



**ORDINARY MEETING OF THE MAYORAL
COMMITTEE**

**GEWONE VERGADERING VAN DIE
BURGEMEESTERSKOMITEE**

**INTLANGANISO YESIQHELO YEKOMITI
KASODOLOPHU**

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 25 NOVEMBER / NOVEMBA 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 25 NOVEMBER 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
Ms D Arrison, Director : Management Services
Mr S Madikane, Director : LED
Mr N Michaels, Director : Protection Services
Mr C le Roux, Deputy Director : Finance
Mr F Myburgh, Senior Manager : Gansbaai
Administration
Mr D Lakey, Senior Manager : Kleinmond
Administration
Mr D Kearney, Senior Manager : Hermanus
Administration
Mr R Kuchar, Senior Manager : Town Planning/
Property Management
Ms L Bucchianeri, Senior Manager : Human
Resources
Mr B King, Senior Manager : Financial Services
Mr G Smit, Manager : Social Development
Mr D van der Heever, Internal Audit Executive
ICT Staff
Mr B Lobb, Divisional Commander : SF & GB
Mr A Aplon, Senior Firefighter Operations
Ms C Swartz, Accountant : Collections
Ms S Swart: Administrative Officer : Council
Support Services
Ms G Erasmus, Clerk : Auditorium

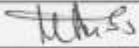
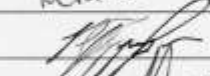


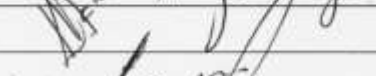


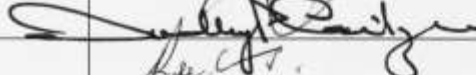
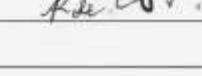
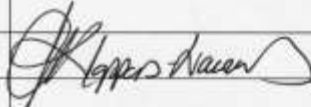

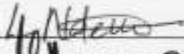
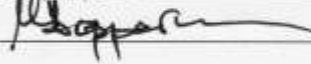

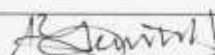
ALSO PRESENT:

Members of the Public

MINUTES/.....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

MAYORAL COMMITTEE MEETING
25 NOVEMBER 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	
KLOPPERS-LOURENS J	
NQINATA, NNT	
KRIGE, L	
MACOTHA, VC	
MANDINDI, CQ	
MAY, P	
NDEVU, L	
OPPERMAN, M	
PIE, MT	
PONOANE, MV	
PRINS, A	
SAPEPA, NM	
SMITH, RJ	

1. OPENING

The meeting was opened with prayer by Cllr D Coetzee.

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, 28 October 2015 at 10:00**

RESOLVED

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

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

None

5.
**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR OCTOBER 2015**

8/2/2

C le Roux
12 November 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 October 2015.

RECOMMENDATION TO THE COUNCIL:

1. that the deviations from the procurement processes, approved in terms of the delegated authority for October 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 October 2015, **be noted**.

RESPONSIBLE OFFICIAL :

C LE ROUX

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

6.

CONTRACT SC 1657/2015:

**PROPOSED EXTENSION: RENEWAL OF
NOVELL LICENSE FROM AUTHORISED
NOVELL RESELLER**

8/2/2

C Johnson

(028) 313 8190

Corporate Head Office

18 November 2015

EXECUTIVE SUMMARY

The purpose of this report is to provide the necessary information and motivation on the proposed amendment of Contract **SCD2828/2015: RENEWAL OF NOVELL LICENSE FROM AUTHORISED NOVELL RESELLER** ending **30 JUNE 2017**, 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 whether to consent to the amendment of the contract or agreement.

RECOMMENDATION TO THE COUNCIL:

1. that **cognisance be taken** of the reasons for the proposed amendment of the contract **SCD2828/2015** for the **RENEWAL OF NOVELL LICENSE FROM AUTHORISED NOVELL RESELLER**, with a contract period ending **30 NOVEMBER 2017**, in terms of the enabling provisions of Section 116(3) of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003) and the amendment to be consented to; and
2. that **cognisance be taken** that no recommendations or representations were received from the local community by closing date, 18 November 2015.

RESPONSIBLE OFFICIAL :**CRAIG JOHNSON
MORNÉ POTGIETER****TARGET DATE FOR IMPLEMENTATION :****1 DECEMBER 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

Komiteeëde:

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

1.
WRITING OFF OF IRRECOVERABLE DEBT

5/17/1

EM Hooneberg
20 October 2015

(028) 313 8149

Corporate Head Office

EXECUTIVE SUMMARY

The purpose of the report is to request Council to approve the writing off of debt that has become irrecoverable.

