

**PORTFOLIO COMMITTEE :  
INFRASTRUCTURE & PLANNING**

**Chairperson :**

**Deputy Executive Mayor,  
Cllr R Smith**

**Committee Members :**

**Cllrs K Brice, D Botha  
M Dyani & JJ Januarie**

**PORTEFEULJEKOMITEE :  
INFRASTRUKTUUR & BEPLANNING**

**Voorsitter :**

**Uitvoerende Onderburgemeester  
Rdl R Smith**

**Komiteeëde :**

**Rdle K Brice, D Botha  
M Dyani & JJ Januarie**

**INFRASTRUCTURE & PLANNING PORTFOLIO COMMITTEE**  
**INFRASTRUKTUUR & BEPLANNING PORTEFEULJEKOMITEE**

**17 MAY 2016**

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**1.  
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS  
CONSIDERED IN TERMS OF DELEGATED AUTHORITY : MARCH 2016 TO  
APRIL 2016**

15/3/11

R van Antwerp

(028) 313 8039

Hermanus Administration

15 April 2016

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**1. Executive Summary**

To report on applications disposed of by the Senior Manager : Town- & Spatial Planning during the period from 11 March 2016 – 15 April 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.

**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 Senior Manager : Town- & Spatial Planning in terms of delegated authority for the period 11 March 2016 – 15 April 2016:

|     |   |               |
|-----|---|---------------|
| 1.  | Erf 2126, Sandbaai  | 11 March 2016 |
| 2.  | Erf 501, Vermont  | 16 March 2016 |
| 3.  | Erf 3976, Onrus River   | 16 March 2016 |
| 4.  | Erf 3294, Onrus River   | 16 March 2016 |
| 5.  | Erf 2234, Pearly Beach  | 18 March 2016 |
| 6.  | Erf 2206, Pearly Beach  | 18 March 2016 |
| 7.  | Erf 7356, Hermanus  | 18 March 2016 |
| 8.  | Erf 4269, Hermanus  | 18 March 2016 |
| 9.  | Erf 2792, Hermanus  | 18 March 2016 |
| 10. | Erven 1541 and 7339, Hermanus   | 18 March 2016 |
| 11. | Erf 5471, Hermanus  | 18 March 2016 |
| 12. | Portion 14 of the farm Vygerug (Portion of Portion 3) of the Baviaans Fonteyn No. 703 | 22 March 2016 |
| 13. | Portion 2 of Farm 308 and Farm 339  | 30 March 2016 |
| 14. | Erf 1651, Franskraal  | 30 March 2016 |
| 15. | Erf 11105, Hermanus   | 1 April 2016  |
| 16. | Erf 10323, Hermanus   | 1 April 2016  |
| 17. | Erf 130, Pringle Bay  | 1 April 2016  |
| 18. | Erf 273, Pearly Beach   | 1 April 2016  |
| 19. | Erf 2260, Pearly Beach  | 11 April 2016 |
| 20. | Erf 1072, Franskraal  | 11 April 2016 |
| 21. | Erf 2414 Pearly Beach   | 11 April 2016 |
| 22. | Erf 1113, De Kelders  | 11 April 2016 |
| 23. | Erf 1076, Franskraal  | 11 April 2016 |
| 24. | Portion 41 of the farm Birkenhead No. 711   | 11 April 2016 |
| 25. | Erf 1701, Zwelihle  | 12 April 2016 |
| 26. | Erf 6759, Kleinmond   | 15 April 2016 |
| 27. | Erf 5065, Kleinmond   | 15 April 2016 |
| 28. | Erf 4510, Hermanus  | 15 April 2016 |
| 29. | Erf 3497, Onrus River   | 15 April 2016 |

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|     |                       |               |
|-----|-----------------------|---------------|
| 30. | Erf 462, Sandbaai     | 15 April 2016 |
| 31. | Erf 2867, Onrus River | 15 April 2016 |
| 32. | Erf 3081, Hermanus    | 15 April 2016 |
| 33. | Erf 2480, Onrus River | 15 April 2016 |
| 34. | Erf 3271, Hermanus    | 15 April 2016 |

|  |                      |
|--|----------------------|
| <b>RESPONSIBLE OFFICIAL :</b>            | <b>R VAN ANTWERP</b> |
| <b>TARGET DATE FOR IMPLEMENTATION :</b>  | <b>8 JUNE 2016</b>   |
| <b>TARGET DATE TO INFORM APPLICANT :</b> | <b>N/A</b>           |
| <b>TARGET DATE TO INFORM OBJECTOR :</b>  | <b>N/A</b>           |

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**1.  
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS  
CONSIDERED IN TERMS OF DELEGATED AUTHORITY : MARCH 2016 TO APRIL  
2016**

**15/3/11  
R van Antwerp  
15 April 2016**

**(028) 313 8039**

**Hermanus Administration**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
17 MAY 2016, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

**RESPONSIBLE OFFICIAL : R VAN ANTWERP**

**TARGET DATE FOR IMPLEMENTATION : 8 JUNE 2016**

**TARGET DATE TO INFORM APPLICANT : N/A**

**TARGET DATE TO INFORM OBJECTOR : N/A**

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**1. ERF 2126, 1 VILLA ANADIA, BERGSIG STREET, SANDBAAI,  
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE :  
R OOSTHUIZEN**

**2126 HSB (3150)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**10 March 2016**

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**Executive Summary**

An application has been received on 30 November 2015 from R Oosthuizen on Erf 2126, Sandbaai for a departure from the relevant Scheme Regulations in order to relax the eastern internal lateral building line from 1m to 0m, in order to accommodate the existing covered stoep.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 2126, Sandbaai, to relax the eastern internal lateral building line from 1m to 0m to accommodate an existing covered stoep, **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 the building line indicated on Plan No. 2015/09/40, which was submitted with the application, and
  - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.
  
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**2. ERF 501, 8 ROCKHOPPER STREET, VERMONT, OVERSTRAND  
MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS ENGELBRECHT  
& SCORGIE ON BEHALF OF MN & DG NELSON**

**501 HVM (3103)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**9 March 2016**

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**Executive Summary**

An application has been received on 30 October 2015 from Messrs Engelbrecht & Scorgie on behalf of MN and DG Nelson, the property owners, on Erf 501, Vermont for a departure from the relevant Scheme Regulations to relax the eastern lateral building line from 2m to 1,3m to accommodate a new covered braai and window in the existing outbuilding.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 501, Vermont, to relax the eastern lateral building line from 2m to 1,3m to accommodate a new covered braai and a window in an existing outbuilding, **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 No. *erf501\_NELSON\_A1/01-2015-Rev* dated August 2015, which was submitted with the application;
  - (d) that the structure in order comply with National Building Regulations SANS 10400;
  - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;

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- (f) that all the conditions in the Services Report, be complied with;
- 2. that the applicant be notified of its right of appeal in terms of the Local Government : Municipal Systems Act, 2000 (Section 62) with regard to the above conditions of approval.

