



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

**MINUTES**

|               |  |
|---------------|--|
| <b>DATE:</b>  | <b>27 JULY 2017</b>                                  |
| <b>VENUE:</b> | <b>TOWN PLANNING COMMITTEE<br/>ROOM<br/>HERMANUS</b> |
| <b>TIME:</b>  | <b>14:00</b>   |

# **OVERSTRAND**

## **MUNICIPAL PLANNING TRIBUNAL**

### **MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE TOWN PLANNING COMMITTEE ROOM, HERMANUS, ON 27 JULY 2017, AT 14:00**

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**PRESENT:**

**MEMBERS:**

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

**OFFICIALS:**

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

**APOLOGIES:**

Mr C Groenewald, Municipal Manager  
Mr S Madikane, Director : LED

ATTENDANCE REGISTER : MEETING OF MUNICIPAL PLANNING TRIBUNAL : 27 JULY 2017 AT 14:00

| NAME            | DESIGNATION         | ORGANISATION            | TEL. NO.     | E-MAIL ADDRESS                   | SIGNATURE |
|-----------------|---------------------|-------------------------|--------------|----------------------------------|-----------|
| C GROENEWALD    | CHAIRPERSON         | OVERSTRAND MUNICIPALITY | 028 313 8003 | cgroenewald@overstrand.gov.za    | Apology   |
| 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      | Apology   |
| R WILLIAMS      | MPT MEMBER          | OVERSTRAND MUNICIPALITY | 028 313 8029 | rwilliams@overstrand.gov.za      |           |
| R KUCHAR        | AUTHORISED OFFICIAL | OVERSTRAND MUNICIPALITY | 028 313 8087 | rkuchar@overstrand.gov.za        |           |
| H JANSER        | MPT MEMBER          | DIR: DEV MANAGEMENT     | 021 483 3544 | 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 | hvandersloep@overstrand.gov.za   |           |
| PETRUS ROUX     | TOWN PLANNER        | OVERSTRAND MUNICIPALITY | 283 138 900  | proux@overstrand.gov.za          |           |
| S SWART         | COUNCIL SUPPORT     | OVERSTRAND MUNICIPALITY | 028 313 8006 | sswart@overstrand.gov.za         |           |
| H. Olivier      | Town Planner        | "                       | 028338900    | heliwe@overstrand.gov.za         |           |

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**1. OPENING**

The Acting Chairperson, Mr S Müller, welcomed those present.

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

Mr C Groenewald  
Mr S Madikane

**RESOLVED:**

that the above-mentioned leave of absence **be granted**.

**3. CONFIRMATION OF MINUTES****3.1 Minutes of a Municipal Planning Tribunal Meeting held on 28 June 2017****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **28 June 2017, be confirmed**.

#### 4. ITEMS FOR CONSIDERATION

##### 4.1 ERF 4622, 14 BEACH ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : MESSRS ARCHT-CO ON BEHALF OF DEMUS INVESTMENTS (PTY) LTD

#### EXECUTIVE SUMMARY

Applications have been received on 28 September 2017 from Messrs Archt-Co (Mr. J van Wyk) on Erf 4266, Kleinmond 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, 2016 with reference to Clauses 11 and 12 of Annexure A of Title Deed T1846/2016 applicable to Erf 4622, Kleinmond in order to relax the street building line from 3,15m to 2m to accommodate a proposed enclosed stoep.

The restrictive title conditions Annexure A, Clauses 11 and 12 reads as follows:

*“11. All buildings to be erected on the land herein sold shall stand back at least 3,15m meters from the line of the street or avenue on which the lot or lots herein mentioned may front.*

*12. That all outbuildings to be erected on the land herein sold shall stand back at least 9,45 meters from any street or 6,30 meters from any avenue on which the lot or lots herein mentioned may front.”*

- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the street building line with Beach Road from 4m to 2m to accommodate a proposed enclosed stoep and a departure from the 2m lateral boundary to 0,97m to accommodate an enclosed braai.

#### RESOLVED:

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 4622, Kleinmond for the removal of restrictive conditions Clauses 11 and 12 of Annexure A of Title Deed T1846/2016 to accommodate renovations, be approved in terms of the provisions of Section 61 of the By-Law;

2. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 4622, Kleinmond to relax the street building line with Beach Road from 4m to 2m to accommodate a proposed enclosed stoep and a departure from the 2m lateral boundary to 0,97m to accommodate an enclosed braai, be approved in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in Points 1. and 2. be subject to the following conditions:
  - (a) that this approval is only for the departure of the street building line indicated on Plan Numbers DEMUS INVEST-ERF 4622 (1, 2, 3 and 4) dated 20 September 2016 submitted with the application;
  - (b) 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;
  - (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, and
  - (e) that all the conditions in the Services Report be complied with.
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, 2016 with regard to the above conditions of approval.

**RESPONSIBLE OFFICIAL :**

**H VAN DER STOEP**

**4.2 ERF 131, 13 LINK ROAD, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA  
: PROPOSED CONSENT USE : MESSRS WRAP ON BEHALF OF THE  
RENDEZVOUS TRUST 2**

**EXECUTIVE SUMMARY**

An application has been received on Erf 131, Fisherhaven for a consent use for a five (5) bedroom guesthouse in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016.

**RESOLVED:**

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 (the By-Law) on Erf 131, Fisherhaven for a consent use to operate a five (5) bedroom guesthouse, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that the facility be utilized as a guesthouse only;
  - (b) that the approval be acted on within three (3) years of the date of approval, if not, the approval will lapse;
  - (c) that the guesthouse only be utilized in line with the site development plan submitted with this application;
  - (d) that the illegal garage constructed over the lateral building line be demolished;
  - (e) that a maximum of five (5) bedrooms to be let, be permitted;
  - (f) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the guesthouse;
  - (g) that the guesthouse is utilized as such – no self-catering will be permitted;
  - (h) 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;
  - (i) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary Liquor Licence;
  - (j) that a maximum of one (1) permanently demarcated parking bay per guestroom and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Authorised Official;
  - (k) 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;
  - (l) 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;

- (m) that a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises, and that the existing flag pole be removed;
  - (n) 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;
  - (o) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
  - (p) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (q) that should any building alterations be required building plans should be submitted to the Building Department for approval;
  - (r) that all the conditions in the Services Report be complied with;
  - (s) that all conditions imposed by the Fire Department, be complied with;
  - (t) that no kitchen facilities and or prep bowls be allowed in the guestrooms, and
  - (u) that all the conditions by Telkom be complied with.
2. 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, 2016 with regard to the above conditions of approval.

**RESPONSIBLE OFFICIAL :**

**H OLIVIER**

**The meeting adjourned at 14:02**