

**PORTFOLIO COMMITTEE :
INFRASTRUCTURE & PLANNING**

Chairperson :

Cllr D Botha

Committee Members :

**Cllrs G Cohen, F Krige,
S Tebele & V Pungupungu**

**PORTEFEULJEKOMITEE :
INFRASTRUKTUUR & BEPLANNING**

Voorsitter :

Rdl D Botha

Komiteelede :

**Rdle G Cohen, F Krige,
S Tebele & V Pungupungu**

INFRASTRUCTURE & PLANNING PORTFOLIO COMMITTEE
INFRASTRUKTUUR & BEPLANNING PORTEFEULJEKOMITEE

22 MARCH 2017

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**1.
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY : JANUARY 2017 –
FEBRUARY 2017**

15/3/11

R van Antwerp
15 February 2017

(028) 313 8039

Hermanus Administration

1. Executive Summary

To report on applications disposed of by the Senior Manager : Town- and Spatial Planning, and the Authority Officer during the period from 20 January 2017 – 15 February 2017 as well as the applications that served before the Municipal Planning Tribunal on 2 December 2016:

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.

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 in terms of the Land Use Planning Ordinance (LUPO) disposed of by the Senior Manager : Town- and Spatial Planning and in terms of the Spatial Land Use Management Act (SPLUMA) disposed of by the Authority Officer (AO) for the period 20 January 2017 – 15 February 2017, as well as the applications that served before the Municipal Planning Tribunal on 2 December 2016:

Land Use Planning Ordinance (LUPO) Approvals

- | | | |
|----|-------------------|-----------------|
| 1. | Erf 497, Hermanus | 27 January 2017 |
|----|-------------------|-----------------|

Spatial Land Use Management Act (SPLUMA) Approvals

- | | | |
|-----|---|------------------|
| 1. | Erf 85, Hermanus | 27 January 2017 |
| 2. | Erf 2142, Pearly Beach | 27 January 2017 |
| 3. | Erf 11154, Hermanus | 27 January 2017 |
| 4. | Erf 497, Hermanus | 27 January 2017 |
| 5. | Erf 2272, Hermanus | 1 February 2017 |
| 6. | Erf 7610, Hermanus | 6 February 2017 |
| 7. | Erf 4488, Betty's Bay | 6 February 2017 |
| 8. | Erf 3549, Onrustrivier | 6 February 2017 |
| 9. | Erf 1449, Vermont | 6 February 2017 |
| 10. | Erven 5396 and 11144, Hermanus | 15 February 2017 |
| 11. | Erf 3704, Hermanus | 15 February 2017 |
| 12. | Erf 2156, Stanford | 15 February 2017 |
| 13. | Portions 133 and 134 of the farm Benguela Cove
No. 575 | 15 February 2017 |
| 14. | Erf 3063, Onrustrivier | 15 February 2017 |
| 15. | Erven 4383 and 4384, Onrustrivier | 15 February 2017 |

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16.	Erf 3823, Onrustrivier	15 February 2017
17.	Erf 5158, Onrustrivier	15 February 2017
18.	Erven 1450, 2206 – 2230, Vermont	15 February 2017
19.	Erf 6822, Hermanus	15 February 2017
20.	Erf 7, Franskraal	15 February 2017
21.	Erven 12194 and 12195, Hermanus	15 February 2017
22.	Erf 2931, Onrustrivier	15 February 2017

Municipal Planning Tribunal

1.	Erf 5788, Hermanus	2 December 2016
2.	Erf 6001, Kleinmond	2 December 2016
3.	Erf 1178, Hermanus	2 December 2016
4.	Erf 5999, Hermanus	2 December 2016

RESPONSIBLE OFFICIAL :

R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION :

12 APRIL 2017

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 : JANUARY 2017 –
FEBRUARY 2017**

15/3/11

R van Antwerp

(028) 313 8039

Hermanus Administration

15 February 2017

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

RESPONSIBLE OFFICIAL :

R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION :

12 APRIL 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. ERF 497, 30 CHURCH STREET, WESTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA : PROPOSED CONSENT USE : MA LEDINGHAM**

497 HWC (3110)

H van der Stoep

(028) 313 8900

Hermanus Administration

6 January 2017

Executive Summary

An application has been received on 4 November 2015 from MA Ledingham on Erf 497, Hermanus for a consent use in order to operate a five (5) bedroom guesthouse on the property concerned.

