

**PORTFOLIO COMMITTEE :
INFRASTRUCTURE & PLANNING**

Chairperson :

**Executive Deputy Mayor,
Cllr R Smith**

Committee Members :

**Cllrs K Brice, D Botha
M Dyani & JJ Januarie**

**PORTEFEULJEKOMITEE :
INFRASTRUKTUUR & BEPLANNING**

Voorsitter :

**Uitvoerende Onderburgemeester
Rdl R Smith**

Komiteeëdele :

**Rdle K Brice, D Botha
M Dyani & JJ Januarie**

INFRASTRUCTURE & PLANNING PORTFOLIO COMMITTEE
INFRASTRUKTUUR & BEPLANNING PORTEFEULJEKOMITEE

18 AUGUST 2015

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**AGENDA of the
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**1.
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY : MAY 2015 – JULY 2015**

15/3/11

R van Antwerp
8 July 2015

(028) 313 8039

Corporate Head Office

1. Executive Summary

To report on applications disposed of by the Senior Manager : Town- & Spatial Planning during the period from 19 May 2015 – 3 July 2015.

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

This item serves to inform Council of matters that were disposed of by the Senior Manager : Town- & Spatial Planning.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

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10. Annexures

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

RECOMMENDATION:

that **cognisance be taken** of the town planning applications disposed of by the Senior Manager : Town- & Spatial Planning in terms of delegated authority for the period 19 May 2015 – 3 July 2015:

1.	Erf 4007, Hermanus	25 May 2015
2.	Erf 757, De Kelders	25 May 2015
3.	Erf 2144, Hermanus	25 May 2015
4.	Portion 7 of the farm Sondagskloof 672	25 May 2015
5.	Erf 97, Sandbaai	26 May 2015
6.	Erf 1825, Vermont	26 May 2015
7.	Erf 2542, Onrus River	26 May 2015
8.	Erf 2870, Onrus River	26 May 2015
9.	Erf 3756, Betty's Bay	1 June 2015
10.	Erf 2107, Vermont	1 June 2015
11.	Erf 3287, Onrus River	1 June 2015
12.	Erf 5502, Hermanus	1 June 2015
13.	Erven 129 and 130, Hermanus	1 June 2015
14.	Erf 225, Hermanus	1 June 2015
15.	Erf 2527, Pearly Beach	5 June 2015
16.	Erf 2375, Pearly Beach	5 June 2015
17.	Erf 401, Van Dyksbaai	5 June 2015
18.	Erf 2155, Hermanus	12 June 2015
19.	Erf 3559, Onrus River	12 June 2015
20.	Erf 3742, Onrus River	12 June 2015
21.	Erven 541 and 574, Hermanus	12 June 2015
22.	Erf 4098, Onrus River	12 June 2015
23.	Erf 407, Hermanus	17 June 2015
24.	Erf 90, Stanford	25 June 2015
25.	Erf 4315, Hermanus	25 June 2015
26.	Portion 21 of the farm Afdaksrivier 575	25 June 2015
27.	Erven 2177 and 2178, Vermont	25 June 2015
28.	Erf 4775, Onrus River	25 June 2015
29.	Erf 80, Sandbaai	25 June 2015
30.	Erf 431, Sandbaai	29 June 2015
31.	Erf 475, Hermanus	29 June 2015
32.	Erf 6190, Kleinmond	3 July 2015
33.	Erf 3639, Hermanus	3 July 2015
34.	Erf 512, Franskraal	3 July 2015

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RESPONSIBLE OFFICIAL :	R VAN ANTWERP
TARGET DATE FOR IMPLEMENTATION :	9 SEPTEMBER 2015
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 : MAY 2015 – JULY 2015**

15/3/11

**R van Antwerp
8 July 2015**

(028) 313 8039

Corporate Head Office

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
18 AUGUST 2015, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :	R VAN ANTWERP
TARGET DATE FOR IMPLEMENTATION :	9 SEPTEMBER 2015
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

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**1. ERF 4007, 268 FIFTH STREET, HERMANUS (VOËLKLIP), OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : G VAN NIEKERK**

4007 HVK (2763)

P Roux

(028) 313 8900

Hermanus Administration

14 May 2015

Executive Summary

An application has been received on 20 November 2014 from G van Niekerk on Erf 4007, Hermanus for a departure from the relevant Scheme Regulations in order to:

- relax the lateral building line from 2m to 1,2m in order to accommodate the existing dwelling with proposed braai room, and
- relax the lateral building line from 2m to 0m in order to accommodate the proposed laundry/bathroom

