

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 September 2015
(Also the agenda for the Mayoral Committee Meeting : 30 September 2015)**

**10.
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY : JULY 2015 – AUGUST
2015**

15/3/11

R van Antwerp

(028) 313 8039

Hermanus Administration

28 August 2015

1. Executive Summary

To report on applications disposed of by the Senior Manager : Town- & Spatial Planning during the period from 4 July 2015 – 25 August 2015.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background

This item serves to inform Council of matters that were disposed of by the Senior Manager : Town- & Spatial Planning.

7. Financial Implications

None

8. Staff Implications

None

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9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

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

RECOMMENDATION :

that **cognisance be taken** of the town planning applications disposed of by the Senior Manager : Town- & Spatial Planning in terms of delegated authority for the period 4 July 2015 – 25 August 2015:

1.	Erf 1 Hawston	9 July 2015
2.	Erf 1774, Vermont	9 July 2015
3.	Remainder Erf 4286, Onrus River	9 July 2015
4.	Erf 7318, Hermanus	20 July 2015
5.	Erven 10049 and 10056, Hermanus	23 July 2015
6.	Erf 5932, Hermanus	23 July 2015
7.	Erf 4390, Hermanus	24 July 2015
8.	Erf 722, De Kelders	4 August 2015
9.	Erf 3394, Hermanus	4 August 2015
10.	Erf 7354, Hermanus	4 August 2015
11.	Erf 2822, Hermanus	4 August 2015
12.	Erf 196, Kleinbaai	11 August 2015
13.	Erf 2726, Gansbaai	11 August 2015
14.	Portion 1 and 2 of Farm 641	11 August 2015
15.	Erf 4303, Kleinmond	11 August 2015
16.	Erf 6542, Mount Pleasant	11 August 2015
17.	Erven 2227 and 2215, Onrus River	11 August 2015
18.	Erf 1703. Hawston	11 August 2015
19.	Erf 11105, Hermanus	11 August 2015
20.	Erf 722, De Kelders	4 August 2015
21.	Erf 3394, Hermanus	4 August 2015
22.	Farm 947, RCAL	20 August 2015
23.	Erf 160, De Kelders	27 August 2015
24.	Erf 2388, Pearly Beach	27 August 2015
25.	Erven 811 and 812, Stanford	27 August 2015
26.	Erf 3937, Kleinmond	28 August 2015

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**Executive Mayor (acting under delegated authority during the recess period
24 June 2015 – 19 July 2015) : Council Items**

27. Erf 1405, Vermont	16 July 2015
28. Erf 1269, Sandbaai	16 July 2015
29. Erf 2424, Pearly Beach	16 July 2015
30. Erf 966, Gansbaai	16 July 2015
31. Erf 515, Gansbaai	16 July 2015
32. Erf 4997, Onrus River	16 July 2015

RESPONSIBLE OFFICIAL :	R VAN ANTWERP
TARGET DATE FOR IMPLEMENTATION :	14 OCTOBER 2015
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

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2015**

**15/3/11
R van Antwerp
28 August 2015**

(028) 313 8039

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 SEPTEMBER 2015, WHICH COMMITTEE SUPPORTED THE
RECOMMENDATION**

RESPONSIBLE OFFICIAL :	R VAN ANTWERP
TARGET DATE FOR IMPLEMENTATION :	14 OCTOBER 2015
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

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**1. ERF 1, CHURCH STREET, HAWSTON, OVERSTRAND MUNICIPAL AREA :
PROPOSED CONSENT USE : OVERSTRAND MUNICIPALITY**

1 HHW (2871)

H Olivier

(028) 313 8900

Hermanus Administration

25 June 2015

Executive Summary

The application is for a consent use to allow for the establishment of intensive horticulture on a portion of Erf 1, Hawston, to be leased out in future.

RESOLVED :

1. that in terms of Section 2.2 of the Section 9 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a consent use on a portion of Erf 1, Hawston to establish intensive horticulture on the property concerned, **be approved**, subject to the following conditions:
 - (a) that a site development plan be submitted showing all new proposed buildings or structures with at least a 2m building line being applied to surrounding properties and a 4m building line to the street;
 - (b) that building plans be submitted to the Building Department for any horticulture tunnels, and that the provision of ablution facilities could be required by that branch;
 - (c) that Council reserves the right to rescind this approval without payment of compensation should any justified objection be received to the manner in which the intensive horticulture is conducted or should the operation of the intensive horticulture be found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
 - (e) that all the conditions in the Services Report (attached as Annexure D), be complied with, and
 - (f) that the access/egress point(s) to the site be indicated on the Site Development Plan, to the satisfaction of the Senior Manager: Engineering Department.

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

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regard to the above decision.

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2. ERF 1774, 28 INDIGO AVENUE, VERMONT, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS ENGELBRECHT & SCORGIE ON BEHALF OF CF SNYDERS

1774 HVM (2853)

H Olivier

(028) 313 8900

Hermanus Administration

24 June 2015

Executive Summary

An application has been received on 13 March 2015 from CF Snyders on Erf 1774, Vermont for a departure from the relevant Scheme Regulations to relax the eastern lateral building line from 2m to 1,5m to accommodate a new proposed extension to the garage and a use change of a portion of the old garage to store area.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) an application for a departure from the relevant Scheme Regulations on Remainder Erf 1774, Vermont to relax the eastern lateral building line from 2m to 1,5m to accommodate an extension to the garage and change of a portion of the existing garage to store 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 the plan, which was submitted with the application, and
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage, and
 - (e) that Telkom's conditions in their letter dated 14 April 2015 (attached as Annexure E) be complied with.
2. that the applicant be notified of their right of appeal in terms of the Local Government : Municipal Systems Act, 2000 (Section 62) with regard to the above conditions of approval.

