



MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

MINUTES

DATE:	1 OCTOBER 2019
VENUE:	TOWN PLANNING COMMITTEE ROOM HERMANUS
TIME:	11:00

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

**MINUTES OF A MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL,
HELD IN THE TOWN PLANNING COMMITTEE ROOM,
HERMANUS, ON 1 OCTOBER 2019, AT 11:00**

PRESENT:

MEMBERS:

Mr S Müller, Director : Infrastructure & Planning
Mr R Williams, Director : Community Services
Mr S Madikane, Director : Economic Development
Ms D Arrison, Director : Management Services
Ms Y Mabentsela, Directorate Development
Management












OFFICIALS:

Mr R Kuchar, Senior Manager : Town Planning
Ms H van der Stoep, Senior Town Planner
Mr H Olivier, Senior Town Planner
Ms S Swart, Council Support Services

APOLOGIES:

Ms H Janser, Directorate Development
Management

ATTENDANCE REGISTER : MEETING OF MUNICIPAL PLANNING TRIBUNAL : 1 OCTOBER 2019 AT 11:00

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	
Y MABENTSELA	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	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	

1. OPENING

The Chairperson, Mr S Müller, opened the meeting and welcomed those present.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Ms H Janser (Represented by Ms Y Mabentsela)

RESOLVED:

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

3. CONFIRMATION OF MINUTES**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 30 August 2019****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **30 August 2019, be confirmed**.

4. ITEMS FOR CONSIDERATION

4.1

ERF 1926, SAFFRON CRESCENT, VERMONT, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: REZONING, SUBDIVISION AND DEPARTURE: MESSRS WRAP ON BEHALF OF FOXMORE INVESTMENTS CC

1926 HVM (3997)

H Olivier

24 July 2019

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 11 May 2018 from Messrs WRAP on behalf of Foxmore Investments CC on Erf 1926, Vermont in terms of the Overstrand Municipality By-Law on Land Use Planning, 2015 for the following:

- rezoning in terms of Section 16(2)(a) of the above-mentioned By-Law from Residential Zone I : Single Residential (SR1) to Subdivisional Area (SA);
- subdivision in terms of Section 16(2)(d) of the abovementioned By-Law, read with Section 22 to create -
 - Nine (9) Residential Zone I erven,
 - Eight (8) General Residential Zone I erven,
 - One (1) Open Space Zone II (public open space) erf, and
 - One (1) Transport Zone II (public road) site.
- departure in terms of Section 16(2)(b) to relax internal street and lateral building lines applicable to the new General Residential Zone I erven to be created, as indicated on the submitted plan, as indicated below:

Erf	Applicable Boundary	Proposed Use	From	To	Proposed Zoning
7	Northern Street Boundary	Dwelling / Outbuilding	5m	2m	GR1
7	Western Lateral Boundary	Dwelling / Outbuilding	3m	1m	GR1
7	Western Lateral Boundary	Outbuilding	3m	0m	GR1
8	South Western Lateral Boundary	Dwelling / Outbuilding	3m	2m	GR1
8	Southern Street Boundary	Dwelling / Outbuilding	5m	1m	GR1
9	Northern Street Boundary	Dwelling / Outbuilding	5m	2m	GR1

9	Southern Street Boundary	Dwelling / Outbuilding	5m	1m	GR1
10	Northern Street Boundary	Dwelling / Outbuilding	5m	2m	GR1
10	Southern Street Boundary	Dwelling / Outbuilding	5m	1m	GR1
11	Northern Street Boundary	Dwelling / Outbuilding	5m	2m	GR1
11	Eastern Lateral Boundary	Dwelling / Outbuilding	3m	1m	GR1
11	Eastern Lateral Boundary	Outbuilding	3m	0m	GR1
11	Western Street Boundary	Dwelling / Outbuilding	5m	1m	GR1
12	Eastern Rear Boundary	Dwelling / Outbuilding	3m	1m	GR1
12	Eastern Rear Boundary	Outbuilding	3m	0m	GR1
12	Western Street Boundary	Dwelling / Outbuilding	5m	1m	GR1
13	Eastern Rear Boundary	Dwelling / Outbuilding	3m	1m	GR1
13	Southern Lateral Boundary	Outbuilding	3m	0m	GR1
13	Southern Lateral Boundary	Dwelling / Outbuilding	3m	1m	GR1
13	North Western Street Boundary	Dwelling / Outbuilding	5m	1m	GR1
14	Southern Lateral Boundary	Dwelling / Outbuilding	3m	1m	GR1
14	Southern Lateral Boundary	Outbuilding	3m	0m	GR1
14	Western Street Boundary	Dwelling / Outbuilding	5m	1m	GR1
14	Northern Street Boundary	Dwelling / Outbuilding	5m	1m	GR1

