

PORTFOLIO COMMITTEE :
INFRASTRUCTURE & PLANNING

Chairperson :

Cllr D Botha

Committee Members :

**Cllrs L Ntsabo, F Krige,
S Tebele & V Pungupungu**

PORTEFEULJEKOMITEE :
INFRASTRUKTUUR & BEPLANNING

Voorsitter :

Rdl D Botha

Komiteelede :

**Rdle L Ntsabo, F Krige,
S Tebele & V Pungupungu**

INFRASTRUCTURE & PLANNING PORTFOLIO COMMITTEE
INFRASTRUKTUUR & BEPLANNING PORTEFEULJEKOMITEE

20 February 2018

I N D E X

<u>ITEM</u>		<u>PAGE NUMBER</u>
	APPLICATIONS FOR LEAVE OF ABSENCE	
1.	TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS CONSIDERED IN TERMS OF DELEGATED AUTHORITY : OCTOBER 2017 – JANUARY 2018	1
2.	TRANSFER OF ERF 1406 SANDBAAI ($\pm 198\text{M}^2$ IN EXTENT) TO JL & NJ HENZEN, S BROUWER AND J MARQUART FOR SECURITY AND GARDENING PURPOSES	104
3.	HERMANUS: A PORTION OF ERF 786: LEASE OF MUNICIPAL PROPERTY TO HERMANUS ANIMAL WELFARE SOCIETY	110
4.	STANFORD: A PORTION OF PORTION 18 OF FARM 644: LEASE OF MUNICIPAL PROPERTY FOOD 4 THOUGHT COMMUNITY PROJECTS NPO	116
5.	HERMANUS: TRANSFER OF A PORTION OF ERF 1253 EASTCLIFF, HERMANUS ($\pm 361\text{M}^2$ IN EXTENT) TO MARTIN GERHARDUS DELPORT FOR GARDENING PURPOSES	123
6.	HERMANUS: AMENDMENT OF CONDITIONS 1 AND 5 OF THE IN PRINCIPLE APPROVAL DATED 25 OCTOBER 2017 FOR THE DIRECT ALIENATION OF UNREGISTERED ERF 9901 (A PORTION OF ERF 9894), VOËLKLIP, HERMANUS TO THE BERGRANT TRUST	131
7.	HERMANUS: AMENDMENT OF COUNCIL RESOLUTIONS DATED 25 NOVEMBER 2015 AND 30 MARCH 2016 FOR THE ALIENATION AND TRANSFER OF A PORTION OF ERF 4771 (ADJACENT TO ERF 4075) HERMANUS ($\pm 205\text{M}^2$ IN EXTENT)	136
8.	PROPOSED AREA AND STREET NAMES: HAWSTON IRDP HOUSING DEVELOPMENT	151

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**1.
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY : OCTOBER 2017 –
JANUARY 2018**

15/3/11

R van Antwerp
22 January 2018

(028) 313 8039

Hermanus Administration

1. Executive Summary

To report on applications disposed of by the Authorised Official in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 21 October 2017 – 22 January 2018 as well as applications that served before the Municipal Planning Tribunal on 29 November 2017.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background

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

7. Financial Implications

None

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

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

RECOMMENDATION:

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 21 October 2017 – 22 January 2018 as well as applications that served before the Municipal Planning Tribunal on 29 November 2017:

Spatial Land Use Management Act (SPLUMA) Approvals

1.	Erf 3148, Onrustvriër	31 October 2017
2.	Erf 5396, Hermanus	31 October 2017
3.	Erf 1225, Hermanus	31 October 2017
4.	Erf 5639, Hermanus	31 October 2017
5.	Erf 2314, Vermont	31 October 2017
6.	Erf 264, Pearly Beach	31 October 2017
7.	Erf 617, Pearly Beach	31 October 2017
8.	Portion 3 of the farm Weltevrede No. 647	31 October 2017
9.	Erf 5999, Hermanus	31 October 2017
10.	Erf 237, Gansbaai	31 October 2017
11.	Erven 62, 63 and 448, Birkenhead	31 October 2017
12.	Farm 357, Buffeljagsbaai	9 November 2017
13.	Erf 7342, Hermanus	10 November 2017
14.	Erf 590, Stanford	20 November 2017
15.	Erf 5155, Onrustvriër	20 November 2017
16.	Erf 1168, Van Dyksbaai	20 November 2017
17.	Erven 3526 and 3534, Hermanus	20 November 2017
18.	Portion 2 of the farm Windheuvel No. 696	20 November 2017
19.	Portion 112 of the farm Baardskeerdersbos No. 213	20 November 2017
20.	Portion 31 of the farm Klipfonteyn No. 711	23 November 2017
21.	Erf 92, Stanford	1 December 2017
22.	Erf 991, Stanford	1 December 2017

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

23.	Erf 665, Sandbaai	1 December 2017
24.	Erf 4540, Hermanus	15 December 2017
25.	Erf 7610, Hermanus	15 December 2017
26.	Portion 81 of the farm Baardscheerdersbosh No. 213	15 December 2017
27.	Portion 48, Gansbaai	15 December 2017
28.	Erf 476, De Kelders	15 December 2017
29.	Erf 601, Stanford	15 December 2017
30.	Erven 10177 and 10178, Hermanus	15 December 2017
31.	Erf 5287, Hermanus	15 December 2017
32.	Erf 2672, Gansbaai	15 December 2017
33.	Erf 1118, Franskraal	15 December 2017
34.	Erf 584, Franskraal	15 December 2017
35.	Erf 1721, Hermanus	15 December 2017
36.	Erf 470, Van Dyksbaai	15 December 2017
37.	Erven 2817 and 2829, (unregistered consolidated Erf 4074), Gansbaai	15 December 2017
38.	Erf 4286, Onrustrivier	18 December 2017
39.	Erf 1450, Sandbaai	18 December 2017
40.	Erf 3518, Onrustrivier	18 December 2017
41.	Erf 5065, Kleinmond	19 December 2017
42.	Erf 3970, Onrustrivier	5 January 2018
43.	Erf 2258, Onrustrivier	5 January 2018
44.	Erf 117, Sandbaai	5 January 2018
45.	Erf 3891, Onrustrivier	5 January 2018
46.	Erf 2123, Vermont	5 January 2018
47.	Erf 8353, Kleinmond	9 January 2018
48.	Erf 6323, Kleinmond	9 January 2018
49.	Erf 6986, Kleinmond	9 January 2018
50.	Erf 3763, Betty's Bay	9 January 2018
51.	Erf 743, Hermanus	19 January 2018
52.	Erf 531, Hermanus	19 January 2018

Municipal Planning Tribunal

1.	Erf 5160, Onrustrivier	25 October 2017
2.	Erf 1583, Hermanus	25 October 2017
3.	Erf 8395, Kleinmond	25 October 2017
4.	Erf 4424, Hermanus	29 November 2017
5.	Erf 1287, Hermanus	29 November 2017
6.	Erf 6201, Hermanus	29 November 2017
7.	Erf 102, Hermanus	29 November 2017

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

RESPONSIBLE OFFICIAL :	R VAN ANTWERP
TARGET DATE FOR IMPLEMENTATION :	7 MARCH 2018
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**1.
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY : OCTOBER 2017 –
JANUARY 2018**

**15/3/11
R van Antwerp
22 January 2018**

(028) 313 8039

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
20 FEBRUARY 2018, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :	R VAN ANTWERP
TARGET DATE FOR IMPLEMENTATION :	7 MARCH 2018
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

Spatial Land Use Management Act (SPLUMA) Approvals

**1. ERF 3148, 27 CROSS STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS ENGLEBRECHT
& SCORGIE ON BEHALF OF CE JUSTUS**

3148 HON (3667)

H Olivier

(028) 313 8900

Hermanus Administration

13 October 2017

Executive Summary

An application has been received on 2 May 2017 from Messrs Engelbrecht & Scorgie on behalf of CE Justus on Erf 3148, Onrustvriër for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the eastern lateral line from 2m to 1m to permit the garage (storage area which is more than one third the length of the lateral boundary).

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) and in terms of Section 16(2)(b) on Erf 3148 Onrustvriër to relax the eastern lateral building line with Erf 3149 and rear building line from 2m to 1m to accommodate a garage/store area, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan dated April 2017, 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;
 - (d) that all the conditions of Eskom, be complied with;
 - (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, and
 - (f) that all the conditions in the Services Report, be complied with.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

2. 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 conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**2. ERF 5396, 15 CONTOUR STREET, EASTCLIFF, HERMANUS : PROPOSED
SUBDIVISION: MESSRS PLAN ACTIVE ON BEHALF OF S HEYNS**

5396 HEC (3663)

P Roux

(028) 313 8900

Hermanus Administration

30 September 2017

Executive Summary

To consider an application received on 16 March 2017 from Messrs Plan Active on behalf of S Heyns in order to subdivide Erf 5396, Hermanus into a Remainder measuring approximately 2370m² and a new Portion A measuring approximately 1500m² for residential purposes.

RESOLVED :

1. that the application for subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) applicable to Erf 5396, Hermanus (Fernkloof) to subdivide the property into a Remainder measuring approximately 2370m² and a new Portion A measuring approximately 1500m² for residential purposes, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on the Subdivisional Plan as submitted with the application;
 - (b) that the comment received from Electro Technical Services, be noted;
 - (c) that the conditions compiled in the Services Report, be complied with, and
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**3. ERF 1225, 11 PROTEA ROAD, EASTCLIFF, HERMANUS : PROPOSED
DEPARTURE : MESSRS NEWMAN ARCHITECTURE ON BEHALF OF CJ &
CL RUSSON**

1225 HEC (3699)

P Roux

(028) 313 8900

Hermanus Administration

12 October 2017

Executive Summary

An application has been received on 8 June 2017 from Messrs Newman Architecture on behalf of the owners of Erf 1225 Hermanus, CJ & CL Russon, in terms of Section 16(2)(b) in order to relax the street building line with Protea Road from 4m to 0m and the lateral building line with Erf 11170 from 2m to 0m to accommodate the existing double garage and proposed new bunk room with bathroom above.

