



MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

MINUTES

DATE

**1 SEPTEMBER 2026
(AUGUST 2026 CYCLE)**

VENUE:

**TOWN PLANNING COMMITTEE
ROOM**

TIME:

10:00



**OVERSTRAND
MUNICIPAL PLANNING TRIBUNAL**

**MINUTES OF A MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL,
HELD IN THE TOWNPLANNING
COMMITTEE ROOM ON
1 SEPTEMBER 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 R Kuchar, Divisional Manager : Town & Spatial
Planning
Ms H Van der Stoep, Principle Town Planner
Mr H Olivier, Town Planner
Ms S Swart, Senior Committee Officer
Ms C Fisher, Chief Clerk: Committee Services

APOLOGIES:

None

MUNICIPALITY



MUNISIPALITEIT

MUNICIPAL PLANNING TRIBUNAL

ATTENDANCE REGISTER

Date: 1 SEPTEMBER 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	
T DE WAAL	VICE-CHAIRPERSON DIR: DEV PLANNING	Online
H BLIGNAUT	MPT MEMBER OVERSTRAND MUNICIPALITY	
R LOUW	MPT MEMBER OVERSTRAND MUNICIPALITY	
R KUCHAR	AUTHORISED OFFICIAL OVERSTRAND MUNICIPALITY	
S VAN DER MERWE	PRINCIPAL TOWN PLANNER OVERSTRAND MUNICIPALITY	
H VAN DER STOEP	PRINCIPAL TOWN PLANNER OVERSTRAND MUNICIPALITY	
P ROUX	TOWN PLANNER OVERSTRAND MUNICIPALITY	
H OLIVIER	TOWN PLANNER OVERSTRAND MUNICIPALITY	
B MINNAAR	TOWN PLANNER OVERSTRAND MUNICIPALITY	
S WART	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	
C FISHER	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	

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 4 August 2026

RESOLVED:

that the Minutes of the **Municipal Planning Tribunal Meeting** held on **4 August 2026**, be approved.

4. ITEMS FOR CONSIDERATION**4.1**

REMAINDER ERF 5967, 88 MAIN ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: PLATINUM TOWN AND REGIONAL PLANNERS ON BEHALF OF AC & CP DUVENAGE

5967 KKM (5044/2025)

**H van der Stoep
20 July 2026**

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 21 July 2025 from Platinum Town & Regional Planners on behalf of AC & CP Duvenhage on Remainder Erf 5967, Kleinmond 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 accommodate a business premises, limited to a shop, a restaurant, the sale of alcoholic beverages, a plant nursery, offices and building for similar uses and the sale of any small and big items.

RESOLVED:

1. 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 5967, Kleinmond for consent use to accommodate a business premises, limited to a shop, a restaurant, the sale of alcoholic beverages, a plant nursery and building for similar uses and the sale of any small and big items, **be approved** in terms of the provisions of Section 61 of the By-Law, but, subject to the following conditions:
 - (a) that an amended site development plan (reflecting the Department of Transport access at 12,52km) with a parking layout to scale be submitted to the Divisional Manager: Town and Spatial Planning and Department of Transport for approval;
 - (b) that building plans reflecting the above decision be submitted to the Building Department for all new building work on the property for approval, and that all conditions of the Building and the Fire Departments be complied with at that stage;

- (c) that the consent use for business purposes be **restricted** to the following: *business premises*" are limited to:
- "a shop, a restaurant, the sale of alcoholic beverages, a plant nursery and building for similar uses and the sale of any small and big items, but exclude a supermarket, service trade, a financial institution, a place of assembly, place of entertainment, an institution, a service station, a motor repair garage, an industry, and industrial hive, a noxious trade, a risk activity, an adult entertainment business or a bottle store";*
- (d) that no parking be allowed in the area between the Main Road and the building on site. All the parking be located at the rear of the erf as per site plan.
- (e) that the conditions imposed by the Western Cape Government: Infrastructure: Road Planning be complied; and
- (f) that the applicant takes due notice of the requirements and parameters of the Overstrand Land Use Scheme.
3. 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, 2020 regarding the above decision.

REASONS FOR THE RESOLUTION:

- ❖ The property has established business rights.
- ❖ The property is located along the Main Road of Kleinmond which is a mixed-use area, with various businesses along the Main Road.
- ❖ The application did go through a public participation process and the one objection received has been dealt with adequately (objection was withdrawn).

RESPONSIBLE OFFICIAL :

H VAN DER STOEP

4.2

PORTIONS 210 AND 220 (PORTIONS OF PORTION 80) OF FARM AFDACS RIVIER NO. 575, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF BENGUELA COVE HOMEOWNER'S ASSOCIATION

HBENG 210 & 220/575 (4336/2023)

H Olivier

(028) 313 8900

Hermanus Administration

10 June 2026

EXECUTIVE SUMMARY

An application was received on 9 February 2023 by WRAP Project Office on behalf Benguela Cove Homeowner's Association on Portions 210 & 220 (Portions of Portion 80) of Farm Afdaks River No.575, Division Caledon in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **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 (operating of a pontoon boat as a recreational facility).
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorised land use activity as stipulated above.

The application was considered by the MPT on 30 September 2025 who resolved that the application not be approved.

The applicant and objectors were informed of their right of appeal, and on 7 November 2025 an appeal was received from the applicant (WRAP Project Office) against the MPT's decision. The objectors were also provided an opportunity to respond to the appeal received.

The Authorised Official's report with all relevant documents for consideration was forwarded to the Appeal Authority on 23 March 2026.

On 23 April 2026, the Appeal Authority referred the application back to the MPT for re-consideration.

RESOLVED:

1. that the application be **referred back** to the Administration; and

2. that the applicant submit a new planning application to the Municipality for processing and consideration, which is correctly completed together with all additional information as was submitted by the applicant during the appeal application process.

REASONS FOR THE RESOLUTION:

- ❖ Additional information was provided by the applicant in the appeal process, which was not part of the original public participation process.
- ❖ The information in the Administrative Penalty Fee application (and motivation) was not correctly completed and misleading, as it was not indicated that BCI will be responsible for the Administrative Penalty Fee.

RESPONSIBLE OFFICIAL :**H OLIVIER****The meeting adjourned at 10:18**