

**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**

17 October 2017

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**1.  
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS  
CONSIDERED IN TERMS OF DELEGATED AUTHORITY : AUGUST/SEPTEMBER  
2017**

15/3/11

R van Antwerp

(028) 313 8039

Hermanus Administration

21 September 2017

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**1. Executive Summary**

To report on applications disposed of by the Authorised Official in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 17 August 2017 – 20 September 2017 as well as the applications that served before the Municipal Planning Tribunal on 30 August 2017.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town- and Spatial Planning

**3. Compliance with Strategic Priority**

Promotion of tourism, economic and social development

**4. Delegated Authority**

Executive Mayor

**5. Legal Requirements**

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

**6. Background/Discussion/Evaluation/Conclusion**

**Background**

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

**7. Financial Implications**

None

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**8. Staff Implications**

None

**9. Comments from other Departments, Divisions and Administrations**

None

**10. Annexures**

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

**RECOMMENDATION:**

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 17 August 2017 – 21 August 2017, as well as the applications that served before the Municipal Planning Tribunal on 30 August 2017:

Spatial Land Use Management Act (SPLUMA) Approvals

1.	Erf 70, Hawston	25 August 2017
2.	Erf 152, Stanford	25 August 2017
3.	Erf 224, Stanford	25 August 2017
4.	Erf 8397, Hermanus	25 August 2017
5.	Portion 7 of the farm Klein Rivier Kloof No. 660	25 August 2017
6.	Erf 5310, Hermanus	25 August 2017
7.	Erven 2802 and 2803, Perlemoenbaai	25 August 2017
8.	Erf 1223, Sandbaai	25 August 2017
9.	Erf 3628, Kleinmond	31 August 2017
10.	Portion 229 of the farm Benguela Cove No. 575	1 September 2017
11.	Erf 11836, Hermanus	13 September 2017
12.	Erf 5492, Betty's Bay	13 September 2017
13.	Erf 5514, Betty's Bay	13 September 2017
14.	Erf 5741, Hermanus	13 September 2017
15.	Erf 381, Gansbaai	18 September 2017
16.	Erf 780, Hermanus	18 September 2017
17.	Erf 166, Franskraal	18 September 2017
18.	Erf 7911, Kleinmond	18 September 2017
19.	Erf 74, Stanford	18 September 2017
20.	Erf 3005, Onrustrivier	18 September 2017
21.	Erf 2136, Vermont	18 September 2017
22.	Erf 11057, Hermanus	18 September 2017

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- |     |   |                   |
|-----|---|-------------------|
| 23. | Portions 1 and 7 of the farm Hemel & Aarde<br>No. 584 | 20 September 2017 |
| 24. | Erf 823, Franskraal                                   | 20 September 2017 |
| 25. | Erf 920, Franskraal                                   | 20 September 2017 |
| 26. | Erf 859, Hermanus                                     | 20 September 2017 |
| 27. | Erf 875, Stanford                                     | 20 September 2017 |

Municipal Planning Tribunal

- |    |                      |                |
|----|----------------------|----------------|
| 1. | Erf 1180, Hermanus   | 30 August 2017 |
| 2. | Erf 511, Fisherhaven | 30 August 2017 |

**RESPONSIBLE OFFICIAL :**

**R VAN ANTWERP**

**TARGET DATE FOR IMPLEMENTATION :**

**8 NOVEMBER 2017**

**TARGET DATE TO INFORM APPLICANT :**

**N/A**

**TARGET DATE TO INFORM OBJECTOR :**

**N/A**

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**1.  
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS  
CONSIDERED IN TERMS OF DELEGATED AUTHORITY : AUGUST/SEPTEMBER  
2017**

**15/3/11**

**R van Antwerp**

**(028) 313 8039**

**Hermanus Administration**

**21 September 2017**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
17 OCTOBER 2017, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

**RESPONSIBLE OFFICIAL :**

**R VAN ANTWERP**

**TARGET DATE FOR IMPLEMENTATION :**

**8 NOVEMBER 2017**

**TARGET DATE TO INFORM APPLICANT :**

**N/A**

**TARGET DATE TO INFORM OBJECTOR :**

**N/A**

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Spatial Land Use Management Act (SPLUMA) Approvals

**1. ERF 70, CHURCH STREET, HAWSTON, OVERSTRAND MUNICIPAL AREA:  
PROPOSED SUBDIVISION: D GILLION**

**70 HHW (3670)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**2 August 2017**

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**Executive Summary**

To consider an application received on 5 May 2017 from D Gillion on Erf 70, Hawston for a subdivision in terms of Section 16(2)(d) in order to subdivide the property into two (2) portions namely a Remainder measuring  $\pm 631\text{m}^2$  and Portion A measuring  $\pm 559\text{m}^2$ .

