



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

**MINUTES**

<b>DATE:</b>	<b>22 FEBRUARY 2017</b>
<b>VENUE:</b>	<b>TOWN PLANNING COMMITTEE ROOM HERMANUS</b>
<b>TIME:</b>	<b>13:50</b>

# OVERSTRAND

## MUNICIPAL PLANNING TRIBUNAL

### MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE TOWN PLANNING COMMITTEE ROOM, HERMANUS, ON 22 FEBRUARY 2017, AT 13:50

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**PRESENT:**

**MEMBERS:**

Mr C Groenewald, Municipal Manager  
Mr S Müller, Director : Infrastructure & Planning  
Mr S Madikane, Director : LED  
Mr R Williams, Director : Community Services  
Ms H Janser, Directorate Development  
Management

**OFFICIALS:**

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

Mr J Odendaal

Owner : NMH Trading 23

Mr B Davids

Owner : NMH Trading 23

Mr R Kies

ATTENDANCE REGISTER : MEETING OF MUNICIPAL PLANNING TRIBUNAL : 22 FEBRUARY 2017 AT 12:00

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	
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	OVERSTRAND MUNICIPALITY	028 313 8087	rkuchar@overstrand.gov.za	
H JANSER	MPT MEMBER	DIR: DEV MANAGEMENT	021 483 3544 184585 2000	Helene.Janser@westerncape.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	
S SWART	COUNCIL SUPPORT	OVERSTRAND MUNICIPALITY	028 313 8006	sswart@overstrand.gov.za	
J. Odendaal	NMHT/ONGE	NMHT TRADING 23	083457 0850	jodendaal@dkny.co.za	
B. Davids	ONGE	NMHT TRADING 23	0825558943	bdavids@ngenthrance.co.za	
P. Roux	Town Planner	OM	02-95158900	perouxx@overstrand.gov.za	
A Kuc	CMS	"	028-313 8057	kuantode@overstrand.gov.za	
H Vorster					

**1. OPENING**

The meeting started at 13:50. The Chairperson, Mr C Groenewald, welcomed those present, and apologised for the delayed start of the meeting, due to the Council meeting taking longer than anticipated. It was decided that all future Municipal Tribunal Meetings will start at 14:00.

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

None

**3. ITEMS FOR CONSIDERATION**

**3.1 ERF 10558, FAIRWAYS AVENUE, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF THE CONDITIONS OF APPROVAL AND AMENDMENT OF THE SITE DEVELOPMENT PLAN: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF NMH TRADING 23 (PTY) LTD**

**EXECUTIVE SUMMARY**

An application was received from Messrs PlanActive Town- and Regional Planners on behalf of NMH Trading 23 (Pty) Ltd for the following:

- amendment of the conditions of approval in terms of Section 16(2)(h) in order to allow the development of twelve (12) residential sectional title units with its own double garage in terms of Section 47 of the Overstrand By-law on Municipal Land Use Planning, 2016;
- amendment of the Site Development Plan (SDP) in order to allow the development of twelve (12) residential sectional title units with its own double garage in terms of Section 47 of the Overstrand By-Law on Municipal Land Use Planning, 2016.

**RESOLVED:**

that the item **be referred back** in order for the matter to be further investigated in terms of:

- the value of the property with its current rights versus the value with the rights applied for;
- the impact on the CBD revitalisation project should the proposed bypass road not be constructed; and
- the impact on the local economy should the proposed bypass road not be constructed.

**RESPONSIBLE OFFICIAL:**

**P ROUX**

**3.2 ERF 4732, 6 HOY STREET, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA : REMOVAL OF TITLE DEED RESTRICTION & DEPARTURE: MESSRS WRAP ON BEHALF OF JG WHITE**

**EXECUTIVE SUMMARY**

An application has been received on 30 June 2016 from Messrs WRAP, trading as Wright Approach Investments 136 CC, on behalf of Mr. JG White in terms of Sections 16(2)(b) and 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 on Erf 4732, Hermanus for departures and removal of restrictive conditions C1, C2, C3 and C4 to accommodate a proposed boathouse, proposed garage and an existing bathroom.

