

**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

2 June 2022

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**AGENDA of the  
Portfolio Committee: Investment & Infrastructure  
2 June 2022  
(Also the agenda for the Mayoral Committee Meeting: 27 June 2022)**

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

15/3/11

R Kuchar

Senior Manager: Town & Spatial Planning

13 MAY 2022

(028) 313 8900

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**1. Executive Summary**

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

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town- and Spatial Planning

**3. Compliance with Strategic Priority**

Promotion of tourism, economic and social development

**4. Delegated Authority**

Executive Mayor

**5. Legal Requirements**

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

**6. Background/Discussion/Evaluation/Conclusion**

**Background**

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

**7. Financial Implications**

None

**8. Staff Implications**

None

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

None

**10. Annexures**

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

**RECOMMENDATION:**

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

1.	Erf 825, 5 Joubert Street, Franskraal	22 April 2022
2.	Erf 1753, 29 1sts Avenue, Voëlklip	22 April 2022
3.	Erf 1220 18 Kusfront Street, Kleinbaai, Gansbaai	22 April 2022
4.	Erf 94, Van Dyksbaai, Gansbaai	22 April 2022
5.	Erf 5753, 28 Acacia Avenue, Kleinmond	26 April 2022
6.	Erf 91, 29 Church Street, Stanford	6 May 2022
7.	Erf 707, 9 Etiene Street, Stanford	6 May 2022
8.	Erf 12232, 312 A Main Road, Hermanus	6 May 2022
9.	Erf 12316, 64 9 <sup>th</sup> Street, Hermanus	6 May 2022
10.	Erf 1068, 52 End Street, Hermanus	10 May 2022
11.	Erf 421, 28 Longmarket Street, Stanford	10 May 2022
12.	Erf 931, 76 Main Road, Sandbaai	10 May 2022
13.	Erf 3941, 266 8th Street, Voëlklip	11 May 2022
14.	Farm 575 ptn 180& 181, Afdaksrivier, Benguela Cove	11 May 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 28 April 2022:

1.	Erf 365, 52 Schneider Street, Franskraal	10 May 2022
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**RESPONSIBLE OFFICIAL:**

**L SMUTS**

**TARGET DATE FOR IMPLEMENTATION:**

**11 JULY 2022**

**AGENDA of the  
Portfolio Committee : Investment & Infrastructure  
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(Also the agenda for the Mayoral Committee Meeting : 27 June 2022)**

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

**15/3/11**

**R Kuchar**

**Senior Manager: Town & Spatial Planning**

**13 MAY 2022**

**(028) 313 8900**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
2 JUNE 2022, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

**RESPONSIBLE OFFICIAL :**

**L SMUTS**

**TARGET DATE FOR IMPLEMENTATION :**

**11 JULY 2022**

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Spatial Land Use Management Act (SPLUMA) Approvals

- 1. ERF 825, 25 JOUBERT STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR RELAXATION OF RESTRICTIVE TITLE DEED CONDITION: MESSRS CONRADIE, GOODWIN & ASSOCIATES ON BEHALF OF J & PJ LOUW**

**825 GFK (3825/2021)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**1 April 2022**

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**EXECUTIVE SUMMARY**

An application has been received from Messrs Conradie, Goodwin and Associates on behalf of H & PJ Louw on Erf 825, Franskraal for the relaxation of Clause C.5(d) of Title Deed No. T73193/2014 for the encroachment of the lateral- and rear building lines from 1,57m and 3,15m to 0m to accommodate a proposed double garage.

**RESOLVED :**

1. that the application for relaxation of a restrictive title deed condition in terms of paragraph C.5(d) of Title Deed T73193/2014 to relax the rear building line from 3,15m to 0m and the lateral building line from 1,57m to 0m to accommodate a proposed double garage, be approved subject to the following conditions;
  - (a) that the approval is only for the relaxation of the rear- and lateral building lines as indicated on the Site Development Plan as submitted with the application;
  - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (c) that all the conditions in the Services Report and Telkom (attached as Annexure F and G), be complied with;
  - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
2. that the applicant be notified of its right of appeal (against Paragraph 2.

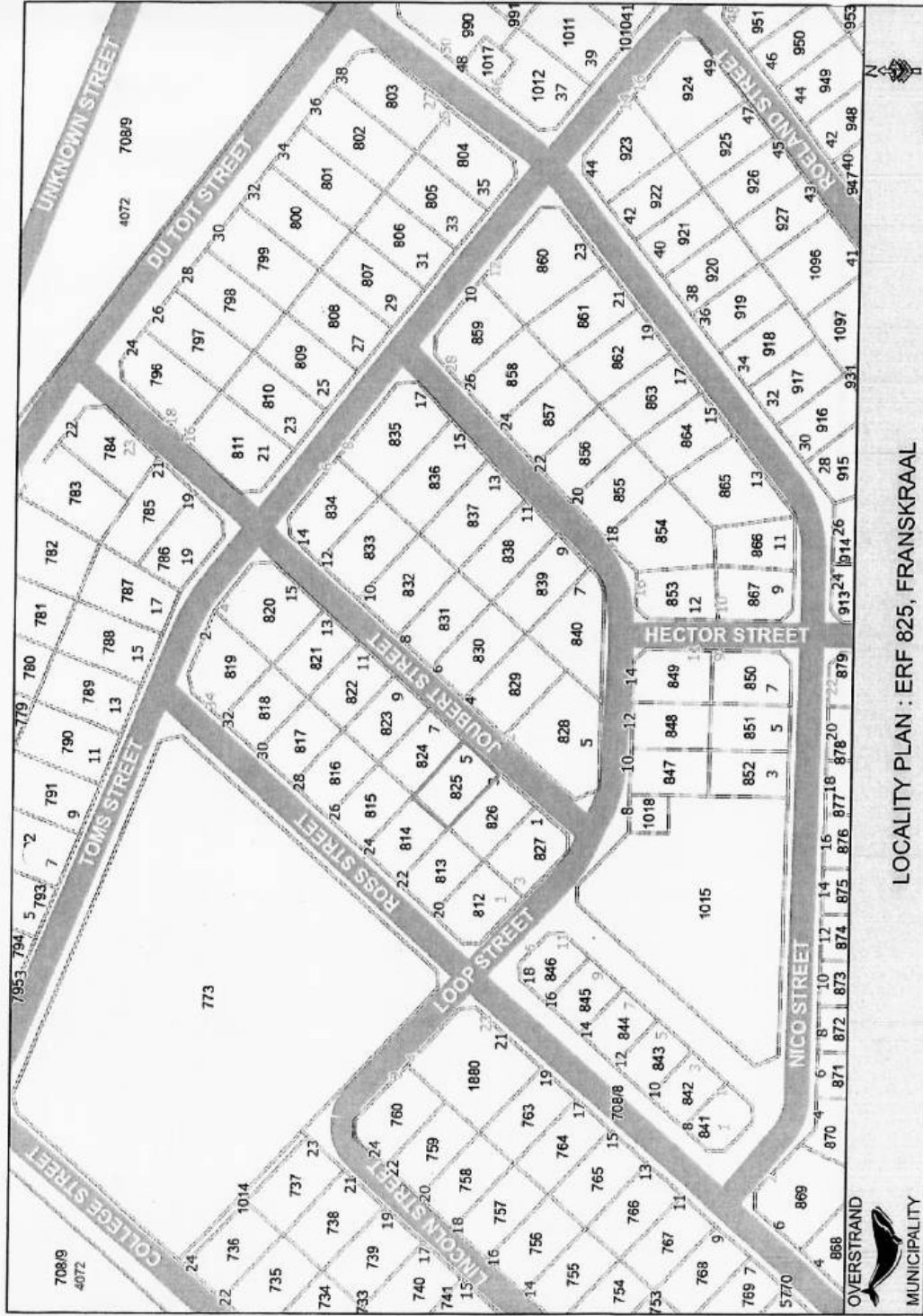
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above) in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**REASONS FOR RESOLUTION**

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



LOCALITY PLAN : ERF 825, FRANSKRAAL

Date: 2022/04/07



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR: RELAXATION OF TITLE DEED CONDITIONS: ERF  
825, FRANSKRAAL**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 825, Franskraal, unobstructed;
6. that no on-street parking be allowed.

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

*02.03.2021*  
**DATE**

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**2. ERF 1753, 29 FIRST AVENUE, VOËLKLIP, HERMANUS: OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS TECHNO'ARCH ARCHITECTS ON BEHALF OF R LEAVER**

**1753 HVK (3817/2021)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**31 March 2022**

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**Executive Summary**

An application has been received on 6 September 2021 from Messrs Techno'Arch Architects on behalf of R Leaver the owner of Erf 1753, Hermanus (Voëlklip) in terms Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for departure to relax the western lateral building line from 2m to 1.807m to accommodate a proposed pergola, lounge and scullery.

**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 1753, Hermanus (Voëlklip) to relax the western lateral building line from 2m to 1.807m to accommodate a pergola, lounge and scullery, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the encroachments be restricted to the dimensions as indicated on drawing no. *2.01 dated Jan 2021* as submitted with the application;
  - (b) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;
  - (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.
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,

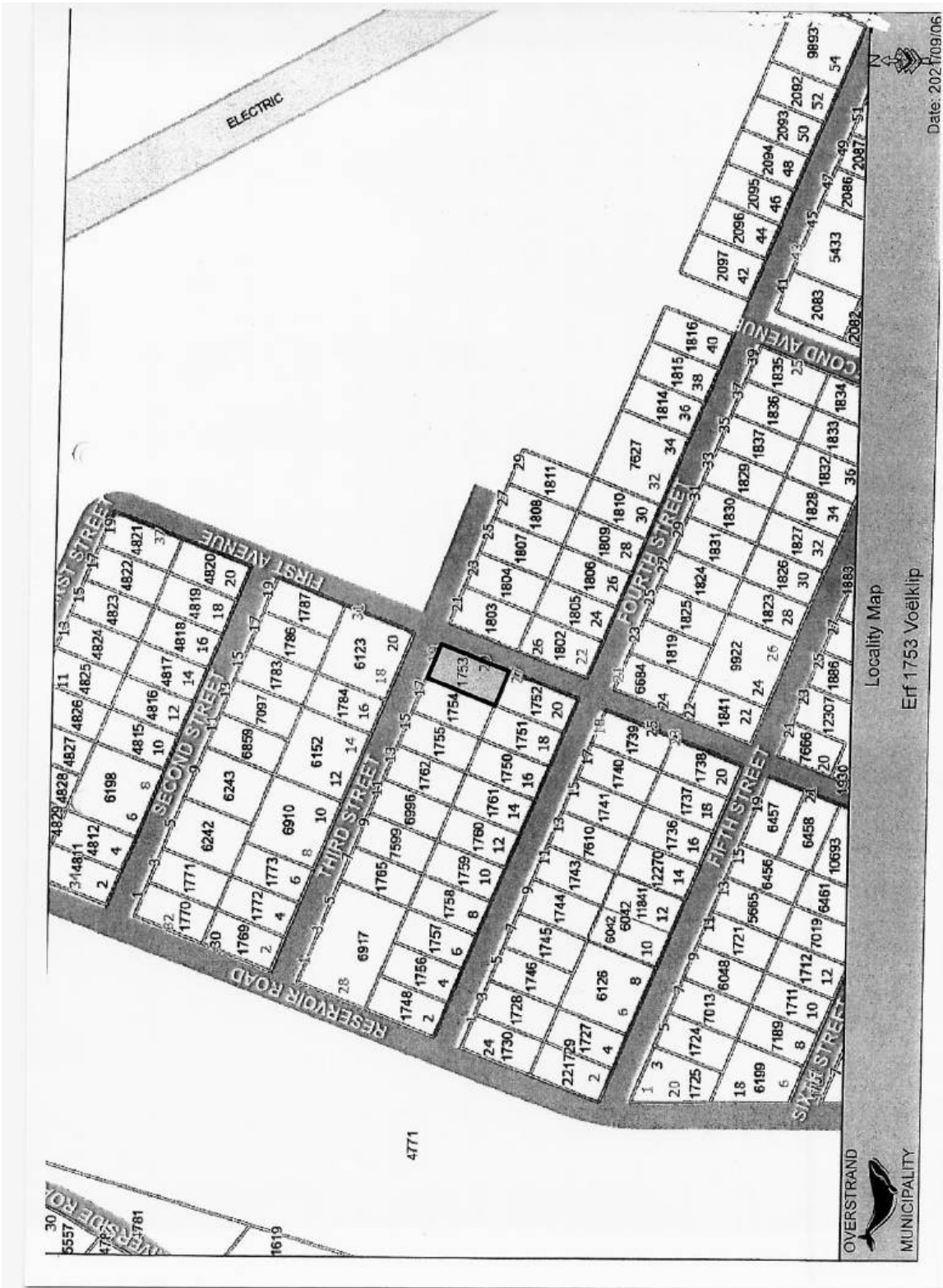
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2020 with regard to the above decision.

**REASONS FOR RESOLUTION**

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



4771

30  
5557  
1781  
1619



Locality Map  
Erf 1753 Voelklip

Date: 2021/09/06



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 1753, 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 1753, Voelklip, unobstructed;
7. that no on-street parking be allowed.

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

  
**DATE**

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**3. ERF 1220, 5 HILL STREET, VAN DYKSBAAI (KLEINBAAI), OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE AND RELAXATION OF RESTRICTIVE TITLE DEED CONDITION: DP FOURIE AND AE POTGIETER**

**1220 GKB**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**23 March 2022**

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**Executive Summary**

An application has been received on 14 September 2021 from DP Fourie and AE Potgieter in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 1220, Van Dyksbaai for the following:

- ❖ application for departure in terms of Section 16(2)(b) of the By-Law to relax the western lateral building line from 2m to 0m, and
- ❖ application for relaxation of a restrictive title deed condition in terms of paragraph C.5 of Title Deed T8446/2013 to encroach the 1,57m lateral building line to 0m.

