

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 August 2017
(Also the agenda for the Mayoral Committee Meeting : 30 August 2017)**

**7.
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY : MAY 2017 – JULY 2017**

15/3/11

R van Antwerp
24 July 2017

(028) 313 8039

Hermanus Administration

1. Executive Summary

To report on applications disposed of by the Senior Manager : Town- & Spatial Planning in terms of the Land Use Planning Ordinance (LUPO) and the Authorised Official in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 20 May 2017 – 24 July 2017 as well as the applications that served before the Municipal Planning Tribunal on 31 May and 28 June 2017.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background

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

7. Financial Implications

None

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8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

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

RECOMMENDATION:

that cognisance be taken of the town planning applications disposed of by the Senior Manager: Town- and Spatial Planning in terms of the Land Use Planning Ordinance (LUPO) and the Authorised Official in terms of SPLUMA for the period 20 May 2017 – 24 July 2017, as well as the applications that served before the Municipal Planning Tribunal on 31 May and 28 June 2017:

Land Use Planning Ordinance (LUPO) Approval

- | | | |
|----|--|--------------|
| 1. | Portion 17 of the farm Rocklands No. 633 | 31 May 2017 |
| 2. | Remainder Farm 312 | 30 June 2017 |

Spatial Land Use Management Act (SPLUMA) Approvals

- | | | |
|-----|---------------------------------------|--------------|
| 1. | Erf 4345, Onrustrivier | 31 May 2017 |
| 2. | Portion 377 of Farm 581 | 31 May 2017 |
| 3. | Erf 7574, Hermanus | 31 May 2017 |
| 4. | Erf 1196, Sandbaai | 31 May 2017 |
| 5. | Erf 6144, Hermanus | 31 May 2017 |
| 6. | Erf 2063, Onrustrivier | 31 May 2017 |
| 7. | Erf 3132, Onrustrivier | 31 May 2017 |
| 8. | Erf 7559, Hermanus | 31 May 2017 |
| 9. | Erf 3272, Onrustrivier | 31 May 2017 |
| 10. | Erf 560, Franskraal | 31 May 2017 |
| 11. | Portion 92 of Farm 559 | 31 May 2017 |
| 12. | Erf 4412, Kleinmond | 31 May 2017 |
| 13. | Portion 29 of Hemel & Aarde No. 585 | 31 May 2017 |
| 14. | Erven 10281 & 10282, Hermanus | 16 June 2017 |
| 15. | Erf 111, Sandbaai | 19 June 2017 |
| 16. | Erf 5559, Hermanus | 19 June 2017 |
| 17. | Remainder Portion 4 Farms 216 and 368 | 20 June 2017 |

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18.	Erf 490, Zwelihle	20 June 2017
19.	Erf 5544, Onrustrivier	20 June 2017
20.	Erf 222, De Kelders	20 June 2017
21.	Erf 1647, Stanford	20 June 2017
22.	Erf 2351, Hermanus Industria	20 June 2017
23.	Erf 2382, Hermanus	20 June 2017
24.	Erven 7534, 7537 – 7540 and 7543, Hermanus	30 June 2017
25.	Erven 1743 and 2432, Gansbaai	30 June 2017
26.	Erf 113, De Kelders	30 June 2017
27.	Erf 3702, Hermanus	30 June 2017
28.	Erf 2978, Hermanus	30 June 2017
29.	Erf 130, Stanford	5 July 2017
30.	Erf 6236, Hermanus	5 July 2017
31.	Portion 34 of the farm Rocklands No. 633	5 July 2017
32.	Portion 1 of Farm 627	5 July 2017
33.	Erf 11842, Hermanus	5 July 2017
34.	Erf 10039, Hermanus	5 July 2017
35.	Erf 1134, Pringle Bay	10 July 2017
36.	Portion 195 of farm Baardscheerders Bosch 213	10 July 2017
37.	Erf 2127, Sandbaai	10 July 2017
38.	Portion 31 (Portion of Portion 25) of Fransche Kraal 708	10 July 2017
39.	Erf 2890, Onrustrivier	10 July 2017
40.	Erf 3629, Onrustrivier	10 July 2017
41.	Erven 420 and 433, ,Pringle Bay	10 July 2017
42.	Erf 6194, Hermanus	10 July 2017
43.	Erf 2952, Onrustrivier	10 July 2017
44.	Erf 3980, Onrustrivier	17 July 2017
45.	Erf 497, Hermanus	21 July 2017
46.	Erf 2071, Hermanus	21 July 2017
47.	Erf 4595, Onrustrivier	21 July 2017
48.	Erf 4134, Onrustrivier	21 July 2017
49.	Erf 2346, Onrustrivier	21 July 2017
50.	Erf 1918, Hermanus	24 July 2017
51.	Erf 949, Franskraal	26 July 2017
52.	Erf 60, Gansbaai	26 July 2017
53.	Erf 2071, Blompark	26 July 2017
54.	Erf 4630, Kleinmond	26 July 2017
55.	Erf 6114, Hermanus	26 July 2017
56.	Erf 2123, Pearly Beach	26 July 2017
57.	Erf 6722, Hermanus	26 July 2017
58.	Erf 4477, Kleinmond	26 July 2017
59.	Erven 5406 and 5407, Betty's Bay	26 July 2017
60.	Erf 4344, Kleinmond	26 July 2017

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Municipal Planning Tribunal

1.	Erf 8395, Kleinmond	26 April 2017
2.	Erf 2656, Betty's Bay	31 May 2017
3.	Erf 6187, Kleinmond	31 May 2017
4.	Erf 1189, Stanford	28 June 2017
5.	Erf 5318, Hermanus	28 June 2017
6.	Erf 10558, Hermanus	28 June 2017

RESPONSIBLE OFFICIAL :

R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION :

13 SEPTEMBER 2017

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

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CONSIDERED IN TERMS OF DELEGATED AUTHORITY : MAY 2017 – JULY 2017**

15/3/11

R van Antwerp
24 July 2017

(028) 313 8039

Hermanus Administration

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

RESPONSIBLE OFFICIAL :

R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION :

13 SEPTEMBER 2017

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

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Land Use Planning Ordinance (LUPO) Approvals

1. **PORTION 17 OF THE FARM ROCKLANDS NO. 633, DIVISION OF CALEDON, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967) AND CONSENT USE : MESSRS PLANACTIVE ON BEHALF OF THE MANCARLEY TRUST**

RCAL 17/633 (3106)

P Roux

(028) 313 8900

Hermanus Administration

19 May 2017

Executive Summary

An application has been received on 30 October 2015 from Messrs PlanActive on behalf of the property owners, The Mancarley Trust, on Portion 17 of the Farm No. 633, Division of Caledon for a consent use in order to enable the owner to erect an additional dwelling unit on the property.

Application is also made for a removal of a restrictive Title Deed condition applicable to Portion 17 of the Farm Rocklands No. 633, Division of Caledon, to enable the owner to erect a second dwelling on the property.

RESOLVED :

1. that it be noted that the restrictive title conditions on pages 5 and 6 which is imposed in terms of Section 196 of Ordinance 15 of 1952 and page 5 Clause (2) and (4) imposed in terms of Act 21 of 1940, in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Portion 17 of the Farm Rocklands No. 633, Division of Caledon, **have been approved** by the Department of Environmental Affairs and Development Planning;
2. that in terms of Section 2.2 of the Overstrand Zoning Scheme the application for a consent use in order to enable the owner to erect an additional dwelling unit on the property, **be approved**;
3. that the approval in paragraph 2. be subject to the following conditions:
 - (a) that the placement of the second dwelling can only be contained in the 1500m² development area as indicated on the Site Development Plan, as submitted with the application;
 - (b) that the containers be relocated to the 1500m² development area and be designed to be visually pleasing;
 - (c) that the second dwelling be restricted to a single storey;

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- (d) that building plans be submitted to the Building Control Department for approval;
 - (e) that all the conditions in the Services Report, be complied with;
 - (f) that all the conditions of Cape Nature, Overstrand Environmental Department, Breede-Gouritz Management Chatchment Agency, Department of Transport and Public Works, and the Department Environmental Affairs and Development Planning be complied with, and
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
4. that the applicant be notified of his/her right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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2. REMAINDER OF FARM 312, DIVISION BREDASDORP : APPLICATION FOR DEPARTURE TO CONDUCT AN AGGREGATE MINE : MESSRS WRAP CONSULTANCY ON BEHALF OF DJ PENWILL PROPERTIES (PTY) LTD

Remainder of Farm 312 (2474)

**SW van der Merwe
7 June 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application received on 31 October 2013 from Messrs WRAP Consultancy on behalf of DJ Penwill Properties (Pty) Ltd, the owner of the Remainder of Farm 312, Division Bredasdorp to enlarge an existing aggregate by 1,46 ha.

RESOLVED :

1. that the application for departure in terms of Section 15 of the Land Use Planning Ordinance, in order to conduct an aggregate mine of 1,47 ha, **be approved**, subject to the following conditions:
 - (a) that the mining area be restricted to the area of 1,47 ha indicated on the Site Development Plan;
 - (b) that the mining activities be conducted in accordance with the Environmental Management Plan;
 - (c) that Council reserves the right to rescind the approval should any justified complaints be received against the manner in which mining activities area being conducted resulting in non-compliance with the conditions of approval;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that the relevant conditions imposed by Heritage Western Cape, Department of Environmental Affairs and Development Planning, CapeNature, Breede-Gouritz Management Catchment Area, Eskom, Department of Transport and Public Works, SANPARKS, Telkom, the Overberg District Municipality, Health and the Department of Agriculture, Forestry and Fisheries, be adhered to;

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- (f) that rates and service tariffs be considered in terms of multi zoning, which tariffs are automatically adjusted in terms of the annual budget;
 - (g) that the operation of the mining activity be subject to a valid mine permit;
 - (h) that the mining area in accordance with the Site Plan, be provided with permanent markers installed by a land surveyor, within thirty (30) days from the approval of the application;
 - (i) that this approval does not absolve the applicant from compliance with any other applicable legislation, and
 - (j) that the applicant will be responsible for the implementation of the EMP and rehabilitation plan as well as the submission of bi-annual performance assessments to the Environmental Officer, Gansbaai Administration.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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Spatial Land Use Management Act (SPLUMA) Approvals

1. **ERF 4345, 5 MEADOWS AVENUE, GLENFRUIN MEADOWS, ONRUSTRIVIER : PROPOSED DEPARTURE : DOUGLAS CARR ON BEHALF OF PCF JONES**

4345 HON (3612)

H Boshoff

(028) 313 8900

Hermanus Administration

11 April 2017

Executive Summary

An application has been received on 8 March 2017 from Mr Douglas Carr on Erf 4345, Onrustrivier for a departure in terms of Section 16(2)(b) to relax the street building line with Hoepoe Street from 4m to 2m to accommodate an extension to an existing garage.

RESOLVED :

1. that the application in terms of Section 16(2)(a) to relax the street building line from 4m to 2m on Erf 4345, Onrustrivier to extend the garage, **be approved** in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire and Building Departments be complied with at that stage;
 - (b) that this application only relates to relax building lines as indicated on plan JWS SC100 dated March 2017;
 - (c) that this is not an approval in terms of any other legislation, and
 - (d) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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2. PORTION 377 OF FARM 581, ONRUS RIVER, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : B SCORGIE ON BEHALF OF FC DE JONGH

377/581 RCAL (3549)

H Olivier

(028) 313 8900

Hermanus Administration

15 May 2017

Executive Summary

An application has been received on 9 December 2016 from B Scorgie on behalf of FC de Jongh for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to construct an additional dwelling unit on the property concerned.