RESOLVED :

1. that in terms of Section 2.2 of the Section 9 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a consent use on Erf 497, Hermanus in order to operate a four (4) bedroom guesthouse on the property concerned as per the Overstrand Zoning Scheme, **be approved**, subject to the following conditions:
 - (a) that the facility be utilized as a **guesthouse only**;
 - (b) that a maximum of four (4) bedrooms to be let, be permitted; of which two (2) of the bedrooms be paraplegic friendly;
 - (c) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guesthouse;
 - (d) that the guesthouse is utilized as such - no self-catering will be permitted;
 - (e) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
 - (f) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (g) that a minimum of one (1) permanently demarcated parking bay per guest room and two (2) for the owner/manager be provided within

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- the erf boundaries, subject to the approval of the Senior Manager: Town- and Spatial Planning;
- (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 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;
 - (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 guesthouse be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (l) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (m) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
 - (n) that the building plans reflect the approval conditions, surveyed height and comply with the National Building Regulations and should be submitted to the Building Department for approval;
 - (o) that all the conditions in the Services Report, be complied with;
 - (p) that a site development plan be submitted indicating the parking layout as submitted in October 2016 with the demarcation of the bedrooms to be used for guests.
2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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Spatial Land Use Management Act (SPLUMA) Approvals

**1. ERF 85, 101 CHURCH STREET, WESTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE : PJ SCHOLTZ**

85 HWC (3412)

H van der Stoep

(028) 313 8900

Hermanus Administration

28 December 2016

Executive Summary

An application has been received on 19 August 2016 from Mr. PJ Scholtz in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipality Land Use Planning, 2016 and Section 16.1 (b)(iii) of the Overstrand Zoning Scheme, 2014 for the departure of the lateral building line from 2m to 0,10m and a structure longer than 9m to erect a pergola.

RESOLVED :

1. that the application for departure on Erf 85, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 and Section 16.1 (b)(iii) of the Overstrand Zoning Scheme, 2014 to relax the lateral building line from 2m to 0,10m and a structure longer than 9m to erect a pergola, **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 only for the relaxation of building lines indicated on Plan Numbers 2016-85/SH 1-3, dated 1 July 2016, which was submitted with the application;
 - (d) that all the conditions in the Services Report (attached as Annexure D), be complied with;
 - (e) that all the conditions imposed by other internal and external departments be complied with, and
 - (f) that building plans reflecting the approval be submitted to the Building Control Department for approval within three (3) months of approval,

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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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**2. ERF 2142, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA:
PROPOSED DEPARTURE: L BINDEMANN**

2142 GPB (3367)

S van der Merwe

(028) 313 8900

Hermanus Administration

14 December 2016

Executive Summary

To consider an application received on 12 July 2016 from L Bindemann, on behalf of owners of Erf 2142, Pearly Beach, "Die Trustees indertyd van Die Bindeman Trust" for a departure from the resort development rules in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to provide one (1) onsite parking bay instead of two (2).

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 2142, Pearly Beach in order to depart from the Pearly Beach Resort Development Rules to provide only one (1) parking bay instead of two (2) parking bays on the property, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the building plan as complied by the architect and submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (c) that 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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**3. ERF 11154, 44 CHURCH STREET, WESTCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE
SITE DEVELOPMENT PLAN & DEPARTURES : MESSRS PRAKTIPLAN
ON BEHALF OF ANNENPROP 9 (PTY) LTD**

11154 HWC (3458)

H van der Stoep

(028) 313 8900

Hermanus Administration

28 December 2016

Executive Summary

An application has been received on 29 September 2016 from Praktiplan (Mr. WJ Steyn) on behalf of Annenprop 9 (Pty) Ltd on Erf 11154, Hermanus for the amendment of the Site Development Plan (SDP) in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipality Land Use Planning, 2016 and for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipality Land Use Planning, 2016 in order to relax the street building lines from 5m to 0m, in order to accommodate carports and the setback line from 8m to 7,87m to cover the existing parking bays.

