

**PORTFOLIO COMMITTEE :
INFRASTRUCTURE & PLANNING**

Chairperson :

Cllr D Botha

Committee Members :

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

**PORTEFEULJEKOMITEE :
INFRASTRUKTUUR & BEPLANNING**

Voorsitter :

Rdl D Botha

Komiteelede :

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

INFRASTRUCTURE & PLANNING PORTFOLIO COMMITTEE
INFRASTRUKTUUR & BEPLANNING PORTEFEULJEKOMITEE

20 JUNE 2017

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

15/3/11

R van Antwerp
20 May 2017

(028) 313 8039

Hermanus Administration

1. Executive Summary

To report on applications disposed of by the Authority Officer in terms of the Spatial Land Use Management Act (SPLUMA) during the period from 21 April 2017 – 19 May 2017 as well as the applications that served before the Municipal Planning Tribunal on 26 April 2017:

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background

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

7. Financial Implications

None

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8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

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

RECOMMENDATION:

that cognisance be taken of the town planning applications disposed of by the Authorised Official in terms of SPLUMA for the period 21 April 2017 – 19 May 2017, as well as the applications that served before the Municipal Planning Tribunal on 26 April 2017:

Spatial Land Use Management Act (SPLUMA) Approvals

1.	Erf 12019, Mount Pleasant	28 April 2017
2.	Erf 8378, Hemel & Aarde Estate, Hermanus	28 April 2017
3.	Erf 844, Sandbaai	28 April 2017
4.	Farm 764	28 April 2017
5.	Erven 3783 and 3931, Onrustrivier	28 April 2017
6.	Erf 1096, Hermanus	28 April 2017
7.	Erf 3921, Betty's Bay	18 May 2017
8.	Erf 401, Sandbaai	18 May 2017
9.	Erf 4509, Betty's Bay	18 May 2017
10.	Erf 7530, Hermanus	18 May 2017
11.	Erf 178, Franskraal	18 May 2017
12.	Erf 3679, Kleinmond	18 May 2017
13.	Erf 1032, Pringle Bay	18 May 2017
14.	Erf 1204 and 1205, Franskraal	18 May 2017
15.	Erf 3791, Hermanus	18 May 2017
16.	Erf 1359, Hermanus	18 May 2017
17.	Erf 4086, Hermanus	18 May 2017
18.	Erf 1, Stanford	18 May 2017
19.	Erf 8329, Kleinmond	18 May 2017

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Municipal Planning Tribunal

- | | | |
|----|--------------------|---------------|
| 1. | Erf 505, Vermont | 26 April 2017 |
| 2. | Erf 1548, Sandbaai | 26 April 2017 |

RESPONSIBLE OFFICIAL :	R VAN ANTWERP
TARGET DATE FOR IMPLEMENTATION :	12 JULY 2017
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

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

15/3/11

**R van Antwerp
20 May 2017**

(028) 313 8039

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
20 JUNE 2017, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :	R VAN ANTWERP
TARGET DATE FOR IMPLEMENTATION :	12 JULY 2017
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

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Spatial Land Use Management Act (SPLUMA) Approvals

1. ERF 12019, 22 CLIVIA STREET, MOUNT PLEASANT, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : T AND Y PEREIRA

12019 HMP (3562)

H Olivier

(028) 313 8900

Hermanus Administration

7 April 2017

Executive Summary

An application has been received on 29 December 2016 from the property owners, TM and YM Pereira, on Erf 12019, Mount Pleasant in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Land Use Planning, 2016 for the departure of building lines for new constructions encroaching the building lines to accommodate a new single garage.