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Portion 377 of Farm 581, Onrustrivier in order to allow the construction of an additional dwelling unit on the property concerned, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that a revised building plan be submitted whereon all new building work is interleading with the main dwelling;
 - (b) 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;
 - (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;
 - (e) that all the conditions in the Services Report, be complied with.
 - (f) that all the conditions by Eskom, be complied with, and
 - (g) that all the conditions by Telkom, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**3. ERF 7574, 21 FOURTEENTH AVENUE, HERMANUS (VOËLKLIP):
APPLICATION FOR DEPARTURE : R AGOSTINELLI**

7574 HVK (3590)

H Boshoff

(028) 313 8900

Hermanus Administration

10 May 2017

Executive Summary

An application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 has been received on 20 January 2017 from R Agostinelli applicable to Erf 7574, Hermanus (Voëlklip) for the relaxation of the south western lateral building line from 2m to 1,2m in order to accommodate a portion of a bedroom and a portion of a deck at the first floor level of the dwelling.

RESOLVED :

1. that the application for departure received in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) applicable to Erf 7574, Hermanus (Voëlklip) for the relaxation of the south western lateral building line from 2m to 1,2m in order to accommodate a portion of a bedroom and a portion of a deck at the first floor level of the dwelling, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on Plan Numbers RA 2016/1A – 1 A - 2 dated November 2016 which were submitted with the application;
 - (b) that the ballustrade of the deck be repositioned in such a manner that a 2m lateral building line be maintained;
 - (c) that the conditions of Telkom, be adhered to;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (g) that building plans be submitted to the Building Department for approval, and that all 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, 2016 with regard to the above conditions of approval.

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4. ERF 1196, 16 END STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE : MESSRS PLAN ACTIVE (obo ME BAYER for ARABIKAZ COFFEE ROASTERS & DISTRIBUTORS)

1196 HSB (3435)

H van der Stoep

(028) 313 8900

Hermanus Administration

30 March 2017

Executive Summary

An application has been received on 7 September 2016 from Messrs Plan Active Town & Regional Planners on behalf of Mr. ME Bayer for a departure in terms of Section 16(2)(b) applicable to Erf 1196, Sandbaai in order to legalize the existing partially enclosed roofed braai area with built braai, which structure encroach the 2m eastern lateral building line with Erf 1197 up to the erf boundary, and to exceed the 9m restriction of a building on one specific boundary.

RESOLVED :

1. that the application for departure applicable to Erf 1196, Sandbaai in order to accommodate the braai room that encroach the applicable 2m eastern lateral building line of the property up to the relevant erf boundary, **be refused** in terms of the provisions of Section 61 of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016;
2. that the landowner demolish that portion of the braai room that encroach the building line to such an extent that the building line be maintained, or alternatively apply for the consolidation of Erf 1169, Sandbaai with Erf 1197 in order that no lateral building line encroachment occurs, or apply for a subdivision of a portion of Erf 1197, Sandbaai and the subsequent consolidation of the subdivided portion with Erf 1196 in order to have Erf 1196, Sandbaai re-aligned in such a manner that the braai room maintains a 2m lateral building line;
3. that the landowner exercises an option set out in paragraph 2. above within sixty (60) days from the date of the decision in paragraph 1. above;
4. that, subsequent to the above, building plans for all structures on the property be submitted to the building control department of the Municipality for consideration within thirty (30) days of the final outcome of an option as set out in paragraph 2. above, and any requirements by the latter department and any other department of the Municipality, be complied with;
5. that all the requirements of the Overstrand Municipality Zoning Scheme

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applicable to the property, and any applicable legislation, be complied with;

6. that the requirements of the Engineering Services, be complied with; and
7. 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 decisions.

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5. **ERF 6144, 219 SEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS, SUBDIVISION, AND DEPARTURE : MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF EJ ISMAY, J JOHNSON, RC STAMPE AND M STAMPE**

6144 HVK (3475)

**S van der Merwe
31 March 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application received from Messrs Plan Active Town and Regional Planners on behalf of the owners of Erf 6144, Voëlklip, Hermanus for the removal of restrictive title deed conditions contained in Title Deed T38591/2013 in terms of Section 16(2)(f) of the applicable By-Law, the subsequent subdivision of the property into two (2) portions in terms of Section 16(2)(d) of the said By-Law, and an application for departure (building lines) in terms of Section 16(2)(b) of the said By-Law.

RESOLVED :

1. that the applications in terms of Sections 16(2)(f) and 16(2)(d) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) respectively for the removal of restrictive title deed conditions I.D.(a) and (b); II.D.(a) and (b) as contained in Title Deed T.38591/2013 applicable to Erf 6144, Hermanus (Voëlklip) and the subsequent subdivision of the property into two (2) portions of 421m² each, namely Portion A and Remainder Erf 6144, **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 departure in order to relax the common 2m building line on Portion A to accommodate the existing pool and garage, as well as to relax the portion of the existing dwelling (a library room) that will encroach the 2m common lateral building line, **be approved** in part 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 the approval for the subdivision be strictly in the manner as indicated on plan herm6144s1.drw dated August 2016, which was submitted with the application;
 - (b) that the buildings (except the pool on Portion A) and the

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- Remainder be demolished to such an extent that a 1,2m building line be maintained on both sides of the common lateral building line;
- (c) that prior to the registration of the subdivision in 2. above, the landowner(s) must convert the garage on Portion A into a habitable building (Dwelling unit) in conjunction with the Building Department of the Municipality (the latter is to ensure that the landowner(s) comply with the primary rights as set out in the Zoning Scheme applicable to Residential Zone 1 properties).
 - (d) that the requirements of Engineering Services, be complied with;
 - (e) that all other applicable development parameters of the Zoning Scheme, be complied with, and
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation.
that the approval for the subdivision be strictly in the manner as indicated on plan herm6144s1.drw dated August 2016, which was submitted with the application;
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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6. ERF 2063, 79 CHIAPPINI STREET, ONRUSTRIVIER : PROPOSED DEPARTURE : JA & EJ WILKINSON

2063 HON (3538)

H Olivier

(028) 313 8900

Hermanus Administration

B/8128/2004

15 May 2017

Executive Summary

An application has been received on 5 December 2016 from JA & EJ Wilkinson on Erf 2063, Onrustrivier for an application in terms of of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the western lateral building line from 2m to 1,113m 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, 2016 of an application in terms of Section 16(2)(b) to relax the western lateral building line from 2m to 1,113m to accommodate an existing braai, **be approved**, in terms 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 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 at that stage.
 - (f) that all the conditions of Telkom, be complied with, and
 - (g) that all the conditions of Eskom, be complied with.

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

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7. ERF 3132, 22 GREEN STREET, ONRUSTRIVIER. OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MP STANDER

3132 HON (3515)

H Olivier

(028) 313 8900

Hermanus Administration

11 April 2017

Executive Summary

An application has been received on 21 November 2016 from Ms M Chamier on behalf of the property owner, MS Stander, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Land Use Planning, 2016 for the departure of building lines to allow the construction to a bathroom.

Departure is applied for to relax the following building lines:

- Western building line with Erf 3067 from 2m to 1m to exceed the 9m restriction of a building on one specific lateral boundary and also to accommodate a usage change of a portion of the existing single garage into a bathroom.
- Southern lateral building line with Erf 5157 from 2m to 0m to accommodate a use change of a portion of the existing single garage into a bathroom, and
- Street building line with Marlin Street from 4m to 3,3m to accommodate the proposed new tandem garage.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 3132, Onrustrivier for a departure to relax the southern lateral building line from 2m to 0m to accommodate a use change within the existing garage, also to relax the 2m western lateral building line to 1m and the street building line from 4m to 3,3m to accommodate a portion of a tandem garage, **be approved** in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the relaxation of the lateral building line, as indicated on the plans submitted with the application;
 - (b) that no shower may be fitted to the outside toilet;
 - (c) that revised building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (d) that all the conditions in the Services Report, be complied with;

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

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8. ERF 7559, 254 FOURTH STREET, HERMANUS (VOËLKLIP) : APPLICATION FOR SUBDIVISION : MESSRS GEOMATICS AFRICA ON BEHALF OF BBBM INVESTMENTS (PTY) LTD

7559 HVK(3517)

**S van der Merwe
11 May 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application for the subdivision of Erf 7559, Hermanus (Voëlklip) has been received on 17 November 2016 from Messrs Geomatics Africa on behalf of BBBM Investments (Pty) Ltd. The application entails the subdivision of the property into two (2) portions, namely Portion A and the Remainder, both being 495m² in extent.

RESOLVED :

1. that the application received in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Land Use Planning, 2016 for the subdivision of Erf 7559, Hermanus (Voëlklip) into two (2) portions namely Portion A and the Remainder, both being 495m² in extent, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval only has reference to the Subdivisional Plan as submitted by the applicant;
 - (b) that all the conditions in the Services Report, be complied with;
 - (c) that the conditions of Telkom, be adhered to;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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9. ERF 3272, 57 MOSSOP STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION: MESSRS PLAN ACTIVE ON BEHALF OF FT LAUBSHER AND LJ NEL

3272 HON (3607)

H Olivier

(028) 313 8900

Hermanus Administration

24 May 2017

Executive Summary

To consider an application received on 3 March 2017 from Messrs Plan Active on behalf of the owners of Erf 3272, 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 $\pm 466\text{m}^2$ and Portion A measuring $\pm 466\text{m}^2$.

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 applicable to Erf 3272, Onrustrivier to subdivide the property into two (2) portions namely a Remainder $\pm 466\text{m}^2$ and Portion A $\pm 466\text{m}^2$, **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 compiled in the Services Report, be complied with;
 - (c) that the conditions by Eskom, be complied with;
 - (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.

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

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10. ERF 560, 70 MEYER STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : JP VAN WYK ON BEHALF OF J VAN ZYL

560 GFK (3062)

**SW van der Merwe
22 May 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application for departure received in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 from JP van Wyk on behalf of the owners of Erf 560, Franskraal, J van Zyl, for the following:

- relaxation of the eastern 2m lateral building line up the erf boundary;
- relaxation of the 2,1m height restriction applicable to a portion of the eastern boundary wall with 0,3m in order to accommodate an existing boundary wall, canopy with barbeque, and
- relaxation of the restrictive title condition, in order to relax the eastern lateral title deed building line from 1,57m to 0m.

RESOLVED :

1. that the application for the relaxation of the title deed restriction in terms of Title Deed T19531/2008 C. 4.(d), applicable to Erf 560, Franskraal in order to relax the 1,57m lateral building line to 0m to accommodate the existing braai canopy, **be approved**;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 560, Franskraal for a departure to relax the lateral building line from 2m to 0m and the 2,1m height restriction applicable to a portion of the eastern boundary wall with 0,3m to accommodate an existing boundary wall and canopy with barbeque, **be approved** in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval only be applicable for the relaxation and departure as indicated on the Site Development Plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval;
 - (c) that all the conditions in the Services Report, be complied with;

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- (d) that the canopy may not be enclosed;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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11. PORTION 92 OF FARM 559, HANGKLIP SMALLHOLDINGS, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS FJC CONSULTING TOWN ON BEHALF OF NATIONAL DEPARTMENT OF PUBLIC WORKS

92/559 KHANG (3511)

H van der Stoep

(028) 313 8900

Hermanus Administration

9 May 2017

Executive Summary

An application has been received on 23 November 2016 from Messrs FJC Consulting (J Francis) on behalf of National Public Works in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a consent use to permit the development and use of the subject property with tourist accommodation and facilities.

