



MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

MINUTES

DATE: 6 OCTOBER 2020 (SEP 2020 CYCLE)
VENUE: GLASKAS/VIRTUAL
HERMANUS
TIME: 14:00

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE GLASKAS/VIRTUAL, HERMANUS, ON 6 OCTOBER 2020, AT 14:00

PRESENT:

MEMBERS:

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

OFFICIALS:

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

MUNICIPALITY



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**MUNICIPAL PLANNING TRIBUNAL
ATTENDANCE REGISTER**

Date: **6 OCTOBER 2020**

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
S MÖLLER	MPT CHAIRPERSON OVERSTRAND MUNICIPALITY	
R WILLIAMS	MPT VICE-CHAIRPERSON OVERSTRAND MUNICIPALITY	Via Zoom
S MADIKANE	MPT MEMBER OVERSTRAND MUNICIPALITY	Via Zoom
D ARRISON	MPT MEMBER OVERSTRAND MUNICIPALITY	Via Zoom
H JANSER	MPT MEMBER DIR: DEV MANAGEMENT	Via Zoom
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	

1. OPENING

The Chairperson, Mr S Müller, 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 27 August 2020

RESOLVED:

that the Minutes of the Municipal Planning Tribunal Meeting held on **27 August 2020, be confirmed.**

4. ITEMS FOR CONSIDERATION

4.1

ERF 11054, 2 ROYAL STREET, NORTHCLIFF, HERMANUS: APPLICATION FOR REZONING AND DEPARTURE: MESSRS PLANACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF THE MIKE FAMILIE TRUST

11054 HNC (3283)

H van der Stoep

(028) 313 8900

Hermanus Administration

6 August 2020

EXECUTIVE SUMMARY

An application was received on 21 August 2019 from Messrs Plan Active Town and Regional Planners on behalf of the Mike Family Trust on Erf 11054, Hermanus for the following:

- ❖ Rezoning in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 from General Residential Zone 1 to Business Zone 1: Bulk Zone 1.
- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the relaxation of the lateral building line from 3m to 1m to accommodate the building.

RESOLVED:

1. that the application for rezoning in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) from General Residential Zone 1 to Business Zone 1, Bulk Zone 1, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for departure in terms of Section 16(2)(b) of the By-Law for the relaxation of the lateral building line from 3m to 1m to accommodate the building on Erf 11054, Hermanus, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in 1 and 2 be subject to the following conditions:
 - (a) that the departure for the relaxation of the lateral building line with Erf 737 from 3m to 1m be approved pertaining to a single-story building;
 - (b) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and
 - (c) that a site plan be submitted reflecting the approval with the 18 parking bays and access from Aberdeen Street.

4. 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 for rezoning is in line with the Planning Policies.
- ❖ Employment will be generated.
- ❖ Sufficient parking on site, thus alleviating parking in Aberdeen Street road reserve.
- ❖ The departure is in line with an area predominantly business area.

RESPONSIBLE OFFICIAL :**H VAN DER STOEP**

4.2**ERF 2340, 15 ARUM ROAD, HERMANUS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE: MESSRS WRAP CONSULTANCY ON BEHALF OF CONDERE PROPERTIES CC****2340 HIND (2965/2019)****SW van der Merwe****(028) 313 8900****Hermanus Administration****6 August 2020**

EXECUTIVE SUMMARY

An application was received on 26 February 2019 from Messrs WRAP Consultancy on behalf of Condere Properties CC, the owner of Erf 2340, Hermanus for the following:

- ❖ removal of restrictive title deed Condition C.5 (b), (c) and (d) as contained in Title Deed T1654/2009 in terms of Section 16(2)(f) of the Overstrand By-Law on Municipal Land Use Planning, 2015 (By-Law), and
- ❖ consent use in terms of Section 16(2)(o) of the aforementioned By-Law to conduct a restaurant from the property.

RESOLVED:

1. that, in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), the application for the removal of restrictive title conditions as contained in Title Deed T1654/2009 applicable to Erf 2340, Hermanus namely Condition C.5.(b), C.5(c) & C.5(d), **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that, in terms of Section 16(2)(o) of the By-Law, the application for consent use to conduct a restaurant (76m²), **not be approved** in terms of the provisions of Section 61 of the By-Law; and
3. that the applicant be notified of his/her right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approvals.

REASONS FOR APPROVAL OF THE APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE CONDITIONS:

- ❖ The removal of restrictive title conditions would permit development of the property in line with the scheme regulations.
- ❖ None of the internal departments have any objection.

