

**PORTFOLIO COMMITTEE :
INFRASTRUCTURE & PLANNING**

Chairperson :

Cllr D Botha

Committee Members :

**Cllrs G Cohen, F Krige,
S Tebele & V Pungupungu**

**PORTEFEULJEKOMITEE :
INFRASTRUKTUUR & BEPLANNING**

Voorsitter :

Rdl D Botha

Komiteelede :

**Rdle G Cohen, F Krige,
S Tebele & V Pungupungu**

INFRASTRUCTURE & PLANNING PORTFOLIO COMMITTEE
INFRASTRUKTUUR & BEPLANNING PORTEFEULJEKOMITEE

19 September 2017

I N D E X

ITEM

**PAGE
NUMBER**

APPLICATIONS FOR LEAVE OF ABSENCE

- | | | |
|-----------|---|-----------|
| 1. | TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS CONSIDERED IN TERMS OF DELEGATED AUTHORITY : AUGUST 2017 | 1 |
| 2. | ERF 3819, GANSBAAI, OVERSTRAND MUNICIPAL AREA : AMENDMENT OF THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK, REZONING AND CONSENT USE : MESSRS PLAN ACTIVE ON BEHALF OF PREMIER FISHING SA (PTY) LTD | 41 |

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

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

15/3/11

R van Antwerp
16 August 2017

(028) 313 8039

Hermanus Administration

1. Executive Summary

To report on applications disposed of by the Senior Manager : Town- & Spatial Planning in terms of the Land Use Planning Ordinance (LUPO) and the Authorised Official in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 1 August 2017 – 16 August 2017 as well as the applications that served before the Municipal Planning Tribunal on 27 July 2017.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background

This item serves to inform Council of matters that were disposed of by the Senior Manager: Town & Spatial Planning in terms of LUPO and the Authorised Official in terms of SPLUMA and the Municipal Planning Tribunal.

7. Financial Implications

None

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

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

RECOMMENDATION:

that cognisance be taken of the town planning applications disposed of by the Senior Manager: Town- and Spatial Planning in terms of the Land Use Planning Ordinance (LUPO) and the Authorised Official in terms of SPLUMA for the period 1 August 2017 – 16 August 2017, as well as the applications that served before the Municipal Planning Tribunal on 27 July 2017:

Land Use Planning Ordinance (LUPO) Approval

- | | | |
|----|---------------------|----------------|
| 1. | Erf 274, De Kelders | 14 August 2017 |
|----|---------------------|----------------|

Spatial Land Use Management Act (SPLUMA) Approvals

- | | | |
|-----|--|----------------|
| 1. | Erf 5037, Kleinmond | 1 August 2017 |
| 2. | Erf 11451, Hermanus | 1 August 2017 |
| 3. | Portion 8 of the farm De Draay No. 563 | 1 August 2017 |
| 4. | Erf 11836, Hermanus | 1 August 2017 |
| 5. | Erf 4121, Betty's Bay | 1 August 2017 |
| 6. | Erf 431. Hermanus | 1 August 2017 |
| 7. | Erf 1637, Vermont | 1 August 2017 |
| 8. | Erf 4136, Onrustrivier | 14 August 2017 |
| 9. | Erf 4, Franskraal | 14 August 2017 |
| 10. | Erf 429, Franskraal | 14 August 2017 |
| 11. | Erf 528, De Kelders | 14 August 2017 |
| 12. | Erf 1290, Stanford | 14 August 2017 |
| 13. | Erf 145, Fisherhaven | 14 August 2017 |
| 14. | Erf 3134, Hermanus | 14 August 2017 |
| 15. | Erf 3653, Hermanus | 14 August 2017 |
| 16. | Erf 113, Fisherhaven | 14 August 2017 |

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

Municipal Planning Tribunal

- | | | |
|----|----------------------|--------------|
| 1. | Erf 131, Fisherhaven | 27 July 2017 |
| 2. | Erf 4622, Kleinmond | 27 July 2017 |

RESPONSIBLE OFFICIAL :	R VAN ANTWERP
TARGET DATE FOR IMPLEMENTATION :	11 OCTOBER 2017
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