**RESOLVED :**

1. that the application for subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) applicable to Erf 70, Hawston to subdivide the property into two (2) portions namely a Remainder  $\pm 631\text{m}^2$  and Portion A  $\pm 559\text{m}^2$ , **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the approval is only for the subdivision as indicated on the Subdivisional Plan as submitted with the application;
  - (b) that the conditions in the Services Report, be complied with;
  - (c) that the conditions by Eskom, be complied with;
  - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (e) that the conditions by Telkom, be complied with, and
  - (f) that the conditions by the Operational Manager, 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 152, 14 QUEEN VICTORIA STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: REZONING & CONSENT USE : MESSRS WRAP ON BEHALF OF RJF PRINS**

**152 SSS (3575)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**8 August 2017**

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**Executive Summary**

An application has been received on 30 January 2017 from Messrs WRAP Consultancy on behalf of the property owner, RJF Prins, on Erf 152, Stanford for the following:

- rezoning from Residential Zone 1: Single Residential (SR1) to Business Zone 2: General Business Bulk Zone (B2), in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Use Planning, 2016 in order to accommodate businesses on the premises; and
- consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Use Planning, 2016 in order to accommodate a flat on the ground floor.

**RESOLVED :**

1. that the application for rezoning in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) applicable to Erf 152, Stanford from Residential Zone 1: Single Residential (SR1) to Business Zone 2: General Business Bulk Zone (B2), in order to accommodate businesses on the premises, **be approved** in terms of the provisions of the By-Law;
2. that the application for consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) applicable to Erf 152, Stanford in order to accommodate flat on the ground floor, **be approved** in terms of the provisions of the By-Law;
3. that the approvals in paragraphs 1. and 2. above be subject to the following conditions:
  - (a) that a Site Development Plan (SDP) be submitted for approval by the Senior Manager: Town and Spatial Planning;

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- (b) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
  - (c) that the height of the structure be limited to 8m, measured from the base level to the top of the structure;
  - (d) that the conditions in the Services Report, be adhered to;
  - (e) that the conditions compiled by Operational Services, Electro Technical Services, District Health, be adhered to;
  - (f) that the comment received from the Stanford Heritage Committee and Heritage Western Cape, be noted;
  - (g) that the comment received from Telkom, be adhered to;
  - (h) that on-site parking be provided to the satisfaction of the Senior Manager: Town and Spatial Planning and the Operational Services Department;
  - (i) that a single non-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
  - (j) 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;
  - (k) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (l) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
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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**3. ERF 224, 2 BEZUIDENHOUT STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS PLANACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF CN NAUHAUS**

**224 SSS (3536)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**31 July 2017**

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**Executive Summary**

An application has been received on 1 December 2017 from Messrs Plan Active on behalf of the property owner, CN Nauhaus, on Erf 224 Stanford for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the street building line from 4m to 0m to accommodate the replacement of the existing roof structure and minor internal alterations.

**RESOLVED :**

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for a departure on Erf 224, Stanford in order to relax the street building line from 4m to 0m to accommodate the replacement of the existing roof structure and minor internal alterations, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the approval is only for the departure as indicated on the Site Plan as submitted with the application;
  - (b) that building plans be submitted for approval to the Building Department and that the relevant Building and Fire Regulations be complied with at that stage;
  - (c) that approval is obtained from the Stanford Heritage Committee and Heritage Western Cape when building plans are submitted;
  - (d) that the comment received from the Stanford Heritage Committee, be noted;
  - (e) that the conditions compiled in the Services Report, be complied with;
  - (f) that the conditions compiled by Electro Technical Services and Operational Services, be complied with, and
  - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

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2. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

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**4. ERF 8397, 12 SEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND  
MUNICIPAL AREA: APPLICATION FOR DEPARTURE : MESSRS  
ENGELBRECHT & SCORGIE ON BEHALF OF AM ROSSOUW**

**8397 HVK (3613)**

**H Boshoff**

**(028) 313 8900**

**Hermanus Administration**

**26 July 2017**

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**Executive Summary**

An application has been received on 6 March 2017 from Messrs Engelbrecht & Scorgie on behalf of AM Rossouw, applicable to Erf 8397, Hermanus (Voëlklip) to relax the western lateral building line from 2m to 1,2m in order to accommodate an existing covered braai area.

**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 (By-Law) applicable to Erf 8397, Hermanus (Voëlklip) for the relaxation of the western lateral building line from 2m to 1,2m in order to accommodate a covered braai area, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that this approval is only for the development as indicated on Site Development Plan 8397.01/17 dated 30/02/2017 that 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;
  - (d) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with, 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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**5. PORTION 7 OF THE FARM KLEIN RIVIER KLOOF 660, STANFORD, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: CJ MARTENS ON BEHALF OF LEOPONT FOUR (PTY) LTD**

**7/660 GRCAL (3603)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**8 August 2017**

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**Executive Summary**

An application has been received on 28 February 2017 from CJ Martens on behalf of the owners of Portion 7 of the Farm Klein Rivier Kloof 660, Division Caledon, Leopont Four (Pty) Ltd, for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to accommodate an additional dwelling for the onsite conservationist.

