



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

MINUTES

DATE:	23 JANUARY 2020
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 23 JANUARY 2020, AT 10:00

PRESENT:

MEMBERS:

Mr S Müller, Director : Infrastructure & Planning
Mr R Williams, Director : Community Services
Ms D Arrison, Director : Management Services
Ms H Janser, Directorate Development
Management









OFFICIALS:

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

APOLOGIES:

Mr S Madikane, Director : LED

ATTENDANCE REGISTER : MEETING OF MUNICIPAL PLANNING TRIBUNAL : 23 JANUARY 2020 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	Apology
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	rkuchar@overstrand.gov.za	
S VAN DER MERWE	SR TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8938	svandermw@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	petrus.proux@overstrand.gov.za	
H OLIVIER	TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8900	hollivier@overstrand.gov.za	
S SWART	COUNCIL SUPPORT	OVERSTRAND MUNICIPALITY	028 313 8006	sswari@overstrand.gov.za	

1. OPENING

The Chairperson, Mr S Müller, opened the meeting and welcomed those present.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Mr S Madikane

3. CONFIRMATION OF MINUTES**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 28 November 2019****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **28 November 2019, be confirmed.**

4. ITEMS FOR CONSIDERATION

4.1

**ERF 869, 6 ROSS STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR CONSENT USE: MESSRS WRAP CONSULTANCY ON
BEHALF OF "DIE TRUSTEES INTERTYD VAN DIE ML SWART FAMILIETRUST"**

869 GFK (3155)

SW van der Merwe

(028) 313 8900

Hermanus Administration

16 October 2019

EXECUTIVE SUMMARY

An application has been received in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 from Messrs WRAP Consultancy on behalf of "Die Trustees intertyd van die ML Swart Familietrust", applicable to Erf 869, Franskraal for consent use to conduct a guesthouse with five (5) lettable rooms.

RESOLVED:

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 from Messrs WRAP Consultancy on behalf of "Die Trustees intertyd van die ML Swart Familietrust", applicable to Erf 869, Franskraal for consent use to conduct a guesthouse with five (5) lettable rooms, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the facilities be utilised as a guesthouse only (no self-catering will be permitted);
 - (b) that this approval only relates to the proposed Site Development Plan and parking layout;
 - (c) that building plans be submitted to the Building Department for approval and that all conditions of the Building and the Fire Departments be complied with at that stage;
 - (d) that the guesthouse be restricted to a maximum of five (5) lettable bedrooms;
 - (e) that the owner/manager resides on the premises and be responsible for the proper management of the guest house;
 - (f) that a single non-illuminated sign that complies with the Municipal By-Law on signage may be displayed on each property;

- (g) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
 - (h) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (i) that a minimum of one (1) permanently demarcated parking bay per guestroom and two (2) for the owner/manager be provided within the erf boundaries;
 - (j) that the applicable tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (k) 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;
 - (l) that the guesthouse be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (m) that all the conditions in the Services Report be complied with;
 - (n) that all conditions imposed by the Fire Department Telkom and District Health be complied with;
 - (o) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and
 - (p) that all other 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 conditions of approval.”

REASONS FOR RESOLUTION:

- ❖ The proposed guesthouse will have a minimal impact on the surrounding area.
- ❖ The diversification of uses on the property will positively contribute to job creation, economic growth and tourism.
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ The proposal is compliant with the spatial policies contained in the SDF and IDF.

- ❖ The proposal is consistent with the planning principles in terms of SPLUMA and LUPA.
- ❖ The proposal is consistent with the municipal policy pertaining to accommodation establishments.

RESPONSIBLE OFFICIAL:

SW VAN DER MERWE

4.2**UNREGISTERED ERF 9901 AND ERF 3517, ELEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CLOSURE OF PUBLIC OPEN PLACE, REZONING, DEPARTURE AND CONSOLIDATION: C HEYS ON BEHALF OF "DIE BERGRANT TRUST"**

**Unregistered Erf 9901 &
Erf 3517 HVK (2909/2019)
P Roux
7 October 2019**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 9 November 2018 from C Heys on behalf of "Die Bergrant Trust" on Erf 9901, Hermanus for the following:

- ❖ closure of unregistered Erf 9901, Hermanus in terms of Section 16(2)(n) of the Overstrand By-Law on Municipal Land Use Planning, 2015 (By-Law);
- ❖ rezoning of unregistered Erf 9901, Hermanus from Open Space Zone 2: Public Open Space to Residential Zone 1: Single Residential in terms of Section 16(2)(a) of the By-Law;
- ❖ consolidation of unregistered Erf 9901, Hermanus and Erf 3517, Hermanus in terms of Section 16(2)(e) of the By-Law; and
- ❖ relaxation of the 3m building line as decided by the Section 62 Appeal Committee on 11 December 2002 and to register a 12,58m servitude, instead of a 15,58m servitude, from the new southern boundary of the consolidated property.

