Munisipaliteit • U-Masipala • Municipality
OVERSTRAND

MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

MINUTES

DATE	**29 OCTOBER 2026**
VENUE:	**TOWN PLANNING COMMITTEE ROOM**
TIME:	**14:00**

OVERSTRAND
MUNICIPAL PLANNING TRIBUNAL

MINUTES OF A MEETING OF THE MUNICIPAL PLANNING TRIBUNAL, HELD IN THE TOWNPLANNING COMMITTEE ROOM ON 29 OCTOBER 2026 AT 14:00

PRESENT:

MEMBERS:	Mr D Adonis, Director : Municipal Puplic Safety Ms T de Waal, Directorate Development Planning Ms R Louw, Divisional Manager : Strategic Support Services
OFFICIALS:	Mr R Kuchar, Divisional Manager : Town & Spatial Planning Mr S van der Merwe, Principal Town Planner Ms H Van der Stoep, Principal Town Planner Mr B Minnaar, Town Planner Ms C Fisher, Chief Clerk: Committee Services Ms S Swart, Senior Committee Officer
APOLOGIES:	Mr H Blignaut, Principal Engineer : Civil Infrastructure Planning Mr D Hendriks, Principal Engineer: Project Management (PMU)

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MUNICIPALITY OVERSTRAND MUNISIPALITEIT

MUNICIPAL PLANNING TRIBUNAL

ATTENDANCE REGISTER

Date: 29 OCTOBER 2026

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
D ADONIS	CHAIRPERSON OVERSTRAND MUNICIPALITY	
T DE WAAL	VICE-CHAIRPERSON DIR: DEV PLANNING	Online
H BLIGNAUT	MPT MEMBER OVERSTRAND MUNICIPALITY	Apology
R LOUW	MPT MEMBER OVERSTRAND MUNICIPALITY	
R KUCHAR	AUTHORISED OFFICIAL OVERSTRAND MUNICIPALITY	
S VAN DER MERWE	PRINCIPAL TOWN PLANNER OVERSTRAND MUNICIPALITY	
H VAN DER STOEP	PRINCIPAL TOWN PLANNER OVERSTRAND MUNICIPALITY	
P ROUX	TOWN PLANNER OVERSTRAND MUNICIPALITY	
H OLIVIER	TOWN PLANNER OVERSTRAND MUNICIPALITY	
B MINNAAR	TOWN PLANNER OVERSTRAND MUNICIPALITY	
S WART	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	Online
C FISHER	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	
Mr D Hendriks	MPT MEMBER OVERSTRAND MUNICIPALITY	Apology

MINUTES : MUNICIPAL PLANNING TRIBUNAL 29 OCTOBER 2026

1. OPENING

The Chairperson opened the meeting and welcomed those present.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Mr H Blignaut
Mr D Hendricks

RESOLVED:

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

3. CONFIRMATION OF MINUTES

3.1 Minutes of a **Municipal Planning Tribunal Meeting** held on **1 October 2026**

RESOLVED:

that the Minutes of the **Municipal Planning Tribunal Meeting** held on **1 October 2026**, **be approved**.

4. ITEMS FOR CONSIDERATION

4.1
ERF 369, 30 PEAK ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF MANDWANA TRADING 2 (PTY) LTD

369 KPRB (5071/2025)
H van der Stoep (028) 313 8900 Hermanus Administration
16 April 2026

EXECUTIVE SUMMARY

An application was received on 26 August 2025 from Plan Active Town & Regional Planners on behalf of Mandwana Trading 2 (Pty) Ltd on Erf 369, Pringle Bay for a **departure** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 read with Section 17.1.2.(c) of the Overstrand Municipality Land Use Scheme, 2020 for a **departure** for the provision of alternative and additional parking bays within the road reserve in order to deviate from the requirement to accommodate parking on site i.e. six (6) off-site parking bays.

