

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 September 2016
(Also the agenda for the Mayoral Committee Meeting : 27 September 2016)**

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

15/3/11

R van Antwerp

(028) 313 8039

Hermanus Administration

15 April 2016

1. Executive Summary

To report on applications disposed of by the Senior Manager : Town- & Spatial Planning, Executive Mayor (acting under delegated authority during the recess period) and the Authority Officer during the period from 16 April 2016 – 22 August 2016.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority/ies

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

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8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

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

RECOMMENDATION:

that **cognisance be taken** of the town planning applications in terms of the Land Use Planning Ordinance (LUPO) disposed of by the Senior Manager : Town- & Spatial Planning and the Executive Mayor (under delegated authority during the recess period) and in terms of the Spatial Land Use Management Act (SPLUMA) disposed of by the Authority Officer (AO) for the period 16 April 2016 – 22 August 2016:

Land Use Planning Ordinance (LUPO) Approvals

1.	Portion 10 of the farm De Draay 563	18 April 2016
2.	Erf 178, Sandbaai	21 April 2016
3.	Erf 309, Sandbaai	21 April 2016
4.	Erf 6138, Hermanus	21 April 2016
5.	Erf 646, Sandbaai	25 April 2016
6.	Portions 7 and 19 of Farm 654	25 April 2016
7.	Erf 5533, Voëlklip, Hermanus	25 April 2016
8.	Erf 1773, Voëlklip, Hermanus	25 April 2016
9.	Erf 5608, Industrial, Hermanus	25 April 2016
10.	Erf 4598, Kleinmond	13 May 2016
11.	Erf 8328, Hemel & Aarde	13 May 2016
12.	Erf 5401, Betty's Bay	13 May 2016
13.	Erf 7627, Kleinmond	13 May 2016
14.	Erf 2040, Sandbaai	13 May 2016
15.	Erf 5359, Eastcliff, Hermanus	13 May 2016
16.	Erf 1166, Van Dyksbaai	13 May 2016
17.	Erf 11468, Voëlklip, Hermanus	13 May 2016
18.	Portion 198 of Baardscheerdersbosch No. 213	13 May 2016
19.	Portion 34 of the farm Rocklands No. 633	13 May 2016
20.	Erf 953, Stanford	16 May 2016
21.	Erf 1187, Eastcliff, Hermanus	16 May 2016

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22.	Erf 362, Franskraal	31 May 2016
23.	Erf 577, Stanford	31 May 2016
24.	Erf 3132, Kleinmond	8 June 2016
25.	Erf 1290, Stanford	8 June 2016
26.	Portion 4 of the farm Klein Rivier Kloof No. 660	15 June 2016
27.	Erf 4833, Voëlklip, Hermanus	15 June 2016
28.	Erf 7287, Westcliff, Hermanus	21 June 2016
29.	Erf 287, Stanford	12 July 2016
30.	Erf 2221, Voëlklip, Hermanus	12 July 2016
31.	Erf 2381, Voëlklip, Hermanus	12 July 2016
32.	Erf 755, Northcliff, Hermanus	12 July 2016
33.	Erf 6247, Eastcliff, Hermanus	12 July 2016
34.	Remainder of Farm 643	5 August 2016
35.	Portion 16 of Baardscheedersbosch No. 213	5 August 2016
36.	Erf 1169, Van Dyksbaai	5 August 2016
37.	Remainder Portion 23 of farm Uylen Kraal 695	19 August 2016
38.	Portion 1 of the farm Modder Rivier No. 657	19 August 2016
39.	Erven 885 and 6186, Eastcliff, Hermanus	19 August 2016
40.	Erf 169, Franskraal	19 August 2016
41.	Erf 335, Gansbaai	19 August 2016
42.	Erf 874, Blompark, Gansbaai	19 August 2016

Spatial Land Use Management Act (SPLUMA) Approvals

1.	Erf 7979, Kleinmond	24 June 2016
2.	Erven 7617 and 7618, Voëlklip, Hermanus	27 June 2016
3.	Erven 3128 and 3129, Voëlklip, Hermanus	27 June 2016
4.	Erf 16, Sandbaai	27 June 2016
5.	Erf 2277, Stanford	12 July 2016
6.	Erf 1738, Voëlklip, Hermanus	12 July 2016
7.	Portion of Erf 243 (Sites A & B) Mount Pleasant	12 July 2016
8.	Erf 7486, Kleinmond	12 July 2016
9.	Erf 6180, Kleinmond	12 July 2016
10.	Erf 2079, Pearly Beach	12 July 2016
11.	Erf 995, Sandbaai	12 July 2016
12.	Portion 6 of the farm Hemel & Aarde No. 586	1 August 2016
13.	Erven 1599, 1600 and 1601, Sandbaai	2 August 2016
14.	Erf 2082, Onrus River	5 August 2016
15.	Erf 2230, Onrus River	5 August 2016
16.	Erf 572, Gansbaai	5 August 2016
17.	Erf 7276, Eastcliff, Hermanus	19 August 2016
18.	Erf 606, Sandbaai	19 August 2016

Executive Mayor (acting under delegated authority during the recess period)

1.	Erf 816, Franskraal	30 June 2016
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2.	Erf 408, Westcliff, Hermanus	30 June 2016
3.	Erf 5326, Kleinmond	30 June 2016
4.	Erf 45, Pringle Bay	30 June 2016
5.	Erf 87, Westcliff, Hermanus	30 June 2016
6.	Erf 3576, Voëlklip, Hermanus	30 June 2016
7.	Erf 295, Sandbaai	30 June 2016
8.	Erf 1017, Sandbaai	30 June 2016
9.	Erf 2214, Voëlklip, Hermanus	30 June 2016
10.	Erf 417, Gansbaai	30 June 2016
11.	Erf 476, Westcliff, Hermanus	30 June 2016
12.	Erf 6807, Voëlklip, Hermanus	30 June 2016
13.	Erf 641, Vermont	30 June 2016
14.	Erf 1108, Pringle Bay	30 June 2016
15.	Erf 13, Franskraal	30 June 2016
16.	Erf 8377, Hemel & Aarde	30 June 2016
17.	Portion 9 of the farm Modder Rivier No. 654	1 July 2016
18.	Portion 19 of the farm Modder Rivier No. 654	1 July 2016

RESPONSIBLE OFFICIAL :	R VAN ANTWERP
TARGET DATE FOR IMPLEMENTATION :	12 OCTOBER 2016
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

**AGENDA of the
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26 September 2016
(Also the agenda for the Mayoral Committee Meeting : 26 September 2016)**

REMARK

Please note that the following recommendations contained in this agenda are subject to confirmation or amendment by the Portfolio Committees in view of the fact that the compilation of the Mayoral Committee agenda was done before the Portfolio Committees of 26 September 2016 had formally sat.

1.

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

15/3/11

**R van Antwerp
15 April 2016**

(028) 313 8039

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
26 SEPTEMBER 2016, WHICH COMMITTEE SUPPORTED THE
RECOMMENDATION**

RESPONSIBLE OFFICIAL :

R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION :

12 OCTOBER 2016

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

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**1. PORTION 10 OF THE FARM DE DRAAY NO. 563, KLEINMOND,
OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION :
MESSRS GEOMATICS AFRICA ON BEHALF OF PPC EIENDOMME
(PTY) LTD**

RCAL 10/563 De Draay (2955)

H van der Stoep (028) 313 8900

Hermanus Administration

12 April 2016

Executive Summary

An application has been received on 25 June 2015 from Messrs Geomatics Africa on behalf of the property owner, PPC Eiendomme (Pty) Ltd, for the subdivision of Portion 10 of the Farm De Draay No. 563 to create a Remainder measuring approximately 8,7627 ha and a new Portion A measuring approximately 4,4942 ha, to create two separate land units.

RESOLVED :

1. that in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a subdivision of Portion 10 of the Farm De Draay No. 563 to create a Remainder measuring approximately 8,7627 ha and a new Portion A measuring approximately 4,4942 ha, to create two separate land units, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the Subdivisional Plan, Drawing No: f563p10 dated August 2014, as submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation,
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (d) that all the conditions in the Service Report, be complied with;
 - (e) that all the conditions imposed by Telkom, be complied with;
 - (f) that all the conditions imposed by Eskom, be complied with;
 - (g) that all the conditions imposed by BGCMA, be complied with;
 - (h) that all the conditions imposed by Western Cape Government :

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Transport and Public Works, be complied with, and

- (i) that all the conditions imposed by National Department of Agriculture, Forestry and Fisheries, 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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**2. ERF 178, 109 JAN VAN RIEBEECK STREET, SANDBAAI,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : B
SCORGIE ON BEHALF OF TI SMIT**

178 HSB (3114)

H Olivier

(028) 313 8900

Hermanus Administration

14 April 2016

Executive Summary

An application has been received on 9 November 2015 from B Scorgie on behalf of the property owner, TI Smit, on Erf 178, Sandbaai for a departure from the relevant Scheme Regulations to relax the northern lateral building line from 2m to 0,5m to legalize an existing pergola and also to relax the southern lateral and rear building lines from 2m to 0m to accommodate an existing braai structure.

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 178, Sandbaai to relax the northern lateral building line from 2m to 0,5m to legalize a pergola and to relax the southern lateral and rear building lines from 2m to 0m to legalize a built braai, **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. TS 2015/1-1 dated June 2015 and Plan TS 2015 1-3 dated March 2016, which were submitted with the application;
 - (d) that the structure is to comply with National Building Regulations SANS 10400, 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.

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

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**3. ERF 309, 147 JAN VAN RIEBEECK STREET, SANDBAAI,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : EF
SAUNDERSON**

309 HSB (3143)

H Olivier

(028) 313 8900

Hermanus Administration

14 April 2016

Executive Summary

An application has been received on 29 November 2015 from EF Saunders on Erf 309, Sandbaai for a departure from the relevant Scheme Regulations to relax the eastern lateral building line from 2m to 1,5m to accommodate an extension to the 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 309, Sandbaai to relax the eastern lateral building line from 2m to 1,5m to accommodate an extension to the existing garage, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is only for the relaxation of building line indicated on Drawing 1, 2 and 3 dated November 2015, which was submitted with the application;
 - (d) that the structure is to comply with National Building Regulations SANS 10400, and
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.
2. that the applicant be notified of its right of appeal in terms of the Local Government : Municipal Systems Act, 2000 (Section 62) with regard to the above conditions of approval.

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**4. ERF 6138, 307 SIXTH STREET, HERMANUS (VOËLKLIP),
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE :
GI GOOSEN ON BEHALF OF F GENIS**

6138 HVK (3073)

P Roux

(028) 313 8900

Hermanus Administration

11 April 2016

Executive Summary

An application has been received on 7 October 2015 from GI Goosen on behalf of F Genis on Erf 6138, Hermanus (Voëlklip) for an application for a departure from the relevant Scheme Regulations in order to relax the street building line from 4m to 0m and the lateral building lines from 2m to 0m to accommodate an existing carport and pergola. Furthermore, the application also includes the relaxation of the eastern and western lateral building lines from 2m to 1,5m respectively in order to accommodate alterations to the dwelling.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 6138, Hermanus (Voëlklip) for the departure of the relevant Scheme Regulations in order to relax the street building line from 4m to 0m and the western lateral building line from 2m to 0m to accommodate an existing carport and proposed covered stoep, **be approved**;
2. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 6138, Hermanus (Voëlklip) for the departure of the relevant Scheme Regulations in order to relax the eastern- and western lateral building lines from 2m to 1,5m to alter the roof and allow pillars on the two (2) northern balconies (which will subsequently allow for the covering of the balconies) and to allow the construction of a southern balcony, **be approved**;
3. that the approval of paragraphs 1. and 2. be subject to the following conditions:
 - (a) that no other structures be erected within the building lines and the approval is only for structures as indicated on Plan No. 01 F Genis, as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control– and the Fire Department be complied with at that stage;

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- (c) that the building plans submitted to the Building Department must indicate that the braai is to be demolished;
 - (d) that the carport may only be used for the storing of motor vehicles;
 - (e) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;
 - (f) that the approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions, and
 - (g) that all conditions imposed in the Services Report, be complied with.
4. that the applicant be notified of its right of appeal in terms of the provisions of the Local Government Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

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**5. ERF 646, 119 PIET RETIEF CRESCENT, SANDBAAI, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : JV RAYNARD**

646 HSB (3158)

H Olivier

(028) 313 8900

Hermanus Administration

14 April 2016

Executive Summary

An application has been received on 8 December 2015 from JV Raynard, the property owner, on Erf 646, Sandbaai for a departure from the relevant Scheme Regulations to relax the northern lateral building line from 2m to 0m and to relax the rear building line from 2m to 0m to legalize an existing store with outside toilet and garages.

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 646, Sandbaai to relax the northern lateral building line from 2m to 0m and to relax the rear building line from 2m to 0m to legalize an existing store with outside toilet and garages, **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. 2015/09/36, which was submitted with the application;
 - (d) that the structure in order comply with National Building Regulations SANS 10400;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage, and
 - (f) that the walls of the structure forming sections of the boundary walls must be minimum 60 minute fire resistant.

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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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**6. PORTIONS 7 & 19 OF THE FARM 654, CALEDON DIVISION,
OVERSTRAND MUNICIPAL AREA : PROPOSED CONSOLIDATION AND
SUBDIVISION : MESSRS WRAP CONSULTANCY ON BEHALF OF PJ
DE VILLIERS LOUW**

7 & 19/654 (3033)

SW van der Merwe

(028) 313 8900

Hermanus Administration

21 April 2016

Executive Summary

An application has been received 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 on 21 July 2015 from Messrs WRAP Consultancy on behalf of the owners of Portions 7 & 19 of the Farm 654, Caledon Division for:

- the consolidation of Farm 654/7 and Farm 654/19, and
- the subdivision of the consolidated property into two portions, namely Portion A $\pm 12,6508$ ha in extent and Portion B $\pm 488,3051$ ha in extent.