RESOLVED :

1. that the application for departure on Erf 11154, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 to relax the street building line from, 5m to 0m and the setback line from 8m to 7,87m to cover the existing parking bays, **be approved;**
2. that the application for the amendment of the Site Development Plan on Erf 11154, Hermanus in terms of Section 16(2)(l) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016, **be approved;**
3. that the approvals in Points 1 and 2 above, 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 this approval is only for the relaxation of building lines indicated on Plan Number 047- A296, dated 13 September 2016, which was submitted with the application;
 - (d) that all the conditions in the Services Report, be complied with;

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- (e) that all the conditions imposed by other internal and external departments be complied with, and
 - (f) that building plans reflecting the approval be submitted to the Building Control Department for approval within three (3) months of approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.
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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**4. ERF 497, 30 CHURCH STREET, WESTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : MA LEDINGHAM**

497 HWC (3239)

H van der Stoep

(028) 313 8900

Hermanus Administration

10 January 2017

Executive Summary

An application has been received on 9 March 2016 from Mr NA Ledingham for a departure in terms of Section 16(2)(b) in order to relax the street building line with Albertyn Street from 4m to 3m to accommodate the proposed structure on first floor level.

RESOLVED :

1. that the application for departure on Erf 497, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 to relax the street building line with Albertyn Street from 4m to 3m to accommodate the proposed structure on first floor level, **be approved**, subject to the following conditions:
 - (a) that the relaxation only be applicable for 6,5m of the building on Albertyn Street as indicated on the plans submitted, dated November 2015;
 - (b) the parking layout be in line with the plan as submitted in October 2016;
 - (c) that the building plans reflect the approval conditions, surveyed height and comply with the National Building Regulations and should be submitted to the Building Department for approval;
 - (d) that the building plan as submitted only be applicable for the departure;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (g) that 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

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- (h) that all the conditions in the Services Report, and other internal departments 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 2272, 8 FOURTH AVENUE, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : LP KNOOP ON BEHALF OF THE BOY'S TRUST

2272 HVK (3400)

H Boshoff

(028) 313 8900

Hermanus Administration

28 December 2016

Executive Summary

Application is made for a departure for the relaxation of the south eastern lateral building line from 2m to 1,23m in order to accommodate a proposed open braai.

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application for departure applicable to Erf 2272, Voëlkliip, Hermanus in order to relax the 2m south eastern lateral building line to 1,23m in order to accommodate a new open braai, **be approved**, subject to the following conditions:
 - (a) that this approval only be in accordance with the Site Development Plan, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval and that any Fire- and Building Department legislation be complied with at that stage;
 - (c) that the requirements of Engineering Services, be complied with;
 - (d) that all other applicable development parameters of the Zoning Scheme be complied with, and
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation.
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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6. ERF 7610, 12 FIFTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND SUBDIVISION : MESSRS WRAP CONSULTANCY ON BEHALF OF NICHOLAS CLARKE

7610 HVK (3423)

H van der Stoep

(028) 313 8900

Hermanus Administration

29 December 2016

Executive Summary

An application has been received on 30 August 2016 from Messrs WRAP Consultancy on behalf of the owner of Erf 7610, Hermanus (Voëlklip), N Clarke, for the removal of a restrictive title deed condition contained Title Deed T111680/2002 in terms of Section 16(2)(f) of the applicable By-Law, as well as the subsequent subdivision of the property into two (2) portions in terms of Section 16(2)(d) of the said By-Law.

RESOLVED :

1. that, in terms of Sections 16(2)(f) and 16(2)(d) respectively of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 the application for the removal of restrictive title deed condition E.(b) as contained in Title Deed T.111680/2002 applicable to Erf 7610, Hermanus (Voëlklip) and the subsequent subdivision of the property into two (2) portions of 495m² each, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the subdivision in the manner as indicated on the plan, which was submitted with the application;
 - (b) that the requirements of Engineering Services, be complied with;
 - (c) that all other applicable development parameters of the Zoning Scheme be complied with, and
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation.
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 4488, BETTY'S BAY, HERMANUS, OVERSTRAND MUNICIPAL AREA:
PROPOSED RELAXATION AND DEPARTURE : MR SCHAAP ON BEHALF
OF TR HIGGENBOTHAM**

4488 KBB (3216)

H van der Stoep

(028) 313 8900

Hermanus Administration

27 January 2017

Executive Summary

An application has been received on 8 February 2016 from Mr Schaap on behalf of the property owner, Mr TR Higginbotham, on Erf 4488, Betty's Bay for the following:

- Departure in terms of Section 16(2)(b) to relax the lateral building line with Erf 4489 from 2m to 1,907m in terms of the Scheme Regulations to accommodate a proposed new carport;
- Relaxation of the lateral building line with Erf 4489 from 3m to 1,907m in terms of the Title Deed to accommodate a proposed new carport, and
- Relaxation of the rear building line with Erf 4403 from 3m to 2,735m in terms of the Title Deed to accommodate a proposed new sun room.

