

PORTFOLIO COMMITTEE :

INVESTMENT & INFRASTRUCTURE

Chairperson :

Cllr C Lerm

Committee Members :

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

INVESTMENT & INFRASTRUCTURE PORTFOLIO COMMITTEE

6 April 2022

INDEX

	<u>PAGE NUMBER</u>
APPLICATIONS FOR LEAVE OF ABSENCE	
1. TOWN & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS CONSIDERED IN TERMS OF DELEGATED AUTHORITY: FEBRUARY 2022 – MARCH 2022	1
2. DEVIATION FROM PARAGRAPH 64.3 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY (2015) AND APPROVAL THAT THE APPLICATION MAY BE DEALT WITH IN TERMS OF PARAGRAPH 64.1 OF SAID POLICY ALLOWING THE MUNICIPALITY TO PROVIDE A CONSENT LETTER FOR THE BEAUTIFICATION OF MUNICIPAL PROPERTY, A PORTION OF ERF 1289 SANDBAAI (PUBLIC PLACE): MS KARELIEN KRIEL	141
3. A PORTION OF REMAINDER ERF 243 HERMANUS SITUATED IN SCHULPHOEK ROAD (ROAD RESERVE): RENEWAL OF LEASE TO RAPIVEST 10 (PTY) LTD T/A HERMANUS TOYOTA	148
4. A PORTION OF ERF 325 ROOI-ELS (SITUATED IN ROELLA ROAD, ROOI-ELS): CESSION OF LEASE AGREEMENT FROM MOBILE TELEPHONE NETWORKS (PTY) LTD TO IHS TOWERS SOUTH AFRICA (PTY) LTD	156
5. TRANSFER OF ELECTRICAL INFRASTRUCTURE TO THE OWNER OF ERF 7568 HERMANUS (“GATE WAY SHOPPING CENTRE”), APEX LAND (PTY) LTD	160
6. DRAFT WATER SUPPLY AND SANITATION SERVICES BY-LAW, 2022	172
7. OPERATION OF ILLUMINATED STREET SIGNS ON VARIOUS PROPERTIES IN THE OVERSTRAND: DEVIATION FROM PARAGRAPH 18 AND 20.1(B) OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF 2015 ALLOWING THE MUNICIPALITY TO TEMPORARY RENEW THE LEASE OF PORTIONS OF MUNICIPAL PROPERTIES TO DIRECTOSIGN (NORTH) (PTY) LTD FOR A SHORT-TERM PERIOD - FINALISATION OF THE TENDER PROCESS	275
8. FERNKLOOF BOTANICAL GARDEN	292
9. OPERATIONAL REPORTS	302

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

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

15/3/11

R Kuchar

Senior Manager: Town & Spatial Planning

25 February 2022

(028) 313 8900

1. Executive Summary

To report on applications disposed of by the Authorised Official and Municipal Planning Tribunal in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 15 February 2022 – 15 March 2022.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town and Spatial Planning

3. Compliance with Strategic Priority

Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background

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

7. Financial Implications

None

8. Staff Implications

None

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

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

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

RECOMMENDATION:

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

1.	Erf 13. 3 Terminal Road, Pringle Bay	13 February 2022
2.	Erf 6359, 37 Thirteenth Avenue, Kleinmond	14 February 2022
3.	Erf 2915, 10 Tuna Street, Onrustrivier	17 February 2022
4.	Erf 3794, 31 Sherwood Drive, Onrustrivier	22 February 2022
5.	Erf 4514, 40 Second Avenue, Kleinmond	22 February 2022
6.	Erf 8394, 67 Lavender Street, Kleinmond	22 February 2022
7.	Erf 1430, 4 Malgas Street, Vermont	1 March 2022
8.	Erf 430 & 431, 23 & 21 Peak Road, Pringle Bay	2 March 2022
9.	Erf 1708, 52 Fisante Crescent, Vermont	2 March 2022
10.	Erf 1891, 69 High Level Road, Pringle Bay	2 March 2022
11.	Erf 3624, Main Road, Kleinmond	2 March 2022
12.	Erf 7447, 30 Aster Street, Mount Pleasant	2 March 2022
13.	Erf 701 & 702, Portion 1 of farm 701 remainder farm 702 Strandskloof	3 March 2022
14.	Erven 2467, 2474, 25 Berggans Street, Gansbaai	4 March 2022
15.	Erven 596, 597b & 1851, 29, 27 & 31 Anne road, Pringle Bay	7 March 2022
16.	Erf 3575, 5 Viljoen Street, Onrustrivier	7 March 2022
17.	Erf 4126, 22 Agapanthus Road, Betty's Bay	7 March 2022
18.	Erf 5520, 261 Tenth Street, Voëlklip	7 March 2022
19.	Erf 4048, Gladiolus Crescent 60, Betty's Bay	7 March 2022
20.	Erf 2213, 66 Tenth Street, Voëlklip	7 March 2022
21.	Erf 294,594 5327 & 4833, 4831 Hermanus	7 March 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 24 February 2022:

1.	Erf 6304, 28 Ninth Street, Voëlklip	24 February 2022
2.	Erf 2666, 201 Porter Drive, Betty's Bay	24 February 2022

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

3. Erf 428, 13 Central Road, Betty's Bay

24 February 2022

RESPONSIBLE OFFICIAL :	L SMUTS
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2022
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

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

Spatial Land Use Management Act (SPLUMA) Approvals

1. ERF 13, 3 TERMINAL ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: S & T HENRY

13 KPRB (3789/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

4 January 2022

EXECUTIVE SUMMARY

An application was received on 16 July 2021 from S & T Henry in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure on Erf 13, Pringle Bay for the relaxation of the lateral building line from 2m to 1,57m to accommodate a proposed new garage.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 13, Pringle Bay for a departure for the relaxation of the lateral building line from 2m to 1,57m to accommodate a proposed new garage, be approved in terms of Section 61 of the By-Law subject to the following conditions:
 - (a) that the approval is only for the development indicated on Plan number 2020/19 dated November 2020, as submitted with the application, restricted to the western lateral building line of 1,57m;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (c) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that the conditions of the Engineering Services (attached as Annexure D), be adhered to.

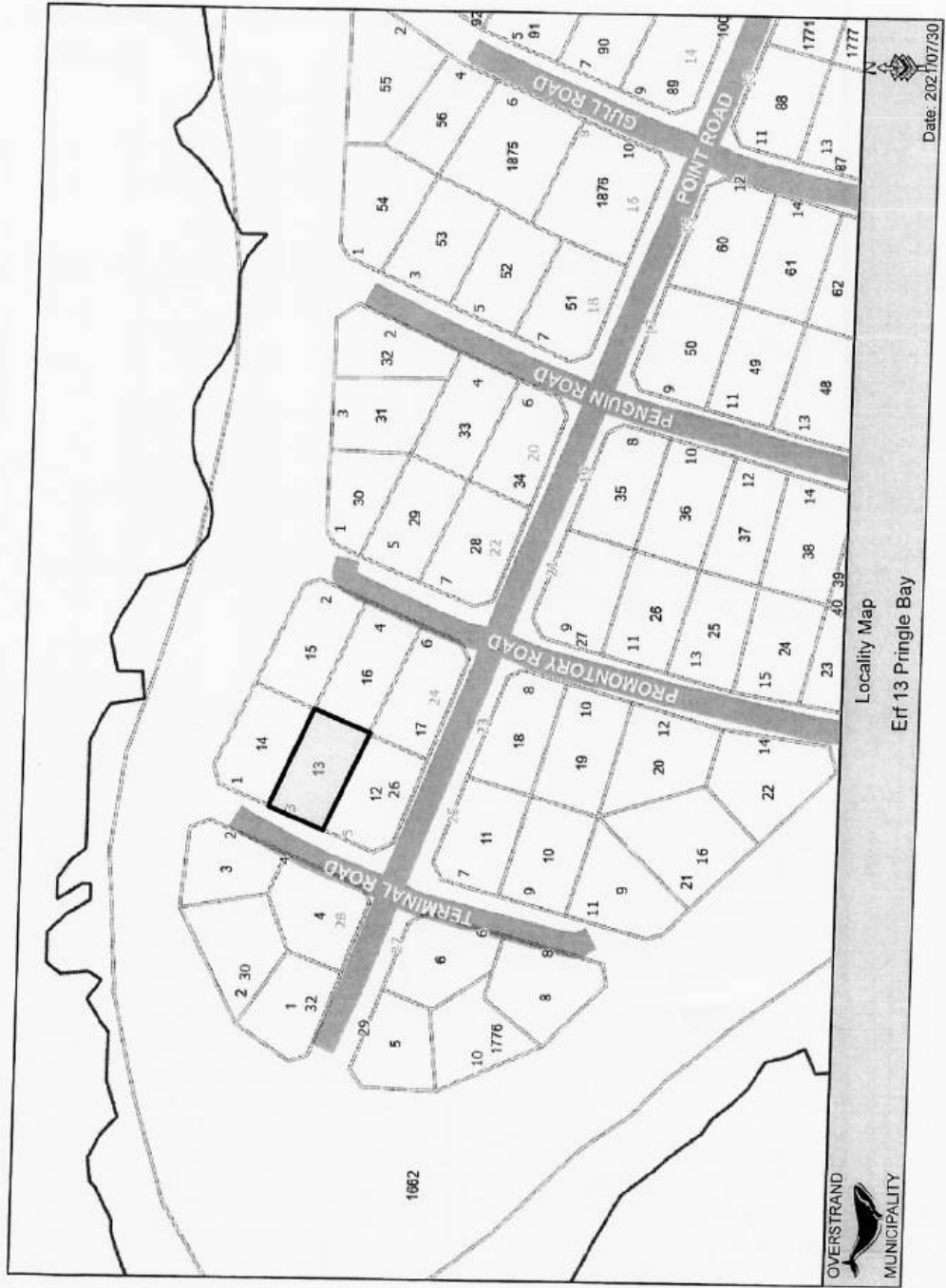
**AGENDA of the
Portfolio Committee: Investment & Infrastructure
6 April 2022
(Also the agenda for the Mayoral Committee Meeting: 25 April 2022)**

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

REASONS FOR RESOLUTION

Part Supported

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



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

**2. ERF 6359, 37 13th AVENUE, KLEINMOND: APPLICATION FOR
SUBDIVISION: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON
BEHALF OF THE MARIO TRUST**

6359 KKM (3706/2021)

H van der Stoep (028) 313 8900

Hermanus Administration

11 February 2022

Executive Summary

Application was received on 21 May 2021 from Plan Active Town & Regional Planners on behalf of The Mario Trust on Erf 6359, Kleinmond in terms of Section 16.(2)(d) of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 to subdivide the abovementioned property into two (2) portions, namely Portion A ($\pm 1038\text{m}^2$) and a Remainder ($\pm 1038\text{m}^2$).

RESOLVED :

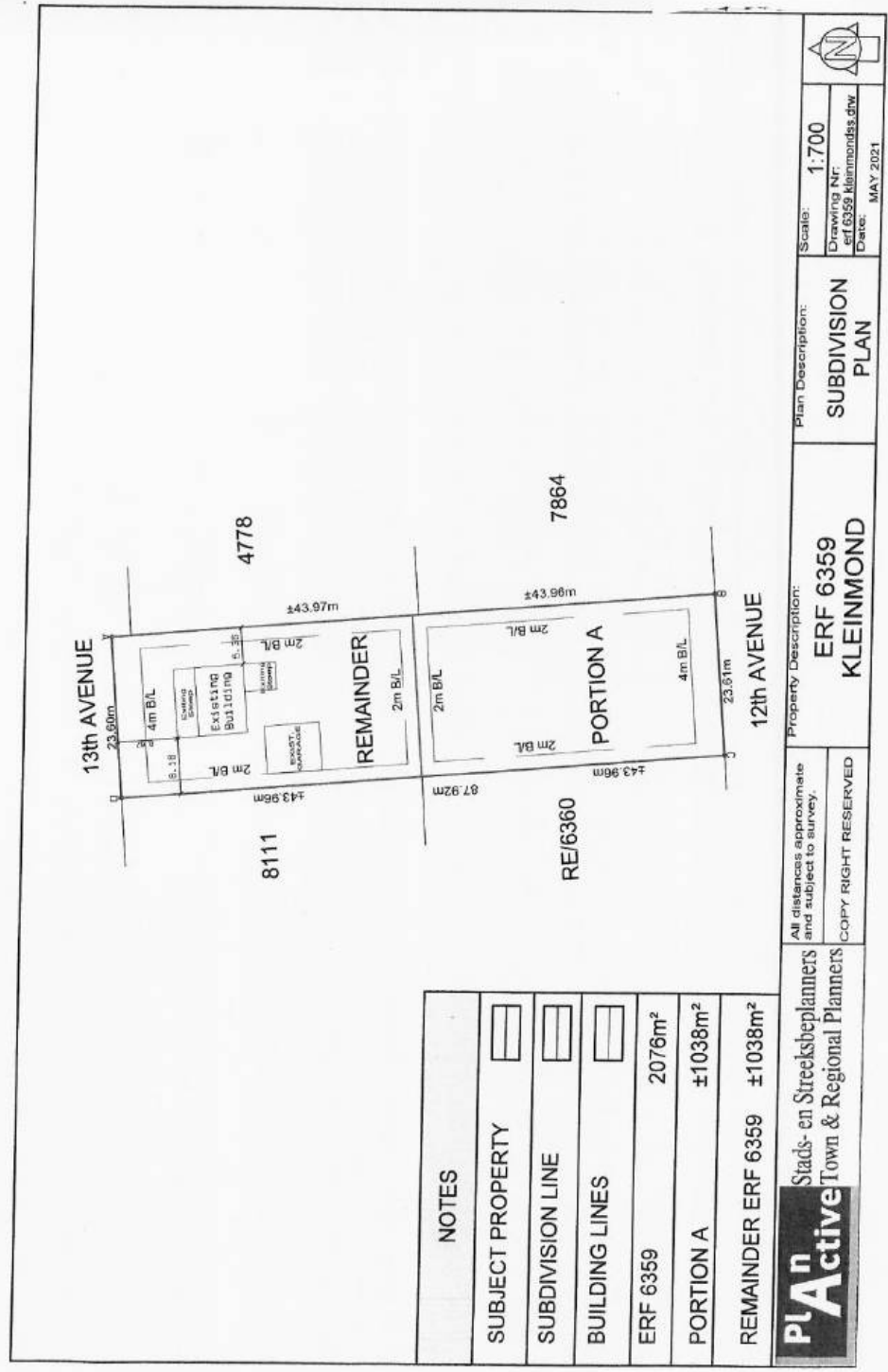
1. that the application in terms of Section 16.(2)(d) of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 6359, Kleinmond into two (2) portions, namely Portion A ($\pm 1038\text{m}^2$) and a Remainder ($\pm 1038\text{m}^2$), be approved in terms of the 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 Drawing Number: 6359kleinmond1.drw, dated May 2021, submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that all the conditions in the Services Report (attached as Annexure D), be complied with.
2. that the applicant be notified of its right to appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditional approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.

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

- ❖ The proposal will not negatively impact on vested rights of adjoining property owners.
- ❖ The proposed application fits in with the character of the surrounding area and is desirable.
- ❖ The proposed development will not impact the natural environment.
- ❖ The proposed development will not negatively impact the surrounding property owners.



NOTES	
SUBJECT PROPERTY	<input type="checkbox"/>
SUBDIVISION LINE	<input type="checkbox"/>
BUILDING LINES	<input type="checkbox"/>
ERF 6359	2076m ²
PORTION A	±1038m ²
REMAINDER ERF 6359	±1038m ²

Plan Active Stads- en Streeksbeplanners
Town & Regional Planners

All distances approximate and subject to survey.
COPY RIGHT RESERVED

Property Description: **ERF 6359 KLEINMOND**

Plan Description: **SUBDIVISION PLAN**

Scale: **1:700**
Drawing Nr: erf 6359 Kleinmondss.dtw
Date: **MAY 2021**

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION: ERF 6359, KLEINMOND**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

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

Note:

- 1.3 **The above figures are estimates**
- 1.4 **The above figures do not include evaluation/investigation levies and connection fees**
2. that each property to have their own water connection, the cost of connection and / or any upgrade for any of these services be required, will be at the owner's cost;

3. that each property to have their own conservancy tank to Municipal specification;
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 each property to have their own access. The cost of construction of access to the properties for the account of the owner/developer;
6. that stormwater be allowed to discharge through the proposed Erven, Kleinmond, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

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

3. ERF 2915, 10 TUNA STREET, ONRUS RIVER: APPLICATION FOR DEPARTURE: MEYER & ASSOCIATES URBAN DESIGNS ON BEHALF OF J COETZEE & SH THERON

2915 HON (3732/2021)

H Olivier

(028) 313 8900

Hermanus Administration

21 January 2022

Executive Summary

An application has been received on 20 August 2021 from Meyer & Associates on behalf of J Coetzee & SH Theron on Erf 2915, Onrustrivier for an application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to relax the western lateral building line from 2m to 1.262m and the street building line from 4m to 3m to accommodate a new garage.

RESOLVED:

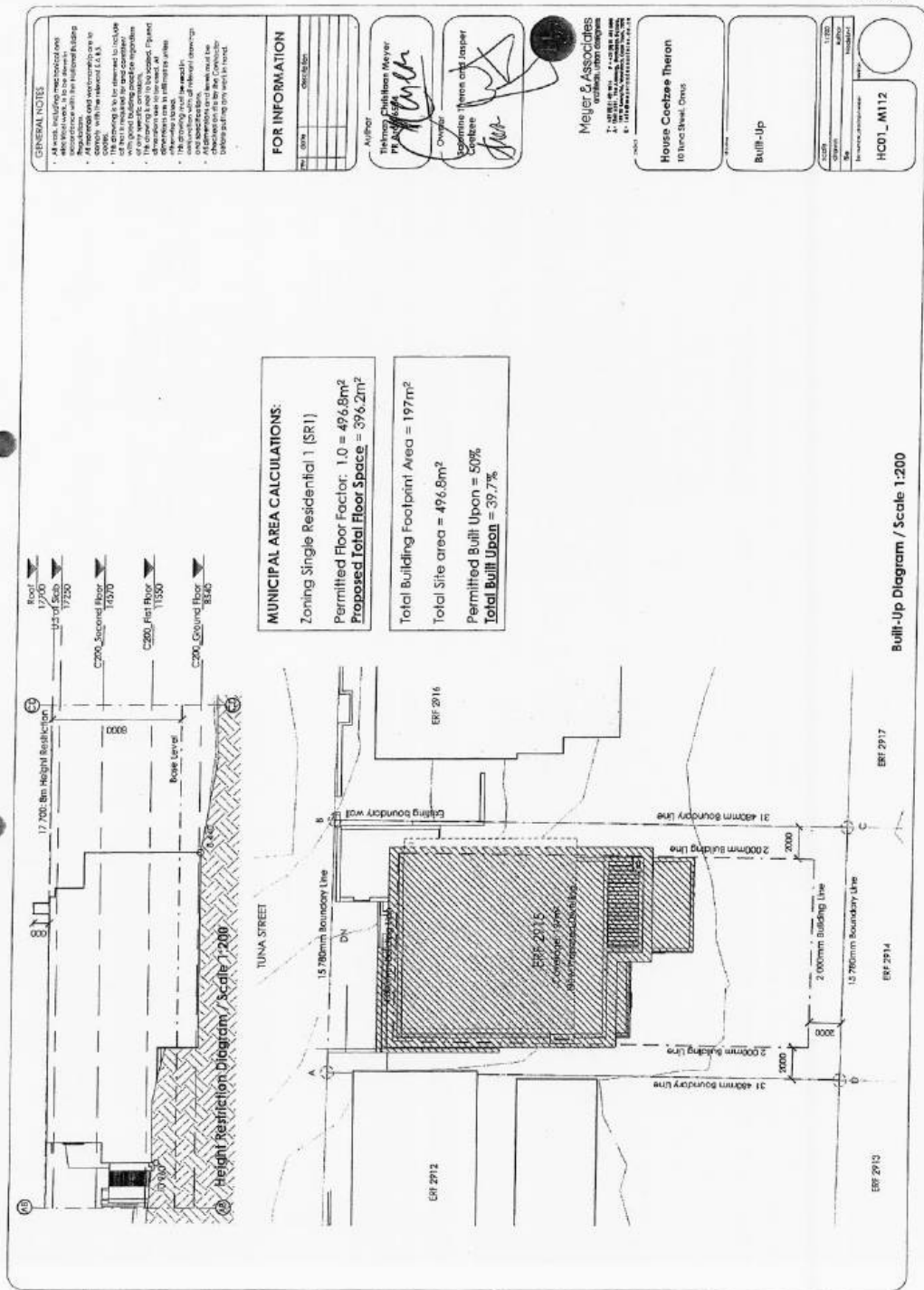
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure on Erf 2915, Onrustrivier to relax the western lateral building line from 2m 1,262m and the street building line from 4m to 3m to accommodate a new garage, 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 Drawing Number: 6359kleinmondI.drw, dated May 2021, submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with,
 - (d) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with,
 - (e) that the conditions in the Services Report (see Annexure D) be complied with
 - (f) that the conditions imposed by Telkom (see Annexure E) be complied

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

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

REASONS FOR RESOLUTION

- ❖ The application is supported by all relevant internal departments.
- ❖ No objections were received from surrounding neighbours.
- ❖ The application will 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, as a large percentage of properties in Tuna Street already traverse the street building line, and also some other building lines.
- ❖ The application is considered desirable.



GENERAL NOTES:

- 1. All work shall be in accordance with the relevant standards and specifications.
- 2. All materials and workmanship shall be in accordance with the relevant standards and specifications.
- 3. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.
- 4. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.
- 5. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.
- 6. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.
- 7. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.
- 8. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.
- 9. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.
- 10. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.

FOR INFORMATION

No.	Date	Description

Author:
 Helena Chiklana Meyer
 PR Architect
 [Signature]
 Checker:
 Catherine Theron and Jasper Coetzee
 [Signature]

Meijer & Associates
 1. 08 935 1111
 2. 08 935 1112
 3. 08 935 1113
 4. 08 935 1114
 5. 08 935 1115
 6. 08 935 1116
 7. 08 935 1117
 8. 08 935 1118
 9. 08 935 1119
 10. 08 935 1120

House Coetzee Theron
 10 Tuna Street, Onrus

Built-Up

PROJECT NO.	11200
DATE	11/2020
DRAWN BY	Author
CHECKED BY	Checker
SCALE	1:100
TITLE	HCO1_M112

MUNICIPAL AREA CALCULATIONS:
 Zoning Single Residential 1 (SR1)
 Permitted Floor Factor: 1.0 = 496.8m²
 Proposed Total Floor Space = 396.2m²
 Total Building Footprint Area = 197m²
 Total Site area = 496.8m²
 Permitted Built Upon = 50%
 Total Built Upon = 39.7%

Built-Up Diagram / Scale 1:200

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 2915, 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 2915, Onrus River, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.

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

15/10/2021
DATE

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

**4. ERF 3794, 31 SHERWOOD DRIVE, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: H BREWER**

3794 HON (3828/2021)

H Olivier

(028) 313 8900

Hermanus Administration

14 January 2022

Executive Summary

An application has been received on 22 July 2021 from H Brewer on Erf 3794, Onrustrivier in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to relax the eastern lateral building line from 2m to 1,175m to accommodate a new double garage.

