

PORTFOLIO COMMITTEE :
INFRASTRUCTURE & PLANNING

Chairperson :

Cllr K Brice

Committee Members :

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

PORTEFEULJEKOMITEE :
INFRASTRUKTUUR & BEPLANNING

Voorsitter :

Rdl K Brice

Komiteelede :

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

INFRASTRUCTURE & PLANNING PORTFOLIO COMMITTEE
INFRASTRUKTUUR & BEPLANNING PORTEFEULJEKOMITEE

20 March 2018

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

15/3/11

R van Antwerp
23 February 2018

(028) 313 8039

Hermanus Administration

1. Executive Summary

To report on applications disposed of by the Senior Manager : Town- & Spatial Planning in terms of the Land Use Planning Ordinance (LUPO) and Authorised Official in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 23 January 2018 – 23 February 2018 as well as applications that served before the Municipal Planning Tribunal on 24 January 2018.

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

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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 Senior Manager : Town- & Spatial Planning in terms of the Land Use Planning Ordinance (LUPO) and Authorised Official in terms of SPLUMA for the period 23 January 2018 – 23 February 2018 as well as applications that served before the Municipal Planning Tribunal on 24 January 2017:

Land Use Planning Ordinance (LUPO) Approval

- | | |
|-----------------------|-----------------|
| 1. Erf 3143, Gansbaai | 9 February 2018 |
|-----------------------|-----------------|

Spatial Land Use Management Act (SPLUMA) Approvals

- | | |
|----------------------------|------------------|
| 1. Erf 1459, Franskraal | 26 January 2018 |
| 2. Erf 2147, Pearly Beach | 26 January 2018 |
| 3. Erf 1787, Sandbaai | 1 February 2018 |
| 4. Erf 283, Stanford | 1 February 2018 |
| 5. Erf 874, Hermanus | 1 February 2018 |
| 6. Erf 5858, Hermanus | 1 February 2018 |
| 7. Erf 5711, Hermanus | 1 February 2018 |
| 8. Erf 6133, Kleinmond | 9 February 2018 |
| 9. Erf 4488, Hermanus | 9 February 2018 |
| 10. Erf 3525, Kleinmond | 9 February 2018 |
| 11. Erf 4143, Hermanus | 9 February 2018 |
| 12. Erf 3891, Onrustrivier | 9 February 2018 |
| 13. Erf 2506, Hermanus | 13 February 2018 |
| 14. Erf 210, Gansbaai | 23 February 2018 |

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Municipal Planning Tribunal

- | | | |
|----|--|-----------------|
| 1. | Portion 25 (Portion of Portion 2) of the farm
Riverside No. 644, Division Caledon | 24 January 2018 |
| 2. | Erf 1391, Hawston | 24 January 2018 |
| 3. | Erf 3023, Kleinmond | 24 January 2018 |
| 4. | Erf 593, Vermont | 24 January 2018 |
| 5. | Erf 3965, Betty's Bay | 24 January 2018 |
| 6. | Erf 4174, (Unregistered Remainder), Hermanus | 24 January 2018 |

RESPONSIBLE OFFICIAL : **R VAN ANTWERP**

TARGET DATE FOR IMPLEMENTATION : **11 APRIL 2018**

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

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

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

**15/3/11
R van Antwerp (028) 313 8039 Hermanus Administration
23 February 2018**

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

RESPONSIBLE OFFICIAL :	R VAN ANTWERP
TARGET DATE FOR IMPLEMENTATION :	11 APRIL 2018
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

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Land Use Planning Ordinance (LUPO) Approval

**1. ERF 3143, 82 LEEUBEKKIE STREET, GANSBAAI (BLOMPARK) :
PROPOSED CONSENT USE (HOUSE SHOP) : E EUROPA**

3143 GBP (2696)

SW van der Merwe

(028) 313 8900

Hermanus Administration

8 October 2015

Executive Summary

To consider an application for consent use received on 15 September 2014 from the owner of Erf 3143, Gansbaai (Blompark), E Europa to conduct a house shop from a portion of the existing property.

RESOLVED :

1. that the application for consent use in order to enable the applicant to conduct a house shop on Erf 3143, Gansbaai (Blompark) in terms of the provisions of Section 2.2. of the Overstrand Zoning Scheme Regulations, **be approved**, subject to the following conditions:
 - (a) that a revised Site Development Plan be submitted for approval by the Senior Manager: Town- and Spatial Planning, indicating the floor area of the house shop, including storage area, shall not exceed 25% of the floor area of the dwelling unit or 30m², whichever is the most restrictive;
 - (b) the house shop **may not be conducted** prior to the completion of the proposed additions as indicated on the Site Development Plan submitted with the application;
 - (c) that building plans be submitted to the Building Department for approval;
 - (d) that all the conditions imposed by the Senior Manager: Operational Services, be adhered to;
 - (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;

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- (g) that no more than one vehicle, not exceeding 3500kg gross weight, may be utilized to make deliveries at the house shop at any one time;
- (h) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building) and for security and protection of surrounding properties, patrons, vehicles, etc. to the satisfaction of the Senior Manager: Town- and Spatial Planning;
- (i) that the house shop may not be used for the purposes of noxious trade, risk activity, sale of alcoholic beverages, place of entertainment or gambling purposes;
- (j) that no products, goods or supplies connected to the house shop may be stored on the property outside the building;
- (k) that a single non-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
- (l) that the trading hours of business only be between:

