



**ORDINARY MEETING OF THE MAYORAL
COMMITTEE**

**GEWONE VERGADERING VAN DIE
BURGEMEESTERSKOMITEE**

**INTLANGANISO YESIQHELO YEKOMITI
KASODOLOPHU**

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 24 JUNE / JUNIE / JUNI 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 24 JUNE 2015, AT 10:00**

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 Müller, Director : Infrastructure & Planning
Mr S Madikane, Director : Local Economic
Development
Mr R Williams, Director : Community Services
Ms D Arrison, Director : Management Services
Mr N Michaels, Director : Protection Services
Ms L Buchianeri, Senior Manager : Human
Resources
Mr N Arends, Manager : Human Resources
Mr F Myburgh, Senior Manager : Gansbaai
Administration
Mr M Bartman, Deputy Director : Community
Services
Mr R Kuchar, Senior Manager, Town Planning/
Property Management
Ms R Louw, Senior Manager : Strategic Services
Ms H van Tonder, Manager : Council Support
Services
ICT
Interns
Ms S Swart: Administrative Officer : Council
Support Services
Ms D Laing, Relief Clerk : Auditorium

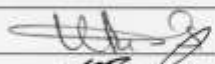
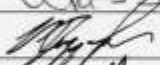


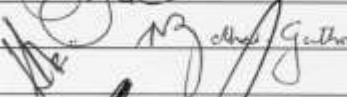





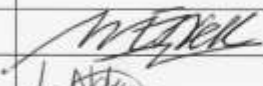

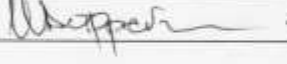


ALSO PRESENT:

None

MINUTES/.....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

MAYORAL COMMITTEE MEETING
24 JUNE 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 E Nell.

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 **Thursday, 28 May 2015 at 10:00.**

RESOLVED

that the Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Thursday, 28 May 2015 at 10:00, be confirmed.**

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

None

5.
**SECOND AUDIT REPORT OF THE PERFORMANCE AUDIT COMMITTEE (PAC)
TO THE OVERSTRAND MUNICIPAL COUNCIL - PERIOD 2014/15**

3/2/3/12

DC Van Der Heever
28 May 2015

(028) 313 5035

Internal Audit Services

EXECUTIVE SUMMARY

The purpose of the report is to present Council with the Second 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 second 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 :

DC VAN DER HEEVER

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

6.
**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(B) AND 17(1)(C), FOR MAY 2015**

8/2/2

CEM La Cock
08 June 2015

(028) 313 8080

Corporate Head Office

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 May 2015.

RECOMMENDATION TO THE COUNCIL:

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

RESPONSIBLE OFFICIAL :

R LA COCK

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

7.
SIGNED PERFORMANCE CONTRACTS OF S57 APPOINTEES FOR 2015/16

2/12/1

R Louw

17 June 2015

(028) 313 8071

Corporate Head Office

EXECUTIVE SUMMARY

The purpose of this report is for Council to note the signed performance contracts of S57 appointees for the 2015/16 financial year.

RECOMMENDATION TO THE COUNCIL:

that the signed performance contracts of S57 appointees for 2015/16 **be noted**.

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2015

**8.
MUNICIPAL REGULATIONS ON A STANDARD CHART OF ACCOUNTS (mSCOA)
: STATUS OF IMPLEMENTATION**

3/2/3/15

Clint Le Roux

(028) 313 8107

Corporate Head Office

12 June 2015

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

9.

TENDER NO. SC1261A/2012: PROPOSED AMENDMENT OF CONTRACT FOR THE MAINTENANCE OF WATER AND WASTEWATER INFRASTRUCTURE EQUIPMENT IN THE OVERSTRAND FOR THE PERIOD ENDING 30 JUNE 2015

8/4

**M Bartman
24 June 2015**

(028) 313 8982**Corporate Head Office**

EXECUTIVE SUMMARY

The purpose of this report is to provide the necessary information and motivation for the proposed amendment of Contract SC1261/2012: MAINTENANCE OF WATER AND WASTEWATER INFRASTRUCTURE EQUIPMENT IN THE OVERSTRAND ENDING 30 June 2015, in terms of the enabling provisions of section 116(3) of the Local Government: Municipal Finance Management Act, Act No. 56 of 2003 (MFMA), to enable Council to make an informed decision when considering to amend the contract.

