

**PORTFOLIO COMMITTEE :  
INFRASTRUCTURE & PLANNING**

**Chairperson :**

**Cllr K Brice**

**Committee Members :**

**Cllrs D Botha, F Krige,  
S Tebele & V Pungupungu**

**PORTEFEULJEKOMITEE :  
INFRASTRUKTUUR & BEPLANNING**

**Voorsitter :**

**Rdl K Brice**

**Komiteelede :**

**Rdle D Botha, F Krige,  
S Tebele & V Pungupungu**

**INFRASTRUCTURE & PLANNING PORTFOLIO COMMITTEE**  
**INFRASTRUKTUUR & BEPLANNING PORTEFEULJEKOMITEE**

21 May 2019

**I N D E X**

**ITEM**

**PAGE  
NUMBER**

**APPLICATIONS FOR LEAVE OF ABSENCE**

- |           |   |           |
|-----------|---|-----------|
| <b>1.</b> | <b>TOWN &amp; SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS<br/>CONSIDERED IN TERMS OF DELEGATED AUTHORITY: MARCH 2019 –<br/>APRIL 2019</b> | <b>1</b>  |
| <b>2.</b> | <b>SOCIAL HOUSING AND PROPOSED AMENDMENT TO THE DEMARCATED<br/>RESTRUCTURING ZONES</b>  | <b>74</b> |

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 May 2019  
(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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**1.  
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS  
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: MARCH 2019 – APRIL  
2019**

15/3/11

R van Antwerp

(028) 313 8039

Hermanus Administration

12 April 2019

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**1. Executive Summary**

To report on applications disposed of by the Authorised Official in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 21 March 2019 – 12 April 2019.

**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 21 March 2019 – 12 April 2019:

Spatial Land Use Management Act (SPLUMA) Approvals

1.	Erf 1829, 33 Fourth Street, Voëlklip, Hermanus	25 March 2019
2.	Erf 2175, Pearly Beach (Pearly Beach Resort)	29 March 2019
3.	Erf 2945, 8 Protea Street, Onrustrivier	5 April 2019
4.	Erf 6845, 132 Main Road, Nortcliffe, Hermanus	5 April 2019
5.	Erf 243, 86 Long Street, Sandbaai	5 April 2019
6.	Erf 4989, 54 Dawson Village, Dawson Street, Onrustrivier	5 April 2019
7.	Erf 96, 8 Brunia Street, Sandbaai	5 April 2019
8.	Erf 106, 38 Beach Road, Sandbaai	5 April 2019

Municipal Planning Tribunal

1.	Erf 222, 1 Groenewald Street, Gansbaai	28 March 2019
2.	Erven 39, 41 and 42, 108 Kusweg and 241 Piet Retief Crescent, Sandbaai	28 March 2019
3.	Erf 2129, 4 Greeb Road, Betty's Bay	28 March 2019

**RESPONSIBLE OFFICIAL :**

**R VAN ANTWERP**

**TARGET DATE FOR IMPLEMENTATION :**

**12 JUNE 2019**

**TARGET DATE TO INFORM APPLICANT :**

**N/A**

**TARGET DATE TO INFORM OBJECTOR :**

**N/A**

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(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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**1.  
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS  
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: MARCH 2019 – APRIL  
2019**

**15/3/11  
R van Antwerp  
12 April 2019**

**(028) 313 8039**

**Hermanus Administration**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
21 MAY 2019, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

**RESPONSIBLE OFFICIAL :** R VAN ANTWERP

**TARGET DATE FOR IMPLEMENTATION :** 12 JUNE 2019

**TARGET DATE TO INFORM APPLICANT :** N/A

**TARGET DATE TO INFORM OBJECTOR :** N/A

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

1. **ERF 1829, 33 FOURTH STREET, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS PLANACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF WA & L VAN DER RIET**

**1829 HVK (3800)**

**H Boshoff**

**(028) 313 8900**

**Hermanus Administration**

**12 April 2019**

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**Executive Summary**

An application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 has been received on 10 April 2018 from Messrs PlanActive Town- and Regional Planners on behalf of WA & L van der Riet, applicable to Erf 1829, Hermanus in order to:

- relax the eastern lateral building line from 2m to 1,2m and the rear building line from 2m to 0m to accommodate the conversion of an approved garage to a pool room at ground floor level and an open entertainment area consisting of a deck, braai and pergola at first floor level of the pool room;
- to relax the rear building line from 2m to 1,366m to accommodate a portion of the illegal open staircase that leads to the above entertainment area; and
- to exceed the 3,5m height restriction applicable to outbuildings over rear- and lateral building lines to 3,83m, 5,59m and 5,95m respectively to accommodate deck to hand rail height, the roof height of the pergola and the chimney of the braai of the open entertainment area above the pool room.

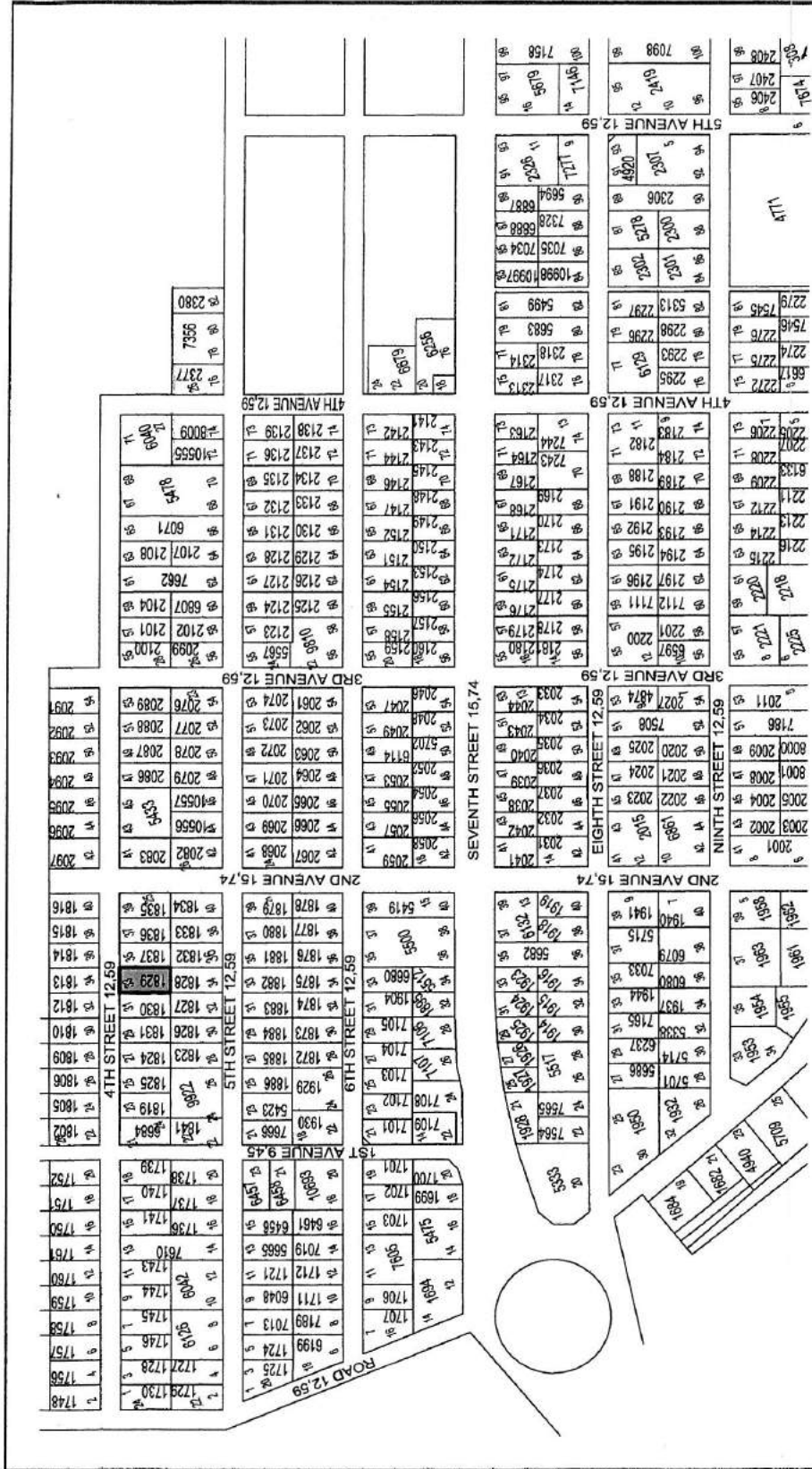
**RESOLVED :**

1. that the objection be noted;
2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, applicable to Erf 1829, Hermanus (Voëlkliip) in order to relax the eastern lateral building line from 2m to 1,2m and the rear building line from 2m to 0m in order to accommodate the conversion of the approved garage to a pool room at ground floor level, **be refused** in terms of the provisions of Section 61 of the By-Law and that the building be converted back to a garage;

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3. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, applicable to Erf 1829, Hermanus (Voëlklip) in order to relax the rear building line from 2m to 1,366m to accommodate a portion of the open staircase that leads to the open entertainment area on the roof of the structure, and to exceed the 3,5m height restriction applicable to outbuildings to 3,83m, 5,59m and 5,95m respectively to accommodate the deck to hand rail height, the roof height of the pergola and the chimney of the braai of the open entertainment area, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that, except for the entertainment area, the landowners convert the structure back to its original state/use as per the original approved building plans thereof (attached as Annexure I), and that the conversion be done within sixty (60) days of the final decision of the application, and that the Building Department of the Municipality must be approached to determine whether new building plans are required for the conversion;
5. that the approvals in paragraph 3. above be subject to the following conditions:
  - (a) that proper balustrades or walls not exceeding 1m in height must be constructed in such a manner that both the rear and eastern building lines be maintained;
  - (b) that no section of the entertainment area may be enclosed whatsoever;
  - (c) that building plans be submitted to the Building Department for approval and that any requirements by the building Department and Fire Services at the time be complied with;
  - (d) that all other requirements as set out in the Zoning Scheme be complied with, and
  - (e) that the landowners are not exempted from compliance with any other applicable legislation.
6. that the applicant as well as the objectors be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decisions.



Scale: NTS  
 Drawing No: Item18291.dwg  
 Date: SEPTEMBER 2017

Plan Description:  
**LOCALITY MAP**

Property Description:  
**ERF 1829 HERMANUS**

All distances approximate and subject to survey.  
 COPY RIGHT RESERVED

**PIAn** Stads-en Streeksbeplanners  
 Town & Regional Planners



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 1829, VOELKLIP (3800)**

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, 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;
4. that stormwater be allowed to discharge through Erf 1829, Voelklip, unobstructed;
5. that no on-street parking be allowed.

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

  
DATE

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Portfolio Committee : Infrastructure & Planning  
21 May 2019  
(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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**2. ERF 2175, PEARLY BEACH, (PEARLY BEACH RESORT), OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: LJ & EC SMITH**

**2175 GPB (4217)**

**SW vd Merwe**

**(028) 313 8900**

**Hermanus Administration**

**27 March 2019**

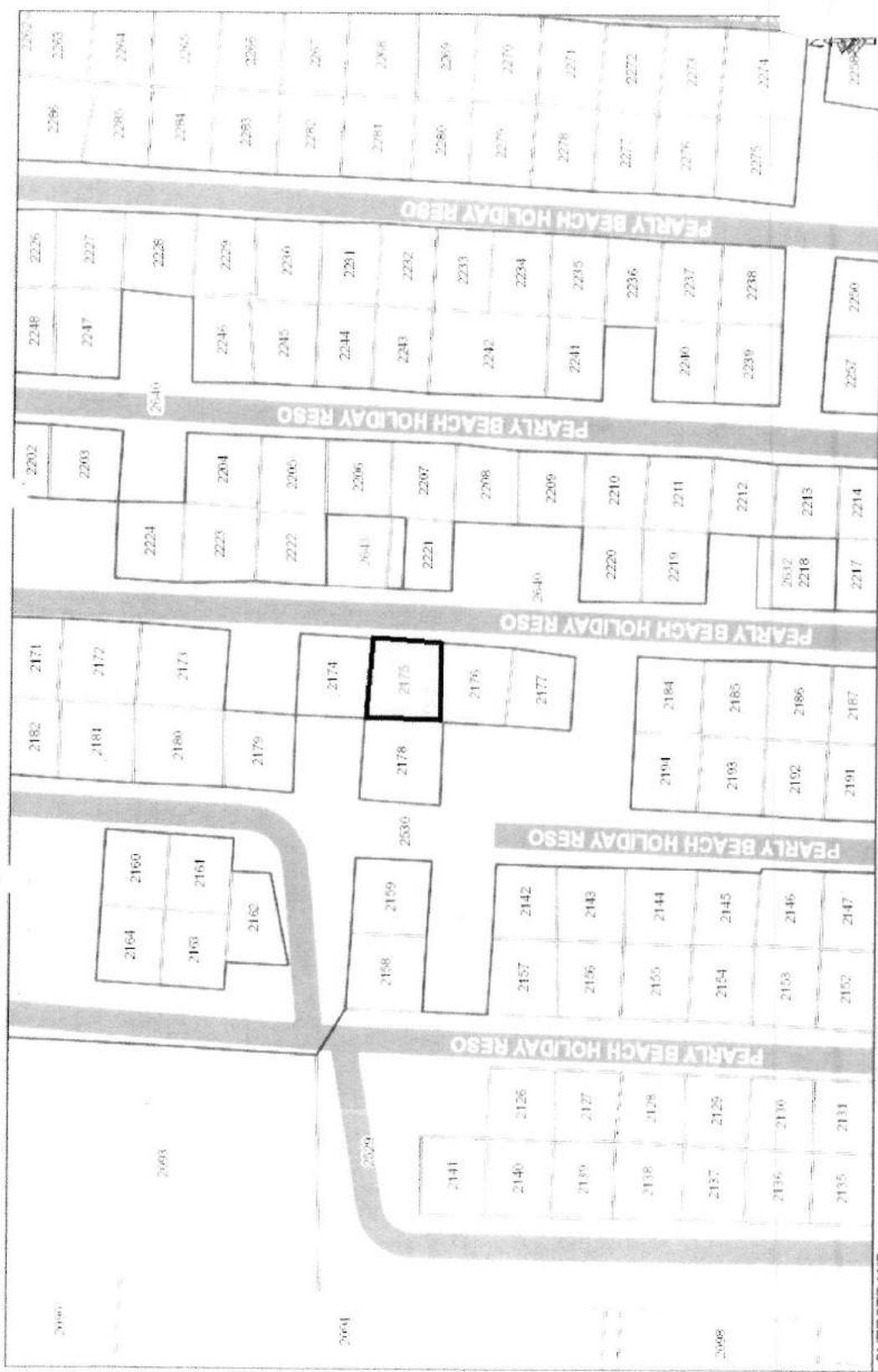
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**Executive Summary**

To consider an application received on 22 October 2019 from LJ & EC Smith, the owners of Erf 2175, Pearly Beach for departure in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2015 in order to relax the street building line from 2m to 1,458m and the lateral building line from 1m to 0,5m.

