



**ORDINARY MEETING OF THE MAYORAL  
COMMITTEE**

**GEWONE VERGADERING VAN DIE  
BURGEMEESTERSKOMITEE**

**INTLANGANISO YESIQHELO YEKOMITI  
KASODOLOPHU**

**MINUTES / NOTULE /**

**IMIZUZU**

**DATE / DATUM / UMHLA : 29 APRIL / APRELI 2015**

**VENUE / PLEK / INDAWO : BANQUETING HALL,  
BANKETSAAL**

**CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU  
HERMANUS**

**TIME / TYD / IXESHA : 10:00**

# OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

**MINUTES OF AN ORDINARY MEETING OF THE MAYORAL  
COMMITTEE HELD IN THE BANQUETING HALL, CIVIC CENTRE,  
HERMANUS, ON 29 APRIL 2015, AT 10:00**

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**PRESENT/ TEENWOORDIG**

Councillors were present as per attached attendance register.

**OFFICIALS PRESENT/  
AMPTENARE TEENWOORDIG**

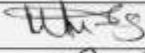
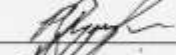
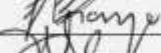
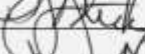
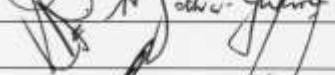


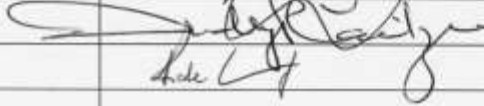
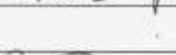



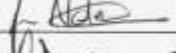
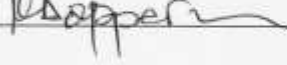


Mr C Groenewald, Municipal Manager  
Ms S Reyneke-Naudé, Director : Finance  
Mr S Madikane, Director : Local Economic  
Development  
Mr S Müller, Director : Infrastructure & Planning  
Mr R Williams, Director : Community Services  
Ms D Arrison, Director : Management Services  
Mr N Michaels, Director : Protection Services  
Mr D van der Heever, Chief Audit Executive  
Mr C le Roux, Deputy Director : Finance  
Mr R Fraser, Chief : Traffic & Licensing  
Mr L Smith, Chief: Fire & Rescue & Disaster  
Management  
Ms R la Cock, Senior Manager : Supply Chain  
Management  
Mr L Tate, Accountant : Capital Budget  
Mr F Frans, Manager : Housing Administration  
Ms R Louw, Senior Manager : Strategic Services  
Mr B King, Senior Manager : Financial Services  
Ms C Resandt, PRO to the Executive Mayor  
Ms H van Tonder, Manager : Council Support  
Services  
Ms S Swart: Administrative Officer : Council  
Support Services  
Ms D Laing, Clerk : Auditorium  
Interns

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**MINUTES/.....**

OVERSTRAND MUNICIPALITY  
ATTENDANCE REGISTER

MAYORAL COMMITTEE MEETING  
29 APRIL 2015

ALDERMAN/COUNCILLORS	SIGNATURE
ANDREWS, M	
APPELGREIN, P	
BEYERS-CRONJE, L	
BOTHA, D	
BOTHA-GUTHRIE, N	
BRICE, K	
COETSEE, A	
COETZEE, DP	
DE CONING, R	
DYANI, M	
GXAMESI, S	
JANUARIE, JJS	
NQINATA, NNT	
KRIGE, L	
MACOTHA, VC	
MANDINDI, CQ	
MAY, P	
NELL, E	
NDEVU, L	
OPPERMAN, M	
PIE, MT	
PONOANE, MV	
PRINS, A	
SAPEPA, NM	
SMITH, RJ	

**1. OPENING**

The meeting was opened with prayer by Cllr R Smith.

The Municipal Manager, Mr C Groenewald, read the notice convening the meeting.

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

None

**3. CONFIRMATION OF MINUTES**

- 3.1 Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Wednesday, 25 March 2015 at 10:00**

**RESOLVED**

that the Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Wednesday, 25 March 2015 at 10:00, be confirmed.**

- 3.2 Minutes of a **Special Meeting** of the **Mayoral Committee** held on **Thursday, 2 April 2015 at 10:30**

**RESOLVED**

that the Minutes of a **Special Meeting** of the **Mayoral Committee** held on **Thursday, 2 April 2015 at 10:30, be confirmed.**

**4. STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE EXECUTIVE MAYOR/EXECUTIVE DEPUTY MAYOR**

None

**5.  
MUNICIPAL REGULATIONS ON A STANDARD CHART OF ACCOUNTS (mSCOA) :  
STATUS OF IMPLEMENTATION**

**3/2/3/15**

**Clint Le Roux  
27 March 2015**

**(028) 313 8107**

**Corporate Head Office**

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**EXECUTIVE SUMMARY**

The purpose of this report is to inform Council on the status of the implementation of mSCOA (Standard Charts of Accounts) for Overstrand Municipality.

**RECOMMENDATION TO THE COUNCIL:**

that the mSCOA Progress Report for the implementation of the mSCOA regulations, **be noted.**

**RESPONSIBLE OFFICIALS:**

**S REYNEKE-NAUDE  
C. LE ROUX  
B. KING  
R. LA COCK  
E. HOONEBERG  
H. VORSTER  
R PAGE**

**TARGET DATE FOR IMPLEMENTATION :**

**1 JULY 2017**

**6.  
REVIEW OF THE AUDIT COMMITTEE CHARTER OF OVERSTRAND  
MUNICIPALITY**

**3/2/3/12**

**DC Van Der Heever  
10 April 2015**

**(028) 313 5035**

**Internal Audit Services**

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**EXECUTIVE SUMMARY**

The purpose of the report is to present Council with the Audit Committee Charter, pursuant to it being reviewed/ amended by the Audit Committee on 25 March 2015, for approval and implementation with effect from 01 May 2015.

**RECOMMENDATION TO THE COUNCIL:**

that the reviewed/amended Audit Committee Charter of Overstrand Municipality **be approved** and implemented with effect from 01 May 2015.

**RESPONSIBLE OFFICIAL :**

**D C VAN DER HEEVER**

**TARGET DATE FOR IMPLEMENTATION :**

**01 MAY 2015**

7.  
**FIRST AUDIT REPORT OF THE PERFORMANCE AUDIT COMMITTEE (PAC) TO  
THE OVERSTRAND MUNICIPAL COUNCIL PERIOD 2014/15**

3/2/3/12

DC Van Der Heever  
10 April 2015

(028) 313 5035

Internal Audit Services

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**EXECUTIVE SUMMARY**

The purpose of the report is to present Council with the First Audit Report from the Performance Audit Committee (PAC) as required by Regulation 4(a)(iii) of the Local Government: Municipal Planning and Performance Management Regulations, 2001.

**RECOMMENDATION TO THE COUNCIL:**

that the first Audit Report in respect of the 2014/15 financial year submitted by the Performance Audit Committee as part of their reporting obligations arising from the Local Government: Municipal Planning and Performance Management Regulations, 2001, **be noted**.