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning , 2016 on Erf 1225 Hermanus to relax the street building line with Protea Road from 4m to 0m and the lateral building line with Erf 11170 from 2m to 0m to accommodate the repositioning of the garage door of the existing double garage and a proposed new bunk room with bathroom above, **not be approved.**
2. that the applicant and objectors be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**4. ERF 5639, 14 STEENBRAS STREET, INDUSTRIAL AREA, HERMANUS :
PROPOSED DEPARTURE : MESSRS INTERACTIVE TOWN & REGIONAL
PLANNING ON BEHALF OF FLOWAN INVESTMENTS (PTY) LTD**

5639 HIND (3567)

H van der Stoep

(028) 313 8900

Hermanus Administration

11 October 2017

Executive Summary

An application has been received on 16 January 2017 from Messrs Interactive Town and Regional Planning (A. Wiehahn) on behalf of Flowan Investments (Pty) Ltd for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 applicable to Erf 5639, Hermanus Industrial Area for the following departures:

- ❖ in order to relax the eastern lateral building line with Erf 7313 from 2m to 0,85m to allow for existing structures to be kept, upgraded and expanded upwards and to the south;
- ❖ in order to relax the western lateral building line with Erf 5638 from 2m to 0m to allow for existing buildings, and
- ❖ in order to relax the rear building line with Erf 243 from 2m to 0m to accommodate the existing buildings.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 5639, Hermanus for the following departures:

- ❖ in order to relax the eastern lateral building line with Erf 7313 from 2m to 0,85m to allow for existing structures to be kept, upgraded and expanded upwards and to the south;
- ❖ in order to relax the western lateral building line with Erf 5638 from 2m to 0m to allow for existing buildings, and
- ❖ in order to relax the rear building line with Erf 243 from 2m to 0m to accommodate the existing buildings

be approved, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (a) that this approval is only for the development as indicated on the plan numbers 3916.070 – 3619.074 dated 03 April 2017, 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 an operational plan be submitted indicating control measures to limit dust and air pollution;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (f) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

5. ERF 2314, 13 CARACAL CLOSE, VERMONT, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : P AND SJ VENTER

2314 HVM (3649)

H Olivier

(028) 313 8900

Hermanus Administration

12 October 2017

Executive Summary

An application has been received on 13 April 2017 from P and SJ Venter on Erf 2314, Vermont for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the street building line from 4m to 3,7m and the lateral building line with Erf 2313 from 2m to 0,277m to accommodate the existing garage in excess of 9m long.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) and in terms of Section 16(2)(b) to relax the street building line from 4m to 3,7m and the lateral building line with Erf 2313 from 2m to 0,277m to accommodate the extension to an existing garage, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan dated 17/05/2017, 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;
 - (d) that all the conditions in the Services Report, be complied with;
 - (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;
 - (f) that all the conditions of Telkom, be complied with, and
 - (g) that all the conditions of Eskom, be complied with.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

6. ERF 264, 28 TWIST STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE AND RELAXATION OF A RESTRICTIVE TITLE DEED CONDITION: AJ AND LB MEYER

264 GPB (3752)

**SW van der Merwe
18 October 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 received on 11 August 2017 from the property owners, AJ and LB Meyer, on Erf 264, Pearly Beach for relaxation of the 4,72m street building line in terms of the title deed in order to construct a new dwelling 4,29m from the western street boundary adjacent Beach Road.

RESOLVED :

1. that the application in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for the relaxation of the western 4,72m street building line applicable to Erf 264, Pearly Beach in terms of Title Deed T66597/2016 to 4,29m, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval only be applicable for the relaxation of the western street building line adjacent to Beach Road as indicated on the Site Development Plan submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**7. ERF 617, 20 CHURCH STREET, PEARLY BEACH, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : CP AND ML BOLTMAN**

617 PB (3654)

**SW van der Merwe
28 September 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 24 April 2017 from CP and ML Boltman in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for departure in order to encroach the 2m lateral building line up to the property boundary.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 617, Pearly Beach in order to encroach the 2m m lateral building line onto the property boundary, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval only be applicable to the departure indicated on the Site Plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that the garage may not be converted into a habitable room;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

8. PORTION 3 OF THE FARM WELTEVREDE NO. 647, CALEDON DISTRICT, OVERSTRAND MUNICIPAL AREA : AMENDMENT OF APPROVAL CONDITION : MESSRS PLAN ACTIVE ON BEHALF OF PB BARNES

647/3 SSS (3653)

P Roux

(028) 313 8900

Hermanus Administration

30 September 2017

Executive Summary

Application has been received on 20 February 2017 in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 from Messrs PlanActive Town- and Regional Planners on behalf of PB Barnes for the amendment of approval Condition 1(p) as stated in the approval letter dated 20 July 2017.

RESOLVED :

1. that the applications in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for the amendment of approval Condition 1(p), as stated in the approval letter dated 20 July 2017 on Portion 3 of Farm Weltevrede No. 647, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that Condition 1(p) be removed;
 - (b) that all conditions in the Services Report and the Department of Health, be complied with;
 - (c) that all other conditions in the approval letter dated 20 July 2012 remain in place, and
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

9. ERF 5999, 40 FERNKLOOF DRIVE, HERMANUS HEIGHTS, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL: MESSRS WRAP CONSULTANCY ON BEHALF OF CH LERM

Erf 5999 (3682)

P Roux

(028) 313 8900

Hermanus Administration

06 October 2017

Executive Summary

An application has been received on 8 June 2017 from Messrs WRAP on behalf of the owners of Erf 5999, Eastcliff, CH Lerm, for an amendment of conditions of approval in terms of Section 16(2)(h) in order to have a guesthouse with four (4) lettable rooms instead of three (3) lettable rooms.

RESOLVED :

1. that in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for an amendment of conditions of approval in order to have a guesthouse with four (4) lettable rooms instead of three (3) lettable rooms, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that only four (4) bedrooms can be used for guest accommodation;
 - (b) that the approval only pertains to the SDP, as submitted;
 - (c) that the remaining conditions of the approval letter dated 22 November 2016 be adhered to, and
 - (d) that all the conditions in the Services Report and by the Fire Department, be complied with
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

10. ERF 237, 49 PARK STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITION SAND DEPARTURE: AM FEDERSKI-HEARING

237 GGB (3671)

SW van der Merwe

(028) 313 8900

Hermanus Administration

21 October 2017

Executive Summary

Applications have been received on 5 May 2017 from AM Federski-Haering applicable to Erf 237, Gansbaai for the following

- removal of restrictive title condition C(2)(d) contained in Title Deed T57007/2014 in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to permit the construction of a entrance lobby, staircase and double garage, and
- departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the 4m street building line to 3,588m and 2m lateral building line to 0,513m in order to accommodate an entrance lobby, staircase and double garage.

RESOLVED :

1. that the application for removal of restrictive title condition C(2)(d) as contained in Title Deed T57007/2014 applicable to Erf 237 Gansbaai in terms of Section 16(2)(f) of the Overstrand Municipality By-Law, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the 4m street building line to 3,588m and the 2m lateral building line to 0,513m in order to accommodate a proposed entrance lobby, staircase and double garage, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approval in paragraphs 1. and 2. above, be subject to the following conditions:
 - (a) that this approval is only for the departure of the street and lateral building lines indicated on Plan Number HEA – GB -16/030 - 1 dated 31/01/2017 as submitted with the application;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (b) 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;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant zoning scheme be complied with;
 - (e) that all the conditions contained in the Services Report, be complied with, and
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

11. ERVEN 62, 63 & 448, BIRKENHEAD (ROMANSBAAI) : PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL AND ARCHITECTURAL GUIDELINES : MESSRS PLAN ACTIVE ON BEHALF OF DANGER POINT ECOLOGICAL DEVELOPMENT COMPANY (PTY) LTD

62,63 & 448 GBH (3718)

SW van der Merwe

(028) 313 8900

Hermanus Administration

24 October 2017

Executive Summary

To consider an application received on 27 June 2017 from Messrs PlanActive on behalf of Dangerpoint Ecological Development Company (Pty) Ltd in terms of Section 16(2)(h) and (l) of the Overstrand Municipality By-Law on Municipal Land Use Planning for the amendment of the conditions of approval and architectural guidelines to permit a 5,5m height restriction for development above the 50m contour.

RESOLVED :

1. that the application in terms of Section 16(2)(h) and (l) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erven 62, 63 & 448 Birkenhead (Romansbaai Beach and Fynbos Estate) for the amendment of conditions of approval and architectural guidelines thereby omitting the single storey height restriction applicable to erven above the 50m contour, **be approved**, and
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

12. FARM 357, BUFFELJAGSBAAI, DIVISION BREDASDORP, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN AND DEPARTURE : MR S FOURIE ON BEHALF OF VIKING FISHING COMPANY PROPERTY (PTY) LTD

Farm 357 Buffeljagsbaai (3438)

SW van der Merwe

(028) 313 8900

Hermanus Administration

23 October 2017

Executive Summary

To consider an application received on 13 September 2016 from Mr Stephan Fourie on behalf of Viking Fishing Company Property (Pty) Ltd in terms of the provisions of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the following:

- amendment of approved Site Development Plan in terms of the provisions of Section 16(2)(l) in order to accommodate as built deviations therefrom;
- departure in terms of the provisions of Section 16(2)(b) in order to encroach the eastern 30m lateral building line to 27,5m and 3m respectively in order to accommodate existing paddle ponds, and
- departure in terms of the provisions of Section 16(2)(b) in order to encroach the 2,1m height restriction applicable to boundary walls in order to accommodate 3,5m fencing.

