

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

4 May 2022

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**AGENDA of the
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4 May 2022
(Also the agenda for the Mayoral Committee Meeting: 30 May 2022)**

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

15/3/11

R Kuchar

Senior Manager: Town & Spatial Planning

15 APRIL 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 March 2022 - 15 April 2022.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town and Spatial Planning

3. Compliance with Strategic Priority

Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background

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

7. Financial Implications

None

8. Staff Implications

None

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9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

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

RECOMMENDATION:

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

1.	Farm 575/6, Afdakrivier, Hawston	14 March 2022
2.	Erf 4997, 30 De Villiers Street, Onrustrivier	15 March 2022
3.	Farm 698/1, Grootbos, Gansbaai	28 March 2022
4.	Erf 1, 16 Andrew Street, Gansbaai	29 March 2022
5.	Erf 4989, 10 Hardepeer Avenue, Kleinmond	31 March 2022
6.	Erf 542/158, Arabella, Kleinmond	31 March 2022
7.	Erf 7081, 18 Aster Street, Mount Pleasant	31 March 2022
8.	Erf 2993, 85 Seaview Drive, Hawston	4 April 2022
9.	Erf 3131, 6 Gahl Street, Hawston	4 April 2022
10.	Erf 2986, 1 Hess Street, Hawston	4 April 2022
11.	Erf 1012, 42 Musson Street, Eastcliff	8 April 2022
12.	Erf 102, 86 Westcliff Road, Westcliff	8 April 2022
13.	Erf 2859, 3 Arum Street, Onrustrivier	11 April 2022
14.	Erven 1436, 41 Kanderlaar Street, Vermont	11 April 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 31 March 2022:

1.	Erf 67, 58 Naude Street, Franskraal	31 March 2022
2.	Erf 322, 200 Piet Retief Crescent, Sandbaai	31 March 2022
3.	Erf 612, 33 Sea View Drive, Hawston	31 March 2022
4.	Farm 633/35(16), Rocklands	31 March 2022

RESPONSIBLE OFFICIAL:

L SMUTS

TARGET DATE FOR IMPLEMENTATION:

13 JUNE 2022

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

15/3/11

R Kuchar

15 APRIL 2022

Senior Manager: Town & Spatial Planning

(028) 313 8900

**THIS MATTER SERVED BEFORE THE PORTFOLIO COMMITTEE ON 4 MAY 2022,
WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL:

L SMUTS

TARGET DATE FOR IMPLEMENTATION:

13 JUNE 2022

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Spatial Land Use Management Act (SPLUMA) Approvals

1. **PORTION 6 OF FARM 575, AFDAKSRIVIER, A DIVISION OF CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE, APPROVAL OF STREET NAMES AND NUMBERS AND ESTABLISHMENT OF PROPERTY OWNERS' ASSOCIATION: URBAN DYNAMICS SOUTH CAPE ON BEHALF OF AFDAKSRIVIER EIENDOMSONTWIKKELING (PTY) LTD**

RCAL 6/575 (3787/2021)

H Olivier

(028) 313 8900

Hermanus Administration

10 February 2022

EXECUTIVE SUMMARY

An application has been received on 10 August 2021 from Messrs Urban Dynamics Town & Regional Planners on behalf of Afdaksrivier Eiendomsontwikkeling (Pty) Ltd on Portion 6 of Farm 575, Afdaksrivier in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the following:

- ❖ **subdivision** in terms of Section 16.(2)(d) of the By-Law to subdivide the above property in 2 portions namely; Portion A (± 19,58ha) and a Remainder (± 65,48ha);
- ❖ **rezoning** of Subdivided Portion A to Subdivisional Area (SA) for Business and related uses in terms of Section 16.(2)(a) of the By-Law;
- ❖ **rezoning** in terms of Section 16(2)(a) of the By-Law of the newly created Portion A from Agricultural Zone 1: Agriculture (AGR1) to Subdivisional Area (SA) to accommodate the further subdivision in terms of Section 16.(2)(d) to create the following:
 - 2 Business zone III erven,
 - 68 Business zone II erven,
 - 3 Open space zone III erven (Private open space),
 - 2 Transport zone II erven (Private road),
 - 1 Transport zone II erf (Public road),
 - 1 Electrical servitude area
- ❖ **consent use** in terms of Section 16.(2)(o) of the By-Law to accommodate warehouses (including service trade) on the 68 Business zone II erven.
- ❖ **approval of street names and numbers** in terms of Section 96 of the By-Law; and

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- ❖ **establishment of property owners association** in terms of Section 31 of the By-Law.

RESOLVED :

1. that in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 6 of Farm 575, Afdakrivier to subdivide the property in two portions namely, Portion A ($\pm 19,85$ ha) and a Remainder ($\pm 65,48$ ha); be approved in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 6 of Farm 575, Afdakrivier to Subdivisional Area (SA), for the rezoning of Portion A to business and related uses, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16.(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Portion 6 of Farm 575, Afdakrivier for the rezoning of the newly created Portion A from Agricultural Zone 1: Agriculture (AGR1) to Subdivisional Area (SA) and to accommodate the further Subdivision in terms of Section 16(2)(d) to create the following:
 - 2 Business Zone III erven
 - 68 Business Zone II erven
 - 3 Open Space Zone III erven (Private Open Spaces)
 - 2 Transport Zone II erven (Private roads)
 - 1 Transport Zone II erf (Public Road)
 - 1 Electrical servitude area

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

4. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amended By-law on Municipal Land Use Planning, 2020 on Portion 6 of Farm 575, Afdakrivier for a consent use to accommodate warehousing (including service trade) on the 68 Business zone II erven, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the application in terms of Section 96 of the Overstrand Municipality Amended By-law on Municipal land Use Planning, 2020 on Portion 6 of Farm 575, Afdakrivier for approval of street names and numbers as indicated on the Plan dated October 2021 being Flagship Road, Peninant Street, Forestay Crescent, Meridian Road and Windward Road (attached as Annexure C), **be approved** in terms of the provisions of Section 61 of the By-Law,

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6. that the application in terms of Section 31 of the Overstrand Municipality Amended By-law on Municipal Land Use Planning, 2020 on Portion 6 of Farm 575, Afdakrivier to allow the establishment of Property Owners Association, **be approved** in terms of the provisions of Section 61 of the By-Law,
7. that the approvals in Points 1 to 6 above be subject to the following conditions:
 - (a) that development be in line with Site Development Plan dated March 2022 submitted with this application;
 - (b) that the Flagship Architectural Design Guidelines with the Landscape Plan, approved by this office in April 2021, which incorporated the conditions of approval of other departments, be applied to this development and be complied with (attached as Annexure K);
 - (c) that the land use on the Business Zone II erven be limited to warehousing purposes (which includes service trades);
 - (d) that this approval does not absolve the applicant/owner from compliance with any other relevant legislation;
 - (e) that a Business Owners Association be established with compulsory membership for all property owners within the development, and that this body assumes responsibility (including costs) for the provision, maintenance, management, etc. of all the internal facilities;
 - (f) that the Constitution of the Business Owners' Association be submitted for approval by the Municipality (who reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
 - (i) the approval of building plans by an estate architect prior to submission thereof to the Municipality, and
 - (ii) that the constitution clarifies at what stage the responsibility for the provision/maintenance of internal services, facilities would be transferred from the landowner/developer to the Business Owners Association.
 - (g) that the internal services and facilities in the development remains the responsibility of the developer, his successor in title or the Business Owners' Association;
 - (h) that all the conditions of approval imposed by Heritage Western Cape (attached as Annexure D) be complied with;
 - (i) that all the conditions by Western Cape Nature (attached as Annexure

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- E) be complied with;
- (j) that all the conditions imposed by BGCMA (attached as Annexure F) be complied with;
- (k) that all the conditions in the Services Report (attached as Annexure G) be complied with;
- (l) that all the conditions imposed by Eskom (attached as Annexure H) be complied with;
- (m) that all the conditions imposed by Western Cape Government : Transport and Public Works (attached as Annexure I) be complied with, or as amended;
- (n) that all the conditions imposed by the Western Cape Government : Environmental Affairs and Development Planning in their record of decision and the approval for the extension of the validity period (attached as Annexure J) be complied with;
- (o) that any conditions by Overberg District Health be complied with;
- (p) that all conditions by Telkom be complied with, and
- (q) that the development complies with the National Building Regulations SANS 10400(T) regarding Fire Safety.
8. 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

- ❖ No objections were received from the public or municipal or State Departments.
- ❖ The area is already approved as a Business area with Business rights, and desirability was already proven for this development.
- ❖ This application will only re-instate the existing development rights and not provide additional rights.
- ❖ The developer has already started with development and need this re-instatement of the approval to ensure the business rights does not lapse prior to the registration of erven.

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- ❖ The Architectural Guidelines and Landscape Plan for the development has already been approved, and the landowner also acted on the EIA approval.



Farm 575/6



Locality Map
Farm 575 Ptn 6 Hawston

Date: 2022/03/09

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE, APPROVAL
OF STREET NAMES AND NUMBERS & ESTABLISHMENT OF PROPERTY
OWNERS ASSOCIATION: PTN 6 OF FARM 575, AFDAKSRIVIER, A DIVISION
OF CALEDON (NORTG OF HAWSTON)**

Stormwater (SW)	:	According to the master plan by the developer
Electricity	:	Escom Supply Area
Sewer	:	See condition 21
Water	:	According to GLS Report
Roads and traffic	:	According to the TIA report

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:

Business Zone II- Equivalent Units:

Water	R 24 915.00 x 303.008=	R 7 549 444.32
Sewerage	R 16 799.12 x 303.0079=	R 5 090 266.07
Solid Waste	R 1 505.92 x 487.3197=	<u>R 733.864.48</u>
TOTAL (inclusive of VAT)	=	R13 373 574.87

Note:

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

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

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

12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for works of Civil Engineering Construction – 2004, of 12 months, and
13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
14. that the developer furnish the Council with a bank guarantee equal to 2.5% of the value of the provided municipal civil and electrical services as certified by the independent professional engineer/technologist. The guarantee shall be to the satisfaction of the Director: Infrastructure and Planning and valid for the 12 months maintenance period which commences from date of the Certificate of Completion;
15. that the Home Owners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;
16. that the developer provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
17. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be proved with the following:
 - a. properly ventilated;
 - b. a cement floor;
 - c. a tap and running water, as well as a drainage point which is connected to the sewer network;
 - d. is a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
18. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Director: Infrastructure and Planning;
19. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
20. that the above stormwater management plan include the following:
 - 20.1 pre-development run-off from the catchment area;
 - 20.2 post-development run-off from catchment area;

- 20.3 existing stormwater reticulation system and the capacity thereof;
- 20.4 connection of internal stormwater reticulation system;
- 20.5 overland escape routes
21. that should additional sewer capacity not be available at the Waste Water Works as specified in a letter dated 05 May 2009, the developer will be responsible for the upgrading of the additional capacity, at the Hawston Waste Water Works , for the proposed development;
22. that the water reticulation system be upgraded according to the report dated 07 October 2008, by messers GLS Consulting Engineers at the developers cost;
23. that the conditions of the Department of Transport & Public Works, as set out in their letter dated 12 September 2011 be complied to, at the developer's cost;
24. that the developer apply for a temporary water connection on the prescribed application form at Overstrand Municipality's Finance Department, before commencement of construction;
25. that the developer apply for a bulk water connection on the prescribed application form, at Overstrand Municipality's Finance Department and that the installation of the bulk water meter, by the developer, be done under the supervision of the Operational Manager, Hermanus;
26. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

23/11/2021
DATE

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**2. ERF 4997, 30 DE VILLIERS STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE: SMART SOLUTIONS
ARCHITECTURE ON BEHALF OF JJM PRINS**

4997 HON (3762/2021)

H Olivier

(028) 313 8900

Hermanus Administration

3 March 2022

Executive Summary

An application has been received on 9 September 2021 from Smart Solutions Architecture on behalf of JJM Prins on Erf 4997, 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 eastern lateral building line from 2m to 0,417m to accommodate a new carport on lower ground floor level and to relax the same building line to 0,805m to accommodate a proposed new enclosed staircase and new covered stoep on ground floor level.

RESOLVED :

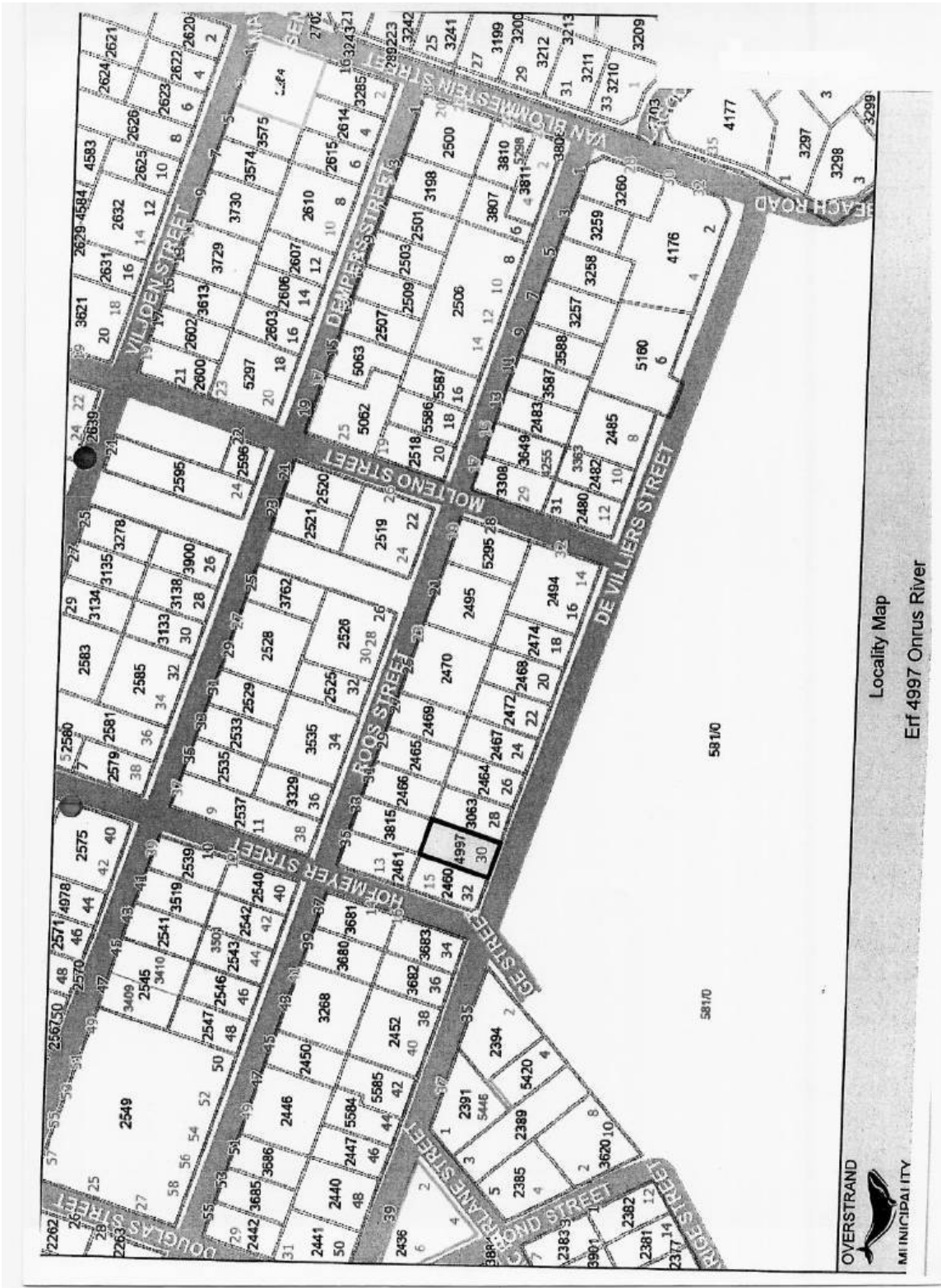
1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to relax the eastern lateral building line from 2m to 0,417m to accommodate a new carport on lower ground floor level and to relax the same building line to 0,805m to accommodate a proposed new enclosed staircase and new covered stoep on ground floor level, be approved in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the relaxations as indicated on plans 10636/A2/03 to 08 (REV 03) dated 14 July 2021 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;

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- (e) that the conditions in the Services Report (attached as Annexure D), be complied with;
 - (f) that the conditions imposed by Telkom (attached as Annexure E), be complied with;
 - (g) that the conditions imposed by Eskom (attached as Annexure F), be complied with, and
 - (h) that the conditions imposed by Heritage Western Cape (attached as Annexure G), 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.
- ❖ The application is considered desirable.



