



**ORDINARY MEETING OF THE MAYORAL
COMMITTEE**

**GEWONE VERGADERING VAN DIE
BURGEMEESTERSKOMITEE**

**INTLANGANISO YESIQHELO YEKOMITI
KASODOLOPHU**

MINUTES / NOTULE /

IMIZUZU

DATE / DATUM / UMHLA : 28 MAY / MEI / MEYI 2015

**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 28 MAY 2015, AT 10:00**

PRESENT/ TEENWOORDIG

Councillors were present as per attached attendance register.

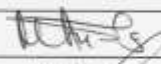





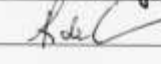






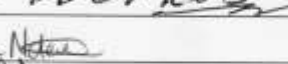
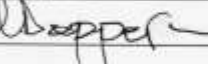

**OFFICIALS PRESENT/
AMPTENARE TEENWOORDIG**

Mr C Groenewald, Municipal Manager
Ms S Reyneke-Naudé, Director : Finance
Mr R Williams, Director : Community Services
Ms D Arrison, Director : Management Services
Mr N Michaels, Director : Protection Services
Mr S Müller, Director : Infrastructure & Planning
Mr H Blignaut, Deputy Director : Engineering Services
Mr F Myburgh, Senior Manager : Gansbaai Administration
Ms R Louw, Senior Manager : Strategic Services
Mr B King, Senior Manager : Financial Services
Ms E Hooneberg, Senior Manager : Income
Ms H van der Stoep, Senior Town Planner
Mr G Smit, Manager : Social Development
Mr J van Taak, Manager: Solid Waste
Mr F Frans, Manager : Housing Administration
Mr P Roux, Town Planner
Ms H van Tonder, Manager : Council Support Services
Ms S Swart: Administrative Officer : Council Support Services
Ms G Erasmus, Clerk : Auditorium
Interns

MINUTES/.....

OVERSTRAND MUNICIPALITY
ATTENDANCE REGISTER

MAYORAL COMMITTEE MEETING
28 MAY 2015

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	
NQINATA, NNT	
KRIGE, L	
MACOTHA, VC	
MANDINDI, CQ	
MAY, P	
NELL, E	
NDEVU, L	
OPPERMAN, M	
PIE, MT	
PONOANE, MV	
PRINS, A	
SAPEPA, NM	
SMITH, RJ	



1. OPENING

The meeting was opened with prayer by Cllr E Nell.

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

2. APPLICATIONS FOR LEAVE OF ABSENCE

None

3. CONFIRMATION OF MINUTES

- 3.1 Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Wednesday, 29 April 2015 at 10:00.**

RESOLVED

that the Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Wednesday, 29 April 2015 at 10:00, be confirmed.**

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

None

**5.
ADDITION TO THE DELEGATION OF POWERS AND DUTIES: LEGAL
REQUIREMENTS**

2/5/3

D Arrison

(028) 313 8037

Corporate Head Office

30 April 2015

EXECUTIVE SUMMARY

The purpose of the report is to approve additions to the Delegation of Powers and Duties: Legal Requirements which is a section of the Municipality's formal Delegation of Powers and Duties.

RECOMMENDATION TO THE COUNCIL:

that the additions to the Delegation of Powers and Duties: Legal Requirements, **be approved.**

RESPONSIBLE OFFICIAL :

H VAN TONDER

TARGET DATE FOR IMPLEMENTATION :

28 MAY 2015

6.
**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)
POLICY: PARAGRAPH 36, 16(1)(B) AND 17(1)(C), FOR APRIL 2015**

8/2/2

CEM La Cock
08 May 2015

(028) 313 8080

Corporate Head Office

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 April 2015.

RECOMMENDATION TO THE COUNCIL:

1. that the deviations from the procurement processes, approved in terms of the delegated authority for April 2015, **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 April 2015, **be noted**.