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**3. ERF 3976, 65 McFARLANE STREET, ONRUS RIVER, OVERSTRAND  
MUNICIPAL AREA : PROPOSED DEPARTURE : D RADE ON BEHALF OF  
BB SHER**

**3976 HON (3090)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**11 March 2016**

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**Executive Summary**

An application has been received on 19 October 2015 from D Rade on behalf of BB Sher, the property owner, on Erf 3976, Onrus River for a departure from the relevant Scheme Regulations in order to relax the eastern lateral building line from 2m to 1,11m to accommodate the use change of a portion of the garage into a scullery.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 3976, Onrus River, to relax the eastern lateral building line from 2m to 1,11m to accommodate the use change of a portion of the garage into a scullery, **be approved**, subject to the following conditions:
  - (a) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (b) that this approval is only for the relaxation of the building line indicated on Plan No. 2015/09/40, which was submitted with the application, and
  - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage;
  - (f) that this approval is only for the relaxation of building lines indicated on the plans submitted with the application.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**4. ERF 3294, 10 LAGOON DRIVE, ONRUS RIVER, OVERSTRAND  
MUNICIPAL AREA : PROPOSED DEPARTURE : ORBIC ARCHITECTS ON  
BEHALF OF J FOURIE & MK LONG**

**3294 HON (3092)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**11 March 2016**

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**Executive Summary**

An application has been received on 26 October 2015 from Messrs Orbic Architects on behalf of J Fourie and MK Long, the property owners, on Erf 3294, Onrus River for a departure from the relevant Scheme Regulations in order to relax the street building line from 4m to approximately 1,7m and the eastern lateral building line from 2m to 0m to accommodate a new single garage.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 3294, Onrus River, to relax the street building line from 4m to 1,7m and the eastern lateral building line from 2m to 0m to accommodate a single garage, **be approved**, subject to the following conditions:
  - (a) that an electric garage door be fitted to the garage;
  - (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 the building line indicated on Plan No. 2015/09/40, which was submitted with the application, and
  - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage;
  - (e) that all the conditions in the Service Report, be complied with, and
  - (f) that this approval is only for the relaxation of building lines indicated on Plan No. AR.MS.100 + 101 dated 2015/10/13 as submitted with the application.
2. that the applicant be notified of its right of appeal in terms of Section 62 of

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the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**5. ERF 2234, 16 FOREL SREET, PEARLY BEACH, OVERSTRAND  
MUNICIPAL AREA : APPLICATION FOR DEPARTURE : D PRINS**

**2234 GPB (3142)**

**SW van der Merwe  
15 March 2016**

**(028) 384 8300**

**Hermanus Administration**

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**Executive Summary**

To consider an application for departure received on 26 November 2015 from the owner of Erf 2234, Pearly Beach, D Prins, in order to provide only one on-site parking bay instead of two on the property.

**RESOLVED :**

1. that the application for departure in order to enable the owner of Erf 2234, Pearly Beach to provide only one on-site parking bay instead of two on the property, **be approved**, in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), subject to the following conditions:
  - (a) that this approval is only applicable to the Site Development Plan J.J. 69/15 dated 10 November 2015, as 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 development rules, be complied with, and
  - (d) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department, be complied with at that stage;
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**6. ERF 2206, 20 ELF STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : WJ VISAGIE ON BEHALF OF PSP PROPERTIES CC**

**2206 GPB (3078)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**9 March 2016**

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**Executive Summary**

To consider an application received from WJ Visagie on behalf of the owner of Erf 2206, Pearly Beach, PSP Properties CC, in order to depart from the relevant Pearly Beach Resort Development Rules in order to:

- relax the western 2m street building line to 0,1m and the lateral building line from 1m to 0,1m in order to retain an existing carport;
- relax the eastern lateral building line to 0,65m and 0,85m and the rear building line to 0,58m to accommodate an existing bathroom and to enclose an existing caravan.

**RESOLVED :**

1. that in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for departure received from WJ Visage on behalf of the owner of Erf 2206, Pearly Beach in order to relax the 2m street building line to 0,1m, the western lateral building line from 1m to 0,1m and the eastern lateral building line to 0,65m and 0,85m respectively and the rear building line from 1m to 0,58m, **be approved**, subject to the following conditions:
  - (a) that this approval only has reference to the relaxation of the building lines as indicated on Plan No. JJ8/14 date 1 March 2014, as submitted with the application;
  - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage;
  - (c) the carport may not be enclosed, except for the construction of a boundary wall in accordance with the development rules;
  - (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

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development rules be complied with.

2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**7. ERF 7356, 78 FIFTH STREET, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS PLANACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF AJ MOUNS & J FERREIRA**

**7356 HVK (3134)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**14 March 2016**

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**Executive Summary**

An application has been received on 20 November 2015 from Messrs PlanActive Town- and Regional Planners on behalf of the property owners, AJ Mouns and J Ferreira, on Erf 7356, Hermanus (Voëlklip) for a consent use from the relevant Scheme Regulations in order to conduct a five bedroom guest house on the property concerned.

**RESOLVED :**

1. that in terms of Section 2.2 of the Overstrand Zoning Scheme Regulations, 2013 the application for a consent use on Erf 7356, Hermanus (Voëlklip) to operate a five bedroom guesthouse on the property, **be approved**, subject to the following conditions:
  - (a) that the facility be utilized as a **guesthouse only**;
  - (b) that a maximum of five bedrooms to be let, be permitted;
  - (c) that the owner/manager resides on the premises;
  - (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 permanently demarcated parking bay per guest room (as indicated on the Site Development Plan submitted) and two for the owner/manager be provided within the erf boundaries, subject to the approval of the Senior Manager: Town- and Spatial Planning;

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- (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 all the conditions in the Services Report, be complied with;
  - (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 should any building alterations be required, building plans should be submitted to the Building Department for approval;
  - (o) that the conditions compiled by the Fire Department, be complied with, and
  - (p) that only the bedrooms as indicated for guest bedrooms on the Site Development Plan (drawing no. erf7356-FERREIRA-A1/01-Rev 1) be utilized as such.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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**8. ERF 4269, 295 FIFTH STREET, HERMANUS (VOËLKLIP), OVERSTRAND  
MUNICIPAL AREA : PROPOSED DEPARTURE : HF DA COSTA &  
MJ FERRAO**

**4269 HVK (3109)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**15 March 2016**

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**Executive Summary**

An application has been received on 5 November 2015 from the property owners of Erf 4269, Hermanus (Voëlklip), HF Da Costa and MJ Ferrao, for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 1,2m to accommodate a tandem garage.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure on Erf 4269, Hermanus (Voëlklip), in order to relax the lateral building line from 2m to 1,2m to accommodate a tandem garage, **be approved**, subject to the following conditions:
  - (a) that this approval only has reference to the proposed Site Development Plan, as submitted with the application;
  - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (c) that the conditions compiled 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 building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.
  