**RESOLVED :**

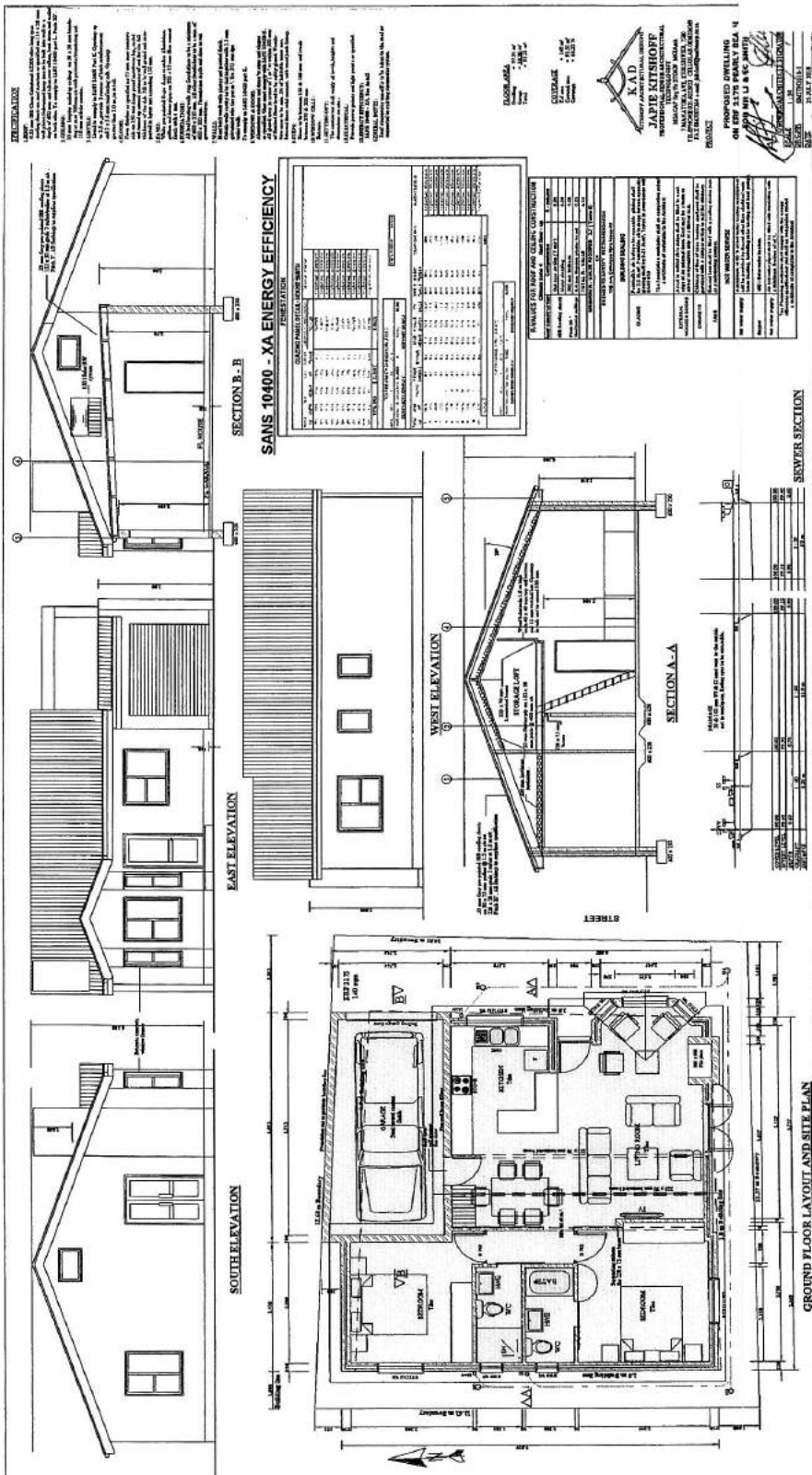
1. that the application for departure on Erf 2175, Pearly Beach in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2015 in order to relax the street building line from 2m to 1,458m and the lateral building line from 1m to 0,5m, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the approval is only for the departure as indicated on the Site Plan as submitted with the application;
  - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (c) that all the conditions in the Services Report, be complied with;
  - (d) that the development be in compliance with the approved guidelines, and
  - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.



Erf 2175 Peary Beach



Scale: 1:1000



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 2175, PEARLY BEACH (4217)**

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

**Conditions**

1. that the Department Engineering Services has No Comment.

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

*19/01/2019*  
 \_\_\_\_\_  
**DATE**

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 May 2019  
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**3. ERF 2945, 8 PROTEA STREET, ONRUSTRIVIER, OVERSTRAND  
MUNICIPAL AREA: PROPOSED DEPARTURE : MESSRS KOTLOWITZ  
MARAIS ARCHITECTS ON BEHALF OF JJ SNYMAN**

**2945 HON (4179)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**14 February 2019**

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**Executive Summary**

An application has been received on 19 September 2018 from Messrs Kotlowitz Marais Architects on behalf of JJ Snyman on Erf 2945, Onrustrivier for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the 2,1m height restriction for boundary walls to 2,7m to accommodate the existing street boundary wall with beam and gate.

**RESOLVED :**

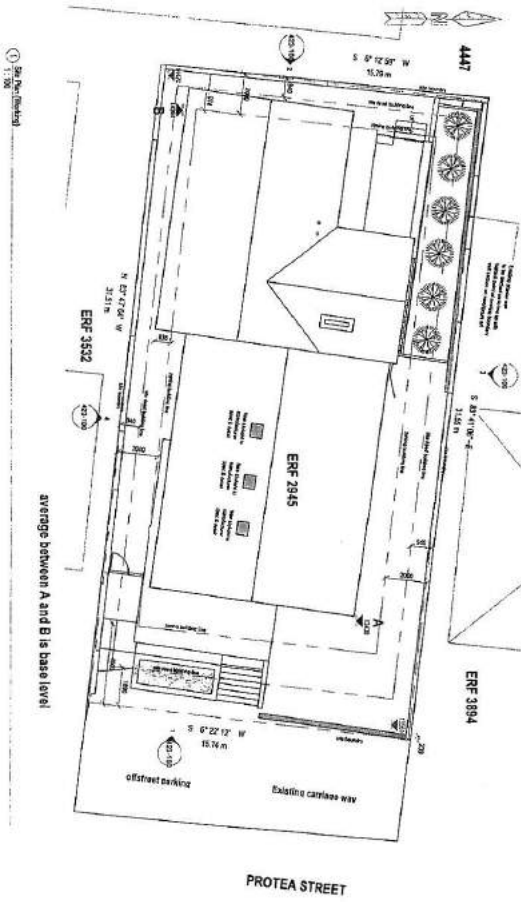
1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Erf 2945, Onrustrivier in order to relax the 2,1m height restriction for boundary walls to 2,7m to accommodate the existing street boundary wall with beam and gate constructed on the street frontage with Protea Street, Onrustrivier, **be approved** in terms of the provisions of Section 61, subject to the following conditions:
  - (a) that approval only relates to the walling as indicated on Plan 30872 dated 18 August 2018, submitted with this application;
  - (b) that building plans for the wall and gate be submitted to the Building Department for their approval, and that all conditions stipulated by the Building Department and Fire Department at that stage, be complied with;
  - (c) that this is not an approval in terms of any other legislation;
  - (d) that the conditions in the Services Report, be complied with, and
  - (e) that all the conditions imposed by Telkom, be complied with, and
  - (f) that all the conditions imposed by Eskom, be complied with.

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





ARCHITECT 

OWNER 

**COUNCIL SUBMISSION**

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NO.	DATE	REVISIONS

**kotlowitz mardis architects**

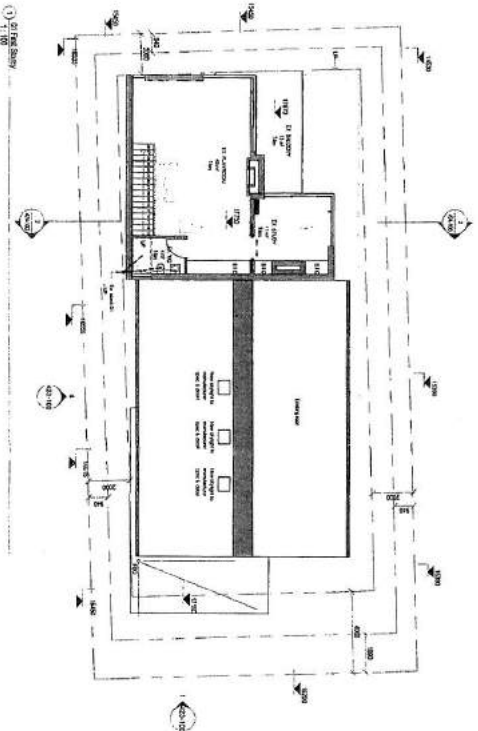
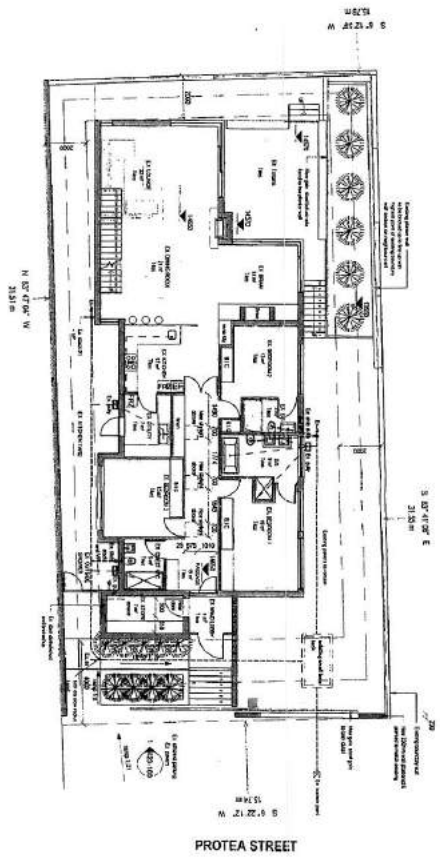
1177  
 1177  
 1177

Project: Additions to existing house for Mr & Mrs Symon

Site: 206  
 Project: House plans

Scale: 1:100  
 Date: 01/20/2010

Project: 01/20/2010



ARCHITECT *[Signature]*

OWNER *[Signature]*

**COUNCIL SUBMISSION**

CONTRACTOR: [Name], [Address], [Phone]

DATE: [Date]

PROJECT: [Project Name]

SCALE: 1:100

DATE: 01.04.2010

PROJECT NO: [Number]

**Kotlowitz marais architects**

ADDITORS to existing house for Mr & Mrs Strydom

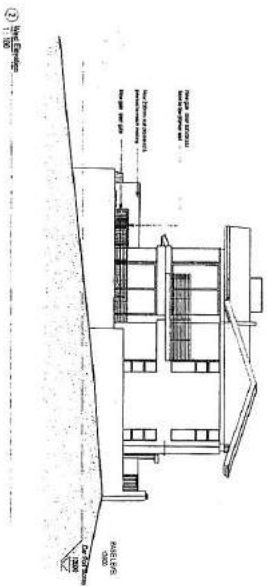
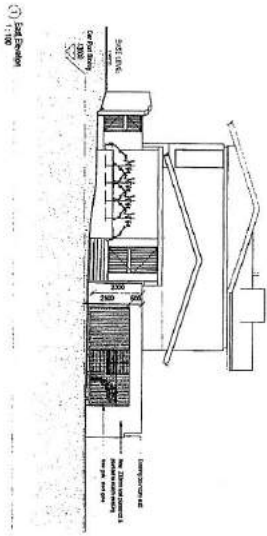
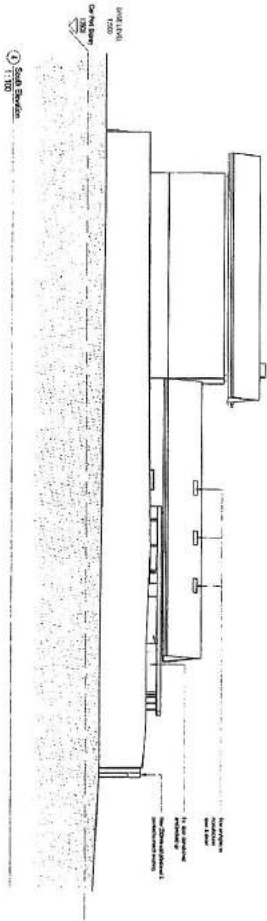
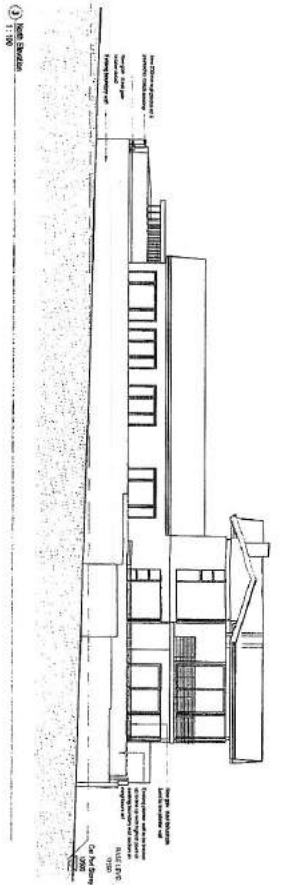
**Floor Plan**

DATE: [Date]

SCALE: 1:100

DATE: 01.04.2010

PROJECT NO: [Number]



ARCHITECT 

OWNER 

**COUNCIL SUBMISSION**

CONTRACT PRICE: \$200,000.00  
 CONTRACT VALUE: \$200,000.00  
 CONTRACT TYPE: LUMP SUM  
 CONTRACT START DATE: 1/1/2010  
 CONTRACT END DATE: 12/31/2010  
 CONTRACT STATUS: OPEN  
 CONTRACT DESCRIPTION: ADDITIONS TO EXISTING HOUSE FOR MR & MRS SYMPSON

**REVISIONS**

NO.	DATE	DESCRIPTION

**kotlowitz marais architects**

Architects

1000 ...