Monday to Friday: 08:00 to 17:00
Saturday: 08:00 to 13:00, and that should the hours of business be extended in terms of the proposed House Shop Policy, such hours of operation will be applicable;
- (m) that the number of people employed be restricted to three (3);
- (n) that the owner/manager resides on the premises;
- (o) that a Certificate of Acceptability from the Health Section of the Overberg District Council and Fire Prevention Certificate be obtained from the Municipal Fire Department;
- (p) that the approval is not transferable, and the house shop area may not be sublet to any other person by the applicant;
- (q) that this consent use approval is valid for a maximum period of five (5) years, after which it will expire if application is not made for the extension of the validity period within the five (5) year period;
- (r) that on-site parking be provided to the satisfaction of the Senior Manager: Town- and Spatial Planning;

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- (s) 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;
 - (t) that application is made for a Business Licence at the Overstrand Municipality prior to operation of the house shop;
 - (u) that no accumulation of refuse occur on the premises, and
 - (v) that there be no trading in flammable liquids or liquid petroleum gas products on the premises.
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 decision.

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Spatial Land Use Management Act (SPLUMA) Approvals

1. ERF 1459, 5 ELANA CRESCENT, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : D MOMBERG

1459 GFK (3360)

SW van der Merwe

8 January 2018

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 5 July 2016 from the owner of Erf 1459, Franskraal, D Momberg, for a departure of the 2m lateral building line to 0,6m, in order to accommodate a proposed garage.

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 1459, Franskraal in order to relax the lateral building line from 2m to 0,6m to accommodate the proposed garage, **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 the building plans referred to in paragraph (b) with regard to the existing first floor development shall indicate the necessary alterations to ensure compliance with the Scheme Regulations to the satisfaction of the Municipality, prior to the approval of building plans;
 - (d) that the conditions compiled in the Services Report, 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 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.

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**2. ERF 2147, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA:
PROPOSED DEPARTURE : LC BODINGTON**

2147 GPB (3849)

**SW van der Merwe
8 January 2018**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 15 November 2017 from the property owner, LC Bodington, on Erf 2147, Pearly Beach for a departure from the Pearly Beach Resort Development Rules to provide one (1) on-site parking bay in lieu of two (2).

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 provide one on-site parking bay in lieu of two, **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 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

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**3. ERF 1787, CORNER OF SCHULPHOEK AND BERGSIG STREET,
SANDBAAI, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR
DEPARTURES : MESSRS WRAP ON BEHALF OF THE SRP FAMILY TRUST**

1787 HSB (3615)

H Boshoff

(028) 313 8900

Hermanus Administration

21 September 2017

Executive Summary

An application has been received on 10 March 2017 from Messrs WRAP on behalf of the SRP Family Trust applicable to Erf 1787, Sandbaai for the following:

Departures

Application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to:

- relax the north eastern lateral building line from 2m to 0m to accommodate the extension of the existing garage (enclosed loading bay);
- exceed the 12m height restriction with 6,5m and 150mm in order to accommodate the existing silos on the property, and
- to relax the 7,5m height restriction of structures as contained in the approved Hermanus Business Park Design Guide document in order to accommodate the existing silos 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) applicable to Erf 1787, Sandbaai in order to relax the north eastern lateral building line from 2m to 0m to accommodate the extension of the existing garage (enclosed loading bay), **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) the building line encroachment is only for the development as indicated on Plan Numbers LENVALCO3 and 4 dated 19 April 2015, which was submitted with the application;

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- (b) that the landowner submits an Environmental Management Plan to the Municipality for approval in accordance with Regulations 8.1.5 and 16.4 of the Overstrand Zoning Scheme, which plan must, amongst others, address the upgrading and maintenance of the Schulphoek Road road reserve in front of the property, dust control, the protection of the municipal storm water system, vehicular movement, as well as the overall maintenance of the subject property – such document must be compiled by a competent person and be submitted to the municipality within six (6) months from the date of the final outcome of the application (irrespective of the outcome thereof), and the management plan must immediately be implemented by the landowner upon approval thereof;
 - (c) that no vehicles/trucks associated with the enterprise may be cleaned or parked on the adjacent Erf 1792 or road reserve at any given time, all activities are to be confined within the boundaries of Erf 1787, Sandbaai;
 - (d) that the applicant submit a Site Development Plan and Operational Plan with reference to the washing of vehicles, servicing of vehicles and removal and dealing of cement sludge on the premises;
 - (e) that the conditions of Operational Services, Engineering Services, Environmental Services and Telkom respectively, be adhered to;
 - (f) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (h) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. 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) applicable to Erf 1787, Sandbaai in order to exceed the 12m height restriction with 6,5m in order to accommodate an existing 18,5m high silo, **be refused** in terms of the provisions of Section 61 of the By-Law;

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3. 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) applicable to Erf 1787, Sandbaai in order to exceed the 7,5m height restriction set out in the Hermanus Business Park Owners Design Guide Document with 150mm in order to accommodate the lower 7,650m silo, **be refused** in terms of the provisions of Section 61 of the By-Law;
4. that the refusal of Points 3. and 4. are due to the following reasons:
 - (a) the higher of the two silos have a significant negative visual impact on the greater surrounding developed area;
 - (b) the height of the silos are not in line with the statutory approved design guidelines of the Hermanus Business Park and will lead to the creation of an unwanted precedent;
 - (c) it is regarded as being undesirable from a town planning point of view, and the negative impact from an aesthetical point of view; and
 - (d) the applicant submitted proof that PPC Cement will supply silos that are in line with the requirements of the Hermanus Business Park Guideline Document.
5. 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 decisions.

