



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

## **MINUTES**

<b>DATE:</b>	<b>29 MARCH 2017</b>
<b>VENUE:</b>	<b>TOWN PLANNING COMMITTEE ROOM HERMANUS</b>
<b>TIME:</b>	<b>14:00</b>

# OVERSTRAND

## MUNICIPAL PLANNING TRIBUNAL

### MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE TOWN PLANNING COMMITTEE ROOM, HERMANUS, ON 29 MARCH 2017, AT 14:00

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**PRESENT:**

**MEMBERS:**

Mr C Groenewald, Municipal Manager  
Mr S Müller, Director : Infrastructure & Planning  
Mr R Williams, Director : Community Services  
Ms Y Mabentsela, Directorate Development  
Management

**OFFICIALS:**

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

Mr M Delpont

Owner : Erf 11094, Eastcliff

Ms K Delpont

Owner : Erf 11094, Eastcliff

**APOLOGIES:**

Mr S Madikane

ATTENDANCE REGISTER : MEETING OF MUNICIPAL PLANNING TRIBUNAL : 29 MARCH 2017 AT 14:00

NAME	DESIGNATION	ORGANISATION	TEL. NO.	E-MAIL ADDRESS	SIGNATURE
C GROENEWALD	CHAIRPERSON	OVERSTRAND MUNICIPALITY	028 313 8003	cgroenewald@overstrand.gov.za	
S MULLER	VICE-CHAIRPERSON	OVERSTRAND MUNICIPALITY	028 313 8019	smuller@overstrand.gov.za	
S MADIKANE	MPT MEMBER	OVERSTRAND MUNICIPALITY	028 313 8066	smadikane@overstrand.gov.za	Apology
R WILLIAMS	MPT MEMBER	OVERSTRAND MUNICIPALITY	028 313 8029	rwilliams@overstrand.gov.za	
R KUCHAR	MPT MEMBER	OVERSTRAND MUNICIPALITY	028 313 8087	rkuchar@overstrand.gov.za	
Y MABENTSELA	MPT MEMBER	DIR: DEV MANAGEMENT	021 483 3544	Yolisa.Mabentsela@westerncape.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	
S SWART	COUNCIL SUPPORT	OVERSTRAND MUNICIPALITY	028 313 8006	sswart@overstrand.gov.za	Swart
P Roux	Town Planner	Overstrand Municipality	028 313 8900	pebus.m.r@overstrand.gov.za	

M. DELPORT  
K. Delport

Owner  
" " Private

0833022625  
0827701060  
" "

rymorchoke@mvel.co.za  
" "

Mossman

**1. OPENING**

The Chairperson, Mr C Groenewald, welcomed those present.

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

**Mr S Madikane**

**RESOLVED**

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

**3. ITEMS FOR CONSIDERATION****3.1 ERF 11094 AND A PORTION OF THE REMAINING EXTENT OF ERF 1253, 62 MITCHELL STREET, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION, CLOSURE OF A PUBLIC PLACE (ROAD), REZONING, CONSOLIDATION AND CONSENT USE : MESSRS WRAP ON BEHALF OF MG DELPORT****EXECUTIVE SUMMARY**

To consider an application received on 30 June 2016 from Messrs WRAP Consultancy on behalf of MG Delpport for the following:

- ❖ subdivision in terms of Section 16(2)(d) in order to subdivide the property into Portion A ±237m<sup>2</sup> and a Remainder;
- ❖ closure of a public place in terms of Section 16(2)(n) in order to close a portion of the road;
- ❖ rezoning in terms of Section 16(2)(a) in order to rezone Portion A to Residential Zone I;
- ❖ consolidation in terms of Section 16(2)(e) in order to consolidate Portion A with Erf 11094 in order to create an erf which is 1214m<sup>2</sup>; and
- ❖ consent use in terms of Section 16(2)(o) in order to operate a five (5) bedroom guest house on the property concerned.

**RESOLVED:**

1. that the application received on 30 June 2016 from Messrs WRAP Consultancy on behalf of the owner of Erf 11094 and a Portion of the Remaining extent of Erf 1253, Eastcliff, Hermanus, MG Delport, for the following:
  - ❖ subdivision in terms of Section 16(2)(d) in order to subdivide the property into Portion A ±237m<sup>2</sup> and a Remainder;
  - ❖ closure of a public place in terms of Section 16(2)(n) in order to close a portion of the road;
  - ❖ rezoning in terms of Section 16(2)(a) in order to rezone Portion A to Residential Zone I;
  - ❖ consolidation in terms of Section 16(2)(e) in order to consolidate Portion A with Erf 11094 in order to create an erf which is 1214m<sup>2</sup>;