**RESOLVED :**

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for a consent use on Portion 7 of Farm 660, Stanford in order to accommodate an additional dwelling for the onsite conservationist, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions;
  - (a) that the approval is only for the additional dwelling as indicated on the Site Plan as submitted with this application;
  - (b) that building plans be submitted to the Building Department and that compliance is shown with the relevant Fire- and Building Regulations;
  - (c) that the comment received from Operational Services and compiled in the Services Report, be complied with;
  - (d) that the comment received from the Stanford Heritage Committee and Heritage Western Cape, be noted;
  - (e) that the additional dwelling cannot be used for tourist accommodation without first obtaining approval from the Municipality, and
  - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,

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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 5310, MOFFAT STREET, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS AVNA ARCHITECTS ON BEHALF OF THE GOVERNMENT OF THE WESTERN CAPE**

**5310 HEC (3642)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**7 August 2017**

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**Executive Summary**

An application has been received on 11 April 2017 from Messrs AVNA Architects on behalf of The Government of the Western Cape: Education Department on Erf 5310 Eastcliff, Hermanus for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the street building line from 5m to 4,3m to accommodate six (6) new classrooms in alignment with the existing classrooms.

**RESOLVED :**

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for a departure on Erf 5310, Eastcliff, Hermanus in order to relax the street building line from 5m to 4,3m to accommodate six (6) new classrooms in alignment with existing classrooms, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions;
  - (a) that the approval is only for the relaxation of the building line as indicated on the Site Development Plan as submitted with this application;
  - (b) that building plans be submitted to the Building Department and that compliance is shown with the relevant Fire and Building Regulations;
  - (c) that the comment received by Operational Services and compiled in the Services Report, be complied with, and
  - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**7. ERVEN 2802 AND 2803 (UNREGISTERED ERF 4073), PERLEMOENBAAI, GANSBAAI, 7 DUINEGANS STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE: MESSRS ME PLANNERS ON BEHALF OF JJ SMITH**

**2802 & 2803 GGB (3546)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**8 August 2017**

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**Executive Summary**

An application has been received on 9 December 2016 from Messrs ME Planners on behalf of JJ Smith, the owner of Erven 2802 and 2803, Gansbaai (unregistered consolidated Erf 4073, Gansbaai), for the following:

- removal of restrictive title deed conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to permit a 0m street building line pertaining to Erven 2802 and Erf 2803; and
- departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the 4m street building line to 3m and 0m and the eastern- and western lateral building lines from 2m to 0m, and to permit the encroachment of the maximum permissible coverage of 50% by 3,6% in order to legalise existing encroachments pertaining to Erf 2802.

**RESOLVED :**

1. that the application in terms of Section 16(2)(f) of Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for the removal of restrictive title condition C.A(a) applicable to Erf 2802 in terms of Title Deed T81701/2008 and Erf 2803 in terms of Title Deed T70653/2012, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 2802, Gansbaai in order to relax the 4m street building line to 0m and 3m and the 2m lateral building line onto the property boundary, **be approved** in terms of the provisions of Section 61 of the By-Law;

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3. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 2802, Gansbaai in order to encroach the maximum coverage of 50% by 2%, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in paragraphs 1., 2. and 3. above be subject to the following conditions:
  - (a) that this approval be strictly in accordance with Site Development Plan 07/JS/16 (Sheets 1-7), dated 19 March 2016, 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 no further departures pertaining to building line and coverage encroachments will be considered if not in line with the Zoning Scheme;
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (f) that all the conditions from Electro Technical Services, Operational Services and the Services Report, be complied with;
  - (g) that the consolidation of Erven 2802 and 2803 be submitted for registration in the Deeds Office within sixty (60) days following the approval and the Municipality be furnished with proof thereof, and
  - (h) that the carport/canopy may not be enclosed.
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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**8. ERF 1223, 6 DIRKIE UYS STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: P & AM FOURIE**

**1223 HSB(3648)**

**H Boshoff**

**(028) 313 8900**

**Hermanus Administration**

**27 July 2017**

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**Executive Summary**

An application has been received on 6 April 2017 from P & AM Fourie, applicable to Erf 1223, Sandbaai to relax the eastern lateral building line from 2m to 1,5m in order to accommodate a television room.

**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 (By-Law) applicable to Erf 1223, Sandbaai for the partial relaxation of the eastern lateral building line from 2m to 1,5m in order to accommodate the existing television room, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that this approval is only for the development as indicated on the Site Development Plan A.01.2 dated 28/03/2017, that 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;
  - (d) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with, 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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**9. ERF 3628, 174 FIFTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : J WATSON ON BEHALF OF J AND DH WATSON**

**3628 KKM (3436)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**18 April 2017**

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**Executive Summary**

An application has been received on 9 September 2017 from J Watson on behalf of J and DH Watson in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the following departures:

- to relax the lateral building line with Erf 3629 from 2m to 0m to accommodate a proposed extension of an entertainment area; and
- to relax the lateral building line with Erf 3626 from 2m to 1,5m to accommodate a proposed new covered braai.

**RESOLVED :**

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 3628, Kleinmond for a departure to relax the lateral building line with Erf 3626 from 2m to 1,5m to accommodate a proposed new covered braai, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the departure is only applicable to the existing structure (braai);
  - (b) that a buliding plan depicting the approval be submitted within three (3) months of the approval, and approved by the Municipality before utilization of the use;
  - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
  - (e) that all the conditions in the Services Report, be complied with.