RECOMMENDATION TO THE COUNCIL:

that the irrecoverable debt to the value of **R504,877.76**, as listed in **Annexure A**, **R242 685.24**, as listed in **Annexure B**, **R174 329.99**, as listed in **Annexure C**, **R4 161.45** and as listed in **Annexure D**, **R83 701.08** (to the above-mentioned agenda), be written off as bad debt.

RESPONSIBLE OFFICIAL :

E M HOONEBERG

TARGET DATE FOR IMPLEMENTATION :

30 NOVEMBER 2015

PORTFOLIO COMMITTEE :

MANAGEMENT SERVICES

Chairperson :

Ald P Appelgrein

Committee Members :

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

PORTEFEULJEKOMITEE :

BESTUURSDIENSTE

Voorsitter :

Rdh P Appelgrein

Komiteelede :

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

1.
AMENDMENTS TO GRANT-IN-AID POLICY

5/16/1/B
GG Smit
27 October 2015

(028) 313 8035

Corporate Head Office

EXECUTIVE SUMMARY

The purpose of this report is to obtain approval for amendments to the Grant-in-Aid policy.

RECOMMENDATION TO THE COUNCIL:

that the amendments to the Grant-in-Aid Policy **be approved**.

RESPONSIBLE OFFICIAL :

G SMIT

TARGET DATE FOR IMPLEMENTATION :

25 NOVEMBER 2015

2.

REVISION: STUDY AID POLICY FOR EMPLOYEES

4/4/B

L Bucchianeri
09 October 2015

(028) 3138120

Corporate Head Office

EXECUTIVE SUMMARY

The purpose of this report is to recommend to Council to approve the reviewed Study Aid Policy for Employees.

RECOMMENDATION TO THE COUNCIL:

that the reviewed Study Aid Policy for Employees **be approved.**

RESPONSIBLE OFFICIAL :**L BUCCHIANERI****TARGET DATE FOR IMPLEMENTATION :****01 DECEMBER 2015**

PORTFOLIO COMMITTEE :

PROTECTION SERVICES

Chairperson :

Ald P Appelgrein

Committee Members :

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

PORTEFEULJEKOMITEE :

BESKERMINGSDIENSTE

Voorsitter :

Rdh P Appelgrein

Komiteelete :

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

1.
QUARTERLY MONITORING REPORT FOR THE PERIOD JULY 2015 TO
SEPTEMBER 2015: DIRECTORATE: PROTECTION SERVICES

5/20

N J Michaels
19 October 2015

(028) 313 8054

Corporate Head Office

EXECUTIVE SUMMARY

To inform Council of the functioning and activities of the Directorate: Protection Services.

RESOLVED:

that the Quarterly Monitoring Report of the functioning and activities of the Directorate: Protection Services for the period July to September 2015, **be noted**.

RESPONSIBLE OFFICIAL :

N J MICHAELS

TARGETED DATE:

1 DECEMBER 2015

2.

OPERATIONAL PLAN: HOLIDAY SEASON 2015/2016: PROTECTION SERVICES

5/20

N J Michaels

(028) 313 8054

Corporate Head Office

20 October 2015

EXECUTIVE SUMMARY

The purpose of the report is to inform Council of the operational plan to be implemented in order to ensure that the Directorate: Protection Services effectively manages and maintains safety and security at public facilities and public roads by means of traffic, fire and law enforcement activities during the period 1 December 2015 to 25 January 2016 (the holiday season).

RESOLVED:

that the content of the Operational Plan: Holiday Season 2015/2016 which is to be executed by the Directorate: Protection Services, **be noted**.

RESPONSIBLE OFFICIAL :**N MICHAELS****TARGET DATE FOR IMPLEMENTATION :****1 DECEMBER 2015**

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.
OPERATIONAL PLAN: HOLIDAY SEASON : 2015/2016

17/6/2/11/R
R Williams
26 October 2015

(028) 3138029

Corporate Head Office

EXECUTIVE SUMMARY

The purpose of the report is to inform Council of the operational plan to be implemented in order to ensure that the Directorate: Community Services effectively manages and maintains bathing beaches, caravan parks, camping sites and other public facilities that will be visited and utilised by large numbers of visitors during the period from 01 December 2015 until 10 January 2016.

RESOLVED:

that the content of the Operational Plan: Holiday Season: 2015/2016, which is to be executed by the Directorate: Community Services, **be noted**.

