



**SPECIAL
MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL
(MPT)**

MINUTES

DATE:	12 APRIL 2019
VENUE:	TOWN PLANNING COMMITTEE ROOM HERMANUS
TIME:	10:13

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

MINUTES OF A SPECIAL MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE TOWN PLANNING COMMITTEE ROOM, HERMANUS, ON 12 APRIL 2019, AT 10:13

PRESENT:

MEMBERS:

Mr S Müller, Director : Infrastructure & Planning
Mr R Williams, Director : Community Services
Ms D Arrison, Director : Management Services
Ms H Janser, Directorate Development
Management








OFFICIALS:

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

APOLOGIES:

Mr S Madikane, Director : LED (Acting Municipal
Manager)

ATTENDANCE REGISTER : MEETING OF A SPECIAL MUNICIPAL PLANNING TRIBUNAL : 12 APRIL 2019 AT 10:00

NAME	DESIGNATION	ORGANISATION	TEL. NO.	E-MAIL ADDRESS	SIGNATURE
S MULLER	CHAIRPERSON	OVERSTRAND MUNICIPALITY	028 313 8019	smuller@overstrand.gov.za	
R WILLIAMS	VICE-CHAIRPERSON	OVERSTRAND MUNICIPALITY	028 313 8029	rwilliams@overstrand.gov.za	
S MADIKANE	MPT MEMBER	OVERSTRAND MUNICIPALITY	028 313 8066	smadikane@overstrand.gov.za	Apology
D ARRISON	MPT MEMBER	OVERSTRAND MUNICIPALITY	028 313 8004	darrison@overstrand.gov.za	
H JANSER	MPT MEMBER	DIR. DEV MANAGEMENT	021 483 3544	Helene.Janser@westerncape.gov.za	
R KUCHAR	AUTHORISED OFFICIAL	OVERSTRAND MUNICIPALITY	028 313 8087	rkuchar@overstrand.gov.za	
S VAN DER MERWE	SR TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8938	svandermerwe@overstrand.gov.za	
H VAN DER STOEP	SR TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8906	hvanderstoep@overstrand.gov.za	
P ROUX	TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8900	proux@overstrand.gov.za	
H OLIVIER	TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8900	holivier@overstrand.gov.za	
S SWART	COUNCIL SUPPORT	OVERSTRAND MUNICIPALITY	028 313 8006	sswart@overstrand.gov.za	

1. OPENING

The Chairperson, Mr S Müller, opened the meeting and welcomed those present.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Mr S Madikane

3. ITEM FOR CONSIDERATION**3.1**

REMAINDER ERF 2834 AND UNREGISTERED ERF 2837, SANDBAAI ("SANDBAAI COMMONAGE"): APPLICATION FOR CANCELLATION OF EXISTING SUBDIVISIONAL APPROVALS/PLANS, DEVIATION FROM THE OVERSTRAND MUNICIPALITY SPATIAL WIDE DEVELOPMENT FRAMEWORK (2006) AND THE GROWTH MANAGEMENT STRATEGY (2010), CONSOLIDATION, REZONING, SUBDIVISION, CONSENT USE, DEPARTURES AND PHASING: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF PINAROUX INTERNATIONAL HOLDCO (PTY) LTD

2834 HSB (4021)

**H van der Stoep
25 March 2018**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 21 May 2018 from Messrs Interactive Town and Regional Planning on behalf of Pinaroux International Holdco (Pty) Ltd on Remainder Erf 2834 and Unregistered Erf 2837, Sandbaai for the following in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law):