**RESPONSIBLE OFFICIAL :**

**D C VAN DER HEEVER**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**

8.  
**APPROVAL/ADOPTION OF NEWLY COMPILED FRAMEWORK FOR COMBINED ASSURANCE**

5/14/3

DC Van Der Heever  
10 April 2015

(028) 313 5035

Internal Audit Services

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**EXECUTIVE SUMMARY**

The purpose of the report is to present Council with the newly compiled Framework for Combined Assurance, pursuant to it being reviewed by the Audit Committee on 25 March 2015, for approval and adoption with effect from 01 May 2015.

**RECOMMENDATION TO THE COUNCIL:**

that the newly compiled/reviewed Framework for Combined Assurance of Overstrand Municipality **be approved** and implemented with effect from 01 May 2015.

**RESPONSIBLE OFFICIAL :**

**D C VAN DER HEEVER**

**TARGET DATE FOR IMPLEMENTATION :**

**01 MAY 2015**



9.  
**APPROVAL/ADOPTION OF NEWLY COMPILED AUDITEE'S ASSESSMENT  
(INTERNAL)**

3/2/3/12

DC Van Der Heever  
10 April 2015

(028) 313 5035

Internal Audit Services

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**EXECUTIVE SUMMARY**

The purpose of the report is to present Council with the newly compiled Auditee's Assessment (Internal), pursuant to it being reviewed by the Audit Committee on 25 March 2015, for approval and implementation with effect from 01 May 2015.

**RECOMMENDATION TO THE COUNCIL:**

that the newly compiled/reviewed Auditee's Assessment (Internal) of Overstrand Municipality **be approved** and implemented with effect from 01 May 2015.

**RESPONSIBLE OFFICIAL :**

**D C VAN DER HEEVER**

**TARGET DATE FOR IMPLEMENTATION :**

**01 MAY 2015**

**10.  
REVIEW OF THE RISK MANAGEMENT POLICY OF OVERSTRAND MUNICIPALITY**

**5/17/B**

**DC Van Der Heever**

**(028) 313 5035**

**Internal Audit Services**

**10 April 2015**

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**EXECUTIVE SUMMARY**

The purpose of the report is to present Council with the Risk Management Policy, pursuant to it being reviewed by the Audit Committee on 25 March 2015, for approval and implementation with effect from 01 May 2015.

**RECOMMENDATION TO THE COUNCIL:**

that the reviewed Risk Management Policy of Overstrand Municipality **be approved** and implemented with effect from 01 May 2015.

**RESPONSIBLE OFFICIAL :**

**D C VAN DER HEEVER**

**TARGET DATE FOR IMPLEMENTATION :**

**01 MAY 2015**

11.  
**REVIEW OF FRAUD PREVENTION PLAN OF OVERSTRAND MUNICIPALITY**

5/17/B

DC Van Der Heever

(028) 313 5035

Internal Audit Services

10 April 2015

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**EXECUTIVE SUMMARY**

The purpose of the report is to present Council with the Fraud Prevention Plan, pursuant to it being reviewed by the Audit Committee on 25 March 2015, for approval and implementation with effect from 01 May 2015.

**RECOMMENDATION TO THE COUNCIL:**

that the reviewed Fraud Prevention Plan of Overstrand Municipality **be approved** and implemented with effect from 01 May 2015.

**RESPONSIBLE OFFICIAL :**

**D C VAN DER HEEVER**

**TARGET DATE FOR IMPLEMENTATION :**

**01 MAY 2015**

**12.  
APPROVAL/ADOPTION OF NEWLY COMPILED INTERNAL AUDIT  
METHODOLOGY**

**3/2/3/12**

**DC Van Der Heever  
10 April 2015**

**(028) 313 5035**

**Internal Audit Services**

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**EXECUTIVE SUMMARY**

The purpose of the report is to present Council with the newly compiled Internal Audit Methodology, pursuant to it being reviewed by the Audit Committee on 25 March 2015, for approval and adoption with effect from 01 May 2015.

**RECOMMENDATION TO THE COUNCIL:**

that the newly compiled/reviewed Internal Audit Methodology of Overstrand Municipality **be approved** and implemented with effect from 01 May 2015.

**RESPONSIBLE OFFICIAL :**

**D C VAN DER HEEVER**

**TARGET DATE FOR IMPLEMENTATION :**

**01 MAY 2015**

13.

**APPROVAL/ADOPTION OF NEWLY COMPILED AUDIT COMMITTEE WORKPLAN**

3/2/3/12

DC Van Der Heever

(028) 313 5035

Internal Audit Services

10 April 2015

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**EXECUTIVE SUMMARY**

The purpose of the report is to present Council with the newly compiled Audit Committee Workplan, pursuant to it being reviewed by the Audit Committee on 25 March 2015, for approval and adoption with effect from 01 May 2015.

**RECOMMENDATION TO THE COUNCIL:**

that the newly compiled/reviewed Audit Committee Workplan of Overstrand Municipality **be approved** and implemented with effect from 01 May 2015.

**RESPONSIBLE OFFICIAL :****D C VAN DER HEEVER****TARGET DATE FOR IMPLEMENTATION :****01 MAY 2015**

14.  
**APPROVAL/ADOPTION OF NEWLY COMPILED QUALITY ASSURANCE &  
IMPLEMENTATION PROGRAM (QAIP)**

5/14/3

DC Van Der Heever  
10 April 2015

(028) 313 5035

Internal Audit Services

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**EXECUTIVE SUMMARY**

The purpose of the report is to present Council with the newly compiled Quality Assurance & Implementation Program (QAIP), pursuant to it being reviewed by the Audit Committee on 25 March 2015, for approval and adoption with effect from 01 May 2015.

**RECOMMENDATION TO THE COUNCIL:**

that the newly compiled/ reviewed Quality Assurance & Implementation Program (QAIP) of Overstrand Municipality **be approved** and implemented with effect from 01 May 2015.

**RESPONSIBLE OFFICIAL :**

**D C VAN DER HEEVER**

**TARGET DATE FOR IMPLEMENTATION :**

**01 MAY 2015**

15.  
**SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT – 2014/2015 :  
3<sup>rd</sup> QUARTER: 01 JANUARY TO 31 MARCH 2015**

8/2/2

CEM La Cock  
15 April 2015

(028) 313 8080

Corporate Head Office

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**EXECUTIVE SUMMARY**

In terms of Clause 6(3) of Council's Supply Chain Management Policy, the Municipal Manager must, within 10 business days of each quarter, submit a report on the implementation of the Supply Chain Management Policy to the Executive Mayor.

**RECOMMENDATION TO THE COUNCIL:**

that **cognisance be taken** of the activities undertaken and outcomes achieved in the implementation of the Overstrand Municipality Supply Chain Management Policy for the 3<sup>rd</sup> Quarter of 2014/2015.

**RESPONSIBLE OFFICIAL :**

**R LA COCK**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**

16.  
**QUARTERLY BANK ACCOUNT WITHDRAWALS NOT IN TERMS OF AN APPROVED BUDGET**

5/18/R

B A King

17 April 2015

(028) 313 8154

Corporate Head Office

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**EXECUTIVE SUMMARY**

Report prepared as part of the financial reporting obligations arising from section 11(4) of the Local Government: Municipal Finance Management Act, 2003 (MFMA).

**RECOMMENDATION TO THE COUNCIL:**

that the consolidated quarterly report in respect of Bank Account Withdrawals not in terms of an Approved Budget for the quarter ended March 2015, **be noted**.

