

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

**10.
TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: JUNE 2022 – JULY 2022**

15/3/11

R Kuchar

Senior Manager: Town & Spatial Planning

13 July 2022

(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 13 June 2022 – 13 July 2022.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town and Spatial Planning

3. Compliance with Strategic Priority

Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background

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

7. Financial Implications

None

8. Staff Implications

None

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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 13 June 2022 – 13 July 2022:

- | | | |
|-----|---|--------------|
| 1. | Erf 1603, c/o Cove & Bergsig Street, Sandbaai | 13 June 2022 |
| 2. | Farm 987, Platbos farm, Gansbaai | 4 July 2022 |
| 3. | Erf 589, 3 Bokmakierie Crescent, Kleinbaai | 4 July 2022 |
| 4. | Erf 2581, 35 Viljoen Street, Onrustrivier | 5 July 2022 |
| 5. | Erf 1828, 6 Hemel-en-See Avenue, Vermont | 6 July 2022 |
| 6. | Erf 4860, Tuscan Street, Onrustrivier | 6 July 2022 |
| 7. | Erf 3900, 26 Dempers Street, Onrustrivier | 6 July 2022 |
| 8. | Erf 1495, Lynx Road, Vermont | 6 July 2022 |
| 9. | Erf 4011, Tubby Swinger, Onrustrivier | 6 July 2022 |
| 10. | Erf 419, 3 Fourie Street, Hermanus | 11 July 2022 |
| 11. | Erf 9808, 18 Kiewiet Avenue, Eastcliff, Hermanus | 13 July 2022 |
| 12. | Erven 599, unregistered erf 1929 (ptn of 599) & 1930, c/o Broadway & 1 Commercial, Pearly Beach | 13 July 2022 |
| 13. | Erf 939, 24 Roeland Street, Franskraal | 13 July 2022 |

that cognisance be taken of the town planning applications disposed of by the Municipal Planning Tribunal in terms of SPLUMA that took place on 30 June 2022:

- | | | |
|----|---|--------------|
| 1. | Erf 5548, 31 16 th Avenue, Voëlklip | 30 June 2022 |
| 2. | Ptn 141 (Ptn of Ptn 133) of the farm Hangklip 599, Gansbaai | 30 June 2022 |
| 3. | Ptn 25 (Ptn of Ptn 2) of the farm Riverside 644, Hermanus | 30 June 2022 |

RESPONSIBLE OFFICIAL :

L SMUTS

TARGET DATE FOR IMPLEMENTATION:

10 OCTOBER 2022

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TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: JUNE 2022 – JULY 2022**

15/3/11

R Kuchar

Senior Manager: Town & Spatial Planning

13 July 2022

(028) 313 8900

**THIS MATTER SERVED BEFORE THE INVESTMENT & INFRASTRUCTURE
PORTFOLIO COMMITTEE ON 7 SEPTEMBER 2022, WHICH COMMITTEE
SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

L SMUTS

TARGET DATE FOR IMPLEMENTATION:

10 OCTOBER 2022

**AGENDA of the
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Spatial Land Use Management Act (SPLUMA) Approvals

1. **ERF 1603, CORNER OF COVE- AND BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SITE-SPECIFIC DEVIATION FROM THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK, REZONING AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF HENNCORP PTY LTD**

1603 HSB (3875)

**H van der Stoep
11 May 2022**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 5 March 2021 (amended on 8 June 2022) from Messrs WRAP Project Office on behalf of Henncorp Pty Ltd applicable to Erf 1603, Sandbaai for the following in terms of Sections 10 and 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000) for:

- ❖ a site-specific deviation from the Overstrand Spatial Development Framework (2020)(SDF) to change the reservation of Erf 1603, Sandbaai from residential purposes to industrial purposes;
- ❖ rezoning of Erf 1603, Sandbaai from Residential Zone 1: Single Residential to Industrial Zone I: General Industry; and for
- ❖ the determination of an administrative penalty.

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

RESOLVED :

1. that the application in terms of Section 10 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000) for a site-specific deviation from the Overstrand Spatial Development Framework (2020) to change the reservation of Erf 1603, Sandbaai from residential purposes to industrial purposes, be approved in terms of the provisions of Section 61 of the By-Law;

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2. that the application for rezoning in terms of Section 16(2)(a) of the By-Law of Erf 1603, Sandbaai from Residential Zone 1: Single Residential to Industrial Zone I: General Industry, be approved in terms of the provisions of Section 61 of the By-Law;
3. that the application for the determination of an administrative penalty in terms of Section 16.2.(q) of the By Law for the unauthorised building work was considered and that no administrative penalty be imposed in terms of Section 90(4) of the By-Law;
4. that the above approvals be subject to the following conditions:
 - (a) that the development of the property be restricted to the layout as per the Site Development Plan 4.1 that was submitted with the application;
 - (b) that a 2,1m high boundary wall must be constructed by the applicant at the northern lateral common boundary with the Sandy Cove development - the type of wall must be decided in collaboration with the Sandy Cove Home Owners' Association which wall must be maintained by the developer at the Sandy Cove side thereof, or its successors in title, whenever necessary;
 - (c) that the boundary wall in (b) above must be constructed simultaneously with the construction of the industrial building;
 - (d) that building plans for the development of the property must be submitted to the Building Department of the Municipality within three months of the date of the final approval of the application;
 - (e) that the approved Bergzicht Street Property Development Design Guide must be amended to include Erf 1603, Sandbaai - the document must be amended in collaboration with Engelbrecht & Scorgie Architectural CC who are the architectural consultants in terms of the Design Guide, which document must be submitted to the Municipality for approval – the development of the property must conform with the requirements as set out in the said document;
 - (f) that the following land uses are not allowed on the property to guarantee that mitigating factors are implemented to ensure that there is a minimal impact on the surrounding area and the adjacent Sandy Cove residential development:
 - Heavy vehicle services station.
 - Motor repair garage.
 - Workshops which make use of machinery that generates

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- noise.
 - Pollution and processes involving grinding and spray painting.
 - Woodworking.
 - Building yard and brick-making
 - (g) that all the parking bays must be provided with a permanent surface and be clearly demarcated;
 - (h) the refuse area must conform with the requirements of Chapter 17.4 of the Overstrand Municipality Land Use Scheme, 2020;
 - (i) that the conditions of Telkom and Engineering Services, be complied with;
 - (j) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (k) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
5. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decisions.

REASONS FOR RECOMMENDATION

Site-specific deviation from the Overstrand Spatial Development Framework (2020)

- ❖ The property is situated in an area that has a mixed land use character.
- ❖ The previous Erven 1599 – 1602 directly to east of the subject property has already been rezoned for industrial purposes.
- ❖ The subject property is the last erf in the row of erven that can also be rezoned for industrial purposes which is the most logic zoning.
- ❖ For the above reasons, the circumstances for a site-specific deviation can be justified in terms of the provisions of Section 22 of SPLUMA.

Rezoning

- ❖ The application is regarded as desirable from a town planning point of view.
- ❖ Mitigating factors are implemented to ensure that there is a minimal impact on the surrounding area and the adjacent Sandy Cove residential development.


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- ❖ The development of the property will diminish the current problems with dust emanating from the property when the winds blow.
- ❖ The development of the property will enhance the character of the immediate area.
- ❖ Much needed permanent employment opportunities will be created.
- ❖ No objections were received.

Exemption from payment of an administrative penalty

- ❖ Notices of non-compliance were served on the landowner and he complied with the notices.
- ❖ The applicant, on its own accord, decided to develop the property rather than it being vacant that will subsequently ensure that the current dust problems that is a nuisance to the surrounding landowners, will also be diminished.
- ❖ The clearing and clean-up of the property, the demolition of the existing structures, the proposed new industrial building, the costs of the consultants, and the current bulk contribution levies, involves huge costs for the landowner which is justification enough to exempt it from paying an administrative penalty.
- ❖ Since the property has been cleared and cleaned up of building rubble, there are no more contraventions of the By-Law to determine an administrative penalty.
- ❖ The property has always been used for single residential purposes that are in line with the Land Use Scheme except for heaps of building rubble that was dumped on the property due to its size.
- ❖ There are no buildings that formed part of the original contravention.
- ❖ The aesthetics and character of the immediate area will be enhanced once the property is developed.

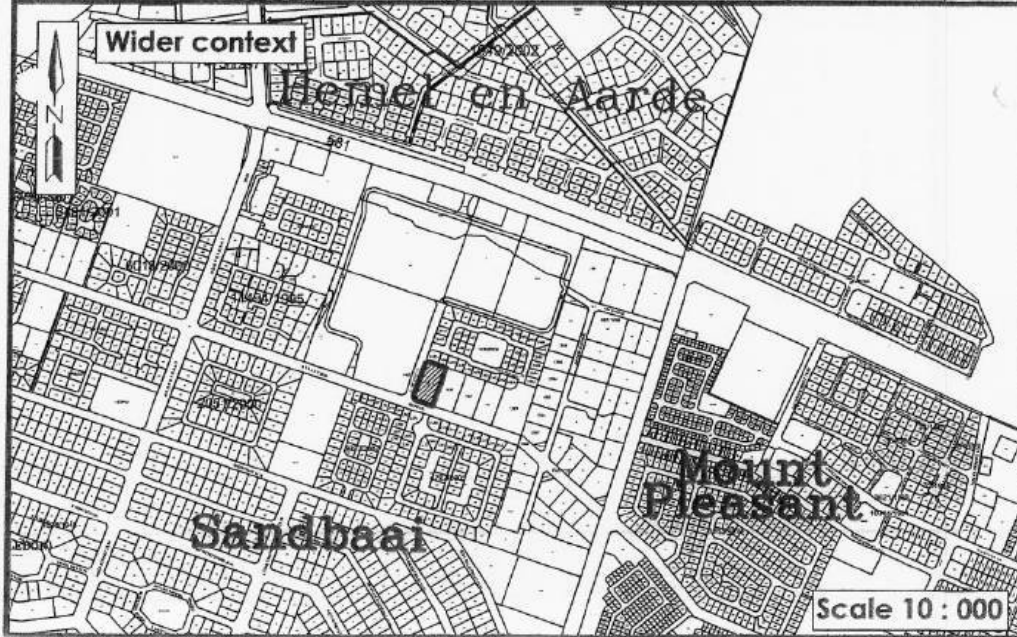
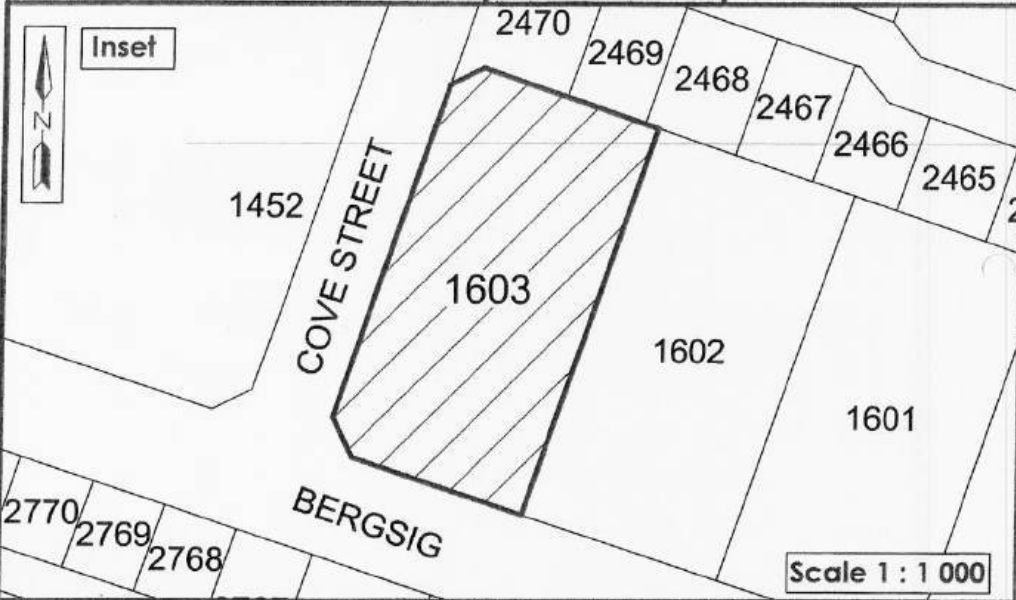
Plan 1: Locality Plan Erf 1603 Sandbaai

 Subject property (3050m²)

Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Plan 1.1
Unit 8, Corner of Royal and Dirkie Uys
Street Hermanus, 7200
Plan prepared by: Reallehle Jankie
All distances are approximate
and subject to a survey



Project Office
Town Planning & Project Management



Plan 4: Proposed SDP of Erf 1603 Sandbaai

Erf No.	3050m ²
Total building footprint	1600m ²
Net coverage	75%
Proposed coverage	32.1%

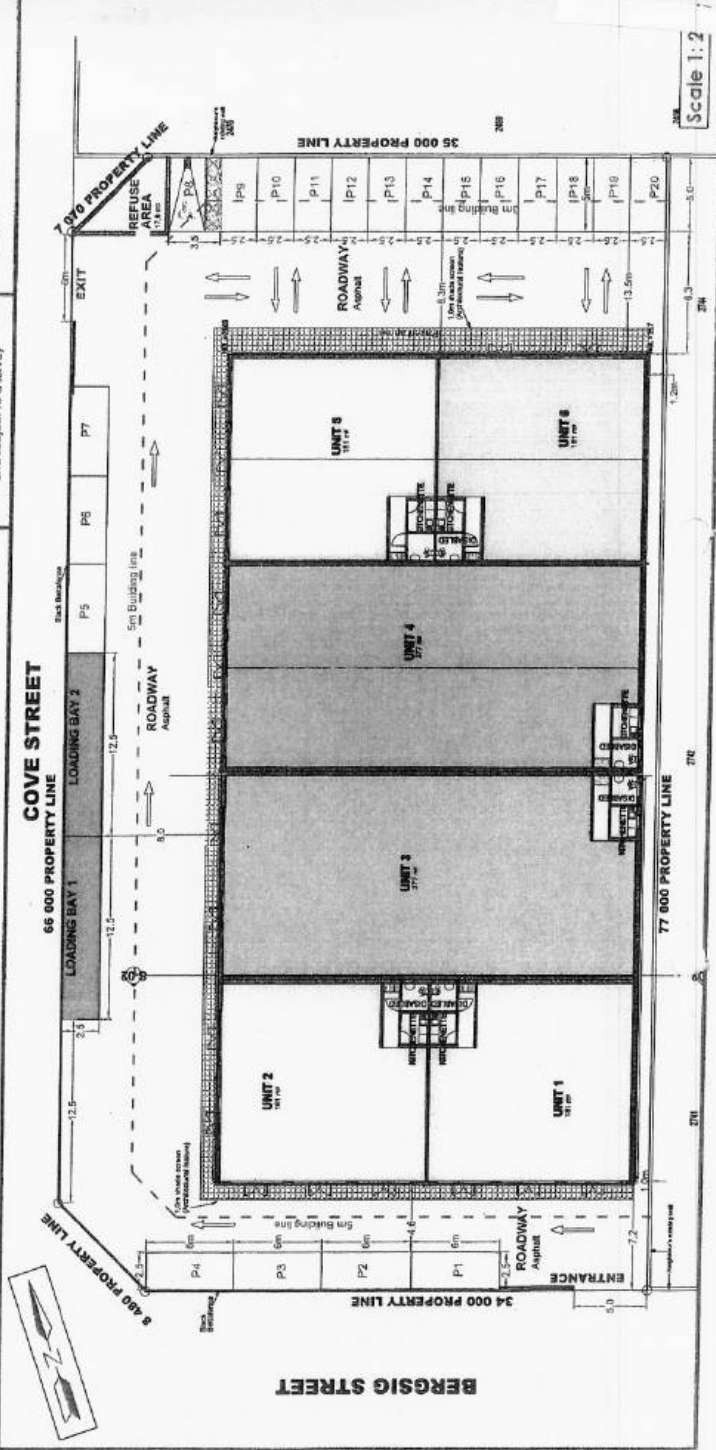
Required floor factor	2
Proposed floor factor	0.52
Proposed GLA	1478m ²
Proking ratio	Two boys per 100 m ² GLA up to 500 m ² and thereafter one per 100 m ² GLA.
Required boys	1178 boys
Provided boys	20 boys
Required refuse area	14,78m ²
Proposed refuse area	17,8m ²
Loading boy rolls	The minimum self-invest loading boy per 500 m ² for the first 1 000 m ² of GLA, thereafter 1 boy per 1 000 m ² .
Required loading boys	2 boys
Proposed loading boys	2 boys

Plan 4.1
 Plan based on architectural drawings by Andrew Cheel
 Unit B, Corner of Royal and Dikke lys Street, Hermanus, 7200
 Plan prepared by: Reathelle Jamile
 All distances are approximate and subject to a survey



Project Office
 Town Planning & Project Management

Test: 022 313 1411
 Email: admin@wrapgroup.co.za



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING & DEVIATION FROM THE OVERSTRAND
SPATIAL DEVELOPMENT FRAMEWORK, 2020: ERF 1603, SANDBAAI**

Stormwater (SW)	:	In Order
Electricity	:	In Order
Water	:	According to GLS Report / Overstrand Water Master Plan
Sewer	:	According to GLS Report/ Overstrand Sewer Master Plan
Roads and traffic	:	In Order

Conditions:

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

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

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

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

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

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

Freehold erven:

Water	R 24 915.00 x 4.9120	= R 122 382.48
Sewerage	R 16 799.12 x 4.9120	= R 82 517.28
Roads	R 7 532.72 x 28.1810256	= R 212 279.76
Stormwater	R 8 691.28 x 4.066666	= R 35 344.53
Solid Waste	R 1 505.92 x 4.184996	= R 6 302.27
TOTAL (inclusive of VAT)		= R 458 826.32

Note:

- a) The above figures are estimates which are subject to annual tariff adjustments
 - b) That Overstrand Municipality's Electrical Department be contacted regarding the bulk electricity cost.
2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;


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

6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
9. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
11. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for works of Civil Engineering Construction – 2010, of 12 months, and
12. 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;
13. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;

14. that the above stormwater management plan include the following:
 - 14.1 pre-development run-off from the catchment area;
 - 14.2 post-development run-off from catchment area;
 - 14.3 existing stormwater reticulation system and the capacity thereof;
 - 14.4 connection of internal stormwater reticulation system;
 - 14.5. overland escape routes;
15. that the connection to the stormwater reticulation system be provided according to the stormwater management plan, by the developer at his cost and as approved by Overstrand Municipality ;
16. that any additional cost related to the upgrading of bulk civil services will be for the developer's account;
17. that no on-street parking will be allowed;
18. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer;
19. that the proposed development on erf 1603 must be provided with an adequate sewer smallbore tank, which must comply with the standards and specification of the Department: Operational Services;
20. that the water reticulation and sewer network be provided/upgraded according to the report prepared by GLS consulting engineers (dated 28 January 2002) and/or the Overstrand Water Master Plan.
21. 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;
22. 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;
23. that on-site parking facilities be provided as per Planning Schedule, and to the satisfaction of the Department: Operational Services;
24. that a minimum of 12m stacking distance be provided between the entrance gate and the road reserve;
25. that any additional and / or extended vehicle entrances will be for the owner's account;
26. that the proposed development on Erf 1603 be provided with a central refuse collection facility, which must comply with the standards of the Department Services (Hermanus) and the Overstrand Land Use Scheme 2020.

