



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

## **MINUTES**

**DATE**

**4 AUGUST 2026**

**VENUE:**

**(JULY 2026 CYCLE)**

**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  
4 AUGUST 2026 AT 10:00**

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**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, Principal Town Planner  
Mr H Olivier, Town Planner  
Mr B Minnaar, Town Planner  
Ms C Fisher, Chief Clerk: Committee Services

**APOLOGIES:**

Ms S Swart, Senior Committee Officer

MUNICIPALITY



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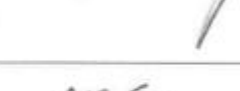
## MUNICIPAL PLANNING TRIBUNAL

### ATTENDANCE REGISTER

Date: **4 AUGUST 2026 (JULY 2026 CYCLE)**

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<br>MUNICIPALITY              | SIGNATURE                                                                            |
|-----------------|---------------------------------------------------|--------------------------------------------------------------------------------------|
| S MÜLLER        | CHAIRPERSON<br>OVERSTRAND MUNICIPALITY            |   |
| T DE WAAL       | VICE-CHAIRPERSON<br>DIR: DEV PLANNING             |  |
| H BLIGNAUT      | MPT MEMBER<br>OVERSTRAND MUNICIPALITY             |  |
| R LOUW          | MPT MEMBER<br>OVERSTRAND MUNICIPALITY             |  |
| R KUCHAR        | AUTHORISED OFFICIAL<br>OVERSTRAND MUNICIPALITY    |  |
| S VAN DER MERWE | PRINCIPAL TOWN PLANNER<br>OVERSTRAND MUNICIPALITY |  |
| H VAN DER STOEP | PRINCIPAL TOWN PLANNER<br>OVERSTRAND MUNICIPALITY |  |
| P ROUX          | TOWN PLANNER<br>OVERSTRAND MUNICIPALITY           |  |
| H OLIVIER       | TOWN PLANNER<br>OVERSTRAND MUNICIPALITY           |  |
| B MINNAAR       | TOWN PLANNER<br>OVERSTRAND MUNICIPALITY           |  |
| S WART          | COUNCIL SUPPORT<br>OVERSTRAND MUNICIPALITY        |  |
| C FISHER        | COUNCIL SUPPORT<br>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 25 June 2026****RESOLVED:**

that the Minutes of the **Municipal Planning Tribunal Meeting** held on **25 June 2026**, be approved.

#### 4. ITEMS FOR CONSIDERATION

##### 4.1

**ERF 730, 12 BOBBIE ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR SUBDIVISION, REZONING AND DEPARTURE: FUTURE  
PLAN TOWN & REGIONAL PLANNERS ON BEHALF OF E RAILOUN**

**730 KPRB (4900/2025)**

**H van der Stoep**

**29 June 2026**

**(028) 313 8900**

**Hermanus Administration**

#### **EXECUTIVE SUMMARY**

An application was received on 6 March 2024 from Future Plan Town & Regional Planners on behalf of E Railoun on Erf 730, Pringle Bay in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the following:

- ❖ **Subdivision** in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to subdivide Erf 730, Pringle Bay into 2 portions namely Portion 1 ( $\pm 1000\text{m}^2$ ) and a Remainder ( $\pm 2937\text{m}^2$ ).
- ❖ **Rezoning** in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to rezone the Remainder of Erf 730, Pringle Bay ( $\pm 2937\text{m}^2$ ) from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1).
- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to accommodate the proposed deviation from the Ridge's Guidelines to depart from the Overstrand Environmental Management Overlay Zone (EMOZ, 2020) to allow the owner to construct the proposed dwelling within the earmarked open space/conservation portion on the subject property.

