



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

MINUTES

DATE:	8 DECEMBER 2022
VENUE:	TOWN PLANNING COMMITTEE ROOM
TIME:	12:00

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE TOWN PLANNING COMMITTEE ROOM ON 8 DECEMBER 2022 AT 12:00

PRESENT:

MEMBERS:

Ms H Janser, Directorate Development
Management
Mr S Müller, Director : Infrastructure & Planning
Ms F Lloyd, Acting Director : LED
Mr H Blignaut, Deputy Director : Engineering
Services
Ms R Louw, Senior Manager : Strategic Services

OFFICIALS:

Mr R Kuchar, Senior Manager : Town & Spatial
Planning
Mr P Roux, Town Planner
Mr H Olivier, Town Planner
Ms S Swart, Council Support Services

APOLOGIES:

None



**MUNICIPAL PLANNING TRIBUNAL
ATTENDANCE REGISTER**

Date: 8 DECEMBER 2022

I, the undersigned, hereby declare:

- that I will make known details of any personal or other interest in respect of matters on the agenda and whether I have been approached by any party prior to the meeting
- that I have read all the information on the agenda

NAME	DEPARTMENT / SECTION MUNICIPALITY	SIGNATURE
H JANSER	CHAIRPERSON DIR: DEV MANAGEMENT	
S MÜLLER	VICE-CHAIRPERSON OVERSTRAND MUNICIPALITY	
S MADIKANE F. Lloyd	MPT MEMBER OVERSTRAND MUNICIPALITY	
H BLIGNAUT	MPT MEMBER OVERSTRAND MUNICIPALITY	
R LOUW	MPT MEMBER OVERSTRAND MUNICIPALITY	
R KUCHAR	AUTHORISED OFFICIAL OVERSTRAND MUNICIPALITY	
S VAN DER MERWE	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	
H VAN DER STOEP	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	
P ROUX	TOWN PLANNER OVERSTRAND MUNICIPALITY	
H OLMIER	TOWN PLANNER OVERSTRAND MUNICIPALITY	
S SWART	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	

1. OPENING

The Chairperson, Ms H Janser, opened the meeting and welcomed those present.

2. APPLICATIONS FOR LEAVE OF ABSENCE

None

3. CONFIRMATION OF MINUTES**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 13 October 2022****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **13 October 2022, be approved.**

4. ITEMS FOR CONSIDERATION

THE AGENDA OF THE MPT MEETING OF 10 NOVEMBER 2022, WHICH WAS POSTPONED, WAS FIRST DEALT WITH

4.1

ERF 5559, 243 FIFTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF THE KIEPERSOL BELEGGINGSTRUST

5559 HVK

P Roux

(028) 313 8900

Hermanus Administration

9 September 2022

EXECUTIVE SUMMARY

An application was received on 20 January 2021 from Messrs Interactive Town and Regional Planning on behalf of the Kiepersol Beleggingstrust for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 (By-law) applicable to Erf 5559, Voëlklip, Hermanus for the relaxation of the height restriction from 8m to 8,7m to accommodate an existing roof ridge.

Application is also made for the determination of an administrative penalty in terms of Chapter IV, 16(2)(q) & Section 90 of the Overstrand Amendment By-law on Municipal Land-use Planning, 2020.

RESOLVED:

that the original recommendation as contained in the agenda, be replaced to read as follows:

1. that the departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-law) applicable to Erf 5559, Hermanus (Voëlklip), for the relaxation of the 8m height restriction to accommodate an 8,7m roof, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for the determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the unauthorised land use activities stipulated above, **not be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law;
3. that the recommendations in 1 and 2 above be subject to the following conditions:

- (a) that this approval is only for the structure as indicated in Drawing No 5559.3;
- (b) that an administrative penalty of R127 986,38 (incl VAT) (being 10% of the built cost) be payable within thirty (30) days of the decision;
- (c) that building plans be submitted to the Building Department and all comments from the Building and Fire Departments be complied with at that stage;
- (d) that all the conditions of Engineering Services be complied with;
- (e) that this approval does not absolve the landowners from compliance with any other relevant legislation; and
- (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with.