ADDITIONS TO EXISTING HOUSE FOR MR & MRS SYMPSON

2010

**Elevations & Section**

NO.	DATE	DESCRIPTION

Scale: 1/4" = 1'-0"

Scale: 1/8" = 1'-0"

Scale: 1/16" = 1'-0"

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 2945, ONRUS RIVER (4179)**

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 2945, Onrus River, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.

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

  
**DATE**

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Portfolio Committee : Infrastructure & Planning  
21 May 2019  
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**4. ERF 6845, 132 MAIN ROAD, NORTHCLIFFE, HERMANUS, OVERSTRAND  
MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS LUKE  
ARCHITECTS ON BEHALF OF THE BIRKENHEAD BODY CORPORATE**

**6845 HNC (4182)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**18 March 2019**

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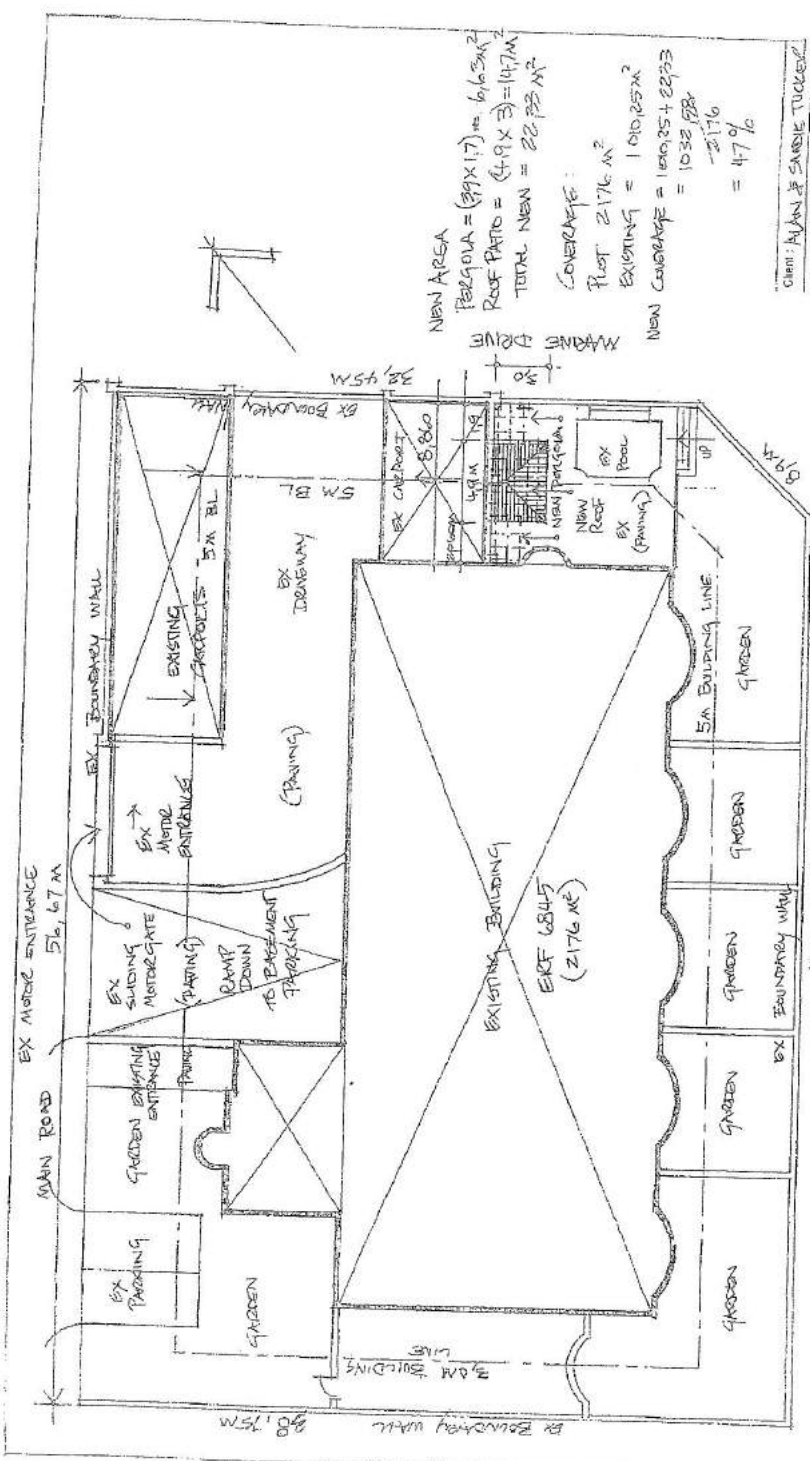
**Executive Summary**

An application has been received on 19 September 2018 from Messrs Luke Architects on behalf of the Birkenhead Body Corporate on Erf 6845, Northcliffe, Hermanus for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the 5m lateral building line to 0m in order to allow a pergola and gazebo.

**RESOLVED :**

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for a departure on Erf 6845, Hermanus (Northcliffe) to relax the street building line from 5m to 0m to accommodate a pergola and gazebo, **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 submitted by the architect (Plan Number AT/02/1 dated August 2018);
  - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with, and
  - (e) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval."





NEW AREA  
 PERGOLA = (39 X 17) = 663 m<sup>2</sup>  
 ROOF PATIO = (49 X 3) = 147 m<sup>2</sup>  
 TOTAL NEW = 22.23 m<sup>2</sup>

CONCRETE:  
 POOL 2176 m<sup>2</sup>  
 EXISTING = 1010.25 m<sup>2</sup>  
 NEW CONCRETE = 1010.25 + 22.23  
 = 1032.48  
 - 2176  
 = 47.6

Client: NUN & SIBBIE TUCKER

**LUKE**  
 Architects

Project: APARTMENT 105  
 BIRKENHEAD ROAD  
 HERMANS

Director:

Date: AUG 18 2018  
 Drawing No: AT 01  
 Scale: as shown  
 Revision No: 1

IF IN DOUBT, PLEASE ASK!

NOTE: CONSULT THE LOCAL COUNCIL FOR ALL NECESSARY PERMITS AND APPROVALS. THE CLIENT ACCEPTS RESPONSIBILITY FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING AS SHOWN ON THESE PLANS.

1.1. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING AS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT ACCEPT RESPONSIBILITY FOR THE DESIGN OR CONSTRUCTION OF ANY OTHER BUILDINGS OR STRUCTURES ON THE SITE. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING AS SHOWN ON THESE PLANS.

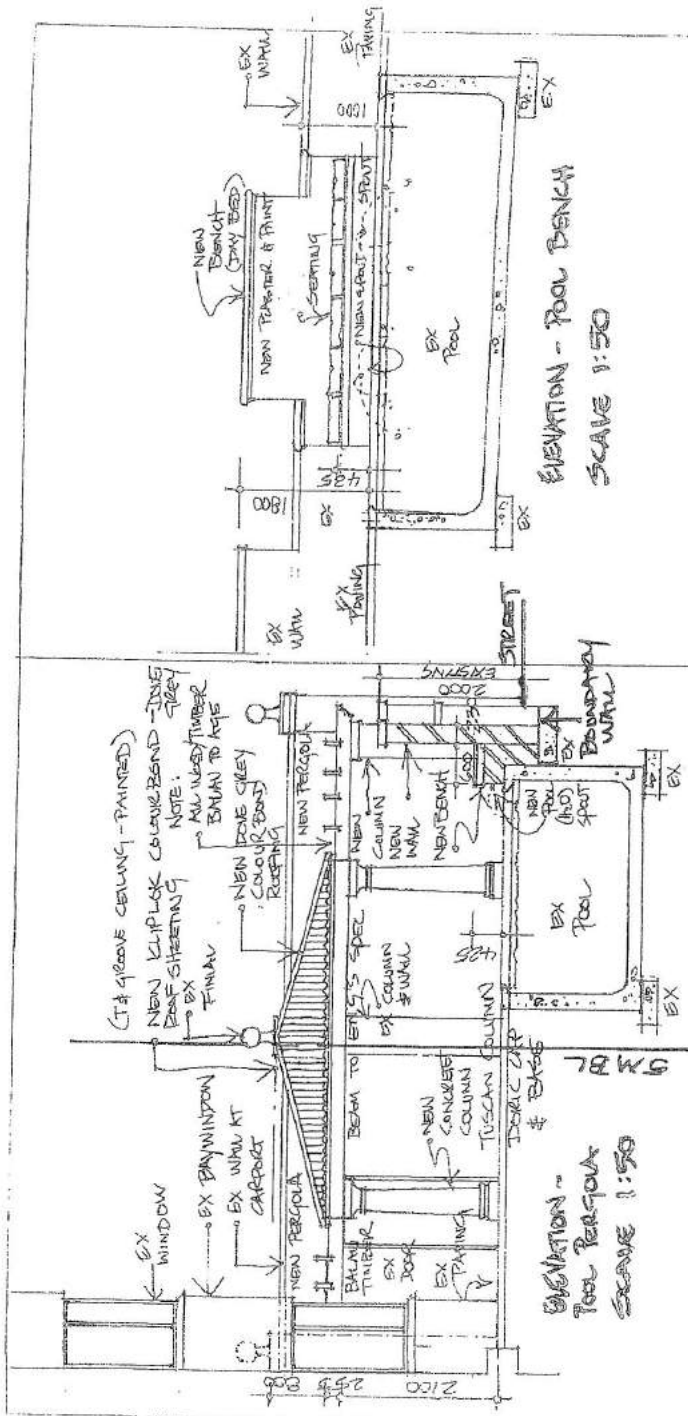
1.2. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING AS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT ACCEPT RESPONSIBILITY FOR THE DESIGN OR CONSTRUCTION OF ANY OTHER BUILDINGS OR STRUCTURES ON THE SITE. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING AS SHOWN ON THESE PLANS.

**SITE PLAN 1:200**

50.37 M  
 MARINE DRIVE

Michael Smeetsberg - 6/11/2018





Client: ALAN & SANDIE TUCKER  
 1 Naine Street  
 2 Naine Street  
 3 Naine Street  
 SACAP 20077  
 Call: 099 454 2511  
 Fax: 099 454 2512

**LUKE ARCHITECTS**  
 Project: APARTMENTS  
 BIRKENHEAD - POOL BENCH  
 TERRANAUZE

DATE: AUG 18  
 DRAWN: LUKE  
 SCALE: 1:50  
 PROJECTOR: AT  
 DRAWING NO: ELEVATION NOT  
 02

IF IN DOUBT, PLEASE ASK!

NOTE: CONSULT WITH THE CLIENT AND ARCHITECT BEFORE ANY CONSTRUCTION WORK COMMENCES. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING WORK SHOWN ON THIS DRAWING. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF ANY OTHER WORK SHOWN ON THIS DRAWING.

NOTES:  
 1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.  
 2. ALL MATERIALS TO BE USED MUST BE APPROVED BY THE ARCHITECT.  
 3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.  
 4. ALL MATERIALS TO BE USED MUST BE APPROVED BY THE ARCHITECT.

6/9/2018

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 6845, HERMANUS (4182)**

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 stormwater be allowed to discharge through Erf 6845, Hermanus, 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**

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 May 2019  
(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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5. **ERF 243, 86 LONG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE: MESSRS PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF HO ERIHIAKPOPE**

**243 HSB (4046)**

**H van der Stoep**

**12 February 2019**

**(028) 313 8900**

**Hermanus Administration**

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**Executive Summary**

An application, applicable to Erf 243, Sandbaai, has been received on 14 June 2018 from Messrs PlanActive Town- & Regional Planners on behalf of HO Erihiakpope for the following:

➤ **Removal of restrictive title deed conditions**

Application in terms of Section 16.(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the removal of restrictive title deed conditions B.2.(a), and (d) as contained in Title Deed T.20389/2018 applicable to Erf 243, Sandbaai in order to enable the owner to conduct a guesthouse from the property, as well as to be in line with the primary rights and development rules applicable to single residential properties as set out in the Overstrand Zoning Scheme; and

➤ **Consent Use**

Application in terms of Section 16.(2)(o) of the By-Law for consent use for a guesthouse in order to develop and conduct a five (5) bedroom guesthouse from Erf 243, Sandbaai.

