

**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

18 OCTOBER 2016

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

15/3/11

R van Antwerp

(028) 313 8039

Hermanus Administration

22 September 2016

1. Executive Summary

To report on applications disposed of by the Senior Manager : Town- & Spatial Planning during the period from 23 August 2016 – 22 September 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 in terms of the Land Use Planning Ordinance (LUPO) disposed of by the Senior Manager : Town- & Spatial Planning and in terms of the Spatial Planning Land Use Management Act (SPLUMA) disposed of by the Authorised Official (AO) in terms of delegated authority for the period 23 August 2016 – 22 September 2016:

Land Use Planning Ordinance (LUPO) Approvals

1.	Erf 601, Stanford	24 August 2016
2.	Erf 175, Gansbaai	9 September 2016
3.	Erf 1147, Kleinbaai	9 September 2016
4.	Erf 1236, Stanford	9 September 2016

Spatial Land Use Management Act (SPLUMA) Approvals

1.	Erf 6668, Hermanus	24 August 2016
2.	Erf 2077, Hermanus	24 August 2016
3.	Erf 5061, Kleinmond	31 August 2016
4.	Erven 23, 52–55, 202–205, 334, 383 and 321, Gansbaai	31 August 2016
5.	Erf 3247, Onrustrivier	31 August 2016
6.	Erf 1044, Sandbaai	31 August 2016
7.	Erf 8227, Hemel & Aarde, Hermanus	31 August 2016
8.	Erf 92, Hermanus	9 September 2016
9.	Erf 1262, Sandbaai	9 September 2016
10.	Erf 3867, Onrustrivier	9 September 2016
11.	Erf 2893, Hawston	9 September 2016
12.	Erf 68, Hawston	9 September 2016
13.	Erven 5539 and 5540, Onrustrivier	9 September 2016
14.	Erf 5642, Hermanus	9 September 2016
15.	Erf 3899, Kleinmond	9 September 2016
16.	Erf 4497, Kleinmond	9 September 2016
17.	Erf 5413, Kleinmond	9 September 2016
18.	Erf 416, Gansbaai	9 September 2016

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- | | | |
|-----|---|------------------|
| 19. | Portion 231, Farm Benguela Cove No. 575 | 9 September 2016 |
| 20. | Erf 5081, Onrustrivier | 9 September 2016 |

RESPONSIBLE OFFICIAL :	R VAN ANTWERP
TARGET DATE FOR IMPLEMENTATION :	9 NOVEMBER 2016
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

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**1.
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CONSIDERED IN TERMS OF DELEGATED AUTHORITY : AUGUST 2016 –
SEPTEMBER 2016**

**15/3/11
R van Antwerp
22 September 2016**

(028) 313 8039

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
18 OCTOBER 2016, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :	R VAN ANTWERP
TARGET DATE FOR IMPLEMENTATION :	9 NOVEMBER 2016
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 601, 8 CALEDON STREET, STANFORD, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS PLAN ACTIVE ON BEHALF OF RC CHALMERS

601 SSN (3105)

P Roux

(028) 313 8900

Hermanus Administration

12 August 2016

Executive Summary

To consider an application received on 30 October 2015 from Messrs Plan Active Town- and Regional Planners on behalf of the owner of Erf 601, Stanford, RC Chalmers, for a departure from the relevant Scheme Regulations in order to:

- relax the lateral building line from 2m to 0m; and
- relax the street building line from 4m to 0m in order to accommodate the proposed carport.