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

15/3/11

**R van Antwerp
16 August 2017**

(028) 313 8039

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
19 SEPTEMBER 2017, WHICH COMMITTEE SUPPORTED THE
RECOMMENDATION**

RESPONSIBLE OFFICIAL :

R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION :

11 OCTOBER 2017

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

Land Use Planning Ordinance (LUPO) Approvals

1. ERF 274, 59 CLIFF STREET, DE KELDERS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DEPARTURE: IK MYBURGH

274 GDK (3146)

P Roux

(028) 313 8900

Hermanus Administration

23 June 2017

Executive Summary

An application has been received on 11 November 2015 from the property owner, IK Myburgh, on Erf 274 De Kelders, Gansbaai for the following;

- ❖ departure in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 1,57m; and
- ❖ consent use in terms of Section 2.2 of the Gansbaai Zoning Scheme Regulations in order to operate a four (4) bedroom guesthouse from the property.

RESOLVED :

1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 274, De Kelders to relax the lateral building line from 2m to 1,57m, **be approved**;
2. that in terms of Section 2.2 of the Gansbaai Zoning Scheme Regulations the application for a consent use on Erf 274, De Kelders, in order to operate a four (4) bedroom guest house from the property, **be approved**;
3. that the approvals in paragraphs 1. and 2. are subject to the following conditions
 - (a) that this approval is only for the relaxation of the lateral building line as indicated on the Site Plan, which was submitted with the application;
 - (b) that the structure comply with National Building Regulations SANS 10400;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

- (c) that a revised parking layout be submitted to the satisfaction of the Senior Manager: Town and Spatial Planning;
- (d) 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;
- (e) that should the required amount of parking bays and the correct manoeuvring of the vehicles, not be to the satisfaction of the Senior Manager: Town- and Spatial Planning then the amount of guest rooms will have to be reduced in accordance with the amount of parking bays for guests;
- (f) that the conditions compiled by Operational- and Fire Services, be complied with;
- (g) that the building plan submitted to the Building Department must indicate the new entrance area for guests to the satisfaction of the Town Planning Department;
- (h) that should the new entrance area not be sufficiently indicated then the guest house will only be allowed three (3) guest bedrooms as one (1) of the bedrooms will be used by the manager/owner of the property;
- (i) 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;
- (j) that the owner/manager resides on the premises;
- (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 a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
- (m) 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;
- (n) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

- (o) 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;
 - (p) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (q) that the accommodation facility complies with Council's Policy with regard to accommodation establishments;
 - (r) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (s) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the applicant be notified of his/her right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

Spatial Land Use Management Act (SPLUMA) Approvals

1. **ERF 5037, 27 HARDEPEER AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE: SANDRA SCHUTTE ON BEHALF OF JR SIK**

5037 KKM (3624)

**H van der Stoep
19 July 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 17 March 2017 from Ms Sandra Schutte on behalf of JR Sik on Erf 5037, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line with Erf 5038 from 2m to 0m and to exceed the third or 9m in terms of the Overstrand Zoning Scheme to accommodate a propose carport.

RESOLVED :

1. that the application for a departure on Erf 5037, Kleinmond in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law to relax the lateral building line with Erf 5038 from 2m to 0m and to exceed the third or 9m in terms of the Overstrand Zoning Scheme to accommodate a propose carport. **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval be strictly in accordance with the Site Development Plan D.227.K (Sheets 1-5), dated 8 March 2017, as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that no further departures with regard to the building lines will be considered if not in line with the Zoning Scheme;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

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

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

2. ERF 11451: HERMANUS (NORTHCLIFF) : OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE AND DEPARTURE : MESS WRAP ON BEHALF OF THE UNITED CHURCH

11451 (3505)

H van der Stoep

(028) 313 8900

Hermanus Administration

20 July 2017

Executive Summary

Application has been received from Messrs Wrap on behalf of the United Church for a departure in terms of Section 16(2)(b) and Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to:

- relax the lateral building lines from 5m to 1m and to accommodate a care taker's cottage
- consent use application to enable a care taker cottage

RESOLVED :

1. that the application on Erf 11451, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) to relax the lateral building line from 5m to 1m to accommodate a caretakers cottage, **be approved** in terms of the provisions of the By-Law, in terms of the following conditions:
 - (a) that the approval only relates to the departure as indicated on Plan No. A01, 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 other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (e) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

