



**ORDINARY MEETING OF THE MAYORAL
COMMITTEE**

**GEWONE VERGADERING VAN DIE
BURGEMEESTERSKOMITEE**

**INTLANGANISO YESIQHELO YEKOMITI
KASODOLOPHU**

MINUTES / NOTULE /

IMIZUZU

**DATE / DATUM / UMHLA : 30 MARCH / MAART / MATSHI
2016**

**VENUE / PLEK / INDAWO : BANQUETING HALL,
BANKETSAAL
CIVIC CENTRE / BURGERSENTRUM / IZIKO LOLUNTU
HERMANUS**

TIME / TYD / IXESHA : 10:00

OVERSTRAND

MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA

**MINUTES OF AN ORDINARY MEETING OF THE MAYORAL
COMMITTEE HELD IN THE BANQUETING HALL, CIVIC CENTRE,
HERMANUS, ON 30 MARCH 2016, AT 10:00**

PRESENT/ TEENWOORDIG

Councillors were present as per attached attendance register.

**OFFICIALS PRESENT/
AMPTENARE TEENWOORDIG**

Mr C Groenewald, Municipal Manager
Ms S Reyneke-Naudé, Director : Finance
Mr S Müller, Director : Infrastructure & Planning
Mr S Madikane, Director : Local Economic
Development
Mr R Williams, Director : Community Services
Ms D Arrison, Director : Management Services
Mr N Michaels, Director : Protection Services
Mr C le Roux, Deputy Director : Finance
Mr B Louw, Project Manager : Housing
Mr F Myburgh, Senior Manager : Gansbaai
Administration
Mr D Hendriks, Senior Manager : Engineering
Services
ICT
Ms R Louw, Senior Manager : Strategic Services
Mr B King, Senior Manager : Financial Services
Mr G Smit, Manager : Social Development
Ms H van Tonder, Manager : Council Support
Services
Ms E Sales, PA : Director: Infrastructure &
Planning
Ms R le Roux, PA : Director: Finance
Ms R Steenekamp, PA : Director: Management
Services
Ms S Swart: Administrative Officer : Council
Support Services
Ms G Erasmus, Clerk : Auditorium

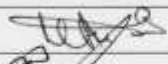

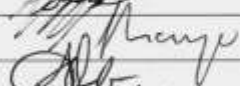
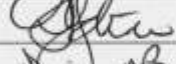
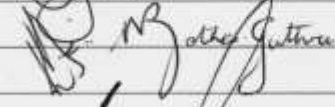


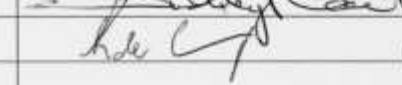

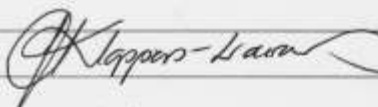


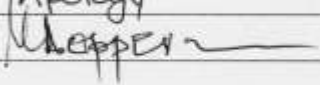

ALSO PRESENT:

Members of the Public

MINUTES/.....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

MAYORAL COMMITTEE MEETING
30 MARCH 2016

ALDERMAN/COUNCILLORS	SIGNATURE
ANDREWS, M	
APPELGREIN, P	
BEYERS-CRONJE, L	
BOTHA, D	
BOTHA-GUTHRIE, N	
BRICE, K	
COETSEE, A	
COETZEE, DP	
DE CONING, R	
DYANI, M	
GXAMESI, S	
JANUARIE, JJS	
KLOPPERS-LOURENS J	
NQINATA, NNT	
KRIGE, L	
MACOTHA, VC	
MANDINDI, CQ	
MAY, P	
NDEVU, L	Apology
OPPERMAN, M	
PIE, MT	
PONOANE, MV	
PRINS, A	
SAPEPA, NM	
SMITH, RJ	Apology

1. OPENING

The meeting was opened with prayer by Cllr L Krige.

The Municipal Manager, Mr C Groenewald, read the notice convening the meeting.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Cllr R Smith

RESOLVED

that the above-mentioned application for leave of absence **be granted.**

The Executive Manager, Ald N Botha-Guthrie, requested that it be minuted that Cllr L Ndevu was absent on maternity leave, although she is not a member of the Mayoral Committee.

3. CONFIRMATION OF MINUTES

- 3.1 Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Wednesday, 24 February 2016 at 10:00.**

RESOLVED

that the Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Wednesday, 24 February 2016 at 10:00, be confirmed.**

4. STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE EXECUTIVE MAYOR/EXECUTIVE DEPUTY MAYOR

The Executive Mayor, Ald N Botha-Guthrie, welcomed the members of the public and explained the process in which applications and items are dealt with.

5.
**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(b) AND 17(1)(c) FOR FEBRUARY 2016**

8/2/2

C Le Roux

(028) 313 8080

Corporate Head Office

12 February 2016

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of all deviations from the Supply Chain Management Policy, approved by the delegated authority in terms of Paragraph 36 of the Supply Chain Management Policy, as well as approvals in terms of 16(1)(b) and 17(1)(c) for February 2016.

RECOMMENDATION TO THE COUNCIL:

1. that the deviations from the procurement processes, approved in terms of the delegated authority for February 2016, **be noted**; and
2. that the awards made in terms of Paragraph 16(1)(b) and 17(1)(c), approved in terms of the delegated authority for February 2016, **be noted**.

RESPONSIBLE OFFICIAL :

C LE ROUX

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

6.
CONSIDERATION OF THE 2014/15 ANNUAL REPORT AND ADOPTION OF AN
OVERSIGHT REPORT

5/15/1/1

R Louw

11 March 2016

(028) 313 8071

Corporate Head Office

EXECUTIVE SUMMARY

The purpose of this report is to consider the 2014/15 Annual Report and to adopt an Oversight Report. **FOR PURPOSES OF CONSIDERING THIS ITEM COUNCILLORS ARE REQUESTED TO ALSO REFER TO THE ANNUAL REPORT, WHICH WAS TABLED ON 22 JANUARY 2016.**

RECOMMENDATION TO THE COUNCIL:

that, in terms of Section 129 of the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003) and having duly considered the 2014/15 Annual Report of the Overstrand Municipality and the content of this item, the said report **be approved** without reservation.

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

NOT APPLICABLE

7.
DRAFT INTEGRATED DEVELOPMENT PLAN (IDP) REVIEW 2016/17

2/12/1

R Louw

11 March 2016

(028) 313 8071

Corporate Head Office

EXECUTIVE SUMMARY

The purpose of this report is to table the draft reviewed IDP for the 2016/17 financial year. This will be the 4th and final reviewed document for the 2012/2017 IDP cycle.

RECOMMENDATION TO THE COUNCIL:

1. that the draft reviewed IDP for 2016/17 **be noted**; and
2. that it furthermore be noted that the final document is to be considered by Council during the May 2016 Council meeting.

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

7 APRIL 2016

**8.
DRAFT WATER SERVICES DEVELOPMENT PLAN FOR 2016/2017**

1/1/6

H Blignaut

(028) 313 5047

Corporate Head Office

11 March 2016

EXECUTIVE SUMMARY

The purpose of this report is to table the Draft Water Services Development Plan (WSDP) for the 2016/2017 financial year.

RECOMMENDATION TO THE COUNCIL:

1. that the Draft Water Services Development Plan (WSDP) for 2016/2017 **be noted**; and
2. that it furthermore be noted that the Final Draft 2016/17 WSDP, with inputs from the public and other stakeholders taken into account, is to be considered for approval at the meeting of Council during May 2016.

RESPONSIBLE OFFICIAL :

H BLIGNAUT

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2016

9.

DRAFT OPERATING AND CAPITAL BUDGET FOR 2016/2017, INDICATIVE BUDGET FORECASTS FOR 2017/2018 TO 2018/2019 AND DRAFT BUDGET RELATED POLICIES

5/1/18-2016/2017

BA King

18 March 2016

(028) 313 8154

Corporate Head Office

EXECUTIVE SUMMARY

The purpose of this report is to table the draft Operating and Capital Budget for 2016/2017, indicative budget forecasts for 2017/2018 to 2018/2019 and draft budget related policies.

RECOMMENDATION TO THE COUNCIL:

that the tabling of the draft Operating and Capital Budget for 2016/2017, indicative budget forecasts for 2017/2018 to 2018/2019 and the draft budget related policies **be noted**.

