



MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

MINUTES

DATE:	31 OCTOBER 2019
VENUE:	TOWN PLANNING COMMITTEE ROOM HERMANUS
TIME:	10:00

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE TOWN PLANNING COMMITTEE ROOM, HERMANUS, ON 31 OCTOBER 2019, AT 10:00

PRESENT:

MEMBERS:

Mr S Müller, Director : Infrastructure & Planning
Mr R Williams, Director : Community Services
Mr S Madikane, Director : LED
Ms D Arrison, Director : Management Services
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 S van der Merwe, Senior Town Planner
Mr P Roux, Town Planner
Mr K Thomas, Town Planner
Ms S Swart, Council Support Services










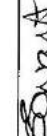
APOLOGIES:



None

ALSO PRESENT:

Mr K Munro, Director: Development Management

ATTENDANCE REGISTER : MEETING OF MUNICIPAL PLANNING TRIBUNAL : 31 OCTOBER 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	
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	^{P. Roux} proux@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	

NAME	DESIGNATION	ORGANISATION	TEL. NO.	E-MAIL ADDRESS	SIGNATURE
Karl Thomas	Town Planner	Coastal Municipality	021 30 8000	k.thomas@coastal.govt.nz	
Kobus Munko	Director Development	DEKIDP WCC	021-6858101	k.munko@dekidp.co.nz	

1. OPENING

The Chairperson, Mr S Müller, opened the meeting and welcomed those present, especially Mr K Munro, Director : Development Management.

2. APPLICATIONS FOR LEAVE OF ABSENCE

None

3. CONFIRMATION OF MINUTES**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 1 October 2019****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **1 October 2019, be confirmed.**

4. ITEMS FOR CONSIDERATION

4.1

ERF 602, 7 COMMERCIAL STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA: PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND CONSENT USE: MESSRS WRAP ON BEHALF OF STEADY GROW TRADING 33 CC

602 GPB (4157)

SW van der Merwe

2 September 2019

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 3 October 2018 from Messrs Wrap on behalf of Steady Grow Trading CC for the following:

- ❖ removal of restrictive title condition with reference to clause C.4(b) of Title Deed T61368/2017 applicable to Erf 602, Pearly Beach in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) in order to permit a restaurant and the sale of alcoholic beverages;

Condition C.4(b) contained in Title Deed T61368/2017 to be removed, reads as follows:

“it shall be used for shop purposes only.”

- ❖ consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to conduct a restaurant and to permit the sale of alcoholic beverages.

RESOLVED:

1. that the objections be noted;
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipal Land Use Planning By-Law, 2015 (By-Law) for the removal of restrictive conditions C. 4. (b) of Title Deed T61368/2017 applicable to Erf 602, Pearly Beach in order to develop a restaurant and micro-brewery, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(o) of the above By-Law for consent use applicable to Erf 602, Pearly Beach in order to conduct a restaurant and permit the sale of alcoholic beverages, **be approved**, in terms of the provisions of Section 61 of the By-Law;

4. that the approvals in paragraphs 2 and 3 above be subject to the following conditions:
 - (a) that the operation of a bar, tavern or place of entertainment is not permitted;
 - (b) that provision be made for on-site parking in accordance with the Site Development Plan appended to the application as Plan 3 dated 31 October 2019;
 - (c) that the display of signage shall comply with the Municipal By-Law Relating to Outdoor Advertising and Signage;
 - (d) that the selling or serving of liquor be subject to a valid liquor license;
 - (e) that the micro-brewery be limited to 50% of the floor area of the shop;
 - (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 building plans be submitted to the Building Department and that all the respective requirements of the Building and Fire safety departments be adhered to;
 - (h) that the operation of the restaurant and sale of alcoholic beverages be subject to a valid business license;
 - (i) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (j) that all the conditions in the Services Report be complied with;
 - (k) that the requirements of Fire Services and Telkom be adhered to;
 - (l) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (m) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
5. 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 decisions and conditions of approval.

REASONS FOR APPROVAL

- ❖ The application is consistent with applicable forward planning and policy documents.
- ❖ The application is consistent with the planning principles.
- ❖ The proposed development will not adversely impact upon the character of the area, or amenity of adjoining properties.
- ❖ The proposed development is desirable.
- ❖ The proposal will contribute to the promotion of tourism, economic development, including employment opportunities.
- ❖ The application has followed due procedure.
- ❖ None of the internal or external departments have any objection.
- ❖ It will not impact negatively upon municipal services.