**RESOLVED:**

1. that the application for relaxation of a restrictive title deed condition in terms of paragraph C5. of Title Deed T8446/2013 to encroach the 1,57m lateral building line up to 0m, **be approved**;
2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 1220, Van Dyksbaai to relax the 2m western lateral building line to 0m to accommodate a proposed garage, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the approval is only for the relaxation of the lateral building lines as indicated on the Site Development Plan as submitted with the 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 the conditions from Fire Services, the Services Report and Open Serve (attached as Annexures F, G and H), be complied with;

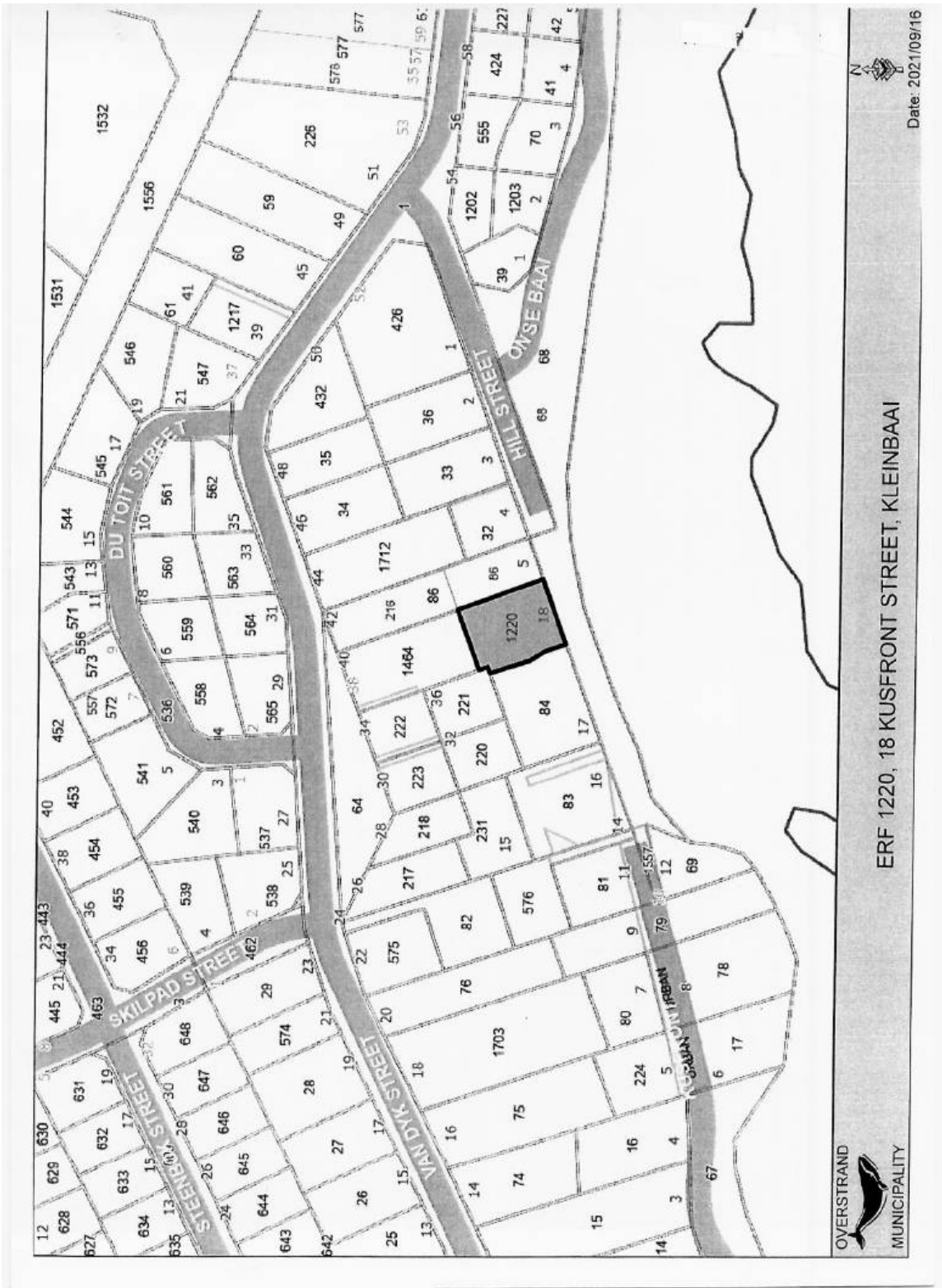
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- (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant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

**REASONS FOR RESOLUTION**

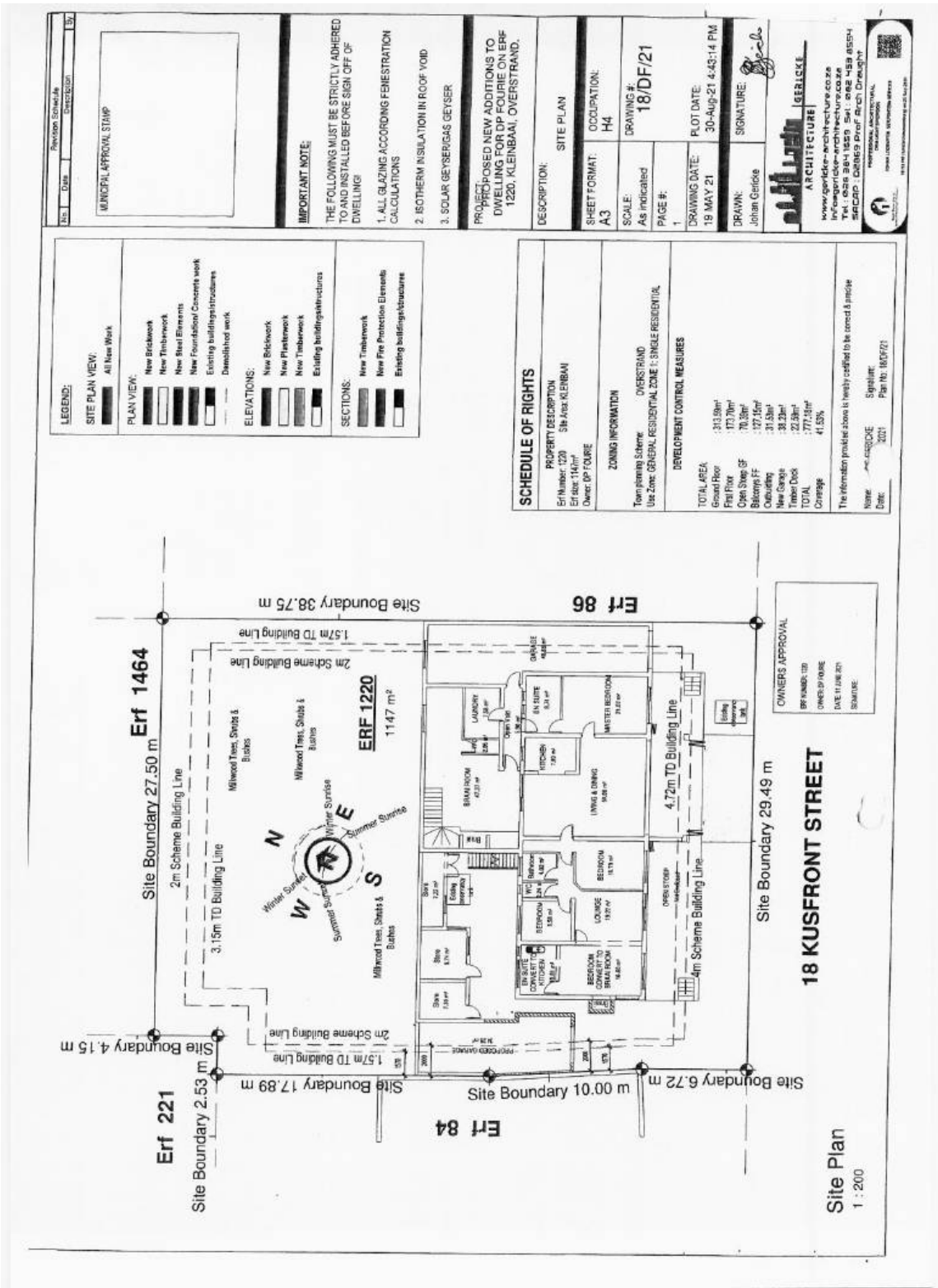
- ❖ The application has followed due procedure.
- ❖ None of the relevant municipal departments have any objection.
- ❖ The proposal will not negatively impact on vested rights of adjoining property owners.
- ❖ The proposed application fits in with the character of the surrounding area and is desirable.
- ❖ There will be no impact on services.



ERF 1220, 18 KUSFRONT STREET, KLEINBAAI



Date: 2021/09/16



**LEGEND:**

**SITE PLAN VIEW:**  
 All New Work

**PLAN VIEW:**  
 New Brickwork  
 New Timberwork  
 New Steel Elements  
 New Foundational/Concrete work  
 Existing buildings/structures  
 Demolition work

**ELEVATIONS:**  
 New Brickwork  
 New Plasterwork  
 New Timberwork  
 Existing buildings/structures

**SECTIONS:**  
 New Timberwork  
 New Fire Protection Elements  
 Existing buildings/structures

**SCHEDULE OF RIGHTS**

PROPERTY DESCRIPTION: Erf 1220 Site Vac-KLEINBAU  
 Erf Size: 1147m<sup>2</sup>  
 Owner: GP FOURIE

**ZONING INFORMATION**

Town Planning Scheme: OVERSTRAND  
 Use Zone: GENERAL RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL

**DEVELOPMENT CONTROL MEASURES**

TOTAL AREA	: 313.59m <sup>2</sup>
Ground Floor	: 173.70m <sup>2</sup>
First Floor	: 70.39m <sup>2</sup>
Open Shop SF	: 177.15m <sup>2</sup>
Basement FF	: 31.53m <sup>2</sup>
Carporting	: 38.22m <sup>2</sup>
New Garage	: 22.39m <sup>2</sup>
Timber Deck	: 777.51m <sup>2</sup>
TOTAL	: 777.51m <sup>2</sup>
Coverage	: 41.53%

The information provided above is hereby certified to be correct & precise

Name: **ANGUS GORDON** Signifier:  
 Date: **2021** Page No: **18/DF/21**

No. \_\_\_\_\_ Date \_\_\_\_\_ Previous Schedule Description \_\_\_\_\_ 37

**MUNICIPAL APPROVAL STAMP**

**IMPORTANT NOTE:**  
 THE FOLLOWING MUST BE STRICTLY ADHERED TO AND INSTALLED BEFORE SIGN OFF OF DWELLING  
 1. ALL GLAZING ACCORDING FENESTRATION CALCULATIONS  
 2. ISOTHERM INSULATION IN ROOF VOID  
 3. SOLAR GEYSER/GAS GEYSER

**PROPOSED NEW ADDITIONS TO DWELLING FOR GP FOURIE ON ERF 1220, KLEINBAU, OVERSTRAND.**

**DESCRIPTION:** SITE PLAN

**SHEET FORMAT:** H4  
**OCCUPATION:** H4

**SCALE:** AS INDICATED  
**DRAWING #:** 18/DF/21

**PAGE #:** 1

**DRAWING DATE:** 19 MAY 21  
**PLOT DATE:** 30-Aug-21 4:43:14 PM

**DRAWN:** Johan Geilcke  
**SIGNATURE:** *Johan Geilcke*

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**OWNERS APPROVAL**

BY: **ANGUS GORDON**  
 OWNER: **GP FOURIE**  
 DATE: **11 MAY 2021**  
 SIGNATURE: \_\_\_\_\_

**18 KUSFRONT STREET**

**Site Plan**  
 1 : 200

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR: DEPARTURE: ERF 1220, KLEINBAAI**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 1220, Kleinbaai, unobstructed;
6. that no on-street parking be allowed.

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

*08/02/2022*  
**DATE**

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Portfolio Committee: Investment & Infrastructure  
2 June 2022  
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4. **ERF 94, 69 PERLEMOEN STREET, VAN DYKSBAAI (KLEINBAAI), OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF MS PHILLIPSON**

**94 GKB (3663/2021)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**1 April 2022**

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**Executive Summary**

An application has been received on 8 July 2021 from WRAP Project Office on behalf of MS Phillipson applicable to Erf 94, van Dyksbaai in terms of the Overstrand Municipality Municipal Land Use Planning Amendment By-law, 2020 (By-Law) for the following:

- ❖ **departure** in terms Section 16(2)(b) of the By-law in order to encroach the north- western and southern lateral building lines from 2m to 0,3m to accommodate a proposed garage;
- ❖ **departure** in terms of Section 16(2)(b) of the By-law to encroach the southern lateral building line from 2m to 1,736m to accommodate the existing dwelling, and
- ❖ **determination of an administrative** penalty in terms of Section 16(2)(q) of the By-law to accommodate the existing dwelling.

