



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

MINUTES

DATE: 3 MARCH 2026 (FEB 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 TOWN PLANNING COMMITTEE ROOM ON 3 MARCH 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
Mr S van der Merwe, Principal Town Planner
Mr H Olivier, Town Planner
Mr P Roux, Town Planner
Ms S Swart, Senior Committee Officer (Online)
Ms C Fisher, Chief Clerk: Committee Services

APOLOGIES:




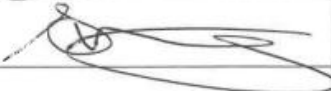



None

**MUNICIPAL PLANNING TRIBUNAL
ATTENDANCE REGISTER**

Date: 31 MARCH 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 MANAGEMENT	
H BLIGNAUT	MPT MEMBER OVERSTRAND MUNICIPALITY	Present
R LOUW	MPT MEMBER OVERSTRAND MUNICIPALITY	@
R KUCHAR	AUTHORISED OFFICIAL OVERSTRAND MUNICIPALITY	
S VAN DER MERWE	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	
H VAN DER STOEP	SENIOR 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	ONLINE
C FISHER	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	

1. OPENING

The Chairperson opened the meeting and welcomed those present, especially the new MPT member, Ms T de Waal from DEADP, Cape Town.

2. APPLICATIONS FOR LEAVE OF ABSENCE

None

3. CONFIRMATION OF MINUTES**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 29 January 2026****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **29 January 2026, be approved.**

4. ITEMS FOR CONSIDERATION

4.1

ERF 987, 19 KERSBOS STREET, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: WRAP PROJECT OFFICE ON BEHALF OF JP STEYN & K VAN SCHALKWYK

987 HVM (4940/2025)

H Olivier

(028) 313 8900

Hermanus Administration

24 December 2025

EXECUTIVE SUMMARY

An application was received on 24 March 2025 from WRAP Project office on behalf JP Steyn and K van Schalkwyk on Erf 987, Vermont in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a **consent use** to allow a place of instruction on the property.

RESOLVED:

1. that the objections **be noted**;
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 987, Vermont for a consent use to allow a place of instruction, **not be approved**; and
3. 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 decision.

REASONS FOR THE RESOLUTION:

- ❖ The influx of up to 8 additional vehicles four times a day with an expected 32 students per day into the quiet cul-de-sac, will have a negative impact on surrounding property owners and the character of the area.
- ❖ The six (6) parking bays for 8 students will not be sufficient on-site parking if all 8 students travel with their own vehicles.
- ❖ It will be very difficult for the applicant and municipality to stop students from loitering in the road reserve before and after classes, and this would impact surrounding property owners.
- ❖ The increase in vehicles and people will create an increase in noise, can impact privacy of surrounding property owners and additional traffic can create safety concerns for pedestrians.
- ❖ It is a privilege to apply for a consent use and there should be without a doubt no negative impact on neighbours and the character of the area for the Municipality to

support such an application. Even with the mitigating measures proposed by the applicant, it is the opinion that the application will still have a negative impact on the character of the area.

- ❖ To be viable, it is highly unlikely that the facility will only cater for students from Vermont. The site is not well situated and accessible to cater for a wider area, and a location closer to a main road and possibly on a more appropriate zoned property, would be more appropriate.
- ❖ The objections received regarding negative impact on the character of the area and the surrounding neighbours, are valid concerns.
- ❖ This application is not desirable.

RESPONSIBLE OFFICIAL :

H OLIVIER

4.2**ERF 2702, PARK LANE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR CONSENT USE AND PERMISSION REQUIRED IN TERMS OF
THE LAND USE SCHEME: URBAN DYNAMICS SOUTH CAPE TOWN AND
REGIONAL PLANNERS ON BEHALF OF OVERSTRAND MUNICIPALITY****2702 HON (5068/2025)****H Olivier****3 February 2026****(028) 313 8900****Hermanus Administration**

EXECUTIVE SUMMARY

An application was received on 21 August 2025 from Urban Dynamis South Cape Town and Regional Planners on behalf of Overstrand Municipality on Erf 2702, Onrustrivier 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 for Utility Services to accommodate the proposed improvements and upgrades to the existing Onrus Main Sewer Pump Station and ancillary infrastructure.
- ❖ **Permission Required in terms of the Land Use Scheme** in terms of Section 16(2)(g) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to approve the proposed site development plan.

RESOLVED:

1. that the objections **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 2702, Onrustrivier for a consent use for Utility Services to accommodate the proposed improvements and upgrades to the existing Onrus Main Sewer Pump Station and ancillary infrastructure, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16.(2)(g) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2702, Onrustrivier for permission required in terms of the Land Use Scheme for the proposed Site Development Plan, **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in 2 and 3 above be subject to the following conditions:

