



**ORDINARY MEETING OF THE MAYORAL  
COMMITTEE**

**GEWONE VERGADERING VAN DIE  
BURGEMEESTERSKOMITEE**

**INTLANGANISO YESIQHELO YEKOMITI  
KASODOLOPHU**

**MINUTES / NOTULE /**

**IMIZUZU**

**DATE / DATUM / UMHLA : 30 SEPTEMBER / SEPTEMBER  
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 30 SEPTEMBER 2015, AT 10:00**

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**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  
Ms D Arrison, Director : Management Services  
Mr N Michaels, Director : Protection Services  
Mr S Müller, Director : Infrastructure & Planning  
Mr F Myburgh, Senior Manager : Gansbaai  
Administration  
Ms R Louw, Senior Manager, Strategic Services  
Ms H van der Stoep, Senior Town Planner  
Mr D Kearney, Senior Manager : Hermanus  
Administration  
Mr H Blignaut, Deputy Director : Engineering  
Services  
Mr B King, Senior Manager : Financial Services  
Mr R Fraser, Chief : Traffic/Licences  
Mr B D'Oliveira, Senior Accountant : Procurement  
Mr F Frans, Manager : Housing Administration  
Mr G le Roux, Principal Technician  
Ms H van Tonder, Manager : Council Support  
Services  
Ms E Sales, PA : Director : Infrastructure &  
Planning  
ICT  
Ms S Swart: Administrative Officer : Council  
Support Services  
Ms D Laing, Relief Clerk : Auditorium

**ALSO PRESENT:**

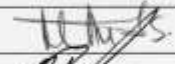



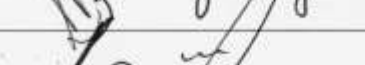
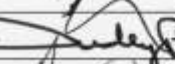


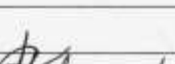
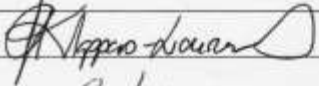

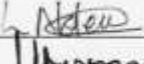
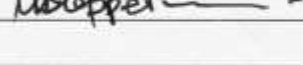
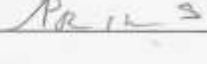
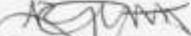
Members of the Public

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**MINUTES/.....**

OVERSTRAND MUNICIPALITY  
ATTENDANCE REGISTER

MAYORAL COMMITTEE MEETING  
30 SEPTEMBER 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        |  |
| KLOPPERS-LOURENS J   |  |
| NQINATA, NNT         |  |
| KRIGE, L             |  |
| MACOTHA, VC          |  |
| MANDINDI, CQ         |  |
| MAY, P               |  |
| NDEVU, L             |   |
| OPPERMAN, M          |  |
| PIE, MT              |  |
| PONOANE, MV          |  |
| PRINS, A             |  |
| SAPEPA, NM           |  |
| SMITH, RJ            |  |

**1. OPENING**

The meeting was opened with prayer by Cllr M Andrews.

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, 26 August 2015 at 10:00**

**RESOLVED**

that the Minutes of an **Ordinary Meeting** of the **Mayoral Committee** held on **Wednesday, 26 August 2015 at 10:00, be confirmed.**

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

None

5.  
**MONTHLY REPORT TO COUNCIL ON SUPPLY CHAIN MANAGEMENT (SCM)  
POLICY: PARAGRAPH 36, 16(1)(B) AND 17(1)(C) FOR AUGUST 2015**

8/2/2

DRM Potgieter

(028) 313 8080

Corporate Head Office

04 September 2015

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**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 August 2015.

**RECOMMENDATION TO THE COUNCIL:**

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

**RESPONSIBLE OFFICIAL :**

**DRM POTGIETER**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**

6.  
**WRITING OFF OF NON-TECHNICAL WATER AND ELECTRICITY LOSSES**

5/17/2

Stephen Muller

(028) 313 8019

Corporate Head Office

10 September 2015

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**EXECUTIVE SUMMARY**

National Treasury issued guidelines (MFMA Circular No. 70, December 2013) on how to deal with non-revenue water and electricity. Annexure B of Circular No 70 provides guidance on the accounting treatment of non-technical losses and mentions that a council resolution is required to write off the losses.

**RECOMMENDATION TO THE COUNCIL:**

1. that the non-technical electricity losses to the value of R986 494.80 for the 2014/15 financial year, **be written off**; and
2. that the non-technical water losses to the value of R5 018 708.27 for the 2014/15 financial year, **be written off**.

**RESPONSIBLE OFFICIAL :**

**B KING**

**TARGET DATE FOR IMPLEMENTATION :**

**30 SEPTEMBER 2015**

**7.  
AMENDMENT OF PARKING TARIFFS**

**5/5/15**

**G Bucchianeri**

**(028) 3138154**

**Corporate Head Office**

**17 September 2015**

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**EXECUTIVE SUMMARY**

The purpose of this report is to recommend to Council that the parking tariffs S32P, S32Q, S32R, S32S and S32T be reduced.

**RECOMMENDATION TO THE COUNCIL:**

that tariffs S32P, S32Q, S32R, S32S and S32T be adjusted downward to R300.00, R1.00, R2.00, R4.00 and R4.00 respectively.

