



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

MINUTES

DATE:	30 OCTOBER 2025
VENUE:	VIRTUAL
TIME:	10:00

OVERSTRAND
MUNICIPAL PLANNING TRIBUNAL
MINUTES OF A MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL,
HELD VIRTUALLY ON
30 OCTOBER 2025 AT 10:00

PRESENT:

MEMBERS:

Ms H Janser, Directorate Development
Management
Mr S Müller, Chief Engineer : Infrastructure Services
Mr H Blignaut, Principal Engineer
Ms R Louw, Divisional Manager : Strategic Support
Services

OFFICIALS:

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

APOLOGIES:

None



**MUNICIPAL PLANNING TRIBUNAL
ATTENDANCE REGISTER**

Date: **30 OCTOBER 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	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	
H OLIVIER	TOWN PLANNER OVERSTRAND MUNICIPALITY	Present
B MINNAAR	TOWN PLANNER OVERSTRAND MUNICIPALITY	
S SWART	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	Swart

1. OPENING

The Chairperson opened the meeting and welcomed those present.

2. APPLICATIONS FOR LEAVE OF ABSENCE**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 30 September 2025****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **30 September 2025, be approved**.

4. ITEMS FOR CONSIDERATION

4.1

ERF 542, 22 STORMVOËL CRESCENT, VERMONT, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND SUBDIVISION: WRAP PROJECT OFFICE ON BEHALF OF IM GREYLING AND THE TRUSTEES OF WP SMIT FAMILY TRUST

542 HVM (4990/2025)

H Olivier

(028) 313 8900

Hermanus Administration

18 September 2025

EXECUTIVE SUMMARY

An application was received on 26 May 2025 from WRAP Project Office on behalf of The Trustees of WP Smit Family Trust in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 542, Vermont for the following:

- ❖ **Removal of Restrictive Title Deed Conditions** in terms of Section 16.(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the removal of restrictive title deed condition E.(a) as contained in Title Deed T13358/10 applicable to Erf 542, Vermont to accommodate the proposed subdivision.

The restrictive title deed condition read as follows:

*“E. **ONDERHEWIG VERDER** aan die volgende voorwaardes ten gunste van die transportgewer Maatskappy and sy Opvolgers in Titel as Eienaar van die RESTANT van die eiendom gehou kragtens Transportakte Nr. T7023/1935 en vevat in Transportakte Nr. T9843/1948, welke voorwaardes soos volg lees:-*

- (a) Save with the consent of the Transferer Company in writing no buildings or structures or any portion thereof except boundary wall and fences shall be erected nearer than 3,15 metres to the street line which forms a boundary of the said property and no such buildings or structure shall be situate within 1,57 metres of the lateral boundary common to any adjoining lot, nor save with the consent aforesaid, may the said property or any lot if the property sold compromises more than one lot, be subdivided.”*

- ❖ **Subdivision** in terms of Section 16(2)(d) of the By-Law to subdivide Erf 542, Vermont into two (2) portions, namely: Portion A ($\pm 613\text{m}^2$) and a Remainder ($\pm 613\text{m}^2$).

RESOLVED:

1. that the 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 on Erf 542, Vermont for the removal of restrictive title condition E.(a) as contained in Title Deed T13358/10 of the 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)(d) of the Overstrand Municipality Amendment By-Law on to subdivide Erf 542, Vermont into two (2) portions, namely: Portion A ($\pm 613\text{m}^2$) and a Remainder ($\pm 613\text{m}^2$), **be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in Points 2 - 3 above are in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that this approval is only for the subdivision as indicated on Subdivision Plan number 24.166 (001) dated 24/07/2025, submitted with the application;
 - (b) that the existing dwelling on the property be demolished prior to the registration/transfer of the new erf;
 - (c) that building plans be submitted for all new buildings to the Building Control Department for approval, and that all conditions of the Building Control and Fire Departments be complied with at that stage;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (f) that all the conditions in the Services Report be complied with.
5. 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 decision.

REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ The existing municipal services can accommodate the additional erf.
- ❖ The objection is noted, but the application to create one additional property access from Hennie Henn Street will have a very low increase in traffic and will not have a major impact on the existing road surface area. The application is also supported by the Municipal Operational Department and the Engineering Services Departments, who is responsible for road infrastructure.