RESOLVED :

1. that the application for departure on Erf 4488, Betty's Bay in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line with Erf 4489 from 2m to 1,907m in terms of the Scheme Regulations to accommodate a proposed new carport, **be approved**;
2. that the application for the relaxation of title deed restriction in terms of Title Deed T28836/2014, Clause 7, applicable to Erf 4488, Betty's Bay to relax the lateral building line with Erf 4489 from 3m to 1,907m to accommodate a proposed new carport, and to relax the rear building line with Erf 4403 from 3m to 2,735m to accommodate a proposed new sun room, **be approved**;
3. that the approvals in Points 1 and 2 above be subject to the following conditions:
 - (a) that the building plan, as submitted, only be applicable for the relaxation and departure as indicated on Plan no. P161228H, dated 28 January 2016;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;

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- (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, and
 - (e) that all the conditions in the Services Report, and other internal departments 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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**8. ERF 3549, 12 HESTER DE WET STREET, ONRUS RIVER, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : JJ LOCHNER**

3549 HON (3422)

H Olivier

(028) 313 8900

Hermanus Administration

18 January 2017

Executive Summary

An application has been received on 30 August 2016 from Mr JJ Lochner in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Land Use Planning, 2016 for the departure of building lines for new constructions encroaching the building lines to accommodate a carport, en-suite bathroom and enclosure of an existing balcony.

The departure on the street front is from 4m to 0,7m and the eastern lateral building line from 2m to 0m to accommodate the proposed carport.

The departure of the eastern lateral building line from 2m to 1,34m to accommodate a bathroom on the first floor level and enclosed balcony on the upper level.

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 3549, Onrustrivier in order to relax the street building line with Hester De Wet Street from 4m to 0,7m to accommodate the proposed car port and the departure of the eastern lateral building line from 2,0m to 1,34m to accommodate a bathroom on the first floor level and enclosed balcony on the upper floor level, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines as indicated on the plans submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that all the conditions by Eskom, be complied with, and
 - (e) that all the conditions by Telkom, be complied with.

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2. 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 3549, Onrustrivier in order to relax the eastern lateral building line from 2m to 0m to accommodate a proposed new carport, **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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**9. ERF 1449, LYNX ROAD, VERMONT, OVERSTRAND MUNICIPAL AREA :
REQUEST FOR EXTENSION OF THE PERIOD OF VALIDITY OF AN
APPROVAL : MESSRS WRAP (obo L LEWIS)**

1449 HVM (3472)

H Olivier

(028) 313 8900

Hermanus Administration

28 December 2016

Executive Summary

An application has been received on 13 October 2016 from Messrs Wright Approach Consultancy on behalf of Ms L Lewis on Erf 1449, Vermont in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Planning on Land Use Planning, 2016 for the extension of time of the validity of the approval for a rezoning and subdivision from 3 November 2011 for another five (5) years.

RESOLVED :

1. that the application in terms of Section 16(2)(i) of the Overstrand Municipality By-Law and Municipal Land Use Planning, 2016 the application on Erf 1449 Vermont, in order to allow and extension of the period of validity of subdivision approval, **be approved**, subject to the following conditions:
 - (a) that a five (5) year extension period be granted, and no further extension of time will be considered should the rights not be exercised in the period granted;
 - (b) that all the conditions per the first approval letter dated 7 April 2011 remain in place;
 - (c) that no further extension of time will be considered and that a new application for the rezoning and subdivision to a subdivisional area be submitted in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning be submitted, and
 - (d) that the conditions in the amended 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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**10. ERVEN 5396 & 11144, 15 CONTOUR STREET & 15 FIR AVENUE,
EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA :
PROPOSED CONSOLIDATION AND SUBDIVISION: MESSRS PLAN
ACTIVE ON BEHALF OF S HEYNS**

5296 & 11144 HEC (3456)

P Roux

(028) 313 8900

Hermanus Administration

5 January 2017

Executive Summary

An application was received from Messrs Plan Active Town and Regional Planners on behalf of the property owner, Sjarlene Heyns, for the following:

- the subdivision of Remainder Erf 5396, Hermanus into two (2) parts of approximately 880m² and 3832m² respectively; and
- the consolidation of the proposed portion A of Remainder Erf 5396 with Erf 11144, Hermanus.