The departures are as follows:

- ❖ Lateral building line relaxation from 2m to 0m on the eastern building line to accommodate a garage and boathouse;
- ❖ Rear building line relaxation from 2m to 0m on the southern building line to accommodate the boathouse; and
- ❖ Lateral building line relaxation from 2m to 0,8m on the western building line to accommodate the bathroom.

**RESOLVED:**

1. that the application for the removal of restrictive conditions C1, C2, C3 and C4 contained in Title Deed T12819/2012 applicable to Erf 4732, Hermanus, **be approved**, in terms of Section 16(2)(f) of the Overstrand By-Law on Municipal Land Use Planning, 2016;
2. that the application for departure on Erf 4732, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 to relax the western lateral and rear building line from 2m to 0m to accommodate the boathouse, the eastern lateral building line from 2m to 0m to accommodate the garage, and the western lateral building line from 2m to 0,8m to accommodate the existing bathroom, **be approved**;
3. that the application for departure on Erf 4732, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 to the exceeding of the 9m and/or one third of the boundary with outbuildings, **be approved**;
4. that the approvals in Points 1, 2 and 3 be 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 relaxation of building lines indicated on Plan 3;
  - (d) that all the conditions in the Services Report be complied with;
  - (e) that building plans reflecting the approval be submitted to the Building Control Department for approval and that all conditions of the Building – and the Fire Department and the Overstrand Scheme Regulations with regard to outbuildings be complied with at that stage;
  - (f) that no additional structures be allowed encroaching any building lines to accommodate the remaining 0,5% coverage available to the applicant;
  - (g) that no additional structures be built or erected on the eastern boundary encroaching the building line;
  - (h) that no second storey structures be erected on the proposed outbuildings encroaching the building lines, and
  - (i) that the boathouse may not be used and/or converted into a second dwelling, self-catering unit or home occupation.
5. 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 conditions of approval.

**RESPONSIBLE OFFICIAL:**

**H VAN DER STOEP**

**3.3 ERVEN 2840 & 2841, 32 & 34 CLIFF ROAD, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS, CONSOLIDATION AND DEPARTURES : MESSRS PLAN ACTIVE (obo THE STEWART FAMILY TRUST)****EXECUTIVE SUMMARY**

An application has been received on 5 August 2016 from Messrs. Plan Active Town & Regional Planners on behalf of The Stewart Family Trust for the following:

- ❖ Application for a removal of restrictive title conditions with reference to Clauses (c).A.(b) & (c).A.(d) of Title Deed T20701/11 applicable to Erf 2840 and Clauses (c).A.(b) & (c).A.(d) of Title Deed T20702/11 applicable to Erf 2841 in terms of Section 16(2)(f) of the aforementioned By-Law, in order to accommodate the following:
  - Second dwelling unit on consolidated erf;
  - Existing double garage which encroaches over the Title Deed street building line; and
  - Existing generator room which encroaches the Title Deed street and lateral building lines respectively.
- ❖ Application for a consolidation in terms of Section 16(2)(e) of the aforementioned By-Law, to consolidate Erf 2840 with Erf 2841 to accommodate the existing encroachments on the common boundary line.
- ❖ Application for a departure in terms of Section 16(2)(b) of the aforementioned By-Law, to relax the following:
  - Street building line with Cliff Road from 4m to 1,15m to accommodate the existing double garage;
  - Street building line with Cliff Road from 4m to 1,9m and lateral building line with Erf 2839 from 2m to 0,5m to accommodate the existing generator room; and
  - Lateral building line with Erf 2842 from 2m to 1,57m to accommodate a proposed new braai room.
- ❖ Application for a departure in terms of Section 16(2)(b) of the aforementioned By-Law, to depart from the maximum size prescribed for a second dwelling unit from 120m<sup>2</sup> to 134,43m<sup>2</sup>.

The erven is zoned Residential Zone 1 and will remain as such.

