

**PORTFOLIO COMMITTEE :
INFRASTRUCTURE & PLANNING**

Chairperson :

Cllr K Brice

Committee Members :

**Cllrs D Botha, F Krige,
S Tebele & V Pungupungu**

**PORTEFEULJEKOMITEE :
INFRASTRUKTUUR & BEPLANNING**

Voorsitter :

Rdl K Brice

Komiteelede :

**Rdle D Botha, F Krige,
S Tebele & V Pungupungu**

INFRASTRUCTURE & PLANNING PORTFOLIO COMMITTEE
INFRASTRUKTUUR & BEPLANNING PORTEFEULJEKOMITEE

21 August 2018

I N D E X

ITEM

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APPLICATIONS FOR LEAVE OF ABSENCE

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

15/3/11

R van Antwerp
23 May 2018

(028) 313 8039

Hermanus Administration

1. Executive Summary

To report on applications disposed of by the Authorised Official in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 24 May 2018 – 23 July 2018.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background

This item serves to inform Council of matters that were disposed of by the Authorised Official in terms of SPLUMA and the Municipal Planning Tribunal.

7. Financial Implications

None

8. Staff Implications

None

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9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

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

RECOMMENDATION:

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 24 May 2018 – 23 July:

Spatial Land Use Management Act (SPLUMA) Approvals

1.	Erf 3085, Onrustrivier	30 May 2018
2.	Erf 5807, Hermanus	31 May 2018
3.	Erf 6722, Hermanus	11 June 2018
4.	Erf 11094, Hermanus	11 June 2018
5.	Erf 1224, Vermont	11 June 2018
6.	Erven 2448 & 2451, Onrustrivier	11 June 2018
7.	Erf 9881, Hermanus	11 June 2018
8.	Erf 1087, Franskraal	11 June 2018
9.	Erf 2458, Pearly Beach	11 June 2018
10.	Erf 2070, Vermont	15 June 2018
11.	Erf 511, Franskraal	15 June 2018
12.	Erf 8509, Kleinmond	15 June 2018
13.	Erven 1196 & 1197, Sandbaai	15 June 2018
14.	Erf 2284, Sandbaai	15 June 2018
15.	Erf 59, Rooi Els	15 June 2018
16.	Erf 3876, Kleinmond	15 June 2018
17.	Erf 1328, Pringle Bay	15 June 2018
18.	Erf 4317, Kleinmond	15 June 2018
19.	Erf 3976, Kleinmond	15 June 2018
20.	Erf 3973, Kleinmond	15 June 2018
21.	Portion 90 of farm Hemel-en-Aarde No. 587	21 June 2018
22.	Erf 11033, Hermanus	21 June 2018
23.	Erf 136, Meerenbosch	25 June 2018
24.	Erf 802, Pringle Bay	25 June 2018
25.	Erven 108 & 109, Pringle Bay	25 June 2018
26.	Erf 3533, Onrustrivier	25 June 2018
27.	Erf 1131, Hermanus	25 June 2018
28.	Erf 11033, Hermanus	29 June 2018
29.	Erf 2206, Betty's Bay	4 July 2018
30.	Erven 4435 & 4436, Kleinmond	4 July 2018

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31.	Erf 5038, Kleinmond	4 July 2018
32.	Erf 5199, Kleinmond	4 July 2018
33.	Erf 5629, Kleinmond	4 July 2018
34.	Erf 1013, Hawston	4 July 2018
35.	Erf 395, Rooi Els	4 July 2018
36.	Erf 2230, Pearly Beach	12 July 2018
37.	Erven 8082, 8085, 8086, 8089 – 8091, 8093 & 8095, Kleinmond	12 July 2018
38.	Erf 3135, Onrustrivier	12 July 2018
39.	Erf 1311, Vermont	23 July 2018
40.	Erf 341, Hawston	23 July 2018
41.	Erf 976, Hawston	23 July 2018
42.	Erf 8385, Kleinmond	23 July 2018
43.	Erf 4374, Onrustrivier	23 July 2018
44.	Erf 3323, Onrustrivier	23 July 2018
45.	Erf 5014, Onrustrivier	23 July 2018
46.	Erf 96, De Kelders	23 July 2018
47.	Erf 11033, Hermanus	23 July 2018
48.	Erf 8354, Hemel-en-Aarde Estate	23 July 2018

Municipal Planning Tribunal

1.	Erf 6846, Hermanus	30 May 2018
2.	Erf 1772, Stanford	30 May 2018
3.	Erf 115, Fisherhaven	30 May 2018
4.	Erf 3054, Betty's Bay	30 May 2018
5.	Erf 845, Sandbaai	30 May 2018
6.	Erf 238, Hermanus	30 May 2018
7.	Remainder Erf 2635, Hermanus	27 June 2018
8.	Portion 13 of farm Sandies Glen No. 129	27 June 2018

RESPONSIBLE OFFICIAL :

R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION :

12 SEPTEMBER 2018

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

**AGENDA of the
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22 August 2018
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**1.
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY: MAY 2018 – JULY 2018**

15/3/11

**R van Antwerp
23 May 2018**

(028) 313 8039

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 AUGUST 2018, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION :

12 SEPTEMBER 2018

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

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Spatial Land Use Management Act (SPLUMA) Approvals

1. ERF 3085, 39 BERG STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION AND DEPARTURE: MESSRS PLAN ACTIVE ON BEHALF OF V VILJOEN

3085 HON (3792)

H Olivier

(028) 313 8900

Hermanus Administration

18 May 2018

Executive Summary

To consider an application received on 20 September 2017 from Messrs Plan Active on behalf of V Viljoen on Erf 3085, Onrustrivier for a subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to subdivide the property into two (2) portions namely a Remainder measuring $\pm 687\text{m}^2$ and a new portion measuring $\pm 501\text{m}^2$.

Application is also made for a departure in terms of Section 16(2)(b) of the above By-Law in order to relax the new lateral building line of the Remainder from 2m to 1,6m and 0,8m to accommodate a bathroom and swimming pool respectively.

RESOLVED :

1. that the application for subdivision in terms of Section 16(2)(d) and 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 3085, Onrustrivier to subdivide the property into two (2) portions namely a Remainder $\pm 687\text{m}^2$ and a new portion $\pm 501\text{m}^2$, and the departure to relax the 2m lateral building line on the remainder portion to 1,6m and 0,8m to accommodate an existing bathroom and pool respectively, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the subdivision and relaxation of the building line as indicated on Drawing 1.1 date 24/08/2017 as submitted with the application;
 - (b) that the conditions in the Services Report, be complied with;
 - (c) that the conditions by Eskom, be complied with;

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- (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (e) that 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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2. ERF 5807, 75 FERNKLOOF DRIVE, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: MESSRS INTERACTIVE TOWN AND REGIONAL PLANNING ON BEHALF OF P VON ABERCRON

5807 HHH (3744)

P Roux

(028) 313 8900

Hermanus Administration

2 May 2018

Executive Summary

An application has been received on 1 August 2017 from Messrs InterActive Town- and Regional Planning on behalf of the owner of Erf 5807, Hermanus, P von Abercorn, for a consent use to establish a five (5) bedroom guest house on the property in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015.

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 5807, Hermanus for a consent use to operate a five (5) bedroom guest house, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the facility be utilized as a guest house only;
 - (b) that the guest house only be utilized in line with the site development plan submitted with this application;
 - (c) that no garden or structure extends into or over the property boundary;
 - (d) that a maximum of four (4) bedrooms to be let, be permitted until such time a revised site layout is provided to indicate that an eighth parking bay can be provided on-site to the satisfaction of the Senior Manager: Town and Spatial Planning;
 - (e) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guest house;
 - (f) that the guest house is utilized as such – no self-catering will be permitted;

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- (g) 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;
- (h) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary Liquor Licence;
- (i) that a maximum of one (1) permanently demarcated parking bay per guestroom and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Authorised Official;
- (j) that applicable 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 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;
- (l) that a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises, and that the existing flag pole be removed;
- (m) that the guest house be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
- (n) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
- (o) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
- (p) that should any building alterations be required, building plans should be submitted to the Building Department for approval;
- (q) that all the conditions in the Services Report, be complied with;
- (r) that all conditions imposed by the Fire Department, be complied with and proof of compliance is submitted prior to the operation of the five (5) bedroom guest house, and
- (s) that no kitchen facilities and or prep bowls be allowed in the guestrooms.

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2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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**3. REMAINDER ERF 6722, 249 FIFTH STREET, HERMANUS (VOËLKLIP):
APPLICATION FOR DEPARTURE: MESSRS ENGELBRECHT AND
SCORGIE ON BEHALF OF PCF SCHOEMAN**

6722 HVK (3892)

H Boshoff

(028) 313 8900

Hermanus Administration

29 May 2018

Executive Summary

An application has been received on 12 January 2018 from Messrs Engelbrecht and Scorgie applicable to Remainder Erf 6722, Hermanus (Voëlklip) for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to relax the western lateral building line from 2m to 1,2m to accommodate a new garage in line with the existing combined outbuilding along the western lateral boundary of which the total length will exceed the prescribed 9m as set out in the Zoning Scheme to a total length of 22,25m.

RESOLVED :

1. that the application applicable to Remainder Erf 6722, Hermanus (Voëlklip) for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to relax the western lateral building line from 2m to 1,2m to accommodate a new garage in line with the existing combined outbuilding of which the total length will exceed the prescribed 9m as set out in the Zoning Scheme to a total length of 22,25m, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the above approval be subject to the following conditions:
 - (a) that this approval is only for the development as per dimensions indicated on Plan Numbers erf6722_SCHOEMAN/01 and 02-Rev2 dated November 2016, which was submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (d) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with;

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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, 2015 with regard to the above conditional approval.

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**4. ERF 11094, 62 MITCHELL STREET, HERMANUS, OVERSTRAND
MUNICIPAL AREA: PROPOSED RELAXATION: MJ LOUBSER ON BEHALF
OF MG DELPORT**

11094 HEC (3765)

P Roux

(028) 313 8900

Hermanus Administration

6 May 2018

Executive Summary

An application has been received on 15 August 2017 from MJ Loubser on behalf of the owner of Erf 11094, Hermanus (Eastcliff), MG Delport, for the following:

- application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to relax the 2m lateral building line to 1,58m to accommodate the existing ground and first storey structures;
- application for the amendment of the approval conditions in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to amended conditions 3. (e) to retain the existing roof structure over the erf boundary and condition 3. (h) to allow the use of five (5) guest bedrooms.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for a building line relaxation from 2m to 1,58m to accommodate the existing ground and first storey structures on Erf 11094, Eastcliff, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for the amendment of approval condition 3. (e) in terms of Section 16(2)(h) of the aforementioned By-Law given on 29 March 2017 to retain the existing roof structure over the erf boundary, **not be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for the amendment of approval condition 3. (h) in terms of Section 16(2)(h) of the Overstrand Municipality By-Law to allow the use of five (5) guest bedrooms instead of (3) three bedrooms **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals provided in paragraphs 1. and 3. are subject to the following conditions:

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- (a) that the conditions compiled in the Services Report, be complied with;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that all other relevant conditions as stated in the approval dated 29 March 2017 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.
5. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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5. ERF 1224, 49 SIFFIE CRESCENT, VERMONT, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: A ELLIS

1224 HVM (3847)

H Olivier

(028) 313 8900

Hermanus Administration

15 May 2018

Executive Summary

An application has been received on 2 October 2017 from M Ellis on Erf 1224, Vermont for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the northern rear building line from 2m to 1m and eastern lateral building line from 2m to 1m to accommodate existing pergolas and built braai.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) and in terms of Section 16(2)(b) on Erf 1224, Vermont to relax the northern rear building line from 2m to 1m and the eastern lateral building line from 2m to 1m to accommodate the existing pergolas and built braai, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan no. 4285 dated 9/10/2017, submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with, and
 - (f) that all the conditions of 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, 2015 with regard to the above conditions of approval.