**RESPONSIBLE OFFICIAL :**

**BA KING**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**



17.

**QUARTERLY BUDGET REPORT FOR MARCH 2015**

5/1/16-2014/2015

B A King

17 March 2015

(028) 313 8154

Corporate Head Office

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**EXECUTIVE SUMMARY**

Report prepared as part of the financial reporting obligations arising from section 52(d) of the Local Government: Municipal Finance Management Act, 2003 (MFMA).

**RECOMMENDATION TO THE COUNCIL:**

that the budget report for the quarter ended March 2015, prepared as part of the financial reporting obligations arising from the Local Government: Municipal Finance Management Act, 2003, **be noted**.

**RESPONSIBLE OFFICIAL :****B A KING****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

18.  
**4<sup>th</sup> ADJUSTMENTS BUDGET 2014/2015 (UNFORESEEN AND UNAVOIDABLE EXPENDITURE & ADDITIONAL WESTERN CAPE PROVINCIAL ALLOCATIONS)**

5/1/16-2014/2015

BA King

(028) 313 8154

Corporate Head Office

29 April 2015

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**EXECUTIVE SUMMARY**

Report prepared in terms of section 28(2)(b) & (c) of the Local Government: Municipal Finance Management Act, 2003 (MFMA) for the appropriation of unforeseen and unavoidable expenditure and additional revenues that have become available through the adjusted Western Cape Provincial allocations for 2014/2015.

**RECOMMENDATION TO THE COUNCIL:**

1. that, in terms of section 28(2)(b) & (c) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the 4<sup>th</sup> Adjustments Budget for 2014/2015 **be approved** as set out in the following schedules:

- Schedule 1:** Budgeted financial performance (revenue & expenditure by municipal vote)
- Schedule 2:** Budgeted financial performance (revenue by source & expenditure by type)
- Schedule 3:** Budgeted multi-year capital appropriations by standard classification (vote) and associated funding by source
- Schedule 4:** Budgeted financial position
- Schedule 5:** Budgeted cash flow
- Schedule 6:** Cash backed reserves and acc. surplus reconciliation
- Schedule 7:** Asset management
- Schedule 8:** Basic service delivery measurement

2. that the following schedules be noted:

- Schedule 9:** Budgeted financial performance (revenue & expenditure by standard classification)
- Schedule 10:** Budgeted capital appropriations by municipal vote

**RESPONSIBLE OFFICIAL :**

**BA KING**

**TARGET DATE FOR IMPLEMENTATION :**

**29 APRIL 2015**

**19.  
REVISED SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)  
FOR 2014/15**

**9/1/2/5**

**R Louw**

**(028) 313 8071**

**Corporate Head Office**

**16 April 2015**

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**EXECUTIVE SUMMARY**

The purpose of this report is to submit a revised Service Delivery and Budget Implementation Plan (SDBIP) for 2014/15 to Council for approval.

**RECOMMENDATION TO THE COUNCIL:**

1. that the revised SDBIP for 2014/15 **be approved.**
2. that the revised SDBIP for 2014/15 **be made public.**

**RESPONSIBLE OFFICIAL :**

**R LOUW**

**TARGET DATE FOR IMPLEMENTATION :**

**30 APRIL 2015**

20.

**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM) POLICY: PARAGRAPH 36, 16(1)(B) AND 17(1)(C), FOR MARCH 2015**

8/2/2

**CEM La Cock  
02 April 2015**

**(028) 313 8080****Corporate Head Office**

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**EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of all deviations from the Supply Chain Management Policy, approved by the delegated authority in terms of Paragraph 36 of the Supply Chain Management Policy, as well as approvals in terms of 16(1)(b) and 17(1)(c) for March 2015.

**RECOMMENDATION TO THE COUNCIL:**

1. that the deviations from the procurement processes, approved in terms of the delegated authority for March 2015, **be noted**;
2. that the awards made in terms of Paragraph 16(1)(b) and 17(1)(c), approved in terms of the delegated authority for March 2015, **be noted**.

**RESPONSIBLE OFFICIAL :****R LA COCK****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

**PORTFOLIO COMMITTEE :**  
**FINANCE & ECONOMIC DEVELOPMENT**

**Chairperson :**

**Cllr D Coetzee**

**Committee Members :**

**Ald P May, Cllrs L Krige,  
R de Coning, S Gxamesi**

**PORTEFEULJEKOMITEE :**  
**FINANSIES & EKONOMIESE ONTWIKKELING**

**Voorsitter :**

**Rdl D Coetzee**

**Komiteelede:**

**Rdh P May, Rdle L Krige,  
R de Coning, S Gxamesi**

1.  
SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)  
THIRD QUARTERLY REPORT: JANUARY- MARCH 2015

9/1/2/5

R Louw

27 March 2015

(028) 313 8071

Corporate Head Office

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**REMARK :**

**THIS ITEM WAS CONSIDERED AS ITEM 1 AT THE MANAGEMENT SERVICES PORTFOLIO COMMITTEE MEETING.**

**PORTFOLIO COMMITTEE :**

**MANAGEMENT SERVICES**

**Chairperson :**

**Ald P Appelgrein**

**Committee Members :**

**Cllrs E Nell, M Andrews,  
M Sapepa & C Mandindi**

**PORTEFEULJEKOMITEE :**

**BESTUURSDIENSTE**

**Voorsitter :**

**Rdh P Appelgrein**

**Komiteelete :**

**Rdle E Nell, M Andrews,  
M Sapepa & C Mandindi**

1.  
**SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)  
THIRD QUARTERLY REPORT: JANUARY- MARCH 2015**

9/1/2/5

R Louw

27 March 2015

(028) 313 8071

Corporate Head Office

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**EXECUTIVE SUMMARY**

The purpose of this report is to provide an executive summary of service delivery performance in terms of the top level SDBIP for the third quarter, 2 January 2015 to 31 March 2015.

**RECOMMENDATION TO THE COUNCIL:**

that the content of the report for the third quarter of the 2014/15 financial year on the top level Service Delivery and Budget Implementation Plan, **be noted**.

**RESPONSIBLE OFFICIAL :**

**R LOUW**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**



**PORTFOLIO COMMITTEE :**

**PROTECTION SERVICES**

**Chairperson :**

**Ald P Appelgrein**

**Committee Members :**

**Cllrs A Prins, E Nell,  
V Macotha & M Pie**

**PORTEFEULJEKOMITEE :**

**BESKERMINGSDIENSTE**

**Voorsitter :**

**Rdh P Appelgrein**

**Komiteelede :**

**Cllrs A Prins, E Nell,  
V Macotha & M Pie**

1. SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)  
THIRD QUARTERLY REPORT: JANUARY- MARCH 2015

9/1/2/5

R Louw

27 March 2015

(028) 313 8071

Corporate Head Office

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**REMARK :**

**THIS ITEM WAS CONSIDERED AS ITEM 1 AT THE MANAGEMENT SERVICES PORTFOLIO COMMITTEE MEETING.**

**PORTFOLIO COMMITTEE :**

**COMMUNITY SERVICES**

**Chairperson :**

**Cllr M Opperman**

**Committee Members :**

**Cllrs L Beyers-Cronje,  
M Ponoane, N Nqinata & L Ndevu**

**PORTEFEULJEKOMITEE :**

**GEMEENSKAPSDIENSTE**

**Voorsitter :**

**Rdl M Opperman**

**Komiteelede :**

**Rdle L Beyers-Cronje,  
M Ponoane, N Nqinata & L Ndevu**

1.  
**OVERSTRAND MUNICIPALITY: SELECTION OF HOUSING BENEFICIARIES IN OWNERSHIP-BASED SUBSIDY PROJECTS POLICY**

17/5/5/2/4

R Williams

(028) 3138029

Corporate Head Office

30 March 2015

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**EXECUTIVE SUMMARY**

To review the Overstrand Municipality: Housing Selection Policy for Beneficiaries in Ownership-based Subsidy Projects.