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 4007, Hermanus for a departure from the relevant Scheme Regulations in order to:

- relax the lateral building line from 2m to 1.2m in order to accommodate the existing dwelling with proposed braai room, and
- relax the lateral building line from 2m to 0m in order to accommodate the proposed laundry/bath room,

be approved, subject to the following conditions:

- (a) that this approval is only for the relaxation of the lateral building line as indicated on Site Plans, Plan No. A.01.1, A.01.2, A.01.3, A.01.4 dated 24 October 2014, which was 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 contained in the Services Report, be adhered to, and

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- (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building– and Fire Department be complied with at that stage.
2. that the applicant be notified of his/her right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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2. ERF 757, 19 BIRKENHEAD STREET, DE KELDERS : PROPOSED DEPARTURE : PR PUTZEL

757 DK (2847)

**SW van der Merwe
20 May 2015**

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application for departure received on 4 May 2015 from the owner of Erf 757, De Kelders, PR Putzel, in order to encroach the 2m lateral building line with 0,43m as a result of a living room addition above the existing garage.

RESOLVED :

1. that in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure to relax the 2m lateral building line with 0,43m in order to add a living room above the existing garage, **be approved**, subject to the following conditions:
 - (a) that the canopy on the northern lateral building line **be removed** prior to the commencement of the development;
 - (b) that the approval be subject to the approval of building plans and the compliance with any applicable conditions that may be incorporated in the building plan approval pertaining to fire safety;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above approval.

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3. ERF 2144, 71 SIXTH STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : F COETZEE ON BEHALF OF VILLA DE MER PROP (PTY) LTD

2144 HVK (2631)

P Roux

(028) 313 8900

Hermanus Administration

15 May 2015

Executive Summary

An application has been received on 11 July 2014 from F Coetzee on behalf of Villa De Mer Prop (Pty) Ltd on Erf 2144, Hermanus for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 1.2m in order to accommodate the existing living room/bar.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 2144, Hermanus for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 1,2m in order to accommodate the existing living room/bar, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of the lateral building line as indicated on the Site Development Plan 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 building plans be submitted to the Building Department for approval, and that all conditions of the Fire Department be complied with at that stage, and
 - (e) that all the conditions in the Services Report (attached as Annexure D), be complied with.
2. that the applicant be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**4. PORTION 7 OF THE FARM SONDAGSKLOOF 672, DIVISION CALEDON,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS
JENWIN DESIGNS ON BEHALF OF BAMBOO ROCK 9 (PTY) LTD**

7/672 (2802)

**SW van der Merwe
20 May 2015**

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application for departure received on 21 January 2015 from Messrs Jenwin Designs on behalf of the owners of Portion 7 of Farm 672, Bamboo Rock 9 (Pty) Ltd, in order to encroach the 30m building line with 16,6m.

RESOLVED :

1. that in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure in order to encroach the 30m building line with 16,6m, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted for approval by the Building Department;
 - (b) that the approval be subject to the approval of building plans and the compliance with any applicable conditions that may be incorporated in the building plan approval pertaining to fire safety;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**5. ERF 97, 183 PIET RETIEF CRESCENT, SANDBAAI, OVERSTRAND
MUNICIPAL AREA : PROPOSED CONSENT USE : MR B SCORGIE ON
BEHALF OF CC WESSELS**

97 SHB (2813)

H Olivier

(028) 313 8900

Hermanus Administration

15 May 2015

Executive Summary

An application has been received on 2 February 2015 from Mr B Scorgie on behalf of the property owner, CC Wessels, on Erf 97, Sandbaai for a consent use in order to operate five bedroom guesthouse on the property concerned.

RESOLVED :

1. that in terms of Section 2.2 of the Section 9 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a consent use on Erf 97, Sandbaai to operate a five bedroom guesthouse on the property concerned, **be approved**, subject to the following conditions:
 - (a) that the facility be utilized as a **guesthouse only**;
 - (b) that a maximum of five bedrooms to be let, be permitted;
 - (c) that the owner/manager resides on the premises;
 - (d) that the guesthouse is utilized as such - no self-catering will be permitted;
 - (e) 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;
 - (f) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (g) that a minimum of one permanently demarcated parking bay per guest room (as indicated on the Site Plan submitted) and two for the owner/manager be provided within the erf boundaries, subject to the approval of the Senior Manager: Town- and Spatial Planning;
 - (h) 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;

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- (i) 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;
 - (j) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
 - (k) that Council reserves the right to rescind this approval without payment of compensation should any justified objection be received to the manner in which the guesthouse is conducted or should the operation of the guesthouse be found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (l) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (m) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
 - (n) that should any building alterations be required building plans should be submitted to the Building Department for approval;
 - (o) that all the conditions in the Services Report (attached as Annexure D), be complied with, and
 - (p) that only the bedrooms as indicated for guest bedrooms on the site plan (Drawing erf97-guesthouse-CS-A3/01-Rev 0) be utilized as such.
2. that the applicant be notified of his/her 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.