RESOLVED :

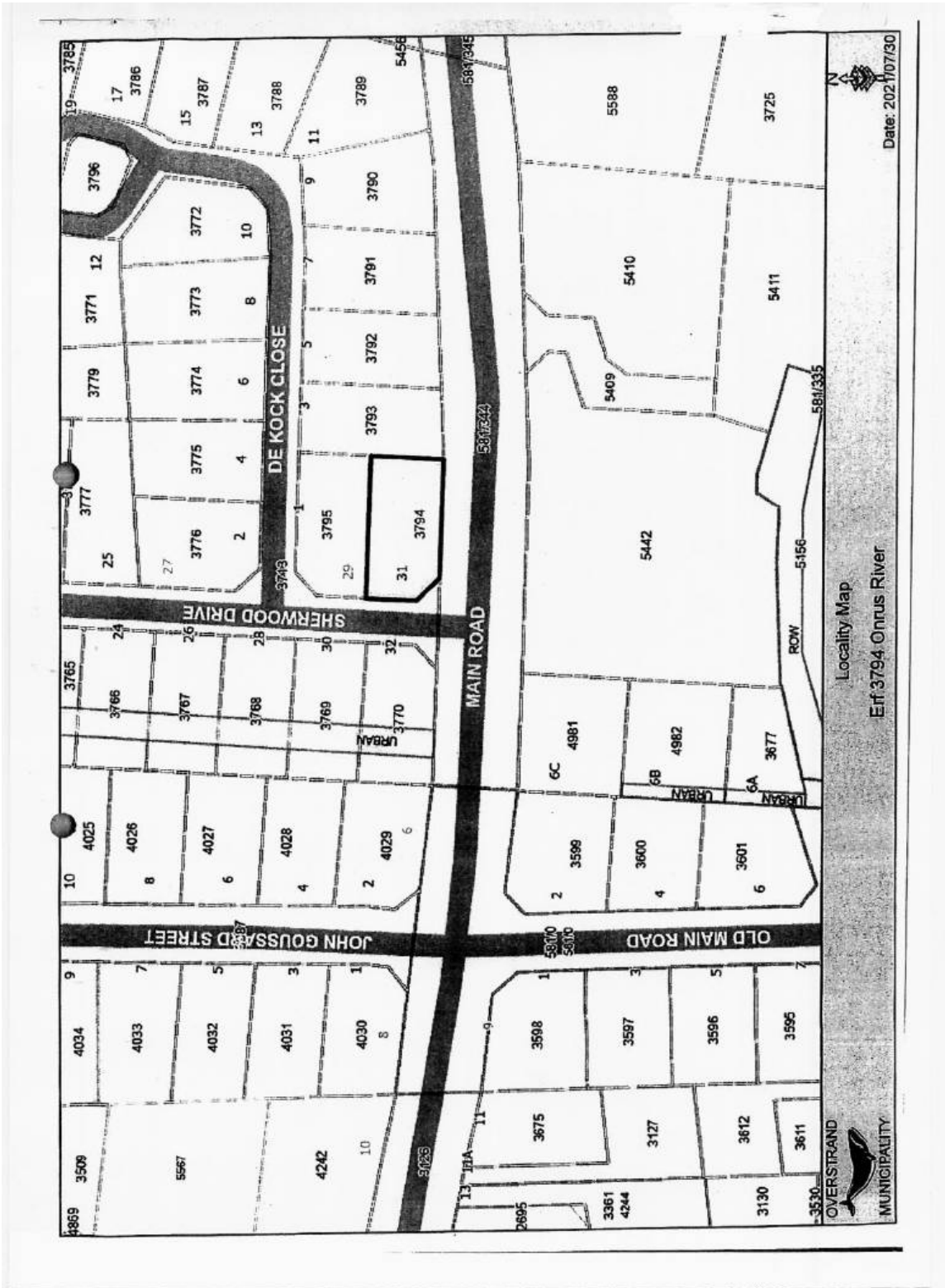
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 3794, Onrustrivier for a departure to relax the eastern lateral building line from 2m to 1,175m to accommodate a new double garage, be approved in terms of 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 Site plan W-01 dated 24/09/2020 and Plans W-02 to W-09 submitted by the architect;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with,
 - (d) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with,
 - (e) that the conditions in the Services Report (see Annexure D) be complied with
 - (f) that the conditions imposed by Telkom (see Annexure E) be complied with, and

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

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

REASONS FOR RESOLUTION

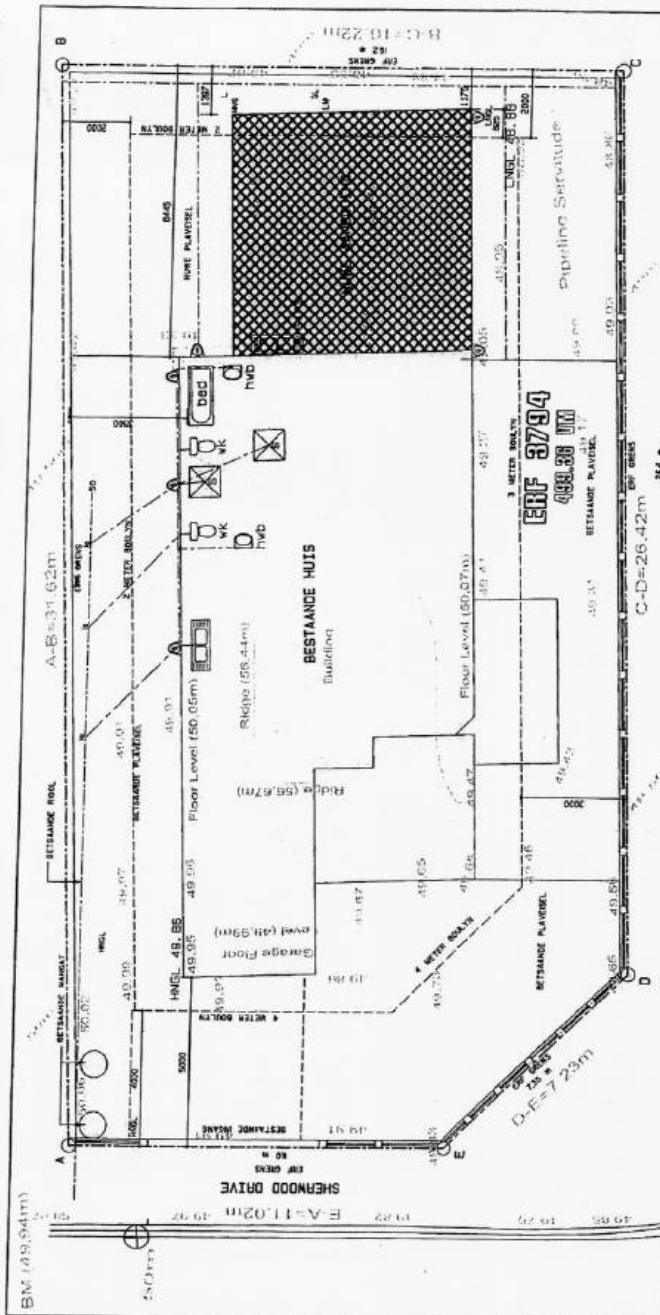
- ❖ The application is supported by all relevant internal departments.
- ❖ No objections were received from surrounding neighbours.
- ❖ The application will not impact the privacy, sunlight, or views of adjacent property owners.
- ❖ The application will not have a negative impact on the character of the surrounding area.
- ❖ The application is considered desirable.



Locality Map
Erf 3794 Ontus River



OVERSTRAND MUNICIPALITY



<p>S U Z A A N ARCHITECTURAL DESIGN THE TOWN OF SUDBURY - SUDBURY LANDSCAPE ARCHITECTS - 1ST FLOOR PO BOX 200861, LAMBTON/QUEEN ST. W. SUDBURY, ONTARIO L4S 1R7 TEL: 709-940-9000</p>	<p>PROJECT TITLE NUWE AANBOING AAN BESTAANDE HUIS ERF 3794, SHERWOOD DRIVE, HERMANUS</p>	<p>CLIENT HANNETTE BREWER 083 262 2827</p>	<p>CLIENT <i>Hannette Brewer</i> client</p>
	<p>SCALE 1:100</p>	<p>PROJECT TITLE TERREINPLAN</p>	<p>DATE 24/09/2020</p>
<p>PROJECT NO. PO09</p>	<p>PROJECT NO. W-01</p>	<p>ISSUE NO. W-01</p>	<p>ISSUE NO. R-01</p>
<p>PROJECT NO. W-01</p>	<p>PROJECT NO. W-01</p>	<p>PROJECT NO. W-01</p>	<p>PROJECT NO. W-01</p>

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 3794, 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 3794, 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.


BENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

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

5. ERF 4514, 40 SECOND AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: SCHOONRAAD ARCHITECTS (obo MG GREEN)

4515 KKM

**H van der Stoep
11 February 2021**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 28 June 2021 from Schoonraad Architects on Erf 4514, Kleinmond in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following departures:

- ❖ to relax the street building line from 4m to 1,84m to accommodate the change of an entrance roof, and
- ❖ to relax the street building line from 4m to 2,38m to accommodate the change of an existing window into a bay window.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2020 on Erf 4514, Kleinmond for the following departures:

- ❖ to relax the street building line from 4m to 1,84m to accommodate the change of an entrance roof, and
- ❖ to relax the street building line from 4m to 2,38m to accommodate the change of an existing window into a bay window

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

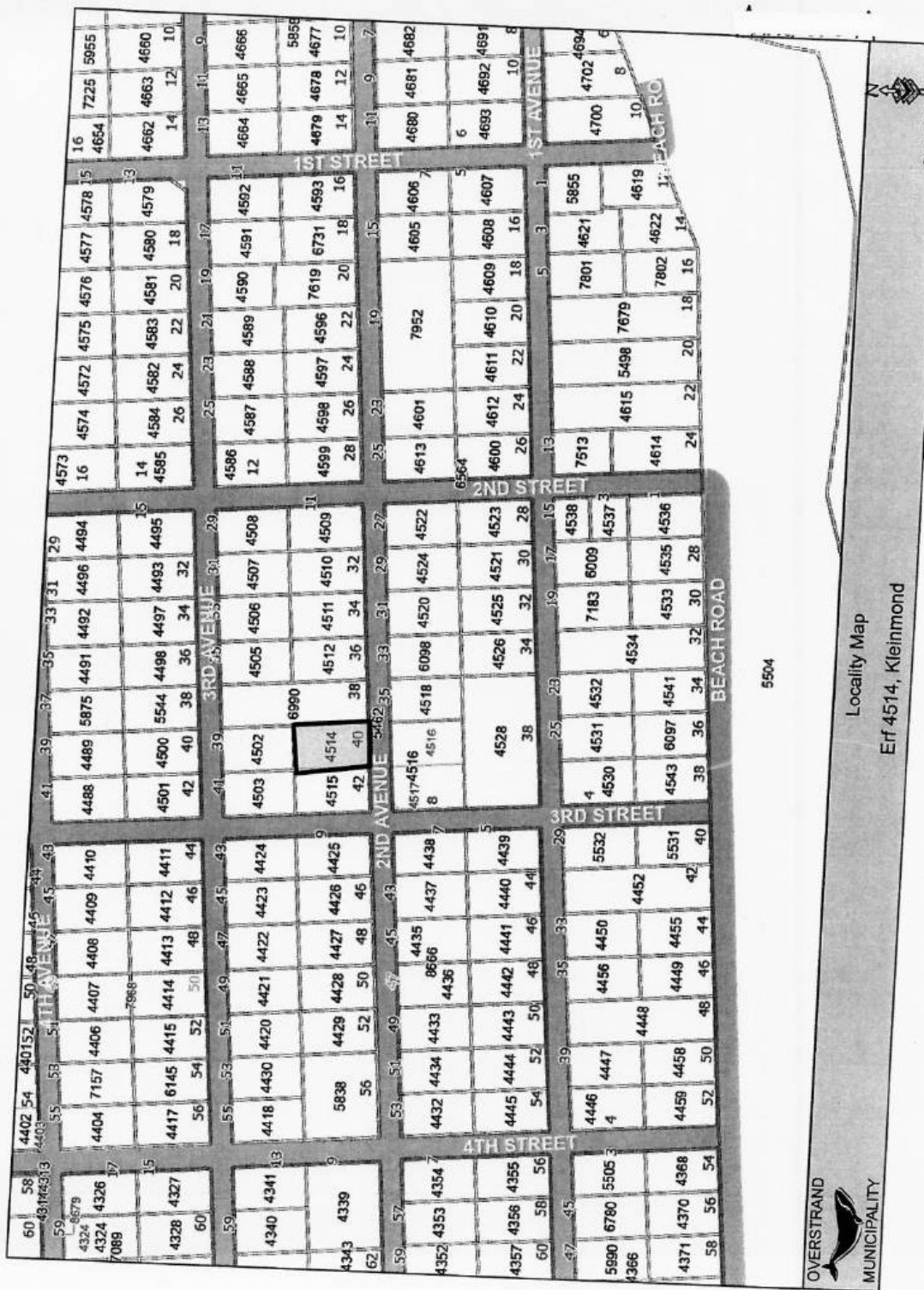
- (a) that this approval is only for the development as indicated on the plan number AR101.01, dated 22-02-2021 as submitted with the application,
- (b) that no further transgression over the building lines will be allowed, except that is sanctioned by the Overstrand Zoning Scheme;
- (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire

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

- (d) Department be complied with at that stage;
that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that all the conditions in the Services Report (attached as Annexure D), be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval

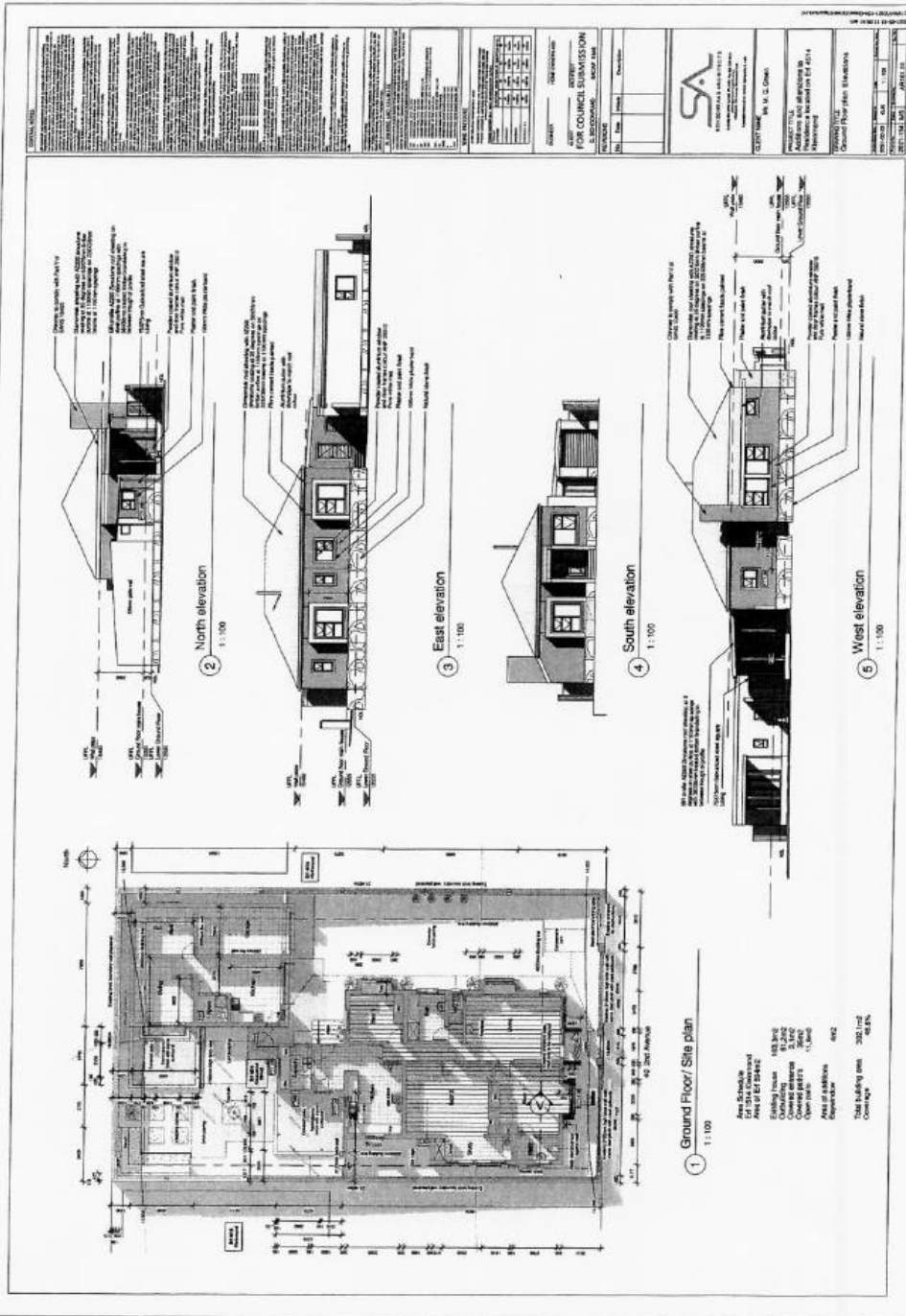
REASONS FOR RESOLUTION

- ❖ The proposed renovations are located within the existing footprint of the building.
- ❖ The renovations will attribute to a more active street scape.
- ❖ The renovations will add value to the property and surrounding properties.



Locality Map
Erf 4514, Kleinmond

5504



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 4514, KLEINMOND**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer investigates and determine the limitations of the site in terms of drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
7. that stormwater be allowed to discharge through Erf 4514 Kleinmond, unobstructed.

pp. A. Hendriks

DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

19/10/2021

DATE

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

6. ERF 8394, 67 LAVENDER STREET, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: AHD ON BEHALF OF N NGIJANA

8394 KKM (3813/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

14 February 2022

Executive Summary

An application has been received on 21 April 2021 from AHD on behalf of N Ngijana on Erf 8394, Kleinmond in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following departures:

- ❖ to relax the lateral building line from 2m to 0m to accommodate the extension of the existing dwelling;
- ❖ to relax the street building line from 2m to 0m to accommodate an existing open stoep, and
- ❖ to deviate from the 9m and third of the boundary of structures built over the building line.

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 on Erf 8394, Kleinmond for the following departures :

- ❖ to relax the lateral building line from 2m to 0m to accommodate the extension of the existing dwelling;
- ❖ to relax the street building line from 2m to 0m to accommodate an existing open stoep, and
- ❖ to deviate from the 9m and third of the boundary of structures built over the building line

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

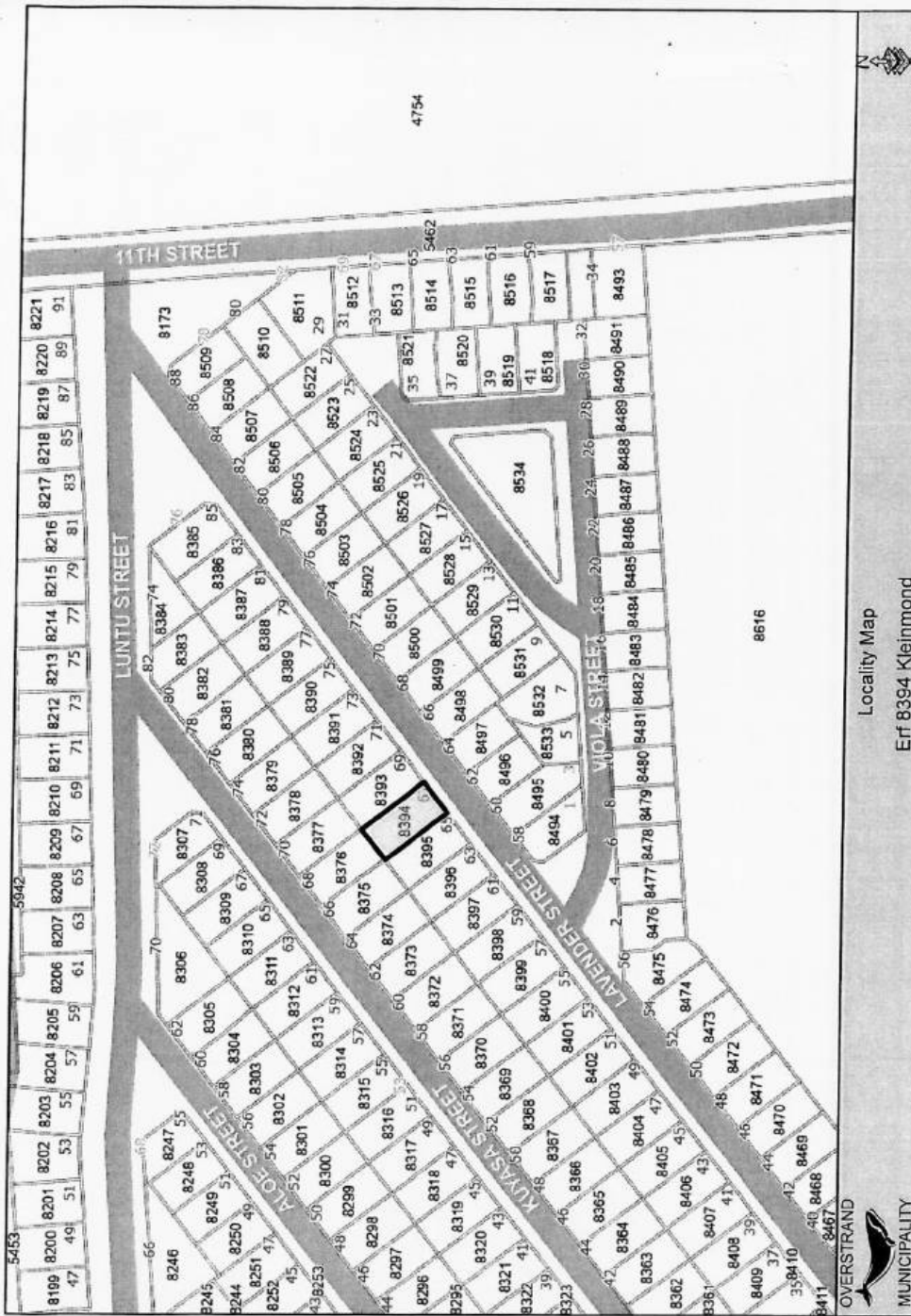
- (a) that this approval is only for the development as indicated on the plan numbers KM8394/21 A1 and A2 dated 19 April 2021, as submitted with the application,
- (b) that no further transgression over the building lines will be allowed, except that is sanctioned by the Overstrand Zoning Scheme;

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

- (c) that the window on the western lateral building line be omitted and moved to the northern side of the dwelling;
 - (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 this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (g) that all the conditions in the Services Report (attached as Annexure D), be complied with.
2. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above-mentioned approval.

REASONS FOR RESOLUTION

- ❖ The extension is in line with the existing dwelling.
- ❖ The stoep will have no impact on the street scape of the area or impede the character of the residential town.

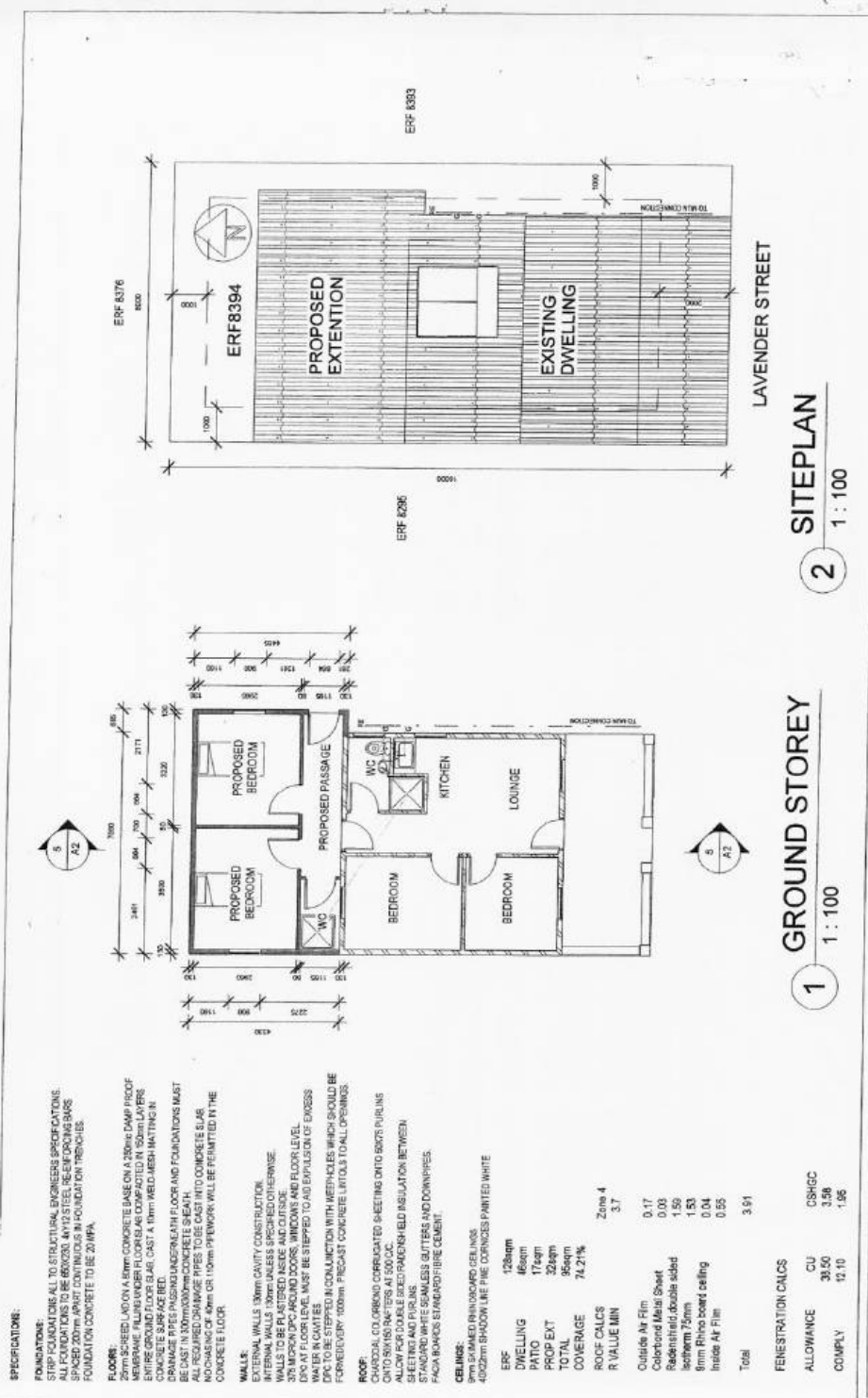


Date: 2021/04/26

Locality Map
Erf 8394 Kleinmond



OVERSTRAND
MUNICIPALITY



2 SITEPLAN
1 : 100

1 GROUND STOREY
1 : 100

SPECIFICATIONS:
FOUNDATIONS:
 STRIP FOUNDATIONS ALL TO STRUCTURAL ENGINEERS SPECIFICATIONS.
 ALL FOUNDATIONS TO BE BRICKED, 4M X 12 STEEL REINFORCING BARS
 SPACING 150mm, 200mm MAXIMUM IN FOUNDATION TRENCHES.
 FOUNDATION CONCRETE TO BE 20 MPa.