The departure is to relax the southern lateral building line from 2m to 0m and to relax the street building line from 4m to 2m to accommodate a new single garage.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 12019, Mount Pleasant in order to relax the southern lateral building line from 2m to 0m and relax the street building line from 4m to 2m to accommodate a new garage, **be approved**, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines as indicated on the plans submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied with at that stage;
 - (c) that all the conditions in the Services Report, be complied with, and
 - (d) that this approval is not an approval in terms of any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**2. ERF 8378, 2 STERLITZIA CLOSE, HEMEL & AARDE ESTATE, HERMANUS:
PROPOSED DEPARTURE: MESSRS SMART SOLUTION ARCHITECTURE
& ARCHITECTURAL CONSULTANTS ON BEHALF OF EH SCHMIDT**

8378 HMS (3593)

Hvan der Stoep

(028) 313 8900

Hermanus Administration

31 March 2017

Executive Summary

An application has been received on 25 October 2016 from Messrs Smart Solution Architecture and Architectural Consultants on behalf of EH Schmidt, the owner of Erf 8378, Hemel & Aarde Estate, for departures in terms of Section 16(2)(b) in order to relax the following :

- Street building line partially from 4m to 3m to accommodate a new front entrance pergola to the existing dwelling, and
- Eastern lateral building line from 2m to 0m to accommodate a new carport pergola and a new pergola to be used as an outdoor sitting area.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for departure applicable to Erf 8378, Hemel & Aarde Estate, Hermanus in order to relax the following building lines to accommodate three (3) new pergolas:
 - The street building line partially from 4m to 3m for a front entrance pergola.
 - The eastern lateral building line from 2m to 0m for a carport pergola.
 - The eastern lateral building line from 2m to 0m for a pergola.

be approved, subject to the following conditions:

- (a) that this approval be strictly be in accordance with the Site Development Plans Number I 0189/A3/03 - 07 dated 07 October 2016 as submitted with the application;
- (b) that formal building plans be submitted to the Building Control Department for approval and that any additional conditions by the Fire- and Building Departments be complied with at that stage;
- (c) that the two (2) pergolas may not be roofed which will create enclosed areas on more than two (2) sides;

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- (d) that stormwater be allowed to discharge through Erf 8378, Hemel & Aarde, unobstructed;
 - (e) that all other applicable development parameters of the Zoning Scheme be complied with; and
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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3. ERF 844, 1 SCHNEIDER STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND SUBDIVISION : MESSRS PLAN ACTIVE ON BEHALF OF Z MA

844, HSB (3552)

H van der Stoep

(028) 313 8900

Hermanus Administration

12 April 2017

Executive Summary

An application has been received on 13 December 2016 from Messrs PlanActive Town and Regional Planners on behalf of Zhen Ma the owner of Erf 844, Sandbaai, for the following applications:

- removal of restrictive title conditions C.(2)(a) – (d) contained in Title Deed T52579/2016 applicable to Erf 844, Sandbaai in terms of Section 16(2)(f) of the abovementioned By-Law, in order to enable the owner to subdivide the property, into two (2) portions, and
- subdivision in terms of Section 16(2)(d) to subdivide Erf 844, Sandbaai into two (2) portions namely, Portion A ($\pm 684\text{m}^2$) and a Remainder ($\pm 553\text{m}^2$).

RESOLVED :

1. that the application for a removal of restrictive title conditions C.(2)(a), (b), (c) and (d) as contained in Title Deed T52579/2016 applicable to Erf 844, Sandbaai, **be approved**, in terms of the provisions of Section 61 of the Overstrand Municipality By-Law on Municipal Land Use Planning;
2. that the application for the subdivision of Erf 844, Sandbaai into two (2) portions namely, Portion A ($\pm 684\text{m}^2$) and the Remainder ($\pm 553\text{m}^2$), **be approved**, in terms of the provisions of Section 61 of the Overstrand Municipality By-Law on Municipal Land Use Planning;
3. that the approval in Points 1. and 2. above be subject to the following conditions:
 - (a) that the approval of the subdivision be strictly in the manner as indicated on the plan no sand844s.drw dated 8/12/2016 which was submitted with the application;
 - (b) that the requirements of Engineering Services, be complied with;
 - (c) that the conditions of Telkom, be complied with;
 - (d) that all other applicable development parameters of the Zoning

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Scheme be complied with, and

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

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**4. FARM NO 764, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA:
PROPOSED CONSENT USE : MESSRS PLAN ACTIVE ON BEHALF OF
STANFORD HILLS ESTATE (PTY) LTD**

Farm 764 (3393)

P Roux

(028) 313 8900

Hermanus Administration

27 March 2017

Executive Summary

To consider an application received on 12 August 2016 from Messrs Plan Active Town- and Regional Planning on behalf of the property owners of Farm No. 764, Division Caledon for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to establish an additional tourist accommodation (five (5) luxurious tent sites) on the property.

