



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

**MINUTES**

<b>DATE:</b>	<b>1 NOVEMBER 2018</b>
<b>VENUE:</b>	<b>TOWN PLANNING COMMITTEE ROOM 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 1 NOVEMBER 2018, AT 14:00**

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**PRESENT:**

**MEMBERS:**

Mr S Müller, Director : Infrastructure & Planning  
Mr S Madikane, Director : LED  
Ms D Arrison, Director : Management Services  
Ms H Janser, Directorate Development  
Management







**OFFICIALS:**

Ms H van der Stoep, Senior Town Planner  
Mr P Roux, Town Planner  
Ms S Swart, Council Support Services

**APOLOGIES:**

Mr R Williams, Director : Community Services  
Mr R Kuchar, Senior Manager : Town & Spatial  
Planning

ATTENDANCE REGISTER : MEETING OF MUNICIPAL PLANNING TRIBUNAL : 1 NOVEMBER 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	Apology
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	Helene.Janser@westerncape.gov.za	
R KUCCHAR	AUTHORISED OFFICIAL	OVERSTRAND MUNICIPALITY	028 313 8087	rkucharr@overstrand.gov.za	Apology
S VAN DER MERWE	SR TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8938	svandermene@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**

Mr R Williams  
Mr R Kuchar

**3. CONFIRMATION OF MINUTES****3.1 Minutes of a Municipal Planning Tribunal Meeting held on 30 August 2018****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **30 August 2018, be confirmed.**

**3.2 Minutes of a Municipal Planning Tribunal Meeting held on 10 October 2018****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **10 October 2018, be confirmed.**

#### 4. ITEMS FOR CONSIDERATION

##### 4.1 ERF 113, 8 CLIFF STREET, DE KELDERS, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF JW OTTEN

#### EXECUTIVE SUMMARY

An application has been received on 17 November 2017 from Messrs PlanActive Town- and Regional Planners on behalf of the owner of Erf 113, De Kelders, JW Otten, for the following:

- ❖ departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) to relax lateral building line from 2m to 0m to accommodate the existing braai and built deck; and
- ❖ removal of restrictive title deed conditions in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions applicable to the property.

#### RESOLVED:

1. that, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), the application for a lateral building line departure from 2m to 0m to accommodate the existing braai structure and stoep area on Erf 113 De Kelders, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that, in terms of Section 16(2)(f) of the By-Law, the application for the removal of restrictive title conditions as contained in Title Deed T7117/2015 applicable to Erf 113, De Kelders, namely conditions D.1 and E.(a), (c) and (d), **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approvals provided in point 1 and 2 are subject to the following conditions;
  - (a) that the approvals are for the development as indicated on Project No 2016-009 and Drawing No CD7, that was submitted with the application;
  - (b) that building plans be submitted to the Building Department for approval;
  - (c) that the approvals do not absolve the applicant from compliance with any other relevant legislation;

- (d) that all the conditions in the Services Report be complied with;
  - (e) that the approvals do not absolve the 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 the 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 :**

**P ROUX**

**4.2****PORTION 2 OF THE FARM LANGKLOOF RIVER 725, A DIVISION OF CALEDON, OVERSTRAND MUNICIPAL AREA: PROPOSED AMENDMENT OF CONDITIONS OF APPROVAL AND SITE DEVELOPMENT PLAN: MESSRS PLANACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF MISTY MOUNTAINS ESTATES (PTY) LTD****2/725 GR CAL (3696)****P Roux****10 September 2018****(028) 313 8900****Hermanus Administration**

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**EXECUTIVE SUMMARY**

An application has been received on 31 May 2017 from Messrs Plan Active Town- and Regional Planners on behalf of the owners of Portion 2 of the farm Langkloof River 725, Misty Mountains Estates (Pty) Ltd, for the following:

- an amendment of conditions in respect of an existing approval in terms of Section 16(2)(h) to amend conditions 1 and 2 in the planning approval of 22 March 2007; and
- an amendment of the approved site development plan in terms of Section 16(2)(l) to accommodate an all spirits distillery and a craft beer brewery within a portion of 340m<sup>2</sup> within the existing wine cellar building on the farm.

