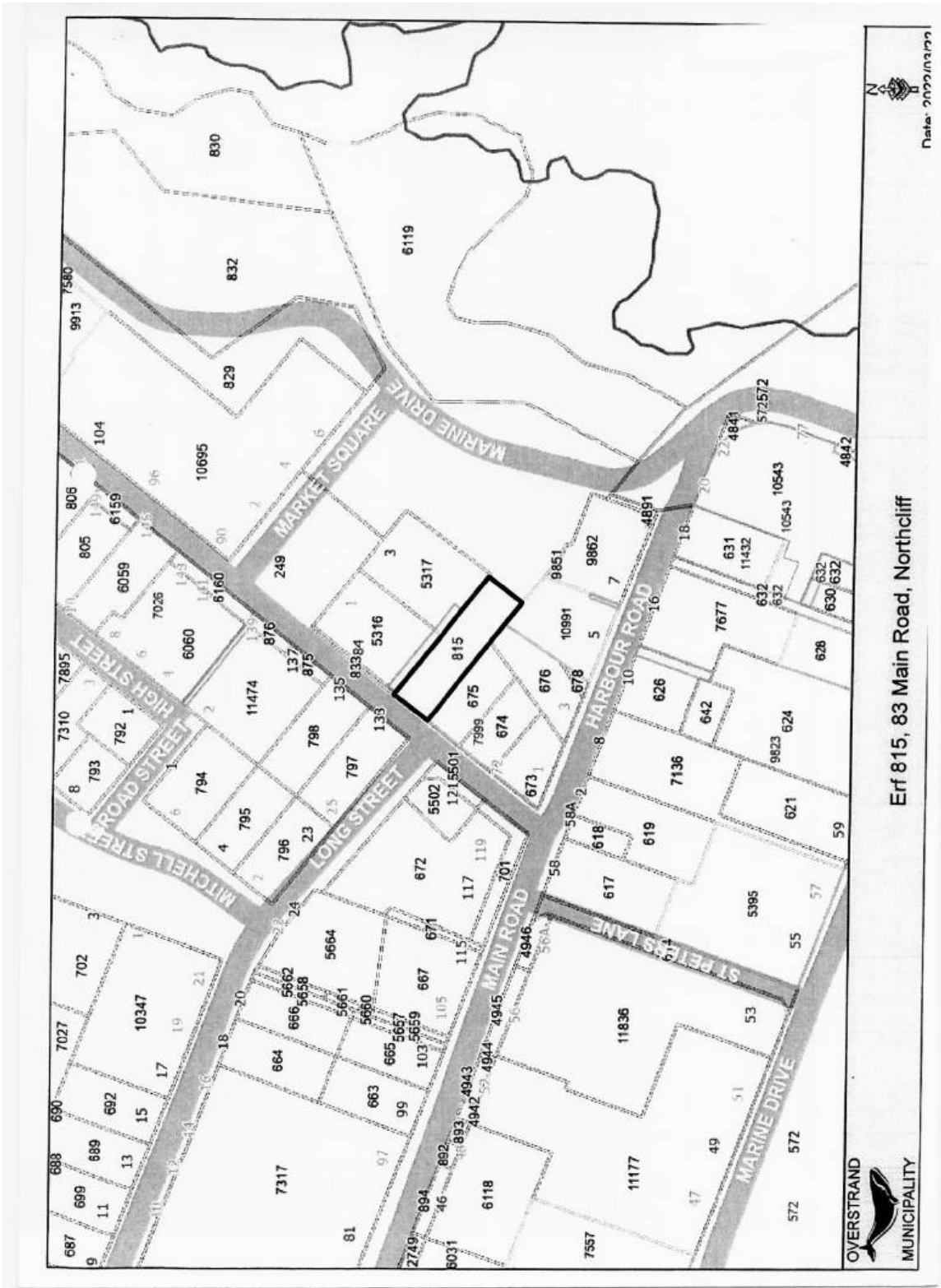
1. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 815, Hermanus for a consent use to permit a place of entertainment applicable to “Fisherman’s Cottage” to accommodate live performances, be approved in terms of the provisions of Section 61, subject to the following conditions:
 - (a) that the place of entertainment be limited to the existing building as per Drawing Number 732/00 dated September 2017; limited to the existing building, excluding the open stoep area.
 - (b) that no live entertainment take place outside the restaurant, with the exception if an application is lodged in terms of the Events By-Law;
 - (c) that all operations with regards to live entertainment not be allowed after 22h00;
 - (d) that all the mitigation measures as proposed in the Noise Impact Assessment be complied with before the operation of a place of entertainment i.e., proof to this effect be submitted to the Municipality; by the Acoustic Engineer that the mitigating measures has the desired outcome;
 - (e) that only one un-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;

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(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

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

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 Forward Planning Documents and Policies.
- ❖ No objections were received from neighbours.



Erf 815, 83 Main Road, Northcliff



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 815, NORTHCLIFF (4093/2022)**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through Erf 815, Northcliff, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

13.ERF 7462, 5 ROOIELS CLOSE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: SCHOONRAAD ARCHITECTS ON BEHALF OF JF & CE DU TOIT

7462 KKM (3788/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

4 April 2023

EXECUTIVE SUMMARY

An application has been received on 29 July 2021 from Schoonraad Architects on behalf of JF & CE du Toit on Erf 7462, 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 rear building line from 2m to 1m to accommodate a proposed pergola, and
- ❖ to exceed the height restriction from 8m to 8,32m to accommodate a portion of the roof structure of the existing dwelling on the property.

An application has also been received for 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 unauthorised building work.

RESOLUTION

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 7462, Kleinmond for the following departures:
 - ❖ to relax the rear building line from 2m to 1m to accommodate a proposed pergola, and
 - ❖ to exceed the height restriction from 8m to 8,32m to accommodate a portion of the roof structure of the existing dwelling on the property;

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 SD603.02 dated 27 July 2021, as submitted with the application;

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7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

- (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 reflecting the approval 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.
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 on Erf 7462, Kleinmond for the deviation of an approved building plan that calculates 5m² was considered and that an administrative penalty of R18026,25 (being 20% of the building costs for the unauthorised building work), **be applicable** in terms of Section 90.(4) of the By-Law which penalty must be paid within thirty (30) days from the final date of the decision of the application; and
 3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above decisions.

REASONS FOR RESOLUTION

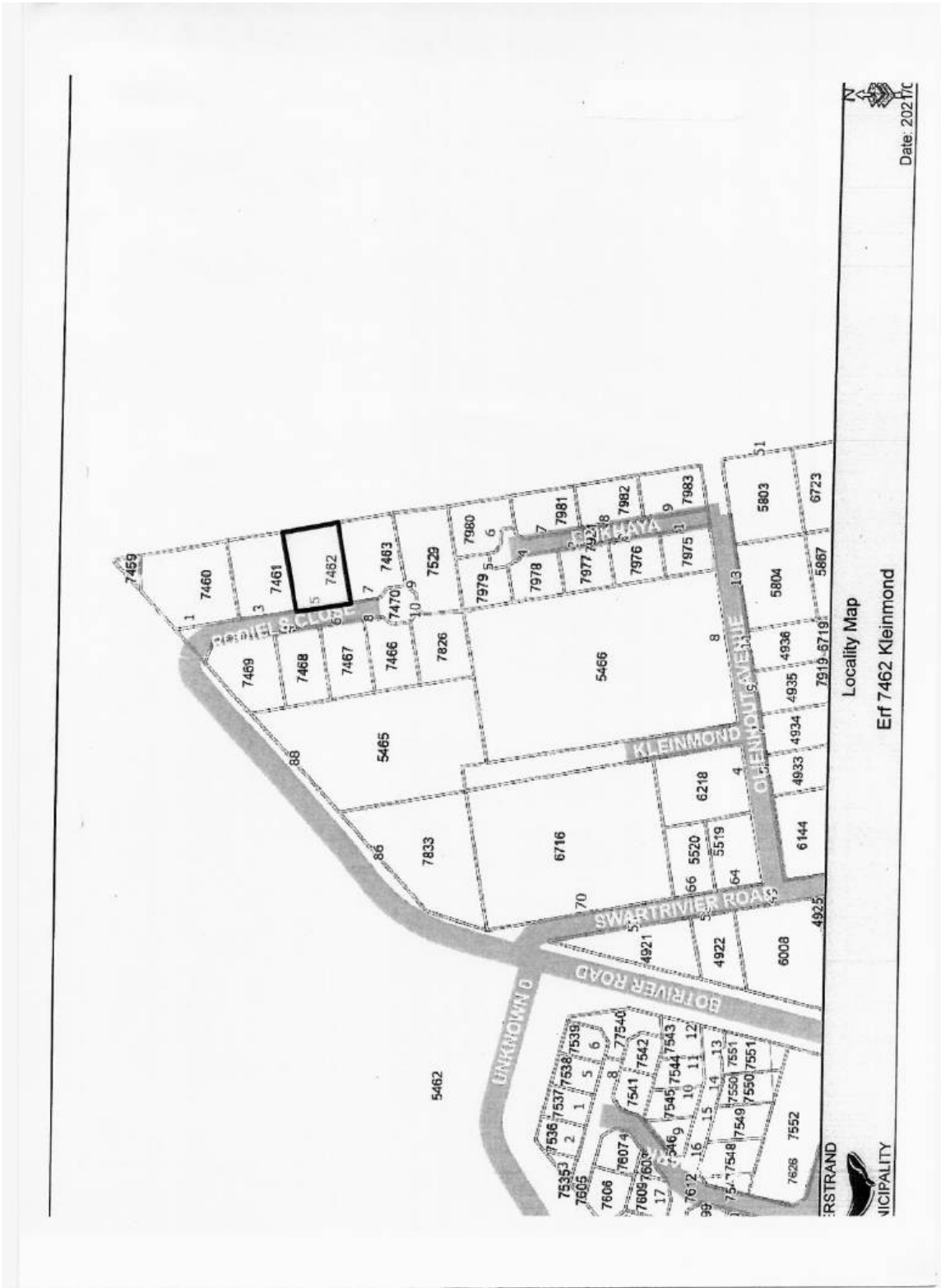
POINT 1

- ❖ The pergola will not have a negative impact since the golf course is adjacent to the property.
- ❖ All affected neighbours gave their consent for the departure.
- ❖ The transgression of 5m² of the roof structure is visually more pleasing and in line with the existing roof structure.

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POINT 2

- ❖ A 20% contravention levy is applicable due to the fact that the change was done during the construction phase and not in line with the approved building plan.
- ❖ Construction was not stopped to ensure that the height is complied with.
- ❖ The architect is a professional person and should have made sure of the height and first submitted a rider plan before continuing with the construction.
- ❖ Figure 5 (side elevation of the first approved building plan) clearly indicated the building roof height on the 8m height restriction applicable on Residential Zone 1 category. The Project Architect should have taken due cognisance of the fact that any roof deviation can result in the transgression of the 8m height restriction. He should have had the land surveyor verify the height before drawing the amendments and proceeding with the construction of the amendments.
- ❖ The dwelling is a newly designed building and thus the strict enforcement of deviations is dealt with severely, due to the notion of the general public and construction companies of built first and rectifies the transgressions later.



STRAND
MUNICIPALITY

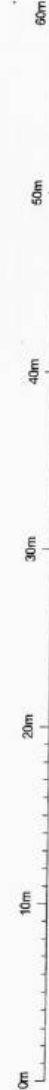
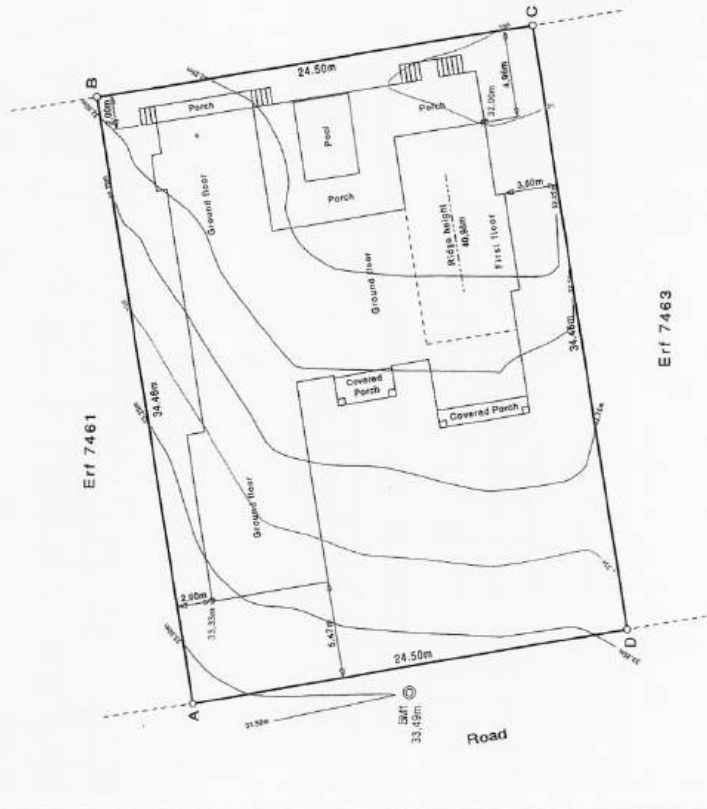
Locality Map
Erf 7462 Kleinmond

Date: 2021/11

Note
Contours represent natural ground levels, and not actual ground levels.

Height restriction calculation

- Lowest point of house : 32.00m
- Highest point of house : 33.33m
- Baseline : 32.66m
- allowable building height : 8.00m
- Building height restriction : 40.66m



<p>Notes</p> <p>1. Topographical Survey were done in August 2018, before construction.</p> <p>2. For Beacon and Benchmark description see plan No. V18474.</p>	
<p><i>[Signature]</i></p> <p>L A van DYK PLS 1083 Professional Land Surveyor</p>	
<p>VAN DYK & ASS, inc.</p> <p>P.O. Box 2025 WILHEMS DORSETT SOUTH AFRICA TEL: (083) 313 0877 E-MAIL: info@vandykass.co.za</p>	
<p>Street: Clark 1880 / Lo 19</p>	<p>Project Status: Local</p>
<p>Scale: 1 : 200</p>	<p>Date: January 2021</p>
<p>Client: Karen Du Toit</p>	<p>Project Title: ERF 7462 KLEINMOND</p>
<p>HEIGHT RESTRICTION SURVEY</p>	
<p>Taking from: V21038</p>	<p>Drawn by: DJP</p>
<p>Checked by: RAY</p>	<p>Scale: 1 of 1</p>

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 7462, 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 7462 Kleinmond, unobstructed.

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

14/01/2021
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

14.ERF 8283, 18 ALOE STREET, KLEINMOND, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: COMPROP DESIGN ON BEHALF OF LD COERT

8283 KKM (4186/2022)

**H van der Stoep
2 April 2023**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 27 June 2022 from Comprop Designs on behalf of LD Coert on Erf 8283, 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 eastern lateral building line from 1m to 0m to accommodate a proposed new single garage with storage under, and also to relax the western lateral building line from 1m to 0,290m to accommodate the proposed new addition to the existing dwelling house.

RESOLUTION

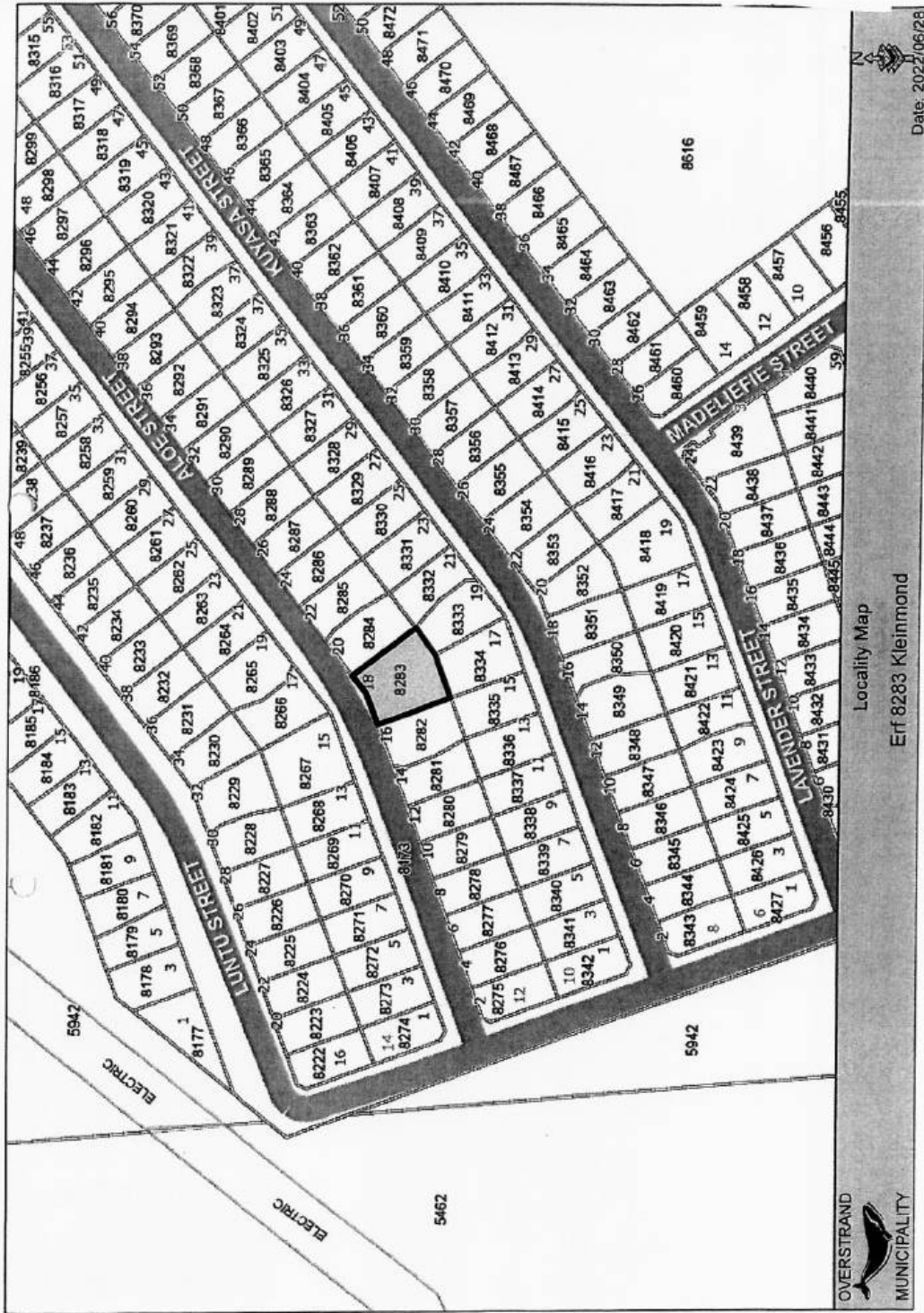
1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 on Erf 8283, Kleinmond for a departure to relax the eastern lateral building line from 1m to 0m to accommodate a proposed new single garage with storage under, and also to relax the western lateral building line from 1m to 0,290m to accommodate the proposed new addition to the existing dwelling house, be approved in terms of the provisions of Section 6 of the By-Law subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan number P200202C dated 30 March 2020 as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Departments be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
 - (e) That all illegal structures be demolished within three months of date of approval of building plan.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 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 decision.