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**4. ERF 283, 2 MORTON STREET, STANFORD : PROPOSED AMENDMENT OF
SITE DEVELOPMENT PLAN : MESSRS WRAP CONSULTANCY ON
BEHALF OF ML WOLTERS**

283 SSN (3735)

P Roux

(028) 313 8900

Hermanus Administration

19 January 2018

Executive Summary

An application has been received on Erf 283, Stanford from Messrs WRAP Consultancy on behalf of ML Wolters in terms of Section 16(2)(l) for an amendment of the approved Site Development Plan in order to convert the existing cottages on the property into a bar.

RESOLVED :

1. that the application in terms of Section 16(2)(l) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (the By-Law) on Erf 283, Stanford for an amendment of the approved Site Development Plan in order to convert the existing cottages on the property into a bar, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval only has reference to the Site Development Plan as submitted with the application;
 - (b) that a Site Development Plan be submitted for approval by the Senior Manager: Town and Spatial Planning;
 - (c) that the 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;
 - (e) that the conditions as stipulated in the Services Report, be complied with;
 - (f) that the conditions as stipulated by District Health and the Fire Department, be complied with;
 - (g) that plans be submitted to the Building Department for approval and that relevant approval and comment in terms of Heritage Western Cape be acquired at that stage;

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- (h) that the building plans submitted to the Building Department indicate measures to dampen and mitigate noise pollution;
 - (i) that a landscape plan be submitted to the Building Department;
 - (j) that no place of entertainment be conducted on the property without the prior consent from the Municipality;
 - (k) that should complaints be received, regarding noise pollution, the property owner at his/her cost appoint a specialist to conduct a noise impact assessment in accordance with SANS 10328 to establish whether the noise impact rating of the proposed land use or activity exceeds the appropriate rating level for a particular district as indicated in SANS 10103;
 - (l) that disabled parking, toilet and access be provided in compliance with SANS 10400 and to the satisfaction of the Manager : Building Department, and
 - (m) that approval is obtained from the Liquor License Authority before the operation of the bar;
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.

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5. ERF 874, 181 MAIN ROAD, HERMANUS : PROPOSED CONSENT USE : PC KUNZ ON BEHALF OF TOWILL INVESTMENTS CC

874 HEC (3790)

P Roux

(028) 313 8900

Hermanus Administration

29 December 2017

Executive Summary

An application has been received on Erf 874, Hermanus (Eastcliff) from PC Kunz on behalf of Towill Investments CC in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a consent use in order to accommodate live entertainment on the property concerned.

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 874, Hermanus for a consent use to operate a place of entertainment (live entertainment), **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that the conditions as stipulated by the Fire Department, be complied within thirty (30) days of the date of approval;
 - (d) that the conditions as stipulated in the Services Report, be complied with;
 - (e) that in terms of the Noise Control Regulations promulgated under the Environment Conservation Act, 1989 [Act 73 of 1989], the music volumes emanating from the premises at all times be controlled in such a manner that it adds less than 7dB(A) to the ambient noise levels;
 - (f) that before the issuing of a business license, the property owner at his/her cost appoint a specialist to conduct a noise impact assessment in accordance with the relevant legislation and at the Municipalities request additional amendments be made to the structure to dampen noise emanating from the building;

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- (g) that disable parking, toilet and access be provided in compliance with SANS 10400 and to the satisfaction of the Manager: Building Department;
 - (h) that should any building alterations be required, building plans should be submitted to the Building Department for approval, and
 - (i) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
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.

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6. ERF 5858, 32 RAED-NA-GAEL STREET, HERMANUS : PROPOSED DEPARTURE : MESSRS PLAN ACTIVE ON BEHALF OF VG MOMO

5858 HHH (5858)

P Roux

(028) 313 8900

Hermanus Administration

9 January 2018

Executive Summary

An application has been received on Erf 5858, Hermanus from Messrs PlanActive Town- and Regional Planners on behalf of VG Momo in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a departure applicable to the above property, in order to:

- construct a retaining wall higher than 1,5m within the street building line;
- exceed the prescribed 2,1m height restriction for boundary walls; and
- allow filling of more than a metre within the street building line.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (the By-Law) on Erf 5858, Hermanus for a departure applicable to the above property, in order to:

- ❖ construct a retaining wall higher than 1,5m within the street building line;
- ❖ exceed the prescribed 2,1m height restriction for boundary walls, and
- ❖ allow filling of more than a metre within the street building line,

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 for approval to the Building Department and that the relevant Building and Fire Regulations be complied with at that stage;
- (c) that the conditions as stipulated in the Services Report, be complied with;
- (d) that the conditions as stipulated by Telkom, be complied with;
- (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and

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- (f) that the 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.

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**7. ERF 5711, 56 CANTERBURY STREET, WESTCLIFF, HERMANUS:
OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE: MESSRS
PLAN ACTIVE ON BEHALF OF W & C BLIGNAUT**

5711 HWC (3672)

**H van der Stoep
29 December 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 8 May 2017 from in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a consent use in order to continue the operation of a pre-school (Mulberry Bush) in the existing dwelling house on the property concerned.