RESPONSIBLE OFFICIAL :

**AREA AND OPERATIONAL
MANAGERS AND MANAGER:
CORPORATE PROJECTS**

TARGET DATE FOR IMPLEMENTATION :

1 DECEMBER 2015

**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 : SEPTEMBER AND
 OCTOBER 2015**

15/3/11

R van Antwerp
 16 October 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 23 September 2015 – 16 October 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 23 September 2015 – 16 October 2015:

- | | | |
|-----|---|-------------------|
| 1. | Erf 2566, Hermanus | 28 September 2015 |
| 2. | Erf 2150, Hermanus | 29 September 2015 |
| 3. | Remainder of Erf 224, Stanford | 2 October 2015 |
| 4. | Erf 8659, Kleinmond | 2 September 2015 |
| 5. | Erf 1763, Vermont | 6 October 2015 |
| 6. | Erf 2867, Onrus River | 6 October 2015 |
| 7. | Erven 1251 and 1252, Stanford | 7 October 2015 |
| 8. | Portion 64 of the farm Baardscheerdersbosch No. 213 | 7 October 2015 |
| 9. | Erf 6028, Hermanus | 16 October 2015 |
| 10. | Erven 529 and 531, Hermanus | 16 October 2015 |

RESPONSIBLE OFFICIAL :

R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION :

9 DECEMBER 2015

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

2.
REVISION OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF THE OVERSTRAND MUNICIPALITY

7/R

A Kotze
15 October 2015

(028) 316 3724

Hermanus Administration

EXECUTIVE SUMMARY

To obtain approval for the revision of the Administration of Immovable Property Policy of the Overstrand Municipality as first approved and adopted by Council on 1 November 2004 and further revised on 27 August 2008, 27 May 2009 and 23 September 2014 respectively.

RECOMMENDATION TO THE COUNCIL:

that the revised Administration of Immovable Property Policy **be approved** and be implemented with effect from 1 December 2015.

RESPONSIBLE OFFICIAL :

A KOTZE

TARGET DATE FOR IMPLEMENTATION :

1 DECEMBER 2015

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

3.

HERMANUS: RESCISSION OF COUNCIL DECISION AND DEVIATION FROM PARAGRAPHS 7 AND 15.1 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY TO OBTAIN AN IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF ERF 4771, VOËLKLIP, HERMANUS

7/2/3/2/

A Kotze

(028) 316 - 3724

Hermanus Administration

15 October 2015

EXECUTIVE SUMMARY

To obtain approval for:

- (a) the rescission of Council's in principle decision dated 29 April 2015 for the alienation of a portion of Erf 4771, Voëlkliip, Hermanus, by means of a competitive process; and
- (b) the deviation from paragraphs 7 and 15.1 of the Administration of Immovable Property Policy to obtain an in principle approval for the direct alienation of a portion of Erf 4771, Voëlkliip, Hermanus, to Mr P & Mrs B Lewin, the owners of the adjoining property, to wit Erf 4075, Voëlkliip, Hermanus.

RECOMMENDATION TO THE COUNCIL:

1. that Council's resolution dated 29 April 2015 for the alienation of a portion of Erf 4771, Voëlkliip, Hermanus, ($\pm 205\text{m}^2$ in extent), by means of a competitive process **be rescinded**;
2. that the deviation from paragraphs 7 and 15.1 of the Administration of Immovable Property Policy of 2014 **be approved**;
3. that the direct alienation of a portion of Erf 4771, Voëlkliip, Hermanus, ($\pm 205\text{m}^2$ in extent) to Mr Paul Mark and Mrs Beverley Lewin **be approved in principle**;
4. that the abovementioned approval in principle be subject to a public participation process being followed due to the non-viability of the property and the costs involved in advertising a tender;
5. that the costs pertaining to the transaction, e.g. subdivision, consolidation, rezoning, transfer costs, water- and sewer connections, bulk services contribution, advertisements, etc., excluding the valuation costs, be paid by the purchaser;

6. 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;
7. that the subject portion of Erf 4771, Voëlklip, Hermanus, must be consolidated with the adjoining property of the Applicants, being Erf 4075, Voëlklip, Hermanus; and
8. 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:

2 DECEMBER 2015

TARGET DATE TO INFORM APPLICANT:

2 DECEMBER 2015

TARGET DATE TO INFORM OBJECTOR:

N/A

4.

ERF 7355, 6 ABALONE STREET, OVERHILLS, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : XH SUKA

7355 KOH (2609)

H van der Stoep

(028) 313 8900

Hermanus Administration

22 September 2015

EXECUTIVE SUMMARY

An application has been received on 27 June 2014 from XH Suka on Erf 7355, Overhills, Kleinmond for a departure from the Scheme Regulations to enable the owner to legalise the existing shebeen on the property.