**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 removal of restrictive title deed conditions B.2.(a), and (d) as contained in Title Deed T.20389/2018 applicable to Erf 243, Sandbaai in order to enable the owner to conduct a guesthouse from the property, as well as to be in line with the primary rights and development rules applicable to single residential properties as set out in the Overstrand Zoning Scheme, **be approved** in terms of the provisions of Section 61 of the By-Law;

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 May 2019  
(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

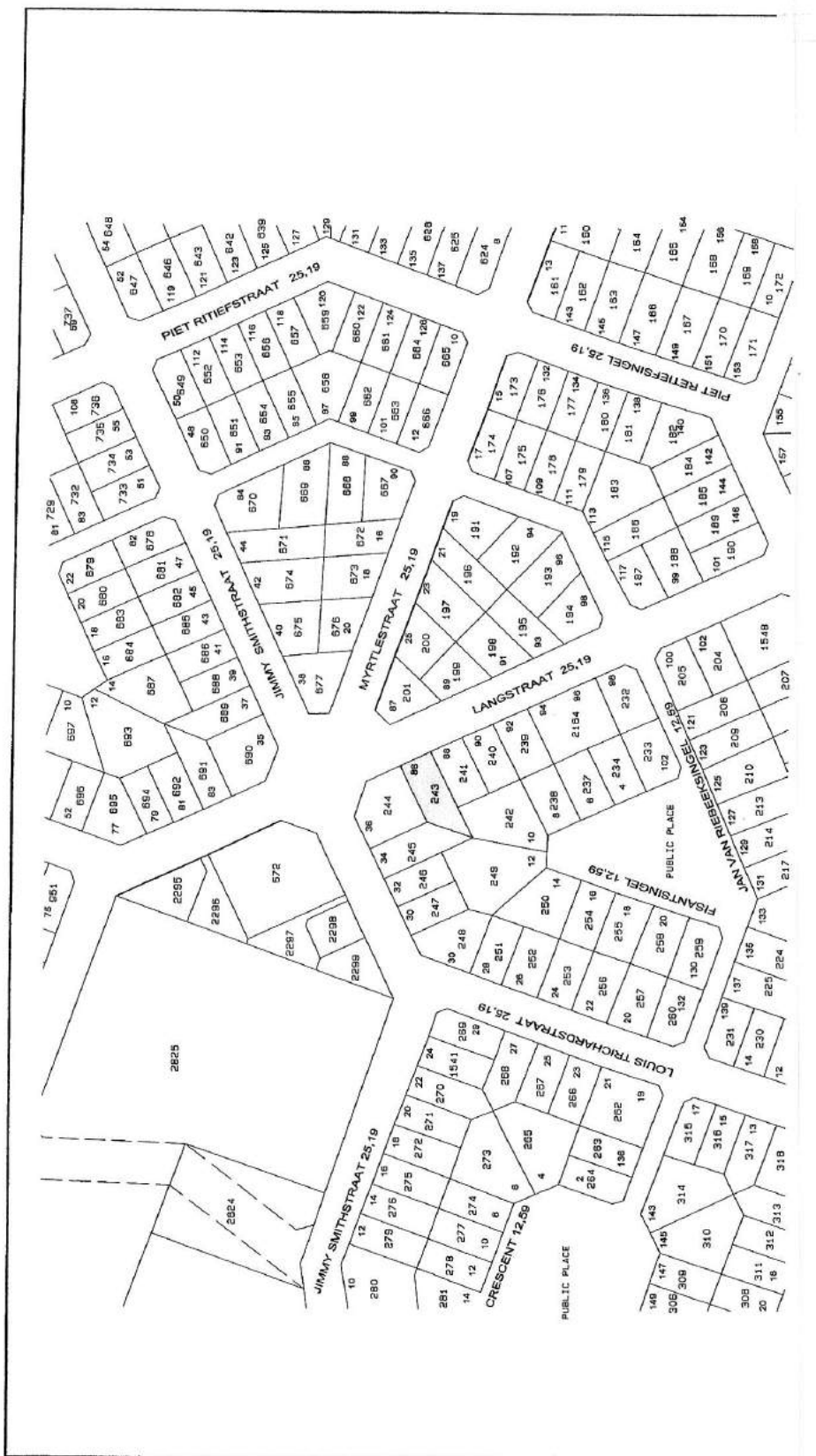
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2. that the application in terms of Section 16.(2)(o) of the By-Law for consent use for a guesthouse in order to accommodate a guesthouse with five (5) guestrooms on Erf 243, Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the above approvals be subject to the following conditions:
  - (a) that building plans be submitted to the Building Department for approval indicating the five (5) bedrooms, the owner/manager's accommodation, and the parking layout on Erf 243, Sandbaai, and that all conditions of the Building – and the Fire Department be complied with at that stage – the main dwelling and second dwelling must be of the same architectural style;
  - (b) that a maximum of five (5) bedrooms to be let;
  - (c) that the owner/manager resides permanently on the premises, and be responsible for the proper management of the guest house;
  - (d) that the guest house is utilized as such – no self-catering will be permitted;
  - (e) that no kitchen facilities and/or prep bowls be allowed in the guestrooms;
  - (f) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
  - (g) that the selling or serving of liquor will be subject to the owner obtaining the necessary Liquor Licence;
  - (h) that a minimum of one (1) permanently demarcated parking bay per guestroom and two (2) for the owner/manager be practically provided within the erf boundaries and that only one (1) access point, not exceeding 6m in width, be allowed;
  - (i) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (j) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;

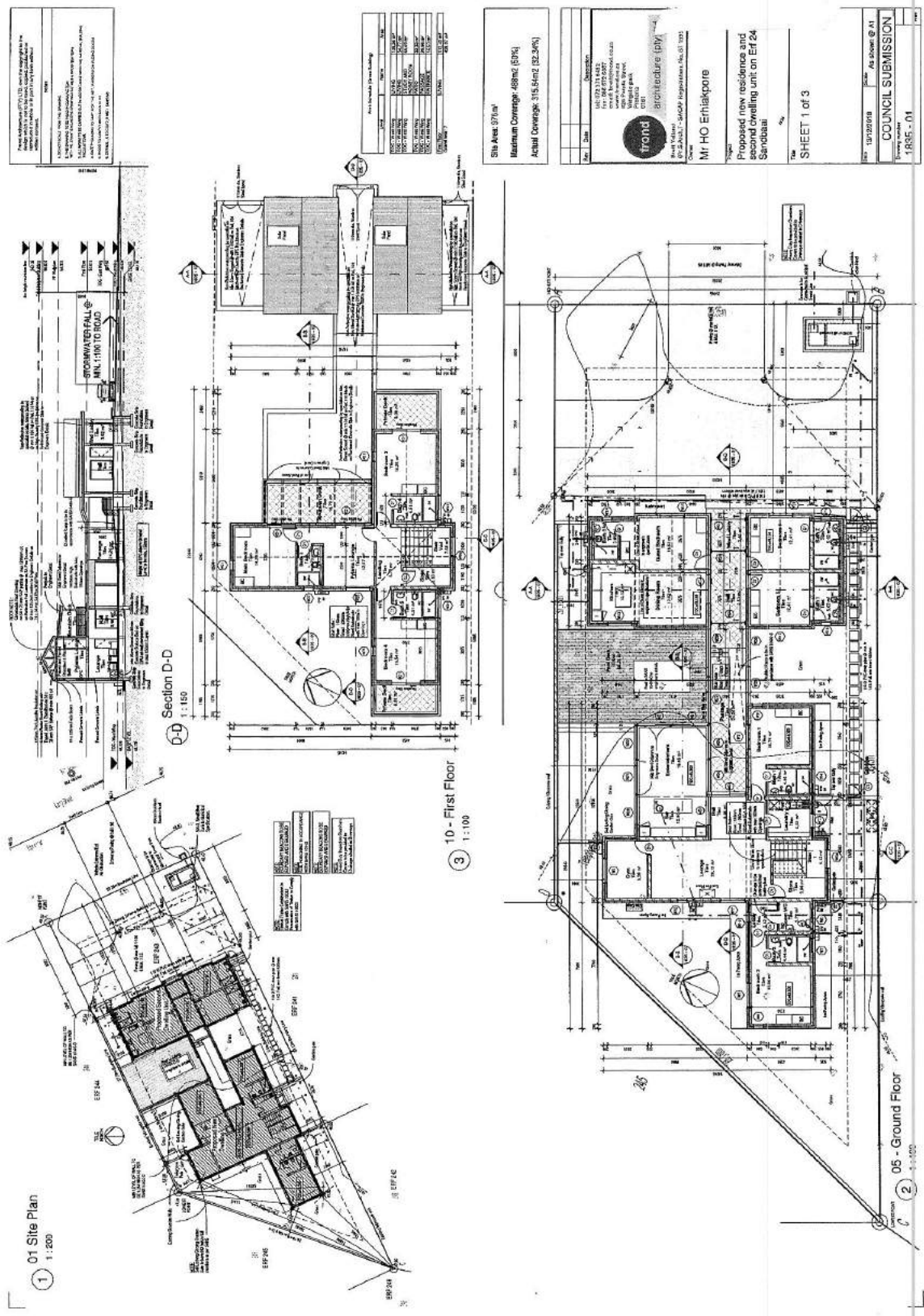
**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 May 2019  
(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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- (k) that only a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises;
  - (l) that the guest house be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
  - (m) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
  - (n) that the conditions of Engineering Services, Fire Services and Telkom, be complied with;
  - (o) that this approval does not absolve the landowner from compliance with any other relevant legislation, and
  - (p) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditional approvals.



	Stads- en Streetsbeplanners Town & Regional Planners	Property Description: <b>ERF 243</b> <b>SANDBAAI</b>	Plan Description: <b>LOCALITY MAP</b>	Scale: <b>NTS</b> Drawing Nr: <b>SAND243L.drw</b> Date: <b>06/2018</b>
	All distances approximate and subject to survey. COPY RIGHT RESERVED			



Particulars of Materials and Workmanship to be used in the Construction of the Building

Particulars	Quantity	Unit	Remarks
1. Cement	1000	kg	For concrete work
2. Sand	1000	kg	For concrete work
3. Bricks	1000	kg	For masonry work
4. Mortar	1000	kg	For masonry work
5. Tiles	1000	kg	For floor and wall work
6. Plaster	1000	kg	For wall and ceiling work
7. Paint	1000	kg	For finishing work
8. Iron rods	1000	kg	For reinforcement
9. Steel bars	1000	kg	For reinforcement
10. Wood	1000	kg	For framing and finishing
11. Glass	1000	kg	For windows and doors
12. Doors	1000	kg	For entrance and exits
13. Windows	1000	kg	For ventilation and light
14. Stairs	1000	kg	For vertical circulation
15. Lift	1000	kg	For vertical circulation
16. Electrical	1000	kg	For lighting and power
17. Plumbing	1000	kg	For water supply and drainage
18. Sanitary	1000	kg	For toilets and showers
19. Heating	1000	kg	For winter comfort
20. Cooling	1000	kg	For summer comfort
21. Air conditioning	1000	kg	For climate control
22. Security	1000	kg	For safety and protection
23. Fire	1000	kg	For fire protection
24. Sound	1000	kg	For noise reduction
25. Vibration	1000	kg	For structural stability
26. Earthquake	1000	kg	For seismic resistance
27. Wind	1000	kg	For wind resistance
28. Rain	1000	kg	For water protection
29. Snow	1000	kg	For winter protection
30. Frost	1000	kg	For winter protection
31. Heat	1000	kg	For energy efficiency
32. Light	1000	kg	For energy efficiency
33. Air	1000	kg	For energy efficiency
34. Water	1000	kg	For energy efficiency
35. Noise	1000	kg	For energy efficiency
36. Vibration	1000	kg	For energy efficiency
37. Earthquake	1000	kg	For energy efficiency
38. Wind	1000	kg	For energy efficiency
39. Rain	1000	kg	For energy efficiency
40. Snow	1000	kg	For energy efficiency
41. Frost	1000	kg	For energy efficiency
42. Heat	1000	kg	For energy efficiency
43. Light	1000	kg	For energy efficiency
44. Air	1000	kg	For energy efficiency
45. Water	1000	kg	For energy efficiency
46. Noise	1000	kg	For energy efficiency
47. Vibration	1000	kg	For energy efficiency
48. Earthquake	1000	kg	For energy efficiency
49. Wind	1000	kg	For energy efficiency
50. Rain	1000	kg	For energy efficiency
51. Snow	1000	kg	For energy efficiency
52. Frost	1000	kg	For energy efficiency
53. Heat	1000	kg	For energy efficiency
54. Light	1000	kg	For energy efficiency
55. Air	1000	kg	For energy efficiency
56. Water	1000	kg	For energy efficiency
57. Noise	1000	kg	For energy efficiency
58. Vibration	1000	kg	For energy efficiency
59. Earthquake	1000	kg	For energy efficiency
60. Wind	1000	kg	For energy efficiency
61. Rain	1000	kg	For energy efficiency
62. Snow	1000	kg	For energy efficiency
63. Frost	1000	kg	For energy efficiency
64. Heat	1000	kg	For energy efficiency
65. Light	1000	kg	For energy efficiency
66. Air	1000	kg	For energy efficiency
67. Water	1000	kg	For energy efficiency
68. Noise	1000	kg	For energy efficiency
69. Vibration	1000	kg	For energy efficiency
70. Earthquake	1000	kg	For energy efficiency
71. Wind	1000	kg	For energy efficiency
72. Rain	1000	kg	For energy efficiency
73. Snow	1000	kg	For energy efficiency
74. Frost	1000	kg	For energy efficiency
75. Heat	1000	kg	For energy efficiency
76. Light	1000	kg	For energy efficiency
77. Air	1000	kg	For energy efficiency
78. Water	1000	kg	For energy efficiency
79. Noise	1000	kg	For energy efficiency
80. Vibration	1000	kg	For energy efficiency
81. Earthquake	1000	kg	For energy efficiency
82. Wind	1000	kg	For energy efficiency
83. Rain	1000	kg	For energy efficiency
84. Snow	1000	kg	For energy efficiency
85. Frost	1000	kg	For energy efficiency
86. Heat	1000	kg	For energy efficiency
87. Light	1000	kg	For energy efficiency
88. Air	1000	kg	For energy efficiency
89. Water	1000	kg	For energy efficiency
90. Noise	1000	kg	For energy efficiency
91. Vibration	1000	kg	For energy efficiency
92. Earthquake	1000	kg	For energy efficiency
93. Wind	1000	kg	For energy efficiency
94. Rain	1000	kg	For energy efficiency
95. Snow	1000	kg	For energy efficiency
96. Frost	1000	kg	For energy efficiency
97. Heat	1000	kg	For energy efficiency
98. Light	1000	kg	For energy efficiency
99. Air	1000	kg	For energy efficiency
100. Water	1000	kg	For energy efficiency

Site Area: 2781m<sup>2</sup>  
 Maximum Coverage: 488m<sup>2</sup> (17%)  
 Actual Coverage: 315,6m<sup>2</sup> (113,8%)

**frond architecture (pty)**  
 141, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445, 447, 449, 451, 453, 455, 457, 459, 461, 463, 465, 467, 469, 471, 473, 475, 477, 479, 481, 483, 485, 487, 489, 491, 493, 495, 497, 499, 501, 503, 505, 507, 509, 511, 513, 515, 517, 519, 521, 523, 525, 527, 529, 531, 533, 535, 537, 539, 541, 543, 545, 547, 549, 551, 553, 555, 557, 559, 561, 563, 565, 567, 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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED  
CONDITIONS & CONSENT USE: ERF 243, SANDBAAI (4046)**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the 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 any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
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 access to the property over the sidewalk be limited to a maximum width of 6m wide, so as to limit the impact on pedestrian traffic- and development of driveways over sidewalks and / or services;
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 stormwater be allowed to discharge through Erf 243, Sandbaai, unobstructed;

8. that any additional and / or extended vehicle entrances will be for the owner's account;
9. that no on-street parking be allowed.