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application for the following:

the subdivision of Remainder Erf 5396, Hermanus into two (2) portions of approximately 880m² and 3832m² respectively; and
the consolidation of the proposed Portion A of Remainder Erf 5396 with Erf 11144, Hermanus

be approved, 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 conditions in the Services Report, be complied with;
- (c) that the subdivision and consolidation be as per Plan herm5396s5.drw dated September 2016 as was submitted with the application;
- (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.

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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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**11. ERF 3704, 230 THIRD STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : R DE JAGER ON BEHALF
OF CE VAN NIEKERK**

3704 HVK (3453)

H Boshoff

(028) 313 8900

Hermanus Administration

7 January 2017

Executive Summary

Application is made for a departure for the relaxation of the 2m eastern lateral building line from 2m to approximately 1m in order to accommodate an illegal scullery.

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application for departure applicable to Erf 3704, Voëlkliip, Hermanus in order to relax the 2m eastern lateral building line to approximately 1m in order to accommodate a scullery, **be approved**, subject to the following conditions:
 - (a) that this approval only be in accordance with the Site Development Plan, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval and that any Fire- and Building Department requirements, be complied with;
 - (c) that the requirements of Engineering Services, be complied with;
 - (d) that all other applicable development parameters of the Zoning Scheme, be complied with, and
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation.
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 2156, 26 KLEIN RIVIER ESTATE, STANFORD, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : K DE VILLIERS ON
BEHALF OF KARIN DE VILLIERS TRUST**

2156 SSN (3346)

P Roux

(028) 313 8900

Hermanus Administration

5 January 2017

Executive Summary

A departure application was received from the property owner, K De Villiers, on behalf of the Karin de Villiers Trust in order to relax the street building line from 4m to 2,15m to accommodate additions to the existing dwelling house.

RESOLVED :

1. that, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016, the application for departure on Erf 2156, Stanford to relax the street building line from 4m to 2,15m to accommodate an additional bedroom, en-suite bathroom and to enlarge the existing dining area, **be approved**, 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 conditions in the Services Report, be complied with;
 - (c) that this application only relates to the approval to relax building line as indicated on the plan submitted by the architect;
 - (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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**13. PORTIONS 133 AND 134 OF FARM 575 BENGUELA COVE,
OVERSTRAND MUNICIPAL AREA : PROPOSED CONSOLIDATION :
MESSRS WRAP ON BEHALF OF K OSWALD-DIESEL**

133 & 134/575 RCAL (3432)

H Olivier (028) 313 8900

Hermanus Administration

25 January 2017

Executive Summary

Consolidation of Portion 133 and 134 of Farm Benguela Cove No. 575 in order to create one single property of approximately 3550m².

RESOLVED :

1. that in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Land Use Planning, 2016 the application to consolidate Portion 133 and 134 of Farm 575 Benguela Cove, **be approved**, subject to the following condition:
 - (a) that this approval only has reference to the proposed SG Diagram for new proposed consolidated site, as submitted with the application;
 - (b) that all the conditions in the Service Report, be complied with;
 - (c) that it is the owner/applicant's responsibility to register the approved consolidation within 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 all other development parameters as prescribed in the relevant Zoning Scheme and Benguela Cove Urban Architectural Design Controls be complied with, and
 - (f) that the building zone within the erf boundary be to the satisfaction of the Benguela Cove Home Owners Association at building plan submission phase.
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. ERF 3063, 28 DE VILLIERS ROAD, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : PD & I STEENKAMP**

3063 HON (3395)

H Olivier

(028) 313 8900

Hermanus Administration

9 January 2017

Executive Summary

Departure to relax the eastern lateral building line with Erf 2464 from 2m to 1,5m to accommodate the existing dwelling, and a use change of a bathroom into a scullery, a new bathroom on ground floor level and new lower and upper decking, and also to relax the same building line from 2m to 1m to accommodate a new braai. Application is also made to relax the western lateral building line with Erf 2460 from 2m to 0m and the rear building line with Erf 2466 from 2m to 0m respectively, to accommodate a new garage.