RESOLVED :

1. that the application in terms of Section 16(2)(l) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Farm 357/0, Bredasdorp Division for the amendment of the approved Site Development Plan, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Farm 357/0, Bredasdorp Division for departure in order to encroach the 30m eastern building line up to 3m as well as the encroachment of the 2,1m height restriction applicable to boundary walls, be approved in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in paragraphs 1 and 2 above be subject to the following conditions, namely:
 - (a) that the original conditions of approval dated 9 March 2012 be adhered to;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (b) that an amended Site Development Plan be submitted incorporating an updated parking layout in accordance with the provisions of the Scheme Regulations for approval by the Authorised Official;
 - (c) that a detailed landscaping plan be submitted including a planting schedule in order to provide visual screening to the satisfaction of the municipality, especially with regard to siting of containers;
 - (d) that all the conditions in the Services Report, be complied with;
 - (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;
 - (f) that proof be submitted in writing that the on-site package plant complies with the requirements of DAFF and the Municipal Engineering Department, and
 - (g) that this approval does not describe the applicant from compliance with any other applicable legislation.
4. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

13. ERF 7342, 306 TENTH STREET, HERMANUS (VOËLKLIP) : APPLICATION FOR DEPARTURE : MESSRS ENGELBRECHT & SCORGIE ON BEHALF OF THE HJ POIET FAMILY TRUST

7342 HVK (3691)

H Boshoff

(028) 313 8900

Hermanus Administration

9 November 2017

Executive Summary

An application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 has been received on 22 May 2017 from Messrs Engelbrecht & Scorgie on behalf of the HJ Poiet Family Trust applicable to Erf 7342, Hermanus (Voëlklip) for the relaxation of the western lateral building line from 2m to 0m, as well as the rear building line from 2m to 0,5m in order to accommodate a new garage with a workspace.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) applicable to Erf 7342, Hermanus (Voëlklip) to relax the western lateral building line from 2m to 0m, as well as the rear building line from 2m to 0,5m in order to accommodate a garage, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as per dimensions indicated on Plan Numbers erf7342_KRUGER_A1/03-2016-SP dated March 2017, which was submitted with the application;
 - (b) that the relevant conditions/requirements of Operational Services, Engineering Services and Telkom, be adhered to;
 - (c) that the structure may not be used for habitable or other purposes without the prior approval of the Municipality;
 - (d) that the existing garage must be demolished to ensure access to the new garage;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with, and

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (g) 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.
- 2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

14. ERF 590, 14 FABRIEK STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: HD GIBSON

590 SSS (3660)

P Roux

(028) 313 8900

Hermanus Administration

26 October 2017

Executive Summary

An application has been received on 24 April 2017 from HD Gibson, the owner of Erf 590, Stanford, in terms of Section 16(2)(b) in order to relax the street building line from 4m to 3m to accommodate the first floor balcony and the rear building line from 2m to 0m to accommodate the lean-to roof.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 on Erf 590, Stanford to relax the lateral building line with Erf 656 from 2m to 0m to accommodate the proposed lean-to roof, **not be approved**;
2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 590 Stanford to relax the street building line from 4m to 3,1m to accommodate the first floor balcony, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the departure pertaining to the first floor balcony as indicated on the Site Plan as submitted with the application;
 - (b) that all other structures such as the proposed pergola and lean-to roof be developed to comply with the relevant building lines;
 - (c) that the building plans be amended to indicate the first floor balcony and that the proposed pergola and lean-to roof complies with the relevant building lines, on the property boundary;
 - (d) that building plans be submitted for approval, within sixty (60) days of the final decision, to the Building Department and that the relevant Building and Fire Regulations be complied with at that stage;
 - (e) that the conditions compiled by Electro Technical Services, Fire Services and Engineering Services, are complied with, and
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

15. ERF 5155, SEA GLADES, ONRUSTRIVIER : PROPOSED AMENDMENT OF ARCHITECTURAL GUIDELINES : MESSRS ENGELBRECHT & SCORGIE ON BEHALF OF VESTLINE 118 (PTY) LTD

5155 HON (3842)

H Olivier

(028) 313 8900

Hermanus Administration

7 November 2017

Executive Summary

An application has been received on 3 November 2017 from Messrs Engelbrecht & Scorgie on behalf of Vestline 118 (Pty) Ltd on Erf 5155, Onrustvriër for an application in terms of of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to amend the Architectural Design Guidelines for the Sea Glades complex.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) of an application in terms of Section 16(2)(l) to amend the Architectural Guidelines of Sea Glades to enable cosmetic changes and carports/garages onto one lateral boundary, **be approved** in terms of the provisions of Section 61 of the By-Law, and
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

16. ERF 1168, 7 BESTER CRESCENT, KLIPFONTEYN, VAN DYKSBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : CEJ DE WET

1168 GKB (3713)

**SW van der Merwe
30 October 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 22 June 2017 from CEJ de Wet in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for departure in order to encroach the 4m street building line varying between 2,2m and 2,827m respectively.

RESOLVED :

1. that the objection be noted;
2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 1168, Klipfonteyn in order to encroach the 4m street building line varying between 2,2m and 2,827m, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval only be applicable to the departure indicated on the Site Plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
3. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- 17. ERVEN 3526 AND 3534, 227 TENTH AND 228 ELEVENTH STREETS, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : APPLICATION FOR CONSOLIDATION : MESSRS INTERACTIVE TOWN & REGIONAL ON BEHALF OF THE RENS HERMANUS TRUST**

3526 & 3534 HVK (3679)

H Boshoff (028) 313 8900

Hermanus Administration

30 October 2017

Executive Summary

An application in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016, has been received on 15 May 2017 from Messrs InterActive Town & Regional Planning on behalf of the Rens Hermanus Trust for the consolidation of Erven 3526 and 3534, Hermanus (Voëlklip).

RESOLVED :

1. that the application in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for the consolidation of Erven 3526 and Erf 3534, Hermanus (Voëlklip), **be approved** in terms of the provisions of Section 61 of the By-Law 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 applicable development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (c) that all the relevant conditions in the Services Report and Telkom, be complied with.
2. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**18. PORTION 2 OF THE FARM WINDHEUVEL 696, CALEDON DIVISION,
OVERSTRAND MUNICIPAL AREA : MESSRS ME PLANNERS ON BEHALF
OF BIRKHOLTZ INVESTMENTS (PTY) LTD**

2/696 GRCAL (3674)

**SW van der Merwe
8 November 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application for departure was received on 12 May 2017 from Messrs ME Planners on behalf of Birkholtz Investments (Pty) Ltd in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to encroach the 30m building line to 20,77m and 3,8m respectively in order to accommodate the main dwelling and existing pump house and water tank.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Portion 2 of the Farm Windheuvel No. 696, Caledon Division in order to encroach the 30m building line up to 20,77m and 3,8m respectively to retain the existing dwelling, pump house and water tank, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval only be applicable to the departure indicated on the Site Plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that the conditions of Eskom, Breede-Gouritz Catchment Management Agency, Telkom and CapeNature), be adhered to;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

19. PORTION 112 OF FARM 213, BAARDSKEERDESBOS, A DIVISION OF BREDASDORP : PROPOSED CONSENT USE : B DU TOIT

112/213 GRBRE (3680)

**SW van der Merwe
13 November 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application was received on 17 May 2017 from B du Toit, the registered owner of Portion 112 of the Farm Baardskeerdersbos No. 213, in terms of Section 16(2)(o) of the Overstrand Municipality for the following:

- consent use in order to accommodate the existing cottage as an additional dwelling unit; and
- consent use in order to utilise the proposed main dwelling and additional dwelling for tourist accommodation (self-catering) purposes.

RESOLVED :

1. that the application on Portion 112 of the Farm Baardskeerdersbos No. 213, Division Bredasdorp, for a consent use in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) to accommodate the existing cottage as a second dwelling and to establish two (2) self-catering units on the property, **be approved** in terms of the provisions of Section 61 of the Overstrand Municipality By-Law on Municipal Land Use Planning, subject to the following conditions:
 - (a) that the approval is only for the proposed two (2) self-catering units indicated on the Site Plan submitted with the application;
 - (b) that building plans be submitted to the Building Department and that all conditions from the Fire Department and Building Department are complied with at that stage;
 - (c) that all the conditions contained in the Services Report, be complied with;
 - (d) that the conditions stipulated by District Health, Eskom, Fire Department and Telkom, be complied with;
 - (e) that the building plan be accompanied by a Site Plan demonstrating that the siting of the proposed development will respect the water pipeline and “leivoor”;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (f) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (g) that the proposed outbuildings only be utilised for storage purposes in accordance with the definition of an outbuilding and may not be converted to habitable accommodation, and
 - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- 20. PORTION 31 OF THE FARM KLIPFONTEYN NO. 711, VAN DYKSBAAI:
APPROVAL OF SUBDIVISIONAL PLAN: MESSRS INTERACTIVE TOWN
AND REGIONAL PLANNING PORTION 112 OF FARM 213,
BAARDSKEERDESBOS, A DIVISION OF BREDASDORP : PROPOSED
CONSENT USE : B DU TOIT**

31/711 Klipfonteyn, van Dyksbaai (3766)

SW van der Merwe (028) 313 8900

Hermanus Administration

22 November 2017

Executive Summary

The property is zoned Subdivisional Area Zone with consent use for a Retirement Village, thereby permitting the development of 305 Residential Zone II erven, 5 Open Space Zone II erven, 2 Authority Zone erven, 1 Transport Zone II (Private Road) erf and 1 Community Zone I erf (club house, frail care/clinic).

Messrs. Interactive Town and Regional Planners on behalf of Kleinbaai Eiendomme (Edms) Bpk submitted and amended Subdivisional Plan for delegated approval. Since the development rights were granted under the former Gansbaai Zoning Scheme Regulations the applicant was required to submit a subdivisional plan for delegated approval, indicating the corresponding zonings in terms of the current Scheme Regulations.

RESOLVED :

1. that **approval** be granted for the amended Subdivisional Plan, Project No 0001, Revision 11, dated 31/03/2017 applicable to Portion 31 of the Farm Klipfonteyn 711, Division Caledon, subject to compliance with the original conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

21. ERF 92, 27 CHURCH STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION: MESSRS WRAP ON BEHALF OF JB SMITH

92 SSS (3731)

P Roux

(028) 313 8900

Hermanus Administration

16 November 2017

Executive Summary

To consider an application received on 30 June 2017 from Messrs Wrap on behalf of the owners of Erf 92, Stanford in terms of Section 16(2)(d) for the subdivision of Erf 92 into Portion A ($\pm 991,5\text{m}^2$) and Remainder Erf 92 ($\pm 991,5\text{m}^2$) and the registration of an access servitude over Portion A in favour of the Remainder.

RESOLVED :

1. that the objections be noted;
2. that the application for subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for the subdivision of Erf 92 into Portion A ($\pm 991,5\text{m}^2$) and Remainder ($\pm 991,5\text{m}^2$) of Erf 92, **be approved** in terms of the provisions of Section 61 of the By-Law are subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on the Subdivisional Plan as submitted with the application;
 - (b) that only one (1) dwelling, with subservient outbuildings, be constructed on each of the subdivided properties and that a condition to this effect be included in the Title Deed of each property;
 - (c) that no solid wall be erected on the common boundary of the access servitude and proposed Portion A, only a fence be allowed;
 - (d) that the conditions compiled in the Services Report (attached as Annexure I) be complied with;
 - (e) that the comment received by the Electro Technical Services, be noted;
 - (f) that the comment received by the Stanford Heritage Committee, be noted, and
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

2. that the applicant/objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

22. ERF 991, 7 ABNER STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: M JACOBS

991 SSS (3729)

P Roux

(028) 313 8900

Hermanus Administration

30 October 2017

Executive Summary

An application has been received on 27 June 2017 from M Jacobs, the owner of Erf 991 Stanford, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the eastern lateral building line from 2m to 1,35m.