**RECOMMENDATION TO THE COUNCIL:**

that the revised Overstrand Municipal Policy on Selection of Housing Beneficiaries in Ownership-based Subsidy Projects, **be adopted** and **be implemented** with immediate effect.

**RESPONSIBLE OFFICIAL :**

**R WILLIAMS / F FRANS**

**TARGET DATE FOR IMPLEMENTATION :**

**WITH IMMEDIATE EFFECT**

2.  
**SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)  
THIRD QUARTERLY REPORT: JANUARY- MARCH 2015**

**9/1/2/5**

**R Louw**

**(028) 313 8071**

**Corporate Head Office**

**27 March 2015**

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**REMARK :**

**THIS ITEM WAS CONSIDERED AS ITEM 1 AT THE MANAGEMENT SERVICES PORTFOLIO COMMITTEE MEETING.**

**PORTFOLIO COMMITTEE :**  
**INFRASTRUCTURE & PLANNING**

**Chairperson :**

**Executive Deputy Mayor,  
Cllr R Smith**

**Committee Members :**

**Cllrs K Brice, D Botha  
M Dyani & JJ Januarie**

**PORTEFEULJESKOMITEE :**  
**INFRASTRUKTUUR & BEPLANNING**

**Voorsitter :**

**Uitvoerende Onderburgemeester  
Rdl R Smith**

**Komiteelede :**

**Rdle K Brice, D Botha  
M Dyani & JJ Januarie**

1.  
**HERMANUS: IN PRINCIPLE APPROVAL FOR THE ALIENATION OF A PORTION OF ERF 4771, VOËLKLIP, HERMANUS, BY MEANS OF A COMPETITIVE PROCESS**

7/2/3/2/

A Kotze

(028) 316 - 3724

Hermanus Administration

12 January 2015

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**EXECUTIVE SUMMARY**

To obtain approval in principle for the alienation of a portion of Erf 4771, Voëlklip, Hermanus, ( $\pm 205\text{m}^2$  in extent), by means of a competitive process.

**RECOMMENDATION TO THE COUNCIL:**

1. that the alienation of a portion of Erf 4771, Voëlklip, Hermanus, ( $\pm 205\text{m}^2$  in extent), by means of a competitive process be **approved in principle**;
2. that the costs pertaining to the transaction, e.g. subdivision, possible consolidation, rezoning, transfer costs, water- and sewer connections, bulk services contribution, advertisements, etc, excluding the valuation costs, be paid by the purchaser;
3. that an access servitude be registered over the remainder of Erf 4771, Voëlklip, Hermanus to provide access to the proposed subdivided erf at the cost of the purchaser; and
4. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

**RESPONSIBLE OFFICIAL :**

**A KOTZE**

**TARGET DATE FOR IMPLEMENTATION :**

**8 MAY 2015**

**TARGET DATE TO INFORM APPLICANT :**

**N/A**

**TARGET DATE TO INFORM OBJECTOR :**

**N/A**

2.

**ERF 152, 8 GROENEWALD STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING AND CONSENT USE : PV OTTO**

**Erf 152 GGB (2621)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**12 March 2015**

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### **EXECUTIVE SUMMARY**

To consider an application received on 27 June 2014 from the owner of Erf 152, Gansbaai, PV Otto for the rezoning of Erf 152, Gansbaai from Residential Zone 1: Single Residential to Business Zone 2: General Business and consent use in order to accommodate the existing dwelling on the property.

### **RESOLVED:**

1. that the objection **be noted**;
2. that, in terms of Section 16 of the Land Use Planning Ordinance the application for rezoning of Erf 152, Gansbaai from Residential Zone 1: Single Residential to Business Zone 2: General Business, **be approved**;
3. that, in terms of Section 2.2 of the Overstrand Zoning Scheme Regulations, the application for consent use to enable the owner to accommodate the existing dwelling on the property, **be approved**;
4. that the above approvals be subject to the following conditions:
  - (a) that the shop be restricted to the area of 48,71m<sup>2</sup> indicated on the Site Development Plan No. 08/BO/13 as submitted with the application;
  - (b) that the primiray rights be restricted to that of business premises as per the Overstrand Zoning Scheme Regulations;
  - (c) that the parking area be permanently demarcated and at all times be available for use by visitors of the shop;
  - (d) that all the conditions in the Services Report be complied with;
  - (e) that the conditions imposed by the Overberg District Municipality and Fire Services be complied with; and
  - (f) that this approval does not absolve the applicant from compliance with any other applicable legislation;



5. that the applicant/objector be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

**RESPONSIBLE OFFICIAL :** **SW VAN DER MERWE**

**TARGET DATE FOR IMPLEMENTATION :** **13 MAY 2015**

**TARGET DATE TO INFORM APPLICANT :** **13 MAY 2015**

**TARGET DATE TO INFORM OBJECTOR :** **13 MAY 2015**

3.

**ERF 2253, 2 FOREL STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR DEPARTURE : BF HUYSAMER**

**Erf 2253 GPB (2686)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**27 February 2015**

### **EXECUTIVE SUMMARY**

To consider an application for departure received from BF Huysamer, the owner of Erf 2253, Pearly Beach (holiday resort), in order to encroach the prescribed 2m street building line up to the street boundary.

### **RESOLVED:**

1. that, in terms of the provisions of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for departure received from BF Huysamer, the owner of Erf 2253, Pearly Beach, in order to encroach the 2m street building line up to the erf boundary, **not be approved** for the following reasons:
  - (a) the proposal will result in a cramped form of development that will detract from the visual amenity of the locality and the character and appearance of the resort;
  - (b) that the proposed development would set an undesirable precedent, the cumulative impact of which would detract from the character and appearance of the surrounding area and the resort as a whole; and
  - (c) that the proposal is contrary to the development rules of the Pearly Beach Resort.
2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the decision above.

**RESPONSIBLE OFFICIAL :**

**SW VAN DER MERWE**

**TARGET DATE FOR IMPLEMENTATION :**

**13 MAY 2015**

**TARGET DATE TO INFORM APPLICANT :**

**13 MAY 2015**

**TARGET DATE TO INFORM OBJECTOR :**

**N/A**

4.

**ERF 2299, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : JR & E MCCLEAN****Erf 2299 GPB (2694)****SW van der Merwe****(028) 313 8900****Hermanus Administration****11 March 2015**

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**EXECUTIVE SUMMARY**

To consider an application received on 15 September 2014 from the owners of Erf 2299, Pearly Beach for departure from the Pearly Beach Resort Development Rules in order to encroach the 3m height restriction applicable to garages/carports with 0,45m.