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 Scheme Regulations on Erf 601, Stanford in order to:

- relax the lateral building line from 2m to 0m; and
- relax the street building line from 4m to 0m in order to accommodate the proposed carport,

be approved, subject to the following conditions:

- (a) that the approval for the departure only has reference to the amended Site Development Plan DRWG N. 15/18/1B and 15/18/2B dated 23 February 2016;
- (b) that the carport may not be enclosed on the side and the existing garage opening to be re-instated with a garage door; wall and windows must be removed;
- (c) that an automated gate must be installed at the new proposed entrance;
- (d) that this approval does not absolve the owner/applicant from

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compliance with any other relevant legislation;

- (e) that building plans be submitted to the Building Department for approval, and
 - (f) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of his/her right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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**2. ERF 175, 22 DIRKIE UYS STREET, GANSBAAI, OVERSTRAND
MUNICIPAL AREA : PROPOSED CONSENT USE AND DEPARTURE :
MESSRS PRINSLOO ARCHITECTURAL DESIGN OFFICE ON BEHALF OF
PJ FOLEY**

175 GGB (3077)

SW van der Merwe

(028) 313 8900

Hermanus Administration

31 August 2016

Executive Summary

To consider an application received on 8 October 2015 from Messrs Prinsloo Architectural Design Office on behalf of PJ Foley, the owner of Erf 175, Gansbaai, for consent use (tourist accommodation) and departure in order to relax the 4m street building line to 0m.

RESOLVED :

1. that, in terms of Section 2.2 of the Overstrand Municipality Zoning Scheme Regulations, 2014 the application for consent use in order to utilize Erf 175, Gansbaai for tourist accommodation, **be approved;**
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure from the 4m street building line to 0m in order to accommodate the existing stoep on the street boundary, **be approved;**
3. that the approvals in paragraphs 1. and 2. above be subject to the following conditions, namely:
 - (a) 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;
 - (b) 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;
 - (c) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;

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- (e) that all the conditions in the Services Report, be complied with;
 - (f) that building plans be submitted to the Building Department for approval, and
 - (g) that all the conditions imposed by the Fire Department, 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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**3. ERF 1147, 9 SLABBER STREET, VAN DYKSBAAI (KLIPFONTEYN),
OVERSTRAND MUNICIPAL AREA : APPLICATION FOR DETERMINATION
OF A CONTRAVENTION LEVY**

1147 GKB (2885)

SW van der Merwe

(028) 313 8900

Hermanus Administration

23 August 2016

Executive Summary

To consider an application received on 8 April 2015 from K Stephan on behalf of Jacrens 1020 CC, the owners of Erf 1147, Van Dyksbaai (Klipfonteyn), for the determination of a contravention levy in order to condone the following encroachments, namely:

- the encroachment of the 4m street building line with 0,8m (bay window) and 1,75m (first floor balcony);
- the enlargement of the existing dwelling with 2m, both at ground and first floor level;
- the encroachment of the 2m lateral- and rear building lines onto the property boundaries (swimming pool), and
- the encroachment of the 50% coverage restriction with 6,81%.

RESOLVED :

1. that the application for determination of a contravention levy in order to condone the building line and site coverage encroachments in terms of the provisions of Section 40 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved**, subject to the following conditions:
 - (a) that the contravention levy of R63,302.40 be payable within **60 days** from the date of the approval letter, but prior to the approval of building plans, and
 - (b) that building plans be submitted to the Building Control Department for approval of the unauthorised additions and that any requirements in terms of the aforementioned be adhered to.
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 1236, 26 KLEINE STREET, STANFORD, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS TOWN AND COUNTRY ON BEHALF OF "DIE TRUSTEES INDERTYD VAN DIE OVERBERG HONEY TRUST"

1236 SSN (3198)

P Roux

19 August 2016

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application received on 22 January 2016 from Messrs Town and Country on behalf of the owners of Erf 1236, Stanford, "Die Trustees Indertyd van die Overberg Honey Trust" for a consent use, in order to establish a business premises for the sale of alcoholic beverages.