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 on Erf 7355, Overhills, Kleinmond, **not be approved**, due to the following reasons:
 - (a) the land use for a tavern is not in line with the Scheme Regulations and the Overstrand Municipal Spatial Growth Management Strategy;
 - (b) the land use is not catered for in the design of the township and width of the street does not cater for articulated trucks and or delivery vehicles;
 - (c) the proposed land use is not conducive to the residential character of Overhills in terms of being compliant with the National Building Regulations, Fire Regulations, noise pollution and hours of trading;
 - (d) the hours of trading for business on residential erven in terms of the Zoning Scheme Regulations, does not allow the trading hours proposed by the applicant in order to accommodate all residents and especially school going children of the area;
 - (e) the ablution facility does not comply as a paraplegic toilet facility and is not catered for; and
 - (f) the tavern exceed the allowable coverage on residential erven for business purposes e.g 25% or 30m², whichever is the lesser.
3. that the applicant be notified of its 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 :	9 DECEMBER 2015
TARGET DATE TO INFORM APPLICANT :	9 DECEMBER 2015
TARGET DATE TO INFORM OBJECTOR :	9 DECEMBER 2015

5.

ERF 7418, 46 GM SIYONI STREET, OVERHILLS, KLEINMOND, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: NB MALOTE

7418 KOH (2610)

H van der Stoep

22 September 2015

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 27 June 2014 from NB Malote on Erf 7418, Overhills, Kleinmond for a departure from the Scheme Regulations to enable the owner to legalise the existing shebeen on the property.

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 on Erf 7418, Overhills, Kleinmond, **not be approved**, due to the following reasons:
 - (a) the land use for a tavern is not in line with the Scheme Regulations and the Overstrand Municipal Spatial Growth Management Strategy;
 - (b) the land use is not catered for in the design of the township and width of the street does not cater for articulated trucks and/or delivery vehicles;
 - (c) the proposed land use is not conducive to the residential character of Overhills in terms of being compliant with the National Building Regulations, Fire Regulations, noise pollution and hours of trading;
 - (d) the hours of trading for business on residential erven in terms of the Zoning Scheme Regulations, does not allow the trading hours proposed by the applicant in order to accommodate all residents and especially school going children of the area;
 - (e) the ablution facility does not comply as a paraplegic toilet facility and is not catered for;
 - (f) the tavern exceeds the allowable coverage on residential erven for business purposes e.g 25% or 30m², whichever is the lesser; and
 - (g) the existing dwelling is used for overflow storage.

3. that the applicant be notified of its 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 : 9 DECEMBER 2015

TARGET DATE TO INFORM APPLICANT : 9 DECEMBER 2015

TARGET DATE TO INFORM OBJECTOR : 9 DECEMBER 2015

6.

ERF 7340, 17 PS LITHOLI STREET, OVERHILLS, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : NS & T VARA

7340 KOH (2608)

H van der Stoep

22 September 2015

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 27 June 2014 from NS & T Vara on Erf 7340, Overhills, Kleinmond for a departure from the Scheme Regulations to enable the owner to legalise the existing shebeen on the property.

RESOLVED:

1. that the objections **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 on Erf 7340, Overhills, Kleinmond, **not be approved**, due to the following reasons:
 - (a) the land use for a tavern is not in line with the Scheme Regulations and the Overstrand Municipal Spatial Growth Management Strategy;
 - (b) the land use is not catered for in the design of the township and width of the street does not cater for articulated trucks and/or delivery vehicles;
 - (c) the proposed land use is not conducive to the residential character of Overhills in terms of being compliant with the National Building Regulations, Fire Regulations, noise pollution and hours of trading;
 - (d) the hours of trading for business on residential erven in terms of the Zoning Scheme Regulations, does not allow the trading hours proposed by the applicant in order to accommodate all residents and especially school going children of the area;
 - (e) the ablution facility does not comply as a paraplegic toilet facility is not catered for, and
 - (f) the tavern exceeds the allowable coverage on residential erven for business purposes e.g 25% or 30m², whichever is the lesser.
3. that the applicant be notified of its 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 :	9 DECEMBER 2015
TARGET DATE TO INFORM APPLICANT :	9 DECEMBER 2015
TARGET DATE TO INFORM OBJECTOR :	9 DECEMBER 2015

7.

ERF 1685, 18 HARBOUR STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR DEPARTURE AND RELAXATION OF RESTRICTIVE TITLE DEED CONDITION : EE VAN TUBBERGH

1685 PB (2907)

SW van der Merwe
25 September 2015

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

To consider an application for departure and relaxation of a restrictive Title Deed condition received on 4 May 2015 from the owner of Erf 1685, Pearly Beach, EE van Tubbergh, in order to:

- encroach the 5m street- and 1,57m lateral building lines in terms of the Title Deed to 1,2m and 0m respectively;
- encroach the 4m street- and 2m lateral building lines in terms of the Overstrand Zoning Scheme Regulations to 1,2m and 0m respectively.

RESOLVED:

1. that the application for relaxation of a restrictive Title Deed condition applicable to Erf 1685, Pearly Beach in order to relax the 5m street- and 1,57m lateral building lines to 1,2m and 0m respectively as contained in Title Deed T34575/2000, **be approved**;
2. that, in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a departure from the relevant Zoning Scheme Regulations on Erf 1685 Pearly Beach, to relax the 4m street- and 2m lateral building lines to 1,2m and 0m respectively to accommodate the proposed extension to the garage, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the relaxation of the building lines as indicated on Plan No. JJ 27/15 dated 22 April 2015, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that 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.
3. that the applicant be notified of its right of appeal in terms of Section 62 of the Municipal Systems Act with regard to the above decision.