RESOLVED :

1. that, in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the consent use application on Farm No. 764, Division Caledon, Overstrand Municipal area in order to establish additional tourist accommodation (five (5) luxurious tent sites) on the property, **be approved**, subject to the following conditions;
 - (a) that approval only relates to the proposed Site Development Plan as submitted with the application;
 - (b) that only two (2) persons be accommodated per tent;
 - (c) that a Site Development Plan be submitted to the Manager: Town and Spatial Planning indicating the tented areas and the parking bay for each tent;
 - (d) that rates and service tariffs be considered in terms of multi zoning, by the annual budget, be made applicable, which tariffs are automatically are adjusted in terms of the annual budget;
 - (e) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
 - (f) that all the conditions in the Services Report, be complied with;

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- (g) that a rational Fire Safety Design by a competent person (Fire Engineer) must be submitted to the satisfaction of the Fire Department for approval in terms of SANS 10400 T : 2011;
 - (h) that the letter from the Department of Transport and Public Works, be noted;
 - (i) that the conditions compiled by Telkom, be compiled with;
 - (j) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (k) that comment to be obtained from Stanford Heritage Committee with the submission of building plans, and
 - (l) that written proof demonstrating compliance with the conditions of approval be submitted within sixty (60) days from the final approval to the satisfaction of the Senior Manager: Town and Regional Planning.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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5. ERVEN 3783 AND 3931, 16 DE KOCK CLOSE AND 9 LUKE AVENUE, ONTRUSTRIVIER, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSOLIDATION : MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF GMG CONSALVES

3783 & 3931 HON (3530)

H Olivier

(028) 313 8900

Hermanus Administration

27 March 2017

Executive Summary

Consolidation of Erven 3783 and 3931, Onrustrivier in order to create one single property of 800m².

RESOLVED :

1. that in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Land Use Planning, 2016 the application to consolidate Erven 3783 and 3931, Onrustrivier, **be approved**, subject to the following condition:
 - (a) that this approval only has reference to the proposed SG Diagram for new proposed Erf 5161, Onrustrivier, as submitted with the application;
 - (b) that all the conditions in the Service Report, be complied with;
 - (c) that it is the owner/applicant's responsibility to register the approved consolidation within 5 years from the date of approval;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (f) that all the conditions by Telkom, be complied with, and
 - (g) that all the conditions by Eskom, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**6. ERF 1096, 6 STEMMET STREET, EASTCLIF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS ENGELBRECHT &
SCORGIE ON BEHALF OF JJ MALHERBE AND A BUSSE**

1096 HEC (3339)

P Roux

(028) 313 8900

Hermanus Administration

11 April 2017

Executive Summary

To consider an application for departure received in terms of Section 16(2)(b) on 28 June 2016 from Messrs Engelbrecht & Scorgie on behalf of the owners of Erf 1096, Hermanus, JJ Malherbe and A Busse, in order to accommodate an existing wendy house which is situated 0.84m from the lateral boundary.