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2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 3628, Kleinmond for a departure to relax the lateral building line with Erf 3629 from 2m to 0m to accommodate a proposed extension of an entertainment area, **not be approved**, due to the following reasons:
  - (a) the applicant did not prove the desirability of the proposed departure;
  - (b) the structure was built illegally;
  - (c) the adjacent owner was not contacted before the structure was built on the 0m building line;
  - (d) habitable buildings are not allowed on a zero building line;
  - (e) the application is not in line with the Zoning Scheme;
  - (f) the planning principles are in part not representative in the context of this specific application, and
  - (g) there is enough space available on the property without transgressing the building lines.
3. that the applicant and objector 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. PORTION 229 OF FARM 575, CALEDON DISTRICT, BENGUELA COVE, OVERSTRAND MUNICIPALITY : PROPOSED AMENDMENT OF SITE DEVELOPMENT PLAN : EBEN RALL & ASSOCIATES ON BEHALF OF PM STREETER**

**229/575 RCAL (3484)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**26 July 2017**

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**Executive Summary**

An application has been received on 20 October 2016 from Mr Eben Rall & Associates on behalf of PM Streeter on Portion 229 of Farm 575, Benguela Cove, for an application in terms of of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to amend the Site Development Plan applicable on the property.

**RESOLVED :**

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 of an application in terms of Section 16(2)(l) to amend the Site Development Plan for the Benguela Cove Special Zone erf, as indicated on Plan BENG-002-8 and BENG-003-00 dated 23/03/2017, **be approved** in terms of the provisions of Section 61 of the By-Law.
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 11836, 28 MAIN ROAD, HERMANUS : OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE : MESSRS PLANACTIVE ON BEHALF OF THE ANGLICAN CHURCH**

**11836 HWC (3616)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**11 July 2017**

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**Executive Summary**

Application has been received from Messrs Plan Active on behalf of The Anglican Church on Erf 11836, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the following departures:

- ❖ to exceed the 9m restriction of a building on one specific lateral boundary;
- ❖ to relax the Provincial Road 5m street building line to 0m;
- ❖ to relax the Zoning Scheme 4m street building line from 0m, and
- ❖ to relax the lateral building line from 5m to 0m to accommodate a parish office, ablution and remembrance wall.

**RESOLVED :**

1. that the application on Erf 11836, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for the following departures:
  - ❖ to exceed the 9m restriction of a building on one specific lateral boundary;
  - ❖ to relax the Provincial Road 5m street building line to 0m;
  - ❖ to relax the Zoning Scheme 4m street building line from 0m, and
  - ❖ to relax the lateral building line from 5m to 0m to accommodate a parish office, ablution and remembrance wall.

**be approved**, subject to the following conditions:

- (a) that the approval only relates to the departure as indicated on Plan No. StP\_SP2\_Plan1 dated 14 November 2014, as submitted with the application;
- (b) that a parking lay out be submitted;
- (c) 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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- (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
  - (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 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 5492, MOOIUITSIG, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA :  
PROPOSED SUBDIVISION, DEPARTURE AND CONSENT USE :  
OVERSTRAND MUNICIPALITY**

**5492 KBB**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**06 June 2017**

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**Executive Summary**

Erf 5492, Mooiuitsig, Betty's Bay, is owned by Council. The proposed use is a playground for the adjacent Pre School (Pikkewyntjie), vegetable garden and public parking. The aforementioned buildings encroach onto the 5m street and side building lines in terms of the Scheme Regulations. The purpose of this report is to legalise the existing encroachments relating to the community facilities on adjacent Erf 5514. The application entails the following:

- Departure: Departure of the southern building line from 2m to 0m to accommodate a water tank
- Consent Use: Consent for the community facilities of a playground, vegetable gardens and parking facilities.

**RESOLVED :**

1. that, the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 5514, Betty's Bay for a departure to relax the southern building line from 2m to 0m to accommodate a water tank, **be approved** in terms of the provisions of the By-Law;
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 5514, Betty's Bay for a consent use in order to accommodate the playground, parking area and vegetable garden, **be approved** in terms of the provisions of the By-Law;
3. that the approvals in Points 1. and 2. above be subject to the following conditions:
  - (a) that this approval is only for the departure of the street and side building lines indicated on Plan Number A;

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- (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
  - (e) that a Site Development Plan according to the Zoning Scheme parameters be compiled and submitted for approval.
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. ERF 5514, MOOIUITSIG, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA :  
PROPOSED SUBDIVISION, DEPARTURE AND CONSENT USE :  
OVERSTRAND MUNICIPALITY**

**5514 KBB**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**06 June 2017**

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**Executive Summary**

Erf 5514, Mooiuitsig, Betty's Bay, is owned by Council. A community hall and a pre-primary school (Pikkewyntjies) are being accommodated on the property. The aforementioned buildings encroach onto the 5m street and side building lines in terms of the Scheme Regulations. The purpose of this report is to legalise the existing encroachments and to consider the encroachment of a proposed extension to the school. The application entails the following:

- Departure: Departures of the 5m street building line to 2,2m, the northern building line from 5m to 0,5m and the western lateral building line from 5m to 0,5m
- Consent Use: Consent for the community facilities of a Community Hall and Pre- School and associated facilities.