RESOLVED :

1. that in terms of the provisions of Section 2.3 of the Overstrand Zoning Scheme Regulations the application for the consolidation of Portion 7 of Farm 654 and Portion 19 of Farm 654, Caledon Division, **be approved**;
2. that in terms of the provisions of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the subdivision of the consolidated property in two portions, namely Portion A measuring $\pm 12,6508$ ha in extent and Portion B measuring $\pm 488,3051$ ha in extent, **be approved**,
3. that the approvals in paragraphs 1. and 2. above be subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that all the conditions imposed in the Services Report, be complied with;

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- (d) that the conditions, where applicable, of the Breede-Gouritz Management Catchment Area, Eskom, Telkom, CapeNature, Provincial Department of Agriculture, , Department of Agriculture, Forestry and Fisheries and Department of Transport and Public Works, be adhered to, and
 - (e) that a right of way servitude, minimum 3m wide, be registered in favour of Portion A over Portion B and written into the Title Deed of the subject properties.
4. 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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**7. ERF 5533, 312 SECOND STREET, HERMANUS (VOËLKLIP),
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE :
F COETZEE ON BEHALF OF DG PARKER**

5533 HVK (3200)

P Roux

(028) 313 8900

Hermanus Administration

20 April 2016

Executive Summary

An application has been received on 26 January 2016 from F Coetzee on behalf of the owner of Erf 5533, Hermanus (Voëlklip), DG Parker, for a departure from the relevant Scheme Regulations in order to relax the following:

- 4m street building line to 0m to accommodate a shade cloth carport;
- 2m rear building line to 1m to accommodate a gazebo, and
- 2m lateral building line with Erf 5534 to 0m to accommodate a store room.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 5533, Hermanus (Voëlklip), for a departure from the relevant Scheme Regulations in order to relax the following:
 - 4m street building line to 0m to accommodate a shade cloth carport;
 - 2m rear building line to 1m to accommodate a gazebo, and
 - 2m lateral building line with Erf 5534 to 0m to accommodate a store room;

be approved, subject to the following conditions;

- (a) that the approval is only for the departures as indicated on the building plan, as submitted with the application;
- (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
- (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
- (d) that the conditions compiled in the Service Report, be complied with.

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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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**8. ERF 1773, 6 THIRD STREET, HERMANUS (VOËLKLIP), OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : MR G ENGELBRECHT
ON BEHALF OF RP GREBE**

Erf 1773 (3001)

P Roux

(028) 313 8900

Hermanus Administration

20 April 2016

Executive Summary

An application has been received on 24 July 2015 from Mr G Engelbrecht on behalf of the owner, RP Grebe, on Erf 1773, Hermanus (Voëlklip) for a departure from the relevant Scheme Regulations in order to relax the lateral building lines from 2m to 1,2m and 2m to 0m respectively, to accommodate an existing carport structure and an open pergola.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 1773, Hermanus (Voëlklip), for a departure from the relevant Scheme Regulations in order to relax the lateral building lines from 2m to 1,2m and 2m to 0m, respectively to accommodate an existing carport structure and an open pergola, **be approved**, subject to the following conditions:
 - (a) that the approval is only for the departures as indicated on Building Plan No erf1773_MACLURE_A2?01-2015-REV1, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that the conditions compiled in the Service 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 the Local Government : Municipal Systems Act, 2000 (Section 62) with regard to the above conditions of approval.

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**9. ERF 5608, MIMOSA STREET, INDUSTRIAL AREA, HERMANUS,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE:
MESSRS ENGELBRECHT & SCORGIE ON BEHALF OF WA BISHOP**

5608 HIND (3102)

H van der Stoep (028) 313 8900

Hermanus Administration

11 April 2016

Executive Summary

An application has been received on 30 October 2015 from Messrs Engelbrecht & Scorgie on behalf of WA Bishop on Erf 5608, Hermanus for a departure from the relevant Scheme Regulations in order to relax the street building line from 5m to 1,3m and the lateral building line from 2m to 0m respectively, to accommodate existing alterations.

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 5608, Hermanus in order to relax the street building line from 5m to 1,3m and the lateral building line from 2m to 0m respectively, to accommodate existing alterations, **be approved**, subject to the following conditions :
 - (a) that this approval is only for the relaxation of building lines and existing structures indicated on Plan Number KM5065/15 (A4, A5, A6 & A7) dated 27 May 2015, which was submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that all conditions imposed in the Services Report, be complied with;
 - (e) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.
2. that the container on the 2,947m street building line be set back to comply with the 5m street building line;

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3. that the Bedouin tent be removed, and
4. 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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**10. ERF 4598, 26 SECOND AVENUE, KLEINMOND, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : COMBRINK FAMILY
TRUST**

4598 KKM (3119)

H van der Stoep

(028) 313 8900

Hermanus Administration

3 May 2016

Executive Summary

An application has been received on 11 November 2015 from the Combrink Family Trust on Erf 4598, Kleinmond for a departure from the relevant Scheme Regulations in order to relax the lateral building line with Erf 4597 from 2m to 0m to accommodate the proposed extension of the existing single garage into a tandem garage.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 4598, Kleinmond in order to relax the lateral building line with Erf 4597 from 2m to 0m to accommodate the proposed extension of the existing single garage into a 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 1A to 1D dated November 2015, which was submitted with the application;
 - (b) that a 60 minute fire resistant wall be provided on the property boundary as part of the garage structure in accordance with National Fire Regulations – SANS 10400 T : 2011;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that all conditions imposed in the Services Report, be complied with;
 - (f) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.

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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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**11. ERF 8328, 5 CAPE ASH STREET, HEMEL-EN-AARDE ESTATE,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : H
HENN CONSTRUCTION ON BEHALF OF CF SMIT**

8328 HMS (3189)

H Olivier

(028) 313 8900

Hermanus Administration

14 April 2016

Executive Summary

An application has been received on 21 January 2016 from H Henn Construction on behalf of the property owner, LF Smit, on Erf 8328, Hemel-en-Aarde Estate for a departure from the relevant Scheme Regulations to relax the street building line from 4m to 3m and the northern lateral building line from 1m to 0m to legalize an existing 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 8328, Hemel-en-Aarde Estate to relax the street building line from 4m to 3m and to relax the northern building line from 1m to 0m to legalize an existing double garage, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is only for the relaxation of building lines indicated on Plan No. MEN7/014 dated 10/04/2014, which was submitted with the application, and
 - (d) that the structure is to comply with National Building Regulations SANS 10400, and
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.
2. that the applicant be notified of its right of appeal in terms of the Local Government : Municipal Systems Act, 2000 (Section 62) with regard to the above conditions of approval.

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**12. ERF 5401, 4 RESTIO CLOSE, BETTY'S BAY, OVERSTRAND
MUNICIPAL AREA : EXTENSION OF TIME : DP BARKER**

5401 KBB (3224)

H van der Stoep

14 March 2016

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 24 February 2016 from DP Barker in order to allow an extension of the period of validity of subdivision approval.

RESOLVED :

1. that in terms of Section 27(1) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 5401, Betty's Bay in order to allow an extension of the period of validity of subdivision approval, **be approved**;
2. that a five (5) year extension period be granted, and no further extension of time will be considered in terms of LUPO and a new application for rezoning will have to be lodged in terms of the Overstrand Municipality By-Law should the rights not be exercised in the period granted;
3. that the extension of time will lapse five years from the date of the decision letter;
4. that all conditions per the approval letter dated 13 April 2005 remain in place, and
5. 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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- 13. ERF 7627, 73 MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA : EXTENSION OF TIME : MR JC HUMAN ON BEHALF OF “ERF 6737 KLEINMOND EIENDOMSONTWIKKELING (EDMS) BPK”**

7627 KKM (3212)

H van der Stoep

(028) 313 8900

Hermanus Administration

14 March 2016

Executive Summary

An application has been received on 11 February 2016 from Mr. JC Human on behalf of “Erf 6737 Kleinmond Eiendomsontwikkeling (Edms) Bpk” in order to allow an extension of the period of validity of rezoning approval.

RESOLVED :

1. that in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 7627, Kleinmond in order to allow an extension of the period of validity of rezoning approval, **be approved**;
2. that a five (5) years be granted, and no further extension of time will be considered in terms of LUPO and a new application for rezoning will have to be lodged in terms of the Overstrand Municipality By-Law should the rights not be exercised in the period granted;
3. that the extension of time will lapse five years from the date of the decision letter;
4. that all conditions per the approval letter dated 26 January 2007 remain in place, and
5. 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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**14. ERF 2040, 47 PROTEA PARK, BERGSIG STREET, SANDBAAI,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : VGE
NAUDE**

2040 HSB (3206)

H Olivier

(028) 313 8900

Hermanus Administration

10 May 2016

Executive Summary

An application has been received on 2 February 2016 from VGE Naude on Erf 2040, Sandbaai for a departure from the relevant Scheme Regulations to relax the eastern lateral building line from 2m to 1,425m and 0m to accommodate an enclosed patio and garden shed respectively.

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Land Use Planning, 2016 the application for a departure from the relevant Scheme Regulations on Erf 2040, Sandbaai to relax the eastern lateral building line from 2m to 1,425m and 0m to accommodate an enclosed patio and garden shed respectively, **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.01.1job455, which was submitted with the application, and
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (e) that all the conditions in the Services Report, be complied with.
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 5359, 71 MITCHELL STREET, HERMANUS (EASTCLIFF),
OVERSTRAND MUNICIPAL AREA : PROPOSED SUBDIVISION : GE
DICEY**

5359 HEC (3622)

P Roux

(028) 313 8900

Hermanus Administration

6 May 2016

Executive Summary

To consider an application received on 12 November 2015 from GE Dicey, the property owner of Erf 5395, Hermanus (Eastcliff), for the subdivision of the subject property into two (2) portions, namely Portion 1 approximately 793m² in extent and Portion 2 approximately 991m in extent.

RESOLVED :

1. that in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the subdivision of Erf 5359, Hermanus (Eastcliff) in two (2) portions, namely Portion 1 approximately 793m² and Portion 2 approximately 991m² in extent, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the Subdivisional Plan, Drawing REF: OA 1457-01 dated Jan 2016, as submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (d) that all the conditions in the Service Report, 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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**16. ERF 1166, 3 BESTER CRESCENT, VAN DYKSBAAI (KLEINBAAI),
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : GH
AND MCC CARSTENSEN**

1166 GKB (3140)

SW van der Merwe

(028) 313 8900

Hermanus Administration

29 April 2016

Executive Summary

To consider an application for departure received on 24 November 2015 from the owners, GH and MCC Carstensen, on Erf 1166, Van Dyksbaai in order to relax the lateral building line from 2m to 1,401m to accommodate a portion of the proposed dwelling.

RESOLVED :

1. that in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure applicable to Erf 1166, Van Dyksbaai to relax the 2m western lateral building line to 1,401m, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the relaxation of the building line as indicated on the Site Development Plan dated 11.08.2015 submitted with the application
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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**17. ERF 11468, 57 NINTH STREET, HERMANUS (VOELKLIP),
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE :
MESSRS IC @ PLAN ON BEHALF OF THE ERF 11468 HERMANUS
TRUST**

11468 HVK (3046)

P Roux

(028) 313 8900

Hermanus Administration

25 April 2016

Executive Summary

An application has been received on 14 September 2015 from Messrs IC @ Plan on behalf of the owners, The Erf 11468 Hermanus Trust, of Erf 11468, Hermanus (Voëlklip), for a departure from the relevant Scheme Regulations in order to:

- relax the lateral building lines from 2m to 1,035m and from 2m to 0,99m respectively to accommodate alterations and additions to the building;
- exceed the 2,1m height restriction applicable to boundary walls to 2,4m; and
- exceed the 50% coverage to 54% in order to accommodate the extension of the roof over the existing stoep.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 11468 Hermanus (Voëlklip), for a departure from the relevant Scheme Regulations in order to:

- relax the lateral building lines from 2m to 1,035m and from 2m to 0,99m respectively to accommodate alterations and additions to the building;
- exceed the 1,2m height restriction applicable to boundary walls to 2,4m, and
- to exceed the 50% coverage to 54% in order to accommodate the extension of the roof over the existing stoep,

be approved, subject to the following conditions:

- (a) that the approval is only for the departures as indicated on the building plan dated 25 August 2015, as submitted with the application;

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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 the garage may not be used for accommodation of guests and it must be clearly indicated on the building plan as submitted to the Building Department;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (e) that the conditions compiled in the Service Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of the Local Government : Municipal Systems Act, 2000 (Section 62) with regard to the above conditions of approval.

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**18. PORTION 198 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213,
DIVISION BREDASDORP, OVERSTRAND MUNICIPAL AREA :
PROPOSED REZONING AND SUBDIVISION : BM TAYLOR**

213/198 (2926)

SW van der Merwe

(028) 313 8900

Hermanus Administration

8 April 2016

Executive Summary

To consider an application received on 22 May 2015 from the owner of Portion 198 of the Farm Baardscheerders Bosch No. 213, Division Bredasdorp, BM Taylor, for the following, namely

- rezoning from Agricultural Zone 1 : Agriculture (AR1) to Rural Zone 1 : Agricultural Smallholdings (R1); and
- subdivision in two portions, namely Portion A measuring 4550m² and Portion B measuring 4550m² in extent.

RESOLVED :

1. that the application for the rezoning of Portion 198 of the the Farm Baardscheerders Bosch No. 213 from Agricultural Zone 1: Agriculture to Rural Zone 1: Agricultural Smallholding and the subsequent subdivision into two portions, namely Portion A measuring 4500m² and Portion B measuring 4500m², **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) this approval is valid for a five (5) year period only;
 - (d) that the access servitude (minimum 5m wide) be registered similtaniously with the registration of the subdivision;
 - (e) that the conditions as compiled in the Services Report, be complied with, and
 - (f) that the requirements of the Department of Transport and Public Works, Eskom, Department of Agriculture (National) and Department of Agriculture (Provincial), be complied with;

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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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19. PORTION 34 OF THE FARM ROCKLANDS NO. 633, DIVISION CALEDON : PROPOSED AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN : GJ SNYMAN ON BEHALF OF LAGOON EDGE ESTATE BODY COPRORATE

Prt 34/633 (2653)

P Roux

(028) 313 8900

Hermanus Administration

6 March 2015

Executive Summary

An application has been received on 4 August 2014 from GJ Marais on behalf of Lagoon Edge Body Corporate for the amendment of the approved site development plan on Portion 34 of the Farm Rocklands No. 633, Division Caledon in order to erect 16 additional boat houses 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 amendment of the approved Site Development Plan on Portion 34 of the Farm Rocklands No. 633, Division Caledon in order to erect sixteen (16) additional boat houses on the property, **be approved**, subject to the following conditions:
 - (a) that the approval is only applicable to Plan No's: A.01.1, A.01.2, A.01.3, A.01.4 and A.01.5 dated 11 February 2014, as submitted with the application,
 - (b) that the parking, as per layout plan, must be properly demarcated and the parking area must be provided with a hard surface;
 - (c) that plans be submitted to the Building Department for approval ;
 - (d) that all conditions listed by Breede-Gouritz Catchment Management Area, be complied with, and
 - (e) the above approval does not indemnify the landowners from compliance with any other relevant legislation.