RESPONSIBLE OFFICIAL :

R LA COCK

TARGET DATE FOR IMPLEMENTATION :

TO BE NOTED

7.
FINAL INTEGRATED DEVELOPMENT PLAN (IDP) REVIEW 2015/16

2/12/1

R Louw

13 May 2015

(028) 313 8071

Corporate Head Office

EXECUTIVE SUMMARY

The purpose of this report is to table the final reviewed IDP for the 2015/16 financial year. This will be the 3rd reviewed document for the 2012/2017 IDP cycle.

RECOMMENDATION TO THE COUNCIL:

that the final reviewed Integrated Development Plan (IDP) for 2015/16, **be approved.**

RESPONSIBLE OFFICIAL :

R LOUW

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2015

8.
INTEGRATED WASTE MANAGEMENT PLAN 2015/2016

2/12/1

Johan van Taak

(028) 313 5045

Corporate Head Office

5 May 2015

EXECUTIVE SUMMARY

The purpose of this report is to table the Integrated Waste Management Plan (IWMP) for the 2015/2016 financial year for Council's approval.

RECOMMENDATION TO THE COUNCIL:

that the Integrated Waste Management Plan for 2015/2016, **be approved.**

RESPONSIBLE OFFICIAL :

J VAN TAAK

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2015

**9.
REVISION OF ALL BUDGET RELATED POLICIES OF THE OVERSTRAND
MUNICIPALITY**

5/B

**S Reyneke-Naude
28 May 2015**

(028) 313 8040

Director : Finance

EXECUTIVE SUMMARY

The purpose of the report is to present council with the amended budget related policies for approval and implementation with effect from 1 July 2015.

RECOMMENDATION TO THE COUNCIL:

that the revised policies **be approved** and implemented with effect from 1 July 2015.

RESPONSIBLE OFFICIAL :

S REYNEKE-NAUDE

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2015

10.
FINAL BUDGET FOR OVERSTRAND MUNICIPALITY : 2015/2016

5/1/17-2015/2016

BA King

22 May 2015

(028) 313 8154

Corporate Head Office

EXECUTIVE SUMMARY

This report presents the proposed budget of Overstrand Municipality for the 2015/2016 to 2017/2018 MTREF (Medium Term Revenue and Expenditure Framework) period.

RECOMMENDATION TO THE COUNCIL:

1. that, in terms of section 24 of the Municipal Finance Management Act, (Act 56 of 2003), the annual budget of the Municipality for the 2015/16 to 2017/2018 MTREF (Medium Term Revenue and Expenditure Framework) period **be approved** as set out in the following schedules:

- Schedule 1:** Budgeted financial performance (revenue & expenditure by municipal vote)
- Schedule 2:** Budgeted financial performance (revenue by source & expenditure by type)
- Schedule 3:** Budgeted multi- and single year capital appropriations by standard classification (vote) and funding by source
- Schedule 4:** Budgeted financial position
- Schedule 5:** Budgeted cash flow
- Schedule 6:** Cash backed reserves and acc. surplus reconciliation
- Schedule 7:** Asset management
- Schedule 8:** Basic service delivery measurement

2. that the property rates **be imposed** for the budget year 2015/16;
3. that tariffs and charges **be approved** for the budget year 2015/16;
4. that the Municipal Manager be authorised to sign all the necessary agreements and documents to give effect to the three year borrowing programme for external loans amounting to R30 million per annum;
5. that the following schedules be noted:

- Schedule 9:** Budgeted financial performance (revenue & expenditure by standard classification)
- Schedule 10:** Budgeted capital appropriations by municipal vote

6. that **cognisance be taken** of the letters of comment received from the community and the LG MTEC 3 Assessment Report by Provincial Treasury and the Provincial Department of Local Government; and
7. that **cognisance be taken** of the 2015/2016 Budget Report.

RESPONSIBLE OFFICIAL :

BA KING

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2015

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

Komiteeëde:

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

1.
WRITING OFF OF IRRECOVERABLE DEBT

5/17/1

EM Hooneberg
24 April 2015

(028) 313 8149

Corporate Head Office

EXECUTIVE SUMMARY

The purpose of the report is to request Council to approve the writing off of debt that has become irrecoverable.

