



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

MINUTES

DATE

**20 APRIL 2026
(MAR 2026 CYCLE)**

VENUE:

VIRTUALLY

TIME:

10:00

OVERSTRAND

MUNICIPAL PLANNING TRIBUNAL

MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD VIRTUALLY ON 20 APRIL 2026 AT 11:00

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 S van der Merwe, Principal Town Planner
Ms H Van der Stoep, Principle Town Planner
Ms C Fisher, Chief Clerk: Committee Services
Mr B Minnaar, Town Planner

APOLOGIES:

Mr R Kuchar, Divisional Manager : Town & Spatial
Planning
Ms S Swart, Senior Committee Officer

MUNICIPALITY



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MUNICIPAL PLANNING TRIBUNAL

ATTENDANCE REGISTER

Date: **20 APRIL 2026 (MAR 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 MUNICIPALITY	SIGNATURE
S MULLER	CHAIRPERSON OVERSTRAND MUNICIPALITY	Present
T DE WAAL	VICE-CHAIRPERSON DIR: DEV MANAGEMENT	Present
H BLIGNAUT	MPT MEMBER OVERSTRAND MUNICIPALITY	Present
R LOUW	MPT MEMBER OVERSTRAND MUNICIPALITY	Present
R KUCHAR	AUTHORISED OFFICIAL OVERSTRAND MUNICIPALITY	Apology
S VAN DER MERWE	PRINCIPAL TOWN PLANNER OVERSTRAND MUNICIPALITY	Present
H VAN DER STOEP	PRINCIPAL TOWN PLANNER OVERSTRAND MUNICIPALITY	Present
B MINNAAR	TOWN PLANNER OVERSTRAND MUNICIPALITY	Present
C FISHER	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	Present

1. OPENING

The Chairperson opened the meeting and welcomed those present.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Mr R Kuchar

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 3 March 2026

RESOLVED:

that the Minutes of the Municipal Planning Tribunal Meeting held on **3 March 2026, be approved.**

4. ITEMS FOR CONSIDERATION

4.1

ERF 707, 4 MAGNOLIA STREET, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE, AMENDMENT OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL & DETERMINATION OF AN ADMINISTRATIVE PENALTY: INTERACTIVEACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF PRINSEVELD CC

H van der Stoep
20 January 2026

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 25 April 2024 from Inter Active Town & Regional Planners on behalf of Prinseveld CC on Erf 707, Hermanus 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 a place of instruction namely a pre-school/ daycare centre.
- ❖ **Amendment of conditions of an existing approval** in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the amendment of the required parking required.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020

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 707, Hermanus for consent use to allow a place of instruction namely a pre-school/ daycare centre, **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)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 707 Hermanus for the **amendment of conditions of an existing approval** (Conditions 2 and 2(b) for the amendment of the sufficient parking required to read as follows:

(a) that the application relating to erf 707, Hermanus for rezoning from General Residential Zone to Local Business Zone (offices and place of instruction), be approved, subject to the following conditions:

(b) that sufficient parking be provided in terms of the town planning scheme.

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

4. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 707, Hermanus for the illegal land use is **not considered** since the application is not recommended for approval;
5. that the applicant ceases the operation of a pre-school/daycare by end of December 2026; 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 decisions.

REASONS FOR RESOLUTION:

- ❖ The proposed application has a negative impact on the adjacent office land use.
- ❖ The planning direction is restricted to office use and residential land uses.
- ❖ The proposed land use is not conducive to an office environment due to the noise factor.
- ❖ The negative impact of outdoor play activity cannot be mitigated.

RESPONSIBLE OFFICIAL:

H VAN DER STOEP

4.2

ERF 706, 1 ABERDEEN STREET AND ERF 719, 3 ABERDEEN STREET, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSOLIDATION: WRAP PROJECT OFFICE ON BEHALF OF OVERSTRAND HOSPICE NPC

706 & 719 HNC (5092/2025)

B Minnaar

(028) 313 8900

Hermanus Administration

25 February 2026

EXECUTIVE SUMMARY

An application has been received on 23 September 2025 from WRAP Project Office on behalf of Overstrand Hospice NPC in terms of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erven 706 & 719, Hermanus for the following:

- ❖ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions B.(a) & B.(e) as contained in the Title Deed T24118/2020 applicable to Erf 706, Hermanus.