RESOLVED :

1. that, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the departure application on Erf 1096, Hermanus in order to accommodate a wendy house which encroaches the 2m lateral building line up to 0,84m from the lateral boundary, **be approved**, subject to the following conditions:
 - (a) that a building plan be submitted to the Building Department for approval;
 - (b) that the approval is only for the relaxation of the lateral building line as indicated on the Site Development Plan as submitted with the application, and
 - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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7. ERF 3921, 13 COTULA CLOSE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : GE DOS SANTOS

3921 KBB (3548)

H van der Stoep

(028) 313 8900

Hermanus Administration

4 April 2017

Executive Summary

An application has been received on 9 December 2016 from the property owner in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the departure of the rear building line to legalize an existing balcony.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 3921, Betty's Bay for a departure to relax the rear building line from 2m to 0,6m to legalize a portion of an existing deck, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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8. ERF 401, 52 THIRD AVENUE, SANDBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURES : MESSRS INTERACTIVE TOWN & REGIONAL PLANNING (A WIEHAHN) ON BEHALF OF JPL & MR PHYFFER

401 HSB (3507)

H Boshoff

(028) 313 8900

Hermanus Administration

23 March 2017

Executive Summary

An application has been received on 7 November 2016 from Messrs InterActive Town & Regional Planning (A Wiehahn) on behalf of the owners of Erf 401, Sandbaai, JPL and MR Phyffer, for departures in terms of Section 16(2)(b) in order to:

- Relax the western lateral building line with Erf 400 from 2m to 1,115m to accommodate the existing illegal braai room; and
- Relax the eastern lateral building line with Erf 402 from 2m to 0m to accommodate the existing illegal carport.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016 on Erf 401, Sandbaai in order to accommodate the braai room that encroach the 2m western lateral building line of the property with approximately 0,885m, as well as to accommodate the carport that encroach the 2m eastern lateral building line up to the erf boundary, **be approved**, subject to the following conditions:
 - (a) that this approval be strictly be in accordance with the dimensions of Site Development Plan Number 401HSB 1/3 – 3/3 dated 15 August 2016 (excluding the screen wall against the braai room) as submitted with the application;
 - (b) that the screen wall against the braai room be lowered to be in line with the roofline of the braai room within sixty (60) days from the final date of the above decision in collaboration with the Building Control Department of the Municipality;
 - (c) that the braai room may not be interleading with the dwelling – the internal access to the dwelling must therefore be closed up;
 - (d) that the structures only be utilized as per the uses indicated on the site development plan submitted with the application (the outbuildings may not be utilized for habitable purposes) – any alternative utilizations

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thereof is subject to the prior approval of the Municipality;

- (e) that formal building plans be submitted to the Building Control Department for approval within sixty (60) days from the final date of the above decision and that any additional conditions by the Fire- and Building Departments be complied with at that stage;
 - (f) that all other applicable development parameters of the Zoning Scheme be complied with;
 - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (h) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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9. ERF 4509, 52 IXIA ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : ME DE KOCK (obo WH & PJ BOLD)

4509 KBB (3494)

H van der Stoep

(028) 313 8900

Hermanus Administration

A/1708/2013

24 March 2017

Executive Summary

An application has been received on 27 October 2016 from ME de Kock on behalf of WH & PJ Bold in terms of Section 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the following:

- ❖ Removal of restrictive title conditions with reference to Clause B.7, B.7.(i) and B.7.(ii) of Title Deed T1038/2015 applicable to Erf 4509, Betty's Bay in terms of Section 16(2)(f) of the aforementioned By-Law, in order to accommodate the following:
 - Encroachment of the existing built braai over the 5m street building line; and
 - Encroachment of the existing tool- and flowersheds over the 2m lateral building lines.
- ❖ Departure in terms of Section 16(2)(b) of the aforementioned By-Law, to relax the following:
 - Lateral building line with Erf 4510 from 2m to 1m to accommodate an existing toolshed; and
 - Lateral building line with Erf 4508 from 2m to 1m to accommodate the existing tool- and flowersheds.