OVERSTRAND
MUNICIPALITY

Locality Map
Erf 4997 Onrus River

GENERAL NOTES:

- ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- ALL WORK IS TO BE ACCORDING TO THE NATIONAL BUILDING REGULATIONS AND ALL APPLICABLE BY-LAWS.
- ALL MATERIALS TO BE USED ARE TO BE OF THE BEST QUALITY AND APPROVED BY THE ENGINEER.
- ALL WORK IS TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- THE CONTRACTOR IS TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
- ALL UTILITIES ARE TO BE IDENTIFIED AND PROTECTED PRIOR TO COMMENCEMENT OF WORK.
- ALL FOUNDATIONS ARE TO BE CONFORM WITH THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS.
- ALL ROOFING IS TO BE ACCORDING TO THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS.
- ALL ELECTRICAL AND PLUMBING WORK IS TO BE INSTALLED IN ACCORDANCE WITH THE RELEVANT STANDARDS.
- ALL WORK IS TO BE COMPLETED TO THE SATISFACTION OF THE ENGINEER.

SMART SOLUTION ARCHITECTURE

ALTERNATIONS AND ADDITIONS
HOUSE FRIMS
89F 69T
21 DE VILLIERS STREET
DUBLIN
D08B3A7A00

DATE: 14-07-2021
DRAWN BY: D SWART
CHECKED BY: PSATAR 69337
SCALE: AS SHOWN
PROJECT NO: 10883A7A00
PAGE NO: 3

site plan showing levels and existing footprint
scale 1:100

aerial view (google maps)
scale N.T.S.

STRUCTURES SET-OUT:
BOUNDARY WALLS TO BE CONFORM WITH THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS.
ROOFING TO BE ACCORDING TO THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS.
ALL ROOFING TO BE REGISTERED TO THE DISTRICT.

site survey (copy)
scale N.T.S.

SG diagram (copy)
scale N.T.S.

MUNICIPAL APPROVAL STAMP

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 4997, 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 4997, 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

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3. PORTION 1 OF THE FARM GROOT BOS NO. 698, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF AN APPROVED SITE DEVELOPMENT PLAN: M LUTZEYER ON BEHALF OF GROOTBOS ACCOMMODATION ENTERPRISES (PTY) LTD

Farm 698/1 (3740/2021)

SW van der Merwe

(028) 313 8900

Hermanus Administration

18 March 2022

Executive Summary

An application was received on 30 August 2021 from M Lutzeyer on behalf of Grootbos Accommodation Enterprises (Pty) Ltd on Portion 1 of the Farm Groot Bos No. 698, Division Caledon in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for consent use in terms of Section 16(2)(o) of the By-law and amendment of the approved Site Development Plan in terms of Section 16(2)(l) of the By-Law in order to develop a Botanical Art Gallery.

RESOLVED:

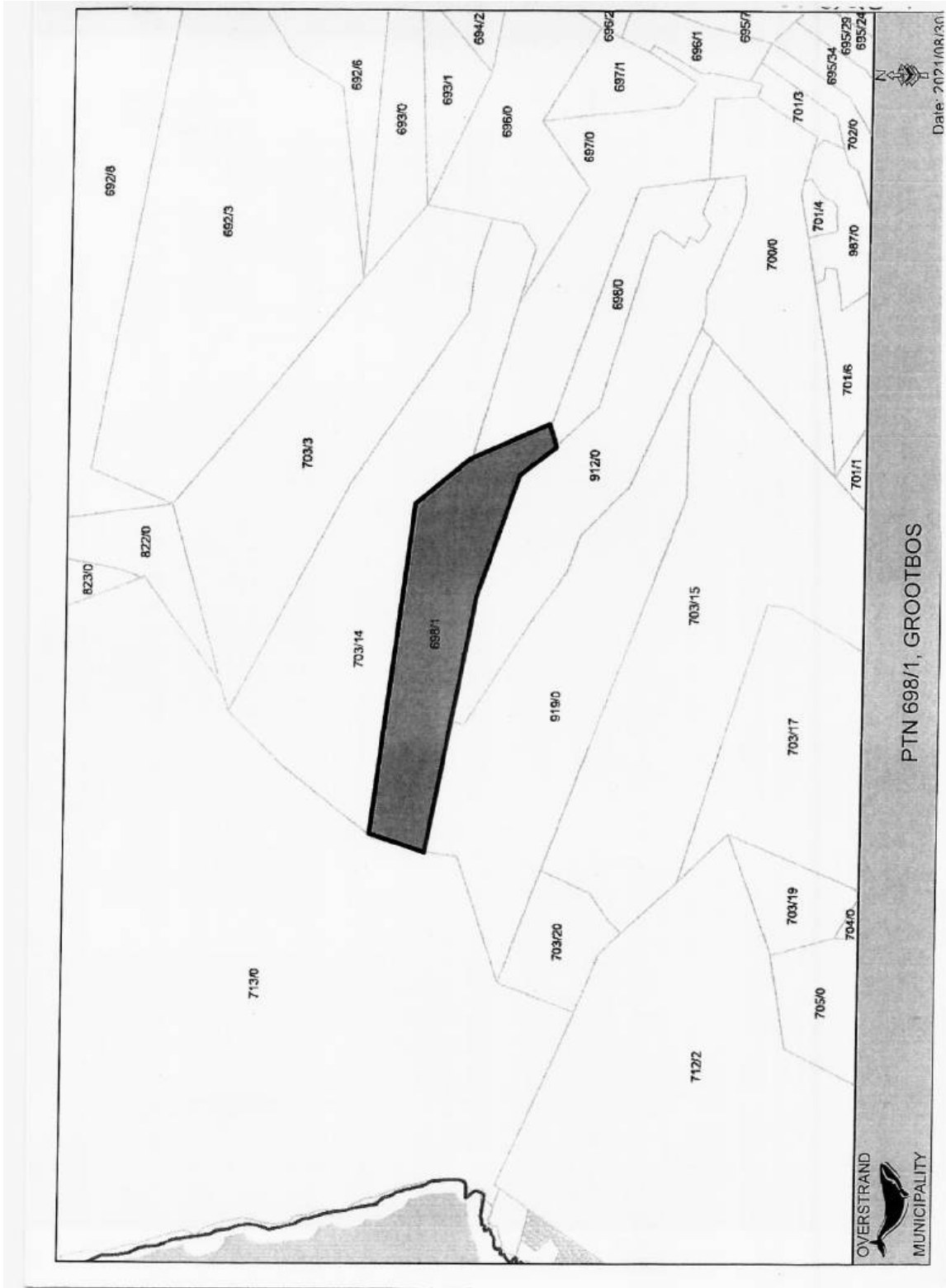
1. that the application for consent use in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) and amendment of the approved Site Development Plan in terms of Section 16(2)(l) of the By-Law in order to develop a Botanical Art Gallery on Portion 1 of the Farm Groot Bos No. 698, Division Caledon, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the development occurs in accordance with the provisions of the Site Development Plan, as submitted with the application (attached as Annexure C);
 - (b) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage
 - (c) that all the conditions in the Services Report (attached as Annexure H), be complied with;
 - (d) that the 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;

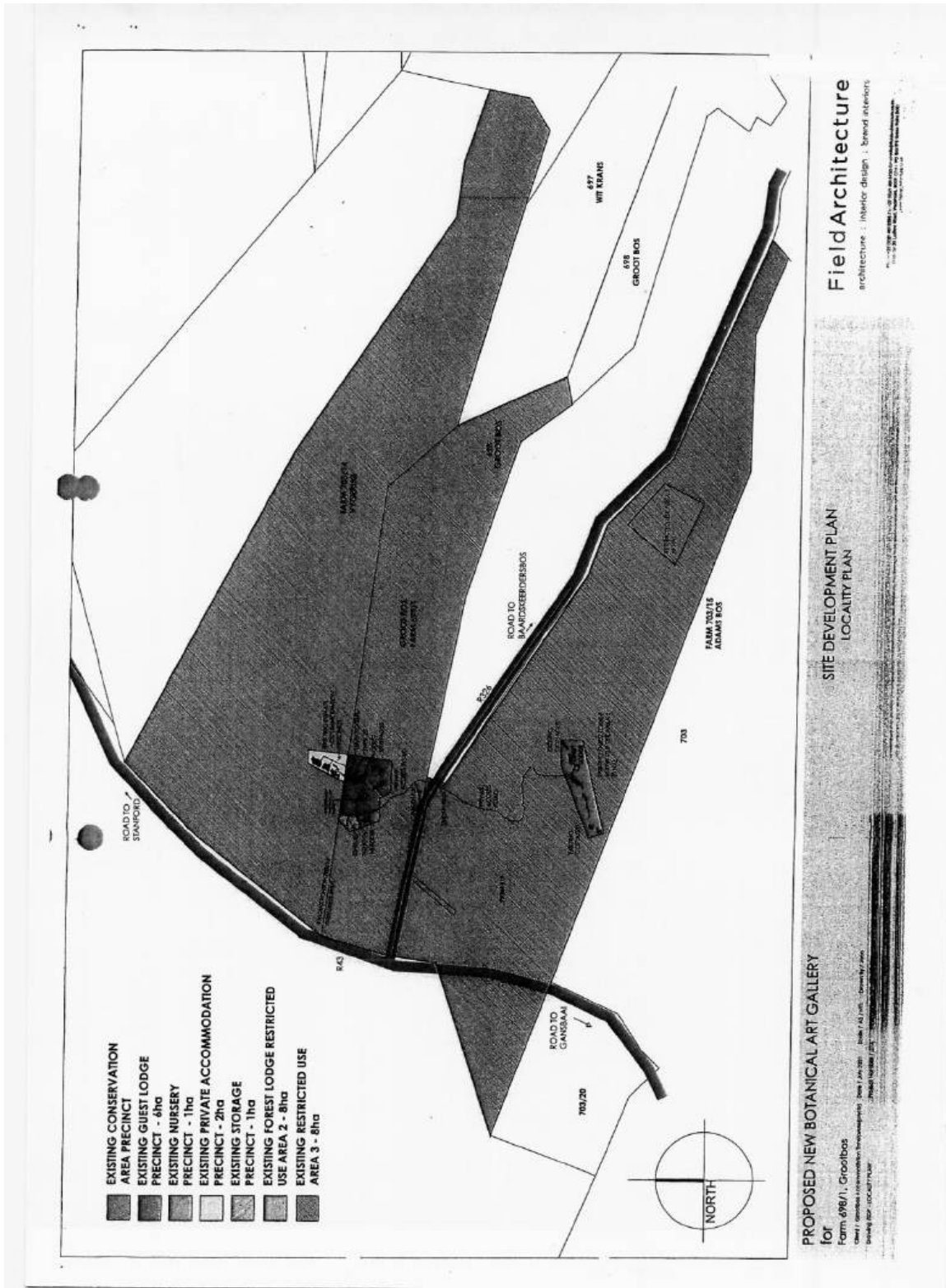
**AGENDA of the
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- (e) that all other development parameters as prescribed in the Special Zone approval dated 24 November 2004 be complied with;
 - (f) that all the conditions from Telkom, Eskom and CapeNature (attached as Annexure E, F and G), be complied with;
 - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (h) 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 Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- The application has followed due procedure.
- None of the internal or external departments have any objection.
- No objections were received from adjacent property owners.
- The proposal is consistent with the SDF
- The proposal is consistent with the Planning Principles as set out in SPLUMA and LUPA.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE & AMENDMENT OF THE APPROVED
SITE DEVELOPMENT PLAN: REMAINDER OF PORTION 1 (GROOTBOS)
OF THE FARM GROOT BOS NO. 698, DIVISION CALEDON**

Water	:	No services available
Sewer	:	In order
Roads and traffic	:	No services available
Stormwater (SW)	:	No services available
Electricity	:	Eskom area

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:

Sewerage (SEW5A)	R 16 799.12 x 1.2320	=R 20 696.52
TOTAL (inclusive of VAT)		<u>R 20 696.5 2</u>

Note:

1.3 The above figures are estimates

2. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;

3. that no water service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (water affairs, health, etc.) for the use of any other water resources and the extraction thereof;
4. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Senior Manager: Engineering Services, Overstrand Municipality;
5. that the developer complies to all the conditions set by Department Of Water Affairs;
6. that the development on Remainder Portion 1 of the proposed property be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operations;
7. that the sewer conservancy tanks must be accessible to the municipal sewer tankers from one of the adjacent public roads, with the parking areas for the sewer tankers, that is provided with a permanent surface according to the layout and specification of the Department: Operations;
8. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
9. that, as no municipal refuse removal services are rendered in the area, the developer is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or-waste disposal facility;
10. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operations;
11. that the developer arrange with Provincial Administration to obtain approval for any new access from the Provincial road.

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

14/02/2022
DATE

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4. ERF 1, 16 ANDREWS STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: JD & E DE VILLIERS

1 GGB (3711/2021)

SW van der Merwe

(028) 313 8900

Hermanus Administration

15 March 2022

Executive Summary

An application has been received on 19 January 2021 from JD & E de Villiers on Erf 1, Gansbaai 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 to encroach the 2,1m height restriction applicable to boundary walls with 0,3m and to accommodate a bathroom in the existing outbuilding (store), which outbuilding encroach the 4m street building line to 2,1m, and
- ❖ determination of an **administrative penalty** in terms of Section 16(2)(q) of the By-law for the unauthorised land use on the property.

RESOLVED :

1. that in terms of Section 16(2)(q) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020, the applicant not be exempted from the payment of an administrative penalty applicable to the Erf 1 Gansbaai.
2. that an administrative penalty of R1515,00 + VAT (5% of the built cost as per the approved municipal tariffs + VAT) be payable within 30 days of the decision.
3. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2020 on Erf 1, Gansbaai to encroach the 2,1m height restriction applicable to boundary walls with 0,3m and to accommodate a bathroom in the existing outbuilding (store), which outbuilding encroach the 4m street building line to 2,1m 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 2113 (1 & 3) and 1816 (2 of 2) dated 23 June 2021 as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval within 30 days of the final approval of the application, and that all conditions of the Building Control– and Fire Departments be

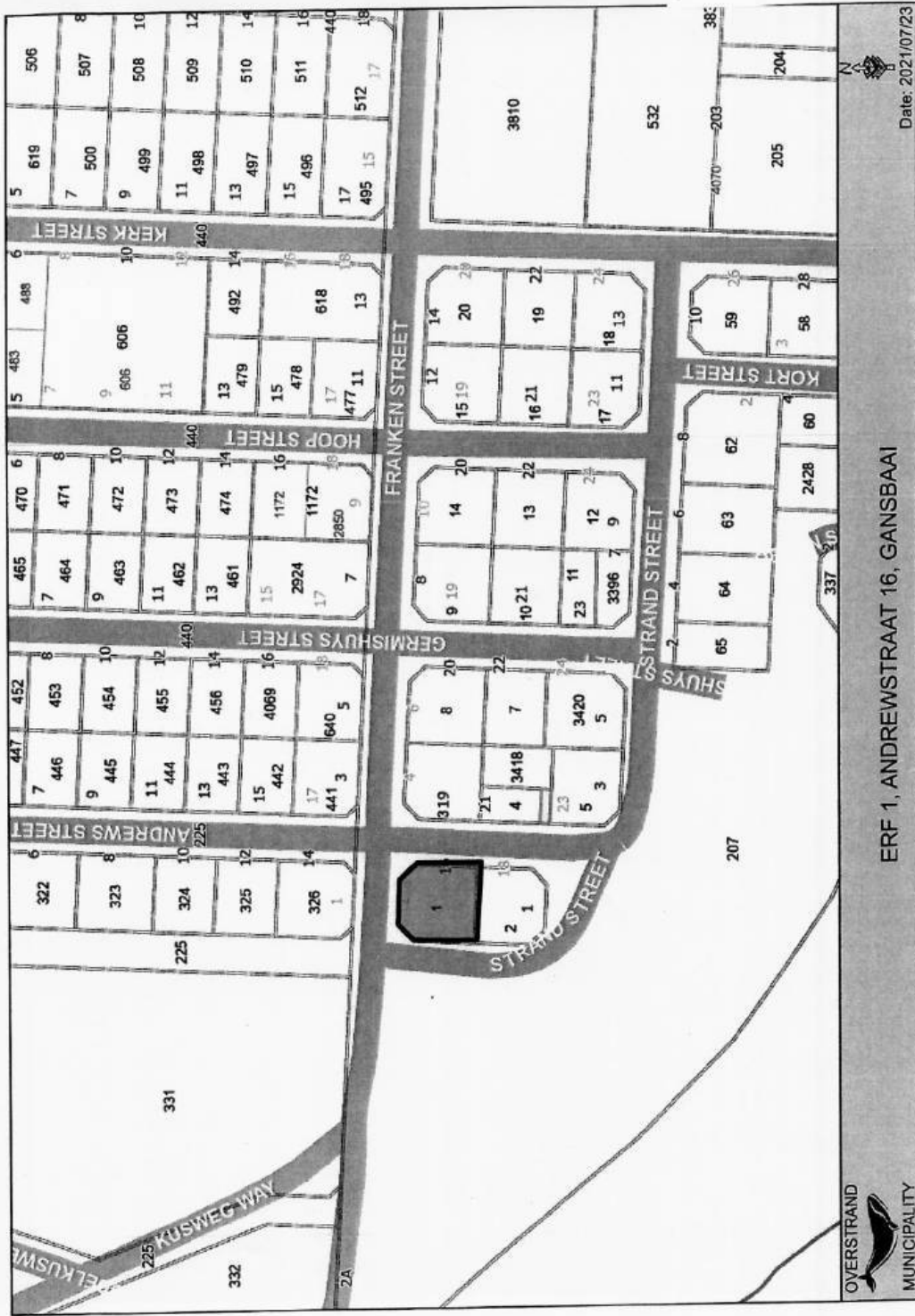
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complied with at that stage;

- (c) that the applicant within 90 days from the final approval submit an occupation certificate in respect of the approved building plans required in paragraph (b) above, demonstrating compliance with the approved building plans to the satisfaction of the authorised official;
 - (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 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 with regard to the above decisions.