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	9 DECEMBER 2015
TARGET DATE TO INFORM APPLICANT :	9 DECEMBER 2015
TARGET DATE TO INFORM OBJECTOR :	N/A

8.

ERVEN 3707 AND 3708, MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, CONSOLIDATION, DEPARTURE AND AMENDMENT OF THE SPATIAL DEVELOPMENT FRAMEWORK : MESSRS PLAN ACTIVE ON BEHALF OF MESSRS P MEHNERT & JA VAN DYK

3707 & 3708 KKM (2805)

H van der Stoep

(028) 313 8900

Hermanus Administration

14 September 2015

EXECUTIVE SUMMARY

An application has been received on 4 February 2015 from Messrs Plan Active Town- and Regional Planners on behalf of Messrs P. Mehnert and JA van Dyk for the rezoning of Erven 3707 and 3708, Kleinmond from Residential Zone I: Single Residential to Business Zone III.

An application has also been received for the consolidation of Erven 3707 and 3708, Main Road, Kleinmond.

An application has further been received for a departure from the Scheme Regulations to relax the western lateral building line from 3m to 1,71m and the 4,5m rear building line to 3,77m in order to accommodate the existing dwelling on the rezoned property.

Application was lastly received for the Amendment of the Spatial Development Framework, 2006 (SDF) in order to accommodate the office/shops as proposed.

RESOLVED:

1. that, in terms of Section 17 and 22(i)(a) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the rezoning of Erven 3707 and 3708, Kleinmond from Residential Zone I: Single Residential to Business Zone III, **be approved**;
2. that, in terms of Section 2.3 of the Overstrand Municipality Zoning Scheme, the application for the consolidation of Erven 3707 and 3708, Kleinmond, **be approved**;
3. 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 Erven 3707 and 3708, Kleinmond to relax the western lateral building line from 3m to 1,71m and the 4,5m rear building line to 3,77m in order to accommodate the existing dwelling on the rezoned property, **be approved**, subject to the following conditions:
 - (a) that the development be restricted to Plan No. Kleinm3707.drw dated 2 October 2014, as submitted with the application;

- (b) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;
 - (c) that the approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions;
 - (d) that all conditions imposed in the Services Report be complied with;
 - (e) that all conditions imposed by the Western Cape Government : Transport and Public Works be complied with;
 - (f) that compliance with Fire Safety Regulations is pre requisite-SANS 10400T:2011; and
 - (g) 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.
4. that the applicant 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 3707 and 3708, Kleinmond from "Residential" to "Commercial", **be approved.**

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	9 DECEMBER 2015
TARGET DATE TO INFORM APPLICANT :	9 DECEMBER 2015
TARGET DATE TO INFORM OBJECTORS :	N/A

**9.
ERF 11456 (PORTION OF ERF 243), 1 MOUNTAIN DRIVE, HERMANUS :
PROPOSED REZONING : OVERSTRAND MUNICIPALITY**

11456 HNC (2126)

H vd Stoep

(028) 313 8900

Hermanus Administration

12 October 2015

EXECUTIVE SUMMARY

To obtain approval for the rezoning of Erf 11456 (a portion of Erf 243), Hermanus from Municipal Zone to Single Residential Zone and simultaneously the subdivision thereof.

RESOLVED:

that, in terms of Section 18 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the rezoning of Erf 11456 (Portion of Erf 243), Hermanus from Municipal Zone to Single Residential Zone, **be approved**, subject to the following conditions:

- (a) that the property may only be **used for residential purposes and not for operating a business**;
- (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
- (c) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;
- (d) that all conditions imposed in the Services Report be complied with; and
- (e) that the existing access be utilised.

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	9 DECEMBER 2015
TARGET DATE TO INFORM APPLICANT :	9 DECEMBER 2015
TARGET DATE TO INFORM OBJECTOR :	N/A

10.

ERF 3417, 10 ALBERTYN DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA : TITLE DEED RELAXATION AND PROPOSED DEPARTURE : JM KRUGER**3417 KBB (2687)****H van der Stoep****(028) 313 8900****Hermanus Administration****19 October 2015**

EXECUTIVE SUMMARY

An application has been received on 3 September 2015 from JM Kruger on Erf 3417, Betty's Bay for a departure from the relevant Scheme Regulations in order to relax the street building line from 4m to 2,46m and the lateral building line with Erf 3418 from 2m to 0,94m to accommodate the covered entrance stoep and existing tool shed on the property concerned.

