



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

**MINUTES**

|               |   |
|---------------|---|
| <b>DATE:</b>  | <b>30 MAY 2024</b>                                      |
| <b>VENUE:</b> | <b>MUNICIPAL MANAGER'S<br/>COMMITTEE ROOM, HERMANUS</b> |
| <b>TIME:</b>  | <b>10:00</b>  |

# **OVERSTRAND**

## **MUNICIPAL PLANNING TRIBUNAL**

### **MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE TOWN PLANNING COMMITTEE ROOM ON 30 MAY 2024 AT 10:00**

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#### **PRESENT:**

##### **MEMBERS:**

Ms H Janser, Directorate Development  
Management  
Mr S Müller, Director : Infrastructure & Planning  
Mr S Madikane, Director : LED  
Mr H Blignaut, Deputy Director : Engineering  
Services

##### **OFFICIALS:**

Mr R Kuchar, Senior Manager : Town & Spatial  
Planning  
Ms H van der Stoep, Senior Town Planner  
Mr B Minnaar, Town Planner

##### **APOLOGIES:**

Ms R Louw, Senior Manager : Strategic Services  
Ms S Swart, Council Support Services



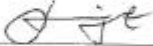



## MUNICIPAL PLANNING TRIBUNAL

## ATTENDANCE REGISTER

Date: 30 MAY 2024

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<br>MUNICIPALITY           | SIGNATURE  |
|-----------------|--|--|
| H JANSER        | CHAIRPERSON<br>DIR: DEV MANAGEMENT             |    |
| S MÜLLER        | VICE-CHAIRPERSON<br>OVERSTRAND MUNICIPALITY    |    |
| S MADIKANE      | MPT MEMBER<br>OVERSTRAND MUNICIPALITY          | ON TEAMS   |
| H BLIGNAUT      | MPT MEMBER<br>OVERSTRAND MUNICIPALITY          |   |
| R LOUW          | MPT MEMBER<br>OVERSTRAND MUNICIPALITY          | APOLOGY  |
| R KUCHAR        | AUTHORISED OFFICIAL<br>OVERSTRAND MUNICIPALITY |  |
| S VAN DER MERWE | SENIOR TOWN PLANNER<br>OVERSTRAND MUNICIPALITY | —  |
| H VAN DER STOEP | SENIOR TOWN PLANNER<br>OVERSTRAND MUNICIPALITY |  |
| P ROUX          | TOWN PLANNER<br>OVERSTRAND MUNICIPALITY        | —  |
| H OLIVIER       | TOWN PLANNER<br>OVERSTRAND MUNICIPALITY        | —  |
| B MINNAAR       | TOWN PLANNER<br>OVERSTRAND MUNICIPALITY        |   |
| S SWART         | COUNCIL SUPPORT<br>OVERSTRAND MUNICIPALITY     | Apology  |
|                 |  |  |
|                 |  |  |

**1. OPENING**

The Chairperson, Ms H Janser, opened the meeting and welcomed those present.

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

Ms R Louw  
Ms S Swart

**RESOLVED:**

that the above-mentioned applications for leave of absence **be approved**.

**3. CONFIRMATION OF MINUTES****3.1 Minutes of a Municipal Planning Tribunal Meeting held on 25 April 2024****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **25 April 2024, be approved**.

#### 4. ITEMS FOR CONSIDERATION

##### 4.1

#### ERF 363, 6 CENTRAL ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: INTERACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF RUDOLPH DE VILLIERS TRUST

363 KPRB (4419/2023)

B Minnaar

(028) 313 8900

Hermanus Administration

12 April 2024

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#### EXECUTIVE SUMMARY

An application has been received on 27 June 2023 from InterActive Town & Regional Planners on behalf of Rudolph de Villiers Trust on Erf 363, Pringle Bay for a departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to be read with Section 17.1.2.(c) of the Overstrand Municipality Land Use Scheme, 2020 in order to deviate from the requirement to accommodate parking on site i.e. from the required nine (9) parking bays to accommodate two (2) on-site parking bays and seven (7) off-site parking bays.