RESOLVED :

1. that the application for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 on Erf 5711, Hermanus in order to continue the operation of a pre-school ("Mulberry Bush") in the existing dwelling house on the property concerned, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that a portion of the dwelling (4 classrooms) be allowed to be utilized for a pre-school and the remainder as a residence;
 - (b) that the amount of children not exceed twenty (20) children;
 - (c) that parking be provided on-site for four (4) vehicles and a drop and go facility, as indicated on Plan Number her5711(5).drw dated 03/2017;
 - (d) that the Site plan her5711(5)drw dated 3/2017 be amended, indicating the locality of the classrooms and the residential area within three (3) months of approval;
 - (e) that a building plan be submitted within three (3) months of approval indicating which sections of the dwelling is used as pre-school and residential;

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- (f) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (g) that the owners and their 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 their successors in title fail to comply with such condition, they will themselves make themselves liable to further legal action;
 - (h) that this approval does not absolve the owner/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 should any building alterations be required 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;
 - (k) that all the conditions in the Services Report, be complied with,
 - (l) that all conditions imposed by the Fire Department, be complied with.
2. that the applicants 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.

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**8. ERF 6133, 48 DORINGBOOM AVENUE, KLEINMOND, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE : D AND N CRAFFORD**

6133 KKM (3717)

H van der Stoep

(028) 313 8900

Hermanus Administration

9 January 2018

Executive Summary

An application has been received on 26 June 2017 from D and N Crafford on Erf 6133, 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 relax the lateral building line adjacent to Erf 6132 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, 2015 (the By-Law) on Erf 6133, Kleinmond for a departure to relax the lateral building line adjacent to Erf 6132 from 2m to 0m to accommodate a proposed carport, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval be strictly be in accordance with Plan Number 170307/01, dated 15 September 2017, as submitted with the application;
 - (b) that the carport may not be enclosed on more than two (2) sides in terms of Section 3.15 of National Building Regulations SANS 10400T : 2011;
 - (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 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;
 - (f) that all the conditions in the Services Report, be complied with, and
 - (g) that all the conditions of Telkom, be complied with.

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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 decision.

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**9. ERF 4488, 22 MOUNTAIN DRIVE, NORTHCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE :
D MATHEWS ON BEHALF OF SA BARTLETT**

4488 HNC (3805)

H van der Stoep

16 January 2018

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 3 October 2017 from D Mathews on behalf of SA Bartlett on Erf 4488, Hermanus for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to relax the rear building line from 2m to 1,152m to accommodate the encroachment of the existing building as well as the proposed additions to the building.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (the By-Law) on Erf 4488, Hermanus for a departure in order to relax the rear building line from 2m to 1,152m to accommodate the encroachment of the existing building (to enclose the pool terrace), **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval be strictly be in accordance with Plan Numbers LAD-17-4488-01/03, 17-4488-01/04 and 17-4488-01/05 dated 2 October 2017, as submitted with the application;
 - (b) that the departure be restricted to only the enclosure of the pool terrace;
 - (c) that the pool terrace may not be converted into a habitable space and or second dwelling and or room;
 - (d) that no future departures will be accepted without a removal of restriction application;
 - (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 other development parameters as prescribed in the relevant Zoning Scheme, be complied with;

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- (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (h) 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.

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10. ERF 3525, 18 DF MALHERBE STREET, KLEINMOND : PROPOSED DEPARTURE : MESSRS OVERSTRAND ARCHITECTURE ON BEHALF OF THE SUSANNA CATARINA DU TOIT TRUST

3525 KKM (3734)

H van der Stoep

(028) 313 8900

Hermanus Administration

28 December 2017

Executive Summary

An application has been received on 12 July 2017 from Messrs Overstrand Architecture (MCF de Jager) on behalf of the Susanna Catarina du Toit Trust on Erf 3525, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the northern lateral building line with Erf 3526 from 2m to 0m to accommodate an extension to the existing store room.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (the By-Law) on 3525, Kleinmond for a departure to relax the northern lateral building line with Erf 3526 from 2m to 0m to accommodate an extension to the 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 development as indicated on the plans dated 20 June 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 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.

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11. ERF 4143, 317 EIGHTH STREET, HERMANUS (VOËLKLIP) : APPLICATION FOR DEPARTURE : T HALBISCH ON BEHALF OF COALITION TRADING 357 (PTY) LTD

4143 HVK (3733)

H Boshoff

(028) 313 8900

Hermanus Administration

27 December 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, 2015 has been received on 12 July 2017 from T Halbisch on behalf of Coalition Trading 357 (Pty) Ltd applicable to Erf 4143, Hermanus (Voëlklip) for the relaxation of the south eastern lateral building line from 2m to 1,1m in order to accommodate a new en-suite bathroom to the main bedroom of the dwelling.

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, 2015 (By-Law) applicable to Erf 4143, Hermanus (Voëlklip) to relax the south eastern lateral building line from 2m to 1,1m in order to accommodate a section of an en-suite bathroom, **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 number 2017-025 (undated) that was submitted with the application;
 - (b) that the relevant conditions/requirements of Engineering Services, be adhered to;
 - (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 building plans be submitted to the Building Department for approval, and that all relevant 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, 2015 with regard to the above conditions of approval.

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

3891 HON (3770)

H Olivier

(028) 313 8900

Hermanus Administration

1 February 2018

Executive Summary

An application has been received on 31 August 2017 from PC Boshoff on behalf of E Ainslie on Erf 3891, 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 street building line from 4m to 0m and the lateral building line from 2m to 0m to accommodate a new shade port.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 20156 (By-Law) and in terms of Section 16(2)(b) on Erf 3891, Onrustvriër to relax the street building line from 4m to 0m and the lateral building line with Erf 3892 from 2m to 0m to accommodate a new shade port, **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. 3891/9 dated 15/08/2017, 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.
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.