REASONS FOR RESOLUTION

- ❖ The development exists and no objections were received.
- ❖ The development does not detract from the character of the area or vested rights of adjoining property owners.
- ❖ The development will not adversely impact upon traffic flows or the safety of road users.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR: DEPARTURE: ERF 1, GANSBAAI**

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 1, Gansbaai, unobstructed;
6. that no on-street parking be allowed.

D.S. R. Hendriks
**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

30-11-2021
DATE

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5. ERF 4989, 10 HARDEPEER AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS FVS TOWN AND REGIONAL PLANNERS ON BEHALF OF LR LATEGAN

4989 KKM

**H van der Stoep
26 October 2021**

(028) 313 8900

Hermanus Administration

Executive Summary

An application was received on 24 February 2021 from Messrs FVS Town and Regional Planners on behalf of LR Lategan on Erf 4989, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law, 2020 (By-Law) for a departure to relax the lateral building line from 2m to 0m to accommodate a laundry room and servant's quarters; and to exceed the 9m restriction of a building on one (1) specific boundary to 19,445m to accommodate the proposed extension of the existing garage / carport.

RESOLVED

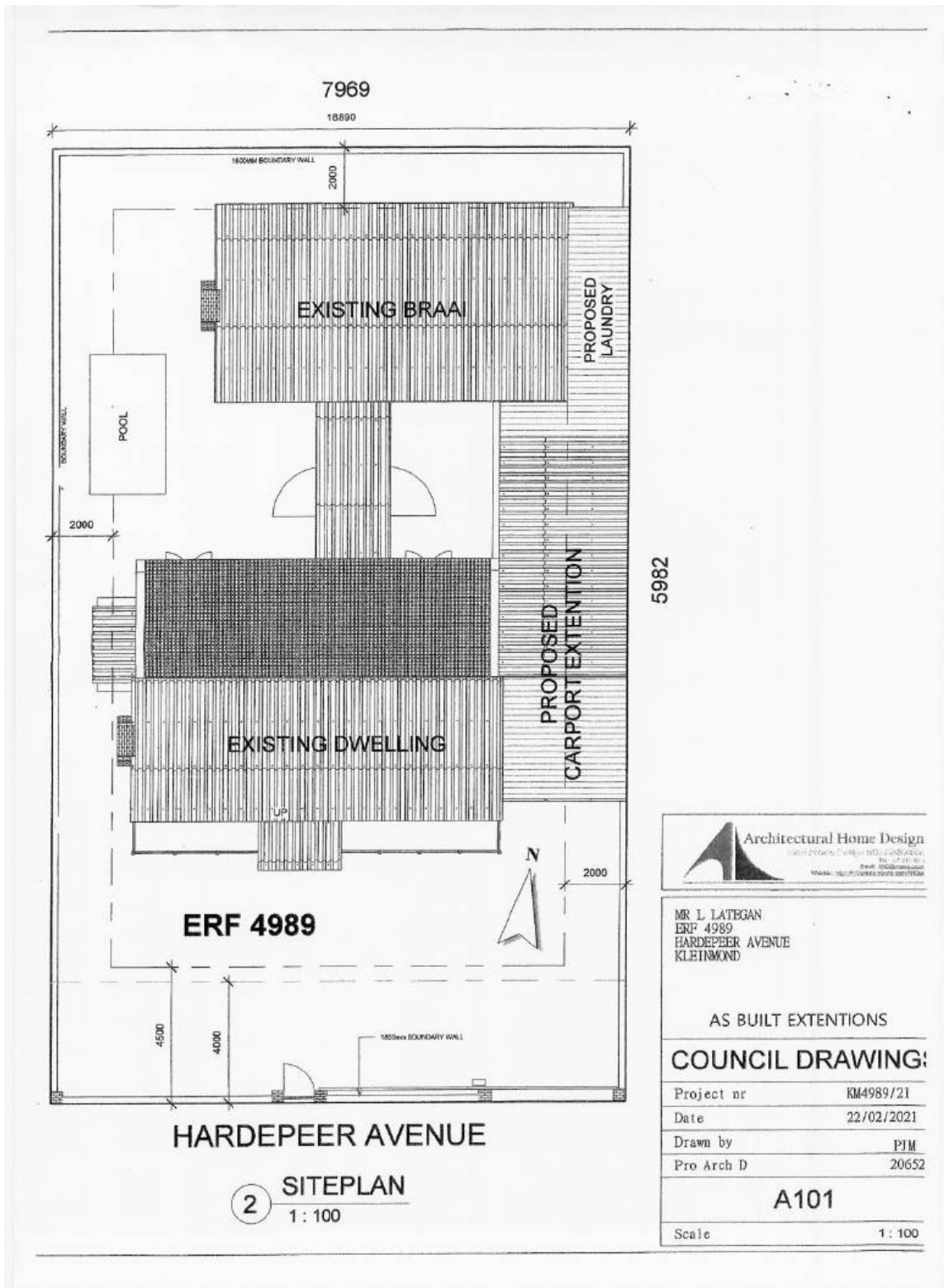
1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-law on Municipal Land Use Planning, 2020 (By-Law) on Erf 4989, Kleinmond for a departure in order to relax the lateral building line to accommodate the extension of the carport and a laundry **be approved** in terms of the provision of the Section 61 of the Municipal Bylaw;
2. that the application in terms of Section 16(1)1 of the By-Law on Erf 4989, Kleinmond for structures over the building line longer than 9m in length to accommodate the outbuildings of 19,445m over the building line on 0m, **be approved** in terms of the provision of the Section 61 of the Municipal By-Law;
3. that the approvals in Points 1. and 2. above be subject to the following conditions:
 - (a) that this approval is only for the departures as indicated on plan KM4989/21 dated 22 February 2021, as submitted with the application;
 - (b) that no more departures over the building lines be allowed;

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- (c) that the staff quarters and laundry may only be utilised as indicated on the building plan. The staff quarters/ laundry may not be used as a second dwelling or let on a short, long term basis and or as a self catering unit.
 - (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; indicating all structures.
 - (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
 - (f) that all the conditions in the Services Report (attached as Annexure D), be complied with.
 - (g) that all 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 with regard to the above decision.

REASONS FOR RESOLUTION

- ❖ The surrounding owners did not object.
- ❖ The departure will have no impact on the surrounding area.
- ❖ The proposed structure will blend in the surrounding area and will not negatively impact vested rights of the adjacent properties
- ❖ The transgression over the building line for the housing of vehicles is allowed, in terms of the Land Use Scheme and no objection was received from the adjacent neighbour.



5982

Architectural Home Design
 1001 27th Street, Cape Town, South Africa
 Tel: +27 21 461 1111
 Email: info@ahd.co.za
 Website: www.architecturalhomedesign.co.za

MR. L. LATEGAN
 ERF 4989
 HARDEPEER AVENUE
 KLEINMOND

AS BUILT EXTENTIONS

COUNCIL DRAWING:

Project nr	RM4989/21
Date	22/02/2021
Drawn by	PJM
Pro Arch D	20652

A101

Scale	1:100
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 4989, 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 4989, Kleinmond, unobstructed;

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

06/04/2021
DATE

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**6. PORTION 158 (A PORTION OF PORTION 4) OF FARM HERMANUS RIVER
NO. 542, 158 KESTREL ROAD, ARABELLA, OVERSTRAND MUNICIPAL
AREA: PROPOSED DEPARTURE: D & A THERON**

RCAL 158/542 (3497/2019)

**H van der Stoep
14 March 2022**

(028) 313 8900

Hermanus Administration

Executive Summary

An application was received on 24 October 2019 (amended 24 November 2020) from D & A Theron in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2015 on Portion 158 (a Portion of Portion 4) of Farm Hermanus River No. 542 for a departure to relax the western lateral building line from 2m to 1,23m and 1,250m respectively to accommodate garden tool storage units and pool pump housing.

RESOLVED :

1. that the application for departure in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Portion 158 (a Portion of Portion 4) of Farm Hermanus River No. 542 for a departure to relax the western lateral building line from 2m to 1,23m and 1,250m respectively to accommodate garden tool storage units and pool pump housing, **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 Plan numbers A19/158/011 to A19/158/013 dated 27 August 2019, as submitted with the application;
 - (b) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (c) 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 By-Law on Land Use Planning, 2015 regarding the above decision.

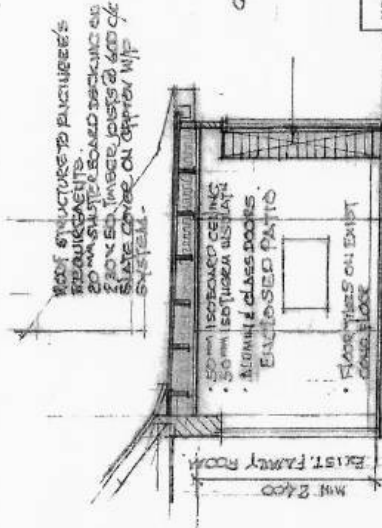
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REASONS FOR RESOLUTION

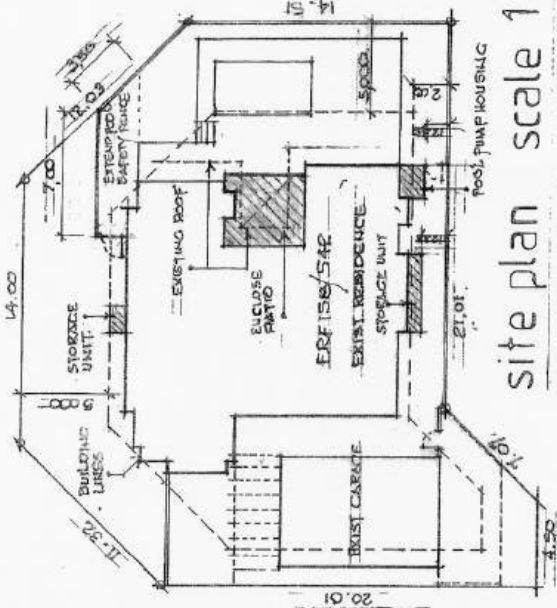
- ❖ No objections were received from adjacent property owners or the HOA.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners.
- ❖ The proposed application fits in with the character of the surrounding area and is desirable.
- ❖ There will be no impact on services.
- ❖ The proposal will make all structures compliant with the National Building Regulations.

ARABELLA COUNTRY ESTATE
AESTHETICS
COMMITTEE
DATE 29/8/2019

GLASS LOUVRES



- NOTES
- General
 - All building work to be in accordance with National Building Regulations and to comply with VA requirements.
 - All building materials to be SABS approved.
 - ALL DIMENSIONS AND LEVELS TO BE CHECKED AND VERIFIED ON SITE BEFORE COMMENCEMENT OF CONSTRUCTION
 - All materials/Installations to be in accordance with manufacturer's instructions.
 - All Electrical and Plumbing to be carried out by Certified and Registered Contractors.
 - The Contractor to provide all required Certificates of Compliance at the completion of the project.
 - Contractor to comply with the requirements of the Arabella Home Owners Association, for contractors
 - Pool safety fence with self closing and latching gate to be in accordance with SANS 10-400/04



ARABELLA 158/542 ALTERATIONS
 Terence Dwyer Architect, Pr Arch. Reg. 937 Box 362 Hermanus 7200 Tel: 028 294 9740
 A19/158/011



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**7. ERF 7081, 18 ASTER STREET, HERMANUS, MOUNT PLEASANT:
APPLICATION FOR DEPARTURE, OVERSTRAND MUNICIPAL AREA: C
APLON ON BEHALF OF DH WEHR**

7081 HMP (3639)

H Boshoff

(028) 313 8900

Hermanus Administration

28 February 2022

Executive Summary

An application for departure was received on 2 June 2020 (amended application on 20 August 2020) from C Aplon in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 7081, Hermanus to:

- a) relax the street building line from 2m to $\pm 250\text{mm}$ and $\pm 1\text{m}$ to respectively accommodate a covered patio and a braai;
- b) relax the eastern lateral building line from 1m to $\pm 250\text{mm}$ to accommodate the braai;
- c) relax the western lateral building line from 1m to 0m to accommodate a shade carport and garage; and to
- d) relax the rear building line from 1m to 0m to accommodate the garage.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 7081, Hermanus (the property) for the relaxation of the street building line from 2m to $\pm 250\text{mm}$ to accommodate a roofed stoep, **not 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 By-Law to relax the street building line from 2m to $\pm 250\text{mm}$ to accommodate a braai, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for departure in terms of Section 16(2)(b) of the By-Law to relax the eastern lateral building line of the property from 1m to $\pm 250\text{mm}$ to accommodate the braai, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application for departure in terms of Section 16(2)(b) of the By-Law to relax the western lateral building line of the property from 1m to 0m to accommodate a shade net carport and garage, be approved in terms of the provisions of Section 61 of the By-Law;

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5. that the approvals in 2., 3., and 4. above be subject to the following conditions:
 - (a) that the covered stoep must be altered to comply with the provisions of Chapter 16.1.1(iv) of the Land Use Scheme within 60 days from the date of the above decisions and that it be open at the front- and eastern sides to ensure access to the rear of the property in the case of a fire emergency, and that the necessary building plans be submitted to the Building Department for consideration;
 - (b) that the stone cladding on the boundary wall that encroaches the street boundary, as well as the stone cladding of the braai that encroaches the eastern lateral boundary must be removed within 60 days from the date of the above decisions; and
 - (c) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with; and
6. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the decision in 1. above, as well as the conditions of approval

REASONS FOR RESOLUTION

Non-approval in 1 above.

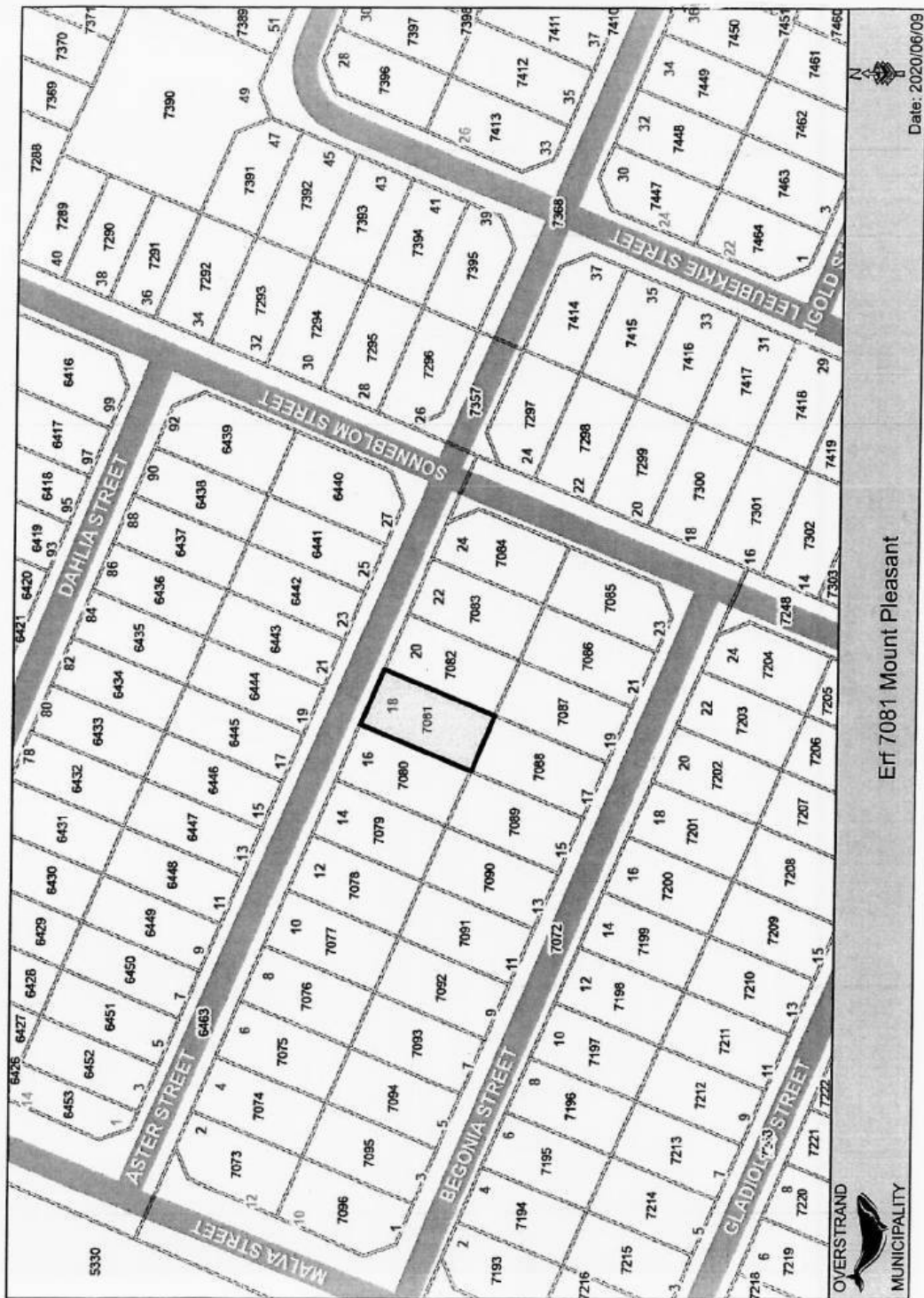
- ❖ The covered patio is built up to the street boundary wall and covers approximately 58% of the length of the street boundary that is regarded as excessive on the street boundary and is therefore undesirable from a town planning perspective.
- ❖ The covered patio impacts negatively on the streetscape of the property.
- ❖ The covered stoep is also used as a braai area and is therefore regarded as a habitable structure. Habitable structures over building lines are undesirable from a town planning perspective.
- ❖ The motivation of the application for the covered patio that encroaches the street building line does not contain proper merit to be regarded as being desirable from a town planning perspective.