27. 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.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

2. FARM NO. 987 (PLAT BOS), DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF FKM KRIGE

Farm 987 RCAL (3664)

SW van der Merwe

(028) 313 8900

Hermanus Administration

10 June 2022

Executive Summary

An application was received from Messrs Plan Active Town and Regional Planners on behalf of FKM Krige for the following:

- ❖ rezoning in terms of Section 16(2)(a) of the Overstrand Municipal Land Use Planning Amendment By-law, 2020 from Agricultural Zone 1 to Open Space Zone 1: Nature Reserve;
- ❖ consent use in terms of Section 16(2)(o) of the By-law to accommodate two existing dwelling units, tourist facilities (hiking trail, nursery), staff and tourist accommodation, and
- ❖ application for determination of an administrative penalty in terms of Section 16(2)(q) of the By-law.

RESOLVED :

1. that the application for rezoning, in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of Farm No. 987 (Plat Bos), Division Caledon from Agricultural Zone 1 to Open Space Zone 1: Nature Reserve, be approved in terms of the provisions of Section 61 of the By-Law;
2. that the application for consent use in terms of Section 16(2)(o) of the By-Law to accommodate two existing dwelling units, tourist facilities (hiking trail, nursery) staff and tourist accommodation, be approved in terms of the provisions of Section 61 of the By-Law; and
3. that an administrative penalty of R13 713,75 (incl. VAT) of the built cost as per the approved municipal tariffs be payable within 30 days of the decision.
4. that the approvals in 1. and 2. above be subject to the following conditions:
 - (a) that a detailed Site Development Plan be submitted for approval by the Authorised Official indicating the location and extent of all the

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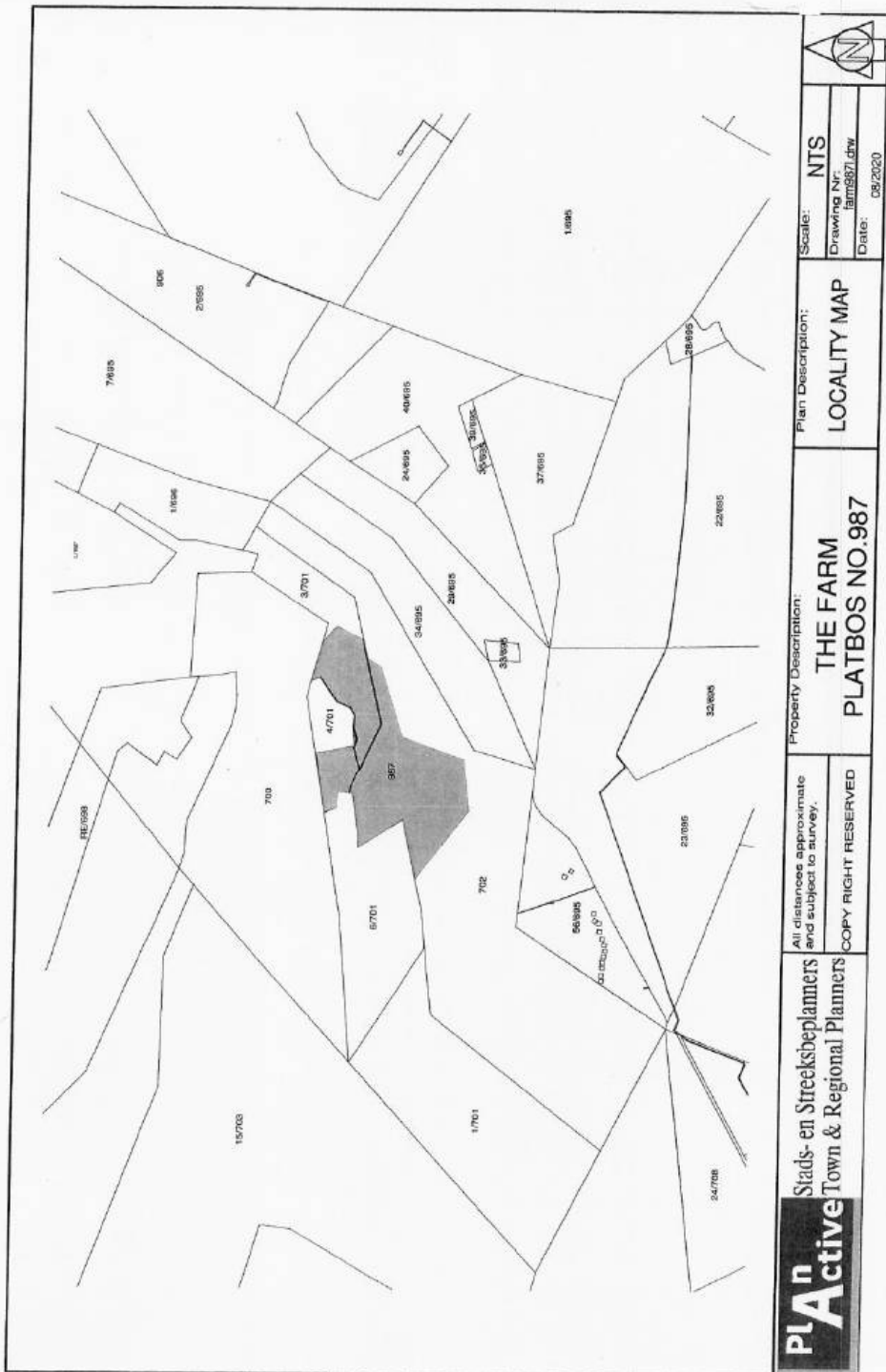
- existing buildings and structures with coordinates within 60 days of the final approval;
- (b) that the development be carried out strictly in accordance with the approved Site Development Plan in (a) above;
 - (c) that building plans be submitted to the Building Department for approval within 90 days of the final approval of the application and that all conditions of the Building- and the Fire Department, be complied with at that stage;
 - (d) that the conditions by Eskom, Department Breede-Gouritz Catchment Management Agency and Cape Nature, be complied with;
 - (e) that all the conditions imposed Engineering Services, be complied with;
 - (f) that the maximum number of guests may not exceed 14 individuals;
 - (g) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (h) that an Administrative Penalty of R13 713,75 inclusive of VAT be payable within 30 days of the final approval of the application;
 - (i) that this approval does not absolve the landowner from compliance with any other relevant legislation, and
 - (j) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
5. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval

REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ Internal departments and external government departments have objected to the application.

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- ❖ Comment from Fire Services will be addressed during building plan submission phase.
- ❖ No new municipal services will be required.
- ❖ The application is in line with SPLUMA principles.
- ❖ The application is in line with the SDF.
- ❖ The application will not detract from the character of the rural area.
- ❖ The surrounding area are characterised by tourist related uses (i.e. tourist facilities, tourist accommodation such as guest houses, guest lodges and self-catering).



PLAN Stads- en Streeksbeplanners
Active Town & Regional Planners

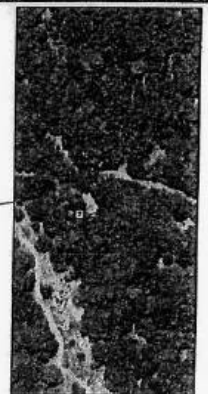
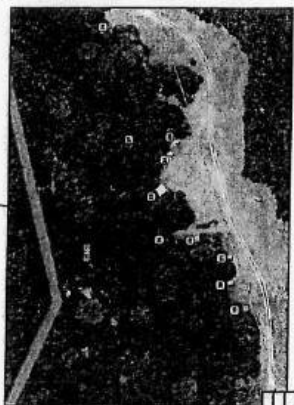
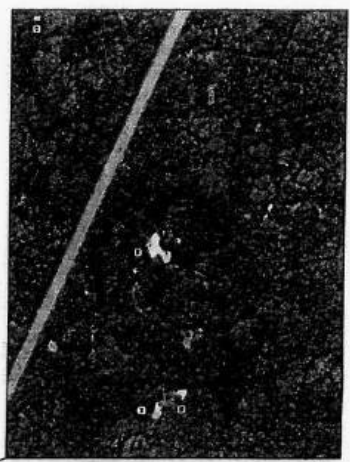
All distances approximate
 and subject to survey.
 COPY RIGHT RESERVED

Property Description:
**THE FARM
 PLATBOS NO.987**

Plan Description:
LOCALITY MAP

Scale: **NTS**
 Drawing Nr: **11111111.dwg**
 Date: **08/2020**





NO.	MARKER	NO.	MARKER	NO.	MARKER
1	1	11	11	21	21
2	2	12	12	22	22
3	3	13	13	23	23
4	4	14	14	24	24
5	5	15	15	25	25
6	6	16	16	26	26
7	7	17	17	27	27
8	8	18	18	28	28
9	9	19	19	29	29
10	10	20	20	30	30
TOTAL MARKERS: 30					

PIAⁿ Active Site on Archbishops Lane & Regional Highway
 THE FARM
 PLATBOG NO. 987
 Scale: 1:5,000
 Date: 02/2020

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, CONSENT USE & DETERMINATION OF
AN ADMINISTRATIVE PENALTY: FARM NO. 987, PLATBOS, DIVISION
CALEDON**

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 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, 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 (Tel: 023 313 8972);
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 conservancy tanks will not be serviced by the Overstrand Municipality due to logistics and high cost for servicing farms and resorts;
6. 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;
7. that the developer complies to all the conditions set by Department Of Water & Environmental Affairs;
8. that the developer will arrange with Provincial Administration to obtain approval for any new access from the Provincial road.

9. 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.

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

22/09/2011
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

**3. ERF 589, 3 BOKMAKIERIE CRESCENT, KLEINBAAI, VAN DYKSBAAI:
APPLICATION FOR DEPARTURE & DETERMINATION OF
ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN AND
REGIONAL PLANNERS ON BEHALF OF CJ SUMMERTON**

589 GKB (4061/2022)

SW van der Merwe

(028) 313 8900

Hermanus Administration

23 June 2022

Executive Summary

An application was received on 15 February 2022 from Messrs PlanActive Town- and Regional Planners on behalf of CJ Summerton the owner of Erf 589, Van Dyksbaai in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- departure in terms of Section 16(2)(b) of the By-Law to relax the street building line from 4,0m to 1,595m and 1,86m to accommodate an existing garage
- departure in terms of Section 16(2)(b) of the By-Law to relax the street building line from 4m to 3,39m and 3,59m to accommodate an existing bathroom, and
- determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law to accommodate the existing single garage and bathroom.

RESOLVED :

1. that in respect of the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-law for the unauthorised building work to accommodate a bathroom and single garage no administrative penalty be imposed in terms of Section 90(4) of the By-Law;
2. that the application in terms of Section 16(2)(b) of the By-Law applicable to Erf 589, Van Dyksbaai for a departure to relax the street building line from 4m to 1,169m and 1,348m to accommodate the existing garage, be approved;
3. that the application in terms of Section 16(2)(b) of the By-Law applicable to Erf 589, Van Dyksbaai for a departure to relax the street building line from 4m to 3,39m and 3,59m to accommodate the existing bathroom, be approved in terms of Section 61 of the By-Law, subject to the following conditions;

**AGENDA of the
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(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

- (a) that this approval is only for the development as indicated on the plan, Drawing No. 03/SV/21 pg. 1-4 dated 22 September 2021 as submitted with the application;
 - (b) that the garage be provided with sectional overhead or roll up garage door within 30 days of approval of the building plans;
 - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
4. that the applicant be notified of its right of appeal in terms Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RECOMMENDATION

- ❖ The unauthorised structures are of a normal residential nature.
- ❖ No objections were received.
- ❖ The structures exist for almost 15 years without known complaints.
- ❖ The property owner acted immediately by submitting a land use application when it was found that the approval is needed for the encroachment of a street building line.

5

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR: DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 589, KLEINBAAI**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 589, Kleinbaai, unobstructed;
6. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

**4. ERF 2581, 35 VILJOEN STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: CHARMIB
ARCHITECTURAL ON BEHALF OF SC & JM STRAUSS**

2581 HON (3750/2021)

H Olivier

(028) 313 8900

Hermanus Administration

13 May 2022

Executive Summary

An application has been received on 3 September 2021 from Charmib Architecture on behalf of SC and JM Straus on Erf 2581, Onrustrivier in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following departures :

- ❖ To relax the street building line (Dempers Street) from 4m to 1.5m to accommodate a new proposed double garage;
- ❖ To relax the western lateral building line from 2m to 1,2m to accommodate a new proposed double garage and to accommodate a new roof structure over a former balcony, and
- ❖ To relax the eastern lateral building line from 2m to 1m to accommodate a use change of a single garage into a living room, the existing outside toilette into a new scullery and to accommodate the raising of the roof.

RESOLVED :

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2581, Onrustrivier for the following departures:

- ❖ to relax the street building line (Dempers Street) from 4m to 1.5m to accommodate a new proposed double garage;
- ❖ to relax the western lateral building line from 2m to 1,2m to accommodate a new proposed double garage and to accommodate a new roof structure over a former balcony, and
- to relax the eastern lateral building line from 2m to 1m to accommodate a use change of a single garage into a living room, the existing outside toilette into a new scullery and to accommodate the raising of the roof

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

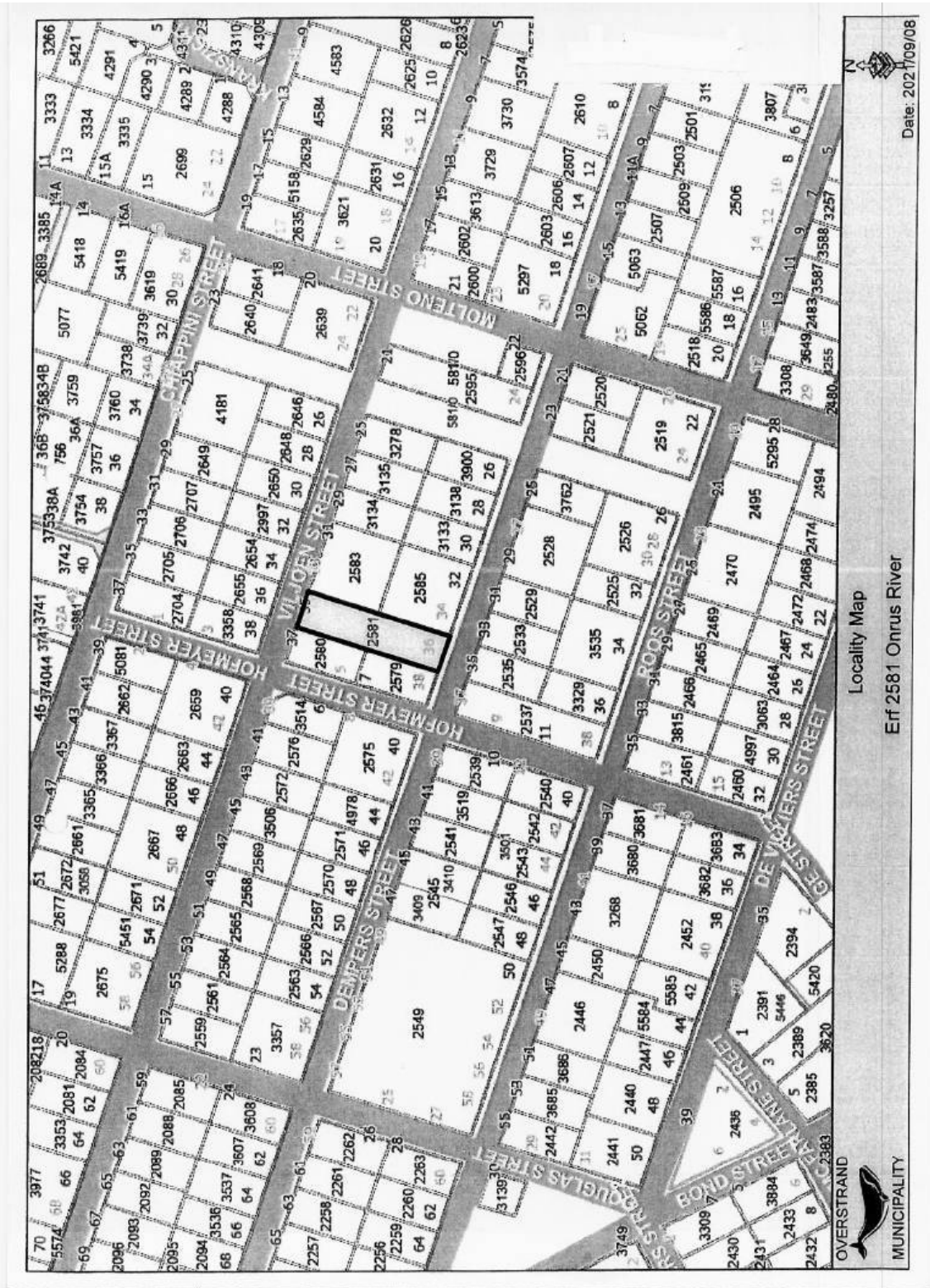
- (a) that this approval is only for the relaxations as indicated on plan numbers LUM 100 and LUM 101 dated October 2021, submitted with

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Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

- the application;
- (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with,
 - (d) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building Control and Fire Departments be complied with,
 - (e) that the conditions in the Services Report be complied with, and
 - (f) that the conditions imposed by Telkom 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 RECOMMENDATION

- ❖ The garage encroachment over the lateral building line will line up with the existing dwelling.
- ❖ The encroachment over the eastern building line will still be 1m from the property boundary.
- ❖ The encroachment over the street building line will only be up to 1,515m from the street boundary.
- ❖ The accessibility to the site will not be impacted.
- ❖ The addition of the garage will be in line with surrounding buildings in the area.
- ❖ The application is supported by all relevant internal departments.
- ❖ No objections were received from surrounding neighbours.
- ❖ The application will not impact the privacy and sunlight of adjacent property owners.
- ❖ The application will not have a negative impact on the character of the surrounding area.
- ❖ The application is considered desirable.