RESOLVED :

1. that the application for departure on Erf 3063, Onrustrivier in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to relax the eastern lateral building line with Erf 2464 from 2m to 1,5m to accommodate the existing dwelling, and a use change of a bathroom into a scullery, a new bathroom and ground floor and new lower and upper decking, and also relax the same building line from 2m to 1m to accommodate a new braai, and lastly to relax the western building line with Erf 2460 and rear building line with Erf 2466 from 2m to 0m to accommodate a new garage, **be approved**, 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 conditions in the Services Report, be complied with;
 - (c) that this is not an approval in terms of any other legislation;
 - (d) that all the conditions by Telkom, be complied with;
 - (e) that this application only relates to the approval to relax building lines as indicated on the plan submitted by the architect, and
 - (f) that all the conditions by 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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15. ERVEN 4383 & 4384, 12 & 14 OWL ROCK ROAD, CHANTECLAIR, ONRUS RIVER, OVERSTRAND MUNICIPAL AREA : PROPOSED SUBDIVISION & CONSOLIDATION : PJ CILLIERS

4383 & 4384 HON (3434)

H Olivier (028) 313 8900

Hermanus Administration

28 December 2016

Executive Summary

An application has been received on 6 September 2016 from Mr. PJ Cilliers on Erven 4383 and 4384, Onrustrivier for the following:

subdivision in terms of Section 16(2)(d) to subdivide Erf 4384 to create a Remainder measuring approximately 1905m² and a new Portion A measuring approximately 311m², and consolidation in terms of Section 16(2)(e) to consolidate the newly created abovementioned Portion A (±311m²) with Erf 4383 for residential purposes.

RESOLVED :

1. that the application for a subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to subdivide Erf 4384 to create a Remainder measuring approximately 1905m² and a new Portion A measuring approximately 311m², **be approved**;
2. that the application for a consolidation in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to consolidate the newly created abovementioned Portion A (±311m²) with Erf 4383 for residential purposes, **be approved**;
3. that the approvals in 1 and 2 above is subject to the following conditions:
 - (a) that the subdivision and consolidation be as per Plan 216-17/2.02, dated August 2016 as was submitted with the application;
 - (b) that all the conditions imposed by Eskom, be complied with;
 - (c) that all the conditions imposed by Telkom, be complied with;
 - (d) that all the conditions in the Services Report, be complied with, and
 - (e) that this is not an approval in terms of any other legislation.

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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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**16. ERF 3823, 91 VILJOEN STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : LE VAN NIEKERK**

3823 HON (3287)

H Olivier

(028) 313 8900

Hermanus Administration

8 December 2016

Executive Summary

Departure from the Driehoek Special Zone to relax the street building line with Viljoen Street from 4m to 0m, the lateral building line with Erf 3822 from 2m to 0m to accommodate a new shade port, and to relax the same lateral building line from 2m to 0m to accommodate a new flat roofed carport.

RESOLVED :

1. that the application for departure from the Onrus River Driehoek Special Zone in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 on Erf 3823, Onrustrivier to relax the 2m lateral building line with Erf 3822 and the 4m street building line to 0m to accommodate a proposed shade port, **be approved**, 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 conditions by Eskom, be complied with;
 - (c) that all the conditions by Telkom, be complied with;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that this is not an approval in terms of any other legislation, and
 - (f) that the shade port structure be constructed in line with the plan as submitted by the architect.

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. ERF 5158, 17 CHIAPPINI STREET, ONRUS RIVER, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : C SCHULTZ**

5158 HON (3293)

H Olivier

(028) 313 8900

Hermanus Administration

25 November 2016

Executive Summary

Departure to relax the lateral building line with Erf 2635 from 2m to 1,410m and the 4m street building line to 3,540m to accommodate a proposed double garage on ground floor level and two (2) bedrooms and a bathroom on first floor level.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line with Erf 2635 from 2m to 1,410m, and the 4m to 3,54m to accommodate a garage on ground floor and two (2) bedrooms and a bathroom on first floor level, **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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- 18. ERVEN 1450, 2206 - 2230, VERMONT HEIGHTS ESTATE, LYNX ROAD, VERMONT, OVERSTRAND MUNICIPAL AREA : PROPOSED AMENDMENT OF APPROVAL CONDITIONS AND ARCHITECTURAL GUIDELINES : J KRIEL (obo VERMONT HEIGHTS ESTATE HOME OWNERS)**

1450, 2206 – 2230 HVM (3440)

H Olivier (028) 313 8900

Hermanus Administration

16 January 2017

Executive Summary

An application has been received on 12 September 2016 from Mr J Kriel obo the Vermont Heights Estate Home Owners in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Land Use Planning, 2016 of the amendment of conditions 1(f) and 1(h) of the approval dated 17 February 2006 and in terms of Section 16(20)(l) to amend the Architectural Guidelines.