RESOLVED :

1. that the application for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 on Portion 92 of the Hangklip Smallholdings No. 559 to permit the development and use of the subject property with Tourist Accommodation and Facilities, **be approved** in terms of Section 61 of the By-Law, subject to the following conditions:

- (a) that the phasing of the development be as follows:

Phase 1:

Tourism facility
Administration building : 223m²
Ablution facilities
Parking : 60 parking bays
Manager's House : 155m²

Phase 2:

Tourism Accommodation

2 x 3 bedroom units
1 x universal 3 bedroom unit
5 x 1 bedroom units
Parking : 6 parking bays
Tourism Facility
Swimming pool

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Phase 3:
Tourism Accommodation

2 x 1 bedroom units
Tourism Facility
Conference facility : 203m²
Ablution facilities

Total floor area : 1762m²
Total parking bays: 90

- (b) that this approval be strictly be in accordance with Site Development Plan 1309-LA-SDP-101 dated 16 January 2017, as submitted with the application;
 - (c) that the total footprint of the development may not exceed 5000m²;
 - (d) that the height of the buildings may not exceed 8m;
 - (e) that a building plan depicting the approval be submitted within three (3) months of the approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (f) that the National Department of Water Affairs issue the licensing of water usage for the development;
 - (g) that the Environmental Assessment Practitioner for the development submit compliance report after the finalization of each phase to the Environmental Section of the Municipality;
 - (h) that all civil services complies with the Engineering Report Argus Gibb, water and sanitation as well as the Ribicon Consulting Group, March 2010;
 - (i) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (j) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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12. ERF 4412, 46 THIRD AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURES : MESSRS PLAN ACTIVE ON BEHALF OF NH & A CASEY

4412 KKM (3584)

H van der Stoep

(028) 313 8900

Hermanus Administration

15 May 2017

Executive Summary

An application has been received on 15 February 2017 from Messrs Plan Active on behalf of NH & A Casey on Erf 4412, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line with Erf 4413 from 2m to 1,47m to accommodate the usage change of the existing covered stoep into a study and to encroach the same building line to accommodate a family room on first floor level, and also to encroach the 3,5m height / 40° gradient conditions for structures encroaching the building lines.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 4412, Kleinmond to relax the lateral building line with Erf 4413 from 2m to 1,47m to accommodate the usage change of the existing covered stoep into a study and to encroach the same building line to accommodate a family room on first floor level, **be approved** in terms of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 4412, Kleinmond to encroach the 3,5m height/40° gradient conditions for structures encroaching the building lines, **be approved** in terms of Section 61 of the By-Law;
3. that the approvals in Points 1. and 2. above be subject to the following conditions:
 - (a) that this approval be strictly in accordance with Site Development Plan B.342.K (Sheets 1-6) dated 29 November 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;

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- (c) that no further departures with regard to the building lines will be considered if not in line with the Zoning Scheme;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) 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, 2016 with regard to the above conditions of approval.

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13. PORTION 29 OF THE FARM HEMEL & AARDE NO 585, CALEDON DISTRICT, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: MESSRS PLAN ACTIVE ON BEHALF OF PJT MILLS

RCAL 29/585 (3415)

H van der Stoep

(028) 313 8900

Hermanus Administration

26 April 2017

Executive Summary

An application has been received from Messrs Plan Active Town & Regional Planners on behalf of PJT Mills for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to accommodate one (1) residential dwelling unit, associated structures and a garden.

RESOLVED :

1. that the application for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 on Portion 29 of the Farm Hemel & Aarde No. 585 in order to accommodate one (1) residential dwelling unit, associated structures and a garden, **be approved** in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the proposed development be in line and adhere to the Ashford Environmental Management Plan;
 - (b) that this approval be strictly be in accordance with Site Development Plan Numbers farms585-19s.drw dated April 2013 and SDP 1 Revision 1 dated 1 August 2016, as submitted with the application;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and the Fire Department, be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (f) that all the conditions in the Services Report, be complied with, and
 - (g) that all the conditions imposed by Cape Nature, be complied with.

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

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14. **ERVEN 10281 & 10282, 69 & 67 FERNKLOOF VILLAGE, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSOLIDATION : MESSRS PLAN ACTIVE ON BEHALF OF JD & E VAN DER MERWE**

10281/10282 HEC HEC (3527)

P Roux

(028) 313 8900

Hermanus Administration

26 May 2017

Executive Summary

To consider an application received on 28 November 2016 from Messrs PlanActive on behalf of the owners of Erven 10281 and 10282, Hermanus for a consolidation in terms of Section 16(2)(e) in order to consolidate Erven 10281 & 10282.

RESOLVED :

1. that the application for consolidation of Erven 10281 & 10282, Eastcliff, Hermanus in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016, (By-Law), **be approved** in terms of the provisions of Section 61 of the By-Law, and are subject to the following conditions:
 - (a) that the approval is only for the consolidation as indicated on the Consolidation Plan as submitted with the application;
 - (b) that the conditions compiled in the Services Report, be complied with, and
 - (c) 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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**15. ERF 111, 32 BEACH ROAD, SANDBAAI, OVERSTRAND MUNICIPAL AREA:
PROPOSED DEPARTURE : PA SEAL**

**111 HSB (3540)
H Boshoff
25 May 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 5 December 2016 from Mr Peter Seal on Erf 111, Sandbaai for a departure in terms of Section 16(2)(b) in order to relax the western lateral building line as follows:

- ❖ 2m to 0m to accommodate a garage; and
- ❖ 2m to 1,5m to accommodate a store room, laundry and hobby room.

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, 2016 (By-Law) applicable to Erf 111, Sandbaai to relax the western lateral building line from 2m to 0m in order to accommodate the garage and from 2m to 1,5m to accommodate a store room, laundry and hobby room, **be approved** in terms 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 Numbers A.01.1 – A.01.4 dated 16 February 2017, which was submitted with the application;
 - (b) that the conditions of Telkom, be adhered to;
 - (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 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.

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

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16. ERF 5559, 243 FIFTH STREET, VOËLKLIP (HERMANUS), OVERSTRAND MUNICIPAL AREA : APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND DEPARTURE: A WIEHAHN ON BEHALF OF KIEPERSOL BELEGGINGSTRUST

5559 HVK (3117)

**SW van der Merwe
A/1850/2014**

(028) 313 8900

Hermanus Administration

23 May 2017

Executive Summary

Applications have been received on 13 May 2016 from Interactive Town & Regional Planning applicable to Erf 5559, Hermanus (Voëlklip) for the following:

Removal of Restrictive Title Deed Condition

Application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for the removal of a restrictive title deed condition applicable to the above property.

Departure

Application in terms of Section 16(2)(b) of the By-Law to relax the western street building line from 4m to 3m to accommodate the partial encroachment of an existing loggia.

RESOLVED :

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) for the removal of title deed condition 1.(d) iii. as contained Title Deed T1129/1935, applicable to Erf 5559, Hermanus (Voëlklip), **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 departure applicable to the above erf to relax the western street building line from 4m to 3m to accommodate the partial encroachment of an existing loggia, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval be in accordance with the layout plans that were submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;

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- (c) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (d) that the conditions of Telkom, be complied with;
 - (e) that the conditions in the Services Report, be complied with;
 - (f) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage, and
 - (g) that the wooden structure that encroach the western street building line shall be removed within thirty (30) days of the decision.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**17. REMAINDER PORTION 4 FARM NO. 216 AND FARM NO. 368,
BREDASDORP DIVISION, OVERSTRAND MUNICIPAL AREA: PROPOSED
SUBDIVISION & CONSOLIDATION: MESSRS PLAN ACTIVE ON BEHALF
OF THE EBENHAEZER FAMILY TRUST AND WJ GERMISHUYS**

Farm 216/4 & 368 (3476)

SW van der Merwe

(028) 313 8900

Hermanus Administration

31 May 2017

Executive Summary

To consider an application received on 17 October 2016 from PlanActive Town- and Regional Planners on behalf of the Ebenhaezer Family Trust and WJ Germishuys, for the following:

- subdivision of Remainder Portion 4 of Farm 216 in terms of Section 16(2)(d) into two (2) portions, namely a Remainder (142 ha) and Portion A (36,57 ha), and
- consolidation of Portion A with Farm 368/0.

RESOLVED :

1. that the application for subdivision of Farm 216/4 into a Remainder (\pm 142 ha) and Portion A (\pm 36,57 ha) and the consolidation of Portion A with Farm 368/0 in terms of Section 16(2)(d) & (e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law), **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the consolidation of Portion A with Farm 368/0 be registered simultaneously with the registration of the subdivision of Farm 216/4;
 - (b) that approved SG Diagrams be submitted to the Municipality for record purposes;
 - (c) that the conditions compiled in the Services Report, is complied with;
 - (d) that all the conditions from Eskom, Breede-Gouritz Management Catchment Area, Department of Agriculture, Telkom, Department of Agriculture, Forestry and Fisheries, Department of Transport and Public Works, be adhered to, and
 - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

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

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**18. ERF 490, LANDA STREET, ZWELIHLE, OVERSTRAND MUNICIPAL AREA :
PROPOSED CONSENT USE : OVERSTRAND MUNICIPALITY**

490 HZW (3604)

H Olivier

(028) 313 8900

Hermanus Administration

1 June 2017

Executive Summary

An application submitted dated 1 March 2017 on municipal land is for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to accommodate the existing crèche and play area on Erf 490, Zwelihle.

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 490, Zwelihle in order to allow a consent use for the operation of a crèche on the property concerned, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Departments in terms of the National Building Regulations or relevant Fire Regulations be complied with at that stage;
 - (b) that parking be provided in line with the Site Development Plan attached to the planning report;
 - (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;
 - (e) that all the conditions in the Services Report, be complied with, and
 - (f) that all the conditions by Telkom, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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19. ERF 5544 (INCLUDING ERVEN 5456 – 5543), NEGESTER, ONRUS MAIN ROAD, ONRUSTRIVIER : PROPOSED AMENDMENT OF ARCHITECTURAL GUIDELINES : THE TWEEFONTEINE DEVELOPMENT TRUST

5544 (5456 – 5543) HON (3538)

H Olivier

(028) 313 8900

Hermanus Administration

B/8128/2004

31 May 2017

Executive Summary

An application has been received on 28 March 2017 from Mr Andrew Greeff on behalf of the Tweefonteine Development Trust on Erf 5544 (including Erven 5456 – 5543), Onrustrivier for an application in terms of of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to amend the Architectural Design Guidelines for the Negester Development.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 of an application in terms of Section 16(2)(l) to amend the Architectural Guidelines of Negester to allow for double garage doors and an increase of the coverage on residential sites to 65%, **be approved** in terms of the provisions of Section 61 of the By-Law.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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20. **ERF 222, 76 DE VILLIERS STREET, DE KELDERS, GANSBAAI, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE : MESSRS ME BEPLANNERS ON BEHALF OF JC & L LAUBSCHER**

222 GDK (3495)

P Roux

(028) 313 8900

Hermanus Administration

26 May 2017

Executive Summary

An application has been received on 27 October 2016 from Messrs ME Beplanners on behalf of the property owners, JC & L Laubscher, on Erf 222, De Kelders for a departure in terms of Section 16(2)(b) in order to relax the western lateral building line from 2m to 0m and 1,4m respectively, and the eastern building line from 2m to 1,6m to legalize existing structures.

Application is also made for a removal of a restrictive title condition applicable to Erf 222, De Kelders in terms of Section 16(2)(f) in order to legalize existing structures.