RECOMMENDATION TO THE COUNCIL:

that the irrecoverable debt to the value of R278,432.53 as listed, **be written off** as bad debt.

RESPONSIBLE OFFICIAL :

E M HOONEBERG

TARGET DATE FOR IMPLEMENTATION :

30 MAY 2015

PORTFOLIO COMMITTEE :

MANAGEMENT SERVICES

Chairperson :

Ald P Appelgrein

Committee Members :

**Cllrs E Nell, M Andrews,
M Sapepa & C Mandindi**

PORTEFEULJEKOMITEE :

BESTUURSDIENSTE

Voorsitter :

Rdh P Appelgrein

Komiteelede :

**Rdle E Nell, M Andrews,
M Sapepa & C Mandindi**

**1.
GRANTS-IN-AID: RECOMMENDATIONS FOR 2015/16 AND FINAL REPORT FOR
2014/15**

5/16/1/2

G G Smit

(028) 313 8035

Corporate Head Office

24 April 2015

EXECUTIVE SUMMARY

The purpose of this report is to:

1. inform Council that the Grant-in-Aid allocation process for the 2015/16 financial year has been completed;
2. present the list of recommended beneficiaries for 2015/16; and
3. give a final report on Grants-in-Aid allocated during 2014/15.

RECOMMENDATION TO THE COUNCIL:

that the Grants-in-Aid:

1. Schedule of recommended beneficiaries for the 2015/16 financial year;
2. Schedule of unsuccessful applicants 2015/16; and
3. Final schedule of beneficiaries 2014/15

be noted.

RESPONSIBLE OFFICIAL :

G SMIT

TARGET DATE FOR IMPLEMENTATION :

1 JULY 2015

PORTFOLIO COMMITTEE :

PROTECTION SERVICES

Chairperson :

Ald P Appelgrein

Committee Members :

**Cllrs A Prins, E Nell,
V Macotha & M Pie**

PORTEFEULJEKOMITEE :

BESKERMINGSDIENSTE

Voorsitter :

Rdh P Appelgrein

Komiteelede :

**Cllrs A Prins, E Nell,
V Macotha & M Pie**

1.
**QUARTERLY MONITORING REPORT FOR THE PERIOD JANUARY 2015 TO
MARCH 2015 : DIRECTORATE : PROTECTION SERVICES**

5/20

**N J Michaels
28 April 2015**

(028) 313 8054

Corporate Head Office

EXECUTIVE SUMMARY

To inform Council of the functioning and activities of the Directorate: Protection Services.

RESOLVED:

that the quarterly monitoring report of the functioning and activities of the Directorate : Protection Services for the period January 2015 to March 2015, **be noted**.

RESPONSIBLE OFFICIAL :

N J MICHAELS

TARGET DATE FOR IMPLEMENTATION :

1 JUNE 2015

PORTFOLIO COMMITTEE :

COMMUNITY SERVICES

Chairperson :

Cllr M Opperman

Committee Members :

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

PORTEFEULJEKOMITEE :

GEMEENSKAPSDIENSTE

Voorsitter :

Rdl M Opperman

Komiteelede :

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

1.

BENEFICIARIES : AFFORDABLE HOUSING PROJECT: 220 ERVEN: MOUNT PLEASANT

17/5/4/1

FW Frans

(028) 313 8144

Hermanus Administration

13 April 2014

EXECUTIVE SUMMARY

This report is to inform the Executive Mayor of potential beneficiaries for the Mount Pleasant : 220 erven affordable housing project and for approval of the procedure to finalise subsidy applications for potential beneficiaries.

RESOLVED:

1. that the lists of beneficiaries for the 220 erven housing project in Mount Pleasant, **be noted**; and
2. that the following procedure for potential beneficiaries to finalise subsidy applications, **be approved**:
 - a. that potential beneficiaries be given 30 days written notice to complete their subsidy application documentation;
 - b. that potential beneficiaries that did not respond to the first notice (30 days) be given a final written notice of 7 days; and
 - c. in the event of any applicants not responding within the mentioned period of 7 days, the available housing opportunities be given to identified additional beneficiaries (replacements).