RECOMMENDATION TO THE COUNCIL:

that, in terms of section 116(3) of the Local Government : Municipal Finance Management Act, No 56 of 2003 (MFMA) and circular 73 of National Treasury, the reasons for the proposed amendment of the Contract SC1261/2012 for the **MAINTENANCE OF WATER AND WASTEWATER INFRASTRUCTURE EQUIPMENT IN THE OVERSTRAND**, with a contract period ending 30 June 2018, on a month to month basis with a 30 day notice period, **be noted**.

RESPONSIBLE OFFICIAL :**MIKE BARTMAN
MORNÉ POTGIETER****TARGET DATE FOR IMPLEMENTATION :****1 JULY 2015**

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.
LOCAL ECONOMIC DEVELOPMENT SERVICE DELIVERY ACTIVITIES: 3rd QUARTER

2/R

S Madikane
25 May 2015

(028) 313 8066

Corporate Head Office

EXECUTIVE SUMMARY

The report will give an outline of the Directorate: Local Economic Development's activities for the third quarter.

RESOLVED:

that the report on the Directorate: Local Economic Development's activities for the third quarter, **be noted**.

RESPONSIBLE OFFICIAL :

X KOSI

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2015

**2.
HIGH LEVEL LOCAL ECONOMIC DEVELOPMENT (LED) STRATEGY REVIEW**

2/R

**S Madikane
25 May 2015**

(028) 313 8066

Corporate Head Office

EXECUTIVE SUMMARY

The purpose of this report is for Council to do a high level review of its Local Economic Development (LED) Strategy.

RECOMMENDATION TO THE COUNCIL:

that the High Level Economic Development strategy review be approved in principle and the revised document be submitted to Council for final approval.

RESPONSIBLE OFFICIAL :

S MADIKANE

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2015

**3.
TOURISM SUPPORT AND FUNDING STRATEGY**

2/R

**S Madikane
25 May 2015**

(028) 313 8066

Corporate Head Office

EXECUTIVE SUMMARY

The purpose of this item is for Council to consider a revised local tourism support and funding strategy.

RECOMMENDATION TO THE COUNCIL:

that the Local Tourism Support and Funding Strategy, **be approved.**

RESPONSIBLE OFFICIAL :

S MADIKANE

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2015

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.
DRAFT IMPOUNDMENT OF ANIMALS BY-LAW

1/3/22

L Wallace

25 May 2015

(028) 313 5014

Corporate Head Office

EXECUTIVE SUMMARY

The purpose of this report is to adopt a Draft By-law regarding the impoundment of animals.

RECOMMENDATION TO THE COUNCIL:

that the Draft Impoundment of Animals By-law **be adopted** as a by-law for the Overstrand Municipality.

RESPONSIBLE OFFICIAL :

LIONEL WALLACE

TARGET DATE FOR IMPLEMENTATION :

1 SEPTEMBER 2015

2.
REVISION OF EMPLOYMENT EQUITY POLICY

4/10/B

L Bucchianeri

(028) 3138120

Corporate Head Office

24 April 2015

EXECUTIVE SUMMARY

The purpose of this report is to recommend to Council to approve the reviewed Employment Equity Policy.

RECOMMENDATION TO THE COUNCIL:

that the reviewed Employment Equity Policy be **approved**.