**RESOLVED :**

1. that in terms of Section 16(2)(q) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), the applicant **be exempted** from the payment of an administrative penalty applicable to the Erf 94, Van Dyksbaai;
2. that the application for departure in terms of Section 16(2)(b) of the By-Law in order to encroach the north-western- and southern lateral building lines from 2m to 0,3m to accommodate a proposed garage and the encroachment of the southern lateral building line from 2m to 1,736m to accommodate the existing dwelling, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that this approval is only for the development as indicated on Drawing No. *94/SP/20* dated *23 November 2020* as submitted with the application;
  - (b) that building plans be submitted to the Building Department for approval within and that all conditions of the Building Control– and Fire

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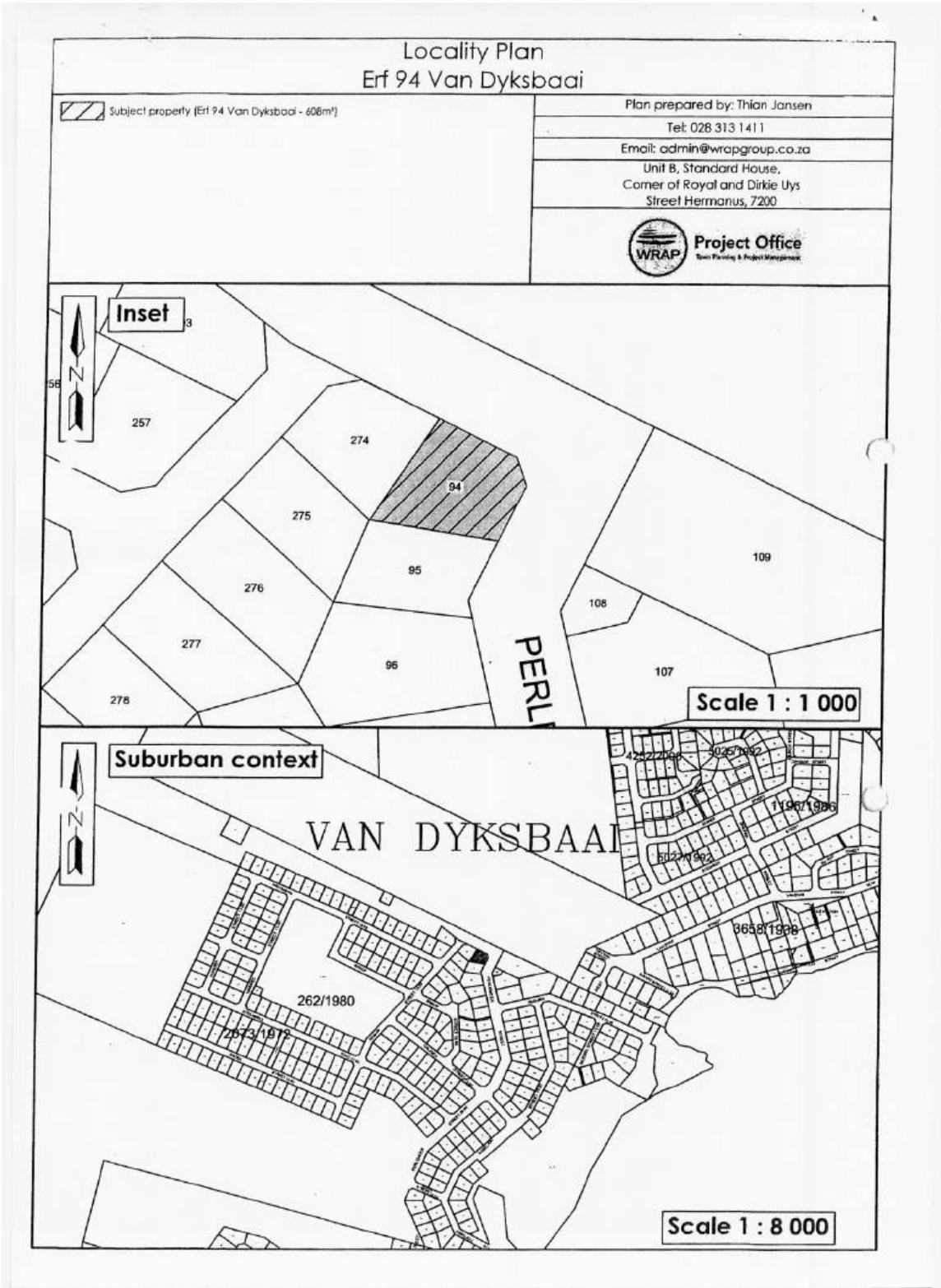
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Departments be complied with at that stage;

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

**REASONS FOR RESOLUTION**

- ❖ The proposal will not adversely impact the character of the area or vested rights of adjoining property owners.
- ❖ The proposal complies with the requirements pertaining to outbuildings (garage) in terms of both the title deed and Land Use Scheme.
- ❖ No objections were received.



NO.	DATE	REVISION / DESCRIPTION	57
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**OWNERS APPROVAL**

BY: MAREK M  
OWNER: PHILLIPSON  
DATE: 21 NOV 2020  
SIGNATURE:

**IMPORTANT NOTE:**

THE FOLLOWING MUST BE STRICTLY ADHERED TO AND INSTALLED BEFORE SIGN OFF OF DWELLING:

1. ALL GLAZING ACCORDING FENESTRATION CALCULATIONS
2. ISOTHERM INSULATION IN ROOF VOID
3. SOLAR GEYSER/GAS GEYSER

**PROPOSED NEW ADDITIONS & LEGALISATION OF EXISTING STRUCTURES FOR S PHILLIPSON ON ERFP 94, KLEINBRAM, OVERSTRAND.**

DESCRIPTION: GROUND FLOOR

SHEET FORMAT: A3  
OCCUPATION: H4

SCALE: 1:100  
DRAWING #: 94/SP/20

PAGE #: 4

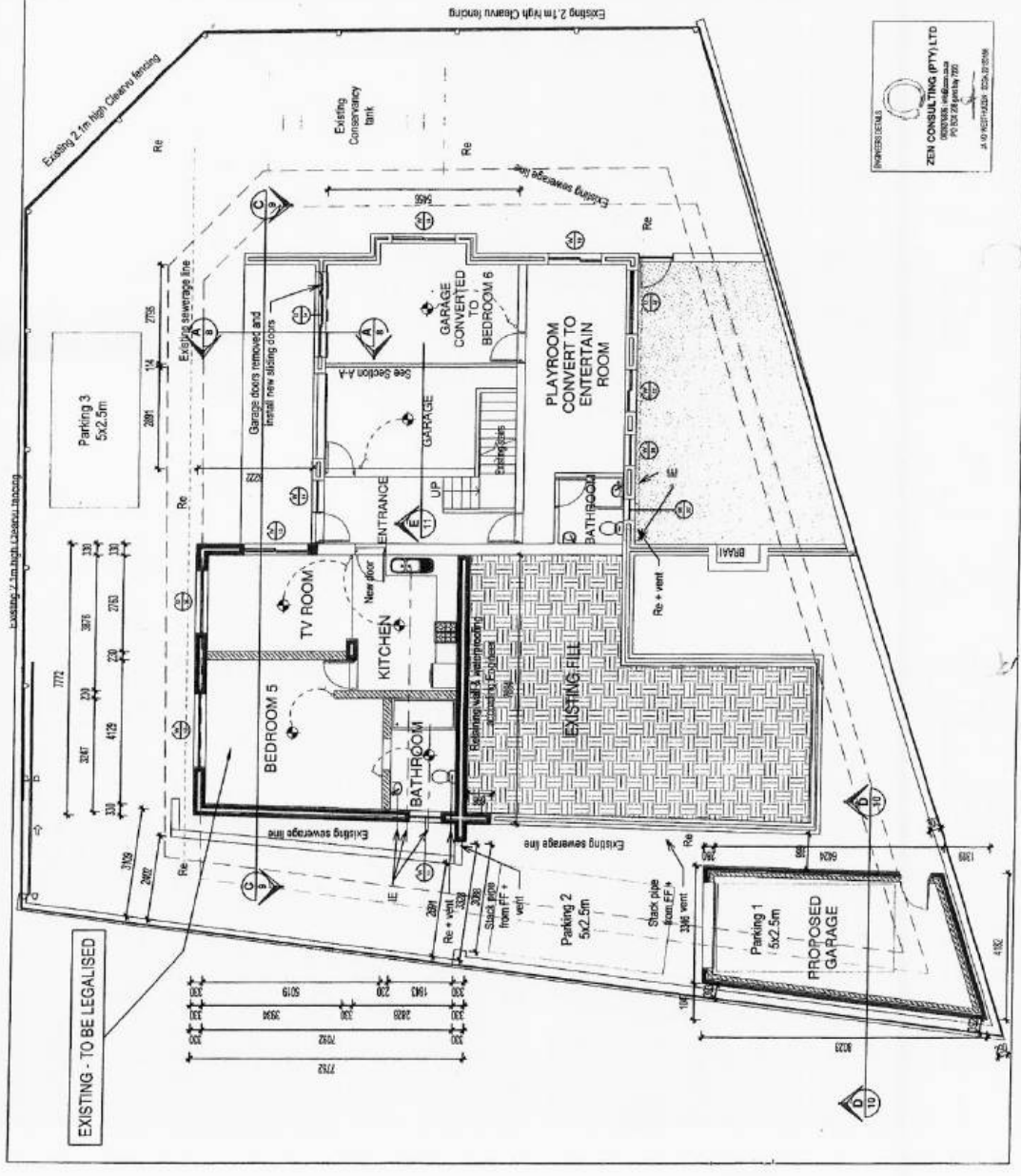
DRAWING DATE: 23 NOV 20  
PLOT DATE: 10-Dec-20 11:55:08 AM

DRAWN: Jonas Gerlicke  
SIGNATURE: *Jonas Gerlicke*

REGISTERED ARCHITECTS

**ZEN CONSULTING (PTY) LTD**  
003535 Midway  
P.O. Box 1001  
1015 Midway, 1015

A.B. POTGIETER, B.A., B.Arch



**GERLITZ ARCHITECTURE**

www.gerlicke-architecture.co.za  
info@gerlicke-architecture.co.za  
Tel: 088 384 1859 | Fax: 082 453 8554  
SACAP: 028859 Prof. Arch Draught

REGISTERED ARCHITECTS  
MEMBER OF THE SOUTH AFRICAN ARCHITECTURAL ASSOCIATION (SAA)

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE  
PENALTY & DEPARTURE: ERF 94, VAN DYKSBAAI**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 94, Van Dyksbaai, unobstructed;
6. that no on-street parking be allowed.

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

*30/07/2021*  
**DATE**

**AGENDA of the  
Portfolio Committee: Investment & Infrastructure  
2 June 2022  
(Also the agenda for the Mayoral Committee Meeting: 27 June 2022)**

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**5. ERF 5753, 28 ACACIA AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND RELAXATION OF TITLE DEED CONDITIONS: MAGDA KOTZE ON BEHALF OF V KOTZE**

**5753 KKM (3642/2021)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**8 April 2022**

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**Executive Summary**

An application has been received on 8 June 2021 from M Kotze on behalf of V Kotze on Erf 5753, 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 southern street building line from 4m to 3,4m to accommodate a porch; and
- ❖ to relax the western lateral building line from 3m to 2m to accommodate the braai.

The application also entails the relaxation of Clauses E.6. & E.7.(b)(i) of Title Deed No. T74899/2002 applicable to Erf 5753, Kleinmond for the following:

- ❖ to relax the southern street building line from 5m to 3,4m to accommodate a porch;
- ❖ to relax the southern street building line from 5m to 4m to accommodate the braai; and
- ❖ to relax the northern street building line from 10m to 4m to accommodate an outbuilding.

**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 Conditions E.6 & E.7.(b)(i) contained in Title Deed No. T74899/2002 applicable to Erf 5753, Kleinmond for the following, **be approved** in terms of Section 61 of the By-Law;

- ❖ to relax the southern street building line from 5m to 3,4m to accommodate a porch;
- ❖ to relax the southern street building line from 5m to 4m to accommodate the braai; and
- ❖ to relax the northern street building line from 10m to 4m to accommodate an outbuilding.

**AGENDA of the  
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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 5753, Kleinmond for the following departures:

- ❖ to relax the southern street building line from 4m to 3,4m to accommodate a porch; and
- ❖ to relax the western lateral building line from 3m to 2m to accommodate the braai.

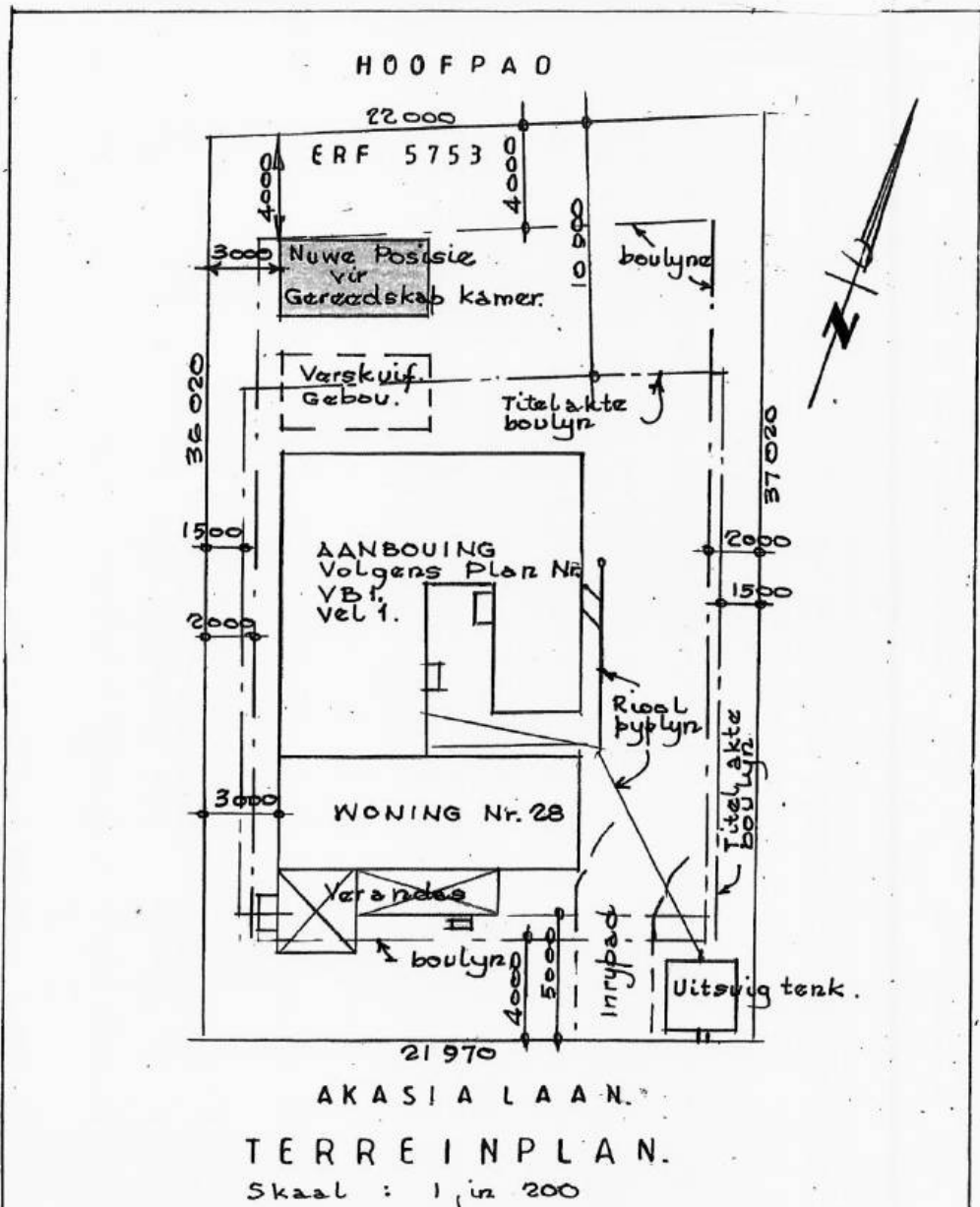
**be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:

- (a) that this approval is only for the development as indicated on undated plan number VB.2 as submitted with the application;
  - (b) that no further departures over the building lines be approved,
  - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
  - (f) that all the conditions in the Services Report (*attached as Annexure E*), be complied with.
3. that the applicant be notified of its right of appeal (against Paragraph 2. above) in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

**REASONS FOR RESOLUTION**

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





PLAN Nr. VB. 2.

