

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

**18.
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY : MARCH 2017 – APRIL
2017**

15/3/11

R van Antwerp

(028) 313 8039

Hermanus Administration

20 April 2017

1. Executive Summary

To report on applications disposed of by the Senior Manager : Town- & Spatial Planning in terms of the Land Use Planning Ordinance (LUPO) and Authority Officer in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 16 March 2017 – 20 April 2017 as well as the applications that served before the Municipal Planning Tribunal on 29 March 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 and the Municipal Planning Tribunal.

7. Financial Implications

None

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

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

RECOMMENDATION:

that cognisance be taken of the town planning applications disposed of by the Senior Manager : Town- & Spatial Planning in terms of LUPO and the Authorised Official in terms of SPLUMA for the period 16 March 2017 – 20 April 2017, as well as the applications that served before the Municipal Planning Tribunal on 29 March 2017:

Land Use Planning Ordinance (LUPO) Approval

1.	Erf 481, De Kelders	19 April 2017
<u>Spatial Land Use Management Act (SPLUMA) Approvals</u>		

1.	Erf 2452, Onrustrivier	31 March 2017
2.	Erf 5802, Hermanus	31 March 2017
3.	Erf 1824, Sandbaai	31 March 2017
4.	Erf 1012, Sandbaai	31 March 2017
5.	Erf 4023, Onrustrivier	31 March 2017
6.	Erf 311, Pearly Beach	31 March 2017
7.	Erf 4548, Hermanus	31 March 2017
8.	Erf 4008, Kleinmond	31 March 2017
9.	Erf 4773, Kleinmond	7 April 2017

Municipal Planning Tribunal

1.	Erf 678, Sandbaai	29 March 2017
2.	Erf 631, Pearly Beach	29 March 2017
3.	Portion 143 of the farm Baardscheerdersbosch No. 213	29 March 2017
4.	Erf 11094, Hermanus	29 March 2017

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

RESPONSIBLE OFFICIAL :	R VAN ANTWERP
TARGET DATE FOR IMPLEMENTATION :	12 JUNE 2017
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

**18.
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY : MARCH 2017 – APRIL
2017**

**15/3/11
R van Antwerp
20 April 2017**

(028) 313 8039

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 MAY 2017, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL : R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION : 12 JUNE 2017

TARGET DATE TO INFORM APPLICANT : N/A

TARGET DATE TO INFORM OBJECTOR : N/A

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

Land Use Planning Ordinance (LUPO) Approval

1. **ERF 481, 40 INGANG STREET, DE KELDERS, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR DETERMINATION OF A CONTRAVENTION LEVY : BJ HAASE AND EW MEESTERS**

481 GDK (3561)

**SW van der Merwe
13 April 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application received on 20 December 2016 from BJ Haase and EW Meesters, the registered owners of Erf 481 De Kelders for the determination of a contravention levy in order to condone the encroachment of the height restriction of the existing building.

RESOLVED :

1. that in terms of Section 40 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for determination of a contravention levy in order to condone the building line and site coverage encroachments, **be approved**, subject to the following conditions:
 - (a) that the contravention levy of R9,188.80 be payable within thirty (30) days from the date of the approval letter;
 - (b) that building plans be submitted to the Building Control Department for approval of the unauthorised additions and that any requirements in terms of the aforementioned be adhered to;
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.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

Spatial Land Use Management Act (SPLUMA) Approvals

1. **ERF 2452, 38 DE VILLIERS STREET, ONRUS RIVER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : L VAN DER WESTHUIZEN ON BEHALF OF L JAMNECK**

2452 HON (3460)

H Olivier

(028) 313 8900

Hermanus Administration

3 March 2017

Executive Summary

An application has been received on 5 October 2016 from Mr L van der Westhuizen on behalf of the property owner, L Jamneck, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Land Use Planning, 2016 for the departure to relax the height restriction from 8m to 8,1m to accommodate a portion of an existing roof.

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 2452, Onrustrivier in order to relax the 8m height restriction to 8,1m to accommodate a portion of the roof, **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the relaxation of the height restriction as indicated on the plans 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 in the Services Report, be complied with, and
 - (d) that it is not an approval in terms of any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

**2. ERF 5802, 51 READ-NA-GAEL STREET, HERMANUS HEIGHTS,
OVERSTRAND MUNICIPAL AREA: DEPARTURE D SWART ON BEHALF
OF APT & A DU TOIT**

5802 HHH (3593)

P Roux

(028) 313 8900

Hermanus Administration

24 March 2017

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 from the owners of Erf 5802, Hermanus Heights, Hermanus in order to relax the lateral building line from 2m to 0m to accommodate the encroachment of an outside water closet and the amendment of the garage in order to incorporate a storage area.