REASONS FOR THE RESOLUTION:

- ❖ The application has followed due process.
- ❖ No objections were received from the public.
- ❖ It is in line with policy documents.
- ❖ The existing structures will be unobtrusive and will be compatible with the existing built environment including the character of the dwelling.
- ❖ The proposed structures do not block views, nor create a negative impact on sunlight due to the topography of the residential area.

RESPONSIBLE OFFICIAL :**P ROUX**

4.2

ERF 668, 56 CHINA MARAIS AVENUE, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: MESSRS WRAP PROJECT OFFICE ON BEHALF OF WG & J THELANDER

668 HFH (4155/2022)

H Olivier

(028) 313 8900

Hermanus Administration

12 September 2022

EXECUTIVE SUMMARY

An application has been received on 25 May 2022 from Messrs WRAP on behalf of WG and J Thelander in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 668, Fisherhaven for the following:

- ❖ **Removal of Restrictive Title Deed Conditions** in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed conditions E.4.(b), E.4.(c) and E.4.(d) as contained in Title Deed T61942/2021 of the property to accommodate a second dwelling unit.

The restrictive title conditions read as follows:

“E. **SUBJECT FURTHER** to the following special conditions in said Deed of Transfer Number 11236/1974 imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance Nr. 33 of 1934 when approving of the establishment of Fisherhaven Township, namely:

4. This erf shall be subject to the following further conditions, provided that where, in the opinion of the Administrator after consultation with the Townships Board and the Local Authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:

(b) it shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;

(c) not more than 30% of the area thereof shall be built upon;

(d) no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 15 feet to the street line which forms a boundary of this erf, nor within 10 feet of the rear or 5 feet of the lateral boundary common to any adjoining erf, provided with the

consent of the local authority and outbuildings not exceeding 10 feet in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf.”

RESOLVED:

1. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 668, Fisherhaven for the removal of restrictive title conditions E.4.(c) and E.4.(d) as contained in Title Deed T61942/2021 relating to building lines and coverage, **not be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 668, Fisherhaven for the removal of restrictive title condition E.4.(b) as contained in Title Deed T61942/2021 in order to enable the construction of a second dwelling unit, **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 removal of restrictions and is not an approval in terms of any other legislation;
 - (b) that building plans be submitted for all new buildings to the Building Control Department for approval, and that all conditions of the Building Control and Fire Departments be complied with at that stage;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with;
 - (e) that all the conditions in the Services Report be complied with; and
 - (f) that the conditions imposed by Telkom be complied with.
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, 2020 regarding the above decision.

REASONS FOR THE RESOLUTION:**POINT 1**

- ❖ The application does not involve any new building work over the Title Deed building lines or the 30% coverage limitation and, therefore, does not require the removal of such restrictive conditions.
- ❖ To evaluate the impact of the removal of Title Deed Restrictions, a detailed motivation and proposal must be provided for the decision-maker to measure the impact of the removal of such restrictions. The applicant only motivated that the reason to remove these restrictions was to allow future development in line with the Overstrand Municipality Land Use Scheme, with no detailed proposal or motivation to properly measure the impact.

POINT 2

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ The proposed construction of a second dwelling is in line with Policy Plans that promote densification.
- ❖ The proposed second dwelling of less than 120m² will be in line with the primary rights granted in terms of the Residential I zoning in terms of the Land Use Scheme.
- ❖ The restrictive condition prohibits the property to be developed to its full potential, and the removal of the restrictive condition is thus supported.
- ❖ No negative impact on the character of the area.
- ❖ No objections were received from neighbours and the impact on neighbours' privacy and rights will, therefore, be minimal.
- ❖ The application is deemed to be desirable.