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

*20/09/2018*  
**DATE**

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 May 2019  
(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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**6. ERF 4989, 54 DAWSON VILLAGE, DAWSON STREET, ONRUSTRIVIER,  
OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS  
ENGELBRECHT & SCORGIE ON BEHALF OF HA WOBBE**

**4989 HON (4251)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**20 March 2019**

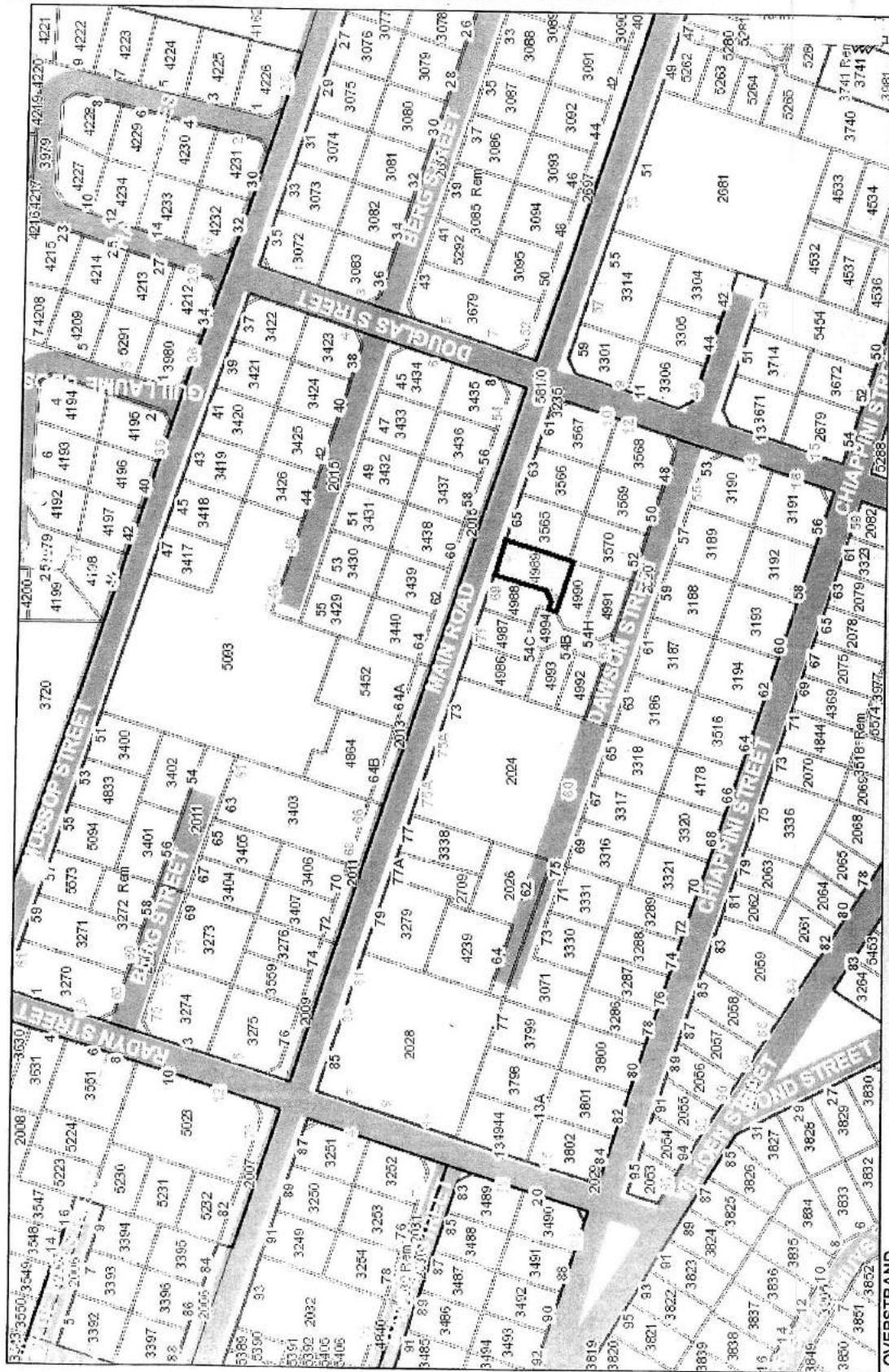
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**Executive Summary**

An application has been received on 16 November 2018 from Messrs Engelbrecht & Scorgie on behalf of HA Wobbe on Erf 4989, Onrustrivier for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the eastern lateral building line from 3m to 2m to accommodate the existing dwelling and the use change of an existing balcony to a braai room.

**RESOLVED :**

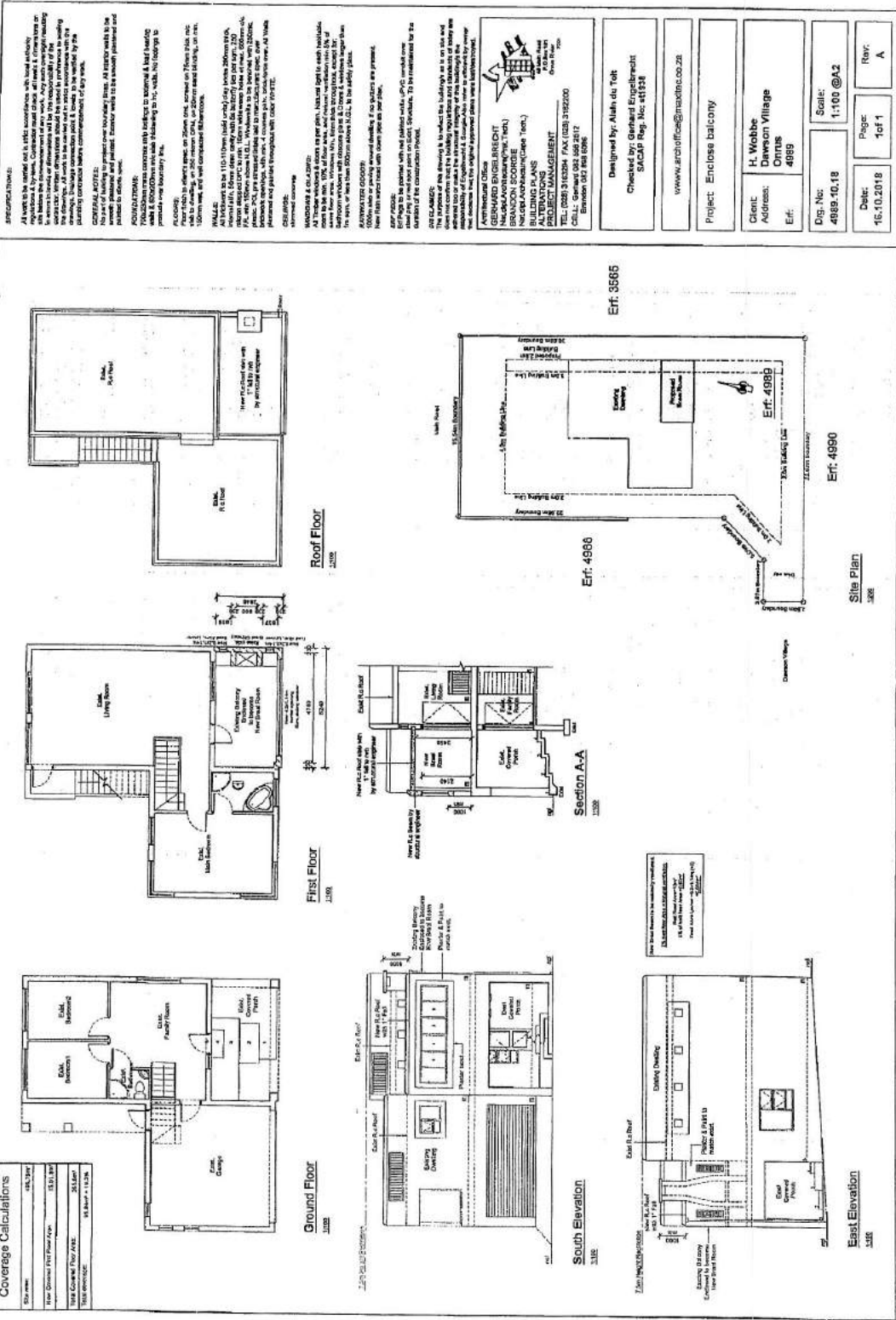
1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for a departure on Erf 4989, Onrustrivier to relax the eastern lateral building line from 3m to 2m to accommodate the existing dwelling and also a use change of a balcony in a braai room, **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 submitted by the architect (Plan Number 4989.10.18 dated 16/10/2018);
  - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
  - (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.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.



Erf 4989 Onrus River



Plot: 0000 44 01



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 4989, ONRUS RIVER (4251)**

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

**Conditions**

1. that the Department Engineering Services has No Comment.

*pp. R. Hendriks*  
\_\_\_\_\_  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

*26/02/2019*  
\_\_\_\_\_  
**DATE**

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 May 2019  
(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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**7. ERF 96, 4 BRUNIA STREET, SANDBAAI: PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS & DEPARTURES: MESSRS WRAP ON BEHALF OF DJ MEIRING AND ME VICTOR**

**96 HSB (4152)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**28 February 2019**

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**Executive Summary**

An application has been received on 24 August 2018 from Messrs WRAP on behalf of DJ Meiring and ME Victor applicable to Erf 96, Sandbaai for the following:

- ❖ Application for a removal of restrictive title conditions with reference to conditions B.ii.(c) and B.ii.(d) as contained in Title Deed T21588/2007 in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 relating to 4,72m street building lines and to legalize the existing second dwelling unit on the property.

The restrictive conditions Clauses B.ii.(c) and B.ii.(d) as contained in Title Deed T21588/2007 to be removed, read as follows:

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

*“(d) That no building shall be erected on the above erf or erven within 4,72 metres of any boundary line between the said erf or erven and any street, road or avenue on which such erf or erven abuts; such space may be used as garden, but shall not be built upon.”*

- ❖ Application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the following :
  - to relax the northern street building line from 4m to 3,6m and the western street building line from 4m to 3,6m to accommodate the existing main dwelling unit on the property; and
  - to relax the eastern lateral building line from 2m to 1,475m and 0m respectively to accommodate the existing second dwelling unit on the property and a new garage.


**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 May 2019  
(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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**RESOLVED :**