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**9. ERF 2792, 155 ELEVENTH STREET, HERMANUS (VOËLKLIP),  
OVERSTRAND MUNICIPAL AREA : PROPOSED SUBDIVISION: MESSRS  
PLANACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF THE  
TROON INVESTMENT TRUST**

**2792 HVK (3149)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**13 March 2016**

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**Executive Summary**

An application has been received on 30 November 2015 from Messrs PlanActive Town- and Regional Planners on behalf of The Troon Investments Trust Erf 2792, Hermanus (Voëlklip) for a subdivision of the property into two erven.

**RESOLVED:**

1. that in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 2792, Hermanus (Voëlklip) for a subdivision of the property into two erven namely, Portion A approximately 991m<sup>2</sup> in extent and the Remainder approximately 991m<sup>2</sup> in extent, **be approved**, subject to the following conditions:
  - (a) that this approval is only for the subdivision of Erf 2792, Hermanus as shown on the Subdivisional Plan, Drawing Number her2792s.drw dated 3 November 2015, which was submitted with the application;
  - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (c) that the conditions compiled in the Services Report, be complied with;
  - (d) that the second dwelling comply with the definition of a second dwelling;
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with, and
  - (f) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.
2. that the applicant be notified of its right of appeal in terms of Section 62 of

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the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**10. ERVEN 1541 & 7339, 33 & 37 MOSSEL RIVER DRIVE, HERMANUS (EASTCLIFF), OVERSTRAND MUNICIPAL AREA : PROPOSED CONSOLIDATION : MESSRS GEOMATICS AFRICA ON BEHALF OF THE TWEERIVIER TRUST**

**1541 & 7339 HEC (3121)**

**P Roux (028) 313 8900**

**Hermanus Administration**

**13 March 2016**

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**Executive Summary**

An application has been received on 12 November 2015 from Messrs Geomatics Africa on behalf of the Tweerivier Trust on Erven 1541 and 7339, Hermanus (Eastcliff) for the consolidation of the two erven.

**RESOLVED :**

1. that in terms of Section 2.3 of the Overstrand Municipal Zoning Scheme, 2013 the application for the consolidation of Erven 1541 & 7339, Hermanus (Eastcliff), **be approved**, subject to the following conditions:
  - (a) that this approval only has reference to the proposed SG Diagram, Comp.AINW-1223(M3779), as submitted with the application;
  - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (c) that the conditions compiled in the Services Report, be complied with;
  - (d) that the owners must submit a building plan which shows the two dwellings as one single inter leading dwelling or that the dwelling on Erf 7339 is less than 120m<sup>2</sup>;
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with, and
  - (f) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**11. ERF 5471, 55 MOSSEL RIVER DRIVE, HERMANUS (EASTCLIFF),  
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE :  
FL BISHOP**

**5471 HEC (3118)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**11 March 2016**

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**Executive Summary**

An application has been received on 10 November 2015 from FL Bishop on Erf 5471, Hermanus (Eastcliff) for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 1,35m to accommodate alterations to the doors and windows and to re-roof an existing portion.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 5471, Hermanus (Eastcliff) in order to relax the 2m lateral building line to 1,35m to accommodate alterations to the doors and windows and to re-roof an existing portion, **be approved**, subject to the following conditions:
  - (a) that this approval is only for the relaxation of building lines and existing structures indicated on plan no's 1.1 to 1.3, 2.1 and 3.1 dated 2 November 2015, as submitted with the application;
  - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (c) that the condition compiled in the Service Report, be complied with;
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
  - (e) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**12. PORTION 14 OF THE FARM VYGERUG (PORTION OF PORTION 3) OF THE BAVIAANS FONTEYN NO. 703, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA : AMENDMENT OF SITE DEVELOPMENT PLAN AND CONDITIONS OF APPROVAL : HHM LUTZEYER ON BEHALF OF GROOTBOS ACCOMMODATION ENTERPRISES CC**

**14/703 GRCA (2975)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**14 March 2016**

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**Executive Summary**

To consider an application received on 3 July 2015 from HHM Lutzeyer, on behalf of Grootbos Accommodation Enterprises CC, the owners of Portion 14 of the Farm Vygerug (Portion of Portion 3) of the Farm Bavians Fonteyn No. 703, Division Caledon for the amendment of the Site Development Plan and conditions of approval in order to permit the construction of an additional primary dwelling unit, which dwelling unit encroach the 3m height restriction in terms of the development parameters applicable to the subject property.

**RESOLVED :**

1. that the application for the amendment of the Site Development Plan in order to permit the construction of a third primary residence within the private accommodation precinct, in terms of the provisions of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved;**
2. the application for the amendment of conditions of approval 4.6.3 and 4.6.4 to allow a relaxation of the height restriction from 3m to 5,3m above natural ground level as well as amendments pertaining to the design and external appearance of the building in terms of the provisions of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved;**
3. that the approvals in paragraphs 1. and 2. above be subject to the following conditions:
  - (a) that details/samples of the external colour palette pertaining to walls, windows and roofs be submitted for approval by the Senior Manager: Town- and Spatial Planning prior to the approval of building plans;
  - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control– and the Fire Department be complied with at that stage;

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- (c) that all the conditions imposed in the Services Report, be complied with;
  - (d) that the conditions, where applicable, of Eskom and CapeNature, be adhered to;
  - (e) the applicant must submit proof to the Municipality that adequate drinkable household water for the dwelling hereby approved can be supplied;
  - (f) that the Milkwood trees may not be removed without the relevant permits;
  - (g) that the fynbos surrounding the dwelling be rehabilitated to the satisfaction of the Municipality;
  - (h) that the approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions; and
  - (i) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with.
4. that the applicant **be notified** of its right of appeal in terms of the provisions of Section 44 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and the Municipal Systems Act, 2000 (Section 62) with regard to the above decision and conditions of approval.