Approvals in 2, 3 and 4 above.

- ❖ The application has followed due procedure.
- ❖ Letters of no objection from the surrounding owners of Erven 6443, 7080, 7083, 7087, and 7088 has been submitted with the application.
- ❖ No internal or external objections were received.

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- ❖ The structure is neatly constructed and does not impact on the streetscape of the property.
- ❖ The braai with chimney is 2.956m in height and wood burning smoke should not impact on the adjacent property owner once its property is developed.
- ❖ The height of the garage and carport complies with the height restriction as set out in the Zoning Scheme.
- ❖ It is the opinion that the vested rights of surrounding property owners will not be affected, nor the character of the surrounding built environment.
- ❖ It is regarded as being desirable from a town planning perspective.



Erf 7081 Mount Pleasant



Date: 2020/06/09

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8. ERF 2993, 85 SEA VIEW DRIVE, HAWSTON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: A SEBASTIAAN

2993 HHW (3794/2020)

H Olivier

(028) 313 8900

Hermanus Administration

10 March 2022

Executive Summary

An application has been received on 12 November 2020 from A Sebastiaan 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 the garage on Erf 2993, Hawston 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 the garage on Erf 2993, Hawston 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 this approval is only valid for a period of five (5) years;
 - (b) that only the area indicated on Plan Number 2993HHW(2020-11)-01/A3-Rev B dated 5 November 2020 may be utilised as a house shop;
 - (c) 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;
 - (d) 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.;
 - (e) 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;
 - (f) that no products, goods or supplies connected to the house shop may be stored on the property outside the building;
 - (g) that a single non-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (h) that the trading hours of business only be between:

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Monday to Friday: 06:00 to 21:00;
Saturday: 06:00 to 21:00;
Sunday: Does not include Sundays and public holidays;

- (i) that no more than three (3) persons, including the occupant(s) of the dwelling unit, permitted to be engaged in retail activities on the property, other than with the consent of the Municipality;
- (j) that the operator shall permanently reside on the premises;
- (k) 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;
- (l) permission to operate a house shop is granted to a particular operator and is not transferrable;
- (m) that no sub-letting is permitted;
- (n) that the conditions in the Engineering Report (attached as Annexures D), be adhered to;
- (o) that the conditions imposed by Eskom (attached as Annexures E), 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 operation of the house shop;
- (s) that any structure or alteration to the existing structure must conform to the residential character of the area concerned and all relevant legislation;
- (t) that building plans be submitted to the Municipality showing all building changes to the satisfaction of the Fire Department and Building Control Department;
- (u) that no accumulation of refuse occur on the premises, and

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- (v) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of their right of appeal in terms Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION


- ❖ The application has followed due procedure.
- ❖ None of the internal departments have objected to the application, with the exception of the Ward Councillor.
- ❖ The Ward Councillors fears regarding lack of infrastructure to accommodate the house shop is unfounded since the application is supported by the municipal Engineering Services Department.
- ❖ The Ward Councillors fears that the house shop will have a negative social impact is not backed by specific proof to support such statement, and no objections were received from surrounding neighbours.
- ❖ The house shop could create job opportunity, and even if it creates some job opportunity for foreign nationals, it still creates jobs.
- ❖ No new municipal services will be needed.
- ❖ It is in line with the aims of the Overstrand SDF.
- ❖ It will not impact on surrounding neighbours or the character of the area and is desirable.
- ❖ When the business sites in this area are developed sufficient shops will be available, therefore a five (5) year validity period is made applicable to the approval.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 2993, HAWSTON**

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 2993, Hawston, 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


DATE

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**9. ERF 3131, 6 GAHL STREET, HAWSTON, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR CONSENT USE: DM BOOYSEN**

3131 HHW (3796/2021)

H Olivier

(028) 313 8900

Hermanus Administration

1 November 2021

Executive Summary

An application has been received on 29 January 2021 from DM Booysen 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 dwelling on Erf 3131, Hawston 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 dwelling on Erf 3131, Hawston 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 this approval is only valid for a period of five (5) years;
 - (b) that only the area indicated on Plan Number 2993HHW(2020-11)-01/A3-Rev B dated 5 November 2020 may be utilised as a house shop;
 - (c) 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;
 - (d) 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.;
 - (e) 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;
 - (f) that no products, goods or supplies connected to the house shop may be stored on the property outside the building;
 - (g) that a single non-illuminated sign, that complies with the Municipal

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- (h) By-Law on Signage, may be displayed on the premises;
that the trading hours of business only be between:

Monday to Friday: 06:00 to 21:00;
Saturday: 06:00 to 21:00;
Sunday: Does not include Sundays and public holidays;
- (i) that no more than three (3) persons, including the occupant(s) of the dwelling unit, permitted to be engaged in retail activities on the property, other than with the consent of the Municipality;
- (j) that the operator shall permanently reside on the premises;
- (k) 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;
- (l) permission to operate a house shop is granted to a particular operator and is not transferrable;
- (m) that no sub-letting is permitted;
- (n) that the conditions in the Engineering Report (attached as Annexures D), be adhered to;
- (o) 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;
- (p) 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;
- (q) that application is made for a Business Licence at the Overstrand Municipality, prior to operation of the house shop;
- (r) that any structure or alteration to the existing structure must conform to the residential character of the area concerned and all relevant legislation;
- (s) that building plans be submitted to the Municipality showing all building changes and partitioning of the house shop in the dwelling to the satisfaction of the Fire Department and Building Control Department;
- (t) that no accumulation of refuse occurs on the premises, and
- (u) that this approval does not absolve the owner/applicant from

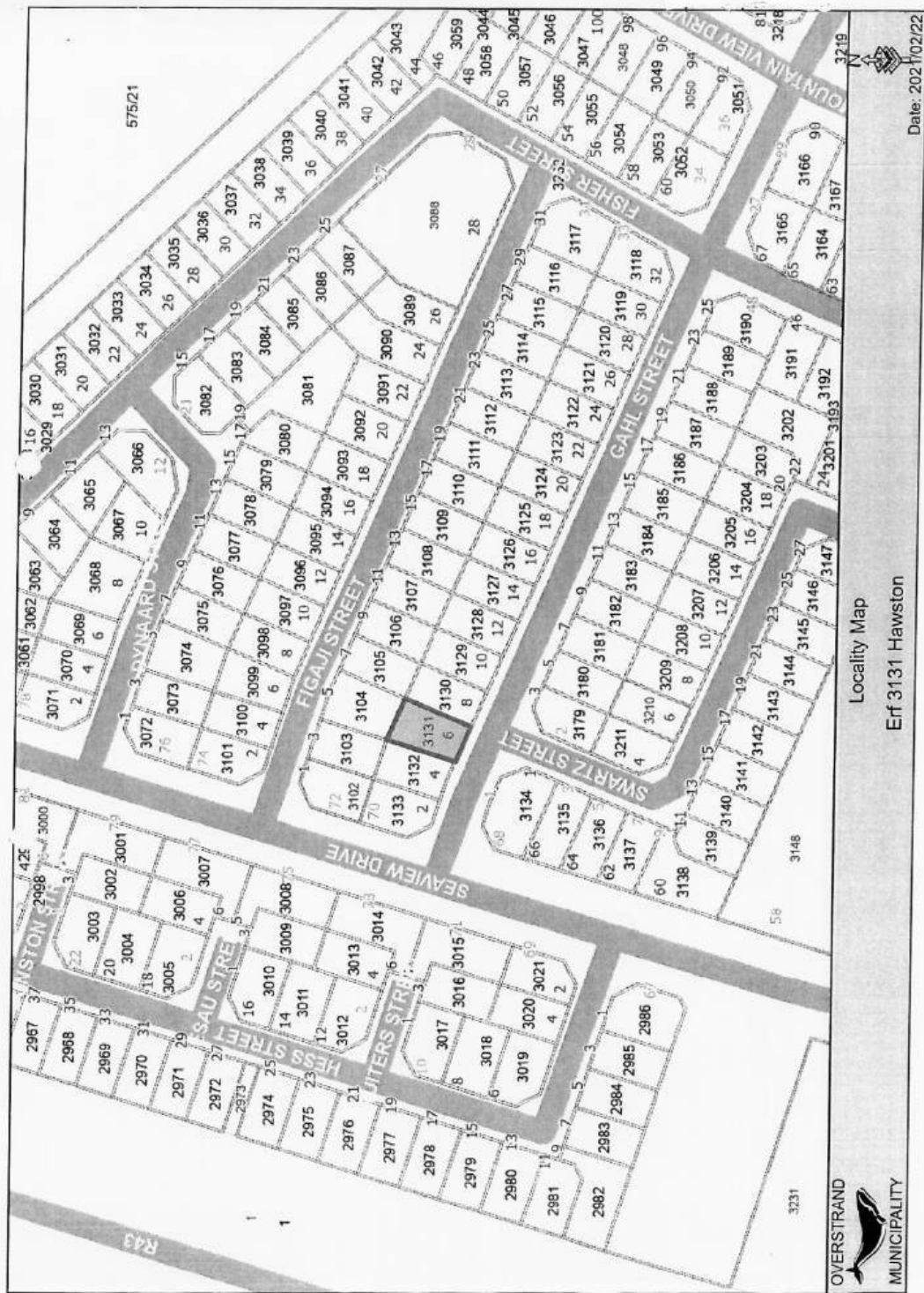
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compliance with any other relevant legislation.

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

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have objected to the application, with the exception of the Ward Councillor.
- ❖ The Ward Councillors fears regarding lack of infrastructure to accommodate the house shop is unfounded since the application is supported by the municipal Engineering Services Department.
- ❖ The Ward Councillors fears that the house shop will have a negative social impact is not backed by specific proof to support such statement, and no objections were received from surrounding neighbours.
- ❖ The house shop could create job opportunity, and even if it creates some job opportunity for foreign nationals, it still creates jobs.
- ❖ No new municipal services will be required.
- ❖ It is in line with the aims of the Overstrand SDF.
- ❖ It will not impact on surrounding neighbours or the character of the area and is desirable.
- ❖ When the business sites in this area are developed sufficient shops will be available, therefore a five (5) year validity period is made applicable to the approval.



Locality Map
Erf 3131 Hawston



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 3131, HAWSTON**

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 3131, Hawston, 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


DATE

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**10. ERF 2986, 1 HESS STREET, HAWSTON, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR CONSENT USE: D & G TERBLANCHE**

2986 HHW (3630/2021)

H Olivier

(028) 313 8900

Hermanus Administration

10 March 2022

Executive Summary

An application has been received on 28 May 2021 from D & G Terblanche 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 the garage on Erf 2986, Hawston 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 the garage on Erf 2986, Hawston 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 this approval is only valid for five (5) years;
 - (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 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;
 - (d) 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.;
 - (e) 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;
 - (f) that no products, goods or supplies connected to the house shop may be stored on the property outside the building;
 - (g) that a single non-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;

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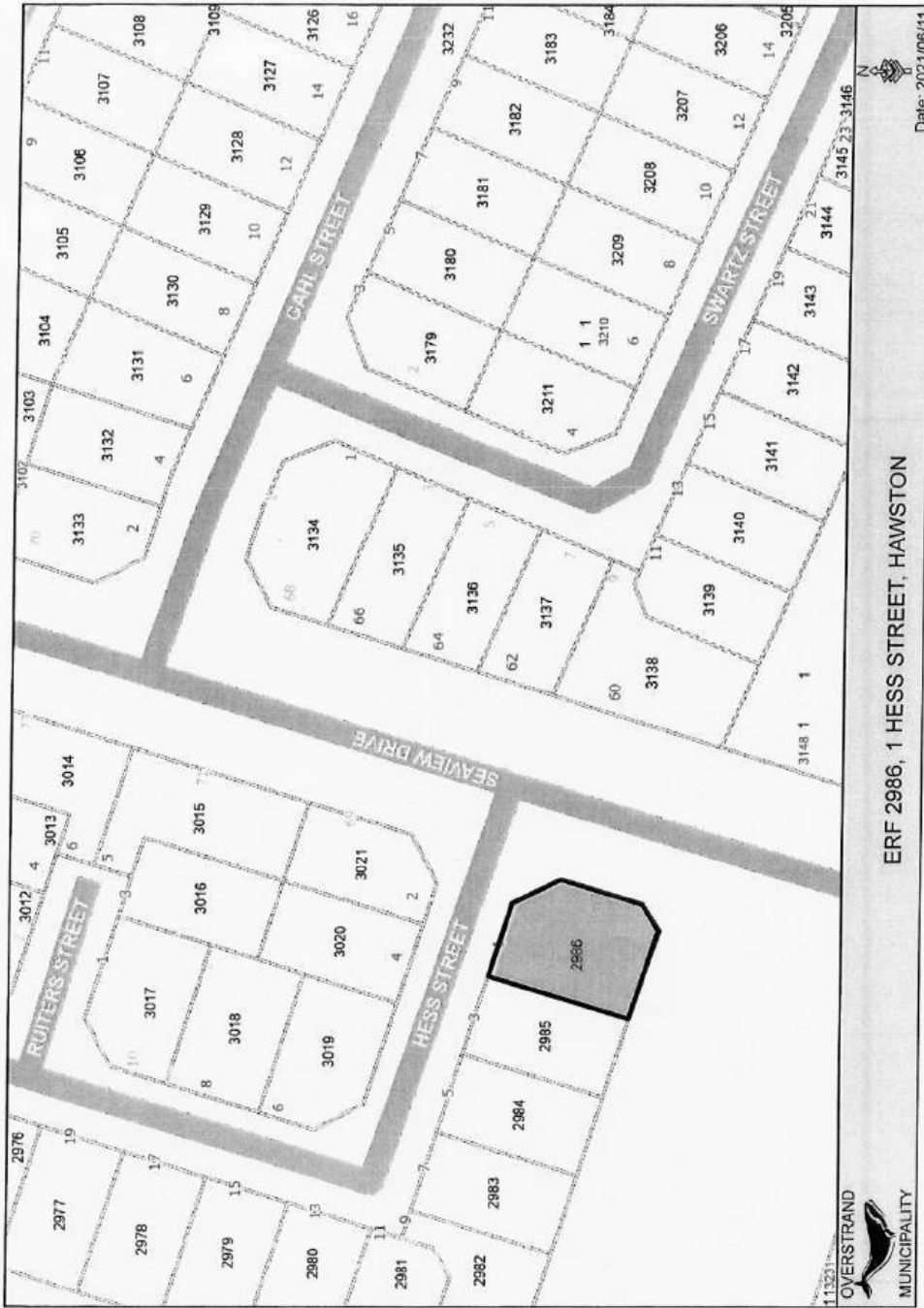
- (h) that the trading hours of business only be between:
Monday to Friday: 06:00 to 21:00;
Saturday: 06:00 to 21:00;
Sunday: Does not include Sundays and public holidays;
- (i) that no more than three (3) persons, including the occupant(s) of the dwelling unit, are permitted to be engaged in retail activities on the property, other than with the consent of the Municipality;
- (j) that the operator shall permanently reside on the premises;
- (k) 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;
- (l) permission to operate a house shop is granted to a particular operator and is not transferrable;
- (m) that no sub-letting is permitted;
- (n) that the conditions in the Engineering Report (attached as Annexures D), be adhered to;
- (o) that the conditions imposed by Telkom (attached as Annexures G), 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 operation of the house shop;
- (s) that any structure or alteration to the existing structure must conform to the residential character of the area concerned and all relevant legislation;
- (t) that building plans be submitted to the Municipality showing all building changes and partitioning to the satisfaction of the Fire Department and Building Control Department;
- (u) that no accumulation of refuse occur on the premises, and

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- (v) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of their right of appeal in terms Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have objected to the application, with the exception of the Ward Councillor.
- ❖ The Ward Councillors fears regarding lack of infrastructure to accommodate the house shop is unfounded since the application is supported by the Municipal Engineering Services Department.
- ❖ The Ward Councillors fears that the house shop will have a negative social impact is not backed by specific proof to support such statement, and no objections were received from surrounding neighbours.
- ❖ The house shop could create job opportunity, and even if it creates some job opportunity for foreign nationals, it still creates jobs.
- ❖ No new municipal services will be needed.
- ❖ It is in line with the aims of the Overstrand SDF.
- ❖ It will not impact on surrounding neighbours or the character of the area and is desirable.
- ❖ When the business sites in this area are developed sufficient shops will be available, therefore a five (5) year validity period is made applicable to the approval.