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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20. ERF 953, 57 ABNER STREET, STANFORD, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : JP OCKHUYS

953 SSS (3161)

P Roux

(028) 313 8900

Hermanus Administration

6 May 2016

Executive Summary

To consider an application received on 8 December 2015 from JP Ockhuys the owner of Erf 953, Stanford for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 0m to accommodate a braai lapa.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the departure applicable to Erf 953, Stanford in order to relax the lateral building line from 2m to 0m to accommodate a braai lapa., **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the building plan, Drawing REF: 068.2.2 dated January 2015, as submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that building plans be submitted to the Building Department for approval with sections through the braai and lapa, and that all conditions of the Building – and Fire Department be complied with at that stage;
 - (d) that no water run-off from the lapa be allowed to dissipate on the adjoining property and that a chimney cowl is installed and indicated on the building plans submitted to the Building Department;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that all the conditions as compiled by the Fire Department, 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 1187, 213 MAIN ROAD, HERMANUS (EASTCLIFF), OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE & CONSENT USE : MESSRS ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE ON BEHALF OF JM & SP SWARBRECK

1187 HEC (2986)

P Roux

(028) 313 8900

Hermanus Administration

29 April 2016

Executive Summary

To consider an application received on 15 July 2015 from Messrs Engelbrecht & Scorgie Architectural Office on behalf of the owners of Erf 1187, Hermanus (Eastcliff), JM and CP Swartbreck, in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and Section 2.2 of the Overstrand Municipality Zoning Scheme Regulations in order to:

- relax the south-west lateral building line from 2m to 1,8m and 1,025m, and north-east lateral building line from 2m to 0,975m respectively, and the rear building line from 2m to 0,965m to accommodate alterations to the existing buildings; and
- operate a five (5) bedroom guest house from the property.

RESOLVED :

1. that in terms of Section 2.2 of the Overstrand Municipality Zoning Scheme Regulations the application for a consent use on Erf 1187, Hermanus (Eastcliff) in order to operate a five (5) bedroom guest house on the property, **be approved**;
2. 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 1187, Hermanus (Eastcliff) in order to relax the lateral building line from 2m to 1,8m and 1,025m, and 2m to 0,975m respectively and the rear building line from 2m to 0,965m to accommodate alterations to the existing buildings, **be approved**;
3. that the approvals in Paragraphs 1. and 2. be subject to the following conditions:
 - (a) that the facility be utilized as a **guesthouse only**;
 - (b) that a maximum of five (5) bedrooms to be let, be permitted, only if all the required parking standards are adhered to;
 - (c) that the owner/manager resides on the premises;

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- (d) that the guesthouse is utilized as such - no self-catering will be permitted;
- (e) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
- (f) that a revised Site Plan be submitted indicating the correct parking sizes, if the required amount of parking is not provided then less rooms must be utilised for guest accommodation;
- (g) that the revised parking layout must indicate how vehicles will be able to manoeuvre on the property;
- (h) that a minimum of one (1) permanently demarcated parking bay per guest room (as indicated on the revised Site Plan submitted) and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Senior Manager: Town- and Spatial Planning;
- (i) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
- (j) that 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;
- (k) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
- (l) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
- (m) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
- (n) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
- (o) that should any building alterations be required building plans should be submitted to the Building Department for approval;
- (p) that that the accommodation facility complies with Council's policy with regard to accommodation establishments;

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- (q) that all the conditions in the Services Report, be complied with, and
 - (r) that only the bedrooms as indicated for guest bedrooms on the Site Plan, Drawing Erf1187_SWARBRECK_A1/01-WAIVER-2015 as submitted with the application, be utilized as such.
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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**22. ERF 362, 48 SCHNEIDER STREET, FRANSKRAAL, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : DC VAN DYK**

362 GFK(3185)

**SW van der Merwe
23 May 2016**

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application for departure received on 15 January 2016 from the owner of Erf 362, Franskraal, DC van Dyk, in order to relax the 2m lateral building line to 0m to accommodate a proposed carport and a roof replacement on the existing garage.

RESOLVED :

1. that in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure applicable to Erf 362, Franskraal in order to relax the 2m lateral building line to 0m to accommodate a carport and a roof replacement on the exiting garage, **be approved**; subject to the following conditions:
 - (a) that this approval only has reference to the relaxation of the building lines as indicated on the Site Development Plan Project No. 48/DD/15 dated 25 November 2015, attached as Annexure 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 the conditions imposed by the Fire Department, be adhered to;
 - (d) that the garage only be utilized as an outbuilding for the storage of motor vehicles and may not be converted into a habitable room;
 - (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 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 577, 23 QUICK STREET, STANFORD, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : JC & V VON DER HEYDEN

577 SSS (3186)

P Roux

(028) 313 8900

Hermanus Administration

11 May 2016

Executive Summary

To consider an application received on 18 January 2016 from the owners of Erf 577, Stanford, JC and V Von Der Heyden, for a departure from the relevant Scheme Regulations in order to relax the eastern- and northern lateral building lines from 2m to 1,34m and 0,62m respectively, to accommodate the existing dwelling.

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 577, Stanford in order to relax the eastern- and northern lateral building lines from 2m to 1,34m and 0,62m respectively, to accommodate the existing dwelling, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines and existing structures as indicated on Drawing Number 13/26/1 to 13/26/3 dated 10 Dec 2013, as submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) 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, and
 - (d) 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 decision.

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**24. ERF 3132, 28 CR LOUW STREET, KLEINMOND, OVERSTRAND
MUNICIPAL AREA: PROPOSED SERVITUDE OF HABITATIO : MESSRS
GEOMATICS AFRICA ON BEHALF OF T DU TOIT & CO INC**

3132 KKM (3180)

H van der Stoep

(028) 313 8900

Hermanus Administration

31 May 2016

Executive Summary

An application has been received on 11 January 2016 from Messrs Geomatics Africa on behalf of Tim du Toit & Co Inc on Erf 3132, Kleinmond to register a proposed servitude of habitatio over the property concerned.

RESOLVED :

1. that in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 3132, Kleinmond to register a proposed servitude of habitatio over 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, and
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**25. ERF 1290, 11 HEUWEL STREET, STANFORD, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURES : MESSRS
INTERACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF BS
ROBINSON**

1290 SSN (3159)

P Roux

(028) 313 8900

Hermanus Administration

12 May 2016

Executive Summary

To consider an application received on 7 December 2015 from Messrs InterActive Town & Regional Planning on behalf of BS Robinson on Erf 1290, Stanford for a departure from the relevant Scheme Regulations in order to:

- relax the rear- and lateral building lines from 2m to 0m to accommodate parking and storage facilities on the property; and
- provide 0,9 parking bays per 100m² GLA instead of two (2) parking bays per 100m² GLA.

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 1290, Stanford in order to relax the 2m lateral- and rear building lines in order to accommodate storage facilities on the property, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines and existing structures as indicated on the Revised Site Development Plan, dated 1 June 2016, as submitted with the application;
 - (b) that building plans be submitted to the Building Control Department which indicate fifty nine (59) parking bays on site as well as mitigation measures for the storm water which must dissipate on Erf 1290, Stanford and that all conditions of the Building – and Fire Department at that stage, be complied with;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all the conditions compiled in the Services Report, be complied with;

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- (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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26. PORTION 4 OF THE FARM KLEIN RIVIER KLOOF NO. 660, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF BELLMORAL LODGE CC

4/660 GRCAL (3051)

P Roux

(028) 313 8900

Hermanus Administration

9 June 2016

Executive Summary

To consider an application received on 18 September 2016 from Messrs Plan Active Town and Regional Planners on behalf of the owner of Portion 4 of the Farm Klein Rivier Kloof No. 660, Division Caledon, Bellmoral Lodge CC, for consent use in terms of the Overstrand Municipal Zoning Scheme Regulations in order to conduct a tourist facility and tourist accommodation establishment on a specific portion of the property.

RESOLVED :

1. that in terms of Section 2.2 of the Overstrand Municipal Zoning Scheme Regulations, the application for a consent use on Portion 4 of the Farm Klein Rivier Kloof No. 660, Division Caledon in order to conduct a tourist facility and tourist accommodation establishment on a specific portion of the property, **be approved**, subject to the following conditions:
 - (a) that this approval only pertains to the proposed Site Development Plan, Drawing number farm660ptn4pb.drw as submitted with the application;
 - (b) that a Site Development Plan be submitted for approval to the Building Department and that all Building and Fire Regulations are complied with at that stage;
 - (c) that written approval is gained from the Department of Water Affairs (DWA) for the manner in which sewerage water is disposed of and submitted to the Town Planning Department before the submission of building plan approval;
 - (d) that all condition imposed by the Engineering Department, Department of Transport and Public Works, Breede-Gouritz Catchment Management Agency, the Department of Environmental Affairs and Development Planning and Overstrand Operational Services, be adhered to;
 - (e) that this approval does not absolve the owner/applicant from

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- compliance with any other relevant legislation;
- (f) that disabled toilets be provided to the satisfaction of the Building Department;
 - (g) that at least 2 disable parking bays be provided;
 - (h) that should any liquor be served, the necessary liquor licence must be obtained;
 - (i) that all measures should be taken to prohibit noise pollution i.e. soundproofing;
 - (j) that no activities other than agriculture, the restaurant, and the above approved activities, be allowed on the property without the written approval of the Municipality;
 - (k) that the wedding venue may only be used for weddings between 7:00 and 24:00, preparation of the venue may take place before the set times;
 - (l) 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;
 - (m) that the parking area, as per the Site Development Plan, must be properly demarcated;
 - (n) 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;
 - (o) that the accommodation establishment be registered at the Local Tourism Bureau, and
 - (p) that no accumulation of refuse occur on the premises.
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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**27. ERF 4833, SEVENTEENTH AVENUE, HERMANUS (VOËLKLIP),
OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE :
MESSRS WARREN PETERSON PLANNING ON BEHALF OF
VODACOM**

4833 HVK (2842)

P Roux

(028) 313 8900

Hermanus Administration

13 November 2015

Executive Summary

To consider an application received on 27 February 2015 from Messrs Warren Petterson Planning on behalf of Vodacom on Erf 4833, Hermanus for a consent use in order to allow the continued use of the existing Vodacom cellular base station and additional future users on the property concerned.

RESOLVED :

1. that in terms of Section 2.2 of the Scheme Regulations, the application for a consent use on Erf 4833, Hermanus (Voëlklip) in order to allow the continued use of the existing Vodacom cellular base station and additional future users on the property concerned, **be approved**, subject to the following conditions;
 - (a) that the approval is only for the transmission tower as shown on Drawing No. 8445-D-002 dated 22 June 2004 which was submitted with the application;
 - (b) that the height of the cellular tower is restricted to 25m as shown on the approved building plan;
 - (c) that the base of the cellular base station is restricted on the current footprint as indicated on the approved building plan;
 - (d) that any network or amendments that are not shown on the existing approved plan will have to be approved through a town planning process;
 - (e) that should the transmission tower become defunct, the structures be removed to an approved landfill site;
 - (f) that the conditions contained in the Services Report, the Department of Environmental Affairs and Development Planning (DEA&DP), Cape Nature, Telkom and the Department of Transport and Public Works, be adhered to;

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- (g) that this approval is only valid for ten (10) years were after the applicant will have to re-apply to continue with the proposed land use;
 - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (i) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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28. ERF 7287, 1 MARINE DRIVE, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE AND DEPARTURE : MESSRS PLAN ACTIVE ON BEHALF OF CAPEFAM GUEST HOUSE CC

7287 HWC (3064)

**H van der Stoep
23 May 2016**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 23 September 2015 from Messrs Plan Active on behalf of the property owners, Capefam Guesthouse CC, on Erf 7287, Hermanus for a consent use in order to operate a five (5) bedroom guesthouse on the property concerned.

An application was also received for a departure from the relevant Scheme Regulations in order to relax the lateral building lines from 2m to 0m respectively, to accommodate proposed changes.

RESOLVED :

1. that in terms of Section 2.2 of the Section 9 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a consent use on Erf 7287, Hermanus in order to operate a five (5) bedroom guesthouse on the property concerned as per the Overstrand Zoning Scheme, **be approved**, subject to the following conditions:
 - (a) that the facility be utilized as a **guesthouse only**;
 - (b) that a maximum of five (5) bedrooms to be let, be permitted;
 - (c) that the owner/manager resides on the premises;
 - (d) that the guesthouse is utilized as such - no self-catering will be permitted;
 - (e) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
 - (f) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;

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- (g) that a minimum of one (1) permanently demarcated parking bay per guest room (as indicated on the Site Plan submitted) and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Senior Manager: Town- and Spatial Planning;
 - (h) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (i) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (j) that a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (k) that the guesthouse be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (l) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (m) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
 - (n) that should any building alterations be required building plans should be submitted to the Building Department for approval;
 - (o) that all the conditions in the Services Report, be complied with, and
 - (p) that all conditions imposed by the Fire Department, be complied with.
2. 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 7287, Hermanus in order to relax the lateral building lines from 2m to 0m respectively to accommodate proposed changes, **be approved**, subject to the following conditions:

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- (a) that this approval is only for the existing structures indicated on Plan Numbers SP5-01 and SP5-02 dated 9 September 2015, which was submitted with the application;
 - (b) that no openings be allowed on the 0m lateral building lines;
 - (c) that the outbuilding be restricted to uses as indicated on the building plan submitted with the application;
 - (d) that the outbuilding be restricted to single storey;
 - (e) that the outbuilding may not be converted into a habitable room/unit;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (h) 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.
3. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**29. ERF 287, 50A DANEEL STREET, STANFORD, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : RW STEPHENS**

287 SSS (3163)

P Roux

(028) 313 8900

Hermanus Administration

27 June 2016

Executive Summary

To consider an application received on 9 December 2015 from the owner of Erf 287, Stanford, RW Stephens, for a departure from the Scheme Regulations in order to relax the 2m rear building line with Erf 559 to 0,98m to legalize the encroachment of the existing shower and to relax the 2m lateral building line with Erf 566 to 0m to accommodate a pergola and existing braai.

