

**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

17 April 2018

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

15/3/11

R van Antwerp
23 March 2018

(028) 313 8039

Hermanus Administration

1. Executive Summary

To report on applications disposed of by the Authorised Official in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 24 February 2018 – 23 March 2018 as well as applications that served before the Municipal Planning Tribunal on 28 February 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 Authorised Official in terms of SPLUMA for the period 24 February 2018 – 23 March 2018 as well as applications that served before the Municipal Planning Tribunal on 28 February 2018:

Spatial Land Use Management Act (SPLUMA) Approvals

1.	Erf 2410, Hermanus	28 February 2018
2.	Erf 1083, Hermanus	28 February 2018
3.	Erf 2196, Hermanus	8 March 2018
4.	Erf 8527, Kleinmond	12 March 2018
5.	Erf 91, Gansbaai	12 March 2018
6.	Erf 1041, Franskraal	12 March 2018
7.	Erf 5113, Onrustrivier	12 March 2018
8.	Erf 2677, Onrustrivier	12 March 2018
9.	Portions 188 and 189 of the farm Afdaks Rivier No. 575	12 March 2018
10.	Portion 365 of the farm Onrustrivier No. 585	12 March 2018
11.	Erf 3921, Kleinmond	23 March 2018
12.	Erf 4130, Onrustrivier	23 March 2018

Municipal Planning Tribunal

1.	Remainder of Farm 923, Hemel & Aarde Valley	28 February 2018
2.	Erf 4612, Hermanus	28 February 2018
3.	Erf 4118, Betty's Bay	28 February 2018
4.	Erf 6114, Hermanus	28 February 2018

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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 : FEBRUARY 2018 –
MARCH 2018**

15/3/11

**R van Antwerp
23 March 2018**

(028) 313 8039

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
17 APRIL 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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Spatial Land Use Management Act (SPLUMA) Approvals

1. **ERF 2410, 103 NINTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR DEPARTURES : MESSRS SRT ARCHITECTS ON BEHALF OF ZINGARO TRADE 13 (PTY) LTD**

2410 HVK (2677)

H Boshoff

(028) 313 8900

Hermanus Administration

19 December 2017

Executive Summary

An application has been received on 3 May 2017 from Messrs SRT Architects on behalf of the owners of Erf 2410, Hermanus, Zingaro Trade 13 (Pty) Ltd, for departures in terms of the provisions of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the western lateral building line from 2m to 1,5m in order to legalize the enclosed previous approved covered stoep that is being utilised as a braai room (including a window that also encroaches the 2m lateral building line), as well as to relax the eastern street building line from 3m to 1,96m and 1,84m to legalize the existing stone cladded chimney of the braai of the afore-mentioned braai room.

RESOLVED :

1. that the application for departures in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 2410, Hermanus (Voëlklip), to relax the western lateral building line from 2m to 1,5m in order to legalize the enclosed covered stoep that is now being utilised as a braai room (including a window that also encroaches the 2m lateral building line), as well as to relax the eastern street building line from 3m to 1,96m and 1,84m to legalize the existing stone cladded chimney of the braai of the afore mentioned braai 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 per the dimensions indicated on Site Development Plans DWG.NOS. 1.1E, 1.3E 1.2G, 3.1G and 3.2G dated 1 August 2017 that were submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions and requirements of the Building – and the Fire Departments be complied with at that stage;

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- (c) that all the applicable conditions of Engineering Services and Telkom, be complied with, and
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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**2. ERF 1083, 37 LUYT STREET, HERMANUS : PROPOSED DEPARTURE :
MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF
GN & SD IMPSON**