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**13. PORTION 2 OF FARM NO. 308, DIVISION BREDASDORP AND FARM NO. 339, DIVISION BREDASDORP, OVERSTRAND MUNICIPAL AREA : PROPOSED SUBDIVISION AND CONSOLIDATION : MESSRS BEKKER & HOUTERMAN LAND SURVEYORS ON BEHALF OF OVERBERG DISTRICT MUNICIPALITY**

**2/308 & Farm 339 GRBRE (3040)**

**SW van der Merwe (028) 313 8900**

**Hermanus Administration**

**18 March 2016**

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**Executive Summary**

To consider an application received on 7 September 2015 from Messrs Bekker & Houterman Land Surveyors on behalf of Overberg District Municipality for the following, namely:

- subdivision of Portion 2 of Farm 308, Division Bredasdorp in a Remainder  $\pm 20,8399$  ha and Portion A  $\pm 7,685$  ha;
- subdivision of Farm 339, Division Bredasdorp in a Remainder  $\pm 23,4950$  ha and Portion B  $\pm 6,5115$  ha, and
- the consolidation of Portions A and B into a consolidated property measuring  $\pm 14,19$  ha.

**RESOLVED :**

1. that the application for the subdivision of Portion 2 of Farm 308 in a Remainder of  $\pm 20,8399$  ha and Portion A of  $\pm 7,685$  ha as well as the subdivision of Farm 339 in a Remainder of  $\pm 23,4950$  ha and Portion B of  $\pm 6,5115$  ha in extent in terms of the provisions of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved**;
2. that the application for the consolidation of Portions A and B in terms of the provisions of Section 2.3 of the Overstrand Zoning Scheme Regulations, **be approved**, and
3. that the approvals in paragraphs 1. and 2. above be subject to the following conditions:
  - (a) that the above approval does not absolve the applicant from compliance with any other relevant legislation;
  - (b) that all the conditions imposed in the Services Report, be complied with;
  - (c) that the conditions, where applicable, of the Provincial Department of

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Agriculture, Breede-Gouritz Management Catchment Area, Department of Environmental Affairs and Development Planning, CapeNature, Department of Transport and Public Works and Eskom, be adhered to;

- (d) that a right of way servitudes ensuring unfettered access to both the consolidated property and the remainders be registered over Portion 1 of Farm 308 and that proof thereof be submitted to the Municipality prior to the submission of building plans;
  - (e) that the development be subject to the submission of a Services Report for approval by the Senior Manager: Engineering Services prior to the submission of building plans, and
  - (f) that the future development of the subject property should occur in accordance with the approved Site Development Plan and no departures thereof may occur without the prior approval of the Municipality.
4. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**14. ERF 1651, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA :  
PROPOSED DEPARTURE : A & K PRETORIUS**

**1651 GFK (3179)**

**SW van der Merwe  
23 March 2016**

**(028) 313 8900**

**Hermanus Administration**

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**Executive Summary**

To consider an application for departure received on 12 January 2016 from A & K Pretorius, the owners of Erf 1651, Clairvaux, Franskraal, in order to encroach the maximum permissible coverage of 50% with 3,49%.

**RESOLVED :**

1. that the application for departure applicable to Erf 1651, Clairvaux, Franskraal to relax the 50% coverage restriction with 3,49% or 11,92m<sup>2</sup> in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved**, subject to the following conditions:
  - (a) that this approval only has reference to the relaxation of the coverage restriction as indicated on the Site Development Plan No. 04/AP/15 dated 26 November 2015 as submitted with the application;
  - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (c) that the building plan be amended so that the braai adhere to the 1m lateral building line;
  - (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 Architectural Guidelines and the Zoning Scheme (where relevant) be complied with.
2. that the applicants be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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**15. ERF 11105, 51 BLUE CRANE, HEMEL-EN-AARDE ESTATE, HERMANUS,  
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : G &  
LH GASS**

**11105 HMS (3145)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**24 March 2016**

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**Executive Summary**

An application has been received on 27 November 2015 from G & LH Gass on Erf 11105, Hemel-en-Aarde Estate, Hermanus for a departure from the relevant Scheme Regulations to relax the 3m southern street building line to 0m in order to accommodate a new proposed pergola above an existing stoep.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) an application for a departure from the relevant Scheme Regulations on Erf 11105, Hemel-en-Aarde Estate, Hermanus to relax the 3m southern street building line to 0m to accommodate a proposed 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 the plan, which was submitted with the application, and
  - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.
2. that the applicant be notified of its right of appeal in terms of the Local Government : Municipal Systems Act, 2000 (Section 62) with regard to the above conditions of approval.

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**16. ERF 10323, CNR OF MUSSEL & INDUSTRIA ROADS, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE: MESSRS ENGELBRECHT & SCORGIE ON BEHALF OF JURDEN SCHUURMAN PROPERTIES (PTY) LTD**

**10323 HIND (3130)**

**H van der Stoep (028) 313 8900**

**Hermanus Administration**

**14 March 2016**

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**Executive Summary**

An application has been received on 19 November 2015 from Messrs Engelbrecht & Scorgie on behalf of Jurden Schuurman Properties (Pty) Ltd on Erf 10323, Hermanus for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 0m to accommodate an addition to the business (carwash).

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 10323, Hermanus in order to relax the lateral building line from 2m to 0m to accommodate an addition to the business (carwash), **be approved**, subject to the following conditions:
  - (a) that this approval is only for the relaxation of building lines and existing structures indicated on Plan Number erf10323\_SCHUURMAN\_A1/01-2015-Rev2 dated October 2015, which was submitted with the application;
  - (b) that all conditions imposed in the Services Report, be complied with;
  - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
  - (e) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**17. ERF 130, 9 ALBATROS ROAD, PRINGLE BAY, OVERSTRAND  
MUNICIPAL AREA : PROPOSED DEPARTURE : J WEIDEMAN ON  
BEHALF OF R & DC COLMAN**

**130 KPRB (3108)**

**H van der Stoep (028) 313 8900**

**Hermanus Administration**

**14 March 2016**

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**Executive Summary**

An application has been received on 4 November 2015 from J Weideman on behalf of R & DC Colman, the property owners, on Erf 130, Pringle Bay for a departure from the relevant Scheme Regulations in order to relax the street building line from 4m to 1,8m to legalize the existing timber deck on the property concerned.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 130, Pringle Bay in order to relax the street building line from 4m to 1,8m to legalize the existing timber deck on the property concerned, **be approved**, subject to the following conditions:
  - (a) that this approval is only for the transgression of the deck on Albatros Road and existing structures indicated on Plan Numbers JC5881/(102, 103, 104, 105 & 106) dated October 2015, which was submitted with the application;
  - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (d) that all conditions imposed in the Services Report (attached as Annexure D), be complied with, and
  - (e) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**18. ERF 273, 47 CENTRAL STREET, PEARLY BEACH, OVERSTRAND  
MUNICIPAL AREA : PROPOSED DEPARTURE : JL UYS ON BEHALF OF  
THE JL UYS FAMILY TRUST**

**273 PB (3151)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**24 March 2016**

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**Executive Summary**

To consider an application for departure received on 7 December 2015 from JL Uys, on behalf of the JL Uys Family Trust, the owners of Erf 273, Pearly Beach, to encroach the 2m lateral building line up to 1,57m in order to accommodate proposed additions.