RESOLVED:

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

2. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 read with Section 17.1.2.(c) of the Overstrand Municipality Land Use Scheme, 2020 on Erf 369, Pringle Bay for a departure for the provision of alternative and additional parking bays within the road reserve in order to deviate from the requirement to accommodate parking on site i.e. six (6) off-site parking bays, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

   (a) that an amount of *R151 000-00 (excluding VAT)* be payable for the shortfall of six (6) parking bays within three (3) months from the final date of the decision or as per arrangement with the Municipality;

   (b) that this approval is only for the development as indicated on the plan numbers JC5990/101 dated November 2024 and JC5990/120 dated February 2025, as submitted with the application;

   (c) that an offsite parking layout plan be submitted to the Engineering Services Department to their satisfaction for the six (6) outstanding parking bays;

(d) that building plans be submitted to the Building Department of the Overstrand Municipality, and that any requirements by the Fire and Building Departments at that stage be complied with;

(e) that the conditions in the Engineering Report be adhered to;

(f) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with; and

(g) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

3. that the applicant and objector be notified of its right of appeal in terms 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 parking created within the road reserve along the eastern portion of the property results in a more accessible and practical parking layout.
- The Overstrand Municipality Land Use Scheme makes provision for alternative parking provision for which have been applied.
- The Mayoral Committee decision letter makes provision for a 50/50 principle relating to on-site and off-site parking. However, the viability of the 50/50 principle cannot be implemented on this site due to the shape of the site. The parking must rather be moved to a more viable scenario in terms of safety and manoeuvrability.
- The proposal to provide off-site parking is in line with the Pringle Bay CBD Parking Master Plan.
- The applicant has constructed more parking bays on request of the Municipality at own cost to the benefit of the public.

RESPONSIBLE OFFICIAL : H VAN DER STOEP

4.2
ERF 848, 173 MAIN ROAD, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURES: PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF KEE PROPERTY INV (PTY) LTD

848 HNC (5063/2025)
B Minnaar (028) 313 8900 Hermanus Administration
4 September 2026

EXECUTIVE SUMMARY

An application was received on 14 August 2025 from Plan Active Town and Regional Planners on behalf of Kee Prop Inv (Pty) Ltd on Erf 848, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following departures:

- To exceed the prescribed height restriction from 14m to 16,67m to accommodate one (1) penthouse apartment on top of the existing Carriages Building.
- To exceed the permissible number of floors from four (4) storeys to five (5) storeys to accommodate one (1) penthouse apartment on top of the existing Carriages Building.

RESOLVED:

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

2. that the application for **departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 848, Hermanus for the following departures:

   - To exceed the prescribed height restriction from 14m to 16,67m to accommodate one (1) penthouse apartment on top of the existing Carriages Building, and
   - To exceed the permissible number of floors from four (4) storeys to five (5) storeys to accommodate one (1) penthouse apartment on top of the existing Carriages Building;

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

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 NON-APPROVAL

- The erf has reached its full development potential in terms of the Overstrand Land Use Scheme, 2020.
- There are no five (5) storey buildings in the Central Business District.
- The setbacks proposed does not negate the effects of massing.
- The excessive massing in High Street is contrary to create the street as a visual and viable potential pedestrian walkway.
- The deviation of the height will lead to vertical sprawl.
- The development is not in line with the Central Business District development vision of sense of place.
- The height and the built form of the development do not meet the criteria for development in terms of the HPOZ regulations.

RESPONSIBLE OFFICIAL : B MINNAAR

4.3
ERF 5392, C/O DE GOEDE AND CHURCH STREET, WESTCLIFF, HERMANUS: APPLICATION FOR CONSENT USE AND DEPARTURE: MAMPHELE DEVELOPMENT PLANNERS ON BEHALF OF GOEIE HOOP BEHUISINGSMAATSKAPPY T/A HUIS LETTIE THERON

5392 HWC (3185/2019)
SW van der Merwe (028) 313 8900 Hermanus Administration
16 October 2026

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) was received from Mamphele Development Planners on behalf of Goeie Hoop Behuisingsmaatskappy t/a Huis Lettie Theron, applicable to Erf 5392, Hermanus (Westcliff) for the following:

- **Amendment of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law of condition 4(1) contained in Title Deed T15886/1971 to accommodate the existing rooftop base station (cell phone base station);

- **Consent use** in terms of Section 16(2)(o) of the By-Law to accommodate the existing rooftop base station (cell phone base station), and

- **Departure** in terms of Section 16(2)(b) of the By-Law to relax the height restriction of 10,5m to 18m to accommodate the existing rooftop base station (cell phone base station).

