

**PORTFOLIO COMMITTEE :
INFRASTRUCTURE & PLANNING**

Chairperson :

Cllr D Botha

Committee Members :

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

**PORTEFEULJEKOMITEE :
INFRASTRUKTUUR & BEPLANNING**

Voorsitter :

Rdl D Botha

Komiteelede :

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

INFRASTRUCTURE & PLANNING PORTFOLIO COMMITTEE
INFRASTRUKTUUR & BEPLANNING PORTEFEULJEKOMITEE

14 FEBRUARY 2017

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**1.
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY : OCTOBER 2016 –
JANUARY 2017**

15/3/11

R van Antwerp
19 January 2017

(028) 313 8039

Hermanus Administration

1. Executive Summary

To report on applications disposed of by the Senior Manager : Town- & Spatial Planning, Executive Mayor (acting under delegated authority during the recess period) and the Authority Officer during the period from 21 October 2016 – 19 January 2017.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background

This item serves to inform Council of matters that were disposed of by the Senior Manager : Town- & Spatial Planning in terms of LUPO and the Authorised Official in terms of SPLUMA.

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 in terms of the Land Use Planning Ordinance (LUPO) disposed of by the Senior Manager : Town- & Spatial Planning and the Executive Mayor (under delegated authority during the recess period) and in terms of the Spatial Land Use Management Act (SPLUMA) disposed of by the Authority Officer (AO) for the period 21 October 2016 – 19 January 2017:

Land Use Planning Ordinance (LUPO) Approvals

1.	Erven 451 and 466, De Kelders	9 November 2016
2.	Remainder of Farm 975	6 December 2016
3.	Portions 24 and 40 of the farm Uylenkraal No. 695	6 December 2016

Spatial Land Use Management Act (SPLUMA) Approvals

1.	Erf 2327, Onrustrivier	28 October 2016
2.	Erf 426, Pringle Bay	1 November 2016
3.	Erf 22, Hermanus	1 November 2016
4.	Erf 481, Sandbaai	1 November 2016
5.	Farm Lomond No. 942	1 November 2016
6.	Erf 6678, Hermanus	1 November 2016
7.	Erf 846, Stanford	1 November 2016
8.	Erf 5202, Kleinmond	1 November 2016
9.	Erf 248, Hermanus	3 November 2016
10.	Erf 212, van Dyksbaai (Kleinbaai)	4 November 2016
11.	Erf 611, Gansbaai	8 November 2016
12.	Erf 6915, Hermanus	8 November 2016
13.	Erf 73, Fisherhaven	9 November 2016
14.	Erf 4200, Onrustrivier	9 November 2016

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15.	Portion 210 of the farm Benguela Cove No. 575	9 November 2016
16.	Erf 2198, Onrustrivier	9 November 2016
17.	Erf 2128, Vermont	9 November 2016
18.	Erf 2188, Onrustrivier	9 November 2016
19.	Erf 240, Van Dyksbaai	9 November 2016
20.	Erf 2317, Pearly Beach	9 November 2016
21.	Erf 434, Sandbaai	9 November 2016
22.	Erf 5304, Kleinmond	9 November 2016
23.	Erf 6584, Kleinmond	17 November 2016
24.	Erf 4385, Kleinmond	17 November 2016
25.	Erven 2529 and 2530, Betty's Bay	17 November 2016
26.	Erf 9882, Hermanus	17 November 2016
27.	Erf 2074, Betty's Bay	17 November 2016
28.	Portion 65 of the farm Hemel-en-Aarde No. 587	17 November 2016
29.	Remainder Erf 4150, Onrustrivier	17 November 2016
30.	Erf 8097, Kleinmond	17 November 2016
31.	Portion 3 of the farm Hemel-en-Aarde No. 587	17 November 2016
32.	Erf 166, Stanford	17 November 2016
33.	Erf 2406, Hermanus	17 November 2016
34.	Erf 5999, Hermanus	17 November 2016
35.	Erf 3018, Onrustrivier	17 November 2016
36.	Portion 6 of the farm Afdakrivier No. 575	17 November 2016
37.	Erf 5441, Onrustrivier	17 November 2016
38.	Erven 5492 and 5493, Onrustrivier	17 November 2016
39.	Erf 5433, Onrustrivier	17 November 2016
40.	Erf 582, Hermanus	21 November 2016
41.	Erf 1180, Hermanus	6 December 2016
42.	Erf 245, Gansbaai	6 December 2016
43.	Erf 2808, 2809 and 2810, Hermanus	6 December 2016
44.	Golf Estate, Hermanus	7 December 2016
45.	Remainder Erf 2395, Hermanus	7 December 2016
46.	Erf 5967, Kleinmond	14 December 2016
47.	Erf 2785, Hawston	14 December 2016
48.	Erf 7976, Kleinmond	14 December 2016
49.	Erf 304, Hermanus	14 December 2016
50.	Erf 5544, Betty's Bay	14 December 2016
51.	Erf 243, Hermanus	14 December 2016
52.	Erf 851, Vermont	10 January 2017
53.	Erf 1122, Franskraal	10 January 2017
54.	Erf 4288, Onrustrivier	11 January 2017
55.	Erf 1433, Vermont	11 January 2017
56.	Erf 599, Sandbaai	16 January 2017
57.	Erf 6858, Hermanus	17 January 2017
58.	Erf 9968, Hermanus	19 January 2017
59.	Erven 9850 and Remainder Erf 6902, Hermanus	19 January 2017
60.	Erf 481, De Kelders	19 January 2017

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- | | | |
|-----|-------------------|-----------------|
| 61. | Erf 304, Stanford | 19 January 2017 |
| 62. | Erf 1315, Vermont | 19 January 2017 |

Executive Mayor (acting under delegated authority during the recess period)

- | | | |
|----|---|------------------|
| 1. | Portion 30 of the farm Klipfonteyn No. 711 | 14 December 2016 |
| 2. | Erf 862, Blompark, Gansbaai | 28 December 2016 |
| 3. | Portion 2 of the farm Hemel & Aarde No. 586 | 10 January 2017 |

RESPONSIBLE OFFICIAL :	R VAN ANTWERP
TARGET DATE FOR IMPLEMENTATION :	8 MARCH 2017
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 : OCTOBER 2016 –
JANUARY 2017**

15/3/11

R van Antwerp

(028) 313 8039

Hermanus Administration

19 January 2017

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
14 FEBRUARY 2017, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION :

8 MARCH 2017

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

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Land Use Planning Ordinance (LUPO) Approvals

**1. ERVEN 451 & 466, DE KELDERS, OVERSTRAND MUNICIPAL AREA :
PROPOSED CONSOLIDATION : MESSRS PLANACTIVE TOWN- AND
REGIONAL PLANNERS ON BEHALF OF JJS & PR JACOBS**

451 & 466 GDK (3076)

P Roux

(028) 313 8900

Hermanus Administration

2 November 2016

Executive Summary

To consider an application received on 7 October 2015 from Messrs PlanActive Town- and Regional Planners on behalf of the property owners of Erven 451 & 466, De Kelders, JJS & PR Jacobs. The application entails the following:

- application for consent use in terms of Section 2.3 of the Scheme Regulations to consolidate Erven 451 and 466, De Kelders;
- application for departure in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) to relax the lateral building lines from 2m to 1,57m in order to address the existing encroachments.

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 451 and 466, De Kelders, **be approved**;
2. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application to relax the lateral building lines from 2m to 1,57m in order to address the existing encroachments, **be approved**;
3. that the approvals in paragraphs 1. and 2. above be subject to the following conditions:
 - (a) that this approval only has reference to the Consolidation Diagram, Erf 1336, De Kelders and proposed Building Plan No. JAC-DK-12/002 dated 8 February 2012 as submitted with the application;
 - (b) that the comments from Operational Services, be adhered to;

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

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**2. REMAINDER OF FARM NO. 975, DIVISION OF CALEDON, OVERSTRAND
MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS TOWN &
COUNTRY ON BEHALF OF AJ DU PLESSIS**

975 GRCAL (3156)

SW van der Merwe

Author: H Boshoff

22 November 2016

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application received on 24 November 2015 from Messrs Town & Country on behalf of AJ du Plessis, the owner of Remainder Farm 975, Division of Caledon, for a consent use for four (4) additional dwelling units.

RESOLVED :

1. that in terms of Section 2.2 of the Overstrand Zoning Scheme Regulations the application received from Messrs Town & Country on behalf of AJ du Plessis for a consent use on Remainder of Farm 975, Division Caledon, in order to utilize the existing two (2) dwelling units on the property as additional dwelling units, as well as to construct two (2) new additional dwelling units, **be approved**, subject to the following conditions:
 - (a) that the applicable requirements in terms of Council's Policy pertaining to additional dwelling units, be adhered to;
 - (b) that the development be implemented strictly in accordance with the Site Development Plan, drawing number WO1a dated October 2015 as submitted with the application;
 - (c) that the applicant be responsible for the dumping of household refuse at a municipal dumping site (no refuse may be disposed of on the property);
 - (d) that no services will be provided by the Municipality;
 - (e) that building plans for all new structures, or alterations to existing structures, be submitted to the Building Department for approval and that any conditions by the Fire- and Building Departments be complied with at that stage;

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- (f) the main dwelling unit may not be utilized as an additional dwelling unit and must remain the main dwelling unit for the landowner;
 - (g) that the conditions, where applicable, of Municipal Fire Services, Municipal Engineering Report, Breede-Gouritz Catchment Management Agency, and CapeNature, be adhered to;
 - (h) the applicant must submit proof to the Municipality that adequate drinkable household water for the whole development can be supplied;
 - (i) that all the relevant conditions of approval be adhered to prior to the commencement of any building activities;
 - (j) that the applicant submit proof of compliance with paragraph 5. (sewage) of the Council's policy relating to additional dwelling units on agricultural land prior to the commencement of any building activities, and
 - (k) that the applicant is not exempted from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Municipal Systems Act, 32 of 2000 with regard to the above conditional approval.

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3. PORTIONS 24 & 40 OF FARM UYLENKRAAL 695, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA, PROPOSED SUBDIVISION, CONSOLIDATION AND CONSENT USE : MESSRS ATLAS TOWN PLANNING ON BEHALF OF CS GROENEWALD

Ptn 24 & 40/695 (3125)

SW van der Merwe

(028) 313 8900

Hermanus Administration

23 November 2016

Executive Summary

To consider an application received on 7 August 2014 from Messrs Atlas Town Planning on behalf of the owner of Portions 24 & 40 of the Farm Uylen Kraal No. 695, Division Caledon, CS Groenewald, for the following, namely:

- subdivision of Portion 24 of Farm 695 into two (2) portions, namely Portion A (0,1175 ha and Remainder (10,461 ha);
- consolidation of Portion A with Portion 40 of Farm 695;
- departure of the 30m lateral building line to 3m in order to accommodate existing structures, and
- consent use to conduct a tourist facility (venue), tourism

RESOLVED :

1. that in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and 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 subdivision of Portion 24 of the farm Uylenkraal No. 695 in two (2) portions, namely Portion A $\pm 1175\text{m}^2$ in extent and the Remainder $\pm 10,4616$ ha in extent and the subsequent consolidation of the new portion with Portion 40 of the farm Uylenkraal No. 695, **be approved**;
2. that in terms of Section 2.2 of the Overstrand Zoning Scheme Regulations as promulgated under Section 9 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a consent use (tourism facilities, tourism accommodation and agri-industry) on Portions 24 and 40 of the farm Uylen Kraal No. 695, Division Caledon ("Uilenes"), **be approved**;
3. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure to encroach the 30m building lines applicable to the property in order to legalise the existing structures, **be approved**, and

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4. that the following conditions be made applicable to the approvals in paragraphs 1., 2., and 3. above
 - (a) that this approval only has reference to the proposed Subdivision- and Consolidation Plan, as submitted with the application;
 - (b) that the development and venue be restricted to the area indicated on the Site Development Plan;
 - (c) that one (1) standard parking bay for each four (4) seats of the wedding venue must be provided on the property to the satisfaction of the Municipality and that the said parking area, as per the Site Development Plan, must be properly demarcated and at all times be available for visitors of the facility;
 - (d) that disabled toilet and parking be provided to the satisfaction of the Municipality;
 - (e) that building plans for approval in terms of the National Building Regulations be submitted to the satisfaction of the Building Control Department within sixty (60) days from the final approval of the application;
 - (f) that particulars of the sewerage system first be approved by the Engineering Department prior to the submission of building plans (i.e. a conservancy tank or DAFF approved system);
 - (g) that all the relevant conditions imposed by the Fire Department, Operational Services and the Senior Manager: Engineering Services, be complied with;
 - (h) that all the relevant conditions of Eskom, Telkom, Breede-Gouritz Management Catchment Agency, Department of Agriculture, Department of Environmental Affairs and Development Planning, CapeNature, Department of Transport and Public Works and the Department of Agriculture, Forestry & Fisheries, be strictly adhered to by the landowners;
 - (i) that the necessary competency certificates with regard to the preparation of food, as well as a certificate of the Chief: Fire Services must be obtained prior to the operation of the venue;
 - (j) that should any liquor be served, the necessary liquor licence must be obtained;

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- (k) that the necessary measures should be taken to prohibit noise pollution (i.e. sound proofing);
 - (l) that should any justified complaint be received regarding noise pollution, the Municipality may request expert analysis at the account of the property owner;
 - (m) that proof of adequate and sustainable household water for the facilities be submitted to the Municipality;
 - (n) that the disposal and storage of sewage and refuse be addressed to the satisfaction of the Municipality – no sewage or refuse may be disposed off on the property;
 - (o) that the venue may only be used for functions between 07:00 and 24:00, preparation of the venue may take place before the set times;
 - (p) that rates and service tariffs be considered in terms of multi zoning as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (q) that the above relevant conditions be adhered to prior to the operation of the tourist facility (venue);
 - (r) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (s) that the above approval does not indemnify the landowners from compliance with any other relevant legislation.
5. that the applicant be informed of their right of appeal in terms of Section 62 of the Municipal Systems Act with regard to the above decision.