1083 HEC (3738)

P Roux

(028) 313 8900

Hermanus Administration

5 February 2017

Executive Summary

An application has been received on 25 July 2017 from Messrs Interactive Town and Regional Planning on behalf of the property owners, GN and SD Impson, on Erf 1083, Hermanus for a departure in terms of Section 16(2)(b) to relax the eastern lateral building line adjacent to Erf 1081 from 2m to 1,3m to accommodate the extension of the existing garage, a carport and internal renovations to the existing dwelling.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for a departure on Erf 1083, Hermanus for a departure in terms of Section 16(2)(b) to relax the eastern lateral building line adjacent to Erf 1081 from 2m to 1,3m to accommodate the extension of the existing garage, a carport and internal renovations to the existing dwelling, **be approved** in terms of the provisions of Section 61 of the By-Law, and be subject to the following conditions:
 - (a) that the approval is only for the departure as indicated on the Site Plan as submitted with the application;
 - (b) that building plans be submitted for approval to the Building Department and that the relevant Building and Fire Regulations be complied with at that stage;
 - (c) that a Surveyors' Certificate is provided indicating that the dwelling will not encroach the 50% coverage as indicated on the Site Plan;
 - (d) that the conditions compiled in the Services Report, be complied with;
 - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with, and
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

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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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3. ERF 2196, 61 EIGHTH STREET, HERMANUS : APPLICATION FOR DEPARTURES: MESSRS PLANACTIVE ON BEHALF OF JJ CILLIERS

2196 HVK (3719)

H Boshoff

(028) 313 8900

Hermanus Administration

21 February 2018

Executive Summary

An application for departures have been received on 21 June 2017 (amended application received on 24 August 2017) from Messrs PlanActive in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, applicable to Erf 2196, Hermanus (Voëlklip) for:

- (a) the relaxation of the eastern lateral building line from 2m to 1,2m in order to accommodate the previously approved single garage into an illegal en-suite bedroom and a small storage room; and
- (b) the relaxation of the western lateral building line from 2m to 0m in order to accommodate the illegal open braai.

RESOLVED :

- 1. that the application for departures in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 2196, Hermanus (Voëlklip) for the relaxation of the eastern lateral building line from 2m to 1,2m to accommodate the en-suite bedroom and a small storage room, as well as the relaxation of the western lateral building line from 2m to 0m in order to accommodate the illegal open braai, **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 the Site Plans that was submitted with the application;
 - (b) that proper on-site parking be provided within the boundaries of the property to the satisfaction of the Municipality;
 - (c) that the relevant conditions/requirements of Engineering Services and Fire Department respectively, be adhered to;
 - (d) that all the conditions imposed by Telkom, be adhered to;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;

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- (f) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with, and
 - (g) 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 decisions.

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**4. ERF 8527, 17 VIOLA STREET, KLEINMOND: PROPOSED DEPARTURE:
MESSRS ARCHITECTURAL HOME DESIGN ON BEHALF OF M MPITSA**

8527 KKM (3778)

H van der Stoep

(028) 313 8900

Hermanus Administration

29 December 2017

Executive Summary

An application has been received on 5 September 2017 from Messrs Architectural Home Design (P. Mattheus) on Erf 8527, Kleinmond 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 with Erf 8502 from 1m to 0,31m and the lateral building lines with Erven 8526 & 8528 from 1m to 0m respectively, to accommodate an existing living quarters.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 8527, Kleinmond for a departure in order to relax the lateral building line with Erf 8526 from 1m to 0m and the rear building line from 1m to 0,31m to accommodate an existing living quarters, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted within three (3) months of the approval to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (d) that all the conditions in the Services Report, be complied with.
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 8527, Kleinmond for a departure in order to relax the western lateral building line from 1m to 0m, **not be recommended**, due to the following reasons:
 - The structure can be accommodated within the western building line.

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- The built onto boundaries influences the privacy of the neighbours.
- The character of the area is influenced, especially the existing view corridor.

The liveable space of the erf is minimized by the structure.

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 conditions of approval.