**3. PORTION 8 OF THE FARM DE DRAAY NO. 563, KLEINMOND,
OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURES : MESSRS
PLAN ACTIVE ON BEHALF OF J GIBSON FAMILY INVESTMENTS (PTY)
LTD**

Ptn 8/ 563 (3583)

H van der Stoep

17 July 2017

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 15 February 2017 from Messrs Plan Active on behalf of J Gibson Family Investments (Pty) Ltd on Portion 8 of the Farm De Draay No. 563, Kleinmond for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the northern building line from 30m to 9,12m, 19,65m, 12,62m, 13,07m, 2,87m and 4,38m and the western building line from 30m to 29,59m to accommodate existing structures.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Portion 8 of the Farm De Draay No. 563, Kleinmond to relax the northern building line from 30m to 9,12m, 19,65m, 12,62m, 13,07m, 2,87m and 4,38m and the western building line from 30m to 29,59m to accommodate existing structures, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that a Site development plan in accordance with the Overstrand Zoning Scheme be submitted for approval within three (3) months of approval to the Town Planning Department for approval;
 - (b) that building plans be submitted within three (3) months of approval to the Building Department to be approved, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that no further departures with regard to the building lines will be considered if not in line with the Zoning Scheme;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

- (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (f) that all the conditions in the Services Report, be complied with, and
 - (g) that the brickworks be demolished within three (3) months of approval of the application.
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.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

4. ERF 11836: 28 MAIN ROAD, HERMANUS (WESTCLIFF) : OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE : MESS PLANACTIVE ON BEHALF OF THE ANGLICAN CHURCH

11836 (3616)

H van der Stoep

(028) 313 8900

Hermanus Administration

11 July 2017

Executive Summary

Application has been received from Messrs Plan Active obo Anglican Church for a 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 and lateral building line from 5m and 4m to 0m and 5m to 0m, respectively to accommodate a parish office, ablution and remembrance wall.

RESOLVED :

1. that the application on Erf 11836, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) to relax the street building line and lateral building line from 5m and 4m to 0m and 5m to 0m, respectively to accommodate a parish office, ablution and remembrance wall, **be approved** in terms of the provisions of the By-Law, in terms of the following conditions:
 - (a) that the approval only relates to the departure as indicated on Plan No. StP_SP2_Plan1 dated 14NOV.2014, as submitted with the application;
 - (b) that a parking lay out be submitted;
 - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (f) that all the conditions in the Services Report, be complied with.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

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.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

5. ERF 4121, 24 ASTER CRESCENT, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : A JONKER ON BEHALF OF QUICKVEST 150 (PTY) LTD

4121 KBB (3588)

H van der Stoep

(028) 313 8900

Hermanus Administration

17 June 2017

Executive Summary

An application has been received on 21 February 2017 from A Jonker on behalf of Quickvest 150 (Pty) Ltd in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a consent use to use the existing dwelling house on the property concerned for tourist accommodation.

RESOLVED :

1. that the application for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 4121, Betty's Bay to use the existing dwelling house on the property concerned for tourist accommodation, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the dwelling be allowed to be utilized as a self-catering unit;
 - (b) that the users be restricted to a single family and or family groups not exceeding ten (10) people;
 - (c) that parking be provided on-site for two (2) vehicles;
 - (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 the owner and his successors in title prevent the occurrence of any public nuisance, which through an act or omission materially interferes with the comfort, peace and quiet of the surrounding area, and should the owner or his successor in title fail to comply with such condition, they will make themselves liable to further legal action;
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

- (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (h) that should any building alterations be required 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
 - (i) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

**6. ERF 431, 27 MAIN ROAD, HERMANUS, OVERSTRAND MUNICIPAL AREA :
PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE:
MESSRS PLAN ACTIVE ON BEHALF OF Y RUSCH**

431 HNC (3576)

H van der Stoep

(028) 313 8900

Hermanus Administration

19 July 2017

Executive Summary

Applications have been received on 2 February 2017 from Messrs Plan Active on behalf of Y Rusch on Erf 431, Hermanus for the following:

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 with reference Title Deed T6244/2016, Clause C(d) applicable to Erf 431, Hermanus, in order to relax the street building line from 3,15m to 3,05m to accommodate an existing covered porch and from 3,15m to 0m to accommodate a carport.