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6. ERVEN 2448 AND 2451, DE VILLIERS STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSOLIDATION, SUBDIVISION AND DEPARTURE: MESSRS PLAN ACTIVE ON BEHALF OF JJ & EI GILDENHUYS

2451 & 2448 HON (3827)

H Olivier (028) 313 8900

Hermanus Administration

19 April 2018

Executive Summary

Applications have been received on 24 October 2017 from Messrs Plan Active on behalf of JJ and EI Gildenhuys on Erven 2448 and 2451, Onrustrivier for the following:

- ❖ The consolidation of Erven 2448 and 2451, Onrustrivier in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015.
- ❖ Subdivision in terms of Section 16(2)(d) Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 of the new consolidated erf into two (2) portions namely Portion A (±458m²) and Portion B (±534m²).
- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for building line relaxation as follows:

Portion A: To relax the proposed new eastern lateral building line on Portion B from 2m to approximately 1,47m to accommodate the existing single garage and to relax the rear building line with Erf 2446 from 2m to 1,56m to accommodate the existing kitchen and living room.

Portion B: To relax the proposed new western lateral building line with Portion A from 2m to 1m to accommodate the existing habitable room (on-suite bathroom and bedroom, kitchen and braai stoep).

RESOLVED :

1. that the application for consolidation of Erven 2448 and 2451, Onrustrivier in terms of Section 16(2)(e) of the Overstrand By-Law on Land Use Planning, 2015 (By-Law), **be approved** in terms of the provisions of Section 61 of the By-Law;

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2. that the subdivision in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) of the newly consolidated erf mentioned in point 1. above, into two (2) portions, namely Portion A ($\pm 458\text{m}^2$) and the Remainder ($\pm 534\text{m}^2$), **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) to relax the following:

On Portion A:

The proposed new eastern lateral building line on Portion B from 2m to approximately 1,47m to accommodate the existing single garage and the rear building line with Erf 2446 from 2m to 1,56m to accommodate the existing kitchen and living room; and

On Portion B:

The proposed new western lateral building line with Portion A, from 2m to 1m to accommodate the existing habitable rooms (on-suite bathroom, bedroom, kitchen and braai stoep

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

4. that the approvals in points 1 to 3 above 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 consolidation, subdivision and departure as indicated on Plan No. onrus24515 drw dated August 2017, submitted with the application;
 - (b) that the application be made for a demolition certificate prior to any demolition taking place;
 - (c) that the structures to be demolished be demolished prior to the simultaneous consolidation and subdivision being registered;
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;

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- (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (g) that all the conditions in the Services Report, be complied with;
 - (h) that the conditions imposed by Telkom, be complied with, and
 - (i) that the conditions imposed by Eskom, be complied with.
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, 2015 with regard to the above conditions of approval.

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7. ERF 9881, 247 SIXTH STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURES: MESSRS BUILDING & PROPERTY SOLUTIONS ON BEHALF OF JM KOSTER

9881 HVK (3387)

H Boshoff

(028) 313 8900

Hermanus Administration

26 February 2018

Executive Summary

An application for departure applicable to Erf 9981, Hermanus (Voëlklip) has been received on 2 August 2016 from Messrs Building & Property Solutions on behalf of JM Koster in order to encroach the 2m western lateral boundary of the property up to the erf boundary in order to accommodate the conversion of the existing garage into two en-suite bedrooms, as well as an existing lean-to between the garage and the main dwelling.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for departure applicable to Erf 9881, Voëlklip, Hermanus in order to encroach the 2m western lateral boundary of the property up to the erf boundary in order to accommodate the conversion of the existing garage into two (2) en-suite bedrooms, **be refused** in terms of the provisions of Section 61 of the above By-Law;
2. the refusal of the application in 1. above are for the following reasons:
 - (a) habitable structures on common boundaries are undesirable from a planning point of view due to the generation of noise and invasion of privacy that will impact on the vested rights of the adjacent property owners as well as possible future owners;
 - (b) due to the extent (double erf) of the property and the position of the existing structures it is evident that ample space exists on the property for additions to the dwelling without having to encroach any building lines;
 - (c) the applicant did not indicate how the bedrooms would be interleading with the main dwelling as it would be inconsistent with the provisions of the zoning scheme, and
 - (d) the approval of the conversion of the garage into habitable space will create a precedent for similar applications in future.

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3. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for departure applicable to Erf 9881, Voëlklip, Hermanus in order to encroach the 2m western lateral boundary of the property up to the erf boundary in order to accommodate the lean-to that is to be utilised as storage for refuse and firewood, **be approved** in terms of the provisions of Section 61 of the By-Law, in terms of the following conditions:
 - (a) that the approval for the lean-to only be in accordance with the dimensions as per Plan Numbers A.01.1 – A.01.04 dated Friday, August 26, 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 the requirements of Engineering Services, be complied with;
 - (d) that all other development parameters of the Zoning Scheme, be complied with, and
 - (e) 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, 2015 with regard to the above decisions.

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**8. ERF 1087, 125 SCHNEIDER STREET, FRANSKRAAL, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE: LM AND SM BONTHUYS**

1087 GFK (3939)

SW van der Merwe

(028) 313 8900

Hermanus Administration

1 June 2018

Executive Summary

To consider an application received on 10 July 2017 from LM and SM Bonthuys, the owners of Erf 1087, Franskraal, for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to encroach the 4m street building line to 1,5m to accommodate a proposed garage.

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) the application for departure on Erf 1087, Franskraal in order to relax the 4m street building line up to 1,5m to accommodate a proposed garage, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the existing boundary wall situated on the road reserve be demolished up to the respective erf boundary within three (3) months from the date of approval;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (d) that all the conditions in the Services Report, be complied with, and
 - (e) that the approval is only for the departure as indicated on the Site Plan as submitted with the application.

2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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**9. EEF 2458, 18 NAUTILIS STREET, PEARLY BEACH, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE: MJ SLABBER**

2458 GPB (3804)

SW van der Merwe (028) 313 8900

Hermanus Administration

31 May 2018

Executive Summary

An application has been received on 2 October 2017 from the owner of Erf 2458, Pearly Beach, MJ Slabber, for a departure from the 1m lateral building line in terms of the Pearly Beach Resort Development Rules to 0,23m in order to accommodate a proposed jet master braai and flue on the property.

RESOLVED :

1. that, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) the application for a departure applicable to Erf 2458, Pearly Beach in order to encroach the 1m lateral building line in terms of the Pearly Beach Resort Development Rules, **be refused.**
 - (a) the retention of the jet master braai does not adhere to the principles contained in paragraph 1.1, 1.2 and 1.6 of the development rules;
 - (b) the retention of the braai 0,23m, from the property boundary will impact on the future residential amenity of the vacant adjoining erf by reasons of noise and disturbance, and
 - (c) the creation of an entertainment areas extending onto the lateral property boundary is not permitted in terms of the Resort Development Rules.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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10. ERF 2070, 27 CAPE TOBIN CRESCENT, VERMONT, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION: MESSRS GEOMATICS AFRICA ON BEHALF OF A & M PRIMWOOD CC

2070 HVM (3894)

H Olivier

(028) 313 8900

Hermanus Administration

9 May 2017

Executive Summary

To consider an application received on 16 January 2017 from Messrs Geomatics Africa on behalf of A & M Primwood CC on Erf 2070, Vermont for a subdivision in terms of Section 16(2)(d) in order to subdivide the property into two (2) portions namely a Remainder measuring $\pm 557\text{m}^2$ and Portion A measuring $\pm 553\text{m}^2$.

RESOLVED :

1. that the application for subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) applicable to Erf 2070, Vermont to subdivide the property into two (2) portions namely a Remainder $\pm 557\text{m}^2$ and Portion A $\pm 553\text{m}^2$, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on the Subdivisional Plan as submitted with the application;
 - (b) that the conditions in the Services Report, be complied with;
 - (c) that the conditions by Eskom, be complied with;
 - (d) that the conditions by Telkom, be complied with, and
 - (e) 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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11. ERF 511, 46 MEYER STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: RELAXATION OF RESTRICTIVE TITLE CONDITIONS: ZB VAN DER WESTHUIZEN

511 GFK (3767)

SW van der Merwe

(028) 313 8900

Hermanus Administration

28 May 2018

Executive Summary

An application has been received on 30 August 2017 from ZB van der Westhuizen for the relaxation of a restrictive title deed condition in order to relax the 3,15m rear title deed building line to 2m to construct a canopy and store on ground floor with a first floor sitting room and bedroom.

RESOLVED :

1. that the application for the relaxation of the title deed restriction in terms of Title Deed T31744/2007 C(4)(d), applicable to Erf 511, Franskraal in order to relax the 3,15m rear building line up to 2m, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval only be applicable for the relaxation indicated on the Site Plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that all the conditions in the Services Report, be complied with
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (e) that the existing unauthorised outbuilding on the rear property boundary be demolished within three (3) months of the date of this decision, 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, 2015 with regard to the above conditions of approval.

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**12. ERF 8509, 88 LAVENDER STREET, KLEINMOND, OVERSTRAND
MUNICIPALITY AREA: PROPOSED DEPARTURE: MESSRS
ARCHITECTURAL HOME DESIGNS ON BEHALF OF MR N NKETU**

8509 KKM (3471)

H van der Stoep

(028) 313 8900

Hermanus Administration

9 April 2018

Executive Summary

An application has been received on 10 October 2016 from Messrs Agricultural Design Homes (P Mattheus) on behalf of Mr N Nketu on Erf 8509, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the street building line with Lavender Road from 2m to 0m to accommodate a carport.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 8509, Kleinmond for a departure to relax the street building line with Lavender Road from 2m to 0m to accommodate a carport, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan KM8509/16, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, 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, 2015 with regard to the above conditions of approval.

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13. **ERVEN 1196 AND 1197, 16 AND 18 END STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF ME BAYER**

1196 & 1197 HSB (3881)

H Boshoff

(028) 313 8900

Hermanus Administration

7 May 2018

Executive Summary

An application in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 has been received on 14 December 2017 from Messrs Plan Active on behalf of ME Bayer for the consolidation of Erven 1196 and 1197, Sandbaai.

RESOLVED :

1. that the application in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the consolidation of Erven 1196 and 1197, Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that the applicable conditions as set out in the decision taken by the Authorised Official on 31 May 2017 applicable to the departure application relating to Erf 1196, Sandbaai, still be complied with
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with, and
 - (c) that all the relevant conditions in the Services Report and 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, 2015 with regard to the above conditions of approval.

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**14. ERF 2284, 57 LEISURE PARK, BERGSIG STREET, SANDBAAI,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE:
MESSRS WRAP ON BEHALF OF GA HAYE**

2284 HSB (3905)

H Boshoff

(028) 313 8900

Hermanus Administration

18 May 2018

Executive Summary

An application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 has been received on 30 January 2018 from Messrs WRAP applicable to Erf 2284, Sandbaai for the relaxation of the northern lateral building line from 1m to 0,79m in order to accommodate the existing dwelling.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 2284, Sandbaai to relax the northern lateral building line from 1m to 0,79m in order to accommodate a portion of the existing dwelling unit, **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 dimensions of the structure as indicated on Plan No 3 (undated) which was submitted with the application;
 - (b) that the necessary building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the 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, 2015 with regard to the above conditions of approval.

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**15. ERF 59, 8 LOVERS WALK, ROOI ELS, OVERSTRAND MUNICIPAL AREA:
PROPOSED DEPARTURE AND RELAXATION: HM ANDERSSON**

59 KRE (3900)

H van der Stoep

(028) 313 8900

Hermanus Administration

17 May 2018

Executive Summary

An application has been received on 2 October 2017 from HM Andersson on Erf 59, Rooi Els for a departure and relaxation in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the lateral and rear building line from 3,15m and 1,57m, respectively to 0m to erect a garage as well as to transgress the stipulated 9m on the boundary.

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 relax the lateral and rear building line from 3,15m and 1,57m, respectively to 0m to erect a garage as well as to transgress the stipulated 9,0m on the boundary **be approved** in terms of die provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the Plan No 2017/17, consisting of a site plan and elevations as submitted with the application;
 - (b) that the residential component above the garage be set back within the building lines
 - (c) 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.
 - (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, and
 - (f) 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, 2015 with regard to the above conditions of approval.