The application also includes a relaxation of the street building line from 4,72m to 2,46m as well as the lateral building line from 1,57m to 0m as stipulated in the Title Deed to accommodate the mentioned structures.

RESOLVED:

1. that the application for the relaxation of the street building line from 4,72m to 2,46m as well as the lateral building line from 1,57m to 0m as stipulated in Condition C.I.5(d) of the Title Deed of T22653/2014 of Erf 3417, Betty's Bay, **be approved**,
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 3417, Betty's Bay in order to relax the street building line from 4m to 2,46m and the lateral building line with Erf 3418 from 2m to 0,94m to accommodate the covered entrance stoep and existing tool shed on the property concerned, **be approved**, subject to the following conditions:
 - (a) that the store room may not in future be used as a habitable room;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that this approval is only for the relaxation of building lines indicated on Plan Numbers 3417/06/2014 dated 4 June 2015 (1 to 3), which was submitted with the application; and

- (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.
3. that the applicant be notified of its 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 :	9 DECEMBER 2015
TARGET DATE TO INFORM APPLICANT :	9 DECEMBER 2015
TARGET DATE TO INFORM OBJECTOR :	9 DECEMBER 2015

11.

ERF 1447, SANDBAAI : OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, SUBDIVISION, CONSENT USE AND AMENDMENT OF THE SPATIAL DEVELOPMENT FRAMEWORK : MESSRS OVERPLAN & ASSOCIATES ON BEHALF OF MESSRS ZAMAR INVESTMENTS (PTY) LTD

1447 HSB (1214)**H Olivier****12 October 2015****(028) 313 8900****Hermanus Administration**

EXECUTIVE SUMMARY

The original land use application was submitted on 18 December 2008 by Messrs Overplan & Associates on behalf of Messrs. Zamar (Pty) Ltd for the amendment of the Greater Hermanus Spatial Development Framework (Structure Plan), rezoning, subdivision and consent use to accommodate a community shopping mall on Erf 1447, Sandbaai.

The Title Deed contains restrictive conditions with regard to the selling of alcohol from the property. This will entail an application in terms of the Removal of Restrictions Act, 1967, which has not been addressed in the application.

A planning report was drafted for consideration by the Executive Mayor, to only make a recommendation to the Western Cape Government: Environmental Affairs and Development Planning (EADP). The Amendment of the Structure Plan was at that stage still a Provincial function, and for that reason only a recommendation was made to EADP.

The application served before the Executive Mayor on 25 April 2012, and it was resolved that the application not be recommended for approval to EADP. The recommendation not to support the Amendment of the Structure Plan was also tabled and adopted by Council on 25 April 2012.

The recommendation by Council was forwarded to EADP on 14 May 2012, for a final decision.

In a later letter dated 31 July 2014 from EADP, said Department indicated that due to a Constitutional Court judgment on 4 April 2014, the Municipality now has the authority to take a final decision on the application. That Department however did provide a Technical Planning Comment on the application, which was attached to their letter dated 31 July 2014.

RESOLVED:

that the item **be withdrawn** from the agenda at the request of the applicant.

RESPONSIBLE OFFICIAL :

H OLIVIER

TARGET DATE FOR IMPLEMENTATION :

9 DECEMBER 2015

TARGET DATE TO INFORM APPLICANT :

9 DECEMBER 2015

TARGET DATE TO INFORM OBJECTOR :

9 DECEMBER 2015

12.

ERF 1359, 22 BELLA DONNA STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA : TITLE DEED RELAXATION AND PROPOSED DEPARTURE : MESSRS JLR & ASSOCIATES ON BEHALF OF RJ KLOPPER

1359 HSB (2711)

H Olivier

13 October 2015

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 29 September 2015 from Messrs JLR & Associates on behalf of the property owner, RJ Klopper, on Erf 1359, Sandbaai for a departure from the relevant Scheme Regulations in order to relax the eastern lateral building line from 2m to 1,340m to accommodate the existing covered braai area on the property.

The application also includes a relaxation of the 1,5m lateral building line as stipulated in the Title Deed to 1,340m to accommodate the mentioned structure.

