



MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

MINUTES

DATE:	28 NOVEMBER 2019
VENUE:	GLASKAS HERMANUS
TIME:	10:00

OVERSTRAND
MUNICIPAL PLANNING TRIBUNAL
MINUTES OF A MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL,
HELD IN THE GLASKAS,
HERMANUS, ON 28 NOVEMBER 2019, AT 10:00

PRESENT:

MEMBERS:

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




OFFICIALS:

Mr R Kuchar, Senior Manager : Town & Spatial
Planning
Mr P Roux, Town Planner
Ms S Swart, Council Support Services

APOLOGIES:

Mr R Williams, Director : Community Services
Mr S Madikane, Director : LED

ATTENDANCE REGISTER : MEETING OF MUNICIPAL PLANNING TRIBUNAL : 28 NOVEMBER 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	Apology
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	
H JANSER	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 8900	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, Director : Community Services
Mr S Madikane, Director : Economic Development & Tourism

RESOLVED:

that the above-mentioned application for leave of absence, **be granted.**

3. CONFIRMATION OF MINUTES**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 31 October 2019****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **31 October 2019, be confirmed.**

4. ITEMS FOR CONSIDERATION

4.1

ERF 9854, 241 ELEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: MESSRS TV3 PROJECTS (PTY) LTD ON BEHALF OF GROTTO BEACH VILLA (PTY) LTD

9854 HVK (2970)

P Roux

27 September 2019

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application for consent use was received on 22 February 2019 from Messrs TV3 Projects (Pty) Ltd on behalf of Grotto Beach Villa (Pty) Ltd in terms of Section 16(2)(o) of the Overstrand By-Law on Municipal Land Use Planning, 2015 in order to conduct a self-catering unit consisting of two (2) bedrooms for tourists at the first floor level of the dwelling unit.

RESOLVED:

1. that the application for consent use on Erf 9854, Hermanus in terms of Section 16(2)(o) of the Overstrand Municipal Land Use Planning By-Law, 2015 in order to conduct a self-catering unit consisting of two bedrooms for tourists accommodation at the first floor level of the dwelling unit, **not be approved** in terms of the provisions of Section 61 of the By-Law;
2. subject to the non-approval in point 1 above the following must be adhered to:
 - (a) the property owner must cease the use of the property for tourism accommodation immediately and remove all advertising.
3. 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 decision.

REASONS FOR THE NON-APPROVAL

- ❖ It is clear that the Sandals Home Owners' Association does not support the proposal.
- ❖ When comparing the statements made in the motivation and comments received in reply to the objections it is noted that the applicant made contradictions with regard to what type of use is being applied for. Guest rooms are considered rooms which are rented out on a bed and breakfast manner whereas self-catering units are the provision of a unit where the occupiers have access to cooking facilities and provide their own meals.

- ❖ The applicant did not sufficiently address the points of objection, neither did he propose any mitigating measures.
- ❖ The impact of the proposal on the character of the area was not motivated.
- ❖ No Site Development Plan was submitted with the application, this means that not all the elements of the application can be regarded in full including internal changes were made to the dwelling on first floor (changing the first floor bar area into a kitchenette) without prior consent of the Municipality and HOA.
- ❖ Guest parking is being provided on the common property which is shared between all the owners of the estate, this could negatively affect the use of the common property.
- ❖ By utilising the first storey as a self-catering unit the property owner inadvertently uses the first storey section as a second dwelling which is not allowed in terms of the Zoning Scheme

RESPONSIBLE OFFICIAL :

P ROUX

The meeting adjourned at 10:25