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**16. ERF 3876, KLEINMOND, OVERSTRAND MUNICIPAL AREA: PROPOSED
REMOVAL OF RESTRICTIVE CONDITIONS REZONING AND DEPARTURE:
MESSRS PLAN ACTIVE ON BEHALF OF T SMITH**

3876 KMM (3851)

H van der Stoep

(028) 313 8900

Hermanus Administration

15 May 2018

Executive Summary

An application has been received on 17 November 2017 from Messrs Plan Active on behalf of T Smith for the following:

❖ Removal of restrictive title conditions with reference to Clauses, C.2, C.3., C.4. C.9 and C.10 of Title Deed T20677/2014 applicable to Erf 3876, Kleinmond in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to utilize the existing dwelling as a guesthouse and self-catering facility.

The restrictive conditions contained in Title Deed T96825/2004 to be removed read as follows:

C. Onderhewig verder aan die voorwaardes van verkoop geheg aan Transportakte Nommer T41880/1982 ten gunste van Kleinmond Syndicate Limited en hul opvolgers in titel as eienaars van die restant van die grond gehou kragtens Transportakte Nommer T3729/1918 en vervat in Transportakte Nommer T10522/1953, naamlik:

C.2. The company reserves itself and its successors in title the sole right to all hotels and all liquor licenses and no purchasers of erven or their successors in title shall erected any hotel or hold any liquor license or general dealer's licence without the written consent of the directors of the company or its successors in title first had and obtained, and no shop, store or business shall be erected or opened on any stands herein sold without the written permission of the company by its directors or its successors in title first had and obtained thereto.

C.3. Every purchaser of an erf, the successor in title of such purchaser, who shall have built thereon a dwelling house or other equivalent building to the satisfaction of the directors shall, whilst actually in occupation of such building, have the right of grazing upon such portion of the company's property's property as may for time being or from time to time set apart by the directors for that purpose, such large stock, cows, horses, oxen or mules, not exceeding four in number, as he shall keep in connection with such erf, such right being also granted to the occupier of such premises, other than the owner and occupier shall not both be permitted to exercise this right at one and the same time, and that no more than four head of cattle shall be allowed to graze by virtue of any

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one erf, provided that the directors may at any time after one month's notice in writing to such erf holder or publishing in the gazette, withdraw the whole or any part of such portion of the property so set apart for the purpose of selling or otherwise disposing of the same and thereupon the said right of grazing shall cease and determine in respect of the property so withdrawn.

C.4. *That no building shall be erected on any stand unless and until the plans for such buildings have been submitted to and approved by the directors of the said company or any successor in title of the said company.*

C.9. *All buildings to be erected on the land herein sold shall stand back at least 3,15m metres from the line of the street or avenue on which the lot or lots herein mentioned may front.*

C.10. *That all outbuildings to be erected on the land herein sold shall stand back at least 9,45 metres from any street or 6,30 metres from any avenue on which the lot or lots herein mentioned may front.*

❖ Rezoning in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 from Residential Zone 1 to Business Zone 3 Local Business) in order to enable the owners to utilize the property as a service trade.

❖ Departure on terms of Section 16(2)(c) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to enable to utilize the erf on a temporary basis.

RESOLVED :

1. An application has been received on 17 November 2017 from Messrs Plan Active on behalf of T Smith for the following:

- ❖ Removal of restrictive title conditions with reference to Clauses, C.2, C.3., C.4. C.9 and C.10 of Title Deed T20677/2014 applicable to Erf 3876, Kleinmond in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to utilize the existing dwelling as a guesthouse and self-catering facility.

The restrictive conditions contained in Title Deed T96825/2004 to be removed read as follows:

C. Onderhewig verder aan die voorwaardes van verkoop geheg aan Transportakte Nommer T41880/1982 ten gunste van Kleinmond Syndicate Limited en hul opvolgers in titel as eienaars van die restant

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van die grond gehou kragtens Transportakte Nommer T3729/1918 en vervat in Transportakte Nommer T10522/1953, naamlik:

C.2. The company reserves itself and its successors in title the sole right to all hotels and all liquor licenses and no purchasers of erven or their successors in title shall erected any hotel or hold any liquor license or general dealer's licence without the written consent of the directors of the company or its successors in title first had and obtained, and no shop, store or business shall be erected or opened on any stands herein sold without the written permission of the company by its directors or its successors in title first had and obtained thereto.

C.3. Every purchaser of an erf, the successor in title of such purchaser, who shall have built thereon a dwelling house or other equivalent building to the satisfaction of the directors shall, whilst actually in occupation of such building, have the right of grazing upon such portion of the company's property's property as may for time being or from time to time set apart by the directors for that purpose, such large stock, cows, horses, oxen or mules, not exceeding four in number, as he shall keep in connection with such erf, such right being also granted to the occupier of such premises, other than the owner and occupier shall not both be permitted to exercise this right at one and the same time, and that no more than four head of cattle shall be allowed to graze by virtue of any one erf, provided that the directors may at any time after one month's notice in writing to such erf holder or publishing in the gazette, withdraw the whole or any part of such portion of the property so set apart for the purpose of selling or otherwise disposing of the same and thereupon the said right of grazing shall cease and determine in respect of the property so withdrawn.

C.4. That no building shall be erected on any stand unless and until the plans for such buildings have been submitted to and approved by the directors of the said company or any successor in title of the said company.

C.9. All buildings to be erected on the land herein sold shall stand back at least 3,15m metres form the line of the street or avenue on which the lot or lots herein mentioned may front.

C.10. That all outbuildings to be erected on the land herein sold shall stand back at least 9,45 metres from any street or 6,30 metres from any avenue on which the lot or lots herein mentioned may front.

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- ❖ Rezoning in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 from Residential Zone 1 to Business Zone 3 Local Business) in order to enable the owners to utilize the property as a service trade.
 - ❖ Departure on terms of Section 16(2)(c) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to enable to utilize the erf on a temporary basis.
2. that the rezoning in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 from Residential Zone 1 to Business Zone 3 Local Business) in order to enable the owners to utilize the property as for temporary storage of mini skips, **be approved** in terms of the provisions of Section 61 of the By-Law;
 3. that the departure on terms of Section 16(2)(c) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to enable to utilize the erf on a temporary basis to store mini skips, **be approved** in terms of the provisions of Section 61 of the By-Law;
 4. that the above approvals be subject to the following conditions:
 - (a) that a condition be registered against the Title Deed of Erf 3876, Kleinmond that reads as follows:

“The temporary land use for the storage of mini skips lapses once the owner Mr. T Smith ID 5409075137081 is deceased and the temporary rights not be transferred should the property be sold”;
 - (b) that a solid wall be erected around the property
 - (c) that the property be maintained;
 - (d) that the activity be restricted to normal office hours;
 - (e) that no refuse or material be kept on the erf;
 - (f) that an office of 9m² be erected on the erf;
 - (g) that should the activities infringe on the rights of the adjacent residential erven in terms of pollution and or safety, the owner cease with the activity immediately;
 - (h) that the Business Zone 3 be restricted to office and residential use only;

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- (i) that all conditions by the Department of Transport, be adhered to;
 - (j) that all the conditions of the Engineering Service Report be adhered to, be adhered to, and
 - (k) that all conditions imposed by the Fire Department, be complied with.
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, 2015 with regard to the above conditions of approval.

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17. ERF 1328, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE AND RELAXATION: S SCHUTTE ON BEHALF OF H VAN TONDER

1328 KPRB (3869)

H van der Stoep

(028) 313 8900

Hermanus Administration

17 May 2018

Executive Summary

An application has been received on 4 December 2017 from S Schutte on behalf of H van Tonder on Erf 1328, Pringle Bay for a departure and relaxation in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the lateral and rear building lines from 2m and 1,5m and 3m, respectively to 0m to erect a carport as well as to transgress the stipulated 9m on the boundary.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 1328, Pringle Bay for a departure to relax the lateral building line from 2m and 1,5m to 0m and the rear building line from 2m and 3m to 0m and the relaxation of the restriction of the 9m of buildings over a building line to erect a carport, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plans dated 27 September 2017, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, 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, 2015 with regard to the above conditions of approval.

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18. ERF 4317,68 FOURTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS PLAN ACTIVE ON BEHALF OF GA BUYS

4317 KKM (3509)

H van der Stoep

(028) 313 8900

Hermanus Administration

19 May 2018

Executive Summary

An application has been received on 21 November 2016 from MM Muller on behalf of GA Buys, the application was withdrawn and Messrs Plan Active on behalf of GA Buys was resubmitted on 28 November 2017 on Erf 4317, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the following:

- Relax the northern lateral building line from 2m to 0,15m to accommodate an existing carport.
- Relax the western lateral building line from 2m 1,0m to accommodate an existing carport and the conversion of an approved single garage to a servant's quarters.
- Deviation from the Overstrand Zoning Scheme to accommodate the existing carports width that exceeds a third or 9m.
- Deviate from the requirement of 40 degrees / 3,5m measured from natural ground level height to accommodate the existing double garage of which one (1) garage has been converted into a servant's quarters

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 4317, Kleinmond for the following:
 - Relax the northern lateral building line from 2m to 0,15m to accommodate an existing carport;
 - Relax the western lateral building line from 2m to 1m to accommodate an existing carport and the conversion of an approved single garage to a servant's quarters;
 - Deviation from the Overstrand Zoning Scheme to accommodate the existing carport's width that exceeds a third or 9m, and

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- Deviate from the requirement of 40 degrees / 3,5m measured from natural ground level height to accommodate the existing double garage of which one (1) garage has been converted into a servant's quarters

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

- (a) that this approval is only for the development as indicated on plan 171004/01 dated 19 January 2017, as submitted with the application;
 - (b) that the timber enclosure be removed from the carport;
 - (c) that no further transgressions be approved pertaining to the departure of building lines;
 - (d) that the carport be used as such and no storage;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with, and
 - (h) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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19. ERF 3976, KLEINMOND, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: S BISCOMBE ON BEHALF OF H VAN EEDEN

**3976 KKM (3783)
H van der Stoep
19 May 2018**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 15 September 2017 from S Biscombe on behalf of H van Eeden on Erf 3976, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the street building line with Fifth Avenue from 4m to 3,15m to accommodate an extension to the house.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 3976, Kleinmond for a departure to relax the street lateral building line with Fifth Avenue from 4m to 3,15m to accommodate an extension to the existing house, **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 extension of the scullery, living room and the bedroom (dressing room);
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, 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, 2015 with regard to the above conditions of approval.

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20. ERF 3973, 119 FIFTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: M DE JAGER ON BEHALF OF EF & AB JONES

3973 KKM (3788)

H van der Stoep

(028) 313 8900

Hermanus Administration

28 May 2018

Executive Summary

An application has been received on 15 September 2017 from M de Jager on behalf of EF and AB Jones, on Erf 3973, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the following:

- ❖ relax the western lateral building line from 2m to 1,8m to accommodate the conversion of the approved garage and servant's quarters to second dwelling and extension of the main dwelling; and
- ❖ deviation from the Overstrand Zoning Scheme to accommodate the proposed second dwelling width that exceeds a third or 9m.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 3973, Kleinmond for the following:
 - ❖ relax the western lateral building line from 2m to 1,8m to accommodate a second dwelling and extension of the main dwelling; and
 - ❖ deviation from the Overstrand Zoning Scheme to accommodate the existing structure width that exceeds a third or 9m,

be approved in terms of Section 61 of the Overstrand By-Law on Municipal Land Use Planning, 2015, subject to the following conditions:

- (a) that this approval is only for the development as indicated on the plans dated 30 August 2017, as submitted with the application;
- (b) that no further transgressions be approved pertaining to the departure of building lines;

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- (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building and the Fire Departments be complied with at that stage;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) 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, 2015 with regard to the above conditions of approval.