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 5802, Hermanus in order to relax the 2m lateral building line in order to accommodate existing additions and amendments to the existing garage, **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval only has reference to the Site Development Plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval;
 - (c) that the boundary structure wall is a 60 minute fire resistant wall in terms of SANS 10400T: 2011;
 - (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.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

3. ERF 1824, 181 PIET RETIEF CRESCENT, SANDBAAI, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE, AMENDMENT OF THE CONDITIONS OF APPROVAL AND SITE DEVELOPMENT PLAN: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF SCHULPHOEK GUESTHOUSE (PTY) LTD

1824, HSB (3407)

H van der Stoep

(028) 313 8900

Hermanus Administration

14 March 2017

Executive Summary

An application has been received on 25 August 2016 from Messrs Plan Active Town Planners on behalf of Schulphoek Guesthouse (Pty) Ltd for the following:

- Amendment of the conditions of the previous approval applicable to the Schulphoek Guesthouse in order to amend building lines and the amendment of the approved Site Development Plan in order to accommodate alterations and additions to the development on the property, resulting in the extension of the enterprise.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(h), read with Section 16(2)(l), of the Overstrand By-Law on Municipal Land Use Planning, 2016, applicable to Erf 1824, Sandbaai in order to:
 - (a) amend condition 2.(d) as set out in the letter with reference 99, 102, 104, & 1557 HSB (2154) dated 13 June 2014 to relax the 4m eastern lateral building line with Erf 103, Sandbaai to 3m; and
 - (b) amend condition 2.(c) as set out in the letter with reference 99, 102, 104, & 1557 HSB (2154) dated 13 June 2014 in order to amend the current approved Site Development Plan No SUB002 Revision B dated 29 May 2013,

be approved, in terms of the provisions of Section 61 of the By-Law;
2. 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 Erf 1824, Sandbaai in order to:
 - (a) partially relax the eastern lateral building line with Erf 105 from 3m to 0 m to accommodate the existing carport, and water collection tanks;
 - (b) partially relax the southern lateral building line along Erf 103 from 3m to 0 m to accommodate the above water collection tanks;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

- (c) partially relax the eastern lateral with Erf 103 to 2m to accommodate a guest room at ground floor level, and a guestroom directly above as a result of a new first floor addition, as well as the further relaxation of the latter 3m building line to 0,9m in order to retain the existing braai;
- (d) the relaxation of the 5m southern street building line with Kusweg to 4.35m to accommodate 3 guestrooms at the new first floor addition;
- (e) partially relax the western lateral building line from 3m to 0.98m to accommodate the existing kitchen and lounge / dining hall;
- (f) partially relax the western lateral building line at ground floor level from 3m to 1,64m to accommodate the wine room and scullery;
- (g) partially relax the western building line from 3m 0m to accommodate the existing guestrooms 4 and 5;
- (h) partially relax the western building line from 3m 0.73m to accommodate the existing guestrooms 6 and 7;
- (i) partially relax the western lateral building line from 3m to 1m to accommodate the existing guestrooms 8 and 9; and
- (j) partially relax the western lateral building line from 3m to 1.55m to accommodate the manager / owner's cottage;

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

- 3. that the site development plan, **be approved**, in principle;
- 4. that the approvals in 1., 2., and 3. above be subject to the following conditions:
 - (a) that a proper site development plan, to scale, indicating the correct building lines as per the zoning scheme, that reflects all the building line encroachments approved in 2. above be submitted to the Town Planning Department of the Municipality for approval, prior to the submission of any building plans to the municipality – which site development plan will supersede any previous approved site development plans;
 - (b) that proper building plans of the total development on Erf 1824, Sandbaai, in accordance with the above approvals, be submitted to the Building Department of the Municipality for scrutiny and consideration for approval;
 - (c) that any additional requirements by the Building and Fire departments be complied with;
 - (d) that the eventual parking layout on the property be provided with a hard surface and be properly marked out;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

- (e) that all the conditions in the Engineering Services Report of the Municipality, be complied with;
 - (f) that all the other applicable conditions as per the letter of approval , be complied with, and
 - (g) that this is not an approval in terms of any other legislation.
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.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

4. ERF 1012, 39 JAN VAN RIEBEEK CRESCENT, SANDBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND SUBDIVISION : MESSRS WRAP ON BEHALF OF JA SWANEPOEL

1012 HSB (3464)

H van der Stoep

24 February 2017

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 6 October 2016 from Messrs WRAP on behalf of JA Swanepoel on Erf 1012, Sandbaai for the following applications:

- removal of restrictive title deed conditions applicable to Erf 1012, Sandbaai in terms of Section 16(2)(f) of the Overstrand By-Law on Municipal Land Use Planning, 2016 in order to enable the owner to subdivide the property, into two portions.
- subdivision in terms of Section 16(2)(d) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to subdivide Erf 1012, Sandbaai into two (2) portions namely, Portion A ($\pm 792\text{m}^2$) and Portion B ($\pm 600\text{m}^2$).

