



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

**A G E N D A**

|               |                       |
|---------------|-----------------------|
| <b>DATE:</b>  | <b>27 AUGUST 2020</b> |
| <b>VENUE:</b> | <b>VIRTUAL</b>        |
| <b>TIME:</b>  | <b>10:00</b>          |

# OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT  
Civic Centre  
HERMANUS  
7200

**21 August 2020**

**TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL**

**CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)**

**NOTICE IS HEREBY GIVEN** that a meeting of the **Municipal Planning Tribunal (MPT)** will, due to the Covid-19 lockdown, go into session by means of a virtual platform on **Thursday, 27 August 2020 at 10:00** to consider the attached agenda.

**S MÜLLER**  
**CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL**

**Distribution:**

1. Mr S Müller (Chairperson)
2. Mr R Williams (Vice Chairperson)
3. Mr S Madikane (Member)
4. Ms D Arrison (Member)
5. Ms H Janser (Member)
6. Mr R Kuchar (Authorised Official)
7. Mr S van der Merwe (Senior Town Planner)
8. Ms H van der Stoep (Senior Town Planner)
9. Mr P Roux (Town Planner)
10. Mr H Olivier
11. Secretariat

**MUNICIPAL PLANNING TRIBUNAL  
(MPT)**

27 August 2020

**I N D E X**

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| 4.2         | <b>REMAINDER OF REMAINDER ERF 6883, 21 FIR CLOSE, EASTCLIFF,<br/>HERMANUS: APPLICATION FOR DEPARTURE AND REMOVAL OF<br/>RESTRICTIVE TITLE DEED CONDITIONS: MESSRS PLAN ACTIVE TOWN<br/>AND REGIONAL PLANNERS ON BEHALF OF SM &amp; FM INGLES</b> | <b>15</b>              |
| 4.3         | <b>ERF 12257, 4 SEA ROAD, EASTCLIFF, HERMANUS: APPLICATION FOR<br/>SUBDIVISION: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS<br/>ON BEHALF OF ERF 2825 HERMANUS (PTY) LTD</b>   | <b>68</b>              |

**1. OPENING**

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

**3. CONFIRMATION OF MINUTES**

**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 3 August 2020**

**4. ITEMS FOR CONSIDERATION**

**4.1 ERF 6804, VIOOLTJIE LANE, MOUNT PLEASANT, HERMANUS OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, SUBDIVISION AND CLOSURE OF PUBLIC PLACE: OVERSTRAND MUNICIPALITY**

Report attached.

**4.2 REMAINDER OF REMAINDER ERF 6883, 21 FIR CLOSE, EASTCLIFF, HERMANUS: APPLICATION FOR DEPARTURE AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF SM & FM INGLES**

Report attached.

**4.3 ERF 12257, 4 SEA ROAD, EASTCLIFF, HERMANUS: APPLICATION FOR SUBDIVISION: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF ERF 2825 HERMANUS (PTY) LTD**

Report attached.

## 4.1

**ERF 6804, VIOOLTJIE LANE, MOUNT PLEASANT, HERMANUS OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, SUBDIVISION AND CLOSURE OF PUBLIC PLACE: OVERSTRAND MUNICIPALITY**

6804 HMP (3507/2019)

H Olivier

13 July 2020

(028) 313 8900

Hermanus Administration

**1. EXECUTIVE SUMMARY**

An application was received on 18 November 2019 from the Municipal Manager on behalf of Overstrand Municipality on Erf 6804, Mount Pleasant, Hermanus for the following:

- ❖ Closure of a Public Place in terms of Section 16(2)(n) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to accommodate the closure of a public place (Violtjie Lane);
- ❖ Subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to subdivide the existing lane portion from the existing road portion, and
- ❖ Rezoning in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to rezone the public place to Authority Zone.

A Locality and Subdivision Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, while the proposed Site Development Plan is attached as Annexure C.

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

**3. BACKGROUND / SITE HISTORY**

Violtjie Lane, Mount Pleasant is a public place and between four (4) residential properties. It is approximately 51m in length, 2m in width and 102m<sup>2</sup> in size.

It is overgrown and the community requested the lane be closed off as it is being used by vagrants, hence this application.