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6. ERF 1825, 5 HEMEL EN SEE AVENUE, VERMONT, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MR B SCORGIE ON BEHALF OF AJ & ES DE VOLDERE

1825 HVM (2783)

H Olivier

(028) 313 8900

Hermanus Administration

15 May 2015

Executive Summary

An application has been received on 19 December 2014 from Mr B Scorgie on behalf of the property owners, AJ & ES de Voldere, on Erf 1825, Vermont for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 0m (western boundary) in order to legalize an existing laundry.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 1825, Vermont, to relax the 2m western lateral building line to 0m to accommodate an existing laundry, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is only for the relaxation of building lines indicated on the plan submitted by the architect dated 10 December 2014, which was submitted with the application;
 - (d) that the building plan be approved by the Meer en See Home Owners Association prior to submission to the Municipality for final approval, and
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.
2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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7. ERF 2542, 42 ROOS STREET, ONRUST RIVER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MR B SCORGIE ON BEHALF OF CZ TERBLANCHE

2542 HON (2812)

H Olivier

(028) 313 8900

Hermanus Administration

19 May 2015

Executive Summary

An application has been received on 5 February 2015 from Mr B Scorgie on behalf of the property owner, CZ Terblanche, on Erf 2542, Onrust River for a departure from the relevant Scheme Regulations in order to relax the lateral building lines from 2m to 0,945m (western boundary) and the rear building line from 2m to 0,845m respectively, in order to accommodate the existing carport on the property.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 2542, Onrust River, in order to relax the western lateral building line from 2m to 0,945m and the rear building line to 0,845m in order to legalize an existing carport on the property, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is only for the relaxation of building lines indicated on Plan No. TER1412-2542/SH1-A dated 15 December 2014, which was submitted with the application;
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (e) that the conditions by Telkom as in their letter dated 9 April 2015 (attached as Annexure E), be complied with, and
 - (f) that the conditions by Eskom as in their letter dated 31 March 2015 (attached as Annexure F), be complied with.

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2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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8. ERF 2870, 15 BEACH ROAD, ONRUS RIVER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MR TC MEYER ON BEHALF OF MESSRS VALORTRADE 1076 CC

2870 HON (2814)

H Olivier

(028) 313 8900

Hermanus Administration

18 May 2015

Executive Summary

An application has been received on 12 February 2015 from Mr TC Meyer on behalf of the property owners, Messrs Valortrade 1076 CC, on Erf 2870, Onrus River for a departure from the relevant Scheme Regulations in order to relax the northern lateral building line from 2m to 0,935, the 2m eastern lateral line to 1,050m and the street building line from 3m to 2,125m, in order to accommodate use changes over the building lines and new pergola, and also for the relaxation of the street building line to accommodate low storage up to 1,1m from the street boundary.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 2870, Onrus River, in order to relax the 2m northern lateral building line to 0,93m and the 2m eastern lateral building line to 1,05m to accommodate use changes, to relax the 3m street building line to 2,35m to accommodate use changes and a new pergola, and also to relax the same street building line to approximately 1,1m to allow for low storage structures next to the existing building, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is only for the relaxation of building lines indicated on Plan No. TM02_M102, which was submitted with the application;
 - (d) that the total size of all windows in an elevation closer than 1m from a property boundary not exceed 5m² to the satisfaction of the Fire Department, and
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire

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Department be complied with at that stage.