RESOLVED :

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 4509, Betty's Bay, for the removal of restrictive conditions B.7.(i) and B.7.(ii) of Title Deed T1038/2015 in order to accommodate the following:
 - ❖ encroachment of the existing built braai over the 5m street building line, and
 - ❖ encroachment of the existing tool- and flowersheds over the 2m lateral building lines,

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be approved, in terms of the provisions of Section 61 of the By-Law;

2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 4509, Betty's Bay for the following departures:
 - ❖ lateral building line with Erf 4510 from 2m to 1m to accommodate an existing toolshed; and
 - ❖ lateral building line with Erf 4508 from 2m to 1m to accommodate the existing tool- and flowersheds,

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

3. that the approvals in Points 1. and 2. be subject to the following conditions:
 - (a) that the departure is only applicable to the existing structures;
 - (b) that the toolsheds may not be used as habitable space;
 - (c) that movement on the viewdeck be restricted to the applicable title and zoning scheme building lines.
 - (d) that a bulilding plan depicting the approval be submitted within three (3) months of the approval;
 - (e) that a copy of the Title Deed, indicating the removal of the conditions be submitted to the Municipality for record opurposes;
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (g) that all the conditions in the Services Report, be complied with.
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**10. ERF 7530, WHALE ROCK ESTATE, WESTCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS
INTERACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF
WHALE ROCK ESTATE MASTER HOME OWNERS ASSOCIATION**

7530 HWC (3461)

H van der Stoep

(028) 313 8900

Hermanus Administration

10 April 2017

Executive Summary

An application has been received on 5 October 2016 from Messrs. InterActive Town & Regional Planning (Mr. A. Wiehahn) on behalf of the property owner in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a departure in order to relax the street building line from 5m to 0m to accommodate an existing guard house with a new roof.

RESOLVED :

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 7530, Hermanus for a departure in order to relax the street building line from 5m to 0m to accommodate an existing guard house with a new roof, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that the approval only pertains to the existing guardhouse and entrance and exit gates roofing as per plan dated 5 April 2017;
 - (d) that the building work may not transgress the boundary of the erf and that any parking and planters on municipal property as indicated on plan dated 5 April 2017 be removed, and
 - (e) that no activity related to the Whale Rock Development be allowed on municipal property in terms of parking, stacking of vehicles and planters.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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11. ERF 178, 161 MARAIS STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA : DEPARTURE AND RELAXATION OF RESTRICTIVE TITLE DEED CONDITION : LH DE WET

178 GFK (3404)

S van der Merwe

(028) 313 8900

Hermanus Administration

21 April 2017

Executive Summary

To consider an application for departure and relaxation of a restrictive title deed condition for a proposed garage received on 25 August 2016 from LH de Wet, the owner of Erf 178, Franskraal, for the following:

- departure to encroach the 2m rear building line in terms of the Scheme Regulations onto the rear property boundary, and
- relaxation of the 1,57m lateral- and 3,15m rear building lines in terms of the Title Deed

RESOLVED :

1. that the application for the relaxation of the title deed restriction in terms of Title Deed T23222/98, Clause C(20)(d), applicable to Erf 178, Franskraal in order to relax the 1,57m lateral- and 3,15m rear building line to 0m to accommodate a proposed garage, **be approved**;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 178, Franskraal for a departure to relax the rear building line from 2m to 0m to accommodate a proposed garage, **be approved**, in terms of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval only be applicable for the relaxation and departure as indicated on the Site Development Plan as submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval;
 - (c) that all the conditions in the Services Report, be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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

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12. ERF 3679, 173 SECOND AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : MCF DE JAGER (obo SA BURGER)

3679 KKM (3508)

H van der Stoep

(028) 313 8900

Hermanus Administration

9 May 2017

Executive Summary

An application has been received on 21 November 2016 from MCF de Jager on behalf of SA Burger for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the lateral building line with Erf 3680 from 2m to 1,5m to accommodate a proposed new braai room.

