

**PORTFOLIO COMMITTEE :
INFRASTRUCTURE & PLANNING**

Chairperson :

Cllr K Brice

Committee Members :

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

**PORTEFEULJEKOMITEE :
INFRASTRUKTUUR & BEPLANNING**

Voorsitter :

Rdl K Brice

Komiteelede :

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

INFRASTRUCTURE & PLANNING PORTFOLIO COMMITTEE
INFRASTRUKTUUR & BEPLANNING PORTEFEULJEKOMITEE

19 June 2018

I N D E X

ITEM

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APPLICATIONS FOR LEAVE OF ABSENCE

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

15/3/11

R van Antwerp
23 May 2018

(028) 313 8039

Hermanus Administration

1. Executive Summary

To report on applications disposed of by the Authorised Official in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 11 April 2018 – 23 May 2018.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background

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

7. Financial Implications

None

8. Staff Implications

None

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9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

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

RECOMMENDATION :

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 11 April 2018 – 23 May 2018:

Spatial Land Use Management Act (SPLUMA) Approvals

1.	Erf 243, Hermanus	11 April 2018
2.	Remainder of the farm Klipdam Downs No. 222	23 April 2018
3.	Erf 87, Franskraal	14 May 2018
4.	Erf 935, Franskraal	14 May 2018
5.	Farm 409 in the Bredasdorp District	14 May 2018
6.	Erf 7507, Hermanus	14 May 2018
7.	Erf 7490, Hermanus	22 May 2018
8.	Remainder of Portion 14 of the farm Klein Rivier Kloof No 660	22 May 2018
9.	Erf 3149, Onrustrivier	22 May 2018
10.	Farm Honingklip No. 470	22 May 2018
11.	Erf 5782, Hermanus	22 May 2018

RESPONSIBLE OFFICIAL : R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION : 11 JULY 2018

TARGET DATE TO INFORM APPLICANT : N/A

TARGET DATE TO INFORM OBJECTOR : N/A

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

15/3/11

**R van Antwerp
23 May 2018**

(028) 313 8039

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
19 JUNE 2018, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :	R VAN ANTWERP
TARGET DATE FOR IMPLEMENTATION :	11 JULY 2018
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

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Spatial Land Use Management Act (SPLUMA) Approvals

1. PORTION ERF 243 AND MALVA CLOSE, MOUNT PLEASANT, HERMANUS, OVERSTRAND MUNICIPALITY: PROPOSED AMENDMENT OF CONDITION OF APPROVAL : OVERSTRAND MUNICIPALITY

Ptn 243 & Malva Close, HMP

H Olivier

(028) 313 8900

Hermanus Administration

10 April 2018

Executive Summary

The application dated 22 March 2018 on Portion Erf 243 and Malva Close (already closed), Mount Pleasant is for an application in terms of of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to amend the conditions of approval.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 of an application in terms of Section 16(2)(h) to amend Point 1 as in the Land Use Planning approval dated 26 June 2013, **be approved**, and to read as follows:

“1. that in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the rezoning to subdivisinal area of a portion of Erf 243 and Malva Close, Mount Pleasant to create:

15 Business Zone II erven

1 Business Zone I erf

2 Institutional Zone erven

1 Residential Zone III erf

1 Transport Zone II portion (Public Road portion, and

*The subdivision **thereof in phases to individually sell off new portions**, be approved, subject to the following conditions:*”

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. REMAINDER OF THE FARM KLIPDAM DOWNS NO 222, DIVISION
BREDASDORP, OVERSTRAND MUNICIPAL AREA: AQUARELLA
INVESTMETNS 139 (PTY) LTD**

222/0 GRCAL (3669)

SW van der Merwe

(028) 313 8900

Hermanus Administration

8 November 2017

Executive Summary

An application for departure was received on 10 May 2017 from Aquarella Investments (Pty) Ltd for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to encroach the northern 30m building line up to 6,15m and 4,05m to accommodate a proposed dwelling and water tower and to 13,07m, 9,655m and 4,45m to accommodate existing structures (engine/pump room, outbuilding and water tower).