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3. REMAINDER ERF 4286, ONRUS MANOR, ONRUS RIVER, OVERSTRAND MUNICIPAL AREA : PROPOSED AMENDMENT OF SITE DEVELOPMENT PLAN : ONRUS MANOR BODY CORPORATE

REM 4286 HON (2817)

H Olivier

(028) 313 8900

Hermanus Administration

25 June 2015

Executive Summary

An application has been received on 17 February 2015 2014 from Onrus Manor Body Corporate on Erf 4286, Onrus River for an amendment of the Site Development Plan of the Onrus Manor Retirement Village in order to accommodate proposed alterations and additions to the existing club house and surrounding amenities.

RESOLVED :

1. that in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and Section 16.3 of the Overstrand Zoning Scheme, the application for the amendment of the Site Development Plan of Onrus Manor Retirement Village, to accommodate extensions to the clubhouse, **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 to accommodate the buildings as indicated on Plan No. 2014-14 dated 19/11/2014, which was submitted with the application;
 - (d) that the new amenities may only be utilized by residents of Onrus Manor and their guests, and not the general public;
 - (e) that all new structures must be in accordance with the requirements of SANS 10400T : 2011m the existing fire protection system must be extended to include the new areas and a rational design must be submitted by a competent person;
 - (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 the conditions by Eskom in their letter dated 29 April 2015 (attached as Annexure E), be complied with, and
 - (h) that the conditions by Telkom in their letter dated 9 April 2015 (attached as Annexure F), be complied with.
2. that the applicant be notified of their right of appeal in terms of the Local Government : Municipal Systems Act, 2000 (Section 62) with regard to the above conditions of approval.

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**4. ERF 7318, 311 SEVENTH STREET, VOËLKLIP, HERMANUS,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE: J& V
SAAYMAN**

7318HVK(2811)

P Roux

(028) 313 8900

Hermanus Administration

11 July 2015

Executive Summary

Application has been received on 29 January 2015 from Messrs Seeff Properties on behalf of the property owners, J & V Saayman, on Erf 7318, Voëlklip, Hermanus for a departure from the relevant Scheme Regulations in order to relax the rear building line from 2m to 0m in order to legalize the existing servant's quarters.

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 7318, Hermanus in order to depart from the relevant Scheme Regulations to relax the rear building line from 2m to 0,3m to legalize the existing servant's quarters, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (b) that all other parameters as prescribed in the Zoning Scheme be adhered to;
 - (c) that building plans reflecting the true position of the dwelling and the servant's quarters be submitted to the Building Control Department for approval;
 - (d) that no kitchen be provided in the servant's quarters, and
 - (e) that all the conditions in the Services Report (attached as Annexure D), be complied with.
2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**5. ERVEN 10049 & 10056, 35 & 38 PRESTWICK VILLAGE, HERMANUS,
OVERSTRAND MUNICIPAL AREA : PROPOSED CONSOLIDATION : PLAN
ACTIVE ON BEHALF OF KD & K BUTLER**

10049 & 10056 HEC (2839)

P Roux (028) 313 8900

Hermanus Administration

21 July 2015

Executive Summary

An application has been received on 4 March 2015 from Messrs Plan Active on behalf of KD & K Butler for the consolidation of Erven 10049 and 10056, Hermanus.

RESOLVED :

1. that in terms of Section 2.3 of the Overstrand Municipality Zoning Scheme an application for the consolidation of Erven 10049 and 10056, Hermanus, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the consolidation as indicated on the proposed consolidation plan;
 - (b) that approved SG Diagrams be submitted to the Municipality for record purposes;
 - (c) that the approval does not absolve the applicant / owner from compliance with any other relevant legislation and/or Title Deed conditions, and
 - (d) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with.
2. that the applicant be notified of their right of appeal in terms of the provisions of the Local Government Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

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**6. ERF 5932, 7 FERNKLOOF DRIVE, HERMANUS HEIGHTS, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : HM VISAGIE**

5932 HVK (2894)

P Roux

(028) 313 8900

Hermanus Administration

19 July 2015

Executive Summary

An application has been received on 21 April 2015 from HM Visagie owner of Erf 5932, Hermanus Heights for a departure from the relevant Scheme Regulations in order to relax the eastern- and southern lateral building lines from 2m to 1,5m and 0m respectively to accommodate a Wendy shed and braai on the property concerned.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 5932, in order to relax the eastern- and southern lateral building lines from 2m to 1,5m and 0m respectively to accommodate a Wendy shed and braai 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. A.01.1 to .4 dated 30 March 2015 as submitted with the application, and
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions the Fire Department be complied with at that stage.

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**7. ERF 4390, 290 THIRD STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : ENGELBRECHT &
SCORGIE ON BEHALF OF ZJH & A VAN TONDER**

4390 HVK (2766)

P Roux

(028) 313 8900

Hermanus Administration

16 July 2015

Executive Summary

An application has been received on 26 January 2015 from B Scorgie on behalf of the property owner, ZJH & A van Tonder, on Erf 4390, Voëlklip for a departure from the relevant Scheme Regulations in order to relax the eastern lateral building line from 2m to 1,6m and the western lateral building line from 2m to 1,2m respectively in order to accommodate additions and alterations on the property concerned.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 4390, Voëlklip, in order to relax the eastern lateral building line from 2m to 1,6m and the western lateral building line from 2m to 1,2m respectively in order to accommodate additions and alterations 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 the proposed open balcony on the eastern boundary be stepped back to ensure compliance with the 2m lateral building line;
 - (d) that this approval is only for the relaxation of building lines indicated on Plan No. Erf4390_vtonder_WA_A3/01_Rev 1 dated November 2014, which was submitted with the application;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building be complied with at that stage, and
 - (f) that all the conditions contained in the Services Report be complied with.