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 Scheme Regulations to relax the 2m lateral building lines to 0,98m and 1,5m respectively in order to accommodate the alterations to the existing dwelling on Erf 287, Stanford, **be approved**, subject to the following conditions;
 - (a) that this approval is only for the relaxation of building lines as shown on the Site Development Plan No. 15/21/1B and 15/21/2B dated 17 February 2016, which was submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that the conditions as stated in the Services Report, be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions, and
 - (e) that all other development parameters as prescribed in the Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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30. ERF 2221, 55 CORNER OF THIRD AND NINETH STREETS, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS IC@PLAN ON BEHALF OF THE RESTANT ERF 2221 HERMANUS TRUST

2221 HVK (3045)

P Roux

(028) 313 8900

Hermanus Administration

28 June 2016

Executive Summary

To consider an application received on 8 September 2016 from Messrs IC@Plan on behalf of the owners of Erf 2221, Hermanus, The Restant Erf 2221 Hermanus Trust for a departure from the Scheme Regulations for the following:

- the relaxation of the 50% coverage to 52% to allow the extension of the existing roof over the entrance stoep along Third Avenue;
- the relaxation of the height restriction of the chimney from 1m above the roof to 1,485m, and
- the relaxation of the boundary wall height from 2,1m to 2,4m for certain sections.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 2221, Hermanus (Voëlkliip), for a departure from the relevant Scheme Regulations for the following:
 - the relaxation of the 50% coverage to 52% to allow the extension of the existing roof over the entrance stoep along Third Avenue;
 - the relaxation of the height restriction of the chimney from 1m above the roof to 1,485m, and
 - the relaxation of the boundary wall height from 2,1m to 2,4m for certain sections,

be approved, subject to the following conditions;

- (a) that this approval is only for the departures as shown on the Site Development Plan named House Solms dated 25 August 2015, which was submitted with the application;
- (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;

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- (c) that the conditions as stated in the Services Report, be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions, and
 - (e) that all other development parameters as prescribed in the Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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**31. ERF 2381, 101 TENTH STREET, HERMANUS (VOËLKLIP),
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : THE JP
WALES TRUST**

2381 HVK (3095)

P Roux

(028) 313 8900

Hermanus Administration

4 July 2016

Executive Summary

To consider an application received on 21 October 2015 from the JP Wales Trust, the owners of Erf 2381, Hermanus (Voëlklip), for a departure from the relevant Scheme Regulations in order to relax the following:

- 4m street building line with Eleventh Street to 1m to accommodate a new planter, retaining walls and an extension of the deck, and
- 2m western lateral building line with Erf 2386 to 0m to accommodate a proposed raised boundary wall to 2,6m; braai storage and pool pump room as well as a new covered pool patio.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (LUPO) the application for a departure from the relevant Scheme Regulations on Erf 2381, Hermanus (Voëlklip), for a departure from the relevant Scheme Regulations in order to:
 - relax the 4m street building line with Eleventh Street to 1m to accommodate a new planter, retaining walls and an extension of the deck, and
 - relax the 2m western lateral building line with Erf 2386 to 0m to accommodate a proposed raised boundary wall to 2,6m; braai storage and pool pump room as well as a new covered pool patio,

be approved; subject to the following conditions;

 - (a) that the approval only pertains to the Site Development Plan dated October 2014, Revision A as submitted with the application;
 - (b) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (c) that building plans be submitted to the Building Department for approval.
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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**32. ERF 755, 5 COLLEGE ROAD, NORTHCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MS R
JORDAAN ON BEHALF OF HARIAN EIENDOMSTRUST**

755 HNC (3162)

H van der Stoep

(028) 313 8900

Hermanus Administration

8 July 2016

Executive Summary

An application has been received on 8 December 2015 from Ms Ria Jordaan on behalf of the property owners, Harian Eiendomstrust, on Erf 755, Hermanus for a consent use in order to accommodate the existing second dwelling unit for residential purposes on the property concerned.

RESOLVED :

1. that in terms of Section 2.2 of the Section 9 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a consent use on Erf 755, Hermanus in order to accommodate the existing second dwelling unit for residential purposes on the property concerned, **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 development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that parking be provided as per the plan dated 24 October 2015 submitted with the application;
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (e) that future extension of the existing building be prohibited, except if proof of additional parking can be provided;
 - (f) that the second dwelling may only be utilised as residential H3 occupancy (SANS 10400A : 2010), and
 - (g) that all the conditions in the Services Report, 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 decision.

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**33. ERF 6247, 11 THERON STREET, HERMANUS (EASTCLIFF),
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE :
MESSRS ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE ON
BEHALF OF CF JENSEN**

6247 HEC (3002)

P Roux

(028) 313 8900

Hermanus Administration

14 June 2016

Executive Summary

To consider an application for departure received on 24 July 2015 from Messrs Engelbrecht & Scorgie Architectural Office on behalf of the owner of Erf 6247, Hermanus, CF Jensen, in order to relax the western street building line from 4m to 3,58m and the eastern street building line from 4m to 3,15m respectively, in order to legalise various encroachments. The application further entails the relaxation of the eastern lateral building line from 2m to 1,75m in order to legalise the covered kitchen courtyard and pergola.

RESOLVED :

1. that the application for departure applicable to Erf 6247, Hermanus (Eastcliff) in order to relax the 4m southern street building line to 3,15m and the 2m eastern lateral building line to 1,57m in order to legalise the existing additions, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines as shown on the building plan numbered erf6247_JENSEN_A1/01-2015-Rev0, which was submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that a 30 minute fire resistant protection for garage roof below windows be provided in order to comply with Section 4.12.1 of National Fire Protection Regulation SANS 10400T:2011;
 - (d) that all boundary walls be restricted to 2,1m in height;
 - (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 Zoning Scheme 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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34. REMAINDER OF THE FARM MIDDELBERG NO. 643, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS IC@PLAN ON BEHALF OF EXTANT INVESTMENTS CC

**Rem 643 GRCAL
SW van der Merwe (028) 313 8900 Hermanus Administration
22 July 2016**

Executive Summary

To consider an application for departure received on 7 August 2015 from Messrs IC@Plan on behalf of the owners of Remainder of the Farm Middelberg No. 643, Division Caledon, Extant Investments CC, in order to relax the north western building line from 30m to 10m and the southern building line from 30m to 26,78m to accommodate the existing dwelling as well as proposed additions to the dwelling.

RESOLVED :

1. that the application for departure on Remainder of the Farm Middelberg No. 643, Caledon Division in order to relax the north western building line from 30m to 10m and the southern building line from 30m to 26,78m to accommodate the existing dwelling as well as proposed additions to the dwelling, **be approved**;
2. that the approval in paragraph 1. above be subject to the following conditions:
 - (a) that this approval only has reference to the relaxation of the building lines as indicated on the Site Development Plan, Project No. 124-15 dated 28 July 2015 as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building– and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
3. 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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**35. PORTION 16 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213,
DIVISION BREDASDORP, OVERSTRAND MUNICIPAL AREA :
PROPOSED REZONING AND SUBDIVISION : MESSRS PLAN ACTIVE
TOWN- AND REGIONAL PLANNERS ON BEHALF OF LE GLANZ**

16/213 BBOS (2935)

SW van der Merwe

(028) 313 8900

Hermanus Administration

11 July 2016

Executive Summary

To consider an application received on 1 June 2015 from Messrs Plan Active Town- and Regional Planners on behalf of the owner of Portion 16 of the Farm Baardscheerders Bosch No. 213, Division Bredasdorp, LE Glantz, for the following:

- rezoning from Agricultural Zone 1: Agriculture (AR1) to Rural Zone 1: Agricultural Smallholding (R1); and
- subdivision into three (3) portions, namely Portion A ($\pm 4015\text{m}^2$), Portion B ($\pm 4185\text{m}^2$) and a Remainder ($\pm 6063\text{m}^2$) in extent.

RESOLVED :

1. that the application for the rezoning of Portion 16 of the Farm Baardscheerders Bosch No. 213 from Agricultural Zone 1: Agriculture to Rural Zone 1: Agricultural Smallholding and the subsequent subdivision into three (3) portions, namely Portion A (4015m^2), Portion B (4185m^2) and a Remainder ($\pm 6063\text{m}^2$) in extent, **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 valid for a five (5) year period only;
 - (d) that an access servitude, minimum 4m wide, be registered over the Remainder in favour of Portions A and B, simultaneously with the registration of the subdivision;
 - (e) that the conditions contained in the Services Report, be complied with, and

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- (f) that the requirements of the Department of Transport and Public Works, Eskom, Telkom, National Department of Agriculture and the Provincial Department of Agriculture, be complied with.
- 2. that the applicant be notified of its right of appeal in terms of the Local Government: Municipal Systems Act, 2000 (Section 62) with regard to the above conditions of approval.

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**36. ERF 1169, 9 BESTER CRESCENT, VAN DYKSBAAI (KLIPFONTEYN) :
PROPOSED DEPARTURE : DF BEZUIDENHOUT ON BEHALF OF
L MARX**

1169 GKB (3166)

SW vd Merwe

(028) 313 8900

Hermanus Administration

19 July 2016

Executive Summary

To consider an application received on 22 December 2015 from the former owner of Erf 1169, Van Dyksbaai (Klipfonteyn), DF Bezuidenhout, on behalf of L Marx for encroachment of the 8m height restriction in terms of the applicable development guidelines in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 with 0,44m.

RESOLVED :

1. that the application for departure in terms of the Klipfonteyn Architectural Guidelines to encroach the 8m height restriction with 0,44m in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved**, subject to the following condition;
 - (a) that building plans be submitted within sixty (60) days of the decision date for approval in terms of the National Building Regulations;
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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37. REMAINDER PORTION 23 (STRANDS KLOOF) OF THE FARM UYLEN KRAAL NO. 695, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA : MESSRS ATLAS TOWN PLANNING ON BEHALF OF LH & IH FOURIE

Prt 23/695 (3125)

SW van der Merwe

(028) 313 8900

Hermanus Administration

22 July 2016

Executive Summary

To consider an application received on 11 November 2015, from Messrs Atlas Town Planning on behalf of the owners of Remainder Portion 23 of the Farm Uylen Kraal No. 695, Division Caledon (Strandskloof), LH & IH Fourie, for a consent use to conduct a tourist facility (venue) from a converted agricultural building.

RESOLVED :

1. that in terms of Section 2.2 of the Overstrand Zoning Scheme Regulations as promulgated under Section 9 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a consent use in order to enable the owners to conduct a tourist facility (venue) on Remainder Portion 23 of the Farm Uylen Kraal No. 695, Division Caledon, **be approved**, subject to the following conditions:
 - (a) that one (1) standard parking bay for each four (4) seats of the wedding venue must be provided on the property to the satisfaction of the Municipality;
 - (b) that the parking area, as per the Site Development Plan, must be properly demarcated and at all times be available for customers using the venue;
 - (c) that disabled toilets be provided to the satisfaction of the Building Department;
 - (d) that at least two (2) parking bays for the disabled be provided;
 - (e) that all the conditions compiled by the Senior Manager: Engineering Services, Operational Services, Department of Transport and Public Works (District Roads Engineer), BG-CMA, Department of Agriculture, Cape Nature, Eskom and Telkom, be complied with;

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- (f) that the necessary competency certificates with regard to the preparation of food, as well as a certificate of the Chief: Fire Services must be obtained prior to the operation of the venue;
 - (g) that should any liquor be served, the necessary liquor licence must be obtained;
 - (h) that the necessary measures should be taken to prohibit noise pollution (i.e. sound proofing);
 - (i) that should any justified complaint be received regarding noise pollution, the Municipality may request expert analysis at the account of the property owner;
 - (j) that proof of adequate and sustainable household water for the venue be submitted to the Municipality;
 - (k) that the disposal and storage of sewage and refuse be addressed to the satisfaction of the Municipality – no sewage or refuse may be disposed of on the property;
 - (l) that the venue be restricted to the Site Development Plan attached as Annexure B;
 - (m) that the venue may only be used for functions between 07:00 and 00:00, preparation of the venue may take place before the set times;
 - (n) that the above relevant conditions be adhered to prior to the operation of the tourist facility (venue), and
 - (o) that the above approval does not indemnify the landowners from compliance with any other relevant legislation;
2. that the applicant be informed of their right of appeal in terms of Section 62 of the Municipal Systems Act with regard to the above decision.

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38. PORTION 1 OF THE FARM MODDER RIVIER 657, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNING ON BEHALF OF FRANKERT PAINTS & FILLRITE COATINGS (PTY) LTD

1/657 GRCAL (3113)

P Roux

(028) 384 8300

Hermanus Administration

22 July 2016

Executive Summary

To consider an application for consent use, received from Messrs Plan Active Town and Regional Planners on behalf of the property owners Frankert Paints and Fillrite Coatings (Pty) Ltd of Portion 1 of the Farm Modder Rivier No. 657, Caledon Division in order to utilize the property for tourist accommodation (five (5) units) and to accommodate one (1) additional dwelling unit (existing).

RESOLVED :

1. that the application for consent use in order to utilize Portion 1 of the Farm Modder Rivier No. 657, Caledon Division for tourist accommodation (five (5) units) and to accommodate one (1) additional dwelling unit (existing), **be approved**, subject to the following conditions:
 - (a) that the approval of the application is only for the proposed development as indicated on Site Development Plan, Drawing No. farm657-1a2.drw, as submitted with the application;
 - (b) that the requirements as set out in the Council's Policy on Additional Dwelling Units in Rural Areas (as amended), must be strictly adhered to;
 - (d) that the landowner be self-sufficient with regard to the provision of water and electricity for the additional dwelling units;
 - (e) that the condition/requirements as stated in the comments from Operational Services, Engineering Services Report and the Fire Department, be adhered to;
 - (f) that the conditions/requirements of Cape Nature, Department of Environmental Affairs and Development Planning, Breede-Gouritz Management Agency, Department of Transport and Public Works, Telkom, Eskom, be adhered to;
 - (g) that building plans for the additional dwelling units and changes to

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- the existing dwellings be submitted to the Building Department for approval;
- (h) that the tourist accommodation be registered with the local tourism bureau and is subject to the Council's Policy regarding Accommodation Establishments;
 - (i) that household refuse be disposed of at an approved municipal dumping site and may not be kept or disposed of on the property;
 - (j) that no advertising signs may be erected without the written approval of the Municipality and the District Roads Engineer;
 - (k) that a parking layout be submitted for approval together with the building plans;
 - (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 none of the above activities be commenced with and no building plans for any structures will be considered for approval by the Municipality prior to proof being submitted that all the conditions of this approval has been adhered to;
 - (n) that a motivation be submitted indicating the need for a manager's dwelling if it is required for *bona fide* agricultural activities;
 - (o) that the existing main dwelling unit remains the primary dwelling unit on the property, and may solely be utilized for this purpose by the land owner, and
 - (p) that this approval does not absolve the landowner from compliance with the provisions of any other relevant legislation or Title Deed;
2. that the applicant be shown on its right of appeal in terms of Section 62 of the Municipal Systems Act, 2000, (Act 62 of 2000).

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**39. ERVEN 885 & 6186, MITCHELL STREET, HERMANUS (EASTCLIFF),
OVERSTRAND MUNICIPAL AREA : PROPOSED SUBDIVISION,
CONSOLIDATION, AND DEPARTURES : MESSRS WRAP ON BEHALF
OF K GRADUS-SAMSON & D CONTOMICHALOS AND L GRADUS-
SAMSON**

885 & 6186 HEC (3201)

P Roux

(028) 313 8900

Hermanus Administration

22 July 2016

Executive Summary

To consider an application submitted by Messrs WRAP Consultancy on behalf of the property owners of Erven 885 and 6186, Hermanus (Eastcliff), K Gradus-Samson & D Contomichalos and L Gradus-Samson, for the following;

- subdivision of Erf 885, Hermanus (Eastcliff) to create a Remainder measuring approximately 1464m² and a new Portion A measuring 44m²;
- to consolidate the newly created Portion A with the abutting Erf 6186, Hermanus (Eastcliff).
- to relax the southern lateral building line and rear building from 2m to 0m respectively to accommodate the existing drying yard.