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**21. PORTION 90 OF FARM 587, HEMEL & AARDE VALLEY, CALEDON,
OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: MESSRS
PLAN ACTIVE ON BEHALF OF COMMODORE RACING**

90/587RCAL (3793)

**H van der Stoep
18 May 2018**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 20 September 2017 from Messrs Plan Active on behalf of Commodore Racing on Portion 90 of Farm 587, Hemel & Aarde Valley, Caledon for a consent in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to accommodate four (4) self-catering units and a restaurant on the property. Simultaneously an application is lodged in terms of Act 21 of 1940 to make use of the existing access and proposed access to Portion 90 of Farm 587, Hemel & Aarde Valley from Road No. 269.

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) the consent use for four (4) self-catering cottages and a restaurant **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval be strictly be in accordance with Plan DRG No.0.1, dated 14 June 2017 as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (e) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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22. ERF 11033, 21 MARINE DRIVE, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURES: MESSRS PLAN ACTIVE ON BEHALF OF ZELPY 1776 (PTY) LTD

11033 HWC (3820)

H Boshoff

(028) 313 8900

Hermanus Administration

17 May 2018

Executive Summary

An application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 has been received on 18 October 2017 from Messrs Plan Active on behalf of Zelpy 1776 (Pty) Ltd applicable to Erf 11033, Hermanus (Westcliff) in order to:

- relax the north eastern lateral building line from 4,5m to 0m in order to accommodate the existing enclosed extractors with ducting and hot water cylinder for the restaurant building;
- relax the south eastern street building line (Marine Drive) from 4m to 0m to accommodate the existing gazebo style steel framed structure with roll down sides and removable roof structure; as well as to
- exceed the 2,1m height restriction applicable to boundary walls in order to accommodate the existing north eastern boundary wall that is 3,63m at its highest point and 2,95m at its lowest point.

RESOLVED :

1. that the application for departures in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 applicable to Erf 11033, Hermanus (Westcliff) in order to:
 - ❖ relax the north eastern lateral building line from 4,5m to 0m in order to accommodate the existing enclosed extractors with ducting and hot water cylinder for the restaurant building;
 - ❖ relax the south eastern street building line (Marine Drive) from 4m to 0m to accommodate the existing gazebo style steel framed structure with roll down sides and removable roof structure; as well as to
 - ❖ exceed the 2,1m height restriction applicable to boundary walls in order to accommodate the existing north eastern boundary wall that is 3,63m at its highest point and 2,95m at its lowest point;

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

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- (a) that this approval is for the gazebo style structure at the front of the restaurant building, the enclosed extractors with ducting and hot water cylinder at the north eastern side of the restaurant building, and the boundary wall at the north eastern boundary of the property as indicated on the photos;
 - (b) that building plans be submitted to the Building Department for approval for the structures in (a) above, which plans must resemble the structures indicated on the photos, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that all the applicable conditions of Engineering Services, be complied with;
 - (d) that all parking for the patrons of the restaurant be accommodated on the property – no off-site parking for patrons of the restaurant on nearby open spaces are allowed;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approval.

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23. ERF 136, MEERENBOSCH, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS ENGELBRECHT AND SCORGIE ON BEHALF OF WC PUNT

136 HMB (3555)

H Olivier

(028) 313 8900

Hermanus Administration

8 June 2018

Executive Summary

An application has been received on 15 December 2016 from Messrs Engelbrecht and Scorgie on behalf of WC Punt on Erf 136, Meerenbosch for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the street building line from 1,5m to 1,195m as well as the north eastern lateral building line from 1,5m to 1,25m as defined in the Meerenbosch Building Regulations to accommodate an existing deck.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) and in terms of Section 16(2)(b) to relax the street lateral building line from 1,5m to 1,195m and the north eastern lateral building line from 1,5m to 1,25m as defined in the Meerenbosch Building Regulations to accommodate a deck, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for final approval, and
 - (b) that all the conditions in the Service 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, 2015 with regard to the above conditional approval.

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24. ERF 802, 12 VALSBAAI ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE AND RELAXATION: MESSRS MARCUS SMIT JACOBS ARCHITECTS ON BEHALF OF THE JOHALK TRUST

802 KPRB (3769)

H van der Stoep

(028) 313 8900

Hermanus Administration

6 June 2018

Executive Summary

An application has been received on 22 August 2017 from Messrs Marcus Smit Jacobs Architects on behalf of the Johalk Trust on Erf 802, Pringle Bay for a departure and relaxation in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the north western lateral building line with Erf 801 from 2m (scheme building line) and 1,5m (title deed building line) respectively, to 0m to accommodate a proposed braai area.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 802, Pringle Bay for a departure and relaxation to relax the northern western lateral building line with Erf 801 from 2m and 1,5m, respectively to 0m to accommodate a braai area and a 2,5m extension of an existing deck, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plans dated 26 March 2017, attached with signed consent letters;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that all the conditions in the Services Report, be complied with, and
 - (f) that the braai not be enclosed.

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2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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25. **ERVEN 108 AND 109, 28 AND 30 ALBATROSS ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: PROPOSED REMOVAL OF RESTRICTIVE CONDITION, SUBDIVISION AND CONSOLIDATION: MESSRS PLAN ACTIVE ON BEHALF OF AAFC & S DA FONSECA AND RG PINK**

108 & 109 KPRB (3880)

H van der Stoep

(028) 313 8900

Hermanus Administration

7 June 2018

Executive Summary

Applications have been received on Erven 108 and 109, Pringle Bay from Messrs Plan Active on behalf of AAFC & S da Fonseca and RG Pink for the following:

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 with reference Title Deed T40650/2001, Clause B.(e) applicable to Erf 109, Pringle Bay in order to accommodate an application for a subdivision and consolidation.

Restrictive title condition B.(e) reads as follows:

“(e) That this erf be not subdivided except with the consent in writing of the Administrator.”

- ❖ Departure in terms of Section 16(2)(d) and (e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to subdivide a portion of Erf 109 and consolidate the portion with Erf 108.

RESOLVED :

1. that the application for the removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) with reference Title Deed T40650/2001, Clause B.(e) applicable to Erf 109, Pringle Bay, in order to accommodate an application for a subdivision and consolidation, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for the subdivision and consolidation in terms of Section 16(2)(d) and (e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 **be approved** in terms of the provisions of Section 61 of the By-Law in terms of the following conditions:

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- (a) that this approval is only for the subdivision of Erf 109, into two (2) portions namely Portions A (128m²) and the remainder and the subsequent consolidation of Portion A with Erf 108;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that all the conditions in the Services Report, be complied with.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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**26. ERF 3533, 14 TED WOOD ROAD, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS PLANACTIVE ON
BEHALF OF THE A EN E TRUST**

3533 HON (3944)

H Olivier

(028) 313 8900

Hermanus Administration

22 June 2018

Executive Summary

An application has been received on 19 March 2018 from Messrs PlanActive on behalf of the A en E Trust on Erf 3533, Onrustrivier for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the following:

- the southern side building line from 2m to 0m to accommodate an existing built braai and from 2m to 0,65m and 1,78m to accommodate an existing verandah,
- the northern rear building line from 2m to 1,85m and 0m to accommodate an existing staircase and garden shed respectively, and also to relax the same building line to 1,89m and 1,29m to accommodate an existing play room and outbuilding respectively.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) and in terms of Section 16(2)(b) on Erf 3533, Onrustrivier for the following:

- the southern side building line from 2m to 0m to accommodate an existing built braai and from 2m to 0,65m and 1,78m to accommodate an existing verandah, and
- the northern rear building line from 2m to 1,85m and 0m to accommodate an existing staircase and garden shed respectively, and also to relax the same building line to 1,89m and 1,29m to accommodate an existing play room and outbuilding respectively,

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

- (a) that this approval is only for the development as indicated on the plan no. 110-200rev0 and 110-100rev0, submitted with the application;

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- (b) that the approval of Heritage Western Cape be obtained prior to building plan approval;
 - (c) that the roof deck be provided with a railing in compliance with the National Building Regulations and also in line with the style of railings around other decks in the development;
 - (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;
 - (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;
 - (h) that all the conditions of Eskom, be complied with, and
 - (i) that the braai not be enclosed.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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27. ERF 1131, 74 MITCHELL STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF QUINTON SHARE (PTY) LTD

1131 HEC (3756)

S van der Merwe

(028) 313 8900

Hermanus Administration

16 April 2018

Executive Summary

An application has been received on 17 August 2017 from Messrs Interactive Town- and Regional Planning on behalf of Quinton Share (Pty) Ltd applicable to Erf 1131, Hermanus (Eastcliff) in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for a consent use in order to accommodate a tourist accommodation facility on the property.

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 1131, Hermanus for a consent use to operate a tourist accommodation facility from the property, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that the conditions as stipulated by the Fire Department, be complied within thirty (30) days of the date of approval;
 - (d) that the approval for tourism accommodation is only valid for five (5) years and will lapse with the sale of the property;
 - (e) that a non-compensation agreement be approved between the Municipality's Operational Department and property owner for the installation and maintenance of services in the road reserve prior to the approval of building plans;
 - (f) that an agreement be reached between the Municipality's Operational and Engineering Department and property owner for the development of the road reserve adjacent to the street boundary of Erf 1131, Hermanus prior to the approval of building plans;

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- (g) that the separate room only be used for servant's accommodation;
 - (h) that building plans be submitted for the proposed access, and
 - (i) that should any building alterations be required, building plans should be submitted to the Building Department for approval.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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28. ERF 11033, 21 MARINE DRIVE, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURES, AMENDMENT OF CONDITIONS OF APPROVAL AND AMENDMENT OF THE SITE DEVELOPMENT PLAN: MESSRS PLANACTIVE ON BEHALF OF ZELPY 1776 (PTY) LTD

11033 HWC (3716)

H Boshoff

(028) 313 8900

Hermanus Administration

12 June 2018

Executive Summary

An application, applicable to Erf 11033, Hermanus, has been received on 14 June 2017 from Messrs PlanActive on behalf of Zelphy 1776 (Pty) Ltd in terms of Sections 16(2)(b), 16(2)(h) and 16(2)(l), of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for departures, amendment of conditions of approval and amendment of the approved Site Development Plan in order to:

- relax the north eastern lateral building line from 4,5m to 0m to accommodate an existing scullery/pantry of the restaurant building (extension of existing kitchen);
- a departure from the height restriction to accommodate a 4th storey (3rd floor) within the current approved 12,5m height restriction to make provision for three (3) additional guest rooms within the existing framework of the hotel building;
- convert one (1) of the rooms of the top floor penthouse into an additional guestroom;
- to accommodate a further two (2) additional guestrooms within the 3rd floor of the hotel building which rooms will be constructed within the existing void above the ground floor and existing lounge area;
- the conversion of the above lounge area within the 3rd floor into an additional guestroom;
- the conversion of an existing approved loose standing guestroom on the property into a guestroom that can accommodate a single family;
- the demolition of the existing conference facility and laundry to provide for the required additional parking bays as a result of the proposed additions and alterations to the structures on the property;

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- the provision of a future conference facility for paying guests only that is to be constructed on columns with access from the 1st floor of the hotel building, and
- to amend condition 2.(b) of the Executive Mayor's decision of 18 July 2008 that limits the number of leasable rooms of the hotel to twenty nine (29), as well as condition (a) of the Municipal Manager's approval of 6 March 2015 that limits the development on the property to Plan No. her1033sdp2.dwr dated 5 September 2014 in order to accommodate the above additions and alterations on the property and the amendment of the Site Development Plan.