RESOLVED :

1. that, in terms of Section 2.2 of the Overstrand Municipal Zoning Scheme the application for a consent use on Erf 1236, Stanford in order to establish a business premises for the sale of alcoholic beverages, **be approved**, subject to the following conditions:
 - (a) that the approval for the consent use only has reference to the Site Development Plan DRWG STA/1424 dated January 2016 (attached as Annexure B);
 - (b) that the extent of the business premises is restricted as shown on the Site Development Plan;
 - (c) that only honey related products be sold from the business premises;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (e) that the parking bays are constructed with a hard surface and properly demarcated before the issuing of a liquor license;
 - (f) that the applicant/owner must apply for a Reg. 962 Certificate of Acceptability from the Overburg District Municipality;
 - (g) that the building comply with National Fire Protection regulations SANS 10400T:2011 for – Occupancies F – Small Shop and D2 – Moderate Risk Industrial;

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- (h) that building plans be submitted to the Building Department for approval and that the relevant building- and fire regulations be complied with at that stage; and
 - (i) that all the conditions in the Services Report (attached as Annexure D), be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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Spatial Land Use Management Act (SPLUMA) Approvals

1. ERF 6668, SECOND STREET, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF MH VAN TWISK

6668 HVK (3225)

P Roux

(028) 313 8900

Hermanus Administration

22 July 2016

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 on Erf 6668 in Hermanus (Voëlklip) in order to relax the following building lines:

- eastern lateral building line from 2m to 1m to accommodate renovations to the existing dwelling;
- western lateral building line from 2m to 1,2m to accommodate renovations/alterations to the existing dwelling; and
- western lateral building line from 2m to 0m to accommodate the existing braai structure.

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 6668, Hermanus (Voëlklip) in order to relax the following:
 - eastern lateral building line from 2m to 1m to accommodate renovations to the existing dwelling;
 - western lateral building line from 2m to 1,2m to accommodate renovations/alterations to the existing dwelling, and
 - western lateral building line from 2m to 0m to accommodate the existing braai structure;

be approved, subject to the following conditions:

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- (a) that this approval only has reference to the building plan Drawing No. jb, REV 00 dated 25 January 2016 as submitted with the application;
 - (b) that building plans must be submitted to the Building Department for approval;
 - (c) that all the conditions in the Services Report, be complied with;
 - (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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2. ERF 2077, 52 FIFTH STREET, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : VICKI HARRIS ARCHITECTS ON BEHALF OF JE BOURHILL

2077 HVK (3267)

P Roux

(028) 313 8900

Hermanus Administration

3 August 2016

Executive Summary

An application for departure has been received to relax the lateral building line from 2m to 1,2m to accommodate a new bathroom on the ground floor, a new balcony on first floor and roof structure. The application was submitted by Vicki Harris on behalf of the owner JE Bourhill.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line from 2m to 1,2m to accommodate a new bathroom on the ground floor and a new balcony on first floor and roof structure, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines as indicated on Drawing No. A-201, Project No. VHA-0083 as submitted with the application;
 - (b) that the railings of the first floor balcony be placed on the 2m lateral building line;
 - (c) that this is not an approval in terms of any other applicable legislation;
 - (d) that all the conditions in the Services Report, be complied with, and
 - (e) that building plans be submitted to the Building Department and that any conditions that may be stipulated by such department or the Fire Department at that stage, 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 5061, 38 SWARTRIVIER ROAD, KLEINMOND, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : S SCHUTTE (obo
A LANDMAN)**

5061 KKM (3244)

H van der Stoep

(028) 313 8900

Hermanus Administration

11 August 2016

Executive Summary

Departure in terms of Section 16(2)(b) in order to relax the eastern lateral building line with Erf 5060 from 2m to 1,570m to accommodate the alteration to the existing bathroom.

RESOLVED :

1. that the application for departure on Erf 5061, Kleinmond in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 to relax the eastern lateral building line with Erf 5060 from 2m to 1,57m to accommodate the alteration to the existing outbuilding to accommodate a proposed bathroom, **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 line indicated on Plan Numbers D.1104.K dated March 2016, which was submitted with the application;
 - (d) that all the conditions in the Services Report, be complied with, and, and
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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4. **ERVEN 23, 52-55, 202-205, 334, 383 & 532, GANSBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSOLIDATION : MESSRS FJC CONSULTING ON BEHALF OF PROVINCIAL DEPARTMENT OF TRANSPORT AND PUBLIC WORKS (GANSBAAI PRIMARY SCHOOL)**

