



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

MINUTES

**DATE:
VENUE:
TIME:**

**27 OCTOBER 2021
GLASKAS/VIRTUALLY
10:00**

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE GLASKAS/VIRTUALLY ON 27 OCTOBER 2021 AT 10:00

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

Ms R Louw, Senior Manager : Strategic Services

OFFICIALS:

Mr R Kuchar, Senior Manager : Town & Spatial
Planning

Ms H van der Stoep, Senior Town Planner

Mr S van der Merwe, Senior Town Planner

Mr H Olivier, Town Planner

Mr P Roux, Town Planner

Ms S Swart, Council Support Services

ALSO PRESENT:

Mr N Smith, Guest

Mr C Wessels, Guest

MUNICIPALITY



MUNISIPALITEIT

**MUNICIPAL PLANNING TRIBUNAL
ATTENDANCE REGISTER**

Date: 27 OCTOBER 2021

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 MUNICIPALITY	SIGNATURE
H JANSER	CHAIRPERSON DIR: DEV MANAGEMENT	✓
S MÜLLER	VICE-CHAIRPERSON OVERSTRAND MUNICIPALITY	✓
S MADIKANE	MPT MEMBER OVERSTRAND MUNICIPALITY	✓
H BLIGNAUT	MPT MEMBER OVERSTRAND MUNICIPALITY	✓
R LOUW	MPT MEMBER OVERSTRAND MUNICIPALITY	✓
R KUCHAR	AUTHORISED OFFICIAL OVERSTRAND MUNICIPALITY	✓
S VAN DER MERWE	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	✓
H VAN DER STOEP	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	✓
P ROUX	TOWN PLANNER OVERSTRAND MUNICIPALITY	✓
H OLIVIER	TOWN PLANNER OVERSTRAND MUNICIPALITY	✓
S SWART	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	<i>Swart</i>
<i>N. Smith</i>	<i>Guest</i>	✓
<i>C. Wessels</i>	<i>Guest</i>	✓

1. OPENING

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

2. APPLICATIONS FOR LEAVE OF ABSENCE

None

3. CONFIRMATION OF MINUTES**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 30 September 2021****RESOLVED:**

that the Minutes of the **Municipal Planning Tribunal** Meeting held on **30 September 2021, be confirmed.**

4. ITEMS FOR CONSIDERATION

4.1

ERF 45, 8 ONSE BAAI, VAN DYKSBAAI: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF WEBB ELLIS HUIS (PTY) LTD

45 GKB

SW van der Merwe
20 September 2021

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 21 September 2020 from Messrs WRAP Project Office on behalf of Webb Ellis Huis (Pty) Ltd in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) applicable to Erf 45, Van Dyksbaai for the following:

- ❖ application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions C.(2)(b) and C.(2)(d) as contained in the Title Deed T19705/2020;
- ❖ application for departure in terms of Section 16(2)(b) of the By-Law for the following:
 - relaxation of the south-western street building line from 4m to 0,269m and 0,533m respectively to accommodate the existing dwelling and stoep as well as a proposed enclosed patio/braai room.
 - relaxation of the south-western street building line from 4m to 3,749m to accommodate a proposed balcony overhang;
 - relaxation of the south-eastern lateral building line from 2m to 1,253m and 1,088m respectively to accommodate an existing bathroom, and
 - relaxation of the south-eastern lateral building line from 2m to 1,204m to accommodate the proposed fireplace/braai and enclosed stoep;
- ❖ application for determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law to accommodate the existing building.