2. that the applicants be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**9. ERF 3756, 24 NERINE CRESCENT, BETTY'S BAY, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : DR. C CAWOOD**

3756 KBB (2831)

**H van der Stoep
25 May 2015**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 24 February 2015 from Dr. C. Cawood on Erf 3756, Betty's Bay for a departure from the relevant Scheme Regulations in order to relax the relevant lateral building line from 3m to 0m, to accommodate a proposed carport on the property concerned.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 3756, Kleinmond in order to relax the relevant lateral building line from 3m and 2m to 0m, to accommodate a proposed carport on the property concerned, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of the lateral building line and existing structures indicated on Plan No. 01 dated February 2015, which was submitted with the application;
 - (b) that roof water be accommodated on the applicant's erf;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage, and
 - (f) that all the conditions in the Service Report (attached as Annexure D), be complied with.
2. that the applicant be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**10. ERF 2107, 23 MILKWOOD LYNX ESTATE, LYNX AVENUE, VERMONT,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE :
TW PRETORIUS**

2107 HVM (2820)

H Olivier

(028) 313 8900

Hermanus Administration

26 May 2015

Executive Summary

An application has been received on 17 February 2015 from Mr TW Pretorius on Erf 2107, Vermont for a departure from the relevant Scheme Regulations in order to relax the street building line from 4m to 1,947m to accommodate the proposed addition to the existing dwelling on the property concerned.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 2107, Vermont in order to relax the street building line from 4m to 1,947m to accommodate the proposed addition to the existing dwelling on the property concerned, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is only for the relaxation of building lines indicated on Plan Numbers 1.1, 1.2 and 3.2 dated 18 December 2014, which was submitted with the application;
 - (d) that the Home Owners' Association stamp the plan prior to building plan submission to the Municipality;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (f) that all the conditions in the Service Report (attached as Annexure D), be complied with;

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- (g) that the conditions by Telkom as in their letter dated 31 March 2015 (attached as Annexure E), be complied with, and
 - (h) that the conditions by Eskom as in their letter dated 14 April 2015 (attached as Annexure F), be complied with.
2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**11. ERF 3287, 76 CHIAPPINI STREET, ONRUS RIVER, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : PLAN ACTIVE ON
BEHALF OF AA HURTER**

3287 HON (2836)

H Olivier

(028) 313 8900

Hermanus Administration

26 May 2015

Executive Summary

An application has been received on 4 March 2015 from Messrs. Plan Active on behalf of the property owner, AA Hurter, on Erf 3287, Onrus River for a departure from the relevant Scheme Regulations in order to relax the eastern lateral building line from 2m to 0,9m, in order to accommodate the replacement of the roof structure of the existing dwelling on the property concerned.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 3287, Onrus River, in order to relax the eastern lateral building line from 2m to 0,9m, in order to accommodate the replacement of the roof structure of the existing dwelling on the property concerned, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is only for the relaxation of building lines indicated on Plan Numbers 1A and 1B dated May 2015, which was submitted with the application, and
 - (d) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.
2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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12. ERF 5502, 121 MAIN ROAD, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : P. SEAL (BOJANGLES PUB & CLUB)

5502 HNC (2795)

**H van der Stoep
25 May 2015**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 20 January 2015 from P Seal on Erf 5502, Hermanus for a consent use in order to continue the use of five limited payout machines on the property concerned.

RESOLVED :

1. that in terms of Section 2.2 of the Section 9 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a consent use on Erf 5502, Hermanus to continue the use of five limited payout machines on the property concerned, **be approved**, subject to the following conditions:
 - (a) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (b) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
 - (c) that the owner and his successors in title must take all necessary and reasonable practical measures to prevent the occurrences of any private nuisance, which through and act or omission materially interferes with the comfort, peace and quiet of the surrounding area and should the owner or his successors in title failing to comply with such a condition, they will make themselves liable to civil and criminal action, and
 - (d) that all the conditions in the Services Report (attached as Annexure D), be complied with.
2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**13. ERVEN 129 & 130, 35 & 56 WESTCLIFF ROAD, HERMANUS,
OVERSTRAND MUNICIPAL AREA : PROPOSED CONSOLIDATION :
GEOMATICS AFRICA ON BEHALF OF AW BLAIR**

129 & 130 HWC (2851)

**H van der Stoep
22 May 2015**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 6 March 2015 from Messrs Geomatics Africa on behalf of the property owner, AW Blair, for the consolidation of Erven 129 and 130, Hermanus.