The restrictive conditions read as follows:

“B. SUBJECT FURTHER to the following special conditions contained in the said Deed of Transfer Number T9117/1937 imposed by the Administrator of the Cape Province with the approval of Hermanus Township Extension No. 3 and in favour of the registered owner of any erf in the township, subject to changes and amendments by the Administrator in terms of the provisions of Section 18(3) of Ordinance No. 33 of 1934:

(a) That not more than half the area of this erf be built upon.

In favour of the Administrator:

(e) That this erf be not subdivided except with consent in writing of the Administrator.”

- ❖ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law for the removal of the of restrictive title deed conditions C.(c), C.(d) and C.(e) as contained in the Title Deed T32176/2013 applicable to Erf 719, Hermanus.

The restrictive conditions read as follows:

“C. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. T9574/1927 imposed by the Administrator of the Cape Province when approving of Hermanus Township Extension No. 3 as being in favour of the registered owner of any erf in the Township and subject to amendment or alteration by the Administrator in terms of the conditions of Section 18(3) of Ordinance No. 33 of 1934, namely:

- (c) That not more than half the area of this erf be built upon.
- (d) That no building shall be erected within 4,72 metres of any street line which forms a boundary of this erf. No building shall be situated within 2,36 metres of the lateral boundary common to any adjoining erf.
- (e) That this erf be not subdivided except with consent in writing of the Administrator.”

- ❖ **Consolidation** in terms of Section 16.(2).(e) of the By-Law to consolidate Erf 706, Hermanus (907m²) with Erf 719, Hermanus (895m²) to create a consolidated property of 1802m² in extent.

RESOLVED:

1. that the comment **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 deed conditions B.(a) and B.(e) as contained in the title deed T24118/2020 applicable to Erf 706, Hermanus and the removal of restrictive title deed conditions C.(c), C.(d) and C.(e) as contained in the title deed T32176/2013 applicable to Erf 719, Hermanus, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to consolidate Erf 706, Hermanus (907m² in extent) with Erf 719, Hermanus (895m² in extent) to create a consolidated property of 1802m² in extent, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in paragraphs 2 and 3 above be subject to the following conditions:
 - (a) that this approval is only for the consolidation of the two properties as indicated on consolidation plan number 25.58(001) dated 9 September 2025, as submitted with the application;

- (b) that the storage component be subservient to the land use and that no retail be conducted from the property apart from the hospice shop;
- (c) that the ownership of the retail concern be that of Hospice;
- (d) that the retail concern be subservient to the Hospice office use;
- (e) that should the property change ownership; the retail concern falls away and only be used for office purposes;
- (f) that items unloaded for purposes of the Hospice shop be unloaded at the dedicated drop off zone;
- (g) that no accumulation of refuse may occur on the premises or outside the boundary of the property;
- (h) that only one un-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
- (i) that a revised site development plan for the consolidated property must be submitted for approval by the Divisional Manager: Town & Spatial Planning Department;
- (j) that building plans be submitted to the Municipality showing all building changes, partitioning and access throughout the property to the satisfaction of the Fire Department and Building Control Department;
- (k) that the approval be limited to the buildings and structures as per site development plan number 25.58(001) dated 9 September 2025, submitted with this application read in conjunction with conditions 4. (i) above;
- (l) that a copy of the consolidated title deed be submitted to the Town Planning Department for record purposes;
- (m) 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;
- (n) 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;
- (o) that all the conditions in the Services Report must be complied with;

- (p) that all other development parameters as prescribed in the relevant zoning scheme be complied with; and
 - (q) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
5. that the applicant and persons who commented be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above approvals.

REASONS FOR THE RESOLUTION:

- ❖ The application has followed due procedure.
- ❖ The comments received during public participation relate to the existing land use rights, parking parameters and manoeuvrability of vehicles along Aberdeen Street have already been approved by means of a building plan process. The application only to affect the consolidation of the two properties.
- ❖ The properties have already acquired the relevant land use rights by means of planning approvals and building plan approvals.
- ❖ A revised site development plan must be submitted to indicate the consolidated land use rights on the consolidated property.
- ❖ The proposal is not out of character with the area of Northcliff since the proposal is simply to affect the consolidation of the tow erven to create one consolidated erf.
- ❖ Any future amendment to the property will still require compliance with the Business Zone 3: Local Business zone land use rights and development parameters.
- ❖ The proposal is in line with the strategic planning policy documentation.
- ❖ Adequate parking has been provided.
- ❖ The removal of the restrictive title deed conditions will bring the property development rights and land use parameters in line with that of the Overstrand Municipality Land Use Scheme, 2020.
- ❖ It is supported by the Engineering Department.