**RESPONSIBLE OFFICIAL :**

**E HOONEBERG**

**TARGET DATE FOR IMPLEMENTATION :**

**30 SEPTEMBER 2015**

**8.  
WATER AND WASTE WATER TREATMENT OPERATIONS MANAGEMENT  
CONTRACT: SC1508/2014 – PROPOSED AMENDMENTS**

**8/2/2**

**Stephen Müller/ Hanré Blignaut (028) 313 5047 Corporate Head Office  
22 September 2015**

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**EXECUTIVE SUMMARY**

On 29 July 2015 Council approved the contract for the management of the operation and maintenance of the water and waste water treatment works in the jurisdiction of Overstrand Municipality (the Contract) and authorised the Municipal Manager to sign the contract with Veolia Water Solutions & Technologies (Pty) Ltd (the Operator).

The purpose of this report is to advise Council regarding the process of implementation and to seek Council approval of proposed amendments to the Contract to address practical issues arising in the administrative processes involved with the implementation of the Contract and Council's resolution.

The proposed amendments can be summarized as follows: (1) to move the effective date of the contract from 1 September 2015 to 1 November 2015; (2) to permit that the accrued leave liability in respect of the Transferred Employees be paid to the Operator rather than the Transferred Employees; (3) to protect Council from excessive claims from the Operator in the case of a judgement being granted which sets aside the tender award to the Operator; and (4) to permit the Operator to delay the building of the new permanent offices until there is certainty about the outcome of the risk of judgment being grant to set aside the tender award to the Operator.

**RECOMMENDATION TO THE COUNCIL:**

1. that the proposed amendments to the approved contract, as contained in the report, for the management of the operation and maintenance of the water and waste water treatment works in the jurisdiction of Overstrand Municipality, **be approved**;
2. that the Municipal Manager be authorised to forthwith sign the contract, as amended herein, on behalf of the Overstrand Municipality.

**RESPONSIBLE OFFICIALS :**

**STEPHEN MÜLLER  
HANRÉ BLIGNAUT  
MIKE BARTMAN**

**TARGET DATE FOR IMPLEMENTATION :**

**1 NOVEMBER 2015**

**TARGET DATE TO INFORM APPLICANT:**

**30 SEPTEMBER 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**

**Komiteede:**

**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,  
M Sapepa & C Mandindi**

**PORTEFEULJEKOMITEE :**

**BESTUURSDIENSTE**

**Voorsitter :**

**Rdh P Appelgrein**

**Komiteelede :**

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

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

**PORTFOLIO COMMITTEE :**

**PROTECTION SERVICES**

**Chairperson :**

**Ald P Appelgrein**

**Committee Members :**

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

**PORTEFEULJEKOMITEE :**

**BESKERMINGSDIENSTE**

**Voorsitter :**

**Rdh P Appelgrein**

**Komitee lede :**

**Cllrs A Prins,  
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 :**

**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.  
**TRANSFER: OVERSTRAND MUNICIPALITY TO ATHENA PONTAC: ERF 994,  
HAWSTON**

17/5/4/1

FW Frans

(028) 313 8144

Hermanus Administration

28 August 2015

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**EXECUTIVE SUMMARY**

This report is to request Council to grant permission to transfer of Erf 994, Hawston, to Athena Pontac.

**RECOMMENDATION TO THE COUNCIL:**

1. that permission **be granted** for the transfer of Erf 994, Hawston to Ms Athena Pontac; and
2. that the aforementioned approval **be subject** to Ms Athena Pontac accepting responsibility for the outstanding municipal services account in respect of Erf 994, Hawston.

**RESPONSIBLE OFFICIAL :**

**FW FRANS**

**TARGET DATE FOR IMPLEMENTATION :**

**01 OCTOBER 2015**



## 2.

**BENEFICIARIES: UPGRADING OF INFORMAL SETTLEMENTS PROGRAMME (UISP): 141 ERVEN, MANDELA SQUARE, ZWELIHLE**

17/5/4/1

FW Frans

(028) 313 8144

Hermanus Administration

28 July 2015

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**EXECUTIVE SUMMARY**

This report is to inform the Executive Mayor of an additional list of potential beneficiaries for the upgrading of the UISP project in Mandela Square, Zwelihle.

**RESOLVED:**

1. that the list of 141 potential beneficiaries for the UISP : 141 erven, Mandela Square and Garden site, Zwelihle, **be approved** in ranking order (including disabled beneficiaries) namely:
  - a. List A: Potential beneficiaries residing in Mandela Square; and
  - b. List B: Potential beneficiaries residing in Thambo Square.
2. that rental agreements be concluded for available erven with beneficiaries not approved for subsidies in terms of the UISP.

**RESPONSIBLE OFFICIAL:****FW FRANS****TARGET DATE FOR IMPLEMENTATION:****30 SEPTEMBER 2015**

**3.  
PERFORMANCE REPORT: BASIC SERVICES DELIVERY WITHIN THE  
DIRECTORATE: COMMUNITY SERVICES FOR THE PERIOD 1 JULY 2014 TO  
30 JUNE 2015**

17/9/1/1

M Bartman

(028) 313 8982

Corporate Head Office

24 August 2015

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**EXECUTIVE SUMMARY**

To inform Council of the basic service delivery activities performed during the period 1 July 2014 until 30 June 2015.

**RESOLVED:**

that the Performance Report in respect of basic services delivery within the Directorate: Community Services, for the period 1 July 2014 to 30 June 2015 **be noted**.

