



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

MINUTES

DATE:	30 APRIL 2026
VENUE:	VIRTUAL
TIME:	10:00

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD VIRTUALLY ON 30 APRIL 2026 AT 10:00

PRESENT:

MEMBERS:

Mr S Müller, Chief Engineer : Infrastructure Services
Ms T de Waal, Directorate Development Planning
Mr H Blignaut, Principal Engineer : Civil
Infrastructure Planning
Ms R Louw, Divisional Manager : Strategic Support
Services

OFFICIALS:

Mr S van der Merwe, Principal Town Planner
Mr H Olivier, Town Planner
Ms S Swart, Senior Committee Officer
Ms C Fisher, Chief Clerk: Committee Services

APOLOGIES:

Mr R Kuchar, Divisional Manager : Town & Spatial
Planning
Ms H van der Stoep, Principal Town Planner
Mr B Minnaar, Town Planner

MUNICIPAL PLANNING TRIBUNAL

ATTENDANCE REGISTER

Date: 30 APRIL 2026

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 MÜLLER	CHAIRPERSON OVERSTRAND MUNICIPALITY	Present
T DE WAAL	VICE-CHAIRPERSON DIR. DEV PLANNING	Present
H BLIGNAUT	MPT MEMBER OVERSTRAND MUNICIPALITY	Present
R LOUW	MPT MEMBER OVERSTRAND MUNICIPALITY	Present
R KUCHAR	AUTHORISED OFFICIAL OVERSTRAND MUNICIPALITY	Apology
S VAN DER MERWE	PRINCIPAL TOWN PLANNER OVERSTRAND MUNICIPALITY	Present
H VAN DER STOEP	PRINCIPAL TOWN PLANNER OVERSTRAND MUNICIPALITY	Apology
P ROUX	TOWN PLANNER OVERSTRAND MUNICIPALITY	
H OLIVIER	TOWN PLANNER OVERSTRAND MUNICIPALITY	Present
B MINNAAR	TOWN PLANNER OVERSTRAND MUNICIPALITY	Apology
S WART	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	Present
C FISHER	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	Present

1. OPENING

The Chairperson opened the meeting and welcomed those present.

2. APPLICATIONS FOR LEAVE OF ABSENCE

**Mr R Kuchar
Ms H van der Stoep
Mr B Minnaar**

RESOLVED:

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

3. CONFIRMATION OF MINUTES**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 20 April 2026****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **20 April 2026, be approved**.

4. ITEMS FOR CONSIDERATION

4.1

ERF 5474, 51 MAIN ROAD, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: WRAP PROJECT OFFICE ON BEHALF OF THE ISMAIL AND MIRIAM EBRAHIM FOUNDATION

5474 HNC (4937/2025)

H van der Stoep
3 March 2026

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 17 March 2025 from WRAP Project Office on behalf of The Ismail and Miriam Ebrahim Foundation on Erf 5474, Hermanus for a consent use in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to allow four (4) individual residential units.

RESOLVED:

1. that the comment **be noted**;
2. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5474, Hermanus for consent use to allow four (4) dwelling units, **be partially approved**, to only allow three (3) dwelling units and one (1) storage facility in terms of the provisions of Section 61 of the By-Law, but, subject to the following conditions:
 - (a) that the approval be limited to three (3) dwelling units and one (1) storage facility;
 - (b) that the three (3) units may only be occupied by the two (2) Imams and one (1) maintenance manager;
 - (c) that the units may not be let for self-catering, holiday accommodation or persons not affiliated with the Mosque;
 - (d) that a parking layout plan be submitted with parking bays dimensions;
 - (e) that revised building plans reflecting the above approval be submitted to the Building Control Department for approval, and that all conditions of the Building Control and Fire Departments be complied with at that stage;
 - (f) that the Mosque personnel manage the behaviour of patrons (both inside and outside the building);