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, 2015 (By-Law) on the Remainder of the Farm Klipdam Downs No 222, Bredasdorp Division, in order to encroach the northern 30m building line up to 6,15m and 4,05m to accommodate a proposed dwelling and water tower and to 13,07m, 9,655m and 4,45m to accommodate existing structures (engine/pump room, outbuilding and water tower) **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval only be applicable to the departure indicated on the Site Plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval;
 - (c) that proof be furnished by the applicant in writing demonstrating compliance with the comments of Cape Nature prior to the approval of building plans;
 - (d) that all the conditions in the Services Report, be complied with;

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- (e) that the conditions of Breede-Gouritz Catchment Management Agency and Cape Nature, be adhered to;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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3. ERF 87, 4 MARAIS STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA : DEPARTURE : MR DE VILLIERS

87 GFK (3799)

SW van der Merwe

(028) 313 8900

Hermanus Administration

19 April 2018

Executive Summary

An application has been received on 29 September 2017 from MR de Villiers for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to in order to relax the 2m lateral building up to 1,68m in order to accommodate the existing store room and screen wall as well the encroachment of the 2,1m height restriction pertaining to the screen wall.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 87, Franskraal for departure in order to relax the 2m lateral building up to 1,68m in order to accommodate the existing store room and screen wall as well the encroachment of the 2,1m height restriction pertaining to the screen wall, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval only be applicable for the encroachment indicated on the Site Plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with, 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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**4. ERF 935, 29 ROELAND STREET, FRANSKRAAL, OVERSTRAND
MUNICIPAL AREA : DEPARTURE AND TITLE RELAXATION : R GILLION &
D GILLION-NEL**

935 GFK (3725)

SW van der Merwe (028) 313 8900

Hermanus Administration

13 April 2018

Executive Summary

An application has been received on 6 July 2017 from R Gillion and D Gillion-Nel for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to encroach the 2m lateral building line in order to construct a tandem garage onto the property boundary.

The application also entails the relaxation of the restrictive 1,57m lateral title deed building line onto the property boundary.

RESOLVED :

1. that the application for title relaxation in terms of Clause C.16 of Title Deed T63322/2014 applicable to Erf 935, Franskraal in order to relax the 1,57m lateral building line onto the property boundary, **be approved**;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 935, Franskraal for departure in order to relax the 2m lateral building onto the lateral property boundary in order to construct a tandem garage, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval only be applicable for the encroachment indicated on the Site Plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that all the conditions in the Services Report, be complied with
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;

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- (e) the servant's quarters may not be converted into a second dwelling unit/fitted with a kitchen without the written approval of the Municipality, and
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval."

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5. FARM NO. 409, IN THE OVERSTRAND MUNICIPALITY, DIVISION BREDASDORP : APPLICATION FOR AMENDMENT OF THE SITE DEVELOPMENT PLAN AND DEPARTURE : MESSRS PLANACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF HIK ABALONE FARM (PTY) LTD

Farm 409 (3749)

**SW van der Merwe
14 March 2018**

(028) 313 8900

HERMANUS ADMINISTRATION

Executive Summary

To consider an application received on 10 August 2017 from Messrs PlanActive Town-and Regional Planners on behalf of HIK Abalone (Pty) Ltd (HIK) in terms of the provisions of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the following:

- amendment of the conceptual Site Development Plan in terms of the provisions of Section 16(2)(l);
- amendment of conditions of approval in terms of Section 16(2)(h);
- departure in terms of the provisions of Section 16(2)(b) in order to encroach the 30m northern, eastern and southern building lines to 10m;
- departure in terms of the provisions of Section 16(2)(b) to exceed the 5000m² floor space restriction applicable to agricultural properties, and
- departure in terms of the provisions of Section 16(2)(b) in order to deviate from the parking requirements (parking ratio).

RESOLVED :

1. that the application in terms of Section 16(2)(h) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Farm 409, Bredasdorp Division to rescind condition 1. of the land development approval dated 27 June 2001, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(l) and (b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) for approval of the Site Development Plan and departure of the 30m building line on the northern, eastern and southern building lines to 10m, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) for departure of the ratio and the maximum floor space restriction of 5000m², **be approved** in terms of the provisions of Section 61 of the By-Law

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4. that the approvals in paragraphs 2. and 3. above be subject to the following conditions, namely:
 - (a) that the original conditions of approval, except condition 1. dated 27 June 2001, be adhered to;
 - (b) that an updated Site Development Plan be submitted indicating the 9m building and tree restriction adjacent to the Eskom overhead powerline and an updated parking layout;
 - (c) that the development be implemented generally in accordance with the Site Development Plan to be submitted as per condition (b) above;
 - (d) that a detailed landscaping plan be submitted including a planting schedule in order to provide visual screening to the satisfaction of the Municipality;
 - (e) that all 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;
 - (g) that proof be submitted in writing that the on-site package plant complies with the requirements of Department of Agriculture, Forestry and Fisheries and the Municipal Engineering Department;
 - (h) that the conditions of Eskom, Overberg District Municipality, Department of Transport and Public Works, Cape Nature and Telkom, be adhered to;
 - (i) that the applicant/owner be responsible for the appointment of an acoustic/noise consultant and the implementation of mitigation measures, should any justified complaints with regard to noise/disturbance being received;
 - (j) that prior to the construction of the processing plant details pertaining to mitigation measures to be incorporated in the design in order to ensure that the development will not detract from the amenity of the area by reason of noise, smells atmospheric emissions be submitted for approval by the Senior Manager: Town and Spatial Planning;

