

Munisipaliteit • U-Masipala • Municipality

**OVERSTRAND**

Navrae:  
Enquiries: Mr M le Roux

Lêerverwysing: TPI-41/2004  
File Reference:

Datum: 27 May 2005  
Date:

Hermanus Administrasie  
Hermanus Administration

Overplan & Associates  
PO Box 1141  
**HERMANUS**  
7200

Sir

**Hermanus: Application for Departure, Rezoning and Subdivision Erf 9908:  
Southern Cross Development Consortium (Mariners Village).**

Your application in the above regard refers. It is confirmed that no objections have been received against the proposed development and that you will not exercise your right of appeal in this regard.

The Mayoral Committee has on 25 May 2005 resolved as follows:-

- "1. that the application relating to erf 9908 Hermanus for rezoning and subdivision into 61 Single Residential, 104 Intermediate Residential (group housing), 5 General Residential (180 units) and 5 Open Residential Private Space and Private road erven, **be approved**, subject to the following conditions:
- (a) that a service agreement be entered into between the municipality and the developer/applicant;
  - (b) that a Home Owners Association be established and registered in terms of Section 29 of the Land Use Planning Ordinance, 15 of 1985;
  - (c) that the constitution of the Home Owners Association be submitted to the Manager: Town Planning for approval;
  - (d) that an architectural and design manual be submitted to the Manager: Town Planning for approval;
  - (e) that a bulk service's levy be payable on each residential unit as determined by Council;



- (f) that the provision of bulk services and the timeframe for completion thereof be negotiated between the developer and the municipality;
  - (g) that the access opposite Crescent Street be investigated by the Director: Public Services with possible mitigating measures;
  - (h) that all conditions set by the Department of Environmental Affairs and Development Planning in the current Record of Decision (ROD), Annexure D, pages 375-381 to the agenda, or if necessary, the re issued ROD; be adhered to;
2. that the application for a departure for the Intermediate Zone (group housing) building parameters be approved as follows:
    - Street building line : 3m and 4m in the case of a garage
    - Rear building line : 3m
    - Lateral building line : 1m (Subject to the provisions of the National Building Regulations regarding m<sup>2</sup> glazing)
  3. that the application for a departure for a 4,5m street building line for the General Residential Zone, be approved;
  4. that the application for a departure for 4 storeys for the General Residential component, be approved, subject to the following conditions:
    - (a) that a maximum height of a storey from finished floor to finished floor be 2.6m;
    - (b) that a maximum height of the building from ground floor to the top of the pitch roof be 13m.
  5. that the applicant be advised of his right of appeal."

Approval is therefore hereby granted in terms of Section 25 of the Land Use Planning Ordinance No. 15 of 1985, read in conjunction with Section 42 (1) of the said Ordinance, for the subdivision of erf 9908 Hermanus as shown on the enclosed plan which bears my Council's stamp dated 27 May 2005 subject to the above-mentioned conditions.

Your attention is also drawn to paragraph 3.5 of the regulations made under Section 7 (2) of the Ordinance mentioned above, of which a copy is enclosed hereto as Annexure "A". These conditions must be registered as conditions of title against the deducted portions of the remainder, unless it or similar conditions have to the opinion of the conveyancer been registered against the original property. Kindly note that this approval lapses unless separate registration of at

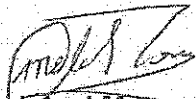


least one erf, lot or piece therein is effected in the Deeds Registry within five years from the date of this letter.

It should also be noted that the Surveyor General will, when approving the diagrams of the newly created erven, indicate on the back thereof by means of a rubber stamp, the date reference number of this approval. The Registrar of Deeds will not register the separate registration of the erven until the application for Certificate of Registered Title or Power of Attorney has been endorsed by my Council. This endorsement will be given on submission of proof that the conditions of establishment, as set out herein, have been complied with.

Kindly also note that the conditions of subdivision must be complied with before rates clearance will be issued for any deducted portion of the subdivision.