**RESOLVED:**

1. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a departure from the Pearly Beach Holiday Resort Development Rules on Erf 2299, Pearly Beach in order to encroach the 3m height restriction applicable to garages/carports with 0,45m, **be refused**, for the following reasons:
  - (a) the carport does not comply with the height restriction pertaining to carports that encroach the rear- and lateral building lines;
  - (b) approval will set an undesirable precedent, the cumulative impact of which will detract from the character and appearance of the surrounding area; and
  - (c) the applicant did not provide any substantive reasoning to justify a departure of the development rules.
2. that the roof of the carport **be demolished** to ensure compliance with the approved building plans within a period of **60 days** from the date of the decision; and
3. that the applicant be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000.

**RESPONSIBLE OFFICIAL :****SW VAN DER MERWE****TARGET DATE FOR IMPLEMENTATION :****13 MAY 2015****TARGET DATE TO INFORM APPLICANT :****13 MAY 2015****TARGET DATE TO INFORM OBJECTOR :****N/A**

5.

**ERF 14, 4 DU PLESSIS STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE AND RELAXATION OF RESTRICTIVE TITLE DEED CONDITION : FH FOSTER**

**Erf 14 GFK (2667)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**23 February 2015**

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### **EXECUTIVE SUMMARY**

To consider an application for departure and relaxation of a restrictive title deed condition received on 19 August 2014 from the owner of Erf 14 Franskraal, FH Foster, in order to enlarge the existing double garage and to construct a carport, which structures encroach the 4m street- and 2m lateral building lines up to the respective property boundaries. Application is also made for the retention of a canopy, which canopy encroaches the 2m lateral building line with 0,36m.

### **RESOLVED:**

1. that the objections **be noted**;
2. that, in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) the application for the relaxation of restrictive title conditions in order to relax the 4,72m street- and 1,57m lateral building lines contained in Title Deed No. T51241/2006 **be recommended for refusal** to the Provincial Government: Western Cape;
3. that, in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure in order to enlarge the existing double garage onto the street- and lateral property boundary as well as to construct a carport onto the street boundary, **be refused**, for the following reasons:
  - (a) the siting of the garage and carport onto the street boundary would be visually obtrusive in the street scene; and
  - (b) the siting of the garage and carport would detract from the visual amenity of the locality and character and appearance of the surrounding area that is characterised by development that is set back from the street boundaries.
4. that, in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure to retain the existing canopy, which canopy encroaches the 2m lateral building line with 0,36m, **be approved**, subject to the submission of a building plan to the Building Control Department within **30 days** from the decision date; and

5. that the applicant/objector be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

**RESPONSIBLE OFFICIAL :** **SW VAN DER MERWE**

**TARGET DATE FOR IMPLEMENTATION :** **13 MAY 2015**

**TARGET DATE TO INFORM APPLICANT :** **13 MAY 2015**

**TARGET DATE TO INFORM OBJECTOR :** **13 MAY 2015**

6.

**ERF 436, 22 CALEDON STREET, STANFORD, OVERSTRAND MUNICIPAL AREA :  
PROPOSED DEPARTURE : MESSRS GERARD REULING ARCHITECTS ON  
BEHALF OF MA RIDELL**

**Erf 436 SSS (2743)****P Roux****25 February 2015****(028) 313 8900****Hermanus Administration**

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**EXECUTIVE SUMMARY**

An application has been received on 28 October 2014 from Messrs Gerard Reuling Architects on behalf of the owner, MA Ridell, on Erf 436, Stanford for a departure from the Overstrand Zoning Scheme Regulations in order to relax the lateral building line from 2,0m to 0m in order to accommodate the proposed pizza oven and timber deck.

**RESOLVED:**

1. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for departure from the Scheme Regulations on Erf 436, Stanford for the relaxation of the lateral building line from 2,0m to 0m in order to accommodate a pizza oven and timber deck, **be refused**;
2. that the refusal in paragraph 1. above is based on the following reasons:
  - (a) the Municipality generally speaking is not in favour of the approval of (open) outside habitable areas in close proximity to the property boundaries as it is likely to have a negative impact on the residential amenity of the occupiers; and
  - (b) the elevated deck would give rise to overlooking and loss of privacy to the private outdoor areas of the adjoining properties, thereby giving rise to circumstances that is detrimental to the residential amenity of the occupiers of adjoining properties.
3. that the deck **be demolished** within **60 days** from the date of the decision to the extent that the relevant building lines are maintained; and
4. that the applicant be notified of his right of appeal in terms of the provisions of Section 62 of the Municipal Systems Act, 2000 (Act 32 of 2000) with regard to the above decision.

<b>RESPONSIBLE OFFICIAL :</b>	<b>P ROUX</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>13 MAY 2015</b>

7.

**ERVEN 3701, 3702 AND 3703, ONRUS RIVER, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSOLIDATION : KITCH CHRISTIE PROPERTY INVESTMENTS (PTY) LTD**

**3701, 3702 & 3703 HON (2708)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**27 February 2015**

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### **EXECUTIVE SUMMARY**

An application has been received on 16 September 2014 from Messrs Plan Active Town- and Regional Planners on behalf of the property owner, Kitch Christie Property Investments (Pty) Ltd, for the consolidation of Erven 3701, 3702 and 3703, Onrus River.

### **RESOLVED:**

1. that, in terms of Section 2.3 of the Scheme Regulations promulgated in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the consolidation of Erven 3701, 3702 and 3703, Onrust River, **be approved**, subject to the following conditions:
  - (a) that this approval only has reference to the proposed SG Diagram, Erf 5296, Onrust River, dated August 2014, as submitted with the application;
  - (b) that all the conditions in the Service Report, be complied with;
  - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant/objector be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

**RESPONSIBLE OFFICIAL :**

**H OLIVIER**

**TARGET DATE FOR IMPLEMENTATION :**

**13 MAY 2015**

**TARGET DATE TO INFORM APPLICANT :**

**13 MAY 2015**

**TARGET DATE TO INFORM OBJECTOR :**

**13 MAY 2015**



**8.  
TOWN PLANNING REPORT WITH REGARD TO APPLICATIONS CONSIDERED IN  
TERMS OF DELEGATED AUTHORITY : FEBRUARY 2015 – MARCH 2015**

15/3/11

R van Antwerp  
9 March 2015

(028) 313 8039

Hermanus Administration

**EXECUTIVE SUMMARY**

To report on applications disposed of by the Senior Manager : Town Planning during the period from 17 February 2015 – 9 March 2015.

