



MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

MINUTES

DATE:	26 APRIL 2017
VENUE:	TOWN PLANNING COMMITTEE ROOM HERMANUS
TIME:	11:00

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE TOWN PLANNING COMMITTEE ROOM, HERMANUS, ON 26 APRIL 2017, AT 11:00

PRESENT:

MEMBERS:

Mr C Groenewald, Municipal Manager
Mr S Madikane, Director : LED
Mr R Williams, Director : Community Services
Mr D Hendriks (Representing Mr S Müller)
Ms H Janser, Directorate Development
Management

OFFICIALS:

Mr R Kuchar, Senior Manager : Town Planning &
Property Management
Mr H Olivier, Town Planner
Ms H van der Stoep, Senior Town Planner
Ms S Swart, Council Support Services

APOLOGIES:

Mr S Müller (Represented by Mr D Hendriks)

ATTENDANCE REGISTER : MEETING OF MUNICIPAL PLANNING TRIBUNAL : 26 APRIL 2017 AT 11:00

NAME	DESIGNATION	ORGANISATION	TEL. NO.	E-MAIL ADDRESS	SIGNATURE
C GROENEWALD	CHAIRPERSON	OVERSTRAND MUNICIPALITY	028 313 8003	cgroenewald@overstrand.gov.za	
S MULLER	VICE-CHAIRPERSON	OVERSTRAND MUNICIPALITY	028 313 8019	smuller@overstrand.gov.za	Apology
S MADIKANE	MPT MEMBER	OVERSTRAND MUNICIPALITY	028 313 8066	smadikane@overstrand.gov.za	
R WILLIAMS	MPT MEMBER	OVERSTRAND MUNICIPALITY	028 313 8029	rwilliams@overstrand.gov.za	
R KUCHAR	MPT MEMBER Authorized official	OVERSTRAND MUNICIPALITY	028 313 8087	rkuchar@overstrand.gov.za	
H JANSER	MPT MEMBER	DIR. DEV. MANAGEMENT	021 483 3544 084 585 2000	Helene.Janser@westerncape.gov.za	TH
S VAN DER MERWE	SR TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8938	svandermerwe@overstrand.gov.za	
H VAN DER STOEPE	SR TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8906	hvanderstoepe@overstrand.gov.za	
S SWART	COUNCIL SUPPORT	OVERSTRAND MUNICIPALITY	028 313 8006	sswart@overstrand.gov.za	
H. Oliver	Town Planner	Overstrand Mun.	028 313 8000	holiver@overstrand.gov.za	
B. Herold	Eng Serv	OVERSTRAND MUNICIPALITY	028 313 3030	cherold@overstrand.gov.za	

1. OPENING

The Chairperson, Mr C Groenewald, explained that this meeting had to be rescheduled to 11:00, due to the cancellation of the Mayoral Committee and Council meetings.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Mr S Müller (Represented by Mr D Hendriks)

3. CONFIRMATION OF MINUTES

3.1 Minutes of a Municipal Planning Tribunal Meeting held on 2 December 2016

RESOLVED:

that the Minutes of the Municipal Planning Tribunal Meeting held on **2 December 2016, be confirmed.**

3.2 Minutes of a Municipal Planning Tribunal Meeting held on 22 February 2017

RESOLVED:

that the Minutes of the Municipal Planning Tribunal Meeting held on **22 February 2017, be confirmed.**

3.3 Minutes of a Municipal Planning Tribunal Meeting held on 29 March 2017

RESOLVED:

that the Minutes of the Municipal Planning Tribunal Meeting held on **29 March 2017, be confirmed.**

4. ITEMS FOR CONSIDERATION

4.1 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

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 utilised 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;
 - (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 (attached as Annexure G), be complied with;
- (r) that all conditions imposed by the Fire Department (attached as Annexure H), be complied with; and
- (s) that no kitchen facilities and or prep bowls be allowed in the guestrooms.

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

RESPONSIBLE OFFICIAL:

H OLIVIER

4.2 ERF 8395, 65 LAVENDER STREET, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND CONSENT USE : M MOHAMUD (obo YP MBALI)

EXECUTIVE SUMMARY

An application was received on 29 June 2016 from Mr M Mohamud on behalf of Ms YP Mbali for the following:

- Removal of restrictive title conditions with reference to Clause D.1 of Title Deed T56782/2015 in terms of Section 16(2)(f) applicable to Erf 8395, Kleinmond, to enable the owners to operate a house shop on the subject property; and
- Consent use in terms of Section 16(2)(o) in order to utilise a portion of the existing dwelling on Erf 8395, Kleinmond, as a house shop.

RESOLVED:

that the item **be referred back.**

RESPONSIBLE OFFICIAL:

H VAN DER STOEP

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

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

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 (attached as Annexure B) 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.
3. that the applicant and objector 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 conditional approvals.

RESPONSIBLE OFFICIAL:

H VAN DER STOEP

The meeting adjourned at 11:42