RESPONSIBLE OFFICIAL :**H OLIVIER**

THE AGENDA FOR 8 DECEMBER 2022 WAS THEN DEALT WITH

4.1

PORTION 12 OF THE FARM MIDDELBERG NO. 643, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF MIDDELBERG INVESTMENTS (PTY) LTD

Prt 12 of Farm 643

3658/2021

P Roux

11 November 2022

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 25 January 2021 from Messrs WRAP Project Office on behalf of Middelberg Investments (PTY) Ltd on Portion 12 of the Farm Middelberg No. 643, Division Caledon for the following:

- consent use in terms of Section 16(2)(o) in order to accommodate five additional dwelling units (tourist accommodation), tourist facilities, restaurant, gift shop, pottery studio, restrooms, admin office and farm shop on the property, and
- departure to relax the lateral building line from 30m to 19m in terms of Section 16(2)(b) to accommodate the existing farm managers cottage.

RESOLVED:

1. that the objections/comments be noted;
2. that the application for consent use in terms of Section 16(2)(o) of the By-Law applicable to Portion 12 of the Farm Middelberg No. 643, Division Caledon, in order to accommodate five additional dwelling units (tourist accommodation), tourist facilities, restaurant, gift shop, pottery studio, restrooms, admin office and farm shop on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for departure in terms of Section 16(2)(b) of the By-Law applicable to Portion 12 of the Farm Middelberg No. 643, Division Caledon to relax the lateral building line from 30m to 19m to accommodate the existing manager's cottage, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in 2. and 3. above be subject to the following conditions:
 - (a) that the approval is only for development as proposed on *Plan No 3.2* as submitted with the application;

- (b) that building plans be submitted to the Building Control Office for approval and that all comment of the Building Control Office and Fire Department be complied with at that stage;
 - (c) that the selling or serving of liquor on the property will be subject to the owner obtaining the necessary Liquor Licence;
 - (d) that the building plans indicate that the farm shop/stall not comprise of an area of more than 300m²;
 - (e) that parking be clearly indicated on the building plan showing the dimensions, ratios and the material used to develop the parking area;
 - (f) that the applicable rates and service tariffs, as determined by the annual budget, be applicable;
 - (g) that the accommodation facility complies with Health and Safety Legislation;
 - (h) that only a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (i) that the conditions of District Health and Engineering Services be complied with;
 - (j) that the conditions of Open Serve, Heritage Western Cape, Department of Transport and Public Works and DEA&DP Environmental Authorisation be complied with;
 - (k) that this approval does not absolve the landowner from compliance with any other relevant legislation; and
 - (l) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
5. that the applicant and the persons who commented be notified of its respective appeal rights in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR RESOLUTION:

- ❖ The application has followed due process.
- ❖ The structures are aesthetically pleasing and situated at least 250m from dwelling units on adjacent properties. The structures are not inconsistent with the character of the greater area and nor will it impact on the surrounding built environment.
- ❖ The accommodation establishment will be beneficial for optimisation of the farm.

- ❖ The proposal will promote the tourism industry and is thus in line with the forward planning documentation of the municipality.
- ❖ The use is not regarded as being undesirable from a town planning point of view.

RESPONSIBLE OFFICIAL :

P ROUX

4.2

PORTION 21 OF FARM AFDAKSRIVIER NO. 575 (BETWEEN HAWSTON AND FISHERHAVEN, NORTH AND SOUTH OF THE R43 DISTRICT ROAD), A DIVISION OF CALEDON: PROPOSED SUBDIVISION, REZONING, CONSENT USE, DEPARTURE AND DEVIATION OF OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010): ARCH TOWN PLANNERS ON BEHALF OF AFDAKSRIVIER TRUST

RCAL 21/575**H Olivier****14 September 2022****(028) 313 8900****Hermanus Administration**

EXECUTIVE SUMMARY

The **original** planning application was received on 19 October 2016 by Arch Town Planners on behalf of Afdakrivier Trust in terms of the Overstrand Municipality By-Law on Land Use Planning, 2015.