RESPONSIBLE OFFICIAL :**S REYNEKE-NAUDE****TARGET DATE FOR IMPLEMENTATION :****TO BE NOTED**

**10.
DRAFT SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)
FOR 2016/17**

5/15/1/1

R Louw

11 March 2016

(028) 313 8071

Corporate Head Office

EXECUTIVE SUMMARY

The purpose of this report is to notify Council of the Draft Service Delivery and Budget Implementation Plan (SDBIP) for 2016/17.

RECOMMENDATION TO THE COUNCIL:

that the draft Service Delivery and Budget Implementation Plan (SDBIP) for 2016/17 **be noted.**

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

NOT APPLICABLE

11.
SIGNED REVISED PERFORMANCE PLANS OF THE SECTION 54A AND 56 APPOINTEES FOR 2015/16

2/12/1

R Louw

(028) 313 8071

Corporate Head Office

11 March 2016

EXECUTIVE SUMMARY

The purpose of this report is for Council to note the signed revised performance plans of the Section 54A (Municipal Manager) and 56 (Directors) appointees for the 2015/16 financial year.

RECOMMENDATION TO THE COUNCIL:

that the signed revised performance plans of the Section 54A and 56 appointees for 2015/16 **be noted**.

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

4 APRIL 2016

PORTFOLIO COMMITTEE :
FINANCE & ECONOMIC DEVELOPMENT

Chairperson :

Cllr D Coetzee

Committee Members :

**Ald P May, Cllrs L Krige,
R de Coning, S Gxamesi**

PORTEFEULJEKOMITEE :
FINANSIES & EKONOMIESE ONTWIKKELING

Voorsitter :

Rdl D Coetzee

Komiteelede:

**Rdh P May, Rdle L Krige,
R de Coning, S Gxamesi**

**NO REPORTS WERE RECEIVED BY THE SECRETARIAT
FOR INCLUSION IN THIS PORTFOLIO**

PORTFOLIO COMMITTEE :

MANAGEMENT SERVICES

Chairperson :

Ald P Appelgrein

Committee Members :

**Cllrs M Andrews, J Kloppers-Lourens,
M Sapepa & C Mandindi**

PORTEFEULJEKOMITEE :

BESTUURSDIENSTE

Voorsitter :

Rdh P Appelgrein

Komiteelede :

**Rdle M Andrews, J Kloppers-Lourens,
M Sapepa & C Mandindi**

1.
GRANTS-IN-AID: RECOMMENDATIONS FOR 2016/17

5/16/1/2

GG Smit

(028) 3138935

Corporate Head Office

23 February 2016

EXECUTIVE SUMMARY

The purpose of this report is to:

1. inform Council that the Grant-in-Aid allocation process for the 2016/17 financial year has been completed; and
2. present the list of recommended beneficiaries

RECOMMENDATION TO THE COUNCIL:

1. that the Grants-in-Aid: Schedule of recommended beneficiaries for the 2016/17 financial year **be noted**; and
2. that the Grants-in-Aid: Schedule of unsuccessful applicants for the 2016/17 financial year **be noted**.

RESPONSIBLE OFFICIAL:

GG SMIT

TARGET DATE FOR IMPLEMENTATION:

JULY 2016

**2.
RISK MANAGEMENT STRATEGY AND POLICY 2015/2016**

2/B

**A Riddles
19 February 2016**

(028) 313 8001

Corporate Head Office

EXECUTIVE SUMMARY

To obtain Council's approval for the Risk Management Strategy as well as the Risk Management Policy for the financial year 2015-2016, that has been reviewed by the Risk Committee.

RECOMMENDATION TO THE COUNCIL:

that the reviewed Risk Management Strategy and -Policy **be approved.**

RESPONSIBLE OFFICIAL :

A RIDDLES

TARGET DATE FOR IMPLEMENTATION :

1 APRIL 2016

**3.
REVIEW OF ANTI-CORRUPTION AND FRAUD PREVENTION PLAN FOR
OVERSTRAND MUNICIPALITY**

5/17B

A Riddles

(028) 313 8001

Corporate Head Office

19 February 2016

EXECUTIVE SUMMARY

To obtain Council's approval for the Anti-Corruption and Fraud Prevention Plan for Overstrand Municipality, that has been reviewed by the Risk Committee.

RECOMMENDATION TO THE COUNCIL:

that the reviewed Anti-Corruption and Fraud Prevention Plan for Overstrand Municipality **be approved** and implemented for the 2015-2016 financial year.

RESPONSIBLE OFFICIAL :

A RIDDLES

TARGET DATE FOR IMPLEMENTATION :

1 APRIL 2016

PORTFOLIO COMMITTEE :

PROTECTION SERVICES

Chairperson :

Ald P Appelgrein

Committee Members :

**Cllrs A Prins, J Kloppers-Lourens,
V Macotha & M Pie**

PORTEFEULJEKOMITEE :

BESKERMINGSDIENSTE

Voorsitter :

Rdh P Appelgrein

Komiteeëde :

**Cllrs A Prins, J Kloppers-Lourens,
V Macotha & M Pie**

**NO REPORTS WERE RECEIVED BY THE SECRETARIAT
FOR INCLUSION IN THIS PORTFOLIO**

PORTFOLIO COMMITTEE :

COMMUNITY SERVICES

Chairperson :

Cllr M Opperman

Committee Members :

**Ald M Ponoane, Cllrs L Beyers-Cronje,
N Nqinata & L Ndevu**

PORTEFEULJEKOMITEE :

GEMEENSKAPSDIENSTE

Voorsitter :

Rdl M Opperman

Komiteelede :

**Rdh M Ponoane, Rdle L Beyers-Cronje,
N Nqinata & L Ndevu**

1.
**PERFORMANCE REPORT: BASIC SERVICE DELIVERY WITHIN THE
DIRECTORATE COMMUNITY SERVICES FOR THE PERIOD 01 JULY 2015 UNTIL
31 DECEMBER 2015**

9/1/2/2

Mike Bartman
17 February 2016

(028) 313 8982

Corporate Head Office

EXECUTIVE SUMMARY

To inform Council of the basic service delivery activities performed during the period of 1 July 2015 until 31 December 2015.

RESOLVED:

that the content of the report **be noted**.

RESPONSIBLE OFFICIAL :

**M BARTMAN
J DE VILLIERS
D VAN RHODIE
P BURGER**

TARGET DATE FOR IMPLEMENTATION :

ONGOING

PORTFOLIO COMMITTEE :
INFRASTRUCTURE & PLANNING

Acting Chairperson :

Cllr D Coetzee

Committee Members :

**Cllrs K Brice, D Botha
M Dyani & JJ Januarie**

PORTEFEULJEKOMITEE :
INFRASTRUKTUUR & BEPLANNING

Waarnemende Voorsitter :

Rdl D Coetzee

Komiteelede :

**Rdle K Brice, D Botha
M Dyani & JJ Januarie**

1.
**TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
 CONSIDERED IN TERMS OF DELEGATED AUTHORITY: NOVEMBER 2015 TO
 JANUARY 2016**

15/3/11

R van Antwerp
 16 February 2016

(028) 313 8039

Hermanus Administration

EXECUTIVE SUMMARY

To report on applications disposed of by the Senior Manager: Town- & Spatial Planning during the period from 17 October 2015 – 17 January 2016.