**RESPONSIBLE OFFICIAL :**

**M BARTMAN**

**TARGET DATE FOR IMPLEMENTATION :**

**TO BE NOTED**

**PORTFOLIO COMMITTEE :**  
**INFRASTRUCTURE & PLANNING**

**Chairperson :**

**Executive Deputy Mayor,  
Cllr R Smith**

**Committee Members :**

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

**PORTEFEULJESKOMITEE :**  
**INFRASTRUKTUUR & BEPLANNING**

**Voorsitter :**

**Uitvoerende Onderburgemeester  
Rdl R Smith**

**Komiteelede :**

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

1.  
**PORTIONS 93 AND 103 OF FARM 559, HANGKLIP SMALLHOLDINGS :  
 OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING AND RE-  
 ALIGNMENT OF ERF BOUNDARIES : TV3 ARCHITECTS AND TOWN PLANNERS  
 (ON BEHALF OF ANGLEHOEK (PTY) LTD)**

**KHANG 93 & 103 / 559 (2772)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**4 August 2015**

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**EXECUTIVE SUMMARY**

An application has been received on 5 December 2014 from Messrs TV3 Architects on behalf of Messrs Anglehoek (Pty) Ltd for rezoning of Portions 93 and 103 of Farm 559, Hangklip from Undetermined Zone to Rural Zone 2 : Conservation Usage (R2), as well as an application to re-align the boundaries of the properties.

**RESOLVED:**

1. that, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the rezoning of Portions 93 and 103 of Farm 559, Hangklip from Undetermined Zone to Rural Zone 2 : Conservation Usage (R2), **be approved;**
2. that in terms of Section 22(i)(a) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) application to re-align the boundaries of Portions 93 and 103 of Farm 559, Hangklip, **be approved,**

subject to the following conditions:

- (a) that the re-alignment as proposed by the applicant, Plan no.P3196, dated 04/11/2014 (2) be approved;
- (b) that the primary rights of Rural Zone 2 : Conservation Usage be linked and allocated on proposed Portion 93;
- (c) that the rights applicable to Portion 93 be subject to comments from Cape Nature and the Western Cape Government : Environmental Affairs and Development Planning;;
- (d) that the proposed Portion 93 development be restricted to the four residential dwelling units, existing and one proposed;
- (e) that an Environmental Management Plan in terms of the Overstrand Zoning Scheme be submitted to the Municipality for approval applicable to Portion 93, within three (3) months of the date of the letter of approval;

- (f) that access to Portion 93 via Portion 103 be registered as a right of way servitude;
  - (g) that a restrictive condition be inserted in the Title Deed of Portion 103 that no development is allowed and the portion only be used for Conservation Usage;
  - (h) that the application is not exempted for any other legislation;
  - (i) that this approval only has reference to the Site Development Plan, Drawing No. P3196 dated 4 November 2014, as submitted with the application;
  - (j) that all other parameters as prescribed in the Zoning Scheme be adhered to;
  - (k) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (l) that all the conditions in the Services Report be complied with;
  - (m) that all the conditions imposed by Eskom in their letter dated 23 February 2015 be complied with;
  - (n) that all the conditions imposed by the Western Cape Government : Agriculture in their letter dated 31 March 2015 be complied with;
  - (o) that all the conditions imposed by the National Department : Agriculture, Forestry and Fisheries in their letter dated 30 July 2015 be complied with;
  - (p) that all the conditions imposed by Cape Nature in their letter dated 23 March 2015 be complied with; and
  - (q) that all conditions imposed by the Western Cape Government : Environmental Affairs and Development Planning in their letter dated 24 June 2015 be complied with.
3. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

|  |                        |
|--|------------------------|
| <b>RESPONSIBLE OFFICIAL :</b>            | <b>H VAN DER STOEP</b> |
| <b>TARGET DATE FOR IMPLEMENTATION :</b>  | <b>14 OCTOBER 2015</b> |
| <b>TARGET DATE TO INFORM APPLICANT :</b> | <b>14 OCTOBER 2015</b> |
| <b>TARGET DATE TO INFORM OBJECTOR :</b>  | <b>N/A</b>             |

2.

REMAINDER ERF 2395, CNR OF SIXTH AND TENTH STREET, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : JMF COUTTS ON BEHALF OF "DIE TRUSTEES VAN TYD TOT TYD VAN DIE JARE PROPERTY 2 TRUST"

Rem 2395 HVK (2891)

P Roux

5 August 2015

(028) 313 8900

Hermanus Administration

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**EXECUTIVE SUMMARY**

An application has been received on 22 September 2014 from JMF Coutts on behalf of "Die Trustees van Tyd tot Tyd van die Jare Property 2 Trust", the owners of Remainder Erf 2395, Hermanus (Voëlklip), in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) in order to:

- relax the lateral building line from 2m to 0m in order to accommodate the proposed extension to the garage;
- relax the street building line from 3m to 0m in order to accommodate the proposed pergola; and
- exceed the height restriction of the boundary wall from 2,8m to 3,55m.