RESOLVED :

1. that the application applicable to Erf 11033, Hermanus in terms of Sections 16(2)(b), 16(2)(h) and 16(2)(l), of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) in order to:
 - ❖ relax the north eastern lateral building line from 4,5m to 0m to accommodate an existing scullery/pantry of the restaurant building (extension of existing kitchen);
 - ❖ a departure from the height restriction to accommodate a 4th storey (3rd floor) within the current approved 12,5m height restriction to make provision for three (3) additional guest rooms within the existing framework of the hotel building;
 - ❖ convert one (1) of the rooms of the top floor penthouse into an additional guestroom;
 - ❖ to accommodate a further two (2) additional guestrooms within the 3rd floor of the hotel building which rooms will be constructed within the existing void above the ground floor and existing lounge area on the 3rd floor floor;
 - ❖ the conversion of the above lounge area within the 3rd floor into an additional guestroom;
 - ❖ the conversion of an existing approved loose standing guestroom on the property into a guestroom that can accommodate a single family;
 - ❖ the demolition of the existing conference facility and laundry to provide for the required additional parking bays as a result of the proposed additions and alterations to the structures on the property;

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- ❖ the provision of a future conference facility for paying guests only that is to be constructed on columns with access from the 1st floor of the hotel building, and
- ❖ to amend Condition 2.(b) of the Executive Mayor's decision of 18 July 2008 that limits the number of leasable rooms of the hotel to twenty nine (29), as well as Condition (a) of the Municipal Manager's approval of 6 March 2015 that limits the development on the property to Plan No. her1033sdp2.dwr dated 5 September 2014 in order to accommodate the above additions and alterations on the property and the subsequent amendment of the Site Development Plan,

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

- (a) that the total number of hotel rooms on the property be restricted to thirty six (36);
 - (b) that the future conference venue be for the sole utilisation of paying guests of the hotel;
 - (c) that building plans be submitted to the Building Department for approval, and that all relevant conditions of the Building – and the Fire Department be complied with at that stage
 - (d) that the conditions of Fire Services, Telkom and Engineering Services, be adhered to;
 - (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, and
 - (g) that two (2) parking bays be constructed on the applicant's cost as per municipal requirement.
2. that the applicant be notified of its appeal rights in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approvals.

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**29. ERF 2206, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: PROPOSED
REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE:
ME PLANNERS ON BEHALF OF JW BRAUN**

2206 KBB (3789)

H van der Stoep

(028) 313 8900

Hermanus Administration

27 June 2018

Executive Summary

Applications have been received from ME Planners on behalf of JW Braun on Erf 2206, Betty's Bay for the following:

- ❖ removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 with reference Title Deed T9823/2005, Clause D.(i).(c) applicable to Erf 2206, Betty's Bay, in order to relax the street building line from 4,72m to 2,01m to accommodate an existing house.

Restrictive title condition D.(i).(c) reads as follows:

“(c) That no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72m to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1,57meters of the lateral boundary common to any adjoining erf.”

- ❖ departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the eastern street building line from 4m and 4,72m to 2,01m and 2,73m to accommodate the existing house; and
- ❖ departure to relax the western and northern lateral building lines from 2,0m and 1,57m to 0,0m to accommodate a garden shed.

RESOLVED :

1. that the applications received from ME Planners on behalf of JW Braun applicable to Erf 2206, Betty's Bay for the following:
 - ❖ removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 with reference Title Deed T9823/2005, Clause D.(i).(c) applicable to Erf 2206, Betty's Bay, to relax the street building line of 4,72m and lateral building line of 1,57m to accommodate an existing house and outbuildings;

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- ❖ departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the eastern street building line from 4m and 4,72m to 2,01m and 2,73m to accommodate the existing house; and
- ❖ departure to relax the western and northern lateral building lines from 2,0m and 1,57m to 0,0m to accommodate a garden shed

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

- (a) that this approval is only for the departure of the applicable building lines indicated on Plan Number ERF2206BB, dated September 2017 submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, 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, 2015 with regard to the above conditions of approval.

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30. REMAINDER OF ERF 4435 AND ERF 4436, KLEINMOND, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSOLIDATION: MESSRS PLAN ACTIVE ON BEHALF OF GOLD CUP ELECTRONICS (PTY) LTD

Rem 4435 & 4436 KKM (3926)

H van der Stoep (028) 313 8900

Hermanus Administration

27 June 2018

Executive Summary

To consider an application received on 28 February 2018 from Messrs Plan Active Town & Regional Planners on Remainder of Erf 4435 and Erf 4436, Kleinmond for a consolidation in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to consolidate Remainder of Erf 4435 and Erf 4436.

RESOLVED :

1. that in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Land Use Planning, 2015 the application to consolidate Remainder of Erf 4435 and 4436, Kleinmond, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the proposed SG Diagram Erf 8666, Kleinmond dated April 2017, as submitted with the application;
 - (b) that it is the owner/applicant's responsibility to register the approved consolidation within five (5) years from the date of approval;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and
 - (f) 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, 2015 with regard to the above conditions of approval.

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31. ERF 5038, KLEINMOND, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: S SCHUTTE ON BEHALF OF THE ST FAMILIE TRUST

5038 KKM (3883)

H van der Stoep

(028) 313 8900

Hermanus Administration

28 June 2018

Executive Summary

An application has been received on 14 December 2017 from S Schutte on behalf of the ST Familie Trust on Erf 5038, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the eastern lateral building line from 2m to 1,0m to accommodate an extension consisting of a bathroom.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 5038, Kleinmond for a departure to relax the eastern lateral building line from 2m to 1,0m to accommodate an extension to the dwelling to accommodate a bathroom and dresser, **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on Plan No. D.1127. K dated November 2017, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with,
 - (e) that all the conditions in the Services Report, be complied with, and
 - (f) that the departure is only valid for the bathroom and the dresser and no other departure of the lateral building line will be allowed.
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 5199, KLEINMOND, OVERSTRAND MUNICIPAL AREA: PROPOSED
SUBDIVISION: MESSRS PLAN ACTIVE ON BEHALF JRI & PA INCE**

5199 KKM (3878)

H van der Stoep

(028) 313 8900

Hermanus Administration

27 June 2018

Executive Summary

An application has been received on 11 December 2017 from Messrs Plan Active on behalf of JRI & PA Ince on Erf 5199, Kleinmond for the subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to subdivide the erf into two portions.

RESOLVED :

1. that the application in terms of Section 16(2)(d) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 for the subdivision of Erf 5199, Kleinmond into two portions namely Portion A approximately 605m² and a Remainder approximately 585m², **be approved**, subject to the following conditions:
 - (a) that this approval is in accordance with the Subdivision Plan kleinm5199s1.drw, dated November 2017;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied within 3 months of the registration of the erf;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, 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, 2015 with regard to the above conditions of approval.

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33. ERF 5629, KLEINMOND, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: S SCHUTTE ON BEHALF OF JE SWANEPOEL AND MG MC CARTIE

5629 KKM (3866)

H van der Stoep

(028) 313 8900

Hermanus Administration

29 June 2018

Executive Summary

An application has been received on 24 November 2017 from S Schutte on behalf of JE Swanepoel and MG Mc Cartie on Erf 5629, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the lateral building line with Erf 5630 from 2,0m to 1,5m and exceed the third and or 9,0m requirement of structures transgressing a building line to accommodate a carport.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 5629, Kleinmond for a departure to relax the lateral building line from 2m to 1,5m and the relaxation of the restriction of structures over a building line to accommodate a carport, **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 carport as depicted on Plan No. D. 992.K, dated November 2017;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, 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, 2015 with regard to the above conditions of approval.

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34. ERF 1013, 26(B) CRECHE ROAD, HAWSTON, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: MC AND FH PEDRO

1013HW (3908)

H Olivier

(028) 313 8900

Hermanus Administration

20 June 2018

Executive Summary

An application has been received on 2 October 2017 from M Ellis on Erf 1013, Hawston for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the eastern lateral building line from 1m to 0m to accommodate existing kitchen, storeroom and toilet and also to relax the western lateral building line from 1m to 0,667m to accommodate an existing en-suite bathroom.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) and in terms of Section 16(2)(b) on Erf 1013, Hawston to relax the eastern lateral building line from 1m to 0m to accommodate an existing kitchen, store room and toilet and also to relax the western lateral building line from 1m to 0,667m to accommodate an existing en-suite bathroom, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan no. 2017-1013/SH1 dated 14/08/2017, submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that building plans be submitted to the Building Department for approval, and that the window in the en-suite closer than 1m from the boundary either be enclosed or addressed in another manner acceptable to the Building Department and that all conditions of the Building- and the Fire Department be complied with, and
 - (f) that all the conditions of Eskom, be complied with.

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2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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**35. ERF 395, ROOI ELS, OVERSTRAND MUNICIPAL AREA: PROPOSED
REMOVAL OF RESTRICTIVE CONDITIONS AND REZONING:
OVERSTRAND MUNICIPALITY**

395 KRE (3791)

H van der Stoep

(028) 313 8900

Hermanus Administration

5 June 2018

Executive Summary

Applications have been received by the Overstrand Municipality on Erf 395, Rooi Els for the following:

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 with reference Title Deed T034705/2015, Clauses F.4.(b), (c), (d) and (e) and G.(b) and (e) applicable to Erf 395, Rooi Els in order to accommodate a road to the Municipal Works and rezoned to Utility Zone.

Restrictive title condition F.4.(b), (c), (d) and (e) reads as follows:

“Condition (b) it shall be used for residential purposes only but no building other than one dwelling together with such outbuildings as are ordinarily required to be used therewith shall be erected thereon;

Condition (c) not more than half the area thereof shall be built upon;

Condition (d) no building or structure except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 3,15 metres of the rear, or 1,57 metres of the lateral boundary common to any adjoining erf provided that with the consent of the Local Authority an outbuilding not exceeding 3,15 metres in height measured from the floor to the wall plate and no portion of which will be used for human habitation may be erected within the above prescribed rear space and provided further that a garage may be erected up to such street line if in the opinion of the Local Authority the level of the erf is such as to make that necessary;

Condition (e) pending the establishment of a Local Authority for this Township the sewerage of this erf shall not be disposed of otherwise than by means of a properly constructed septic tank if the nature of the soil permits otherwise into a properly constructed vacuum tank serving one or more

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erven. If any such tank is serving one or more erven. If any such tank is situated on this erf the owner shall without compensation be obliged to remove it after three months written notice served upon him by such Local Authority."

Restrictive Title Condition G.(b) and (e) reads as follows:

"Condition (b) No wood and iron buildings of any description shall be erected on this erf not shall corrugated iron be used for roofing purposes;

Condition (e) No building (excluding outbuildings) shall be erected on this erf of a superficial area less than 99 square metres";

- ❖ Rezoning in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 from Residential Zone 1 to Utility Zone.

RESOLVED :

1. that the application for the removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 with reference Title Deed T034705/2015, Clauses F.4.(b), (c), (d) and (e) and G.(b) and (e) applicable to Erf 395, Rooi Els in order to accommodate a road to the Municipal Works and rezoned to Utility Zone, **be approved** in terms of the provisions of Section 61 of the By-Law.
2. that the application for rezoning in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 from Residential Zone 1 to Utility Zone, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the portion of land only be used for Utility Services;
 - (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, and
 - (d) that all the conditions in the Services Report, be complied with.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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**36. ERF 2230, 24 FOREL STREET, PEARLY BEACH RESORT, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE: PC TALJAARD**

2230 GPB (3910)

**SW van der Merwe
3 July 2018**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 14 February 2018 from the owner of Erf 2230, Pearly Beach, PC Taljaard, for the following departures in terms of the Pearly Beach Resort Development Rules, namely:

- ❖ departure of the 2m street building line with 0,8m in order to accommodate a proposed canopy 1,2m from the street boundary, and
- ❖ departure to provide one (1) on-site parking bay instead of two (2).

RESOLVED :

1. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) in order to encroach the 2m street building line up to 1,2m and the provision of one (1) on-site parking bay, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the departure as indicated on the Site Plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that the canopy may not be enclosed, and
 - (d) 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, 2015 with regard to the above conditions of approval.

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37. ERVEN 8082, 8085, 8086, 8089, 8090, 8091, 8093 AND 8095, KLEINMOND, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE GENERAL PLAN 5704/2007: MESSRS PRAKTIPLAN ON BEHALF OF KHH BAUMLER

8082 KKM (3812)

H van der Stoep

(028) 313 8900

Hermanus Administration

29 June 2018

Executive Summary

An application has been received on 16 October 2017 from Messrs Praktiplan on behalf of KHH Baumler on Erven 8082, 8085, 8086, 8089, 8090, 8091, 8093 and 8095, Kleinmond for the amendment of General Plan 5704/2007 in terms of Section 16(2)(k) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to reconfigure the cadastral boundaries.