#### **RESOLVED:**

1. that the comments/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 to subdivide Erf 730, Pringle Bay into two (2) portions, namely Portion 1 ( $\pm 1000\text{m}^2$ ), and Remainder ( $\pm 2937\text{m}^2$ ), **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 to rezone the newly created Remainder of Erf 730 ( $\pm 2937\text{m}^2$ ) from Residential Zone 1: Single Residential (SR1) to Open Space Zone 1: Nature Reserve (OS1), **be approved** in terms of Section 61 of the By-Law;

4. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a departure to accommodate the proposed deviation from the Ridge's Guidelines to depart from the Overstrand Environmental Management Overlay Zone (EMOZ, 2020) to allow the owner to construct the proposed dwelling within the earmarked open space/conservation portion on the subject property, **be approved** in terms of Section 61 of the By-Law;
5. that the approval of Points 2-4 above in terms of Section 61 of the By-Law be subject to the following conditions:
  - (a) that the approval is only for the subdivision as indicated on the Subdivisional Plan submitted with the application (E 730PBay);
  - (b) that the rezoned portion be ceded to the Municipality with the registration of Portion 1 or within 12-months of the approval;
  - (c) that the applicant appoints an Environmental Practitioner to submit an operational plan to environmental section for approval before construction;
  - (d) that the appointed Environmental Practitioner ensure compliance with the operational plan and all applicable legislation;
  - (e) that only one dwelling with associated outbuildings be allowed on Portion 1;
  - (f) that the conditions in the Services Report be complied with;
  - (g) that all buildings be restricted to 25% of proposed Portion 1 (1000m<sup>2</sup>) and coverage be restricted to 250m<sup>2</sup>; and
  - (h) that building plans be submitted for all new buildings to the Building Control Department for approval, and that all conditions of the Building Control and Fire Departments be complied with at that stage.
6. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 with regard to the above decision.

#### **REASONS FOR THE RESOLUTION:**

- ❖ The property has existing rights.
- ❖ Due diligence of environmental impact has been considered.
- ❖ Ecological corridor will be formally established.
- ❖ Low density development to the benefit of the area.
- ❖ External and internal departments did not object to the application.

**RESPONSIBLE OFFICIAL :**

**H VAN DER STOEP**

## 4.2

**ERF 1008, 37 JAN VAN RIEBEECK CRESCENT, SANDBAAI: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURES: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF JP MALAN**

**1008 HSB (5104/2025)**

**B Minnaar**

**11 June 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 08 October 2025 from Plan Active Town and Regional Planners on behalf of JP Malan applicable to Erf 1008, Sandbaai for the following:

- ❖ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law of condition B.2.(c) & B.2.(d) contained in Title Deed T13555/2000, to accommodate a second dwelling on the property.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
  - relax the southern lateral building line from 2m to 0m to accommodate an outbuilding (garage and storage area) on the property.

### **RESOLVED:**

1. that the objections **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 conditions** B.2.(c) & B.2.(d) as contained in Title Deed T13555/2000 applicable to Erf 1008, Sandbaai, in order to accommodate a second dwelling unit on the subject property, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the **departure** of the southeastern lateral building line from 2m to 0m to accommodate the garage/storage space; **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the decisions in paragraphs 2. and 3. above be subject to the following conditions:

- (a) that the approval is only for the development of the second dwelling (limited to 120m<sup>2</sup> in extent) and the garage (developed over the southeastern lateral building line to 0m);
  - (b) 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;
  - (c) that all the conditions in the Engineering Services Report be complied with;
  - (d) that there is a sewer line where the owner wants to build the garage; that the owner either encases the pipe in concrete or alternatively build the garage next to the sewer pipe;
  - (e) that a revised site plan be submitted as part of the building plan phase reflecting the owners' decision in point (d). above; and
  - (f) that the rates of the property be amended accordingly in terms of the latest rates policy.
5. that the applicant and person who objected 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:**Reasons for approval

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The objection has been adequately responded to.
- ❖ The actual use of the property remains for residential purposes and is in line with the residential character of the Sandbaai area.
- ❖ There is sufficient parking on the property for both dwelling units.
- ❖ Adequate services are provided on-site; therefore, no additional services are required.
- ❖ The Overstrand Zoning Scheme Regulations have sufficient control measures when it comes to land use and building line parameters.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.
- ❖ The proposal is considered in line with the Municipality's SDF.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.