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13. ERF 2506, c/o ELEVENTH STREET AND SEVENTH AVENUE, VOËLKLIIP, HERMANUS, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR DEPARTURE : MESSRS ZKA ARCHITECTURE ON BEHALF OF THE WLC TRUST

2506 HVK (3702)

H Boshoff

(028) 313 8900

Hermanus Administration

23 January 2018

Executive Summary

An application for departure applicable to Erf 2506, Hermanus (Voëlkliip) has been received on 30 May 2017 from Messrs ZKA Architecture on behalf of the WLC Trust in order to relax the southern street building line from 4m to 1,46m in order to accommodate a new timber deck, open pergola and a swimming pool.

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, 2015 (By-Law) applicable to Erf 2506, Hermanus (Voëlkliip) for the relaxation of the southern street building line from 4m to 1,46m in order to accommodate a timber deck, an open pergola and swimming pool, **be refused** in terms of the provisions of Section 61 of the By-Law:
2. that the refusal in paragraph 1. above are for the following reasons:
 - (a) the structures under discussion (except the pergola) have already been constructed illegally and deviates from the dimensions of the approved building plans (height from ground level and height of boundary walls), as well as from the contents of the application documentation;
 - (b) the owner deviated from the height of the boundary walls as per the approved building plans, which walls are at some points even higher than the maximum allowable 2,1m height - the afore-mentioned detracts from the general character of the streetscapes in the area as it leads to a sense of narrowness of the street;
 - (c) the deck area with swimming pool and open braai is a full blown entertainment area and together with the existing illegal height from the natural ground level it will most probably result in a nuisance to the guests of the Birkenhead House hotel thus infringing upon the vested rights of the objector and surrounding property owners;
 - (d) the building line encroachment is excessive in nature, thus undesirable from a town planning point of view, and

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- (e) the combination of the inconsistencies between the approved building plans and the illegal construction of the proposed additions do not truly reflect what was presented in the application documentation resulting in false and misleading information that ultimately results that a proper informed decision cannot be made.
- 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, 2015 with regard to the above decision.

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**14. ERF 210 GANSBAAI (MASAKHANE), OVERSTRAND MUNICIPAL AREA :
PROPOSED REZONING, SUBDIVISION, DEPARTURE, AMENDMENT OF
THE OVERSTRAND GROWTH MANAGEMENT STRATEGY AND
APPROVAL OF STREET NAMES : MASAKHANE AFFORDABLE HOUSING
PROJECT : MESSRS URBAN DYNAMICS ON BEHALF OF OVERSTRAND
MUNICIPALITY**

210 GGB (3723)

**SW van der Merwe
6 February 2018**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 4 July 2017 from Messrs Urban Dynamics on behalf of the Overstrand Municipality in terms of the Overstrand Municipal Land Use Planning Bylaw, 2015 on Erf 210, Gansbaai (Masakhane) for the following:

Application Area A

- subdivision of Erf 210 in terms of Section 16(2)(d) to create Application Area A ($\pm 26,62$ ha);
- rezoning in terms of Section 16(2)(a) of Application Area A from Undetermined Zone to Subdivisional Area;
- subdivision in terms of Section 16(2)(d) in order to create 1184 Less Formal Development Zone, 5 Community Zone 1, 6 Business Zone 3, 7 Open Space Zone 2 (public open space) and Transport Zone 2 (public road) erven;
- departure in terms of Section 16(2)(b) in order to relax the street building line from 2m to 1m and lateral building lines applicable to the proposed less formal development zone erven from 1m to 0m (only one lateral building line of the respective erven will be relaxed);
- deviation of the Overstrand Growth Management Strategy (2010) in order to provide a gross residential density of 45 units in lieu of the 20 - 30 units per hectare; and
- approval of new street names in terms of Section 96 of the Overstrand By-Law on Municipal Land Use Planning, 2015.

Application Area B

- subdivision of Erf 210 in terms of Section 16(2)(d) to create Application Area B ($\pm 6,81$ ha);
- rezoning in terms of Section 16(2)(a) of Application Area A from Undetermined Zone to Subdivisional Area;

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- subdivision in terms of Section 16(2)(d) in order to create 295 Residential Zone 1, 1 Community Zone 1, 4 Open Space Zone 2 (public open space) and Transport Zone 2 (public road) erven;
- departure in terms of Section 16(2)(b) in order to relax the street building line from 2m to 1m and lateral building lines applicable to the proposed less formal development zone erven from 1m to 0m (only one lateral building line of the respective erven will be relaxed);
- deviation of the Overstrand Growth Management Strategy (2010) in order to provide a gross residential density of 45 units in lieu of the 20 - 30 units per hectare; and
- approval of new street names in terms of Section 96 of the Overstrand By-Law on Municipal Land Use Planning, 2015.

