



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

**MINUTES**

**DATE:  
VENUE:  
TIME:**

**28 MARCH 2024  
VIRTUAL  
10:00**

**OVERSTRAND**  
**MUNICIPAL PLANNING TRIBUNAL**  
**MINUTES OF A MEETING OF THE**  
**MUNICIPAL PLANNING TRIBUNAL,**  
**HELD VIRTUALLY ON**  
**28 MARCH 2024 AT 10:00**

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**PRESENT:**

**MEMBERS:**

Ms H Janser, Directorate Development  
Management  
Mr S Müller, Director : Infrastructure & Planning  
Mr S Madikane, Director : LED  
Ms R Louw, Senior Manager : Strategic Planning

**OFFICIALS:**

Mr R Kuchar, Senior Manager : Town & Spatial  
Planning  
Mr P Roux, Town Planner  
Ms S Swart, Council Support Services

**APOLOGIES:**

Mr H Blignaut, Deputy Director : Engineering  
Services



**MUNICIPAL PLANNING TRIBUNAL  
ATTENDANCE REGISTER**

Date: 28 MARCH 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	<i>Present</i>
S MÜLLER	VICE-CHAIRPERSON OVERSTRAND MUNICIPALITY	<i>Present</i>
S MADIKANE	MPT MEMBER OVERSTRAND MUNICIPALITY	<i>Present</i>
H BLIGNAUT	MPT MEMBER OVERSTRAND MUNICIPALITY	<i>Apology</i>
R LOUW	MPT MEMBER OVERSTRAND MUNICIPALITY	<i>Present</i>
R KUCHAR	AUTHORISED OFFICIAL OVERSTRAND MUNICIPALITY	<i>Present</i>
S VAN DER MERWE	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	
H VAN DER STOEP	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	
P ROUX	TOWN PLANNER OVERSTRAND MUNICIPALITY	<i>Present</i>
H OLIVIER	TOWN PLANNER OVERSTRAND MUNICIPALITY	
S SWART	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	<i>Present</i>

**1. OPENING**

The Chairperson, Ms H Janser, opened the meeting and welcomed those present.

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

Mr H Blignaut

**RESOLVED:**

that the above-mentioned application for leave of absence **be approved**.

**3. CONFIRMATION OF MINUTES****3.1 Minutes of a Municipal Planning Tribunal Meeting held on 27 February 2024****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **27 February 2024, be approved**.

#### 4. ITEMS FOR CONSIDERATION

##### 4.1

#### PORTION 12 OF THE FARM MIDDELBERG NO. 643, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF MIDDELBERG INVESTMENTS (PTY) LTD

Prt 12 of Farm 643 (4089/2022)

P Roux

20 October 2023

(028) 313 8900

Hermanus Administration

#### EXECUTIVE SUMMARY

An application was received on 09 March 2022 from Messrs WRAP Project Office in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), to subdivide Portion 12 of the Farm Middelberg No. 643, Division Caledon into two portions namely Portion A approximately 51.2726ha in extent and the Remainder Portion approximately 499.7812ha in extent.

#### RESOLVED:

1. that the application for subdivision in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to subdivide Portion 12 of the Farm Middelberg No. 643, Division Caledon into two portions namely Portion A approximately 51.2726ha in extent and the Remainder Portion approximately 499.7812ha in extent, **not be approved** in terms of the provisions of Section 61; and
2. that the applicant be notified of its 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:

- The farm is already extensively developed with additional dwelling units, primary land uses and tourist facilities. By approving the application, the development rights and footprint will effectively be multiplied in an area marked as a rural risk area. The additional primary uses obtained cannot be gained without the further subdivision, creating smaller agricultural land units. Farming activities can continue on the farm irrespective of the property being subdivided or not.
- The proposal is to subdivide the river frontage into narrow slithers. These are the areas most sensitive to development and needs careful consideration. Furthermore, the area which is to be cultivated is situated to the rear of the property and if the property owner is to ever develop a dwelling, farm shed and

other buildings, these buildings will have to be placed either in the rural risk zone, which seeks to prevent intensification of development, or in an area where no development has taken place or on cultivated portions, none of which are desirable.

- The applicant did not provide any details of the proposed development on the subdivided portion and therefore no compliance can be shown or evaluated in terms of the development parameters as contained in the EMOZ.
- The Municipality is not in favour of creating smaller agricultural land units, which in turn will require additional facilities such as tourist or commercial enterprises to become more sustainable. To subdivide these portions fragment the farm and the new portion will be separated from the income derived from the existing tourist facilities approved on the original farm.
- The sizes proposed in terms of the subdivision cannot directly be comparable to the “ideal farming unit sizes” as contained in the Rural Development Guidelines, 2019. Prior approval is required to develop and cultivate land and, in this case, no such approval was provided. From a desktop study, it would appear that only 30ha of Portion A is cultivated and that prior approval is required to develop the rest. This may not be approved and then the land cultivated will be less than the ideal size for this type of cultivation, which will lead to seeking other means of making the farm sustainable, such as additional consent uses.

**RESPONSIBLE OFFICIAL :**

**P ROUX**

**The meeting adjourned at 10:30**