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5. ERF 91, 11 MARKET STREET, GANSBAAI : AMENDMENT OF CONDITIONS OF APPROVAL : MESSRS ME PLANNERS ON BEHALF OF DEMAND INVESTMENTS 57 CC

91 GGB (3816)

S van der Merwe

(028) 313 8900

Hermanus Administration

22 February 2018

Executive Summary

An application has been received on 18 October 2017 from Messrs ME Planners on behalf of the property owners, Demand Investments 57 CC, on Erf 91, Gansbaai for an amendment of conditions of approval in terms of Section 16(2)(h) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015, to allow a place of entertainment with live music.

RESOLVED :

1. that the application in terms of Section 16(2)(h) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (the By-Law) on Erf 91, Gansbaai for an amendment of conditions of approval in order to allow a place of entertainment with live music, **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 in the Fire Department, be complied with;
 - (d) that the conditions as stipulated in the District Health, be complied with;
 - (e) that the conditions as stipulated by the Engineering Services, be complied with;
 - (f) 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;

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- (g) that before the issuing of a business license operation of live entertainment, 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 request of the Municipality additional amendments be made to the structure to dampen noise emanating from the building;
 - (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, 2015 with regard to the above conditions of approval.

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6. ERF 1041, MARAIS STREET, FRANSKRAALSTRAND, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION : MESSRS PLAN ACTIVE ON BEHALF OF HP & E GELDENHUYS AND OTHERS

1041 GFK (3797)

SW van der Merwe

(028) 313 8900

Hermanus Administration

11 February 2018

Executive Summary

An application has been received on 27 September 2017 from Messrs Plan Active on behalf of HP & E Geldenhuys, E Geldenhuys and R Geldenhuys for the subdivision of Erf 1041, Franskraal in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 into three (3) portions, namely Portion A ($\pm 4180\text{m}^2$), Portion B ($\pm 3891\text{m}^2$) and Portion C ($\pm 3891\text{m}^2$).

RESOLVED :

1. that the objections be noted;
2. that the subdivision in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) of Erf 1041, Franskraal into three (3) portions, namely Portion A ($\pm 4180\text{m}^2$), Portion B ($\pm 3891\text{m}^2$) and Portion C ($\pm 3891\text{m}^2$), **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions;
 - (a) that this approval is only for the subdivision as indicated on the Subdivision Plan, Plan;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that the carport that transgress the boundary between Portion A and B be demolished prior to municipal certification for transfer be issued;
 - (e) that the conditions imposed by Telkom, be complied with;
 - (f) that no development may occur on the peninsula portion;

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- (g) that the applicant appoint a suitably qualified environmental practitioner to determine an ad-hoc development set back line prior to the registration of the subdivision;
 - (h) that no development on the coastal side of the development set back line be permitted;
 - (i) that no stormwater may be directly channelled from the property into coastal areas;
 - (j) that sewage disposal be dealt with by means of conservancy tanks;
 - (k) that only one (1) coastal access route per cadastral unit be permitted;
 - (l) that all informal roads leading into the development should be rehabilitated;
 - (m) that the removal of milkwood trees be subject a permitted issued by the competent authority;
 - (n) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (o) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (p) that only one (1) pathway leading to the coast per cadastral unit be permitted and that the remainder of the informal paths leading from the coast to the development be rehabilitated to the satisfaction of the Senior Manager: Environmental Management;
 - (q) that sewerage disposal be dealt with by means of sewer conservancy tanks, and
 - (r) that no vehicular access from the property to the coast be permitted.
3. that the applicant be informed that the area below the high water mark is not a private beach and that public access below the high water mark could not be prohibited, and
 4. 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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7. ERF 5113, MILKWOOD ESTATE, ONRUS RIVER : PROPOSED DEPARTURE : TWEEFONTEINE ONTWIKKELINGSTRUST

5113 HON (3747)

H Olivier

(028) 313 8900

Hermanus Administration

9 January 2018

Executive Summary

An application has been received on 1 September 2017 from Tweefonteine Ontwikkelingstrust on Erf 5113, Onrustrivier for an application 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 of Erf 5113, which is the northern boundary line of the development from 3m to 1,2m to accommodate a proposed new dwelling on the property.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) and in terms of Section 16(2)(b) to relax the rear building line of Erf 5113, Onrustrivier from 3m (as stipulated in the Zoning Scheme and Milkwood Estate Development Guidelines) to 1,2m to accommodate a new proposed dwelling, **not be approved** in terms of the provisions of Section 61 of the By-Law;
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, 2015 with regard to the above conditions of approval.