RESOLVED :

1. that in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a subdivision of Erf 885, Hermanus (Eastcliff) into a Remainder of 1464m² in extent and a new Portion A of 44m² in extent, **be approved;**
2. that in terms of Section 2.3 of the Overstrand Zoning Scheme Regulations, the application to consolidate Portion A with Erf 6186, Hermanus in order to create a property of 856m² in extent, **be approved;**
3. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a departure in order to relax the northern lateral building line from 2m to 0m to accommodate the proposed new drying yard, **be approved;**
4. that the approvals stated in paragraphs 1. to 3. be subject to the following conditions:

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- (a) that the approval for the subdivision only has reference to the Subdivisional Plan, Drawing No: 1, as submitted with the application;
 - (b) that the approval for the departure only has reference to the Plan Drawing No: CO1, SO2 and SO3, as submitted by the applicant;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation,
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that all the conditions in the Services Report (attached as Annexure D), be complied with.
5. 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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**40. ERF 169, 151 MARAIS STREET, FRANSKRAAL, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE AND RELAXATION OF A
RESTRICTIVE TITLE DEED CONDITION : AJG ROUX**

169 GFK (3165)

SW van der Merwe (028) 313 8900

Hermanus Administration

4 July 2016

Executive Summary

To consider an application for departure and relaxation of a restrictive title deed condition received on 15 December 2015 from the owner of Erf 169, Franskraal, AJG Roux, in order to:

- relax the western lateral building line from 2m to 0m for the construction of a proposed garage;
- relax the northern- and western lateral building lines from 2m to 1,4m and 1,92m to retain the existing wendy house; and
- relaxation of the 1,57m lateral title deed building lines.

RESOLVED :

1. that the application for the relaxation of restrictive title condition contained in the Title Deed of Erf 169, Franskraal (T77499/90) in order to relax the 1,57m western lateral building line up to 0m, and 1,4m and the northern lateral building line up to 1,92m, **be approved.**
2. that the application for departure applicable to Erf 169, Franskraal in order to relax the 2m western lateral building line up to 0m, and 1,4m and the northern lateral building line up to 1,92m 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 this approval only has reference to the relaxation of the building lines as indicated on the Site Development Plan, Project No. erf169fransk, DRG No. 169-2 dated 17 October 2015 attached as Annexure B;

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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 this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that the garage may not be converted into habitable accommodation.
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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41. ERF 335, GANSBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS WRAP CONSULTANCY ON BEHALF OF E HEYNS

335 GGB (2471)

SW van der Merwe

(028) 313 8900

Hermanus Administration

11 August 2016

Executive Summary

To consider an application received on 13 December 2013 from Messrs WRAP Consultancy on behalf of the owner of Erf 335, Gansbaai, E Heyns, for a departure in order to legalize the existing buildings on the property (office building, store rooms and an ablution facility) and the continued operation of a stone crusher and a sand sieve machine.

RESOLVED :

1. that the application for departures in order to enable the owner of Erf 335, Gansbaai to legalize the existing buildings on the property (one (1) office building, two (2) store rooms and an ablution facility) and the continued operation of a stone crusher- and sand sieve machine in terms of the provisions of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved**;
2. that the above approval be subject to the following conditions:
 - (a) that the development on the premises be restricted to the buildings and structures indicated on the Site Development Plan;
 - (b) that on site parking be provided in accordance with the requirements of the Zoning Scheme Regulations, be permanently demarcated and at all times be available for use by visitors/clients;
 - (c) that all the conditions in the Services Report be complied with;
 - (d) that building plans be submitted to the Building Department to legalise the existing buildings on the premises within **30 days** from this approval;
 - (e) that the applicant must submit a Dust and Noise Control Management Plan for approval and that the findings/recommendations be implemented as part of the normal operational procedures;
 - (f) that prior to the approval of building plans full details pertaining to

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servicing (i.e. water, sewage disposal, refuse removal) be submitted for the prior approval of the Senior Manager: Operational Services, and

- (g) that this approval does not absolve the applicant from compliance with any other applicable legislation;
3. 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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**42. ERF 874, 11 PROTEA STREET, GANSBAAI (BLOMPARK) : PROPOSED
CONSENT USE (HOUSE SHOP) : R JACOBS ON BEHALF OF A & SJ
DYK**

874 GBP (3048)

SW van der Merwe (028) 313 8900

Hermanus Administration

4 August 2016

Executive Summary

To consider an application for consent use received on 15 September 2015 from R Jacobs of behalf of the owners of Erf 874, Gansbaai (Blompark), A & SJ Dyk, to conduct a house shop from a portion of the existing property.

RESOLVED :

1. that the application for consent use in order to enable the applicant to conduct a house shop on Erf 874, Gansbaai (Blompark) in terms of the provisions of Section 2.2. of the Overstrand Zoning Scheme Regulations, **be approved**, subject to the following conditions:
 - (a) that the house shop be restricted to the area indicated on the Site Development Plan;
 - (b) that the house shop **may not be conducted** prior to the completion of the proposed additions as indicated on the Site Development Plan submitted with the application and a business licence has been obtained;
 - (c) that building plans be submitted to the Building Department for approval;
 - (d) that all the conditions imposed by the Senior Manager: Operational Services, be adhered to;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (g) that no more than one (1) vehicle, not exceeding 3500kg gross weight, may be utilized to make deliveries at the house shop at any one time;

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- (h) 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- and Spatial Planning;
- (i) 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;
- (j) that no products, goods or supplies connected to the house shop may be stored on the property outside the building;
- (k) that a single non-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
- (l) that the trading hours of the house shop be restricted to Monday to Friday; 08:00 to 17:00 and Saturday 08:00 to 13:00, and that should the hours of business be extend in terms of the proposed House Shop Policy/Bylaw, such hours of operation will be applicable;
- (m) that the number of people employed be restricted to three (3);
- (n) that the owner/manager resides on the premises;
- (o) 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;
- (p) that the approval is not transferable, and the house shop area may not be sublet to any other person by the applicant;
- (q) that this consent use approval is valid for a maximum period of five (5) years, after which it will expire if application is not made for the extension of the validity period within the five (5) year period;
- (r) that on-site parking be provided to the satisfaction of the Senior Manager: Town- and Spatial Planning;
- (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;
 - (u) that no accumulation of refuse occur on the premises, and
 - (v) that there be no trading in flammable liquids or liquid petroleum gas products on the premises.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government: Municipal Systems Act No. 32 of 2000 with regard to the above decision.

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RECOMMENDATION (SPLUMA) :

that **cognisance be taken** of the town planning applications in terms of the Spatial Planning Land Use Management Act (SPLUMA) disposed of by the Authorised Official (AO) in terms of delegated authority for the period 16 April 2016 – 22 August 2016:

1.	Erf 7979, Kleinmond	24 June 2016
2.	Erven 7617 and 7618, Voëlklip, Hermanus	27 June 2016
3.	Erven 3128 and 3129, Voëlklip, Hermanus	27 June 2016
4.	Erf 16, Sandbaai	27 June 2016
5.	Erf 2277, Stanford	12 July 2016
6.	Erf 1738, Voëlklip, Hermanus	12 July 2016
7.	Portion of Erf 243 (Sites A & B) Mount Pleasant	12 July 2016
8.	Erf 7486, Kleinmond	12 July 2016
9.	Erf 6180, Kleinmond	12 July 2016
10.	Erf 2079, Pearly Beach	12 July 2016
11.	Erf 995, Sandbaai	12 July 2016
12.	Portion 6 of the farm Hemel & Aarde No. 586	1 August 2016
13.	Erven 1599, 1600 and 1601, Sandbaai	2 August 2016
14.	Erf 2082, Onrus River	5 August 2016
15.	Erf 2230, Onrus River	5 August 2016
16.	Erf 572, Gansbaai	5 August 2016
17.	Erf 7276, Eastcliff, Hermanus	19 August 2016
18.	Erf 606, Sandbaai	19 August 2016

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1. **ERF 7979, EPIKHAYA, OLIENHOUT AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : M DE JAGER (obo GS VAN DER MERWE)**

7979 KKM (3314)

H van der Stoep

(028) 313 8900

Hermanus Administration

20 June 2016

Executive Summary

Departure of the western lateral building line from 3m to 2,25m.

RESOLVED :

1. that the application for departure on Erf 7979, Kleinmond in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 to relax the western lateral building line from 3m to 2,25m in order to erect a new house, **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. 15004_rev01 dated 20 May 2016, which was submitted with the application, and
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.
2. that the applicant be notified of its right of appeal in terms of 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. ERVEN 7617 AND 7618, 111 ELEVENTH STREET, HERMANUS (VOËLKLIJ), OVERSTRAND MUNICIPAL AREA : PROPOSED CONSOLIDATION : MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF H CLAASENS

7617 & 7618 HVK (3210)

P Roux

(028) 313 8900

Hermanus Administration

8 June 2016

Executive Summary

Consolidation of Erven 7617 and 7618, Hermanus in order to legalise the existing encroachment of the common boundary line.

RESOLVED :

1. that in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Land Use Planning, 2016 the application to consolidate Erf 7617 with Erf 7618, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the proposed Consolidation Plan Drawing No. herm7617c.drw dated February 2016, as submitted with the application;
 - (b) that all the conditions in the Service Report, be complied with;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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3. ERVEN 3128, 3129 & 3130, 192 SEVENTH STREET, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : PROPOSED CONSOLIDATION : MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF IHL LEISTERT & GUR NAUMANN

3128 - 3130 HVK (3228)

P Roux

(028) 313 8900

Hermanus Administration

13 June 2016

Executive Summary

Consolidation of Erven 3128, 3129 and 3130 in order to create one single property of 1883m².

RESOLVED :

1. that in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Land Use Planning, 2016 the application to consolidate Erven 3128, 3129 and 3130, **be approved**, subject to the following condition:
 - (a) that this approval only has reference to the proposed SG Diagram, Erf 12234, Hermanus, dated December 2015, as submitted with the application;
 - (b) that all the conditions in the Service Report, be complied with;
 - (c) that it is the owner/applicant's responsibility to register the approved consolidation within 5 years from the date of approval;
 - (d) that all the conditions contained in the letter from the Department of Transport and Public Works, be adhered to;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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4. ERF 16, 134 MARINE DRIVE, SANDBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : BS ACKERMANN

16 HSB (3220)

H Olivier

(028) 313 8900

Hermanus Administration

8 June 2016

Executive Summary

Removal of Restrictive Condition to allow the legalization of a portion of a balcony constructed over the 4,72m street Title Deed building line up to the 4m building line prescribed by the Zoning Scheme.

Departure to relax the 2m southern and rear building lines to 0m to accommodate existing pergolas covered by shade cloth, and a use change of the garage to a games room, and a screen wall and façade, which traverse the building lines

RESOLVED :

1. that the application for Removal of Restrictive Conditions on Erf 16, Sandbaai in terms of Section 16(2)(f) in terms of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016, to remove condition C2(d) in Title Deed T39680/1979, **be approved**;
2. that the application for departure on Erf 16, Sandbaai in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 to relax the 2m southern lateral building line and 2m rear building line to 0m, to accommodate pergola's covered by shade-cloth, a screen and façade and also to accommodate a use change of a portion of an existing garage (which traverse the 2m northern lateral building line with 30cm) to a games room, **be approved**, subject to the following conditions:
 - (a) compliance with all other relevant legislation;
 - (b) the departure for building lines only be applicable to plans Ref. 16Ackers, submitted with this application;
 - (c) that all the conditions of Eskom, be complied with;
 - (d) that all the conditions of Telkom, be complied with, and

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- (e) that building plans be submitted to the Building Department for approval, and that the Building Department may stipulate any other conditions at that stage.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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5. ERF 2277, 8 VLEI STREET, STANFORD, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : M BELL ON BEHALF OF JOANSVIEW PROPERTIES

2277 SSS (3229)

P Roux

(028) 313 8900

Hermanus Administration

16 June 2016

Executive Summary

A departure application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning in order to encroach the lateral building lines from 2m to 1,5m to accommodate the alteration to the existing dwelling on the property.

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning , 2016 the departure application on Erf 2277, Stanford in order to relax the 2m lateral building lines to 1,5m to accommodate alterations made to the dwelling, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the building plan numbered STF 1 to 5, Erf 2277, Stanford dated June 2015, 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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6. ERF 1738, CNR FIRST AVENUE AND FIFTH STREET, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : IN & M PILKINGTON

1738 HVK (3222)

P Roux

(028) 313 8900

Hermanus Administration

25 June 2016

Executive Summary

A departure application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning in order to encroach the lateral building lines from 2m to 1,1m and 1,6m respectively, to accommodate the existing store room.

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the departure application, on Erf 1738, Hermanus in order to relax the 2m lateral building lines to 1,1m and 1,6m respectively, to accommodate the existing store room, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the proposed building plan no. DRG No 1 to 4, Erf 1738, Hermanus, dated January 2016, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval;
 - (c) that all the conditions in the Service 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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7. PORTION OF ERF 243, HERMANUS (SITE A AND B) SCHULPHOEK ROAD, MOUNT PLEASANT, OVERSTRAND MUNICIPAL AREA : PROPOSED AMENDMENT OF CONDITION OF APPROVAL : MESSRS SUPPLIERS TO ALL T/A MOTLEKAR OVERSTRAND ON BEHALF OVERSTRAND MUNICIPALITY

Ptn 243 HMP (3227)

H Olivier

(028) 313 8900

Hermanus Administration

8 June 2016

Executive Summary

Proposed amendment of a Condition of Approval not to build internal boundary walls and washing lines in a housing development.

RESOLVED :

1. that in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Land Use Planning, 2016 the application to amend Condition C(1)(i) in the planning approval for Portion 243, Mount Pleasant taken on 30 April 2014, **be approved**, which condition will now read as follows:
 - (a) "C(1)(i) that boundary walls be constructed for all residential erven and washing lines be provided for such erven on Site B to the satisfaction of the Senior Manager: Town Planning"
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above condition of approval.

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**8. ERF 7486, 57 FOURTH STREET, KLEINMOND, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : FD HUGO**

7486 KKM (3221)

**H van der Stoep
15 June 2016**

(028) 313 8900

Hermanus Administration

Executive Summary

Departure in terms of Section 16(2)(b) in order to relax the northern lateral building line with Erf 7485 from 2m to 1,9m to accommodate the additions to the existing second dwelling unit and also to relax the southern lateral building line with Erf 7487 from 2m to 0m to accommodate a proposed new carport.

RESOLVED :

1. that the application for departure on Erf 7486, Kleinmond in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 to relax the northern lateral building line with Erf 7485 from 2m to 1,9m to accommodate the additions to the existing second dwelling unit and also to relax the southern lateral building line with Erf 7487 from 2m to 0m to accommodate a proposed new 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 Plan Numbers 1A, 1B, 1C, 1D, 1E & 1F dated February 2016, which was submitted with the application, and
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage.
2. that the applicant be notified of its right of appeal in terms of 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 6180, 8 HARBOUR ROAD, KLEINMOND, OVERSTRAND
MUNICIPAL AREA : PROPOSED CONSENT USE : PLAN ACTIVE (obo
HE KIESSLING for IMMENHOF HOMESTEAD APIARY CC)**

6180 KKM (3233)

H van der Stoep

(028) 313 8900

Hermanus Administration

17 June 2016

Executive Summary

Consent use for business activities in order to operate a restaurant and deli.