RESPONSIBLE OFFICIAL :

L BUCCHIANERI

TARGET DATE FOR IMPLEMENTATION :

01 JULY 2015

**3.
REVISION OF INCAPACITY: ILL HEALTH / INJURY POLICY**

4/1/1/B

L Bucchianeri

(028) 3138120

Corporate Head Office

24 April 2015

EXECUTIVE SUMMARY

The purpose of this report is to recommend to Council to approve the reviewed Incapacity: Ill Health / Injury Policy.

RECOMMENDATION TO THE COUNCIL:

that the reviewed Incapacity: Ill Health / Injury Policy be **approved**.

RESPONSIBLE OFFICIAL :

L BUCCHIANERI

TARGET DATE FOR IMPLEMENTATION :

01 JULY 2015

4.
REVIEWED 2014/2018: EMPLOYMENT EQUITY PLAN

4/10/B

L Bucchianeri

(028) 3138120

Corporate Head Office

24 April 2015

EXECUTIVE SUMMARY

The purpose of this report is to recommend to Council to approve the reviewed 2014/2018: Employment Equity Plan.

RECOMMENDATION TO THE COUNCIL:

that the reviewed 2014-2018:Employment Equity Plan be **approved**.

RESPONSIBLE OFFICIAL :

L BUCCHIANERI

TARGET DATE FOR IMPLEMENTATION :

01 JULY 2015

5.
DRAFT POLICY ON MEMBERSHIP OF MEDICAL AID FUNDS

4/5/6/1/B

L Bucchianeri

(028) 3138120

Corporate Head Office

24 April 2015

EXECUTIVE SUMMARY

The purpose of this report is to recommend to Council to approve the draft Policy on Membership of Medical Aid Funds and Registration of Dependants on Accredited Medical Aid Funds.

RECOMMENDATION TO THE COUNCIL:

that the draft Policy on Membership of Medical Aid Funds and Registration of Dependants on Accredited Medical Aid Funds, **be approved.**

RESPONSIBLE OFFICIAL :

L BUCCHIANERI

TARGET DATE FOR IMPLEMENTATION :

01 JULY 2015

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

Komiteelete :

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

**NO REPORTS WERE RECEIVED BY THE SECRETARIAT
FOR INCLUSION IN THIS PORTFOLIO**

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**

**NO REPORTS WERE RECEIVED BY THE SECRETARIAT
FOR INCLUSION IN THIS PORTFOLIO**

**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.
**TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
 CONSIDERED IN TERMS OF DELEGATED AUTHORITY : APRIL 2015 – MAY 2015**

15/3/11

R van Antwerp
 18 May 2015

(028) 313 8039

Hermanus Administration

EXECUTIVE SUMMARY

To report on applications disposed of by the Senior Manager : Town- & Spatial Planning during the period from 14 April 2015 – 18 May 2015.

RESOLVED:

that **cognisance be taken** of the town planning applications disposed of by the Senior Manager : Town- & Spatial Planning in terms of delegated authority for the period 14 April 2015 – 18 May 2015:

1.	Erf 3361, Kleinmond	15 April 2015
2.	Erven 3845 and 3855, Kleinmond	15 April 2015
3.	Erf 3778, Onrus River	15 April 2015
4.	Erf 4257, Onrus River	15 April 2015
5.	Erf 53, Sandbaai	15 April 2015
6.	Erf 195, Hermanus	17 April 2015
7.	Erf 2572, Onrus River	20 April 2015
8.	Erf 338, Hawston	20 April 2015
9.	Erf 1057, Vermont	20 April 2015
10.	Erf 1139, Hermanus	22 April 2015
11.	Erf 6996, Hermanus	12 May 2015
12.	Erf 2068, Hermanus	12 May 2015
13.	Erf 1180, Stanford	12 May 2015
14.	Erf 11094, Hermanus	12 May 2015
15.	Erf 2820, Gansbaai	13 May 2015
16.	Erf 4674, Kleinmond	13 May 2015
17.	Erf 73, Pringle Bay	13 May 2015
18.	Erf 6174, Kleinmond	13 May 2015
19.	Erf 7880, Kleinmond	13 May 2015
20.	Erf 4880, Kleinmond	14 May 2015
21.	Erf 4453, Hermanus	14 May 2015
22.	Erf 2606, Onrus River	18 May 2015

RESPONSIBLE OFFICIAL :	R VAN ANTWERP
TARGET DATE FOR IMPLEMENTATION :	10 JUNE 2015
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

2.