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**8. ERF 2677, 53 CHIAPPINI STREET, ONRUS RIVER, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE: M ETSEBETH**

2677 HON (3806)

H Olivier

(028) 313 8900

Hermanus Administration

5 February 2018

Executive Summary

An application has been received on 2 October 2017 from M Etsebeth on Erf 2677, Onrustrivier for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the street building line from 4m to 0m and 2m to 0m to legalize an existing shade port.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) and in terms of Section 16(2)(b) on Erf 2677, Onrustrivier to relax the street building line from 4m to 0m and the lateral building line from 2m to 0m to legalize an existing 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. ME17 01-1/02 dated 18 August 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 Eskom, be complied with.
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, 2015 with regard to the above decision.

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**9. PORTIONS 188 AND 189 (PORTIONS OF PORTION 80) OF THE FARM
AFDAKS RIVIER NO. 575, OVERSTRAND MUNICIPAL AREA : PROPOSED
CONSOLIDATION : MESSRS WRAP ON BEHALF OF PUMATECH
PROPERTIES PROPRIETARY LIMITED**

Ptns 188 + 189/575 HON (3736)

H Olivier (028) 313 8900

Hermanus Administration

28 February 2018

Executive Summary

An application has been received on 18 July 2017 from Messrs WRAP on behalf of Pumatech Prop (Pty) Ltd on Portions 188 and 189 (Portions of Portion 80) of the farm Afdaks Rivier No 575 (Benguela Cove) for consolidation in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to consolidate the two (2) residential erven to create a new erf of 4312m².

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) and in terms of Section 16(2)(e) to consolidate Portions 188 and 189 of the farm Afdaks Rivier No. 575 (Benguela Cove), **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 undated plan 3, 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 and Benguela Cove Urban Architectural Design Controls, be complied with;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that the building zone within the erf boundary be to the satisfaction of the Benguela Cove Home Owners Association at building plan submission phase;
 - (f) that all the conditions of Telkom, be complied with, and
 - (g) that any conditions stipulated by Eskom, be complied with.

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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, 2015 with regard to the above conditions of approval.

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- 10. PORTION 365 (A PORTION OF PORTION 361) OF THE FARM ONRUSTRIVIER NO. 581, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : CEDELIA ENTERPRISES (PTY) LTD
365/581 RCAL (3809)
H Olivier (028) 313 8900 Hermanus Administration
1 March 2018**
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Executive Summary

An application has been received on 9 October 2017 from Cedelia Enterprises (Pty) Ltd on Portion 365 (a portion of Portion 361) of the farm Onrustrivier No. 581 for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the lateral building line with Portion 366 of the farm Onrustrivier No. 585 from 5m to 0,9m and 0,6m to accommodate a carport and hobby room respectively.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) and in terms of Section 16(2)(b) on Portion 365 (a portion of Portion 361) of the farm Onrustrivier No. 581 to relax the lateral building line from 5m to 0,9m and 0,6 to accommodate a carport and hobby room 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 development as indicated on the plan no. 321/09, 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 the Fire Department, be complied with, and
 - (g) that all the conditions of Eskom, be complied with.