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

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8. ERF 722, 3 BARNARD STREET, DE KELDERS, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : PJ VAN DER MERWE ON BEHALF OF THE PHILIPPUS VAN DER MERWE FAMILIE TRUST

722 GDK (2828)

P Roux

(028) 313 8900

Hermanus Administration

27 July 2015

Executive Summary

An application has been received on 23 February 2015 from PJ van der Merwe on behalf of the Philippus van der Merwe Familie Trust on Erf 722, De Kelders for a departure from the relevant Scheme Regulations in order to relax the lateral building lines from 2m to 0m respectively in order to accommodate a new garage and carport on the property.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 722, De Kelders in order to relax the lateral building lines from 2m to 0m respectively in order to accommodate a new garage and carport on the property, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines as indicated on Plan No. 722VDMERWEDK, which was submitted with the application;
 - (b) that the carport be redesigned into a garage;
 - (c) that the garage only be used for the storage of motor vehicles;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that redesigned building plans be submitted to the Building Control Department for approval, and that all conditions of the Building- and Fire Department be complied with at that stage.
2. that the applicant be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**9. ERF 3394, 200 FIFTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : SANDRA SCHUTTE ON
BEHALF OF WJ & A DU PLESSIS**

3394 HVK (2900)

P Roux

(028) 313 8900

Hermanus Administration

30 July 2015

Executive Summary

An application has been received on 23 April 2015 from Sandra Schutte on behalf of WJ & A Du Plessis, on Erf 3394, Voëlkliip for a departure from the relevant Scheme Regulations to relax the rear building line from 2m to 1m to accommodate the extension to the existing garage.

RESOLVED :

1. that in terms of Section 15 of the Land Use Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the Scheme Regulations to relax the rear building line from 2m to 1m to accommodate the extension to the garage, **be approved**, subject to conditions;
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that all conditions compiled in the services report be complied with;
 - (d) that this approval is only for the relaxation of building lines indicated on the Site Development Plan; D.100.2H, as submitted with this application; and
 - (e) that building plans be submitted to the Building Department for approval,
2. that the applicants be notified of their 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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10. ERF 7354, 206 EIGHT STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : C MOORE ON BEHALF OF THE TRUSTEES FOR THE TIME BEING OF THE CORNUS MOORE FAMILIE TRUST

7354 HVK (2862)

P Roux

(028) 313 8900

Hermanus Administration

31 July 2015

Executive Summary

An application has been received on 17 March 2015 from C Moore on behalf of the property owners, The Trustees for the Time Being of the Cornus Moore Familie Trust, on Erf 7354, Voëlkliip for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 1,5m to accommodate an opening to be bricked up.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 7354, Voëlkliip, in order to relax the lateral building line from 2m to 1,5m to accommodate an opening to be bricked up, **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. AD1414M submitted with the application;
 - (d) that building plans be submitted to the Building Department for approval, and
 - (e) that the conditions as compiled in the Services Report (see Annexure D), be complied with.

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**11. ERF 2822, 166 ELEVENTH STREET, VOËLKLIP, HERMANUS,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : GN MALAN
ON BEHALF OF THE MALAN FAMILY TRUST**

2822 HVK (2891)

P Roux

(028) 313 8900

Hermanus Administration

31 July 2015

Executive Summary

An application has been received on 14 April 2015 from GN Malan on behalf of the property owners, Malan Family Trust on Erf 2822, Voëlklip for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 1,27m to accommodate a stoep being converted into a guest bedroom.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 2822, Voëlklip, in order to relax the lateral building line from 2m to 1,27m to accommodate a stoep being converted into a guest bedroom, **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. 14-671-01 submitted with the application;
 - (d) that building plans be submitted to the Building Department for approval, and
 - (e) that the conditions as compiled in the Services Report (see Annexure D), be complied with.

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**12. ERF 196, 6 KABELJOU STREET, VAN DYKSBAAI, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : L DE WIT**

196 GKB (2905)

SW van der Merwe (028) 313 8900

Hermanus Administration

5 August 2015

Executive Summary

An application for departure has been received on 30 April 2015 from the owner of Erf 196 van Dyksbaai, L de Wit to relax the southern lateral building line from 2m to 1,5m and the northern lateral building line from 2m to 1,5m and 1,754m respectively.

RESOLVED :

1. that in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure on Erf 196, Van Dyksbaai in order to relax the southern lateral building line from 2m to 1,5m and the northern lateral building line from 2m to 1,5 and 1,754m respectively, **be approved** subject to the following conditions:
 - (a) that this approval only has reference to the relaxation of the building lines as indicated on Plan No. 01/DW/15 (sheets 1/2 and 2/2) dated 14 April 2015, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No. 32 of 2000 with regard to the above approval.

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**13. ERF 2726, 7 BLOUGANS STREET, GANSBAAI (PERLEMOENBAAI) :
PROPOSED DEPARTURE : C LÖTTER**

2726 GGB (2824)

**SW van der Merwe
23 July 2015**

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application for departure received on 13 February 2015 from the owner of Erf 2726, Perlemoenbaai, C Lötter, in order to construct a single garage on the property, which garage will encroach the 2m rear- and lateral building lines up to the respective property boundaries.