VERSKUIVING VAN  
GEREEDSKAMER OP  
ERF 5753 KLEINMOND  
VIR MEV. V. de BOD.

Mev. V. de Bod.  
aizenaar:

*W.G. Nortje*

W. G. Nortje.  
Pres Swartstr. 41  
Panorama 7500  
Tel. 021 939 8491  
Geteken:

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR RELAXATION: ERF 5753, 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 5753 Kleinmond, unobstructed.

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

*08-11-2021*  
**DATE**

**AGENDA of the  
Portfolio Committee: Investment & Infrastructure  
2 June 2022  
(Also the agenda for the Mayoral Committee Meeting: 27 June 2022)**

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**6. ERF 91, 29 CHURCH STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: CG BOTHA**

**91 Stanford  
P Roux  
19 April 2022**

**(028) 313 8900**

**Hermanus Administration**

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**Executive Summary**

An application has been received on 20 September 2021 from CG Botha the owner of Erf 91, Stanford in terms of Section 16(2)(b) of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 (By-law) in order to relax the boundary line from 2m to 1m to convert the existing garage into a studio apartment.

**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 91, Stanford in order to relax the boundary line from 2m to 1m to convert the existing garage into a studio apartment, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the encroachments be restricted to the dimensions as indicated on the revised drawings, drawing no. *CHST\_GL\_01-03* as submitted with the application;
  - (b) that the conditions of Engineering Services (attached as Annexure D), be complied with;
  - (c) that building plans be submitted to the Building Department for approval and that relevant approval and comment in terms of Heritage and fire safety be acquired at that stage;
  - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
  - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**AGENDA of the  
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**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ No objections were received from the public.
- ❖ It is in line with policy documents.
- ❖ The proposed departures have no impact on the adjacent property.
- ❖ The proposed alterations will be unobtrusive and will be compatible with the existing built environment including the character of the dwelling, and
- ❖ The shrubs and hedging mitigate any privacy concerns.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 91, STANFORD**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
5. that any additional and / or extended vehicle entrances will be for the developer's account;
6. that stormwater be allowed to discharge through Erf 91, Stanford, unobstructed.

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

  
**DATE**

**AGENDA of the  
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**7. ERF 707, 9 ETIENE STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION FOR AN ADMINISTRATIVE PENALTY: MESSRS MA SMITH – TOWN AND REGIONAL PLANNER ON BEHALF OF SM MORETON**

**707 STAN (3775/2021)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**3 April 2022**

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**Executive Summary**

An application has been received on 15 August 2021 from Messrs MA Smith – Town and Regional Planner on behalf of SM Moreton in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- departure in terms of Section 16(2)(b) of the By-Law in order to relax the street building line (Etiene Street) from 4m to 0.7m to accommodate the existing carport, and
- determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law.

**RESOLVED :**

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure applicable to Erf 707, Stanford to in order to relax the street building line (Etiene Street) from 4m to 0.7m to accommodate the existing carport, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-law for the unauthorised land use activities in paragraph 1. above, **be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
3. that the approval in 1. and 2. above be subject to the following conditions:
  - (a) that the approvals are for the development as indicated on Drawing No 2212/100, dated 28-02-22;
  - (b) 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;

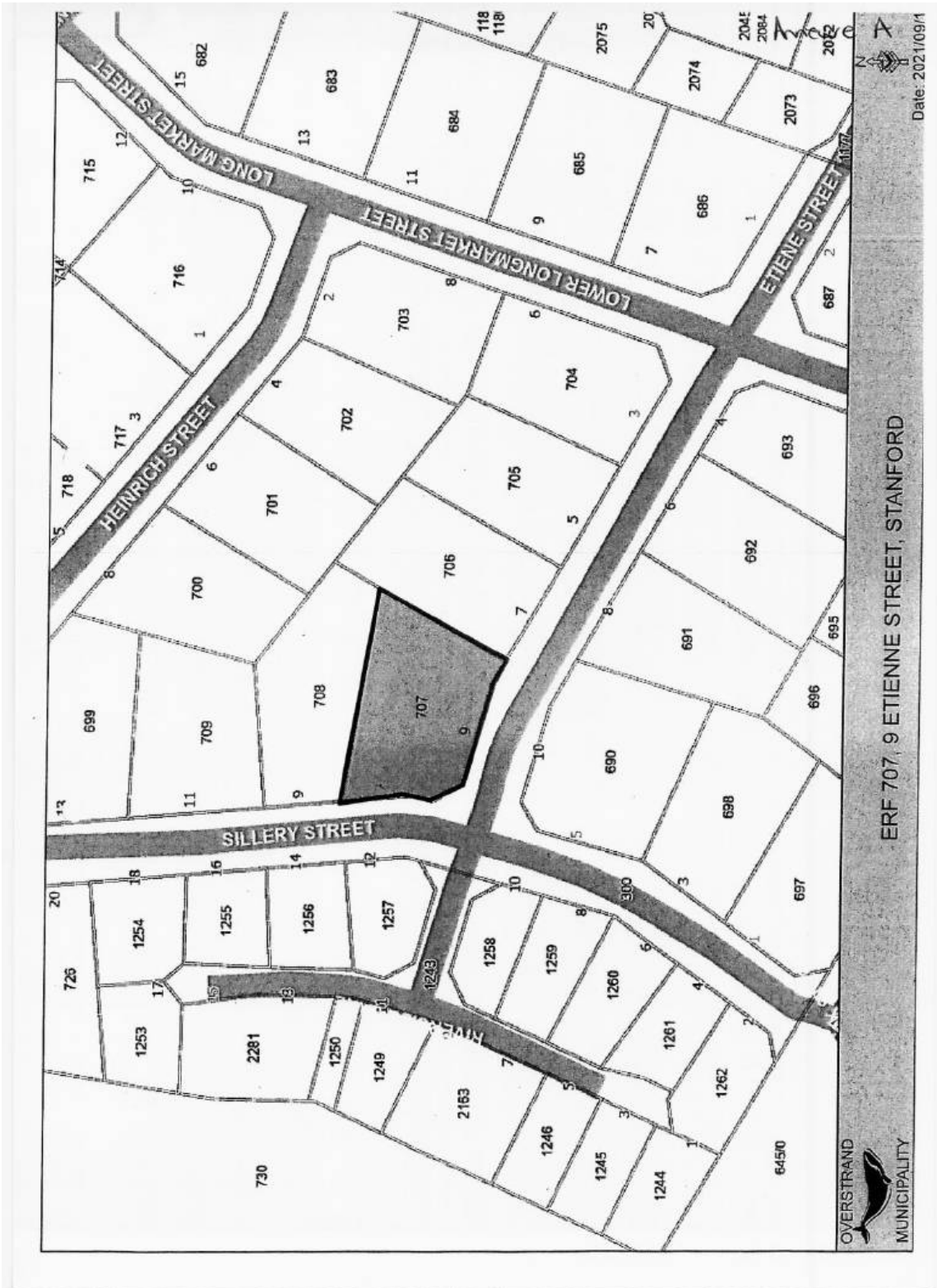
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- (c) that all the conditions in the Services Report (attached as Annexure D), be complied with;
  - (d) that the approvals do not absolve the applicant from compliance with any other relevant legislation, and
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. 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 RESOLUTION**

- ❖ The encroachment of the street building line has a minimal impact on the adjoining neighbour.
- ❖ The existing structures will be unobtrusive and will be compatible with the existing built environment including the character of the dwelling.
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ The proposal is compliant with the spatial policies contained in the SDF.
- ❖ The proposal is constant with the spatial principles as set out in SPLUMA and LUPA.
- ❖ No objection was received from the adjacent property owners.





Annexure D

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: ERF 707, STANFORD**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
5. that any additional and / or extended vehicle entrances will be for the developer's account;
6. that stormwater be allowed to discharge through Erf 707, Stanford, unobstructed.

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

*14/01/2021*  
 DATE

**AGENDA of the  
Portfolio Committee: Investment & Infrastructure  
2 June 2022  
(Also the agenda for the Mayoral Committee Meeting: 27 June 2022)**

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- 8. ERF 12232, 312A MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF MRS A LOUBSER**

**12232 HEC (3881/2021)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**19 April 2022**

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**Executive Summary**

An application has been received on 22 October 2021 from Messrs PlanActive Town- and Regional Planners on behalf of the owner of Erf 12232, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ departure in terms of Section 16(2)(b) to:
  - relax the north-eastern lateral boundary line from 2m to 0m to accommodate the proposed covered walkway, and
  - encroachment of the permissible height restriction for boundary walls exceeding 2.1m above the existing ground level;
- ❖ determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law, to accommodate the legalization of the existing boundary walls and supporting pillars on the property.

**RESOLVED :**

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 12232, Hermanus (Eastcliff) for the following:
  - ❖ departure in terms of Section 16(2)(b) to:
    - relax the north-eastern lateral boundary line from 2m to 0m to accommodate the proposed covered walkway, and
    - encroachment of the permissible height restriction for boundary walls exceeding 2.1m above the existing ground level;
  - ❖ determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law, to accommodate the legalization of the existing boundary walls and supporting pillars on the property.