The application was advertised and duly circulated to all relevant State and Municipal Departments. Due to amendments as required by the Western Cape Government: Environmental Affairs and Development Planning (Environmental Component) approval process, the applicant had to amend the layout plan and motivation.

The **amended** application was submitted on 19 October 2021, to subdivide Portion 21 of Farm Afdakrivier No. 575 into a Remainder and 16 portions, and to obtain development rights on such portions for a mixed-use development including retirement villages, gated complexes, retail, flats, a school, a hospital, smallholdings, etc., and provide for approximately 3016 residential units.

The **amended** application was again advertised and circulated to the relevant Municipal and State Departments.

The **amended** planning application was submitted in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) included the following:

- ✚ **Subdivision** in terms of Section 16.(2)(d) of the By-Law to subdivide Portion 21 of Farm Afdakrivier No. 575 into Portion A (Remainder Farm of ±514ha) and Portion B (±222ha, excluding the R43 Road Reserve);
- ✚ **Rezoning** in terms of Section 16.(2)(a) of the By-Law to rezone subdivided Portion B, from Agriculture Zone I: Agriculture to subdivisional Area Zone in terms of Section 16(2)(d) of the By-Law, to create the following portions with land uses, and the subdivision thereof:

- Portion 1 (±22,14ha)
General Residential Zone I : Town Housing;
- Portion 2 (±12,36ha)
Residential Zone I : Single Residential; and Open Space Zone III: Private Open Space
- Portion 3 (±20,24ha)
General Residential Zone I : Town Housing;
- Portion 4 (±10,64ha)
General Residential Zone I : Town Housing;
- Portion 5 (±4,16ha)
Business Zone II : General Business;
- Portion 6 (±3,82ha)
Business Zone II : General Business; and Open Space Zone III: Private Open Space
- Portion 7 (±17,59ha)
General Residential Zone I : Town Housing; and Open Space Zone III: Private Open Space
- Portion 8 (±11,85ha)
Residential Zone I : Single Residential; and Open Space Zone III: Private Open Space
- Portion 9 (±11,63ha)
Residential Zone I : Single Residential; and Open Space Zone III: Private Open Space
- Portion 10 (±18,68ha)
General Residential Zone I : Town Housing; and Rural Zone I: Agricultural Smallholding
- Portion 11 (±8,56ha)
General Residential Zone II : Town Housing;
- Portion 12 (±11,22ha)
Residential Zone I : Single Residential; and Open Space Zone III: Private Open Space
- Portion 13 (7,23ha)
Community Zone I: Community Facilities
- Portion 14 (±45,77ha)
Rural Zone I : Agricultural Smallholding
- Portion (±11,26ha)
Transport Zone II : Road and Parking TR2 B (Public Road)
- Portion (±4,66ha)
Transport Zone II : Road and Parking TR2 A (Private Road)

✚ Application is further made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for consent use in terms of Section 16(2)(o) on the following:

- Portion 1 - consent use to establish a retirement village;
- Portion 4 – consent use to establish a retirement village;

- Portion 5 - consent use to establish an institution (hospital);
 - Portion 10 – consent use to establish a retirement village;
 - Portion 11 - consent use to establish flats.
- ✚ **Temporary departure** (2 years) in terms of Section 16.(2)(c) of the By-Law to allow for the existing mining activities on Portion 10.
- ✚ **Departure** from Section 96.(2) of the By-Law to exclude street names and numbers from this application.
- ✚ **Deviation** of the Overstrand Municipal Growth Management Strategy, 2010 in terms of Section 10.(1) of the By-Law and in terms of the Municipal Systems Act (Act 32 of 2000) to allow a mixed used development on the said land, to allow a deviation from the prescribed densification grading to allow for a gross density (on Portion 1) of 35 units/ha in lieu of 20 units/ha, and to allow for a deviation from prescribed densification grading to allow for a gross density (on Portions 2 – 13, 15 and 16) of approximately 15 units/ha in lieu of 10 units/ha.