RESPONSIBLE OFFICIAL :**FW FRANS****TARGET DATE FOR IMPLEMENTATION :****N/A**

PORTFOLIO COMMITTEE :
INFRASTRUCTURE & PLANNING

Chairperson :

**Executive Deputy Mayor,
Cllr R Smith**

Committee Members :

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

PORTEFEULJEKOMITEE :
INFRASTRUKTUUR & BEPLANNING

Voorsitter :

**Uitvoerende Onderburgemeester
Rdl R Smith**

Komiteelede :

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

1.
**TOWN PLANNING REPORT WITH REGARD TO APPLICATIONS CONSIDERED IN
 TERMS OF DELEGATED AUTHORITY : MARCH 2015 – APRIL 2015**

15/3/11

R van Antwerp
 13 April 2015

(028) 313 8039

Hermanus Administration

EXECUTIVE SUMMARY

To report on applications disposed of by the Senior Manager : Town Planning during the period from 10 March 2015 – 13 April 2015.

RESOLVED:

that **cognisance be taken** of the town planning applications disposed of by the Senior Manager : Town Planning in terms of delegated authority for the period 10 March 2015 – 13 April 2015:

1.	Erf 1433, Franskraal	12 March 2015
2.	Erf 495, Pearly Beach	12 March 2015
3.	Erf 1642, Hermanus	12 March 2015
4.	Erf 3206, Onrust River	16 March 2015
5.	Erf 4606, Onrust River	16 March 2015
6.	Erf 358, Pearly Beach	18 March 2015
7.	Erf 3414, Onrust River	18 March 2015
8.	Erf 3406, Onrust River	18 March 2015
9.	Erf 834, Sandbaai	18 March 2015
10.	Erf 2097, Onrust River	18 March 2015
11.	Erf 532, Franskraal	25 March 2015
12.	Erf 2410, Hermanus	25 March 2015
13.	Erf 706, Fisherhaven	31 March 2015
14.	Erf 148, Kleinbaai	31 March 2015
15.	Erf 1129, Hermanus	31 March 2015
16.	Erf 429, Kleinbaai	31 March 2015
17.	Erf 2252, Pearly Beach	31 March 2015
18.	Portion 6 (Portion of Portion 5) of the farm Weltevrede No. 647	31 March 2015
19.	Erf 11149, Hermanus	31 March 2015
20.	Erven 1596 and 1603, Hermanus	31 March 2015
21.	Erven 720, 721 and 722, Hermanus	31 March 2015
22.	Erf 631, Franskraal	13 April 2015
23.	Erf 1064, Franskraal	13 April 2015

RESPONSIBLE OFFICIAL : R VAN ANTWERP

TARGET DATE FOR IMPLEMENTATION : 10 JUNE 2015

TARGET DATE TO INFORM APPLICANT : N/A

TARGET DATE TO INFORM OBJECTOR : N/A

2.

HERMANUS, A PORTION OF ERF 243, MAIN ROAD: LEASE OF MUNICIPAL PROPERTY TO LEAF PROPERTY TRUST FUND FOR OUTDOOR SEATING

7/2/3/1

M Erasmus

(028) 316-3724

Hermanus Administration

25 March 2015

EXECUTIVE SUMMARY

To obtain approval to enter into a lease agreement with Leaf Property Trust Fund on behalf of Simply Asia in respect of municipal property, being a portion of Erf 243, Main Road, Hermanus ($\pm 18\text{m}^2$ in extent), for the placement of tables and chairs for outdoor seating and restaurant purposes.