RESOLVED :

1. that the application in terms of Section 16(2)(d) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 3679, Kleinmond in order to relax the lateral building line with Erf 3680 from 2m to 1,5m to accommodate a proposed new braai room on the property concerned, **be approved**, in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that this approval is only for the departure of the street building line indicated on Plan Number 15004_rev01 dated 22 June 2016 submitted with the application;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (e) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**13. ERF 1032, 37 ELIZABETH ROAD, PRINGLE BAY, OVERSTRAND
MUNICIPAL AREA : PROPOSED RELAXATION : R PULLOCK**

1032 KPB (3628)

**H van der Stoep
9 May 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 24 March 2017 from R Pullock in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a relaxation of Title Deed restrictions on Erf 1032, Pringle Bay to relax the rear building line with Erf 1058 from 3m to 2m in terms of the Title Deed, in order to accommodate a proposed new double garage with main bedroom on the first floor.

The restrictive condition contained in Title Deed T70347/2013, condition 6(b) reads as follows:

“No building or structure or any portion thereof except boundary walls and fences shall, except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, not within 3 metres of the rear or 1,5m of the lateral boundary common to any adjoining erf,
...”

RESOLVED :

1. that the application for the relaxation of Title Deed T70347/2013, condition 6(b), in terms of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 1032, Pringle Bay to relax the rear building line with Erf 1058 from 3m to 2m in terms of the Title Deed, in order to accommodate a proposed new double garage with main bedroom on the first floor, **be approved**, in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that the building plan as submitted only be applicable for the relaxation and departure as indicated on Plan no. 2017/07 (P1, P2 & p3) dated February 2017;
 - (b) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;

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- (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that all the conditions in the Services Report, be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**14. ERVEN 1204 AND 1205, 8 AND 10 CHRISTINE CRESCENT, FRANSKRAAL,
OVERSTRAND MUNICIPAL AREA: PROPOSED CONSOLIDATION:
MESSRS PLAN ACTIVE ON BEHALF OF A KRUGER**

1204 & 1205 GFK (3579)

SW van der Merwe

(028) 313 8900

Hermanus Administration

4 May 2017

Executive Summary

An application has been received on 10 February 2017 from Messrs Plan Active on behalf of A Kruger in terms of Section 16(2) (e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for consolidation of Erf 1204 and Erf 1205 Franskraal.

RESOLVED :

1. that the application in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to consolidate Erven 1204 and 1205, Franskraal, **be approved**, in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that this approval only has reference to the proposed SG Diagram as submitted with the application;
 - (b) that all the conditions in the Service Report (attached as Annexure D), be complied with;
 - (c) that it is the owner/applicant's responsibility to register the approved consolidation within five (5) years from the date of approval;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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15. ERF 3791, 252 EIGHTH STREET, HERMANUS (VOËLKLIP), OVERSTRAND MUNICIPAL AREA : APPLICATION FOR DEPARTURE : MESSRS ADSQUARED ARCHITECTURE & DESIGN ON BEHALF OF E NEL

**3791 HVK (3408)
(H Boshoff)
S van der Merwe
28 April 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 22 August 2016 from Messrs Adsquared Architecture & Design applicable to Erf 3791, Hermanus (Voëlklip) for the following:

Departure

Application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the western lateral building line with Erf 3789 from 2m to 1,2m to accommodate a new open staircase as a result of alterations and additions to the dwelling.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law), applicable to Erf 3791, Hermanus (Voëlklip) in order to relax the 2m western lateral building line of the property with 0,8m in order to accommodate a new open staircase, **be approved**, in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that this approval is only for the development as indicated on the Site Development Plan, which was submitted with the application;
 - (b) that formal building plans be submitted to the Building Department for approval and that any Fire- and Building Department requirements be complied with at that stage;
 - (c) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that all the conditions in the Services Report, be complied with;
 - (e) that all the conditions in the comment from Telkom, be complied with;
 - (f) that this approval does not absolve the applicant from compliance with

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any other relevant legislation.

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

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16. ERF 1359, 312 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED EXEMPTION OF SUBDIVISION (RIGHT OF WAY SERVITUDE) AND CONSOLIDATION: MESSRS PLAN ACTIVE ON BEHALF OF GM SUSMAN & ROLAND INVESTMENTS INCORPORATED

1359 HEC (3535)

P Roux

(028) 313 8900

Hermanus Administration

2 May 2017

Executive Summary

An application has been received on 1 December 2016 from Messrs Plan Active on behalf of the owners of GM Susman and Roland Investments Incorporated for a consolidation in terms of Section 16(2)(e) in order to consolidate Portions A, B, E & F and Portions C & D of the remainder of Erf 1359, respectively.