RESOLVED :

1. that in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure on Erf 2726, Gansbaai in order to construct a single garage on the property, which garage encroach the 2m rear- and lateral building lines onto the respective erf boundaries, **be approved**, subject to the following conditions:
 - (a) that the roof of the garage may not be made accessible or utilised as a roof terrace;
 - (b) that this approval is only for the relaxation of building lines indicated on Plan No. LOT – PMB – 14/024 dated 23 September 2014, which was submitted with the application;
 - (b) that the approval be subject to the approval of building plans and the compliance with any applicable conditions that may be incorporated in the building plan approval pertaining to fire safety;
 - (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; and
2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above approval.

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14. PORTIONS 1 AND 2 OF THE FARM SPRINGFONTEIN NO. 641, DIVISION CALEDON : APPLICATION FOR CONSOLIDATION, SUBDIVISION, REZONING AND DEPARTURE : WRAP CONSULTANCY ON BEHALF OF SPRINGFONTEIN WINE ESTATE (PTY) LTD

Portions 1 & 2/641 (1951)

SW van der Merwe

(028) 313 8900

Hermanus Administration

3 August 2015

Executive Summary

To consider an application received on 10 February 2012 from WRAP Consultancy on behalf of the owners of Portions 1 and 2 of the Farm Springfontein No. 641, Division Caledon for the following:

- application for the consolidation of Portions 1 and 2 of the Farm Springfontein No. 641, Caledon Division;
- application for subdivision of the consolidated property into two portions, namely Portion A approximately 167,8838ha and Portion B approximately 167,2353ha in extent; and
- application for departure in order to encroach the 30m building line on Portion A with 15m.

RESOLVED :

1. that the application for the consolidation of Portions 1 and 2 of the Farm Springfontein No. 641, Caledon Division and the subdivision of the consolidated property into 2 portions, namely Portion A approximately 167,8838ha and Portion B approximately 167,2353ha in extent, **be approved** in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and Section 2.3 of the Overstrand Zoning Scheme Regulations;
2. that the application for departure in order to encroach the 30m building line on Portion A with 15m in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved**;
3. that the approvals in paragraphs 1 and 2 above be subject to the following conditions:
 - (a) that the above approval does not indemnify the landowners from compliance with any other relevant legislation;
4. that the applicant **be notified** of their right of appeal in terms of the Municipal Systems Act, 2000 (Section 62) with regard to the above

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decision.

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15. ERF 4303, 68 FIFTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : HH & H ENGELBRECHT

4303 KKM (2904)

H van der Stoep (028) 313 8900

Hermanus Administration

5 August 2015

Executive Summary

An application has been received on 28 April 2015 from HH & H Engelbrecht on Erf 4303, Kleinmond for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 1,410m and to exceed the 9m restriction of a building on one specific boundary, in order to accommodate the extension of the existing single garage into a proposed tandem garage.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 4303, Kleinmond in order to relax the lateral building line from 2m to 1,410m and to exceed the 9m restriction of a building on one specific boundary, in order to accommodate the extension of the existing single garage into a proposed tandem garage, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines and existing structures indicated on Plan Numbers D.1041.K (1 – 4) dated 21 April 2015, which was submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (d) that building plans reflecting the change be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.
2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**16. ERF 6542, 11 HIBISCUS STREET, MOUNT PLEASANT, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : VB & US LAMOUR**

6542 HMP (2878)

H Olivier

(028) 313 8900

Hermanus Administration

31 July 2015

Executive Summary

An application has been received on 10 April 2015 from VB & US Lamour on Erf 6542, Mount Pleasant for a departure from the relevant Scheme Regulations to relax the street building line from 2m to 0m and the northern lateral building line from 1m to 0m to accommodate a carport.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) an application for a departure from the relevant Scheme Regulations on Erf 6542, Mount Pleasant to relax the street building line from 2m to 0m and the northern lateral building line from 1m to 0m to accommodate a carport, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is only for the relaxation of building lines indicated on the plan, which was submitted with the application, and
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (e) that all the conditions imposed by Telkom in their letter dated 9 June 2015 (attached as Annexure E) be complied with;
 - (f) that all the conditions imposed by Eskom in their letter dated 5 May 2015 (attached as Annexure F) be complied with, and
 - (g) that the carport may not be enclosed on more than two sides.
2. that the applicant be notified of their right of appeal in terms of the Local Government : Municipal Systems Act, 2000 (Section 62) with regard to the

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above conditions of approval.

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17. **ERVEN 2227 & 2215, 32 CROSS STREET AND 31 KINGS STREET, ONRUS RIVER, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSOLIDATION : MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF ER SORENSEN**

2227 & 2215 HVM (2816)

H Olivier

(028) 313 8900

Hermanus Administration

29 July 2015

Executive Summary

An application has been received on 12 February 2015 from Messrs Plan Active Town- and Regional Planners on behalf of the property owner, ER Sorensen, to consolidate Erf 2227, 32 Cross Street, with the abutting Erf 2215, 31 Kings Street, Onrus River.