**RESPONSIBLE OFFICIAL :****B MINNAAR**

## 4.3

**ERF 452, 30 MAIN ROAD, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING AND DEPARTURES: MESSRS WRAP PROJECT OFFICE ON BEHALF OF BVA BELEGGINGS PROPRIETARY LIMITED**

452 HWC (4481/2023)

B Minnaar

(028) 313 8900

Hermanus Administration

24 June 2026

**EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), was received on 18 July 2023 from Messrs WRAP Project Office on behalf of BVA Beleggings Proprietary Limited, the owner of Erf 452, Hermanus (Westcliff) for the following:

- ❖ **Rezoning** of the property in terms of Section 16(2)(a) of the By-Law from Residential Zone 1: Single Residential (SR1) to General Residential Zone 3: Flats (GR4) to accommodate flats (sectional title units) on the property, and
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
  - deviate from the minimum permissible erf size from 3000m<sup>2</sup> to 2252m<sup>2</sup>;
  - deviate from the permissible height restriction from 9m to 9.9m to accommodate the proposed roof structures and lift shaft;
  - deviate from the applicable density provision to accommodate the proposed development, and
  - deviate from the provisions of the Overstrand Zoning Scheme Regulations allow a split functional open space.

**RESOLVED:**

1. that the objections received, **be noted**;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), for the **rezoning** of Erf 452, Westcliff, Hermanus from Residential Zone 1: Single Residential (SR1) to General Residential Zone 3: Flats (GR4); **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 applicable to Erf 452, Westcliff, Hermanus **be partially approved** in terms of the provisions of Section 61 of the By-Law:
  - (a) that the departures relating to the following:

- (i) deviation from the minimum permissible erf size from 3000m<sup>2</sup> to 2252m<sup>2</sup>;
- (ii) deviation from the permissible height restriction from 9m to 9.3m to accommodate the proposed lift shaft;
- (iii) deviate from the applicable density provision to accommodate the proposed development; and
- (iv) deviate from the provisions of the Overstrand Zoning Scheme Regulations allow a split functional open space,

**be approved** in terms of the provisions of Section 61 of the By-Law;

- (b) that the departures relating to the deviation from the permissible height restriction from 9m to 9.9m to accommodate the proposed roof structures **not be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in 2. and 3.(a)(i)-(iv), above, be subject to the following conditions:
- (a) that the apartment bedroom composition be altered to comply with the parking requirement;
  - (b) that the roof be redesigned to comply with the 9m height restriction;
  - (c) that the parking provisions be amended to reflect the decision point 4.(a);
  - (d) that a revised site development plan (be limited to 25 apartment units which complies with the parking requirements) be submitted to the Town & Spatial Planning Office for approval prior to the submission of building plans;
  - (e) that building plans be submitted to the Building Control Office, and that all comments from the Building Department and Fire Department be complied with at that stage;
  - (f) that the conditions of the Engineering Services Department: Services Report must be complied with;
  - (g) that a body corporate be established in accordance with the Sectional Titles Act with compulsory membership for all subsequent owners of a sectional title unit within the development; and
  - (h) that house/conduct rules be approved by the body corporate of the development to ensure the management of common property.

5. that the applicant and person who objected be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions; and

**REASONS FOR THE RESOLUTION:****Reasons for resolution points 2. and 3.(a)(i)-(iv):**

- ❖ The application has followed due procedure.
- ❖ The concerns raised during public participation have been adequately addressed.
- ❖ All of the internal and external departments are in support of the application.
- ❖ The development proposal complies with the relevant setbacks and development parameters of the new zoning.
- ❖ The residential character is maintained with regards to the stepping of the building heights and applicable setbacks.
- ❖ The proposal is in line with the general principles of SPLUMA and LUPA as this development will be spatially sustainable, it will not lead to urban sprawl or be developed on agricultural land or environmentally sensitive areas.
- ❖ The studies provided with the application is supported by the Engineering Services Department in line with the upgrading in accordance with the master plan.

**Reasons for the decisions in paragraphs 3.(b)**

- ❖ The deviation of the height restriction is not favourable since there are other forms of roof designs that can be accommodated within the prescribed height restriction.

**Reasons for the decisions in paragraphs 4.(a) and (c)**

- ❖ The proposal to accommodate 25 apartment units falls short of one parking bay. Therefore, amending the apartment bedroom composition to comply with the parking requirements.