**4. SUMMARY OF APPLICANT'S MOTIVATION**

The motivation can be summarized as follows:

- The closure of the lane was requested by the community due to criminal activities in the lane.
- The application would enable the Municipality to fence in the portion of land.
- The lane provided a pedestrian link between Heide- and Katjiepieping Streets in Mount Pleasant, without having a major impact on pedestrian flow.
- The closure of the lane will have no impact on the strong residential character of the area.

- Due to the steep slope of the lane it was barely used by the community, and due to it being used for criminal activities, it will be more desirable for the community if the lane is closed.
- No other legislation is applicable.
- A municipal water pipe and sewer traverses the existing lane. The portion would still be an Authority Zone site, which would therefore have no impact on the services in the lane.
- The application is of such a small scale that it does not impact on forward planning policies.

❖ **Planning Principles :**

Spatial Justice

N/A

Spatial Sustainability

N/A

Efficiency

The closure of the lane is the most efficient way to deal with the crime problem.

Spatial Resilience

The lane portion will still be contained, so if the community wish it be used as a pedestrian lane in future again, it can be utilized therefore.

Good Administration

The application will be formally advertised and notices send to surrounding neighbours and all other relevant role players.

**5. ADMINISTRATIVE COMPLIANCE**

| Methods of advertising  |             | Date published  | Closing date for comments |
|---|-------------|-----------------|---------------------------|
| Gazette   | Yes         | 24 January 2020 | 28 February 2020          |
| Local newspaper   | Yes         | 22 January 2020 | 28 February 2020          |
| Notices   | Yes         | 22 January 2020 | 28 February 2020          |
| Ward councillor   | Yes         | 22 January 2020 | 28 February 2020          |
| Total comments  | <b>NONE</b> |                 |                           |
| Total letters of support  | <b>NONE</b> |                 |                           |
| Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?                        |             |                 | <b>Yes</b>                |
| Was the application processed correctly (if no, elaborate below):   |             |                 | <b>Yes</b>                |
| Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below) |             |                 | <b>Yes</b>                |

**6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS**

| <b>Name</b>          | <b>Date received</b> | <b>Summary of comments</b> |
|----------------------|----------------------|----------------------------|
| Engineering Services | 26/03/2020           | See Annexure F.            |
| Building Control     | 23/01/2020           | No objection.              |
| Fire Department      | 24/01/2020           | No objection.              |

**7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION**

N/A

**8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS**

N/A

**9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon)**

N/A

**Internal and External Departments**

The application was supported by all internal municipal departments and external provincial and semi-state institutions.

**10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)**

**10.1 Background**

N/A

**10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

Spatial Justice

N/A

Spatial sustainability

The application is located within the urban edge and thus will not lead to urban sprawl. No negative influence on the natural environment or prime and unique agricultural land will occur.

Efficiency

The application will in the most efficient way deal with the criminal activities taking place in the lane.

Spatial Resilience

Should the community want to utilize this lane for pedestrian access in future, it could again be used therefore.

Good administration

The application was processed in accordance with the applicable timeframes stipulated in the relevant planning legislation. In addition, the public participation process was facilitated in terms of the municipal By-Laws.

**10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)**

Same as Point 10.2 above.

**10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies**

The scale of the application is too small to consider in terms of the Overstrand Municipality Spatial Development Framework 2006 (SDF) and the Overstrand Municipality Growth Management Strategy, 2010 (GMS).

**10.5 (In)consistency with guidelines prepared by the Provincial Minister**

N/A

**10.6 Impact on Municipal engineering services**

No impact.

**10.7 Outcomes of investigations/applications i.t.o other legislation**

N/A

**10.8 Existing and proposed zoning comparisons and considerations**

N/A

**11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

N/A

**12. THE DESIRABILITY OF THE PROPOSAL**

Viooltjie Lane is situated between Katjeepering- and Heide Street in the Mount Pleasant residential area, north of the R43 Main Road.

The lane was created for pedestrian traffic, but due to the steep slope is hardly used by the community.

The community have now, due to criminal activities in the lane, requested the lane be closed off. The only way to do this is to close the lane, and rezone it to another zoning.