23, 52-55, 202-205, 334, 383 & 532 GGB

S van der Merwe (028) 313 8900

Hermanus Administration

18 August 2016

Executive Summary

Consolidation of Erven 23, 52-55, 202-205, 334, 383 & 532,

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 23, 52-55, 202-205, 334, 383 & 532, Gansbaai, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the proposed Consolidation Plan for Erf 4070, Gansbaai as submitted with the application;
 - (b) that all the conditions in the Services Report, be complied with;
 - (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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**5. ERF 3247, 10 PETERSON STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS ENGELBRECHT
& SCORGIE ON BEHALF OF THE STARKE FAMILY TRUST**

3247 HON (3257)

P Roux

(028) 313 8900

Hermanus Administration

14 July 2016

Executive Summary

Departure of the western lateral building line from 2m to 0,34m to accommodate portions of the dwelling and first floor deck and to relax the street building line from 4m to 3,3m to accommodate an existing deck 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 street building line from 4m to 3,3m to accommodate a deck on first floor level and to relax the 2m western lateral building line to 0,34m to accommodate the existing dwelling and deck, **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 a 2,1m high wall be erected on the property on the western side to the satisfaction of the Fire Department;
 - (c) that intumescent coating of 30 minute fire rating is applied to structure sections to the satisfaction of the Fire Department;
 - (d) that a Fire National Certificate be provided;
 - (e) that this is not an approval in terms of any other legislation;
 - (f) that any roof overhangs traversing erf boundaries be removed to the satisfaction of the Building Department, and
 - (g) that this application only relates to the approval to relax building lines as indicated on the plan submitted by the architect.

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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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**6. ERF 1044, 35 PIET RETIEF CRESCENT, SANDBAAI, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : GJ & TM DUVENHAGE**

1044 HSB (3264)

H Olivier

(028) 313 8900

Hermanus Administration

4 August 2016

Executive Summary

Departure to relax the street building line with Andries Pretorius Street from 4m to 3m to accommodate an existing braai room on the property concerned

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 street building line with Andries Pretorius Street from 4m to 3m to accommodate a braai room, **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 this application only relates to the approval to relax building lines as indicated on the plan 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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**7. ERF 8227, 8 KITTIWAKE, HEMEL-EN-AARDE ESTATE, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : B THOMPSON**

8227 HMS (3227)

H Olivier

(028) 313 8900

Hermanus Administration

4 August 2016

Executive Summary

Departure to relax the northern street building line from 2m to 1,5m to enclose an existing covered patio and to relax the southern lateral building line with Erf 8226 from 1m to 0m to accommodate an existing scullery.

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 on Erf 8227, Hemel-en-Aarde to relax the northern street building line from 2m to 1,5m to enclose an existing covered patio and to relax the southern lateral building line with Erf 8226 from 1m to 0m to accommodate an existing scullery, **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 the building plan be duly approved by the Hemel-en-Aarde Estate Home Owners Association;
 - (c) that this application only relates to the approval to relax building lines as indicated on the plan submitted by the architect;
 - (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.
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 condition of approval.

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**8. ERF 92, 9 ARCADIA STREET, WESTCLIFF, HERMANUS : OVERSTRAND
MUNICIPAL AREA : PROPOSED CONSENT USE : JCB ENGELBRECHT**

92 HWC (3240)

H van der Stoep

(028) 313 8900

Hermanus Administration

26 August 2016

Executive Summary

An application has been received on 15 March 2016 from Mr JCB Engelbrecht for a consent use to operate a five (5) bedroom guesthouse, and the conversion of an outbuilding to a second dwelling in terms of Section 16(2)(o) of the Overstrand By Law, 2016.