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning , 2016 (By-Law) on Erf 990, Stanford to relax the eastern lateral building line from 2m to 1,35m, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the departure of the eastern building line as indicated on the Survey Plan as submitted with the application;
 - (b) that building plans be submitted for approval, within sixty (60) days of the final decision, to the Building Department and that the relevant Building and Fire Regulations be complied with at that stage;
 - (c) that the conditions compiled by Fire Services and the Services Report, be complied with, and
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

23. ERF 665, 110 MYRTLE STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR DEPARTURE : MESSRS ENGELBRECHT & SCORGIE ON BEHALF OF SLOET STEENKAMP

665 HSB (3513)

H Boshoff

(028) 313 8900

Hermanus Administration

14 November 2017

Executive Summary

An application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 has been received on 16 November 2016 from Messrs Engelbrecht & Scorgie applicable to Erf 665, Sandbaai, for the relaxation of the western lateral building line from 2m to 0m in order to accommodate an existing store room (outbuilding).

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) applicable to Erf 665, Sandbaai to relax the western lateral building line from 2m to 0m in order to accommodate a portion of an existing store room, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the dimensions of the structure as indicated on Plan Number STEENKAMP, STONEY 665.DWG dated February 2017 which was submitted with the application;
 - (b) the combined structure (store room and servant's room) may not be utilised as second dwelling unit without the prior approval of the Municipality.
 - (c) that the relevant conditions of Operational Services, Engineering Services and Telkom, be adhered to;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

24. ERF 4540, 51 DUIKER STREET, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : MESSRS PLAN ACTIVE ON BEHALF OF THE WESQUIDA TRUST

4540 HNC (3377)

H van der Stoep

(028) 313 8900

Hermanus Administration

8 November 2017

Executive Summary

Applications have been received on 21 July 2016 from Messrs Plan Active on behalf of the Wesquida Trust on Erf 4540, Hermanus for the following:

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 with reference Title Deed T44716/2015, Clause B(4) applicable to Erf 4540, Hermanus, in order to accommodate an existing garage and servant's quarters on the 0m northern and western building lines, and the existing dwelling on the 4,43m street building line.

Restrictive title condition B(4) reads as follows:

"(4) that no building or structure or any portion thereof except boundary walls and fences be erected nearer than 4,72 metres of the street line which forms a boundary of this erf. No such building or structure shall be situated within 2,20 metres of the lateral boundary common to any adjoining erf"

- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the northern and southern lateral building lines from 2m to 0m to accommodate the existing garage and servant's quarters.

The departure is in terms of the Overstrand Zoning Scheme to exceed the third and/or 9m length of such a structure.

RESOLVED :

1. that the application for removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) with reference Title Deed T44716/2015, Clause B(4) applicable to Erf 4540, Hermanus, to enable the legalization of the existing dwelling over the 4,72m title deed street building line, and the garage and servant's quarters over the 2,2m title deed lateral building lines, **be approved;**

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

2. that the departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) to relax the lateral building lines from 2m to 0m to accommodate an existing garage and servant's quarters, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in point 1. and 2. above be subject to the following conditions:
 - (a) that this approval is only for the departures as indicated on Plan 4540 dated August 2015 submitted by the architect with this 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;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that all the conditions in the Services Report, be complied with.
4. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**25. REMAINDER ERF 7610, 13 FOURTH STREET, HERMANUS (VOËLKLIP),
OVERSTRAND MUNICIPAL AREA : APPLICATION FOR DEPARTURE : P &
G GORDON**

7610 HVK (3720)

H Boshoff

(028) 313 8900

Hermanus Administration

24 November 2017

Executive Summary

An application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 has been received on 28 June 2017 from P & G Gordon, applicable to Remainder Erf 7610, Hermanus (Voëlklip), for the relaxation of the eastern lateral building line from 2m to 1,789m, 1,8844m and 1,217m in order to respectively accommodate the existing dwelling unit and a chimney breast.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) applicable to Remainder Erf 7610, Hermanus (Voëlklip) for the relaxation of the eastern lateral building line from 2m to 1,789m, 1,8844m and 1,217m in order to respectively accommodate the existing dwelling unit and a chimney breast, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the dimensions of the structure as indicated on Plan Number A.01.1 dated 20 June 2017 which was submitted with the application;
 - (b) that the relevant conditions of Operational Services and Engineering Services, be adhered to;
 - (c) that a Site Layout Plan 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
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

26. PORTION 81 OF THE FARM NO. 213, BAARDSKEERDESBOS, DIVISION BREDASDORP, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR REZONING AND SUBDIVISION : MESSRS TOWN & COUNTRY ON BEHALF OF MS GROOS

81/213 GRBRE (3477)

**SW van der Merwe
6 September 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application was received on 18 October 2016 from Messrs Town & Country on behalf of MS Groos in terms of Section 16(2)(a) and (d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the following:

- rezoning from Agricultural Zone 1: Agriculture (AR1) to Rural Zone 1: Agricultural Smallholding (R1); and
- subdivision into nine (9) portions, namely Portions A to H varying between 4006m² and 4043m² in extent and Portion I 7160m² in extent.

RESOLVED :

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for the rezoning of Portion 81 of the Farm Baardskeerdersbos No. 213 from Agricultural Zone 1 to Rural Zone 1, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the subdivision of Portion 81 of the Farm Baardskeerdersbos No. 213 into nine (9) portions as indicated on the subdivisional plan, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in paragraphs 1 and 2 above be subject to the following conditions, namely:
 - (a) that the applicable development parameters in terms of the Scheme Regulations be adhered to;
 - (b) that all the conditions contained in the Service Report, be complied with;
 - (c) that it is the owner's/applicant's responsibility to register the approved subdivision within five (5) years from the date of approval;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that a right of way servitude minimum 9m wide be registered across Portion I in favour of Portions A to H simultaneously with the registration of the subdivision;
 - (f) that a home owners association be established that will be responsible for the maintenance and upkeep of the servitude road;
 - (g) that the constitution of the home owners association be submitted for approval by the Authorised Official prior to the registration of subdivision, and
 - (h) that the requirements by Telkom and Overstrand Fire Services, be complied with;
4. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

27. ERF 48, 38 VAN BLOEMENSTEIN STREET, BIRKENHEAD, GANSBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITION : MESSRS WRAP ON BEHALF OF JL BARLOW

48 GBH (3491)

**SW van der Merwe
27 November 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 26 October 2016 from Messrs WRAP Consultancy on behalf of JL Barlow in terms of Section 16(2)(a) and (f) of the Overstrand By-Law on Municipal Land Use Planning, 2016 on Erf 48, Birkenhead for rezoning from Business Zone 3 (Local Business) to Special Zone and removal of restrictive title conditions in terms of Section 16 2(f) in order to permit the following uses:

- business use comprising a restaurant and curio shop;
- animal park comprising enclosures for crocodiles, small animals, tortoises; and
- residential use comprising a dwelling house, tourist accommodation and guest house.

RESOLVED :

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 48, Birkenhead for the removal of restrictive conditions Clauses B.(a), (c) and (d) of Title Deed T50341/08 to permit the development of the property for tourism business purposes comprising a restaurant, curio shop animal park, dwelling house and guest house (tourism accommodation) purposes, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to rezone Erf 48, Birkenhead from Business Zone 3 : Local Business to Special Zone in order to development the property for business purposes comprising of a restaurant, curio shop, animal park and guest house (tourism accommodation purposes), **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in paragraph 1 and 2 above be subject to the following conditions:

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (a) that the applicable primary rights in terms of the Special Zone be restricted to shops, flats (above ground floor), offices, a dwelling unit, restaurant, tourism accommodation, tourist facilities and animal park;
- (b) that the consent uses be restricted to a bottle store, business premises, clinic, conference facility, flats (on ground floor), town housing, guest house, hotel, informal trading, institution, place of assembly, place of entertainment, place of instruction, place of worship, recreational facilities, residential building, restaurant, rooftop base station, sale of alcoholic beverages, services station, service trade, transmission tower, an animal care centre and any other related uses as permitted by Council;
- (c) that the applicable definitions in terms of the Scheme Regulations be applicable to the primary rights and consent uses as per paragraphs (a) and (b) above;
- (d) that the development parameters of the Special Zone as per Annexure I at all times be complied with;
- (e) that the animal park may not be conducted without the relevant permit to be issued by Cape Nature;
- (f) that a Site Development Plan be submitted for approval by the Authorised Official indicating the extent and location of the proposed animal park portion of the development and associated facilities;
- (g) that a detailed parking layout be submitted for municipal approval prior to the submission of building plans;
- (h) that all the conditions in the Services Report, be complied with;
- (i) that all the conditions imposed by the Fire Department and Breede-Gouritz Catchment Management Agency, be complied with;
- (j) that the development be subject to the submission of a Management Plan for municipal approval addressing the requirements of Environmental Management Services;
- (k) that prior to the submission of building plans for the animal park details pertaining to the management and maintenance of wastewater from the ponds, including storm water management be submitted for municipal approval, including detail and substantive proof pertaining to capacity of the water source;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (l) 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;
- (m) that pertaining to the guest house, the owner/manager resides on the premises;
- (n) 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;
- (o) that the display of signage shall comply with the Municipal By-Law on Signage;
- (p) 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;
- (q) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
- (r) that a minimum of one (1) permanently demarcated parking bay per guest room and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Senior Manager: Town- and Spatial Planning;
- (s) 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;
- (t) that a R962 Certificate of Acceptability must be applied for at the Overberg District Municipality;
- (u) that the owner and his successors in title prevent the occurrence of any public nuisance, which through an act or omission materially interferes with the comfort, peace and quiet of the surrounding area, and should the owner or his successor in title fail to comply with such condition, they will themselves make themselves liable to further legal action;
- (v) that breeding/commercial production of crocodiles will not be permitted;
- (w) that details of renewable energy structures/installations be indicated on the building plans;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (x) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (y) that this approval does not absolve the applicant from compliance with any other relevant legislation.
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

28. ERF 476, 18 INGANG STREET, DE KELDERS, OVERSTRAND MUNICIPAL AREA : PROPOSED EXTENSION : MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF THE DR VAN ROOYEN TRUST

476 GDK (3754)

P Roux

(028) 313 8900

Hermanus Administration

28 November 2017

Executive Summary

An application was received on 11 August 2017 in terms of Section 16(2)(i) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 from Messrs PlanActive Town- and Regional Planners on behalf of the DR van Rooyen Trust for the extension of validity of the subdivisional approval.