ERF 2986, 1 HESS STREET, HAWSTON



Date: 2021/06/11

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 2986, HAWSTON**

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 2986, Hawston, 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

26/08/2021
DATE

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11. ERF 1012, 42 MUSSON STREET, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF FB EGGERT

1012 HEC (3758/2021)

P Roux

(028) 313 8900

Hermanus Administration

3 March 2022

Executive Summary

An application has been received on 6 September 2021 from Messrs WRAP Project Office on behalf of FB Eggert in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

Removal of Restrictive Title Deed Conditions

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition 2.A(d) as contained in Title Deed T5569/2020 in order to allow the construction of a garage on the lateral boundary of the property.

Departure

Application for departure in terms of Section 16(2)(b) of the By-Law to relax the eastern lateral building line from 2m to 0m in order to accommodate the proposed garage.

RESOLVED :

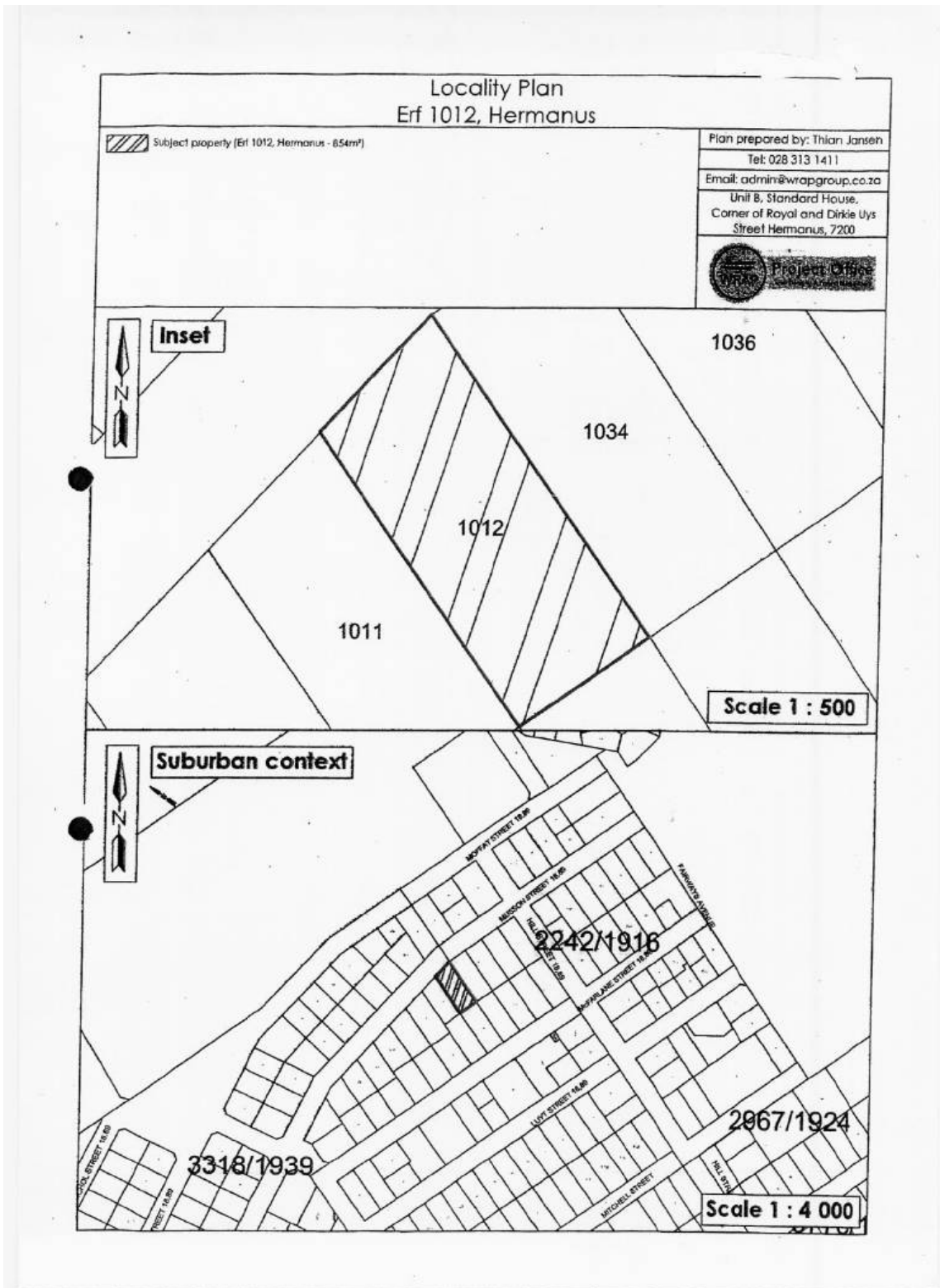
1. that in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) the application for the removal of restrictive title conditions as contained in Title Deed T5569/2020 applicable to Erf 1012, Hermanus, namely Condition 2.A(d), be approved in terms of the provisions of Section 61 of the By-Law;
2. 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 *Site Development Plan, Erf 1012, Hermanus*, that was submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval;
 - (c) that all the conditions in the Services Report (attached as Annexure

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- E), 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.
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 decision.

REASONS FOR RESOLUTION

- ❖ The encroachment of the lateral building line has a minimal impact on the adjoining neighbour.
- ❖ The proposal is in line with the character of the area.
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ The relevant legislation was considered with the removal of the restrictive conditions in the Title Deed.
- ❖ 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.



Site Development Plan
Erf 1012, Hermanus

House - 177,7m²
Covered Entrance - 1,0m²
Garage/Store/Reuse Area - 40,6m²
Covered Deck/Steep - 11,25m²
Total Coverage = 230,6m²
Property Extent = 854m²

Coverage - 27%
Total allowable coverage - 50%

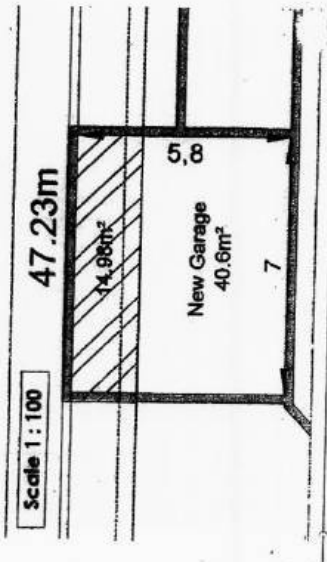
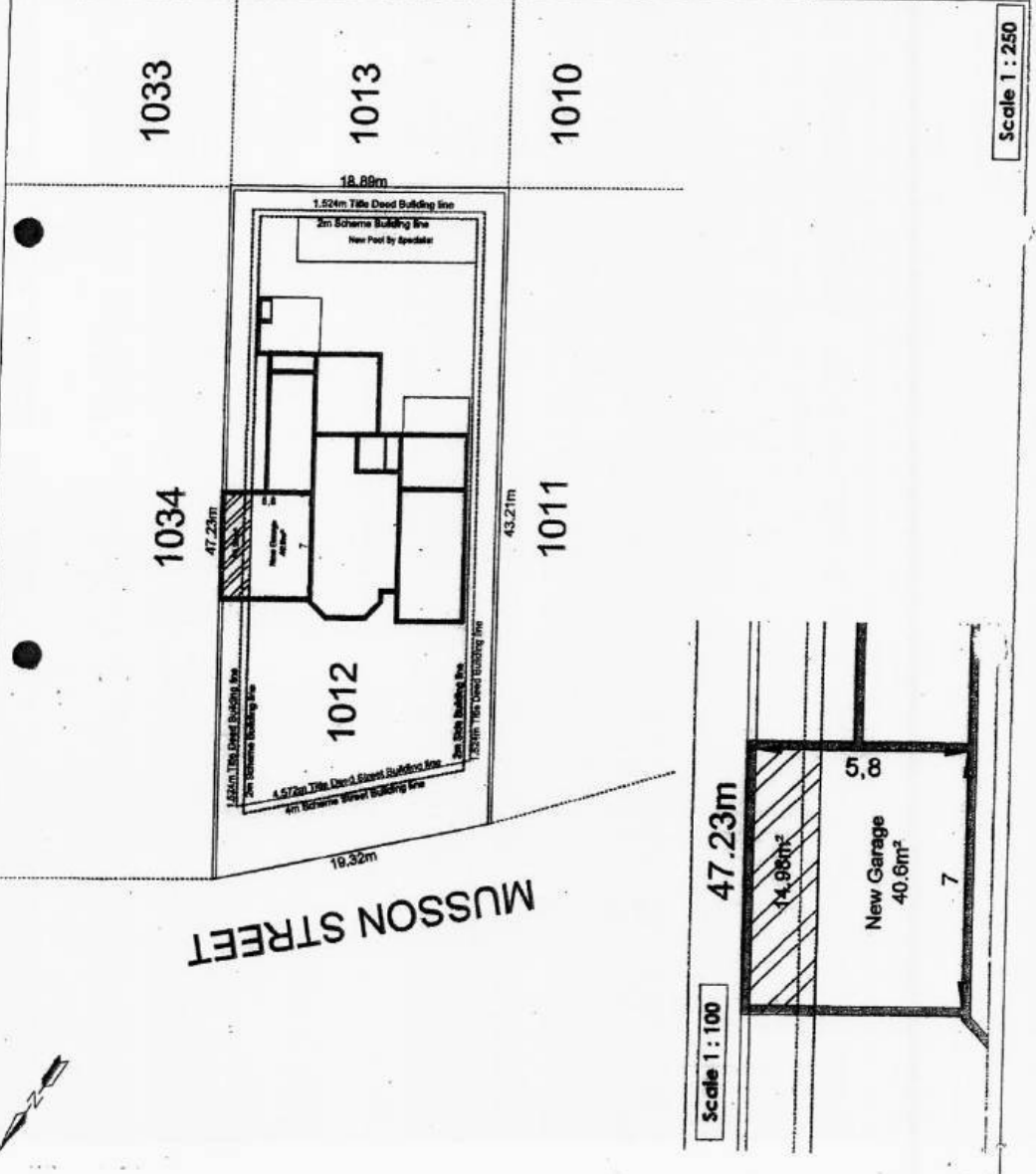
Porfing required for the dwelling unit =
2 parking bays
(2 parking bays per dwelling)

Building Line Encroachment Area

Plan prepared by: Thom Jansen
Plans based on drawings done by:
LIFE Architect

All distances are approximate
and subject to a survey.

Tel: 082 313 1411
Email: admin@wagaprop.co.za
Unit 8, Standard House, Corner of Royal and Daley Ups
Street Hermanus, 7200



Scale 1 : 250



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS &
DEPARTURE: ERF 1012, 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 1012, Eastcliff, unobstructed;
7. that no on-street parking be allowed.

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

15/10/2021
DATE

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12. REMAINDER ERF 102, 86 WESTCLIFF ROAD, HERMANUS : OVERSTRAND MUNICIPAL AREA: APPLICATION FOR THE AMENDMENT OF A RESTRICTIVE TITLE DEED CONDITION AND THE REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, CONSENT USE AND DEPARTURE: MESSRS PLANACTIVE ON BEHALF OF DM AND JE SLABBERT

102 HWC

(Author: H Boshoff)

SW van der Merwe

(028) 313 8900

Hermanus Administration

10 March 2022

Executive Summary

The following applications applicable to Remainder Erf 102, Hermanus, have been received on 17 July 2020 and an amended application on 20 September 2021 from Messrs PlanActive Town- and Regional Planners on behalf of DM & JE Slabbert:

- a) amendment in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) of restrictive title deed condition B.(a) as contained in Title Deed T7710/2018 to accommodate a four-bedroom guesthouse on the property;
- b) removal in terms of Section 16(2)(f) of the By-Law of restrictive title deed condition B.(d) as contained in Title Deed T7710/2018 of Remainder Erf 102, Hermanus to accommodate building line encroachments on the property;
- c) consent use for tourist accommodation in terms of Section 16(2)(o) of the By-Law to utilize the dwelling unit on Remainder Erf 102, Hermanus as a four-bedroom guesthouse;
- d) Application for departure in terms of Section 16.(2)(b) of the By-Law to:
 - o relax the south-eastern street building line from 4m to 0m to accommodate a portion of an existing wooden deck that is higher than 1m ($\pm 1.2m$) within the street building line;
 - o relax the north-eastern lateral building line from 2m to 0m to accommodate an existing outdoor braai;
 - o relax the north-eastern lateral building line from 2m to 0,57m to accommodate an existing covered stoep; and to
 - o relax the north-eastern lateral building line to accommodate a portion of an existing boundary wall that is attached to the covered stoep that

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exceeds the 2.1m height restriction with $\pm 0.4\text{m}$, as well as the 2m said lateral building line with $\pm 1.999\text{m}$.

RESOLVED :

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the amendment of restrictive title deed condition B.(a) as contained in Title Deed T7710/2018, applicable to Remainder Erf 102, Hermanus to accommodate a four-bedroom guesthouse on the property; **be approved** in terms of the provisions of Section 61 of the By-Law, and to read as follows:

“B.(a) That this erf be used for residential- and guesthouse purposes only”.

2. that the application for the removal in terms of Section 16(2)(f) of the By-Law of restrictive title deed condition B.(d) as contained in Title Deed T7710/2018 applicable to Remainder Erf 102, Hermanus to accommodate the building line encroachments on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for consent use for tourist accommodation in terms of Section 16(2)(o) of the By-Law to utilize the dwelling unit on Remainder Erf 102, Hermanus as a four-bedroom guesthouse, **be approved** in terms of the provisions of Section 61 of the By-Law;

that the application for departure in terms of Section 16.(2)(b) of the By-Law, applicable to Remainder Erf 102, Hermanus, for:

- a. the relaxation the south-eastern street building line from 4m to 0m to accommodate a portion of an existing wooden deck that is higher than 1m ($\pm 1.2\text{m}$) within the street building line;
- b. the relaxation of the north-eastern lateral building line from 2m to 0m to accommodate an existing outdoor braai;
- c. the relaxation of the north-eastern lateral building line from 2m to 0,57m to accommodate an existing covered stoep; and for
- d. the relaxation of the north-eastern lateral building line to accommodate a portion of an existing boundary wall that is attached to the covered stoep that exceeds the 2.1m height restriction with $\pm 0.4\text{m}$, as well as the 2m lateral building line with $\pm 1.999\text{m}$;

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

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4. that the above approvals be subject to the following conditions:
- (a) that the guest rooms on the property be restricted to four (4) only;
 - (b) that the development on the property relating to the guesthouse, structures and the parking layout (Annexure H) evaluated in this submission be strictly in accordance with plan no. *SDP 102 revised.drw* dated *April 2021*, and plan no. *2018/07/34* (six plans) dated *July 9* that was submitted with the application;
 - (c) that the amended condition B.(a) in 1. above be registered against the title deed of Remainder Erf 102, Hermanus simultaneously with the the registration of the removal of condition B.(d) in 2. above;
 - (d) that building plans be submitted to the Building Department within 60 days from the final approval of the application and that all requirements of the Building Department and Fire Services at that stage be complied with - all structures on the property must be in compliance with SANS10400;
 - (e) that the front section of the covered stoep at the rear of the dwelling may not be permanently closed up without the prior written approval of the Municipality;
 - (f) that only two access points to the property from Rocklands Road be allowed and that the access point as indicated on plan *SDP 102 revised.drw* dated *April 2021*, be closed immediately and permanently;
 - (g) that the conditions of Telkom and Engineering Services (attached as Annexures F, and G), be complied with;
 - (h) that the parking bays indicated on the plan in (b) above must be provided with a hard surface and must be properly demarcated;
 - (i) that no on-street parking be allowed whatsoever;
 - (j) that the owner or manager resides permanently on the premises and be responsible for the proper management of the accommodation establishment;
 - (k) that the accommodation establishment comply 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;

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- (l) that only a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises;
- (m) that a R918 Certificate of Acceptability must be applied for and obtained from the Overberg District Municipality, should meals be provided for bona fide guests;
- (n) that the residential character of the property must be maintained;
- (o) that subject to obtaining a liquor license, alcohol beverages may be sold to resident guests for consumption with meals on the property;
- (p) that a guest logbook must always be kept on the property and that it be made available to Municipality immediately on request;
- (q) that no more than three staff members shall be employed in support of the establishment at any given time;
- (r) that none of the guestrooms may be utilised as self-catering units - no kitchenettes, cooking facilities, or prep bowls whatsoever are allowed in the guestrooms – kettles or alike and bar type fridges are allowed;
- (s) that a waste storage area must be provided on the property that comply with the refuse rooms standards as per Chapter 17.4.1 of the 2020 Overstrand Land Use Scheme (it must form part of the building plan submission);
- (t) that the management of the establishment must implement noise control measurements within the establishment, as well as the outside area to reduce noise levels of any kind to the minimum;
- (u) that the establishment be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area and no activities constituting a public nuisance shall be carried out on the property;
- (v) that no disturbance from loud music or any other source are allowed after 22:00 at the enterprise;
- (w) that this approval does not absolve the landowner from compliance with any other relevant legislation;
- (x) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with; and

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- (y) that the accommodation establishment may not be operated prior to the landowner submitting proof to the Municipality of compliance with the above conditions (c), (d), (f), (h), (m) (if applicable) and (s);
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 policy documents.
- ❖ It is not regarded as being undesirable from a town planning point of view.