RESOLVED :

1. that the application in terms of Section 16(2)(k) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erven 8082, 8085, 8086, 8089, 8090, 8091, 8093 and 8095, Kleinmond **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on plan No MISC212/04/03 dated 5 October 2017, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, 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, 2015 with regard to the above conditions of approval.

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38. ERF 3135, 27 VILJOEN STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS INTERACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF J PRINS

3135 HON (3956)

H Olivier

(028) 313 8900

Hermanus Administration

3 July 2018

Executive Summary

An application has been received on 26 March 2018 from Messrs Interactive Town and Regional Planners on behalf J Prins on 3135, Onrustrivier for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the eastern lateral building line from 2m to 1,8m and 1,3m to accommodate the existing dwelling on the property and chimney respectively, and also to relax the same 2m building line to 0m to accommodate a built braai.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) and in terms of Section 16(2)(b) on Erf 3135, Onrustrivier to relax the eastern lateral building line from 2m to 1,8m and 1,3m to accommodate the existing dwelling and a chimney respectively, and also relax the same lateral building line to 0m to accommodate an existing built braai, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on plan no. erf3135 dated September 2016, submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (d) that all the conditions in the Services Report, be complied with, 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.

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2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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39. ERF 1311, 9 PERLEMOEN CLOSE, VERMONT, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS ENGELBRECHT AND SCORGIE ON BEHALF OF JJC AND GH NAUDE

1311 HVM (3895)

H Olivier

(028) 313 8900

Hermanus Administration

4 July 2018

Executive Summary

An application has been received on 17 January 2018 from Messrs Engelbrecht and Scorgie on behalf of JJC and GH Naude on Erf 1311, Vermont for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to relax the rear building line from 2m to 0,9m to accommodate the extension of the existing deck with pergola over, and also to accommodate a balcony on first floor level.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) Section 16(2)(b) to relax the rear building line of Erf 1311, Vermont from 2m to 0,9m to accommodate new first floor balcony, **not 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, 2015 (By-Law) Section 16(2)(b) to relax the rear building line from 2m to 0,9m to accommodate an existing deck with pergola, **be approved** subject to the following conditions:
 - (a) that this approval is only for the existing development of the deck with pergola as indicated on plan no. Erf113Naude A1/C1-2017-WD (not the new balcony) dated October 2017, submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that all the conditions in the Services Report, be complied with;

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- (e) that building plans be submitted to the Building Department for approval, and that all additional conditions set by the Building – and the Fire Department be complied with;
 - (f) that all the conditions of Eskom, be complied with; and
 - (g) that all the conditions of Telkom, be complied with.
3. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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**40. ERF 341, EDISON CLOSE, HAWSTON, OVERSTRAND MUNICIPAL AREA:
PROPOSED RELAXATION: AH FORTUIN**

341 HHW (3748)

H Olivier

(028) 313 8900

Hermanus Administration

19 June 2018

Executive Summary

An application has been received on 3 August 2017 from AH Fortuin for a relaxation of restrictive conditions in Title Deed T51186/2014, Condition 5.(b) which reads as follows:

“5.(b) Geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, mag behalwe die toestemming van die Administrateur nader as 4,72 meter van die straatlyn wat ‘n grens van hierdie erf uitmaak, asook nie binne 3,15 meter van die agtergrens of 1,57 meter van die sygrens gemeet aan enige aangrensende erf opgerif word nie, met dien verstande dat met die toestemming van die plaaslike owerheid,”

RESOLVED :

1. that the application for the relaxation of Title Deed T51186/2014, Condition 5.(b), in terms of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 341, Hawston **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following
 - (a) that only the building plan submitted only be applicable for the relaxation and departure as indicated on Plan no. 2014/10/13;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, 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, 2015 with regard to the above conditions of approval.

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**41. ERF 976, E1 ESSEX ROAD, HAWSTON, OVERSTRAND MUNICIPAL AREA:
PROPOSED DEPARTURE: K WILLIAMS**

976 HHW (3934)

H Olivier

(028) 313 8900

Hermanus Administration

6 July 2018

Executive Summary

An application has been received on 6 March 2018 from K Williams on Erf 976, Hawston for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the southern lateral building line from 1m to 0m to accommodate a new garage.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) and in terms of Section 16(2)(b) on Erf 976, Hawston to relax the southern lateral building line from 1m to 0m to accommodate a new proposed garage, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan dated 7/02/2018, submitted with the application by the architects;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that all the conditions in the Services Report, be complied with; 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.

2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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**42. ERF 8385, OVERHILLS, KLEINMOND, OVERSTRAND MUNICIPAL AREA:
PROPOSED DEPARTURE: MESSRS ARCHITECTURAL HOME DESIGNS
ON BEHALF OF EC & NA AUGUST**

8385 KKM (3510)

H van der Stoep

(028) 313 8900

Hermanus Administration

3 July 2018

Executive Summary

An application has been received on 17 November 2016 from Messrs Architectural Home Designs on behalf of EC & NA August on Erf 8385, Overhills, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the street building line from 2m to 0m to accommodate an existing open stoep.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 8385, Kleinmond for a departure to relax the street building line from 2m to 0m to accommodate an open stoep, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on plan no KM8385/16 dated September 2016, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department, be complied with at that stage.
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with,
 - (e) that all the conditions in the Services Report, be complied with, and
 - (f) that the departure is only valid for an open stoep and may not be enclosed.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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43. ERF 4374, 38 YELLOW WOOD ROAD, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION: MESSRS WRAP ON BEHALF OF VAN THE TUBBERGH FAMILY TRUST

4374 HON (3937)

H Olivier

(028) 313 8900

Hermanus Administration

12 July 2018

Executive Summary

To consider an application received on 9 March 2018 from Merss Wrap on behalf of the van Tubbergh Family Trust on Erf 4374, Onrustrivier for a subdivision in terms of Section 16(2)(d) in order to subdivide the property into two (2) portions namely a Remainder measuring $\pm 2474\text{m}^2$ and Portion A measuring $\pm 1684\text{m}^2$.

RESOLVED :

1. that the application for subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 4374, Onrustrivier to subdivide the property into two (2) portions namely a Remainder $\pm 2474\text{m}^2$ and Portion A $\pm 1684\text{m}^2$, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on Subdivisional Plan no. 3 as submitted with the application;
 - (b) that the conditions in the Services Report, be complied with;
 - (c) that the conditions by Eskom, be complied with;
 - (d) that all right of way servitudes be registered over the new Portion A in favour of the Remainder and Erf 4373, as depicted on Subdivisional Plan no. 3, submitted with the application, and
 - (e) 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, 2015 with regard to the above conditions of approval.

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**44. ERF 3323, 61 CHIAPPINI STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS ENGELBRECHT
AND SCORGIE ON BEHALF OF THE CLAASSEN FAMILY TRUST**

3323 HON (3860)

H Olivier

(028) 313 8900

Hermanus Administration

10 July 2018

Executive Summary

An application has been received on 20 November 2017 from Messrs Engelbrecht and Scorgie on behalf of the Claassens Family Trust on Erf 3323, Onrustrivier for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the lateral building line with Erf 2079 from 2m to 0,9m to accommodate changes to the existing dwelling and to accommodate an enclosed patio area.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) and in terms of Section 16(2)(b) on Erf 3323, Onrustrivier to relax the western lateral building line from 2m to 0,9m to accommodate changes to the existing dwelling over the building line, and also accommodate a covered enclosed stoep, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on plans no. 3323.11.09, page 1 and 2 dated 11 September 2017, submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that all the conditions in the Services Report, be complied with, 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;

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2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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45. **ERF 5014, 1 NEMESIA STREET, BERGHOF, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS ENGELBRECHT AND SCORGIE ON BEHALF OF M & C KOFLER**

5014 HON (3924)

H Olivier

(028) 313 8900

Hermanus Administration

10 July 2018

Executive Summary

An application has been received on 19 April 2018 from Messrs Engelbrecht and Scorgie on behalf of M & C Kofler on Erf 5014, Onrustrivier for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the street building line from 4m to 0m to accommodate an existing carport, braai and outside shower, and to legalize a second dwelling which exceeds the 120m² size limit with 42,5m².

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) and in terms of Section 16(2)(b) on Erf 5014, Berghof, Onrustrivier to relax the street building line from 4m to 0m to accommodate a carport, braai and outside shower, and also allow for a second dwelling which exceeds the maximum size limit of 120m² with 42,5m², **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on plans no. 1001 to 1003 and 6001 dated December 2017, submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (d) that all the conditions in the Services Report, be complied with; 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;

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2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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- 46. ERF 96, 15 CLIFF STREET, DE KELDERS, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: MESSRS HUGO CARSTENS ATTORNEYS ON BEHALF OF SW VIETZE & ABJ GOMEZ**

96 GDK (3829)

P Roux

12 July 2018

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application which was received in terms of Section 48 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 that an application has been received for a consent use in terms of Section 16(2)(o) in order to operate tourist accommodation (self-catering) on the property.

RESOLVED :

1. that in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) the application on Erf 96, De Kelders for a consent use in terms of Section 16(2)(o) in order to operate tourist accommodation (self-catering) on the property, **be approved** in terms of the provisions of Sections 61 of the By-Law, subject to the following conditions:
 - (a) that a building plan be submitted to the Building Department for approval;
 - (b) that approval is only for the renting of the dwelling on a self-catering basis to two (2) people per bedroom, and to a single family;
 - (c) that all other structures comply with the relevant Zoning Scheme Regulations and title deed restrictions;
 - (d) that no tourist facilities are made available on the property;
 - (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, 2015 with regard to the above conditions of approval.

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- 47. ERF 11033, 21 MARINE DRIVE, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURES, AMENDMENT OF CONDITIONS OF APPROVAL AND AMENDMENT OF THE SITE DEVELOPMENT PLAN: MESSRS PLANACTIVE ON BEHALF OF ZELPY 1776 (PTY) LTD**

11033 HWC (3716)

H van der Stoep

(028) 313 8900

Hermanus Administration

11 July 2018

Executive Summary

An application applicable to Erf 11033, Hermanus has been received on 14 June 2017 from Messrs Plan Active on behalf of Zelpy 1776 (Pty) Ltd in terms of Section 16(2)(h), of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for departures, amendment of conditions of approval and amendment of the approved Site Development Plan was approved 2 July 2018.

Subsequent meeting between the applicant and Municipality has resolved in an amendment of the Services Report. The application is to reflect the amendment, which are as follows:

That Condition 6 of the Service Report which read as follows: " that the three vehicle entrances at the back in Church Street be consolidated into one, at owner's cost", be amended as follows: "*that one of the existing entrances (middle gate) in Church Street be permanently closed by a brick wall at the owner's cost*", and

An added Condition, Condition 7: "*that one of the existing entrances (main gate) in Church Street be closed for control and safety reasons and will only be utilized occasionally, if and when required*".

RESOLVED :

1. that the amended Services Report dated 11 July 2018 replaces the Services Report dated 25 June 2018;
2. that all other conditions as per approval letter dated 21 June 2018 remains in place.
3. that the amended Site Plan, dated 11 July 2018, reflecting the amended condition as in point 1.

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4. that the applicant be notified of its appeal rights in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approvals.

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48. **ERF 8354, 6 SAGEWOOD STREET, HEMEL-EN-AARDE ESTATE, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: J COLLER ON BEHALF OF PV & JR MARX**

8354 HMS (3873)

H Boshoff

(028) 313 8900

Hermanus Administration

11 July 2018

Executive Summary

An application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 has been received on 5 December 2017 from J Coller, applicable to Erf 8354, Hermanus for the relaxation of the western lateral building line from 1m to 0m and southern lateral building line from 1m to 0,415m to accommodate a new garage.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 8354, Hermanus for the relaxation of the western lateral building line from 1m to 0m and southern lateral building line from 1m to 0,415m to accommodate a new garage, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the dimensions of the structure as indicated on Plan No MXP-01 Page 1 – 3 dated 9 October 2017 which was submitted with the application;
 - (b) that the necessary building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the 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, 2015 with regard to the above conditions of approval.