RESOLVED :

1. that in terms of Section 2.3 of the Scheme Regulations made in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the consolidation of Erven 2227 and 2215, Onrus River, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the proposed SG Diagram, Erf 5562, Onrus River, dated February 2015, as submitted with the application;
 - (b) that all the conditions in the Service Report (attached as Annexure D), be complied with;
 - (c) that all the conditions imposed by Eskom in their letter dated 17 June 2015 (attached as Annexure E) be complied with;
 - (d) that all the conditions imposed by Telkom in their letter dated 9 April 2015 (attached as Annexure F) be complied with;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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**18. ERF 1703, LINFORD ROAD, HAWSTON, OVERSTRAND MUNICIPAL AREA:
CONSENT USE : EC CLAASEN**

1703 HHW (2517)

H Olivier

(028) 313 8900

Hermanus Administration

5 August 2015

Executive Summary

Application has been received on 10 March 2014 from EC Claasen on Erf 1703, Hawston for a consent use in order to utilize a portion of the existing garage as a house shop.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a departure from the relevant Scheme Regulations on Erf 1703, Hawston in order to utilize a portion of the garage as a house shop, **be approved**, subject to the following conditions:
 - (a) that only a portion of the dwelling, not exceeding 25% of all the buildings on the property or 30m², whichever is the greatest, may be utilized as a house shop;
 - (b) that no more than one vehicle, not exceeding 3500kg gross weight, may be utilized to make deliveries at the house shop at any one time;
 - (c) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building) and for security and protection of surrounding properties, patrons, vehicles, etc. to the satisfaction of the Senior Manager : Town Planning and Property Administration;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation or the Zoning Scheme for this area;
 - (e) that the house shop may not be used for the purposes of noxious trade, risk activity, sale of alcoholic beverages, place of entertainment or gambling purposes;
 - (f) that no products, goods or supplies connected to the house shop may be stored on the property outside the building;
 - (g) that a single non-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;

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- (h) that the trading hours of business only be between:

Monday to Friday: 08:00 to 17:00

Saturday: 08:00 to 13:00, and that should the hours of business be extended in terms of the proposed House Shop Policy, such hours of operation will be applicable.

- (i) that the number of people employed be restricted to three;
- (j) that the owner/manager resides on the premises;
- (k) that a Certificate of Acceptability from the Health Section of the Overberg District Council and Fire Prevention Certificate be obtained from the Municipal Fire Department;
- (l) that the approval is not transferable;
- (m) that the approval is only valid for a period of five (5) years, and may only be further extended with an application to Council;
- (n) that the conditions in the Engineering Report be adhered to (Annexure D);
- (o) that the Overstrand Municipality retains the right to enforce any relevant legislation, regulations, law and order regarding these premises, the applicant and the departure in land use;
- (p) that a condition by the Fire Department, that a dry wall must be constructed between the shop and garage and must be clad on both sides with the proposed 12,7mm Rhino Gypsum Board to provide 30 minute fire resistance, be complied with;
- (q) that on-site parking be provided to the satisfaction of the Senior Manager: Town- and Spatial Planning;
- (r) that the owner and his successors in title prevent the occurrence of any public nuisance, which through an act or omission materially interferes with the comfort, peace and quiet of the surrounding area, and should the owner or his successor in title fail to comply with such condition, they will themselves make themselves liable to further legal action;
- (s) 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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- (t) that application is made for a Business Licence at the Overstrand Municipality prior to operation of the house shop, and
- (u) that a building plan be submitted for the building changes required to comply with the above-mentioned condition (o), to be submitted to the Building Control Department for their approval.

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

11105 HMS (2879)

H Olivier

(028) 313 8900

Hermanus Administration

6 August 2015

Executive Summary

An application has been received on 13 April 2015 from G & LH Gass on Erf 11105, Hemel-en-Aarde Estate, Hermanus for a departure from the relevant Scheme Regulations to relax the northern street building line from 3m to 1m to accommodate a proposed covered pergola and also to relax the 3m southern street and 2,8m western lateral building lines to 0m respectively, in order to legalise a raised stoep, yard wall and the scullery on the property concerned respectively.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) an application for a departure from the relevant Scheme Regulations on Erf 11105, Hemel-en-Aarde Estate, Hermanus to relax the northern street building line from 3m to 1m to accommodate a proposed covered pergola, to relax the 2,8m western lateral building line to 0m in order to legalise the scullery on the property concerned and to relax the 3m southern street building line to 0m to accommodate a raised stoep and courtyard wall, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is only for the relaxation of building lines indicated on the plan, which was submitted with the application, and
 - (d) that the plan be approved by the Hemel-en-Aarde Estate Home Owners Association prior to building plan approval, 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.
 - (f) that stormwater be allowed to discharge through Erf 11105, Hemel-en-

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Aarde, unobstructed.

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

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20. ERF 722, 3 BARNARD STREET, DE KELDERS, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : PJ VAN DER MERWE ON BEHALF OF PHILIPPUS VAN DER MERWE FAMILIETRUST

722 GDK (2828)

P Roux

(028) 313 8900

Hermanus Administration

27 July 2015

Executive Summary

An application has been received on 23 February 2015 from PJ van der Merwe on behalf of Philippus van der Merwe Familietrust on Erf 722, De Kelders for a departure from the relevant Scheme Regulations in order to relax the lateral building lines from 2m to 0m respectively in order to accommodate a new garage and carport on the property.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 722, De Kelders in order to relax the lateral building lines from 2m to 0m respectively in order to accommodate a new garage and carport on the property, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines as indicated on Plan No. 722VDMERWEDK, which was submitted with the application;
 - (b) that the carport be redesigned into a garage;
 - (c) that the garage only be used for the storage of motor vehicles;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that redesigned building plans be submitted to the Building Control Department for approval, and that all conditions of the Building- and Fire Department be complied with at that stage.
2. that the applicant be notified of their 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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21. **ERF 3394, 200 FIFTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : SANDRA SCHUTTE ON BEHALF OF WJ & A DU PLESSIS**

3394 HVK (2900)

P Roux

(028) 313 8900

Hermanus Administration

30 July 2015

Executive Summary

An application has been received on 23 April 2015 from Sandra Schutte on behalf of WJ & A Du Plessis, on Erf 3394, Voëlkliip for a departure from the relevant Scheme Regulations to relax the rear building line from 2m to 1m to accommodate the extension to the existing garage.