RESPONSIBLE OFFICIAL :**S VAN DER MERWE**

4.2

ERF 6256, 76 SEVENTH STREET, HERMANUS (VOËLKLIP): OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS WARREN PETTERSON PLANNING TOWN AND REGIONAL PLANNING CONSULTANTS ON BEHALF OF SEAGULLS VIEW

6256 HVK (3678)

SW van der Merwe

16 September 2019

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 11 May 2017 from Messrs Warren Petterson Planning Town and Regional Planning Consultants (WPP) on behalf of Seagulls View applicable to Erf 6256, Hermanus for the following:

- ❖ consent use (transmission tower) in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) in order to accommodate a cellular communication base station on the above property, and
- ❖ departure in terms of Section 16(2)(b) of the above By-Law to exceed the applicable 8,5m height restriction in order to accommodate the 15m high monopole mast of the cellular communications base station.

RESOLVED:

1. that the objections be noted;
2. 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 a consent use to accommodate a 15m high transmission tower and associated equipment compound on Erf 6526, Hermanus, as well as the departure in terms of Section 16.(2)(b) of the By-Law to encroach the 8,5m height restriction to 15m to accommodate the transmission tower on the property, **not be approved** in terms of the provisions of Section 61 of the By-Law; and
3. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 with regard to the above decision.

REASONS FOR NON-APPROVAL

- ❖ The applicant failed to provide substantive evidence demonstrating the need for the proposed transmission tower.

- ❖ The applicant points out that there are several customer complaints from residents, businesses and commuters but did not submit proof of numbers and the localities of the complainants to justify the allegations.
- ❖ The applicant failed to consider the impact of the proposal on the existing business premises in terms of the approved parking layout, traffic flow and manoeuvring.

RESPONSIBLE OFFICIAL :

S VAN DER MERWE

4.3

**ERF 1849, 20 INDUSTRY CLOSE, GANSBAAI: PROPOSED DEPARTURES:
MESSRS WARREN PETTERSON PLANNING TOWN- AND REGIONAL
PLANNING CONSULTANTS (WPP) ON BEHALF OF EM BRITZ**

1849 GIP (4196)

SW van der Merwe

(028) 313 8900

Hermanus Administration

16 September 2019

EXECUTIVE SUMMARY

An application was received on 19 October 2018 from Messrs Warren Petterson Planning Town- and Regional Planning Consultants (WPP) on behalf of EM Britz in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 1849, Gansbaai for the following:

- ❖ departure of the 2m rear building line onto the property boundary;
- ❖ encroachment of the height restriction from 12m to 25m, and
- ❖ encroachment of the height restriction applicable to boundary walls from 2,1m to 2,4m for the installation of a proposed transmission tower and associated equipment compound.

RESOLVED:

1. that the application for departure in terms of Section 16.(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the encroachment of the 2m rear building line onto the property boundary, encroachment of the 12m height restriction to 25m and encroachment of the 2,1m height restriction applicable to boundary walls to 2,4m to accommodate a proposed transmission tower and associated equipment compound **not be approved** in terms of the provisions of Section 61 of the By-Law; and
2. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 with regard to the above decision.

REASONS FOR NON-APPROVAL

- ❖ The proposed transmission tower will appear overbearing and out of keeping with the character of the surrounding area.
- ❖ The visual impact of the proposed transmission tower will detract from the aesthetic quality of the scenic route.
- ❖ The applicant failed to provide substantive evidence pertaining to the need of the proposed transmission tower.
- ❖ Coverage maps from network operators do indicate available LTE coverage.

- ❖ The applicant failed to provide substantive evidence pertaining to customer complaints with reference to below standard coverage, dropped calls, etc.

RESPONSIBLE OFFICIAL :

S VAN DER MERWE

4.4

ERVEN 2295 AND 2296, 76 AND 78 LONGSTREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION, DEVIATION FROM THE OVERSTRAND MUNICIPALITY GROWTH MANAGEMENT STRATEGY (2010), REZONING, SUBDIVISION AND DEPARTURES: MESSRS FJC CONSULTING ON BEHALF BAJAK INVESTMENTS (PTY) LTD

2295 & 2296 HSB (3705)

H van der Stoep

(028) 313 8900

Hermanus Administration

18 July 2019

EXECUTIVE SUMMARY

An application was received on 26 September 2018 (final amended) from Messrs FJC Consulting on behalf of Bajak Investments (Pty) Ltd applicable to Erven 2295 and 2296, Sandbaai for the following:

- Consolidation of the above properties in terms of Section 16.(2)(e) of the By-Law;
- Deviation from the Overstrand Municipality Growth Management Strategy, 2010, in terms of Section 10 of the By-Law, as well as the provisions of the Municipal Systems Act, 2002 (Act 32 of 2000), for the increase of the development density of the above properties as a site-specific deviation from ten (10) – twenty (20) dwelling units per hectare to thirty two (32) dwelling units per hectare in order to accommodate six (6) General Residential Zone 1: Town Housing erven, one (1) Transport Zone 2: Road and Parking (private road) erf, and one (1) Open Space Zone 3: Private Open Space erf on the properties;
- Rezoning in terms of Section 16.(2)(a) of the By-Law of the above consolidated property from Residential Zone 1: Single Residential to Subdivisional Area Zone;
- Subdivision in terms of Section 16.(2)(d) of the By-Law of the above consolidated property in six (6) General Residential Zone 1: Town Housing erven, one (1) Transport Zone 2: Road and Parking (private road) erf, and one (1) Open Space Zone 3: Private Open Space erf;
- Departure in terms of Section 16.(2)(c) of the By-Law in order to develop the above Open Space Zone 3 erf for the storage of refuse;
- Departures in terms of Section 16.(2)(b) of the By-Law to (refer to the Subdivisional Plan) in order to:
 - accommodate the proposed building for the storage of refuse on the above Open Space Zone 3 erf that is to be built up to the external street boundary of the proposed town housing scheme;
 - relax the external street building line of the proposed town housing scheme from 5m to 4,5m to accommodate the proposed dwelling units on Portions 1 and 6 thereof;

- relax the lateral building line applicable to the external lateral boundary of the proposed town housing scheme from 3m to 1m to accommodate portions of the proposed dwelling units on Portions 2 and 3 thereof;
- relax the setback with regard to garages from the curb of the internal private road of the proposed group housing scheme from 5m to 3,48m and 0m, to respectively accommodate the proposed garages on Portions 1, 2 and 6 thereof; and
- the relaxation of the width of the internal private road reserve of the proposed group housing scheme from 8m to 6m.

RESOLVED:

1. that the application in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the consolidation of Erven 2295 and 2296, Sandbaai to form one (1) cadastral unit measuring $\pm 1875\text{m}^2$ in extent, **not be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the rezoning of the consolidated erf, from Residential Zone 1: Single Residential to Subdivisional Area Zone (SA), **not be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, for the subdivision of the consolidated erf to create the following:
 - Six (6) Residential Zone 1: Single Residential Zone (SR1) erven ($\pm 1619\text{m}^2$ in extent);
 - One (1) Transport Zone 2: Road and Parking erf for a private road ($\pm 242\text{m}^2$ in extent); and
 - One (1) Open Space Zone 3: Private Open Space erf to accommodate a refuse room ($\pm 11\text{m}^2$);

not be approved, in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of the Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, for a series of permanent departures to:
 - permit the proposed refuse room 0m from the perimeter street boundary;
 - permit Unit 1 and Unit 6 4,5m from the perimeter street boundary in lieu of 5m;
 - permit Unit 2 and Unit 3 1,0m from the perimeter lateral boundary in lieu of 3m;
 - permit Unit 6 0m from the internal road kerb in order to accommodate a garage;

- permit Unit 2 and Unit 1 3,48m from the internal road kerb in order to accommodate a garage; and
- relax the width of the internal road reserve from 8m to 6m;

not be approved, in terms of the provisions of Section 61 of the By-Law.

5. 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.

RECOMMENDATION TO THE COUNCIL:

that the application to deviate from the Overstrand Municipal Spatial Growth Management Strategy, 2010, for the increase of the development density of Erf 2295 and Erf 2296, Sandbaai as a site-specific deviation from ten (10) – twenty (20) dwelling units per hectare to thirty two (32) dwelling units per hectare, in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000), **not be approved**.

REASONS FOR NON-APPROVAL

- ❖ The application is in contrast with the character of the surrounding area as a result of the higher density proposed.
- ❖ The number of departures required to accommodate the proposal in its current form is a clear indication that the number of units cannot be accommodated on the proposed consolidated erf and is not in line with the character of the neighbourhood.