Restrictive title condition C(d) reads as follows:

“(d) That all buildings to be erected on this property shall stand back at not less than 3,15m meters from the line of any street or avenue on which the lot may abut: such space may be used as gardens but shall not be built upon.”

- ❖ 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 Fourie Street from 4m to 3,05m to accommodate an existing porch and a departure from the street building line of 4m to 0m and 2m northern lateral boundary to 0m to accommodate a proposed car port.

The departure is in terms of the Overstrand Zoning Scheme to exceed the third and/or 9m length of such a structure.

RESOLVED :

1. that the following applications received on 2 July 2017 from Messrs Plan Active on behalf of Y Rusch on Erf 431, Hermanus for the following :
 - Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) with reference Title Deed T6244/2016, Clause C(d) applicable to Erf 431, Hermanus, in order to relax the street building

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

line from 3,15m to 3,05m to accommodate an existing covered porch and from 3,15m to 0,0m to accommodate a carport.

The restrictive title condition C(d) that reads as follows:

“(d). That all buildings to be erected on this property shall stand back at not less than 3,15m meters from the line of any street or avenue on which the lot may abut: such space may be used as gardens but shall not be built upon.”

- Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) to relax the street building line with Fourie Street from 4m to 3,05m to accommodate an existing porch and a departure from the street building line of 4m to 0m and 2m northern lateral boundary to 0m to accommodate a proposed car port.
- Departure in terms of the Overstrand Zoning Scheme to exceed the third and or 9,0m length of such a structure.

be approved in terms of the provisions of Section 61 of the By-Law in terms of the following conditions:

- (a) that this approval is only for the departure of the street building line indicated on Plan Numbers erf431_Rusch/WA01(1, 2,) dated November 2016 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, and
 - (e) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

7. ERF 1637, 18 SUIKERBEKKIE STREET, VERMONT, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : J COLLER ON BEHALF OF LM AND HJ NEETHLING

1637 HVM (3630)

H Olivier

(028) 313 8900

Hermanus Administration

20 July 2017

Executive Summary

An application has been received on 28 March 2017 from J Coller on behalf of LM and HJ Neethling, on Erf 1637, Vermont for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line with Erf 1636 from 2m to 0m and 1,46m to accommodate a carport and use change of a garage into a bedroom and study respectively.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) of an application in terms of Section 16(2)(b) to relax the lateral building line with Erf 1636, Vermont from 2m to 0m and 1,46m to accommodate a new carport and use change of an garage to a bedroom and study respectively, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the plan dated 1 March 2017, submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (f) that all the conditions of Telkom, be complied with, and
 - (g) that all the conditions of Eskom, be complied with.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

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.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

8. ERF 4136, 16 ANTRIM ROAD, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : A WIEHAHN ON BEHALF OF PJ HENDRIKSZ

4136 HON (3657)

H Olivier

(028) 313 8900

Hermanus Administration

20 July 2017

Executive Summary

An application has been received on 24 April 2016 from A Wiehahn on behalf of PJ Hendriksz on Erf 4136, Onrustrivier for an application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the southern lateral building line with Erf 4137 from 2m to 1,7m to accommodate the existing covered stoep and scullery on the property concerned.

RESOLVED :

1. that the application in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) of an application in terms of Section 16(2)(b) to relax the southern lateral building line with Erf 4137 from 2m to 1,7m to accommodate an existing covered stoep and scullery, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the scullery and covered stoep next to the scullery as indicated on plan 2016/09/12(REV04), submitted with the application;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (f) that all the conditions of Telkom, be complied with, and
 - (g) that all the conditions of Eskom, be complied with.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

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.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

9. ERF 4, 3 DU PLESSIS STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: WJ STEENKAMP ON BEHALF OF THE INDIGO TRUST

4 GFK (3518)

SW vd Merwe

5 July 2017

(028) 313 8900

Hermanus Administration

Executive Summary

To consider an application for departure received in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 on 21 November 2016 from Mr WJ Steenkamp, on behalf of the Indigo Trust, owner of Erf 4, Franskraal in order to depart from the 2,1m height restriction applicable to boundary walls on a portion of the northern rear and eastern lateral building line.