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Municipal Planning Tribunal

1. **ERF 6846, 12 CROSS STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA: REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND SUBDIVISION: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF JA DU TOIT**

6846 HEC (3774)

P Roux

(028) 313 8900

Hermanus Administration

4 April 2018

Executive Summary

To consider an application received on 5 September 2017 from Messrs Plan Active Town- and Regional Planners on behalf of the owner, JA du Toit, of Erf 6846, Hermanus, for the following:

- application in terms of Section 16(2)(f) for the removal of restrictive title condition E (2) in order to subdivide Erf 6846, Hermanus into three (3) portions; and
- application in terms of Section 16(2)(d) for the subdivision of Erf 6846, Hermanus into three (3) portions namely, Portion A $\pm 1500\text{m}^2$; Portion B $\pm 1500\text{m}^2$ and a Remainder $\pm 4140\text{m}^2$.

RESOLVED :

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the removal of restrictive title conditions E (2) which is found in Title Deed No. T62388/1987, **be approved**;
2. that the application for subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 6846, Hermanus (Fernkloof) to subdivide the property into three (3) portions namely, Portion A $\pm 1500\text{m}^2$, Portion B $\pm 1500\text{m}^2$ and a Remainder $\pm 4140\text{m}^2$, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in paragraphs 1. and 2. above are subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on the Subdivisional Plan as submitted with the application;
 - (b) that the conditions compiled in the Services Report, be complied with;

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- (c) that the comment received from Telkom, be noted;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant and the objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval

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**2. ERF 1772, STANFORD, OVERSTRAND MUNICIPAL AREA: PROPOSED
CONSENT USE: MESSRS WRAP ON BEHALF OF SEBUMO TUDE GUEST
SERVICES & MORE CC**

1772 SSS (3543)

P Roux

(028) 313 8900

Hermanus Administration

6 April 2018

Executive Summary

An application has been received on 7 December 2016 from Messrs WRAP Consultancy on behalf of the owners of Erf 1772, Stanford, Sebumo Tude Guest Services & More CC, for a consent use in terms of Section 16(2)(o) in order to accommodate the following:

- guest house with five (5) lettable rooms;
- intensive horticulture;
- plant nursery;
- additional dwelling unit;
- tourist facilities that include a lecture room, gift shop, restaurant, picnic area and restrooms; and
- farm store.

RESOLVED :

1. that the objections be noted;
2. in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) application for a consent use on Erf 1772, Stanford in order to accommodate the following:

- ❖ guesthouse with 5 lettable rooms;
- ❖ intensive horticulture;
- ❖ plant nursery;
- ❖ additional dwelling unit;
- ❖ tourist facilities that include a lecture room, gift shop, restaurant, picnic area and restrooms; and
- ❖ farm store

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

- (a) that a revised Site Development Plan (SDP) be submitted indicating the following:
 - the placement of water storage units for the harvesting of rain water;

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- the placement of water and sewerage circulation;
 - the placement of a refuse collection area/room;
 - light fixtures;
 - contours;
 - storm water management;
 - details of renewable energy (solar energy), and
 - the removal of the proposed gift shop.
- (b) that a Landscape Plan be submitted for approval to the satisfaction of the Senior Manager: Town and Spatial Planning;
- (c) that the conditions compiled by District Health, Telkom, Eskom, Fire Department, Department of Environmental Affairs and Development Planning, Department of Agriculture, Breede-Gouritz Chatchment Management Agency (BGCMA), Department of Transport and Public Works and CapeNature, be complied with;
- (d) that should ground water be utilized then BGCMA comment dated 3 April 2018 must be complied with;
- (e) that the conditions compiled in the Services Report, be complied with;
- (f) that no municipal water may be used for the irrigation of crops;
- (g) that should ground water be used for irrigation purposes, then the developer must obtain the necessary license;
- (h) that building plans be submitted to the Building Department for approval and that approval conditions 2(a), (b) and (e) contained in this approval be complied with;
- (i) that a maximum of five (5) bedrooms to be let in the main dwelling, be permitted;
- (j) that the barn be limited to a height of 8m from the base level to the top of the structure and used solely for the use of bona fide agricultural activities;
- (k) that only the additional dwelling unit may be used for self-catering purposes;
- (l) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;

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- (m) that no place of entertainment may be conducted on the premises before obtaining approval from the Municipality;
 - (n) that applicable rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (o) 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;
 - (p) that any proposed sign to be displayed complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (q) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (r) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant and the objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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3. ERF 115, 39 THE CRESCENT, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA: REMOVAL OF RESTRICTONS, CONSENT USE AND DEPARTURE: MESSRS HIGHWAVE CONSULTANT ON BEHALF OF GPN KRUGER

115 HFH (3677)

H Olivier

(028) 313 8900

Hermanus Administration

28 March 2018

Executive Summary

An application has been received on 11 May 2017 from Messrs Highwave Consultants on behalf of GPN Kruger on Erf 115, Fisherhaven for the following:

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the removal of the restrictive condition in Title Deed T75010/2015, Page 3, Paragraph D.4.(d):

“D. SUBJECT to the following special conditions contained in Deed of Transfer No. T17674/1970 imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 van 1934 when approving of the establishment of Fisherhaven Township, namely:-

1.

2.

3.

4. The erf shall be subject to the following further conditions, provided especially that where, in the opinion of the Administrator, after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation, subject to compliance with such conditions as he may impose:-

(d) No building, or structure, or any portion thereof, except boundary walls and fences nearer than 2,35m to the street line which forms a boundary to this erf”

- ❖ Consent Use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Land Use Planning, 2015 to erect a 15m high transmission tower and base status on the property.

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- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to depart from the Overstrand Zoning Scheme in order to relax the western lateral building line from 3m to 0m and the 8,5m height restriction to 15m to accommodate the proposed transmission tower and base station.

RESOLVED :

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 115, Fisherhaven for the removal of restrictive condition D.4.(d) of Title Deed T75010/2015, **not be approved**;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 115, Fisherhaven for a departure to relax the western lateral building line from 3m to 0m and the 8,5m height restriction to 15m to accommodate a proposed transmission tower and base station, **not be approved**
3. that the consent use application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Land Use Planning, 2015 to erect a 15m high transmission tower and base station on the property, **not be approved**.
4. that the applicant and objectors be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

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4. ERF 3054, 11 SEAVIEW DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: REMOVAL OF RESTRICTIVE CONDITIONS AND CONSENT USE: MESSRS PLAN ACTIVE ON BEHALF OF ALPAC INVESTMENT CC

3054 KBB (3205)

H van der Stoep

(028) 313 8900

Hermanus Administration

11 April 2017

Executive Summary

An application has been received on 1 February 2016 and a revised application dated 27 January 2017 from Messrs Plan Active Town & Regional Planners on behalf of Alpac Investments CC for the following :

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the removal of the restrictive conditions Clauses C.(i)(5)(b) and C.(ii)(m) of Title Deed T54244/2014 applicable to Erf 3054, Betty's Bay in order to utilize the existing dwelling as an upliftment centre.

Clauses C.(i)(5)(b) and C.(ii)(m) reads as follows:

"C.(i)(5)(b)

It shall be used only for the purpose of erecting thereon one dwelling, together with such outbuildings as are ordinarily required to be used therewith."

C.(ii)(m)

No hotel, boarding house, canteen, restaurant, bioscope, shop, factory, industry or any place of business or entertainment whatsoever shall be opened or conducted on the Special Residential erven."

- ❖ Consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to enable the owners to utilize the existing dwelling house on the property as an upliftment centre.

RESOLVED :

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 3054, Betty's Bay for the removal of the restrictive conditions Clause C.(i)(5)(b) of Title Deed T54244/2014 applicable to Erf 3054, Betty's Bay in order to utilize the existing dwelling as an upliftment centre, **be amended** to read as follows:

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“It shall be used for residential purpose, together with such outbuildings as are ordinarily required to be used therewith and that the property is used primarily for residential purposes and any other land as per the Scheme be allowed subservient to the residential use.”

2. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 3054, Betty’s Bay for the removal of the restrictive conditions Clause C.(ii)(m) of Title Deed T54244/2014 applicable to Erf 3054, Betty’s Bay in order to utilize the existing dwelling as an upliftment centre, **be amended** to read as follows:

“No hotel, boarding house, canteen, restaurant, bioscope, shop, factory, industry or entertainment whatsoever shall be opened or conducted on the Special Residential erven.”

3. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 3054, Betty’s Bay for a consent use in order to enable the owners to utilize the existing dwelling house on the property as an upliftment centre, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the amendments in Points 1. and 2. and the approval in Point 3. above be subject to the following conditions:
 - (a) that the consent use not be transferable;
 - (b) that the amount of guests be restricted to ten (10) people;
 - (c) that the consent use is valid only for an upliftment centre in its present form;
 - (d) that parking be provided on-site as per parking layout bett3054s.drw, dated 01/2016, as submitted with the application;
 - (e) that a maximum of one (1) permanently demarcated parking bay per guest room and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Authorised Official;
 - (f) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the upliftment centre;
 - (g) that no facilities (bar/restaurant or any other) be provided for residents or non-residents of the upliftment centre;
 - (h) that the selling or serving of liquor on the premises will not be allowed;

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- (i) that applicable 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 upliftment centre 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 the gym noise levels be measured and the necessary mitigating measures such as rubber carpets be installed and the door(s) be closed during activities;
 - (n) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (o) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (p) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (q) that all the conditions in the Services Report, be complied with, and
 - (r) that all conditions imposed by the Fire Department, be complied with.
5. that the applicant and objectors be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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5. ERF 845, CORNER OF END- AND LOUIS TRICHARD STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE: MESSRS ROUTE 2EC TOWN PLANNING STRATEGIES ON BEHALF OF AC MURRAY

845 HSB (3759)

H van der Stoep

15 March 2018

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 24 August 2017 from Messrs Route 2EC Town Planning Strategies on behalf of AC Murray applicable to Erf 845, Sandbaai for the following:

- ❖ Removal of restrictive title deed conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the removal of restrictive title deed conditions B.2.(a), B.2.(b), B.2.(c) and B.2.(d) as contained in Title Deed T85461/2006 applicable to the above erf in order to operate a crèche from the property.

The restrictive conditions B.2.(a) – (d) as contained in Title Deed T85461/2006 to be removed, read as follows:

(a) "That the above erf or erven be used for residential purposes only.

(b) That the above erf or erven be not subdivided.

(c) That not more than one dwelling together with the necessary outbuildings and accessories be erected on any one of the above erven and that not more than one-half the area of any one of the above erven be built upon;

(d) That no building shall be erected on the above erf or erven within 4,72 metres of any boundary line between the said erf or erven and any street, road or avenue on which such erf or erven abuts; such space may be used as gardens, but shall not be built upon."

- ❖ Application is subsequently made in terms of Section 16(2)(o) of the above By-Law for a consent use in order to enable the owner of the above property to operate a crèche once specifically the above restrictive condition B.2.(a) has been removed from the Title Deed.