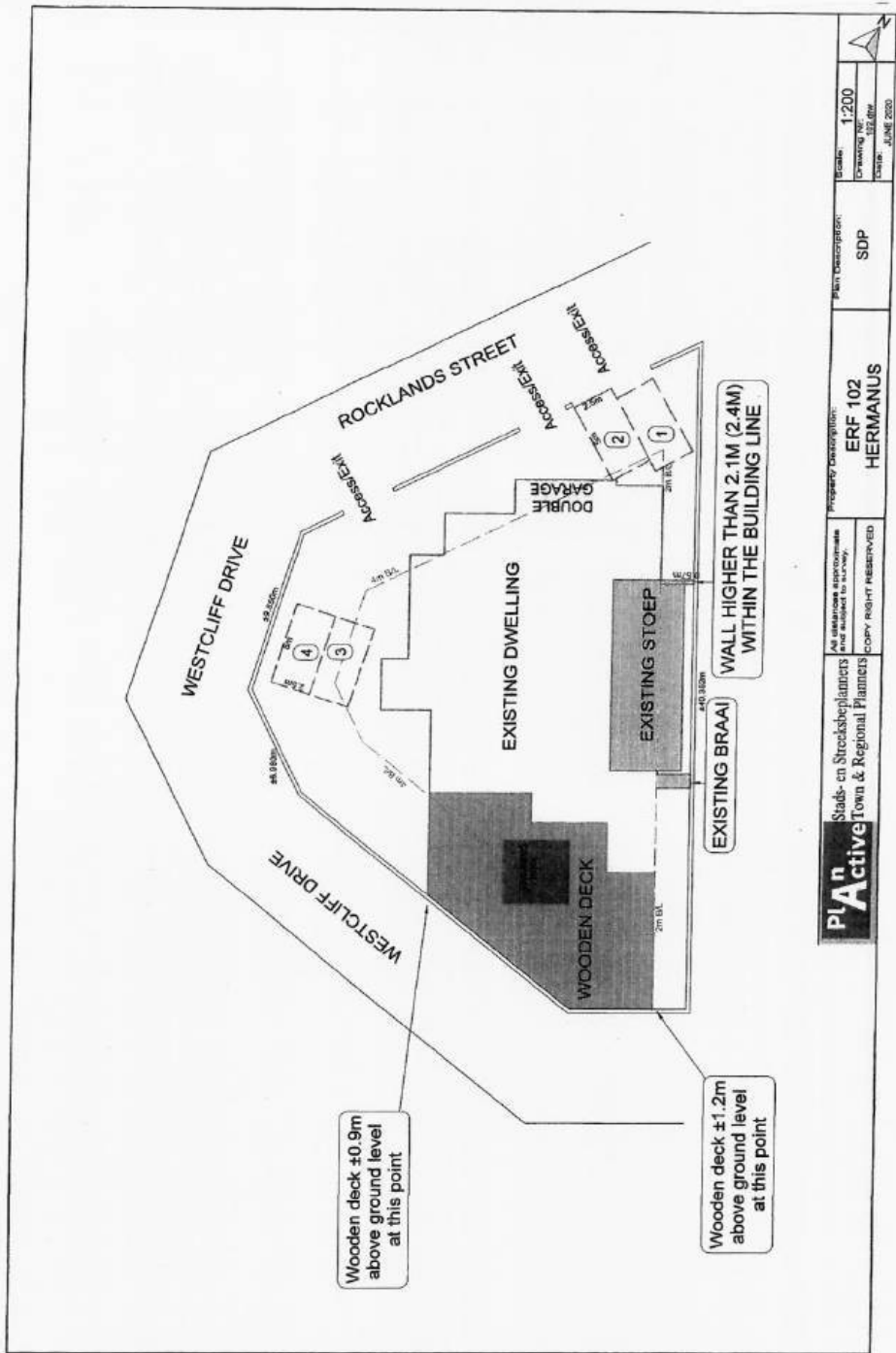
Scale: NTS
 Drawing Nr: 102herml.drw
 Date: OCTOBER 2018

Plan Description:
 LOCALITY MAP

Property Description:
 ERF 102 WESTCLIFF
 HERMANUS

All distances approximate
 and subject to survey.
 COPY RIGHT RESERVED

PLAN Active
 Stads- en Sreksbeplanners
 Town & Regional Planners



	Scale	1:200
	Drawing Size	A3
Property Description: ERF 102 HERMANUS		Plan Description: SDP
All measures approximate and subject to survey. PIA Active Stads- en Streekeplanneurs Town & Regional Planners HERMANUS COPYRIGHT RESERVED DATE: JUNE 2020		

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR TITLE DEED RESTRICTIONS, CONSENT USE AND
DEPARTURE: ERF 102, HERMANUS**

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 Manager: Operational Services: 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 102, Hermanus, unobstructed;
7. that no on-street parking be allowed.

Dennis Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

13/04/2021
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 May 2022
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13. ERF 2859, 3 ARUM STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF FJG BRITZ

2859 HON (3890/2021)

H Olivier

(028) 313 8900

Hermanus Administration

23 March 2022

Executive Summary

Applications have been received on 2 November 2021 from Messrs WRAP Project Office on behalf of FJG Britz in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 2859, Onrustrivier into two (2) portions, namely Portion A ($\pm 542\text{m}^2$) and a Remainder ($\pm 542\text{m}^2$).

RESOLVED :

1. that the subdivision in terms of Section 16(2)(d) of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 (By-Law) of Erf 2859, Onrustrivier into two (2) portions, namely Portion A ($\pm 552\text{m}^2$) and the Remainder ($\pm 552\text{m}^2$), **be approved** in terms the provisions of Section 61 of the By-law, subject to the following conditions:
 - (a) that this approval is only for the subdivision as indicated on the undated Plan, submitted with the application by Messrs WRAP,
 - (b) that all buildings (dwelling and outbuildings) on the property be demolished prior to the registration of the new erven.
 - (c) that building plans be submitted for all new buildings to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (f) that all the conditions in the Services Report (attached as Annexure H), be complied with;
 - (g) that the conditions imposed by Telkom (attached as Annexure F), be

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complied with, and

- (h) that the conditions imposed by Eskom (attached as Annexure G), be complied with.
2. 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:

REASONS FOR RESOLUTION

Reasons for approval

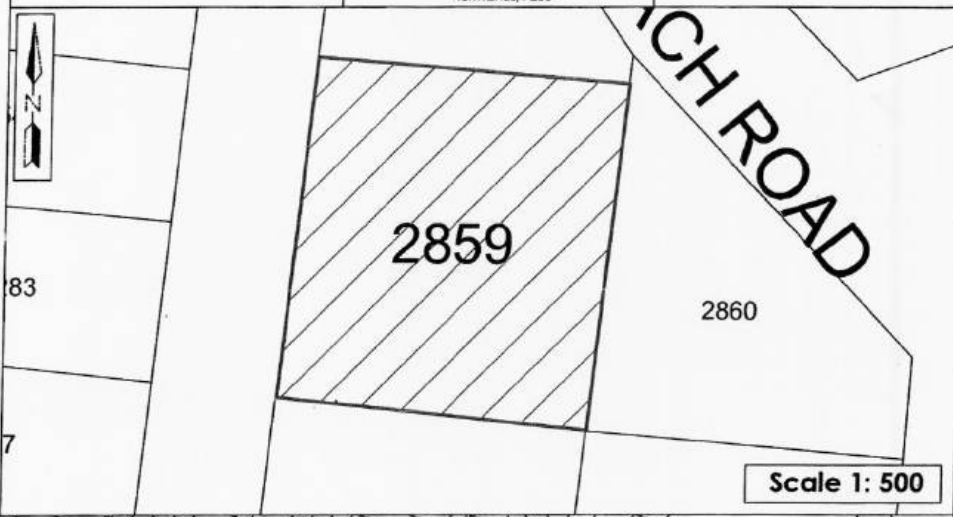
- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ The proposed subdivision is in line with Policy Plans.
- ❖ The size of the two (2) new erven is compatible with the sizes of surrounding erven.
- ❖ All relevant state and municipal departments support the application.
- ❖ No objections were received
- ❖ No negative impact on the character of the area, and is desirable.

LOCALITY PLAN ERF 2859 ONRUS

Plan prepared by: Thion Jansen
All distances are approximate
and subject to a survey
Tel: 028 313 1411
admin@wrapgroup.co.za
Unit B, Standard House
Corner of Royal and
Dirkie Uys Street
Hermanus, 7200



Project Office
Town Planning & Project Management



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR SUBDIVISION: ERF 2859, ONRUS RIVER**

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	=	<u>R 1 505.92</u>
TOTAL (inclusive of VAT)		=	R 59 444.04

Note:

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

3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that stormwater be allowed to discharge through the proposed Erven, Onrus River, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
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14. ERF 1436, 41 KANDELAAR STREET, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: SMUTS & DE KOCK ARCHITECTS ON BEHALF OF MF SMUTS

1436 HVM (3831/2021)

H Olivier

(028) 313 8900

Hermanus Administration

16 March 2022

Executive Summary

An application was received on 23 July 2021 from Messrs Smuts & De Kock Architects on behalf of MF Smuts on Erf 1436, 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 to relax the eastern lateral building line from 2m to 0m to accommodate an existing shade port.

Application is also made in terms of Section 16(2)(q) of the By-Law for the determination of administrative penalty for the unauthorised land use on the property.

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 1436, Vermont for departure to relax the eastern lateral building line from 2m to 0m to accommodate a shade port, **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 structure as indicated on Plan Number Erf 1436 dated 10 August 2021, submitted with the application;
 - (b) that the necessary building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that the conditions of Engineering Services (attached as Annexure D), be complied with;
 - (d) that all the conditions imposed by Eskom (attached as Annexure E), be complied with;

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- (e) that all the conditions imposed by Telkom (attached as Annexure F), be complied with;
 - (f) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (g) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the application for determine of administrative penalty in terms of Section 16.(2)(q) of the By-Law for unauthorized land use activities stipulated above, **be exempted** from the payment of an administrative penalty in terms of Section 90.(4) of the By-Law for the illegal building work.
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.
- ❖ It is in line with policy documents.
- ❖ The application will not have an impact on surrounding neighbours or the character of the area
- ❖ The illegal encroachment over the lateral building line is an historic encroachment and was not created by the existing property owners, therefore the new owner should not be held responsible for such encroachments.
- ❖ The application is regarded as being desirable from a town planning point of view.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF ADMINISTRATIVE
PENALTY: ERF 1436, 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 1436, 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.

D.P. R. Cohen
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

14/01/2021
DATE

**AGENDA of the
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Municipal Planning Tribunal

1. **PORTION 35 (A PORTION OF PORTION 16) OF FARM ROCKLANDS NO. 633, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE, DEPARTURE AND APPLICATION FOR APPROVAL IN TERMS OF ACT 21 OF 1940: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF MOUNTAIN FALLS ESTATE (PTY) LTD**

Prt 35 of 633 RCAL (3762/2017)

P Roux

(028) 313 8900

Hermanus Administration

4 February 2022

Executive Summary

An application was received on 28 August 2017 from Messrs Plan Active on behalf Mountain Falls Estate (Pty) Ltd for the applications mentioned below applicable to Portion 35 (a Portion of Portion 16) of Farm Rocklands No. 633 namely:

- ❖ removal of restrictive title conditions with reference to Paragraph E of Title Deed T919/2015 applicable to Portion 35 (a Portion of Portion 16) of Farm Rocklands No. 633, Division Caledon in terms of Section 16(2)(f) of the aforementioned By-Law;
- ❖ consent use in terms of Section 16(2)(o) of the aforementioned By-Law in order to accommodate a water bottling plant;
- ❖ departure in terms of Section 16(2)(b) of the aforementioned By-Law to relax the western lateral building line from 10m to 5m to accommodate the existing bottling plant structure, and
- ❖ approval in terms of Act 21 of 1940 as imposed by Conditions D.2, D.3 & D.4 of Title Deed T919/2015 to permit the existing bottling plant, staff room & shed to be utilized as an automated bottling plant, that the land be used for agriculture industrial purposes and that the existing shed may encroach the ±94,46m building line by ±12m.

RESOLVED :

1. that the comments received be noted;
2. that the application terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Portion 35 (a Portion of Portion 16) of the Farm Rocklands No. 633, Division Caledon for the removal of restrictive title deed conditions E as contained in Title Deed T919/2015, **be approved** in

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terms of Section 61 of the By-Law;

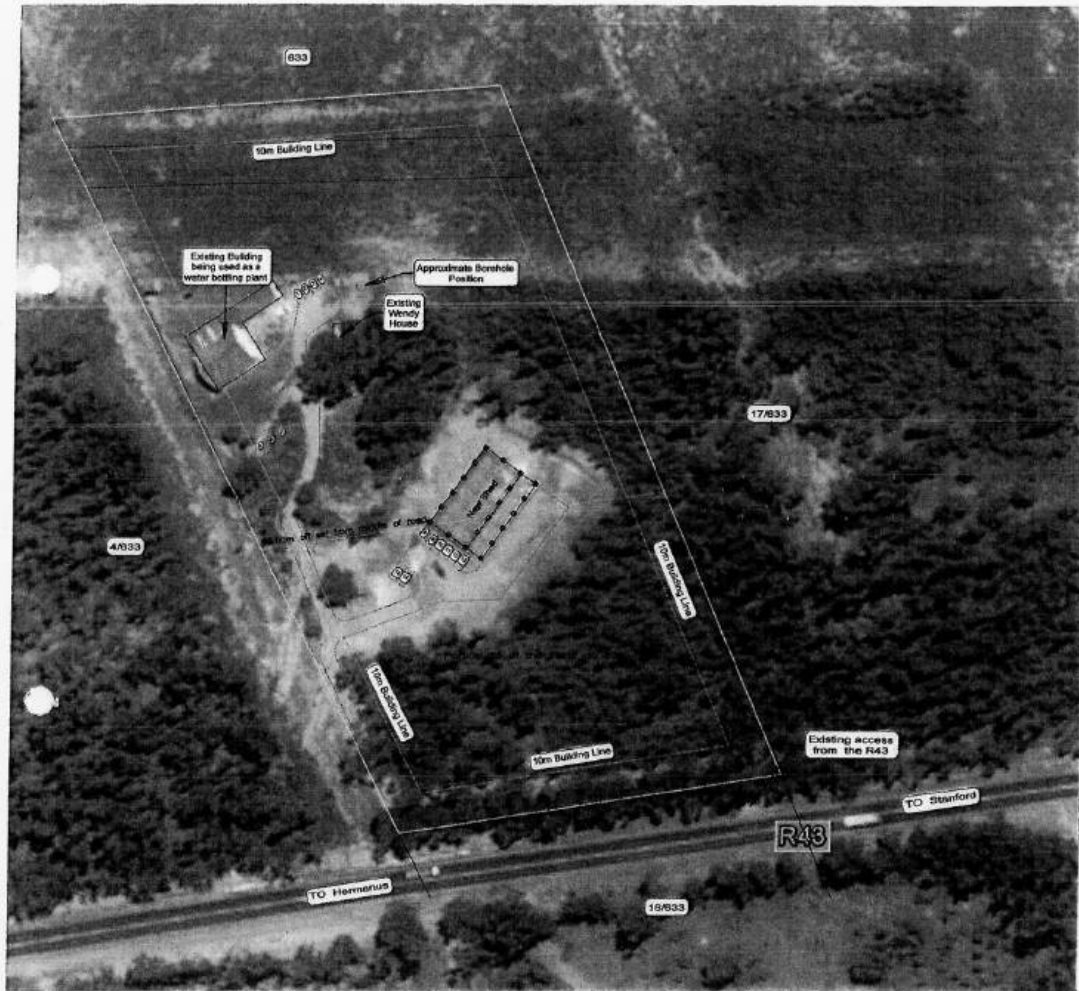
3. that the application for consent use in terms of Section 16(2)(o) of the By-Law to accommodate a water bottling plant on the property, **be approved** in terms of Section 61 of the By-Law;
4. that the application for departure in terms of Section 16(2)(b) of the By-Law to relax the western lateral building line from 10m to 5m to accommodate the existing bottling plant structure on the property, **be approved** in terms of Section 61 of the By-Law;
5. that the above approvals be subject to the following conditions:
 - (a) that the approval is only for the development and utilisation of the property as indicated on the Site Development Plan (plan no 3, file number 19/126) as submitted with the application;
 - (b) that the conditions in the Services Report (attached as Annexure J), be complied with;
 - (c) that applicable rates and service tariffs, as determined by the annual budget be made applicable to both properties, which tariffs are automatically adjusted in terms of the annual budget;
 - (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.
6. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

REASONS FOR RESOLUTION

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ Diversification of land uses in the vicinity and along the R43 has already occurred.
- ❖ The farm has little agricultural potential due to its size and slope.
- ❖ The distance of the structures from which the bottling plant will be operated ensures that the activities will not have a detrimental effect on tourism and residential uses.