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Spatial Land Use Management Act (SPLUMA) Approvals

1. **ERF 2327, 66 KRIGE STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : R & M KITCHING ON BEHALF OF THE AUSTIN TRUST**

2327 HON (3298)

H Olivier

(028) 313 8900

Hermanus Administration

16 September 2016

Executive Summary

Departure to relax the rear building line to accommodate extensions to the servant's quarters and carport, and to allow the legalization of a toilet which was built into the existing braai room, which is on the lateral building line with Erf 4834.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line with Erf 4834 from 2m to 0m to accommodate an existing toilet at the braai room, also to relax the lateral building line with Erf 2329 from 2m to 0,9m to accommodate the existing carport, and a portion of the servant's room, and lastly to relax the rear building line with Erf 2326 from 2m to 1m to accommodate a portion of the existing servant's room, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that all the conditions in the Services Report, be complied with;
 - (c) that this is not an approval in terms of any other legislation;
 - (d) that this application only relates to the approval to relax building lines as indicated on the plan submitted by the architect, and
 - (e) that no kitchen be allowed in the servant's quarters, and if there is one, it should be removed.

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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 above conditions of approval.

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2. ERF 426, 17 CENTRAL ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : DL KOTZÉ ON BEHALF OF E & E WILLEMSE

426 KPB (3251)

H van der Stoep

(028) 313 8900

Hermanus Administration

19 September 2016

Executive Summary

An application has been received on 4 April 2016 from DL Kotze on behalf of E & E Willemse for a consent use in terms of Section 16(2)(o) in order to operate a place of entertainment on the property concerned.

RESOLVED :

1. that the application for a consent use on Erf 426, Pringle Bay in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 in order to operate a place of entertainment, **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 the licence be non-transferable;
 - (d) that the provision of live music is limited to a two piece band, which includes the applicant and excludes use of drums or base guitars and that back track sound levels are controlled;
 - (e) that the number of patrons be limited to 60 at any point in time;
 - (f) that the hours of live entertainment are limited to stop at 23h00;
 - (g) that the licence will be rescinded should reasonable complaints be lodged with SAPS or Law Enforcement & Security, which relate to disturbance from loud music or rowdiness arising from the establishment;
 - (h) that all the conditions in the Services Report, be complied with, and

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- (i) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**3. ERF 22, 20 SUNNYBRAE CRESCENT, WESTCLIFF, HERMANUS :
PROPOSED CONSENT USE : MESSRS INTERACTIVE TOWN &
REGIONAL PLANNING ON BEHALF OF WHALE ROCK (PTY) LTD**

22 HWC (3284)

H van der Stoep

(028) 313 8900

Hermanus Administration

13 October 2016

Executive Summary

An application has been received on 3 May 2016 from Messrs InterActive Town & Regional Planning on behalf of Whale Rock (Pty) Ltd for a consent in terms of Section 16(2)(o) in order to operate a five (5) bedroom guesthouse on the property concerned.

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 22, Hermanus for a consent use to operate a five (5) bedroom guesthouse, **be approved**, subject to the following conditions:
 - (a) that the facility be utilized as a guesthouse only;
 - (b) that a maximum of five (5) bedrooms to be let, be permitted;
 - (c) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guesthouse;
 - (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 (1) permanently demarcated parking bay per guest room (as indicated on the Site Plan submitted) and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Senior Manager: Town- and Spatial Planning;

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- (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;
 - (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 the guesthouse be conducted in such a manner that it is not 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, be complied with;
 - (p) that all conditions imposed by the Fire Department, be complied with, and
 - (q) that no kitchen facilities and/or prep bowls be allowed in the rooms.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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4. ERF 481, 4 LONG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: DEPARTURE : DE HALLETT

481 HSB (3112)

H van der Stoep

(028) 313 8900

Hermanus Administration

1 September 2016

Executive Summary

To consider an application received on 21 April 2016 submitted by David Edward Hallett, the registered owner of Erf 481, Sandbaai, for the encroachment of the 2m eastern lateral building line with 1m in order to convert the existing patio at the ground floor level of the dwelling, into a new bedroom.

RESOLVED :

1. that, in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016, the application for departure to encroach the 2m eastern lateral building of Erf 481, Sandbaai with 1m by the closing up of the existing patio at the ground floor of the dwelling to create a new bedroom, **be approved**;
2. that the approval in paragraph 1. above be subject to the following conditions:
 - (a) the encroachment only be allowed in the manner as depicted on the site plan that was submitted with the application;
 - (b) the conditions in the Services Report of the Municipality be applicable
 - (c) that building plans be submitted to the Building Department for approval, and that the Building Department may stipulate any other conditions at that stage, and
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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5. FARM LOMOND NO. 942, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : TOWN & COUNTRY ON BEHALF OF LOMOND WINE ESTATE (PTY) LTD

RCAL 942 (3329)

S van der Merwe

(028) 313 8900

Hermanus Administration

26 October 2016

Executive Summary

To consider an application for consent use received on 13 June 2016 from Town and Country on behalf of the Lomond Wine Estate (Pty) Ltd for a tourist facility (wine tasting) in terms of Section 16(2)(0) of the Overstrand Municipality By-Law on Municipal Land Use Planning.

RESOLVED :

1. that, in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016, the application for consent use to conduct a tourist facility (wine tasting) on Farm Lomond No. 942, Division Caledon, **be approved**, subject to the following conditions:
 - (a) that the development occur strictly in accordance with the Site Development Plan DWG No. 1499 dated June 2016, as submitted with the application;
 - (b) that the selling of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (c) that all the requirements from the Department of Health and Fire Services, be complied with;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that the construction of any future permanent buildings/structures will be subject to the approval of a Site Development Plan;
 - (f) that on-site parking be provided at a ratio of one (1) bay per four (4) seats to the satisfaction of the Municipality;
 - (g) that the milk wood trees may not be removed or pruned without the relevant permit issued by the Department of Agriculture, Forestry and Fisheries;
 - (h) that a R918 certificate of Acceptability must be applied for at the Overberg District Municipality;

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- (i) that the development be conducted in such manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (j) 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;
 - (k) that no activities other than stipulated in this approval, be allowed on the property without the written approval of the Municipality;
 - (l) that the applicant will be responsible for the appointment of a contractor for removal of sewage to an approved dumping site, alternatively an environmental friendly self-sufficient sewage system approved by Engineering Services and the Department of Agriculture, Forestry and Fisheries must be provided;
 - (m) that the requirements of Breede-Gouritz Catchment Management Agency, Eskom and Telkom, be complied with;
 - (n) that signage comply with the Municipal By-Law on signage;
 - (o) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (p) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**6. ERF 6678, 64 LUYT STREET, EASTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS ENGELBRECHT
& SCORGIE ON BEHALF OF WH LANE**

6678 HEC (3273)

P Roux

(028) 313 8900

Hermanus Administration

11 October 2016

Executive Summary

To consider an application for departure received from Messrs Engelbrecht and Scorgie Architects on behalf of the owners of Erf 6678, Eastcliff, Hermanus in order to relax the street building line from 4m to 1m and the lateral building line from 2m to 0m in terms of Section 16(2)(b) to accommodate the proposed carport.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to relax the street building line from 4m to 1m and the lateral building line from 2m to 0m on Erf 6678, Eastcliff, Hermanus to accommodate a carport, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that this approval only relates to the relaxation of the building lines as indicated on Drawing No. erf6678_LANE_A2/01_REV2 dated December 2015 as submitted with the application.
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that all the conditions by Telkom, be complied with; and
 - (e) that this is not an approval in terms of any other legislation.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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7. **ERF 846, 13 DREYER STREET, STANFORD, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : AI GOEDEMAN ON BEHALF OF ML (Late Estate) & M DREYER)**

846 SSS (3304)

P Roux

(028) 313 8900

Hermanus Administration

24 September 2016

Executive Summary

An application was received from AI Goedeman on behalf of the property owner on Erf 846, Stanford for a consent use in terms of Section 16(2)(o) in order to utilize a portion of the existing dwelling for a house shop.

RESOLVED :

1. that, in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016, the application for consent use on Erf 846, Stanford in order to utilize a portion of the existing dwelling for a house shop, **not be approved**;
2. that the house shop activities be ceased and the house be reconstructed for dwelling purposes;
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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8. ERF 5202, 19 DORINGBOOM AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : S SCHUTTE ON BEHALF OF NJ

5202 KKM (3265)

H van der Stoep

(028) 313 8900

Hermanus Administration

10 August 2016

Executive Summary

The application is three fold:

- Departure of the rear building line from 2,0m to 1,14m to accommodate a single garage;
- Departure to exceed the one third or 9m of structures transgressing the rear building line, and
- Departure from the 2,1m boundary height to 2,6m.

RESOLVED :

1. that the application for departure on Erf 5202, Kleinmond in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 to relax the rear lateral building line from 2m to 1,14m in order to legalise the conversion of a carport to a single garage, departure of the outbuilding restriction over the building line of one third and or 9m and the departure of part of a boundary wall from 2,1m to 2,6m, **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. D.1112K rev 3 consisting of 5 sheets dated 4 July 2016, which was submitted with the application;
 - (d) that all the conditions in the Services Report, be complied with, 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 its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**9. ERF 248, NEW HARBOUR, WESTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: PROPOSED CONSENT USE : J HUGO ON BEHALF
OF THE DEPARTMENT OF PUBLIC**

248 HWC (3300)

H van der Stoep

28 October 2016

(028) 313 8900

Hermanus Administration

Executive Summary

An application was received on 16 May 2016 from Mr J Hugo on behalf of the Department of Public Works for a consent use in terms of Section 16(2)(o) on Erf 248, Hermanus in order to establish a tourist facility at an abalone farm.

RESOLVED :

1. that the application for a consent use on Erf 248, Hermanus in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 in order to establish a tourism facility 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 the tourism activity be restricted to the footprint as per Plan No. 1.1 dated 25 May 2016, which was submitted with the application;
 - (d) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence
 - (e) 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;
 - (f) that the facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (g) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;

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- (h) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (i) that should any building alterations be required building plans should be submitted to the Building Department for approval;
 - (j) that all the conditions in the Services Report, be complied with, and
 - (k) that all conditions imposed by the Fire Department, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

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10. ERF 212, VAN DYKSBAAI (KLEINBAAI) – APPROVAL OF SITE DEVELOPMENT PLAN : OVERBERG BOATCLUB

212 KKB (3300)

**S van der Merwe
28 October 2016**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 21 September 2016 from the Overberg Boatclub, the lessee of a portion of a municipal property, Erf 212, Kleinbaai for the approval of a Site Development Plan (SDP) in terms of the provisions of Section 12.3.2 of the Integrated Zoning Scheme Regulations.