**RESOLVED:**

1. that the application for departure received from JMF Coutts on behalf of "Die Trustees van Tyd tot Tyd van die Jare Property 2 Trust", the owners of Remainder Erf 2395, Hermanus (Voëlklip) in order to:
  - (i) relax the lateral building line from 2m to 0m in order to accommodate the proposed extension to the garage; and
  - (ii) relax the street building line from 3m to 0m in order to accommodate a pergola;

in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be refused**;
2. that the applicant be provided a period of **90 days** to revert back to the approved building plan from the date of the decision in paragraph 1. above;
3. that the refusal in paragraph 1. above is based on the following reasons:
  - (a) the pergola is a detractor of the current streetscape and not in character with the surrounding dwellings;

- (b) discrepancies between the approved building plan and proposed building plan are misleading and do not truly reflect what is currently being built;
  - (c) more than three dwelling units will be created on the property which is not in line with the Overstrand Zoning Scheme Regulations; and
  - (d) sufficient parking cannot be provided on site;
4. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application to exceed the height restriction of the boundary wall from 2,8m to 3,55m, **be approved**, subject to the following conditions;
- (a) that the approval only has reference to exceed the height restriction as shown on the building plan as submitted with the application;
  - (b) that building plans for the boundary wall be submitted to the Building Department for approval accompanied with an Engineers Certificate;
  - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (d) that all conditions compiled 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 the applicant submit a formal application to Property Administration before landscaping and irrigation on Erf 4962;
5. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

**RESPONSIBLE OFFICIAL :****P ROUX****TARGET DATE FOR IMPLEMENTATION :****14 OCTOBER 2015****TARGET DATE TO INFORM APPLICANT :****14 OCTOBER 2015****TARGET DATE TO INFORM OBJECTOR :****N/A**



3.

**ERF 305, 6 CLIFF ROAD, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : DETAIL CONSTRUCTION ON BEHALF OF NL & L FISH**

**305 HWC (2797)****H van der Stoep****11 August 2015****(028) 313 8900****Hermanus Administration**

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**EXECUTIVE SUMMARY**

Application has been received on 20 January 2014 from Messrs. Detail Construction (R. Kok) on behalf of the Mr. NL & L Fish on Erf 305, Hermanus for a departure from the relevant Scheme Regulations in order to relax the street building line from 4m to 0m to accommodate a carport and access gate.

**RESOLVED:**

1. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) application for a departure from the Scheme Regulations on Erf 305, Hermanus in order to relax the street building line from 4m to 0m to accommodate a carport and access gate, **be approved**, subject to the following conditions:
  - (a) that this approval only has reference to the Site Development Plan (305\_001 dated 2015/01/16 [REV 1] and 305\_002 dated 2014/10/07), as submitted with the application;
  - (b) that the proposed carport be a flat roof and is similar to the photographs submitted by the applicant to prove limited impact on Westcliff Drive;
  - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (d) that all other parameters as prescribed in the Zoning Scheme be adhered to;
  - (e) that all the conditions in the Services Report be complied with; and
  - (f) that a building plan be submitted to the Building Control Department for their approval, and that any conditions that may be set at building plan submission phase by the Building Control- and/or Fire Department, be complied with.
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.

|  |                        |
|--|------------------------|
| <b>RESPONSIBLE OFFICIAL :</b>            | <b>H VAN DER STOEP</b> |
| <b>TARGET DATE FOR IMPLEMENTATION :</b>  | <b>14 OCTOBER 2015</b> |
| <b>TARGET DATE TO INFORM APPLICANT :</b> | <b>14 OCTOBER 2015</b> |
| <b>TARGET DATE TO INFORM OBJECTOR :</b>  | <b>14 OCTOBER 2015</b> |

4.

**ERF 2367, 4 JELLIEVIS STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : J SMIT**

**2367 GPB (2864)****SW van der Merwe  
17 August 2015****(028) 313 8900****Hermanus Administration**

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**EXECUTIVE SUMMARY**

To consider an application received on 17 March 2015 from J Smit, the owner of Erf 2367, Pearly Beach for departure from the Pearly Beach Resort Development Rules in order to encroach the 4m height restriction applicable to dwelling units with 0,6m.

**RESOLVED:**

1. that the objection **be noted**;
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a departure from the Pearly Beach Holiday Resort Development Rules on Erf 2367, Pearly Beach in order to encroach the applicable height restriction, **be refused**, for the following reasons:
  - (a) the construction does not comply with the applicable height restriction in terms of the development rules;
  - (b) the Pearly Beach Resort Homeowners Association does not support the encroachment of the height restriction;
  - (c) the design of the roof is out of keeping with the character and appearance of the surrounding area, thereby detracting from the visual amenity of the locality; and
  - (d) approval will set an undesirable precedent, the cumulative impact of which will detract from the character and appearance of the surrounding area;
3. that the roof **be demolished** to ensure compliance with the approved building plans within a period of **60 days** from the date of the decision;
4. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No. 32 of 2000 with regard to the above decision.

|  |                         |
|--|-------------------------|
| <b>RESPONSIBLE OFFICIAL :</b>            | <b>SW VAN DER MERWE</b> |
| <b>TARGET DATE FOR IMPLEMENTATION :</b>  | <b>14 OCTOBER 2015</b>  |
| <b>TARGET DATE TO INFORM APPLICANT :</b> | <b>14 OCTOBER 2015</b>  |
| <b>TARGET DATE TO INFORM OBJECTOR :</b>  | <b>14 OCTOBER 2015</b>  |

5.