RESOLVED :

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (the By-Law), for the removal of restrictive title conditions applicable to Erf 222, De Kelders which is contained in T106857/2004 namely E.1, F(c) and (d), **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (the By-Law) in order to relax the western lateral building line from 2m to 0m and 1,4m respectively and the eastern building line from 2m to 1,6m to legalize existing structures, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in paragraphs 1. and 2. are subject to the following conditions:
 - (a) that the approval is only for the departures as indicated on the Site Development Plan as submitted with the application;
 - (b) that the balcony railing of the deck be set back to 2m;

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- (c) that building plans be submitted for approval to the Building Department and that the relevant Building and Fire Regulations be complied with at that stage;
 - (d) that the endorsed Title Deed be submitted with the submission of building plans;
 - (e) that the conditions compiled in the Services Report, be complied with;
 - (f) that the conditions compiled in the Fire Services, is complied with;
 - (g) that the conditions compiled by the Operational Services and Telkom, be complied with, and
 - (h) 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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21. ERF 1647, 5 ADDERLEY STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS PLAN ACTIVE ON BEHALF OF CN NAUHAUS

1647 SSS (3524)

P Roux

(028) 313 8900

Hermanus Administration

5 June 2017

Executive Summary

An application has been received on 28 November 2016 from Messrs Plan Active on behalf of the property owner, CN Nauhaus, on Erf 1647 Stanford for a departure in terms of Section 16(2)(b) in order to relax the street building line from 4m to 2,1m to accommodate the proposed covered stoep and minor alterations.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for a departure on Erf 1647, Stanford in order to relax the street building line from 4m to 2,1m to accommodate the proposed covered stoep and minor alterations, **be approved** in terms of the provisions of Section 61 of the By-Law, and be subject to the following conditions:
 - (a) that the approval is only for the departure as indicated on the Site Plan as submitted with the application;
 - (b) that building plans be submitted for approval to the Building Department and that the relevant Building and Fire Regulations be complied with at that stage;
 - (c) that approval is obtained from the Stanford Heritage Committee and Heritage Western Cape when building plans are submitted;
 - (d) that the comment received from the Stanford Heritage Committee be noted;
 - (e) that the conditions compiled in the Services Report, be complied with;
 - (f) that the conditions compiled by Electro Technical Services and Operational Services, be complied with, and
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

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

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22. ERF 2351, 18 ARUM ROAD, HERMANUS INDUSTRIA: PROPOSED RELAXATION : MESSRS ENGELBRECHT & SCORGIE ON BEHALF OF EDWARD DRIE EIENDOMSINDIKASIE (PTY) LTD)

2351 HIND (3629)

**S van der Merwe
(H van der Stoep)**

6 June 2017

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 24 March 2017 from Messrs Engelbrecht & Scorgie on behalf of Edward Drie (Pty) Ltd in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a relaxation of title deed restrictions on Erf 2351, Hermanus to relax the street building line with Arum Road from 7,87m to 5m in terms of the Title Deed, in order to accommodate the cantilever of the proposed shade port protruding over the afore-mentioned building line.

The restrictive condition contained in Title Deed T16174/1994, condition 5(d) reads as follows:

“no building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 7,87 metres to the street line which forms a boundary of this erf.”

RESOLVED :

1. that the application for the relaxation of Title Deed T16174/1994, condition 5(d), in terms of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (the By-Law) on Erf 2351, Hermanus to relax the street building line from 7,87mm to 5m to accommodate the cantilever of shade ports, **be approved** in terms Section 61 of the By-Law, subject to the following conditions:
 - (a) that the building plan as submitted only be applicable for the relaxation as indicated on Plan number 2351/03/17 dated 8 March 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 all other development parameters as prescribed in the relevant Zoning Scheme 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 all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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23. ERF 2382, 2 FIFTH AVENUE, HERMANUS (VOËLKLIP) : APPLICATION FOR DEPARTURE : TJ DE KOCK ON BEHALF OF PLENTY PROPERTIES 87 (PTY) LTD

**2382 HVK (3533)
(H Boshoff)
S van der Merwe
5 May 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 has been received on 14 June 2016 from TJ de Kock applicable to Erf 2382, Hermanus (Voëlklip) for the relaxation of the north western street building line from 4m to 1,9m, as well as the northern lateral building line from 2m to 0,1m in order to accommodate a tandem garage.

RESOLVED :

1. that the application for departure received in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) applicable to Erf 2382, Hermanus (Voëlklip) to relax the north western street building line from 4m to 1,9m, as well as the northern lateral building line from 2m to 0,1m in order to accommodate a tandem 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 Plan Number LAD_005; 006; 008 – 013 dated November 2016 which was submitted with the application;
 - (b) that the landowner fit a roll-up type of garage door to the tandem garage other than the conventional flip-up garage doors;
 - (c) that the conditions of Telkom and Heritage Western Cape, be adhered to;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (f) that all the conditions in the Services Report, be complied with, and

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

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24. ERVEN 7534, 7537-7540 AND 7543, 362 MAIN ROAD, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION & CONSOLIDATION: HUGH WATERS ON BEHALF OF MUSSEL COVE ESTATE

7534, 7537-7540

and 7543 HEC (3506)

P Roux

(028) 313 8900

Hermanus Administration

26 May 2017

Executive Summary

To consider an application received on 15 November 2016 from H Waters on behalf of the Mussel Cove Estate (Erven 7534, 7537-7540 and 7543), Hermanus for the following:

- ❖ subdivision in terms of Section 16(2)(d) in order to subdivide Erven 7534, 7537-7540 and 7543 into five (5) portions and a right of way servitude;
- ❖ consolidation in terms of Section 16(2)(e) in order to consolidate the following:
 - Portion 1 with Erf 7537
 - Portion 2 with Erf 7539
 - Portion 3 with Erf 7538
 - Portion 4 with Erven 7540 & 7543
 - Portion 5 with Erf 7534

RESOLVED :

1. that the application for the subdivision of Erven 7534, 7537-7540 and 7543, Hermanus into five (5) portions in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law), **be partially approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for the consolidation in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) in order to consolidate the following:
 - Portion 1 with Erf 7537;
 - Portion 2 with Erf 7539;
 - Portion 3 with Erf 7538;
 - Portion 4 with Erven 7540 & 7543; and
 - Portion 5 with Erf 7534

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- be partially approved** in terms of the provisions of Section 61 of the By-Law;
3. that the partial approval in paragraphs 1. and 2. do not include the subdivision of Portion 3 of Erf 7537 and Portion 5 of Erf 7534 and the consolidation of Portion 3 of Erf 7537 with Erf 7534 and Portion 5 of Erf 7534 with Erf 7539;
 4. that the partial approval in paragraphs 1. and 2. are subject to the following conditions:
 - (a) that an amended Subdivision and Consolidation Plan be submitted to the Town Planning Department which excludes Portion 3 of Erf 7537 and Portion 5 of Erf 7534 within thirty (30) days from the date of the approval;
 - (b) that the approved SG Diagram be submitted to the Municipality for record purposes;
 - (c) that the conditions compiled in the Services Report, is complied with, and
 - (d) that the comment from Telkom and Electro Technical Services, be noted;
 - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
 5. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

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25. **ERVEN 1743 & 2432, CORNER MAIN ROAD AND KAPOKBLOM STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING & CONSOLIDATION : MESSRS PLANACTIVE ON BEHALF OF EXCELPRO TWENTY CC, ZRG INVESTMENT (PTY) LTD AND ARBITRAGE PROPERTY FUND (PTY) LTD**

1743 & 2432 GGB (3449)

SW van der Merwe (028) 313 8900

Hermanus Administration

23 May 2017

Executive Summary

Applications have been received on 27 September 2016 from Messrs PlanActive Town- and Regional Planners on behalf of Excelpro Twenty CC, ZRG Investment (Pty) Ltd and Arbitrage Property Fund (Pty) Ltd on Erven 2430 and 1743, Gansbaai for the following:

Rezoning

Application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the rezoning of Erf 1743, Gansbaai from Business Zone 3 (Local Business) to Business Zone 2 (General Business).

Consolidation

Application in terms of Section 16(2)(e) for the consolidation of Erven 1743 and 2432 Gansbaai, to create a consolidated erf measuring 2,1249 ha in extent.

RESOLVED :

1. that the applications in terms of Section 16(2)(a) and (e) for the rezoning of Erf 1743, Gansbaai, from Business Zone 3 (Local Business) to Business Zone 2 (General Business) and the subsequent consolidation of Erf 1743 with Erf 2432 Gansbaai, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that a Site Development Plan in accordance with the requirements of the Scheme Regulations be submitted for approval by the Senior Manager: Town- and Spatial Planning prior to the submission of building plans;
 - (b) that a parking layout be submitted for approval by the Senior: Manager: Town- and Spatial Planning;
 - (c) that the parking be provided with a hard surface, be permanently demarcated and at all time be available for visitors;

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- (d) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building- and Fire Department be complied with at that stage;
 - (e) that all the conditions imposed in the Services Report, be adhered to;
 - (f) that the comment received by Electro Technical Services, Operational Services and the Health Department, be complied with;
 - (g) that all the conditions imposed by Telkom and the Department of Transport and Public Works, be complied with;
 - (h) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (i) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (j) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**26. ERF 113, 8 CLIFF STREET, DE KELDERS, GANSBAAI, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE : JW OTTEN**

113 GDK (3587)

P Roux

(028) 313 8900

Hermanus Administration

22 May 2017

Executive Summary

To consider an application for departure received in terms of Section 16(2)(b) on 17 February 2016 from the owner of Erf 113, De Kelders, Gansbaai, JW Otten, in order to depart from the 2,1m height restriction for boundary walls to construct a proposed 3,7m high boundary wall on the western boundary for privacy and security purposes.

RESOLVED :

1. that, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) the departure application on Erf 113, De Kelders in order to depart from the 2,1m height restriction for boundary walls to construct a proposed 3,7m high boundary wall on the western boundary for privacy and security purposes, **be approved** in terms of the provisions of Section 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 the approval is only for the relaxation of the height of the boundary wall as indicated on the Site Development Plan as submitted with the application;
 - (c) that all other structures comply with the relevant Zoning Scheme Regulations and title deed restrictions;
 - (d) that no filling be allowed within the building lines which is higher than 1m from the natural ground level;
 - (e) that all the conditions contained in the comment from Operational Services be noted;
 - (f) that all the conditions in the Services Report, be adhered to, and
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

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

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**27. ERF 3702, 228 THIRD STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS
ENGELBRECHT & SCORGIE ON BEHALF OF JA JACOBS**

3702 (3610)

(H Boshoff)

(028) 313 8900

Hermanus Administration

S van der Merwe

21 June 2017

Executive Summary

An application has been received on 8 March 2017 from Messrs Engelbrecht & Scorgie on behalf of JA Jacobs, applicable to Erf 3702, Hermanus (Voëlklip) to relax the western lateral building line from 2m to 1,395m in order to accommodate an enclosed braai area on a section of the existing first floor open balcony of the 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, 2016 (By-Law) applicable to Erf 3702, Hermanus (Voëlklip) for the relaxation of the western lateral building line from 2m to 1,395m in order to accommodate an enclosed braai area on a section of the existing first floor open balcony of the dwelling, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the Site Development Plan 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;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that all the 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, 2016 with regard to the above conditions of approval.

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28. ERF 2978, 161 FOURTH STREET, HERMANUS (VOËLKLIP) : APPLICATION FOR DEPARTURE : MESSRS ENGELBRECHT AND SCORGIE ON BEHALF OF GF CENCELLI

2978 (3414)

(H Boshoff)

(028) 313 8900

Hermanus Administration

S van der Merwe

4 May 2017

Executive Summary

An application has been received on 24 August 2016 from Messrs Engelbrecht and Scorgie applicable to Erf 2978, Hermanus (Voëlklip) for the following:

Departure

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

- relax the northern street building line from 4m to 3,15m to accommodate alterations to the existing ground floor level of the dwelling;
- relax the northern street building line to 4m to 3,86m to accommodate alterations to the existing facade of the dwelling, the addition of a garage, and the addition of a first floor, and
- relax the eastern lateral building line from 2m to 1,178m to accommodate alterations to the existing carport.

RESOLVED :

1. that the application for departures in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) applicable to Erf 2978, Hermanus (Voëlklip) for the relaxation of the northern street building line from 4m to 3,15m and 4m to 3,86m, as well as the eastern lateral building line from 2m to 1,178m to accommodate the alterations and additions to the existing structures as indicated on Plan Numbers 32.8/16 1-6 dated 8 August 2016 as submitted with the application, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the above approvals be subject to the following conditions:
 - (a) that the alterations and additions be strictly in accordance with Plan Numbers 32.8/16 1 – 6 dated 8 August 2016, which was submitted with the application;

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- (b) 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, which building plans must indicate the carport as a garage since it does not conform to the requirements of a carport as set out in the applicable Zoning Scheme;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other applicable 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, 2016 with regard to the above conditions of approval.

