



MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

MINUTES

DATE:	1 AUGUST 2019
VENUE:	TOWN PLANNING COMMITTEE ROOM HERMANUS
TIME:	12:00

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE TOWN PLANNING COMMITTEE ROOM, HERMANUS, ON 1 AUGUST 2019, AT 12:00

PRESENT:

MEMBERS:

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










OFFICIALS:

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

APOLOGIES:

None

ATTENDANCE REGISTER : MEETING OF MUNICIPAL PLANNING TRIBUNAL : 1 AUGUST 2019 AT 12:00

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 KUCHAR	AUTHORISED OFFICIAL	OVERSTRAND MUNICIPALITY	028 313 8087	rkuchar@overstrand.gov.za	
S VAN DER MERWE	SR TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8938	svandermewe@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	petrusroux@overstrand.gov.za	
H OLIVIER	TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8006	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

None

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

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

3.2 Minutes of a Municipal Planning Tribunal Meeting held on 30 May 2019**RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **30 May 2019, be confirmed.**

3.3 Minutes of a Special Municipal Planning Tribunal Meeting held 3 July 2019**RESOLVED:**

that the Minutes of the Special Municipal Planning Tribunal Meeting held on **3 July 2019, be confirmed.**

4. ITEMS FOR CONSIDERATION**4.1 ERF 434, 15 PEAK ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: H BAANEN****EXECUTIVE SUMMARY**

An application was received on 2 May 2018 from Mr H Baanen on Erf 434, Pringle Bay for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to accommodate three (3) proposed flats on the ground floor of the existing building.

The application was complete on 15 October 2018.

RESOLVED:

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 434, Pringle Bay for a consent use in order to accommodate three (3) proposed flats on the ground floor of the existing building, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval be restricted to only three (3) flats and a shop on ground floor level, as indicated on Plan Numbers BHTP-cncl-3, BHTP-cncl-4 and BHTP-cncl-5 dated 23 April 2018;
 - (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 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;
 - (d) that the approvals do not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (f) that all the conditions in the Services Report be complied with;
 - (g) that all conditions imposed by the Fire Department be complied with;
and

- (h) that the approval only be valid for seven (7) years with an option to re-apply for the same rights.
2. that the applicant and objector 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.

REASONS FOR RECOMMENDATION

- ❖ The application is for a consent use and can easily be reverted back to shop or office space.
- ❖ None of the internal departments have any technical objections.
- ❖ It is in line with policy documents.
- ❖ Is not regarded as being undesirable from a town planning point of view.
- ❖ The zoning remains intact.
- ❖ Provide different housing typologies for a diverse generation.

RESPONSIBLE OFFICIAL :**H VAN DER STOEP**

4.2 ERF 135, 8 GEELBEK STREET, VAN DYKSBAAI, OVERSTRAND MUNICIPAL AREA: REMOVAL OF RESTRICTIVE CONDITIONS AND REZONING: ME PLANNERS ON BEHALF OF M BEUKES

EXECUTIVE SUMMARY

An application was received on 1 December 2017 from Messrs ME Planners on behalf of M Beukes for the following:

- ❖ Removal of restrictive title conditions with reference to clauses C.(e), C.(g)(i) & (ii) and C.(j) of Title Deed T380/1982 applicable to Erf 135, Van Dyksbaai in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to develop a guesthouse on the property.

The restrictive conditions contained in Title Deed T380/1982 to be removed, read as follows:

“C.(e) Geen gebou op hierdie erf mag gebruik word of van gebruik verander word vir ‘n ander doel as wat volgens hierdie voorwaardes toegelaat word nie.

C.(g) geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings, mag behalwe met die toestemming van die Administrateur nader as 5 meter van die straatlyn wat ‘n grens van hierdie erf uitmaak, asook nie binne 3 meter van die agtergrens of 1,5 meter van die sygrens gemeen aan enige aangrensende erf opgerig word nie, met dien verstande dat met die toestemming van die plaaslike owerheid:-

- (i) ‘n buitegebou wat uitsluitend vir die stalling van motorvoertuie gebruik word en hoogstens 3 meter hoog is, gemeet van die vloer van die buitegebou tot by die muurplaat daarvan, binne sodanige sy- en agterruimtes opgegrig mag word, en enige ander buitegebou van dieselfde hoogte binne die agterruimte en syruimte opgerig mag word vir ‘n afstand van 12 meter gemeet van die agtergrens van die erf, met dien verstande dat in geval van ‘n hoekerf die afstand van 12 meter gemeet moet word van die punt wat die verste is van die strate wat die erf begrens;*
- (ii) ‘n buitegebou ingevolge subparagraaf (2) slegs nader aan ‘n sygrens of agtergrens van ‘n perseel as die afstand hierbo voorgeskryf opgerig mag word indien geen vensters of deure en enige muur, wat op sodanige grens front, aangebring word nie.*

C.(j) Geen gebou vir bewoning deur mense mag op hierdie erf opgerig word nie, tensy voorsiening bogronds gemaak word vir die opgaar van minstens 7500 liters reënwater."

- ❖ Rezoning in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 from Residential Zone 1: Single Residential (SR1) to Business Zone 3: Local Business in order to establish an eight (8) bedroom guesthouse.
- ❖ Consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015 in order to establish an eight (8) bedroom guesthouse.
- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015 to relax the western lateral building line from 3m to 0m to accommodate the conversion of the existing outbuilding to a garage/laundry room as well as the encroachment of the eastern lateral building line from 3m to 1,5m in order to accommodate the existing dwelling.

