



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

MINUTES

DATE:	1 APRIL 2025 (MARCH 2025 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
1 APRIL 2025 AT 10:00

PRESENT:

MEMBERS:

Ms H Janser, Directorate Development
Management
Mr S Müller, Chief Engineer : Infrastructure Services
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 P Roux, Town Planner
Mr A Olivier, Ad Hoc Legal Advisor
Ms S Swart, Senior Committee Officer

APOLOGIES:

None

ALSO PRESENT:

Hemel-en-Aarde Winegrowers Association



**MUNICIPAL PLANNING TRIBUNAL
ATTENDANCE REGISTER**

Date: 01 APRIL 2025 (MARCH 2025 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 MUNICIPALITY	SIGNATURE
H JANSER	CHAIRPERSON DIR. DEV MANAGEMENT	Present
S MÜLLER	VICE-CHAIRPERSON OVERSTRAND MUNICIPALITY	Present
H BLIGNAUT	MPT MEMBER OVERSTRAND MUNICIPALITY	Present
R LOUW	MPT MEMBER OVERSTRAND MUNICIPALITY	Present
R KUCHAR	AUTHORISED OFFICIAL OVERSTRAND MUNICIPALITY	Present
S VAN DER MERWE	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	
H VAN DER STOEP	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	
P ROUX	TOWN PLANNER OVERSTRAND MUNICIPALITY	Present
H OLIVIER	TOWN PLANNER OVERSTRAND MUNICIPALITY	Present
B MINNAAR	TOWN PLANNER OVERSTRAND MUNICIPALITY	
S SWART	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	Swart
A OLIVIER		Present
HEMEL-EN-AARDE WINEGROWERS ASSOC		Present

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 27 February 2025****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **27 February 2025, be approved.**

3.1 Minutes of a Special Municipal Planning Tribunal Meeting held on 13 March 2025**RESOLVED:**

that the Minutes of the Special Municipal Planning Tribunal meeting held on **13 March 2025, be approved.**

4. ITEMS FOR CONSIDERATION

4.1

PORTION 94 OF THE FARM HEMEL EN AARDE NO. 587, DIVISION OF CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE, AMENDMENT OF AN APPROVED SITE DEVELOPMENT PLAN, AMENDMENT OF CONDITIONS OF APPROVAL AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF HAYGROVE HEAVEN (PTY) LTD

RCAL 94/587 (4456/2024)

H Olivier

(028) 313 8900

Hermanus Administration

21 February 2025

EXECUTIVE SUMMARY

An application has been received on 16 August 2023 from WRAP Project Office on behalf of Haygrove Heaven (Pty) Ltd on Portion 94 of Farm 587, Hemel-en-Aarde Valley is in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the eastern 30m building line to 12,04m to accommodate the proposed expansion of the existing pack shed; and to relax the same building line to 6,44m to accommodate the existing covered pergola.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the northern 30m building line to 9m, the Western 30m building line to 9m, the southern 30m building line to 5m and the eastern 30m building line to 3m to accommodate the existing intensive horticulture tunnels.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the northern 30m building line to 11m, 12m and 20m respectively, the western 30m building line to 10m, 12m, 13,5m, 14m, 14,5m and 15,5m respectively, the southern 30m building line to 7,3m, 8m, 23,7m and 23,8m respectively, the south-eastern 30m building line to 19m and 24,5m respectively and the eastern 30m building line to 3m, 3,3m and 5,5m respectively to accommodate proposed new intensive horticulture tunnels.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to exceed the maximum allowable floor space from 6,1707ha to 22,2431ha to accommodate proposed new intensive horticulture tunnels and other extension.
- ❖ **Amendment of the existing approved site development plan** in terms of Section 16(2)(l) of the By-Law to accommodate the proposed expansion of the tunnels, the existing enclosed berry fields on the property and the larger agricultural industry footprint.
- ❖ **Amendment of conditions of approval** in terms of Section 16(2)(h) of the By-Law for the amendment of condition 1(c) in approval letter dated 13 July 2012 to accommodate the expansion of the footprint of the existing agricultural industry,

and condition 3. (a) in approval letter dated 9 February 2016 to accommodate the proposed expansion of the tunnels on the property.

- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the unauthorised construction of intensive horticulture tunnels on the property and covered pergola.

RESOLVED:

that the item **be referred back** until a quantity surveyor report has been received.