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29. ERF 130, 19 QUICK STREET, STANFORD, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE: MESSRS WRAP ON BEHALF OF LDC AND Y SMITH

130 SSS (3590)

P Roux

(028) 313 8900

Hermanus Administration

16 June 2017

Executive Summary

An application has been received on 24 February 2017 from Messrs WRAP on behalf of the property owners, LDC and Y Smith, on Erf 130 Stanford for a departure in terms of Section 16(2)(b) in order to relax the following:

- street building line with Quick Street from 4m to 0m to accommodate the proposed new pillars (2,2m to 2,4m in height);
- eastern lateral building line with Erf 1272 from 2m to 0m to accommodate the proposed new pump room, and
- western lateral building line with erf 576 from 2m to 0,2m to accommodate the proposed new steps and pillars which are 1,2m high.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for a departure on Erf 130, Stanford in order to relax the following:
 - ❖ eastern lateral building line with Erf 1272 from 2m to 0m to accommodate the proposed new pump room, and
 - ❖ western lateral building line with Erf 576 from 2m to 0,2m to accommodate the proposed new steps and pillars which are 1,2m high,

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

- (a) that the approval is only for the departure as indicated on the revised Site Plan dated 8 May 2017. Drawing number 1703/01-04 as submitted with the application;
- (b) that building plans be submitted for approval to the Building Department and that the relevant Building and Fire Regulations be complied with at that stage;
- (c) that approval is obtained from the Stanford Heritage Committee and Heritage Western Cape when building plans are submitted;

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- (d) that the comment received from the Stanford Heritage Committee, be noted;
 - (e) that the conditions compiled in the Services Report, be complied with;
 - (f) that the conditions compiled by Operational Services, be complied with;
 - (g) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (h) 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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**30. ERF 6236, 36A MOFFAT STREET, EASTCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA: REMOVAL OF RESTRICTIVE TITLE
DEED CONDITION AND DEPARTURE: MESSRS INTERACTIVE TOWN &
REGIONAL PLANNING ON BEHALF OF REOJAC (PTY) LTD**

6236 HEC (3559)

P Roux

(028) 313 8900

Hermanus Administration

16 June 2017

Executive Summary

An application has been received on 19 December 2016 from Messrs InterActive Town & Regional Planning on behalf of the property owners, Reojac (Pty) Ltd, on Erf 6236 Eastcliff, Hermanus for the following:

- removal of restrictive title deed conditions in terms of Section 16(2)(f) in order to accommodate the existing buildings on the property; and
- departure to relax the lateral building lines from 2m to 0m and from 2m to 1,8m respectively in terms of Section 16(2)(b) in order to accommodate the existing buildings on the property.

RESOLVED :

1. that the application in terms of Section 16(2)(f) of Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for the removal of restrictive title conditions applicable to Erf 6236, Eastcliff, Hermanus and contained in title deed **T40200/2016** namely B.1.(d), **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) departure to relax the lateral building lines from 2m to 0m and from 2m to 1,8m respectively in order to accommodate renovations to the existing structures, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approval in paragraphs 1. and 2. are subject to the following conditions:
 - (a) that the approval is only for the departures as indicated on the Site Development Plan as submitted with the application;
 - (b) that building plans be submitted for approval to the Building

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- Department and that the relevant Building- and Fire Regulations be complied with at that stage;
- (c) that the endorsed title deed be submitted with the submission of building plans;
 - (d) that the conditions compiled in the Services Report, be complied with;
 - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with, and
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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31. PORTION 34 OF FARM ROCKLANDS NO. 633, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE SITE DEVELOPMENT PLAN: LAGOON EDGE ESTATE BODY CORPORATE

34/633 RCAL (3569)

P Roux

(028) 313 8900

Hermanus Administration

12 June 2017

Executive Summary

An application has been received on 17 January 2017 from M Garland on behalf of the Lagoon Edge Estate Body Corporate on Portion 34 of the Farm Rocklands No. 633, Division Caledon, Overstrand Municipal Area for an amendment of the Site Development Plan in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to accommodate larger boat houses as originally approved.

RESOLVED :

1. that the application for an amendment of the Site Development Plan in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) in order to accommodate larger boat houses as originally approved, **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that the approval is restricted to the Site Development Plan as submitted with the application;
 - (b) that an amended Site Development Plan, to the satisfaction of the Senior Manager: Town- and Spatial Planning, be submitted to the Municipality for approval;
 - (c) that building plans be submitted for approval to the Building Department and that the relevant Building- and Fire Regulations be complied with at that stage;
 - (d) that the conditions compiled in the Services Report, 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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32. PORTION 1 (PHILLIPS KOP) OF FARM NO. 627, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: MESSRS PLAN ACTIVE ON BEHALF OF PHILLIPSKOP DISCOVERY TRAILS (PTY) LTD

627/1 RCAL (3499)

P Roux

(028) 313 8900

Hermanus Administration

6 June 2017

Executive Summary

An application has been received on 2 November 2016 from Messrs Plan Active on behalf of the owners of Portion 1 (Phillips Kop) of the Farm No. 627, Caledon Division, Phillipskop Discovery Trails (Pty) Ltd for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to accommodate tourist accommodation, tourist facilities and a nursery 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, 2016 (By-Law) on Portion 1 (Phillips Kop) of Farm No. 627, Caledon Division in order to accommodate tourist accommodation, tourist facilities and a nursery, **be approved** in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the development as indicated on the Site Development 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 Departments be complied with at that stage;
 - (c) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
 - (d) that rates and service tariffs be considered in terms of multi zoning, by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (e) that all the conditions in the Services Report, be complied with;
 - (f) that the conditions compiled by District Health, Eskom, Department of Transport and Public Works, Breede-Gouritz Catchment Management Area, Telkom, Department of Environmental Affairs and Development Planning, Heritage Western Cape, be complied with;

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- (g) that comments received from the Stanfrod Heritage Committee, be noted.
 - (h) that all the conditions by the Fire Department, be complied with;
 - (i) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (j) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

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33. ERF 11842, 322 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION: MESSRS PLANACTIVE ON BEHALF OF JM AND CP SWARBRECK

Erf 11842 (3598)

P Roux

(028) 313 8900

Hermanus Administration

6 June 2017

Executive Summary

An application has been received on 24 February 2017 from Messrs PlanActive Town- and Regional Planners on behalf of JM and CP Swarbreck on Erf 11842, Eastcliff, Hermanus for a subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning 2016 in order to subdivide Erf 11842 into two (2) portions namely Portion A $\pm 522\text{m}^2$ and a Remainder $\pm 492\text{m}^2$ in extent.

RESOLVED :

1. that the application in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) in order to subdivide Erf 11842 into two (2) portions namely Portion A $\pm 522\text{m}^2$ and a Remainder $\pm 492\text{m}^2$ in extent, **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 Subdivision Plan as submitted with the application;
 - (b) that the conditions compiled in the Services Report, be complied with;
 - (c) that the conditions compiled in the Fire Services, be complied with, 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, 2016 with regard to the above conditions of approval

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**34. ERF 10039, 70 PRESTWICK VILLAGE, EASTCLIF, HERMANUS,
OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: JP ROSS-
SMITH**

10039 HEC (3563)

P Roux

(028) 313 8900

Hermanus Administration

26 June 2017

Executive Summary

An application has been received on 10 January 2017 from the property owner, JP Ross-Smith, on Erf 10039, Eastcliff, Hermanus for a departure in terms of Section 16(2)(b) in order to extend the length of the garage on the southern boundary to be 10,5m, which is contradictory with the Fernkloof Estate Architectural Design Guidelines (FEADG).

RESOLVED :

1. that, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the departure application on Erf 10039, Eastcliff, Hermanus in order extend the length of the garage on the southern boundary to be 10,5m in length, which is contradictory with the Fernkloof Estate Architectural Design Guidelines, **not be approved.**;
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

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35. ERF 1134, 4 BASSIA ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS A.D.D. CONTRACTS ON BEHALF OF RJ WALTON

1134 KPB (3547)

H van der Stoep

(028) 313 8900

Hermanus Administration

17 June 2017

Executive Summary

An application has been received on 8 December 2016 from Messrs A.D.D. Contracts (Mr J Weideman) on behalf of RJ Walton in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a departure to relax the lateral building line with Erf 1146 in terms of the Scheme Regulations from 2m to 1,5m to accommodate a new laundry and also to relax the same building line from 2m to 1m to accommodate a new garage

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 1134, Pringle Bay for a departure to relax the lateral building line with Erf 1146 in terms of the Scheme Regulations from 2m to 1,5m to accommodate a new laundry and also to relax the same building line from 2m to 1m to accommodate a new garage, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the departure of the lateral building line indicated on Plan Numbers JC5905/101-105 dated August 2016 submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval within three (3) months of the 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.

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

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36. PORTION 195 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, DIVISION BREDASDORP, OVERSTRAND MUNICIPAL AREA: PROPOSED REZONING AND SUBDIVISION : MESSRS TOWN & COUNTRY ON BEHALF OF BJ AND RL STEYN

Baardscheerders Bosch

213/195 (3331)

SW van der Merwe

(028) 313 8900

Hermanus Administration

6 June 2017

Executive Summary

An application has been received on 13 June 2016 from Messrs Town & Country on behalf of BJ and RL Steyn in terms of Section 16(2)(a) and (d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the following:

- rezoning from Agricultural Zone 1: Agriculture (AR1) to Rural Zone 1: Agricultural Smallholding (R1); and
- subdivision into three (3) portions, namely Portion A ($\pm 4000\text{m}^2$), Portion B ($\pm 4000\text{m}^2$) and Portion C ($\pm 7843\text{m}^2$) in extent

RESOLVED :

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for the rezoning of Portion 195 of the Farm Baardskeerdersbos 213 from Agricultural Zone 1 to Rural Zone 1, **be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for the subdivision of Portion 195 of the Farm Baardskeerdersbos 213 into three (3) portions, namely Portion A (4000m^2), Portion B (4000m^2) and Portion C (7843m^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 be subject to the following conditions, namely:
 - (a) that the applicable development parameters in terms of the Scheme Regulations be adhered to
 - (b) that all the conditions in the Service Report, be complied with;

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- (c) that it is the owner's/applicant's responsibility to register the approved subdivision within five (5) years from the date of approval;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that a right of way servitude, minimum 4m wide, be registered across Portion C in favour of Portions A & B simultaneously with the registration of the subdivision
- that the requirements by Eskom, Telkom, Heritage Western Cape and the Department of Agriculture, be complied with;
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**37. ERF 2127, 5 VILLA ANADIA, BERGSIG STREET, SANDBAAI,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE : APH
DEETLEFS**

**2127 HSB (3625)
(H Boshoff)
H van der Stoep
21 June 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 17 March 2017 from Mr APH Deetlefs applicable to Erf 2127, Sandbaai for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Land Use Planning, 2016 to partially relax the western lateral building line from 3m to 2,3m to legalise an existing pantry to form part of the dwelling unit.

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, 2016 (By-Law) applicable to Erf 2127, Sandbaai to relax the western lateral building line from 3m to 2,3m to accommodate the existing pantry, **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 Number 2016/12/61 dated 2 December 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;
 - (d) that all other applicable 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 all conditions imposed by Telkom, be complied with.

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

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**38. PORTION 31 (A PORTION OF PORTION 25) OF THE FARM FRANSCHE
KRAAL NO. 708, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA :
PROPOSED CONSENT USE : JA AND EC GROENEWALD**

708/31 GFK (3497)

SW van der Merwe

(028) 313 8900

Hermanus Administration

26 June 2017

Executive Summary

An application has been received on 3 November 2016 from JA and EC Groenewald for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to construct an additional dwelling unit on the property concerned.

