



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

MINUTES

DATE:	29 MAY 2025
VENUE:	TOWN PLANNING COMMITTEE ROOM
TIME:	14:00

OVERSTRAND
MUNICIPAL PLANNING TRIBUNAL
MINUTES OF A MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL,
HELD IN THE TOWN PLANNING COMMITTEE ROOM ON
29 MAY 2025 AT 14:00

PRESENT:

MEMBERS:

Ms H Janser, Directorate Development
Management

Mr S Müller, Chief Engineer : Infrastructure Services

Mr H Blignaut, Principal Engineer : Civil
Infrastructure Planning

OFFICIALS:

Mr R Kuchar, Divisional Manager : Town & Spatial
Planning

Mr H Olivier, Town Planner

Mr P Roux, Town Planner

Ms S Swart, Senior Committee Officer

APOLOGIES:

Ms R Louw, Divisional Manager : Strategic Support
Services

Mr S van der Merwe, Senior Town Planner



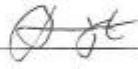



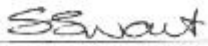
MUNICIPAL PLANNING TRIBUNAL

ATTENDANCE REGISTER

Date: **29 MAY 2025**

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	
S MÜLLER	VICE-CHAIRPERSON OVERSTRAND MUNICIPALITY	
H BLIGNAUT	MPT MEMBER OVERSTRAND MUNICIPALITY	
R LOUW	MPT MEMBER OVERSTRAND MUNICIPALITY	Apology
R KUCHAR	AUTHORISED OFFICIAL OVERSTRAND MUNICIPALITY	
S VAN DER MERWE	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	Apology
H VAN DER STOEP	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	
P ROUX	TOWN PLANNER OVERSTRAND MUNICIPALITY	
H OLIVIER	TOWN PLANNER OVERSTRAND MUNICIPALITY	
B MINNAAR	TOWN PLANNER OVERSTRAND MUNICIPALITY	
S SWART	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	

1. OPENING

The Chairperson opened the meeting and welcomed those present.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Ms R Louw
Mr S van der Merwe

RESOLVED:

that the above applications for leave of absence **be approved.**

3. CONFIRMATION OF MINUTES**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 29 April 2025****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **29 April 2025, be approved.**

4. ITEMS FOR CONSIDERATION

4.1

ERF 249, 52 CREST ROAD, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE CONDITIONS: J DOUGLAS ON BEHALF A AND MV SMIT

249 GPB (4804/2024)

SW van der Merwe

(028) 313 8900

Hermanus Administration

04 April 2025

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), has been received on 30 August 2024 from J Douglas on behalf of A and MV Smit, owners of Erf 249, Pearly Beach for the following:

- **removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law for removal of conditions B.4(b) and B.4(d) contained in Title Deed T30507/2016.

RESOLVED:

1. that the objections / comments **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.4(b) and B.4(d) as contained in title deed T30507/2016 applicable to Erf 249, Pearly Beach, **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 all the conditions in the Services Report be complied with;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme; and
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

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 Municipal Land Use Planning, 2020 with regard to the above conditions of approval.

REASONS FOR THE RESOLUTION:Reasons for approval

- ❖ The application has followed due procedure.
- ❖ The development is consistent with the applicable strategic policy documents.
- ❖ The development is consistent with the planning principles.
- ❖ The development does not detract from the character of the surrounding area.
- ❖ The development does not unacceptably detract from the vested rights of adjoining property owners

RESPONSIBLE OFFICIAL :**S VAN DER MERWE**

4.2

ERF 197, 23 MYRTEL STREET, SANDBAAI: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS MB PLAN TOWN PLANNING ON BEHALF OF HERMANUS CHILD AND FAMILY SERVICES

197 HSB (4286/2022)

B Minnaar

9 April 2025

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 07 November 2022 from MB Plan Town Planning on behalf of Hermanus Child and Family Services applicable to Erf 197, Sandbaai for the following:

- ❖ **removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law of condition B.2.(a) & B.2.(c) contained in Title Deed T1949/2022, to utilize the property as an institution as well as to accommodate more than one dwelling unit.
- ❖ **consent use** in terms of Section 16(2)(o) of the By-Law to utilize the property as an institution (home for indigent children).
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the southern lateral building from 2m to 0m to accommodate the existing garage/storage space; and
 - relax the total floor area of the second dwelling from 120m² to 170m².
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to for the existing building and land use contravention.