RESOLVED :

1. that, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) the departure application on Erf 4, Franskraal in order to depart from the 2,1m height restriction applicable to boundary walls up to 2,7m high, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that a building plan be submitted to the Building Department for approval demonstrating compliance with the requirements imposed by the Building Control Department within thirty (30) days of the approval;
 - (b) that the applicant shall ensure that fencing of post foundations are to be installed down to below ground natural ground level; that filling against the vibacrete wall be removed down to natural ground level and that no further load is created onto the existing vibacrete wall, unless a retaining wall is built according to engineers specifications within thirty (30) days of building plan approval;
 - (c) that the approval is only for the relaxation of the height of the boundary wall as indicated on the Site Development Plan, as submitted with the application;
 - (d) that all other structures comply with the relevant Zoning Scheme Regulations and title deed restrictions;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

- (e) that no filling be allowed within the building lines which is higher than 1m from the natural ground level;
 - (f) that all the conditions contained in the comment from the Operational Services, be noted;
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

**10. ERF 429, 191 SEAVIEW DRIVE, FRANSKRAAL, GANSBAAI, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE : M CARSTENS**

429 GFK (3514)

SW vd Merwe

(028) 313 8900

Hermanus Administration

7 July 2017

Executive Summary

To consider an application for departure received in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 on 21 November 2016 from M Carstens, the owner of Erf 429, Franskraal, in order to encroach the 2m lateral building line to 1,57m (proposed garage) and 1,67m (proposed living room).

RESOLVED :

1. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) the departure application on Erf 429, Franskraal in order to encroach the eastern- and lateral building lines up to 1,64m and 1,57m respectively, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that a building plan be submitted to the Building Department for approval;
 - (b) that the approval is only for the departures of the eastern- and western lateral building lines indicated on the Site Development Plan as submitted with the application;
 - (c) that all other structures comply with the relevant Zoning Scheme Regulations and title deed restrictions;
 - (d) that no filling be allowed within the building lines which is higher than 1m from the natural ground level;
 - (e) that all the conditions contained in the comment from Operational Services, be noted;
 - (f) that all the conditions in the Services Report, be adhered to, and
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

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.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

11. ERF 528, 72 STIRLING STREET, DE KELDERS, GANSBAAI, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE : JD DU TOIT, J DU TOIT AND M WILLIAMS

528 GDK (3496)

P Roux

(028) 313 8900

Hermanus Administration

7 July 2017

Executive Summary

An application has been received on 28 October 2016 from JD du Toit, J du Toit and M Williams on behalf of the owner, VC Buttner, on Erf 528, De Kelders, Gansbaai, for a departure in terms of Section 16(2)(b) in order to relax the lateral building line from 2m to 1,57m in order to accommodate the existing covered stoep and braai.

RESOLVED :

1. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the lateral building line from 2m to 1,57m in order to accommodate the existing covered stoep and braai, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the departure as indicated on the Site Plan as submitted with the application;
 - (b) that stoep may not be enclosed before receiving prior approval from the Town Planning Department;
 - (c) that the conditions compiled in the Services Report and Operational Services, be complied with, and
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

**12. ERF 1290, c/o KLEINE AND HEUWEL STREETS, STANFORD,
OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF SITE
DEVELOPMENT PLAN: A WIEHAHN ON BEHALF OF BS ROBINSON**

1290 SSS (3564)

P Roux

(028) 313 8900

Hermanus Administration

3 July 2017

Executive Summary

An application has been received on 6 January 2017 from Interactive Town and Regional Planning on behalf of the property owner BS Robinson, on Erf 1290 Stanford, for an amendment of the Site Development Plan in terms of Section 16(2) (l).