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Portion 31 (a Portion of Portion 25) of the Farm Fransche Kraal No. 708, Division Caledon, in order to allow the construction of an additional dwelling unit on the property concerned, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that a revised building plan be submitted omitting the existing caravan;
 - (b) 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;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that all the conditions by Eskom, Telkom, Breede-Gouritz Catchment Management Area and the Department of Transport and Public Works, be complied with;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

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39. ERF 2890, 20 OLD MAIN ROAD, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION: MESSRS HR WALTERS ON BEHALF OF MJ EVANS

2890 HON (3620)

H Olivier

(028) 313 8900

Hermanus Administration

24 May 2017

Executive Summary

To consider an application received on 15 March 2017 from Messrs HR Walters on behalf of the owners of Erf 2890, 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 $\pm 5131\text{m}^2$ and Portion 2 measuring $\pm 633\text{m}^2$.

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 2890, Onrustrivier to subdivide the property into two (2) portions namely a Remainder $\pm 5131\text{m}^2$ and Portion 2 $\pm 633\text{m}^2$, **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 compiled in the Services Report, be complied with;
 - (c) that the conditions by Eskom, be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (e) that the conditions by Telkom, be complied with, and
 - (f) that a vibracrete wall (minimum 1,8m and maximum 2,1m high) be constructed on the property boundary between the Remainder and Erf 5234, at the applicant's cost.
2. that the applicant and objector be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

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**40. ERF 3629, 15 VAN BLOMMENSTEIN ROAD, ONRUSTRIVIER,
OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : BC
GROENEWALD ON BEHALF OF HJ BAARD**

3629 HON (3498)

H Olivier

(028) 313 8900

Hermanus Administration

30 June 2017

Executive Summary

An application submitted dated 1 November 2016 on Erf 3629, Onrustrivier is for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to accommodate a gymnasium on an existing business zoned property.

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 3629, Onrustrivier in order to allow a consent use for the operation of a gymnasium on the property concerned, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that should any building alterations be done building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Departments in terms of the National Building Regulations or relevant Fire Regulations be complied with at that stage;
 - (b) that only the area indicated for gymnasium on the site development plan be utilized as such, and parking be provided in line with the site development plan attached to this planning report;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant and objector be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

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41. ERVEN 420 & 433, 3 PARK STREET & 12 DIAGONAL STREET, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSOLIDATION : MESSRS PLAN ACTIVE ON BEHALF OF KM LEWIS

420 & 433 KPRB (3619)

H van der Stoep (028) 313 8900

Hermanus Administration

2 July 2017

Executive Summary

An application has been received on 15 March 2017 from Messrs Plan Active Town & Regional Planners (Ms M Lerm) on Erven 420 & 433, Pringle Bay for a consolidation in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to consolidate Erven 420 & 443, Pringle Bay.

RESOLVED :

1. that in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Land Use Planning, 2016 (By-Law) the application to consolidate Erven 420 & 443, Pringle Bay, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval only has reference to the proposed SG Diagram Erf 1892, Pringle Bay dated February 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
 - (e) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

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**42. ERF 6194, MIMOSA STREET, INDUSTRIAL AREA, HERMANUS,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURES : MESSRS
ENGELBRECHT & SCORGIE ON BEHALF OF WD JACKSON**

6194 HIND (3578)

**H van der Stoep
27 June 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 8 February 2017 from Messrs Engelbrecht & Scorgie (G Engelbrecht) on Erf 6194, Hermanus for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the western lateral building line with Erf 7675 from 2m to 1m to extent the existing building on the same building line, and to relax the rear building line with Erven 2344 and 2345 from 2m to 1m to construct a new building.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 6194, Hermanus to relax the western lateral building line with Erf 7675 from 2m to 1m extent the existing building on the same building line, and to relax the rear building line with Erven 2344 and 2345 from 2m to 1m to construct a new building, **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 in accordance with Plan numbers erf6194_DJ/1_Rev0, erf6194_DJ/2_Rev0 and erf6194_DJ/3_Rev0 dated 3 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 an Operational Environmental Management Plan addressing the dust control on the property be submitted;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and

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- (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, 2016 with regard to the above conditions of approval

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43. ERF 2952, 2 PROTEA STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS NEIL SAAYMAN ARCHITECTS ON BEHALF OF THE ALSTON FAMILY TRUST

2952 HON (3596)

H Olivier

(028) 313 8900

Hermanus Administration

21 June 2017

Executive Summary

An application has been received on 21 February 2017 from Messrs Neel Saayman Architects on behalf of the property owners on Erf 2952, Onrustrivier 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 lateral building line with Erf 3599 from 2m to 1,210m and the street building line from 4m to 2,1m to accommodate covered and enclosed patios and the encroachment of the repositioned storage shed respectively.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) of an application in terms of Section 16(2)(b) on Erf 2952, Onrustrivier to relax the lateral building line with Erf 3599 from 2m to 1,210m and to relax the 4m street building line to 3,7m to accommodate covered and enclosed patios and the repositioned storage shed, respectively, **be approved** in terms 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 November 2008, submitted with the application;
 - (b) that the existing wooden fence between Erven 3599 and 2952 be retained;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that a 2,1m high wall be constructed next to the area the covered and enclosed patios encroach the building line;
 - (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;

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

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**44. ERF 3980, 1 GUILLAUME CLOSE, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : D TERBHLACHE**

3980 HON (3605)

H Olivier

(028) 313 8900

Hermanus Administration

27 June 2017

Executive Summary

An application has been received on 2 March 2017 from D Terblanche, property owner on Erf 3980, Onrustrivier, 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 with Guillaume Street from 4m to 0m and the lateral building line with Erf 5291 from 2m to 1,2m to accommodate a proposed carport.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) of an application in terms of Section 16(2)(b) on Erf 3980, Onrustrivier to relax the street building line with Guillaume Street from 4m to 0m and the lateral building line with Erf 5291 from 2m to 1,2m to accommodate a proposed carport, **be approved** in terms 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 28 February, submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (f) that all the conditions of Eskom, be complied with, and
 - (g) that all the conditions of Telkom, be complied with.

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

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45. ERF 497, 30 CHURCH STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED AMENDMENT OF APPROVAL CONDITIONS : M LEDINGHAM

497 HWC (3695)

H van der Stoep

(028) 313 8900

Hermanus Administration

17 June 2017

Executive Summary

An application has been received on 19 May 2017 from Mr. M. Ledingham in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the amendment of conditions of approval, condition 1(b) of the approval letter dated 30 January 2017.

RESOLVED :

1. that the application in terms of Section 16(2)(h) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 497, Hermanus for the amendment of conditions of approval, condition 1(b) of the approval letter dated 30 January 2017, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the amendment read as follows:

“that a maximum of four (4) bedrooms to let, be permitted, of which one (1) bedroom be paraplegic compliant and one (1) bedroom be paraplegic friendly;”
 - (b) that a building plan depicting the approval be submitted within three (3) months of the date of the decision letter;
 - (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 approvals with conditions dated 30 January 2017.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

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46. ERF 2071, 47 FIFTH STREET, VOËLKLIP, HERMANUS : OVERSTRAND MUNICIPAL AREA : APPLICATION FOR DEPARTURE : MESSRS ENGELBRECHT & SCORGIE ON BEHALF OF C BRUYNS

2071 (3545)

H Boshoff

(028) 313 8900

Hermanus Administration

21 June 2017

Executive Summary

An application has been received on 7 December 2016 from Messrs Engelbrecht & Scorgie on behalf of C Bruyns, applicable to Erf 2071, Hermanus (Voëklip) to relax the eastern lateral building line from 2m to 1,2m in order to brick up existing windows and insert new windows, as well as to replace the existing roof of that section of the dwelling that will result in the raising of the existing load bearing walls of the roof.

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, 2016 (By-Law) applicable to Erf 2071, Hermanus (Voëklip) for the relaxation of the eastern lateral building line from 2m to 1,2mm in order to brick up existing windows and to insert new windows at the lower and first floor level of the dwelling unit, as well as to replace the existing roof of that section of the dwelling unit with a pitched roof that will result in the raising of the existing load bearing walls, **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 Numbers 48.08/16 1–6 dated 8 January 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;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that all the conditions in the Services Report and Telkom, be complied with.

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

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47. ERF 4595, 10 KINGSWAY, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : CJ COLYN

4595 HON (3525)

H Olivier

(028) 313 8900

Hermanus Administration

26 June 2017

Executive Summary

An application has been received on 28 November 2016 from the property owner, CJ Colyn, on Erf 4595, Onrustrivier 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 4m to 2,5m and 1,8m to accommodate an existing entrance porch with balcony and a portion of the store room respectively.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) of an application in terms of Section 16(2)(b) to relax the street building line from 4m to 2,5m and 1,8m to accommodate an existing entrance porch with balcony and portion of a store room respectively, **be approved** in terms 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 3 October, submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (f) that all the conditions of Telkom, be complied with, and
 - (g) that all the conditions of Eskom, be complied with.

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22 August 2017
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2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

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48. ERF 4134, 3 KILBRIDGE STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS ENGELBRECHT & SCORGIE ON BEHALF OF ZIEGRID STEEN

4134 HON (3601)

H Olivier

(028) 313 8900

Hermanus Administration

7 June 2017

Executive Summary

An application has been received on 1 March 2017 from Messrs Engelbrecht & Scorgie on behalf of the owner, Z Steen, op Erf 4134, Onrustrivier 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 lateral building line with Erf 4135 from 2m to 0m and the street building line from 4m to 2,4m to accommodate a garage.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) of an application in terms of Section 16(2)(b) to relax the lateral building line with Erf 4135 from 2m to 0m and to relax the 4m street building line to 2,4m to accommodate a new garage, **be approved** in terms 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 February 2017, submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (f) that all the conditions of Telkom, be complied with, and
 - (g) that all the conditions of Eskom, be complied with.

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

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49. ERF 2346, 46 MC FARLANE STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : A WIEHAHN ON BEHALF OF THE WELLIS DU TOIT FAMILY TRUST

2346 HON (3539)

H Olivier

(028) 313 8900

Hermanus Administration

4 July 2017

Executive Summary

An application has been received on 5 December 2016 from A Wiehahn on behalf of the Wellis du Toit Family Trust, on Erf 2346, Onrustrivier 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 lateral building lines with Erven 2342 and 2349 from 2m to 0m to accommodate a new enclosed boat garaging partially covered by a roof and the remainder with a fabric retractable awning.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) of an application in terms of Section 16(2)(b) to relax the lateral building line with Erven 2347 and 2349 from 2m to 0m to accommodate a new enclosed boat garaging, partially covered by a roof and the remainder by a fabric awning, **be approved** in terms 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 February 2017, submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (f) that all the conditions of Telkom, be complied with, and
 - (g) that all the conditions of Eskom, be complied with.

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

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50. ERF 1918, 38 EIGHTH STREET, HERMANUS (VOËLKLIP) : APPLICATION FOR DEPARTURE : MESSRS WRAP ON BEHALF OF THE MJ & P SCHOONWINKEL FAMILY TRUST

1918 HVK (3575)

H Boshoff

(028) 313 8900

Hermanus Administration

S van der Merwe

24 April 2017

Executive Summary

An application has been received on 2 February 2017 from Messrs WRAP applicable to Erf 1918, Hermanus (Voëlklip) for the following:

Departure

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

- relax the eastern lateral building line with Erf 1919 from 2m to 0m to accommodate a proposed games room; and
- relax the rear building line with Erf 6132 from 2m to 0m to accommodate the proposed games room.

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, 2016 (By-Law), applicable to Erf 1918, Hermanus (Voëlklip) in order to relax the 2m rear- and 2m eastern lateral building lines of the property up to the respective boundaries in order to accommodate a new games room, **not be approved** in terms of the provisions of Section 61 of the By-Law.
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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**51. ERF 949, 44 ROELAND STREET, FRANSKRAAL, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : CAA JORDAAN**

949 GFK (3481)

**SW van der Merwe
3 June 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application for departure received in terms of Section 16(2)(b) from the owner of Erf 949, Franskraal, CAA Jordaan, for the relaxation of the 4m street building line to 3,6m, the eastern lateral building line from 2m to 1,57m and the southern rear and western lateral building lines from 2m up to the respective erf boundaries in order to accommodate an existing first floor balcony, laundry room and carport.