ERF 1746, CORNER OF MAIN ROAD AND LONG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF SOBREY PROPERTY INVESTMENTS CC

1746 HSB (2745)

H van der Stoep

18 May 2015

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application in terms of Section 2.2 of the Overstrand Zoning Scheme Regulations has been received on 30 October 2014 from Messrs Plan Active Town- and Regional Planners on behalf of Sobrey Property Investments CC for a consent use for a Place of Institution, for a pre-primary school (also includes change of school's timetable) on Erf 1746, Sandbaai.

RESOLVED:

that the item **be held in abeyance until further notice.**

RESPONSIBLE OFFICIAL :**H VAN DER STOEP****TARGET DATE FOR IMPLEMENTATION :****8 JULY 2015****TARGET DATE TO INFORM APPLICANT :****8 JULY 2015****TARGET DATE TO INFORM OBJECTORS :****8 JULY 2015**

3.

ERF 4585, 27 HARMONY AVENUE, HERMANUS, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967) AND DEPARTURE : JP SMITH

4585 HNC (2542)

H van der Stoep

28 April 2015

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 7 April 2014 from Messrs WRAP on behalf of JP Smith on Erf 4585, Hermanus for a departure from the relevant Scheme Regulations in order to relax the side building line from 2m to 0m to accommodate an existing garage, from 2m to 1,5m for the extension of the existing bar area and from 2m to 0,46m to accommodate an existing roofed terrace respectively.

An application has also been received for the Removal of Restrictive Title Conditions in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 4585, Hermanus in order to enable the owner to convert the existing outside living area into a granny flat.

RESOLVED:

1. that the Removal of Restrictive Title Conditions Page 3, Paragraph C(2)2 and C(2)4 in Title Deed T48359/1999 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 4585, Hermanus, **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 on Erf 4585, Hermanus for a departure from the Scheme Regulations in order to relax the side building line from 2m to 0m to accommodate an existing garage and from 2m to 1,5m for the extension of the existing bar area, **be approved**,
3. that the approval of Point 2. be subject to the following conditions:
 - (a) that approval of the departure be subject to the Removal of the Restrictive Title Conditions;
 - (b) that amended building plans (including the conversion of the outbuilding to a second dwelling) be submitted to the Building Control Department for their final approval;
 - (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 all conditions imposed in the Services Report be complied with; and
 - (f) that compliance with Fire Safety Regulations is pre requisite-SANS 10400T:2011.
4. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 4585, Hermanus for a departure from the Scheme Regulations in order to relax the side building line from 2m to 0,46m to accommodate an existing roofed terrace, **not be approved**, due to the following reasons:
- (a) the structure was erected illegally;
 - (b) no reasons were given for the transgression;
 - (c) the structure is not in line with Scheme requirements; and
 - (d) sufficient space is available for the extensions without transgressing the building lines.
5. that the terrace be removed within three months of the date of the decision letter.
6. that the applicant be notified of his right of appeal in terms of the provisions of the Local Government Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	8 JULY 2015
TARGET DATE TO INFORM APPLICANT :	8 JULY 2015
TARGET DATE TO INFORM OBJECTOR :	N/A

4.

**ERF 116, 41 THE CRESCENT, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA
: PROPOSED DEPARTURE : XU JIANPING ON BEHALF OF ZHANG JIABIN**

116 HFH (2705)

H Olivier

(028) 313 8900

Hermanus

Administration

11 June 2015

EXECUTIVE SUMMARY

Application has been received on 16 September 2014 from XU Jianping on behalf of Zhang Jianbin on Erf 116, Fisherhaven for a consent use in terms of the relevant Scheme Regulations in order to accommodate a place of entertainment for live music, dancing and karaoke.