RESOLVED:

1. that the application for the relaxation of the eastern 1,5m Title Deed building line to 1,340m, as stipulated in Condition E7 of Title Deed T042742/2001 of Erf 1359, Sandbaai, **be approved**;
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 1359, Sandbaai to allow the relaxation of the eastern lateral building line from 2m to 1,340m to accommodate an existing covered braai, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is only for the relaxation of building lines indicated on the floor plan which was submitted with the application;
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;

- (e) that all the conditions imposed by Telkom in their letter dated 31 August 2015 be complied with; and
 - (f) that all the conditions by Eskom in their letter dated 15 July 2015 be complied with.
3. that the applicant be notified of its 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 :	9 DECEMBER 2015
TARGET DATE TO INFORM APPLICANT :	9 DECEMBER 2015
TARGET DATE TO INFORM OBJECTOR :	N/A

13.
HERMANUS: REQUEST FROM THE HERMANUS BOWLING CLUB TO REMOVE CERTAIN TITLE DEED RESTRICTIONS

7/2/3/2

M Müller

(028) 316 - 3724

Hermanus Administration

13 October 2015

EXECUTIVE SUMMARY

A Deed of Sale was entered into between the Overstrand Municipality and the Hermanus Bowling Club as a consequence of Council's decision of 6 December 2005. In terms of said Deed of Sale Erven 4576, 4580 and 4581 were sold to the Hermanus Bowling Club and a reversion clause in respect of each erf was included and subsequently included in the Deed of Transfer as conditions of title of the respective erven. The transaction was duly registered in the Deeds Office on 25 January 2008.

The Hermanus Bowling Club requests that Overstrand Municipality give permission to remove Clause B2, D2 and E2, the restriction clauses, from Title Deed No. T4588/2008 in lieu of the Hermanus Bowling Club paying rates to the Overstrand Municipality based on the market value of the erven.

RECOMMENDATION TO THE COUNCIL:

that the request for a consent to remove the title deed restrictions contained in Clauses B2, D2 and E2 respectively from Title Deed No. T4588/2008 **be recommended to serve before council.**

RESPONSIBLE OFFICIAL :

M MÜLLER

TARGET DATE FOR IMPLEMENTATION :

9 DECEMBER 2015

TARGET DATE TO INFORM APPLICANT :

9 DECEMBER 2015

TARGET DATE TO INFORM APPLICANT:

N/A

14.

HERMANUS: IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 6214 (A PORTION OF ERF 914), HERMANUS, BY MEANS OF A COMPETITIVE PROCESS

7/2/3/2

D Taljaard

(028) 316 - 3724

Hermanus Administration

10 September 2015

EXECUTIVE SUMMARY

To obtain approval in principle for the alienation of Erf 6214 (a portion of Erf 914), Hermanus, (361m² in extent), by means of a competitive process.

RECOMMENDATION TO THE COUNCIL:

1. that the alienation of Erf 6214 (a portion of Erf 914), Hermanus, (361m² in extent), by means of a competitive process be **approved in principle**;
2. that the costs pertaining to the transaction, e.g. transfer costs, water-, sewer and electricity connections, the section 14 advertisement, etc., be paid by the purchaser,
3. 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 paragraphs 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003); and
4. that the Municipal Manager be authorised to sign all documentation related to the alienation of the subject property.

RESPONSIBLE OFFICIAL :

D TALJAARD

TARGET DATE FOR IMPLEMENTATION :

7 DECEMBER 2015

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

15.

**ERF 1462, 80 MAIN ROAD, SANDBAAI, OVERSTRAND MUNICIPAL AREA :
REMOVAL OF RESTRICTIONS AND PROPOSED REZONING : MESSRS PLAN
ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF JA & RC BAILEY**

1462 HSB (2872)

H Olivier

7 October 2015

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 30 March 2015 from Messrs Plan Active Town and Regional Planners on behalf of JA and RC Bailey for the removal of a restrictive title condition applicable to Erf 1462, Sandbaai to enable the owner to utilise the property for office use (veterinary laboratory). The application further entails the following:

- application for the rezoning of Erf 1462, Sandbaai from Residential Zone I to Local Business Zone III.

RESOLVED:

1. that, in terms of Removal of Restrictions Act 84 of 1967 the removal of a restrictive title conditions Paragraph ii(a) and ii(c) in Title Deed T62338/09, applicable to Erf 1462, Sandbaai to enable the owner to utilise the property for business (offices) purposes, **be recommended for approval** by the Provincial Government: Western Cape;
2. that, in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the rezoning of Erf 1462, Sandbaai from Residential Zone I to Local Business : Business Zone III, **be approved**;
3. that the approval of Point 2 be subject to the following conditions:
 - (a) that approval of the rezoning be subject to the removal of the restrictive title conditions;
 - (b) that the development be restricted to Drawing No. sand1462.drw dated 10/03/2015 submitted with the application;
 - (c) that land use be limited to office use (including the laboratory) only;
 - (d) that the approval be obtained from Heritage Western Cape for any alterations to the building;

- (e) 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;
 - (f) that a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (g) that all other development parameters, as prescribed in the relevant Zone Scheme, be complied with;
 - (h) that the approval does not absolve the applicants from compliance with any other relevant legislation and/or Title Deed conditions;
 - (i) that all conditions imposed in the Services Report be complied with;
 - (j) that all the conditions imposed by Telkom be complied with;
 - (k) that all the conditions imposed by Eskom be complied with;
 - (l) that the septic tank on Erf 1462, Sandbaai be tested for leakages prior to the operation of the business, and proof be provided to the Municipality that there is no leakages in the tank, and
 - (m) that all laboratory waste be removed from the property by the owner and in compliance with the regulations of the South African Veterinary Council.
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 of approval.