RESOLVED:

that **cognisance be taken** of the town planning applications disposed of by the Senior Manager : Town- & Spatial Planning in terms of delegated authority for the period 17 October 2015 – 17 January 2016:

1.	Erf 4635, Hermanus	28 October 2015
2.	Erf 7021, Kleinmond	3 November 2015
3.	Erf 3936, Kleinmond	13 November 2015
4.	Erf 3677, Onrus River	13 November 2015
5.	Erf 1888, Sandbaai	13 November 2015
6.	Erf 6996, Hermanus	13 November 2015
7.	Erf 99, Stanford	13 November 2015
8.	Erf 952, De Kelders	13 November 2015
9.	Portion 11 of the Farm Hemel & Aarde No. 587	13 November 2015
10.	Erf 719, Hermanus	13 November 2015
11.	Erf 1128, Pringle Bay	27 November 2015
12.	Erf 1191, Vermont	27 November 2015
13.	Erf 2415, Gansbaai (Blompark)	27 November 2015
14.	Erf 273, Gansbaai	27 November 2015
15.	Erf 2351, Pearly Beach	27 November 2015
16.	Erf 3465, Onrus River	4 December 2015
17.	Farms 698 and 712 Caledon	8 December 2015
18.	Erf 8294, Sandbaai	8 December 2015
19.	Erf 2147, Sandbaai	8 December 2015
20.	Erf 3178, Onrus River	8 December 2015
21.	Erf 1705, Vermont	8 December 2015
22.	Erf 3801, Gansbaai	9 December 2015
23.	Erf 3394, Hermanus	10 December 2015
24.	Erf 2065, Hermanus	10 December 2015
25.	Erf 1835, Hermanus	10 December 2015
26.	Erf 2158, Hermanus	10 December 2015

27.	Remainder of Farm 970	10 December 2015
28.	Farm Welgesind No. 648	10 December 2015
29.	Erf 1444, Sandbaai	21 December 2015
30.	Erf 10303, Hermanus	23 December 2015
31.	Erf 2522, Pearly Beach	23 December 2015
32.	Erf 4607, Onrus River	8 January 2016
33.	Erf 1061, Vermont	8 January 2016
34.	Erf 1506, Vermont	8 January 2016
35.	Portion 66 farm Baardscheerdersbosch No. 213	15 January 2016
36.	Erf 1218, Hermanus	15 January 2016
37.	Erf 84, Kleinbaai	15 January 2016
38.	Erven 1164, 6908 & Remainder 1166, Hermanus	15 January 2016

**Executive Mayor (acting under delegated authority during the recess period
27 November 2015 – 17 January 2016): Council Items**

39.	Erf 1095, Vermont	11 January 2016
40.	Erf 1310, Stanford	11 January 2016
41.	Erf 7490, Hermanus	11 January 2016
42.	Portion 11 of the farm Hemel & Aarde No. 587	11 January 2016
43.	Erf 246, Franskraal	11 January 2016
44.	Portion 94 of the farm Hemel & Aarde No. 587	11 January 2016
45.	Erf 254, Rooi Els	11 January 2016
46.	Erf 3220, Onrus River	11 January 2016
47.	Erven 2322 and 2327, Vermont	11 January 2016
48.	Erf 271, Kleinbaai	12 January 2016
49.	Erf 538, Sandbaai	12 January 2016
50.	Portion 20 of the farm Fransche Kraal No. 708	12 January 2016
51.	Erf 27, Fisherhaven	15 January 2016
52.	Erf 11097, Hermanus	15 January 2016
53.	Erven 49 and 50, Fisherhaven	15 January 2016
54.	Erf 3253, Onrus River	15 January 2016
55.	Erf 11154, Hermanus	15 January 2016
56.	Erven 3510 and 3511, Onrus River	15 January 2016

RESPONSIBLE OFFICIAL :

R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION:

13 APRIL 2016

TARGET DATE TO INFORM APPLICANT:

N/A

TARGET DATE TO INFORM OBJECTOR:

N/A

**2.
TOWN- & SPATIAL PLANNING REPORT WITH REGARD TO APPLICATIONS
CONSIDERED IN TERMS OF DELEGATED AUTHORITY : JANUARY 2016 TO
FEBRUARY 2016**

15/3/11

R van Antwerp
5 February 2016

(028) 313 8039

Hermanus Administration

EXECUTIVE SUMMARY

To report on applications disposed of by the Senior Manager : Town- & Spatial Planning during the period from 18 January 2016 – 5 February 2016.

RESOLVED:

that **cognisance be taken** of the town planning applications disposed of by the Senior Manager : Town- & Spatial Planning in terms of delegated authority for the period 18 January 2016 – 5 February 2016:

- | | | |
|-----|--------------------------------------------------------------------------------------------------|-----------------|
| 1. | Erf 1990, Pearly Beach | 20 January 2016 |
| 2. | Erf 4378, Kleinmond | 21 January 2016 |
| 3. | Erf 2146, Sandbaai | 21 January 2016 |
| 4. | Erf 4349, Onrust River | 22 January 2016 |
| 5. | Erf 2176, Vermont | 27 January 2016 |
| 6. | Erf 1140, Hermanus | 27 January 2016 |
| 7. | Erf 3921, Betty's Bay | 27 January 2016 |
| 8. | Portion 3 of Farm 662 and Remainder Portions 2, 9 and 10 of the farm Paardenbergs Rivier No. 663 | 27 January 2016 |
| 9. | Erf 7316, Hermanus | 1 February 2016 |
| 10. | Erf 2470, Onrus River | 4 February 2016 |
| 11. | Erf 7856, Kleinmond | 4 February 2016 |
| 12. | Erven 3673 and 5145, Betty's Bay | 4 February 2016 |

RESPONSIBLE OFFICIAL :

R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION :

13 APRIL 2016

TARGET DATE TO INFORM APPLICANT :

N/A

TARGET DATE TO INFORM OBJECTOR :

N/A

3.

ERVEN 192 & 11463, 79 CHURCH STREET, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSOLIDATION, AMENDMENT OF THE SITE DEVELOPMENT PLAN AND AMENDMENT OF THE SPATIAL DEVELOPMENT FRAMEWORK : MESSRS PLAN ACTIVE ON BEHALF OF DR R BEUKES

192 & 11463 HWC (2873)

H van der Stoep

(028) 313 8900

Hermanus Administration

13 January 2015

EXECUTIVE SUMMARY

An application has been received on 27 March 2015 from Messrs. Plan Active on behalf of Dr. R. Beukes (The L & R Family Trust) on Erven 192 & 11463, Hermanus for -

- the rezoning of Erf 192, Hermanus from Residential Zone I to Business Zone III in order to conduct medical consulting rooms on the property concerned
- the Amendment of the Site Development Plan in order to change the undercover parking to consulting rooms
- the Amendment of the Spatial Development Framework
- to consolidate Erf 192 with Erf 11463, Westcliff, Hermanus
- the removal of restrictive title conditions in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 192, Hermanus to enable the owner to make provision for additional parking bays on the property.

RESOLVED:

1. that the removal of restrictive title conditions Page 2, Paragraph B(a) and B(b) in Title Deed T67318/2014 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 192, Hermanus, **be recommended for approval** by the Department of Environmental Affairs and Development Planning;
2. that, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 192, Hermanus for the rezoning of from Residential Zone I to Business Zone III in order to conduct medical consulting rooms on the property concerned, **be approved**;
3. that, in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 192, Hermanus for the amendment of the Site Development Plan in order to change the undercover parking to consulting rooms, **be approved**;

4. that in terms of Section 2.3 of the Scheme Regulations made in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the consolidation of Erven 192 and 11463, Hermanus, **be approved**;
5. that the approval of Points 2, 3 and 4. be subject to the following conditions:
 - (a) that approval of the rezoning, amendment of the Site Development Plan and consolidation be subject to the removal of the restrictive title conditions;
 - (b) that no other structures be erected within the building lines and the approval is only for structures as indicated on Plan No. 580/2013 dated June 2014, as submitted with the application;
 - (c) that the development be restricted to medical suites only and land uses related to medical activities only;
 - (d) that the maximum height be restricted to 8m;
 - (e) 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;
 - (f) that all other development parameters, as prescribed in the relevant Zoning 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;
 - (i) that compliance with Fire Safety Regulations is pre requisite – SANS 10400T : 2011; and
 - (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.
6. 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.

RECOMMENDATION TO THE COUNCIL:

that, in terms of Section 4(7) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for Amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 to change the reservation of Erven 192 and 11463, Hermanus from “Residential” to “Commercial”, **be approved.**

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR :	13 APRIL 2016

4.

**ERF 4493, 84 IXIA ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA :
PROPOSED RELAXATION AND DEPARTURE : LFB CORNELIUS**

4493 KBB (3023)

H van der Stoep

22 January 2016

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 24 August 2015 from LFB Cornelius on Erf 4493, Betty's Bay for a relaxation of the 3m lateral building line to 0m in terms of the Title Deed as well as a departure in terms of the Zoning Scheme to relax the 2m lateral building line to 0m to exceed the 9m restriction of a building on one specific boundary, in order to accommodate the proposed extension to the double garage on the property concerned.

An application has also been received for a relaxation of the lateral building line with Erf 4494 from 3m to 2,7m in terms of the Title Deed to accommodate the existing 0,3m roof overhang.