**RESOLVED:**

1. that, in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-law), the application to amend conditions 1. and 2. in the planning approval of 22 March 2007, **be approved** in terms of the provisions of Section 61 of the By-law;
2. that, in terms of Section 16(2)(l) of the By-law, the application to accommodate an all spirits distillery and a craft beer brewery within a portion of 340m<sup>2</sup> within the existing wine cellar building on the farm, **be approved** in terms of the provisions of Section 61 of the By-law;
3. that, the approvals provided in paragraphs 1. and 2. are subject to the following conditions:
  - (a) that the approvals are for the development as indicated on drawing no 725-2sdp.drw, that was submitted with the application;

- (b) *that the amendment of conditions 1. and 2. of the planning approval dated 22 March 2007 is proposed to read as follows:*
- “1. that, in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)(LUPO) the application for the rezoning of Portion 2 of the Farm 725, Division Caledon, Overstrand Municipal Area from Agriculture Zone 1 to Agriculture Zone 2 in order to operate a wine cellar, a bottling plant, **and all spirits and a craft beer brewery** on the property concerned, **be approved**, and*
- 2. that, in terms of the Section 4.7 of the relevant Scheme Regulations application for special consent for a tourist facility and additional dwelling units in order to operate a wine, **spirits and beer tasting facility**, a restaurant and sales office (for wine, **all spirits and beer**) within the cellar and to erect two additional dwelling units on the property concerned as indicated on plans no. **farm 725-2sdp.drw dated May 2017 and farm 725-2floor.drw, be approved**, subject to the following conditions:*
- (c) that all the conditions imposed by Department of Transport and Public Works, Breede-Gouritz Catchment Management Area, Overberg Health, Eskom, Telkom and the Engineering Services Report be complied with;
- (d) that building plans be submitted to the Building Department for approval;
- (e) that the additional and existing uses comply 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;
- (f) 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;
- (g) that the approvals do not absolve the applicant from compliance with any other relevant legislation; and
- (h) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the applicant and the 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 :****P ROUX**



**4.3****ERF 1, 148 KUSWEG, SANDBAAI: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE, OVERSTRAND MUNICIPAL AREA: MESSRS PLAN ACTIVE ON BEHALF OF THE TRUSTEES FOR THE TIME BEING OF THE SANDBAAI TRUST****1 HSB (3875)****S van der Merwe****(028) 313 8900****Hermanus Administration****14 August 2018**

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**EXECUTIVE SUMMARY**

An application applicable to Erf 1, Sandbaai has been received on 11 December 2017 from Messrs Plan Active Town- and Regional Planners on behalf of the Trustees for the time being of The Sandbaai Trust for the following:

➤ **Removal of restrictive title deed conditions**

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.(a), (c) and (d) as contained in Title Deed T22749/1996 applicable to the above erf in order to be in line with the relevant development rules and primary rights as contained in the Overstrand Municipality Zoning Scheme; and

➤ **Departure**

Application in terms of Section 16(2)(b) of the above By-law in order to:

- partially relax the south-eastern lateral building line from 2m to  $\pm 1,030$ m to accommodate a lounge at ground floor level, and a viewing deck and open braai directly above the lounge;
- partially relax the south-western street building line from 4m to  $\pm 2,325$ m in order to accommodate the lounge at ground floor level and viewing deck directly above the lounge; and
- partially relax the south-western street building line from 4m to  $\pm 0,484$ m to accommodate a pergola.

**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 conditions B.2(a), (c), and (d) as contained in Title Deed T22749/1996 applicable to Erf 1, Sandbaai in order to be in line with the development parameters and primary rights applicable to single residential properties as set out in the Overstrand Zoning Scheme, **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 for departure, applicable to Erf 1, Sandbaai, in order to:
  - relax the south-eastern lateral building line from 2m to  $\pm 1,030\text{m}$  to accommodate a section of the lounge at ground floor level, and a section of the viewing deck and open braai directly above the lounge;
  - relax the south-western street building line from 4m to  $\pm 2,325\text{m}$  in order to accommodate the lounge at ground floor level and viewing deck directly above the lounge; and
  - to relax the south-western street building line from 4m to  $\pm 0,484\text{m}$  to accommodate a section of the pergola;

**be refused** in terms of the provisions of Section 61 of the By-Law; and
3. that the applicant 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 decision in paragraph 2. above.

**RESPONSIBLE OFFICIAL :****S VAN DER MERWE****The meeting adjourned at 14:30**