



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

MINUTES

DATE:	30 JANUARY 2025
VENUE:	VIRTUAL
TIME:	10:00

OVERSTRAND
MUNICIPAL PLANNING TRIBUNAL
MINUTES OF A MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL,
HELD VIRTUALLY ON
30 JANUARY 2025 AT 10:00

PRESENT:

MEMBERS:

Ms H Janser, Directorate Development
Management

Mr H Blignaut, Principal Engineer : Civil
Infrastructure Planning

Ms R Louw, Divisional Manager : Strategic Support
Services

OFFICIALS:

Mr R Kuchar, Divisional Manager : Town & Spatial
Planning

Mr S van der Merwe, Senior Town Planner

Ms S Swart, Senior Committee Officer

APOLOGIES:

Mr S Müller, Chief Engineer : Infrastructure
Services

MUNICIPAL PLANNING TRIBUNAL

ATTENDANCE REGISTER

Date: 30 JANUARY 2025

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	Present
S MÜLLER	VICE-CHAIRPERSON OVERSTRAND MUNICIPALITY	Apology
H BLIGNAUT	MPT MEMBER OVERSTRAND MUNICIPALITY	Present
R LOUW	MPT MEMBER OVERSTRAND MUNICIPALITY	Present
R KUCHAR	AUTHORISED OFFICIAL OVERSTRAND MUNICIPALITY	Present
S VAN DER MERWE	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	Present
H VAN DER STOEP	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	
P ROUX	TOWN PLANNER OVERSTRAND MUNICIPALITY	
H OLIVIER	TOWN PLANNER OVERSTRAND MUNICIPALITY	
B MINNAAR	TOWN PLANNER OVERSTRAND MUNICIPALITY	
S SWART	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	Swart

1. OPENING

The Chairperson opened the meeting and welcomed those present.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Mr S Müller

RESOLVED:

that the above application for leave of absence **be approved.**

3. CONFIRMATION OF MINUTES**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 28 November 2024****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **28 November 2024, be approved.**

4. ITEMS FOR CONSIDERATION

4.1

ERF 1029, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE, RELAXATION OF THE TITLE DEED STREET BUILDING LINE AND DETERMINATION OF ADMINISTRATIVE PENALTY: FVS TOWN AND REGIONAL PLANNERS ON BEHALF OF W & R VALENTE

1029 KPRB (4112/2022)

H van der Stoep

(028) 313 8900

Hermanus Administration

11 November 2024

EXECUTIVE SUMMARY

An application was received on 11 April 2022 from FVS Town and Regional Planners on behalf of W & R Valente on Erf 1029, Pringle Bay in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:
 - to relax the lateral building line from 2m to 0m to accommodate an existing carport;
 - to relax the lateral building line from 2m to 0m to permit a change of use from garage to staff quarters, and
 - to relax the rear building line from 2m to 0,5m to permit a change of use from garage to staff quarters.
- ❖ **Departure** in terms of Section 16.1.1.(c)(iii) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to exceed the 9m length or one third restriction of buildings over the building lines to a total length of 11,34m to accommodate a carport and staff quarters.
- ❖ **Relaxation** of Clause 6.(b)(i) of Title Deed No. T51882/2021 to relax the following building lines:
 - to relax the lateral building line from 1,5m to 0m to accommodate an existing carport, and
 - to relax the lateral building line from 1,5m to 0m to permit a change of use from garage to staff quarters.
- ❖ **Determination of an administrative penalty** in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the unauthorised transgressions as stipulated above.

RESOLVED:

1. that the objection **be noted**;
2. that the application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1029, Pringle Bay for the relaxation of restrictive title deed condition Clause 6.(b)(i) of Title Deed No. T51882/2021 to relax the following building lines:
 - to relax the lateral building line from 1,5m to 0m to accommodate an existing carport;
 - to relax the lateral building line from 1,5m to 0m to accommodate a garage or storeroom;

be approved, in terms of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure on Erf 1029, Pringle Bay for the following:
 - to relax the lateral building line from 2m to 0m to accommodate an existing carport;

be approved, in terms of Section 61 of the By-Law;
4. that the application in terms of Section 16(1)(1)(c)(iii) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1029, Pringle Bay for a departure to exceed the 9m length or one third restriction of buildings over the building lines to a total length of 11,34m to accommodate a carport and garage/storeroom, **be approved**, in terms of Section 61 of the By-Law;
5. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure on Erf 1029, Pringle Bay for the following:
 - to relax the rear building line from 2m to 0,5m to permit a change of use from garage to staff quarters

not be approved in terms of Section 61 of the By-Law
6. that the approvals in Points 2 - 4 above be subject to the following conditions:
 - (a) that the carport be lowered to the 3,5m height restrictions as per the Land Use Scheme;

- (b) that the staff quarters be changed to a garage or a storeroom within 90 (ninety) days from date of final decision;
 - (c) that the approval for the departure is only for the development over the building lines as indicated on plans numbers 2022/30 (1-3) dated November 2022, submitted with the application;
 - (d) that **revised** building plans reflecting Conditions (a) and (b) 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;
 - (e) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with; and
 - (g) that this approval does not absolve the applicant from compliance with any other relevant legislation.
7. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 1029, Pringle Bay to accommodate the unauthorised transgressions as stipulated above, **be imposed**, and that an administration penalty fee of **R7 372,13** be payable within ninety (90) days of the final decision.
8. that the applicant and objector be notified of their right of appeal (*against Paragraphs 2 – 6 above*) in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decision.

REASONS FOR THE RESOLUTION:

- The proposed application for the carport fits in with the character of the surrounding area and is desirable in terms of use, not height.
- There will be no impact on services.
- The proposal for the carport will have no negative impact on the environment.
- Garages or carports are allowed on the 0m lateral and rear building lines with the neighbour's consent, which the owner obtained.
- The 5% penalty takes into consideration that the owners immediately appointed a consultant to address the illegal structure and use.
- The condition restricting the height of the carport to 3,5m was imposed as the application did not address the need for a carport with a height of 6,010m.
- The request to waive the administrative penalty cannot be accommodated, since the buyer remains responsible for any structures on the property and accepted liability in this regard.

- The buyers also replaced the roof of the illegal structure in 2022, which they knew was not on an approved building plan.
- The proposed staff quarter is in close proximity of the neighbouring erven, which can create privacy issues.
- Staff quarters or dwelling units are not considered desirable on the 0m building line on single residential properties.
- There is sufficient space on the property within the building lines to construct staff quarters.

The meeting adjourned at 10:31