- (g) that no activities constituting a source of public nuisance or safety and health concerns shall be carried out;
 - (h) that a Health Certificate be obtained from the Health Department of the Overberg District Municipality, if required;
 - (i) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (j) that all the conditions in the Services Report be complied with; and
 - (k) that all the conditions imposed by Telkom be complied with.
3. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

REASONS FOR THE RESOLUTION:

- ❖ The Mosque has two (2) Imams that require housing on site. Their responsibilities include being available at any given time.
- ❖ The Foundation has a full-time maintenance manager responsible for all mosques affiliated with the Foundation; thus, housing is required to accommodate the manager who will make use of the unit on an ad-hoc basis.
- ❖ A domestic quarter will be converted into a storage facility, which the Mosque need for maintenance equipment. The conversion will not extend the footprint and is indicated on an approved building plan.
- ❖ The fourth dwelling unit is not supported as indicated in the evaluation of the application. The Foundation indicated during a site inspection that the fourth dwelling is not a requirement.

RESPONSIBLE OFFICIAL :**H VAN DER STOEP**

4.2

**ERF 932, 30 MARINE DRIVE, VERMONT, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR SUBDIVISION: KROEP & ROSSOUW PROFESSIONAL LAND
SURVEYORS ON BEHALF OF UNIVERSITY CAMPUS LIVING (PTY) LTD &
OPHISOL (PTY) LTD**

932 HVM (4946/2025)

H Olivier

(028) 313 8900

Hermanus Administration

26 January 2026

EXECUTIVE SUMMARY

An application was received on 28 March 2025 from Kroep & Rossouw Professional Land Surveyors on behalf of University Campus Living (Pty) Ltd and OPHISOL (Pty) Ltd in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide Erf 932, Vermont into 2 portions namely, Erf X ($\pm 567\text{m}^2$) and a Remainder ($\pm 509\text{m}^2$).

RESOLVED:

1. that the objections **be noted**;
2. that the application in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the **subdivision** of Erf 932, Vermont into 2 portions namely, Erf X ($\pm 567\text{m}^2$) and a Remainder ($\pm 509\text{m}^2$), **not be approved**, in terms of the provisions of Section 61 of the By-Law; and
3. 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, 2020 regarding the above decision.

REASONS FOR THE RESOLUTION:

- ❖ The property is earmarked for *Status Quo* in terms of the Overstrand Municipal Growth Management Strategy, and subdivision can only be considered which are in line with the density of the surrounding area.
- ❖ There are erven of 585m^2 and 614m^2 in the immediate area in Vermont, but the erven next to Marine Drive that fall in the Coastal Strip of the Heritage Protection Overlay Zone have a specific character with larger erven, with the smallest erf over a 300m distance next to the road being 684m^2 in extent. The proposed new erven of 509m^2 and 567m^2 are not in line with the size of the erven in Marine Drive, and therefore not in line with the character of this area.
- ❖ Should the application be approved, the erven will have very narrow street frontages and Erf X will have a development footprint width of 11,648m and the Remainder of 10,483m. Sea front erven are expensive and a potential buyer will have to maximise

his/her development to get value for money, and to do that monolithic double storey structures will be the only way to maximise the development, which is not in line with the aims of the Coastal Interface as stipulated in the Overstrand Municipality Growth Spatial Management Strategy, 2010.

- ❖ The proposed subdivision will also mean that, for a dwelling on the Remainder, only a 3,15m Title Deed building line and 3m Land Use Scheme building line will be applicable for the dwelling (garage with direct access from the street remains 4m) next the Albatross Street, which could impact surrounding property owners.
- ❖ A subdivision will also allow for a main dwelling and second dwelling on both erven, which could impact the character of the surrounding area and increase the density of the area. It is noted that the applicant indicated the Municipality can insert a condition that no second dwellings be allowed on the two erven.