The application is to obtain Municipal approval for the larger layout and proposed zonings in the development. Detailed subdivision plans will also have to be submitted at a later stage and such plans will again have to be processed in line with the requirements of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

RESOLVED:

1. that the application in terms of Section 16(2)(d) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the subdivision of Portion 21 of Farm Afdaksrivier No 575 into Portion A (Remainder farm of ±514ha) and Portion B (±222ha excluding the R43 Road Reserve), **be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), to rezone Portion B (±222ha excluding the R43 Road Reserve) from Agriculture Zone I to Subdivisional Area, and the subsequent subdivision in terms of Section 16(2)(d) of the By-Law, read with Section 22, of the rezoned property to create the following:
 - Portion 1 (±22,14ha)
General Residential Zone I : Town Housing;
 - Portion 2 (±12,36ha)
Residential Zone I : Single Residential; and Open Space Zone III:
Private Open Space
 - Portion 3 (±20,24ha)
General Residential Zone I : Town Housing;

- Portion 4 (±10,64ha)
General Residential Zone I : Town Housing;
- Portion 5 (±4,16ha)
Business Zone II : General Business;
- Portion 6 (±3,82ha)
Business Zone II : General Business; and Open Space Zone III:
Private Open Space
- Portion 7 (±17,59ha)
General Residential Zone I : Town Housing; and Open Space Zone
III: Private Open Space
- Portion 8 (±11,85ha)
Residential Zone I : Single Residential; and Open Space Zone III:
Private Open Space
- Portion 9 (±11,63ha)
Residential Zone I : Single Residential; and Open Space Zone III:
Private Open Space
- Portion 10 (±18,68ha)
General Residential Zone I : Town Housing; and Rural Zone I:
Agricultural Smallholding
- Portion 11 (±8,56ha)
General Residential Zone II : Town Housing;
- Portion 12 (±11,22ha)
Residential Zone I : Single Residential; and Open Space Zone III:
Private Open Space
- Portion 13 (7,23ha)
Community Zone I: Community Facilities
- Portion 14 (±45,77ha)
Rural Zone I : Agricultural Smallholding
- Portion (±11,26ha)
Transport Zone II : Road and Parking TR2 B (Public Road)
- Portion (±4,66ha)
Transport Zone II : Road and Parking TR2 A (Private Road)

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

3. that the application in terms of Section 16(2)(o) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for consent uses on the following portions:
- Portion 1 – consent use to establish a retirement village;
 - Portion 4 – consent use to establish a retirement village;
 - Portion 5 – consent use to establish an institution (hospital);
 - Portion 10 – consent use to establish a retirement village;
 - Portion 11 – consent use to establish flats.

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

4. that the application in terms of Section 16(2)(c) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a temporary departure (2 years) in order to allow for the existing mining activities on Portion 10, **be approved**, in terms of the provisions of Section 61 of the By-law.
5. that the approvals in Points 1. to 4. above made in terms of the provisions of Section 61 of the By-law, be subject to the following conditions:
 - (a) that the development be in line with Site Development Rez-003-11 dated 01/07/2021, providing for a maximum of 3016 residential units;
 - (b) that a phasing plan be submitted for approval by the Municipality before any planning applications for precinct plans or site development plans will be considered;
 - (c) that the developer/s may not act on any development of the portions (precinct) until the necessary bulk services are available;
 - (d) that all existing servitudes need to be complied with or amended if it is affected by the proposed development, or future developments, and no erven from the development will be registered if compliance is not confirmed;
 - (e) that all the setback lines from the R43 District Road (scenic drive) and from the mountain, lagoon, river and sensitive environmental areas must be complied with in the future detailed precinct plans and/or Site Development Plans;
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (g) that all the conditions imposed by Telkom be complied with;
 - (h) that all the conditions imposed by Eskom be complied with;
 - (i) that all conditions in the Services Report be complied with;
 - (j) that the original conditions imposed by Heritage Western Cape be complied with;
 - (k) that the conditions of the Western Cape Government: Environmental Affairs and Development Planning (*Environmental Component*) be complied with,
 - (l) that all the conditions by Overberg District Health be complied with,

