



**MEETING OF A SPECIAL
MUNICIPAL PLANNING TRIBUNAL
(MPT)**

MINUTES

DATE:	3 JULY 2019
VENUE:	TOWN PLANNING COMMITTEE ROOM HERMANUS
TIME:	10:00

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

MINUTES OF A SPECIAL MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE TOWN PLANNING COMMITTEE ROOM, HERMANUS, ON 3 JULY 2019, AT 10:00

PRESENT:

MEMBERS:

Mr S Müller, Director : Infrastructure & Planning
Mr D Lakey, Acting Director : Community Services
Ms R Louw, Acting Director : Management
Services
Ms H Janser, Directorate Development
Management







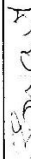
OFFICIALS:

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

APOLOGIES:

Mr R Williams, Director : Community Services
Ms D Arrison, Director : Management Services
Mr S Madikane, Director : Economic Development

ATTENDANCE REGISTER : SPECIAL MEETING OF MUNICIPAL PLANNING TRIBUNAL : 3 JULY 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	Apology
D ARRISON	MPT MEMBER	OVERSTRAND MUNICIPALITY	028 313 8004	darrison@overstrand.gov.za	pp. 
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	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	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

Ms D Arrison, Director : Management Services (Repr by Ms R Louw)
Mr R Williams, Director : Community Services (Repr by Ms D Lakey)
Mr S Madikane, Director : Economic Development

RESOLVED:

that the above-mentioned leaves of absence **be approved.**

3. ITEMS FOR CONSIDERATION

3.1

FARM NO. 357, DIVISION BREDASDORP, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE, DEPARTURE AND AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN AND CONDITIONS OF APPROVAL: MESSRS ELCO PROPERTY DEVELOPMENTS ON BEHALF OF VIKING FISHING COMPANY (PTY) LTD

Farm 357 GRBRE (3184)

SW van der Merwe

(028) 313 8900

Hermanus Administration

24 June 2019

EXECUTIVE SUMMARY

To consider an application received on 11 July 2018 from Messrs Elco Property Developments on behalf of Viking Fishing Company (Pty) Ltd, the owner of Farm No. 357, Division Bredasdorp in terms of the provisions of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the following:

- ❖ application for consent use (utility services) in terms of Section 16(2)(o) of the By-Law to accommodate two (2) wind turbines and associated structures on the property;
- ❖ application for departure in terms of Section 16(2)(b) of the By-Law in order to encroach the 30m building line to 26,8m to accommodate a wind turbine;
- ❖ application for departure in terms of Section 16(2)(b) of the By-Law in order to encroach the 12m height restriction to 68,80m to accommodate two (2) wind turbines, and
- ❖ application for amendment of the conditions of approval and Site Development Plan departure in terms of Section 16(2)(h) and (l) of the By-Law in order to accommodate two (2) wind turbines and associated structures.

RESOLVED:

1. that the application in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) on Farm No. 357, Division Bredasdorp for consent use (utility services) to accommodate two (2) wind turbines and associated structures on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(b) of the By-Law on Farm No. 357, Division Bredasdorp for departure in order to encroach the 30m building line to 26,8m to accommodate a wind turbine on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;

3. that the application in terms of Section 16(2)(b) of the By-Law on Farm No. 357, Division Bredasdorp for departure in order to encroach the 12m height restriction to 68,80m to accommodate 2 wind turbines, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(h) and (l) of the By-Law on Farm No. 357, Division Bredasdorp for amendment of the conditions of approval and Site Development Plan in order to accommodate two (2) wind turbines and associated structures, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the approvals in paragraphs 1 to 4 above be subject to the following conditions:
 - (a) that the development occur generally in accordance with the Site Development Plan;
 - (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;
 - (c) that the original conditions of approval dated 9 March 2012, be adhered to;
 - (d) that all the conditions in the Services Report be complied with;
 - (e) that Council be indemnified against any claim which may be instated as a result of the above approval;
 - (f) that all the conditions from Eskom, Breede-Gouritz Catchment Management Agency, Telkom, Department of Transport and Public Works, Cape Nature, Overstrand Environmental Services and Heritage Western Cape be complied with;
 - (g) that the Fynbos Rehabilitation Plan and the proposal by Inkululeko Wildlife Services pertaining to bird and bat carcass monitoring be implemented to the satisfaction of the Municipality;
 - (h) that, in addition to the proposal by Inkululeko Wildlife Services, provision is made for continued carcass searching after the twelve (12) month period and implementation of mitigation measures based on monitoring results;

- (i) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (j) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with.
6. that the applicant and objector 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.

REASONS FOR RESOLUTION:

- ❖ The application has followed due procedure.
- ❖ None of the internal departments has objected to the application.
- ❖ The proposal is supported by all relevant government departments.
- ❖ No new municipal services will be needed.
- ❖ It is in line with the aims of the Overstrand SDF, IDF, EMF.
- ❖ The application will not have a negative effect on the character of the area or the natural environment or the safety and wellbeing of the local community.
- ❖ The proposal will ensure a stable electricity supply which is essential for the operation of the abalone farm.
- ❖ In securing a stable electricity supply it will support the viability of the abalone farm and its contribution to the economy in terms of job creation and earning of foreign revenue.

RESPONSIBLE OFFICIAL :**S VAN DER MERWE****The meeting adjourned at 10:20**