**be approved**, subject to the conditions listed in paragraph 3.
2. that, in terms of Section 16(2)(o) the application for consent use on Erf 11094, Eastcliff, Hermanus in order to operate a five (5) bedroom guest house on the property, **be partially approved**, subject to the conditions listed in paragraph 3.;
3. that the approval given in paragraphs 1. and 2. be subject to the following:
  - a) that this approval only has reference to Site Development Plan No. 3, as submitted with the application;
  - b) that building plans be submitted to the Building Department for approval;
  - c) that all the conditions compiled in the Services Report and by the Fire Department be complied with;
  - d) that all the conditions compiled by the Property Administration be complied with;
  - e) that all structures which encroach the boundary of Erf 11094 and onto a portion of Erf 1253 be removed within sixty (60) days of this decision;
  - f) that all structures adhere to the new 4m street building line of the consolidated property;
  - g) that only a three (3) bedroom guest house can be conducted from the dwelling;
  - h) that the three (3) guest rooms be indicate on the site development plan and submitted to the Town Planning Department for record keeping;
  - i) that the guest bedrooms to be enclosed and inter-leading with the dwelling;

- j) the guest house cannot be operated until an occupation certificate from the Building Department has been provided by the owner of the property to the Town Planning Department;
  - k) that the accommodation 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;
  - l) that parking be demarcated on site indicating which parking may be used for guests;
  - m) that the owner/manager resides on the premises;
  - n) that the guest house is utilized as such - no self-catering will be permitted;
  - o) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona fide guests of the establishment;
  - p) 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;
  - q) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
  - r) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
  - s) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
  - t) that the accommodation facility complies with Council's policy with regard to accommodation establishments;
  - u) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - v) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the applicant/objector be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**3.2 ERF 678, 87 JAN VAN RIEBEEK CRESCENT, SANDBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : M LERM OF PLANACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF RED CHAIR PROPERTIES (EIENDOMS) BEPERK**

**EXECUTIVE SUMMARY**

An application has been received on 31 August 2016 from Messrs Plan Active Town and Regional Planners on behalf of Red Chair Properties (Eiendoms) Beperk applicable to Erf 678, Sandbaai for removal of restrictive title deed conditions and departure in terms of Sections 16(2)(b) and (f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016.

Application for the removal of restrictive title deed conditions C.1.(c), C.2.(c) & C.2.(d) contained in Title Deed T35804/2015 applicable to the above-mentioned property in order to accommodate a second dwelling on the property; and an application for departure in order to encroach the following building lines:

- street building line with Jan van Riebeek Crescent from 4m to 3,643m & 3,933m to accommodate the existing braai room;
- street building line with Jan van Riebeek Crescent from 4m to 2,417m to accommodate the existing pergola; and street building line with Jimmy Smith Crescent from 4m to 2,901m to accommodate a portion of the existing scullery and stoep.

**RESOLVED:**

1. that the application for the removal of restrictive conditions C.1.(c), C.2.(c) & C.2.(d) contained in Title Deed T35804/2015 applicable to Erf 678, Sandbaai, **be approved**, in terms of Section 16(2)(f) of the Overstrand By-Law on Municipal Land Use Planning, 2016;
2. that the application for departure applicable to Erf 678, Sandbaai in order to encroach the 4m eastern street building line from 4m to 3,643m and 3,933m respectively to accommodate the existing braai room, the 4m eastern street building line to 2,417m to accommodate the existing pergola, and the 4m southern street building line from 4m to 2,901m to accommodate a small portion of the existing scullery as well as a portion of the stoep that forms part of the scullery, **be approved**, in terms of Section 16(2)(b) of the Overstrand By-Law on Municipal Land Use Planning, 2016;

3. that the approvals in 1. and 2. above be subject to the following conditions:
  - (a) the building line encroachments be strictly in accordance with the dimensions as indicated on the site layout plan number erf678\_MULLERA1/01-2016-DA 1 and 2, as submitted with the application;
  - (b) building plans must be submitted to the Building Department for approval, and any conditions required by the Fire- and Building Departments, must be complied with;
  - (c) that all the conditions in the Engineering Services Report be complied with;
  - (d) that the wendy-house be utilized as an outbuilding only (no residing purposes), that it may not encroach any building lines, it be properly upgraded, and that it forms part of the building plan submission for the new dwelling unit; and
  - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
  
4. that the applicant and the objector be notified of their respective rights of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditional approvals.

**3.3 ERF 631, 2 SHORT MARKET STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND CONSENT USE : MESSRS PRINSLOO ARCHITECTURAL DESIGN OFFICE ON BEHALF OF DM & N MORRIS**

**EXECUTIVE SUMMARY**

An application was received on 27 May 2016 from Messrs Prinsloo Architectural Design Office on behalf of PM & N Morris for the following:

- Removal of restrictive title conditions with reference to Clauses C.4(b), (c) and (d) of Title Deed T23890/2015 in terms of Section 16(2)(f) of the Overstrand By-Law on Municipal Land Use Planning, 2016 applicable to Erf 631, Pearly Beach to enable the owners to develop a ground floor flat; and
- Consent use in terms of Section 16(2)(o) in order to develop a ground floor flat on Erf 631, Pearly Beach.