RESOLVED:

1. that the objections be noted;
2. that the application, in terms of Section 16(2)(f) of the Overstrand Municipal Land Use Planning By-Law, 2015 for the removal of restrictive conditions C.(e), C.(g)(i) & (ii) and C.(j) of Title Deed T380/1982 applicable to Erf 135, Van Dyksbaai in order to develop a guesthouse on the property, **be approved**;
3. that the application, in terms of Section 16(2)(a) of the above By-Law for the rezoning of Erf 135, Van Dyksbaai from Residential Zone 1: Single Residential (SR1) to Business Zone 3: Local Business (B3), Bulk Zone 2 in order to develop a guesthouse on the property, **be approved**;
4. that the Consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2015 in order to establish an eight (8) bedroom guesthouse, **be approved**;
5. that the application in terms of Section 16(2)(b) of the above By-Law to relax the western lateral building line from 3m to 0m to accommodate the conversion of the existing outbuilding to a garage/laundry room as well as the encroachment of the eastern lateral building line from 3m to 1,5m in order to accommodate the existing dwelling, **be approved**;

6. that the approvals in paragraphs 2, 3, 4 and 5 above be subject to the following conditions:
- (a) that the development be restricted to a guesthouse – no self-catering;
 - (b) that the departure approval of the 3m eastern lateral building line be restricted to the ground floor only;
 - (c) that a revised Site Development Plan be submitted indicating that the eastern first floor elevation be set back to comply with the applicable 3m lateral building line;
 - (d) 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;
 - (e) that a maximum of **eight (8)** bedrooms to be let, be permitted on Erf 135, Van Dyksbaai;
 - (f) that the owner/manager resides on the premises and be responsible for the proper management of the guesthouse;
 - (g) that the display of signage shall comply with the Municipal By-Law Relating to Outdoor Advertising and Signage;
 - (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 be subject to a valid liquor license;
 - (j) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (k) that the guesthouse 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 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 maximum of one (1) permanently demarcated parking bay per guestroom and two (2) for the owner/manager be provided within the erf boundaries in accordance with the approved policy regulations;
 - (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 all the conditions in the Services Report be complied with;
 - (p) that the requirements of Health, Fire Services and Telkom be adhered to;
 - (q) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (r) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
7. 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 decisions and conditions of approval.

REASONS FOR RECOMMENDATION OF APPROVAL

- ❖ The application is consistent with applicable forward planning and policy documents.
- ❖ The application is consistent with the planning principles.
- ❖ The proposed development will not adversely impact upon the character of the area, or amenity of adjoining properties.
- ❖ The proposed development is desirable.
- ❖ The proposal will contribute to the promotion of tourism, economic development, including employment opportunities.
- ❖ The application has followed due procedure.
- ❖ None of the internal or external departments have any objection.
- ❖ It will not impact negatively upon municipal services.
- ❖ The application did not include the encroachment of the eastern lateral building line to 1,5m at first floor level.

RESPONSIBLE OFFICIAL :**S VAN DER MERWE**

4.3 PORTION 7 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213 AND REMAINDER OF FARM 229, BREDASDORP DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND CONSOLIDATION: MESSRS TOWN & COUNTRY CREATIVE LAND SOLUTIONS ON BEHALF OF EARTHWORKS INV 7 CC

EXECUTIVE SUMMARY

An application was received on 25 May 2017 from Messrs Town & Country Creative Land Solutions on behalf of Earthworks Inv 7 CC in terms of the Overstrand Municipal Land Use Planning By-Law, 2015 for the following:

- subdivision in terms of Section 16(2)(d) of Portion 7 of the Farm Baardscheerders Bosch No. 213 into two (2) portions, namely a Remainder (± 46 ha) and Portion A (± 94 ha), and
- consolidation in terms of Section 16(2)(e) of Portion A with the Remainder of Farm 229.

RESOLVED:

1. that the application, in terms of Section 16(2)(d) and (e) of the Overstrand Municipal Land Use Planning By-Law, 2015 for the subdivision of Portion 7 of the Farm Baardscheerders Bosch No. 213 into a Remainder (± 46 ha) and Portion A (± 94 ha), and the subsequent consolidation of Portion A with the Remainder of Farm 229, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the consolidation of Portion A with Farm 229 be registered simultaneously with the registration of the subdivision of Portion 7 of the Farm Baardscheerders Bosch No. 213;
 - (b) that the applicable development parameters in terms of the Scheme Regulations be adhered to;
 - (c) that all the conditions contained in the Service Report, Eskom and Telkom be complied with;
 - (d) that it is the owner's/applicant's responsibility to register the approved subdivision within five (5) years from the date of approval; and
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation.

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 RECOMMENDATION

- ❖ The application complies with the planning principles as set out in SPLUMA and LUPA.
- ❖ The application complies with the Zoning Scheme Regulations and other policies.
- ❖ No objections were received from internal departments or adjoining property owners.
- ❖ The character of the area will not be affected.
- ❖ The divisional road forms a natural subdivision line.
- ❖ Consolidation of Portion A with Farm 229 will improve the viability of the latter.
- ❖ Portion A had been farmed for a number of years together with Farm 229.
- ❖ The applicant submitted a Business Plan demonstrating that the remainder will form a viable entity.

RESPONSIBLE OFFICIAL :**S VAN DER MERWE****The meeting adjourned at 12:40**