RESOLVED :

1. that the applications in terms of Section 16(2)(i) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for the extension of validity of an approval for the subdivision of Erf 476, De Kelders, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that all other conditions in the approval letter dated 6 January 2010 remain in place, and
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**29. ERF 601, 9 CALEDON STREET, STANFORD: PROPOSED DEPARTURE:
M WOLTERS ON BEHALF OF RC CHALMERS**

601 SSS (3690)

P Roux

(028) 313 8900

Hermanus Administration

27 November 2017

Executive Summary

An application has been received on 25 May 2017 from M Wolters on behalf of the property owner, RC Chalmers, on Erf 601 Stanford for a departure in terms of Section 16(2)(b) in order to relax the following:

- ❖ street building line from 4m to 2,3m; and
- ❖ eastern lateral building line with Erf 1323 from 2m to 1m to accommodate the extension of the existing garage and a new balcony.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for a departure on Erf 601, Stanford in order to relax the following:

- ❖ street building line from 4m to 2,3m; and
- ❖ eastern lateral building line with Erf 1323 from 2m to 1m to accommodate the extension of the existing garage and a new balcony,

be approved in terms of the provisions of Section 61 of the By-Law, and be subject to the following conditions:

- (a) that the approval is only for the departure as indicated on the Site Plan as submitted with the application;
- (b) that the property owner cannot construct the carport as indicated on the Site Plan, which was approved on 24 August 2016;
- (c) that the pergola (wooden structure) in front of the garage be removed;
- (d) that building plans be submitted for approval to the Building Department and that the relevant Building and Fire Regulations be complied with at that stage;
- (e) that approval is obtained from the Stanford Heritage Committee and Heritage Western Cape when building plans are submitted;
- (f) that the conditions compiled in the Services Report, be complied with;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (g) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with, and
 - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
- 2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

30. ERVEN 10177 & 10178, 12 & 14 HILLSIDE VILLAGE, FERNKLOOF DRIVE, EASTCLIFF, HERMANUS : PROPOSED CONSOLIDATION : MJ VILJOEN

10177 & 10178 HEC (3739)

**P Roux (028) 313 8900
27 November 2017**

Hermanus Administration

Executive Summary

To consider an application received on 21 July 2017 from MJ Viljoen, for a consolidation in terms of Section 16(2)(e) in order to consolidate Erven 10177 and 10178, Hermanus.

RESOLVED :

1. that the application for consolidation of Erven 10177 and 10178, Hermanus (Eastcliff) in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law), **be approved** in terms of the provisions of Section 61 of the By-Law, and are subject to the following conditions:
 - (a) that the approval is only for the consolidation as indicated on the Consolidation Plan as submitted with the application;
 - (b) that the conditions compiled in the Services Report, be complied with, and
 - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

31. ERF 5287, 42 MOFFAT STREET, EASTCLIFF, HERMANUS: PROPOSED DEPARTURE : MESSRS SMART SOLUTIONS ARCHITECTURE & ARCHITECTURAL CONSULTANTS ON BEHALF OF JJ AND MA VAN DER MERWE

5287 HEC (3746)

P Roux

(028) 313 8900

Hermanus Administration

1 December 2017

Executive Summary

An application has been received on 1 August 2017 from Messrs Smart Solutions Architecture and Architectural Consultants on behalf of the owners of Erf 5287, Hermanus, JJ & MA van der Merwe, for the following:

- a departure applicable to the above property to relax the side building line from 2m to 0m in order to accommodate a garage and from 2m to 1,55m to accommodate an open plan kitchen and new laundry.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for a departure on Erf 5287, Hermanus (Eastcliff) for a departure to relax the eastern lateral building line adjacent to Erf 1032 from 2m to 0m in order to accommodate a garage and from 2m to 1,55m to accommodate an open plan kitchen and new laundry, **be approved** in terms of the provisions of Section 61 of the By-Law, and be subject to the following conditions:
 - (a) that the approval is only for the departure as indicated on the Site Plan as submitted with the application;
 - (b) that building plans be submitted for approval to the Building Department and that the relevant Building and Fire Regulations be complied with at that stage;
 - (c) that a surveyors certificate is provided indicating that the dwelling will not encroach the 50% coverage as indicated on the Site Plan;
 - (d) that the conditions compiled in the Services Report, be complied with;
 - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with, and
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**32. ERF 2672, 41 KOLGANS STREET, GANSBAAI (PERLEMOENBAAI),
OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE : J HAGE ON
BEHALF OF A GROENWALD**

2672 GGB (3773)

SW van der Merwe

(028) 313 8900

Hermanus Administration

6 December 2017

Executive Summary

An application has been received on 5 September 2017 from J Hage on behalf of the owner of Erf 2672, Gansbaai, A Groenewald, for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to encroach the 4m street building line to 2,39m and 1,50m respectively in order to accommodate a proposed braai room on the property.

RESOLVED :

1. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) in order to relax the street building line from 4m to 2,39m and 1,50m in order to accommodate a braai room, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the departure as indicated on the Site Plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that the conditions compiled in the Services Report, be complied with, and
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**33. ERF 1118, 9 CHRISTINE CRESCENT, FRANSKRAAL, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE : DJ & EP MELLET**

1118 GFK (3781)

**SW van der Merwe
8 December 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 7 September 2017 from DJ and EP Mellet, the owners of Erf 1118, Franskraal, for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to encroach the 2m lateral building line onto the property boundary in order to construct a proposed double shade port.

RESOLVED :

1. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) in order to encroach the 2m lateral building line from 2m to 0m in order to accommodate a proposed shade port, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the departure as indicated on the Site Plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that the conditions compiled in the Services Report, be complied with, and
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

34. ERF 584, 82 MEYER STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA : RELAXATION OF RESTRICTIVE TITLE CONDITIONS : I & C NICHOLSON

584 GFK (3740)

**SW van der Merwe
7 December 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 26 July 2017 from I & C Nicholson for a title relaxation from the rear 3,15m and western lateral 1,57m title deed building lines in order to construct a double garage.

RESOLVED :

1. that the application for the relaxation of the title deed restriction in terms of Title Deed T70550/2007 C(4)(d), applicable to Erf 584, Franskraal in order to relax the 1,57m western lateral building line and the 3,15m rear building line onto the respective property boundaries, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval only be applicable for the relaxation indicated on the Site Plan as submitted with the application
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that all the conditions in the Services Report, be complied with
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with, and
 - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

35. ERF 1721, 11 FIFTH STREET, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : APPLICATION FOR DEPARTURE : J STANLEY ON BEHALF OF SW VORSTER

1721 HVK (3763)

H Boshoff

(028) 313 8900

Hermanus Administration

1 December 2017

Executive Summary

An application has been received on 23 August 2017 from J Stanley on behalf SW Vorster, applicable to Erf 1721, Hermanus (Voëlklip) to relax the western lateral building line from 2m to 1,2m in order to accommodate a new entertainment area and an attached covered stoep.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) applicable to Erf 1721, Hermanus (Voëlklip) for the relaxation of the western lateral building line from 2m to 1,2m in order to accommodate an entertainment area and covered stoep, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on Site Development Plan 2 – 00, 2 – 01, 2 – 02 and 2 - 03 (undated) that was submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that all the applicable conditions of Operational Services and Telkom, be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**36. ERF 470, 1 GRYSBOK STREET, VAN DYKSBAAI, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE : L FOURIE**

470 GKB (3732)

**SW van der Merwe
1 December 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 6 July 2017 from L Fourie, the owner of Erf 470, Van Dyksbaai (Kleinbaai), for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to encroach the 4m street building line to 0,13m and 0,2m respectively and the 2m lateral building line to 0,20m in order to accommodate two (2) existing shade ports.

RESOLVED :

1. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) in order to relax 4m street building line to 0,13m and 0,2m respectively and the 2m lateral building line to 0,20m in order to accommodate two (2) existing shade ports, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the departure as indicated on the Site Plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that the conditions compiled in the Services Report, be complied with;
 - (d) that all the conditions of Telkom, be complied with, and
 - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

37. ERF 4074, 12 DUINEGANS STREET, GANSBAAI: REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND DEPARTURES: MESSRS ME PLANNERS ON BEHALF OF MMC SMITH

2817 & 2829 GGB

(unregistered consolidated Erf 4074) (3544)

SW van der Merwe

(028) 313 8900

Hermanus Administration

4 December 2017

Executive Summary

An application has been received on 9 December 2016 from Messrs ME Planners on behalf of JJ Smith, the owner of Erven 2817 and 2803, Gansbaai (unregistered consolidated Erf 4074), for the following:

- Removal of restrictions and departure applicable to Erf 2827 in terms of Section 16(2)(b) and (f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to remove the 4,72m street building line and to permit the encroachment of the 3,5m height restriction on outbuildings;
- departure applicable to Erf 2817 in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the 4m street building line to 3,7m and 0m respectively, as well as the lateral building line from 2m to 1,51m and 0m respectively;
- departure applicable to Erf 2817 in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to accommodate a use change from outbuilding (garage) to a laundry/store room; and
- departure applicable to Erf 2817 in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to permit the encroachment of the maximum permissible coverage of 50% by 2,8% in order to legalise existing encroachments pertaining to Erf 2817.