RESOLVED :

1. that in terms of Section 15 of the Land Use Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the Scheme Regulations to relax the rear building line from 2m to 1m to accommodate the extension to the garage, **be approved**, subject to conditions;
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that all conditions compiled in the services report be complied with;
 - (d) that this approval is only for the relaxation of building lines indicated on the Site Development Plan; D.100.2H, as submitted with this application; and
 - (e) that building plans be submitted to the Building Department for approval,
2. that the applicants be notified of their 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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**22. FARM 947, LA VIERGE WINERY, HEMEL-EN-AARDE VALLEY,
OVERSTRAND MUNICIPAL AREA : PROPOSED AMENDMENT OF THE
APPROVED SITE DEVELOPMENT PLAN : BARRY GOULD ARCHITECTS ON
BEHALF OF VIKING PONY PROP 355 (PTY)**

4098 HON (2642)

H Olivier

(028) 313 8900

Hermanus Administration

7 August 2015

Executive Summary

An application has been received on 25 March 2015 from Barry Gould Architects on behalf of Viking Pony 355 (Pty) Ltd on Farm 947, Hemel-en-Aarde Valley to amend the Site Development Plan for the existing winery and restaurant on the property in order to construct a covered workspace at the existing wine cellar.

RESOLVED :

1. that in terms of Section 16.3 of the Overstrand Municipality Zoning Scheme Regulations promulgated in accordance with Section 9 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), application to amend the Site Development Plan for Farm 947, Hemel-en-Aarde Valley, in order to accommodate a new covered loading bay and grape sorting area for the existing winery, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the extensions as indicated on the Site Development Plan dated 20 and 23 March 2015, as submitted with the application by Barry Gould Architects, and not for any other approvals or uses on the property;
 - (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 the necessary building plans be submitted to the Building Control Department for all proposed new building work;
 - (e) that all the conditions imposed by the Overberg District Municipality : District Health with building plan submission be adhered to;
 - (f) that all the conditions imposed by the Fire Department with building plan submission be adhered to, and

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- (g) that all conditions imposed in the Services Report (attached hereto), be complied with.
- 2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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**23. ERF 160, 51 DE VILLIERS STREET, DE KELDERS, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : L & CE SPRONG**

160 GDK (2790)

SW van der Merwe (028) 313 8900

Hermanus Administration

18 August 2015

Executive Summary

An application was received on 8 January 2015 from L and CE Sprong, the owners of Erf 160, De Kelders for a departure from the Scheme Regulations in order to construct a store, which structure encroach the 2m lateral building line with 0,43m.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure on Erf 160, De Kelders in order to relax the 2m lateral building line with 0,43m, **be approved** subject to the following conditions:
 - (a) that this approval only has reference to the relaxation of the building lines as indicated on Plan 1 of 6 and Plan 5 of 6, dated 3 September 2013 attached as Annexure B;
 - (b) that building plans be submitted to the Building Department for approval;
 - (c) that the comment received from the Operational Department 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 applicants be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No. 32 of 2000 with regard to the above approval.

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**24. ERF 2388, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA :
PROPOSED DEPARTURE : MH & R RIX**

2388 GPB (2927)

SW vd Merwe

(028) 313 8900

Hermanus Administration

14 August 2015

Executive Summary

To consider an application received on 27 May 2015 from MH & R Rix, the owners of Erf 2388, Pearly Beach for a departure from the Resort Development Rules in order to relax:

- the northern lateral building line from 1m to 0,5m;
- the southern lateral building line from 1m to 0,461m;
- the eastern rear building line from 1m to 0,355m; and
- to provide one onsite parking bay instead of two.

RESOLVED :

1. that in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for departure from the Pearly Beach Resort Development Rules in order to relax the lateral building lines from 1m to 0,5m (northern side) and 0,46m (southern side) and the 1m rear building line to 0,355m, **be approved**;
2. that in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for departure from the Pearly Beach Resort Development Rules in order to provide one onsite parking bay instead of two, **be approved**
3. that the approvals in paragraphs 1. and 2. above be subject to the following conditions:
 - (a) that the development occur strictly in accordance with plan number 15/HT/13 sheets 1/3 to 3/3 dated 12 May 2015;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters in terms of the development rules of the Pearly Beach Holiday Resort be complied with;
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and Fire Department

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be complied with at that stage.

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

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- 25. ERVEN 811 AND 812, CNR PNIEL- AND MATILDA STREETS, STANFORD, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING AND CONSOLIDATION : ROBERT WARDLEY JENNINGS PROFESSIONAL LAND SURVEYOR ON BEHALF OF THE OLD APOSTOLIC CHURCH**

811 & 812 SSN (2898)

P ROUX

(028) 313 8900

Hermanus Administration

19 August 2015

Executive Summary

An application has been received on 20 April 2015 from Rob Wardley Jennings Professional Land Surveyor on behalf of the The Old Apostolic Church, for the rezoning of Erven 811 and 812, Stanford, from Residential Zone 1: Single Residential (SR1) to Community Zone 1: (Community Facilities (CO1) and the subsequent consolidation of Erven 811 and 812, Stanford in order to establish a place of worship on the rezoned property.