- ❖ The subdivision of the erf is in line with the Overstrand Growth Management Strategy, 2010, which earmarks this area as *status quo*. Surrounding erven measure between 500m² and 720m² in extent, and the two proposed erven will each measure 613m² in extent.
- ❖ The size of the new erven will be in line with the sizes of surrounding properties, and it is not foreseen that the character of the area will be impacted on.
- ❖ The removal of the restrictive Title Deed condition would ensure that the property can be subdivided and be developed to its full potential, and the restrictive building lines can be removed as development can now be controlled by the Land Use Scheme.
- ❖ The application is in line with the General Principles of LUPA and SPLUMA, as the densification of areas within the urban edge will ensure valuable agricultural and environmentally sensitive land are not developed and will create sustainable development. The development is also efficient as existing services will be utilised.
- ❖ The application is desirable.

RESPONSIBLE OFFICIAL :

H OLIVIER

4.2

**ERF 2028, 85 MAIN ROAD, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR REZONING AND SUBDIVISION; PJ LE ROUX TOWN AND
REGIONAL PLANNERS ON BEHALF OF ERF 1755 CC**

2028 HON (4840/2024)

H Olivier

8 October 2025

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 15 October 2024 from PJ Le Roux Town and Regional Planners on behalf of Erf 175 CC on Erf 2028, Onrustrivier in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the following:

- ❖ **Rezoning** of the property in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA);
- ❖ **Subdivision** of the rezoned property in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 to create the following:
 - Twelve (12) General Residential Zone I: Town Housing (GR1) erven;
 - Four (4) Open Space Zone 3: Private Open Space (OS3) erven; and
 - One (1) Transport Zone 2: Private Road and Parking (TR2A) Portion.
- ❖ **Allocation of a street name** in terms of Section 96 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020, in order to allocate a street name (Sauvignon Street) to the new street in the development.

RESOLVED:

1. that the objections **be noted**;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2028, Onrustrivier to **rezone** the said property from Residential Zone I: Single Residential (SR1) to Subdivisional Area Zone (SA), **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 Land Use Planning, 2020 for the **subdivision** of the rezoned property to create the following:
 - ❖ Twelve (12) General Residential Zone I: Town Housing (GR1) erven;

- ❖ Four (4) Open Space Zone 3: Private Open Space (OS3) erven; and
- ❖ One (1) Transport Zone 2: Private Road and Parking (TR2A) Portion;

be approved, in terms of the provisions of Section 61 of the By-Law;

4. that the approvals in Points 2 – 3 be subject to the following conditions:
 - (a) that approval is for Site Development Plan (022-100 dated 11 November 2014), with amendments that the covered gate house only traverses the 3m building line with 5m² and that the stacking distance as indicated in the Services Report, be indicated;
 - (b) that a minimum of two (2) parking bays be provided on each erf, to municipal standards and satisfaction;
 - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (d) that the Architectural Design Guidelines in line with the Zoning Scheme parameters be submitted for the development, to the satisfaction of the Senior Manager: Town and Spatial Planning and Manager Building Control Division;
 - (e) that all conditions in the Services Report be complied with and that the GLS report for the water and sewer networks be updated for this development;
 - (f) that a Homeowners' Association be established with compulsory membership for all property owners within the development, and
 - (g) that the Constitution of the Homeowners' Association be submitted for approval by the Municipality (which reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
 - the approval of building plans by an "estate architect" prior to submission thereof to the Municipality, and
 - that the Constitution clarifies at what stage that the responsibility would be transferred from the developer to the Homeowners' Association to deal with approval of plans.
5. that the application in terms of Section 96 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 for the allocation of a street name (*Sauvignon Street*) to the new street in the development, **be approved** in terms of the provisions of Section 61 of the By-Law.

6. That the following comments be noted:
- ❖ Cape Nature;
 - ❖ Western Cape Government: DEADP – Environmental; and
 - ❖ SANBI.
7. 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 RECOMMENDATION

- ❖ The proposal for a group housing development is in line with the Overstrand Growth Management Strategy, 2010, which earmarks this area as *status quo* and the Overstrand Municipal Wide SDF, 2020, which identifies this area for urban development.
- ❖ A similar development for 13 group housing units was previously approved on the property.
- ❖ All municipal departments and external state departments/institutions support the application.
- ❖ Objections raised about the traffic concerns and access to the site, and environmental concerns regarding plant species on the site, were satisfactorily addressed and do not prove the application to be undesirable.
- ❖ This proposed development will be in line with the character of the surrounding area, which makes provision for single residential erven and group housing developments south of Onrustrivier Main Road.
- ❖ There is sufficient services capacity to accommodate the development.
- ❖ The application is in line with the planning principles of efficiency, spatial sustainability and spatial resilience, and is desirable.

RESPONSIBLE OFFICIAL :**H OLIVIER****The meeting adjourned at 10:24**