- ❖ Cancellation of the existing subdivisional approvals/plans applicable to the above properties in terms of Section 16.(2)(k) of the By-Law;
- ❖ Deviation from the Overstrand Municipal Spatial Wide Development Framework, 2006 and the Overstrand Growth Management Strategy, 2010 in terms of Section 10 of the By-Law, as well as the provisions of the Municipal Systems Act, 2002 (Act 32 of 2000) in order to deviate from the reserved land uses of the above properties, the densities and housing typologies;
- ❖ Consolidation in terms of Section 16.(2)(e) of the By-Law of the above two (2) properties to form one (1) property of ±39,5 ha in extent;
- ❖ Rezoning of the above consolidated property in terms of Section 16.(2)(a) of the By-Law from Agricultural Zone 1: Agriculture (AGR1) to Subdivisional Area Zone (SA);
- ❖ Subdivision of the above rezoned property in terms of Section 16.(2)(d), read with Section 22 of the By-Law, to create the following:
 - (i) 149 Residential Zone 1: Single Residential (SR1) erven (±5,75 ha in extent);
 - (ii) 47 Residential Zone 1: Single Residential (SR1) erven for a retirement village (±8,56 ha in extent);
 - (iii) 29 General Residential Zone I: Town Housing (GR1) erven (±0,81 ha in extent);
 - (iv) 16 General Residential Zone 3: Flats (GR4) erven (±10,49 ha in extent);
 - (v) 13 General Residential Zone 3: Flats (GR4) erven for a retirement village (±6,13 ha in extent);

- (vi) 2 Business Zone 3: Local Business (B3) erven ($\pm 2,50$ ha in extent);
- (vii) 3 Open Space Zone 2: Public Open Space (OS2) erven ($\pm 0,51$ ha in extent);
- (viii) 11 Open Space Zone 3: Private Open Space (OS3) erven ($\pm 0,49$ ha in extent); and
- (ix) 5 Transport Zone 2: Road and Parking (TR2) erven ($\pm 10,01$ ha in extent);
- ❖ Consent use in terms of Section 16.(2)(o) of the By-Law to develop a retirement village on the erven numbered 31, 34 - 41, 45 (± 328 rooms), 46 - 52 and 53 - 100 on the proposed Subdivisional Plan;
- ❖ Departures in terms of Section 16.(2)(b) of the By-Law to:
 - (i) relax the parking ratio for the development of the erven numbered 1 - 4 on the proposed Subdivisional Plan from 1,5 parking bays to 1,25 parking bays per 1 bedroom unit, and from 2 parking bays per 2 or more bedroom units to 1,75 parking bays; and
 - (ii) to relax the parking ratio of the frail care component of the proposed retirement village on the erf numbered 45 on the proposed Subdivisional Plan from 1 parking bay per bed and 4 parking bays per consulting room to 0,25 parking bays per bed and 2 parking bays per consulting room
- ❖ The phasing of the entire development in eight (8) phases in terms of Section 16.(2)(k) of the By-Law.

RESOLVED:

1. that the application in terms of Section 16(2)(k) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Remainder Erf 2834 and Unregistered Erf 2837, Sandbaai for the cancellation of the existing subdivisional approvals/plans applicable to the above properties, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Remainder Erf 2834 and Unregistered Erf 2837, Sandbaai for the consolidation of the above two (2) properties to form one (1) property of $\pm 39,5$ ha in extent, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Remainder Erf 2834 and Unregistered Erf 2837, Sandbaai for the rezoning of the above consolidated property from Agricultural Zone 1: Agriculture (AGR1) to Subdivisional Area Zone (SA), **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 read with Section 22 of the By-Law on Remainder Erf 2834 and Unregistered Erf 2837, Sandbaai for the subdivision of the above rezoned property to create the following:

- (i) 149 Residential Zone 1: Single Residential (SR1) erven ($\pm 5,75$ ha in extent);
- (ii) 47 Residential Zone 1: Single Residential (SR1) erven for a retirement village ($\pm 8,56$ ha in extent);
- (iii) 29 General Residential Zone I: Town Housing (GR1) erven ($\pm 0,81$ ha in extent);
- (iv) 16 General Residential Zone 3: Flats (GR4) erven ($\pm 10,49$ ha in extent);
- (v) 13 General Residential Zone 3: Flats (GR4) erven for a retirement village ($\pm 6,13$ ha in extent);
- (vi) 2 Business Zone 3: Local Business (B3) erven ($\pm 2,50$ ha in extent);
- (vii) 3 Open Space Zone 2: Public Open Space (OS2) erven ($\pm 0,51$ ha in extent);
- (viii) 11 Open Space Zone 3: Private Open Space (OS3) erven ($\pm 0,49$ ha in extent); and
- (ix) 5 Transport Zone 2: Road and Parking (TR2) erven ($\pm 10,01$ ha in extent)