RESOLVED:

1. that in terms of Section 2.2 of the Overstrand Municipality Zoning Scheme the application for consent use to accommodate entertainment activities such as live music, karaoke and dancing in the existing restaurant on Erf 116, Fisherhaven, **be approved**, subject to the following conditions:
 - (a) that only the areas inside the existing building as indicated on the Site Plan be utilized for the uses applied for;
 - (b) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (c) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building), and for security and protection of surrounding properties, patrons, vehicles, etc. to the satisfaction of the Senior Manager: Town- and Spatial Planning, and that the Municipal Council reserves the right to impose detailed conditions in this regard as and when required;
 - (d) that in terms of the “Noise Control Regulations” promulgated under the Environment Conservation Act, 1989 (Act 72 of 1989) the music volumes emanating from the premises at all times be controlled in such a manner that it adds less than 7 dB(a) to ambient noise levels;
 - (e) that the applicant submit a noise pollution study, with recommendation, in order to comply with condition (d) above, and any conditions with regard to sound proofing be implemented, prior to acting on the approval;
 - (f) that the entertainment activities such as live music, dancing and karaoke is limited to 00:00;

- (g) that the premises may not be utilized as a night club/disco or theatre, but that the additional entertainment uses are subservient to the primary use of restaurant/pub; and
 - (h) that the Overstrand Municipality retains the right to enforce any relevant legislation, regulations, law and order regarding these premises.
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 conditions of approval.

RESPONSIBLE OFFICIAL :	H OLIVIER
TARGET DATE FOR IMPLEMENTATION :	8 JULY 2015
TARGET DATE TO INFORM APPLICANT :	8 JULY 2015
TARGET DATE TO INFORM OBJECTOR :	8 JULY 2015

5.

ERVEN 529, 530 & 531, MARINE DRIVE & CHURCH STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, CONSENT USE, DEPARTURE, NOTARIAL TIE & ACCESS SERVITUDE : MESSRS PLAN ACTIVE ON BEHALF OF THE ANTOBEN TRUST, JA VAN DER WESTHUIZEN & W STEYN

529, 530 and 531 HWC (2663)

H van der Stoep

(028) 313 8900

Hermanus Administration

20 May 2015

EXECUTIVE SUMMARY

An application has been received on 14 August 2014 from Messrs Plan Active on behalf of The Antoben Trust, JA van der Westhuizen and W Steyn for the rezoning of Erven 530 & 531, Hermanus from Residential Zone I to Residential Zone III.

An application was also received for a consent use on Erven 530 & 531, Hermanus in order to establish a boutique hotel on the rezoned properties.

An application was also received for a departure from the relevant Scheme Regulations in order to relax the:

- Street building line on Erf 530 from 4m to 2,70m in order to accommodate a portion of the existing house that will be used as a residence for the owner/manager.
- Eastern side building line on Erf 530 from 4,5m to 0,5m in order to accommodate the existing single garage
- Western side building line on Erf 530 from 4,5m to 1m and 2,4m respectively in order to accommodate the existing dwelling and a portion of the building that will be converted into the six guest rooms.
- Rear building line on Erf 531 from 3m to 0m in order to accommodate the existing outbuilding that is being utilized as a laundry and servant's quarters.
- Eastern side building line on Erf 531 from 4,5m to 0m and 1,5m in order to accommodate the existing outbuilding and the existing guesthouse that will be used as a boutique hotel respectively.
- Western side building line on Erf 531 from 4,5m to 3,5m in order to accommodate the existing guesthouse that will be utilized as a boutique hotel.

An application was further received for a notarial tie on Erven 530 & 531, Hermanus as the boutique hotel will stretch over both properties.

An application was lastly received for a proposed access servitude area over Erf 529, Hermanus in order to gain access to Erven 530 & 531, Hermanus.