REASONS FOR NON-APPROVAL OF THE APPLICATION FOR CONSENT USE (RESTAURANT):

- ❖ The proposal is not consistent with the applicable forward planning and policy documents (SDF, OMGMS and IDF).
- ❖ Business/commercial land uses should be limited to the CBD/Business nodes.
- ❖ Proliferation of non-industrial areas with industrial land uses is not desirable.
- ❖ Restaurants are not in keeping with the character of the industrial area.
- ❖ Provision for on-site consumption liquor license in the industrial area is not desirable.
- ❖ The operations due to the proposed liquor trading hours to 2am in the morning will constitute a bar, pub or tavern.
- ❖ Suitably zoned properties that will accommodate a liquor license are available in close proximity and should be situated in the designated CBD and business nodes.

RESPONSIBLE OFFICIAL :**S VAN DER MERWE**

4.3

ERVEN 107, 109 AND 110, VAN DYK & GEELBEK STREETS, VAN DYKSBAAI (KLEINBAAI), OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING, CONSOLIDATION, CONSENT USE AND DEPARTURE: MESSRS WRAP CONSULTANCY ON BEHALF OF EXACT AFRICA PROJECT MANAGEMENT

107, 109 & 110 GKB (2828/2018)

SW van der Merwe

(028) 313 8900

Hermanus Administration

20 August 2020

EXECUTIVE SUMMARY

An application was received on 14 December 2018 from Messrs WRAP Consultancy on behalf of Exact Africa Project Management applicable to Erven 107, 109 and 110, Van Dyksbaai in terms of the Overstrand By-Law on Municipal Land Use Planning, 2015 (By-Law) for the following:

- ❖ removal of restrictive title deed conditions 1.C.6, 1.C.7(a), 1.C.7(b), 1.C.7(c), 1.C.8(a), 1.C.8(b), 1.C.8(c), 1.C.9 & 1.C.10 contained in Title Deed T53947/2005 applicable to Erf 107 van Dyksbaai, as well as title deed conditions D.1, D.2, D.3, D.4 & D.5 contained in Title Deed T44460/2013 applicable to Erf 109, van Dyksbaai in terms of Section 16(2)(f) of the By-Law;
- ❖ rezoning of Erf 109, van Dyksbaai from Authority Zone: Authority Usage (AZ) to Business Zone 3: Local Business (B3) in terms of Section 16(2)(a) of the By-Law;
- ❖ consolidation of Erven 107, 109 and 110, van Dyksbaai to create a consolidated property measuring 5790m² in terms of Section 16(2)(e) of the By-Law;
- ❖ consent use to accommodate a business premises and residential building in terms of Section 16(2)(o) of the By-Law;
- ❖ departure in terms of Section 16(2)(b) of the By-Law for the following:
 - relaxation from the southern lateral building line from 3m to 0m to accommodate an existing store room;
 - relaxation of the north-eastern lateral building from 3m to 1,9m to accommodate guest room 2;
 - relaxation of the south-western lateral building line from 3m to 0,3m to accommodate guest room 3;
 - relaxation of the south-eastern lateral building line from 3m to 2m to accommodate the existing office; and
 - departure of the 8,5m height restriction to 10,5m to accommodate a proposed new building on the consolidated property.

RESOLVED:

1. that the comments be noted;

2. that, in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), the application for the removal of restrictive title conditions 1.C.6, 1.C.7(a), 1.C.7(b), 1.C.7(c), 1.C.8(a), 1.C.8(b), 1.C.8(c), 1.C.9 & 1.C.10 contained in Title Deed T53947/2005 applicable to Erf 107 Van Dyksbaai, as well as title deed condition D.5 contained in Title Deed T44460/2013 applicable to Erf 109, Van Dyksbaai **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that, in terms of Section 16(2)(f) of the By-Law, the application for the removal of restrictive title conditions D.1, D.2, D.3 and D.4 contained in Title Deed T44460/2013 applicable to Erf 109, Van Dyksbaai **not be approved**, subject to the following:

that condition D.1, D.2 and D.3 be amended as follows:

D.1: The property may only be used for Local Business purposes.

D.2: The development on the property must comply with the provisions of the Gansbaai Zoning Scheme Regulations, 2003 for Local Business Zone as promulgated in terms of the Land Use Planning Ordinance, No. 15 of 1985.