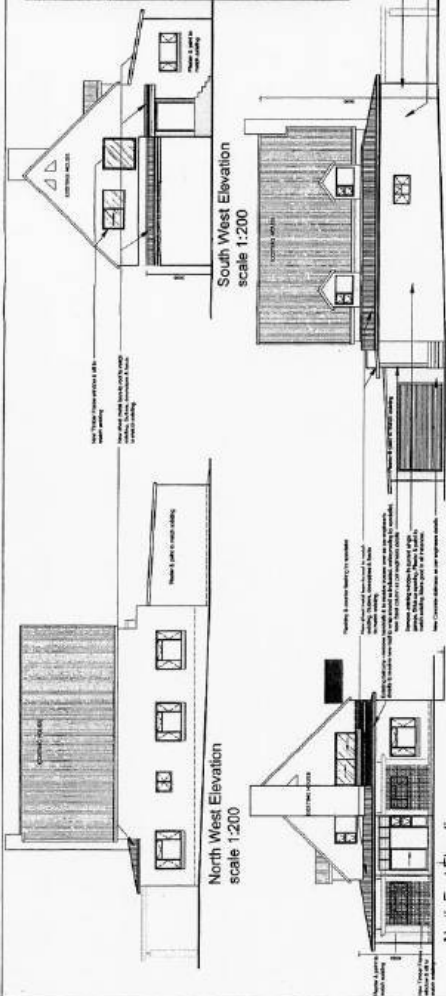
Locality Map
Erf 2581 Onrus River



Date: 2021/09/08



5m Contours
not to scale



Charmie B

ART & ARCHITECTURE

C-CHARMAINE BURGER
Professional Architectural Technologist T1151
016 619 7935 • charmaine@charmieb.co.za

PROJECT DETAILS

CLIENT: HOUSE STRAUSS
DESCRIPTION: Additions & Alterations
LOCATION: ERF 2581, ONRUS RIVER,
HERMANUS

DRAWING DETAILS

TITLE: GROUND STOREY, FIRST STOREY
& ELEVATIONS

PROJECT REF: ISKHA PROJECTS / 2020 0808

DRAWN: C-BURGER

DATE: OCT 2021

CHECKED: R-DURSE

SCALE: 1:100

PROJECT NO: JMS 2028

DRAWING NUMBER: LUM 100

REV: 02

Area schedule:

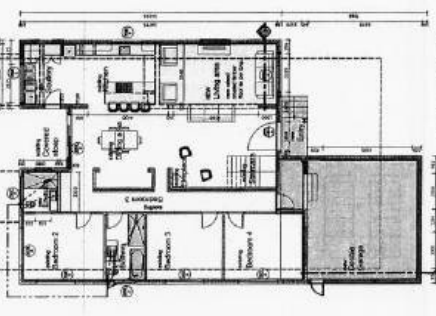
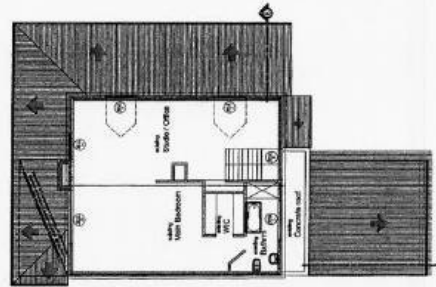
Erf: 991m²
Existing Ground storey : 189,39m²
Covered Entrance -
become part of new garage: 4,4m²
Existing First storey: 110m²
Open Slope: 8m²

NEW
Entrance Scullery: 1,095 m²
Double Garage: 44,2m²
Covered Entrance: 4,2m²
Open Entrance Staircase: 3,44m²

NEW TOTAL BUILDING AREA:
356,72m²

Coverage: 246,72m² / 991m² = 24,89%

Height dimensions on elevations




**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 2581, ONRUS RIVER**

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

Conditions

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of *SANS 10400 – P:2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erf 2581, Onrus River, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.


**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

25/02/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

5. ERF 1828, 6 HEMEL-EN-SEE AVENUE, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: ADSQUARED ARCHITECTURE & DESIGN ON BEHALF OF A VAN WYK

1828 HVM (3869/2021)

H Olivier

(028) 313 8900

Hermanus Administration

10 May 2022

Executive Summary

An application has been received on 15 October 2021 from Adsquared Architecture & Design on behalf of A Van Wyk on Erf 1828, Vermont in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following departures:

- ❖ To relax the south-western street building line from 4m to 0m to accommodate a proposed carport;
- ❖ To relax the south-eastern lateral building line from 2m to 0m to accommodate a carport, and relaxation to 0,899m to accommodate a timber deck balcony;
- ❖ To relax the north-western street building line from 4m to 1,840m to accommodate a patio and timber pergolas.
- ❖ To relax the northern street building line from 4m to 2,5m to accommodate a patio and timber pergola, and
- ❖ To relax the north-eastern street building line from 4m to 3,1m to accommodate a timber staircase, and also to accommodate a wall in lieu of 2,1m up to 3,29m high and filling up to 2,29m in lieu of 1m over such building line.

RESOLVED :

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1828, Vermont for the following departures:
 - ❖ to relax the south-western street building line from 4m to 0m to accommodate a proposed carport;
 - ❖ to relax the south-eastern lateral building line from 2m to 0m to accommodate a carport, and relaxation to 0,899m to accommodate a timber deck balcony;
 - ❖ to relax the north-western street building line from 4m to 1,840m to accommodate a patio and timber pergolas.
 - ❖ to relax the northern street building line from 4m to 2,5m to accommodate a patio and timber pergola, and

**AGENDA of the
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7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

- ❖ to relax the north-eastern street building line from 4m to 3,1m to accommodate a timber staircase, and also to accommodate a wall in lieu of 2,1m up to 3,29m high and filling up to 2,29m in lieu of 1m over such building line;

be partially approved in terms of the provisions of Section 61 of the By-Law, with the exception of the wall enclosing the carport on the southern boundary that must be **lowered** and only be 2,1m in height above natural ground level, subject to the following conditions:

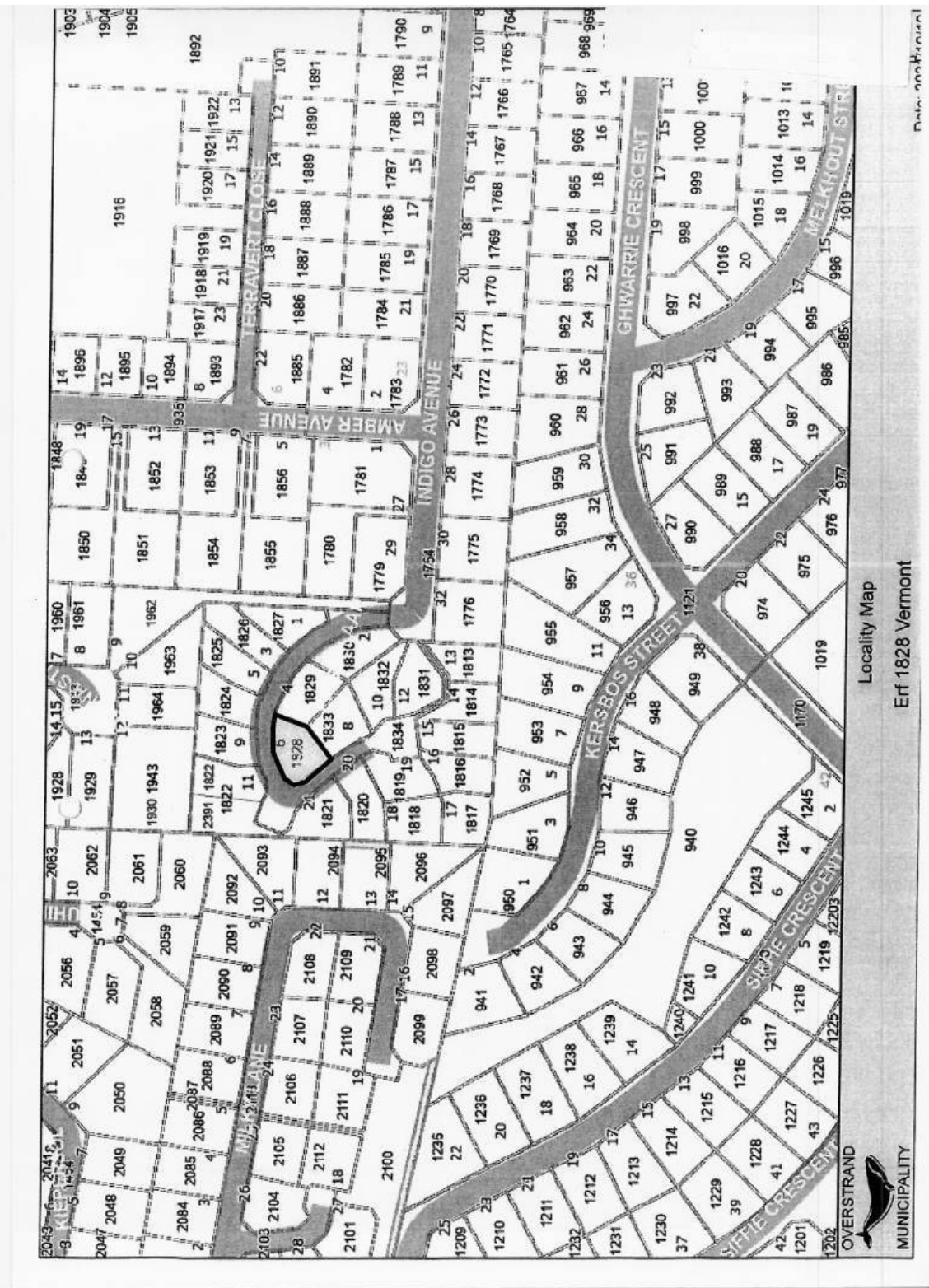
- (a) that this approval is for the relaxations as indicated on plans project number AD2102V dated Jan 2021 submitted with the application; except for the wall enclosing the carport on the southern boundary that must be lowered and only be 2,1m in height above natural ground level;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with,
 - (d) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building Control- and Fire Department be complied with;
 - (e) that the conditions in the Services Report be complied with;
 - (f) that the conditions imposed by Telkom be complied with, and
 - (g) that the conditions imposed by Eskom be complied with.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RECOMMENDATION

- ❖ The application is supported by all relevant internal departments.
- ❖ The HOA supports the application.
- ❖ No objections were received from surrounding neighbours.
- ❖ The application will improve not impact the privacy with the adjacent neighbour.

**AGENDA of the
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7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

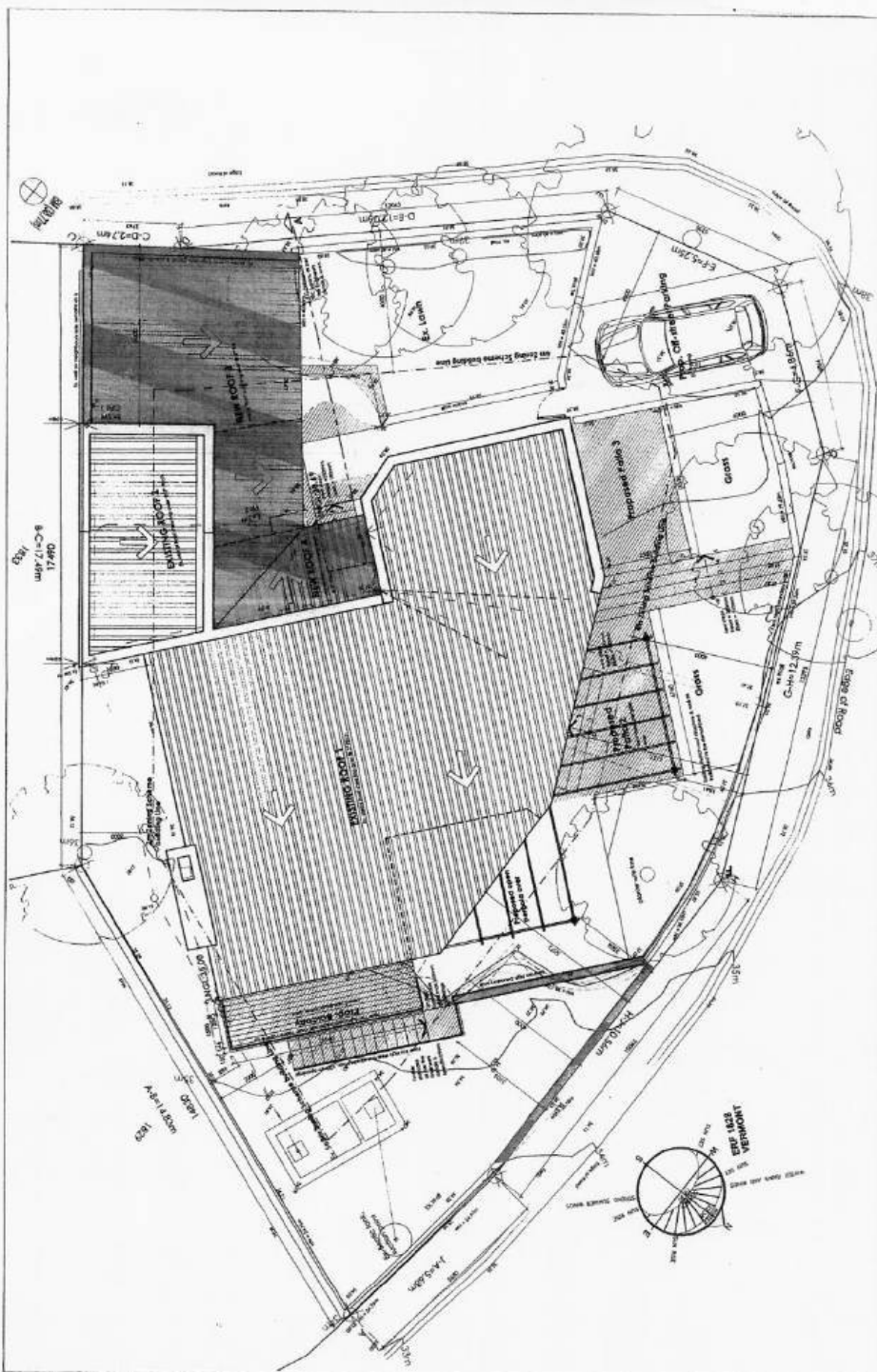
- ❖ The application will not have a negative impact on the character of the surrounding area; will not impact views or the street scape.
- ❖ The condition that the 3m high wall be reduced to 2,1m above natural ground level will ensure that the proposed alteration will be in line with the developments on other erven within the development and will also ensure that the street scene will not be negatively impacted.
- ❖ The application as recommended is considered desirable.



Data not to scale

Locality Map
Erf 1828 Vermont

OVERSTRAND
MUNICIPALITY



adsquared
ARCHITECTURE + DESIGN

date: JAN 2021
project no: AD21 02V
drawing no: 2-1
revision: R1

PROJECT INFORMATION
House Van Wyk
6 Hamlet-In-Jee Avenue
MONTPELIER
VT 05602
Owner: *Alex Noyce*

DRAWING NAME
SITE & ROOF LAYOUT
Designer: *Ruby*
Dustin Jacob-Lewis
SACAP Reg. No. VT 20744

REVISION ISSUE
COUNCIL SUBMISSION:
REV 0 - 8 OCTOBER 2021
REV 1 - 7 NOVEMBER 2021

DISCLAIMER
This drawing is the property of adsquared architecture + design and is to be used only for the project and location specified. It is not to be used for any other project or location without the written consent of adsquared architecture + design. All dimensions and notes in the drawing are to be used as a guide only and are not to be construed as a contract. The client is responsible for obtaining all necessary permits and approvals from the appropriate authorities.

no.	date	description

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 1828, VERMONT**

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

Conditions

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 10400 – P:2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erf 1828, Vermont, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

21/02/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

6. ERF 4860 (PRIVATE ROAD IN TUSCAN VILLAS COMPLEX), TUSCAN STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR AMENDMENT OF ARCHITECTURAL GUIDELINES: H RITCHIE ON BEHALF OF TUSCAN VILLAS HOMEOWNERS' ASSOCIATION

4860 HON (3707/2021)

H Olivier

(028) 313 8900

Hermanus Administration

13 May 2022

Executive Summary

An application has been received on 13 July 2021 H Ritchie on behalf of Tuscan Villas Homeowners' Association in terms of Section 16.(2)(l) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the amendment of the Architectural Guidelines of Tuscan Villas to amend the guidelines to accommodate new style carports and other minor amendments.

RESOLVED :

1. that the application in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the amendment of the Architectural Design Guidelines for Tuscan Villas, Onrustrivier to accommodate new style carports and other minor amendments, be approved in terms of the provisions of Section 61.
2. that the updated Architectural Design Guidelines, dated December 2021, be the new approved Architectural Design Guidelines.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RECOMMENDATION

- ❖ The Tuscan Villas HOA and all residents support the amendments.
- ❖ No other objections or negative comments from relevant municipal departments were received.
- ❖ The proposed changes are mostly within the existing footprint of the carports or within the complex boundaries.
- ❖ The application is in line with Planning Principles in that in a sustainable and efficient way carports can be used more efficiently.
- ❖ No objections were received from surrounding property owners.
- ❖ The application is desirable.

TUSCAN VILLAS HOME OWNERS' ASSOCIATION
ARCHITECTURAL RULES AND GUIDELINES
AMENDMENT DECEMBER 2021

1. Introduction

In this document, the terminology and definitions shall bear the same meaning as those in the Constitution of the Tuscan Villas Home Owners' Association (TVHOA) or its Conduct Rules, unless they have specifically been changed to have a different meaning.

The purpose of these rules is to ensure that all additions, alteration and extensions to villas are consistent with the architectural character in the complex, to maintain a harmonious and acceptable environment and there to ensure that the value of the owners' investment is not compromised.

Existing deviations in the complex from these rules are accepted as fair and owners will therefore not be requested to rectify them.

Plans of the proposed alterations/additions to houses with necessary details must be submitted and approved in writing by the Trustee Committee of the TVHOA before submission to the Local Authority. Should the Trustee Committee fail to reach a unanimous decision about an application in terms of these Architectural Rules and Guidelines, the application should be referred to a special meeting of the TVHOA for final decision. Any dispute between an owner and the TVHOA can be referred to arbitration according to rules 14.7 to 14.13 of the Constitution of the TVHOA.

These rules are supplementary to the requirements of the Local Authority and the National Building Regulations Standards Act, 1977 (Act 103 of 1977) as amended from time to time (the Act) and must be read in conjunction with the Constitution of the TVHOA and its Conduct Rules.

Any proposed amendment or addition to these rules and guidelines shall require the consent of 75% of the members of the TVHOA present in person or by proxy at an Annual General or Special General Meeting and the consent of the Local Authority.

Any minor departure from the TVHOA architectural guidelines and town housing (GR!) and general residential zone 1 can be a variation to existing guidelines.

Special permission is required from TVHOA who in turn must apply to have the municipality for special permission for such a departure from the zoning scheme.

2. Building lines within the town housing development.

The following building lines, subject to Paragraph 3.4 shall apply

Internal building lines:

- a) The street building lines on internal roads are 1.0m, provided that garages must be set back at least 5,0m from the curb
- b) The lateral and rear building line is 1,0m
- c) A garage may be constructed at 0m on one internal side boundary and 0m on the internal rear boundary, provided that the building does not occupy more than 50% of such internal side or rear boundary of General Residential Zone 1: Town Housing (GR1)

External building lines:

- a) Street building line with Onrus River Main Road, 5.0m
- b) With any other external road, 4.0m
- c) All other building lines 3,0

The wide space between houses is a unique feature of the complex. In considering applications for extensions/additions to houses, this aspect will form an important criteria

3. External Design Criteria

- 3.1 The footprint of buildings must be one non-fragmented form. Separate buildings are not allowed.
- 3.2 The height of a building is limited to two storeys. The height of a single storey element is 3.6m measured from the mean natural ground level to wall plate level and for a double storey building 5.5m. The mean ground level is a level halfway between the highest and lowest natural levels of the ground immediately contiguous to the building.
- 3.3 Double-pitched roofs of similar design (Coverland Kalahari Farmhouse), colour and pitch as the existing roofs shall apply in the case of lateral or vertical extensions to a house.
- 3.4 The coverage shall not exceed 40% (Total area covered by the house, carport, patio, veranda and stoep as percentage of the size of the erf) The Floor Area Ratio (FAR) shall not exceed 0.5m (Total area occupied by ground floor as defined above)
- 3.5 All additions shall have a smooth plaster similar to those on existing houses.
- 3.6 Chimneys must be of similar design as those in the complex and may not extend more than 1.2m above the eaves height or 1.2m above their exit point from the roof.
- 3.7 External walls and window sills/mouldings shall be painted in a colour in keeping with that of the complex.