REASONS FOR RESOLUTION

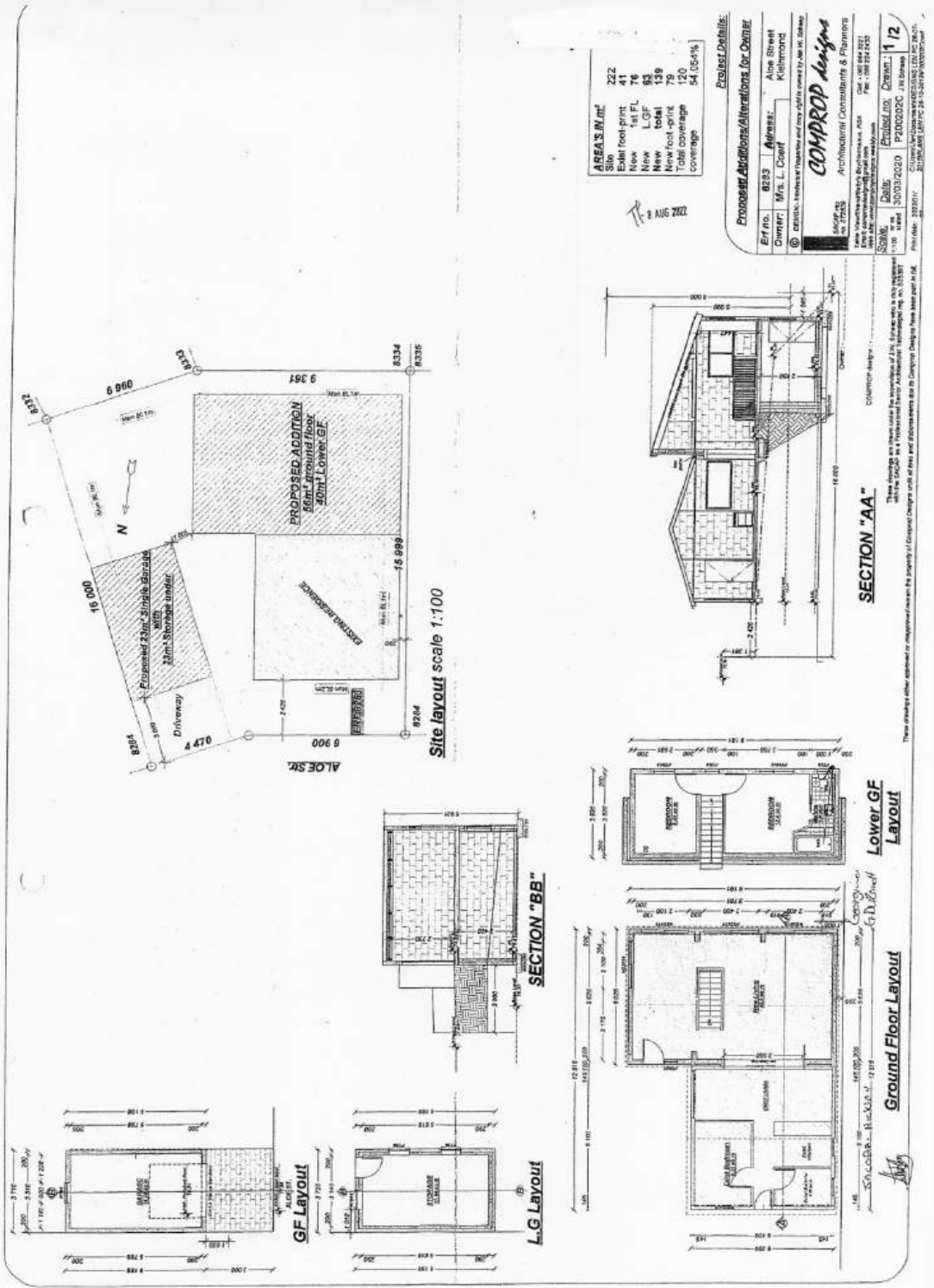
- ❖ The application followed due procedure.
- ❖ Neighbours consented to the proposal.
- ❖ Structures are built according to the National Building Regulations, thus ensuring safety and compliance with legislation.



OVERSTRAND
MUNICIPALITY

Locality Map
Erf 8283 Kleimond

Date: 2022/06/28



AREA'S IN m²	
Site	222
Exist foot-print	41
New 1st FL	76
New L.G.F	63
New Total	139
New roof-sprink	79
1st fl coverage	40
1st fl coverage	54.004%

Project Details:
Proposed Alterations/Alterations for Owner
 Eri no. 0283 Address: Alok Street
 Owner: Mrs. L. Coeff Killarney
 © 2020/21 - Reviewer/Designer and any other to come by A.M. W. Lohary

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

SECTION "AA"
 SECTION "AA" is shown under the supervision of J.M. Lohary who is also registered with the Architects Registration Board of Ireland. The drawings are the property of COMPAD designs and all rights and obligations shall be deemed to be transferred to the client upon completion of the drawings.

Ground Floor Layout
Lower GF Layout
GF Layout
L.G. Layout
SECTION "BB"

These drawings are either approved or unapproved as per the property of COMPAD designs and all rights and obligations shall be deemed to be transferred to the client upon completion of the drawings.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

15.ERF 8651, HARBOUR ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: GRAND GAMING WESTERN CAPE T/A GRANDSLOTS ON BEHALF OF WHARFSIDE DEVELOPMENTS KLEINMOND (PTY) LTD

8651 KKM (4101/2022)

**H van der Stoep
29 March 2023**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 30 March 2022 from Grand Gaming Western Cape t/a Grandslots on behalf of Wharfside Developments Kleinmond (Pty) Ltd on Erf 8651, Kleinmond for a consent use in terms of Section 16.(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for a place of entertainment to accommodate five (5) limited pay-out machines.

RESOLUTION

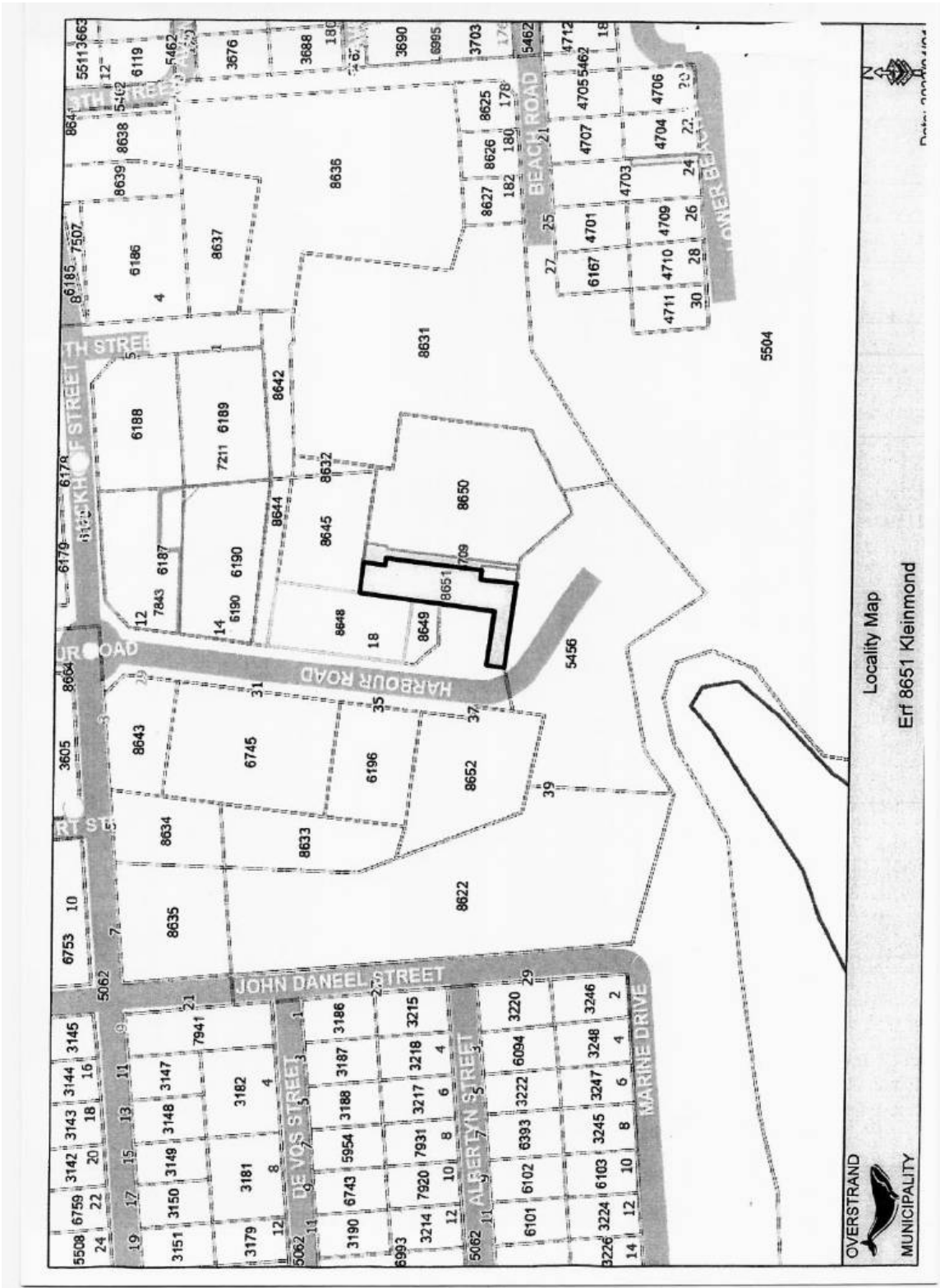
1. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 8651, Kleinmond for a consent use to permit a place of entertainment to accommodate five (5) limited pay-out machines, be approved in terms of the provisions of Section 61, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan number E0006 dated 31 July 2017 as submitted with the application;
 - (b) that the consent use is temporary of nature subject to the contract between Wharfside Developments Kleinmond (Pty)(Ltd);
 - (c) that the rights to operate a place of entertainment is not transferable;
 - (d) that only one un-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (e) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (f) that a Health Certificate be obtained from the Health Department of the Overberg District Municipality and a Fire Prevention Certificate from the Municipal Fire Department;

**AGENDA of the
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7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

- (g) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (h) that building plans be submitted to the Municipality showing all building changes, partitioning and correct names of rooms to the satisfaction of the Fire Department and Building Control Department;
 - (i) that a fire protection plan be submitted to the Building Control Department;
 - (j) that no accumulation of refuse may occur on the premises;
 - (k) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (l) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (m) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASON FOR THE RESOLUTION

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



OVERSTRAND
MUNICIPALITY

Locality Map
Erf 8651 Kleinmond

DATE: 01/01/2014

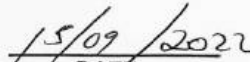
**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 8651, KLEINMOND (4101/2022)**

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 8651 Kleinmond, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

16.ERF 8680, 104 MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF KLEINPROP INVESTMENTS (PTY) LTD

8680 KKM (4228/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

2 April 2023

EXECUTIVE SUMMARY

An application was received on 25 August 2022 from Plan Active Town & Regional Planners on behalf of Kleinprop Investments (Pty) Ltd for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to accommodate a bottle store within the approved shopping centre on Erf 8680, Kleinmond.

RESOLUTION

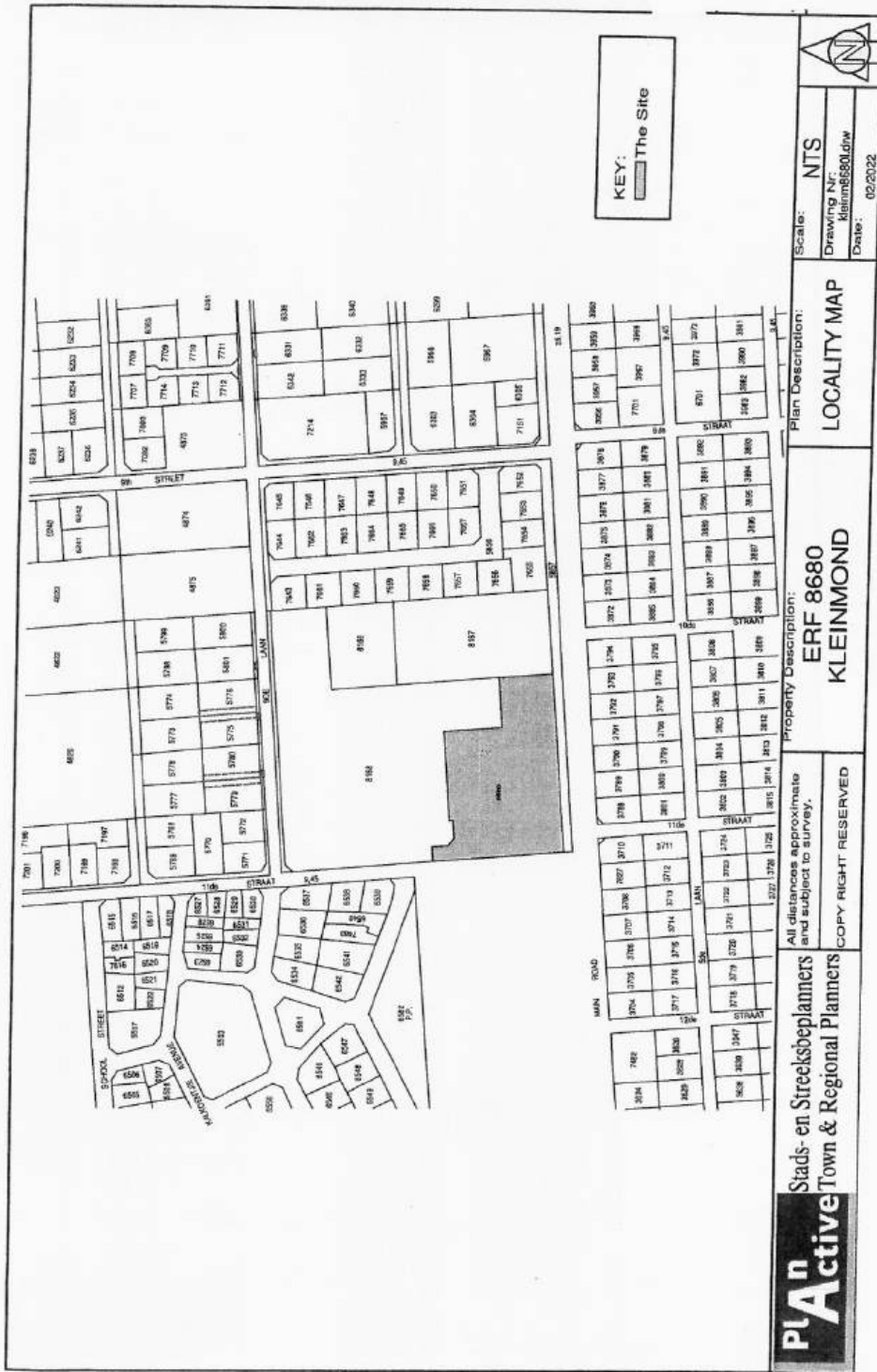
1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2020 on Erf 8680, Kleinmond for a consent use to accommodate a bottle store within the approved shopping centre, be approved in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that the bottle store be limited to Shop No. 15 within the existing shopping centre as per Drawing Number 2012-010 dated May 2022;
 - (b) that building plans be submitted to the Municipality showing all building changes, partitioning and correct names of rooms to the satisfaction of the Fire Department and Building Control Department;
 - (c) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (d) that a Health Certificate be obtained from the Health Department of the Overberg District Municipality and a Fire Prevention Certificate from the Municipal Fire Department;
 - (e) that only one un-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

- (f) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (g) that no accumulation of refuse may occur on the premises;
 - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (i) that all other development parameters as prescribed in the relevant Zoning Scheme 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 in line with the Overstrand Forward Planning Documents.
- ❖ The application complies with the Overstrand Land Use Category for Business Zone 2.
- ❖ The application is located within a shopping centre that limits possible negative impacts.



**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

17.REMAINDER ERVEN 1682, 1684 & 1686, 19 & 21 TENTH STREET AND ERF 5276, 19B TENTH STREET, VOËLKLIP, HERMANUS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSOLIDATION, SUBDIVISION AND DEPARTURE: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF DE RUIMTE (PTY) LTD

1682, 1684 & 1686 HVK (4203/2022)

P Roux

(028) 313 8900

Hermanus Administration

24 March 2023

EXECUTIVE SUMMARY

Application has been received on 1 August 2022 from Messrs PlanActive Town- and Regional Planners on behalf of De Ruimte (Pty) Ltd in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 1682, 1684 & 1686 & 5276, Voëlklip, 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 conditions as contained in Title Deeds T55421/2021, T55422/2021 and T55423/2021 read together with conditions C.(i) & (j).

Consolidation in terms of Section 16.(2)(d) of the By-Law to consolidate Remainder Erf 1682, Remainder Erven 1684, 1686 and 5276, Hermanus, in order to create two (2) single residential erven.

Subdivision in terms of Section 16.(2)(d) of the By-Law, in order to create two (2) single residential erven, namely Portion A approximately 1342m² in extent and Portion B approximately 740m² in extent.