RESOLVED :

1. that the application for amendment of conditions 1(f) and 1(h) in respect of an existing approval in terms of Section 16(2)(h), to allow the construction of see-through fencing next to green spaces, and also to allow dwellings in the development to be painted in other colours and not white only, **be approved**, and be changed to read as follows:

“1(f) No solid boundary walls will be permitted along the eastern boundaries of Erven 2223, 2224 and the western boundaries of Erven 2211, 2221, 2220 and 2219. Pillars with see-through steel fences in-between will be allowed.”

“1(h) All external walls in the development to be painted.”

2. that the application for an amendment of the approved architectural guidelines in terms of Section 16(2)(l), to accommodate the abovementioned amendments, also to allow terraforce walls (retaining blocks) and a standard for security gates and burglar bars, **be approved**;
3. that the approvals in Points 1 and 2 above be subject to the following conditions:
 - (a) that the Architectural Guidelines dated 7 September 2016 be applicable to the development, and
 - (b) that this is not an approval in terms of any other legislation.

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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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**19. ERF 6822, 54 LUYT STREET, EASTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE: THE P'S INDABA TRUST**

6822 HEC (3342)

P Roux

(028) 313 8900

Hermanus Administration

6 January 2017

Executive Summary

A departure application was received in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 from P Papke on behalf of the property owner, The P's Indaba Trust in order to relax the street building line from 4m to 1m and the lateral building line from 2m to 0m in order to accommodate a carport.

RESOLVED :

1. that, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016, the application for departure on Erf 6822, Eastcliff, Hermanus to relax the lateral building line from 2m to 0m to accommodate the existing building as well as the proposed additions to the building, **be approved**, 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 conditions in the Services Report, be complied with;
 - (c) that this application only relates to the approval to relax building lines as indicated on the plan submitted by the architect;
 - (d) that no more than two (2) sides of the carport can be enclosed as per the Zoning Scheme definition;
 - (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.

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 7, 5 DU PLESSIS STREET, FRANSKRAAL, OVERSTRAND
MUNICIPAL AREA : RELAXATION OF RESTRICTIVE TITLE DEED
CONDITION : GJ VAN ZYL**

7 GFK (3520)

S van der Merwe

(028) 313 8900

Hermanus Administration

5 February 2017

Executive Summary

To consider an application for the relaxation of a restrictive title deed condition received on 29 November 2016 from GJ van Zyl, the owner of Erf 7, Franskraal, in order to relax the 4,72m title deed street building line to 4m.

RESOLVED :

1. that the application for the relaxation of the title deed restriction in terms of the Title Deed T98176/2006 and T22566/2011, Clause C(20)(d), applicable to Erf 7, Franskraal to relax the street building line from 4,72m to 4m to accommodate a proposed new stoep, **be approved**, subject to the following conditions:
 - (a) that the building plan as submitted only be applicable for the relaxation and departure as indicated on Plan no. 216002-MA(van Zyl), dated 13 September 2016;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (d) that all other 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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21. ERVEN 12194 AND 12195, 192 MAIN ROAD, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSOLIDATION: MESSRS GEOMATICS AFRICA ON BEHALF OF ERF 2825 HERMANUS (PTY) LTD

12194 & 12195 HEC (3451)

P Roux

(028) 313 8900

Hermanus Administration

6 February 2017

Executive Summary

An application has been received in terms of Section 48 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for consolidation of Erf 12194 with Erf 12195, Hermanus in order to form one (1) erf which will be 7441m² in size.