- 3.8 All windows must match the design of existing windows in the complex including plaster moulding around the windows. Window frames are to be white powder-coated aluminium.
- 3.9 Swinging and sliding doors must be constructed from white powder-coated aluminium.
- 3.10 The white entrance doors to patios may be replaced by white powdered-coated aluminium-framed glass doors.
- 3.11 Part of the spacious character of the complex is the low walls separating most properties. Walls facing the internal access road are therefore limited to the existing heights, unless a higher wall is required for a swimming pool. The wall should not exceed 1.8m in height, measured from the lowest point. Approval for the raising adjoining boundary walls shall only be given after consent of the owner(s) of the neighbouring affected villas(s) has been obtained. Such higher walls must furthermore meet the provisions of the Act.
- 4.12 Garden gates are to be of steel construction, of similar design as existing gates in the complex and must be painted white.
- 4.13 The bricks of paving outside courtyard wall shall be of a similar colour and type as existing paving in the complex.

4. Garages and Carport

- 4.1 One double garage 6m long or single garage per house is allowed. Two adjacent single garages with separate doors are permitted provided they are built on the same level and line.
- 4.2 Garage doors shall be of a similar design and colour as those in the complex.
- 4.3 Any conversion of a garage into living rooms must be in accordance with the general Aesthetic character of the complex and must be approved by the Trustees.
- 4.4 Only one carport is allowed, provided the unit has only one single garage and must be joined to the main building and must be open on three sides.
- 4.5 A garage may be built on the footprint of an existing carport. The roof must be a natural extension of the roof of the existing building.
- 4.6 Carports may not be enclosed or covered with shade cloth awnings. Plant material for coverage is permissible. Carport pillars and parapets must match those in the complex.
- 4.7 No prefabricated shade carports are permitted
- 4.8 The carport roof cover as approved at the AGM of 30th April, 2021 may be constructed from material with a smooth flat surface provided it is well within the parapet of the carport to ensure minimum visibility from the common area. Roof cover must be painted the same colour as the walls of the unit. A standard drawing has been approved by the Trustees.

5. Balconies, verandas, patios, pergolas, balconies and awnings.

- 5.1 Balconies on the second level of double –storey may be enclosed on the condition that the roof constructed over the balcony forms a natural extension of the roof of the house and that walls and windows along the sides conform to the rest of the house on that level.
- 5.2 Balustrades to balconies must be steel and are to be arranged in accordance with existing design and of the same thickness of steel as existing balustrades.
- 5.3 Verandas and patios at floor level must have a parapet supported by either round pillars or square pillars with similar colour and design as those in existing carports.
- 5.4 Enclosure of verandas/patios must be done with white powder coated, aluminium framed glass windows, swinging or sliding doors, or frameless glass panels.
- 5.5 The roof cover of verandas/patios must either be an adjustable aluminium louver type (similar to those existing on some of the patios in the complex) or maybe constructed from a material with a smooth flat surface provided it is well within the parapet of the patio to ensure minimum visibility from the common area. Visible roof tops must be painted the same colour as the walls of the house.
- 5.6 Cantilevered balconies may not extrude more than 1200mm beyond the plastered wall of the building.
- 5.7 Pergolas are only permitted on small verandas against existing structures or pillars. No new structures are to be constructed. Pergolas may not be covered in canvas or shade cloth but may support planting.
- 5.8 No canvas or shade cloth covered awnings, visible from the common area are permitted.

6. Fencing and security bars

- 6.1 External shutters and roll-up security grilles and burglar bars are not permitted on windows. Plain horizontal/vertical bars fitted in or onto the window frame on the inside will be allowed and must be of the same colour as the window frames.
- 6.2 Trellis doors are allowed on single entrance doors and on the inside of sliding doors.
- 6.3 No trellises, security spikes, razor wire shall be permitted on interior boundary walls.

7. External Fitting and Features

- 7.1 All external light fittings must match the existing type. Flood lighting is only permitted if they do not affect neighbours. Pole lighting is not permitted.
- 7.2 House numbers must match those existing in the complex. A name-plate next to the front door is allowed.
- 7.3 Fixtures and other items such as washing lines, air-conditioning ducts, satellite dishes, solar heating panels, kennels etc. should be sited discreetly, when possible, out of the view of common area and neighbours.
- 7.4 Television aerial and satellite dishes are to be installed below the upper most roof eaves line.
- 7.5 Solar heating devices are to have their storage tanks concealed from view and separate from their panels. Heating panels are to be mounted flush on the primary roof forms only.
- 7.6 No caravans, trailers, tool sheds, boats, Wendy houses or structures of a temporary nature shall be allowed to be parked or erected in view of any dwelling in the complex.
- 7.8 No pot plants or containers, statues or structures of any sort are permissible on the garden perimeter walls.
- 7.9 Window-mounted air-conditioning units or air-conditioning units on the roof are not allowed

8. Swimming Pools

- 8.1 Plans for swimming pools must be approved by the TVHOA and if applicable also by the Local Authority.
- 8.2 Swimming pools should be either safety-netted or properly walled in with self-closing gates.
- 8.3 The swimming pool backwash or wastewater must be discharged into the storm-water outlets and not into sewer drains,
- 8.4 Pumps and filters must be out of sight and may only be operated from 07.00 to 20.00.
- 8.5 Pools and associated pool decks may not project from the natural ground level by more than 450mm.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

7. ERF 3900, 26 DEMPERS STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF MVE WENTZEL

3900 HVM (3798/2021)

H Olivier

(028) 313 8900

Hermanus Administration

23 May 2022

Executive Summary

An application was received on 14 September 2021 from Messrs Plan Active on behalf of MVE Wentzel on Erf 3900, Onrustrivier in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following departures:

- ❖ to relax the western lateral building line from 2m to 0m to legalize the existing shed;
- ❖ to relax the western lateral building line from 2m to 0,9m, to accommodate the change of use of the approved garage/outbuilding to a second dwelling unit;
- ❖ to relax the rear building line from 2m to 0,9m to accommodate the change of use of the approved garage/outbuilding to a second dwelling unit, and to legalize the addition of a gardener's bathroom, and
- ❖ to exceed the maximum permissible coverage for all structures on the property from 50% to 52,28%.

Application is further made in terms of Section 16.(2)(q) of the By-Law for the Determination of an Administrative Penalty for the unauthorized encroachments on the property.

RESOLVED :

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 3900, Onrustrivier for the following departures:
 - ❖ to relax the western lateral building line from 2m to 0,9m to accommodate the change of use of the approved garage/outbuilding to a second dwelling unit, and
 - ❖ to relax the rear building line from 2m to 0,9m, to accommodate the change of use of the approved garage/outbuilding to a second dwelling unit, and to legalize the addition of a gardener's bathroom

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

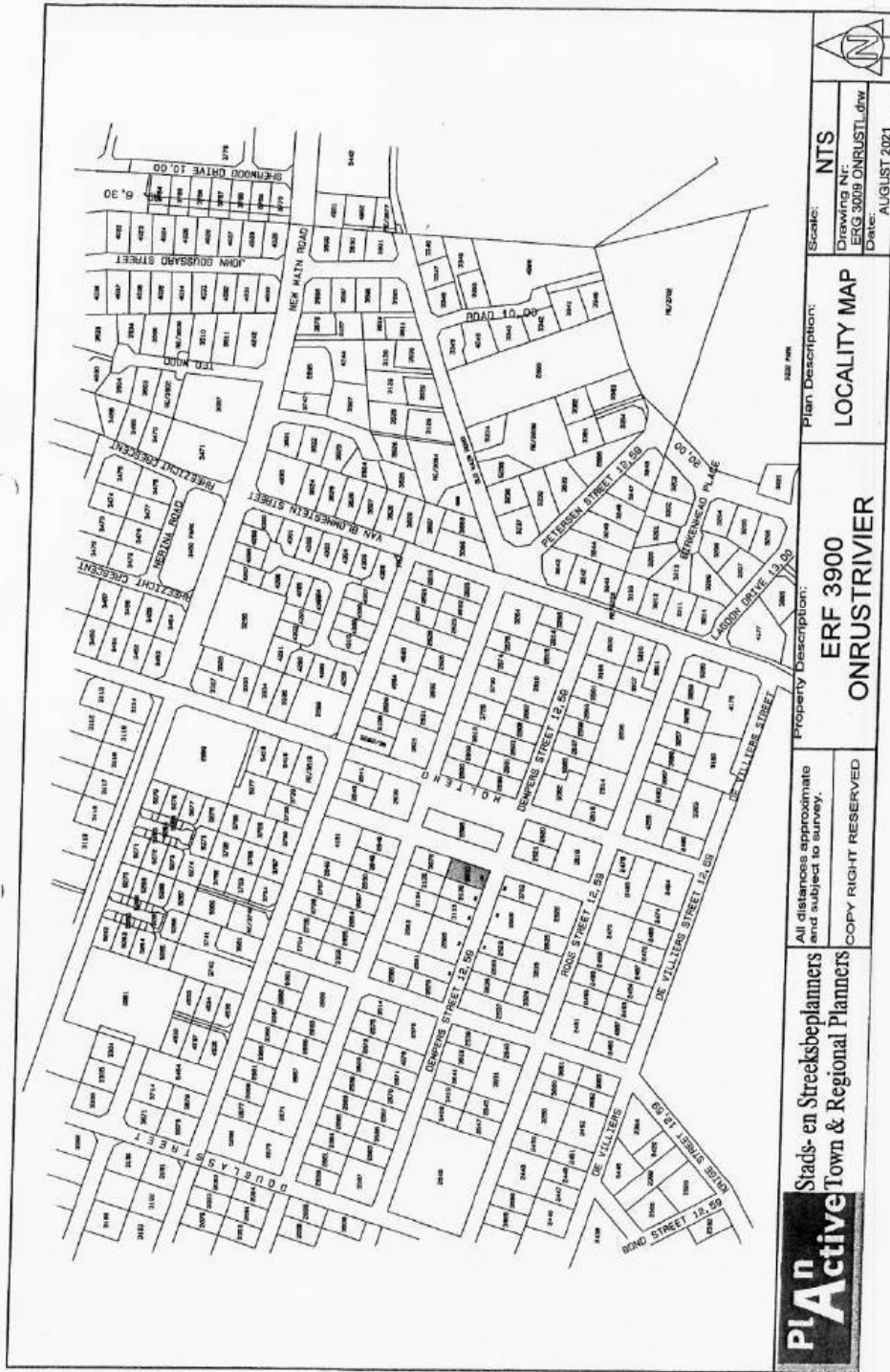
**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

to the following conditions:

- (a) that this approval is only for the structures as indicated on Plan Number LKN137/2021 - Rev1 dated 24 March 2022;
 - (b) that the necessary building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that the conditions of Engineering Services, be complied with;
 - (d) that all the conditions imposed by Eskom, be complied with;
 - (e) that the existing shed be demolished prior to the building plan to legalize the second dwelling and gardeners bathroom will be approved;
 - (f) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (g) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the application for the determination of an administrative penalty in terms of Section 16.2.(q) of the By-law applicable to Erf 3900, Onrustrivier for unauthorized land use activities stipulated above, were considered and that no administrative penalty be imposed in terms of Section 90.(4) of the By-Law.
 3. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RECOMMENDATION

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



PIAn
Active

Stads- en Streeksbeplanners
Town & Regional Planners

All distances approximate
and subject to survey.
COPY RIGHT RESERVED

Property Description:
**ERF 3900
ONRUSTRIEVER**

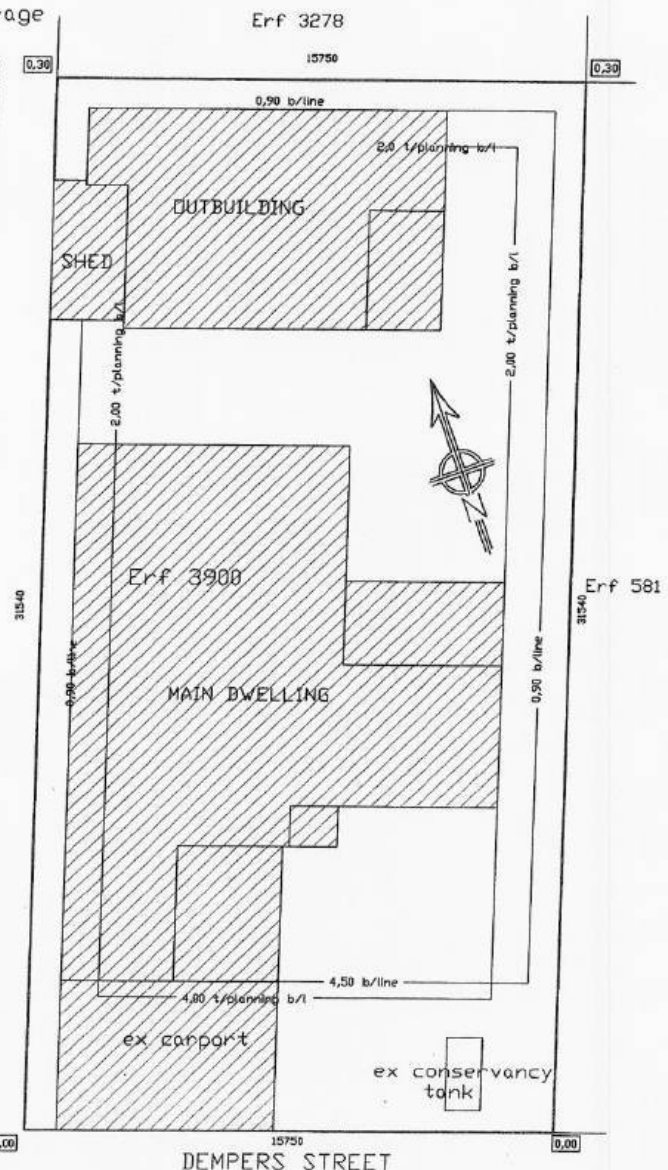
Plan Description:
LOCALITY MAP

Scale: **NTS**
Drawing Nr: **ERG 3009 ONRUSTL.dwg**
Date: **AUGUST 2021**



House - Wentzel
 Erf 3900 Onrusriver
 26 Demper Street
 Floor Areas & Coverage

Main Dwelling	155,78 m ²	0,30
Outbuilding	64,86 m ²	
Garden shed	8,90 m ²	
Carport	29,25 m ²	
Total	258,79 m ²	
Erf Size	495 m ²	
Coverage	52,28 %	



LINK Architects
 CK88/24779/23
 Plan # LKN 137/2021
 P.O. Box 343,
 Onrusriver,
 7201
 Tel : 028 315 2987
 Cell : 082 411 3990
 email : alan@linkarchitects.co.za
 2nd September 2021



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF ADMINISTRATIVE
PENALTY: ERF 3900, ONRUS RIVER**

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

Conditions

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of *SANS 10400 – P:2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erf 3900, Onrus River, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

8. **ERF 1495, LYNX ROAD, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND EXEMPTION OF SUBDIVISION (REGISTRATION OF A RIGHT-OF-WAY SERVITUDE): WRAP PROJECT OFFICE ON BEHALF OF V COLATRUGLIO, P COLATRUGLIO AND A PIETERSE**

1495 HVM (3953/2021)

H Olivier

(028) 313 8900

Hermanus Administration

30 May 2022

Executive Summary

An application was received on 14 December 2021 from Messrs WRAP Project Office on behalf of V Colatruglio, P Colatruglio & A Pieterse on Erf 1495, Vermont in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Subdivision** in terms of Section 16(2)(d) of the By-Law, to create two (2) Residential Zone I erven namely: Portion A ($\pm 4583\text{m}^2$) and the Remainder ($\pm 9166\text{m}^2$).
- ❖ **Exemption** of subdivision in terms of Section 26(1)(h)(v) of the By-Law to register a right-of-way servitude over the Remainder in favour of proposed Portion A.

RESOLVED:

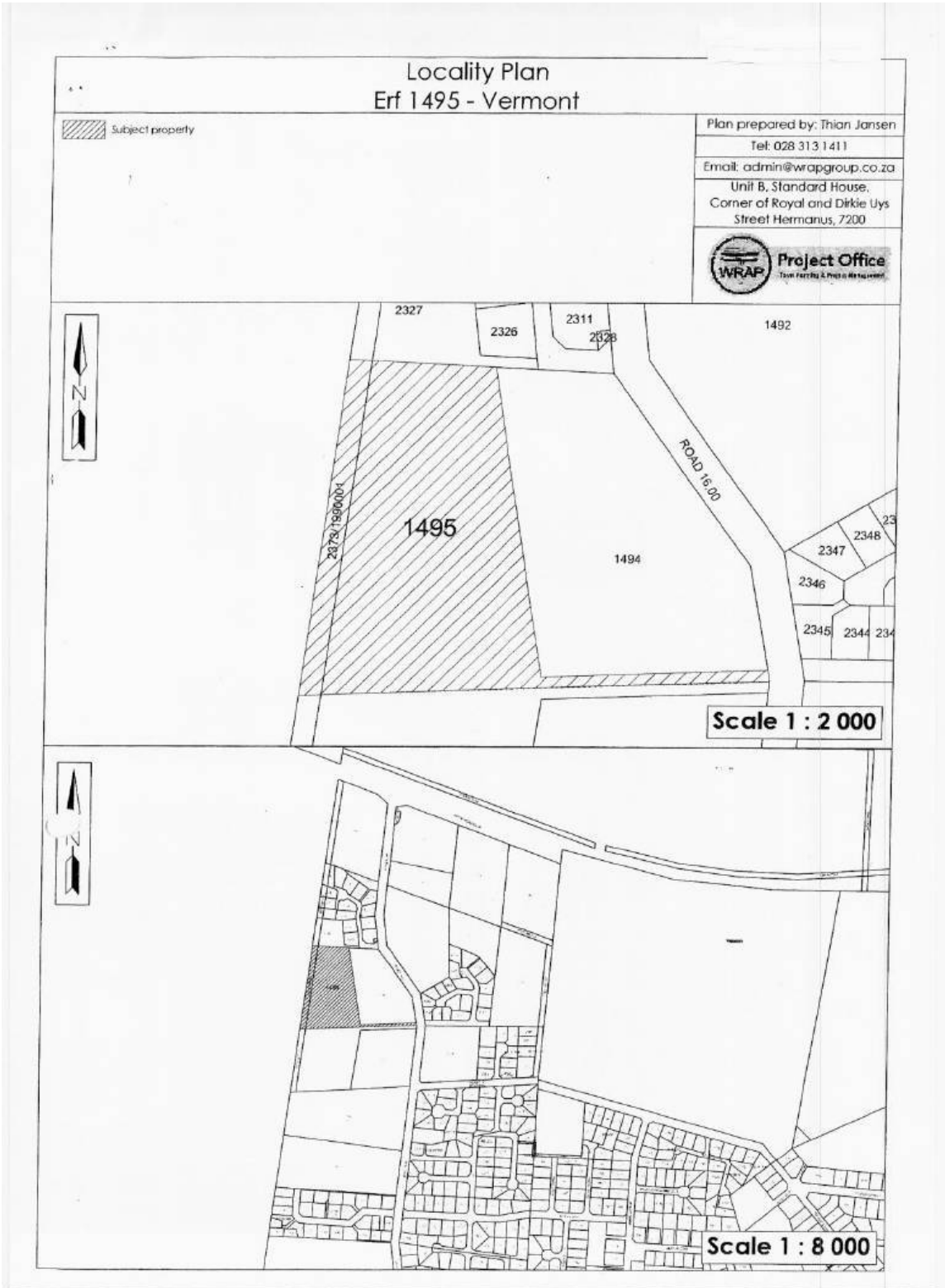
1. that the application in terms of Section 47 of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) of an application in terms of Section 16(2)(j) to amend the Architectural Guidelines of Flagship Business Park, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that a copy of the amended Architectural Guidelines be submitted to the Municipality for record purposes.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.
 - (a) that development be in line with undated plan Erf 1495 submitted with this application;
 - (b) that a 5m and 8m access servitude, and if so required, a service servitude be registered to the satisfaction of the Engineering Services Department, prior or simultaneously to the registration of the first erf;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

- (c) that this decision does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (d) that all conditions in the Services Report, be complied with;
 - (e) that all the conditions imposed by Eskom, be complied with, and
 - (f) that all the conditions of Telkom, be complied with.
4. that the applicant and objectors be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RECOMMENDATION

- ❖ The application will not have a negative environmental impact as no environmental listed activities are triggered.
- ❖ The proposed development is in line with the Overstrand Municipality SDF, 2020 which earmarks this area for residential purposes and the Overstrand Municipality Growth Spatial Development Framework, 2010 which earmark this area for status quo.
- ❖ The objections relating to the impact of traffic on the road network is not supported as the scale of the development is low and the Municipal Engineering Services Department also advised on access and traffic matters and provided their support for the application.
- ❖ The area has a mixed residential use character of small pockets of group housing erven, Residential Zone I erven of approximately 600m² in size, and larger Residential Zone I plots measuring between 1ha to 2ha in size. This proposal is therefore in line with existing developments and the character of the area.
- ❖ The provision of a right-of-way servitude off Lynx Road would ensure access to both residential portions being created from this subdivision.
- ❖ A good public participation process was followed with notices sent to directly adjacent property owners.
- ❖ There is sufficient capacity in services and road infrastructure to serve the development.
- ❖ All relevant Municipal and State Departments and other institutions support the application.
- ❖ The proposal is in line with the character of the area and would not have a significant impact on surrounding property owners and is desirable.