**RESOLVED :**

1. that the application for departure applicable to Erf 273, Pearly Beach in order to relax the 2m eastern lateral building line to 1,57m in order to accommodate proposed additions, **be approved**, subject to the following conditions:
  - (a) that this approval is only for the relaxation of building lines and existing structures indicated on Plan Numbers PLBE-01-A3 and PLBE-02-A3, which was submitted with the application;
  - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (d) that all other development parameters as prescribed in the Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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**19. ERF 2260, 4 GALJOEN STREET, PEARLY BEACH, OVERSTRAND  
MUNICIPAL AREA : APPLICATION FOR DEPARTURE : J & S MEYER**

**2260 GPB (3153)**

**SW van der Merwe  
29 March 2016**

**(028) 384 8300**

**Gansbaai Administration**

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**Executive Summary**

To consider an application for departure received on 4 December 2015 from the owners of Erf 2260, Pearly Beach Resort, J & S Meyer, in order to provide only one on-site parking bay instead of two on the property.

**RESOLVED :**

1. that in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure in order to enable the owner of Erf 2260, Pearly Beach to provide only one on-site parking bay instead of two on the property, **be approved**, subject to the following conditions:
  - (a) that this approval is only applicable to Drawing No. JJ76/15 dated 2 December 2015, as 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 development rules be complied with, and
  - (d) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage;
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**20. ERF 1072, 69 MEYER STREET, FRANSKAAL, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : CA BAIN ON BEHALF OF EMPA TRUST**

**1072 GFK (3127)**

**SW van der Merwe  
24 March 2016**

**(028) 313 8900**

**Hermanus Administration**

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**Executive Summary**

To consider an application for departure received on 16 November 2015 from CA Bain on behalf of the EMPA Trust, the owners of Erf 1072, Franskraal, in order to encroach the 2m lateral building line up to 0,23m.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure from the relevant Scheme Regulations on Erf 1072, Franskraal in order to relax the 2m lateral building line to 0,23m, **be approved**, subject to the following conditions:
  - (a) that this approval only has reference to the relaxation of the building lines as indicated on the Site Development Plan No 69/JR/15 dated 3 July 2015, as submitted with the application;
  - (b) that building plans be submitted to the Building Department for approval in order to legalise the unauthorised additions including the second dwelling unit within **30 days** from the approval of the application and that all the conditions of the Building – and the Fire Department be complied with at that stage;
  - (c) that the building plan be accompanied by a conveyancer certificate;
  - (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 Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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**21. ERF 2414, 17 KABELJOU STREET, PEARLY BEACH, OVERSTRAND  
MUNICIPAL AREA : PROPOSED DEPARTURE : JJ JOUBERT**

**2414 GPB (3152)**

**SW vd Merwe**

**(028) 313 8900**

**Hermanus Administration**

**31 March 2016**

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**Executive Summary**

An application has been received on 7 December 2015 from the owner of Erf 2414, Pearly Beach, JJ Joubert, for a departure from the Pearly Beach Resort Development Rules in order to relax the rear building line from 1m to varying between 0,6m and 0,7m in order to enclose the existing caravan on the property.

**RESOLVED :**

1. that in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure from the Pearly Beach Resort Development Rules applicable to Erf 2414, Pearly Beach in order to relax the rear building line from 1m to 0,6m and 0,7m to enclose the existing caravan on the property, **be approved**, subject to the following conditions:
  - (a) that this approval only has reference to the relaxation of the building line as indicated on Plan No. JJ.70/15 dated 12/11/2015, as submitted with the application;
  - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage;
  - (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 development rules be complied with.
2. that the applicant be notified of its right of appeal in terms of the provisions of the Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

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**22. ERF 1113, 121 VYFER STREET, DE KELDERS, OVERSTRAND  
MUNICIPAL AREA : PROPOSED DEPARTURE : JJ CRONJE**

**1113 GDK (3111)**

**SW van der Merwe  
31 March 2016**

**(028) 313 8900**

**Hermanus Administration**

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**Executive Summary**

To consider an application for departure received on 3 November 2015 from the owner of Erf 1113, De Kelders, JJ Cronje, in order to relax the 4m street building line to 3,15m to accommodate the existing building and a proposed balcony.

**RESOLVED :**

1. that in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure applicable to Erf 1113, De Kelders in order to relax the 4m street building line to 3,15m, **be approved**, subject to the following conditions:
  - (a) that this approval only has reference to the relaxation of the building lines as indicated on the Site Development Plan, Drawing No JJ.62/15, dated 28/09/2015, as submitted with the application;
  - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, 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 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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**23. ERF 1076, 77 MEYER STREET, FRANSKRAAL, OVERSTRAND  
MUNICIPAL AREA : PROPOSED DEPARTURE : AR MITCHELL**

**1076 GFK (3177)**

**SW van der Merwe  
6 April 2016**

**(028) 313 8900**

**Hermanus Administration**

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**Executive Summary**

To consider an application for departure received on 7 January 2016 from AR Mitchell, the owner of Erf 1076, Franskraal, in order to relax the 2m lateral building line to 1,57m to accommodate the existing dwelling.

**RESOLVED :**

1. that in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure applicable to Erf 1076, Franskraal to relax the 2m lateral building line to 1,57m, **be approved**, subject to the following conditions:
  - (a) that this approval only has reference to the relaxation of the building line as indicated on Site Development Plan No. ARM2014 dated 15 September 2014, as submitted with the application;
  - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, 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 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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**24. PORTION 41 OF FARM 711, CALEDON DIVISION AND ERF 62  
BIRKENHEAD : PROPOSED SUBDIVISION, REZONING, CONSOLIDATION  
& DEPARTURE : MESSRS URBAN DYNAMICS WESTERN CAPE ON  
BEHALF OF DANGERPOINT ECOLOGICAL DEVELOPMENT COMPANY  
(PTY) LTD**

**41/711 GR CAL & Erf 62 Birkenhead (2780)**

**SW van der Merwe (028) 313 8900**

**Hermanus Administration**

**28 March 2016**

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**Executive Summary**

To consider an application received on 11 September 2015 from Messrs Urban Dynamics Western Cape on behalf of Dangerpoint Ecological Development Company (Pty) Ltd for the following:

Application Area A:

- subdivision of unregistered Erven 448 & 469, Birkenhead (a portion of Farm 711/41) into 5 portions, namely a Remainder Erf 448 (77,16 ha), Remainder Erf 469 (0,17 ha), Portion A (0,56 ha), Portion B (0,23 ha) and Portion C (0,03 ha);
- rezoning of Portions A, B and C from Open Space Zone 3: Private Open Space (OS3) to General Residential Zone 1: Town Housing (GR1);
- rezoning of Erf 307 from Residential Zone 1: Single Residential (SR1) to Open Space Zone 3: Private Open Space (OS3);
- consolidation of Erven 304, 305, 306 and portions A, B and C in order to establish Application Area A ( $\pm$  3,77 ha);
- rezoning of Application Area A from General Residential Zone 1: Town Housing (GR1) to Subdivisional Area Zone (SA) in order to establish 49 General Residential Zone 1: Town Housing (GR1), Transport Zone 2: Private Road (TR2) and Open Space Zone 3: Private Open Space (OS3) erven; and
- departure in order to relax the street building line on the southern perimeter of the group housing cluster (Application Area A) from 5m to 3m.