RESOLVED:

1. that the lease of Municipal Property, being a portion of Erf 243, Main Road, Hermanus ($\pm 18\text{m}^2$ in extent) to Leaf Property Trust Fund for the purpose of placing tables and chairs for restaurant purposes at the rental amount of R394.74 (THREE HUNDRED AND NINETY FOUR RAND AND SEVENTY FOUR CENTS) (VAT excluded) per month for a period of 9 (NINE) years and 11 (ELEVEN) months as from 1 May 2015 in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved**; and
2. that the rental amount mentioned in 1 above annually escalate in accordance with approved tariff as set out in the approved annual budget for each specific year.

RESPONSIBLE OFFICIAL :**M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****26 JUNE 2015****TARGET DATE TO INFORM APPLICANT :****9 MAY 2015****TARGET DATE TO INFORM OBJECTOR :****N/A**

3.

**ERF 1278, 19 KLEINE STREET, STANFORD : PROPOSED CONSENT USE :
MESSRS WRAP CONSULTANCY ON BEHALF OF JN SMITH**

Erf 1278 SSS (2576)

P Roux

8 April 2015

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 23 May 2014 from Messrs WRAP Consultancy on behalf of the owner JN Smith, in terms of Section 2.2 of the Overstrand Zoning Scheme Regulations, for a consent use in order to establish a place of instruction on Erf 1278, Stanford.

RESOLVED:

1. that, in terms of Section 2.2 of the Overstrand Zoning Scheme Regulations, the application for a consent use to enable the owner of Erf 1278, Stanford to establish a place of instruction on the property, **be approved**, subject to the following conditions:
 - (a) that a bus service system should be implemented in order to transport the scholars;
 - (b) that building plans be submitted to the Building Department for approval;
 - (c) that all the necessary certificates from the Department of Education and the District Department of Health be acquired before the operation of the proposed facility;
 - (d) that a toilet for the disabled be provided to the satisfaction of the Building Department;
 - (e) that approval is only valid for 5 years where after the application will have to be resubmitted for consideration;
 - (f) that Council reserves the right to rescind this approval without payment of compensation should any justified objection be received in that the scholars safety and wellbeing are jeopardised;
 - (g) that all the conditions in the Services Report be complied with;
 - (h) that the school must adhere to the specified operating hours of 8:00 to 14:00 for the Grade 1 to Grade 3 classes and the aftercare component must close at 17:00;

- (i) that the concerns which were raised by the adjacent property owners and the Department of Transport **be noted** and be addressed as stipulated in the applicant's response letters;
 - (j) that all the conditions imposed by the Fire Department be complied with;
 - (k) that all the services as stipulated in the comment received from the Department: Operational Services be complied with;
 - (l) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (m) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant/objectors be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

RESPONSIBLE OFFICIAL :

P ROUX

TARGET DATE FOR IMPLEMENTATION :

10 JUNE 2015

TARGET DATE TO INFORM APPLICANT :

10 JUNE 2015

TARGET DATE TO INFORM OBJECTOR :

10 JUNE 2015

4.

ERF 213, 90 MARAIS STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND RELAXATION OF RESTRICTIVE TITLE DEED CONDITION : DT & JM WALLIS

Erf 213 GFK (2706)**SW van der Merwe****13 April 2015****(028) 313 8900****Hermanus Administration**

EXECUTIVE SUMMARY

To consider an application for departure and relaxation of a restrictive title deed condition received on 23 September 2014 from the owners of Erf 213, Franskraal, DT & JM Wallis, in order to accommodate the existing carport, which carport encroaches the 4m street- and 2m lateral building line up to the respective property boundaries.

RESOLVED:

1. that the objection **be noted**;
2. that, in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) the application for the relaxation of restrictive title deed conditions in order to relax the 4,72m street- and 1,57m lateral building lines contained in Title Deed T13059/2005, **be recommended for approval** to the Provincial Government: Western Cape;
3. that, in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for departure in order to retain the existing carport, which carport encroach the 4m street- and 2m lateral building lines up to the respective erf boundaries, **be approved**, subject to the following conditions:
 - (a) that the approval in 2. above be subject to the successful relaxation of the restrictive title deed conditions in 1. above;
 - (b) that this approval only has reference to the relaxation of the building lines as indicated on Plan No. 358-008-2013, as submitted with the application;
 - (c) that the conditions of the Fire Brigade be complied with;
 - (d) that building plans be submitted to the Building Department for approval;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (f) that the carport, save for the boundary wall, may not be enclosed.