RESPONSIBLE OFFICIAL :

H OLIVIER

4.2

ERVEN 2350 & 2352, AUVERGNE RESIDENTIAL ESTATE, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, REZONING, CLOSURE OF A PUBLIC PLACE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF OVERSTRAND MUNICIPALITY AND THE AUVERGNE HOMEOWNERS' ASSOCIATION

2350 & 2352HVM (4123/2022)

H Olivier

(028) 313 8900

Hermanus Administration

27 February 2025

EXECUTIVE SUMMARY

A final amended application was received on 30 April 2024 from Plan Active Town and Regional Planners on behalf of Overstrand Municipality and The Auvergne Homeowners' Association (HOA) on Erven 2350 and 2352, Vermont in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Closure of Public Place** in terms of Section 16.(2)(n) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the closure of a public open space (Erf 2350, Vermont) and a portion of public road (portion of Erf 2352, Vermont) Blue Crane Street and Goshawk Road;
- ❖ **Subdivision** in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 of Erf 2352 into two portions namely a Portion A (approximately 2024m²) and a Remainder (approximately 1161m²);
- ❖ **Rezoning** in terms of Section 16(2)(a) of the By-Law as follows:
 - Erf 2350, Vermont from Open Space Zone 2: Public Open Space (OS2) to Open Space Zone 3: Private Open Space (OS3) and
 - Portion A, a portion of Erf 2352, Vermont from Transport Zone 2 B: Public Road (TR2 B) to Transport Zone 2 A: Private Road (TR2 A);
- ❖ **Determination of an administrative penalty** application in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 the By-Law for the unauthorized access/security gate constructed in Blue Crane Street road reserve that provides controlled access to Auvergne Residential Estate.

RESOLVED:

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

2. that the application in terms of Section 16.(2)(n) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the closure of a public place to accommodate the closure of a public open space (Erf 2350, Vermont) and a portion of public road (portion of Erf 2352, Vermont) Blue Crane Street and Goshawk Road, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the subdivision of Erf 2352 into two portions namely a Portion A (approximately 2024m²) and a Remainder (approximately 1161m²), **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 the rezoning of Erf 2350, Vermont from Open Space Zone 2: Public Open Space to Open Space Zone 3: Private Open Space and Portion A, a portion of Erf 2352, Vermont from Transportation Zone 2B: Public Road (TR2 B) to Transport Zone 2A: Private Road (TR2 A), **be approved**, in terms of the provisions of Section 61 of the By-Law;
5. that the approvals in Points 2 to 4 above be subject to the following conditions:
 - (a) that approval is for the subdivision and rezoning as indicated on Drawing number verm2352s-rev1 dated November 2023;
 - (b) that building plans be submitted for the gate 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;
 - (c) that the private road portion and private open space be transferred into the name of the Homeowners Association;
 - (d) that the Constitution of the Auvergne Residential Estate be amended to incorporate the private road and private open space;
 - (e) that a refuse area be provided to the satisfaction of the Manager: Waste Management;
 - (f) that all the conditions in the Services Report be complied with;
 - (g) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation; and

- (i) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with.
6. that the comments received from Telkom be noted;
7. that an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, for the unauthorized access/security gate constructed in Blue Crane Street road reserve (Erf 2352), that provides controlled access to Auvergne Estate, **be imposed**, and that an administrative penalty fee of **R2823,00** be payable within thirty (30) days of this decision; and
8. that the applicant and objector 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:**POINTS 2 - 4**

- ❖ The application is supported by all relevant Municipal Departments and State or other institutions.
- ❖ The development is already serviced, and no additional services will be required.
- ❖ The objection that was received is not clear and does not show the application to be undesirable.
- ❖ This is an existing situation from approximately 2015 and will not create any additional traffic impact, impact on surrounding property owners or impact on the character of the surrounding area.
- ❖ The road portion and open space will be transferred to the Homeowners Association and will be maintained by them, placing less of a financial strain on the municipality, and is therefore considered efficient.

POINT 7

- ❖ The developer constructed the sliding gate, without submitting any building plans, and cannot debate that the structure is not illegal.
- ❖ The penalty fee imposed is reasonable considering the history of the matter and the scale of the illegal structure.

RESPONSIBLE OFFICIAL :**H OLIVIER**

4.3

ERF 101, 13 HOTEL CRESCENT, ROOI ELS AND A PORTION OF ERF 323, HOTEL CRESCENT, ROOI-ELS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, REZONING, CONSOLIDATION AND CLOSURE OF A PUBLIC PLACE: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF JA BAIGRIE AND OVERSTRAND MUNICIPALITY

101 & 323 KRE (4705/2024)

H van der Stoep

18 February 2025

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 26 June 2024 from Plan Active Town & Regional Planners on behalf of JA Baigrie and Overstrand Municipality in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **subdivision** of Erf 323 Rooi-Els in terms of Section 16(2)(d) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 into 2 portions, namely a Portion A ($\pm 358\text{m}^2$) and a Remainder (*extent unknown*);
- ❖ **rezoning** in terms of Section 16(2)(a) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 of subdivided Portion A ($\pm 358\text{m}^2$) from Transport Zone 2: Road and Parking to Residential Zone I: Single Residential (SR1);
- ❖ **consolidation** in terms of Section 16(2)(e) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 of subdivided and rezoned Portion A ($\pm 358\text{m}^2$) with Erf 101, Rooi-Els to create a single residential property of $\pm 1296\text{m}^2$ in extent, and
- ❖ **closure of public place** in terms of Section 16(2)(n) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the closure of a portion of public road (subdivided Portion A ($\pm 358\text{m}^2$)).