FLOORS:
 25mm SCREED LAY ON A 80mm CONCRETE BASE ON A 200mm DAMP PROOF
 MEMBRANE. ALL CONCRETE FLOORS TO BE COMPACTED IN 750mm LAYERS.
 ENTIRE GROUND FLOOR TO BE FINISHED WITH A 10mm FINE SAND/SLATE
 CONCRETE SURFACE BED.
 DRAINAGE PIPES PASSING UNDER FLOOR AND FOUNDATIONS MUST
 BE CAST IN 100mm/100mm CONCRETE SHEATH.
 ALL DRAINAGE TYPES TO BE CAST INTO CONCRETE SLAB
 AND CHANGING TYPES TO BE CAST INTO CONCRETE SLAB
 AND CHANGING TYPES OR 100mm REINFORCING WILL BE PERMITTED IN THE
 CONCRETE FLOOR.

WALLS:
 EXTERNAL WALLS 100mm CAVITY CONSTRUCTION
 INTERNAL WALLS 100mm CAVITY CONSTRUCTION
 WALLS TO BE PLASTERED INSIDE AND OUTSIDE.
 375 MASON DPC AROUND DOORS, WINDOWS AND FLOOR LEVEL.
 DPC AT FLOOR LEVEL MUST BE STEPPED TO AID EXPANSION OF EXCESS
 DPC TO BE STEPPED IN CONJUNCTION WITH MEMBRANES WHICH SHOULD BE
 FORMED EVERY 1000mm. PRECAST CONCRETE LIFTOUT WALL OPENINGS.

ROOF:
 TOTAL G.O. GROUND COVERED SHEETING ONTO BRICK PURLINS
 ONTO SKINS SPACERS AT 500 C.C.
 ALLOW FOR DOUBLE SIDED RAINSHED INSULATION BETWEEN
 SHEETING AND PURLINS.
 STANDARD WHITE SEAMLESS GUTTERS AND DOWNPIPES.
 FLASHINGS TO BE EPDM RUBBER.

Ceilings:
 9mm SKIMMED REINFORCED GELINGS
 400x20mm SHADOW LINE FINISH DOWNPIPES PAINTED WHITE

ERF	1234mm
DWELLING	463mm
PATIO	173mm
PROP EXT	323mm
TOTAL	953mm
COVERAGE	74.21%
ROOF CALCS	Zone 4
R VALUE MIN	3.7
Outside Air Film	0.17
Coloured Metal Sheet	0.05
Rainwater double sided	1.59
Isoberm 75mm	1.33
8mm Rhinocor ceiling	0.04
Inside Air Film	0.05
Total	3.91

FENESTRATION CALCS

ALLOWANCE	CU	CSHGC
COMPLY	12.10	3.38
		1.98

AS BUILT EXTENTION	COUNCIL DRAWINGS
MS N NGJHANA ERF 8394 LAVENDER STR KLEINMOND	Project number: K0M836421 Date: 19/04/2021 Drawn by: Bjm Reg nr: PAO 20052 Scale: 1 : 100

A.H.D.
 ahd@mwweb.co.za
 072 315 1336

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 8394, KLEINMOND**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer investigates and determine the limitations of the site in terms of drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
7. that stormwater be allowed to discharge through Erf 8394 Kleinmond, unobstructed.

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

02/09/2021
DATE

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

7. ERF 1430, 4 MALGAS STREET, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS SMART SOLUTION ON BEHALF OF AS KLEYNHANS

1430 HON (3647/2021)

H Olivier

(028) 313 8900

Hermanus Administration

14 January 2022

Executive Summary

An application was received on 20 May 2021 from Smart Solution on behalf of the AS Kleynhans on Erf 1430, 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 western lateral and rear building lines from 2m to 0m to legalize the existing outdoor braai and pergola covered with latte.
- ❖ To relax the western lateral building line from 2m to 1,78m to accommodate the new proposed bedroom/study.
- ❖ To relax the eastern lateral building line from 2m to 1,173m to accommodate the new proposed bay window/extension to living room.
- ❖ To relax the eastern lateral building line from 2m to 1,165m to accommodate the new proposed open balcony on first floor level, and
- ❖ To relax the street building line from 4m to 2,37m to accommodate the new proposed pergola structure.

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 1430, Vermont for the following departures :

- ❖ to relax the western lateral and rear building lines from 2m to 0m to legalize the existing outdoor braai and pergola covered with latte.
- ❖ to relax the western lateral building line from 2m to 1,78m to accommodate the new proposed bedroom/study.
- ❖ to relax the eastern lateral building line from 2m to 1,173m to accommodate the new proposed bay window/extension to living room.
- ❖ to relax the eastern lateral building line from 2m to 1,165m to accommodate the new proposed open balcony on first floor level, and
- ❖ to relax the street building line from 4m to 2,37m to accommodate the new proposed pergola structure,

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

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

to the following conditions:

- (a) that this approval only relates to a building line relaxation as indicated on Plans 10349/A2/03 - 10349/A2/10 dated 16 April 2021 submitted with this application;
 - (b) that building plans be submitted to the Building Department, and that all conditions set by the Building- and Fire Departments at that stage, be complied with;
 - (c) that all the conditions in the Services Report (attached as Annexure F), be complied with;
 - (d) that all conditions imposed by Telkom (attached as Annexure G), be complied with, and
 - (e) that all conditions imposed by Eskom (attached as Annexure H), be complied with.
2. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decision.

REASONS FOR RESOLUTION

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

UNUSUAL FEATURES:
 1. 10' SIDEWALK
 2. 10' SIDEWALK

DESCRIPTION:
 10' SIDEWALK

DRAWING STAGE:	DATE:
CONCEPT	
PRELIMINARY	
FINAL	

SITE INFORMATION:
 PROJECT NAME: 10' SIDEWALK
 ADDRESS: 4 MALGAS STREET
 CITY: VERMONT
 STATE: VT 05499

OWNER:
 NAME: AS SHOWN
 ADDRESS: 4 MALGAS STREET
 CITY: VERMONT
 STATE: VT 05499

DESIGNER:
 NAME: SMART SOLUTION ARCHITECTURE
 ADDRESS: 100 W. MAIN STREET, SUITE 100
 CITY: VERMONT
 STATE: VT 05499

DATE:
 16-04-2021

DRAWN BY:
 D SWART

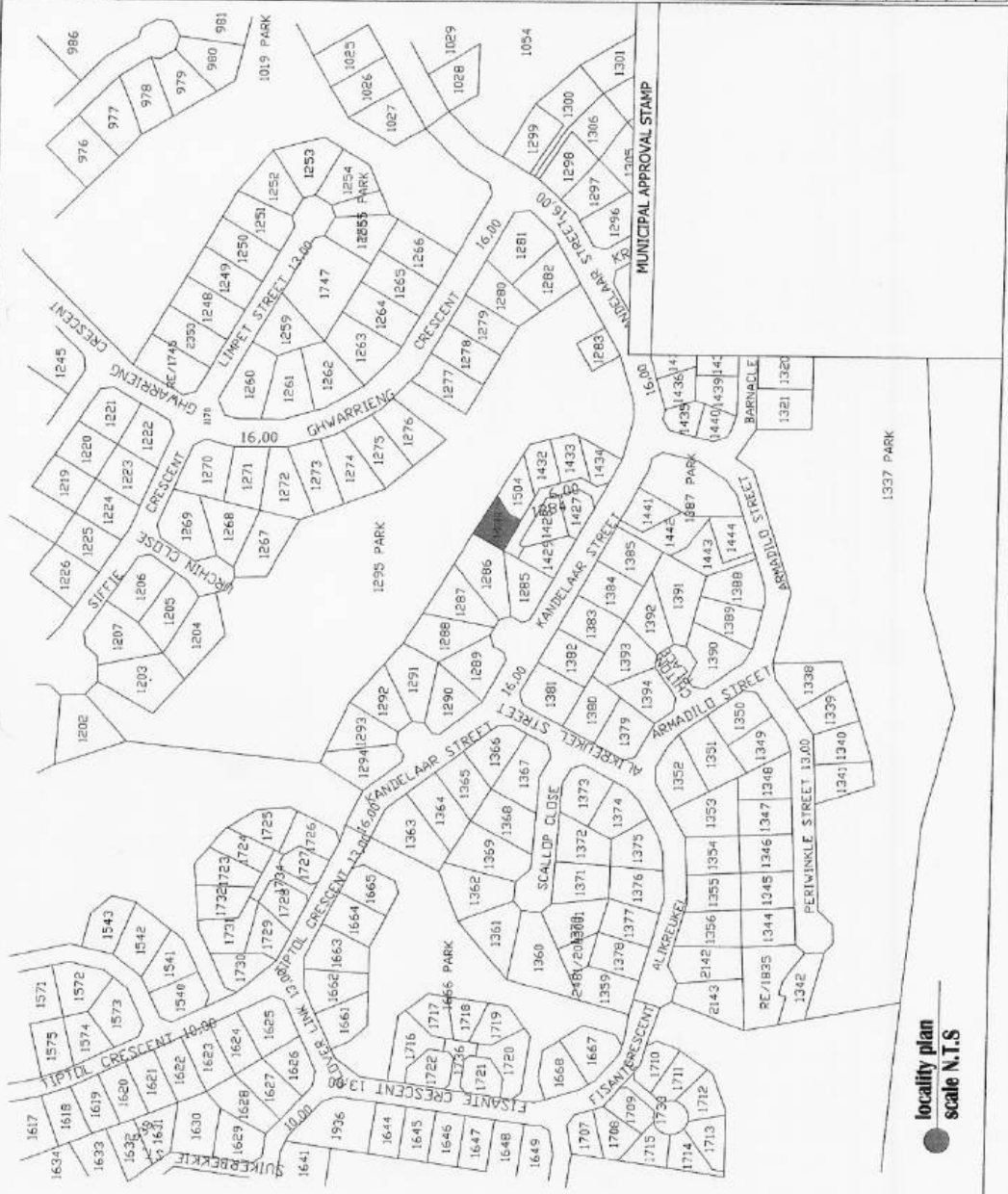
CHECKED BY:
 D SWART

SCALE:
 AS SHOWN

PROJECT NO.:
 PSAT24749037

DRAWING NO.:
 10349/A3/02

REV. NO.:
 0



locality plan
 scale N.T.S.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 1430, 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 1430, 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

07/16/2021
DATE

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

8. ERVEN 430 & 431, 23 & 21 PEAK ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION: DIESEL & MUNNS INC. ON BEHALF OF GJB MILLS

430 & 431 KPRB (3724/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

14 February 2022

Executive Summary

An application has been received on 11 March 2021 from Diesel & Munns Inc. on behalf of GJB Mills in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the consolidation of Erven 430 & 431, Pringle Bay to create a consolidated erf of ±1013m² in extent.

RESOLVED :

1. that the application in terms of Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to consolidate Erven 429 & 430, Pringle Bay to create a consolidated erf of ±1013m² in extent, be approved in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the consolidation as indicated on Plan Number C6099/Cons dated January 2021, submitted with the application;
 - (b) that the coverage of 75% be maintained;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control– and the Fire Departments be complied with at that stage;
 - (d) that the conditions in the Services Report (see Annexure F) be complied with;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with.

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

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

REASONS FOR RESOLUTION

- ❖ The consolidation of the erven is to the benefit of the Pringle Business Centre in terms of reduction of traffic access points and traffic flow.
- ❖ Design of a building that complies with the National Building Regulations and SANS Energy efficiency.
- ❖ The impact of the proposed consolidated erf is no more than the present two undeveloped erven.
- ❖ It will assist with strengthening the liveability and sense of place of the Pringle Bay Business Centre.

ERVEN 430 AND 431
PRINGLE BAY: LOCALITY
PLAN

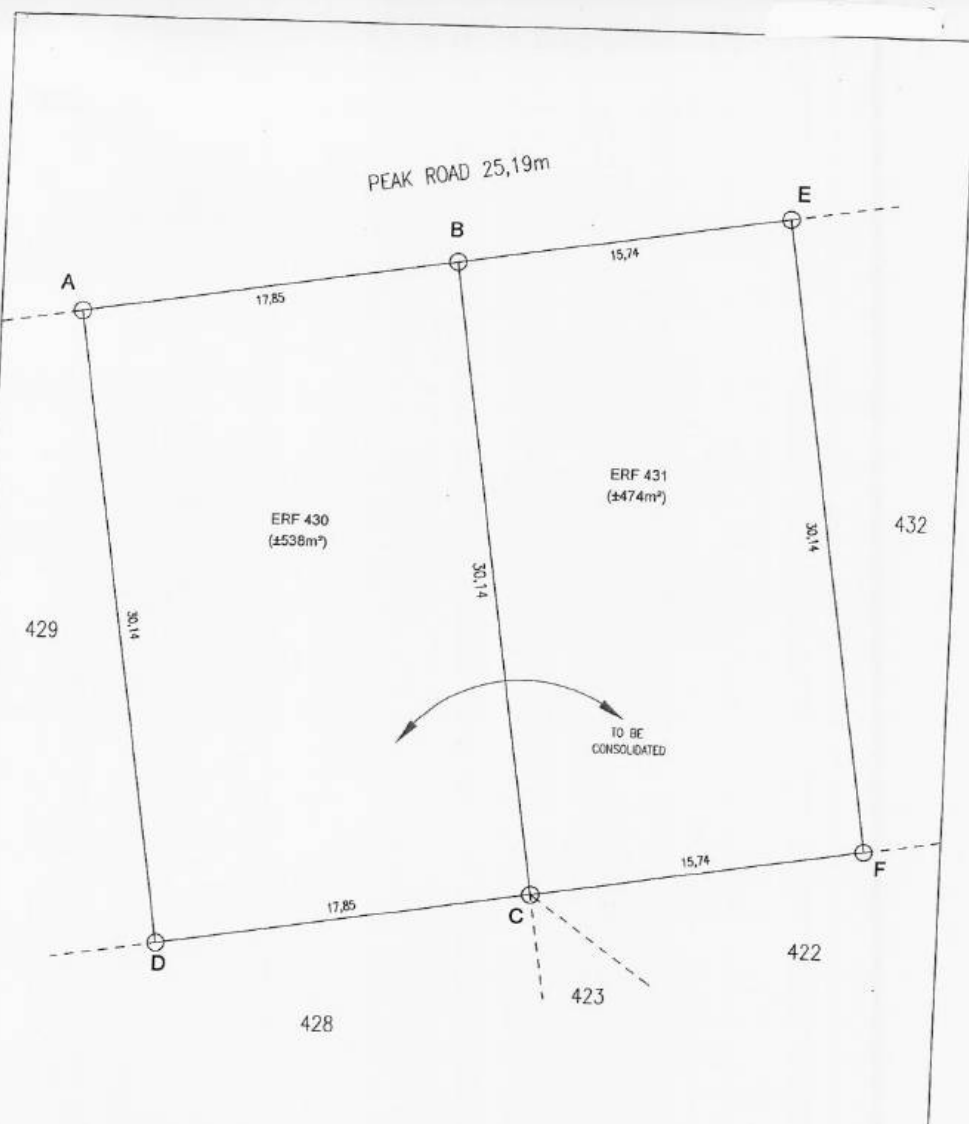
Legend
□ Erf
▣ The Properties



Scale: 1:2 257
Date created: February 18, 2021



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Department of Agriculture



LEGEND:
 ABCD — ERF 430 PRINGLE BAY
 BEFC — ERF 431 PRINGLE BAY
 AEFD — CONSOLIDATED PROPERTY (±1 013m²)



**CONSOLIDATION PLAN OF
 ERVEN 430 AND 431
 PRINGLE BAY**
 Overstrand Municipality
 Administrative District Caledon
 Province Western Cape.

NOTES:
 1) ALL AREAS AND DIMENSIONS ARE APPROXIMATE
 2) COMPILATION SHEET: AH-4BC / Y41
 3) ZONING: BUSINESS ZONE 3: LOCAL BUSINESS

SCALE 1/250
 DATE : JAN. 2021
 PLAN NO: C6099/Cons

DIESEL & MUNNS Inc.
 PROFESSIONAL LAND SURVEYORS : TOWN AND REGIONAL PLANNERS
 PROFESSIONELE LANDMETERS : STADS- EN STREEK BEPLANNERS
 SEKSJONAL TITEL KONSULTANTE : ENGENEERS AND TOPOGRAPHICAL SURVEYORS
 DEELTITEL KONSULTANTE : INGENIEURS EN TOPOGRAFIESE OPMETERS
 20 ST. JAMES STREET/ZAKAAT - P. O. BOX/POSBUS 415 - SOMERSET WEST 7129
 TEL : (021) 852-3800/852-3759

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION : ERVEN 430 & 431, PRINGLE BAY**

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 investigates and determine the limitations of the site in terms of drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
7. that stormwater be allowed to discharge through Erven 430 & 431, Pringle Bay, unobstructed.

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

25/05/2021
DATE

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

9. **ERF 1708, 52 FISANTE CRESCENT, HESS-SE-GANG, VERMONT, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR DEPARTURE AND DEPARTURE FROM ARCHITECTURAL GUIDELINES: WRAP ON BEHALF OF CC & A GROENEWALD**

1708 HVM (3759/2021)

H Olivier

(028) 313 8900

Hermanus Administration

10 January 2022

Executive Summary

An application has been received on 25 November 2020 from Messrs WRAP on behalf of CC and A Groenewald on Erf 1708, Vermont for an application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following departures:

To relax the Land Use Scheme building lines as follows:

- ❖ Western lateral building line from 3m to 1m to accommodate a tool shed,

To relax Hess-se-Gang Architectural Guidelines as follows:

- ❖ To accommodate a tool shed and swimming pool.

RESOLVED :

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure from the Hess-se-Gang Design Guidelines and the Land Use Scheme on Erf 1708, Vermont, as follows:

To relax the Land Use Scheme building lines as follows:

- ❖ Western lateral building line from 3m to 1m to accommodate a tool shed,

To relax Hess-se-Gang Architectural Design Guidelines as follows:

- ❖ To accommodate a tool shed and swimming pool.

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

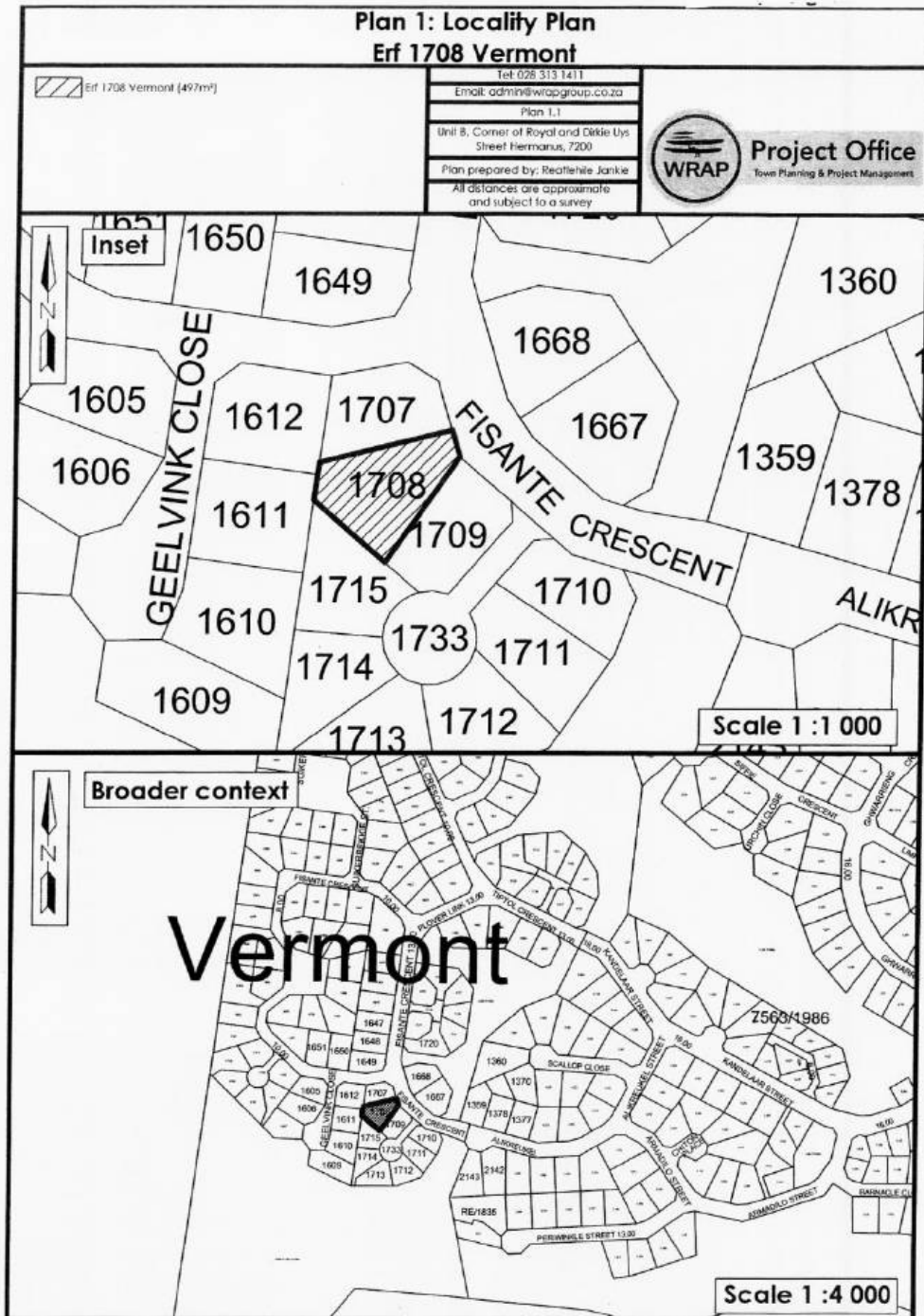
- (a) that this approval is only for the relaxations as indicated on the undated plan SDP and elevation plan, submitted with this application (attached as Annexure C);

