



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

MINUTES

DATE:	30 MAY 2018
VENUE:	TOWN PLANNING COMMITTEE ROOM HERMANUS
TIME:	14:00

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE TOWN PLANNING COMMITTEE ROOM, HERMANUS, ON 30 MAY 2018, AT 14:00

PRESENT:

MEMBERS:

Mr S Müller, Director : Infrastructure & Planning
Mr R Williams, Director : Community Services
Mr S Madikane, Director : LED
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 P Roux, Town Planner
Mr H Olivier, Town Planner
Ms M Harmse, PA : Director : Infrastructure &
Planning

APOLOGIES:

Ms D Arrison, Director : Management Services

ATTENDANCE REGISTER : MEETING OF MUNICIPAL PLANNING TRIBUNAL : 30 MAY 2018 AT 14:00

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 JANSER	MPT MEMBER	DIR: DEV MANAGEMENT	021 483 3544 084 585 2000	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	svandermenwe@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	PREUX@overstrand.gov.za	
H OLIVIER	TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8006	holivier@overstrand.gov.za	
M HARMSE	COUNCIL SUPPORT	OVERSTRAND MUNICIPALITY	028 313 8006	mharmse@overstrand.gov.za	

1. OPENING

The meeting started at 14:35 due to unforeseen circumstances.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Ms D Arrison

3. CONFIRMATION OF MINUTES**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 28 March 2018****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **28 March 2018, be confirmed.**

4. ITEMS FOR CONSIDERATION**4.1 ERF 6846, 12 CROSS STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND SUBDIVISION: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF JA DU TOIT****1. EXECUTIVE SUMMARY**

To consider an application received on 5 September 2017 from Messrs Plan Active Town- and Regional Planners on behalf of the owner, JA du Toit, of Erf 6846, Hermanus, for the following:

- application in terms of Section 16(2)(f) for the removal of restrictive title condition E (2) in order to subdivide Erf 6846, Hermanus into three (3) portions; and
- application in terms of Section 16(2)(d) for the subdivision of Erf 6846, Hermanus into three (3) portions namely, Portion A $\pm 1500\text{m}^2$; Portion B $\pm 1500\text{m}^2$ and a Remainder $\pm 4140\text{m}^2$.

RESOLVED:

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the removal of restrictive title conditions E (2) which is found in Title Deed No. T62388/1987, **be approved**;
2. that the application for subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 6846, Hermanus (Fernkloof) to subdivide the property into three (3) portions namely, Portion A $\pm 1500\text{m}^2$, Portion B $\pm 1500\text{m}^2$ and a Remainder $\pm 4140\text{m}^2$, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in paragraphs 1. and 2. above are subject to the following conditions:
 - (a) that the approval is only for the subdivision as indicated on the Subdivisional Plan as submitted with the application;
 - (b) that the conditions compiled in the Services Report (attached as Annexure G), be complied with;

- (c) that the comme received from Telkom (attached as Annexure F), be noted;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant and the 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

RESPONSIBLE OFFICIAL:

P ROUX

**4.2 ERF 1772, STANFORD, OVERSTRAND MUNICIPAL AREA : PROPOSED
CONSENT USE : MESSRS WRAP ON BEHALF OF SEBUMO TUDE
GUEST SERVICES & MORE CC**

EXECUTIVE SUMMARY

An application has been received on 7 December 2016 from Messrs WRAP Consultancy on behalf of the owners of Erf 1772, Stanford, Sebumo Tude Guest Services & More CC, for a consent use in terms of Section 16(2)(o) in order to accommodate the following:

- guest house with five (5) lettable rooms;
- intensive horticulture;
- plant nursery;
- additional dwelling unit;
- tourist facilities that include a lecture room, gift shop, restaurant, picnic area and restrooms; and
- farm store.

RESOLVED:

1. that the objections be noted;
2. in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) application for a consent use on Erf 1772, Stanford in order to accommodate the following:
 - ❖ guesthouse with 5 lettable rooms;
 - ❖ intensive horticulture;
 - ❖ plant nursery;
 - ❖ additional dwelling unit;
 - ❖ tourist facilities that include a lecture room, gift shop, restaurant, picnic area and restrooms; and
 - ❖ farm store

be approved in terms of the provisions of Section 61 of the By-Law, subject to the following conditions;

- (a) that a revised Site Development Plan (SDP) be submitted indicating the following:
 - the placement of water storage units for the harvesting of rain water;
 - the placement of water and sewerage circulation;
 - the placement of a refuse collection area/room;
 - light fixtures;