D.3: Access to the property shall be from Perlemoen and Geelbek Streets.

4. that the application in terms of Section 16(2)(a) of the By-Law for the rezoning of Erf 109, Van Dyksbaai from Authority Zone: Authority Usage (AZ) to Business Zone 3: Local Business (B3) for development of a tourist interpretation centre and tourism business, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the application in terms of Section 16(2)(e) for consolidation of Erven 107, 109 & 110, Van Dyksbaai to create a consolidated property measuring 5790m², **be approved** in terms of the provisions of Section 61 of the By-Law;
6. that the application in terms of Section 16(2)(o) for a consent use to accommodate a business premises and residential building, **be approved** in terms of Section 61 of the By-Law;
7. that the application in terms of Section 16(2)(b) of the By-Law, for the following departures:
 - relaxation of the southern lateral building line from 3m to 0m to accommodate an existing store room;
 - relaxation of the north-eastern lateral building line from 3m to 1,9m to accommodate guest room 2;
 - relaxation of the south-western lateral building line from 3m to 0,3m to accommodate guest room 3; and
 - relaxation of the south-eastern lateral building line from 3m to 2m to accommodate the existing office,

be approved in terms of the provisions of Section 61 of the By-Law;

8. that the application in terms of Section 16(2)(b) of the By-Law, for departure of the height restriction from 8,5m to 10,5m **not be approved** in terms of the provisions of Section 61 of the By-Law;
9. that the approvals above, be subject to the following conditions:
 - (a) that a detailed parking layout be submitted within thirty (30) days of the decision date for approval by the Authorised Official, indicating on-site parking provision in accordance with the provisions of the Scheme Regulations;
 - (b) that the approved parking layout referred to in paragraph (a) above be implemented within thirty (30) days following approval thereof by the Authorised Official;
 - (c) that following consolidation the future development of the area represented by former Erf 109 be subject to the submission of a Site Development Plan (SDP) for prior approval by the Authorised Official, which SDP shall demonstrate that the development is in accordance with the development committed in terms of the tender awarded to Exact Africa Project Management (Pty) Ltd which SDP shall as a minimum indicate access/egress, parking arrangements, sidewalk and aesthetic treatment, floor and elevation plans of the proposed development);
 - (d) that development of that portion representing former Erf 109, Van Dyksbaai, must be developed within a period of two (2) years from the date of obtaining the relevant town planning approvals;
 - (e) that building plans in respect of all unauthorised buildings/structures be submitted within thirty (30) days following approval of the application and that all requirements of the Building Control and Fire Department shall be adhered to;
 - (f) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically be adjusted in terms of the annual budget;
 - (g) that the display of advertising shall comply with the Overstrand Signage By-law;
 - (h) that all the conditions in the Services Report be complied with;
 - (i) that this approval does not absolve the applicant from compliance with any other relevant legislation; and

- (j) that all other development parameters as prescribed in the Overstrand Municipality Land Use Scheme, 2020 be complied with.
10. 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 conditional approvals.

REASONS FOR THE APPROVAL:

- ❖ The proposal is consistent with the IDF, SDF, OMGMS and Kleinbaai Nodal Development Framework.
- ❖ The relevant legislation was considered with the removal of the restrictive conditions in the Title Deed.
- ❖ The proposal is consistent with the spatial principles as set out in SPLUMA and LUPA.
- ❖ The existing unauthorised business activities, promoting tourism, economic development and employment opportunities will have a positive social advantage.
- ❖ The proposed removal, rezoning, consolidation, consent use and departure will not detract from the character of the area, amenity of adjoining properties and is considered desirable.

REASONS FOR NON-APPROVAL:

- ❖ The proposal is in conflict with the original development intent as per the tender and Deed of Sale and contained in the Title Deed.
- ❖ Amendment of Conditions D.1, D.2 and D.3 will ensure the original intent of the alienation of Erf 109, for development of a tourism interpretation centre and tourism business be adhered to and that it would not result in the upgrade of development rights.
- ❖ Departure of the height restriction from 8,5m to 10,5m is not in keeping with the scale, bulk and massing of development in neighbourhood business nodes, thus detracting from the amenity of adjoining properties and character of the area.

