



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

**MINUTES**

<b>DATE:</b>	<b>3 JUNE 2022 (MAY 2022 CYCLE)</b>
<b>VENUE:</b>	<b>VIRTUAL</b>
<b>TIME:</b>	<b>10:00</b>

**OVERSTRAND**  
**MUNICIPAL PLANNING TRIBUNAL**  
**MINUTES OF A MEETING OF THE**  
**MUNICIPAL PLANNING TRIBUNAL,**  
**HELD VIRTUALLY**  
**ON 3 JUNE 2022 AT 10:00**

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**PRESENT:**

**MEMBERS:**

Mr S Müller, Director : Infrastructure & Planning  
Mr S Madikane, Director : LED  
Ms R Louw, Senior Manager : Strategic Services

**OFFICIALS:**

Mr R Kuchar, Senior Manager : Town & Spatial Planning  
Mr S van der Merwe, Senior Town Planner

**APOLOGIES:**

Ms H Janser, Directorate Development Management  
Mr H Blignaut, Deputy Director : Engineering Services  
Ms S Swart, Council Support Services

**MUNICIPAL PLANNING TRIBUNAL  
ATTENDANCE REGISTER**

Date: **3 JUNE 2022**

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	Apology
S MÖLLER	VICE-CHAIRPERSON OVERSTRAND MUNICIPALITY	Joined via Teams
S MADIKANE	MPT MEMBER OVERSTRAND MUNICIPALITY	Joined via Teams
H BLIGNAUT	MPT MEMBER OVERSTRAND MUNICIPALITY	Apology
R LOUW	MPT MEMBER OVERSTRAND MUNICIPALITY	Joined via Teams
R KUCHAR	AUTHORISED OFFICIAL OVERSTRAND MUNICIPALITY	Joined via Teams
S VAN DER MERWE	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	Joined via Teams
H VAN DER STOEP	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	—
P ROUX	TOWN PLANNER OVERSTRAND MUNICIPALITY	—
H OLIVIER	TOWN PLANNER OVERSTRAND MUNICIPALITY	—
S SWART	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	Apology

**1. OPENING**

The Vice-Chairperson, Mr S Müller, opened the meeting and welcomed those present.

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

Ms H Janser  
Mr H Blignaut

**RESOLVED:**

that the above-mentioned applications for leave of absence, **be granted.**

**3. CONFIRMATION OF MINUTES****3.1 Minutes of a Municipal Planning Tribunal Meeting held on 28 April 2022****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **28 April 2022, be approved.**

#### 4. ITEMS FOR CONSIDERATION

##### 4.1

#### PORTION 7 OF THE FARM PAARDENBERGRIVIER NO. 663, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: MESSRS RODE AND ASSOCIATES (PTY) LTD ON BEHALF OF DEPARTMENT OF TRANSPORT AND PUBLIC WORKS

Farm 663/7 RCAL (3582/2020)

SW van der Merwe

(028) 313 8900

Hermanus Administration

13 April 2022

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#### EXECUTIVE SUMMARY

An application was received from Messrs Rode and Associates (Pty) Ltd on behalf of the Department of Transport and Public Works on Portion 7 of the Farm Paardenbergrivier No. 663, Division Caledon for the following consent use in terms of Section 16(2)(o) the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to create a borrow pit of 1,4ha.

#### RESOLVED:

1. that the application in terms of Section 16.(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Portion 7 of the Farm Paardenbergsrivier 663, Division Caledon for a consent use (mining) to permit a borrow pit of 1,4ha, **be approved**, in terms of the provisions of Section 61 of the By-Law subject to the following conditions:
  - (a) that the borrow pit be restricted to the area and dimensions as indicated on Plan No. *C657-OVB-1031*;
  - (b) that the mining activity occur in accordance with the provisions of the approved Environmental Management Plan;
  - (c) that rehabilitation of the mining area be conducted in accordance with the EMP to the satisfaction of the Overstrand Municipality, Department of Environmental Affairs and the Department of Mineral Resources and Energy;
  - (d) that signage complies with the Municipal By-Law on Signage;
  - (e) that all the conditions in the Services Report be complied with;
  - (f) that all the conditions imposed by Open Serve, Eskom, BGCMA and Western Cape Government: Transport & Public Works be complied with;

- (g) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (h) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with; and
  - (i) that the borrow pit may only be used to provide material for the Department.
2. 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 conditions of approval.

**REASONS FOR THE RESOLUTION:**

- ❖ The application followed due process.
- ❖ The proposal is consistent with the SDF.
- ❖ The proposal is consistent with the Planning Principles in terms of LUPA and SPLUMA.
- ❖ The proposal is supported by relevant government departments.
- ❖ The associated impacts of the proposed mining activity will be sufficiently mitigated in terms of the EMP incorporated in the approval conditions.

**RESPONSIBLE OFFICIAL :****S VAN DER MERWE****The meeting adjourned at 10:16**