RESPONSIBLE OFFICIALS :**B MINNAAR
H VAN DER STOEP**

4.3

ERF 715, 52 STEYN STREET AND ERF 716, 25 FRONT STREET, DE KELDERS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, SUBDIVISION AND CONSOLIDATION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF DR V BUSER AND NOVEL IDEA TRADING 113 CC

715 & 716 GDK (4604/2024)

SW van der Merwe

(028) 313 8900

Hermanus Administration

09 February 2026

EXECUTIVE SUMMARY

An application was received on 01 July 2024 from Messrs WRAP Project Office on behalf of Dr V Buser and Novel Idea Trading 113 CC in terms of the Overstrand Municipality Amendment By-law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-law for the removal of restrictive title deed conditions D.A(c) and D.B(e) contained in title deed T51851/2023 applicable to Erf 716, De Kelders;
- ❖ **Subdivision** in terms of Section 16(2)(d) of the By-law for the subdivision of Erf 716, De Kelders in two portions, namely a Remainder approximately 699m² and Portion A approximately 699m² in extent, and
- ❖ **Consolidation** in terms of Section 16(2)(e) of the By-law of Portion A with Erf 715, De Kelders to create a consolidated property of 1387m².

RESOLVED:

1. that the objections **be noted**;
2. that the application for **removal of restrictive title deed conditions** D.A(c) and D.B(e) contained in title deed T51851/2023 applicable to Erf 716, De Kelders in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), **be approved** in terms of the provisions of Section 61 of the By-law;
3. that the application for **subdivision** in terms of Section 16(2)(d) of the By-Law in order to subdivide the property into two portions, namely Portion A, approximately 699m² and a Remainder approximately 699m² in extent, **be approved** in terms of the provisions of Section 61 of the By-law;
4. that the application for **consolidation** in terms of Section 16(2)(e) of the By-Law of Portion A with Erf 715, De Kelders to create a consolidated property of approximately 1387m², **be approved** in terms of the provisions of Section 61 of the By-law;

5. that the decisions in paragraphs 2. to 4. above be subject to the following conditions:
- (a) that the approval is only for the subdivision and consolidation as indicated on the Subdivisional and Consolidation Plan as submitted with the application;
 - (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 the conditions in the Services Report be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
6. 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 Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR THE RESOLUTION:

- ❖ Proposal is consistent with the SDF and Overstrand Municipal Growth Management Strategy.
- ❖ The proposed subdivision is in line with the applicable municipal and provincial planning policy and will make more efficient use of brownfield land within the urban edge.
- ❖ The public at large bought into the SDF, Overstrand Growth Management Strategy and Overstrand Land Use Scheme.
- ❖ Proposal is consistent with the Overstrand Land Use Scheme.
- ❖ Proposal is consistent with the Planning Principles in terms of LUPA and SPLUMA.
- ❖ The proposal is not considered to unacceptably detract from vested rights of adjoining property owners, nor the character of the area.
- ❖ The application was processed having had regard to the requirement of the By-Law, Lupa and SPLUMA.

RESPONSIBLE OFFICIAL :**SW VAN DER MERWE**

4.4

**ERF 1537, 35 DENNYS ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR DEPARTURE, RELAXATION OF TITLE DEED CONDITION
AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: COMPROP
DESIGNS ON BEHALF OF B BLOM**

1537 KPRB (4524/2023)

H van der Stoep

19 December 2025

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 16 November 2023 from Comprop Designs on Erf 1537, Pringle Bay in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Relaxation** of Clause B 6.(b) of Title Deed No. T24962/2023 to relax the south-western lateral building line from 1,5m to 0,703m to accommodate a single garage, and to relax the north-eastern lateral building line from 1,5m to 0m to accommodate a covered deck on first floor level.
- ❖ **Departure** in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to relax the south-western lateral building line from 2,0m to 0,703m to accommodate a single garage, to relax the north-eastern lateral building line from 2,0m to 1,5m to accommodate a double garage on ground floor level, and to relax the same building line to 0m to accommodate a covered deck on first floor level.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 to accommodate the unauthorised building line encroachments as stipulated above.