RESPONSIBLE OFFICIAL :

H OLIVIER

4.3

ERF 6135, 18 CLIFF ROAD AND A PORTION OF REMAINDER ERF 249, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CLOSURE OF PUBLIC OPEN SPACE, REZONING, CONSOLIDATION AND REGISTRATION OF A SERVICES SERVITUDE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF D & P TURPIE AND OVERSTRAND MUNICIPALITY

6135 & Rem 249 HWC (5140/2025)

B Minnaar

(028) 313 8900

Hermanus Administration

9 April 2026

EXECUTIVE SUMMARY

An application was received on 1 December 2025 from Messrs WRAP Project Office on behalf of D & T Turpie and Overstrand Municipality applicable to Erf 6135 & a portion of Remainder Erf 249, Westcliff, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Closure of public place** in terms of Section 16(2)(n) of the By-Law to accommodate the closure of a public road portion of Remainder Erf 249 Hermanus (adjoining Erf 6135 and 1840 Hermanus) with extent the of $\pm 446\text{m}^2$;
- ❖ **Rezoning** in terms of Section 16(2)(a) of the By-Law of a portion of Remainder Erf 249, Hermanus from Transport Zone 2: Road and Parking to Residential Zone I: Single Residential (SR1);
- ❖ **Consolidation** in terms of Section 16(2)(e) of the By-Law of Erf 6135, Hermanus (Westcliff) with a portion of Remainder Erf 249, Hermanus (Westcliff) Hermanus to create a single residential property of $\pm 1281\text{m}^2$ in extent, and
- ❖ **Exemption of Subdivision / Consolidation** in terms of Section 26 of the By-Law to allow the registration of a service servitude.

RESOLVED:

1. that the objections **be noted**;
2. that the application in terms of Section 16(2)(n) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the **closure of public place** to accommodate the closure of a public road, being Remainder Erf 249, Hermanus with the extent of $\pm 446\text{m}^2$, **be approved**, in terms of Section 61 of the By-Law;

3. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the **rezoning** of a portion of Remainder Erf 249, Hermanus from Transport Zone 2: Road and Parking to Residential Zone I: Single Residential (SR1), **be approved**, in terms of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the **consolidation** of Erf 6135, Hermanus and a portion of Remainder Erf 249, Hermanus to create a single residential property of $\pm 1281\text{m}^2$ in extent, **be approved**, in terms of Section 61 of the By-Law;
5. that the approvals in Points 2. to 4. above be subject to the following conditions:
 - (a) that a revised subdivisional plan be submitted to reflect a three (3) metre wide services servitude be submitted to the Town & Spatial Planning Department for approval;
 - (b) that all the conditions in the Services Report and Property Administration Department be complied with;
 - (c) that all conditions stipulated in Council's decision, dated 27 August 2025 be complied with;
 - (d) that a 3m right of way servitude be registered over the consolidated property, parallel with the northeastern boundary simultaneous with the registration of the consolidation of Erf 6135 and Erf 249 Hermanus; and
 - (e) that the applicant be responsible for the payment of all costs in connection with the property transaction, including the costs pertaining to the registration of the consolidated property and servitude.
6. that the application in terms of Section 26 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the **exemption of subdivision/consolidation** to allow a 3m wide services servitude along the northeastern boundary of a portion of Remainder Erf 249, Hermanus, **be approved**, in terms of Section 61 of the By-Law;
7. that the amended title deed be submitted to the Town & Spatial Planning Department for record purposes; and
8. 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, 2020 with regard to the above conditions of approval.

REASONS FOR THE RESOLUTION:

- ❖ The subject property is not utilised for its intended status being a road as per the Surveyor Generals records and the applicable zoning of the property.
- ❖ The application has an in-principle approval from Council for the alienation of a Portion of Remainder Erf 249, Hermanus.
- ❖ The portion of Remainder Erf 249, Hermanus may only be utilised as garden space, construction of a boundary wall or fence and to provide a 3m wide servitude to allow the municipality access to the relevant services along the north easter side of the subject property.
- ❖ The municipality has no intention to develop the subject property for its intended use.
- ❖ The subject property location does not influence the function or integrity of coastal reserves.
- ❖ The application will not prohibit access to coastal pathways since there are various other routes which provide direct access to the coastal paths in the area and is therefore in line with the EMOZ regulations.
- ❖ The application does not propose any development over the subject property that will be obtained and is therefore in line with the HPOZ regulations.
- ❖ No development by the property owner will occur on the portion of Remainder Erf 249, Hermanus and will therefore not negatively impact on the character of the area, sunlight and view lines.
- ❖ The application is in line with the various spatial planning policies.
- ❖ The objection received during public participation has been adequately resolved.