The subject property is zoned for Private Open Space purposes, which in terms of the Scheme Regulations is defined as follows: “Private Open Space” means land which is in private ownership, used primarily for outdoor sports, play, rest or recreation, or as a park area or nature area, and includes associated buildings, infrastructure and uses, and may include an indoor or outdoor swimming pool and facilities, with the consent of Council.”

The Scheme Regulations controls development on Private Open Space by means of a SDP. It should be noted that the former Gansbaai Zoning Scheme Regulations, applicable prior to 1 January 2014 did not require a SDP approval, but merely that development should be compatible with the definition of Private Open Space.

RESOLVED :

1. that the application received for the approval of the Site Development Plan Drawing No. JJ54/16 dated 23 August 2016, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that this approval does not exempt the applicant from compliance with any other legislation;
 - (c) that this application only relates to the Site Development Plan, Drawing No. JJ54/16 dated 23 August 2016; and

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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 above conditions of approval.

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11. ERF 611, CORNER OF MAIN ROAD AND RIET STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED SUBDIVISION, REZONING, CONSENT USE, CONSOLIDATION & DEPARTURE : S VAN DER MERWE ON BEHALF OF OVERSTRAND MUNICIPALITY

611 GGB (3430)

P Roux

(028) 313 8900

Hermanus Administration

3 November 2016

Executive Summary

To consider an application received on 31 August 2016 from Schalk van der Merwe on behalf of the registered owner of Erf 611, Gansbaai, Overstrand Municipality, for the following, namely:

- subdivision into (2) portions namely, Portion A approximately 1,25 ha and a Remainder approximately 7,32 ha in extent;
- rezoning of Portion A from Open Space Zone 3: Private Open Space to Business Zone 2: General Business;
- consolidation of Portion A with unregistered Erf 3905, Gansbaai to create a consolidated erf approximately 2,25 ha in extent;
- consent use in order to erect an institution (day hospital/frail care centre) on the property, and
- departure in order to develop the property in accordance with the development rules (floor factor, storeys and coverage) applicable to General Business, Bulk Zone 1.

RESOLVED :

1. that in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application for the subdivision of Erf 611, Gansbaai into two portions, namely Portion A approximately 1,25 ha and a Remainder approximately 7,32 ha in extent, **be approved;**
2. that in terms of Section 16(2)(a), (o) & (b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the applications for rezoning of the newly created Portion A from Open Space Zone 3 : Private Open Space to Business Zone 2 : General Business, consent use (hospital/frail care facility) and departure (permitting bulk zone 1 parameters pertaining to coverage, floor factor, and number of storeys), **be approved;**
3. that in terms of Section 16(2)(e) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016, the application for consolidation of Portion A with unregistered Erf 3905, Gansbaai in order to create a

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consolidated erf of approximately 2,25 ha, **be approved**;

4. that the approvals in paragraphs 1., 2. and 3. above be subject to the following conditions:
 - (a) that prior to the submission of building plans, a detailed Site Development Plan be submitted for municipal approval in accordance with the provisions of the Scheme Regulations;
 - (b) that building plans be submitted to the Building Department for approval, and that the Building Department may stipulate any other conditions at that stage;
 - (c) that all conditions imposed by Telkom and the Department of Transport and Public Works, be complied with;
 - (d) that all the conditions imposed by Operational Services, be complied with;
 - (e) that the hospital/frail care 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;
 - (f) that all the conditions in the Services Report, be complied with;
 - (g) that signage comply with the Municipal By-Law on signage;
 - (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;
 - (i) that the development complies with the applicable Zoning Scheme Regulations, and
 - (j) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**12. ERF 6915, 210 SECOND STREET, VOËLKLIP, HERMANUS,
OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE : MESSRS
MARCUS SMIT JACOBS ARCHITECTS ON BEHALF OF C DUCKITT**

6915 HVK (3346)

P Roux

(028) 313 8900

Hermanus Administration

21 October 2016

Executive Summary

A departure application was submitted by Messrs Marcus Smit Jacobs Architects on behalf of C Duckitt, the owner of Erf 6915, Voëlklip, Hermanus in order to relax the eastern lateral building line from 2m to 0,885m to accommodate the ground floor stoep and first floor balcony to be converted to indoor spaces.

RESOLVED :

1. that, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application for departure on Erf 6915, Voëlklip, Hermanus to relax the eastern lateral building line from 2m to 0,8m, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the proposed Site Development Plan, Project No. 2016.07 dated 2016-06-16;
 - (b) that building plans be submitted to the Building Department for approval and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (c) that the proposed chimney and cowl be removed in order to comply with the title deed restriction;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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13. ERF 73, 92 BROADWAY, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : A WOOLNOUGH ON BEHALF OF EM WALLACE

73 HFH (3334)

H Olivier

(028) 313 8900

Hermanus Administration

31 October 2016

Executive Summary

Departure to relax the lateral building line from 2m to 1,57m to accommodate an existing wendy house and carport.

RESOLVED :

1. that the application for departure on Erf 73, Fisherhaven in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line with Erf 74, Fisherhaven from 2m to 1,57m to accommodate an existing carport and wendy house, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that all the conditions in the Services Report, be complied with;
 - (c) that this is not an approval in terms of any other legislation, and
 - (d) that this application only relates to the approval to relax building line as indicated on the plan submitted by the architect.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**14. ERF 4200, 23 GUILLAUME CLOSE, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : SWJ VERSTER**

4200 HON (3294)

H Olivier

(028) 313 8900

Hermanus Administration

21 October 2016

Executive Summary

Departure to relax the 4m street building line with Guillaume Close to 0m and the lateral building line with Erf 4199 from 2m to 0m to accommodate an existing shade port.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line with Erf 4199 from 2m to 0m to accommodate an existing shade port, also to relax the street building line from 4m to 0,5m to accommodate the same existing shade port, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that all the conditions in the Services Report, be complied with;
 - (c) that this is not an approval in terms of any other legislation;
 - (d) that this application only relates to the approval to relax building lines as indicated on the plan submitted by the architect;
 - (e) that all the conditions of Eskom, be complied with, and
 - (f) that all the conditions of Telkom, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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15. PORTION 210 OF FARM NO. 575, BENGUELA COVE, OVERSTRAND MUNICIPAL AREA : PROPOSED AMENDMENT OF THE SITE DEVELOPMENT PLAN : MESSRS ELLIS MADDOCK DESIGN STUDIO ON BEHALF OF BENGUELA COVE HOME OWNERS ASSOCIATION

210/575 RCAL (3321)

H Olivier

(028) 313 8900

Hermanus Administration

25 October 2016

Executive Summary

To amend the Site Development Plan.

RESOLVED :

1. that the application in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to amend the Site Development Plan applicable to Portion 210 of the Farm 575 Benguela Cove, **be approved**, and be amended as follows:
 - (a) that this approval only relates to the plans submitted by Ellis Maddock Design Studio;
 - (b) that this approval is not an approval in terms of any other legislation, and
 - (c) that all the conditions of the Building Department and Fire Department at building plan submission phase be complied with
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**16. ERF 2198, 28 KRIGE STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : G ENGELBRECHT ON
BEHALF OF HHP VAN DER WESTHUIZEN**

2198 HON (3364)

H Olivier

(028) 313 8900

Hermanus Administration

24 October 2016

Executive Summary

Departure to relax the western lateral building line from 2m to 1,5m to accommodate a new braai room and a covered patio, and also to relax the rear building line from 2m to 0,18m and the western lateral building line from 2m to 1,9m to accommodate an existing store room.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to relax the western building line of Erf 2198 from 2m to 1,5m to accommodate a new braai room and covered patio, and also to relax the rear building line from 2m to 0,18m and the western lateral building line from 2m to 1,9m to accommodate an existing store room, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that all the conditions in the Services Report, be complied with;
 - (c) that this is not an approval in terms of any other legislation;
 - (d) that this application only relates to the approval to relax building lines as indicated on the plan submitted by the architect;
 - (e) that all the conditions by Eskom, be complied with, and
 - (f) that all the conditions by Telkom, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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17. ERF 2128, 21 TURTLE CLOSE, VERMONT, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : B SCORGIE ON BEHALF OF G & S CAMILLERI

2128 HVM (3359)

H Olivier

(028) 313 8900

Hermanus Administration

24 October 2016

Executive Summary

The application is for a departure to relax the street building line from 4m to 0m to accommodate a new carport.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to relax the street building line on Erf 2128, Vermont from 4m to 0m to accommodate a new carport, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that all the conditions in the Services Report, be complied with;
 - (c) that this is not an approval in terms of any other legislation;
 - (d) that this application only relates to the approval to relax building line as indicated on the plan submitted by the architect;
 - (e) that no kitchen be allowed in the servant's quarters, and if there is one, it should be removed;
 - (f) that all conditions by Eskom, be complied with, and
 - (g) that all conditions by Telkom, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**18. ERF 2188, 29 DUKE STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS ENGELBRECHT
& SCORGIE ON BEHALF OF J KOTZE / C LEWIS**

2188 HON (3272)

H Olivier

(028) 313 8900

Hermanus Administration

20 October 2016

Executive Summary

Departure in terms of Section 16(2)(b) to relax the lateral building line with Erf 2187 from 2m to 0,9m to accommodate the existing braai room and also to relax the same building line to 0m to accommodate the existing braai.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line with Erf 2187 from 2m to 0,9m to accommodate an existing braai room, and also to relax the same building line from 2m to 0m to accommodate the existing built braai, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that all the conditions in the Services Report, be complied with;
 - (c) that this is not an approval in terms of any other legislation;
 - (d) that this application only relates to the approval to relax building lines as indicated on the plan submitted by the architect;
 - (e) that all the conditions of Eskom, be complied with, and
 - (f) that all the conditions of Telkom, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**19. ERF 240, 7 HALFKOORD STREET, VAN DYKSBAAI, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : H & A BUTTERWORTH**

240 GKB (3366)

S van der Merwe

(028) 313 8900

Hermanus Administration

26 October 2016

Executive Summary

To consider an application for departure received on 7 July 2016 from the owners of Erf 240, van Dyksbaai (Kleinbaai) in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the western lateral building line from 2m to 1,75m and 1,8m respectively.

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the departure application on Erf 240, Van Dyksbaai in order to relax the western lateral building line from 2m to 1,75 and 1,8m respectively to accommodate the existing garage, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the Site Development Plan, Project # 01/BB/15 dated 1 July 2016 as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (c) that all the conditions/comments from Operational Services, be complied with;
 - (d) that all the conditions contained in the Services Report, be adhered to;
 - (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 its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**20. ERF 2317, 9 HARDER STREET, PEARLY BEACH, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : M LERM**

2317 GPB (3384)

P Roux

(028) 313 8900

Hermanus Administration

21 October 2016

Executive Summary

To consider an application for departure received on 26 July 2016 from the registered owner of Erf 2317, Pearly Beach Resort, M Lerm, for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to legalise the encroachment of the 2m street building line by the existing dwelling with 1,55m.

RESOLVED :

1. that, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the departure application on Erf 2317, Pearly Beach in order to relax the 2m street building line to 0,45m to legalize the existing dwelling, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the building plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval and that any conditions by the Fire- and Building Departments 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 its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**21. ERF 434, 12 SKILPAD CRESCENT, SANDBAAI, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : J JORDAAN**

434 HSB (3316)

**H van der Stoep
25 October 2016**

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application received on 31 May 2016 submitted by Johan Jordaan, the registered owner of Erf 434, Sandbaai, for a departure to exceed the prescribed height restriction applicable to boundary walls from 2,1m to 3m.