**RESOLVED :**

1. that, the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 5514, Betty's Bay for a departure to relax the 5m street building line to 2,2m, the northern building line from 5m to 0,5m and the western lateral building line from 5m to 0,5 respectively, **be approved** in terms of the provisions of the By-Law;
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 5514, Betty's Bay for a consent use in order to accommodate an Early Childhood Centre (ECD Centre) and Community Hall, **be approved** in terms of the provisions of the By-Law;
3. that the approvals in Points 1. and 2. above be subject to the following conditions:

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- (a) that this approval is only for the departure of the street and side building lines indicated on Plan Number Erf 5514\_OM\_A/01-2016-SD and C.467.B;
  - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
  - (e) that a Site Development Plan according to the Zoning Scheme parameters be compiled and submitted for approval, and
  - (f) that Erven 5514 and 5492 be notorial tied for parking purposes and facilities associated with the community uses.
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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**14. ERF 5741, 1 YSTERKLIP CLOSE, EASTCLIFF, HERMANUS : PROPOSED DEPARTURE : IJ & C HEYNS**

**5741 HEC (3664)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**23 August 2017**

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**Executive Summary**

An application has been received on 4 May 2017 from the owners of Erf 5741, Eastcliff, Hermanus, IJ & C Heyns, for a departure in terms of Section 16(2)(b) to relax the street building line from 4m to 3,15m to accommodate a proposed new garage on the property concerned.

**RESOLVED :**

1. that the application for a departure on Erf 5741, Eastcliff, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) in order to relax the street building line from 4m to 3,15m to accommodate a proposed new garage on the property concerned, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that this approval only has reference to the proposed Building Plan, Drawing no 2017/07 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 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;
  - (e) that the building plan submitted to the Building Control Department be approved before building work can commence, and
  - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
  
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

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- 15. ERF 381, 2 BARNARD STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA : AMENDMENT OF CONDITIONS OF APPROVAL (PARKING LAYOUT) : MESSRS TOWN & COUNTRY ON BEHALF OF DG & AM VERMEULEN**

**381 GGB (3384)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**30 August 2017**

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**Executive Summary**

To consider an application received on 24 May 2017 from Messrs Town- and Country on behalf of DG & AM Vermeulen, the owners of Erf 381, Gansbaai, for the amendment of conditions of approval (parking layout).

**RESOLVED :**

1. that the application in terms of Section 16(2)(h) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 381, Gansbaai for the amendment of conditions of approval (approved parking layout), **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the original conditions of approval dated 7 April 2017 be adhered to;
  - (b) that the parking layout be implemented in accordance with drawing number 1474, dated May 2017;
  - (c) that all the conditions in the Services Report, be complied with, 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 their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**16. ERF 780, 9 COLLEGE ROAD, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS PLAN ACTIVE ON BEHALF OF JC JACKSON**

**780 HNC (3302)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**16 August 2017**

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**Executive Summary**

An application has been received on 20 May 2016 from Messrs Plan Active on Erf 780, Hermanus for a departure in terms of Section 16(2)(c) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to depart from the parking requirements as per the former Hermanus Section 7 Regulations, and to buy-out one (1) parking bay.

**RESOLVED :**

1. that the application in terms of Section 16(2)(c) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 780, Hermanus to depart from the parking requirements as per the former Hermanus Regulations 7, and to buy-out one (1) parking bay, **be approved**, subject to the following conditions:
  - (a) that the owner of Section 1 of the Sectional Title Scheme 9 pay the Municipality **R33 605-20** for the parking bay;
  - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
  - (d) 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 166, 14 FOUCHE STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE AND RELAXATION OF RESTRICTIVE TITLE CONDITIONS : CA DE CONING**

**166 GFK (3688)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**4 September 2017**

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**Executive Summary**

An application has been received on 19 May 2017 from CA de Coning in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the northern street building line from 4m to 1,39m to accommodate a proposed carport/balcony. The application also entails the relaxation of the 4,72m title deed building line to 1,39m.

**RESOLVED :**

1. that the application for the relaxation of the title deed restriction C(4)(d) in terms of Title Deed T25924/2007 applicable to Erf 166, Franskraal, Gansbaai in order to relax the 4,72m street building line to 1,39m, be approved;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 166, Franskraal, Gansbaai for a departure to relax the northern street building line from 4m to 1,39m to accommodate a proposed new carport/balcony, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the approval only be applicable for the relaxation and departures indicated on the Site Plan as submitted with the application
  - (b) that building plans be submitted to the Building Department for approval;
  - (c) that all the conditions in the Services Report, be complied with
  - (d) that the carport and balcony may not be enclosed;
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and

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- (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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18. **ERF 7911, 3 EL-SHAMMAH, HAEMANTHUS AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : JJ VAN STADEN (obo THE VAN STADEN FAMILY TRUST)**

**7911 KKM (3609)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**7 September 2017**

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**Executive Summary**

An application has been received on 8 March 2017 for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to accommodate the usage change of part of the existing garage into a sewing room.