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RESOLVED :

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the removal of restrictive title deed condition B.2.(a) as contained in Title Deed T85461/2006 applicable to Erf 845, Sandbaai in order to accommodate a crèche on the property, **be amended**, to read as follows:

“That the above-mentioned erf of erven be used primarily for residential purposes and any other use be subservient to the residential use.”
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the removal of restrictive title deed condition B.2.(b) as contained in Title Deed T85461/2006 applicable to Erf 845, Sandbaai in order to accommodate a crèche on the property, **not be removed**.
3. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the removal of restrictive title deed conditions B.2.(c) and B.2.(d) as contained in Title Deed T85461/2006 applicable to Erf 845, Sandbaai in order to accommodate a crèche on the property, **be removed** in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section (16)(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for consent use applicable to Erf 845, Sandbaai in order to accommodate a crèche on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the amendment in Point 1. and the approvals in Points 3. and 4. above be subject to the following conditions:
 - (a) that a site development plan be submitted indicating the crèche areas and the residential areas applicable. The crèche has to be subservient to the residential use of the building.
 - (b) that a maximum of ten (10) children may be looked after at the crèche at any given time;
 - (c) that the timetable as submitted by the operators of the crèche be adhered to in ensuring that the noise levels during outdoor play times are kept to a minimum
 - (d) that no loud bells, shouting or whistling be allowed;

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- (e) that the requirements of the Fire Department, be complied with;
 - (f) that the requirements of Engineering Services, be complied with;
 - (g) that all parking bays and the collect and drop area must be clearly demarcated;
 - (h) that the operators of the crèche obtain all the necessary health and safety certificates, prior to the crèche being operated;
 - (i) that the approval does not absolve the landowners/operators of the crèche from compliance with any other relevant legislation;
 - (j) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;
 - (k) that all the regulations as set in the Children's Act No. 38 of 2005, as amended, be adhered to;
 - (l) that commercial rates and service tariffs, as determined by the annual budget, be made applicable to refuse removal, which tariffs are automatically adjusted in terms of the annual budget;
 - (m) that should justified complaints be received in the manner in which the crèche is being operated, or be operated in such a manner that it impacts negatively on the surrounding neighbourhood, the Municipality reserves the right to rescind the consent use approval;
 - (n) that the rights not be transferrable, and
 - (o) that a 2,1m solid wall be built on the boundary abutting Erf 846.
6. that the applicant and objectors be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approvals.

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6. ERF 238, 4 ROCKLANDS ROAD, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE: MESSRS INTERACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF THE KAMMARBIEB FAMILY TRUST

238 HWC (3621)

H van der Stoep

(028) 313 8900

Hermanus Administration

3 January 2018

Executive Summary

An application has been received on 16 March 2017 from Messrs InterActive Town & Regional Planners (A. Wiehahn) on behalf of the Kammarieb Family Trust on Erf 238, Hermanus for the following:

- ❖ Removal of restrictive title conditions with reference to Clauses B.(a) – (f) of Title Deed T69108/2011 applicable to Erf 238, Hermanus in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015.

Clauses B.(a) – (f) of Title Deed T69108/2011 reads as follows:

“(a) That this erf be used for residential purposes only.

(b) That only one dwelling together with such outbuildings as are ordinarily required to be used therewith be erected on this erf.

(c) That not more than half the area of this erf be built upon.

(d) That no building shall be erected within 4.72 metres of any street line which forms a boundary of this erf. No building shall be situated within 2.35 metres of the lateral boundary common to any adjoining erf.

AS being in favour of the Administrator:

(e) That this erf not be subdivided except with the consent in writing of the Administrator.

AS being in favour of the Municipality of Hermanus:

(f) That the owner of this erf shall be obliged to allow the drainage and sewerage of any other erf or erven to be conveyed over this erf if deemed necessary by the Municipality and in such manner and in such

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position as may from time to time be reasonably required by the Municipality.”

- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Erf 238, Hermanus to relax the rear building line with Erf 237 from 2m to 0m and the eastern lateral building line with Erf 235 from 2m to 0m to accommodate a proposed new triple garage on the property concerned.

RESOLVED :

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the removal of restrictive title conditions with reference to Clauses B.(a), B.(b), B.(c) of Title Deed T69108/2011 applicable to Erf 238, Hermanus, **be approved**;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 on Erf 238, Hermanus for a departure in order to relax the rear building line with Erf 237 from 2m to 0m to accommodate a proposed new double garage on the property concerned, **be approved**;
3. that the approvals in Points 1. and 2. be subject to the following conditions:
 - (a) that the approval for the departure is only for the building line relaxation as indicated on Plan dated 8 February 2017, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
4. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the removal of restrictive title condition Clause B(d) be approved in part. The 4,72m street building line be removed, but that the lateral building line 2.35m remains due to the following reasons:

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- (a) The impact of the proposed triple garage on the adjacent erf's habitable rooms with regard to sunlight
 - (b) The deprivation of liveability of the habitable rooms
5. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the removal of restrictive title conditions with reference to Clauses B.(e) and B.(f) of Title Deed T69108/2011 applicable to Erf 238, Hermanus, **not be approved**, due to the following reasons:
- (a) the Overstrand policy documents are guidelines and promote densification; however the densification policy relates to the whole of Westcliff and does not take into account the trend in the immediate vicinity of the application erf. Therefore it is prudent that the condition remains in place to ensure that subdivisions be limited until the market indicates that there is a need in the area to move to smaller erven.
 - (b) the condition relating to allowing services transgressing the erf should the need arrive needs to remain in place to ensure that the Municipality can serve the area in an effective manner. Although it is duplicated in the By-Law, a prospective owner does not read the By-Law, but is immediately informed of conditions when purchasing the erf. The Title Deed condition is thus the first information document to inform the applicant of the erf's services obligation.
6. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

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7. REMAINDER ERF 2635, 127 SEVENTH STREET, VOëLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION AND DEPARTURES: MESSRS PLANACTIVE ON BEHALF OF THE IAN AND JANE JACKSON FAMILY TRUST

2635 HVK (3777)

**SW van der Merwe
5 June 2018**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 5 September 2017 from Messrs PlanActive on behalf of the Ian and Jane Jackson Family Trust applicable to Remainder Erf 2635, Hermanus (Voëlkliip) for the following:

- ❖ Removal of a restrictive title deed condition in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the removal of condition D.(c) as contained in Title Deed T33061/2017 in order to accommodate the existing double storey dwelling unit and carport that encroach the 3,15m street building line (title deed building line) with 2,62m.
- ❖ Application for departure in terms of Section 16(2)(b) of the above By-Law comprising the following:
 - (a) the relaxation of the north western lateral building line from 2m to 0,89m, the rear building line from 2m to 0,95m, as well as the north eastern lateral building line from 2m to 1,172m in order to accommodate the existing single garage and second dwelling unit;
 - (b) the relaxation of the north western lateral building line from 2m to 0,98m and 1,04m, the north eastern lateral building line from 2m to 0,849m and 0,88m, as well as the 4m street building line to 0,53m, in order to accommodate the existing carport, wooden deck and two storey main dwelling unit with balcony;
 - (c) the relaxation of the permissible coverage from 50% to 61% in order to accommodate the existing structures on the property, and
 - (d) the relaxation of the permissible 3,5m height restriction applicable to outbuildings to 3,965m in order to accommodate the existing single garage.

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RESOLVED :

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the removal of condition D.(c) as contained in Title Deed T33061/2017 of Remainder Erf 2635, Hermanus in order to accommodate the existing double storey dwelling unit and carport that encroach the 3,15m street building line (title deed building line) with 2,62m, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(b) of the above By-Law for the following departures:
 - (a) the relaxation of the north western lateral building line from 2m to 0,89m, the rear building line from 2m to 0,95m, as well as the north eastern lateral building line from 2m to 1,172m in order to accommodate the existing single garage and second dwelling unit;
 - (b) the relaxation of the north western lateral building line from 2m to 0,98m and 1,04m, the north eastern lateral building line from 2m to 0,849m and 0,88m, as well as the 4m street building line to 0,53m, in order to accommodate the existing carport, wooden deck and two storey main dwelling unit with balcony;
 - (c) the relaxation of the permissible coverage from 50% to 61% in order to accommodate the existing structures on the property, and
 - (d) the relaxation of the permissible 3,5m height restriction applicable to outbuildings to 3,965m in order to accommodate the existing single garage

be approved in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in 1. and 2. above be subject to the following conditions:
 - (a) that this approval is for the development as indicated on Plan No erf2653_FOURIE_A1/01-2017-AB dated March 2017 that was submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage (such plans must be submitted within thirty (30) days of the final decision of the application);

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- (c) that the requirements of the Building and Fire Departments be adhered to;
 - (d) that the sides of the carport may not be enclosed whatsoever;
 - (e) that no further structures or additions, except internal changes, be allowed in future that will increase the coverage on the property;
 - (f) that the landowners immediately engage to enter into a Non-compensation Agreement with the Municipality with regard to the street boundary walls that encroach onto municipal property on final approval of the application;
 - (g) that balustrading be provided at the first floor balcony that prevents access beyond the 2m lateral building line.
 - (h) that all the conditions of the Engineering Services, Fire Services and Telkom respectively, be complied with;
 - (i) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (j) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the objector and the applicant be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approvals.

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**8. PORTION 13 OF FARM SANDIES GLEN NO. 129, BREDASDORP DIVISION:
PROPOSED CONSENT USES AND DEPARTURES: MESSRS PLAN ACTIVE
ON BEHALF OF TORMAY CC**

13/129 GDK (3835)

P Roux

(028) 313 8900

Hermanus Administration

31 May 2018

Executive Summary

An application has been received on 12 March 2017 from Messrs Plan Active on behalf of the owner of Portion 13 of Farm 129, Sandies Glen (Laughing Waters), for the following;

- a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to accommodate tourist facilities (function and workshop venue), tourist accommodation (four (4) or five (5) guest cottages) and intensive horticulture (three (3) hydroponic tunnels) on the property concerned;
- a departure in terms of Section 16(2)(b) of the above By-Law to relax the following:
 - western lateral building line from 30m to ± 12 m and ± 15 m respectively, to accommodate the existing cottages no. 2 & 3;
 - road building line from 30m to ± 9 m to accommodate the existing cottage no. 3;
 - road building line from 30m to ± 22 m to accommodate the function/workshop venue;
 - road building line from 30m to ± 24 m and ± 27 m respectively, to accommodate the existing tunnel north of the gravel road; and
 - road building line from 30m to ± 5 m and ± 10 m respectively, and the western lateral building line from 30m to ± 16 m and ± 19 m respectively, to accommodate the existing tunnel south of the gravel road.

RESOLVED :

1. in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for a building line relaxation from the following:
 - western lateral building line from 30m to ± 12 m and ± 15 m respectively to accommodate the existing cottages no. 2 & 3;
 - road building line from 30m to ± 9 m to accommodate the existing cottage no. 3;

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- road building line from 30m to ± 22 m to accommodate the function/workshop venue;
- road building line from 30m to ± 24 m and ± 27 m respectively to accommodate the existing tunnel north of the gravel road, and
- road building line from 30m to ± 5 m and ± 10 m respectively, and the western lateral building line from 30m to ± 16 m and ± 19 m respectively to accommodate the existing tunnel south of the gravel road;

on Portion 13 of the Farm 129, **be approved**, in terms of the provisions of Section 61 of the By-Law;

- 2 in terms of Section 16(2)(o) of the above By-Law for a building line to accommodate tourist facilities (function and workshop venue), tourist accommodation (four (4) or five (5) guest cottages) and intensive horticulture (three (3) hydroponic tunnels) on Portion 13 of farm Sandies Glen No. 129, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the approval provided in point 1 and 2 is subject to the following conditions;
 - (a) that the approval is only limited to the Site Development Plan (SDP) as submitted with the application and the Revised SDP drawing number: *farm 129-13sdp-1-rec 2.drw*;
 - (b) that the conditions compiled by the District Health, Fire Department, Department of Environmental Affairs and Development Planning, and Cape Nature, be complied with;
 - (c) that the conditions compiled in the Services Report, be complied with;
 - (d) that building plans be submitted to the Building Department for approval and that the relevant conditions set out in approval condition (b), contained in this approval be complied with at that stage;
 - (e) that before the tourist facility is operated, proof of compliance must be submitted which indicates that the structure complies with the comment provided by the Fire Department;
 - (f) that should the property owner in future seek to develop additional labourers' cottages, then proof must be provided that the labourers' cottages are for bona fide agri cultural use and an approval for the amendment of the SDP must be obtained prior to the submission of building plans.
 - (g) that a metering mechanism is incorporated at the fountain;

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- (h) that applicable 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 tourist 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 any proposed sign to be displayed complies with the Municipal By-Law on signage;
 - (k) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (l) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with.
4. that the objector and the applicant be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approvals.