The proposal is thus to close, subdivide and rezone this portion of the lane measuring 102m<sup>2</sup> to create an Authority Zone erf. This will ensure services on this portion of land will not be impacted, and the Municipality can fence in the portion to address the concerns regarding criminal activities in the lane.

All relevant Municipal and State Departments support the application, and no objections were received from the public.

The application will also not impact on the character of the area, and is desirable.

### 13. RECOMMENDATION

1. that the application in terms of Section 16(2)(n) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 6804, Mount Pleasant, Hermanus for the closure of a Public Place place (portion of Violtjie Lane), **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(d) of the By-Law for the subdivision of Erf 6804, Mount Pleasant, Hermanus into a Remainder and a Portion (Violtjie Lane) measuring 102m<sup>2</sup>, **be approved** in terms of the provisions of Section 61 of the By-Law,
3. that the application in terms of Section 16(2)(a) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 for the rezoning of a portion of Erf 6804, Mount Pleasant, Hermanus from Transportation Zone II : Road and Parking to Authority Zone, **be approved** in terms of the provisions of Section 61 of the By-Law,
4. that the approvals in Points 1., 2. and 3. be subject to the following conditions:
  - (a) that all prescriptions of the Municipality Zoning Scheme Regulations be adhered to;
  - (b) that this decision does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (d) that all conditions in the Services Report (attached as Annexure D), be complied with, and
  - (e) that all the conditions of Telkom (attached as Annexure E), be complied with.
5. 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 decision.

**14. REASONS FOR RECOMMENDATION**

- ❖ The application will address a community request that the lane be closed, which will address the concerns regarding criminal activities in the lane.
- ❖ The portion could in future again be used as a pedestrian lane.
- ❖ No objections were received from municipal departments, state departments and/or parastatals against the application.
- ❖ The development will be in line with the character of the surrounding area.
- ❖ No engineering services will be impacted.
- ❖ No objections were received from the public.
- ❖ The application is desirable.

**15. ANNEXURES**

Annexure A: Locality and Subdivision Plan  
 Annexure B: Motivation Report  
 Annexure C: Services Report

**SIGNATURES****AUTHOR:**

Name: **HENK OLIVIER**

SACPLAN Reg No: **B/8128/2004**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**REGISTERED PLANNER**

Name: **H VAN DER STOEP**

SACPLAN Reg No: **A/1708/2013**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

ANNEXURE A




 Approx. 102 SQM  
 Wootjie Lane  
 (Portion of Erf 6804)


 Date: 2019/04/05

Site Site Development Plan



OVERSTRAND MUNICIPALITY

# Rezoning, Subdivision and Closure of Road Application

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Viooltjie Lane (next to Erven 6507 and 6509  
and between Heide and Katjeepering Streets),  
Mount Pleasant, Hermanus

The application is for the closure of portion of road (Viooltjie Lane, next to Erven 6507 and 6509 and between Heide and Katjeepering Streets) and the subdivision and rezoning of the relevant portion to Authority Zone.

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**Annexures:**

- Annexure A: Locality Plan / Site Development Plan
- Annexure B: Arial Photo
- Annexure C: SG Diagram
- Annexure D: Title Deed
- Annexure E: Status Report

**1. Introduction:**

The application is for the Closure of Violtjie Lane (pedestrian walkway), the Subdivision thereof from the larger road reserve and the Rezoning thereof to Authority Zone purposes.

**2. Background:**

The Municipality received complaints from residents in the area surrounding Violtjie Lane that the lane is used for criminal activities, and it was requested that the pedestrian lane be closed off.

This application is then to formally close, subdivide the lane portion, and rezone it to a zoning to enable the physical closing-off of the lane to the general public.

**3. The Application:**

Application is made in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the following:

- The closure of a public place in terms of Section 16(2)(n) of the said By-Law;
- The rezoning of the public place to Authority Zone purposes in terms of Section 16(2)(a); and
- The subdivision of the public place from the existing road portion in terms of Section 16(2)(d).