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

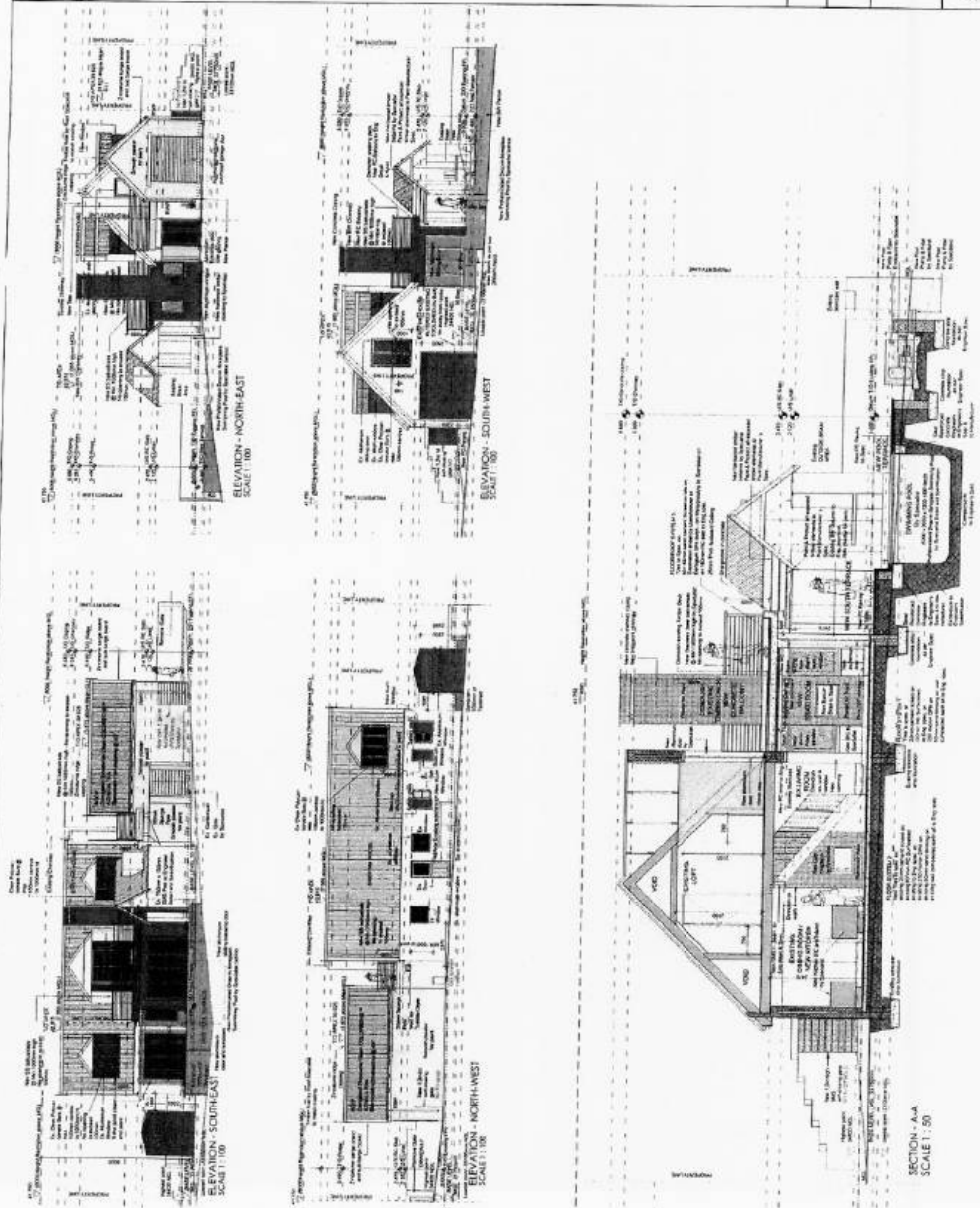
- (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
 - (d) that building plans be submitted to the Building Control Department for approval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

REASONS FOR RESOLUTION

- ❖ No objections were received against the application.
- ❖ The application is supported by all relevant internal departments and external institutions.
- ❖ The small size of the erf and limiting building lines in the Land Use Scheme makes it difficult to place a tool shed inside building lines, and the relaxation of the 3m building line to 1m will have no impact on views or privacy as the structure is of a small scale.
- ❖ The application to depart from the Hess-se-Gang Design Guidelines will not have a negative impact on the character of the development, as a tool-shed and swimming pool is compatible with the character of the development.
- ❖ The application is considered desirable.



Amended Elevations
Erf 1708 - Vermont



Plan completed by: Shaw-Jensen
 Revised drawings created by:
 Michael R. Collette

All elevations are approximations
 and subject to a survey

Tel: 608-313-1411
 Email: admin@wmggroup.co.za
 One 8, Corner of Royal and
 Debra Lys Street Harmonus,
 7500

Project Office
 New Planning & Project Management

NTS

SECTION - A-A
SCALE 1 : 50

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 1708, 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 1708, Vermont, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.

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

26/10/2021
DATE

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

10. ERF 1891, 69 HIGH LEVEL ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: PLAN ACTIVE ON BEHALF OF QE & R HEINE

1891 KPRB (3793/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

5 January 2022

Executive Summary

An application has been received on 29 July 2021 from Plan Active on behalf of QE & R Heine in terms of Section 16.(2)(d) of the Overstrand Municipality By-Law on Land Use Planning, 2020 to subdivide Erf 1891, Pringle Bay into two (2) portions namely Portion A ($\pm 1685\text{m}^2$) and a Remainder ($\pm 1686\text{m}^2$).

RESOLVED :

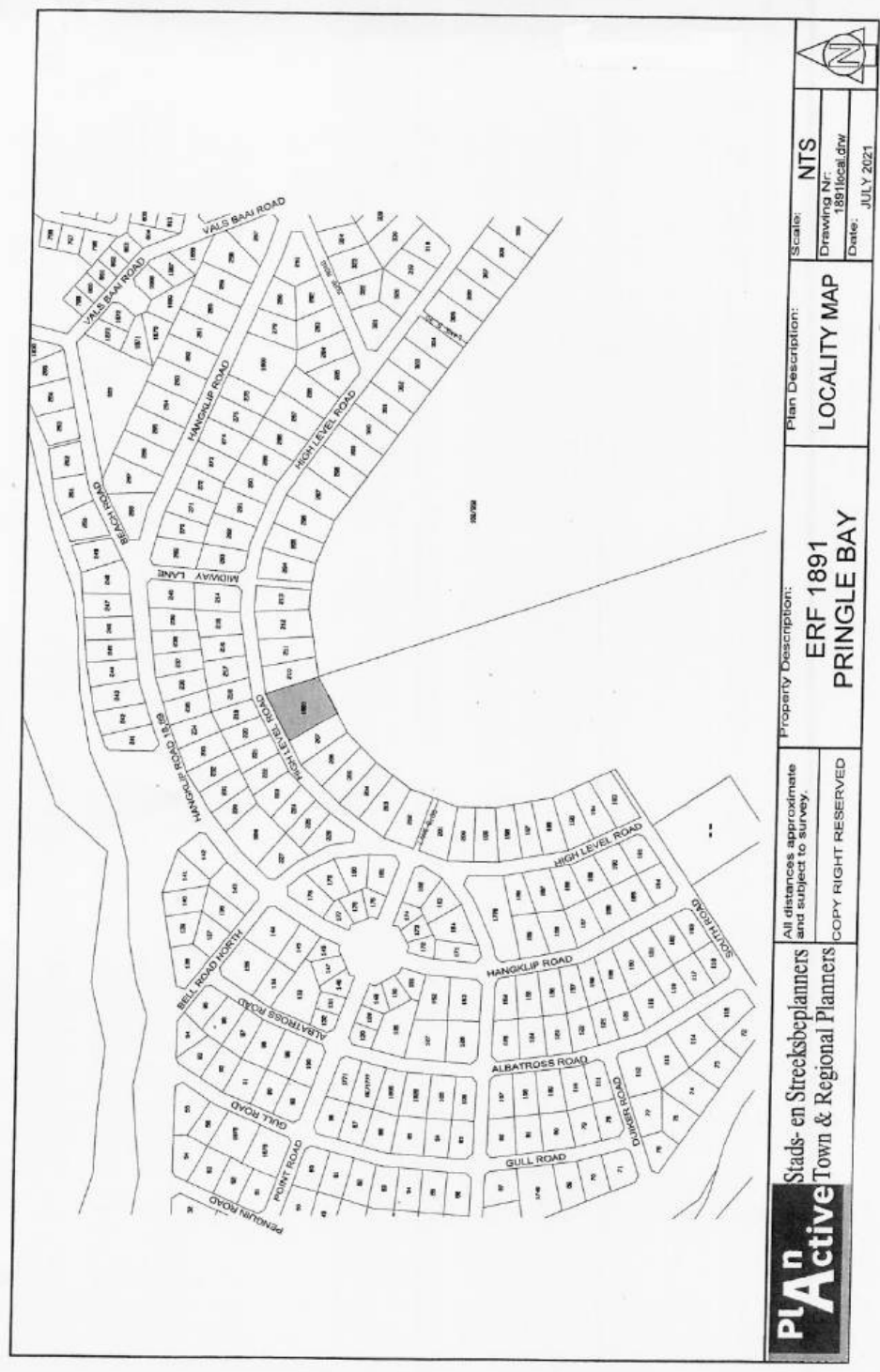
1. that the application in terms of Section 16.(2)(d) of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 1891, Pringle Bay into two (2) portions, namely Portion A ($\pm 1685\text{m}^2$) and a Remainder ($\pm 1686\text{m}^2$), **be approved** in terms of 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 Drawing Number 1891subdivision.drw dated July 2021, submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that all the conditions in the Services Report (attached as Annexure F), be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.

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

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



PLAN
Active

Stads- en Streeksbeplanners
Town & Regional Planners

All distances approximate
and subject to survey.
COPY RIGHT RESERVED

Property Description:
**ERF 1891
PRINGLE BAY**

Plan Description:
LOCALITY MAP

Scale: **NTS**
Drawing No: 1891local.dwg
Date: JULY 2021



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS &
SUBDIVISION: ERF 1891, PRINGLE BAY**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

Water	R 24 915.00 x 1	=	R 24 915.00
Sewerage	R 16 799.12 x 1	=	R 16 799.12
Roads	R 7 532.72 x 1	=	R 7 532.72
Stormwater	R 8 691.28 x 1	=	R 8 691.28
Solid Waste	R 1 505.92 x 1	=	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 to have their own water connection, the cost of connection and / or any upgrade for any of these services be required, will be at the owner's cost;

3. that each property to have their own conservancy tank to Municipal specification;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 - P: 2010: Drainage;
4. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that stormwater be allowed to discharge through the proposed Erven, Pringle Bay, unobstructed;
7. that no on-street parking be allowed.

Dennis Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

22/09/2021
DATE

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

**11. ERF 3624, MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA :
APPLICATION FOR REZONING: PLAN ACTIVE ON BEHALF OF M
NADEEM**

3624 KKM (3846/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

18 February 2022

Executive Summary

An application has been received on 24 March 2021 from Plan Active Town and Regional Planners on behalf of M Nadeem in terms of Section 16.(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the rezoning of Erf 3624, Kleinmond from Residential Zone 1: Single Residential (SR1) to Business Zone 3: Local Business (B3) to accommodate a mixed-use development with shops on ground floor and flats on first floor.

RESOLVED :

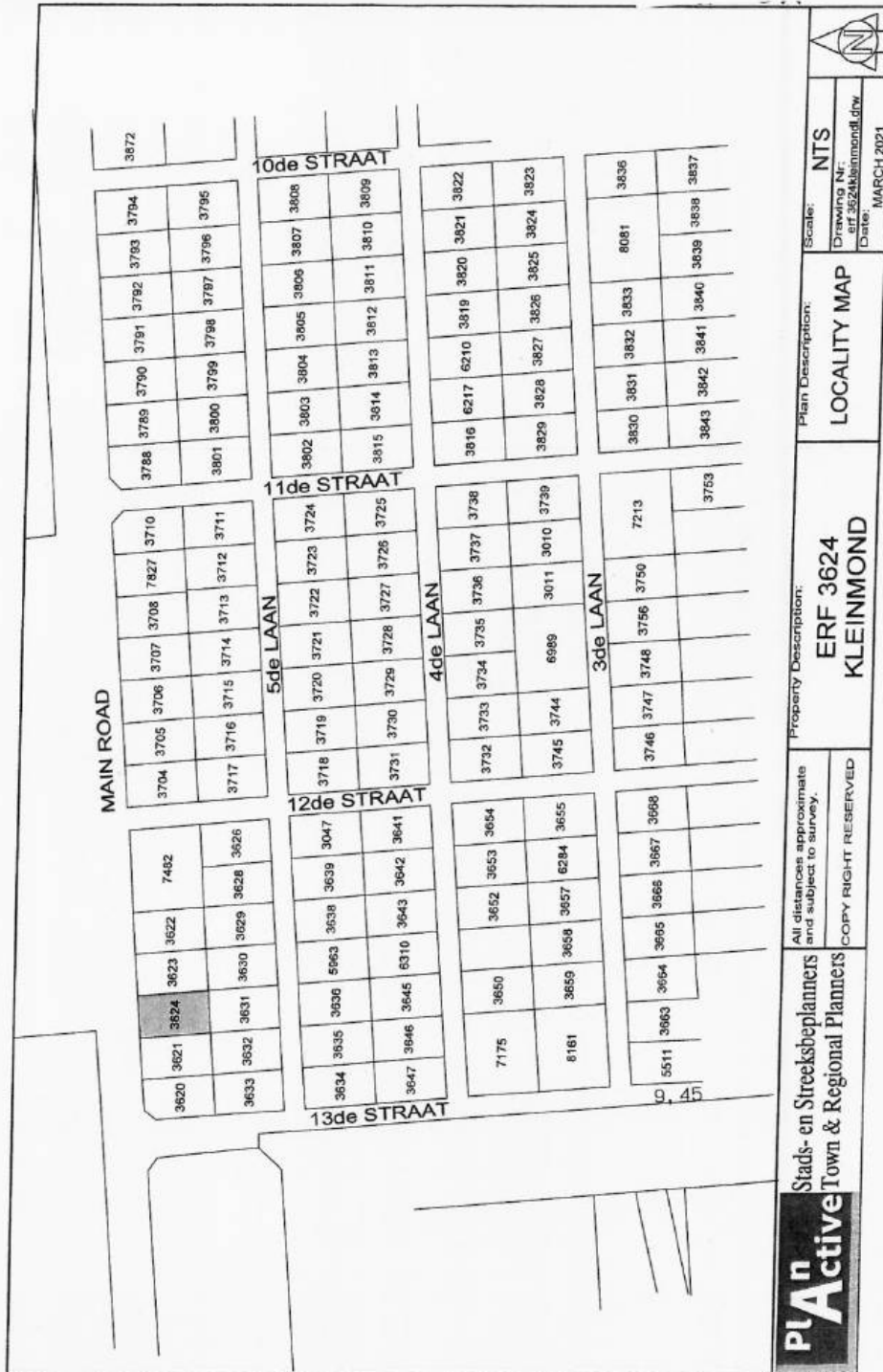
1. that the application in terms of Section 16.(2)(a) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2020 for the rezoning of Erf 3624, Kleinmond from Residential Zone 1: Single Residential (SR1) to Business Zone 3: Local Business (B3) to accommodate a mixed-use development with shops on ground floor and flats on first floor, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan numbers E.121.K (1-5) dated 16 September 2021, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that all the conditions in the Services Report (*attached as Annexure D*), be complied with, and

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

- (f) that all conditions imposed by Western Cape Government : Transport & Public Works - Roads (*attached as Annexure E*), be complied with.
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 regarding the above conditional approval.

REASONS FOR RESOLUTION

- ❖ The proposed development adheres to the principle of mixed use as indicated in the SDF.
- ❖ The surrounding owners did not object.
- ❖ The rezoning will have no impact on the surrounding area, especially with regard to access to the Main Road.
- ❖ The residential component will create housing rental stock within Kleinmond.



Stads- en Streeksbeplanners
Town & Regional Planners

All distances approximate
and subject to survey.
COPY RIGHT RESERVED

Property Description:
**ERF 3624
KLEINMOND**

Plan Description:
LOCALITY MAP

Scale: **NTS**
Drawing No:
erf 3624 Kleinmond.dwg
Date: **MARCH 2021**



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING: ERF 3624, KLEINMOND**

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

Conditions:

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

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

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

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

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

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

Freehold erven:

Water	R 24 915.00 x -0.292=	-R 7 275.18
Sewerage	R 16 799.12 x -0.292=	-R 4 905.34
Roads	R 7 532.72 x 3.9923=	R 30 072.88
Stormwater	R 8 691.28 x 1.054166=	R 9 162.05
Solid Waste	R 1 505.92 x 0.739999=	<u>R 1 114.38</u>
TOTAL (inclusive of VAT)	=	R 28 168.79

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 developer's cost;

3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
4. that the proposed development be supplied with a conservancy tank with a minimum capacity of 15 000 liter in order to minimize the frequency of sewer tanker servicing;
4. that the developer investigates and determine the limitations of the site in terms of drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
5. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
6. that any additional and / or extended vehicle entrance will be for the owner's account;
7. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
8. that stormwater be allowed to discharge through Erf 3624 Kleinmond, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

07/10/2021
DATE

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

**12. ERF 7447, 30 ASTER STREET, MOUNT PLEASANT, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: M
MUCHAMBIZI**

7447 HMP (3780/2021)

**H van der Stoep
25 January 2022**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 7 April 2021 from M Muchabizi in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a consent use to utilize a portion of the double garage that forms part of the dwelling on Erf 7447, Mount Pleasant, as a house shop.

RESOLVED :

1. that the application for consent use in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 in order to utilize a portion of the double garage on Erf 7447, Mount Pleasant as a house shop, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the house shop be restricted to 30m²;
 - (b) that two (2) standard parking bays be provided on-site;
 - (c) that building plans be submitted to the Building Department of the Municipality that indicates the 30m² house shop, the two parking bays, as well as any alterations to the garage (i.e., garage doors or serving hatch/opening) and that any requirements by the Fire- and Building Departments at that stage be complied with;
 - (d) that no more than one (1) vehicle, not exceeding 3500kg gross weight, may be utilized to make deliveries at the house shop at any one time;
 - (e) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building) and for security and protection of surrounding properties, patrons, vehicles, etc.;
 - (f) that the house shop may not be used for the purposes of noxious trade, risk activity, sale of alcoholic beverages, place of entertainment or gambling purposes;

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

- (g) that no products, goods or supplies connected to the house shop may be stored on the property outside the building;
- (h) that only one un-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
- (i) that the business hours of the house shop are restricted to:

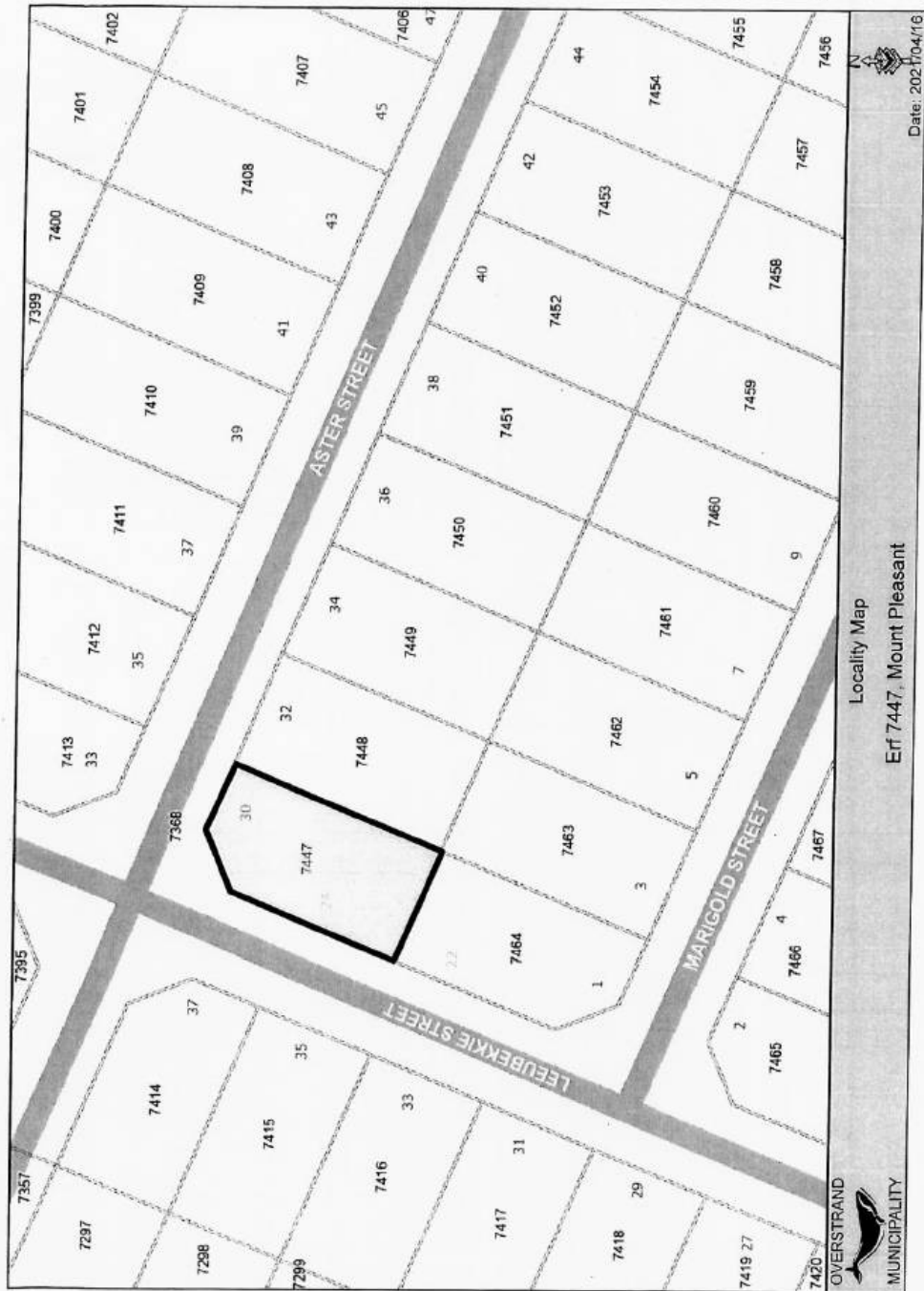
Mondays to Fridays: From 06:00 to 21:00;
Saturdays: From 06:00 to 21:00;
(The house shop must be closed on Sundays and public holidays);
- (j) that no more than three (3) persons, including the occupant(s) of the dwelling unit, are permitted to be engaged in retail activities on the property, other than with the consent of the Municipality;
- (k) that the operator of the house shop shall reside permanently on the premises;
- (l) that a Certificate of Acceptability be obtained from the Health Department of the Overberg District Municipality and a Fire Prevention Certificate from the Municipal Fire Department;
- (m) that permission to operate the house shop is granted to the applicant only and is not transferrable;
- (n) that no sub-letting is permitted;
- (o) that the conditions in the Engineering Report (attached as Annexures D), be adhered to;
- (p) that the Overstrand Municipality retains the right to enforce any relevant legislation, as well as law and order on the premises, on the landowner/s;
- (q) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
- (r) that application is made for a Business Licence at the Overstrand Municipality, prior to operating the house shop;
- (s) that no accumulation of refuse may occur on the premises, and
- (t) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

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

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

REASONS FOR RESOLUTION

- ❖ 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.
- ❖ No objections were received against the application.
- ❖ The proposed balcony blends in with the façade of the dwelling.
- ❖ No objection was received from the Local Heritage Committee and Environmental Services



OVERSTRAND
MUNICIPALITY

Locality Map
Erf 7447, Mount Pleasant

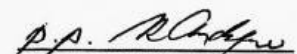
Date: 2021/04/16

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 7447, MOUNT PLEASANT**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Operational Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erf 7447, Mount Pleasant, unobstructed;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

07/10/2021
DATE

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

13. PORTION 1 OF THE FARM PLAT BOS NO. 701 AND REMAINDER OF FARM STRANDS KLOOF NO. 702, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, REZONING AND CONSENT USE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF CJU SWART

1/701 & 702 RCAL (2951/2019)

SW van der Merwe (028) 313 8900

Hermanus Administration

11 February 2022

Executive Summary

An application was received from Messrs WRAP Project Office on behalf of CJU Swart in terms of the Overstrand Municipal Land Use Planning By-law, 2015 (By-law) for the following:

- consolidation of Portion 1 of Farm Plat Bos No. 701 and the Remainder of Farm Strands Kloof No. 702 in terms of Section 16(2)(e) of the By-law;
- subdivision of the consolidated farms into two portions, namely a Remainder ($\pm 143,6348$ ha) and Portion A ($+85,2656$ ha) in terms of Section 16(2)(d) of the By-law, and
- consent use to accommodate 5 additional dwelling units in terms of Section 16(2)(o) of the By-law, on both properties.