- (a) that the development be in line with the Site Development Plan 2B dated 15 August 2025, the floor plan and elevation plans and the undated site layout plan 23211-C-000-03, submitted with this application;
 - (b) that building plans be submitted to the Building Department in terms of the Building Regulations Act for all new building work on the property, and that all conditions of the Building and Fire Departments be complied with at that stage;
 - (c) that all other development parameters as prescribed in the relevant Land Scheme be complied with;
 - (d) that all the conditions in the Services Report be complied with;
 - (e) that the conditions imposed by the Western Cape Government: DEADP (Environmental) – EIA ROD be complied;
 - (f) that the conditions imposed by BOCMA, be complied with;
 - (g) that the conditions by the Municipal Environmental Branch be complied with; and
 - (h) that a detailed landscape plan be submitted for approval to the Divisional Manager: Town and Spatial Planning.
5. that the following comments be noted.
- Cape Nature and
 - Telkom
6. 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 application is supported by all relevant Municipal Departments and State or other institutions.
- ❖ The design of the storage tank and pump station was to ensure the flood line is addressed, that heavy vehicles do not drive over the slab as it cannot carry such weight, and the paving is to ensure stormwater is properly drained from the site and vehicles can easily manoeuvre in this area.
- ❖ The objections about the possible impact on surrounding property owners were addressed by the applicant, and the visual impact and operational impact (noise, smells, traffic) can sufficiently be controlled due to the higher standard and capacity of the infrastructure, proper landscaping and proper site management.

- ❖ At this stage, the site is not visually pleasing, and the new paving and landscaping will improve the aesthetics of the site.
- ❖ The upgrading of existing services infrastructure will help the area reach its potential (densification, etc.) as indicated in the Municipal SDF, 2020.
- ❖ The application is in line with the Planning Principles as improving the capacity of the infrastructure to support the growing catchment area, will reduce risk of infrastructure failure and potential pollution, and the upgraded sewer infrastructure will promote and enhance services efficiencies in the area.
- ❖ The application is desirable as the perceived negative impact of the new infrastructure is outweighed by the service it will provide to the larger community and by creating a healthier and safer environment.
- ❖ The application is desirable and is supported.

RESPONSIBLE OFFICIAL :

H OLIVIER

4.3

REMAINDER OF ERF 4771, VOËLKLIP, HERMANUS: APPLICATION FOR CONSENT USE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF OVERSTRAND MUNICIPALITY AND CAPE TOWN FISH MARKET

4771 HVK (5037/2025)

S van der Merwe

(028) 313 8900

Hermanus Administration

09 February 2026

EXECUTIVE SUMMARY

The application was received on 15 July 2025 on Erf 4771, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law, in order to accommodate a tourist facility (restaurant) on the property.

RESOLVED:

1. that the objections **be noted**;
2. that the application for **consent use** in terms of Section 16(2)(o) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 4771, Hermanus, in order to accommodate a tourist facility (restaurant) on the property, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval is for the development as indicated on the Site Development Plan named *25*94 (001)* and building plan named *CTFM-4.1, 4.2, 5.1 and 5.2* as submitted with the application;
 - (b) that use of the portion be limited to the development of a restaurant;
 - (c) that the developer takes all reasonable precautions not to disturb the southern sand dune and that it clearly be marked as a no-go area during the construction phase of the restaurant;
 - (d) that the developer utilise water saving measures to minimise water use/loss;
 - (e) that the recommended noise reduction measures are implemented as per the Noise Impact Assessment and that the restaurant complies fully with the Western Cape Noise Control Regulations;

- (f) 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;
 - (g) that all the conditions in the Services Report be adhered to;
 - (h) that the selling of liquor on the property will be subject to the owner obtaining the necessary Liquor License (if not already obtained);
 - (i) that the applicable rates and service tariffs, as determined by the annual budget, are applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (j) that only signage that complies with the Municipal By-Law on Signage (and the Signage Policy applicable) may be displayed on the premises;
 - (k) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with ; and
 - (l) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
3. that the applicant and objectors 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 location proposed is a node of interest and the proposed restaurant will be clustered together with a similar use in close proximity.
- ❖ The design of the restaurant is informed by the historical context of the site and the site-specific constraints.
- ❖ Studies have been done to ensure services are available and that the impact of the proposal does not have a negative impact on the existing services; this includes water, sewerage, electricity and parking.
- ❖ Comments received are noted which highlight the concerns of the objectors; the concerns were taken into consideration.
- ❖ To utilise the proposed restaurant site more effectively, will not exclude certain income groups of the community but will allow opportunities and a place of interest to visit. The proposed restaurant will not in any way affect the picnic and braai areas of Grotto Beach and therefore anyone who seeks to bring their own meals, can still enjoy Grotto Beach. In comparison, the two picnic and braai areas are currently approximately 7000m² in extent compared to the proposed development of 500m² - and the two picnic areas will remain unchanged.
- ❖ The Fernkloof Nature Reserve will in no manner be affected by the proposal.

- ❖ The development is supported by OHAC in terms of the HPOZ and Overstrand Environmental Services indicated that the restaurant is in compliance with the EMOZ which include mitigation measures relating to storm surges.
- ❖ The restaurant will be open to all residents of Hermanus and not restricted to an exclusive income group.
- ❖ The site is currently vacant and underutilised by the public who prefer to utilise the picnic area behind Dutchies and the seashore or Dutchies restaurant itself. The proposal will therefore make efficient use of the location and promote tourism.
- ❖ Erf 4771 will not be subdivided with the approval of the consent use and will remain as a whole; parking can therefore be provided on the existing parking open to the public.
- ❖ The proposal is consistent with the principles of Spatial Justice, Spatial Sustainability, Efficiency, Spatial Resilience and Good Administration.
- ❖ The land use application was done in agreement with the private parties involved in the Court order. The application promoted transparency and opportunity for further community involvement.

RESPONSIBLE OFFICIAL :

S VAN DER MERWE

The meeting adjourned at 10:42