RESPONSIBLE OFFICIAL :**S VAN DER MERWE****THE DIRECTOR : MANAGEMENT SERVICES, MS D ARRISON, LEFT THE MEETING AT 16:00 WITH PERMISSION FROM THE CHAIRPERSON**

4.4

PORTION OF ERF 243, ERVEN 6462, 6464, 6465, 6468, 6469, 6471, 6473, 6474, 6476, 6477, 6479, 6480, 6483 to 6490, 6974, 7701, A PORTION OF ERF 7684, ERF 11472, 11892, HERMANUS (MOUNT PLEASANT) AND A PORTION OF ERF 243, HOSPITAL ROAD, HERMANUS (WESTDENE): APPLICATION FOR REZONING, SUBDIVISION, CONSOLIDATION AND CLOSURE OF PUBLIC PLACES OR PART THEREOF, REMOVAL OF RESTRICTIVE CONDITIONS, DEVIATION FROM THE OVERSTRAND MUNICIPALITY SPATIAL GROWTH MANAGEMENT STRATEGY, EXEMPTION TO EXCLUDE NAMING OF STREETS AS PART OF THE APPLICATION AND PHASED PLANNING (FOR INFILL RESIDENTIAL DEVELOPMENT): MESSRS NUPLAN AFRICA ON BEHALF OF OVERSTRAND MUNICIPALITY / THE ADAMA FOUNDATION TRUST

**Infill Housing HMP &
Ptn of Erf 243, HWC
H Olivier
1 September 2020**

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application was received on 22 August 2019 from Messrs NuPlan Africa on behalf Overstrand Municipality and the Adama Foundation Trust in terms of the Overstrand Municipality By-Law on Land Use Planning, 2015 (By-Law) for the following:

AREA 1 - Erf 6464, 18 Angelier Street, Hermanus (Mount Pleasant)

- Application in terms of Section 16(2)(a) to rezone from Residential Zone 1 : Single Residential to Subdivisional Area to create eight (8) Residential Zone 1 : Single Residential erven and one (1) Transport Zone II (public road) portion, and the subdivision thereof in terms of Section 16(2)(d).

AREA 2 - Erf 6465, 57 Dahlia Street, Hermanus (Mount Pleasant)

- Application in terms of Section 16(2)(n) to accommodate the closure of a public place (Public Open Space).
- Application in terms of Section 16(2)(a) to rezone from Open Space Zone 2: Public Open Space to Subdivisional Area to create twenty (20) Residential Zone 1: Single Residential erven, one (1) Transport Zone 2 : Road and Parking and one (1) Utility Zone : Utility Services portion, and the subdivision thereof in terms of Section 16(2)(d).

AREA 3 - Erf 6462, cnr Angelier- and Madeliefie Street, Hermanus (Mount Pleasant)

- Application in terms of Section 16(2)(n) to accommodate the closure of a public place (only due to Public Open Space zoning).
- Application in terms of Section 16(2)(a) to rezone from Open Space Zone 2 : Public Open Space to Subdivisional Area to create sixteen (16)

Residential Zone 1: Single Residential and one (1) Transport Zone 2 : Road and Parking portion, and the subdivision thereof in terms of Section 16(2)(d).

AREA 4 - Erf 6974, 9 Angelier Street, Hermanus (Mount Pleasant)

- Application in terms of Section 16(2)(n) to accommodate the closure of a public place (only due to Public Open Space zoning).
- Application in terms of Section 16(2)(a) to rezone from Open Space Zone 2: Public Open Space to Subdivisional Area to create fourteen (14) Residential Zone 1: Single Residential erven and one (1) Transport Zone 2: Road and Parking portion, and the subdivision thereof in terms of Section 16(2)(d).

AREA 5 - Erf 11892, 15 Clivia Street, Hermanus (Mount Pleasant)

- Application in terms of Section 16(2)(n) to accommodate the closure of a public place (Public Open Space).
- Application in terms of Section 16(2)(a) to rezone from Open Space Zone 2: Public Open Space to Subdivisional Area, to create ten (10) Residential Zone 1 : Single Residential erven, one (1) Transport Zone 2: Road and Parking portion and one (1) Utility Zone: Utility Services portion, and the subdivision thereof in terms of Section 16(2)(d).