RESOLVED :

1. that the application in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the consolidation of Portions A, B, E & F and Portions C & D of Erf 1359, respectively, **be approved**, in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
 - (a) that a building plan be submitted to the Building Department for approval;
 - (b) that the approval is only for the consolidation as indicated on the Consolidation Plan as submitted with the application;
 - (c) that the access servitude can only be used for access and exist purposes, no obstructions such as waste disposal or street furniture can be placed in the servitude area;
 - (d) that the conditions compiled in the Services Report, be complied with;
 - (e) that the comment received by the Electrical Department, be noted, and
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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17. ERF 4086, 304 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: MESSRS ME PLANNERS ON BEHALF OF M & CS VAN STADEN

**4086 HVK (3410)
(H Boshoff)
S van der Merwe
20 April 2017**

(028) 313 8900

Hermanus Administration

Executive Summary

An application has been received on 15 November 2016 from Messrs ME Planners on behalf M & CS Van Staden, the owners of Erf 4086, Hermanus (Voëlklip), for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the 2m eastern lateral building of the above property in order to legalize an open braai structure.

RESOLVED :

1. that the application for departure received in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) applicable to Erf 4086, Hermanus (Voëlklip) in order to relax the 2m eastern lateral building line to 0m to accommodate an open braai, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval only be in accordance with the Site Development Plans as submitted with the application;
 - (b) that the landowners set the roof sheeting of the pergola at the braai back in such a manner that a 2m lateral building line is maintained;
 - (c) that building plans be submitted to the Building Department for approval and that any Fire- and Building Department legislation be complied with at that stage;
 - (d) that the requirements of Engineering Services, be complied with;
 - (e) that all other applicable development parameters of the Zoning Scheme be complied with, and
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of

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the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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**18. ERF 1, 2 BUITEN STREET, STANFORD, OVERSTRAND MUNICIPAL AREA:
PROPOSED SUBDIVISION: MESSRS PLAN ACTIVE ON BEHALF OF
DS MORRISON**

1 SSN (3519)

P Roux

(028) 313 8900

Hermanus Administration

05 May 2017

Executive Summary

To consider an application received on 29 November 2016 from Messrs Plan Active on behalf of the owners of Erf 1, Stanford for a subdivision in terms of Section 16(2)(d) in order to subdivide the property into three (3) portions namely Portion A $\pm 1293\text{m}^2$, Portion B $\pm 897\text{m}^2$ and a Remainder $\pm 2103\text{m}^2$.

RESOLVED :

1. that the application for subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 applicable to Erf 1, Stanford to subdivide the property into three (3) portions namely Portion A $\pm 1293\text{m}^2$, Portion B $\pm 897\text{m}^2$ and a Remainder $\pm 2103\text{m}^2$, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on the Subdivisional Plan as submitted with the application;
 - (b) that the conditions compiled in the Services Report, be complied with;
 - (c) that the comment received by the Electrical Department and Eskom, be noted, and
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

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19. ERF 8329, 27 KUYASA STREET, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED DEPARTURE : P MATTHEUS (obo M VISSER AND S DAVIDS)

8329 KKM (3467)

H van der Stoep

(028) 313 8900

Hermanus Administration

20 February 2017

Executive Summary

An application has been received on 10 October 2016 from Architectural Home Designs (P Mattheus) on behalf of Mr. M Visser and Ms. S Davids for a departure and relaxation in terms of Section 16(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to relax the street building line with Kuyasa Street from 2m to 0m to accommodate an existing covered stoep.