RESOLVED :

1. that in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 the consent use application on Erf 92, Hermanus in order to operate a three (3) bedroom guesthouse, **be approved**, subject to the following conditions:
 - (a) that the facility be utilized as a guesthouse only;
 - (b) that a maximum of three (3) bedrooms to be let, be permitted;
 - (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 permanently demarcated parking bay per guest room (as indicated on the Site 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;
 - (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;

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- (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 should any building alterations be required building plans should be submitted to the Building Department for approval;
 - (o) that all the conditions in the Services Report, be complied with;
 - (p) that all conditions imposed by the Fire Department, be complied with, and
 - (q) that discussions and agreement pertaining the boundary wall, privacy and trees between the applicant and objectors be resolved as a private matter and the Municipality not be involved in the discussions.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**9. ERF 1262, 13 DISA ROAD, SANDBAAI, OVERSTRAND MUNICIPAL AREA:
REMOVAL OF RESTRICTIVE CONDITIONS : MESSRS PLAN ACTIVE ON
BEHALF OF H & F HUMAN**

1262 HSB (3208)

H Olivier

(028) 313 8900

Hermanus Administration

1 August 2016

Executive Summary

Removal of Restrictive Condition to allow the legalization of the conversion of a garage into a flatlet.

RESOLVED :

1. that the application for Removal of Restrictive Conditions on Erf 1262, Sandbaai in terms of Section 16(2)(f) in terms of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016, to remove condition B2(c) in Title Deed T40429/1992, **be approved**, subject to the following conditions
 - (a) compliance with all other relevant legislation;
 - (b) compliance with all parameters for second dwellings in terms of the Overstrand Municipality Zoning Scheme, and
 - (c) that building plans be submitted to the Building Department for approval, and that the Building Department may stipulate any other conditions 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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**10. ERF 3867, 36 HENNIE HENN STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : BW OOSTHUIZEN ON
BEHALF OF ES OOSTHUIZEN**

3867 HON (3231)

H Olivier

(028) 313 8900

Hermanus Administration

1 August 2016

Executive Summary

Departure of the western lateral building line to 0,9m to allow a new lounge between the dwelling and outbuilding and to accommodate the use change of a portion of a garage into a bedroom.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the western lateral building line from 2m to 0,9m to accommodate a new lounge between the existing dwelling and outbuilding and to accommodate a use change of a portion of a garage to a bedroom, **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 this is not an approval in terms of any other legislation;
 - (c) that this application only relates to the approval to relax building lines as indicated on the plan 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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**11. ERF 2893, 16 STAFFORD STREET, HAWSTON, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : SM HONCO**

2893 HHW (3277)

H Olivier

(028) 313 8900

Hermanus Administration

5 August 2016

Executive Summary

Departure in order to relax the street building line with Stafford Street from 2m to 0,36m and the lateral building line with Erf 8292 from 1m to 0,23m to accommodate a proposed new carport.

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 street building line from 2m to 0,36m and the lateral building line with Erf 8292 from 1m to 0,23m to accommodate a carport, 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, and
 - (e) that this application only relates to the approval to relax building lines as indicated on the plan 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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12. ERF 68, CHURCH STREET, HAWSTON, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION AND DEPARTURE : MESSRS GEOMATICS AFRICA ON BEHALF OF FE AND E FISHER

68 HHW (3230)

H Olivier

(028) 313 8900

Hermanus Administration

5 August 2016

Executive Summary

Subdivision into two (2) portions, Portion A measuring 495m² and a Remainder measuring 496m².

To relax the 2m rear building line with Erf 69 and the 2m lateral building line with Erf 81 to 0m, to accommodate the existing store on the Remainder, and to relax the 2m lateral building line with Erf 69 to 1m and the 2m lateral building with the Remainder to 0,5m to accommodate a portion of the existing dwelling.

RESOLVED :

1. that the application for subdivision in terms of Section 16(2)(d) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to subdivide Erf 68, Hawston into a Portion A measuring 495m² and a Remainder measuring 496m², be approved;
2. 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 2m rear building line with Erf 69, and the 2m lateral building line with Erf 81 to 0m respectively to accommodate a store room, and to relax the 2m lateral building line with Erf 69 to approximately 1m and the 2m lateral building line with the Remainder to 0,5m to accommodate a portion of the existing dwelling on Portion A, be approved;
3. that the approvals in 1 and 2 above is 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, and
 - (e) that this application only relates to the approval to subdivide the erf

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and to relax building lines as indicated on the plan submitted by the architect.