RESOLVED :

1. that the application for the relaxation of the Title Deed restriction in terms of Title Deed T48256/2015 3(5)(d), applicable to Erf 949, Franskraal in order to relax the 4,72m street building line, 3,15m rear and 1,57m lateral building line, **be approved**;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (the By-Law) on Erf 949, Franskraal for a departure to relax the 4m street building line to 3,6m, the 2m lateral building line to 1,57m on the eastern side and 0m on the western side and the 2m rear building line to 0m to accommodate the balcony, carport and laundry room, **be approved** in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval only be applicable for the relaxation and departures indicated on the site plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that the carport and balcony may not be enclosed;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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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, 2016 with regard to the above conditions of approval

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**52. ERF 60, 4 KORT STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA :
PROPOSED DEPARTURE: MESSRS BOLAND PLAN TOWN AND
REGIONAL PLANNING ON BEHALF OF R NAUDE**

60 GGB (3503)

SW van der Merwe

(028) 313 8900

Hermanus Administration

8 June 2017

Executive Summary

To consider an application for departure received on 11 November 2016 from Messrs Boland Plan Town and Regional Planning on behalf of the owners of Erf 60, Gansbaai for a use change to accommodate an existing second dwelling, situated 1,465m from the lateral property 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 (By-Law) for a departure on Erf 60, Gansbaai for a use change to accommodate an existing second dwelling, situated 1,465m from the lateral property boundary, **be approved** in terms of the provisions of Section 61 of the By-Law, and be subject to the following conditions:
 - (a) that the approval only relates to the departure as indicated on the Site Plan as submitted with the application;
 - (b) that building plans be submitted for approval to the Building Department and that the relevant Building and Fire Regulations be complied with at that stage;
 - (c) that the conditions compiled in the Services Report, be complied with;
 - (d) that all other applicable 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.

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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**53. ERF 2071, 5 BOTTERBLOM STREET, BLOMPARK, GANSBAAI,
OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : E HART**

2071 GBP (3502)

**SW van der Merwe
17 June 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application received on 10 November 2016 from the owner of Erf 2071, Blompark, Gansbaai, E Hart, for a consent use in order to conduct a house shop from a proposed outbuilding on the property.

RESOLVED :

1. that the application in terms of Section 16(2)(0) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (the By-Law) on Erf 2071, Blompark for a consent use (house shop) **be approved** in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the house shop be restricted to the area indicated on the Site Plan;
 - (b) that building plans be submitted to the Building Department for approval, demonstrating compliance with the Scheme and Building Regulations and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (c) that all the conditions from Operational Services, be complied with;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that the house shop may not be conducted prior to the completion of the proposed additions as indicated on the Site Plan submitted with the application and a business licence is obtained;
 - (f) that no more than one (1) vehicle, not exceeding 3500kg gross weight, may be utilized to make deliveries at the house shop at any one time;
 - (g) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building) and for security and protection of surrounding properties, patrons, vehicles, etc. to the satisfaction of the Senior Manager: Town- and Spatial Planning;
 - (h) that the house shop may not be used for the purposes of noxious

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- trade, risk activity, sale of alcoholic beverages, place of entertainment or gambling purposes;
- (i) that no products, goods or supplies connected to the house shop may be stored on the property outside the building;
 - (j) that a single non-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (k) that the trading hours of the house shop be restricted from Monday to Friday: 08:00 to 17:00 and Saturday 08:00 to 13:00, and that should the hours of business be extended in terms of the proposed House Shop Policy/By-Law, such hours of operation will be applicable;
 - (l) that the number of people employed be restricted to three (3);
 - (m) that the owner/manager resides on the premises;
 - (n) that a Certificate of Acceptability from the Health Section of the Overberg District Council and Fire Prevention Certificate be obtained from the Municipal Fire Department;
 - (o) that the approval is not transferable, and the house shop area may not be sublet to any other person by the applicant;
 - (p) that this consent use approval is valid for a maximum period of five (5) years, after which it will expire if application is not made for the extension of the validity period within the five (5) year period;
 - (q) that on-site parking be provided to the satisfaction of the Senior Manager: Town- and Spatial Planning;
 - (r) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (s) that no accumulation of refuse occur on the premises;
 - (t) that there be no trading in flammable liquids or liquid petroleum gas products on the premises;
 - (u) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (v) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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

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54. ERF 4630, 22 FIRST STREET, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS HENNIE DE VILLIERS ARCHITECTS CC ON BEHALF OF DR. G VLOK

4630 KKM (3337)

H van der Stoep

(028) 313 8900

Hermanus Administration

22 June 2017

Executive Summary

An application has been received on 21 June 2016 from Messrs Hennie Villiers Architects CC (H de Villiers) on behalf of Dr. G. Vlok for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the lateral building line with Erf 7933 from 2m to 1,5m to accommodate a replacement of an outdoor wooden staircase.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 4630, Kleinmond in order to relax the lateral building line with Erf 7933 from 2m to 1,5m to accommodate an external staircase on the property concerned, **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 lateral building line indicated on Plan Numbers 1340/100 and 1340/101 dated April 2015 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 (attached as Annexure D), 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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55. **ERF 6114, 49 SIXTH STREET, VOËLKLIP (HERMANUS), OVERSTRNAD MUNICIPAL AREA : APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND DEPARTURE: MESSRS PLANACTIVE ON BEHALF OF THE ZONDAGH FAMILY TRUST**

6114 HVK (3462)

(H Boshoff)

S van der Merwe

(028) 313 8900

Hermanus Administration

7 June 2017

Executive Summary

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

Removal of Restrictive Title Deed Condition

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

Departure

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

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

RESOLVED :

1. that the objections be noted;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law), applicable to Erf 6114, Hermanus (Voëlklip) in order to relax the western lateral building line from 2m to 0m to accommodate the existing structure (approved garage) that was converted into a studio; **be refused** in terms of the provisions of Section 61 of the By-Law;

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3. that the application in terms of Section 16(2)(f) of the By-Law in order to remove condition D. relating to the distance of buildings and outbuildings from street boundaries as contained in Title Deed No. T.12567/2012 applicable to Erf 6114, Hermanus (Voëlklip) to accommodate the existing pergola, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(b) of the By-Law, applicable to the above property, in order to relax the northern street building line from 4m to 0m and the western lateral building line from 2m to 0m, to accommodate the existing pergola, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the landowners convert the structure, applied for as a studio, back to a garage with the dimensions as per the approved building plan of 21/02/1991;
6. that the decisions in 4. and 5. above be subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval regarding the decisions in Paragraphs 4. and 5. above within sixty (60) days of the final decision of the application, and that all conditions of the Building – and Fire Department be complied with at that stage;
 - (b) that the conversion of the structure referred to in Paragraph 5 above, be done within sixty (60) days of the final approval of the building plans as referred to above;
 - (c) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that the conditions of Telkom, be complied with, and
 - (f) that the conditions in the Services Report, be complied with;
7. that the applicant and the objectors be notified of their respective rights of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above decisions.

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**56. ERF 2123, 27 MILKWOOD STREET, PEARLY BEACH, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE: HJ VERMEULEN**

2123 GPB (3623)

**SW van der Merwe
15 June 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application for departure received in terms of Section 16(2)(b) from the owner of Erf 2123, Pearly Beach, JH Vermeulen, for the relaxation of the 1m eastern lateral building line to 0m, 0,48m and 0,57m and the rear building line to 0,42m to accommodate a proposed covered stoep and encroachments of the lounge and bedroom.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (the By-Law) on Erf 2123, Pearly Beach, for a departure to relax the 1m lateral and rear building lines to 0,48m, 0,58m, 0m and 0,42m respectively **be approved** in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval only relates to the departures indicated on the Site Plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department 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;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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57. ERF 6722, 249 FIFTH STREET, HERMANUS (VOËLKLIP) : APPLICATION FOR DEPARTURE : MESSRS ENGELBRECHT AND SCORGIE ON BEHALF OF THE JDS FAMILY TRUST

6722 (3521)

H Boshoff

(028) 313 8900

Hermanus Administration

27 June 2017

Executive Summary

An application has been received on 23 November 2016 from Messrs Engelbrecht and Scorgie applicable to 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, 2016 to relax the western lateral building line from 2m to 1,514m to accommodate the conversion of the existing outbuildings along the western lateral boundary of the property into two (2) en-suite bedrooms, as well as to accommodate a combined garage and storage area.

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, 2016 (By-Law) applicable to Erf 6722, Hermanus (Voëlklip) for the relaxation of the western lateral building line from 2m to 1,537m and 1,514m to accommodate the alterations and additions to the existing structures as indicated on Plan Numbers erf6722_DESWARDT/WA1-3Rev0 dated November 2016 as submitted with the application, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as per dimensions indicated on Plan Numbers erf6722_DESWARDT/WA1-3Rev0 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 the conditions of Overstrand Fire Services, be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with, and

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

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58. ERF 4477, 32 FOURTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE: MS SANDRA SCHUTTE ON BEHALF OF BH DANILLER

4477 KKM (3577)

H van der Stoep

(028) 313 8900

Hermanus Administration

18 July 2017

Executive Summary

An application has been received on 3 February 2017 from Ms Sandra Schutte on behalf of BH Daniller on Erf 4477, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line with Erf 4483 from 2m to 0,93m to accommodate the existing dwelling and from 2m to 0m to accommodate an existing domestic quarters.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 4477, Kleinmond to relax the lateral building line with Erf 4483 from 2m to 0,93m to accommodate the existing dwelling and from 2m to 0m to accommodate an existing domestic quarters **be approved** in terms of the provisions of the By-Law, subject to the following conditions:
 - (a) that this approval be strictly be in accordance with the Site Development Plan D.1145.K (Sheets 1-5), dated 7 December 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 no further departures with regard to the building lines will be considered if not in line with the Zoning Scheme;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (f) that all the conditions in the Services Report, be complied with, and

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- (g) that the portion as indicated in the application on the western boundary **be demolished.**
- 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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59. ERVEN 5406 & 5407, 46 LACHENALIA ROAD AND 39 IXIA ROAD, BETTYS BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE AND REALIGNMENT OF ERF BOUNDARY: MESSRS PLANACTIVE ON BEHALF OF EC & DJ OLIVIER AND EW GRIESSEL

5406 & 5407 KBB (3638)

H van der Stoep

(028) 313 8900

Hermanus Administration

20 July 2017

Executive Summary

An application has been received on 5 April 2017 from Messrs Plan Active on behalf of EC & DJ Olivier and EW Griessel for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 and Section 26(1)(c) of the Overstrand By-Law on Municipal Land Use Planning, 2016 for the following:

- to relax the lateral building line with Erf 4467 from 3m and 2m to 0m;
- to exceed the 6,5m in terms of the Overstrand Zoning Scheme to accommodate a proposed carport.
- exemption for the realignment of the erf boundary between Erven 5406 and 5407 that constitutes less than 10%

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, 2016 and Section 26(1)(c) of the Overstrand By-Law on Municipal Land Use Planning, 2016 (By-Law) for the following:

- to relax the eastern and southern lateral building line from 2m to 0m and 0,02m, respectively to accommodate the carport
- to exceed the 6,5m in terms of the Overstrand Zoning Scheme to accommodate a propose carport.
- exemption for the realignment of the erf boundary between Erven 5406 and 5407 that constitutes less than 10%,

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 in accordance with plan bettys5047drw, dated January 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

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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, 2016 with regard to the above conditions of approval

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60. ERF 4344, , KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE: SANDRA SCHUTTE ON BEHALF OF RIALET WILSON

4344 KKM (3595)

H van der Stoep

(028) 313 8900

Hermanus Administration

20 July 2017

Executive Summary

An application has been received on 23 February 2017 from Ms Sandra Schutte on behalf of R Wilson on Erf 4344, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line with Erf 4338 from 2m to 1,5m to accommodate the existing enclosed braai room and the encroachment of the 9m or third restriction over the building line in terms of the Overstrand Zoning Scheme.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 4344, Kleinmond to relax the lateral building line with Erf 4338 from 2m to 1,5m to accommodate the existing enclosed braai room and to exceed the 9m or third of the boundary line, **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 the Site Development Plan D.734.K (Sheets 1-6), dated 2 January 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 no further departures with regard to the building lines will be considered if not in line with the Zoning Scheme;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) 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.