RESOLVED :

1. that the letter of comment be noted;
2. that the application in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for consolidation of Portion 1 of the Farm Plat Bos No. 701 and the Remainder of Farm Strands Kloof No. 702 (Strandskloof), be approved;
3. that the application in terms of Section 16(2)(d) of the By-Law for subdivision of the consolidated farm farms into two portions, namely a Remainder ($\pm 143,6348$ ha) and Portion A ($+85,2656$ ha), **be approved**, and
4. that the application for consent use in terms of Section 16(2)(o) of the By-law to accommodate 5 additional dwelling units on both the Remainder and Portion A, **be approved**, in terms of the provisions of Section 61 of the By-law, subject to the following conditions:

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

- (a) that a detailed Site Development Plan be submitted for approval by the Authorised Official indicating the location and extent of the additional dwelling units, prior to the implementation of the development;
 - (b) that the consent use for additional dwelling units be limited to accommodation for shareholders only;
 - (c) that the development be carried out strictly in accordance with the approved Site Development Plan in (a) above;
 - (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 the conditions by Department of Transport and Public Works, Eskom, Department Breede-Gouritz Catchment Management Agency (attached as Annexures H, I and M), be complied with;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
 - (g) that a right of way servitude be registered;
 - (h) 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;
 - (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.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

Reasons for approval

- ❖ The application has followed due procedure.
- ❖ None of the internal and external government departments have objected to the application.
- ❖ 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.

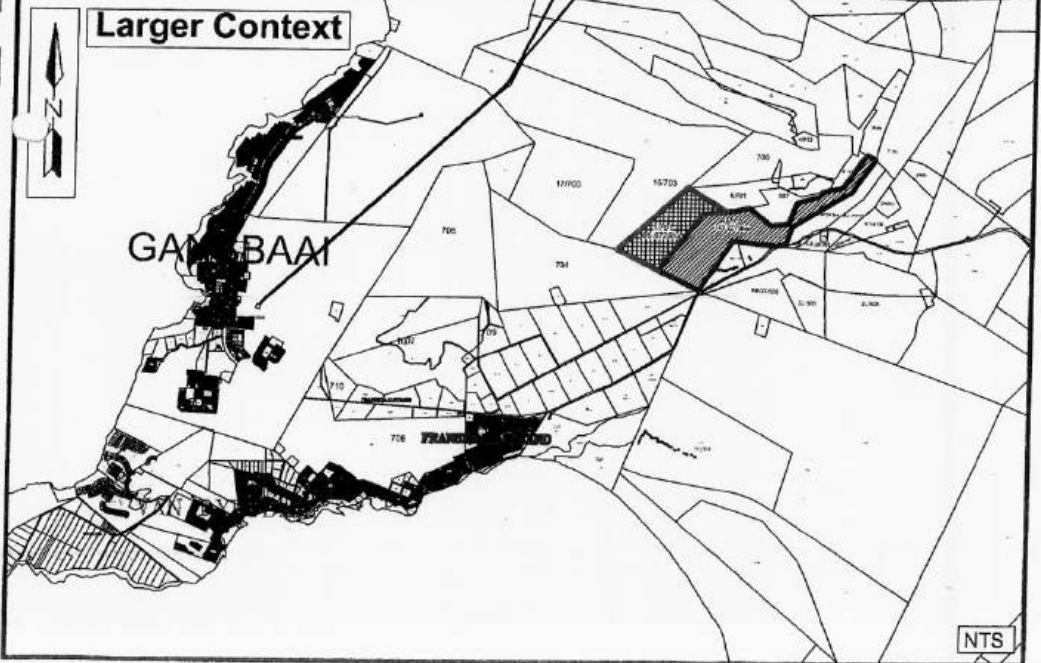
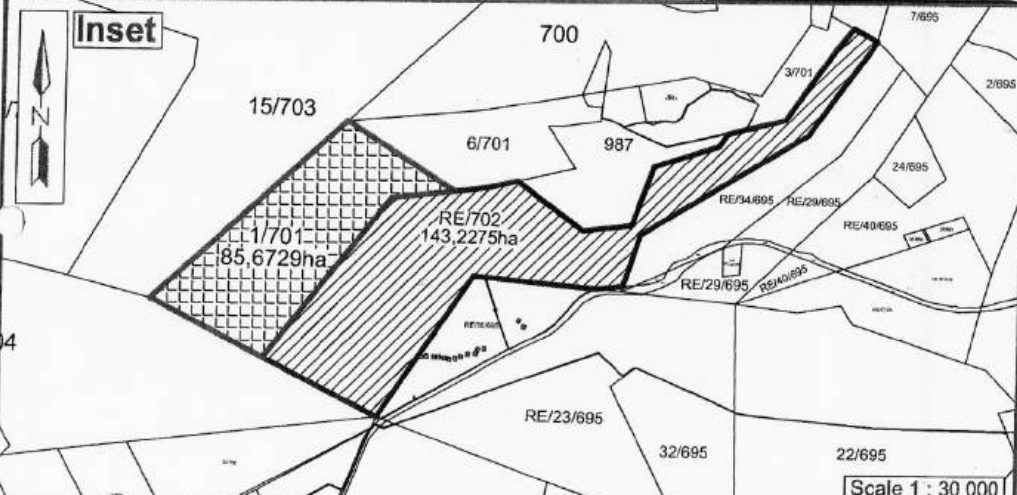
**AGENDA of the
Portfolio Committee : Investment & Infrastructure
6 April 2022
(Also the agenda for the Mayoral Committee Meeting : 25 April 2022)**

- ❖ 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 1: Locality Plan


Portion 1 of Farm Plat Bos 701 Caledon and Remainder of Farm Strands Kloof 702 Caledon

File number 18/139
Plan prepared by: Realville Janke
NB: Remainder of Farm Strands Kloof Number 702 Caledon has a red line diagram
All distances are approximate and subject to a survey

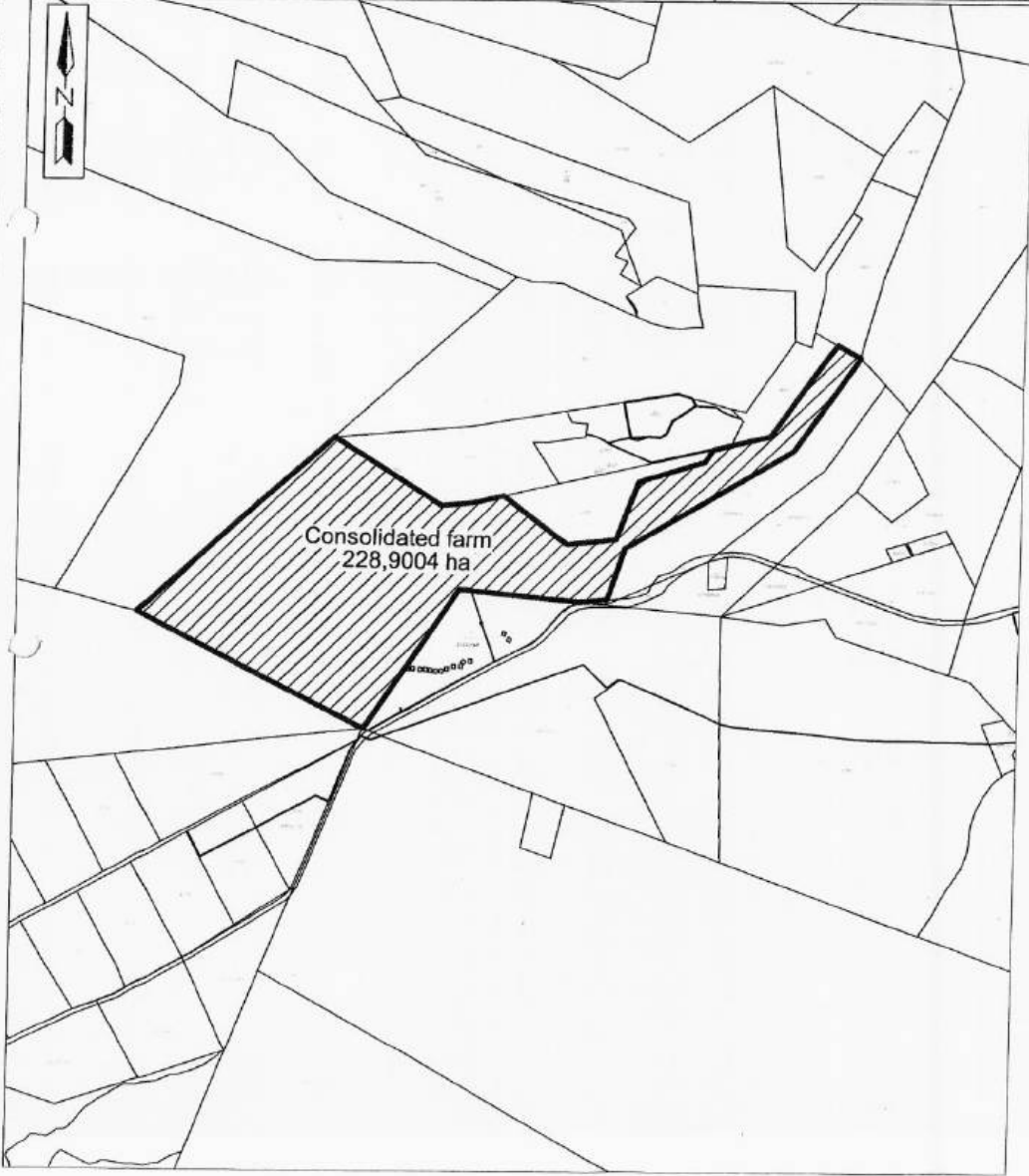


Plan 4: Consolidation Plan
Portion 1 of Farm Plat Bos 701 Caledon and Remainder of Farm Strands
Kloof 702 Caledon

Scale 1 : 30 000
Plan prepared by: Reefshie Janke
NB: Remainder of Farm Strands Kloof Number 702
Caledon has a red line diagram
All distances are approximate
and subject to a survey



WRAP



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSOLIDATION, SUBDIVISION AND CONSENT
USE: PORTION 1 OF FARM PLAT BOS 701 & FARM 702 STRANDS
KLOOF, A DIVISION OF CALEDON (2951/2019)**

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

Conditions:

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
2. that no water service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and 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 quality of potable water comply with SANS0241 standards and that relevant proof be submitted to the Manager : Water Infrastructure & Quality (Tel-028 313 8972), Overstrand Municipality
4. that no sewerage service from Overstrand Municipality is available and that the proposed development must be provided with adequate sewer conservancy tanks, which complies with the relevant legislation.
5. that the owner will be responsible for the removal of sewerage from the proposed development, and the safe disposal thereof at a licensed municipal sewerage treatment facility.
6. that, alternatively, the developer will be responsible to obtain the necessary approval, licences and permits from the applicable authorities (water affairs, health, etc.) for the use of any other method of sewage disposal;
7. that the owner is responsible for the removal of all refuse generated on the property and the disposal thereof at a registered municipal waste transfer station or –waste disposal facility.
8. that on-site parking facilities are provided as per Planning Schedule and to the satisfaction of the Department: Operational Services.

- 9. that the developer complies to all the conditions set by Department Of Water & Environmental Affairs;
- 10. that the developer will arrange with Provincial Administration to obtain approval for any new access(es) from the any Provincial road.

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

22/05/2019
DATE

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

- 14. ERF 2467, 25 BERGGANS STREET AND ERF 2474, PERLEMOENBAAI, GANSBAAI: APPLICATION FOR SUBDIVISION, REZONING, CONSOLIDATION, CLOSURE OF A PUBLIC PLACE, AMENDMENT OF A CONDITION OF APPROVAL AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLANACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF EL ALDRICH**

2467 & 2474 GPB

SW van der Merwe

(028) 313 8900

Hermanus Administration

13 Januarie 2022

Executive Summary

An application has been received on 20 August 2021 (amended 22 September 2021) from Messrs PlanActive Town and Regional Planners on behalf of EL Aldrich in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 2467 and 2474, Perlemoenbaai, Gansbaai for the following:

- subdivision of Erf 2474 in terms of Section 16(2)(d) of the By-Law into two portions, namely a remainder and subdivided portion (unregistered Erf 6291, Gansbaai, approximately 135m² in extent);
- rezoning of the subdivided portion (unregistered Erf 6291) in terms of Section 16(2)(a) of the By-law from Open Space Zone 2: Public Open Space to Residential Zone 1: Single Residential;
- closure of portion of public place situated on unregistered Erf 6291 in terms of Section 16(2)(n) of the By-law and amendment of general Plan 1802/1998;
- consolidation of the subdivided portion (unregistered Erf 6291) in terms of Section 16(2)(e) of the By-law with Erf 2474;
- deletion of an approval condition in terms of Section 16(2)(h) in respect of an existing approval, and
- determination of an administrative penalty in terms of Section 16(2)(p) of the By-law.

RESOLVED :

1. that the applications received on Erven 2467 and 2474, Gansbaai in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning By-Law, 2020 for the following:
 - subdivision of Erf 2474 in terms of Section 16(2)(d) of the By-Law into two portions, namely a remainder and subdivided portion (unregistered Erf 6291, Gansbaai, approximately 135m² in extent);
 - rezoning of the subdivided portion (unregistered Erf 6291) in terms

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

of Section 16(2)(a) of the By-law from Open Space Zone 2: Public Open Space to Residential Zone 1: Single Residential;

- closure of portion of public place situated on unregistered Erf 6291 in terms of Section 16(2)(n) of the By-law and amendment of general Plan 1802/1998;
- consolidation of the subdivided portion (unregistered Erf 6291) in terms of Section 16(2)(e) of the By-law with Erf 2474;
- deletion of condition 3(d) of the decision of the authorised official dated 5 October 2018, in terms of Section 16(2)(h) in respect of an existing approval;

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

- (a) that no structures of any kind (excluding a boundary wall or fence) may be erected on the portion of Erf 2467, represented by unregistered Erf 6291, which condition must be registered against the title deed of the consolidated property;
 - (b) that the subdivided portion being unregistered Erf 2691, Gansbaai being consolidated with Erf 2474, Gansbaai;
 - (c) that all the conditions from Open Serve and the Services Report (attached as Annexures D and E), be complied with.
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be exempted from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
 3. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ 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

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

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

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR: SUBDIVISION, REZONING, CONSOLIDATION,
PARTIAL CLOSURE OF A PUBLIC PLACE, DELETION OF A CONDITION
OF APPROVAL & DETERMINATION OF AN ADMINISTRATIVE PENALTY:
ERVEN 2467 & 2474, GANSBAAI

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

Conditions:

1. that the existing water connection and sewer conservancy tank to Erven 2474 shall be used to service the consolidated Erf;
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 Erven 2467 & 2474, Gansbaai, unobstructed;
6. that no on-street parking be allowed.

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

22/11/2021
DATE

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

15. ERVEN 596, 597 & 1851, 29, 27 & 31 ANNE ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND CONSOLIDATION: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF W ROUX, G DAEMS & GJ VERGAUWEN

596, 597 & 1851 KPRB (3712/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

3 March 2022

Executive Summary

An application has been received on 13 August 2021 from Plan Active Town & Regional Planners on behalf Messrs. W Roux / G Daems & GJ Vergauwen on Erven 596, 597 & 1851, Pringle Bay to realign the erf boundaries to accommodate existing structures on Erf 596, Pringle Bay as follows:

❖ **Subdivisions** in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020, as follows:

- Erf 1851 Pringle Bay into a Portion A ($\pm 80\text{m}^2$) and a Remainder ($\pm 1872\text{m}^2$);
- Erf 597 Pringle Bay into a Portion B ($\pm 173\text{m}^2$) and a Remainder ($\pm 1002\text{m}^2$); and
- Erf 596 Pringle Bay into a Portion C ($\pm 143\text{m}^2$) and a Remainder ($\pm 1053\text{m}^2$).

❖ **Consolidations** in terms of Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020, as follows:

- Portion A ($\pm 80\text{m}^2$) and Portion B ($\pm 173\text{m}^2$) to be consolidated with Remainder Erf 596, Pringle Bay to create a newly consolidated erf of $\pm 1306\text{m}^2$ in extent.
- Portion C ($\pm 143\text{m}^2$) to be consolidated with Remainder Erf 1851, Pringle Bay to create a newly consolidated erf of $\pm 2015\text{m}^2$ in extent.

RESOLVED :

1. that the application in terms of Section 16.(2)(d) of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 for the following subdivisions to realign the erf boundaries to accommodate existing structures on Erf 596, Pringle Bay, **be approved** in terms of the provisions of Section 61 of the By-Law;
 - ❖ Erf 1851 Pringle Bay into a Portion A ($\pm 80\text{m}^2$) and a Remainder

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

- (±1872m²); Erf 597 Pringle Bay into a Portion B (±173m²) and a Remainder (±1002m²); and
 - ❖ Erf 596 Pringle Bay into a Portion C (±143m²) and a Remainder (±1053m²);
2. that the application in terms of Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following consolidations to realign the erf boundaries to accommodate existing structures on Erf 596, Pringle Bay, **be approved** in terms of the provisions of Section 61 of the By-Law :
- ❖ Portion A (±80m²) and Portion B (±173m²) to be consolidated with Remainder Erf 596, Pringle Bay to create a newly consolidated erf of ±1306m² in extent, and
 - ❖ Portion C (±143m²) to be consolidated with Remainder Erf 1851, Pringle Bay to create a newly consolidated erf of ±2015m² in extent;
3. that the approvals in 1 and 2 above be subject to the following conditions:
- (a) that the approval is only for the subdivision and consolidation as indicated on Drawing Nr. Sub and consol.drw dated July 2021 as submitted with the application;
 - (b) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (d) that the conditions in the Services Report (attached as Annexure D), be complied with.
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

REASONS FOR RESOLUTION

Reasons for the approvals in 1. and 3. above

- ❖ 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.

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

- ❖ The proposed application fits in with the character of the surrounding area and is desirable.
- ❖ The development will also be sustainable as it will be integrated and make use of the space.
- ❖ The proposed development will not impact the natural environment.



NOTES	
DISCRPTION	EXTENT (m ²)
REMAINDER ERF 1851	±1872m ²
REMAINDER ERF 597	±1000m ²
REMAINDER ERF 596	±1053m ²
PORTION A	±80m ²
PORTION B	±173m ²
PORTION C	±143m ²
CONSOLIDATION OF REM. ERF 1851 WITH PORTION C	±2015m ²
CONSOLIDATION OF REM. ERF 596 WITH PORTION A & B	±1306m ²

KEY	
PROPERTY BOUNDARIES	
SUBDIVISION PLAN	
TITLE DEED BUILDING LINES	

Stads- en Streekeplaniers
Plan Active
 Town & Regional Planners

ERVEN 1851, 596 & 597
 PRINGLE BAY

Scale: 1:400
 Drawing No: 2018.002.014
 Date: JULY 2021

Copyright Reserved

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION & CONSOLIDATION: ERVEN 596, 597
& 1851, PRINGLE BAY**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigates and determine the limitations of the site in terms of drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
7. that stormwater be allowed to discharge through Erven 596, 597 & 1851, Pringle Bay, unobstructed.

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

29/10/2021
DATE

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

16. ERF 3575, 5 VILJOEN STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: PLAN ACTIVE ON BEHALF OF MARIANE KEULDER EXECUTRIX IN THE ESTATE OF THE LATE MR ALBERT HERMANN KEULDER

3575 HON (3704/2021)

H Olivier

(028) 313 8900

Hermanus Administration

21 December 2021

Executive Summary

An application has been received on 12 July 2021 from Plan Active on behalf of Mariana Keulder (Executrix in the estate of the Late Mr. Albert Hermann Keulder) for consent use in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 in order to accommodate a dwelling on ground floor on Erf 3575, Onrustrivier, which is zoned for business purposes.

RESOLVED :

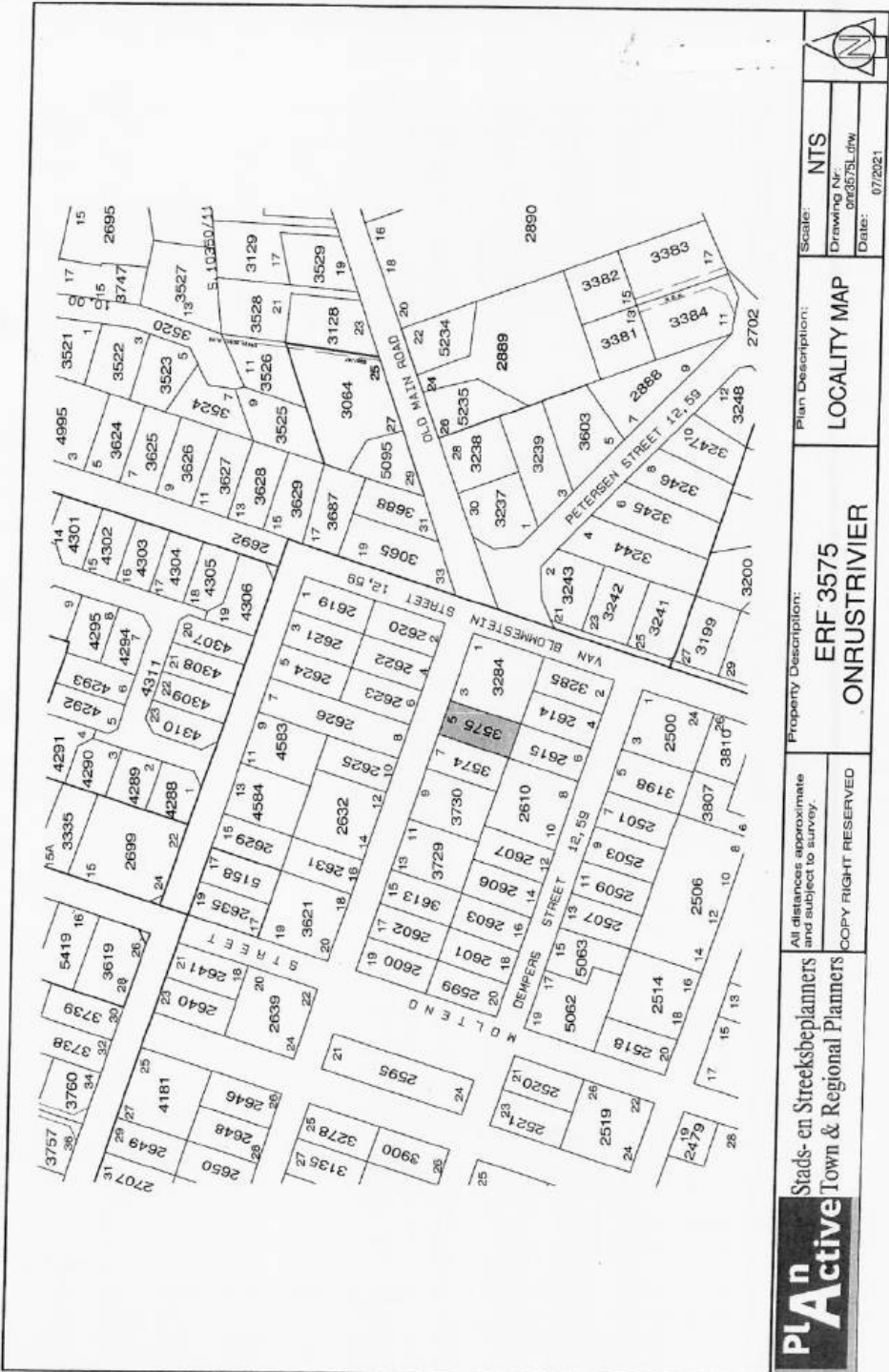
1. that the application for consent use in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 in order to allow the construction of a dwelling unit on ground floor on Erf 3575, Onrustrivier, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that development be in line with Site Development Plan 25-6-21 REV. A – Parking 2X dated 25/06/2021;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that 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 the conditions in the Engineering Report (attached as Annexures E), be adhered to;
 - (f) that the conditions imposed by Eskom (attached as Annexure F) be adhered to, and

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

- (g) that the conditions imposed by Telkom (attached as Annexure G) be adhered to.
2. that the applicant be notified of their right of appeal in terms Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have objected to the application.
- ❖ No new municipal services will be needed.
- ❖ It is in line with the aims of the Overstrand SDF.
- ❖ No objections were received from neighbours.
- ❖ The application will make it possible for the business owner to make use of the property more efficiently, by residing on the property.
- ❖ It will not impact on surrounding neighbours or the character of the area and is desirable.