RESOLVED :

1. that in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Land Use Planning, 2016 the application to consolidate Erven 12194 and 12195, Hermanus, be approved, subject to the following condition:
 - (a) that this approval only has reference to the proposed SG Diagram as submitted with the application;
 - (b) that all the conditions in the Service Report, be complied with;
 - (c) that the conditions compiled by Property Administration, be adhered to except for Sections 1(c) and 2 as it does not relate to the current property owner and/or application;
 - (d) that the conditions compiled by Electrical Services, be complied with;
 - (e) that it is the owner/applicant's responsibility to register the approved consolidation within five (5) years from the date of approval;
 - (f) that the 20 metre coastal buffer zone be adhered to as determined with the approval of the subdivision where no development is allowed to take place inside/seaward of this buffer zone and that the boundary of this buffer be used as the ad hoc setback line application;
 - (g) that the servitude right of way be paved with grass blocks and may not be enclosed;

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- (h) that all development must be in compliance with requirements of national Fire Protection Regulations SANS 10400T:2011;
 - (i) that all damage done to the area during the construction period be rectified to the applicant's account;
 - (j) that a servitude be registered against the Title Deed of the property, at the costs of the applicant, which must specifically indicate that the applicant must attend to the maintenance of the servitude area, and
 - (k) 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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**22. ERF 2931, 19 GREEN STREET, ONRUS RIVER, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : R VAN LOGGERENBERG**

2931 HON (3473)

H Olivier

(028) 313 8900

Hermanus Administration

3 February 2017

Executive Summary

An application has been received on 13 October 2016 from Ms R van Loggerenberg in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Land Use Planning, 2016 for a departure to relax the street building line from 4m to 3,5m to accommodate a proposed new garage on the property concerned.

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 2931, Onrustrivier in order to relax the street building line from 4m to 3,5m to accommodate a proposed new double garage on the property concerned, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines as indicated on the plan number 15004_rev01 dated 2 October 2016, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that all the conditions by Eskom, be complied with, and
 - (e) 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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Municipal Planning Tribunal

1. **ERF 5788, 23 RAED-NA-GAEL STREET, HERMANUS HEIGHTS, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE AND DEPARTURE : MESSRS PLAN ACTIVE ON BEHALF OF STAND 5788 HERMANUS PROP HOLDING CC**

5788 HHH (3260)

P Roux

(028) 313 8900

Hermanus Administration

29 September 2016

Executive Summary

An application was received from Messrs PlanActive Town- and Regional Planners on behalf of the property owners of Erf 5788, Hermanus for a consent use in terms of Section 16(2)(o) in order to establish a health clinic on the property concerned.

The application also includes a departure in terms of Section 16(2)(b) in order to deviate from the parking requirements.

RESOLVED :

1. that the objections, **be noted**
2. that, in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application received from Messrs PlanActive Town- and Regional Planners on behalf of the property owners on Erf 5788, Hermanus for a consent use in order to establish a health clinic on the property, **not be approved**;
3. that, in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application for a departure to deviate from the parking requirements, not be approved, and
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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2. ERF 6001, 77 TENTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIVE CONDITIONS : MESSRS PLAN ACTIVE ON BEHALF OF HW VAN EEDEN

6001 KKM (3311)

H van der Stoep

11 October 2016

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 27 May 2016 from Messrs. Plan Active Town & Regional Planners on behalf of Mr. H van Eeden for the removal of restriction as per Title Deed T21872/91, Condition C(2), which prohibit the practice of a business on the property concerned.

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 Title Deed T21872/1991, Condition C(2), which prohibits the practice of a business on the property concerned, **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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3. ERF 1178, MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS WRAP CONSULTANCY ON BEHALF OF THE UNIT 121 THE LEISURE BAY TRUST

1178 HEC (3238)

P Roux

(028) 313 8179

Hermanus Administration

2 August 2016

Executive Summary

An application for consent use was received in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to conduct a guest house on Erf 1178, Hermanus (Eastcliff).

RESOLVED :

1. that in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning , 2016 the consent use application on Erf 1178, Hermanus (Eastcliff) in order to operate a three (3) bedroom guest house, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the revised Site Plan No.4, Erf 1178, Eastcliff, as submitted on 6 June 2016;
 - (b) that a Site Development Plan be submitted which indicates the rooms that will be used for guest accommodation and changes to the building must be indicated on a building plan which are to be submitted to the Building Department for approval;
 - (c) that all the conditions in the Services Report and by the Fire Department, be complied with;
 - (d) 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;
 - (e) that parking be demarcated on site indicating which parking may be used for guests;
 - (f) that the owner/manager resides on the premises;
 - (g) that the guest house is utilized as such - no self-catering will be permitted;

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- (h) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
 - (i) 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;
 - (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 selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (l) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (m) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (n) that the accommodation facility complies with Council's Policy with regard to Accommodation Establishments;
 - (o) that refuse facilities on Erf 1178, Hermanus be run separately from the proposed guest houses on Erven 1138 and 1179;
 - (p) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (q) 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.