AREA 6 - Erf 7701, portion of Erf 7684 and a portion of Remainder Erf 243, 37 Dahlia Street, Hermanus (Mount Pleasant)

- Application in terms of Section 16(2)(n) to accommodate the partial closure of a public place (portion of Erf 7684 and a portion of Remainder Erf 243), being public road portions of Aalwyn- and Dahlia Streets.
- Application in terms of Section 16(2)(e) to consolidate the two (2) closed road portions with Erf 7701 to create one (1) new portion.
- Application in terms of Section 16(2)(a) to rezone the new portion from its original Community Zone 1: Community Facilities and Transport Zone 2: Road and Parking Zone to Subdivisional Area, to create fifteen (15) Residential Zone 1: Single Residential erven, one (1) Transport Zone 2: Road and Parking portion and one (1) Open Space Zone 2: Public Open Space portion respectively, and the subdivision thereof in terms of Section 16(2)(d).

AREA 7 - Erven 6468, 6469, 6471, 6473, 6474, 6476, 6477, 6479, 6480, 6483 to 6490, Jasmyn- and Katjeepering Streets, Hermanus (Mount Pleasant)

- Application in terms of Section 16(2)(e) to consolidate Erven 6468 and 6469 and the subsequent subdivision of the consolidated portion into four (4) portions in terms of Section 16(2)(d).
- Application in terms of Section 16(2)(e) to consolidate Erven 6476 and 6477 and the subsequent subdivision of the consolidated portion into four (4) portions in terms of Section 16(2)(d).

- Application in terms of Section 16(2)(e) to consolidate Erven 6479 and 6480 and the subsequent subdivision of the consolidated portion into four (4) portions in terms of Section 16(2)(d).
- Application in terms of Section 16(2)(e) to consolidate Erven 6483, 6484, 6485, 6486, 6487, 6488, 6489 and 6490, the Rezoning of the consolidated portion from Residential Zone 1: Single Residential to Subdivisional Area in terms of Section 16(2)(a) to create eleven (11) Residential Zone 1 : Single Residential erven and one (1) Open Space Zone 2 : Public Open Space portion, and the subdivision thereof in terms of Section 16(2)(d).
- Application in terms of Section 16(2)(e) to consolidate Erven 6471 and 6473 and the subsequent subdivision of the consolidated portion into three (3) Residential Zone 1 : Single Residential erven in terms of Section 16(2)(d).
- Application in terms of Section 16(2)(d) to subdivide Erf 6474 into two (2) Residential Zone 1 : Single Residential erven.

AREA 9 - Portion of Remainder Erf 243, Corner of R43 District Road and Malva Street, Hermanus (Mount Pleasant)

- Application in terms of Section 16(2)(a) to rezone from Business Zone 3 to Subdivisional Area to create seventy (70) Residential Zone 1: Single Residential erven, three (3) Business Zone 1: General Business erven, one (1) Transport Zone 2: Road and Parking portion and one (1) Open Space Zone 2: Public Open Space portion respectively, and the subdivision thereof in terms of Section 16(2)(d).

AREA 10 - Erf 11472, 47 Angelier Street, Hermanus (Mount Pleasant)

- Application for Removal of a Restrictive Title Deed Condition, Clause C(1) of Title Deed T45480/2017 applicable to Erf 11472, Hermanus in terms of Section 16(2)(f) of the By-Law.
- Application in terms of Section 16(2)(a) to rezone from General Residential Zone 3: Flats to Subdivisional Area, to create sixteen (16) Residential Zone 1: Single Residential erven and one (1) Transport Zone 2 : Road and Parking portion, and the subdivision thereof in terms of Section 16(2)(d).

AREA 11 - Portion of Remainder Erf 243, Hospital Street, Hermanus (Westdene)

- Application in terms of Section 16(2)(n) to accommodate the closure of a public place (portion of Remainder Erf 243 of land next to Hospital Road zoned Public Road).
- Application in terms of Section 16(2)(a) to rezone the closed portion from Transport Zone 2: Road and Parking to Subdivisional Area, to create four (4) portions and the subsequent subdivision thereof to create a total of eighteen (18) Residential Zone 1: Single Residential erven and one (1) Transport Zone 2: Road and Parking portion.

- Application in terms of Section 16(2)(d) to subdivide the portion of Remainder Erf 243 into four (4) portions, and the subsequent subdivision thereof into eighteen (18) Residential Zone 1 : Single Residential erven and one (1) portion of public road.

Application also further made for exemption in terms of Section 101 to exclude an application in terms of Section 96 of the By-Law dealing with Naming of Streets as part of this land use planning application.

Application is also made for the Phasing of the Plan of Subdivision in terms of Section 16(2)(k) of the By-Law, into (ten) 10 phases.

Application is lastly made for deviation from the Overstrand Municipality Spatial 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), to deviate from reserved densities.