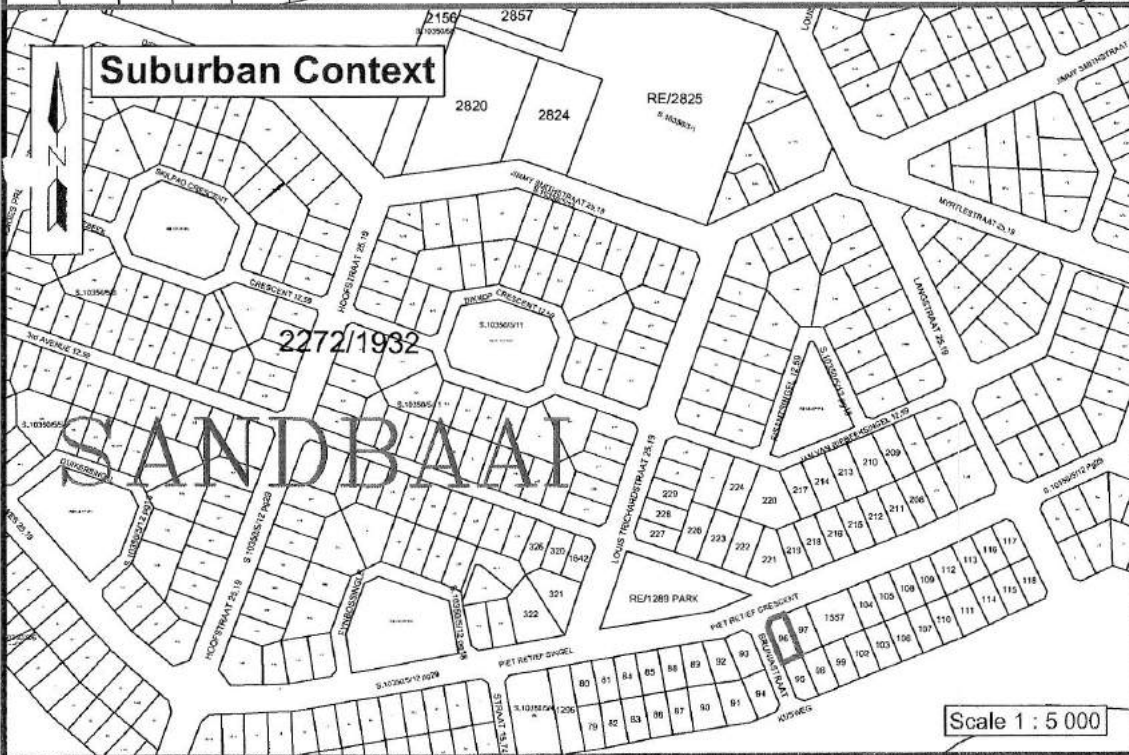
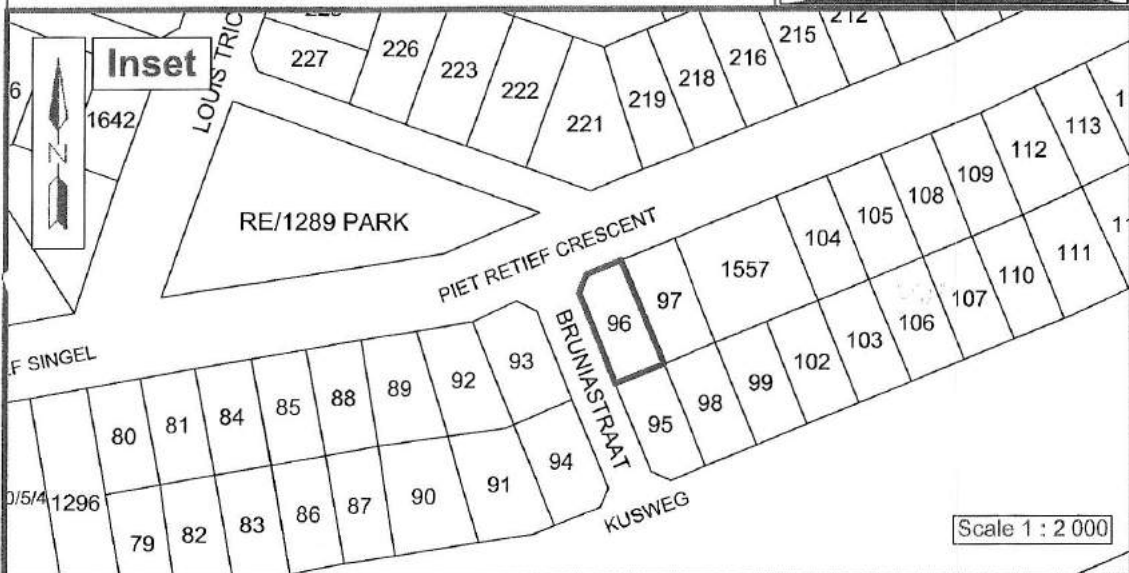
1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the removal of restrictive title deed conditions B.ii.(c) and B.ii.(d) as contained in Title Deed T21588/2007 applicable to Erf 96, Sandbaai in order to accommodate the main dwelling that encroach the 4,72m Piet Retief Crescent street building line and to legalize the existing second dwelling unit on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section (16)(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for a departure applicable to Erf 96, Sandbaai in order to relax the northern street building line from 4m to  $\pm 3,6$ m to accommodate the existing main dwelling unit, as well as the eastern lateral building line from 2m to  $\pm 1,475$ m and 0m respectively to accommodate the existing second dwelling unit on the property and a new garage, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the above approvals be subject to the following conditions:
  - (a) that this approval is only for the dimensions as indicated on Site Development Plan 3.2 (undated) that was submitted with the application;
  - (b) that building plans be submitted to the Building Department for approval and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (c) that all the conditions in the Engineering Report and Telkom, be complied with;
  - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approvals.

### Plan 1: Locality Plan Erf 96 Sandbaai

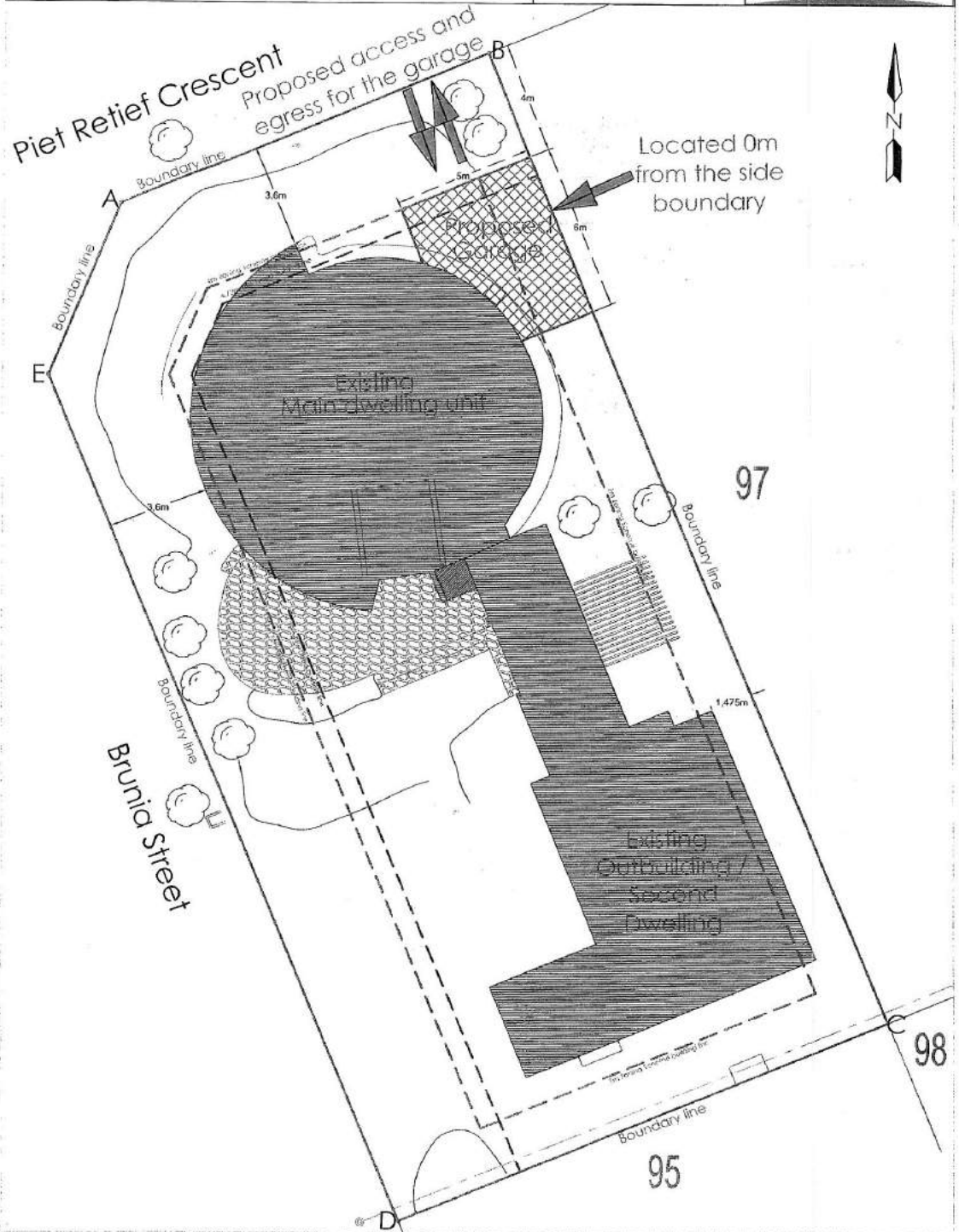
 Erf 96 Sandbaai (703m<sup>2</sup>)

Plan prepared by: Realhille Jankle

All distances are approximate  
and subject to a survey



<b>Proposed Site Development Plan of Erf 96 Sandbaai (703m<sup>2</sup>)</b>		35 Duiker Street
Footprint 234.7m <sup>2</sup> Dwelling 156.9m <sup>2</sup> Second dwelling 39.4m <sup>2</sup> Existing garage 43.4m <sup>2</sup> Proposed garage 24.2m <sup>2</sup> <b>COVERAGE : 33,38%</b>	Based on a survey by Geomatics Africa	7200
	Scale 1 : 125	Tel: 028 313 1411 Fax: 086 508 3248
	Plan 3.2	Email: wrap@telkomsa.net Web: www.wrapgroup.co.za
	Plan prepared by : Reatlehle Jankie	<b>WRAP</b>
All distances approximate and subject to survey.		



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIONS & DEPARTURE: ERF 96,  
SANDBAAI (4152)**

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 stormwater be allowed to discharge through Erf 96, Sandbaai, 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.

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

*28/01/2019*  
**DATE**

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 May 2019  
(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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**8. ERF 106, 38 BEACH ROAD, SANDBAAI, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR THE AMENDMENT OF AN EXISTING CONDITION OF  
APPROVAL: MESSRS WRAP CONSULTANCY ON BEHALF OF THE  
SNYMAN FAMILY TRUST**

**106 HSB (4005)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**22 February 2019**

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**Executive Summary**

An application has been received on 18 May 2018 from Messrs WRAP Consultancy on behalf of the Snyman Family Trust applicable to Erf 106, Sandbaai in terms of Section 16.(2)(h) of the Overstrand Municipality By-Law on Land Use Planning, 2015, for the amendment of condition 3.(c) of the decision of the Municipal Planning Tribunal taken on 28 March 2018 pertaining to the application for the removal of restrictive title deed conditions and consent use applicable to the property.

**RESOLVED :**

1. that the application in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 applicable to Erf 106, Sandbaai for the amendment of condition 3.(c) of the decision of the Municipal Planning Tribunal taken on 28 March 2018 pertaining to the application for the removal of restrictive title deed conditions and consent use applicable to the property, **be approved** in terms of the provisions of Section 61 of the By-Law to read as follows:

*“3.(c) that the enclosed passage (as per the site development plan submitted), be constructed to connect the guestroom at the rear of the property with the main dwelling unit – this bedroom may only be utilised as a guestroom for guests and the main dwelling unit may have two (2) kitchens.”*

2. that the approval in 1. above be subject to the following conditions:
  - (a) that the rear bedroom area with kitchenette may not be rented out as a habitable entity at all or the passage-way be permanently blocked off from the main dwelling;
  - (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;

**AGENDA of the  
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(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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- (c) that all the applicable conditions as set out in the decision of 28 March 2018 of the Municipal Planning Tribunal (attached as Annexure D), still applies;
  - (d) the applicable conditions as set out in the letters of approval dated 18 July 2013 and 29 January 2015, still applies;
  - (e) that all the conditions in the Engineering Report, be complied with;
  - (f) that this approval does not absolve the applicant 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.
3. 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 above decision.





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR AMENDMENT OF A CONDITION OF APPROVAL:  
ERF 106, SANDBAAI (4005)**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the 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 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 any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
5. that, should any upgrading and / or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that stormwater be allowed to discharge through Erf 106, Sandbaai, unobstructed;
7. that refuse will be removed from sidewalks as per municipal arrangements;
8. that no on-street parking be allowed.

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

*08/08/2018*  
 DATE

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 May 2019  
(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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Municipal Planning Tribunal

1. **ERF 222, 1 GROENEWALD STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA: REMOVAL OF RESTRICTIVE CONDITIONS AND REZONING: MESSRS PRINSLOO ARGITEKTONIESE ONTWERPKANTOOR ON BEHALF OF THE STEPHEN JACKIE FAMILY TRUST**

**222 GGB (3290)**

**SW van der Merwe  
4 February 2019**

**(028) 313 8900**

**Hermanus Administration**

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**Executive Summary**

An application has been received on 12 May 2016 from Messrs Prinsloo Argitektoniese Ontwerpkantoor on behalf of the Stephen Jackie Family Trust for the following:

- ❖ Removal of restrictive title conditions with reference to Clauses 3.A(a), 3.A(b), 3.A(c) and 3.A(d) of Title Deed T59454/2015 applicable to Erf 222, Gansbaai in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to develop a boutique hotel on the property.