**ERF 503, 16 DE WET STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA :  
PROPOSED CONSENT USE : EM ROUX ON BEHALF OF DIE KERKRAAD VAN  
DIE GEMEENTE TE GANSBAAI VAN DIE NEDERDUITSE GEREFORMEERDE  
KERK IN SUID-AFRIKA**

**503GGB (2788)****P Roux****7 August 2015****(028) 313 8900****Hermanus Administration**

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**EXECUTIVE SUMMARY**

To consider an application on 31 December 2014 from EM Roux on behalf of Die Kerkraad van die Gemeente te Gansbaai van die Nederduitse Gereformeerde Kerk in Suid-Afrika, the owners of Erf 503, Gansbaai for a consent use in order to utilize the existing dwelling as a crèche.

**RESOLVED:**

1. that the objection **be noted**;
2. that, in terms of Section 2.2 of the Overstrand Zoning Scheme Regulations made in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), application for a consent use in order to utilize the existing dwelling on Erf 503, Gansbaai as a crèche with an after school facility, **be approved**, subject to the following conditions:
  - (a) that the development be restricted as indicated on the Site Development Plan;
  - (b) that the approval does not absolve the applicant from compliance with any other relevant legislation and or Title Deed conditions;
  - (c) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;
  - (d) that all conditions imposed in the Services Report be complied with;
  - (e) that all necessary certificates are obtained from the Department of Health;
  - (f) that a maximum of 20 children/babies be allowed at anytime on the property;

- (g) that all the regulations as set in the Childrens Act No. 38 of 2005, as amended, be adhered to;
  - (h) that the owner in title prevent the occurrence of any public nuisance, which through an act or omission materially interferes with the comfort, peace and quiet of the surrounding area, and should the owner in title fail to comply with such condition, they will themselves make themselves liable to further legal action;
  - (i) that on-site parking bays be provided to the satisfaction of the Senior Manager : Town- and Spatial Planning;
  - (j) that commercial rates and service tariffs, as determined by the annual budget, be made applicable to refuse removal, which tariffs are automatically adjusted in terms of the annual budget;
  - (k) that a timetable be submitted to the Town Planning Department for record keeping;
  - (l) that the consent use approval is not transferable to a proprietor and that a new owner must submit a new application;
  - (m) that the facility complies to Building- and Fire Regulations; and
  - (n) that all the conditions stipulated by Operational Report be complied with.
3. that the applicant/objector 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 :****P ROUX****TARGET DATE FOR IMPLEMENTATION :****14 OCTOBER 2015****TARGET DATE TO INFORM APPLICANT :****14 OCTOBER 2015****TARGET DATE TO INFORM OBJECTOR :****14 OCTOBER 2015**

6.

**ERF 966, 73 MAIN ROAD, SANDBAAI, OVERSTRAND MUNICIPAL AREA :  
PROPOSED REZONING : EAGLE VALLEY PROPERTIES 125 CC**

966 HSB (2775)

H Olivier

14 July 2015

(028) 313 8900

Hermanus Administration

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**EXECUTIVE SUMMARY**

An application has been received from Messrs Overplan & Associates on behalf of Messrs. Eagle Valley Properties 125 CC for the rezoning of Erf 966, Sandbaai from Residential Zone I to Business Zone III.

**RESOLVED:**

1. that, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) an application for the rezoning of Erf 966, Sandbaai from Residential Zone I to Business Zone III, **be approved** subject to the following conditions:
  - (a) that the land use be limited to offices only;
  - (b) that at least 6 parking bays be provided for each 100m<sup>2</sup> Gross Leasable Area;
  - (c) that the facility will have to comply with National Building Regulations Part S 10400 disabled facilities;
  - (d) that all the conditions by the Western Cape Government : Transport and Public Works in their letter dated 24 April 2015 be complied with);
  - (e) that all the conditions by Telkom in their letter dated 23 March 2015 be complied with;
  - (f) that all conditions imposed in the Services Report be complied with;
  - (g) that the premises comply with Fire Regulations SANS 10400 T:2011, Fire protection with regard to occupancy category; and
  - (h) that all other parameters, as prescribed in the relevant Zoning Scheme, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

|  |                        |
|--|------------------------|
| <b>RESPONSIBLE OFFICIAL :</b>            | <b>H OLIVIER</b>       |
| <b>TARGET DATE FOR IMPLEMENTATION :</b>  | <b>14 OCTOBER 2015</b> |
| <b>TARGET DATE TO INFORM APPLICANT :</b> | <b>14 OCTOBER 2015</b> |
| <b>TARGET DATE TO INFORM OBJECTOR :</b>  | <b>N/A</b>             |



7.

**PEARLY BEACH: ELUXOLWENI LOW COST HOUSING DEVELOPMENT:  
TECHNICAL CLOSE OUT REPORT**

17/5/5/2/12

A Cairns

(028) 316 3724

Hermanus Administration

02 June 2015

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**EXECUTIVE SUMMARY**

This report serves to inform Council that the Eluxolweni low cost housing projects in Pearly Beach, Gansbaai, consisting of 183 subsidised houses and 28 enhanced serviced sites (wetcores), have been completed and that hand overs to the beneficiaries have been concluded successfully.

**RECOMMENDATION TO THE COUNCIL:**

that it **be noted** that the Eluxolweni Low Cost Housing Project has been completed and all top structures have been handed over to beneficiaries.

**RESPONSIBLE OFFICIAL :****A CAIRNS****TARGET DATE FOR IMPLEMENTATION :****OCTOBER 2015****TARGET DATE TO INFORM APPLICANT :****OCTOBER 2015**

8.