- (m) that all the conditions by the Municipal Environmental Management Services Department be complied with,
 - (n) that all the conditions by the Cape Nature be complied with,
 - (o) that all the conditions by Western Cape Government : Transport & Public Works be complied with,
 - (p) that all the conditions by the BGCMA be complied with,
 - (q) that a Homeowners' Association/ Body Corporate and, if so required, a Master Homeowners' Association, be established with compulsory membership for all property owners within the various future private developments;
 - (r) that the Constitution of the Master Homeowners' Association and Homeowners' Associations/Body Corporates for the various private developments, 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 that the responsibility would be transferred from the developer to the Homeowners' Association to deal with approval of plans, etc.
6. that the application to depart from Section 96.(2) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to exclude street names and numbers from this application, **be granted**;
 7. that application be made in terms of Section 96.(2) of the By-Law for street names and numbers before any registration of erven takes place;
 8. that the application for the deviation of the Overstrand Municipal Growth Management Strategy, 2010 in terms of Section 10 of the By-Law, in order to allow a mixed used development on Portion 21 of the Farm Afdaksrivier No. 575, to allow a deviation from the prescribed densification grading on Portion 1 of 35 units/ha in lieu of 20 units/ha, and to allow for a deviation from prescribed densification grading on Portions 2 – 13, 15 and 16 of approximately 15 units/ha in lieu of 10 units/ha, **be approved**; and
 9. 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 decision.

REASONS FOR RESOLUTION:

- ❖ The proposal for a development with a mix of Residential Zone I, General Residential, business and community zoned erven is in line with the Overstrand Municipal Wide SDF, 2020.
- ❖ All relevant municipal departments and external departments/institutions support the application.
- ❖ The necessary environmental approval was obtained from the Western Cape Government: Environmental Affairs and Development Planning and there are no environmental concerns.
- ❖ Concerns/objections raised about the perceived environmental impact, density concerns, impact on the rural character of Fisherhaven, lack of infrastructure, phasing of the development and concerns about sustainability, do not prove the application not to be desirable.
- ❖ The application will have no heritage impact.
- ❖ The application is in line with the general principles of SPLUMA and LUPA. The development will be spatially sustainable, as it will not lead to urban sprawl or be developed on high potential agricultural land or environmentally sensitive areas. The proposed development pockets will all be within the urban edge as approved in terms of the SDF, 2020.
- ❖ The proposed development will take place over a period of at least 20 to 30 years, or even longer. The Growth Management Strategy, 2010 earmarked some areas in this development for densities of up to 10 units/ha and other areas up to 20 units/ha. The proposal is to deviate from such allocations to develop some pockets up to 50 units/ha, with an average development of 16units/ha.
- ❖ Considering that the Priority Housing Development Area document prepared by the Municipality in September 2019 identifies the need for at least 20000 more residential units from Hermanus to Fisherhaven, the GMS, 2010 densities are deemed conservative and outdated. The proposed densities are, therefore, supported.
- ❖ The consent uses are to enable portions to be developed for retirement villages, a hospital, school and flats. This will allow for a wide range of residential accommodation for various income groups and age groups and allow for the development of amenities.
- ❖ The departure is to allow the operation of the existing sand mine for an additional two years, which is an existing use with no additional impact on the surrounding area.

RESPONSIBLE OFFICIAL :**H OLIVIER****The meeting adjourned at 13:09**