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

- encroach the northern lateral building line of Portion A from 2m to 1m to accommodate a gymnasium and bathroom;
- encroach the northern lateral building line of Portion A from 2m to 1m to accommodate a kitchen, dining- and living room, and
- encroach the northern lateral building line of Portion B from 2m to 1.8m to accommodate the existing cottage.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

RESOLUTION

1. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the removal of restrictive title conditions C.(i) & (j) contained in Title Deeds T55421/2021, T55422/2021 and T55423/2021, be approved;
2. that the application in terms of Section 16.(2)(e) of the By-Law for the consolidation of Remainder Erf 1682, Remainder Erven 1684, 1686 and 5276, Hermanus, be approved;
3. that the application in terms of Section 16.(2)(d) for the subdivision of the proposed consolidated erf into 2 portions namely, Portion A approximately 1342m² in extent and Portion B approximately 740m² in extent, be approved;
4. that the application in terms of Section 16.(2)(b) for the following departures:
 - to relax the northern lateral building line of Portion A from 2m to 1m to accommodate a gymnasium and bathroom;
 - to relax the northern lateral building line of Portion A from 2m to 1m to accommodate a kitchen, dining- and living room; and;
 - to relax the northern lateral building line of Portion B from 2m to 1.8m to accommodate the existing cottage;

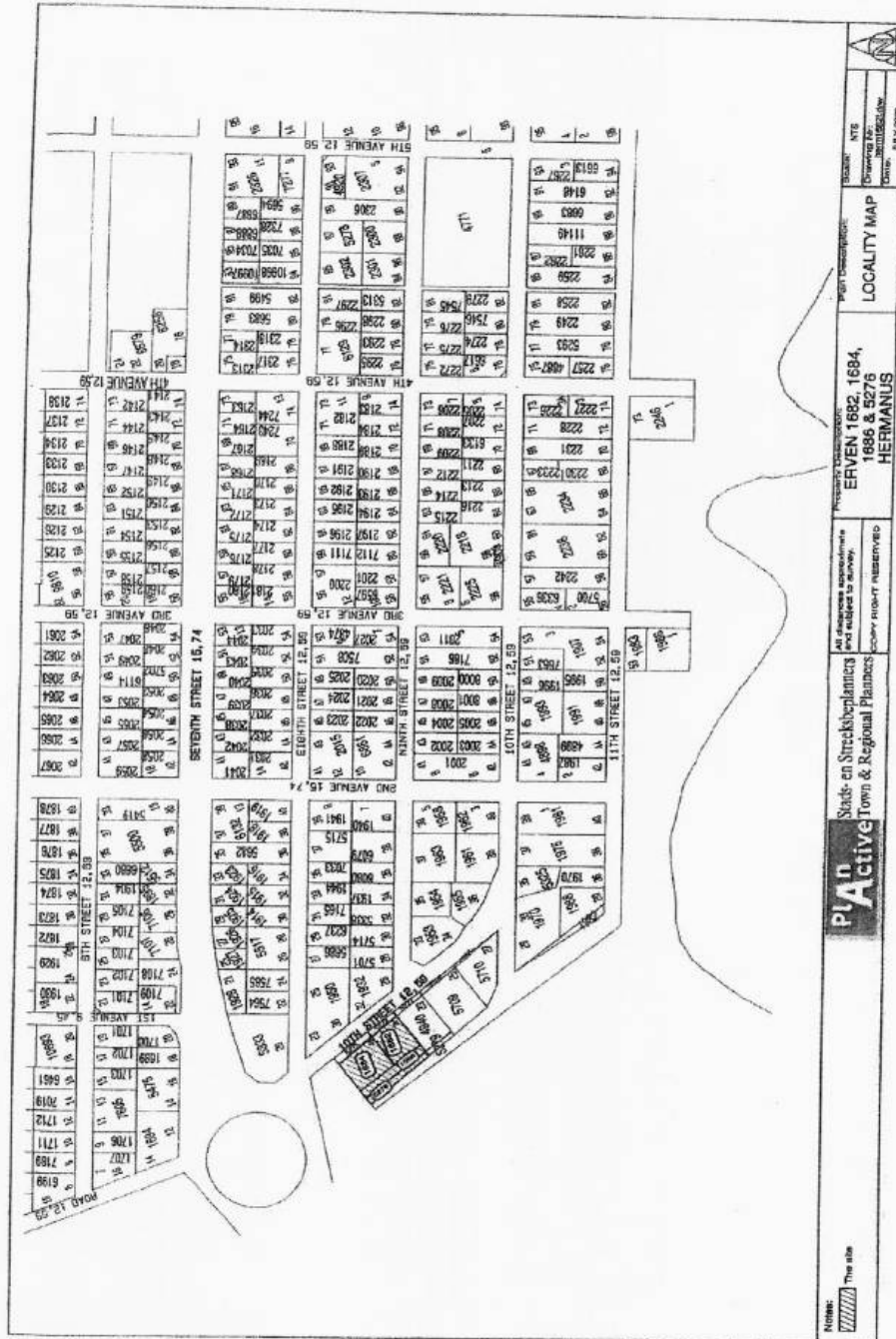
be approved in terms of the provisions of Section 61 of the By-Law;
5. that the recommendation in paragraphs 1. to 4. above be subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on Drawing No. *Herm1682s.drw* dated *July 2022*, the consolidation as indicated on Drawing No. *Herm1682c.drw* dated *July 2022* and the departures indicated on Plan dated *18 July 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 the conditions in the Services Report, be complied with;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

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

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The Overstrand Land Use Scheme Regulations have sufficient control measures when it comes to building line controls.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.
- ❖ The proposed erf sizes and shapes are in line with the character of the area.



PLAN Active Sticks on Strickshemplanterg
Town & Regional Planning

Project Description:
LOCALITY MAP
ERVEN 1682, 1684,
1686 & 5276
HERMANUS

Scale: NTS
Drawing No: 1001001010
Date: JULY 2022

All drawings are preliminary
and subject to survey.
COPY RIGHT RESERVED

Notes:
The site



NOTES:
 [Solid line] Newly consolidated property
 [Dashed line] Existing erf boundaries
Proposed consolidation:
 - Remainder erf 1684 of 821 m²
 - Remainder erf 1682 of 640 m²
 - Erf 5276 of 274 m²
 - Erf 1686 of 347 m²
 to create a newly consolidated property of 2082 m².
 Zoning: SR1
 *Refer to subdivision and site development plans

PLAN Active Stad- en Streeksplanners
 Town & Regional Planners

Project description:
**REMAINDER ERVEN 1682
 & 1684, ERVEN 5276
 & 1686 HERMANUS**

Project no: 1-200
 Drawing no: 1001
 Date: JULY 2022

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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, CONSOLIDATION, SUBDIVISION & DEPARTURE:
REMAINDER ERVEN 1682, 1684 & 1686 AND ERF 5276, VOELKLIP
(4203/2022)**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, 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 stormwater be allowed to discharge through proposed erven, Voelklip, unobstructed;
6. that refuse will be removed from sidewalks as per municipal arrangement;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

**18.ERF 6334, 15 SEVENTEENTH AVENUE, VOËLKLIP, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION:
MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF
OF E SWANEPOEL**

6334 HVK

P Roux

27 March 2023

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 22 August 2022 (final version received on 13 October 2023) from Messrs PlanActive Town- and Regional Planners in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the subdivision of Erf 6334, Eastcliff, Hermanus into two (2) portions namely Portion A approximately 447m² in extent and Portion B approximately 458m² in extent.

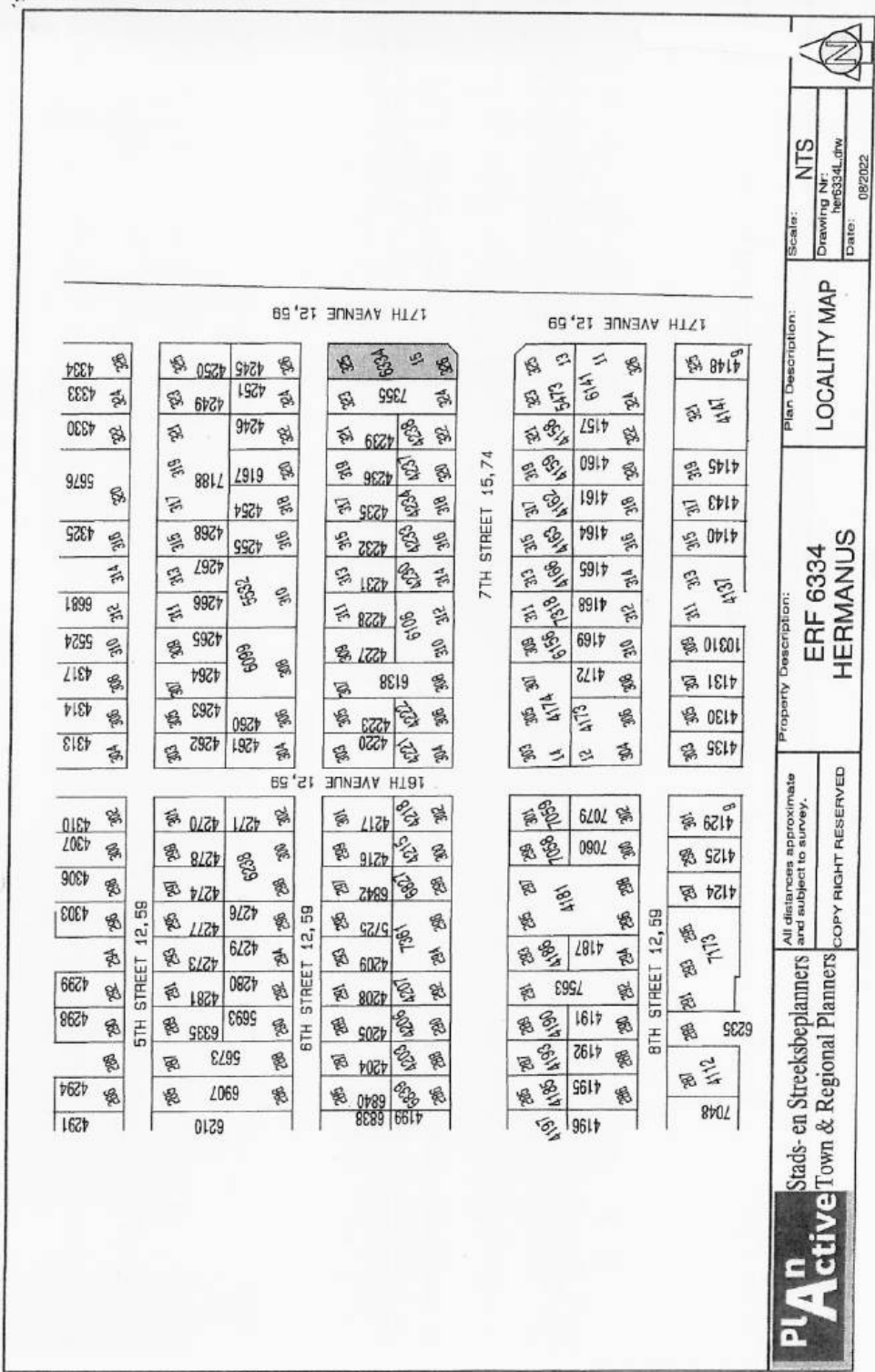
RESOLUTION

1. that the application for subdivision in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of Erf 6334, Voëlkliip, Hermanus into two (2) portions namely Portion A approximately 447m² in extent and Portion B approximately 458m² in extent, be approved in terms of the provisions of Section 61, subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on Subdivision erf her6334c.drw, as submitted with the application;
 - (b) that building plans be submitted for any new work done and that the building department and fire department's comment be complied with at that stage;
 - (c) that the conditions in the Services Report, be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

REASONS FOR RESOLUTION

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



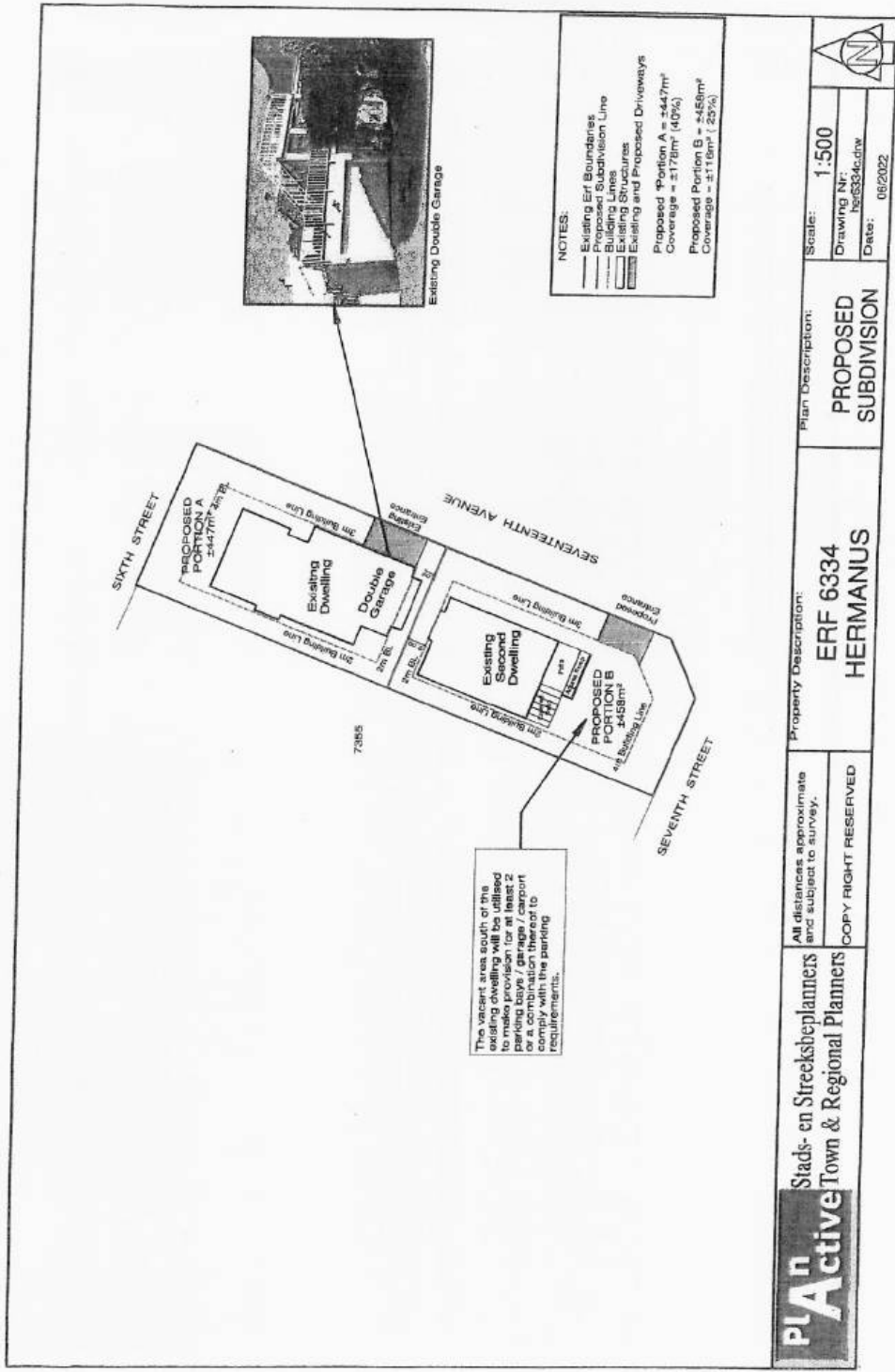
PIAn Active Stads-en Streeksbeplanners
Town & Regional Planners

Property Description: **ERF 6334 HERMANUS**

Plan Description: **LOCALITY MAP**

Scale: **NTS**
Drawing Nr: **her6334L.dwg**
Date: **08/2022**

All distances approximate and subject to survey.
COPY RIGHT RESERVED



NOTES:

- Existing Erf Boundaries
- - - Proposed Subdivision Line
- ▭ Building Footprints
- ▭ Existing Structures
- ▭ Existing and Proposed Driveways

Proposed Portion A = 2447m²
 Coverage = 2178m² (40%)

Proposed Portion B = 2458m²
 Coverage = 2116m² (25%)

The vacant area south of the existing dwelling will be utilized to make provision for at least 2 parking bays / garage / carport or a combination thereof to comply with the parking requirements.

	Stads- en Streekskeplanners Town & Regional Planners	Property Description: ERF 6334 HERMANUS	Plan Description: PROPOSED SUBDIVISION	Scale: 1:500 Drawing Nr: her6334skdw Date: 06/2022
	All distances approximate and subject to survey. COPY RIGHT RESERVED			

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION: ERF 6334, VOELKIP (4225/2022)**

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

Conditions:

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

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

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

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

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

The contribution according to the current policy (2022/2023) is as follows:

Freehold erven:

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

Note:

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

2

2. that any part of the existing water and sewer services on Erf 6334 that crosses the common boundary of Portion A and the Remainder of Erf 6334 shall be disconnected and sealed off;
3. that both the Remainder and Portion A of Erf 6334 must be serviced with individual and separate water connections, which must comply with the standards of the Department: Operational Services;
4. that the proposed Portion A and Remainder of Erf 6334 must each be serviced with individual and separate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services, and to which the sewer services of the individual erven must connect to;
5. that only a standard 60 Amp single phase electricity connection will be available per erf;
6. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
7. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
8. that any additional and / or extended vehicle entrances will be for the owner's account;
9. that stormwater be allowed to discharge through the proposed Erven, Voelklip, unobstructed.

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

08/02/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

**19.ERF 3651, 239 FIFTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: BOTHMA
ARCHITECTS ON BEHALF OF DE LA HARPE PROPERTIES (PTY) LTD**

3651 HVK

P Roux

29 March 2023

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 24 March 2023 from Messrs Bothma Architects on behalf of De LA Harpe Properties (Pty) Ltd in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 3651, Voëlklip, Hermanus in order to relax the western lateral building line from 2m to 2.1m to accommodate the proposed modern façade wall and alteration to the stoep's pillar.