RESOLVED:

1. that the objections be noted;
2. that, in terms of the Overstrand By-Law on Municipal Land Use Planning, 2015 (By-Law), the application to develop infill housing sites on Erf 6464, Hermanus (Mount Pleasant), which includes the following:
 - Rezoning in terms of Section 16(2)(a) from Residential Zone I :Single Residential to Subdivisional Area, and
 - Subdivision in terms of Section 16(2)(d) in order to create eight (8) Residential Zone I : Single Residential erven and one (1) Transport Zone II (public road) portion,

be approved in terms of the provisions of Section 61 of the By-Law;

3. that, in terms of the By-Law, the application to develop infill housing sites on Erf 6465, Hermanus (Mount Pleasant), which includes the following:
 - Closure of a public place (Public Open Space in terms of Section 16(2)(n);
 - Rezoning in terms of Section 16(2)(a) from Open Space Zone 2 : Public Open Space to Subdivisional Area, and
 - Subdivision in terms of Section 16(2)(d) in order to create twenty (20) Residential Zone I : Single Residential erven, one (1) Transport Zone 2 : Road and Parking and one (1) Utility Zone : Utility Services portion,

be approved in terms of the provisions of Section 61 of the By-Law;

4. that, in terms of the By-Law the application to develop infill housing sites on Erf 6462, Hermanus (Mount Pleasant), which includes the following:
- Closure of a public place (only due to Public Open Space Zoning) in terms of Section 16(2)(n);
 - Rezoning in terms of Section 16(2)(a) from Open Space Zone 2 : Public Open Space to Subdivisional Area, and
 - Subdivision in terms of Section 16(2)(d) to create sixteen (16) Residential Zone I: Single Residential erven and one (1) Transport Zone 2: Road and Parking portion,

be approved in terms of the provisions of Section 61 of the By-Law;

5. that, in terms of the By-Law, the application to develop infill housing sites on Erf 6974, Hermanus (Mount Pleasant), which includes the following:
- Closure of a public place (only due to Public Open Space Zoning) in terms of Section 16(2)(n);
 - Rezoning in terms of Section 16(2)(a) from Open Space Zone 2 : Public Open Space to Subdivisional Area, and
 - Subdivision in terms of Section 16(2)(d) to create fourteen (14) Residential Zone I : Single Residential erven and one (1) Transport Zone 2 : Road and Parking portion,

be approved, in terms of the provisions of Section 61 of the said By-Law;

6. that, in terms of the By-Law, the application to develop infill housing sites on Erf 11892, Hermanus (Mount Pleasant), which includes the following:
- Closure of a public place (Public Open Space) in terms of Section 16(2)(n);
 - Rezoning in terms of Section 16(2)(a) from Open Space Zone 2 : Public Open Space to Subdivisional Area, and
 - Subdivision in terms of Section 16(2)(d) to create ten (10) Residential Zone I : Single Residential erven, one (1) Transport Zone 2 : Road and Parking portion and one (1) Utility Zone: Utility Services portion,

be approved in terms of the provisions of Section 61 of the By-Law;

7. that, in terms of the By-Law, the application to develop infill housing sites on Erf 7701, Portion of Erf 7684 and Portion of Erf 243, Hermanus (Mount Pleasant), which includes the following:
- Partial closure of a public place (portion of Erf 7684 and a portion of Remainder Erf 243) being public road portions of Aalwyn and Dahlia Streets;
 - Consolidation in terms of Section 16(2)(e) of the two (2) closed road portions with Erf 7701;
 - Rezoning in terms of Section 16(2)(a) of the new consolidated portion from Community Zone I : Community Facilities and Transport Zone 2 : Road and Parking Zone to Subdivisional Area, and
 - Subdivision in terms of Section 16(2)(d) to create fifteen (15) Residential Zone I : Single Residential erven, one (1) Transport Zone 2 : Road and Parking portion and one (1) Open Space Zone 2 : Public Open Space portion,

be approved in terms of the provisions of Section 61 of the By-Law;