RESOLVED:

1. that the letters of objection and comment received be noted;
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment Bylaw on Land Use Planning, 2020 (By-Law) received from Messrs WRAP Project Office on behalf of Webb Ellis Huis (Pty) Ltd applicable to Erf 45, Van Dyksbaai for the removal of restrictive title deed conditions C.(2)(b) and C.(2)(d) as contained in Title Deed T19705/2020, **be approved** in terms of the provisions of Section 61 of the By-Law;

3. that the application for departure in terms of Section 16(2)(b) of the By-Law for the encroachment of the south western street building line from 4m to 0,269m and 0,533m and the south eastern lateral building line from 2m to 1,253 and 1,088m to accommodate the existing dwelling (stoep and en-suite), **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application for departure in terms of Section 16(2)(b) of the By-Law for the encroachment of the south western street building line from 4m to 3,749m to accommodate the proposed balcony overhang, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the application for departure in terms of Section 16(2)(b) of the By-Law for the encroachment of the street building line from 4m to 0,269m and 0,533m and the 2m lateral building line to 1,204m to accommodate a proposed enclosed patio/braai room, **be partially approved** in terms of the provisions of Section 61 of the By-Law;
6. that the applicant **be exempted** from the payment of an administrative penalty in terms of Section 90(4) of the By-Law pertaining to the existing street- and lateral building line encroachments applicable to Erf 45, Van Dyksbaai;
7. that the decisions in paragraphs 2. to 5. above be subject to the following conditions:
 - (a) that a revised Site Development Plan be submitted for approval by the Authorised Official under delegated authority, indicating a reduced open canopy and fireplace which canopy and fireplace encroach the street and lateral building lines with 2m and 0,80m respectively;
 - (b) that the canopy and fireplace shall remain open and may not be enclosed;
 - (c) 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
 - (d) that all the conditions in the Services Report be complied with.
 - (e) that all the conditions from Telkom be complied with
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and

8. that the applicant and objector/persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR THE RESOLUTION:Reasons for approval

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The Overstrand Zoning Scheme Regulations has sufficient control measures in place when it comes to land use, coverage and building line controls.
- ❖ The proposal will not negatively impact on the existing/vested rights of adjoining property owners.
- ❖ The proposal is considered in line with the Municipality's SDF.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.

Reasons for partial approval of the enclosed patio/braai room

- ❖ The enclosed patio and braai room as proposed are not in line with the character and morphology of existing development within the cul-de-sac and is considered to adversely impact the character and visual amenity of the locality.
- ❖ An open canopy and fireplace encroaching the street- and lateral building lines with 2m and 0,8m respectively will have less visual impact and is not considered to unacceptably detract from the character of the street scape.

RESPONSIBLE OFFICIAL :**S VAN DER MERWE**

4.2

ERF 1132, HAWSTON, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE AND DEPARTURES: MESSRS HIGHWAVE CONSULTANTS ON BEHALF OF HAWSTON SECONDARY SCHOOL FOR PROVINCIAL GOVERNMENT: WESTERN CAPE

1132 HHW

H Olivier

23 September 2021

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 4 December 2020 from Messrs Highwave Consultants on behalf of Hawston Secondary School for Provincial Government: Western Cape on Erf 1132, Hawston for an application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ Consent use in terms of Section 16(2)(b) of the By-Law to erect a 25m high transmission apparatus on the property.
- ❖ Departures in terms of Section 16(2)(b) of the By-Law for the following:
 - To relax the 5m rear and northern lateral building line to 0m to accommodate the proposed transmission apparatus.
 - To exceed the applicable 10,5m height restriction in order to accommodate a proposed 25m high transmission apparatus.

RESOLVED:

1. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1132, Hawston for a consent use to allow the construction of a 25m high transmission apparatus, **be approved** in terms of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1132, Hawston for the following departures to accommodate the proposed transmission apparatus, **be approved** in terms of the provisions of Section 61 of the By-Law
 - ❖ to relax the 5m rear and northern lateral building line to 0m
 - ❖ to exceed the applicable height restriction from 10,5m to 25m;
3. that the approvals in 1. and 2. above be subject to the following conditions:
 - (a) that the transmission apparatus be restricted to the development indicated on Plan 2953-D-003RevE(undated), 2953-D-005RevE(undated) and elevation plan 2953-D-006RevE(undated) submitted with the application;

- (b) that should the transmission tower becomes defunct, the structures be removed to an approved landfill site;
 - (c) that all the conditions in the Service Report be complied with;
 - (d) that the conditions in the letter from Telkom be complied with;
 - (e) that the conditions in the letter from Eskom be complied with;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
 - (h) that building plan be submitted to the Building Department for approval.
4. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above-mentioned approval.

