



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

MINUTES

DATE:	2 DECEMBER 2016
VENUE:	TOWN PLANNING COMMITTEE ROOM HERMANUS
TIME:	12:00

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

**MINUTES OF A MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL,
HELD IN THE TOWN PLANNING COMMITTEE ROOM,
HERMANUS, ON 2 DECEMBER 2016, AT 12:00**

PRESENT:





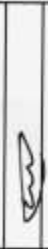




MEMBERS:

Mr C Groenewald, Municipal Manager
Mr S Müller, Director : Infrastructure & Planning
Mr S Madikane, Director : LED
Mr R Williams, Director : Community 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 H van der Stoep, Senior Town Planner
Ms S Swart, Council Support Services

ATTENDANCE REGISTER : MEETING OF MUNICIPAL PLANNING TRIBUNAL : 2 DECEMBER 2016 AT 12:00

NAME	ORGANISATION	POSTAL ADDRESS	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	
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	
H JANSER	MPT MEMBER	DIR: DEV MANAGEMENT	021 483 3544 084 585 2000	Helene.Janser@westerncape.gov.za	
S SWART	COUNCIL SUPPORT	OVERSTRAND MUNICIPALITY	028 313 8006	sswart@overstrand.gov.za	
Hedstoe	Overstrand Municipality	Town Planning	028 3138006	hedstoe@overstrand.gov.za	
Sed Mame	" "	" "	028 3138006	sedmame@overstrand.gov.za	

1. OPENING

The Chairperson, Mr C Groenewald, welcomed those present, especially Ms H Janser from the Department of Environmental Affairs & Development Planning.

2. APPLICATIONS FOR LEAVE OF ABSENCE

None

3. STATEMENTS AND COMMUNICATIONS BROUGHT FORWARD BY THE CHAIRPERSON / VICE-CHAIRPERSON

None

4. ITEMS FOR CONSIDERATION

4.1 ERF 6001, 77 TENTH AVENUE, KLEINMOND, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIVE CONDITIONS : MESSRS PLAN ACTIVE ON BEHALF OF HW VAN EEDEN

EXECUTIVE SUMMARY

An application has been received on 27 May 2016 from Messrs. Plan Active Town & Regional Planners on behalf of Mr. H van Eeden for the removal of restriction as per Title Deed T21872/91, Condition C(2), which prohibit the practice of a business on the property concerned.

RESOLVED:

1. that the application for the removal of title deed restriction in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 as per Title Deed T21872/1991, Condition C(2), which prohibits the practice of a business on the property concerned, **not be approved**; and
2. 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.

RESPONSIBLE OFFICIAL:

H VAN DER STOEP

4.2 ERF 5788, 23 RAED-NA-GAEL STREET, HERMANUS HEIGHTS, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE AND DEPARTURE : MESSRS PLAN ACTIVE ON BEHALF OF STAND 5788 HERMANUS PROP HOLDING CC

EXECUTIVE SUMMARY

An application was received from Messrs PlanActive Town- and Regional Planners on behalf of the property owners of Erf 5788, Hermanus for a consent use in terms of Section 16(2)(o) in order to establish a health clinic on the property concerned.

The application also includes a departure in terms of Section 16(2)(b) in order to deviate from the parking requirements.

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 received from Messrs PlanActive Town- and Regional Planners on behalf of the property owners on Erf 5788, Hermanus for a consent use in order to establish a health clinic on the property, **not be approved**;
3. that, in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application for a departure to deviate from the parking requirements, **not be approved**; and
4. 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.

RESPONSIBLE OFFICIAL:

P ROUX

4.3 ERF 1178, MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS WRAP CONSULTANCY ON BEHALF OF THE UNIT 121 THE LEISURE BAY TRUST

EXECUTIVE SUMMARY

Messrs WRAP Consultancy was appointed in order to submit the consent use application on behalf of the property owners of Erf 1178, Hermanus, The Unit 121 The Leisure Bay Trust. The objective of the application is to obtain the land use rights in order to conduct a three (3) bedroom guest house with the required five (5) parking bays. Three (3) bedrooms will be available for the guests and one (1) bedroom for the owner/manager and their children.

It should be noted that a similar application has also been submitted on Erven 1138 and 1179, Hermanus which also belongs to the same developer. The two (2) guest houses, if approved, will be managed together, but will also be able to be operated separately if the need arises, furthermore two (2) managers will be appointed in respect of each application.

The subject property is zoned for residential use and it is developed with a single storey dwelling.

RESOLVED:

1. that, in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016, the consent use application on Erf 1178, Hermanus (Eastcliff) in order to operate a three (3) bedroom guest house, **be approved**, subject to the following conditions:
 - (a) that this approval only has reference to the revised Site Plan No.4, Erf 1178, Eastcliff, as submitted on 6 June 2016;
 - (b) that a Site Development Plan be submitted which indicates the rooms that will be used for guest accommodation and changes to the building must be indicated on a building plan which are to be submitted to the Building Department for approval;
 - (c) that all the conditions in the Services Report (attached as Annexure D) and by the Fire Department (attached as Annexure E), be complied with;
 - (d) 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;

- (e) that parking be demarcated on site indicating which parking may be used for guests;
 - (f) that the owner/manager resides on the premises;
 - (g) that the guest house is utilised as such - no self-catering will be permitted;
 - (h) 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;
 - (i) 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;
 - (j) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
 - (k) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (l) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (m) that the accommodation facility complies with Council's Policy with regard to Accommodation Establishments;
 - (n) that refuse facilities on Erf 1178, Hermanus be run separately from the proposed guest houses on Erven 1138 and 1179;
 - (o) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (p) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
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, 2016 with regard to the above conditions of approval.

RESPONSIBLE OFFICIAL:

P ROUX

The meeting adjourned at 12:13