RESOLVED :

1. that the application for a removal of restrictive title conditions 2. (a), 2. (b); 2. (c) and 2. (d) in Title Deed T17372/1999 applicable to Erf 1012, Sandbaai in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to enable the owner to subdivide the property, into two portions, **be approved**, in terms of the provisions of Section 61 of the By-Law;
2. 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 1012, Sandbaai into two portions namely, Portion A ($\pm 792\text{m}^2$) and Portion B ($\pm 600\text{m}^2$), for residential purposes, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the approval in Points 1. and 2. above be subject to the following conditions:
 - (a) that the approval of the subdivision be strictly in the manner as indicated on the plan ERF1012HSB which was submitted with the application;
 - (b) that the requirements of Engineering Services, be complied with;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

- (c) that all other applicable development parameters of the Zoning Scheme be complied with, and
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation.
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.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

5. ERF 4023, 14 JOHN GOUSARD STREET, ONRUS RIVER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE ON BEHALF OF CE DU TOIT

4023 HON (3482)

H Olivier

(028) 313 8900

Hermanus Administration

4 March 2017

Executive Summary

An application has been received on 19 October 2016 from Messrs Engelbrecht & Scorgie on behalf of the property owner, CE du Toit, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Land Use Planning, 2016 for the departure of building lines for new constructions encroaching the building lines to accommodate an existing second dwelling and new built braai, covered patio and changes to the roof and windows in the main dwelling and garage.

The departure is to relax the northern lateral building line with Erf 4022 from 2m to 1,24m and to relax the rear building line with Erf 4865 from 2m to 1,79m to accommodate an existing second dwelling and garage.

There is also a departure to relax the southern lateral building line with Erf 4024 from 2m to 1,16m to accommodate a proposed built braai, covered patio and changes to the roof and windows to the main dwelling.

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 4023, Onrustvriër in order to relax the northern lateral building line with Erf 4022 from 2m to 1,24m and relax the rear building line with Erf 4865 from 2m to 1,79m to accommodate an existing second dwelling and garage, and also to relax the southern lateral building with Erf 4024 from 2m to 1,16m to accommodate a proposed built braai, covered patio and changes to the roof and windows of the main dwelling, **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines as indicated on the plans 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;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

- (c) that all the conditions in the Services Report, be complied with;
 - (d) that all the conditions by Eskom, be complied with;
 - (e) that all the conditions by Telkom, be complied with, and
 - (f) that this approval is not an approval in terms of any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

**6. ERF 311, 48 TWIST STREET, PEARLY BEACH, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE: C & S VAN TONDER**

311 GPB (3526)

S van der Merwe

(028) 313 8900

Hermanus Administration

20 March 2017

Executive Summary

To consider an application for departure received on 29 November 2016 from the owners of Erf 311, Pearly Beach in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the lateral building line from 2m to 1,570m to accommodate the proposed additions to the first floor of the building.

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 311, Pearly Beach to relax the lateral building line from 2m to 1,57m in order to add a second storey, **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval only has reference to the building plan as complied by the architect and 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 in the Services 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.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

7. **ERF 4548, 9 MOSSIE AVENUE, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : MESSRS PLAN ACTIVE (obo TB & GS SMOOK)**

4548 HNC (3209)

H van der Stoep

(028) 313 8900

Hermanus Administration

23 February 2017

Executive Summary

An application has been received on 9 February 2016 from Messrs Plan Active on behalf of TB and GS Smook for the following:

- removal of restrictive title condition B.4. in Title Deed T68122/2015 applicable to Erf 4548, Hermanus in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning in order to enable the owners to construct a new pergola stoep, double garage, carport and wendy house on the property, and
- departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning to relax the lateral building line with Erf 4545 from 2m to 0m to accommodate a double garage and carport respectively, and also to relax the 2m rear building line to 1,390m to accommodate a wendy house.