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

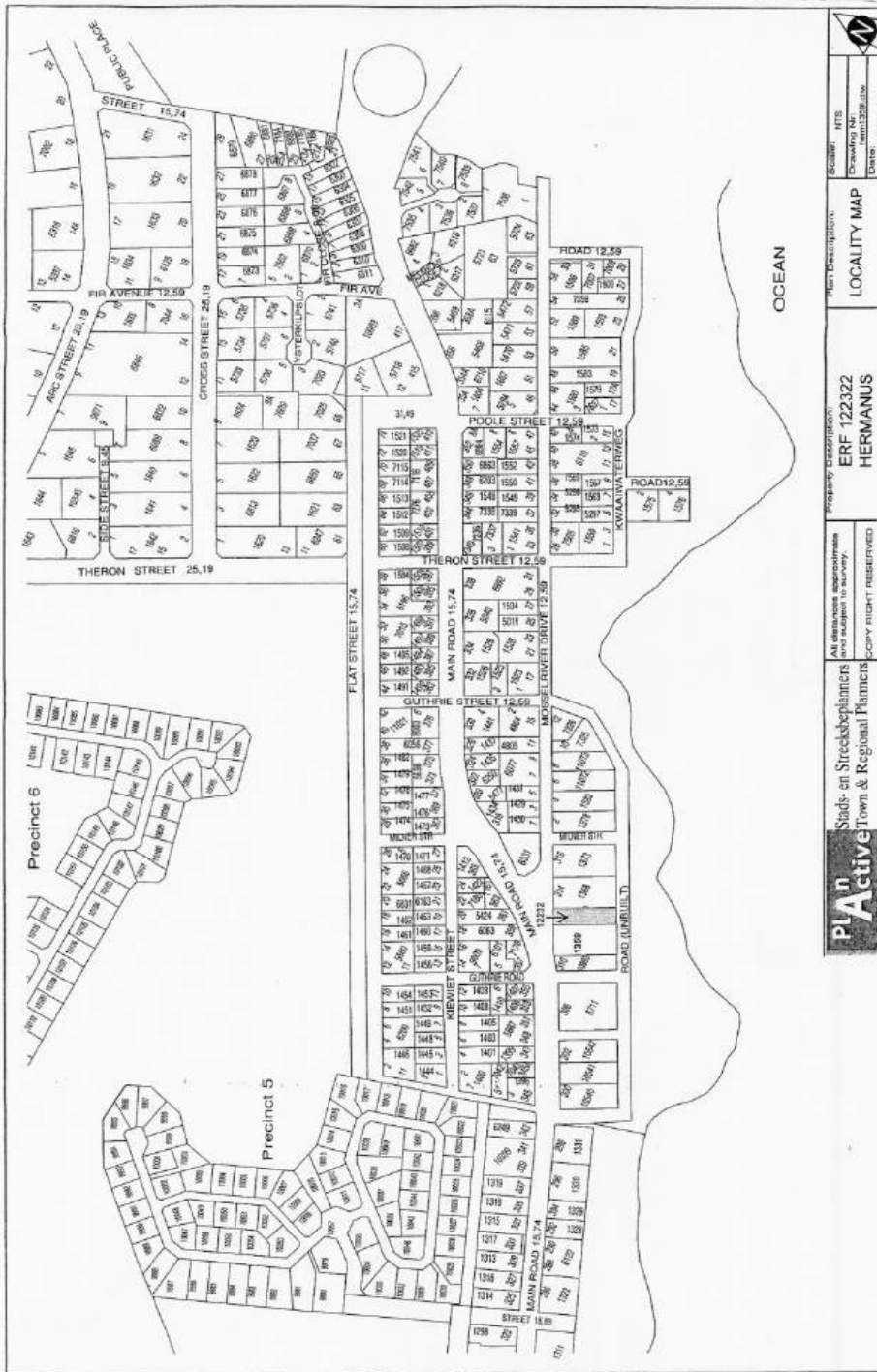
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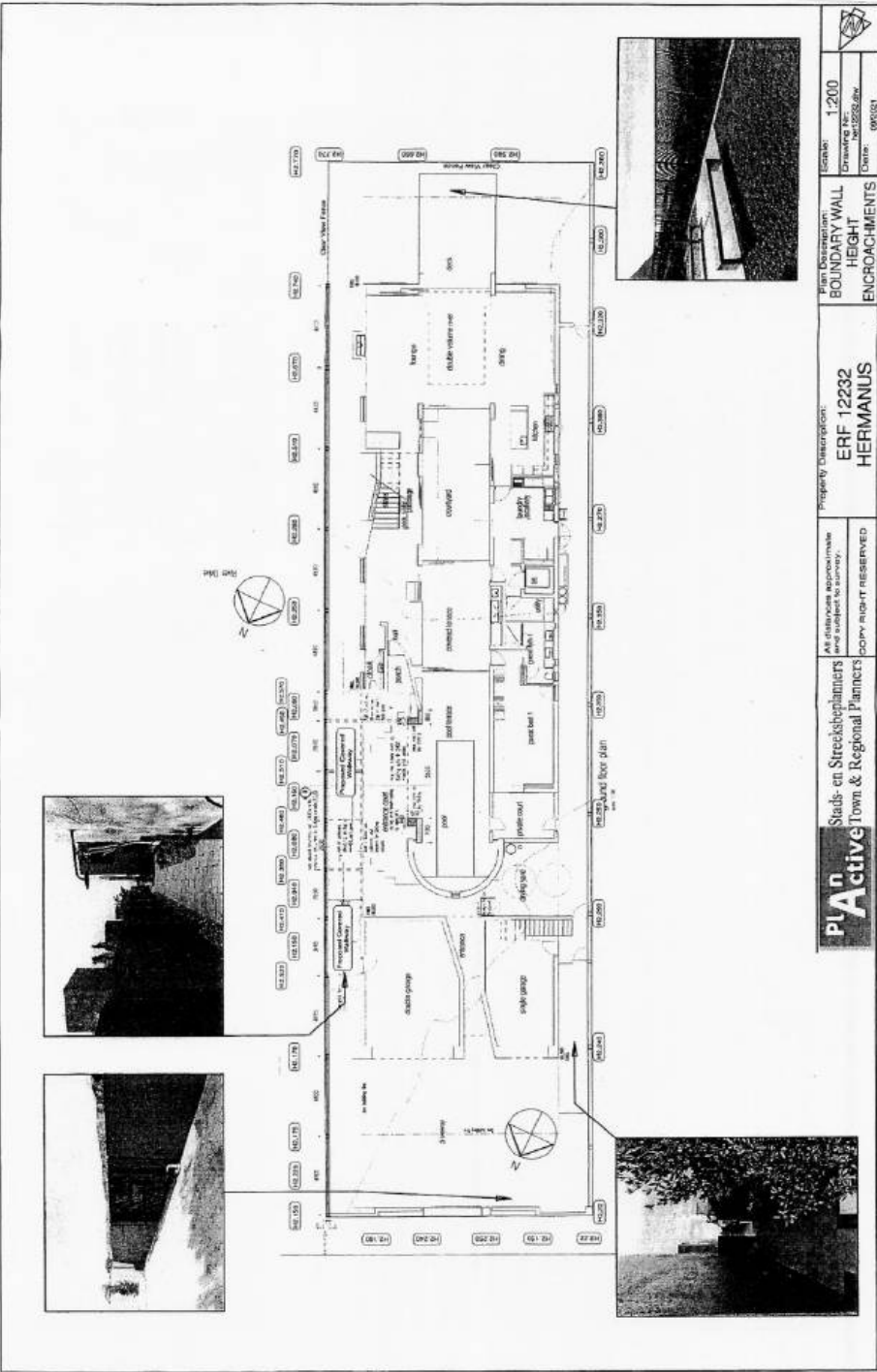
2. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-law for the unauthorised land use activities stipulated above, **be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
3. that the approvals in 1. above be subject to the following conditions:
  - (a) that this approval is only for the structure as indicated on Drawing Number her12232.drw dated August 2021, submitted with the application;
  - (b) that building plans be submitted to the building department and all comments from the building and fire department be complied with at that stage;
  - (c) that all the conditions of Engineering Services (attached as Annexure E), 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**

- ❖ The application has followed due procedure.
- ❖ No objections were received from the public.
- ❖ It is in line with policy documents.
- ❖ The proposed departures have no impact on the adjacent properties.
- ❖ The existing structures will be unobtrusive and will be compatible with the existing built environment including the character of the dwelling.



	All distances approximate and subject to survey. COPYRIGHT RESERVED	Property Description: <b>ERF 122322</b> <b>HERMANUS</b>	Map Description: <b>LOCALITY MAP</b>	Scale: 1:75 Drawing No: 1001/2021/01 Date: APRIL 2021
	Stads- en Streekskeplanners <b>Plan Active</b>			



	<b>Stads- en Streekskieders</b> <b>Active Town &amp; Regional Planners</b>	Property Information: <b>ERF 12232</b> <b>HERMANUS</b>	Scale: 1:200 Drawing No: 1000000000 Date: 08/01/2011
	All dimensions approximate and subject to survey. COPY RIGHT RESERVED		Plan Description: <b>BOUNDARY WALL HEIGHT ENCROACHMENTS</b>

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 12232, EASTCLIFF**

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



**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that stormwater be allowed to discharge through Erf 12232, Eastcliff, unobstructed;
7. that no on-street parking be allowed.

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

*29/01/2022*  
**DATE**

**AGENDA of the  
Portfolio Committee: Investment & Infrastructure  
2 June 2022  
(Also the agenda for the Mayoral Committee Meeting: 27 June 2022)**

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9. **ERF 12316, 64 NINTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS VKDB ARCHITECTURE & INTERIOR DESIGN ON BEHALF OF MIANDRE INVESTMENTS (PTY) LTD**

**12316 HVK**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**08 April 2022**

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**Executive Summary**

An application has been received on 23 August 2021 from Messrs VKDB Architecture & Interior Design on behalf of the owner of Erf 12232, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ to extend a section of the existing northern boundary wall from 2.1m to 3.141m to provide privacy to the property; and
- ❖ to retain the existing boundary wall, which formally formed part of the demolished outbuilding, at a maximum height of 3.395m.

**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 12316, Hermanus (Eastcliff) for the following:

- ❖ to extend a section of the existing northern boundary wall from 2.1m to 3.141m to provide privacy to the property; and
- ❖ to retain the existing boundary wall, which formally formed part of the demolished outbuilding, at a maximum height of 3.395m.

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

2. that the approvals in 1. above be subject to the following conditions:
  - (a) that this approval is only for the structure as indicated on *Project Number 1642*, Drawing Number *4.0.2* and *2.10* dated *14 October 2021*, as submitted with the application;
  - (b) that building plans be submitted to the building department and all comments from the building and fire department be complied with at that stage;

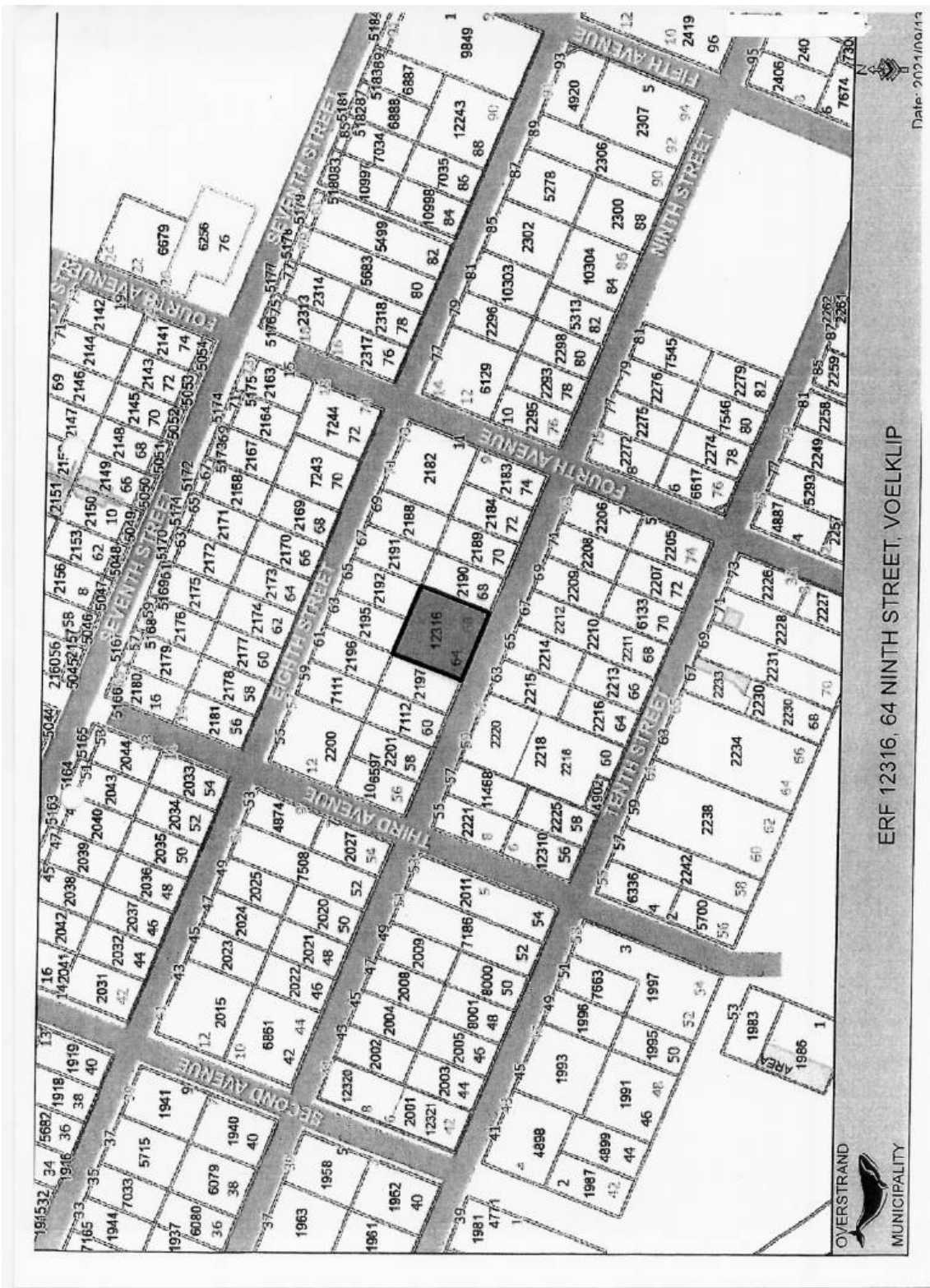
**AGENDA of the  
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2 June 2022  
(Also the agenda for the Mayoral Committee Meeting: 27 June 2022)**

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

**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ No objections were received from the public.
- ❖ It is in line with policy documents.
- ❖ The proposed departures have no impact on the adjacent properties.
- ❖ The existing structures will be unobtrusive and will be compatible with the existing built environment including the character of the dwelling.



ERF 12316, 64 NINTH STREET, VOELKLIP





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 12316, 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 12316, Voelklip, unobstructed;
7. that no on-street parking be allowed.

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

22-03-2022  
**DATE**

**AGENDA of the  
Portfolio Committee: Investment & Infrastructure  
2 June 2022  
(Also the agenda for the Mayoral Committee Meeting: 27 June 2022)**

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**10. ERF 1068, 52 END STREET, SANDBAAI: OVERSTRAND MUNICIPAL AREA: APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE: WRAP ON BEHALF OF TI MARX**

**1068 HSB**

**(Author: H Boshoff)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**18 March 2022**

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**Executive Summary**

The following application applicable to Erf 1068, Sandbaai has been received on 31 May 2021 from WRAP on behalf of TI Marx for the:

- a) removal, in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of restrictive title deed conditions B.II.(a) and (c) as contained in Title Deed T12880/2011 to conduct a veterinary practice from the existing dwelling on the property;
- b) rezoning, in terms of Section 16(2)(a) of the By-Law, of Erf 1068, Sandbaai from Residential Zone 1: Single Residential to Business Zone 3: Local Business to conduct a veterinary practice from the existing dwelling on the property; and
- c) departure, in terms of Section 16(2)(b) of the By-Law, to relax the southern lateral building line of Erf 1068, Sandbaai from 3m to 2m to accommodate a section of the existing dwelling on the property.