RESOLVED :

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 8329, Kleinmond in order to relax the street building line with Kuyasa Street from 2m to 0m to accommodate an existing covered stoep, **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 departure of the lateral and rear building lines indicated on Plan Number KM8329/16 dated 10 August 2016 submitted with the application;
 - (d) that building plans be submitted to the Building Control 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 the covered stoep may not be enclosed and utilized as a bedroom or similar use.

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

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Municipal Planning Tribunal

1. **ERF 505, 36 PELICAN CRESCENT, VERMONT : PROPOSED CONSENT USE AND REMOVAL OF RESTRICTIONS : MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF JODIGLO (PTY) LTD**

505 HVM (3324)

H Olivier

(028) 313 8900

Hermanus Administration

8 March 2017

Executive Summary

An application has been received on 17 August 2016 from Messrs Plan Active Town & Regional Planning on behalf of Jodiglo (Pty) Ltd for a consent use in terms of Section 16(2)(o) in order to operate a five (5) bedroom guesthouse on the property concerned.

Application is also made in terms of Section 16(2)(f) in order to remove restrictive conditions from the Title Deed prohibiting the operation of a guest house.

RESOLVED :

1. that the application for Removal of Restrictive Conditions on Erf 505, Vermont in terms of Section 16(2)(f) in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to remove Conditions E(c) and E(d) in Title Deed T49122/2015, **be approved**;
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 505, Vermont for a consent use to operate a five (5) bedroom guesthouse, **be approved**, subject to the following conditions:
 - (a) that the facility be utilized as a guesthouse only;
 - (b) that a revised Site Development Plan be provided showing compliance with the conditions in the Services Report and the provision of seven (7) on-site parking bays (including the garages);
 - (c) that the garage that has been changed into a bedroom with kitchenette be changed back into a garage;
 - (d) that a maximum of five (5) bedrooms to be let, be permitted;

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- (e) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guesthouse;
- (f) that the guesthouse is utilized as such - no self-catering will be permitted;
- (g) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
- (h) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
- (i) that a minimum of one (1) permanently demarcated parking bay per guest room and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Authorized Official;
- (j) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
- (k) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
- (l) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises, and that the existing flag pole be removed, or application be made in terms of the Signage By-Law;
- (m) that the guesthouse be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
- (n) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
- (o) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation,
- (p) that should any building alterations be required building plans should be submitted to the Building Department for approval;
- (q) that all the conditions in the Services Report, be complied with;

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- (r) that all conditions imposed by the Fire Department, be complied with,
and
 - (s) that no kitchen facilities and or prep bowls be allowed in the
guestrooms.
2. that the applicant be notified of its right of appeal in terms of Section 78 of
the Overstrand Municipality By-Law on Land Use Planning, 2016 with
regard to the above conditions of approval.

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2. ERF 1548, 150 PIET RETIEF CRESCENT, SANDBAAI, OVERSTRAND MUNICIPALITY : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : WRAP (obo CS BEZUIDENHOUT)

1548 HSB (3466)

H van der Stoep

(028) 313 8900

Hermanus Administration

6 March 2017

Executive Summary

An application has been received on 7 October 2016 from WRAP on behalf of CS Bezuidenhout for the removal of restrictive title deed conditions contained in Title Deed T66404/1995, and a subsequent departure to encroach the 4m eastern street building line partially with approximately 0,24m in order to accommodate the existing sunroom extension, as well as to enable the landowner to acquire the primary rights applicable to Residential Zone 1 erven as set out in the zoning scheme regulations.

RESOLVED :

1. that in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016, the application for the removal of title deed conditions B.2. (a); (b); (c); and (d) as contained Title Deed T66404/1995, **be approved**;
2. that subsequently, in terms of Section 16(2)(b) of the above By-Law, the application for departure to partially encroach the 4m eastern street building line with approximately 0,24m in order to accommodate the existing sunroom, **be approved**, subject to the following conditions:
 - (a) that the approval be strictly in accordance with the layout plans PLAN1548SB/MARCH2017/1 and 2 which was submitted with the application;
 - (b) that all other applicable development parameters of the Zoning Scheme be complied with, and
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.