RESOLVED:

1. that the late objection **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 conditions** B.2.(a) & B.2.(c) as contained in Title Deed T1949/2022 applicable to Erf 197, Sandbaai, in order to accommodate a second dwelling unit as well as an institutional facility (homes for indigent children) on the subject property, **be approved** in terms of the provisions of Section 61 of the By-Law;

3. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for **consent use** applicable to Erf 197, Sandbaai, in order to accommodate an institutional facility (homes for indigent children) on the subject property, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the **departure** of the southern lateral building from 2m to 0m to accommodate the existing garage/storage space; and the **departure** of the total floor area of the second dwelling from 120m² to 170m²; **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the determination of an administrative penalty in terms of Section 90(4) of the By-Law for the unauthorised building work over building lines and unauthorised land uses on the subject property, **be imposed**, and that an administrative penalty fee of **R10 358.65** be payable within ninety (90) days of this decision; and
6. that the decisions in paragraphs 2. to 4. above be subject to the following conditions:
 - (a) that the approval is only for the development as indicated on Plan no. *2022_22_WD_001_REV* dated 2022/09/19, 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 the Fire Departments, be complied with at that stage;
 - (c) that the number of children be restricted to six (6) per dwelling and one (1) carer per dwelling;
 - (d) that the carers in each building reside on the premises permanently in relation to this planning approval;
 - (e) that the property owner complies with the Department of Social Development legislation;
 - (f) that all the conditions in the Engineering Services Report and Telkom be complied with;
 - (g) that the rates of the property be amended accordingly in terms of the latest rates policy;
 - (h) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with, and

- (i) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
7. that the applicant be notified of his/her 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 RESOLUTION:Reasons for approval

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The late objection has been adequately responded to.
- ❖ The actual use of the institutional facilities remains for residential purposes and is in line with the residential character of the Sandbaai area.
- ❖ If for any reason the institutional facilities are no longer in operation, the two dwelling units can immediately and without alterations be utilised for normal residential use with a single family in each dwelling unit.
- ❖ There is sufficient parking on the property since only one car is utilised by the institution and in the event the children need to be transported to and from the institution, transport services are utilised.
- ❖ Adequate services are provided on-site, therefore no additional services are required.
- ❖ The Overstrand Zoning Scheme Regulations provide adequate control measures for land use and building line parameters.
- ❖ The proposal will not adversely affect the existing or vested rights of adjacent property owners, nor will it alter the character of the area.
- ❖ The proposal is considered in line with the Municipality's SDF.
- ❖ The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.
- ❖ That the administrative penalty be imposed, with the responsibility remaining on the property owner to ensure the property has the necessary development rights.

RESPONSIBLE OFFICIAL :**B MINNAAR**

4.3

ERF 210 GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, REZONING, CONSENT USE, DEPARTURE AND APPROVAL OF A MINING SITE DEVELOPMENT PLAN: MESSRS SETPLAN ON BEHALF OF DYNAVEST THIRTEEN PTY LTD

210 GGB (3848)

SW van der Merwe

19 February 2025

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) was received from Messrs Setplan on behalf of Sizisa Ukhanyo Trading 410 CC, trading as Gansbaai Sand en Klip applicable to a portion of Erf 210, Gansbaai for the following:

- ❖ **Subdivision** in terms of Section 16(2)(d) of the By-Law of the Remainder of Erf 210, Gansbaai into two portions, namely Portion A approximately 20,7291ha and a Remainder.
- ❖ **Rezoning** of Portion A in terms of Section 16(2)(a) of the By-Law from Undetermined Zone (U) and Rural Zone 1 to Agricultural Zone 1 (AGRI 1).
- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law applicable to Portion A for mining.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-law applicable to Portion A along the northern boundary of the mining right area from 30m to 9m to accommodate excavations.
- ❖ **Approval of a post mining Site Development Plan** in terms of Section 16(2)(g) of the By-Law.

RESOLVED:

1. that that the objections **be noted**;
2. that the application in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for **subdivision** of the Remainder of Erf 210, Gansbaai into two portions, namely Portion A approximately 20.7291ha and Remainder approximately 714.3413ha, **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 **rezoning** of Portion A from Undetermined Zone to Agricultural Zone 1, **be approved** in terms of the provisions of Section 61 of the By-Law;

4. that the application in terms of Section 16(2)(o) of the By-Law for **consent use** (mining) applicable to Portion A, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the application in terms of Section 16(2)(b) of the By-Law for a building line **departure** applicable to Portion A to accommodate excavations 9m in lieu of 30m from the northern boundary of the mining right; **be approved** in terms of the provisions of Section 61 of the By-Law;
6. that the application in terms of Section 16(2)(g) of the By-Law for the approval of a Post Mining Site Development Plan (Plan 28(a) as part of the applicant's submission dated 11 Oktober 2021), **be approved** in terms of the provisions of Section 61 of the By-Law;
7. that the recommendations in paragraphs 2. to 6. above be subject to the following conditions:
 - (a) that mining on the subject property be subject to a valid mining right;
 - (b) that the provisions of the Environmental Management Plan at all times be complied with;
 - (c) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (d) that mining be restricted to the area of 20,7291ha and coordinates indicated on *Diagrams 1 and 2* as submitted with the application;
 - (e) that all the conditions in the Services Report, District Health and Environmental Services comment be complied with;
 - (f) that this approval does not absolve the applicant from compliance with any other applicable legislation; and
 - (g) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
8. 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 decision.

REASONS FOR RESOLUTION:

- ❖ The application has 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 the relevant government departments.
- ❖ The applicant is in possession of the required mining right approval in terms of the MPRDA.
- ❖ The associated impacts of the proposed mining activity could be sufficiently mitigated in terms of the EMP incorporated in the approval conditions.

RESPONSIBLE OFFICIAL :

S VAN DER MERWE

The meeting adjourned at 14:34