Condition B.II.(a) of the title deed reads as follows:

*“B.II.(a) That the above erf or erven be used for residential purposes only;”*

The proposed amendment of condition B.II.(c) reads as follows:

*“B.II.(a) That not more than one dwelling together with the necessary outbuildings and accessories be erected on any one of the above erven and that not more than one-half the area of any one of the above erven be built upon.”*

**RESOLVED :**

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020

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- (By-Law) for the removal of restrictive title deed conditions B.II.(a) and (c) as contained in Title Deed T12880/2011, applicable to Erf 1068, Sandbaai to conduct a veterinary practice from the property; **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for rezoning, in terms of Section 16(2)(a) of the By-Law, of Erf 1068, Sandbaai from Residential Zone 1: Single Residential to Business Zone 3: Local Business to conduct a veterinary practice from the property, be approved in terms of the provisions of Section 61 of the By-Law; and
  3. that the application for departure in terms of Section 16(2)(b) of the By-Law, to relax the southern lateral building line of Erf 1068, Sandbaai from 3m to 2m to accommodate a section of the existing dwelling on the property, be approved in terms of the provisions of Section 61 of the By-Law;
  4. that the above approvals be subject to the following conditions:
    - (a) that all health care risk waste that is generated by the practice must be collected and transported by a suitable registered company and be disposed at a licensed disposal facility;
    - (b) that only the area indicated on Plan Number 2986HAW(2020-11)-01/A3-Rev A dated 18 November 2020 may be utilised as a house shop;
    - (c) that the practise may not be operated prior to proof being submitted to the Municipality that the kennel room is soundproof to surrounding property owners;
    - (d) that the parking bays must be clearly demarcated and provided with a hard surface;
    - (e) that building plans be submitted to the Building Department for approval and that all requirements of the Building Department and Fire Services at that stage be complied with;
    - (f) the practise must comply with the provisions of SANS-A 2016, 10400-T:2020 and the By-Law Relating to Community Fire Service;
    - (g) that the conditions of Engineering Services (attached as Annexure F.), must be complied with;
    - (h) that no on-street parking be allowed whatsoever;

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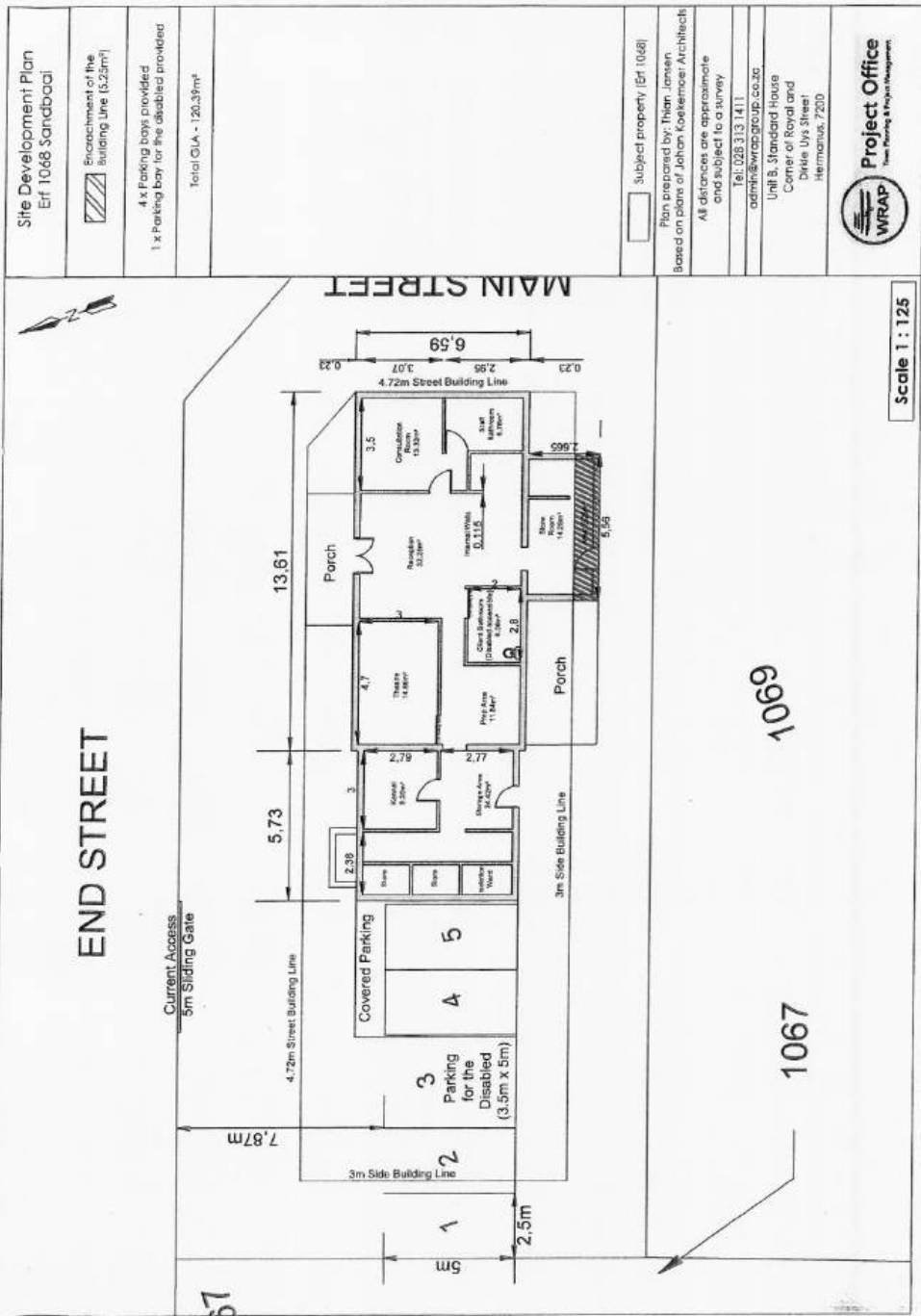
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- (i) that any advertising signs must be approved by the Building Department of the Municipality and must comply with the Municipal By-Law on Signage;
  - (j) that the veterinary practise must be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
  - (k) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (l) that this approval does not absolve the landowner from compliance with any other relevant legislation; and
  - (m) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with;
5. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the conditions in 4. above.

**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ No objections were received from the public.
- ❖ It is in line with forward planning documents.
- ❖ Much needed job opportunities will be created.
- ❖ It is not regarded as being undesirable from a town planning point of view.





Site Development Plan  
Erf 1068 Sandbaai

Encroachment of the Building Line (5,23m²)

4x Parking bays provided  
1x Parking bay for the disabled provided

Total OLA - 120,37m²

Subject property (Erf 1068)

Plan prepared by: Thian Jansen  
Based on plans of Johan Koelmeier Architects

All distances are approximate  
and subject to a survey

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

Unit 8, Standard House  
Corner of Royal and  
Diele Uys Street  
Hermanus, 7200



Scale 1 : 125

END STREET

MAIN STREET

1069

1067

Current Access  
5m Sliding Gate

4,72m Street Building Line

3m Side Building Line

3m Side Building Line

7,87m

13,61

6,59

0,23

2,95

3,07

4,72m Street Building Line

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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,  
REZONING & DEPARTURE: ERF 1068, SANDBAAI**

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 -0.52 =	-R 12 955.80
Sewerage	R 16 799.12 x -0.52 =	-R 8 735.54
Roads	R 7 532.72 x 2.34615=	R 17 962.64
Stormwater	R 8 691.28 x 0.8923=	R 7 755.30
Solid Waste	R 1 505.92 x 0.739999=	<u>R 1 114.38</u>
<b>TOTAL (inclusive of VAT)</b>	<b>=</b>	<b>R 5 140.98</b>

Note:

- 1.3 **The above figures are estimates**
- 1.4 **The above figures do not include evaluation/investigation levies and connection fees**
2. that 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 all health care risk waste that is generated by the practice will need to be collected and transported of by the a suitably registered company and needs to be disposed of a licensed disposal facility;
5. that on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
6. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through Erf 1068, Sandbaai, unobstructed;

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

*07/10/2021*  
**DATE**

**AGENDA of the  
Portfolio Committee: Investment & Infrastructure  
2 June 2022  
(Also the agenda for the Mayoral Committee Meeting: 27 June 2022)**

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**11. ERF 421, 28 LONGMARKET STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR AMENDMENT OF THE SITE DEVELOPMENT PLAN: MESSRS JR & CM KELLY**

**421 STAN (3917/2021)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**19 April 2022**

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**Executive Summary**

An application has been received on 17 November 2021 from the property owners of Erf 421 Stanford, JR and CM Kelly in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the amendment of the Site Development Plan in terms of Section 16(2)(l) of the By-Law, in order to accommodate new alterations to the existing dwelling and nursery on the property.

**RESOLVED :**

1. that the application in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), on Erf 421, Stanford for an amendment of the approved Site Development Plan in order to accommodate new alterations to the existing dwelling and nursery on the property, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that this approval only has reference to the Site Development Plan, *Project Number 2021.1883.06*, as submitted with the application (attached as Annexure C);
  - (b) that the conditions of Engineering Services (attached as Annexure E), be complied with;
  - (c) that building plans be submitted to the building department for approval and that relevant approval and comment in terms of heritage and fire safety be acquired at that stage;
  - (d) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
  - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020

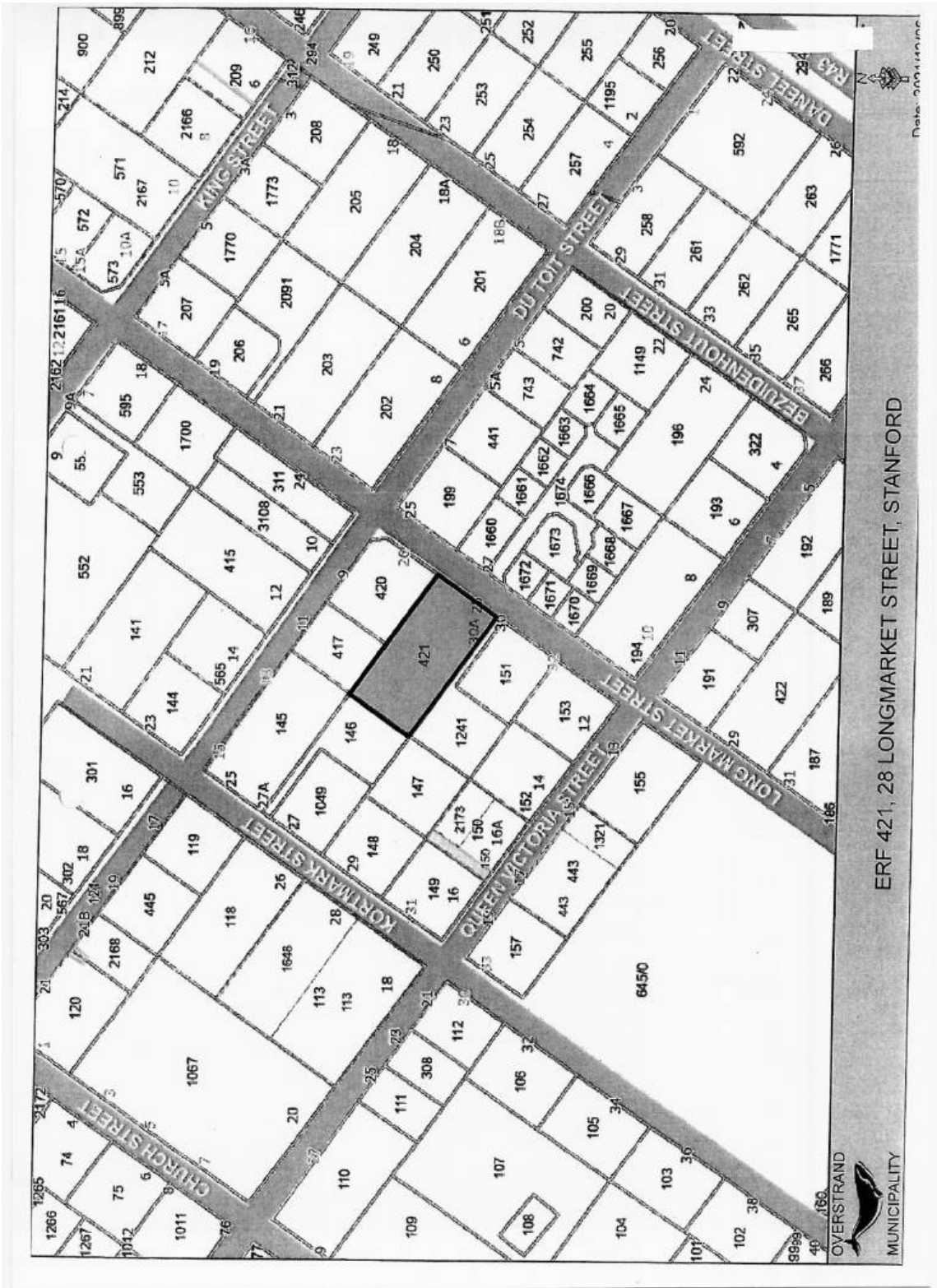
**AGENDA of the  
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2 June 2022  
(Also the agenda for the Mayoral Committee Meeting: 27 June 2022)**

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regarding the above decisions.

**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ No objections were received from the public.
- ❖ It is in line with policy documents.
- ❖ The proposed amendment will have no impact on the adjacent property.
- ❖ The existing land use rights will be maintained and expanded upon.
- ❖ The application will not have a negative effect on the character of the area, or surrounding neighbours, and is desirable.



ERF 421, 28 LONGMARKET STREET, STANFORD



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR AMENDMENT OF SDP: ERF 421, STANFORD**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
5. that any additional and / or extended vehicle entrances will be for the developer's account;
6. that stormwater be allowed to discharge through Erf 421, Stanford, unobstructed.

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

*23/03/2022*  
**DATE**

**AGENDA of the  
Portfolio Committee: Investment & Infrastructure  
2 June 2022  
(Also the agenda for the Mayoral Committee Meeting: 27 June 2022)**

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12. **ERF 931, 76 MAIN ROAD, SANDBAAI: OVERSTRAND MUNICIPAL AREA: APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF KUMI ESTATES CC**

**931 HSB (4042/2021)**

**(Author: H Boshoff)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**25 April 2022**

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**Executive Summary**

The following application applicable to Erf 931, Sandbaai has been received on 6 August 2021 from Messrs WRAP Project Office on behalf of Kumi Estates CC for:

- a) the removal, in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of restrictive title deed conditions C(a), C(c) and C(d) as contained in Title Deed T11910/2016 of the property to utilize the property for business (offices) purposes;
- b) the rezoning, in terms of Section 16(2)(a) of the By-Law, of Erf 931, Sandbaai from Residential Zone 1: Single Residential to Business Zone 3: Local Business to utilize the property for business (office) purposes;
- c) consent use in terms of Section 16(2)(o) of the By-Law to accommodate a dwelling unit at ground floor level of the property; and
- d) departure, in terms of Section 16(2)(b) of the By-Law, to relax the southern lateral building line of the property from 3m to 0m and 2m to respectively accommodate a shade cloth carport and a portion of the existing dwelling unit, as well as the eastern lateral building line from 3m to 0m to accommodate a covered carport.