RESOLVED :

1. that in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) the application for a housing development on a portion of Erf 210, Gansbaai, Masakhane, which includes the following:

- ❖ subdivision of Erf 210, Gansbaai into Application Area A ($\pm 26,62$ ha), Application Area B ($\pm 6,81$ ha) and a Remainder ($\pm 6,81$ ha);
- ❖ rezoning in terms of Section 16(2)(a) of Application A and B from Undermined Zone to Subdivisional Area;
- ❖ subdivision of Application Area A in terms of Section 16(2)(d) in order to create 1184 Less Formal Development Zone, 5 Community Zone 1, 6 Business Zone 3, 7 Open Space Zone 2 (public open space) and Transport Zone 2 (public road) erven;
- ❖ subdivision of Application Area B in terms of Section 16(2)(d) in order to create 295 Residential Zone 1, 1 Community Zone 1, 4 Open Space Zone 2 (public open space) and Transport Zone 2 (public road) erven;
- ❖ departure in terms of Section 16(2)(b) in order to relax the street building line from 2m to 1m and one lateral building line applicable to the proposed residential erven from 1m to 0m; and
- ❖ approval of new street names in terms of Section 96 of the Overstrand By-Law on Municipal Land Use Planning, 2015,

be approved in terms of the provisions of Section 61 of the said By-Law;

2. that the approval in paragraph 1. above be subject to the following conditions:
 - (a) that should top structures (units) be developed in this project a Layout Plan be submitted showing the building lines, placement of the units and unit types (single or double storey) prior to the building plan submission phase;

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- (b) that the allocation of serviced sites without formal top structures in application Area A be subject to the submission of a site plan for prior approval by the Authorised Official;
 - (c) that all conditions imposed by Department of Environmental Affairs and Development Planning, Component: Planning, Eskom, Fire Services, Cape Nature, Breede-Gouritz Catchment Management Agency, Telkom, Department of Transport and Public Works, Department of Environmental Affairs and Development Planning (Environmental Authorisation), be complied with;
 - (d) that all conditions in the Municipal Services Report, be complied with;
 - (e) that the provision of street names be noted and that the list of names be work shopped with the Social Compact;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. 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, 2015 with regard to the above decision.

RECOMMENDATION TO COUNCIL :

that the application for the deviation of the Overstrand Growth Management Strategy (2010) in order to provide a residential density of 45 units per hectare in lieu of the 20-30 units per hectare in terms of the provisions of Section 22(2) of the Spatial Planning and Land Use Management Act, 2013, **be recommended for approval.**

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Municipal Planning Tribunal

1. **PORTION 25 (PORTION OF PORTION 2) OF THE FARM RIVERSIDE NO. 644, DIVISION CALEDON, ERVEN 1909 – 1914, 2275 AND 1198, STANFORD, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, SUBDIVISION, DEPARTURE, AMENDMENT OF THE OVERSTRAND GROWTH MANAGEMENT STRATEGY AND APPROVAL OF STREET NAMES : STANFORD AFFORDABLE HOUSING PROJECT : MESSRS URBAN DYNAMICS ON BEHALF OF OVERSTRAND MUNICIPALITY**

PTN 25 (PTN OF PTN 2) / 644 RCAL (3554)

P Roux (028) 313 8900

Hermanus Administration

14 November 2017

Executive Summary

An application has been received on 19 December 2016 from Messrs Urban Dynamics on behalf of the Overstrand Municipality on Portion 25 (portion of Portion 2) of the Farm Riverside No. 644, Division Caledon, Erven 1909 – 1914, 2275 and 1198, Stanford, Overstrand Municipal Area, for the following:

Application Area A

- rezoning in terms of Section 16(2)(a) of Portion 25 (portion of Portion 2) of the Farm Riverside No. 644 from Agriculture Zone 1 to Subdivisional Area;
- subdivision in terms of Section 16(2)(d) in order to create 770 Residential Zone 1, 6 Community Zone 1, 7 Business Zone 3, 12 Open Space Zone 2, 1 Authority Zone and Transport Zone 2 (roads) erven;
- departure in terms of Section 16(2)(b) in order to relax the lateral building lines applicable to the proposed residential erven from 1m to 0m (only one lateral building line of the respective erven will be relaxed);
- deviation of the Overstrand Growth Management Strategy (2010) in order to provide a residential density of 30 units in lieu of the 10 - 20 units per hectare; and
- approval of new street names in terms of Section 96 of the Overstrand By-Law on Municipal Land Use Planning, 2016.

Application Area B

- subdivision in terms of Section 16(2)(d) of the Remainder of Erf 1198, Stanford to create Portion A approximately 287m² in extent;
- closure in terms of Section 16(2)(n) of Portion A (public road) of the Remainder of Erf 1198;

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- rezoning in terms of Section 16(2)(a) of Portion A and Erven 1909 - 1914 and 2275, Stanford from Transport Zone 2 and Residential Zone 1 respectively, to Transport Zone 2;
- consolidation in terms of Section 16(2)(e) of Portion A and Erven 1909 - 1914 and 2275, Stanford to create Application Area B;
- subdivision in terms of Section 16(2)(d) to create Portion C (proposed road $\pm 571\text{m}^2$) and the Remainder (existing taxi rank);
- rezoning in terms of Section 16(2)(a) from Portion C to public road; and
- consent use in terms of Section 16(2)(o) to accommodate shops and informal trading on the taxi rank site (Remainder).