RESOLVED:

1. that the relaxation of Title Deed Condition B.7. of Title Deed T59960/2014 of Erf 4493, Betty's Bay for the relaxation of the lateral building line with Erf 4494 from 3m to 2,7m in terms of the Title Deed to accommodate the existing 0,3m roof overhang, **be approved**;
2. that the relaxation of Title Deed Condition B.7. of Title Deed T59960/2014 of Erf 4493, Betty's Bay for the relaxation of the 3m lateral building line to 0m in terms of the Title Deed in order to accommodate the proposed extension to the double garage on the property concerned, **be approved**.
3. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 4493, Betty's Bay for a departure from the Scheme Regulations in order to relax the 2m lateral building line to 0m to exceed the 9m restriction of a building on one specific boundary, in order to accommodate the proposed extension to the double garage on the property concerned, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;

- (c) that this approval is only for the relaxation of the Title Deed building line as indicated on Plan Numbers A101, A102, A103 and A104 dated 2 July 2015, which was submitted with the application;
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage, and
 - (e) that all 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.

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR :	N/A

**THE MEETING ADJOURNED AT 10:55 IN ORDER FOR THE COUNCIL MEETING
TO START AT 11:00**

THE MEETING RESUMED AT 11:05

5.

**ERF 4498, 36 THIRD AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA :
PROPOSED DEPARTURE AND RELAXATION : J PIENAAR**

4498 KKM (3057)**H van der Stoep****(028) 313 8900****Hermanus Administration****28 January 2016**

EXECUTIVE SUMMARY

An application has been received on 22 September 2015 from J Pienaar on Erf 4498, Kleinmond for a departure from the relevant Scheme Regulations in order to relax the eastern and western lateral building lines from 2m to 0m respectively, to accommodate the existing carport and garden shed.

An application has also been received for a relaxation of the Title Deed restriction to relax the street building line from 9,45m to 4,180m, in order to accommodate the existing carport on the property concerned.

RESOLVED:

1. that the relaxation of Title Deed Condition C.12. of Title Deed T037904/2009 of Erf 4498, Kleinmond for the relaxation of the street building line from 9,45m to 4,180m in order to accommodate the existing carport on the property concerned, **be approved;**
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 4498, Kleinmond for a departure from the Scheme Regulations in order to relax the eastern and western lateral building lines from 2m to 0m respectively, to accommodate the existing carport and garden shed, **be approved;**
3. that the approvals in 1. and 2. above are subject to the following conditions:
 - (a) that the relaxation only be applicable to the extension of the carport and no other structure or land use;
 - (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 this approval is only for the relaxation of the Title Deed building line as indicated on Plan Numbers D.1075.K dated 14 September 2015, which was submitted with the application;

- (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage; and
 - (f) 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.

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR :	N/A

6.

ERF 4211, 28 CRASSULA AVENUE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED RELAXATION AND DEPARTURE : E-U C NIEMANN AND CJ JAUSSAUD

4211 KBB (3058)

H van der Stoep

28 January 2016

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 22 September 2015 from E-U C Niemann and CJ Jaussaud on Erf 4211, Betty's Bay for a relaxation of the 3m lateral building line to 0m in terms of the Title Deed as well as a departure in terms of the Zoning Scheme to relax the 2m lateral building line to 0m to accommodate the proposed extension of the existing single garage to a double garage.

RESOLVED:

1. that the relaxation of the Title Deed Condition E.7. of Title Deed T16008/2014 of Erf 4211, Betty's Bay for the relaxation of the 3m lateral building line to 0m to accommodate the proposed extension of the existing single garage to a double garage, **be approved**;
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 4211, Betty's Bay for a departure from the Scheme Regulations in order to relax the 2m lateral building line to 0m to accommodate the proposed extension of the existing single garage to a double garage, **be approved**, subject to the following conditions:
 - (a) that the relaxation of the lateral building line is only for the accommodation of the garage and no other structure or land use;
 - (b) that the structure be designed to accommodate a gutter that does not transgress the erf boundary;
 - (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 this approval is only for the relaxation of the building lines as indicated on Plan No C.564.B dated 18 September 2015 which was submitted with the application;

- (f) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage; and
 - (g) that all conditions imposed in the Services Report be complied with.
3. that the applicant be notified of their right of appeal in terms of the provisions of the Local Government Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR :	N/A

7.

**ERF 3397, 88 MAIN ROAD, ONRUS RIVER, OVERSTRAND MUNICIPAL AREA :
PROPOSED DEPARTURE : MR B SCORGIE ON BEHALF OF A DE BRUYN**

3397 HON (3026)

H Olivier

29 January 2016

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

Application has been received on 26 August 2015 from Mr B Scorgie on behalf of A de Bruyn on Erf 3397, Onrus River for a departure from the relevant Scheme Regulations in order to relax the 2m eastern lateral building line to 0m in order to accommodate the usage change of an existing braai room into a second dwelling.

Departure is also applied for to relax the 2m northern lateral building line to 0,765m to accommodate the use change of the existing courtyard area into an additional pergola for vehicle parking.

Lastly application was also made to relax the 4m western street building line to 3m to accommodate the use changes of the existing carport into a bedroom and also relax the same street building line to 0m to accommodate a garage and new pergola.

RESOLVED:

1. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) application for departure on Erf 3397, Onrus River to relax the 2m eastern lateral building line to 0m to accommodate the use change of an existing braai room to a second dwelling, **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 eastern lateral building line as indicated on Plan No. 22.7/15 dated 24/03/2015, 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 all the conditions in the Services Report be complied with; and

- (f) that an additional parking bay be provided on-site for the second dwelling, and it be indicated on the site plan at building plan submission phase.
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure on Erf 3397, Onrus River to relax the 2m northern lateral building line to 0,765m to accommodate a pergola for vehicle parking, and to relax the 4m street building line to 3m to accommodate the usage change of the existing carport into a bedroom, and also relax the same building line to 0m to accommodate a garage and new pergola, **not be approved**, for the following reasons:
- (a) it could create traffic problems and impact on traffic and pedestrian safety; and
- (b) walling and facades onto the street boundary will have a negative impact on the aesthetic of the building and impact on the street ambiance, thereby also impacting on the character of the area.
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 decision.

RESPONSIBLE OFFICIAL :

H OLIVIER

TARGET DATE FOR IMPLEMENTATION :

13 APRIL 2016

TARGET DATE TO INFORM APPLICANT :

13 APRIL 2016

TARGET DATE TO INFORM OBJECTOR :

13 APRIL 2016

8.

**ERF 310, 159 SEAVIEW DRIVE, FRANSKRAAL : PROPOSED DEPARTURE :
W BASSON ON BEHALF OF THE G VAN VUUREN FAMILY TRUST**

310 FK (2564)**SW van der Merwe****(028) 313 8900****Hermanus Administration****27 January 2016**

EXECUTIVE SUMMARY

To consider an application for departure and title relaxation received on 5 May 2014 from W Basson, on behalf of the owner of Erf 310, Franskraal, the G van Vuuren Family Trust, in order to construct a tandem garage, which garage encroaches the 2m lateral building line up to the lateral erf boundary. The application also involves the relaxation of the 1,57m Title Deed building line up to the erf boundary.

RESOLVED:

1. that the application for the relaxation of restrictive title conditions contained in Title Deed T54261/2011 of Erf 310, Franskraal in order to relax the 1,57m lateral building line up to the erf boundary, **be approved;**
2. that the application for departure applicable to Erf 310, Franskraal in order to relax the 2m lateral building line to 0m 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 Plan Numbers W3300421 – W3300424 dated 29 April 2014 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;

- (e) should the applicant in future wish to construct a first floor addition, such addition should adhere to the applicable 2m lateral building line adjoining Erf 311, Franskraal;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (g) that the boundary wall/garage wall be constructed with corobrick facebrick and written approval for the detail (colour and specification) has to be obtained from the Stipp Family Trust, the owner of the adjoining Erf 311, Franskraal, prior to the submission of building plans; and
 - (h) that the pruning/removal of milkwood trees be subject to a permit from Department of Agriculture Fisheries and Forestry.
4. 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.

RESPONSIBLE OFFICIAL :

SW VAN DER MERWE

TARGET DATE FOR IMPLEMENTATION :

13 APRIL 2016

TARGET DATE TO INFORM APPLICANT :

13 APRIL 2016

TARGET DATE TO INFORM OBJECTOR :

13 APRIL 2016

9.

