



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

**MINUTES**

<b>DATE:</b>	<b>24 JANUARY 2019</b>
<b>VENUE:</b>	<b>TOWN PLANNING COMMITTEE ROOM HERMANUS</b>
<b>TIME:</b>	<b>10:00</b>

# **OVERSTRAND**

## **MUNICIPAL PLANNING TRIBUNAL**

### **MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE TOWN PLANNING COMMITTEE ROOM, HERMANUS, ON 24 JANUARY 2019, AT 10:00**

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**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






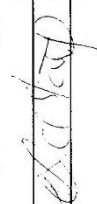

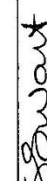
**OFFICIALS:**

Ms H van der Stoep, Senior Town Planner  
Mr H Olivier, Town Planner  
Ms S Swart, Council Support Services

**APOLOGIES:**

Mr R Kuchar, Senior Manager : Town & Spatial  
Planning

**ATTENDANCE REGISTER : MEETING OF MUNICIPAL PLANNING TRIBUNAL : 24 JANUARY 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 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	Apology
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 R Kuchar

**3. CONFIRMATION OF MINUTES****3.1 Minutes of a Municipal Planning Tribunal Meeting held on 29 November 2018****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **29 November 2018, be confirmed.**

#### 4. ITEMS FOR CONSIDERATION

##### 4.1

**ERVEN 1599 AND 2461, COVE CRESCENT (SANDY COVE) AND BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR DEVIATION FROM THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK AND SPATIAL GROWTH STRATEGY, REZONING AND CONSOLIDATION : MESSRS WRAP ON BEHALF OF HERMANUPROP CC**

**1599 & 2461 HSB (3846)**

**H van der Stoep  
9 November 2018**

**(028) 313 8900**

**Hermanus Administration**

#### EXECUTIVE SUMMARY

An application has been received on 10 November 2017 from Messrs WRAP on behalf of Hermanuprop CC applicable to Erven 1599 and 2461, Sandbaai for the following in terms of Sections 10, 16(2)(a) and (e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000) in order to:

- ❖ Deviate from the Overstrand Spatial Development Framework (2006) in order to change the reservation of Erf 2461, Sandbaai from residential purposes to industrial 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 from a densification grading to a local economic industrial opportunity reservation;
- ❖ Rezoning of Erf 2461, Sandbaai from General Residential Zone 1: Town Housing to Industrial Zone I: General Industry; and the
- ❖ Consolidation of Erven 2461 and Erf 1599, Sandbaai.

#### RESOLVED:

1. that the application, in terms of Sections 16(2)(a) and (e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the rezoning of Erf 2461, Sandbaai from General Residential Zone 1: Town Housing to Industrial Zone I: General Industry and the subsequent consolidation thereof with Erf 1599, Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
  - (a) that 2,5m high boundary walls be constructed by the developer on the dimensions as indicated on the revised layout plan (Plan No. 16/076/01), the style of which must be done in collaboration with the Home Owners Association of Sandy Cove – the walls must be maintained by the developer, or its successors in title, whenever necessary;

- (b) that after confirmation of the approvals in 1. above the developer immediately commence with the registration of the consolidation and that building plans for the above boundary walls (at the cost of the developer) be submitted to the Municipality for approval within thirty (30) days after commencement of the registration of the consolidation, and that the boundary walls be constructed within thirty (30) days after approval of the building plans at the cost of the developer;
  - (c) that the area of Erf 2461 at the developer's side may only be utilised as a parking area, and be registered as such against the Title Deed of the consolidated land unit;
  - (d) that no heavy duty vehicles are allowed on the parking area and it may also not be used as a loading zone;
  - (e) that the parking bays be clearly demarcated;
  - (f) that the landscaping and vegetation type at the Sandy Cove sides of the above boundary walls be done in collaboration with and to the satisfaction of the Home Owners Association of Sandy Cove, which landscaping and vegetation are for the cost of the developer – landscaping and vegetation must be commenced with as soon as the boundary walls have been completed;
  - (g) that the conditions of Engineering Services and Telkom be complied with;
  - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
  - (i) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. 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, 2015 with regard to the above decision.

**RECOMMENDATION TO THE COUNCIL :**

that the application to deviate from the Overstrand Spatial Development Framework (2006) in order to change the reservation of Erf 2461, Sandbaai from residential purposes to industrial 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 from a densification grading to a local economic industrial opportunity reservation, **be recommended for approval** by Council in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000).

**RESPONSIBLE OFFICIAL :****H VAN DER STOEP**

## 4.2

**ERF 1638, 2 KUSWEG, SANDBAAI, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR REMOVAL OF RESTRICTION AND SUBDIVISION: MESSRS  
PLAN ACTIVE ON BEHALF OF MV ALCOCK****1638 HSB (3857)****H van der Stoep****19 November 2018****(028) 313 8900****Hermanus Administration**

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**EXECUTIVE SUMMARY**

An application applicable to Erf 1638, Sandbaai has been received on 17 November 2017 from Messrs Plan Active on behalf of MV Alcock 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 conditions 1.2.(a), 1.2.(b), 1.2.(c) and 1.2.(d) as contained in Title Deed T4235/2017 applicable to the above erf in order to subdivide the property into two (2) portions, as well as to be in line with the relevant development rules and primary rights as contained in the Overstrand Zoning Scheme.
- ❖ Subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to subdivide the property into two (2) portions namely Portion A ( $\pm 655\text{m}^2$  in extent) and Portion B ( $\pm 759\text{m}^2$  in extent),