- contours;
 - storm water management;
 - details of renewable energy (solar energy), and
 - the removal of the proposed gift shop.
- (b) that a Landscape Plan be submitted for approval to the satisfaction of the Senior Manager: Town and Spatial Planning;
- (c) that the conditions compiled by District Health, Telkom, Eskom, Fire Department, Department of Environmental Affairs and Development Planning, Department of Agriculture, Breede-Gouritz Catchment Management Agency (BGCMA), Department of Transport and Public Works and CapeNature (Annexures F-N), be complied with;
- (d) that should ground water be utilized then BGCMA comment dated 3 April 2018 must be complied with;
- (e) that the conditions compiled in the Services Report (Annexure O), be complied with;
- (f) that no municipal water may be used for the irrigation of crops;
- (g) that should ground water be used for irrigation purposes, then the developer must obtain the necessary license;
- (h) that building plans be submitted to the Building Department for approval and that approval conditions 2(a), (b) and (e) contained in this approval be complied with;
- (i) that a maximum of five (5) bedrooms to be let in the main dwelling, be permitted;
- (j) that the barn be limited to a height of 8m from the base level to the top of the structure and used solely for the use of bona fide agricultural activities;
- (k) that only the additional dwelling unit may be used for self-catering purposes;
- (l) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
- (m) that no place of entertainment may be conducted on the premises before obtaining approval from the Municipality;

- (n) 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;
 - (o) 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;
 - (p) that any proposed sign to be displayed complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (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.
3. that the applicant and the 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

RESPONSIBLE OFFICIAL:

P ROUX

4.3 ERF 115, 39 THE CRESCENT, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTONS, CONSENT USE AND DEPARTURE : MESSRS HIGHWAVE CONSULTANT ON BEHALF OF GPN KRUGER

EXECUTIVE SUMMARY

An application has been received on 11 May 2017 from Messrs Highwave Consultants on behalf of GPN Kruger on Erf 115, Fisherhaven 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 for the removal of the restrictive condition in Title Deed T75010/2015, Page 3, Paragraph D.4.(d):

“D. SUBJECT to the following special conditions contained in Deed of Transfer No. T17674/1970 imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 van 1934 when approving of the establishment of Fisherhaven Township, namely:-

1.
2.
3.

4. *The erf shall be subject to the following further conditions, provided especially that where, in the opinion of the Administrator, after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation, subject to compliance with such conditions as he may impose:-*

(d) No building, or structure, or any portion thereof, except boundary walls and fences nearer than 2,35m to the street line which forms a boundary to this erf”

- ❖ Consent Use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Land Use Planning, 2015 to erect a 15m high transmission tower and base status on the property.
- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to depart from the Overstrand Zoning Scheme in order to relax the western lateral building line from 3m to 0m and the 8,5m height restriction to 15m to accommodate the proposed transmission tower and base station.

RESOLVED:

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 115, Fisherhaven for the removal of restrictive condition D.4.(d) of Title Deed T75010/2015, **not be approved**;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 115, Fisherhaven for a departure to relax the western lateral building line from 3m to 0m and the 8,5m height restriction to 15m to accommodate a proposed transmission tower and base station, **not be approved**
3. that the consent use application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Land Use Planning, 2015 to erect a 15m high transmission tower and base station on the property, **not be approved**.
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, 2015 with regard to the above decision.

RESPONSIBLE OFFICIAL:**H OLIVIER**

4.4 ERF 3054, 11 SEAVIEW DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIVE CONDITIONS AND CONSENT USE : MESSRS PLAN ACTIVE ON BEHALF OF ALPAC INVESTMENT CC

EXECUTIVE SUMMARY

An application has been received on 1 February 2016 and a revised application dated 27 January 2017 from Messrs Plan Active Town & Regional Planners on behalf of Alpac Investments CC 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, 2015 for the removal of the restrictive conditions Clauses C.(i)(5)(b) and C.(ii)(m) of Title Deed T54244/2014 applicable to Erf 3054, Betty's Bay in order to utilize the existing dwelling as an upliftment centre.

Clauses C.(i)(5)(b) and C.(ii)(m) reads as follows:

"C.(i)(5)(b)

It shall be used only for the purpose of erecting thereon one dwelling, together with such outbuildings as are ordinarily required to be used therewith."

C.(ii)(m)

No hotel, boarding house, canteen, restaurant, bioscope, shop, factory, industry or any place of business or entertainment whatsoever shall be opened or conducted on the Special Residential erven."

- ❖ Consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to enable the owners to utilize the existing dwelling house on the property as an upliftment centre.

RESOLVED:

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 3054, Betty's Bay for the removal of the restrictive conditions Clause C.(i)(5)(b) of Title Deed T54244/2014 applicable to Erf 3054, Betty's Bay in order to utilize the existing dwelling as an upliftment centre, **be amended** to read as follows:

“It shall be used for residential purpose, together with such outbuildings as are ordinarily required to be used therewith and that the property is used primarily for residential purposes and any other land as per the Scheme be allowed subservient to the residential use.”

2. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 3054, Betty’s Bay for the removal of the restrictive conditions Clause C.(ii)(m) of Title Deed T54244/2014 applicable to Erf 3054, Betty’s Bay in order to utilize the existing dwelling as an upliftment centre, **be amended** to read as follows:

“No hotel, boarding house, canteen, restaurant, bioscope, shop, factory, industry or entertainment whatsoever shall be opened or conducted on the Special Residential erven.”

3. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 3054, Betty’s Bay for a consent use in order to enable the owners to utilize the existing dwelling house on the property as an upliftment centre, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the amendments in Points 1. and 2. and the approval in Point 3. above be subject to the following conditions:
 - (a) that the consent use not be transferable;
 - (b) that the amount of guests be restricted to ten (10) people;
 - (c) that the consent use is valid only for an upliftment centre in its present form;
 - (d) that parking be provided on-site as per parking layout bett3054s.drw, dated 01/2016, as submitted with the application;
 - (e) that a maximum of one (1) permanently demarcated parking bay per guest room and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Authorised Official;
 - (f) that the owner/manager resides on the premises, and that the owner be responsible for the proper management of the upliftment centre;
 - (g) that no facilities (bar/restaurant or any other) be provided for residents or non-residents of the upliftment centre;

- (h) that the selling or serving of liquor on the premises will not be allowed;
 - (i) 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;
 - (j) 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;
 - (k) that a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (l) that the upliftment centre 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 the gym noise levels be measured and noise reduction measures be installed and the door(s) be closed during activities;
 - (n) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (o) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (p) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (q) that all the conditions in the Services Report (attached as Annexure H), be complied with, and
 - (r) that all conditions imposed by the Fire Department (attached as Annexure I), be complied with.
5. 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, 2015 with regard to the above conditions of approval.

RESPONSIBLE OFFICIAL:**H VAN DER STOEP**

4.5 ERF 845, CORNER OF END- AND LOUIS TRICHARD STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE : MESSRS ROUTE 2EC TOWN PLANNING STRATEGIES ON BEHALF OF AC MURRAY

EXECUTIVE SUMMARY

An application has been received on 24 August 2017 from Messrs Route 2EC Town Planning Strategies on behalf of AC Murray applicable to Erf 845, Sandbaai for the following:

- ❖ Removal of restrictive title deed conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the removal of restrictive title deed conditions B.2.(a), B.2.(b), B.2.(c) and B.2.(d) as contained in Title Deed T85461/2006 applicable to the above erf in order to operate a crèche from the property.

The restrictive conditions B.2.(a) – (d) as contained in Title Deed T85461/2006 to be removed, read as follows:

(a) "That the above erf or erven be used for residential purposes only.

(b) That the above erf or erven be not subdivided.

(c) That not more than one dwelling together with the necessary outbuildings and accessories be erected on any one of the above erven and that not more than one-half the area of any one of the above erven be built upon;

(d) That no building shall be erected on the above erf or erven within 4,72 metres of any boundary line between the said erf or erven and any street, road or avenue on which such erf or erven abuts; such space may be used as gardens, but shall not be built upon."

- ❖ Application is subsequently made in terms of Section 16(2)(o) of the above By-Law for a consent use in order to enable the owner of the above property to operate a crèche once specifically the above restrictive condition B.2.(a) has been removed from the Title Deed.

RESOLVED:

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the removal of restrictive title deed condition B.2.(a) as contained in Title Deed T85461/2006 applicable to Erf 845, Sandbaai in order to accommodate a crèche on the property, **be amended**, to read as follows:

“That the above-mentioned erf or erven be used primarily for residential purposes and any other use be subservient to the residential use.”

2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the removal of restrictive title deed condition B.2.(b) as contained in Title Deed T85461/2006 applicable to Erf 845, Sandbaai in order to accommodate a crèche on the property, **not be removed**.
3. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the removal of restrictive title deed conditions B.2.(c) and B.2.(d) as contained in Title Deed T85461/2006 applicable to Erf 845, Sandbaai in order to accommodate a crèche on the property, **be removed** in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section (16)(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for consent use applicable to Erf 845, Sandbaai in order to accommodate a crèche on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the amendment in Point 1. and the approvals in Points 3. and 4. above be subject to the following conditions:
 - (a) that a site development plan be submitted indicating the crèche areas and the residential areas applicable. The crèche has to be subservient to the residential use of the building.
 - (b) that a maximum of ten (10) children may be looked after at the crèche at any given time;
 - (c) that the timetable as submitted by the operators of the crèche be adhered to in ensuring that the noise levels during outdoor play times are kept to a minimum
 - (d) that no loud bells, shouting or whistling be allowed;