Condition C(a) reads as follows:

*“C(a) That the above erf or erven be used for residential purposes only;”*

Condition C(c) reads as follows:

*“C(c) That not more than one dwelling together with the necessary outbuildings and accessories be erected on any one of the above erven and that not more than one-half the area of any one of the above erven be built upon.”*

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Condition C(d) reads as follows:

*“C(d) That no building shall be on the above erf or erven within 4,71 meters of any boundary line between the said erf or erven and any street, road or avenue on which such erf of erven abuts; such space may be used as gardens but shall not be built upon.”*

**RESOLVED :**

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the removal of restrictive title deed conditions C(a), C(c), and C(d) as contained as contained in Title Deed T11910/2016, applicable to Erf 931, Sandbaai to utilize the property for Business Zone 3 purposes; **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for rezoning, in terms of Section 16(2)(a) of the By-Law, of Erf 931, Sandbaai from Residential Zone 1: Single Residential to Business Zone 3: Local Business to conduct an estate agency from the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for consent use in terms of Section 16(2)(o) of the By-Law to accommodate a dwelling unit at ground floor level of Erf 931, Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law; and
4. that the application for departure in terms of Section 16(2)(b) of the By-Law, to relax the southern lateral building line of the Erf 931, Sandbaai from 3m to 0m and 2m to respectively accommodate a shade cloth carport and a portion of the existing dwelling unit, as well as the eastern lateral building line from 3m to 0m to accommodate a covered carport, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the above approvals be subject to the following conditions:
  - (a) that the carport at the western lateral boundary of the property must comply with the requirements of a carport as set out in the 2020 Overstrand Land Use Scheme;
  - (b) that the parking bays as per the Site Development Plan that was submitted with the application, attached as Annexure C must be clearly demarcated and provided with a hard surface;

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- (c) that building plans be submitted to the Building Department for approval and that all requirements of the Building Department and Fire Services at that stage be complied with;
  - (d) the practise must comply with the provisions of SANS-A 2016, 10400-T:2020 and the By-Law Relating to Community Fire Service;
  - (e) that the conditions of Engineering Services (attached as Annexure E) and Telkom (attached as Annexure F), must be complied with;
  - (f) that no on-street parking be allowed whatsoever;
  - (g) that any advertising signs must be approved by the Building Department of the Municipality and must comply with the Municipal By-Law on Signage;
  - (h) that the business must be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
  - (i) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (j) that this approval does not absolve the landowner from compliance with any other relevant legislation; and
  - (k) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with;
6. 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 conditions in 5. above.

**REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ No objections were received from the public.
- ❖ It is in line with forward planning documents.
- ❖ Much needed job opportunities will be created.
- ❖ It is not regarded as being undesirable from a town planning point of view.

## Locality Plan Erf 931 Sandbaai

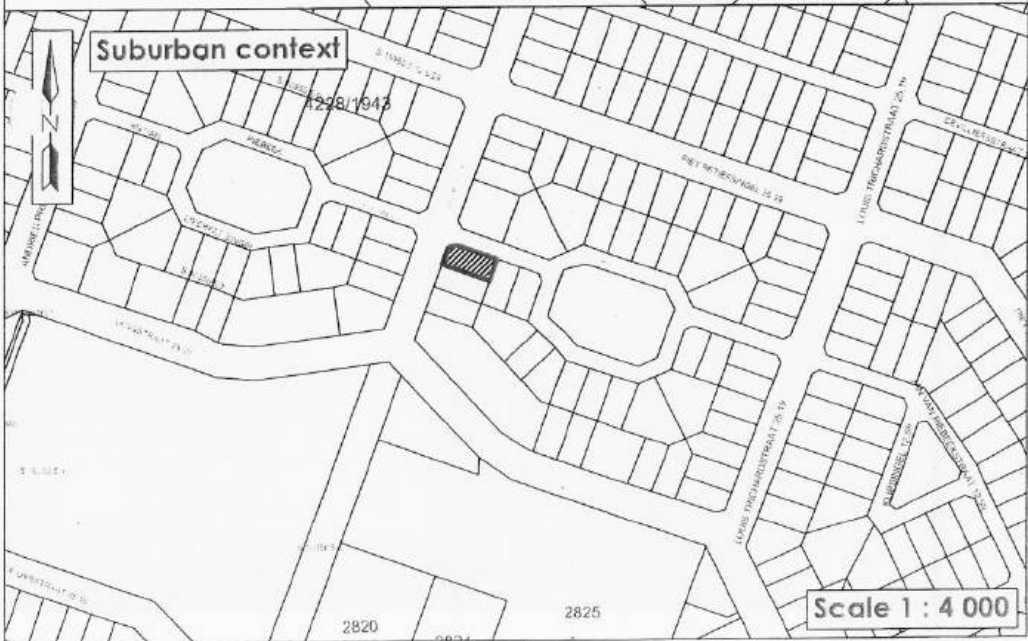
 Subject property (Erf 931 Sandbaai - 655m²)


Plan prepared by: Thian Jansen

Tel: 028 313 1411

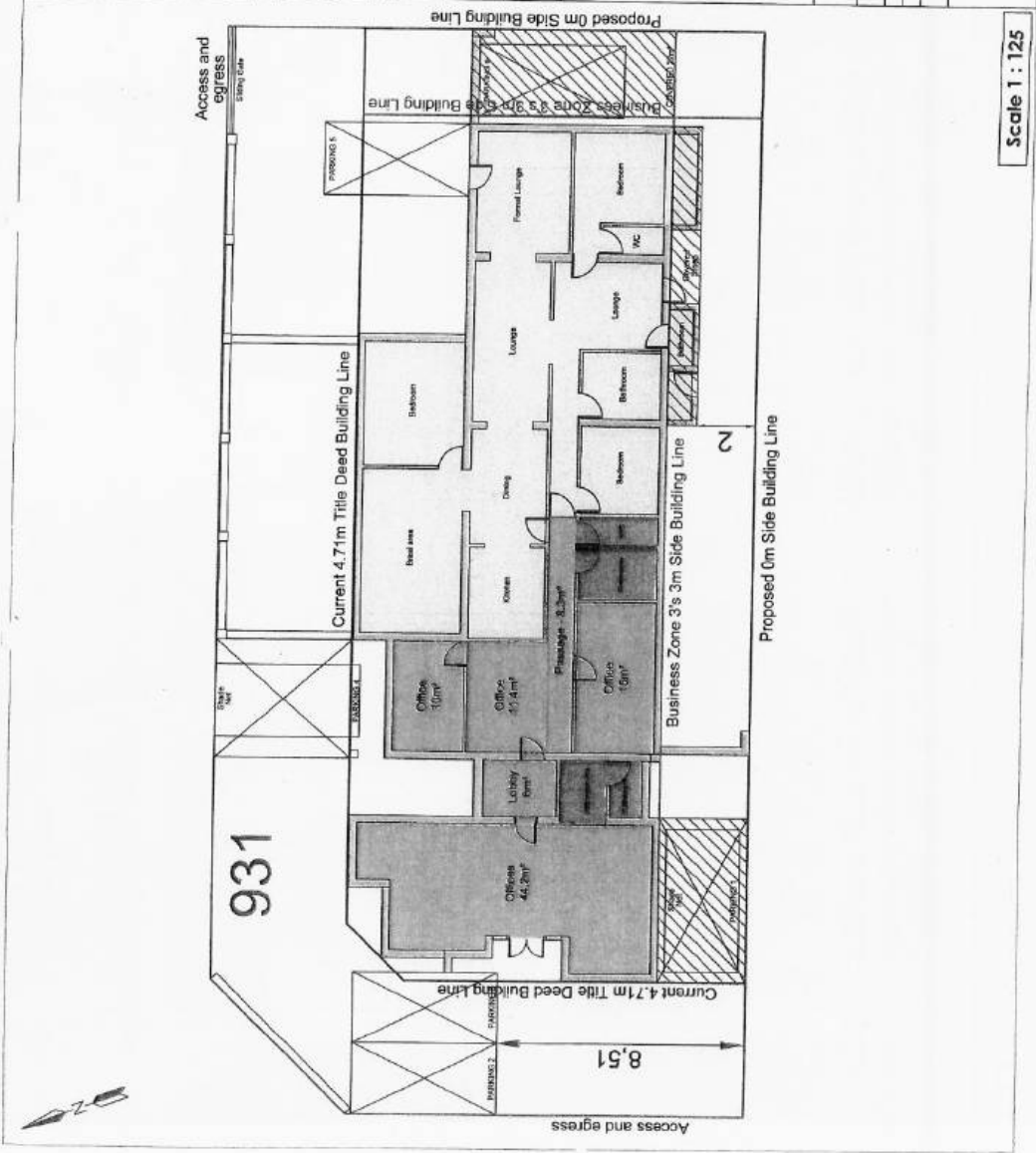
Email: [admin@wrapgroup.co.za](mailto:admin@wrapgroup.co.za)

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



<b>Site Development Plan</b> Erf 931 Sandbaai	
G.L.A. of Business	
Office - 44,2m <sup>2</sup>	
Lobby - 6m <sup>2</sup>	
Office - 10m <sup>2</sup>	
Office - 11,4m <sup>2</sup>	
Office - 15m <sup>2</sup>	
Passage - 8,3m <sup>2</sup>	
Total G.L.A. = 94,3m <sup>2</sup>	
Coverage	
Total Coverage = 342,7m <sup>2</sup>	
Property Extent = 685m <sup>2</sup>	
Coverage - 50,03%	
Total allowable coverage - 75%	
Parking	
Parking required for five office =	
4 parking bays	
(4 parking bays per 100m <sup>2</sup> of G.L.A)	
Parking required for the dwelling unit =	
2 parking bays	
(2 parking bays per dwelling)	
 Building Line Encroachment Areas	

Plan prepared by Thun Jansen  
 Planning & Project Management  
 Smart Solution Architecture and Urban Design  
 All distances are approximate  
 and subject to a survey  
 Tel: 028 213 1411  
 Email: admin@wprap.co.za  
 Unit 8, Sandnet House, Corner of Bay and Orlia Uys  
 Street, Hermanus, 7200



Scale 1 : 125

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,  
REZONING, CONSENT USE & DEPARTURE: ERF 931, SANDBAAI**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through Erf 931, Sandbaai, unobstructed;

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

23/11/2021  
**DATE**

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Portfolio Committee: Investment & Infrastructure  
2 June 2022  
(Also the agenda for the Mayoral Committee Meeting: 27 June 2022)**

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**13. ERF 3941, 266 EIGHT STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY AND DEPARTURE: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF LF BIDEN**

**3941 HVK**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**23 March 2022**

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**Executive Summary**

An application has been received on 5 May 2021 from Messrs PlanActive Town- and Regional Planners on behalf of LF Biden the owner of Erf 3941, Hermanus (Voëlklip) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ the determination of an administrative penalty in terms of Section 16(2)(q);
- ❖ departure in terms of Section 16(2)(b) for the following:
  - relaxation of the northern lateral building line from 2m to 0m to accommodate the change of use (existing en-suite bedroom and laundry room) and a new roof section addition to the laundry room on the 0m rear building line;
  - relaxation of the western lateral building line from 2m to 0m to accommodate the change of use on the 0m western lateral building line (existing en-suite bedroom), and
  - deviate from the minimum parking bay length of 5m to 4,5m as stipulated in Section 17.1.5(a) of the Overstrand Municipality's Land Use Scheme (2020) to accommodate parking bays no. 2 and 3.

**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 3941, Hermanus (Voëlklip) for the following:
  - ❖ relaxation of the northern lateral building line from 2m to 0m to accommodate the change of use (existing en-suite bedroom and laundry room) and a new roof section addition to the laundry room on the 0m rear building line, and
  - ❖ relaxation of the western lateral building line from 2m to 0m to accommodate the change of use on the 0m western lateral building line (existing en-suite bedroom),

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

2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 3941, Hermanus (Voëlklip) for the following:
  - ❖ deviate from the minimum parking bay length of 5m to 4,5m as stipulated in Section 17.1.5(a) of the Overstrand Municipality's Land Use Scheme (2020) to accommodate parking bays no. 2 and 3.

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

3. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-law for the unauthorised land use activities stipulated above, **be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
4. that the approvals in 1. above be subject to the following conditions:
  - (a) that the encroachments be restricted to the dimensions as indicated on drawing no. *MB-H-100 & MB-H-101* as submitted with the application;
  - (b) that the conditions of Engineering Services (attached as Annexure D), be complied with;
  - (c) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
  - (d) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
5. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

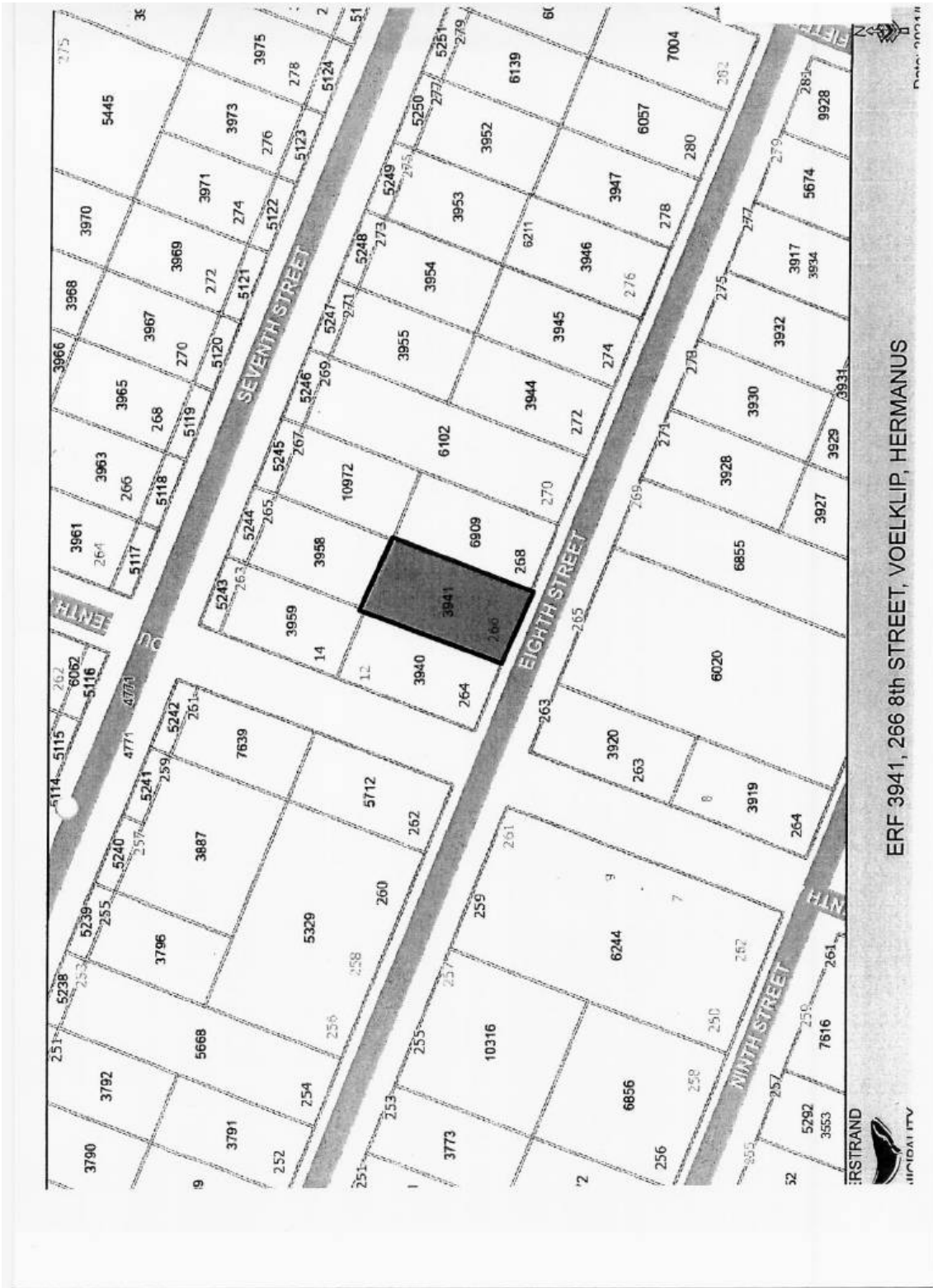
#### **REASONS FOR RESOLUTION**

- ❖ The application has followed due procedure.
- ❖ No objections were received from the public.
- ❖ It is in line with policy documents.
- ❖ The proposed departures have no impact on the adjacent property.
- ❖ It is noted that there are sufficient space on the property to develop an additional parking bay without the need to deviate from the parking bay requirements.