RESOLVED :

1. that the application for a consent use on Erf 6180, Kleinmond in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 in order to establish a restaurant and deli 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 restaurant be restricted to the footprint as per plans D1089.K, dated 18 February 2016 (Areas, Ground floor) and Plan no. kleinm6180sdp-1-drw., which was submitted with the application;
 - (d) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (e) 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;
 - (f) that the 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;
 - (g) that signage on the premises complies with the Municipal By-Law;

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- (h) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (i) that should any building alterations be required building plans should be submitted to the Building Department for approval;
 - (j) that all the conditions in the Services Report, be complied with, and
 - (k) that all conditions imposed by the Fire Department, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval

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10. ERF 2079, 22 PUREN STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : M MATTHEE ON BEHALF OF JA MATTHEE

2079 GPB (3214)

S van der Merwe

(028) 313 8900

Hermanus Administration

4 July 2016

Executive Summary

Consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to conduct a three (3) bedroom guesthouse from the property.

RESOLVED :

1. that in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application for consent use on Erf 2079, Pearly Beach in order to conduct a three (3) bedroom Bed & Breakfast establishment, **be approved**, subject to the following conditions:
 - (a) that the facility be utilized as a guesthouse only;
 - (b) that a maximum of three (3) bedrooms to be let, be permitted, only if all the required parking standards are adhered to;
 - (c) that the owner/manager resides on the premises;
 - (d) that the guesthouse is utilized as such - no self-catering will be permitted;
 - (e) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
 - (f) that a minimum of one (1) permanently demarcated parking bay per guest room (as indicated on the Site Plan submitted) and two (2) for the owner/manager be provided within the erf boundaries;
 - (g) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (h) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular

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- inspections by the Fire Control Co-ordinator and the Health Inspector;
- (i) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
 - (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 R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (l) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (m) that should any building alterations be required building plans should be submitted to the Building Department for approval;
 - (n) that the accommodation facility complies with Council's Policy with regard to Accommodation Establishments;
 - (o) that all the conditions in the Services Report, be complied with;
 - (p) that only the bedrooms as indicated for guest bedrooms on the Site Plan (Drawing SM Peck dated 28 December 2015) be utilized as such, and
 - (q) that this approval is not transferable and lapses should the property changes from ownership.
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 995, 32 PIET RETIEF CESCENT, SANDBAAI, OVERSTRAND
MUNICIPAL AREA : EXTENSION OF TIME : D CLARK-BROWN**

995 HSB (3213)

H Olivier

(028) 313 8900

Hermanus Administration

7 July 2016

Executive Summary

Extension of validity period of the approval of the subdivision of Erf 995, Sandbaai

RESOLVED :

1. that the application in terms of Section 16(2)(i) of the Overstrand Municipality By-Law and Municipal Land Use Planning the application on Erf 995, Sandbaai in order to allow and extension of the period of validity of subdivision approval, **be approved**, subject to the following conditions:
 - (a) that a five (5) year extension period be granted, and no further extension of time will be considered should the rights not be exercised in the period granted, and
 - (b) that all the conditions per the first approval letter dated 17 March 2011 remain in place.
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. PORTION 6 OF FARM NO. 586 IN THE DIVISION OF CALEDON,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE :
MR HA DE KOCK ON BEHALF OF BOUCHARD FINLAYSON (PTY) LTD**

6/586 RCAL (3383)

H van der Stoep

(028) 313 8900

Hermanus Administration

1 August 2016

Executive Summary

Amendment of a Site Development Plan

RESOLVED :

1. that the application for the amendment of a Site Development Plan in terms of Section 16(2)(g) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016, **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 1606B, CD-00-WD, 66/7/2016, which was submitted with the application, and
 - (d) that building plans be submitted to the Building Department for approval

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

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**13. ERVEN 1599, 1600 AND 1601, BERGSIG STREET, SANDBAAI,
OVERSTRAND MUNICIPAL AREA : PROPOSED AMENDMENT OF
EXISTING APPROVAL : MESSRS PLAN ACTIVE ON BEHALF OF THE
NICO VAN ZYL FAMILY TRUST & BLAZECOR**

1599, 1600 & 1601 HSB (3232)

H Olivier

(028) 313 8900

Hermanus Administration

8 July 2016

Executive Summary

Amendment of conditions of approval to not have to consolidate all three (3) erven, but only two (2), and change the development proposal.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to amend condition 2 of the Land Use Planning approval on Erven 1599, 1600 and 1601, Sandbaai dated 5 May 2015, **be approved**, and be amended as follows:

“that in terms of Section 2.3 of the Overstrand Municipality Zoning Scheme the application for the consolidation of Erven 1600 and 1601, Sandbaai, **be approved**, subject to the following conditions:”

- (a) that all the conditions in conditions 2(a) to 2(i) as stipulated in the approval letter dated 5 May 2015 be applicable to the consolidated erf (Erven 1600 and 1601) and Erf 1599

that architectural guidelines be submitted for the development in line with the building style of Hermanus Business Park, and

that the land uses be limited to the land uses as indicated on the site plan (conceptual Layout 5).

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

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14. ERF 2082, 18 DOUGLAS STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : C WEPENER ON BEHALF OF THE ANROB FAMILY TRUST

2082 HON (3207)

H Olivier

(028) 313 8900

Hermanus Administration

16 June 2016

Executive Summary

Departure of the western lateral building line.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the western lateral building line with Erf 3323 from 2m to 0,9m to accommodate a new toilet and a portion of a braai room on ground floor level, and a portion of a new timber deck on first floor level, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that the railing on the deck on first floor level be set back to the 2m building line;
 - (c) that this is not an approval in terms of any other legislation;
 - (d) that the conditions of Eskom, be complied with, and
 - (e) that this application only relates to the approval to relax building lines as indicated on the plan submitted by the architect.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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15. ERF 2230, 19 PROGRESSIVE STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : GF THERON ON BEHALF OF CM & SM ROSSI

2230 HON (3226)

H Olivier

(028) 313 8900

Hermanus Administration

16 June 2016

Executive Summary

Departure to relax the street building line with Progressive Street from 3m to 0m to accommodate a carport as well as pergola with retractable shading, to relax the eastern lateral building line from 2m to 1,5m to accommodate a portion of the carport, also to relax the southern lateral building line from 2m to 0m to accommodate an existing store room, pergola and boundary wall in excess of 2,1m in height.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the street building line with Progressive Street from 3m to 0m to accommodate a carport as well as a pergola with retractable shade cloth, to relax the eastern lateral building line from 2m to approximately 1,5m to accommodate a portion of the carport, also to relax the southern lateral building line to 0m to accommodate an existing store room, pergola and boundary wall in excess of 2,1m, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines as indicated on the plan submitted by the architect;
 - (b) that this is not an approval in terms of any other applicable legislation;
 - (d) that all the conditions in the Services Report, be complied with, and
 - (e) that building plans be submitted to the Building Department and that any conditions that may be stipulated by such department or the Fire Department at that stage, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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16. ERF 572, 66 PARK STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : GD VISSER

572 GB (3223)

S van der Merwe

(028) 313 8900

Hermanus Administration

4 July 2016

Executive Summary

A departure application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning in order to:

- i) encroach the southern lateral building line from 2m to 1,65m to retain an existing decorative pillar as well as the conversion of the garage into a living room, and
- (ii) encroach the 4m street building line as a result of filling in excess of 1m above natural ground level.

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the departure application on Erf 572, Gansbaai in order to relax the 2m lateral building lines to 1,65m to accommodate alterations made to the dwelling as well as the relaxation of the 4m street building line to accommodate filling varying between 1,4m and 2m above natural ground level, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to building plan number 66/DV/16 dated 25 January 2016;
 - (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;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and

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- (f) that balustrading be provided in accordance with the National Building Regulations with no solid sections above 2,1m measured from natural ground level.
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 7276, 403 MAIN ROAD, EASTCLIFF, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS GIG DESIGN ON BEHALF OF DORMELL PROP 13 (PTY) LTD

7276 HEC (3234)

P Roux

(028) 313 8900

Hermanus Administration

22 July 2016

Executive Summary

A departure application was received in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning on Erf 7276 in Hermanus (Eastcliff) in order to relax the rear building line with Erven 1512 and 1513 from 2m to 0m to accommodate an existing covered stoep, braai and garden trellis.

RESOLVED :

1. that the application for departure on Erf 7276, Hermanus (Eastcliff) in order to relax the rear building line with Erven 1512 and 1513, Hermanus from 2m to 0m to accommodate the garden trellis, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to building plan Number 01, Erf 7276, L Croeser, as submitted with the application;
 - (b) that building plans must be submitted to the Building Department for approval;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

2. that the application for departure on Erf 7276, Hermanus (Eastcliff) in order to relax the rear building line with Erven 1512 and 1513, Hermanus from 2m to 0m to accommodate an existing covered stoep/braai area **not be approved**, due to the following reasons:
 - (a) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;

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- (b) discrepancies are found between what is proposed and what is shown on the approved plan, and
 - (c) due to the discrepancies found an informed decision cannot be taken.
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 606, 145 DE VILLIERS STREET, SANDBAAI, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE : GJ & TM DUVENHAGE**

606 HSB (3268)

H Olivierx

(028) 313 8900

Hermanus Administration

22 July 2016

Executive Summary

Departure of the lateral building line with Erf 610 from 2m to 0m to accommodate an existing built braai, to relax the same lateral building line to 1m and the rear building line with Erf 607 from 2m to 1m to accommodate the existing double garage on the property.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line with Erf 610 from 2m to 0m to accommodate a built braai and to relax the same building line from 2m to 1m to accommodate an existing double garage, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (b) that all the conditions in the Services Report, be complied with;
 - (c) that this is not an approval in terms of any other legislation;
 - (d) that all the conditions by Telkom, be complied with, and
 - (e) that this application only relates to the approval to relax building lines as indicated on the plan submitted by the architect
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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RECOMMENDATION :

that **cognisance be taken** of the town planning applications in terms of the Land Use Planning Ordinance (LUPO) disposed of by the Executive Mayor (acting under delegated authority during the recess period) for the period 25 May 2016 – 26 July 2016:

1.	Erf 816, Franskraal	30 June 2016
2.	Erf 408, Westcliff, Hermanus	30 June 2016
3.	Erf 5326, Kleinmond	30 June 2016
4.	Erf 45, Pringle Bay	30 June 2016
5.	Erf 87, Westcliff, Hermanus	30 June 2016
6.	Erf 3576, Voëlklip, Hermanus	30 June 2016
7.	Erf 295, Sandbaai	30 June 2016
8.	Erf 1017, Sandbaai	30 June 2016
9.	Erf 2214, Voëlklip, Hermanus	30 June 2016
10.	Erf 417, Gansbaai	30 June 2016
11.	Erf 476, Westcliff, Hermanus	30 June 2016
12.	Erf 6807, Voëlklip, Hermanus	30 June 2016
13.	Erf 641, Vermont	30 June 2016
14.	Erf 1108, Pringle Bay	30 June 2016
15.	Erf 13, Franskraal	30 June 2016
16.	Erf 8377, Hemel & Aarde	30 June 2016
17.	Portion 9 of the farm Modder Rivier No. 654	1 July 2016
18.	Portion 19 of the farm Modder Rivier No. 654	1 July 2016

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**1. ERF 816, 28 ROSS STREET, FRANSKRAAL, OVERSTRAND
MUNICIPAL AREA : PROPOSED RELAXATION OF RESTRICTIVE TITLE
DEED CONDITIONS : HJA & NK VAN DER WESTHUIZEN**

816 GFK (3195)

SW van der Merwe

(028) 313 8900

Hermanus Administration

3 May 2016

Executive Summary

To consider an application for relaxation of a restrictive title deed condition received on 26 January 2016 from the owners, HJA & NK van der Westhuizen, on Erf 816, Franskraal in order to relax the 1,57m lateral building line and 3,15m rear building line applicable in terms of the Title Deed to 0m.

RESOLVED :

1. that the application for the relaxation of restrictive title conditions contained in the Title Deed of Erf 816, Franskraal (T25762/2015) in order to relax the 1,57m lateral- and 3,15m rear building line to 0,0m 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 the Site Development Plan Project No. 28/HW/15 dated 8 September 2015, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that all the conditions imposed by the Operational Department and the Department of Environmental Affairs and Development Planning, be adhered to;
 - (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 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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**2. ERF 408, 19 DE GOEDE STREET, HERMANUS, OVERSTRAND
MUNICIPAL AREA : REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84
OF 1967) AND CONSENT USE : MESSRS OVERPLAN & ASSOCIATES
ON BEHALF OF RLG & RB KRAUS**

408 HWC (2991)

**H van der Stoep
19 May 2016**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 21 July 2015 from Messrs. Overplan & Associates on behalf of RLG & RB Kraus on Erf 408, Hermanus for a consent use in order to conduct a five (5) bedroom guesthouse on the property concerned.

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 408, Hermanus to enable the owner to operate a five (5) bedroom guesthouse from the property.

RESOLVED :

1. that the removal of restrictive title conditions Page 2, Paragraph A.(a) and (c) in unregistered Title Deed T38079/2015 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 408, Hermanus, **be recommended for approval** by the Department of Environmental Affairs and Development Planning;
2. that in terms of Section 2.2 of the Section 9 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a consent use on Erf 408, Hermanus to operate a five (5) bedroom guesthouse on the property concerned, **be approved**;
3. that the approval of Point 2. above be subject to the following conditions:
 - (a) that the facility be utilized as a **guesthouse only**;
 - (b) that a maximum of five (5) bedrooms to be let, be permitted;
 - (c) that all rooms in the guesthouse be interleading;
 - (d) that no kitchens and/or prep bowls be allowed in any bedroom;

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- (e) that parking be provided as per layout plan;
- (f) that the owner/manager resides on the premises;
- (g) that the guesthouse is utilized as such - no self-catering will be permitted;
- (h) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
- (i) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
- (j) that a minimum of one (1) permanently demarcated parking bay per guest room (as indicated on the Site Plan submitted) and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Senior Manager: Town- and Spatial Planning;
- (k) 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;
- (l) 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;
- (m) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
- (n) that the guesthouse be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
- (o) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
- (p) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
- (q) that should any building alterations be required building plans should be submitted to the Building Department for approval;

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- (r) that all the conditions in the Services Report, be complied with,
and
 - (s) that all the conditions imposed by the Fire Department, be
complied with.
4. 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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**3. ERF 5326, 3 SWARTRIVIER ROAD, KLEINMOND, OVERSTRAND
MUNICIPAL AREA : PROPOSED RELAXATION AND DEPARTURE :
S SCHUTTE ON BEHALF OF DB & CA BEUKES**

5326 KKM (3136)

H van der Stoep

(028) 313 8900

Hermanus Administration

10 May 2016

Executive Summary

An application has been received on 24 November 2015 from S Schutte on behalf of DB & CA Beukes on Erf 5326, Kleinmond for the following departures from the relevant Scheme Regulations to accommodate the proposed replacement of the roof:

- ❖ to relax the 4m street building line on Boekenhout Avenue to approximately 3,020m;
- ❖ to relax the 4m street building line on Swartrivier Road to approximately 2,650m;
- ❖ to relax the 2m lateral building line with Erf 5335 to approximately 0,920m, and
- ❖ to relax the 2m lateral building line with Erf 5336 to approximately 0,920m.