RESOLVED :

1. that the application in terms of Section 16(2)(f) of Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for the removal of restrictive title conditions C.A(a) applicable to Erf 2829 in terms of Title Deed T11625/2013, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 2817, Gansbaai in order to relax the 4m street building line and

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

the southern 2m lateral building line to 3,7m and 0m as well as the eastern lateral building line to 1,51m and the use change from outbuilding to an interleading storage and laundry room, **be approved** in terms of the provisions of Section 61 of the By-Law;

3. that the application to permit the encroachment of the maximum permissible site coverage applicable to Erf 2817 by 2,8%, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in paragraphs 1., 2. and 3. above be subject to the following conditions, namely:
 - (a) that this approval be implemented strictly in accordance with Site Development Plan 03/JS/16 (1-7) dated 29 March 2016, 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 within sixty (60) days from the approval of this application;
 - (c) that no further departures with regard to the building lines will be considered if not in line with the Zoning Scheme;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that the boundary wall on the southern lateral property boundary be lowered to comply with the 2,1m height restriction applicable to boundary walls in accordance with approved building plans, within thirty (30) days from building plan approval;
 - (f) that the windows below the canopy in the western boundary wall be removed, within thirty (30) days from building plan approval in order to comply with the applicable boundary wall height restriction;
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (i) that the barbeque area may not be permanently enclosed.
5. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**38. ERF 4286, ONRUS MANOR, CHANTECLAIR DRIVE, ONRUSTRIVIER,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS
THOMAS LEACH ARCHITECTS ON BEHALF OF ONRUS MANOR BODY
CORPORATE**

4286 HON (3742)

H Olivier

(028) 313 8900

Hermanus Administration

4 December 2017

Executive Summary

An application has been received on 31 July 2017 from Messrs Thomas Leach Architects on behalf of the Body Corporate on Erf 4286, Onrustrivier for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the street building line from 5m to 0,18m and the lateral building line with Erf 2313 from 2m to 0,277m to accommodate a new guard house.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) and in terms of Section 16(2)(b) on Erf 4286, Onrustrivier to relax the street building line from 5m to 0,18m to accommodate a new guard house, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plans 01.02 and 01.03 dated 19 July 2017, 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;
 - (d) that all the conditions in the Services Report, be complied with;
 - (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;
 - (f) that all the conditions of Telkom, be complied with, and
 - (g) that all the conditions of Eskom, be complied with.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**39. ERF 1450, BERGSIG STREET, WHALE COAST MALL, SANDBAAI,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : CREATIVE
PROFILE ON BEHALF OF SHOPRITE CHECKERS**

1450 HSB (3834)

H Olivier

(028) 313 8900

Hermanus Administration

5 December 2017

Executive Summary

An application has been received on 27 October 2017 from Messrs Creative Profile on behalf of Shoprite Checkers on Erf 1450, Sandbaai for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the building line with Sandy Cove from 3m to 0m to accommodate a 4 x 4 fenced enclosure and screen housing an electrical substation.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) of an application in terms of Section 16(2)(b) on Erf 1450, Sandbaai to relax the building line with Sandy Cove from 3m to 0m to accommodate a 4 x 4 enclosure and screen housing an electrical sub-station, **be approved** in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan 4631 02.254 dated 9 November 2017, 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;
 - (d) that application be made for a wayleave at the Municipal Electrical Department, prior to any construction of the screen takes place, 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.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

40. ERF 3518, 72 VILJOEN STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, SUBDIVISION AND DEPARTURE : MESSRS PLAN ACTIVE ON BEHALF OF DJ AND CY NEALE

3518 HON (3633)

H Olivier

(028) 313 8900

Hermanus Administration

1 December 2017

Executive Summary

Applications have been received on 30 March 2017 from Messrs Plan Active on behalf of DJ and CY Neale on Erf 3518, Onrustrivier for the following:

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 with reference Title Deed T51412/2013, Clauses D(a) to (d) applicable to Erf 3518, Onrustrivier, in order to relax a building line and enable the subdivision of the erf.

Restrictive title condition D.(a), (b), (c) and (d) reads as follows:

“D. Onderhewig aan die volgende voorwaardes waarna verwys word in Transportakte Nommer T35728/1983 opgelê deur die gemelde Munisipaliteit vir sy voordeel viz:-

(a) That this erf be used for residential purposes only.

(b) That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.

(c) That no building shall be erected within 1,89 metres of any street line which forms a boundary of this erf. No building shall be situated within 0,94 metres of the lateral boundary common to any adjoining erf.

(d) That this erf be not subdivided except with the consent in writing of the Administrator.”

- ❖ Subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 of Erf 3518, Onrustrivier into two (2) portions, namely Portion A (±496m²) and a Remainder (±496m²).
- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line with the newly created portion A from 2m to 0,8m to accommodate an existing garage on the Remainder.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

RESOLVED :

1. that the application for removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) with reference Title Deed T51412/2013, Clause D.(a), (b), (c) and (d) applicable to Erf 3518, Onrustvriër in order to relax the building lines and to enable the subdivision of the erf, **be approved;**
2. that the subdivision in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) of Erf 3518, Onrustvriër into two (2) portions, namely Portion A ($\pm 496\text{m}^2$) and the Remainder ($\pm 496\text{m}^2$), **be approved;**
3. that the departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) to relax the lateral building line of the Remainder with the newly created Portion A, from 2m to 0,8m to accommodate the existing garage on the Remainder, **be approved,** and
4. that the approvals in points 1 to 3 above be approved in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that this approval is only for the subdivision and departure as indicated on Plan Numbers onrus3518s.drw dated March 2017, 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;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that all the conditions in the Services Report, be complied with;
 - (f) that the outbuildings on Portion A in its existing format not be used for residential accommodation, and any future use of such outbuildings must relate to the use allowed in outbuilding in relation to the residential zoning of the erf;
 - (g) that the conditions imposed by Telkom, be complied with, and

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (h) that the conditions imposed by Eskom, be complied with.
- 5. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

41. ERF 5065, 28 FONTEINHOUT AVENUE, KLEINMOND : PROPOSED DEPARTURE : P MATTHEUS ON BEHALF OF M DE VILLIERS

5065 KKM (3686)

P Roux

(028) 313 8900

Hermanus Administration

18 December 2017

Executive Summary

An application has been received on 18 May 2017 from P Mattheus on behalf of Ms M de Villiers on Erf 5065, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line with Erf 5038 from 2m to 1,5m to accommodate a propose change in use.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 5065, Kleinmond for a departure to relax the lateral building line with Erf 5066 from 2m to 1,5m in terms of the Overstrand Zoning Scheme to accommodate a use change, **be approved**, subject to the following conditions:
 - (a) that this approval be strictly be in accordance with Plan Numbers KM5065/17 (A6 and A102), dated 5 December 2017, 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 no further departures with regard to the building lines will be considered if not in line with the Zoning Scheme;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**42. ERF 3970, 10 LUKES AVENUE, ONRUSTRIVIER, VERMONT,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS
ENGELBRECHT & SCORGIE ON BEHALF OF ME ROETS**

3970 HON (3666)

H Olivier

(028) 313 8900

Hermanus Administration

12 October 2017

Executive Summary

An application has been received on 13 April 2017 from Messrs Engelbrecht & Scorgie on behalf of ME Roets on Erf 3970, Onrustrivier for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the street building line from 4m to 2,345m and the lateral building line with Erf 3696 from 2m to 0,2m to accommodate the existing garage.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) and in terms of Section 16(2)(b) to relax the street building line from 4m to 2,545m and the lateral building line with Erf 3969 from 2m to 0,2m to accommodate an existing single garage, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan dated June 2017, 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;
 - (d) that all the conditions in the Services Report, be complied with;
 - (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;
 - (f) that all the conditions of Telkom, be complied with;
 - (g) that all the conditions of Eskom, be complied with;
 - (h) that a boundary screen wall of 2,1m height be constructed to the

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

satisfaction of the Fire Department, and

- (i) that should any roof overhang or gutters traverse the property boundary, it be removed.
- 2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**43. ERF 2258, 63 DEMPERS STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : F WATERMEYER**

2258 HON (3675)

H Olivier

(028) 313 8900

Hermanus Administration

29 November 2017

Executive Summary

An application has been received on 11 May 2017 from F Watermeyer on Erf 2258, Onrustrivier for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line with Erf 2261 from 2m to 0,94m and the rear building line from 2m to 0,94m to accommodate a new tandem garage, and also to relax the 2m lateral building line with Erf 2257 to 1,257m to accommodate a new guest toilet and window changes on ground floor and a dormer window on first floor level.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) and in terms of Section 16(2)(b) to relax the lateral building line with Erf 2261 from 2m to 0,94m and the rear building line from 2m to 0,94m to accommodate a new tandem garage and also to relax the 2m lateral building line with Erf 2257 to 1,257m to accommodate a new guest toilet and window changes on ground floor and a dormer window on first floor, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan, submitted with the application (attached as Annexure B);
 - (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 the conditions in the Services Report, be complied with;
 - (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;
 - (f) that all the conditions of Telkom, be complied with, and

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (g) that all the conditions of Eskom, be complied with.
- 2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**44. ERF 117, 163 PIET RETIEF CRESCENT, SANDBAAI, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE : LM DE LANGE ON BEHALF
OF BEN DE LANGE TRUST**

117 HSB (3750)

H Boshoff

(028) 313 8900

Hermanus Administration

15 December 2017

Executive Summary

An application has been received on 11 August 2017 from LM de Lange on behalf of Ben De Lange Trust, applicable to Erf 117, Sandbaai in order to accommodate the existing 2,5m high street boundary walls that exceed the prescribed 2,1m height restriction.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) applicable to Erf 117, Sandbaai to accommodate the 2,5m high boundary walls facing Long Street and Piet Retief Crescent, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the Site Development Plans 117LDL/17 1 – 3 dated 28 June 2017 that was submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that all the applicable conditions of Engineering Services, be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**45. ERF 3891, 2 UNDER THE OAKS, ONRUS RIVER, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE: PC BOSHOF ON BEHALF
OF E AINSLIE**

3891 HON (3650)

H Olivier

(028) 313 8900

Hermanus Administration

30 November 2017

Executive Summary

An application has been received on 18 April 2017 from PC Boshoff on behalf of E Ainslie on Erf 3891, Onrustrivier for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the street building line from 4m to 1m to accommodate a converted carport with deck and pergola on top, and a proposed staircase to the deck.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) and in terms of Section 16(2)(b) on Erf 3891, Onrustrivier to relax the street building line from 4m to 1m to accommodate a converted carport with deck and pergola on top, and a proposed staircase to the deck, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan no. 3891/1/B dated 17 February 2017, 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;
 - (d) that all the conditions in the Services Report, be complied with;
 - (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;
 - (f) that all the conditions of Telkom, be complied with, and
 - (g) that all the conditions of Eskom, be complied with.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

46. ERF 2123, 30 AMBER AVENUE, VERMONT, OVERSTRAND MUNICIPAL AREA:: PROPOSED DEPARTURE: DC VAN ZYL

2123 HVM (3703)

H Olivier

(028) 313 8900

Hermanus Administration

30 November 2017

Executive Summary

An application has been received on 1 June 2017 from DC van Zyl on Erf 2123, Vermont for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the northern lateral building line from 2m to 1m to legalize the existing covered pergola.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) and in terms of Section 16(2)(b) to relax the northern lateral building line from 2m to 1m to legalize the existing covered pergola, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on plans no. A.01.1, A.01.2, A.01.3 and A.01.04, 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;
 - (d) that all the conditions in the Services Report, be complied with;
 - (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;
 - (f) that all the conditions of Telkom, be complied with, and
 - (g) that all the conditions of Eskom, be complied with.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