REASONS FOR THE RESOLUTION:

- ❖ All relevant departments and institutions support the application.
- ❖ The position of the transmission tower will not be close to residential or other development and would not impact on the character of such areas.
- ❖ The position of the 25m tower is a fair distance from the R43 District Road and on a much lower contour height, which will limit its visual impact.
- ❖ The objections received relate to the benefit to the community. The applicant did successfully address the objections indicating that during the construction of the tower local labour could be used.
- ❖ It is a relatively high tower (25m), but this will help ensure that a wider area can be served.
- ❖ The departures for building lines will ensure that limited school yard space will be used to accommodate the transmission apparatus.
- ❖ The application is desirable.

RESPONSIBLE OFFICIAL :**H OLIVIER**

4.3**PORTION 4 (PORTION OF PORTION 1) OF FARM KLEIN RIVIER KLOOF NO. 660, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN: MESSRS WRAP PROJECT OFFICE ON BEHALF OF WHITE WATER FARM CC****Prt 4 of 660****P Roux****9 September 2021****(028) 313 8900****Hermanus Administration**

EXECUTIVE SUMMARY

An application in terms of the provisions of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 17 September 2020 from Messrs WRAP Project Office on behalf of White Water Farm CC.

- consent use in terms of Section 16(2)(o) to accommodate a place of entertainment, additional dwelling unit, tourist accommodation and wellness centre (micro spa) on the property, and
- amendment of the approved Site Development Plan in terms of Section 16(2)(l) to accommodate a place of entertainment as well as the proposed consent uses.

RESOLVED:

1. that the comments be noted;
2. that the application received on Portion 4 of the Farm No. 660, Division Caledon for the following;
 - consent use in terms of Section 16(2)(o) of the By-law to accommodate a place of entertainment, additional dwelling unit, tourist accommodation and wellness centre (micro spa) on the property, and
 - amendment of the approved Site Development Plan in terms of Section 16(2)(l) of the By-law to accommodate a place of entertainment as well as the proposed consent uses,

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

- (a) that the development be restricted as indicated on the revised Site Development Plan; Plan no 3.2.1, as submitted with the application;
- (b) that the functions to be held on the farm be limited to the inside of the new entertainment venue;

- (c) that the functions held on the farm be limited to 64 people;
 - (d) that should complaints be received from the adjacent property owners, then the property owner of Portion 4 of the Farm No. 660, Division Caledon will have to sound proof the structure. Should additional complaints be received a noise level test must be done at the account of the property owner to determine the noise levels, and additional measures be implemented, if required;
 - (e) that building plans be submitted to the Building Department for approval and that any conditions by the Building Department and Fire Services at the time, be adhered to;
 - (f) that the conditions of Fire Services, Department of Transport and Public Works, Engineering Services and Open Service be adhered to;
 - (g) that the venue may only be used between 7:00am and 24:00pm, but preparation of the venue may take place before the set times;
 - (h) that a Certificate of Acceptability from the Health Section of the Overberg District Council and Fire Prevention Certificate be obtained from the Municipal Fire Department;
 - (i) that no accumulation of refuse occur on the premises and that refuse be disposed of at the Municipal transfer station;
 - (j) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (k) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with.
3. that the applicant and persons who commented be notified of their right to appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditional approval.

REASONS FOR THE RESOLUTION:

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ The proposal is regarded as being compatible with the existing land uses and zoning of the property.
- ❖ The development is regarded as being desirable from a town planning perspective.
- ❖ The proposed development will not impact the natural environment.

- ❖ The proposed development will not have a negative impact on the of the surrounding area.
- ❖ The proposal is consistent with the SDF, 2020.