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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 3921, 128 SECOND AVENUE, KLEINMOND : PROPOSED DEPARTURES : JC WEIDEMAN ON BEHALF OF THE HEICH BELEGGINGSTRUST

3921 KKM (3636)

H van der Stoep

(028) 313 8900

Hermanus Administration

23 December 2017

Executive Summary

An application has been received on 31 March 2017 from JC Weideman on behalf of the property owners, the Heich Beleggingstrust, on Erf 3921, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the western lateral building line with Erf 3922 from 2m to 1,5m and to encroach the 8m height restriction to 8,8m to accommodate an entire new second floor.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 for a departure to relax the western lateral building line with Erf 3922 from 2m to 1,5m and to encroach the 8m height restriction to 8,8m to accommodate an entire new second floor, **not be approved**, due to the following reasons:
 - (a) the problem of the leaking roof can be resolved without transgressing the 8m height restriction;
 - (b) the present building does influence the adjacent neighbour and the additional 0,8m will compound the effect experience by the neighbour;
 - (c) whilst at present the neighbour can also make use of the 8m as per the Scheme, it is unreasonable to expect the neighbour to consent to the proposed height deviation;
 - (d) the applicant has the problem, not the community or adjacent neighbours, and the application is not to their benefit;
 - (e) if the problem is such a major issue, it is unclear why the applicant does not resolve the problem, but use the opportunity to his own benefit by adding an additional floor area;
 - (f) the concern is that the reason for the application is not to solve the problem but to add an additional floor area under the auspices in solving the roof;

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- (g) the Council has in 1997 restricted the height to 8m and the Municipality does not allow transgression of the height restriction and the applicant bought the property with full knowledge of this restriction;
 - (h) the excessive height deviation is to accommodate an additional storey that complies with the National Building Regulations in terms of habitable space, and
 - (i) no motivation was submitted to address the additional storey.
2. that a departure to relax the western lateral building line with Erf 3922 from 2m to 1,5m and to encroach the 8m height restriction to 8,130m to accommodate a roof, **be approved**, subject to the following conditions:
- (a) that the top of the roof not exceeding the present height of the existing columns of 8,130m;
 - (b) that building plans be submitted within three (3) months of the approval 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.
3. 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, 2015 with regard to the above conditions of approval.

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12. ERF 4130, 7 KILBRIDE ROAD, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: JAE ENGELBRECHT

4130 HON (3685)

H Olivier

(028) 313 8900

Hermanus Administration

14 March 2018

Executive Summary

An application has been received on 23 May 2017 from JAE Engelbrecht on Erf 4130, Onrustrivier for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the street building line with the R43 from 4m to 2m to accommodate a new carport, and also relax the 2m lateral building line with Erf 4131 to 1m for the carport and 0m for an existing shade port.

The application also included the relaxation of the 5m setback line applicable next to provincial (R43) roads.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) and in terms of Section 16(2)(b) to relax the street building line from 4m to 2m to accommodate a carport and to relax the lateral building line with Erf 4131 from 2m to 1m and 0m to accommodate the carport and a shade port respectively, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that only the building plan submitted be applicable for the departure as indicated on Plan ON4130/2017 dated 8/10/2017;
 - (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;
 - (f) that all the conditions by Telkom, be complied with, and

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- (g) that all the conditions by Eskom, 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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Municipal Planning Tribunal

1. REMAINDER OF FARM 923, HEMEL AND AARDE VALLEY, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE : MESSRS PLAN ACTIVE ON BEHALF OF BOSMAN ADAMA (PTY) LTD

Farm 923 RCAL (3512)

**H van der Stoep
27 December 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 24 November 2016 from Messrs Plan Active Town & Regional Planners on behalf of Bosman Adama (Pty) Ltd on Remainder Farm No. 923, Hemel-en-Aarde Valley in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for a consent use in order to enable the owners to accommodate the following tourist facilities:

- ❖ Wine camp (main tent for wine tasting and sales): 160m² –accommodating sixty (60) people
- ❖ Restaurant: 160m² – accommodating sixty (60) people
- ❖ Three (3) fishing sheds (picnic sheds) of 18m² each
- ❖ Forest shed (Alfresco shed – picnic cabin) of 9m²
- ❖ Nature trails