Proposed Subdivision Plan
EF 1495 Vermont

EF 1495 - Vermont

Plan prepared by: Thom Janson

All distances are approximate
and subject to a survey

Tel: 028 313 1411

Email: admin@wrap.co.nz

Unit B, Stordard House, Corner of Royal and Olive Sts
Street Hamlet, 7200



Project Office
Town Planning & Project Management

Scale 1 : 1000



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION & EXEMPTION OF SUBDIVISION (RIGHT OF
WAY SERVITUDE): ERF 1495, VERMONT**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

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

Note:

- 1.3 **The above figures are estimates**
- 1.4 **The above figures do not include evaluation/investigation levies and connection fees**
2. that each property must be services with individual and separate water and sewer connections which must comply with the standards of the Department: Operational Services;

3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that, both the existing and the proposed vehicular access to the proposed erven be provided with road infrastructure to allow access to the proposed erven. Such infrastructure must comply with the specifications of the Department: Operational Services (Hermanus).
7. that stormwater be allowed to discharge through the proposed Erven, Vermont, unobstructed;
8. that no on-street parking be allowed.

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

28/01/2022
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

9. **ERF 4011, 10 TUBBY SWINGER CLOSE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: MESSRS ENGELBRECHT & SCORGIE ON BEHALF OF C ADAMS.**

4011HON (3883/2021)

H Olivier

(028) 313 8900

Hermanus Administration

19 June 2022

Executive Summary

An application has been received on 26 October 2021 from Messrs Engelbrecht & Scorgie on behalf of C Adams on Erf 4011, Onrustrivier in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Departure** in terms of Section 16.(2)(b) of the By-Law to relax the northern lateral building line from 2m to 1,9m to accommodate extensions on the first floor of the dwelling, the rear building line from 2m to 0m to accommodate an existing timber deck and pool, pool railing of approximately 2.3m above natural ground level, and the rear building line from 2m to 1,44m to accommodate portions of the existing dwelling house and garage, and
- ❖ Determination of an **administrative penalty** in terms of Section 16.(2)(q) of the By-Law for the unauthorised building line encroachments.

RESOLVED :

1. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 4011, Onrustrivier for the unauthorized structures over building lines as stipulated above, be applicable, and that an administrative penalty fee of R1 970-00 (being 10% of built cost for 5,6m² encroachments) be payable within thirty (30) days of the decision.
2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 4011, Onrustrivier to relax the northern lateral building line from 2m to 1,9m to accommodate extensions on the first floor of the dwelling, the rear building line from 2m to 0m to accommodate an existing timber deck and pool, pool railing of approximately 2.3m above natural ground level, and the rear building line from 2m to 1,44m to accommodate portions of the existing dwelling house and garage, be approved, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

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(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

- (a) that this approval is only for departure of building lines and is not an approval in terms of any other legislation;
 - (b) that the approval for the departure is only for the development over for the building lines as indicated on plans JO988, A1-02 and A1 01, Rev 2 dated 19 January 2021;
 - (c) that the structure encroaching over the boundary line be removed within 60 days;
 - (d) 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;
 - (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;
 - (g) that all the conditions in the Services Report be complied with;
 - (h) that the conditions imposed by Telkom, be complied with, and
 - (i) that the conditions imposed by Eskom, be complied with.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

REASONS FOR THE APPROVAL

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ No objections were received from neighbours; therefore, the impact on neighbours' privacy and rights will be minimal.
- ❖ Most encroachments are existing encroachments with the last constructions dating from 2018, with no additional impact on neighbours.
- ❖ The new encroachment applied for, is for the bedroom extension on first floor with only for a maximum 100mm encroachment, is a minor encroachment with no impact on neighbours.

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(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

- ❖ The biggest encroachments are for the legalization of the garage 1,44m from the rear boundary line and the deck on the rear boundary. These are minor structures, and it borders an open piece of Municipal land.
- ❖ The application will not have a negative impact on surrounding neighbours or on the character of the area and is desirable.
- ❖ The existing property owner was not involved in the first encroachments on the property which played a role in the later encroachments. The structures over the building lines are also considered relatively minor structures, and the property owner submitted building plans for all but one small portion of deck. The property owner and builder should however still have ensured that all new extensions constructed on the site were compliant with building lines.
- ❖ The property owners request that only 10% of the building cost of R19 691-50 (*calculated by the applicant*) be made applicable as a penalty fee is a reasonable request, considering the existing landowner were not involved in most of the encroachments and the encroachments the property owner was involved with can be considered minor encroachments.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 4011, ONRUS RIVER**

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

Conditions

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 10400 – P:2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erf 4011, Onrus River, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

10. ERF 419, 3 FOURIE STREET, HERMANUS, WESTCLIFF, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, SUBDIVISION, DEPARTURE, AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF LHB & SL BARLOW

419 HWC (3723/2021)

(H Boshoff)

S van der Merwe

(028) 313 8900

Hermanus Administration

3 June 2022

Executive Summary

An application was received on 31 May 2021 from Messrs WRAP Project Office on behalf of LHB & SL Barlow, applicable to Erf 419, Hermanus for the following:

1. removal, in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of restrictive title deed conditions C.(2), C.(3) and C.(4) as contained in Title Deed T16293/2020 of Erf 419, Hermanus, in order to subdivide the property in two portions, namely Portion A and a Remainder, to allow two dwelling units on the proposed Portion A, and to construct a garage on the Remainder that encroaches the 3.15m title deed building line;
2. the subdivision, in terms of Section 16(2)(d) of the By-Law, of Erf 419, Hermanus in two portions, namely Portion A ($\pm 543\text{m}^2$) and a Remainder ($\pm 572\text{m}^2$);
3. departure in terms of Section 16(2)(b) of the By-Law to:
 - (a) relax the northern lateral building line of the above proposed Remainder from 2m to $\pm 0.3\text{m}$ to accommodate a garage;
 - (b) relax the street building line of the above proposed Remainder from 4m to $\pm 3\text{m}$ to accommodate the garage;
 - (c) relax the southern lateral building line of the above proposed Remainder from 2m to $\pm 1.4\text{m}$ to accommodate a portion of the existing dwelling and a portion of a new covered patio;
 - (d) relax the southern lateral building line of the above proposed Portion A from 2m to $\pm 1.55\text{m}$ to accommodate a portion of the existing dwelling, and to
 - (e) relax the rear building line of the above proposed Portion A from 2m to $\pm 1.53\text{m}$ to accommodate a portion of the existing dwelling and a portion of a new covered patio;

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4. application in terms of the provisions of Section 90 of the By-Law for the determination of an administrative penalty for those portions of the above-mentioned structures that illegally encroach the building lines.

RESOLVED :

1. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 419, Hermanus for the removal of restrictive title deed conditions C.(2) and C.(4) as contained in Title Deed T16293/2020, be approved in terms of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(f) of the By-Law for the removal of restrictive title deed condition C.(3) as contained in Title Deed T16293/2020 applicable to Erf 419, Hermanus be partially approved in terms of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(d) of the By-Law, for the subdivision of Erf 419, Hermanus in two portions, namely Portion A ($\pm 543\text{m}^2$) and a Remainder ($\pm 572\text{m}^2$), be approved in terms of Section 61 of the By-Law;
4. that the application for departure in terms of Section 16(2)(b) of the By-Law to:
 - (a) relax the northern lateral building line of the above proposed Remainder from 2m to $\pm 0.3\text{m}$ to accommodate a new garage;
 - (b) relax the street building line of the above proposed Remainder from 4m to $\pm 3\text{m}$ to accommodate the garage;
 - (c) relax the southern lateral building line of the above proposed Remainder from 2m to $\pm 1.4\text{m}$ to accommodate a portion of the existing dwelling and a portion of a new covered patio;
 - (d) relax the southern lateral building line of the above proposed Portion A from 2m to $\pm 1.55\text{m}$ to accommodate a portion of the existing dwelling; and to
 - (e) relax the rear building line of the above proposed Portion A from 2m to $\pm 1.53\text{m}$
5. that the above approvals be subject to the following conditions:
 - (a) that condition C.(3) as contained in Title Deed T16293/2020 of Erf 419, Hermanus be removed from the title deed of the newly created Portion

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

- A, but that the condition be retained in the to be endorsed title deed of the Remainder portion of Erf 419, Hermanus;
- (b) that building plans be submitted to the Building Department for approval immediately after the registration of the subdivision, taking condition (a) above into consideration) and that all requirements of the Building Department and Fire Services at the time, be complied with;
 - (c) that the swimming pool be relocated not to extend over the new common boundary of the two land portions;
 - (d) that the conditions of Engineering Services and Telkom, be complied with;
 - (e) that all other development parameters as prescribed in the relevant Land Use Scheme, be complied with; and
 - (f) that the above approvals do not absolve the applicant from compliance with any other relevant legislation;
6. that the application for the determination of an administrative penalty in terms of Section 16.(2)(q) of the By-Law for the above illegal building line encroachments that calculates $\pm 13\text{m}^2$; was considered and that no administrative penalty be imposed in terms of Section 90.(4) of the By-Law.
7. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above approvals and conditions.

REASONS FOR RECOMMENDATION

Reasons for the decisions in paragraphs 1, 2, 3, 4, and 5. above

- ❖ The majority of properties in Westcliff are burdened with restrictions regarding subdivision and land uses.
- ❖ Since the insertion of the restrictions in the title deeds of Westcliff, various land use tools came into force to ensure control over land uses and land use parameters like the Overstrand Land Use Scheme of which the parameters and land uses on single residential properties are much more lenient than the restrictions in the title deed of the subject property.
- ❖ The application contains sufficient merit to be considered favourably.
- ❖ One additional erf will be created that is in line with the urban form of Fourie Street and will therefore not impact on the character of the specific area.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

- ❖ The proposal is not something out of the ordinary for Westcliff.
- ❖ All other single residential parameters for the properties will be maintained, except that no second dwelling unit will be allowed on the Remainder portion since it would be out of character with the densities of the immediate surrounding erven and would also not be in line with the Overstrand Municipality Growth Management Strategy/Guideline regarding the density of units for the specific planning unit.
- ❖ The approvals will not impact on the rights of the surrounding property owners.
- ❖ The departures are regarded as insignificant.
- ❖ All services for the subdivided portions are available and are sufficient to accommodate the proposal.
- ❖ The structures on the property have been constructed more than 81 years ago at its current positions. The current landowners purchased the property only recently (2020) and it is therefore without any doubt not the current landowners who contravened planning legislation which justifies that no administrative penalty is payable.
- ❖ The proposal is thus regarded as being desirable from a town planning perspective.

Amended Plan 6: Site Development Plan Erf 419 Hermanus

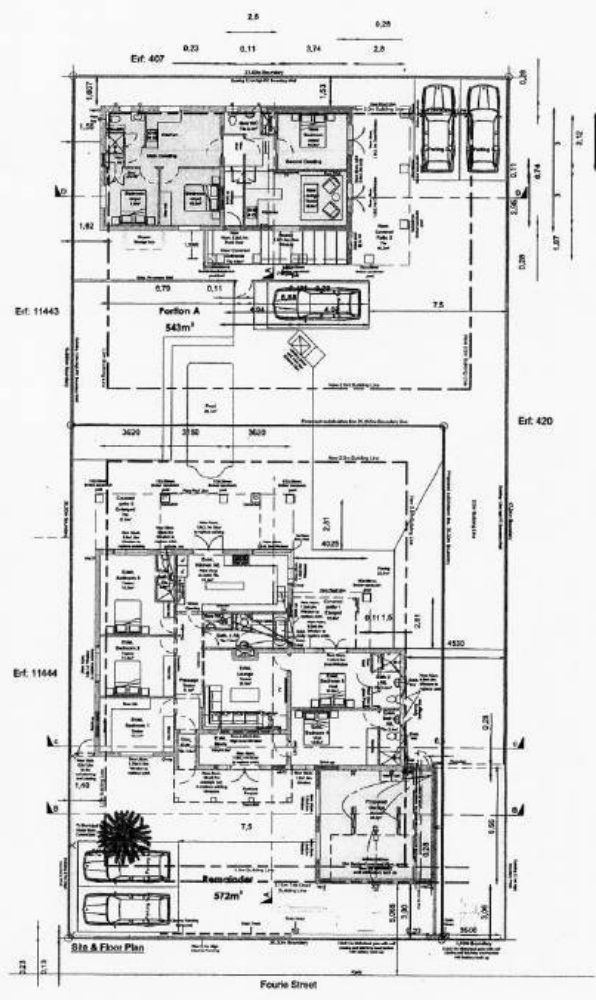
Tel: 028 313 1411
 Email: admin@wrapgroup.co.za
 Plan 6.1
 Unit B, Standard House Corner of Royal and
 Dirkie Uys Street Hermanus, 7200
 Based on plans by:
 Engelbrecht & Scorgie Architectural Office
 Plan prepared by: Realiehle Jankie &
 amended by: Thian Jansen
 All distances are approximate
 and subject to a survey



Project Office
 Town Planning & Project Management



Development Parameters Calculations	
Portion 'A' Site area:	543m ²
Existing Building	53.9m ²
Geyser Storage Box	2.4m ²
Proposed Addition	38.2m ²
Proposed Patio Cover	40.2m ²
(Proposed Main Dwelling)	38.4m ²
(Proposed Second Dwelling)	35.2m ²
<hr/>	
Total covered floor area:	134.7m ²
Total coverage:	134.7m ² = 24.8%
<hr/>	
Required parking:	3 bays
Proposed parking:	3 bays
<hr/>	
Remainder Portion Site area:	572m ²
Existing Building	188.2m ²
Geyser Storage Box	1.3m ²
Proposed Garage Addition	41.7m ²
Proposed Patio Cover 1	12.8m ²
Proposed Patio Cover 1	32.8m ²
<hr/>	
Total covered floor area:	256.9m ²
Total coverage:	256.9m ² = 44.7%
<hr/>	
Required parking:	2 bays
Proposed parking:	4 bays



Scale 1:200

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,
SUBDIVISION & DEPARTURE: ERF 419, WESTCLIFF**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

Water	R 24 915.00 x 1	=	R 24 915.00
Sewerage	R 16 799.12 x 1	=	R 16 799.12
Roads	R 7 532.72 x 1	=	R 7 532.72
Stormwater	R 8 691.28 x 1	=	R 8 691.28
Solid Waste	R 1 505.92 x 1	=	R 1 505.92
Electricity	R 33 264.34 x 1	=	R 33 264.34
TOTAL (inclusive of VAT)		=	R 92 708.38

Note:

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

04 OCT 2021

3. that only a standard 60 Amp single phase electricity connection will be available per erf;
4. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
5. that on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
6. 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;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through the proposed Erven, Westcliff, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

03/09/2021
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

11. ERF 9808, 18 KIEWIET AVENUE, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF COOPER & HARRIS FAMILY TRUST

9808 HEC (3871/2021)

P Roux

(028) 313 8900

Hermanus Administration

31 May 2022

Executive Summary

An application has been received on 16 April 2021 from WRAP Project Office on behalf of Cooper & Harris Family Trust in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 9808, Hermanus (Eastcliff) for the following:

Determination of an Administrative Penalty in terms of Section 16(2)(q) of the By-Law, and

Departure in terms of Section 16(2)(b) to:

- relax the western building line from 2m to 1.196m to accommodate the proposed study on first floor;
- relax the western building line from 2m to 1.297m to accommodate the proposed fire hearth on ground floor;
- relax the southern building line from 2m to 1.765m to accommodate the new slab, timber deck and TV niche on ground floor;
- relax the eastern building line from 2m to 1.328m to accommodate the new main bedroom on first floor;
- relax the eastern building line from 2m to 1.536m to accommodate the new en-suite bathroom on first floor;
- relax the eastern building line from 2m to 1.536m to accommodate the new bathroom and scullery/laundry on the ground floor, and
- relax the eastern building line from 2m to 1.328 to accommodate the new first floor balcony.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for a departure on Erf 9808, Eastcliff for the following:
 - relaxation from the western building line from 2m to 1.196m to accommodate the proposed study on first floor;
 - relaxation from the western building line from 2m to 1.297m to accommodate the proposed fire hearth on ground floor;
 - relaxation from the southern building line from 2m to 1.765m to accommodate the new slab, timber deck and TV niche on ground floor;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

- relaxation from the eastern building line from 2m to 1.328m to accommodate the new main bedroom on first floor;
- relaxation from the eastern building line from 2m to 1.536m to accommodate the new en-suite bathroom on first floor;
- relaxation from the eastern building line from 2m to 1.536m to accommodate the new bathroom and scullery/laundry on the ground floor, and
- relaxation from the eastern building line from 2m to 1.328 to accommodate the new first floor balcony.