An application has also been received for a relaxation of the Title Deed Restriction in order to relax the street building line from 3,15m to 2,65m and 2,03m, respectively, to accommodate a proposed replacement of the roof.

RESOLVED :

1. that the relaxation of Title Deed Condition C.9. of Title Deed T46103/2015 on Erf 5326, Kleinmond in order to relax the street building line from 3,15m to 2,65m and 2,03m, respectively, to accommodate a proposed replacement of the roof, **be approved**;
2. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the following departures from the relevant Scheme Regulations on Erf 5326, Kleinmond to accommodate the proposed replacement of the roof :
 - ❖ to relax the 4m street building line on Boekenhout Avenue to approximately 3,020m;
 - ❖ to relax the 4m street building line on Swartrivier Road to approximately 2,650m;
 - ❖ to relax the 2m lateral building line with Erf 5335 to approximately 0,920m, and

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- ❖ to relax the 2m lateral building line with Erf 5336 to approximately 0,920m,

be approved, subject to the following conditions:

- (a) that this approval is only for the relaxation of building lines as indicated on Plan Numbers D.1026.K (1-6) dated 19 November 2015, which were 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 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
 - (e) that all conditions imposed in the Services Report, be complied with.
3. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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**4. ERF 45, 19 PENGUIN ROAD, PRINGLE BAY, OVERSTRAND
MUNICIPAL AREA : PROPOSED CONSENT USE : JG MEYER**

45 KPRB (3148)

**H van der Stoep
6 May 2016**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 30 November 2015 from JG Meyer on Erf 45, Pringle Bay for a consent use in order to operate a three (3) bedroom guesthouse on the property concerned.

RESOLVED :

1. that in terms of Section 2.2 of the Section 9 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a consent use on Erf 45, Pringle Bay in order to operate a three (3) bedroom guesthouse on the property concerned, **not be approved**, due to the following reason:
 - (a) the title deed restriction pertaining in Title Deed T6721/2009. The applicant will have to lodge a Removal of Restriction application to remove restrictive condition E(1)(a) to be able to operate a guesthouse with three (3) rooms.

2. that in terms of Section 2.2 of the Section 9 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a consent use on Erf 45, Pringle Bay in order to operate a two (2) bedroom guesthouse on the property concerned as per the Overstrand Zoning Scheme, **be approved**, subject to the following conditions:
 - (a) that the facility be utilized as a residential dwelling and **guesthouse only**;
 - (b) that a maximum of two (2) bedrooms to be let, be permitted;
 - (c) that the owner/manager resides on the premises;
 - (d) that the guesthouse is utilized as such - no self-catering will be permitted;
 - (e) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;

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- (f) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (g) that a minimum of one (1) permanently demarcated parking bay per guest room (as indicated on the Site Plan submitted) and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Senior Manager: Town- and Spatial Planning;
 - (h) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (i) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (j) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
 - (k) that the guesthouse be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (l) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (m) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
 - (n) that should any building alterations be required building plans should be submitted to the Building Department for approval;
 - (o) that all the conditions in the Services Report, be complied with, and
 - (p) that all the conditions imposed by the Fire Department, be complied with.
3. 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 conditions of approval.

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**5. ERF 87, 52 CANTERBURY STREET, HERMANUS, OVERSTRAND
MUNICIPAL AREA : REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84
OF 1967) : MESSRS PLAN ACTIVE ON BEHALF OF N KRETZSCHMAR**

87 HWC (3099)

**H van der Stoep
20 May 2016**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 26 October 2015 from Messrs Plan Active on behalf of N Kretzschmar for the removal of restrictive title conditions B.(a) and (d) in Title Deed T19654/2009 applicable to Erf 87, Westcliff, Hermanus to enable the owner to construct a dwelling on the property.

RESOLVED :

1. that the removal of restrictive title conditions Page 5, Paragraph B. (a) and (d) in Title Deed T19654/2009 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 87, Hermanus, **be recommended for approval** by the Department of Environmental Affairs and Development Planning, subject to the following conditions :
 - (a) that the restrictive title conditions be removed successfully;
 - (b) that Single Residential development parameters be applicable;
 - (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 compliance with Fire Safety Regulations is pre requisite - SANS 10400T : 2011, and
 - (f) that all the conditions in the Services Report, be complied with.

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**6. ERF 3576, 232 NINTH STREET, HERMANUS (VOËLKLIP),
OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIVE TITLE
DEED CONDITIONS & DEPARTURE : MESSRS DAVE SAUNDERS
PLANNERS CC ON BEHALF OF THE THREE G'S TRUST**

3567 HVK (2947)

P Roux

(028) 313 8900

Hermanus Administration

26 April 2016

Executive Summary

To consider an application received on 1 June 2015 from Messrs Dave Saunders Planner CC on behalf of the owners of Erf 3576, Hermanus (Voëlklip), The Three G's Trust, for a departure from the relevant Scheme Regulations in order to relax the street building line from 4m to 0m and the lateral building line from 2m to 0m to accommodate a carport and a store room.

The application also includes the removal of restrictive title condition C(d)(iii) in Deed of Transfer No. 1129 dated 20th February 1935 applicable to Erf 3576, Hermanus, which reads as follows:

“that all buildings shall stand back at least ten feet from the line of the street or avenue on which the Lot or Lots herein mentioned may front, that all outbuildings shall stand back at least thirty feet from any street or twenty feet from any avenue on which the Lot or Lots herein mentioned may front.”

RESOLVED :

1. that the application for the removal of restrictive title condition C(d)(iii) in Deed of Transfer No. 1129 dated 20 February 1935 applicable to Erf 3576, Hermanus, to enable the owner to erect a carport on the property, **be recommended for approval;**
2. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure from the relevant Scheme Regulations in order to relax the street building line from 4m to 0m and the lateral building line from 2m to 0m to accommodate a carport and a store room, **be approved**, subject to the following conditions;
 - (a) that the approval is only for the departure as indicated on Plan No 1117-1 to 2, as submitted with the application;
 - (b) that the approval in Paragraph 2. above is subject to the successful removal of the restrictive title deed condition;

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- (c) that building plans be submitted to the Building Department for approval and that the building plans indicate that the western wall of the carport will be at a height of 2,1m, the eastern GMS palisade fencing be removed and that an automatic gate will be installed;
 - (d) that the store room cannot be used for accommodation purposes without prior consent from the Municipality;
 - (e) that none reflective roof material is used to cover the carport;
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (g) that all water runoff is done on the subject property.
3. 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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**7. ERF 295, 155 JAN VAN RIEBEECK CRESCENT, SANDBAAI,
OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTION :
D SWART**

295 HSB (3188)

H Olivier

18 May 2016

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 15 January 2016 from D Swart for the removal of a restrictive title condition applicable to Erf 295, Sandbaai to enable the owner to remove some restrictive building lines from the Title Deed.

RESOLVED :

1. that in terms of Removal of Restrictions Act 84 of 1967 the removal of a restrictive title condition applicable to Erf 295, Sandbaai to enable the owner to legalize a garage which traverse the 4,72m Title Deed street building line, **be recommended for approval** by the Provincial Government: Western Cape.

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8. ERF 1017, 89 MAIN ROAD, SANDBAAI, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIONS, REZONING AND DEPARTURE : MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF HL BOTHMA

1017 HSB (3131)

H Olivier

(028) 313 8900

Hermanus Administration

10 May 2016

Executive Summary

An application has been received on 19 November 2015 from Messrs Plan Active Town- and Regional Planners on behalf of the property owner, HL Bothma, for the removal of a restrictive title conditions applicable to Erf 1017, Sandbaai to enable the owner to remove some building lines restrictive conditions limiting the use to one dwelling only from the Title Deed. The application further entails the following:

- application for the rezoning of Erf 1017, Sandbaai from Residential Zone I to Business Zone III to accommodate offices on the property.
- application for departure from the Zoning Scheme Regulations to relax the lateral building lines from 3m to 1m and 0m respectively to accommodate offices in the existing buildings traversing the building lines.

RESOLVED :

1. that in terms of Removal of Restrictions Act 84 of 1967 the removal of a restrictive title conditions applicable to Erf 1017, Sandbaai to enable the owner to operate a business and relax the building lines, **be recommended for approval** by the Provincial Government: Western Cape;
2. that in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the rezoning of Erf 1017, Sandbaai from Residential Zone I to Business Zone III (Local Business) to allow for offices to operate on the property, **be approved**;
3. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure from the relevant Scheme Regulations on Erf 1017, Sandbaai to relax the 3m northern and western lateral building lines from 1m to 0m respectively to accommodate offices in the existing buildings traversing such building lines, **be approved**;

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4. that the approvals in 2 and 3 above be subject to the following conditions:
 - (a) that approval of the rezoning be subject to the removal of the restrictive title conditions;
 - (b) that the development be restricted to Drawing No. Sand1017A.drw dated November 2015, submitted with the application;
 - (c) that no shops be allowed on the property;
 - (d) 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;
 - (e) that a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (f) that all other development parameters, as prescribed in the relevant Zone Scheme, be complied with;
 - (g) that the approval does not absolve the applicant from compliance with any other relevant legislation and/or title deed conditions
 - (h) that all conditions imposed in the Services Report, be complied with, and
 - (i) that building plans be submitted to the Building Control Department of any proposed building alterations for approval.
5. 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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9. ERF 2214, 65 NINTH STREET, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF JK NIEHAUS

2214 HVK (3170)

P Roux

18 May 2016

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application received on 14 December 2015 from Messrs Plan Active Town and Regional Planners on behalf of JK Niehaus, the owner of Erf 2214, Hermanus (Voëlklip), for departure from the relevant Scheme Regulations in order to relax the prescribed 8m height restriction.

RESOLVED :

1. that the objection be noted;
2. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure on Erf 2214, Hermanus (Voëlklip) from the relevant Scheme Regulations in order to encroach the permissible 8m height restriction with approximately 22cm, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of the height restriction as indicated on Plan No. NIEHAUS-200-04, 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 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.

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

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**10. ERF 417, 47 CHURCH STREET, GANSBAAI, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE AND TITLE
RELAXATION : H & HM DE JAGER**

417 GGB (3083)

SW van der Merwe

(028) 313 8900

Hermanus Administration

24 May 2016

Executive Summary

To consider an application for departure received on 13 October 2015 from the owners of Erf 417, Gansbaai, H & HM de Jager, for the following:

- departure of the 2m southern lateral building line in order to accommodate an existing carport, canopy, living room and bathroom 1,6m and 1,1m from the lateral property boundary, and
- relaxation of restrictive title conditions in order to relax the 4,72m street building line to 4m, the 1,57m lateral building line to 1,1m and 1,6m respectively and the 3,15m rear building line to 2,4m.

RESOLVED :

1. that the application for the relaxation of restrictive title conditions contained in the Title Deed of Erf 417, Gansbaai (T24366/2008) in order to relax the 4,72m street building line to 4m, the 1,57m lateral building line to 1,1m and 1,6m respectively and the 3,15m rear building line to 2,4m, **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 applicable to Erf 417, Gansbaai to relax the 2m lateral building line to 1,6 and 1,1m respectively in order to accommodate an existing carport, canopy, living room and bathroom, **be approved**;
3. that the approvals in paragraphs 1. and 2. above be subject to the following conditions:
 - (a) that this approval only has reference to the relaxation of the building lines as indicated on Site Development Plan No. JJ 33/15, attached as Annexure 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;

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- (c) that all the conditions imposed by the Operational Department and the Services Report, be adhered to;
 - (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;
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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11. **ERF 476, 26 FLOWER STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED AMENDMENT OF THE CONDITIONS OF APPROVAL, AMENDMENT OF THE SITE DEVELOPMENT PLAN, CONSENT USE, SERVITUDE AREA AND DEPARTURE : MESSRS PLAN ACTIVE ON BEHALF OF PB & HA VAN DER WALT**

476 HWC (2815)

H van der Stoep

(028) 313 8900

Hermanus Administration

22 April 2016

Executive Summary

An application has been received on 12 February 2015 from Messrs. Plan Active on behalf of PB & HA van der Walt on Erf 476, Hermanus for the following:

- ❖ Amendment of the Conditions of Approval on Erf 476 Hermanus;
- ❖ Servitude area on Erf 422, Hermanus for the provision of additional parking bays;
- ❖ Amendment of the Site Development Plan on Erf 476, Hermanus to accommodate an existing cottage with two (2) bedrooms and the garage that was converted into a pool room;
- ❖ Consent Use to utilize the property as a backpacker's establishment to accommodate forty (40) guests, and
- ❖ Departure for the lateral building lines from 4,5m to 2,10m and 1,10m respectively, to accommodate existing additions to the dwelling.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 476, Hermanus for a departure from the Scheme Regulations to relax the lateral building lines from 4,5m to 2,10m to accommodate a servant's quarters, **be approved**,
2. that in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 476, Hermanus for the Amendment of the Site Development Plan to accommodate an existing servant's quarters with two (2) bedrooms, **be approved**,
3. that the approvals in 1. and 2. above are subject to the following conditions:
 - (a) that amended 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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- (b) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;
 - (c) that the approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions;
 - (d) that compliance with Fire Safety Regulations is pre requisite-SANS 10400T:2011;
 - (e) that all conditions imposed in the Services Report (attached as Annexure F), be complied with, and
 - (f) that the servant's quarters only be used for staff accommodation and no kitchens be permitted.
4. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 476, Hermanus for a departure from the Scheme Regulations to relax the lateral building lines from 4,5m to 1,010m to accommodate the pool room and extensions, **not be approved**,
 5. that in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 476, Hermanus for the Amendment of the Site Development Plan to accommodate the garage that was converted into a pool room, **not be approved**;
 6. that the non-approval of 4. and 5. above are due to the following reasons:
 - (a) the use of a place of entertainment and/or tourism facility is not catered for in the zoning of General Residential;
 - (b) the impact of a habitable room for entertainment 1,010m from the boundary will have a detrimental impact on the adjacent erven, which is Single Residential, and
 - (c) the structure exceeds the 9,0m and/or one-third of the boundary, whichever is the lesser distance in terms of the Overstrand Zoning Scheme, and this aspect was not address in the application.
 7. that in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 476, Hermanus for the Amendment of the Conditions of Approval, **not be approved**;

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8. that in terms of Section 2.2 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 a consent use to utilize the property as a backpackers establishment to accommodate forty (40) guests, **not be approved**,
9. that the non-approval of 7. and 8. above are due to the following reasons:
 - (a) total disregard of the previous approval conditions, dated 2006;
 - (b) knowingly built illegal structures and doubling of numbers in contradiction of the approval conditions;
 - (c) the building for the applied land use not compliant with SANS 10400A;
 - (d) noise pollution that is not managed properly in a predominantly residential neighbourhood;
 - (e) the proposed parking arrangement not viable due to the inability to manage present parking arrangement;
 - (f) the present parking on Erf 476 cannot comply with the 2006 approval, and
 - (g) no application was made for the departure for a parking lot on Erf 422.
10. that the application for a servitude area (parking) on Erf 422, **not be approved**, due to the following reasons:
 - (a) uncertainty whether Erf 422 has any restrictive Title Deed conditions prohibiting such use;
 - (b) departure from the scheme to allow such a servitude, and
 - (c) the uncertainty with regard to 11(b) above that may illicit objections and this render the erf unsuitable for parking of guests on Erf 476.
11. that the applicant be notified of its right of appeal in terms of the provisions of the Local Government Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

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12. ERF 6807, 60 FIFTH STREET, HERMANUS, (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : D SWART ON BEHALF OF THE EE TRUST

6807 HVK (3197)

P Roux

(028) 313 8900

Hermanus Administration

24 May 2016

Executive Summary

To consider an application received on 21 January 2016 from D Swart on behalf of the EE Trust on Erf 6807, Hermanus (Voëlklip) for a departure from the relevant Scheme Regulations in order to relax the eastern lateral building line from 2m to 0m to accommodate a new roof structure and new precast columns over the outbuilding access door and also to relax the 4m street building line to 0m to accommodate the new braai/worktop/storage.