RESOLUTION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 3651, Voëlklip, Hermanus, to relax the western lateral building line from 2m to 1.2m to accommodate the proposed modern façade wall and alteration to the stoep's pillar, be approved in terms of the provisions of Section 61 of the By-Law;
 - (a) that the approvals are for the development as indicated on Site Development Plan. Drawing No. HDH/LUM 1.1 – 1.7 dated 2023/03/21, 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 Departments be complied with at that stage;
 - (c) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (d) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

REASONS FOR RESOLUTION

- ❖ The proposed structures will have a minimal impact on the adjacent property owners.
- ❖ It is in line with policy documents.
- ❖ The proposed departures have no impact on the adjacent properties.
- ❖ The structures proposed are further considered to be in line with the character of the area.



N
 LOCALITY PLAN
 SCALE 1:10 000

NOTES:

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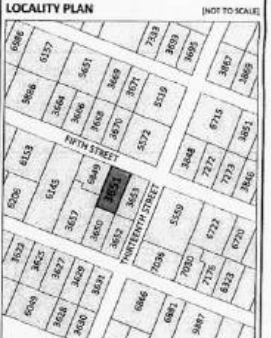
ALL RELEVANT RETRAIL LEVELS AND DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORK AND REVISIONS ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.

THE ARCHITECT ACCEPTS NO RESPONSIBILITY FOR ERRORS RESULTING FROM THE MIS-INTERPRETATION OF THE DRAWINGS.

ALL WORK TO BE CARRIED OUT STRICTLY IN ACCORDANCE WITH NATIONAL BUILDING REGULATIONS AND LOCAL AUTHORITY REGULATIONS.

ALL DIMENSIONS ARE GIVEN IN MILLIMETERS.

DO NOT SCALE THIS DRAWING.



ERF 3651, HERMANUS	238 97 STREET, VOERLIP	
ERF AREA	10 000 m ²	
ZONING	SP1	
RES. COVERAGE	40%	
COVERAGES		
MAX ALLOWED	50%	5 000 m ²
EXISTING	40%	4 000 m ²
NEW	10%	1 000 m ²
DEMOLISHED	0%	0 m ²
TOTAL	40%	4 000 m ²
TOTAL NEW BUILDING FOOTPRINT	113,76 m ²	4,1%
BULK		

REVISIONS:

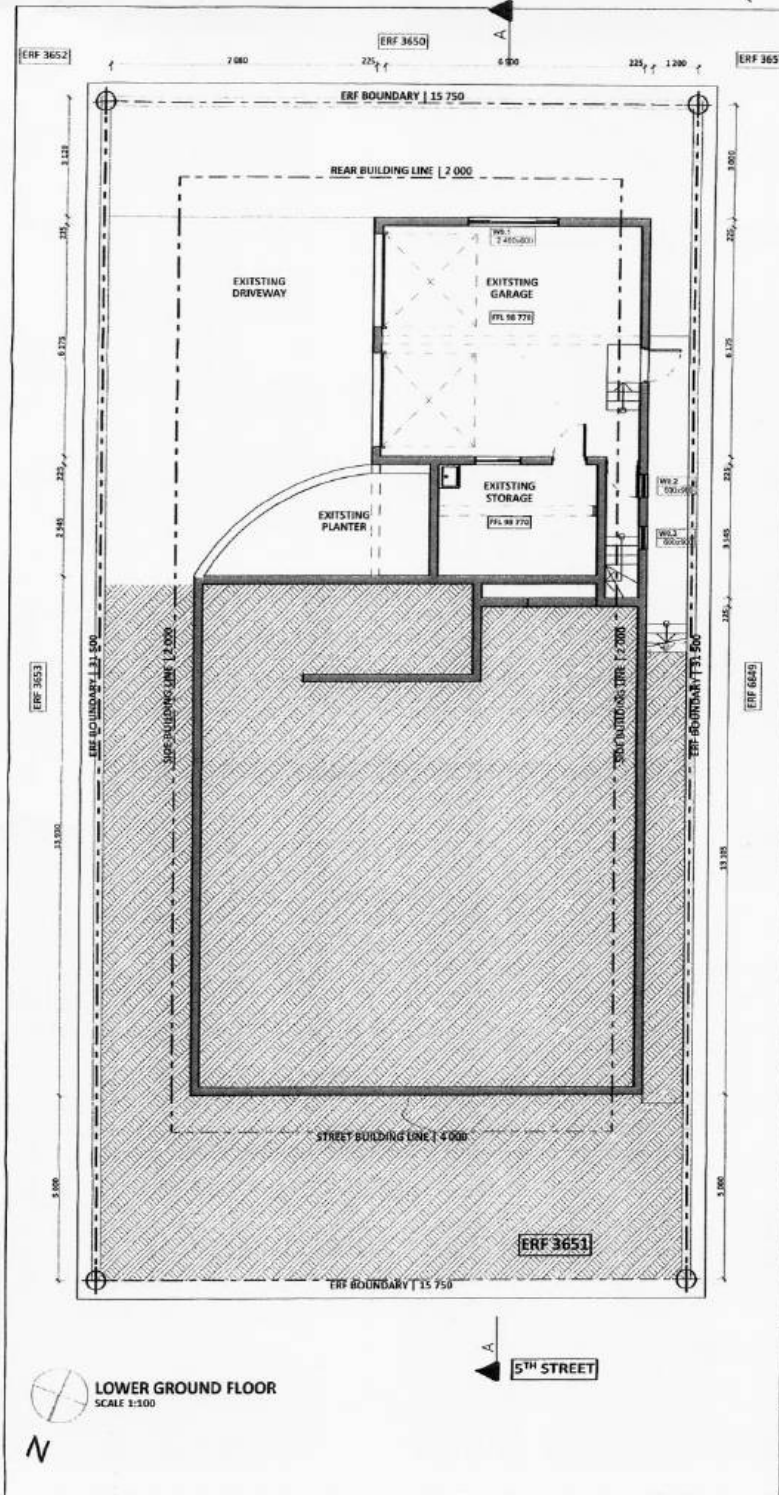
REV.	DATE	DESCRIPTION
1	2023/03/20	ISSUE FOR COUNCIL SUBMISSION

BOTHMA ARCHITECTS

SACAP R. Aves. 2478-0918 | Cell (1-27) 982 880 3623 | Cape Town

HOUSE DE LA HARPE

Project Name:	ALTERATIONS AND ADDITIONS
Location:	HERMANUS
Client:	H. DE LA HARPE
Drawing Title:	LOCALITY PLAN LOCALITY PLAN
Issue Type:	FOR MUNICIPAL APPROVAL
Project No:	HDH02
Scale:	1:10 000
Date:	2023/03/20
Author:	HDH/LUM
Version:	1.0



NOTES:

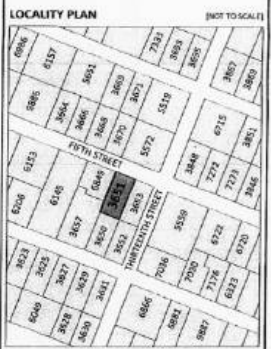
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THE ARCHITECT ACCEPTS NO RESPONSIBILITY FOR ERRORS RESULTING FROM THE MISREPRESENTATION OF THE DRAWINGS.

ALL WORK TO BE CARRIED OUT STRICTLY IN ACCORDANCE WITH NATIONAL BUILDING REGULATIONS AND LOCAL AUTHORITY REGULATIONS.

ALL DIMENSIONS ARE GIVEN IN MILLIMETRES.
 DO NOT SCALE THIS DRAWING.



ERF 3651, HERMANUS 299 6th STREET, VOELUXEP

ERF SIZE	950m ²
ZONING	RESIDENTIAL
COVERAGE	MAX ALLOWED: 50% (247,50m ²)
	EXISTING: 43,2% (213,76m ²)
	NEW: 0,00% (0,00m ²)
	CONTRIBUTED: 0,00% (0,00m ²)
	TOTAL: 43,2% (213,76m ²)
TOTAL NEW BUILDING FOOTPRINT:	213,76m ²
BLK:	43,2%

REVISIONS:

R/N	DATE	DESCRIPTION
0	2023/03/20	ISSUE FOR COUNCIL SUBMISSION

BOTHMA | ARCHITECTS

SACKP Pl. Arch. 2475 0618 | Cell (+27) 083 989 3033 | Cape Town

HOUSE DE LA HARPE

Project Ref: ALTERATIONS AND ADDITIONS

Address: HERMANUS

Client: H. DE LA HARPE

Drawing Ref: LOWER GROUND FLOOR
 LOWER GROUND LEVEL

Drawn By: FOR MUNICIPAL APPROVAL

DATE	BY	CHKD	APP'D
2023/03/21	HDH/02	HDH/LUM	1:1

LOWER GROUND FLOOR
 SCALE 1:100

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

**20.ERF 1794, STANHAVEN, STANFORD, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR AMENDMENT OF CONSTITUTION: R KING**

Erf 1794 SSS (4214/2022)

P Roux

(028) 313 8900

Hermanus Administration

10 March 2023

EXECUTIVE SUMMARY

An application has been received on 10 August 2022 from R King on behalf of The Stanhaven Homeowners Association (HOA) for an application in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to amend the constitution of the Stanhaven Homeowners Association.

RESOLUTION

1. that the application in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to amend the Stanhaven Home Owner's Association Constitution, be approved in terms of the provisions of Section 61 of the By-Law, subject that the final version of the constitution (signed by the trustees) be provided in hard copy and in digital format, for record keeping purposes, to the satisfaction of the Town and Spatial Planning Department;
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

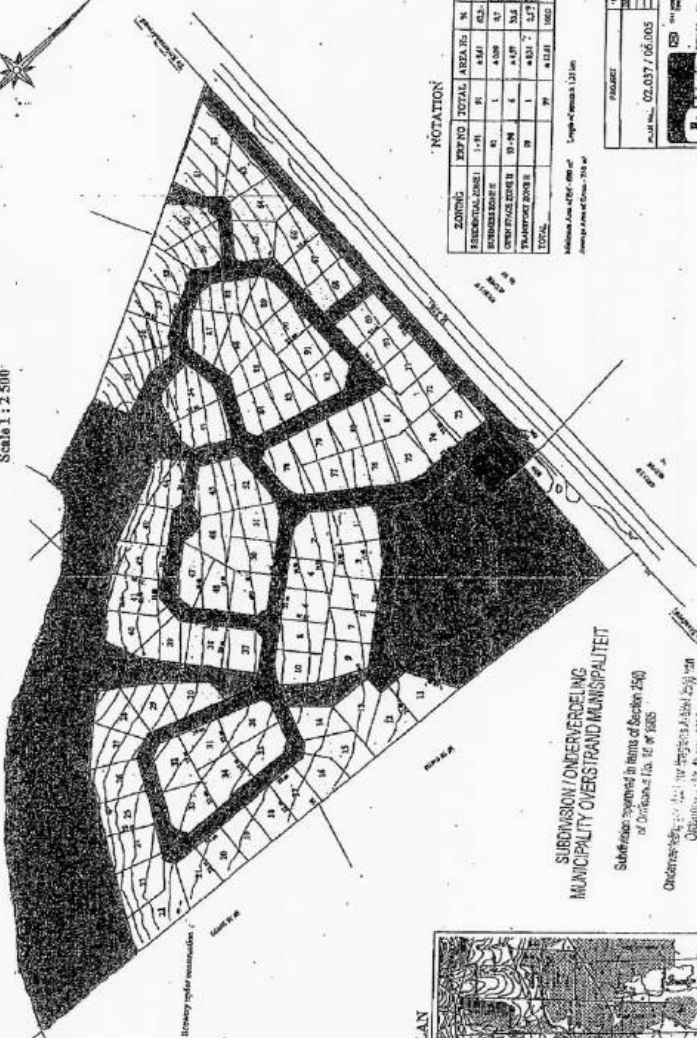
REASONS FOR RESOLUTION

- ❖ Minor changes are proposed to allow for clarity.
- ❖ The proposed changes were supported by the AGM in line with the relevant clauses in the constitution.

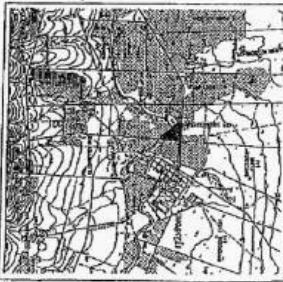
Sunrise Village

PROJECT SUNRISE
PROPOSED AMENDMENT OF EXISTING GENERAL
PLAN : ERF 1794 STANFORD

Scale 1 : 2 500



LOCALITY PLAN



NOTATION

ZONING	REF NO	TOTAL AREA (sq. m)	%
RESIDENTIAL (R1)	1-11	4 847	43.2
RESIDENTIAL (R2)	12	1	0.009
COMMERCIAL (C1)	13-14	4 437	39.4
INDUSTRIAL (I1)	15	1	0.009
TOTAL		11 286	100.0

Suburb Area (ERF 1794) of 11 286 sq. m
 Municipality Area of 27 600 sq. m

SUBURSIUM / ONDERVERGELING
MUNICIPALITEIT OORSTRAND / MUNICIPALITEIT

Suburbion goewermd in koms of Sektor 250
 of Oorstaan. d. 14. 10. 1982

Ondervergeling van die Suburbion met die
 Oorstaan. d. 14. 10. 1982

27.5.2004

DATE / DATUM

MUNICIPAL MANAGER
 ABU ISMAIL RESTUORER

PROJECT: _____
 DATE: 02.03.17/06.005
OVERPLAN
 1:2500
 1:5000
 1:10000

STANHAVEN

Stanhaven Homeowners Association
 Managing Agent: Villet Overstrand
 35 Barnard Street, Gansbaai. 7220
stanhaven@villetgroup.co.za

9th August 2022

Department: Town & Spatial Planning
 Directorate: Infrastructure & Planning
 Overstrand Municipality
 16 Paterson Street
 Hermanus
 7200

To whom it may concern

PROPOSED AMMENDMENTS TO THE STANHAVEN (FORMERLY SUNRISE VILLAGE) HOMEOWNERS ASSOCIATION CONSTITUTION.

Stanhaven is a residential estate on erf 1794 situated on the R326 one kilometre from the entrance to the village of Stanford.

It comprises 91 residential erven and one erf (2038) zoned Business 2. As at July 2022 all erven have been sold by the developer and approximately 48 properties have completed homes on them.

The Stanhaven Homeowners Association (HOA) is governed by a constitution which was drawn up and approved in 2008. It also has a set of General Rules and architectural/design guidelines.

The original constitution remains in force and effect but, over time, has lacked relevance in some minor ways. With over 50% of the properties now occupied the Trustees felt it appropriate that a review and updating of the constitution was undertaken.

The services of legal firm Bowmans were engaged to assist in this process and a draft constitution was tabled to all members of the HOA in June 2022.

This amendment is presented in terms of Clauses 17 and 18 of the Constitution. It received the unanimous support of all those who attended the AGM held on the 12th May 2022. A list of all attendees with signatures is also attached.

17. GENERAL

17.1 The Association shall take transfer of remainder of Erf 1794 Stanford simultaneously with the registration of the last erf in the development.

17.2 This Constitution shall come into force simultaneously with the first registration of an erf in the development known as Stanhaven

18. AMENDMENTS TO THE CONSTITUTION AND THE RULES

18.1 Notwithstanding anything contained herein to the contrary, any proposed amendment or addition to the Constitution shall, subject to Clause 17.3 hereunder, require the consent of 75% (seventy-five per centum) of the members of the Association, present at an Annual General or Special General Meeting.

This is attached and is submitted for the Overstrand Municipality approval in terms of Section 16 and Section 31 (5) of the Overstrand Municipality Amendment By-law on Land Use Planning.

The marked up version is attached with the original wording in black and the proposed amendments in red. Also attached is a brief contextual summary of the changes.

SUMMARY OF CHANGES

1. PRELIMINARY

Context setting covering the rationale for the redraft of the constitution

2. INTERPRETATION

Limited changes to definitions. No definition for *Architectural Guidelines* existed. This is now included.

3. PURPOSE- MAIN OBJECTS

Addition made to reinforce the interrelationship between the general rules and architectural guidelines.

4. HOME OWNERS ASSOCIATION – Membership

Minor additions and grammatical changes

5. DOMICILIUM

No comment

6. TRUSTEES OF THE ASSOCIATION

Removal of Clauses 6.2 and 6.3 referencing the developer as this stage has been passed.

Clauses 6.4 to 6.8.3 – minor changes

7. DISQUALIFICATION OF TRUSTEES

No comment

8. MEETING OF TRUSTEES

No comment

9. THE FUNCTIONS AND POWERS OF TRUSTEES

No comment

10. DUTIES OF TRUSTEES

10.2 Reinforcement of the point.

10.5 Levies: The previous wording was considered to be poorly written and potentially confusing. The clause is redrafted in its entirety.

10.6 to 10.10 and 10.11 to 10.13: Minor changes to reinforce various points.

10.14: Removal in its entirety. Considered unnecessary

10.15 to 10.23: Minor changes

11. MEETING OF OWNERS

Minor changes. Removal of reference to postal services

12. PROCEEDINGS AT GENERAL MEETINGS

Minor changes

13. VOTING AT GENERAL MEETINGS

Minor changes

14. DUTIES OF OWNERS

Minor changes

15. BREACH

This is a new clause as there was previously inadequate coverage for breach.

16. STATUS OF THE ASSOCIATION

Minor changes

17. GENERAL

No change

18. AMENDMENTS TO THE CONSTITUTION AND THE RULES

No change

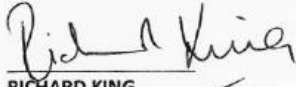
(previously) HOUSE RULES

Removed in their entirety. The Rules are adequately covered in the referenced General Rules and are not considered as being required in the constitution

19. ARCHITECTURAL GUIDELINES

Clause made more relevant

We trust this meets with your approval. Should you have any questions please direct them to the below-mentioned on richard.king@mweb.co.za



RICHARD KING

Chairman

Stanhaven Homeowner Association

Attachments

1. Previous constitution
2. Marked up version showing changes
3. Copy of Erf title deed
4. AGM 12th May 2022: Attendance register
5. Power of Attorney

**STANHAVEN
HOME OWNER'S ASSOCIATION CONSTITUTION**

1. PRELIMINARY

Certain clauses contained in Version 1 of the Constitution were considered obsolete in terms of relevance in managing common law matters, while other clauses contained ambiguity requiring redress. This has necessitated the review of the Constitution and the introduction of version two of the Stanhaven Constitution.

