



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

MINUTES

DATE:	1 MARCH 2019
VENUE:	TOWN PLANNING COMMITTEE ROOM HERMANUS
TIME:	10:00

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE TOWN PLANNING COMMITTEE ROOM, HERMANUS, ON 1 MARCH 2019, AT 10:00

PRESENT:

MEMBERS:

Mr S Müller, Director : Infrastructure & Planning
Mr R Williams, Director : Community Services
Mr S Madikane, Director : LED
Ms D Arrison, Director : Management 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
Mr H Olivier, Town Planner
Ms S Swart, Council Support Services

APOLOGIES:

Ms H van der Stoep, Senior Town Planner

ATTENDANCE REGISTER : MEETING OF MUNICIPAL PLANNING TRIBUNAL : 1 MARCH 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	
D ARRISON	MPT MEMBER	OVERSTRAND MUNICIPALITY	028 313 8004	darrison@overstrand.gov.za	
H JANSE	MPT MEMBER	DIR. DEV. MANAGEMENT	021 483 3544	Helene.Janser@westerncape.gov.za	
R KUCCHAR	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

Ms H van der Stoep

3. CONFIRMATION OF MINUTES**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 24 January 2019****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **24 January 2019, be confirmed.**

4. ITEMS FOR CONSIDERATION

4.1

ERF 1447, LYNX ROAD, VERMONT, OVERSTRAND MUNICIPAL AREA: REZONING, SUBDIVISION AND DEPARTURE: MESSRS WRAP ON BEHALF OF HENQUE 3030 CC

EXECUTIVE SUMMARY

An application has been received on 16 November 2017 from Messrs WRAP on behalf of Henque 3030 CC on Erf 1447, Vermont in terms of the Overstrand Municipality By-Law on Land Use Planning, 2015 for the following:

- a rezoning in terms of Section 16(2)(a) of the above-mentioned By-Law from Residential Zone I : Single Residential (SR1) to Subdivisional Area (SA);
- a subdivision in terms of Section 16(2)(d) of the abovementioned By-Law, read with Section 22 to create -
 - 17 (seventeen) Residential Zone I erven,
 - 13 (thirteen) General Residential Zone I erven,
 - 1 (one) Open Space Zone II erf and
 - 1 (one) Transport Zone II erf
- a departure in terms of Section 16(2)(b) to relax internal street and lateral building lines applicable to new Residential Zone I and General Residential Zone I erven to be created, as indicated below.

Erf	Applicable Boundary	Proposed Use	From	To	Proposed Zoning
1	Northern Boundary	Garage	2m	0m	SR1
2	Northern Boundary	Garage	2m	0m	SR1
3	Southern Boundary	Garage	2m	0m	SR1
4	Northern Boundary	Garage	2m	0m	SR1
5	Southern Boundary	Garage	2m	0m	SR1
6	Southern Boundary	Garage	2m	0m	SR1
7	Northern Boundary	Garage	2m	0m	SR1
8	Northern Boundary	Garage	2m	0m	SR1
9	Southern Street Boundary	Dwelling	4m	2m	SR1
9	Northern Boundary	Garage	2m	0m	SR1
10	Southern Street Boundary	Dwelling	4m	2m	SR1
10	Northern Boundary	Garage	2m	0m	SR1
11	Northern Boundary	Garage	2m	0m	SR1
12	Northern Boundary	Garage	2m	0m	SR1
13	Southern Boundary	Garage	2m	0m	SR1
14	Southern Boundary	Garage	1m	0m	GR1

14	Street Boundary	Garage / Dwelling	5m	2m	GR1
14	Western Boundary	Garage / Dwelling	3m	2m	GR1
15	Street Boundary	Garage / Dwelling	5m	2m	GR1
16	Street Boundary	Garage / Dwelling	5m	2m	GR1
17	Street, Western & Southern Boundary	Garage / Dwelling	5m	2m	GR1
18	Street, Eastern & Southern Boundary	Garage / Dwelling	5m	2m	GR1
19	Street Boundary	Garage / Dwelling	5m	2m	GR1
20	Street Boundary	Garage / Dwelling	5m	2m	GR1
21	Street Boundary	Dwelling	5m	2m	GR1
21	Southern Boundary	Garage	1m	0m	GR1
21	Eastern Boundary	Garage / Dwelling	3m	2m	GR1
22	Street Boundary	Garage / Dwelling	5m	2m	GR1
22	Northern Boundary	Dwelling	3m	2m	GR1
23	Street Boundary	Garage / Dwelling	5m	2m	GR1
24	Street Boundary	Garage / Dwelling	5m	2m	GR1
25	Street Boundary	Garage / Dwelling	5m	2m	GR1
26	Street Boundary	Garage / Dwelling	5m	2m	GR1
26	Western Boundary	Dwelling	3m	2m	GR1
27	Western Boundary	Garage	2m	0m	SR1
28	Western Boundary	Garage	2m	0m	SR1
29	Western Boundary	Garage	2m	0m	SR1
30	Eastern Boundary	Garage	2m	0m	SR1

RESOLVED:

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 to rezone from Residential Zone I: Single Residential (SR1) to Subdivisional Area (SA) and for subdivision in terms of Section 16(2)(d) of the above-mentioned By-Law, read with Section 22, to create 17 (seventeen) Residential Zone I erven, 13 (thirteen) General Residential Zone I erven, 2 (two) Open Space Zone II (Public Open Space) erven and 1 (one) Transport Zone II (Public Road) erf, **be approved** in terms of the provisions of Section 61, subject to the following conditions:
 - (a) that approval is for the revised Layout Plan 3, providing for the 2 (two) Public Open Space;
 - (b) that a minimum of 2 (two) parking bays be provided on each erf, to municipal standards and satisfaction;
 - (c) that the compliance does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (d) that the Architectural Design Guidelines in line with Zoning Scheme parameters and the departure relaxation as dealt with in point 2. below, be submitted for the development to address the style of the houses that will be constructed, to the satisfaction of the Building Control department;
 - (e) that all the conditions of Telkom be complied with;
 - (f) that all the conditions imposed by Eskom be complied with;
 - (g) that all conditions in the Services Report be complied with;
 - (h) that the conditions imposed by the Western Cape Government : Environmental Affairs and Development Planning be complied with;
 - (i) that the conditions of the Municipal Fire Department be complied with;
 - (j) that a Home Owners Association be established with compulsory membership for all property owners within the development;
 - (k) that the Constitution of the Home Owners Association 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 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.
 - (l) that the owner submit an operational plan to be approved by the area manager before construction commences; and
 - (m) that the owner submit a proposal for the street names for consideration and approval.
2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 to relax internal street building lines and lateral building lines applicable to the following General Residential Zone I erven to be created, **be approved**, as follows:

Erf	Applicable Building line	From	To
14	Street	5m	2m
	Street – garage with direct access	5m	4m
	Western lateral boundary	3m	2m
15	Street	5m	2m
	Street – garage with direct access	5m	4m
16	Street	5m	2m
	Street – garage with direct access	5m	4m
17	Streets	5m	2m
	Street – garage with direct access	5m	4m
18	Streets	5m	2m
	Street – garage with direct access	5m	4m
19	Street	5m	2m
	Street – garage with direct access	5m	4m
	Northern lateral	3m	2m
20	Street	5m	2m
	Street – garage with direct access	5m	4m
	Southern lateral	3m	2m
21	Street	5m	2m
	Street – garage with direct access	5m	4m
	Eastern lateral	3m	2m
22	Street	5m	2m
	Street – garage with direct access	5m	4m
	Northern lateral	3m	2m
23	Street	5m	2m
	Street – garage with direct access	5m	4m

24	Street	5m	2m
	Street – garage with direct access	5m	4m
25	Street	5m	2m
	Street – garage with direct access	5m	4m
26	Street	5m	2m
	Street – garage with direct access	5m	4m
	Western lateral	3m	2m

3. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 to relax internal street building lines and lateral building lines for proposed Residential Zone I sites 1 to 13, and 27 to 30, and also the southern lateral building lines for proposed General Residential sites 14 and 21, **not be approved**; and
4. that the applicant and objectors 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 :

H OLIVIER

4.2

ERF 39, 243 PIET RETIEF CRESCENT, ERF 41, 108 KUSWEG AND ERF 42, 241 PIET RERIEF CRESCENT, SANDBAAI, OVERSTRAND MUNICIPAL AREA: REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE: MESSRS PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF LN & D WESTGARTH-TAYLOR, DA KOTZÉ AND JJ WESSELS

EXECUTIVE SUMMARY

An application applicable to Erven 39, 41 and 42, Sandbaai has been received on 6 November 2017 from Messrs Planactive Town & Regional Planners on behalf of LN & D Westgarth-Taylor, DA Kotzé and JJ Wessels for the following:

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the removal of the restrictive conditions C.2.(a) and C.2.(c) as contained in Title Deed No. T47662/2005 applicable to Erf 41, Sandbaai in order to accommodate a guesthouse with five (5) guestrooms on the property.

The restrictive conditions reads as follows:

- “(a) *That the above erf or erven be used for residential purposes only.*
- (c) *That not more than one dwelling together with the necessary outbuildings and accessories be erected on any one of the above erven and that not more than one/half the area of any one of the above erven be built upon.”*
- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the removal of the restrictive conditions B.2.(a), B.2.(c) and B.2.(d) as contained in Title Deed No. T43101/2017 applicable to Erf 39, Sandbaai in order to accommodate six (6) parking bays on the property for the proposed guesthouse on Erf 41, Sandbaai.

The restrictive conditions reads as follows:

- “(a) *That the above erf or erven be used for residential purposes only.*
- (c) *That not more than one dwelling together with the necessary outbuildings and accessories be erected on any one of the above erven and that not more than half the area of any one of the above erven be built upon.*
- (d) *That no building shall be erected on the above erf or erven within 4,72 metres of any boundary wall between the said erf or erven and any street, road or avenue on which such erf or erven abuts; such space may be used as gardens but shall not be built upon.”*

- ❖ Consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Land Use Planning, 2015 for a guesthouse in order to accommodate a guesthouse with five (5) guestrooms on Erf 41, Sandbaai.
- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 from the primary rights applicable to Erf 39, Sandbaai in order to accommodate the above-mentioned six (6) parking bays on the property.