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 530 & 531, Hermanus from Residential Zone 1 to Residential Zone 3, **be approved**;
2. that, in terms of Section 2.2 of the Scheme Regulations made in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a consent use on Erven 530 & 531, Hermanus in order to establish a boutique hotel only, on the rezoned properties, **be approved**,
3. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departures from the relevant Scheme Regulations in order to relax the following building lines:
 - street building line on Erf 530 from 4m to 2,70m in order to accommodate a portion of the existing house that will be used as a residence for the owner/manager;
 - eastern side building line on Erf 530 from 4,5m to 0,5m in order to accommodate the existing single garage;
 - western side building line on Erf 530 from 4,5m to 1m, 2m on second floor and 2,4m respectively in order to accommodate the existing dwelling and a portion of the building that will be converted into six guest rooms;
 - rear building line on Erf 531 from 3m to 0m in order to accommodate the existing outbuilding that is being utilized as a laundry and servant's quarters;
 - eastern side building line on Erf 531 from 4,5m to 0m and 1,5m in order to accommodate the existing outbuilding and the existing guesthouse that will be used as a boutique hotel respectively, and
 - western side building line on Erf 531 from 4,5m to 3,5m in order to accommodate the existing guesthouse that will be utilized as a boutique hotel,

be approved, subject to the following conditions:

- (a) that the approval is limited to a boutique hotel only and for no other land use ;
- (b) that any other rights associated with the zoning will need to be applied for;
- (c) that this approval only has reference to the Site Development Plan, Drawing No. her530(8).drw dated 05/2014, as submitted with the application;
- (d) that Erven 530 and 531 be notorially tied;
- (e) that a servitude area and access road be registered against the Title Deed of Erf 529 in favour of Erven 530 and 531 for parking and access purposes;

- (f) that all other parameters as prescribed in the Zoning Scheme be adhered to;
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (h) that a refuse area be constructed according to municipal conditions;
 - (i) that all conditions imposed by the Fire Department be complied with;
 - (j) that all the conditions in the Services Report be complied with;
 - (k) 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;
 - (l) 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;
 - (m) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (n) 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- and Spatial Planning;
 - (o) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
 - (p) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality; and
 - (q) that should any building alterations be required, building plans should be submitted to the Building Department for approval.
4. that a notarial tie be registered on Erven 530 & 531, Hermanus for parking purposes as the boutique hotel will stretch over both properties;
 5. that an access servitude area be registered over Erf 529, Hermanus in favour of Erven 530 & 531 Hermanus;
 6. that Points 4 and 5 be adhered to before the rights may be executed; and

7. 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 decision.

RESPONSIBLE OFFICIAL : H VAN DER STOEP

TARGET DATE FOR IMPLEMENTATION : 8 JULY 2015

TARGET DATE TO INFORM APPLICANT : 8 JULY 2015

TARGET DATE TO INFORM OBJECTOR : N/A

6.

ERF 5594, 9 ROCHESTER STREET, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE & DEPARTURE : WERNER ZYBRANDS CONSULTUS (PTY) LTD

5594 HWC (2755)**H van der Stoep****6 May 2015****(028) 313 8900****Hermanus Administration**

EXECUTIVE SUMMARY

An application has been received on 6 November 2014 from Werner Zybrands Consultus (Pty) Ltd for a consent use on Erf 5594, Hermanus in order to establish a guesthouse on the property concerned.

An application was also received for a departure from the relevant Scheme Regulations in order to relax the street building line from 4m to 0m to accommodate the existing pergola covered walkway and to relax the lateral building line from 2m to 0m to accommodate the existing outbuilding and lapa.

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 on Erf 5594, Hermanus in order to relax the street building line from 4m to 0m to accommodate the existing pergola covered walkway and to relax the lateral building line from 2m to 0m to accommodate the existing outbuilding and lapa, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines and existing structures indicated on Plan No. CS-001 dated 7 October 2014, which was submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.