**RESOLVED:**

1. that the application, in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the removal of restrictive title deed conditions 1.2.(a), 1.2.(b), 1.2.(c) and 1.2.(d) as contained in Title Deed T4235/2017 applicable to Erf 1638, Sandbaai in order to subdivide the property into two (2) portions, as well as to be in line with the primary rights and development parameters applicable to single residential properties as set out in the Overstrand Zoning Scheme, **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 By-Law for the subdivision of Erf 1638, Sandbaai into two (2) portions, namely Portion A ( $\pm 655\text{m}^2$  in extent) and Portion B ( $\pm 759\text{m}^2$  in extent), **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in Points 1. and 2. above be subject to the following conditions:



- (a) that this approval is for the subdivision as indicated on Plan No sand1638.drw dated 10/2017 that was submitted with the application;
  - (b) that all the conditions in the Engineering Report and Telkom be complied with;
  - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
  - (d) that the development parameters as prescribed in the relevant Zoning Scheme be applicable to the two (2) land units.
4. that the applicant and the objector be notified of its appeal rights in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approvals.

**RESPONSIBLE OFFICIAL :**

**H VAN DER STOEP**

## 4.3

**ERF 2028, 85 MAIN ROAD, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR REZONING: MESSRS PLAN ACTIVE ON BEHALF OF C  
TAYLOR AND SM SMITH****2028 HON (4004)****H Olivier****(028) 313 8900****Hermanus Administration****5 December 2018**

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**EXECUTIVE SUMMARY**

An application has been received on 21 May 2018 from Messrs Plan Active on behalf of C Taylor and SM Smith on Erf 2028, Onrustrivier in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Land Use Planning, 2015 to rezone the property from Residential Zone I to General Residential Zone I to establish a Sectional Title Town Housing Scheme with fourteen (14) town houses on the property.

**RESOLVED:**

1. that the application, in terms of Section 16(2)(a) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) to rezone Erf 2028, Onrustrivier from Residential Zone I to General Residential Zone I, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that a revised Site Development Plan be submitted providing for only thirteen (13) units, design in such a manner that a functional green open space be provided which can also be used for overflow of parking when required, and all indigenous or other trees to remain on the site must be indicated;
  - (b) that the refuse collection area be constructed to municipal standards;
  - (c) that a minimum of two (2) parking bays per unit, to municipal standards and satisfaction, be provided on site;
  - (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 Architectural Design Guidelines in line with Zoning Scheme parameters be submitted for the development to address the style of the houses that will be constructed and also address future possible extensions, to the satisfaction of the Building Control department;

- (g) that all the conditions of Telkom be complied with;
  - (h) that the developer must provide fire hydrants at 180m apart linear to street layout so that no structure is further than 90m away from any hydrant in compliance with Section 4.35.4 of the National Fire Protection Regulations SANS 10400 T : 2011;
  - (i) that a body corporate be established with compulsory membership for all property owners within the development, and that this body assures responsibility (including costs) for the provision, maintenance, management, etc. of all internal facilities and services;
  - (j) that all the conditions imposed by Eskom be complied with;
  - (k) that the Constitution of the Body Corporate 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 for the provision/maintenance of internal services/facilities would be transferred from the land owner/developer to the Body Corporate, and also what the standard of completion of such internal services/facilities would be at that time; and
  - (l) that internal services and facilities in the development remains the responsibility of the developer, his successor in title or the Body Corporate.
2. 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, 2015 with regard to the above conditions of approval; and
3. that the late objectors be informed of the decision for their information.

**RESPONSIBLE OFFICIAL :**

**H OLIVIER**

## 4.4

**ERF 4655, 26 YELLOWWOOD ROAD, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: MESSRS CREATIVE PROFILE ON BEHALF OF CLATCO PROPERTY INVESTMENTS CC**

**4655 HON (4141)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**18 December 2018**

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**EXECUTIVE SUMMARY**

An application has been received on 14 August 2018 from Messrs Creative Profile on behalf of Clatco Property Investments CC on Erf 4655, Onrustrivier in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for a consent use to operate as a five (5) bedroom guest house on the property concerned.

**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 4655, Onrustrivier for a consent use to operate as a five (5) bedroom guest house on the property concerned, **be approved** in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
  - (a) that the approval be limited to only the five (5) guestrooms as indicated on the Site Development Plan, submitted with the application;
  - (b) that a 1,8m high boundary wall be constructed on the eastern boundary and western boundary to ensure that the privacy of the owners of Erven 4656 and 4654 is protected;
  - (c) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guest house;
  - (d) that commercial 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 the accommodation facility be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
  - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (i) that building plans should be submitted to the Building Department for approval;
  - (j) that all the conditions in the Services Report be complied with;
  - (k) that all the conditions imposed by Telkom be complied with;
  - (l) that all the conditions imposed by Eskom be complied with; and
  - (m) that all conditions imposed by the Fire Department 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 decision.

**RESPONSIBLE OFFICIAL :**

**H OLIVIER**

**The meeting adjourned at 10:40**