RESPONSIBLE OFFICIAL :

H VAN DER STOEP

4.5

ERF 1068, STANFORD, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: MESSRS SETTLEMENT PLANNING SERVICES (WESTERN CAPE) T/A SETPLAN CC ON BEHALF OF THE RICHARD METCALF FAMILY TRUST

Erf 1068 SSS (2758)

P Roux

3 September 2019

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 8 November 2018 from Messrs Setplan CC on behalf of the owners of Erf 1068, Stanford, The Richard Metcalf Family Trust, for a consent use in terms of Sections 16(2)(h) to amend the conditions of an existing approval to permit the extension of hard rock mining.

RESOLVED:

1. that the application in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for an amendment of the conditions of approval applicable to Erf 1068, Stanford in order to permit the extension of hard rock mining **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the conditions of approval taken on 28 March 2018 and letter dated 10 April 2018 be amended as follows:
 2. (b) *that a Revised Mine Site Development Plan (2018) for the existing and extension mining area be submitted for approval to the satisfaction of the Senior Manager: Town and Spatial Planning;*
 3. (a) *that the approval of the continued use of the mine (existing and extension) is for the life of the extended mine, and*
 3. (b) *that the Mining Right Area (existing and extension) and the Excavation Area (existing and extension) on Erf 1068 be limited to the 2018 Revised Mine Site Development Plan and as submitted with the application.*
3. that the following conditions for the approval in paragraph 1. above must be complied with within **six (6) months from date of final approval**:

- (a) that the Environmental Monitoring Committee (EMC) be established and that the relevant stakeholders which may include, but not limited to representatives of the Overstrand Municipality, CapeNature, Breede-Gouritz Catchment Management Area, Klein Rivier Estuary Forum, Stanford Heritage Committee/Stanford Conservation Trust, Department of Environmental Affairs and Development Planning (Component: Environmental Management) and adjoining property owners, be invited to the meetings;
 - (b) that the structure of the EMC and the intervals on which meetings must be conducted be discussed and decided on at the first meeting held by the committee;
 - (c) that the minutes of the meetings of the EMC and the committee's findings be made available to interested and affected parties, and that should any findings be of concern or be an indication of non-compliance with regards to the relevant legislation then the EMC should notify the relevant authority of the committees concerns/findings;
 - (d) that a study be submitted to the Senior Manager: Town & Spatial Planning indicating the sections of the existing excavations that can be rehabilitated without obstructing the functioning of the proposed mining activities, and
 - (e) that the rehabilitation of the river be continued and that further reports and photographic evidence be submitted to the Overstrand Town Planning Department, Environmental Services and Cape Nature;
4. that the additional conditions for the approval of paragraph 1. above must be complied with:
- (a) that all the conditions compiled by Eskom, Department of Transport and Public Works and the Department of Environmental Affairs and Development Planning, *Component: Environmental Management* be complied with;
 - (b) that all the conditions compiled in the Services Report be complied with; and
 - (c) that this approval does not absolve the applicant/operator of the proposed activity from complying with other legislation.
5. that, should the conditions in paragraphs 2., 3. and 4. not be adhered to, then the mining activity must cease until such time as when the conditions can be complied with;

6. that the applicant/person(s) who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

REASONS FOR APPROVAL

- ❖ the application complies with four (4) of the principles as set out in SPLUMA and LUPA and should proposed actions be done then all of the planning principles will be complied with;
- ❖ no objection was received against the application from the adjacent property owners;
- ❖ the objections received from the Stanford Heritage Committee and CapeNature was addressed and is incorporated in principle in the conditions of approval;
- ❖ the agricultural land use on the property will not be affected;
- ❖ the location of the mining activity is beneficial to the surrounding area and various sectors of the Overstrand economy;
- ❖ management of the mine and the steps taken to mitigate the effect of the mine is in line with the policies of the SDF;
- ❖ the resources mined is used in the building industry in and around the Overstrand, and
- ❖ the mining activity which occur in the view shed of the adjoining properties and the R43 will be rehabilitated earlier in the mine lifecycle, which in turn mitigate long term impact on tourism and landscape quality.

