

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

**Chairperson :**

**Cllr D Botha**

**Committee Members :**

**Cllrs G Cohen, F Krige,  
S Tebele & V Pungupungu**

**PORTEFEULJEKOMITEE :**  
**INFRASTRUKTUUR & BEPLANNING**

**Voorsitter :**

**Rdl D Botha**

**Komiteelede :**

**Rdle G Cohen, F Krige,  
S Tebele & V Pungupungu**

**INFRASTRUCTURE & PLANNING PORTFOLIO COMMITTEE**  
**INFRASTRUKTUUR & BEPLANNING PORTEFEULJEKOMITEE**

21 November 2017

**I N D E X**

<b><u>ITEM</u></b>		<b><u>PAGE NUMBER</u></b>
	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	
1.	<b>TOWN- &amp; SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS CONSIDERED IN TERMS OF DELEGATED AUTHORITY : SEPTEMBER/OCTOBER 2017</b>	<b>1</b>
2.	<b>ERF 5553, 30 WALLERS ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: AMENDMENT OF THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK : MESSRS PLAN ACTIVE ON BEHALF OF BETTYSBAAI JEUGSENTRUM</b>	<b>26</b>
3.	<b>KLEINMOND: PORTION OF ERF 4812 KLEINMOND – MR PETER REIN: APPLICATION TO PURCHASE</b>	<b>76</b>
4.	<b>HERMANUS, APPLICATION BY THE MALAN FAMILY TRUST AND PELICAN TRUST TO PURCHASE A PORTION OF THE REMAINDER OF ERF 4771 HERMANUS, ADJACENT TO ERVEN 7149, 7617 &amp; 7618 VOËLKLIP HERMANUS</b>	<b>82</b>
5.	<b>HERMANUS: IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF ERF 1 HAWSTON (<math>\pm 370\text{M}^2</math> IN EXTENT) TO HAWSTON SERVICE STATION (PTY) LTD</b>	<b>92</b>
6.	<b>ROOI-ELS, A PORTION OF UNREGISTERED ERF 325 (A PORTION OF ERF 324), LEASE OF MUNICIPAL PROPERTY TO MOBILE TELEPHONE NETWORKS (PTY) LTD</b>	<b>101</b>
7.	<b>ROOI-ELS, A PORTION OF UNREGISTERED ERF 325 (A PORTION OF ERF 324), LEASE OF MUNICIPAL PROPERTY TO VODACOM (PTY) LTD</b>	<b>108</b>
8.	<b>KLEINMOND, A PORTION OF ERF 5462: LEASE OF MUNICIPAL PROPERTY TO CHILD WELFARE SOUTH AFRICA (KLEINMOND)</b>	<b>114</b>
9.	<b>HERMANUS: TRANSFER OF ERF 189 ZWELIHLE (<math>\pm 252\text{M}^2</math> IN EXTENT) TO ST &amp; S TYELINZIMA FOR RESIDENTIAL PURPOSES</b>	<b>120</b>
10.	<b>APPOINTMENT OF MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL</b>	<b>126</b>

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

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

15/3/11

R van Antwerp  
20 October 2017

(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 September 2017 – 20 October 2017 as well as an application that served before the Municipal Planning Tribunal on 27 September 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  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

**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 September 2017 – 20 October 2017, as well as the applications that served before the Municipal Planning Tribunal on 27 September 2017:

Spatial Land Use Management Act (SPLUMA) Approvals

1.	Erf 512, Franskraal	2 October 2017
2.	Erf 91, Gansbaai	2 October 2017
3.	Erf 7186, Hermanus	2 October 2017
4.	Portion 1 of Farm 585	11 October 2017
5.	Erven 1450 and 2861, Sandbaai	12 October 2017
6.	Erf 1492, Vermont	17 October 2017
7.	Portion 14 of the farm Klein Rivier Kloof No. 660	17 October 2017
8.	Erf 498, Hermanus	17 October 2017
9.	Erf 5768, Kleinmond	17 October 2017
10.	Erf 2880, Onrustrivier	18 October 2017
11.	Erf 562, Hawston	18 October 2017
12.	Erf 939, Vermont	18 October 2017