**PROPOSED STREET NAMES : MOUNT PLEASANT HOUSING DEVELOPMENT**

Erf 243, Mount Pleasant, Hermanus

A Cairns

(028) 316 3724

Hermanus Administration

19 June 2015

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**EXECUTIVE SUMMARY**

The Executive Mayor approved the Land Use Planning application (Rezoning and Subdivision) for the Mount Pleasant Integrated Housing Development (Sites A & B) on a portion of Erf 243, Mount Pleasant, Hermanus at the end of April 2014. The purpose of this report is to now submit proposed area- and street names for the development.

**RESOLVED:**

that the proposed area- and street names for the Mount Pleasant Integrated Housing Development, namely:

**Site A:UITKYK**

- Amyrillis
- Jakobregop
- Kappertjie
- Pronkertjie
- Iris
- Japonika
- Hortensia
- Clivia

**Site B (GAP Site):**

- Agapanthus
- Fuchsia

as set out on the layout plans, **be approved.**

**RESPONSIBLE OFFICIAL :****ABIGAIL CAIRNS****TARGET DATE FOR IMPLEMENTATION :****14 OCTOBER 2015**

9.

ERF 4851, 142 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND  
MUNICIPAL AREA : PROPOSED DEPARTURE: PC EVANS ON BEHALF OF  
JS BOYES

4851HVK (2868)

P Roux

23 July 2015

(028) 313 8900

Hermanus Administration

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### EXECUTIVE SUMMARY

An application has been received on 19 March 2015 from PC Evans on behalf of the property owners JS Boyes on Erf4851, Voëlklip for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 1,5m to extend the existing bedroom and patio.

### 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 4851, Voëlklip, in order to relax the lateral building line from 2m to 1,5m to extend the patio balustrade, **not be approved**, for the following reasons:
  - (a) it could have a negative impact on the character of the surrounding area;
  - (b) the amenity of the adjacent property owner will be negatively affected; and
  - (c) should this application be approved it would create an unwanted precedent for more such applications in the Voëlklip area which could then have even a greater impact on the character of this area.
  
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 4851, Voëlklip, in order to relax the lateral building line from 2m to 1,5m to extend the existing bedroom onto the patio, **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 DWG No. BOY001, assubmitted 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.
3. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government: Municipal Systems Act No. 32 of 2000 with regard to the above decision.

**RESPONSIBLE OFFICIAL :**

**P ROUX**

**TARGET DATE FOR IMPLEMENTATION :**

**14 OCTOBER 2015**

**TARGET DATE TO INFORM APPLICANT :**

**14 OCTOBER 2015**

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

15/3/11

R van Antwerp  
28 August 2015

(028) 313 8039

Hermanus Administration

**EXECUTIVE SUMMARY**

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

**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 4 July 2015 – 25 August 2015:

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

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

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

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

11.  
**HERMANUS, A PORTION OF ERF 2332, ARUM STREET: LEASE OF MUNICIPAL PROPERTY TO PREWAY INVESTMENTS CC T/A AUTOHAVEN**

7/2/3/1

M Erasmus  
 18 August 2015

(028) 316-3724

Hermanus Administration

**EXECUTIVE SUMMARY**

To obtain approval to enter into a lease agreement with Preway Investments CC t/a Autohaven in respect of municipal property, being a portion of Erf 2332, Arum Street, Hermanus ( $\pm 72\text{m}^2$  in extent), for parking purposes for the display of vehicles.

**RESOLVED:**

1. that the lease of Municipal Property, being a portion of Erf 2332, Arum Street, Hermanus ( $\pm 72\text{m}^2$  in extent) to Preway Investments CC t/a Autohaven for parking purposes for the display of vehicles at the rental amount of R291.50 (TWO HUNDRED AND NINETY ONE RAND AND FIFTY CENTS) (Vat excluded) per month for a period of 9 (NINE) years and 11 (ELEVEN) months as from 1 December 2014 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 escalate every year on the 1<sup>st</sup> of July by a percentage fixed in accordance with the prevailing consumer price index.

**RESPONSIBLE OFFICIAL :**

**M ERASMUS**

**TARGET DATE FOR IMPLEMENTATION :**

**10 OCTOBER 2015**

**TARGET DATE TO INFORM APPLICANT :**

**3 NOVEMBER 2015**

**TARGET DATE TO INFORM OBJECTOR :**

**N/A**

12.

**GANSBAAI, A PORTION OF ERF 210, VOORTREKKER STREET: LEASE OF MUNICIPAL PROPERTY TO SONIA DENISE ROCK T/A KLEINKAAP KWEKERY**

7/2/3/1

M Erasmus

(028) 316-3724

Hermanus Administration

14 August 2015

**EXECUTIVE SUMMARY**

To obtain approval to enter into a lease agreement with Sonia Denise Rock t/a KleinkAAP Kwekery in respect of municipal property, being a portion of Erf 210, Voortrekker Street, Gansbaai ( $\pm 2700\text{m}^2$  in extent), for nursery purposes.