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- (k) that the development be carried out in accordance with the provisions of the Environmental Authorisation;
 - (l) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with, and
 - (m) that the approval does not absolve the applicant/owner from compliance with any other relevant legislation and/or Title Deed conditions.
5. that the applicant 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 7507, 158 MAIN ROAD, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF THE WINSHAW FAMILY TRUST & MRS HA MITCHELL

7507 HEC (3822)

P Roux

(028) 313 8900

Hermanus Administration

24 April 2018

Executive Summary

An application has been received on 20 October 2017 from Messrs Plan Active Town and Regional Planners on behalf of the owners of Erf 7507, Hermanus (Eastcliff). The Winshaw Family Trust and Mrs HA Mitchell, for a departure in terms of Section 16(2)(b) in order to relax the lateral building line from 4,5m to ± 1 m to accommodate existing structures.

RESOLVED :

1. in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 application for a departure in order to relax the lateral building line from 4,5m to ± 1 m to accommodate existing outbuilding on Erf 7507, Hermanus, **be approved** subject to the provisions of Section 61 of the By-Law in terms of the following conditions;
 - (a) that the conditions compiled in the Services Report, be complied with;
 - (b) that building plans be submitted to the Building Department for approval;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.”

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**7. ERF 7490, HERMANUS (KLEINRIVIER), MUNICIPAL AREA: PROPOSED
CONSENT USE: MESSRS PLAN ACTIVE ON BEHALF OF DELISYS (PTY)
LTD**

7490 HKR (3760)

P Roux

(028) 313 8900

Hermanus Administration

19 April 2018

Executive Summary

An application has been received on 23 August 2017 from Messrs PlanActive Town and Regional Planners on behalf of the owners of Erf 7490, Hermanus (Kleinrivier), Delisys (Pty) Ltd, for a consent use in terms of Section 16(2)(o) in order to accommodate a tourist facility (restaurant) on the property concerned.

RESOLVED :

1. in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 an application for consent use on Erf 7490, Hermanus (Kleinrivier) in order to accommodate a tourist facility (restaurant) 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 the entrance to the property be developed in line with the comment as provided by the Department of Transport and Public Works;
 - (b) that the conditions compiled by the District Health, Fire Department, Department of Environmental Affairs and Development Planning, and Cape Nature, be complied with;
 - (c) that the conditions compiled in the Services Report, be complied with;
 - (d) that building plans be submitted to the Building Department for approval and that approval condition (a), contained in this approval be complied with at that stage;
 - (e) that before the tourist facility is operated, proof of compliance must be submitted which indicates that the structure complies with the comment provided by the Fire Department;
 - (f) that no place of entertainment or place of assembly may be conducted on the premises before obtaining approval from the Municipality;

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- (g) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (h) that applicable rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (i) that the tourist facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (j) that any proposed sign to be displayed complies with the Municipal By-Law on signage;
 - (k) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (l) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
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. REMAINDER OF PORTION 14 OF THE FARM KLEIN RIVIER KLOOF
NO 660, DIVISION OF CALEDON, OVERSTRAND MUNICIPAL AREA:
PROPOSED CONSENT USE: MESSRS WRAP CONSULTANCY ON
BEHALF OF OUBOKSKRAAL (PTY) LTD**

Ptn 14 of 660 RCAL (3864)

P Roux

(028) 313 8900

Hermanus Administration

24 April 2018

Executive Summary

An application has been received on 28 November 2017 from Messrs WRAP Consultancy on behalf of the owners of Portion 14 of the farm Klein Rivier Kloof No 660, Ouboskraal (Pty) Ltd, for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to accommodate a tourist facility (restaurant) on the property concerned.