Municipal Planning Tribunal

1.	Erf 5553, Betty's Bay	27 September 2017
----	-----------------------	-------------------

**RESPONSIBLE OFFICIAL :**

**R VAN ANTWERP**

**TARGET DATE FOR IMPLEMENTATION :**

**13 DECEMBER 2017**

**TARGET DATE TO INFORM APPLICANT :**

**N/A**

**TARGET DATE TO INFORM OBJECTOR :**

**N/A**

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

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

**15/3/11**

**R van Antwerp**

**(028) 313 8039**

**Hermanus Administration**

**20 October 2017**

---

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
21 NOVEMBER 2017, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

**RESPONSIBLE OFFICIAL :**

**R VAN ANTWERP**

**TARGET DATE FOR IMPLEMENTATION :**

**13 DECEMBER 2017**

**TARGET DATE TO INFORM APPLICANT :**

**N/A**

**TARGET DATE TO INFORM OBJECTOR :**

**N/A**

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

Spatial Land Use Management Act (SPLUMA) Approvals

**1. ERF 512, 48 MEYER STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : PC MARTIN ON BEHALF OF THE LA PROVENCE BODY CORPORATE**

**512 GFK (3727)**

**SW van der Merwe  
28 September 2017**

**(028) 313 8900**

**Hermanus Administration**

---

**Executive Summary**

An application for departure was received on 6 July 2017 from PC Martin on behalf of the La Provence Body Corporate in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to encroach the 4m street building line to 2,6m and the 4,5m lateral building line up to the lateral 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 512, Franskraal in order to encroach the 4m street building line by 1,4m and the 4,5m 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 garages at all times be available for parking of vehicles;
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

- (g) that a 60 minute fire wall be provided on the lateral property boundary.
- 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  
21 November 2017**

**(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

**2. ERF 91, 11 MARKET STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE TO CONDUCT A PLACE OF ENTERTAINMENT: MESSRS ME PLANNERS ON BEHALF OF ON DEMAND INVESTMENTS 57 CC**

**91 GGB (3673)**

**SW van der Merwe  
9 September 2017**

**(028) 313 8900**

**Hermanus Administration**

---

**Executive Summary**

An application was received on 10 May 2017 from Messrs ME Planners on behalf of the owners of Erf 91, Gansbaai for consent use in terms of Section 16(2)(o) to conduct a place of entertainment (gambling machines) from the property.

**RESOLVED :**

1. that the application for a consent use (place of entertainment) in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 91, Gansbaai for the installation of five (5) gambling machines, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the place of entertainment be restricted to the installation of five (5) gambling machines only;
  - (b) that the permission for a place of entertainment does not permit live music;
  - (c) that thirteen (13) on-site parking bays be demarcated in accordance with the parking layout and provided with a hard permanent surface to the satisfaction of the Municipality and at all times be available for clients of the businesses on the property;
  - (d) 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;
  - (e) that all the conditions in the Services Report, be complied with;
  - (f) that all the conditions contained in the comment from the Department of Health, be complied with;



**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

- (g) that a valid business licence in terms of the Business Act (Act 71 of 1991) be obtained prior to the operation of the place of entertainment (five (5) gambling machines);
  - (h) that written approval of the Western Cape Gambling and Racing Board be obtained and submitted to the Municipality prior to the commencement of the place of entertainment (five (5) gambling machines);
  - (i) that if a gambling prohibition exist on the liquor licence issued by the Western Cape Liquor Board, it should be removed prior to the commencement of the place of entertainment;
  - (j) that the applicant strictly adhere to the requirements of the Western Cape Gambling and Racing Board pertaining to the behaviour of the patrons (in and outside the premises);
  - (k) that the Municipality reserves the right to impose additional conditions with reference to town planning principles pertaining to the conduct on the premises;
  - (l) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
  - (m) 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  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

**3. ERF 7186, 52 TENTH STREET, HERMANUS (VOËLKLIP) : APPLICATION FOR DEPARTURE : MESSRS AD SQUARED ARCHITECTURE AND DESIGN ON BEHALF OF THE JC BADENHORST TRUST**