The restrictive conditions contained in paragraph 3.A of Title Deed T59454/2015 to be removed read as follows:

- “(a) That this erf be used for residential purposes only.*
- (b) That only one dwelling together with such outbuildings as are ordinarily required to be used therewith be erected on this erf.*
- (c) That no more than one-half of the area of this erf be built upon.*
- (d) That no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining erf.”*

- ❖ Rezoning in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 from Residential Zone 1: Single Residential (SR1) to Business Zone 2: General Business (B2), Bulk Zone 2 in order to develop a boutique hotel on the property

**RESOLVED :**

1. that the objections be noted;

**AGENDA of the  
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21 May 2019  
(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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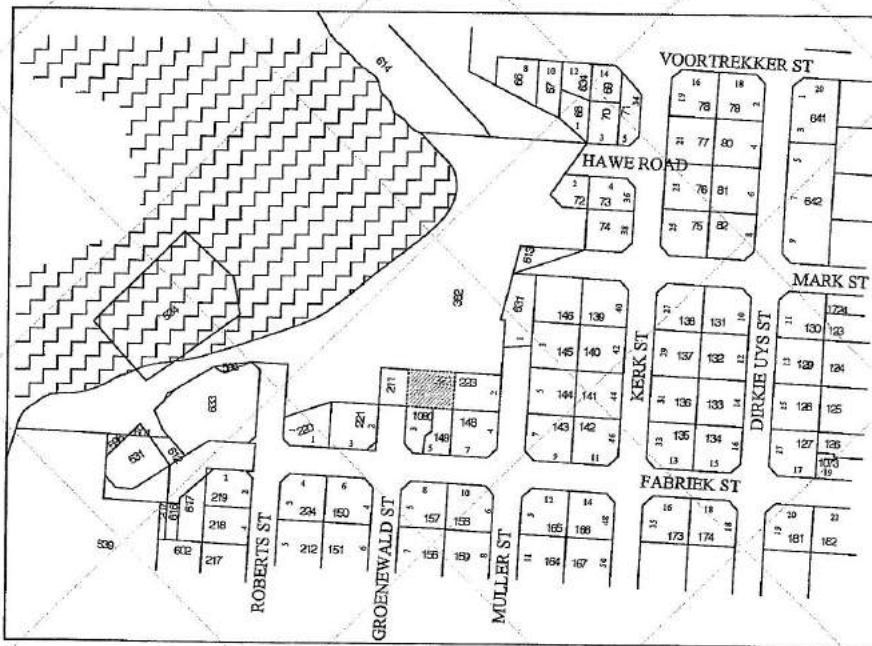
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipal Land Use Planning By-Law, 2015 for the removal of restrictive conditions 3.A(a), 3.A(b), 3.A(c) and 3.A(d) of Title Deed T59454/2015 applicable to Erf 222, Gansbaai in order to develop a boutique hotel, **be approved**;
3. that the application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for rezoning from Residential Zone 1: Single Residential (SR1) to Business Zone 2: General Business (B2), Bulk Zone 2 in order to develop a boutique hotel on the property, **be approved**;
4. that the approval in paragraphs 2 and 3 above be subject to the following conditions:
  - (a) that the development be restricted to a boutique hotel and restaurant;
  - (b) that prior to commencement of the development a detailed Site Development Plan be submitted in accordance with the requirements of the Zoning Scheme Regulations for approval by the Authorised Official;
  - (c) that the development be re-designed to be sympathetic to the local vernacular in accordance with a revised Site Development Plan demonstrating compliance with the requirements of the Overstrand Heritage and Aesthetics Committee;
  - (d) that the development of the subject property be limited to two (2) storeys, subject to a 8,5m height restriction and 2m set back from the street building line applicable to the second floor;
  - (e) that the Site Development Plan shall be accompanied by a Geotechnical Report demonstrating that the ground conditions is suitable for the proposed development;
  - (f) that the operation of a place of entertainment, a bar or tavern is not permitted;
  - (g) that provision be made for on-site parking in accordance with the provisions of the Scheme Regulations, in accordance with a detailed parking layout to be submitted for approval by the Authorised Official;
  - (h) that the display of signage shall comply with the Municipal By-Law Relating to Outdoor Advertising and Signage;
  - (i) that the selling or serving of liquor be subject to a valid liquor license;

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
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- (j) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (k) that the boutique hotel complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
  - (l) that no self-catering rooms will be permitted;
  - (m) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
  - (n) that all the conditions in the Services Report be complied with;
  - (o) that the requirements of Electro-Technical Services, District Health, Telkom, Fire Services, Overstrand Heritage and Aesthetics Committee, Engineering Services and Heritage Western Cape be adhered to;
  - (p) that the operation of the boutique hotel be subject to a valid Business License;
  - (q) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (r) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
5. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decisions and conditions of approval.

# LOCATION PLAN FOR ERF 222, GANSBAAI



 **LOCATION PLAN**  
SCALE : N.T.S.

**PRINSLOO**  
 ARGITEKTONIESE  
 ONTWERPKANTOOR  
 GK 15 / 11155 / 11

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**MARTIN PRINSLOO**  
 N.O. ARGITEKTOUR • LID VAN S.A.A.P.  
 DIRKIE UYS STR. 21 GANSBAAI 7531  
 TEL: 0476 - 861121, 861122, 861123  
 prins.architekton.co.za

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**PRINSLOO**  
 ARGENTINIAN ARCHITECTS  
 ONTWERPKANTOOR  
 DE 11-1104/14

**MARTIN PRINSLOO**  
 ARGENTINIAN ARCHITECT  
 11, NELLE STRAAT, GANSBAAI  
 7015 CA, CAPE TOWN  
 T: +27 (0) 21 462 1450 F: +27 (0) 21 462 1451

PROPOSED NEW BUILDING  
 FOR INVESTMENT FAMILY  
 ON ERF 222

**GANSBAAI**  
 SITE & GROUND STOREY PLAN

DRAWN BY: [ ]  
 CHECKED BY: [ ]  
 DATE: 04/12/2015

SCALE: AS SHOWN

**LEGEND:**

**BASEMENT:**  
 LOBBY/STAIRS/LIFT/PARKING: 416 sqm

**GROUND FLOOR:**  
 RESTAURANT: 75 sqm  
 KITCHEN: 22 sqm  
 TOILETS: 23 sqm  
 BAR AREA: 10 sqm  
 STAIRS & LIFT: 10 sqm  
 LOUNGE: 22 sqm  
 CORRIDORS: 19 sqm  
 2 BEDROOMS: 56 sqm  
 BALCONIES: 84 sqm  
 TOTAL: 321 sqm

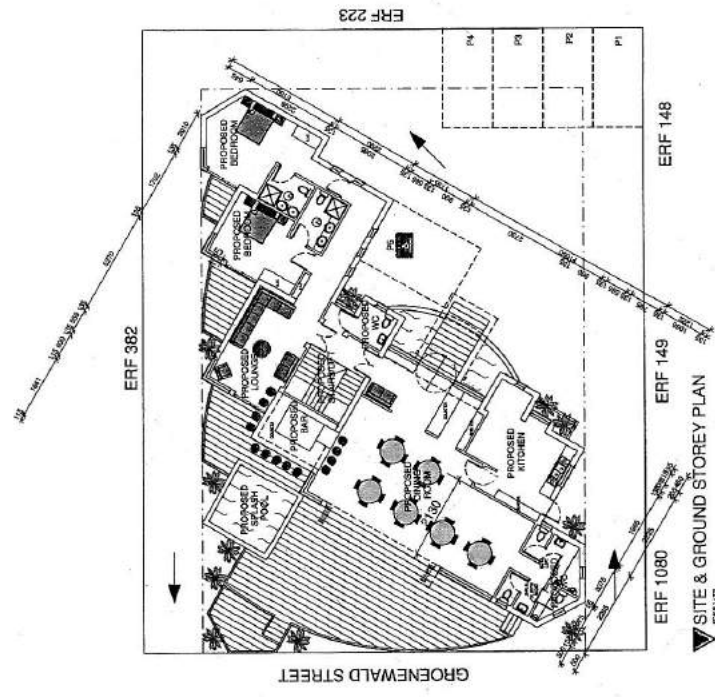
**FIRST FLOOR:**  
 LINEN ROOMS: 10 sqm  
 GUEST ROOMS: 205 sqm  
 BALCONIES: 30 sqm  
 TOTAL: 245 sqm

**ERF:** 795 sqm

**COVERAGE:** 0.53%

**FLOOR FACTOR:** 1.23

**PARKINGS NEEDED:** 18  
**PARKINGS PROVIDED:** 20



▲ SITE & GROUND STOREY PLAN  
 SCALE 1:100

3/14

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**PRINSLOO**  
 ARCHITECTONIESE  
 ONTWERPKANTOOR

MARTIN PRINSLOO  
 ARCHITECT  
 111 BLOK 1001, 1001, 1001, 1001, 1001  
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PROPOSED NEW BUILDING  
 FERMISTEER FAMILY  
 ON ERF 223

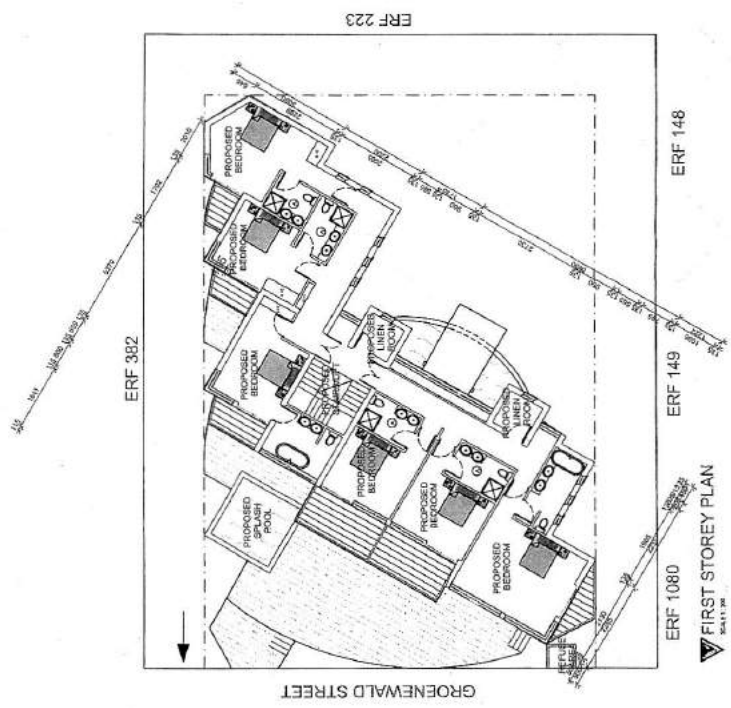
**GANSBAAI**

PROF. DR. J. H. VAN DER MERWE  
 ARCHITECT

DRAWING NUMBER  
 SHEET 1 OF 1

DATE  
 04/12/2015

SCALE  
 AS SHOWN



**FIRST STOREY PLAN**

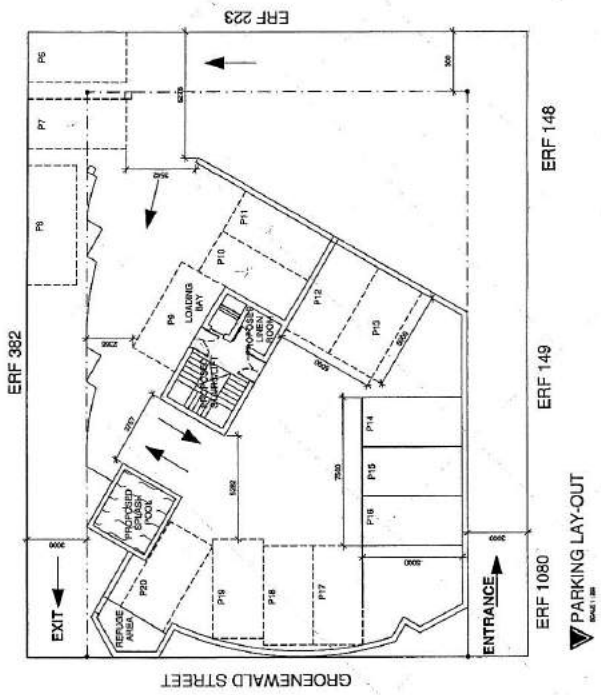
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**PROPOSED NEW BUILDING**  
 FERNOSTEET FAULTY  
 ON ERF 223  
**GANSBAAIJ**

PROJECT NUMBER:  
 PART 1 OF 4  
 DRAWING NUMBER:  
 DATE: 04/12/2015 AS SHOWN





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIONS & REZONING: ERF 222,  
GANSBAAI (3290)**

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 (**2017/2018**) is as follows:

**Freehold erven:**

Water	R 21 500.00 x 2.94 =	R 63 210.00
Sewerage	R 14 496.00 x 2.21 =	R 31 891.20
Stormwater	R 7 500.00 x 1.05 =	R 7 895.00
Solid Waste	R 1 300.00 x 1.62 =	R 2 106.00
Road	R 6 500.00 x 26.93 =	<u>R 175 045.00</u>
<b>TOTAL</b> (inclusive of VAT)	=	<b>R 280 147.20</b>

**Note:**

- 1.3 The above figures are estimates
- 1.4 That Overstrand Municipality Electrical Department be contacted regarding electricity bulk services levies

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 CESA
  - 4.4 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;
5. that a plan of all existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:
  - 5.1 way-leaves must be obtained from the Operational Manager;

- 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
  - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
  - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
  - 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SANS 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 CESA 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 – 2010, 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 developer appoint a consulting electrical engineer (IX Engineers) to determine the electricity demand for the development and pay a fee to Overstrand Municipality to determine the capacity in the existing electricity network;
16. that the electricity reticulation and supply be provided according to the master plan by the developer at his cost;
17. that only the existing electricity connection will be available for the development;
18. 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. at 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;
19. that the refuse collection area be constructed in accordance with the requirements of the Overberg District Municipality;
20. 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;
21. that the above stormwater management plan include the following:
  - 21.1 pre-development run-off from the catchment area;
  - 21.2 post-development run-off from catchment area;

- 21.3 existing stormwater reticulation system and the capacity thereof;  
21.4 connection of internal stormwater reticulation system;  
overland escape routes;
22. that the connection to the stormwater reticulation system be provided according to the stormwater management plan, by the developer and approved by Overstrand Municipality;
23. that no on-street parking will be allowed;
24. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer;
25. that the proposed development be provided with adequate sewer conservancy tanks that must comply with the specifications as detailed in the municipal by-law w.r.t. Water & Sanitation;
26. that any relevant commercial food preparation facilities must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services.



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

05/10/2017  
**DATE**

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 May 2019  
(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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2. **ERF 39, 243 PIET RETIEF CRESCENT, ERF 41, 108 KUSWEG AND ERF 42, 241 PIET RERIEF CRESCENT, SANDBAAI, OVERSTRAND MUNICIPAL AREA: REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE: MESSRS PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF LN & D WESTGARTH-TAYLOR, DA KOTZÉ AND JJ WESSELS**

**39, 41 & 42 HSB (3841)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**22 January 2019**

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**Executive Summary**

An application applicable to Erven 39, 41 and 42, Sandbaai has been received on 6 November 2017 from Messrs Planactive Town & Regional Planners on behalf of LN & D Westgarth-Taylor, DA Kotzé and JJ Wessels for the following:

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the removal of the restrictive conditions C.2.(a) and C.2.(c) as contained in Title Deed No. T47662/2005 applicable to Erf 41, Sandbaai in order to accommodate a guesthouse with five (5) guestrooms on the property.

The restrictive conditions read as follows:

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

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

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the removal of the restrictive conditions B.2.(a), B.2.(c) and B.2.(d) as contained in Title Deed No. T43101/2017 applicable to Erf 39, Sandbaai in order to accommodate six (6) parking bays on the property for the proposed guesthouse on Erf 41, Sandbaai.