Application Area B:

- subdivision of unregistered Erven 415 & 452, Birkenhead into 4 portions, namely a Remainder Erf 415 (0,02 ha), Remainder Erf 452 (35,59 ha), Portion D (0,09 ha) and Portion E ( 0,71 ha);
- rezoning of Portion D from Residential Zone 1: Single Residential (SR1) to General Residential Zone 1: Town Housing (GR1), Portion E from Open Space Zone 3: (Private Open Space (OS3) to General Residential

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Zone 1: Town Housing (GR1) and Remainder Erf 415 from Residential Zone 1: Single Residential (SR1) to Open Space Zone 3: Private Open Space (OS3);

- consolidation of Erf 416, Portion D and Portion E to establish Application Area B ( $\pm 3,64$  ha);
- rezoning of Application Area B from General Residential Zone 1: Town Housing (GR1) to Subdivisional Area Zone (SA) in order to establish 31 General Residential Zone 1: Town Housing (GR1), Transport Zone 2: Private Road and Private Parking and Open Space Zone 3: Private Open Space (OS3) erven; and
- departure in order to relax the street building line on the northern perimeter of the group housing cluster (Application Area B) from 5m to 3m.

**RESOLVED :**

1. that the application for subdivision of unregistered Erven 448 & 469, Birkenhead (a portion of Farm 711/41) into 5 portions, namely a Remainder Erf 448 ( $\pm 77,16$  ha), Remainder Erf 469 ( $\pm 0,17$  ha), Portion A ( $\pm 0,56$  ha), Portion B ( $\pm 0,23$  ha) and Portion C ( $\pm 0,03$  ha) in terms of the provisions of Section 25 of the Land Use Planning Ordinance (Ordinance 15 of 1985), **be approved;**
2. that the application for the rezoning of Portions A, B and C from Open Space Zone 3: Private Open Space (OS3) to General Residential Zone 1: Town Housing Zone (GR1), Erf 307 from Residential Zone 1: Single Residential Zone (SR1) to Open Space Zone 3: Private Open Space (OS3) in terms of the provisions of Section 16 of the Land Use Planning Ordinance, (Ordinance 15 of 1985), **be approved;**
3. that the application for the consolidation of Erven 304, 305, 306, Portions A, B and C to establish Application Area A ( $\pm 3,77$  ha) and the rezoning of Application Area A from General Residential Zone 1: Town Housing (GR1) to Subdivisional Area Zone and the subdivision into 49 General Residential Zone 1: Town Housing (GR1) erven, Transport Zone 2: Private Road (TS2), Open Space Zone 3: Private Open Space (OS3) erven in terms of the provisions of Sections 16 and 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and Section 2.3 of the Overstrand Zoning Scheme Regulations, **be approved;**
4. that the application for subdivision of unregistered Erven 415 and 452, Birkenhead into 4 portions, namely a Remainder Erf 415 ( $\pm 0,02$  ha), Remainder Erf 452 ( $\pm 35,59$  ha), Portion D ( $\pm 0,09$  ha) and Portion E ( $\pm 0,71$  ha) in terms of the provisions of Section 25 of the Land Use Planning Ordinance (Ordinance 15 of 1985), **be approved;**

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5. that the rezoning of Portion D from Residential Zone 1: Single Residential (SR1) to General Residential Zone 1: Town Housing (GR1), Portion E from Open Space Zone 3: (Private Open Space (OS3) to General Residential Zone 1: Town Housing (GR1) and Remainder Erf 415 from Residential Zone 1: Single Residential (SR1) to Open Space Zone 3: Private Open Space (OS3) in terms of the provisions of Section 16 of the Land Use Planning Ordinance, (Ordinance 15 of 1985), **be approved**
6. that the application for the consolidation of Erf 416, Portion D and E to establish Application Area B ( $\pm 3,64$  ha) and the rezoning thereof from General Residential Zone 1: Town Housing (GR1) to Subdivisional Area Zone (SA) and the subdivision into 31 General Residential Zone 1: Town Housing (GR1), Transport Zone 2: Private Road, Private Parking and Open Space Zone 3: Private Open Space (OS3) even in terms of the provisions of Sections 16 and 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and Section 2.3 of the Overstrand Zoning Scheme Regulations, **be approved**;
7. that the application for departure of the street building line along the southern perimeter of Application Area A and northern perimeter of Application Area B in terms of the provisions of Section 15 of the Land Use Planning Ordinance (Ordinance 15 of 1985), **be approved**,
8. that the approvals in paragraphs 1. to 7. above be subject to the following conditions:
  - (a) that revised Site Development- and Subdivision Plans be submitted for endorsement in terms of Section 25 of the Land Use Planning Ordinance (Ordinance 15 of 1985), which plans shall indicate the corresponding zonings in terms of the Overstrand Zoning Scheme Regulations;
  - (b) that each property owner shall become a member of the Romansbaai Beach and Fynbos Estate Home Owners' Association, which condition shall be written into the Title Deed of the respective properties;
  - (c) that the development rules be amended to incorporate development rules for the group housing units, which development rules shall be submitted for approval to the Municipality;
  - (d) that the constitution be amended to accommodate the group housing units and submitted for municipal approval;
  - (e) that this approval does not absolve the applicant from compliance

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with any other relevant legislation;

- (f) that the Home Owners' Association assumes responsibility (including costs) for the provision, maintenance, management and upkeep of the communal property, including private open space and private road erven, and
  - (g) that the conditions of approval imposed with the original approval, including the Environmental Authorization and the approved Environmental Management Plan remain applicable and must be adhered to.
9. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government: Municipal Systems Act No 32 of 2000 with regard to the above decision and conditions of approval.