**7186 (3551)**

**H Boshoff**

**(028) 313 8900**

**Hermanus Administration**

**15 September 2017**

---

**Executive Summary**

An application has been received on 13 December 2016 from Messrs AD Squared Architecture and Design applicable to Erf 7186, Hermanus (Voëlklip) for the following:

**Departure**

Application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the south eastern and north western lateral building lines from 2m to 1,196m to accommodate alterations at ground floor level by the replacement of windows and to fit a new outside door, as well as to accommodate alterations at the first floor level by the replacement of windows and the addition of a new balcony of which the balcony will encroach both the south eastern and north western lateral building lines from 2m to 1,196m.

**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 7186, Hermanus (Voëlklip) in order to relax the south eastern and north western lateral building lines from 2m to 1,196m to accommodate alterations at ground floor level by the replacement of windows and to fit a new outside door, as well as to accommodate alterations at the first floor level by the replacement of windows and the addition of a new balcony of which the balcony will encroach both the south eastern and north western lateral building lines from 2m to 1,196m, **be approved** in terms of the provisions of Section 61 of the By-Law, be subject to the following conditions:
  - (a) that this approval is only for the development as indicated on Plan Numbers 4-1, 4-2, and 4-3 dated February 2017, which was submitted with the application;

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 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 all the conditions contained in the Fire Report and Telkom, be complied with;
  - (d) that all the conditions contained in the Services Report, be complied with;
  - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
  - (f) that all other applicable 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  
21 November 2017**

**(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

**4. PORTION 1 OF THE FARM HEMEL & AARDE NO 585, CALEDON DISTRICT, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: MESSRS PLAN ACTIVE ON BEHALF OF GROW WYNSENTRUM (PTY) LTD**

**RCAL 1/585 (3347)**

**S van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**4 October 2017**

---

**Executive Summary**

An application has been received from Plan Active Town & Regional Planners on behalf of Grow Wynsentrum (Pty) Ltd for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to accommodate:

- Tourist facilities which will include a bistro, wine tasting and sales in existing stables
- Agricultural industry which will include a distillery in an existing outbuilding and a wine cellar (boutique winery) in a new structure.

**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 (By-Law) on Portion 1 of the Farm Hemel-en-Aarde No. 585, in order to accommodate tourist facilities (bistro, wine tasting and sales in existing stables), and an agricultural industry (distillery in existing building and boutique winery in a new proposed structure), **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that this approval strictly be in accordance with the Site Development Plans Number farms585-1sdp-rev1 dated August 2016, as submitted with the application;
  - (b) that a larger scale SDP be submitted which is to scale, indicating dimensioned parking bays and internal roads, dimensioned existing and new structures and a refuse area;
  - (c) that the on-site refuse area be to the satisfaction of the Manager: Waste Management;
  - (d) that the owner is responsible to remove all refuse to the Karwyderskraal refuse area;

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

- (e) that building plans be submitted to the Building Control Department for approval for all alterations and new buildings, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (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;
  - (i) that all the conditions imposed by Cape Nature, be complied with;
  - (j) that all the conditions imposed by the District Health, be complied with;
  - (k) that all the conditions imposed by BOCMA, be complied with;
  - (l) that all the conditions imposed by Provincial Departments of Agriculture : Western Cape, be complied with;
  - (m) that all the conditions imposed by the Department of Transport, be complied with;
  - (n) that all the conditions by the Fire Department, be complied with, and
  - (o) that should the development of any new vineyards trigger EIA listing notice 3, activity 12, the necessary application be made to the Department of Environmental Affairs and Development Planning
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  
21 November 2017**

**(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

**5. ERVEN 1450 AND 2861, BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPALITY: PROPOSED AMENDMENT OF CONDITION OF APPROVAL: MESSRS BCD ON BEHALF OF WHALE COAST MALL AND SHOPRITE/CHECKERS**

**1450 & 2861 HSB (3712)**

**H Olivier (028) 313 8900**

**Hermanus Administration**

**22 September 2017**

---

**Executive Summary**

An application has been received on 9 June 2017 from Messrs BCD Town Planners on behalf of the owners of Erven 1450 and 2861, Sandbaai for an application in terms of of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to amend the conditions of approval.