RESOLVED:

1. that the objections **be noted**;
2. that the application in terms of Section 16(2)(d) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the subdivision of Erf 323 Rooi Els into 2 portions, namely a Portion A ($\pm 358\text{m}^2$) and a Remainder (*extent unknown*), **not be approved**, in terms of the provisions of Section 61 of the By-Law;

3. that the application in terms of Section 16(2)(a) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 of for the rezoning of subdivided Portion A ($\pm 358\text{m}^2$) from Transport Zone 2: Road and Parking to Residential Zone I: Single Residential (SR1), **not be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(e) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the consolidation of subdivided and rezoned Portion A ($\pm 358\text{m}^2$) with Erf 101, Rooi Els to create a single residential property of $\pm 1296\text{m}^2$ in extent, **not be approved**, in terms of the provisions of Section 61 of the By-Law;
5. that the application in terms of Section 16(2)(n) in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to accommodate the closure of a portion of public road (subdivided Portion A $\pm 358\text{m}^2$), **not be approved**, in terms of the provisions of Section 61 of the By-Law; and
6. that the applicant and persons who commented 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:

- ❖ The proposed road closure will prohibit use by the public of an existing access point to the coast.
- ❖ Refusal of the application will not impact on access to Erf 101, which is available from Hotel Crescent.
- ❖ The owner of Erf 101 had full knowledge that the erf is bordering a public road, which can be constructed at any time.

RESPONSIBLE OFFICIAL :**H OLIVIER**

4.4

ERF 189, 26 BEZUIDENHOUT STREET AND ERF 3118, 7 QUEEN VICTORIA STREET, STANFORD: APPLICATION FOR SUBDIVISION, REZONING, CONSOLIDATION AND CONSENT USE: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF HA NADEL AND THE BREADMILL CC

189 and 3118 STAN (4740/2024)

P Roux

(028) 313 8900

Hermanus Administration

10 March 2025

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) was received on 07 August 2024 from Messrs PlanActive Town and Regional Planners on behalf of HA Nadel and The Breadmill on Erven 189 and 3118, Stanford in for the following:

- **Subdivision** in terms of Section 16(2)(d) of the By-Law for the subdivision of Erf 189, Stanford into two (2) portions namely, Portion A approximately 845m² in extent and a Remainder approximately 1138m² in extent.
- **Rezoning** in terms of Section 16(2)(a) of the By-Law to rezone Portion A from Residential Zone 1: Single Residential (SR1) to Business Zone 2: General Business (B2).
- **Consolidation** in terms of Section 16(2)(e) of the By-Law for the consolidation of Portion A with Erf 3118, Stanford, to create one consolidated erf approximately 1516m² in extent.
- **Consent use** in terms of Section 16(2)(o) of the By-Law, applicable to the consolidated Erf 3118, Stanford and Portion A, to accommodate residential units (flats) on ground floor.

RESOLVED:

1. that the comments **be noted**;
2. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the **subdivision** of Erf 189, Stanford into two (2) portions namely, Portion A approximately 845m² in extent and a Remainder approximately 1138m² in extent, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(a) of the By-Law for the **rezoning** of Portion A from Residential Zone 1: Single Residential (SR1) to Business Zone 2: General Business (B2), **be approved** in terms of the provisions of Section 61 of the By-Law,

4. that the application in terms of Section 16(2)(e) of the By-Law for the **consolidation** of Portion A with Erf 3118, Stanford, to create one consolidated erf approximately 1516m² in extent, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the application for **consent use** in terms of Section 16(2)(o) of the By-Law, applicable to the consolidated Erf 3118, Stanford and Portion A, to accommodate residential units (flats) on ground floor, **be approved** in terms of the provisions of Section 61 of the By-Law;
6. that the recommendations under paragraphs 2. to 5. be subject to the following conditions:
 - (a) that Development be in line with Subdivision Plan Drawing No *ST189* dated *April 2024*;
 - (b) that prior to the submission of building plans a landscape plan be submitted to the satisfaction of the Town- and Spatial Planning Department;
 - (c) that should any indigenous trees be removed, they should be replaced by the developer at an appropriate location;
 - (d) that the rear- and lateral perimeter of the property be developed with brick walls at a height of 2.1m;
 - (e) that a Body Corporate be established with compulsory membership for all property owners within the development;
 - (f) that the Body Corporate and property owners be responsible for the placement and removal of refuse bins from the street curb;
 - (g) that parking be developed with hard surface and must be open (accessible) to the public;
 - (h) that all conditions imposed by Engineering Services be complied with;
 - (i) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (j) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with; and
 - (k) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

7. that the applicant and persons who commented 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 majority of the development will be situated on Queen Victoria Street in order to be in line with the historical character of Stanford, where stoep areas were developed on the street boundary.
- The lower envelope of the building on Erf 189 (Portion A) is proposed in order to align with the surrounding residential character and to minimise privacy concerns.
- Queen Victoria Street is a commercial corridor in Stanford and various business and commercial buildings have been developed ther.
- The proposed use is in line with the Municipality's forward planning documents.
- Internal departments have supported the proposed development.

RESPONSIBLE OFFICIAL :**P ROUX****The meeting adjourned at 10:45**