



MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

MINUTES

DATE:	28 JUNE 2018
VENUE:	MAYORAL COMMITTEE ROOM HERMANUS
TIME:	14:00

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE MAYORAL COMMITTEE ROOM, HERMANUS, ON 28 JUNE 2018, AT 14:00

PRESENT:

MEMBERS:

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

OFFICIALS:

Mr R Kuchar, Senior Manager : Town Planning &
Property Management
Mr S van der Merwe, Senior Town Planner
Ms S Swart, Council Support Services

ALSO PRESENT:

Members of the Public

APOLOGIES:

Mr S Madikane, Director : LED

ATTENDANCE REGISTER : MEETING OF MUNICIPAL PLANNING TRIBUNAL : 28 JUNE 2018 AT 14:00

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	Apology
D ARRISON	MPT MEMBER	OVERSTRAND MUNICIPALITY	028 313 8004	darrison@overstrand.gov.za	
H JANSER	MPT MEMBER	DIR: DEV MANAGEMENT	021 483 3544 084585 2000	Helene.Janser@westerncape.gov.za	
R KUCCHAR	AUTHORISED OFFICIAL	OVERSTRAND MUNICIPALITY	028 313 8087	rkuchhar@overstrand.gov.za	
S VAN DER MERWE	SR TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8938	svandermerwe@overstrand.gov.za	
H VAN DER STOEP	SR TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8906	hvanderstoep@overstrand.gov.za	
P ROUX	TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8900	petrusroux@overstrand.gov.za	
H OLIVIER	TOWN PLANNER	OVERSTRAND MUNICIPALITY	028 313 8006	holivier@overstrand.gov.za	
S SWART	COUNCIL SUPPORT	OVERSTRAND MUNICIPALITY	028 313 8006	sswart@overstrand.gov.za	

1. OPENING

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

2. APPLICATIONS FOR LEAVE OF ABSENCE

Mr S Madikane

3. CONFIRMATION OF MINUTES**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 30 May 2018****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **30 May 2018, be confirmed.**

4. ITEMS FOR CONSIDERATION**4.1****REMAINDER ERF 2635, 127 SEVENTH STREET, VOëLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION AND DEPARTURES : MESSRS PLANACTIVE ON BEHALF OF THE IAN AND JANE JACKSON FAMILY TRUST****2635 HVK (3777)****SW van der Merwe****5 June 2018****(028) 313 8900****Hermanus Administration**

EXECUTIVE SUMMARY

An application has been received on 5 September 2017 from Messrs PlanActive on behalf of the Ian and Jane Jackson Family Trust applicable to Remainder Erf 2635, Hermanus (Voëlklip) for the following:

- ❖ Removal of a restrictive title deed condition in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the removal of condition D.(c) as contained in Title Deed T33061/2017 in order to accommodate the existing double storey dwelling unit and carport that encroach the 3,15m street building line (title deed building line) with 2,62m.
- ❖ Application for departure in terms of Section 16(2)(b) of the above By-Law comprising the following:
 - (a) the relaxation of the north western lateral building line from 2m to 0,89m, the rear building line from 2m to 0,95m, as well as the north eastern lateral building line from 2m to 1,172m in order to accommodate the existing single garage and second dwelling unit;
 - (b) the relaxation of the north western lateral building line from 2m to 0,98m and 1,04m, the north eastern lateral building line from 2m to 0,849m and 0,88m, as well as the 4m street building line to 0,53m, in order to accommodate the existing carport, wooden deck and two storey main dwelling unit with balcony;
 - (c) the relaxation of the permissible coverage from 50% to 61% in order to accommodate the existing structures on the property, and
 - (d) the relaxation of the permissible 3,5m height restriction applicable to outbuildings to 3,965m in order to accommodate the existing single garage.

RESOLVED:

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the removal of condition D.(c) as contained in Title Deed T33061/2017 of Remainder Erf 2635, Hermanus in order to accommodate the existing double storey dwelling unit and carport that encroach the 3,15m street building line (title deed building line) with 2,62m, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(b) of the above By-Law for the following departures:
 - (a) the relaxation of the north western lateral building line from 2m to 0,89m, the rear building line from 2m to 0,95m, as well as the north eastern lateral building line from 2m to 1,172m in order to accommodate the existing single garage and second dwelling unit;
 - (b) the relaxation of the north western lateral building line from 2m to 0,98m and 1,04m, the north eastern lateral building line from 2m to 0,849m and 0,88m, as well as the 4m street building line to 0,53m, in order to accommodate the existing carport, wooden deck and two storey main dwelling unit with balcony;
 - (c) the relaxation of the permissible coverage from 50% to 61% in order to accommodate the existing structures on the property; and
 - (d) the relaxation of the permissible 3,5m height restriction applicable to outbuildings to 3,965m in order to accommodate the existing single garage**be approved** in terms of the provisions of Section 61 of the By-Law.
3. that the approvals in 1. and 2. above be subject to the following conditions:
 - (a) that this approval is for the development as indicated on Plan No erf2653_FOURIE_A1/01-2017-AB dated March 2017 that was submitted with the application;
 - (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 (such plans must be submitted within thirty (30) days of the final decision of the application);
 - (c) that the requirements of the Building and Fire Departments be adhered to;
 - (d) that the sides of the carport may not be enclosed whatsoever;