**RESOLVED:**

that the lease of Municipal Property, being a portion of Erf 210, Voortrekker Street, Gansbaai ( $\pm 2700\text{m}^2$  in extent) to Sonia Denise Rock t/a KleinkAAP Kwekery for nursery purposes at the rental amount of R416.60 (FOUR HUNDRED AND SIXTEEN RAND AND SIXTY CENTS) (Vat excluded) per month for a period of 12 (TWELVE) months as from 1 July 2015 in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, **be approved.**

**RESPONSIBLE OFFICIAL :****M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****10 OCTOBER 2015****TARGET DATE TO INFORM APPLICANT :****3 NOVEMBER 2015****TARGET DATE TO INFORM OBJECTOR :****N/A**



13.

**GANSBAAI, A PORTION OF ERF 462, SEA VIEW ROAD, FRANSKRAAL: LEASE OF MUNICIPAL PROPERTY TO 'DIE STRANDVELD MUSEUM TRUST'**

7/2/3/1

M Erasmus

(028) 316-3724

Hermanus Administration

17 August 2015

**EXECUTIVE SUMMARY**

To obtain approval to enter into a lease agreement with 'Die Strandveld Museum Trust' in respect of municipal property, being a portion of Erf 462, Sea View Road, Franskraal ( $\pm 700\text{m}^2$  in extent), for the management of The Strandveld Museum.

**RESOLVED:**

1. that the lease of Municipal Property, being a portion of Erf 462, Sea View Road, Franskraal ( $\pm 700\text{m}^2$  in extent) to 'Die Strandveld Museum Trust' for the management of the Strandveld Museum at the rental amount of R120.20 (ONE HUNDRED AND TWENTY RAND AND TWENTY CENTS) (Vat excluded) per month for a period of 9 (NINE) years and 11 (ELEVEN) months as from 1 September 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 escalate every year on the 1<sup>st</sup> of July by a percentage fixed in accordance with the prevailing consumer price index.

**RESPONSIBLE OFFICIAL :****M ERASMUS****TARGET DATE FOR IMPLEMENTATION :****10 OCTOBER 2015****TARGET DATE TO INFORM APPLICANT :****3 NOVEMBER 2015****TARGET DATE TO INFORM OBJECTOR :****N/A**

14.

**HERMANUS, ERF 640 (A PORTION OF ERF 560), ZWELIHLE: DEVIATION FROM PARAGRAPH 15.1 OF THE ADMINISTRATION OF IMMOVABLE PROPERTY POLICY ALLOWING THE MUNICIPALITY TO APPROVE IN PRINCIPLE THE ALIENATION OF MUNICIPAL PROPERTY TO THE CHURCH OF CHRIST MISSION**

7/2/3/2

Madelein Erasmus

(028) 316 - 3724

Hermanus Administration

14 August 2015

### EXECUTIVE SUMMARY

To obtain approval for the deviation from paragraph 15.1 of the Administration of Immovable Property Policy allowing the Municipality to approve in principle the alienation of Erf 640 (a portion of Erf 560), Zwelihle, Hermanus, ( $\pm 852\text{m}^2$  in extent) to Church of Christ Mission on basis of archaic reasons.

### RECOMMENDATION TO THE COUNCIL:

1. that the deviation from paragraph 15.1 of the Administration of Immovable Property Policy **be approved**;
2. that the alienation of Erf 640, (a portion of Erf 560) Zwelihle, Hermanus, ( $\pm 852\text{m}^2$  in extent) to the Church of Christ Mission be **approved in principle** to rectify this archaic matter subject to a public participation process being followed;
3. that all costs pertaining to the transaction be paid by the purchaser;
4. that the application costs be waived on grounds that the transaction is an archaic matter; and
5. that it **be** noted 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, No. 56 of 2003.

RESPONSIBLE OFFICIAL :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

5 NOVEMBER 2015

TARGET DATE TO INFORM APPLICANT :

5 OCTOBER 2015

TARGET DATE TO INFORM OBJECTOR :

N/A

15.

**PORTION 383 OF THE FARM ONRUST RIVER NO. 581, DIVISION CALEDON :  
PROPOSED AMENDMENT OF THE SITE DEVELOPMENT PLAN : PLAN ACTIVE  
ON BEHALF OF A BOTTEGA (WHALE HAVEN WINERY (PTY) LTD)**

**Ptn 383/581 RCAL (2773)**

**H Olivier**

**14 May 2015**

**(028) 313 8900**

**Hermanus Administration**

### **EXECUTIVE SUMMARY**

Application has been received on 9 December 2014 from Messrs. Plan Active on behalf of the property owner on Portion 383 of the Farm Onrust River No. 581, to amend the Site Development Plan for the existing Agricultural Industry (winery) on the property to accommodate a new storage and loading area.

### **RESOLVED:**

1. that, in terms of Section 16.3 of the Overstrand Municipality Zoning Scheme Regulations promulgated in accordance with Section 9 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) application to amend the Site Development Plan on Portion 383 of the Farm Onrus River No. 581 in order to accommodate new storage and loading areas to the existing winery, **be approved**, subject to the following conditions:
  - (a) that the approval is limited to the uses as shown on the revised Site Development Plan j1416-fp01 dated 08/2014 submitted with the application;
  - (b) that a Site Development Plan submitted to the Municipality be slightly amended to show a screen around the refrigerated container creating a visual block from the western and eastern sides to the satisfaction of the Manager : Building Control Department;
  - (c) that the applicant ensures at all times that the fan motors and the refrigerator unit on the property comply with acceptable noise levels as required by Overberg District Health and in terms of the National Building Regulations;
  - (d) that a wooden fence/screen of 2,1m in height be constructed from the storage warehouse up to the 10m services servitude to act as a visual screen from the Glenfruin Meadows access road, as indicated on the Site Development Plan in (a) above;
  - (e) that a wooden fence/screen be constructed on the northern boundary with Glenfruin Meadows complex from the access servitude to the edge of the wine cellar to the east, in line with the Site Development Plan in (a) above;