RESOLVED:

1. that the comment be noted;
2. that the application in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1537, Pringle Bay for the **relaxation** of restrictive title deed condition B6.(b) of Title Deed No. T24962/2023 to relax the south-western lateral building line from 1,5m to 0,703m to accommodate a single garage with a storage area, **be approved**, in terms 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 on Erf 1537, Pringle Bay for a **departure** to relax the south-western lateral building line from 2,0m to 0,703m to accommodate a single garage and storage, to relax the north-eastern lateral building line from 2,0m to 1,5m to accommodate a

- double garage on ground floor level, **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the above approvals in Points 2-3 be subject to the following conditions:
 - (a) that this approval is only for the relaxation of a restrictive title deed condition and departure as indicated on plan number P231015 dated 30 September 2023 submitted with the application;
 - (b) that the relaxation is only applicable to the storage area as per application;
 - (c) that building plans be submitted to the Building Control Department and Fire Department for approval, and that all conditions of the Building Control and Fire Departments be complied with;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
 - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
 5. 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 1537, Pringle Bay for a **departure** to relax the south-eastern building line from 2m to 0m to accommodate a covered deck on first-floor level, **be partially approved to 1,5m** (Title Deed building line) as per approved building plan dated 1991 in terms of the provisions of Section 61 of the By-Law;
 - (a) that the covered deck be **set back to the 1,5m Title Deed building line** as per approved building plan dated 1991, within ninety (90) days of the final decision; and
 - (b) that revised building plans reflecting the above decision be submitted to the Building Control Department and Fire Department for approval, and that all conditions of the Building Control and Fire Department be complied with.
 6. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 1537, Pringle Bay to accommodate the unauthorised building line encroachments as stipulated above, **be imposed**, and that the penalty fee of **R2012,63**, be payable within thirty (30) days of the final decision; 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 decision.

REASONS FOR THE RESOLUTION:

- ❖ Consent letter and signed plans received from affected neighbour.
- ❖ Will not jeopardize the character of area.
- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ No additional services are required.
- ❖ No major building work to be done as structure already exists.
- ❖ The first-floor uncovered deck was approved on the 1,5m Title Deed building line, the impact on the adjacent property was established.
- ❖ The administrative penalty be made applicable instead of demolition as per the request of Pringle Bay Ratepayers Association.
- ❖ The 5% penalty calculation due to the present owner's knowledge of the transgressions before purchasing the property.

RESPONSIBLE OFFICIAL :**H VAN DER STOEP**

4.5

**ERF 427, 15 CENTRAL ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR CONSENT USE: GRAND GAMING WESTERN CAPE
(GRANDSLOTS) ON BEHALF OF ABUREC FENCING CC****427 KPRB (4830/2024)****H van der Stoep****(028) 313 8900****Hermanus Administration****15 January 2026**

EXECUTIVE SUMMARY

An application was received on 2 October 2024 from Grand Gaming Western Cape trading as Grandslots on behalf of Aburec Fencing CC on Erf 427, Pringle Bay for a **consent use** in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for a place of entertainment to accommodate five (5) limited payout machines (LPM's).

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 427, Pringle Bay for a consent use for a place of entertainment to accommodate five (5) limited payout machines, **not be approved**, in terms of the provisions of Section 61 of the By-law; and
3. 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 activity does not fit into the rural nature-based character of the area. The CBD business activities are related to the needs of the community and tourism.
- ❖ The availability of online gambling and decline of LPM does not warrant the facility in the town. The community is more affluent in nature and has access to technology, gamblers will be more likely to lean towards online betting.
- ❖ The property has an approved building plan of 2002, which is not in line with present uses and or structural changes.
- ❖ There is not sufficient parking for the existing structure, due to non-compliance of the 2002 approval. Six (6) parking bays still have to be provided within the road reserve.
- ❖ The updated plan may have an impact on the parking requirements that needs to be addressed.
- ❖ Members of the community indicated strong opposition to the application.