RESPONSIBLE OFFICIAL :**S VAN DER MERWE**

4.4

ERF 1336, 21 INGANG STREET, DE KELDERS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF PR JACOBS

1336 GDK (4739/2024)

SW van der Merwe

10 April 2026

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 06 August 2024 from Messrs PlanActive Town- and Regional Planners on behalf of PR Jacobs applicable to Erf 1336, De Kelders in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions I.F(c), I.F(d) and II.E(c) and II.E(d) contained in Title Deed T31858/2021 applicable to Erf 1336, De Kelders;
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the north-eastern lateral building line from 2m to 1,41m to accommodate the use change from garage to existing ground floor servant quarters;
 - relax the north-eastern lateral building line from 2m to 1,61m to accommodate alterations to bedrooms 2 and 3 on the ground floor as well as bedroom 7 on the second floor;
 - relax the southwestern lateral building line from 2m to 0m to accommodate the conversion of the carport to the existing garage on the ground floor;
 - relax the street building line from 4m to 0,4m and the northeastern lateral building line from 2m to 0m to accommodate the existing stoep as well as the encroachment of the 1m height restriction varying between 2,018m and 2,91m above natural ground level;
 - relax the 8m height restriction applicable to existing roof up to 8,065m and 8,32m, and
 - relax the height restriction applicable to the existing chimney from 9m to 9,32m.
- ❖ **Determination of an Administrative Penalty** in terms of Section 16(2)(q) of the By-Law to accommodate the existing encroachments on the property.

RESOLVED:

1. that the objection **be noted**;

2. that the application for **removal of restrictive title deed conditions** I.F(c), I.F(d) and II.E(c) and II.E(d) as contained in Title Deed T31858/2021 applicable to Erf 1336, De Kelders in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for **departure** in terms of Section 16(2)(b) of the By-Law in order to
 - relax the north-eastern lateral building line from 2m to 1,41m to accommodate the use change from garage to existing ground floor second dwelling unit;
 - relax the north-eastern lateral building line from 2m to 1,61m to accommodate alterations to bedrooms 2 and 3 on the ground floor as well as bedroom 7 on the second floor;
 - relax the south western lateral building line from 2m to 0m to accommodate the conversion of the carport to the existing garage on the ground floor;
 - relax the street building line from 4m to 0,4m and the north-eastern lateral building line from 2m to 0m to accommodate the existing stoep as well as the encroachment of the 1m height restriction varying between 2,018m and 2,91m above natural ground level, and
 - relax the 8m height restriction applicable to existing roof up to 8,065m and 8,32m and the height restriction applicable to the existing chimney from 9m to 9,32m,**be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the applicant, pertaining to the application in terms of Section 16(2)(q) of the By-Law, **not be exempted** from the payment of **an administrative penalty** in terms of the provisions of Section 61 of the By-Law;
5. that the decisions in paragraphs 2. to 4. above be subject to the following conditions:
 - (a) that an administrative penalty for the amount of R42 006,14 be payable within 90 days from the effective date of the decision;
 - (b) that building plans be submitted to the Building Department for approval within 90 days from the effective date of the decision and that all conditions of the Building and Fire Departments be complied with at that stage;

- (c) that the conditions in the Services Report be complied with;
 - (d) that all the conditions imposed by Telkom be complied with; and
 - (e) that the stoep and swimming pool that encroach the street building line may not be enclosed.
6. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR THE RESOLUTION:

- ❖ Proposal is consistent with the SDF and Overstrand Municipal Growth Management Strategy.
- ❖ The proposal is in line with the applicable municipal planning policy.
- ❖ Proposal is consistent with the Overstrand Municipal Land Use Planning Amendment By-Law that accommodates the proposal to be considered on merit via an application process.
- ❖ The retention of the encroachments will not have a significant impact, if any, onto the character of the area or vested rights of adjoining property owners.
- ❖ Proposal is consistent with the Planning Principles in terms of LUPA and SPLUMA.
- ❖ The application was processed having had regard to the requirement of the By-Law, LUPA and SPLUMA.
- ❖ The objector failed to demonstrate how it will be negatively impacted by approval of the application.

RESPONSIBLE OFFICIAL :**S VAN DER MERWE**

4.5

**ERF 639, 9 LAW STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND
CONSENT USE: PLAN ACTIVE TOWN- & REGIONAL PLANNERS ON BEHALF
OF JC KOEKEMOER****636 GPB (4849/2024)****SW van der Merwe****17 April 2026****(028) 313 8900****Hermanus Administration**

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), was received on 23 October 2024 from PlanActive Town- and Regional Planners on behalf of JC Koekemoer, the owner of Erf 639, Pearly Beach for the following:

- ❖ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law for removal of conditions C.4(b) and D.2 as contained in Title Deed T36441/2005 to accommodate a bottle store, and
- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law to accommodate a bottle store.

RESOLVED:

1. that the objections / comments **be noted**;
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), for the **removal of restrictive title deed conditions** C.4(b) and D. 2 as contained in Title Deed T36441/2005 applicable to Erf 639, Pearly Beach, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for **consent use** in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), to conduct a bottle store, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in paragraphs 2. and 3. above be subject to the following conditions:
 - (a) that the bottle store be limited to the area of 94m² as indicated on the Site Development Plan;
 - (b) that the bottle store may only be used for the retail sale of liquor and that no distribution to other licensed premises in the area may occur;

- (c) that no cheap liquor such as quarts and “*papsak*” be sold from the premises;
 - (d) that the hours of operation of the bottle store be limited between 08:00 and 18:00 on Mondays to Saturdays and between 08:00 and 13:00 on Sundays and public holidays;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building and Fire Departments be complied with at that stage;
 - (f) 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;
 - (g) that the facility complies with Health and Safety Legislation and Fire Regulations and that applications be made for the relevant Health and Safety and Fire Certificates;
 - (h) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building) and for security and protection of surrounding properties, patrons, vehicles, etc. to the satisfaction of the Divisional Manager: Town and Spatial Planning;
 - (i) that the display of signage be in accordance with the Municipal By-Law on signage;
 - (j) that all the conditions in the Services Report be complied with; and
 - (k) that all the conditions imposed by Telkom be complied with.
5. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR THE RESOLUTION:

Reasons for approval

- ❖ The application has followed due procedure.
- ❖ A total of 570 notices were sent and 95 objections, inclusive of a late objection were received. Within a radius of 100m to 500m, 14 were received with the remaining objections being in a 500m to 3km radius. None of the direct abutting properties objected.
- ❖ The property is located in a business node.

- ❖ Objections are mainly based on speculative assumptions, whilst similar businesses are successfully conducted in neighbouring towns.
- ❖ No new municipal services required.
- ❖ The development is consistent with the SDF and Growth Management Strategy that promote economic development within existing business nodes applicable strategic policy documents.
- ❖ The development is consistent with the planning principles.
- ❖ The development does not detract from the character of the surrounding area.
- ❖ The development does not unacceptably detract from the vested rights of adjoining property owners.
- ❖ The proposal will create job opportunities and also benefit the economy of the area with residents spending money in the area.

RESPONSIBLE OFFICIAL :

S VAN DER MERWE

The meeting adjourned at 11:46