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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**13. ERVEN 5539 AND 5540, NEGESTER, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA : PROPOSED CONSOLIDATION : MESSRS PLAN
ACTIVE TOWN & REGIONAL PLANNERS**

5539 & 5540 HON (3270)

H Olivier

(028) 313 8900

Hermanus Administration

4 August 2016

Executive Summary

Erven 5539 and 5540 is situated in Negester Retirement Village in Onrustrivier which started developing in 2012. There is single title erven in the development, including Erven 5539 and 5540, and also a Main Gate with units and facilities in the development.

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 5539 and 5540, Onrustrivier, be approved, subject to the following condition:
 - (a) that this approval only has reference to the proposed SG Diagram, Erf 5563, Onrustrivier, dated February 2016, 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, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme and Negester Architectural Design Guidelines 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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**14. ERF 5642, 20 STEENBRAS STREET (HERMANUS INDUSTRIAL AREA),
HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED
DEPARTURE: DJ HERBST ON BEHALF OF 20 STEENBRAS STREET
PROPERTY (PTY) LTD**

5642 HIND (3292)

H van derStoep

(028) 313 8900

Hermanus Administration

26 August 2016

Executive Summary

An application has been received on 16 May 2016 from Mr DJ Herbst on behalf of 20 Steenbras Street Property (Pty) Ltd for the departure of the rear building line from 2m to 0m to accommodate a new extension of the existing building and the erection of a new building.

RESOLVED :

1. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 5642, Hermanus to relax the rear building line from 2m to 0m in order to repair and extend the building on the property concerned, 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. 0915-100 dated 13 May 2016, which was submitted with the application;
 - (d) that all the conditions in the Services Report, be complied with, and
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**15. ERF 3899, 140 FOURTH AVENUE, KLEINMOND, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : D KOTZE ON BEHALF OF
DJ & C KOTZE**

3899 KKM (3289)

H Olivier

(028) 313 8900

Hermanus Administration

16 August 2016

Executive Summary

An application has been received from D Kotze on behalf of DJ & C Kotze for a departure from the Scheme Regulations to relax the street building line with Tenth Street from 4m to 2,2m to accommodate a proposed new shade carport on the property concerned.

RESOLVED :

1. that the application for departure on Erf 3899, Kleinmond 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 Tenth Street from 4m to 2,2m to accommodate a proposed new shade carport on the property concerned, 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 departure of the street building line indicated on Plan Numbers DRG. NO.1, 2 and 3 dated April 2016, which was 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 Department be complied with at that stage, and
 - (e) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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16. ERF 4497, 34 THIRD AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : DB MACLAUGHLIN

4497 KKM (3253)

H van der Stoep

(028) 313 8900

Hermanus Administration

10 August 2016

Executive Summary

Departure of the eastern lateral building line with Erf 4493 from 2m to 0,230m to accommodate the usage change of the existing enclosed stoep as a storage area.

RESOLVED :

1. that the application for departure on Erf 4497, Kleinmond in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 to relax the eastern lateral building line with Erf 4493 from 2m to 0,225m to accommodate the usage change of the existing enclosed stoep to a storage area, 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. B5013 (05, 06 and 07), dated 9 October 2015, which was 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 Department be complied with at that stage, and
 - (e) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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17. ERF 5413, 7 EIGHTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : M VAN ZYL ON BEHALF OF THE ST FAMILY TRUST

5413 KKM (3313)

H van der Stoep

5 September 2016

(028) 313 8900

Hermanus Administration

Executive Summary

Departure of the lateral building line from 2,0m to 0,5m to accommodate an existing carport and the change the use of a portion of the tandem garage into a bedroom with an en-suite bathroom.