PLAN Stads- en Streeksbeplanners Town & Regional Planners	Property Description: ERF 3575 ONRUSTRIVIER	Plan Description: LOCALITY MAP	Scale: NTS
	All distances approximate and subject to survey. COPY RIGHT RESERVED	Drawing Nr: 060675L.dwg	Date: 07/2021

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 3575, ONRUS RIVER**

Stormwater (SW) : In order
Electricity : Escom
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 (2020/2021) is as follows:

Freehold erven:

Water	R 24 915.00 x 0.492=	R 12 258.18
Sewerage	R 16 799.12 x 0.492=	R 8 265.17
Roads	R 7 532.72 x 3.46923=	<u>R 26 132.74</u>
TOTAL (inclusive of VAT)	=	R 46 656.09

Note:

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

3. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
4. 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;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that stormwater be allowed to discharge through Erf 3575, Onrus River, unobstructed;
7. that any additional and / or extended vehicles entrances will be for the owner's account;
8. that no on-street parking be allowed.

pp. B Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

07/09/2021
DATE

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

**17. ERF 4126, 22 AGAPANTHUS ROAD, BETTY'S BAY, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND RELAXATION
OF TITLE DEED: IS FORTUIN**

4126 KBB (3709/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

3 March 2022

Executive Summary

An application has been received on 7 July 2021 from IS Fortuin on Erf 4126, Betty's Bay in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for a departure to relax the street building line from 4m to 2,46m to accommodate a pergola.

The application also entails the relaxation of restrictive title deed condition 7 of Title Deed No. T50436/2015 to relax the street building line from 5m to 2,46m to accommodate a pergola.

RESOLVED :

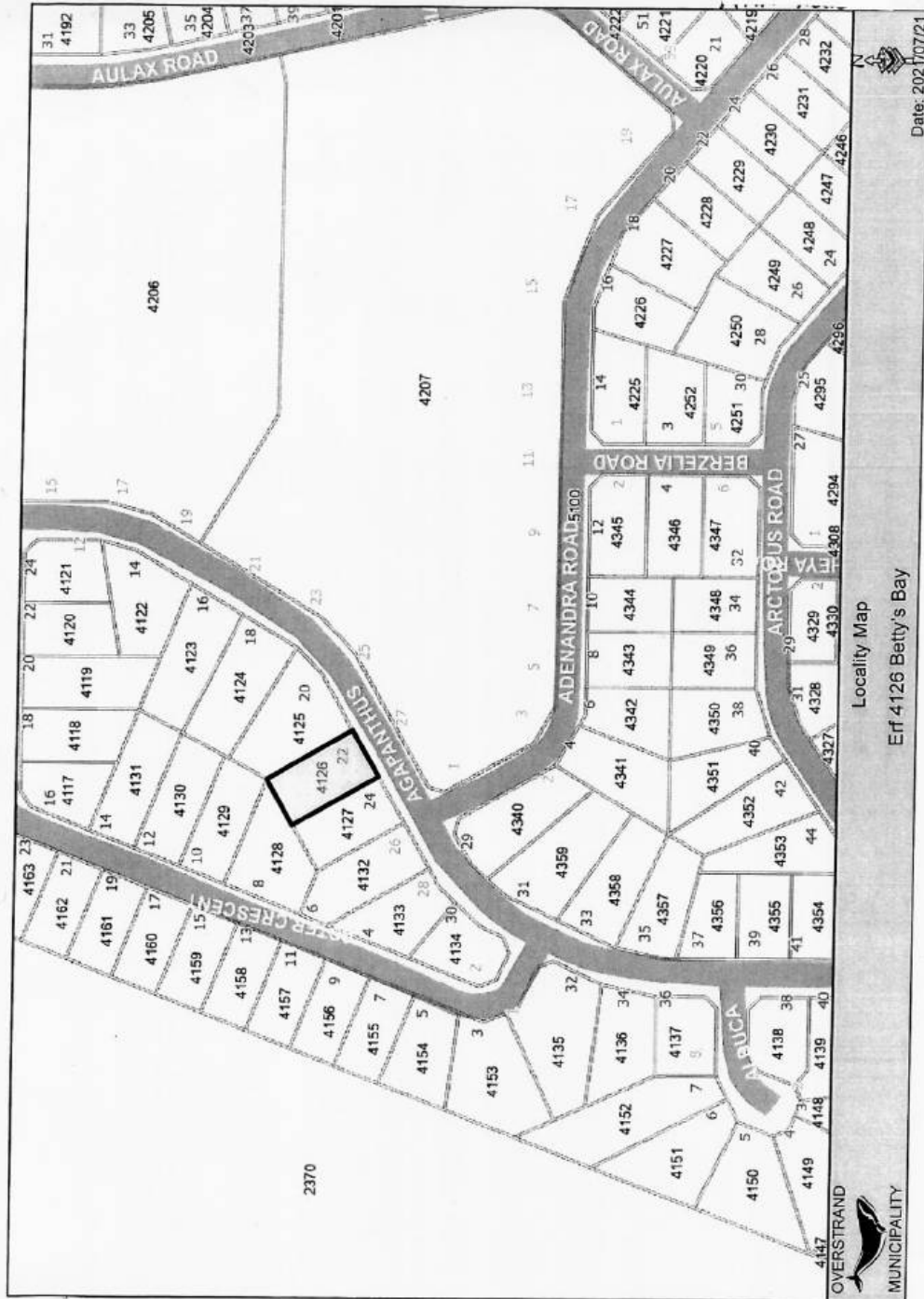
1. that the application in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the relaxation of restrictive title deed condition 7 as contained in Title Deed No. T50436/2015 applicable to Erf 4126, Betty's Bay to relax the street building line from 5m to 2,46m to accommodate a pergola, be approved in terms of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 4126, Betty's Bay for a departure to relax the street building line from 4m to 2,46m to accommodate a pergola, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on plan numbers BB 4126/2021 (1 -2) dated 15 June 2021, submitted with the application;
 - (b) that no further departures over the building lines be approved;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control and Fire Departments be complied with at that stage;

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

- (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant be notified of its right of appeal (against Paragraph 2. above) in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The surrounding owners did not object.
- ❖ The change of use will have no impact on the surrounding area.



Date: 2021/07/21

Locality Map
Erf 4126 Betty's Bay



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

18. ERF 5520, 261 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: MESSRS TOWN & COUNTRY ON BEHALF OF LINISTEP (PTY) LTD

5520 HVK (3897)

P Roux

(028) 313 8900

Hermanus Administration

02 March 2022

Executive Summary

An application was received on 8 March 2021 from AJ & CG Smit on Erf 2205, Vermont 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 in order to exceed the maximum permissible roof height from 8m to 8,39m to accommodate a portion of an existing dwelling.

RESOLVED :

1. that the application in terms of Section 16(2)(o) Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 5520, Voëlkliip, Hermanus for a consent use in order to utilize the property as a five (5) bedroom guesthouse, **be approved** in terms of the provisions of Section 61, subject to the following conditions:
 - (a) that this approval only relates to proposed utilisation of land as indicated on plan *Erf 5520 DWG No 001 - Rev 004, No 002 Rev 007, No 004 Rev 006, No 001 Rev 007* as submitted with the application;
 - (b) that amended building plans be submitted to the Building Department showing the new access point for parkings 1 to 4 and the garage, and that all conditions set by the Building- and Fire Departments at that stage, be complied with;
 - (c) that only one parking bay be permitted direct access to Tenth Street, and that parking bays no 1-4 and one parking bay within the double garage be demarcated on site for the sole use of the guests;
 - (d) that a maximum of five (5) bedrooms be let to guests/tourists;
 - (e) that the owner/manager shall reside on the premises and be responsible for the proper management of the guest house;
 - (f) that the guestrooms may not be converted to or used as separate dwelling units/self-catering units;

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

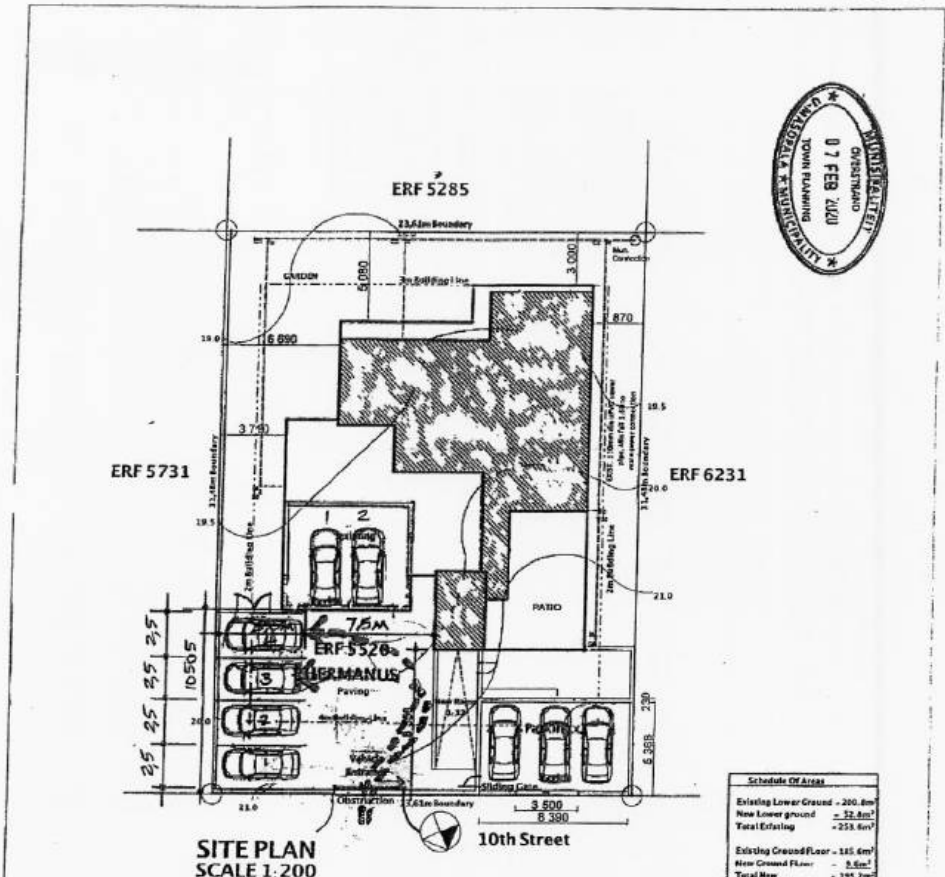
- (g) that no kitchen facilities and/or prep bowls be allowed in the guestrooms;
 - (h) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (i) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector
 - (j) that only a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (k) that the guesthouse be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (l) that a Certificate of Acceptability from the Health Department of the Overberg District Council and Fire Prevention Certificate be obtained from the Municipal Fire Department;
 - (m) that all the conditions of Fire Services and Engineering Services (attached as Annexures D and E), be complied with;
 - (n) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (o) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above mentioned approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ No internal objections were received.
- ❖ Ample and practical parking for the guesthouse can be provided on the property.
- ❖ The established use and management of the property does not have a negative effect on the character of the area.

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

- ❖ The accommodation establishment will be beneficial for optimization of the erf.
- ❖ It will promote the tourism industry, thus in line with the forward planning documentation of the Municipality.
- ❖ Is not regarded as being undesirable from a town planning point of view.



Schedule Of Areas	
Existing Lower Ground	- 200.8m ²
New Lower ground	- 52.8m ²
Total Existing	- 253.6m ²
Existing Ground Floor	- 115.6m ²
New Ground Floor	- 5.6m ²
Total New	- 121.2m ²
New First Floor	- 136.4m ²
Balconies	- 61.8m ²
New Balconies	- 55.8m ²
Total Existing	- 306.4m ²
Total New	- 168.2m ²
Site Area	- 727.4m ²
Total Covered Area	- 323.7m ²
Coverage	- 44%

GENERAL NOTES:
 1. All work to comply with the latest National Building Regulations and SANS 10400.
 2. All drawings shall be in accordance with the latest National Building Regulations and SANS 10400.
 3. All drawings shall be in accordance with the latest National Building Regulations and SANS 10400.
 4. All drawings shall be in accordance with the latest National Building Regulations and SANS 10400.
 5. All drawings shall be in accordance with the latest National Building Regulations and SANS 10400.
 6. All drawings shall be in accordance with the latest National Building Regulations and SANS 10400.
 7. All drawings shall be in accordance with the latest National Building Regulations and SANS 10400.
 8. All drawings shall be in accordance with the latest National Building Regulations and SANS 10400.
 9. All drawings shall be in accordance with the latest National Building Regulations and SANS 10400.
 10. All drawings shall be in accordance with the latest National Building Regulations and SANS 10400.

Client: HOUSE SMIT

Luke Architect
 1 Have Street
 Breda-dorp
 7280
 SACAP 20627
 Cell: 022 454 2048
 Email: luke@lukearchitect.co.za

Project: Alterations & Additions to Erf 5520 HERMANUS, Overstrand Municipality

Drawing: Site Plan

Date: 07/2/20	Drawn: RCE	Scale: AS SHOWN
Project No: 5001	Drawing No: 001	Revision No: 004

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 5520, 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 5520, Voelklip, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

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

**19. ERF 4048, 60 GLADIOLUS CRESCENT, BETTY'S BAY, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND RELAXATION:
PW SIEGLING**

4048 KBB (3717/2021)

**H van der Stoep
3 March 2022**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 16 March 2021 from PW Siegling on Erf 4048, Betty's Bay in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to relax the lateral building line from 2m to 0,30m to accommodate the extension of the existing single garage.

The application also entails the relaxation of restrictive title deed condition 7 of Title Deed No. T51452/2006 to relax the lateral building line from 3m to 0,3m to accommodate the extension of the existing single garage.

RESOLVED :

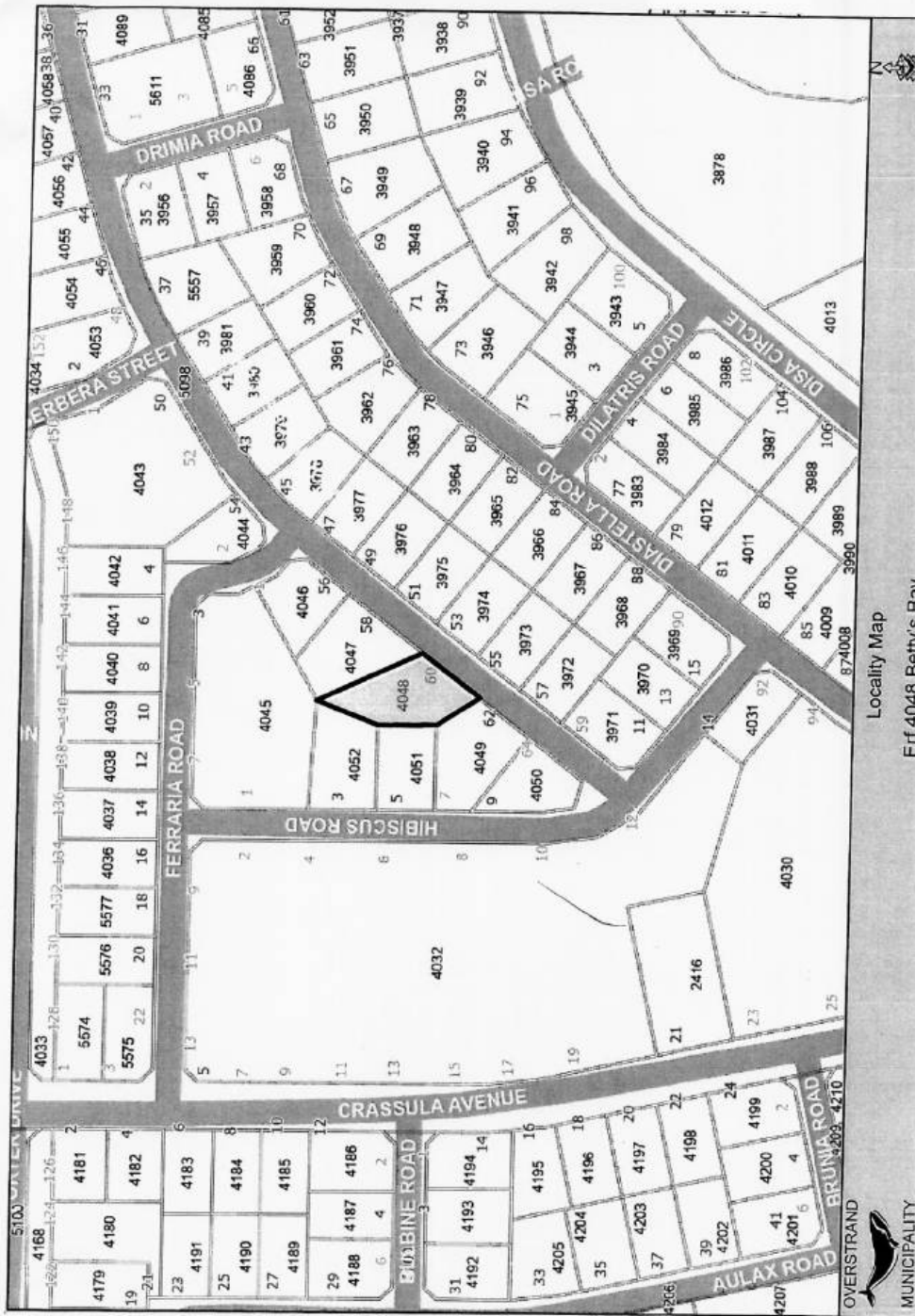
1. that the application in terms of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the relaxation of restrictive title deed condition 7 as contained in Title Deed No. T51452/2006 applicable to Erf 4048 Betty's Bay to relax the lateral building line from 3m to 0,3m to accommodate the extension of the existing single garage, **be approved** in terms of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 4048, Betty's Bay for a departure to relax the lateral building line from 2m to 0,30m to accommodate the extension of the existing single garage, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on plan number 2020-039 (0001, 0002 & 0003) dated 23 February 2021 submitted with the application;
 - (b) that the extension of the garage may not be converted into habitable space;
 - (c) that no further departures over the building lines be approved; except as stipulated in the Land Use Scheme;

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

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

REASONS FOR RESOLUTION

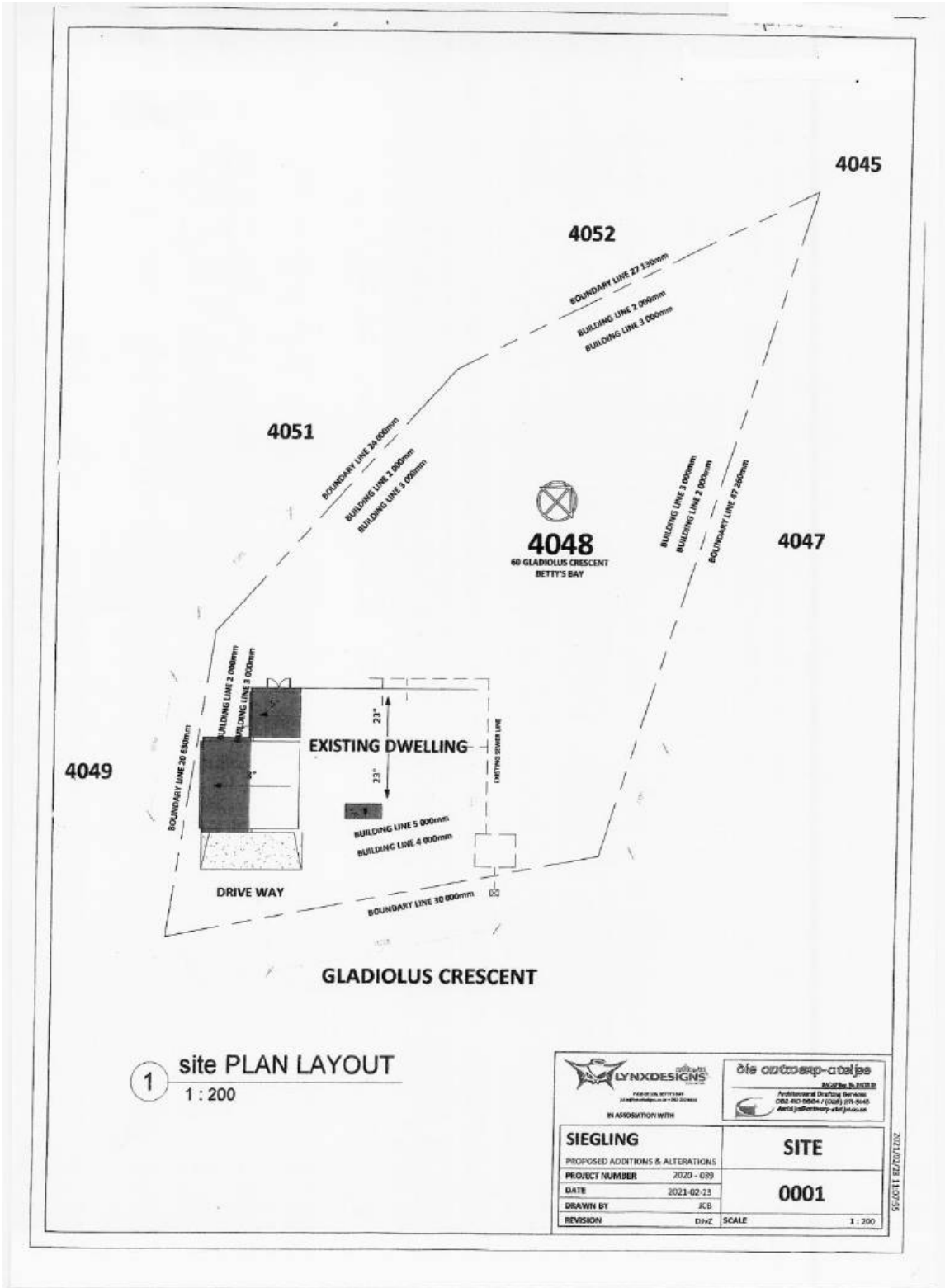
- ❖ The surrounding owners did not object.
- ❖ The extension of the garage will have no impact on the surrounding area.
- ❖ The application is in line with similar applications approved in the area.
- ❖ The remainder of the erf will not be disturbed, and the natural vegetation remains in place and environmental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



Date: 2021/03/19

Locality Map
Erf 4048 Betty's Bay





1 site PLAN LAYOUT
1 : 200

 <p>Professional Drafting Services 082 410 0904 / 0218 211 8145 Email: j@lynxdesigns.co.za</p>		 <p>Professional Drafting Services 082 410 0904 / 0218 211 8145 Email: j@lynxdesigns.co.za</p>	
<p>SIEGLING</p> <p>PROPOSED ADDITIONS & ALTERATIONS</p> <p>PROJECT NUMBER 2020 - 039</p> <p>DATE 2021-02-23</p> <p>DRAWN BY JCB</p> <p>REVISION DYNZ</p>		<p>SITE</p> <p>0001</p>	
<p>SCALE</p>		<p>1 : 200</p>	

SEP-03-21 12:27:23Z

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

20. ERF 2213, 66 TENTH STREET, VOËLKLIP, HERMANUS: OVERSTRAND MUNICIPAL AREA: APPLICATION FOR THE DETERMINATION OF AN ADMINISTRATIVE PENALTY AND DEPARTURE: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF WITKLIP TRUST

2213 HVK

P Roux

(028) 313 8900

Hermanus Administration

24 December 2021

Executive Summary

An application has been received on 15 February 2021 from Messrs PlanActive Town- and Regional Planners on behalf of Witklip Trust the owner of Erf 2213, Hermanus (Voëlklip) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law;
- ❖ departure in terms of Section 16(2)(b) for the following:
 - to relax the western lateral building line from 2m to 1,2m to accommodate the existing steel- and wood staircase, and
 - to relax the eastern lateral building line from 2m to 0m to accommodate the extended garage façade / screen wall with a height of 3,2m.

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 2213, Hermanus (Voëlklip) for the following:

- ❖ determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law;
- ❖ departure in terms of Section 16(2)(b) for the following:
 - to relax the western lateral building line from 2m to 1,2m to accommodate the existing steel- and wood staircase, and
 - to relax the eastern lateral building line from 2m to 0m to accommodate the extended garage façade / screen wall with a height of 3,2m.