4. that the applicant/objector 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 : SW VAN DER MERWE

TARGET DATE FOR IMPLEMENTATION : 10 JUNE 2015

TARGET DATE TO INFORM APPLICANT : 10 JUNE 2015

TARGET DATE TO INFORM OBJECTOR : 10 JUNE 2015

5.

**ERF 995, 39 MUSSON STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA:
PROPOSED REMOVAL OF RESTRICTIONS, SUBDIVISION AND DEPARTURE :
MESSRS WRAP CONSULTANCY ON BEHALF OF I SMUTS**

995 HEC (2617)

H van der Stoep

8 April 2015

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 30 June 2014 from Messrs WRAP Consultancy on behalf of I Smuts for the removal of restrictive title conditions applicable to Erf 995, Hermanus to enable the owner to subdivide the property into two portions, namely Portion A approximately 418m² in extent and the Remainder approximately 503m² in extent and a departure to relax the rear building line from 2m to 0m to accommodate existing outbuildings.

RESOLVED:

1. that the objections been noted;
2. that the removal of restrictive title condition B.2.b in Title Deed T84355/93 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 995, Hermanus, **not be recommended for approval** by the Department of Environmental Affairs and Development Planning;
3. that, in terms of Sections 15 and 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a subdivision of Erf 995, Hermanus into two erven and departure for the relaxation of the rear building line, **not be approved**, due to the following reasons:
 - (a) not in line with the Overstrand Growth Management Strategy;
 - (b) smaller than the minimum size requirement prevalent from 2000 and is not compliant with the Growth Management Strategy density allocated for the area;
 - (c) the Eastcliff Township is predominantly an old residential area, established in 1932, with a specific character of big erven, established gardens and the creation of smaller erven will influence the character of the area;
 - (d) existing subdivisions smaller than the minimum erf size for the area of 700m² have occurred before 2000; and
 - (e) illegal structures are applied for to establish the extent of the development on Erf 995.

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

RESPONSIBLE OFFICIAL : H VAN DER STOEP

TARGET DATE FOR IMPLEMENTATION : 10 JUNE 2015

TARGET DATE TO INFORM APPLICANT : 10 JUNE 2015

TARGET DATE TO INFORM OBJECTOR : 10 JUNE 2015

6.

ERF 4771, VOËLKLIP, HERMANUS : PIET SE BOS & GROTTA BEACH : BASIC ASSESSMENT REPORT (BAR)

4771 HVK

H van der Stoep

(028) 313 8900

Hermanus Administration

26 January 2015

EXECUTIVE SUMMARY

The Overstrand Municipality appointed EnviroAfrica to conduct a Basic Assessment Report (BAR) of the proposal to redevelop the Grotto Beach area. The proposal entailed the following uses e.g restaurant, amphitheatre and the rehabilitation of the wetland area at the picnic site.

This item served before the Portfolio Committee on 21 April 2015 but was referred back in order for the Directorate : Infrastructure and Planning to explain the content and gis of the report to Councillors.

RESOLVED:

1. that the amended Basic Assessment Report (excluding the amphitheatre) be **recommended for approval** to the Western Cape Government : Environmental Affairs and Development Planning; and
2. that Option 1, indicating the restaurant on the Old Nautilus Site, be **recommended for approval**.

RESPONSIBLE OFFICIAL :**H VAN DER STOEP****TARGET DATE FOR IMPLEMENTATION :****10 JUNE 2015****TARGET DATE TO INFORM APPLICANT :****10 JUNE 2015****TARGET DATE TO INFORM OBJECTOR :****10 JUNE 2015**

7.