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (the By-Law) on Remainder Farm No. 923, Hemel-en-Aarde Valley for a consent use in order to enable the owners to accommodate the following tourist facilities:
 - ❖ Wine camp (main tent for wine tasting and sales): 160m² – accommodating sixty (60) people
 - ❖ Restaurant: 160m² – accommodating sixty (60) people
 - ❖ Three (3) fishing sheds (picnic sheds) of 18m² each
 - ❖ Forest shed (Alfresco shed – picnic cabin) of 9m²
 - ❖ Nature trails

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

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- (a) that development is restricted to the uses as indicated on Plan No. 923sdp1 and 923mainsdp 2, dated May 2017, which were submitted with this application;
- (b) that access points be as stipulated by the Western Cape Government : Transport & Public Works (District Roads Engineer);
- (c) 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;
- (d) 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;
- (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 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 conditions imposed by National Department : Agriculture, Forestry & Fisheries be complied with;
- (i) that all conditions imposed by Cape Nature be complied with;
- (j) that all conditions imposed by Breede Gouritz Catchment Management Agency be complied with;
- (k) that all conditions imposed by the Western Cape Government: Agriculture be complied with;
- (l) that all conditions imposed by the Western Cape Government : Transport and Public Works be complied with;
- (m) that all conditions imposed by Eskom be complied with;
- (n) that all conditions imposed by the Fire Department be complied with, and
- (o) that all the conditions in the Services Report be complied with.

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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, 2015 with regard to the above conditions of approval.

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2. ERF 4612, 10 DISA AVENUE, NORTHCLIFF, HERMANUS : REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : MESSRS ME PLANNERS ON BEHALF OF HBO JONES

4612 HNC (3626)

H van der Stoep

(028) 313 8900

Hermanus Administration

20 November 2017

Executive Summary

An application has been received on 20 March 2017 from Messrs ME Planners on behalf of HBO Jones on Erf 4612, Hermanus for the following:

- ❖ Removal of restrictive title conditions with reference to Clauses C.1., C.3. and C.4. of Title Deed T11169/2008 applicable to Erf 4612, Hermanus in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to utilize the existing dwelling as a home occupation and to accommodate two (2) commercial vehicles on the property.

The restrictive conditions contained in Title Deed T11169/2008 to be removed read as follows:

C.1. - *“That this erf be used for residential purposes only.”*

C.3. - *“That not more than half the area of this erf be built upon.”*

C.4. - *“That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than four comma seven two metres (4,72m) to the street line which forms a boundary of this erf. No such building or structure shall be situated within two comma three six metres (2,36m) of the lateral boundary common to any adjoining erf.”*

- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to enable the owner to park an additional commercial vehicle on the property concerned.

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 a removal of restrictive title conditions Clauses C.3 and C.4. of Title Deed T11169/2008 applicable to Erf 4612, Hermanus, **be approved**, subject to the following conditions:

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- (a) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (b) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a removal of restrictive title condition C.1 of Title Deed T1169/2008 to utilize the existing dwelling as a home occupation, **be amended**, to read as follows:
- “that the erf be used primarily for residential purposes and that a home occupation be allowed, subservient to the primary use.*
3. that the amendment in Point 2. be subject to the following condition:
- (a) that the plumbing business storage area and parking of commercial vehicles be re-allocated to a suitable and correctly zoned erf in the industrial area within a three (3) month period;
4. that the amendment in Point 2 are due to the following reasons:
- (a) the scale of the present activity exceeds the low scale activity as implied with a home occupation in a residential neighbourhood;
 - (b) the owner does own an industrial site with storage approval in the industrial area and material and vehicles can be accommodated on his own site, and
 - (c) the industrial site is closer to the employees and the suppliers of plumbing material.
- The removal of the condition is not to the benefit of the property owners in the area since it will have an impact and their right to a predominantly residential area under threat.
5. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 4612, Hermanus for a departure in order to enable the owner to park one (1) additional commercial vehicle on the property concerned, **not be approved**, due to the following reasons:
- (a) the plumbing business does not comply with the definition of a home occupation;