8. that, in terms of the By-Law, the application to develop infill housing sites on Erven 6468, 6469, 6471, 6473, 6474, 6476, 6477, 6479, 6480, 6483 to 6490, Hermanus (Mount Pleasant), which includes the following:
- Consolidation in terms of Section 16(2)(e) of Erven 6468 and 6469, Hermanus;
 - Subdivision in terms of Section 16(2)(d) of the consolidated portion of Erven 6468 and 6469 into four (4) Residential Zone I : Single Residential portions;
 - Consolidation in terms of Section 16(2)(e) of Erven 6476 and 6477, Hermanus;
 - Subdivision in terms of Section 16(2)(d) of the consolidated portion of Erven 6476 and 6477 into four (4) Residential Zone I : Single Residential Zone portions;
 - Consolidation in terms of Section 16(2)(e) of Erven 6479 and 6480, Hermanus;
 - Subdivision in terms of Section 16(2)(d) of the consolidated portion of Erven 6479 and 6480 into four (4) Residential Zone I : Single Residential Zone portions;
 - Consolidation in terms of Section 16(2)(e) of Erven 6483 to 6490, Hermanus;
 - Rezoning in terms of Section 16(2)(a) of the consolidated portion of Erven 6483 to 6490 from Residential Zone I : Single Residential to Subdivisional Area;
 - Subdivision in terms of Section 16(2)(d) of the consolidated portion from Erven 6483 to 6490, to create eleven (11) Residential Zone I : Single Residential erven and one (1) Open Space Zone 2 : Public Open Space portion;

- Consolidation in terms of Section 16(2)(e) of Erven 6471 and 6473, Hermanus;
- Subdivision in terms of Section 16(2)(d) of the consolidated portion of Erven 6471 and 6473 into three (3) Residential Zone I : Single Residential portions;
- Subdivision in terms of Section 16(2)(d) of Erf 6474, Hermanus into two (2) Residential Zone I:Single Residential erven,

be approved in terms of the provisions of Section 61 of the By-Law;

9. that, in terms of the By-Law, the application to develop infill housing sites on a portion of Remainder Erf 243, Hermanus (Mount Pleasant), which includes the following:

- Rezoning in terms of Section 16(2)(a) from Business Zone 3 to Subdivisional Area;
- Subdivision in terms of Section 16(2)(d) to create seventy (70) Residential Zone I :Single Residential erven, three (3) Business Zone I : General Business erven, one (1) Transport Zone 2: Road and Parking portion and one (1) Open Space Zone 2 : Public Open Space Zone portion,

be approved in terms of the provisions of Section 61 of the By-Law;

10. that, in terms of the By-Law, the application to develop infill housing sites on Erf 11472, Hermanus (Mount Pleasant), which includes the following:

- Removal of a restrictive title deed condition, Clause C1 from Title Deed T45480/2017 applicable to Erf 11472, Hermanus in terms of Section 16(2)(f);
- Rezoning in terms of Section 16(2)(a) from General Residential Zone 3 : Flats to Subdivisional Area;
- Subdivision in terms of Section 16(2)(d) to create sixteen (16) Residential Zone I : Single Residential and one (1) Transport Zone 2 : Road and Parking portion,

be approved in terms of the provisions of Section 61 of the By-Law;

11. that, in terms of the By-Law, the application to develop infill housing sites on portions of Remainder Erf 243, Hermanus (Westdene), which includes the following:

- Closure of a public place (portions of Remainder Erf 243 of land next to Hospital Road zoned Public Road) in terms of Section 16(2)(n);
- Rezoning in terms of Section 16(2)(a) of the closed portion from Transport Zone 2 : Road and Parking to Subdivisional Area;

- Subdivision in terms of Section 16(2)(d) to firstly create four (4) portions, and then further subdivision to create eighteen (18) Residential Zone I : Single Residential erven,

be approved in terms of the provisions of Section 61 of the By-Law;

12. that, in terms of Section 101 of the By-Law, the application for exemption, to exclude an application in terms of Section 96 of the By-Law dealing with naming of streets as part of this Land Use Planning application, **be approved** in terms of the provisions of the By-Law;
13. that, in terms of Section 16(2)(k) of the By-Law, the application for Phasing of the Subdivision into ten (10) phases, **be approved** in terms of the provisions of Section 61 of the By-Law;
14. that the decisions in paragraphs 2. - 13. above be subject to the following conditions:
 - (a) that all the conditions imposed by Eskom be complied with;
 - (b) that all the conditions in the Services Report be complied with;
 - (c) that the provision of street names be addressed and the processes as required in terms of by legislation be followed;
 - (d) that the approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
 - (f) that the revised layout plan for Area 11 submitted be amended to also show the turning shunt that will be constructed for Buitekant Street in the Hospital Road road reserve, and also the bollards to be constructed between Buitekant Street shunt and Hospital Road to prevent traffic entering Hospital Street via the shunt.
15. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the By-Law with regard to the above decision.