- (e) that the requirements of the Fire Department (attached as Annexure H, be complied with;
 - (f) that the requirements of Engineering Services attached as Annexure G), be complied with;
 - (g) that all parking bays and the collect and drop area must be clearly demarcated;
 - (h) that the operators of the crèche obtain all the necessary health and safety certificates, prior to the crèche being operated;
 - (i) that the approval does not absolve the landowners/operators of the crèche from compliance with any other relevant legislation;
 - (j) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;
 - (k) that all the regulations as set in the Children's Act No. 38 of 2005, as amended, be adhered to;
 - (l) that commercial rates and service tariffs, as determined by the annual budget, be made applicable to refuse removal, which tariffs are automatically adjusted in terms of the annual budget;
 - (m) that should justified complaints be received in the manner in which the crèche is being operated, or be operated in such a manner that it impacts negatively on the surrounding neighbourhood, the Municipality reserves the right to rescind the consent use approval;
 - (n) that the rights not be transferrable, and
 - (o) that a 2,1m solid wall be built on the boundary abutting Erf 846.
6. that the applicant and objectors be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approvals.

RESPONSIBLE OFFICIAL:

H VAN DER STOEP

4.6 ERF 238, 4 ROCKLANDS ROAD, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : MESSRS INTERACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF THE KAMMARBIEB FAMILY TRUST

EXECUTIVE SUMMARY

An application has been received on 16 March 2017 from Messrs InterActive Town & Regional Planners (A. Wiehahn) on behalf of the Kammarieb Family Trust on Erf 238, Hermanus for the following:

- ❖ Removal of restrictive title conditions with reference to Clauses B.(a) – (f) of Title Deed T69108/2011 applicable to Erf 238, Hermanus in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015.

Clauses B.(a) – (f) of Title Deed T69108/2011 reads as follows:

“(a) That this erf be used for residential purposes only.

(b) That only one dwelling together with such outbuildings as are ordinarily required to be used therewith be erected on this erf.

(c) That not more than half the area of this erf be built upon.

(d) That no building shall be erected within 4.72 metres of any street line which forms a boundary of this erf. No building shall be situated within 2.35 metres of the lateral boundary common to any adjoining erf.

AS being in favour of the Administrator:

(e) That this erf not be subdivided except with the consent in writing of the Administrator.

AS being in favour of the Municipality of Hermanus:

(f) That the owner of this erf shall be obliged to allow the drainage and sewerage of any other erf or erven to be conveyed over this erf if deemed necessary by the Municipality and in such manner and in such position as may from time to time be reasonably required by the Municipality.”

- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Erf 238, Hermanus to relax the rear building line with Erf 237 from 2m to 0m and the eastern lateral building line with Erf 235 from 2m to 0m to accommodate a proposed new triple garage on the property concerned.

RESOLVED:

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the removal of restrictive title conditions with reference to Clauses B.(a), B.(b), B.(c) of Title Deed T69108/2011 applicable to Erf 238, Hermanus, **be approved;**
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 on Erf 238, Hermanus for a departure in order to relax the rear building line with Erf 237 from 2m to 0m to accommodate a proposed new double garage on the property concerned, **be approved;**
3. that the approvals in Points 1. and 2. be subject to the following conditions:
 - (a) that the approval for the departure is only for the building line relaxation as indicated on Plan dated 8 February 2017, as 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 all the conditions in the Services Report (attached as Annexure G), be complied with;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
 - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
4. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the removal of restrictive title condition Clause B(d) be approved in part. The

4,72m street building line be removed, but that the lateral building line 2.35m remains due to the following reasons:

- (a) The impact of the proposed triple garage on the adjacent erf's habitable rooms with regard to sunlight
 - (b) The deprivation of liveability of the habitable rooms
5. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the removal of restrictive title conditions with reference to Clauses B.(e) and B.(f) of Title Deed T69108/2011 applicable to Erf 238, Hermanus, **not be approved**, due to the following reasons:
- (a) the Overstrand policy documents are guidelines and promote densification; however the densification policy relates to the whole of Westcliff and does not take into account the trend in the immediate vicinity of the application erf. Therefore it is prudent that the condition remains in place to ensure that subdivisions be limited until the market indicates that there is a need in the area to move to smaller erven.
 - (b) the condition relating to allowing services transgressing the erf should the need arrive needs to remain in place to ensure that the Municipality can serve the area in an effective manner. Although it is duplicated in the By-Law, a prospective owner does not read the By-Law, but is immediately informed of conditions when purchasing the erf. The Title Deed condition is thus the first information document to inform the applicant of the erf's services obligation.
6. 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 decision.

RESPONSIBLE OFFICIAL:

H VAN DER STOEP

The meeting adjourned at 15:42