2. 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 Erf 5594, Hermanus to continue operating a five 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 five bedrooms to be let, be permitted;
 - (c) that the owner/manager resides on the premises;
 - (d) that the guesthouse is utilised as such and that no self-catering 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- & Spatial 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 a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (l) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and
 - (m) that all the conditions in the Services Report 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 : H VAN DER STOEP

TARGET DATE FOR IMPLEMENTATION : 8 JULY 2015

TARGET DATE TO INFORM APPLICANT : 8 JULY 2015

TARGET DATE TO INFORM OBJECTOR : 8 JULY 2015

7.

ERF 953, 57 ABNER STREET, STANFORD : OVERSTRAND MUNICIPAL AREA : APPLICATION FOR DEPARTURE : JP & LA OCKHUYS

953 SSN (2550)

P Roux

(028) 313 8900

Hermanus Administration

14 May 2015

EXECUTIVE SUMMARY

An application has been received on 11 April 2014 from Messrs Maureen Wolters Architect on behalf of JP and LA Ockhuys, on Erf 953, Stanford in terms of Section 15 of the Land Use Ordinance, 1985 (Ordinance 15 of 1985) for a departure from the relevant Scheme Regulations to relax the lateral building line from 2m to 0m in order to accommodate the existing outbuilding (pool room).

RESOLVED:

1. that, in terms of Section 15 of the Land Use Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 953, Stanford for a departure from the Scheme Regulations to relax the lateral building line from 2m to 0m in order to accommodate the existing outbuilding (pool room), **not be approved**;
2. that the braai and pool room be demolished within 60 days from the date of the decision;
3. that the refusal in paragraph 1. above is based on the following reasons:
 - (a) the motivation received did not describe the full extent of the application and as such an informed decision could not be made; and
 - (b) no revised notices could be sent to inform the adjacent property owners and the relevant departments.
4. that the applicants 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 conditions of approval.

RESPONSIBLE OFFICIAL :**P ROUX****TARGET DATE FOR IMPLEMENTATION :****8 JULY 2015****TARGET DATE TO INFORM APPLICANT :****8 JULY 2015****TARGET DATE TO INFORM OBJECTOR :****N/A**

8.

ERF 848, 173 MAIN ROAD, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : R VAN ECK ON BEHALF OF THE LEAF FUND PROPERTY TRUST

848 HNC (2761)

H van der Stoep
12 May 2015

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

Application has been received on 18 November 2014 from Mr R van Eck on behalf of the Leaf Fund Property Trust on Erf 848, Hermanus for a departure from the relevant Scheme Regulations in order to buy out three parking bays in order to operate a car wash 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 Scheme Regulations on Erf 848, Hermanus in order to buy out three parking bays in order to operate a car wash on the property concerned, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the Site Development Plan (DRG. NO. 1.5 dated 5 September 2014), as submitted with the application;
 - (b) that the payment of R40,000.00 (forty thousand rand) as per valuation, be accepted for three parking bays;
 - (c) that an additional amount of R40,000.00 be levied to accommodate the remainder of the parking area needed for vehicle movement;
 - (d) that the payment of a total of R80,000.00 for the three parking areas be accepted;
 - (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 operating hours be restricted to the following times:

08:00 to 17:00 from Monday to Friday,
08:00 to 13:00 on Saturdays, and
no operation on a Sunday/religious public holiday;

- (h) that the recommendation by Messrs Stadler Occupational Safety Practitioners be implemented;
 - (i) that all the conditions in the Services Report be complied with; and
 - (j) that the architect mitigate the noise by means of architectural design by closing openings where possible facing the residential component.
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 VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	8 JULY 2015
TARGET DATE TO INFORM APPLICANT :	8 JULY 2015
TARGET DATE TO INFORM OBJECTOR :	8 JULY 2015

9.