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

2. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-law for the unauthorised land use activities stipulated above, not be exempted from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
 - (a) that approval is only for the covered pergola as indicated on the plans submitted with the application;
 - (b) that the balustrad of the northern facing balcony be set back to respect the 2m eastern lateral buidling line;
 - (c) that the eastern facing windows of the bedroom and ensuite bathroom be frosted/glazed in order to mitigate privacy concerns;
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (e) that an administrative penalty of R53 943.00 (20% of the built cost as per the approved municipal tariffs) be payable within 30 days of the decision.
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. 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, 2022, with regard to the above decision.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

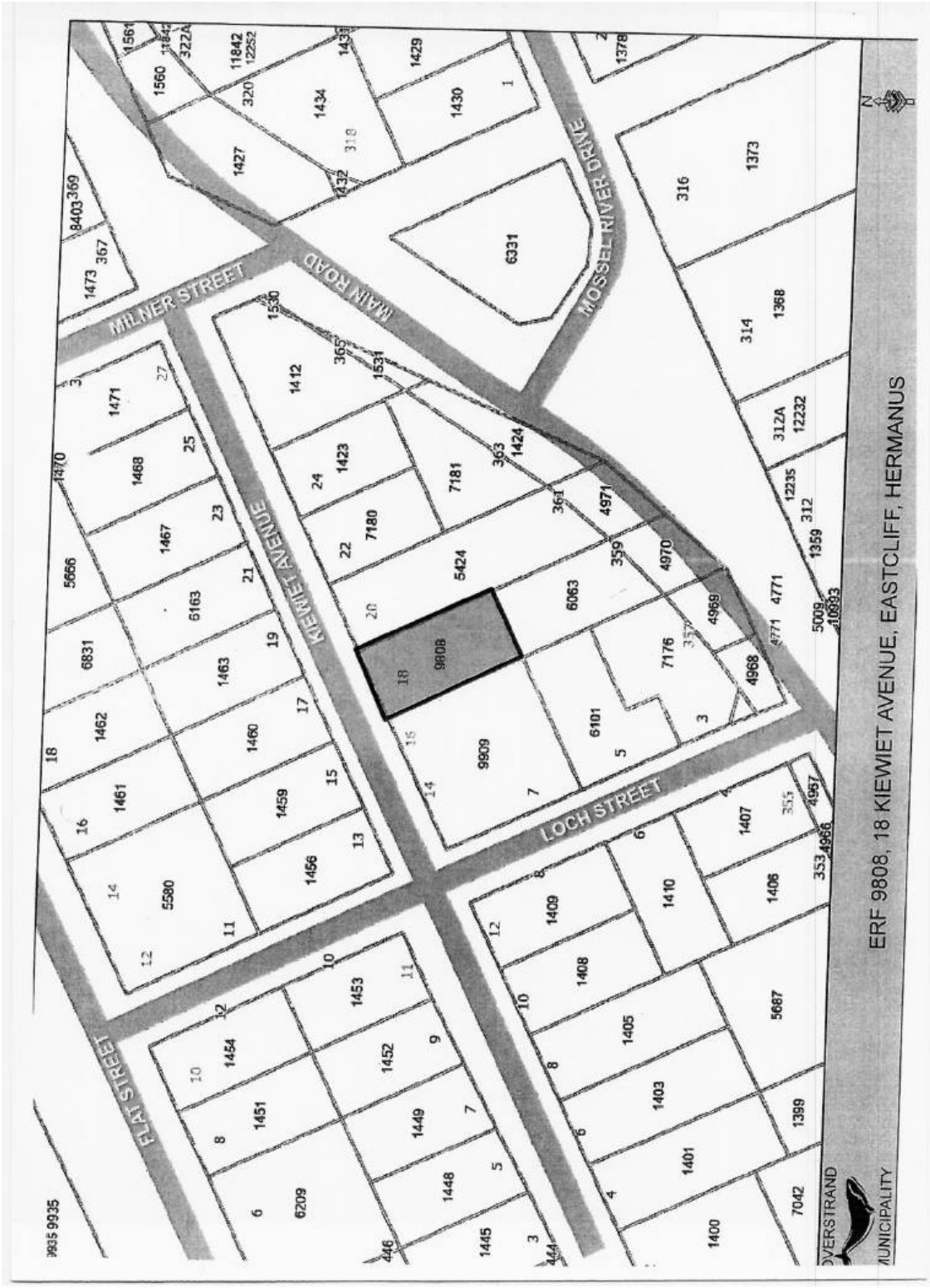
REASONS FOR RECOMMENDATION

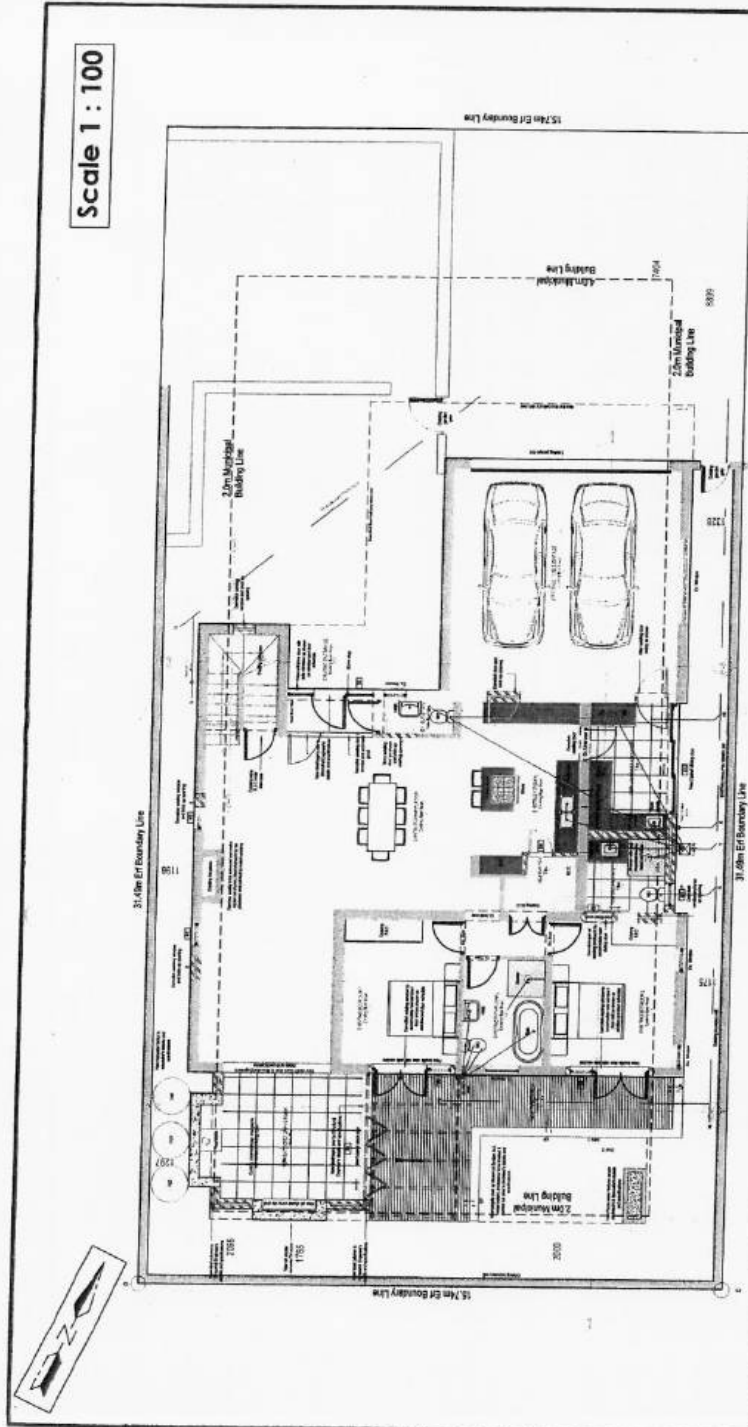
Reasons for the decisions in 1.

- ❖ The existing structure is compliant with the character of the area.
- ❖ The existing structure will have minimal to no impact on the privacy of the adjacent property owners.
- ❖ A condition is inserted to mitigate any future privacy concerns of the property owner on the eastern side of the subject property.
- ❖ The enclosure of the western balcony will be an improvement compared to the current situation.
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ The proposal is compliant with the spatial policies contained in the SDF.
- ❖ The proposal is constant with the spatial principles as set out in SPLUMA and LUPA.
- ❖ No objection was received from the adjacent property owners.

Reasons for recommendation point 2.

- ❖ The architect and building consultant should have informed and the property owner that building work can only continue once all the necessary approvals were obtained.
- ❖ Building work continued without the required approvals.
- ❖ It is evident that the current landowner is responsible for the contraventions.





Scale 1 : 100

**Plan 3.1: Ground Floor Plan
Erf 9808 Hermanus**

Parameter	495m²	Compliance
Permissible coverage		50%
Proposed coverage		49.3%
Required parking		2
Proposed parking		2
Maximum height		6m
Proposed height		6m

Tel: 028 313 1411
 Email: admin@wrappgroup.co.za
 Plan 3.1
 Unit B, Corner of Ruyal and Dike Uys
 Street Hermanus, 7201
 Based on plans by: LizeArchitect
 All distances are approximate
 and subject to a survey



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 9808, EASTCLIFF**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that stormwater be allowed to discharge through Erf 9808, Eastcliff, unobstructed;
7. that no on-street parking be allowed.

pp R Coche
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

25/05/2021
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

- 12. ERVEN 599, UNREGISTERED ERF 1929 (PTN OF 599) & 1930, BROADWAY STREET & 1 COMMERCIAL STREET, PEARLY BEACH: APPLICATION FOR SUBDIVISION, CLOSURE OF A PUBLIC PLACE, REZONING AND CONSOLIDATION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF OVERSTRAND MUNICIPALITY AND DE PYP TRUST**

1929 (Ptn of 599) & 1930 GPB

SW van der Merwe (028) 313 8900

Hermanus Administration

29 June 2022

Executive Summary

An application has been received on 29 March 2021 from Messrs WRAP Project Office on behalf of Overstrand Municipality and De Pyp Trust in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erven 599, 1929 (Ptn 599) & 1930, Pearly Beach for the following:

- subdivision of Erf 599 in terms of Section 16(2)(d) of the By-Law to create Portion A approximately 300m² in extent and Portion B, which is currently unregistered Erf 1929 (a Portion of Erf 599) approximately 413m² in extent and the Remainder of Erf 599 approximately 9902m² in extent;
- closure of Portion B [currently unregistered Erf 1929 (a Portion of Erf 599)] as a public place in terms of Section 16(2)(n) of the By-Law;
- rezoning of Portion A in terms of Section 16(2)(a) of the By-Law from Authority Zone: Authority Usage to General Residential Zone 3: Flats (Bulk Zone 2) and rezoning of Portion B in terms of Section 16(2)(a) of the By-Law from Transport Zone 2: Road and Parking to General Residential Zone 3: Flats (Bulk Zone 2), and
- consolidation of Portion A approximately 300m² in extent and Portion B approximately 413m² in extent and Erf 1930 approximately 2337m² in extent in terms of Section 16(2)(e) to create a consolidated erf of approximately 3050m² in extent.

RESOLVED:

1. that the applications received on Erven 599, 1929 (a portion of Erf 599) and Erf 1930 Pearly Beach in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning By-Law, 2020 for the following:
 - subdivision of Erf 599 in terms of Section 16(2)(d) of the By-Law to create Portion A approximately 300m² in extent and Portion B, which is currently unregistered Erf 1929 (a Portion of Erf 599) approximately 413m² in extent and the Remainder of Erf 599 approximately 9902m² in extent;

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

- closure of Portion B [currently unregistered Erf 1929 (a Portion of Erf 599)] as a public place in terms of Section 16(2)(n) of the By-Law;
- rezoning of Portion A in terms of Section 16(2)(a) of the By-Law from Authority Zone: Authority Usage to General Residential Zone 3: Flats (Bulk Zone 2) and rezoning of Portion B in terms of Section 16(2)(a) of the By-Law from Transport Zone 2: Road and Parking to General Residential Zone 3: Flats (Bulk Zone 2), and
- consolidation of Portion A approximately 300m² in extent and Portion B approximately 413m² in extent and Erf 1930 approximately 2337m² in extent in terms of Section 16(2)(e) to create a consolidated erf of approximately 3050m² 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 subdivision as indicated on Plan Number H11425 dated Nov.2020, submitted with the application;
 - (b) that a water pipeline servitude be registered against Portion B in favour of Overstrand Municipality;
 - (c) that Portion A and Portion B be consolidated with Erf 1930, Pearly Beach and be used exclusively for gardening and access purposes;
 - (d) that no construction of any kind, excluding boundary wall or fence may erected on Portion A and Portion B;
 - (e) that access be granted at all times to Overstrand Municipality and that no structures, trees or plants be erected within 1.5m on each side of the water pipeline;
 - (f) that all the conditions from Open Serve and the Services Report, be complied with.
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

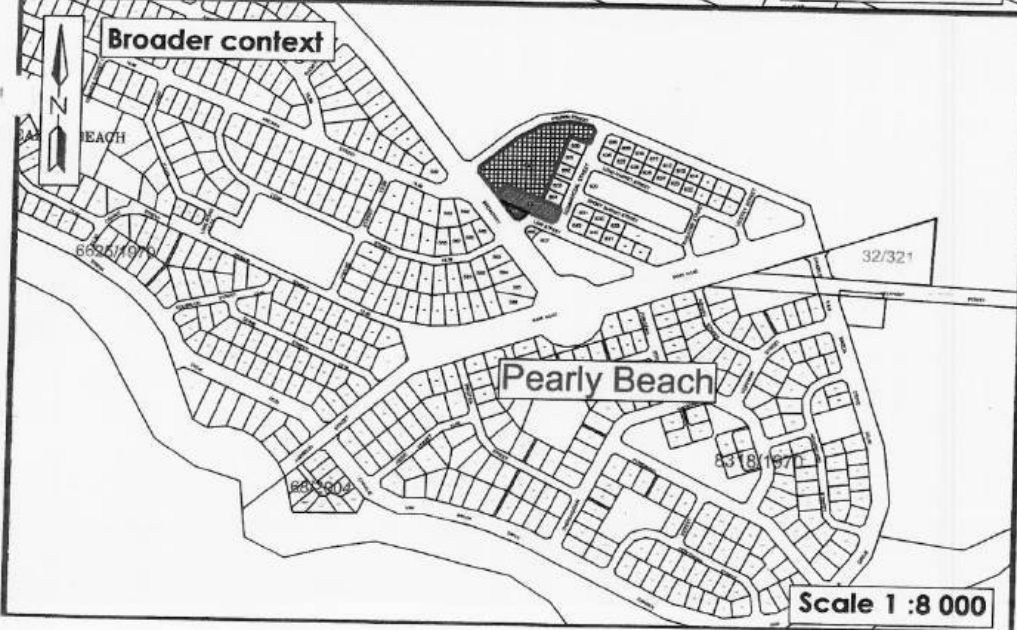
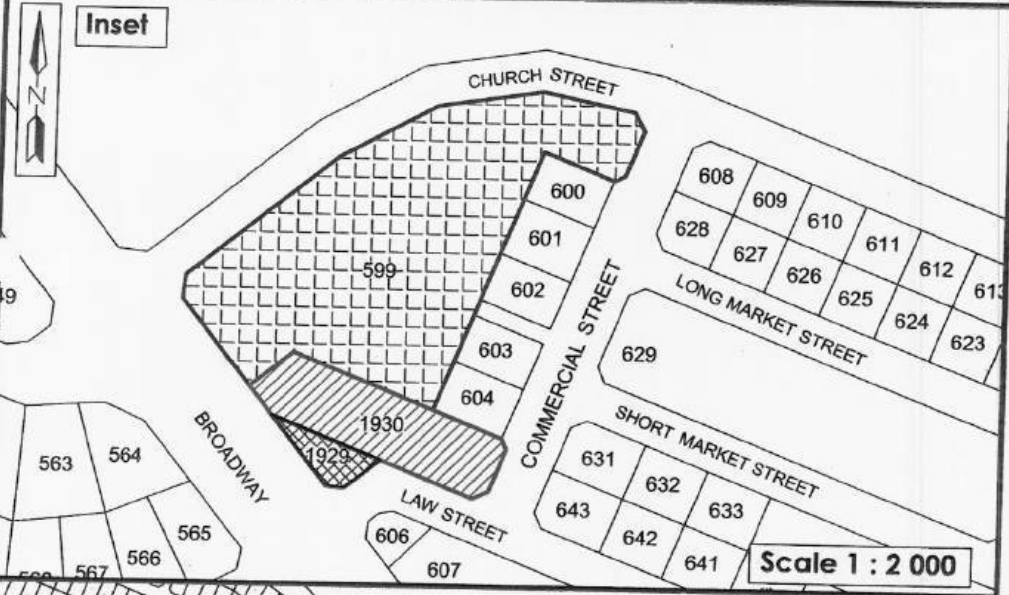
REASONS FOR RECOMMENDATION

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

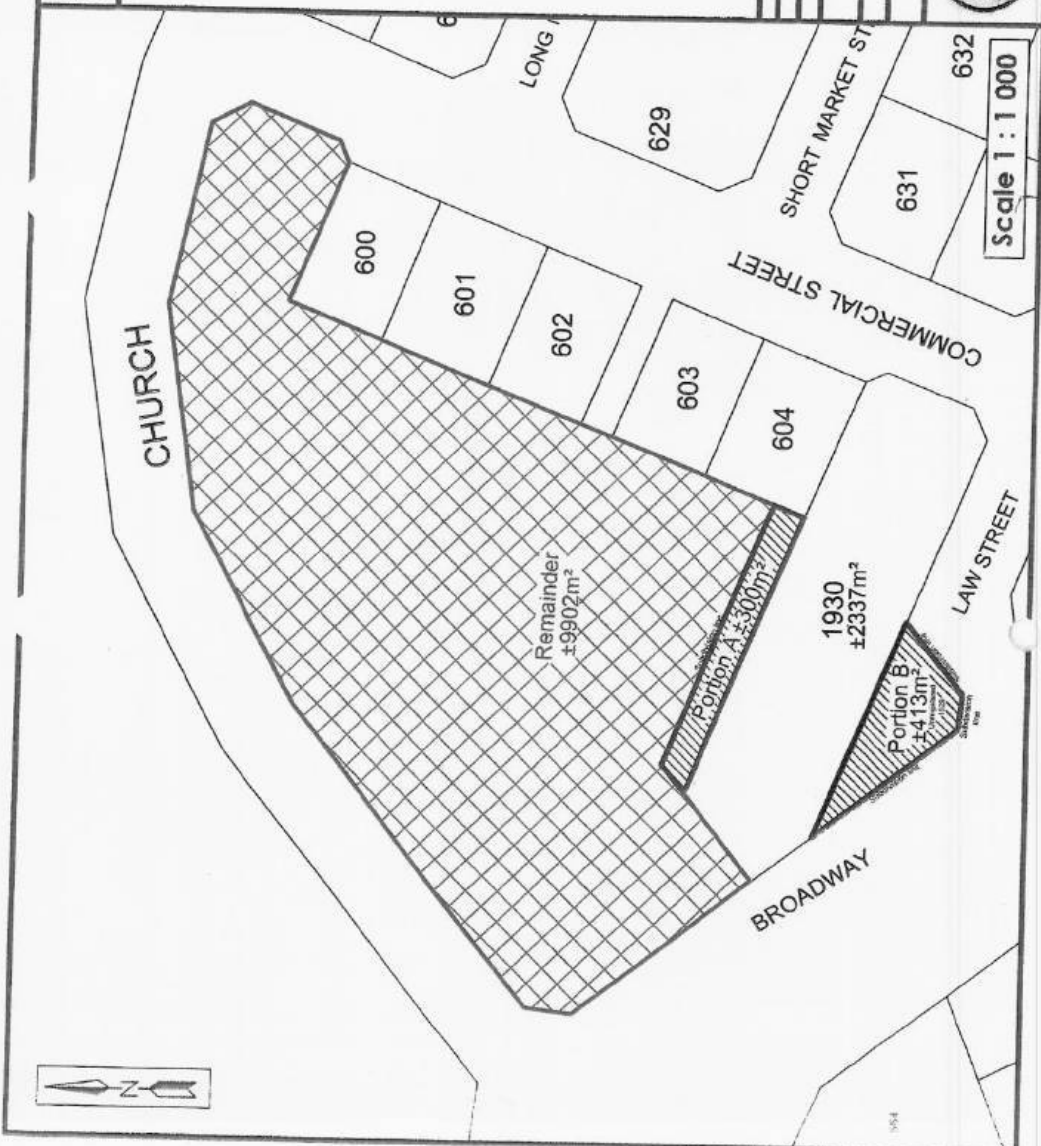
Plan 1: Locality Plan
Erven 599, 1930 and Unregistered Erf 1929 (A Portion of Erf 599) Pearly Beach

-  Erf 1930 Pearly Beach (2337m²)
-  Erf 599 Pearly Beach (10202m²)
-  Unregistered Erf 1929 (A Portion of Erf 599) (413m²)

tel: 028 313 1411
 Email: admin@wrapgroup.co.za
 Plan 1.1
 Unit B, Corner of Royal and Dirke Lys
 Street Hermanus, 7200
 Plan prepared by: Reathle Jankie
 All distances are approximate
 and subject to a survey



**Plan 3: Subdivision Plan
of Erf 599 Pearly Beach**



tel: 028 313 1411
 Email: admin@wrapgroup.co.za
 Plan 31
 Unit 8, Corner of Royal and Dilke Lys
 Street Hermanus, 7200
 Plan prepared by: Reallelle Jankie
 All distances are approximate
 and subject to a survey



Project Office
 Town Planning & Project Management

Scale 1 : 1 000

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION, REZONING, CONSOLIDATION &
CLOSING OF A PUBLIC PLACE: ERF 1929 (PTN OF 599) & 1930,
PEARLY BEACH**

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

Conditions:

1. that Erf 1930 be provided with a municipal water meter as per detail and requirements;
2. that, as per municipal water line is located on erf, and should the erf be consolidated, the water pipeline must be relocated to a suitable position outside the erf or a servitude must be registered in favour of the water pipeline. All work must comply with the standards of the Department: Operational Services (Gansbaai), and all costs in this regard will be for the new owner's account;
3. that Erf be provided with adequate sewer conservancy tanks;
4. that the sewer conservancy tanks must be accessible to the municipal sewer tankers from one of the adjacent public roads, with a sewer tank suction point on the erf boundary;
5. 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;
7. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
8. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
9. that any additional and / or extended vehicle entrances will be for the developer's account;

10. that stormwater be allowed to discharge through the proposed Erven, Pearly Beach, unobstructed.