The restrictive conditions reads as follows:

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

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

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 May 2019  
(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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- (d) *That no building shall be erected on the above erf or erven within 4,72 metres of any boundary wall between the said erf or erven and any street, road or avenue on which such erf or erven abuts; such space may be used as gardens but shall not be built upon."*
- ❖ Consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Land Use Planning, 2015 for a guesthouse in order to accommodate a guesthouse with five (5) guestrooms on Erf 41, Sandbaai.
  - ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 from the primary rights applicable to Erf 39, Sandbaai in order to accommodate the above-mentioned six (6) parking bays on the property.

**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 removal of the restrictive title deed conditions C.2.(a) and C.2.(c) as contained in Title Deed No. T47662/2005 applicable to Erf 41, Sandbaai in order to accommodate a guesthouse with five (5) guestrooms on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(o) of the By-Law for consent use for a guesthouse in order to accommodate a guesthouse with five (5) guestrooms on Erf 41, Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16.(2)(f) for the removal of restrictive title deed conditions B.2.(a) and (c) as contained in Title Deed T43101/2017 applicable to Erf 39, Sandbaai in order to accommodate a parking area on the property for the guesthouse on Erf 41, Sandbaai as well as to be in line with the primary rights and development parameters applicable to single residential properties as set out in the Overstrand Zoning Scheme, **be refused** in terms of the provisions of Section 61 of the By-Law;
4. that condition B.2.(a) as contained in Title Deed T43101/2017 applicable to Erf 39, Sandbaai, **be amended** to read as follows:
 

*"That the above erf be used for single residential and parking purposes only."*
5. that the application in terms of Section 16.(2)(f) for the removal of restrictive title deed condition B.2.(d) as contained in Title Deed T43101/2017 applicable to Erf 39, Sandbaai in order to be in line with the development

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 May 2019  
(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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parameters applicable to single residential erven as set out in the Overstrand Rezoning Scheme, **be approved** in terms of the provisions of Section 61 of the By-Law;

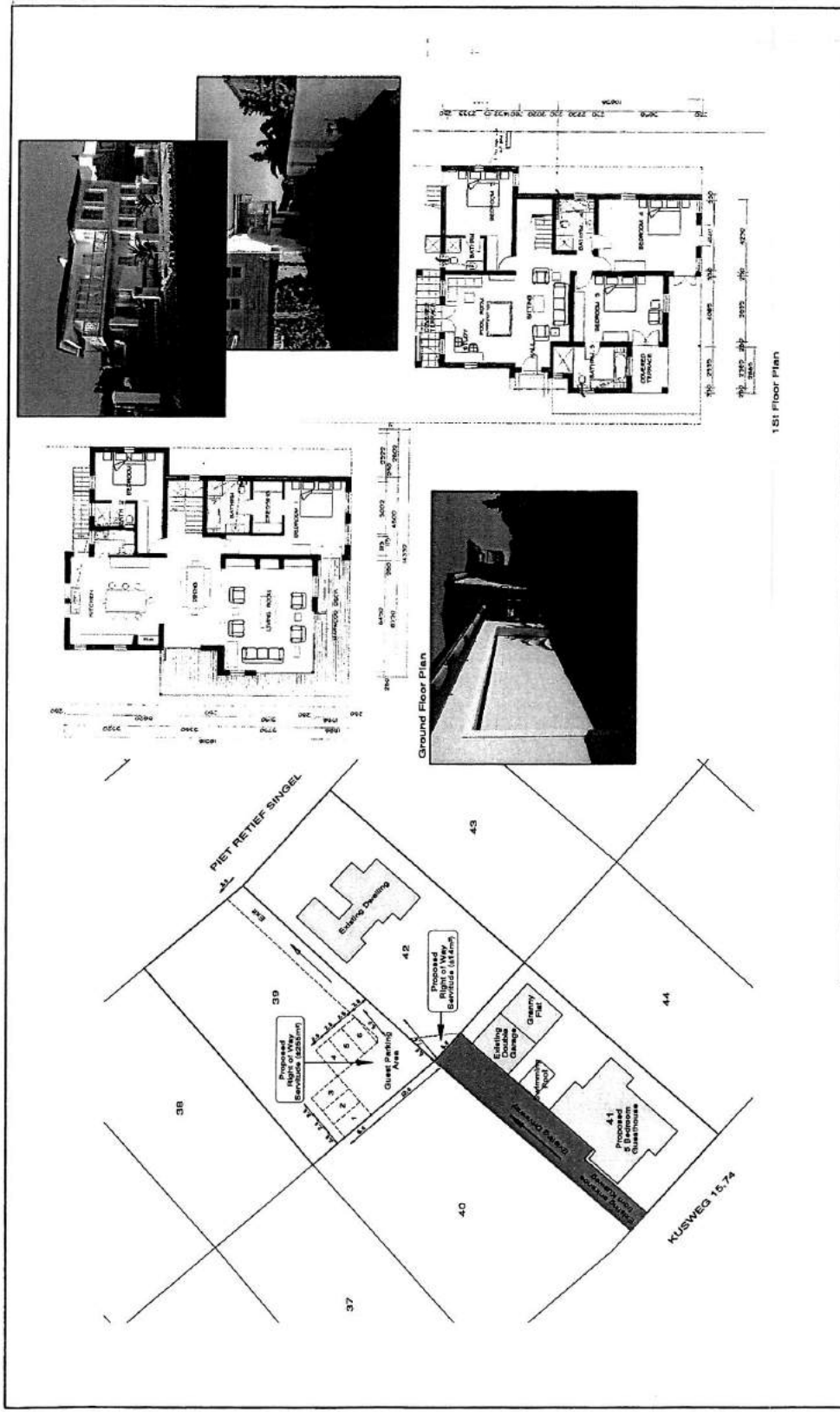
6. that the application in terms of Section 16.(2)(b) of the By-Law for departure in order to deviate from the primary rights applicable to Erf 39, Sandbaai in order to accommodate the above-mentioned parking area on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
7. that the approvals in points 1, 2, 5 and 6 above **be approved** subject to the following conditions:
  - (a) that a revised layout plan be submitted for approval by the Authorised Official of the Municipality, which plan must indicate the five (5) guestrooms, manager's/owner's accommodation, seven (7) parking bays on Erf 39, Sandbaai and one (1) parking bay (garage) on Erf 41, Sandbaai as well as the servitude areas;
  - (b) that the parking area on Erf 39, Sandbaai be surveyed and that the surveyed area be registered against the Title Deed of Erf 39, Sandbaai as parking in favour of Erf 41, Sandbaai by means of notarial tie for as long as the guesthouse is in operation;
  - (c) that the dominant use of the remaining extent of Erf 39, Sandbaai must still be for single residential purposes;
  - (d) that the right of way area over Erf 42, Sandbaai be registered prior to the guesthouse being operated and that proof of such registration be submitted to the Municipality for its records;
  - (e) that a maximum of five (5) bedrooms be let to guests/tourists from the dwelling on Erf 41, Sandbaai;
  - (f) 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;
  - (g) that the owner/manager resides permanently on the premises, and be responsible for the proper management of the guest house;
  - (h) that the guest house is utilised as such – no self-catering will be permitted;
  - (i) that no kitchen facilities and/or prep bowls be allowed in the guestrooms;

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 May 2019  
(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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- (j) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
  - (k) that the selling or serving of liquor on Erf 41, Sandbaai will be subject to the owners obtaining the necessary Liquor Licence;
  - (l) that a minimum of one (1) permanently demarcated parking bay per guestroom and two (2) for the owner/manager be provided within the erf boundaries of Erven 39 and 41, Sandbaai;
  - (m) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (n) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
  - (o) that only a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises;
  - (p) that the guest house be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
  - (q) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
  - (r) that the conditions of Engineering Services, Fire Services and Telkom, respectively be complied with;
  - (s) that this approval does not absolve the landowners from compliance with any other relevant legislation; and
  - (t) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
8. 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 above decision.





	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: <b>ERVEN 39, 41 &amp; 42                  SANDBAAI</b>	Plan Description: <b>SITE DEVELOPMENT                  PLAN</b>	Scale: <b>1:500</b> Drawing No: <b>SANDBAAI.DWG</b> Date: <b>06/2017</b>
	Plan <b>Active</b> Town & Regional Planners			

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE, DEPARTURE, REMOVAL OF  
RESTRICTIVE CONDITIONS & REGISTRATION OF A RIGHT OF WAY  
SERVITUDE: ERVEN 39, 41 & 42, SANDBAAI (3841)**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
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 the proposed Erven, Sandbaai, unobstructed;
6. that the right of way servitudes be registered in respect of all servitudes indicated on the revised site development plan, at the developer's cost.
7. that no on-street parking be allowed.

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

12/12/2018  
DATE

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 May 2019  
(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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**3. ERF 2129, 4 GREEB ROAD, BETTY'S BAY: PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE: GJ MAREE ON BEHALF OF DEON MAREE FAMILY TRUST**

**2129 KBB (3911)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**5 March 2018**

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**Executive Summary**

An application has been received on 24 January 2018 from GJ Maree on behalf of the Deon Maree Family Trust on Erf 2129, Betty's Bay for the following:

- ❖ Application for a removal of restrictive title conditions with reference to Clauses D.I.(a), D.I.(b) and D.I.(c) of Title Deed T65399/1996 applicable to Erf 2129, Betty's Bay in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to accommodate a second dwelling unit on the property.

The restrictive conditions Clauses D.I.(a), D.I.(b) and D.I.(c) contained in Title Deed T65399/1996 to be removed, read as follows:

- “(a) *That the erf be used for residential purposes only, but no building other than one dwelling, together with such outbuildings as are ordinarily required to be used therewith, may be erected on thereon.*
- (b) *That not more than one-half of the area of this erf be built upon.*
- (c) *That no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 meters to the street line which forms the boundary of this erf. No such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining erf.”*

- ❖ Application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to relax the western lateral building line with Erf 2108 from 2m to 0m to accommodate a garage and the street building line from 4m to 2,92m to accommodate a stoep.
- ❖ Application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to exceed the 9m restriction of a building on one (1) specific boundary to accommodate a security wall and proposed garage.

The application was complete on 4 April 2018.

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 May 2019  
(Also the agenda for the Mayoral Committee Meeting : 29 May 2019)**

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**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 removal of restrictive title conditions Clauses D.I.(a), D.I.(b) and D.I.(c) of Title Deed T65399/1996 applicable to Erf 2129, Betty's Bay, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(b) of the above By-Law on Erf 2129, Betty's Bay for a departure in order to relax the street building line from 4,72m and 4m respectively to 2,92m to accommodate an enclosed stoep, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approval in Points 1 and 2 be subject to the following conditions:
  - (a) that the approval for the departure is only for the building line relaxation as indicated on Plan Numbers 1/001 Rev 07 dated 23 October 2017, (excluding the garage);
  - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
  - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and
  - (e) that all the conditions in the Services Report be complied with.
4. that the application in terms of Section 16(2)(b) of the above By-Law read with the Overstrand Zoning Scheme, 2013, Section 16.1 (b)(iii) on Erf 2129, Betty's Bay for a departure in order to exceed the 9m restriction of a building on one (1) specific boundary to accommodate a security wall and proposed garage, **not be approved**;
5. that the application in terms of Section 16(2)(b) of the above By-Law on Erf 2129, Betty's Bay for a departure in order to relax the western lateral building line with Erf 2108 from 2m to 0m to accommodate a garage and water storage tank, **not be approved**; and
6. that the applicant and objector be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.



PRINT SIZE | A1



**ALGEMENE NOTAS:**  
 1. Het ontwerp is gebaseerd op de bestaande situatie en de afmetingen van de bestaande constructie.  
 2. Het ontwerp is gebaseerd op de bestaande situatie en de afmetingen van de bestaande constructie.  
 3. Het ontwerp is gebaseerd op de bestaande situatie en de afmetingen van de bestaande constructie.

**REVISIES:**  
 1. 11.11.2017 - 100% VERBODEN  
 2. 11.11.2017 - 100% VERBODEN  
 3. 11.11.2017 - 100% VERBODEN  
 4. 11.11.2017 - 100% VERBODEN  
 5. 11.11.2017 - 100% VERBODEN  
 6. 11.11.2017 - 100% VERBODEN

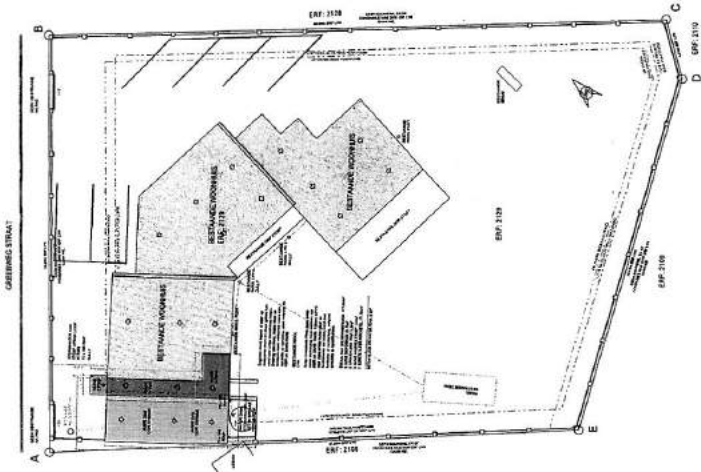
**INHOUD:**  
 1. ALGEMENE NOTAS  
 2. REVISIES  
 3. INHOUD  
 4. TITELBLAD  
 5. TEGENSTREEK  
 6. MATERIAAL LICENTIE  
 7. WETTERLIJKE VERBODEN  
 8. WETTERLIJKE VERBODEN  
 9. WETTERLIJKE VERBODEN  
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**TEGENSEK:**  
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**DAK & TERREIN PLAN: BESTANDE HUIS**  
 1:100





**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS & DEPARTURE:  
ERF 2129, BETTY'S BAY (3911)**

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 stormwater be allowed to discharge through Erf 2129, Betty's Bay, unobstructed;
4. that no on-street parking be allowed.



**DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES**

23 / 05 / 2018  
DATE