RESPONSIBLE OFFICIAL :

H VAN DER STOEP

4.6

ERF 4597, 30 BIRD LANE, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: JP VAN TAAK

4597 HNC (5026/2025)

H van der Stoep

(028) 313 8900

Hermanus Administration

16 February 2026

EXECUTIVE SUMMARY

An application was received on 30 June 2025 from JP van Taak in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Removal of Restrictive Title Deed Condition** in terms of Section 16.(2)(f) of the Overstrand Municipal By-Law on Municipal Planning, 2020 for the removal of restrictive title deed conditions C.1, C.2., C.3. & C.4 as contained in Title Deed T48426/84 of the property to accommodate the proposed change of use of the existing servant's room into a second dwelling.

The restrictive title deed conditions read as follows:

"C. SUBJECT FURTHER to the following conditions contained in the said Deed of Transfer No. T4118/1945 imposed by the Administrator of the Cape Province when approving of Hermanus Township Extension No. 4, namely: -

As synde ten gunste van die geregistreerde eienaar van enige erf in die Dorpsgebied en onderhewig aan wysigings of verandering deur die Administrateur kragtens die bepalings van Artikel 18(3) van Ordonnansie 33 van 1934:-

- 1. That this erf be used for residential purposes only.*
- 2. That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.*
- 3. That not more than half the area of this erf be built upon.*
- 4. That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 (four comma seven two) metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 2,36 (two comma three six) metres of the lateral boundary common to any adjoining erf."*

RESOLVED:

1. that the comment **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 on Erf 4597, Hermanus for the removal of restrictive title deed conditions C.1., C.2., C.3. & C.4. as contained in Title Deed T48426/84 of the property to accommodate the proposed double garage and a second dwelling, **be approved**, in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that the approval be limited to the building/structures as per plan numbers HER 4597/2025 (1-2) dated 8 August 2025, submitted with this application read in conjunction with the approval;
 - (b) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control and Fire Departments be complied with at that stage;
 - (c) that the second dwelling not be utilised as a guesthouse without the necessary land use approval;
 - (e) that a copy of the amended title deed be submitted for record purposes to the Municipality;
 - (f) that all the conditions in the Services Report be complied with.
3. that the applicant and person 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 removal will have no detrimental effect on the character of the area.
- ❖ No additional construction/additions are proposed as the second dwelling will be accommodated in an existing building.
- ❖ The addition of a second dwelling on the property is aligned with the zoning and land use of the subject property.
- ❖ The streetscape will remain unaltered, and no additional services will be required.
- ❖ Adequate parking can be accommodated on the property.

RESPONSIBLE OFFICIAL :**H VAN DER STOEP**

4.7

ERF 1299, 31 FRONT STREET, DE KELDERS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: MESSRS WRAP PROJECT OFFICE ON BEHALF OF DR V BUSER

1299 GDK (4712/2024)

SW van der Merwe

19 February 2026

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 03 February 2025 from Messrs WRAP Project Office on behalf of Dr V Buser in terms of the Overstrand Municipality Amendment By-law on Municipal Land Use Planning, 2020 for the following:

- ❖ **Removal of restrictive title deed condition** in terms of Section 16(2)(f) of the By-law for the removal of restrictive title deed condition E.I(c) contained in title deed T42238/2021 applicable to applicable to Erf 1299, De Kelders.

RESOVED:

1. that the objections **be noted**;
2. that the application for **removal of restrictive title deed condition** E.I(c) as contained in title deed T42238/2021 applicable to Erf 1299, De Kelders in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), **be approved** in terms of the provisions of Section 61 of the By-law subject to the following conditions;
 - (a) 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;
 - (b) that the conditions in the Services Report be complied with; and
 - (c) that the conditions from Overstrand Environmental Management and Conservation Division be complied with; 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 Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR THE RESOLUTION:

- ❖ Proposal is consistent with the SDF and Overstrand Municipal Growth Management Strategy.
- ❖ The proposal is in line with the applicable municipal and provincial planning policy and will make more efficient use of brownfield land within the urban edge.
- ❖ The public at large bought into the SDF, Overstrand Growth Management Strategy and Overstrand Land Use Scheme.
- ❖ Proposal is consistent with the Overstrand Land Use Scheme.
- ❖ Proposal is consistent with the Planning Principles in terms of LUPA and SPLUMA.
- ❖ The proposal is not considered to unacceptably detract from vested rights of adjoining property owners, nor the character of the area.
- ❖ The application was processed having had regard to the requirement of the By-Law, Lupa and SPLUMA.

RESPONSIBLE OFFICIAL:**SW VAN DER MERWE****The meeting adjourned at 12:22**