RESOLVED :

1. that the application for a removal of restrictive title condition B.4. in Title Deed T68122/2015 applicable to Erf 4548, Hermanus in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning in order to enable the owners to construct a new pergola stoep, double garage, carport and wendy house on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning on Erf 4548, Hermanus to relax the lateral building line with Erf 4545 from 2m to 0m to accommodate a double garage and carport respectively, and also to relax the 2m rear building line to 1,390m to accommodate a wendy house, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in Points 1. and 2. be subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

- (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 and rear building lines indicated on Plan Number 114-100 rev 0 dated 26 Nov 2015;
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (e) that all the conditions in the Services Report, be complied with, and
 - (f) that the wendy house may only be used for storage purposes and may at no stage be converted into a habitable room.
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.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

- 8. ERF 4008, 120 SECOND AVENUE, KLEINMOND : PROPOSED DEPARTURE : C STRYDOM, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS PLAN ACTIVE ON BEHALF OF C JUDGE AND J CAMPBELL**

4008 KKM (3488)

H van der Stoep

(028) 313 8900

Hermanus Administration

22 February 2017

Executive Summary

An application has been received on 21 October 2016 from Mr. C. Strydom for a departure in terms of Section 16(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the lateral building line with Erven 4009 and 4000 from 2m to 0m and the rear building line with Erven 4000 and 4001 from 2m to 0m and the relaxation of the 9m or a third restriction of structures over the building line to accommodate a proposed garage.

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 4008, Kleinmond in order to relax the lateral building line and rear building line from 2m to 0m to accommodate a garage, **be approved**, in terms of the provisions of Section 61 of the By-Law, 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 and rear building lines indicated on Plan Numbers 160806/01 and 160806/02 dated 30 August 2016;
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (e) that all the conditions in the Services Report, be complied with, and
 - (f) that the garage may only be used for garaging purposes and may at no stage be converted into a habitable room.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

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

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017**

(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)

- 9. ERF 4773, 53 THIRTEENTH AVENUE, KLEINMOND : PROPOSED REZONING, SUBDIVISION AND DEPARTURE : RC ABRAHAMSE (obo WAALFORD EIENDOMME NO. 42 CC)**

4773 KKM (3330)

H van der Stoep

(028) 313 8900

Hermanus Administration

A/1708/2013

10 March 2017

Executive Summary

Applications have been received on 14 June 2016 from Messrs. David Hellig & Abrahamse on Erf 4773, Kleinmond for the following:

Rezoning

Application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the rezoning of Erf 4773, Kleinmond, from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA), and also the subsequent rezoning of the newly created subdivided portions into eight (8) General Residential Zone I: Town Housing (GR1) erven and two (2) Transport Zone 2: Road and Parking (TR2) erven.

Subdivision

Application in terms of Section 16(2)(d) read with Section 22 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016, to subdivide the rezoned Erf 4773, Kleinmond into the following portions:

- Eight (8) town house erven [(General Residential Zone I: Town Housing (GR1)];
- One (1) private Road (Transport Zone 2: Road and Parking (TR2)); and
- One (1) public Road (remainder) [(Transport Zone 2: Road and Parking (TR2)].

Departure

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

- Eastern and western lateral building lines from 3m to 2,4m to accommodate the proposed dwelling houses; and
- Street building line from 5m to 1,2m to accommodate the proposed carports on Portions 4 and 5 respectively.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

RESOLVED :

1. that the application in terms of Section 16(2)(a) for the rezoning of Erf 4773, Kleinmond, from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA), and also the subsequent rezoning of the newly created subdivided portions into 8 General Residential Zone I: Town Housing (GR1) erven and 2 Transport Zone 2: Road and Parking (TR2) erven, **be approved**, in terms of the provisions of Section 61 of the By-Law;

2. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 of an application in terms of Section 16(2)(d) read with Section 22, to subdivide the rezoned Erf 4773, Kleinmond into the following portions;
 - Eight (8) town house erven (General Residential Zone I: Town Housing (GR1);
 - One (1) private road [Transport Zone 2: Road and Parking (TR2)]; and
 - One (1) public road (remainder) [Transport Zone 2: Road and Parking (TR2)]

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

3. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 of an application in terms of Section 16(2)(b) to relax the following,
 - eastern and western lateral building lines from 3m to 2,4m to accommodate the proposed dwelling houses, and
 - street building line from 5m to 1,2m to accommodate the proposed carports on Portions 4 and 5, respectively,

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

4. that the approvals in Points 1., 2. and 3. be subject to the following conditions:
 - (a) that this approval is only for the development as indicated on Plan Number L11494/subplan dated 18 August 2016, Plan Number 887-SDP 1 and 2 dated 16 August 2016 and 7 June 2016, which was submitted with the application;
 - (b) that the development be restricted to only eight (8) Single storey units, one (1) Public Road and one (1) private road;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

- (c) that the Public Road on Twelfth Avenue be ceded to the Municipality and surfaced as per Municipal Engineering Standards;
 - (d) that a Home Owners Association be established with a constitution and architectural guidelines for approval by the Municipality;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (g) that all the conditions in the Services Report, be complied with, and
 - (h) 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.