RESPONSIBLE OFFICIAL :**P ROUX**

4.6

ERVEN 1600, 1601 AND 1602, BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION TO DEVIATE FROM THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2006), REZONING, AMENDMENT OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL AND CONSOLIDATION: MESSRS PLAN ACTIVE ON BEHALF OF BLAZECOR TWENTY SEVEN CC

1600, 1601 & 1602 HSB (4148)

H van der Stoep

(028) 313 8900

Hermanus Administration

1 August 2019

EXECUTIVE SUMMARY

An application was received on 21 August 2018 from Messrs Plan Active on behalf of Blazecor Twenty Seven CC applicable to Erven 1600, 1601 and 1602, Sandbaai for the following:

- ❖ Deviation from the Overstrand Municipality Spatial Development Framework (2006) in terms of Section 10 of the By-Law, as well as the provisions of the Municipal Systems Act, 2000 (Act No. 32 of 2000) in order to deviate from the reserved land use of Erf 1602, Sandbaai;
- ❖ Rezoning of Erf 1602, Sandbaai in terms of Section 16(2)(a) of the By-Law from Residential Zone 1: Single Residential to Industrial Zone 1: General Industry;
- ❖ Amendment of conditions in respect of an existing approval in terms of Section 16(2)(h) of the By-Law applicable to Erven 1600 and 1601, Sandbaai; and
- ❖ Consolidation of Erven 1600, 1601, 1602, Sandbaai in terms of Section 16(2)(e) of the By-Law in order to create one erf.

RESOLVED:

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), for the rezoning of Erf 1602, Sandbaai from Residential Zone 1: Single Residential to Industrial Zone 1: General Industry, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(h) of the By-Law for the amendment of conditions in respect of an existing approval applicable to Erven 1600 and 1601, Sandbaai to permit industrial land uses other than "storage", **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(e) of the By-Law, for the consolidation of Erven 1600, 1601, and 1602, Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law;

4. that the approvals in Points 1. – 3. be subject to the following conditions:
- (a) that the land use be limited to the Consolidation and Land Use Plan, Plan Number: sand1600(7).drw, dated: 07/2018;
 - (b) that the Bergzicht Street Property Development Design Guide Document (2017) be amended to include Erf 1602, Sandbaai, and submitted to the municipality for approval;
 - (c) that the following uses are not permitted:
 - heavy vehicle service station,
 - motor repair garage,
 - workshop which makes use of machinery that generates noise pollution and processes involving grinding, spray painting and woodworking,
 - building yard and brick-making.
 - (d) that the development adhere to the requirements of SANS10400T:2011 and Overstrand Community Fire Safety By-Law, P.N. 6454 of 2007;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Departments be complied with at that stage;
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (g) that all the conditions in the Services Report be complied with, and
 - (h) that all conditions imposed by Telkom be complied with.
5. 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.

RECOMMENDATION TO THE COUNCIL:

that the application to deviate from the Overstrand Municipal Wide Spatial Development Framework, 2006, to change the reservation of Erf 1602, Sandbaai from “Residential” to “Industrial” **be approved** in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000).

REASONS FOR APPROVAL

- ❖ The proposal is in line with the development principles referred to in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and Chapter VI of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).
- ❖ The development will be in line with the character of the surrounding area.
- ❖ Adequate engineering services are available to accommodate the development.
- ❖ Mitigating factors are implemented to ensure that there is a minimal impact on the surrounding area and the adjacent residential development to the north.

RESPONSIBLE OFFICIAL :**H VAN DER STOEP**

4.7

PORTION 141 (A PORTION OF PORTION 133) OF THE FARM HANGKLIP NO. 559, CALEDON DIVISION: REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE: MESSRS ME PLANNERS ON BEHALF OF THE FREE LIFE TRUST

KHANG 141/559 (3896)

H van der Stoep

18 September 2019

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 23 January 2018 from ME Planners on behalf of the Free Life Trust on Portion 141 of the Farm Hangklip No. 559 for the following:

- ❖ Removal of restrictive title condition with reference to Clauses C.4. and C.13. of Title Deed T8920/2005 applicable to Portion 141 of the Farm Hangklip No 559 in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to accommodate an agricultural industry.

Restrictive conditions C.4. and C.13. contained in Title Deed T8920/2005 to be removed read as follows:

“C.4. No building shall be erected within 25,19 metres of any road or within 6,30 metres of any other boundary of the land.

C.13. No shop, public garages or filling stations, business premises, canteens, bioscopes, factory, or industrial buildings shall be erected on the land nor shall any such business or public entertainment be conducted on the land.”

- ❖ Departure in terms of Section 16(2)(b) the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the north eastern road building line with Porter Drive from 25,19m to 23,24m and street building line from 30m to 23,24m to accommodate a proposed distillery in an existing building.
- ❖ Consent use in terms of Section 16(2)(o) the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for an agricultural industry (distillery) to be accommodated in an outbuilding.

RESOLVED:

that the item **be referred back**, awaiting legal opinion.

RESPONSIBLE OFFICIAL :

H VAN DER STOEP

The meeting adjourned at 12:24