RESOLVED :

1. that, in terms of Section 16(2)(b), read with Section 61(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016, the application for departure received from the owner of Erf 434, Sandbaai to exceed the 2,1m height restriction applicable to boundary walls, **be approved**, subject to the following conditions:
 - (a) that the approval is limited to that specific section of the western lateral boundary applied for, and may not exceed 3m in height;
 - (b) that the length of the 3m high boundary wall is limited to 8,8m only – should further extensions be required, a new application must be submitted for consideration;
 - (c) that the side of the boundary wall that faces Erf 437 must be properly finished to an acceptable standard to the satisfaction of the Municipality as well as the owner of Erf 437, and the applicant must properly maintain that section of the wall on a regular basis;
 - (d) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (e) that all the conditions in the Services Report, be complied with, and
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

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

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**22. ERF 5304, 11 BOEKENHOUT AVENUE, KLEINMOND, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : MS S SCHUTTE ON
BEHALF OF PA JOUBERT**

5304 KKM (3351)

H van der Stoep

(028) 313 8900

Hermanus Administration

26 October 2016

Executive Summary

An application has been received from Ms S Schutte on behalf of PA Joubert for a departure in terms of section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning on Erf 5304, Kleinmond in order to relax the 4m street building line with Boekenhout Avenue to 3,15m to accommodate a proposed 2,6m high boundary wall on the common boundary with Erf 5303, and to relax the 2m lateral building line with Erf 5303 to 0,8m to accommodate a proposed single garage, and also to exceed the 9m restriction of a building on one specific boundary to accommodate the encroachments of the existing dwelling-house on the property.

The erf is zoned Residential Zone 1 and is utilized as such. The existing building has an approved building plan and due to security reasons, the owner intends to have the proposed garage interleading with the residential dwelling.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 5304, Kleinmond in order to relax the 4m street building line with Boekenhout Avenue to 3,15m to accommodate a proposed 2,6m high boundary wall on the common boundary with Erf 5303, and to relax the 2m lateral building line with Erf 5303 to 0,8m to accommodate a proposed single garage, and also to exceed the 9m restriction of a building on one specific boundary to accommodate the encroachments of the existing dwelling-house 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 departure of the lateral building line indicated on Plan Numbers D.410K (1-3) dated 29 June 2016, which was submitted with the application;

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

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**23. ERF 6584, 95 TWELFTH AVENUE, KLEINMOND, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : IHM & L MASSON (obo A
VAN WYK)**

6584 KKM (3303)

H van der Stoep

(028) 313 8900

Hermanus Administration

26 October 2016

Executive Summary

An application has been received from IH Maclean & L Masson on behalf of A van Wyk for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2016 on Erf 6584, Kleinmond to relax the lateral building line with Erf 6583 from 2m to 1,5m to accommodate the usage change of the existing single garage into a games room and storage area on ground floor level and to relax the same building line with Erf 6583 from 2m to 1,5m to accommodate bedroom 3 on first floor level.

The erf is zoned Residential Zone 1 and is utilized as such. The garage was erected on the previous building line of 1,5m applicable to Kleinmond before 2014. The structure is already built and the conversion will not add to the existing footprint and will have no influence on the surrounding area.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 6584, Kleinmond to relax the lateral building line with Erf 6583 from 2m to 1,5m to accommodate the usage change of the existing single garage into a games room and storage area on ground floor level and to relax the same building line with Erf 6583 from 2m to 1,5m to accommodate bedroom 3 on first floor level, **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 departure of the lateral building line indicated on Plan Numbers B6020 (05-07) dated 10 May 2016, which was submitted with the application;

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

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24. ERF 4385, 48 FIFTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : JJ THEUNISSEN

4385 KKM (3315)

H van der Stoep

(028) 313 8900

Hermanus Administration

24 October 2016

Executive Summary

An application has been received on 31 May 2016 from Mr JJ Theunissen for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2016 to relax the lateral building line with Erf 4384 from 2m to 1,5m to accommodate the usage change of the existing single garage into a bedroom.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 4385, Kleinmond to relax the lateral building line with Erf 4384 from 2m to 1,5m to accommodate the usage change of the existing single garage into a bedroom, **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 departure of the lateral building line indicated on Plan Numbers B6026 (03-05), dated 16 May 2016, 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, and
 - (e) that all the conditions in the Services Report, be complied with
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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25. ERVEN 2529 & 2530, CLARENCE DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND EXEMPTION OF SUBDIVISION & CONSOLIDATION : MESSRS PLAN ACTIVE ON BEHALF OF DP & LA SECCOME AND RC COPE

2529 & 2530 KBB (3344)

H van der Stoep (028) 313 8900

Hermanus Administration

24 October 2016

Executive Summary

An application has been received on 29 June 2016 from Messrs Plan Active Town and Regional Planners on behalf of DP & LA Seccombe (owners of Erf 2529) and RC Cope (owner of Erf 2530) for the Removal of a Restrictive Condition in terms of Section 16(2)(f) and exemption of subdivision and consolidation in terms of Section 16(1)(c) of the Overstrand Municipal By-law on Municipal Land Use Planning, 2016.

RESOLVED :

1. that the application for the removal of title deed restriction in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 as per Title Deed T70285/2001, Clause D.II(d), applicable to Erf 2529, Betty's Bay, to accommodate a proposed subdivision, **be approved**;
2. that the application for the exemption of subdivision and consolidation in terms of Section 26(1)(c) in order to realign the common boundary between Erven 2529 & 2530, Betty's Bay, to accommodate the existing encroachments on Erf 2530, Betty's Bay, **be approved**;
3. that the approvals in Points 1 and 2 be 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 building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (d) that all the conditions in the Services Report, be complied with;

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- (e) that all the conditions imposed by Telkom be complied with;
 - (f) that all the conditions imposed by Eskom be complied with, and
 - (g) that the approval only relates to the working plan and diagrams dated June 2016, as submitted with the application.
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**26. ERF 9882, 42 WESTCLIFF ROAD, WESTCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : C LEAF-
WRIGHT ON BEHALF OF PLATINUM MILE INVESTMENTS (PTY) LTD**

9882 HWC (3245)

H van der Stoep

(028) 313 8900

Hermanus Administration

13 October 2016

Executive Summary

An application has been received on 17 March 2016 from Ms C Leaf-Wright on behalf of Platinum Mile Investments (Pty) Ltd for a consent use in terms of Section 16(2)(o) of the Overstrand By Law, 2016 to operate a five (5) bedroom guesthouse on the property concerned.

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 9882, Hermanus for a consent use to operate a five (5) bedroom guesthouse, **be approved**, subject to the following conditions:
 - (a) that the facility be utilized as a guesthouse only;
 - (b) that a maximum of five (5) bedrooms to be let, be permitted;
 - (c) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guesthouse;
 - (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 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;
 - (g) that a minimum of one (1) permanently demarcated parking bay per guest room (as indicated on the Site Plan submitted) and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Senior Manager: Town- and Spatial Planning;

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- (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;
 - (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 the guesthouse be conducted in such a manner that it is not 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, be complied with;
 - (p) that all conditions imposed by the Fire Department, be complied with;
 - (q) that no kitchen facilities and/or prep bowls be allowed in the rooms, and
 - (r) that parking be provided as per Drawing Nr. her9882s.drw dated 3 May 2016.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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27. ERF 2074, 7 SHELTER ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : RP MCLAREN

2074 KBB (3285)

H van der Stoep

(028) 313 8900

Hermanus Administration

14 October 2016

Executive Summary

An application has been received on 6 May 2016 from Mr RP McLaren for the removal of restrictive condition Clause C(i)(d) of Title Deed T40036/1981 in terms of Section 16(2)(f) of the Overstrand Zoning Scheme, 2014 to erect a roof over a portion of an existing stoep.

RESOLVED :

1. that the application for the removal of a title deed restriction in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 as per Clause D(i)(d) of Title Deed T40036/1981 to enable the owner to erect a roof over a portion of the existing stoep, **be approved;**
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 for a departure on Erf 2074, Betty's in order to relax the 4m street building line with Shelter Road to approximately 0,5m to enable the owners to erect a roof over a portion of the existing stoep, **be approved;**
3. that the approvals in Points 1 and 2 be subject to the following conditions:
 - (a) that this approval is only for the departure of the street building line indicated on Plan No DRG. 31108-03-005 dated 31 August 2015, which was submitted with the application;
 - (b) that no applications for the departure of the street building line in future will be considered;
 - (c) that no applications for the departure of the street building line in future will be considered;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that all the conditions in the Services Report, be complied with, and

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- (f) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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28. PORTION 65 OF FARM 587, HIGH SEASON, HEMEL-EN-AARDE VALLEY, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE AND DEPARTURE : MESSRS PLAN ACTIVE ON BEHALF OF THE GAF FAMILY TRUST

65/587 RCAL (3259)

H van der Stoep

(028) 313 8900

Hermanus Administration

10 October 2016

Executive Summary

An application has been received on 6 April 2016 from Messrs Plan Active Town & Regional Planner on behalf of The GAF Family Trust for the following:

- consent use in terms of Section 16(2)(o) in order to legalize the continued utilization of the existing structures on the property as tourist accommodation (eight (8) existing tourist accommodation units and tourist facility [function venue]), and
- departure in terms of Section 16(2)(b) in order to relax the 30m street building line to 28,5m and the 30m lateral building line to 26,9m to accommodate the existing structure on the property.

Simultaneously an application was also lodged to the District Roads Engineer for the relaxation of the 95m building line and in terms of the Title Deed since the property is restricted to the uses of agriculture and residential purposes only.

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Portion 65 of the Farm Hemel en Aarde No. 587 for a consent use to operate a eight (8) self-catering units and a function venue, **be approved**;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 for a departure to relax the 30m street building line to 28,5m and the 30m lateral building line to 26,9m to accommodate the existing structure on the property, **be approved**;
3. that the approvals in Points 1 and 2 be subject to the following conditions:
 - (a) that the approval be restricted to the building lines and structures indicated on Plan No farm587-65sdp-1drw dated December 2015, which was submitted with the application;

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- (b) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guesthouse;
- (c) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
- (d) that a minimum of one (1) permanently demarcated parking bay per guest room (as indicated on the Site Plan submitted) and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Senior Manager: Town- and Spatial Planning;
- (e) 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;
- (f) 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;
- (g) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
- (h) that the development be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
- (i) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
- (j) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
- (k) that should any building alterations be required building plans should be submitted to the Building Department for approval;
- (l) that all conditions imposed by Breede-Gouritz Catchment Management Agency, be complied with;
- (m) that all conditions imposed by the Western Cape Government : Transport & Public Works, be complied with;

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- (n) that all conditions imposed by Heritage Western Cape, be complied with;
 - (o) that all conditions imposed by Eskom, be complied with;
 - (p) that all the conditions in the Services Report, be complied with, and
 - (q) that all conditions imposed by the Fire Department, be complied with;
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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29. REMAINDER ERF 4150, 17 VILLAGE LANE, HEMEL-EN AARDE VILLAGE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURES : JA FINNIE OF DHK ARCHITECTS ON BEHALF OF UNION SQUARE PROPERTIES 64 (EIENDOMS) BEPERK

REM 4150 HMS (3369)

H van der Stoep (028) 313 8900

Hermanus Administration

1 November 2016

Executive Summary

An application has been received on 14 July 2016 from Mr JA Finnie (DHK Architects) on behalf of Union Square Properties 64 (Pty) Ltd for departures in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016.

The application entails the following: the encroachment of the north-western lateral building line of the property from 2m to 0m; the partial encroachment of the northern street building line; as well as to exceed the maximum permissible floor factor from a 0,75 factor to a 0,79 factor, due to the proposed restructuring of the wine tasting building by raising the mezzanine of the office area in order to make use of the 8m height restriction; the provision of guests- and staff toilet facilities; and the construction of a staff "canteen" as a new addition to the existing storage building. The increase of the floor factor will result in an increase of the combined extent of all the structures on the property, with approximately 61m².

