



MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

MINUTES

DATE
VENUE:

TIME:

25 JUNE 2026
TOWN PLANNING COMMITTEE
ROOM / TEAMS
14:00

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE TOWNPLANNING COMMITTEE ROOM / TEAMS ON 25 JUNE 2026 AT 14:00

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 H Olivier, Town Planner
Mr B Minnaar, Town Planner
Ms S Swart, Senior Committee Officer
Ms C Fisher, Chief Clerk: Committee Services

APOLOGIES:

None

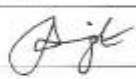
MUNICIPAL PLANNING TRIBUNAL

ATTENDANCE REGISTER

Date: **25 JUNE 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 MULLER	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	Online
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 28 May 2026****RESOLVED:**

that the Minutes of the **Municipal Planning Tribunal Meeting** held on **28 May 2026**, be approved.

3.2 Minutes of a Special Municipal Planning Tribunal Meeting held on 5 June 2026**RESOLVED:**

that the Minutes of a **Special Municipal Planning Tribunal Meeting** held on **5 June 2026**, be approved.

4. ITEMS FOR CONSIDERATION

4.1

ERF 219 (A PORTION OF ERF 316), 63 LUSIBA STREET, ZWELIHLE, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DEPARTURE: WARREN PATTERSON PLANNING ON BEHALF OF OVERSTRAND MUNICIPALITY

219 HZW (4881/2024)

B Minnaar

(028) 313 8900

Hermanus Administration

7 May 2026

EXECUTIVE SUMMARY

An application was received on 4 December 2024 from Warren Patterson Planning on behalf of Overstrand Municipality applicable to Erf 219, Zwelihle 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 the development of a telecommunication base station with a 25m high lattice mast.
- ❖ **Departures** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the proposed 25m high lattice mast on the property as follows:
 - to relax the western street building from 5m to 0m;
 - to relax the maximum permitted boundary wall height from 2.1m to 3.5m, and
 - to relax the height restriction from 10m to 25m.

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 219, Zwelihle to allow the development of a telecommunication base station with a 25m high lattice mast on the subject property, **not be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 219, Zwelihle to accommodate the proposed 25m high lattice mast for the following departures:
 - (i) to relax the western street building from 5m to 0m;
 - (ii) to relax the maximum permitted boundary wall height from 2.1m to 3.5m, and
 - (iii) to relax the height restriction from 10m to 25m.

not be approved in terms of the provisions of Section 61 of the By-Law; and

3. that the applicant 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:

- ❖ A telecommunication tower was approved on 24 November 2025 across the street from the subject site.
- ❖ The proposal will not improve the signal strength or capacity for the community adequately since there is already an existing approval for a telecommunication tower in close proximity.

RESPONSIBLE OFFICIAL :

B MINNAAR

4.2

ERF 3624, 5 VAN BLOMMENSTEIN STREET, ONRUSTRIVIER AND ERF 3625, 7 VAN BLOMMENSTEIN STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, DEPARTURE AND EXEMPTION OF SUBDIVISION (RIGHT OF WAY SERVITUDE): PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF QUENET'S PHARMACY (BOLAND) (PTY) LTD & MOTIFPROPS 157 (PTY) LTD

3624 & 3625 HON (5100/2025)

H Olivier

(028) 313 8900

Hermanus Administration

15 May 2026

EXECUTIVE SUMMARY

An application was received on 3 October 2025 from Plan Active Town and Regional Planners on behalf of Quenet's Pharmacy (Boland)(Pty) Ltd and Motifprops 157 (Pty) Ltd on Erven 3624 and 3625, Onrustrivier in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the following:

- ❖ **Rezoning** in terms of Section 16(2)(a) of the By-Law to rezone Erven 3624 and 3625, Onrustrivier from Residential Zone 1: Single Residential (SR1) to Business Zone 3: Local Business (B3) to accommodate the proposed development.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the southern lateral building line applicable to Erf 3625, Onrustrivier from 3m to 0m to accommodate the proposed business unit.
- ❖ **Exemption of Subdivision** in terms of Section 26(1)(h)(v) of the By-Law for the registration of right-of-way servitudes over Erven 3624 and 3625 Onrustrivier to establish a shared vehicular access arrangement.

RESOLVED:

1. that the objection **be noted**;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for the **rezoning** of Erven 3624 and 3625, Onrustrivier from Residential Zone 1: Single Residential (SR1) to Business Zone 3: Local Business (B3) to accommodate the proposed development, **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 Land Use Planning, 2020 for a **departure** to relax the southern lateral building line applicable to Erf 3625, Onrustvriër from 3m to 0m to accommodate the proposed business unit, **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 26(1)((h)(v) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the **exemption of subdivision** for the registration of right-of-way servitudes over Erven 3624 and 3625, Onrustvriër to establish a shared vehicular access arrangement, **be supported**, in terms of the provisions of Section 61 of the By-Law;
5. that the approvals in 2 - 4 above be subject to the following conditions:
 - (a) that the approval only relates to the proposal as indicated on Plan numbers W4501001 Rev 08 dated 4 September 2025 and W4501002 Rev 07 dated 18 August 2025, submitted with this application;
 - (b) that commercial rates and taxes, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (c) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control, Fire and Waste Management Departments be complied with at that stage;
 - (d) that all conditions in the Services Report be complied with; and
 - (e) that the reciprocal right-of-way servitudes be registered over Erf 3624 and 3625 prior to building plan approval.
6. that the following comments **be noted**:
 - ❖ Telkom; and
 - ❖ Western Cape Government: Infrastructure (Road Planning); and
7. 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 regarding the above decisions.

REASONS FOR THE RESOLUTION:**POINT 2**

- ❖ All relevant municipal departments and external departments/institutions support the application.
- ❖ The concern/objection raised that the proposed first floor balcony on Erf 3624 would impact the pool area on Erf 3522 is noted. However, should Erf 3624 be developed within its existing land use rights, a double storey dwelling with balconies can be constructed 2m from the common boundary. The proposal would therefore not have a greater impact on the objector than should it be developed within its existing development rights.
- ❖ The application is in line with the general principles of SPLUMA and LUPA as this development will be spatially sustainable as it will provide for a mixed-use development with economic opportunity and addressing a housing need, which will also help limit urban sprawl.
- ❖ The Overstrand Municipality Spatial Development Framework, 2020 identifies this area for commercial purposes and it is in the Onrustvriër Business Node. The proposal is therefore in line with this policy plan.
- ❖ In terms of the Overstrand Municipality Spatial Growth Management Strategy, 2010, a guideline document, this area is identified for Local Economic Opportunity and densification zone for more than 50 residential units per ha. The commercial development with flats is therefore in line with this guideline document.
- ❖ The rezoning application will not have a negative impact on surrounding property owners or the character of the area

POINT 3

- ❖ The proposed departure to relax a building line, is because a 3m lateral building line was applicable next to Erf 3626 on submission of the application. Erf 3626 was still zoned as Residential Zone 1. (*Note it has since been rezoned to Business Zone 3*).
- ❖ This area is in the business corridor, and the properties to the north and south are already zoned and/or utilised for business purposes.
- ❖ The owners of the residential erven to the east and west did not object against the departure application.
- ❖ The encroachment is supported by all municipal divisions and other institutions.
- ❖ The departure application will not have a negative impact on surrounding property owners or the character of the area.

RESPONSIBLE OFFICIAL :**H OLIVIER****The meeting adjourned at 14:21**