RESPONSIBLE OFFICIAL :

P ROUX

4.4

ERF 6180, 8 HARBOUR ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE: HIGHWAVE CONSULTANTS (PTY) LTD ON BEHALF OF IMMENHOF HOMESTEAD APIARY CC

6180 KKM

H van der stoep

(028) 313 8900

Hermanus Administration

25 September 2021

EXECUTIVE SUMMARY

An application has been received on 25 October 2019 from Highwave Consultants on behalf of Blue Sky Towers on Erf 6180, Kleinmond in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the following departures to accommodate the proposed transmission tower:

- ❖ to exceed the applicable 12m height restriction in order to accommodate the proposed 15m high transmission tower on the above property;
- ❖ to relax the northern lateral building lines from 2m to 0m, and
- ❖ to relax the rear building line from 2m to 0m.

Application was complete for distribution on 3 March 2020.

Dir S Madikane proposed that the item be referred back and resubmitted at the next MPT meeting. When put to the vote, 4 members voted for the original recommendation to be carried, and 1 member voted against it. The original recommendation was thus carried.

RESOLVED:

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 6180, Kleinmond for the following departures to accommodate the proposed transmission tower:
 - ❖ to exceed the applicable 12m height restriction in order to accommodate the proposed 15m high transmission tower on the above property;
 - ❖ to relax the northern lateral building lines from 2m to 0m, and
 - ❖ to relax the rear building line from 2m to 0m.

not be approved, in terms of the provision of the section 61 of the Municipal Bylaw.

2. that the applicant 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 RESOLUTION:

- ❖ The need and desirability has not been proven by the applicant.
- ❖ The aspect of co-location has not been addressed.
- ❖ The impact of the 20m transmission tower on Erf 4894 has not been addressed.
- ❖ All the towers in Kleinmond have not been identified and discussed, so as to properly evaluate the application on the table.

RESPONSIBLE OFFICIAL :**H VAN DER STOEP**

4.5

ERF 3456, 4 STRAIGHT STREET, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND SUBDIVISION: MESSRS PLAN ACTIVE ON BEHALF OF FA VAN RENSBURG AND G TURCK

3456 KBB

H van der Stoep

17 September 2021

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 13 November 2020 from Messrs Plan Active Town and Regional Planners on behalf of FA van Rensburg & G Turck on Erf 3456, Betty's Bay for the following:

- ❖ Removal of Restrictive Title Deed Conditions in terms of Section 16.(2)(f) of the By-Law for the removal of restrictive title deed condition I.C.B.(e) as contained in Title Deed T24463/2020 to permit the proposed application.

The restrictive title deed condition I.C.B.(e) read as follows:

"That this erf be not subdivided except with the consent in writing of the Administrator"

- ❖ Subdivision in terms of Section 16.(2)(d) of the By-Law to subdivide the property into two (2) portions, namely Portion A ($\pm 1225\text{m}^2$) and the Remainder ($\pm 1458\text{m}^2$).

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 (By-Law) for the removal of restrictive title deed condition I.C.B.(e) as contained in Title Deed T24463/2020 to permit the proposed application, **not be approved** in terms of the provisions of Section 61,
2. that the application in terms of Section 16(2)(d) of the By-Law to subdivide Erf 3456, Betty's Bay into two (2) portions, namely Portion A ($\pm 1225\text{m}^2$ in extent) and the Remainder ($\pm 1446\text{m}^2$ in extent), **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in Point 2 be subject to the following conditions:
 - (a) that subdivision be in line with Drawing Nr. 3456subdivision.drw dated October 2020 submitted with this application;

- (b) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that all the conditions in the Services Report be complied with;
 - (e) that all the conditions imposed by Telkom be complied with; and
 - (f) that all the conditions imposed by Eskom 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:Reasons for approval

- ❖ The application is in line with forward planning documents.
- ❖ The extent of the two (2) residential erven is in line with the surrounding erven sizes and will not be to the detriment of the character of the area.

Reason for non-approval

The application for the removal of the restrictive condition is not necessary since the condition was not transferred to the consolidated Title Deed.