RESOLVED:

1. that the late objection **be noted**;

2. that the application for **consent use** in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), to accommodate the existing rooftop base station (cell phone base station), **be approved** in terms of the provisions of Section 61 of the By-Law;

3. that the application for **departure** in terms of Section 16(2)(b) of the By-Law to relax the height restriction of 10,5m to 18m to accommodate the existing MTN rooftop base station (cell phone base station), **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 the telecommunication base station be limited to the MTN equipment as indicated on the Site Development Plan as submitted with the application;

(b) that the municipality be notified prior to any future upgrades of the existing MTN equipment on the priority are carried out;

(c) that should the cell phone base station becomes defunct, the structures be removed from the premises;

(d) that the conditions from OpenServe (Telkom) be complied with;

(e) that the telecommunications equipment at all times complies with the ICNIRP Guidelines as endorsed by the SA Department of Health;

(f) that all other development parameters as prescribed in the relevant Zoning Scheme;

(g) that the consent use be subject to obtaining approval from Council for the application under condition (h);

(h) that the property owner within a period of 3 months from the final date of the decision submit an application to the Property Management Department of the municipality to retain the existing telecommunications equipment on the property; and

(i) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

5. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FOR THE RESOLUTION:

Reasons for approval

- ❖ All relevant municipal and government departments support the application.
- ❖ The MTN equipment exists in terms of approved building plans and no upgrades are proposed.
- ❖ Retention will ensure that existing telecommunication facilities be retained to the benefit of the surrounding community.
- ❖ The property permits co-location of service provider that serves to reduce visual impact.
- ❖ Application will not adversely affect vested rights of adjoining property owners.
- ❖ Consistent with the planning principles in terms of LUPA and SPLUMA.

❖ Application is consistent with in and internal legal opinion received.

RECOMMENDATION TO THE COUNCIL:

that the application in terms of Section 16(2)(f) of the By-law for the **Amendment of Restrictive Title Condition 4(1)** contained in Title Deed T15886/1971 to accommodate the existing telecommunications apparatus on the roof of the building, **be recommended for approval** to Council following submission of an application to the Property Management Department.

RESPONSIBLE OFFICIAL : SW VAN DER MERWE

4.4
REMAINDER PORTION 2 (WABOOMSRIVIER) OF THE FARM SONDAGSKLOOF NO. 672, AND PORTION 13 OF THE FARM SONDAGSKLOOF NO. 672, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION, SUBDIVISION AND CONSENT USE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF IKONIQUE TRUST

Rem Ptn 2 of Farm 672 and Ptn 13 of Farm 672 (4893/2024)
SW van der Merwe (028) 313 8900 Hermanus Administration
19 October 2026

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 WRAP Project Office on behalf of Ikonique Trust for the following:

- **Consolidation** in terms of Section 16(2)(e) of the By-Law of Remainder Portion 2 of the Farm Sondagskloof No. 672 (88,0319ha) with Portion 13 of the farm Sondagskloof No. 672 (17,7415ha) to create a consolidated farm measuring 105,7734ha in extent;

- **Subdivision** in terms of Section 16(2)(d) of the By-Law of the consolidated farm into two portions, namely Portion A (±51,8539ha) and Portion B (±53,9195ha); and

- **Consent use** in terms of Section 16(2)(o) of the By-Law for tourist facilities (wedding venue), five additional dwelling units and tourism accommodation applicable to Portion B.