**RESOLVED :**

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 7911, Kleinmond for the relaxation of the rear building line from 3m to 2m in order to accommodate the usage change of part of the existing garage into a sewing room, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that this approval is only for the departure of the rear building line indicated on Plan No 170301/01, dated 6 March 2017 submitted with the application;
  - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
  - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, 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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**19. ERF 74, 4 CHURCH STREET, STANFORD, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : JM HURTER**

**74 SSS (3668)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**31 August 2017**

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**Executive Summary**

An application has been received on 8 May 2017 from the owner of Erf 74, Stanford, JM Hurter, for a departure in terms of Section 16(2)(b) to increase the coverage of the second dwelling unit to 138m<sup>2</sup> in lieu of the permissible 120m<sup>2</sup>.

**RESOLVED :**

1. that the objections be noted;
2. that the application for a departure on Erf 74, Stanford in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) in order to increase the coverage of the second dwelling unit to 138m<sup>2</sup> in lieu of the permissible 120m<sup>2</sup>, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the approval is only for the additional roofing of the veranda as indicated on the Site Plan as submitted with the application;
  - (b) that revised building plans be submitted to the Building Department for re-evaluation and that all conditions from the Fire Department and Building Department are complied with at that stage;
  - (c) that the conditions compiled in the Services Report, be complied with;
  - (d) that the revised building plan be submitted to Heritage Western Cape and Stanford Heritage Committee for their consideration, and
  - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
3. that the applicant/objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

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**20. ERF 3005, 30 TUNA SREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : A BARNADO ON BEHALF OF THE NAZDOM TRUST**

**3005 HON (3641)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**8 September 2017**

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**Executive Summary**

An application has been received on 10 April 2017 from A Barnado on behalf of the Nazdom Trust, on Erf 3005, Onrustrivier for an application 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 with Erf 3006 from 2m to 0m to accommodate a proposed new swimming pool and pump room.

**RESOLVED :**

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) of an application in terms of Section 16(2)(b) on Erf 3005, Onrustrivier to relax the lateral building line with Erf 3006 from 2m to 0m to accommodate a swimming pool and pump room, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that this approval is only for the development as indicated on the site plan 1593-2.02-A dated April 2017 and the north elevation section duly dimensioned and stamped by this office on 3 May 2017;
  - (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 Services Report, be complied with;
  - (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;
  - (f) that all the conditions of Telkom, be complied with, and
  - (g) that all the conditions of Eskom, be complied with.

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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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**21. ERF 2136, 15 TURTLE CLOSE, VERMONT, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : GC HUGO**

**2136 HVM (3639)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**6 September 2017**

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**Executive Summary**

An application has been received on 7 April 2017 from GC Hugo, property owner on Erf 2136, Vermont, for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the street building line with Turtle Close from 4m to 2,6m to erect a carport with timber deck on top on the property.

**RESOLVED :**

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) of an application in terms of Section 16(2)(b) on Erf 2136, Vermont to relax the street building line with Turtle Close from 4m to 2,6m to accommodate a carport with timber deck on top, **be approved** in terms of Section 61 of the By-Law, subject to the following conditions:
  - (a) that this approval is only for the development as indicated on the plans GH/2136/E,F,G,S and U dated 13/02/2017, 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 the conditions in the Services Report, be complied with;
  - (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;
  - (f) that all the conditions of Eskom, be complied with, and
  - (g) that all the conditions of Telkom, be complied with.

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2. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**22. ERF 11057, LORD ROBERTS ROAD, EASTCLIFF, HERMANUS,  
OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE : MESSRS  
PLAN ACTIVE ON BEHALF OF JOSHGRO INVESTMENTS 9 (PTY) LTD**

**11057 HEC (3560)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**11 July 2017**

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**Executive Summary**

An application has been received on 15 December 2016 from Messrs Plan Active on behalf of Joshgro Investments 9 (Pty) Ltd for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the height restriction of 14m to 16,2m in order to accommodate two (2) penthouses on the third floor of the existing 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 (By-Law) on Erf 11057, Hermanus in order to relax the height restriction of 14m to 16,2m in order to accommodate two (2) penthouses on the third floor of the existing building, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that this approval is restricted to the construction of two (2) penthouses as per Plan no. DRG 3.1. dated 3 February 2017 (received on 14 August 2017);
  - (b) that the height of the penthouses be restricted to 16,2m;
  - (c) that no further extension of footprint per storey be allowed above the 14m height restriction as per the Overstrand Zoning Scheme;
  - (d) that the building plans be submitted to the Building Control Department and approved addressing the difference in height as per previous approved building plan within three (3) months of approval;
  - (e) that no building work be done before the building plan has been approved;
  - (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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- (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
  - (i) 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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**23. PORTIONS 1 AND 7 OF THE FARM 584, HEMEL & AARDE VALLEY, CALEDON DISTRICT, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION AND CONSOLIDATION : MESSRS WRAP ON BEHALF OF THE FRANCOIS JP LOTTER TRUST**

**1&7/584 RCAL (3433)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**29 August 2017**

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**Executive Summary**

To consider an application received on 6 September 2016 from Messrs WRAP on behalf of the owners of Portions 1 and 7 of Farm 584, Hemel & Aarde for a subdivision in terms of Section 16(2)(d) in order to subdivide Portion 1 of Farm 584 into 5 portions (A to F), and also for a consolidation in terms of Section 16(2)(e) to consolidate Portions A, E and F with Portion 7 of Farm 584 to create a new portion G, and consolidate subdivided Portions C and D by means of a notarial tie, ultimately creating 3 farms.