**RESOLVED:**

that **cognisance be taken** of the town planning applications disposed of by the Senior Manager : Town Planning in terms of delegated authority for the period 17 February 2015 – 9 March 2015:

1.	Erf 1022, Vermont	23 February 2015
2.	Erf 1254, De Kelders	23 February 2015
3.	Erf 16, Gansbaai	23 February 2015
4.	Erf 4040, Hermanus	23 February 2015
5.	Erf 2731, Hermanus	23 February 2015
6.	Remainder Erf 3969, Hermanus	23 February 2015
7.	Erf 1252, De Kelders	24 February 2015
8.	Erf 1318, Stanford	26 February 2015
9.	Farm 764	9 March 2015
10.	Erf 2163, Pearly Beach	9 March 2015
11.	Erf 316, Franskraal	9 March 2015
12.	Erf 2866, Onrus River	9 March 2015
13.	Erf 2414, Pearly Beach	9 March 2015
14.	Portion 34 of the farm Rocklands No. 633	9 March 2015

**RESPONSIBLE OFFICIAL :**

**R VAN ANTWERP**

**TARGET DATE FOR IMPLEMENTATION :**

**13 MAY 2015**

**TARGET DATE TO INFORM APPLICANT :**

**N/A**

**TARGET DATE TO INFORM OBJECTOR :**

**N/A**

## 9.

**FARM 470 HONINGKLIP, A DIVISION OF CALEDON, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : RH MIDDELMANN**

Farm 470 KHANG (2641)

H van der Stoep

(028) 313 8900

Hermanus Administration

9 March 2015

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**EXECUTIVE SUMMARY**

An application has been received on 23 July 2014 from Mr. RH Middelman on Farm 470, Honingklip in order to lease buildings for agricultural activities on the property concerned.

**RESOLVED:**

1. that, in terms of Section 2.2 of the Section 9 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a consent use on Farm 470, Honingklip in order to lease buildings for agricultural activities on the property concerned, **be approved**, subject to the following conditions:
  - (a) that the storage of the agricultural fertilizer be allowed for a period of five (5) years only;
  - (b) that no more sheds or similar structures be erected on the farm, except through an application process;
  - (c) that the four (4) sheds be used for agricultural industry purposes as per the Overstrand Municipality Zoning Scheme Regulations, with consent of the Western Cape Government : Department of Agriculture;
  - (d) that a Site Development Plan be compiled as per the Overstrand Municipality Zoning Scheme Regulations;
  - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (f) that all other parameters as prescribed in the Zoning Scheme be adhered to;
  - (g) that no municipal services (water, electricity, sewer, stormwater, roads and traffic) will be available; and
  - (h) that all conditions imposed by the Western Cape Government : Department of Agriculture in their letter dated 24 November 2014, be complied with.

2. that the applicant/objectors be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

**RESPONSIBLE OFFICIAL :** H VAN DER STOEP

**TARGET DATE FOR IMPLEMENTATION :** 13 MAY 2015

**TARGET DATE TO INFORM APPLICANT :** 13 MAY 2015

**TARGET DATE TO INFORM OBJECTOR :** 13 MAY 2015

**10.  
PORTION 64 OF THE FARM WOLVENGAT NO. 297, OVERSTRAND MUNICIPAL  
AREA : PROPOSED DEPARTURE : JML LEUNER**

**Prt 64/297 (2627)**

**SW van der Merwe  
7 March 2015**

**(028) 313 8900**

**Hermanus Administration**

**EXECUTIVE SUMMARY**

To consider an application received on 9 July 2014 from the owner of Portion 64 of the Farm Wolvengat No. 297, Division Bredasdorp JML Leuner, for departure from the Overstrand Zoning Scheme Regulations in order to install a fuel tank on the premises for storage and commercial sale of fuel.

**RESOLVED:**

1. that the objection **be noted**;
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a departure from the Scheme Regulations pertaining to Portion 64 of the Farm Wolvengat No 297, Bredasdorp Division in order to install a fuel tank on the premises for storage and commercial sale of fuel, **be approved**, subject to the following conditions:
  - (a) that this approval is granted for a temporary period of five years only and is not transferrable should the property changes ownership;
  - (b) that a Site Development Plan be submitted indicating the exact dimensions of the portion of the property that will be utilized for the storage and commercial sale of fuel to the Senior Manager: Town Planning for approval;
  - (c) that building plans be submitted to the Building Department for approval;
  - (d) that details pertaining to leak protection measures and emergency spill procedures **be submitted** for approval prior to the commencement of the activity;
  - (e) that all the conditions imposed by Breede-Gouritz Catchment Management Area, Department of Transport and Public Works, Department of Environmental Affairs and Development Planning, Land Management Provincial Department of Agriculture, CapeNature, Telkom, Overberg District Municipality and Eskom **be adhered** to;
  - (f) that all the conditions imposed by the Overstrand Fire Services **be adhered** to;

- (g) that commercial rates and service tariffs, as determined by the annual budget, be made applicable to that portion utilized for the storage and commercial sale of fuel, which tariffs are automatically adjusted in terms of the annual budget;
  - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
  - (i) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant/objector be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000.

**RESPONSIBLE OFFICIAL :**

**SW VAN DER MERWE**

**TARGET DATE FOR IMPLEMENTATION :**

**13 MAY 2015**

**TARGET DATE TO INFORM APPLICANT :**

**13 MAY 2015**

**TARGET DATE TO INFORM OBJECTOR :**

**13 MAY 2015**

11.

**ERF 1791, 35 THERONDRAAI STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE AND RELAXATION OF A RESTRICTIVE TITLE DEED CONDITION : JJ & ZJ SCHWARTZ**

**Erf 1791 GPB (2465)****P Roux****25 February 2015****(028) 313 8900****Hermanus Administration**

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**EXECUTIVE SUMMARY**

An application has been received on 9 December 2013 from JJ & ZJ Schwartz, property owners of Erf 1791, Pearly Beach, for a departure from the Scheme Regulations and the relaxation of a restrictive title deed condition in order to relax the lateral building lines up to the respective erf boundaries.

**RESOLVED:**

1. that, in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) the application for the relaxation of a restrictive title deed condition in order to relax the lateral building lines up to the respective erf boundaries, **be recommended for approval** by the Department of Environmental Affairs and Development Planning;
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 1791, Pearly Beach, in order to relax the lateral building lines up to the respective erf boundaries, **be approved**, subject to the following conditions:
  - (a) that the approval in 2. above be subject to the successful relaxation of the restrictive title deed conditions in 1. above;
  - (b) that the patio canopy may only be built on the 1m lateral building line as indicated on the revised Building Plan No. JJ. Schwarts p.1 to 4 dated 11 November 2013;
  - (c) that compliance with Fire Safety Regulations is pre-requisite-SANS 10400T:2011;
  - (d) that revised building plans be submitted to the Building Department for approval;
  - (e) that the braai be removed should any viable complaints be received or if it becomes a fire safety issue;
  - (f) that a 60 minute fire wall be erected between the braai and the two adjacent properties;

- (g) that the approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions; and
  - (h) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with.
3. that the applicant/objector be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

**RESPONSIBLE OFFICIAL :**

**P ROUX**

**TARGET DATE FOR IMPLEMENTATION :**

**13 MAY 2015**

**TARGET DATE TO INFORM APPLICANT :**

**13 MAY 2015**

**TARGET DATE TO INFORM OBJECTOR :**

**13 MAY 2015**

12.

ERF 6131, 21 MIDDELRIVIER ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : CF & HHL MEYER

6131 KKM (2753)

H van der Stoep

5 March 2015

(028) 313 8900

Hermanus Administration

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**EXECUTIVE SUMMARY**

Application has been received on 4 November 2014 from Messrs. Wright Approach Consultancy on behalf of Mr. CF & HHL Meyer on Erf 6131, Kleinmond for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 1,14m to legalise the encroachments of the existing dwelling-house on the property concerned.