RESOLVED:

that the item **be referred back**.

RESPONSIBLE OFFICIAL :**H VAN DER STOEP****MR R WILLIAMS JOINED THE MEETING AT 10:40**

4.3

**ERF 1746, MAIN ROAD, SANDBAAI, OVERSTRAND MUNICIPAL AREA :
PROPOSED CONSENT USE AND DEPARTURE : MESSRS WPP TOWN AND
REGIONAL PLANNING CONSULTANTS ON BEHALF OF SOBREY EIENDOMS
BELEGGINGS BK****EXECUTIVE SUMMARY**

An application has been received on 25 November 2016 (revised 7 July 2017) from Messrs WPP Town and Regional Planning Consultants on behalf of Sobrey Eiendoms Beleggings BK, applicable to Erf 1746, Sandbaai for the following:

- ❖ Consent use (transmission tower) in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) in order to accommodate a 25m high free standing cellular communications base station on the above property;
- ❖ departure in terms of Section 16(2)(b) of the above By-Law comprising the following:
 - to exceed the applicable 8,5m height restriction in order to accommodate the 25m high transmission tower; and
 - to relax the northern lateral building line from 4,5m to 0m and the eastern lateral building line from 3m to 0m to accommodate the cellular communications base station.

RESOLVED:

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 1746, Sandbaai for a consent use in order to accommodate a 25m high free standing cellular communications base station and associated equipment, **be refused** in terms of the provisions of Section 61 of the By-Law.
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 1746, Sandbaai for the following departures:
 - to exceed the applicable 8,5m height restriction in order to accommodate the 25m high transmission tower; and
 - to relax the northern lateral building line from 4,5m to 0m and the eastern lateral building line from 3m to 0m to accommodate the cellular communications base station,

be refused in terms of the provisions of Section 61 of the By-Law; and

3. that the applicant and the objectors be notified of their respective appeal right in terms of Section 78 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 with regard to the above decision.

RESPONSIBLE OFFICIAL :

H VAN DER STOEP

4.4

ERF 1544 (A PORTION OF ERF 1438), 152 KUSWEG, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION AND DEPARTURE: MESSRS PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF OULAP (PTY) LTD

EXECUTIVE SUMMARY

An application has been received on 18 December 2017 from Messrs Planactive Town & Regional Planners on behalf of Oulap (Pty) Ltd applicable to Erf 1544 (a portion of Erf 1438), Sandbaai for the following:

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the removal of restrictive Title Deed condition 1.D.(d) as contained in Title Deed T950/1994 applicable to the above erf in order to remove the 4,72m street building line restriction.

The restrictive condition 1.D.(d) as contained in Title Deed T950/1994 to be removed reads as follows:

“(d) That no building shall be erected on the above erf or erven within 4,72 metres of any boundary line between the said erf or erven and any street, road or avenue on which such erf or erven abuts, such space may be used as gardens but shall not be built upon.”

- ❖ Application is subsequently made in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the following departures:
 - to relax the north-eastern street building line from 4m to 2,215m in order to accommodate new entrance steps to the dwelling from Piet Retief Crescent;
 - to relax the north-western street building line from 4m to 0m to accommodate a new open suspended deck with a swimming pool; and
 - to relax the south-western lateral building line from 2m to 0m to accommodate the new open suspended deck with steps along the relevant lateral boundary.

RESOLVED:

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the removal of restrictive Title Deed condition 1.D.(d) as contained in Title Deed T950/1994 applicable to Erf 1544 (a portion of Erf 1438), Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law;

2. that the application in terms of Section (16)(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Erf 1544, Sandbaai for a departure in order to relax the north-eastern street building line from 3m to 2,215m in order to accommodate a new open staircase to the dwelling from Piet Retief Crescent, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the above approvals in 1. and 2. above be subject to the following conditions:
 - (a) that this approval is for the dimensions of the open staircase as indicated on Plan Numbers 794/02 to 04 dated November 2017 which was submitted with the application;
 - (b) that the entrance stairs from Piet Retief Crescent to the dwelling may not be enclosed in any way;
 - (c) 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;
 - (d) that all the conditions in the Engineering Report and Telkom be complied with;
 - (e) that the approvals do not absolve the applicant 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.
4. that the application in terms of Section (16)(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 applicable to Erf 1544, Sandbaai to relax the north-western street building line from 4m to 0m to accommodate a new open suspended deck with a swimming pool, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to conditions 3. (c) – (f) above;
5. that the application in terms of Section (16)(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 applicable to Erf 1544, Sandbaai to relax the south-western building line from 2m to 0m to accommodate a new open suspended deck with steps along the relevant lateral boundary, **be refused** in terms of the provisions of Section 61 of the By-Law; and
6. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decisions.

RESPONSIBLE OFFICIAL :

H VAN DER STOEP

The meeting adjourned at 11:12