- (f) that the northern side of the covered loading/storage area be enclosed with a wall and large doors, as indicated on the Site Development Plan in (a) above to the satisfaction of the Manager : Building Control Department;
  - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (h) that all other parameters as prescribed in the Zoning Scheme be adhered to;
  - (i) that all conditions imposed by the Western Cape Government : Transport and Public Works in their letter dated 30 March 2015 be complied with;
  - (j) that all conditions imposed by Eskom in their letter dated 4 May 2015 be complied with;
  - (k) that all the conditions in the Services Report be complied with, and
  - (l) that building plans be submitted for all new structures/buildings to the Building Control Department for approval, and that any conditions by that Department at building plan phase be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

**RESPONSIBLE OFFICIAL :****H OLIVIER****TARGET DATE FOR IMPLEMENTATION :****14 OCTOBER 2015****TARGET DATE TO INFORM APPLICANT :****14 OCTOBER 2015****TARGET DATE TO INFORM OBJECTOR :****14 OCTOBER 2015**

16.

**ERF 1104, 5 BITOU STREET, VERMONT, OVERSTRAND MUNICIPAL AREA :  
TITLE DEED RELAXATION AND PROPOSED DEPARTURE : HS VAN RIET**

**1104 HVM (2881)****H Olivier****(028) 313 8900****Hermanus Administration****4 August 2015**

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**EXECUTIVE SUMMARY**

An application has been received on 14 April 2015 from K Winter on behalf of the property owner, HS van Riet, on Erf 1104, Vermont for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 0m to accommodate the existing braai and a screen wall of 2,2m in height, with built-in windows.

The application also include a relaxation of the 1,5m lateral building line as stipulated in the Title Deed to 0m to accommodate the mentioned structures.

**RESOLVED:**

1. that the application for the relaxation of the eastern 1,5m Title Deed building line to 0m, as stipulated in Condition E7 of the Title Deed T28245/1986 of Erf 1104, Vermont, **be approved**;
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 1104, Vermont to allow the relaxation of the eastern lateral building line from 2m to 0m to accommodate an existing braai and two new screen walls, **be approved**, subject to the following conditions:
  - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (c) that this approval is only for the relaxation of building lines indicated on Plan No. 1A and 1B dated August 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;
  - (e) that all the conditions imposed by Telkom in their letter dated 17 June 2015 be complied with; and

- (f) that the structure must remain open and no roof may be placed over it.
3. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government: Municipal Systems Act No. 32 of 2000 with regard to the above decision.

|   |                        |
|---|------------------------|
| <b>RESPONSIBLE OFFICIAL:</b>            | <b>H VAN DER STOEP</b> |
| <b>TARGET DATE FOR IMPLEMENTATION:</b>  | <b>14 OCTOBER 2015</b> |
| <b>TARGET DATE TO INFORM APPLICANT:</b> | <b>14 OCTOBER 2015</b> |
| <b>TARGET DATE TO INFORM OBJECTOR:</b>  | <b>N/A</b>             |

17.

**ERF 81, 143 MARAIS STREET, FRANSKRAAL : PROPOSED DEPARTURE & RELAXATION OF RESTRICTIVE TITLE DEED CONDITION : AJ & L FOURIE****81 GFK (2884)****SW van der Merwe****(028) 313 8900****Hermanus Administration****7 August 2015**

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**EXECUTIVE SUMMARY**

To consider an application for departure and relaxation of restrictive title deed condition, received on 7 April 2015 from the owners of Erf 81, Franskraal, AJ & L Fourie for the following:

- relaxation of the 3,15m rear and 4,72m street building line contained in the Title Deed (T76909/08); and
- departure in order to encroach the 4m street building line with 0,55m to 3,45m and the 2m lateral building line with 0,43m to 1,57m respectively.

**RESOLVED:**

1. that the application for the relaxation of restrictive title conditions on Erf 81, Franskraal, in order to relax the 3,15 rear- and 4,72m street building lines, **be approved**;
2. that the application for departure in terms of the provisions of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985 ) in order to relax the street building line from 4m to 3,45m and the lateral building line from 2m to 1,57m respectively, **be approved** subject to the following conditions:
  - (a) that the approval in paragraph 2 above be subject to the approval of the application for title relaxation in paragraph 1 above;
  - (b) that this approval only has reference to the relaxation of the building lines as indicated on the Site Development Plan;
  - (c) that building plans be submitted to the Building Department for approval;
  - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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

|  |                         |
|--|-------------------------|
| <b>RESPONSIBLE OFFICIAL :</b>            | <b>SW VAN DER MERWE</b> |
| <b>TARGET DATE FOR IMPLEMENTATION :</b>  | <b>14 OCTOBER 2015</b>  |
| <b>TARGET DATE TO INFORM APPLICANT :</b> | <b>14 OCTOBER 2015</b>  |
| <b>TARGET DATE TO INFORM OBJECTOR :</b>  | <b>N/A</b>              |

**The meeting adjourned at 10:28**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**N BOTHA-GUTHRIE – EXECUTIVE MAYOR**