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

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Municipal Planning Tribunal

1. **ERF 8395, 65 LAVENDER STREET, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND CONSENT USE : M MOHAMUD (obo YP MBALI)**

8395 KKM (3341)

H van der Stoep

(028) 313 8900

Hermanus Administration

14 November 2016

Executive Summary

An application was received on 29 June 2016 from Mr M Mohamud on behalf of Ms YP Mbalu for the following:

- Removal of restrictive title conditions with reference to Clause D.1 of Title Deed T56782/2015 in terms of Section 16(2)(f) applicable to Erf 8395, Kleinmond, to enable the owners to operate a house shop on the subject property, and
- Consent use in terms of Section 16(2)(o) in order to utilize a portion of the existing dwelling on Erf 8395, Kleinmond, as a house shop.

RESOLVED :

1. that the application for the removal of title deed restriction in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 as per Clause D.1 of Title Deed T56782/2015 applicable to Erf 8395, Kleinmond, **be approved**.
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 for a consent use in order to utilize a portion of the existing dwelling on Erf 8395, Kleinmond, as a house shop, **not be approved**.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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2. ERF 2656, 89 CLARENCE DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : J INNES ON BEHALF OF CERATONIA (PTY) LTD

2656 KBB (3427)

H van der Stoep

(028) 313 8900

Hermanus Administration

6 April 2017

Executive Summary

Applications have been received on 2 September 2016 from J Innes on behalf of Ceratonia (Pty) Ltd on Erf 2656, Betty's Bay for the following:

- ❖ Application for a removal of restrictive title conditions with reference to Clauses D.A.(b) & D.A.(d) of Title Deed T24494/2016 applicable to Erf 2656, Betty's Bay in terms of Section 16(2)(f) of Overstrand Municipal Planning By-Law, 2016, in order to accommodate the following:
 - A second dwelling unit on abovementioned property; and
 - An encroachment of the proposed existing deck on first floor level over the 1,57m title deed lateral building line with Erf 2655.

The restrictive title conditions read as follows:

"D. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer T12724/1949, namely:

A. As being in favour of the registered owner of any erf in the Township and subject to amendment or alteration by the Administrator under the provisions of Section 18(3) of Ordinance No. 33 of 1934:-

(b) that only one dwelling, excluding licensed hotels, maalsonettes and semi-detached buildings, together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf;

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

- ❖ Application for a departure in terms of Section 16(2)(b) of Overstrand Municipal Planning By-Law, 2016, to relax the following:

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- Lateral building line with Erf 2655 from 2m to 0,5m to accommodate a proposed existing deck on first floor level; and
- Lateral building line with Erf 3496 from 2m to 1,57m to accommodate the existing external staircase and second dwelling unit on ground floor level, as well as a proposed new deck on first floor level.

RESOLVED :

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 2656, Betty's Bay for the removal of restrictive conditions D.A.(b) of Title Deed T24494/2016 to accommodate the proposed second dwelling on first floor level above the garages in the existing outbuilding, **be approved**, subject to the following condition:
 - (a) that the servant's quarters be converted into a store room, because it does not comply with the definition of a second dwelling.
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 2656, Betty's Bay for the removal of restrictive conditions D.A.(d) of Title Deed T24494/2016, **not be approved**, due to the following reasons:
 - (a) the wrap around balcony of the proposed second dwelling is illegally constructed;
 - (b) it is not in line with any development parameters since 1949 and the contrary has not been proven;
 - (c) there was no motivation why the balcony cannot comply with the Title Deed and the Scheme Regulations building lines, and
 - (d) the fact that it is existing and illegal is not reason enough to approve the removal of the conditions to legalise the balcony.
3. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 on Erf 2656, Betty's Bay to relax the lateral building line with Erf 3496 from 2m to 1,57m to accommodate the existing external staircase, **be approved**,
4. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 on Erf 2656, Betty's Bay to relax the eastern lateral building line of the 2m of the existing corner of the proposed second dwelling structure, **be approved**,

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5. that the approvals in Points 3. and 4. be subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that all the conditions in the Services Report, be complied with, and
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.

6. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 on Erf 2656, Betty's Bay to relax the lateral building line with Erf 2655 from 2m to 0,5m to accommodate a proposed existing deck on first floor level and a second dwelling unit on ground floor level, as well as a proposed new deck on first floor level, **not be approved**, due to the following reasons:
 - (a) the applicant cannot prove that the balcony was built legally, since it does not comply with the Title Deed, previous Scheme Regulations 8 and the Overstrand Zoning Scheme Regulations;
 - (b) the Overstrand Municipality does not view any transgression over the building lines on first floor level positively;
 - (c) the reasoning that the adjacent erf is undeveloped does not hold water, since it is the responsibility of the Municipality to ensure fairness to all its citizens and not to cater for only one owner, and
 - (d) the fact that the balcony is built illegally and is existing does not warrant an automatically legalizing of the structure. The balcony can be set back to the 2m building line and will have no effect on the applicant.

7. that building plans reflecting the approval be submitted to the Building Control Department within three (3) months of the decision.

8. that the braai roof be within the 8m height restriction, since it was not part of the application.

9. that no occupation certificate be issued until all the structures on the property complies with the National Building Regulations and the Scheme Regulations as well as the Title Deed.

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

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3. ERF 6187, 12 HARBOUR ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : WC NIEMAND ON BEHALF OF GJ VAN EEDEN

6187 KKM (3363)

H van der Stoep

(028) 313 8900

Hermanus Administration

6 April 2017

Executive Summary

Applications have been received on 8 July 2016 from WC Niemand on behalf of GJ van Eeden on Erf 6187, Kleinmond for a consent use in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 in order to operate a place of entertainment (five (5) slot machines) on the property concerned.

RESOLVED :

1. that the application for a consent on Erf 6187, Kleinmond in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 for a Place of Entertainment for five (5) slot machines, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is restricted to only five (5) slot machines;
 - (d) that building plans reflecting the approval be submitted to the Building Control Department for approval and that all conditions of the Building – and the Fire Department and the Overstrand Zoning Scheme;
 - (e) should the footprint of the building be extended at any stage, the applicant will have provide parking according to the Overstrand Zoning Scheme, 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, 2016 with regard to the above conditions of approval.

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4. ERF 1189, 28 CALEDON STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: MESSRS WRAP CONSULTANCY ON BEHALF OF GE JONES

1189 SSS (3572)

P Roux

(028) 313 8900

Hermanus Administration

18 May 2017

Executive Summary

To consider an application received in terms of Section 16(2)(o) on 26 January 2017 from Messrs WRAP Consultancy on behalf of GE Jones, the owner of Erf 1189, Stanford, for a consent use in order to use the existing second dwelling unit on the property concerned for tourist accommodation.

RESOLVED :

1. that the application for consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 applicable to Erf 1189, Stanford in order to use the existing second dwelling unit for tourist accommodation, **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 consent use in order to utilize the existing second dwelling for tourist accommodation as indicated on the Site Development Plan as submitted with the application;
 - (b) that the parking for the guests is adequately indicated by signs which comply with the Overstrand Signage By-law;
 - (c) that no on street parking be provided for the guests;
 - (d) that the rental of the tourist accommodation is limited to four (4) people or a single family and that the advertising thereof is changed accordingly;
 - (e) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (f) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;

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- (g) that a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (h) that the self-catering unit be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (i) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (j) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
 - (k) that should any building alterations be required building plans should be submitted to the Building Department for approval;
 - (l) that the conditions compiled in the Services Report be complied with, and
 - (m) that the comment received by Operational Services and the Fire Department (attached as Annexure F and H), 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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**5. ERF 5318, 23 CONTOUR STREET, FERNKLOOF, HERMANUS,
OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIVE TITLE
DEED CONDITIONS AND SUBDIVISION : MESSRS WRAP ON BEHALF OF
THE JA KLEYNHANS TESTAMENTÊRE TRUST**

5318 HEC (3556)

P Roux

(028) 313 8900

Hermanus Administration

26 May 2017

Executive Summary

To consider an application received on 15 December 2016 from Messrs Wrap on behalf of the owners of Erf 5318, Hermanus, for the following:

Application in terms of Section 16(2)(f) for the removal of restrictive title conditions in Deed of Transfer No. T39326/1980, C(b), C(c), D(1), D(2), D(3), D(4) and D(5) in order to subdivide Erf 5318, Hermanus into four (4) portions.

Application in terms of Section 16(2)(d) for the subdivision of Erf 5318, Hermanus into four (4) portions namely, Portion A $\pm 1528\text{m}^2$; Portion B $\pm 1582\text{m}^2$; Portion C $\pm 1522\text{m}^2$ and a Remainder $\pm 4545\text{m}^2$.

RESOLVED :

1. that the objections be noted;
2. that the application in terms of Section 16(2)(f) for the removal of restrictive title conditions C(b), C(c), D(1), D(2), D(3), D(4) and D(5) which is found in the Deed of Transfer No. T39326/1980, be approved;
3. 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 5318, Hermanus (Fernkloof) to subdivide the property into four (4) portions namely Portion A $\pm 1528\text{m}^2$; Portion B $\pm 1582\text{m}^2$; Portion C $\pm 1522\text{m}^2$ and a Remainder $\pm 4545\text{m}^2$, be approved in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in paragraphs 2. and 3. 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 (attached as Annexure H) be complied with;

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- (c) that the comments received from Heritage Western Cape and Telkom, be noted; and
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
5. 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, 2016 with regard to the above conditions of approval

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6. ERF 10558, FAIRWAYS AVENUE, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE CONDITIONS OF APPROVAL AND AMENDMENT OF THE SITE DEVELOPMENT PLAN: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF NMH TRADING 23 (PTY) LTD

10558 HEC (3368)

P Roux

(028) 313 8900

Hermanus Administration

12 June 2017

Executive Summary

An application was received from Messrs PlanActive Town- and Regional Planners on behalf of NMH Trading 23 (Pty) Ltd for the following:

- amendment of the conditions of approval in terms of Section 16(2)(h) in order to allow the development of twelve (12) residential sectional title units with its own double garage in terms of Section 47 of the Overstrand By-Law on Municipal Land Use Planning, 2016;
- amendment of the Site Development Plan (SDP) in order to allow the development of twelve (12) residential sectional title units with its own double garage in terms of Section 47 of the Overstrand By-Law on Municipal Land Use Planning, 2016.

RESOLVED :

1. that, in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (the By-Law) the application for the amendment of the conditions of approval on Erf 10558, Eastcliff, Hermanus, **be approved** in terms of the provisions of the By-Law;
2. that, in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (the By-Law), the application for the amendment of the Site Development Plan on Erf 10558, Eastcliff, Hermanus, **be approved** in terms of the provisions of the By-Law, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that all the relevant conditions as stipulated in the Record of Decision dated 11 July 2002 and the approval the Department of Environmental Affairs and Development Planning dated 30 September 2003, be complied with;

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- (c) that all the requirements from Electro Technical Services, Engineering Department and Telkom, be complied with;
 - (d) that the developer must provide fire hydrants in compliance with Section 4.35.4 – Housing Complex of SANS 10400T:2011 and that all structures must comply with the requirements of SANS 10400T:2011 Fire Protection Regulations;
 - (e) that this approval only relates to the amendment of the Site Development Plan as indicated on the plan submitted by the architect;
 - (f) that a body corporate be established with design manual and architectural design guidelines;
 - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (h) that all other development parameters as prescribed in the relevant Zoning Scheme 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, 2016 with regard to the above conditions of approval.