**RESOLVED:**

1. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 1,14m to legalise the encroachments of the existing dwelling-house on the property concerned, **be approved**, subject to the following conditions:
  - (a) that the balcony balustrade at first floor level be set back to the original 1,4m as per original approval;
  - (b) that amended building plans be submitted to the Building Department for their final approval within three months from the decision letter;
  - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (d) that all other parameters as prescribed in the Zoning Scheme be adhered to; and
  - (e) that all the conditions in the Services Report be complied with.
2. that the applicant/objector be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.



<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>13 MAY 2015</b>

13.

**ERF 264, 152 HANGKLIP ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : K. USMAR-BLAKE**

**264 KPRB (2648)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**23 February 2015**

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### **EXECUTIVE SUMMARY**

An application has been received on 1 August 2014 from Ms. K. Usmar-Blake on Erf 264, Pringle Bay for a consent use in order to continue operating a four bedroom guesthouse on the property concerned.

### **RESOLVED:**

1. that, in terms of Section 2.2 of the Section 9 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) application for a consent use on Erf 264, Pringle Bay to continue operating a four bedroom guesthouse on the property concerned, **be approved**, subject to the following conditions:
  - (a) that the facility be utilized as a **guesthouse only**;
  - (b) that a maximum of four bedrooms to be let, be permitted;
  - (c) that the owner/manager resides on the premises;
  - (d) that the guesthouse is utilized as such; no self-catering will be permitted;
  - (e) 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;
  - (f) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
  - (g) that a minimum of one permanently demarcated parking bay per guest room (as indicated on the Site Plan submitted) and two for the owner/manager be provided within the erf boundaries, subject to the approval of the Senior Manager: Town Planning;
  - (h) 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;

- (i) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
  - (j) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
  - (k) that Council reserves the right to rescind this approval without payment of compensation should any justified objection be received to the manner in which the guesthouse is conducted or should the operation of the guesthouse be found to be detrimental to the peacefulness and amenity of the surrounding area;
  - (l) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
  - (m) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
  - (n) that should any building alterations be required building plans should be submitted to the Building Department for approval;
  - (o) that all the conditions in the Services Report , be complied with; and
  - (p) that all the conditions imposed by the Fire Department, be complied with.
2. that the applicant/objector be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>13 MAY 2015</b>

14.

**ERVEN 1599, 1600 & 1601, BERGSIG STREET, SANDBAAI, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, CONSOLIDATION, AMENDMENT OF SPATIAL DEVELOPMENT FRAMEWORK: PLAN ACTIVE ON BEHALF OF THE NICO VAN ZYL FAMILY TRUST & BLAZECOR TWENTY SEVEN CC**

**1599, 1600 & 1601 HSB (2521)****H van der Stoep  
5 March 2015****(028) 313 8900****Hermanus Administration**

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**EXECUTIVE SUMMARY**

An application has been received on 6 March 2014 from Messrs Plan Active Town- and Regional Planners on behalf of The Nico van Zyl Family Trust and Messrs Blazecor Twenty Seven CC for the rezoning of Erven 1599, 1600 & 1601, Sandbaai from Single Residential Zone and Agricultural Zone I to Industrial Zone I, as well as to consolidate Erven 1599, 1600 & 1601, Sandbaai to establish storage facilities and an industrial hive concept on the consolidated erf.

**RESOLVED:**

1. that, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the rezoning of Erven 1599, 1600 & 1601, Sandbaai from Single Residential Zone and Agricultural Zone I to Industrial Zone I, **be approved**;
2. that, in terms of Section 2.3 of the Overstrand Municipality Zoning Scheme the application for the consolidation of Erven 1599, 1600 & 1601 Sandbaai, **be approved**, subject to the following conditions:
  - (a) the approval by Council of the amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 to change the reservation of Erven 1599, 1600 and 1601, Sandbaai from "Residential" to "Industrial";
  - (b) that the following land uses not be allowed
    - heavy vehicle service station,
    - motor repair centre,
    - workshops making use of noise pollution generating machinery - grinding, spray painting, woodworking;
  - (c) that approval be obtained from Heritage Western Cape;
  - (d) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;

- (e) that the approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions;
  - (f) 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;
  - (g) that all conditions imposed in the Services Report, be complied with;
  - (h) that all conditions imposed by the Overberg District Municipality's Health Section, be complied with; and
  - (i) that compliance with Fire Safety Regulations is pre requisite-SANS 10400T:2011.
3. that the applicant/objectors be notified of their right of appeal in terms of the provisions of the Local Government Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

**RECOMMENDATION TO THE COUNCIL:**

that the application for Amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 to change the reservation of Erven 1599, 1600 & 1601, Sandbaai from "Residential" to "Industrial", **be approved.**

<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM OBJECTORS :</b>	<b>13 MAY 2015</b>

15.

**ERF 3075, 29 MOSSOP STREET, ONRUST RIVER, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND RELAXATION : KH WINTER ON BEHALF OF MS PA CHILDS**

3075 HON (2589)

H van der Stoep

16 March 2015

(028) 313 8900

Hermanus Administration

### EXECUTIVE SUMMARY

An application has been received on 11 June 2014 from Mr. KH Winter on behalf of Ms. PA Childs for the removal of restrictive title deed conditions 6(a) and (b) in Title Deed T95404/2006 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 3075, Onrust River to enable the owner to erect a second dwelling ("granny flat") on the property.

The restrictive conditions read as follows:

Page 3 : Paragraph 6(a) and (b) :

- (a) *"Hierdie erf mag alleenlik gebruik word vir die oprigting daarop van een woning of ander geboue vir die doeleindes wat die Administrateur van tyd tot tyd, na oorleg met die Dorpekommissie en die plaaslike owerheid, goedkeur, met dien verstande dat indien die erf in die gebied van 'n dorps – aanlegskema ingesluit is, die plaaslike owerheid enige ander geboue wat deur die skema toegelaat word, kan toelaat onderworpe aan die voorwaardes wat in die skema bepaal word."*
- (b) *Geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 4,72 meter van die straatboulyn wat 'n grens van hierdie erf uitmaak, asook nie binne 3,15 meter van die agtergrens of 1,57 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie met dien verstande dat met die toestemming van die plaaslike owerheid - ..."*

### RESOLVED:

that the removal of restrictive title conditions Page 3, Paragraph 6(a) and the relaxation of 6(b) in Title Deed T95404/2006 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 3075, Onrus River, **be recommended for approval** by the Department of Environmental Affairs and Development Planning, subject to the following conditions :

- (a) that the development be restricted to drawing no. 1.0 dated March 2015 submitted with the application;

- (b) that the conditions stipulated by the objectors in their letter dated 10 March 2015, and agreed to by the Applicant, be complied with;
- (c) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;
- (d) that the approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions;
- (e) that stormwater be allowed to discharge through Erf 3075, Onrus River unobstructed; and
- (f) that compliance with Fire Safety Regulations is pre requisite-SANS 10400T:2011.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>13 MAY 2015</b>

16.