**ERF 11097, FERNKLOOF, HERMANUS, OVERSTRAND MUNICIPAL AREA:
PROPOSED AMENDMENT OF THE CONDITIONS OF APPROVAL AND
AMENDMENT OF THE SITE DEVELOPMENT PLAN : PLAN ACTIVE ON BEHALF
OF NMH TRADING 23 (PTY) LTD**

11097 HEC (2425)

H van der Stoep

13 February 2015

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 26 September 2013 from PlanActive Town- and Regional Planners on behalf of NMH Trading 23 (Pty) Ltd for the amendment of the conditions of approval and the amendment of the approved Site Development Plan on Erf 11097, Hermanus to accommodate the change of use from 9 golf lodges to 18 sectional title residential units.

RESOLVED:

1. that, in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the amendment of the conditions of approval and the amendment of the approved Site Development Plan of Erf 11097, Hermanus, **be approved**, subject to the following conditions:
 - (a) that the development occur strictly in accordance with the Site Development Plan dated 16 January 2014, plan no. her11097sdp2.drw.;
 - (b) that the garages on the southern boundary be omitted;
 - (c) that the design be in line with the surrounding architecture;
 - (d) that a Body Corporate be established with design manual and architectural design guidelines;
 - (e) that the roof colour be matt and similar to Berg 'n See Retirement Village;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (g) that all the conditions in the Service Report be complied with;
 - (h) that all relevant conditions as stipulated in the Record of Decision dated 11 July 2002 and the approval of the Department of Environmental Affairs and Development Planning dated 30 September 2003 be complied with;

- (i) that an approved Environmental Management Plan be submitted to the Environmental Section of the Municipality for record purposes; and
 - (j) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the objections be noted; and
3. that the applicant/objectors be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	10 JUNE 2015
TARGET DATE TO INFORM APPLICANT :	10 JUNE 2015
TARGET DATE TO INFORM OBJECTOR :	10 JUNE 2015

8.

ERVEN 1449, 1450, 1452 AND 1734, SANDBAAI, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE GREATER HERMANUS SPATIAL DEVELOPMENT FRAMEWORK (STRUCTURE PLAN) THE OVERSTRAND MUNICIPAL WIDE SPATIAL DEVELOPMENT FRAMEWORK, CONSOLIDATION, REZONING, CONSENT USE AND REMOVAL OF RESTRICTIONS : PROPOSED REGIONAL SHOPPING CENTRE : RETAIL AFRICA

1449, 1450, 1452 & 1734, HSB (1216)

H Olivier

(028) 313 8179

Hermanus Administration

6 May 2015

EXECUTIVE SUMMARY

An application was received in 2009 from Messrs. BCD Town and Regional Planners on behalf of Retail Africa (Pty) Ltd for the amendment of the Greater Hermanus Spatial Development Framework (Structure Plan) and the Overstrand Municipal Spatial Development Framework, the consolidation of the erven, rezoning thereof and consent use to operate a regional shopping centre from the consolidated property.

A separate application was then also received for the removal of restrictive conditions in the Title Deeds for the properties, submitted by Messrs Walkers Attorneys, on behalf of Retail Africa (Pty) Ltd. The conditions prohibited the sale of liquor or opening of a hotel on the relevant properties.

On 25 April 2012 the application was considered by the Executive Mayor and Council, who provided their support for the application. (See Resolution dated 25 April 2012.)

A later report was also tabled before the Executive Mayor and Council on 30 May 2012, to rectify some amendments to the recommendation dealing with the consideration of the amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006. (See Resolution dated 30 May 2012.)

Due to the nature of the application, which included an amendment of a Structure Plan and removal of restriction application, the afore-mentioned Resolution included recommendations to the Department of Environmental Affairs and Development Planning (DEA&DP), to then make a final decision on the applications.

In a letter dated 31 July 2014 from DEA&DP that Department indicated that, due to a Constitutional Court judgment of 4 April 2014, the Municipality now has the delegated authority to take a final decision on the application.

It is further to be noted that in a letter dated 22 April 2015, DEA&DP indicated that the Removal of Restriction application was approved and finalised.

