



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

**MINUTES**

<b>DATE:</b>	<b>29 AUGUST 2024</b>
<b>VENUE:</b>	<b>VIRTUAL</b>
<b>TIME:</b>	<b>10:00</b>

# **OVERSTRAND**

## **MUNICIPAL PLANNING TRIBUNAL**

### **MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD VIRTUALLY ON 29 AUGUST 2024 AT 10:00**

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**PRESENT:**

**MEMBERS:**

Mr S Müller, Chief Engineer : Infrastructure Services

Mr H Blignaut, Principal Engineer : Civil  
Infrastructure Planning

Ms R Louw, Divisional Manager : Strategic Support  
Services

**OFFICIALS:**

Mr R Kuchar, Divisional Manager : Town & Spatial  
Planning

Ms H van der Stoep, Senior Town Planner

Mr P Roux, Town Planner

Mr B Minnaar, Town Planner

Mr K Philander, Intern : Town Planning

Ms S Swart, Council Support Services

**APOLOGIES:**

None

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**MUNICIPAL PLANNING TRIBUNAL  
ATTENDANCE REGISTER**

**Date: 29 AUGUST 2024**

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
H JANSER	CHAIRPERSON DIR: DEV MANAGEMENT	Present
S MÜLLER	VICE-CHAIRPERSON OVERSTRAND MUNICIPALITY	Present
H BLIGNAUT	MPT MEMBER OVERSTRAND MUNICIPALITY	Present
R LOUW	MPT MEMBER OVERSTRAND MUNICIPALITY	Present
R KUCHAR	AUTHORISED OFFICIAL OVERSTRAND MUNICIPALITY	Present
S VAN DER MERWE	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	
H VAN DER STOEP	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	Present
P ROUX	TOWN PLANNER OVERSTRAND MUNICIPALITY	Present
H OLIVIER	TOWN PLANNER OVERSTRAND MUNICIPALITY	
B MINNAAR	TOWN PLANNER OVERSTRAND MUNICIPALITY	Present
S SWART	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	Swart
K. Philander	Town Planning	Present

**1. OPENING**

The Chairperson opened the meeting and welcomed those present.

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

None

**3. CONFIRMATION OF MINUTES**

**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 1 August 2024**

**RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **1 August 2024, be approved.**

**4. ITEMS FOR CONSIDERATION****4.1**

**ERF 6119, MARINE DRIVE, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: N LLOYD ON BEHALF OF THE TRUSTEES OF THE OLD HARBOUR MUSEUM**

**6119 HNC (4517/2023)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**18 June 2024**

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**EXECUTIVE SUMMARY**

An application was received on 7 November 2023 from Nicolette Lloyd on behalf of The Trustees of the Old Harbour Museum on Erf 6119, 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 tourist facilities (museum purposes to accommodate a restaurant).

**RESOLVED:**

that the item be referred to the Legal Department and resubmitted at a Special Municipal Planning Tribunal meeting, of which the date must be established.

**RESPONSIBLE OFFICIAL :**

**H VAN DER STOEP**

## 4.2

**ERF 5851, 18 RAED-NA-GAEL, HERMANUS, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: MESSRS SMART SOLUTION ARCHITECTURE ON BEHALF OF GP  
LOUW**

**5851 HHH (4543/2023)**

**P Roux**

**17 July 2024**

**(028) 313 8900**

**Hermanus Administration**

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**EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 06 December 2023 from Messrs Smart Solutions Architecture on behalf of GP Louw, the owner of Erf 5851, Hermanus Heights for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to:
  - relax the 1m height restriction for any structure over the building line from 1.0m to 2.039m read with Overstrand Municipality Land Use Scheme, 2020 clause 16.1.1 (a);
  - relax the street building line from 4.0m to 3.80m to accommodate the new external stairs;
  - relax the eastern lateral building line from 2.0m to 0.0m to accommodate a new proposed garden loggia, and
  - the height restriction from 8m to 8.15m to accommodate the existing roof.
  
- ❖ **determination of an administrative penalty** in terms of Section 90 of the By-Law, in order to accommodate unauthorised building line encroachments.

**RESOLVED:**

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 5851, Hermanus Heights to:
  - relax the 1m height restriction for any structure over the building line from 1.0m to 2.039m read with Overstrand Municipality Land Use Scheme, 2020 clause 16.1.1 (a);
  - relax the street building line from 4.0m to 3.80m to accommodate the new external stairs;
  - relax the eastern lateral building line from 2.0m to 0.0m to accommodate a new proposed garden loggia, and
  - the height restriction from 8m to 8.15m to accommodate the existing roof.

- be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5851, Hermanus Heights for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
  3. that the recommendations under paragraphs 1. and 2. be subject to the following conditions:
    - (a) that the approvals are for the development as indicated on *Drawing No. I 0485/A1/04* dated 23/11/2023 as submitted with the application;
    - (b) that the existing external staircase be demolished within 90 days of the decision;
    - (c) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building and Fire Departments be complied with;
    - (d) that an administrative penalty of R2 997,09 (including VAT) for the encroachment of the existing staircase, be payable within thirty 30 days of the decision;
    - (e) that existing staircase be replaced with the new staircase as per *Drawing No. I 0485/A1/04*;
    - (f) that all the conditions in the Services Report be complied with;
    - (g) that this approval does not absolve the landowners from compliance with any other relevant legislation; and
    - (h) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.
  4. that the applicant and objector be notified of their appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**REASONS FOR THE RESOLUTION:**

- ❖ The retention of the existing main roof will not have a negative impact on the adjacent property owners or the character of the area as the dwelling was constructed in line with the height restriction as per the previous zoning scheme.

- ❖ The loggia and proposed new staircase are considered minor structures which adhere to the character of the area.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The structures proposed are not invasive in nature and results in better utilization of space on the subject property.

**RESPONSIBLE OFFICIAL :**

**P ROUX**

**The meeting adjourned at 10:34**