RESOLVED :

1. that the application for a departure on Erf 5413, Kleinmond 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 from 2,0m to 0,5m in order to relax the lateral building line with Erf 6152 from 2m to 0,5m to accommodate the existing carport and to accommodate the usage change of the existing tandem garage into a bedroom with en-suite bathroom and single garage, 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. KM5413/16 A1 dated 26 May 2016, which was 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 Department be complied with at that stage, and
 - (e) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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18. ERF 416, 49 CHURCH STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIVE CONDITIONS, REZONING AND CONSENT USE : L CUNNINGHAM ON BEHALF OF ELIM TEHUIS NPO

416 KKM (3112)

S van der Merwe

(028) 313 8900

Hermanus Administration

1 September 2016

Executive Summary

To consider an application received on 3 November 2015 submitted by Lessinda Cunningham on behalf of the registered owner of Erf 416 Gansbaai, Elim Tehuis NPO, for the following:

- removal of restrictive conditions to allow the operation of a day care centre for handicapped;
- rezoning from Residential Zone 1 to Business Zone 3: Local Business; and
- consent use to conduct a day care centre for handicapped children.

RESOLVED :

1. that, in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016, the application for Removal of Restrictive Conditions on Erf 416, Gansbaai to remove condition C4(b) and (d) in Title Deed T30654/2014, be approved;
2. that, in terms of Section 16(2)(a) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 the application for the rezoning of Erf 416, Gansbaai from Residential Zone 1 to Business Zone 3, be approved;
3. that in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016, the application for consent use in order to operate a day care for the handicapped on Erf 416, Gansbaai, be approved;
4. that the approvals in paragraphs 1.; 2. and 3. above be subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that the Building Department may stipulate any other conditions at that stage.
 - (b) that the parking layout be implemented in accordance with the Site Development Plan 49/EH/14 dated 22 July 2014 as submitted with the application;

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- (c) that all conditions imposed by the Department of Health and the Fire Department, be complied with
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that the day care 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;
 - (f) that signage comply with the Municipal By-Law on signage;
 - (g) 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;
 - (h) that should the day care centre in future cease to exist and the property revert back to commercial / office use in accordance with the applicable primary rights, such development be subject to the prior approval of a Site Development Plan to ensure that sufficient onsite parking is provided;
 - (i) that onsite parking be provided at a ratio of 1 bay per 10 children to the satisfaction of the Municipality
 - (j) that the development complies with the applicable Zoning Scheme Regulations; and
 - (k) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
5. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**19. PORTION 231 OF FARM 575, BENGUELA COVE, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : P STREETER**

231/575 RCAL (3218)

H Olivier

(028) 313 8900

Hermanus Administration

26 August 2016

Executive Summary

Application is made for a temporary departure to utilize a portion of the stores of the farm for tourist facilities, which includes a wine tasting room and wine sales.

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 accommodate a tourist facility (wine tasting and wine sales) on Portion 231 of Farm 575 Benguela Cove, 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 approval is only valid for five (5) years, where after it will lapse;
 - (e) that if the liquor license need to be amended, the necessary approvals be obtained from the Liquor Board, and
 - (f) that the wine tasting/wine sales activities be limited to the areas identified on the Site Development Plan.

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 5081, 39 CHIAPINI STREET, ONRUSTRIVIER, OVERSTRAND
MUNICIPAL AREA : REMOVAL OF RESTRICTIVE CONDITIONS : CS VAN
ROOYEN**

5081 HON (3263)

H Olivier

(028) 313 8900

Hermanus Administration

26 August 2016

Executive Summary

Removal of Restrictive Conditions in the Title Deed in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 5081, Onrustrivier to enable the owners to convert the existing servant's quarters into a second dwelling unit.

RESOLVED :

1. that the application for Removal of Restrictive Conditions on Erf 5081, Onrustrivier in terms of Section 16(2)(f) in terms of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016, to remove condition D(b) in Title Deed T115426/200439680/1979, be approved;
 - (a) compliance with all other relevant legislation;
 - (b) that all the conditions in the Services Report, be complied with;
 - (c) that building plans be submitted to the Building Department for approval, and that the Building Department may stipulate any other conditions 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.