Considering the above, the recommendations made by the Executive Mayor and Council on 25 April 2012 and 30 May 2012 to DEA&DP therefore have to be amended

to finalize the planning application. The Planning Report tabled before the Executive Mayor and Council in 2012 has thus been amended accordingly.

RESOLVED:

1. that, in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) application for rezoning and consolidation of Erven 1449, 1450, 1452 and 1734, Sandbaai to Business Zone I purposes, **be approved**, subject to the following conditions:
 - (a) that all conditions imposed in the Record of Decision obtained for the Environmental Impact Assessment (EIA) from the Department of Environmental Affairs and Development Planning dated 5 May 2015, be complied with;
 - (b) that the erven be consolidated;
 - (c) that a final Site Development Plan that complies with all the requirements of the Municipality and government departments, be submitted to the Municipality for approval;
 - (d) that a servitude right of way be registered over the consolidated erf in favour of the owner of Erf 1659, Sandbaai;
 - (e) that the application for a total GLA of 38 000m², be approved, subject thereto: -
 1. that only phase 1 of 30 000m² GLA may be developed at this stage; and
 2. that any future phases may only be commissioned after proof has been provided to Council's satisfaction, that there is further market demand for additional retail space;
 - (f) that the cinemas be developed as part of Phase One of the development;
 - (g) that this approval does not absolve the applicant/owner from compliance with any other relevant legislation;
 - (h) that all other development parameters, as prescribed in the Zoning Scheme, be retained;
 - (i) that a minimum of six parking bays per 100m² GLA be provided on the consolidated site;

- (j) that a Landscape Plan be submitted for consideration by the Municipality for the development and that the Municipality reserves the right to impose conditions upon approval of this document;
- (k) that internal services remains the responsibility of the developer/owner, or his/her successor in title;
- (l) that all the conditions imposed by the Heritage Western Cape as in their letter dated 29 August 2008, be complied with;
- (m) that all the conditions imposed by Eskom as in their letter dated 29 May 2009, be complied with;
- (n) that all the conditions imposed by the Department of Water Affairs and Forestry as in their letter dated 14 July 2009, be complied with;
- (o) that all the conditions imposed by the Department of Agriculture: Western Cape as in their letter dated 26 May 2009, be complied with;
- (p) that all the conditions imposed by the Department of Agriculture: National as in their letter dated 5 November 2009, be complied with;
- (q) that all the conditions imposed by Telkom as in their letter dated 31 July 2009, be complied with;
- (r) that all the conditions imposed in the Services Report, be complied with;
- (s) that all the conditions imposed by the Department of Transport and Public Works as in their letter dated 9 February 2010, be complied with;
- (t) that all the conditions imposed by the District Health as in their letter dated 18 June 2009, be complied with;
- (u) that all development must comply with SANS 0400 (T, W and related Sections) and the Community Fire Safety By-Law PN 638/2006; and
- (v) that a refuse area according to municipal specifications and a separate area for recycleble material be provided.
- (w) that a service agreement be entered into between the applicant and the local authority to the satisfaction of the Director: Infrastructure and Planning; and
- (x) that additional bus/taxi parking be provided on site closer to the main entrance of the mall building to the satisfaction of the Director: Infrastructure and Planning.

2. that, in terms of Section 4.7 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), a consent use on the consolidated site of Erven 1449, 1450, 1452 and 1734, Sandbaai to establish a supermarket, bottle store, place of entertainment, place of assembly, institution and service trade, **be approved**; and
3. that the applicant/objectors be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No. 32 of 2000 with regard to the above approval and conditions of approval.

RESPONSIBLE OFFICIAL :	H OLIVIER
TARGET DATE FOR IMPLEMENTATION :	11 JUNE 2015
TARGET DATE TO INFORM APPLICANT :	11 JUNE 2015
TARGET DATE TO INFORM OBJECTORS :	11 JUNE 2015

The meeting adjourned at 10:29

DATE

N BOTHA-GUTHRIE – EXECUTIVE MAYOR