**PORTION 19 OF FARM HEMEL & AARDE NO. 585, OVERSTRAND MUNICIPAL AREA : PROPOSED SUBDIVISION, REZONING AND REGISTRATION OF SERVITUDE AREA : MESSRS PLAN ACTIVE ON BEHALF OF MESSRS ASHBOURNE VINEYARDS**

**Ptn 19/585 RCAL (2301)**

**H van der Stoep**

**16 January 2015**

**(028) 313 8900**

**Hermanus Administration**

### **EXECUTIVE SUMMARY**

An application has been received on 17 May 2013 from Messrs Plan Active on behalf of Messrs Ashbourne Vineyards for the subdivision of Remainder Portion 19 of the farm Hemel & Aarde No. 585 into two portions, Portion A ( $\pm 50$  ha) and a Remainder ( $\pm 64$  ha) and to register a dam servitude area of  $\pm 2,45$  ha on the subject property.

An application has also been received for the rezoning of Portion A, a portion of Remainder Portion 19 of the farm Hemel & Aarde No. 585, from Agriculture Zone I to Open Space Zone III.

An application has also been received for the subdivision of land adjacent to a road under jurisdiction of the District Road Engineer.

### **RESOLVED:**

1. that, in terms of the Subdivision of Agricultural Land Act, Act 70 of 1970, the application for the subdivision of Remainder Portion 19 of the farm Hemel & Aarde No. 585 and to register a dam servitude area of  $\pm 2,45$  ha on the subject property, **be recommended for approval by the Department of Agriculture, Forestry and Fisheries;**
2. that, in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and subject to the approval referred to in resolution 1 above, the application for the subdivision of Remainder Portion 19 of the farm Hemel & Aarde No. 585 into two portions, namely Portion A ( $\pm 50$  ha) and a Remainder ( $\pm 64$  ha) and to register a dam servitude area of  $\pm 2,45$  ha on the subject property, **be approved;** and
3. that, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and subject to the approval referred to in resolution 1 above, the application for the rezoning of Portion A, a portion of Remainder Portion 19 of the farm Hemel and Aarde No. 585, from Agriculture Zone I to Open Space Zone III, **be approved,** subject to the following conditions:



- (a) that this approval only has reference to the Subdivisional Plan, Drawing No. farm585-19s.drw, as submitted with the application;
  - (b) that the dam area servitudes be registered as per Plan No. farm585-19s.drw;
  - (c) that a servitude be registered in favour of Portion A against the Remainder for the use of potable water of 6kl per month for household purposes and encapsulated in the Title Deeds of both the proposed subdivided portions;
  - (d) that Portion A be incorporated into Fernkloof Nature Reserve with the proviso that a residential dwelling may be erected, but the procedure of a consent use application be followed;
  - (e) that a right-of-way be registered to ensure access to proposed Portion A across the Remainder;
  - (f) that should a residential dwelling be erected on Portion A, a septic tank and french drain not be allowed, but that environmentally friendly methods be used as per approval by the Municipality;
  - (g) that all other parameters as prescribed in the Zoning Scheme be adhered to;
  - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (i) that all the conditions in the Services Report be complied with;
  - (j) that all the conditions imposed by the Department of Transport, be complied with;
  - (k) that all the conditions imposed by BOCMA, be complied with;
  - (l) that all the conditions imposed by Cape Nature, be complied with;
  - (m) that all the conditions imposed by the Municipal Environmental Department, be complied with;
  - (n) that all the conditions imposed by the Department of Agriculture : Provincial, be complied with; and
  - (o) that all the conditions imposed by the Department of Agriculture : National, be complied with.
4. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

17.

**ERF 5972, 80 NINTH AVENUE, KLEINMOND : OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING TO SUBDIVISIONAL AREA, SUBDIVISION, AND ESTABLISHMENT OF A HOME OWNERS' ASSOCIATION : HILLSIDE EARTHMOVING (PTY) LTD**

5972 KKM (2683)

H van der Stoep

4 March 2015

(028) 313 8900

Hermanus Administration

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### EXECUTIVE SUMMARY

An application has been received on 8 September 2014 from Messrs Plan Active on behalf of Messrs Hillside Earthmoving (Pty) Ltd for the following applications:

- An application has been received for the rezoning of Erf 5972, Kleinmond from Residential Zone I : Single Residential to Subdivisional Area;
- An application has also been received for the subdivision of the applicable rezoned erf to create the following land uses:
  - 7 General Residential Zone 1: Town Housing erven; and
  - 3 Transport Zone 2: Road and Parking erven (2 portions for public road purposes and 1 portion for private road purposes).
- An application has lastly been received for an establishment of a Home Owners' Association.

### RESOLVED:

1. that, in terms of Sections 17 and 22(i)(a) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the rezoning of Erf 5972, Kleinmond from Residential Zone I: Single Residential to Subdivisional Area, **be approved;**
2. that, in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 5972, Kleinmond for the subdivision of the applicable rezoned erf to create the following land uses:
  - 7 General Residential Zone 1: Town Housing erven; and
  - 3 Transport Zone 2: Road and Parking erven (2 portions for public road purposes and 1 portion for private road purposes)

**be approved;**

3. that, in terms of Section 29 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 5972, Kleinmond for the establishment of a Home Owners' Association, **be approved**;

subject to the following conditions:

- (a) that this approval only has reference to the Subdivisional Plan, Drawing No. kleinm5972s.drw dated July 2014, as submitted with the application;
  - (b) that all other parameters as prescribed in the Zoning Scheme be adhered to;
  - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (d) that all internal services be signed off by the Engineering Services Department before occupation of the dwellings;
  - (e) that a Management Plan of the project be compiled, distributed and discussed with the surrounding owners for approval by the Municipality; and
  - (f) that all the conditions in the Services Report be complied with.
4. that the applicant/objector be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>13 MAY 2015</b>

18.  
SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)  
THIRD QUARTERLY REPORT: JANUARY- MARCH 2015

9/1/2/5

R Louw

(028) 313 8071

Corporate Head Office

27 March 2015

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**REMARK :**

**THIS ITEM WAS CONSIDERED AS ITEM 1 AT THE MANAGEMENT SERVICES PORTFOLIO COMMITTEE MEETING.**

19.

**ERF 4771, VOËLKLIP, HERMANUS : PIET SE BOS & GROTTA BEACH : BASIC ASSESSMENT REPORT (BAR)**

4771 HVK

H van der Stoep  
26 January 2015

(028) 313 8900

Hermanus Administration

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**EXECUTIVE SUMMARY**

The Overstrand Municipality appointed EnviroAfrica to conduct a Basic Assessment Report (BAR) of the proposal to redevelop the Grotto Beach area. The proposal entailed the following uses e.g restaurant, amphitheatre and the rehabilitation of the wetland area at the picnic site.

**RESOLVED:**

that the item **be referred back** for further investigation and be resubmitted during the May 2015 cycle for consideration.

**RESPONSIBLE OFFICIAL :****H VAN DER STOEP****TARGET DATE FOR IMPLEMENTATION :****13 MAY 2015****TARGET DATE TO INFORM APPLICANT :****13 MAY 2015****TARGET DATE TO INFORM OBJECTOR :****13 MAY 2015**

**The meeting adjourned at 10:40**

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**DATE**


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**N BOTHA-GUTHRIE – EXECUTIVE MAYOR**