It is noted that common law applies to the Constitution and HOA members are by the nature of their membership required to abide within reasonable letter of the law to the Constitution

The rules contained herein shall not be added to, amended or repealed without the provision of Clause 17 being met: the written approval of the local authority.

Commented [RK1]: Clause 17 fully sets out conditions for amendment.

Commented [RK2]: Context providing rationale for a revised constitution.

2. INTERPRETATION

2.1 The following words shall, unless the context requires, have the meanings hereinafter assigned to them:

"accounting officer" – a person who, in terms of Section 60(2) of the Close Corporation Act, 1984, is qualified to perform the duties of an accounting officer;

"auditor" – an auditor qualified to act as such under the Public Accountants and Auditors Act, 1951 (Act No. 51 of 1951);

"association" – Stanhaven Home Owner's Association;

"chairperson" – the Chairman (Chairperson) of the Trustee Committee;

Architectural Guidelines: Defined as the restrictive Stanhaven building guidelines so approved by the local authority and to which HOA members are guided to building compliance through this common law constitution. Previously known as the Design and Landscape Guidelines (DLG)

Commented [RK3]: Change Chairman to neutral Chair person

Commented [RK4]: Definition of Architectural guidelines not previously included.

"Common area" means the roads, paved and common areas within Stanhaven, including all services thereon that do not form part of the privately owned erven.

"development" – the Unit Erven and the ~~Private common Area~~ within the Estate;

"developer" – Smokey Mountain Trading 464 (Pty) Ltd No 2005/032638/07;

"local authority" – the Overstrand Municipality, or any other local authority established or to be established to succeed in whole or in part such authority in exercising control over the local area of which the Development forms part;

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Commented [RK5]: No longer applicable. The Developer is no longer involved.

"ordinance" – the Land Use Planning Ordinance (Ordinance 15 of 1985), as amended from time to time, as well as any regulations in force there under;

"member" – every registered owner of an erf. If a member consists of more than one person, such persons shall be jointly and severally liable *in solidum* for all obligations of a member in terms of this constitution;

"month" – calendar month;

"office" – the registered office of the Association, being the address of the Chairman for the time being of the Trustee Committee;

"original erf" – Erf 1794 Stanford, in the Overstrand Municipality, Division of Caledon, Western Cape Province;

"registered owner" – the registered owner of a Unit Erf;

"rules" these shall be the General Rules which are amended, approved and recorded from time to time by the majority of Homeowners present at an AGM/SGM and incorporated as an addendum to the constitution and to be read and enacted in conjunction to this constitution and common law

Commented [RK6]: A clearer definition of the "rules" as being the General rules which is a separate document on the website. I

Commented [RK7]: Clearer definition

"trustee" – an elected Member of the Trustee Committee;

"trustee committee" – the Board of Trustees of the Association;

"unit erven" – the residential erven as resulted resulting from the subdivision of Erf 1794 Stanford;

"year" – calendar year.

Commented [RK8]: Previous definition now amended

"rules" these shall be the General Rules which are amended, approved and recorded from time to time by the majority of Homeowners present at an AGM/SGM.

rules: the rules as set out in the relevant rules clauses in this Constitution as well as the General Rules as established, approved and amended from time to time by the HOA and incorporated as an addendum to the constitution and to be read and enacted in conjunction to this constitution and common law

Commented [RK9]: Included above under the definition of the rules.

2.1 Unless the context otherwise requires, any words importing the singular number only shall include the plural number, and vice versa, and words importing any one gender shall include the all other genders. ~~A reference to natural persons includes legal entities and vice versa.~~

Commented [RK10]: More contemporary wording

2.2 Words and expressions to which a meaning *has been assigned in any Act, whether of Parliament or Provincial; any applicable regulation and/or municipal by-law*, in the Ordinance shall bear the meaning so assigned to them; ~~has been assigned~~

Commented [RK11]: Wording in italics advised by Overstrand Legal dept.

**3. PURPOSE
MAIN OBJECTS**

In accordance with the provisions of Section 29 of the Ordinance, the main objects of the Association are:

3.1 the care, maintenance, upkeep and control of the Private Area, control over the design and maintenance of buildings and other improvements or services both erected or installed on Unit Erven and on the Private Area and the promotion, advancement and protection of the communal and group interests of the Members ~~generally, while ensuring good governance and compliance to the rules of the Constitution, as well as compliance to the General Rules introduced as an addendum to the Constitution. (To be read in conjunction with the General Rules and Design, Landscape Architectural Guidelines.)~~

Commented [RK12]: Reinforce the point that they are interrelated

Commented [RK13]: Changed from Design, Landscape to Architectural Guidelines

3.2 without limiting the generality of the afore going:

3.2.1 the maintenance and repairs to the Private Area shall be the sole responsibility of the Association;

3.2.2 all maintenance, servicing and repairs to the storm-water, water supply piping, main electrical reticulation, main sewer reticulation and roads shall be the responsibility of the Association.

4. HOME OWNERS ASSOCIATION MEMBERSHIP

4.1 Membership of the Association shall be compulsory for every registered owner of a Unit Erf and the purchaser of a Unit Erf will become a Member on registration of transfer of the Unit Erf purchased in his name. All Members of the Association shall ~~be~~ in terms of Section 29(2)(c) of the Ordinance, jointly liable for expenditure in connection with the Association ~~and are legally bound in this respect in terms of all HOA approved levies~~

Commented [RK14]: Clearer definition

Commented [RK15]: Grammar and removal of reference to the Ordinance which has been repealed

Commented [RK16]: Reinforce the point.

4.2 Similarly Membership of the Association shall be limited to the registered owners of the Unit Erven provided that where any such owner is more than one person, all the registered owners of that erf shall be deemed jointly and severally to be one Member of the Association ~~and accordingly, so~~ subject to the rules of ~~clause 4.1 above~~.

Commented [RK17]: Better grammar

4.3 A Member shall not be entitled to sell or transfer a Unit Erf without the prior written consent of the Association, which consent may only be withheld for the reasons described in ~~clauses 4.5.1, 4.5.2 and 4.5.2-3 below~~, provided however that this clause will not apply ~~to the Developer who may without~~ such consent sell or transfer any Unit Erf.

Commented [RK18]: The word Clases to be used in the constitution and the word rules to be used in the General Rules

Commented [RK19]: Remove reference to developer

4.4 To comply with paragraph 4.3 any Member, except the Developer, who wishes to sell his Unit Erf to a purchaser ("transferee") must in writing apply in a form as prescribed from time to time by the Association for consent by the Association to the sale of his Unit Erf. The aforesaid application must *inter alia* contain a full description of the identity and nature of the Purchaser and in the event that the Purchaser is a legal person or Trust any other particulars that the Association may require in respect of the ~~associated members pertaining to of the Purchaser in this regard.~~

Commented [RK20]: Improved grammar

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4.5 The Association will grant its consent referred to in paragraph 4.3 if:

4.5.1 the transferee has in writing applied to become a Member of the Association, has in writing agreed to abide by the terms of this Constitution and has in writing agreed that transfer of a Unit Erf into his name, will ipso facto constitute him as a Member of the Association; and

4.5.2 The Member who wishes to pass transfer has paid to the Association all amounts due or that which may become due and owing to the Association by him, prior to the expected transfer date.

~~4.5.3 The Member who wishes to pass transfer has complied with the requirements of the Architectural Guidelines.~~

Commented [RK21]: A new requirement being that the house must comply with the Architectural guidelines.

4.6 Should the Association provide its consent, registration of transfer will *ipso facto* constitute the transferee as a Member of the Association.

4.7 Notwithstanding anything to the contrary in these presents any person who becomes a Registered Owner of a Unit Erf without paragraph 4.5.1 to 4.5.2 having been complied with will from date of registration of transfer of

the Unit Erf in his name be accepted by the Association as a Member and be bound by the constitution, General Rules and Design Landscape Architectural Guidelines.

Commented [RK22]: Simply reinforcing this

4.8 The registered Owner of a Unit Erf will remain a member of the association while a registered owner and may not resign as a Member of the Association.

5. DOMICILIUM CITANDI ET EXECUTANDI

5.1 The trustees shall from time to time determine the address constituting the *domicilium citandi et executandi* of the registered owners. This will include email addresses for correspondence purposes.

Commented [RK23]: Email vs post mail

6. TRUSTEES OF THE ASSOCIATION

6.1 The number of trustees shall be determined from time to time by the members of the Association in a general meeting, provided that there shall be no less than two trustees.

~~6.2 With effect from the date of the establishment of the Association, all owners~~

~~6.3 The chairman of the trustees referred to in rule 6.2 shall be the developer concerned or his nominee, who shall hold office until the general meeting referred to in the said rule, when he shall retire as a trustee and as a chairman, but shall be eligible for re-election in terms of rule 6.6.~~

Commented [RK24]: The stage has been passed and is considered irrelevant and is therefore removed.

Commented [RK25RK24]:

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Election of Trustees

6.4 ~~Save for the provisions of clause 6.2~~ The trustees shall be elected at the first annual general meeting and thereafter at each subsequent annual general meeting and shall hold office until the next succeeding annual general meeting, but they shall be eligible for re-election if so nominated.

Commented [RK26]: Reference no longer applicable.

Vacancy in Number of Trustees

6.6 The trustees may fill any vacancy in their number. Any trustee so appointed shall hold office until the next annual general meeting

Validity of Acts of Trustees

6.7 Any act performed by the trustees shall, notwithstanding that it is after the performance of the act discovered that there was some defect in the appointment or continuance in office of any trustee, be as valid as if such trustee had been duly appointed or had duly continued in office.

Indemnity

6.8.1 (a) Subject to the provisions of sub-clause (b), every trustee, agent or other officer or servant of the Association shall be indemnified by the Association against all costs, losses, expenses and claims which he may incur or become liable to by reason of any act done by him in the discharge of his duties, unless such costs, losses, expenses or claims are caused by the *mala fide* or grossly negligent act or omission of such person.

Commented [RK27]: Rule changed to clause

6.8.2 The indemnity referred to in sub-rule (a) shall not apply in favour of any managing agent appointed in terms of rule 9.2.

~~shall be trustees who shall hold office until the first general meeting of the members of the he has appointed one, where such an alternate is in the Republic. (b) It shall be the duty of the trustee to pay such indemnity out of the funds of the Association~~

Commented [RK28]: Reference to the first general meeting no longer relevant

6.8.3 The Association shall procure the appropriate liability insurance for protection of the trustees.

Commented [RK29]: Restatement of the procurement of insurance.

7. DISQUALIFICATION OF TRUSTEES

Removal from Office

7.1 A Trustee shall cease to hold office as such –

(a) if by notice in writing to the Association, he resigns his office;

(b) if he is or becomes of unsound mind;

- (c) if he surrenders his estate as insolvent, or if his estate is sequestered;
- (d) if he is convicted of an offence which involves dishonesty;
- (e) if by resolution of, as a general meeting of the Association, he is removed from his office, provided that the intention to vote upon the removal from office has been specified in the notice convening the meeting;
- (f) if he is or becomes disqualified in terms of section 218 or 219 of the Companies Act, 1973, from being appointed or acting as a director or as a company.

Replacement

7.2 The Association may, at a general meeting, appoint another trustee in the place of any trustee who has ceased to hold office in terms of clause 7.1 for the unexpired part of the term of office of the trustee so replaced

8. MEETING OF TRUSTEES

QUORUM: CHAIRMAN: VOTING

When to be held and notice

8.1 Subject to the provisions of clause 8.2 below, the trustees may give notice convening meetings, meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit. It shall not be necessary to give notice of a meeting of trustees to any trustee for the time being absent from the Republic, but notice of any such meeting shall be given to his alternate, if he has appointed one, where such an alternate is in the Republic.

8.2 A trustee may at any time convene a meeting of the trustees by giving to the other trustees not less than seven days' written notice of a meeting proposed by him, which notice shall specify the reason for calling such a meeting – provided that in cases of urgency such shorter notice is reasonable in the circumstances may be given.

Quorum

8.3 At a meeting of the trustees, 50 percent of the number of trustees, but not less than two, shall form a quorum.

8.4 If the number of trustees falls below the number necessary to form a quorum, the remaining trustee or trustees may continue to act, but only for the purpose of appointing or co-opting additional trustees to make up a quorum or for the purpose of convening a general meeting of owners.

8.5 If at any meeting of trustees a quorum is not present within thirty minutes of the appointed time of the meeting, the meeting shall stand adjourned to the next business day at the same time, and the trustees then present, who shall not be less than two, shall form a quorum.

Chairman ~~Chairperson~~

8.6 At the commencement of the first meeting of trustees after an annual general meeting at which trustees have been elected, the trustees shall elect a chairman from among their number who shall hold office as such until the end of the next annual general meeting of the members of the Association and who shall have a casting, as well as a deliberative, vote, save where there are only two trustees.

8.7 The trustees at a trustees meeting, or the Association at a special meeting, in respect of 6.8.2 either of which notice of the intended removal from office of the chairperson has been given, may remove the chairperson from his or her office.

8.8 If any chairman elected in terms of clause 8.6 vacates his office as chairman or no longer continues in office by virtue of the provisions in clause 8.7, the trustees shall elect another chairman who shall hold office as such for the remainder of the period of office of the first-mentioned chairman, and who shall have the same rights of voting.

Commented [RK30]: More contemporary

8.9 If any chairman vacates the chair during the course of a meeting or is not present or is for any other reason unable to preside at any meeting, the trustees present at such meeting shall choose another chairman for such meeting who shall have the same rights of voting as the chairman.

Voting

8.10 All matters at any meeting of the trustees shall be determined by a majority of the votes of the trustees present and voting.

8.11 A trustee shall be disqualified from voting in respect of any contract, or any litigation or proposed litigations, with the Association, by virtue of any interest he may have therein.

8.12 As a resolution in writing signed by all the trustees for the time being present in the Republic and being not less than are sufficient to form as a quorum, shall be as valid and effective as if it had been passed as at a meeting of the trustees duly convened and held.

9. THE FUNCTIONS AND POWERS AND DUTIES OF TRUSTEES

General

9.1 The duties, functions and powers of the Association shall, subject to the provisions of the Ordinance and this constitution, and subject to any restriction imposed or direction given at a general meeting of the owners of sections, be performed or exercised by the trustees of the Association holding office in terms of this constitution.

Powers

9.2 Subject to any restriction imposed or direction given at a general meeting of the Association, the powers of the trustees shall include the following:

- (a) To appoint for and on behalf of the Association such agents and employees as they deem fit in connection with –
 - (i) the control, management and maintenance of any building, private erven and amenities arising from the subdivision of Erf 1794 Stanford and
 - (ii) the exercise and performance of any or all the powers and duties of the Association;

- (a) to delegate to one or more of the trustees such of their powers and duties as they deem fit, and at any time to revoke such delegation

Contracts and Regulations

9.3 The Trustee Committee may from time to time:

- (a) make regulations governing *inter alia* the Member's rights of use, occupation and enjoyment of the Private Area;

- (b) each Member undertakes to the Association that he will comply with:

- the provisions of this Constitution;
- any regulations made in terms of clause 9.3(a).

9.4 The trustees may not make loans on behalf of the Association to owners of units or to themselves.

Signing of Instruments

9.5 No document signed on behalf of the Association shall be valid and binding unless it is signed by a trustee and the managing agent, if applicable, or by two trustees.

10. DUTIES OF TRUSTEES

Statutory and General Duties

10.1 Without detracting from the scope of the additional duties specified in clauses 10.3 to 10.23 inclusive, and subject to the provisions of such clauses, the trustees shall perform the functions

Commented [RK31]: SECTION 10 refers to DUTIES OF TRUSTEES.

Commented [RK32]: Reinforcing the point. Removed word duties and inserted functions. Duties are covered in Clause 10

entrusted to the Association in terms of section 29 of Ordinance 15 of 1985 and in this constitution and described under the clause heading "Main Objects".

10.2 The trustees shall do all things reasonably necessary for the good governance and enforcement of the approved HOA General Rules (and as amended from time to time) which are in force. This includes the determination and imposition of fines and/or penalties in respect of transgressions of any of the regulations or rules or obtaining legal recourse at the cost of the unit owner as the case may be.

Commented [RK33]: Reinforcement of the point.

Commented [RK34]:

Insurance

10.3 (a) At the first meeting of the trustees or so soon thereafter as is possible and annually thereafter, the trustees shall take steps to insure any buildings and improvements to the private area, to the full replacement value thereof against –

- (i) fire, lightning and explosion;
- (ii) riot, civil commotion, strikes, lock-outs, labour disturbances or malicious persons acting on behalf of or in connection with any political organization;
- (iii) storm, tempest and flood;
- (iv) earthquake;
- (v) such other perils or dangers as the trustees or any owner may deem appropriate.

10.4 At the first meeting of the trustees or as soon thereafter as is possible, the trustees shall take all reasonable steps –

(a) to insure the owners and the trustees and to keep them insured against liability in respect of:

- (i) death, bodily injury or illness, and
- (ii) loss of or damage to common property,

occurring in connection with the private area for a sum of liability which the trustees deem sufficient, which sum may be increased from time to time as directed by the owners in general meeting; and

(b) to procure to the extent, if any, as determined by the owners in a general meeting, a fidelity guarantee in terms of which shall be refunded any loss of moneys belonging to the Association or for which it is responsible, sustained as a result of any act of fraud or dishonesty committed by any insured person being any person in the service of the Association and all trustees and persons acting in the capacity of managing agents of the Association.