RECOMMENDATION TO THE COUNCIL:

that the application for the deviation of the Overstrand Municipal Growth Management Strategy, 2010 in order to provide a residential density of more than 30 units/ha in lieu of the status quo allocation (for Areas 1 to 7 for the infill housing project), in terms of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 and in terms of the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000), **be approved.**

REASONS FOR RESOLUTION:

- ❖ That the application complies with the principles as set out in SPLUMA and LUPA.
- ❖ The application complies with the Overstrand Zoning Scheme.
- ❖ The application will provide the opportunity for affordable housing to the community of Hermanus in a sustainable way, in line with the aims of the Overstrand Municipality SDF, 2006 and latest SDF, 2020 and the development pockets would ensure the optimal use of pieces of mostly vacant land and also of existing municipal services.
- ❖ In some development pockets densification in relation to the GMS, 2010 will occur (Areas 1 to 7), but the housing types that can be constructed on such erven will not be out of line with the character of such areas.
- ❖ Some development pockets (Areas 9 to 11) are on the edge of single residential areas in a mixed use area, and will create a transition between the different land uses, and is not foreseen that it would have a negative effect on the adjacent single residential areas.
- ❖ The developments will not be on environmentally sensitive land or land with heritage value.
- ❖ The objections received were adequately addressed.
- ❖ The application is desirable.

RESPONSIBLE OFFICIAL :**H OLIVIER**

4.5

ERF 848, 28 HIGH STREET, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURES: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF KEE PROPERTY INVESTMENTS (PTY) LTD

848 HNC (3296/2019)

H van der Stoep

(028) 313 8900

Hermanus Administration

6 August 2020

EXECUTIVE SUMMARY

An application has been received on 19 August 2019 from Messrs Plan Active Town and Regional Planners on behalf of Kee Prop Inv Pty Ltd on Erf 848, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the following departures :

- ❖ To depart from the prescribed height restriction from 14m to 17,060m to accommodate two (2) residential units (two bedroom apartments);
- ❖ To depart from the permissible number of storeys from four (4) to five (5), and
- ❖ To depart from the provisions of parking bays required, and buy-out of four (4) parking bays.

RESOLVED:

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 applicable to Erf 848, Hermanus for the following departures:
 - ❖ to depart from the prescribed height restriction from 14m to 17,060m to accommodate two (2) residential units (two (2) bedroom apartments);
 - ❖ to depart from the permissible number of storeys from four (4) to five (5), and
 - ❖ to depart from the provisions of parking bays required, and buy-out of four (4) parking bays

not be approved, due to the following reasons:

- (a) the erf has reached its full development potential in terms of the Overstrand Zoning Scheme;
- (b) the deviation of the height will lead to vertical sprawl ;
- (c) excessive massing in High Street is contrary to create the street as a visual and viable potential pedestrian walkway;

- (d) impact on the residential component on Erf 813, Hermanus was not properly addressed in view of recent court cases;
 - (e) the development is not in line with the Central Business District development vision of sense of place;
 - (f) dwarfing of heritage buildings due to excessive height;
 - (g) the erf had already bought out three (3) parking bays and the additional proposed buy-out of another four (4) parking bays clearly indicates that the development potential of the erf has been reached;
 - (h) the existing telecommunication infrastructure on the building will lead to a building higher than 17m, which has not been addressed by the applicant;
 - (i) the proposed height will create a canyon effect in High Street;
 - (j) the proposed development is not in line with the policy documents, and
 - (k) the application does not address the telecommunication structures already exceeding the height, which will contribute to a height above the requested 17m.
2. 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 NON APPROVAL:

- ❖ the erf has reached its full development potential in terms of the Overstrand Zoning Scheme;
- ❖ there are no five (5) storey buildings in the Central Business District;
- ❖ excessive massing in High Street as a potential pedestrian walkway;
- ❖ impact on the residential component on Erf 813, Hermanus was not properly addressed in view of recent court cases;
- ❖ the development is not in line with the Central Business District development vision of sense of place;
- ❖ dwarfing of heritage buildings due to excessive height, and
- ❖ the erf had already bought out three (3) parking bays and the additional proposed buy-out of another four (4) parking bays clearly indicates that the development potential of the erf has been reached.

RESPONSIBLE OFFICIAL :**H VAN DER STOEP****The meeting adjourned at 16:15**