RESOLVED :

1. that in terms of Section 2.3 of the Scheme Regulations made in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the consolidation of Erven 811 and 812, Stanford, **be approved;**
2. that in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the rezoning of Erven 811 and 812, Stanford from Residential Zone 1: Single Residential (SR1) to Community Zone 1: Community Facilities (CO1), **be approved;**
3. that the approval in paragraphs 1. and 2. above is subject to the following conditions:
 - (a) that this approval only has reference to the proposed Site Development Plan No S-SDP01 and S-SDP02, dated 20 March 2015, as submitted with the application;
 - (b) that all the conditions in the Service Report (attached as Annexure D), be complied with;
 - (c) that all the conditions in the Operational Report (attached as Annexure E), be complied with;
 - (e) that two parking bays and toilet facilities for the physically disabled, be provided to the satisfaction of the Building- and Town Planning Department;

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- (f) that the maximum number of seats be subject to the maximum number of parking bays on the property;
 - (g) that building plans be submitted to the Building Department for approval;
 - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (i) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (j) that an SG Diagram be submitted to the Town Planning Department for record keeping.
4. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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26. ERF 3937, 130 FIRST AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : E VAN ZYL

3937 KKM (2804)

S van der Merwe (028) 313 8900

Hermanus Administration

22 June 2015

Executive Summary

An application has been received on 4 February 2015 from E van Zyl on Erf 3937, Kleinmond for a departure from the relevant Scheme Regulations in order to relax the 2m lateral and rear building lines to 0m in order to accommodate the usage change of the existing single garage into a store room, on the property.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 3937, Kleinmond in order to relax the lateral building line from 2m to 1,2m to accommodate an existing structure over the building line, and the usage change from garage to second dwelling, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines indicated on Plan Numbers B4026-07 and B4026-08 dated 12 August 2014, which was submitted with the application;
 - (b) that the door between the store room and the kitchen be removed on the building plans to be submitted;
 - (c) that the store room may never be used as a habitable room and that this condition be a condition of approval of the building plan;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (f) that amended 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, and
 - (g) that all the conditions in the Services Report (attached as Annexure F)

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be complied with.

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

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**27. ERF 1405, 2 QUADCON CLOSE, VERMONT, OVERSTRAND MUNICIPAL AREA
: REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967) AND
DEPARTURE : CJP BRANDT**

1405 HVM (2682)

H Olivier

(028) 313 8900

Hermanus Administration

26 May 2015

Executive Summary

An application has been received on 3 September 2014 from Mr. CJP Brandt on Erf 1405, Vermont for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 0m to accommodate an existing covered roof area.

An application has also been received for the removal of restrictive title deed conditions in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 1405, Vermont to enable the owner to erect a covered stoep on the property. The lateral building line restriction will be encroached upon.

RESOLVED :

1. that the removal of restrictive title condition Page 5, Paragraph E(a) in Title Deed T55225/1988 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) the applicable to Erf 1405, Vermont, **be recommended for approval** by the Department of Environmental Affairs and Development Planning;
2. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 1405, Vermont for a departure from the Scheme Regulations in order to relax the lateral building line from 2m to 0m to accommodate an existing covered roof area, **be approved**,
3. that the approval of Point 2. be subject to the following conditions:
 - (a) that approval of the departure be subject to the removal of the restrictive title condition;
 - (b) that amended building plans (including the conversion of the outbuilding to a second dwelling) be submitted to the Building Control Department for their final approval;
 - (c) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;
 - (d) that the approval does not absolve the applicant from compliance with

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- any other relevant legislation and/or Title Deed conditions;
- (e) that stormwater be allowed to discharge through Erf 1405, Vermont unobstructed;
 - (f) that the conditions by Telkom, as in their letter dated 23 March 2015 (attached as Annexure D), be complied with;
 - (g) that the conditions by Eskom, as in their letter dated 23 March 2015 (attached as Annexure E), be complied with, and
 - (h) that compliance with Fire Safety Regulations is pre requisite - SANS 10400T:2011.
4. that the applicant be notified of his right of appeal in terms of the provisions of the Local Government Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

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**28. ERF 1269, 19 DISA STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA :
REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967) AND
DEPARTURE : K WINTER ON BEHALF OF DM THOMAS & EJ DUVENAGE**

1269 HSB (2664)

H Olivier

(028) 313 8900

Hermanus Administration

28 May 2015

Executive Summary

An application has been received on 18 August 2014 from Mr. K. Winter on behalf of DM Thomas & EJ Duvenage on Erf 1269, Sandbaai for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to approximately 0,5m, and the street building line from 4,72m to 4,5m to accommodate a carport and also to relax the same lateral building line from 2m to approximately 0,5m to accommodate a existing wendy house.

An application has also been received for the removal of restrictive title conditions in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 1269, Sandbaai to enable the owners to regularize the existing second dwelling on the property, and also remove the street building line restriction.