RESOLVED :

1. that the application for departures in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016, applicable to Remainder Erf 4150, Onrustrivier for:
 - the encroachment of the north-western lateral building line of the property from 2m to 0m to convert a portion of the existing outbuilding into toilet facilities, and to construct a new staff facility;
 - the partial encroachment of the northern street building line for the construction of the staff facility in (a) above;
 - to exceed the maximum permissible floor factor from 0,75 factor to a 0,79 factor, in order to restructure the existing wine tasting building by raising the mezzanine of the office area to make use of the 8m height restriction,

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be approved,

2. that the approvals in 1. above, be subject to the following conditions:
 - (a) the extensions must be done strictly in accordance with the dimensions as indicated on the site layout plan number 01.04-001 dated 17 May 2016;
 - (b) building plans must be submitted to the Building Department for approval, and any conditions required by the Fire- and Building Departments must be complied with;
 - (c) that the parking layout be in accordance with the site layout plan number 01.04-001 dated 17 May 2016, and be developed to the satisfaction of the Municipality;
 - (d) that the parking bays be accessible to the general public at all times during normal working hours;
 - (e) the parking area may not be utilised for any other activities other than for parking purposes;
 - (f) that all the conditions in the Engineering Services Report of the Municipality dated 30 September 2016 be complied with; and
 - (g) that this is not an approval in terms of any other legislation.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**30. ERF 8097, 51 FIFTEENTH AVENUE, KLEINMOND, OVERSTRAND
MUNICIPAL AREA : PROPOSED SUBDIVISION : MESSRS PLAN ACTIVE
ON BEHALF OF DJ & J MAIDENS**

8097 KKM (3340)

H van der Stoep

(028) 313 8900

Hermanus Administration

29 October 2016

Executive Summary

An application was received on 27 June 2016 from Messrs Plan Active on behalf of J and D Maidens for the subdivision in terms of Section 16(2)(d) of the Overstrand Municipality's By Law on Municipal Land Use Planning, 2016 for the subdivision of Erf 8097 Kleinmond to create a Remainder measuring approximately 1271m² and a new Portion A measuring approximately 500m², for residential purposes.

The property is zoned Residential Zone I and will remain as is. The erf is located on the c/o Fourth Street and Fifteenth Avenue and surrounding land uses are residential, vacant and open space. No objections were received against the application.

RESOLVED :

1. that the application for subdivision in terms of Section 16(2)(d) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to subdivide Erf 8097, Kleinmond to create a Remainder measuring approximately 1271m² and a new Portion A measuring approximately 500m², for residential purposes, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the Subdivisional Plan, Drawing No: kleinm8097s.drw dated 18 May 2016, as 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 new structures on subdivided property must comply with the requirements of the National Fire Protection Regulations SANS10400T:2011, and
 - (e) that all the conditions in the Services Report, 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 above conditions of approval.

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31. PORTION 3 OF THE FARM HEMEL-EN-AARDE NO. 587, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS W PETTERSON ON BEHALF OF THE K & D TRUST

3/587 RCAL (3261)

H Olivier

(028) 313 8900

Hermanus Administration

30 September 2016

Executive Summary

Application in terms of Section 16(2)(o) in order to construct a proposed transmission tower on the property.

RESOLVED :

1. that the application for consent use in terms of Section 16(2)(o) of the Overstrand By-Law on Municipal Land Use Planning, 2016 on Portion 3 of the Farm Hemel-en-Aarde No. 587, to construct a transmission tower, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that all the other development parameters in the Zoning Scheme be complied with;
 - (c) that this application only relates to the approval of the transmission tower of 15m in height as indicated on plan no. PRO-134 002 SP dd 1/10/2008 submitted by the architect;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that this is not an approval in terms of any other legislation;
 - (f) that should Cape Nature stipulate any additional conditions, it be complied with, and
 - (g) that all the conditions of Telkom, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**32. ERF 166, 39 SHORTMARKET STREET, STANFORD, OVERSTRAND
MUNICIPAL AREA : PROPOSED SUBDIVISION : JU BROWNE**

166 SSS (3353)

P Roux

(028) 313 8900

Hermanus Administration

7 November 2016

Executive Summary

To consider an application received from the owner on Erf 166, Stanford for the subdivision of the erf into two (2) portions namely Portion A approximately 1033m² and Portion B approximately 948m² in extent.

RESOLVED :

1. that, in terms of Section 16(2)(d) of the Overstrand By-Law on Municipal Land Use Planning, 2016 the application for subdivision of Erf 166, Stanford into two (2) portions namely Portion A approximately 1033m² and Portion B approximately 948m², **be approved**, subject to the following conditions:
 - (a) that the approval only pertains to the Subdivisional plan dated June 2016, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments at that stage, be complied with;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that no second dwelling on either of the two (2) properties be allowed;
 - (e) that Council will not be liable to provide "irrigation water" to the additional erf;
 - (f) that no solid dividing walls be allowed between the properties or between the access driveway and the buildings, but rather a see through fence to still give the illusion of one (1) big property with two (2) dwellings;
 - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

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- (h) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**33. ERF 2406, 95 NINTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURES : MESSRS TIM ZHIEL
ARCHITECTS ON BEHALF OF A HEINE**

2406 HVK (3370)

P Roux

(028) 313 8900

Hermanus Administration

9 November 2016

Executive Summary

The application entails additions and alterations to the existing dwelling unit that will encroach the 4m north western street building line with 0,850m, and the 2m south eastern lateral building line with 0,800m. Application is also made for a refuse structure at the south western corner of the property, and an open outdoor shower at the southern corner of the property. The refuse structure is less, complies with Section 16.1 of the Scheme and does not need any approval other than building plan approval. The open outdoor shower is not regarded as a structure and the latter structures will therefore not form part of the application under discussion.

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the departure application on Erf 2406, Voëlklip, Hermanus for:
 - i. the encroachment of the north western street building line from 4m to 3,15m, and the south eastern lateral building line from 2m to 1,2m, in order to accommodate an existing bedroom, bathroom, new staircase, garage, deck, two (2) bedrooms, bathroom and a living room on the lower ground floor level of the dwelling;
 - ii. the encroachment of the north western street building line from 4m to 3,15m, and the south eastern lateral building line from 2m to 1,2m, in order to accommodate a new deck, bedroom, bathroom, staircase, living room, an outside dining area, a deck, television room, scullery, kitchen, and dining room at the upper ground floor level of the dwelling; and
 - iii. the encroachment of the north western street building line from 4m to 3,15m, and the south eastern lateral building line from 2m to 1,2m, in order to accommodate a bathroom, a staircase, a balcony and bedroom as a result of a new first floor addition to the existing dwelling;

be approved, subject to the following conditions:

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- (a) that this approval only has reference to the Site Development Plan Number 2406HVK1/2016 – 2406HVK4/2016, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval and that any conditions by the Fire- and Building Departments 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 its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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34. ERF 5999, 40 FERNKLOOF DRIVE, HERMANUS HEIGHTS, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS WRAP ON BEHALF OF H & MD LERM

5999 HHH (3256)

P Roux

(028) 313 8900

Hermanus Administration

19 July 2016

Executive Summary

A consent use application was received in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to conduct a guest house on Erf 5999, Hermanus Heights.

RESOLVED :

1. that in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning , 2016 the consent use application on Erf 5999, Hermanus in order to operate a guest house, **be approved**, subject to the following conditions:
 - (a) that only three (3) bedrooms can be used for guest accommodation;
 - (b) that this approval only has reference to the building plan numbered Plan 1, Erf 5999, Hermanus Heights, as submitted with the application;
 - (c) that a Site Development Plan be submitted which incorporates a revised parking layout according to the amount of rooms that can be rented and indicating the rooms which will be used for guest accommodation, any changes to the building must also be indicated on building plans which are to be submitted to the Building Department for approval;
 - (d) that all the conditions in the Services Report and by the Fire Department, be complied with;
 - (e) 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;
 - (f) that parking be demarcated on site development plan and on site indicating which parking must be used for guests;

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- (g) that the Hermanus Heights Guidelines be adhered to;
 - (h) that the owner/manager resides on the premises;
 - (i) that the guesthouse is utilized as such - no self-catering will be permitted;
 - (j) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
 - (k) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (l) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
 - (m) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (n) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (o) that the accommodation facility complies with Council's policy with regard to accommodation establishments;
 - (p) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (q) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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35. ERF 3018, 31 BEACH ROAD, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : G KAPPERER ON BEHALF OF A BERNARD

3018 HON (3318)

H Olivier

(028) 313 8900

Hermanus Administration

2 November 2016

Executive Summary

Departure to relax the rear building line with Erf 4866 from 2m to 0m to accommodate an existing deck in excess of 1m in height above natural ground level and also a boundary wall in excess of 2,1m above natural ground level.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to relax the rear building line on Erf 3018, Onrustrivier from 2m to 0m to accommodate an existing deck in excess of 1m above natural ground level and a boundary wall/fence in excess of 2,1m, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that all the conditions in the Services Report, be complied with;
 - (c) that this is not an approval in terms of any other legislation;
 - (d) that this application only relates to the approval to relax the building line as indicated on drawing no. 2.01 dd May 2016 as submitted by the architect;
 - (e) that a brick and mortar (fire resistant) 60 minutes wall be constructed on the boundary that provides a 300mm parapet above the deck to the satisfaction of the Fire Department;
 - (f) that all conditions by Eskom, be complied with, and
 - (g) that all conditions by Telkom, be complied with.

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

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36. PORTION 6 OF FARM AFDAKSRIEVER NO. 575, A DIVISION OF CALEDON, OVERSTRAND MUNICIPAL AREA : EXTENSION OF TIME : MESSRS URBAN DYNAMICS ON BEHALF OF AFDAKSRIEVER EIENDOMS ONTWIKKELING (PTY) LTD

6/575 RCAL (3349)

H Olivier

(028) 313 8900

Hermanus Administration

10 November 2016

Executive Summary

The application is for the extension of validity period of the approval of the rezoning and subdivision for a portion of Portion 6 of the Farm Afdaksrivier No. 575.

RESOLVED :

1. that the application in terms of Section 16(2)(i) of the Overstrand Municipality By-Law and Municipal Land Use Planning the application on Portion 6 of the farm Afdaksrivier No. 575 in order to allow and extension of the period of validity of the rezoning and subdivision approval, **be approved**, subject to the following conditions:
 - (a) that a five (5) year extension period be granted, and no further extension of time will be considered should the rights not be exercised in the period granted, and
 - (b) that all the conditions per the first approval letter dated 10 April 2012 remain in place.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**37. ERF 5441, SEA GLADES, BERNIE FIG STREET, ONRUSTRIVIER,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE :
G ENGELBRECHT ON BEHALF OF VESTLINE 118 (PTY) LTD**

5441 HON (3391)

H Olivier

(028) 313 8900

Hermanus Administration

10 November 2016

Executive Summary

The application is for a departure to relax the 3m western lateral building line with Erf 3992 to 2m to accommodate a portion of the garage and bedroom of the new proposed unit.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to relax the western lateral building line on Erf 5441, Onrustrivier from 3m to 2m to accommodate a portion of a new unit, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that all the conditions in the Services Report, be complied with;
 - (c) that this is not an approval in terms of any other legislation;
 - (d) that this application only relates to the approval to relax building line as indicated on the plan submitted by the architect;
 - (e) that all conditions by Eskom, be complied with, and
 - (f) that all conditions by Telkom, be complied with.

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

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38. ERVEN 5492 AND 5493, NEGESTER, ONTRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSOLIDATION : MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF THE OVERBERG IMAGING TRUST

5492 & 5493 HON (3372)

H Olivier (028) 313 8900

Hermanus Administration

4 November 2016

Executive Summary

To consider the consolidation of Erven 5492 and 5493, Onrustrivier, in order to create one single property of 504m².

RESOLVED :

1. that in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Land Use Planning, 2016 the application to consolidate Erven 5492 and 5493, Onrustrivier, **be approved**, subject to the following condition:
 - (a) that this approval only has reference to the proposed SG Diagram for new proposed Erf 5564, Onrustrivier, as submitted with the application;
 - (b) that all the conditions in the Service Report, be complied with;
 - (c) that it is the owner/applicant's responsibility to register the approved consolidation within 5 years from the date of approval;
 - (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 and Negester Architectural Design Guidelines be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**39. ERF 5433, SEA GLADES, BERNIE FIG STREET, ONRUSTRIVIER,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE :
G ENGELBRECHT ON BEHALF OF VESTLINE 118 (PTY) LTD**

5433 HON (3392)

H Olivier

(028) 313 8900

Hermanus Administration

10 November 2016

Executive Summary

To consider a departure to relax the 3m western lateral building line with Erf 3908 to 2m to accommodate a portion of the bedroom and bathroom of the new proposed unit.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to relax the eastern lateral building line on Erf 5433, Onrustrivier from 3m to 2m to accommodate a portion of a new unit, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that all the conditions in the Services Report, be complied with;
 - (c) that this is not an approval in terms of any other legislation;
 - (d) that this application only relates to the approval to relax the eastern lateral building line as indicated on the plan submitted by the architect, and
 - (e) that all 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 above conditions of approval.