Yours faithfully



for/Municipal Manager

Copy: Building Control



Navrae:  
Enquiries: H van der Stoep (Senior Town Planner)

Lêerverwysing:  
File Reference: 10528 HWC (2263)

Datum:  
Date: 13 December 2013

TOWN PLANNING / STADSBEPLANNING  
HERMANUS

JLR & Associates  
PO Box 1683  
GANSBAAI  
7220

REGISTERED MAIL

Dear Sir/Madam

**ERF 10528, MARINERS VILLAGE, HERMANUS, OVERSTRAND MUNICIPAL AREA  
: PROPOSED CONSENT USE : SUNSET BAY TRADING 196 PTY LTD**

With reference to your application dated 8 April 2013, it is hereby confirmed that the matter was considered by the Senior Manager : Town Planning & Property Administration on 12 December 2013, and that it was resolved as follows:

**RESOLVED :**

- "1. that in terms of Section 7.1 of the Section 7 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) an application for a consent use on Erf 10528, Hermanus in order to operate a Frail Care Centre on the property concerned, **be approved**, subject to the following conditions:
- (a) that a site development plan be submitted in accordance with the Hermanus Scheme Regulations 7 parameters for approval before any construction is started;
  - (b) that full plans be submitted to the Local Aesthetics Committee for comment;
  - (c) that the applicant complies with the ROD issued with the approval, dated 2003;
  - (d) that the development be restricted to Plan Numbers 1A, 1B, 1C, 1D and 1E as submitted with the application;
  - (e) that the Architectural Guidelines of Mariners Village be complied with;
  - (f) that the approval does not absolve the applicant / owner from compliance with any other relevant legislation and or Title Deed conditions;
  - (g) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;
  - (h) that all conditions imposed in the Services Report (attached as Annexure D), be complied with;

- (i) that the facility complies with health and safety legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
- (j) that compliance with Fire Safety Regulations is pre requisite-SANS 10400T:2011;
- (k) that a Fire Safety Competent Specialist be appointed, and
- (l) that a refuse area be created according to municipal requirements."

Should you not be satisfied with the abovementioned decision, your attention is invited to your right of appeal to the Provincial Administration in terms of Section 44 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985). Any such appeal should be served on the Director: Integrated Environmental Management, Department of Environmental Affairs & Development Planning, Western Cape Provincial Government (Private Bag X9086, Cape Town, 8000) or if hand delivered to the Utilitas Building, 1 Dorp Street, Cape Town within 21 days of date of registration at the Post Office of this letter (with such registration day not included in the appeal period), provided where the last day of lodging an appeal falls either on a weekend or public holiday, it shall be deemed to be next working day thereafter. A copy of the appeal should simultaneously be served on the Municipality.

In terms of Circular 8/2013 issued by the Western Cape Government : Environmental Affairs and Development Planning the Section 44 appeal will be dealt with in one of three possible ways:

**1. Dismissal of an appeal**

In terms of the amended section 44(2) of the LUPO, the Minister may, after consultation with the Municipality, dismiss an appeal against the decision of a Municipality.

**2. Setting aside of Municipal decision**


In terms of section 44(3)(a) of the LUPO, as amended, the Minister may, in instances where the Minister is of the opinion that a Municipality did not effectively perform its functions in respect of a municipal planning matter, set aside the entire decision or part of a decision, and refer the matter back to the Municipality for reconsideration.

**3. Substitution of Municipal decision**

In terms of section 44(3)(b) of the LUPO, as amended, the Minister may, substitute his/her decision for that of the municipality. In such cases, where the Minister has replaced a Municipality's decision with his own decision, the only remedy for an aggrieved party will be to approach a Court to review the decision.

Your attention is further drawn to your right of appeal to the Overstrand Municipality in terms of Section 62 of the Act on Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) within 21 days of date of registration of this letter. It needs to be noted, however, that the Council has resolved that all appeals in terms of Section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) must be accompanied with a deposit of R2120.00, which deposit is refundable in total should the appeal be upheld.

Yours faithfully

  
S MÜLLER  
DIRECTOR : INFRASTRUCTURE & PLANNING