



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

MINUTES

DATE:	30 AUGUST 2018
VENUE:	TOWN PLANNING COMMITTEE ROOM HERMANUS
TIME:	14:00

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE TOWN PLANNING COMMITTEE ROOM, HERMANUS, ON 30 AUGUST 2018, AT 14:00

PRESENT:

MEMBERS:

Mr S Müller, Director : Infrastructure & Planning
Mr S Madikane, Director : Economic Development
Ms H Janser, Directorate Development
Management






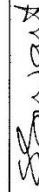
OFFICIALS:

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

APOLOGIES:

Ms D Arrison, Director : Management Services
Mr R Williams, Director : Community Services

ATTENDANCE REGISTER : MEETING OF MUNICIPAL PLANNING TRIBUNAL : 30 AUGUST 2018 AT 14:00

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	
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 KUCCHAR	AUTHORISED OFFICIAL	OVERSTRAND MUNICIPALITY	028 313 8087	rkuchhar@overstrand.gov.za	
S VAN DER MERWE	SR TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8938	svandermewe@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	petrusroux@overstrand.gov.za	
H OLIVIER	TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8006	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

Ms D Arrison
Mr R Williams

3. CONFIRMATION OF MINUTES**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 26 July 2018****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **26 July 2018, be confirmed.**

4. ITEMS FOR CONSIDERATION

4.1

ERF 966, 73 MAIN ROAD, SANDBAAI : APPLICATION FOR CONSENT USE (RESTAURANT) : MESSRS PLAN ACTIVE ON BEHALF OF CK LAU

966 HSB (3845)

H van der Stoep

19 June 2018

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application for consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to conduct a restaurant from the existing building on Erf 966, Sandbaai has been received on 10 November 2017 from Messrs Plan Active on behalf of CK Lau.

RESOLVED:

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for a consent use to operate a restaurant from Erf 966, Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law, be subject to the following conditions:
 - (a) that the parking area be in accordance with plan no. sand966b.drw dated 10/2017;
 - (b) that the parking area, as per the parking layout, be of a hard surface, be permanently and clearly demarcated and maintained by the landowner/s – no on-street parking is allowed for guests;
 - (c) that a proper direction sign for the parking area be placed at the access point of the property;
 - (d) that all the relevant conditions of Engineering Services and the Fire Department be complied with;
 - (e) that building plans be submitted to the Building Department for approval and that all comments from the Fire and Building Departments be complied with at that stage;
 - (f) all signage on the property is subject to the approval by the Building Department;

- (g) that the selling or serving of liquor on the premises is subject to the landowner/s obtaining the necessary liquor licence;
 - (h) that the restaurant 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;
 - (i) that the necessary Certificate/s of Acceptability be obtained from the Overberg District Municipality;
 - (j) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (k) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approval.

RESPONSIBLE OFFICIAL:

H VAN DER STOEP

4.2

**ERF 5, 12 SMUTS STREET, DE KELDERS : PROPOSED CONSENT USE :
MESSRS HUGO CARSTENS ATTORNEYS ON BEHALF OF SW VIETZE & ABJ
GOMEZ**

5 GDK (3835)

P Roux

12 July 2018

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received from Messrs Hugo Carstens Attorneys on behalf of SW Vietze and ABJ Gomez for consent use in terms of Section 162)(o) the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to establish a tourist accommodation facility (self-catering) on the property.

RESOLVED:

1. that, the application for consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), on Erf 5, De Kelders in order to establish a tourist accommodation facility (self-catering) on the property, **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 approval is only for the renting of the dwelling on a self-catering basis to two (2) people per room, to a single family, and limited to the utilization of two bedrooms for the guests;
 - (c) that all other structures comply with the relevant Zoning Scheme Regulations and title deed restrictions;
 - (d) that applicable rates and service tariffs, as determined by the annual budget be made applicable which tariffs are automatically adjusted in terms of the annual budget;
 - (e) 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;
 - (f) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
 - (g) that all the conditions in the Services Report be adhered to;

- (h) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
 - (i) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. 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, 2015 with regard to the above conditions of approval.

RESPONSIBLE OFFICIAL:

P ROUX

4.3**ERVEN 42, 43, 44 AND 45, CHURCH STREET, HAWSTON, OVERSTRAND MUNICIPAL AREA : CONSOLIDATION, SUBDIVISION, REZONING AND CONSENT USE : MESSRS WRAP ON BEHALF OF ST ANDREWS CHURCH****42 – 45 HHW (3676)****H Olivier****(028) 313 8900****Hermanus Administration****1 August 2018**

EXECUTIVE SUMMARY

An application has been received on 11 May 2017 from Messrs WRAP on behalf of St Andrews Church on Erven 42, 43, 44 and 45, Hawston for the following:

- Application in terms of Section 16(2)(c) of the Overstrand Municipality By-Law on Land Use Planning, 2015 for the consolidation of Erven 42, 43, 44 and 45 to create a consolidated erf of approximately 15360m².
- Application in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Land Use Planning, 2015 to subdivide the newly created consolidated erf to create a new Portion A of approximately 5024m² and a Remainder (which will be split into two (2) portions measuring approximately 5264m² and 5072m² each).
- Application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Land Use Planning, 2015 to rezone the newly created Portion A from Residential Zone I : Single Residential to Community Zone I : Community Facilities.
- Application in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Land Use Planning, 2015 for a consent use to accommodate an institution (existing safe house) and an existing dwelling house on Portion A.

RESOLVED:

1. that the application in terms of Section 16(2)(c) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) for the consolidation of Erven 42, 43, 44 and 45, Hawston to create a consolidated erf of approximately 15 360m², **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(d) of the said By-Law to subdivide the newly created consolidated erf into a new Portion A of approximately 5 024m² and a Remainder of approximately 1,0336ha, **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 said By-Law to rezone the newly created Portion A to Community Zone I: Community Facilities, **be approved** in terms of the provisions of Section 61 of the By-Law;

4. that the application in terms of Section 16(2)(o) of the said By-Law for a consent use to accommodate an institution (existing safe house) and an existing house on Portion A, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the above-mentioned approvals in point 1 to 4 above be subject to the following conditions:
 - (a) that a revised subdivision plan be submitted showing the former road portions included in one (1) larger Remainder portion for residential purposes, with access and service servitudes over the area that were indicated as road portions on the previous road planning;
 - (b) that the access and service servitudes be registered over and against the Title Deed of the Remainder erf, in line with the previous road planning area (as indicated in the subdivision plan mentioned in Condition (a) above), in favour of the general public;
 - (c) that it be registered against the Title Deed of the Remainder that development of the property will only be allowed if approval thereof is granted in terms of all relevant environmental legislation;
 - (d) that the approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (e) that all conditions in the Services Report be complied with;
 - (f) that the three (3) electrical service connections on Portion A must be consolidated into one (1) three (3) phase 60Amp service connection with one (1) metering point, at the cost of the owner/applicant to the satisfaction of the Municipal Electrical Department;
 - (g) that all the conditions of Telkom be complied with;
 - (h) that all the conditions of BOCMA be complied with;
 - (i) that all the conditions of the Fire Department be complied with, and
 - (j) that all the conditions of Heritage Western Cape be complied with.
6. that the applicant and Cape Nature be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

RESPONSIBLE OFFICIAL:**H OLIVIER**

The meeting adjourned at 14:30