RESOLVED :

1. in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) application for a consent use on Remainder of Portion 14 of the Farm Klein Rivier Kloof No 660, Division Caledon, in order to accommodate a tourist facility (restaurant) 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 the entrance to the property be developed in line with the comment as provided by the Department of Transport and Public Works;
 - (b) that the conditions compiled by District Health and Fire Department, be complied with;
 - (c) that the conditions compiled in the Services Report, be complied with;
 - (d) that building plans be submitted to the Building Department for approval and that approval condition (a), contained in this approval be complied with at that stage;
 - (e) that before the tourist facility is operated proof of compliance must be submitted which indicates that the structure complies with the comment provided by the Fire Department;
 - (f) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;

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- (g) that applicable rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (h) that the comment from Stanford Heritage Committee be noted;
 - (i) that the tourist facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (j) that any proposed sign to be displayed complies with the Municipal By-Law on signage;
 - (k) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (l) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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9. ERF 3149, 25 CROSS STREET, ONRUS RIVER, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE : GT KARSTEN

3149 HON (3815)

H Olivier

(028) 313 8900

Hermanus Administration

12 April 2018

Executive Summary

An application has been received on 17 October 2017 from GT Karsten on Erf 3149, Onrustrivier for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to relax the rear building line with Erf 3150 from 2m to 1,150m to accommodate a new pantry and the lateral building line with Erf 3267 from 2m to 1,350m to accommodate a new braai room.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) and in terms of Section 16(2)(b) on Erf 3149, Onrustrivier in order to relax the rear building line with erf 3150 from 2m to 1,150m to accommodate a new pantry and the lateral building line with Erf 3267 from 2m to 1,350m to accommodate a new braai room, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on plan no. A.01.1 – A.01.5 Job 583, 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 building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (e) that all the conditions in the Services Report, be complied with;
 - (f) that all the conditions imposed by Telkom, be complied with;
 - (g) that all the conditions of Eskom, be complied with, and

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

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10. FARM 470, HONINGKLIP, DIVISION OF CALEDON : PROPOSED CONSENT USE : MESSRS SITE PLAN CONSULTING CC ON BEHALF OF THE HONINGKLIP FARM TRUST

RCAL 470 (3722)

H van der Stoep

(028) 313 8900

Hermanus Administration

10 April 2018

Executive Summary

An application has been received on 29 June 2017 from Messrs Site Plan Consulting on behalf of The Honingklip Farm Trust on Farm 470, Honingklip for a consent in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to accommodate the development and operation of an approximately 5,0 ha gravel borrow pit.

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) for a consent use on Farm 470, Honingklip to accommodate the development and operation of an approximately 5,0 ha gravel borrow pit, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the mining activities be restricted to approximately 5 ha as indicated on plan A;
 - (b) that the activities be restricted to a period of two (2) years until 2020, and should the applicant intend to extend the period an application for extension be lodged at the Municipality;
 - (c) that a management, operational and rehabilitation plan be submitted to the Environmental Management Section of the Municipality within three (3) months;
 - (d) that a six (6) monthly monitoring and compliance report be submitted to the Environmental Management Section of the Municipality by the environmentalist responsible for the project;
 - (e) that all conditions imposed by the Western Cape Government: Agriculture, be complied with;
 - (f) that all conditions imposed by Cape Nature, be complied with;

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- (g) that all conditions imposed by the Western Cape Government: Environmental Affairs and Development Planning (Environment), be complied with;
 - (h) that all conditions imposed by Breede Gouritz Catchment Management Agency, be complied with;
 - (i) that all conditions imposed by the Western Cape Government: Environmental Affairs and Development Planning (Planning), be complied with;
 - (j) that all conditions imposed by the Western Cape Government : Transport and Public Works, be complied with;
 - (k) that all conditions imposed by the National Department of Mineral Resources in the mining permit dated 10 January 2018, be complied with;
 - (l) that all conditions imposed by the National Department of Mineral Resources in the environmental authorisation dated 8 November 2017, be complied with;
 - (m) that all conditions imposed by the Municipal Environmental Management Section, be complied with;
 - (n) that due cognisance be given to cyclists making use of the MTB trails transversing the access routes, and
 - (o) that no activities / operations take place on a Sunday.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

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11. ERF 5782, 13 RAED-NA-GAEL STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS ENGELBRECHT & SCORGIE ON BEHALF OF MM HARRIS

5782 HHH (3859)

P Roux

(028) 313 8900

Hermanus Administration

2 May 2018

Executive Summary

An application has been received on 22 November 2017 from Messrs Engelbrecht and Scorgie Architectural Office on behalf of the owner of Erf 5782, Hermanus, MM Harris, for a departure in terms of Section 16(2)(b) in order to relax the street building line from 4m to $\pm 1,55$ m in order to gain access via steps from the ground level up to the first floor.

RESOLVED :

1. in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 application for a departure in order to relax the lateral building line from 4m to $\pm 1,55$ m to accommodate a proposed staircase from ground level to the first floor on Erf 5782, Hermanus, **be approved** subject to the following conditions;
 - (a) that the conditions compiled in the Services Report, be complied with;
 - (b) that the approval is only for the departure of the staircase as indicated on the Site Development Plan as submitted with the application;
 - (c) that building plans be submitted to the Building Department for approval;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.