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**40. ERF 582, WESTCLIFF, HERMANUS : PROPOSED CONSENT USE :
MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF
THE MHLOPE TRUST**

582 HWC (3306)

H van der Stoep

(028) 313 8900

Hermanus Administration

7 October 2016

Executive Summary

An application has been received on 26 May 2016 from Messrs InterActive Town & Regional Planning on behalf of The Mhlope Trust for a consent in terms of Section 16(2)(o) in order to operate a five (5) bedroom guesthouse on the property concerned.

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 582, Hermanus for a consent use to operate a five (5) bedroom guest house, **be approved**, subject to the following conditions:
 - (a) that the facility be utilized as a **guesthouse only**;
 - (b) that a maximum of five (5) bedrooms to be let, be permitted;
 - (c) that parking be provided as per plan A99, dated 25 May 2016;
 - (d) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guesthouse;
 - (e) that the guesthouse is utilized as such - no self-catering will be permitted;
 - (f) 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;
 - (g) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (h) that a minimum of one (1) permanently demarcated parking bay per guest room (as indicated on the Site Plan submitted) and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Senior Manager: Town- and Spatial Planning;

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- (i) 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;
 - (j) 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;
 - (k) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
 - (l) that the guesthouse be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (m) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (n) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
 - (o) that should any building alterations be required building plans should be submitted to the Building Department for approval;
 - (p) that all the conditions in the Services Report, be complied with, and
 - (q) that all conditions imposed by the Fire Department, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**41. ERF 1180, 223 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA : PROPOSED CONSENT USE : MJ VAN DER WALT**

1180 HEC (3320)

P Roux

(028) 313 8900

Hermanus Administration

10 November 2016

Executive Summary

To consider an application for consent use received from the owner of Erf 1180, Hermanus (Eastcliff) for the continued use of a five (5) bedroom guesthouse in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016.

RESOLVED :

1. that in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the consent use application on Erf 1180, Eastcliff, Hermanus for the continued use of a five (5) bedroom guesthouse on the property, **be approved**, subject to the following conditions:
 - (a) that the applicant applies for the approval for the change of use of the servant's quarters for the manager's accommodation and an application in order to depart from the 2m eastern lateral building line in order to legalise existing extensions to the servant's quarters be submitted within thirty (30) days from the date of approval;
 - (b) that only four (4) bedrooms be rented until such time as a decision has been reached on the required application in (a) above - one of the bedrooms in the dwelling must be used for the accommodation of the manager/owner;
 - (c) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (d) that this application only relates to the approval of a four (4) bedroom guest house as indicated on the Site Development Plan, submitted by Messrs Louis van Tonder Architects;
 - (e) that all the conditions in the Services Report, be complied with;
 - (f) that all the conditions compiled by the Fire Department, be complied with;

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- (g) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guesthouse;
- (h) that the guesthouse is utilized as such - no self-catering will be permitted;
- (i) 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;
- (j) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
- (k) 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;
- (l) 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;
- (m) 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;
- (n) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
- (o) that the guesthouse be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
- (p) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
- (q) that no kitchen facilities and or prep bowls be allowed in the guest rooms;
- (r) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
- (s) 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 its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**42. ERF 245, 57 PARK STREET, GANSBAAI (PERLEMOENBAAI),
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE :
T ROUKENS & AM VAN AMERONGEN**

245 GGB (3405)

P Roux

(028) 313 8900

Hermanus Administration

14 November 2016

Executive Summary

A departure application has been received from T Roukens & AM van Amerongen to relax the southern lateral building line from 2m to 1,57m to accommodate additions to the existing dwelling and alteration.

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning 2016 the application for departure to relax the lateral building line on Erf 245, Gansbaai from 2m to 1,57m to accommodate the enclosure of the existing deck and carport, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that this application only relates to the approval to relax the building line as indicated on the Site Development Plan submitted by the architect;
 - (c) that the conditions compiled by the Fire Department be complied with;
 - (d) that this is not an approval in terms of any other legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicants 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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43. ERVEN 2808, 2809 AND 2810, 171 ELEVENTH STREET, 172 & 174 TENTH STREET, VOËLKLIP, HERMANUS : OVERSTRAND MUNICIPAL AREA : PROPOSED CONSOLIDATION AND DEPARTURE : MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS

2808, 2809 & 2810 HVK (3325)

H Boshoff

(028) 313 8900

Hermanus Administration

10 November 2016

Executive Summary

Consolidation of Erven 2808, 2809 and 2810, Hermanus in order to create one (1) single property of 1982m², as well as a departure from the size restriction of a second dwelling unit.

RESOLVED :

1. that in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application to consolidate Erven 2808, 2809, and 2810, Hermanus (Voëlklip), and the departure to exceed the maximum permissible for a second dwelling unit from 120m² to 141,7m², **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the proposed SG Diagram, Erf 12235, Hermanus dated March 2016, as submitted with the application;
 - (b) that all the conditions in the Service Report, be complied with;
 - (c) that it is the owner/applicant's responsibility to register the approved consolidation within five (5) years from the date of approval;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicants 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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**44. HERMANUS GOLF ESTATE, OVERSTRAND MUNICIPAL AREA :
PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL :
OVERSTRAND MUNICIPALITY**

TP1-09/2001

P Roux

(028) 313 8900

Hermanus Administration

4 December 2016

Executive Summary

Amendment of conditions of approval in order to change the conditions of approval applicable to the development of the golf course and the surrounding group housing. Specifically the approval given in terms of the removal of restriction: Erf 5308, Hermanus: Closure of streets and open spaces (Rem Erf 1253; Erf 753; Portion Erf 4780; Portion Erf 5308) and appeal against subdivision and rezoning (Portion Rem Erf 1253; Erf 4780; Farm 591/1, Caledon; Erf 5308) application.

RESOLVED :

1. that the application in terms of Section 16(2)(4) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to amend condition 4.13 as compiled by the Department of Environmental Affairs and Development Planning on the Land Use Planning approval date 30 September 2003 **be amended** as follows:

“that a fund for the rehabilitation and upkeep of the wetlands must be established for this purpose. That the management of the fund will be regulated through the Memorandum of Understanding (MOU) which will be drafted and signed by the various parties.”

2. that this approval be subject to the following condition thereto that a MOU be drafted and signed by the various parties.

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45. REMAINDER ERF 2395, 3 SIXTH AVENUE, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE : MESSRS PLAN ACTIVE ON BEHALF OF "DIE TRUSTEES VAN TYD TOT TYD VAN THE JARE PROPERTY 2 TRUST"

2395 HVK (3297)

P Roux

(028) 313 8900

Hermanus Administration

19 October 2016

Executive Summary

To consider an application for departure received from Messrs PlanActive Town- and Regional Planners on behalf of "Die Trustees van Tyd tot Tyd van die Jare Property 2 Trust", the owners of Remainder Erf 2395, Hermanus (Voëlklip), which application entails the following:

- street building line encroachment from 3m to 0m in order to accommodate the existing pergolas;
- lateral building line encroachment from 2m to 0m in order to accommodate the existing garage/store room;
- rear building line encroachment from 2m to 0m in order to accommodate two (2) existing pergolas; and
- relaxation of the applicable height restriction of the boundary wall and to deviate to allow curved windows in the wall.

RESOLVED :

1. that, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016, the application for departure on Remainder Erf 2395, Voëlklip, Hermanus for the following:

- street building line encroachment from 3m to 0m in order to accommodate the existing pergolas;
- lateral building line encroachment from 2m to 0m in order to accommodate the existing garage/store room;
- rear building line encroachment from 2m to 0m in order to accommodate two (2) existing pergolas, and
- relaxation of the applicable height restriction of the boundary wall,

be approved, subject to the following conditions:

- (a) that this approval only has reference to the relaxation of building lines and encroachments as indicated on the Site Development Plan, which was submitted with the application;

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- (b) that the sections of the pergola which transgress the street/property boundary be removed within 30 days of this approval;
 - (c) that the garage and other structures on the property only be used for the purpose as indicated in the application and on the building plan when approved by the Building Department;
 - (d) that an additional parking bay is demarcated on site and that automatic roll up garage doors are fitted;
 - (e) that a land surveyor's certificate indicating the coverage be obtained prior to the submission of building plans;
 - (f) that building plans be submitted to the Building Department for approval and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (g) that all the conditions contained in the Services Report, be adhered to;
 - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (i) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016, the application for departure on Remainder Erf 2395, Voëlklip, Hermanus in order to deviate from the Zoning Scheme Regulations to allow curved windows in the wall of the garage situated on the property boundary, **not be approved** due to the following:
- the Fire Department indicated that they do not support the deviation caused by the windows.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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46. ERF 5967, 88 MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIVE CONDITIONS, REZONING AND DEPARTURE : WRAP (obo CE KELLY)

5967 KKM (3310)

H van der Stoep

(028) 313 8900

Hermanus Administration

17 October 2016

Executive Summary

An application has been received on 27 May 2016 from Messrs. WRAP on behalf of Ms. CE Kelly for the following applications on Erf 5967, Kleinmond to establish office and residential use:

1. Removal of restrictive title conditions with reference to Clause C(2) of Title Deed T102217/2004 in terms of Section 16(2)(f) of the aforementioned By-Law, to enable the owner to establish offices on the property.
2. Rezoning in terms of Section 16(2)(a) of the aforementioned By-Law in order to rezone Erf 5967, Kleinmond from Single Residential Zone I to Business Zone III (Local Business) in order to accommodate the proposed offices of approximately 150m² on the property, and
3. Departure in terms of Section 16(2)(b) of the aforementioned By-Law to enable the owners to utilize approximately 86m² of the building on the rezoned property for residential purposes.

RESOLVED :

1. that the application for the removal of title deed restriction in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 as per Clause C(2) of Title Deed T102217/2004 to enable the owner to establish offices on the property, **be approved;**
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 in order to rezone Erf 5967, Kleinmond from Single Residential Zone I to Business Zone III (Local Business) in order to accommodate the proposed offices of approximately 150m² on the property, **be approved,**
3. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 for a departure on Erf 5967, Kleinmond to enable the owners to utilize approximately 86m² of the building on the rezoned property for residential purposes, **be approved;**
4. that the approvals in Points 1, 2 and 3 be subject to the following conditions:

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- (a) that the approval be restricted to the office use of approximately 150m² and residential use of approximately 87m² only as indicated on Plan No 4, which was submitted with the application;
 - (b) that the height be restricted to 8m as per Residential Zone 1;
 - (c) that should the approval lapse and/or the rights be extended, an amendment of the approval conditions will have to be lodged;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (f) that all the conditions in the Services Report, be complied with, and
 - (g) that 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.
5. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**47. ERF 2785, 57 BROOKLYN STREET, HAWSTON, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : ME & CB GEORGE**

2785 HHW (3388)

H Olivier

(028) 313 8900

Hermanus Administration

11 November 2016

Executive Summary

Departure to relax the following building lines to accommodate a double garage:

- Street building line with Brooklyn Street from 4m to 1,26m
- Lateral building line with Erf 2761 from 1m to 0m
- To exceed the 9m or one third restriction of a building over a lateral building line
- To exceed the 3,5m height restriction with 0,4m to accommodate the proposed double garage with a total of 3,9m

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to relax the street building line on Erf 2785, Hawston from 4m to 1,26m and to relax the lateral building line with Erf 2761 from 1m to 0m to accommodate a garage in excess of 9m or one third of the boundary length, and to exceed the allowable height of a garage on the boundary in excess of 3,5m, **not be approved**, and
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**48. ERF 7976, 2 EPHIKHAYA, 12 OLIENHOUT AVENUE, KLEINMOND,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MS
BOTH A**

7976, KKM (3446)

H van der Stoep

22 November 2016

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 16 September 2016 from MS Botha for a departure in terms of Section 16(2)(b) in order to accommodate a section of the existing boundary wall with Erf 7977 which is 2,3m high.

RESOLVED :

1. that the application for departure on Erf 7976, Kleinmond in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 to depart from the allowable height of 2,1m to 2,3m 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 departure for the boundary wall indicated on Plan Number DRG. NO. 160802/01 dated 17 August 2016, which was submitted with the application, and
 - (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.
2. that the applicants 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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**49. ERF 304, 2 CLIFF ROAD, HERMANUS : PROPOSED DEPARTURE :
MESSRS BUILDING & PROPERTY SOLUTIONS ON BEHALF OF THE
IMPORTANT ISSIMO**

304, HWC (3338)

H van der Stoep

11 November 2016

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 22 June 2016 from Building & Property Solutions (R de Jager) on behalf of The Important Issimo Trust for the following departures:

- Street building line from 4m to 0m to accommodate the existing loggia,
- Lateral building line from 2m to 1,5m to accommodate the extended covered stoep on the ground floor, as well as the balcony on the first floor.