Commented [RK35]: amplify

Levies

10.5 The Trustee Committee shall from time to time charge levies upon the Members for the purpose of meeting all the expenses which the Association has incurred, or to which the Trustee Committee reasonably anticipates the Association will be put by way of maintenance, repair, improvement and keeping in order and condition of the Private Area, access roads over adjoining land, conduits, pipelines and other areas and structures on adjoining land which is also used by the Association and/or for payment of all rates and other charges payable by the Association in respect of the Private Area and/or, if applicable, for the payment of electricity consumed by street lighting

and other lighting on the Private Area and any other electricity consumed or used on the Private Area and/or for the services rendered to it and/or for payment of all lighting expenses necessary or reasonably incurred in connection with the management of the Association, the Private Area and the Association's affairs. In calculating levies the Trustee Committee shall take into account income, if any, earned by the Association rendered to it and/or for payment of all expenses necessary or reasonably incurred in connection with the management of the Association, the Private Area and the Association's affairs. In calculating levies the Trustee Committee shall take into account income, if any, earned by the Association. The trustees may from time to time, when necessary, make special levies upon the owners or call upon them to make special contributions in respect of all such

Commented [RK36]: CLAUSE 10.5 was considered wordy and poorly written. This is an attempt to make it clearer:

The trustees shall from time to time charge levies upon the members for the purpose of meeting all the expenses which the Association has incurred OR to which the trustees will be required to meet by way of:

- (i) The maintenance, repair or improvement and
 - (ii) Keeping in good order and condition the:
 - a. Private Areas (including Stanhaven common and verges, paths and walkways)
 - b. Access roads and roads over adjoining land
 - c. Conduits, pipelines, utility infrastructure
 - d. Other areas
 - e. Other structures (including fences and buildings)
- On erf 1794 and adjoining land which is used by the Association in respect of private Areas.
- (iii) The payment of all property rates and taxes and other utility charges consumed by the estate
 - (iv) The services rendered to it and/or for the payment of all expenses necessary or reasonably incurred in connection with the management of the Association, Private Areas and the Association's affairs.
 - (v) In calculating the levies the trustees shall take into account income (if any) earned by the Association. The trustees may, from time to time, solely at their discretion make special levies upon the owners or call upon them to make certain other and specific payments.

expenses as are mentioned in clause 10.5 above and such levies and contributions may be made payable in one sum or by such instalments and at such time or times as the trustees shall think fit. ~~CLAUSE 10.5 was considered wordy and poorly written. This is an attempt to make it clearer:~~

10.5 The trustees shall from time to time charge levies upon the members for the purpose of meeting all the expenses which the Association has incurred OR to which the trustees deem fit:

- (i) The maintenance, repair or improvement and
 - (ii) Keeping in good order and condition the:
 - a. Common Areas (including Stanhaven common and verges, paths and walkways)
 - b. Access roads and roads over adjoining land, conduits, pipelines, utility infrastructure
 - c. Other areas
 - d. Other structures (including fences and buildings) on erf 1794 and adjoining land which is used by the Association in respect of private Areas.
 - e. The payment of all property rates and taxes and other utility charges consumed by the estate
 - f. The services rendered to it and/or for the payment of all expenses necessarily or reasonably incurred in connection with the management of the Association, Private Areas and the Associations affairs.
- ~~e.g. in calculating the levies the trustees shall take into account income (if any) earned by the Association. The trustees may from time to time, solely at their discretion propose special levies upon the owners or call upon them to make certain other and specific payments to cover the associations expenses as these occur such as for special projects~~

10.6 The trustees, together with the Managing Agent shall determine the estimate of annual income and expenditure and at every annual general meeting the Association shall approve, with or without amendment (i) the estimate of income and expenditure referred to in clause 10.5 and (ii) shall approve the amount estimated to be required to be levied upon the owners during the ensuing financial year.

10.7 Within fourteen days after each annual general meeting the trustees shall advise each owner in writing of the amount payable by him or her in respect of the estimate referred to in clause 10.5, whereupon such amount shall become payable in instalments, as determined by the trustees.

10.8 The trustees may from time to time, when necessary, make special levies upon the owners or call upon them to make special contributions in respect of all such expenses as are mentioned in rule 10.5 above and such levies and contributions may be made payable in one sum or by such instalments and at such time or times as the trustees shall think fit.

10.9 An owner shall be liable for and pay all legal costs, including costs as between attorney and client, collection commission, expenses and charges incurred by the Association in obtaining the recovery of arrear levies, or any other arrear amounts due and owing by such owners to the Association or in enforcing compliance with these rules, the conduct rules or obligations of the Association as defined in section 29 of the Ordinance.

Record of Rules and their Availability

10.10 The trustees shall keep a complete record of all ~~clauses and rules~~ in force from time to time, such as the General Rules, Contractor Guidelines and Refuse Guidelines etc. For the avoidance of doubt these shall be known as the General Rules as amended, approved and recorded from time to time.

10.11 The trustees shall on the application of –

Commented [RK37]: Clauses refer to the constitution and rules refer to the General Rules.

Formatted: Highlight

Commented [RK38]: Removed reference to clauses and left it only as Rules.

- (a) an owner of an erf;
 - (b) an occupant of an erf;
 - (c) the prospective purchaser of an erf;
 - (d) the holder of any registered mortgage bond;
 - (e) the managing agent, and
 - (f) the auditor or the accounting officer,
- supply to any such person a copy of all rules in force, and may require them to pay a reasonable charge there for.

Minutes

10.12 The trustees shall –

- (a) keep minutes of their proceedings;
- (b) cause minutes to be kept of all meetings of the Association in a minute book of the Association kept for the purpose;
- (c) include in the minute book of the Association a record of every unanimous resolution, special resolution and any other resolution of the Association.

10.13 The trustees shall keep all minute books in perpetuity.

~~10.14 On the written application of any owner or registered mortgagee of a unit, the trustees shall make all minutes of their proceedings and the minutes of the Association available for inspection by such owner and mortgagee.~~

Commented [RK39]: Do not believe it is necessary

Books of Account and Records

10.15 The trustees shall cause proper books of account and records to be kept so as fairly to explain the transactions and financial position of the Association, including –

- a. a record of the assets and liabilities of the Association;
- b. a record of all sums of money received and expended by the Association and the matters in respect of which such receipt and expenditure occur
- c. a register of owners of erven and of all other persons having real rights in such units (insofar as written notice shall have been given to the trustee by such owners or other persons) showing in each case their addresses; and
- d. individual ledger accounts in respect of each owner.

10.16 On the application of any owner or of the managing agent, the trustees shall make all or any of the books of account and records available for inspection by such owner or managing agent.

10.17 The trustees shall cause all books of account and records to be retained for a period of six years after completion of the transactions.

Annual Financial Estimate, Financial Statement and Report

10.18 Before every annual general meeting, the trustees shall cause to be prepared an itemized estimate of the anticipated income and expenses of the Association during the ensuing financial year, which estimate shall be laid before the annual general meeting for consideration in terms of clause 12.2 hereof.

10.19 The estimate of expenses referred to in rule 10.18 shall include a reasonable provision for contingencies.

10.20 The trustees shall cause to be prepared a financial statement in conformity with generally accepted accounting practice, which statement shall fairly present the state of affairs of the Association and its finances and transactions as at the end of the financial year concerned

10.21 The trustees shall cause copies of the schedules, estimate and audited statement referred to in clauses 10.18 and 10.20 to be delivered to each owner, and to any mortgagee which has advised the

Commented [RK40]: Emphasis only

Association of its interest, at least fourteen days before the date of the annual general meeting at which they are to be considered.

10.22 Delivery under the last preceding sub-rule shall be deemed to have been effected if the documents referred to are sent by prepaid ~~post~~ email addressed to the owner at his *domicilium* referred to in clause 5, and to any mortgagee as aforesaid at the address of such mortgagee as reflected in the records of the Association.

Commented [RK41]: Post mail no longer appropriate. Changed to email

Deposits and Investment of Funds

10.23 The trustees shall cause all monies received by the Association to be deposited to the credit of an account or accounts with a registered commercial bank or building society in the name of the Association and, subject to any direction given or restriction imposed at a general meeting of the Association, such monies shall only be withdrawn for the purpose of payment of the expenses of the Association or investment.

Commented [RK42]: Clarification.

11. MEETING OF OWNERS

SCHEDULING OF GENERAL MEETINGS

When to be Held

11.1 The first meeting of owners shall be held within ~~sixty days of the establishment of the Association, at least seven days' notice of which shall be given in writing, and which notice shall be accompanied by a copy of the agenda of such meeting and details of the items referred to in rule 11.2. An annual general meeting shall be held within four months before the end of each financial year.~~

Commented [RK43]: No longer applicable as the Association has been in effect for over 14 years. DELETE/Remove

11.2 The agenda for the meeting convened under rule 11.1 shall comprise at least the following:

(i) the consideration, confirmation or variation of the insurances in effect by the Association effected by the developer or the Association;

Commented [RK44]: Remove reference to the developer

~~I. (a) the consideration, confirmation or variation of an itemized estimate of the anticipated income~~ and expenses of the Association for the ensuing financial year;

Commented [RK45]: Emphasis only.

II. the consideration and approval, with or without amendment, of the financial statements relating to the management, control and administration of the Common buildings from date of establishment of the Association to the transactions as at the end of the financial year concerned.

Commented [RK46]: Change of Public to Common buildings.

~~(iii) the consideration and approval, with or without amendment, of the financial statements relating to the management, control and administration of the buildings from date of establishment of the Association to the~~

Commented [RK47]: Emphasis only

~~(iv) the taking of cession of such contracts relating to the management, control and administration of the buildings as may have been entered into by the developer for the continual management, control and administration of the building and the common property and in respect of which the developer shall be obliged to submit such contracts to the meeting;~~

Commented [RK48]: grammar

(v) the appointment of an accounting officer;

Commented [RK49]: Grammar

(vi) the election of trustees; and

(vii) determination of the *domicilium citandi et executandi* of the Association.

11.3 An annual general meeting shall be held within four months before the end of each financial year.

11.4 Unless otherwise decided at a general meeting or by the trustees, the financial year of the Association shall run from the first day of March of each year to the last day of February of the following year.

11.5 The trustees may, whenever they think fit, and shall upon a request in writing made by a minimum of 25% of the owners, convene a special general meeting. If the trustees fail to call a meeting so requested within fourteen days of the request, the owners shall be entitled themselves to call the meeting.

Notice of General Meetings

11.6 Unless otherwise provided for in the Act, at least fourteen days' notice of every general meeting specifying the place as determined by special resolution of members of the Association, the date and the hour scheduled time of the meeting and, in the case of special business, the general nature of such business, shall be given –

Commented [RK50]: Change hour to scheduled time

(a) to all owners; and

(b) to all holders of registered mortgage bonds over units who have advised the Association of their interests.

11.7 The holders of registered mortgage bonds shall have the right to attend the meeting herein referred to and to speak at such meetings, but shall not be entitled to vote thereat.

11.8 The notice referred to in clause 11.6 shall be deemed to have been sufficiently given and delivered if delivered or sent by email to the registered owner's email address on record. It is the responsibility of the owner to ensure his/her email on record is current.

Commented [RK51]: Remove postal and change to email.

11.9 The notice referred to in clause 11.6 shall be accompanied by the documents referred to in clause 10.21, except in the case of a special general meeting.

11.10 Inadvertent omission to give the notice referred to in rule 11.6 to any person entitled to such notice or the non-receipt of such notice by such person shall, save in the case of the persons contemplated in rule 11.6(b) not invalidate any proceedings at any such meeting.

11.11 A general meeting of the Association may be called on shorter notice than that specified in rule 11.6, provided it is so agreed by all persons entitled to attend.

11.12 A special general meeting for the purposes of passing a unanimous or special resolution may be convened for a date 30 days or less after notice has been given to all the members of the Association if, in the opinion of the trustees, it is necessary due to the urgency of a matter or due to the specific nature of a matter to convene the meeting with such shorter period of notice.

12. PROCEEDINGS AT GENERAL MEETINGS

Ordinary and Special Business

12.1 All business at any general meeting other than business referred to in clause 12.2(a); (b); (c) and (d) shall be deemed special business.

Commented [RK52]: Cases where Private is changed to Common

Annual General Meetings

12.2 The following business shall be transacted at an annual general meeting:

(a) The consideration of the financial statement and report referred to in clause 10.18 and 10.20;

(b) the approval with or without amendment of – (i) replacement values in respect of clause 10.3; (ii) the estimate of income and expenditure referred to in clause 10.18;

(c) the appointment of an auditor or an accounting officer

(d) the determination of fees of an auditor and or an accounting officer fees;

Commented [RK53]: Grammar

(e) any special business of which due notice has been given in terms of rule 11.6;

(f) determination of the *domicilium citandi et executandi* of the Association.

Quorum

12.3 No business shall be transacted at any general meeting unless a quorum of persons is present in person or by proxy at the time when the meeting proceeds to business.

(2) A quorum at a general meeting shall be –

(a) ~~the number of owners holding at least 50 percent of the votes, present in person or by proxy or by representative recognized by law and entitled to vote, in developments where there are ten or less;~~

~~(b) the number of owners holding at least 35 percent of the votes, present in person or by proxy or by representative recognized by law and entitled to vote, in the case of developments with less than 50 but more than 10 or less;~~

(c) the number of owners holding at least 20 percent of the votes present in person or by proxy or by representative recognized by law and entitled to vote in the case of developments with 50 or more

~~and entitled to vote, in the case of developments with 50 or more or~~

~~12.4 If within half-an-hour from the time appointed for a general meeting, a quorum is not present, the owners present in person or by proxy and entitled to vote, shall form a quorum. should they so wish, an alternative date should then be proposed for the actual AGM.~~

Commented [RK54]: (a) and (b) not relevant. We have more than 50 so only sub-clause c should apply

Commented [RK55]: Clarification

Commented [RK56]: Clarification

Chairman Chairperson

12.5 The ~~chairman~~ chairperson of the trustees shall preside as ~~chairman~~ chairperson at every general meeting of the Association, unless otherwise resolved by members of the Association at such a meeting.

12.6 If, at any meeting, the ~~chairman~~ chairperson of the trustees is not present within fifteen minutes after the time appointed for the holding of the meeting, or if he is unwilling or unable to act ~~preside~~ as ~~chairman~~ chairperson, the members present shall elect one of their numbers to be ~~chairman~~ chairperson.

Commented [RK57]: Gender neutral. All cases of Chairman are amended to Chairperson

13. VOTING AT GENERAL MEETINGS**Poll**

13.1 At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless either prior to or on the declaration by the ~~chairman~~ chairperson of the result of the show of hands, a poll is demanded by any person entitled to vote at such a meeting.

Commented [RK58]:

13.2 Unless a poll be so demanded, a declaration by the ~~chairman~~ chairperson that a resolution has on the show of hands been carried, shall be conclusive evidence of that fact without proof of the number or proportion of votes recorded in favour of or against such resolution.

13.3 A demand for a poll may be withdrawn

13.4 A poll, if demanded, shall be taken in such a manner as the ~~chairman~~ chairperson thinks fit, and the result of the poll shall be deemed to be the resolution of the meeting at which such poll was demanded

Votes

13.5 On a show of hands the owner or owners of an erf, or if the owner is a juristic person, its proxy, shall have one vote – provided that the ~~chairman~~ chairperson shall be entitled, in his discretion, to change the manner of voting to one by poll and not by show of hands.

No Vote in Certain Circumstances

13.6 An owner shall not be entitled to vote at any general meeting if –

- (a) any contributions payable by him in respect of his erf have not been duly paid, or
 (b) ~~he persisted in breach of any of the conduct rules of the Association, notwithstanding written warning by the trustees to refrain or remedy such breach of the rules-provided that any mortgagee shall be entitled to vote as such owner's proxy at any general meeting, even though paragraph (a) or the afore going provisions of this paragraph may apply to such owner (This part was missing out of the copy provided???)~~

Commented [RK59]: Removal of mortgagee.

such owner's proxy at any general meeting, even though paragraph (a) or the afore going provisions of this paragraph may apply to such owner.

Joint Voters

13.7 When two or more persons are entitled to exercise one vote jointly, that vote shall be exercised only by a person (who may not be one of them) jointly appointed by them as their proxy.

13.8 Notwithstanding sub-rule (1), where two or more persons are entitled to exercise one vote jointly, any one of them may demand a poll.

Proxies

13.9 Votes at a general meeting may be cast either personally or by proxy, whether on a poll or on a show of hands.

13.10 A proxy shall be appointed in writing under the hand of the appointer, or his agent, duly appointed in writing and shall be handed to the Chairman prior to the commencement of the meeting – provided that the afore going provisions shall not apply in the case of any proxy created and contained in any registered mortgage bond, if such mortgage bond is produced at the meeting.

14. DUTIES OF OWNERS

Statutory and General

14.1 An owner-

(i) shall not use his erf or permit it to be used in such a manner or for such purpose as shall be injurious to the reputation of the development;

(ii) shall not contravene, or permit the contravention, of any law, by-law, ordinance, proclamation or statutory regulation, or the conditions of any license relating to or affecting the occupation of the erf, or any laws related to the carrying on of business on the property, or so contravene or permit the contravention of the conditions of title applicable to his erf or any other erf;

(iii) shall not make alterations which are likely to impair the use and enjoyment of other erven or the private area;

(iv) shall not do anything to his erf which is likely to prejudice the harmonious appearance of the building;

(v) shall not use any private area or portion thereof for any purpose other than intended in terms of its zoning and by resolution of the Association;

(vi) shall not construct or place any structure or building improvement on his erf without the prior written consent of the trustees and the local authority.

New Buildings and Improvements

14.2 No buildings or improvements will be constructed on any Unit Erf without the building plans first being approved by the trustees and the local authority.

Fence

14.3 ~~No Member will be entitled to demolish, paint or change or in any way decorate or add to any part or portion of any fence that the Developer may construct on the perimeter of the development.~~

Commented [RK60]: Remove reference to developer

14.4 ~~3~~ The Trustee Committee will be the only person entitled to perform any of the actions referred to in 14.3 ~~2~~ above to or in respect of such fence.

Colour Scheme

14.5 No alteration or addition or change to the colour scheme may be made to any building or structure on the unit even without the consent of the majority of the members of the Home Owner's Association.

Binding Nature

14.6 The provisions of these rules and of the conduct rules, and the duties of the owner in relation to the use and occupation of sections and common property shall be binding on the owner of any erf and any lessee or other occupant of any such property and it shall be the duty of the owner to ensure compliance with the rules by his lessee or occupant, including employees, guests and any member of his family, his lessee or his occupant.