**RESOLVED:**

1. that, in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Land Use Planning, 2016, the application for the removal of the title deed restrictions as per Clause C.4(b), (c) and (d) of Title Deed T23890/2015 to permit the utilisation of the property in accordance with the provisions of the Scheme Regulations, be approved;
2. that, in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016, the application for a consent use in order to develop a ground floor flat on Erf 631, Pearly Beach, not be approved, for the following reasons:
  - (a) that the ground floor flat is not consistent with the SDF and GMS;
  - (b) that the proposed shop is subservient to the residential flat;
  - (c) that the approval of the proposed development will sterilise the future development potential of the subject property, thereby rendering it incapable for future commercial use, and
  - (d) that a predominant residential use (i.e. flat) in a commercial area is not in keeping with the character of the area
3. 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, 2016 with regard to the above conditions of approval.

**3.4 PORTION 143 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, DIVISION BREDASDORP, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS WRAP CONSULTANCY ON BEHALF OF B GROENEWALD**

**EXECUTIVE SUMMARY**

An application has been received on 9 June 2016 from Messrs Wrap Consultancy on behalf of the owner of Portion 143 of the Farm Baardscheerdersbosch No. 213, Division Bredasdorp for consent use in terms of Section 16(2)(o) of the aforementioned By-Law, to conduct a tourist facility comprising of a restaurant, wellness centre, place of entertainment (games area) and a five (5) bedroom guest house (tourism accommodation).

**RESOLVED:**

1. that the objections be noted;

2. that, in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016, the application for consent use for tourism accommodation (five (5) bedroom guest house), tourist facilities (restaurant and wellness centre) and place of entertainment (games room), be approved, subject to the following conditions:
- (a) that a detailed Site Development Plan in accordance with the requirements of the Scheme Regulations be submitted for approval by the Senior Manager: Town and Spatial Planning and shall as a minimum have regard to access/egress, siting allowing appropriate buffers from the street as well as lateral property boundaries, elevation detail, landscaping, contours, the 32m set back from the edge of the watercourse etc.);
  - (b) that the development be restricted to the area indicated on the Site Development Plan and no further extension will be permitted without prior written approval of the Municipality;
  - (c) that a Landscaping Plan be submitted, allowing for a landscaped buffer adjoining to Divisional Road 1205 to the satisfaction of the Senior Manager: Environmental Management Services;
  - (d) that prior to the submission of building plans details of the water source be submitted demonstrating an adequate water source with sufficient capacity and suitable for human consumption;
  - (e) that the architectural expression of the proposed development shall not detract from the Strandveld building style and be referred to the Overstrand Heritage Committee for comment;
  - (f) that the restaurant and place of entertainment may only be conducted between the hours of 08:00 and 23:00 on Mondays to Sundays;
  - (g) that the selling of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
  - (h) that the wellness centre may only be conducted between the hours 08:00 to 20:00 Mondays to Sundays;
  - (i) that all the conditions/comments from Operational Services and the Fire Department be complied with;
  - (j) that all the conditions contained in the Services Report be adhered to;
  - (k) that the requirements of the Department of Transport and Public Works, Eskom, Telkom, Department of Environmental Affairs and Development Planning (Planning Component), Department of Agriculture, Heritage Western Cape and the Department of Environmental Affairs and Development Planning (Environmental Component) be complied with;
  - (l) that a parking layout be submitted for approval by the Senior Manager: Town and Spatial Planning making on-site parking provision in accordance with the requirements of the Scheme Regulations;

- (m) that a R918 certificate of Acceptability must be applied for at the Overberg District Municipality;
  - (n) that the development be conducted in such manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
  - (o) that rates and service tariffs be considered in terms of multi zoning, by the annual budget, be made applicable, which tariffs are automatically are adjusted in terms of the annual budget;
  - (p) that no activities other than stipulated in this approval, be allowed on the property without the written approval of the Municipality (except bona fide primary rights) in terms of the Zoning Scheme Regulations;
  - (q) that the guest house complies with the Overstrand Municipality policy pertaining to guest houses;
  - (r) that this approval is not transferable;
  - (s) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
  - (t) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant and objectors be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

**3.5 ERVEN 3160 & 3161, 190 FIFTH STREET & 32 TENTH AVENUE, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSOLIDATION, REZONING, CONSENT USE, DEPARTURE: MESSRS PLAN ACTIVE ON BEHALF OF KINDOC INDUSTRIES (PTY) LTD**

**EXECUTIVE SUMMARY**

An application has been received on 17 May 2016 from Messrs. Plan Active Town & Regional Planners on behalf of Kindoc Industries (Pty) Ltd for the following:

1. consolidation of Erven 3160 and 3161, Hermanus in terms of Section 16(2)(e) in order to form one (1) erf of 5948m<sup>2</sup>;
2. rezoning of the consolidated erf in terms of Section 16(2)(a) from Residential Zone 1 to General Residential Zone 3 (Bulk Zone) in order to establish a thirteen (13) bedroom guesthouse (Lanzerac Beach Manor House);

3. consent use in terms of Section 16(2)(o) in order to accommodate a Beach Manor House (hotel/guesthouse) with an in-house spa and conference facilities on the property; and
4. departure in terms of Section 16(2)(b) for relaxation of building lines.

**RESOLVED:**

that the item **be withdrawn** and resubmitted at the May 2017 Municipal Planning Tribunal meeting.

**The meeting adjourned at 14:20**