RESOLVED :

1. that the application for departure on Erf 304, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 to relax the street building line from 4m to 0m to accommodate the existing loggia and the lateral building line from 2m to 1,5m to accommodate the extended covered stoep on the ground floor as well as the balcony on the first floor, **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 304_001, 304_002, 304_003 and 304_004 dated 7 March 2016, which was submitted with the application;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that all the conditions imposed by Telkom, be complied with, and

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- (f) that building plans reflecting the approval be submitted to the Building Control Department for approval within three (3) months of approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.

- 2. that the application for departure on Erf 304, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 to relax the street building line from 4m to 0m to accommodate the existing loggia and the lateral building line from 2m to 1,5m to accommodate the extended covered stoep on the ground floor as well as the balcony on the first floor, be approved, subject to the following conditions:

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**50. ERF 5544, 11 WALLERS ROAD, BETTY'S BAY, OVERSTRAND
MUNICIPAL AREA : PROPOSED SUBDIVISION : MESSRS GEOMATICS
AFRICA (obo JIA McMURRAY)**

5544, KBB (3247)

H van der Stoep

(028) 313 8900

Hermanus Administration

18 November 2016

Executive Summary

An application has been received on 22 March 2016 from Messrs Geomatics Africa on behalf of Ms JIA McMurray in terms of Section 16(2)(d) to subdivide Erf 5544, Betty's Bay to create a Remainder measuring approximately 1247m² and a new Portion A measuring approximately 1247m², for residential purposes.

RESOLVED :

1. that the application for subdivision in terms of Section 16(2)(d) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to subdivide Erf 5544, Betty's Bay to create a Remainder measuring approximately 1247m² and a new Portion A measuring approximately 1247 m², for residential purposes, **be approved;**
 - (a) that this approval only has reference to the Subdivisional Plan, Drawing No: BB5544 dated March 2016, as 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 new structures on subdivided property must comply with the requirements of the National Fire Protection Regulations SANS10400T:2011, and
 - (e) that all the conditions in the Services Report, be complied with.
2. that the applicants 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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51. ERF 243, HERMANUS – SWARTDAM WEG (SITE C), OVERSTRAND MUNICIPAL AREA : PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL : MESSRS URBAN DYNAMICS WC (PTY) LTD ON BEHALF OF OVERSTRAND MUNICIPALITY

243, HZW (3399)

H Olivier

(028) 313 8900

Hermanus Administration

6 December 2016

Executive Summary

Amendment of conditions of approval to be able to make changes to the placement of the different housing typologies (subsidized and GAP housing) on the property.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to amend Paragraph B of the Land Use Planning approval on a Portion of Erf 243, Hermanus (Zwelihle) – Site C dated 30 April 2014, **be approved**, and be amended as follows:

“B that in terms of Sections 16 and 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the rezoning of the above-mentioned portion (±5,16 ha) to subdivisional area, and the phasing of the development in two phases, Portion A being a portion of 2,32 ha in extent, and Portion B being a portion of 2,83 ha in extent, for subsidized and market/bonded GAP) housing, and the further subdivision of the two portions, as follows:

Portion A

132 Residential Zone I erven

1 Transport Zone II (public road) portion

12 Open Space Zone II (public open space) portions

Portion B

150 Residential Zone I erven

1 Transport Zone II (public road) portion

12 Open Space Zone II (public open space) portions”

2. that this approval be subject to the following condition:
 - (a) that Paragraph A, C and D and conditions thereto as stipulated in the approval dated 30 April 2014, be complied with.

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3. that the applicants 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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**52. ERF 851, 3 GANET ROAD, VERMONT, OVERSTRAND MUNICIPAL AREA :
PROPOSED DEPARTURE : IJ VAN DER WALT ON BEHALF OF
CH PAXTON**

851, HVM (3402)

H Olivier

(028) 313 8900

Hermanus Administration

6 December 2016

Executive Summary

Departure of the western lateral building line with Erf 852 from 2m to 1,5m to accommodate an existing work- and store room on the property.

RESOLVED :

1. that the application for departure on Erf 851, Vermont in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to relax the western lateral building line with Erf 852 from 2m to 1,5m to accommodate an existing work- and store room, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that all the conditions in the Services Report, be complied with;
 - (c) that this is not an approval in terms of any other legislation;
 - (d) that all the conditions by Telkom, be complied with;
 - (e) that this application only relates to the approval to relax building lines as indicated on the plan submitted by the architect, and
 - (f) that all the conditions by Eskom, be complied with.
2. that the applicants 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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**53. ERF 1122, 15 CHRISTINE CRESCENT, FRANSKRAAL, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE: ES OUWEHAND ON
BEHALF OF JWJ & HM PAULSEN**

1122, GFK (3437)

S van derMerwe

(028) 313 8900

Hermanus Administration

6 December 2016

Executive Summary

To consider an application for departure received on 12 September 2016 from ES Ouwehand on behalf of the owners of Erf 1122, Franskraal in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the southern lateral building line from 2m to 1,8m.

RESOLVED :

1. that, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016, the application for departure on Erf 1122, Franskraal to relax the southern lateral building line from 2m to 1,8m to accommodate the existing store, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that this application only relates to the approval to relax the southern lateral building line as indicated on the plan submitted by the architect;
 - (c) that all the conditions from Operational Services, be complied with;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicants 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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**54. ERF 4288, 1 KRANSZICHT, CHIAPPINI STREET, ONRUS RIVER,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE :
B SCORGIE (obo CE THOMPSON)**

4288, HON (3443)

H Olivier

(028) 313 8900

Hermanus Administration

15 December 2016

Executive Summary

An application has been received on 14 September 2016 from Engelbrecht & Scorgie Architectural Office on behalf of CE Thompson for a departure from the Kranszicht Development Guidelines in terms of Section 16(2)(b) in order to relax the street building line with Chiappini Street from 5m to 4m to accommodate the usage change of the existing carport into a new proposed single garage and also to relax the same building line from 5m to 4m to accommodate a proposed new bedroom and bathroom.

RESOLVED :

1. that the application for departure on Erf 4288, Onrustrivier in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to relax the street building line with Chiappini Street from 5m to 4m to accommodate a single garage, bedroom and bathroom, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that this application only relates to the approval to relax building lines as indicated on Plan Nr. Erf4288_THOMPSON/01-Rev0 dated August 2016;
 - (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 applicants 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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55. ERF 1433, 7 MALGAS STREET, VERMONT, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : PLAN ACTIVE (obo N FINLAYSON)

1433, HVM (3425)

H Olivier

(028) 313 8900

Hermanus Administration

14 December 2016

Executive Summary

An application has been received on 1 September 2016 from Plan Active Town & Regional Planners on behalf of N Finlayson for a departure in terms of Section 16(2)(b) in order to relax the northern lateral building line with Erf 1432 from 2m to approximately 0,7m to accommodate a new pergola, and also to relax the rear building line with Erf 1295 from 2m to 0m to accommodate a proposed new built braai and pergola.

RESOLVED :

1. that the application for departure on Erf 1433, Vermont in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to relax the northern lateral building line with Erf 1432 from 2m to 0,7m to accommodate an existing pergola and also to relax the eastern lateral building line from 2m to 0m to accommodate a braai and pergola, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that this application only relates to the approval to relax building lines as indicated on the plan dated August 2015;
 - (c) that this is not an approval in terms of any other legislation;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that all the conditions by Telkom, be complied with, and
 - (f) that all the conditions by Eskom, be complied with.
2. that the applicants 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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**56. ERF 599, 139 DE VILLIERS STREET, SANDBAAI, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURES : CP GILDENHUYS**

599, HVM (3282)

H Boshoff

(028) 313 8900

Hermanus Administration

9 December 2016

Executive Summary

An application has been received on 28 April 2016 from CP Gildenhuis for departures in terms of Section 16(2)(b) in order to relax the following :

- Rear building line with Erf 600 from 2m to 1,4m to accommodate the existing illegal loose standing wendy house and from 2m to 1m to accommodate the existing illegal store room that forms part of the proposed garage;
- Lateral building line with Erf 602 from 2m to 1m to accommodate the existing illegal store room and proposed garage, and also to relax the same lateral building line from 2,0m to 1,07m to accommodate the existing illegal combined carport/deck.

Besides the structures that have been constructed illegally and encroach building lines, the above application for building line departures mainly came about as a result of the contravention of the limitation of the combined length of outbuildings that encroach lateral- and rear building lines as prescribed in Section 16.1.1(b)(iii) of the Overstrand Municipality Zoning Scheme (in terms of the zoning scheme outbuildings may encroach building lines without a town planning application by a landowner, subject to requirements) . In terms of the latter section, outbuildings may not exceed $\frac{1}{3}$ or 9m of the length of the boundary concerned, whichever is the lesser distance. The garage, storeroom and combined carport/deck at the south eastern lateral boundary, as well as the loose standing wendy house and that section of the storeroom at the rear boundary, exceeds the above length limitations at the relevant erf boundaries. The evaluation of the afore-said must be read together with the evaluation of the application in Part N of this submission and not as a separate issue.

(For information purposes: All the above illegal structures qualify as outbuildings in terms of the definition of an outbuilding as set out in the zoning scheme.)

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for departure applicable to Erf 559, Sandbaai in order to encroach the 2m rear building line with approximately 1,4m to accommodate the illegal loose standing

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wendy house, **be refused**, in terms of the provisions of Section 61 of the said By-Law;

2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for departure applicable to Erf 559, Sandbaai in order to encroach the 2m rear building line with approximately 1m, and the south eastern lateral building line with approximately 1m to respectively accommodate the illegal store room, proposed garage and combined carport/deck, **be approved**, in terms of the provisions of Section 61 of the said By-Law;
3. that the approval in paragraph 1. above be subject to the following conditions:
 - (a) that this approval be strictly be in accordance with the Site Development Plan Number 2015-599/SH1 – SH6 dated 23 /03/2016 (excluding the loose standing wendy house) as submitted with the application;
 - (b) that the loose standing wendy house be demolished within 60 days from the final date of the above decisions to ensure that the outbuildings on the property is subordinate (lesser in size) than the main building on the property as required by the zoning scheme;
 - (c) that the structures only be utilized as per the uses indicated on the site development plan submitted with the application (the outbuildings may not be utilized for habitable purposes) – any alternative utilizations thereof is subject to the prior approval of the municipality;
 - (d) that formal building plans be submitted to the Building Control Department for approval within 60 days from the final date of the above decisions and that any additional conditions by the Fire- and Building Departments be complied with at that stage;
 - (e) that the remaining outbuildings be upgraded to an acceptable aesthetical manner;
 - (f) that a balustrade be affixed to the deck, which balustrade must maintain the 2m lateral building line;
 - (g) that the conditions of the Fire Department be adhered to;
 - (h) that all other applicable development parameters of the Zoning Scheme be complied with;

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- (i) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (j) that all the conditions in the Services Report, be complied with, and
 - (k) that all the conditions imposed by Telkom, be complied with.
2. that the applicants 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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**57. ERF 6858, 301 NINTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURES : ENGELBRECHT &
SCORGIE ON BEHALF OF A GOOSEN**

6858, HVK (3365)

H Boshoff

(028) 313 8900

Hermanus Administration

20 December 2016

Executive Summary

Application is made for a departure for the relaxation of the western lateral building line of the subject property from 2m to 1,5m and from 2m to 1,2m respectively in order to accommodate a proposed braai room and the existing outbuilding (servants quarter), as well as the relaxation of the southern rear building line from 2m to 0m in order to accommodate the existing outbuilding (garage and servants quarter).