RESOLVED :

1. that in terms of Section 2.3 of the Scheme Regulations made in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the consolidation of Erven 129 and 130, Hermanus, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the proposed SG Diagram, Erf 12205, Hermanus, dated March 2015, as submitted with the application;
 - (b) that all the conditions in the Service Report (attached as Annexure D), be complied with;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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**14. ERF 225, 4 ARMAGH STREET, WESTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : JC WHITTAKER ON
BEHALF OF THE WHITTAKER FAMILY TRUST**

225 HWC (2822)

H van der Stoep

(028) 313 8900

Hermanus Administration

22 May 2015

Executive Summary

An application has been received on 27 January 2015 from JC Whittaker on behalf of the Whittaker Family Trust on Erf 225, Hermanus for a departure from the relevant Scheme Regulations to relax the lateral building line from 2m to 1,2m in order to accommodate the proposed new single garage and veranda, and the usage changes of the existing garage into a study and the existing maid's room into a hobby room, on the property concerned.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 225, Hermanus to relax the lateral building line from 2m to 1,2m in order to accommodate the proposed new single garage and veranda, and the usage changes of the existing garage into a study and the existing maid's room into a hobby room, on the property concerned, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines and existing structures indicated on Plan No. 225/E3 (Sheets 1, 2 and 3) dated 15 December 2014, which was 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 the total size of openings in wall on the 1,2m proposed building line may not exceed 5m² in terms of Table 2 of SANS 10400T:2011 – Fire Protection Regulations, and
 - (e) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.

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2. that the applicant be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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15. ERF 2527, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE: L VAN ZYL

2527 GPB (2776)

P Roux

(028) 313 8900

Hermanus Administration

26 May 2015

Executive Summary

To consider an application received from the owner of Erf 2527, Pearly Beach, L van Zyl, in order to depart from the relevant Pearly Beach Resort Development Rules in order to relax the 2m street building line to 0,946m and the 1m lateral building line to 0m to accommodate the proposed new dwelling on the property, as well as to provide only one parking bay instead of two on the property.

RESOLVED :

1. that in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for departure received from the owner of Erf 2527, Pearly Beach, L van Zyl, in order to relax the 2m street building line to 0,946m and the 1m lateral building line to 0m to accommodate the proposed new dwelling on the property, as well as to provide only one parking bay instead of two on the property, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the relaxation of the building lines as indicated on Plan No. 01/LZ/14 dated 24 October 2014, as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of his/her right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**16. ERF 2375, 4 KABELJOU STREET, PEARLY BEACH, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : S MEYER**

2375 GPB (2833)

P Roux

(028) 313 8900

Hermanus Administration

22 May 2015

Executive Summary

To consider an application for departure received from S Meyer, the owner of Erf 2375, Pearly Beach, in order to:

- relax the lateral building line from 1m to 0,9m in order to accommodate the existing living room;
- relax the rear building line from 1m to 0,7m to accommodate the existing bedroom; and
- provide only one parking bay instead of two on the property.

RESOLVED :

1. that in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for departure received from S Meyer, the owner of Erf 2375, Pearly Beach, in order to:
 - relax the lateral building line from 1m to 0,9m in order to accommodate the existing living room;
 - relax the rear building line from 1m to 0,7m to accommodate the existing bedroom;
 - provide only one parking bay instead of two on the property,

be approved, subject to the following conditions:

- (a) that this approval only has reference to the relaxation of the building lines as indicated on Plan No. JJ3/015 dated 15/01/2015, as submitted with the application;
- (b) that the comments received from the Fire Department be complied with;
- (c) that the approval be subject to the approval of building plans and the compliance with any applicable conditions that may be incorporated in the building plan approval pertaining to fire safety;
- (d) that the subject property is only used for holiday purposes;

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- (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above approval.

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17. ERF 401, 16 SNOEK STREET, VAN DYKSBAAI (KLEINBAAI) : PROPOSED DEPARTURE : L SIEG

401 GKB (2825)

**SW van der Merwe
1 June 2015**

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application for departure received on 10 February 2015 from the owner of Erf 401, Kleinbaai, L Sieg, in order to accommodate an existing outbuilding on the rear- and lateral erf boundaries, as well as a proposed carport fixed to the street boundary wall.

RESOLVED :

1. that the application for the relaxation of restrictive title conditions in terms of the Removal of Restrictions, 1967 (Act 84 of 1967) in order to relax the street building line from 5m to 0m, the 1,5m lateral- and 3m rear building lines up to the relevant erf boundaries as stipulated in Title Deed T53229/2014, **be recommended for approval** to the Provincial Government: Western Cape;
2. that in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure in order to construct a carport, which carport encroach the 4m building line up to the street boundary as well as the retention of the outbuilding, which outbuilding encroach the 2m lateral- and rear building lines up to the property boundaries, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of the building lines as indicated on Plan No. 16/IS/14 dated 15 October 2014, which was submitted with the application;
 - (b) the carport may not be enclosed;
 - (c) that the approval be subject to the approval of building plans and the compliance with any applicable conditions that may be incorporated in the building plan approval pertaining to fire safety;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above approval.