RESPONSIBLE OFFICIAL :**H OLIVIER****TARGET DATE FOR IMPLEMENTATION :****9 DECEMBER 2015****TARGET DATE TO INFORM APPLICANT :****9 DECEMBER 2015****TARGET DATE TO INFORM OBJECTOR :****9 DECEMBER 2015**

16.

**ERF 5282, 258 SIXTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : J VAN DER POST****5282 HVK (2398)****R Kuchar****(028) 313 8900****Hermanus Administration****2 July 2015**

EXECUTIVE SUMMARY

An application has been received on 13 August 2013 from Mr J van der Post on Erf 5282, Hermanus for a departure from the Scheme Regulations in order to change the use of the existing outbuilding (granny flat) to primary dwelling, to relax the western lateral building line from 2,5m to 1,430m to accommodate new additions, to relax the eastern lateral building line from 3,5m to 2m to accommodate a garage, servant's quarters and store room and to relax the relevant 6m aggregate for lateral building lines to 3,43m.

The application was approved by the Executive Mayor on 30 April 2014. The objector however submitted a Section 62 appeal. The appeal authority resolved to refer the application back to the Executive Mayor for reconsideration. The reasons for referring it back and the appeal of the objector will be discussed hereafter in more detail.

RESOLVED:

that the resolution of the Executive Mayor dated 30 April 2014 regarding the proposed departure on Erf 5282, Voëlklip, **be upheld.**

RESPONSIBLE OFFICIAL :**H VAN DER STOEP****TARGET DATE FOR IMPLEMENTATION :****9 DECEMBER 2015****TARGET DATE TO INFORM APPLICANT :****9 DECEMBER 2015****TARGET DATE TO INFORM OBJECTORS :****9 DECEMBER 2015**

17.

KLEINMOND HARBOUR DEVELOPMENT PROJECT: CLOSE OUT REPORT**Erf 5462, Kleinmond****B Louw / A Cairns****16 September 2015****(028) 316 3724****Hermanus Administration**

EXECUTIVE SUMMARY

The purpose of this submission is to inform Council that the Kleinmond Harbour Development Project has now been completed, that there is a balance of R18 410.87 remaining, which will be used for additional repair work on the slipway, that the portion of land that was purchased for the purpose of completing the traffic circle at the entrance to the harbour must still be subdivided, rezoned and transferred to Council and that the KCIH situation, which will be discussed in detail later in the report, must be taken note of.

The full background of the project was discussed in a submission to Council on 26 May 2010 and in that submission approval was sought for the alienation of Municipal land and for the basis of dealing with community structures.

During May 2011 another submission was made to Council, seeking approval to adjust the amounts that had to be paid to the Municipality by Wharfside Developments and in that submission approval was sought to reduce the agreed selling price of R24 000 000.00 to R21 000 000.00 as a result of actions and demands made by community based groupings.

A third submission was made to Council during May 2013, in which approval was sought to adjust the timeframes of the amounts that had to be paid by Wharfside to the Municipality and the amendment of the amounts allocated to certain components of the development.

The final portion of the development has now been completed and the contract amount for that work amounted to R6 722 274.15 of which R400 000.00 had to be paid in cash to the Municipality and the rest towards the upgrading works. The balance of R18 410.87 remains from this portion but as mentioned above, will now be used in the further upgrading of the slipway. The extent of the completed work will be discussed later in the submission.

The portion of land purchased by Wharfside Developments in order to complete the traffic circle at Luckhoff- and Harbour Roads, must still be subdivided, rezoned and transferred to Council.

RECOMMENDATION TO THE COUNCIL:

1. that the fact that the Kleinmond Harbour Project has now been completed, **be noted**;
2. that the utilisation of the remaining balance of R18 410.87, which will be utilised for the additional work needed at the slipway, **be noted**;
3. that the process that will now be undertaken to complete the subdivision, rezoning and transfer of the portion of land purchased to complete the Luckhoff- and Harbour Roads traffic circle, **be noted**; and
4. that the withholding of the remaining balance of R700 000.00 which is to be paid out to KCIH until such time that they have adhered to requests of proof of expenditure of the R300 000.00 and provided the Municipality with acceptable information on the intended expenditure of the balance within six (6) months, **be noted**.

RESPONSIBLE OFFICIAL :**B LOUW / A CAIRNS****TARGET DATE FOR IMPLEMENTATION :****NOVEMBER 2015****The meeting adjourned at 10:40**

DATE

N BOTHA-GUTHRIE – EXECUTIVE MAYOR