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

5. that the application in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Remainder Erf 2834 and Unregistered Erf 2837, Sandbaai for the consent use to develop a retirement village on the erven numbered 31, 34 - 41, 45 (± 328 rooms), 46 - 52 and 53 - 100 on the proposed Subdivisional Plan, **be approved** in terms of the provisions of Section 61 of the By-Law;
6. that the application in terms of Section 16(2)(k) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Remainder Erf 2834 and Unregistered Erf 2837, Sandbaai for the phasing of the entire development in eight (8) phases, **be approved** in terms of the provisions of Section 61 of the By-Law;
7. that the approval in Points 1. - 6. be subject to the following conditions:
 - (a) that the approval is only for the development as indicated on Plan Number Rev17-0001 dated 6 August 2018, as submitted with the application;
 - (b) that a parking layout be submitted for approval by the Authorised Official;
 - (c) that should there be a parking shortfall, it be resolved before any building plan be approved;
 - (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 other development parameters as prescribed in the relevant Zoning Scheme be complied with;

- (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
- (g) that a refuse area must be built according to municipal specifications;
- (h) that Architectural Design Guidelines be presented to Building Control Department for consideration, and that the latter be compatible with the Zoning Scheme;
- (i) that draft Architectural Design Guidelines be presented to the Overstrand Heritage and Aesthetics Committee for consultation prior to finalisation;
- (j) that the conditions imposed by the Western Cape Government: Environmental Affairs and Development Planning [EIA – ROD] be complied with;
- (k) that the conditions imposed by the Western Cape Government : Transport & Public Works be complied with;
- (l) that the conditions imposed by BGCMA be complied with;
- (m) that the conditions imposed by Heritage Western Cape be complied with;
- (n) that the conditions imposed by Eskom be complied with;
- (o) that the conditions imposed by Telkom be complied with;
- (p) that all the conditions in the Services Report be complied with;
- (q) that the buffer zone of 70m be rehabilitated and landscaped with indigenous vegetation in consultation with the municipal Horticulturist and Environmental Section;
- (r) that all the conditions imposed by the Fire Department be complied with;
- (s) that all the conditions imposed by the Environmental Management Department be complied with;
- (t) that all development units must establish a Home Owners Association and all property owners within the development unit must be members of the Home Owners Association;

- (u) that a Master Home Owners Association be established and all the Home Owners Associations must be members of the Master Home Owners Association;
 - (v) that the Constitutions of all Home Owners Associations be submitted for approval by the Municipality (which reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
 - the approval of building plans by an “estate architect” prior to submission thereof to the Municipality, and
 - that the Constitution clarifies at what stage the responsibility would be transferred from the developer to the Home Owners Association to deal with approval of plans.
8. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Remainder Erf 2834 and Unregistered Erf 2837, Sandbaai for the following departures :
- (i) to relax the parking ratio for the development of the erven numbered 1 - 4 on the proposed Subdivisional Plan from 1,5 parking bays to 1,25 parking bays per 1 bedroom unit, and from 2 parking bays per 2 or more bedroom units to 1,75 parking bays, and
 - (ii) to relax the parking ratio of the frail care component of the proposed retirement village on the erf numbered 45 on the proposed Subdivisional Plan from 1 parking bay per bed and 4 parking bays per consulting room to 0,25 parking bays per bed and 2 parking bays per consulting room;
- not be approved.**
9. 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 decision.
10. that the application to deviate from the Overstrand Spatial Development Framework, 2006 in order to change the reservation of Remainder Erf 2834, Sandbaai from residential purposes and community facilities to mixed development purposes, as well as to deviate from the Overstrand Municipal Spatial Growth Management Strategy, 2010 in order to change the reservation of the said property to a higher densification grading, in terms of the provisions of Section 22(2) of the Spatial Planning Land Use Management Act, **be recommended to Council for approval.**

The meeting adjourned at 12:00