RESOLVED:

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 to rezone Erf 1926, Vermont from Residential Zone I: Single Residential (SR1) to Subdivisional Area (SA), and for a subdivision in terms of Section 16(2)(d) of the above-mentioned By-Law, read with Section 22, **be approved** in terms of the provisions of Section 61, subject to the following conditions:
 - (a) that the final Site Development Plan (SDP) submitted as Alternative 4 (page 70 to the agenda) be amended by consolidating Sites 6 and 7 into 1 Residential Zone I erf of minimum 600m², that the right-of-way servitude that provide access to the new Residential Zone I site and Site 8 be made wider to a width acceptable to the Engineering Department to accommodate double traffic, that the passage created to the open space between Sites 10 and 11 be a 2m wide open space alley surveyed as part of the open space, and lastly that the open space be changed to Private Open Space;
 - (b) that the amended SDP be submitted showing ten (10) Residential Zone I erven, six (6) General Residential Zone 1 erven, one (1) Transport Zone II (Public Road) and one (1) Open Space Zone III (Private Open Space) Site, to the satisfaction of the Senior Manager: Town and Spatial Planning;
 - (c) that a service servitude be registered over all municipal services to the satisfaction of the Engineering Department, prior to the registration of the first erf;
 - (d) that a minimum of two (2) parking bays be provided on each erf, to municipal standards and satisfaction;
 - (e) that the compliance does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (f) that the Architectural Design Guidelines in line with Zoning Scheme parameters and the departure relaxation as dealt with in Point 2 below for the development to address the style of the houses that will be constructed, be submitted to the Municipality for approval;
 - (g) that all the conditions of Telkom be complied with;
 - (h) that all the conditions imposed by Eskom be complied with;
 - (i) that all conditions in the Services Report be complied with;

- (j) that the conditions imposed by the Western Cape Government: Environmental Affairs and Development Planning be complied with;
- (k) that the conditions of the Municipal Fire Department be complied with;
- (l) that the conditions imposed by the Overberg District Municipality be complied with;
- (m) that a Home Owners' Association be established with compulsory membership for all property owners within the development;
- (n) that the Constitution of the Home Owners' Association be submitted for approval by the Municipality (which reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
- the approval of building plans by an "estate architect" prior to submission thereof to the Municipality, and
 - that the Constitution clarifies at what stage the responsibility would be transferred from the developer to the Home Owners' Association to deal with approval of plans.
- (o) that the Private Open Space be transferred into the name of the Home Owners' Association and they be responsible for the upkeep and maintenance of the open space, and an Environmental Management Plan be submitted for the Private Open Space.
2. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 to relax internal street building lines and lateral building lines applicable to the following General Residential Zone I erven to be created, **be approved**, as follows:

Erf	Applicable Building Line	From	To
8	Street – Malmok Street	5m	3m
8	Western lateral boundary	3m	2m
9	Street	5m	2m
9	Street – garage with direct access	5m	4m
9	Western lateral	3m	2m
10	Street	5m	2m
10	Street – garage with direct access	5m	4m
11	Street	5m	2m
11	Street – garage	5m	4m
11	Northern lateral (to Erf 1995)	3m	2m
12	Street	5m	2m
12	Street – garage with direct access	5m	4m
12	Eastern lateral	3m	2m

12	Southern lateral	3m	2m
13	Street	5m	2m
13	Street - garage with direct access	5m	4m
13	Southern lateral	3m	2m

3. that all other applications for departure in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 to relax internal street building lines and lateral building lines for the General Residential Zone I sites, **not be approved**; and
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 conditions of approval.