Owner's Failure to Maintain

14.7 If an owner fails to repair or maintain his erf in a state of good repair and any such failure persists for a period of thirty days after the giving of written notice to repair or maintain given by the trustees or the managing agent on their behalf, the Association shall be entitled to remedy the owner's failure and to recover the reasonable cost of doing so from such owner.

Disputes and Arbitration

14.8 Any dispute between the Association and an owner or between owners shall be determined in terms of these clauses and the General Rules.

Commented [RK61]: DISPUTES & ARBITRATION: Clauses 14.8/9/10/11/12/13/ should form part of a specific DISPUTES SECTION

14.9 If such dispute arises Should a dispute arise the aggrieved party shall notify the other interested party or parties in writing and copies of such notification shall be served on the trustees. Should the dispute or complaint not be resolved within 14 days of such notice, either of the parties may demand that the dispute or complaint be referred to the Community Schemes Ombud Service (CSOS Act No 9 of 2011) for dispute resolution by using the prescribed CSOS Application Form and following the process set out in terms of thereof arbitration.

Commented [RK62]: Grammar

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Commented [RK63]: Inclusion of reference to CSOS

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14.10 Having regard to the nature and complexity of the dispute or complaint and to the costs which may be involved in the adjudication thereof, the parties appoint an arbitrator who shall be an independent and suitably experienced and qualified person as may be agreed upon between the parties to the dispute.

14.11 Arbitration shall be held informally or otherwise, as the arbitrator may determine. The arbitrator shall have the right to demand that the party demanding the arbitration furnish the arbitrator with security for payment of the costs of arbitration in such amount and form as the arbitrator may determine, failing which the arbitration shall not be proceeded with. Where possible the arbitration shall be concluded within 21 days after the matter has been referred to for arbitration in terms of sub-rule (2) or security for costs has been furnished.

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14.12 The arbitrator shall make his or her award within 7 days from the date of the completion of the arbitration and shall in making his or her award, have regard to the principles laid down in terms of these rules. The arbitrator may determine that the costs of the arbitration be paid by any one of the disputing parties or any of them jointly or in such shares as he or she may determine and as he or she in his or her discretion, may deem appropriate having regard to the outcome of the arbitration.

14.13 The decision of the arbitrator shall be final and binding and may be made an order of the High Court upon application of any party to be affected by the arbitration.

There needs to be a reference to fines and penalties as well as a BREACH Clause:

15. BREACH

Should a member, in the opinion of the trustees, deemed to be in breach of the terms of the Constitution, General Rules or the Architectural Guidelines and, for purposes of ensuring adherence

Commented [RK64]: There needs to be a Breach Clause

to and compliance with these, the trustees shall have the right to take such action against a Member/Resident as they consider appropriate, including but not limited to:

- (a) giving notice to the Member/Resident concerned requiring him to remedy such breach or see to it that such breach is remedied within a specified time as they may consider reasonable; and/or
- (b) take or cause to be taken such steps as they consider necessary to remedy the non-compliance with or breach of any Rule of which a Member is found to be guilty, and debit the cost of so doing to the applicable Member's monthly levy account. This amount shall then be deemed to be a debt owing by the Member concerned to the HOA; and/or
- (c) take such other action as they consider necessary and/or appropriate, which action may include the imposition of a penalty, even if such breach and penalty is not specifically referred to in the Fines and Penalties Schedule (as amended from time to time) which forms an attachment to the General Rules.

Notwithstanding the foregoing, the trustees are entitled to enforce the provisions of any of the Rules by proceedings in a court of competent jurisdiction and for this purpose shall appoint such attorneys and counsel as they deem fit.

The trustees' instructions and/or rulings in any matter that falls within the ambit of this constitution and the General Rules shall be final and binding, but a Member always have the right to appeal under the Applicable Laws.

In the event of any member disputing the fact that he has committed a breach of any of the above, a committee of 3 (three) trustees appointed by the chairman for that purpose, shall adjudicate upon the issue at such time and in such manner and according to such procedure as the chairman may direct.

166. STATUS OF THE ASSOCIATION

The Association shall be an association:

- 1616.1 with legal personality, capable of suing and being sued in its own name;
- 1616.2 none of whose members in their personal capacity shall have any right or title in the funds or assets of the Association, which shall vest in and be controlled by the Committee in terms hereof; and
- 1616.3 not for profit but for benefit of the owners and occupants of properties in the development.

1617. GENERAL

- 1617.1 The Association shall take transfer of remainder of Erf 1794 Stanford simultaneously with the registration of the last erf in the development.
- 1617.2 This Constitution shall come into force simultaneously with the first registration of an erf in the development known as Stanhaven

1718. AMENDMENTS TO THE CONSTITUTION AND THE RULES

- 1718.1 Notwithstanding anything contained herein to the contrary, any proposed amendment or addition to the Constitution shall, subject to Clause 17.3 hereunder, require the consent of 75% (seventy-five per centum) of the members of the Association, present at an Annual General or Special General Meeting.

1718.2 Notwithstanding anything contained herein to the contrary, any proposed amendment or addition to the Rules shall require the consent of 60% (sixty per centum) of the members of the Association present at an Annual General or Special General Meeting.

1718.3 Any amendments to the Constitution shall require the consent of the Local Authority.

HOUSE RULES

Animals, Reptiles and Birds

1. (1) An owner or occupier shall not, without the consent in writing of the trustees, which approval may not be unreasonably withheld, keep any animal, reptile or bird within the development.

(2) When granting such approval, the trustees may prescribe any reasonable condition.

(3) The trustees may withdraw such approval in the event of any breach of any condition prescribed in terms of sub-rule (2).

Refuse Disposal

2. (1) An owner or occupier of a unit erf shall –

(a) maintain in a hygienic and dry condition a receptacle for refuse within his erf or on each part of the private area as may be authorized by the trustees in writing;

(b) ensure that before refuse is placed in such receptacle, it is securely wrapped, or, in the case of bins or other containers, completely drained;

(c) for the purpose of having the refuse collected, place such receptacle within the area and at the times designated by the trustees;

(d) when the refuse has been collected, promptly return such receptacle to his erf or other area referred to in paragraph (a).

Vehicles

3. (1) No owner or occupier shall park or stand any vehicle upon the private area or permit or allow any vehicle to be parked or stood upon the private area without the consent of the trustees in writing.

(2) The trustees may cause to be removed or towed away, at the risk and expense of the owner of the vehicle, any vehicle parked, standing or abandoned on the private area without the trustees' consent.

(3) Owners and occupiers of property shall ensure that their vehicles, and the vehicles of their visitors and guests, do not drip oil or brake fluid on the common property or in any other way deface the common property.

(4) No owner or occupier shall be permitted to dismantle or affect major repairs to any vehicle on any portion of the private area or on his property.

Damage, Alterations or Additions to the Private Area

4. (1) An owner or occupier of an erf shall not mark, paint, drive nails or screws or the like into, or otherwise damage, or alter, any part of the private area without first obtaining the written consent of the trustees.

Appearance from Outside

5. The owner or occupier of a property shall not place or do anything on any part of the private area or on his erf which, in the discretion of the trustees, is aesthetically displeasing or undesirable when viewed from the outside of his property.

Signs and Notices

6. No owner or occupier of an erf shall place any sign, notice, billboard or advertisement of any kind whatsoever on any part of the private area or his property so as to be visible from outside the property without the written consent of the trustees first having been obtained.

Littering

Commented [RK65]: HOUSE RULES do not form part of the constitution. Rules referenced in the constitution are the General Rules which must be read in conjunction with the constitution.
DELETE

7. An owner or occupier of an erf shall not deposit, throw or permit or allow to be deposited or thrown on the private area any rubbish, including dirt, cigarette butts, food scraps or any other litter whatsoever.

Laundry

8. An owner or occupier of an erf shall not, without the consent in writing of the trustee, erect washing lines, nor hang any washing or laundry or any other items on any part of the private area or on his erf so as to be visible from any other erf.

Storage of Inflammatory Material and Other Dangerous Acts

9. An owner or occupier shall not store any material, or do or permit or allow to be done, any other dangerous act on his property or on the private area, which will or may increase the rate of the premium payable by the Association on any insurance policy.

Letting of Properties

10. All tenants of properties and other persons granted rights of occupancy by any owner of the relevant erf are obliged to comply with these conduct rules, notwithstanding any provision to the contrary contained in any lease or any grant of rights of occupancy.

19. Architectural Guidelines

11. All buildings within the development shall be subject to and build according to strict architectural guidelines and colour schemes, as agreed to and laid down by the Homeowners Association, from time to time. Each Home Owner is entitled to use your own Architect / Draftsman to design their house, however the Home Owners Association will appoint its own Architect firm to scrutinize final plans. Currently the firm Blue Print Architects has been appointed for this purpose.

The Home Owners Association will annually, at its AGM, decide on the appointment of an Architect Firm, to ensure the enforcement and adherence to the Architectural Guidelines.

19.1 All buildings within the development shall be subject to and built according to strict architectural and design guidelines and colour schemes as agreed to and laid down by the Homeowners Association from time to time.

19.2 Each homeowner may use his/her own architect or draftsman to design their house however the Homeowners Association will appoint its own architectural firm as Consultant Architect to scrutinize and recommend for approval final plans by the Design Review Committee.

Architectural Services offered through the Home Owners Association

12. This component deals with the following topics:

Scrutiny Fee for approval of units on behalf of The Homeowners Association

12.1 Fee for scrutinizing a preliminary sketch plan submission, R1 250.00 (excl. VAT)

12.2 Fee for scrutinizing final building plan for submission to the Local Authority for construction approval, R1 250.00 (excl. VAT)

12.3 In the event that the first submission, namely, preliminary sketch plan, is not approved,

then an additional fee of R500.00 (excl. VAT) will be levied per re-submission of revised preliminary sketch plans.

12.4 The fees quoted in (12.1) – (12.3) above are based on current prices ruling and will be

adjusted, annually, by the Home Owners Association.

19.3 The Homeowners Association will annually, at its AGM, decide on the appointment of an architectural firm to serve as Consultant Architect. Such firm will be represented by a registered and practising professional architect who shall be responsible for ensuring the following:

- (i) The adherence to the Design and Landscape Guidelines by scrutinizing final plans. The architect shall not be responsible for project oversight.

Commented [RK66]: No longer relevant in current form. Amendment below.

Commented [RK67]: Amended version of Clause 11

Commented [RK68]: Architectural Services
Remove and replace this clause.

The Homeowners Association will annually, at its AGM, decide on the appointment of an architectural firm to serve as Consultant Architect. Such firm will be represented by a registered and practicing professional architect who shall be responsible for ensuring the following:

(i) The adherence to the Design and Landscape Guidelines by scrutinizing final plans. The architect shall not be responsible for project oversight.

(i) The recommendation of the plans for approval by the Design Review Committee.

(ii) Charging a prescribed fee (as amended from time to time) and approved by the home owners at the AGM. Those include but may not be limited to:

- A fee for scrutinizing a preliminary sketch. Should further sketches be required supplementary fees may be charged.

- A fee for scrutinizing a final building plan for submission to local authority

Commented [RK69]: Replacement for clause 12.

- (ii) The recommendation of the plans for approval by the Design Review Committee,
- (iii) Charging a prescribed fee (as amended from time to time) and approved by the home owners at the AGM. These include but may not be limited to:
 - a. A fee for scrutinizing a preliminary sketch. Should further sketches be required supplementary fees may be charged.
 - b. A fee for scrutinizing a final building plan for submission to local authority

Pre-designed Units & Architectural Services

~~12.5 There are a wide variety of pre-designed, pre-approved, unit plans available, from the Home Owners Association's appointed Architect, Blue Print Architects. These units have been specifically designed for each individual plot, optimizing views and space and also in direct keep with the desired architectural theme. Purchasers are welcome to negotiate directly with the Architect in this regard and also for any additional Architectural service they might require~~

Commented [RK70]: No longer applicable

APRIL2022

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

**21. ERVEN 3497 & 3500, FLAGSHIP BUSINESS PARK, HAWSTON,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION:
URBAN DYNAMICS SOUTH CAPE ON BEHALF OF HERMANUPROP CC**

3497 & 3500 HHW (4367/2023)

H Olivier

(028) 313 8900

Hermanus Administration

4 April 2023

EXECUTIVE SUMMARY

An application has been received on 29 July 2022 from Urban Dynamics South Cape on behalf of Hermanuprop CC in terms of Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the consolidation of Erven 3497 & 3500, Hawston to create a consolidated erf of $\pm 3012\text{m}^2$ in extent.

RESOLUTION

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 Erven 3497 & 3500, Hawston to create a consolidated erf of $\pm 3012\text{m}^2$ in extent, be approved in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the consolidation be as per Drawing number No 2 dated July 2022 as 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 Zoning Scheme, be complied with;
 - (d) that all the conditions in the Services Report, be complied with, and
 - (e) that the conditions imposed by Telkom be complied with.
2. that the applicant be notified of the right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

REASONS FOR RESOLUTION

Reasons for the decision

- ❖ The application complies with the Planning Principles as set out in SPLUMA and LUPA.
- ❖ None of the internal departments or other institutions objected against the application.
- ❖ The Developer, who owns the surrounding unregistered erven, and who act on behalf of the Homeowners Association which must still be created, have any objections.
- ❖ The character of the area will not be affected.
- ❖ No new services will be required.
- ❖ The application will not negatively impact on surrounding properties, and is desirable.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION: ERVEN 3497 & 3500, HAWSTON**

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

Conditions

1. that all the conditions specified as part of the previously approved land use applications for Portion 6 of Farm 575 remains relevant and valid and should be adhered to.
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 one water connection and one sewer connection shall be used to service the consolidated erf consisting of Erf 3497 and Erf 3500.
4. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
5. 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;
6. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
7. that any additional and / or extended vehicle entrance will be for the owner's account;
8. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be provided in line with the specifications of the Overstrand Land Use Scheme 2020.
9. that the connection to the stormwater reticulation system be provided according to the stormwater management plan by, the developer

p.p. M. Cohen
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

06/03/2023
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

**22.ERF 706, 1 ABERDEEN STREET, NORTHCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA: PROPOSED REMOVAL OF
RESTRICTIVE TITLE DEED CONDITION: INTERACTIVE TOWN &
REGIONAL PLANNING ON BEHALF OF OVERSTRAND HOSPICE NPC**

706 HNC (4175/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

3 April 2023

EXECUTIVE SUMMARY

An application has been received on 7 June 2022 from InterActive Town and Regional Planners on Erf 706, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of a restrictive title condition Clause B.(b) as contained in Title Deed T24118/2020 applicable to Erf 706, Hermanus to remove the building line restrictions to be in line with the Land Use Scheme development parameters of Business Zone 3.

The restrictive title deed condition read as follows:

“B. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer Number T9117/1937 imposed by the Administrator of the Cape Province with the approval of Hermanus Township Extension No. 3 and in favour of the registered owner of any erf in the township, subject to changes and amendments by the Administrator in terms of the provisions of Section 18(3) of Ordinance No. 33 of 1934:

(b) That no building shall be erected within 4,72 metres of any street line which forms a boundary of this erf. No building shall be situated within 2,36 metres of the lateral boundary common to any adjoining erf.”

RESOLUTION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 7461, Kleinmond for a departure in order to relax the southern lateral building line from 2m to 1,5m to accommodate the proposed extension of the existing garage and a proposed new braai room, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions
 - (a) that the development is restricted to the plan no. 2022, Rev 4, dated 1 December 2021;

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

- (b) that a new site development plan indicating the parking at 4 per 100GLA must be submitted for approval by the Senior: Manager Town and Spatial Planning;
- (c) that the storage component be subservient to the land use and no retail be conducted from the property (e.g., shop);
- (d) that no items be left outside of the property;
- (e) that no accumulation of refuse may occur on the premises and that a waste area be identified for easy access by the refuse removal trucks;
- (f) 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
- (g) that only one un-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
- (h) that building plans be submitted to the Municipality showing all building changes, partitioning and correct names of rooms to the satisfaction of the Fire Department and Building Control Department;
- (i) that a detailed fire protection plan be submitted to the Building Control Department;
- (j) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
- (k) that no accumulation of refuse may occur outside the boundaries of the property;
- (l) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
- (m) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
- (n) that all the conditions in the Services Report, be complied with.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

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 RECOMMENDATION

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



NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC).
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
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6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.

GENERAL NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC).
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
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10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.

PROJECT INFORMATION:

PROJECT NAME: [REDACTED]
 PROJECT ADDRESS: [REDACTED]
 PROJECT NUMBER: [REDACTED]
 PROJECT DATE: [REDACTED]

DESIGNER:

DESIGNER NAME: [REDACTED]
 DESIGNER ADDRESS: [REDACTED]
 DESIGNER PHONE: [REDACTED]
 DESIGNER FAX: [REDACTED]
 DESIGNER EMAIL: [REDACTED]

CLIENT:

CLIENT NAME: [REDACTED]
 CLIENT ADDRESS: [REDACTED]
 CLIENT PHONE: [REDACTED]
 CLIENT FAX: [REDACTED]
 CLIENT EMAIL: [REDACTED]

DATE: [REDACTED]

SCALE: [REDACTED]

SECTION 1: SITE PLAN

Site plan showing building footprint, parking spaces, and surrounding streets including Magnolia Street. Includes a north arrow and various dimensions.

SECTION 2: FLOOR PLAN

First floor plan showing room layouts, furniture placement, and structural grid lines. Includes a north arrow and various dimensions.

SECTION 3: CALCULATIONS

ITEM	DESCRIPTION	UNIT	VALUE
1	FOUNDATION	SQ FT	1000
2	FLOOR	SQ FT	2000
3	CEILING	SQ FT	2000
4	WALL	SQ FT	1000
5	ROOF	SQ FT	1000
6	MECHANICAL	SQ FT	1000
7	ELECTRICAL	SQ FT	1000
8	PLUMBING	SQ FT	1000
9	PAINT	SQ FT	1000
10	LANDSCAPE	SQ FT	1000

SECTION 4: LOCALITY MAP

Aerial photograph showing the project location within the neighborhood, with a red outline indicating the property boundary.