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**25. ERF 1701, 1701 TAMBO SQUARE, ZWELIHLE, HERMANUS,  
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE :  
JM MBONGO**

**1701 HZW (2914)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**16 March 2016**

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**Executive Summary**

An application has been received on 12 May 2015 from JM Mbongo on Erf 1701, Zwelihle for a departure from the relevant Scheme Regulations in order to relax the southern lateral building line from 1m to 0,7m and the rear building line from 1m to 0,7m to accommodate additions and alterations to the dwelling house on the property.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 1701, Zwelihle, in order to relax the rear building line from 1m to 0,7m and the southern lateral building line from 1m to 0,7m to accommodate additions and alterations to the dwelling house on the property, **be approved**, subject to the following conditions:
  - (a) that all openings closer than 1m from boundary be mechanically ventilated, or any alternative which is acceptable to the Building Department;
  - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (d) that all the conditions in the Service Report, be complied with;
  - (e) that this approval is only for the relaxation of building line indicated on the plans submitted with the application, ,and
  - (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.

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2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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**26. ERF 6759, 22 LÜCKHOFF STREET, KLEINMOND, OVERSTRAND  
MUNICIPAL AREA : PROPOSED DEPARTURE : MS S SCHUTTE ON  
BEHALF OF ADT MALAN – EXECUTOR OF THE LATE ESTATE  
B COETZEE**

**6759 KKM (3097)**

**H van der Stoep (028) 313 8900**

**Hermanus Administration**

**31 March 2016**

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**Executive Summary**

An application has been received on 29 October 2015 from Ms S Schutte on behalf of ADT Malan – Executor of the Late Estate B Coetzee on Erf 6759, Kleinmond for a departure from the relevant Scheme Regulations in order to relax the 2m lateral building line with Erf 3142 to approximately 1,330m to accommodate the encroachment of the existing covered stoep on the ground floor and covered balcony on first floor level, and to relax the 2m lateral building line with Erf 5508 to approximately 0m to accommodate the existing garden shed, and the correct placement of the building on the approved plan.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 6759, Kleinmond in order to relax the 2m lateral building line with Erf 3142 to approximately 1,330m to accommodate the encroachment of the existing covered stoep on the ground floor and covered balcony on first floor level, and to relax the 2m lateral building line with Erf 5508 to approximately 0m to accommodate the existing garden shed, and the correct placement of the building on the approved plan, **be approved**, subject to the following conditions:
  - (a) that this approval is only for the relaxation of building lines and existing structures indicated on Plan No D.1082.K (1 to 5) dated 27 October 2015, which was submitted with the application;
  - (b) that the section of the wall adjacent to the wendy house be replaced with brick and mortar and/or remove to be compliant with the 2m building line;
  - (c) that all storm water from the wendy house be diverted onto the applicants property;
  - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;

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- (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (f) that all conditions imposed in the Services Report, be complied with;
  - (g) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department, be complied with at that stage.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**27. ERF 5065, 28 FONTEINHOUT AVENUE, KLEINMOND, OVERSTRAND  
MUNICIPAL AREA : PROPOSED DEPARTURE : MA DE VILLIERS**

**5065 KKM (3132)**

**H van der Stoep (028) 313 8900**

**Hermanus Administration**

**11 April 2016**

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**Executive Summary**

An application has been received on 17 November 2015 from MA de Villiers on Erf 5065, Kleinmond for a departure from the relevant Scheme Regulations in order to relax the 2m lateral building line with Erf 5066 to approximately 1,5m to accommodate the proposed new bedroom and bathroom as well as the extension of the existing single garage, and to relax the 2m lateral building line with Erf 5961 to approximately 0,421m to accommodate a tool shed on the property concerned.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 5065, in order to relax the 2m lateral building line with Erf 5066 to approximately 1,5m to accommodate the proposed new bedroom and bathroom as well as the extension of the existing single garage, and to relax the 2m lateral building line with Erf 5961 to approximately 0,421m to accommodate a tool shed on the property concerned, **be approved**, subject to the following conditions:
  - (a) that this approval is only for the relaxation of building lines and existing structures indicated on Plan Number KM5065/15 (A4, A5, A6 & A7) dated 27 May 2015, which was submitted with the application;
  - (b) that the tool-shed must be of non-combustible material provided that a boundary wall of 60 minute fire resistance at minimum of 2,1 metre height is in place;
  - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
  - (e) that all conditions imposed in the Services Report, be complied with;
  - (f) that building plans be submitted to the Building Control Department

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for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.

2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**28. ERF 4510, 32 ALBERTYN STREET, NORTHCLIFF, HERMANUS,  
OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: PJ &  
JM CILLIERS**

**4510 HNC (3116)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**11 April 2016**

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**Executive Summary**

An application has been received on 11 November 2015 from PJ & JM Cilliers on Erf 4510, Hermanus for a departure from the relevant Scheme Regulations in order to relax the 8m height restriction to 9.2m to accommodate a thatch roof.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 4510, Hermanus in order to relax the 8m height restriction to 9.2m to accommodate a thatch roof, **be approved**, subject to the following conditions:
  - (a) that this approval is only for the existing structures indicated on Plan Number 461-15 (C01 and C02), which was submitted with the application;
  - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (c) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
  - (d) that all conditions imposed in the Services Report, be complied with, and
  - (e) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**29. ERF 3497, CHIAPPINI STREET, ONRUS RIVER, OVERSTRAND  
MUNICIPAL AREA : PROPOSED DEPARTURE : C VILJOEN**

**3497 HON (3085)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**3 March 2016**

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**Executive Summary**

An application has been received on 12 October 2015 from C Viljoen on Erf 3497, Onrus River for a departure from the relevant Scheme Regulations in order to relax the street building line from 4m to 1,9m to accommodate a new proposed garage and balcony on first floor level.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 3497, Onrus River, in order to relax the northern street building line from 4m to 1,9m to accommodate a single garage and portion of a balcony on first floor level, **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 all the conditions in the Service Report, be complied with;
  - (d) that this approval is only for the relaxation of building line indicated on the plans submitted with the application;
  - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage, and
  - (f) that all the conditions in the letter from Eskom, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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**30. ERF 462, 12 KIEWIT STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : JH COETZEE ON BEHALF OF DJG COETZEE**

**462 HSB (3160)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**6 April 2016**

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**Executive Summary**

An application has been received on 7 December 2015 from JH Coetzee on Erf 462, Sandbaai for a departure from the relevant Scheme Regulations to relax the southern lateral building line from 2m to 1,1m to accommodate a built braai and also to relax the height restriction of 2,1m for a boundary wall to accommodate an existing entrance gate.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) an application for a departure from the relevant Scheme Regulations on Erf 462, Sandbaai to relax the southern lateral building line from 2m to 1,1m to accommodate an existing built braai and also to relax the 2,1m height restriction for a boundary wall to accommodate an existing gate entrance, **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 No. SB0462B, which was submitted with the application, and
  - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (e) that Telkom's conditions in their letter dated 26 February 2016 be complied with, and

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- (f) that all the conditions in the Services Report, be complied with.
- 2. that the applicant be notified of its right of appeal in terms of the Local Government : Municipal Systems Act, 2000 (Section 62) with regard to the above conditions of approval.