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

22/07/2021
DATE

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

13. ERF 939, 24 ROELAND STREET, FRANSKRAAL: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE: MESSRS ME PLANNERS ON BEHALF OF HG VOIGT

939 GFK (4073/2020)

SW van der Merwe

(028) 313 8900

Hermanus Administration

30 June 2022

Executive Summary

An application has been received on 1 April 2021 from Messrs ME Planners on behalf of HG Voigt in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 939, Franskraal for the following:

- removal in terms of Section 16(2)(f) of the By-Law of restrictive title condition C.5(b) and C.5(d) contained in Title Deed T10400/2002, to accommodate the existing building;
- departure in terms of Section 16(2)(b) of the By-Law for the following:
 - relaxation of the street building line from 4m to 3,139m and 2,99m to accommodate a proposed garage;
 - relaxation of the western lateral building line from 2m to 1,228m and 1,337m to accommodate a proposed sunroom, and
 - relaxation of the western lateral building line from 2m to 1,337m and 1,405m to accommodate the conversion of the existing garage into a second dwelling unit;
- determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law

RESOLVED :

1. that the application in terms of Section 16(2)(f) of the By-Law applicable to Erf 939, Franskraal for the removal of restrictive title conditions C.5(b) and C.5(d) contained in Title Deed T10400/2002, 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 applicable to Erf 939, Franskraal for departure to relax the street building line from 4m to 3,139m and 2,99m to accommodate a proposed garage and to relax the western lateral building line from 2m to 1,337m and 1,405m to accommodate the conversion of the existing garage into a second dwelling unit, be approved in terms of the provisions of Section 61 of the By-law
3. that the application in terms of Section 16(2)(b) of the By-Law applicable to Erf 939, Franskraal for departure to relax the western lateral building line

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

from 2m to 1,337m and 1,228m be partially approved (limited to the proposed ground floor entertainment room) in terms of the provisions of Section 61 of the By-Law;

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

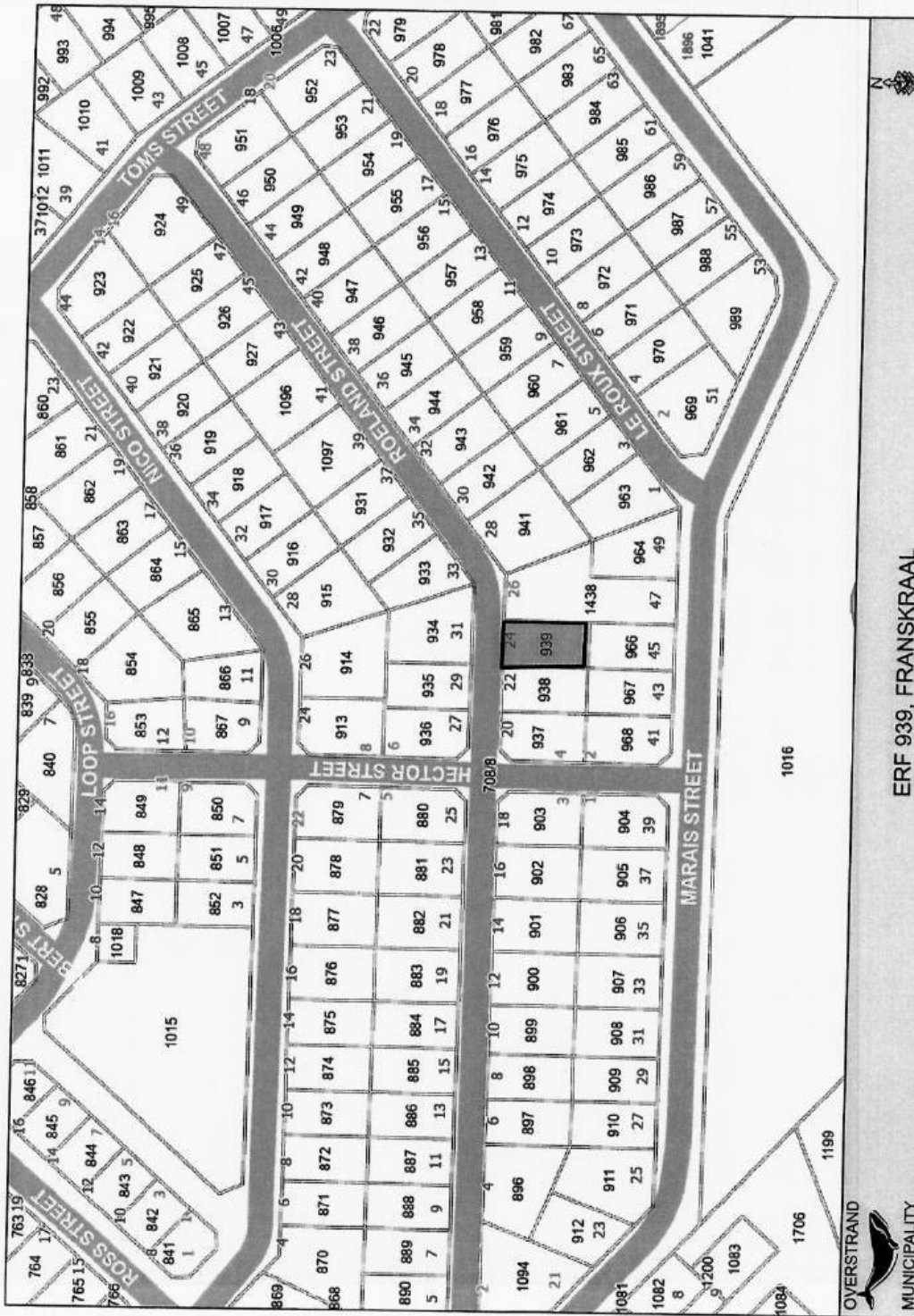
REASONS FOR RECOMMENDATION

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

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

Reasons for partial approval of the entertainment / sunroom

- ❖ The applicant did not motivate the need for the proposed two storey building line encroachment.
- ❖ The proposed two-storey building line encroachment is not in keeping with the character and morphology of existing development in the area.
- ❖ The proposed first floor addition could be accommodated without the building line encroachment.



OVERSTRAND
MUNICIPALITY

ERF 939, FRANSKRAAL

Date: 2020/09/30

**AGENDA of the
Portfolio Committee: Investment & Infrastructure
7 September 2022
(Also the agenda for the Mayoral Committee Meeting: 26 September 2022)**

Municipal Planning Tribunal

1. **ERF 5548, 31 SEVENTEENTH AVENUE, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE ON BEHALF OF KRM CRASEMANN**

5548 HVK (3820/2021)

P Roux

(028) 313 8900

Hermanus Administration

25 March 2022

Executive Summary

An application has been received on 26 July 2021 from Messrs Engelbrecht & Scorgie Architectural Office on behalf of the owner of Erf 5548, Hermanus (Voëlklip) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ departure in order to relax the southern street building line from 4m to 1,6m to accommodate a double garage on the property, and
- ❖ the determination of an administrative penalty in terms of Section 16(2)(q).

RESOLVED:

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 5548, Hermanus (Voëlklip) to relax the southern street building line from 4m to 1,6m to accommodate a double garage on the property, be approved in terms of the provisions of Section 61 of the By-Law;
2. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-law for the unauthorised land use activities stipulated above, not be exempted from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
3. that the recommendations in 1 and 2. above be subject to the following conditions:
 - (a) that the approvals are for the development as indicated on Drawing No 31 May 2021;
 - (b) that an administrative penalty of R22 720.00 (being 20% of the built cost) be payable within thirty (30) days of the decision;

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- (c) that SDP be revised to indicate that the balustrades will be set back to respect the 4m street building line on all elevations and on the site plan;
 - (d) that building plans be submitted to the building control office within (60) days of the decision, and all comments from the fire department be complied with at that stage;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

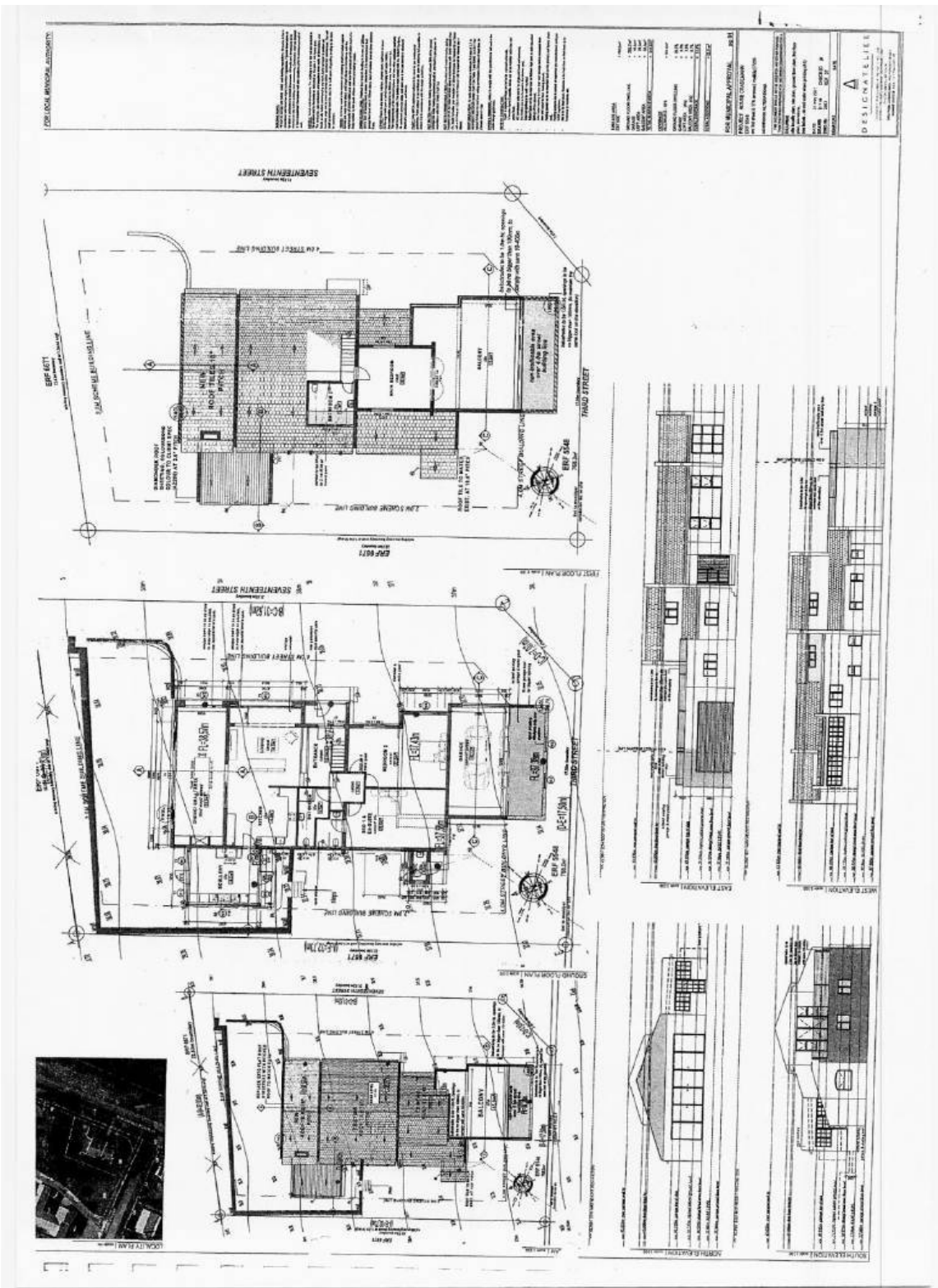
REASONS FOR RESOLUTION:

Reasons for the decisions in 1.

- ❖ Alterations made to the garage will mitigate the issue regarding traffic and pedestrian movement.
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ The proposal is compliant with the spatial policies contained in the SDF.
- ❖ The proposal is constant with the spatial principles as set out in SPLUMA and LUPA.
- ❖ No objection was received from the adjacent property owners.

Reasons for recommendation point 2.

- ❖ The consultants working on the original project was fully informed and the property owner knowingly transgressed the land use scheme parameters (and the consultants were made aware of the risk and merits involved) and even after receiving the decision of the Municipality for the original application, the construction was still finalised and made additional alterations were made.
- ❖ Building plans were submitted and approved on 26 March 2021 indicating that portions of the structure would be demolished.
- ❖ The property owner knowingly contravened the parameters of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 5548, VOELKLIP**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that stormwater be allowed to discharge through Erf 5548, Voelklip, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

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2. PORTION 141 (A PORTION OF PORTION 133) OF THE FARM HANGKLIP NO. 559, DIVISION CALEDON: APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE: PLANNING PARTNERS ON BEHALF OF FREE LIFE TRUST

KHANG 141/559 (3762/2021)

**H van der Stoep
2 March 2022**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received from Planning Partners on behalf of Free Life Trust on Portion 141 (a Portion of Portion 133) of the Farm Hangklip No. 559 in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning. 2020 (By-Law) for the following:

- ❖ **Removal and Amendment of Restrictive Title Deed Conditions** in terms of Section 16.(2)(f) of the By-Law for the removal of restrictive title deed conditions with reference to Clauses C.1., C.2., C.3., C.4., C.5., C.6., C.7., C.8., C.9., C.10., C.11. and C.12. as contained in Title Deed T8920/2005, as well as the amendment of a restrictive title condition with reference to Clause C.13. as contained in Title Deed T8920/2005.

The restrictive title deed conditions read as follows:

C. SUBJECT FURTHER to the conditions contained in Deed of Transfer No. T23788/1964 imposed by Hangklip Beach Estates Limited for its sole benefit as owner of the remaining extent of the Farm "Hangklip" measuring as such 1466/0427 Hectares and held by it under Certificate of Consolidation Title No. T3720 dated 17 April 1937, provided always however that if in the said Company's opinion it is expedient the Company may suspend or relax restrictions contained in any of such conditions and then subject to such conditions as the Company may impose:-

1. *The owner of this Lot shall without compensation be obliged to allow electricity and water mains to be conveyed across this Lot if deemed necessary by Hangklip Beach Estates Limited and in such manner and position, as may, from time to time be reasonably required. This shall include the right of access to the Lot at any reasonable time in order to construct, maintain, alter, remove or inspect any manhole, channel, conduct, or other works pertaining thereto.*

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2. *All buildings and other constructional works commenced shall be completed within a reasonable time and if not so completed shall be demolished.*
 3. *No wood or iron buildings or works of any description shall be erected without the consent in writing of the Hangklip Beach Estates Limited and if required the consent of the Local Authority.*
 4. *No building shall be erected within 25,19 metres of any road or within 6,30 metres of any other boundary of the land.*
 5. *All buildings and other constructional works including fences and garden or other gates shall be of good design and sound construction.*
 6. *No noxious trade or activity shall be carried on the said land.*
 7. *The purchaser shall not have the right to make or cause to be made upon the said land for any purpose other than for use in his own buildings and/or bricks, tiles or earthenware pipes or other articles of such nature nor shall he have the right to dig or quarry any earth, gravel, lime or stone thereon other than for use in his buildings and/or works on the said land.*
 8. *No debris, scrap, or other unsightly material shall be deposited on the said land.*
 9. *.....*
 10. *Access to public roads shall be limited to such points on the said boundary as may be approved by the Provincial or Divisional Council through its responsible Officers or by any other competent authority. It shall be the duty of the purchaser to obtain approval of points of access.*
 11. *No sewage shall be disposed of otherwise than by means of a properly constructed septic tank. No pit or bucket latrine will be permitted.*
 12. *The said land may be used for agriculture and the breeding or keeping of domestic animals, poultry and/or bees provided that no goats or pigs may be kept.*
 13. *No shop, public garages or filling stations, business premises, canteens, bioscopes, factory, or industrial buildings shall be erected on the land nor shall any such business or public entertainment be conducted on the land.*
- ❖ **Consent Use** in terms of Section 16.(2)(o) of the By-Law for an Agricultural Industry to accommodate a distillery, tasting room and a farm shop/stall.

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- ❖ **Departure** in terms of Section 16.(2)(b) of the By-Law to relax the street building line from 30m to $\pm 23,2$ m to accommodate the proposed application.