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- ❖ The existing structures will be unobtrusive and will be compatible with the existing built environment including the character of the dwelling.
- ❖ The property owner bought the property with the contraventions already in place and more than 20 years have passed since the approval of the building plan where on the contraventions were first shown.



ERF 3941, 266 8th STREET, VOELKLIP, HERMANUS





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY &  
DEPARTURE: ERF 3941, 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 3941, Voelklip, unobstructed;
7. that no on-street parking be allowed.

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

*26/07/2021*  
**DATE**

**AGENDA of the  
Portfolio Committee: Investment & Infrastructure  
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**14. PORTIONS 180 AND 181 (PORTIONS OF PORTION 80) OF FARM AFDAKS RIVIER NO. 575, BENGUELA COVE, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION: GEOMATICS AFRICA ON BEHALF OF JP VAN DER WESTHUIZEN**

**HBENG 180 & 181/575 (3922/2021)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**7 April 2022**

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**Executive Summary**

An application was received on 1 December 2021 from Geomatics Africa on behalf of JP van der Westhuizen in terms of Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the consolidation of Portions 180 & 181 of Farm Afdaks Rivier No. 575, Benguela Cove to create a consolidated erf measuring  $\pm 4010\text{m}^2$  in extent.

**RESOLVED :**

1. that the application in terms of Section 16.(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the consolidation of Portions 180 & 181 of Farm Afdaks Rivier No. 575, Benguela Cove to create a consolidated erf measuring  $\pm 4010\text{m}^2$  in extent, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the consolidation be as per Diagram dated August 2021 as submitted with the application;
  - (b) that building plans be submitted to the Building Control Department, and that all conditions set by the Building Control- 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;
  - (e) that this is not an approval in terms of any other legislation, and
  - (f) that the development footprint for the dwelling be to the satisfaction of the Homeowners Association, and so clearly indicated on any future building plans to be submitted for the new

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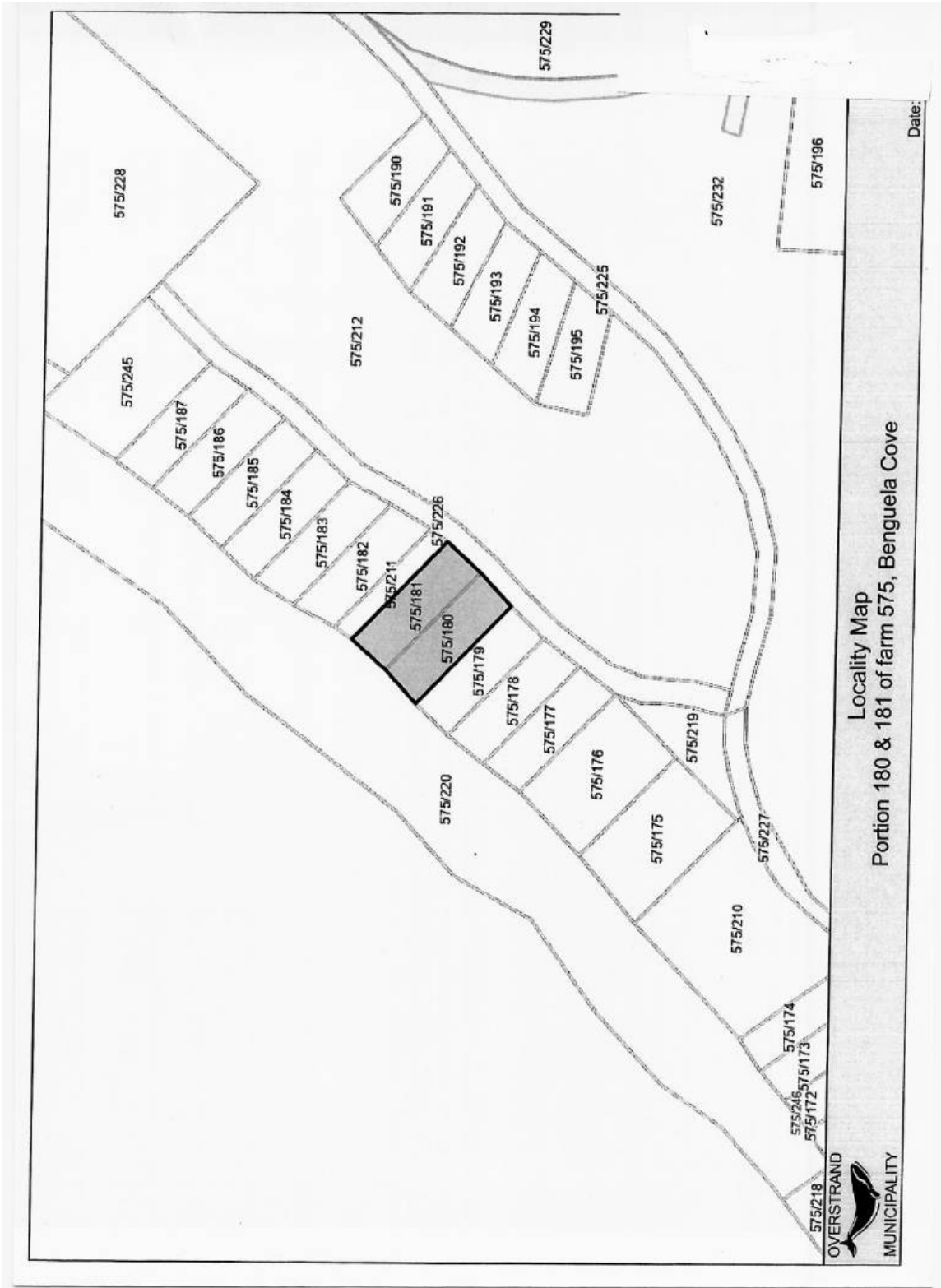
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property.

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 regards to the above decision.

**REASONS FOR RESOLUTION**

- ❖ All municipal departments support the application.
- ❖ The consolidation 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 from Municipal Departments or State/Private Institutions.
- ❖ The application is in line with the Planning Principle.
- ❖ The application is desirable and supported.



**Components:**

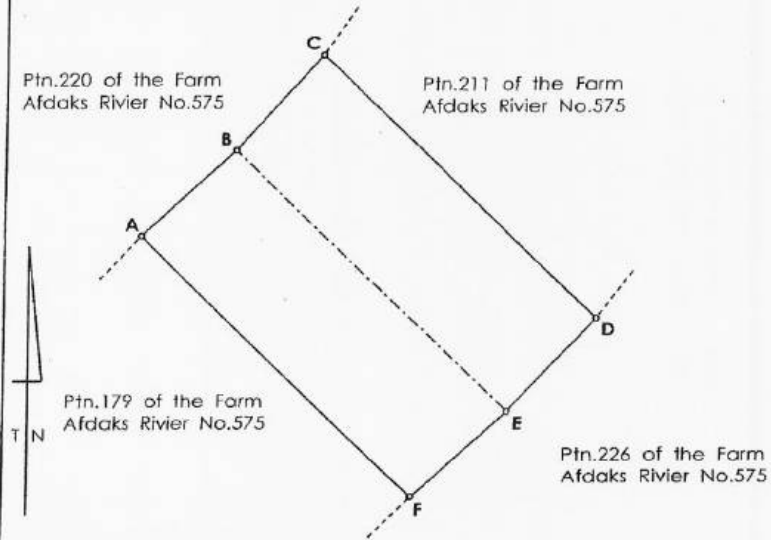
1. The figure ABEF represents Ptn.180 of the Farm Afdaks Rivier no.575 vide GP No. 6440/2004.
2. The figure BCDE represents Ptn.181 of the Farm Afdaks Rivier no.575 vide GP No. 6440/2004.

S.G. No.

Approved

Surveyor-General

GP No 6440/2004



Scale 1:1000

The figure A B C D E F represents 4010 Square Metres of land, being

**PORTION OF THE FARM AFDAKS RIVIER NO 575 (Comprising 1 and 2 as above)**

situate in Overstrand Municipality  
 Administrative District of Caledon Province Western Cape  
 Compiled in August 2021  
 by me

*N. Clark*

**NA Clark**  
 Professional Land Surveyor  
 Registration Number PLS 1072

This diagram is annexed to No. dated i.f.o. Registrar of Deeds	The original diagrams are as indicated above.	File No. S.R. No. Comp. AI-3A(3342) AI-3ADC(3350)
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSOLIDATION: PTN 180 & 181 (PORTION OF  
PORTION 80) OF FARM AFDAKS RIVIER NO.575, BENGUELA COVE  
(3736)**

Electricity	:	Escom area
Water	:	In Order
Sewer	:	In Order
Stormwater	:	In Order
Roads and traffic	:	In Order

**Conditions:**

1. that the Department Engineering Services has No Comment.

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

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

**AGENDA of the  
Portfolio Committee: Investment & Infrastructure  
2 June 2022  
(Also the agenda for the Mayoral Committee Meeting: 27 June 2022)**

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Municipal Planning Tribunal

1. **ERF 365, 52 SCHNEIDER STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLANACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF J BOTHMA**

**365 GFK (3725/2021)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**4 April 2022**

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**Executive Summary**

An application has been received 19 August 2021 from Messrs PlanActive Town- and Regional Planners on behalf of J Bothma in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 365, Franskraal for the following:

- ❖ removal in terms of Section 16(2)(f) of the By-Law of restrictive title condition C.20(d) contained in Title Deed T39629/2013, to accommodate the existing building;
- ❖ departure in terms of Section 16(2)(b) of the By-Law for the relaxation of the street building line from 4m to 2,2m to accommodate the existing covered stoep (first floor) and ground floor store;
- ❖ departure in terms of Section 16(2)(b) of the By-law for the relaxation of the street building line from 4m to 2,2m to accommodate a proposed covered stoep and ground floor bedrooms and living room additions;
- ❖ departure in terms of Section 16(2)(b) of the By-law for the relaxation of the south-eastern lateral building line from 2m to 0,86m to accommodate the existing braai room as well as the proposed replacement roof;
- ❖ determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law to accommodate the existing building.

**RESOLVED :**

1. that the late objection be noted;
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) received from Messrs PlanActive Town- and Regional Planners on behalf of J Bothma on Erf 365, Franskraal for the removal of restrictive title deed condition C.20(d) as contained in Title Deed T39629/2013, to accommodate the existing building, **be approved** in terms of the provisions of Section 61 of the By-Law;

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3. that the application for departure in terms of Section 16(2)(b) of the By-Law on Erf 365, Franskraal for the following:
  - ❖ to relax the street building line from 4m to 2,2m to accommodate the existing covered stoep (first floor) and ground floor store;
  - ❖ to relax the street building line from 4m to 2,2m to accommodate a proposed covered stoep and ground floor bedrooms and living room additions, and
  - ❖ to relax the south-eastern lateral building line from 2m to 0,86 to accommodate the existing braai room as well as the proposed replacement roof;
4. **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the applicant **be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law applicable to Erf 365, Franskraal;
5. that the decisions in paragraphs 2. to 3. above be subject to the following conditions:
  - (a) that the development be implemented strictly in accordance with the Site Development Plan (attached as Annexure C);
  - (b) that the covered stoep may not be permanently enclosed;
  - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department, be complied with at that stage
  - (d) that all the conditions in the Services Report (attached as Annexure G), be complied with.
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
  - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
6. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

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**REASONS FOR RESOLUTION**

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



**PLA n** Stads- en Streekskeplanners  
**Active** Town & Regional Planners

Property description:  
**ERF 365**  
**FRANKSRAAL**

PLAN Description:  
**LOCALITY MAP**

Scale: 1:1000  
 Drawing No: 1000/1000  
 Date: AUGUST 2021

All dimensions approximate and related to survey.  
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR: REMOVAL OF RESTRICTIVE TITLE DEED  
CONDITIONS, DEPARTURE & DETERMINATION OF AN  
ADMINISTRATIVE PENALTY: ERF 365, FRANSKRAAL**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing, standard electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 365, Franskraal, unobstructed;
6. that no on-street parking be allowed.

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

*26/10/2021*  
 DATE