**RESOLVED :**

1. that the application for subdivision and consolidation in terms of Sections 16(2)(d) and 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) applicable to Portion 1 and 7 of Farm 584, Hemel & Aarde Valley, Caledon District to subdivide the properties into five (5) portions (A to F), and also for a consolidation of Portions A, E and F with Portion 7 of Farm 584 to create a portion G (measuring 228,8 ha), consolidate portions C and D by means of a notarial tie (measuring 315,3 ha) and that Portion B then measures 160,4 ha, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the approval is only for the subdivision and consolidation as indicated on the Subdivisional Plan as submitted with the application;
  - (b) that prior the submission of the survey diagram, a subdivision plan be provided showing compliance the Department of Transport's conditions, and also showing the positions of Right of Way servitudes that will provide access to Portion B and D;
  - (c) that a notarial tie be registered over Portions C and D simultaneous with registration of the properties;
  - (d) that the conditions compiled in the Services Report, be complied with;
  - (e) that the conditions by Eskom, be complied with;

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- (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (g) that the conditions by the Department of Transport, be complied with, and
  - (h) that all the conditions by BOCMA, be complied with, and
  - (i) that all the conditions by National Department of Agriculture, 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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**24. ERF 823, 9 JOUBERT STREET, FRANSKRAAL, GANSBAAI, OVERSTRAND  
MUNICIPAL AREA : PROPOSED RELAXATION OF RESTRICTIVE TITLE  
DEED CONDITIONS : DG WILLEMSE**

**823 GFK (3529)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**14 September 2017**

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**Executive Summary**

To consider an application received from PJ & MSP van Zyl for the relaxation of the 1,57m lateral building line in terms of the Title Deed in order to construct a canopy situated 0,1m from the western lateral property boundary.

**RESOLVED :**

1. that the application for the relaxation of the western 1,57m lateral building line in terms of Title Deed T32975/1992 applicable to Erf 823, Franskraal in order to construct a proposed canopy 0,1m from the western lateral boundary, **be approved**, subject to the following conditions:
  - (a) that the approval only be applicable for the relaxation of the western lateral building line as indicated on the Site Development Plan submitted with the application;
  - (b) that building plans 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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**25. ERF 920, 38 NICO STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA : PROPOSED RELAXATION OF A RESTRICTIVE TITLE DEED CONDITION : DG AND M WILLEMSE**

**920 GFK (3571)**

**SW van der Merwe**

**(028) 313 8900**

**Hermanus Administration**

**6 September 2017**

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**Executive Summary**

To consider an application received from DG and M Willemse for the relaxation of a restrictive title deed condition to relax the eastern lateral building line from 1,57m to 0,1m in order to construct a proposed garage on the lateral property boundary.

**RESOLVED :**

1. that the application for the relaxation of the title deed restriction in terms of Title Deed T395/2002 C. 5.(d), applicable to Erf 920, Franskraal in order to relax the 1,57m lateral building line to 0,1m to accommodate a proposed garage and store room, **be approved**, subject to the following conditions:
  - (a) that the approval only be applicable for the relaxation of the eastern lateral building line as indicated on the Site Development Plan as submitted with the application;
  - (b) that building plans 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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**26. ERF 859, 197 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED REZONING: MESSRS WRAP ON BEHALF OF AJ MCFADZEAN**

**859 HEC (3454)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**9 September 2017**

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**Executive Summary**

An application has been received on 8 September 2016 from WRAP Consultancy on behalf of AJ Mcfadzean on Erf 859, Hermanus (Eastcliff) in terms of Section 16(2)(a) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to rezone Erf 859, Hermanus from Residential Zone I: Single Residential (SR1) to General Residential Zone I: Town Housing (GR1) in order to establish six (6) town housing units and a private road.

**RESOLVED :**

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to rezone Erf 859, Eastcliff, Hermanus from Residential Zone I: Single Residential Zone (SR1) to General Residential Zone I: Town Housing (GR1) in order to establish six (6) town housing units and a private road, **be partially approved;**
2. that the partial approval in paragraph 1. be subject to the following conditions:
  - (a) that the development be restricted to only five (5) single storey units;
  - (b) that an amended Site Development Plan be submitted to indicate only five (5) single storey units and the additional open space be utilised for parking and green surfaced areas to the satisfaction of the Director: Infrastructure and Planning;
  - (c) that the amended Site Development Plan indicates a sufficient area for refuse collection;
  - (d) that architectural guidelines be submitted for approval by the Municipality;