RESOLVED:

1. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020 for the removal of restrictive title deed conditions C.1., C.2., C.3., C.4., C.5., C.6., C.7., C.8., C.9., C.10., C.11. and C.12. as contained in Title Deed T8920/2005 applicable to Portion 141 (a Portion of Portion 133) of the Farm Hangklip No. 559, to accommodate a portion of the existing dwelling, be approved in terms of the provisions of Section 61;
2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020 for the amendment of restrictive title deed condition C.13. as contained in Title Deed T8920/2005 applicable to Portion 141 (a Portion of Portion 133) of the Farm Hangklip No. 559, be approved, in terms of the provisions of Section 61, to read as follows:

“No garages or filling stations shall be erected on the land”;
3. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Portion 141 (a Portion of Portion 133) of the Farm Hangklip No. 559 for a consent use to for an Agricultural Industry to accommodate a distillery, tasting room and a farm shop/stall, be approved in terms of the provisions of Section 61;
4. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Portion 141 (a Portion of Portion 133) of the Farm Hangklip No. 559 for a departure to relax the street building line from 30m to $\pm 23,2$ m to accommodate the proposed application, be approved in terms of the provisions of Section 61;
5. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Portion 141 (a Portion of Portion 133) of the Farm Hangklip No. 559 for a consent in terms of the Overstrand Municipality Environmental Overlay Zone, Coastal Zone to “Commercial” activity and “Construction or placement of any permanent object, building, shelter, pathway or structure”, be approved in terms of the provisions of Section 61;
6. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Portion 141 (a Portion of Portion 133) of the Farm Hangklip No. 559 for a consent in

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terms of the Overstrand Municipality Environmental Overlay Zone, Protected area Buffer Zone to “Commercial” activity and “Construction or placement of any permanent object, building, shelter, pathway or structure” and “Buildings/ structures associated with taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes”, be approved in terms of the provisions of Section 61;

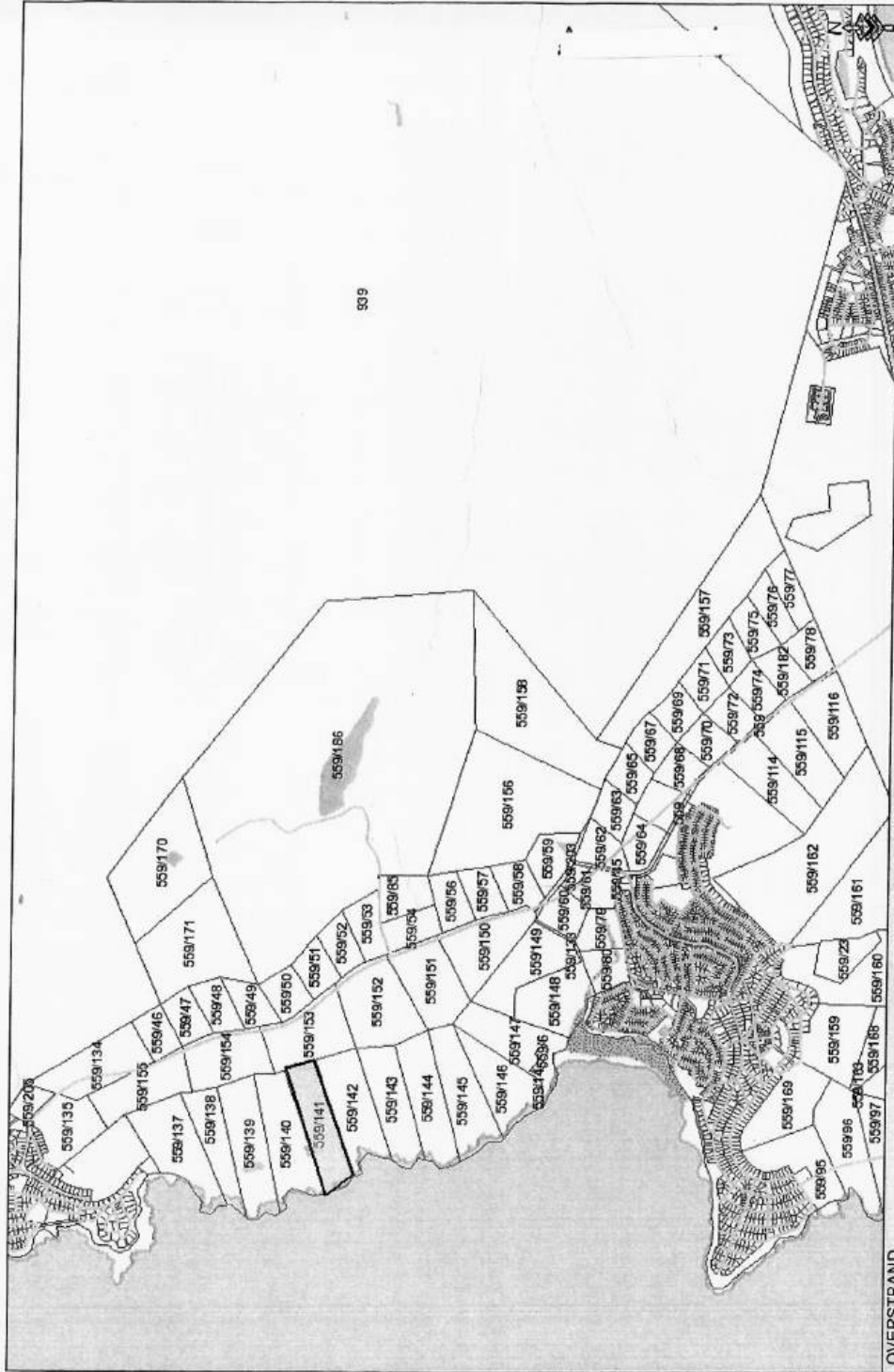
7. that the approval in Points 1 – 6, be subject to the following conditions:
 - (a) that the micro distillery and farm shop be restricted to the existing building (stables);
 - (b) that the farm shop/stall only be available to the guided tour groups to the distillery;
 - (c) that the consent use not be transferable;
 - (d) that the Waste Management Plan, submitted by Green Africa Group, be approved by the Waste Management & Engineering Services Departments;
 - (e) that an Environmental Management Plan be submitted to the Environmental Management Department for approval;
 - (f) that a 6-monthly water sample report be submitted to the Environmental Management Services Department of the Municipality for the determination of the efficiency of the existing septic tank. The sample point be determined by the Environmental Management Services Department, and the sampling cost be for the applicant.
 - (g) that a Fire Management Plan be submitted to the Fire Department for approval;
 - (h) that the site development plan be submitted to the Senior Manager: Town & Spatial Planning for approval;
 - (i) that operational management be restricted to guided tours between 10:00 to 18:00 on weekends only as indicated in the motivation;
 - (j) that operational management be restricted to guided tours between 10:00 to 18:00 on weekends only as indicated in the motivation;
 - (k) that an application for water licence permit be applied for;

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- (l) that no activities pertaining to the consent use may commence before the water licence permit is issued and building plans are approved;
 - (m) that all the conditions in the Services Report be complied with;
 - (n) that all the conditions imposed by the municipal Environmental Management Services Department, Conditions 4(b)(i),(ii) be complied with;
 - (o) that all the conditions imposed by the municipal Waste Management Department be complied with;
 - (p) that all the conditions imposed by Western Cape Government: Transport and Public Works be complied with, and
 - (q) that all the conditions imposed by BGCMA be complied with.
8. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decisions.

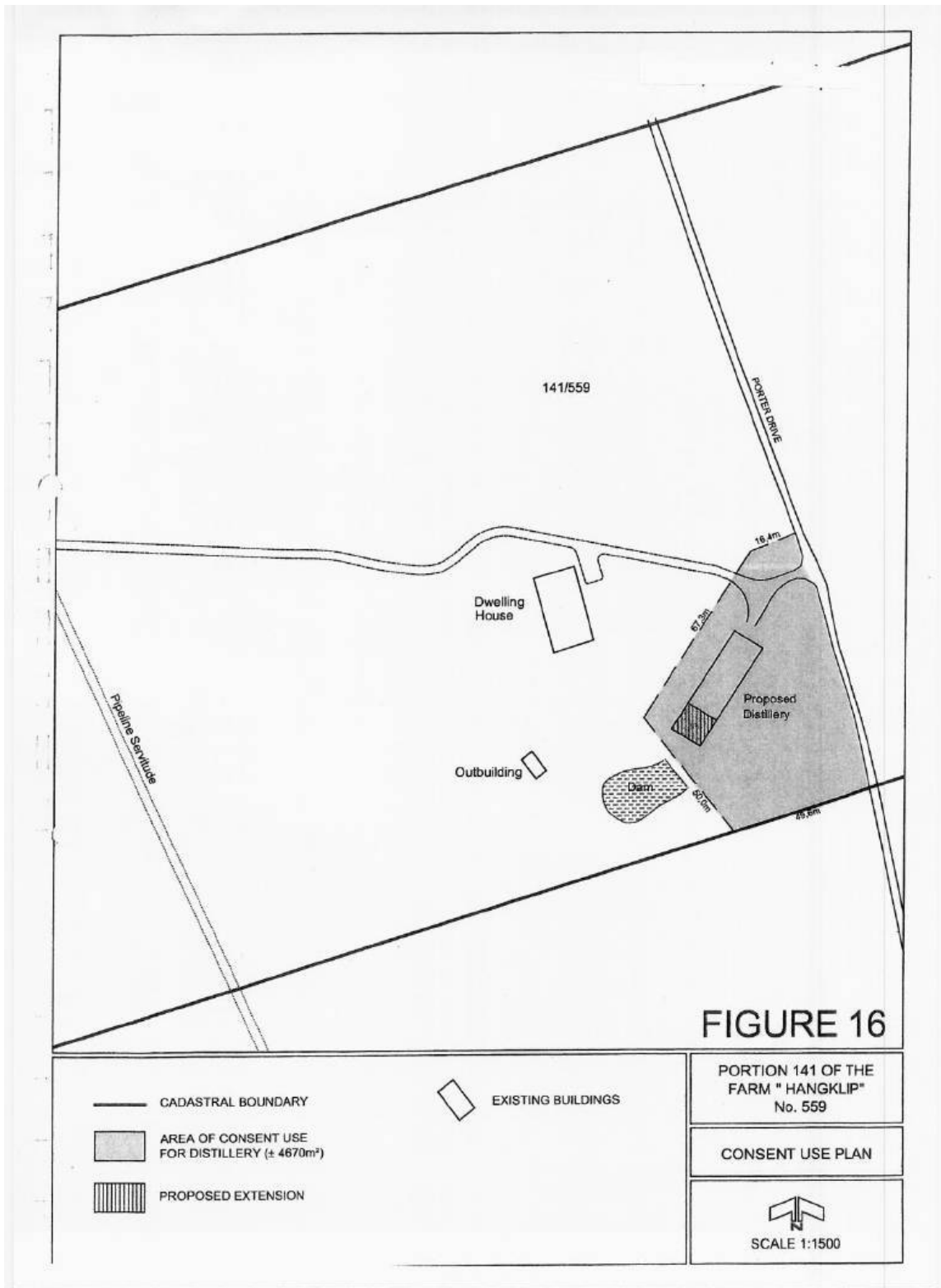
REASONS FOR THE RESOLUTION:

- ❖ The application is in line with forward planning documents.
- ❖ It will attribute to tourism and rural economic development.
- ❖ The development is a small-scale development in an existing structure.
- ❖ The application for the removal of restrictive title deed conditions has obtained the consent from the holder of the personal servitude.
- ❖ An extensive Waste Management Plan has been submitted to address pollution concerns.
- ❖ Access to the property is from a municipal road and not a private road/servitude as claimed by the objectors.



Farm Hanglip 559/141

Date: 2018-01-30



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE
DEED CONDITIONS, CONSENT USE & DEPARTURE: PORTION 141 (A
PORTION OF PORTION 133) OF THE FARM HANGKLIP NO. 559**

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

Conditions:

1. that no water service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, etc.) for the use of any water and the distraction thereof;
2. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Manager: Water Infrastructure & Quality, Overstrand Municipality (Tel 021 313 8972) ;
3. that the developer complies to all the conditions set by Department Of Water Affairs;
4. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
5. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval prior to the land being put to the proposed use;
6. that no Municipal services will be available.


DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES


DATE

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3. PORTION 25 (PORTION OF PORTION 2) OF THE FARM RIVERSIDE NO. 644, DIVISION CALEDON: APPLICATION FOR REZONING AND CONSENT USE

Portion 25 of Farm 644

P Roux

(028) 313 8900

Hermanus Administration

08 June 2022

EXECUTIVE SUMMARY

An application was submitted by the Overstrand Municipality in 2021 for the following:

- **Rezoning**
Application in terms of Section 16(2)(a) of the By-Law to rezone unregistered Erven 2934-2999, 3001-3005, 3010-3028, 3031-3065 & 3067-3091, portions of Portion 25 (Portion of Portion 2) of The Farm Riverside No. 644, Division Caledon, from Residential Zone 1: Single Residential (SR1) to Less Formal Development Zone to accommodate emergency housing units.
- **Consent Use**
Application in terms of Section 16(2)(o) of the By-Law for a consent use on unregistered Erf 3066, a portion of Portion 25 (Portion of Portion 2) of The Farm Riverside No. 644, Division Caledon, in order to accommodate emergency housing units.

RESOLVED:

1. that the comments be noted;
2. that in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) the application to develop an emergency housing on Portion 25 (Portion of Portion 2) of the farm Riverside No. 644, Division Caledon, which includes the following:
 - ❖ **Rezoning**
Application in terms of Section 16(2)(a) of the By-Law to rezone unregistered Erven 2934-2999, 3001-3005, 3010-3028, 3031-3065 & 3067-3091, portions of Portion 25 (Portion of Portion 2) of The Farm Riverside No. 644, Division Caledon, from Residential Zone 1: Single Residential (SR1) to Less Formal Development Zone to accommodate emergency housing units.

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❖ Consent Use

Application in terms of Section 16(2)(o) of the By-Law for a consent use on unregistered Erf 3066, a portion of Portion 25 (Portion of Portion 2) of The Farm Riverside No. 644, Division Caledon, in order to accommodate emergency housing units.

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

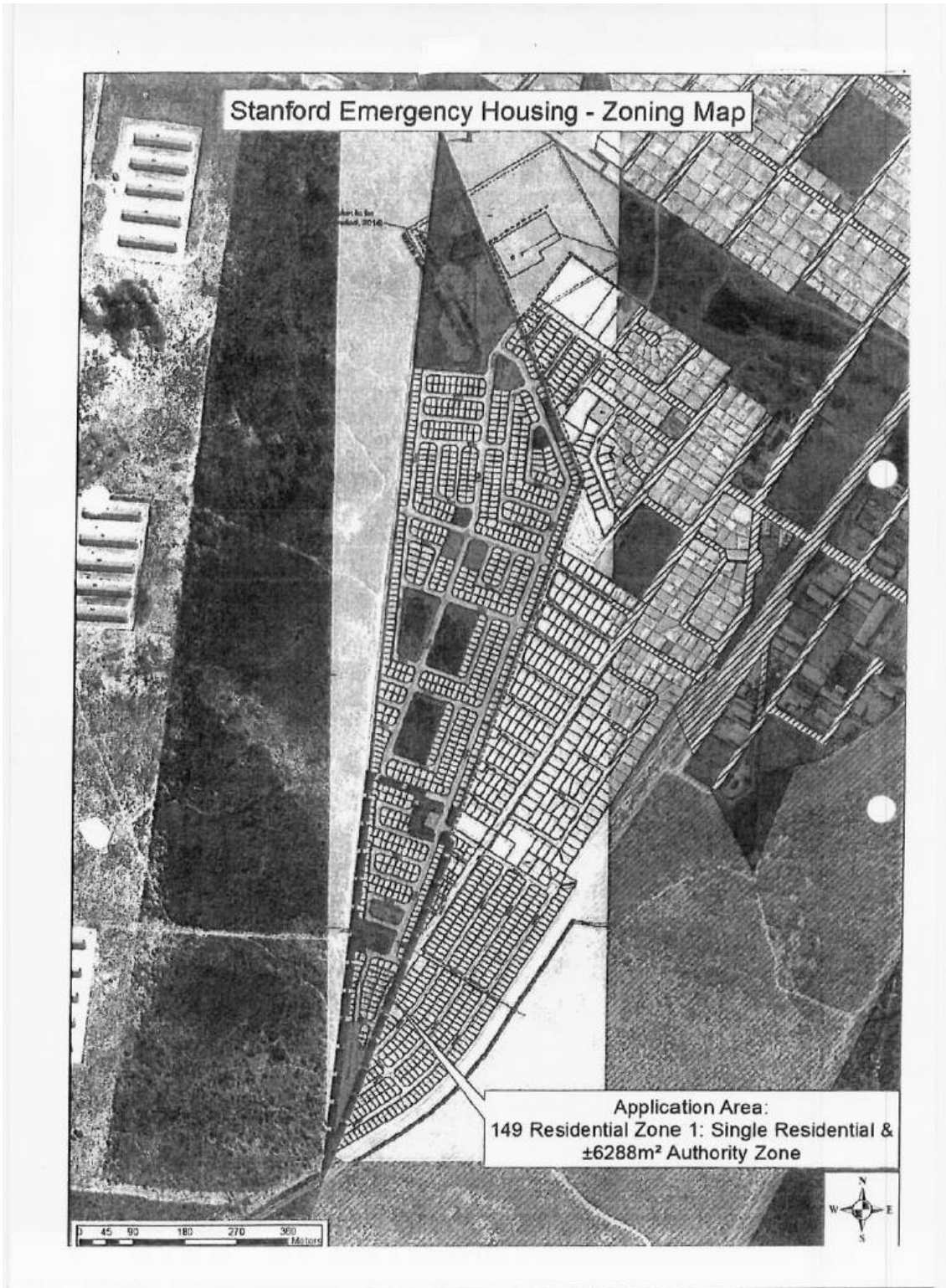
- (a) that emergency units can only be placed on the Less Formal Development Zone erven and Authority Zone as demarcated on the site development plan as submitted with this application
 - (b) that the emergency units placed on the earmarked erven be in compliance with the building lines and land use scheme requirements;
 - (c) that all conditions in the Municipal Services Report, be complied with;
 - (d) that all conditions imposed by District Health, Telkom (Open Serve), Fire Department, be complied with;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant 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, 2016 with regard to the above decision.

REASONS FOR THE RESOLUTION:

- ❖ The application has followed due procedure.
- ❖ The application is in line with policy documents.
- ❖ Will enhance the mixed development proposed in the policy documents.
- ❖ The rezoning of the subject properties will have no negative impact on the surrounding properties as the majority of the surrounding properties are Residential Zone 1.
- ❖ The implementation of this application will not negatively impact the natural environment.
- ❖ It should be noted that the layout of the erven and the development as depicted on the approved Site Development Plan as approved in 2018 will remain unchanged and that the public open space and community zoned property will not be rezoned and remain intact.

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- ❖ The proposed application will in essence not change the underlying use as both zonings are predominantly for residential use.
- ❖ The proposed zoning is further in keeping with the adjacent settlement of Stanford as the southern tip of Stanford is also zoned for Less Formal Development Zone and therefore there isn't any disparity between the existing development and the proposed land uses.
- ❖ The proposed emergency housing sites will allow the Municipality to assist the greater community when it comes to emergency housing (shelters) and to aid the community when it comes to Spatial Resilience (impacts of economic and environmental shocks) as directed in terms of Section 42 of the Spatial Planning and Land Use Management Act, 2013 (ACT 16 of 2013).
- ❖ Portion 25 of the Farm 644 is situated in the urban edge since 2006 SDF.
- ❖ Services have been installed and therefore commencement has occurred.
- ❖ The proposed rezoning will not change the number of units which are allowed for in terms of the 2018 land use approval.
- ❖ The EA in 2017 was not specific to the number of units which may be constructed on the erven and provided approval for 770 residential erven – the zoning scheme at that time allowed for a primary and secondary dwelling unit on the property. Therefore, the density of the units provided will not change.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING & CONSENT USE: PORTION 25
(PORTION OF PORTION 2) OF THE FARM RIVERSIDE NO. 644, DIVISION
CALEDON**

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

Conditions:

1. that the developer (Overstrand Municipality) 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. that servitudes for municipal services be registered in respect of all main services to be taken over by the developer and all existing municipal services concerned, crossing private property;
3. 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;
4. 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;
5. 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;
6. 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

2

7. 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;
8. that the Implementing Agent apply for a temporary water connection on the prescribed application form, at Overstrand Municipality's Finance Department, before commencement of construction;
9. that the connection to the main water line only be done by the Operational Department, after payment of the connection fee, by the developer;
10. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

09/12/2021
DATE