SECTION 5: CHERRY TREES

Diagram showing the location of existing cherry trees on the property, with a note: "Cherry trees to be preserved. Build boundary wall to match existing wall. No part of driveway to be removed. No part of property boundary to be removed."

SECTION 6: LOCALITY MAP

Another aerial photograph showing the project location from a different angle, with a red outline indicating the property boundary.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION:
ERF 706, NORTHCLIFF (4175/2022)**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through Erf 706, Northcliff, unobstructed;

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

30/07/2022
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

23.ERF 4224, 75 FIFTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: JH BLIGNAUT ON BEHALF OF EL GROBLER AND AE GAAL-GROBLER

4224 KKM (4241/2022)

**H van der Stoep
11 April 2023**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 6 September 2022 from JH Blignaut on Erf 4224, Kleinmond in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for a departure in order to relax the southern lateral building line from 2m to 0,74m to accommodate the proposed garage and change of use of an existing garage into a hobby / store room.

RESOLUTION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4224, Kleinmond for a departure in order to relax the southern lateral building line from 2m to 0,74m to accommodate the proposed garage and change of use of an existing garage into a hobby / store room, be approved, in terms of Section 61 of the By-Law, subject to the following conditions
 - (a) that this approval is only for the development as indicated on the plan numbers E0016 (04 and 05) dated 26 July 2022 as submitted with the application;
 - (b) that no further departures over the building lines be approved, except as stipulated by the Land Use Scheme;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control – and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 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 erf has approved building plans.
- ❖ The surrounding owners did not object.
- ❖ The application will have no impact on the surrounding area.



Locality Map
Erf 4224 Kleinmond



Date: 2022/09/14

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

24. PORTION OF REMAINDER ERF 1, GEORGE VILJOEN STREET, HAWSTON AND ERF 412, GEORGE VILJOEN STREET, HAWSTON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, REZONING, CONSOLIDATION AND CLOSURE OF A PUBLIC PLACE: WRAP PROJECT OFFICE ON BEHALF OF OVERSTRAND MUNICIPALITY AND HAWSTON SERVICE STATION (PTY) LTD

1 HHW (4268/2022)

H Olivier

(028) 313 8900

Hermanus Administration

23 March 2023

EXECUTIVE SUMMARY

An application has been received on 12 October 2022 from WRAP Project Office on behalf of Overstrand Municipality and Hawston Service Station (Pty) Ltd [the proposed purchaser of the land] applicable to a Portion of Remainder Erf 1, Hawston in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Subdivision** of the Remainder Erf 1, Hawston in terms of Section 16(2)(d) of the By-Law into 2 portions, namely a Remainder ($\pm 264,2510$ ha) and a Portion A (± 370 m²);
- ❖ **Closure of public place** in terms of Section 16(2)(n) of the By-Law to accommodate the closure of a public place (Portion A, a portion of the Remainder Erf 1 Hawston) and amendment of the general plan;
- ❖ **Rezoning** in terms of Section 16(2)(a) of the By-Law of Portion A (a portion of the Remainder of Erf 1 Hawston) from Transport Zone 2: Road and Parking (TR2) to Business Zone 3: Local Business (B3);
- ❖ **Consolidation** in terms of Section 16(2)(e) of the By-Law of Portion A (a portion of the Remainder of Erf 1 Hawston) (± 370 m²) with Erf 412 Hawston to create a newly consolidated erf of ± 2528 m² in extent.

RESOLUTION

1. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Remainder Erf 1, Hawston into 2 portions, namely a Remainder ($\pm 264,2510$ ha) and a Portion A (± 370 m²), **be approved**, in terms of the provisions of Section 61;

**AGENDA of the
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7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

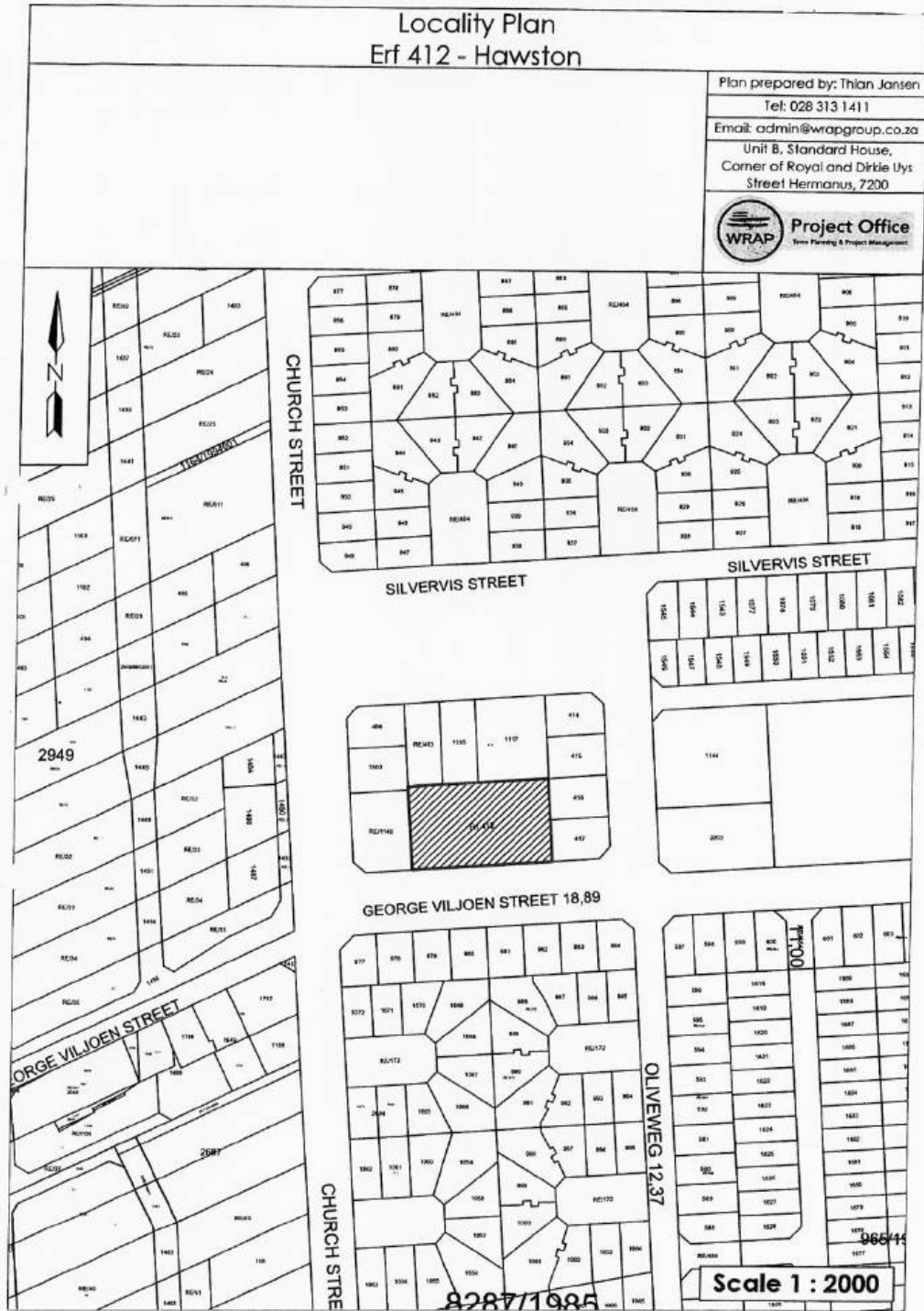
2. that the application in terms of Section 16(2)(n) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the closure of a public place measuring 370m² (Portion A, a portion of the Remainder Erf 1 Hawston), **be approved**, in terms of the provisions of Section 61;
3. 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 A (a portion of the Remainder of Erf 1 Hawston) from Transport Zone 2: Road and Parking (TR2) to Business Zone 3: Local Business (B3), **be approved**, in terms of the provisions of Section 61;
4. that the application in terms of Section 16(2)(e) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the consolidation of Portion A (a portion of the Remainder of Erf 1 Hawston) ($\pm 370\text{m}^2$) with Erf 412 Hawston to create a newly consolidated erf of $\pm 2528\text{m}^2$ in extent, **be approved**, in terms of the provisions of Section 61;
5. that the application for the amendment in terms of Section 25(1) of the By-Law of General Plan No. 3917/1949 to indicate the above Portion A of Erf 1, Hawston, as an ordinary erf, **be approved** in terms of the provisions of Section 61 of the By-Law;
6. that the approvals in points 1 to 5 above be subject to the following conditions:
 - (a) that the consolidated erf be in line with subdivision and consolidation plans;
 - (b) that the road portion to be consolidated with Erf 412, Hawston may only be used for parking or driveway purposes and no structure may be erected over, on or under such land, and that a condition to such affect be inserted in the new Title Deed of the consolidated erf to the satisfaction of the Municipal Property Administration Section, with the registration of the consolidated erf;
 - (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;

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7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

- (e) that all conditions in the Services Report, be complied with, and
 - (f) that all the conditions of Telkom, be complied with.
7. that the applicant be notified of his/her 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

- ❖ No objections were received from the community, neighbours, or municipal and state departments.
- ❖ Council in-principle approved the sale of this portion of road to the owner of Erf 412, Hawston.
- ❖ The proposal is in line with the Overstrand Municipality GMS, 2010 which earmarks the area for business purposes.
- ❖ The immediate adjacent properties are all zoned for business purposes, and this application will thus not have a negative effect on the character of the area.
- ❖ The application is in line with the General Principles as existing services will be used more efficiently, and the development will be more sustainable.
- ❖ The application would help to better the parking and manoeuvrability of vehicles in front of the business building and service station on Erf 412.
- ❖ The application will not have a negative impact on surrounding property owners and is desirable.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION, REZONING, CONSOLIDATION AND
CLOSURE OF A PUBLIC PLACE: A PORTION OF REMAINDER ERF 1 AND ERF
412, HAWSTON (4268/2022)**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
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, Hawston, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

Municipal Planning Tribunal

1. **ERF 601 AND 602, 7 COMMERCIAL STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA: PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, CONSOLIDATION, DEPARTURE, CONSENT USE AND AMENDMENT OF CONDITIONS OF APPROVAL (SITE DEVELOPMENT PLAN): MESSRS WRAP PROJECT OFFICE ON BEHALF OF STEADY GROW TRADING 33 CC**

601 & 602 GPB (4007/2022)

**SW van der Merwe
22 February 2023**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 13 January 2022 from Messrs WRAP Project Office on behalf of Steady Grow Trading 33 CC for the following:

- ❖ **removal of restrictive title conditions** with reference to Condition B.4(b) of Title Deed T1405/2021 applicable to Erf 601, Pearly Beach in terms of Section 16(2)(f) of the Overstrand Municipal Land Use Planning Amendment By-Law, 2020 (By-Law) in order to exercise the primary rights in terms of the zoning of the property;

Condition B.4(b) contained in Title Deed T1405/2021 to be removed, read as follows:

“it shall be used for shop purposes only.”

- ❖ **consolidation** in terms of Section 16(2)(e) of the By-Law of Erven 601 and 602, Pearly Beach to create a consolidated property of 1160m²;
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law in order to relax the rear building line from 3m to 0m;
- ❖ **consent use** in terms of Section 16(2)(o) of the By-law to conduct a place of entertainment (live music), and
- ❖ **amendment of the approval condition** (Site Development Plan) in order to accommodate the proposed development.

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

RESOLUTION

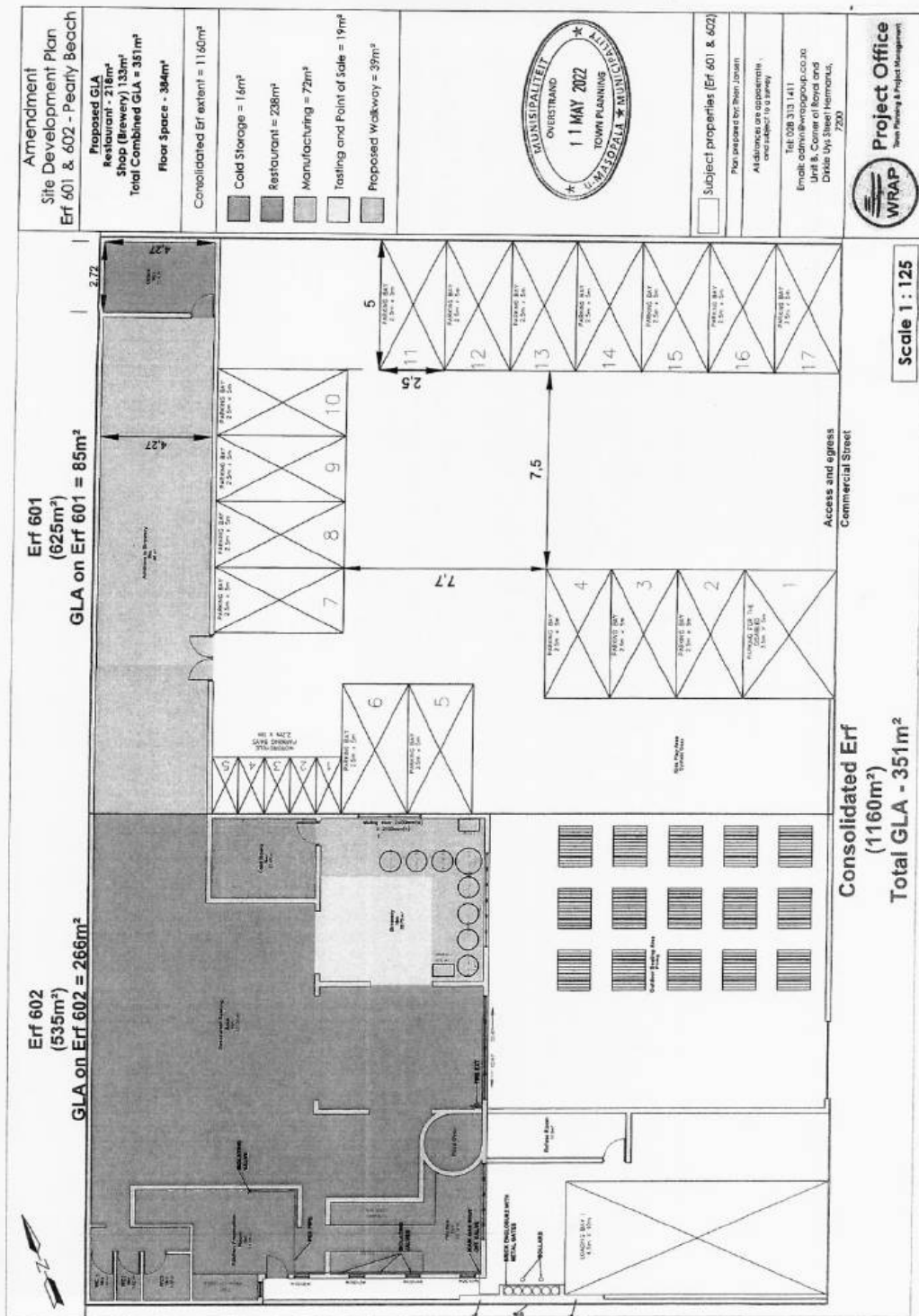
1. that the objections be noted;
2. that the application for removal of restrictive title conditions with reference to Condition B.4(b) contained in Title Deed T1405/2021 applicable to Erf 601, Pearly Beach in terms of Section 16(2)(f) of the Overstrand Municipal Land Use Planning Amendment By-Law, 2020 (By-Law) in order to exercise the primary rights in terms of the zoning of the property, be approved;
3. that the application for consolidation of Erf 601 and Erf 602, Pearly Beach in terms of Section 16(2)(e) of the By-Law to create a consolidated property of 1160m², be approved;
4. that the application for departure in terms of Section 16(2)(b) of the By-Law in order to relax the rear building line from 3m to 0m, be approved;
5. that the application in terms of Section 16(2)(o) of the above By-Law for consent use applicable to Erf 602, Pearly Beach in order to conduct a place of entertainment (live music), be approved;
6. that the application for amendment of the conditions of approval in order to rescind condition (a) of the planning approval dated 31 October 2019 as well as amendment of the Site Development Plan in order to accommodate the proposed business expansion be approved;
7. that the approvals in paragraphs 2. to 6. above be subject to the following conditions:
 - (a) that the operation of a bar or tavern is not permitted;
 - (b) that a detailed Site Development Plan be submitted for approval by the Authorised Official indicating the floor area of the shop and layout of the microbrewery;
 - (c) that provision be made for on-site parking in accordance with the Site Development Plan appended to the application;
 - (d) that the approval conditions dated 31 October 2019, be adhered to;
 - (e) that the place of entertainment be limited to live background music only;

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7 June 2023
(Also the agenda for the Mayoral Committee Meeting : 12 June 2023)**

- (f) that the applicant appoints a suitably qualified acoustic consultant and implement the applicable recommendations to ensure noise attenuation measures are implemented to ensure compliance with the Western Cape Noise Control Regulations prior to commencement of the Place of entertainment;
 - (g) that all the conditions in the Services Report, be complied with;
 - (h) that the requirements of Telkom, Health and Eskom, be adhered to;
 - (i) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (j) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
 - (k) that the place of entertainment may not be conducted outside the hours of 10:00 to 22:00 Mondays to Sundays
8. 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 on Land Use Planning, 2015 with regard to the above decisions and conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application is consistent with applicable forward planning and policy documents.
- ❖ The application is consistent with the planning principles.
- ❖ The proposed development will not adversely impact upon the character of the area, or amenity of adjoining properties.
- ❖ The proposed development is desirable.
- ❖ The proposal will contribute to the promotion of tourism, economic development, including employment opportunities.
- ❖ The application has followed due procedure.
- ❖ None of the internal or external departments have any objection.
- ❖ It will not impact negatively upon municipal services.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR: REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, CONSOLIDATION, DEPARTURE CONSENT USE &
AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN: ERVEN
601 & 602, PEARLY BEACH**

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

Conditions:

1. that the existing water connection on Erf 602 shall be used to service the proposed consolidated erf consisting of Erven 601 & 602;
2. that the existing sewer conservancy tank on Erf 602 shall be used to service the proposed consolidated erf consisting of Erven 601 & 602;
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 Erven 601 & 602, Pearly Beach, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

12.05.2022
DATE