RESPONSIBLE OFFICIAL :**H VAN DER STOEP**

4.6**PORTION 8 OF THE FARM DE DRAAY NO 563, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND EXEMPTION OF SUBDIVISION (REGISTRATION OF SERVITUDE RIGHT-OF-WAY) : MESSRS PLAN ACTIVE ON BEHALF OF THE EXECUTOR OF THE ESTATE OF LATE WJC MITCHELL****RCAL 8/563****H van der Stoep****(028) 313 8900****Hermanus Administration****27 September 2021**

EXECUTIVE SUMMARY

An application was received on 29 October 2019 on Portion 8 of farm De Draay No 563 from Messrs Plan Active Town and Regional Planners on behalf of the executor of the estate of the late WJC Mitchell, Kleinmond for the following:

- ❖ Consent Use in terms of Section 16.(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to accommodate the following:
 - Tourist facilities to accommodate the following:
 - Function and conference venue of ±350m² in extent to accommodate a maximum of 120 people.
 - Wedding chapel of ±132 m² in extent to accommodate a maximum of 120 people.
 - Tourist accommodation to accommodate four (4) semi-detached units [total of eight (8) self-catering units] offering a total of 18 beds for a maximum of 22 guests.

- ❖ Exemption of subdivision of Portion 3 of the farm De Draay No. 563 in terms of Section 26(1)(g)(v) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to register a 3m servitude right-of-way over the subject property in favour of Portion 8 of the farm De Draay No 563.

RESOLVED:

1. that the application for that the application in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for a consent use to accommodate the following:
 - tourist facilities to accommodate the following:
 - Function and conference venue of ±350m² in extent to accommodate a maximum of 120 people.
 - Wedding chapel of ±132 m² in extent to accommodate a maximum of 120 people.
 - tourist accommodation to accommodate four (4) semi-detached units [total of eight (8) self-catering units = 355m²] offering a total of 18 beds for a maximum of 22 guests

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

- (a) that this approval is restricted to the development as indicated on the plans dated June 2020 (3 plans), as submitted with the application;
- (b) that the operating hours be restricted as follows:
 - Monday to Thursday, Sunday to 23:00;
 - Friday to Saturday to 1:00;
- (c) that the tourist facilities (function and conference venue) may only have access from the alternative route over Portion 3 of Farm 563;
- (d) that adequate provision be made to manage the behaviour of patrons and staff (both inside and outside the building);
- (e) that a Certificate of Acceptability and Health Certificate from the Health Department of the Overberg District Council and Fire Prevention Certificate be obtained from the Municipal Fire Department;
- (f) that commercial 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 for approval, and that all conditions of the Building and the Fire Departments be complied with at that stage;
- (h) that this approval does not absolve the applicant from compliance with any other relevant legislation;
- (i) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
- (j) that all the conditions in the Services Report be complied with;
- (k) that all the conditions imposed by Western Cape Government: Transport and Public Works be complied with; and
- (l) that all the conditions imposed in the Sound Impact Assessment, including the installation of acoustic foam and Vibra blocks cladding along the width of the warehouse walls and hanging baffles to be installed along the ceiling, be complied with.

2. that, in terms of Section 26(1)(g)(v) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, Portion 3 of the Farm De Draay No 563, **be exempted** from the subdivision process to register a 3m right-of-way servitude in favour of Portion 8 of the Farm De Draay No 563 to accommodate the alternative route for the tourism facilities; 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 Land Use Planning, 2015 with regard to the above decision.

REASONS FOR THE RESOLUTION:

- ❖ The proposed development is in line with planning policies.
- ❖ The land uses applied for are located within existing structures which have approved building plans.
- ❖ The impact on the environment and agricultural land is minimal.
- ❖ The character of the area will not be impacted upon due to the low-keyed nature of the development.