RESOLVED :

1. that the objections be noted;
2. that in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) the application to develop a housing development on Portion 25 (Portion of Portion 2) of the farm Riverside No. 644, Division Caledon, which includes the following:
 - ❖ rezoning in terms of Section 16(2)(a) of Portion 25 (Portion of Portion 2) of the farm Riverside No. 644 from Agriculture Zone 1 to Subdivisional Area;
 - ❖ subdivision in terms of Section 16(2)(d) in order to create 770 Residential Zone 1, 6 Community Zone 1, 7 Business Zone 3, 12 Open Space Zone 2, 1 Authority Zone and Transport Zone 2 (roads) erven;
 - ❖ departure in terms of Section 16(2)(b) in order to relax the lateral building lines applicable to the proposed residential erven from 1m to 0m (only one (1) lateral building line of the respective erven will be relaxed);
 - ❖ approval of new street names in terms of Section 96 of the Overstrand By-Law on Municipal Land Use Planning, 2015,

be approved in terms of the provisions of Section 61 of the said By-Law;
3. that in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) the application on Erven 1909-1914, 2275 and 1198, Stanford, which includes the following:
 - ❖ subdivision in terms of Section 16(2)(d) of the Remainder of Erf 1198, Stanford to create Portion A approximately 287m^2 in extent;
 - ❖ closure in terms of Section 16(2)(n) of Portion A (public road) of the Remainder of Erf 1198;
 - ❖ rezoning in terms of Section 16(2)(a) of Portion A and Erven 1909-1914 and 2275, Stanford from Transport Zone 2 and Residential Zone 1 respectively, to Transport Zone 2;
 - ❖ consolidation in terms of Section 16(2)(e) of Portion A and Erven 1909-

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1914 and 2275, Stanford to create application Area B;

- ❖ subdivision in terms of Section 16(2)(d) to create Portion C (proposed road ±571m²) and the Remainder (existing taxi rank);
- ❖ rezoning in terms of Section 16(2)(a) from Portion C to public road; and
- ❖ consent use in terms of Section 16(2)(o) to accommodate shops and informal trading on the taxi rank site (Remainder),

be approved in terms of the provisions of Section 61 of the said By-Law.

4. that the decision in paragraphs 1 and 2 above be subject to the following conditions:
 - (a) that should top structures (units) be developed in this project a Layout Plan be submitted showing the building lines, placement of the units and unit types (single or double storey) prior to the building plan submission phase;
 - (b) that all conditions imposed by Eskom, Fire Services, District Health, Department of Environmental Affairs and Development Planning, (Environmental Authorisation), Breede-Gouritz Catchment Management Agency and Telkom, be complied with;
 - (c) that all conditions in the Municipal Services Report, be complied with;
 - (d) that the provision of street names be noted and that the list of names be work shopped with the Social Compact;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
5. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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2. ERF 1391, CHURCH STREET, HAWSTON, OVERSTRAND MUNICIPAL AREA : CONSENT USE : WRAP ON BEHALF OF NW REA

1391 HHW (3611)

H Olivier

(028) 313 8900

Hermanus Administration

5 January 2018

Executive Summary

An application has been received on 10 March 2017 from WRAP on behalf of NW Rea on Erf 1391, Hawston in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a consent use in order to accommodate a proposed new hotel on the property concerned, and also to accommodate a flat on ground floor level.

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 1391, Hawston for a consent use to operate a hotel on the property concerned and also to accommodate a flat on ground floor level, **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 4, which were submitted with this application;
 - (b) 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;
 - (c) that the 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;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (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 in the Services Report, be complied with;
 - (g) that all conditions imposed by the Fire Department, be complied with;

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- (h) that all the conditions by Telkom, be complied with, and
 - (i) 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

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3. ERF 3023, 61 PALMIET ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : DP & I ERASMUS

3023 KMM (3697)

**H van der Stoep
22 December 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 31 May 2017 from DP & I Erasmus in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a consent use to use the existing dwelling house on the property concerned for tourist accommodation.

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 3023, Kleinmond for a consent use to operate a three (3) bedroom guest house, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that only three (3) bedrooms, including the two primary right bedrooms, are allowed – thus restricting the guesthouse to a total of three (3) guestrooms;
 - (b) that parking be provided on-site for five (5) vehicles;
 - (c) that the guest house only be utilized in line with the finally approved site development plan;
 - (d) that the facility be utilized as a guesthouse only
 - (e) that the guest house is utilized as such – no self-catering will be permitted;
 - (f) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guest house;
 - (g) 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 make themselves liable to further legal action;

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- (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 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;
 - (k) that commercial rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (l) that 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, and that the existing flag pole be removed;
 - (n) 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;
 - (o) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (p) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (q) that should any building alterations be required building plans should be submitted to the Building Department for approval;
 - (r) that all the conditions in the Services Report, be complied with, and
 - (s) that all conditions imposed by the Fire Department, 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.

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4. ERF 593, 26 DUIKER STREET, VERMONT, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIONS AND DEPARTURE : MESSRS PLAN ACTIVE ON BEHALF OF THE NAAS MULLER FAMILY TRUST

593 HVM (3662)

H Olivier

(028) 313 8900

Hermanus Administration

24 November 2017

Executive Summary

An application has been received on 25 April 2017 from Messrs Plan Active on behalf of the Naas Muller Family Trust on Erf 593, Vermont 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 T77726/2016, Page 3, Paragraph E.a.:

“E. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. T3680/1962 in favour of South Western Districts Land and Finance Corporation Limited (hereinafter referred to as the Transferor Company) and its successors-in-title to the Remainder of the land held by Deed of Transfer No 7023/1935 namely:

 - a. *Save with the consent of the Transferor Company in writing no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 3.15 metres to the street line which forms a boundary of the said property, and no such building or structure shall be situate within 1.57 metres of the lateral boundary common to any adjoining Lot, nor save with the consent aforesaid, may the property (or any lot if the property sold comprises more than one Lot) be subdivided:”*
- ❖ 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 in order to relax the western lateral building line from 2m to 0,8m to accommodate a proposed single garage and carport and to relax the street building line from 4m to 1m to accommodate the proposed carport and a brick water silo.