RESOLVED :

1. that, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application for departure applicable to Erf 6858, Voëlklip, Hermanus in order to:

- 1.1 relax the 2m western- and southern lateral building lines to 1,2m and 0m respectively in order to accommodate the existing combined outbuilding; and

- 1.2 the 2m western lateral building line to 1,5m and 1,2m respectively in order to accommodate a new braai room;

be approved, subject to the following conditions:

- (a) that this approval only be in accordance with the Site Development Plan Number 21/05/16 (phase 2) Pages 1 and 2 dated 23 August 2016, as submitted with the application;
- (b) that building plans be submitted to the Building Department for approval and that any Fire- and Building Department legislation be complied with at that stage;
- (c) that the requirements of Engineering Services, be complied with;
- (d) that all other applicable development parameters of the Zoning Scheme be complied with; and
- (e) that this approval does not absolve the applicant from compliance

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with any other relevant legislation.

2. that the applicants 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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**58. ERF 9968, 15 INNESBROOK VILLAGE, FAIRWAYS AVENUE, HERMANUS,
OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: GEJ &
CJ HENNY**

9968, HEC (3343)

P Roux

(028) 313 8900

Hermanus Administration

14 December 2016

Executive Summary

An application was received from the property owners of Erf 9968 in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Planning, 2016 in order to exceed the length of the garage on the east boundary to be 8,980m and the overall length of the garage and garden store on the northern boundary to be 13,720m which is contradictory with the Fernkloof Estate Architectural Design Guidelines.

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the departure application on Erf 9968, Eastcliff, Hermanus in order to exceed the length of the garage on the eastern boundary to be 8,980m and the overall length of the garage and garden store on the northern boundary to be 13,720m which is contradictory with the Fernkloof Estate Architectural Design Guidelines (FEADG), **not be approved.**
2. that garages be reconstructed in order to comply with the FEADG, and
3. that the applicants 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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59. ERF 9850 AND THE REMAINDER OF ERF 6902, 16 & 18 MUSSON STREET, HERMANUS (EASTCLIFF), OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS WRAP CONSULTANCY ON BEHALF OF L ERASMUS

9850, HEC (3355)

P Roux

(028) 313 8900

Hermanus Administration

8 December 2016

Executive Summary

To consider an application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 received on 30 June 2016 from Messrs WRAP Consultancy on behalf of L Erasmus in order to:

- relax the lateral building line in relation to the house on Erf 6902 from 2m to 0,85m along the west/east leg and 0,7m along the south/north leg respectively;
- relax the lateral building line in relation to the house on Erf 9850 from 2m to 0,7m along the south/north leg;
- relax the rear building line in relation to Remainder of Erf 6902 from 2m to 1m to accommodate the existing bathroom; and
- relax the rear- and lateral southern building line in relation to Erf 9850 from 2m to 1,5m on the rear- and lateral southern building lines to accommodate the existing change room.

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application for departure on Erf 9850 and the Remainder of Erf 6902, Hermanus in order to:
 - i. relax the lateral building line in relation to the house on the Remainder of Erf 6902, Hermanus from 2m to 0,85m along the west/east leg and 0,7m along the south/north leg respectively;
 - ii. relax the lateral building line in relation to the house on Erf 9850, Hermanus from 2m to 0,7m along the south/north leg, and
 - iii. relax the rear building line in relation to Remainder of Erf 6902 from 2m to 1m to accommodate the existing bathroom,

be approved, subject to the following conditions:

- (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Town Planning-, Fire- and Building Departments be complied with at that stage;

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- (b) that this approval only relates to the relaxation of the building lines as indicated on the plan submitted by the architect.
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that the applicant take notice of the land use rights which have lapsed and that all illegal activities be ceased and an application be submitted within thirty (30) days of the date of this approval;
 - (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 applicants 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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60. ERF 481, 40 INGANG STREET, DE KELDERS, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: BJ HAASE & EW MEESTERS

481, GDK (3397)

P Roux

(028) 313 8900

Hermanus Administration

15 December 2016

Executive Summary

An application has been received for a departure in terms of Section 16(2)(b) from the property owners BJ Haase and EW Meesters on Erf 481, De Kelders in order to relax the lateral building line from 2m to 0,23m and the rear building line from 2m to 0m to accommodate the existing swimming pool deck, pool pump, pergola and barbeque.

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application for departure on Erf 481, De Kelders in order to relax the lateral building line from 2m to 0,23m and the rear building line from 2m to 0m to accommodate the existing swimming pool deck, pool pump, pergola and barbeque, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that all the comments received from Operational Services be adhered to;
 - (c) that this application only relates to the approval to relax building line as indicated on the plan submitted by the architect;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicants 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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61. ERF 304, 18 SKOOL STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: M DIEDERICKS (OBO NEDERDUITSE GEREFORMEERDE SENDING GEMEENTE)

304, SSN (3381)

P Roux

(028) 313 8900

Hermanus Administration

13 December 2016

Executive Summary

An application was received from Maureen Diedericks on behalf of the Nederduitse Gereformeerde Sending Gemeente for a departure in terms of Section 16(2)(b) in order to relax the street building line from 5m to 4m and the lateral building line with Erf 305 from 5m to 3m to accommodate additions to the existing buildings.

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the departure application on Erf 304, Stanford to relax the street building line from 5m to 4m and the lateral building line with Erf 305, Stanford from 5m to 3m to accommodate additions to the existing buildings, **be approved**, subject to the following conditions:
 - (a) that this application only relates to the approval to relax the building lines as indicated on the plan submitted by the architect;
 - (b) that building plans be submitted to the Building Department for approval and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that all the conditions by Telkom, be complied with;
 - (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 applicants 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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**62. ERF 1315, 12 PERLEMOEN CLOSE, VERMONT, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : ME CROSS**

1315, HVM (3278)

H Olivier

(028) 313 8900

Hermanus Administration

9 September 2016

Executive Summary

Departure to relax the 8m height restriction to legalize the existing two (2) geysers with solar panels on the roof of the dwelling house.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 on Erf 1315, Vermont to relax the 8m height restriction with 1m to accommodate existing solar geysers and panels, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that the tanks be painted to blend in with the dwelling, to the satisfaction of the Building Department;
 - (c) that this application only relates to the approval to relax the height restriction as indicated on the plan submitted by the architect;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that this is not an approval in terms of any other legislation.
2. that the applicants 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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Executive Mayor (acting under delegated authority during the recess period)

**1. PORTION 30 OF THE FARM KLIPFONTEIN 711, DIVISION CALEDON :
APPLICATION FOR CONSENT USE (SAND MINE) : FJC CONSULTING ON
BEHALF OF CHRIS LOUBSER (PTY) LTD**

30/711 GRCAL (2924)

SW van der Merwe

(028) 313 8900

Hermanus Administration

20 September 2016

Executive Summary

To consider an application received on 15 May 2015 from FJC Consulting on behalf of Chris Loubser (Pty) Ltd, the owner of Portion 30 of the Farm Klipfonteyn 711, Division Caledon for a consent use in terms of the Overstrand Zoning Scheme Regulations to conduct a sand mine measuring 4,72 ha in extent.

RESOLVED :

1. that in terms of the provisions of Section 2.2 of the Zoning Scheme Regulations the application for consent use received from Messrs FJC Consulting on behalf of the owner of Portion 30 of the farm Klipfonteyn No. 711, Division Caledon in order to conduct a sand mine measuring 4,72 ha in extent from the property, **be approved**, subject to the following conditions:
 - (a) that the relevant conditions imposed by the Environmental Section, Electro Technical Services, Operational Services, Department of Health, Engineering Services, Environmental Authorisation, Department of Agriculture, Forestry and Fisheries Department of Transport and Public Works and the Dust and Noise Management Plan, be adhered to;
 - (b) that the sand mine be restricted to the area of 4,72 ha and coordinates indicated on the Surveyor's Mining Plan dated February 2015 as submitted with the application;
 - (c) that the mining activities be conducted in accordance with the Environmental Authorisation and Mining Permit;
 - (d) that the requirements of the Environmental Management Plan and the Dust and Noise Management Plan at all times be adhered to;

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- (e) that mining activities may only occur between the hours of 06:00 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturday;
 - (f) that mining occur in 0,5 ha lots from east to west and be restricted to a maximum area of not more than 0,5 ha at any given time and be subject to the implementation of dust mitigation;
 - (g) that this approval does not absolve the applicant from compliance with any other applicable legislation;
 - (h) that the sand mine be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area, and
 - (i) that rates and service tariffs in terms of multi zoning as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**2. ERF 862, 4 GOUSBLOM STREET, BLOMPARK, GANSBAAI,
OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE :
SD CLAASSEN**

862 GBP (2882)

P Roux

(028) 313 8900

Hermanus Administration

11 November 2016

Executive Summary

To consider an application in terms of Section 2.2 of the Overstrand Municipality Zoning Scheme for a consent use in order to operate a house shop from Erf 862, Blompark.

RESOLVED :

1. that the objection **be noted**;
2. that, in terms of the provisions of the Gansbaai Zoning Scheme Regulations as promulgated in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for consent use in order to enable the owner of Erf 862, Blompark, Gansbaai to utilize a portion of the existing dwelling as a house shop, **be approved**;
3. that the above approval be subject to the following conditions:
 - (a) that no more than three persons in total shall be engaged in the home occupation activities on the property, including the occupants or occupant and any assistants;
 - (b) that onsite parking must be provided as indicated on the Site Development Plan;
 - (c) that the dominant use of the dwelling unit shall be for the living accommodation of a single family;
 - (d) that the house shop be restricted to the 27m² as per the Site Development Plan, attached as Annexure B;
 - (e) that no portion of the dwelling, and no house shop shall be used for the purposes of noxious trade, risk activity or sale of alcoholic beverages;
 - (f) that the applicable business license in terms of the relevant legislation be obtained;

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- (g) that business hours be restricted from 08:00 – 17:00 from Monday to Friday and from 08:00 – 13:00 on Saturday, no business activities may occur on public holidays and Sundays;
 - (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;
 - (i) that building plans be submitted to the Building Department for approval, and the requirements of the Building and Fire Department be adhered to;
 - (j) that no advertising sign shall be displayed without the written consent of the Municipality other than a single un-illuminated sign or notices affixed to the building or boundary wall or fence, and such sign must be in line with the Overstrand Signage By-law;
 - (k) that the storage of products, goods, or supplies connected to the home occupation shall be inside a building or screened from neighbours and public streets;
 - (l) that no more than one vehicle, not exceeding 3 500kg gross weight, shall be utilised for the house shop;
 - (m) that no slaughtering, processing, cleaning, or drying of fish, chicken or other meat, leaving waste is allowed in the house shop or on the premises;
 - (n) that this approval does not absolve the applicant from compliance with any other relevant legislation, and;
 - (o) that Council may impose additional conditions in order to minimise any potential public nuisance.
4. that the applicant be notified of its right of appeal in terms of the provisions of Section 62 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and/or the Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

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3. PORTION 2 OF THE FARM HEMEL-en-AARDE NO. 586, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF SITE DEVELOPMENT PLAN : JF LÖTTER

Ptn 2 of 586 (2976)

H Olivier

(028) 313 8179

Hermanus Administration

14 October 2016

Executive Summary

An application has been received from Mr JF Lötter to amend the existing Site Development Plan (SDP) for the existing restaurant, refuse area, new deck, amended parking layout and children's playing area on the property. Application is also made to relax the 30m street building line to approximately 25m and 29m to accommodate an extension to the restaurant (kitchen) and a covered refuse area.

RESOLVED :

1. that in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application to amend the Site Development Plan (SDP) on Portion 2 of the Farm Hemel-en-Aarde No. 586 for tourist facilities, a farm stall and a nursery, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (b) that the approval only relates to the amendments as indicated on the SDP;
 - (c) that all the conditions that the Council imposed in the original approval dated July 2012 be complied with;
 - (d) that the necessary building plans be submitted to the Building Branch for all new proposed building work;
 - (e) that a refuse area be build according to municipal specifications and that all refuse must then be removed from the property to a resigetered dump site;
 - (f) that the applicant must provide written proof from BOCMA and the Municipal Engineering Department that the sewerage system has been upgraded to their satisfaction, prior to building plan approval for the extensions proposed in this application;

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- (g) that all the conditions imposed by Telkom in their letter, be complied with;
 - (h) that all the conditions imposed by BOCMA, be complied with;
 - (i) that all the conditions in the Services Report, be complied with, and
 - (j) that all the conditions by Eskom, be complied with.
2. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), application for a departure from the relevant Scheme Regulations on the property, to allow a relaxation of the 30m building line to approximately 15m and 29m to accommodate extensions to the kitchen and a new roofed refuse area, **be approved**, and
 3. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.