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 6807, Hermanus (Voëlklip) to relax the 4m street building line to 0m to accommodate the new braai/worktop/storage, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines and existing structures as indicated on Plan Numbers I 0209/03-A3 to I 0209/07-A3, as submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage;
 - (d) that the storage room may not be used for accommodation purposes without the prior written consent of Council and may not be interleading;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that all conditions compiled in the Services Report, be complied with.

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2. 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 6807, Hermanus (Voëlklip) to relax the eastern lateral building line from 2m to 0m to accommodate a new roof structure, **not be approved**, due to the following reasons:
 - (a) the storage room will not necessitate the small roof structure for weather conditions;
 - (b) the roof structure together with the storage room will still give the affect that the storage room is used for habitation purposes, and
 - (c) the roof structure leads to an unwarranted structure which is not desirable.
3. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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13. ERF 641, 14 FULMAR STREET, VERMONT, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIONS AND DEPARTURE : MESSRS SMART SOLUTION ARCHITECTURE ON BEHALF OF JC AND AG SMITH

641 HVM (3187)

H Olivier

(028) 313 8900

Hermanus Administration

1 June 2016

Executive Summary

An application has been received on 15 January 2016 from Messrs Smart Solution Architecture on behalf of the property owners, JC and AG Smith, for the removal of a restrictive title condition applicable to Erf 641, Vermont to enable the owner to remove some restrictive building lines from the Title Deed. The application further entails the following:

- application for departure from the Zoning Scheme Regulations to relax the eastern lateral building line from 2m to 1,434m to accommodate a double garage, as well as to relax the same lateral building line from 2m to 1,44m to accommodate the existing dwelling.

RESOLVED :

1. that in terms of the Removal of Restrictions Act 84 of 1967 the removal of a restrictive title condition applicable to Erf 641, Vermont to enable the owner to relax the building line, **be recommended for approval** by the Provincial Government: Western Cape;
2. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure from the relevant Scheme Regulations on Erf 641, Vermont to relax the eastern lateral building line from 2m to 1,434m to accommodate a double garage, and to relax the same lateral building line from 2m to 1,44m to accommodate the existing dwelling, **be approved**, be subject to the following conditions
 - (a) that this approval only has reference to the relaxation of the eastern lateral building line as indicated on Plan Drawing No. 10215/01-A2 dated 25 November 2015, as submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;

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- (d) that all the conditions imposed by Eskom, be complied with;
 - (e) that all the conditions imposed by Telkom, be complied with, and
 - (f) that all the conditions in the Services Report, be complied with.
3. 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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**14. ERF 1108, 7 WILLIAM ROAD, PRINGLE BAY, OVERSTRAND
MUNICIPAL AREA : PROPOSED RELAXATION AND DEPARTURE : F &
W MALHERBE**

1108 KPRB (3173)

**H van der Stoep
31 May 2016**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 24 December 2015 from F & W Malherbe on Erf 1108, Pringle Bay for a departure from the relevant Scheme Regulations in order to relax the lateral building line with Erf 1109 from 2m to 1,1m to accommodate a garage.

An application has also been received for a relaxation of the Title Deed restrictions applicable to Erf 1108, Pringle Bay in order to relax the lateral building line with Erf 1109 from 2m to 1,1m to accommodate a garage.

RESOLVED :

1. that the relaxation of the Title Deed Conditions B.6(b) and B.6(b)(i) of Title Deed T20156/2014 on Erf 1108, Pringle Bay in order to relax the lateral building line with Erf 1109 from 2m to 1,1m to accommodate a garage, **be approved**;
2. 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 1108, Pringle Bay in order to relax the lateral building line with Erf 1109 from 2m to 1,1m to accommodate a 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 PB1108-E01 and PB1108-E02 dated 16 December 2015, which was submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that 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

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

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**15. ERF 13, 5 DU TOIT STREET, FRANSKRAAL, OVERSTRAND
MUNICIPAL AREA : PROPOSED DEPARTURE AND RELAXATION OF
RESTRICTIVE TITLE DEED CONDITION : MESSRS GERICKE
ARCHITECTURAL SERVICES ON BEHALF OF M BURGER**

13 GFK (3175)

P Roux

(028) 313 8900

Hermanus Administration

2 June 2016

Executive Summary

To consider an application for departure received on 5 January 2016 from Messrs Gericke Architectural Services on behalf of the owner of Erf 13, Franskraal, M Burger, in order to relax the south western street building line from 4m to 2,704m and the northern street building line from 4m to 1,255m to accommodate a proposed garage and alterations to the dwelling.

RESOLVED :

1. that the application for the relaxation of restrictive title conditions contained in the Title Deed of Erf 13, Franskraal (T36315/1984) in order to relax the 4,72m Title Deed building lines to 1,25m, 2,704 and 4,242 respectively, **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 applicable to Erf 13, Franskraal to relax the 4m street building lines to 1,25m, 2,704 and 4,242 respectively, **be approved**;
3. that the approvals in paragraphs 1. and 2. above be subject to the following conditions:
 - (a) that this approval only has reference to the relaxation of the building lines as indicated on the Site Development Plan Project No. 05/MB/15 dated 15 November 2015 (attached as Annexure 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 the conditions compiled in the Services Report, be adhered to;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

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- (e) 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 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

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**16. ERF 8377, 3 STRELITZIA STREET, HEMEL-EN-AARDE ESTATE,
OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE : DC AND
SL MEYER**

8377 HMS (3128)

H Olivier

(028) 313 8900

Hermanus Administration

3 June 2016

Executive Summary

An application has been received on 13 January 2016 from DC and SL Meyer on Erf 8377, Hemel-en-Aarde Estate for a departure from the relevant Scheme Regulations in order to relax the 2m lateral building line with Erf 8378 to 0m to accommodate an extension to the dwelling on first floor level with a bedroom 1,2m from the lateral boundary and a balcony onto the same lateral boundary.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) application for departure on Erf 8377, Hemel-en-Aarde Estate to relax the 2m lateral building line with Erf 8378 to 1,2m to accommodate a bedroom with on-suite on first floor level, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is only for the relaxation of the western lateral building line to accommodate the bedroom and on-suite as indicated on the plan 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 in the Services Report, be complied with, and
 - (f) that all the conditions by Telkom in their letter, be complied with.
2. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure on Erf 8377, Hemel-en-Aarde Estate to relax the 2m building line with Erf 8378 to 0m

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to accommodate a balcony, **not be approved**, for the following reasons:

- could impact on the neighbours' privacy, and
- habitable space (including balconies on first floor) is not supported onto boundaries, and if this is approved it could create an unwanted precedent.

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

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17. PORTION 9 OF THE FARM MODDER RIVIER NO. 654, DIVISION CALEDON : APPLICATION FOR CONSENT USE : RE-GRAVELLING AND MAINTENANCE OF DIVISIONAL ROAD 1218 (BORROW PIT DR01218/1.2/L/50) : MESSRS. RODE PLAN SPATIAL AND DEVELOPMENT PLANNERS AND ECONOMIST

9/654 GRCAL (2483)

P Roux

(028) 313 8900

Hermanus Administration

25 May 2016

Executive Summary

To consider an application received on 16 January 2014 from Messrs. Rode Plan Spatial and Development Planners and Economist on behalf of the Provincial Government Western Cape and the owner of Portion 9 of the farm Modder Rivier No. 654, Division Caledon for a consent use in terms of the relevant Scheme Regulations in order to allow a borrow pit of approximately 1,2 ha in extent for the re-gravelling and maintenance of Divisional Road 1218 (DR1218) on the property.

RESOLVED :

1. that the application for consent use received from Messrs Rode Plan Spatial and Development Planners and Economist on behalf of the owner of Portion 9 of the farm Modder Rivier No. 654, Division Caledon for a borrow pit of approximately 1,2 ha in extent for the re-gravelling and maintenance of Divisional Road 1218, **be approved**, in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);
2. that the approval in 1. above be subject to the following conditions:
 - (a) that the relevant conditions imposed by the Environmental Section, Department of Environmental Affairs and Development Planning, Department of Agriculture, Breede-Gouritz Catchment Management Agency, Cape Nature and the Department Agriculture, Forestry and Fisheries, be adhered to;
 - (b) that the borrow pit must only be operated for ten (10) years, where after another application should be submitted in terms of the relevant Zoning Scheme in order to continue with the mining activities;
 - (c) that the mining of borrow pit DR1218/1.2/L/50 must cease and be rehabilitated if the Divisional Road 1218 is upgraded to a tar road;

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- (d) that mining must take place in phases and after each phase the mine must be rehabilitated;
 - (e) that before the mine is operated, the applicant must submit a formal proposal by which the visual impact and dust generated by the mining activities will be mitigated;
 - (f) that a formal operation schedule be submitted to the Town- and Spatial Planning Department which indicate the operating times of the mining activities and that the operating hours be kept to normal weekdays' operating hours, which does not include Sundays and Public Holidays;
 - (g) that should the mining activities depart from the normal operating times a formal notice must be sent to the adjacent property owners and to the Municipality a week in advanced;
 - (h) that the borrow pit be properly fenced and secured;
 - (i) that the Environmental Management Plan must be approved before any mining activities take place;
 - (j) that when borrow pit (DR1218/1.2/L/50) is operated then the mining activities on the other borrow pit (DR1218/3.R3.2R/50) will have to be suspended in order to better control noise and dust pollution;
 - (k) that traffic control is implemented at the access point of the borrow pit;
 - (l) that the materials mined at borrowpit (DR1218/1.2/L/50) must be for the sole use for the maintance of road DR1218;
 - (m) that authorisation is obtained from the Department of Mineral Resources before any mining activites take place, and
 - (n) that the borrow pit be restricted to the area and dimensions as per the Site Development Plan.
3. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

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18. PORTION 19 OF THE FARM MODDER RIVIER NO. 654, DIVISION CALEDON : APPLICATION FOR CONSENT USE : RE-GRAVELLING AND MAINTENANCE OF DIVISIONAL ROAD 1218 (BORROW PIT (DR1218/3.R3.2R/50) : MESSRS RODE PLAN SPATIAL AND DEVELOPMENT PLANNERS AND ECONOMIST

19/654 (2484)

P Roux

(028) 313 8900

Hermanus Administration

25 May 2016

Executive Summary

To consider an application received on 16 January 2014 from Messrs Rode Plan Spatial and Development Planners and Economist on behalf of the Provincial Government Western Cape and the owner of Portion 19 of the Farm Modder Rivier No. 654, Division Caledon for a consent use in terms of the relevant Scheme Regulations in order to allow a borrow pit of approximately 0,7 ha in extent for the re-gravelling and maintenance of Divisional Road 1218 (DR1218) on the property.

RESOLVED :

1. that the application for consent use received from Messrs Rode Plan Spatial and Development Planners and Economist on behalf of the owner of Portion 19 of the Farm Modder Rivier No. 654, Division Caledon for a borrow pit of approximately 0,7 ha in extent for the re-gravelling and maintenance of Divisional Road 1218, **be approved**, in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);
2. that the approval in 1. above be subject to the following conditions:
 - (a) that the relevant conditions imposed by the Environmental Section, Department of Environmental Affairs and Development Planning, Telkom, Department of Agriculture, Breede-Gouritz Catchment Management Agency, Cape Nature and the Department Agriculture, Forestry and Fisheries, be adhered to;
 - (b) that the borrow pit must only be operated for ten (10) years, where after another application should be submitted in terms of the relevant Zoning Scheme in order to continue with the mining activities;
 - (c) that mining of borrow pit DR1218/3.2/R/50 must cease and be rehabilitated if the Divisional Road 1218 is upgraded to a tar road;

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- (d) that mining must take place in phases and after each phase the mine must be rehabilitated;
 - (e) that before the mine is operated, the applicant must submit a formal proposal by which the visual impact and dust generated by the mine will be mitigated;
 - (f) that a formal operation schedule be submitted to the Town- and Spatial Planning Department which indicate the operating times of the mining activities and that the operating hours be kept to normal weekdays' operating hours, which does not include Sundays and Public Holidays;
 - (g) that should the mining activities depart from the normal operating times a formal notice must be sent to the adjacent property owners and to the Municipality a week in advanced;
 - (h) that the borrow pit be properly fenced and secured;
 - (i) that the Environmental Management Plan must be approved before any mining activities take place;
 - (j) that when borrow-pit (DR1218/3.R3.2R/50) is operated then the mining activities on the other borrow-pit (DR1218/1.2/L/50) will have to be suspended in order to better control noise and dust pollution;
 - (k) that traffic control is implemented at the access point of the borrowpit;
 - (l) that the materials mined at borrow-pit (DR1218/3.R3.2R/50) must be for the sole use for the maintance of the road DR1218;
 - (m) that authorisation is obtained from the Department of Mineral Resources before any mining activites take place, and
 - (n) that the borrow pit be restricted to the area and dimensions as per the Site Development Plan.
3. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.