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

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

2. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-law for the unauthorised land use activities stipulated above, **not be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
3. that the approvals in 1. above be subject to the following conditions:
 - (a) that the encroachments be restricted to the dimensions as indicated on drawing no. *DRG 1.1 to 1.3, 2.1, 3.1 and 3.2* as submitted with the application;
 - (b) that an administrative penalty of R9026,34 (being 10% of the built cost) be payable within thirty (30) days of the decision;
 - (c) that the conditions of Engineering Services (attached as Annexure D), be complied with;
 - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
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. and 2. above

- ❖ The application has followed due procedure.
- ❖ No objections were received from the public.
- ❖ It is in line with policy documents.
- ❖ The proposed departures have no impact on the adjacent property.
- ❖ The existing structures will be unobtrusive and will be compatible with the existing built environment including the character of the dwelling.
- ❖ The property owner has already made extensive changes to the dwelling in order to reduce the development footprint.
- ❖ The existing boundary wall mitigates any privacy concerns.
- ❖ Is not regarded as being undesirable from a town planning point of view.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR ADMINISTRATIVE PENALTY & DEPARTURE: ERF 2213,
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 2213, Voelklip, unobstructed;
7. that no on-street parking be allowed.

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

12/07/2021
DATE

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

21. **UPGRADE OF THE TRUNK ROAD 28/2 BETWEEN HERMANUS AND STANFORD, REMAINDER OF ERF 1177, ERF 2047 STANFORD, REMAINDER OF ERF 294 AND ERF 594, ERVEN 5327, 4833 AND 4831 HERMANUS: APPLICATION FOR CLOSURE OF A PUBLIC PLACE AND REZONING: MESSRS WRAP PROJECT OFFICE ON BEHALF OF OVERSTRAND MUNICIPALITY AND BOLDDPROPS (PTY) LTD**

**Trunk Road 28/2
P Roux
18 February 2022**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 7 July 2020 from Messrs WRAP Project Office on behalf of the Municipality and Boldprops (PTY) LTD in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the following:

Erf 1177 Stanford

- **Exemption** of subdivision of Erf 1177, Stanford in terms of Section 26(1)(d) and (g) of the By-Law;
- **Closure** of a portion of a public place, Portion A ($\pm 662\text{m}^2$) (a portion of Remainder of Erf 1177), in terms of Section 16(2)(n) of the By-Law, and
- **Rezoning** of Portion A ($\pm 662\text{m}^2$) (a portion of Remainder of Erf 1177), from Open Space Zone 2: Public Open Space to Transport Zone 2: Road and Parking in terms of Section 16(2)(a) of the By-Law.

Erf 2047, Stanford

- **Exemption** of subdivision of Erf 2047, Stanford in terms of Section 26(1)(d) and (g) of the By-Law;
- **Closure** of a portion of a public place, Portion B ($\pm 73\text{m}^2$) (a portion of Erf 2047), in terms of Section 16(2)(n) of the By-Law, and
- **Rezoning** of Portion B ($\pm 73\text{m}^2$) (a portion of Erf 2047), from Open Space Zone 2: Public Open Space to Transport Zone 2: Road and Parking, in terms of Section 16(2)(a) By-Law.

Remainder Erf 294 Stanford

- **Exemption** of subdivision of Erf 294, Stanford in terms of Section 26(1)(d) and (g);
- **Closure** of two portions of Portion A ($\pm 10002\text{m}^2$), (a portion of the Remainder of Erf 294, $\pm 29\,545\text{m}^2$) as a public place, **closure** of a portion of Portion B ($\pm 964\text{m}^2$), (a portion of the Remainder of Erf 294, $\pm 1\,318\text{m}^2$) as a public place, **closure** of a portion of Portion C ($\pm 99\text{m}^2$), (a portion of

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

the Remainder of Erf 294,) as a public place and **closure** of Portion D ($\pm 1\ 404\text{m}^2$), (a portion of the Remainder of Erf 294,) as a public place in terms of Section 16(2)(n) of the By-Law, and

- **Rezoning** of two portions of Portion A, (a portion of the Remainder of Erf 294, $\pm 29\ 545\text{m}^2$) from Open Space Zone 2: Public Open Space to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion B ($\pm 964\ \text{m}^2$), (a portion of the Remainder of Erf 294, $\pm 1\ 318\text{m}^2$) from Open Space Zone 2: Public Open Space to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion C ($\pm 99\text{m}^2$), (a portion of the Remainder of Erf 294,) from Open Space Zone 2: Public Open Space to Transport Zone 2: Road and Parking and **rezoning** of Portion D ($\pm 1\ 404\text{m}^2$), (a portion of the Remainder of Erf 294,) from Open Space Zone 2: Public Open Space to Transport Zone 2: Road and Parking in terms of Section 16(2)(a) of the By-Law.

Erf 594, Stanford

- **Exemption** of subdivision of Erf 594, Stanford in terms of Section 26(1)(d) and (g) of the By-Law;
- **Rezoning** of a portion of Portion E ($\pm 631\text{m}^2$) (a portion of Erf 594,) from Business Zone 2: General Bulk Zone 2 to Transport Zone 2 Road and Parking and **rezoning** of a portion of Portion E $\pm 57\text{m}^2$ (a portion of Erf 594,) from Industrial Zone 1: General Industry to Transport Zone 2 Road and Parking in terms of Section 16(2)(a) of the By-Law.

Erf 5327, Hermanus

- **Rezoning** of Portion A ($\pm 4\ 824\text{m}^2$) (a portion of Erf 5327) and Portion B ($\pm 555\text{m}^2$) (a portion of Erf 5327) from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking in terms of Section 16(2)(a) of the By-Law.

Erf 4833, Hermanus

- **Exemption** of subdivision of Erf 4833, Hermanus in terms of Section 26(1)(d) and (g) of the By-Law;
- **Closure** of Portion H, a portion of the Remainder ($\pm 2\ 332\text{m}^2$), (a portion of Erf 4833), as a public place, **closure** of a portion of Portion E ($\pm 15\ 159\text{m}^2$), (a portion of Erf 4833), as a public place, **closure** of a Portion F ($\pm 2\ 641\text{m}^2$), (a portion of Erf 4833), as a public place, and **closure** of a portion of Portion G ($\pm 273\text{m}^2$), (a portion of Erf 4833,) as a public place in terms of Section 16(2)(n) of the By-Law;
- **Rezoning** of Portion H, a portion of the Remainder ($\pm 2\ 332\text{m}^2$), (a portion of Erf 4833) from Transport Zone 2: Road and Parking to Open Space Zone 2: Public Open Space, **rezoning** of Portion D ($\pm 222\text{m}^2$), (a portion of Erf 4833), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion E ($\pm 15\ 159\text{m}^2$), (a portion of Erf 4833), from Open Space Zone 2: Public Open Space to Transport

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

Zone 2: Road and Parking, **rezoning** of a portion of Portion E ($\pm 2\ 241\text{m}^2$), (a portion of Erf 4833), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking, **rezoning** of Portion F ($\pm 2\ 641\text{m}^2$), (a portion of Erf 4833) from Open Space Zone 2: Public Open Space to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion G ($\pm 273\text{m}^2$), (a portion of Erf 4833) from Open Space Zone 2: Public Open Space to Transport Zone 2: Road and Parking and **rezoning** of a portion of Portion G ($\pm 160\text{m}^2$), (a portion of Erf 4833), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking in terms of Section 16(2)(a) of the By-Law.

Erf 4831, Hermanus

- **Exemption** of subdivision of Erf 4831, Stanford in terms of Section 26(1)(d) and (g) of the By-Law;
- **Closure** of Portion Y, a portion of Erf 4831 ($\pm 7\ 748\text{m}^2$) as a public place, **closure** of Portion Z, a portion of Erf 4831 ($\pm 223\text{m}^2$) as a public place, **closure** of Portion K ($\pm 5\ 811\text{m}^2$), (a portion of Erf 4831), as a public place, **closure** of a portion of Portion L ($\pm 48\ 378\text{m}^2$), (a portion of Erf 4831), as public place, **closure** of Portion O ($\pm 53\text{m}^2$), (a portion of Erf 4831), as a public place, **closure** of Portion P ($\pm 613\text{m}^2$), (a portion of Erf 4831), as a public place, **closure** of a portion of Portion Q ($\pm 18\ 282\text{m}^2$), (a portion of Erf 4831) as public place, **closure** of Portion R ($\pm 3\ 824\text{m}^2$), (a portion of Erf 4831), as public place, **closure** of a portion of Portion S ($\pm 646\text{m}^2$), (a portion of Erf 4831), as public place, **closure** of a Portion T ($\pm 232\text{m}^2$), (a portion of Erf 4831), as public place, **closure** of Portion U ($\pm 1160\text{m}^2$), (a portion of Erf 4831), as public place, **closure** of Portion V ($\pm 1\ 418\text{m}^2$), (a portion of Erf 4831), as public place, **closure** of Portion W ($\pm 85\text{m}^2$), (a portion of Erf 4831), as public place, and **closure** of Portion X ($\pm 3\ 798\text{m}^2$), (a portion of Erf 4831), as public place in terms of Section 16(2)(n) of the By-Law, and
- **Rezoning** of Portion Y, a portion of Erf 4831 ($\pm 7\ 748\text{m}^2$) from Transport Zone 2 Road and Parking to Open Space Zone 1: Nature Reserve, **rezoning** of Portion Z, a portion of Erf 4831 ($\pm 223\text{m}^2$) from Transport Zone 2: Road and Parking to Open Space Zone 1: Nature Reserve, **rezoning** of Portion J ($\pm 12\ 571\text{m}^2$), (a portion of Erf 4831), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking, **rezoning** Portion K ($\pm 5\ 811\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion L ($\pm 48\ 378\text{m}^2$), (a portion of Erf 4831) from Open Space Zone 1: Nature Reserve to Transport Zone 2 Road and Parking, **rezoning** of a portion of Portion L ($\pm 2\ 444\text{m}^2$), (a portion of Erf 4831), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking, **rezoning** of Portion M ($\pm 1\ 185\text{m}^2$), (a portion of Erf 4831), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking, **rezoning** of Portion N ($\pm 20\text{m}^2$), (a portion of Erf 4831), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking, **rezoning** of Portion O ($\pm 53\text{m}^2$), (a portion of Erf

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

4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of Portion P ($\pm 613\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion Q ($\pm 18\,282\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion Q ($\pm 13\text{m}^2$), (a portion of Erf 4831), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking, **rezoning** of Portion R ($\pm 3\,824\text{m}^2$) (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion S ($\pm 646\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion S ($\pm 38\text{m}^2$), (a portion of Erf 4831), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking, **rezoning** of Portion T ($\pm 232\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of Portion U ($\pm 1160\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of Portion V ($\pm 1\,418\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of Portion W ($\pm 85\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, and **rezoning** of Portion X ($\pm 3\,798\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking in terms of Section 16(2)(a) of the By-Law.

RESOLVED :

1. that the applications for closure of public place, rezoning and exemptions (upgrade of Trunk Road 28/2 between Hermanus and Stanford) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Remainder of Erf 1177, Erf 2047, Stanford, Remainder of Erf 294 and 594, Erven 5327, 4833 and 4831, Hermanus for the following:

Erf 1177 Stanford

- **Exemption** of subdivision of Erf 1177, Stanford in terms of Section 26(1)(d) and (g) of the By-Law;
- **Closure** of a portion of a public place, Portion A ($\pm 662\text{m}^2$) (a portion of Remainder of Erf 1177), in terms of Section 16(2)(n) of the By-Law, and
- **Rezoning** of Portion A ($\pm 662\text{m}^2$) (a portion of Remainder of Erf 1177), from Open Space Zone 2: Public Open Space to Transport Zone 2: Road and Parking in terms of Section 16(2)(a) of the By-Law.

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

Erf 2047, Stanford

- **Exemption** of subdivision of Erf 2047, Stanford in terms of Section 26(1)(d) and (g) of the By-Law;
- **Closure** of a portion of a public place, Portion B ($\pm 73\text{m}^2$) (a portion of Erf 2047), in terms of Section 16(2)(n) of the By-Law, and
- **Rezoning** of Portion B ($\pm 73\text{m}^2$) (a portion of Erf 2047), from Open Space Zone 2: Public Open Space to Transport Zone 2: Road and Parking, in terms of Section 16(2)(a) By-Law.

Remainder Erf 294 Stanford

- **Exemption** of subdivision of Erf 294, Stanford in terms of Section 26(1)(d) and (g);
- **Closure** of two portions of Portion A ($\pm 10002\text{m}^2$), (a portion of the Remainder of Erf 294, $\pm 29\,545\text{m}^2$) as a public place, **closure** of a portion of Portion B ($\pm 964\text{m}^2$), (a portion of the Remainder of Erf 294, $\pm 1\,318\text{m}^2$) as a public place, **closure** of a portion of Portion C ($\pm 99\text{m}^2$), (a portion of the Remainder of Erf 294,) as a public place and **closure** of Portion D ($\pm 1\,404\text{m}^2$), (a portion of the Remainder of Erf 294,) as a public place in terms of Section 16(2)(n) of the By-Law, and
- **Rezoning** of two portions of Portion A, (a portion of the Remainder of Erf 294, $\pm 29\,545\text{m}^2$) from Open Space Zone 2: Public Open Space to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion B ($\pm 964\text{m}^2$), (a portion of the Remainder of Erf 294, $\pm 1\,318\text{m}^2$) from Open Space Zone 2: Public Open Space to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion C ($\pm 99\text{m}^2$), (a portion of the Remainder of Erf 294,) from Open Space Zone 2: Public Open Space to Transport Zone 2: Road and Parking and **rezoning** of Portion D ($\pm 1\,404\text{m}^2$), (a portion of the Remainder of Erf 294,) from Open Space Zone 2: Public Open Space to Transport Zone 2: Road and Parking in terms of Section 16(2)(a) of the By-Law.

Erf 594, Stanford

- **Exemption** of subdivision of Erf 594, Stanford in terms of Section 26(1)(d) and (g) of the By-Law, and
- **Rezoning** of a portion of Portion E ($\pm 631\text{m}^2$) (a portion of Erf 594,) from Business Zone 2: General Bulk Zone 2 to Transport Zone 2 Road and Parking and **rezoning** of a portion of Portion E $\pm 57\text{m}^2$ (a portion of Erf 594,) from Industrial Zone 1: General Industry to Transport Zone 2 Road and Parking in terms of Section 16(2)(a) of the By-Law.

Erf 5327, Hermanus

- **Rezoning** of Portion A ($\pm 4\,824\text{m}^2$) (a portion of Erf 5327) and Portion B ($\pm 555\text{m}^2$) (a portion of Erf 5327) from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking in terms of Section 16(2)(a) of the By-Law.

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

Erf 4833, Hermanus

- **Exemption** of subdivision of Erf 4833, Hermanus in terms of Section 26(1)(d) and (g) of the By-Law;
- **Closure** of Portion H, a portion of the Remainder ($\pm 2\,332\text{m}^2$), (a portion of Erf 4833), as a public place, **closure** of a portion of Portion E ($\pm 15\,159\text{m}^2$), (a portion of Erf 4833), as a public place, **closure** of a Portion F ($\pm 2\,641\text{m}^2$), (a portion of Erf 4833), as a public place, and **closure** of a portion of Portion G ($\pm 273\text{m}^2$), (a portion of Erf 4833,) as a public place in terms of Section 16(2)(n) of the By-Law, and
- **Rezoning** of Portion H, a portion of the Remainder ($\pm 2\,332\text{m}^2$), (a portion of Erf 4833) from Transport Zone 2: Road and Parking to Open Space Zone 2: Public Open Space, **rezoning** of Portion D ($\pm 222\text{m}^2$), (a portion of Erf 4833), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion E ($\pm 15\,159\text{m}^2$), (a portion of Erf 4833), from Open Space Zone 2: Public Open Space to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion E ($\pm 2\,241\text{m}^2$), (a portion of Erf 4833), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking, **rezoning** of Portion F ($\pm 2\,641\text{m}^2$), (a portion of Erf 4833) from Open Space Zone 2: Public Open Space to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion G ($\pm 273\text{m}^2$), (a portion of Erf 4833) from Open Space Zone 2: Public Open Space to Transport Zone 2: Road and Parking and **rezoning** of a portion of Portion G ($\pm 160\text{m}^2$), (a portion of Erf 4833), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking in terms of Section 16(2)(a) of the By-Law.

Erf 4831, Hermanus

- **Exemption** of subdivision of Erf 4831, Stanford in terms of Section 26(1)(d) and (g) of the By-Law;
- **Closure** of Portion Y, a portion of Erf 4831 ($\pm 7\,748\text{m}^2$) as a public place, **closure** of Portion Z, a portion of Erf 4831 ($\pm 223\text{m}^2$) as a public place, **closure** of Portion K ($\pm 5\,811\text{m}^2$), (a portion of Erf 4831), as a public place, **closure** of a portion of Portion L ($\pm 48\,378\text{m}^2$), (a portion of Erf 4831), as public place, **closure** of Portion O ($\pm 53\text{m}^2$), (a portion of Erf 4831), as a public place, **closure** of Portion P ($\pm 613\text{m}^2$), (a portion of Erf 4831), as a public place, **closure** of a portion of Portion Q ($\pm 18\,282\text{m}^2$), (a portion of Erf 4831) as public place, **closure** of Portion R ($\pm 3\,824\text{m}^2$), (a portion of Erf 4831), as public place, **closure** of a portion of Portion S ($\pm 646\text{m}^2$), (a portion of Erf 4831), as public place, **closure** of a Portion T ($\pm 232\text{m}^2$), (a portion of Erf 4831), as public place, **closure** of Portion U ($\pm 1160\text{m}^2$), (a portion of Erf 4831), as public place, **closure** of Portion V ($\pm 1\,418\text{m}^2$), (a portion of Erf 4831), as public place, **closure** of Portion W ($\pm 85\text{m}^2$), (a portion of Erf 4831), as public place, and **closure** of Portion X ($\pm 3\,798\text{m}^2$), (a portion of Erf 4831), as public place in terms of Section

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

16(2)(n) of the By-Law, and

- **Rezoning** of Portion Y, a portion of Erf 4831 ($\pm 7\,748\text{m}^2$) from Transport Zone 2 Road and Parking to Open Space Zone 1: Nature Reserve, **rezoning** of Portion Z, a portion of Erf 4831 ($\pm 223\text{m}^2$) from Transport Zone 2: Road and Parking to Open Space Zone 1: Nature Reserve, **rezoning** of Portion J ($\pm 12\,571\text{m}^2$), (a portion of Erf 4831), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking, **rezoning** Portion K ($\pm 5\,811\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion L ($\pm 48\,378\text{m}^2$), (a portion of Erf 4831) from Open Space Zone 1: Nature Reserve to Transport Zone 2 Road and Parking, **rezoning** of a portion of Portion L ($\pm 2\,444\text{m}^2$), (a portion of Erf 4831), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking, **rezoning** of Portion M ($\pm 1\,185\text{m}^2$), (a portion of Erf 4831), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking, **rezoning** of Portion N ($\pm 20\text{m}^2$), (a portion of Erf 4831), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking, **rezoning** of Portion O ($\pm 53\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of Portion P ($\pm 613\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion Q ($\pm 18\,282\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion Q ($\pm 13\text{m}^2$), (a portion of Erf 4831), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking, **rezoning** of Portion R ($\pm 3\,824\text{m}^2$) (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion S ($\pm 646\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of a portion of Portion S ($\pm 38\text{m}^2$), (a portion of Erf 4831), from Resort Zone: Holiday Resort to Transport Zone 2: Road and Parking, **rezoning** of Portion T ($\pm 232\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of Portion U ($\pm 11\,600\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of Portion V ($\pm 1\,418\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, **rezoning** of Portion W ($\pm 85\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking, and **rezoning** of Portion X ($\pm 3\,798\text{m}^2$), (a portion of Erf 4831), from Open Space Zone 1: Nature Reserve to Transport Zone 2: Road and Parking in terms of Section 16(2)(a) of the By-Law.

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

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

2. that the applicant be notified in terms of Section 26. (1)(d) & (g) of the Overstrand Municipal Amendment By-Law on Land Use Planning, 2020 that the subdivision and consolidation of the below listed activities is **exempted** from the provisions of Section 16.(2);

Erf 1177, Stanford

- Portion A ($\pm 662\text{m}^2$) will be subdivided from Remainder of Erf 1177.

Erf 2047 Stanford

- Portion B ($\pm 73\text{m}^2$) will be subdivided from Erf 2047 Stanford, and
- Consolidation of Portion A ($\pm 662\text{m}^2$) and Portion B ($\pm 73\text{m}^2$) to create a consolidated Portion C ($\pm 735\text{m}^2$)

Remainder of Erf 294, Stanford

- Historically proclaimed road reserve subdivisions: Remainder of Erf 294 will be subdivided to create Portion A ($\pm 29\,545\text{m}^2$), Portion B ($\pm 1318\text{m}^2$) and Remainder.

Additional land required will necessitate the subdivision of the Remainder to create the following portions:

- Portion C ($\pm 144\text{m}^2$), (a portion of the Remainder of Erf 294), and
- Portion D ($\pm 1\,404\text{m}^2$), (a portion of the Remainder of Erf 294).

Erf 594, Stanford

- Erf 594 will be subdivided into Portion E ($\pm 688\text{m}^2$) and Remainder;
- Consolidation of Portion A ($\pm 29\,545\text{m}^2$), Portion D ($\pm 1\,404\text{m}^2$) and Portion E ($\pm 688\text{m}^2$) to create a consolidated Portion F ($\pm 31\,637\text{m}^2$), and
- Consolidation of Portion B ($\pm 1\,318\text{m}^2$) and Portion C ($\pm 144\text{m}^2$) to create a consolidated Portion G ($\pm 1\,462\text{m}^2$).

Erf 5327, Hermanus

- Historically proclaimed road reserve subdivisions: Erf 5327 will be subdivided to create Portion A ($\pm 4\,824\text{m}^2$) and Remainder;
- Additional land required will necessitate the subdivision: Erf 5327 will be subdivided to create Portion B ($\pm 555\text{m}^2$) (a portion of the Remainder of Erf 5327) and Remainder, and
- Consolidation of Portion A ($\pm 4\,824\text{m}^2$) and Portion B ($\pm 555\text{m}^2$) to create a consolidated Portion C ($\pm 5\,379\text{m}^2$).

Erf 4833, Hermanus

- Historically proclaimed road reserve subdivisions - Erf 4833 will be subdivided to create Portion D ($\pm 222\text{m}^2$), Portion E ($\pm 17\,400\text{m}^2$) (refer Plan 19) and a Remainder.

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

Additional land required will necessitate the subdivision - the additional land required will necessitate the subdivision of the Remainder to create the following portions:

- Portion F ($\pm 2\,641\text{m}^2$);
- Portion G ($\pm 433\text{m}^2$), and
- Consolidation of Portion E ($\pm 17\,400\text{m}^2$), Portion F ($\pm 2\,641\text{m}^2$) and Portion G ($\pm 433\text{m}^2$) to create a consolidated Portion I, ($\pm 20\,474\text{m}^2$).

Erf 4831, Hermanus

- Historically proclaimed road reserve subdivisions - Erf 4831 will be subdivided to create Portion J ($\pm 12\,571\text{m}^2$), Portion K ($\pm 5\,811\text{m}^2$), Portion L ($\pm 50\,822\text{m}^2$) and a Remainder.

Additional land required will necessitate the subdivision - the additional land required will necessitate the subdivision of the Remainder to create the following portions:

- Portion M ($\pm 1\,185\text{m}^2$), Portion N ($\pm 20\text{m}^2$), Portion O ($\pm 53\text{m}^2$), Portion P ($\pm 613\text{m}^2$), Portion Q ($\pm 18\,295\text{m}^2$), Portion R ($\pm 3\,824\text{m}^2$), Portion S ($\pm 684\text{m}^2$), Portion T ($\pm 232\text{m}^2$), Portion U ($\pm 1\,160\text{m}^2$), Portion V ($\pm 1\,418\text{m}^2$), Portion W ($\pm 85\text{m}^2$), Portion X ($\pm 3\,798\text{m}^2$) and a Remainder;
- Consolidation of Portion J ($\pm 1\,2571\text{m}^2$), Portion M ($\pm 1\,185\text{m}^2$) and Portion N ($\pm 20\text{m}^2$) to create a consolidated Portion AA ($\pm 13\,776\text{m}^2$);
- Consolidation of Portion K ($\pm 5\,811\text{m}^2$), Portion L ($\pm 50\,822\text{m}^2$), Portion O ($\pm 53\text{m}^2$), Portion P ($\pm 613\text{m}^2$), Portion Q ($\pm 18\,295\text{m}^2$), Portion R ($\pm 3\,824\text{m}^2$), Portion S ($\pm 684\text{m}^2$), Portion T ($\pm 232\text{m}^2$), Portion U ($\pm 1\,160\text{m}^2$), Portion V ($\pm 1\,418\text{m}^2$), Portion W ($\pm 85\text{m}^2$) and Portion X ($\pm 3\,798\text{m}^2$) to create a consolidated Portion BB ($\pm 86\,795\text{m}^2$), and
- Consolidation of Portion C ($\pm 5\,379\text{m}^2$), Portion D ($\pm 222\text{m}^2$), Portion I ($\pm 20\,474\text{m}^2$), Portion AA ($\pm 13\,776\text{m}^2$) and Portion BB ($\pm 86\,795\text{m}^2$) to create a consolidated erf CC ($\pm 126\,646\text{m}^2$).