The relaxation application to accommodate the brick silo was withdrawn in the public participation process.

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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 593, Vermont for the removal of restrictive condition E.a. of Title Deed T77726/2016, **be approved**,
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 593, Vermont for a departure to relax the western lateral building line from 2m to 0,8m to accommodate a proposed single garage and carport and to relax the street building line from 4m to 1m to accommodate the proposed carport, **be approved**,
3. that the approvals in Points 1. and 2. be subject to the following conditions:
 - (a) that the carport roof be amended to a maximum height of 3m (in line with Point 16.1.2 in the Zoning Scheme Regulations);
 - (b) that the approval for the departure is only for the building line relaxations as indicated on Plan No. VERM-01-01 (excluding the water silo);
 - (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 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;
 - (f) that all the conditions in the Services Report, be complied with;
 - (g) that all the conditions of Telkom, be complied with, and
 - (h) that all the conditions of Eskom, be complied with.
4. 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 decision.

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5. ERF 3965, 70 DIASTELLA ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : JA & JA COPE

3965 KBB (3755)

H van der Stoep

(028) 313 8900

Hermanus Administration

16 January 2018

Executive Summary

An application has been received on 22 August 2017 from JA & JA Cope on Erf 3965, Betty's Bay for the following:

- ❖ Removal of restrictive title condition with reference to Clause B.7. of Title Deed T2653/11 applicable to Erf 3965, Betty's Bay in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 from 3m to 1,96m to accommodate the existing house.

The restrictive condition contained in Title Deed T26532/11 to be removed read as follows:

Condition B.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 5 metres to the street line which forms a boundary of this erf, nor within 3 meters of the rear or 3 metres of the lateral boundary, common to any adjoining erf, provided that with the consent of the Local Authority:-"

- ❖ Departure in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line from 2m to 1,96m to accommodate the existing 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 for the removal of restrictive title conditions with reference to Clause B.7. of Title Deed T26532/11 applicable to Erf 3965, Betty's Bay, **not be approved**, due to the following reasons:
 - (a) the existing dwelling is in close proximity to the neighbouring erf and additions on first floor level to 1,96m may have an impact in terms of value and privacy, and

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- (b) the possibility of future extensions to the 1,96m on first floor level to habitable space becomes a reality and is not supported by the Municipality.
- 2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the removal of restrictive title conditions with reference to Clause B.7. of Title Deed T26532/11 applicable to Erf 3965, Betty's Bay, **be amended** to read as follows:

“No building or structure or any portion thereof except boundary walls, fences and the existing house shall, except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, nor within 3 metres of the rear or 3 metres of the lateral boundary, common to any adjoining erf, provided that with the consent of the Local Authority:-“
- 3. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 on Erf 3965, Betty's Bay for a departure in order to relax the lateral building line from 2m to 1,96m to accommodate the existing house, **be approved**;
- 4. that the amendment in Point 2. and the approval in Point 3. be subject to the following conditions:
 - (a) that the approval for the departure is only for the building line relaxation as indicated on Plan Numbers 06, 07, 08, 09, 10 and 11 dated 26 April 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.
- 5. that the applicant and objector be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above decision.

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6. ERF 4174 (UNREGISTERED REMAINDER), 303 SEVENTH STREET, VOËLKLIP, HERMANUS : APPLICATION FOR CONSENT USE (GUEST HOUSE) : MESSRS PLANACTIVE ON BEHALF OF JM & CP SWARBRECK

4174 HVK (3585)

SW van der Merwe

(028) 313 8900

Hermanus Administration

17 October 2017

Executive Summary

An application for consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to establish a four (4) bedroom guest house on Erf 4174 (unregistered remainder) has been received on 15 June 2017 from Messrs PlanActive on behalf of JM & CP Swarbreck.

RESOLVED :

1. that the objections be noted;
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a consent use to operate a four (4) bedroom guesthouse on unregistered Remainder of Erf 4174, Hermanus (Voëlklip), **be approved** in terms of the provisions of Section 61 of the said By-Law, be subject to the following conditions:
 - (a) that this approval only has reference to the Remainder of Erf 4174 depicted on Layout Plan H 4174/2017 dated 10/05/2017 and Site Plan her4174gh3.drw dated 20/01/2015;
 - (b) that all the relevant conditions of the Fire Department and Telkom, 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 complied with at that stage;
 - (d) that the conditions compiled in the Services Report be adhered to;
 - (e) that the facility be utilized as a four (4) bedroom guesthouse only;
 - (f) that the owner/manager resides on the premises permanently;
 - (g) no self-catering rooms are permitted;

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- (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 landowner/s obtaining the necessary liquor licence;
 - (j) that the parkings bays, as per the parking layout, be permanently and clearly demarcated and maintained by the landowner/s within the erf boundaries – no on-street parking is allowed for guests;
 - (k) that commercial rates and service tariffs, as determined by the annual budget, are 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 only a single non-illuminated signage that complies with the Municipal By-Law on Signage, be displayed on the premises;
 - (n) that a R918 Certificate of Acceptability must be from the Overberg District Municipality;
 - (o) that deliveries to the guest house may not be done with a delivery vehicle exceeding 3500kg;
 - (p) that the conditions of approval pertaining to the subdivision of Erf 4174, Hermanus as set out in the letter dated 22 March 2017, be complied with (attached as Annexure J);
 - (q) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (r) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. 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 decision.