ERF 107, 19 SEA VIEW DRIVE, FRANSKRAAL : APPLICATION FOR DEPARTURE: MESSRS GERICKE ARCHITECTURAL SERVICES ON BEHALF OF JD & LP VAN NIEKERK

107 GFK (3043)

**SW van der Merwe
5 February 2016**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

To consider an application for departure received on 14 September 2015 from Messrs Gericke Architectural Services on behalf of the owners of Erf 107, Franskraal, JD & LP van Niekerk, in order to relax the eastern lateral building line from 2m to 1,62m and the western lateral building line from 2m to 1,57m.

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 a departure in order to relax the 2m lateral building line to 1,62m (eastern side) and 1,57m (western side) respectively, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the relaxation of the building lines as indicated on Plan No. 19/DN/15 pages 1-15 dated 6 August 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;
 - (e) that the storage building be demolished within 60 days from the date of this approval; and
 - (f) that the proposed boundary walls be plastered and finished to the satisfaction of the Senior Manager: Building Services.
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.

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR :	13 APRIL 2016

10.

**ERF 119, 7 BUSH STREET, HAWSTON, OVERSTRAND MUNICIPAL AREA :
PROPOSED DEPARTURE : JM WESSELS**

119 HHW (3004)

H Olivier

(028) 313 8900

Hermanus Administration

18 December 2015

EXECUTIVE SUMMARY

An application has been received on 4 August 2015 from JM Wessels, the property owner, on Erf 119, Hawston for a departure from the relevant Scheme Regulations to relax the street building line from 4m to 2,81m and 0m to legalize and enclosure of a stoep and bedroom respectively.

RESOLVED:

1. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) an application for a departure from the relevant Scheme Regulations on Erf 119, Hawston, to relax the street building line from 4m to 2,81m to legalize an existing stoep that was enclosed as part of the lounge, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is only for the relaxation of building lines indicated on the plan which was submitted with the application;
 - (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;
 - (f) that all the conditions in the Services Report be complied with;
 - (g) that all the conditions by Telkom be complied with; and
 - (h) that all the conditions by Eskom 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 from the relevant Scheme Regulations on Erf 119, Hawston to relax the street building line from 4m to 0m to legalize a bedroom constructed onto the street boundary line, **not be approved**, and that the bedroom (bedroom 4) on Plan 2015-119/SH 1 be demolished within three months of the date of the final resolution;
3. the decision in 2. above is for the following reasons:
 - (a) there is sufficient space on the property to construct a new bedroom within building lines;
 - (b) the bedroom constructed in front of the dwelling create a front facade of the dwelling which is not aesthetically pleasing;
 - (c) the bedroom wall on the street boundary has a negative impact on the street facade; and
 - (d) the construction of portions of dwellings onto boundary lines is not supported in general by the Town Planning Department, and the approval of this application will create an unwanted precedent.
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.

RESPONSIBLE OFFICIAL :	H OLIVIER
TARGET DATE FOR IMPLEMENTATION :	9 MARCH 2016
TARGET DATE TO INFORM APPLICANT :	9 MARCH 2016
TARGET DATE TO INFORM OBJECTORS :	9 MARCH 2016

11.

ERF 2228, 71 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967) AND DEPARTURE : MESSRS TOMMY BRUMMER TOWN PLANNERS ON BEHALF OF ONSHELF PROPERTY EIGHTY SEVEN (PTY) LTD

2228 HVK (2962)

P Roux

28 January 2016

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 26 June 2015 from Messrs Tommy Brummer Town Planners on behalf of the owners, Onshelf Property Eighty Seven (Pty) Ltd, for the removal/amendment of restrictive title conditions applicable to Erf 2228, 71 Tenth Street, Voëlklip, Hermanus to enable the owner to construct a second dwelling on the property.

The application also consist of a departure from the relevant Scheme Regulations on Erf 2228, Voëlklip, Hermanus in order to relax the lateral building lines from 2m to 1m respectively to accommodate additions.

RESOLVED:

1. that it be recommended that the removal/amendment of restrictive title condition Title Deed No. T10151/2000, which refers to Deed of Servitude No. 3/1949 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 2228, Hermanus, **be refused** by Western Cape Government: Environmental Affairs and Development Planning;
2. that the departure from the relevant Scheme Regulations on Erf 2228, Hermanus, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), in order to relax the lateral building lines from 2m to 1m respectively to accommodate additions, **not be approved**;
3. that the refusals in paragraphs 1 and 2 are based on the following reasons;
 - (a) the Title Deed is encumbered by a servitude, which is in favour of the property owner of Erf 2226 who has not given consent to the proposed removal/amendment; and
 - (b) in accordance to the Planning Law the Municipality cannot approve an application which is in conflict with the Title Deed restrictions.

RESPONSIBLE OFFICIAL :	P ROUX
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR :	13 APRIL 2016

12.

**ERF 4690, 35 DOLPHIN STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA :
REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967) AND DEPARTURE :
MESSRS PLAN ACTIVE ON BEHALF OF CC HARDIE**

4690 HNC (2856)**H van der Stoep****13 January 2015****(028) 313 8900****Hermanus Administration**

EXECUTIVE SUMMARY

An application has been received on 13 March 2015 from Messrs. Plan Active on behalf of CC Hardie on Erf 4690, Hermanus for a departure from the relevant Scheme Regulations in order to relax the lateral building lines from 2m to 0m in order to accommodate existing structures.

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 4690, Hermanus, to enable the owner to legalise the existing outbuildings (bird aviary/potting shed, dog kennel, built braai, open air potting shelter and wooden deck) on the property. The street and lateral building lines are encroached.

RESOLVED:

1. that the removal of restrictive title conditions Page 3, Paragraph C.4 in Title Deed T101658/2005 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 4690, Hermanus, **be recommended for approval** by the Department of Environmental Affairs and Development Planning;
2. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 4690, Hermanus for a departure from the Scheme Regulations in order to relax the lateral building lines from 2m to 0m in order to accommodate existing structures, **be approved**, subject to the following conditions:
 - (a) that approval of the departure be subject to the removal of the restrictive title conditions;
 - (b) that no other structures be erected within the building lines and the approval is only for structures as indicated on Plan No A.01.3 445 dated 12 May 2015, as submitted with the application;
 - (c) that no extension of the structures be allowed;

- (d) 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;
 - (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;
 - (g) that all conditions imposed in the Services Report be complied with; and
 - (h) that compliance with Fire Safety Regulations is pre requisite-SANS 10400T : 2011.
3. 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.

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT:	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR:	N/A

13.

**ERF 3486, 7 RESTIO CLOSE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA:
PROPOSED RELAXATION: AC DE BEER**

3486 KBB (3059)

H van der Stoep

21 January 2016

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 22 September 2015 from AC de Beer on Erf 3486, Betty's Bay for a relaxation of the 5m street building line to 4,670m and 3m lateral building line to 2m respectively, in terms of the Title Deed in order to accommodate the encroachments of the existing dwelling house on the property concerned.

RESOLVED:

that the relaxation of the 5m street building line as stipulated in Condition B6(b) of Title Deed T19309/1977 of Erf 3486, Betty's Bay for the relaxation of the 5m street building line to 4,670m and 3m lateral building line to 2m respectively, in terms of the Title Deed in order to accommodate the encroachments of the existing dwelling house on the property concerned, **be approved**, subject to the following conditions:

- (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
- (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
- (c) that this approval is only for the relaxation of the Title Deed building line as indicated on Plan No. D.1080.B (1 to 5) dated 25 August 2015, 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.

RESPONSIBLE OFFICIAL:

H VAN DER STOEP

TARGET DATE FOR IMPLEMENTATION:

13 APRIL 2016

TARGET DATE TO INFORM APPLICANT:

13 APRIL 2016

TARGET DATE TO INFORM OBJECTOR:

N/A

14.

ERF 3458, RHEEZICHT CLOSE, ONRUS RIVER, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE : MESSRS WARREN PETTERSON PLANNING ON BEHALF OF JGJ DU TOIT

3458 HON (2932)**H Olivier****5 February 2016****(028) 313 8900****Hermanus Administration**

EXECUTIVE SUMMARY

An application has been received on 3 June 2015 from Warren Petterson Planning on behalf of the property owner, JGJ du Toit, on Erf 3458, Onrus River for a departure in order to erect and operate a rooftop base station (telecommunication) on the property concerned.