RESPONSIBLE OFFICIAL :**H VAN DER STOEP**

4.7

PORTION 94 OF FARM 587, HEMEL-EN-AARDE VALLEY, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURES AND AMENDMENT OF CONDITIONS OF APPROVAL: MESSRS WRAP ON BEHALF OF HAYGROVE HEAVEN (PTY) LTD

94/587 RCAL (3274/2019)

H Olivier

(028) 313 8900

Hermanus Administration

22 September 2021

EXECUTIVE SUMMARY

The application on Portion 94 of Farm 587, Hemel-en-Aarde Valley is in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the amendment of the conditions in a previous approval for intensive horticulture to expand the existing tunnels and also some departures, including the following:

- Application is made in terms of Section 16(2)(h) of the By-Law to amend a condition of approval to allow for the expansion of the horticulture tunnels from 5,8727 ha to 17,5464 ha.
- Application is also made in terms of Section 16(2)(b) of the By-Law for a departure to relax the following:
 - Eastern lateral building line from 30m to 3m to accommodate the proposed intensive horticulture tunnels.
 - Southern lateral building line from 30m to 5m to accommodate the proposed intensive horticulture tunnels.
 - Western lateral building line from 30m to 2m to accommodate the proposed intensive horticulture tunnels.
 - Northern lateral building line from 30m to 5m to accommodate the proposed intensive horticulture tunnels.
 - Departure from the maximum 5000m² allowable floor space for all buildings on the land unit to allow floor space of 17,8444 ha to accommodate intensive horticulture tunnels.

RESOLVED:

that the item **be referred back**.

RESPONSIBLE OFFICIAL :

H OLIVIER

4.8

PORTION 11 OF FARM 587, HEMEL-EN-AARDE VALLEY, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE AND AMENDMENT OF CONDITIONS OF APPROVAL: MESSRS WRAP ON BEHALF OF HAYGROVE HEAVEN (PTY) LTD

11/587 RCAL (3274/2019)

H Olivier

(028) 313 8900

Hermanus Administration

22 September 2021

EXECUTIVE SUMMARY

An application was received on 14 August 2019 from Messrs WRAP on behalf of Haygrove Heaven Pty Ltd on Portion 11 of Farm 587, Hemel-en-Aarde Valley for the following:

- Amendment of a condition of approval in terms of Section 16(2)(h) Overstrand Municipality By-Law on Land Use Planning, 2015 (By-Law) to allow for the expansion of the horticulture tunnels from 13,8209 ha to 33,9871 ha.
- Departures in terms of Section 16(2)(b) of the By-Law to relax the following building lines:
 - Eastern lateral building line from 30m to 2m to accommodate the proposed intensive horticulture tunnels.
 - Southern lateral building line from 30m to 3m to accommodate the proposed intensive horticulture tunnels.
 - Western lateral building line from 30m to 10m to accommodate the proposed intensive horticulture tunnels.
 - Northern lateral building line from 30m to 5m to accommodate the proposed intensive horticulture tunnels.
- Departure in terms of Section 16(2)(b) of the By-Law to relax the maximum allowable floor space for all buildings on the land unit from 5000m² to allow floor space of 35,0663 ha, to accommodate the additional intensive horticulture tunnels.

RESOLVED:

that the item **be referred back**.

RESPONSIBLE OFFICIAL :

H OLIVIER

4.9

PORTION 2 (A PORTION OF PORTION 1) (OLD OAK) OF THE FARM OUDE BOSCH NO. 637, DIVISION OF CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE : MESSRS WRAP PROJECT OFFICE ON BEHALF OF CRYSTAL KLOOF (PTY) LTD

Ptn 2 of Farm 637 RCAL

P Roux

15 September 2021

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 16 July 2020 from Messrs WRAP Project Office on behalf of Crystal Kloof (Pty) Ltd on Portion 2 of the Farm Oude Bosch No. 637, Division Caledon in terms of Section 16(2)(o) of the Overstrand By-Law on Municipal Land Use Planning, 2015 (By-Law) for consent use in order to accommodate a restaurant, place of entertainment and tourist building (farm shop/stall) on the property.

RESOLVED:

that the item **be referred back** and resubmitted at a special meeting of the Municipal Planning Tribunal on a date to be determined.

RESPONSIBLE OFFICIAL :

P ROUX

The meeting adjourned at 13:00