**RESOLVED :**

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 of an application in terms of Section 16(2)(h) to amend Condition 1(s) as in the Land Use Planning approvals dated 28 May 2015 and 30 August 2016, and the amendment of condition 28 in the Services Report as attached to the Land Use Planning approvals, **be approved**, and read as follows:

*“Condition 1(s)*

*that the recommendation of the Department of Transport and Public Works in their letter dated 9 February 2010 and as amended and amplified in their letters dated 27 May 2016 and 17 June 2016, be complied with”*

*“Condition 28*

*that all the conditions as set by the Department of Transport and Public Works be adhered to as per their letters dated 9 February 2010 and as amended and amplified in their letters dated 27 May 2016 and 17 June 2016 at the developers’ cost”, and*

2. that the approval be subject to the conditions in the Services Report, be complied with.
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  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

**6. ERF 1492, LYNX AVENUE, VERMONT, OVERSTRAND MUNICIPAL AREA :  
REQUEST FOR EXTENSION OF THE PERIOD OF VALIDITY OF AN  
APPROVAL : BN BRINK**

**1492 HVM (3706)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**20 September 2017**

---

**Executive Summary**

An application has been received on 2 June 2017 from BN Brink on Erf 1492, Vermont for an application in terms of Section 16(2)(i) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to grant an approval for the extension of the period of the validity of the approval of a development on the abovementioned property.

**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)(i) on Erf 1492, Vermont to extend the approval for the extension period of a development on Erf 1492, Vermont, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that approval is granted for an extension of time of an additional period of five (5) years, which will expire on 18 August 2022;
  - (b) that all Council's conditions in the original approval and extension of time approval, be complied with;
  - (c) that all the conditions in DEA&DP's ROD dated 14 January 2016, be complied with, and
  - (d) 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 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  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

**7. REMAINDER PORTION 14 OF FARM KLEIN RIVIER KLOOF NO. 660, A  
DIVISION OF CALEDON : PROPOSED CONSENT USE AND AMENDMENT  
OF SITE DEVELOPMENT PLAN : CH WILLEMSE ON BEHALF OF  
OUBOKSKRAAL PROPERTIES (PTY) LIMITED**

**Ptn 14 of Farm 660 (3586)**

**P Roux (028) 313 8900**

**Hermanus Administration**

**18 September 2017**

---

**Executive Summary**

An application was received on 17 February 2017 from CH Willemse on behalf of the owners of Remainder Portion 14 of the Farm Klein Rivier Kloof No. 660 for the following:

- consent use in terms of Section 16(2)(o) to establish two (2) self-catering units and a manager's room on the farm; and
- amendment of the approved Site Development Plan in terms of Section 16(2)(l), to accommodate the proposed development on the property.

**RESOLVED :**

1. that the application on Remainder Portion 14 of the Farm Klein Rivier No. 660, Division Caledon, for a consent use in terms of Section 16(2)(o) (By-Law) to establish two (2) self-catering units and a manager's room on the farm, and the amendment of the approved Site Development Plan in terms of Section 16(2)(l), to accommodate the proposed development 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 and manager's room as indicated on the Site Plan as submitted with the application;
  - (b) that revised building plans be submitted to the Building Department for re-evaluation and that all conditions from the Fire Department and Building Department is complied with at that stage;
  - (c) that all the conditions contained in the Services Report, be complied with;



**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

- (d) that the conditions stipulated by District Health, Eskom, Fire Department, Breede-Gouritz Catchment Management Agency, be complied with;
  - (e) that the dining area can only be used by guests of the tourist facility, and that a separate application must be submitted for the operation of a restaurant open to the public;
  - (f) that should the property owners wish to construct a main dwelling in the future then an application will have to be submitted for the amendment of the Site Development Plan, and
  - (g) 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  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

**8. ERF 498, 8 ALBERTYN STREET, WESTCLIFF, HERMANUS, OVERSTRAND  
MUNICIPAL AREA: PROPOSED DEPARTURE : MESSRS PLAN ACTIVE ON  
BEHALF OF T POSTHUMUS**

**498 HWC (3516)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**19 September 2017**

---

**Executive Summary**

An application has been received on 23 November 2016 from Messrs Plan Active on behalf of T Posthumus on Erf 498, Hermanus 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 allow a home occupation (psychology consulting rooms) of more than 25% on the property concerned and to allow more than three (3) people involved.