RESOLVED:

1. that, in terms of Section 15 of the Section 9 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a departure on Erf 3458, Onrus River in order to install a rooftop base station on the property concerned, **not be approved**, due to the following reasons :
 - (a) there is concern with regard to the possible noise impact and impact of maintenance of the infrastructure on the neighbouring residential properties;
 - (b) sufficient information was not provided proving that suitable alternative sites were considered;
 - (c) the aerial structure is not considered a chimney, but infrastructure, and it is above the 8m height restriction applicable to the area; and
 - (d) the Zoning Scheme does not make provision for communication base stations as a primary right or consent use on Residential Zone I erven, and this could impact on the character of Residential Zone I areas.
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.

RESPONSIBLE OFFICIAL :	H OLIVIER
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTORS :	13 APRIL 2016

15.

**PORTION 22 OF THE FARM MODDER RIVIER 654, CALEDON DIVISION :
APPLICATION FOR CONSENT USE : PORT WILD PROPS 11 (PTY) LTD****Farm 654/22 (2741)****SW van der Merwe****22 January 2016****(028) 313 8900****Hermanus Administration**

EXECUTIVE SUMMARY

To consider an application for consent use (tourist accommodation) submitted by Port Wild Props 11 (Pty) Ltd, the registered owner of Portion 22 of the Farm Modder Rivier 654, Caledon Division.

RESOLVED:

1. that the application received from Portwild Props 11 (Pty) Ltd, the owners of Portion 22 of Farm Modder Rivier 654, Caledon Division, for a consent use (tourist accommodation) in terms of the provisions of Section 2.2 of the Overstrand Integrated Zoning Scheme Regulations, **be approved**;
2. that the approval in 1 be subject to the following conditions:
 - (a) that the development rules applicable to Agricultural Zone I be complied with;
 - (b) that prior to the submission of building plans, a Site Development Plan be submitted for approval by the Senior Manager : Town- and Spatial Planning which Site Development Plan will become the masterplan for the development and shall as a minimum indicate the siting of the proposed facilities (campsites, ablution and cooking facilities, parking phasing), elevational detail, etc.;
 - (c) that details of the sewage system be submitted for approval by the Senior Manager : Engineering Services prior to the submission of building plans;
 - (d) that the comments received from the Department of Transport, Telkom, BGCMA, Cape Nature, District Health, Department of Agriculture, and Eskom, be adhered to;
 - (e) that Council reserves the right to rescind this approval without payment of compensation should any justified complaints be received with regard to noise and disturbance/the manner in which the establishment is conducted;
 - (f) that full details of any structures pertaining to renewable energy proposals (solar/photovoltaic panels/wind turbines), be submitted for prior approval by the Senior Manager: Town- and Spatial Planning and that any additional requirements the Municipality in this regard may have, be complied with;

- (g) that any additional conditions that Council may deem fit be imposed and be implemented by the developer should a public disturbance or nuisance be created;
 - (h) that proof with regard to the sustainability and capacity of the water source be submitted prior to the approval of building plans; and
 - (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.
3. that the applicant be notified of its right of appeal in terms of the provisions of Section 62 of the Municipal Systems Act, 2000 (Act 32 of 2000) with regard to the above decision and conditions of approval.

RESPONSIBLE OFFICIAL :

S VAN DER MERWE

TARGET DATE FOR IMPLEMENTATION :

13 APRIL 2016

TARGET DATE TO INFORM APPLICANT :

13 APRIL 2016

TARGET DATE TO INFORM OBJECTOR :

13 APRIL 2016

16.

**ERF 4793, 18 FLOWER STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA
: PROPOSED DEPARTURE : GAE & JA FENN**

4793 HWC (3022)**H van der Stoep****(028) 313 8900****Hermanus Administration****28 January 2016**

EXECUTIVE SUMMARY

An application has been received on 19 August 2015 from GAE & JA Fenn on Erf 4793, Hermanus for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 1,231m to accommodate a garage being converted into a kitchen.

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 4793, Hermanus in order to relax the lateral building line from 2m to 1,231m to accommodate a garage being converted into a kitchen, **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 1A dated January 2016, which was submitted with the application;
 - (b) that the kitchen windows be fitted with frosted glass blocks;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all conditions imposed in the Services Report be complied with;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (f) that correct building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage.

2. that the applicant be notified of 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.

RESPONSIBLE OFFICIAL : H VAN DER STOEP

TARGET DATE FOR IMPLEMENTATION : 13 APRIL 2016

TARGET DATE TO INFORM APPLICANT : 13 APRIL 2016

TARGET DATE TO INFORM OBJECTOR : N/A

17.

HERMANUS: IN PRINCIPLE APPROVAL FOR THE ALIENATION OF TWO PORTIONS OF ERF 1253, STEMMET STREET, EASTCLIFF, HERMANUS

7/2/3/2/

Anja Kotze

(028) 316 - 3724

Hermanus Administration

15 January 2016

EXECUTIVE SUMMARY

To obtain approval in principle for the alienation of two portions of Erf 1253, Eastcliff, Hermanus, being:

- (a) Portion A ($\pm 361\text{m}^2$ in extent); and
- (b) Portion B ($\pm 468\text{m}^2$ in extent).

RECOMMENDATION TO THE COUNCIL:

1. that the direct alienation of Portion A of Erf 1253, Eastcliff, Hermanus (adjacent to Erf 11094 Hermanus), $\pm 361\text{m}^2$ in extent, for gardening purposes to Mr Martin Gerhardus Delpport for an amount of R141,41/ m^2 (ONE HUNDRED AND FOURTY ONE RAND AND FOURTY ONE CENTS PER SQUARE METRE) (VAT excluded) be **approved in principle**;
2. that Council take cognisance of the fact that the direct alienation is only approved as the subject portion Portion A of Erf 1253, Eastcliff, Hermanus, is classified as a non-viable property;
3. that the abovementioned approval in principle be subject to a public participation process being followed due to the non-viability of the property;
4. that Portion A of Erf 1253, Eastcliff, Hermanus, may only be used for gardening purposes;
5. that Portion A of Erf 1253, Eastcliff, Hermanus, must be consolidated with the adjoining property of Mr Martin Gerhardus Delpport, being Erf 11094, Eastcliff, Hermanus;
6. that the alienation of Portion A of Erf 1253, Eastcliff, Hermanus, be subject to obtaining the necessary subdivision, rezoning and consolidation approvals;

7. that the costs pertaining to the transaction, e.g. subdivision, possible consolidation, rezoning, transfer costs, water- and sewer connections, bulk services contribution, advertisements, etc., excluding the valuation costs, be paid by the purchaser;
8. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003); and
9. that the alienation of Portion B of Erf 1253, Eastcliff, Hermanus (adjacent to Erven 11094 and 857, Hermanus), ±468m² in extent, for gardening purposes by means of a closed tender process **not be approved**.

RESPONSIBLE OFFICIAL :	A KOTZE
TARGET DATE FOR IMPLEMENTATION :	29 APRIL 2015
TARGET DATE TO INFORM APPLICANT :	15 APRIL 2015
TARGET DATE TO INFORM OBJECTOR :	N/A

18.

HERMANUS, TRANSFER OF A PORTION OF ERF 4771 (ADJACENT TO ERF 4075), HERMANUS, ±205M² IN EXTENT, FOR GARDENING PURPOSES (VOËLKLIP)

7/2/3/2

D Taljaard
10 February 2016

(028) 316 - 3724

Hermanus Administration

EXECUTIVE SUMMARY

To obtain final approval for the transfer of a portion of Erf 4771 (adjacent to Erf 4075), Hermanus (Voëlklip), ±205m² in extent, for gardening purposes, to Mr Paul Mark and Mrs Beverley Lewin.