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- ❖ The water study provided clearly shows that the use of the boreholes does not impact the water rights of the adjoining property owners. The property owner also obtained a water use license from the relevant authority.
- ❖ Overstrand Zoning Scheme Regulations have sufficient control measures when it comes to land use, coverage and building line controls.
- ❖ The proposal is in line with the Municipality's SDF.



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS,
CONSENT USE, DEPARTURE & APPLICATION FOR APPROVAL IN
TERMS OF ACT 21 OF 1940: PTN 35 OF FARM 633, ROCKLANDS (3762)**

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

Conditions:

1. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
2. that no water from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permits from the applicable authorities (Water and Sanitation, Health, Bocma etc.) for the use of any other water resources and the extraction thereof;
3. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Manager: Water Infrastructure & Quality (Tel: 028 313 5046), Overstrand Municipality;
4. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval;
5. that the developer complies to all the conditions set by Department Of Water Affairs & Bocma;
6. that, as there is currently no municipal sewer network in the vicinity, Portion 81 of Farm 587 must be provided with adequate sewer conservancy tanks, which must comply with the standards of the Department: Operational Services (Hermanus), and to which the sewer services on the development must connect to;
7. that the Municipality does not have the capacity to service the proposed development with regards to removal of sewerage from the property. The owner is therefore responsible for removal of sewerage from the property, and thereof at a licensed municipal sewerage treatment facility;

8. that alternatively, sewer treatment facilities that are approved by the Department of Water Affairs may be provided for disposal of sewer from the developments. Written proof of such approval is to be submitted to the Municipality;
9. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 140400 – P: 2010: Drainage;
10. that any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grase trap, which must comply with the standards and specification of the Department: Operational Services;
11. that disposal of effluent from the site must comply with all relevant legislation, as well as with the municipal Water Supply & Sanitation Services By-Law (2009), and in light of the proposed agricultural industry activities on site, with specific reference to Section 58: Objectionable discharge, Section 72: Application for disposal of Industrial effluent, Section 73: Unauthorised discharge of industrial effluent, Section 76: Conditions for disposal of Industrial effluent and Annexure A: Acceptance of industrial effluent for discharge into the sewerage disposal system;
12. that acceptance of industrial effluent for discharge into the sewerage disposal system: Special Limitations specifically exclude acceptance of, amongst other, any yeast waste as well as molasses (spent or unspent) for disposal into the sewerage disposal system;
13. that, in light of the agricultural industry activities on site, the owner is to ensure that all contaminated stormwater run-off from any relevant open areas and wash bays are contained and treated in accordance with the relevant Environmental legislation, *SANS 10400: National Building Regulations* (more specifically but not restricted to Section R- Stormwater, as well as *Section PP11 – Run-off from Washing Areas*), and the *Municipal By-law: Water Supply & Sanitation Services (2009)*, more specifically but not restricted to *Section 48: Owner to prevent pollution of water and Section 58: Objectionable discharge*. All costs in this regard will be for the owners account;
14. that, as no municipal refuse removal services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and disposal thereof at a registered municipal waste transfer station or-waste disposal facility;
15. that on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;

16. that access can be obtain from Provincial Road R43 via the existing access to Portion 35 of Farm 633, that any additional and / or extended vehicle entrances will be for the owner's account.
17. The Provincial Roads Engineer must however provide comment regarding the proposed encroachment of the 300 Cape feet building line next to the R43 provincial road.

p.p. D Hendriks
DENNIS HENDRIKS

28/09/2019
DATE

SENIOR MANAGER: ENGINEERING SERVICES

**AGENDA of the
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2. ERF 67, 58 NAUDE STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DEPARTURE: J GAMBO ON BEHALF OF J & LJ GAMBO

67 GFK

**SW van der Merwe
1 March 2022**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

To consider an application received on 5 February 2021 (amended 22 June 2021) from J Gambo, the owner of Erf 67, Franskraal in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ consent use in terms of Section 16(2)(o) of the By-law to accommodate a proposed dwelling unit (ground floor), and
- ❖ departure in terms of Section 16(2)(b) for the relaxation of the western lateral building line from 3m to 1,5m to accommodate a proposed garage and the north eastern street building line from 3m to 2,36m to accommodate a portion of the proposed dwelling.

RESOLVED:

1. that the comment received be noted;
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for consent use to accommodate a dwelling unit (ground floor) on Erf 67, Franskraal, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for departure in terms of Section 16(2)(b) of the By-Law to relax the western lateral building line from 3m to 1,5m to accommodate a garage and the north eastern street building line from 3m to 2,36m to accommodate a portion of the proposed dwelling, **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 this approval is only for the departures as indicated on the plan with date stamp *22 June 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;

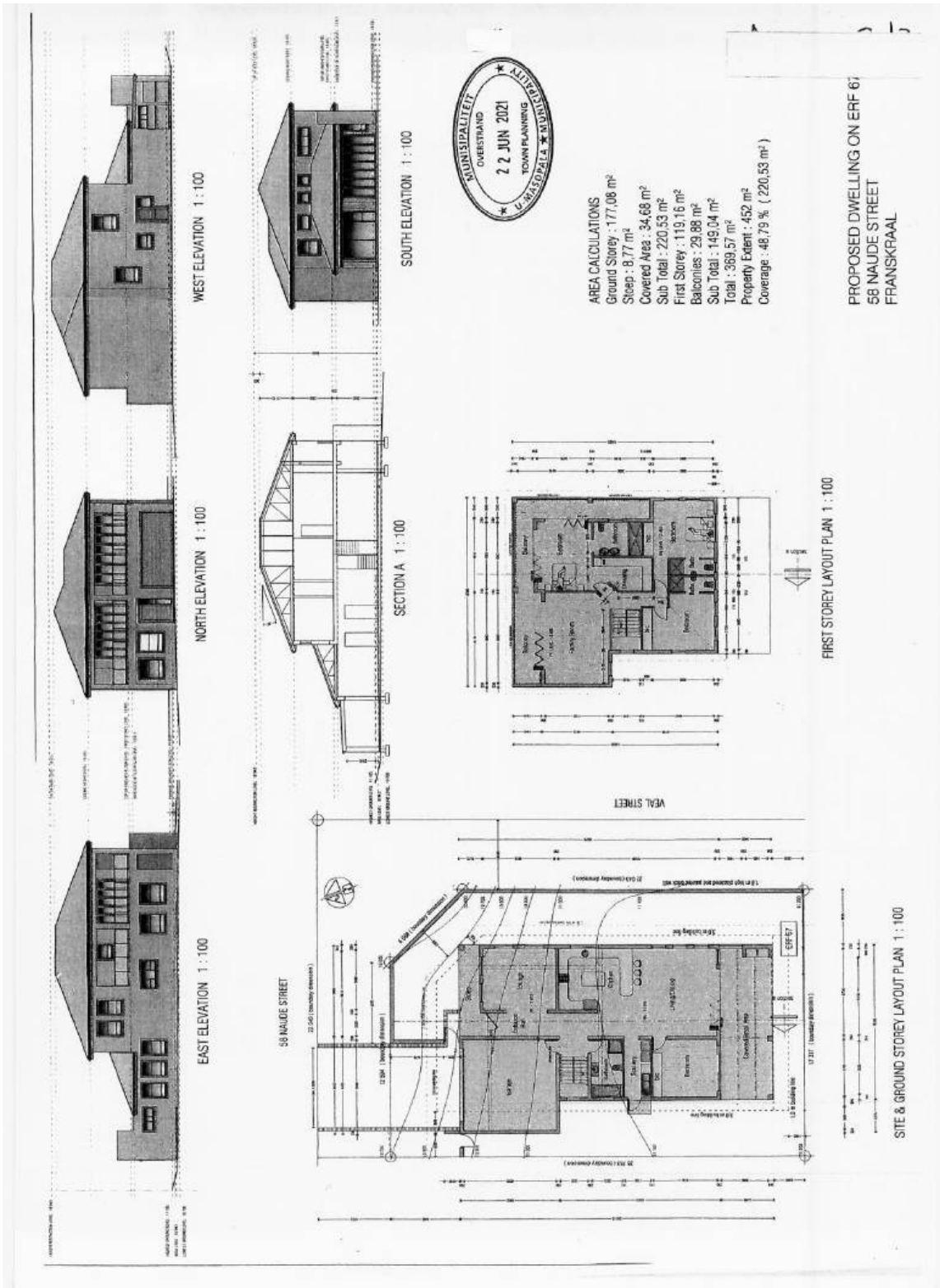
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- (c) that all the conditions of Open Serve and Engineering Services (attached as Annexures F and G), be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
 - (f) that trimming and/or removal of existing .Milkwood trees be subject to valid permit from the competent authority.
5. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

REASONS FOR THE RESOLUTION:

Reasons for approval

- ❖ The proposal is consistent with the SDF
- ❖ The proposal will not detract from the character and amenity of the area
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners.



AREA CALCULATIONS

Ground Storey	: 171,06 m ²
Roof	: 8,77 m ²
Covered Area	: 34,68 m ²
Sub Total	: 220,53 m ²
First Storey	: 119,16 m ²
Balconies	: 29,88 m ²
Sub Total	: 149,04 m ²
Total	: 369,57 m ²
Property Extent	: 452 m ²
Coverage	: 48,79 % (220,53 m ²)

PROPOSED DWELLING ON ERF 61
58 NAUDE STREET
FRANSKRAAL

SITE & GROUND STOREY LAYOUT PLAN 1 : 100

FIRST STOREY LAYOUT PLAN 1 : 100

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE & DEPARTURE: ERF 67,
FRANSKRAAL**

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

Conditions:

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

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

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

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

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

The contribution according to the current policy (2020/2021) is as follows:

Freehold erven:

Water	R 24 915.00 x 1.47828=	R 36 831.38
Sewerage	R 16 799.12 x 1.47828=	R 24 833.80
Roads	R 7 532.72 x 10.423767=	R 78 519.32
TOTAL (inclusive of VAT)	=	R140 184.48

Note:

- 1.3 The above figures are estimates
1.4 The above figures do not include evaluation/investigation levies and connection fees

2. that, Erf 67 be provided with a municipal water meter as per detail and requirements stipulated;
3. that Erf 67 be provided with adequate sewer conservancy tanks;
4. 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;
5. 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;
6. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
7. that any additional and / or extended vehicle entrances will be for the developer's account;
8. that stormwater be allowed to discharge through Erf 67, Franskraal, unobstructed.

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

07/09/2021
DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 May 2022
(Also the agenda for the Mayoral Committee Meeting : 30 May 2022)**

3. ERF 322, 200 PIET RETIEF CRESCENT, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR THE REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS, SUBDIVISION, CONSENT USE AND DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF PBL VERMEIREN

322 HSB (3763)

(H Boshoff)

S van der Merwe

(028) 313 8900

Hermanus Administration

15 February 2022

EXECUTIVE SUMMARY

An application was received on 9 March 2021 (amended application February 2022) from Messrs WRAP Project Office on behalf of the PBL Vermeiren, applicable to Erf 322, Sandbaai for the following:

- the amendment, 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 condition A.2.(a) as contained in Title Deed T39384/2019 applicable to Erf 322, Sandbaai to conduct a guesthouse from each portion after the subdivision of the property hereunder;
- the removal, in terms of Section 16.(2)(f) of the By-Law, of restrictive Title Deed condition A.2.(b) as contained in Title Deed T39384/2019 applicable to Erf 322, Sandbaai in order to subdivide the property in two portions;
- the subdivision, in terms of Section 16(2)(d) of the By-Law, of Erf 322, Sandbaai in two portions, namely Portion A ±705m² in extent and a Remainder ±874m² in extent;
- consent use in terms of Section 16(2)(o) of the By-Law to conduct a three-bedroom guesthouse from the above Portion A and a five-bedroom guesthouse from the above Remainder portion; and
- departure in terms of Section 16(2)(b) of the By-Law to deviate from the parking requirements by providing one of the five required parking bays for the three-bedroom guesthouse on the above Portion A, on the Remainder portion and to tie it with a notarial deed in favor of Portion A.

The restrictive Title Deed condition A.2.(a) read as follows:

“That the above erf or erven be used for residential purposes only.”

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The proposed amendment of the above restrictive Title Deed condition A.2.(a) read as follows:

“That the above erf or erven be used for residential- and guesthouse purposes only.”

The restrictive Title Deed condition A.2.(b) read as follows:

“That the above erf or erven be not subdivided.”

RESOLVED:

1. that the comments be noted;
2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 322, Sandbaai for the amendment of restrictive follows:

“That the above erf or erven be used for residential- and guesthouse purposes only.”

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

3. that the application for the removal, in terms of Section 16.(2)(f) of the By-Law, of restrictive Title Deed condition A.2.(b) as contained in Title Deed T39384/2019 applicable to Erf 322, Sandbaai in order to subdivide the property in two portions, **be approved** in terms of Section 61 of the By-Law;
4. that the application for subdivision, in terms of Section 16(2)(d) of the By-Law, of Erf 322, Sandbaai in two portions, namely Portion A ±705m² in extent and a Remainder ±874m² in extent, **be approved** in terms of Section 61 of the By-Law;
5. that the application for consent use in terms of Section 16(2)(o) of the By-Law to conduct a three-bedroom guesthouse from the above Portion A and a five-bedroom guesthouse from the above Remainder portion, **be approved** in terms of Section 61 of the By-Law;
6. that the application for departure in terms of Section 16(2)(b) of the By-Law to deviate from the parking requirements by providing one of the five required parking bays for the three-bedroom guesthouse on the above Portion A, on the Remainder portion, **be approved** in terms of Section 61

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of the By-Law;

7. that the above approvals be subject to the following conditions:
- (a) that the notarial tie and the five meter right of way servitude in favour of Portion A be simultaneously registered with the registration of the subdivision of the property;
 - (b) that the amended condition A.2.(a) as set out in 2. above be registered against the title deeds of both the subdivided portions in 4. above simultaneously with the registration of the notarial tie and subdivision of the property;
 - (c) that should the owner/s at any stage sell the properties separately, the notarial tie must be cancelled, and the required parking bays must be provided on both properties whether the successors in title wish to proceed to conduct guesthouses from the properties or not;
 - (d) that only on access- and exit point, being the 5m wide right of way servitude, be allowed for both land portions – no separate entrances are allowed;
 - (e) that the development of the properties be restricted to the amended plans nos. Amended Plan 5, 6, 6.1, and 9 that was received by the Municipality on 1 March 2022;
 - (f) that the accommodation establishments on both portions be restricted to eight (8) guest bedrooms in total - three guestrooms on Portion A and five guestrooms on the Remainder;
 - (g) that the residential character must be maintained;
 - (h) that meals may be provided to bona fide guests on the properties;
 - (i) that a guest logbook must always be kept on the properties and that it be made available to Municipality immediately on request;
 - (j) that should meals be provided to bona fide guests, R918 Certificates of Acceptability must be applied for at the Overberg District Municipality for both properties;
 - (k) that subject to obtaining liquor licenses, alcohol beverages may be sold to resident guests for consumption with meals on the properties;

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- (l) that entertainment activities such as pool tables or any associated entertainment activities that generates noise are strictly prohibited;
- (m) that no more than three staff members shall be employed in support of each of the establishments at any given time;
- (n) that none of the guestrooms may be utilised as self-catering units - no kitchenettes, cooking facilities, or prep bowls whatsoever are allowed in the guestrooms – kettles or alike and bar type fridges are allowed;
- (o) that building plans be submitted to the Building Department for approval and that all requirements of the Building Department and Fire Services at the time, be complied with;
- (p) that waste storage areas must be provided on both properties that comply with the refuse rooms standards as per Chapter 17.4.1 of the 2020 Overstrand Land Use Scheme (it must form part of the building plan submissions);
- (q) that the single residential parameters be retained on the property and that all other development parameters as prescribed in the relevant Land Use Scheme must be complied with;
- (r) that each guesthouse must have its own manager that resides permanently on the properties and be responsible for the proper management of the accommodation establishments;
- (s) that the managements of the establishments must implement noise control measurements within the establishments, as well as the outside area to reduce noise levels of any kind to the minimum;
- (t) that the establishments be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area and no activities constituting a public nuisance shall be carried out on the properties;
- (u) that no disturbance from loud music or any other source are allowed after 22:00 at each enterprise;
- (v) that the developments must comply with the provisions of SANS-A:2016, 10400-T: 2020 and the By-Law relating to Community Fire Safety;
- (w) that no advertising signs shall be displayed other than a single un-illuminated sign affixed to each dwelling or boundary wall, or fence

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and such sign must be in line with the Municipality's Signage By-Law at any given time and with the prior approval of the Building Department of the Municipality;

- (x) that the conditions of Engineering Services and Telkom (attached as Annexures G & H), be complied with;
 - (y) that the applicant/landowner/s provide proof of compliance with the above conditions (a), (b), (j) and (x) prior to operating the establishments; and
 - (z) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
 - (aa) that these approvals do not absolve the applicant from compliance with any other relevant legislation;
8. that the applicant and persons who commented be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above conditions and approvals.