**RESOLVED :**

1. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 498, Hermanus in order to allow a home occupation (psychology consulting rooms) of more than 25% on the property concerned and to allow more than three (3) people involved, **be approved in part**, subject to the following conditions:
  - (a) that the home occupation depart be restricted to consultation rooms 3 and 4, bathroom, waiting area and kitchen as indicated on Drawing No. herm498sdp-rev1.drw, dated October 2016;
  - (b) that consultation rooms 1 and 2 not be utilized for the home occupation, and be used for residential purposes;
  - (c) that the personnel of the practice be restricted to a maximum of three (3) people at any given time on the property;
  - (d) that the owner or assistant resides on the property;
  - (e) that parking be provided as indicated on site plan herm498sdp-rev1.drw, dated May 2017;
  - (f) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

- (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

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

**9. ERF 5768, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE: OVERSTRAND MUNICIPALITY**

**5768 KMM**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**17 September 2017**

---

**Executive Summary**

Erf 5768, Kleinmond, is a property owned by Council. An aftercare school and learning centre (Kidscan) are being accommodated on the property. The aforementioned buildings encroach onto the 5m street and side building lines in terms of the Scheme Regulations and have been approved during 2011. The purpose of this report is to consider a proposed extension to the school.

The application entails the following:

- 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 eastern lateral building line from 5m to 1,750m and the southern lateral building line from 5m to 0,5m.

**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 5768 Kleinmond for a departure to relax the eastern building line from 5m to 1,75m and southern lateral building line from 5m to 0,5 respectively, **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 departure of the street and lateral building lines indicated on Plan No KM5768/17 dated 2 August 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 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

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

- (e) A Site Development Plan according to the Zoning Scheme parameters be compiled and submitted for approval.
- 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  
21 November 2017**

**(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

**10. ERF 2880, 21 ERICA STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : JG NIEUWOUDT ON BEHALF OF THE NIEU RONDA FAMILY TRUST**

**2880 HON (3701)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**3 October 2017**

---

**Executive Summary**

An application has been received on 5 June 2017 from JG Nieuwoudt on behalf of the Nieu Ronda Family Trust on Erf 2880, 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 rear building line with Erven 3902 and 3903 from 2m to 1m and the lateral building line with Erf 2879 from 2m to 0,928m to accommodate the change of the roof structure of 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 rear building line on Erf 2880, Onrustrivier with Erven 3902 and 3903 from 2m to 1m and the lateral building line with Erf 2879 from 2m to 0,928m to accommodate the change of the roof structure of the 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 30/03/2017, 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  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

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  
21 November 2017**

**(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

**11. ERF 562, MOUNTAIN VIEW DRIVE, HAWSTON, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE AND RELAXATION : G AFRICA**

**562 HHW (3326)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**3 October 2017**

---

**Executive Summary**

An application has been received on 9 June 2016 from G Africa in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in terms of Section 16(2)(b) for a departure to relax the rear building line from 2m to 0m and 1m to accommodate an outbuilding and extension to the dwelling respectively, and also a departure to relax the lateral building line to 0m (with P.O.S. Erf 576) and 1m (with Erf 563) to accommodate the outbuilding and extension to the dwelling respectively.