PORTION 2 OF THE FARM SAN DOWN ESTATE NO. 220, OVERSTRAND MUNICIPAL AREA, BREDASDORP DIVISION : PROPOSED REZONING, SUBDIVISION AND CONSENT USE : MESSRS WRAP ON BEHALF OF SOUTHERN SPIRIT PROPERTIES 25 (PTY) LTD

Prt 2/220 (2525)

SW van der Merwe

14 May 2015

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

To consider an application received on 26 March 2014 from Messrs WRAP Consultancy on behalf of the registered owners of Portion 2 of the Farm San Down No. 220, Division Bredasdorp for:

- rezoning from Agricultural Zone to 25 Resort Zone footprints and a Remainder Open Space Zone III: Private Open Space;
- consent use for holiday housing (Units 1 to 13); and
- subdivision of holiday housing (Units 1 to 13).

RESOLVED:

1. that the objection be noted;
2. that the application for the rezoning of Portion 2 of the Farm San Down No. 220, Division Bredasdorp from Agricultural Zone to 25 Resort Zone footprints and a Remainder Open Space Zone III (Private Open Space) in terms of the provisions of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved;**
3. that the application for subdivision and consent use for holiday housing pertaining to Units 1 to 13 in terms of the provisions of Section 24 of the Land Use Planning Ordinance, 1985 and Section 2.2 of the Overstrand Zoning Scheme Regulations, **be approved;**
4. that the approvals in 2.and 3. above be subject to the following conditions:
 - (a) that the development be restricted to the uses or activities indicated on the Site Development Plan No. 6/134/02, amendments may occur without the prior written approval of the Municipality;
 - (b) that the utilization of the Open Space Zone III: Private Open Space portion be restricted to the uses or activities permitted under the definition of conservation use in terms of the Overstrand Zoning Scheme Regulations;

- (c) that a Home Owners' Association be established with compulsory membership for all property owners of resort erven and written into the Title Deeds of the erven;
- (d) that the constitution of the Home Owners' Association be submitted for the prior written approval of the Municipality. No subsequent amendments may be implemented without the prior written approval of the Municipality;
- (e) that the Architectural Guidelines of the development be submitted for the prior written approval of the Senior Manager: Town- and Spatial Planning, which guidelines shall as a minimum specify requirements pertaining to the size of the units, zoning and height restrictions applicable, etc. No subsequent amendments may be implemented without the prior written approval of the Municipality;
- (f) that no more than 13 holiday housing units be permitted, restricted to utilisation for short term accommodation purposes only (no permanent occupancy);
- (g) the floor area of individual units may not exceed 175m² (Units 1 to 25) whilst the exclusive use area pertaining to the holiday housing units (inclusive of the 175m² floor area) may not exceed 300m² (Units 1 to 13);
- (h) that all the conditions in the Municipal Services Report **be complied** with;
- (i) that all the conditions imposed by the Department of Environmental Affairs and Development Planning in the Environmental Authorisation dated 30 August 2013, the Department of Agriculture, Forestry and Fisheries, CapeNature, Breede-Gouritz Catchment Management Agency, Department of Health, Department of Transport and Public Works, Eskom and Department of Health: District Municipality, **be complied** with;
- (j) that all the conditions contained in the Services Report **be complied** with;
- (k) that the Home Owners' Association assumes responsibility (including costs) for the provision, maintenance, management and upkeep of the communal property, including Private Open Space, Private Roads, alien clearing and compliance with the EA as well as the Construction and Operational Environmental Management Plans; and
- (l) that this approval does not absolve the applicant from compliance with any other relevant 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 and conditions of approval.

RESPONSIBLE OFFICIAL : **SW VAN DER MERWE**

TARGET DATE FOR IMPLEMENTATION : **8 JULY 2015**

TARGET DATE TO INFORM APPLICANT : **8 JULY 2015**

TARGET DATE TO INFORM OBJECTORS : **8 JULY 2015**

The meeting adjourned at 10:35

DATE

N BOTHA-GUTHRIE – EXECUTIVE MAYOR