**4. General Information:****4.1 Zoning:**

Violtjie Lane, Mount Pleasant: Transportation Zone 2: Road and Parking (TR2)

**4.2 Land Use:**

Pedestrian Lane (informal)

**4.3 Title Deed:**

T 18414/86

**4.4 Planning Development Parameters in terms of new proposed zoning:**

Zoning: Authority Zone: Authority Usage (AU)

Primary Use: Authority Use, Rooftop base station

Consent Use: Cemetery, Transmission tower, Utility services, any other use determined by Council

4.5 Physical Features:

Viooltjie Lane is 2m wide and approximately 51m long. The area to be closed has an approximate size of 102m<sup>2</sup> in extent.

The area has a steep slope from the north in a southern direction.

4.6 Ownership:

Overstrand Municipality

4.7 SG Diagram:

SG 1549/85

**5. Locality:**

Viooltjie Lane is west of Erven 6510 and 6523, and east of Erven 6507 and 6509, Mount Pleasant. It is a pedestrian lane linking Katjiefiering Street to its north with Heide Street to its south.

**6. Consideration of the application in terms of the criteria set in the By-Law:**

6.1 Surrounding Land Uses and Character of the Area:

Viooltjie Lane is surrounded by Single Residential erven, with a Community Zone erf (Crèche and Library) to its west.

The area has a strong Single Residential character. The closure of the Lane and rezoning to Authority Zone will not impact on the character of the area.

6.2 Proposed Development:

The application is to formally close a non-formalized pedestrian lane. This would not have a major impact on pedestrian flow, and would help to eliminate the criminal activities experienced in the area due to the existence of the pedestrian lane.

6.3 Desirability of the Proposed Utilization:

The request for the closure of the pedestrian lane came from the Mount Pleasant community. The closure, subdivision and rezoning is the only way to enable the Municipality to physically close-off the strip of land. Considering the fact that the lane was never formalized and has a very steep slope, it does not appear to have been regularly used by residents, and it therefore does not have a real purpose as pedestrian lane.

6.4 Investigations carried out in terms of other Laws which are relevant to the consideration of the application:

The application was considered in terms of, for example the Environmental Management Act, but it triggers no environmental assessments. No other legislation is applicable.

#### 6.5 The Impact of the Proposed Land Development on Municipal Engineering Services:

- Water: A Municipal water pipe crosses the lane.
- Sewerage: A Municipal sewer pipe is situated within the Lane entering from Heide Street, running for approximately 20m, and then changing direction onto erf 6523.
- Electricity: n/a
- Storm water: There is no storm water infrastructure in the Lane.
- Road Network: The application will not impact on the road network.

#### 6.6 Consideration of Forward Planning and Land Use Documents

The area is earmarked for Residential in terms of the Overstrand Municipal Wide Spatial Development Framework, 2006. It is also indicated as Status Quo in terms of the Overstrand Growth Management Strategy, 2010.

Considering the above-mentioned Policy documents, the application is too small to impact the policies in any way.

### 7. **Planning Principles:**

#### 7.1 Spatial Justice

Not Applicable

#### 7.2 Spatial Sustainability

Not Applicable

#### 7.3 Efficiency

The pedestrian lane is creating an area where criminal activities are taking place, and it is the community's social need that the lane should be closed-off in some manner. The closure of the Lane is the most efficient way to deal with the crime problem.

#### 7.4 Spatial Resilience

The application is a manner to deal with the social problem of crime in a simple manner. The alley would however physically still be there, so in future if the community later want to utilize the area as a Lane again, it could be reversed.

#### 7.5 Good Administration

The application will be formally advertised and notices send to surrounding neighbours and all other relevant role players.

**8. Conclusion:**

The application stems from a community request to close-off or fence-in Violtjie Lane due to criminal activity.

The application is desirable and due to the fact that the alley will not be removed, it can at a later stage again be considered for pedestrian traffic.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REZONING, SUBDIVISION & CLOSURE OF PUBLIC  
PLACE: ERF 6804, MOUNT PLEASANT (3507/2019)**

|                   |   |          |
|-------------------|---|----------|
| Electricity       | : | In order |
| Water             | : | In order |
| Sewer             | : | In order |
| Stormwater        | : | In order |
| Roads and traffic | : | In order |

**Conditions:**

1. No comments from Engineering Services.

*p.p. R. Hendriks*  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

*26/03/2020*  
**DATE**