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**31. ERF 2867, 9 ERICA STREET, ONRUS RIVER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : JW & G ALLUM**

**2867 HON (3155)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**6 April 2016**

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**Executive Summary**

An application has been received on 4 December 2015 from JW & G Allum on Erf 2867, Onrus River for a departure from the relevant Scheme Regulations to relax the southern lateral building line from 2m to 1,1m to accommodate a proposed extension to the garage and a use change to accommodate a new bedroom and bedroom extension.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) an application for a departure from the relevant Scheme Regulations on Erf 2867, Onrus River to relax the southern lateral building line from 2m to 1,1m to accommodate a proposed extension to the garage and a use change to accommodate a new bedroom and bedroom extension, **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 No. ALL-01-2015 dated 23 November 2015, which was submitted with the application, and
  - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (e) that all the conditions in the Services Report, be complied with;
  - (f) that Telkom's conditions in their letter dated 10 March 2016, be complied with.
  - (g) that Eskom's condition in their letter dated 3 March 2016, be complied with, and

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- (h) that all openings in the elevation over the building line may not exceed a total of 5m<sup>2</sup> in terms of Table 2 of SANS10400 : 2011 Fire Protection Regulations.
2. that the applicant be notified of its right of appeal in terms of the Local Government : Municipal Systems Act, 2000 (Section 62) with regard to the above conditions of approval.

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**32. ERF 3081, C/O EIGHTH STREET & ELEVENTH AVENUE, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : L VAN DER WESTHUIZEN ON BEHALF OF L VAN DER WALT & ML DOSTERT**

**3081 HVK (3035)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**6 April 2016**

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**Executive Summary**

An application has been received on 31 August 2015 from L van der Westhuizen on behalf of L van der Walt and ML Dostert, the owners of Erf 3081, Hermanus (Voëlklip), for a departure from the relevant Scheme Regulations in order to relax the street building line from 4m to 3,15m to accommodate alterations on the property concerned.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure on Erf 3081, Hermanus (Voëlklip) in order to relax the street building line from 4m to 3,15m to accommodate the alterations concerned, **be approved**, subject to the following conditions:
  - (a) that this approval only has reference to the proposed Building Plan, Project No K001, as submitted with the application;
  - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (c) that the conditions compiled in the Services Report (attached as Annexure D), be complied with;
  - (d) that the vehicle entrance be limited to 5,0m from the corner of Eleventh Street;
  - (e) that approval must first be obtained from the Engineering- and Operational Departments during the building plan submission for the alteration of the road reserve, should it be required;
  - (f) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.
  - (g) that the building plan submitted to the Building Control Department

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indicates the ground work needed for the creation of the new entrance;

- (h) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**33. ERF 2480, 31 MOLTENO STREET, ONRUS RIVER, OVERSTRAND  
MUNICIPAL AREA: PROPOSED DEPARTURE : MR B SCORGIE ON  
BEHALF OF D RYNHOUD**

**2480 HON (3168)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**11 April 2016**

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**Executive Summary**

Application has been received on 15 December 2015 from Mr B Scorgie on behalf of D Rynhoud on Erf 2480, Onrus River for a departure from the relevant Scheme Regulations in order to relax the 2m north eastern lateral building line to 0,75m, the street building line with Molteno Street from 4m to 3,51m and the 4m street building line with De Villiers Street to 0m to accommodate a use change of a carport to a garage. Also to relax the 2m northern lateral and 2m eastern lateral building line to 0,3m and 0,28m respectively to accommodate a wendy house.

Application is also made to relax the allowable coverage on the property from 50% to 51%.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure on Erf 2480, Onrus River to relax the 2m north eastern lateral building line to 0,75m, the street building line with Molteno Street from 4m to 3,51m and the 4m street building line with De Villiers Street to 0m to accommodate a use change of a carport to a garage, also to relax the 2m northern lateral and eastern lateral building lines to 0,3m and 0,28m respectively to accommodate a wendy house, and lastly for a relaxation from the allowable coverage from 50% to 51%, **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 the eastern lateral building line as indicated on Plan No. 36-11/15 dated 11/11/2015, submitted with the application;
  - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire

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Department be complied with at that stage;

- (e) that all the conditions in the Services Report, be complied with;
  - (f) that all the conditions by Telkom in their letter, be complied with;
  - (g) that all the conditions by Eskom in their letter, be complied with;
  - (h) that the boundary wall must be increased to a minimum of 2,1m to a minimum of 1m on either side of the wendy house, to the satisfaction of the Fire Department, and
  - (i) that an electronic roll-up door be fitted to the garage.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**34. ERF 3271, 216 TENTH STREET, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS ENGELBRECHT & SCORGIE ON BEHALF OF H CLAASENS**

**3271 HVK (3073)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**6 April 2016**

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**Executive Summary**

An application has been received on 8 July 2015 from Messrs Engelbrecht and Scorgie on behalf of H Claasens on Erf 3271, Hermanus for a departure from the relevant Scheme Regulations in order to relax the eastern lateral building line from 2m to 0,71m and the western lateral building line from 2m to 0,45m in order to accommodate existing alterations and additions.

**RESOLVED :**

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (LUPO) the application on Erf 3271, Hermanus for the departure of the relevant Scheme Regulations in order to relax the western lateral building line from 2m to 0,71m to accommodate an existing shade port and the conversion of the garage into a second dwelling, **be approved;**
2. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (LUPO) the application on Erf 3271, Hermanus for the departure of the relevant Scheme Regulations in order to relax the eastern lateral building line from 2m to 1,4m to legalise the existing stoep, **be approved;**
3. that the approval of paragraphs 1. and 2. be subject to the following conditions:
  - (a) that no other structures be erected within the building lines and the approval is only for structures as indicated on Plan No. 21.05/15 dated 19 January 2016, as submitted with the application;
  - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control– and the Fire Department be complied with at that stage;
  - (c) that elevations of the shade port be submitted with the building plan;
  - (d) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;

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(Also the agenda for the Mayoral Committee Meeting : 25 May 2016)**

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- (e) that the approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions;
4. that the applicant be notified of its right of appeal in terms of the provisions of the Local Government Municipal Systems Act, 2000 (Section 62) with regard to the above decision.