- (e) that no further structures or additions, except internal changes, be allowed in future that will increase the coverage on the property;
 - (f) that the landowners immediately engage to enter into a Non-compensation Agreement with the Municipality with regard to the street boundary walls that encroach onto municipal property on final approval of the application;
 - (g) that balustrading be provided at the first floor balcony that prevents access beyond the 2m lateral building line;
 - (h) that all the conditions of the Engineering Services, Fire Services and Telkom respectively be complied with;
 - (i) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (j) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the objector and the applicant be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approvals.

RESPONSIBLE OFFICIAL:

S VAN DER MERWE

4.2**PORTION 13 OF FARM SANDIES GLEN NO. 129, BREDASDORP DIVISION :
PROPOSED CONSENT USES AND DEPARTURES : MESSRS PLAN ACTIVE ON
BEHALF OF TORMAY CC****13/129 GDK (3835)****P Roux****(028) 313 8900****Hermanus Administration****31 May 2018**

EXECUTIVE SUMMARY

An application has been received on 12 March 2017 from Messrs Plan Active on behalf of the owner of Portion 13 of Farm 129, Sandies Glen (Laughing Waters), for the following;

- a consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to accommodate tourist facilities (function and workshop venue), tourist accommodation (four (4) or five (5) guest cottages) and intensive horticulture (three (3) hydroponic tunnels) on the property concerned;
- a departure in terms of Section 16(2)(b) of the above By-Law to relax the following:
 - western lateral building line from 30m to ± 12 m and ± 15 m respectively, to accommodate the existing cottages no. 2 & 3;
 - road building line from 30m to ± 9 m to accommodate the existing cottage no. 3;
 - road building line from 30m to ± 22 m to accommodate the function/workshop venue;
 - road building line from 30m to ± 24 m and ± 27 m respectively, to accommodate the existing tunnel north of the gravel road; and
 - road building line from 30m to ± 5 m and ± 10 m respectively, and the western lateral building line from 30m to ± 16 m and ± 19 m respectively, to accommodate the existing tunnel south of the gravel road.

RESOLVED:

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for a building line departure from the following:
 - western lateral building line from 30m to ± 12 m and ± 15 m respectively to accommodate the existing cottages no. 2 & 3;
 - road building line from 30m to ± 9 m to accommodate the existing cottage no. 3;
 - road building line from 30m to ± 22 m to accommodate the function/workshop venue;

- road building line from 30m to ± 24 m and ± 27 m respectively to accommodate the existing tunnel north of the gravel road; and
- road building line from 30m to ± 5 m and ± 10 m respectively, and the western lateral building line from 30m to ± 16 m and ± 19 m respectively to accommodate the existing tunnel south of the gravel road;

on Portion 13 of the Farm 129, **be approved**, in terms of the provisions of Section 61 of the By-Law;

2. that the application in terms of Section 16(2)(o) of the above By-Law for a consent use to accommodate tourist facilities (function and workshop venue), tourist accommodation (four (4) or five (5) guest cottages) and intensive horticulture (three (3) hydroponic tunnels) on Portion 13 of farm Sandies Glen No. 129, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the approval provided in point 1 and 2 is subject to the following conditions;
 - (a) that the approval is only limited to the Site Development Plan (SDP) as submitted with the application and the Revised SDP drawing number: *farm 129-13sdp-1-rec 2.drw*;
 - (b) that the conditions compiled by the District Health, Fire Department, Department of Environmental Affairs and Development Planning, and Cape Nature be complied with;
 - (c) that the conditions compiled in the Services Report be complied with;
 - (d) that building plans be submitted to the Building Department for approval and that the relevant conditions set out in approval condition (b), contained in this approval be complied with at that stage;
 - (e) that before the tourist facility is operated, proof of compliance must be submitted which indicates that the structure complies with the comment provided by the Fire Department;
 - (f) that should the property owner in future seek to develop additional labourers' cottages, then proof must be provided that the labourers' cottages are for bona fide agri cultural use and an approval for the amendment of the SDP must be obtained prior to the submission of building plans.
 - (g) that a metering mechanism is incorporated at the fountain;

- (h) 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;
 - (i) that the tourist facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (j) that any proposed sign to be displayed complies with the Municipal By-Law on signage;
 - (k) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (l) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with.
4. that the objector and the applicant be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approvals.

RESPONSIBLE OFFICIAL:

P ROUX

The meeting adjourned at 14:20