47. ERF 8353, KUYASA STREET, KLEINMOND, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: JP ROUX

8353 KKM (3614)

H van der Stoep

21 December 2017

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 3 February 2017 from JP Roux for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the street building line from 2m to 0m to accommodate a proposed carport.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 8353, Kleinmond for a departure to relax the street building line from 2m to 0,0m to accommodate a proposed new carport, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan numbers B6067-02 dated 1 November 2016, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (e) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**48. ERF 6323, CORNER OF TENTH AVENUE & THIRD STREET, KLEINMOND,
OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: E LUBBE**

6323 KKM (3640)

H van der Stoep

(028) 313 8900

Hermanus Administration

28 December 2017

Executive Summary

An application has been received on Erf 6323, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to exceed the maximum length restriction from 9m to 11,50m to erect a garage.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 6323, Kleinmond for a departure to exceed the maximum length restriction from 9m to 11,50m to erect a garage, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan numbers 172302/01, 172302/02 and 172302/03 dated 7 April 2017, 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;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

49. ERF 6986, 24 MARINE DRIVE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: THE BB JOUBERT FAMILY TRUST

6986 KKM (3655)

H van der Stoep

(028) 313 8900

Hermanus Administration

21 December 2017

Executive Summary

An application has been received on 20 April 2017 from the BB Joubert Family Trust in terms Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a departure in order to relax the street building line from 4m to 3,150m to erect a new shaded pergola over an existing patio.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 6986, Kleinmond for a departure in order to relax the street building line from 4m to 3,150m to erect a new shaded pergola over an existing patio, **be approved**, subject to the following conditions:
 - (a) that the building plan as submitted only be applicable for the relaxation and departure as indicated on Plan no. 170306/01, 02 and 03 dated 6 April 2017;
 - (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 owner/applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**50. ERF 3763, NIVENIA ROAD, BETTYS BAY: PROPOSED RELAXATION :
LYNXDESIGNS CUSTOMWORX (PTY) LTD ON BEHALF OF CJA
POTGIETER**

3763 KBB (3715)

H van der Stoep

(028) 313 8900

Hermanus Administration

23 December 2017

Executive Summary

An application has been received on 19 June 2017 from Lynx Designs Customworx (Pty) Ltd on behalf of CJA Potgieter in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a relaxation of Title Deed restrictions on Erf 3763, Betty's Bay to relax the street building line with Nivenia Road from 5m to 4m and the height restriction of 3m in terms of the Title Deed, in order to accommodate a garage over the afore-mentioned building line.

The restrictive conditions contained in Title Deed T25815/2003, condition 7. and 7.(i) reads as follows:

"7. No building or structure or any portion thereof except boundary walls and fences, shall, except with the consent of the Administrator, be erected nearer than 5m to the street line which forms a boundary of this erf..."

(i) an outbuilding used solely for the housing of motor vehicles and not exceeding 3m in height, measured from the ground floor of the outbuilding to the wall-plate thereof, may be erected within such side and rear spaces, and any other outbuildings of the same height may be erected within the rear space and side space..."

RESOLVED :

1. that the application for the relaxation of Title Deed T25815/2003, condition 7. and 7.(i), in terms of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 3763, Betty's Bay to relax the street building line with Arum Road from 5m to 4m and the height restriction of 3m in terms of the Title Deed, in order to accommodate a garage over the afore-mentioned building line, **be approved**, subject to the following conditions:

(a) that the building plan as submitted only be applicable for the relaxation as indicated on Plan Numbers 2017-005 (001 & 002) dated 18 April 2017 submitted with the application;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (e) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

51. ERF 743, 10 ROYAL STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED REZONING: WRAP ON BEHALF OF IMPERIAL CROWN TRADING 441 PTY LTD

743 HNC (3692)

H van der Stoep

(028) 313 8900

Hermanus Administration

22 December 2017

Executive Summary

An application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 has been received for the rezoning of Erf 743, Hermanus, from General Residential Zone I: Townhousing (GR1) to General Business Bulk Zone 1 (B1) to legalize the offices on the subject property.

RESOLVED :

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the rezoning of Erf 743, Hermanus, from General Residential Zone I: Townhousing (GR1) to General Business Bulk Zone 1 (B1) to legalize the offices on the subject property, **be approved**, subject to the following conditions:
 - (a) that this approval is in accordance to the development as indicated on Plan Numbers 5 and 6, which were submitted with the application;
 - (b) that any structural work be submitted to the Overstrand Heritage Committee and Heritage Western Cape for approval;
 - (c) that only one (1) access be retained along Royal Street;
 - (d) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (e) that a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (h) that all the conditions in the Services Report, be complied with;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (i) that the directive by the Overstrand Heritage Committee, be complied with, and
 - (j) 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.
- 2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

52. ERF 531, 9 MARINE DRIVE, WESTCLIFF, HERMANUS : PROPOSED DEPARTURE, AMENDMENT OF CONDITIONS OF APPROVAL AND AMENDMENT OF SITE DEVELOPMENT PLAN : PLAN ACTIVE ON BEHALF OF THE HERMANUS GUESTHOUSE TRUST

531 HWC (3646)

H van der Stoep

(028) 313 8900

Hermanus Administration

18 December 2017

Executive Summary

An application has been received on 13 April 2017 from Plan Active on behalf of The Hermanus Guesthouse Trust for the following:

- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 on Erf 531, Hermanus in order to relax the western and eastern lateral building lines from 4,5m to 3,5m & 1,5m respectively to accommodate the proposed new second storey flatlet;
- ❖ Amendment of the conditions of approval in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 applicable to Erf 531, Hermanus in order to accommodate proposed additions and alterations to the existing development on the property, and
- ❖ Amendment of the site development plan in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 applicable to Erf 531, Hermanus in order to accommodate proposed additions and alterations to the existing development on the property.

RESOLVED :

1. that the departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 531, Hermanus in order to relax the western and eastern lateral building lines from 4,5m to 3,5m & 1,5m respectively to accommodate the proposed new second storey flatlet, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the amendment of the conditions of approval in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 applicable to Erf 531, Hermanus in order to accommodate proposed additions and alterations to the existing development on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

3. that the amendment of the site development plan in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 applicable to Erf 531, Hermanus in order to accommodate proposed additions and alterations to the existing development on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in Points 1., 2. and 3. be subject to the following conditions:
 - (a) that this approval is only applicable to plan numbers 0715.200 I SP and 0715.100 I GS, dated 26 January 2017, as submitted with the application;
 - (b) that all condition stipulated in the approval letter dated 1 July 2015 remains applicable;
 - (c) 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;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (f) that all the conditions in the Services Report, be complied with, and
 - (g) that all conditions imposed by the Fire Department, be complied with.
5. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

Municipal Planning Tribunal

1. **ERF 5160, 6 DE VILLIERS STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS PLAN ACTIVE
ON BEHALF OF LIDIKO PROPERTY DEVELOPMENTS & OTHERS**

5160 HON (3618)

H Olivier

(028) 313 8900

Hermanus Administration

7 September 2017

Executive Summary

An application has been received on Erf 5160, Onrustvriër for a consent use for a four (4) bedroom guest house in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016.

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (the By-Law) on Erf 5160, Onrustvriër for a consent use to operate a four (4) bedroom guest house, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that development be in line with the site development plan 791/00 dated May 2017;
 - (b) that the owner at his/her own cost construct an aesthetically pleasing boundary wall/wooden fence on the common boundary with Erf 4176;
 - (c) that application be made to Heritage Western Cape before any building work/alterations be done on the property;
 - (d) that this approval must be acted on within three (3) years of the date of this approval, otherwise the approval will lapse;
 - (e) that the facility be utilized as a guesthouse only
 - (f) that the guest house only be utilized in line with the finally approved site development plan;
 - (g) that a maximum of four (4) bedrooms to be let, be permitted;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (h) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guest house;
- (i) that the guest house is utilized as such – no self-catering will be permitted;
- (j) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
- (k) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary Liquor Licence;
- (l) that a maximum of one (1) permanently demarcated parking bay per guest room and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Authorised Official;
- (m) 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;
- (n) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
- (o) that a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises, and that the existing flag pole be removed;
- (p) that the guest house be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
- (q) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
- (r) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
- (s) that should any building alterations be required building plans should be submitted to the Building Department for approval;
- (t) that all the conditions in the Services Report, be complied with;
- (u) that all conditions imposed by the Fire Department, be complied with;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (v) that no kitchen facilities and or prep bowls be allowed in the guest rooms;
 - (w) that all the conditions by Telkom, be complied with, and
 - (x) that all the conditions by Eskom, be complied with.
2. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**2. ERF 1583, 19 KWAAIWATER ROAD, EASTCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA : PROPOSED SUBDIVISION : MESSRS
PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF MJUT
VAN WIJNGAARDEN**

1583 HEC (3602)

P Roux

(028) 313 8900

Hermanus Administration

25 August 2017

Executive Summary

An application has been received on 1 March 2017 from Messrs Plan Active Town- and Regional Planners on behalf of the owner of Erf 1583, Eastcliff, Hermanus, MJUT van Wijngaarden, in terms of Section 16(2)(d) to subdivide Erf 1583, Eastcliff, Hermanus to create a Remainder measuring approximately 570m² and a new Portion A measuring approximately 545m² for residential purposes.

RESOLVED :

1. that the application to subdivide Erf 1583, Eastcliff (Kwaaiwater), Hermanus in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) in order to create a Remainder measuring approximately 570m² and a new Portion A measuring approximately 545m² for residential purposes, **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on the Subdivisional Plan as submitted with the application;
 - (b) that the garage be demolished if no building plan is submitted within twelve (12) months, to the satisfaction of the Building Department;
 - (c) that only one dwelling, with subservient outbuildings, be constructed on each of the subdivided properties and that a condition to this effect be included in the title deed of the each property;
 - (d) that should the property owner wish to act on the building plan approved prior to this approval then a new building plan must be resubmitted to the Building Department on the new erf numbers and/or with the new or amended Title Deeds and demonstrating compliance with the Scheme Regulations;
 - (e) that the conditions in the Services Report, be complied with;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (f) that the conditions compiled by the Electrical Services, is complied with, and
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
- 2. that the applicant/objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

3. **ERF 8395, 65 LAVENDER STREET, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND CONSENT USE : M MOHAMUD ON BEHALF OF YP MBALI**

8395 KKM (3341)

H van der Stoep

(028) 313 8900

Hermanus Administration

7 September 2017

Executive Summary

Applications have been received on 29 June 2016 from M Mohamud on behalf of YP Mbali on Erf 8395, Kleinmond for the following:

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 with reference to Clause D.1 of Title Deed T56782/2015 applicable to Erf 8395, Kleinmond, to enable the owners to operate a house shop on the subject property.