RESOLVED:

1. that the objection be dismissed;
2. that the application received on unregistered Erf 9901 and Erf 3517, Hermanus in terms of the Overstrand Municipal Land Use Planning By-Law, 2015 (By-Law) for the following:
 - ❖ the closure of Open Space Zone 2 : Public Open Space on unregistered Erf 9901, Hermanus in terms of Section 16(2)(n) of the By-law;
 - ❖ the rezoning of unregistered Erf 9901, Hermanus from Open Space Zone 2: Public Open Space to Residential Zone 1: Single Residential in terms of Section 16(2)(a) of the By-Law;
 - ❖ the consolidation of unregistered Erf 9901, Hermanus and Erf 3517, Hermanus in terms of Section 16(2)(e) of the By-Law; and
 - ❖ the relaxation from the 3,0m building line, as decided by the Section 62 Appeal Committee on 11 December 2002, to 0m from the original erf boundary and to register a 12,58m servitude, instead of a 15,58m servitude, from the new southern boundary of the consolidated property;

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 the Consolidation Plan *Project No 3596-P* dated 24/10/2018 as submitted with the application;
 - (b) that land surveyor diagrams be submitted to the Municipality indicating the erf numbers and property details to the satisfaction of the Senior Manager: Town and Spatial Planning;
 - (c) that a 12,58m servitude be registered from the new southern boundary of the consolidated property which restricts the use of servitude area for gardening purposes;
 - (d) that building plans should be submitted to the Building Department for approval, prior to the development of the property;
 - (e) that all the conditions in the Services Report be complied with;
 - (f) that all the conditions imposed by Telkom be complied with; and
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
3. that the applicant and objector 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 objections received were adequately addressed by the applicant.
- ❖ The statements in the objection failed to provide substantial information on why the land use applicant cannot be considered desirable.
- ❖ The proposed application has limited impact on the rights of the surrounding property owners.
- ❖ The proposed application is an extension of the Council's decision taken in 2002.
- ❖ The proposed servitude on Erf 9901 will create a buffer area between the development on Erf 3517 and Fernkloof Nature Reserve.
- ❖ The consolidated property will be used in line with Residential Zone 1 parameters.
- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ The proposal is compliant with the spatial policies contained in the SDF.
- ❖ The proposal is constant with the spatial principles as set out in SPLUMA and LUPA.

RESPONSIBLE OFFICIAL:

P ROUX

4.3

ERF 523, CORNER OF R43 & R326, STANFORD: PROPOSED CONSENT USE AND DEPARTURE: MESSRS WARREN PETTERSON TOWN- AND REGIONAL PLANNING CONSULTANTS ON BEHALF OF OVERBERG AGRI BEDRYWE (PTY) LTD

523 SSS (4145)

P Roux

19 November 2019

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

Applications were received on 20 November 2018 from Messrs Warren Petterson Town and Regional Planning Consultants (WPP) on behalf of Overberg AGRI Bedrywe (Pty) Ltd, applicable to Erf 523, Stanford for the following:

- ❖ application in terms of Section 16(2)(o) for a consent use in order to erect a transmission tower on the above property;
- ❖ application in terms of Section 16(2)(b) for a departure to exceed the applicable 10,5m height restriction in order to accommodate the proposed 25m high transmission tower; and
- ❖ application in terms of Section 16(2)(b) for a departure in order to encroach the height restriction applicable to boundary enclosures from 2,1m to 2,4m to erect a palisade fence.

RESOLVED:

1. that the objections be noted;
2. that the applications submitted by Messrs Warren Petterson Planning Town- and Regional Planning Consultants on behalf of Overberg Agri Bedrywe (Pty) Ltd applicable to Erf 523, Stanford for the following:
 - application in terms of Section 16(2)(o) for a consent use in order to erect a transmission tower on the above property;
 - application in terms of Section 16(2)(b) for a departure to exceed the applicable 10,5m height restriction in order to accommodate the proposed 25m high transmission tower; and
 - application in terms of Section 16(2)(b) for a departure in order to encroach the height restriction applicable to boundary enclosures from 2,1m to 2,4m to erect a palisade fence,

not be approved in terms of the provisions of Section 61 of the By-Law; and

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

REASONS FOR RESOLUTION:

- ❖ The applicant failed to provide substantive evidence (area specific statistics) pertaining to the need of the proposed telecommunication apparatus.
- ❖ The applicant failed to consider the existing telecommunication tower which is situated in Stanford and the fact that it is open for co-location.
- ❖ The VIA makes reference to the fact that Stanford Village is a Heritage Area. However, the VIA provides an ineffective mitigation measure to limit the visual impact of the proposed mast on the character of the town i.e. disguising the mast as tree. The proposal of a tree mast on a site/property with no trees on it is not site specific mitigation measure. The proposal of a tree mast on a site/property with no trees on it is a misguided mitigation measure and not site specific. The proposed tree mast would have worked in an area with dense foliage and trees, such as the Hermanus Golf Course, but in this case the subject property does not lend itself to the proposed mitigation measure.
- ❖ The R43 and R326 are identified as scenic links in the Overstrand Spatial Development Framework, 2006 and the Growth Management Strategy, 2010. The R43 and R326 joins Stanford to other tourist destinations, on which residents and tourist travel each day and the proposed 25m high telecommunication tower disguised as a tree will have a visual impact on this routes. Therefore the over cluttering the skyline should therefore be avoided.

RESPONSIBLE OFFICIAL:**P ROUX****The meeting adjourned at 10:45**