#### RESOLVED:

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 read with Section 17.1.2.(c) of the Overstrand Municipality Land Use Scheme, 2020 for a departure on Erf 363, Pringle Bay in order relax the parking bay requirements from nine (9) to two (2), **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that an amount of *R181,125, including VAT*, be payable for the shortfall of seven (7) parking bays within ninety (90) days from the final date of the decision;
  - (b) that an off-site parking layout plan be submitted to the Engineering Services Department to their satisfaction for the seven (7) outstanding parking bays;
  - (c) that the conditions in the Engineering Report be adhered to;
  - (d) that building plans be submitted to the Building Department of the Overstrand Municipality, and that any requirements by the Fire and Building Departments at that stage be complied with;
  - (e) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with; and

- (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant and objector be notified of its right of appeal in terms Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

**REASONS FOR THE RESOLUTION:**

- ❖ The present building plan was approved with four parking bays on-site. The parking created within the road reserve along the eastern portion of the property results in the non-viability of the current parking layout. Therefore, any proposed parking layout will incur design challenges.
- ❖ The Overstrand Municipality Land Use Scheme makes provision for alternative parking provision, which has been applied for.
- ❖ The proposal to provide off-site parking is in line with the Pringle Bay CBD Parking Master Plan.

**RESPONSIBLE OFFICIAL :****B MINNAAR**

## 4.2

**ERF 3770, 1 NERINE CRESCENT, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION: WRAP PROJECT OFFICE ON BEHALF OF AP BOTHA**

**3770 KBB (4110/2022)**

**B Minnaar**

**(028) 313 8900**

**Hermanus Administration**

**3 May 2024**

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**EXECUTIVE SUMMARY**

The item previously served before the Municipal Planning Tribunal (MPT) on 25 April 2024 and was **referred back** to the Town Planner for reconsideration.

An application was received on 8 April 2022 from WRAP Project Office on behalf of AP Botha in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of a restrictive title condition Clause B.7, as contained in Title Deed T47643/2021 applicable to Erf 3770, Betty's Bay in order to accommodate the proposed dwelling house on the 2m Scheme building line.

The restrictive title deed condition B.7. read as follows:

*"No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5m to the street building line which forms a boundary of this erf, nor within 5m of the rear or 3m of the lateral boundary common to any adjoining erf provided that with the consent of the local authority:"*

**RESOLVED:**

1. that the application in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the amendment of condition B.7. as contained in Title Deed T47643/2021, to accommodate the proposed dwelling house on Erf 3770, Betty's Bay on the 2m Scheme building line, **be approved**, in terms of the provisions of Section 61 of the By-Law.

2. that Condition B.7 be amended to read as follows:

*"No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5m to the street building line which forms a boundary of this erf, nor within 5m of the rear or 3m of the lateral boundary common to any adjoining erf (except for the staircase situated 2m from the north-eastern boundary and the overhang*

situated 2.5m from the southern boundary) provided that with the consent of the local authority;

3. that the approvals in paragraphs 1 and 2 be subject to the following conditions:
  - (a) that this approval is only for the development as indicated on the Site Development Plan submitted with the application for Erf 3770 Betty's Bay on 14 June 2022;
  - (b) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire and Building Departments be complied with at that stage;
  - (c) that all the conditions in the Services Report be complied with;
  - (d) that all the conditions imposed by the Environmental Management Services Department be complied with;
  - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and
  - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. 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."

**REASONS FOR THE RESOLUTION:**

- ❖ The proposed encroachments are minor in nature and will not negatively impact on neighbours' views and privacy.
- ❖ The encroachments comprise a staircase and an overhang, which do not contribute to living space.
- ❖ There was no objection to the proposal from the Overstrand Municipality Environmental Management Services Department.

**RESPONSIBLE OFFICIAL :****B MINNAAR****The meeting adjourned at 10:20**