RESOLVED:

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

2. that the application for **consolidation** in terms of Section 16(2)(e) of the By-Law of Remainder Portion 2 of the Farm Sondagskloof No. 672 (88,0319ha) with Portion 13 of the farm Sondagskloof No. 672 (17,7415ha) to create a consolidated farm, **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 into two portions, namely Portion A (±51,8539ha) and Portion B (±53,9195ha), **be approved** in terms of the provisions of Section 61 of the By-Law;

4. that the application for **consent use** (tourism facilities, additional dwelling units and tourism accommodation) in terms of Section 16(2)(o) of the By-law, **be approved** in terms of the provisions of Section 61 of the By-Law;

5. that the applications in paragraphs 2. to 4. above be subject to the following conditions:

   (a) that the approval is only for the consolidation and subdivision as indicated on Plan No's. 4. and 5. as submitted with the application;

   (b) that the consent use approval for the tourist facilities, additional dwelling units / tourism accommodation be carried out generally in accordance with the site development appended to the application;

   (c) that prior to the submission of building plans a detailed parking layout be submitted for approval by the Authorised Official indicating on-site parking in accordance with the requirements of the Overstrand Land Use Scheme, 2020;

   (d) that prior to the submission of building plans for the wedding venue / chapel a Noise Impact Assessment from a suitably qualified acoustic consultant be submitted to demonstrate compliance with that the noise emanating from wedding events could be mitigated to comply with the Western Cape Noise Regulations;

   (e) that the noise mitigation measures recommended by the acoustic consultant in accordance with the Noise Management Assessment be implemented for the duration of any event to be conducted on the property;

   (f) that the maximum number of guests be restricted to 120 guests;

   (g) that the hours of operation of the wedding venue be limited between 08:00 hours and 24:00 hours;

   (h) that all the conditions in the Services Report be complied with;

   (i) that all the conditions by Breede-Olifants Catchment Management Agency, and Eskom be complied with; and

   (j) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

6. that the applicant and objectors be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

REASONS FORTHE RESOLUTION:

- The proposal is consistent with the SDF.
- The proposal is consistent with the Western Cape Rural Development Guidelines.
- The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.
- The proposal will not affect the character of the rural land scape.
- The proposal subject to implementation of mitigation measures is not considered to unacceptably detract from the vested rights / amenity of the surrounding area.
- Proposal is supported by all relevant municipal and government departments.

RESPONSIBLE OFFICIAL : SW VAN DER MERWE

4.5
PORTION 59 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, DIVISION BREDASDORP, OVERSTRAND MUNICIPALITY: APPLICATION FOR CONSENT USE: MESSRS TOWN AND COUNTRY CREATIVE LAND SOLUTIONS ON BEHALF OF A BRITZ

Ptn 59/213 GRBRE (5203/2026)
SW van der Merwe (028) 313 8900 Hermanus Administration
29 September 2026

EXECUTIVE SUMMARY

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) was received on 30 March 2026 from Messrs Town and Country Creative Land Solutions for the following:

- **Consent use** in terms of Section 16(2)(o) of the By-Law to accommodate at tourist facility / farmstall on the property.

RESOLVED:

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

2. that the application in terms of Section 16(2)(o) of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Portion 59 of the Farm Baardscheerders Bosch No. 213, Bredasdorp Division for **consent use** (tourist facility / farm shop), **be approved** in terms of the provisions of Section 61 of the By-Law subject to the following conditions:

   (a) that the consent use be limited to the building / structures;

   (b) that a parking layout be submitted for approval by the Authorised Official demonstrating on-site parking provision in accordance with the provisions of the applicable scheme regulations;

   (c) that building plans be submitted to the Building Department for approval and that all conditions of the Building and the Fire Departments at that stage, be complied with;

   (d) that the conditions in the Services Report be complied with; and

   (e) 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.

3. that the applicant 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 application has followed due procedure.
- The proposal will not adversely impact vested rights or surrounding property owners.
- The proposal will not adversely impact the character of the rural landscape.
- The proposal is consistent with the planning principles in terms of LUPA and SPLUMA.
- Proposal is consistent with the SDF and rural guidelines.
- The proposal contributes to tourism, economic development and employment at a scale that is compatible with the character of the area.

RESPONSIBLE OFFICIAL : SW VAN DER MERWE

The meeting adjourned at 14:49