REASONS FOR APPROVAL

Point 1

- ❖ The proposal for a development with a mix of Residential Zone I and General Residential Zone I erven is in line with the Overstrand Growth Management Strategy, 2010 and Overstrand Municipal Wide SDF, 2006.
- ❖ All municipal departments and external departments/institutions support the application.
- ❖ The necessary environmental approval was obtained from the Western Cape Government: Environmental Affairs and Development Planning, and there are no environmental concerns.
- ❖ Concerns / objections raised about the possible impact on the character of the area are unfounded as this proposed development will be in line with the character of surrounding developments.
- ❖ Concerns / objections raised about the traffic impact on Saffron Crescent do not prove the development to be undesirable.
- ❖ The amendments to the SDP due to the later environmental approval are not significant, and with some amendments recommended, a new public participation process is not required.
- ❖ The amended layout as required by DEA&DP created an odd open space, and takes away 93m² for the development of erven, which created a less functional layout plan.
- ❖ The Municipal Environmental Management Department recommended the open space be changed to a private open space, as it is too fragmented to form part of the functional public open space system.
- ❖ To ensure no further public participation is required and the functionality of the layout can be improved to ensure that all erven will be large enough to be developable, all erven will be accessible and access to the open space will be assured, a revised SDP must be submitted to provide for ten (10) Residential Zone I erven, six (6) General Residential Zone I erven, one (1) Open

Space Zone III (Private Open Space) and a Transport Zone II (Public Road) site, as indicated in Condition 1(a) of the Recommendation.

Point 2

- ❖ In terms of the character of Vermont, developments consist of a mixture of Residential Zone I and General Residential Zone I erven, with public roads, to avoid creating a “gated complex” character. Challenges have been experienced regarding building line limitations in respect of Group Housing erven in such developments, and for that reason this departure application was submitted to deal with such challenges.
- ❖ The relaxations only relate to relaxation to the new “internal road” within the development, Malmok Street, and lateral building lines next to mostly internal Residential Zone I and Open Space erven, and would not impact on surrounding property owners.

REASONS FOR NON-APPROVAL:

Point 3

- ❖ The Overstrand Zoning Scheme sufficiently make provision for the construction of garages on lateral building lines on General Residential Zone I erven as follows:
 - On General Residential Zone I erven provision is made that garaging may be constructed on one (1) lateral boundary adjacent to another Group Housing site, for a distance of 50% of the length of such lateral boundary.
 - Relaxation of street and lateral building lines up to 1m to public roads and Residential Zone I erven is not considered desirable as it would create a much denser visual feel that could impact the character of the area.
 - Garages closer than 4m of the street boundary are not supported as this will not allow sufficient manoeuvrability in the proposed cul-de-sac and could create traffic problems.
 - Applications for departures to relax the street and lateral building lines to 1m and closer than 4m for garages are not in line with what was allowed for similar developments in Vermont, and not desirable.

RESPONSIBLE OFFICIAL :

H OLIVIER

4.2

**ERF 3293, 17 PEARL DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA:
PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: MESSRS
WRAP ON BEHALF OF AL AND JA VAN WYK**

3293 KBB (2663)

H van der Stoep

16 August 2019

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 23 October 2018 from Messrs WRAP on behalf of AL and JA van Wyk for the removal of restrictive title conditions with reference to Condition C.5.(b) of Title Deed T2613/2018 applicable to Erf 3293, Betty's Bay in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to allow the owners to establish a flat on the first floor.

The restrictive condition C.5.(b) contained in Title Deed T2613/2018 to be removed reads as follow:

“(b) It shall be used only for the shop purposes only.”

RESOLVED:

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 3293, Betty's Bay for the removal of restrictive Condition C.5.(b) of Title Deed T2613/2018, **be approved** in terms of the provisions of Section 61 of the By-Law in terms of the following conditions:
 - (a) that the approval for the proposal as indicated on plans submitted with the application Drawing No AvW2018-3293-02 to 04 and AvW2018-3293-05 to 09 dated 15 October 2018;
 - (b) 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;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and
 - (e) that all the conditions in the Services Report be complied with.

2. that the applicant and objector 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 APPROVAL

- The application provides a transition between business and residential.
- The proposal will enhance security in the area.
- The proposal is linked to an existing business with a good track record.
- The property will be maintained and enhance the area.

RESPONSIBLE OFFICIAL :**H VAN DER STOEP****The meeting adjourned at 11:35**