3. that the approvals in 1. above be subject to the following conditions:

- (a) that the approval is only for the subdivisions and consolidations as indicated on the plans submitted with the application;
- (b) that the conditions of Engineering Services (attached as Annexure E), be complied with;
- (c) that this approval does not absolve the landowners from compliance with any other relevant legislation, and

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

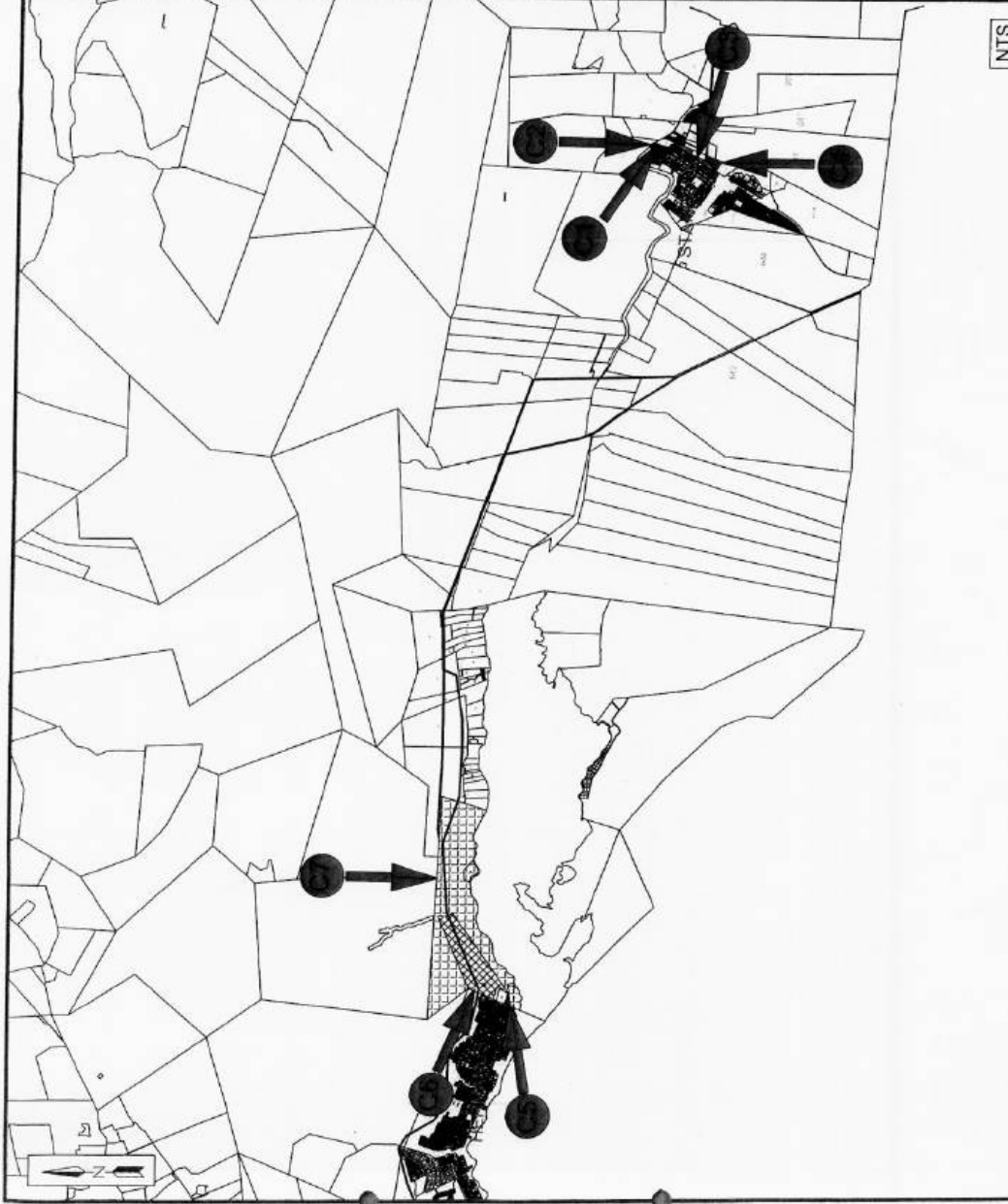
- (d) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION

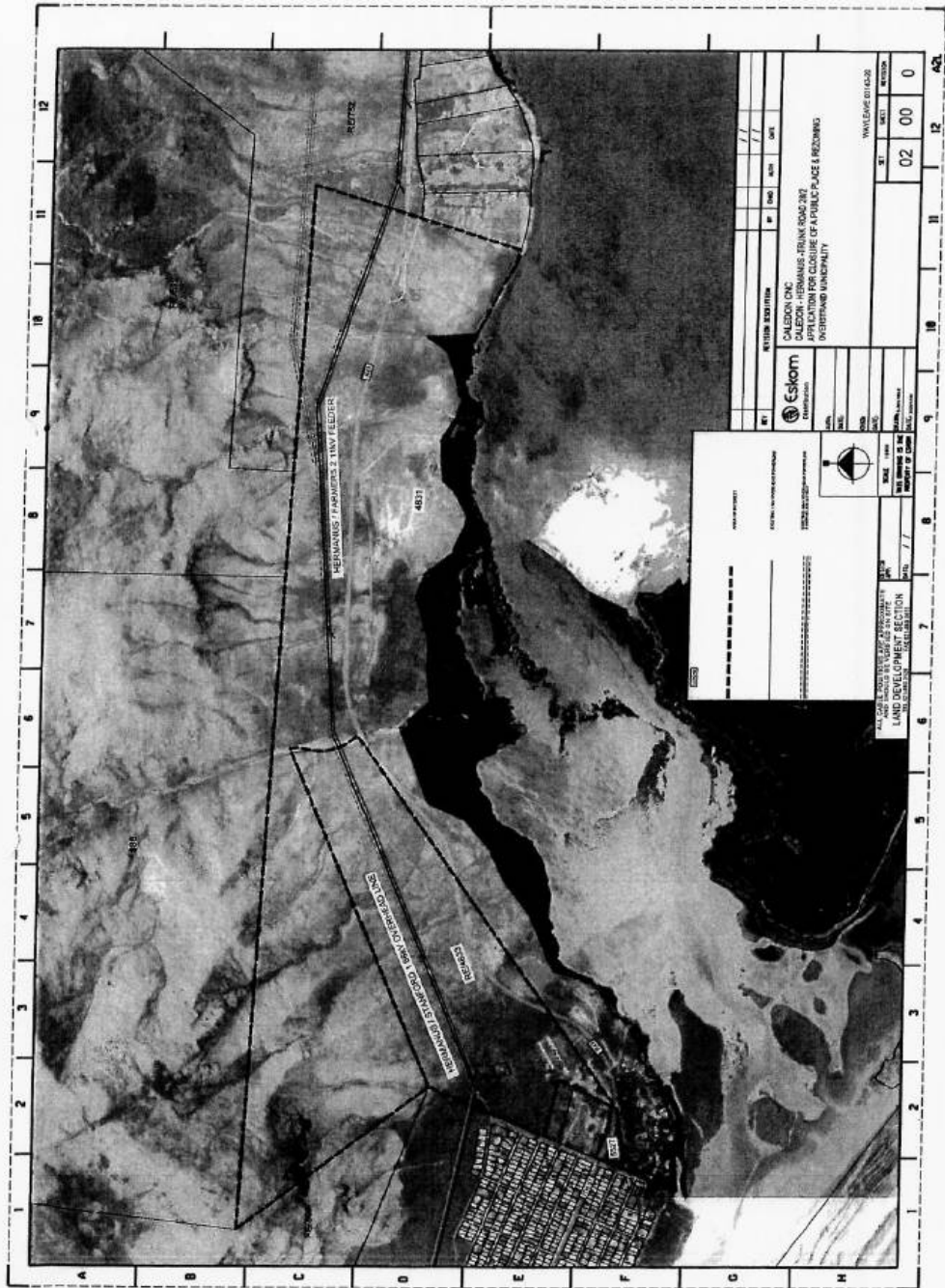
Reasons for the decisions in 1. and 2. above

- ❖ The application has followed due procedure.
- ❖ No objections were received from the public.
- ❖ It is in line with policy documents.
- ❖ The proposed project will benefit the economy, tourism and the general road users.
- ❖ The line of sight on the road and scenic quality will be enhanced.
- ❖ Is not regarded as being undesirable from a town planning point of view.
- ❖ The proposed subdivisions and consolidations are exempt from Section 16(2) of the By-law.

Plan 1: Locality Plan	
C1	Erf 1177 Stanford (0,73ha)
C2	Erf 2047 Stanford (0,2255ha)
C3	Erf 294 Stanford (146,5568ha)
C4	Erf 594 Stanford (3,7479ha)
C5	Erf 5327 Hermanus (1,2470ha)
C6	Erf 4833 Hermanus (62,8571 ha)
C7	Erf 4831 Hermanus (234,6447ha)
Tel: 028 313 1411	
Plan prepared in September 2019	
Plan number 19730	
35 Duiker Street, Hermanus, 7200	
Plan prepared by: Reachele Jenkie	
All distances are approximate and subject to survey	



NTS



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR UPGRADE OF THE TRUCK ROAD 28/2 BETWEEN
HERMANUS & STANFORD: APPLICATION FOR CLOSURE OF A PUBLIC
PLACE AND REZONING: REMAINDER OF ERF 1117, ERF 2047
STANFORD, REMAINDER OF ERF 294 & 594, ERVEN 5327, 4833 & 4831
HERMANUS**

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

Conditions:

1. that the existing electrical services on Erf 594 Stanford be accommodated and protected by establishing a 10 m servitude.
2. that the existing approval from Western Cape Government for the electrical services that run underneath the road (Erf 294 Stanford) be noted and maintained.
3. That as the relevant erven will be closed, no municipal services will be rendered to the relevant land portions.


DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES


DATE

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

Municipal Planning Tribunal

1. ERF 6304, 28 NINTH STREET, KLEINMOND: APPLICATION FOR CONSENT USE: MESSRS FVS TOWN AND REGIONAL PLANNERS ON BEHALF OF L SINGLETON

6304 KKM (3705/2021)

H van der Stoep

(028) 313 8900

Hermanus Administration

5 January 2022

EXECUTIVE SUMMARY

An application was received on 14 July 2021 from Messrs FVS Town and Regional Planners on behalf of L Singleton on Erf 6304, Kleinmond for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to operate a place of instruction from the existing house on the property.

RESOLVED:

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 6304, Kleinmond for a consent use in order to operate a place of instruction from the existing house on the property, **be approved** in terms of the provisions of Section 61, subject to the following conditions:
 - (a) that the place of instruction be limited to a maximum of forty (40) children;
 - (b) that the place of instruction be limited to the existing house as per Plan Number 040305b dated 12 August 2004;
 - (c) that the following operating hours be applicable as indicated in the motivation - Monday to Friday from 08:00 to 12:30;
 - (d) that the owner or manager does not need to reside on the property;
 - (e) that the drop-and-go facility be on the eastern side of the street, direct in front of the place of instruction and signage be erected to inform parents of the facility;
 - (f) that the access gates to the property remain open for the

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

- duration of dropping off and collecting of children;
- (g) that no parking of vehicles in front of residents' driveways be allowed and employees park on site;
 - (h) that the rights to operate a place of instruction is not transferable;
 - (i) that no activities be held after hours or over weekends;
 - (j) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (k) that any additional structure or alteration to the existing dwelling must conform to the residential character of the area concerned;
 - (l) that building plans be submitted to the Municipality showing all building changes, partitioning and correct names of rooms (*not bedroom, lounge, etc.*) to the satisfaction of the Fire Department and Building Control Department;
 - (m) that a fire protection plan be submitted to the Building Control Department;
 - (n) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (o) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
 - (p) that all the conditions in the Services Report be complied with.
2. 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 decision.

REASONS FOR THE RESOLUTION:

- ❖ The application is in line with forward planning documents.
- ❖ The place of instruction provides a much-needed community facility.
- ❖ Objectors acknowledge the need but have a few concerns, which can be mitigated.
- ❖ The proposed increase in children from 40 to 50 will exacerbate the traffic and noise problems with a negative impact on neighbours.



Annexure F

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 6304, KLEINMOND**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer investigates and determine the limitations of the site in terms of drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
7. that stormwater be allowed to discharge through Erf 6304 Kleinmond, unobstructed.


 DENNIS HENDRIKS
 SENIOR MANAGER:
 ENGINEERING SERVICES

22/09/2021
 DATE

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

2. **ERF 2666, 201 PORTER DRIVE, BETTY'S BAY: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT AND DEPARTURE: MESSRS HIGHWAY CONSULTANTS ON BEHALF OF ASK SECURITY CC**

2666 KBB (3466/2019)

**H van der Stoep
1 February 2021**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 28 October 2019 from Messrs Highwave Consultants on behalf of Ask Security CC on Erf 2666, Betty's Bay for the following:

- ❖ **Removal of Restrictive Title Deed Conditions** in terms of Section 16(2)(f) of the By-Law for the removal and amendment of restrictive title deed Condition C., Condition D.A.(a), Condition A.(c) and Condition E.(b) as contained in Title Deed T56156/2011 and Pivot Deed T12265/1954 to permit the proposed application.

The restrictive title deed conditions read as follows:

Condition C. (page 2): ENTITLED to the benefit of the conditions referred to in the Servitude Endorsement dated 24 June 1940 in Certificate of Consolidated Title No. T3720/1937:

"By Deed of Transfer No 6068/40 dated 24/6/40 certain conditions relating to (b) prohibition of Petrol Station on land (d) wood and iron buildings, (e) slaughter poles, cattle kraals and manufacture of bricks, tiles, etc. have been imposed on the property thereto conveyed for the benefit of the owner and its successors in title of the remainder of the property held hereunder as will more fully appear on reference to the Deed of Transfer"

Condition D. (page 3):

'A.(a): That only one building for use as shops, business premises (which shall not include a licenced hotel, off sales liquor licence bottle store, garage or cinema) a dwelling house, residential building, place of worship and/or a building combining two or more uses, together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.

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

“A.(c) That no building or structure or any portion thereof, excepts boundary walls and fences shall be erected nearer than 3,15 metres to the back and side boundaries of this erf excluding the portions of the side boundaries for a distance of 9,45 metres from the building line to the street.”

“Condition E.(b)”

No wood and iron buildings or any description shall be erected on this erf nor shall corrugated iron be used for roofing purposes”

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Planning, 2015 from 8,5m to 15m for the purpose of erecting a transmission apparatus.
- ❖ **Consent Use** in terms of Section 16(2)(c) of the Overstrand Municipal By-Law on Municipal Planning, 2015 for the erection of a transmission apparatus.

RESOLVED:

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 2666, Betty’s Bay for a departure to exceed the applicable 8m height restriction to accommodate a proposed 15m high transmission apparatus, **not be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 2666, Betty’s Bay for a consent use in order to erect a 15m transmission apparatus, **not be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16.(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 2666, Betty’s Bay for the removal of restrictive title deed Condition D.A.(a) and Conditions C and E(b) as contained in Title Deed T56156/2011 in order to erect a 15m transmission tower, **not be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16.(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 2666, Betty’s Bay for the removal of restrictive title deed Condition D.A.(c) as contained in Title Deed T56156/2011 and pivot deed T12265/1954, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

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

- (a) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
 - (b) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
5. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of not approval.

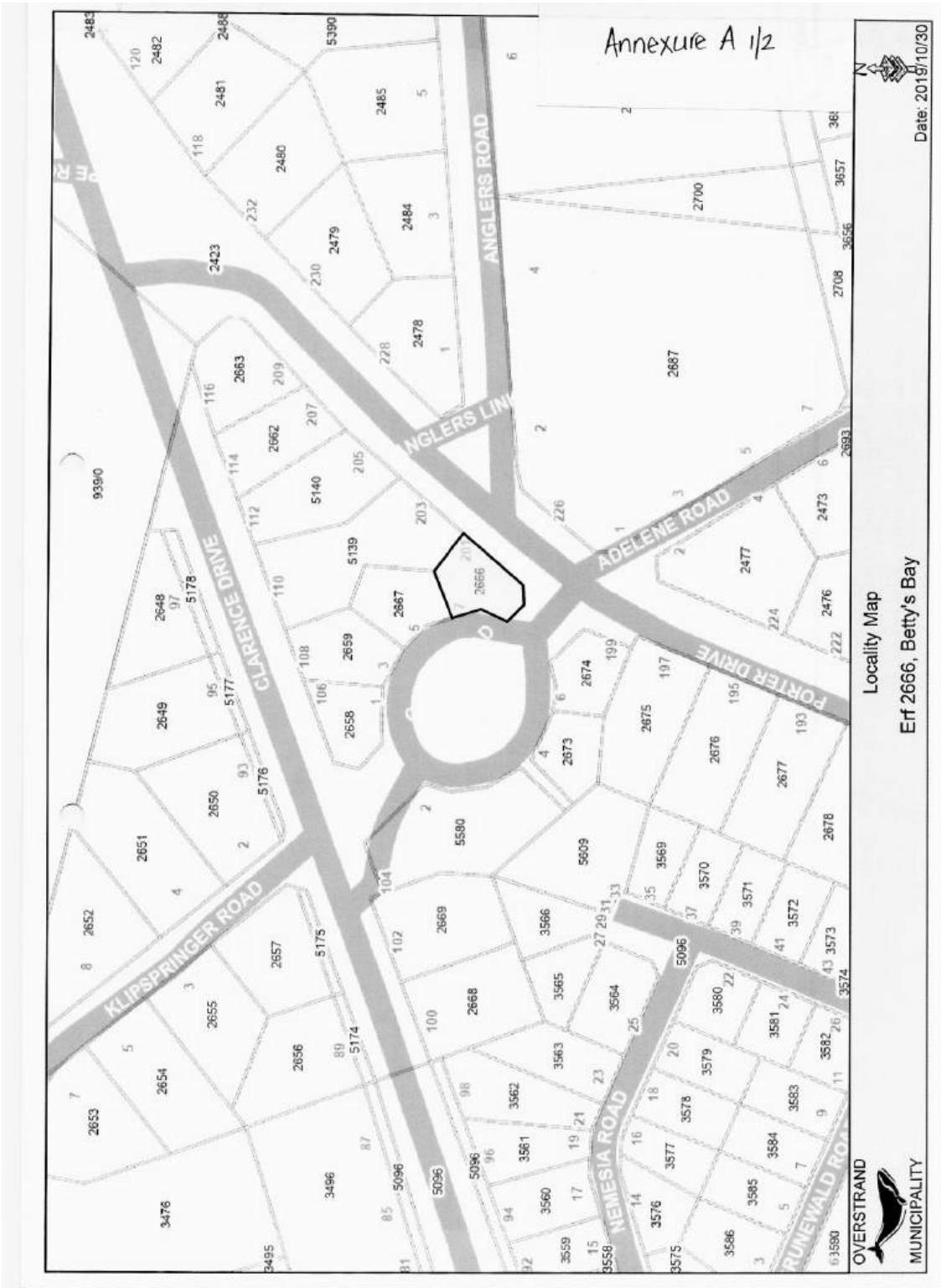
REASONS FOR THE RESOLUTION:

POINTS 1 – 3

- The motivation is vague and did not address the Betty's Bay area per se.
- Existing towers were not indicated and their specifications.
- No visual impact was considered in terms of the existing built environment.
- Needs as indicated in the motivation report were not verified or quantified.
- Alternatives were investigated in the business node itself and none outside this perimeter.
- It is unclear how the proposed development coincides with the Spatial Planning Documents of the Overstrand since it was not addressed or discussed in the application.
- The removal of Conditions D.(A)(a), C and E(b) has not addressed the specific land uses and materials restricted by the condition. The applicant did not apply for any of the restricted land uses and thus the impact of the removal of the uses cannot be determined.

POINT 4

- The building lines relates to Porter Drive as a main road of Betty's Bay.
- This has lapsed with the building of the R44, Clarence Drive, and thus no longer applicable or practical.
- Little of the erf remains to be developed should the building lines remain in place.
- The Land Use Scheme building lines are sufficient in dealing with development on the erf.



Locality Map
Erf 2666, Betty's Bay

Date: 2019/10/30

Annexure G

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, CONSENT USE & DEPARTURE: ERF 2666, BETTY'S BAY**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigates and determine the limitations of the site in terms of drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
7. that stormwater be allowed to discharge through Erf 2666, Betty's Bay, unobstructed.

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

06/04/2021
 DATE

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

3. **ERF 428, 13 CENTRAL ROAD, PRINGLE BAY: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE: HIGHWAVE CONSULTANTS ON BEHALF OF C DOWNS / MESSRS ATC (PTY) LTD**

428 KPRB (3591/2020)

H van der Stoep

(028) 313 8900

Hermanus Administration

10 January 2022

EXECUTIVE SUMMARY

An application has been received on 28 January 2020 (amended 9 June 2021) from Highway Consultants on behalf of C Downs / Messrs ATC (Pty) Ltd on Erf 428, Pringle Bay for the following:

- ❖ **Removal of Restrictive Title Deed Conditions** in terms of Section 16.(2)(f) of the Overstrand Municipal By-Law on Municipal Planning, 2015 for the removal of restrictive title deed conditions E.1.(a) and D.(b) as contained in Title Deed T20557/2015 in order to erect a 25m transmission tower.

The restrictive title deed conditions read as follows:

E. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. T7129/1951, namely:

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

(a) That only one building together with such outbuildings as are ordinarily required to be used therewith be erected on this erf.

D. As being in favour of the registered owner of any erf in the Township:

(b) No wood and iron buildings or any description shall be erected on this erf nor shall corrugated iron be used for roofing purposes”

- ❖ **Consent Use** in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Planning, 2015 in order to erect a 25m transmission tower on the above property.

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

- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Planning, 2015 to exceed the applicable 6m height restriction to accommodate a proposed 25m high transmission tower.

RESOLVED:

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 428, Pringle Bay for the removal of restrictive title deed conditions E.1.(a) and D.(b) as contained in Title Deed T20557/2015 in order to erect a 25m transmission tower, **not be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 428, Pringle Bay for a consent use in order to erect a 25m transmission tower on the above property, **not be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 428, Pringle Bay for a departure to exceed the applicable 8.5m height restriction to accommodate a proposed 25m high transmission tower, **not be approved**, in terms of the provisions of Section 61 of the By-Law; and
4. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

REASONS FOR THE RESOLUTION:

- ❖ The motivation is vague and does not address the Pringle Bay area per se.
- ❖ Existing towers and their specifications were not indicated.
- ❖ Visual impact was considered in terms of the existing built environment and was rated high to moderate.
- ❖ Needs as indicated in the motivation report were not verified or quantified.
- ❖ Alternatives were not investigated.
- ❖ It is unclear how the proposed development coincides with the Spatial Planning Documents of the Overstrand since it was not addressed or discussed in the application.
- ❖ The removal and or amendment of the restrictive conditions relate to the consent use, which is not recommended for approval, thus there is no need to amend or remove the conditions.

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

- ❖ The impacts of the physical aspects of the tower such as the dishes and aviation lights have not been addressed.
- ❖ The application does not adhere to the requirements of Section 16.10.23 of the Overstrand Land Use Scheme.



Annexure G

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, CONSENT USE & DEPARTURE: ERF 428, PRINGLE BAY**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigates and determine the limitations of the site in terms of drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that any additional and / or extended vehicle entrance will be for the owner's account;
6. that, upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Kleinmond) for written approval;
7. that stormwater be allowed to discharge through Erf 428, Pringle Bay, unobstructed.

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

21/06/2021
 DATE