RESOLVED :

1. that the removal of restrictive title conditions Page 3, B.2.(c) and B.2.(d) in Title Deed T14827/2014 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 1269, Sandbaai, **be recommended for approval** by the Department of Environmental Affairs and Development Planning;
2. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) an application on Erf 1269, Sandbaai for a departure from the Scheme Regulations in order to relax the north western lateral building line from 2m to approximately 0,5m to accommodate a carport, and also to relax the same lateral building line from 2m to approximately 0,5m to accommodate a existing wendy house, **be approved**,
3. that the approval of Point 2. be subject to the following conditions:
 - (a) that approval of the departure be subject to the removal of the restrictive title conditions;
 - (b) that the departure of the building lines are only to accommodate existing structures as per Plan 1A dated May 2015;

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- (c) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;
 - (d) that the approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions;
 - (e) that all conditions imposed in the Services Report (attached as Annexure D), be complied with;
 - (f) that a solid brick wall be constructed on the north western boundary next to the wendy house to the satisfaction of the Fire Department, or alternatively the wendy house must be moved outside the 2m lateral building line, and
 - (g) that a building plan be submitted to the Building Control Department for their approval, and that any conditions that may be set at building plan submission phase by the Building Control- and/or Fire Department, be complied with.
4. that the applicant be notified of their right of appeal in terms of the provisions of the Local Government Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

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**29. ERF 2424, PEARLY BEACH HOLIDAY RESORT, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : JM & SJ BREDELL**

Erf 2424 GPB (2834)

P Roux

(028) 313 8900

Hermanus Administration

5 June 2015

Executive Summary

An application has been received on 26 February 2015 from JM & SJ Bredell, owners of Erf 2424, Pearly Beach, for a departure from the relevant Pearly Beach Resort Development Rules in order to relax the street building line from 2m to 0m in order to accommodate the proposed new single garage and kitchen on the property.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the departure of the relevant Pearly Beach Resort Development Rules in order to relax the side building line from 1m to 0m in order to accommodate the proposed new single garage and kitchen on the property, **not be approved;**
2. that the refusal in paragraph 1. above is based on the following reasons:
 - (a) the proposed garage can be accommodated on the property without having to submit a application for a departure, and
 - (b) the Pearly Beach Resort Management is not in favour of the proposed departure.
3. that the applicants be notified of their right of appeal in terms of the provisions of Section 62 of the Municipal Systems Act, 2000 (Act 32 of 2000) with regard to the above decision.

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30. ERF 966, 22 ASTER STREET, GANSBAAI (BLOMPARK) : MUNICIPAL AREA: PROPOSED REZONING

966 GBP (2792)

P Roux

(028) 313 8900

Hermanus Administration

6 July 2015

Executive Summary

An application has been received on 8 January 2015, in terms of Section 17 of the Land Use Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of Erf 966, Blompark, from Residential Zone 1: Single Residential to Community Zone 1: Community Facilities.

RESOLVED :

1. that in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the rezoning of Erf 966, Gansbaai (Blompark) from Residential Zone 1: Single Residential to Community Zone 1: Community Facilities, **be approved**, subject to the following conditions:
 - (a) that school hours of operation will be restricted from 07:00 to 18:00 from Mondays to Fridays and from 07:00 to 13:00 on Saturdays;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that the conditions stipulated in the Service Report (attached as Annexure D), be complied with;
 - (d) that all the conditions stipulated in the Operational Report (attached as Annexure C), be complied with;
 - (e) that all the conditions stipulated by District Health (attached as Annexure E), be complied with;
 - (f) that only a maximum of 45 children be permitted to attend the school at any given time, however this is subject to the finalisation of the building plan and the approval of the Department of Social Development, at which time a lesser number of children may be prescribed;
 - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (h) that all Health and Safety Certificates are obtained before the operation

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of the day care centre;

- (i) that this approval is subject to the approval of the Department of Social Development; and
 - (j) that building plans be submitted to the Building Department for approval,
2. that the applicant be notified of his right of appeal in terms of Section 51 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) with regard to the above decision.

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31. ERF 515, 33 KLEIN STREET, GANSBAAI : PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITION : MESSRS HM CARSTENS ATTORNEYS ON BEHALF OF HJJ & MM RITTER

515 GGB (2634)

SW van der Merwe

(028) 313 8900

Hermanus Administration

30 June 2015

Executive Summary

To consider an application for removal of restrictive title deed condition received on 15 July 2014 from Messrs HM Carstens Attorneys, on behalf of the owners of Erf 515, Gansbaai, HJJ & MM Ritter, in order to accommodate an existing dwelling.

RESOLVED:

1. that in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) the application for the removal of restrictive title deed condition C4(b) contained in the Title Deed of Erf 515, Gansbaai, T122390/2004, **be recommended for approval** to the Provincial Government: Western Cape, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**32. ERF 4997, 30 DE VILLIERS STREET, ONRUS RIVER, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : CP PRINS ON BEHALF OF
JJM PRINS**

4997 HON (2806)

H Olivier

(028) 313 8900

Hermanus Administration

23 June 2015

Executive Summary

Application has been received on 4 February 2015 from CP Prins on behalf of JJM Prins on Erf 4997, Onrus River for a departure from the relevant Scheme Regulations in order to relax the 2m western lateral building line and 2m rear building line to 0m respectively, in order to legalize an existing storage area, outside toilet and covered veranda on the property.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) application for departure to accommodate a fine dining establishment on Erf 4997, Onrus River to relax the 2m western lateral building line and 2m rear building line to 0m respectively, to legalize an existing storage area, outside toilet and covered veranda, **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 as indicated on Plan No. 2015/01/02, 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;
 - (e) that all the conditions by Telkom in their letter dated 31 March 2015 (attached as Annexure F), be complied with;
 - (f) that all the conditions in the Services Report (attached as Annexure G), be complied with, and
 - (g) that the structural walls on the property boundary provide 60 minute fire resistance in terms of the Fire Protection Regulations SANS 10400T :

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2. that the applicant/objectors be notified of their 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.