RESOLVED :

1. that the application in terms of Section 16(2)(l) of Overstrand Municipality By-Law on Municipal Land Use Planning, 2016, for an amendment of the Site Development Plan Erf 1290, Stanford, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the approval in paragraph 1 be subject to the following conditions:
 - (a) that the approval is only for the amendment as indicated on the Site Plan as submitted with the application;
 - (b) that the Site Development Plan be submitted with the building plans for approval;
 - (c) that the building plan submitted to the Building Department complies with the relevant building and fire regulations;
 - (d) that the paving used must allow water to dissipate on the property;
 - (e) that the conditions compiled by Electro Technical Services, Fire Services, Operational Services and the Services Report, be complied with;
 - (f) that the comment from Stanford Heritage Committee, be noted, and
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

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.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

13. ERF 145, 31 BROADWAY, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS WRAP ON BEHALF OF THE RENDEZVOUS TRUST 2

145 HFH (3582)

H Olivier

(028) 313 8900

Hermanus Administration

20 July 2017

Executive Summary

An application has been received on Erf 145, Fisherhaven for a consent use for a five (5) bedroom guest house in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016.

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (the By-Law) on Erf 145, Fisherhaven for a consent use to operate a five (5) bedroom guest house, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the facility be utilized as a guest house only
 - (b) that the guest house only be utilized in line with the site development plan submitted with this application;
 - (c) that the owner/applicant must act on the approval within three (3) years of the date of approval, or the approval will lapse;
 - (d) that a maximum of five (5) bedrooms to be let, be permitted;
 - (e) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guest house;
 - (f) that the guest house is utilized as such – no self-catering will be permitted;
 - (g) 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;
 - (h) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary Liquor Licence;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

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

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

14. **ERF 3134, 15 ELEVENTH AVENUE, HERMANUS (VOËLKLIP) :
APPLICATION FOR DEPARTURE : MESSRS ENGELBRECHT AND
SCORGIE ON BEHALF OF R DE WET**

3134 HVK(3631)

H Boshoff

(028) 313 8900

Hermanus Administration

14 July 2017

Executive Summary

An application has been received on 28 March 2017 from Messrs Engelbrecht and Scorgie applicable to Erf 3134, Hermanus (Voëlklip) for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the northern lateral building line from 2m to 0,94m to accommodate a garage.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) applicable to Erf 3134, Hermanus (Voëlklip) for the relaxation of the northern lateral building line from 2m to 0,94m to accommodate a garage, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the addition be strictly in accordance with the dimensions as per Plan Number erf3134_DEWET_A1/01-2016-SD dated February 2017, 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 Departments be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that all the conditions of Operational Services, Department of Transport and Public Works, Services Report and Telkom, be complied with.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

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.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

**15. ERF 3653, 21 THIRTEENTH AVENUE, VOËLKLIP, HERMANUS:
APPLICATION FOR DEPARTURE : MR DC LEEUW**

3653 (3652)

H Boshoff

(028) 313 8900

Hermanus Administration

14 July 2017

Executive Summary

An application has been received on 19 April 2017 from Mr DC Leeuw applicable to Erf 3653, Hermanus (Voëlklip) for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the western lateral building line from 2m to 0,42m to accommodate an existing enclosed external staircase.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) applicable to Erf 3653, Hermanus (Voëlklip) for the relaxation of the western lateral building line from 2m to 0,42m to accommodate the existing enclosed staircase, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that building plans be submitted to the Building Department for approval in accordance with plan number LEE-001-001 dated 12 April 2017 that was submitted with the application, and that all conditions of the Building – and the Fire Departments be complied with at that stage;
 - (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (c) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with; and
 - (d) that all the conditions of Operational Services and Engineering Services, 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.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

16. ERF 113, 35 BROADWAY, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS WRAP ON BEHALF OF THE RENDEZVOUS TRUST 2

113 HFH (3581)

H Olivier

(028) 313 8900

Hermanus Administration

21 July 2017

Executive Summary

An application has been received on Erf 113, Fisherhaven for a consent use for a five (5) bedroom guest house in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016.