**RESPONSIBLE OFFICIAL :**

**B MINNAAR**

## 4.4

**ERF 91, 52 KUSWEG, SANDBAAI, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF SC SOLOMON**

**91 HSB (4701/2024)**

**B Minnaar**

**08 June 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) has been received on 16 October 2025 from Messrs PlanActive Town and Regional Planners on behalf of SC Solomon applicable to Erf 91, Sandbaai, Hermanus for the following:

- ❖ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law of condition B.(a), C.(a), C.(c) and C.(d) as contained in Title Deed T41901/2022.
- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law in order to operate a five (5) bedroom guest house from the property.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
  - relax the western lateral building line from 2m to 1.88m to accommodate the existing garden shed;
  - relax the northern rear building line from 2m to 1.3m to accommodate the existing garden shed, and
  - relax the eastern lateral building line from 2m to 1.71 and 1.77m to accommodate a portion of the existing dwelling.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to for the existing building encroachments and land use contravention.

### **RESOLVED:**

1. that the objections **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 conditions** B.(a), C.(a), C.(c) and C.(d) as contained in Title Deed T41901/2022 applicable to Erf 91, Sandbaai, in order to accommodate a guest house with a manager's/owner's quarters on the subject property, **be approved** in terms of the provisions of Section 61 of the By-Law;

3. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for **consent use** applicable to Erf 91, Sandbaai, in order to operate a five (5) bedroom guest house with a manager's/owner's quarters on the subject property, **be partially approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for **departure** in order to:
  - (a) relax the western lateral building line from 2m to 1.88m to accommodate the existing garden shed;
  - (b) relax the northern rear building line from 2m to 1.3m to accommodate the existing garden shed; and
  - (c) relax the eastern lateral building line from 2m to 1.71 and 1.77m to accommodate a portion of the existing dwelling**be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the determination of an administrative penalty in terms of Section 90(4) of the By-Law for the unauthorised building work over building lines and the unauthorised land uses on the subject property, **be imposed**, and that an administrative penalty fee of **R15 366.56** (VAT Incl), be payable within sixty (60) days of this decision; and
6. that the decisions in paragraphs 2. to 4. above be subject to the following conditions:
  - (a) that the approval of the guest house is limited to three (3) guest bedrooms only,
  - (b) that the manager/owner must reside on the premises permanently in relation to this planning approval;
  - (c) that the parking layout be revised to reflect condition point (a) above;
  - (d) that revised site plans reflecting condition points (a), (b) and (c) above be submitted at building plan submission stage;
  - (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 all the conditions of the Property Administration and the Engineering Services Department be complied with; and
  - (g) that the rates of the property be amended accordingly in terms of the latest rates policy.
7. that the applicant and person who commented and objected 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:****Reasons for approval**

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The objection has been adequately responded to.
- ❖ The actual use of the property remains for residential purposes and is in line with the residential character of the Sandbaai area.
- ❖ The subject property is not able to accommodate adequate parking for five (5) guest rooms and the manager's/owner's parking.
- ❖ Adequate services are provided on site, therefore no additional services are required.
- ❖ The Overstrand Zoning Scheme Regulations have sufficient control measures when it comes to land use and building line parameters.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners or the character of the area.
- ❖ The proposal is considered in line with the Municipality's SDF.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.
- ❖ That the administrative penalty is imposed; the onus remains on the property owner to ensure their property has the necessary development rights.

**RESPONSIBLE OFFICIAL :****B MINNAAR**

## 4.5

**PORTION 229 OF THE FARM AFDAKSRIVIER NO 575, BENGUELA COVE, A DIVISION OF CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR AMENDMENT OF THE EXISTING APPROVED SITE DEVELOPMENT PLAN, AMENDMENT OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL AND EXTENSION OF THE PERIOD OF VALIDITY OF AN APPROVAL: WRAP PROJECT OFFICE ON BEHALF OF BENGUELA COVE INVESTMENTS (PTY) LTD**

**HBENG 229/575 (4595/2024)**

H Olivier

(028) 313 8900

Hermanus Administration

10 June 2026

### **EXECUTIVE SUMMARY**

An application was received on 26 February 2024 from WRAP Project Office on behalf of Benguela Cove Investments (Pty) Ltd on Portion 229 of the Farm Afdaksrivier No 575, Benguela Cove, Division Caledon in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the following:

- ❖ **Amendment of the existing approved site development plan** in terms of Section 16(2)(l) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to accommodate the proposed new buildings/structures such as a wedding venue, picnic pods and deck, as well as the expansion of the existing winery for storage purposes.
- ❖ **Amendment of conditions in respect of an existing approval** in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to allow for the new wedding venue building to be used as a place of entertainment.
- ❖ **Extension of the period of validity of an approval** in terms of Section 16(2)(i) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to extend the validity period for the Departure approval for an additional 5 years to operate market stalls and utilize portions of the buildings for places of entertainment.

The application was considered by the MPT on 29 January 2026. It was resolved that the item **be referred back** in order for the applicant to provide projected sewerage flows from the proposed development against the existing network and treatment capacities, including the Hawston WWTW.

### **RESOLVED:**

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

2. that the application in terms of Section 16(2)(l) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the **Amendment of the existing approved site development plan on Portion 229 of Farm 575 Benguela Cove**, to accommodate the proposed new buildings/structures for a wedding venue, picnic pods and a deck, as well as the expansion of the existing winery for storage purposes, **be approved**, in terms of the provisions of Section 61 of the By-Law,
3. that the application in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Portion 229 of Farm 575, Benguela Cove, for amendment of conditions in respect of an existing approval to allow for the new wedding venue building to be used as a place of entertainment, **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(i) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 on Portion 229 of Farm 575, Benguela Cove, to extend the validity period of the Departure approval for an additional 5 years to operate market stalls and utilize portions of the buildings for places of entertainment, **be approved**, in terms of the provisions of Section 61 of the By-Law;
5. that the approvals in Points 2 - 4 be subject to the following conditions:
  - (a) that the approvals only relate to buildings/structures as indicated on Site Development Plan 23.139(v2) dated 27 May 2024;
  - (b) that approval for the extension of time of the Departure approval for the place of entertainment and market stall rights only be valid for an additional period of 5 years from the original date of approval, and lapses on **7 May 2029**;
  - (c) that all conditions in the decision letter dated 3 April 2019 still be applicable and be complied with except Conditions 1(a), 1(m) and 2(a);
  - (d) that any place of entertainment activities in the new wedding venue building be limited to 00h00;
  - (e) that the hours the picnic pods may be used be limited to 20h00(pm);
  - (f) 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.;

- (g) 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;
- (h) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control and the Fire Departments be complied with at that stage;
- (i) that all the conditions in the services report be complied with; and
- (j) that the Overstrand Municipality retains the right to enforce any relevant legislation, as well as law and order on the premises, on the landowner/s.

6. That the following comments be noted:

- ❖ Western Cape Government: EADP (Environmental);
- ❖ Cape Nature;
- ❖ Department of Transport;
- ❖ Telkom;
- ❖ Eskom; and
- ❖ Western Cape Heritage

7. 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 decisions.

**REASONS FOR THE RESOLUTION:**

- ❖ All relevant municipal departments and external departments/institutions support the application.
- ❖ The objections raised about the impact on surrounding properties and noise impact are not supported, as the site is an earmarked business site and business development should have been expected by surrounding property owners. Surrounding residential properties are a fair distance from the site and with good soundproofing noise impact would be limited.
- ❖ Objections regarding services, parking and traffic are not supported as the application is supported by the Western Cape Government: Infrastructure (Road Planning) and the Municipal Engineering Services Department.
- ❖ Mitigation measures have been inserted in the conditions of approval to limit the hours of operation of the new wedding/function venue building, the hours the picnic pods may be used, and that all areas with place of entertainment rights limit noise levels.
- ❖ The application is in line with the general principles of SPLUMA and LUPA as this development will be efficient as the property will be developed to its full potential and have a positive impact on the tourism industry.

- ❖ The Overstrand Municipality Spatial Development Framework, 2020 identifies this area as an area for urban development and it is within the urban edge, therefore development of the property is supported.
- ❖ The application is desirable.

**RESPONSIBLE OFFICIAL :**

**H OLIVIER**

**The meeting adjourned at 11:09**