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- (b) the applicant did not sufficiently motivate or provide evidence that the activity will be in the interest of the area as stipulated in Section 35(4) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015
The applicant did not motivate sufficiently that the activity is desirable in terms of Section 49(d) of LUPA;
 - (c) The application is only for the benefit of the applicant and not for the wider community in terms of environmental principles;
 - (d) The application did not address any of the planning principles as stipulated in terms of SPLUMA and LUPA;
 - (e) The proposed activity may have a detrimental cumulative impact on the residential character should similar trade be defines as home occupation;
 - (f) the Overstrand Zoning Scheme allows one (1) commercial vehicle on the property as a primary right;
 - (g) the additional commercial vehicle applied for is not correct, since it is in fact two (2) additional commercial vehicles applicable;
 - (h) the two (2) commercial vehicles cannot conform to the parking requirements as per the Overstrand Zoning Scheme;
 - (i) the additional vehicles implies that the whole erf street front is used as an access and exit point, and no parking is provided for employees or clientel, and
 - (j) the 24-hour service, as advertised, entails three (3) commercial vehicles accessing the area to obtain material 24 hours a day, which results into noise pollution and is not in line with the character of a residential neighbourhood.
6. 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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3. ERF 4118, 18 ASTER CRESCENT, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE AND RELAXATION : FF MATTHEE

4118 KBB (3568)

H van der Stoep

(028) 313 8900

Hermanus Administration

20 December 2017

Executive Summary

An application has been received on 16 January 2017 from FF Matthee on Erf 4118, Betty's Bay in terms of Section 16(2)(b) of Overstrand Municipal Planning By-Law, 2015 for the following departures :

- To relax the street building line with Aster Crescent from 5m and 4m to 2,5m respectively to accommodate a boat shelter;
- To relax the western lateral building line with Erf 4117 from 2m to 0m to accommodate a boat shelter;
- To relax the eastern lateral building line with Erf 4119 from 3m and 2m to 0m respectively to accommodate a store;
- To relax the rear and lateral building line with Erf 4131 from 3m and 2m to 0m respectively to accommodate a covered area on the property concerned.

The application also includes a relaxation of a restrictive condition in Title Deed T11303/2004, Condition B.7.(i) which reads as follows:

"An outbuilding used solely for the housing of motor vehicles and not exceeding 3m in height, measured from the ground floor of the outbuilding to the wall-plate thereof, may be erected within such side and rear spaces, and any other outbuildings of the same height may be erected within the rear space and side space for a distance of 12m measured from the rear boundary of the erf, provided that in the case of a corner erf, the distance of 12m shall be measured from the point furthest from the streets abutting the erf;"

RESOLVED :

1. that the application for the relaxation of Title Deed T11303/2004, condition B.7.(i), in terms of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 4118, Betty's Bay to relax the following:
 - the street building line with Aster Crescent from 5m and 4m to 2,5m respectively to accommodate a boat shelter;

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- the western lateral building line with Erf 4117 from 2m to 0m to accommodate a boat shelter;
- the eastern lateral building line with Erf 4119 from 3m and 2m to 0m respectively to accommodate a store;
- the rear and lateral building line with Erf 4131 from 3m and 2m to 0m respectively to accommodate a covered area on the property concerned,

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

2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 4118, Betty's Bay for the following departures:

- to relax the street building line with Aster Crescent from 5m and 4m to 2,5m respectively to accommodate a boat shelter;
- to relax the western lateral building line with Erf 4117 from 2m to 0m to accommodate a boat shelter;
- to relax the eastern lateral building line with Erf 4119 from 3m and 2m to 0m respectively to accommodate a store;
- to relax the rear and lateral building line with Erf 4131 from 3m and 2m to 0m respectively to accommodate a covered area on the property concerned,