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- (e) that architectural design guidelines in line with the Zoning Scheme parameters be submitted for the development, to address the style of the houses that will be constructed and also address all future possible extensions;
  - (f) that internal services and facilities in the development remains the responsibility of the developer, his successor in title or the Body Corporate,
  - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (h) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (i) that all the conditions in the Services Report, be complied with,
  - (j) that all the conditions compiled by the Fire Department, Department of Transport and Public Works, letter dated 22 May 2017 and Telkom, be complied with, and
  - (k) 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.
3. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**27. ERF 875, 14 PONTE HAUPT STREET, STANFORD, OVERSTRAND  
MUNICIPAL AREA: PROPOSED DEPARTURE : MESSRS WRAP ON  
BEHALF OF RG & CL ELFERINK**

**875 SSS (3524)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**8 August 2017**

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**Executive Summary**

An application has been received on 2 February 2017 from Messrs WRAP on behalf of the property owners, RG & CLE Elferink, on Erf 875, Stanford for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the south western lateral building line from 2m to 0m in order to accommodate the proposed garage, patio and study.

**RESOLVED :**

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) for a departure on Erf 875, Stanford in order to relax the south western lateral building line from 2m to 0m in order to accommodate the proposed garage, patio and study, **not be approved** in terms of the provisions of Section 61 of the By-Law, and
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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Municipal Planning Tribunal

**1. ERF 1180, 223 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND  
MUNICIPAL AREA: PROPOSED DEPARTURES: M VAN DER WALT**

**1180 HEC (3599)**

**P Roux**

**(028) 313 8900**

**Hermanus Administration**

**2 June 2017**

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**Executive Summary**

An application has been received on 24 February 2017 from the owner of Erf 1180, Eastcliff, Hermanus, M van der Walt, for a departure in terms of Section 16(2)(b) to relax the eastern lateral building line with Erf 1179 from 2m to 0m to accommodate the use change of the existing servant's quarters into a manager's accommodation and to relax the rear building line with Erf 5671 from 2m to 0m to accommodate an existing store.

**RESOLVED :**

1. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) in order to relax the rear and eastern lateral building line with Erven 5671 and 1179, respectively, from 2m to 0m to accommodate an existing store room, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the approval is only for the departure pertaining to the store room as indicated on the Site Plan as submitted with the application;
  - (b) that the conditions of approval dated 13 January 2017 be adhered to;
  - (c) that the building plans be amended to only indicate the store room and the reduced size of the previously approved servant's quarter, on the property boundary;
  - (d) that building plans be submitted for approval, within sixty (60) days of the final decision, to the Building Department and that the relevant Building and Fire Regulations be complied with at that stage;
  - (e) that compliance is shown towards the building plan within sixty (60) days of building plan approval;
  - (f) that the conditions compiled in the Services Report, be complied with;

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- (g) that the conditions compiled by Fire Services, is complied with, and
  - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
2. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) in order to relax the eastern lateral building line with Erf 1179 from 2m to 0m, to accommodate the use change of the existing servant's quarters into a manager's accommodation, **not be approved**, in terms of the provisions of Section 61 of the By-Law;
  3. that only four (4) bedrooms be rented - one of the bedrooms in the dwelling must be used for the accommodation of the manager/owner;
  4. that the building plans be amended to only indicate the store room and the reduced size of the previously approved servant's quarter, on the property boundary;
  5. that building plans be submitted for approval, within sixty (60) days of the final decision, to the Building Department and that the relevant Building and Fire Regulations be complied with at that stage;
  6. that compliance is shown towards the building plan within sixty (60) days of building plan approval; and
  7. 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 511, 39 PROTEA ROAD, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS WRAP ON BEHALF OF THE RENDEZVOUS TRUST 2**

**511 HFH (3600)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**17 July 2017**

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**Executive Summary**

An application has been received on Erf 511, Fisherhaven for a consent use for a five (5) bedroom guest house in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016.

**RESOLVED :**

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (the By-Law) on Erf 511, Fisherhaven for a consent use to operate a five (5) bedroom guest house, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that a revised site development plan be provided showing seven (7) parking bays on site;
  - (b) that proof be provided that the braai structures have been approved on a building plan, and if not the required building plans and planning applications be submitted for such structures and any other illegal structures on site for consideration, or alternatively all illegal structures be demolished prior to acting on this approval;
  - (c) that this approval must be acted on within two (2) years of the date of this approval, otherwise the approval will lapse;
  - (d) that the facility be utilized as a guesthouse only
  - (e) that the guest house only be utilized in line with the finally approved site development plan;
  - (f) that a maximum of five (5) bedrooms to be let, be permitted;
  - (g) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guest house;
  - (h) that the guest house is utilized as such – no self-catering will be permitted;

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- (i) 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;
- (j) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary Liquor Licence;
- (k) that a maximum of one (1) permanently demarcated parking bay per guest room and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Authorised Official;
- (l) 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;
- (m) 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;
- (n) that a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises, and that the existing flag pole be removed;
- (o) that the guest house be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
- (p) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
- (q) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
- (r) that should any building alterations be required building plans should be submitted to the Building Department for approval;
- (s) that all the conditions in the Services Report, be complied with;
- (t) that all conditions imposed by the Fire Department, be complied with;
- (u) that no kitchen facilities and or prep bowls be allowed in the guest rooms, and
- (v) that all the conditions by Telkom, be complied with.

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2. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.