RECOMMENDATION TO THE COUNCIL:

1. that the transfer of a portion of Erf 4771 adjacent to Erf 4075, Hermanus (Voëlklip), ±205m² in extent, for gardening purposes to Mr Paul Mark and Mrs Beverley Lewin for the amount of R1,509.00/m² (ONE THOUSAND FIVE HUNDRED AND NINE RAND ALONE PER SQUARE METER) (VAT excluded), **be approved;**
2. that the Municipal Manager be authorised to sign all documents relating to the transfer of a portion of Erf 4771 adjacent to Erf 4075, Hermanus (Voëlklip) to Mr Paul Mark and Mrs Beverley Lewin;
3. that cognisance be taken of the fact that the subject portion of Municipal property is **not required** for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act, No 56 of 2003;
4. that Mr Paul Mark and Mrs Beverley Lewin be responsible for all the subdivision, consolidation, rezoning, transfer costs, water- and sewer connections, bulk services contribution, advertisements, excluding the valuation costs, the transfer and the registration of the property in the Deeds Office;
5. that an access servitude be registered over the remainder of Erf 4771, Voëlklip, Hermanus to provide access to the proposed subdivided erf at the cost of the purchaser; and
6. that the subject portion of Erf 4771, Voëlklip, Hermanus, be consolidated with the adjoining property of the purchaser, to wit Erf 4075, Voëlklip, Hermanus.

RESPONSIBLE OFFICIAL : D TALJAARD

TARGET DATE FOR IMPLEMENTATION : 4 APRIL 2016

TARGET DATE TO INFORM APPLICANT : N/A

19.
HERMANUS, TRANSFER OF ERF 640 (A PORTION OF ERF 560) ZWELIHLE, 852M² IN EXTENT, FOR CHURCH PURPOSES

7/2/3/2

D Taljaard
28 February 2016

(028) 316 - 3724

Hermanus Administration

EXECUTIVE SUMMARY

To obtain final approval for the transfer of Erf 640 (a portion of Erf 560) Zwelihle, 852m² in extent, for church purposes, to the Church of Christ Mission.

RECOMMENDATION TO THE COUNCIL:

1. that the transfer of Erf 640 (a portion of Erf 560), Zwelihle, 852m² in extent, for church purposes to the Church of Christ Mission for the amount of R47,000.00 (FORTY SEVEN THOUSAND RAND ALONE) (VAT excluded), **be approved**;
2. that the Municipal Manager be authorised to sign all documents relating to the transfer of Erf 640 (a portion of Erf 560), Zwelihle to the Church of Christ Mission;
3. that cognisance be taken of the fact that the subject portion of Municipal property is **not required** for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immoveable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act, No 56 of 2003; and
4. that Church of Christ Mission be responsible for all the costs pertaining to the advertisement of the transfer and the registration of the property in the Deeds Office.

RESPONSIBLE OFFICIAL :

D TALJAARD

TARGET DATE FOR IMPLEMENTATION :

4 APRIL 2016

TARGET DATE TO INFORM APPLICANT :

N/A

20.

HERMANUS, TRANSFER OF UNREGISTERED ERF 11457 (A PORTION OF ERF 243), HERMANUS ±2023M² IN EXTENT, FOR COMMUNITY PURPOSES (MOUNT PLEASANT)

7/2/3/2

**M Erasmus
10 February 2016**

(028) 316 - 3724**Hermanus Administration****EXECUTIVE SUMMARY**

To obtain final approval for the transfer of unregistered Erf 11457 (a portion of Erf 243), Hermanus (Mount Pleasant), ±2023m² in extent, for community purposes, to Hermanus Night Shelter Association.

RECOMMENDATION TO THE COUNCIL:

1. that the transfer of unregistered Erf 11457 (a portion of Erf 243), Hermanus (Mount Pleasant), ±2023m² in extent, for community purposes to Hermanus Night Shelter Association for the amount of R136,000.00 (ONE HUNDRED AND THIRTY SIX THOUSAND RAND ALONE) (VAT excluded), **be approved**;
2. that the Municipal Manager be authorised to sign all documents relating to the transfer of unregistered Erf 11457 (a portion of Erf 243), Hermanus (Mount Pleasant) to Hermanus Night Shelter Association;
3. that cognisance be taken of the fact that the subject portion of Municipal property is **not required** for the provision of the minimum level of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act, No 56 of 2003; and
4. that Hermanus Night Shelter Association be responsible for all the costs pertaining to the advertisement of the transfer and the registration of the property in the Deeds Office.

RESPONSIBLE OFFICIAL :**M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****30 APRIL 2016****TARGET DATE TO INFORM APPLICANT :****N/A**

21.

ERF 332, CORNER OF ARCADIA- AND ESPLANADE STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, AMENDMENT OF THE OVERSTRAND MUNICIPAL WIDE SPATIAL DEVELOPMENT FRAMEWORK, REZONING AND SUBDIVISION : MESSRS NUPLAN AFRICA ON BEHALF OF ARAWEN PROPERTIES (PTY) LTD

Erf 332 GPB (1498)

SW van der Merwe

10 February 2016

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

To consider an application received on 28 May 2010 from Messrs NuPlan Africa on behalf of Arawen Properties (Pty) Ltd for the following:

- application in terms of the Removal of Restrictions Act 84 of 1967 for the removal of restrictive title deed conditions applicable to Erf 332, Pearly Beach to enable the rezoning and subdivision of the property in order to develop 14 single residential erven, 3 private open spaces and 1 private road;
- application in terms of the provisions of the Local Government Municipal Systems Act 32 of 2000 for the amendment of the Overstrand Municipal Wide Spatial Development Framework in order to change the reservation of Erf 332, Pearly Beach from commercial to single residential, open space and road usage;
- application in terms of the provisions of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of Erf 332, Pearly Beach from Central Business Zone to Subdivisional Area, in order to develop 14 single residential erven, 3 private open space erven and 1 private road erf, and
- application in terms the provisions of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the subdivision of Erf 332, Pearly Beach into 18 portions (14 single residential erven with an average size of approximately 626m², 3 private open space and 1 private road erf).

RESOLVED:

1. that the objections, **be noted**;

2. that the application for the rezoning of Erf 332, Pearly Beach from Central Business Zone to Subdivisional Area, in order to develop 14 single residential erven, 3 private open space erven and 1 private road erf in terms of the provisions of Sections 16 and 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved**;
3. that the application for the removal of restrictive title conditions, namely conditions C4.(a), (b), (c) and (d) contained in Title Deed T87274/2006, **be recommended for approval** to the Provincial Government: Western Cape;
4. that the approvals in paragraphs 2. and 3. above be subject to the following conditions:
 - (a) that a Subdivisional Plan be submitted for endorsement in terms of Section 25 of the Land Use Planning Ordinance, which plan shall indicate the corresponding zonings in terms of the Overstrand Zoning Scheme Regulations;
 - (b) that the development occurs in accordance with the development parameters of the corresponding zonings in terms of the Overstrand Zoning Scheme Regulations;
 - (c) that all the conditions in the Municipal Services Report **be complied** with;
 - (d) that all the conditions imposed by the Department of Transport and Public Works; Department of Agriculture, Eskom, Department of Education, Department of Environmental Affairs and Development Planning (EA), Department of Agriculture, Forestry and Fisheries, CapeNature, Breede-Gouritz Management Catchment Area and the Department of Health, **be complied** with;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that a Home Owners' Association (HOA) be established with compulsory membership for all property owners of single residential erven and written into the Title Deeds of the erven;
 - (g) that the HOA assumes responsibility (including costs) for the provision, maintenance, management and upkeep of the communal property, including private open space and private road erven and the boardwalk across the dune;

- (h) that the applicant/developer/HOA will be responsible to ensure that the development occur and the subject property be maintained in accordance with the approved Environmental Management Plan;
- (i) that the constitution of the HOA be submitted for approval by the Senior Manager: Town- and Spatial Planning (which reserves the right to impose additional conditions in this regard), and that the constitution *inter alia* clarifies at what stage the responsibility for the provision/maintenance of internal services/facilities and the transfer of the communal property from the land owner/developer to the HOA will take place;
- (j) that the existing milk wood trees be retained on site and may not be removed without the prior written approval of the Municipality;
- (k) that vegetation is restricted to indigenous vegetation in accordance with a planting list which planting list shall be incorporated within the constitution of the development. The planting list shall be submitted for approval by Council's Environmental Management Services Department and the developer/HOA will be responsible for the enforcement thereof;
- (l) that plot clearing shall be done by hand only. No mechanical plot clearing will be permitted;
- (m) that outdoor lighting shall be restricted to the minimum and be provided with downward shielding. No street lights will be permitted;
- (n) that access to the sea shall be restricted to a single access to be covered with a board walk, the details of which (siting, elevation details and construction method) shall be submitted for approval by the Environmental Management Services Department;
- (o) that details of fencing shall be submitted for prior approval by the Municipality, which shall allow for the movement of small animals;
- (p) that the development will be restricted to single storey development, whilst mezzanines designed as an integral part of the building, not exceeding 30% of the floor space of the building will be permitted and not deemed as a second storey;
- (q) that a 7,5m height restriction measured from natural ground level directly adjacent to the building be applicable; and
- (r) that architectural guidelines be submitted for approval by the Senior Manager: Town- and Spatial Planning.