The application also includes a relaxation of restrictive conditions in Title Deed T41084/1995, Condition B(5)(b) which reads as follows:

*“Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 5m van die straatlyn wat ‘n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 1,5 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie, met dien verstande dat dit met die toestemming van die plaaslike Owerheid .....”*

**RESOLVED :**

1. that the application for the relaxation of Title Deed T41084/1995, Condition B(5)(b), in terms of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 562, Hawston, **be approved**;
2. that the application in terms of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) for a departure in terms of Section 16(2)(b) to relax the rear building line from 2m to 0m and 1m to accommodate an outbuilding and extension to the dwelling, and also to relax the lateral building line to 0m (with Erf 576) and 1m (with Erf 563) to accommodate the same outbuilding and extension to the dwelling, respectively, **be approved**, subject to the following conditions:
  - (a) that only the building plan submitted only be applicable for the relaxation and departure as indicated on Plan no. 2016-562/SH1 to 3 dated March 2017;



**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 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;
  - (e) that all the conditions in the Services Report, be complied with, and
  - (f) that all the conditions by Eskom, be complied with.
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  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

**12. ERF 939, AMANA, VERMONT, OVERSTRAND MUNICIPAL AREA :  
REQUEST FOR EXTENSION OF THE PERIOD OF VALIDITY OF AN  
APPROVAL : MESSRS PLAN ACTIVE ON BEHALF OF AFRICA  
EVANGELISTIC BAND**

**939 HVM (3700)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**13 October 2017**

---

**Executive Summary**

An application has been received on 8 June 2017 from Messrs Plan Active on behalf of the property owner on Erf 939, Vermont for an application in terms of Section 16(2)(i) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to grant an approval for the extension of the period of the validity of the approval of a development on the abovementioned property.

**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)(i) on Erf 939, Vermont to extend the approval for the extension period of a development on Erf 939, Vermont, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that approval is granted for an extension of time of an additional period of five (5) years, which will expire on 7 September 2022;
  - (b) that all Council's conditions in the original approval and extension of time approval, be complied with;
  - (c) that written proof be provided by the applicant from DEA&DP that the original Environmental approval is still valid or has been extended prior to any development taking place or registration of erven can take place, and
  - (d) 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 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  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

Municipal Planning Tribunal

1. **ERF 5553, 30 WALLERS ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: PROPOSED REZONING, DEPARTURE, CONSENT USE AND DEVIATION FROM SPATIAL DEVELOPMENT FRAMEWORK : MESSRS PLAN ACTIVE ON BEHALF OF BETTYSBAAI JEUGSENTRUM**

**5553(3553)**

**H van der Stoep  
13 July 2017**

**(028) 313 8900**

**Hermanus Administration**

---

**Executive Summary**

Applications have been received from Messrs Plan Active on Erf 5553, Betty's Bay in terms of in terms of Section of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 for the following:

- Rezoning from Resort to Community Zone 1
- Departure to accommodate the existing buildings in the new building lines from 5m to 3,72 and 0m respectively
- Consent use to accommodate a Frail Care Centre
- Deviation from the Spatial Development Framework to enable the rezoning.

**RESOLVED :**

1. that in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) an application for a consent use on Erf 5553, Betty's Bay in order to operate a Frail Care Centre on the property concerned, **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 5553, Betty's Bay to relax the building lines from 5m to 3,72 and 0m respectively to accommodate the existing buildings, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(a) for the rezoning of Erf 5553, Betty's Bay from Resort to Community Zone I, **be approved** in terms of the provisions of Section 61 of the By-Law, and
4. that the approvals of 1, 2 and 3 above be subject to the following conditions:

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 November 2017  
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

---

- (a) 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;
- (b) that the development be restricted to the Brigadoon Village Phase I, Site Development Plan, as submitted with the application;
- (c) that the approval does not absolve the applicant / owner 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 conditions in the Services Report, be complied with;
- (f) 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;
- (g) that compliance with Fire Safety Regulations is pre requisite - SANS 10400T:2011;
- (h) that a Fire Safety Competent Specialist be appointed;
- (i) that a refuse area be created according to municipal requirements, and
- (j) that the deviation of the Spatial Development Framework (SDF) be approved by Council as per the recommendation in Paragraph 5. of the resolution;

**RECOMMENDATION TO COUNCIL**

- 5. that the application for the deviation of the Spatial Development Framework, 2006 and Growth Management Strategy, 2010 in order to utilize Erf 5553, Betty's Bay for Community Zone I in terms of the Municipal Systems Act, 2000 (Act 32 of 2000), **be recommended for approval.**