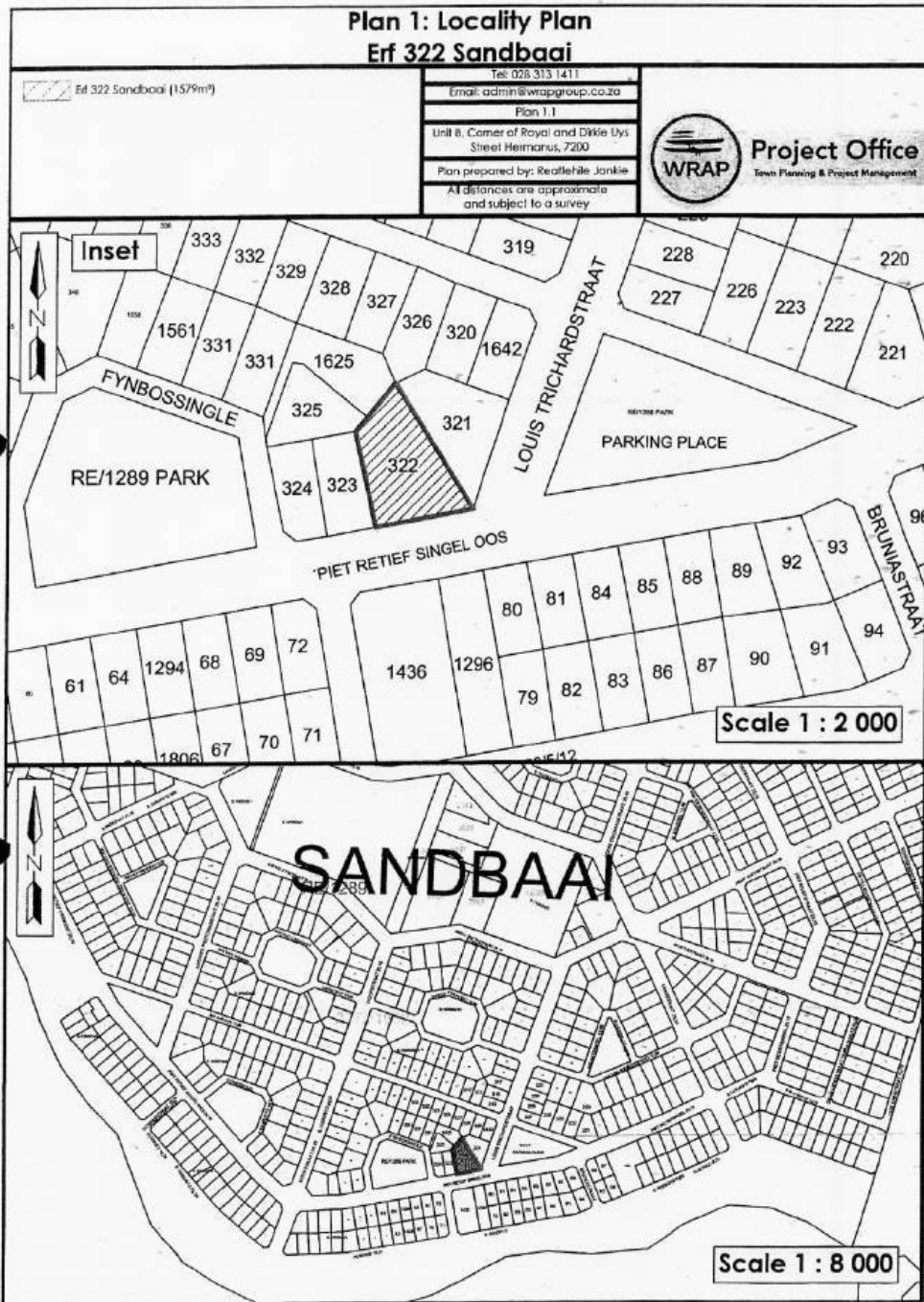
REASONS FOR THE RESOLUTION:

POINTS 1 – 3

- ❖ The majority of properties in Sandbaai are burdened with restrictions regarding subdivision and land uses.
- ❖ The first title deeds of Sandbaai were issued approximately 60 years ago when times were different, but has changed into a mixed-use area, where, amongst others, accommodation establishments are developed that also the tendency in the greater Hermanus and greater Overstrand areas.
- ❖ Since the insertion of the restrictions in the title deeds of Sandbaai, various land use tools came into force to ensure control over land uses and land use parameters like the Overstrand Land Use Scheme of which the parameters and land uses on single residential properties are much more lenient than the restrictions in the title deed of the subject property.
- ❖ The application contains sufficient merit to be considered favourably.
- ❖ One additional erf will be created that is in line with the erf sizes of the immediate area and will therefore not impact on the character of the specific area.
- ❖ During weekends, festive seasons, and holidays, the population of the greater Hermanus area increases dramatically and it is thus evident that the area is increasingly growing as a tourist destination and therefore the

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- Municipality has a mandate in terms of its forward planning strategies to encourage the tourism industry.
- ❖ The greater Hermanus area is globally renowned as a tourist destination and the demand is growing for the establishment of upmarket accommodation businesses since it is lucrative businesses that impacts positively on the local economy.
 - ❖ The establishments will create much needed temporary and permanent employment opportunities.
 - ❖ The proposal is not something out of the ordinary for Sandbaai.
 - ❖ The proposal complies with the parameters of the Municipality's Land Use Scheme.
 - ❖ The additional traffic will not be problematic to the area.
 - ❖ The approval of guesthouses is subject to very strict requirements regarding, amongst others, noise, the parking of vehicles, and the manner in which it must be operated.
 - ❖ The guesthouses will be managed by managers in a professional manner who must reside permanently on the properties.
 - ❖ All the single residential parameters for the development of the properties will be maintained, as well as the single residential zoning status of the properties and it will therefore not impact on the rights of the surrounding property owners.
 - ❖ The departure to providing one of the five required parking bays for the three bedroom guesthouse on Portion A, on the Remainder portion and to tie the properties by means of notarial deed is regarded as insignificant.
 - ❖ All parking for both guesthouses is practical with ample manoeuvrability space.
 - ❖ All services for the subdivided portions are available and is sufficient to accommodate the proposal.
 - ❖ The proposal is thus regarded as being desirable from a town planning perspective.



Amended Plan 6: Portion A: Floor Plan Erf 322 Sandbaai

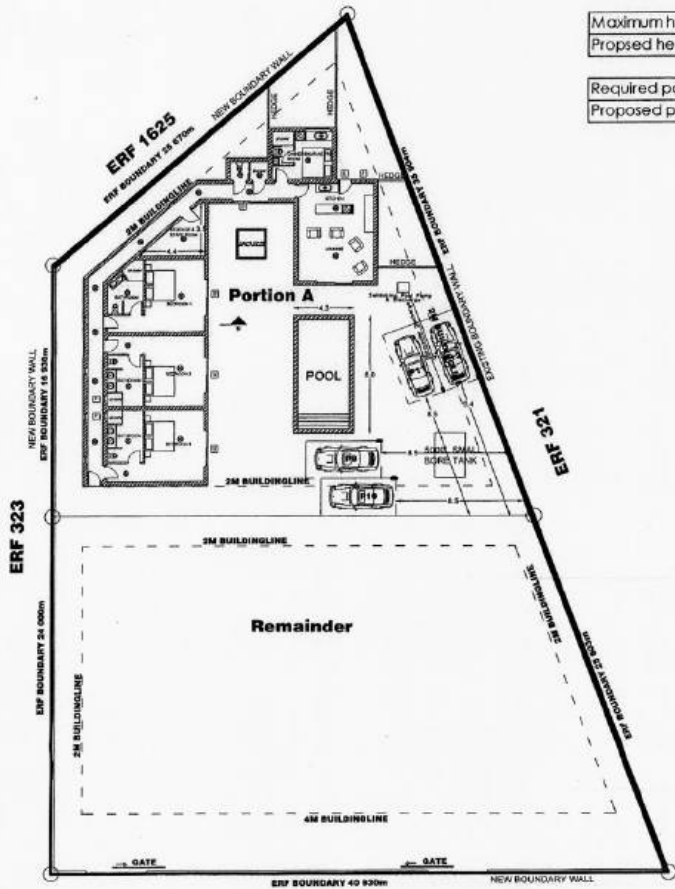
Based on plans by Paulrid Goedeman
Tel: 026 313 1411
Email: admin@wrapgroup.co.za
Plan 6.1
Unit B, Corner of Royal and Dirkie Uys
Street Hermanus, 7200
Plan prepared by: Thion Jansen
All distances are approximate
and subject to a survey



Project Office
Town Planning & Project Management



Portion A	
Erf extent	705m ²
Maximum coverage	50%
Proposed coverage	30,0%
Maximum height	8m
Proposed height	3,5m
Required parking	5 bays
Proposed parking	4 bays



❖ PIET RETIEF SINGEL ❖

Scale 1 : 250

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,
SUBDIVISION, CONSENT USE AND DEPARTURE: ERF 322, 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 (2020/2021) is as follows:

Freehold erven:

Water	R 23 957.00 x 1	=	R 23 957.00
Sewerage	R 16 153.00 x 1	=	R 16 153.00
Roads	R 7 243.00 x 1	=	R 7 243.00
Stormwater	R 8 357.00 x 1	=	R 8 357.00
Solid Waste	R 1 448.00 x 1	=	R 1 448.00
Electricity	R 33 586.00 x 1	=	<u>R 33 586.00</u>
TOTAL (inclusive of VAT)		=	R 90 744.00

Note:

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

3. that only a standard 60 Amp single phase electricity connection will be available per erf;
4. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
5. that on-site parking facility be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
6. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that stormwater be allowed to discharge through the proposed Erven, Sandbaai, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

**AGENDA of the
Portfolio Committee : Investment & Infrastructure
4 May 2022
(Also the agenda for the Mayoral Committee Meeting : 30 May 2022)**

4. ERF 612, 33 SEA VIEW DRIVE, HAWSTON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: M.S. DREYER (EXECUTOR OF ESTATE OF LATE N. DREYER AND SURVIVING SPOUSE E. DREYER)

612 HHW

H Olivier

(028) 313 8900

Hermanus Administration

8 November 2021

EXECUTIVE SUMMARY

An application has been received on 18 September 2020 from MS Dreyer, the Executor of the Estate, 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 612, Hawston 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 garage on Erf 612, Hawston as a house shop, **not be approved** in terms of the provisions of Section 61 of the By-Law.
2. that the applicant be notified of their right of appeal in terms Section 78 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 with regard to the above decision.

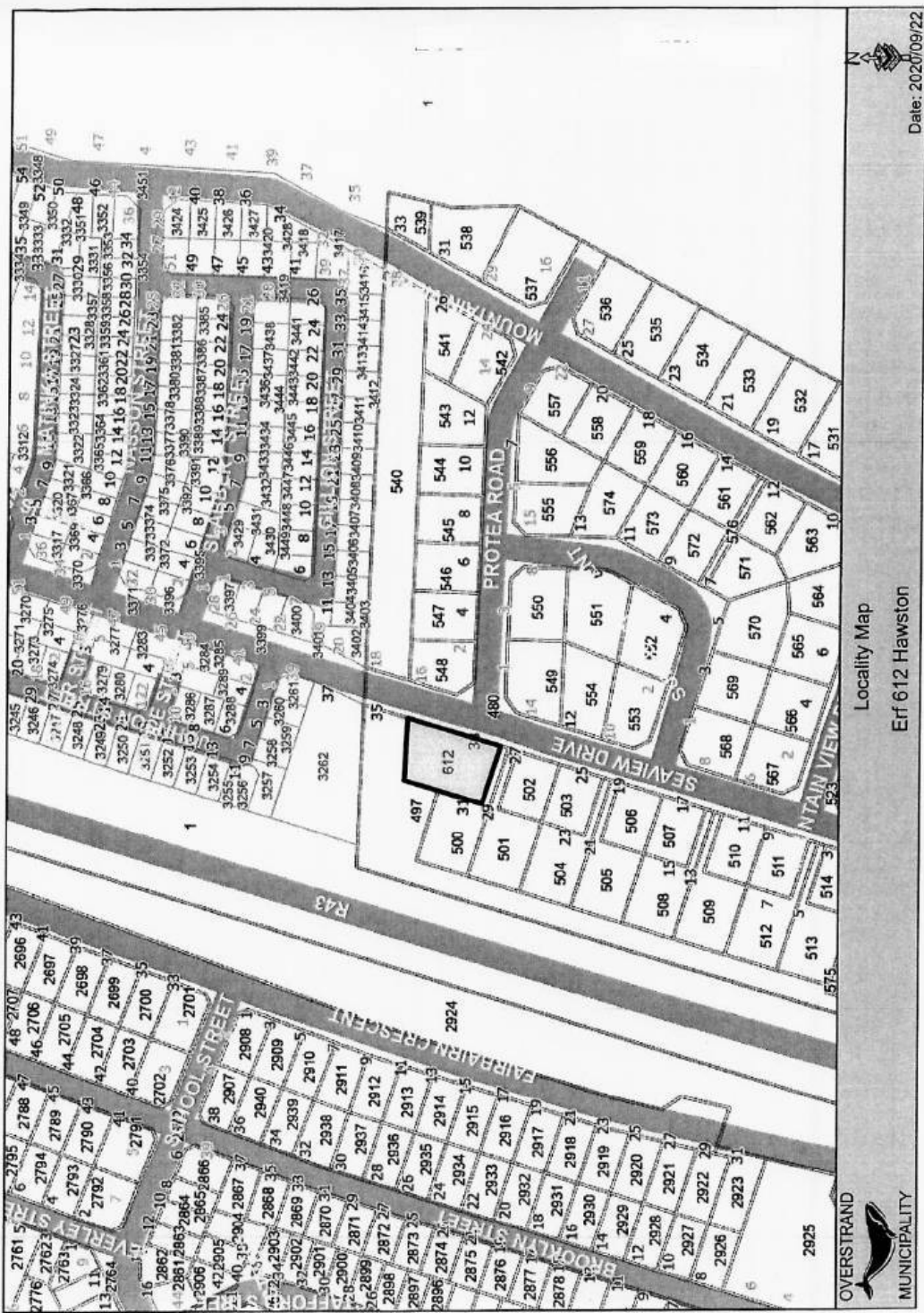
REASONS FOR THE RESOLUTION:

- ❖ The comments and concerns provided by the Ward Councillor are supported, as this area of Hawston is in a higher income group area, with no need from the immediate community for a house shop in their area.
- ❖ The concern of additional impact of influx of people into the area and some traffic does carry weight, and the concerns that this could ultimately impact their property values are valid concerns.
- ❖ The purpose of house shops is to serve the directly immediate neighbours who mostly visit house shops by foot. If this shop then mostly serves neighbourhoods further away it serves no need to the immediately surrounding community, and any possible negative impact on directly surrounding property owners would be unacceptable.
- ❖ This specific area of Hawston east of the R43 District Road has its own character which differs from the character of the BNG housing developments to the north. A house shop application in the BNG area

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could be considered more desirable due to the needs of such community, but the approval of a house shop in this area will have a negative impact on the character of this area.

- ❖ The application is not desirable.



OVERSTRAND
MUNICIPALITY

Locality Map
Erf 612 Hawston



Date: 2020/09/22

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 612, HAWSTON**

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 excess waste be generated by the proposed house shop they will either need to pay for an additional refuse collection service/s (bin/s) to be provided by the municipality or transport the excess waste generated to the Hawston public drop-off facility for disposal;
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 Senior Operational Manager: Hermanus for written approval;
6. that stormwater be allowed to discharge through Erf 612, Hawston, unobstructed;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that no on-street parking be allowed.

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

08/10/2021
DATE