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 decision and conditions of approval.

RECOMMENDATION TO THE COUNCIL:

that the application for Amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 to change the reservation of Erf 332, Pearly Beach from commercial to single residential, open space and road usage, **be approved**.

RESPONSIBLE OFFICIAL :**SW VAN DER MERWE****TARGET DATE FOR IMPLEMENTATION :****13 APRIL 2016****TARGET DATE TO INFORM APPLICANT :****13 APRIL 2016****TARGET DATE TO INFORM OBJECTORS :****13 APRIL 2016**

22.

KLEINBAAI NODAL DEVELOPMENT FRAMEWORK : MESSRS DECA & CSM ON BEHALF OF OVERSTRAND MUNICIPALITY**Kleinbaai Development Node****SW van der Merwe****(028) 313 8900****Hermanus Administration****19 January 2016****(Updated 26 February 2016)****EXECUTIVE SUMMARY**

The purpose of this report is to table the Kleinbaai Nodal Development Framework for adoption and inclusion as part of the Overstrand Spatial Development Framework (OSDF).

RECOMMENDATION TO THE COUNCIL:

that Council adopts the Kleinbaai Nodal Development Study as part of the Overstrand Spatial Development Framework, subject to the following conditions:

- (a) that parking at the Kleinbaai slipway for shark/whale watching boats be restricted to a maximum of 10 parking bays in accordance with the recommendations of the Engineering Report; and
- (b) that any future permits over and above the 10 referred to in (a) above, be issued by Western Cape and/or National Government be subject thereto that such enterprises operates from Gansbaai Harbour.

RESPONSIBLE OFFICIAL :**SW VAN DER MERWE****TARGET DATE FOR IMPLEMENTATION :****13 APRIL 2016****TARGET DATE TO INFORM APPLICANT :****13 APRIL 2016****TARGET DATE TO INFORM OBJECTOR :****N/A**

23.

DEMARCATION OF RESTRUCTURING ZONES : RESTRUCTURE ZONE CRITERIA AND METHODOLOGY AND DEMARCATION OF RESTRUCTURING ZONES

Restructuring Zones

R Kuchar

(028) 313 8087

Hermanus Administration

22 February 2016

EXECUTIVE SUMMARY

This item serves to identify restructuring zones and to obtain Council's in principle approval of those restructuring zones.

RECOMMENDATION TO THE COUNCIL:

that the properties as listed in Annexure B to the agenda item, **be approved** in principle as Restructuring Zones.

RESPONSIBLE OFFICIAL :**R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****13 APRIL 2016****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**

24.

UNREGISTERED ERF 1938, ZWELIHLE, HERMANUS (PREVIOUSLY ERF 315, ZWELIHLE AND REMAINDER ERF 243, HERMANUS) AND UNREGISTERED ERF 2018, C/O STILL- AND CHURCH STREETS, ZWELIHLE, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURES FOR A TEMPORARY RELOCATION AREA (TRA) AND RELAX A STREET BUILDING LINE : MOTLEKAR OVERSTRAND ON BEHALF OF OVERSTRAND MUNICIPALITY

1938 & 2018 HZW (3169)

H Olivier

(028) 313 8900

Hermanus Administration

22 February 2016

EXECUTIVE SUMMARY

An application for development of a housing development for 164 Residential erven, 1 Open Space Zone II erf, 1 Local Business erf, 1 Authority Zone erf and 1 Community Zone I erf and roads were approved on the subject site on 26 February 2015.

The abovementioned forms part of the various housing developments that have recently been approved in and around the Zwelihle and Mount Pleasant areas. As part of the broader housing project it is necessary to temporary relocate some residents in Zwelihle to other areas, to enable the servicing of the areas they reside in at this stage.

Application is therefore made to use the mentioned site (Unregistered Erf 1938) as a Temporary Relocation Area for a period of five (5) years, and to house two families per temporary residential unit (divided in two) on the site in phases.

An application has also been received for a departure from the relevant Scheme Regulations to relax the street building line on Unregistered Erf 2018 (new erf in the housing development), Zwelihle, Hermanus from 2m to 1,276m, to accommodate a portion of one unit that will traverse the said building line.

RESOLVED:

1. that the application in terms of Section 15 of the Land Use Planning Ordinance (LUPO) for a departure to utilize an existing housing project area as a Temporary Relocation Area (TRA) on Unregistered Erf 1938, Zwelihle, Hermanus to provide temporary accommodation to beneficiaries for the various housing projects, **be approved**, subject to the following conditions:
 - (a) that the boundary wall earmarked to be built around the housing development area on the Still and Church Streets sides be constructed prior to any temporary unit being occupied in the TRA phases;

- (b) that all temporary accommodation structures be finished on the outside to comply with the finishes of BNG-unit, in line with any applicable Health and Building Regulations, prior to the TRA phases;
 - (c) that only one family be accommodated per temporary unit;
 - (d) that all temporary toilets/washing basins be completed prior to the TRA being occupied; and
 - (e) that a dedicated official from the Housing Administration Department be allocated to deal with all possible complaints during the TRA phase.
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for departure to relax the street building line on Unregistered Erf 2018 (new erf in the housing development), Zwelihle, Hermanus from 2m to 1,276m to accommodate a portion of a new dwelling, **be approved.**

RESPONSIBLE OFFICIAL :	H OLIVIER
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTORS :	13 APRIL 2016

25.

DE KELDERS: RESCISSION AND SUBSTITUTION OF COUNCIL RESOLUTION DATED 25 JUNE 2008 FOR THE SALE OF ERF 1196, DE KELDERS: BETWEEN GUTHRIE AND VYFER STREETS: TURNSTONE TRADING 48 CC (WHALE COVE DEVELOPMENT)

7/2/3/2/

A Kotze

(028) 316 - 3724

Hermanus Administration

18 February 2016

EXECUTIVE SUMMARY

To obtain approval for the rescission and subsequent substitution of Council resolution dated 25 June 2008 for the sale of Erf 1196, De Kelders, to Turnstone Trading 48 CC (Whale Cove Development). The amendment will, amongst others, entail the substitution of the purchaser with the Whale Cove Master Property Home Owners Association and the amendment of the purchase price.

RECOMMENDATION TO THE COUNCIL:

1. that direct alienation and transfer of unregistered Erf 1196, De Kelders, to the Whale Cove Master Property Home Owners Association at an amount of R165,000.00 (ONE HUNDRED AND SIXTY FIVE THOUSAND RAND) (VAT excluded), **be approved**;
2. that Council take cognisance of the fact that the direct alienation is only approved as unregistered Erf 1196, De Kelders, is classified as a non-viable property;
3. that unregistered Erf 1196, De Kelders, be notarially tied with Erven 1072-1078, 1121, 1122, 1125, 1126 and 1183, De Kelders, but only after Erf 1196, De Kelders has been rezoned from ordinary erf to General Business Zone II, at the cost of the purchaser;
4. that the rezoning and notarial tie of unregistered Erf 1196, De Kelders, be finalized by purchaser within 12 months after the registration of the property in the Deeds Office;
5. that the purchase price of R165,000.00 be set towards the purchase of the spare electrical capacity;
6. that it will be made a condition of sale that the property cannot be transferred before the Municipality has taken transfer of the new 500kVA miniature substation;

7. that the initial objection received against the alienation of unregistered Erf 1196, De Kelders, be rejected for the reasons stipulated under item 6.2 of the report that served before Council on 25 June 2008;
8. that all the costs pertaining to the transaction, e.g. subdivision, rezoning, transfer costs, water- and sewer connections (if applicable), bulk services contribution (if applicable), etc., excluding the valuation costs, be paid by the purchaser; and
9. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provisions of Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL :	A KOTZE
TARGET DATE FOR IMPLEMENTATION :	29 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	15 APRIL 2016
TARGET DATE TO INFORM OBJECTOR :	N/A

The meeting adjourned at 11:52

DATE

N BOTHA-GUTHRIE – EXECUTIVE MAYOR