**RESOLVED:**

1. that the application for the removal of title deed restrictions in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 as per Clauses (c).A.(b) & (c).A.(d) of Title Deed T20701/11 applicable to Erf 2840, Betty's Bay and Clauses (c).A.(b) & (c).A.(d) of Title Deed T20702/11 applicable to Erf 2841, Betty's Bay, in order to accommodate the second dwelling unit on the consolidated erf, the existing double garage which encroaches over the title deed street building line and the existing generator room which encroaches the title deed street and lateral building lines respectively, **be approved**;
2. that, in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Land Use Planning, 2016, the application to consolidate Erf 2840 with Erf 2841, Betty's Bay to accommodate the existing encroachments on the common boundary line, **be approved**;
3. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 for the following departures on the consolidated erf, **be approved**;
  - Street building line with Cliff Road from 4m to 1,15m to accommodate the existing double garage;
  - Street building line with Cliff Road from 4m to 1,9m and lateral building line with Erf 2839, Betty's Bay from 2m to 0,5m to accommodate the existing generator room; and
  - Lateral building line with Erf 2842 from 2m to 1,57m to accommodate a proposed new braai room.
4. that the departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016, on Erf 2840, Betty's Bay to depart from the maximum size prescribed for a second dwelling unit from 120m<sup>2</sup> to 134,43m<sup>2</sup>, **be approved**;
5. that the approvals in Points 1, 2, 3 and 4 be subject to the following conditions:
  - (a) that this approval is only for the departure of the building lines indicated on Plan Number 2.100D dated July 2016, which was submitted with the application;
  - (b) that it is the owner/applicant's responsibility to register the approved consolidation within five (5) years from the date of approval;
  - (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 Zoning Scheme be complied with;
  - (e) that all the conditions in the Services Report be complied with;  
and
  - (f) 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.
6. 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.

**RESPONSIBLE OFFICIAL:**

**H VAN DER STOEP**

**3.4 ERF 599, 91 SCHNEIDER STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : PRINSLOO ARGITEKTONIESE ONTWERP ON BEHALF OF S DICKS**

**EXECUTIVE SUMMARY**

An application has been received on 16 May 2016 from Prinsloo Argitektoniese Ontwerpskantoor on behalf of the owner of Erf 599, Franskraal in order to legalise encroachments of the existing building, namely:

1. removal of restrictive title conditions with reference to condition C.16(b) & (d) of Title Deed T70276/2000 in terms of Section 16(2)(f) of the aforementioned By-Law, to accommodate a second dwelling unit as well as encroachments of the street-, lateral- and rear title deed building lines on the property; and
2. departure in terms of Section 16(2)(b) of the aforementioned By-Law, to accommodate the following encroachments, namely:
  - ❖ encroachment of the 4m street building line with 0,63m and 0,31m respectively to accommodate a first floor balcony and a second dwelling unit;
  - ❖ encroachment of the 2m lateral and rear building lines with 0,45m and 1,04m respectively to accommodate the main dwelling; and
  - ❖ encroachment of the 2m western building line with 0,43m in respect of the second dwelling unit and 0m in respect of the outside braai.

**RESOLVED:**

1. that the objection **be noted**;
2. that, in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016, the application for Removal of Restrictive Conditions on Erf 599, Franskraal to remove condition C.16(b) and (d) in Title Deed T70276/2000, be approved;

3. 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 599, Franskraal to accommodate the following:

encroachment of the 4m street building line with 0,63m and 0,31m respectively to accommodate a first floor balcony and a second dwelling unit;  
encroachment of the 2m lateral and rear building lines with 0,45m and 1,04m respectively to accommodate the main dwelling;  
encroachment of the 2m western building line with 0,43m in respect of the second dwelling unit and 0m in respect of the outside braai; and  
the chimney must remain permanently sealed.

**be approved**, subject to the following conditions:

- (a) that this approval only has reference to the Site Development Plan, Drawing No. DIC-FK-15/026 dated 16 May 2015 as 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/comments from Operational Services and the Fire Department be complied with;
  - (d) that all the conditions contained in the Services Report be adhered to;
  - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
  - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. 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 conditions of approval.

**RESPONSIBLE OFFICIAL:**

**S VAN DER MERWE**

**The meeting adjourned at 14:25**