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

3. that the approvals in Points 1. and 2. be subject to the following conditions:
 - (a) that this approval is only for the development as indicated on plan number A1 dated 29 December 2017, as submitted with the application;
 - (b) that the approval allows the 9m transgression of outbuildings on a lateral building line;
 - (c) that building plans reflecting the approval be submitted to the Building Control Department within three (3) months of the decision;
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;

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- (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (g) that all the conditions in the Services Report be complied with, and
 - (h) that all conditions imposed by the Fire Department be complied with.
4. that the following structures built over the 5m Title Deed building line and the 4m Zoning Scheme building line, **be removed** since no application was submitted and no building plans exist:
- ❖ pergola, and
 - ❖ carport
5. that the removal of structures mentioned in Point 2. be complied with within three (3) months of the date of the decision letter, and
6. 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 conditions of approval.

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4. ERF 6114, 49 SIXTH STREET, VOËLKLIP (HERMANUS), OVERSTRNAD MUNICIPAL AREA : APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND DEPARTURE: MESSRS PLANACTIVE ON BEHALF OF THE ZONDAGH FAMILY TRUST

6114 HVK (3462)

S van der Merwe

19 January 2018

(028) 313 8900

Hermanus Administration

Executive Summary

Applications have been received on 7 October 2016 from Messrs PlanActive applicable to Erf 6114, Hermanus (Voëlklip) for the following:

Removal of Restrictive Title Deed Condition

Application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for the removal of restrictive title deed condition D. relating to the distance of buildings and outbuildings from street boundaries, as contained in Title Deed No. T12567/2012 applicable to the above property.

Departure

Application in terms of Section 16(2)(b) of the By-Law to:

- ❖ relax the western side building line from 2m to 0m to accommodate the existing structure (approved garage) that was illegally converted into a studio; and
- ❖ relax the northern street building line from 4m to 0m and
- ❖ the western lateral building line from 2m to 0m to accommodate the illegal pergola.

RESOLVED :

1. that the objections be noted;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law), applicable to Erf 6114, Hermanus (Voëlklip) in order to relax the western lateral building line from 2m to 0m to accommodate the existing structure (approved garage) that was converted into a studio; **be refused** in terms of the provisions of Section 61 of the By-Law;

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3. that the application in terms of Section 16(2)(f) of the By-Law in order to remove condition D. relating to the distance of buildings and outbuildings from street boundaries as contained in Title Deed No. T.12567/2012 applicable to Erf 6114, Hermanus (Voëlklip) to accommodate the existing pergola, be approved in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(b) of the By-Law, applicable to the above property, in order to relax the northern street building line from 4m to 0m and the western lateral building line from 2m to 0m, to accommodate the existing pergola, be approved in terms of the provisions of Section 61 of the By-Law;
5. that the landowners convert the structure, applied for as a studio, back to a garage with the dimensions as per the approved building plan of 21/02/1991;
6. that the decisions in 4. and 5. above be subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval regarding the decisions in Paragraphs 4. and 5. above within sixty (60) days of the final decision of the application, and that all conditions of the Building – and Fire Department be complied with at that stage;
 - (b) that the conversion of the structure referred to in Paragraph 5 above, be done within sixty (60) days of the final approval of the building plans as referred to above;
 - (c) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that the conditions of Telkom be complied with, and
that the conditions in the Services Report be complied with.
 - (f) that building plans be submitted to the Building Department for approval regarding the decisions in Paragraphs 4. and 5. above within sixty (60) days of the final decision of the application, and that all conditions of the Building – and Fire Department be complied with at that stage.
7. that the applicant and the objectors be notified of their respective rights 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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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;
 - (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.