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (the By-Law) on Erf 113, Fisherhaven for a consent use to operate a five (5) bedroom guest house, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the facility be utilized as a guest house only
 - (b) that the guest house only be utilized in line with the site development plan submitted with this application;
 - (c) that the owner/applicant must act on the approval within three (3) years of the date of approval, or the approval will lapse;
 - (d) that a maximum of five (5) bedrooms to be let, be permitted;
 - (e) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guest house;
 - (f) that the guest house is utilized as such – no self-catering will be permitted;
 - (g) 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;
 - (h) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary Liquor Licence;
 - (i) that a maximum of one (1) permanently demarcated parking bay per

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

- guest room and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Authorised Official;
- (j) that commercial rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (k) that 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;
 - (l) that a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises, and that the existing flag pole be removed;
 - (m) that the guest house be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (n) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (o) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (p) that building plans should be submitted to the Building Department for approval;
 - (q) that all the conditions in the Services Report, be complied with;
 - (r) that all conditions imposed by the Fire Department, be complied with;
 - (s) that no kitchen facilities and or prep bowls be allowed in the guest rooms;
 - (t) that all the conditions by Telkom, be complied with, and
 - (u) that all the conditions by Eskom.
2. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

Municipal Planning Tribunal

1. **ERF 131, 13 LINK ROAD, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS WRAP ON BEHALF OF THE RENDEZVOUS TRUST 2**

8395 KKM (3341)

H van der Stoep

(028) 313 8900

Hermanus Administration

14 November 2016

Executive Summary

An application has been received on Erf 131, Fisherhaven for a consent use for a five (5) bedroom guesthouse in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016.

RESOLVED :

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (the By-Law) on Erf 131, Fisherhaven for a consent use to operate a five (5) bedroom guesthouse, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the facility be utilized as a guesthouse only
 - (b) that the approval be acted on within three (3) years of the date of approval, if not, the approval will lapse;
 - (c) that the guesthouse only be utilized in line with the site development plan submitted with this application;
 - (d) that the illegal garage constructed over the lateral building line be demolished;
 - (e) that a maximum of five (5) bedrooms to be let, be permitted;
 - (f) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guesthouse;
 - (g) that the guesthouse is utilized as such – no self-catering will be permitted;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

- (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 maximum of one (1) permanently demarcated parking bay per guestroom and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Authorised Official;
- (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, and that the existing flag pole be removed;
- (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;
- (r) that all the conditions in the Services Report, be complied with;
- (s) that all conditions imposed by the Fire Department, be complied with;
- (t) that no kitchen facilities and or prep bowls be allowed in the guestrooms, and
- (u) that all the conditions by Telkom, be complied with.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

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

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

2. ERF 4622, 14 BEACH ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : MESSRS ARCHT-CO ON BEHALF OF DEMUS INVESTMENTS (PTY) LTD

4622 KKM (3457)

H van der Stoep

(028) 313 8900

Hermanus Administration

27 June 2017

Executive Summary

Applications have been received on 28 September 2017 from Messrs Archt-Co (Mr. J van Wyk) on Erf 4622, Kleinmond for the following:

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 with reference to Clauses 11 and 12 of Annexure A of Title Deed T1846/2016 applicable to Erf 4622, Kleinmond in order to relax the street building line from 3,15m to 2m to accommodate a proposed enclosed stoep.

The restrictive title conditions Annexure A, Clauses 11 and 12 reads as follows:

“11. All buildings to be erected on the land herein sold shall stand back at least 3,15m meters from the line of the street or avenue on which the lot or lots herein mentioned may front.

12. That all outbuildings to be erected on the land herein sold shall stand back at least 9,45 meters from any street or 6,30 meters from any avenue on which the lot or lots herein mentioned may front.”

- ❖ 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 Beach Road from 4m to 2m to accommodate a proposed enclosed stoep and a departure from the 2m lateral boundary to 0,97m to accommodate an enclosed braai.

RESOLVED :

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 4622, Kleinmond for the removal of restrictive conditions Clauses 11 and 12 of Annexure A of Title Deed T1846/2016 to accommodate renovations, **be approved** in terms of the provisions of Section 61 of the By-Law;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 September 2017
(Also the agenda for the Mayoral Committee Meeting : 27 September 2017)**

2. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 4622, Kleinmond to relax the street building line with Beach Road from 4m to 2m to accommodate a proposed enclosed stoep and a departure from the 2m lateral boundary to 0,97m to accommodate an enclosed braai, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in Points 1. and 2. be subject to the following conditions:
 - (a) that this approval is only for the departure of the street building line indicated on Plan Numbers DEMUS INVEST-ERF 4622 (1, 2, 3 and 4) dated 20 September 2016 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, and
 - (e) that all the conditions in the Services Report, be complied with.
4. that the applicant and objectors 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.