The restrictive title condition Clause D.1. reads as follows:

“1. The Company reserves to itself and its successors in title the sole right to all Hotels and Liquor licences and no purchasers of erven or their successors in title shall erect any hotel or hold any liquor licence or general dealer’s licence without the written consent of the directors of the company or its successors in title first had and obtained, and no shop, store or business shall be erected or opened on any stands herein sold without the written permission of the company by its directors or its successors in title first had and obtained thereto.”

- ❖ Consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 on Erf 8395, Kleinmond in order to utilize a portion of the existing dwelling as a house shop.

RESOLVED :

1. that the application for the removal of title deed restriction in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) as per Clause D.1 of Title Deed T56782/2015 applicable to Erf 8395, Kleinmond, **be approved**;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

2. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 for a consent use in order to utilize a portion of the existing dwelling on Erf 8395, Kleinmond, as a house shop, **be approved**, subject that the house shop be lessened with 4m² or the dwelling be enlarged with 4m² to comply with the National Building Regulations, and
3. that the applicant/objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**4. ERF 4424, 14 DUIKER STREET, NORTHCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: PROPOSED REMOVAL OF RESTRICTIVE
CONDITIONS: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS
ON BEHALF OF C & N MOSTERT**

4424 HNC (3479)

**H van der Stoep
2 October 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 17 November 2016 from Messrs Plan Active Town & Regional Planners (Ms. M Lerm) on behalf of C & N Mostert on Erf 4424, Hermanus for the removal of a restrictive title condition in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 with reference to Clause C.1. of Title Deed T10790/2014, in order to operate a home occupation (swimming school) on the property concerned.

The Title Deed condition C.1. to be removed reads as follows:

“That this erf be used for residential purposes only.”

RESOLVED :

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 4424, Hermanus for the removal of restrictive condition Clause C.1. of Title Deed T10790/2014 in order to operate a home occupation (swimming school) on the property concerned, **be amended**, to read as follows:

“The property is used primarily for residential purposes and a home occupation be allowed subservient to the residential use.”

2. that the approval in Point 1. be subject to the following conditions:
 - (a) that the swimming school be allowed for a probation period of twelve (12) months after which it will be re-evaluated to ensure compliance by the owners to manage the parking of clientele;
 - (b) that the amount of pupils and other users be restricted to four (4) people per lesson;
 - (c) that the lessons be at 15 minutes intervals;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (d) that parking be provided on-site as per parking layout herm4424sdp-rev1.drw dated March 2017;
 - (e) that no parking of clientele in front of neighbouring erven be allowed;
 - (f) that the owners manage the parking and ensure compliance with the proposed 15 minutes intervals;
 - (g) that the operation hours are Monday to Friday between 10:00 and 17:30;
 - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (i) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (j) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (k) that all the conditions in the Services Report (attached as Annexure G), be complied with, and
 - (l) that the rights may not be transferred.
3. that the applicant/objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**5. ERF 1287, 305 MAIN ROAD, EASTCLIFF, HERMANUS : PROPOSED
CONSENT USE AND DEPARTURE : SM SMITH ON BEHALF OF THE JUS-
TAY TRUST**

1287 HEC (3585)

P Roux

(028) 313 8900

Hermanus Administration

17 October 2017

Executive Summary

An application has been received on 17 February 2017 from SM Smith on behalf of the owners of Erf 1287, Hermanus, the Jus-Tay Trust, for the following:

- consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to establish a guest house (five (5) bedrooms) on the property;
- departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the street building line with Golf Road from 4m to 2m to accommodate the first storey's balconies for Suites 3 – 5; and
- departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line from 2m to 0,9m.

RESOLVED :

1. that the objections be noted;
2. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application for a departure on Erf 1287, Hermanus to relax the street building line with Golf Street from 4m to 2m to accommodate the first storey's balconies for Suites 3 – 5, **not be approved** in terms of the provisions of Section 61 of the By-Law, due to the following reasons:
3. that, in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application for consent use on Erf 287, Hermanus in order to operate a five (5) bedroom guest house on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016, the application for a departure to relax the lateral building line from 2m to 0,9m, **be approved** in terms of the provisions of Section 61 of the By-Law;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

5. that the recommendation in 3. and 4. above be subject to the following conditions:
 - (a) that this approval only has reference to the Site Plan as submitted with the application;
 - (b) that all the conditions in the comment from Fire Services and the Services Report, be complied with;
 - (c) that building plans be submitted to the Building Department for approval and that all comments from the Fire and Building Departments be adhered to at that stage;
 - (d) that the facility be utilized as a **guest house only**;
 - (e) that a maximum of five (5) bedrooms to be let in the main dwelling, be permitted;
 - (f) that the owner/manager resides on the premises;
 - (g) that the guest house is utilized as such - no self-catering will be permitted;
 - (h) 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;
 - (i) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (j) that a minimum of one (1) permanently demarcated parking bay per guest room (as indicated on the Site Plan submitted) and two (2) for the owner/manager be provided within the erf boundaries;
 - (k) that the applicable rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (l) 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;
 - (m) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (n) that guests of the guest house and delivery trucks can only obtain vehicular access onto the property from Main Road;
 - (o) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (p) that all signage and advertisement are indicative that the main access to the guest house is obtained from Main Road;
 - (q) that no on street parking is permitted;
 - (r) that deliveries to the guest house can only be made with a 3500kg truck;
 - (s) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (t) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
6. that the applicant/objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

6. ERF 6201, 17 DE GOEDE STREET, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTONS AND DEPARTURE : MESSRS PLAN ACTIVE ON BEHALF OF PLASTIKA INVESTMENTS CC

6201 HWC (3542)

H van der Stoep

(028) 313 8900

Hermanus Administration

25 September 2017

Executive Summary

An application has been received on 2 December 2016 from Messrs Plan Active on behalf of Plastika Investments CC on Erf 6201, Hermanus for the following:

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the removal of the restrictive condition in Title Deed T28849/2015, Page 2, Paragraph A(a):

“(a) That the above erf be used for residential purposes only;”

- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to depart from the Overstrand Zoning Scheme, to allow home occupation and in terms of Section 5.1.8, which restrict home occupation to 25% of the building.

RESOLVED :

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 6201, Hermanus for the removal of restrictive Condition A.(a) of Title Deed T28849/2015, **not be approved**, due to the following reasons:
 - (a) to ensure that the erf is used primarily for residential purposes and not used for speculation;
 - (b) the rotating system as proposed is not viable, since it is impossible to manage and control;
 - (c) that the character is still predominantly residential in nature and therefore it will be in the best interest of the community not to remove the condition, but rather amend.
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 6201, Hermanus for

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

the removal of restrictive condition A.(a) of Title Deed T28849/2015, **be amended**, to read as follows:

“the erf be used primarily for residential purposes and a home occupation for doctors’ consulting rooms be allowed, subservient to the residential use and that the home occupation not be transferrable.”

3. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 6201, Hermanus to depart from the requirement of the development parameters of a home occupation, **be approved**, subject to the following conditions:
 - (a) that the home occupation depart from the stipulated 25% restricted to the ground floor (50%) as indicated on Drawing D.1077.H, Sheet 2 of 3 and 3 of 3, dated 2016/10/07, as submitted with the application;
 - (b) that the personnel of the practice be restricted to five (5) people at any given time on the property;
 - (c) that the owner or assistant resides permanently on the property;
 - (d) that parking be provided as indicated on the site plan D.1077.H, Sheet 1 of 3, dated 2016/10/07, as submitted with the application;
 - (e) that the erf may not be subdivided, should the home occupation remain at 50% of the structures;
 - (f) should the erf be subdivided the Zoning Scheme requirements for occupation applies and the approval for 50% home occupation is null and void;
 - (g) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (h) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (i) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (j) that all the conditions in the Services Report, be complied with.
4. that the applicant/objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

**7. ERF 102, 86 WESTCLIFF ROAD, WESTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE
CONDITIONS AND CONSENT USE : KL STURMAIR ON BEHALF OF DE
WESTCOTT**

102 HWC (3608)

H van der Stoep

(028) 313 8900

Hermanus Administration

29 September 2017

Executive Summary

An application has been received on 6 March 2017 from KL Sturmair on behalf of DE Westcott on Erf 102, Hermanus for the following:

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the removal of the restrictive condition Clause B(a) in Title Deed T68733/2015 applicable to Erf 102, Hermanus:

“(a) That this erf be used for residential purposes only.”

- ❖ Consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to enable the owners to utilize the existing dwelling house on Erf 102, Hermanus as a guesthouse with four (4) lettable rooms.

RESOLVED :

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 102, Hermanus for the removal of restrictive condition B(a) in Title Deed T68733/2015, **be amended**, to read as follows:

“The property is used primarily for residential purposes and a guesthouse be allowed subservient to the residential use.”

2. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 102, Hermanus for a consent use to operate a three (3) bedroom guesthouse, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

- (a) that the development be in line with Site Development Plan 2017/03/6, dated March 2017;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (b) that parking be provided as per Site Plan 2017/03/6, dated March 2017;
- (c) that a maximum of three (3) bedrooms to be let, be permitted;
- (d) that this approval must be acted on within three (3) years of the date of this approval, otherwise the approval will lapse;
- (e) that the facility be utilized as a guesthouse only
- (f) that the guest house only be utilized in line with the finally approved Site Development Plan;
- (g) that no kitchen facilities and or prep bowls be allowed in the guest rooms;
- (h) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guest house;
- (i) that the guest house is utilized as such – no self-catering will be permitted;
- (j) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
- (k) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary Liquor Licence;
- (l) that a maximum of one (1) permanently demarcated parking bay per guest room and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Authorised Official;
- (m) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
- (n) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
- (o) that a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises, and that the existing flag pole be removed;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 February 2018
(Also the agenda for the Mayoral Committee Meeting : 28 February 2018)**

- (p) that the guest house be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (q) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (r) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (s) that should any building alterations be required building plans should be submitted to the Building Department for approval;
 - (t) that all the conditions in the Services Report, be complied with, and
 - (u) that all conditions imposed by the Fire Department, be complied with.
3. that the applicant/objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval